



Division of Corrections



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Parole Revocation Profile 1998 & 1999

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In 1998 a total of 216 DOC parolees had their parole revoked by the WV Parole Board and were sent back to prison for either technical violations or because of a new felony conviction. During the next year, 1999, the number revoked rose slightly to 221. This report profiles DOC parolees revoked by the WV Parole Board during 1998 and 1999.

The data presented in this report was collected from Parole Revocation orders for the years of 1998/99 and from DOC inmate records.

REVOCATION HEARING DATA

After a Parole Officer has referred a parolee to the WV Parole Board for recommended revocation, three possible outcomes could occur. The parolee could be revoked and sent back 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 during 1998 and 1999.

The data reveals that the percentage revoked during both years stayed virtually the same at 86.7% revoked in 1998 compared to 87.3% in 1999.

SIGNIFICANT FINDINGS

- The most frequently violated Special Rules (26.5%) or Special Conditions (38%) for parolees revoked during 1998 and 1999 were alcohol or drug related (See page 2).
- 39% of parolees revoked during 1998 and 1999 had at least one Class I Rule Violation (Most serious violation type) while in prison (See page 6).
- 32% of parolees revoked during 1998 and 38% of parolees revoked in 1999 had been on parole at least once before (See page 6).
- 27% of parolees revoked during 1998 and 1999 had been convicted of a felony while on either their current parole period or a previous one (See page 7).

Table 1: Revocation Hearings, 1998 & 99

Hearing Outcome	1998	1999
Reinstated	28	29
Cancelled	5	3
Revoked	216	221
Totals	249	253

Parole revocations are traditionally broken down into two categories: Technical or New Felony. A Technical Parole Revocation is 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 DOC, 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 a entirely new felony.

Please note that it is possible for a parolee, revoked for Technical Violations, to have a felony charge or conviction pending in court at the time of their Revocation Hearing. Table 2 details the breakdown of those revoked during 1998 and 1999 by Revocation Type.

The data shows that the majority of those revoked during 1998 (90%) and 1999 (93%) were sent back to prison for technical violations of their parole rules or conditions.

Table 2: Parolees Revoked by Type, 1998 & 99.

Revocation Type	1998	1999
Technical	195	206
New Felony	21	15
Totals	216	221

PAROLEE HISTORY DATA

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. 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).

Tables 3, 4, and 5 show the total violations of these regulations by parolees who were revoked during 1998 and 1999. See Page 3 of this report for regulation definitions.

Table 3: Conditions Violations by type, 1998 & 99.

Condition #	1998	1999
Condition #1	59	32
Condition #2	16	40
Condition #3	0	0
Condition #4	0	0
Totals	75	72

The most frequently violated Condition during 1998 was #1 while the most frequently violated Condition during 1999 was #2. The data also shows that the total number of Condition violations stayed about the same over the two year period. Note that no parolees revoked during 1998 and 1999 were cited for violating Conditions 3 or 4.

The data shown in Table 4 reveals that 28% of Standard Rule violations by parolees who were revoked during 1998 were violations of Rule I and 25% of violations by parolees who were revoked during 1999 were violations of Rule I. The next most frequently violated Standard Rule was Rule H which accounted for 23% of

Table 4: Standard Rules Violations by type, 1998 & 99.

Standard Rule	1998	1999
A	5	2
B	53	68
C Residence	57	85
C Employment	16	21
D	13	16
E	69	105
F Firearm	6	6
F Unlawful Weapon	4	7
G Arrested	46	37
G Questioned	20	52
H No Report	68	66
H False Report	10	15
H Not Reporting	128	124
H Incomplete Report	0	1
I Drugs	251	243
I Drug Paraphernalia	3	1
J	65	69
K	23	24
L	0	1
M	1	4
N	67	61
Totals	905	1008

violations in 1998 and 21% of violations in 1999.

Please note that it is possible to violate a Standard Rule in more than one way; for this reason some of the rules are split into segments in Table 4 (See Page 3 for rule definitions).

Table 5 shows that the most frequently violated Special Condition for those revoked during 1998 was No Use of Alcohol, which made up 44% of the total followed by Curfew violations which made up 26% of the total.

The most frequently violated Special Condition for those revoked during 1999 was Curfew violations, making up 38% of the total followed by No Use of Alcohol which made up 32% of the total.

Table 5: Special Conditions Violations by type, 1998 & 99.

