

# Parole Violations and Revocations in California

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Funding Provided by the National Institute of Justice (2008-IJ-CX-0026)

October 13, 2008



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## ACKNOWLEDGEMENTS

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The authors wish to thank the many individuals and institutions who contributed to this research project. We could not have undertaken the study without the financial support of the National Institute of Justice, U.S. Department of Justice. Our program director, Marlene Beckman, provided logistical support, substantive feedback, and created several opportunities for us to connect with practitioners, experts, and other researchers. Gerry Gaes offered extensive feedback on our research design as well as excellent methodological advice after the project was underway. The members of the National Institute of Justice, Community Corrections Research Network provided us a forum to discuss the planning and preliminary results of the study that was essential to development of the project.

The California Department of Corrections and Rehabilitation (CDCR), and particularly the Division of Adult Parole Operations (DAPO) and the Board of Parole Hearings (BPH), were close collaborators during the three-year duration of the project. Over the course of the project, we worked with Secretary Roderick Hickman, Undersecretary Kevin Carruth, Secretary Jeanne Woodford, Secretary James Tilton, and Steven Chapman, Assistant Secretary, CDCR Research Division. BPH and DAPO directors, particularly Richard Rimmer, James L'Etoile, John Monday, Jeff Fagot, and Thomas Hoffman were instrumental to assuring that we got the full cooperation of their organization and access to all necessary data. DAPO Director Thomas Hoffman took a particular interest in the project and his leadership and expertise on parole issues were critical to all phases of the project. Parole staff, including Bubpha Chen, Willie Bulda, Marilyn Kalvelage, Rick Winistorfer, Robert Ambroselli, Margarita Perez, Robert Stinson, Jeff Sellwood, Sharon Barton, Katie White-O'Neil, Chris Haws, and Carrie Daves answered endless question about the contents of CDCR databases.

Additional support for the project came from the Center for Evidence Based Corrections at the University of California-Irvine and the Institute for Governmental Affairs at the University of California, Davis. A number of graduate students at the University of California, Davis and the University of California-Irvine assisted in data collection and analysis, including Ryan Fischer, Teresa Casey, Monica Williams, Demetra Kalogrides, and Danielle Rudes. Julie Siebens deserves special credit for the amazing programming, data management, and data analysis she did for the project. Diane Felmlee, Eric Grodsky John Hipp, Xiaoling Shu, and Susan Turner provided assistance with the research design and methodology. John Hipp, UCI, and Julie Young at the UCD College of Agricultural and Environmental Sciences, Center for Informatics provided extensive help with the geocoding of parolee address data. Jonathan Simon gave us many thoughtful and challenging comments on the final draft.

To these individuals and the countless others who assisted us in our efforts, we are extraordinarily grateful.

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## SUMMARY

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More than 2.3 million people are now incarcerated in the U.S.—more than one out of every 100 adult Americans. Incarceration rates are even higher for some groups: one out of nine black men, ages 20 to 34, are serving time. U.S. prison populations have experienced 15 years of steady growth and are now at all-time high, outstripping that of any other industrialized country, both numerically and as a percentage of the overall population.

As prison populations have expanded, states' corrections costs have risen substantially. In 2007, states spent \$44 billion in tax dollars on corrections, up from \$10.6 billion in 1987, a 127 percent increase when adjusted for inflation. As the U.S. economy slows and state budgets tighten, correctional spending is crowding out investments for other valuable programs, like health care and education. More and more, policymakers are questioning whether states are getting their money's worth out of prisons and whether imprisonment is the most effective means of achieving public safety, especially when it diverts increasingly scarce funds away from other social services, some of which have been shown to prevent crime in the first place.

Despite the fact that we are spending increasingly more on prisons each year, recidivism rates remain virtually unchanged, with about half of all released inmates returning to prison or jail within three years. Most prison systems are severely crowded, and the communities to which prisoners return experience a number of negative consequences as well. Clear (2007) argues that mass incarceration fractures families, threatens the economic infrastructure of already struggling neighborhoods, and leads to increased social stresses, especially for children.<sup>1</sup> Incarceration, in other words, may have exactly the opposite of its intended effect: it destabilizes the community, thus further reducing public safety.

The debate about the costs and benefits of imprisonment is taking place all across America, but the stakes are highest in California. California's 173,312 prisoners constitute the largest prison population of any state. One in seven state prisoners in the United States is incarcerated in California, and between 1980 and 2007, California's prison population increased over sevenfold, compared with a fourfold increase nationally. And despite a 2003 vow by California Governor Arnold Schwarzenegger to reduce the prison population, it continued to grow and recent projections predict a prison population of 191,000 in the next five years.

California's prison expenditures are also among the highest in the nation—per inmate, per staff, and as a share of the overall state budget. The average annual cost of housing a California prisoner in 2006-7 was \$43,287, 1.6 times higher than the national average of about \$26,000. At the beginning of the prison building boom in the early 1980s, adult and youth corrections accounted for four percent of California's General Fund expenditures at

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<sup>1</sup> Clear, Todd R. (2007) *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse*, Oxford University Press, NY.

\$1 billion per year. Today, California's budget for state corrections is now over \$10 billion a year—and growing at a rate of seven percent annually, the fastest growing segment of the state's criminal justice expenditures. State corrections now accounts for approximately ten percent of total California state spending—nearly the same amount the state spends on higher education. Even after adjusting for inflation, general fund expenditures to support California Department of Corrections and Rehabilitation (CDCR) operations increased 50 percent between 2001-2 and 2008-9.

## **UNDERSTANDING CALIFORNIA CORRECTIONS AND THE IMPORTANCE OF PAROLE VIOLATIONS**

Central to California's entire debate over its prison system is the topic of parole and parole revocation. California's recidivism rate as measured by the "return to prison rate" is 66 percent, compared to a 40 percent national average. At the end of three years, 66 percent of all California parolees had been returned to a California prison, 27 percent for a new criminal conviction and 39 percent for a technical or administrative violation, which can result from new crimes or violations of the conditions of parole. On any given day, six out of ten admissions to California prisons are returning parolees.

Part of the explanation for California's anomalously high parole return rate is its unique sentencing and parole system. California, for the most part, has a *mandatory* parole release system. California moved from an indeterminate to a determinate sentencing system in the late 1970s, and as a result, most offenders are released after they have served their original court-imposed sentence, less any accumulated good time credit. California's Determinate Sentencing Law allows offenders to earn, with some exceptions, day-for-day "good time" (a 50 percent reduction). Only offenders sent to prison on a life-term (19 percent of prisoners in 2007) are subject to discretionary release, where the Board of Parole Hearings (BPH) and the Governor determine fitness for prison release. For about 80 percent of California prisoners, there is no appearance before a parole board to determine whether they are fit to return to the community; instead, they are *automatically* released. Once released, virtually *all* prisoners are placed on formal parole supervision, usually for three years. California is virtually alone in this practice of combining determinate sentencing *and* placing all released prisoners on parole. Most other states either have an indeterminate sentencing system, where a discretionary parole board determines release dates, or they reserve parole for only their most serious offenders.

California's growing prison population, combined with its universal parole practices and lengthy parole terms, has resulted in California supervising far more parolees than any other state. The Bureau of Justice Statistics reports that in 2007, California supervised about 120,000 parolees on any given day, accounting for 15 percent of all parolees in the country.<sup>2</sup>

California's parole population is now so large and its parole agents are so overburdened that parolees who represent a serious public safety threat are not watched closely, and

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<sup>2</sup> Glaze, L., and T. Bonczar (2007), *Probation and Parole in the United States, 2006*, Bureau of Justice Statistics, Washington DC, NCJ 220218.

those who wish to go straight cannot get the help they need. About 80 percent of all California parolees have fewer than two 15-minute face-to-face meetings with a parole agent each month, and nearly all of these meetings take place in the parole agent's office. Two-thirds of all California parolees are thought to have substance abuse problems and nearly all of them are required to be drug tested. Yet, few of them will participate in appropriate treatment while in prison or on parole. California's recent Expert Panel on Adult Offender Recidivism found that fully 50 percent of all exiting California prisoners did not participate in *any* rehabilitation or work program, nor did they have a work assignment, during their *entire* prison stay. They didn't get the help they needed on parole either: 56 percent of parolees didn't participate in any formal program while under parole supervision.<sup>3</sup>

Clearly, this low level of supervision and service provision does not prevent crime. As noted above, two-thirds of all California parolees return at least once to a California prison within three years. Due to their high failure rate, parolees account for the bulk of California prison admissions: In 2006, nearly two-thirds (64 percent) of all persons admitted to California prisons were parole violators. Parole revocations have been rising nationally over the last 20 years, but California's have increased more so. Nationally, over the last 20 years, the number of parole revocations has increased about six-fold. In California, the number of parole revocations has increased 30-fold.

California's unique decision-making process partly explains its high parole revocation rate. The decision to send a parole violator back to prison for an additional sentence is not often made in California by a judge, but rather by a politically appointed deputy commissioner at the Board of Parole Hearings. Criminologists have coined the term "back-end sentencing" to describe how the parole revocation process centers on parole board practices. Not only are back-end sentences determined by correctional officials instead of judges, but the standard of evidence used is much lower than is required in a court of law. Parole board officials use the more lenient legal standard of "preponderance of the evidence," as opposed to the "beyond a reasonable doubt" standard that is required in criminal court convictions. This more lenient standard is deemed appropriate because a California prisoner still remains in the legal custody of the CDCR while on parole. Parole in California is not a reward for good behavior, as it might be in an indeterminate sentencing state, but rather an extension of a felon's sentence and a period of extended surveillance after prison. As such, if the parolee does not abide by the imposed parole conditions, the State has the legal right to revoke their parole term and return them to prison.

California's parole revocation process is also unique in another way. The maximum term for a parole violation in California is 12 months in prison. If a parolee is sentenced to that maximum term, there is usually a day-for-day credit for time served in prison or in jail awaiting case disposition, assuming no prison rule infractions. The upshot is that the parole violator who is not convicted of a new crime by a criminal court—totaling nearly

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<sup>3</sup> California Expert Panel on Adult Offender Recidivism Reduction Programming. (2007). *A Roadmap for Effective Offender Programming in California: Report to the California State Legislature*. Sacramento, CA: California Department of Corrections and Rehabilitation.

70,000 prison commitments in 2006—will only spend, on average, slightly more than four months in custody.<sup>4</sup> And of course, not everyone gets the maximum 12-month sentence. Data analyzed by California’s Rehabilitation Strike Team found that of all parolees returned to a prison in 2004, 20 percent—one in five parole violators—served less than one month in a California prison.<sup>5</sup>

This system of “catch and release” makes little sense from the standpoints of deterrence, incapacitation, treatment, or cost. Parolees quickly learn that being revoked from parole doesn’t carry serious consequences, and the State will have wasted the resources of the police, the parole board, and parole officers, who have to reprocess the same individuals over and over again. This constant churning of parolees also disrupts community-based treatment, since parolees who are enrolled in community treatment programs are constantly having that treatment disrupted for what, in the treatment providers’ views, are predictable and minor rule violations (e.g., testing positive for drug use). Churning also encourages the spread of prison gang culture into the communities where inmates are discharged, while undercutting the deterrent effect of serving prison time. And of course, given California’s overcrowding crisis, there is the high opportunity cost of occupying a limited number of prison beds that, in some cases, could be used for offenders who pose a greater risk to the public safety.

Policymakers and practitioners agree that an overhaul of California’s parole system is urgently needed. In fact, more than a dozen reports published since 1980 have recommended changes in California’s parole revocation procedures. Unfortunately, California’s parole violation process is so complex and involves decisions by so many parties, including the police, prosecutors, judges, parole agents, and parole board commissioners, that understanding exactly *what* needs to be done to fix the problem is unclear.

In September 2005, the National Institute of Justice (NIJ) funded the authors to undertake a three-year comprehensive study of the causes and consequences of parole violations and revocations in California. The study was supported fully by the California Department of Corrections and Rehabilitation (CDCR), the umbrella agency that oversees all of California state corrections. Their cooperation was essential to access and understand the extensive data that our project required. We believe our study represents the largest, most comprehensive, and most rigorous study of parole violations and revocations (returns to prison) ever conducted.

## **STUDY RESEARCH QUESTIONS & DATA**

To better understand the complexities of the parole violation process and the characteristics of parolees who are returned to prison, we needed to unpack the “black box” of the parole violation and revocation process. We needed to study not only parolees’ characteristics, but also the characteristics of the supervising agency, parole agents, and the communities to which parolees return. We needed to identify the key

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<sup>4</sup> California Expert Panel, note 3.

<sup>5</sup> Governor Schwarzenegger’s Rehabilitation Strike Team Report (2007), Sacramento, CA: California Department of Corrections and Rehabilitation.

decision points that ultimately lead to parole revocation and prison returns, and also how characteristics of the parole agent, caseload type, and variations in community characteristics impact the processes of violation and revocation.

We also had to better understand the critical role of the Board of Parole Hearings (BPH), which has the ultimate responsibility for deciding which parole violators are returned to prison and which are allowed to remain in the community. In the mid-1990s, California adopted a “zero tolerance” policy for “serious” and “violent” parolees (as defined in the Penal Code), such that parole agents are required to report *every* offender originally convicted of these crimes who violates *any* condition of parole to the BPH for disposition. The BPH is a politically appointed body and has a history, especially in recent years, of returning to prison most parolees coming before it. The BPH may be the most important gatekeeper of using prison for the sanctioning of parole violations, and yet their role and impact has gone virtually unnoticed and unstudied.

We assembled an extraordinarily large and complex database that tracks *every* adult on parole in California at any point during the calendar years 2003 and 2004. The resulting study sample consisted of 254,468 separate individuals. These parolees were responsible for 151,750 parole violations that made it to the court or board hearing level (thousands more were terminated at the parole unit level) over the two study years. These parole violation and revocation incidents were the central focus of our study. In addition to recording the details of each parolees’ behavior on a weekly basis during the two year study period, we also merged data about each parolee reflecting their personal characteristics and criminal histories, the nature and types of supervision to which they were subjected, the characteristics of agents who supervised them, and the communities to which they returned.

The combined database allowed us to analyze the way in which three clusters of factors—reflecting characteristics of the parolee, the agency and the community—interact to produce variations in parole outcomes. We address these and other critical questions:

1. What basic patterns of violations characterized the population of parolees during 2003 and 2004? What kinds of offenders were on parole during the period and what kinds of violations were they found to commit?
2. What individual, organizational, and community factors affected violations? Did different factors affect different kinds of violations?
3. What basic patterns of revocations characterized the population of parolees during 2003 and 2004? What kinds of violations were handled by local criminal courts? What kinds of violations did the parole board process?



4. What case, individual, organizational, and community factors affected decisions to prosecute criminal violations in criminal courts, as opposed to referring them to the parole board (California Board of Parole Hearings, or BPH)?<sup>6</sup>
5. What case, individual, organizational, and community factors were related to the likelihood that an offender would be returned to prison by the parole board, holding constant the severity of their violation and their criminal history?

In addition to answering these and other research questions, the research also investigates the major aspects of California's sentencing and parole system that we believe impact parole revocations and prison returns. Because California releases nearly all prisoners subject to its Determinate Sentencing Law, with no opportunity to retain even the most likely recidivists, and then places all of them on parole supervision, the state's parole agents end up supervising some individuals who pose a far more serious threat to society than the typical parolee in a state with discretionary release. In states that use discretionary release, these high-risk prisoners can be denied parole and kept in prison. California parole officers often point out that their high revocation rates are caused by the behavior of parolees who were almost certain to reoffend and should not have been released from prison in the first place.

On the other hand, since California law allows minor technical parole violators to be returned to prison (whereas some states do not), and these prisoners are also eventually released to parole supervision, California parole caseloads also include many "less serious" offenders as well. This point is critical to understanding parole violations in California: California parole caseloads likely contain offenders at both extremes of the seriousness continuum—offenders who probably would not be on parole in other states, either because they are too serious to have been released from prison in the first place by parole boards operating in indeterminate states, or because they are such low-risk offenders that they wouldn't have been assigned to post-prison parole supervision at release. *The upshot is California parole caseloads probably contain some of the nation's highest risk offenders as well as the some of the nation's lowest risk offenders.*

California's Determinate Sentencing Law (DSL) not only changed the way in which prisoners got automatically released and required all prisoners to serve a post-prison parole term, but it also simultaneously and significantly increased both the length of the initial parole supervision term imposed and the length of the prison term that could be subsequently imposed if the parolee violated parole conditions. Before the passage of the DSL in 1977, prisoners released to parole were subject to a one-year period of parole. But DSL *tripled* the length of time on parole for most prisoners. Equally important, DSL also doubled the length of prison time that can be imposed upon parole revocation from six months to one year. And under California law, when a person is returned to prison for a parole violation, the "clock stops" on the time owed for parole supervision. So, when a person leaves prison after serving time for a parole violation, he still faces the remaining supervision time he owed the State before he went back to prison for the violation. As such, parole supervision can stretch out for years for particular individuals. Offenders

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<sup>6</sup> BPH was formerly called the Board of Prison Terms (BPT).

often call it “doing a life sentence on the installment plan” since they go in and out, never able to formally discharge from parole supervision.

In addition to changes in sentencing policy and the structure of parole, in the last decade, the discretion held by California parole agents in the handling of violations has substantially eroded. Over the last several years, BPH implemented new regulations that significantly added to the list of parole violations DAPO is required to refer to the parole board, thereby exposing more parolees to BPH decisions to return them to prison.

Whereas once parole agents and supervisors wielded discretion about how to handle many violations, now much of that authority has shifted to the BPH. DAPO estimated that in 2005, 85 percent of parole violations, including technical violations, were subject to mandatory referral policies. This means that parole agents and their supervisors have very little discretion in the handling of these cases and these offenders. The BPH makes a decision about whether or not to return the parolee violator to prison, and the vast majority of cases that go before the BPH result in a return to prison. In 1993, about 65 percent of parolees referred to BPH for parole violations were returned to prison and 35 percent were continued on parole. By 2007, however, about 90 percent of parolees were returned to prison by BPH and only 10 percent were continued on parole. Whether these mandatory referral rules are appropriate or not is a political determination, but one thing is clear: parole agents, parole supervisors, and the DAPO division retain discretionary decision-making power over a declining percentage of violations.

Like California’s sentencing system, discretion in parole has shifted from corrections professionals to legislative and regulatory bodies that are politically elected or appointed. This change has occurred with virtually no discussion or public input, but the consequences are critically important. For one, it means that much is written erroneously about how changes in parole agent recruitment, training, or culture could reduce the number of parolee returns to prison. The parole agent recommends the disposition for the violation (e.g., to prison or not), but ultimately, the parole board has the sole authority to return a parolee to custody. These and other legal and procedural constraints are important to understanding the very complicated processes of prison release, parole supervision, and all too often, return to prison.

The growth of California’s prison population, combined with the policy of placing *all* exiting prisoners on parole supervision for three years, simultaneously reducing the discretion of parole agents to handle minor violations for an increasing proportion of parolees, and increasing the prison time served for violations, provides the requisite conditions for the growing contribution of parole violators to the state prison population. No other state has created this hybrid system—shifting simultaneously to fixed-term prison release *and* universal parole supervision—while at the same time reducing parole agent discretion, and lengthening parole terms and prison terms upon revocation.

Our hope is that the empirical data analyzed in this report will permit California policymakers to devise more sound parole supervision and revocation policies which better balance public safety and public resources. Importantly, such research should help

advise policymakers on the “seriousness” of parole violators being returned to California prisons, which in turn can greatly influence the prison capacity discussion.

## DATA AND ANALYTIC APPROACH

Our statistical models separately investigate the prediction of *parole violations*, which are largely behavioral events, and the prediction of *parole revocations*, which reflect system responses to that behavior. We relied solely on official records rather than offender self-reports, even though we recognized that not all (or even most) parole violations came to the attention of authorities. Our database consisted of detailed information about every adult on parole in California at any point during 2003 and 2004. The resulting sample was comprised of 254,468 separate individuals. Some individuals were already on parole at the start of our study (January 1, 2003), whereas others were either free or in prison at the start of our study, but were released to parole at some time during the two-year study period. Study subjects were observed for two years (January 1, 2003 – December 31, 2004). However, since many subjects were already on parole at the start of the study period, we were able, through various methods of statistical estimation, to analyze violation and revocation patterns over longer periods of time.

We assembled a detailed personal and parole supervision profile for each parolee in the sample, consisting of their demographic characteristics and criminal records, the type(s) of parole supervision to which they were assigned, and all new technical and criminal recidivism events that occurred during the study period. For each parolee, we also recorded information about their supervising parole agent (e.g., age, race, gender, job tenure) and, using the parolee’s address, characteristics of the community to which the parolee returned upon release from prison. Data were merged from over a dozen different state and national databases to create as comprehensive a profile as possible for each subject.

With the databases assembled and merged, we were then able to conduct our statistical analyses. In terms of parole *violations*, we structured the data for survival analysis—a multivariate method that examines both the likelihood and timing of violations. This statistical approach required that the data be arranged such that each individual parolee was observed on a weekly basis throughout 2003 and 2004. The data format allowed us to construct multivariate survival models predicting the likelihood and timing of different types of violation behavior.

For our analyses of parole revocations, we created a dataset documenting every parole violation case heard in criminal court and/or by the California Board of Parole Hearings (BPH). These data, reflecting 151,750 violation reports, were used to estimate logistic regression models predicting revocation outcomes of interest—specifically, whether criminal violation cases were successfully prosecuted in court as opposed to being referred to the parole board, and whether cases heard by the BPH were returned to prison or continued on parole. Thus, we were able to assess the relative impact of individual, organizational and community level measures on numerous parole outcomes. In all analyses, we investigated the likelihood (i.e., probability) as well as the severity of the outcome.

In addition to the administrative data we compiled, we also collected extensive qualitative information from field observations, staff interviews, and reviews of agency directives and policy memos.

## **DEMOGRAPHIC AND CRIME PROFILES OF CALIFORNIA PAROLEES**

There were 254,468 adults on parole supervision in California at some time during 2003 and 2004—accounting for one in seven parolees supervised in the U.S. during that time. The characteristics of parolees in our sample resembled those of the California prison population in many ways, which is not surprising given that under California’s Determinate Sentencing Law, all prisoners are released at the expiration of their prison term and placed on a three-year term of parole supervision. Most parolees in our sample were male (90 percent), minority (70 percent), and young (52 percent younger than age 30). Nearly half (46 percent) had previously been on parole, and more than ten percent had been on parole six or more times. Most of the sample had served their most recent prison term as a result of a property (29 percent) or drug conviction (35 percent), but 20 percent had been convicted of a violent crime, and five percent had been convicted of sex crimes. About 20 percent of parolees were considered “serious” or “violent” according to California’s official penal code designation.

More than one in five (21 percent) parolees had an officially documented mental health condition, and seven percent were required by statute to register as sex offenders. Six in ten parolees in the sample had served less than a year in prison prior to their current release on parole.

## **WHAT PREDICTS PAROLE VIOLATIONS?**

Nearly half (49 percent) of the parolees in our sample had at least one formal parole violation report during our study period, and 24 percent had multiple parole violation reports. Each report could contain multiple violations of any type (e.g., criminal, technical). Together, these parolees were responsible for 296,958 violation reports. CDCR tracks 247 different types of prohibited parolee behavior, ranging from violations of the parole process, usually referred to as “technical violations,” to serious and violent criminal offenses like robbery, assault with deadly weapons, and homicide.

Over a third (35 percent) of all the recorded parole violations were for noncriminal or “technical” violations. Two-thirds of technical violations were for absconding supervision, meaning that the parolee missed an appointment and/or his or her whereabouts were unknown. Other technical violations include weapons access, psychological endangerment, and various violations of the parole process, such as violations of special conditions of parole imposed by a parole agent or deputy commissioner. Interestingly, if one adds up all of the parole violation reports that pertain to drug use or drug sales—there are over 110,000 of them—they comprise over a third of all parole violation reports (37 percent) during our study period.

Two-thirds (65 percent) of all parole violations were for new criminal behavior (arrests). Using CDCR’s internal classification system, 39 percent of these new criminal violations

were classified as Type I (“the least serious”—mostly drug use and possession), 17 percent were classified as Type II (“moderately serious”—e.g., forgery, drug sales, burglaries, battery without serious injury, driving violations), and ten percent—nearly 29,000 violation reports—were classified as Type III (“the most serious”—e.g., major assaults, major drug crimes, robberies, rapes, and homicides).

In terms of the timing of violations among parolees in the study, the risk of all kinds of violations was highest during the first 180 days following release from prison, and declined thereafter. A major reason behind this declining risk pattern was that the most risk-prone parolees tended to be violated earlier and returned to prison. The remainder were probably more compliant, less likely to violate, and more likely to successfully complete their parole period. Indeed, after 360 days on parole, a “surviving” parolee’s risk of violation had dropped 70 percent from what it was during the first two months of parole. From 360 to 900 days, a parolee’s risk only dropped another ten percent. In other words, after about 360 days, a parolee’s risk of violation—while not zero—had substantially leveled off.

In terms of demographic and other personal characteristics, the youngest parolees, aged 18-30, posed the greatest risk of all kinds of violations except Type I criminal violations (the least serious). Male parolees posed significantly higher risks for all types of violations except absconding. Black parolees posed the same risks as non-black parolees for technical violations but much greater risks than parolees from other racial backgrounds for the most serious and violent criminal violations. Parolees with a record of mental health problems had higher risks for all types of violations, and they had particularly elevated risks for the most violent criminal violations.

The single biggest predictor of parole violation risk was a parolee’s number of prior adult prison incarcerations in California. For all violation types, an offender coming out on their second release from prison had a 20 percent higher risk of violation than an offender on their first release. An offender on their third release had a 39 percent higher risk of violation than an offender on their first release. By the ninth release, an offender had a 124 percent higher risk of violation than an offender on their first release.

In general, the extent of prior criminal record had more predictive value than the seriousness of prior record, but certain “seriousness indicators” did exhibit relationships to violation risk. Age at first adult commitment to a California prison, for example, predicted Type III (the most serious) criminal violations. For every additional year older a parolee was at their first prison commitment, their risk of a Type III violation decreased by 2.5 percent. However, parolees who were older when first committed to California prisons tended to present higher risks for technical violations and Type I criminal violations. This latter group was probably largely composed of drug offenders that had substance dependence driving their offending, and as a result of drug use, were prone to generating technical and Type I criminal violations, but were less likely to be involved in more serious criminal behavior.

The seriousness of the current commitment offense, while exhibiting a relationship to violation risk, did not predict violations in the ways that policymakers often assume.

Parolees committed for violent and sex offenses, overall, had lower risks for most violations than those offenders committed for property and drug crimes. However, those who had been committed for violent offenses did show elevated risk for violent criminal violations and serious sexual violations.

Sex offender registrants posed lower risk for violations than non-sex offenders for several types of violations (e.g., having any violation, absconding, Type I criminal violations). Sex offender registrants were no more likely to commit the most violent violations than other offenders.

Policymakers are particularly interested in the threat that sex offenders pose to commit further sex crimes, so we investigated these outcomes separately. We did find that sex offender registrants were more significantly more likely to be violated for sex crimes, but it is critical to note that sexual violations were very rare, constituting 1.5 percent of all violations during the study period, and about two-thirds of them were victimless offenses caused by sex offenders failing to register under California Penal Code section 290. Moreover, the majority of sexual violations, including the most serious violations involving rape, sexual assault, and child molestation, were committed by parolees who were *not* registered sex offenders. Setting aside the violations involving failure to register, of the 1,528 sexual violations committed during 2003 and 2004, just 25 percent were committed by sex offender registrants. The vast majority of sexual violations, including 78 percent of the most serious Type III sexual violations, were committed by non-sex offender registrants.

### ***Intensity of Supervision, Parole Agent Characteristics, and Parole Organization***

California parolees are assigned to one of five levels of supervision, with the assigned level determining the frequency and degree of oversight provided by parole agents. Twenty-three percent of parole supervision performed during 2003 and 2004 was classified as “Minimum Service,” with the requirement that parolees see their parole agents only twice a year. Most contact between agents and parolees under Minimum Service supervision is done through the mail; that is, parolees periodically mail a postcard to their agents to check in. Another 43 percent of supervision during our study period was classified as “Control Service;” parolees supervised at this level see a parole officer once every six weeks. These two classifications—in which relatively little supervision or programming is actually applied to parolees—accounted for 65 percent of the total supervision applied to parolees in 2003 and 2004.

Given that these offenders are placed in low risk categories because they are not expected to be likely recidivists, one cannot help but wonder whether the effort expended to provide cursory oversight to so many former inmates is an effective use of resources. This issue is particularly pressing because California loses track of so many of its parolees, and one wonders if greater intensity of supervision or services for higher risk parolees could help prevent new crimes, or if the resources expended could be better used to locate those whose whereabouts are unknown. On any given day, nearly 17 percent of all California parolees—more than 20,400 people—are “parolees-at-large,” meaning they

have absconded supervision. This is the highest abscond rate in the nation and is far above the national average of seven percent.

We found that, consistent with prior research, supervision intensity affected the risk of reported violations. More intensive parole supervision increased the risk of all violations, holding constant the offender’s personal attributes, offense background, and community conditions. The biggest differences in the effects of supervision on violation risk were found in the contrast between Minimum Service supervision and “active supervision” (i.e., supervision at all other levels). Parolees who were on Minimum Service caseloads, which involved infrequent face-to-face or collateral contact, monthly mail correspondence, and no narcotics testing, had significantly lower risks for all kinds of violations than those parolees who were more actively supervised.

The differences in violation risk between parolees on Minimum Service supervision and active supervision were most pronounced among the most discretionary violations—technical violations not involving absconding and Type I criminal violations (the least serious, mostly involving drug use and possession). Compared to Minimum Service parolees, actively supervised parolees had between two and three times the risk of technical and Type I criminal violations. Active supervision parolees also had consistently higher risks of absconding, Type II, Type III, and violent criminal violations, although the differences were not as great as among the more discretionary violation types. What became clear from the contrast between active and Minimum Supervision was that more closely supervised parolees did not seem to be deterred from violation behavior.

We also detected differences in violation risks among active supervision categories, but these differences were not as pronounced as those between active supervision and Minimum Service supervision. Parolees in more intensive supervision categories, in general, posed higher risks for violations.

California is subdivided into four parole regions, each supervising roughly one-fourth of the California parole population. The regions are understood to have differences their organizational cultures and in the types of parolees they supervise. Region 3, which is comprised entirely of Los Angeles County, is perceived to be the most overstretched and harried part of the parole system, responsible for supervising the most serious parolees in the state. As a result, some believe that there is a lower rate of reporting of less serious violations in Region 3, as they have more serious criminal violations to contend with (i.e., “bigger fish to fry”).

We found little support for regional differences in parole outcomes. Once the characteristics of parolees and communities were statistically controlled, Region 3 reported violations in a similar manner as the other three regions. Region 3 did report fewer drug use and possession violations (Type I criminal violations), but its reporting patterns for technical violations—both absconding and violations of the parole process—was not different from other regions. Nor was the risk that a parolee in Region 3 would be cited for a Type II or Type III criminal violation different from other regions.

We also explored the extent to which differences in parole outcomes were traceable to parole agent characteristics, and were able to detect some relationships between agent characteristics and violation risk. We found that female agents (who performed 28 percent of parole supervision during 2003-2004) appeared to exercise discretion in ways that were more forgiving of low level criminal violations (i.e., Type I, mostly drug use and possession). Male agents, on the other hand, appeared to adopt a more lenient approach toward absconding than female agents. No gender differences were found in the reporting of the more serious Type II and III criminal violations.

Research literature suggests that, as a group, black parole agents might have more tolerance for less serious violations. During our study, 32 percent of all supervision was done by black agents, 25 percent by Hispanic agents, 35 percent by white agents, and the rest was performed by Asian agents and those from other racial categories. Black agents, like blacks in the rest of American society, may be more likely to have friends or family members who have had contact with the criminal justice system. As a result, research suggests they might be more sensitive to the conditions that foster criminal behavior and more wary of the effectiveness of system responses. Therefore, black agents may have more tolerance for less serious violations. Our results supported this argument. Parolees supervised by black agents had lower risks of technical violations and Type I criminal violations. But parolees with black agents were no different than other parolees in terms of their risks for Type II and III criminal violations.

Nearly half (48 percent) of parole supervision during 2003-2004 was done by parole agents having less than three years of job experience as a parole agent. Thirty percent of supervising agents were under 40 years of age, and 83 percent of agents had previously worked in a CDCR correctional institution. We were told that older agents and those who have not worked in the prison system as correctional officers are more likely to see “shades of gray,” and thus tolerate some parolee behavior that other agents would elect to violate. Contrary to expectations, parolees assigned to agents with prior employment experience in a prison actually had an eight percent *lower* risk of the least serious Type I criminal violations than parolees assigned to agents with no prior prison employment. Prior employment in a prison did not affect the risks for any other type of criminal or technical violation. Moreover, neither parole agent age, nor tenure on the job as a parole agent, was significantly related to any type of criminal or technical violation.

CDCR announced a number of significant parole policy changes during 2003 and 2004. One policy, referred to as the “New Parole Model,” was announced with much fanfare in February 2004, before being scaled back significantly in April 2005. The New Parole Model proposed the greater use of intermediate sanctions for parole violators and the adoption of a parole violation matrix to standardize the handling of violations. We found no evidence that this announced policy change had any observable impact on parole decision-making or case processing outcomes at the aggregate level.



### *Community Conditions and Reentry Environments*

Research suggests that community characteristics can have criminogenic or reintegrative effects on parolee behavior. In other words, neighborhood factors can either promote or guard against illicit activities. Communities with greater financial resources may be able to fund more rehabilitation and work programs, which can provide parolees with pathways out of criminal lifestyles. Communities with more progressive political views may have more tolerance for minor rule violations. Less socioeconomically disadvantaged communities may provide better informal social supports that suppress criminal activity (i.e., increased residential stability). On the other hand, socially disorganized (i.e., disadvantaged) communities may not be able to fund many alternatives to prison, and may exhibit other conditions that are conducive to criminal behavior. Politically conservative communities may have less tolerance for illicit behavior, and may exhibit an increased propensity to violate parolees.

To explore these ideas, we used parolee address records to link individuals to data about their communities. For example, we mapped parolee addresses to U.S. Census Tracts to compile measures of poverty, unemployment, and public assistance. As a measure of service availability in parolees' reentry environments, we drew data from the United States Substance Abuse and Mental Health Services Administration (SAMHSA) listing the addresses of all substance abuse and mental health treatment providers in California that accept clients from criminal justice agencies. And to generate a county-level measure of the "punitiveness" of different communities, we collected information on the results of ballot proposition voting and party registration from the Secretary of State. We selected data reflecting voting patterns of ballot propositions that pertained directly to state correctional practices—for example, Proposition 36, which allows some nonviolent, drug offenders to receive treatment instead of incarceration, and Proposition 66, which proposed a scaling back of California's "three strikes" law. Our hypotheses were that community conditions and attitudes, as well as the availability of treatment, would be related to parole practices.

We found modest support for these hypotheses as they relate to an understanding of parole violations in California. Parolees who lived in neighborhoods that scored highly on socioeconomic disadvantage were at greater risk to abscond than parolees who lived in less disadvantaged environments. However, parolees residing in disadvantaged neighborhoods did not pose a greater risk to commit other kinds of violations than those from less disadvantaged neighborhoods.

Importantly, we found some evidence that the availability of substance abuse and mental health treatment services lowered the risk of Type I (the least serious) criminal violations—which mainly involved drug use, drug possession and misdemeanor violations of the law. This may have been attributable to the effectiveness of these programs, but it may also have been due to a "parole agent effect;" that is, parole agents may have been less likely to violate parolees for low level violations when they perceived that there were program opportunities that posed alternatives to initiating the formal violation and revocation process. Given that there were few alternatives to prison during

2003-2004, this observed effect is important and may be strengthened if more programs were in existence.

## **WHAT PREDICTS PAROLE REVOCATIONS AND RETURN TO PRISON?**

There are two ways parolees experience revocation: through county criminal courts and through the parole board (BPH). Courts only handle criminal violations—those that result from an arrest by a police officer or parole agent. The BPH handles technical violation cases, as well as criminal violation cases that county courts do not successfully prosecute. Technical violations are violations of the rules or conditions of parole. These violations do not involve new convictions, although they can involve a new arrest for which there was no conviction. The process by which cases are sorted through one venue versus the other, as well as the reasons that some parole violators are returned to custody while others are allowed to remain in the community, are not well-understood.

The parolees in our study sample generated 151,750 parole violation cases in 2003 and 2004 that were processed either through the criminal court system or the parole board (BPH). Eighty-four percent (127,742) of these cases involved new criminal violations. These criminal violation cases were heard first in criminal court, and if a conviction could not be obtained in court, they were referred for assessment by the parole board. Sixteen percent (24,008) of all cases only involved technical violations, and these cases were heard by the parole board. Importantly, the board operates under a more lenient standard of evidence than the courts, and may only return a parole violator to prison for a maximum term of 12 months.

Of the 127,742 criminal violation cases reported during 2003 and 2004, 25 percent (31,417 cases) resulted in a new prison term delivered in criminal court. The other 75 percent (96,325 cases) were referred to the parole board. Among these referred criminal violation cases, the board elected to return 73 percent to prison. Not surprisingly, more serious criminal charges were more likely to result in a prison return. Type III violation cases—the most serious—resulted in prison return 88 percent of the time. Moderately serious criminal cases (Type II) resulted in return almost as frequently; these parole violators were returned 80 percent of the time. The least serious criminal cases (Type I) only resulted in return to prison 52 percent of the time. Thus, when moderately serious and very serious criminal parole violations are evaluated by the board, the certainty of return is extremely high. The board appears to exercise greater discretion over cases involving Type I crimes—most of which involve drug use and possession violations.

A small but significant number of violent crimes, such as homicide, robbery and rape, were processed through the parole board.<sup>7</sup> These crimes carry lengthy prison terms when they are prosecuted in courts of law. However, when handled through the parole board, the maximum return time is capped at 12 months. Even though the proportion of homicide, robbery and rape cases constituted a very small share of the total number of criminal parole violations returned to custody through the board, the fact that such cases

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<sup>7</sup> In 2003 and 2004, the board returned parolees for 246 homicides, 1,006 robberies, and 691 crimes involving rape or sexual assault—together accounting for 1.5 percent of all criminal violation cases during this time.

were pursued in this arena is significant. The board was clearly not a venue that exclusively dealt with “small time” criminal cases. Even though minor offenses appeared to be the norm, cases involving serious offenses were also heard in this venue. Further, because the board operates under a more lenient standard of evidence, there is a greater possibility that factually innocent criminal parole violators may be returned to custody.

Adding together the criminal violation cases that resulted in a new term through criminal courts, and those criminal violation cases that resulted in a return to prison through the parole board, we found that among the 127,742 criminal violation cases officially recorded in 2003 and 2004, over three-quarters (77 percent) resulted in some form of prison return, either through the courts or through the board.

In addition to criminal violation cases referred from courts, the parole board also heard 24,008 technical violation cases (16 percent of all cases)—many of which involved absconding. Like criminal violation cases, technical violation cases heard by the parole board exhibited a high rate of prison return. About 85 percent of these technical violation cases resulted in a return to custody. Those cases involving technical charges (without absconding) were returned 79 percent of the time. Cases involving absconding (without other technical charges) were returned 85 percent of the time. Cases involving *both* technical and absconding charges were returned 91 percent of the time. Overall, the board returned 75 percent of all violation cases it heard.

We next turned to understanding the patterns and logic of the parole revocation process. Our analysis was designed to answer two interrelated questions: What factors affected the sorting of violation cases through the courts versus through the parole board, and, once in front of the parole board, what affected the chances that a parolee would be returned to custody, as opposed to being continued on parole? Like our multivariate analysis of parole violations, we examined how parolee characteristics, organizational factors, and community characteristics impacted revocation decision-making. We also investigated the relationship between case characteristics—such as the number and severity of violation charges—and revocation outcomes.

### ***Case and Individual Characteristics***

Violation case characteristics were critical to determining whether or not criminal violation cases were processed through criminal courts or through the parole board. They also influenced whether a case processed by the parole board resulted in a return to prison. As expected, cases involving more charges, and more serious charges, were likely to receive harsher treatment. In court decisions, the number of criminal charges contained in a case was not related to decisions to reimprison, but the severity of those charges did predict court sanctioning decisions. Board decisions were, for the most part, driven by both the number and severity of charges involved in violation cases.

In terms of individual factors, parolees with longer, and more serious, histories of criminal behavior were likely to be considered public safety risks by court and board decision-makers, and their cases were treated accordingly. Net of the seriousness of their current parole violations, parolees’ histories of imprisonment, for example, were

significantly predictive of harsher treatment in both decision venues. Those who had served more adult prison spells (both for new court-ordered terms and returns to custody on parole violations) in California were more likely to be sent back to custody by both the court and the board. Parolees on their “second strike” were also significantly more likely to be returned through the court than parolees without such status, and when their cases were referred to the board, they were significantly more likely to be re-incarcerated in cases involving criminal violations.

