"BACK-END SENTENCING" AND REIMPRISONMENT: INDIVIDUAL, ORGANIZATIONAL, AND COMMUNITY PREDICTORS OF PAROLE SANCTIONING DECISIONS*

JEFFREY LIN
  Department of Sociology and Criminology
  University of Denver

RYKEN GRATTET
  Department of Sociology
  University of California, Davis

JOAN PETERSILIA
  Stanford Law School
  Stanford University

KEYWORDS: parolees, sentencing, race and ethnicity, focal concerns, hierarchical modeling

An understudied contributor to the massive growth of American incarceration is an increase in the practice of reimprisoning parolees

---

760   LIN, GRATTET & PETERSILIA

through parole board revocations—now referred to as "back-end sentencing." To conduct the analyses outlined in this article, we use data from the California Parole Study to analyze the effects of three clusters of factors (parolees' characteristics, organizational pressures, and community conditions) on these sentences. Our analyses are informed by theories that have been used to explain "front-end" (court) sentences, which center on the focal concerns of social-control agents, labeling, and racial threat. Our results indicate that status characteristics—race/ethnicity and gender—affect the likelihood that criminal parole violators are reimprisoned. Moreover, certain "pivotal categories" of parolees—registered sex offenders and those who have committed "serious" or "violent" offenses—are much more likely to be returned to prison than others. Organizational pressure (prison crowding) also affects the likelihood of reimprisonment. Communities' political punitiveness affects the likelihood that technical violators are reimprisoned and that serious or violent offenders are reimprisoned for criminal violations. In this article, we use these findings to consider ways that mass incarceration is driven by both top-down policies as well as bottom-up organizational and community forces.

MASS INCARCERATION AND PAROLE REVOCATION

As is now well documented, the United States recently has experienced a dramatic and unexpected growth in its prison populations (e.g., Garland, 2001; Western, 2006). Between 1990 and 2006, the number of inmates held in state prisons more than doubled (from 684,544 to 1,377,815), and the number of state prisoners per 100,000 U.S. residents increased from 272 to 445 (Beck and Harrison, 2001; Sabol, Couture, and Harrison, 2007). This growth has strained the physical and logistical capacities of state correctional systems, stretched state budgets, and had particularly harmful effects on poor and minority—particularly Black—offenders and communities (Clear, 2007; Jacobson, 2006; Pager, 2007; Western, 2006). Offenders sent to prison through criminal court sentences have contributed substantially to the prison boom, but so have parolees returning to prison via parole revocations, although the significance of this latter process is less recognized and even less understood (Travis, 2007). Parolees who are arrested for new crimes or who violate other conditions of parole supervision can be returned to prison by state parole boards—what some have called *back-end sentencing* (Blumstein and Beck, 2005; Travis, 2007; see also Knapp, 1993). In recent years, back-end sentences have comprised a growing percentage of all prison admissions. Travis (2007) reported that nationally, the proportion of prison admissions made up of individuals

being returned to prison by parole boards rose from 18 percent in 1980 to 34 percent in 2000.

In California, which contains almost one sixth of all American parolees, those returning from parole surpassed new felon admissions in 1987 as the largest group of offenders entering state prisons (California Department of Corrections, 2001; Petersilia, 2008). By 2005, more than 60 percent of California prison admissions were individuals returning from parole (California Department of Corrections and Rehabilitation, 2006).[1] Mass incarceration thus seems to be increasingly a result of the largely hidden dynamic of returning parolees to prison rather than court-ordered imprisonments for new felony offenses alone (Clear, 2007; Jacobsen, 2006; Mauer, 2006; Petersilia, 2003; Simon, 2000; Useem and Piehl, 2008).

To date, however, empirical research about imprisonment has focused almost exclusively on "front-end sentences"—those delivered in criminal courts in response to the criminal behavior of convicted offenders. Relatively little attention has been paid to back-end sentences—specifically, those given by parole boards to parolees who are accused of violating their conditions of supervision. Understanding the empirical reality of mass incarceration therefore requires a consideration of factors that drive both front-door and back-door prison intake. In addition, research on the growth in imprisonment has been almost exclusively macrosociological, focusing on shifts in penology, policy, and political economy as sources of the imprisonment binge. A commonly noted tendency in such work is to assume a close coupling between policy and practice, between discourse and action, between macrosociological patterns and microsociological moments, and between structural changes and the character of decision making that affects imprisonment patterns. Seldom examined is how mass incarceration emerges as an outcome of the everyday practices of situated actors within the criminal justice system.

In this article, by elaborating and refining theories from research on front-end sanctioning and labeling research, we investigate predictors of parole board revocation decisions in California within three conceptual clusters of factors (individual characteristics, organizational constraints, and the conditions of parolees' communities). Examining how these factors contribute to the likelihood that parolees will be returned to prison allows us to link the institutional and structural changes occurring at the macrosociological level to system actors' microsociological decisions.

---

1. In 2005, 38 percent of California prison admissions were new felons sentenced by criminal courts (i.e., they were not on parole), 15 percent were parolees who received new convictions in criminal courts, and 47 percent were parolees who had their parole revoked by the parole board (California Department of Corrections and Rehabilitation, 2006).

FOCAL CONCERNS, SOCIAL CONTEXTS, AND PAROLE SANCTIONS

Although existing research on the predictors of parole revocation decisions is limited (see Steen and Opsal, 2007), research on other types of criminal sanctioning, particularly court sentencing, is relatively well developed. Such research traditionally has focused on the characteristics of cases and offenders that predict variations in punishment (Albonetti, 1991; Steffensmeier, 1980). Recently, researchers have begun to conceptualize courts as communities subject to various kinds of informal customs and shared cognitive frameworks where decision making is guided by a limited range of "focal concerns" (Kramer and Ulmer, 2002; Steffensmeier, Ulmer, and Kramer, 1998; Ulmer and Bradley, 2006; Ulmer and Kramer, 1996). This perspective merges the core logic of managerialism in criminal justice organizations with their more overt goals of retribution, incapacitation, and deterrence.

With roots in interactionist approaches to deviance (Becker, 1963; Sudnow, 1965), organizational theories (Dixon, 1995; March and Simon, 1958; Savelsberg, 1992), and ideas about minority group threat (Blalock, 1967; Eitle, D'Alessio, and Stolzenberg, 2002; Liska, 1992; Stolzenberg, D'Alessio, and Eitle, 2004), the focal concerns perspective begins with the assumption that social-control agents[2] make sanctioning decisions in a context of managerial uncertainty based on a limited knowledge of the offenders under scrutiny and within a larger institutional environment that prioritizes both efficiency and legitimacy (Dias and Vaughn, 2006; Ulmer and Johnson, 2004). This theoretical approach is itself rooted in Albonetti's (1986) theories of uncertainty avoidance and causal attribution (Albonetti, 1991) that describe the dynamics of critical decision making in situations in which social-control agents lack full information or in other situations in which agents have *too much* information and, therefore, need to use important cognitive signposts to make effective and efficient decisions. Because decision makers operate in an arena of bounded rationality (March and Simon, 1958), they cannot always make the most beneficial decisions at the lowest costs, so they seek solutions that reduce the possibility of negative consequences. Specifically, for both ideological and reputational reasons, court actors must center their attention on the likelihood of recidivism. The result of this dynamic is that judges develop "patterned responses" to cases based on key characteristics that are believed to be related to the risk of reoffending. Causal attribution theory builds on the uncertainty avoidance framework by proposing that decision makers

---

2. The term "social-control agents" refers to judges, police officers, prosecutors, probation officers, parole agents, and other law-enforcement officials.

BACK-END SENTENCING   763

distinguish between offenders whose offending is caused by internal factors, such as antisocial personality or lack of remorse, and those whose offending seems to be caused by external factors, such as peer group or poverty, sanctioning those whose offending is internally caused more harshly (see also Bridges and Steen, 1998).

Focal concerns theory extends Albonetti's work on uncertainty avoidance and causal attribution to delineate specific domains of judicial (or, as we argue, parole board) attention. To manage uncertainty, the focal concerns perspective posits that social-control agents rely on the following critical dimensions as a heuristic framework for decisions: 1) the offender's perceived threat to public safety, 2) the offender's blameworthiness, and 3) practical constraints of the court bureaucracy (see, e.g., Huebner and Bynum, 2006; Johnson, Ulmer, and Kramer, 2008; Steffensmeier, Ulmer, and Kramer, 1998; Ulmer, Bader, and Gault, 2008; Ulmer and Bradley, 2006; Ulmer and Johnson, 2004). Judgments about each of these dimensions, in turn, are based on stereotypes and symbolic markers of individual, organizational, and community attributes. Focal concerns, thus, are the vehicles by which social context intrudes on sanctioning decisions and by which substantive rationalities are brought to bear within formalistic social-control regimes.[3] Below, we consider individual, organizational, and community characteristics that are relevant to the focal concerns perspective.

INDIVIDUAL ATTRIBUTES

Status Characteristics

The notion that sanctioning decisions are shaped by personal attributes of the offender, as opposed to being determined entirely by the offender's past and present behavior, is known in labeling theory as the *status characteristics hypothesis* (Paternoster and Iovanni, 1989; Triplett, 1993). The basic idea is that net of the actual deviant behavior involved, individual offender attributes like age, race, and gender can shape social-control agents' perceptions of offender threat and culpability and thereby influence the ways in which those agents wield their discretion. Differential enforcement along these dimensions can result from stereotypes, for example, that Black offenders inherently pose greater risks to reoffend,

---

3. Focal concerns have influenced sanctioning decisions even when sentencing is guided formally by two-dimensional grids that consider the only legally relevant criteria to be the criminal behavior of the offender and their past offending history (i.e., sentencing grids and guidelines) (Engen and Steen, 2000; Savelsberg, 1992; Ulmer and Kramer, 1998). Parole revocation, which is substantially less procedurally constrained, might allow for even greater influence of perceptions of risk, culpability, and organizational constraint.

