Reoccurring Criminal Behavior Analysis

Snapshot Survey of 400 Maine state prisoner files

For the Commission to Improve the Sentencing,
Supervision, Management and Incarceration of Prisoners

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Produced By

The Edmund S. Muskie School of Public Service

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I. METHODOLOGY

A. Sample size (n = 400); only 320 necessary but we wanted to raise confidence level; can generalize statewide but not by facility (HANDOUT)

B. Scope of review

- Reviewed biographic data and some current conviction data (derived from MDOC's current information system)
- Reviewed 400 case files to collect information about prior criminal history and involvement with juvenile justice system

II. ANALYSIS

A. Biographic Data (N=400)

Gender – 7% female; 93% male

Race/Ethnicity – 329 (82.3%) of the sample was identified as white. 49 of 400 are missing data; data not useful

Age – 21% are 18-25; 37% are 18-30 (more than 60% are over 30 years of age)

Security Level Classification (risk of prisoner misconduct in prison) – the majority (75%) are classified at Medium and Minimum security levels

Facility – 75% of the sample is from the Maine Correctional Center (MCC) and Maine State Prison (MSP), the two largest populations

B. Current (Active) Convictions (N=847) – the sample of 400 prisoners is currently incarcerated in Maine state prison for a total of 847 convictions

Total Convictions by Class of Crime
Among the six facilities, 87% of inmates in the sample were incarcerated for crimes classed A-C. MCC had the highest percentage of crimes classed A-C at 93% and MSP had the lowest percentage at 83%. Please note that 7% of all crimes among the sample were unclassified. Please see Table 1 on page 7.

Total Convictions by Facility
The 400 prisoners in the sample have 847 current convictions or 2.1 per inmate among them. The 178 MSP inmates included in the sample accounted for 431 current convictions or 51% of all current convictions. MSP sampled inmates had 2.4 current convictions per inmate – the highest among the 6 facilities. MCC had the lowest rate with 1.7. Please see Table 2 on page 7.

Total Convictions by Security Level

Not surprisingly, inmates classified as "High Maximum" had the most convictions per inmate at 3.14. As the classification level decreased, the convictions per inmate rate went down.

Active Convictions by Security Level

CLASS_CODE	CLASSIF_DESC	# Of Inmates	CountOfOffense Type	# conv./inmate
I1	HIGH MAXIMUM	7	22	3.14
I2	MAXIMUM	60	139	2.32
I3	MEDIUM	145	333	2.30
I4	MINIMUM	156	301	1.93
I5	COMM. RELEAS	11	21	1.91
I6	UNCLASSIFIED	21	31	1.48
		400	847	2.12

C. Current Violent Crime Convictions (N=214) – there are 214 convictions for violent crimes in the sample (214/847 = 25%)

Total Violent Crime Convictions by Facility (by UCR categories 1-5)

Among UCR categories 1-5, the most prevalent violent crime was forcible rape at 37% followed by robbery at 26%. MSP with 45% of the sample population accounted for 60% of the violent crimes. Please see Table 3 on page 8.

Total Violent Crime Convictions by Security Level

The violent crimes conviction rate per inmate by security level was highest among those in the "High Maximum" security level. The violent crimes conviction rate among "High Maximum" inmates in the sample was 1.14. Please note that the "High Maximum" population was just seven inmates. The violent crimes/inmate decreased as the security level decreased. Please see Table 4 on page 8.

D. Length of Sentence (N=398) – the longest sentence for a current conviction by inmate (PSLOS = prison sentence, length of sentence)

By Gender – The mean length of sentence is 8.76 years. For the 27 women in the sample the PSLOS is 3.60 years, while the mean for male inmates is 9.14 years.

By Age Range – As the table below indicates, with each successive age cohort, the PSLOS increases. For inmates over 60, the PSLOS exceeds 34 years. Please note that this cohort includes just 5 inmates.

PSLOS in Years by Age Category		
AGE	Mean	N
18-20	1.99	14
21-25	3.81	75

26-30	7.69	60
31-40	8.22	135
41-50	10.94	79
51-60	18.84	30
61+	34.60	5
Total	8.76	398

By Race – not useful because 49 designations are missing from the information system

By Facility – With the exception of MSP, the other five state facilities all had fairly similar PSLOS rates. By contrast MSP has the longest sentences with mean of 14.36 years. MSP's PSLOS rate was nearly 3 times longer than the next highest rate.