Special Conditions	1998	1999
Curfew	89	137
County Bar	3	3
Geographical Bar	0	2
Alcohol Counseling	27	14
Misc Counseling	4	2
Drug Counseling	40	57
No Victim Contact	0	0
No Use of Alcohol	152	115
Sex Offender Coun.	0	2
Public Drinking		
Places	19	18
No Excessive Use of		
Alcohol	2	3
No Electronic Equip.	2	1
Obtain GED	0	0
Pay Restitution	1	3
No Checking Account	0	0
No Co-Defendant		
Contact	1	0
No Illicit Substance	1	3
First Sign of Alcohol	2	1
Provide Telephone #	0	1
Totals	343	362

Because Special Conditions are set by the Parole Board and Parole Officers with wide discretion the list of regulations in Table 5 is not necessarily comprehensive. All violations are accounted for, but some Special Conditions may have been set on the parolees revoked during 1998 & 99 that are not represented on the table.

The set of regulations with the most violations during both of the years covered in this study was Standard Rules. Standard Rule violations made up 69% of the total violations analyzed in the study, with Special Condition violations comprising 26% and Condition violations making up the remaining 5%.

REGULATION DEFINITIONS

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.

Standard Rules

Note: Bold words refer to subsections of a rule as shown in Table 4.

- A. When released, you must proceed directly to the place to which you have been paroled and 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.
- C. You are to notify your parole officer of any changes of **residence** or **employment** within 72 hours.
- D. You are required to have suitable employment, remain gainfully employed, and support any dependents 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 72 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 and **report in person** as directed by your parole officer.
- I. You are not to possess, use, or have in your possession any illegal **drugs**, or drug **paraphernalia**.
- J. You shall not violate any municipal ordinances or laws of this state, any other state, or the United States.
- K. You will abide by any special written requirements imposed upon you by your parole officer.
- L. 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 61-8F-2.
- M. If being paroled from an offense against a child 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.
- N. You must pay a monthly supervision fee of \$20 per month by certified check or money order.

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.

The average number of violations for those parolees who were revoked in 1998 was 6.1. For those revoked in 1999 the average number of violations was 6.5. Table 6 shows the number violations revoked parolees had in 1998 & 99.

Table 6: Revoked Parolees Violations, 1998 & 99.


# of Violations	1998	1999
1-5 Violations	100	110
6-10 Violations	94	82
11-15 Violations	17	18
More Than 15	5	11
Totals	216	221

In addition to understanding what technical rules were violated by those revoked during 1998 & 1999, it is also important to know how long these parolees are staying on parole before they are sent back to prison. Table 7 shows the length of time those revoked during 1998 and 1999 stayed on parole before being revoked.

Table 7: Time on parole before revocation, 1998 & 1999.

Time before Hearing	1998	1999
1-6 Months	49	53
7-12 Months	66	69
13-18 Months	44	48
19-24 Months	21	18
25-30 Months	21	12
31-36 Months	7	6
Over Three Years	8	15
Totals	216	221

ACKNOWLEDGMENTS



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The data shows that for those revoked in 1998 53% were revoked within one year after starting on parole while among those revoked during 1999 55% were revoked within one year. The overall average length of time on parole for those revoked in 1998 was 14 months and the average for those revoked in 1999 was 15 months.

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. Table 8 shows the institution that the revoked parolees were 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.

Table 8: Paroling Institution, 1998 & 99.

Institution	1998	1999
Anthony	2	0
Beckley	23	8
Charleston Work Release	18	13
Denmar	22	19
Huttonsville	66	88
Huntington Work Release	10	11
MT. Olive	18	22
Northern	11	13
Pruntytown	38	31
St. Marys	-	5
County Jails	1	0
Regional Jails	7	11
Totals	216	221

For both the parolees revoked in 1998 and for those revoked in 1999 the most common releasing facility was HCC followed by PCC. Both of these facilities house medium/minimum security offenders that are often parole eligible after one year in prison.

ORIGINAL CRIME DATA

Because the nature of a parolees' original crime can be a strong factor in his or her recidivism, it is important to know what type of offender the parolees that were revoked in 1998 and 1999 were.

Revoked parolees profiled in this section are counted by their most serious offense and are represented only once. Table 9 shows the revoked parolees original crime categories.

Table 9: Original Crime by Category, 1998 & 99.

