

Final Report

EVALUATION OF THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE'S VIOLATION SANCTION GRID

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INTRODUCTION

Nearly three-quarters of a million offenders are released from U.S. prisons each year, an estimated 80 percent of whom are under the supervision of a parole agent (Committee on Community Supervision and Desistance from Crime, 2008). In Pennsylvania, 8,087 offenders were released on parole and another 2,142 were released on re-parole in 2003-2004 (PBPP, 2006). As of June 30, 2008 there were 32,097 individuals under the supervision of the Board (PBPP, 2008).

Parolees present major challenges to the Board and to the criminal justice system; as a group, they possess serious social and medical problems, including educational deficiencies and weak family support; and on release they face the additional burdens of having a conviction and prison record. The burdens of a prison record include disenfranchisement (Uggen & Manza, 2002), problems finding employment (Holzer & Martinson, 2005), and difficulties obtaining equitable salary when employed (Pager, 2003). Further, estimates suggest that three quarters of parolees have a substance abuse problem (Petersilia, 2003).

With caseloads ranging in the mid-70's per parole agent, meeting the reentry needs of offenders while protecting the public from harm poses a considerable challenge to the Board of Probation and Parole and its agents. At the heart of this challenge are fateful decisions regarding who to release and how best to respond to their adjustment problems in the community.

Illustrating these challenges, Fabelo's (2007) study of Pennsylvania's sentencing and correctional system found that during the period 2000 to 2006, prison admissions for parole violations increased by 37% and recommitments for technical parole violations increased by 21%. Similarly, in a 2005 DOC *Research in Review*, Bucklen reported that parole revocations accounted for more than one-third of Pennsylvania's prison admissions. He also reported that

prison admissions from parole revocations had increased 51% over the past seven years, compared to a 25% increase for court admissions during this period. These figures illustrate the magnitude of the reentry process and its growing impact on Pennsylvania's correctional system. However, despite the importance of reentry and parole decision making, the parole supervision process has received surprisingly little research attention. Thus, we know relatively little about the experiences of offenders on parole and what affects their likelihood of reincarceration (Steen & Opsal, 2007).

This study focuses on sanctions and recommitments for parole and technical violations among a ten-month cohort of Pennsylvania parolees. With more than 10,000 releases a year and recommitments expected to be in excess of 50% over three years, recommitments represent a significant policy arena for study, one that affects prison populations, and more importantly for this research, involves decisions by parole officers regarding the use of available sanctioning resources. The current project examines these decisions by following more than 8,000 Pennsylvania offenders paroled between September 1, 2006 and June 30, 2007. Through official information compiled by the PBPP, we examine parolees' violations of parole and the sanctions applied in response to those violations. As we describe in detail below, the study is based on both quantitative and qualitative parole reports prepared in the field as part of the normal operating practices of the PBPP.

BACKGROUND

Pennsylvania took an uncommon tack in 1978 when it created the Pennsylvania Commission on Sentencing to write sentencing guidelines while retaining the policy of

indeterminate sentencing.¹ This broke the trend in the 1970s and 1980s set by other states that adopted determinate sentencing structures as part of their sentencing guidelines.² Pennsylvania's adoption of sentencing guidelines while retaining indeterminate sentencing clearly reflects the legislative view that parole release and parole supervision are important components of a fair and effective criminal justice system.

The process works as follows. The jurisdiction for parole release is first set by the judge at sentencing. If the judge gives the offender a maximum sentence of two years or more then the sentence is a state sentence and the Pennsylvania Board of Probation and Parole is given jurisdiction over the release of the offender. The judge also sets the eligibility for release through the minimum sentence in accordance with the sentencing guidelines. The maximum sentence length is limited by the legislature depending on the felony and misdemeanor classification of the given offense. For example, felony IIIs cannot be given a maximum sentence of greater than seven years (18 Pa. C.S. section 1103). Felony Is generally have a 20 year maximum sentence but the legislature in the late 1990s identified certain felony Is (e.g., murder III) as eligible for 40 year maximum sentences. The minimum sentence can be no greater than one-half of the maximum (42 Pa. C.S. section 9756(b)). Thus, for a felony I the court could give a 20-year maximum and the minimum could be 10 years or less. Parole supervision terms are limited by the length of the maximum sentence so if an offender is released at the minimum in a ten to twenty year sentence then the offender would be subject to ten years

¹ Act 319 of 1978 created the Pennsylvania Commission on Sentencing mandating that the commission write sentencing guidelines.

² Minnesota, Washington, and North Carolina, for example, adopted sentencing guidelines while simultaneously abolishing the indeterminate sentence.

on parole. Thus, the judge at sentencing determines the potential length of the parole period by setting the minimum and maximum sentence lengths.³

In Pennsylvania, approximately 80 percent of offenders are released to parole supervision.⁴ The 20 percent that are not released on parole max out either as a consequence of “opting out” of parole or because the PBPP decides that the offender has not earned release or is a behavioral risk to the public and should not be released.

Parole serves two core functions: providing technical/rehabilitation assistance to offenders as they reenter the community and protecting the public. Historically, parole’s primary goal was to extend the rehabilitative efforts started in the correctional institutions by providing practical assistance in finding a job, assisting with living situations, and providing temporary financial assistance to ease the transition back to the community. These efforts support the rehabilitative goals of parole and for those failing to live up to these expectations they communicate that the offender is a risk to the community. The rehabilitative function of parole is broadly supported in the literature. For example, the Committee on Community Supervision and Desistance from Crime (2008) identifies the period immediately following release as critical to effective supervision because this is when violations peak. To increase the effectiveness of parole, the Committee recommends stronger emphasis during this period of reentry on intensive supervision, drug treatment, and job location. The Committee’s recommendations are supported by research on the effectiveness of treatment. For example, Seiter and Kadela’s (2003) review of reentry program evaluations supports the conclusion that substance abuse treatment, and halfway houses reduce recidivism. There is also support for employment assistance reducing the

³ For example, a judge giving a one to ten year sentence stated to one of the authors that she was giving the defendant “a long tail” to reflect that she thought the offender would need considerable help from parole agents in dealing with his drug abuse problem during reentry (interview with Court of Common Pleas Judge, August 1999).

⁴ This figure is based on personal communication with Dr. Gary Zajac, Director of Research, Pennsylvania Department of Corrections.

risk of recidivism. The Texas Re-Integration of Offenders (RIO) program focused on placing parolees in jobs and Fulp (2001) reports that parolees placed in jobs through RIO were less likely to be rearrested. Also, the Chicago based Safer Foundation (Tonn, 1999) and Pioneer Human Services in Seattle (Turner and Petersilia, 1996) provide employment, education, and housing assistance for parolees to assist in the transition to the community, increase job placement and retention, and reduce recidivism. While successful rehabilitation serves to protect the community, others argue that public protection should be the primary focus of parole.

The public protection function of parole is well articulated by Farabee (2005) who argues that there is little evidence to support the effectiveness of rehabilitation programs. Farabee argues that in view of the failure of the rehabilitation model to reduce the risk of reoffending, parole decision making should focus on crime control through surveillance. Despite his focus on surveillance and offender accountability, Farabee (2005, p. 62) argues that the system should “Deemphasize prison as a sanction for nonviolent reoffenses and increase the use of intermediate sanctions....” To strengthen the crime control function of parole, Farabee recommends reducing parole caseloads to fifteen and providing parole officers with sophisticated tracking systems to assist in the monitoring process.

As a rule, parole board members have limited information on which to make supervision decisions and only limited guidance in estimating the risk of recidivism posed by particular offenders (Huebner & Bynum, 2006). Within the sentencing context, this uncertainty has been found to result in the use of extra-legal factors to reach sentencing decisions (Albonetti, 1991). Acknowledging the use of extralegal sanctions in sentencing, Steffensmeier, Ulmer, and Kramer (1998) formulated what they refer to as a “focal concerns theory” of sentencing, in which they argue that sentencing decisions are guided by three primary considerations: community

protection, offender blameworthiness, and practical considerations regarding the offender and the criminal justice system (Kramer & Ulmer, 2008; Steffensmeier, Kramer, & Streifel, 1993; and Steffensmeier, Ulmer, & Kramer, 1998). We think the focal concerns perspective provides a useful framework for understanding parole supervision and decision making in the field.

As mentioned above, one of the most important “focal concerns” of the Parole Board and parole agents is community protection. According to Farabee (2005), crime is a choice and as a consequence the criminal justice system must strive to enhance its surveillance capabilities rather than attempt to rehabilitate offenders. While some oppose this view (see, for example, Cullen, 1982; Cullen & Gendreau, 2000; and Farrington & Welsh, 2005), it is nonetheless consistent with a good deal of current thinking in corrections regarding the importance of public protection. In support of this focus of parole, the Pennsylvania General Assembly in the 1990s directed the Board of Probation and Parole to consider community protection through risk reduction as one of, if not the prime focal concern of the parole board. While this legislative directive prioritized community protection, thereby encouraging more conservative decision making policies regarding release and revocation, other actions by the General Assembly suggested concern with slowing the growth of the prison population. To slow prison growth, the General Assembly passed the Intermediate Punishment Act in 1990 and in 1997, appropriated a significant funding stream to support the diversion of sentenced offenders from state prison to intermediate punishment. Thus, the legislature was concerned both with protecting the public from harm, and with shielding the public from having to fund unnecessary incarcerations.

In a study applying the focal concerns theory to the parole context, Huebner and Bynum (2006, p. 963) observed that “More so than judges, the concern over recidivism is particularly acute for parole board members because they are the sole gatekeeper between the prison and

community.” While instruments such as the Level of Service Inventory (LSI) and parole release guidelines have been developed to assist with risk assessments, these instruments provide only the statistical probability that offenders with certain characteristics will recidivate while leaving considerable uncertainty regarding the risk for a particular individual. For the release decision, parole release guidelines and the Level of Service Instrument-Revised (LSI-R) provide helpful information; however, for decisions regarding community supervision and surveillance, parole agents have little systematic guidance. Thus, parole agents must gather and interpret cues from the offender and from their knowledge of the offender’s life situation in order to estimate the likelihood that a particular offender will violate the conditions of parole in ways that might lead to more serious offending. Within the context of this uncertainty the question arises: How do agents avoid over reliance on incarceration while still trying to protect the public?

The second focal concern described by Steffensmeier and colleagues (1998) -- blameworthiness -- focuses on the seriousness of the offense and the individual offender’s responsibility for having committed it. Blameworthiness is important both at sentencing and in parole decision making. In the parole context, however, there is an additional dimension: the extent to which the offender follows the conditions of parole, such as not associating with “known felons” or not using drugs. Those who violate the conditions of parole are often viewed as having increased blameworthiness over and above the blameworthiness associated with their original target offense. Violations of the conditions of parole raise concerns for the parole officer that offenders may be placing themselves into situations where reoffending is more likely. When the conditions of parole are violated the parole agent must decide whether to intervene and if so, how severe an intervention to impose.

The third set of focal concerns described by Steffensmeier and colleagues (1998) involves practical considerations regarding the offender and the criminal justice system. Parole boards and agents face many such considerations. The parole board faces organizational pressures to assist in maintaining prison populations and the size of parole caseloads. Thus, while re-incarcerating offenders can reduce the size and complexity of caseloads, parole officers often are reluctant to overuse this option. Other practical considerations include the impact of reincarceration on particular offenders, including their financial and family responsibilities.

THE PENNSYLVANIA CONTEXT

The key decision making issues for parole agents include the provision of effective surveillance and appropriate treatment in the field. “Effectiveness” in this context means the ability to place the right offenders on parole at the right time, and to provide those placed on parole appropriate and timely interventions. A third issue that has recently been gaining the attention of researchers is the fairness of the administration of sanctions, an important component of which involves equity in the handling of parole violators, particularly technical violators. With agents spread across the state, it is of some concern that similarly situated offenders sometimes receive different sanctions for similar misbehavior. This concern has led to an emphasis on the development of structured parole revocation policies, the implementation of systematic guidelines for parole decision making, and the dissemination of these guidelines throughout the state via statewide training and supervision protocols.

Serving these multiple “focal concerns” in a fair and rational manner is the dominant challenge facing the Pennsylvania Board of Probation and Parole. The PBPP has adopted several “best practices” strategies to increase fairness, effectiveness, and community protection.

First, to reduce the flow of technical violators returning to prison, the Board developed a range of intermediate sanctions for parole violators that have found been in the literature to reduce recidivism. The traditional avenues open to parole officers had been to leave the offender in the community or to re-imprison the offender: two relatively extreme choices. Intermediate punishments similar to those defined and endorsed by the Intermediate Punishment Act were therefore developed to expand the options available to parole agents and the Board when responding to technical violations. Central to its best practices agenda, the Board sought a strategic mechanism to guide the decision making in the field. This mechanism needed to enhance community protection, and equity in decision making while establishing fiscally responsible use of prison resources. To do this the Board took the following strategic actions: (1) the development and use of the Violation Sanction Grid (VSG) for structuring parole decision making; and (2) use of the Level of Service Inventory Revised (LSI-R) for risk assessment and risk management.

