

## CHAPTER TWO VIOLATORS

### VIOLATIONS RESULTING IN INCARCERATION

Violators are classified in two ways. Offenders on some form of supervision who commit an offense for which they receive a new sentence are defined as “violators with new sentences.” Offenders who are on probation, parole/postrelease supervision and violate the conditions of their supervision but do not receive a new sentence are defined as “condition violators.” Both types of violations can result in revocation and subsequently, incarceration. This section presents an overview of both types of violators whose revocations resulted in incarceration. Violators with or without new convictions who continue on probation will be discussed after this section.

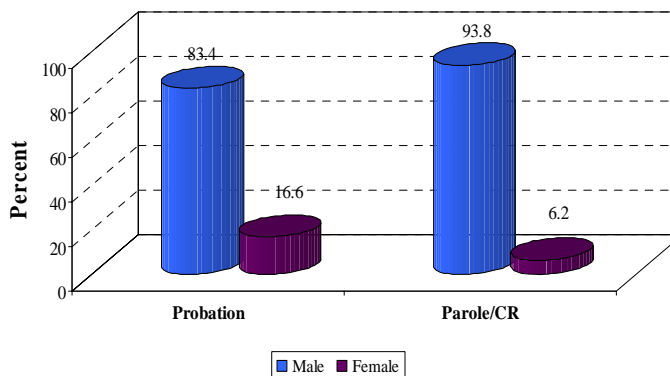
Condition violators alone accounted for 61.3% of all admissions to prison in FY 2008, indicating an increase of 0.3% when compared with FY 2007 (61%). Characteristics of condition violators by gender, race, and age are depicted in Figures 37, 38, and 39. Conditional release violators (only 7) are merged with the group of parole or postrelease supervision violators in the following analyses.

### Overview of Condition Violators

Violators analyzed in this section include offenders classified as probation, parole/postrelease supervision and conditional release condition violators. For the purpose of discussion, the term “condition violator” is defined as an offender who violates the conditions of his/her probation, parole, postrelease or conditional release that does not result in a conviction for a new criminal offense but results in a revocation and subsequent placement of the offender in a state correctional facility.

In FY 2008, a total number of 2,892 condition violators were admitted to prison for their violation of conditions, representing 1,624 probation violators, 1,261 parole or postrelease supervision violators, and 7 conditional release violators respectively.

**Figure 37: Distribution of FY 2008 Condition Violators by Gender**

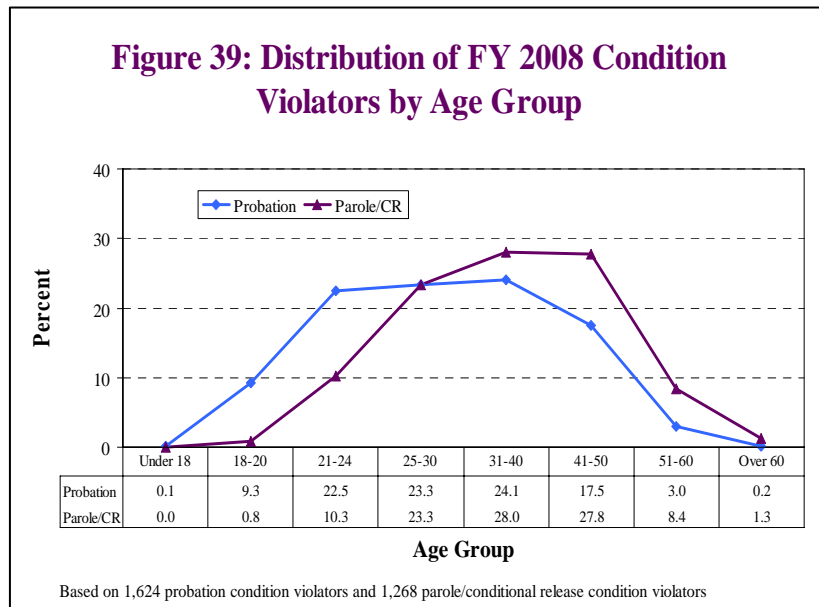
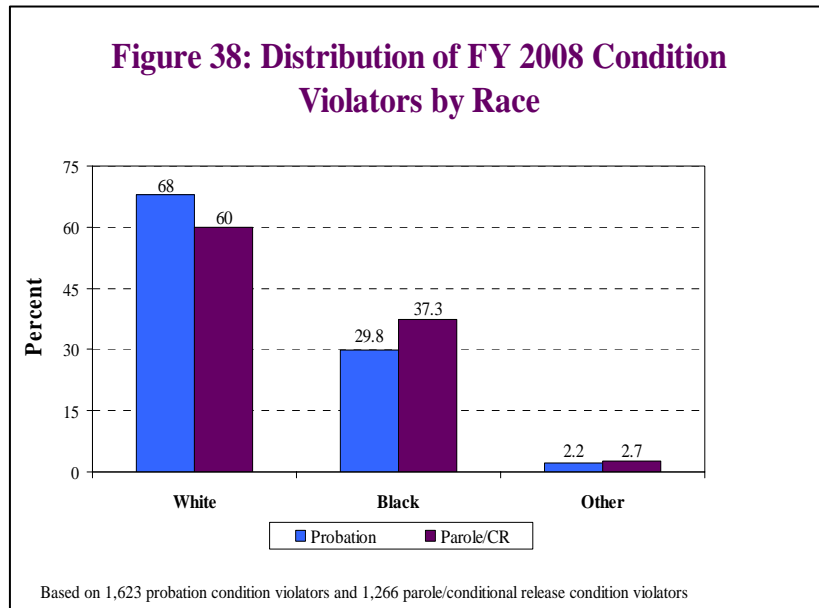


