

Characteristics of Parole Violators in Kentucky

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HISTORICALLY, PAROLE WAS established for the dual purposes of rehabilitating offenders and assisting in their reentry to society (Champion, 2002, p. 270). These functions have long served as the basis for parole supervision—guiding a treatment plan that emphasizes the need for reintegration while maintaining surveillance of parolees to verify their behavior (Allen, Eskridge, Latessa, & Vito, 1985, p. 128). However, three decades ago Marshall and Vito (1982, p. 37) argued that community supervision of offenders has emphasized the surveillance function over the treatment role. Such a belief remains common today. Thus, the key discretionary feature of parole supervision is the monitoring of the conditions of release by the parole officer. The offender's release can be revoked as a result of violations of these conditions, even in the absence of evidence of criminal activity. Conditions such as maintaining a curfew and abstaining from drug and alcohol use are related to the original offense and are monitored for the purpose of crime control.

Due to the rapid rise of the prison population in recent decades, some experts have suggested that parole violations should not automatically result in a return to prison. Less drastic measures should be used to control the parolee's behavior and ensure successful completion of the supervision period. Contrastingly, others argue that violations accompanied by revocation and return to incarceration prevent a return to serious

criminal behavior and thus protect society (Committee, 2008, p. 39).

To identify how supervision functions and is focused, Richards, Austin, and Jones (2004a) conducted interviews with 53 Kentucky parolees at parole offices and halfway houses and with technical parole violators who were returned to prison in 2002. Their study concluded that Kentucky was operating a "perpetual incarceration machine" that increased the prison population, contributed to overcrowding, and was costly to the state budget (Richards, Austin & Jones, 2004b). They noted that parole officers adopted a law enforcement style of supervision that fed the parole violation process. In particular, their interviews with Kentucky parolees awaiting revocation hearings before the parole board revealed that "without exception" the decisions of parole officers were to revoke parole with no credit given for time served under parole supervision when they were remanded to prison (Richards et al., 2004b, p. 97). To reduce the rate of Kentucky parole violations, Richards, Austin and Jones (2004a, pp. 256-257) recommended that parole violators (1) only be reincarcerated for a new felony conviction, (2) be held in local jails rather than prison, and (3) be given credit for all time served on parole.

Parole Revocation Rates

The Bureau of Justice Statistics provides a yearly report on the state of probation and parole in the country. A review of these

reports for the period of our study (2005–2009) finds that the national average rate of reincarceration for technical violation was 25.4 percent (Glaze & Bonczar, 2006–2010). This rate can be considered a reliable benchmark for national parole revocation rates over this period.

However, studies of parole revocation rates present varying figures. Nationally, Solomon and her colleagues (2005, p. 3) conducted a recidivism study of parolees and persons released unconditionally—utilizing data on a sample of 38,624 persons released from prison in 1994. They found that 68 percent of the mandatory and 63 percent of the discretionary parolees were returned to prison for a technical violation of parole conditions. Wilson (2005) tracked over 33,000 Tennessee prisoners released from January 1993 through the end of 2001 and examined their reincarceration rates. Forty-two percent of the parolees (11,570/26,201) were reincarcerated within two years of their release. Within this group, 75 percent of the recidivists were returned to prison on a technical violation (Wilson, 2005, p. 498).

A California-based study of parole revocation revealed that over a three-year period 66 percent of all parolees were reincarcerated—27 percent for a new crime and 39 percent for a technical violation (Grattet, Petersilia, & Lin 2008, p. 5). Attributes that predicted parole revocation included: number of prior adult incarcerations in California, age (18-30 as well as age at first California

commitment), race (black parolees in terms of the most serious and violent criminal revocations), and a record of mental health problems (particularly for violent criminal revocations) (Grattet, et al., 2008, p. 14). To deal with revocation, these authors recommended the use of a parole violation matrix that reflects the original risk level of the parolee coupled with a proportionate response to the seriousness of the violation (Grattet, et al., 2008, pp. 22–23).

Most recently a study by the Pew Center (2011) reported that Kentucky parolees released in both 1999 and 2004 had a technical violation rate of 30 percent. Additionally, The Justice Policy Institute (2011) reported that almost 20 percent of Kentucky prisoners admitted in fiscal year 2010 were incarcerated for technical violations of parole and had not committed a new felony.