Statutorily-defined “serious” and “violent” offenders were actually less likely than others to experience court return to prison, but when their criminal violation cases were referred to the parole board, they were more likely to be returned to custody. Similarly, registered sex offenders were less likely than others to be returned to prison through court, but they were treated more severely by the board. One explanation for these findings is that the criminal violation cases of serious and violent offenders, as well as sex offender registrants, may have been unappealing to court decision-makers because they tended to lack compelling evidence. However, court decision-makers may have also referred these cases because they felt that the board, using a lower standard of evidence, could act quickly and decisively to re-incarcerate parolees who were perceived as particularly threatening to public safety. The board sanctioned these types of parolees especially severely in low level (Type I) criminal violation cases—the type allowing for the most discretion. It appears that low-level criminal activity, much of which is detected through parolee drug testing, was a crucial mechanism by which the parole board re-incarcerated “high profile” parole violators. Note that the criminal courts could not legally impose very harsh sanctions for these low level crimes, and so they seemed to opt, through case referral, for the greater certainty of punishment that the board was able to provide.

Demographic characteristics were also somewhat predictive of case outcomes. Parolee age affected criminal court decisions, but not board decisions. Courts were inclined to prosecute the criminal violation cases of the youngest parolees (ages 18-30). Black parolees were more likely to have their cases referred to the Board—the more discretionary venue—and when their cases were heard by the Board, they were more likely to be incarcerated for criminal violations. Asian and Hispanic parolees were the most likely to be successfully prosecuted in criminal court, and Hispanics were further penalized in front of the board, where they were among the most likely to be returned to custody in criminal violation cases. White parolees, who had the lowest likelihood of court conviction, also had the lowest likelihood of return through the Board for criminal violation cases (although they were among the most likely to be returned when they absconded). These findings suggest that there may be observable or unobservable traits associated with parolees of different demographic groups that affect their case outcomes.

### ***Organizational factors***

Over and above case- and parolee-specific characteristics, organizational factors also affected revocation decisions by the court and the parole board. Los Angeles County (Region 3) appeared distinct in its treatment of parole violators. Criminal violations in Los Angeles were more likely to result in reincarceration through the court. Board decisions were also uniquely patterned in Los Angeles. Technical parole violators were

more likely to be returned to custody by the board in this region, while absconders were less likely to be returned by the board. These findings could have been due to many factors: differences in organizational culture across parole regions, unmeasured variation in local parolee populations that affected sanctioning decisions (e.g., gang affiliation, addiction and employability), or the effectiveness of policing practices in different regions.

Practical constraints on decision-making also appeared to play a role in violation case outcomes. A key practical constraint was available custodial space. We found that when available space in prison reception centers decreased, for example, the parole board was more likely to continue cases on parole, as opposed to returning parolees to prison. Moreover, in courts, workload pressures (measured as the ratio of felony cases to district attorneys in each county) were linked to an increased likelihood of case referral to the parole board. As felony court caseloads increased, courts were inclined to refer more criminal parole violation cases to the parole board.

### *Community Factors*

Our statistical models showed that, net of all other measured factors, some characteristics of parolees' communities were related to the treatment of parole violations in court and before the parole board. For example, more "punitive" counties—as measured by political party affiliation and electoral ballot voting outcomes—were more likely to return criminal parole violators through the court, and in violation cases heard by the board, these counties were more likely to return parolees to prison, regardless of whether the case involved a criminal violation, absconding, or other technical violations.

Community characteristics can also serve as cues to decision-makers that reflect something about individual parolees themselves. The extent of "racial threat" in a community is illustrative of this point. Census tracts with higher proportions of black residents, and those with higher black unemployment rates, may be perceived as particularly unstable or crime-ridden, and parolees that live in these communities may be penalized by decision-makers because they come from, and are therefore representative of, these disadvantaged environments. In our models, parolees who came from communities that had more black residents, and higher black unemployment rates, were more likely to be returned by the court with a new term, as opposed to being referred to the parole board. When their cases were heard by the parole board, these parolees were generally more likely to be returned to prison, especially for criminal violations.

However, while community characteristics can have a stigmatizing effect on case outcomes, they can also have the opposite effect. For example, census tracts with more mental health and substance abuse services in close proximity were associated with more lenient outcomes among criminal violation cases and technical violation cases (not involving absconding) decided by the parole board. This may have been due to the fact that decision-makers had more treatment options in these communities, and therefore more opportunities to keep parole violators out of prison, or that parolees from service-rich communities somehow appeared less threatening than parolees from communities that lack services.

A central implication of our analyses of revocations is that the response of criminal justice institutions does not totally derive from, and is not necessarily proportionate to, the extent of parolees' criminal behavior, as is often assumed by policymakers, government officials, and the public. While case characteristics matter in terms of court and board outcomes, so too do the characteristics of the individual, the organizations handling that individual's case, and the community that the person comes from.

## **POLICY & RESEARCH IMPLICATIONS**

Our findings suggest a number of policy and research implications, the most important of which are:

1. **Concentrate supervision and services on the first six months.** Parole should front-load services and surveillance to focus on a parolee's first six months after release, when the risk of recidivism is the highest.
2. **Expand use of early and earned discharge.** Parolees are most at risk of all kinds of violations during the first six months on parole. Parolees that make it to the sixth month without violation pose significantly lower risks than parolees who do not. The duration of the imposed parole term should be closely linked to an offender's risk level or accomplishment of individual benchmarks. Low-risk offenders might not be assigned parole supervision at all, or those who adjust well to parole could be released after six months of supervision. Moderate-risk offenders might be assigned a year or two of parole, whereas high-risk offenders might serve two years or more, and very high-risk offenders might be assigned lifetime parole.
3. **Align parolee risk and supervision levels.** Parole services and surveillance should be primarily risk-based rather than offense-based. The CDCR needs to assign parole caseloads and supervision levels so that offenders are "matched" to types of surveillance and services that are most appropriate for them. Resources should be more heavily focused on higher-risk parolees, and very intensive (and expensive) programs should be reserved for those whose risk and need profiles suggest they will likely benefit from program participation.
4. **Employ a parole violation matrix.** The parole division and the parole board should adopt policy-driven approaches to parole violations using a decision-making matrix and graduated community-based sanctions. This tool would allow parole officials to respond consistently to parole violations, using a well-developed range of intermediate sanctions. The response should reflect the original risk level of the parolee coupled with a proportionate response to the seriousness of the violation. Every major study on California's prison system published since the 1980s has recommended the use of such a tool, but it has never been implemented, even though such instruments are used in over 20 other states. California is currently developing such an instrument and plans to pilot test it in fall 2008.

5. **Expand intermediate sanctions options.** The CDCR should implement additional intermediate sanction programs, particularly for drug-involved parolees. Current program offerings are woefully inadequate to appropriately deal with the wide range of parole violations. The CDCR cannot do this alone, as the most effective reentry programs and intermediate sanctions require community engagement and collaboration. The expansion of evidence-based intermediate sanctions should both reduce recidivism and save expensive prison beds for the most violent criminals.
6. **Encourage criminal prosecution.** Parolees who commit new crimes should be prosecuted in criminal courts whenever possible. California’s “back-end sentencing” system allows some very serious criminals to evade the more severe criminal penalties that would have been imposed had their cases been criminally prosecuted as opposed to handled by the parole board, where the maximum term imposed was only 12 months. Further, we found some evidence that stresses on the capacity of California’s justice system—as measured by jail and prison overcrowding and district attorney caseloads—resulted in greater likelihoods that the BPH would handle criminal violation cases. While case and offender characteristics are appropriate criteria for board referral decisions, system capacity should not affect these decisions.
7. **Track extra-legal factors affecting revocation.** The CDCR should develop better evaluation methods to reduce the influence of extra-legal factors—particularly parolee race—on violation case outcomes. We found that black parole violators were more likely to experience referral to the parole board, and more likely to be returned by the board for certain types of violations. We also found effects related to age, gender and mental health status. The state must explore the causes and consequences of the influences of demographic and personal characteristics on sanctioning decisions.
8. **Expand substance abuse and mental health programs.** Substance abuse-related violations and the violations of parolees with mental health problems make up a large share of all violations. These populations are not well-served by short returns to prison, where there are few services and sanctions are of insufficient duration to improve their outcomes. The CDCR should expand intermediate sanctions specifically for these populations, so as to allow for community-based and in-custody treatment in a non-prison environment for sufficient time periods to address these criminogenic needs.

This study is just the first step towards a better understanding of California’s parole violation and revocation process. The data we collected were primarily administrative; other types of data, such as systematic interviews with parolees about their parole experiences, would highlight issues of discretion and sanctioning that are difficult to capture through quantitative analyses alone. Future research on parole outcomes could also benefit from improvements to data quality. Some of our variables were under-specified (e.g., the community variables, parole agent characteristics). Other factors that may be related to parole outcomes (e.g., addiction, employability of parolees) were

beyond the scope of our data collection effort. Data on the extent and type of programs parolees participated in could also expand on what we have done here. Given that many parolees are violated for program non-compliance, and that others may benefit from work and educational programming, it would be useful to know the degree to which parolees are engaged in assigned programming. Future studies might also address parole policies more specifically. Our research has generated many insights that can inform certain policies, such as early discharge from parole and the timing of service delivery.

It is also important to note that our data is from 2003-2004 and California's parole system is currently undergoing the most significant changes in its procedures since the late 1970s. Currently, California is implementing a new evidence-based parole violation decision-making instrument (PVDMI) to help agents and the parole board assess risk and needs in determining sanctions. The PVDMI was specifically designed for California parolees using another new instrument, the California Static Risk Assessment (CSRA). The CSRA uses the offender's past criminal history and characteristics such as age and gender to predict the likelihood they will re-offend.

The CSRA, combined with the severity ranking of all parole violations, has been incorporated into the PVDMI, which results in a score that designates the appropriate violation response level. The response levels range from least intensive (i.e. community programs etc.) to most intensive responses (in-custody drug treatment or return to prison recommendations). The PVDMI is designed to focus California's prison resources on higher-risk parolees while targeting less serious parole violators for community-based alternatives that address the root sources of their problems. DAPO is acquiring or redirecting treatment resources to plan for the expanded use of community based sanctions in responding to parole violations in California. The PVDMI was developed with the full participation and support of BPH and it is anticipated that it will impact their decision-making as well. Implementation of the PVDMI will be evaluated by the UCI Center for Evidence-Based Corrections.<sup>8</sup>

As these and other parole reforms move forward, and parole data systems and knowledge about parole outcomes improve, it should be easier to implement studies that focus specifically on the potential effectiveness of various policy choices. We hope that this piece of research will provide guidance for future research efforts, as well as the important discussion that will be taking place over the next several years about parole in California and the United States.

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<sup>8</sup> The details of the PVDMI and CSRA can be found at [http://www.cdcr.ca.gov/News/2008\\_Press\\_Releases/Oct\\_3.html](http://www.cdcr.ca.gov/News/2008_Press_Releases/Oct_3.html) (accessed October 6, 2008).



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## CHAPTER I. INTRODUCTION AND OVERVIEW OF STUDY ISSUES

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One of America's most vexing challenges is the management of its prison system. More than 2.3 million people are now incarcerated in the U.S.—more than one out of every 100 adult Americans. Incarceration rates are even higher for some groups: one out of nine black men, ages 20 to 34, are serving time, as are one in 36 Hispanic men. U.S. prison populations have experienced 15 years of steady growth and are now at all-time high, outstripping that of any other industrialized country, both numerically and as a percentage of the overall population.<sup>9</sup>

As prison populations have expanded, states' corrections costs have risen substantially. In 2007, according to the National Association of State Budget Officers, states spent \$44 billion in tax dollars on corrections. That is up from \$10.6 billion in 1987, a 127 percent increase when adjusted for inflation. States are on track to spend an additional \$25 billion by 2011. On average, states spend almost 7 percent of their budgets on corrections, trailing only health care, education, and transportation.<sup>10</sup>

As the U.S. economy slows and state budgets tighten, correctional spending is crowding out investments for other valuable programs, like health care and education. For example, a study by the Pew Foundation found that over the last 20 years, inflation-adjusted general fund spending on corrections rose 127 percent while higher education expenditures rose just 21 percent.<sup>11</sup> More and more, policymakers are questioning whether states are getting their money's worth out of prisons and whether imprisonment is the most effective means of achieving public safety, especially when it diverts increasingly scarce funds away from other social services, some of which have been shown to prevent crime in the first place.

Despite the fact that we are spending increasingly more on prisons each year, recidivism rates remain virtually unchanged, with about half of all released inmates returning to prison or jail within three years.<sup>12</sup> Most prison systems are severely overcrowded, and the communities to which prisoners return experience a number of negative consequences as well. Clear (2007) argues that mass incarceration fractures families, threatens the economic infrastructure of already struggling neighborhoods, and leads to increased

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<sup>9</sup> The Pew Center on the States, "One in 100: Behind Bars in America in 2008"

([http://www.pewcenteronthestates.org/report\\_detail.aspx?id=33428](http://www.pewcenteronthestates.org/report_detail.aspx?id=33428)) The Pew study combines prison and jail populations. In 2007, the U.S. prison population was 1,596,127.

<sup>10</sup> "U.S. Imprisons One in 100 Adult, Report Finds," Adam Liptak, *The New York Times*, February 29, 2008:A2.

<sup>11</sup> Pew Charitable Trust. (2007). *Public Safety, Public Spending: Forecasting America's Prison Population 2007-2011*. Chicago, Ill.

<sup>12</sup> Langan, Patrick, and David Levin (2002). *Recidivism of Prisoners Released in 1994*, Washington, D.C.: Bureau of Justice Statistics.

social stresses, especially for children.<sup>13</sup> Incarceration, in other words, may have exactly the opposite of its intended effect: it destabilizes the community, thus further reducing public safety.

The debate about the costs and benefits of imprisonment is taking place all across America, but the stakes are highest in California. California's 173,312 prisoners constitute the largest prison population of any state. One in seven state prisoners in the United States is incarcerated in California, and between 1980 and 2007, California's prison population increased over sevenfold, compared with a fourfold increase nationally. And despite a 2003 vow by California Governor Arnold Schwarzenegger to reduce the prison population, it continued to grow and recent projections predict a prison population of 191,000 in the next five years.<sup>14</sup>

California's prison expenditures are also among the highest in the nation—per inmate, per staff, and as a share of the overall state budget. The average annual cost of housing a California prisoner in 2006-7 was \$43,287, 1.6 times higher than the national average of about \$26,000.<sup>15</sup> At the beginning of the prison building boom in the early 1980s, adult and youth corrections accounted for four percent of California's General Fund expenditures at \$1 billion per year. Today, California's budget for state corrections is now over \$10 billion a year—and growing at a rate of seven percent annually, the fastest growing segment of the state's criminal justice expenditures. Corrections now accounts for approximately ten percent of total California state spending—nearly the same amount the state spends on higher education.<sup>16</sup> Even after adjusting for inflation, general fund expenditures to support California Department of Corrections and Rehabilitation (CDCR) operations increased 50 percent between 2001-2 and 2008-9.

Yet despite these vast expenditures, California prisons remain dangerously overcrowded. More than 15,000 inmates—approximately ten percent of the total prison population—are housed in gyms, dayrooms, holding cells, and even hallways. This level of crowding also appears to contribute to California's anomalously high rate of prison violence. California prisons have nearly twice as many assaults as the Texas prison system, and both states have roughly the same number of prisoners.<sup>17</sup> During a recent three-year period, California's Legislative Analyst's Office (LAO) reported that 1,700 staff health

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<sup>13</sup> Clear, Todd R. (2007) *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse*, Oxford University Press, NY.

<sup>14</sup> It is important to note, however, that California's inmate population declined by almost 1,900 inmates. [http://www.lao.ca.gov/analysis\\_2008/crim\\_justice/cj\\_anl08009.aspx#zsee\\_link\\_1\\_1202846137](http://www.lao.ca.gov/analysis_2008/crim_justice/cj_anl08009.aspx#zsee_link_1_1202846137) It is unclear whether this downward population trend will continue but it may signal a historical shift. California Department of Corrections and Rehabilitation. (2008). *Adult Population Projections 2008-2013*. Sacramento, CA. Available at [http://www.cdcr.ca.gov/Reports\\_Research/Offender\\_Information\\_Services\\_Branch/Population\\_Reports.aspx](http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Population_Reports.aspx), accessed May 23, 2008.

<sup>15</sup> See Legislative Analyst's Office (2007), *California's Criminal Justice System: A Primer*, Sacramento: CA; and also Legislative Analyst's Office, Analysis of the 2008-09 Budget Bill, Judicial and Criminal Justice, at <http://www.lao.ca.gov/laoapp/Analysis.aspx?2008&cap=4&toc=1>, accessed May 2008.

<sup>16</sup> Sterngold, James (2007) "Prison Budget to Trump Colleges," *San Francisco Chronicle* May 21:A1.

<sup>17</sup> Legislative Analyst's Office, Analysis of the 2005-06 Budget Bill, Judiciary and Criminal Justice, 2005. <http://www.lao.ca.gov/analysis.aspx?year=2005&chap=4&toc=1>, accessed May 2008.

and workers' compensation claims were filed for injuries resulting from inmate violence. This is partially attributable to prison overcrowding, but it is also the result of the state's violent prison gang culture and the fact that so many inmates sit idle, without participating in any prison programming.

In October 2006, Governor Schwarzenegger declared a state of emergency, allowing him to transfer inmates to prisons in other states in order to help relieve some of the pressures of overcrowding. In May 2007, the Governor signed into law historic prison reform legislation, Assembly Bill 900, or the Public Safety and Offender Rehabilitation Services Act of 2007. AB 900 authorized \$7.9 billion in spending for the creation of 53,000 more prison and jail beds. But the crowding has not diminished, and a federal court is now threatening to take over the entire prison system in response to claims that overcrowded conditions violate the constitutional rights of prisoners. As California's economy slides into recession, state leaders are asking the critical question: Are rising prison costs really worth the public safety benefits?

No one disputes the fact that California's prison system is in deep crisis. The state must either continue to divert public resources away from higher education and other public programs, raise taxes to provide more funds, or take a hard look at who is currently in prison and decide whether some of them could be punished in less expensive community-based programs. This latter option requires a consideration of two aspects of the criminal justice system that California politicians and policymakers have been reluctant to approach: the sentencing system, which determines who goes to prison and for how long, and the parole revocation system, which determines what happens to parolees when they violate parole. In other words, *does everyone now being committed to a California prison really need to be there?* Are these prisoners' crimes so serious that the public would not allow such persons to be placed in the community (i.e., the principles of retribution or "just deserts"), or is their risk of recidivism so high that they cannot be allowed to return to the community for fear of the crimes they are predicted to commit (i.e., the goal of incapacitation)? These are the central questions that must be answered before California policymakers can decide whether they need to spend more money on expanding prison capacity. If the prison population is sufficiently serious, then expanding prison space might be warranted. But if a significant portion of prison population is not so steeped in criminality that they cannot be released, then alternative sanctions might be pursued.

## **THE IMPORTANCE OF PAROLE VIOLATIONS AND REVOCATIONS**

Central to California's entire debate over its prison system is the topic of parole and parole revocation. In terms of the ratio of prisoners to resident population, or the ratio of incarceration rates to crime rates, California is roughly at or just above the average for the 50 states.<sup>18</sup> The most striking anomaly in the California statistics is the recidivism rate. Traditionally, a recidivism rate is based on a three-year follow-up period. The three most common recidivism measures are rearrest, reconviction, or return to prison (for either a new court conviction or a parole violation). California's recidivism rate as measured by

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<sup>18</sup> Petersilia, Joan (2006), *Understanding California Corrections*, California Policy Research Center, University of California. Available at <http://ucicorrections.seweb.uci.edu/>

the “return to prison rate” is 66 percent, compared to a 40 percent national average.<sup>19</sup> At the end of three years, 66 percent of all California parolees had been returned to a California prison, 27 percent for a new criminal conviction and 39 percent for a technical or administrative violation, which can result from new crimes or violations of the conditions of parole. On any given day, six out of ten admissions to California prisons are returning parolees.

Part of the explanation for California’s anomalously high parole return rate is its unique sentencing and parole system. California, for the most part, has a *mandatory* parole release system. California moved from an indeterminate to a determinate sentencing system in the late 1970s, and as a result, most offenders are released after they have served their original court-imposed sentence, less any accumulated good time credit. For example, first-degree burglary is punishable by imprisonment for two, four, or six years; the particular sentence depends on the decision of the judge. Once prisoners have served the prison term specified by the sentencing judge (minus good time), they are automatically and *mandatorily* released. California’s Determinate Sentencing Law allows offenders to earn, with some exceptions, day-for-day “good time” rate (a 50 percent reduction). Only offenders sent to prison on a life-term (19 percent of prisoners in 2007) are subject to discretionary release, where the Board of Parole Hearings (BPH) and the Governor determine fitness for prison release. For about 80 percent of California prisoners, there is no appearance before a parole board to determine whether they are fit to return to the community.

Once released from a California prison, virtually *all* prisoners are placed on formal parole supervision, usually for three years. California is virtually alone in this practice of placing all released prisoners on parole. Most other states reserve parole for only their most serious offenders. New York, Florida, and Texas, for example, only place about one-third of released prisoners onto formal parole supervision.<sup>20</sup>

California’s growing prison population, combined with its universal parole practices and lengthy parole terms, has resulted in California supervising far more parolees than any other state. The Bureau of Justice Statistics reports that in 2007, California supervised about 120,000 parolees on any given day, accounting for 15 percent of all parolees in the country.<sup>21</sup> California’s parole population also continues to outpace the growth in the rest of the nation: in 2006, California experienced a 6.1 percent increase in its parole population, compared with the U.S. state average increase of 2.2 percent.<sup>22</sup>

California’s parole population is now so large and agents are so overburdened that parolees who represent a serious public safety threat are not watched closely and those who wish to go straight cannot get the help they need. About 80 percent of all California parolees have fewer than two 15-minute face-to-face meetings with a parole agent each month, and nearly all of them take place in the parole agent’s office. Two-thirds of all

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<sup>19</sup> Petersilia, note 10 above.

<sup>20</sup> Petersilia, note 10.

<sup>21</sup> Glaze, L., and T. Bonczar (2007), *Probation and Parole in the United States, 2006*, Bureau of Justice Statistics, Washington DC, NCJ 220218.

<sup>22</sup> Glaze and Bonczar, note 11.

California parolees are thought to have substance abuse problems and nearly all of them are required to be drug tested. Yet, few of them will participate in appropriate treatment while in prison or on parole. California's recent Expert Panel on Adult Offender Recidivism found that fully fifty percent of all exiting California prisoners did not participate in *any* rehabilitation or work program, nor did they have a work assignment, during their *entire* prison stay. They didn't get the help they needed on parole either: 56 percent of parolees didn't participate in any formal program while under parole supervision.<sup>23</sup>

Clearly, this low level of supervision and service provision does not prevent crime. As noted above, two-thirds of all California parolees return at least once to a California prison within three years. In Texas, the state most comparable in the size of its prison population to California, the "return to prison" rate is about 20 percent.<sup>24</sup> Due to their high failure rate, parolees account for the bulk of California prison admissions: In 2006, nearly two-thirds (64 percent) of all persons admitted to California prisons were parole violators. Parole revocations have been rising nationally over the last 20 years, but California's have increased more so. Nationally, over the last 20 years, the number of parole revocations has increased about six-fold. In California, the number of parole revocations has increased 30-fold.

Part of California's high parole revocation rate is explained by its unique decision-making process. The decision to send a parole violator back to prison for an additional sentence is not often made in California by a judge, but rather by a politically appointed deputy commissioner at the Board of Parole Hearings. Criminologists have coined the term "back-end sentencing" to describe how the parole revocation process centers on parole board practices.<sup>25</sup> Not only are back-end sentences determined by correctional officials instead of judges, the standard of evidence used is much lower than is required in a court of law. Parole board officials use the more lenient legal standard of "preponderance of the evidence," as opposed to the "beyond a reasonable doubt" standard that is required in criminal court convictions. This more lenient standard is deemed appropriate because a California prisoner still remains in the legal custody of the CDCR while on parole. Parolees involved in the board revocation process do not have their cases heard in front of a jury and they have no right to appeal board decisions. (However, they do have legal representation.) Parole in California is not a reward for good behavior, as it might be in an indeterminate sentencing state, but rather an extension of a felon's sentence and a period of extended surveillance after prison. As such, if the parolee does not abide by the imposed parole conditions, the State has the legal right to revoke their parole term and return them to prison.

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<sup>23</sup> California Expert Panel on Adult Offender Recidivism Reduction Programming. (2007). *A Roadmap for Effective Offender Programming in California: Report to the California State Legislature*. Sacramento, CA: California Department of Corrections and Rehabilitation.

<sup>24</sup> Governor Schwarzenegger's Rehabilitation Strike Team Final Report (2007) *Meeting the Challenges of Rehabilitation in California's Prison and Parole System*, , Sacramento, CA. Available at [http://www.cdcr.ca.gov/News/Gov\\_Rehab\\_Strike\\_Team\\_Release\\_Rpt.html](http://www.cdcr.ca.gov/News/Gov_Rehab_Strike_Team_Release_Rpt.html), accessed May 15, 2008.

<sup>25</sup> Travis, Jeremy (2005). *But They All Come Back: Facing the Challenges of Prisoner Reentry*, The Urban Institute, Washington, DC.

California's parole revocation process is also unique in another way. The maximum term for a parole violation in California is 12 months in prison. If a parolee is sentenced to that maximum term, there is usually a day-for-day credit for time served in prison or in jail awaiting case disposition, assuming no prison rule infractions. The upshot is that the parole violator who is not convicted of a new crime by a criminal court—totaling nearly 70,000 prison commitments in 2006—will only spend, on average, slightly more than four months in custody.<sup>26</sup>

Due to the complexities of the inmate reception process and the number of inmates moving through the State's eleven reception centers, prisoners spend an average of 90 days (sometimes much longer) in one of these reception centers before being transferred to their assigned prison. By the time the parole violator is transported from the local county to the State prison reception center, gets processed and then recommended for a specific prison placement, that parole violator may have served the required prison sentence and simply be paroled (again) right out of the reception center. And of course, not everyone gets the maximum 12-month sentence. Data analyzed by California's Rehabilitation Strike Team found that of all parolees returned to a prison in 2004, 20 percent—one in five parole violators—served less than one month in a California prison (they may have served additional time in local jail awaiting disposition). Fully 77 percent of California parole violators served less than five months in prison. Since the reception center process takes an average of 90 days, tens of thousands of parole violators discharged directly from CDCR reception centers.<sup>27</sup>

The result is that more than 45,000 parole violation cases annually go through the arduous parole revocation process—which includes a formal revocation hearing with a parole commissioner, court reporter, parole officer, attorney representing the parolee, and often law enforcement and witnesses. If the parole violation charges are sustained at this hearing (and 80-85 percent of the time they are), the parolee is then transported by bus to a reception center, where staff begin the process of assessing the offender (for physical, mental, gang-related, and other sensitive needs) and recommending that the inmate be “endorsed” to serve time in a specific prison. At some point during the routine processing of parole violators, many prisoners will be released, having served the required sentence before the reception process is complete. They will parole right out of the reception center, and the State will again pay for their transportation back to their county of commitment. This system of “catch and release” makes little sense from the standpoints of deterrence, incapacitation, treatment, or economic sensibility. Parolees quickly learn that being revoked from parole doesn't carry serious consequences, and the State will have paid thousands of dollars to classify, assess, test, and endorse inmates to prison who will not be there long enough to serve a prison term.

Rapid “churning” into and out of prison also wastes the resources of the police, the parole board, and parole officers, who have to reprocess the same individuals over and over again. Churning disrupts continuity of treatment, making it difficult or pointless for inmates, who know they will be back on the street in a few months, to begin participating

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<sup>26</sup> California Expert Panel, note 15.

<sup>27</sup> Governor Schwarzenegger's Rehabilitation Strike Team Report, note 16.

in sorely needed educational, vocational, or substance-abuse programs. It also disrupts community-based treatment since parolees who are enrolled in community treatment programs are constantly having that treatment disrupted for what, in the treatment providers' views, are predictable and minor rule violations (e.g., testing positive for drug use). Churning also encourages the spread of prison gang culture into the communities where inmates are discharged, while undercutting the deterrent effect of serving prison time.

The fiscal consequences of handling parole violators this way are also staggering. Processing the prison admissions of parole violators takes as much time and money as processing admissions of new convictions—recently estimated to be \$900 million per year in California<sup>28</sup>—for offenders who mostly will be in prison only for a few months. And of course, given California's overcrowding crisis, there is the high opportunity cost of occupying a limited number of prison beds that, in some cases, could be used for offenders who pose a greater risk to the public safety.

In sum, California's "catch and release" system of handling parole violators makes little sense from a deterrence, incapacitation, rehabilitation, or economic standpoint. And because the parole system contributes so heavily to prison crowding, improved parole practices could have an immediate and lasting impact on the need for more prison beds. Unfortunately, scientific knowledge about California's parole system is so scant that, despite the fact more than a dozen reports have urged an overhaul in California's parole revocation procedures, exactly *what* needs to be done is not clear.

In September 2005, the National Institute of Justice (NIJ) funded the authors to undertake a three-year comprehensive study of the causes and consequences of parole violations and revocations in California. The research project was supported fully by CDCR, the umbrella agency that oversees all of California state corrections. Their cooperation was essential to access and understand the extensive data that our project required.

## **RESEARCH QUESTIONS & DATA**

To better understand the complexities of the parole violation process and the characteristics of parolees who are returned to prison, we need to unpack the "black box" of the parole violation and revocation process. We need to study not only parolees' characteristics but also the characteristics of the supervising agency, parole agents, and the communities to which parolees return. We need to identify the key decision points that ultimately lead to parole revocation and prison returns, and also how characteristics of the parole agent, caseload type, and variations in community characteristics impact the processes of violation and revocation.

We must also analyze data that allows us to better understand the critical role of the Board of Parole Hearings (BPH), which has the ultimate responsibility for deciding which parole violators are returned to prison and which are allowed to remain in the

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<sup>28</sup> Little Hoover Commission. (2007). *Solving California's Corrections Crisis: Time is Running Out*. Sacramento: CA, and Little Hoover Commission (2003), *Back to the Community: Safe & Sound Parole Policies*, Sacramento: CA, both reports available at <http://www.lhc.ca.gov/lhcdir/crime.html>.

community. In the mid-1990s, California adopted a “zero tolerance” policy for “serious” and “violent” parolees (as defined in the Penal Code), such that parole agents are required to report *every* offender originally convicted of these crimes who violates *any* condition of parole to the BPH for disposition. The BPH is a politically appointed body and has a history, especially in recent years, of returning to prison most parolees coming before it. The BPH may be the most important gatekeeper of using prison for the sanctioning of parole violations, and yet their role and impact has gone virtually unnoticed and unstudied.

We designed this project to be the largest, most comprehensive, and most scientifically rigorous study of parole violations and revocations ever undertaken. With the full cooperation of CDCR, we assembled an extraordinarily large and complex database that tracks *every* adult on parole in California at any point during the calendar years 2003 and 2004. The resulting study sample consisted of 254,468 unique individuals. These parolees were responsible for 151,750 parole violations that made it to the court or board hearing level (thousands more were terminated at the parole unit level) over the two study years. These parole violation and revocation incidents were the central focus of our study. In addition to recording the details of each parolees’ behavior on a weekly basis during the two year study period, we also merged data about each parolee reflecting their personal characteristics and criminal history, the nature and type of supervision to which they were subjected, the characteristics of agents who supervised them, and the communities to which they returned.

The combined database allowed us to answer these and other critical questions:

- *What are the personal and criminal history characteristics of California parolees? How are they supervised? What types of communities do they come from and return to?*
- *How many parolees violate parole, and how do individual background, current supervision, and community environment affect the likelihood an individual will violate parole?*
- *What factors affect the occurrence and timing of parole violations? Do different factors predict different types of violations (i.e., criminal, technical, absconding)?*
- *Do different factors predict more and less serious criminal violations?*
- *What factors shape decisions to prosecute criminal violations in criminal courts, as opposed to referring them to the parole board (BPH)?*
- *What factors are related to the likelihood an offender will be returned to prison, holding constant the severity of their current violations and their criminal history?*
- *Do community characteristics and parole region influence the decision to return an individual to prison?*



These and other questions are answered in this report. Our hope is that this empirical data will permit California policymakers to devise more sound parole supervision and revocation policies, which better balance public safety and public resources. Importantly, such research should help advise policymakers on the “seriousness” of parole violators being returned to California prisons, which in turn can greatly influence the prison capacity discussion.

### **ORGANIZATION OF THIS REPORT**

This report is organized in the following manner. Chapter II describes the study’s conceptual framework and the details of our data collection. Chapter III briefly describes the major aspects of California’s sentencing and parole system that we believe impact parole revocations and prison returns. Chapter IV begins the presentation of our study’s findings, describing the demographic and crime profiles of our sample, as well as the parole supervision regimes to which they are subject and the characteristics of the communities to which they return. Chapters V and VI present the study’s major multivariate analyses and findings. Chapter V answers the question, “what predicts parole violations?” and Chapter VI answers the question, “what predicts parole revocations and return to prison?” Finally, Chapter VII presents a summary of our major findings, along with relevant policy implications.

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## CHAPTER II. CONCEPTUAL FRAMEWORK AND DATA COLLECTION

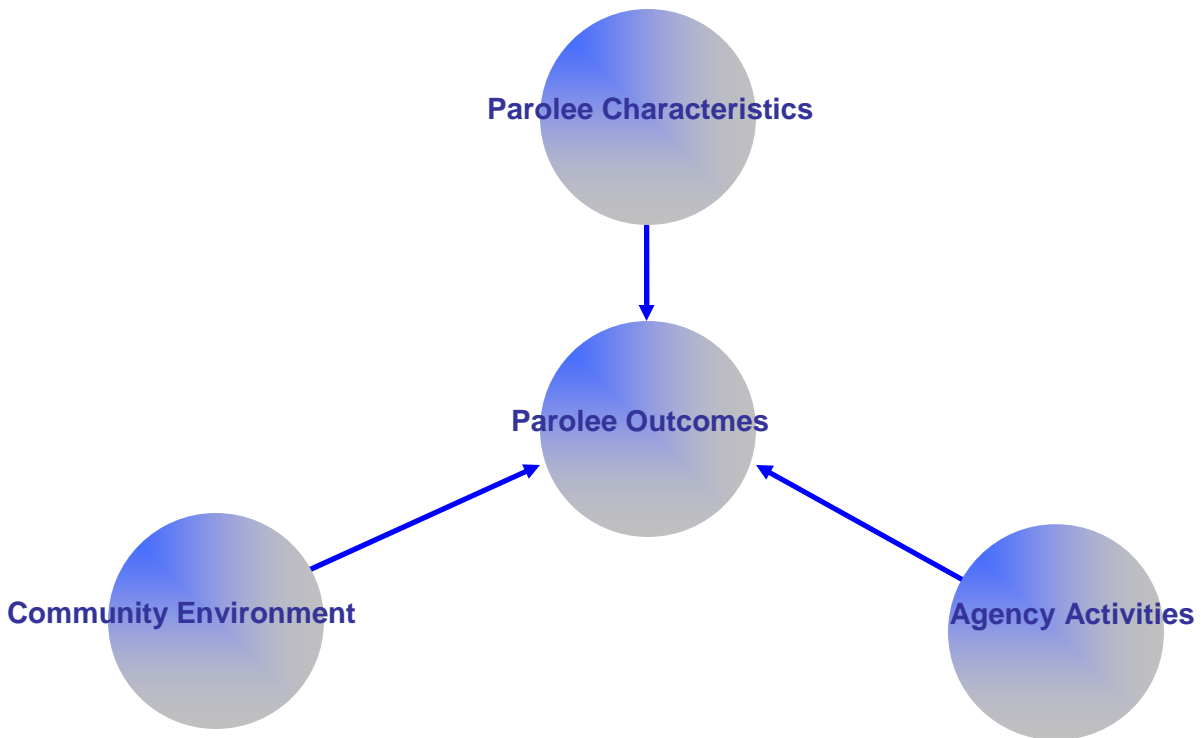
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Our study's core question is "what parolee characteristics, parole agency activities, and community conditions affect parolee recidivism?" Of course we recognize that not all violation behavior comes to the attention of parole agents or law enforcement and hence is not recorded in any fashion. The actual rates of technical violations and new criminal behavior are unknown and have only been estimated using self-reports. Our current study design does not incorporate parolee self-reports although future phases of this project could do so.

The aspect of our project that is perhaps most unique is that we view the parole violation process as reflecting not only the parolee's behavior, but the system's responses and communities' influences on that behavior. Our overarching question thus necessitates a set of separate investigations into parole violations, which are largely (but not entirely) behavioral events, and revocations, which reflect system responses to that behavior.

Figure 2.1 illustrates our notions of how three clusters of factors, reflecting characteristics of the parolee, the agency and the community interact to produce variations in parole outcomes.

At a general level, parolees face three major kinds of recorded recidivism events while on parole. First, they can *violate* the terms of their parole agreement. Some stipulations are standardized such that all parolees must abide by them. For example, a parolee must report changes in their residence, they must get approval from their parole agent to travel, they may not have any access to weapons, and, of course, they must not commit a new crime. In addition, a parolee typically has a set of special conditions that relate to the crime for which they were convicted. These conditions are designed by their parole agent and represent the individualized portion of their parole agreement. Violation of any of these conditions may result in revocation, but not always. Parole agents and supervisors have considerable discretion in determining how to handle less serious violations and may not refer an individual case to the parole board if the violations are not sufficiently numerous or serious.



**Figure 2.1: Trinity of Factors that Influence Parole Outcomes**

A second type of recidivism event is an *arrest for a new crime*—itself a form of parole violation, as mentioned above. In this circumstance, parole is not necessarily revoked automatically, as one might assume. When a parolee is arrested, the county criminal court will first evaluate the case. If the prosecutor successfully convicts the parolee for the new crime or crimes, the parolee is given a new prison term of any length appropriate to the crime(s) and the parolee’s parole term is “reset.”<sup>29</sup> If the prosecutor declines to prosecute, or cannot obtain a conviction, the case is typically taken up by the parole board. Here, the process is the same as for other violations, although sometimes the parolee will be returned to prison even though the new charges are dismissed. Sometimes a parolee who has committed a new crime will be allowed to continue on parole while undergoing criminal proceedings for new crimes; in such cases, the parolee is typically held in custody, making return to prison less necessary to protect public safety.

The third major recidivism event is parole *revocation*, which is the process of sanctioning the criminal and noncriminal parole violations described above, typically through a brief return to prison. If a parole agent and his or her supervisor feel the violation is serious and that the parolee poses a threat to public safety, they can recommend to the state parole board (BPH) that the parolee be returned to prison. The BPH, which in California is represented in revocation hearings by a single commissioner, typically follows the recommendation of the parole unit, and then a commissioner uses his or her discretion to

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<sup>29</sup> That is, when the parolee is released from prison after serving a new term, the parole time clock will start over again. The parolee will get no credit for previous periods of parole.

set the length of time for the parolee's return to prison. At the parole revocation hearing, the BPH commissioner may impose a maximum sentence of 12 months in prison.

Violation, arrest, and revocation represent key turning points in an individual's career on parole and yet little is known about the factors that affect each kind of event and how the events might be interconnected. Policy makers want to know what types of offenders are most likely to violate their parole agreements, get arrested, and have their parole revoked. They also want to know which types of offenders are more likely to survive six months or a year on parole without a violation—those who are thus less in need of costly supervision. Such information would be useful for parole agents who currently design supervision programs based on such things as past experiences, established unit practices, unscientific folk wisdom about types of offenders, and even biases regarding certain types of offenders. This problem leads to idiosyncratic applications of parole supervision and sanctions. Without data on aggregate patterns of parolee behavior, decision-makers may apply more supervision than necessary to many cases, thereby misallocating resources that that might be better deployed on truly high risk parolees.

Moreover, policymakers also want to know what criminal history and personal background factors affect the risk of violations, especially the most serious criminal offenses. Such knowledge will assist parole agents in better targeting supervision to the most risk-prone parolees. Finally, policymakers want to know if the discretion used by parole officials in the system is being used appropriately (i.e., in accordance with state laws and regulations, professional norms, or unit-level protocols). Are there instances where parolees who do not pose a threat to public safety and have not committed a new criminal offense (i.e., parolees whose violations are primarily "technical" violations of the terms of their parole agreement) are treated too harshly? Related, does the system produce a reasonable degree of standardization, such that similarly situated cases receive similar treatment? If variability exists in the treatment of similarly situated cases, which set of factors contributes the greatest amount to that variability?

These policy-relevant questions are central to the analyses presented in this report, and guide our interpretations of the findings.

## **DATA COLLECTION**

Our research required us to assemble an extensive database that included information about California parolees and their behavior while on parole, details about the agency and its agents, as well the communities to which parolees are released. We also required a study population that was large enough for us to examine variation across people, locations, and organizational units, and a long enough follow-up period in the community so that violations would have proceeded through the decision-making process with the final outcome (to prison or not) recorded. No single database contained all of the information our study required, and we knew that assembling the data would be difficult and time consuming. Indeed, assessing, merging, and cleaning the requisite data consumed a full year and a half of effort. We believe it is the most comprehensive data set ever assembled on parole outcomes.