Based on 1,624 probation condition violators and 1,268 parole/conditional release condition violators

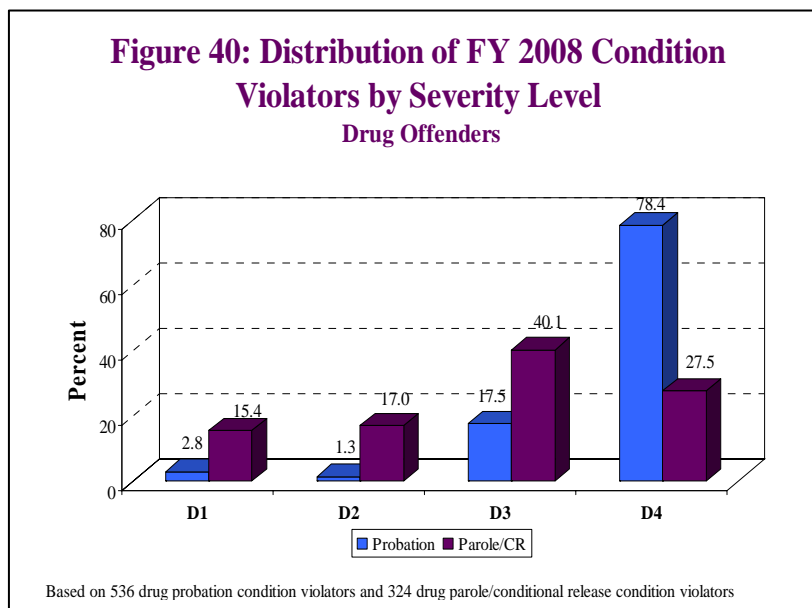
Male offenders were the majority of condition violators, representing 83.4% of probation violators and 93.8% of parole/conditional release violators admitted to prison in FY 2008 (Figure 37).

The highest percentage of white offenders was identified in the group of probation violators (68%), while black offenders represented a higher rate (37.3%) in the group of parole or postrelease supervision and conditional release violators (Figures 38).

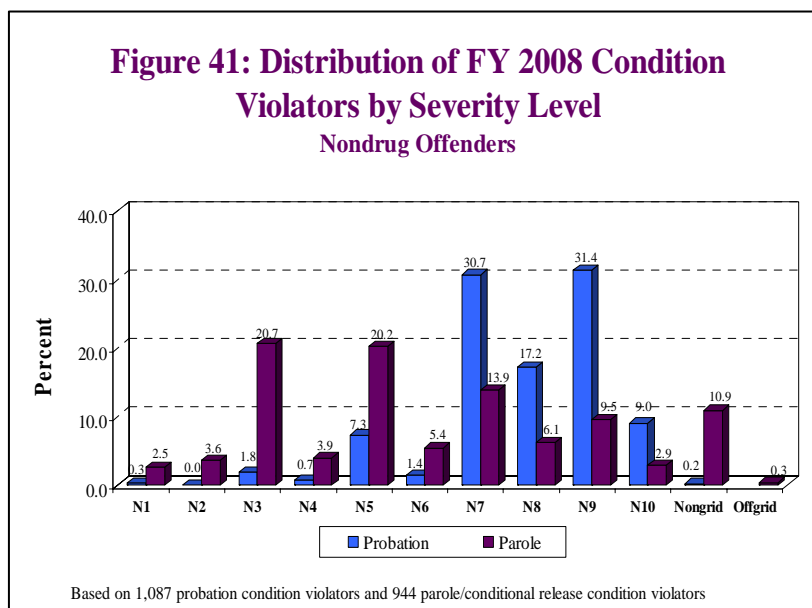
Most probation violators were in the age group ranging from 31 to 40 (24.1%). The largest number of parole or postrelease supervision and conditional release violators was found in the age group of thirties, as well (28%), at the time of admission to prison (Figure 39).