764   LIN, GRATTET & PETERSILIA

that women pose less risk than men, or that younger offenders are more dangerous than older offenders. A significant amount of research has examined the effects of status characteristics on sanctioning (see Triplett, 1993). However, the evidence for direct effects of age, race, and gender is mixed (Daly and Tonry, 1997; Hagan and Bumiller, 1983; Klein, Petersilia, and Turner, 1990; Steffensmeier and Demuth, 2001; Steffensmeier, Ulmer, and Kramer, 1998). Tittle and Curran (1988) found that race and class effects on juvenile sanctions were present in less than 40 percent of the studies they reviewed. However, more recent reviews have suggested that Black–White differences consistently are found when the decisions are "in–out" decisions—of the sort we address here—rather than decisions about sentence lengths (Steffensmeier and Demuth, 2001). Other recent work has identified race effects on a variety of sanctioning decisions, with offenders of color being treated more harshly (Bontrager, Bales, and Chiricos, 2005; Bridges and Steen, 1998; Demuth and Steffensmeier, 2004; Kubrin and Stewart, 2006; Steen, Engen, and Gainey, 2005). Gender effects, specifically more harshness toward male offenders, also have been observed consistently in recent work (Daly and Bordt, 1995; Demuth and Steffensmeier, 2004). The relationship between age and sanctioning seems to be complex and nonlinear, but in general, older offenders seem to be treated more leniently than younger offenders (Steffensmeier, Ulmer, and Kramer, 1998).

In this study, we consider the effects of age, race/ethnicity, and gender on the likelihood that an offender will be returned to prison for a parole violation. We hypothesize that holding constant case characteristics and prior offending histories—two factors that are legally relevant to parole revocation—parole board officials will perceive younger offenders, offenders of color, and male offenders as more culpable and threatening to public safety and, therefore, will be more likely to return them to prison.

PIVOTAL CATEGORIES

In addition to status characteristics, some offenders are understood to be particularly risky or blameworthy because of the nature of their past behavior or because of other stereotypes related to their sociolegal statuses. For example, Steen, Engen, and Gainey (2005) examined the stigmatizing effect of being categorized as a "dangerous drug offender" on sentencing decisions, and Steffensmeier and Terry (1973) examined the negative impact of being a "hippie" on the reporting of shoplifting. Lofland (1969) referred to these classifications as "pivotal categories."[4] Pivotal categories can operate directly on sanctioning decisions—lowering or raising the harshness of treatment—and they can condition the effects of

---

4. Becker (1963) called them "master statuses."

BACK-END SENTENCING   765

other factors. Steen, Engen, and Gainey (2005) found that the effect of race was dependent on whether the offender was included in the pivotal category of "dangerous drug offender." Although "dangerous drug offenders" were treated more harshly than other offenders, Black offenders who were not "dangerous drug offenders" were treated more harshly than similar White offenders. This finding is consistent with Kramer and Ulmer's (2002) research on downward departures from state sentencing guidelines, which showed that "low-level" Black offenders were less likely to be provided with more lenient sentences than "low-level" White offenders. What has not been explored, which will be considered here, is how the effects of pivotal categories might vary depending on community environments.

Our analysis focused specifically on the following pivotal categories of parolees: *registered sex offenders* and *"serious" or "violent" offenders*. These categories label parolee subgroups who have been convicted previously of particularly severe crime.[5] Parolees who occupy pivotal categories are subject to increased scrutiny throughout their parole periods. In addition to the informally stigmatizing effects of these labels, these parolees are, by mandate of California Department of Corrections and Rehabilitation (CDCR) regulations known as the "Robin Reagan Rules" (15 CCR 2616), to be referred to the parole board for *any* alleged violation behavior reported by their parole agents.[6] In other words, field agents have no discretion over the formal referral of these parolees to the parole board, and consequently, parolees occupying pivotal categories potentially are subjected to board sanctioning for a wider range of violation behaviors.

Thus, parolees in these pivotal categories, even before they are referred to the board, already are singled out for special attention. We expect the parole board's orientation toward them to be no less intolerant. Holding constant the severity and multiplicity of past and present offending, we predict that parole violators in these pivotal categories will be more likely to be reimprisoned than offenders who do not occupy those categories. We

---

5. Based on the California Penal Code, Section 290, registered sex offenders are those convicted of specified sex offenses who are required to register their addresses with local police or sheriff's departments upon parole. Some areas restrict the places where registered sex offenders can live. California Penal Code Sections 667.5 and 1192.7 provide official definitions of the terms *violent* and *serious* as they pertain to sentenced offenders who have committed crimes in these categories. Violent offenses include murder, robbery, rape, and other serious sex offenses. Serious offenses encompass the same offenses as the violent category but also include other offenses such as burglary of a residence and assault with intent to commit robbery.

6. The Robin Reagan Rules are named for the victim of a heinous murder committed by a parolee.

also consider whether pivotal categories have conditional effects by examining whether the impact of being a sex offender or a serious/violent offender on the likelihood of return to prison is dependent on the level of punitiveness in a community—a measure we discuss in more detail below. We expect that community punitiveness will exacerbate sanctioning severity for these parolees.

PRACTICAL CONSTRAINTS

In addition to status characteristics and pivotal categories that signify public safety threats and blameworthiness, focal concerns research also examines how perceptions of organizational efficiency influence sanctioning decisions. Such work mainly focuses on the impact of bureaucratic constraints on these decisions (Dixon, 1995; Engen and Steen, 2000; Johnson, Ulmer, and Kramer, 2008). Dixon (1995) traced this perspective to organizational theorist Robert Michels's (1999 [1915]) "Iron Law of Oligarchy," which held that large organizations (like prison and parole systems) routinely confront problems of coordination and management that only can be resolved through bureaucratization. Bureaucratization, in turn, results in the advancement to positions of power of individuals who privilege organizational maintenance and bureaucratic goals over the substantive goals upon which the organization was founded. With respect to criminal sentencing, "[c]ourtroom elites come to share common interests in disposing of cases, and the mutual interdependence that develops institutionalizes the presumption of guilt and plea bargaining" (Dixon, 1995: 1162). These arguments dovetail with earlier interactionist work by Emerson (1983) on the role of caseload management in social-control decision making and McCleary's (1977) study of the organizational incentives that encourage parole agents to underreport the violations of the parolees they supervise.

Several studies have found support for the impact of practical bureaucratic constraints on sentencing. For example, some studies have found that offenders who took their cases to trial were penalized compared with offenders who took a plea bargain (Engen and Steen, 2000; Steffensmeier and Demuth, 2001; Ulmer and Bradley, 2006). Others have showed that caseload pressures (Johnson, 2006; Johnson, Ulmer, and Kramer, 2008) and available prison/jail space (Johnson, 2005, 2006; Ulmer and Johnson, 2004) affect which cases are pursued and which result in prison terms. These empirical traditions can be traced to Pontell's (1984) thesis that the criminal justice system's "capacity to punish" is linked integrally to the availability of the system's human and logistical resources. Pontell and Welsh (1994) argued that resource shortages would shift discretion to decision-making areas in which it reasonably can be exercised. Parole revocation is one such area. In our analysis of parole revocation decisions, we

focus specifically on available prison capacity as a contextual predictor of whether a parole violator will be returned to prison. We expect that prison overpopulation will decrease the likelihood that an offender's case will result in reimprisonment.

COMMUNITY ATTRIBUTES

Beyond individual and organizational attributes, researchers have investigated how community characteristics influence decision makers' assessments of the risks offenders pose to public safety (Bontrager, Bales, and Chiricos, 2005; Huebner and Bynum, 2006). This research has examined the effects of community-level measures on individual case outcomes, focusing particularly on the political context of sanctioning (Helms and Jacobs, 2002) and on racial minority group threat (Britt, 2000; Carmichael, 2005; Crawford, Chiricos, and Kleck, 1998; Jacobs and Carmichael, 2004; Liska, 1992). Parole officials have indicated to us that in California, board members seem to be sensitive to local politics and culture. In fact, parole board commissioners generally live in the parole regions where they serve. Research examining whether conservative political environments lead to harsher sanctions generally has found weak or mixed results (Huang et al., 1996; Myers and Talarico, 1987). However, Helms and Jacobs (2002) recently found support for interaction effects between demographic characteristics and political environments on prison sentence lengths. Specifically, Black offenders and males were given longer sentences in politically conservative environments.

A more durable finding has been that communities with large minority populations sanction offenders more harshly—particularly minority offenders; this is known as the "racial threat" or "minority-group threat" hypothesis (Bridges, Crutchfield, and Simpson, 1987; Britt, 2000; Myers and Talarico, 1987; Stolzenberg, D'Alessio, and Eitle, 2004; Ulmer and Johnson, 2004). Such research has focused on the interaction between the race of the individual offender and the size of the Black population within a community, finding that Black offenders from communities with large Black populations often receive harsher sanctions.