We received full cooperation from the California Department of Corrections and Rehabilitation (CDCR), the Division of Adult Parole Operations (DAPO), and the Board of Parole Hearings (BPH). Each of these divisions possesses data relevant to the project's goals. This project was also helped tremendously by the fact that the two principle investigators were working closely with CDCR during the project's duration.<sup>30</sup>

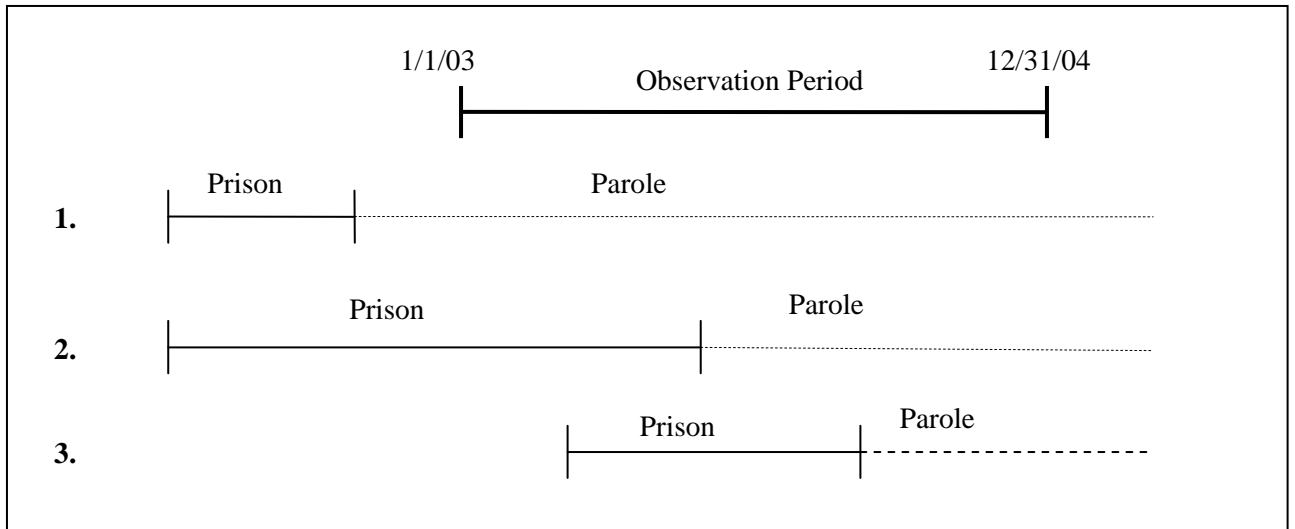
We made the decision early in the project to collect data on *every* adult on parole in California at any point during the calendar years 2003 and 2004. The resulting study sample consisted of 254,468 unique individuals (i.e., no individual was double counted). These individuals were responsible for 296,958 parole violation cases. 151,750 violation cases were heard by a criminal court or the Board of Parole Hearings (BPH) over the two years (thousands more were terminated at the parole unit level). These parole violation and revocation incidents were the central focus of our study.

Figure 2.2 illustrates the three ways that parolees were selected for inclusion in the study.

1. **Already on parole at the start of the study:** First, a parolee could have been released from prison before January 1, 2003, and been on parole at the start of the study period.
2. **In prison at the start of the study, but released during the study.** Second, a parolee could have been incarcerated at the start of the study period and released onto parole during the study period.
3. **Free at the start of the study, but committed to prison and released during the study period.** Finally, a person could have started a prison term during the study period and been released onto parole before the end of the period.

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<sup>30</sup> Dr. Grattet took a leave from his faculty position at the University of California, Davis, and served as acting Assistant Secretary for Research in the California Department of Corrections and Rehabilitation, where he established the Office of Research and provided a voice for research at the executive level policy and planning discussions. Dr. Petersilia is the founding director of UCI's Center for Evidence-Based Corrections, a research center devoted to assisting corrections officials analyze data for policy purposes. She also co-chaired CDCR's Expert Panel on Rehabilitation, and chaired the Governor's Strike Team on Rehabilitation. In each of these capacities, she was focused on prison and parole operations in California.



**Figure 2.2: Study Subject Selection Criteria**

For each parolee who “entered” our study sample in one of the three ways described in above, we assembled a personal and parole supervision profile for them, which consisted of all of the data elements illustrated in Table 2.1 below. Broadly, this profile was comprised of information describing their demographic details and legal histories, recorded recidivism events that occurred during the study period, details about the intensity of parole supervision, information about supervising parole agents, and characteristics of the communities that parolees lived in. Information about each parolee was extracted from several CDCR data systems and connected to other pieces of data using appropriate administrative and geographic identifiers. The central databases used in the study were:

- **Offender Based Information System (OBIS):** OBIS contains information on all offenders in California correctional institutions. The database includes background information on all active parolees during 2003 and 2004. OBIS contains parolee identification codes (called CDC numbers), which allowed us to link individual parolees to other data sources. OBIS is the principal source of demographic, criminal and institutional history data.
- **Revocation Scheduling and Tracking System (RSTS):** Using parolees’ CDC numbers, RSTS tracks the dates and details of parole violations that result from arrests or are referred from parole units, including specific charges and outcomes.
- **Statewide Parolee Database (SPDB):** SPDB was used to identify the parole violations that did not produce RSTS revocation cases. SPDB identifies the parolee’s address, and the parole unit and parole agent to which a parolee is assigned. SPDB also provides information on weekly parole caseloads across agents and units.

The data sources described above provided information for the outcome variables of our study—specifically, the timing of violations, arrests, and revocation decisions—as well

as information about parolees' personal characteristics and criminal histories. These data were combined with other CDCR sources to construct measures of parole agent, unit, and community characteristics. Organizational measures were drawn from the following sources:<sup>31</sup>

- **Parole Agent Database (PACD):** We used data from the California State Personnel Board to compile the background characteristics of all state parole agents (gender, age, race, tenure at job, history of working in a correctional institution).
- **CDCR Annual Population Reports:** Prison reception center occupancy, a measure of organizational pressure on decision-making, was compiled monthly and these data were drawn from CDCR's publicly available annual population reports (e.g., CDCR 2004).<sup>32</sup>
- **California Corrections Standards Authority Jail Profile Surveys:** County jail occupancy, another measure of organizational pressure, was measured quarterly. The data were obtained from California's Corrections Standards Authority (e.g., California Board of Corrections 2004).<sup>33</sup>
- **Judicial Council of California Court Statistics Reports:** Felony caseload data was used to gauge the impact of organizational constraints on local criminal justice agencies.<sup>34</sup> This data was put together with staffing data on the number of prosecutors was provided by the California Attorney Generals Office to construct workload ratios for county prosecutors offices.<sup>35</sup>

Finally, we used parolee address records to link individuals to data about their communities. Measures of community conditions were drawn from the following sources.

- **The 2000 United States Census:** We geocoded (mapped) parolee addresses to U.S. census tracts to compile measures of community conditions, downloaded from the Census website.<sup>36</sup> These measures included indicators of socioeconomic disadvantage such as poverty, unemployment, public assistance and the prevalence of single-parent households. They also included measures of "racial threat"—specifically the proportion of black residents and the black unemployment rate in any given tract.

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<sup>31</sup>There were several other sets of organizational- and community-level data which we ultimately decided not to use for empirical and/or theoretical reasons.

<sup>32</sup>[http://www.cdcr.ca.gov/Reports\\_Research/Offender\\_Information\\_Services\\_Branch/Annual/CalPris/CALPRISd2004.pdf](http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Annual/CalPris/CALPRISd2004.pdf)

<sup>33</sup> [http://www.cdcr.ca.gov/Divisions\\_Boards/CSA/FSO/Docs/2004\\_JPS\\_Annual\\_Report.pdf](http://www.cdcr.ca.gov/Divisions_Boards/CSA/FSO/Docs/2004_JPS_Annual_Report.pdf)

<sup>34</sup> <http://www.courtinfo.ca.gov/reference/documents/csr2004.pdf>

<sup>35</sup> <http://ag.ca.gov/cjsc/statisticsdatatabs/PersoCo.php>

<sup>36</sup> <http://www.census.gov/>

- **The United States Substance Abuse and Mental Health Services Administration (SAMHSA):** As a measure of service availability in parolees' reentry environments, we drew data from SAMHSA listing the addresses of all substance abuse and mental health treatment providers in California that accept clients from criminal justice agencies.<sup>37</sup> We geocoded their addresses and then created a measure indicating, for every census tract in the state, the number of providers within 50 miles of the center of the tract. We chose the 50 mile standard because that is typically the distance that parolees are allowed to travel from their homes without special permission from their parole agents.
- **California Secretary of State:** To generate a county-level measure of the "punitiveness" of different communities, we collected information on the results of ballot proposition voting and party registration from the Secretary of State.<sup>38</sup> We selected propositions that pertained directly to state correctional practices and created a combined "factor" measure based on three relevant indicators. The first was based on county-level voting on Proposition 36 (2000 election), which allows first- and second-time nonviolent, simple drug possession offenders the opportunity to receive substance abuse treatment instead of incarceration. The second was based on voting outcomes about Proposition 66 (2004 election), which proposed to limit the application of California's "three strikes" law. Finally, we included a measure indicating the proportion of registered Republicans in each county.
- **Religious Congregations and Membership Study, 2000.** We compiled data on the number of church adherents by county to see whether communities with greater faith-based communities were more or less supportive of reentry, including both violations and revocations.

Table 2.1 displays and organizes the various measures we have compiled.

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<sup>37</sup> <http://findtreatment.samhsa.gov/ufds/locstates>

<sup>38</sup> [http://www.sos.ca.gov/elections/elections\\_elections.htm](http://www.sos.ca.gov/elections/elections_elections.htm)



**Table 2.1: Measured Study Factors Related to Parole Outcomes**

<b>INDIVIDUAL Parolee Characteristics</b>	<b>ADMINISTRATIVE Parole Supervision</b>	<b>COMMUNITY Community Conditions</b>
Age, race, gender	Supervision level	Socioeconomic disadvantage
Most recent commitment offense	Absconding reports	Racial/ethnic composition
Age at 1st commitment	Parole agent characteristics	Minority unemployment rate
Number of prior incarcerations	Agent prior work experience	Residential turnover
History of "serious" and "violent" offending	Agent workload	Public assistance support
Sex offender registrant	<b>Criminal Justice System Characteristics</b>	Church attendance
Second striker	District attorney caseloads	Treatment service availability
Documented mental health conditions	Jail overcrowding	Community punitive attitudes
	Prison overcrowding	
	Parole policy changes	

With the databases assembled and merged, we were then able to conduct our violations and revocations analyses. The specific methodologies will be described in greater detail in the chapters devoted to these analyses, but we will outline them briefly here. In terms of parole violations, we structured the data for survival analysis, which required that the data be assembled such that each individual parolee was observed on a weekly basis throughout 2003 and 2004. This data format allowed us to run multivariate survival models predicting the likelihood and timing of different types of violation behavior. Thus, we were able to assess the relative impact of individual-, institutional- and community-level measures on the outcomes of interest.

For our analyses of parole revocations, we created a dataset documenting every parole violation case heard by the parole board or that resulted in a return to prison from a criminal court. These data were used to estimate logistic regression models predicting revocation outcomes of interest—namely, whether criminal violation cases were successfully prosecuted in court as opposed to being referred to the parole board, and whether cases heard by the board were returned to custody or continued on parole.

## **FOCUS GROUPS, INTERVIEWS, OBSERVATIONS AND REVIEWS OF CDCR POLICY MEMORANDA**

In addition to the administrative and community data described above, we also collected extensive information from field observations, interviews with parole agents and managers, and reviews of agency policy memos and directives. Since Dr. Grattet and Dr. Petersilia were both working closely with the CDCR and DAPO on various parole initiatives during this study, they had ample opportunity to observe staff training, participate in retreats and meetings, and conduct interviews with parolees and staff. Dr. Petersilia chaired the parole working group on the Governor's Rehabilitation Strike Team, and in conjunction with that effort conducted nearly a dozen interviews and focus groups focusing on parole violation policy. Dr. Grattet observed parole revocation hearings, interviewed parole agents and supervisors, parole regional administrators, deputy commissioners, parole and parole board automation staff, and parole and parole board executives. He and Dr. Jeffrey Lin also participated in the executive group formed in 2007 to develop a parole violation matrix. A graduate student research assistant also conducted personal interviews and field observations with more than thirty parole agents throughout California during the summer of 2006. In addition, project staff collected all major CDCR policy memorandums pertaining to parole revocation policy written between 2003 and 2007. These qualitative data helped guide the study design and our interpretation of the findings.

Having sketched the framework of our analysis and sources of data we rely upon, in the next chapter we describe the broader context of parole in California, emphasizing some of the unique features of the system and providing the necessary background for understanding the empirical analyses that follow in Chapters IV, V, and VI.

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## CHAPTER III: UNDERSTANDING CALIFORNIA'S UNIQUE PAROLE ENVIRONMENT: RELEASE, SUPERVISION, AND SANCTIONING

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California's prison and parole system is unlike any other in the U.S. and many of its unique aspects are not well understood by policymakers, researchers, and the public. Since our study's main objective is to explain variations in parole violation and revocation practices, we must first understand how California's broader sentencing and parole laws constrain and influence parole decision-making. This is not the place to conduct a complete review of these issues, but this chapter briefly describes those aspects of California's sentencing system and parole supervision regulations that may influence parole recidivism rates.

### CALIFORNIA'S DETERMINATE SENTENCING LAW AND PAROLE REQUIREMENTS

One main driver of parole revocations is the state's determinate sentencing law, which dictates who will be released to parole and hence, who is subject to parole supervision and potential revocation. This fact alone has significant implications for the state's parole system. In a determinate sentencing system, prison time served by offenders is primarily determined by the length of sentence imposed by the judge, rather than by the discretionary release decisions of a parole board. California adopted its Determinate Sentencing Law in 1976. Prior to that, California was an indeterminate sentencing state, where offenders who were sentenced to state prison would not be released to parole until they had completed a minimum term determined by the sentencing judge, and parole authorities had determined that they were suitable for release.

Under California's current sentencing system, only inmates convicted of very heinous crimes (such a murder, or kidnap for ransom), and those convicted of a third strike, are still given an indeterminate sentence and appear before the BPH to seek parole. Because of their long and indeterminate sentences, these types of offenders comprise a much smaller fraction of the parole population than others.

As of June 2007, 12.5 percent of all the adult prisoners were serving life with the possibility of parole, 4.7 percent were third strike inmates, and 0.4 percent were serving death sentences. Therefore, just 17.6 percent of the state's prison population is serving an indeterminate sentence.<sup>39</sup> The remainder—82.6 percent of California's inmates—are serving determinate sentences. Once an offender has served his or her sentence, they *must* be released from prison to a set period of parole, and no review is conducted in advance of release to determine in advance if the inmate is suitable for placement in the community. The only way for prisoners to get out of prison is to serve the statutorily mandated percentage of the sentence a judge gave them, with some reductions allowed for good time credits. Under state law, inmates can receive 50 percent off their sentences

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<sup>39</sup> CDCR: "Prison Census Data as of June 30, 2007"  
[http://www.cdcr.ca.gov/Reports\\_Research/Offender\\_Information\\_Services\\_Branch/Annual/Census/CENSUSd0706.pdf](http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Annual/Census/CENSUSd0706.pdf)

if they were convicted of nonviolent offenses and if they behave well in prison, and 15 percent off their sentence if they were originally convicted of a violent offense.

Once released from prison, virtually all offenders are required to serve a period of parole supervision, overseen by CDCR. Technically, state law permits the parole board to discharge an eligible offender from state prison and avoid parole altogether for “good cause,” but this occurs in only a handful of cases each year. In 2006, only 1,994 of 129,811 felons (1.5 percent) released from state prison were not released to parole supervision.<sup>40</sup> By law, a parolee must generally be released to the county that was the offender’s last legal residence before commitment to prison.

Because California releases nearly all prisoners subject to its determinate sentencing law, with no opportunity to retain even the most likely recidivists, and then places all of them on parole supervision, the state’s parole agents end up supervising some individuals who pose a far more serious threat to society than the typical parolee in a state with discretionary release. In states that use discretionary release, these high-risk prisoners can be denied parole and kept in prison. California parole officers often point out that their high revocation rates are caused by the behavior of parolees who were almost certain to reoffend and should not have been released from prison in the first place. On the other hand, since California law allows minor technical parole violators to be returned to prison (whereas some states do not), and these prisoners are also eventually released to parole supervision, California parole caseloads also include many “less serious” offenders as well. This point is critical to understanding parole violations in California: California parole caseloads likely contain offenders at both extremes of the seriousness continuum—offenders who probably would not be on parole in other states, either because they are too serious to have been released from prison in the first place by parole boards operating in indeterminate states, or because they are such low-risk offenders that they wouldn’t have been assigned to post-prison parole supervision at release. *The upshot is California parole caseloads probably contain some of the nation’s highest risk offenders as well as the some of the nation’s lowest risk offenders.*

California’s Determinate Sentencing Law (DSL) not only changed the way in which prisoners got automatically released and required all prisoners to serve a post-prison parole term, but it also simultaneously and significantly increased both the length of the initial parole supervision term imposed and the length of the prison term that could be subsequently imposed if the parolee violated parole conditions. As Table 3.1 shows, before the passage of the DSL, prisoners released to parole were subject to a one-year period of parole (the maximum was 18 months). But DSL *tripled* the length of time on parole for most prisoners. Prisoners whose offenses were committed on or after January 1, 1979 are subject to a three-year period of parole unless the parole hearing division sets a shorter period, which it rarely does. Most released prisoners can be discharged from

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<sup>40</sup> An indispensable guide to understanding the legalities of California’s parole system was prepared by attorney Rowan Klein, entitled “An Overview of Parole and the Board of Prison Terms in California,” and much of the information in this chapter draws from it. It can be found at [www.freebatteredwomen.org/pdfs/parole.pdf](http://www.freebatteredwomen.org/pdfs/parole.pdf). The best comprehensive description of the operations of the California prison and parole can be found in Fama, S. et.al. (2006) *The California State Prisoners Handbook*, Prison Law Office, Berkeley, CA.

parole after 13 months if they have committed no parole violations or new crimes while in the community.<sup>41</sup>

Equally important, DSL also doubled the length of prison time that can be imposed upon parole revocation from six months to one year. And under California law, when a person is returned to prison for a parole violation, the “clock stops” on the time owed for parole supervision. So, when a person leaves prison after serving time for a parole violation, he still faces the remaining supervision time he owed the State before he went back to prison for the violation. As such, parole supervision can stretch out for years for particular individuals. Offenders often call it “doing a life sentence on the installment plan” since they go in and out, never able to formally discharge from parole supervision. Typically, in order to discharge from parole, a parolee must have spent a minimum of 12 months in the community with no parole violations or new crimes. Even then, the parole agents and the parole board, both of whom have a say in the 13-month discharge decision, are more often than not reluctant to release parolees, even when a given parolee is eligible. Table 3.1 below describes the conditions of parole discharge and revocation in California.

**Table 3.1: Parole and Revocation Periods for Non-Life Sentences**

<b>Date of Commitment Offense</b>	<b>Type of Offense</b>	<b>Discharge Review</b>	<b>Max Period of Parole</b>	<b>Max Revocation Period</b>	<b>Max Period of Parole Jurisdiction</b>
Commitment offense on or before 12-31-78	Non-Life	None	1 year	6 months	18 months
Commitment offense on or after 1-1-79	Non-Life	During 13 <sup>th</sup> month of cont. parole	3 years	1 year	4 years
Commitment offense on or after 9-26-88	Violent Felony PC 667.5	Within 30 days of completion of 2 years cont. parole	3 or 5 years	1 year	4 years or Life based on commitment offense

*Source:* State of California, California Department of Corrections, Operation Manual, Section 81080.1.1. Updated in 2007.

The growth of California’s prison population, combined with the policy of placing *all* exiting prisoners on parole supervision for three years, simultaneously reducing the discretion of parole agents to handle minor violations for an increasing proportion of parolees, and increasing the prison time served for violations, provides the requisite conditions for the growing contribution of parole violators to the state prison population. No other state has created this hybrid system—shifting simultaneously to fixed-term

<sup>41</sup> Murderers who receive and serve a life sentence, and are subsequently released on parole, are subject to being on parole for the rest of their lives. Felons receiving a life sentence for an offense other than murder are subject to supervision in the community for five years. Certain types of sex offenders are subject to a five-year parole term as a result of an amendment to the California Penal Code enacted in 2000 (Fama, note 32).

prison release *and* universal parole supervision—and at the same time lengthening parole terms and prison terms upon revocation.

### ***Mandatory Referral Policy***

In addition to changes in sentencing policy and the structure of parole, in the last decade, the discretion held by California parole agents in the handling of violations has substantially eroded. Over the last several years, BPH began implementing new regulations (15 CCR 2616), referred to as the “Robin Reagan rules,” that significantly added to the list of parole violations DAPO is required to refer to the parole board, thereby exposing more parolees to BPH decisions to return them to prison. Whereas once parole agents and supervisors wielded discretion about how to handle many violations, now much of that authority has shifted to the BPH. In 1993, about 65 percent of parolees apprehended for alleged parole violations were return to custody by BPH and 35 percent were continued on parole. By 2007, however, about 90 percent of parolees were returned to custody and only 10 percent were continued on parole.<sup>42</sup>

The reason for the loss of agent discretion lies in the creation of a policy requiring mandatory referrals to the parole board for many types of parolees and violations. These include violations deemed “serious” or “violent” by state law (California Penal Code Sections 667.5 and 1192.7), as well as *any* violation, technical or criminal, by an offender who has previously been convicted of a “serious” or “violent” offense (Appendix A). 21.7 percent of parolees have at least one serious or violent offense in their criminal history. All of their violations would have to be considered for revocation by the parole board. In addition, any parole who commits the following violations are also subject to mandatory referral: possession, control or use of firearm, explosive and/or weapon (including knife with blade over 2”), involvement in schemes over \$1000, sale, transportation or distribution of narcotic/controlled substance, absconding for over 30 days, failure to register as a sexual offender (California Penal Code Section 290), and refusal to sign parole agreement, including conditions of parole (California Code of Regulations Title 15 2616). These regulations were adopted as a result of a heinous murder by a parolee and are known as the Robin Reagan rules. DAPO estimated that in 2005, 85 percent of parole violations, including technical violations, were subject to mandatory referral policies. This means that parole agents and their supervisors have very little discretion in the handling of these cases and these offenders. The BPH makes a decision about whether or not to return the parolee violator to prison and the vast majority of cases that go before the BPH result in a return to prison.

Whether these mandatory referral rules are appropriate or not is a political determination, but one thing is clear: parole agents, parole supervisors, and the DAPO division retain

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<sup>42</sup> LAO report, note 20.

discretionary decision-making power over a declining percentage of violations.<sup>43</sup> Like California's sentencing system, discretion in parole has shifted from corrections professionals to legislative and regulatory bodies that are politically elected or appointed. This change has occurred with virtually no discussion or public input, but the consequences are critically important. For one, it means that much is written erroneously about how changes in parole agent recruitment, training, or culture could reduce the number of parolee returns to prison. The parole agent recommends the disposition for the violation (e.g., to prison or not), but ultimately, the parole board has the sole authority to return a parolee to prison. These and other legal and procedural constraints are important to understanding the very complicated processes of prison release, parole supervision, and all too often, return to prison.

### **SUPERVISION OF PAROLEES**

A prisoner remains in the legal custody of CDCR while on parole. CDCR's Division of Adult Parole Operations (DAPO) governs parole *supervision* while the BPH's responsibilities include all parole violation hearings as well as the recommitment of parolees to prison. DAPO has an annual budget of about \$810 million (about one-tenth of CDCR's annual budget), which supports 2,300 parole agents in the field dispersed among 190 parole units, across four parole regions. DAPO also operates 19 reentry centers and two restitution facilities. Parole also operates parole outpatient clinics and has about 150 clinical social workers serving the mentally ill and sex offenders. According to CDCR, it currently spends \$4,300 per year to supervise a parolee, compared to the \$43,000 annual cost per prisoner.

The BPH, on the other hand, has an annual budget of \$109 million. The board has seventeen Commissioners who are political appointments made by the Governor and confirmed by the California State Senate. The Board is "the administrative board responsible for setting parole dates, establishing parole length and conditions, discharging sentences for certain prisoners and parolees; granting, rescinding, suspending, postponing, or revoking paroles; conducting disparate sentence reviews; advising on clemency matters; and handling miscellaneous other statutory duties" (15 CCR § 2000 a10). While Commissioners conduct revocation hearings themselves, the vast bulk of the roughly 45,000 revocation cases are delegated to Deputy Commissioners. Only the BPH can return a parolee to prison after holding a revocation hearing.

Prior to release, parolees are assigned a parole agent in the parolee's community. A prisoner released on parole is usually paroled to the county of his or her legal residence prior to incarceration. Generally, "high control" parolees—those deemed to require a high level of supervision—must report to a parole office within 24 hours of release from prison. All other parolees must make face-to-face contact with their parole agent by the

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<sup>43</sup> Mr. Tom Hoffman, current director of DAPO spoke out against the rules which send certain cases "straight to the Board," and in his opinion, resulted in rather minor parolees being returned to prison due to these mandatory rules. As a result of his views, his confirmation was opposed by two senators, who called his "philosophy is a threat to public safety." Senator Denham: "California should not be soft on crime. <http://republican.sen.ca.gov/news/12/pressrelease4695.asp> urged more discretion, and was republican senators were "outraged over his confirmation."

first working day following prison release, and the agent typically will have them sign off on the written description of their conditions of supervision. Certain conditions (called general conditions), such as not to violate the criminal law and to report to the local parole officer, are imposed on all parolees. Other conditions (called special conditions), such as requiring narcotics testing or prohibiting the use of alcohol, may also be imposed. The basic requirements of parole imposed on all California parolees are to report immediately to their assigned parole agent upon release from prison and as directed by the agent; to immediately report any address or employment change; to obey all parole agent instructions; to carry or have access to no weapons, including guns and knives with long blades; and to commit no new crimes.

The BPH can impose additional conditions on parole that it deems proper at the time of granting parole, and it can impose additional conditions in response to a parolee's violations. The most common special conditions are that a parolee abstains from use of drugs and/or alcoholic beverages, submits to narcotics testing, or participates in psychiatric treatments. But Penal Code Section 3053(a) requires that all conditions placed on parolees be "reasonable," which means that there has to be a relationship to the crime for which the offender was convicted, or that the condition be reasonably related to the prevention of future criminality.

Penal Code Section 290 requires some parolees to register as sex offenders and avoid certain housing locations (e.g., near an elementary school). Parolees are notified of these parole conditions before they are released, and they must sign a parole agreement indicating they are willing to comply with them prior to their date of release. The supervising parole agent may also impose additional special conditions of parole. For example, most parolees have drug-testing conditions that allow them to be randomly tested by parole agents. Parolees with histories of gang-related violence may also be required to refrain from associating with gang members.

DAPO has the responsibility for providing services and supervising all California parolees. State law does not specify exactly how CDCR's parole division is to supervise and provide services to most parolees. The final classification of parolees lies with the DAPO and parole supervisors in the field. To determine a parolee's supervision level, parole agents use a method of assessment that is quite crude in comparison to modern risk assessment techniques.<sup>44</sup> It begins with an examination of the parolee's commitment offense and includes a subjective assessment of the general features of the parolee's past offending history (Table 3.2).

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<sup>44</sup> In 2006, DAPO adopted an actuarial risk assessment instrument called COMPAS, a product of Northpoint, Inc. However, the division continues to use the older method for placing parolees into supervision categories.



**Table 3.2: Risk Assessment Methodology**

	<b>Pattern of criminal behavior</b>	<b>Prior patterns</b>	<b>Prior pattern of response to custody / supervision</b>
Score: 8-10	Long history of predatory/violent crimes	Frequent or severe incidents in 3 or more areas	Frequent or severe incidents (gangs, escape, etc.)
Score: 5-7.99	Long history of non-violent or brief history predatory/violent crimes	Frequent or severe incidents in 1 or 2 areas	Moderately frequent or severe incidents (minor parole violations)
Score: 0-4.99	Brief history of non-violent crimes	Moderate or occasional incidents	Minor or infrequent incidents (nuisance)

*Source:* CDCR Department Operations Manual C8:A49.

A “Base Risk Score” is computed by averaging the scores in the three columns above and a rating of commitment offense, also based upon a 0-10 scale. This score is then put together with a “Base Needs Score,” which averages six scales that are designed to measure various offender needs (housing, means of support, health, transportation, community survival skills, and patterns of social activity). The reliability and validity of these assessments has never been subjected to research. The Base Risk Score and Base Needs Score are then used to determine which of six supervision categories a parolee should be placed in.

***Characteristics of Parole Agents***

California parole agents are sworn officers and members of the powerful California Correctional Peace Officers Association (CCPOA). CCPOA currently has over 30,500 members, representing parole agents and the correctional officers who work inside the state’s 33 prisons.

As parole populations have increased so too has the number of parole agents. Increases in parole agent hiring in recent years has primarily drawn from the ranks of CDCR’s institutions and prisons system. California parole agents starting pay is \$60,396 per year and receive the same peace officer retirement packages as correctional officers. Parole agents in California are required to have either a bachelor’s degree or up to two years experience supervising inmates. When parole agent vacancies occur, priority and preference points are given to persons currently employed by CDCR. Parole agent positions are generally thought to be preferable to correctional officer positions in a prison because there is more autonomy and flexibility in work activities, and the community environment is not as oppressive as the prison. As a result, the majority of parole agents hired in California over the last two decades have come from the prisons. During 2003 and 2004, 80 percent of supervising parole agents had previously worked in CDCR prisons.

Some scholars, along with of the parole staff we have discussed the issue with, have speculated that this influx of prison personnel to parole has altered the culture of the parole division towards a more legalistic, punitive, surveillance orientation, and away from a service orientation.<sup>45</sup> Others have questioned whether the symbiotic relationship between prison and parole staff is healthy, arguing that prison guards and parole officers have a financial incentive to keep the number of inmates high—helping to preserve their jobs, ensure high salaries, and increase membership dues for the politically powerful CCPOA.

It is not clear whether recent changes in parole agent hiring practices have influenced the culture or violation practices of DAPO. One could argue that prison officers who apply to become parole agents do so because they wish to be more helpful than they can be within the prison setting. In fact, parole agents in our focus groups often revealed this motivation for joining DAPO.

In our analyses, we are able to test whether the parole agents' prior work experience—specifically whether they had worked previously in a prison or not—is related to their handling of parole violations. We are also able to examine whether parole agents' characteristics (e.g., race, gender, age), and prior work experience are related to parole outcomes.

### ***Caseload Size and Contact Standards***

Despite increased the hiring of parole agents, their ranks have not kept pace with the growth in parole populations. Caseloads used to be one agent for every 45 parolees in the 1970s, and are now funded by the California Legislature at 70:1 (70 parolees for every parole agent) for purposes of determining DAPO's budget, but actual "average" caseloads are often over 100:1. The American Probation and Parole Association recently endorsed 50:1 for adult caseloads. Caseloads, contact standards and working conditions for parole agents are delivered in accordance with a longstanding agreement with the CCPOA. Agents' caseloads are measured in "points"—which reflect the number of parolees under supervision, as well as the intensity of supervision delivered. (That is, parolees in higher supervision categories contribute more points than those in lower categories.) According to the current CCPOA agreement, agent points may not exceed 160 points, and any changes in workload must be negotiated with CCPOA's bargaining unit.

At release, parolees are assigned to one of five levels of supervision, with the assigned level determining the frequency and level of oversight provided by the parole agent. Agents have no discretion regarding is the placement of parolees on their caseload. The possible classifications are: high control, high service, control service, second striker,

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<sup>45</sup> See for example, Simon, J., (1993) *Poor Discipline: Parole and the Social Control of the Underclass*, University of Chicago Press, Chicago, Ill., and McCleary, R. (1979) *Dangerous Men: The Sociology of Parole*, Sage Publications, Thousand Oaks: CA, and the Institute of Governmental Studies (2008) California Correctional Peace Officers Association. Berkeley, California. Available at <http://igs.berkeley.edu/library/htCaliforniaPrisonUnion.htm>., accessed May 15, 2008.

high-risk sex offender, minimum service, and other. Table 3.3 describes what each designation means, relevant contact levels, and other conditions of supervision.

**Table 3.3: California Parole Population Caseloads and Supervision Requirements**

LEVEL OF SUPERVISION	SELECTED PAROLE CONTACT AND TESTING REQUIREMENTS
<p><b>High Control</b> Parolees who were convicted of violent felonies in Penal Code 667.5(c), must register as sex offenders, are validated gang members, or high-notoriety cases.</p>	<ul style="list-style-type: none"> <li>▪ 2 face-to-face contacts per month (one must be at residence)</li> <li>▪ First home visit within 6 days of release</li> <li>▪ 1 drug test per month, if required</li> <li>▪ 2 collaterals per quarter</li> </ul>
<p><b>High Service</b> Refers to parolees who have special service needs (severe addiction problems) or behavioral patterns (severe mental illness).</p>	<ul style="list-style-type: none"> <li>▪ 2 face-to-face contacts per month (one must be at residence)</li> <li>▪ 1 drug test per month, if required (Civil addicts may have weekly testing)</li> <li>▪ 2 collaterals per quarter</li> </ul>
<p><b>Control Service</b> Require active supervision. Refers to parolees who do not meet the criteria for High Control or High Services</p>	<ul style="list-style-type: none"> <li>▪ 1 face-to-face in residence every other month</li> <li>▪ 2 drug tests per quarter</li> <li>▪ 1 collateral every 90 days</li> <li>▪ Most CS cases drop to MS automatically at 180 days</li> </ul>
<p><b>High Risk Caseloads</b> <i>Second Striker</i> Parolees with at least two prior convictions for serious or violent offenses. Ideal ratio of 40:1</p>	<ul style="list-style-type: none"> <li>▪ 2 face-to-face per month; 4 per quarter in home</li> <li>▪ 1 drug tests per month</li> <li>▪ 2 collaterals per month</li> </ul>
<p><i>High Risk Sex Offender</i> Defined by the CA Dept of Justice, uses criteria set forth under PC 290(n)(1), PC 667.5 and 667.6. Ideal ratio of 40:1.</p>	<ul style="list-style-type: none"> <li>▪ 2 face-to-face per month; 4 per quarter in home</li> <li>▪ 1 drug test per month</li> <li>▪ 2 collaterals per month</li> <li>▪ Quarterly meeting with person who knows parolee well.</li> </ul>
<p><b>Minimum Service (MS)</b> This classification refers to parolees who are on monthly mail-in, and these are counted as ‘contacts.’ These individuals need to make only two to three face to face or collateral contacts with their parole officer each year</p>	<ul style="list-style-type: none"> <li>▪ 1 home visit within 30 days of being assigned to MS</li> <li>▪ 1 face-to-face or collateral every 4 months</li> <li>▪ 1 monthly report turned in by 5<sup>th</sup> of every month.</li> <li>▪ Face-to-face contact 30 days prior to discharge</li> <li>▪ Drug testing waived</li> </ul>

### *Parole Officials' Responsibilities and Powers*

Ensuring that parolees live up to their parole contracts is the principal responsibility of parole agents. California parole agents are equipped with the legal authority to carry and use firearms, to search places, persons, and property without the requirements imposed by the Fourth Amendment (in other words, the protection against unreasonable search and seizure), to order arrests without probable cause, and to confine without bail. Importantly, the standard CDCR “Notice and Conditions of Parole” provides that “you and your residence and any property under your control may be searched without a warrant by an agent of the Department of Corrections or any law enforcement officer.”

The constitutional right to be free from unreasonable searches and seizures is virtually non-existent while on parole. A parole officer may authorize a search without the parolee’s consent, without a search warrant, and without probable cause or even a reasonable suspicion that the parolee has violated parole. The power to search applies to the household where a parolee is living and business where a parolee is working. The ability to arrest and confine the parolee for violating the conditions of agreement makes the parole agent, in a sense, a walking court system.<sup>46</sup>

These broad search powers, combined with urinalysis testing as well as office and home visits, often reveal parolees being out of compliance with parole conditions—the result of which can be the revocation of parole. Parole can be revoked for cause, including but not limited to violating any general or special condition of parole, absconding from parole, psychiatric endangerment, failing to sign a parole agreement containing lawfully imposed conditions of parole, or committing a crime

Revocation of parole can result in the parolee receiving up to one year in prison and extending the parole period to 48 months, or 84 months in cases where the parolee is subject to five years on parole. Parolees are allowed to earn one-day credit for each day in prison on a parole revocation period, subject to certain restrictions. Parole revocation hearings determine whether a preponderance of evidence is present to show a good cause finding that the parolee has violated any law or condition of parole. Parolees may be returned to custody for up to 12 months with a good cause finding. Typically, the hearing is presided over by a deputy commissioner, and is considered administrative by nature. Present at the hearing are the agent of record, the parolee, a hearing agent, requested witnesses and an attorney for the parolee.

There is another agency that is often involved at this point: the county District Attorney’s office. The majority of parole violations in California involve the commitment of new crimes. Some parolees who commit new crimes are prosecuted for the criminal offense in the courts and sentenced to a new prison term—which can be of any length appropriate to the crime of conviction. When this happens the parolee’s parole is considered revoked by the county court and they are returned to custody with a new term. However, prosecutors often decide not to prosecute parolees for new offenses—either because a lack of evidence would make a court prosecution difficult, or because the prison sentence

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<sup>46</sup> This information is taken from Fama et al., note 32.

resulting from court prosecution would not be much longer than the penalty that could be imposed by the BPH for a parole violation. These cases are then referred to BPH for a revocation hearing.

A parolee's parole period terminates after the he or she has served the entire term of parole, or if the Agency discharges the parolee from parole early for good behavior. For nonviolent parolees (those whose crimes are not enumerated in Penal Code section 667.5c), parole automatically terminates at the end of any continuous 13 month period in which 1) parole has not been revoked or suspended for absconding; 2) the DAPO has not recommended retention on parole; and 3) DAPO or BPH has not acted on a recommendation to retain them within that period.<sup>47</sup> In most cases, parolees—even those with no violations—are *not* discharged early.

In sum, while California's incarceration rate and its ratio of parolees to the California population is not the highest in the U.S., its universal application of parole supervision, combined with its long initial parole supervision term and its mandatory parole revocation rules, provide the requisite conditions for the increasing contribution of parole violators to its prison system.

### **CRIMINAL JUSTICE SYSTEM CAPACITY**

Beyond California's state sentencing and parole policies, the characteristics and capacity of its local criminal justice system also impact revocations. Presumably, if county jails are overcrowded, or the resources of the District Attorney (who prosecutes parolees' new crimes) are strained, the pressure to return parolees to prison via the parole violations route, instead of seeking new criminal convictions, would be expected to increase.

California's jail system is dangerously overcrowded, and as such, counties may have a significant incentive to quickly transfer parolees to state prison to alleviate crowding in local custodial institutions (and save the associated costs). A recent study of California's jails found that its adult facilities are bursting at the seams.<sup>48</sup> In 20 of California's 58 counties, the local jail system is under a court-ordered population cap. An additional 12 counties have imposed population caps on themselves to avoid the costly litigation that could result from crowding. The study reported that, "In 2005, 233,388 individuals in California avoided incarceration or were released early from jail sentences due solely to lack of jail space."

The fact that many county jails are under court-ordered population caps, while the state prison system is not—and must accept all commitments—is critically important for understanding parole revocations. Crowded jails probably put pressure on local criminal justice systems to revoke parolees through the parole violation process rather than use the local criminal courts to prosecute new crimes, especially if the violations are less serious. If parole violators get processed through the state-BPH parole revocation route, they usually await the disposition of their case in a state-funded prison as opposed to a county-

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<sup>47</sup> See Klein, note 32.

<sup>48</sup> California State Sheriffs' Association (2006) *Do the Crime, Do the Time? Maybe Not, in California*, Sacramento: CA.

funded jail. Moreover, if the violation hearing results in a return to custody, they will serve their revocation term in state prison versus county jail. Alternatively, if the district attorney chooses to prosecute them for a new crime in criminal court, the parolee awaits their case disposition in county jail and if convicted, will often serve their time in a local jail. But due to jail crowding, these parole violators may be released early to comply with county court-ordered jail population caps.

Since the standard of proof for a new criminal conviction is higher than the standard of proof to sustain a parole violation, if the evidence is weak or witnesses do not cooperate, the district attorney may end up losing the case. And even if they win the case but the jail is overcrowded, the parolee may end up spending little time incarcerated. Given these factors, district attorneys often go for the “sure thing” of a BPH hearing—with the maximum term of 12 months and the lower standard of proof—and this dramatically impacts the prison return rate of parolees. As the California Coalition on Corrections recently concluded: “Problems at the local level directly cause overcrowding at the state level. The huge shortage of county jail beds has resulted in a massive shift of short-term offenders to prison.”<sup>49</sup> This problematic relationship has major implications for the processing of parole violators in California.

## **COMMUNITY CHARACTERISTICS AND REENTRY ENVIRONMENTS**

Researchers often examine “recidivism” outcomes as stemming from parolee attributes, such as personal characteristics and criminal record. In recent years, researchers have expanded modeling efforts to include static and dynamic risk factors, but still the models are limited and person-centric. We believe parole violations and revocations are a function of the offender, the system, and the community, as previously discussed. Certainly the underlying characteristics of the reentry environment (e.g., job availability, poverty, housing) as well as the political preferences of the local citizenry may be important contributors to how parolees are supervised and served, and how parole violations are handled.

California is the largest state in the nation. It currently has a population of over 37 million residents, continues to be fast-growing, and 12 percent of all U.S. citizens now live in California. It is the third largest state in terms of geographical area, and also represents the nation’s most diverse population in terms of ethnicity, political preferences, and economic status. In the middle of the state lies the California Central Valley, which is California’s agricultural heartland and grows approximately one-third of the nation’s food. Democratic strength is centered in coastal regions, especially the San Francisco Bay Area, Central Cost and Los Angeles County. Republican strength is greatest in the San Joaquin Valley, which includes the rapidly growing cities of Stockton, Modesto, Fresno, and Merced, Orange County, and certain sections of San Diego County.

