

Parole, Re-incarceration, and Desistance: Utah Parolees

Executive Summary

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This report summarizes the findings of the full report entitled: *Parole, Re-incarceration, and Desistance: Utah Parolees*. Many of the details of the full report are necessarily omitted in this summary, and the reader is encouraged to review the full report for greater explanation of the findings. The current study complements an earlier literature review and survey of Utah reentry practices¹ and is comprised of two parts. Part I provides a quantitative description for a cohort of Utah's parolees, describing their demographic backgrounds, criminal history, and programmatic factors that predict parole violations and new criminal offenses. Part II is a qualitative analysis of parolees' experience returning to the community after release from prison based on interviews with 50 Utah parolees.

Quantitative Summary

In order to define the cohort's characteristics, and factors that predicted parole revocation or new conviction (if applicable), the quantitative section of this report examined data from the Utah Bureau of Criminal Identification (BCI) and the Utah Department of Correction's O-Track system for the cohort of offenders paroled in Utah during 2010 and 2011 (N=3,389).

Demographics

The majority of offenders in the cohort were male and White. Most (63.4%) were supervised in Region Three (Salt Lake) upon release; regions one and two (Northern Utah) supervised the second largest group (22.7%). Region Four (Provo) supervised 6.1% of parolees, Region Five (Saint George) supervised 4.2%, and Region Six (Price) supervised 3.6%.

Pre-parole criminal history

The majority of offenders (54.2%) had six or more prior convictions, and almost all were felons (94.5%; where recorded in the BCI database). The most common categories of offenses were: dangerous drugs (59.4% of all parolees), larceny (45.5%), traffic crimes (39.3%), assault (34.1%), obstruction of police (30.0%), fraud (22.5%), and burglary (20.7%).

Risk

At the time of release, the majority of offenders was classified as high risk (57.2%) by the LSI-R risk and needs tool, while 33.9% were classified as moderate, 7.4% as low, and 1.5% as intensive. The average score for valid assessments (i.e., when less than five items were missing) was 24.4, with a median of 24.

¹ Sarver, C. M., Hickert, A. H., Hall, J. L., & Butters, R. P. (2013). *Prisoner reentry initiatives: Review of the literature and reentry in Utah*. Salt Lake City, UT: Utah Criminal Justice Center, University of Utah.

Special conditions and violations

The most common conditions of parole were special conditions related to drug or alcohol treatment or evaluation (76.6% of all offenders). The majority of offenders had special conditions requiring completion of other programming aimed at behavior modification or successful transition (56.5%). Almost 10% of the parolee cohort had special conditions for sex offenders; almost one-third had special conditions for mental health treatment or evaluation, and over one-fifth had special conditions for gangs (limiting associates).

The most commonly violated conditions were those related to compliance and those related to drugs and alcohol (which was also the most common condition). Of the cases that had a special condition for alcohol or drug treatment/evaluation, 63.7% committed a violation of the condition. Of those, 73.1% received a revocation and 75.0% received an alternative event. Violations of compliance conditions were the violations most likely to lead to revocations.

Offenders typically received alternative responses prior to receiving revocations for violations, receiving, on average, 1.2 alternative responses prior to a revocation. Of the 3,389 offenders in the cohort, 1,348 (39.8%) did not have a post-parole violation recorded.

Programming

Offenders were most likely to receive substance abuse programming or services, and successfully completed the programming 59.0% of the time. Vocational training was the service most likely to be completed successfully (72.0%), while educational programming (though rarely documented in the sample) was least likely to be completed successfully (19.4%). Across all services, outcomes indicated nearly half (48.0%) of offenders successfully completed a program in the two-year period pre-parole or during parole.

Revocation and new conviction

Of the 3,389 cases, 38.1% had no recorded revocations or convictions during the follow-up period, while 31.7% had revocations due to technical violations only (not including compliance violations related to new criminal activity), and 30.2% recidivated (new conviction). The most common maximum crime severity among recidivists was a third degree felony (18.9%), followed by a class A misdemeanor (8.0%), and a second degree felony (2.8%). The overwhelming majority of individuals did not recidivate during the minimum two-year follow-up period, and, hence, had no maximum crime severity (69.8%). In contrast to convictions pre-parole, person crimes were relatively less common among post-parole recidivists. Similar to pre-parole convictions, property and drug convictions were the most common post-parole. Post-parole property convictions were slightly more likely to be felony convictions, and post-parole drug convictions were nearly three times more likely to be felony convictions. Other convictions were relatively rare.

Predictive modeling of revocation and new conviction. In order to explore the factors that predict return to prison, multinominal regression analysis compared the no

events group to the revocations group and the new convictions group. The no events group was selected as the reference group because it allowed modeling of the factors that predicted successful re-entry compared to return to prison for either revocation or new conviction.

Being older at parole predicted a decreased likelihood of return to prison for either reason, and a higher number of days in prison prior to parole predicted a decreased likelihood of revocation, but not new conviction. Higher LSI-R domain scores on the criminal history, leisure and recreation, and attitudes/orientations domains predicted increased likelihood of return to prison for either reason, while higher scores on the education/employment domain predicted only an increased likelihood of revocation and higher scores on the family/marital domain predicted only an increased likelihood of new conviction.

