



# Division of Corrections



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## Parole Revocation Profile 2002 - 2005

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From 2002 to 2005, 1044 West Virginia Division of Corrections (WVDOC) parolees have had their parole revoked by the WV Parole Board and were subsequently sent back to prison for either a Technical Violation or due to a New Felony conviction. This process is referred to as a "Revocation." During that four-year span the number of revocations increased by 43.5%, from 225 in 2002, to 323 in 2005. This report looks at several of the aspects surrounding revocations and the offender whose parole was revoked.

Data presented in this report was collected from Parole Revocation Orders for the years 2002 through 2005, inmate master cards, and through the use of the WVDOC Inmate Management Information System (IMIS).

### REVOCATION HEARING DATA

After a Parole Officer has referred a parolee to the WV Parole Board for a recommended revocation, three possible outcomes could occur. The parolee could be revoked and sent back

### Significant Findings

- The rate of Revocations as a Percent of Parole Caseload Closures reached an eleven year high in 2005, at 40%.
- 54.1% of all Revocations in 2005 occurred within the first twelve months of parole.
- The average Revoked Parolee has six to seven Technical Violations Prior to Revocation.
- 90.6% of all Revocations are a result of Technical Violations.
- Drug and Alcohol violations have risen steadily amongst those who have been revoked.
- "Safe Behavior" Violations have risen 96% since 2002.

to prison, the parolee could be reinstated to parole, or the hearing could be cancelled. Table 1 shows the breakdown of Revocation Hearings held by the WV Parole Board from 2002 through 2005.

With exception to year 2004, the numbers of those "reinstated" and "cancelled" remained stable over the four-year period. The number of "revoked" rose from 241 in 2004, to 323 in 2005, however the percentage of those revoked during that time period actually fell from 94.8% to 92.2%, a 2.6% decrease. Demonstrating that although the total number of revocation hear-

ings has increased the percentages of those revoked have remained very close.

Parole Revocations are traditionally broken down into two categories: Technical and New Felony. Technical Parole violations are based on violations of the conditions of parole, which are set forth by law, violations of the standard rules of parole, set forth by the WVDOC, or violations of any special conditions set forth by the WV Parole Board or a Parole Officer. A New Felony Parole Revocation is when a parolee is revoked as a result of a conviction for an entirely new crime.

Please note that it is possible for a parolee, revoked for a Technical Violation, to have a felony charge or conviction pending in court at the time of

Table 1: Outcomes of Revocation Hearings from 2002 through 2005

Hearing Outcome	2002	2003	2004	2005	Totals:
Reinstated	23	22	12	24	81
Cancelled	3	2	1	3	9
Revoked	225	255	241	323	1044
Totals:	251	279	254	350	1134

their Revocation Hearing. Only those whom have been convicted and found guilty of a felony, and whose revocation is a result of a New Felony Violation have been counted under the “New Felony” section of the report. If they have a pending felony violation and are revoked as a result of technical violations, then they are reported under “Technical Violation” section, as guilt has not been established pertaining to their felony charge.

When looking at revocations by type, again the four-year trend shows little change by percent. Going from nineteen “New Felony” revocations in 2004, to thirty-three “New Felony” revocations in 2005 might cause some concern. However, by percentage of total revocations per year, the number of “New Felony” revocations rose only 1% in 2005. From 2004 to 2005 there was no single crime that rose by more than two convictions, as the distribution remained steady throughout. There will be more discussion of “New Felony” revocations later in this paper.

## CLOSER LOOK AT VIOLATIONS

Each DOC inmate who is released on parole is expected to adhere to a body of rules and regulations set forth by law, the WV Parole Board, and the Parole Officer (see appendixes A and B). The three main sets of regulations that a parolee must follow are referred to as Conditions (set forth by law), Standard Rules (set forth by DOC), and Special Conditions (set forth by Parole Board or Parole Officer).

### Condition Violations

The greatest numbers of Condition offenses are “Condition 1” offenses; those that, “Violate any criminal laws of this or any state or of the United States.” The data shows that 2003 had the greatest amount of these types of violations with seventy-four. In 2005,

Offense	2002	2003	2004	2005	Totals:
Condition1	54	74	53	65	246
Condition2	14	11	7	10	42
Condition3	2	0	0	0	2
Condition4	0	1	0	0	1
Totals:	70	86	60	75	291