California is often thought of as wealthy, but that too is highly variable across the state. Per capita personal income in California averaged \$38,956 in 2006, ranking 11th in the

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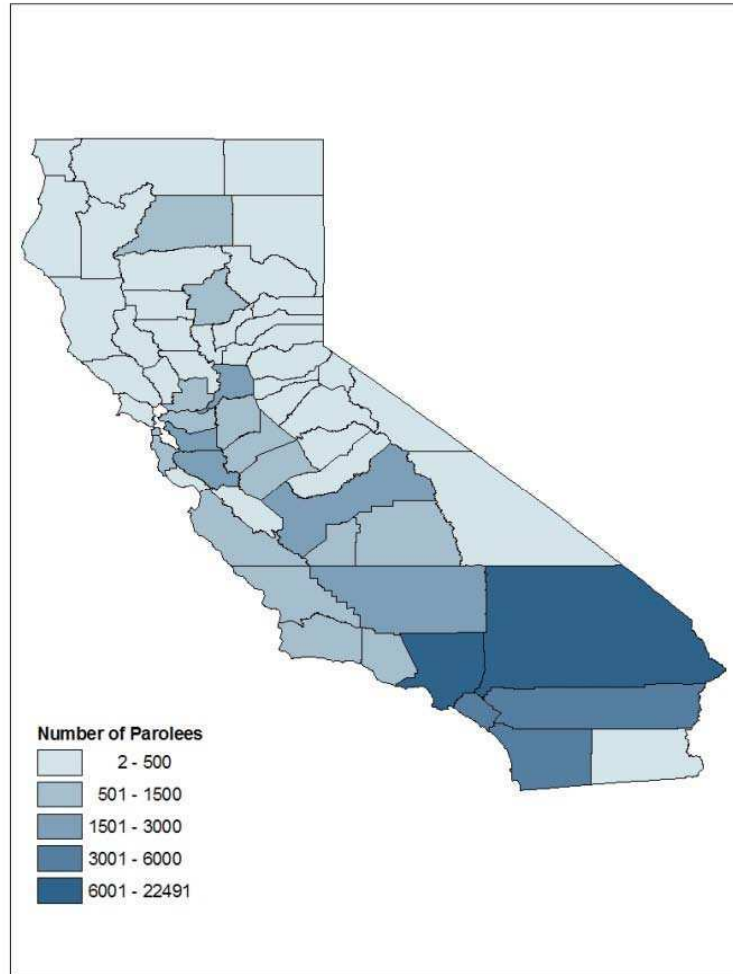
<sup>49</sup>The California Coalition on Corrections (2007), *Rebuilding Corrections*, Sacramento, CA. Available at [www.rebuildcorrections.lincal.com/REBUILDING%20CORRECTIONS%20June%2027%20%202007%20FINAL.pdf](http://www.rebuildcorrections.lincal.com/REBUILDING%20CORRECTIONS%20June%2027%20%202007%20FINAL.pdf)

nation, but this varies widely by geographic region and profession. The Central Valley is the most impoverished, with many migrant farm workers making less than minimum wage. Recently, the San Joaquin Valley was characterized as one of the most economically depressed regions in the U.S., on par with Appalachia. Yet many of California's coastal cities include some of the wealthiest per-capita areas in the U.S., as do some of the entertainment centers (e.g., Beverly Hills). California prisoners returning home face very different community contexts depending of which of the state's 58 counties, and which areas within those counties, they are released to.

Figure 3.1 provides a graphical representation of the number of prisoners released by the CDCR and the counties to which they returned. A significant proportion of California's prisoners are released in the state's southern counties. The four southern counties of Los Angeles, San Bernardino, San Diego, and Riverside accounted for over half of all parolees (53 percent) on July 1, 2006. The county of Los Angeles alone accounted for over 30 percent of these parolees.

Parolees are not distributed evenly across the state, but are instead highly concentrated in some neighborhoods. For example, in Los Angeles county, the 1 percent of census tracts with the most parolees in them contained 8.6 percent of all parolees on July 1, 2006. The top 5 percent of the census tracts contained 23.5 percent of the state's parolees. The top 10 percent of the census tracts contained 36.5 percent of parolees (California Expert Panel 2007).

Prisoners are also returning to neighborhoods that are poorer, have more unemployment, crime, single-parent families, and transient populations. These environments provide greater anonymity, fewer job and positive social opportunities, and tend to be places where there are already high concentrations of drug users and gang activity. Sociologists have conceptualized these kinds of communities as "socially disorganized" (Bursik and Grasmick 1993; Shaw and McKay 1942; Sampson and Wilson 1995) and proposed various ways of objectively measuring the phenomena (Sampson, Raudenbush, and Earls 1997; Kubrin and Weitzer 2003). Two key indices that sociologists use are "concentrated disadvantage"—which tracks the number of individuals below the poverty level, unemployment, the median income, the percent black, and the percent of single-headed households—and "residential instability," which includes the percent of renters in a neighborhood and the percent of residents who currently live in the neighborhood who lived somewhere else five years earlier. Parolees in California reside in neighborhoods that are significantly more socially disorganized on both measures.



**Figure 3.1: Number of Prisoner Releases by California County, 2006** (Source: CDCR).

In Los Angeles County alone, the census tracts with high numbers of parolees have poverty rates over double that of tracts with low numbers of parolees. These high-density parolee tracts also have double the proportion of single parent households, double the unemployment rate, 43 percent lower median income, and over double the violent crime rate of low-parolee tracts (Hipp and Yates 2007).

California is not unique in this aspect, as research has shown that most parolees return to a small number of census tracts within large urban areas (Clear 2007). There is also the sense that with new restrictions on where sex offenders can live (as a result of Jessica's Law), there are fewer and fewer places they can live, and so certain parolees are being concentrated in ever-shrinking geographic areas both in California and nationally.

In sum, California's diversity in economics, political preferences, and concentration of parolees is likely to significantly influence the handling of parole violations. Communities with greater financial resources are likely to have access to more rehabilitation and work programs, and those having more progressive political views may



have more tolerance for minor rule violations. Communities with both resources and liberal leanings might be willing or able to fund a greater array of intermediate sanctions to respond to violations. On the other hand, resource-poor communities suffering from high levels of poverty, homelessness, and unemployment may not be able to fund many alternatives to prison, and if scant resources exist in politically conservative communities, we may see a higher return-to-prison rate in those places. These and other interactions between parolee behaviors, community characteristics, reentry services, and returns to prison are explored in our multivariate statistical analyses.

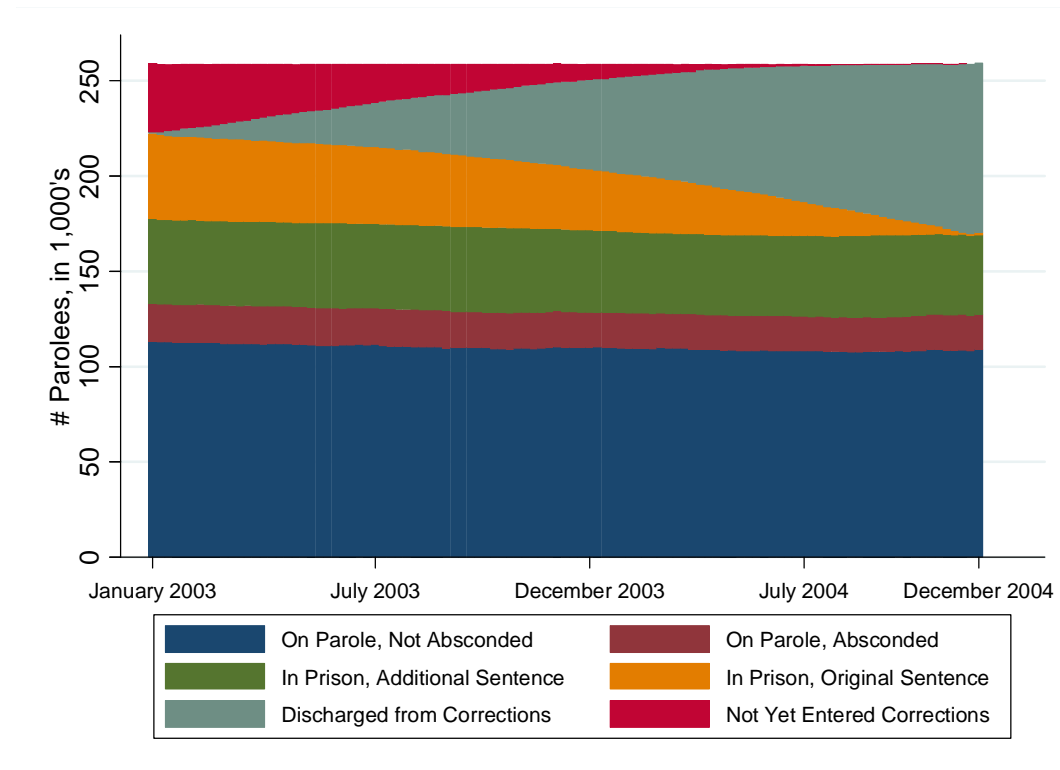
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## CHAPTER IV: CHARACTERISTICS OF CALIFORNIA'S ADULT PAROLEES AND THEIR SUPERVISION

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California's parole system is the largest in the nation—probably the world. On the last day of December in 2003, the parole population in California was 110,173. It has grown about six percent since then. However, point in time estimates such as these, which are frequently used to characterize the scale of the system, are misleading. Many more individuals go on and off parole in a given year. In other words, the parole system manages many more people than a static estimate reveals. In fact, during 2003 and 2004 there were 254,468 individuals that spent time on parole.

Figure 4.1 below illustrates the scale and fluidity of the parole population. At the beginning of 2003 many prisoners were completing their prison term and preparing for release to parole; others were on parole but nearing discharge; some were in-prison for a parole violation waiting to be released; others absconded for part of 2003 and 2004, but were on parole for some portion of the period; and finally some spent the entire period under supervision. All of these individuals placed demands on the parole system during 2003 and 2004. In this chapter, we describe the characteristics of this population.



**Figure 4.1: Parole Population Status during Study Period**

## DEMOGRAPHIC AND CRIMINAL-LEGAL PROFILES OF CALIFORNIA PAROLEES

The fact that California places everyone on parole means that the characteristics of its parole population are similar to its prison population. The only difference is that certain offenders (e.g., Third Strikers, Lifers) will be serving longer terms so that in any given year, fewer of them are released and placed on parole.

### *Gender, Age, Race*

California parolees are mostly male, minority, and between ages 30 and 44. About 90 percent of parolees were male, and about 70 percent were persons of color—mostly black (26 percent) and Hispanic (39 percent). Roughly 31 percent of parolees in 2003 and 2004 were white.<sup>50</sup> The average age at release (on the current term) was 35.5 years. 34 percent of parolees are aged 30 and under and 15 percent are over age 45 (See Table 4.1).

**Table 4.1: Demographic Characteristics of California Parolees, 2003 and 2004**

		Number	Percent
Gender	Male	227,665	89.5
	Female	26,800	10.5
Race	White	78,194	30.7
	Black	66,393	26.1
	Hispanic	99,082	38.9
	Asian/P.I.	2,441	1.0
	Other	8,355	3.3
Age group (at release)	Age 18-30	93,095	36.6
	Age 31-44	113,631	44.7
	Age 45+	41,354	16.3
	Don't know	6,388	2.5
	Average age	35.5	

### *Current Commitment Offense and Prior Criminal Record*

Table 4.2 presents the details of parolees' commitment offenses. The plurality of parolees in 2003 and 2004 (35 percent) were released after having served a prison sentence for drug charges. Almost 30 percent were property offenders, 20 percent were violent offenders, and about five percent were serving time for sex offenses.

Almost 11 percent of parolees were committed to prison on a *serious* offense, and another 11 percent committed offenses that were considered both *serious* and *violent*.

<sup>50</sup> The prison population also over-represents racial minorities relative to their proportion in the state's resident population. Racial and ethnic minorities are 53 percent of the California population but 72 percent of the prison population. In this regard, California mirrors the nation, which over-incarcerates minorities compared to their percentage in the general population (Petersilia 2006).

State law (California Penal Code Sections 667.5 and 1192.7) provides official definitions of these terms. *Violent* offenses include murder, robbery, and rape and other sex offenses. *Serious* offenses encompass the same offenses as the violent category, but also include other offenses such as burglary of a residence and assault with intent to commit robbery.

**Table 4.2: Current Commitment Offense Characteristics of California Parolees, 2003 and 2004**

		<b>Number</b>	<b>Percent</b>
Commitment offense	Violent	50,628	19.9
	Property	74,528	29.3
	Drugs	89,252	35.1
	Sex	12,035	4.7
	Other	27,042	10.6
	Don't know	983	0.4
Serious/violent commitment offense	Neither	198,934	78.2
	Serious	27,332	10.7
	Serious and violent	28,202	11.1
"Strike count"	2 <sup>nd</sup> striker	34,610	13.6
	3rd striker	25	0.0
Sex offender registration required	Yes	18,260	7.2

About 14 percent of parolees were on their “second strike”—stemming from California’s 1994 “three strikes and you’re out” statute (Chapter 12, Statutes of 1994, AB 971, Jones). Under this law, courts are required to impose a prison sentence of 25 years-to-life to offenders convicted of three felonies if the first two were serious and/or violent, as defined above. The third strike can be for any felony, so parolees on their second strike who commit another felony will face the extended prison sentence associated with a third strike. There are only 25 third strikers in our study population because the vast majority are serving long prison sentences and haven’t yet been released.

About 7 percent of parolees in our study sample were required by law to register as sex offenders. Under this law (California Penal Code Section 290), offenders convicted of specified sex offenses are required to register their address with the local police or sheriff’s department upon parole. Some areas restrict the places where registered sex offenders can live, and due to the passage of Proposition 83 in 2006, California is currently moving towards GPS-monitoring of all registered sex offenders.

Table 4.3 presents the offending histories of the study population. The average age of first commitment to California adult prison was 31. Including the current commitment, parolees averaged 1.5 lifetime prison sentences and 2.5 lifetime prison “spells.” (Sentences are commitments for new offenses, and can include multiple prison spells, which are comprised of all prison entries and exits, including those for parole violations).

Almost 12 percent of parolees had one or more serious prior offenses on record, and almost 10 percent had one or more violent priors on record.

**Table 4.3: Offending Histories of California Parolees, 2003-4**

		Number	Percent
Age at 1 <sup>st</sup> commitment to CA prison	Average	31.2	
Number of prior prison sentences (includes current term)	1	186,885	73.4
	2	39,455	15.5
	3	15,340	6.0
	4	7,035	2.8
	5 or more	5,753	2.3
	Average	1.5	
Number of prior prison Spells (includes current spell)	1	136,297	53.6
	2	37,320	14.7
	3	24,345	9.6
	4	16,965	6.7
	5 or more	39,541	15.5
	Average	2.5	
Number of serious prior prison commitments (Does not include current commitment offense)	0	225,052	88.4
	1	21,711	8.5
	2	4,704	1.8
	3	1,183	0.5
	4	455	0.2
	5 or more	436	0.2
Average	0.2		
Number of violent prior prison commitments (Does not include current commitment offense)	0	229,862	90.3
	1	17,709	7.0
	2	3,646	1.4
	3	1,136	0.4
	4	499	0.2
	5 or more	689	0.3
Average	0.1		
Churner status (6+ returns within 7 years)	Yes	19,161	7.5

As mentioned previously, policymakers and researchers are concerned about the number of offenders who repeatedly “churn” into and out of prison. Blumstein and Beck (2005) define churners as people who enter prison six or more times over a seven-year span. By definition, churners’ correctional histories are characterized by frequent short spells in prison interspersed with frequent short spells on parole. Churners are believed by parole officials to have high rates of drug and alcohol addiction, and to be especially difficult to

employ and house. While they do not occupy a large amount of prison bed-space on any given day, churners consume a greater-than-average share of correctional agency resources because of the processing costs associated with their frequent prison entries and exits, as well as their entries to and removals from parole caseloads. Based on Blumstein and Beck's definition, 7.5 percent of California parolees in this study can be characterized as churners—meaning that they experienced six or more returns to a California prison over a seven year period.

## **PAROLE CASELOAD AND PAROLE AGENT CHARACTERISTICS**

Table 4.4 presents characteristics of parole supervision and supervising agents during 2003-4. Twenty-four percent of parole supervision was over parolees in the “Minimum Service” category, with the requirement that these parolees see a parole agent only twice a year. This sort of parole oversight costs money to provide, and takes up parole agents' time, but cannot possibly be expected to provide a meaningful check on parolee criminality. Another 52 percent of supervision was over parolees in the “Control Service” classification; these parolees see a parole officer twice every three months. This level of supervision is perhaps not quite as remote as that provided in Minimum Service supervision, but is still unlikely to give a parolee a particularly strong sense that the state is paying attention to his or her actions.

“Minimum Supervision” and “Controlled Service”—in which relatively little supervision is allotted to parolees—accounted for 76 percent of the total supervision applied to parolees in 2003-4. Given that these offenders are initially placed in low-risk categories because they are not expected to be likely recidivists, one cannot help but wonder whether the effort expended to provide cursory oversight to so many former inmates is an effective use of resources.

Characteristics of parole agents vary in several measurable ways. During 2003-4, 35 percent of parole supervision was done by white parole agents, 32 percent by black agents, 25 percent by Hispanic agents, and the rest by Asian agents and those from other racial categories. In terms of agent age, 30 percent of supervision during 2003-4 was done by agents under 40 years of age, 61 percent by agents between the ages of 40 and 55, and 9 percent by agents over 56 years of age. In terms of gender, 71 percent of parole supervision was done by male agents.

The majority of parole supervision during the study period was performed by agents with less than ten years on the job; 48 percent of parole supervision was done by agents with three years or less of job tenure as parole agents; 32 percent by agents with three to ten years of job tenure; and 20 percent by agents with greater than ten years of job tenure. Agents who previously worked in CDCR correctional institutions were responsible for 83 percent of parole supervision during the study period.

**Table 4.4: Characteristics of Parole Supervision in California during 2003 and 2004**

	Percent
Supervision Type	
Min Supervision	24.1
Controlled Service	51.7
High Control	11.7
High Service	0.9
High Risk Caseload	11.7
Parole Region	
Region 1—Central Valley	21.1
Region 2—Central and North Coast	19.6
Region 3—Los Angeles County	32.2
Region 4—San Diego and Southeastern Counties	27.1
Parole Agent Points	
0-160	2.3
161-277 (Mean)	59.2
277+ (Above Mean)	38.5
Parole Agent Race/Ethnicity	
Black	31.5
Hispanic	26.1
Asian	5.6
White	34.6
Other Race	2.2
Parole Agent Age	
26-39	31.3
40-55	60.6
56-72	8.2
Parole Agent Tenure	
3 Years or Less	47.6
3-10 Years	32.9
10+ Years	19.5
Previous Prison Employment	82.6

This chapter has described the characteristics of California parolees and the nature of their supervision. The description illustrates and highlights a key point made in Chapter III. Parolees in California include both individuals with very serious and sometimes violent criminal offending histories and a much larger group of individuals who are prone toward less serious drug and property offending. The groups are also stratified by the degree to which offenders “churn,” committing new crimes and parole violations, and cycling in and out of prisons for years. Thus, the *seriousness* of a parolee’s past offending and the *risk* they pose for committing new crimes and violations represent two separate dimensions of the parole population and both dimensions need to be considered in the creation of parole policy. Overlaying this population is an overstretched supervision system in which large proportions of parolees are supervised at minimal or moderate levels and where the focus of attention privileges the seriousness of past offending over the risk of new crime. Moreover, parole agents vary along several dimensions that may indicate differences in the ways they respond to violations. These two concerns—how to

conceptualize which kinds of offenders who pose the greatest risk to reoffend and how to ration and match supervision to those offenders who need it the most—are further developed in Chapter V.



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## CHAPTER V: WHAT FACTORS PREDICT PAROLE VIOLATIONS?

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As we discussed in the previous chapters, California parolees vary in their criminal backgrounds and personal characteristics, the kinds of communities to which they return, and the systems of law enforcement and parole supervision to which they are subject. Throughout this report, we combine these three dimensions to form a triangulated view of parole outcomes. The extent to which individual, community, and organizational factors lead to variation in reported parole violations is the subject of the present chapter.

Although most parole violations in California do not result in revocation, parole violations represent the starting point of the revocation process. Officially recorded violations are the most proximate measure of parolee misbehavior and failure, much more sensitive, for example, than re-arrest, reconviction, or reincarceration data. Since many violations are technical violations of the conditions of parole, rather than criminal in nature, violation reports are not necessarily as serious as the aforementioned outcomes. Nonetheless, the largest share of violations is, in fact, alleged criminal behavior, which can range from relatively minor misdemeanor offenses to violent felonies. How violations are handled is a subject that has garnered a significant amount of policy attention in the midst of the broader movement to reform the parole system in California. Specifically, concerns have been raised about whether technical parole violators are being returned to prison at an unnecessarily high rate; whether similar violations are treated similarly across offenders and across the state; whether the mandatory referral of certain violations to the parole board for consideration of revocation is a necessary or desirable policy; and whether violations might be better confronted with a range of intermediate sanctions, as opposed to the simple binary choice of returning to prison or continuation on parole. On top of these concerns, policymakers are interested in whether or not the current methods of supervision are, in fact, in alignment with the kinds of offenders who pose the greatest risk to public safety. In other words, do parole supervision practices match offender risks?

In this chapter, we briefly review the research literature relevant to the topic: “what predicts parole violations?” Then we provide a general description of parole violations in California, noting the distribution of violations across different types of violations and the basic temporal patterns of violations. This section is followed by a discussion of the data and methods of analysis we used to examine the causes of different types of parole violations. Then we describe the findings of our multivariate analysis, focusing on the role of individual, organizational, and community factors in predicting violations. A short conclusion summarizes the chapter and provides a prelude to our analysis of revocations.

## **PAST RESEARCH ON PAROLE VIOLATIONS: INDIVIDUAL, COMMUNITY, AND ORGANIZATION FACTORS**

There are several research literatures that provide some insight into the question “what predicts violations?” To start, there is a decades-old literature on parole prediction instruments. Such instruments have been used in American parole since the 1930s to forecast the likelihood of recidivism among parolees (see review in Harcourt 2007). Prediction instruments typically rely on a range of predictors, from “static” factors, like personal characteristics (i.e., age, race, gender) and past and current criminal offending experiences, as well as “dynamic” factors like substance abuse, mental health problems, cognitive orientations favorable to offending, employment, and marital status.<sup>51</sup> Such factors have emerged as the lynchpins of conventional wisdom about what predicts parole violations, especially criminal violations. The static factors inform the selection of the individual-level variables we employ below.<sup>52</sup>

However, there is reason to suspect that individual factors are not the only relevant considerations in an analysis of violations. Criminologists have long devoted attention to the community dynamics that shape the emergence of criminal behavior, and thus point to the importance of the community environment a parolee returns to as a potential factor shaping violations. The “social disorganization” perspective is the oldest and most consistently supported approach (Bursik and Grasmick 1993, Sampson, Raudenbush, and Earls 1997, Shaw and McKay 1942). This perspective focuses on three dimensions of communities that lead to a weakening of informal social control and, in theory, an increase in criminal activity: residential turnover, ethnic heterogeneity, and poverty. High levels of residential turnover, ethnic heterogeneity, and economic disadvantage combine to produce a “criminogenic” environment which both increases the attractiveness of involvement in criminal behavior and reduces the chances that neighborhood residents will work collaboratively to manage the deviant behavior of its members through informal social controls. While no study has explicitly tested this idea on parolees, Kubrin and Stewart (2006) recently found economic disadvantage, one of the three key measures of social disorganization theory, to be correlated with the risk of parolee recidivism in Multnomah County, Oregon.

However, attention to the criminogenic aspects of communities needs to be balanced with attention to aspects of communities that may actually aid parolee reintegration. Institutional buffers against the anomic conditions—the absence of strong common values in a community—produced by economic marginality and stress is a central theme of criminologists Messner and Rosenfeld’s (1994) institutional anomie theory. Moreover, the focus on developing community-level activities and partnerships to support reentry has become a major thrust of recent work in the practitioner literature in community

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<sup>51</sup> For a description of a current application of this practice, see literature related to the Proactive Community Supervision model (Sachwald, Eley and Taxman 2006; Taxman, Yancey and Bilanin 2006).

<sup>52</sup> Beyond mental health designations, the CDCR did not capture other data relevant to assessing dynamic risk factors during the period of our study.

corrections (Petersilia 2003; Taxman et al. 2002). But there is little empirical research that specifically addresses whether communities with more abundant social supports experience better success with parolees than those with fewer supports. Below we examine whether violation risks are lower for parolees residing in communities that are richer in social services (e.g, welfare, substance abuse, and mental health treatment), have stronger religious institutions, and whose residents have expressed greater support for prisoner rehabilitation ballot measures.

In addition to individual risk factors and community conditions, the ways that the institution of parole is organized may shape the violations process. Research on supervision practices has convincingly shown that the more intensively parolees are supervised, the more likely they will be cited for violating parole. Petersilia and Turner's (1992) research on the Intensive Supervision Program (ISP) experiments revealed that parolees given intensive supervision, but little by way of services and treatment, generated the highest rates of violations. The general lesson was that the more closely parolees are watched, the more misbehavior will be detected. The broader implication for our study is that there may, in fact, be aspects of how supervision is organized that lead to lower or higher violation risk. Building on the ISP research, in the present study we measure the supervision categories into which parolees are placed and thereby estimate the effects of greater or lesser supervision intensity on violations, holding constant the risk factors described above.<sup>53</sup>

We also explore other organizational aspects of the supervision system, such as variation in parole agent caseloads, posing the question: All other things being equal, do parolees assigned to agents with higher caseloads have lower rates of reported violations? In addition, a common conclusion of qualitative research on parole agents suggests that agents vary in terms of the amount of tolerance they show for less serious violations. This argument was also given by the CDCR parole agents and officials with whom we discussed the research, who told us that agents that are older and who have not worked in the prison system as guards are more likely to see "shades of gray," and thus tolerate some parolee behavior that other agents would violate. Along these same lines we were also told by parole officials that Region 3 (i.e., Los Angeles County) was more tolerant of parole violations because they "have bigger fish to fry" and are so overburdened by the sheer scale and concentration of the parole population that they pay less attention to minor violations. The crux of these arguments is the idea that the chance that a parolee

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<sup>53</sup> Similarly, the individual risk factors measured in the parole prediction instruments discussed above often emerge as salient factors in how officials determine how blameworthy a particular offender is, as well as the level of risk a particular offender poses to public safety. This implies that some attributes and background experiences of offenders, such as whether they have been convicted of a violent or sexual offense, or have a history of mental problems, might cause an agent to intensify supervision. That agents put certain categories of offenders "on a shorter leash" is clear from the qualitative research on parole agents (Lynch 2000). The implication is that the categories of "violent offender," "sex offender," or "offender with mental illness" are not merely reflections of the inherent risk an offender poses to violate, they are also measures of the intensity of supervision. The interaction between agents conceptions of who is risky, how they supervise such persons differently, and the actual inherent risk a parolee possess is not typically recognized in parole prediction research. Moreover, it is impossible to definitively say whether a given parole violation resulted more from a parolee's inherent risk or whether it resulted from the fact that they were watched more closely and given less tolerance. This issue is discussed further below.

will be violated may depend upon agent characteristics and the region that they happen to reside in.

## **VIOLATIONS: PATTERNS AND PROCESSES**

Before discussing the factors that affect the risk of violations, it is important to describe some of the data we collected on different types of violations. Data on violations were culled from three CDCR databases. The Statewide Parolee Database (SPDB) captures violations recorded by parole agents and includes many violations that were not subsequently recommended for a revocation hearing. SPDB provides information on the timing of violations, as well as violation seriousness. The Revocation Scheduling and Tracking System (RSTS) is a jointly managed data system used by the CDCR parole division and the parole board to track revocation cases. It contains every violation that the board considers for revocation and includes details about all of the violations a parolee is alleged to have committed. The third data system is the Offender Based Information System, which records parole absconding in its data warehouse known as PALTERMS. PALTERMS records when parolees abscond, as well as when they resurface. A comprehensive picture of violations was only possible by merging information from all three systems.

During 2003 and 2004 there were 254,468 individuals under parole supervision. These parolees were responsible for 296,958 violations. Forty-nine percent of parolees violated parole during 2003 and 2004 at least once and 24 percent had multiple instances of parole violation. CDCR tracks 247 different types of prohibited parolee behavior, ranging from violations of the parole process, usually referred to as “technical violations,” which involve failure to report to your parole agent or having access to weapons, to serious and violent criminal offenses like robbery, assault with deadly weapons, and homicide.

Violations can be aggregated into the categories listed in Table 5.1. Technical violations include noncriminal administrative violations of the parole process. Two-thirds of technical violations were for absconding. The others include weapons access, psychological endangerment, and various violations of the parole process, such as violations of special conditions of parole imposed by a parole agent or deputy commissioner, failure to report to the parole division, failure to follow parole agent instructions, and failure to attend an outpatient clinic for mental health services. Criminal violations can be subdivided into three levels of seriousness. Type I criminal violations are the most frequent of all violations and consist of the least serious behaviors, which includes drug possession, drug use, and miscellaneous violations of law—the most common of which are “failure to register under the Health and Safety code 11590” (controlled substance offender registration), “under the influence of a controlled substance,” “false identification to a police officer,” and “driving with a suspended license.” Forty-five percent of Type I criminal violations involve methamphetamine use or possession, not including possession for sale. Another 20 percent are for possession and use of cocaine and another eight percent are for possession and use of heroin. Combined methamphetamine, heroin, and cocaine use and possession make up 75 percent of Type I criminal offenses, 44 percent of criminal violations, and 29 percent of

all violations. As a whole, Type I criminal offenses constitute 40 percent of all violations and 60 percent of criminal violations.

**Table 5.1. Violations by Type, 2003 and 2004**

<b>Violation Category</b>	<b>Description</b>	<b>Frequency</b>	<b>Percent</b>
Total Violations	All noncriminal and criminal behavior resulting in a law enforcement/parole agent arrest or a parole violation report	296,958	100%
Technical Violations	Violations that are not criminal in nature, stemming instead from violations of the conditions of parole	103,524	35%
Absconding	Escape from parole supervision	68,824	23%
Other Technical Violations	Includes psychological endangerment, weapons access and failure to report or comply with parole conditions, such as changing residences without notification, travel beyond 50 miles from residence, failure to report to parole agent, to follow instructions, to attend mental health services.	34,700	12%
Criminal Violations	Behavior alleged to violate California Penal Code.	193,434	65%
Type I—Least Serious	Drug use, possession, and miscellaneous violations of law, including failure to register as per health and safety code 11590 (controlled substance offender registry), false identification to a police officer, under the influence of controlled substance, driving with a suspended license, drunk in public, etc.	115,838	39%
Type II—Moderately Serious	Sale and possession for sale of controlled substance, battery without serious injury, petty theft, 2 <sup>nd</sup> degree burglary (noninhabited building), failure to register as per 290, resisting arrest, other nonviolent crimes, etc.	48,692	16%
Type II—Sexual Violations	Failure to register under the sex offender registry law, consensual sexual behavior in jail, indecent exposure, statutory rape, pimping/pandering, and other non-aggressive sexual offenses. not involving minors	3,380	1%
Type III—Most Serious	Robbery, 1 <sup>st</sup> degree burglary, battery of spouse or child, criminal threats, murder, rape, etc.	28,904	10%
Type III—Violent Violations	Murder, rape, aggravated assault, and	13,152	4%

	robbery		
Type III—Sexual Violations	Rape, attempted rape, child molestation, and sexual assaults.	1,094	.3%

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Type II criminal violations include theft and forgery, miscellaneous non-violent crimes, minor drug sales/trafficking, burglary, minor assault and battery, and sexual offenses not involving rape or sexual assault. Type II violations are 25.2 percent of criminal violations and 16.4 percent of all violations. Type III violations include homicide, robbery, rape and sexual assaults, major battery and assault, major burglary, major drug violations, major driving violations, and miscellaneous violent crimes. Type III violations are 14.9 percent of criminal violations and 9.7 percent of all violations. “Violent” is a category we devised to approximate the Uniform Crime Reports, Part I Violent Crimes, which include homicide, robbery, aggravated assaults, and forcible rape. Violent violations are 6.8 percent of criminal violations and 4.4 percent of all violations. “Sexual violations” include Type II offenses, such as “Failure to Register per Penal Code Section 290” (California’s sex offender registry), consensual sexual behavior in jail, indecent exposure, statutory rape, pimping/pandering, and other non-aggressive sexual offenses not involving minors. Eighty-four percent of Type II sexual violations are for “Failure to Register.” Putting aside the “Failure to Register” violations, Type II Sexual Violations are 0.3 percent of criminal violations and 0.2 percent of all violations. Type III sexual violations include rape, attempted rape, child molestation, and sexual assaults. While very serious violations they are extremely rare. Type III Sexual Violations are 0.6 percent of criminal violations and 0.4 percent of all violations.

### ***The Timing of Parole Violations***

The risk of all kinds of violations is most intense during the first 180 days after release from prison, and declines thereafter. The reason the risk falls is that the most risk-prone parolees tend to be violated earlier and returned to custody. The remainder are more compliant, less likely to violate, and more likely to successfully complete their parole period. Indeed, after 360 days on parole, a surviving parolee’s risk of violation has dropped 70 percent from what it was during the first two months of parole. From 360 to 900 days, a parolee’s risk will only drop another ten percent. In other words, after about 360 days, a parolee’s risk of violation—while not zero—has substantially leveled off. Table 5.2 presents parolee failure estimates based upon our data and illustrated with a hypothetical sample of 1,000 parolees.

**Table 5.2: Failure within Selected Time Periods (per 1,000 parolees)**

<b>Days Since Release</b>	<b>Any Violation</b>	<b>Technical Violations not involving Absconding</b>	<b>Absconding</b>	<b>Type I Criminal Violations (Least Serious)</b>	<b>Violent Violations</b>	<b>Sexual Violations</b>
0 to 10	45	9	10	20	1	0
10 to 90	272	35	92	118	12	6
90 to 180	170	29	58	92	13	4
180 to 270	96	22	36	61	10	3
270 to 360	62	18	24	44	8	2
360 to 450	45	15	21	34	7	2
450 to 540	33	13	16	28	6	2
540 to 630	26	12	14	23	6	2
630 to 720	21	11	12	19	4	1

By day 720, or the end of the second year on parole, a total 770 parolees of the original 1,000 will have experienced at least one violation. 440 of those will be for the Type I criminal violations—the least serious criminal violations, mostly consisting of drug use and possession. 283 parolees will have absconded. 165 will have a technical violation. Considerably rarer than these are violent and sexual violations. Only 67 of the parolees will have a violent violation, and twenty two will have a sexual violation (either Type II or Type III severity).

Below we consider how the risk of violation varies across agents, units, neighborhoods, and counties. We discussed the individual, organizational, and community factors that we investigate previously in Chapters 2, 3, and 4. The specific measures of these factors are summarized in Appendix A. However, before turning to a discussion of how and why parole violations vary across individuals, organizational units, and communities, we briefly discuss the statistical approach and the terminology we use to convey our results.

### **METHODOLOGY: COX MODELS OF PAROLE VIOLATIONS**

To examine the factors that influence parole violations we use a multivariate regression technique called *survival analysis*. There are several different types of survival models (Allison 1995). We use the Cox regression model, which is named for the English statistician Sir David Cox, and which combines a proportional hazards model with partial likelihood estimation (Cox 1972). Given the nature of our data, the fact that violations are repeatable events, that the risk of a violation is continuous rather than experienced only in discrete time periods, and given the left truncation in our data, Cox models are the most appropriate statistical technique. In fact, Cox models have become a standard approach in studies of recidivism and parolee behavior (e.g., Benda, Toombs, and Peacock 2002; DeJong 1997; Langton 2006; Hepburn and Albonetti 1994).<sup>54</sup>

<sup>54</sup> For further information on Cox models and their interpretation, see Allison (1995) and Singer and Willett (2003).

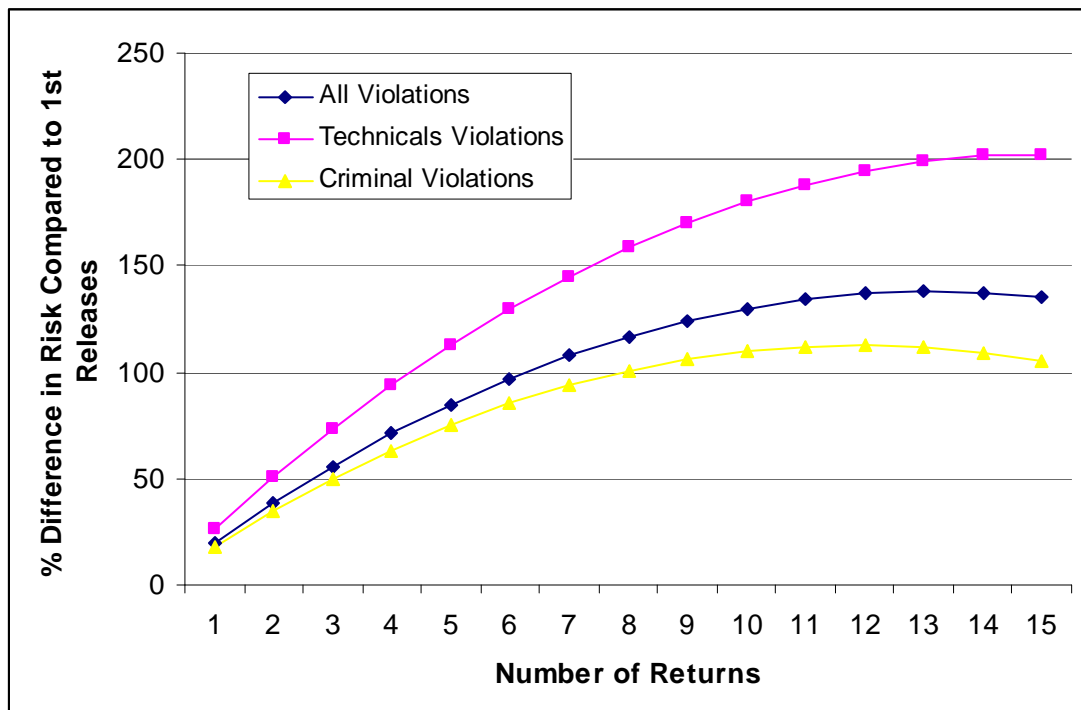
## MULTIVARIATE RESULTS: WHAT PREDICTS PAROLE VIOLATIONS?

This section describes the results of our multivariate survival models predicting various types of parole violations. Detailed model results can be found in Appendices B (technical and criminal violations) and C (sexual violations).

### *Offending History*

The best predictors of parole violations are an offender's past and present offending experiences, which is consistent with existing research (Beck 1997, Langan and Levin 2002). The single biggest predictor of violations is the number of prior California adult prison incarcerations. This effect is nonlinear, indicating that the biggest impact of returns to prison comes after the first, second, and third releases. The effect diminishes slightly with each additional incarceration and release. In other words, for all violations, an offender coming out on their second release from prison has 20 percent higher risk of violation than an offender on their first release. An offender on their third release has a 39 percent higher risk of violation than an offender on their first release and an offender on their fourth release has a 56 percent higher risk of violation than an offender on their first release. By the ninth release, an offender has a 124 percent higher risk of violation than an offender on their first release (Figure 5.1).

**Figure 5.1: The effect of prior prison incarcerations on violation risk**



Additionally, the effect of prior commitments varies across different violation types. Technical violations, including absconding, weapons access, psychological endangerment, and other violations of the parole process, are more greatly affected by the



prior returns to prison than criminal violations. In other words, the relative increase in risk associated with each additional adult prison term is greater for technical violations than criminal violations. Both types of violations manifest evidence of the effects of prior incarceration, the effect is just greater for technical violations. Whether the effect is due to increased supervision, a criminogenic effect of repeat incarceration, a cognitive or behavioral proclivity on the part of parolees, or a combination of these factors, is impossible to say with the available data.

Age at first adult commitment to California prison is a common component of risk assessment instruments and, as a measure of early onset of a criminal career, is thought to be a powerful predictor of future criminality. Here we find that it does indeed predict the most serious Type III criminal violations. For every additional year older a parolee was at their first commitment, their risk of a Type III violation *decreases* by 2.5 percent. However, we also find that parolees who are older when they are first committed to California prisons tend to have more technical violations and Type I criminal violations. For every additional year older a parolee was at their first commitment their risk of technical and Type I criminal violations *increases* by 1.6 to 1.9 percent. There is no age at first commitment effect on moderately serious Type II criminal violations. The differences across the violation types may be the result of differences in the offending careers who individuals who enter the prison system earlier rather than later in life. Offenders with younger ages of first (adult) commitment to prison may be more likely to have careers characterized by serious offenses whereas those first committed at older ages may tend to commit less serious offenses, which take longer to accumulate to the extent that would warrant a prison sentence. However, on average, they have either less serious offense histories, or more slowly cumulating careers, resulting in later first adult commitments to prison. The latter group is probably largely composed of drug offenders that have substance dependence issues that drive their offending, and as a result of drug use, are prone to generating technical and Type I criminal violations, but are less likely to be involved in more serious criminal behavior. While we control for some aspects of parolees' criminal histories, more detailed criminal career data is necessary to unpack the precise reasons for the relationship we observe.

