

PAROLE REINCARCERATION

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PAROLEE REINCARCERATION

Rate of Reincarceration Due to
Technical Violations and New Convictions
July 1, 1985 - June 30, 1986

This report is a summarization of a study conducted to determine the rate of reincarceration of clients on active parole under the different levels of supervision of the Kentucky Corrections Cabinet. Data has been extracted from monthly supervisory district reports and computer listings of reincarcerated technical violators and clients convicted of new crimes from July 1, 1985 through June 30, 1986. Cases were drawn from data on reincarcerated offenders under active supervision, not from the entire offender population.

The technical violation and new conviction cases were randomly selected with weighted representation by district. The selected cases represent 20% of the total number of each class reincarcerated during the time period of the study. The weighted representations take into account the greater proportion of clients in urban areas and include 24.5% from District 4 which includes Louisville, 12.3% from District 9 which includes Lexington, 8.5% from District 7 which includes Covington and 54.7% from the remaining eight supervisory districts which are largely rural in comparison to Districts 4, 7 and 9.

Actual offender records were read and the following information recorded -- date paroled, district paroled to, levels of supervision during period of parole and at the time of the technical violation or new conviction, date of technical violation or new conviction, date reincarcerated, description of violation or crime resulting in reincarceration and length of time under supervision.

The recorded data were tabulated by level of supervision (Intensive, Maximum, Medium or Specialized) and by district. In order to determine the relationship between level of supervision and frequency of technical violations and new convictions, the total average caseload under each level of supervision was drawn from the monthly district reports. The reports which included Maximum, Medium and Specialized supervision also included a category of new clients, unassigned to levels, as well as those on furlough or otherwise not currently under direct supervision. For the purposes of this study those cases were not included and only the cases assigned to each level of supervision were counted. The average client caseload under Intensive supervision was drawn from the Intensive Supervision Program monthly reports.

For the purpose of this study, cases, not individual clients, were considered. Clients may be transferred from one level of supervision to another due to successful fulfillment of requirements of a supervisory level over a

period of time, or due to behavior or factors indicating a need for closer supervision, as for example, in a transfer from Maximum to Intensive supervision. Also, clients occasionally transfer from one district to another. Since the primary concern in this study is the rate of reincarceration under the different levels of supervision during a twelve month period it is not necessary to track specific clients through the parole system.

There were approximately 9415 cases under the four levels of supervision between July 1, 1985 and June 30, 1986. Of these, 803 (8.5%) were under Intensive supervision, 1611 (17.1%) were under Maximum supervision, 3555 (37.8%) were under Medium supervision and 3446 (36.6%) were under Specialized supervision.

TABLE 1

CASELOADS BY LEVEL OF SUPERVISION

| LEVEL | NUMBER | PERCENTAGE |
|-------------|--------|------------|
| Intensive | 803 | 8.5 |
| Maximum | 1611 | 17.1 |
| Medium | 3555 | 37.8 |
| Specialized | 3446 | 36.6 |
| TOTAL | 9415 | 100.0 |

The total number of technical violators reincarcerated from July 1, 1985 through June 30, 1986 was 518 or 5.5% of

the total caseload of 9415. The total number of clients reincarcerated for new convictions was 294 or 3.2% of the total caseload. Technical violations accounted for 63.8% of reincarcerated clients and new convictions for 36.2% of reincarcerated clients.

TABLE 2

REINCARCERATIONS BY TYPE
BASED ON TOTAL CASELOAD

| TYPE | NUMBER | PERCENTAGE OF TOTAL CASES |
|------------------------|--------|------------------------------|
| Technical Violators | 518 | 5.5 |
| New Convictions | 294 | 3.2 |
| TOTAL | 812 | 8.7 |

Levels of Supervision

Clients under the supervision of the Kentucky Corrections Cabinet are classified by means of risk and need scales and assigned to levels of supervision. The client risk scale is designed to assess a client's probability for further criminal behavior by means of predictive factors relating to criminal history and socioeconomic items. The client need scale identifies and assigns weight to categories of needs most commonly evidenced in probationers and parolees.