With respect to parole revocations, our analysis in this study focuses on the "punitiveness" of the political environment rather than on measures of political conservativism alone. To represent this concept, we use voting data on two punishment-oriented California ballot propositions and on political party registration to construct an index that operationalizes punitiveness as political conservativeness combined with public rejection of rehabilitative approaches in corrections.[7] Our punitiveness measure, therefore, moves beyond the simple liberal–conservative measurement

---

7.   As Sutton (2004) pointed out, punitiveness has been conceptualized differently in

used in previous work to consider also how political orientations have been activated relative to specific penal policies. We also examine whether the pivotal categories *registered sex offender* and *serious or violent offender* interact with community-level punitiveness to test the notion that effects of pivotal categories on sanctioning are greater in community environments with more punitive orientations toward offenders. To represent racial threat, we follow past research and focus on the effects of the relative proportion of Black residents in a given county on parole sanctioning decisions, and we test the proposition that Black parole violators are sanctioned more harshly in counties with larger Black populations.

CASE CONTROLS

An analysis of revocation decisions that identifies status characteristics, pivotal categories, practical constraints, and community conditions that influence decision making would not be complete without strong controls for other legally relevant factors (see Engen and Gainey, 2000; Ulmer, 2000). Moreover, the particular aspects of the case and the offender's history that are legally relevant can vary across sanctioning context (Ulmer, 2000). In parole revocation cases in California, three dimensions must be considered. The first is the severity of parole violations involved in the case. To represent this factor, we use violation severity ratings taken directly from CDCR's in-house severity index of parole violations, which was developed by senior California parole officials to categorize and rank different violation charges for reporting purposes. The index is a direct representation of the perceived seriousness of violation behavior from the perspective of the sanctioning agency. In cases in which multiple violations exist, we sum the severity ratings. Second, we account for the presence of other violation types in particular kinds of cases (e.g., in criminal violation cases, we include a dummy measure indicating the presence of technical violation charges and another dummy indicating the presence of an absconding charge). Third, we capture important aspects of the offender's prior criminal history, such as the most recent offense for which the offender was sent to prison (in CDCR's language, the "current commitment offense"), the offender's age of first adult prison incarceration in California, and the offender's prior number of California adult prison incarcerations for new crimes or parole violations.

Our attention to the seriousness of charges in the current violation case as well as to the offender's past offenses mirrors the formal structure of the parole revocation hearing, which includes a fact-finding phase in which the parole board deputy commissioner determines whether there is "good

different studies. In our study, we link punitiveness to community attitudes about penal initiatives as well as political party identification.

BACK-END SENTENCING   769

cause" for the alleged violations, followed by a penalty phase in which the deputy commissioner is permitted to examine the offender's prior criminal history in making a final sanctioning decision. During the first phase, the deputy commissioner only is allowed to view materials related to the current case. Once good cause is found, the deputy commissioner unseals a file containing information on the offender's past criminal offenses to determine the appropriate punishment (i.e., return to prison or continue on parole).

RESEARCH SETTING, DATA, AND METHODS

RESEARCH SETTING

California has the largest parolee population in the nation (approximately 120,000) and ranks seventh among U.S. states in parolees per 100,000 adult residents (Glaze and Bonczar, 2007). Two thirds of California parolees are returned to prison within 3 years of their release—the highest rate in the United States—and most of these returns are for violations of the conditions of parole rather than for new court convictions (Fischer, 2005).[8] In California, parolees can go back to prison through two venues: county criminal courts or the Board of Parole Hearings ("the parole board"). Criminal violation cases that result from an arrest first are assessed in criminal courts, which can impose any sentence appropriate to the offense if the defendant is convicted. If the court declines to prosecute the case, or if a conviction cannot be obtained, then the case is referred to the parole board. During our study period, 25 percent of criminal violation cases resulted in a return to prison through a county criminal court, with the remaining 75 percent being referred to the parole board. Cases involving only technical violations (including absconding) are referred directly from parole units to the parole board.

We focus on the decision to reimprison a parole violator through the parole board, which hears both criminal and technical violation cases. *Criminal violations* assessed by the parole board include everything from

---

8. Experts contend that California's high rate of parolee returns to prison is largely a result of the structure of its sentencing laws (Petersilia, 2006; Travis, 2003; Travis and Lawrence, 2002). The unusual combination of two statutes in particular—determinate sentencing and universal parole—form the legal foundation for this phenomenon. This statutory arrangement dictates that prisoners are to be released automatically after serving a specified portion of their sentence (determinate sentencing) and that virtually all prisoners are put on parole supervision, regardless of the risks they present to public safety (universal parole). As a result, parole agent caseloads often are overloaded, and many parolees on these caseloads may present significant risks to public safety, which contributes to the high rate of prison return.

misdemeanor violations of the state penal code to serious felonies including rape, robbery, and homicide (Travis, 2003).[9] *Technical violations* include weapons access, psychological endangerment, and various violations of the parole process, such as violations of special conditions imposed by parole officials, failure to report to the parole division, failure to follow parole agent instructions, and failure to attend mandated treatment services. Absconding from supervision is the most prevalent type of technical violation, and thus, we consider it separately from other kinds of technical cases when conducting our analyses.[10]

In some ways, parole boards and criminal courts are bureaucratically and structurally different. The "workgroup" at a board hearing consists mainly of appointed deputy commissioners rather than a mixture of judges, prosecutors, and defense attorneys. Board hearings are less publicly visible and less procedurally bound. The standard of evidence used in a parole broad proceeding is a "preponderance of the evidence," which means that allegations of criminal offenses that might not meet the court's "beyond a reasonable doubt" standard might still result in revocation of parole. Also, by law, the maximum prison sentence for a parole revocation is 12 months, regardless of the number of violations and/or the severity of the case. Thus, the parole board operates under a more lenient standard of evidence—allowing for increased discretion—but is severely limited in the amount of punishment it can dispense. Despite these differences, parole revocations are subject to many of the decision making dynamics found in courtroom workgroups, as board members also are charged with making sanctioning decisions intended to preserve public safety, consider similar types of factors in these decisions, and are attached to the communities in which decisions are made. In fact, given the increased degree of discretion afforded to the board, focal concerns might be even more relevant to board members' decision logics.

DATA SOURCES AND MEASURES

Our data are from the California Parole Study (Grattet, Petersilia, and Lin, 2008) and are drawn primarily from CDCR administrative records that indicate parolees' demographic and criminal–legal characteristics as well as official decisions made about their violation behaviors. These data were used to construct the dependent variable and case-level independent variables in our multivariate models. Using temporal and geographic identifiers, we have linked organizational and county-level data to case records

---

9. During our study period (2003–2004), 246 homicides, 1,006 robberies, and 691 rape/sexual assaults were handled by the parole board.

10. Most revocation cases are comprised of multiple violations and can include any combination of criminal and technical charges.

(as described below) to create measures of organizational pressure, punitiveness, and racial threat. The time frame for the study is January 1, 2003 to December 31, 2004. We analyze every parole violation case assessed by the parole board in California during this 2-year period (114,820 cases among 254,468 individuals on parole).

The dependent variable—whether to reimprison a parolee for alleged parole violation(s)—is based on reported parole board sanctioning decisions for every parole violation case assessed in California in 2003 and 2004.

Parolees' status characteristics—sex, race/ethnicity, and age—were derived from CDCR administrative records. Sex is a dichotomous variable, coded 1 for males and 0 for females. A series of dummy variables measure parolee race/ethnicity—Black, Hispanic, Asian, and other race. White serves as the omitted category. Similarly, two dummy variables report parolee age categories—age 18–30 years at the time of prison release and age 45 years or older at release. The omitted age category is 31–44 years at release. Two dichotomous independent variables (also drawn from CDCR administrative records) indicate cases in which parolees occupy pivotal categories—*registered sex offender status* and whether an individual is a *serious or violent felon*. Our "practical constraint" measure of organizational pressure (state prison reception center occupancy) was measured monthly, and the data were recorded from CDCR's annual population reports (California Department of Corrections and Rehabilitation, 2005a, 2005b).[11] These occupancy data were linked to case records using the dates of board sanctioning decisions.

County-level data were drawn from several sources and linked to case-level records using CDCR county identification codes.[12] Our contextual measure of punitiveness is a factor score based on California counties' political party registration patterns and voting on ballot propositions related to criminal sanctioning—calculated from registration and voting outcome data obtained from the California Secretary of State. Specifically,

---

11. We elected to use prison reception center occupancy as a measure of organizational pressure for two reasons. First, reception center occupancy is more fluid, allowing for greater variability on this measure. Second, on a day-to-day basis, parole board decision makers are more likely to be sensitive to reception center crowding than to prison crowding generally.

12. Because counties contain different numbers of parole violation cases, the county-level data are imbalanced. Los Angeles County is California's most populous, and not surprisingly, a high proportion of parole violation cases are found in Los Angeles. In our analyses, 19.8 percent of cases were from Los Angeles County. It must be understood that, to some extent, county-level variation is reduced by this imbalance.

772   LIN, GRATTET & PETERSILIA

this punitiveness factor is derived from data indicating the percent of registered Republicans in each county and county-level voting results for Proposition 36 (2000), which allowed some nonviolent drug offenders to receive treatment instead of incarceration, and Proposition 66 (2004), which proposed a scaling back of California's "three strikes" law.[13] Our measure of racial threat (the percentage of Black residents in a county) was drawn from the 2000 U.S. Census and linked to case records using CDCR county codes.

CDCR administrative data also were used to develop several relevant case control variables. We include two measures of violation charge severity—*total criminal charge severity* and *total technical charge severity*. These data are summed measures of the official severities of all criminal and/or technical violations in each violation case assessed by the parole board.[14] Models also include dummy variables indicating the presence of other violation types in each case. Thus, the model of criminal violations includes a dummy indicating the presence of technical violations and a dummy indicating that absconding is involved in the case; the technical violation model includes dummies indicating the presence of criminal violations and absconding charges. Neither the charge severity measures nor the criminal and technical violation dummies are included in the model of absconding violations because this model analyzes cases in which absconding is the only charge; therefore, all severity scores are the same, and no other violation types are present.