Overall, parole revocation rates appear to be high and thus contribute to the size of the prison population. The general pattern is that parolees are more likely to return to prison for a technical violation than for a new crime. Kentucky is no stranger to these dilemmas. Over the last 25 years, Kentucky's prison population has increased 260 percent—the fastest-growing prison population in the nation for the past 10 years. As a result, Kentucky has spent about \$440 million per year on corrections—an average of \$19,000 per inmate (Justice Policy Institute, 2011, p.1). Thus, if prison returns are to be reduced for parolees, jurisdictions should consider alternatives to parole revocation.

Methods

The data for the present study come from the Kentucky Department of Correction's (KDOC) official reports on offenders from July 2002 to December 2004. The data for this study are drawn from offenders paroled during this 30-month period. This resulted in a

sample of 10,912 offenders. For each offender, data were collected on whether they returned to prison and, if so, the circumstances surrounding their return (i.e., when and for what reason/offense). All parolees were followed for a period of five years post release.

Measures

Several measures were used in this study. The sex of the offender was coded as (1) male and (0) female. The race of the offender was coded as (1) white and (0) non-white. The marital status of the offender was coded as (1) married and (0) unmarried. Education level was coded as (1) less than high school, (2) high school, (3) some college, (4) college graduate, and (5) post-college. The original offense was coded as (1) drug, (2) violent offense, (3) property offense, (4) theft offense, and (5) other offense. This measure was recoded into drug offense and coded as (1) yes and (0) no/other offense. The county of commitment was coded as (1) urban and (0) rural. Gang membership was coded as (1) yes and (0) no. The offender's custody level at the time of release was coded as (1) community custody, (2) minimum custody, (3) medium custody, and (4) maximum custody. Several measures were open-ended: number of parole hearings, number of institutions where time was served, number of days served, and number of prior incarcerations. Drug and alcohol problems during incarceration were captured as (1) yes and (0) no. In addition, reincarceration because of a parole violation was captured as (1) yes and (0) no.

Analysis Plan

The analysis plan for this study takes place in a series of steps. The first step is a descriptive presentation of the offenders that were paroled. The second step is a regression analysis. The regression analysis is performed

to determine the independent measures that are correlates of the dependent measures (Freund & Wilson, 1999), and in this case, the dependent measure is reincarceration for a parole violation. Reincarceration for a parole violation is a dichotomous measure. Menard (2002) argued that logistic regression is the proper technique in this situation, and this will be the technique that we use.

Results

Step 1

Step 1 presents the descriptive statistics of the offenders that were released on parole. Table 2 shows that two-thirds (66.6 percent) of the sample is white and 85.5 percent are male. In terms of age, more than one-half of offenders are age 37 or younger, and nearly one-third (30.9 percent) are over age 45. Additionally, one-third (31.5 percent) are identified as having a serious drug/alcohol problem, and two-thirds (67.1 percent) are identified as having no drug/alcohol problem. Offenders in the sample generally have low levels of education; more than one-half (55.4 percent) have not completed high school, and only 6.4 percent have any college experience. The large majority (86.8 percent) were unemployed after their release. Also, 80.3 percent of the offenders paroled were unmarried, and 19.7 percent of the offenders were married. Most of the offenders that were paroled were not involved in gangs (97.3 percent), but 2.7 percent were involved in gangs. Over 45 percent (45.4 percent) of the offenders paroled had a drug offense as their original offense. 14.2 percent of the offenders had a violent offense as an original offense. A total of 16 percent of the paroled offenders had a property offense as their original offense, 10.8 percent of the paroled offenders had a theft offense as their original offense, and 13.5 percent of the parole

TABLE 1.
Summary of Parole Revocation Rate Study Findings

Author	Inmate Release Year	Location	Rates
Wilson (2005)	1993	Tennessee	1993: 40.5% Reincarcerated
	1997		1997: 48% Reincarcerated
	1999		1999: 40.1% Reincarcerated
			Overall, 75% of the recidivist parolees were returned for a technical violation.
Glaze & Bonczar (2006–2010)	2005	Nationwide: Parolees	25.4% Reincarcerated on Technical Violation
Grattet, Petersilia, & Lin (2008)	2003	California	39% Reincarcerated on Technical Violation
Pew Center on States (2011)	1999	Nationwide	30% Reincarcerated on Technical Violation
	2004		

offenders had an “other” offense as their original offense. A clear majority (60.7 percent) of the paroled offenders had committed their offense in a rural county; 39.3 percent of the paroled offenders had committed their offense in an urban county. The paroled offenders had an average of 2.00 parole hearings, 2.05 prior incarcerations, 1227 days served, and 3.28 institutions served. Overall, these demographic findings demonstrate that this sample of Kentucky parolees had indicators of risk that are associated with failure on supervision (See Committee on Community Supervision and Desistance from Crime, 2008).

