

# SUPERVISION REGIMES, RISK, AND OFFICIAL REACTIONS TO PAROLEE DEVIANCE\*

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*Parolee deviance has emerged as a central issue in policy debates about crime and punishment in American society as well as in scholarship on “mass incarceration.” Although the prevailing approach to studying parolees conceives of parole violations as outcomes of individual propensities toward criminal behavior (i.e., criminogenic risk), we*

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*consider how indicators of individual risk and characteristics of formal social control systems combine to account for reported parole violations. Using data on California parolees, we examine the effects of parolees' personal characteristics, their criminal histories, and the social organization of supervision on parole violations. We advance the notion of a "supervision regime"—a legal and organizational structure that shapes the detection and reporting of parolee deviance. Three components of a supervision regime are explored: 1) the intensity of supervision, 2) the capacity of the regime to detect parolee deviance, and 3) the tolerance of parole officials for parolee deviance. We find that personal characteristics and offense histories are predictive of parole violations. However, we also find that introducing supervision factors reduces the effects of offense history variables on violation risk, suggesting that the violation risks of serious, violent, and sexual offenders are partially explainable through the heightened supervision to which they are subject. In addition, we find that supervision intensity and tolerance are generally predictive of violation risk. Capacity effects are present but weak. We conclude with a discussion of how the supervision regimes concept illuminates the gap between macro- and micro-analyses of social control.*

In recent years, parolee deviance has emerged as a central object of inquiry for criminologists and sociologists of law and punishment. This research attention is undoubtedly connected to the rapid, unprecedented rise in U.S. prison populations since 1980. "Mass incarceration" in America is increasingly a story of the readmission of parolees to prison for criminal and technical violations of parole (Clear, 2007; Garland, 2001a, 2001b; Gottschalk, 2006; Jacobsen, 2006; Lin, Grattet, and Petersilia, 2010; Mauer, 2006; Petersilia, 2009; Roberts, 2004; Useem and Piehl, 2008; Western, 2006).<sup>1</sup> For example, Beck (1999) estimated that 42.0 percent of the growth in total prison admissions between 1960 and 1999 was attributable to admissions from parole. This growth has produced mounting pressures on the capacities of existing correctional and parole systems and has resulted in a large portion of the parole population with criminal careers characterized by multiple prison spells and little hope for successful reentry (Blumstein and Beck, 2005). Explaining the dynamics of parole violation was a marginal issue when prison populations were smaller and more

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1. Importantly, parole returns are not the only driver of prison population crises like the one currently occurring in California. Sentencing reforms of the 1970s and 1980s, which expanded the use of mandatory sentences and increased sentence lengths, and the concurrent rise in new felony convictions from local courts are also critical contributors to the growth in prison populations.

parolees successfully completed parole without accruing violations. But this is no longer the case, and several scholars have begun to recognize the importance of accounting for parolee deviance (Chiricos et al., 2007; Kubrin and Stewart, 2006; Mears et al., 2008; Petersilia, 2009; Steen and Opsal, 2007; Travis, 2005; Wilson, 2005) and its relationship to the scale and scope of punishment in American society (Grattet, Petersilia, and Lin, 2008; Huebner and Bynum, 2006; Weidner, Frase, and Schultz, 2005).<sup>2</sup>

Parole violations have traditionally been explained through an analysis of individual-level risk factors associated with higher violation likelihoods, but rarely have researchers accounted for the role of supervision itself in violation patterns, even though theoretical and empirical work across a range of criminological topics suggests that the organization of social control is critical to explaining recidivism and deviance (e.g., Becker, 1963; Harcourt, 2007). In this study, we explain parole violations in California—the state with the largest parolee population—using several individual-level attributes typically associated with recidivism risk, and additionally, we introduce the empirically testable idea of a “supervision regime”—a legal and organizational structure that shapes the detection and reporting of parolee deviance. Three components of a supervision regime are delineated: the *intensity* of supervision over parolees, the *capacity* of the regime to detect parolee deviance, and the *tolerance* of parole officials for parolee deviance.

The concept of a supervision regime integrates several ideas from the societal reaction perspective to enhance traditional “individual risk” approaches to understanding parole violations. Deviant behaviors in a wide variety of arenas—especially criminal justice institutions—are frequently viewed through the lens of risk management (Feeley and Simon, 1992; Silver and Miller, 2002; Simon, 2005). Indeed, most research and policy attention to the subject of parolee deviance has been devoted to identifying risk factors such as offending history, age, cognitive orientations, and substance abuse that tend to be defined exclusively in individualistic terms (Harcourt, 2007). Actuarial risk assessment techniques now are used

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2. Throughout this article, we use the term “parolee deviance” rather than “parolee crime” or “recidivism” because not all violations of parole are, in fact, criminal offenses. Parolees can be cited and returned to custody for noncriminal administrative (i.e., “technical”) violations of parole, such as failing to report or follow instructions, drinking alcohol, or traveling outside a 50-mile radius of their home without permission. In addition, some parolees’ “criminal” violations may not result in conviction in criminal courts of law, where the standard of proof is higher and other procedural features make conviction and imprisonment more difficult. Violations of parole therefore cannot be considered equivalent to criminal offenses processed through courts. Thus, we use the more generic designation “parolee deviance.”

often to determine how intensively offenders should be supervised and to identify good candidates for rehabilitative intervention (Simon, 2005). They therefore represent a “working theory” of parolee behavior that enjoys wide support among academics and state officials.