Offense	2002	2003	2004	2005	Totals:
A - Report	2	4	0	3	9
B - Leave Supervision	64	53	77	59	253
C1 - Residence	81	85	89	119	374
C2 - Employment	19	26	18	28	91
D - Maintain Employment	19	24	30	29	102
E - Safe Behavior	126	113	102	200	541
F - Firearms/Unlawful Weapon	21	15	10	22	68
G1 - Report after Arrested	37	40	37	39	153
G2 - Report after questioned	22	14	19	46	101
H1 - Complete report	107	84	64	104	359
H2 - Truthful report	9	10	13	22	54
I - Report to Parole Officer	200	162	152	233	747
J Drugs/alcohol	436	416	500	550	1902
K - Obey Law	62	61	51	60	234
L - Special requirement	32	40	44	42	158
M - Supervision Fee	69	76	66	99	310
N - Live with Minor/Victim Contact	0	0	2	12	14
O - Sex offend. Reg.	0	0	1	2	3
P1 - PO visit residence	0	0	0	4	4
P2 - PO visit employment	0	0	0	0	0
Q - PO search	0	0	0	0	0
Totals:	1306	1223	1275	1673	5477

the number of violations was also above average with sixty-five violations.

“Condition 2” states that parolees are, “Not [to] leave the State of West Virginia without the permission of the Commissioner of Corrections or an authorized agent.” The highest amount of violations (14) in this category was during 2002. There was little change throughout the studied period in the number of “Condition 2” violations, with an average of 10.5 per year and 10 violations in 2005.

“Condition 3” maintains that parolees must comply with all rules and regulations set forth by the Commissioner of Corrections or an authorized agent. “Condition 4” states that parolees arrested in another state must waive

extradition. “Conditions Three and Four” had only a total of three violations during the four-year period, with two “Condition 3” violations in 2002, and one “Condition 4” violation in 2003.

### Standard Rules Violations

The Standard Rules encompass the most common type of violation. Over the four-year period there was a total of 5,477 standard rule violations committed by those revoked. The least amount of violations (1,223) occurred in 2003, and the greatest amount (1,673) in 2005. This staggering increase can be attributed to steady and, in some cases, drastic increases in a number of sub-categories.

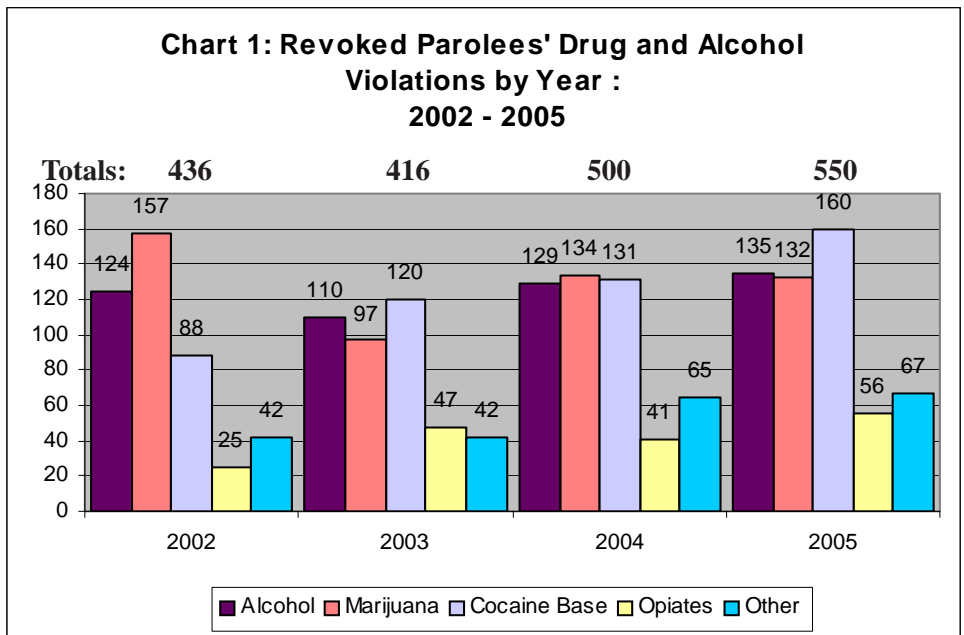
Categories exhibiting a steady increase include: “C1-Residence” with an av-

erage yearly increase of 14.2%, “H2-Truthful Report” averaging an increase of 36.6% per year, and “J-Drugs/Alcohol” with an average yearly increase of 8.5%.

Calendar year 2005 saw drastic increases in such categories as “E-Safe Behavior” (96% increase), “G2-Report after Questioned” (142% increase). “H1-Complete Report” (up 69%) and “I-Report to Parole Officer” (up 53%) both had increases in 2005, following two years of steady decline.