Figures 40 and 41 exhibit the distributions of all violators by severity level. The largest proportion of drug probation violators was identified at drug severity level 4 (78.4%, 420 offenders) and the highest percentage of drug parole/postrelease and conditional release violators was at drug severity level 3, accounting for 40.1% or 130 offenders (Figure 40).



Nondrug probation violators represented the highest percentage at nondrug severity level 9 (31.4%, 341 offenders), which is the same with that of FY 2007, while the largest numbers of nondrug parole/postrelease and conditional release violators were found at nondrug severity levels 3 and 5, representing 20.7% or 195 offenders and 20.2% or 191 offenders respectively of this group in FY 2008 (Figure 41).



The characteristics of all types of condition violators are described in Table 14. The largest numbers of males were found at nondrug severity level 7 (433 sentences) and drug severity level 4 (403 sentences). However, the highest frequencies of females were at nondrug severity level 8 (59 sentences) and drug severity level 4 (106 sentences). Racial analysis of the condition violators demonstrates that drug severity level 4 represented the largest numbers of

violators for both whites and blacks. White offenders accounted for 345 sentences and black offenders made up 152 sentences at drug severity level 4. As for nondrug sentences, most white violators were found at nondrug severity level 7 (319 sentences) and black offenders accounted for the largest number at nondrug severity level 9 (134 sentences). The average age of the violators was 34.3 years old at the time of admission, which is constant with that of FY 2007.

**Table 14: Characteristics of Overall Violators by Severity Level, Race and Gender**

Severity Level	Number of Cases	Gender		Race*			Average Age at Admission
		Male	Female	White	Black	Other	
D1	65	62	3	57	5	3	38.3
D2	62	54	8	38	23	1	39.1
D3	224	199	25	136	86	2	33.1
D4	509	403	106	345	152	12	33.7
N1	27	27	0	17	10	0	43.3
N2	34	34	0	20	13	1	43.1
N3	215	209	6	97	113	5	36.8
N4	45	42	3	22	22	1	37.3
N5	270	249	21	148	110	10	33.1
N6	66	63	3	42	22	2	31.4
N7	465	433	32	319	133	13	31.5
N8	245	186	59	159	79	7	34.2
N9	431	376	55	290	134	7	33.4
N10	125	110	15	80	42	2	34.0
Offgrid	3	3	0	2	1	0	54.0
Nongrid	105	93	12	91	10	4	43.6
Unknown	1	1	0	0	1	0	20.9
<b>Total</b>	<b>2,892</b>	<b>2,544</b>	<b>348</b>	<b>1,863</b>	<b>956</b>	<b>70</b>	<b>34.3</b>

\* Based on 2,889 sentences reporting race of offenders.

**Condition Probation Violators**

During FY 2008, a total number of 1,624 condition probation violators were admitted to prison. Of this number, 67% (1,088) were nondrug offenders and 33% (536) were drug offenders. Compared with FY 2007, the admissions of condition probation violators demonstrated a decrease of 7.2% or 126 violators. The characteristics of this group of violators are presented in Tables 15 and 16.

The top ten offenses committed most frequently by nondrug probation violators in FY 2008 include aggravated assault, aggravated battery, aggravated burglary, burglary, criminal damage to property, criminal threat, fleeing or eluding LEO, forgery, robbery and theft. These ten offenses represented 77.9% of all nondrug convictions by probation violators. As the previous year, burglary, theft and forgery

were the three most frequently committed offenses for which there were a large number of probation violators (Table 15).