However, the risk perspective has been subject to considerable criticism for individualizing and essentializing risk, as well as for relying on expert-driven, seemingly neutral management techniques to concentrate social control and surveillance on the underclass and, thus, to reproduce existing contours of socioeconomic disadvantage (Gaes and Camp, 2009; Harcourt, 2007; Litwack, 2001; Silver and Miller, 2002). Additionally, the focus on individual risk fails to consider the ways in which the system of supervision that surrounds parolees affects the likelihood that their violations will be detected and reported. In other words, it assumes that parolee behavior is separable from the social control system within which parolees are situated. Thus, this perspective ignores what societal reaction approaches to deviance and social control have argued for decades—that the official recording of deviance is a social production involving deviant behavior and the institutions of social control that react to that behavior (Becker, 1963; Goffman, 1963; Kitsuse, 1962; Kitsuse and Cicourel, 1963; Lemert, 1951). Rooted in these considerations, two interrelated research questions drive our analyses. First, how do indicators of individual risk and characteristics of parole supervision regimes combine to account for parole violations? Second, what aspects of parole supervision increase or lower the likelihood of violation reporting?

## PAST RESEARCH ON PAROLE VIOLATIONS

Several research traditions provide some insight into the question: “What predicts parole violations?” To start, we have decades-old literature on parole prediction instruments used since the 1930s to forecast the likelihood of recidivism among parolees (Harcourt, 2007). Prediction instruments typically rely on a range of predictors, from “static” factors like personal characteristics (i.e., age, race, gender, and criminal record) to “dynamic” factors like substance abuse, mental health problems, employment, and marital status (see Petersilia, 2009, for a review). Such factors have emerged as the lynchpins of conventional wisdom on the prediction of parole violations, especially criminal violations. Empirical research on relevant static factors informs the selection of the individual-level variables we employ in our analyses.<sup>3</sup>

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3. Beyond mental health designations, the California Department of Corrections and Rehabilitation (CDCR) did not capture other data relevant to assessing dynamic risk factors during the period of our study.

Beyond individual risk attributes, the ways that the institution of parole is organized may shape the violation reporting process. What we call a “supervision regime” represents the administrative dimension of the broader environment within which parolees are situated. The rationale for focusing explicitly on supervision derives from earlier work on societal reaction theory, which emphasizes the importance of organizational conditions and constraints in shaping the operation of social control agencies (Cicourel, 1976; Emerson, 1983; Kitsuse and Cicourel, 1963; McCleary, 1977, 1992), as well as other research that is not self-consciously grounded in this tradition (Blumstein et al., 1986; Lynch, 1999; Petersilia, 1998; Simon, 1993; Turner, Petersilia, and Deschenes, 1992). Some research acknowledges the effects of administrative processes on the reporting of criminal behavior, but it treats such effects as a “nuisance”—something that hinders valid measurement of criminal activity, rather than a subject worthy of theorizing in conjunction with theories and arguments more directly focused on accounting for individual behavior. Thus, our concept of a supervision regime is meant to integrate into a more holistic package several arguments that can be found in societal reaction and prior research in criminology on institutional behavior and the production of official statistics (Black, 1970; Kitsuse and Cicourel, 1963; McCleary, Nienstedt, and Erven, 1982; Varano et al., 2009).

A supervision regime refers to the formal organizational structures and informal cultural practices of the system of supervision to which parolees are subject. Some aspects of supervision regimes are fixed by law and policy. For example, California statutes require a parole period for all felons released from prison. In general, that period is from 1 to 3 years. Another policy mandates that parolees’ levels of supervision are to be derived from an assessment of criminal history, with specific attention given to whether prior offenses statutorily qualify as “serious,” “violent,” or sexual.<sup>4</sup> Different categories of offenders—specifically “Second Strikers” (individuals with two offenses qualifying as “strikes” under California’s Three Strikes law) and Sex Offender Registrants<sup>5</sup>—are provided with fewer program opportunities, frequently supervised on specialized caseloads, sometimes face residency restrictions, and when they violate, are subject to mandatory referral to the parole board. In other words, a defining feature of parole supervision in California is that it is primarily an “offense-based” system, as opposed to a “risk-based” system (California Department of Corrections and Rehabilitation, 2007). Because other states have a different mixture of these elements, the character of a supervision regime is a product of the

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4. “Serious” and “violent” offenses are defined statutorily in California Penal Code § 667.5 and § 1170.

5. Sex offenses that require registration are defined in California Penal Code § 290.

political and historical context of a given criminal justice system (Feeley and Simon, 1992).<sup>6</sup>

However, variability also exists within California—or any other jurisdiction—in how a supervision regime impacts the social control trajectory of a given parolee. The system's operational framework relies on bureaucratic actors situated within local offices to make discretionary interpretations that can be subject to subcultural professional norms, workload management pressures, and other resource constraints (Emerson, 1983; Lipsky, 1969, 1980; McCleary, 1992; Pontell, 1984). As mentioned, we suggest that three aspects of supervision regimes potentially affect decision making about parolees: 1) the *intensity* of the supervision regime, 2) its *capacity* to handle parolee deviance, and 3) the *tolerance* of parole officials for deviant behavior. Table 1 summarizes these key concepts and connects them to specific empirical measures that we use in our analyses.

## INTENSITY

Intensity refers to how closely and in what ways parolees are supervised. Some research on supervision practices has shown that the more intensively parolees are supervised, the more likely that they will be cited for violations (Kubrin and Stewart, 2006; Sirakaya, 2006). Petersilia and Turner's (1993) research on Intensive Supervision Probation and Parole (ISPs) programs, based on randomized experiments conducted in the 1980s, revealed that parolees given intensive supervision, but little by way of services and treatment, generated the highest rates of violations, compared with those supervised normally. Thus, a key finding from this research was that watching offenders more closely contributes to the detection of more misbehavior.

All parole supervision systems have variable levels and types of supervision. Typically, these are formalized into categories or supervision levels. California law specifies essentially three different supervision levels for its parolees: High, Medium, and Minimum.<sup>7</sup> During 2003–2004 (our study

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6. Others have described the historical and political factors that have shaped California's distinctive approach to parolees (see Petersilia, 1999, 2008; Simon, 1993). More broadly, Feeley and Simon's (1992) account of major philosophical and practical shifts in punishment that occurred in the late 20th century—described as a “new penology”—suggested that modern supervision regimes differ dramatically from past regimes.