“Chart 1” shows drug and alcohol violations by type for each of the years studied. Of the twelve categories, eight reached or surpassed their four-year highs in 2005. Of the 550 violations in 2005, 160 (29%) were due to the use of cocaine-based drugs. Cocaine based drugs averaged a 22.5% increase per year since 2002, and has had the greatest increase in numbers of all categories. Alcohol and marijuana are the second and third most violated categories with, respectively, 135 (24.5%) and 132 (24%) of all violations in 2005. “Heroin” had its first violations in 2005, with a total of four violations. “Methadone” reached its four-year high in 2004 with eleven, and only reported two violations in 2005. Total drug violations have been on the incline since 2003, and have averaged 25.6% increase from 2002 to 2005.

Important to note is that in 2001, there were changes made to the Standard Rules. Parolees were given twenty-four hours to report to their parole officers after being arrested or questioned by law enforcement, while previously they had seventy-two hours. Rules requiring the parolee to report in person to a parole officer are now category “I”, while before it was grouped with rule “H.” Alcohol is now included into the Standard Rules. Before, regulations pertaining to alcohol were “Special Conditions.” And two



new rules were formed, “P” and “Q,” which allow a parole officer to visit the parolee’s residence and place of employment and to search without warrant the parolee’s person, residence, and motor vehicle.

**Special Conditions**

The Special Condition violations that were most common were: “Curfew,” “Misc. Counseling,” “Drug Counseling,” and “No Contact.” “Curfew,” had a total of two hundred eighty-nine vio-

lations from 2002 to 2005, with ninety-nine (34.2%) of those occurring in 2005.

The “No Contact” condition restricts contact with minors, known felons, and other persons with whom the parolee is to stay away from. This does not include the victim, as “No Victim Contact” is its own category. “No Contact” also had its four-year high in 2005, with a total of thirty-three violations, up 94% from 2004.

Special Conditions	2002	2003	2004	2005	Totals:
Alcohol Counseling	2	1	12	4	19
County Bar	5	4	10	2	21
Curfew	36	82	72	99	289
Drug Counseling	29	12	23	35	99
Electronic Monitoring Fee	0	9	5	7	21
Geographical Bar	0	6	7	4	17
Misc Counseling	25	25	35	29	114
NA/AA	16	22	9	19	66
No Checking Account	0	0	0	1	1
No Contact	13	29	17	33	92
No Electronic Equipment	4	0	0	1	5
No Illicit Substance	0	0	3	0	3
No Victim Contact	0	0	2	10	12
Obtain GED	1	0	3	0	4
Pay Restitution	2	3	1	4	10
Public Drinking Places	11	12	13	13	49
Sex Offender Counseling	1	0	0	5	6
Tampering with Elec. Monitor	0	6	7	4	17
<b>Totals:</b>	<b>145</b>	<b>211</b>	<b>219</b>	<b>270</b>	<b>845</b>

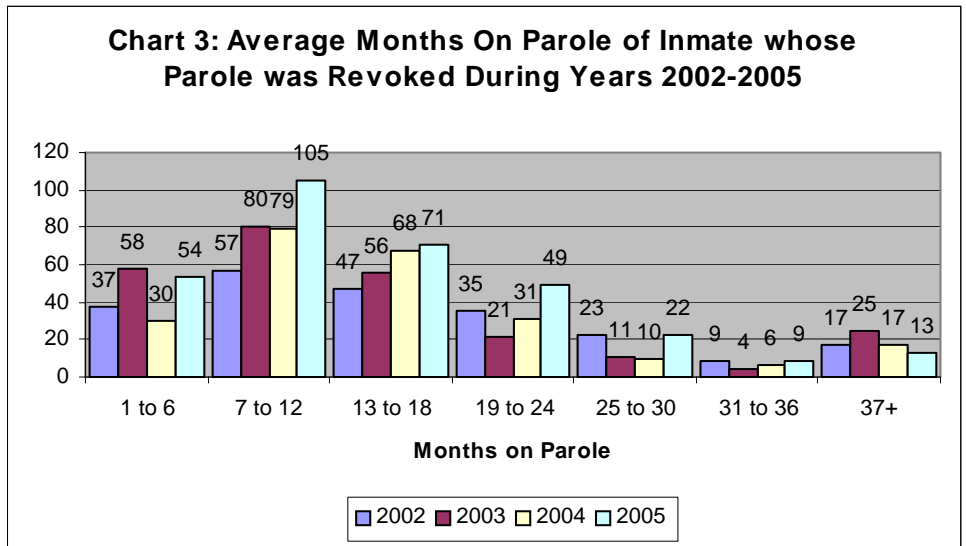
While “Curfew” violations made up a great majority of the infractions, there was one area that had a slightly larger count, counseling. Although no one type of counseling violation had a major impact, if you grouped them all together (alcohol, drug, misc., NA/AA, and sex offender) you would find that they represent 35.9% of all Special Condition violations during the study with a total of three-hundred four.