The Violation Sanction Grid (VSG)

During January 2004, the Board conducted an internal study that identified a representative sample of 135 offenders that had received a Board action for recommitment to prison during December 2003. Agents who had imprisoned at least one technical parole violator were identified as participants in the study. Each agent provided a written explanation of the reasons why the offender was arrested, the violations that occurred and the types of sanctions that were imposed. On February 20, 2004, an internal analysis effort based on the agents' responses identified two groups of technical violators. The first group, which included 56% of violators, had a lengthy sanction history (averaging 4.4 sanctions prior to their arrest for a technical violation). The remaining 44% were violation-free before their arrests as technical

violators. The most common reason cited for arresting and recommitting these “first-time” violators was “absconding” (47% of cases). The second most commonly cited violation (21%) was for drug and alcohol relapses. The key focus of the study was to develop guidelines or standards that would serve as model “business practices” for the agency.

Importantly, the data revealed that a substantial number of the technical violators who were recommitted on their first technical violation had in actuality committed a new offense; and rather than process them through the court system, they were processed as technical violators. This meant that what was reported as a “technical violation” was in reality a processing decision that satisfied the focal concern of protecting the public while avoiding spending valuable court resources on prosecuting the offender for a “new” offense.

A second internal study in March of 2004 led to the development of the Violation Sanction Grid (VSG), a decision making guide designed to assist parole officers in linking technical violations of varying severity to appropriate sanctioning responses. On March 26, 2004, a new VSG was created using agent focus groups across the state to evaluate and rate violation severities and sanction responses in terms of their levels of “seriousness.” The VSG was viewed as useful and necessary in training field agents because it provided direction as to how serious an infraction is and what the appropriate sanction should be. The VSG was refined and implemented first as a decision making guide and subsequently as an automated information collection system to monitor and track agent decisional practices.

With the VSG the PBPP established a framework for decision making that was designed to be efficient, fair, and effective. The VSG would enhance efficiency in the decision making process by reducing the time required in making sanctioning decisions, and by focusing punishment (and treatment) resources on the most appropriate cases. In addition, by ranking

technical violations and establishing sanctions commensurate with the severity of those violations, disparities across jurisdictions in the decisions made by parole officers could be reduced. Although officers may depart from the VSG recommendations, the VSG nonetheless provides a common starting point for officers in formulating their sanctioning decisions.

Perhaps most importantly, the VSG is intended to provide guidance for effective decisions. By expanding the range of sanctions and directly connecting them to both offender risk and violation severity, the VSG directs parole officers to consider the full range of treatment options, including drug and alcohol treatment, when responding to offender misbehavior in the community. This serves two potentially important functions. First, it promises to reduce reliance on incarceration, thereby preserving prison beds for the highest risk violators. Second, by focusing on drug and alcohol treatment options (in addition to punitive sanctions) the VSG enables parole officers to attend to the underlying causes of problem behaviors thereby increasing the probability that offenders will receive effective treatment (a copy of the VSG matrix is provided in Appendix A.)

The Level of Service Inventory - Revised (LSI-R)

During the late 1990's, the Board adopted the Level of Service Inventory-Revised (LSI-R), a fifty-four item instrument for classifying offenders in terms of recidivism risk, as its risk assessment tool. Subsequently in 2003, the LSI-R was adopted as a replacement for a lengthy field supervision risk assessment instrument that had been designed to provide risk assessments at release and during supervision. The LSI-R, which measures static and dynamic risk factors, is currently administered to all parolees at parole consideration in prison and is re-administered every year after release to capture changes in an offender's risks and needs. The LSI-R is used in the current project to gauge the level of risk assigned to offenders by the Board upon release

and also as a source of empirical data on offenders' risks and needs during parole.⁵ (A list of the items contained in the LSI-R is provided in Appendix B.)

THE CURRENT STUDY

The purpose of this study is to examine the parole decision making process. To achieve this purpose, the study examines three aspects of parole decision making: (1) the degree to which the VSG is being used by parole officers to assign sanctions that are commensurate with the seriousness of violation behavior; (2) the degree to which technical parole violations include behavior that would have been considered criminal if detected by police; and (3) the factors that are associated with the reimprisonment of parolees, including a better understanding of the role of parole surveillance in the reimprisonment outcome. To address these three issues, the research team in conjunction with an Advisory Board, initiated a longitudinal study gathering data from several sources containing information on offender violations and parole officer sanctioning decisions (described below). The resulting data set covers all offenders released to parole in Pennsylvania between September 1, 2006 and June 30, 2007, a total of 8,267 cases.

1. Use of the Violation Sanction Grid

As described above, the Pennsylvania Board of Probation and Parole currently uses a Violation Sanction Grid (VSG), which provides guidelines for parole agent decision making in response to technical violations. The VSG is analogous to sentencing guidelines in that it ranks

⁵ The LSI-R is one of the most well-utilized risk/needs assessment instruments. It has been used to classify probationers (Andrews, Kiessling, Mickus, & Robinson, 1986), male offenders (Bonta & Motiuk, 1990; Girard & Wormith, 2004; Hollin, Palmer, & Clark, 2003; Lowenkamp, Hodsinger, & Latessa, 2001), female offenders (Palmer & Hollin (2007), and African American and Hispanic male offenders (Schlager & Simourd, 2007). Based on its broad-based validation across a wide range of offender types, it provides an excellent source of data for establishing offender risk levels. Indeed, Gendreau, Little, and Goggins's (1996) meta-analysis of risk prediction instruments found that LSI-R scores were more significantly and strongly correlated with recidivism than other existing risk assessment tools and personality scales.

the severity and frequency of current and prior violations to guide the level of sanction recommended to the parole officer. This then raises the question: To what degree do parole officers adhere to (or depart from) the VSG recommendations? While there is considerable research on the use of (and departures from) sentencing guidelines (Kramer & Ulmer, 2002; Johnson, 2005), we know relatively little about parole officers' use of sanctioning guidelines. Examination of the application of the VSG will provide insights into its use in the field and may suggest modifications for improving its implementation.

2. Technical Violations and Criminal Behavior

Three types of parole violators are of special concern in this report. The first and most obvious are those who during their parole supervision were arrested and convicted for a new crime. A second type consists of technical violators, that is, those who violated one or more of their conditions of parole, but did not commit a new crime. A third type consists of offenders who committed a new crime, but instead of being rearrested were revoked as technical violators. The latter group is of particular interest given that their behavior may include "hidden" crimes that pose varying degrees of risk of harm to the public.

3. Parolee Reimprisonment

Finally, we are interested in understanding what factors play a role in offender reimprisonment. While reimprisonment may be used to effectively safeguard the public from harm, it is a costly resource. Moreover, a key question regarding reimprisonment involves the role of parole surveillance. Specifically, a growing perception exists that offenders under parole surveillance are more likely to be returned to prison than those who are not (Committee on Community Supervision and Desistance from Crime, 2008). We address this question by comparing the factors that are associated with reimprisonment *due to technical violations*

detected by parole agents to the factors that are associated with reimprisonment *due to new offenses detected by police*. This comparison enables us to separate out the effects of criminality (the propensity to offend) from the effects of parole supervision (the level of monitoring by parole officers) on the reimprisonment of parolees.

DATA

Several types of information were collected about parolees from their release dates until June 2008. In order to investigate the topics described above, we draw upon different subsets of the full range of data.

1. Use of the Violation Sanction Grid

To investigate parole agents' use of the VSG, data were collected on every violation committed by parolees in the sample along with the parole officers' decisions and sanctions in response. These data are in quantitative form, consisting of the parolee identifiers, and the VSG codes for each "transaction" (that is, the total number of violations and sanctions that occurred on a particular occasion). A transaction may include one violation or several violations that the parole agent decided to deal with collectively; and it may include one or more sanctions imposed in response. In all, 4,202 parolees, 50.8% of the sample, were recorded with at least one violation during the follow-up period. 7,411 total recorded transactions included 12,745 violations and 10,263 corresponding sanctions. The information recorded in these sanctions data provided the opportunity to analyze the kinds of sanctions assigned to different violations. Furthermore, the data allowed us to take into account the number of parole violations prior to each transaction event. The violation and sanction records for this analysis were updated through June 5, 2008.

2. *Technical Violations and Criminal Behavior*

Our assessment of parole violations and criminal behavior draws from the 257H field reports that parole officers are required to complete for each parolee arrest. The officers describe, in narrative form, the history of violation behavior as well as the sanctioning decision in response to the violation from release to the point of arrest. Accompanying 257C and 257T reports itemize, respectively, any charges of criminal and technical violations. Together, these records constitute an authoritative source of qualitative information about parolee violations and rearrests from the parole agent's point of view. These data were updated through June 5, 2008, and record information on a total of 2,760 parolees.

3. *Parolee Reimprisonment*

The data for our third focus, the reimprisonment of parolees, required somewhat more complicated variable constructions drawing on several sources of information. Our analyses compare three groups: parolees reimprisoned for a technical violation, parolees reimprisoned for a criminal violation, and parolees who were never reimprisoned. We again used the quantitative violation-sanction data to assess the final status of each parolee in our sample. An additional indicator of parolee status is absconding. Some parolees are categorized as absconders directly by the Board of Probation and Parole, without having records in the violation and sanction data. These cases were captured in a record of Board actions pertaining to our sample during the study follow-up period. The final update for the Board action data was June 5, 2008.

We further computed an estimate of the time that each parolee was on the street, "at risk" for arrest by officers of either the police or parole. The start date for each parolee was his or her release date. The end date for almost all cases was the end of our data collection period, but some of the parolees did complete their sentences successfully prior to the end of the data

collection period. For those whose sentences did expire, that date marks the end of their parole periods and therefore the end of their time at risk for reimprisonment. Maximum expiration data was updated through June 5, 2008.

Finally, some parolees spent time in diversion programs such as Halfway Back or the Pennsylvania Community Alternative to Prison Program (PennCAPP). Although they were still under state supervision, these offenders were no longer on the street while in these programs, and therefore were not at full risk for imprisonment. The Department of Corrections provided records cross-referencing our sample with entrances to and exits from diversion programs, allowing the best available estimate of time spent out of the community due to participation in these programs. By subtracting these days from the length of time between start and end dates, we arrived at an estimate of each parolee's time at risk. These diversion program records were updated through June 8, 2008.

A crucial issue in this part of the analysis involves the definition of recidivism. Typically, recidivism is defined in the literature as rearrest (Langen & Levin, 2002) or, less commonly, reconviction (Chiricos, Barrick, Bales & Bontrager, 2007). In contrast, we adopt the definition traditionally used by the PBPP: reincarceration. Some other researchers (Zamble & Quinsy, 1997) use this measure as well, but the vast majority of studies use the rearrest measure. We use reincarceration rather than rearrests or reconvictions for two reasons. First, because our data set depends on the reporting of arrests *by parole officers*, we do not have data on all arrests made by police, but rather only those that come to the parole officer's attention and are recorded. Second, because arrests by parole officers usually follow multiple sanctions and therefore suggest an intention to reincarcerated, from the parole perspective, rearrests and reincarcerations possess a high degree of overlap. To be considered recidivists in our analysis, therefore,

offenders must be reincarcerated for either a new offense detected by police (and brought to the attention of the parole agent) or for violating their parole conditions.

To put a context to the parolee outcomes, our analyses include demographic information, risk factors, and supervision status. The data released to us contains demographic information (e.g., the age, race or ethnicity, and gender of each parolee). To measure risk factors, we capitalize on another part of our core release data: the LSI-R. Each parolee was given a final LSI-R score upon release from prison. In addition, supervision status was collected from a dataset listing the most recent supervision grade assigned to each parolee: minimum, medium, maximum, or enhanced. This dataset was last updated April 23, 2008, so changes to supervision status in the final 43 days of the study period are unavailable. After one to two years on parole, however, we expect relatively few changes in supervision level.