7. The law requires that all High Supervision parolees have two face-to-face contacts with their parole agent per month, at least one drug test per month, and two collateral contacts (e.g., with family members, coworkers, or friends) once every 2 months. Medium Supervision parolees must have one face-to-face contact in residence every other month, two drug tests per quarter, and one collateral contact every 3 months. Minimum Supervision parolees must have one face-to-face or collateral contact every 4 months and no drug testing.

Table 1. Summary of Theoretical Variables and Empirical Measures

Variables	Definition	Population Summary
Parole Violation (Dependent Variable) Hazard of any violation	Based on the timing (since release from prison) of a given parolee's violations	49.0% of parolees had at least one violation during 2003–2004; 24.0% had more than one
Offense History Commitment offense	Most serious offense for which the parolee was most recently incarcerated: <ul style="list-style-type: none"><li>• Drug = Crime involved use, possession, sales, or trafficking of illegal drugs</li><li>• Violent = Crime involved violent behavior or the threat of violent behavior</li><li>• Property = Crime involved taking or damage to property</li><li>• Sexual = Crime involved sexual behavior or threat of sexual behavior</li><li>• Other = Miscellaneous other offenses including drunk driving and weapons offenses</li></ul>	35.1% 19.9% 29.3% 4.7% 10.0%
Number of violent priors	A parolee's number of prior commitment offenses defined by California Penal Code § 667.5 (c) as "violent offenses"	9.3% (have one or more)
Number of serious priors	A parolee's number of prior commitment offenses defined by California Penal Code § 1192.7 (c) as "serious offenses"	11.6% (have one or more)
Sex Offender Registrant	Parolee has committed an offense defined under California Penal Code § 290 (a) (2) as a sexual offense requiring registration with the California Sex Offender Registry	7.2%
Second/Third Striker	As per Proposition 184 (e.g., California Three Strikes Law), denotes a parolee who has accumulated two or more "serious" or "violent" felony convictions and who are eligible for a mandatory sentence of 25 years to life for their next felony conviction	13.6%
Age at first commitment	Parolee's age at the time of their first commitment to the California prison system	35.5 years
Personal Characteristics Black	Parolee is Black	26.1%

Table 1. Continued

Variables	Definition	Population Summary
Male	Parolee is male	89.5%
Age	Parolee is in one of three age categories: 18–29, 30–45, and more than 45	31.2 years (mean)
Mental health flag	Parolee has been diagnosed as having a mental health problem	21.1%
Supervision Regime		
Intensity		
Supervision level	The type and intensity of parole supervision based on specifications contained with departmental policy: <ul style="list-style-type: none"><li>• Minimum = No drug testing, monthly reporting via mail</li><li>• Medium = Two drug tests per quarter, one face-to-face meeting with parole agent every other month</li><li>• High = One drug test per month, one face-to-face meeting with parole agent every 2 weeks</li></ul>	24.1% 51.7% 24.3%
Capacity		
Workload points > 277 (above mean)	The percent of parolees with parole agents whose caseload points is greater than the average parole agent caseload	38.1%
Percent new cases	Percent of new cases on the parolee's parole agent's caseload in a given week	4.3%
New Parole Model policy announced	Policy announced the "New Parole Model" to field staff	Adopted 2-6-2004
Tolerance		
Female parole agent	Parolee's parole agent is female	29.9%
Black parole agent	Parolee's parole agent is Black	31.5%
Parole agent tenure	Number of years a parolee's parole agent has been on the job: <ul style="list-style-type: none"><li>• Less than 3</li><li>• 3 to 10</li><li>• More than 10</li></ul>	47.6% 32.9% 19.5% 82.6%
Parole agent prior employment in prison	The parolee's agent previously worked in prison	
Parole region	Region in which the parole unit is contained: <ul style="list-style-type: none"><li>• Region 1: San Francisco and East Bay counties</li><li>• Region 2: Central Valley and North Coast counties</li><li>• Region 3: Los Angeles County</li><li>• Region 4: San Diego and Southeastern counties</li></ul>	21.1% 19.6% 32.2% 27.1%



period), 24 percent of parolees were on High Supervision, 52 percent were on Medium Supervision, and 24 percent were on Minimum Supervision (see table 1).<sup>8</sup> By law, placing parolees into supervision categories is to be determined by the frequency and severity of offenders' prior and current commitment offenses—the same factors we have controlled for with our offense history measures.<sup>9</sup> Our empirical analysis of this dimension of the supervision regime therefore focuses on the effect of supervision on violation likelihood, holding constant relevant individual-level factors.

## CAPACITY

Capacity refers to the resources that facilitate supervision. These resources can be procedural or human. Capacity factors were noted by Lemert (1974) as a key part of his perspective on societal reaction to deviance, but they were not given much empirical consideration in early societal reaction research:

Among the objective influences on the societal reaction were noted technology, procedures, and limitation of agency personnel and resources. However these did not get much elaboration or application, save in the discussion of changing tolerances for crime (p. 458).<sup>10</sup>

Pontell (1984) further developed this idea in the 1980s with his argument that the criminal justice system's "capacity to punish" is integrally linked to the availability of the system's human and logistical resources (see also Pontell and Welsh, 1994). Here we consider two dimensions of capacity: human and procedural resources.