Commitment offense, which is the most serious offense of the most recent term for which an offender was committed to the state prison system, is a critical factor in several legal and parole policy matters. For example, commitment offense is used to determine the supervision category into which an offender is placed, including whether they are placed on a specialized caseload; it affects which types of offenders' violations constitute mandatory referrals to the parole board; it affects whether or not a parolee can participate in certain rehabilitative programs, and when the parole can be reviewed for discharge from parole.

However, commitment offense does not predict violations in the ways that many policymakers and parole policies assume. While parolees committed for violent and sexual offenses are often believed to pose the greatest recidivism risk, our analyses show that parolees with drug and property commitment offenses pose much greater risks to violate than parolees with violent or sexual commitment offenses (See Tables 5.3, 5.4, and 5.5). An offender with a violent commitment offense has a 26 percent lower risk of

all kinds of violations than an offender with a drug commitment offense. Parolees with violent commitment offenses pose no greater risk than drug offenders to be cited for non-PAL technical violations, and pose 20 percent lower risk to be cited for absconding. They have 43 percent lower risk for Type I criminal violations and they have no lower or higher risks for moderately serious (Type II) criminal violations and the most serious (Type III) criminal violations. The only type of violation parolees with violent commitment offenses are at greater risk for are UCR Part I violent crimes (homicide, aggravated assault, rape, and robbery), which are very rare, constituting only 4.4 percent of all violations.

**Table 5.3: Relative Risk for Parole Violations, by Commitment Offense**

<b>Compared to drug offenders</b>	<b>Any violation</b>	<b>Criminal violation</b>	<b>Technical violation (not incl. Absconding)</b>	<b>Absconding</b>
Property offenders pose:	No additional risk	No additional risk	26% more risk	No additional risk
Violent offenders pose:	26% less risk	32% less risk	No additional risk	20% less risk
Sex offenders pose: <sup>55</sup>	37% less risk	47% less risk	No additional risk	35% less risk
"Other" offenders pose:	15% less risk	18% less risk	No additional risk	18% less risk

**Table 5.4: Relative Risk for Criminal Parole Violations, by Commitment Offense**

<b>Compared to drug offenders</b>	<b>Least serious (Type I) criminal violations</b>	<b>Moderately serious (Type II) criminal violations</b>	<b>Most serious (Type III) criminal violations</b>	<b>Violent criminal violations</b>
Property offenders pose:	18% less risk	38% more risk	No additional risk	39% more risk
Violent offenders pose:	43% less risk	No additional risk	No additional risk	46% more risk
Sex offenders pose:	57% less risk	No additional risk	No additional risk	No additional risk
"Other" offenders pose:	30% less risk	No additional risk	No additional risk	No additional risk

<sup>55</sup> "Sex offender"—indicating most recent prison commitment for a sexual offense—should not be confused with "registered sex offender"—which indicates prior conviction for a more limited list of serious sexual crimes.

**Table 5.5: Relative Risk for Sexual Parole Violations, by Commitment Offense**

<b>Compared to drug offenders</b>	<b>Sexual criminal violations</b>	<b>Most serious (Type III) sexual criminal violations</b>
Property offenders pose:	16% more risk	No additional risk
Violent offenders pose:	No additional risk	29% more risk
Sex offenders pose:	24% less risk	No additional risk
"Other" offenders pose:	No additional risk	35% more risk

Other indicators of offender seriousness are also related to violation risk, although not in the manner that many policymakers and parole policies assume (See Tables 5.6, 5.7, and 5.8). Parolees with past commitments for “violent” criminal offenses, as defined by California Penal Code 667.5, do not have greater risks for moderately serious (Type II) criminal violations, the most serious (Type III) criminal violations, or UCR Part I violent violations. Parolees with one or more violent offenses are, however, more at risk for absconding. Second Strikers—offenders with two strikes under California Three Strikes law—have similar risks. They have a ten percent lower risk of any violation than non-Second Strikers, 11 percent lower risk for Type I criminal violations, and the same risk for technical violations, Type II and III criminal violations, and UCR Part I violent violations as non-Second Strikers.

**Table 5.6: Relative Risk for Parole Violations, by Indicators of Offender Seriousness**

	<b>Any violations</b>	<b>Technical violations (not including Absconding)</b>	<b>Absconding</b>	<b>Criminal violations</b>
Each “violent” prior conviction adds:	3% more risk	No additional risk	7% more risk	No additional risk
Parolees on their “second strike” pose:	10% less risk	No additional risk	No additional risk	9% less risk
Registered sex offenders pose:	18% less risk	No additional risk	29% less risk	16% less risk

Sex offender registrants and offenders with sexual commitment offenses also pose significantly lower violation risks for violations than non-sex offenders for several types of violations. Sex offender registrants have 18 percent less risk for any violation than non-registrants. They have 29 percent lower risk than other offenders for absconding, and 40 percent lower risk of Type I criminal violations. Sex offender registrants have no higher risks than other offenders of technical violations not involving absconding, and the most serious Type III criminal violations; They do have a higher risk for Type II criminal violations; however, 85 percent of Type II sexual violations are for “Failing to Register under California Penal Code section 290,” the sex offender registration requirement. Sex

offender registrants are no more likely to commit the most violent violations than other offenders.

**Table 5.7: Relative Risk for Criminal Parole Violations, by Indicators of Offender Seriousness**

	<b>Least serious (Type I) criminal violations</b>	<b>Moderately serious (Type II) criminal violations</b>	<b>Most serious (Type III) criminal violations</b>	<b>Violent criminal violations</b>
Each “violent” prior adds:	No additional risk	No additional risk	No additional risk	No additional risk
Parolees on their “second strike” pose:	11% less risk	No additional risk	No additional risk	No additional risk
Registered sex offenders pose:	40% less risk	67% more risk	No additional risk	No additional risk

**Table 5.8: Relative Risk for Sexual Parole Violations, by Indicators of Offender Seriousness**

	<b>Sexual criminal violations</b>	<b>Most serious (Type III) sexual criminal violations</b>
Each “violent” prior adds:	No additional risk	No additional risk
Parolees on their “second strike” pose:	No additional risk	No additional risk
Registered sex offenders pose:	2,421% more risk	188% more risk

Sexual violations are very rare, constituting 1.5 percent of all violations, and about two-thirds of them are victimless offenses by sex offenders for failing to register under California Penal Code section 290, as discussed above. Also, the majority of sexual violations, including the most serious violations involving rape, sexual assault, and child molestation, are done by parolees who are not registered sex offenders. Setting aside the failure to register violations (which are only relevant to sex offender registrants), of the 1,528 sexual violations committed during 2003 and 2004, only 25 percent were committed by sex offender registrants. The vast majority of sexual violations, including 78 percent of the most serious Type III sexual violations, are committed by non-sex offender registrants. The implication is that even if all sex offenders were rendered

completely incapable of committing sexual offenses, the percentage of sexual violations committed by parolees would only drop 22 percent.

Sexual violations are rare events and the population of registered sex offenders is fairly small. (Registered sex offenders only comprise about 8 percent of the parolees in our data.) Nonetheless, our multivariate analyses show that sex offender registrants do, in fact, pose significantly higher risks of sexually-oriented violations, especially the most serious types of violations. Specifically, they have a nearly three and half times higher risk of the most serious Type III Sexual violations than parolees who are not sex offender registrants.

A parolee's offending history is an important predictor of violations. Moreover, of the different facets of a parolee's offending background, the most important is the sheer number of returns to prison a parolee has experienced as an adult. Parolees with more repeat visits to prison have increased risks for violations of all kinds. A second key finding about parolee background is that the emphasis placed by policy and statute on commitment offense and the various offense flags, such as serious and violent, sex offender, and second striker, is not particularly useful for identifying parolees with greater risks to violate. Offenders with violent or sexual commitment offenses, or with flags for past violent or sexual offenses, generally do not pose greater risks to public safety than other kinds of offenders. The only exceptions are that parolees with a violent commitment offense have higher risks of the most violent, but fortunately rarest, violent crimes involving homicide, rape, robbery, and aggravated assault, and parolees who are sex offender registrants have higher risks of the most serious, but again rare, sexual violations.

### ***Personal Characteristics***

Several personal characteristics of adult parolees affect their risk of violations (See Tables 5.9 and 5.10). Younger parolees, aged 18-30, pose the greatest risk of all kinds of violations, except the least serious Type I criminal violations. Compared with parolees aged 31 to 45, parolees aged 18-30 have 28 percent higher risk of absconding and 53 percent higher risk of other technical violations not involving absconding. They have 29 percent higher risk of the moderately serious Type II criminal violations and 42 percent higher risk for violent violations involving homicide, rape, robbery, and serious assault. Older parolees, over age 45, pose the lowest risk of all kinds of violations.

Male parolees pose significantly higher risk for all types of violations except absconding. The effect of gender is most pronounced in the most serious and violent criminal violations. Compared to females, males have 66 percent higher risk of the moderately serious Type II criminal violations, 128 percent higher risk for the most serious Type III criminal violations, and 166 percent higher risk for violent violations involving homicide, rape, robbery, and serious assault. Also, not surprisingly, males are more than 25 times more likely to commit a serious Type III sexual violation.

### **Table 5.9: Relative Risk for Parole Violations, by Parolees' Personal Characteristics**

	<b>Any violations</b>	<b>Technical violations (not including Absconding)</b>	<b>Absconding</b>	<b>Criminal violations</b>
Compared to parolees aged 31-44, those aged 18-30 (the youngest) pose:	24% more risk	53% more risk	28% more risk	20% more risk
Compared to parolees aged 31-44, parolees aged 45 and above (the oldest) pose:	26% less risk	36% less risk	24% less risk	27% less risk
Compared to female parolees, male parolees pose:	26% more risk	42% more risk	No additional risk	33% more risk
Compared to non-black parolees, black parolees pose:	No additional risk	No additional risk	No additional risk	No additional risk
Compared to parolees without documented mental health problems, those with such problems pose:	36% more risk	70% more risk	41% more risk	32% more risk

Black parolees pose the same risks as nonblack parolees for technical violations. Compared to all other racial groups, blacks have 11 percent lower risk for the least serious Type I criminal violations, suggesting that controlling for other factors black parolees are less likely to be cited for drug use and possession violations. However, they have 19 percent higher risk for Type II criminal violations, 36 percent higher risk of the most serious Type III criminal violations, and 43 percent higher risk of violent violations. In other words, black parolees pose much greater risks than parolees with other racial backgrounds for most serious and violent violations.

Parolees with a record of mental health problems have higher risks for all violations and they have particularly elevated risks for the most violent criminal violations and the technical violations. Individuals who are designated as “CCCMS” (Correctional Clinical Case Management Services) and “EOP” (Enhanced Outpatient), which are different levels of mental health services, have 36 percent higher risk of all kinds of violations. They have 41 percent higher risk of absconding, 70 percent higher risk of technical violations other than absconding, 32 percent higher risk of criminal violations, and 52 percent higher risk of the most serious violent violations. These findings highlight the

difficulties faced by parolees with mental issues in adjusting to supervision and to the community environment.<sup>56</sup>

**Table 5.10: Relative Risk for Criminal Parole Violations, by Parolees’ Personal Characteristics**

	<b>Least serious (Type I) criminal violations</b>	<b>Moderately serious (Type II) criminal violations</b>	<b>Most serious (Type III) criminal violations</b>	<b>Violent criminal violations</b>	<b>Sexual criminal violations</b>	<b>Most serious (Type III) sexual criminal violations</b>
Compared to parolees aged 31-44, those aged 18-30 (the youngest) pose:	No additional risk	29% more risk	No additional risk	42% more risk	92% more risk	50% more risk
Compared to parolees aged 31-44, parolees aged 45 and above (the oldest) pose:	29% less risk	No additional risk	40% less risk	48% less risk	42% less risk	38% less risk
Compared to female parolees, male parolees pose:	14% more risk	66% more risk	128% more risk	166% more risk	310% more risk	2,689% more risk
Compared to non-black parolees, black parolees pose:	10% less risk	19% more risk	36% more risk	43% more risk	56% more risk	54% more risk

<sup>56</sup> Our qualitative field research indicates that parole agents treat parolees with mental illness differently than others. Specifically, because mentally ill parolees are perceived to be more unpredictable and because the standards for their revocation are broader, parole agents appear to have less tolerance for their violations. In an excellent review of the multiplicity of issues mentally ill prisoners face within CDCR, David Ball (2007) notes that while some of California’s programs have shown promising results for the mentally ill parolees, such programs fail to reach many offenders who need them. Mentally ill parolees often return home without the needed medication, treatment, and supervision required to reduce their recidivism. He writes that “too many mentally ill parolees are returning to prison, and too many of those are returning for reasons unrelated to the commission of new crimes.” (2007:25). As Ball explains, parolees can obviously be sent back to prison for committing new crimes, but those who decompensate to the point where their illness is acute can also have their parole revoked: as the standard form for conditions of parole states, “When the Board of Prison Terms determinates, based upon psychiatric reasons, that you pose a danger to yourself or others, the Board may, if necessary for psychiatric treatment, order your placement in a community treatment facility or state prison or may revoke your parole and order your return to prison.” (California State Prisoners Handbook, at app. 10-A (Supp. 2004). Parole officers are required to report to the Parole Board if a parolee’s mental condition deteriorates “such that the parolee is likely to engage in future criminal behavior.” Cal.Code Regs. Tit. 15 §2605© (2006). As Ball notes, “parolees must then be returned to prison upon a finding of future criminal behavior. Finally, parolees can be returned to prison if they have a mental disorder “which substantially impairs his or her ability to maintain himself or herself in the community” and “necessary psychiatric treatment cannot be obtained in the community.” (p. 27). These regulations are much broader than those for parolees without mental illness, and importantly include predictions about *future* behavior and are influenced by the lack of available mental health treatment services in the community. These factors are likely explaining the empirical results shown in our analysis.

Compared to parolees without documented mental health problems, those with such problems pose:	26% more risk	48% more risk	35% more risk	52% more risk	150% more risk	161% more risk
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Personal characteristics like age, gender, race, and mental health status all contribute to violation behavior and reporting. While, in general, these findings are consistent with prior research on recidivism, it is important to note that the effects of personal characteristics can vary quite a bit across violation type. As mentioned above, very little research on parole violation and recidivism breaks apart violations in the detailed way we do in the present analysis. The impacts of age, race, gender, and mental health status can be greater or lesser and can sometimes be in a different direction altogether, depending upon whether the outcome of interest is absconding, another technical violation, or a more or less serious criminal violation. The next question is: beyond offending history and personal characteristics, what other factors affect the risks of violations?

### *Supervision*

The second dimension of our tripartite focus on individual, organizational, and community predictors of violations includes aspects of the parole supervision system. We examined various aspects of supervision, such as how intensively parolees were supervised, to see if more intensity led to greater detection or deterrence of violations. We also measured the workload of a parolee’s parole agent to see if greater workloads led to lower rates of detection and reporting of violations. We compared parolees across parole regions to test the departmental folklore that different administrative units have different cultures of tolerance relative to parole violations. We explored the effect of parole agent characteristics to see whether the race, age, job tenure, or prior employment in the prison system had effects on the detection and reporting of violations. And we examined whether parole policies announced from headquarters had any impact on violations.

Consistent with prior research (Petersilia and Turner 1992), more intensive supervision increases the risk of all violations, holding constant the offender’s personal attributes and offense background, as well as their community conditions, and other aspects of supervision to which they are subject. The biggest differences in the effects of supervision are found in the contrast between active supervision and Minimum Supervision. Parolees who are on Minimum Supervision, which involves only one face-to-face or collateral contact every three months, monthly mail correspondence, and no narcotics testing, have significantly lower risks of all kinds of violations than parolees who are more actively supervised. The differences in risk of violations between active and Minimum Supervision parolees are most pronounced among the most discretionary violations—technical violations not involving absconding and Type I criminal violations. Compared to Minimum Supervision parolees, actively supervised parolees have between two and three times the risk of drug use and possession, miscellaneous misdemeanor violations of law, and technical violations of the parole process (not including



absconding). This is likely the result of the fact that, in addition to having less contact with their parole agents, Minimum Supervision parolees are not subjected to many of the same demands as other parolees. They do not have extensive parole process requirements or special conditions of parole and they are not routinely tested for drugs. As a result, they are subject to fewer formal requirements and fewer opportunities to detect and report their bad behavior. Thus, they generate fewer technical and drug related criminal violations.

Minimum Supervision parolees also have consistently lower risks of absconding, Type II, III, and violent violations, although the difference is not as great as with the more discretionary violations discussed above. What is clear from the contrast between active and minimum supervision is that more closely supervised parolees are not deterred from violations, as many parole officials would like to believe, since the more intensively a parolee is supervised the greater their violation risk.

There is also evidence to suggest that gradients of active supervision matter specifically for technical violations. As described in Chapter III, the California parole system has a category of supervision called Controlled Service, which represents a medium level of supervision and consists of one face-to-face meeting with a parole agent every two months, two drug tests per quarter, and one collateral contact every three months. In addition, the system has three categories of “high” supervision, called High Control, High Services, and High Risk Specialized or non-Specialized caseloads. The latter consist of sex offenders, second strikers, gang members, or parolees with serious mental health problems. With respect to technical violations, individuals placed into one of the high level supervision categories pose consistently higher risks to violate than individuals placed in the lower supervision intensity category, Controlled Service. In other words, higher gradients of supervision result specifically in more detection of technical violations, both absconding and the other technical violations not involving absconding.

With respect to the criminal violations, the medium level of supervision, Controlled Service, have lower risks than the High Control parolees, but is roughly similar to or even a bit higher than the risks of parolees who are High Service or High Risk Caseloads. In other words, gradients of supervision matter less for the detection and reporting of criminal violations. In the analysis of the most serious Type III criminal violations and violent violations there is evidence that the High Services parolees actually have risks that are not statistically different from Minimum Supervision parolees. This might be taken to mean that parolees on High Service caseloads are actually deterred from the most serious violations by the type of supervision to which they are subjected. However, some caution is warranted given that the statistical significance is inversely correlated with both the event frequency and the small numbers of parolees who occupy these categories. In other words, there are small numbers of parolees on High Service caseloads (.9%), and the Type III and violent events we are trying to predict are rare (only 9.7% of total violations). The combination makes it hard to have as much confidence as we do about the other findings. However, we can conclude that the other kinds of high supervision categories, High Control and High Risk Caseloads, have large and significant differences from the Minimum Supervision category.

Supervision intensity does, in fact, matter for the detection and reporting of violations. The biggest impact of intensity is evident when Minimum Supervision and active supervision are compared; however, there are also differences between gradations of active supervision in the reporting and detection of technical violations. However, supervision intensity is only one aspect of the supervision system that may affect violations. Next we consider differences across parole regions.

### ***Regional Differences***

The California parole system is subdivided into four Regions. Region 1 stretches from northern to southern California, covering counties in the central valley and on the state's mountainous eastern side. Region 2 includes the Bay Area, as well as coastal counties north to the Oregon border and south to Ventura County. Region 3 is entirely composed of Los Angeles County, and Region 4 includes counties east of Los Angeles and adjacent to San Diego County. Regional differences in parole supervision are part of the folklore of the department, and many parole agents identified this issue during the project's field research. The regions are understood to have differences in the types of parolees they supervise, the kinds of communities their parolees reside in, and the organizational culture of agents and administrators. The uniqueness of Region 3 on these dimensions is the most commonly noted difference. There is a perception that Region 3 supervises parolees who have more extensive criminal histories and who tend to return to more socially disorganized neighborhoods, with more gangs and drugs. Region 3 is also perceived within the parole division as the most overstretched and harried part of the parole system. As a result, it is believed that a distinctive organizational culture has arisen in Region 3 where there is lower reporting of the least serious violations. However, having controlled for the differences in the parolee population and the characteristics of their communities, we find limited support for the notion that Region 3 differs from the other regions in a way that would confirm the importance of the organizational culture argument. Region 3 does report fewer drug use and possession violations—the low seriousness Type I criminal violations—but agents in Region 3 are the same as those in other regions or even higher (compared to Region 2) in their reporting of technical violations—both the absconding and the violations of the parole process violations.

Moreover, the risk that a parolee in Region 3 will be cited for a moderately serious criminal Type II violation or the most serious criminal Type III violations is no different than other regions. The implication of these findings is that the organizational culture of Region 3 is the least important of the differences between regions. What are more important are the types of parolees supervised, and the community environments to which parolees return, which we have statistically controlled in our models.

### ***Agent Workload***

There has been much discussion nationally about the desirability of reducing parole agent workload, so that they can devote more time each case (Petersilia 2003). While California parole agents' workload is defined in their labor union contract to be no more than 160 points they routinely have many more points. Points are based on each parolee's supervision level. A Minimum Supervision parole is worth one point. A Controlled

Service parolee is worth 2 points, and high control and high service parolees are worth 3 points. High Risk caseloads are set at 40:1 ratio, indicating that each parole is equivalent to 4 points. Despite the concern about workload, the amount of points a parole agent carries appears to have little impact on parole violation outcomes. We compared parolees whose agents have under 160 points with those who carried between 160 and the mean (277), and those who carried over 277. These large differences in workload did not lead to differences in parolees' violation risks. Of course, these are essentially comparisons across agents, many of whom may find ways of adapting to higher or lower workloads in ways that do not affect their violation decisions. The findings should not be used to draw inferences about whether increasing or decreasing workload across the board would have an effect on violation reports.

### *Agent Personal Characteristics*

The ideological orientation of agents toward parole violations has been the focus of much of the research literature on parole agents (McCleary 1978, Lynch 2000). Although there are several typologies in the literature, parole agents have been described as favoring a more social work orientation or a more legalistic orientation. To the extent that parole agents bring a social work orientation to their job, they may be expected to prefer handling less serious violations informally, using their discretion to avoid initiating the revocation process. More legalistically-oriented agents, on the other hand, are expected to bring a more "black and white" approach to violations, focusing on finding and officially recording each violation. These differences in orientations may not be reflected in the handling of every case, but an assessment of aggregate patterns of decision-making may reveal some differences. While we do not have data specifically on parole agent attitudes, we can explore the degree to which differences in violations are traceable to personal characteristics that may be associated with particular kinds of orientations. Female agents might be expected, on average, to bring more of social work orientation to their jobs. We find that there are gender differences between male and female agents, but only with regard to absconding and the least serious Type I Criminal violations. Parolees supervised by female agents have 10 percent higher risk of absconding, as compared to those supervised by male agents. Parolees supervised by female agents have 11 percent lower risk for the least serious Type I criminal violations. This provides some support for the notion that female agents tend to exercise discretion in ways that are more forgiving toward lower-end drug use violators. Male agents, on the other hand, appear to adopt a more lenient approach toward absconding than female agents. No gender differences are found in the reporting of the more serious Type II and III criminal violations.

We also expected that, as a group, black agents might have more tolerance for less serious violations. Black agents, like blacks in the rest of American society, are more likely to have friends, acquaintances, or family members who have had significant contact with the criminal justice system. Thus, we expected that they might be more sensitive to the social situations that breed criminal behavior and more suspicious of the operation of the criminal justice system, of which they are a part, in delivering justice (Wilson and Dunham 2001). Therefore, black agents may exercise their discretion to be more lenient, specifically, with regard to less serious violations (i.e., they may ignore violations they are aware of). The results bear this argument out. Parolees with black

agents have 18 percent lower risk of technical violations not involving absconding and 8 percent lower risk of the least serious Type I criminal violations than parolees with agents who are not black. Parolees with black agents are no different than other parolees in terms of their risk of absconding violations, the more serious Type II and III criminal violations, or violent criminal violations.

Many of the parole agents and officials with whom we discussed this research suggested that certain types of parole agents were more or less tolerant of parolee behavior. Informants told us that parole agents who had previously worked inside of a prison, younger parole agents, and those with less job tenure are generally known for their more legalistic “black and white” attitude toward violations and, in general, are understood to violate quicker and more often than those that have not served inside prisons, older agents, and those with longer job tenures. These hypotheses were presented to us as based upon parole officials’ practical experiences working in parole, rather than empirically validated knowledge about what works in changing parolee behavior.

We found mixed support for these ideas. For example, parolees with agents who have less than three years of job tenure have nine percent higher risk of the least serious Type I criminal violations than parolees with agents with between three and ten years job tenure. However, parolees assigned to agents with greater than ten years job tenure have the same risks as those with less than three years. Thus, with respect to the least serious Type I criminal violations, agents with very long job tenure do not appear to differ in the way they handle violations from agents with the least amount of job tenure. Moreover, we found no other job tenure effects with respect to any other type of criminal or technical violations.

In addition, we did not find support for the effects of having an agent that previously worked in a prison. Contrary to expectations, parolees assigned to agents with prior employment experience in a prison actually have an eight percent lower risk of the least serious Type I criminal violations than parolees assigned to agents with no prior prison employment. Prior employment in a prison did not affect any other type of criminal or technical violations. Moreover, parole agent age also had no effects on any type of criminal or technical violation.

### ***Parole Policies***

The California parole system is highly decentralized, with 187 parole units operating largely independent of one another. Parole units are organized into 23 parole districts that oversee various administrative functions. Districts in turn are organized into four parole regions. Official policies are instituted from headquarters and typically contain mandates for the entire system. The folklore of the department is that “street-level” parole agents either pay little attention to policy pronouncements emanating from headquarters or view them as attempts to meddle in their decision-making. Two major policies were adopted during 2003 and 2004 that may have affected how parole agents handle violations. The first related to search and seizure compliance and the second was the announcement of a “New Parole Model,” which, among other things, proposed the use of intermediate sanctions for parole violators and a violation matrix to standardize the handling of

violations. The New Parole Model was a source of major tension between the correctional officers union and the department because parole agents felt it reflected a reduction in their discretion and a softening of the approach to violations. Agents also expressed frustration about the model because it appeared to them to reflect an endemic mismanagement of the parole system by CDCR executives—mainly because it recommended the use of intermediate sanctions before the programs were actually up and running.

The other policy related to a lawsuit brought in U.S. District Court. The case, *U.S. v. Crawford* (323 F.3d 700 [9th Cir. 2003]), centered on the necessity of parole agent compliance with federal search and seizure rules in the case of parolee searches. The initial court in *Crawford* ruled that parolees can only be searched if there is reasonable suspicion that they are involved in criminal activity. The case was subsequently reconsidered the following year and overturned. During the period when the 9<sup>th</sup> Circuit Court was reconsidering the ruling, the parole division announced a policy that while the *Crawford* decision was pending parole agents were to use a “reasonable suspicion” standard as a basis for searches of parolees. This policy altered the longstanding rules used in parole that limited appropriate searches to those that were “nonarbitrary, non-capricious, and non-harassing.” Once *Crawford* was overturned, the parole division retracted its policy requiring the higher standard of suspicion, and reverted back to their original policy. We hypothesized that this policy might impact the ability of parole agents to detect some kinds of criminal violations, particularly Type II and III criminal violations. We expected to see the policy have little effect on technical violations and the drug-related Type I criminal violations, since neither of these kinds of violations would be greatly impacted by changes in search standards.

**Table 5.11. Major Parole Policy Announcements, 2003-2004**

<b>Date</b>	<b>Title</b>	<b>Info</b>
2/6/2004	<b>Policies and procedures for the community correctional reentry centers/halfway back program</b>	Discusses agreement between CCPOA and state regarding new parole model and reentry centers. Will use violation matrix (only US and DA use until workload agreement reached). Change in mission of CCRCS from inmates to parolee needs. Memo outlines all duties of all players in process.
9/9/2003	<b>Impact of US vs. Crawford regarding parole compliance searches</b>	Until final ruling, P&CSD will perform parole searches based on reasonable suspicion of criminal activity or parole violations. Defined here
7/30/2004	<b>Crawford decision overturned</b>	Reasonable suspicion not required for search and seizure of CA parolee.

Neither policy had the hypothesized effect, which may suggest that policies created at headquarters typically have little impact on decision-making and case processing at the street-level.

Despite the weak policy effects, the general implication is that the way supervision is organized can impact violations. The most consequential aspect of supervision is clearly intensity. More intensively supervised parolees are routinely found to be at greater risk for almost all types of violations. However, we also found some evidence to support the idea that parole agent tolerance, as measure by their personal characteristics, can influence some types of violations, but not typically the most serious kinds. These findings call out for a further investigation that uses more precise measures of parole agent ideological orientation. Finally, there appears to be little support in our data for the effects of workload and policy changes on how parole agents handle violations.

Next we consider the third dimension of our analytic framework—community factors.

### ***Community Factors***

The characteristics of communities in which parolees reside form a third aspect of our analysis—with individual and organizational factors making up the first two levels. We begin with the assumption that community characteristics can have criminogenic or reintegrative impacts on parolee behavior. In other words, neighborhood factors can either promote or guard against illicit activities. Following this logic, we substantively divide community characteristics into two subcategories—*criminogenic contexts* and *reentry environments*.

Criminogenic contexts refer to neighborhood factors that foster an environment that is more conducive to crime and illicit activity. We derive these factors from social disorganization theory, which argues that certain neighborhood conditions facilitate criminal activity through the breakdown of local social controls (Shaw and McKay 1942; Sampson, Raudenbush, and Earls 1997). According to this approach, the critical sources of disorganization are concentrated socioeconomic disadvantage, ethnic heterogeneity and residential turnover. Concentrated disadvantage affects crime through the inability of communities to invest in appropriate community control measures. Ethnic heterogeneity (i.e., diversity) is thought to foster isolation among different ethnic groups, thereby creating an atmosphere of difference and conflict. Residential turnover is associated with crime because residents are thought to invest less in neighborhoods where they do not plan to establish permanent or long-term residence.

We find modest support for the criminogenic contexts/social disorganization hypotheses as they relate to an understanding of parole violations in California. Concentrated disadvantage is a combined factor measure that accounts for the following community characteristics: percent of households in poverty, percent of adults who are unemployed, median household income, percent of children living with unmarried parents and percent of residents who are black. Parolees who live in neighborhoods that score highly on concentrated disadvantage are at greater risk to abscond than parolees who live in less disadvantaged environments. However, parolees residing disadvantaged neighborhoods

do not pose a greater risk to commit other kinds of violations than those from less disadvantaged neighborhoods. Parolees who live in neighborhoods characterized by high residential turnover have greater risks of technical violations other than absconding (i.e., violations of the parole process and weapons access). However, there is no effect of social disorganization variables on any other kind of criminal violations. Thus, support for the notion that parolees in more socially disorganized communities are more crime-prone is not consistently supported by these analyses.

The effects of reentry environments are similarly rather weak. Neither public assistance generosity, measured as a ratio of public assistance expenditures to public assistance recipients, nor the percent of the population who are church adherents have any effect on any type of technical or criminal violations. Punitiveness, as measured by voting results on correctional ballot measures and the percent republican in a community, decreases the risk of absconding, but does not affect any other type of technical or criminal violation. This finding is actually the opposite of what we had hypothesized.

The availability of substance abuse and mental health (SAMSHA) services affects both the risk of technical violations and the least serious Type I criminal violations. This suggests that parolees situated in more “resource rich” environments have lower risks of technical violations (not including absconding), as well as drug use and possession violations. This may be partly attributable to the effectiveness of these programs with respect to curtailing lower seriousness violations, but it may also be a “parole agent effect,” such that parole agents are less likely to violate parolees for lower level violations when they perceive that there are service opportunities that pose an alternative to initiating the formal violation and revocation process. The effects of the concentration of SAMSHA services is not present in the analyses of the other types of technical and criminal violations.

## SUMMARY OF VIOLATIONS ANALYSIS

Although we began our investigation with a set of hypotheses about the individual, organizational, and community factors affecting parole violations, our findings indicate that individual and organizational factors are the most critical. Individual characteristics, such as prior offending history, matter a lot, but mainly in terms of the frequency of offending—the number of times an offender has been incarcerated. The type of offender also matters, although not in ways many people presume. Offenders who have committed serious or violent offenses or are sexual offenders generally pose **less** risk than drug and property offenders. The current laws and policies in California focus heavily on violent and sex offenders and thus our results suggest that such attention may be misplaced—if the goal is to reduce recidivism. These categories are used to determine how parolees are supervised, what programs they can access, and what will happen to the parolee if they violate parole. These policies rely on a set of designations that mark particular categories of offenders as “sex offender registrants,” “Second Strikers,” and “serious” and “violent” offenders. Arguably, these categories serve dual purposes. On the one hand, the categories are meant to identify individuals who are the least deserving of leniency and “the benefit of the doubt” both formally and informally in the parole supervision and revocation system. They are, in effect, categories through which the “just deserts” aspect

of punishment is extended into and enacted during parole supervision phase of a felon's sanction. On the other hand, they are frequently understood to designate individuals who, by virtue of their past behavior, pose elevated threats to the public safety. In regards to this latter point, our research shows that these categories do not function well as indicators of the potential for future deviant behavior.

These findings reveal that the heavy emphasis on offender categories like Sex Offender, Second Striker, and other methods of denoting an offender as "serious" or "violent" in California law and policy needs to be tempered with a more nuanced conception of risk—if the goal is to spend scarce supervision resources on the offenders most likely to reoffend. In other words, being designated as a particular kind of "bad" offender draws attention away from the offenders who are responsible for the vast bulk of criminal violations. In this regard, the department's policies and practices could benefit from a greater appreciation of the "risk principle"—that supervision should be concentrated on the individuals who are estimated to pose the greatest risk and away from the individuals who pose lesser risks. While the department has recently begun to conduct risk assessment based upon an actuarial risk instrument, it does not link the assessment of risk to actual supervision practice.

Drug and property offenders, on the other hand, tend to be seen as "low-level" offenders, posing less risk, and deserving of less attention. However, we show that such offenders are more likely to pose higher risks for the most types of criminal violations. Conversely, violent and sexual offenders, with a few exceptions noted, do not appear to pose greater risks of committing the most serious and violent kinds of violations. Drug and property offenders are also particularly prone toward accumulating violations that involve drug use and drug possession, which constitute the largest proportion of all violations. The pervasiveness of such violations indicates the scale of the drug problem among the parolee population and illustrates the need for expanded use of treatment as a programmatic response. The lack of service provision is also evident in the extraordinarily high rates of all kinds of violations posed by individuals with diagnosed mental illness. Expanding opportunities and participation in such programs could produce desirable outcomes. Our evidence suggests that creating service opportunities can reduce the chances of some types of violations.

System responses are critical in another regard, as well. It is important to recognize that reports of a parole violation are a joint production between individual behaviors and organizational attention. In other words, it depends on what the parolee does and how the system is structured and how it responds. It is instructive to think of parole violations as an iceberg, with the detected and reported violations representing the observable tip. Which violations get reported depends upon what the parolee does, but also who they are and how they are supervised. We found that supervision intensity matters for whether or not violations are detected and reported. This is true for all kinds of violations, even the most serious.

One of the distinctive features of our analysis is our ability to break violations into various types. We found different factors at work among different types of violations. With regard to some violations, like technical violations and Type I criminal violations,



agents' personal characteristics have effects, but not for other kinds of violations. Supervision intensity effects are also more pronounced for technical violations and Type I criminal violations. The same is true of regional differences. The implication is that among the more discretionary violations, organizational dynamics matter more than for more serious violations. It also means that there is more uniformity in the ways serious violations are handled.

Many of these individual and organizational processes also operate with respect to revocations—the subject we turn to next.

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## CHAPTER VI: WHAT FACTORS PREDICT PAROLE REVOCATIONS AND RETURNS TO PRISON?

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Having described the basic patterns of parole violations and the individual, organizational, and community factors that do and do not affect them, we now turn to the second key decision point in the career of a parolee—the determination of whether the parolee should be returned to custody for their violations. It is critical to understand the revocation process because, as noted earlier, a large proportion of the standing state prison *population* is comprised of parole violators who have had their parole revoked, and because they are often returned to custody for relatively short periods, violators make up an even larger share of annual prison *admissions*. At the end of 2005, 36 percent of the California prison population was comprised of parolees who had been re-incarcerated, and parole revocations accounted for 62 percent of all admissions during that same year (CDCR 2006). Therefore, any examination of prison crowding in California must account for the role of parole revocation in contributing to the problem. Indeed, recent research by correctional scholars has shown that reforming the revocation process can be a promising way to control prison population growth (Burke and Tonry 2006; Petersilia 2003; Jacobson 2005).

Understanding revocation decisions is also important because of the questionable effectiveness of California's current system of sanctioning, which relies heavily on brief custodial spells as punishment for parole violations. The vast bulk of returns to prison come not through criminal courts, but by decision of the parole board, which uses a more lenient standard than criminal courts in determining guilt, and is only able to return parolees to custody for a maximum term of 12 months. Parolees charged with criminal violations first have their cases assessed by the court, and if the court is unable or unwilling to prosecute the case, it is then referred to the parole board. Violation cases processed through parole board can return parolees to prison when the evidence in their criminal cases is too weak to warrant a court conviction or when the sentence obtained via the court is no greater than what the board can give. As some have pointed out, revocation for criminal offenses by the parole board raises procedural justice concerns (Petersilia 2006; Travis 2003). On the one hand, parolees who could not be successfully returned to prison in a criminal court are returned nonetheless via the parole board. On the other hand, parolees accused of quite serious offenses are returned by the parole board for shorter sentences than they would receive had their cases been prosecuted in court.

Returns via the parole board are also notoriously short. While a brief prison stay will certainly incapacitate a parole violator for a short period of time, it can also sever that parolee's ties to employment, family support and social services, which may lead to further violation behavior upon release. Revoked parolees spend all or the majority of their time incarcerated in a reception center, which typically has fewer program opportunities than a prison. Moreover, even if those programs did exist, a short revocation spell would not provide sufficient time for completion. Thus, because California's system of revoking parole for short prison returns provides both minimal

incapacitation and rehabilitative benefits, and because it potentially disrupts prosocial networks, it likely has, at best, neutral and, at worst, negative impacts on public safety.

In this chapter, we continue to examine parolee outcomes by considering the individual, organizational, and community factors that shape revocation decisions. We are concerned with two central questions: What factors affect the sorting of violation cases through the courts versus through the parole board and, once in front of the parole board, what affects the chances that a parolee will be returned to custody, as opposed to being continued on parole? Before turning to these questions we begin with a brief overview of prior research on parole revocation.

## RESEARCH ON PAROLE REVOCATION

The existing research literature about parole revocations is quite limited, but there are a few studies that have generated findings that are relevant to our analyses. Kassebaum (1999) examined parole revocation patterns in Hawaii, tracking released prisoners for two to three years and identifying factors associated with parole failure. He found those who were *not* being released for the first time, drug users, and unemployed parolees to be more likely than others to experience revocation. Race/ethnicity was not a predictive factor in the Kassebaum study. A follow-up study (Kassebaum and Davidson-Corondo 2001) found only criminal history and participation in a “conventional lifestyle” to be associated with revocation. Hughes, Wilson and Beck (2001) looked at national data on parole failure between 1990 and 2000 and identified a number of demographic and legal characteristics that were associated with failure. These included male gender, non-Hispanic ethnicity, young age, prison commitment for a property offense, and, in contrast to Kassebaum (1999), first release to parole.

In perhaps the most methodologically sophisticated analysis of parole revocation to date, Steen and Opsal (2007) identified individual-level factors that were predictive of parole revocation decisions in four states.<sup>57</sup> Legal factors, unsurprisingly, were significantly predictive of these decisions. Offenders who had prior felonies on record and property offenders were the most likely to experience revocation. Steen and Opsal also identified demographic characteristics that increased the likelihood of revocation. Male parolees, younger parolees, and black parolees were all more likely to have parole revoked. Importantly, the degree of difference across demographic categories was greater for technical violations than for criminal violations. That is, the penalty for being black, for example, increased the chances of revocation on a technical violation more than it increased the chances of revocation on a criminal violation. This suggests that the influence of extra-legal factors is greater among cases in which more discretion can be exercised by decision-makers, and because of this, Steen and Opsal recommend investigating the sanctioning of technical and criminal violations as distinct phenomena.

Our study extends this existing body of research in two major ways. First, as Steen and Opsal propose, we examine revocation decisions about criminal and technical violations separately. In fact, we conduct separate analyses for criminal violations, technical

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<sup>57</sup> The states were New York, Kentucky, Michigan and Utah (Steen and Opsal 2007).

violations, and absconding. We also analyze criminal violations according to their level of seriousness; there are three main severity categorizations (Type I, II and III) and we run separate models to predict the sanctioning of violations within each category. Second, we are able to include measures in our analyses that better proxy the discretionary elements of revocation decisions in California. While the studies discussed above are able to draw some conclusions about discretion relating to individual factors (e.g., racial inequality and gender bias), they do not account for organizational and environmental conditions that may also affect revocation patterns. In other words, differential sanctioning can occur because decision-makers subtly penalize certain parolee groups in evaluating their cases, but it can also occur because of organizational pressures and because of the perceptions of decision-makers about the neighborhoods that parolees will return to.