PSLOS in Years * FACILITY		
FACILITY	Mean	N
BCF	4.97	43
CCF	3.62	22
CMP	3.18	11
DCF	3.90	26
MCC	4.41	120
MSP	14.36	176
Total	8.76	398

By Security Level – The length of sentence is higher with increased security level. Inmates in the high maximum and maximum categories have mean PSLOS rates that are fairly similar. The length of sentence drops considerably as the security level drops. Please note that there are just seven inmates at the high maximum level in the sample.

PSLOS in Years * CLASS_CODE		
CLASS_CODE	Mean	N
I1 - High Maximum	25.74	7
I2 - Maximum	21.21	59
I3 - Medium	8.62	145
I4 - Minimum	4.34	156
I5 - Comm. Release	3.83	11
I6 - Unclassified	4.27	20
Total	8.76	398

In Years * Number of Current Convictions – Most (87%) of the sampled inmates have 1-3 current convictions. Four percent (4%) have more than 5 current convictions.

E. Prior Criminal History (N=322)

- We reviewed 400 prisoner files to collect data on prior convictions.
- We used four sources of data: the internal MDOC Face Sheet, State Bureau of Identification (SBI) criminal history record, COMRS (Corrections Master Record Summary - an MDOC data source); and NCIC (National Crime Information Center data – an FBI data source).
- **81% of the total sample (322/400) had prior convictions in the prisoner file.**
- **322 prisoners in the sample had a total of 1,357 prior convictions or 4.2 priors listed in the prisoner file.**

Number of Prior Convictions (Grouped) – More than half (55%) of those inmates with priors had more than six priors. Thirty-one percent (31%) had more than 10 priors.

Number of Priors - Grouped		
	Frequency	Percent
1 to 5 priors	145	45%
6 to 10 priors	78	24%
11 to 15 priors	47	15%
16 to 20 priors	23	7%
21+ priors	29	9%
Total	322	

Number of Prior Convictions (Mean, Median, Mode) – The mean number of priors among the 322 inmates in the sample was 9.4 priors. The median (the midpoint) was 6 priors. The mode (the most common number of priors) was 3.

Number of Priors	
Mean	9.4
Median	6
Mode	3

Prior Convictions by Highest Class of Crime Provided – For each inmate with a prior, we looked at the highest class of crime committed. With many of the older crimes, a class was not always listed. Some inmates had a combination of priors with and without class codes listed in their records. We selected the conviction with the highest classification provided even if it was a little less severe than another crime. For 73% of inmates, the highest prior conviction was classed A-C. For 15% of inmates in the sample, no class was provided for any of their priors.

Prior Sentence Types - Nearly two-thirds (63%) of the inmates with prior conviction in the sample had served prison time. More than four of every five inmates with a prior (81%) had served jail time. Lastly, almost a quarter (24%) had a prior revocation of probation.

Prior Sentence Types (N=322)		
	No	Yes
Prior Jail	19%	81%
Prior Probation	17%	83%
Prior Prison	37%	63%
Prior Fine	25%	75%
Prior ROP	76%	24%

Prior Convictions by Crime Category (HANDOUT)

- We used an expanded version of the 26 Uniform Crime Report (UCR) categories to categorize prior convictions (background: 26 pertain to adult crimes, there are 28 total, but 2 apply only to juveniles)
- Violent Crime – are UCR categories 1-5 (may have been previously explained)
- We expanded the UCR "other" category to more accurately capture crime type (crimes against persons, crimes against property, drug crimes, and a much smaller "other catchall" category). The handout lists the breakdown of all "other" crimes.

Prior Convictions by Crime Category (N= 1,357)

- 5.6% of all prior convictions are violent crime convictions
- The top five categories constitute 50.9% of prior convictions
- The top eight categories constitute almost 70% of prior convictions (69.7%)
- The top fourteen categories constitute 90.1% of prior convictions
- Violent crimes are NOT in the top fourteen categories.
- Larceny-Theft (except motor vehicle theft) accounted for one every seven (14%) priors among the 322 inmates with a prior. Other assaults and burglary/breaking and entry each accounted for 10% of the priors.
- Among the prior convictions, property crimes accounted for 34% of them followed by person crimes at 33%.