RESULTS

Overview of the Data

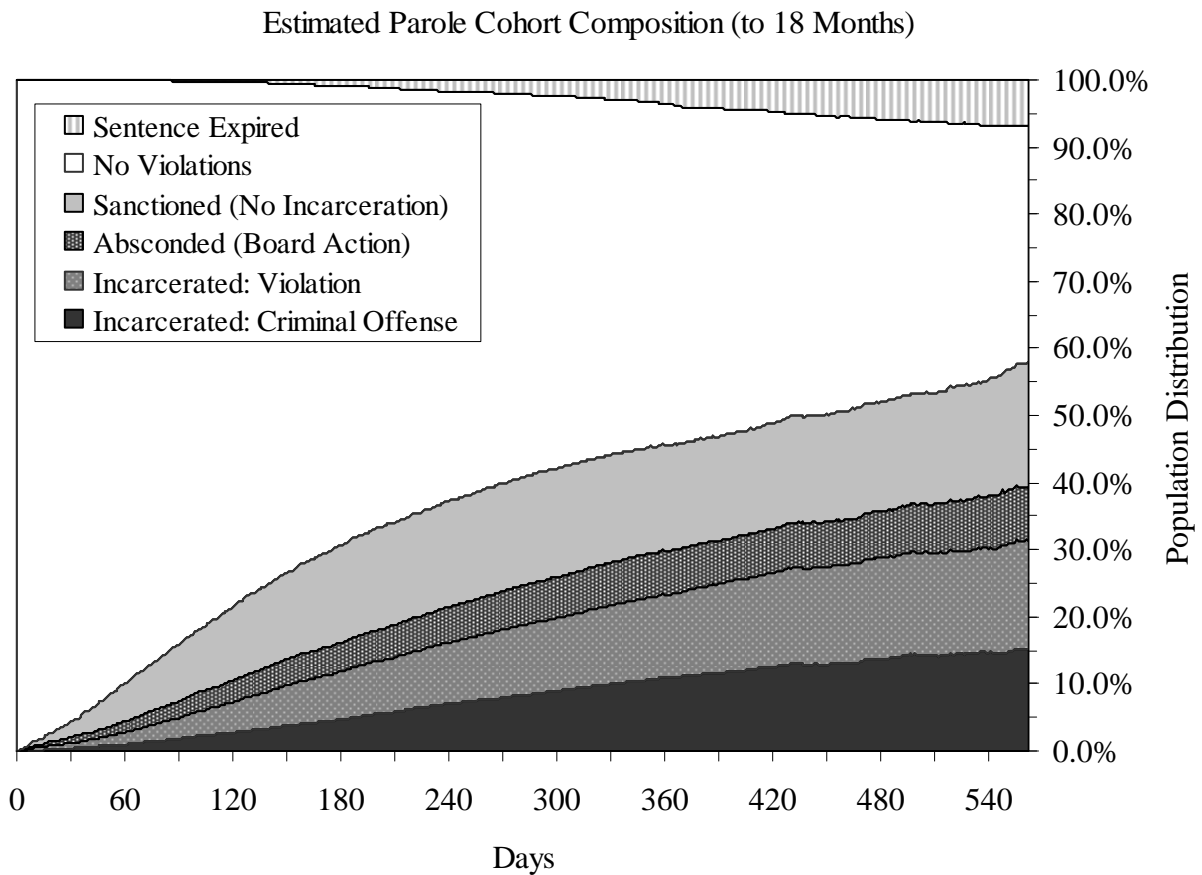
Before addressing the three core questions of the study, we begin by providing an overview of the data, focusing on the flow of outcomes during the longitudinal follow-up. The overview is presented in Table 1 and Figure 1, both of which draw from the violation-sanction, sentence expiration, and Board action data to describe the composition of our sample from each case's first day of parole through their end date. Table 1 and Figure 1 depict the same information; however the table gives five precise snapshots whereas the figure shows the overall estimates day-by-day. This analysis removes the difference in release dates, displaying the entire sample simultaneously from each parolee's first day on parole onward. The parole population is distributed among four basic parole outcomes: sentence expiration, absconded, incarceration for an order violation, and incarceration for a new criminal offense. The analysis also shows two

basic statuses while still on parole: currently without violations and sanctioned without incarceration.

Table 1. Parole Population Composition

Parolee Status	Months Since Release				
	2	4	6	12	18
Sentence Expired	0.1%	0.3%	0.9%	3.9%	7.0%
No Violations	89.7%	77.7%	68.0%	50.4%	36.7%
Sanctioned (Not Incarceration)	5.8%	11.2%	14.6%	15.7%	17.5%
Absconded (Board Action)	1.6%	3.3%	4.4%	6.5%	8.1%
Incarcerated for an Order Violation	1.8%	4.6%	7.2%	12.5%	16.1%
Incarcerated for a Criminal Offense	1.0%	2.9%	4.8%	11.0%	14.7%
Total	100.0%	100.0%	100.0%	100.0%	100.0%
Cases Remaining	8267	8267	8267	7477	2559

Figure 1. Parole Population Composition



As shown in Table 1 and Figure 1, by the end of the 18 month study period, at which time we had reliable follow-up data on 2,559 parolees, 36.7% had committed no violations, 17.5% had been sanctioned but not imprisoned for technical violations, 16.1% had been incarcerated for a technical violation, 14.7% had been incarcerated for a new criminal offense, and 8.1% had absconded. The table also shows that by the end of the longitudinal follow-up period, 7.0% of the cohort's sentences has expired. Compared with national data on recidivism, the recidivism rates shown here appear to be on the low side. Nationally, the cited recidivism figure tends to be around 66%, but this figure refers to the risk of *rearrest*. For example, Langen and Levin (2002) found that 44% of released prisoners were rearrested within one year and within three years 68% were rearrested. However, Langen and Levin (2002) also found that over 50% of parolees were *reimprisoned* at the end of three years, a result that is in line with our finding that 30% of parolees were reincarcerated at 18 months. On the other hand our rearrest rates are low and while this might reflect effective programming, we suspect that it is more the result of underreporting of arrests in our data.

1. *Use of the Violation Sanction Grid*

Before analyzing parole officers' use of the VSG in applying sanctions to violations, we first provide a description of the VSG data. Table 2 lists all the *violations* included in the VSG, along with the number and proportion of times that they appear in the quantitative violation-sanction data. Among those offenders who committed any violations, the average number of total violations during the follow-up period was 1.7. The results shown in Table 2 encompass all violations committed by offenders. As shown in Table 2, among the most frequently recorded violations were Positive Urinalysis/Use of Drugs with Previous History (13.2%) and without Previous History (6.7%), Pending Criminal Charges (12.2%), Changing Residence without

Permission (6.8%), Failure to Abide by Board Imposed Special Conditions (6.5%), Removal from Treatment/CCC Failure (5.4%), Absconding (5.1%), and Failure to Report as Instructed (5.0%). Among the least frequently reported violations were Failure to Participate in Community Service (0.1%), Failure to Pay Urinalysis Fees (0.1%), Failure to Support Dependents (0.1%), and Failure to Take Medications Prescribed by MD (0.1%).

Table 2. Frequency Distribution of Violations Listed in the VSG Data

Low-Range Violations	n	Percent
L01 Failure to Participate in Community Service	17	.1%
L02 Positive Urinalysis/Use of Alcohol (No History)	371	2.9%
L03 Failure to Pay Supervision Fees	411	3.2%
L04 Failure to Pay Urinalysis Fees	18	.1%
L05 Failure to Support Dependents	10	.1%
L06 Failure to Pay Restitution and/or Other Court-Ordered Fees	71	.6%
L07 Changing Employment without Agent Notification/Permission	63	.5%
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Medium Range Violations	n	Percent
M01 Failure to Notify Agent of Changes of Status	157	1.2%
M02 Failure to Report as Instructed	635	5.0%
M03 Positive Urinalysis/Use of Drugs (No History)	857	6.7%
M04 Travel Violations	288	2.3%
M05 Possession of Unauthorized Contraband, Cell Phone or Beeper	164	1.3%
M06 Failure to Take Prescribed Medications as Prescribed by MD	11	.1%
M07 Failure to Maintain Employment	193	1.5%
M08 Failure to Participate/Attend Treatment	226	1.8%
M09 Entering Prohibited Establishments	170	1.3%
M10 Associating with Known Felons, Gangs, Co-Defendants, etc.	82	.6%
M11 Failure to Abide by Written Instructions	487	3.8%
M12 Failure to Abide by Field-Imposed Special Conditions	446	3.5%
M13 Conviction of Summary Offense (No Court Record)	120	.9%
M14 Positive Urinalysis/Use of Alcohol (Previous History)	561	4.4%
M15 Violating Curfew/Approved Schedule	461	3.6%
M16 Electronic Monitoring Violation	50	.4%
M17 Failure to Provide Urine	37	.3%
M18 Failure to Complete Treatment	186	1.5%
M19 Failure to Notify Agent of Arrest within 72 Hours	79	.6%
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High Range Violations	n	Percent
H01 Changing Residence without Permission	862	6.8%
H02 Associating with Crime Victims	22	.2%
H03 Positive Urinalysis/Use of Drugs (Previous History)	1686	13.2%
H04 Pending Criminal Charges (UCV Not Detained)	1553	12.2%
H05 Failure to Abide by Board-Imposed Special Conditions	828	6.5%
H06 Failure to Report upon Release	27	.2%
H07 Removal from Treatment/CCC Failure	692	5.4%
H08 Assaultive Behavior	169	1.3%
H09 Absconding	645	5.1%
H10 Possession of Offensive Weapons	59	.5%
H11 Possession of Firearms	31	.2%
<hr/>		
	12745	100.0%

Table 3 lists all of the *sanctions* included in the VSG, along with the number and proportion of times that they appear in the quantitative sanction data. Offenders with violations received an average of 2.4 sanctions during the follow-up period. As shown in Table 3, among the most frequently recorded sanctions were Incarceration (29.7%), followed by Written Warning (17.5%), Placement in Outpatient Drug and Alcohol Treatment (8.3%), Imposition of Curfew (6.1%), and Increased Reporting Requirements (6.0%). Among the least frequently reported sanctions were Imposition of Active GPS, Placement in SAVE, and Placement in Violation Center County Prison, none of which were imposed during the follow-up period. The sanctions suggest that parole agents in the time period September 2006 through June 2008 relied on sanctions other than incarceration for most violations including considerable reliance on intermediate sanctions, such as placement in Drug and Alcohol treatment, electronic monitoring, and housing in community correction centers (CCC). In fact, 21.5% of the sanctions shown in Table 3 are what might be considered “intermediate,” approaching the level of use of incarceration. What this does not tell us is whether these intermediate sanctions are being used for the more serious violations or whether they are being used for less serious violations.

Table 3. Frequency Distribution of Sanctions Listed in the VSG Data

Low Range Sanctions		n	Percent
WTWR	Written Warning	1801	17.5%
WTVR	Written Travel Restriction	83	.8%
DJBS	Documented Job Search	62	.6%
IRPT	Increased Reporting Requirements	616	6.0%
CURF	Imposition of Curfew	627	6.1%
LOTR	Other (Low)	371	3.6%
Medium Range Sanctions		n	Percent
IMAT	Imposition of Mandatory Antabuse Use	24	.2%
URIN	Imposition of Increased Urinalysis Testing	368	3.6%
OPAT	Placement in Out-Patient D & A Treatment	848	8.3%
DFSE	Deadline for Securing Employment	36	.4%
ICRF	Imposition of Increased Curfew	381	3.7%
DRPT	Placement in a Day Reporting Center	7	.1%
EMOS	Imposition of Electronic Monitoring	327	3.2%
PGPS	Imposition of Passive Global Positioning	1	.0%
AGPS	Imposition of Active Global Positioning	0	.0%
MOTR	Other (Medium)	274	2.7%
High Range Sanctions		n	Percent
IDOX	Placement in Drug and Alcohol Detox Facility	29	.3%
CPCB	Placement in CCC Half Way Back	573	5.6%
SAVE	Placement in SAVE	0	.0%
IPAT	Placement in In-Patient Drug & Alcohol Treatment	441	4.3%
VCCF	Placement in Violation Center Contract Facility	177	1.7%
VCCP	Placement in Violation Center County Prison	0	.0%
ARR2	Incarceration	3043	29.7%
HOTR	Other (High)	125	1.2%
Other Sanctions*		n	Percent
IPMH	Placement in a Mental Health Facility (as High)	2	.0%
CPCO	Community Parole Corrections Half Way Out (as High)	2	.0%
COMS	Imposition of Community Service (as Low)	45	.4%
		10263	100.0%

* These “other” sanctions are not included in the distributed versions of the VSG we have used (e.g. in Appendix A), but are occasionally listed in the sanctions data. They are treated in these analyses as high, high, and low level, respectively.

To address this question, we must analyze the correspondence between the violations and sanctions recoded in the VSG data. For this and subsequent analyses, violations and sanctions are treated as low, medium, and high as designated in the VSG. When these are quantified, we use low = 1, medium = 2, and high = 3. Additionally, we separate incarceration from the rest of the high violations coding it as 4. Incarceration appears to stand apart, first qualitatively, as it represents the cessation of parole and reimprisonment rather than temporary placement in a program. Second, incarceration incurs both a workload and financial burden on those carrying out the sanction, which further supports looking at it separately. Third, incarceration is quantitatively distinct among the other high sanctions in its frequency, making up almost 70% of all high sanctions.