The four levels of supervision which determine the frequency and type of contact between the Probation and Parole Officer and client under supervision are Intensive,

the highest level, Maximum, Medium and Specialized supervision.

Intensive supervision requires a minimum of ten personal contacts per month, including one office and one home contact per week. In addition, two contacts are required per month to include home, community or family contacts and verification of attendance or participation in community agency programs such as drug, alcohol, vocational, educational and sex abuse programs. Weekly employment verification and curfew checks by telephone or in person are made, as clients are required to be in their homes from 10 PM to 6 AM seven days a week.

Maximum supervision requires a minimum of two personal office contacts per month between the officer and client plus one home visit per month and monthly verification of employment.

Medium supervision requires a minimum of one personal office contact per month between the officer and client plus one quarterly home visit.

Specialized supervision requires one personal office contact with the client quarterly plus mail-in reports during the months the client does not report in person.

Technical Violations and New Convictions

A client may violate parole by committing a technical violation or a crime for which a new conviction is

received. A technical violation is a breach of rules or conditions as set forth in an agreement signed by the client and Probation and Parole Officer. Special conditions may be written into the agreement, such as abiding by the rules of a halfway house or program a client is participating in. Examples of technical violations are failure to report to an officer as scheduled, false reporting, failure to abide by curfew limits or failure to refrain from use of alcohol, when so stipulated, or receiving a new misdemeanor conviction. In this study, misdemeanor convictions are included under technical violations because, generally the misdemeanor convictions do not carry new sentences in correctional institutions; rather they require fines to be paid and possibly jail time, sometimes suspended. Misdemeanor conviction can result in reincarceration because having received such is a violation of terms of parole. Examples of misdemeanor convictions could be public intoxication, traffic violations such as speeding, reckless driving or DUI, possession of a controlled substance.

New convictions for felonies require reincarceration. Felonies range from Class D, which includes, for example, theft by unlawful taking, receiving stolen property, to Class A, which includes murder or rape, for example. In this study misdemeanor convictions are included with

technical violations; the new convictions category includes only felonies.

Technical Violators

The total number of reincarcerations for technical violations was 518 (5.5%) of a total average caseload of 9415. In this study of 104 technical violators returned to institutions, 27 (26%) were under Intensive supervision, 48 (46.2%) were under Maximum supervision, 24 (23%) were under Medium supervision and 5 (4.8%) were under Specialized supervision. The highest percentage of clients (37.8%) were under Medium supervision and the highest percentage of violators were under Maximum supervision (46.2%). Though there were almost as many clients (36.6%) under Specialized as under Maximum supervision, Specialized has the lowest rate of reincarceration (4.8%), possibly due to clients having progressed to that level through successful completion of other levels and low level risk and need factors. Those under Medium supervision (37.8%) had a 23.1% return rate. Intensive supervision clients represent 8.5% of the total caseload and had a return rate of 25.9%. Maximum had 17% of the caseload and almost half the returns, about the same return rate as Intensive. This could be due to the higher risk and need factors and to the closer supervision under Intensive and Maximum levels which

enables parole and probation officers to detect violations more readily.

TABLE 3

REINCARCERATIONS BY LEVEL
STUDY GROUP

| LEVEL | TECHNICAL VIOLATIONS | | NEW CONVICTIONS | | % UNDER LEVEL OF SUPERVISION |
|-------------|----------------------|------------|-----------------|------------|------------------------------|
| | NUMBER | PERCENTAGE | NUMBER | PERCENTAGE | |
| Intensive | 27 | 26.0 | 18 | 30.6 | 8.5 |
| Maximum | 48 | 46.2 | 10 | 17.0 | 17.1 |
| Medium | 24 | 23.1 | 28 | 47.5 | 37.8 |
| Specialized | 5 | 4.8 | 3 | 5.1 | 36.6 |
| Total | 104 | 100.0 | 59 | 100.0 | 100.0 |