Other included case controls signify legally relevant criminal background factors that might impact parole board revocation decisions. To capture offenders' past criminal behaviors, we include the number of prior adult returns to California state prisons (including those for parole violations) and the age at which offenders first were sentenced to adult prison in California. We also include an independent measure of the type of offense for which the parole violator was last convicted by a criminal court (i.e., the "current commitment offense").[15] This variable reports whether the commitment offense was for a property, violent, sexual, or other type of crime, with "drug crime" serving as the excluded category in all models.

---

13. Proposition 36 was passed, and Proposition 66 was defeated.
14. Using summed violation severity scores is not a perfect way to capture case seriousness. A parolee violated on many "small" charges might have the same severity score as another parolee violated on one "big" charge, and these parolees might be viewed differently by board members.
15. The current commitment offense variable indicates the *most serious charge* for which the offender was convicted in court. So if, in the same case, an individual had been convicted of homicide (a violent crime) and of a lesser charge of drug possession (a drug crime), our variable would indicate the current commitment offense to be violent.

BACK-END SENTENCING   773

It is important to note that these case control variables do not account for juvenile convictions and incarcerations nor do they account for criminal records from other states, as these data were unavailable.

METHODS OF ANALYSIS

We analyze three types of violation cases in three separate multivariate models—criminal violation cases, which include all cases assessed by the board in which the overall criminal charge severity exceeded the overall technical charge severity (88,771 cases); technical violation cases, which include all cases assessed by the board in which the overall technical charge severity exceeded the overall criminal charge severity (15,766 cases); and finally, absconding cases, which include all cases assessed by the board that *only* involved absconding from supervision (10,283 cases).[16] As recommended by Steen and Opsal (2007), differentiating these outcomes allows us to determine whether the causal processes hypothesized are similar or different across various types of violation decisions. Specifically, we disaggregate violation categories to examine whether more discretionary violation types (i.e., technical or absconding) are influenced more directly by variables of interest such as status characteristics, pivotal categories, and practical constraints.

To address the nested nature of our data and the theoretical arguments described, we use a hierarchical regression model (HLM) with a level 1 logistic link function (Guo and Zhao, 2000; Raudenbush and Bryk, 2002). See appendix A for model specifications. Other studies of criminal sentencing also have employed multilevel models when testing arguments about the effects of social contexts on decisions (for example, Britt, 2000; Ulmer and Johnson, 2004; Weidner, Frase, and Pardoe, 2004), and the benefits of multilevel models for nested data are well known (Guo and Zhao, 2000). First, in our case, multilevel models allow for improved estimation of individual- or case-level effects of status characteristics and offending history over traditional "single-level" regression strategies. They also allow us to examine cross-level effects, for example, when the effects of occupying a "pivotal category" as described (i.e., sex offender or serious/violent offender) are dependent on the degree of punitiveness within a

---

16. These case-sorting logics stem from the administrative realities of the violation/revocation process. First, many violation cases involve criminal and technical charges together; to restrict analyses to cases in which only criminal or only technical charges were filed would severely reduce the sample, biasing the results. Furthermore, because "drug use"—the result of a positive urinalysis detected by a parole agent—is considered a criminal violation, many cases involve technical violations alongside the criminal "drug use" charge. To classify these as criminal violation cases would be conceptually misleading. Ultimately, our methodological decision was the best choice among several imperfect options.

774   LIN, GRATTET & PETERSILIA

given county, or when, as the racial threat hypothesis implies, the effect of being Black on the likelihood of revocation depends on whether a parolee lives in a county with a large Black population. The third advantage of HLM is that it allows us to partition variance–covariance components, so that we can gauge how much of the variance occurs among individuals as opposed to across counties. This tells us whether community conditions have a relatively large or small impact on whether a parolee is revoked for a particular type of violation.

RESULTS

When parolees in California had violations filed against them during the study period, they were likely to be reimprisoned. Overall, 72.3 percent of violation cases assessed by the parole board resulted in a return to prison. Criminal violation cases resulted in prison return 69.3 percent of the time; technical violation cases resulted in prison return 82.1 percent of the time; and absconding cases resulted in prison return 82.7 percent of the time. The higher rate of return for technical violations might result from the fact that parole agents can "stack" cases against parolees they wish to violate (and get off their caseloads). That is, agents might wait to refer technical violators to the board until enough violations have accumulated to virtually guarantee revocation. Furthermore, criminal violation cases already have been assessed in court, where convictions could not be obtained, so the board is handling a "watered down" roster of criminal cases.

Descriptive statistics for all case- and county-level independent variables are presented in table 1. It should be noted that in addition to status characteristics, pivotal categories, and case controls, the practical constraint measure—CDCR reception center occupancy—is a case-level attribute because it varies according to the timing of individual parolees' revocation cases. The number of units of analysis for each level in each model also is reported. Note that although California has 58 counties, the county-level N stands at 55 for the criminal violations model and at 54 for the technical violations and absconding models because some counties did not report any revocation cases for the study period.

The intracluster correlations for the dependent variables analyzed below are sufficiently large to justify the hierarchical formulation.[17] The

---

17. We follow Guo and Zhao's (2000) method of calculating the intracluster correlations for binary data: $\rho = \sigma_u^2 / (\sigma_e^2 + \sigma_u^2)$, where σ_u^2 and σ_e^2 refer to the between and within cluster variances, respectively, and where within cluster variance $\sigma_e^2 = \pi^2/3$. Although it is customary to rely solely on the intracluster correlations to evaluate the need for a hierarchical model, it also is relevant to consider "design effects." The design effects statistic allows researchers to evaluate the consequences of ignoring the multilevel structure of their data for estimated standard errors and χ^2. The design effect is DE = 1+ ρ(average cluster size – 1). Design

Table 1. Descriptive Statistics for Independent Variables in All Revocation Models

	Criminal Violations		Technical Violations		Absconding Violations	
	Mean	SD	Mean	SD	Mean	SD
Status characteristics						
Male	.91	.29	.92	.28	.89	.31
Black	.32	.47	.28	.45	.36	.48
Hispanic	.30	.46	.30	.46	.25	.44
Asian	.01	.08	.01	.07	.01	.08
Other race	.03	.16	.03	.18	.02	.16
Age 18–30	.34	.48	.34	.47	.29	.45
Age 45+	.14	.34	.15	.36	.18	.38
Pivotal categories						
Serious/violent offender	.17	.38	.22	.42	.17	.38
Registered sex offender	.07	.26	.11	.31	.02	.15
Practical constraints						
CDCR rec. center % occupied	236.92	6.88	237.01	6.89	237.06	6.79
Case controls						
Criminal charge severity	6.50	6.26	.31	.66	—	—
Technical charge severity	.63	.70	1.58	.78	—	—
Criminal violation present	—	—	.20	.40	—	—
Technical violation present	.40	.49	—	—	—	—
Absconding violation present	.30	.46	.48	.50	—	—
Number of prior prison returns	3.19	3.32	3.54	3.23	4.31	3.76
Violent commitment offense	.17	.38	.23	.42	.15	.36
Property commitment offense	.33	.47	.31	.46	.38	.49
Sexual commitment offense	.04	.19	.07	.25	.03	.17
Other commitment offense	.09	.29	.12	.33	.09	.28
Age at first prison commitment	30.18	8.67	30.33	8.97	30.76	8.69
Level 1 N	88,771		15,766		10,283	
County-level (contextual) variables						
Punitiveness	−.30	1.06	−.17	.99	−.39	.99
Percent Black residents	6.56	3.85	6.33	3.65	7.13	3.78
Level 2 N	55		54		54	

intracluster correlations are .038 for the criminal model, .055 for the technical model, and .152 for the absconding model, which means that 3.8 percent of the variance in criminal cases is across counties, 5.5 percent of the variance in technical cases is across counties, and 15.2 percent of variance in absconding cases is across counties. In other words, most of the variation in board sanctioning occurs across individuals, and this dynamic is

---

effects greater than 2.0 conventionally are regarded as necessitating a multilevel approach. With the large numbers of cases in even the smallest counties, design effects in the present models are much larger than 2.0.

776   LIN, GRATTET & PETERSILIA

more pronounced among criminal and technical violation cases than absconding cases.

Table 2 presents the results of the three HLM models predicting return to prison for criminal, technical, and absconding violation cases.[18] As expected, case controls were significantly predictive of return-to-prison decisions in expected directions. More serious cases, and cases involving parole violators with more extensive criminal histories, were more likely to be returned to prison by the board. This result was particularly true among criminal violation cases; for technical and absconding violation cases, the effects were weaker and, for some case control measures, did not reach levels of statistical significance.

Status characteristics were predictive of return to prison for criminal violation cases but did not exert much effect on cases involving technical and absconding violations. In criminal violation cases, Black parolee race was associated with a 22-percent increase in the odds of prison return (odds ratio [OR] = 1.22) and Hispanic parolee race was associated with a 27-percent increase in the odds of return (OR = 1.27). "Other" race also was associated with a 22-percent increase in the odds of return for criminal violations (OR = 1.22). Although disparities between Black and White offenders consistently have been found in "in/out" sentencing decisions, ethnicity effects have been less studied (Steffensmeier and Demuth, 2001). Where differences between Hispanics and Whites have been investigated, however, Hispanics have had greater likelihoods of incarceration (see Steffensmeier and Demuth, 2001). Thus, our findings with regard to criminal violation cases align well with research on the role of race and ethnicity in front-end sentencing, which suggests that disparities might exist because Black and Hispanic offenders are perceived as more threatening than Whites (Bridges and Steen, 1998). However, race and ethnicity effects were absent from the technical and absconding models, which indicates that racial and ethnic disparities are present only when criminal offenses are the predominant charges in a case. This finding runs counter to our expectation that racial and ethnic differences would be even more pronounced in technical (i.e., more discretionary) cases and suggests that the effects of racial threat are not activated when Blacks and Hispanics commit noncriminal violations.