Crime Category	1998	1999
Against the Person	50	48
Against Property	67	106
Against Public Order	75	36
Drug Crimes	24	31
Totals	216	221

The most common original crime for those revoked in 1998 was Breaking & Entering (32 parolees) while for those revoked in 1999 it was Grand Larceny (35 parolees). The largest category for the revocations in 1998 was Crimes Against Public Order, making up 35% of the total. For revocations in 1999, Crimes Against Property was the largest category with 48% of the total.

Table 10 shows the revoked parolees original crimes by each crime.

Table 10: Original Crime by Crime, 1998 & 99.

Crime	1998	1999
Agg. Robbery	22	21
Arson	5	1
B & E	32	32
Burglary	17	22
Child Abuse	1	2
Conspiracy	5	3
Domestic Violence	0	3
Drug Crime	24	31
DUI	15	9
Embezzlement	0	1
Escape	3	3
Forgery/Uttering	19	17
Fraud	6	3
Grand Larceny	24	35
Kidnapping	4	0
Malicious Assault	12	7
Murder	8	8
Not Pay Child Sup.	1	1
Obstruction	1	0
Sex Crime	3	4
Shoplifting	5	7
Stalking	0	1
Stolen Property	8	8
Wanton Endanger.	0	2
Worthless Checks	1	0
Totals	217	221

The following table illustrates the original counties of commitment for those parolees revoked during 1998 and 1999. The table lists the four most common counties for both years. The most common county for parolees revoked during 1998 was Cabell County which made up 13% of the total. Parolees revoked during 1999 were most commonly sentenced from Kanawha County (10% of total).

Table 11: County of Commitment, 1998 & 99.

County	1998	1999
Cabell	29	15
Kanawha	16	21
Mercer	25	20
Wood	16	16
Other	130	149
Totals	216	221

PRISON RULE VIOLATION HISTORY

One of the most important issues for the Parole Board when considering an inmate for parole is how that inmate behaved in prison. Prison rule violation could also be a factor is a parolee's chance for revocation.

Prison rules are divided into Class I, Class II, and Class III infractions, Class I being the most serious.

The tables below detail the average number of rule violations and the type of rule violations committed by parolees who were revoked in 1998 and 1999.

Table 12 shows the average number of prison rule violations by class that each parolee who was revoked during 1998 and 1999 had while they were in prison.

Table 12: Average Rule Violations by Class, 1998 & 99.

Average Violations	1998	1999
Class I	1	1
Class II	2.1	2.1

As shown, the average number of violations stayed constant over the two years of the study suggesting that the Parole Board only grants parole to those offenders who have a low incidence of violations as one would expect.

Table 13 details the number of Class I violations committed during their prison stay by the parolees revoked during 1998 and 1999.

As shown, the majority of parolees in both 1998 (61%) and in 1999 (61%) had no Class I violations during their stay in prison.

Table 13: Class I Prison Rule Violations, 1998 & 99.

Class I Violations	1998	1999
0 Violations	132	135
1 Violation	38	42
2-5 Violations	37	37
Over 5 Violations	9	7
Totals	216	221

Table 14 details the number of Class II violations committed during their prison stay by the parolees revoked during 1998 and 1999.

Table 14: Class II Prison Rule Violations, 1998 & 99.

Class II Violations	1998	1999
0 Violations	109	114
1 Violation	37	28
2-5 Violations	47	47
Over 5 Violations	23	32
Totals	216	221

As illustrated in Table 14 the bulk of the parolees during 1998 (50%) and 1999 (52%) committed no Class II violations during their stay in prison.

The fact that about 61% of parolees revoked during 1998 or 1999 had no Class I violations and only approximately 51% of parolees revoked during 1998 and 1999 had no violations

PRISON RULE DEFINITIONS

- **Class I** violations include such things as: Escape, Assault, Possession of Weapons, Drug Use, and other similar violations.
- **Class II** violations include infractions like: Insubordination, Threats, Fighting, Contraband, etc.
- **Class III** violations are generally minor infractions such as Littering, and Improper Sanitation; and are not included in the statistics presented in this report.

shows that the Parole Board has been slightly more lenient when dealing with Class II violations over Class I violations when determining parole suitability.

CRIMINAL HISTORY

As criminal history is a strong factor affecting an offender's chance at parole it is important to examine the data on those revoked during 1998 and 1999. The tables below highlight this information.

Table 15 shows the number of prior felonies for which the parolees revoked during 1998 and 1999 had been convicted. Note that this data includes the crime(s) for which the parolee was on parole at the time of their revocation.