In analyzing the association between violations and sanctions, the issue is soon raised that, in many cases, there are multiple violations and sanctions in one transaction. We take only the highest (most serious) violation and the highest (most serious) sanction as representative of a transaction. This avoids potential misunderstandings of cases where multiple levels of violations are recorded, including those designated by the VSG as low in seriousness in which a high sanction is imposed. If, for example, the parolee happened at the time to fail to pay supervision fees (a low-severity violation), it could be an assaultive behavior charge (a high-severity violation), and not the failure to pay, that is connected to a sanction of incarceration. By using the highest violation and highest sanction in each transaction, we avoid focusing on lesser charges or minor adjustments to supervision when larger violations and sanctions are more relevant. Further, this methodological approach is consistent with that used in the sentencing literature where analyses typically focus on the most serious conviction offense (Griffin & Wooldredge, 2006; Johnson, 2005; Kramer & Ulmer, 2002).

Table 4 presents the results of the VSG analysis. In general, the table reveals a good deal of correspondence between the most serious violation in a transaction and the most serious sanction imposed in that transaction. For example, among the 259 parolees whose most serious violation was a failure to pay supervision fees, a violation designated as “low” in the VSG, 90% received a sanction also designated by the VSG as “low.” Similarly, among the 645 parolees whose most serious violation was absconding, a violation designated as “high” in the VSG, 93% received a sanction also designated as “high” in the VSG. For violations designated as “medium” severity in the VSG, the sanctions imposed tended toward the “medium” and “low” categories. Table 4 suggests that on the whole the VSG is being used as it was intended, that is, as a guide for matching violations and sanctions based on their respective levels of seriousness. While there are no agreed-upon standards for determining what level of conformity to guidelines is appropriate or optimal, conformity to the level found here certainly suggests a significant impact. Using the sentencing guideline vernacular, the results shown in Table 4 suggest “high” conformity to the VSG by parole officers (see, Tonry, 1996, pp. 33-39 for a discussion of conformity to sentencing guidelines).

Table 4. Violation-Sanction Distribution (Of Highest Violations & Sanctions per Transaction)

Low Range Violations	Highest Sanction in Transaction				n	Low n¹
	Low	Med	High	Incarc		
L01 Failure to Participate in Comm. Service	71%	14%	14%	0%	7	x
L02 Urinalysis/Use of Alcohol (No History)	51%	39%	9%	1%	157	
L03 Failure to Pay Supervision Fees	90%	9%	1%	0%	259	
L04 Failure to Pay Urinalysis Fees	86%	14%	0%	0%	14	x
L05 Failure to Support Dependents	67%	11%	0%	22%	9	x
L06 Failure to Pay Restitution/Other Fees	86%	14%	0%	0%	36	x
L07 Change in Employment w/o Permission	80%	20%	0%	0%	20	x
Medium Range Violations						
M01 Failure to Notify Agent of Status Change	48%	29%	10%	13%	69	
M02 Failure to Report as Instructed	48%	27%	8%	17%	208	
M03 Urinalysis/Use of Drugs (No History)	37%	46%	12%	5%	711	
M04 Travel Violations	51%	24%	8%	17%	84	
M05 Possession of Unauthorized Contraband	35%	22%	16%	26%	85	
M06 Failure to Take Prescribed	75%	0%	0%	25%	4	x
M07 Failure to Maintain Employment	46%	37%	15%	3%	144	
M08 Failure to Participate/Attend Treatment	48%	43%	5%	4%	135	
M09 Entering Prohibited Establishments	23%	47%	12%	18%	92	
M10 Associating with Known Felons, etc.	16%	55%	18%	11%	38	x
M11 Failure to Abide by Written Instructions	41%	33%	9%	17%	205	
M12 Failure to Abide by Field Conditions	48%	26%	10%	15%	238	
M13 Conviction of Summary Offense	45%	38%	10%	7%	88	
M14 Urinalysis/Use of Alcohol (History)	22%	39%	24%	14%	300	
M15 Violating Curfew/Approved Schedule	35%	42%	14%	9%	265	
M16 Electronic Monitoring Violation	13%	47%	30%	10%	30	x
M17 Failure to Provide Urine	45%	45%	0%	9%	11	x
M18 Failure to Complete Treatment	15%	34%	17%	34%	53	
M19 Failure to Notify Agent of Arrest	35%	26%	3%	35%	34	x
High Range Violations						
H01 Changing Residence without Permission	7%	6%	12%	75%	862	
H02 Associating with Crime Victims	23%	18%	32%	27%	22	x
H03 Urinalysis/Use of Drugs (History)	11%	29%	34%	26%	1686	
H04 Pending Criminal Charges	1%	4%	2%	93%	1553	
H05 Failure to Abide by Board Conditions	12%	14%	16%	58%	828	
H06 Failure to Report upon Release	11%	0%	11%	78%	27	x
H07 Removal from Treatment/CCC Failure	1%	1%	21%	77%	692	
H08 Assaultive Behavior	12%	12%	10%	66%	169	
H09 Absconding	0%	1%	6%	93%	645	
H10 Possession of Offensive Weapons	12%	8%	14%	66%	59	
H11 Possession of Firearms	0%	3%	0%	97%	31	x
Total					9870	

¹ Items marked in the “Low n” column have a low sample size (n < 40), indicating less reliable estimates.

In addition to categorizing seriousness based on the *type* of violation (e.g., absconding), the VSG also categorizes seriousness based on the *number of prior* violations committed by the parolee, in some instances causing the same violation type to be categorized as more serious if it is committed more than once or twice. We speculated that taking into consideration the number of prior violations might account for the guideline “departures” observed in Table 4. The results of this analysis are shown in Table 5, which presents a basic analysis of violation-sanction correspondence broken out by the number of prior transactions. Within each level of violation, Table 5 presents the breakdown of sanctions used in transactions with a particular number of priors. For example, we see that for transactions in which the most serious violation was designated as “low” in the VSG, the most serious sanction imposed also was low regardless of the number of prior violations (ranging from 74% for those with no priors to 82% for those with 2 or more priors). Similarly, Table 5 shows that for transactions in which the most serious violation was designated as “high” in the VSG, the most serious sanction imposed also tended to be “high” (including imprisonment) regardless of the number of prior violations.

Table 5 also indicates that priors are related to departures from the VSG. For example, for medium-severity violations, parole officers demonstrated relatively low conformity to the VSG, compared to low- and high-severity violations. More than 60% of the sanctions applied in these cases reflect departures from VSG recommendations, and in most instances the departures are below the recommended level. But for a relatively large proportion of cases, the departures are above the medium sanction level. In fact, reincarceration is used for 9% of the “0” prior violation category and 16% and 14% respectively for the “1” and “2+” category. This extent of departures suggest that parole agents sometimes view the sanctions provided for medium-

severity violations as too severe, but that for a significant minority they see high-severity sanctions as necessary.

Table 5. Distribution of Sanction Levels by Number of Prior Transactions

Low Range Violations

Sanction	Priors		
	0	1	2+
Low	74%	74%	82%
Medium	22%	22%	13%
High	5%	2%	3%
Incarceration	0%	1%	1%
	100%	100%	100%
n	263	86	67

Medium Range Violations

Sanction	Priors		
	0	1	2+
Low	41%	35%	34%
Medium	39%	38%	31%
High	11%	11%	20%
Incarceration	9%	16%	14%
	100%	100%	100%
n	1590	630	457

High Range Violations

Sanction	Priors		
	0	1	2+
Low	6%	6%	6%
Medium	9%	14%	15%
High	14%	18%	21%
Incarceration	70%	62%	58%
	100%	100%	100%
n	3645	1607	1242

For the high-severity violations we find that conformity to the VSG recommendations is at or above 80% for each of the three prior categories. This suggests basic agreement with the VSG recommendations. Interestingly, the percentage of departures below the “high sanction” recommendation increases slightly with increase in the number of priors. Further, the use of

incarceration as the high-severity sanction declines from 70% to 58% as we move from “0” to “2+” prior violations. This apparently counterintuitive finding is due to some distinct differences between high-range violations in the frequency of priors and severity of response (described in more detail below). Table 4 helps us interpret this finding. Specifically, when we examine violation H03 in Table 4, which is a positive urinalysis, we find that violations of this kind tend to be *less* likely than other high-severity violations to be sanctioned with reimprisonment. This suggests that, from a parole agent’s perspective, positive urinalysis is closer to a medium- than a high-severity violation, and that it may be over ranked in the VSG in terms of severity. In the case of low-severity violations we find that 74% of offenders with 0 or 1 prior violation received a low-severity sanction, while 82% of those with 2+ prior violations received a low-severity sanction. This apparent greater leniency for those with 2 or more prior violations is surprising, but considering the relatively few such cases (only 86 with one prior and 67 with two or more), that apparent decrease in seriousness is not statistically significant.

To address the apparent decrease in sanction severity for high-range violations with more prior violations, Table 6 provides more detail within the high-range violations. Here we separate out two specific high offenses, absconding and drug use, from the other offenses. These two violations stand apart somewhat from the other high-range violations in the patterns of offending and sanctions. Absconding (H09) as recorded here is a first-time parole violation, in cases where the parolee never reports to the agent. In such circumstances, when the parolee is apprehended and charged with the absconding violation, there is naturally no prior record of parole violations, and so absconding is heavily skewed toward having very few priors. At the same time, as we see in Table 6, it is one of the most severely punished offenses, frequently resulting in reincarceration. Drug use tends to the opposite extreme. Parolees charged with drug use

violation with history (H03) tend to have prior parole violations, and it is also punished less severely. By separating these offenses from the rest of high-range violations and displaying them in the top two panels of Table 6, we can see that the remaining high range offenses (in the bottom panel) no longer appear to have any decrease in severity as priors accumulate. What appeared as a lessening of severity in Table 5 actually reflects both the greater number of drug use cases in the high-prior categories and the concentration of absconders with no priors.

Table 6. Distribution of Sanction Levels for Types of High Range Violations

<u>Absconding (H09)</u>			
Sanction	Priors		
	0	1	2+
Low	0%	0%	0%
Medium	1%	1%	2%
High	5%	5%	11%
Incarceration	94%	94%	87%
	100%	100%	100%
n	435	119	91

<u>High Range Drug Use (H03)</u>			
Sanction	Priors		
	0	1	2+
Low	13%	9%	10%
Medium	26%	30%	30%
High	33%	34%	37%
Incarceration	28%	27%	23%
	100%	100%	100%
n	695	524	467

<u>Other High Range Violations</u>			
Sanction	Priors		
	0	1	2+
Low	6%	5%	4%
Medium	6%	7%	7%
High	10%	11%	11%
Incarceration	78%	77%	78%
	100%	100%	100%
n	2515	964	684

In addition to modifying the application of sanctions based on the number of priors (as suggested by the VSG), parole agents also could increase the *number* of sanctions they impose as the number of priors increase. This possibility is examined in Table 7, which presents the number of sanctions used in transactions with a particular number of prior transactions. Table 7 reveals little to no relationship between the number of priors and the number of sanctions imposed. That is, most transactions result in a single sanction regardless of the number of prior transactions. This lack of relationship is not surprising given that the VSG does not encourage parole officers to link the number of priors to the number of sanctions imposed.

Table 7. Number of Sanctions in a Transaction, by Number of Prior Transactions

# Sanctions	Priors		
	0	1	2+
1	76%	73%	77%
2	16%	18%	14%
3	6%	7%	7%
4	2%	2%	2%
	100%	100%	100%
n	4150	1832	1290

Tables 8 and 9 present a final way of assessing the use of the VSG. Recall that the VSG is a prescriptive instrument, intended to guide the assignment of sanctions to violations, taking into account the number of prior offenses. The far left columns of Tables 8 and 9 show the categories of offense and seriousness provided by the VSG instrument. The designations “L,” “M,” and “H,” indicate that a low, medium, or high sanction should be used for a particular violation and number of priors. For example, where a parolee commits “M05,” possession of unauthorized contraband, a first offense is written in the VSG as a low violation, the second as medium, and the third as high. The columns on the right are results of our analysis, displaying mean values derived from the violation-sanction data. Here the sanctions are treated numerically

(Low = 1, Medium = 2, High = 3, Incarceration = 4), and a mean sanction level is computed for each violation row and priors column. As with violations, only the highest level of sanction in a transaction is computed. Thus, when parolees in the dataset committed “M05,” with no higher violation in those transactions, the actual mean (highest) sanction levels were 2.3 with zero prior transactions, 2.3 with one prior, and 2.8 for two or more priors, indicating the sanctions imposed tended to be between medium and high but more toward high for those with two or more priors.⁶

⁶ The only difference between these Tables 8 and 9 is the order in which the violations are displayed. The first is the original order as printed in the VSG (L02 through H10). The second sorts according to the descriptive values estimated from our data. The degree of correspondence between the two ways of ranking the table appears fairly high. The Spearman’s rho (rank correlation) for the two rankings is .859 indicating a strong association. It also should be noted that low-n violations were excluded from Tables 8 and 9 because the estimates they produce are unreliable. For example, the 7 cases of L01 (Failure to Participate in Community Service) are not enough to reliably tell us what the average sanction level is for 0, 1, or 2 or more priors. Accordingly, the violations with fewer than 40 cases in the data (less than 0.5% of the total violations) are excluded from these analyses.

