

California Study Looks at Factors Leading to Parole Revocation

By Janet Mandelstam

Author’s Note: *Findings and conclusions reported in this article are based on the report Parole Violations and Revocations in California and do not necessarily represent the official position or policies of the U.S. Department of Justice.*

With U.S. prison populations at an all-time high, the debate about the costs and benefits of imprisonment is occurring across the country. But no state prison system can match California’s for superlatives:

- It has the largest prison population of any state;
- Per inmate expenditures are 1.6 times higher than the national average;
- The number of parolees under supervision is greater than in any other state; and
- Its parolee “return to prison rate” is 66 percent; the national average is 40 percent.

On any given day, returning parolees account for six out of 10 admissions to California prisons. Why so many parolees return to prison — and the consequences for the state’s criminal justice system — is the focus of *Parole Violations and Revocations in California*, a recently released report for the National Institute of Justice by Ryken Grattet, Joan Petersilia and Jeffrey Lin. In what is considered the largest, most comprehensive study of parole violations and revocations ever conducted, these researchers tracked every adult on parole in California during 2003 and 2004.

Much of the explanation for the unusually high recidivism rate is found in the state’s unique combination of determinate sentencing and mandatory parole. Once offenders

have served their original sentences, they are automatically released and placed on parole, usually for three years. Unlike most states with indeterminate sentencing systems, where prisoners appear before a parole board, California places all prisoners on parole, including those who are potentially dangerous to society and those who may not need supervision at all. Rather than a reward for good behavior, parole in California is a post-prison extension of the offender’s sentence.

California’s system is unique in other ways as well. When parolees violate the conditions of parole or commit a new crime, the decision to send them back to prison or allow them to remain in the community is often made not by a judge, but by the politically appointed Board of Parole Hearings (BPH). Courts handle only criminal cases; the BPH handles technical violations as well as criminal violations that are not successfully prosecuted in court. The BPH applies a lower standard of evidence than is required by a court of law and historically has sent most parolees who appear before it back to prison. The BPH also handles many violations that once were at the discretion of parole agents and supervisors. Whereas a judge may impose a sentence appropriate to the new offense, the BPH can only return a parole violator to prison for a maximum of 12 months, and most serve far less time.

The researchers believe that, given the high number of repeat violators, this “churning” of parolees does little to deter crime, disrupts community treatment programs, and adds to the escalating costs of the criminal justice system. To better understand this complex parole violation and revocation process, they recorded the behavior of 254,468 parolees on a weekly basis

for two years. These individuals — one out of every seven parolees in the U.S. at that time — committed 151,750 violations that were processed either in court or before the BPH. With the full cooperation of the California Department of Corrections and Rehabilitation, the researchers studied not only the personal characteristics and criminal histories of the parolees, but also the type of supervision they received, the characteristics of their parole agents, and the communities to which they returned.

What Predicts Parole Violations?

Approximately half of the parolees in the study had at least one violation report, and nearly one-quarter had multiple violation reports. More than one-third of the violations were for noncriminal (that is, technical) violations, and a majority of those were for “absconding” — missing appointments or disappearing altogether. Nearly 17 percent of California’s parolees — more than 20,000 people — are “parolees-at-large” who have absconded supervision. This is the highest abscond rate in the country; the national average is 7 percent.

With regard to the personal characteristics of parolees, the researchers found that the strongest predictor of violation was the number of times the parolee had been in prison as an adult, and that the risk for all types of violations was highest during the first six months after release from prison. Intensity of supervision did not appear to deter violations. In fact, more intensive supervision increased the likelihood of all types of violations.

As for parole agents’ characteristics, neither their age nor length of time on the job was related to risk of violation, but the parole agent’s

gender was a factor. Female agents appeared to be more forgiving of low-level offenses such as drug use, whereas male agents were more forgiving of absconding.

Finally, community characteristics were studied. The neighborhood to which a parolee returns can promote or discourage behavior that leads to violations. Using parolee addresses to match individuals to their communities, researchers found that parolees who lived in economically disadvantaged neighborhoods were more likely to abscond but were not at greater risk for other violations. Where substance abuse and mental health treatment were available, low-level criminal violations were less likely.

What Predicts Parole Revocations?

More than three-quarters — 77 percent — of all criminal violation cases resulted in a return to prison, determined either by a court decision or a ruling of the BPH. About 85 percent of the technical violation cases heard by the BPH resulted in revocation of parole and reincarceration. But, the authors note, these outcomes were not always reflective of the seriousness of the offense.

In many instances, which venue heard the case — court or BPH — affected the outcome. Criminal violation cases heard first in court were referred to the BPH if no conviction was obtained. The courts also were likely to refer violation cases to the BPH when their own dockets were full. Once before the BPH, a greater percentage of cases resulted in revocation of parole. The court sent 25 percent of parolees before it back to jail. The BPH sent back 73 percent on criminal violations.

Community characteristics also played a role in the number of revocations. Parolees were more likely to be returned to prison in counties with a large number of African-American residents and high African-American unemployment, and in counties where voters approved “punitive” ballot measures on criminal law issues. Conversely, more lenient outcomes were likely in communities with available mental health and substance abuse services.

Policy Implications

Based on the study’s findings, the authors suggested several policy changes, including:

- Concentrate supervision and services during the first six months of parole, when the risk of recidivism is highest;
- Tie the duration of parole to the risk level of the offender. Those with a low risk of reoffending might not be placed on parole at all, whereas high-risk offenders might be assigned to parole for life;
- Focus limited resources on higher-risk parolees; align services and supervision with risk rather than the type of offense;
- Develop a range of intermediate, community-based sanctions, especially for parolees with substance abuse issues; and
- Encourage criminal prosecution of parolees who commit new crimes so that serious offenders receive sentences greater than the 12-month maximum imposed by the parole board.

The researchers expressed the hope that their analysis “will permit California policymakers to devise more sound parole supervision and revocation policies that better balance public safety and public resources.” Since they completed their study of 2003-2004 data, California has undertaken the most significant changes in its parole system in 30 years. The state is implementing an evidence-based “parole violation decision-making instrument” that is designed to help agents and the parole board assess the risk level and needs of the parolee before imposing sanctions. The roll-out of this new system will continue through 2009. The final report on the study, grant no. 2005-IJ-CX-0026, is available online at www.ncjrs.gov/pdffiles1/nij/grants/224521.pdf.

Janet Mandelstam is a freelance writer and former communications director at the Vera Institute of Justice.

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