The technical violator category includes misdemeanor convictions, whereas the new convictions are for felonies only. The majority (52.9%) of the 104 technical violation cases were for absconding, failure to report, curfew violation and leaving the state or district without permission. 29.8% of the misdemeanor convictions were associated with alcohol or drug use, including public intoxication, driving under the influence, and use of controlled substance. Alcohol or drug use was clearly cited in 27.9% of all technical violations, though it was undoubtedly a factor in far more cases, as a recent study shows that such use exists among 73% of incarcerated clients.

Technical violators averaged 15 months under active supervision. At the time of technical violation, clients

classified under Intensive level had been under active parole supervision an average of 12 months, Maximum level an average of 9 months, Medium level an average of 10 months, and Specialized level 29 months. These figures do not indicate time under each level of supervision but instead indicate time spent under active supervision, which may include one or more level changes.

The longest time spent under active supervision is among clients under Specialized who have progressed through the system from higher levels. This progression is shown in the increased length of time under supervision from Maximum to Medium and Medium to Specialized. Intensive supervision does not reflect this pattern, being longer than Maximum and Medium, possibly because clients under Maximum and Medium supervision who exhibit behaviors or circumstances indicating increased risk or need factors are transferred to Intensive level for closer supervision.

TABLE 4

TIME UNDER ACTIVE SUPERVISION

| LEVEL OF SUPERVISION | TECHNICAL VIOLATIONS MONTHS | NEW CONVICTIONS MONTHS |
|----------------------|-----------------------------|------------------------|
| Intensive | 12 | 11 |
| Maximum | 9 | 24 |
| Medium | 10 | 21 |
| Specialized | 29 | 18 |

New Convictions

The total number of reincarcerations for new felony convictions was 294 (3.2%) of a total average caseload of 9415 for the period July 1, 1985 through June 30, 1986. Of the 59 new felony conviction cases in this study, 18 (30.5%) were under Intensive supervision, 10 (17.0%) were under Maximum supervision, 28 (47.5%) were under Medium supervision and 3 (5.1%) were under Specialized supervision.

The lowest rate of reincarceration (5.1%) for new felony convictions was among clients under Specialized supervision, the lowest level, as was true for technical violations (4.8%). This would be expected as clients under Specialized supervision have progressed through the parole system satisfactorily to lower risk and need factors and levels of supervision. The highest rate of return (47.5%) was among clients under Medium supervision which also has the largest number of clients (37.8%). Maximum supervision had 17.1% of the total client caseload and 17.0% reincarceration rate. The higher level of reincarceration due to new convictions among clients under Medium supervision could possibly be due to the fewer contacts between officers and clients, thus making it less likely officers would detect technical violations and indicators of increased risk and/or need factors leading to eventual commission of felonies.

The rate of reincarceration (30.6%) for new convictions of clients under Intensive supervision, which has an average caseload of 8.5% of the total, is due to several factors, including the transferring of clients showing indications of increased risk under lower levels of supervision, and the higher risk and need factors of clients initially placed under Intensive supervision. In some cases, clients are transferred from lower levels of supervision to Intensive Supervision in lieu of reincarceration for technical violations. Such transfers introduce a significant high risk factor which is reflected in the rate of reincarceration of clients on Intensive Supervision.

Clients reincarcerated for new felony convictions averaged 18 months under active supervision. Unlike technical violators whose longest period of supervision ended with reincarceration while under Specialized supervision (29 months), the longest period for new felony convictions ended under Maximum supervision with an average of 24 months. These figures do not indicate time spent under the level of supervision during which convicted but the total time spent under active parole supervision including level changes.