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8. Parolees' levels of supervision can change. Most commonly, parolees without any reported violations are periodically "stepped down" to lower levels of supervision. Thus, parolees in our study could have been supervised at different levels of intensity at different times. So when we say that "24 percent of parolees were on High Supervision," it actually means that 24 percent of *parolee-weeks* were on High Supervision.
  9. It is important to acknowledge that because of the discretion parole agents possess, supervision varies within these categories in ways that are not strictly derivable from the formal system. However, analyzing formal supervision categories nonetheless represents a proxy method for gauging the effects of intensity and serves as a suitable starting point for an investigation of intensity effects.
  10. As Lemert (1974) pointed out, technological resources, which we do not examine here, may also make it easier to detect, record, and process violations. Examining the ways in which developments like Electronic In-home Detention, Global Positioning System devices, breathalyzers, and urinalysis technologies increase detection and reporting of parolee deviance would be consistent with our hypotheses about the capacity dimension of supervision regimes.

## HUMAN RESOURCES

Human resources refer to the capacity of parole agents to supervise parolees. Attention to how human resources affect the decision making of social control agents has been most clearly articulated by Emerson (1983):

Many control agents, notably many social workers and probation and parole officers, organize their work around caseloads. In this respect, the focus of much of their routine decision-making is not so much the individual case as it is this larger set of cases for which they are organizationally and administratively responsible. One commonly observed consequence is that such agents must allocate time, energy, and other organizational resources on the basis of how they assess the demands and “needs” of any given case relative to the competing demands of other cases within the caseload (p. 426, emphasis added).

Lipsky (1980) also emphasized the centrality of caseload size and management in the decision making of frontline officials. Two key features of parole agent caseloads shape the ways they divide their attention to parolees and/or raise or lower the overall level of attention to their caseload: workload and turnover.

In the California parole system, workload is based on a point system in which the lowest level parolees are worth one point and the highest are worth three points. The number of parolees a given parole agent supervises thus varies by the composition of their caseload. According to their union contract, agents should carry caseloads of no more than 160 points. In practice, however, nearly all parole agents carry substantially more than 160 points. In fact, the mean number of points agents carried during 2003 and 2004 was 277. Thus, to test the hypothesis that larger caseloads diminish the capacity an agent has to supervise and detect violations among any individual parolee, we contrast agents with caseloads above and below the mean.<sup>11</sup> We also consider whether caseload effects differ depending on a parolee’s designated supervision level. It may be that capacity effects cause agents to focus their attention on higher risk parolees and away from lower risk parolees. In this way, capacity constraints may shape how supervision intensity is distributed across a parole agent’s caseload.

Caseload turnover presents a different problem for parole agents; it changes the composition of the caseload. In general, parolees exit caseloads

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11. We estimated several models with different measures of caseload pressure, including a continuous measure of caseload points and an alternative dichotomous measure contrasting agents with caseload points above and below 160. The performance of these measures was consistent with the dichotomous measure based on the mean of 277 points, which we will report in the subsequent discussion.

by being discharged from parole or by reimprisonment. New parolees coming onto an agent's caseload are typically fresh releases from prison and, in their first 180 days after release, at their highest risk for violations. Thus, a caseload made up of new parolees becomes a riskier caseload, demanding more effort and attention from the parole agent. Whereas caseload size likely lowers the risks of violation for parolees, greater caseload turnover would likely result in higher risks of violations.

#### PROCEDURAL RESOURCES

Procedural resources include laws or policies that facilitate or impede the capacity for the detection and reporting of violations. A significant amount of research on "symbolic law" suggests that policies and laws enacted at a high level tend not to influence the behavior of frontline officials (Bittner, 1990; Gusfield, 1963, 1967, 1968; Lipsky, 1980). With specific regard to parole decision making, McCleary (1977) concluded that "the organizational outcomes or labels that emerge from this process appear to have little bearing on the statutory goals of the DC [Department of Corrections]" (p. 588). However, recent research has suggested that the symbolic character of law can be tested empirically. In fact, the same law can have both instrumental and symbolic effects depending on local factors such as the attributes of the local enforcement agency and the environment within which the agency operates (Grattet and Jenness, 2008).

To test these possible effects, we examine the announcement of a "New Parole Model" from February 2004. This policy introduced three intermediate sanctions programs for parole violators (drug treatment, electronic monitoring, and a residential community reentry program) that were to be used in lieu of returning them to prison. The policy also involved the adoption of a "violation matrix" to standardize responses to violations. This matrix was meant to constrain parole agent discretion and promote consistent decision making within and across state parole units.

However, these changes were not forthcoming, and by spring 2005, the intermediate sanctions programs had been abandoned and the violation matrix had yet to be implemented. Thus, the New Parole Model was considered by many parole agents as a symbolic gesture—meant to signal to the legislature and other oversight agencies that the department was undertaking significant parole reform—that had no lasting consequences. Thus, we are interested, empirically, in how the policy's symbolic message was received by front-line parole agents and in hypothesizing three possible effects. First, if the policy changed the practices of parole agents through a "ratcheting" effect, then it may have increased capacity and, as a result, reported violations would have probably increased. In other words, because it aimed to formalize the parole process, we might expect that reduction

of discretion would require parole agents to report violations—particularly low-level violations—that they would have previously dealt with informally. However, the policy also could have had a “dampening” effect. That is, frontline agents could have increasingly suppressed the reporting of violations, preferring instead to use their discretion to handle more low-end violations informally. Finally, agents may have resisted the policy by simply ignoring it; in which case, it would have had no effect on the handling of parole violations. Any of these outcomes seem plausible given our understanding of parole agents and their attitudes toward state policy initiatives.

### TOLERANCE

Tolerance refers to the aspects of parole agents’ backgrounds that make them more or less likely to use formal sanctions to manage parolee deviance. Research on parole and probation agents consistently documents the high degree of discretion involved in violation reporting decisions (Dembo, 1972; Lynch, 1998; McCleary, 1992; Rudes, 2008). Beyond general guidelines for contact and the frequency of urine tests dictated by a parolee’s supervision level, parole agents have considerable control over how they deal with violations. For example, the most common kind of technical violation—absconding—can be reported when a parolee simply misses an appointment with a parole agent or service provider, or when a parolee has gone missing for a longer period of time. Similarly, if an agent wanted to subject a parolee to more than the specified number of urine tests, that agent would not be prevented from doing so. Thus, it seems that parole agents can themselves increase or decrease the levels of scrutiny to which their parolees are subject and that agents’ tolerance for violations may be affected by a range of personal and interpersonal factors. We therefore ask: Do certain attributes of parole agents increase or decrease tolerance for violation behavior?