Table 15: # of Prior Felonies, 1998 & 99.

# of Felonies	1998	1999
1 Prior	80	88
2 Priors	63	48
3-5 Priors	63	67
Over 5 Priors	10	18
Totals	216	221

The data shows that the largest category is 1 Prior felony (37% for 1998 and 40% for 1999), meaning that the parolee had no felony convictions prior to the felony for which he was paroled.

Table 16 details the number of prior Misdemeanors for which the parolees

revoked during 1998 and 1999 had been convicted.

The data shows that the largest category is 1 Prior Misdemeanor, making up 32% of the total for 1998 revocations and 38% of 1999 revocations.

Table 16: Prior Misdemeanors, 1998 & 99.

# of Misdemeanors	1998	1999
0 Prior	69	85
1 Prior	34	34
2 Priors	39	23
3-5 Priors	37	40
6-10 Priors	23	27
Over 10 Priors	14	12
Totals	216	221

Table 17 shows the number of prior paroles which the parolees revoked during 1998 and 1999 have served. Note that these figures do not include the parole for which the parolee was revoked during 1998 and 1999. The number of times an offender has been paroled and returned before is a major factor in future parole suitability.

Table 17: # of Prior Paroles, 1998 & 99.

# of Prior Paroles	1998	1999
0 Prior	146	137
1 Prior	58	59
2 Priors	8	15
3 Priors	3	8
4 Priors	0	2
5 Priors	1	0
Totals	216	221

The data shows that the largest category is 0 Prior Paroles, making up 68% of the total in 1998 and 62% in 1999. However, a significant amount (32% in 1998 and 38% in 1999) had been paroled at least one previous time.

The number and types of felonies for which the parolees revoked in 1998 and 1999 have been convicted for, while on parole are illustrated in Table 18. The parolees are shown by their most serious crime committed.

As shown in Table 18 the majority of parolees revoked had not been convicted of a felony while on parole, however, it is alarming to note that 59 or 27% of those revoked in 1998 and 60 or 27% of those revoked in 1999 had been convicted of a felony while on parole. In addition, the parolees on Table 18 are shown by their most serious crime, many of them were convicted of multiple counts.

In fact, the total number of prior felony convictions was 113 for those revoked in 1998 and 118 for those revoked in 1999.

Table 18: Convictions while on Parole, 98 & 99.

Crime	1998	1999
No Felonies on Parole	157	161
Agg. Robbery	6	4
Arson	2	0
B & E	3	7
Burglary	4	9
Conspiracy	1	0
Drug Crime	5	4
DUI	9	6
Escape	0	1
DUI With Death	1	0
Fleeing an Officer	1	0
Forgery/Uttering	3	11
Grand Larceny	10	6
Malicious Assault	3	3
Murder	2	2
Sex Crime	4	3
Shoplifting	2	2
Stolen Property	3	2
Totals	216	221

It is important to note that these numbers do not match up with the totals presented in Table 1 because it is common that a parolee arrested for a new felony is revoked on Technical grounds while the new felony court case is still pending. In addition, Table 18 shows all previous convictions while on parole, not just the parole period in which the parolee was revoked.

Table 19 shows the number of felony convictions for parolees revoked in 1998 and 1999 while on parole, in order to illustrate that many of the parolees had been convicted of multiple offenses.

Table 19: # of Convictions while on parole, 1998 & 99.

# of Convictions	1998	1999
0 Convictions	157	161
1 Conviction	36	30
2 Convictions	12	17
3 Convictions	5	5
Over 3 Convictions	7	3
Totals	216	221

As shown, the majority (73% in 1998 and 1999) had not been convicted of a felony while on parole.

PAROLEE DEMOGRAPHICS

The tables in this section detail demographic information for the parolees that were revoked during 1998 & 99.

Table 20: Revocations Race & Gender, 1998 & 99.

Race & Gender	1998	1999
White Male	155	158
White Female	13	5
Black Male	43	54
Black Female	3	3
Native Amer. Male	1	1
Hispanic Male	1	0
Total	216	221

During both years the majority of parolees revoked were white males, 72% in 1998 and 71% in 1999. Black males were the next frequent group, making up 20% of the total in 1998 and 24% of the total in 1999. White females, black females, native american males, and hispanic males made up 8% of the total of 1998 and 4% of the total in 1999.

Table 21 shows the age groups of the parolees who were revoked during 1998 and 1999 at the time of their Revocation.