It should be noted that Electronic Monitoring systems were not used in 2002, which means that there could be no violations in categories “EM Fee” or “Tampering with EM” until 2003.

### Parole History Data

Over the course of the study the average number of violations for all 1,044 revocations was 6.32. The average of each year was within .5 of this mean. Showing little disparity year-to-year. The average number of violations resulting in a revocation was highest in 2002 with 6.75, and lowest in 2003 with 5.94.

While the yearly number of both violations and revocations have increased during the course of this study, so have the number of parolees. “Chart 4” shows an increase in the parole caseload of 345 from 2002 to 2005.



There is slightly more variance when looking at the number of months spent on parole prior to revocation. In 2002, we see the longest average amount of time on parole with 17.31 months. And, in 2005, we have the shortest length of time with 15.42 months. The difference amounts to approximately fifty-nine days, or, nearly two months. Data shows that of all parolees who have had their parole revoked, 47.8% of the revocations will occur within the first twelve months. In 2003, that average was at a four-year high with 54.1% of all revocations occurring within the first twelve months of parole.

An important factor in comparing the length of time on parole is the fact that

most parolees can discharge their parole after one year. Inmates sentenced to life must stay on parole for a minimum of five years after their release from prison. Another way to extend the parole length is to abscond from parole supervision, in such a case the parolee would be revoked whenever apprehended.

Another factor is what institution these inmates were originally paroled from. Note that because of the backlog of DOC inmates in County/Regional Jails, it is possible for an inmate to be paroled from jail before he or she is moved to a DOC institution.

From 2002 through 2004 the number of parolees revoked remain relatively constant, and the distribution of those revoked remained fairly steady by institution with a few exceptions. Therefore, in 2005 one would expect that the increase of revocations would be distributed similarly amongst the institutions; this is not the case. When comparing data from 2005 to the previous three years, Huttonsville Correctional Center (HCC) appears to have made a large jump in 2005, however by percentage the number only rose 0.7% from 2004 to 2005. The other large paroling institution, St. Mary’s Correctional Center (SMCC), saw their numbers rise steadily throughout the four years representing 16% of revoked