The crimes for which the clients in this study were convicted and reincarcerated range from Class A felonies through Class D felonies. Overall, property crimes

accounted for 72.9% of the felony convictions received by cases in this study. The percentage of violent crimes committed was 13.6%. Drug and other crimes each accounted for 5.1% of convictions and sex crimes represented 3.4% of the total number of convictions.

TABLE 5

NEW FELONY CONVICTIONS
TYPES OF CRIMES BY LEVEL OF SUPERVISION

| TYPE OF CRIME | Level of Supervision | | | |
|---------------|----------------------|------------|-------------|-------------|
| | INTENSIVE | MAXIMUM | MEDIUM | SPECIALIZED |
| Property | 10 58.8% | 7 70% | 24 82.8% | 2 66.7% |
| Violent | 3 17.7% | 2 20 | 3 10.4% | 0 |
| Sex | 0 | 1 10% | 1 3.4% | 0 |
| Drug | 2 11.8% | 0 | 0 | 1 33.3% |
| Other | 2 11.8% | 0 | 1 3.4% | 0 |
| TOTAL | 17 100% | 10 100% | 29 100% | 3 100% |

(Note: Rape is included in violent crime.)

The majority of new convictions was for property crimes under all levels of supervision, ranging from 55.6% to 85.7% of total convictions.

By level of supervision, new felony convictions for property crimes ranged from 58.8% under Intensive to 82.8% under Medium supervision, of the total convictions in this study. The rates of violent crime convictions ranged from

10% under Medium to 20% under Maximum supervision, with no violent crime convictions of clients under Specialized supervision. The lower rate under Medium supervision is to be expected given the assumption that clients have successfully progressed to the lower level of supervision by demonstrated decrease in risk and/or need indicators. The rate of violent crime convictions was higher under Maximum (20%) than under Intensive supervision (17.7%) possibly because Intensive clients are so placed due to higher risk/needs factors and because the closer supervision enables Probation and Parole Officers to detect behaviors which result in reincarceration for technical violations before behavior escalates to the level of felony commission.

The average rate of violent crime convictions (13.6%) in this study is slightly less than the rate of violent crime convictions received (13.8%) within one year of release from prison by the overall parole population, according to the Recidivism Study of April, 1986.

Summary

The purpose of this study was to determine the reincarceration rate by level of active parole supervision of a particular population during a specific time period, not to determine a recidivism rate. A twenty percent sample of cases was drawn from a particular population

composed of reincarcerated offenders who were on active parole under the four levels of supervision from July 1, 1985 through June 30, 1986. The four levels of active supervision from which cases were drawn are from most restrictive to least restrictive, Intensive, Maximum, Medium and Specialized supervision. The weighted representation by district of selected cases takes into account the greater proportion of clients in urban areas.

In this study, the overall rate of reincarceration for technical violations and new felony convictions was 8.7% of the total caseload of 9415 clients. As would be expected, the lowest rates of reincarceration for technical violations (4.8%) and new felony convictions (5.1%) were among clients under Specialized supervision, the lowest level of supervision. Progression to Specialized supervision is indicative of reduced need/risk factors of clients and also is the least restrictive level; thus, the potential for technical violations and commission of felonies is lower.

The highest rate of technical violations was among clients under Maximum supervision. The highest rate for technical violations might be expected to be among clients on Intensive supervision because of the high risk need factor and the closer surveillance of activities by Probation and Parole Officers. However, this close

surveillance may act as a deterrent to commission of technical violations by clients on Intensive supervision.

The highest rate of new felony convictions occurred under Medium supervision. The high rate at a lower supervisory level may be due to the fact that the few contacts between client and officer do not enable the officer to observe and address indicators of increased risk/need factors, as for instance in citing clients for technical violations or recommending transfer to a level of closer supervision. Thus, the increasing risk/need factor is not detected until it culminates in commission of a felony.

Overall, the cases in this sample population were reincarcerated in the same proportion as the total caseload reincarcerations of approximately two-thirds (64%) on technical violations and approximately one-third (36%) for new felony convictions.