Gender effects were present in criminal and absconding violation cases. Male parolee gender was associated with a 14-percent increase in the odds of prison return for criminal violations (OR = 1.14) and a 43-percent

---

18. Appendix B shows that the addition of control variables significantly improves the fit of the models as compared with the unconditional models of criminal violations, technical violations, and absconding. The addition of theoretically derived variables from the focal concerns and racial threat perspectives also improve the fit of each model.

BACK-END SENTENCING   777

decrease in the odds of return for absconding violations (OR = .57). Although by no means are gender effects uniformly found across all studies of sentencing (Daly and Tonry, 1997), a pattern of leniency toward women has been observed in recent research on the role of status characteristics in predicting pretrial release (Demuth and Steffensmeier, 2004). The gender effect has been attributed to judges' perceptions that women pose fewer risks to reoffend, that the social costs associated with incarcerating women are greater because women are more likely to be caregivers, and that women maintain closer bonds with conventional institutions. Social-control agents might feel that letting female offenders remain in the community produces greater social and individual benefits (Demuth and Steffensmeier, 2004). However, as noted, a different pattern emerges with respect to women and absconding. When female parolees abscond, they are met with a much harsher reaction than their male counterparts. Theoretical work on the gendered nature of informal social control informs this finding (see, e.g., Kruttschnitt, 1980–1981; Kruttschnitt and Green, 1984). Absconding might demonstrate to officials that a woman is not willing to submit to the informal social controls of community and family. The effect suggests that the absconding of a male parolee signals a less serious activity. Perhaps male absconding is viewed as an expression of male autonomy and is, thus, more expected or perceived as a less serious breach. For women, absconding might signal that they have severed their relations with community, family, and other conventional institutions and that they have evaded formal social control (perhaps out of fear because they have committed violations). As a result, female absconders might have undermined a central rationale social-control agents use to keep them in the community.

In terms of age, the oldest parolees (age 45 years and older) were the most likely to be returned to prison for criminal violations. Older parolee age was associated with an 11-percent increase in the odds of prison return in criminal violation cases (OR = 1.11). The age effects suggest that having controlled for past offenses and present violations, older offenders are deemed more blameworthy than younger offenders by parole board officials. Conversely, other things held constant, younger offenders might be perceived as more redeemable or more worthy of additional chances to reintegrate after committing criminal violations. Board members might believe that older violators "should know better." Age effects were not found in the technical and absconding violation models.

Table 2. Multilevel Models of Return to Prison for Criminal, Technical, and Absconding Violation Cases (Population Average Estimates with Robust Standard Errors)

	Criminal Violations			Technical Violations			Absconding Violations		
	b	SE	Exp(b)	b	SE	Exp(b)	b	SE	Exp(b)
Level 1 (Case-Level)									
Constant	2.31	.08	10.05**	1.97	.07	7.17**	1.95	.14	6.89**
Status characteristics									
Male	.13	.03	1.14*	-.14	.10	.87	-.56	.10	.57**
Black	.19	.04	1.22**	.07	.11	1.07	.02	.12	1.02
Hispanic	.24	.03	1.27**	.06	.06	1.06	-.06	.08	.94
Asian	.19	.12	1.21	-.09	.19	.91	-.01	.34	.99
Other race	.20	.06	1.22**	-.11	.12	.89	.06	.19	1.06
Age 18–30 at release	-.03	.03	.97	.09	.06	1.10	.04	.08	1.05
Age 45+ at release	.11	.03	1.11**	-.10	.08	.89	-.06	.10	.94
Pivotal categories									
Serious/violent offender	.24	.03	1.27**	.15	.06	1.16**	-.06	.10	.94
Registered sex offender	.90	.08	2.45**	.52	.11	1.69**	.21	.25	1.24
Practical constraints									
CDCR reception center % occupied	-.01	.00	.99**	-.01	.00	.99**	-.02	.00	.98**
Case controls									
Criminal charge severity	.41	.00	1.50**	-.21	.18	.81	—	—	—
Technical charge severity	.71	.05	2.04**	.84	.06	2.31**	—	—	—
Criminal violation present	—	—	—	.23	.28	1.26	—	—	—
Technical violation present	1.21	.05	3.35**	—	—	—	—	—	—

BACK-END SENTENCING   779

Table 2 (cont'd)

Absconding violation present	1.56	.04	4.75**	.61	.08	1.85**	—	—	—
Number of prior prison returns	.05	.00	1.06**	.08	.02	1.09**	.06	.01	1.06**
Violent commitment offense	.49	.04	1.63**	.26	.10	1.29**	.29	.11	1.34**
Property commitment offense	.07	.02	1.07**	.08	.07	1.08	.04	.08	1.04
Sexual commitment offense	.59	.06	1.81**	.41	.17	1.51**	.30	.10	1.35**
Other commitment offense	.27	.03	1.31**	.13	.09	1.14	.21	.07	1.23**
Age at 1st commitment	-.01	.00	.99**	.00	.00	1.00	.00	.00	1.00
Level 2 (County-Level)									
Punitiveness	.07	.04	1.08	.15	.07	1.16*	.31	.11	1.37**
Percent Black	.00	.01	1.00	.00	.02	.99	-.02	.03	1.00
Punitiveness ×									
Serious/violent offender	.08	.03	1.09**	-.01	.04	.99	.01	.07	1.01
Registered sex offender	.01	.09	1.01	.15	.11	1.16	.20	.18	1.22
Percent Black × Black offender	-.01	.01	.99	.01	.02	1.04	.00	.02	1.00
d.f. level 1	88,770			15,765			10,282		
Level 1 sample size (N)	88,771			15,766			10,283		
d.f. level 2	54			53			53		
Level 2 sample size (N)	55			54			54		

*$p = .05$; **$p = .01$.

Parolees tagged with pivotal category indicators—*serious or violent offenders* and *registered sex offenders*—were much more likely to be returned to prison in criminal and technical violation cases. Effects were strongest in criminal violation cases. Parolees who were marked as serious or violent offenders experienced a 27-percent increase in the odds of prison return in criminal violation cases (OR = 1.27) and a 16-percent increase in the odds of return in technical violation cases (OR = 1.16). Even more dramatically, registered sex offenders experienced a 145-percent increase in the odds of return in criminal violation cases (OR = 2.45) and a 69-percent increase in the odds of return in technical violation cases (OR = 1.69). These findings suggest that holding constant the specific behavior involved, certain stigmatized categories of offenders are given harsher treatment, and such offenders are perceived as more blameworthy or more of a public safety risk by parole officials. An exception is cases in which absconding is the sole violation. For these cases, no difference was observed in the sanctioning of occupants of pivotal categories and other offenders. This finding is surprising given that absconding might raise concerns that a parolee is engaging in serious violation behavior.

In addition to the main effects associated with pivotal categories of offenders, we also tested the hypothesis that effects of pivotal categories could be heightened or lessened depending on community context. We explored two arguments. The first derives from research on minority group threat and suggests that Black offenders tend to be treated more harshly in community contexts with large Black populations. Although this finding is durable in other areas of sanctioning and social control (Eitle, D'Alessio, and Stolzenberg, 2002), it does not seem to operate in California parole revocation decisions. Specifically, the interaction term that measures the copresence of a Black offender and a high proportion of Black residents in a county did not reflect an increase in the likelihood that a Black parolee would be returned to prison. We also considered whether, given the demographic composition of California, the threat dynamic might be more directed toward Hispanic offenders. However, in analyses not reported in this article, we did not find support for this idea either.

The second way we examined the interaction of community contexts and individual attributes was with a county-level variable that measured the punitiveness of the community. Before describing the interaction effects, however, we note that the county-level punitiveness factor exhibited main effects, increasing the likelihood of return to prison in both technical violation and absconding cases, although it did not affect returns to prison for criminal violations. In terms of magnitude, a 1 standard deviation (SD) higher punitiveness score was associated with a 16-percent increase in the odds of prison return in technical violation cases (OR =

1.16) and with a 37-percent increase in the odds of prison return in absconding cases (OR = 1.37). This finding indicates that more punitive communities tend to treat technical violations, which are generally perceived as less serious than even the lowest level criminal violations, more harshly than less punitive communities.

Community-level punitiveness also impacted the likelihood that a serious or violent parolee would be returned to prison for criminal violations. A serious or violent parolee in a county with 1 SD higher punitiveness than a comparable county experienced a 9-percent increase in the odds of prison return for a criminal violation (OR = 1.09). In other words, more punitive communities increase the likelihood of returning serious and violent offenders to prison when those offenders have committed criminal violations of parole. The effect did not emerge in the technical or absconding models, nor did it emerge in relation to sex offender registrants. Thus, community-level punitiveness did not operate uniformly with respect to all kinds of pivotal categories or even all kinds of violations; instead, it was focused specifically on the criminal behavior of serious and violent offenders.

Finally, we found that the focal concerns category of "practical constraints"—measured in this study as prison reception center occupancy—was predictive of parole board decisions for all types of violation cases. Reception center crowding consistently was related to lower likelihoods of reimprisonment. Each additional 1 percent of occupancy was associated with a 1-percent decrease in the odds of prison return in criminal and technical violation cases (OR = .99) and with a 2-percent decrease in the odds of return in absconding cases (OR = .98).