Organizational and community factors, in terms of their impact on parole revocation decisions, have received almost no research attention. However, criminological theory suggests that they can play an important role in driving these decisions. Organizationally, workload and population pressures may affect sanctioning patterns because decision-makers are expected to pay less attention to “low level” cases as their workloads increase and as sanctioning opportunities (e.g., jail and prison space) become scarcer. Community conditions are expected to affect revocation rates in a couple of different ways. First, parolees from more disadvantaged neighborhoods may, in the minds of decision-makers, be stigmatized by their environments, and thus experience harsher treatment. Second, decision-makers may believe that disadvantaged neighborhoods provide fewer resources for facilitating legitimate parolee reintegration, or more opportunities for criminal behavior, and thus be more reluctant to re-release parolees to those areas. These considerations are important to understand because the inclusion of organizational and community conditions as decision criteria indicate a certain amount of unwarranted discretion on the part of court and board actors. That is, sanctioning decisions may be influenced by factors far beyond the nature of the current parole violation and the legal history of the parole violator.

To better understand the discretionary and non-discretionary elements of the revocation process, we draw on theoretical literature about the *focal concerns* of criminal justice decision-makers. Focal concerns theory begins with the assumption that criminal justice decision-makers are expected to make sanctioning and release decisions in an environment of organizational uncertainty, based on a limited knowledge of the offenders under scrutiny and within a larger institutional environment that prioritizes both efficiency and legitimacy (Albonetti 1991). To mitigate uncertainty, decision-makers rely on important cues that signal the probable consequences of their decisions, and utilize three critical dimensions as a framework for these decisions. The three dimensions of legal decision-making are: public safety, offender blameworthiness and practical constraints (see, for example, Huebner and Bynum 2006; Steffensmeier, Ulmer and Kramer 1998). Below, we explicate these dimensions.

Concern for public safety is understood to be important to sanctioning decisions, and is expressed as the potential of applied sanctions to deter and incapacitate offenders, thereby reducing crime. The inclusion of blameworthiness as an object of inquiry is

rooted in the belief that punishment must be appropriate to the offense and to the offender, and that offenders should get the sanctions that they deserve (i.e., “just deserts”). The blameworthiness of parole violators, as well as their perceived threat to public safety, is signaled by the nature of parole violations, as well as by the offender’s legal record. The consideration of community conditions by decision-makers also fits with these principles. Court and board actors may feel that parolees from particularly disadvantaged communities are somehow representative of these places, and therefore more likely to re-offend because they embody the criminogenic characteristics of their neighborhoods (blameworthiness). These actors may also penalize parole violators from bad communities because they feel that criminal offending is more likely in disadvantaged environments that lack legitimate opportunities (public safety).

The practical constraints dimension of focal concerns theory suggests that decision makers must also consider logistical factors such as available agency resources and correctional crowding. As time and resources diminish, decision-makers may consciously or unconsciously shift their working thresholds for punishment, showing increased leniency toward less serious cases. Although one study found that parole board actors did not think that prison overcrowding affected their decisions (Burns, Kinkade, Leone and Phillips 1999), these dynamics could be operating subconsciously. For this reason, we examine the influence of workload pressures and available custodial space on parole revocation decisions.

### **REVOCATIONS: PATTERNS AND PROCESSES**

There are two ways to experience revocation: through county criminal courts and through the parole board. Courts only handle criminal violations—those that result from an arrest.<sup>58</sup> The parole board, the Board of Parole Hearings (BPH), handles technical violation cases, as well as criminal violation cases that county courts do not successfully prosecute. The process by which cases are sorted through one channel versus the other, as well as the reasons that some parole violators are revoked while others are allowed to return to the community, are not well-understood. How exactly does the revocation process work in each venue? Again, returns through the criminal courts all result from arrest. If district attorneys (DAs) choose to prosecute these cases, they remain in the courts. Parolees returned because of court convictions are called “parole violators with new terms” (PVWNTs) and can be re-imprisoned for any length of time that is appropriate to their crimes. Those criminal violation cases that DAs decline to prosecute, or that are dismissed from court for other reasons, are subsequently referred to the board, where they may result in a return to custody. Parolees returned to custody through the parole board are referred to as “parole violators returned to custody” (PVRTC). Those that return to the community are “continued on parole” (COP).<sup>59</sup> The board also hears technical violation cases, including those involving absconding from supervision, other

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<sup>58</sup> The arrest can be made by a police officer or a parole agent.

<sup>59</sup> Cases returned through the parole board can be subsequently successfully prosecuted by a local criminal court. When this happens the parolee shifts from being a “parole violator returned to custody (PV-RTC)” to a “parole violator with new term (PV-WNT)” without ever leaving prison. Because the court “trumps” the parole board in terms of the amount of return time, as well as the effect on the offender’s record and parole term, we treat such cases as being returned by the court rather than the board.

violations of the parole process, access to weapons, and psychiatric endangerment. Since these violations involve no legal transgressions—only violations of parole conditions—they cannot be evaluated by criminal courts.

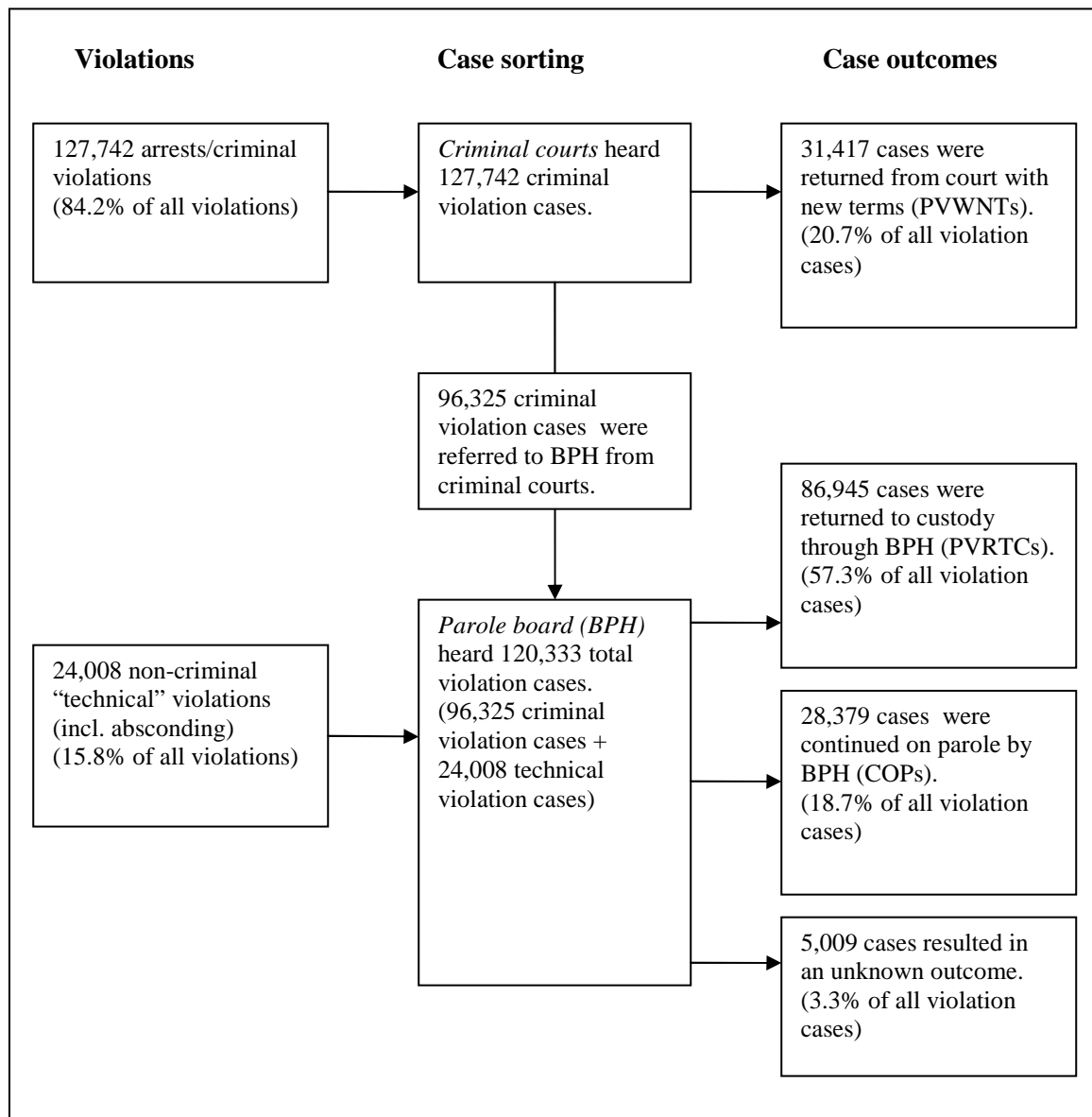
There are two key differences between revocation cases that are tried in court and those that are heard by the parole board. First, the two venues use different legal standards regarding evidence. In court, a parolee must be found guilty *beyond a reasonable doubt* before a sentence can be imposed. The board, however, must only find a parolee guilty according to *the preponderance of evidence*—a much more lenient legal standard—before issuing a sanction. Thus, because parolees charged with criminal violations who have their cases dismissed in court must then have their cases heard by the board, they essentially endure a legal form of double jeopardy in which they are first tried according to a strict standard of evidence, and then a more lenient one. Parolees charged with technical violations will stand in front of the board and their cases will also be decided according to the more lenient standard.

The second key difference between the two venues involves the degree of punishment that can be issued. When the court finds a parolee guilty of a new crime, it can impose any custodial sentence appropriate to that crime. On the other hand, if the board finds a parolee guilty of a new crime or a technical violation, it can only impose a return to custody of up to one year. The two venues are distinguished by different priorities: certainty versus severity. In court, punishment is less certain because of the stricter standard of evidence, but when guilt is established, the severity of punishment can be very high. The board, using a more lenient standard of evidence, guarantees greater certainty of punishment, but the severity of punishment is limited, as returns to custody through the board cannot exceed one year. The decision to revoke parole may be contingent upon the ability or will of local court officials to proceed with a criminal case that could lead to a new term. Some cases may appear to district attorneys as either too difficult to prosecute or not sufficiently serious to warrant their attention. In these circumstances, they may defer to the parole board, which can move more quickly and will more likely force the reincarceration of the parolee, even if it is for less time than a criminal conviction from the court. In effect, district attorneys may be weighing the certainty of return against the severity of the potential sentence that a parolee is likely to receive.

The dynamics of violation case sorting and the ultimate outcomes of these cases are reflected in the data we collected for this study. Figure 6.1 below displays the flow of parole violation cases through criminal courts and the parole board, along with their outcomes. Among the 151,750 total parole violations reported in 2003 and 2004, 84 percent (127,742) were criminal violations. Of these criminal violation cases, 31,417—25 percent of all criminal violations tried in criminal courts—resulted in a new prison term. The other 96,325 cases (75 percent of all criminal violations) were referred to the parole board.

In addition to the criminal cases referred from courts, the parole board also heard 24,008 technical violation cases (16 percent of all cases), so there were 120,333 total violation cases heard by the board during this period. Among these cases, 86,945 (57 percent of all

cases) resulted in a return to custody, 28,379 (19 percent of all cases) resulted in continuation on parole, and 5,009 cases (three percent of all cases) resulted in another outcome.



**Figure 6.1: Flow of Violation Cases through the Courts and Board, 2003-2004**

As discussed earlier in this chapter, criminal violations and technical violations are quite different, and thus, it is useful to examine each violation type separately. Table 6.1 below therefore presents descriptive statistics on the outcomes of *criminal* violation cases that went through the courts and the board during our study period.

**Table 6.1: Revocation Outcomes of *Criminal* Violation Cases, 2003-2004**

Venue	Outcome	Number	Percent
Court	WNT (court return)	31,417	24.6
Board	RTC (board return)	67,361	52.7
Board	COP (board declines to return)	24,901	19.5
Board	Other	4,063	3.2
	Total	127,742	100.0

Among criminal violation cases in 2003 and 2004, about 25 percent resulted in a new prison term delivered by a criminal court. More than half (53 percent) resulted in a return to custody through the parole board, while another 20 percent resulted in continuation on parole. Thus, among criminal violation cases, almost four out of five result in some form of prison return, either through the courts or through the board.

Technical violation cases heard by the parole board exhibited a similar rate of prison return as criminal violation cases. Over 80 percent of technical violation cases resulted in a return to custody. It is important to keep in mind, however, that criminal violation returns were issued through both the courts and the board, while technical violation returns were only issued through the board. See Table 6.2 below.

**Table 6.2: Parole Board Revocation Outcomes of *Technical* Violation Cases, 2003 - 2004**

Outcome	Number	Percent
RTC (board return)	19,584	81.6
COP (board declines to return)	3,478	14.5
Other	946	3.9
Total	24,008	100.0

While court cases center exclusively on criminal charges, revocation cases heard by the board can be comprised of any number of criminal, technical and absconding charges. To further explore the dynamics of prison return through the parole board, we break down board return rates, by the specific composition of charges, in Table 6.3 below. We have excluded 5,009 cases in which violation details and outcomes were unknown.

Overall, the board returned three-quarters of all violation cases heard. Unsurprisingly, the highest rate of prison return among board cases was among those cases containing all three charge types (criminal, technical and absconding). These cases resulted in return to prison 95 percent of the time. The lowest rate of return was among those cases involving only criminal charges; these cases resulted in reincarceration only 49 percent of the time. We believe that this low return rate among “criminal only” violation cases is related to the fact that county courts had already successfully prosecuted those cases that were most likely to result in custodial sentences. Thus, in a sense, the parole board receives a



“watered down” roster of criminal cases from the court.<sup>60</sup> However, the board is substantially more punitive towards those criminal violation cases that have technical or absconding charges attached to them. When the board heard cases involving criminal charges alongside technical and/or absconding charges, return rates ranged from 88 to 95 percent.

**Table 6.3: Parole Board Return Rates, by Violation Type, 2003-2004**

	<b>Total cases</b>	<b>Percent returned</b>
Only criminal charges	37,081	48.5
Only technical charges (not including absconding)	6,802	79.3
Technical and absconding charges	5,955	90.9
Only absconding charges	10,305	85.2
Mix of criminal and technical (no absconding)	25,971	88.1
Mix of criminal and absconding	16,501	87.5
Mix of criminal, technical and absconding	12,709	95.0
Total	115,324	75.4

Those cases involving only technical charges, only absconding charges, or a combination of these two types also experienced a high rate of return—ranging from 79 to 91 percent. This may be the result of a selection bias on the part of parole agents and units. That is, parole agents may only choose to report “technical only” cases to their unit supervisors when charges accumulate to such an extent that they can no longer be ignored. Relatedly, among cases that do not require mandatory referral, units may “hold back” on technical violation cases that have not accumulated enough seriousness to result in a likely reincarceration.

While many criminal violation cases heard by the board may be the “watered down” variety mentioned above, some others involve very serious charges. Travis (2003) was among the first to identify this phenomenon in his analysis of “back-end sentencing,” and our data corroborate his contention that the board occasionally assesses serious criminal cases.

A comparison of some selected types of criminal offenses returned through the board and those returned by county courts in 2003 and 2004 is presented in Table 6.4.

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<sup>60</sup> We find some evidence to support this hypothesis through an analysis of the specific types of offenses that comprise the “criminal only” category (criminal violation cases without technical or absconding charges attached), compared to other criminal cases heard by the board. Thirty-five percent of “criminal only” cases involve “drug use”—typically identified through a failed urinalysis and generally considered to be among the least serious types of violations. In comparison, only 19 percent of other criminal violation cases (i.e., those also involving technical or absconding charges) heard by the board involve “drug use.”

**Table 6.4: Comparison of Returns to Prison by Offense Type and Return Mechanism, 2003-2004**

<b>Offense Type</b>	<b>Courts</b>	<b>Board</b>
Homicide	288	246
Robbery	1,269	1,006
Assault and Battery	2,995	8,943
Rape/Sexual Assault	315	691
Burglary	2,762	2,132
Theft/Forgery	5,610	5,509
Drug Offenses	7,077	18,535

A surprising number of violent crimes, such as homicide, robbery and rape, are processed through the parole board. These crimes carry lengthy prison terms when they are prosecuted in courts of law. However, when handled through the parole board, the maximum return time is capped at 12 months. Even though the proportion of homicide, robbery and rape cases constitute a very small share of the total number of criminal parole violations returned to custody through the board, the fact that such cases are pursued in this arena is telling. The board is clearly not a venue that exclusively deals with “small time” criminal cases. Even though minor offenses appear to be the norm, cases involving serious offenses are also heard in this venue. Furthermore, because the parole board decides cases under a more lenient standard of evidence than courts, parole violators who are factually innocent face an increased likelihood of being returned to custody. The fact that court prosecutors referred these serious criminal violation cases to the board suggests that there was insufficient evidence to prosecute the cases under a stricter standard of evidence.

When serious criminal parole violations are evaluated by the board, they typically result in return to custody. Board cases involving the most serious types of criminal violations—Type III offenses, which include homicide, rape and serious assault—are returned at higher rates than cases involving less serious criminal activity. See Table 6.5 below. Type III violation cases are returned to custody 88 percent of the time. Moderately serious criminal cases (Type II) result in return almost as frequently; these parole violators are returned 80 percent of the time. The least serious criminal cases (Type I) are only returned 52 percent of the time. Thus, when moderately serious and very serious criminal parole violations are evaluated by the board, the certainty of return is extremely high. The board appears to exercise greater discretion over cases involving Type I crimes—75 percent of which involve failed drug use and possession violations.

**Table 6.5: Parole Board Return Rates for Criminal Violations, by Violation Severity, 2003-2004**

<b>Criminal violation severity</b>	<b>Total cases</b>	<b>Percent returned</b>
Type I (least severe)	40,908	52.3
Type II	34,702	80.2
Type III (most severe)	20,651	87.7
Total	96,311 <sup>61</sup>	69.9

It is critical to acknowledge the complexity of this issue. Parolees accused of Type III offenses may indeed be murderers, robbers, or rapists whose cases prosecutors did not, or felt they could not, successfully prosecute. Parole board officials must have concluded that these parolees truly posed a threat to public safety and that there was a preponderance of evidence sufficient to justify reincarceration. Parolees do not enjoy the same procedural rights as other citizens accused of criminal behavior. However, these cases deserve close scrutiny. Justice demands that individuals who have committed serious crimes should be punished relative to penalties indicated by the criminal law. When a parolee is returned for a serious crime by the parole board for a short stay in prison, released back into the community after a few months, justice is denied.

Our multivariate models, presented later in this chapter, address some of the key issues in parole revocation. We investigate factors associated with decisions to return parolees through the court versus through the parole board. By focusing on the characteristics of cases and offenders, as well as organizational and community factors, that influence the sorting of cases through each venue, we are able to contribute to a more detailed understanding of the how back-end sentencing unfolds, as well as the consequences of how the process works.

## **DATA AND DATA SOURCES**

As discussed in Chapter II, the data used in our analyses of parole revocations have been assembled from many sources. Most importantly, the characteristics of violation cases and parolees themselves are drawn from CDCR’s operational data systems—specifically, the Revocation Tracking and Scheduling System (RSTS) and the Offender Based Information System (OBIS). These sources contain measures indicating violation types and severities, as well as the details of parolees’ demographic and criminal-legal characteristics.

We compiled measures of organizational pressure—which are expected to affect reincarceration decisions through variation in available sanctioning options and the workloads of decision-makers—from numerous publicly available datasets. Prison reception center occupancy was measured monthly and these data were drawn from CDCR’s annual population reports (e.g., CDCR 2005). County jail occupancy was measured quarterly and the data were obtained from California’s Corrections Standards Authority (e.g., California Board of Corrections 2004). Regarding criminal violation

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<sup>61</sup> We excluded 14 cases in which violation details were unknown.

cases heard in criminal courts, we hypothesized that the caseloads of district attorneys would affect their decisions to prosecute or refer cases, so we calculated a variable measuring the number of felony cases divided by the number of district attorneys annually in each county—a standardized measure of court workload pressure. Felony caseload data were taken from the Judicial Council of California’s annual Court Statistics Reports (Judicial Council of California 2004) and data about district attorneys was provided by the California Office of the Attorney General.<sup>62</sup> Felony caseload data were incomplete, or missing, for ten counties in 2003 and five counties in 2004. To fill in these values, we estimated felony court caseloads based on the number of felony arrests in the county for a given year.<sup>63</sup>

Our measures of community characteristics contain one variable measured at the county-level and others at the census tract-level. Our county-level measure of “punitiveness” is a combined factor score based on voting on correctional rehabilitation-oriented ballot propositions.

Census tract-level measures were downloaded from the U.S. Census’s website and reflect data from the 2000 census survey. To assess whether community socioeconomic conditions affect revocation decisions, we created a census tract-level factor score indicating “concentrated disadvantage”—a concept derived from criminological theories which posit that poor environmental conditions will spur criminal activity.<sup>64</sup> While concentrated disadvantage indicates potentially criminogenic conditions in a community, other factors measure community characteristics that may protect against criminal behavior. We thus include a tract-level measure of public assistance generosity, which is calculated as the percent of households in poverty that receive public assistance income. Similarly, we include a measure of available services in the community. From data provided by the federal Substance Abuse and Mental Health Services Administration (SAMHSA), we used Geographic Information Software to create a variable indicating the number of service providers within 50 miles of a given California census tract.<sup>65</sup>

Criminological theorists have contended that system decisions can also be affected by the degree of “racial threat” presented by a community; that is, communities with higher proportions of minority residents, and those with high minority unemployment rates, are expected to be more punitive in their responses to crime (Blalock 1967; Kent and Jacobs 2005; Stolzenberg, D’Alessio and Eitle 2004). We thus include two census tract-level measures of racial threat: the percent of black residents and the percent of black residents that are unemployed.

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<sup>62</sup> <http://ag.ca.gov/cjsc/statisticsdatatabs/PersoCo.php>

<sup>63</sup> We attempted a number of different solutions for this problem, including multivariate techniques, but decided on a simple arrest-to-caseload ratio because this approach produced the most consistent and realistic estimates.

<sup>64</sup> The specific measures included in this factor score were: percent of households under the poverty line, percent of residents who were unemployed, median household income, percent of children living with unmarried parents, and percent of residents who are black.

<sup>65</sup> To qualify, the provider must accept clients referred from criminal justice agencies.

Appendix D lists the independent variables included in our multivariate revocation analyses, sorting them by conceptual categories (i.e., case characteristics, individual characteristics, organizational factors and community characteristics).<sup>66</sup>

## **METHODOLOGY: LOGISTIC REGRESSION ANALYSIS OF PAROLE REVOCATIONS**

We estimate two sets of multivariate logistic regression models predicting revocation outcomes. Logistic regression is a statistical approach that is commonly used to predict the probability that an event will occur, and is therefore appropriate for the analyses we present in this chapter, which predict “either/or” outcomes—specifically, whether a violation case results in court conviction, and whether the board decides to return a parole violator to custody. The models produce, for each independent (predictor) variable, a standardized “odds ratio” that indicates the effect of a one-unit change in that variable on the outcome of interest. So, for example, in predicting board decisions to return to custody, if the odds ratio associated with the “male” variable (a dichotomous one) is 2.0, this result would indicate that males are twice as likely as females to be returned. The interpretation of odds ratios for continuous variables, such as the number of criminal charges associated with a violation case, works differently. In this situation, an odds ratio of 2.0 would indicate that *each* additional criminal charge doubled the chance of return to custody. For more detailed reviews of this statistical approach, see Allison (2001), Hosmer and Lemeshow (2000), and Kleinbaum and Klein (2005).

Our first set of analyses is concerned with identifying the factors that affect whether criminal violations are handled by criminal courts or by the parole board—what we refer to as the “case sorting” process. Regarding case sorting, we are primarily concerned with the characteristics of parolees and communities that are associated with criminal violations that are returned to custody through the courts, as opposed to being referred to the parole board. We also focus on organizational factors, such as court caseloads and jail overcrowding, which may influence these dynamics.

Our second set of analyses are focused on criminal and technical violations handled by the parole board, and designed to identify parolee characteristics, organizational factors and community characteristics that are likely to lead to returns to custody. We analyze six different dependent variables: all criminal violations, Type I (least serious), Type II (moderately serious), and Type III (most serious) criminal violations, and two types of technical violations—absconding and technical violations other than absconding (i.e., psychological endangerment, weapons access, and violations of the parole process).

We have chosen to model criminal, absconding and technical violations separately because, as Steen and Opsal (2007) suggest, the rationales by which different types of

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<sup>66</sup> Appendix D also reports descriptive statistics about parole violation/revocation cases that were heard in court and by the board during the study period. In addition, certain variables are excluded from certain statistical models. We exclude independent measures when there is no logical reason for them to be related to the outcome of interest. For example, the felony caseloads of district attorneys are not expected to relate to board revocation decisions, so this measure is excluded from our board return models. Further details on many of the measures are included in Chapter V on the analysis of parole violations.

violations are sanctioned may be unique to each type. We further break criminal violation cases into three subgroups reflecting case seriousness because the board may utilize different reasoning in dealing with criminal violations of different severities. Type I violations, 75 percent of which involve drug use and possession violations, are likely to receive different treatment than Type III criminal violations, which involve serious offenses like homicide, rape and assault.

## **THE SORTING OF CRIMINAL VIOLATION CASES BETWEEN COURTS AND THE PAROLE BOARD: MULTIVARIATE RESULTS**

In our first multivariate regression model, we are primarily concerned with identifying factors associated with courts' decisions to return parolees to prison for criminal parole violations, as opposed to having these cases referred to the parole board. Independent (predictor) variables measure the characteristics of parolees' cases, parolees themselves, time- and place-specific institutional pressures, and characteristics of parolees' communities. Detailed results are available in Appendix E.

The cases that are included for analysis are approximately 128,000 criminal parole violations that occurred in 2003 and 2004—all of the criminal violation cases that were processed by local courts and the parole board. The dependent variable is whether a parolee's violation case was *returned to prison through the court or handled by the parole board*.<sup>67</sup> This variable effectively measures the successful prosecution of criminal parole violations in court.

### ***Case and Individual Characteristics***

As with violations, the most decisive factors determining court returns are individual and case characteristics. The number and severity of criminal charges are mainly included as control variables. While the *number* of criminal charges associated with a criminal violation case is not predictive of successful court prosecution, charge *severity* does predict return by the court. Cases with higher criminal severity scores—those involving more serious charges—are more likely to be successfully prosecuted in court, suggesting that court actors tend to pursue cases involving more serious criminal activity.

In terms of parolee characteristics, those with more previous returns to prison, counted as the number of previous returns by either the parole board or by court conviction, are more likely to be returned through the court. Each additional California adult prison stay on a parolee's record increases the likelihood of reincarceration through the court by roughly 7 percent. Parolees' present commitment offenses are also significantly related to returns to custody through the court. Those who had originally been imprisoned for property and "other"<sup>68</sup> offenses are the most likely to be returned through the court, followed by those

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<sup>67</sup> Cases that were handled by the parole board include cases where "good cause" is found but rather than being returned to prison, the parolee is continued on parole. Cases that were referred to the board and then "dismissed" without good cause were excluded from the analysis. In our data, about 4.5% of criminal violation cases were dismissed.

<sup>68</sup> Other offenses are mostly weapons possession (46%), driving under the influence (17%) and literally "other offenses" (32%).

who had been imprisoned for drug crimes. Parolees who had been committed for violent and sexual offenses are the least likely to be returned to prison by the court, and the most likely to have their cases referred to the board (Table 6.6).

**Table 6.6: Ranked likelihood of court return, by original commitment offense**

	Original commitment offense
Most likely to be returned by the court	“Other” Property Drug Sexual
Least likely to be returned by the court	Violent

Similarly, offenders whose previous offending history has resulted in them being labeled as “serious” or “violent” are actually about 17 percent *less* likely to be returned through the court. Also, registered sex offenders are about 23 percent less likely to be returned through the court. These patterns may be due, at least in part, to the relative strength of evidence in and/or the seriousness of the criminal violation cases of different parolee subgroups, but they may also be attributable to perceived notions of dangerousness. Serious and violent offenders, as well as registered sex offenders, may be considered particularly likely to reoffend in the absence of immediate incapacitation, and court actors may tend to refer their cases to the board, where the certainty of return is higher.

The one exception to the conclusion that violent offenders are less likely than other offenders to be returned through the court is in regard to “Second Strikers.” Holding constant other factors, Second Strikers are 45 percent more likely than others to be returned to prison by the court, as opposed to having their cases referred to the board. This may be due to concerns about public safety or blameworthiness, with Second Strikers perceived as particularly dangerous offenders, and thus in need of the long periods of incarceration that only court sentences can provide. This finding may also be interpreted as a “labeling” effect. Those parolees who have been “labeled” as Second Strikers appear to arouse more concern from the court, and are more likely to be returned to prison by court actors. A final explanation may be that Second Strikers’ violation cases are more appealing to prosecutors because the threat of a third strike gives them more leverage in plea bargaining.

While the characteristics of cases and the offending histories of parole violators may be legitimately considered in making prosecution and referral decisions, other factors should not be germane to criminal violation case outcomes in court and indicate a certain amount of unwarranted discretion in these decisions. We find that over and above the characteristics of cases and histories of offending, the demographic and psychological characteristics of criminal parole violators also have some influence on court prosecution and referral decisions. While gender does not impact these outcomes, race does. Black parole violators are 15 percent less likely than whites to experience successful court prosecution, while Hispanic parolees are 4 percent more likely than whites to be prosecuted in court. Asian parolees and those of “other” racial groups are the most likely to be successfully prosecuted in court (24 and 14 percent more likely than whites,

respectively). In terms of age, the youngest parolees (ages 18-30) are 17 percent more likely than others to be returned to prison through the courts. Finally, parolees with officially recognized mental health conditions are 6 percent less likely than parolees without such conditions to experience court return. Thus, our results indicate that race, age and mental health conditions can be important considerations to district attorneys and judges in criminal courts. Like indicators of criminal seriousness, demographic and psychological characteristics may indicate different aspects of perceived threat to public safety. Court decision-makers may—consciously or unconsciously—consider some parolees (e.g., black parolees, those with mental health conditions) to be in need of immediate incarceration, and tend to refer these cases to the board, where the certainty of return is higher. On the other hand, court actors may feel that the youngest parole violators are so dangerous that longer court-ordered sentences must be pursued.

### ***Organizational factors***

Regional and other organizational factors also affect court prosecution and referral decisions. Specifically, decision-making discretion can be identified in the geographic variation of case outcomes and in the relationship between workload pressures and prosecution decisions. This implies that “like cases may not be treated alike” and questions the consistency of this decision across venues in different places, and under variable organizational conditions.

Holding constant all other included measures, Los Angeles County (Parole Region 3) is 82 percent more likely to return criminal parole violators to custody through the court system, compared to other regions. There can be a number of explanations for this finding. There may be something unique about the organizational culture of criminal courts in Los Angeles County, such that they are more inclined than other county courts to pursue the reincarceration of criminal parole violators. Or, criminal parole violators in Los Angeles may exhibit unmeasured traits that are predictive of court return. For example, they may have less stable employment or housing, on average, than other California parolees; they may be more likely to be members of gangs; or local officials may simply believe that they are somehow more inclined toward dangerous behavior. Another possibility is that the police in Los Angeles are more effective in assembling evidence, so that criminal courts find these cases more prosecutable.

We also find evidence that institutional population and workload pressures can influence the treatment of criminal parole violations in court. When prison reception centers are crowded, courts are less likely to return parolees to prison, and more likely to refer criminal parole violations to the board. As populations increase in California prison reception centers, court prosecutions go down slightly. Conversely, as populations increase in county jails, court prosecutions go up slightly. The caseloads of district attorneys are also related to the likelihood of court return. As prosecutorial caseloads increase, the likelihood of court return decreases, and the likelihood of board referral increases. Thus, over and above the characteristics of cases and offenders, organizational factors appear to influence court actors in their prosecution and referral decisions.



### *Community factors*

Finally, some community characteristics are associated with an increased likelihood of successful prosecution of criminal violation cases in court. This suggests inconsistencies rooted in decision-makers' perceptions of parolees' communities, or in the value systems of decision-makers from different areas.

Court decisions can reflect the values of the communities in which the courts are located. For example, communities that score higher on *punitiveness*—as measured by ballot initiative voting outcomes and political party affiliation—are more likely to retain their criminal violation cases in court. That is, communities with more punitive attitudes toward crime punish parole violators more harshly.

Variation in court revocation decisions may also be due to the fact that parolees from certain communities exhibit characteristics that courts “penalize,” or that parolees are actually stigmatized by the conditions of their home neighborhoods. That is, decision-makers may believe that the criminogenic conditions and the lack of services in certain neighborhoods may inhibit successful reintegration. Communities that rate highly on “concentrated disadvantage”—a combined factor measure that includes measures of poverty, unemployment, family stability and minority residency—are more likely to return parole violators through court. Communities that score higher on *racial threat*—those that have larger black populations and higher black unemployment rates—are also more likely to pursue violation cases in court. An increase of one percent in a census tract's black population is found to be associated with a three percent increase in the likelihood of court return to custody. An increase of one percent in a census tract's black unemployment rate is associated with a one percent increase in the likelihood of court return.

### **PAROLE BOARD DECISIONS TO RETURN PAROLEES TO CUSTODY: MULTIVARIATE RESULTS**

The analysis described above describes the factors affecting whether violation cases are processed through the court or the parole board. Next, we examine decision-making by the parole board. Our second set of revocation models examine only parole violation cases heard by the board. These include criminal violation cases referred to the board from criminal courts, as well as absconding and noncriminal “technical” violation cases referred to the board directly from statewide parole units. We ask: *What case-specific, individual, organizational and community characteristics are associated with board decisions to return parolees to custody?*

To determine whether, and to what extent, different measures are predictive of prison return for different violation types, we estimate separate models for all violations, criminal violations, absconding, and other technical violations not involving absconding (i.e., violations of the parole process, psychological endangerment, and weapons access). We also estimate separate models for Type I, II and III criminal violations (i.e., violations of different criminal severities).

The dependent variable of interest is return to custody through the parole board versus board decisions to “continue on parole.” The dependent variable is dichotomous, with a value of “1” indicating return to custody through the board and a value of “0” indicating continuation on parole (i.e., release to the community). The models therefore assess the ability of each independent variable to predict board decisions to return parolees to custody among the violation cases of interest.

We include the same independent variables from the previous “sorting” model as predictors in our board return models, with certain key differences. First, the variable measuring district attorneys’ felony court caseloads is excluded from the board return models because it is not theoretically connected to board members’ return decisions. While higher prosecutorial caseloads may cause courts to refer more criminal violation cases to the board because of increased workload pressures, they should not have any impact on board returns, which are decided outside of courtrooms. The second key difference relates to the fact that different violation types (criminal, absconding, other technical not involving absconding) can be combined into the same case. Most violation cases contain multiple violations. Moreover, cases frequently include multiple types of violations. As such, for each violation type model, we control for other types of violations that may exist alongside the specified violation type. For criminal violations, we include independent control variables that indicate the number of absconding (PAL) and other technical violations contained in a particular case. For absconding violations, we include independent variables indicating the number of criminal charges in the case and the number of non-PAL technical violation charges. For non-PAL technical violations, we include independent variables that indicate the number of criminal charges and the number of PAL violations in the case. Thus, independent variable effects on case outcomes control for other violation types that may exist within that case. Detailed model results can be found in Appendix F.

### *Case and Individual Characteristics*

As with the sorting models described above, case characteristics are significantly predictive of returns to custody among parole violation cases heard by the parole board. Effects are fairly large and generally operate in expected directions. Cases with higher severity scores—the summed seriousness of all charges associated with the case—are more likely to result in reincarceration. The severity of technical charges is generally more predictive of returns to custody than the severity of criminal charges—with the exception of cases involving absconding. In absconding cases, only criminal severity is associated with the likelihood of return to custody.

The number of charges involved in a violation case is also associated with the likelihood of reincarceration. Cases containing more criminal charges, absconding violations and technical violations not involving absconding are, for the most part, more likely to result in decisions to return parolees to custody. In general, the effects of added criminal, absconding, and other technical violation charges are greatest for criminal violation cases heard by the board. Among these criminal violation cases, each additional criminal charge increases the likelihood of reincarceration by 14 percent; each additional technical violation not involving absconding increases the likelihood of reincarceration by 89

percent; and each additional absconding charge increases the likelihood of reincarceration by 255 percent.

However, our models predicting criminal violations of different severities show that there is substantial variation in the ways that these effects play out across levels of criminal seriousness. Additional criminal charges provide the largest penalty in the most serious criminal violation cases (Type III); each additional criminal charge increases the likelihood of reincarceration by 18 percent among these cases. Strangely, additional criminal charges are actually *negatively* associated with the likelihood of return among Type I and II (less serious) criminal violations. The presence of absconding and other technical violations have a greater effect on cases involving less serious criminal offenses (Types I and II). Among the most serious (Type III) cases, the presence of technical violations has no impact on the likelihood of reincarceration, and the presence of absconding charges has a more modest effect than it does on lesser criminal cases. Thus, it appears that among the most serious criminal violation cases, board members are highly concerned with the presence of additional criminal charges, but in lesser criminal cases, additional criminal charges matter less and technical charges matter more. Board decisions about the most serious criminal violation cases, therefore, center on the criminal offenses under consideration, while decisions about less serious criminal violation cases allow for the increased influence of technical and absconding charges.

Additional charges are also associated with higher reincarceration likelihoods in cases involving technical violations not involving absconding. In such cases, each included criminal charge increases the likelihood of reincarceration by 10 percent and each included absconding violation charge increases the likelihood by 78 percent. Absconding cases appear to proceed slightly differently. In such cases, each additional criminal charge is actually associated with a 7 percent *lower* chance of reincarceration. This may be due to the fact that among absconding cases involving substantial numbers of criminal charges, the seriousness of each charge is fairly low. Each additional technical charge not involving absconding in an absconding case, however, is associated with a 61 percent higher likelihood of return to custody.

Absconding violations have large and significant effects on board violation cases involving other types of violation charges, increasing the likelihood of reincarceration in criminal violation cases by 255 percent and technical violation cases by 78 percent. The coefficients associated with absconding violation charges are among the largest in the models. In other words, an added absconding charge presents one of the largest penalties for a parolee facing a board hearing on a criminal or technical violation, as added absconding violations increase the likelihood of reincarceration more than any other case or individual characteristic. Board members may be especially wary of releasing parolees who have demonstrated a willingness to abscond from supervision.<sup>69</sup>

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<sup>69</sup> Here, evidence of absconding can operate in at least a couple of different ways. For example, homeless parolees may be charged with absconding because they have trouble complying with reporting requirements. Other parolees may evade supervision because they intend to engage in criminal behavior. Whatever the reasons behind absconding, it is clear that board members penalize those parolees who engage in it.

While case characteristics have, as expected, a large effect on board revocation hearing outcomes, a parolee’s criminal history is also highly predictive of board decisions to return parolees to custody, net of all other measured factors. Criminal history is, for the most part, statistically significant in terms of its relationships to case outcomes and they are predictive in expected directions. For example, parolees’ most recent commitment offenses are significantly related to violation case outcomes. Across all three of our main regression models (criminal, absconding, technical), net of other measured factors, parolees who had been committed for sex offenses and violent offenses are the most likely to be returned to custody by the parole board. Drug and property offenders are the least likely (Table 6.7). Recall that criminal courts are more likely to successfully prosecute the criminal violation cases of property and drug offenders. The board, on the other hand, is focused on returning sexual and violent offenders. Holding constant the seriousness and multiplicity of violations committed, criminal history and personal characteristics, sexual and violent offenders are significantly more likely to be returned to custody by the board than drug and property offenders.

**Table 6.7: Ranked likelihood of reincarceration, by original commitment offense**

<b>Likelihood of return</b>	<b>Criminal violations</b>	<b>Absconding</b>	<b>Technical violations, Not involving Absconding</b>
Most likely	Sexual	Sexual	Sexual
	Violent	Violent	Violent
	Other	Other	Other
	Property	Property	Property
Least likely	Drug	Drug	Drug

Parolees with a sexual commitment offense are 49 percent more likely than drug offenders—the reference category group—to be returned for criminal violations, 17 percent more likely to be returned for absconding, and 33 percent more likely to be returned for technical violations. Similarly, parolees with violent commitment offenses are about 45 percent more likely than drug offenders to be returned for criminal violations, 16 percent more likely to be returned for absconding violations, and 29 percent more likely to be returned for technical violations not involving absconding.

Among the most serious criminal violation cases heard by the board (Type III), commitment offense has little impact on the likelihood of return. The only types of violations that are not affected by commitment offense are Type III criminal violations. In such cases, what a parolee has done to earn his or her most recent commitment fades in importance relative to other factors.

Indicators of parolees’ criminal “seriousness” are related to decisions to return them to custody; in most instances, relationships appear strongest among criminal violation cases heard by the board, particularly the least serious cases (Type I). The more prior adult prison spells that a parolee has served in California, the more likely that that parolee will be returned to custody. Each additional prison term on record increases the likelihood of

return among board violation cases by about 4 percent, regardless of violation type (criminal, absconding, technical). Second strikers are 15 percent more likely than others to be returned by the board on a criminal violation, although it must be noted that this effect is really only true for the least serious criminal violation cases; they are no more likely than others to be returned on Type II or III criminal violations. Second strikers are also no more likely than others to be returned on an absconding violation or a technical violation not involving absconding. Similarly, parolees with serious and/or violent offense histories are 28 percent more likely to be returned for the least serious criminal parole violations, but no more likely than others to be returned on Type II or III criminal violations,<sup>70</sup> absconding or other technical violations not involving absconding.