Table 8. Original VSG Sorting

1st	2nd	3rd	Code	Violation	Priors:			n
					0	1	2+	
L	M	H	L02	Positive Urinalysis/Use of Alcohol (No History)	1.6	1.7	1.5	157
L	L	M	L03	Failure to Pay Supervision Fees	1.1	1.1	1.2	259
L	M	M	M01	Failure to Notify Agent of Changes of Status	1.6	2.1	2.3	69
L	M	H	M02	Failure to Report as Instructed	1.9	2.3	1.8	208
L	M	H	M03	Positive Urinalysis/Use of Drugs (No History)	1.8	1.9	2.1	711
L	M	H	M04	Travel Violations	2.0	1.9	1.6	84
L	M	H	M05	Possession of Unauthorized Contraband/Phone	2.3	2.3	2.8	85
L	M	H	M07	Failure to Maintain Employment	1.6	1.9	1.8	144
L	M	H	M08	Failure to Participate/Attend Treatment	1.7	1.7	1.5	135
L	M	H	M09	Entering Prohibited Establishments	2.2	2.2	2.6	92
M	M	H	M11	Failure to Abide by Written Instructions	1.8	2.2	2.4	205
M	M	H	M12	Fail to Abide by Field-Imposed Special Conditions	1.7	2.0	2.5	238
M	M	H	M13	Conviction of Summary Offense (No Court Record)	1.7	2.0	1.8	88
M	M	H	M14	Positive Urinalysis/Use of Alcohol (History)	2.2	2.5	2.4	300
M	M	H	M15	Violating Curfew/Approved Schedule	1.9	2.1	2.1	265
M	H	H	M18	Failure to Complete Treatment	2.8	2.7	2.4	53
M	M	H	H01	Changing Residence without Permission	3.6	3.4	3.6	862
M	H	H	H03	Positive Urinalysis/Use of Drugs (History)	2.8	2.8	2.7	1686
M	H	H	H04	Pending Criminal Charges (UCV Not Detained)	3.9	3.9	3.9	1553
M	H	H	H05	Fail to Abide by Board-Imposed Special Conditions	3.2	3.2	3.3	828
H	H	H	H07	Removal from Treatment/CCC Failure	3.7	3.8	3.7	692
H	H	H	H08	Assaultive Behavior	3.2	3.4	3.3	169
H	H	H	H09	Absconding	3.9	3.9	3.9	645
H	H	H	H10	Possession of Offensive Weapons	3.2	3.7	3.3	59

Table 9. Sorting Based on Estimated Prior Transactions and Sanction Levels

1st	2nd	3rd	Code	Violation	Priors:			n
					0	1	2+	
L	L	M	L03	Failure to Pay Supervision Fees	1.1	1.1	1.2	259
L	M	H	M08	Failure to Participate/Attend Treatment	1.7	1.7	1.5	135
L	M	H	L02	Positive Urinalysis/Use of Alcohol (No History)	1.6	1.7	1.5	157
L	M	H	M07	Failure to Maintain Employment	1.6	1.9	1.8	144
L	M	H	M04	Travel Violations	2.0	1.9	1.6	84
M	M	H	M13	Conviction of Summary Offense (No Court Record)	1.7	2.0	1.8	88
L	M	H	M03	Positive Urinalysis/Use of Drugs (No History)	1.8	1.9	2.1	711
L	M	H	M02	Failure to Report as Instructed	1.9	2.3	1.8	208
L	M	M	M01	Failure to Notify Agent of Changes of Status	1.6	2.1	2.3	69
M	M	H	M15	Violating Curfew/Approved Schedule	1.9	2.1	2.1	265
M	M	H	M11	Failure to Abide by Written Instructions	1.8	2.2	2.4	205
M	M	H	M14	Positive Urinalysis/Use of Alcohol (History)	2.2	2.5	2.4	300
M	M	H	M12	Fail to Abide by Field-Imposed Special Conditions	1.7	2.0	2.5	238
L	M	H	M09	Entering Prohibited Establishments	2.2	2.2	2.6	92
L	M	H	M05	Possession of Unauthorized Contraband/Phone	2.3	2.3	2.8	85
M	H	H	M18	Failure to Complete Treatment	2.8	2.7	2.4	53
M	H	H	H03	Positive Urinalysis/Use of Drugs (History)	2.8	2.8	2.7	1686
M	H	H	H05	Fail to Abide by Board-Imposed Special Conditions	3.2	3.2	3.3	828
H	H	H	H08	Assaultive Behavior	3.2	3.4	3.3	169
H	H	H	H10	Possession of Offensive Weapons	3.2	3.7	3.3	59
M	M	H	H01	Changing Residence without Permission	3.6	3.4	3.6	862
H	H	H	H07	Removal from Treatment/CCC Failure	3.7	3.8	3.7	692
M	H	H	H04	Pending Criminal Charges (UCV Not Detained)	3.9	3.9	3.9	1553
H	H	H	H09	Absconding	3.9	3.9	3.9	645

Once again, Tables 8 and 9 indicate a strong degree of correspondence between the severity of sanctions suggested by the VSG and those imposed by parole agents. That is, as the seriousness of the violation increases, the data show a corresponding increase in the severity of the sanctions imposed. Once again, however, we observe only a small degree of correspondence between the seriousness of the sanction and the number of prior offenses. Thus, while the VSG appears to be effective as a guide for matching violations and sanctions in terms of severity, it appears less effective as a guide for matching sanctions with the number of prior violations.

As a final step in this analysis, we replicated the analyses presented in Tables 8 and 9, only this time we limited the calculation of numbers of priors to *identical* prior violations in Table 9. These results are shown in Table 10 where, for example, the column under 1 prior in the row for M07 only counts prior sanctions when that violation is the second case of an M07 recorded for that parolee. Not surprisingly, the number of cases for this analysis is limited, as prior identical violations are less frequent than prior violations of any kind. To avoid unreliable estimates, the descriptive columns exclude cells (violation-prior combinations) with fewer than 20 cases. Of the approximately 9,500 violations included here, about 88% were the first of that particular violation code for that parolee; 10% of violations were the second of that particular violation code, and 2% were the third. Only for H03 (Positive Urinalysis/Use of Drugs with History) were there more than twenty instances where a parolee had multiple prior identical violations. Once again, we see that while there is a high correspondence between the severity of violations and sanctions, there is a lower degree of correspondence between sanction severity and the number of prior violations of the same type.

Table 10. Original VSG Sorting, Using Identical Prior Violations

1st	2nd	3rd	Code	Violation	Identical Priors:			n
					0	1	2+	
L	M	H	L02	Positive Urinalysis/Use of Alcohol (No History)	1.6			150
L	L	M	L03	Failure to Pay Supervision Fees	1.1	1.1		255
L	M	M	M01	Failure to Notify Agent of Changes of Status	1.8			68
L	M	H	M02	Failure to Report as Instructed	1.9	2.2		207
L	M	H	M03	Positive Urinalysis/Use of Drugs (No History)	1.8	2.1		708
L	M	H	M04	Travel Violations	1.9			81
L	M	H	M05	Possession of Unauthorized Contraband/Phone	2.3			80
L	M	H	M07	Failure to Maintain Employment	1.7	1.9		143
L	M	H	M08	Failure to Participate/Attend Treatment	1.7			126
L	M	H	M09	Entering Prohibited Establishments	2.2			83
M	M	H	M11	Failure to Abide by Written Instructions	2.0			189
M	M	H	M12	Fail to Abide by Field-Imposed Special Conditions	1.9	1.8		234
M	M	H	M13	Conviction of Summary Offense (No Court Record)	1.8			85
M	M	H	M14	Positive Urinalysis/Use of Alcohol (History)	2.2	2.6		290
M	M	H	M15	Violating Curfew/Approved Schedule	1.9	2.2		259
M	H	H	M18	Failure to Complete Treatment	2.7			53
M	M	H	H01	Changing Residence without Permission	3.5	3.7		855
M	H	H	H03	Positive Urinalysis/Use of Drugs (History)	2.8	2.8	2.8	1686
M	H	H	H04	Pending Criminal Charges (UCV Not Detained)	3.9	3.9		1543
M	H	H	H05	Fail to Abide by Board-Imposed Special Conditions	3.2	3.4		823
H	H	H	H07	Removal from Treatment/CCC Failure	3.7	3.8		688
H	H	H	H08	Assaultive Behavior	3.3			162
H	H	H	H09	Absconding	3.9	3.9		644
H	H	H	H10	Possession of Offensive Weapons	3.4			56

2. *Technical Violations and Criminal Behavior*

Our examination of the link between technical violations and new criminal offenses was based on the 257H, C, and T field reports that parole officers are required to complete for each parolee violation. Recall that the 257H field reports describe, in narrative form, the history of violation behavior as well as the sanctioning decision in response to the violation from release to the point of arrest. Accompanying 257C and 257T reports itemize, respectively, any charges of criminal and technical violations.

A major preliminary task of this research project, therefore, was to develop a coding system for the 257 forms. The goal was to document the use of technical violations to manage dangerous offenders and to prevent more serious offenses from occurring in the future. To achieve this goal we developed a coding scheme that categorized parole violations in terms of the following 6 levels of seriousness (beginning with the most minor):

- (1) order violations that involved neither drug behavior nor absconding;
- (2) order violations that involved either drug behavior or absconding;
- (3) order violations that raised the expectation that a less serious (e.g., non-violent) law violation would occur in the near future;
- (4) less serious (non-violent) law violations;
- (5) order violations that raised the expectation that a serious (e.g., violent) law violation would occur in the near future; and
- (6) serious (violent) law violations (or new offenses).

The results of this analysis are presented in Table 11. We further divided these results by whether the 257 was connected to a technical reincarceration, criminal reincarceration, or no incarceration. This division was made from the quantitative violation-sanction data. Criminal

arrests (n=1107) followed by incarceration accounted for 40% of 257 reports. Cases appearing as violations in this table are 257s coded only from those cases that led to a parolee's incarceration for order violations (n=823), which was the case for an additional 30%. Finally, for the remaining 30% of 257s the violation-sanction data had no record of a following incarceration.

As Table 11 shows, in cases where the parolee was ultimately incarcerated for a criminal offense, almost every agent report clearly described behavior violating the law. 22% of these reports concerned violent or otherwise very serious offenses, and 74% were less serious (non-violent) law violations. In cases where the parolee was ultimately incarcerated for a technical violation, the "hidden" crimes made up at least 44% of reports, where the agent either responded to or strongly expected violent or non-violent law-breaking behavior. If one includes drug use, criminal offenses make up at least 57% of technical violations resulting in incarceration, with the remaining cases divided into 23% absconders and 10% other order violations. Therefore, a majority of cases handled by parole agents as technical violations include behavior that would likely have been treated as a new criminal offense had they been handled by the police.

Table 11. 257 Coding and Analysis Results

Severity Code		Criminal Offense	Violation	No Incarceration	n
0	No data	0.2%	0.0%	0.1%	3
1	Order Violation	0.5%	11.3%	11.4%	193
2A	Order Violation: Absconding	1.7%	22.7%	18.2%	357
2AD	Order Violation: Absconding and Drug Use	0.7%	10.7%	9.6%	176
2D	Order Violation: Drug Use	0.7%	11.2%	13.0%	208
3	Expectation of Less Serious Law Violation	0.1%	1.1%	0.4%	13
4	Less Serious Law Violation	73.6%	28.7%	36.9%	1357
5	Expectation of Dangerous/Serious Offense	0.1%	1.8%	0.2%	18
6	Dangerous/Serious Offense	22.4%	12.5%	10.1%	435
Total		100.0%	100.0%	100.0%	
n		1107	823	830	2760

From agents' written descriptions in 257H reports, these "hidden" crimes may involve other authorities, especially the police, but may also be a matter handled solely by the parole agent. So, for example, this agent arrested parolee S based on an incident with his ex-employer, C:

. . . C reported to the District Office claiming he recently fired S and believed S "keyed" his car. C also claimed that S was drinking and using drugs. . . the police had just been at his business for a burglar alarm and that he believed S had tried to break in . . . Given the bad blood between the two parties, S's relapse on alcohol, and the fact that S's confining offense, Robbery with Bodily Injury, is similar to the allegation made by C, it was decided that S needed to be lodged as a technical parole violator. [Case coded 3.]