The most frequently convicted offense type by drug probation violators is the crime of possession of drugs, accounting for 76.7% of all drug offenses, while the crime of opiates or narcotics possession represented 65.7% of the total drug offenses committed by the condition probation violators admitted to prison in FY 2008 (Table 16).

The average length of lag time from the age of offense to the age of admission to prison was 2.3 years for both nondrug and drug probation violators, which remains no change with the average length of lag time of the probation violators in FY 2007. The distribution of probation violators by severity level and criminal history is exhibited in Table 17.

**Table 15: Top 10 Offenses Committed by Nondrug Probation Violators**

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Aggravated Assault	57	87.7	12.3	68.4	28.1	3.5	28.0	30.0
Aggravated Battery	106	92.5	7.5	65.1	32.1	2.8	29.0	31.0
Aggravated Burglary	20	90.0	10.0	80.0	20.0	0.0	29.7	31.7
Burglary	213	92.0	8.0	76.1	21.6	2.3	27.3	29.5
Criminal Damage to Property	21	100.0	0.0	81.0	19.0	0.0	27.7	29.7
Criminal Threat	54	90.7	9.3	68.5	29.6	1.9	32.1	33.6
Fleeing or Eluding LEO	38	94.7	5.3	68.4	23.7	7.9	29.1	31.1
Forgery	143	64.3	35.7	67.1	28.7	4.2	31.1	33.6
Robbery	30	96.7	3.3	36.7	63.3	0.0	24.7	26.8
Theft	166	82.5	17.5	65.1	34.3	0.6	31.3	33.7
<b>Subtotal</b>	<b>848</b>	<b>85.6</b>	<b>14.4</b>	<b>68.5</b>	<b>29.0</b>	<b>2.5</b>	<b>29.3</b>	<b>31.5</b>
Other	240	88.3	11.7	68.2	30.5	1.3	29.0	31.7
<b>TOTAL</b>	<b>1,088</b>	<b>86.2</b>	<b>13.8</b>	<b>68.4</b>	<b>29.3</b>	<b>2.2</b>	<b>29.3</b>	<b>31.6</b>

\* Average age at time of offense.  
 \*\* Average age at time admitted to prison.

**Table 16: Characteristics of Drug Probation Violators by Type of Offense**

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean	Admit Age Mean
		Male	Female	White	Black	Other		
Opiates or Narcotics; Possession	352	73.3	26.7	67.0	30.7	2.3	31.3	33.5
Opiates or Narcotics; Sale 1	59	79.7	20.3	57.6	39.0	3.4	26.6	28.8
Opiates or Narcotics; Sale 2	4	75.0	25.0	75.0	25.0	0.0	28.2	31.6
Depress, Stim, Hall; Poss 2nd	59	91.5	8.5	69.5	30.5	0.0	29.4	31.6
Depress, Stim, Hall, etc.; Sell, Poss w/Intent to Sell	35	82.9	17.1	65.7	34.3	0.0	27.6	30.6
Possession of Paraphernalia	8	100.0	0.0	62.5	25.0	12.5	24.3	26.7
Possession of Precursor Drugs	9	100.0	0.0	100.0	0.0	0.0	30.4	33.4
Unlawful Manufacture Controlled Substance	7	85.7	14.3	100.0	0.0	0.0	30.0	33.0
Other	3	100.0	0.0	66.7	33.3	0.0	28.7	33.4
<b>TOTAL</b>	<b>536</b>	<b>77.8</b>	<b>22.2</b>	<b>67.2</b>	<b>30.8</b>	<b>2.0</b>	<b>30.1</b>	<b>32.4</b>

**Table 17: Distribution of Probation Violators by Severity Level and Criminal History\***

Severity Level	Criminal History Category									Subtotal
	A	B	C	D	E	F	G	H	I	
D1	0	1	2	4	2	0	3	2	1	15
D2	0	0	1	0	1	0	3	1	1	7
D3	1	1	8	3	8	11	14	15	33	94
D4	7	16	40	13	67	47	62	72	96	420
N1	0	0	0	0	0	0	0	1	2	3
N2	0	0	0	0	0	0	0	0	0	0
N3	0	4	2	2	0	0	1	3	8	20
N4	1	1	0	0	2	3	0	1	0	8
N5	2	4	10	2	8	0	8	16	29	79
N6	0	0	0	0	0	1	3	3	8	15
N7	13	13	50	30	33	28	50	51	66	334
N8	7	6	28	9	36	18	24	21	38	187
N9	10	14	61	24	68	20	37	52	55	341
N10	4	6	12	7	14	16	10	12	17	98
<b>TOTAL</b>	<b>45</b>	<b>66</b>	<b>214</b>	<b>94</b>	<b>239</b>	<b>144</b>	<b>215</b>	<b>250</b>	<b>354</b>	<b>1,621</b>

\* Due to missing data, criminal history categories are based on 1,621 probation violators reporting criminal history.