Priors by Type of Crime		
	Frequency	Percent
Property	465	34%
Person	449	33%
Other	262	19%
Drug	176	13%
Missing	5	0%
Total	1357	100

F. Juvenile System Involvement (N=113)

- Juvenile system involvement is not routinely recorded in MDOC adult case files
- Survey researchers reviewing files found evidence of juvenile system involvement in 113 of the 400 prisoner sample (28%)
- Actual juvenile system involvement may be higher than 28%
- Juvenile system involvement is not limited to involvement in the Maine juvenile system (out-of-state involvement occurs as well)

Table 1

	Total Convictions by Class of Offense by Facility (N=847)													
	BCF (N=43)		CCF (N=22)		CMP (N=11)		DCF (N=26)		MCC (N=120)		MSP (N=178)		Total (N=400)	
A	12	14%	10	20%	5	21%	10	19%	36	17%	125	29%	198	23%
B	32	38%	11	22%	4	17%	22	42%	37	18%	89	21%	195	23%
C	3	38%	24	49%	11	46%	17	33%	119	58%	142	33%	345	41%
D	2	2%	2	4%	2	8%	1	2%	4	2%	20	5%	31	4%
E	3	4%	1	2%	0	0%	0	0%	2	1%	9	2%	15	2%
U	4	5%	1	2%	2	8%	2	4%	8	4%	46	11%	63	7%
Facility Total and % of Total	85	10%	49	6%	24	3%	52	6%	206	24%	431	51%	847	

Table 2

	Total Convictions among the Sample by Facility (N=847)													
	BCF (N=43)		CCF (N=22)		CMP (N=11)		DCF (N=26)		MCC (N=120)		MSP (N=178)		Total (N=400)	
Person	30	35%	20	41%	4	17%	18	35%	59	29%	172	40%	303	36%
Property	26	31%	13	27%	8	33%	24	46%	84	41%	149	35%	304	36%
Drug	14	16%	8	16%	7	29%	4	8%	30	15%	39	9%	102	12%
Other	15	18%	8	16%	5	21%	6	12%	33	16%	71	16%	138	16%
Total	85		49		24		52		206		431		847	
Current Convictions/ Inmates	2.0		2.2		2.2		2.0		1.7		2.4		2.1	

Table 3

	Total Violent Convictions among the Sample by Facility (N=214)													
	BCF (N=43)		CCF (N=22)		CMP (N=11)		DCF (N=26)		MCC (N=120)		MSP (N=178)		Total (N=400)	
1 = Murder	0	0%	0	0%	0	0%	0	0%	4	11%	28	22%	32	15%
2 = Manslaughter	3	13%	1	11%	0	0%	0	0%	2	6%	4	3%	10	5%
3 = Forcible Rape	9	39%	6	67%	1	50%	6	38%	14	39%	43	34%	79	37%
4 = Robbery	4	17%	0	0%	1	50%	8	50%	11	31%	31	24%	55	26%
5 = Aggravated Assault	7	30%	2	22%	0	0%	2	13%	5	14%	22	17%	38	18%
Facility Total and % of Total	23	11%	9	4%	2	1%	16	7%	36	17%	128	60%	214	
Total Violent Crimes/Inmate	0.53		0.41		0.18		0.62		0.30		0.72		0.54	

Table 4

	Total Violent Convictions among the Sample by Security Level (N=214)													
	High Maximum (N=7)		Maximum (N=60)		Medium (N=145)		Minimum (N=156)		Comm. Release (N=11)		Unclassified (N=21)		Total (N=400)	
1 = Murder	2	25%	14	23%	14	17%	1	2%	0	0%	1	17%	32	15%
2 = Manslaughter	1	13%	2	3%	1	1%	6	11%	0	0%	0	0%	10	5%
3 = Forcible Rape	1	13%	29	48%	24	30%	22	39%	1	50%	1	17%	78	36%
4 = Robbery	2	25%	9	15%	27	33%	15	26%	0	0%	2	33%	55	26%
5 = Aggravated Assault	2	25%	6	10%	15	19%	13	23%	1	50%	2	33%	39	18%
Level Total and % of Total	8	4%	60	28%	81	38%	57	27%	2	1%	6	3%	214	
Total Violent Crimes/Inmate	1.14		1.00		0.56		0.37		0.18		0.29		0.54	

Sampling

An appropriate random sample of the total statewide prison population would be 320. Because we want the study to be reliable, we would calculate the sample size at a confidence level of 95% with a margin of sampling error of +/- 5%. This means that if we conducted the study and selected a sample 100 different times, in 95 of those studies, the findings would vary by no more than 5%. This "95/5" is a commonly accepted standard for social science research. Using the 95/5 calculation, we would need to select a sample of 320 records for review. The numbers of records reviewed at each prison would range from around 9 at the smallest sites to about 162 at MSP.