DISCUSSION

Using data from the California Parole Study (Grattet, Petersilia, and Lin, 2008), we have identified several case- and county-level factors that affect back-end sentencing decisions for three types of violation behavior—new crimes, technical violations, and absconding from supervision. Our analyses focused on measures that emerge from theoretical perspectives about the focal concerns of criminal justice decision makers as well as prior research about the effects of political environments and racial threat on aggregate social-control decision making. The results of our analyses indicate that parole boards in California exercise a significant amount of discretion in deciding which parole violators are to be returned to prison and which are to be released back into the community. Most of this discretion operates at the case level and largely revolves around stigmatizing parolee characteristics signaled by statutory labels (i.e., "pivotal categories" of offenders) and status characteristics. Parole board members in

California, in making reimprisonment decisions, seem to attend to the focal concerns of blameworthiness and perceived threat to public safety in cases involving criminal or nonabsconding technical violations. In large part, these focal concerns are signaled through the pivotal categories of *registered sex offender* and *serious or violent offender*, which mark highly stigmatized types of parolees. When these parolees violate their conditions of supervision, they are far more likely than others to be reimprisoned, even when holding constant other relevant factors.

We expected these effects to be larger for technical violation cases in which decisions are more discretionary than those in criminal violation cases but found the opposite to be true; pivotal categories actually exert a larger effect on criminal violation cases. The focal concerns of "blameworthiness" and "threat to public safety," as reflected in these pivotal categories, thus seem to be triggered by evidence of continuing or escalating criminal behavior rather than directly applied through the discretionary power of parole decision makers. Parole board members might feel that parole violators who occupy pivotal categories present a greater risk of reoffending in ways that are particularly harmful to the public, but the harsh treatment of these parolees also might be a result of the fact that board members are likely to be especially cautious with highly stigmatized offenders because these individuals are subject to intense public and political attention. Failing to imprison them for new criminal behavior leaves parole board members highly vulnerable to criticism if any of these parolees subsequently should commit heinous crimes.[19] So exercising caution with stigmatized parolees, at least in part, could be functioning as a prophylactic against potential public or political scrutiny. This protective impulse also is evident in the official department guidelines that pertain to the violation referral process (the "Robin Reagan Rules"). As mentioned earlier, parolees in pivotal categories are mandatorily referred to the board for *any* violation behavior. Our findings show that when they come before the board, they have significantly higher chances of prison return. Thus, the board's propensity to return these parolees to prison is an extension of the increased scrutiny that they receive throughout the parole process. To a certain extent, mandatory *referral* leads to near-mandatory *return* for these parolees.

In cases involving criminal violations, discretion also is exercised around the key *status characteristics* of sex and race/ethnicity, and the form of this discretion generally follows broader, socially prevalent contours of criminal fear. Specifically, men and parolees of color are more likely than

---

19.   The 1993 kidnap and murder of 12-year-old Polly Klaas by a California parolee and the barrage of criticism that followed this crime is symbolic of this apprehension (Thompson, 2008).

women and White parolees to be returned to prison. These findings coincide with prior research on sentencing disparities as well as with commonly held beliefs about the elevated criminal threat presented by men and minorities (Albonetti, 2002; Bridges and Crutchfield, 1988; Kramer and Steffensmeier, 1993; Zatz, 1984, 1987). That the status characteristics of sex and race/ethnicity are significantly predictive of reimprisonment for criminal violation cases but not other types of cases (technical, absconding) provides more support for the association between these key status characteristics and criminal fear (Steen, Engen, and Gainey, 2005). Although the findings around status characteristics also might serve as evidence of conscious or unconscious bias on the part of parole decision makers, status characteristics might be correlated with unmeasured characteristics that influence this decision (e.g., employability, addiction, or family stability), so care must be taken to avoid the easy conclusion of bias (Kassebaum and Davidson-Coronado, 2001). Nonetheless, our results add to existing literature that identifies demographic discrepancies in sentencing decisions (see Mitchell, 2005, for a recent meta-analysis of race and sentencing).

Also consistent with the focal concerns perspective, the hypothesis that decision makers are affected by *practical constraints* on their decisions is supported by our findings. As prison reception center occupancy increases, the likelihood of reimprisonment—for all types of violations—decreases. Likewise, in addition to prison reception center population pressure, we find another contextual factor—the punitiveness of a community environment in which the revocation case takes place—also has an impact on the likelihood of revocation, although the nature of the effect differs depending on whether the case involves criminal or technical violations. Notably, however, we do not find support for the racial threat perspective, as work on front-end sentencing typically has.

CONCLUSION

Research on the growth in imprisonment in the United States shows that increases in the use of incarceration during the last several decades have resulted from legal and policy shifts as well as from demographic, political, and cultural changes. Although the attention to macrosocial processes in the economy, demography, and law aid our understanding of the broad parameters of mass incarceration, another part of the story is how sanctioning agencies have implemented the penal regime brought forth by such changes. Changes in law and penology are filtered through sanctioning agencies and play out differently in varying locations. The

784   LIN, GRATTET & PETERSILIA

question for research on both front-end and back-end sentencing is as follows: How do systemic changes get translated, or not, into the micromoments of decision making, such as when a parole board official confronts a parole violator in a social-control venue? How aligned is the overarching ethos of the system with what happens on the ground?

We find evidence that parole revocation decisions are both reflective of and depart from the core logics of retribution, deterrence, incapacitation, and managerialism. For example, "pivotal categories," defined in law, are perceived by parole board decision makers as markers of threat—threats to community safety but also threats to the legitimacy of the decision-making process. Parole board officials try to protect themselves from public judgment by enacting their discretion to exercise more harshness toward sex offenders and serious or violent offenders, despite what those offenders have done in the case at hand. Their master status as a sex offender or a serious or violent offender becomes the lens through which parole board officials interpret their behavior. Moreover, at least for serious or violent offenders who have committed criminal parole violations, parole board officials are even more likely to act harshly toward such offenders when the case is considered within communities characterized by greater punitiveness. In other words, some evidence indicates that parole board officials enact community justice.

The public desire for vengeance on "pivotal categories" of offenders has been cultivated and carried into the penal code by legislators to increase formal punishments, but these categories can take on a life of their own, influencing the careers of offenders so labeled in a variety of secondary ways. For example, in addition to receiving harsh front-end sentences, by California law, "serious," "violent," and "sexual" offenders are afforded few rehabilitative program opportunities in prison and on parole; they are supervised more intensively and are placed on specialized caseloads while on parole. If they commit a violation—even the lowest level infraction—then the law mandates that the parole board must rule on whether to return them to prison. On top of these differences, pivotal categories of offenders face housing and employment restrictions. The regime of punishment brought into existence by changes in law—specifically the movement toward "offense-based" retributive policies—goes beyond formal aspects of decision making and shapes how officials invoke focal concerns of blameworthiness and threats to public safety in their discretionary decision-making logics. In both formal and informal ways, the macrolevel structures of law and policy operate within the microworld of parole board decisions to return parole violators to prison. Put another way, the legal categories defining "serious," "violent," and "sexual" offenders emerge as the basis by which back-end sentencers deliver harsher sanctions.

Although our findings about "pivotal categories" point to coherence between the retributive "offense-based" principles of the penal system and the local decisions parole officials make relative to particular cases, our other findings suggest a different dynamic. That is, decisions are made not in concert with broader legal and policy shifts but in ways that are more reflective of situational factors. For example, the effects of status characteristics on back-end sentences show that gender and racial/ethnic characteristics lead to a ratcheting up or down of penalties. The focal concerns perspective suggests that women and Whites are perceived as less blameworthy and less threatening to public safety and that males, Blacks, and Hispanics are perceived as more blameworthy and more threatening. But parole officials seem to make these attributions in conformity with social stereotypes rather than within an overarching policy or penal philosophy. Furthermore, our finding about reception center crowding shows that parole board officials become more lenient when prison facilities become fuller. This outcome suggests that one factor undermining a top-down system that emphasizes harsh sanctions for parole violators is the mundane reality of organizational capacity.

As with any large system of social control, the prison and parole system consists of higher and lower levels of social organization, which are coupled together but often loosely so (Grattet and Jenness, 2005; Hagan, Hewitt, and Alwin, 1979). At the higher levels are discourses, sentencing regimes, laws, and policies that seek to organize and channel societal response to crime and deviance, but at the lower levels, other factors operate such as situational understandings of who is threatening or blameworthy and practical considerations about space for inmates to sleep, which compete with (and occasionally undermine) the principles and agenda of the system's upper levels. The result is a system that is nearly impossible to manage or control.

REFERENCES

Albonetti, Celesta A. 1986. Criminality, prosecutorial screening, and uncertainty: Toward a theory of discretionary decision making in felony case processing. *Criminology* 24:623–44.

Albonetti, Celesta A. 1991. An integration of theories to explain judicial discretion. *Social Problems* 38:247–66.

Albonetti, Celesta A. 2002. The joint conditioning effects of offender's gender and ethnicity on length of imprisonment for federal drug trafficking convictions, 1995–1996. *Journal of Gender, Race, and Justice* 6:39–60.

786   LIN, GRATTET & PETERSILIA

Beck, Allen J., and Paige M. Harrison. 2001. *Prisoners in 2000*. Washington, DC: U.S. Department of Justice.

Becker, Howard S. 1963. *Outsiders: Studies in the Sociology of Deviance*. London, U.K.: Free Press.

Blalock, Hubert M. 1967. *Toward a Theory of Minority-Group Relations*. New York: Wiley.

Blumstein, Alfred, and Allen J. Beck. 2005. Reentry as a transient state between liberty and recommitment. In *Prisoner Reentry and Crime in America*, eds. Jeremy Travis and Christy A. Visher. Cambridge, MA: Cambridge University Press.