**Condition Parole/Postrelease Supervision and Conditional Release Violators**

In FY 2008, 1,268 condition parole/post-release supervision and conditional release violators were admitted to prison, indicating an increase of 29 violators or 2.3% when compared with the data observed in FY 2007. The characteristics of this offender group are presented in Tables 18 and 19.

Aggravated escape from custody, aggravated battery, aggravated robbery, aggravated indecent liberties with a child, burglary, DUI, indecent liberties with a child, rape, robbery and theft were the top ten offenses most frequently committed by parole/postrelease and conditional release violators, accounting for 69.5% of the total nondrug offenses. Male offenders represented 94.1% of this group. White offenders committed more than 80% of crimes of aggravated indecent liberties with a child and DUI, which is consistent with the data observed in FY 2007. Blacks

indicated the highest representation in aggravated robbery and aggravated battery (Table 18). Table 19 demonstrates that drug offenders of this group of violators were convicted primarily of the crimes of possession of drugs (35.8%) and sale of opiates or narcotics (26.5%).

Postrelease supervision violators for the crime of DUI are subject to imprisonment if the offenders committed the crime on or after July 1, 2001. In FY 2008, 103 DUI violators were admitted to prison, an increase of 3 violators when compared with those in FY 2007 (Table 18).

The distribution of parole/postrelease supervision and conditional release violators by severity level and criminal history category is displayed in Table 20. The largest numbers of this group of violators were found at severity level 3 of the drug grid (112 offenders) and severity level 5 of the nondrug grid (169 offenders).

**Table 18: Top 10 Offenses Committed by Parole/Postrelease/Conditional Release Nondrug Violators**

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean	Admit Age Mean
		Male	Female	White	Black	Other		
Agg Escape from Custody	28	96.4	3.6	53.8	42.3	3.8	33.9	38.1
Aggravated Battery	77	94.8	5.2	40.3	55.8	3.9	28.5	35.3
Aggravated Robbery	106	96.2	3.8	24.5	73.6	1.9	24.6	39.3
Agg Indecent Liberties w/Child	70	98.6	1.4	81.4	15.7	2.9	25.4	32.9
Burglary	71	95.8	4.2	69.0	29.6	1.4	29.8	34.5
DUI	103	88.3	11.7	86.4	9.7	3.9	41.5	43.7
Indecent Liberties w/Child	29	86.2	13.8	69.0	27.6	3.4	25.2	34.6
Rape	43	100.0	0.0	53.5	41.9	4.7	26.8	41.1
Robbery	71	91.5	8.5	40.8	53.5	5.6	27.6	35.6
Theft	58	91.4	8.6	65.5	32.8	1.7	36.2	38.9
Other	288	94.4	5.6	58.0	39.6	2.4	29.3	36.7
<b>TOTAL</b>	<b>944</b>	<b>94.1</b>	<b>5.9</b>	<b>57.6</b>	<b>39.4</b>	<b>3.0</b>	<b>30.0</b>	<b>37.4</b>

**Table 19: Characteristics of Parole/Postrelease/Conditional Release Drug Violators by Type of Offense**

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean	Admit Age Mean
		Male	Female	White	Black	Other		
Opiates or Narcotics; Poss 1	64	89.1	10.9	64.1	31.3	4.6	33.5	37.2
Opiates or Narcotics; Poss 2	31	87.1	12.9	35.5	61.3	3.2	35.4	42.2
Opiates or Narcotics; Poss 3	6	83.3	16.7	16.7	83.3	0.0	39.3	46.4
Opiates or Narcotics; Sale 1	84	92.9	7.1	47.6	52.4	0.0	30.5	37.6
Opiates or Narcotics; Sale 2	2	100.0	0.0	0.0	100.0	0.0	36.2	42.5
Opiates/Narcotics, Depress, Stim, Hall; Sell w/in 1,000 ft of School	15	80.0	20.0	100.0	0.0	0.0	27.9	34.5
Depress, Stim, Hall; Poss 2	15	100.0	0.0	86.7	13.3	0.0	34.6	38.7
Depress, Stim, Hall, etc.; Sell, Poss w/Intent to Sell	42	97.6	2.4	83.3	16.7	0.0	26.0	32.2
Possession of Paraphernalia	10	100.0	0.0	80.0	20.0	0.0	25.1	29.0
Possession of Precursor Drugs	8	100.0	0.0	100.0	0.0	0.0	38.3	42.7
Unlawful Manufacture Controlled Substance	47	97.9	2.1	93.6	6.4	0.0	31.8	38.0
<b>TOTAL</b>	<b>324</b>	<b>92.9</b>	<b>7.1</b>	<b>66.7</b>	<b>31.2</b>	<b>2.1</b>	<b>31.4</b>	<b>37.3</b>