### PRACTICAL KNOWLEDGE: TENURE, WORK EXPERIENCE, AND DEMOGRAPHICS

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

In our analyses, we also examine the race and gender of parole agents as they relate to violation likelihood. We hypothesize that Black parole agents will be, on average, more tolerant of parolee behavior. Black parole agents, like Blacks in American society more generally, are more likely to have friends, acquaintances, and relatives who have direct experience with the criminal justice system than other racial groups. As a result, Blacks generally have attitudes toward offending that are less punitive (Costelloe et al., 2002; Wilson and Dunham, 2001). We also hypothesize that male parole agents are typically more inclined toward a “law enforcement orientation” and therefore have generally higher rates of violations (Ireland and Berg, 2006).<sup>12</sup>

#### ORGANIZATIONAL CULTURE: PAROLE REGION

In addition to the practical experiences of parole agents, we routinely heard from parole officials that Los Angeles County (California Parole Region 3) was different from other parole regions in the state in terms of tolerance for violations.<sup>13</sup> Despite its location, which has some of the highest crime rates in the state, Los Angeles County has the lowest rates of parole violations. Parole officials tend to account for this difference by reference to an argument about organizational culture. They argue that because of the heightened prevalence of serious crime in Region 3, it has an organizational culture that is more tolerant, and that agents in this region do not focus as much on less serious violations. Parole agents in this region have “bigger fish to fry,” and thus, their overall violation rates are lower than those of agents from other regions. In other words, the administrative subculture of this region, which has originated from a particularly challenging community environment and distinctive parolee population, may shape how the laws and policies of the state are enacted locally.

## DATA AND METHODS

The data for this project are from the California Parole Study (Grattet, Petersilia, and Lin, 2008), a project funded by the National Institute of Justice to examine parole violations and revocations in California. The

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12. Race and gender are admittedly mere proxies for the aspects of tolerance described here. However, in the absence of more direct measures of agent's orientations, we take the approach that others have used in research on judging (see Johnson, 2006).

13. The California parole system is subdivided into four administrative regions. Region 1 includes San Francisco and the East Bay counties; Region 2 includes the Central Valley and North Coast counties; Region 3 comprises entirely Los Angeles County; and Region 4 includes San Diego and the counties in the southeastern part of the state.

data contain the records of all 254,468 individuals under parole supervision during 2003 and 2004, and it is the largest data set of its kind. These parolees were responsible for 296,958 violations. A total of 49 percent of parolees violated parole during 2003 and 2004 at least once, and 24 percent had multiple instances of parole violation.<sup>14</sup> Independent variables, derived from CDCR databases, include measures reflecting parolees' offending backgrounds and personal characteristics, assigned supervision levels and parole regions, as well as parole agents' demographic characteristics, employment experiences, and caseload details.<sup>15</sup>

To examine the factors that influence parole violations, we applied a Cox regression model, which combines a proportional hazards model with partial likelihood estimation (Cox, 1972). Cox models have become a standard approach in studies of recidivism (Benda, Toombs, and Peacock, 2002; DeJong, 1997; Hepburn and Albonetti, 1994; Langton et al., 2006; Schmidt and Witte, 1988, 1989).<sup>16</sup> Although they are referred to as "proportional hazard" models, Cox models can easily accommodate circumstances in which the assumption of proportionality is unmet (Allison, 1995; Singer and Willett, 2003). In our analyses, a proportional hazards test based on Schoenfeld residuals indicated that several individual variable effects were

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14. Here we must note that the analyses presented in the subsequent discussion focus on predicting "any violation" and do not disaggregate hazards by violation type. This is consistent with the goals of this article, which are to test for the effects of the supervision variables on parole violations in general. Analyzing how those effects might differ by type of violation is a worthy topic (see Steen and Opsal, 2007). However, that analysis would require a statistical model designed to deal with the problem of "competing risks." Instead we used a model that addresses two other problems common to recidivism research: the problem of "repeated events" in which some parolees are observed committing multiple violations over time and the problem of unobserved heterogeneity associated with the shared frailties of selected groups of parolees (see Box-Steffensmeier and Jones, 2004).

15. Parole agent data were compiled in 2005 (1 year after the parolee data). As a result, we were unable to link parole agent characteristics to parolee-weeks in 22 percent of the cases. The most likely reasons for missing data on parole agents are job turnover and data entry errors. Although the data entry errors are likely random, parolees whose agents had longer job tenure are probably more likely to be excluded from the analysis under listwise deletion. In separate analyses, not reported here but available on the California Digital Library's eScholarship Repository (<http://escholarship.org/uc/item/1fs8f1rg>), we employed multiple imputation to address this issue. The results were nearly identical to those we report here.