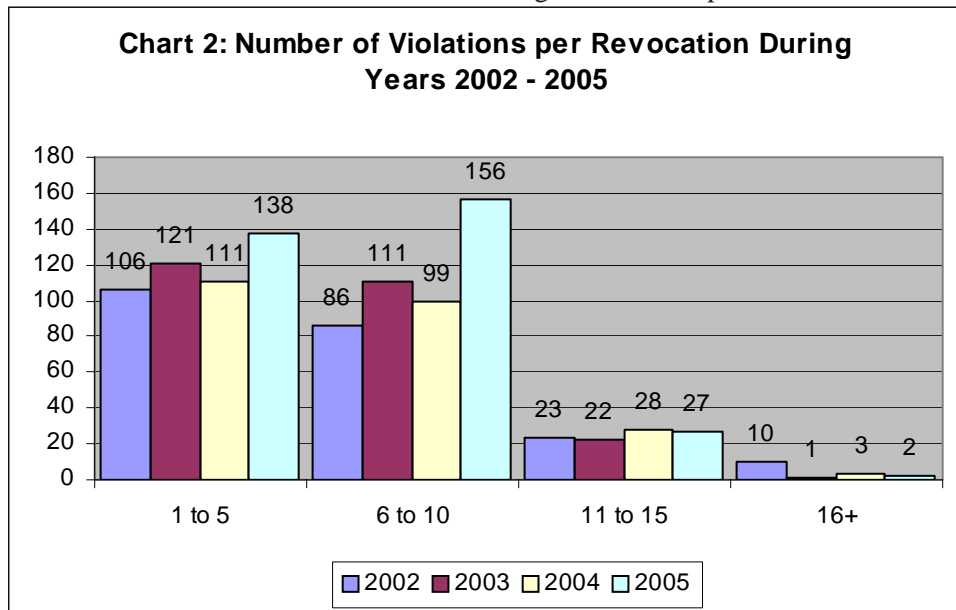


Table 5: Revocations by Paroling Institution, 2002 - 2005

Institution	2002	2003	2004	2005	Totals:
Anthony	1	1	2	0	4
Beckley	4	3	3	7	17
CWRC	13	18	14	25	70
Denmar	17	20	13	12	62
Huttonsville	65	66	61	84	276
HWRC	14	18	21	21	74
Lakin	0	2	12	10	24
McDowell	0	2	3	16	21
Mt. Olive	12	11	16	16	55
Northern	7	8	4	10	29
Ohio County	2	3	0	1	6
Pruntytown	47	44	38	41	170
St. Mary's	36	52	51	79	218
WV State	0	1	0	0	1
Reg. Jail	4	2	2	1	9
Federal	3	4	1	0	8
Totals:	225	255	241	323	1044

parolees' paroling institution in 2002 to 24% in 2005.

During 2002, inmates located in McDowell County Correctional Center (MCCC) were not parole eligible and Lakin Correctional Center (LCC) was not yet operational.

When looking at Parole Violators as a percent of prison commitments, one finds that by percentage their representation in prison remains steady with their caseload numbers during the

course of this study. As the number of parolees increased, so did the percent of violators committed to prison. Similarly, when one of those numbers fell, the other did as well.

### Original and New Crime Data

The nature of a parolees' original crime can be a strong factor in his or her recidivism. So, it is important to know what type of offender the parolees that were revoked from 2002 to 2005 were.

Revoked parolees profiled in this section are counted by their most serious offense and are represented only once. Data in this section represent only the most serious original offense of those whose parole has been revoked and do not represent crime trends during that time period.

In 2002 and 2005, the most common original crime was from the "Drug Crimes" category. "Burglary" was the most common crime of those revoked in 2003, and also tied "Drug Crimes" for the highest in 2004. "Burglary" and "Drug Crimes" represent 33.6% of all the original crimes during the course of this study.

Table 6: Revocation Original Crimes Data

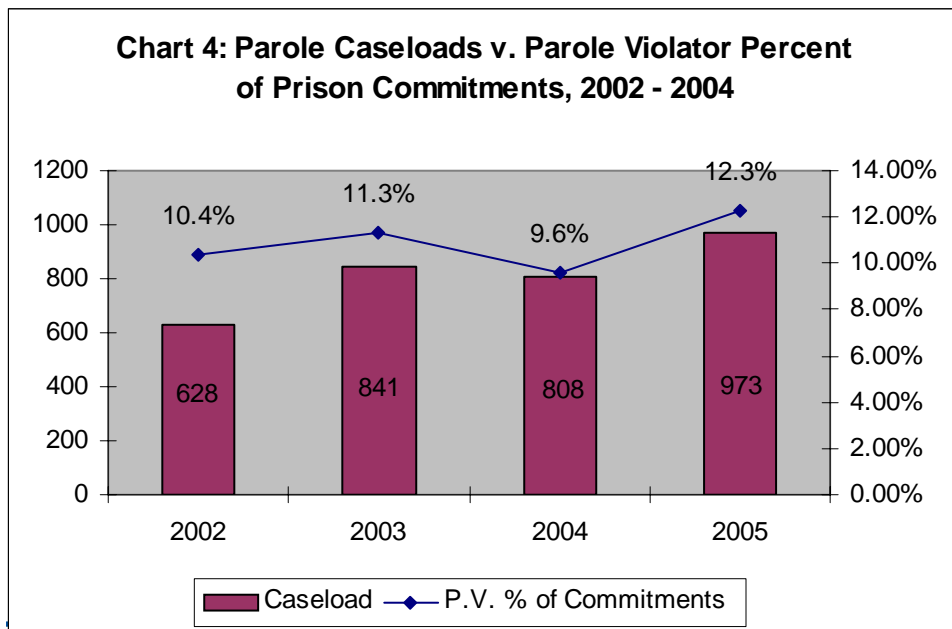
Crime	2002	2003	2004	2005	Totals:
Arson	4	2	1	4	11
Assault	11	5	13	15	44
B & E	34	31	24	40	129
Burglary	27	44	40	52	163
Child Abuse	1	0	2	5	8
Conspiracy	6	9	4	9	28
Domestic Vio.	2	1	5	5	13
Drug Crime	42	43	40	63	188
DUI	8	12	8	5	33
Escape	0	0	1	1	2
Fleeing	3	4	5	5	17
Forg./Uttering	21	29	23	27	100
Fraud	0	7	9	11	27
Grand Larceny	23	22	24	19	88
Homicide	5	6	4	3	18
Kidnapping	1	1	2	1	5
Misc. Codes	0	1	3	1	5
Pay Child Sup.	0	0	1	1	2
Robbery	17	24	14	29	84
Sex Crime	9	3	4	9	25
Shoplifting	6	7	5	8	26
Stolen Property	1	4	4	5	14
Wanton Endang.	4	0	5	5	14
Totals:	225	255	241	323	1044