The advantage of this approach is that it's quick, relatively inexpensive, and do-able in the amount of time we have available. The disadvantage is that, because there would be so few records reviewed at the smaller prisons, no statistically reliable comparisons could be made between prisons (or any other subgroup of the total statewide population). Thus, we could report "x% of Maine's prison population has at least 1 prior conviction". We could not, however, state "x% of the prisoners in Downeast Correctional Center have at least 1 prior conviction, but only y% at Charleston have a prior conviction". The sample sizes at each location would be too small to be very reliable at the local level.

For this study we chose to use a 400-prisoner sample. This achieves a bigger statewide sample with the benefit of providing more precise estimates overall, because the margin of sampling error is smaller. By reviewing 400 records, we have a 95% confidence level and a margin of sampling error of about 4%. We are still not able to compare prisons.[1]

[1] The impossible alternative given time constraints: to sample at the 95/5 confidence level *at each prison*. This would result in a total sample size of approx. 796, with the number of records to be abstracted ranging from about 44 at the pre-release center in Hallowell to about 269 at MSP. The advantage here is that comparisons could be made between prisons; the example cited above would be valid. Unfortunately, given the amount of time available for gathering and analyzing the data, this isn't a practical option.

Offense Category		Type
1	Murder	Person
2	Manslaughter	Person
3	Forcible Rape	Person
4	Robbery	Property
5	Aggravated Assault	Person
6	Burglary, Breaking and Entering	Property
7	Larceny-Theft (except Theft of a m/v)	Property
8	Motor Vehicle Theft (aka Theft of a m/v)	Property
9	Other Assaults	Person
10	Arson	Property
11	Forgery and Counterfeiting	Property
12	Fraud	Person
13	Embezzlement	Property
14	Stolen Property: Buying, Receiving, Possessing	Property
15	Vandalism	Property
16	Weapons: Carrying, Possessing, etc.	Other
17	Prostitution and Commercial Vice (sex offense)	Person
18	Sex Offenses, Other (except Forcible Rape and Prostitution)	Person
19	Drug Abuse Violations	Drug
20	Gambling	Other
21	Offense Against Family and Children	Person
22	Driving Under the Influence	Drug
23	Liquor Laws	Drug
24	Drunkenness	Drug
25	Disorderly Conduct	Other
26	Other: Person	Person
27	Other: Property	Property
28	Other: Drug	Drug
29	Other: Traffic related	Other
30	Other	Other

Categories 1-5 are classified as violent crimes

1	Murder
1	FELONY MURDER
1	MURDER
2	Manslaughter
2	MANSLAUGHTER
2	MANSLAUGHTER-MOTOR VEHICLE
3	Forcible Rape
3	ATTEMPTED GROSS SEXUAL ASSAULT
3	ATTEMPTED RAPE (OLD CODE)
3	GROSS SEXUAL ASSAULT
3	GROSS SEXUAL MISCONDUCT (OLD CODE)
3	RAPE (OLD CODE)
3	SEXUAL ASSAULT ON A CHILD
4	Robbery
4	ROBBERY
4	ARMED ROBBERY
5	Aggravated Assault
5	AGGRAVATED ASSAULT
5	AGGRAVATED ASSAULT WITH A MOTOR VEHICLE
5	ELEVATED AGGRAVATED ASSAULT
6	Burglary, Breaking and Entering
6	BURGLARY
7	Larceny-Theft (except /Theft of a m/v)
7	BURGLARY OF A MOTOR VEHICLE
7	FALSE PRETENSE IN COMMON TRANSACTION
7	POSSESSION OF BURGLARY TOOLS
7	THEFT
7	THEFT BY DECEPTION
7	THEFT BY MISAPPLICATION
7	THEFT BY UNAUTHORIZED TAKING OR TRANSFER
7	UNAUTHORIZED USE OF PROPERTY
8	Motor Vehicle Theft (aka Theft of a m/v)
9	Other Assaults
9	ASSAULT
9	ASSAULT ON AN OFFICER
9	ATTEMPT
9	ATTEMPTED MURDER
9	TERRORIZING