16. Typically, studies in this area discard multiple instances of parolee failure, focusing instead on the first instance. We choose to retain data on repeated violators. As such, because our data consist of repeated events, we report robust clustered standard errors based on the parolee's identification number.

nonproportional, as was the global test for the entire model.<sup>17</sup> Because nonproportionality can result from unobserved heterogeneity, we used a *shared frailty model* (Box-Steffensmeier and Jones, 2004). Shared frailty models assume that some or all of the nonproportionality is due to subgroups that are more vulnerable (i.e., more “frail”) relative to the events in question. Based on prior research that consistently shows that each additional spell of incarceration enhances the susceptibility of the parolee to violations, we used the number of prior prison returns to distinguish between groups that share common levels of vulnerability, which we refer to as a “return group.” The shared frailty hazard model is

$$h(t_{ij}) = h_0(t) \exp(\beta' \mathbf{x}_{ij} + \psi \mathbf{w}_i)$$

where  $h(t_{ij})$  represents the hazard rate for the  $j$ th individual within the  $i$ th return group;  $h_0(t)$  is the baseline hazard of a parole violation;  $\beta' \mathbf{x}_{ij}$  are the covariates hypothesized to lower or raise the hazard rate for individual parolees and a vector of parameters ( $\beta'$ ) expressing the magnitude of those effects; and  $\mathbf{w}_i$  represents a vector of frailties—where the eight return groups are defined by the number (0, 1, 2 . . . 7 or more) of returns to prison—and a coefficient  $\psi$  that captures how membership in return group  $i$  affects the shape of the hazard over time. If group differences do not exist, then  $\psi$  will be zero and the model reverts to a standard proportional hazards model. The shared frailty model is comparable in logic to a multilevel model where individuals are clustered within groups that share common and yet unmeasured influences and where the variance associated with those influences can be modeled as a random coefficient (Box-Steffensmeier and Jones, 2004; Hougaard, 2000).

## FINDINGS

Table 2 presents the effects of offense histories, personal characteristics, and supervision factors on the hazard of violation.<sup>18</sup> All offense history variables have significant effects, and several of these effects are large in magnitude. The commitment offense variables indicate that parolees who had

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17. We also constructed various interaction effects between time and the variables found to have nonproportional effects. The results were very similar (available at the California Digital Library's eScholarship Repository, <http://escholarship.org/uc/item/1fs8f1rg>). Here we report the effects without the time interactions, which are “a sort of average effect over the range of times observed in the data” (Allison, 1995: 155).

18. The shared frailty parameter  $\theta$  is significant in both models reported in table 2, which indicates that including it has removed unmeasured risk associated with parolees' membership in a return group.

**Table 2. Shared Frailty Cox Models of Parole Violations  
(Hazard Ratios Reported)**

Variables	(1) Hazard Ratio	95% CI	(2) Hazard Ratio	95% CI
Offense History				
Violent commitment offense	.880**	(.867, .893)	.809**	(.797, .822)
Property commitment offense	1.108**	(1.095, 1.121)	1.085**	(1.072, 1.098)
Sex offense	.730**	(.703, .758)	.667**	(.643, .692)
Other offense	.939**	(.922, .956)	.888**	(.871, .904)
Number of violent priors	1.005	(.996, 1.013)	.980**	(.971, .988)
Number of serious priors	1.005	(.997, 1.013)	.966**	(.957, .974)
Age at first commitment	1.016**	(1.015, 1.017)	1.017**	(1.016, 1.018)
Sex Offender Registrant	.973*	(.947, 1.000)	.863**	(.840, .887)
Second Striker	.947**	(.933, .962)	.915**	(.901, .929)
Personal Characteristics				
Black	1.097**	(1.086, 1.109)	1.111**	(1.099, 1.123)
Male	1.258**	(1.237, 1.279)	1.222**	(1.202, 1.242)
Age 18 – 30 release	1.533**	(1.508, 1.559)	1.504**	(1.480, 1.530)
Age 45 + release	.683**	(.670, .697)	.677**	(.664, .691)
Mental health flag	1.713**	(1.694, 1.731)	1.603**	(1.585, 1.620)
Supervision Regime				
Intensity				
Minimum Supervision level	—	—	.559**	(.547, .571)
High Supervision level	—	—	1.188**	(1.168, 1.207)
Capacity				
Workload points 277+ (above mean)	—	—	1.022**	(1.009, 1.035)
Percent new cases	—	—	.991**	(.990, .991)
New Parole Model policy announced	—	—	1.835**	(1.816, 1.854)
High workload points × High Supervision	—	—	1.019	(.997, 1.042)
High workload points × Minimum Supervision	—	—	.900**	(.869, .932)
Tolerance				
Male parole agent	—	—	1.008	(.996, 1.019)
Black parole agent	—	—	.964**	(.953, .975)
Parole agent tenure 3 – 10 years	—	—	.926**	(.915, .936)
Parole agent tenure 10 + years	—	—	.957**	(.944, .970)
Parole agent prior employment in prison	—	—	1.009	(.996, 1.023)
Region 1: Central Valley	—	—	1.111**	(1.095, 1.128)
Region 2: Central and North Coast	—	—	1.126**	(1.110, 1.142)
Region 4: San Diego area and Southeastern counties	—	—	1.084**	(1.069, 1.098)
<b>Goodness of Fit</b>	<b>(1)</b>		<b>(2)</b>	
Number of return groups	8		8	
Frailty parameter $\theta$	.21**		.20**	
SE $\theta$	.10		.10	
Observations	8,664,548		8,664,548	
Log likelihood	−1,861,942		−1,849,722	
<i>n</i> parameters	14		29	
Deviance = −2(LL <sub>1</sub> −LL <sub>2</sub> )	—		24,440**	

NOTES: Standard errors are in parentheses.

ABBREVIATIONS: CI = confidence interval; SE = standard error.

\**p* <.05; \*\**p* <.01.



last been incarcerated for property offenses pose the greatest risk to violate, followed by parolees committed for drug (the omitted category), violent, and sexual offenses. Parolees committed to prison for violent offenses have a 19.1 percent lower hazard of violation than drug offenders, and parolees committed for sexual offenses have a one-third lower risk than drug offenders. Individuals with greater numbers of prior violent convictions also have a lower hazard of violation. For each additional violent conviction, a parolee has a 2.0 percent lower hazard of violation. The number of serious convictions also lowers the hazard of violation by 3.4 percent per prior serious offense. Age at first commitment to the California prison system, which we included as a measure of an offender's onset of criminality, has a positive effect, indicating that each additional year increases the hazard of violation by 1.7 percent. This runs counter to conventional wisdom about onset—that offenders who begin their institutional careers earlier are more prone to deviant behavior as they age. Parolees labeled Sex Offender Registrants have a 13.7 percent lower hazard of violation than parolees without this designation, and Second Strikers also have an 8.5 percent lower hazard than non-Second Strikers.