Bontrager, Stephanie, William D. Bales, and Ted Chiricos. 2005. Race, ethnicity, threat and the labeling of convicted felons. *Criminology* 43:589–622.

Bridges, George S., and Robert D. Crutchfield. 1988. Law, social standing, and racial disparities in imprisonment. *Social Forces* 66:699–724.

Bridges, George S., Robert D. Crutchfield, and Edith E. Simpson. 1987. Crime, social-structure, and criminal punishment: Influences of stratification and urbanization on white and nonwhite rates of imprisonment. *Social Problems* 34:345–61.

Bridges, George S., and Sara Steen. 1998. Racial disparities in official assessments of juvenile offenders: Attributional stereotypes as mediating mechanisms. *American Sociological Review* 63:554–70.

Britt, Chester L. 2000. Social context and racial disparities in punishment decisions. *Justice Quarterly* 17:707–32.

Carmichael, Jason T. 2005. The determinants of jail admission rates across large U.S. cities: An analysis of racial and ethnic threat theory. *Social Science Research* 34:538–69.

California Code of Regulations, Title 15, Division 2, Section 2616(a), 1994.

California Department of Corrections. 2001. *California Prisoners and Parolees 2001*. Sacramento: California Department of Corrections.

California Department of Corrections and Rehabilitation. 2005a. *California Prisoners and Parolees 2003*. Sacramento: California Department of Corrections and Rehabilitation.

BACK-END SENTENCING   787

California Department of Corrections and Rehabilitation. 2005b. *California Prisoners and Parolees 2004*. Sacramento: California Department of Corrections and Rehabilitation.

California Department of Corrections and Rehabilitation. 2006. *California Prisoners and Parolees 2005*. Sacramento: California Department of Corrections and Rehabilitation.

Clear, Todd. 2007. *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse*. New York: Oxford.

Crawford, Charles, Ted Chiricos, and Gary Kleck. 1998. Race, racial threat, and sentencing of habitual offenders. *Criminology* 36:481–511.

Daly, Kathleen, and Rebecca L. Bordt. 1995. Sex effects and sentencing: An analysis of the statistical literature. *Justice Quarterly* 12:143–77.

Daly, Kathleen, and Michael H. Tonry. 1997. Gender, race, and sentencing. In *Crime and Justice: A Review of Research*, vol. 22, ed. Michael Tonry. Chicago, IL: The University of Chicago Press.

Demuth, Stephen, and Darrell Steffensmeier. 2004. The impact of gender and race-ethnicity in the pretrial release process. *Social Problems* 51:222–42.

Dias, Clarissa F., and Michael S. Vaughn. 2006. Bureaucracy, managerial disorganization, and administrative breakdown in criminal justice agencies. *Journal of Criminal Justice* 34:543–55.

Dixon, Jo. 1995. The organizational context of criminal sentencing. *American Journal of Sociology* 100:1157–98.

Eitle, David, Stewart J. D'Alessio, and Lisa Stolzenberg. 2002. Racial threat and social control: A test of the political, economic, and threat of black crime hypotheses. *Social Forces* 81:557–76.

Emerson, Robert M. 1983. Holistic effects in social control decision-making. *Law & Society Review* 17:425–55.

Engen, Rodney L., and Randy R. Gainey. 2000. Modeling the effects of legally relevant and extralegal factors under sentencing guidelines: The rules have changed. *Criminology* 38:1207–30.

Engen, Rodney L., and Sara Steen. 2000. The power to punish: Discretion and sentencing reform in the war on drugs. *American Journal of Sociology* 105:1357–95.

788   LIN, GRATTET & PETERSILIA

Fischer, Ryan G. 2005. *Are California's Recidivism Rates Really the Highest in the Nation?* Irvine, CA: UCI Center for Evidence-Based Corrections.

Garland, David. 2001. *Mass Imprisonment: Social Causes and Consequences*. Thousand Oaks, CA: Sage.

Glaze, Lauren E., and Thomas P. Bonczar. 2007. *Probation and Parole in the United States, 2006*. Washington, DC: U.S. Department of Justice.

Grattet, Ryken, and Valerie Jenness. 2005. The reconstitution of law in local settings: Agency discretion, ambiguity, and a surplus of law in the policing of hate crime. *Law & Society Review* 39:893–941.

Grattet, Ryken, Joan Petersilia, and Jeffrey Lin. 2008. *Parole Violations and Revocations in California*. Washington, DC: U.S. Department of Justice.

Guo, Guang, and Hongxin Zhao. 2000. Multilevel modeling for binary data. *Annual Review of Sociology* 26:441–62.

Hagan, John, and Kristin Bumiller. 1983. Making sense of sentencing: A review and critique of sentence research. In *Research on Sentencing: The Search for Reform*, eds. Alfred Blumstein, Jacqueline Cohen, Susan E. Martin, and Michael H. Tonry. Washington, DC: National Academy Press.

Hagan, John, John D. Hewitt, and Duane F. Alwin. 1979. Ceremonial justice: Crime and punishment in a loosely coupled system. *Social Forces* 58:506–27.

Helms, Ronald, and David Jacobs. 2002. The political context of sentencing: An analysis of community and individual determinants. *Social Forces* 81:577–604.

Huang, W. S. Wilson, Mary A. Finn, R. Barry Ruback, and Robert R. Friedmann. 1996. Individual and contextual influences on sentence lengths: Examining political conservatism. *The Prison Journal* 76:398–419.

Huebner, Beth M., and Timothy S. Bynum. 2006. An analysis of parole decision making using a sample of sex offenders: A focal concerns perspective. *Criminology* 44:961–91.

Jacobs, David, and Jason T. Carmichael. 2004. Ideology, social threat, and death sentences: Capital sentencing across time and space. *Social Forces* 83:249–78.

Jacobsen, Michael. 2006. *Downsizing Prisons: How to Reduce Crime and End Mass Incarceration*. New York: New York University Press.

Johnson, Brian D. 2005. Contextual disparities in guidelines departures: Courtroom social contexts, guidelines compliance, and extralegal disparities in criminal sentencing. *Criminology* 43:761–96.

Johnson, Brian D. 2006. The multilevel context of criminal sentencing: Integrating judge- and county-level influences. *Criminology* 44:259–98.

Johnson, Brian D., Jeffery T. Ulmer, and John Kramer. 2008. The social context of guidelines circumvention: The case of federal district courts. *Criminology* 46:737–83.

Kassebaum, Gene, and Janet Davidson-Coronado. 2001. *Parole Decision Making in Hawaii: Setting Minimum Terms, Approving Release, Deciding on Revocation, and Predicting Success and Failure on Parole*. Honolulu, HI: Social Science Research Institute and the Department of the Attorney General.

Klein, Stephen, Joan Petersilia, and Susan Turner. 1990. Race and imprisonment decisions in California. *Science* 16:812–6.

Knapp, Kay A. 1993. Allocation of discretion and accountability within sentencing structures. *University of Colorado Law Review* 64:679–705.

Kramer, John, and Darrell Steffensmeier. 1993. Race and imprisonment decisions. *Sociological Quarterly* 34:357–76.

Kramer, John, and Jeffery T. Ulmer. 2002. Downward departures for serious violent offenders: Local court "corrections" to Pennsylvania's sentencing guidelines. *Criminology* 40:601–36.

Kruttschnitt, Candace. 1980–1981. Social status and sentences of female offenders. *Law & Society Review* 15:247–66.

Kruttschnitt, Candace, and Donald E. Green. 1984. The sex-sanctioning issue: Is it history? *American Sociological Review* 29:541–51.

Kubrin, Charis E., and Eric A. Stewart. 2006. Predicting who reoffends: The neglected role of neighborhood context in recidivism studies. *Criminology* 44:165–97.

Liska, Allen E. 1992. *Social Threat and Social Control*. Albany: State University of New York Press.

Lofland, John. 1969. *Deviance and Identity*. Englewood Cliffs, NJ: Prentice-Hall.

790   LIN, GRATTET & PETERSILIA

March, James G., and Herbert A. Simon. 1958. *Organizations*. New York: Wiley.

Mauer, Marc. 2006. *Race to Incarcerate*. New York: New Press.

McCleary, Richard. 1977. How parole officers use records. *Social Problems* 24:576–89.

Michels, Robert. 1999 [1915]. *Political Parties: A Sociological Study of the Oligarchical Tendencies of Modern Democracy*. New Brunswick, NJ: Transaction.

Mitchell, Ojmarrh. 2005. A meta-analysis of race and sentencing research: Explaining the inconsistencies. *Journal of Quantitative Criminology* 21:439–66.

Myers, Martha A., and Susette M. Talarico. 1987. *The Social Contexts of Criminal Sentencing*. New York: Springer-Verlag.

Pager, Devah. 2007. *Marked: Race, Crime, and Finding Work in the Era of Mass Incarceration*. Chicago, IL: University of Chicago Press.

Paternoster, Raymond, and Leeann Iovanni. 1989. The labeling perspective and delinquency: An elaboration of the theory and an assessment of the evidence. *Justice Quarterly* 6:359–94.

Petersilia, Joan. 2003. *When Prisoners Come Home: Parole and Prisoner Reentry*. New York: Oxford University Press.

Petersilia, Joan. 2006. *Understanding California Corrections*. Berkeley: California Policy Research Center.

Petersilia, Joan. 2008. California's correctional paradox of excess and deprivation. In *Crime and Justice: A Review of Research* vol. 37, ed. Michael Tonry. Chicago, IL: The University of Chicago Press.