Although S could have been investigated by other authorities (and may have been, although the detailed report makes no further mention of police involvement), the parole agent made the arrest as a technical violation. S therefore turns up as a technical violation, even though he allegedly was using drugs, damaging property, and attempting to burgle his past employer.

In different circumstances, the parole officer may take a parolee into custody while criminal charges are expected, as in the following:

[A]fter being arrested for this second DUI, he admitted to the Pennsylvania State Police that he committed three burglaries which they were investigating. These criminal charges have not been filed at the time of this report, but they are pending. [Case coded 4.]

Agents may have several reasons to preemptively arrest a parolee with pending criminal charges. Pending criminal charges can indicate an ongoing threat to the community. A parolee may be more likely to abscond if he or she anticipates a criminal arrest. Of course, as in this example, the two DUIs might have been enough on their own to warrant revocation of parole. In many "hidden crimes" situations the threat to the community is a clear factor:

Offender's ex-girlfriend gave a written statement at parole office detailing how offender had come to her home with another male (possible with guns) around midnight and kicked at her door and made threats through the door at her. Offender had also threatened her new boyfriend through other persons and left a threatening message on his cell phone. . . Parolee is a violent offender who uses firearms. Due to his very violent background and his recent disregard for any control by parole and his assaultive behavior against a seven month pregnant woman he should be detained for the safety of the public as long as possible. [Case coded 5.]

This parole agent made explicit the risk that the offender presented to the community. While threatening messages may be criminal in some circumstances, it is the element of risk that is most relevant in this situation. While police might have to wait for a more serious offense, stronger evidence, or more cooperative victims to make an arrest, a parole agent can exercise the authority to arrest such parolees as technical violators.

Thus, although the violation-sanction data point to parolees being reimprisoned in roughly even ratios for technical and criminal offenses, our coding reveals a different story in the actual offender behavior. Parole agents may exercise their authority to respond to or intercept criminal behavior, but if the case is kept within parole until imprisonment then the offender will appear in the data as a technical violator.

3. *Parolee Reimprisonment*

This section presents the analysis of parolee reimprisonment. As described above, variables for this analysis were gathered from the violation-sanction data, the core release data, and data on sentence expirations, and diversion program admissions. The outcome variable for this analysis has three possible values: no incarceration, incarcerated on order violation, and incarcerated on new criminal charge. New criminal charges include parolees who were reimprisoned for criminal charges made *during an arrest by police or other non-parole authorities*. Order violations are cases where the *parole agent* imposed incarceration as a

sanction due to a violation of the conditions of parole and in which the police did not make an arrest. As shown in Table 12, 16.0% of the sample was recorded as imprisoned on new criminal charges, 16.0% on an order violation, and the remaining 68.0% were not imprisoned during their parole period. We exclude, for the purposes of these analyses only, approximately 7% of cases for whom we had no record of the level of supervision. We include in the analyses some basic demographic characteristics for each parolee. Gender is coded 1 for male and 0 for female; 91.7% of our population is male. Race and ethnicity are coded into four exclusive dummy variables: white (42.9%), black (45.5%), Hispanic (10.6%), or other race/ethnicity (1.1%). Finally, the parolee's age on January 1, 2008 is coded in years. The mean age was 36.6 years old.

Table 12. Descriptive Statistics (N = 7680)

Variable	Mean	(S.D.)	Range
Outcome			
Incarcerated on New Criminal Charge	16.0%		0 – 1
Incarcerated on Order Violation	16.0%		0 – 1
No Incarceration	68.0%		0 – 1
Demographics			
Male	91.7%		0 – 1
White	42.9%		0 – 1
Black	45.5%		0 – 1
Hispanic	10.6%		0 – 1
Other Race	1.1%		0 – 1
Age	36.6	(10.0)	19 – 82
Days of Follow-up	487.9	(88.7)	342 – 643
– Days in Diversion Program	8.9	(35.7)	0 – 480
= Days at Risk	479.0	(92.3)	153 – 643
Violent Offender	35.5%		0 – 1
LSI-R Score	25.4	(7.5)	1 – 50
Lesser Order Violation	32.0%		0 – 1
Supervision Grade			
Minimum	34.0%		0 – 1
Medium	27.7%		0 – 1
Maximum	36.9%		0 – 1
Enhanced	1.4%		0 – 1

As we pointed out earlier, estimating each parolee's time at risk of arrest or sanction is a key element of this analysis. While on the streets, a parolee has the potential to experience either outcome; that is, they could be imprisoned for a criminal arrest or as part of a parole sanction. Time at risk is captured here in days, subtracting each parolee's time spent in diversion programs from the total number of days in their follow-up period. The follow-up time is itself variable, starting at the release date and ending at either the parolee's sentence expiration or the end of the follow-up period (June 5, 2008). On average, parolees in our sample were at risk of either police or parole arrest for approximately sixteen months.

Other relevant factors include the LSI-R score, status as a violent offender, lesser order violations, and supervision grade. The LSI-R interview was administered upon the parolee's release from prison. The mean score in our sample was 25.4, with a standard deviation of 7.5. To capture any non-linear effect of LSI-R scores on the likelihood of reimprisonment, a squared LSI-R score term is also included in the regression analysis. Violent offender status also fits into the prior assessment of risk. Each parolee with a record of violent criminal convictions is assigned 1 in the violent offender variable; others are assigned 0. This variable was originally a flag in the parolee record upon release. Lesser order violations are simply those that the parole agent responded to with a sanction other than incarceration. Lesser order violation is coded 1 if the parolee did have a non-incarcerating order violation and 0 if the parolee did not have an order violation sanctioned with less than incarceration during the follow-up. Roughly one third of the sample experienced a lesser sanction (other than incarceration) prior to the end of the follow-up. Supervision grade marks the most recently recorded level of supervision for the parolee, coded as mutually exclusive dummy variables. These indicate a perceived level of risk and, accordingly, the amount of time and effort an officer spends on a given case. 34.0% of our

sample was recorded as minimum level, 27.7% as medium, 36.9% as maximum, and 1.4% as enhanced.

Table 13 shows descriptive statistics broken out by the three categories of imprisonment. The table indicates the following bivariate trends in the data. First, males appear somewhat more likely than females to be incarcerated for both order violations and new criminal offenses detected by police. Whereas the sample includes 91.7% males (Table 12), the subgroup of those incarcerated for order violations includes 94.4% male and the subgroup incarcerated for a new criminal offense detected by police includes 95.9% males (Table 13). Second, blacks appear to be overrepresented—and whites appear to be under-represented—among incarcerations due to a new criminal offense detected by police. Whereas the sample includes 45.5% blacks, the subgroup of those incarcerated for a new criminal offense detected by police includes 55.9% blacks; and whereas the sample includes 42.9% whites, the subgroup of those incarcerated for a new criminal offense detected by police includes only 32.4% whites. Table 13 also indicates that younger parolees were more likely to be incarcerated than older parolees, as were those with higher LSI-R scores.

Table 13. Descriptive Statistics by Outcome (N = 7680)

Variable	No Incarceration	Incarcerated on Order Violation	Incarcerated on Criminal Charge
Demographics			
Male	90.1%	94.4%	95.9%
White	45.2%	43.6%	32.4%
Black	43.1%	45.0%	55.9%
Hispanic	10.6%	10.3%	10.7%
Other Race	1.1%	1.1%	0.9%
Age	37.4	35.7	34.0
Days of Follow-up	484.2	496.5	495.0
– Days in Diversion Program	5.0	24.6	9.7
= Days at Risk	479.2	471.9	485.3
Violent Offender	34.9%	38.2%	35.3%
LSI-R Score	24.5	28.2	26.7
Lesser Order Violation	31.1%	36.1%	31.8%
Supervision Grade			
Minimum	41.8%	12.4%	22.8%
Medium	28.4%	23.7%	28.7%
Maximum	28.9%	62.0%	45.9%
Enhanced	1.0%	2.0%	2.5%
n	5222	1230	1228

Supervision grade shows some interesting patterns in its bivariate relationship with imprisonment. Parolees on maximum supervision appear to be substantially over-represented among those incarcerated for an order violation, and somewhat over-represented among those incarcerated for a criminal offense detected by police. Whereas 36.9% of the sample was placed on maximum parole supervision, the subgroup of cases incarcerated for an order violation includes 62.0% maximum supervision cases, and the subgroup of those incarcerated for a new criminal offense detected by police includes 45.9% maximum supervision cases. These results must be treated tentatively, however, because bivariate relationships do not indicate the unique associations between variables. For example, it is difficult to discern the true relationship between supervision grade and imprisonment without simultaneously adjusting for variables

affecting contextual conditions, such as time at risk, criminal propensity and past violations. For this a multivariate analysis is needed.

Table 14 displays the results of a multivariate, multinomial logistic regression analysis that examines simultaneously the predictor variables listed in Table 13. Multinomial logistic regression is a technique used to estimate the likelihood of a case falling into one of multiple possible outcomes. In this analysis, there are three possible outcomes: reimprisonment for an order violation, reimprisonment for a criminal charge, or no reimprisonment. The regression procedure estimates the degree to which a one unit increase in each independent variable changes the predicted chance of the two kinds of incarceration, with no imprisonment serving as the reference category. Specifically, for each independent variable, such as age, gender, or supervision grade, the displayed coefficient is an estimate of the change in odds of reincarceration due to a one unit increase in that variable. Because both kinds of incarceration are compared to the same reference category—no incarceration—we can also compare the magnitudes of the estimates between the two kinds of incarceration.

For example, Table 14 shows that the coefficient for the “black” effect is small and not statistically significant in predicting incarceration on an order violation ($-0.09, p = .218$). This means that whether a parolee is black or white does not help in predicting whether that parolee is likely to experience imprisonment as a parole sanction. On the other hand, the black coefficient is larger and statistically significant for incarceration on a criminal charge detected by police ($0.43, p < .001$), indicating that the odds of imprisonment for a new criminal charge are higher for black parolees than white parolees. So, taking into account the effects of the other variables in the model—including the offender’s criminal propensity as measured by the LSI-R—race is a predictive factor in incarceration due to police arrest but not parole sanction. Table 14 also

shows that male parolees and those with higher LSI-R scores were more likely to be incarcerated due to both an order violation and to the commission of new offense detected by police. These data suggest that reimprisonment by parole agents is not related to race, but that it is related to gender and the LSI-R score.

Table 14. Parole Outcome (Criminal Charge, Order Violation, or No Incarceration), Multinomial Logistic Regression

	Incarceration on Order Violation ¹					Incarceration on Criminal Charge ¹				
	B	(S.E.)	Wald	Sig.	Odds R.	B	(S.E.)	Wald	Sig.	Odds R.
Intercept	-3.05	(.43)	50.4	.000		-2.80	(.41)	47.2	.000	
Time at risk*100	-0.05	(.04)	1.8	.176	1.00	0.10	(.04)	8.5	.004	1.00*
Male ²	0.50	(.14)	12.6	.000	1.64*	0.71	(.16)	20.7	.000	2.03*
Age	-0.02	(.00)	35.0	.000	0.98*	-0.04	(.00)	105.1	.000	0.96*
Black ³	-0.09	(.07)	1.5	.218	0.92	0.42	(.07)	34.6	.000	1.53*
Hispanic ³	-0.18	(.12)	2.3	.128	0.84	0.13	(.11)	1.3	.246	1.14
Other race ³	0.03	(.32)	0.0	.916	1.03	-0.01	(.34)	0.0	.984	0.99
Prior Technical	0.05	(.07)	0.5	.465	1.05	-0.09	(.07)	1.6	.199	0.91
Violent Offender	-0.01	(.07)	0.0	.877	0.99	-0.09	(.07)	1.9	.171	0.91
LSI-R Score	0.06	(.03)	4.4	.037	1.06*	0.05	(.03)	3.7	.053	1.05
LSI-R Squared*100	-0.05	(.05)	1.1	.289	1.00	-0.06	(.05)	1.5	.225	1.00
Supervision Level										
Medium ⁴	0.88	(.11)	63.8	.000	2.41*	0.51	(.09)	30.0	.000	1.66*
Maximum ⁴	1.73	(.11)	270.9	.000	5.65*	0.93	(.09)	100.6	.000	2.52*
Enhanced ⁴	1.73	(.26)	43.1	.000	5.63*	1.34	(.24)	30.0	.000	3.80*

Supervision Effect ⁵
42.5%
46.6%
22.7%

¹ Compared to no incarceration.

² Compared to females.

³ Compared to whites.

⁴ Compared to minimum supervision.

⁵ Computed using the formula: $[1 - (B_{Crime} / B_{Order})] * 100\%$.

* Statistically significant at $p < .05$.