Although criminologists who study recidivism are aware that indicators of violence, seriousness, or sexual offending frequently fail to predict increased risk of crime and deviance (Beck and Shipley, 1989; Klein and Caggiano, 1986; Langan and Levin, 2002; Schwaner, 1998), policy makers and the public, who often assume that the seriousness of a parolee's past behavior is positively correlated with risk, might be surprised to learn that markers of the seriousness of the offender's criminal history actually lower the risk of violation. In other words, the type of crime a parolee has been convicted of is indeed predictive of future bad behavior; however, it is drug and property—so-called low-level offenders—that pose heightened risks of violations. As we discussed, the supervision regime in California is highly focused on offenders who have committed legally defined serious, violent, or sexual offenses. Assigned levels of parole supervision are significantly influenced by these markers, as are program access and housing availability. Although these markers, and the priorities they reflect, conform to a “just deserts” philosophy of punishment by focusing on the offenders deemed to have committed the most heinous crimes, they do not accurately capture risk of parolee deviance.

The personal characteristics variables in table 2 also have effects. Controlling for their offense history, Black parolees have an 11.1 percent higher risk of violation than parolees of other races. Whether this disparity results from Black parolees being more likely to exhibit unmeasured risk factors, such as substance abuse, employability deficits or criminogenic cognitive orientations, or from bias by parole agents, is not knowable with these data.

The research literature suggests that both could be true (Bontrager, Bales, and Chiricos, 2005; Huebner and Bynum, 2008).

Age and gender also affect the hazard of violation. Male parolees have 22.2 percent higher risks of violations than females. The youngest parolees have the highest risk of violation, and the oldest parolees pose the lowest risk. In addition, parolees identified as having mental health needs, from those that are manageable with pharmaceutical drugs to those that have major difficulty functioning even with drugs, have 60.3 percent higher risks of violation. Research on mental health effects on recidivism has found varying effects of mental health on criminal behavior (Bonta, Law, and Hanson, 1998; Monahan, 2004). Some studies have suggested that certain types of mental illnesses, specifically psychopathy, lead to the greater risks of offending (Grann, Danesh, and Fazel, 2008; Laurell and Daderman, 2005). Others have suggested that increased risks, where they exist, may stem from the stigma of mental illness and the unpredictability social control agents attach to such offenders, which result in mentally ill offenders being more likely to be placed in custody than other kinds of offenders—often “for their own safety” (Bittner, 1967; Bonta, Law, and Hanson, 1998; Link et al., 1987). Indeed, parole agents in California receive little training in how to handle parolees with mental illnesses and tend to regard them as problem cases.

### SUPERVISION REGIMES EFFECTS

Before describing the specific effects of the supervision regimes variables, it is important to contrast the models with and without them. The deviance statistic shows that compared with the baseline model, adding the supervision variables significantly improves the model fit. In addition, several offense history effects shift downward, sometimes dramatically, with the inclusion of the supervision regimes variables. For example, the effects of violent or sexual commitment offenses, the number of violent and serious priors, and the effects of being a Second Striker or a Sex Offender Registrant all drop when supervision variables are included. For the number of serious and violent priors, the effect shifts from nonsignificance to being significant and negative. For the commitment offense variables, the drop ranges from 2.3 to 7.1 percent, and for Second Strikers, the drop is 3.2 percent. In the case of Sex Offender Registrants, the drop is 11.0 percent. The reported confidence intervals show that in all cases these decreases are statistically significant. This finding indicates that differences in supervision inflate the risks that offenders with serious, violent, and sexual prior offenses pose (which are already fairly low), and when supervision factors are controlled, the effects of offense history on risk of violation are reduced. In short, supervision seems to mediate, at least partially, the effects of offense history

on violation risk. Now we turn to an assessment of the particular aspects of supervision—intensity, capacity, and/or tolerance—that have independent effects on parolees' hazards of violation.

We find that supervision intensity increases the risk of violations, holding constant the offender's personal attributes, offense background, and other aspects of supervision to which they are subject. As we hypothesized, High Supervision parolees have an 18.8 percent higher risk of reported violations than Medium Supervision parolees. Moreover, Minimum Supervision parolees have approximately half the risk of violation as Medium Supervision parolees. This finding supports and elaborates Kubrin and Stewart's (2006) study of parolees in Oregon and Sirakaya's (2006) national study of felony probationers—both of which found that individuals supervised at high levels of intensity are more likely to be cited for violations. Our findings show that gradations of supervision intensity impact the risk of reported parole violations. They also reinforce a key finding of research on Intensive Supervision Programs (ISPs)—that increasing the intensity of supervision tends not to lessen the risk of violations (e.g., Petersilia and Turner, 1993).

The second dimension of the parole supervision regime we considered was its capacity. We found some evidence of capacity effects. Our measure of parole agent workload, which is based on parole agents' union contract and gauges the number and type (i.e., High, Medium, or Minimum levels of supervision) of parolees an agent carries, has a statistically significant, but miniscule, effect on the risk of violation. Part of the reason may be that parole agents' workloads are, on average, 173.1 percent of the union contract-specified point totals. Because agents routinely carry extremely large caseloads, nearly all are overburdened. In other words, it is difficult to detect the effects of the human resource capacities when the whole system is so overstrained. Similarly, we find little effect of caseload turnover as a 1.0 percent increase in parole agent caseload is associated with a mere .9 percent decrease in the hazard rate. This finding is consistent with our hypothesis that caseloads characterized by high turnover tend to be composed of riskier cases and are thus more likely to generate violations.