Other common original crimes were "Breaking and Entering," "Forgery/Uttering," "Grand Larceny," and "Robbery." The majority of original crimes (42.1%) are "Crimes Against Property." However, comparing the averages of 2002 through 2004 with 2005 the rates of growth for categories "Crimes Against the Person"(55.5%) and "Drug Crimes"(53.8%) were more than "Property Crimes" (28.6%).

During the span of this study ninety-eight revocations were a result of a "New Felony." This figure represents a yearly average of 9.27% of all revocations.

There is a noticeable relationship seen when comparing the original crimes of those who have had their parole revoked with revocations that were a result of a "New Felony."

Chart 4: Parole Caseloads v. Parole Violator Percent of Prison Commitments, 2002 - 2004



Crime	2002	2003	2004	2005	Totals:
Arson	1	0	0	1	2
Assault	2	0	1	0	3
B & E	0	2	2	2	6
Burglary	3	7	0	1	11
Conspiracy	1	0	0	2	3
Destructive Dev.	0	0	0	1	1
Domestic Vio.	0	1	0	0	1
Drug Crime	4	0	5	5	14
DUI	1	2	0	1	4
Fleeing	0	0	1	0	1
Forg./Uttering	2	2	1	3	8
Fraud	0	1	2	1	4
Grand Larceny	1	1	1	2	5
Homicide	1	1	0	1	3
Kidnapping	0	0	0	1	1
Misc. Codes	0	1	0	0	1
Poss. Firearm	3	0	1	2	6
Reg. Sex Off.	0	0	0	2	2
Robbery	0	4	3	3	10
Sex Crime	1	0	1	1	3
Shoplifting	0	1	0	1	2
Stolen Property	1	1	1	3	6
Wanton Endang.	0	1	0	0	1
Totals:	21	25	19	33	98

between "New Felony" revocation and original crime is with "Drug Crimes" with a 62.5% interrelationship.

### Profile of Revoked Parolee: 2002-2005

The typical offender whose parole was revoked during the time period 2002 through 2005 would likely have committed a property crime as their original offense, would have been on parole just over sixteen months during which they would have been written up for six to seven technical violations for which they were revoked. Of their violations, the majority with condition offenses would be "Condition 1" offenses; those with standard rules violations would likely be a "Drug/alcohol" offense; and of all the special condition violations they would most likely either have violated one pertaining to counseling or curfew. And it would be expected that the offender paroled from SMCC, PCC, or HCC.

Those who have had their parole revoked due to a "New Felony" have a 46.5% likelihood of their "New Felony" crime category matching their "Original Crime" category. The crime category where we see the lowest amount of correlation is with "Crimes Against the Person" with 29.4% of "New Felony Revocations" matching the same category. The closest match

### Parole Revocation Orders

The vast majority of data used in this study came directly from Parole Revocation Orders.

WVDOC Parole Officers are responsible for supervising parolees. Part of that responsibility is to record any vio-

lation of parole. In this area, the Parole Officer has some discretion. Not only will the Parole Officer decide whether or not to formally charge the parolee with a violation, but also into which category that violation will be placed. For example, if a parolee tests positive for cocaine, the Parole Officer has a decision to make. That parolee has violated rules E, J, K, and L of the Standard Rules, and the "No Illicit Substance" rule of the Special Conditions. While most common would be for the parolee to be charged in violation of Standard Rule J, they could also be written up in violation of a different regulation or both. For the purpose of this study, each individual violation was counted.

### Historical Trends

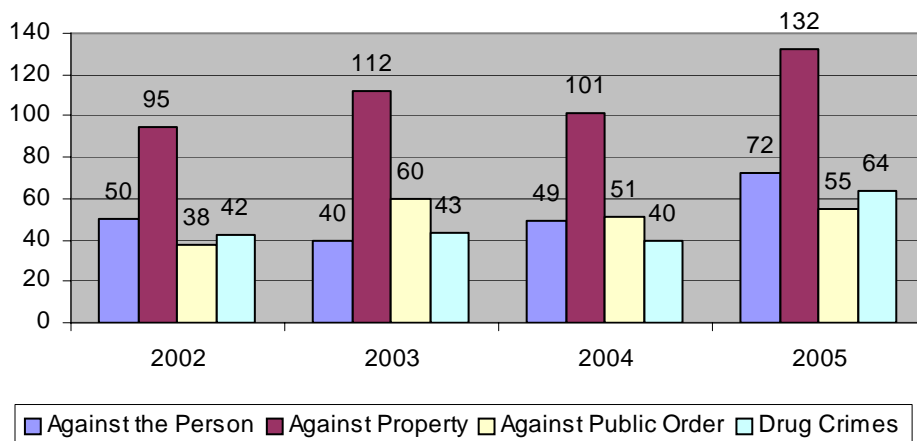
In order to compare the Parole Revocation trends in WV to those of other states, an analysis of data contained in numerous Bureau of Justice reports, as well as the WVDOC Office of Research and Planning report "Parole Revocation Profile 1998 & 1999" was conducted.