**Table 20: Distribution of Parole/Postrelease/Conditional Release Violators By Severity Level and Criminal History\***

Severity Level	Criminal History Category									Subtotal
	A	B	C	D	E	F	G	H	I	
D1	3	2	8	1	13	7	4	6	6	50
D2	1	8	4	0	14	15	8	1	4	55
D3	12	5	17	8	19	10	16	9	16	112
D4	8	11	21	12	20	8	3	5	1	89
N1	0	1	2	1	3	0	0	3	0	10
N2	2	0	1	1	0	0	5	2	2	13
N3	11	7	12	7	9	9	15	12	43	125
N4	0	1	4	2	2	3	2	2	6	22
N5	11	22	26	11	25	18	12	21	23	169
N6	8	8	7	1	4	6	4	6	6	50
N7	25	33	22	9	13	9	7	4	4	126
N8	15	14	9	1	10	4	2	1	2	58
N9	24	24	11	2	20	2	0	1	5	89
N10	7	6	4	2	3	0	3	1	1	27
<b>TOTAL</b>	<b>127</b>	<b>142</b>	<b>148</b>	<b>58</b>	<b>155</b>	<b>91</b>	<b>81</b>	<b>74</b>	<b>119</b>	<b>995</b>

\* Due to missing data, criminal history categories are based on 995 violators reporting criminal history.

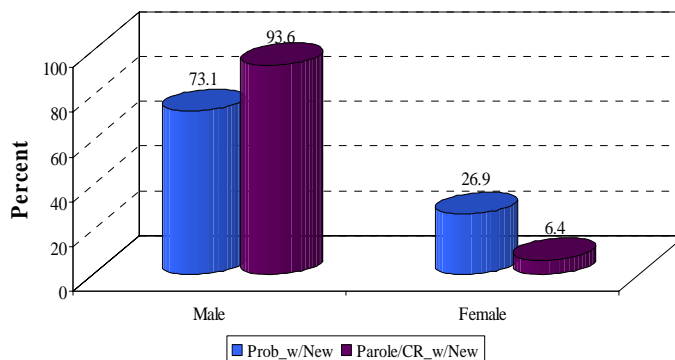
### Violators with New Sentences

Violators with new sentences analyzed in this section include probation, parole/postrelease and conditional release violators convicted of an offense for which they received a new sentence. This group of violators represented 6.6% (312 violators) of the total prison admissions in FY 2008, indicating an increase of 0.7% compared with the percentage of FY 2007. Characteristics of this group are illustrated in Figures 42, 43 and 44. Drugs (31.4%), burglary (10.3%), forgery (8.3%) and theft (12.8%) were the major offense categories committed by probation violators with new convictions. Drugs (30.1%), aggravated

robbery/robbery (13.5%), aggravated burglary/burglary (12.9%) and sex offenses (10.3%) represented the top offenses committed by parole/postrelease/conditional release violators with new sentences. Table 21 presents the distribution of the above offenders by severity levels. The largest numbers of probation violators with new sentences were identified at nondrug severity levels 7, 8 and 9 (25, 23 and 32 violators) and drug severity level 4 (31 violators), while nondrug severity levels 3, 5 and 7 (12.2%, 17.9% and 11.5%) and drug severity levels 2, 3 and 4 (7.7%, 8.3% and 9%) represented the highest percentages of parole/postrelease/conditional release violators with new sentences.