Regarding the effects of procedural resources, the policy change involving the introduction of the "New Parole Model" had a strong positive effect. After the policy was announced, parolees' overall risks of violation increased by 83.5 percent. The model promoted more uniformity of treatment of parole violations, and as a result, it seems that agents more readily violated parolees. Some caution may be warranted in relation to this finding, given that we cannot directly observe the process that we hypothesized and that the measure is a time dummy, which means that anything that changed in the aftermath of the policy announcement is subsumed in the effect. Nonetheless, the finding does provide some preliminary support for

the “ratcheting” hypothesis and invites elaboration on the ways that policies can shape how deviants are processed in social control organizations.

The third dimension of the parole supervision regime we considered was tolerance. Here we focused on measures of the tolerance of individual parole agents, as well as of the tolerance of particular administrative branches within the state’s parole system (i.e., parole regions). Consistent with our hypotheses, controlling for offense history, personal characteristics, supervision intensity, and supervision capacity, parolees with Black agents and agents with more than 3 years of experience all have lower risks of violations. Although significant, the effects of parole agent race and job tenure are not large. Parolees with Black agents have a 3.6 percent lower hazard of violation. Parolees supervised by agents with less than 3 years experience have a 7.4 percent higher risk of incurring a violation compared with parolees with agents who have between 3 and 10 years of tenure, and a 4.3 percent higher risk than parolees with agents that have more than 10 years on the job. However, contrary to expectations, we do not find that the gender of the parole agent or having a parole agent with prior prison employment experience increases the risk of violation. All of these measures are, of course, proxies for the ideological or professional orientations of agents. It seems likely that more direct measurement through survey data or some other kind of method might sharpen the interpretation of the modest effects that we observe.

The findings about regional effects on parole violations are supportive of the hypothesis that Region 3—Los Angeles County—is more tolerant of violations. Holding constant offense history, personal characteristics, and other aspects of supervision, parolees in Region 3 have an 8.4 percent lower risk of violation than parolees in Region 4 (San Diego and Southeastern counties), an 11.1 percent lower risk than parolees in Region 1 (the Central Valley), and a 12.6 percent lower risk than parolees in Region 2 (Central and North Coast). Of course, like agent characteristics and new parole policies, these regional variables are proxy measures, standing in for informal policies and practices that operate inside parole offices within each region. It would be preferable to measure those attributes more directly than is possible with region measured dichotomously. Thus, although these findings align with the theoretical expectations we outlined earlier, they call out for more direct measurement of the causal processes they indicate.

## SUMMARY AND DISCUSSION

The sources of and official responses to parole violations are an important topic in criminological research for two reasons. First, as parole violators come to represent a greater portion of the prison population, investigating the individual attributes and social contexts that generate violations is

crucial to understanding how microlevel behavior and decision making contribute to mass incarceration in America. Second, and more theoretically, parole violations provide an opportunity to conceptualize how individual risks and societal reactions interact to produce official records of deviance. The findings of our research have implications for both of these issues.

We found that the way in which supervision regimes touch down in the lives of parolees is dependent on how intensely the parolees are supervised, which in turn is shaped by their legal designation within particular classes of offenders (e.g., serious, violent, or sexual). Legal categories like “Second Striker” and “Sex Offender Registrant” (as well as “serious” and “violent”) are designations that are deeply embedded in the formal aspects of the parole system, which is designed to constrain local discretion by setting the level of intensity at which individual parolees are supervised. However, we find that part of the risk posed by serious, violent, and sexual offenders—which is already lower than other offenders—is a result of the way they are supervised, and once supervision is controlled, their risks of violation actually drop even more. In other words, differences in supervision intensity explain part of the risk parolees who occupy serious, violent, and sexual categories pose to violate.

Moreover, we find that controlling for offense histories, parolees supervised more intensively have greater risks of violation. These findings indicate that higher order legal and policy categories, which result from politics and law-making—and all of the cultural and institutional sources thereof—are linked to local practices of supervision and violation detection, and they are consistent with a supervision regime designed to be “offense based” rather than “risk based.” This is not the place to debate the wisdom of either approach. We only note that practices on the ground in California seem to be aligned with the prescriptions of the overarching supervision system that has evolved over decades of law and policy development.

However, the tolerance variables pull in a different direction and, thus, reveal a second important dimension of supervision regimes. If the first dimension encompasses elements of supervision regimes that bind local practices to a core institutional logic and produce homogeneity in the handling of violations, the tolerance variables show that the characteristics of agents and administrative subunits of the system seem to undermine that logic, producing individual and local variation, ratcheting the likelihood of detection and reporting up or down. Certain kinds of agents (i.e., Black and more experienced) tend to wield their discretion in ways that lower the risks of reported violations. Particular subunits of the system (i.e., Region 3 in Los Angeles) support a more relaxed attitude toward violations. These outcomes, in turn, are likely the product of alternative logics of parole agent practice, perhaps rooted in a privileging of professional norms (in the case of the parole agent characteristics) or local bureaucratic constraints (in the

case of Los Angeles County) over subservience to system pressures. Although we demonstrate the existence of local variation along the tolerance dimension, the specific sources of that variation cannot be identified with our data.

The broader implication is that supervision regimes are not monoliths with local conformity to a universally agreed upon institutional script. There is variability in local reception of the general script, and local actors are subject to other kinds of influences beyond those emanating from higher levels of the system. However, it is a mistake to interpret localization as somehow at odds with the supervision regime. The localizing dynamic is probably inevitable in all social control systems, as organizational and professional logics struggle to coexist with higher order mandates—as they do in health care systems, educational systems, and many others. Continued research and theory is needed to identify the sources of localization within social control regimes, as well as the factors that elicit the conformity of local actions to higher order laws and policies.

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