The Bureau of Justice Statistics computes revocation rates as percentages of Parole Caseload Closures, i.e. the number of clients leaving parole supervision during the calendar year.

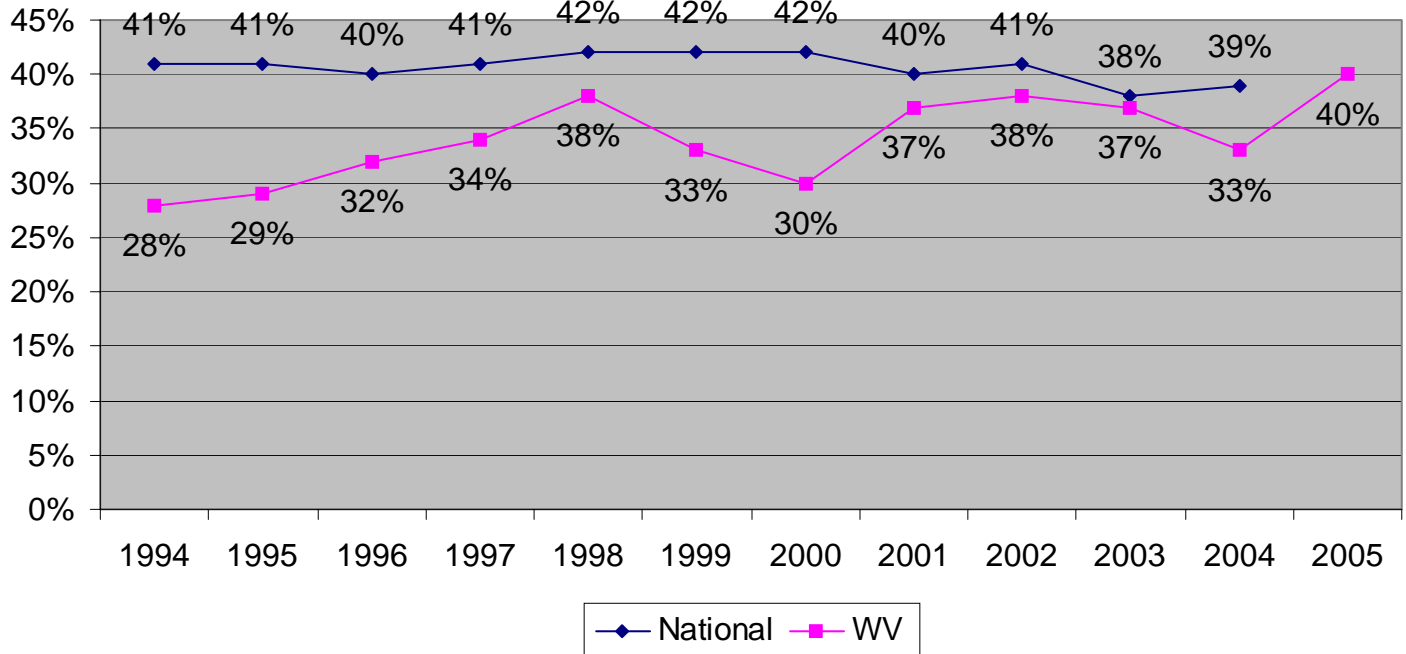
The national revocation rate has remained relatively steady over the past ten years with an average of 41%. The national rate peaked from 1998 to 2000, with 42%. And, in 2003 the national rate was at a ten year low at 38%.

Over the past eleven years West Virginia averaged a 34% revocation rate with it's low, 28%, occurring in 1994. With exception to 2004, the past five years have held steady, averaging 37%. In 2005, the rate reached it's high of 40%. The "National" data for year 2005 has not yet been released.