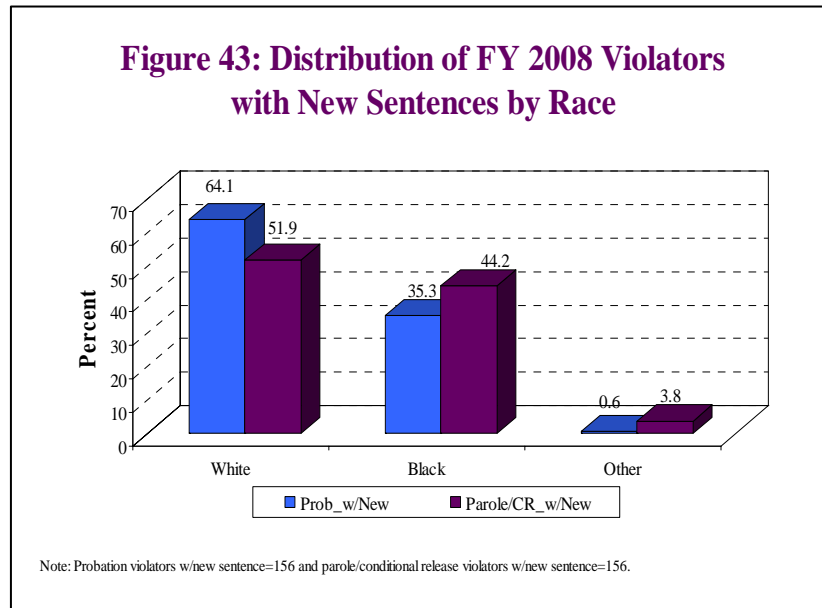
Male offenders remained the predominant gender of all types of violators with new sentences in FY 2008, representing 73.1% of probation violators with new sentences and 93.6% of parole/postrelease and conditional release violators with new sentences. This gender distribution is consistent with those of previous years (Figure 42).

**Figure 42: Distribution of FY 2008 Violators with New Sentences by Gender**

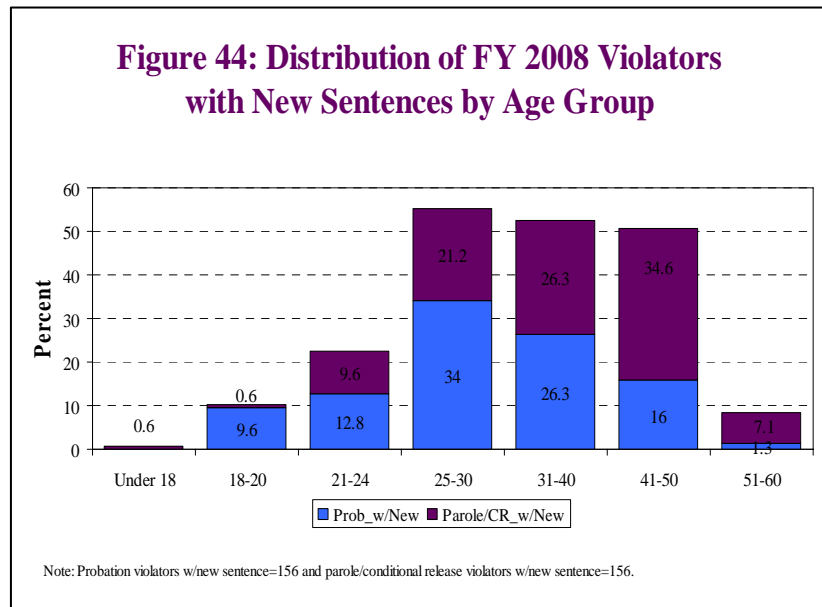


Note: Probation violators w/new sentence=156; parole/conditional release condition violators w/new sentence=156.

White offenders made up the largest number of the violators with new sentences, representing 64.1% of probation violators with new sentences and 51.9% of parole/postrelease and conditional release violators with new sentences. More black offenders (44.2%) were found in the group of parole and conditional release violators with new sentences (Figure 43).



The highest percentage of probation violators with new sentences were in the age group from 25 to 30 (34%) at the time of admission to prison, which remains constant to that of FY 2007. However parole/postrelease and conditional release violators with new sentences represented the largest proportion in the age group between 41 and 50 (34.6%), which is different from that (31-40 years old) of FY 2007 (Figure 44).