Four criminal history variables were significant predictors of at least one of the multinomial outcomes. A prior obstruction of police conviction predicted higher likelihood of both revocation and new conviction. The number of violent offense convictions pre-parole was a significant predictor of revocation, but not new conviction. A higher number of property crimes and a prior larceny charge pre-parole were associated with an increased likelihood of new conviction, but not revocation.

Programming/treatment success or failure played a significant role in predicting both revocation and new conviction. Successful completion of a substance abuse program, a mental health program, or “other” programming were all associated with a reduction in the likelihood of return to prison for either reason. Successful completion of vocational programming was not associated with revocation, but was associated with a decreased likelihood of new conviction. Failing a vocational program, a cognitive skills program, “other” programming, or a sex offender program were all associated with an increased likelihood of return to prison for either reason.

Individuals who violated special conditions for alcohol or drugs were more likely to return to prison for either reason. For those who had special conditions for sex offenders, the likelihood of revocation was no greater than no event, but the conditions were associated with a reduced likelihood of recidivism. Violations of alcohol or drug conditions, compliance conditions, or “other” conditions that resulted in alternative sanctions were all associated with a return to prison for either reason.

Some important differences existed in the factors that predicted revocation or new conviction. It is important to consider that revocations can occur without new criminal activity; revocations can occur because behaviors observed by parole officers imply recidivism is likely to occur. Revocation, therefore, may reduce new convictions for some outcomes. The use of the term “reduce” (rather than prevent) is intended to emphasize an important distinction. Individuals who receive a revocation may or may not have recidivated, but they are temporarily precluded from doing so.

Time to first event, revocation, and new conviction. Ten percent of the population in this cohort had a first event (revocation or new conviction) within 8 weeks of

release, a revocation within 17 weeks, and a new conviction within 56 weeks (or just over one-year). The median survival time for first event was 65 weeks; that is, half of the cohort had either a revocation or new conviction within 65 weeks of release from prison.

Validity of revocation decisions. LSI-R total scores indicated the revocations group and the new convictions group had equally high (i.e., not significantly different) LSI-R total scores. Both groups also had significantly higher LSI-R total scores relative to the no event group, indicating that those who had parole revoked were of similar risk to recidivate relative to those who actually did recidivate, and were at significantly greater risk than the no event group.

A mediational model examined whether individuals who had higher LSI-R scores were having parole revoked more quickly (i.e., were given fewer alternative events prior to revocation). Results indicated that, regardless of LSI-R score, among those who returned to prison, offenders were given a nearly equal number of alternative events. Overall, despite Utah's high rate for revocation of parole, it appears that individuals who receive a revocation are those who are higher risk to recidivate (using the LSI-R as a proxy for risk of recidivism), and they are not given fewer opportunities in the form of alternative events prior to revocation.

Qualitative Summary

The qualitative portion of the study describes offenders' perception of factors that influenced their desire and ability to desist from criminal activity during incarceration and after release from prison. The sample (N=50) was comprised of a representative group of male prisoners, released to all five parole regions in the state, between January 2012 and August 2013. The majority of the sample reported lengthy prior involvement with the criminal justice system, averaging two incarceration episodes and six years of incarceration in the state prison(s). The majority (67%) had experienced at least one parole failure (not necessarily related to the current sentence). Partially as a function of this extensive criminal justice involvement, most interviewees identified significant deficits in terms of human, social, and financial capital.

Characterizing the release experience

One-third of offenders had nowhere to live, upon release, and was released to a halfway house/community correction center (CCC). For many, the location of the halfway house was geographically distant from their family, which made it difficult to access meaningful instrumental and emotional support. This isolation was exacerbated by standard CCC rules, which restrict access to cell phones and automobiles. In terms of employment, parolees felt ambivalent about getting a job in a community in which they did not want to live for the long-term. Many offenders experienced difficulty finding employment while on parole. One means for circumventing this difficulty was through pre-prison relationships with friends or former employers. As such, residing far from family and community would appear to threaten, or at least prolong, offenders' reintegration efforts.

Among offenders who did have somewhere to live at release, they most commonly resided with their parents. Within this sample, immediate families were the primary—and often only—source of support for parolees. Those family relationships, however, were notably strained by repeated episodes of criminal offending and incarceration. Many offenders identified their time in prison as a period when they and their families were open to repairing those relationships; lack of resources, however, makes it difficult for prisoners to have frequent contact with their families through phone or visitation. This may partially explain the anxiety many offenders expressed during the weeks prior to release with respect to expected support from family.

Motivation and efforts to desist from criminal offending

Moment of change. Overwhelmingly, offenders in this sample identified that being incarcerated was a catalyst that made them want to change their lives. Many also felt that prison provided support and opportunities to develop skills that would allow them to make the changes they wanted to make. These results confirm other research suggesting that incarceration is often conceptualized by prisoners as a transformative moment. The high failure rate on parole, however, indicates that the desire to change is not sufficient to create long-term, sustained change. In part, offenders felt that the impact of incarceration served to undermine change efforts as much as it fostered them because they were immersed in a culture that required them to rely on manipulation and aggression to survive. While the majority of younger offenders were confident in their ability to change, only half of older offenders expressed greater belief that they would succeed than that they would fail. Among all age groups, offenders expressed substantial ambivalence that they would be able to keep themselves from being re-incarcerated. This ambivalence stemmed from a history of relapse, an inability to imagine a crime-free life, and tenuous connections to social support and employment opportunities that supported those changes.