Chart 5: Revoked Parolee's Original Crime by Category During Years 2002 - 2005



**Chart 6: Revocations as a Percent of Parole Caseload Closures: West Virginia and National Trends from 1994 - 2005**



## ACKNOWLEDGMENTS

This report was the result of an ongoing study started in 2005 and was the work of the West Virginia Division of Corrections Office of Research and Planning located at:

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## Appendix A

### RULES AND REGULATIONS

#### Initials

2.1 All parolees supervised by the parole authorities of the West Virginia Division of Corrections shall be required to execute a statement that he or she understands the following conditions and agrees to abide by them.

- a. When released, you must proceed directly to the place to which you have been paroled to report to your parole officer within 24 hours unless otherwise instructed.
- b. You are to have written permission of your parole officer before you leave the prescribed area of supervision to which you are paroled. Your prescribed area of supervision is: \_\_\_\_\_, \_\_\_\_\_.
- c. You are to notify your parole officer of any changes of residence or employment prior to those changes taking place so that any changes may be reviewed for supervision suitability.
- d. You are required to have suitable employment, remain gainfully employed, and support any dependants to the best of your ability.
- e. You are required to maintain behavior that does not threaten the safety of yourself or others or that could result in imprisonment.
- f. You must not own, carry, or possess firearms or unlawful weapons of any kind.
- g. You must report within 24 hours to your parole officer each time you are arrested or questioned by officers of any law enforcement agency.
- h. Between the first and tenth of each month, you must make a complete and truthful written report to your parole officer of your previous month's activities on forms provided by your parole officer.
- i. You must report in person as directed by your parole officer.
- j. You must not possess, use, or have in your possession any illegal drugs, paraphernalia or alcohol for consumption.
- k. You shall not violate any municipal ordinances or laws of this state, any other state, or the United States.
- l. You will abide by any special written requirements imposed upon you by your parole officer.
- m. You must pay a monthly (beginning the month after your release on parole) supervision fee of \$20 per month by certified check or money order no later than the 5<sup>th</sup> of each month to the Division of Corrections Supervision Fund, Building 4 Room 300, 112 California Avenue, Charleston, WV 25305. If circumstances warrant, you may apply for an exemption or reduction of the fee through you parole officer to the Director, Parole Services, Division of Corrections, 112 California Avenue, Charleston, WV 25305.
- n. If being paroled from an offense against a child as defined in WV Code 61-8-12, 61-8B-1 (et. seq) or 61-8D-1 (et. seq) or similar convictions from other jurisdictions, you shall not live in the same residence as any minor child, visit with any minor child, or have contact with the victim of the offense.
- o. If being paroled from a sexual offense, you must register with the Department of Public Safety as a sex offender within 3 days of release in accordance with WV Code 15-12.
- p. You shall allow your parole officer to visit your place of residence or employment for supervision purposes without obstruction.
- q. You shall submit to a search without warrant of your person, place of residency or motor vehicle by your parole officer for supervision purposes at any time during the parole period.



## Appendix B

### Conditions

- #1: Not violate any criminal laws of this or any state or of the United States.
- #2: Not leave the State of West Virginia without the written permission of the Commissioner of Corrections or an authorized agent.
- #3: Comply with and abide by all the rules and regulations prescribed by the Commissioner of Corrections or an authorized agent.
- #4: If arrested in another state during the period of parole, I must waive extradition and will not resist being returned by order of the West Virginia Division of Corrections.

### Special Conditions

**Curfew:** violating set curfew.

**County Bar:** banned from certain county.

**Geographical Bar:** banned from certain area.

**Alcohol Counseling:** must attend Alcohol Counseling.

**Misc Counseling:** must attend other counseling.

**Drug Counseling:** must attend Drug Counseling.

**No Victim Contact:** cannot have contact with victim.

**No Use of Alcohol:** cannot use alcohol.

**Sex Offender Coun.:** must attend Sex Offender Counseling

**Public Drinking Places:** banned from Public Drinking places.

**Excessive Use of Alcohol:** cannot excessively use alcohol.

**No Electronic Equip. :** cannot possess Pagers, Cellphones, etc.

**Obtain GED:** must obtain GED.

**Pay Restitution:** must pay victim restitution of a certain amount.

**No Checking Account:** cannot maintain a checking account.

**No Co-Defendant Contact:** cannot have contact with Co-Def.

**No Illicit Substance:** cannot possess any Illicit substance.

**First Sign of Alcohol Use:** At the first sign of Alcohol use the parolee will be violated and brought before the Parole Board, regardless of the number of other violations.

**Provide Telephone #:** the parolee must provide a valid telephone number to the parole officer.