Of particular interest in this analysis is the role that parole supervision level plays in the incarceration of parolees. The question is whether parole supervision increases the likelihood of reincarceration, net of other relevant factors, such as demographic characteristics, and more importantly, criminal propensity. In other words, are parolees with similar degrees of criminal propensity more likely to be imprisoned for a parole violation as the level of monitoring they experience from parole officers increases? We use the LSI-R score as a proxy for criminal propensity. Comparing the coefficients for supervision level for the two different types of imprisonment is useful in answering this question because of the different methods of detection by which they come about: one occurs via detection by the parole officer, the other via detection by the police. Therefore, by comparing the coefficients associated with supervision level for the two types of incarceration we can ascertain whether, for a given level of supervision, the odds of imprisonment via detection by parole is greater than or less than the odds of imprisonment via detection by police.

As shown in Table 14, the results indicate that for a given level of supervision, the odds of imprisonment via detection by parole is greater than the odds of imprisonment via detection by police. Specifically, the coefficients predicting imprisonment via detection by parole for medium, maximum, and enhanced supervision are all greater than the coefficients predicting imprisonment via detection by police. This means that for each higher level of supervision (compared to minimum-level parolees), offenders are more likely to be returned to prison for parole violations than they are for new offenses detected by police. Interestingly, the results also indicate that, net of criminal propensity, parole supervision level significantly predicts the likelihood of imprisonment *due to detection by police*. This means that the supervision level

designation is capturing aspects of offender criminality that are not captured by the LSI-R, or any of the other variables in the incarceration-by-police model.⁷

To illustrate the magnitude of these effects, we calculated the ratio of the likelihood of incarceration via detection by parole to the likelihood of incarceration via detection by police. These results are shown in the grayed box in the rightmost portion of Table 14. The idea behind this ratio is that some part of the likelihood of imprisonment via detection by parole is due to the offender's tendency to offend, and some part is due to the level of monitoring exercised by the parole agent. Because both outcomes are analyzed in comparison to the same reference category (i.e., no imprisonment), the degree to which the likelihood of imprisonment due to detection by parole is greater than the likelihood of imprisonment due to detection by police provides an index of the contribution made to imprisonment by parole surveillance, over and above the contribution made by the offender's propensity to reoffend. As shown in Table 14, results indicate that 42.5% of the likelihood of imprisonment for those on medium supervision and 46.6% of the likelihood of imprisonment for those on maximum supervision may be attributed to parole monitoring.⁸ In other words, close to half of the likelihood of imprisonment for parolees may be attributed to parole surveillance.

⁷ The observation that supervision level is more strongly related to imprisonment for technical violations than for new offenses detected by police may also reflect the possibility that police occasionally "hand over" criminal offenses committed by parolees to parole agents for processing. If such cases are subsequently processed as technical violations instead of as new criminal charges, then our estimate of the association between police detection and imprisonment would be an underestimation and our estimate of the association between parole supervision and imprisonment would be an overestimation. Unfortunately, we have no way of teasing out this possibility with our data.

⁸ Since the enhanced supervision category contains only 1.3% of the cases, we do not emphasize this group here; nonetheless the results indicate that 22.7% of the likelihood of imprisonment for those on enhanced supervision may be attributed to parole surveillance.

CONCLUSIONS AND RECOMMENDATIONS

The Pennsylvania Board of Probation and Parole's Violation Sanction Grid is a groundbreaking policy development in the area of parole decision making. The provision of guidelines for parole violations comes at a time when an unprecedented number of offenders imprisoned over the past two decades are being returned to the streets. The guidelines are designed to serve two purposes: to create equity in decision making among the more than 450 parole agents employed throughout the state and to provide them with recommendations that will enable them to effectively reduce offender risk and treat offenders' needs through the imposition of sanctions. By providing parole officers with a full range of intermediate sanctioning options, the Board is attempting to enhance the ability of parole officers to more effectively and fairly respond to their clients' parole violations.

In this project we have been fortunate to have broad access to data compiled by the Pennsylvania Board of Probation and Parole. That data has allowed us to study offenders released from September 1, 2006 through June 30, 2007. We focused on three key issues: (1) the degree to which the VSG is being used by parole officers to assign sanctions that are commensurate with the seriousness of violation behavior; (2) the degree to which technical parole violations include behavior that would have been considered criminal if detected by police; and (3) the factors that are associated with the reimprisonment of parolees, including a better understanding of the role of parole surveillance in the reimprisonment outcome.

We found that the sanctioning of offenders whose behavior could have been processed as criminal was common, but that the criminal violations dealt with through parole procedures (rather than formal court processing) were generally of a less serious nature. This is not surprising considering that when parolees commit new serious offenses, victims, police, and

parole officers are usually in agreement about prosecuting the offenses as a new crime. This makes sense because to process such violations as technical violations would mean that the time left for controlling the offender in the community via parole would be shortened, an outcome that few would endorse.

Overall, we found a generally high degree of conformity to the VSG sanction recommendations, indicating that the VSG is an effective guide for decision making. However, this finding was qualified considerably when we examined the data in terms of prior violations. Here, we found departures from the VSG guidelines. For low-severity violations, we found more departures to high-severity sanctions for those with 0 or 1 prior violation than for those with 2+ violations. For medium-severity violations, we found that while most departures were below the recommended sanctions, a significant number of departures were above the recommended sanctions. For example, incarceration ranged from 9% for parolees with no prior violation to 16% and 14% for those with 1 and 2+ prior violations, respectively. For the most serious violations, parole officers' conformity to the VSG reached the 80% level or above, but the data indicate that departures below the guidelines increased with increases in the number of prior violations. For example, we found that the use of incarceration declined with increases in number of priors. Upon further analysis, however, we found that this was due to the fact that positive urinalysis (H03), which is ranked as a serious violation in the VSG, is more prone to have prior violations and yet is not as likely as other "serious" violations to be sanctioned by reincarceration.

Our finding of overall conformity to the VSG indicates that the guidelines are generally functioning as intended. However, when we examine compliance based on the number of prior violations, we found a much lower degree of conformity. For example, for the low-severity

violations departures above the VSG recommendations were greater for those with fewer prior violations. But the guidelines for those with medium-severity violations captured less than a majority of the decisions, indicating that parole officers departed from the VSG in a majority of the cases. Further, while the departures were generally in the direction of leniency, there were many departures above the guidelines and a considerable number that resulted in incarceration. These compliance patterns suggest several possibilities. First, the severity rankings of the medium-severity violations may be too broad, capturing both less serious and more serious violations. Second, sanctioning options at the medium-severity level may not be as available as necessary to adequately implement the guideline recommendation. For example, the options include drug and alcohol treatment, placement in a day reporting center, electronic monitoring, and use of global positioning. If these programs are not available then the parole officer is placed in the awkward position of having to depart from the VSG to find a suitable (and available) sanction. We recommend a careful reevaluation of the ranking of the violations and the use of the number of prior violations. The Board might consider using the decisions by parole officers documented in this report to restudy the rankings and associated sanctions in the VSG.

Our analysis of the 257 reports found that the decision to incarcerate was preceded by serious criminal misconduct. Of particular interest for this study was our finding that for technical violations that resulted in incarceration, “hidden” crimes – that is, violations that could have been prosecuted as new crimes - accounted for 44% of these decisions. Thus, our coding of the 257 reports revealed that parole agents were dealing with serious violations and generally criminal violations even when the incarceration decision was defined as a technical violation.

Finally, we conducted multivariate analyses on the imprisonment decision broken out by whether imprisonment resulted from a technical parole violation or a criminal charge. For technical violations the LSI-R, gender, and level of supervision each played a significant role in explaining the imprisonment decision. Race however was not a significant predictor. In the analysis of those imprisoned for a new criminal charge, we found that race, as well as LSI-R, gender, and level of supervision were significantly related to the imprisonment decision.

An important issue in the literature is whether supervision reduces recidivism or whether it increases the likelihood that violations will be detected. In general, our data show that the risk of incarceration increases as the level of supervision increases for both technical parole violations and new offenses. Importantly, we examined the impact of level of supervision while controlling for the LSI-R (a measure of criminal propensity) indicating that supervision level effects reincarceration net of the tendency to commit crime. In comparing the likelihood of incarceration via detection by parole officers (as measured by order violations) and the likelihood of incarceration via police detection, we found that almost half of the risk of imprisonment may be attributed to the intensity of parole monitoring (as measured by supervision level).

The PBPP's VSG represents important policy advancement in an area generally ignored by research. The development and implementation of policy, however, does not always achieve what was intended (see Spohn [2002] for a review of the impact of sentencing reforms in the last 20 years). This study assessed the VSG in terms of parole officers' compliance to its recommendations and while we found generally high compliance, the data also revealed that parole officers' decisions departed in ways that suggest the current limits of the VSG in

capturing subtle nuances of offender risk and culpability. For example, we found very little compliance with VSG recommendations regarding number of prior offenses.

A useful frame for this analysis is the focal concerns perspective, which identifies risk to the community, the offender's blameworthiness, and practical considerations such as prison overcrowding, costs, and availability of services as factors influencing parole decisions. Indeed, the VSG can be viewed a mechanism for operationalizing the PBPP's focal concerns regarding parole. The VSG ranks the severity of technical violations (and prior violations) and links these to recommended levels of sanctions. From the focal concerns view, the VSG severity rankings indicate an offender's culpability and the risk to the public posed by certain behavior, and attempts to expand the use of intermediate sanctions in order to divert technical violators into sanction options other than imprisonment.

The analysis of reimprisonment suggests that level of supervision plays an important role in decision making. Petersilia (2003, p.16), one of the leading experts on levels of supervision and correctional outcomes, concluded that, "In the end, the ISP (intensive supervision parole) programs that were suppose to reduce recidivism through more effective rehabilitation, ended up simply identifying the failures more quickly and revoking a greater number of ex-inmates to custody." We found a potentially more complex situation. If offenders are identified as having more serious rehabilitation problems, such as drug abuse, are subsequently assigned to maximum supervision, then the finding that such offenders are more likely to violate parole probably reflects both the greater surveillance imposed on them as well as their greater criminal propensity. While the assignment of offenders to higher levels of supervision increases substantially the likelihood of imprisonment, a good amount of the risk likely comes from other factors as well. Unfortunately, we did not have data on employment and family circumstances,

both of which have been found to be important in reducing the risk of recidivism. Nonetheless, we do know that offenders face serious liabilities in their reentry and parole supervision. Thus, rather than suggest that the Board try to reduce imprisonment by reducing surveillance, we suggest the Board consider ways of effectively linking the level of supervision to available programs that address offenders' liabilities and criminal propensities, including drug abuse, and poor work skills.

The VSG advances several important goals in the criminal justice system. It provides a range of sanctions from written warnings to incarceration and in doing so fulfills Farabee's (2005 p. 63) recommendation that "... minor parole violations such as positive drug tests, missed parole appointments, and failure to observe curfews should be punished by using a graduated set of intermediate sanctions, rather than by returning the offender to prison." As we suggested earlier, there appears to be discrepancies between the VSG and parole officers' de facto ranking of violations. For example, Farabee's (2005) suggestion that positive drug tests should be considered as "less serious" violations conflicts with the VSG, but may be in agreement with the parole officers' view of the severity of the behavior.

Finally, the VSG provides a full range of sanctions with an underlying view that incarceration is the most serious sanction. This is consistent with the assumptions of research in general, but it is worth noting that this may underestimate the perceived punitiveness of intermediate punishments in comparison to prison. Indeed, research shows that many inmates perceive intensive community supervision as highly punitive (Crouch, 1993). This is reflected by the growing percentage of offenders who are "opting out" of parole release, preferring instead to complete their maximum sentences. Moreover, research by Wood and Grasmick (1999) and Wood and May (2003) found that many offenders preferred prison terms to parole supervision.

May and Wood's (2005) study of Oklahoma inmates found that one in four inmates refused boot camp as a means to avoid incarceration for 12 months and some offenders would rather go to prison than undergo probation or community service. Research also finds that blacks (Wood & May, 2003) and women (Wood & Grasmick, 1999) see alternative sanctions as more severe than whites and males, respectively. This means that sanction-severity rankings may in some instances reflect assumptions that may not be valid when viewed from an individual offender's perspective. In fact, sentencing commissions have used the notion of equivalencies among some of these sanctions to develop exchanges among sanctions depending on judges' sentencing goals (Pennsylvania Commission on Sentencing, 2005).