Table 21: Parolee Age Groups, 1998 & 99.

Age Category	1998	1999
Under 20	0	1
20-29 years	83	85
30-39 years	102	102
40-49 years	28	29
50- 59 years	2	4
60 + years	1	0
Totals	216	221

For those parolees revoked during 1998, 47% were between the ages of 30 and 39. For those revoked during 1999, 46% were between the ages of 30 and 39. The next largest age group during both years was 20-29.

Table 22 details the DOC Parole Services Districts in which the parolees revoked during 1998 and 1999 were on supervision.

Table 22: Parole Services Regions, 1998 & 99.

Region	1998	1999
South Western	38	33
South Central	46	51
South Eastern	43	32
North Western	38	35
North Central	28	48
North Eastern	22	20
Out of State	1	2
Totals	216	221

The data shows that the Parole Services District from which the most parolees were revoked was SC (21%) in 1998 and SC (23%) in 1999.

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 Statistics reports was conducted.

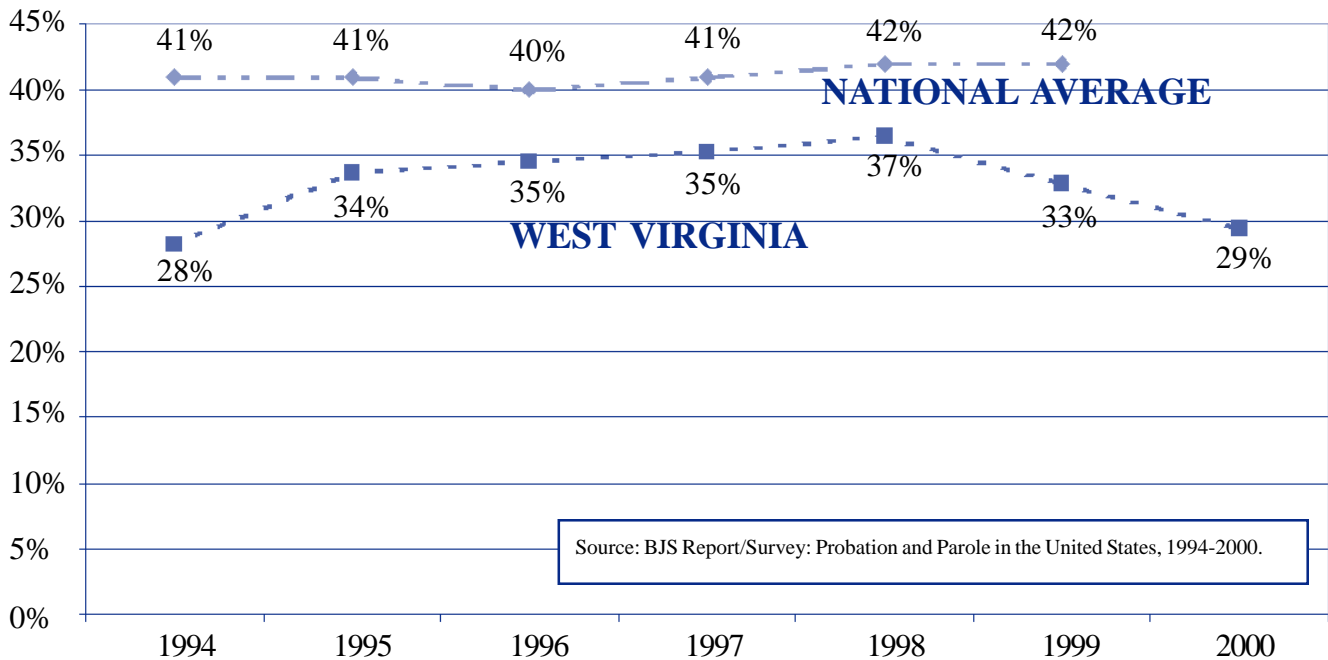
The Bureau of Justice Statistics computes revocation rates as percentages

of Parole Caseload Closures, i.e. the number of clients leaving parole supervision during the calendar year.

This data is shown in Chart 1 and reveals that West Virginia revocation rates have been well below the national

average for the past five years (94-99). In addition, WV revocation rates have dropped from 37% in 1998 to 29% in 2000, as a further departure from the national average. Please note that national averages for calendar year 2000 are not yet available.

Chart 1: Revocations as a Percent of Parole Caseload Closures - West Virginia vs. National Average, 1994-2000.



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