10	Arson
10	ARSON
11	Forgery and Counterfeiting
11	AGGRAVATED FORGERY
11	FORGERY
11	NEGOTIATING WORTHLESS INSTRUMENT
12	Fraud
12	PROVIDING FALSE INFORMATION TO PURCHASE A FIREARM
12	MISUSE OF CREDIT IDENTIFICATION
13	Embezzlement
14	Stolen Property: Buying, Receiving, Possessing
14	RECEIVING STOLEN PROPERTY
15	Vandalism
16	Weapons: Carrying, Possessing, etc.
16	CRIMINAL POSSESSION OF FIREARM
16	POSSESSION OF FIREARM BY FELON
16	THREATENING DISPLAY OF WEAPON
17	Prostitution and Commercial Vice (sex offense)
18	Sex Offenses, Other (except Forcible Rape and Prostitution)
18	SEXUAL ABUSE OF MINOR
18	SEXUAL EXPLOITATION OF A MINOR
18	UNLAWFUL SEXUAL CONTACT
18	PUBLIC INDECENCY
19	Drug Abuse Violations
19	DRUG, ACQUIRING DRUGS BY DECEPTION
19	DRUG, AGGRAVATED TRAFFICKING OR FURNISHING DRUGS
19	DRUG, STEALING DRUGS
19	DRUG, UNLAWFUL POSSESSION OF DRUGS
19	DRUG, UNLAWFUL TRAFFICKING IN HEROIN
19	DRUG, UNLAWFUL TRAFFICKING IN SCHEDULED DRUGS
19	DRUG, UNLAWFULLY FURNISHING DRUGS
19	MARIJUANA CULTIVATION
19	TRAFFICKING IN PRISON CONTRABAND
20	Gambling
21	Offense Against Family and Children

22	Driving Under the Influence
22	CRIMINAL OUI
22	HABITUAL OFFENDER
22	OPERATING UNDER THE INFLUENCE
23	Liquor Laws
23	FURNISHING LIQUOR TO A MINOR
24	Drunkenness
25	Disorderly Conduct
26	Other: Person
26	AGGRAVATED CRIMINAL MISCHIEF
26	CRIMINAL RESTRAINT
26	CRIMINAL THREATENING
26	DRIVING TO ENDANGER
26	HARASSMENT BY PHONE
26	KIDNAPPING
26	RECKLESS CONDUCT
26	STALKING
26	THREATENING DISPLAY OF A WEAPON
26	VIOLATION OF PRIVACY
26	VIOLATION OF PROTECTION FROM ABUSE
27	Other: Property
27	AGGRAVATED CRIMINAL TRESPASSING
27	CAUSING A CATASTROPHE
27	CRIMINAL MISCHIEF
27	CRIMINAL TRESPASS
27	CRIMINAL USE OF EXPLOSIVES
27	DAMAGE TO PROPERTY OF PUBLIC UTILITY
28	Other: Drug
28	Dirty Urine (for drug test)
29	Other: Traffic related
29	DRIVING WHILE LICENSE SUSPENDED OR REVOKED
29	IMPROPER PLATES
29	LEAVING THE SCENE OF A PERSONAL INJURY ACCIDENT
29	OPERATING AFTER REVOCATION
29	OPERATING M.V. AFTER HABITUAL OFFENDER STATUS

30	Other
30	ATTEMPTED FELONY BY FALSE PRETENSES
30	CONSPIRACY
30	ELUDING A POLICE OFFICER
30	ESCAPE
30	FAILURE TO APPEAR
30	FAILURE TO REPORT
30	FAILURE TO STOP FOR AN OFFICER
30	FALSE PUBLIC ALARM
30	HINDERING APPREHENSION OR PROSECUTION
30	ILLEGAL POSSESSION OF A WILD TURKEY
30	JUMPING BAIL
30	OBSTRUCTING CRIMINAL PROSECUTION
30	OBSTRUCTING GOVERNMENT ADMINISTRATION
30	OBSTRUCTING REPORT OF A CRIME
30	Pre ARRANGED FUNERAL VIOLATION
30	REFUSING TO SUBMIT TO ARREST OR DETENTION
30	SOLICITATION TO COMMIT A CLASS B CRIME
30	TAMPERING WITH WITNESS, VICTIM, INFORMANT OR JUROR
30	US MAIL, FEDERAL THEFT
30	VIOLATION OF BAIL CONDITIONS