Agency. Having a sense of agency—operationalized as hope or confidence in one's ability to enact intended change—increases offenders' motivation and ability to sustain change efforts. When looking at parolees who were in the community at the time of the interview (n=33), the average length on parole was 16 months. Given that everyone in the sample was released between January 2012 and August 2013, this appears to demonstrate that a substantial portion of the sample had successfully capitalized on the transformation processes that began in prison. For this sub-group, the transition from prison to the community is an important time; interventions targeted to this population could focus, in part, on enhancing motivation for desistance through tangible support, fostering positive relationships, and creating moments that reinforce positive change. The results of the qualitative portion of this study suggest that family and employers are an important source of 'experiences that reinforce positive change.' Placement far from those support systems may threaten offenders' confidence in their ability to sustain change that started in prison. Within the current sample, parole violations often served as an opportunity to address and correct behaviors, which increased both motivation and agency. This suggests, for some offenders, that violating incidents can be conceptualized as an opportunity to enhance parolees' ability to succeed in the community.

For another sub-group in the sample, incarceration was less clearly linked to the desire for positive change. While all offenders expressed a strong desire to get out of prison and never return, a minority planned to avoid re-incarceration through evasion (e.g., not get caught rather than not commit crimes). In contrast, a portion of offenders who were ambivalent about change identified themselves as having chronic substance abuse problems. Even though the vast majority of the sample received some form of treatment in prison, many worried about relapsing prior to release and a portion continued to struggle with substance use in the community. For this group, prison-based interventions may be more successful if targeted toward enhancing offenders' sense of self-efficacy with respect to the possibility of change. In particular, the agency of this sub-group may be enhanced by release to community-based, substance abuse, therapeutic communities that build on the work of prison-based programs. Inciardi, Martin, Butzin, Hooper, and Harrison² (1997) found stronger positive results for prison-based therapeutic communities when they included a mandatory aftercare component.

Alternative selves. The desistance process involves the formulation of a new identity, one which is incompatible with reoffending. This non-offending identity emerged out of the current data in three ways: 1) offenders who identified a sense of their "real self," that was separate from offending behavior; 2) offenders who described a "possible self" that they believed they could, or wanted to, become; and 3) offenders who identified a "feared self" that they worried about becoming if they did not change. The majority of interviewees made a distinction between their 'real' identity and their criminal behavior. Offenders who expressed no intention to change, however, were somewhat stagnant with respect to movement away from an offending identity or toward a non-offending identity. Given that the no change group largely consisted of incarcerated offenders, this may reflect the difficulty of imagining a different and non-offending self while in prison. In addition, the feared self may actually be amplified in an institutional setting as a means of survival. Many offenders noted that the coping strategies that helped them survive in prison were the same qualities that would get them returned to prison once they were released.

For the offenders with a strong sense of a possible self, progress toward those goals often increased their confidence in the ability to make meaningful identity change. Particular attention to offenders' goals—in combination with individualized interventions to assist offenders in actualizing those goals—may increase desistance rates for offenders with a strong sense of a possible, non-offending future.

Regret and stigma. In some studies, expressions of regret for criminal behavior among prisoners are associated with a reduced likelihood of recidivating. In the current study, expressions of regret were only evident among offenders who had identified a moment of change. This may indicate that regret stems from, rather than precedes, the intention to change; once they decided to be different, offenders may have been more open to reviewing and acknowledging the harm they had done to others. Regret was most

² Inciardi, J. A., Martin, S. S., Butzin, C. A., Hooper, R. M., & Harrison, L. D. (1997). An effective model of prison-based treatment for drug-involved offenders. *Journal of Drug Issues, 27*(2), 261-278.

common among offenders who had returned to prison once since the index parole. This 'first failure' may serve as specific motivation to change for a group who, upon release, expected that they would be able to reintegrate successfully.

Stigma can influence recidivism in both negative and positive ways. When stigma is perceived to be permanently attached to identity, offenders may feel powerless or defiant and thereby not try to quit offending or intentionally keep offending. In contrast, stigma can encourage desistance if offenders feel they are able to express remorse and subsequently be reintegrated into society. Overwhelmingly, interviewees identified experiencing stigma and characterized it as durable. This sense of fatalism seemed to increase with more failure events, as half of offenders with no returns identified stigma as durable while all of the offenders with multiple returns felt that it was permanent. While stigma can function as an incentive to adopt a non-criminal identity, research suggests it can also have the opposite effect if it is perceived to be immutable. Many offenders in this sample identified relationships and contexts wherein they did not feel stigmatized; interventions and particularly interactions with parole officers should be structured to enhance parolees' sense that they are accountable for their crimes but not doomed to a life labeled as a criminal.