As an initial finding, we see that 51 percent of all parolees were returned to prison within 5 years due to a technical violation. Conversely, “only” 11.8 percent returned to prison for a new offense and 37.2 percent remained free in the community for the entire five-year period.

Step 2

Table 2 presents the results of the logistic regression analysis identifying correlates of offenders who were originally paroled being returned to incarceration for a parole violation. Five variables are statistically significant correlates of a parolee being reincarcerated within five years for a parole violation. White offenders are less likely to be returned to prison for a parole violation than blacks. Gang members are less likely to have a parole violation leading to reincarceration than non-gang members. As the number of prior incarcerations increases, the likelihood of a return to prison for a parole violation decreases. As the number of institutions in which the offender served increases by one, the likelihood of a return to incarceration on a parole violation increases by 1.21 times. And as an offender’s final custody classification at time of parole increases, the likelihood of a parole violation decreases by 0.16 times.

Conclusion

An initial look at the results of this study may suggest that there is only marginal value in these findings for guiding parole officers in supervising their caseload. All five statistically significant predictions of reincarceration for a parole violation are “static” variables that describe attributes of demographics (race) and experience (gang membership, number of prior incarcerations, number of institutions served in, and final custody classification). Although (perhaps) indicators of risk, these are not variables that can be affected by a method of supervision. Arguably the most

TABLE 2.
Demographic Attributes of the Served Out and Paroled Groups

Attribute	n/%
Race	
White	7170 (66.6%)
Black	3597 (33.4%)
Sex	
Female	1582 (14.5%)
Male	9331 (85.5%)
Age	
Under 28	1348 (33.0%)
28–37	933 (22.8%)
38–45	544 (13.3%)
Over 45	1264 (30.9%)
Drug/Alcohol Problems	
None	7317 (67.1%)
Abuse causing occasional legal or social problems	162 (1.5%)
Serious Abuse or Disruption of Functioning	3433 (31.5%)
Education	
Less than High School	2119 (55.4%)
High School	1465 (38.3%)
Some College	195 (5.1%)
College Graduate	48 (1.3%)
Employed Post Release	
Unemployed	9476 (86.8%)
Employed	1436 (13.2%)
Marital Status	
Unmarried	7353 (80.3%)
Married	1807 (19.7%)
Gang Involved?	
No	10,615 (97.3%)
Yes	297 (2.7%)
Original Offense	
Drug	4958 (45.4%)
Violent	1547 (14.2%)
Property	1750 (16.0%)
Theft	1178 (10.8%)
Other	1478 (13.5%)
Offense Location	
Rural	6627 (60.7%)
Urban	4286 (39.3%)
Mean Values	
Number of Parole Hearings	2.00
Number of Prior Incarcerations	2.05
Number of Days Served	1227.00
Number of Institutions Served In	3.28

TABLE 3.
Logistic Regression: Reincarceration for Parole Violation

Variable	Exp (b)	S.E.	Wald
Age	0.99	0.01	-0.73
Race	0.80	0.07	-2.39*
Gang	0.57	0.05	-5.83**
Married	1.05	0.15	1.20
Sex	0.95	0.01	-0.41
Drug Offense	1.37	0.03	0.85
Offense Location (urban)	1.00	0.04	0.34
Education	1.07	0.03	1.82
Parole Hearings	0.96	0.03	-1.13
Prior Incarcerations	0.93	0.03	-2.67*
Institutions Served	1.21	0.01	14.47**
Custody Class	0.84	0.00	-43.89**
Drug/Alcohol Problems	1.01	0.03	0.42

Note: * $p < 0.05$, ** $p < 0.00$; Tolerance levels were calculated for each independent measure to test for multicollinearity. The results did not reveal any multicollinearity and are available from the authors upon request.

informative finding from this analysis is that 51 percent of these parolees received a technical violation of their parole and were returned to a Kentucky prison. This rate is a bit lower than rates listed in previous studies. However, there is little doubt that this high percentage of reincarceration has contributed to the rise of the Kentucky prison population.