**Table 21: Distribution of FY 2008 Violators with New Sentences  
By Severity Level**

Severity Level	Probation		Parole/Postrelease/Conditional Release	
	Number	Percent	Number	Percent
D1	3	1.9	8	5.1
D2	1	0.6	12	7.7
D3	14	9.0	13	8.3
D4	31	19.9	14	9.0
N1	1	0.6	8	5.1
N2	0	0.0	2	1.3
N3	4	2.6	19	12.2
N4	0	0.0	2	1.3
N5	10	6.4	28	17.9
N6	0	0.0	3	1.9
N7	25	16.0	18	11.5
N8	23	14.7	6	3.8
N9	32	20.5	15	9.6
N10	10	6.4	3	1.9
Offgrid	2	1.3	4	2.6
Nongrid	0	0.0	1	0.6
<b>TOTAL</b>	<b>156</b>	<b>100.0</b>	<b>156</b>	<b>100.0</b>

## VIOLATORS CONTINUING AND EXTENDING ON PROBATION

Violators continued or extended on probation refer to probation violators with or without new convictions, whose violations did not result in incarceration but rather a continuation or an extension of the probation. In FY 2008, there were 2,336 condition probation violators and 201 probation violators with new convictions who were continued or extended on probation, representing 54.7% of the total number of 4,271 condition probation violators and 35.2% of the total number of 571 probation violators with new offenses,

respectively. Drugs (29.8%), burglary (13.3%), theft (10.6%), forgery (9.2%), and aggravated battery (5.7%) were the top five offenses committed by the group of condition probation violators. Drugs (28.9%), theft (14.4%), burglary (14.4%) and forgery (9%) were the top four offenses committed by probation violators with new convictions. Most top offenses committed by both groups were the same when compared with those of FY 2007. Tables 22 and 23 present the criminal history categories by severity level for the two types of violators who were sentenced to continued or extended probation.

**Table 22: Criminal History by Severity Levels of Condition Probation Violators Continuing and Extending on Probation**

Severity Level	Number of Cases	Criminal History Class								
		A	B	C	D	E	F	G	H	I
D1	13	0	0	0	1	2	3	1	3	3
D2	1	0	0	0	0	0	0	0	1	0
D3	147	3	3	4	12	13	9	21	30	52
D4	536	12	24	39	21	75	41	88	103	132
N1	0	0	0	0	0	0	0	0	0	0
N2	0	0	0	0	0	0	0	0	0	0
N3	23	1	1	1	3	0	0	3	4	10
N4	4	0	0	1	0	1	0	0	2	0
N5	96	2	4	1	4	6	1	5	23	50
N6	26	1	2	1	1	2	0	6	1	12
N7	401	13	16	46	35	45	25	41	68	112
N8	325	3	9	51	13	51	28	44	56	69
N9	521	12	15	79	48	71	31	69	90	105
N10	116	0	2	12	8	13	11	15	25	30
Nongrid	127	0	2	2	0	0	0	1	4	2
<b>TOTAL</b>	<b>2,336</b>	<b>47</b>	<b>78</b>	<b>237</b>	<b>146</b>	<b>279</b>	<b>149</b>	<b>294</b>	<b>410</b>	<b>577</b>

Note: Criminal history classes are based on 2,217 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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**Table 23: Criminal History by Severity Levels of Probation Violators with New Convictions Continuing and Extending on Probation**

Severity Level	Number of Cases	Criminal History Class								
		A	B	C	D	E	F	G	H	I
D1	0	0	0	0	0	0	0	0	0	0
D2	0	0	0	0	0	0	0	0	0	0
D3	7	0	0	0	1	0	0	0	3	3
D4	51	0	0	3	3	8	7	12	9	9
N1	1	0	0	0	0	0	0	0	0	1
N2	0	0	0	0	0	0	0	0	0	0
N3	3	0	0	0	0	1	1	0	1	0
N4	0	0	0	0	0	0	0	0	0	0
N5	2	1	0	0	0	0	0	0	1	0
N6	2	0	0	0	0	0	0	1	0	1
N7	35	0	0	3	2	3	5	5	7	10
N8	30	0	1	1	1	7	4	5	5	6
N9	48	0	0	6	6	10	5	5	8	8
N10	11	0	0	2	1	1	1	2	1	3
Nongrid	11	0	0	0	0	0	0	0	1	2
<b>TOTAL</b>	<b>201</b>	<b>1</b>	<b>1</b>	<b>15</b>	<b>14</b>	<b>30</b>	<b>23</b>	<b>30</b>	<b>36</b>	<b>43</b>

Note: Criminal history classes are based on 193 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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