Registered sex offender status is a powerful predictor of return. This status doubles the chances of reincarceration in criminal violation cases, and increases the likelihood of reincarceration in absconding cases by 43 percent and in technical violation not involving absconding cases by 28 percent. Among criminal violation cases heard by the board, registered sex offender status has the greatest effect on the lowest level cases, increasing the likelihood of reincarceration by five times. They are about 35 percent more likely to be returned for the most serious criminal violations (Type III), but 17 percent *less* likely to be returned for Type II criminal violations. As noted in the previous chapter, this finding is likely due to the fact that, among registered sex offenders, a large share of these Type II violations are for “failing to register,” and not for criminal activity involving a victim.

In terms of their impact on the likelihood of reincarceration, demographics and other personal characteristics matter to a limited degree. Age has no relationship to case outcomes for any violation type. Gender only has an effect on absconding cases and the most serious criminal violations. Women are 13 percent more likely than men to be returned to custody by the board for absconding. Men are 27 percent more likely than women to be returned for Type III criminal violations. Race matters only in criminal violation cases. White and Asian parolees have the lowest likelihoods of return. Black parolees are 9 percent more likely than whites to be re-incarcerated; Hispanic parolees are 19 percent more likely than whites; and parolees of “other” races are 25 percent more likely than whites. Thus, parolees of color, with the exception of Asians, appear to be “penalized” in criminal violation cases.

Parolees’ official mental health statuses have little effect on board decisions to return to custody. While parolees with such statuses are 9 percent more likely than others to be returned to custody for the lowest level criminal violations (Type I), they are no more likely to be re-incarcerated for more serious criminal violations, absconding, or technical violations.

### ***Organizational factors***

Regional and organizational factors are also related to board case outcomes. As with court decisions, the contribution of these factors to the likelihood of return by the board

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<sup>70</sup> Serious and violent offenders are actually 14% *less* likely to be returned than others for the most serious criminal violations (Type III).

suggests decision-making inconsistency based on geography and variable institutional conditions. In other words, like cases may not be treated alike in different places, or during different times.

As in the previous court/board case sorting model, Los Angeles appears to be unique in its treatment of parole violations—but only non-criminal violations. Holding constant other factors, technical violation cases not involving absconding are 46 percent more likely to result in reincarceration. The effect is reversed for absconding cases; these cases are 20 percent *less* likely to result in reincarceration in Los Angeles. There may be a couple of explanations for these findings. First, as parole officials have indicated, Los Angeles may possess a distinct organizational culture that feeds the differential treatment of technical violations. Or, parolees accused of technical violations in Los Angeles may exhibit unmeasured characteristics that affect revocation decisions (e.g., employability, addiction). Or, both may be true.

Institutional population pressures also appear to have an effect on board returns to custody. As state prison reception centers become more crowded, the board is less likely to return parole violators to custody, regardless of the type of case under consideration. For each one percent increase in reception center occupation, there is a corresponding one percent decrease in the likelihood of reincarceration for a criminal violation, a two percent decrease in the likelihood of reincarceration for an absconding violation, and a one percent decrease in the likelihood of reincarceration for a technical violation not involving absconding. These findings suggest that decisions by parole board actors can be influenced by available prison bed space, and confirm the impact of broader organizational circumstances on the adjudication of individual cases,

### ***Community Factors***

Finally, parolees' community characteristics affect violation case outcomes, implying that decision-makers vary in their orientations about correctional practices across different geographic areas, and/or that their decisions are affected by their perceptions of parolees' communities.

The “punitiveness” of communities—as measured by their ballot proposition voting patterns—is strongly predictive of return to custody in all violation case types, with more punitive communities electing to return parolees at greater rates. This effect is larger for absconding and technical violations not involving absconding than for criminal violations. Measures of community racial threat are also linked to case outcomes. For each one percent increase in a community's proportion of black residents, there is a one percent increase in the likelihood of prison return for a criminal violation. For each one percent increase in a community's black unemployment rate, there is a two percent increase in the likelihood of reincarceration for a criminal violation, a four percent increase in the likelihood of reincarceration for an absconding violation, and a two percent increase in the likelihood of reincarceration for a technical violation not involving absconding. Finally, higher concentrations of mental health and substance abuse service providers in a community are predictive of more lenient case outcomes. The more services that exist near a community, the less likely it is that a parolee from that

community will be returned to custody by the board for a criminal or a technical violation not involving absconding. For every ten services located within 50 miles of a parolee's census tract,<sup>71</sup> the chance of reincarceration for a parolee from that tract with a criminal or a technical violation not involving absconding decreases by about two percent. (Service provider concentration is not related to the likelihood of reincarceration for absconding.)

As compared to the community affects on violations themselves, described in Chapter V, the community findings show consistently more influence on revocation decision-making than they do on actual parolee behavior. They also suggest that revocation decision-making is subject to important extralegal factors not specifically relevant to individual cases. With these points in mind, we next look across all of the different analyses conducted in this chapter and summarize what we have found about revocations.

### **SUMMARY AND DISCUSSION OF REVOCATIONS ANALYSIS**

Before turning to the policy implications that follow from these results, it is useful to recap our central findings with respect to revocations. First and foremost, case characteristics (number and severity of charges) appear to be a critical factor shaping whether or not cases go through a local criminal court or through the parole board. They also influence whether a case processed by the parole board winds up producing a return to custody.

Beyond case characteristics, the results of our analyses indicate that parole revocation decisions can be understood through the examination of individual, institutional and community factors that affect these decisions. In terms of individual factors, parolees with longer, and more serious, histories of criminal behavior are also likely to be considered public safety risks by court and board decision-makers, and their cases are treated accordingly. Net of the seriousness of their current violations, parolees' histories of imprisonment, for example, are significantly predictive of harsher treatment by both the court and the board. Second strikers are also significantly more likely to be returned through the court than parolees without such status, and when their cases are referred to the board, they are significantly more likely to be re-incarcerated in cases involving criminal violations. Statutorily-defined "serious" and "violent" offenders and registered sex offenders are actually less likely than others to experience court return to prison, but when their criminal violation cases are referred to the parole board, they are more likely to be returned to custody.

One explanation for these findings is that the criminal violation cases of serious and violent offenders, and sex offender registrants, may be unappealing to court actors because they tend to lack compelling evidence. However, court actors may also tend to refer these cases because they feel that the board, using a lower standard of evidence, can act quickly and decisively to re-incarcerate parolees who are perceived as particularly threatening to public safety. The board penalizes these types of parolees especially severely in low level (Type I) criminal violation cases—the type allowing for the most

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<sup>71</sup> Specifically, this measure counts substance abuse and mental health service providers located within 50 miles of *the center* of a given census tract.

discretion in terms of decisions to return to custody. It appears that low level criminal activity, much of which is detected through parolee drug testing, is a crucial mechanism by which the parole board re-incarcerates “high profile” parole violators. Note that the courts could not legally impose very harsh sanctions for these low level crimes, and so they seem to opt, through case referral, for the greater certainty of punishment that the board is able, and willing, to provide. Indeed, parole officials have told us that courts frequently refer these cases to the board because court sentences would not exceed those that the board could impose, so it does not make sense to draw on court resources to prosecute them.

Parolees’ “original” commitment offenses are also predictive of violation case outcomes, but these relationships are complex and seem to operate differently in courts and the parole board. Courts are inclined to retain and prosecute parolees who had originally been committed for property and “other” offenses—most of which are weapons offenses and driving under the influence. Court actors appear to desire longer prison terms for those who are in the practice of stealing from others, those who have been found to possess weapons, and those who make state motorways unsafe.<sup>72</sup> Since these types of offenses tend to be more repetitive than violent and sexual offenses, they might be considered indicators of the probable *frequency* or *likelihood* of offending. The board, on the other hand, appears more concerned with the *potential severity* of parolees’ offending—penalizing violent and sex offenders the most in its decisions to re-incarcerate. This idea is further echoed in the finding, mentioned in the previous paragraph, that serious and violent offenders, as well as registered sex offenders, are less likely to be retained in court, but they are significantly more likely to be returned to custody when their cases are heard by the board. Again, courts may elect to refer cases involving serious parolee types to the board because the board can re-incarcerate with greater certainty, under a more lenient standard of evidence. This appears to be particularly true for low level criminal violations that would not result in very long court sentences anyway.

Demographic characteristics are also somewhat predictive of case outcomes. Parolee age affects criminal court decisions, but not board decisions. Courts are inclined to prosecute the criminal violation cases of the youngest parolees (ages 18-30). Black parolees are more likely to have their cases referred to the board—the more discretionary venue—and when their cases are heard by the board, they are more likely to be incarcerated for criminal violations. Asian and Hispanic parolees are the most likely to be successfully prosecuted in court, and Hispanics are further penalized in front of the board, where they are among the most likely to be returned to custody in criminal violation cases. White parolees, who have the lowest likelihood of court conviction, also have the lowest likelihood of return through the board for criminal violation cases (although they are among the most likely to be returned when they abscond). These findings suggest that there may be observable or unobservable traits associated with parolees of different demographic groups that affect their case outcomes.

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<sup>72</sup> However, court decisions to prosecute are also based on considerations related to the strength of available evidence in criminal cases. Some amount of the court’s proclivity to prosecute property and “other” offenders may be related to the relative strength of evidence in their cases, as opposed to the cases of other parolee types.



Over and above case- and parolee-specific characteristics, organizational factors also affect decisions in court and by the board. Los Angeles County (Region 3) appears distinct in its treatment of parole violators. Criminal violations in Los Angeles are more likely to result in reincarceration through the court. Board decisions are also uniquely patterned in Los Angeles. Technical parole violators are more likely to be returned to custody in this area, while absconders are less likely to be returned. These findings could be due to many factors: differences in organizational culture across parole regions, unobserved variation in the local parolee population that affect sanctioning decisions (e.g., addiction and employability), or the effectiveness of policing practices. Regardless, the fact that geographic sanctioning variation can be statistically identified is reason enough to call for a closer examination of organizational issues around the treatment of parole violations.

Practical constraints on decision-making also appear to play a role in violation case outcomes. A key practical constraint is available custodial space. Research suggests that criminal justice institutions will divert offenders from custody when institutional crowding increases, and we find support for this hypothesis. When available space in prison reception centers decreases, for example, courts are more likely to refer cases to the board and the board is more likely to continue cases on parole, as opposed to returning parolees to custody. Moreover, in courts, workload pressures are linked to an increased likelihood of case referral to the board. As felony court caseloads increase, courts are inclined to refer more criminal parole violation cases to the parole board.

This is not to say that court and board actors are always consciously making case decisions in response to institutional and workload pressures. Rather, these pressures are probably related to decisions in a variety of ways. Some decisions may indeed be conscious responses to correctional crowding and court caseloads, but others may be subconscious reactions. Still others may simply be due to the redistribution of human and organizational resources as a result of these pressures. Increasing court caseloads may leave less time for district attorneys to evaluate evidence and pursue cases, and they may therefore tend to refer less serious (or more work intensive) criminal parole violation cases to the board because they do not have the time or staff to address them. Finally, there may be some sort of organizational feedback mechanism at work. That is, as prisons and reception centers become more crowded, decision-makers in court and on the parole board may become aware of this crowding through personal and professional contacts, or through the media, and adjust their decision-making logic in subtle ways.

The relationship between community characteristics and sanctioning decisions is hypothesized from criminological literatures such as social disorganization theory and the racial threat perspective. Indeed, our statistical models show that, net of all other measured factors, some characteristics of parolees' communities are related to the treatment of parole violations in court and before the parole board. However, the characteristics of parolees' communities can be related to court and board revocation decisions in complex ways.

First, certain community characteristics are indicative of the attitudes of the public and the decision-makers that represent the public. For example, the preexisting "punitiveness"

of certain communities is itself predictive of the aggregate treatment of parole violation cases. Counties that score higher on punitiveness—as measured by political party affiliation and electoral ballot voting outcomes—are more likely to return criminal parole violators through the court, and in violation cases heard by the board, these counties are more likely to return parolees to custody, regardless of whether the case involves a criminal, absconding or other technical violations. The concept of community punitiveness involves a number of factors—the actual amount of crime in a community, residents’ political and moral beliefs about right and wrong, the processes of election and political appointment, and media coverage of crime, among other things—but our analyses show that punitiveness is measurable in a way that can be empirically linked to revocation case outcomes (and perhaps other criminal justice system phenomena as well).

Second, community characteristics can serve as cues to decision-makers which reflect something about individual parolees themselves. The extent of “racial threat” in a community is illustrative of this point. Census tracts with higher proportions of black residents, and those with higher black unemployment rates, may be perceived as particularly unstable or crime-ridden, and parolees that live in these communities may be penalized by decision-makers because they come from, and are therefore representative of, these disadvantaged environments. In our models, parolees who come from communities that have more black residents, and higher black unemployment, are more likely to be sentenced in court; when their cases are heard by the parole board, these parolees are generally more likely to be returned to custody, especially for criminal violations.

However, while community characteristics can have a stigmatizing effect on case outcomes, they can also have the opposite effect. For example, census tracts with more mental health and substance abuse services in close proximity are associated with more lenient outcomes among criminal and the technical violation cases not involving absconding decided by the parole board. This may be due to the fact that decision-makers have more treatment options in these communities, and therefore more opportunities to keep parole violators out of prison, or that parolees from service-rich communities somehow appear less threatening than parolees from communities that lack services.

A central implication of our analyses of revocations is that the response of criminal justice institutions does not totally derive from, and is not necessarily proportionate to, the extent of parolees’ illicit behavior, as is often assumed by policymakers, government officials, and the public. While case characteristics matter in terms of court and board outcomes, so too do the characteristics of the individual, the organizations handling that individual’s case, and the community that the person comes from. In the final chapter, we put these findings together with those from our analyses of violations in order to draw some broad implications for the parole system in California and specific implications for policies currently under consideration by the CDCR.

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## CHAPTER VII: CONCLUSIONS AND POLICY IMPLICATIONS

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Parole violations and revocations represent a critical issue for California. As we have shown in the preceding chapters, the state has an extraordinarily high rate and volume of both violations and revocations. California possesses a parole system that contributes to the prison overcrowding crisis and is extremely costly. And yet it does not appear to do all that it can to enhance public safety. For many offenders, parole supervision fails to disrupt the cycle of crime and imprisonment and offers little hope for behavior change. In response to these stark facts there have been repeated calls for reform and policy change. Indeed, the department has made several halting steps toward reform. The department has reduced its parolee-at-large abscond rate from 18 percent in 2003 to 15 percent in 2008. CDCR and its parole division have embraced the mantra of, although not entirely implemented, “evidence-based” programs, which are correctional practices shown by research to be effective in reducing parolee recidivism. The department has begun using the Correctional Offender Management Profiling Alternative Sanctions (COMPAS) assessment tool at all its reception centers and in reentry preparation interviews, although it has not yet integrated it well into its prison or parole supervision practices. The department is also developing a parole violation decision-making instrument to improve consistency at the agent and supervisor level when faced with a violation in terms and conditions or parole or the commission of a new crime. The Division of Adult Parole Operations (DAPO) will train parole agents and field test the instrument in Fall 2008. An important aspect of the instrument is the development of a validated tool to assess a parolee’s risk for recidivism. CDCR recently completed the California Static Risk Assessment, the state’s first validated risk to re-offend tool. Thus, there is clear evidence of significant progress and a willingness of California correctional leaders to reform the system, but there are substantial organizational, political, and structural impediments to doing so.

For example, implementation of evidence-based practices is dependent upon organizational capacity and the capacity of the wider community environment. Just as overcrowding is an impediment to implementing such programs in the prison, the overcrowding in parole has resulted in a system where relatively modest supervision resources are spread across an enormous population. The response to these conditions is that “catch and release” has become the modus operandi for the parole system, with a heavy reliance on drug testing and other surveillance technologies that intensify supervision, make violations easy to evidence and detect, and allow parole agents to carry overly large caseloads. With primary attention given to surveillance and violation detection, program development and implementation remain a weakness for the department. The department lacks the experience to develop such programs, typically outsourcing program development to external vendors, and communities lack experience and the resources to truly support programs. Moreover, it will take many years to develop and implement such programs on the massive scale needed, and several years beyond that to see positive recidivism-reduction benefits.

But these organizational capacity issues are really only part of the problem. As we described in Chapter III, there are structural factors that contribute to the problem of parole violations and revocations, principally determinate sentencing and mandatory parole. No amount of evidence-based practices will entirely make up for a structure of parole that virtually guarantees high rates of prison returns. Determinate sentencing laws have given California a parole population composed, in part, of many offenders who would not be released under a discretionary indeterminate sentencing system. These individuals, who pose a high risk to recidivate, are automatically and mandatorily released under California's Determinate Sentencing Law. Moreover, they are released to a parole system that provides little in the way of supervision and little in the way of services to reduce their likelihood of recidivating. When they do violate parole, they are returned for very short stays in prison where they receive little or no services that would decrease their likelihood of further involvement in criminal behavior.

Universal parole also means that low-risk individuals who likely would not be supervised in other states are placed on parole in California. Most other states directly discharge some non-violent, non-serious offenders once they serve their prison term. Direct discharge means that the offenders are not placed on parole supervision after they leave state prison. Our research in Chapter V confirms the results found in previous research: the more you supervise the more you detect. This is especially true of the large numbers of drug use violations, which result almost exclusively from drug testing. Over 80 percent of all California parolees are subjected to drug testing while on parole. Obviously, such tests are not applied to individuals who are not under community supervision. Thus, the inclusion of low-risk offenders in the parole population increases the overall number of violations detected. When enough of those drug use violations accumulate, those parolees, many of whom have substance abuse problems, are returned to prison where they receive little or no substance abuse treatment. California's Expert Panel on Rehabilitation (2007) found that fewer than 10 percent of prison inmates participate in substance abuse treatment while in prison. After a short time period reimprisoned (the average is 4 months), they are returned back into exactly the same community environment, the same temptations, the same limited parole supervision system, the same social networks, and the same service environment they were in when they were using drugs previously. It is as if the justice system expects change to occur miraculously simply from the disruption provided by a brief imprisonment.

In addition, as we described in Chapter III, DAPO estimates that 85 percent of all recorded violations require mandatory referral to the parole board and the parole board, in turn, returns to prison 80 percent of those cases. The percentage of cases being returned to prison by the Board of Parole Hearings (BPH) has been steadily increasing over the past decade, from around 60 percent in the 1980s to 80 percent today. Parole agents—the individuals who work closest to parolee and are most knowledgeable about community resources that might aid a parolee's reintegration—often have little say in the ultimate response to a violation. In fact, parole agent discretion has significantly diminished in recent years in California as a result of several mandatory regulations covering caseload assignment, conditions of supervision, and the mandatory reporting of parole violations.

The parole board operates with a relatively low standard of evidence (“preponderance of the evidence”), fewer procedural protections, and bears the ultimate responsibility for a parolee who is allowed to remain in the community. The board has both the accountability for decisions gone bad and the discretion to re-imprison offenders. It should come as no surprise that it seemingly operates under the principle of “when in doubt—incarcerate,” even if it is for a short period. The parole board is also limited by a lack of intermediate or graduated sanctions—options other than prison for a given parole violator. However, this is another area where the department has made some positive steps, increasing its community drug treatment beds by 40 percent, to nearly 7,000 in 2007. Unfortunately, they have thus far been unable to provide such options on the massive scale needed. In many cases, prison remains the first, last, and only response to violations.

In addition, California has politicized its correctional laws and policies, which make structural change difficult. The punitive approach to corrections, ushered in with the determinant sentencing law, is highly resistant to change because it is built upon support from the public, politicians, and interest groups. Public fear of criminals is easily mobilized to support ever-more severe sanctions, routinely the subject of ballot measures in the state. Legislators on both the right and the left have found tough on crime stances politically attractive. Elected officials, including a Republican governor, who favor rehabilitation or a change in the existing system risk being labeled “soft on crime.” The correctional officers union often actively opposes changes that threaten jobs for prison guards and parole officers. In addition, parole board commissioners who manage the civil service deputy commissioners and who oversee most of the revocation cases, are political appointees. These factors mean that significant structural changes that could shrink parole and prison populations are often not politically possible.

In this chapter, we put aside the organizational, structural, and political issues in favor of discussing how our key findings relate to specific policy initiatives, including several that are currently under consideration or being implemented by the department. We describe specific policy issues that our findings directly or indirectly address. We conclude with some suggestions for future research that will build on the research presented in this report.

### ***Concentrate Supervision and Services on the First Six Months***

In Chapter V we showed that risks for all kinds of violations peaks within the first ninety days of parole and diminishes sharply until the 180<sup>th</sup> day (or the end of six months), where it begins to level off. The reason the risk falls is that the most risk-prone parolees tend to be violated earlier and returned to custody. The remainder are more compliant, less likely to violate, and more likely to successfully complete their parole period. While the data do not indicate a specific time threshold, 63% of the individuals who will violate have violated by the sixth month. The implication is that changing behavior through intensive supervision and provision of appropriate services in the first six months will have the biggest impact in reducing violations, which is in line with recent research by the National Research Council of the National Academies (2007).

The first six months are a critical time and should generate the most intensive supervision and greatest emphasis on services designed to enhance reintegration. In accordance with the “risk” principle, the highest risk parolees, determined by a validated actuarial risk assessment instrument, programs should be targeted for the most intensive interventions and should be separated from lower risk parolees in programs. Substance abuse and mental health services are particularly important since both conditions involve considerable adjustment challenges for many parolees. For high-risk offenders whose criminogenic needs do not involve mental health and substance abuse issues the focus should be, first and foremost, a cognitive behavioral program designed to alter the patterns of thought and habits that lead them to criminal behavior and, secondarily, to programs that attend to employment skills and educational deficits. For high risk parolees who are resistant to participating in programming, motivational interviewing should be applied.

Parolees who reach the 180<sup>th</sup> day with few or no violations should be “stepped down” in terms of supervision level—as they frequently are under the present system—or discharged (see below). If services are scarce, parolees who are beyond the 180<sup>th</sup> day should be de-prioritized in terms of service provision.

### ***Expand Use of Early and Earned Parole Discharge***

The same temporal pattern of violations that justifies the concentration of services and supervision within the first six months also justifies the expanded use of early or earned parole discharge. Parolees who perform well on parole for a year are currently eligible to be discharged, although only a small number of those eligible actually benefit from the policy (about 17,000 out of approximately 127,000 parolees discharge at their 13<sup>th</sup> month each year, or 13 percent). Our findings suggest that there are many parolees who have performed well in the first year of parole and pose quite low risks to commit violations in the second and third years of parole. These parolees could be released without significantly increasing risk to the public safety and the savings accrued could be reallocated to more closely supervising high-risk parolees. Our findings suggest that it is possible to identify those individuals as early as six months to determine which parolees would be good bets to be violation-free at 12 months and thus could be discharged even earlier than the 13<sup>th</sup> month.

Ideally, the lowest risk parolees might not be assigned to parole supervision at all, although this may be politically difficult. Instead, there has been some discussion of implementing a form of parole called “summary parole” that would be for the lowest risk offenders or offenders who have surpassed the sixth or twelve month threshold with few or no violations. As it has been discussed by parole officials, summary parole involves even less supervision than “Minimum Supervision.” A parolee on summary parole would not be supervised by a parole agent, however, they would still be subject to parole search standards and if found to have committed a parole violation could be returned to prison by the parole board. California Penal Code § 3067 stipulates that all paroled felons must submit to unannounced searches and seizures by a parole agent or peace officer at any time. For this reason, law enforcement officials and legislators favor summary parole

instead of earned parole discharge. Moderate risk offenders might be assigned a year or two of parole, whereas high-risk offenders might serve two years or more, and very high risk might be assigned an indeterminate period, depending upon their risk.

### ***Align Parolee Risk and Supervision Levels***

Risk assessment is relatively easy to adopt, but more difficult to embed in the daily routines of parole supervision and treatment. During the period of our study, there was no actuarial risk assessment used in parole. Supervision levels were determined by the simplistic grid system described in Chapter III. Currently, COMPAS assessments are devised for many parolees, but they do not routinely drive supervision intensity and/or case management. In fact, the old assessment grids are still in use. As we showed in Chapter V, there is a misalignment between who is supervised intensively and who truly poses the greatest risks. To a large degree this is because of policies that deem certain categories of parolees (serious, violent, Sex Offender Registrants, Second Strikers) as most in need of supervision despite the fact that those categories are not predictive of higher risks of violations, even the most serious violations. An implication of our analysis is that misalignment of risks to supervision levels leads to an overreporting and detection of the violations of the least risky parolees and an underreporting of the violations of the most risky parolees. As many other states have done, California needs to use its risk assessments to drive supervision intensity and minimize circumstances where it oversupervises and undersupervises parolees relative to the risks they pose.

In other words, parole services and surveillance should be primarily risk-based rather than offense-based. CDCR needs to assign parole caseloads and supervision levels so that offenders are “matched” to types of surveillance most appropriate for them. Supervision resources should be more heavily focused on higher-risk parolees, and very intensive (and expensive) supervision levels should be reserved for those whose risk profiles are the highest.

### ***Employ a Parole Violation Decision-making Matrix***

A central finding in Chapters V and VI is that violations and revocations vary across parole agents, organizational subunits, and communities. For example, Chapter V provided evidence that parole agent characteristics explain some of the variation in certain types of violations. Chapter VI showed that decisions by the parole board to return a parolee to prison are influenced by the regional and community factors and organizational pressures like how much crowding exists in the reception centers. These findings suggest that how a parolee is dealt with varies across location in the system and that the same parolee with the same background may receive different treatment for the same violation. One solution that is currently underdevelopment is to use a violation matrix, sometimes called a “sanctioning grid,” to render decision-making more uniform across different locations and levels within the system.

The parole division will pilot such an instrument in September 2008. The instrument was developed in collaboration with the Center for Effective Public Policy (CEPP) in

Washington D.C. Based on our research for this project, we participated in the early planning stages of the matrix and consulted with parole executives about its implementation. The proposed matrix is based on the idea that decisions about parole violations should be limited to two relevant criteria 1) how much risk the parolee poses to recidivate further and 2) the severity of the behavior involved in the violation. The risk is determined by an actuarial risk assessment instrument, developed by the University of California at Irvine's Center for Evidence-Based Corrections and modeled after the Washington State Department of Corrections risk assessment instrument. For criminal offenses, the severity of the violation behavior, will be rooted in the FBI Uniform Crime Reporting system's crime severity index. For noncriminal "technical" violations, based on our research, we recommended that the parole division undertake a study, like the present study, but one that could follow parolees who have committed technical violations for up to six or seven years. The purpose of the research would be to determine the predictiveness of committing any one of 22 noncriminal technical violations on criminal behavior. The research would be able to help determine which technical violations are and are not associated with future criminal violations. Technicals are understood to be problematic, not because they constitute threats to the public in and of themselves, but because they are predictors of future criminal behavior. This represents an empirically testable assumption and a research project with a long enough time frame and a large enough sample could help identify the technical offenses that predict criminal behavior. The findings could indicate one of three possibilities for a given type of violation: a) the violation does not predict future criminal involvement, b) it does predict violations, or c) it predicts some kinds of criminal violations but not others. As we have done in this study, we propose breaking violations into levels of seriousness. Depending upon the risk dimension, if a particular violation does not predict further criminal behavior than the grid would specify the lowest level sanction. If it predicted Type I criminal violations, most of which are drug use and drug possession violations, then a moderate level of sanctioning would be appropriate. If it predicted the most serious Type III criminal violations, then the highest level of sanctioning would be applied. This would build on what we have done in the present study and we have begun discussions about this project with the parole division.

Thus far the violation matrix has been developed for use by parole agents and their supervisors. The parole board has not and is not planning to develop a similar decision-making instrument but their buy-in to DAPO's decision-making matrix will be critical if it is to be used effectively to divert parole violators from prison, since they control the ultimate decision to retain a parole violator in the community rather than returning them to prison. Our research suggests that the effectiveness of such a tool will be limited if it is only applied by parole. As we discussed in Chapter VI, over 80 percent of parole violations are, by virtue of the administrative regulations (i.e., Robin Reagan rules), mandatorily referred to the parole board. This means that in the vast majority of instances in which the matrix is applied it will constitute only a recommendation, not an action. The action in mandatory referrals is the province of the parole board. This renders the matrix less of a decision tool and more of an advisory tool. Unless the parole board also adopts the instrument there will likely continue to be a heavy reliance on imprisonment, as opposed to intermediate sanctions.



If both parole and the parole board rely on the violation matrix and if decision-makers minimize departures from the matrix, there is significant promise that such a tool will reduce the variation that we observe in how violations are handled. This decision-making tool would allow responses to violations to be more fair and consistent throughout the agency, based on a common set of guidelines that provide a set of options appropriate to offender risk level and the seriousness of the violation. While each individual case must be assessed, responses to violations should be viewed as impartial and consistent with rules and shared logic. Similar decisions made for similar situations increases compliance of parolees, whereas dramatically different responses from officer to officer undermine trust and legitimacy of the system. Such a system also structures the efficient use of time, resources, and supports the agency working toward a common purpose.

### *Expand Intermediate Sanctions Options*

A violation matrix, of course, depends upon the development, training, and implementation of a wider range of intermediate sanctions than are currently available to parole decision-makers. If the matrix contains only the options we examined in the present study—continue on standard parole supervision or reimprison—it will obviously have less impact on the volume of parole violators returning to prison. Thus, the CDCR must implement additional intermediate sanction programs (ISPs), which are mid-range punishments that lie somewhere between routine parole supervision and imprisonment with respect to their restrictions and costs. Current parole program offerings are simply inadequate to appropriately sanction the wide range of parole violations in California. For many parolees, prison is too severe a punishment whereas routine parole is often too lenient. We need program and penalty options that are mid-range (hence the term “intermediate”). The expansion of evidence-based intermediate sanctions, particularly for drug-involved parolees, should both reduce recidivism and save expensive prison beds for the most violent criminals. CDCR cannot do this alone, as the most effective reentry programs and intermediate sanctions require active community engagement and collaboration.

The call for intermediate sanctions is not new. Beginning in the 1980s, a coalition emerged among academics and corrections officials, which argued that intermediate sanctions better served victims and the justice system than did indiscriminate imprisonment. Between the years 1985 and 1995, every state adopted some form of intermediate sanctions for adult and juvenile offenders, often with a great deal of ceremony. The most popular ISPs were day reporting centers, drug testing, electronic monitoring, house arrest, and intensive supervision. These programs were all designed to be community-based sanctions that were tougher than regular parole or probation but less stringent and expensive than prison (for a complete review, see Petersilia 1999).

ISPs developed during this period reflected the conservative philosophy of the times. Rehabilitation had been discredited, and the nation had declared a war on drugs and crime. Intermediate punishments were proposed as sanctions that were tough on crime

and criminals, but without the costs of prisons. Most of the ISP programs implemented during this period emphasized stringent conditions and monitoring rather than treatment. Typical requirements for offenders in ISP programs were more frequent meetings with correctional agents, randomized and frequent urine tests, unannounced home visits, and verified employment. Theoretically, ISPs were based principally on notions of deterrence--that increased surveillance and the threat of reincarceration would convince offenders' to stop their criminal activity.

Many of these programs were evaluated and there now exists a substantial body of research on their impacts. MacKenzie (2006, p. 322) recently summarized this literature and concluded that:

“A large body of research, including random assignment studies, consistently shows the failure of intensive supervision and electronic monitoring programs to lower recidivism. Restraining offenders in the community by increasing surveillance and control over their activities does not reduce their criminal activities. In general, program participants recidivate as often as their counterparts who receive less surveillance. The increased surveillance may actually increase the probability of detection and thus, result in more technical violations.”

There was some evidence, however, that increased treatment of offenders in ISP may be related to significant reductions in rearrests. For example, Petersilia and Turner (1993) reported a 10-20 percent reduction in recidivism for those offenders who were most active in programs while they were in the community. The most important finding from the intermediate sanctions literature is that programs must deliver high “doses” of both treatment and surveillance to assure public safety and reduce recidivism. Treatment alone is not enough, nor is surveillance by itself adequate.

MacKenzie (2006) also found that effective ISP programs focused on individual-level change. In contrast, she notes that the ineffective ISP programs focused solely on developing opportunities (e.g., life skills and work programs). She writes that the “what works” literature suggests that programs that attempt to increase opportunities must be *preceded* by programs focusing on changing the individual through cognitive change, education, or drug treatment.

There is now sufficient evidence to design a second generation of evidence-based intermediate sanction options. We know what programs do and do not hold promise for reducing criminal activity. If we build those programs into California’s parole violation matrix, we have an important opportunity to target our scarce resources to program interventions that enhance both the lives of parolees and the public’s safety.

### ***Encourage Criminal Prosecution When New Parolee Felonies Are Alleged***

A key finding of Chapter VI was that there are several factors that affect whether a criminal violation case is handled by the parole board or a county court. Readers might be surprised to learn that a large number of very serious crimes were handled by the parole

board instead of processed in a criminal court. As explained in Chapter VI, California has a system quite unlike that in other states, in that it permits the parole board to handle the processing of new serious felonies by parolees through its informal revocation process. In most other states, parolee new crimes are handled primarily through the criminal courts, where the state's criminal code and sentencing structure apply. The criminal court versus the parole board is particularly used if the alleged crime is quite serious. But in California, the parole board and the parole revocation process is used in lieu of criminal prosecution for thousands of offenders who parole officials believe have committed new and very serious crimes. As shown in Table 6.4, during 2003-2004, the parole board returned to prison 246 parolees who were alleged to have committed murder, 1,006 alleged to have committed robbery, and 691 parolees for rape and serious sexual assault.

California's system allows some very serious criminals to evade the more severe criminal penalties that would have been imposed had their cases been criminally prosecuted as opposed to handled by the parole board, where the maximum term imposed was only twelve months. For example, parolees returned to prison by the parole board for the crime of homicide served an average of 9.9 months, whereas those convicted of homicide in the criminal courts served 91 months for homicide. Similarly, parole violators returned to prison for robbery served 9.6 months vs. 53 months served if convicted in criminal court of robbery, and parolees returned for alleged rape and sexual assaults served 8.6 months vs. 45 months served if convicted in criminal courts.<sup>73</sup> Of course, there is no way to "match" the seriousness of the crimes being processed through the different routes, but the resulting prison penalties are so different that the process deserves closer scrutiny.

Jeremy Travis, one of the nation's leading parole scholars, testified about this issue before California's Little Hoover Commission. He asked the critical question: "Why were these cases classified as "homicide" handled through the revocation or parole process, with a maximum prison sentence of a year, rather than through the traditional prosecution route? Has California simply created a parallel system of criminal adjudication, with lower burdens of proof and lesser adversarial processes? Why should these criminal events be adjudicated in a process where the maximum prison term is one year?" (Travis 2003) If they charged with such crimes, they should be prosecuted to the full extent of the law in criminal courts. If they cannot be criminally charged with the crime, then using parole revocation, with its lower standards of proof of guilt, may result in innocent parolees being returned to prison.

Of course, we understand that there are many considerations that influence which criminal cases the district attorney chooses to prosecute, including the availability and credibility of witnesses, and whether the difference in prison time between a conviction and a revocation sentence is substantial enough to warrant the cost of prosecution. But in these more serious crimes, it appears that the resources and investment spent in case preparation may well result in a significantly longer prison term for serious criminals if the case is criminally prosecuted. We endorse the recommendations made by both the

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<sup>73</sup> California Department of Corrections and Rehabilitation, *California Prisoners and Parolees 2004*, Table 47A, "Total Felons, First Releases to Parole By Offense and Time Served," 2005, Sacramento, CA.

Little Hoover Commission (2003) and the California Independent Review Panel (2004) that urge greater analysis of the reasons why so many serious crimes are being handled through the parole revocation process. It is our belief that if a parolee commits a new crime, he should be prosecuted for that crime if at all possible. In fact, if a parolee is convicted of a new crime, his or her penalty should be enhanced to reflect the fact that the crime was committed while on parole. “True” technical violations – which are violations of the condition of parole and do not involve criminal behavior – should be handled at the local level under a system of graduated, intermediate sanctions. California is again using its resources unwisely because it fails to sort offenders and crimes according to risk. California’s policies are simultaneous too harsh and too lenient. At the high end of the risk and offense seriousness continuum, parolees who commit serious crimes are often given a “discounted” sentence over what would be imposed for a criminal conviction. One parolee actually told one of us during an interview that, “It is a good time to commit crime if you are on parole. If I weren’t on parole, I would have to be prosecuted for a new crime. But since I am on parole, they usually just send me back to prison as a parole violator, where the term is a maximum of twelve months and I will do about half that—six months, tops. Being on parole is kind of like an insurance policy against being fully prosecuted.” California has created, de facto, a system that sometimes discounts rather than enhances, the new crimes of parolees.

At the low-end of the seriousness continuum, California is probably too harsh. It continually violates parolees who have not adhered to the terms and conditions of their parole, and they serve almost the same number of months back in prison as parolees who are returned for new criminal violations (5.4 months for administrative criminal returns vs. 4.3 months for administrative non-criminal returns). While administrative violations must be taken seriously and the parolee should be held accountable, an expensive prison bed is not the only viable sanction. The state of Washington has enacted legislation limiting the amount of time a parolee can be revoked for a technical violation to 60 days. In addition, technical parole violators in that state are detained in county jails rather than in state prisons. Austin and Fabelo (2004) report on initiatives of paroling authorities in Connecticut, Kentucky, Maryland, New Mexico, and Texas, where—using research based tools—advances have been made in reducing admissions as a result of parole violations and reducing prison populations.<sup>74</sup>

Further, we found evidence that stresses on the capacity of California’s justice system—as measured by jail and prison overcrowding and district attorney caseloads—resulted in greater likelihoods that the parole board would handle criminal violation cases. While case and offender characteristics are more appropriate criteria for board referral decisions, system capacity should not affect these decisions. If parolees who commit serious new crimes were more frequently prosecuted in criminal courts whenever possible, this would also reduce the volume of cases that are handled by the parole board.

### ***Track Extra-legal Factors Affecting Revocation***

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<sup>74</sup> Austin, James and Tony Fabelo. 2004. *The Diminishing Returns of Increased Incarceration: A Blueprint to Improve Public Safety and Reduce Costs*. Washington, DC: The JFA Institute.

In Chapter VI, we found that parole violators who were black were more likely to experience referral to the parole board, and more likely to be returned by the board for certain types of violations. Moreover, we found that parolees returning to more heavily black communities and communities with high black unemployment rates were also more likely to have their cases handled by the parole board and more likely to be returned to prison. Consistent with research literature on communities and crime we interpreted these factors as measures of community racial threat. For each one percent increase in a community's proportion of black residents, there is a one percent increase in the likelihood of prison return for a criminal violation. For each one percent increase in a community's black unemployment rate, there is a two percent increase in the likelihood of reincarceration for a criminal violation, a four percent increase in the likelihood of reincarceration for an absconding violation, and a two percent increase in the likelihood of reincarceration for a technical violation not involving absconding.

In addition, we found that higher concentrations of mental health and substance abuse service providers in a community are predictive of more lenient case outcomes. The more services that exist near a community, the less likely it is that a parolee from that community will be returned to custody by the board for a criminal or a technical violation not involving absconding. This is good news in that it suggests that if communities are able to fund and implement intermediate sanctions, parole agents and other decision-makers are willing to use them as alternatives to reincarceration. On the other hand, these results suggest that parolees from communities with relatively more services face a lower probability of being returned to prison, all other case and background characteristics held constant.

While none of these findings is sufficient evidence of bias among decision-makers, which as our examples illustrate can operate both for and against the parolee, further investigation with different data would be necessary for that conclusion, it is something that should provoke concern. We recommend that the CDCR should develop better evaluation methods to reduce the influence of extra-legal factors—particularly parolee race—on violation case outcomes. The state must explore the causes and consequences of the influence of community and personal characteristics on sanctioning decisions.

### ***Expand Substance Abuse and Mental Health Programs***

As Chapter V shows a substantial amount of violations are drug use and possession. Combined methamphetamine, heroin, and cocaine use and possession make up 75 percent of Type I criminal offenses (the most common type of violation), 44 percent of criminal violations, and 29 percent of all violations. This likely underestimates the pervasiveness of parolees with substance abuse issues because it doesn't include violators caught for sales and trafficking violations and property offenses, who are highly likely to also have substance abuse problems. This is an enormous population whose violation behavior is unlikely influenced by "catch and release" policies. For them, parole has become a poorly functioning drug treatment agency, something that does not appear to be a core competence of the agents or the agency. These individuals could potentially be better served by an expansion of drug treatment, possibly overseen by a self-identified drug treatment agency.

California has some recent positive experience with a program that has some of the elements that are needed. In the late 1990s, California legislators funded a statewide, community-based program intended to reduce parolee recidivism. Overseen by DAPO, the Preventing Parolee Crime Program (PPCP) program provided literacy training, employment services, housing assistance, and substance abuse treatment to tens of thousands of parolees. An external evaluation was conducted by Zhang and his colleagues (2006), and the results showed modest reductions in reincarceration and parole absconding. PPCP participants, as a whole, had a recidivism rate 8 percentage points lower than on-PPCP parolees (45% vs. 53%). Moreover, increasing levels of immersion in the PPCP services was associated with even lower return-to-prison rates. Multivariate logistic regression was used to control for preexisting differences between the PPCP participants and the non-PPCP control group, and the results still confirmed a statistically significant benefit from PPCP participation and reduced reincarceration and absconding (Zhang et al. 2006).<sup>75</sup> The researchers used these findings in a cost-benefit analysis and found that even with the relatively small differences in recidivism outcomes, the PPCP has created the potential for substantial long-term savings for California taxpayers. PPCP's positive effects were strongest for parolees who completed their services. These positive results have been used to expand the program, tailoring more of the services to those with certain risk/need profiles.