REFERENCES

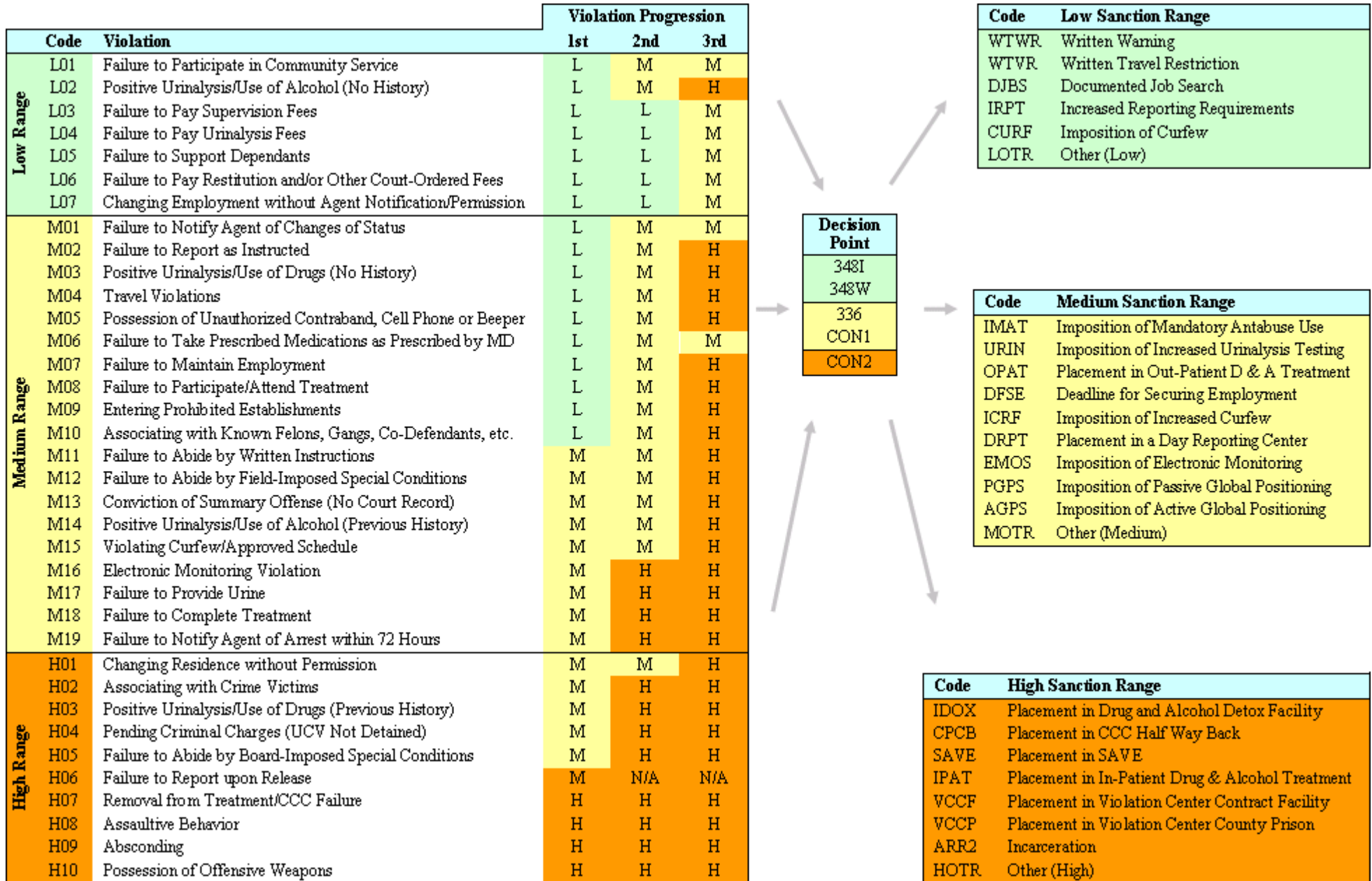
- Albonetti, C. (1991). An integration of theories to explain judicial discretion. *Social Problems*, 38, 247-266.
- Andrews, D. A., Kiessling, J. J., Mickus, S.G. and Robinson, D. (1986). The construct validity of interview-based risk assessment in corrections. *Canadian Journal of Behavioural Sciences*, 18, 460-470.
- Bonta, J. & Motiuk, L. L. (1990). Classification to correctional halfway houses: A quasi-experimental evaluation. *Criminology*, 28, 497-506.
- Bucklen, K. B. (2005). Special focus on PADO's parole violator study (Phase 1). *Research in Review*, 8(1), 1-15.
- Chiricos, T, Barrick, K., Bales, W. & Bontrager, S. (2007). The labeling of convicted felons and its consequences for recidivism. *Criminology*, 45(3), 547-581.
- Committee on Community Supervision and Desistance from Crime. (2008). *Parole, desistance from crime, and community integration*. Washington, DC: The National Academies Press.
- Crouch, B. M. (1993). Is incarceration really worse? Analysis of offenders' preferences for prison over probation. *Justice Quarterly*, 10(1), 67-88.
- Cullen, F. T. (1982). *Reaffirming rehabilitation*. Cincinnati, OH: Anderson Publishing Company.
- Cullen, F. T. & Gendreau, P. (2000). Assessing correctional rehabilitation: Policy, practice and prospects. In J. Horney (Ed.) *Criminal Justice 2000* (vol 3, pp. 109-176). Washington, DC: U.S. Department of Justice.
- Fabelo, T. (2007). *Justice reinvestment: Increasing public safety and managing the growth of Pennsylvania prison population*. Justice Center: The Council of State Governments.
- Farabee, D. (2005). *Rethinking rehabilitation: Why can't we reform criminals?* Washington, D.C: AEI Press.
- Farrington, D. P. & Welsh, B. C. (2005). Randomized experiments in criminology: What have we learned in the last two decades? *Journal of Experimental Criminology*, 1, 9-38.
- Fulp, E. (2001). Project Rio: *Reintegration of offenders*. In *State of Corrections: Proceedings, Annual Conference 2000*. Lanham, MD: American Correctional Association.
- Gendreau P., Little, T. & Goggin, C. (1996). A meta-analysis of the predictors of adult recidivism: What works! *Criminology*, 34, 575-607.

- Girard, L. & Wormith, J. S. (2004). The predictive validity of the level of service inventory-Ontario revision on general and violent recidivism among various offender groups. *Criminal Justice and Behavior*, 31, 150-181.
- Griffin, T. & Wooldredge, J. (2006). Sex-based disparities in felony dispositions before versus after sentencing reform in Ohio. *Criminology*, 44(4), 893-923.
- Hollin, C. R., Palmer, E. J. & Clark, D. (2003). The level of service inventory-revised profile of English prisoners: A needs analysis. *Criminal Justice and Behavior*, 30, 422-440.
- Holzer, H. J. & Martinson, K. (2005). *Can we improve job retention and advancement among low-income working parents?* Washington, DC: Urban Institute.
- Huebner, B. M. & Bynum, T. S. (2006). An analysis of parole decision making using a sample of sex offenders: A focal concerns perspective. *Criminology*, 44(4), 961-992.
- Johnson, B. D. (2005). Contextual disparities in guideline departures: Courtroom social contexts, guideline compliance, and extralegal disparities in criminal sentencing. *Criminology*, 43(3), 761-798.
- Kramer, J. & Ulmer, J. (2002). Downward departures for serious violent offenders: Local court 'corrections' to Pennsylvania's sentencing guidelines. *Criminology*, 40(4), 601-636.
- Kramer, J. & Ulmer, J. (2008). *Sentencing guidelines: Lessons from Pennsylvania's struggle for justice*. Boulder, CO: Lynne Rienner Publishers.
- Langen, P. A., & Levin, D. J. (2002). *Recidivism of prisoners released in 1994*. Washington, D.C: U.S. Bureau of Justice Statistics.
- Lowenkamp, C. T., Hodsinger, S. & Latessa, E. (2001). Risk/needs assessment, offender classification, and the role of child abuse. *Criminal Justice and Behavior*, 28, 543-563.
- May, D. C. and Wood, P. B. 2005. What influences offenders' willingness to serve alternative sanctions. *The Prison Journal*, 85(2), 145-167.
- Pager, D. (2003). The mark of a criminal record. *American Journal of Sociology*, 108(5), 937-975.
- Palmer, E. & Hollin, C. R. (2007). The Level of Service Inventory-Revised with English women prisoners: A needs and reconviction analysis. *Criminal Justice and Behavior*, 34(8), 971-984.
- Pennsylvania Board of Probation and Parole, 2006. *The Pennsylvania Board of Probation and Parole 2006 annual report*. Harrisburg, PA: Pennsylvania Board of Probation and Parole.

- Pennsylvania Board of Probation and Parole. (2008). *Monthly program report: June 2008*. Harrisburg, PA: Pennsylvania Board of Probation and Parole.
- Pennsylvania Commission on Sentencing. 2005. *Sentencing guidelines implementation manual 6th Ed.* University Park, PA: Pennsylvania Commission on Sentencing.
- Petersilia, J. (2003). *When prisoners come home*. New York: Oxford University Press.
- Schlager, M. & Simourd, D. J. (2007). Validity of the Level of Service Inventory-Revised (LSI-R) among African American and Hispanic male offenders. *Criminal Justice and Behavior*, 34(4), 545-554.
- Seiter, S. P. & Kadela, K. R. (2003). Prisoner reentry: What works, what does not, and what is promising. *Crime and Delinquency*, 49, 360-388.
- Spohn, C. C. (2002). *How do judges decide: The search for fairness and justice in punishment*. Thousand Oaks, CA: Sage.
- Steen, S. & Opsal, T. (2007). Punishment on the installment plan: Individual-level predictors of parole revocation in four states. *The Prison Journal*, 87(2), 344-366.
- Steffensmeier, D., Ulmer, J. & Kramer, J. (1998). The interaction of race, gender, and age in criminal sentencing: The punishment cost of being young, black, and male. *Criminology*. 36(4), 763-793.
- Steffensmeier, D., Kramer, J. & Streifel, C. (1993). Gender and imprisonment decisions. *Criminology*, 39(4), 411-446.
- Tonn, R. (1999). Turning the tables: The Safer Foundation's Youth Enterprise Program. *Corrections Today*, 61(1), 76-78.
- Tonry, M. (1996). *Sentencing matters*. NY: Oxford University Press.
- Turner, S. & Petersilia, J. (1996). Work release in Washington: Effects on recidivism and corrections costs. *Prison Journal*, 76(2), 138-150.
- Uggen, C. & Manza, J. (2002). Democratic contraction? The political consequences of felon disenfranchisement in the United States. *American Sociological Review*, 67, 777-803.
- Wood, P. B. & Grasmick, H. (1999). Toward the development of punishment equivalencies: Male and female inmates rate the severity of alternative sanctions compared to prison. *Justice Quarterly*, 16, 19-50.
- Wood, P. B. & May, D. C. (2003). Race differences in perceptions of the severity of sanctions: A comparison of prison with alternatives. *Justice Quarterly*, 20, 605-631.

Zamble, E. & Quinsey, V. L. (1997). *The criminal recidivism process*. Cambridge: Cambridge University Press.

Appendix A: Violation-Sanction Grid Matrix



Appendix B: LSI-R Items

Criminal History

1. Any prior convictions?
2. Two or more prior convictions?
3. Three or more prior convictions?
4. Three or more present offenses?
5. Arrested under age 16?
6. Ever incarcerated upon conviction?
7. Escape history from a correctional facility?
8. Ever punished for institutional misconduct?
9. Change made for probation/parole suspended during prior community supervision?
10. Official record of assault/violence?

Education/Employment

11. Currently employed?
12. Frequently unemployed?
13. Never employed for a full year?
14. Ever fired?
15. Less than regular grade 10?
16. Less than regular grade 12?
17. Suspended or expelled at least once?
18. Participation/performance?
19. Peer interactions
20. Authority interactions

Financial

21. Problems?
22. Reliance upon social assistance?

Family/Marital

23. Dissatisfaction with marital partner or equivalent?
24. Non-rewarding, parental
25. Non-rewarding, other relative
26. Criminal family/spouse?

Accommodations

27. Unsatisfactory
28. Three or more address changes last year?

29. High-crime neighborhood?

Leisure/Recreation

30. Absence of recent participation in an organized activity?
31. Could make better use of time

Companions

32. A social isolate?
33. Some criminal acquaintances?
34. Some criminal friends?
35. Few anti-criminal acquaintances?
36. Few anti-criminal friends?

Alcohol/Drug Problem

37. Alcohol problem, ever?
38. Drug problem, ever?
39. Alcohol problem, currently?
40. Drug problem, currently?
41. Law violations?
42. Marital/family?
43. School/work?
44. Medical?
45. Other indicators?

Emotional/Personal

46. Moderate interferences?
47. Severe interference, active psychosis?
48. Mental health treatment, past?
49. Mental health treatment, present?
50. Psychological assessment indicated?

Attitudes/Orientation

51. Supportive of crime
52. Unfavorable toward convention
53. Poor, toward sentence?
54. Poor, toward supervision