Pontell, Henry N. 1984. *A Capacity to Punish: The Ecology of Crime and Punishment*. Bloomington: Indiana University Press.

Pontell, Henry N., and Wayne N. Welsh. 1994. Incarceration as a deviant form of social control: Jail overcrowding in California. *Crime & Delinquency* 40:18–36.

Raudenbush, Stephen W., and Anthony S. Bryk. 2002. *Hierarchical Linear Models: Applications and Data Analysis Methods*. Thousand Oaks, CA: Sage.

Sabol, William J., Heather Couture, and Paige Harrison. 2007. *Prisoners in 2006*. Washington, DC: U.S. Department of Justice.

Savelsberg, Joachim. 1992. Law that does not fit society: Sentencing guidelines as a neoclassical reaction to the dilemmas of substantivized law. *American Journal of Sociology* 97:1346–81.

Simon, Jonathan. 2000. The 'society of captives' in the era of hyper-incarceration. *Theoretical Criminology* 4:285–308.

Steen, Sara, Rodney L. Engen, and Randy R. Gainey. 2005. Images of danger and culpability: Racial stereotyping, case processing, and criminal sentencing. *Criminology* 43:435–68.

Steen, Sara, and Tara Opsal. 2007. Punishment on the installment plan: Parole revocation in four states. *The Prison Journal* 87:344–66.

Steffensmeier, Darrell. 1980. Assessing the impact of the women's movement on sex-based differences in the handling of adult criminal defendants. *Crime & Delinquency* 26:344–57.

Steffensmeier, Darrell, and Stephen Demuth. 2001. Ethnicity and judges' sentencing decisions: Hispanic-black-white comparisons. *Criminology* 39:145–78.

Steffensmeier, Darrell, and Robert M. Terry. 1973. Deviance and respectability: An observational study of reactions to shoplifting. *Social Forces* 51:417–26.

Steffensmeier, Darrell, Jeffery T. Ulmer, and John Kramer. 1998. The interaction of race, gender, and age in criminal sentencing: The punishment costs of being young, black, and male. *Criminology* 36:763–97.

Stolzenberg, Lisa, Stewart J. D'Alessio, and David Eitle. 2004. A multilevel test of racial threat theory. *Criminology* 42:673–98.

Sudnow, David. 1965. Normal crimes: Sociological features of a penal-code in a public defender's office. *Social Problems* 12:255–76.

Sutton, John R. 2004. The political economy of imprisonment in affluent western democracies, 1960–1990. *American Sociological Review* 69:170–89.

Thompson, Anthony C. 2008. *Releasing Prisoners, Redeeming Communities*. New York: New York University Press.

Tittle, Charles R., and Debra A. Curran. 1988. Contingencies for dispositional disparities in juvenile justice. *Social Forces* 67:23–58.

Travis, Jeremy. 2003. *Parole in California, 1980–2000: Implications for Reform*. Washington, DC: The Urban Institute.

792   LIN, GRATTET & PETERSILIA

Travis, Jeremy. 2007. Back-end sentencing: A practice in search of a rationale. *Social Research* 74:631–44.

Travis, Jeremy, and Sarah Lawrence. 2002. *Beyond the Prison Gates: The State of Parole in America*. Washington, DC: The Urban Institute.

Triplett, Ruth. 1993. The conflict perspective, symbolic interactionism, and the status characteristics hypothesis. *Justice Quarterly* 10:541–56.

Ulmer, Jeffery T. 2000. The rules have changed-so proceed with caution: A comment on Engen and Gainey's method for modeling sentencing outcomes under guidelines. *Criminology* 38:1231–43.

Ulmer, Jeffery T., Christopher Bader, and Martha Gault. 2008. Do moral communities play a role in criminal sentencing? Evidence from Pennsylvania. *Sociological Quarterly* 49:737–68.

Ulmer, Jeffery T., and Mindy S. Bradley. 2006. Variation in trial penalties among serious violent offenses. *Criminology* 44:631–70.

Ulmer, Jeffery T., and Brian Johnson. 2004. Sentencing in context: A multilevel analysis. *Criminology* 42:137–77.

Ulmer, Jeffery T., and John Kramer. 1996. Court communities under sentencing guidelines: Dilemmas of formal rationality and sentencing disparity. *Criminology* 34:306–32.

Ulmer, Jeffery T., and John Kramer. 1998. The use and transformation of formal decision making criteria: Sentencing guidelines, organizational contexts, and case processing strategies. *Social Problems* 45:248–67.

Useem, Bert, and Anne M. Piehl. 2008. *Prison State: The Challenge of Mass Incarceration*. New York: Cambridge University Press.

Weidner, Robert, Richard Frase, and Iain Pardoe. 2004. Explaining sentence severity in large urban counties: A multilevel analysis of contextual and case-level factors. *The Prison Journal* 84:184–207.

Western, Bruce. 2006. *Punishment and Inequality in America*. New York: Russell Sage.

Zatz, Marjorie S. 1984. Race, ethnicity, and determinate sentencing. *Criminology* 22:147–71.

Zatz, Marjorie S. 1987. The changing forms of racial/ethnic biases in sentencing. *Journal of Research in Crime and Delinquency* 24:69–92.

Jeffrey Lin is an assistant professor of sociology and criminology at the University of Denver. His research mainly focuses on decision making in criminal justice institutions. He was formerly a postdoctoral scholar at the University of California, Irvine's Center for Evidence-Based Corrections and a research associate at the Vera Institute of Justice. Professor Lin has a PhD in sociology from New York University.

Ryken Grattet is a professor of sociology at the University of California, Davis. He is a sociologist of law whose research focuses on the local reception and implementation of legal rules. He is the author of *Making Hate a Crime: From Social Movement to Law Enforcement* (with Valerie Jenness, 2001, Russell Sage Foundation Press) and the principal investigator of the California Parole Study.

Joan Petersilia is the Adelbert H. Sweet Professor of Law, and the Co-Director of the Stanford Criminal Justice Center, at Stanford Law School. She was previously a professor of criminology at the University of California, Irvine (UCI), where she directed UCI's Center for Evidence-Based Corrections. She was formerly the Director of the Criminal Justice Program at RAND and a past president of the American Society of Criminology. She is the author of the book, *When Prisoners Come Home: Parole and Prisoner Reentry* (2009, Oxford University Press). Dr. Petersilia has a PhD in criminology, law and society from UCI.

794   LIN, GRATTET & PETERSILIA

Appendix A. Specifications of HLM Models Reported in Table 2

The level 1 sampling model is:

$$Y_{ij} \mid \varphi_{ij} \sim B(m_{ij}, \varphi_{ij})$$

where Y_{ij} has a binomial distribution with m_{ij} violation cases and φ_{ij} probability of a case that results in a return to prison. The expected value and variance of Y_{ij} is:

$$E(Y_{ij} \mid \varphi_{ij}) = m_{ij}\varphi_{ij}, \; \mathrm{Var}(Y_{ij} \mid \varphi_i) = m_{ij}\varphi_{ij}(1 - \varphi_{ij})$$

Given that the sampling model is binomial, the level 1 link function is:

$$\eta_{ij} = \log\left(\frac{\varphi_{ij}}{1-\varphi_{ij}}\right)$$

The level 1 structural model is:

$$\eta_{ij} = \beta_{0j} + \beta_{1j}\text{Male} + \beta_{2j}\text{Black} + \beta_{3j}\text{Hispanic} + \beta_{4j}\text{Asian} + \beta_{5j}\text{Other race} + \beta_{6j}\text{Age}_{18-30} + \beta_{7j}\text{Age}_{45+} + \beta_{8j}\text{Serious/Violent} + \beta_{9j}\text{Sex offender} + \beta_{10j}\text{Reception center} + \beta_{11j} \ldots \beta_{21j}[\text{Case controls}]$$

where "Case controls" differ depending on whether the model is of criminal, technical, or absconding violations (table 2).

The level 2 models are expressed:

$$\beta_{0j} = \gamma_{00} + \gamma_{01}\text{Punitiveness} + \gamma_{02}\%\text{Black} + \mu_0$$
$$\beta_{1j} = \gamma_{10} + \mu_1$$
$$\beta_{2j} = \gamma_{20} + \gamma_{21}\%\text{Black} + \mu_2$$
$$\beta_{3j} = \gamma_{30} + \mu_3$$
$$\beta_{4j} = \gamma_{40} + \mu_4$$
$$\beta_{5j} = \gamma_{50} + \mu_5$$
$$\beta_{6j} = \gamma_{60} + \mu_6$$
$$\beta_{7j} = \gamma_{70} + \mu_7$$
$$\beta_{8j} = \gamma_{80} + \gamma_{81}\text{Punitiveness} + \mu_8$$
$$\beta_{9j} = \gamma_{90} + \gamma_{91}\text{Punitiveness} + \mu_9$$
$$\beta_{10j} = \gamma_{100} + \mu_{10}$$
$$\beta_{11j} = \gamma_{110} + \mu_{11}$$
$$\ldots$$
$$\beta_{21j} = \gamma_{210} + \mu_{21}$$

Appendix B. Deviance Statistics and χ^2 Tests for HLM Models of Criminal, Technical, and Absconding Violation Cases

	Criminal Violations			Technical Violations			Absconding Violations		
	Deviance	d.f.	χ^2	Deviance	d.f.	χ^2	Deviance	d.f.	χ^2
Unconditional	266,141.96	2	—	41,720.60	2	—	27,206.69	2	—
Control variables	225,399.80	12	40,742.16**	40,734.85	12	985.75**	27,156.07	8	50.62**
Full model	224,793.45	27	606.35**	40,674.20	27	60.65**	27,074.56	23	81.51**

**p = .01.