Similarly, parolees with mental health issues are much more at risk to commit violations. Individuals who are designated as “CCCMS” (Correctional Clinical Case Management Services) and “EOP” (Enhanced Outpatient), which are different levels of mental health services, have 36 percent higher risks of all kinds of violations. They have 41 percent higher risks of absconding, 70 percent higher risks of technical violations other than absconding, 32 percent higher risks of criminal violations, and 52 percent higher risk of the most serious violent violations. Moreover, these individuals make up about 20% of the parole population. Although some mentally ill parolees are placed on specialized caseloads with parole agents who become very knowledgeable about how to handle such cases, most parole agents are not specifically trained to deal with mental ill offenders. The lack of intermediate sanctions means that when mental ill offenders have their parole revoked they are removed from the community, disrupting any treatment they may be receiving. David Farabee at the UCLA's Integrated Substance Abuse Programs research shows that parolees who sustain outpatient mental health treatment over a period of several months have significantly higher chances at succeeding on parole.<sup>76</sup> His research indicates that the Mental Health Transitional Case Management program, which manages the transition from prison to community clinics for mentally ill parolees, has had

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<sup>75</sup> Zhang, Sheldon, Robert Roberts, and Valerie Callanan, Preventing Parolees From Returning to Prison Through Community-Based Reintegration, *Crime & Delinquency*, Vol. 52, No. 4, October 2006, 551-571.

<sup>76</sup> Farabee, David, Dave Bennett, David Garcia, Uma Warda, and Joy Yang. Third Annual Report of the Mental Health Services Continuum Program of the California Department of Corrections and Rehabilitation—Parole Division. Research Report Submitted to the California Department of Corrections and Rehabilitation—Parole Division., June 30, 2005.

demonstrable successes, but that there are many more individuals who could benefit from it.<sup>77</sup>

Parolees with substance abuse issues and those with mental health issues account for the single largest segment of the parole population and, as our research indicates, an even larger segment of all violations. These are individuals that are particularly ill-served by catch and release policies. Reception centers don't have the programs and the parolees returned by the board don't have sufficient time in custody, even if the programs did exist. The alternative is to expand substance abuse and mental health program opportunities in the community and intensify the transitional case management that is necessary to keep parolees in such programs.<sup>78</sup>

### ***Future Research Recommendations***

In the course of conducting this research, we have developed a number of ideas that can guide future research about parole. These ideas can be divided into two categories: improvements to future studies that are similar to ours, and ideas for related studies. In this section, we will address each of these categories in turn.

#### *Improvements to our design*

Our study was innovative in that we included predictive measures reflecting multiple “levels” of influence—case, individual, organizational, and community. This comprehensive approach went much further than prior research on violations and revocations, but some of the specific measures we utilized could be improved, and others could be added.

We used a wide range of individual-level measures to predict violation and revocation patterns. Most of these reflected demographic and criminal-legal characteristics that, in theory, could predict these outcomes. However, our empirical analyses and discussions with correctional officials indicated that there were other factors, which we could not measure, that may have had major effects on the outcomes of interest. Substance abuse, for example, emerged as a potential factor that could affect success on parole. A substantial amount of evidence suggests that parolees with substance abuse issues are among the least likely to complete parole successfully. Since many parolees are subject to regular narcotics testing, failing drug tests is one of the main causes of violation and re-incarceration. Parolees with more serious substance abuse problems are the most likely to fail these tests, and they may be more likely than others to commit certain types of drug and property crimes in order to support continuing drug use. At the revocation stage of sanctioning, those with more severe drug problems may be penalized by court and board decision makers, who may believe substance abusing parolees pose greater threats to

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<sup>77</sup> Farabee, David (2006). An evaluation of California's Mental Health Services Continuum Program for parolees. *Corrections Today*, 68(7), 38-41.

<sup>78</sup> See also National Research Council of the National Academies (2007). *Parole, desistance from crime, and community integration*. Washington, DC: The National Academies Press.

public safety, or to be less likely to be able to meet the standard requirements of parole supervision.

A related issue is employability. We were unable to obtain data about parolees' employability and vocational backgrounds, but these factors also likely relate to success on parole. Parolees with poor job skills have fewer opportunities for legitimate employment, and may be more likely to engage in further criminal activity. At the revocation stage, these parolees, like those addicted to drugs, may be penalized by decision makers for their poor prospects. Future studies of parole violation and revocation should therefore attempt to explore the link between vocational skill and parole failure. Measures of educational attainment can be used to supplement, or stand in for, vocational measures.

Other measures of social attachment may also affect parole outcomes, and we encourage correctional researchers to explore these areas in their work. Parolees with more stable family lives (i.e., married, children), for example, may be more likely to pursue legitimate opportunities and avoid illicit ones. Parolees who regularly socialize with peers who are not involved in criminal activities may also experience more success on parole, whereas those who associate with criminals (e.g., gang members) may have a hard time avoiding further sanctioning.

Many parolees are ordered to participate in programs or services as conditions of their release. We were not able to obtain reliable data on program participation for our study sample. However, it is clear that program noncompliance can lead to violation and re-incarceration. Those parolees who fail to attend or engage in required programming will likely draw the ire of their parole agents. On the other hand, parolees who demonstrate a willingness to participate in programs may gain favor with their agents. Program participation may also lead to improvements in parolees' lives that can suppress further illicit behavior. Successful engagement with a drug treatment program, for example, may help a parolee overcome addiction, and quell violation behaviors associated with continuing drug use.

Information about individual characteristics such as substance abuse, employability, family stability and program engagement—otherwise known as *dynamic risk factors*—is becoming more available as a result of the increasingly widespread adoption of risk assessment instruments to make supervision and service referral decisions for correctional populations. As these data become more accessible to researchers, future studies will be better able to introduce dynamic risk factors into their analyses.

In terms of organizational variables, future research might focus on collecting better data on the backgrounds of parole agents. We were able to obtain basic demographic information about agents, as well as some information about tenure on the job and prior experience working in prisons, but we would also have liked to know more about the vocational and educational backgrounds of these parole agents. As mentioned earlier in this report, some research suggests that agents with social work experience will be more forgiving of violation behavior, while agents with law enforcement backgrounds will be



less forgiving. Thus, it would be useful to know the types of degrees that agents possess, as well as their experiences working in therapeutic and/or enforcement-oriented occupations. Researchers might also attempt to use data drawn from interviews or surveys of parole agents to create measures reflecting therapeutic and punitive attitudes. Administrative data, at best, can be used to develop proxies for these attitudes, but simply asking the agents themselves would likely yield much better information.

### *Future studies*

This study was designed to generate concrete policy recommendations for the state, and we have been able to generate findings that are pertinent to parole policies. Future studies might address parole policies more specifically. Our research has generated many insights that can inform certain policies, such as early discharge from parole, graduated sanctioning systems, and the timing of service delivery. As parole data systems and knowledge about parole outcomes improve, it should be easier to implement studies that focus specifically on the potential effectiveness of various policy choices. The effectiveness of early discharge policies, for example, can be tested by comparing the arrest patterns of discharged parolees to those of parolees who were not discharged. Graduated sanctioning policies can be assessed through evaluation studies of their implementation and outcomes. Researchers can explore appropriate service options through analyses of program participation data and the relationship between program engagement and violation behavior. Our study provides some guidance for these efforts, but lacks the targeted analytical focus that is needed to fully understand parole policy choices.

We hope that this piece of research will provide guidance for future research efforts, as well as the important discussion that will be taking place over the next several years about parole in California and the United States.

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## APPENDICES

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## Appendix A. Mandatory Referral Policy for Parole Violations

### **Mandatory Referral to Parole Board**

- Any conduct described in Penal Code section 667.5(c), or any conduct described in Penal Code section 1192.7(c), or any assaultive conduct resulting in serious injury to the victim.
- Possession, control, use of, or access to any firearms, explosive or crossbow or possession or use of any weapon as specified in subdivision (a) of California Penal Code section 12020, or any knife having a blade longer than two inches, except as provided in section 2512.
- Involvement in fraudulent schemes involving over \$1,000.
- Sale, transportation or distribution of any narcotic or other controlled substances as defined in division 10 of the California Health and Safety Code.
- A parolee whose whereabouts are unknown and has been unavailable for contact for thirty days.
- Any other conduct or pattern of conduct in violation of the conditions of parole deemed sufficiently serious by the P&CSD staff, including repetitive parole violations and escalating criminal conduct.
- The refusal to sign any form required by the Department of Justice explaining the duty of the person to register under Penal Code section 290.
- The failure to provide two blood specimens, a saliva sample, right thumb print impressions, and full palm print impressions of each hand as provided in Penal Code sections 295 through 300.3, requiring specified offenders to give samples before release.
- The failure to register as provided in Penal Code section 290, if the parolee is required to register.
- The failure to sign conditions of parole.
- Violation of the special condition prohibiting any active participation or assistance in, or promotion or furtherance of, prison gang, disruptive group, or criminal street gang activity, as enumerated in Penal Code section 186.22(e), if such condition was imposed.
- Violation of the special condition prohibiting any association with any member of a prison gang, disruptive group or criminal street gang, as defined in s 2513(e), or the wearing or displaying of any gang colors, signs, symbols, or paraphernalia associated with gang activity, if such condition was imposed.
- Violation of the special condition requiring compliance with any gang-abatement injunction, ordinance, or court order, if such condition was imposed.
- Conduct indicating that the parolee's mental condition has deteriorated such that the parolee is likely to engage in future criminal behavior.
- Violation of the residency restrictions set forth in Penal Code section 3003.5 for parolees required to register as provided in Penal Code section 290.
- In addition, for any parolee whose commitment offense is described in Penal Code section 1192.7(c), the P&CSD shall report to the board any such parolee who is reasonably believed to have engaged in the following kinds of behavior: any of the behaviors listed above, any criminal conduct, any violation of a condition to abstain from alcoholic beverages.

### **Behavior that *MAY* be reported**

- Any conduct which the parole agent, unit supervisor, or field administrator feels is sufficiently serious to report regardless of whether the conduct is being prosecuted in court.

*Source:* California Code of Regulations (CCR), Title 15, Division 2, Section 2616(a) and 3901.19.2.

## Appendix B. Data and measures for the analysis of parole violations (n=254,468)

Variable	Definition	Measurement Level	Summary
<i>Past and Present Offense History</i>			
Prior Number of Returns to Prison	Count of the parolee's previous episodes of imprisonment	Individual	1.5 (mean)
Commitment Offense	Most serious offense for which the parolee was most recently incarcerated	Individual	
Drug Offense	Crime involved use, possession, sales, or trafficking of illegal drugs	Individual	35.1%
Violent Offense	Crime involved violent behavior or the threat of violent behavior	Individual	19.9%
Property Offense	Crime involved taking or damage to property	Individual	29.3%
Sex Offense	Crime involved sexual behavior or threat of sexual behavior	Individual	4.7%
Other Offense	Miscellaneous other offenses including drunk driving and weapons offenses	Individual	10.0%
Number of violent priors	A parolee's number of prior commitment offenses defined by California Penal Code § 667.5 (c) as "violent offenses"	Individual	9.3% (have one or more)
Number of serious priors	A parolee's number of prior commitment offenses defined by California Penal Code § 1192.7 (c) as "serious offenses"	Individual	11.6% (have one or more)
Sex Offender Flag	Parolee has committed an offense defined under California Penal Code § 290 (a) (2) as a sexual offense requiring registration with the California Sex Offender Registry	Individual	7.2%
Second/Third Striker	As per Proposition 184 (e.g., California Three Strikes law), denotes a parolee who has accumulated two or more "serious" or "violent" felony convictions and who are eligible for a mandatory sentence of 25 years to life for their next felony conviction	Individual	13.6%
<i>Personal Characteristics</i>			
Black	Parolee is black	Individual	26.1%
Male	Parolee is male	Individual	89.5%
Age	Parolee is between in one of three age categories: 18-30, 30-45, and over 45	Individual	
Age at First commitment	Parolees age at the time of their first commitment to the California prison system	Individual	31.2 years (mean)
Mental Health Flag	Parolee has been identified as having one of three levels of mental illness	Individual	21.1%
<i>Supervision Characteristics</i>			
Presently Absconded	Parolee is "at large" during the observed week	Individual-Week	15.1%
Supervision Level	Type and intensity of parole supervision	Individual-	



Minimum Service Level	Parolee is under a minimum level of supervision; communication with parole agent is mainly via mail; no drug testing	Week Individual-Week	24.1%
Controlled Service Level	Parolee is under a moderate level of supervision and may need services for drug use, mental health problems, education or employment deficits	Individual-Week	51.7%
High Control Level	Parolee is under a high level of supervision, with an emphasis on detecting or preventing the most serious criminal activity	Individual-Week	11.7%
High Services Level	Parolee is under a high level of supervision in which their service needs are to be emphasized	Individual-Week	.9%
High Risk Spec/Non-Spec	Parolee is under a high level of supervision and supervised by a parole agent whose caseload is composed entirely of high risk parolees	Individual-Week	11.7%
Parole Region	Parolee is located within one of four parole regions	Individual-Week	Region 1: 21.1% Region 2: 19.6% Region 3: 32.2% Region 4: 27.1%
Policy	Parole Division policies adopted during 2003 and 2004	Week	
Crawford Search and Seizure	Policy elevated the search and seizure requirements to “reasonable suspicion,” adopted during the period in which the <i>Crawford</i> case was being adjudicated in federal court	Week	Adopted 9-9-2003 Rescinded 7-30-2004
The New Parole Model	Policy announced the “New Parole Model” to field staff	Week	Adopted 2-6-2004
Workload	The number of caseload points carried by the parolee’s parole agent	Agent-Week	277 (mean)
Parole Agent Characteristics	Personal characteristics of parole agent	Agent	
Male	Parolee’s parole agent is male	Agent	70.1%
Black	Parolee’s parole agent is black	Agent	31.5%
Age	Parolee’s parole agent is one of three age categories: 26-39, 39-55, and over 55	Agent	26-39: 31.3% 40-55: 60.6% >56: 8.2%
Job Tenure	Number of years a parolee’s parole agent has been on the job broken into three categories: Less than 3 years, between 3 and 10, and more than 10	Agent	<3: 47.6% 3-10: 32.9% >10: 19.5%
Prior Prison Employment	The parolee’s parole agent previously worked in prison	Agent	82.6%
<i>Community Environment</i>			
Social Disorganization	Parolee resides in more or less criminogenic environment as measured by concentrated disadvantage (poverty, unemployment, median income, single headed households, and percent black), ethnic heterogeneity, and residential turnover	U.S. Census Tract	Based upon factor scores and indices*
<i>Reentry Supports</i>			
Public Assistance	Parolee resides in community with a more or less generous public assistance system as measured by the ratio of public expenditures to the	County	Based upon an index*

Punitiveness	number of public assistance recipients Parolee resides in a community that has more or less punitive attitudes toward parolees as measured by voting on the 2000 Proposition 36 (drug treatment of offenders), the 2004 Proposition 66 (to limit Three strikes), and the percent Republican in community	County	Based upon a factor score*
Religious Adherents	Parolee resides in a community with greater or lesser numbers of religious adherents as measured by the Association of Religion Data Archives' Religious Congregations and Membership Study, 2000	County	55.7% (Weighted Mean)
Substance Abuse and Mental Health Services	Parolee resides in a community characterized by an abundance or scarcity of substance abuse and mental treatment programs as measured by the number of the Substance Abuse and Mental Health Services Association treatment programs within fifty miles of the centroid of the parolee's U.S. Census Tract	U.S. Census Tract	95.4 (Weighted Mean)

\*These measures are based upon factor analysis and other methods used to combine several variables into standardized scales. As such, the central tendencies and distributions of these variables are not meaningful in and of themselves, although the measures do delineate between locales that are high or low on a given dimension.

## Appendix C: Cox Regression models predicting parole violations (Hazard Ratios Reported)

	Any Violations	Any Technical Violations	Technical Violations-- Absconding	Technical Violations-- Other (non- PAL)	Any Criminal Violations	Criminal Type I Violations	Criminal Type II Violations	Criminal Type III Violations	Violent Violations
<i>Past and Present Offense History</i>									
Number of Prior Returns to Prison	1.212** (0.029)	1.268** (0.021)	1.264** (0.024)	1.279** (0.032)	1.195** (0.029)	1.192** (0.030)	1.179** (0.038)	1.236** (0.046)	1.195** (0.054)
Number of Prior Returns to Prison <sup>2</sup>	0.992** (0.001)	0.991** (0.001)	0.991** (0.001)	0.989** (0.002)	0.992** (0.001)	0.993** (0.001)	0.993** (0.001)	0.989** (0.002)	0.992** (0.003)
Number of Prior Violent Commitments	1.034* (0.014)	1.046* (0.024)	1.067** (0.026)	0.996 (0.046)	1.034 (0.019)	1.044 (0.023)	1.007 (0.039)	1.020 (0.048)	1.046 (0.070)
Number of Prior Serious Commitments	0.979 (0.023)	0.943 (0.030)	0.950 (0.037)	0.935 (0.050)	0.997 (0.027)	1.006 (0.028)	0.871* (0.055)	1.102 (0.069)	1.112 (0.093)
Sex Offender Flag	0.821** (0.050)	0.775** (0.074)	0.708** (0.090)	0.884 (0.131)	0.840* (0.062)	0.602** (0.063)	1.669** (0.199)	0.673 (0.144)	0.772 (0.222)
Second/Third Striker	0.903** (0.032)	0.885* (0.052)	0.899 (0.060)	0.861 (0.081)	0.906* (0.038)	0.894* (0.044)	0.917 (0.079)	0.961 (0.100)	1.065 (0.153)
Commitment Offense									
Violent	0.739** (0.024)	0.857** (0.046)	0.797** (0.053)	0.982 (0.089)	0.681** (0.028)	0.573** (0.029)	0.858 (0.073)	0.981 (0.097)	1.456* (0.213)
Property	1.010 (0.029)	1.152** (0.048)	1.101 (0.056)	1.263** (0.091)	0.949 (0.031)	0.821** (0.032)	1.383** (0.092)	0.996 (0.084)	1.390* (0.179)
Sex	0.631** (0.049)	0.841 (0.104)	0.655* (0.113)	1.123 (0.203)	0.526** (0.052)	0.429** (0.061)	0.728 (0.121)	0.639 (0.187)	0.938 (0.366)
Other	0.847** (0.031)	0.903 (0.057)	0.822* (0.066)	1.072 (0.110)	0.819** (0.036)	0.696** (0.039)	1.023 (0.096)	1.175 (0.130)	1.172 (0.209)
<i>Personal Characteristics</i>									
Black	1.036 (0.025)	1.068 (0.044)	1.083 (0.055)	1.043 (0.073)	1.017 (0.031)	0.897** (0.036)	1.188** (0.076)	1.356** (0.108)	1.434** (0.164)
Male	1.256** (0.045)	1.154* (0.066)	1.039 (0.072)	1.416** (0.145)	1.325** (0.058)	1.137* (0.061)	1.664** (0.168)	2.283** (0.345)	2.657** (0.636)
Age 18-30 Release	1.243** (0.058)	1.362** (0.078)	1.277** (0.091)	1.529** (0.146)	1.202** (0.068)	1.125 (0.072)	1.291* (0.129)	1.239 (0.139)	1.423* (0.235)
Age 45+ Release	0.742** (0.034)	0.717** (0.048)	0.761** (0.063)	0.638** (0.072)	0.732** (0.039)	0.706** (0.045)	0.848 (0.095)	0.599** (0.098)	0.517** (0.125)
Age at First commitment	1.010** (0.002)	1.019** (0.004)	1.014** (0.005)	1.027** (0.006)	1.006* (0.003)	1.016** (0.004)	0.994 (0.006)	0.974** (0.008)	0.984 (0.011)
Mental Health Flag	1.364** (0.094)	1.504** (0.082)	1.409** (0.086)	1.697** (0.128)	1.322** (0.096)	1.261** (0.090)	1.483** (0.134)	1.347** (0.136)	1.523** (0.195)
<i>Supervision Characteristics</i>									

In PAL This Week	10.911 (14.667)	-----	-----	-----	12.480 (16.762)	6.932 (9.393)	23.036* (30.491)	23.621* (31.483)	30.106* (39.964)
Supervision Level									
Controlled Service Level	2.101** (0.157)	2.002** (0.143)	1.630** (0.148)	2.954** (0.332)	2.201** (0.169)	2.794** (0.301)	1.516** (0.134)	1.669** (0.181)	1.500** (0.235)
High Control Level	2.408** (0.313)	2.854** (0.251)	2.448** (0.267)	3.845** (0.518)	2.327** (0.311)	2.938** (0.465)	1.505** (0.221)	1.892** (0.288)	1.740** (0.350)
High Services Level	2.617** (0.303)	2.900** (0.421)	2.453** (0.441)	3.979** (0.997)	2.588** (0.356)	2.922** (0.479)	1.858* (0.494)	2.902** (0.848)	3.451** (1.276)
High Risk Spec/Non-Spec	2.239** (0.234)	2.582** (0.225)	2.071** (0.223)	3.886** (0.536)	2.147** (0.242)	3.058** (0.382)	1.265 (0.199)	1.291 (0.223)	1.095 (0.255)
Parole Region									
Region 1--Central Valley	1.142* (0.072)	0.812* (0.085)	0.825 (0.108)	0.782 (0.137)	1.359** (0.106)	1.511** (0.149)	1.227 (0.197)	0.949 (0.192)	1.147 (0.346)
Region 2--Central and North Coast	1.141* (0.059)	0.751** (0.069)	0.779* (0.088)	0.702* (0.105)	1.408** (0.091)	1.633** (0.134)	1.107 (0.147)	1.059 (0.178)	1.155 (0.288)
Region 4--San Diego/Southeastern Counties	1.103 (0.058)	0.916 (0.081)	0.953 (0.102)	0.855 (0.124)	1.229** (0.080)	1.368** (0.115)	1.098 (0.141)	0.895 (0.147)	0.779 (0.192)
Workload									
PA Points 161-277 (Mean)	1.222* (0.103)	1.272 (0.199)	1.506* (0.313)	0.979 (0.234)	1.158 (0.118)	1.229 (0.167)	1.181 (0.246)	0.888 (0.208)	1.483 (0.626)
PA Points 277+ (Above Mean)	1.184* (0.101)	1.236 (0.198)	1.488 (0.312)	0.920 (0.226)	1.115 (0.115)	1.173 (0.160)	1.150 (0.240)	0.880 (0.208)	1.393 (0.592)
Parole Agent Characteristics									
Male	1.028 (0.029)	0.902** (0.036)	0.899* (0.044)	0.904 (0.060)	1.104** (0.038)	1.112** (0.045)	1.082 (0.068)	1.108 (0.095)	1.166 (0.139)
Black	0.925** (0.021)	0.893** (0.035)	0.933 (0.044)	0.822** (0.056)	0.943* (0.027)	0.920* (0.034)	1.005 (0.059)	0.934 (0.071)	1.029 (0.111)
Age 26-39 Yrs	1.055* (0.029)	1.044 (0.043)	1.023 (0.051)	1.083 (0.075)	1.061 (0.034)	1.047 (0.040)	1.077 (0.071)	1.080 (0.083)	1.008 (0.116)
Age 56-72 Yrs	0.952 (0.041)	0.918 (0.063)	0.911 (0.077)	0.932 (0.108)	0.971 (0.052)	0.945 (0.062)	1.008 (0.108)	1.037 (0.138)	0.986 (0.194)
Tenure 3-10 Yrs	0.947* (0.025)	0.964 (0.040)	0.956 (0.049)	0.978 (0.066)	0.936* (0.029)	0.914* (0.035)	0.969 (0.059)	0.967 (0.076)	1.047 (0.120)
Tenure 10+ Yrs	0.982 (0.031)	1.019 (0.052)	1.006 (0.064)	1.042 (0.089)	0.961 (0.036)	0.950 (0.045)	0.986 (0.077)	0.966 (0.098)	1.098 (0.164)
Prior Prison Employment	0.987 (0.032)	1.024 (0.048)	1.039 (0.061)	1.002 (0.078)	0.973 (0.038)	0.917* (0.041)	1.036 (0.083)	1.190 (0.120)	1.221 (0.177)
Parole Policy									
Crawford Search and Seizure	1.045 (0.104)	0.957 (0.094)	0.933 (0.092)	1.002 (0.113)	1.093 (0.113)	1.130 (0.135)	1.053 (0.092)	1.006 (0.107)	1.016 (0.135)
The New Parole Model	1.160 (0.160)	1.300 (0.176)	1.326* (0.188)	1.255 (0.173)	1.107 (0.145)	1.037 (0.137)	1.260 (0.173)	1.202 (0.173)	1.087 (0.175)

*Community Environment*

Social Disorganization

Ethnic Heterogeneity (std)	0.983 (0.013)	0.961 (0.020)	0.965 (0.024)	0.956 (0.032)	0.995 (0.015)	1.026 (0.019)	0.947 (0.029)	0.958 (0.036)	1.128* (0.069)
Concentrated Disadvantage (std)	1.024 (0.015)	1.051* (0.022)	1.069** (0.028)	1.010 (0.038)	1.011 (0.018)	1.026 (0.023)	0.973 (0.032)	1.008 (0.043)	1.008 (0.064)
Residential Stability (std)	1.024 (0.015)	1.045* (0.023)	1.028 (0.027)	1.081* (0.040)	1.014 (0.018)	1.012 (0.021)	1.047 (-0.034)	0.967 (0.041)	0.969 (0.062)

Reentry Support

Public Assistance (std)	0.974 (0.013)	0.977 (0.019)	0.976 (0.024)	0.978 (0.032)	0.972 (0.016)	0.940** (0.018)	1.026 (0.028)	1.011 (0.036)	0.992 (0.053)
Punitiveness (std)	1.004 (0.018)	0.956 (0.030)	0.904** (0.035)	1.064 (0.057)	1.023 (0.022)	1.056* (0.029)	0.953 (0.043)	0.991 (0.057)	1.053 (0.090)
% Church Attendance (std)	1.002 (0.038)	0.968 (0.041)	0.989 (0.050)	0.936 (0.054)	1.014 (0.042)	1.054 (0.044)	0.941 (0.058)	0.928 (0.063)	1.029 (0.102)
SAMSA Services (std)	0.924** (0.018)	0.931* (0.027)	0.941 (0.033)	0.909* (0.043)	0.917** (0.021)	0.897** (0.024)	0.942 (0.045)	0.958 (0.057)	0.994 (0.090)

*Goodness-of-fit*

<i>n</i> parameters	42	41	41	41	42	42	42	42	42
-2LL	133334	47844	31282	16442	86204	54527	19256	11565	5132
<i>p</i> (versus null model)	<.01	<.01	<.01	<.01	<.01	<.01	<.01	<.01	<.01

Standard errors in parentheses.

\* significant at 5%; \*\* significant at 1%

## Appendix D: Cox Regression models predicting *sexual* parole violations (Hazard Ratios reported)

	Any Sex Violation	Sex Violations, Criminal Type II	Sex Violations, Criminal Type III
<i>Past and Present Offense History</i>			
Number of Prior Returns to Prison	1.296** (0.018)	1.306** (0.020)	1.271** (0.039)
Number of Prior Returns to Prison <sup>2</sup>	0.989** (0.001)	0.990** (0.001)	0.985** (0.003)
Number of Prior Violent Commitments	0.991 (0.018)	0.999 (0.020)	0.941 (0.048)
Number of Prior Serious Commitments	1.000 (0.027)	1.001 (0.031)	0.994 (0.054)
Sex Offender Flag	25.216** (1.184)	65.758** (4.318)	2.880** (0.317)
Second/Third Striker	1.082 (0.046)	1.046 (0.050)	1.138 (0.104)
Commitment Offense			
Violent	1.000 (0.054)	0.877* (0.058)	1.292** (0.128)
Property	1.156** (0.055)	1.141* (0.064)	1.191 (0.108)
Sex	0.760** (0.039)	0.713** (0.040)	1.208 (0.172)
Other	1.052 (0.071)	0.921 (0.076)	1.350* (0.159)
<i>Personal Characteristics</i>			
Black	1.563** (0.055)	1.555** (0.064)	1.543** (0.108)
Male	4.101** (0.618)	1.814** (0.291)	27.890** (14.002)
Age 18-30 Release	1.921** (0.102)	1.936** (0.122)	1.499** (0.159)
Age 45+ Release	0.585** (0.034)	0.566** (0.037)	0.620** (0.087)
Age at First commitment	1.027** (0.003)	1.034** (0.003)	0.997 (0.007)
Mental Health Flag	2.504** (0.085)	2.484** (0.098)	2.614** (0.180)
<i>Supervision Characteristics</i>			
In PAL This Week	5.057**	7.336**	1.300**

	(0.179)	(0.298)	(0.112)
Supervision Level			
Controlled Service Level	1.602**	1.789**	1.813**
	(0.133)	(0.213)	(0.210)
High Control Level	2.914**	3.331**	2.469**
	(0.235)	(0.373)	(0.322)
High Services Level	3.376**	4.092**	3.230**
	(0.551)	(0.859)	(0.861)
High Risk Spec/Non-Spec	2.768**	3.288**	2.621**
	(0.230)	(0.376)	(0.348)
Parole Region			
Region 1--Central Valley	1.440**	1.371**	1.798**
	(0.068)	(0.075)	(0.165)
Region 2--Central and North Coast	1.325**	1.301**	1.496**
	(0.061)	(0.069)	(0.139)
Region 4--San Diego/Southeastern Counties	1.281**	1.316**	1.219*
	(0.059)	(0.069)	(0.115)

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*Goodness-of-fit*

<i>n</i> parameters	24	24	24
-2LL	77358	53770	221693
<i>p</i> (versus null model)	<.01	<.01	<.01

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Standardized coefficients reported.

Standard errors in parentheses.

\* significant at 5%; \*\* significant at 1%

## Appendix E: Independent variables in revocation models, with descriptive statistics (n=151,750)

<i>Category</i>	<i>Variable</i>	<i>Descriptive Statistic</i>	
Case	Case contains non-PAL technical violation	35.8%	Percent
Case	Case contains PAL violation	31.3%	Percent
Case	Number of criminal charges in case	1.8	Mean
Case	Number of non-PAL technical violations in case	0.7	Mean
Case	Number of PAL violations in case	0.4	Mean
Case	Total criminal charge severity of case, divided by 100	6.1	Mean
Case	Total technical charge severity of case, divided by 100	0.7	Mean
Individual	Number of lifetime prison spells	3.4	Mean
Individual	Drug commitment offense	35.2%	Percent
Individual	Violent commitment offense	17.2%	Percent
Individual	Property commitment offense	33.7%	Percent
Individual	Sex commitment offense	3.7%	Percent
Individual	Other commitment offense	10.2%	Percent
Individual	Second/third striker	16.3%	Percent
Individual	Serious or violent offender	17.3%	Percent
Individual	Registered Sex Offender	6.8%	Percent
Individual	Male gender	91.2%	Percent
Individual	Race/ethnicity: White	35.4%	Percent
Individual	Race/ethnicity: Black	31.0%	Percent
Individual	Race/ethnicity: Hispanic	30.2%	Percent
Individual	Race/ethnicity: Asian	0.7%	Percent
Individual	Race/ethnicity: Other race	2.7%	Percent
Individual	Age 18-30	34.6%	Percent
Individual	Age 31-45	51.7%	Percent
Individual	Age over 45	13.7%	Percent
Individual	Age at first commitment to California prison	30.0	Mean
Individual	Officially documented mental health problem	32.7%	Percent
Organizational	Case is in Los Angeles	22.1%	Percent
Organizational	CDC reception center, percent occupied	236.9%	Mean
Organizational	County jail population, percent occupied	104.1%	Mean
Organizational	Felony court caseload divided by number of DAs	80.1	Mean
Community (county)	“Punitiveness” factor	Based upon a factor score*	Mean
Community (tract)	“Concentrated disadvantage” factor	Based upon a factor score*	Mean
Community (tract)	Percent black residents in tract	6.6%	Mean
Community (tract)	Percent black unemployment in tract	7.0%	Mean



Community (tract)	Percent of poor households receiving public assistance	5.9%	Mean
Community (tract)	Count of SAMHSA services within 50 miles of tract	83.6	Mean

\*These measures are based upon factor analysis and other methods used to combine several variables into standardized scales. As such, the central tendencies and distributions of these variables are not meaningful in and of themselves, although the measures do delineate between locales that are high or low on a given dimension.

## Appendix F: Logistic regression model predicting *return to custody from court* (Odds Ratios reported)

	Return to prison from court (PVWNT)
<i>Violation Case Characteristics</i>	
Number of Charges in Case	1.006 (0.005)
Total Criminal Charge Severity (/100)	1.083** (0.001)
<i>Past and Present Offense History</i>	
Number of Prior Returns to Prison	1.068** (0.002)
Commitment offense	
Violent	0.810** (0.023)
Property	1.220** (0.021)
Sex	0.837** (0.055)
Other	1.242** (0.032)
Second/Third Striker	1.451** (0.038)
Serious/Violent Offender	0.829** (0.022)
Sex Offender Flag	0.761** (0.025)
<i>Personal Characteristics</i>	
Male	0.962 (0.028)
Race/Ethnicity	
Black	0.853** (0.017)
Hispanic	1.039* (0.019)
Asian	1.237* (0.126)
Other race	1.143** (0.057)
Age Group	
Age 18-30 at Release	1.172** (0.027)

Age 45+ at Release	0.999 (0.032)
Age at First Commitment	0.998 (0.002)
Mental Health Flag	0.945** (0.017)
<i>Organizational Characteristics</i>	
Case is in Los Angeles	1.822** (0.056)
CDCR Reception Centers: % Occupied	0.996** (0.001)
County Jails: % Over/Under Capacity	1.013** (0.001)
Felony Court Caseload/ # DAs	0.997** (0.001)
<i>Community Environment</i>	
Punitiveness (std)	1.346** (0.017)
Concentrated Disadvantage (std)	0.969** (0.010)
Percent Black Residents (std)	1.031** (0.003)
Percent Black Unemployment (std)	1.011* (0.005)
Public Assistance (std)	0.967* (0.014)
SAMHSA Services (std)	1.008** (0.002)
<hr/>	
<i>Goodness-of-fit</i>	
<i>n</i> parameters	29
-2LL	124,462
<i>p</i> (versus null model)	<.01
Observations	122,067

Standard errors in parentheses.

\* significant at 5%; \*\* significant at 1%

**Appendix G: Logistic regression models predicting *return to custody through the parole board* (Odds Ratios reported)**

	All Violations	Criminal violations	Criminal Violations, Type I	Criminal Violations, Type II	Criminal Violations, Type III	Absconding Violations	Technical Violations not involving Absconding
<i>Violation Case Characteristics</i>							
Number of Criminal Charges in Case	0.956** (0.011)	1.143** (0.015)	0.130** (0.010)	0.789** (0.024)	1.183** (0.033)	0.925** (0.020)	1.101** (0.020)
Number of Non-PAL Technical Violations in Case	1.908** (0.078)	1.889** (0.095)	2.767** (0.257)	1.555** (0.131)	0.991 (0.097)	1.613** (0.113)	-
Number of PAL Violations in Case	4.812** (0.214)	3.550** (0.197)	5.514** (0.567)	2.892** (0.267)	1.427** (0.158)	-	1.777** (0.061)
Total Violation Criminal Charge Severity (/100)	1.224** (0.004)	1.222** (0.004)	5.604** (0.280)	1.458** (0.017)	1.018** (0.006)	1.104** (0.008)	1.090** (0.006)
Total Violation Technical Charge Severity (/100)	1.700** (0.098)	1.823** (0.130)	1.577** (0.215)	2.023** (0.233)	1.760** (0.230)	0.917 (0.090)	1.799** (0.047)
<i>Past and Present Offense History</i>							
Number of Prior Returns to Prison	1.049** (0.003)	1.043** (0.004)	1.073** (0.005)	1.006 (0.006)	0.999 (0.009)	1.043** (0.005)	1.036** (0.005)
Commitment Offense							
Violent	1.414** (0.043)	1.453** (0.050)	1.904** (0.108)	1.325** (0.078)	0.921 (0.069)	1.159** (0.063)	1.285** (0.068)
Property	1.080** (0.020)	1.053* (0.023)	1.040 (0.034)	1.115** (0.044)	0.930 (0.055)	1.056 (0.036)	1.084* (0.036)
Sex	1.484** (0.080)	1.493** (0.087)	1.888** (0.198)	1.441** (0.153)	0.813 (0.113)	1.170 (0.151)	1.326** (0.128)
Other	1.292** (0.039)	1.286** (0.044)	1.512** (0.084)	1.131* (0.068)	0.918 (0.071)	1.117 (0.064)	1.206** (0.058)
Second/Third Striker	1.120** (0.031)	1.147** (0.040)	1.331** (0.068)	1.046 (0.054)	0.973 (0.065)	1.074 (0.048)	1.081 (0.058)
Serious/Violent Offender	1.090** (0.029)	1.098** (0.036)	1.284** (0.082)	1.083 (0.060)	0.855* (0.062)	1.057 (0.062)	1.029 (0.057)
Sex Offender Flag	1.790** (0.066)	2.003** (0.083)	5.174** (0.370)	0.828** (0.050)	1.349** (0.151)	1.429** (0.109)	1.275** (0.072)
<i>Personal Characteristics</i>							
Male	0.996 (0.030)	1.041 (0.035)	1.015 (0.048)	0.957 (0.064)	1.268* (0.129)	0.869** (0.046)	0.951 (0.050)
Race/Ethnicity							
Black	1.058** (0.023)	1.089** (0.026)	1.035 (0.040)	1.028 (0.044)	0.816** (0.050)	0.919* (0.035)	0.969 (0.037)
Hispanic	1.146**	1.193**	1.235**	1.102*	1.084	0.997	1.036

	(0.023)	(0.027)	(0.042)	(0.047)	(0.069)	(0.040)	(0.036)
Asian	1.039	1.091	1.112	0.964	1.045	0.632*	0.966
	(0.117)	(0.139)	(0.244)	(0.202)	(0.321)	(0.136)	(0.181)
Other Race	1.179**	1.245**	1.295*	1.225	0.955	1.044	1.167
	(0.068)	(0.082)	(0.132)	(0.148)	(0.152)	(0.117)	(0.109)
Age Group							
Age 18-30 at Release	1.015	1.002	0.936	1.028	1.005	1.026	1.001
	(0.044)	(0.045)	(0.064)	(0.062)	(0.085)	(0.081)	(0.072)
Age 45+ at Release	1.046	1.064	1.042	1.117	1.029	1.018	0.979
	(0.050)	(0.058)	(0.075)	(0.089)	(0.114)	(0.067)	(0.071)
Age at First Commitment	0.996	0.996	0.996	0.994	0.999	1.001	0.996
	(0.003)	(0.003)	(0.005)	(0.004)	(0.005)	(0.005)	(0.004)
Mental Health Flag	1.042	1.041	1.094*	1.021	0.975	1.053	1.031
	(0.028)	(0.029)	(0.044)	(0.041)	(0.057)	(0.048)	(0.033)
<i>Organizational Characteristics</i>							
Case is in Los Angeles	0.990	1.010	0.999	0.819**	1.059	0.803**	1.455**
	(0.030)	(0.035)	(0.053)	(0.052)	(0.094)	(0.046)	(0.080)
CDCR Reception Centers: % Occupied	0.987**	0.987**	0.992**	0.976**	0.989**	0.982**	0.988**
	(0.001)	(0.002)	(0.002)	(0.002)	(0.004)	(0.002)	(0.002)
County Jails: % Over/Under Capacity	1.000	0.999	1.001	0.998	0.996	1.002	1.000
	(0.001)	(0.001)	(0.001)	(0.001)	(0.002)	(0.001)	(0.001)
<i>Community Environment</i>							
Punitiveness (std)	1.103**	1.081**	1.146**	1.145**	1.056	1.226**	1.149**
	(0.012)	(0.012)	(0.021)	(0.022)	(0.031)	(0.024)	(0.019)
Concentrated Disadvantage (std)	1.007	1.006	0.995	1.006	1.052	1.019	1.012
	(0.009)	(0.010)	(0.020)	(0.018)	(0.029)	(0.016)	(0.019)
Percent Black Residents (std)	1.011**	1.014**	0.995	1.005	1.001	0.991	0.999
	(0.003)	(0.003)	(0.005)	(0.005)	(0.008)	(0.005)	(0.004)
Percent Black Unemployment (std)	1.021**	1.020**	1.028**	1.026**	1.000	1.044**	1.016*
	(0.004)	(0.005)	(0.007)	(0.009)	(0.014)	(0.010)	(0.007)
Public Assistance (std)	1.006	1.002	1.015	1.008	1.015	1.058	1.005
	(0.014)	(0.016)	(0.021)	(0.030)	(0.044)	(0.033)	(0.020)
SAMHSA Services (std)	0.987**	0.982**	0.974**	1.011*	0.986*	0.998	0.982**
	(0.002)	(0.002)	(0.003)	(0.004)	(0.006)	(0.004)	(0.003)
<i>Goodness-of-fit</i>							
<i>n</i> parameters	31	31	31	31	31	30	30
-2LL	102,145	79,855	34,227	25,304	14,144	32,778	38,673
<i>p</i> (versus null model)	<.01	<.01	<.01	<.01	<.01	<.01	<.01
Observations	114,721	91,667	38,293	33,418	19,956	44,840	51,428

Standard errors in parentheses

\* significant at 5%; \*\* significant at 1%