Kentucky might benefit from the use of alternatives to revocation and a return to prison for technical violations of parole. For example, Austin (2001) reviewed the release practices of eight states and determined that the proportion of parole violators returned to prison varied widely and thus reflected a diversity in how violations were handled. He recommended that parole release be expanded, with the responsibility for post-release behavior shifted to the parolee while supervision is conducted under a risk-determined system that would determine the length of the supervision period (Austin, 2001, pp. 331–332). Solomon (2006, p. 16) also recommended that parole supervision should include “an array of intermediate sanctions” for revocation rather than the “all or nothing approach” of sending parolees back to prison (see also Petersilia, 1999, p. 515; Pew Center, 2011, p. 30).

An evaluation of New Jersey’s nonvoluntary Halfway Back program for parole violators determined that program participants fared better on parole than a matched group of parolees who were not referred to the program due to program capacity, logistical barriers, or parole officer discretion. Re-arrest rates for the participants were somewhat lower at six and twelve months than they were for

non-participants (22.9 percent vs. 24.2 percent and 50.2 percent vs. 52.6 percent) (White, Mellow, Englander & Ruffinego, 2011, p. 151). Parolees in the program had their social needs identified (substance abuse, mental health issues, physical ailments, employment, and education issues) and met. They were referred to the program by their parole officers for failing to meet supervision conditions or for relapsing in drug use—both of which fell short of new criminal charges. A mix of graduated sanctions was then reviewed to match the violator to “the appropriate sanction based upon parolee need, resource constraints, and program availability” (White, et al., 2011, p. 147).

In order to deal with the problem of increasing revocations, Ohio developed a violation response grid in 2005. Research on the implementation and execution of the grid yielded favorable results, evidencing reliance upon revocation hearings, sanctions, local jail incarceration, and improved congruence between offender risk levels and revocation sanctions. In sum, the guidelines provided “a structural opportunity to align treatment sanctions with high risk and potentially chronic violators on the front end of supervision,” allowing them to remain in the community without the threat of immediate revocation while also providing for heavier sanctions when necessary (Martin, 2008, p. xiii).

An alternative method to deal with the problems faced by prisoners upon reentry is the Reentry Court model. Based upon the Drug Court model, reentry courts are designed to oversee the prisoner’s reentry to society and monitor his or her behavior

while providing a range of health, education, employment, housing, and family support services. It has been implemented on a pilot basis in a number of states, including Kentucky (Miller, 2007, p. 127). The Reentry Court model relies upon the “collateral authority” of the judge to act as an official intermediary between all agencies involved in the reentry process and combines an “individualized relationship between client and judge to intervene to change the client’s way of thinking and acting” (Miller, 2007, p. 128). Its core elements are (Maruna & LeBel, 2003, p. 92):

- Assessment and Strategic Reentry Planning
- Regular Status Meetings
- Coordination of Multiple Support Services
- Accountability to the Community
- Graduated and Parsimonious Sanctions for Violations of Conditions of Parole
- Rewards for Success

Maruna and LeBel (2003) advocate supplementing this model with a “strengths-based approach” that emphasizes the positive contributions that the client can make to society, rather than the potential sanctions faced when difficulties are encountered.

Kentucky had also developed a “halfway back” program for parole violators as a method to avoid revocation proceedings and a return to prison. The program focused upon offenders with substance abuse problems. Upon program entry, offenders had to acknowledge the technical violation and sign an agreement to enter and complete the program and to refrain from further parole violations. The program operated out of privately owned halfway houses and offenders were expected to attend counseling sessions and work (Munden, Tewksbury & Grossi, 1999, pp. 437–438). An evaluation of this effort indicated that the completion rate for the program was 65 percent and older offenders, those who had fewer times on parole, and those who maintained their employment were all more likely to be successful (Munden, et al., 1999, p. 442).

Given the high rate of revocation and return to prison revealed in this study, Kentucky, as well as perhaps other jurisdictions, should consider a return to the use of these alternatives to revocation. If these programs prove to be effective, they could help reduce the size of prison populations.

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