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Probation and Split-Sentencing in Maine: In Brief

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IN BRIEF

PROJECT BRIEF FOR THE NATIONAL INSTITUTE OF CORRECTIONS

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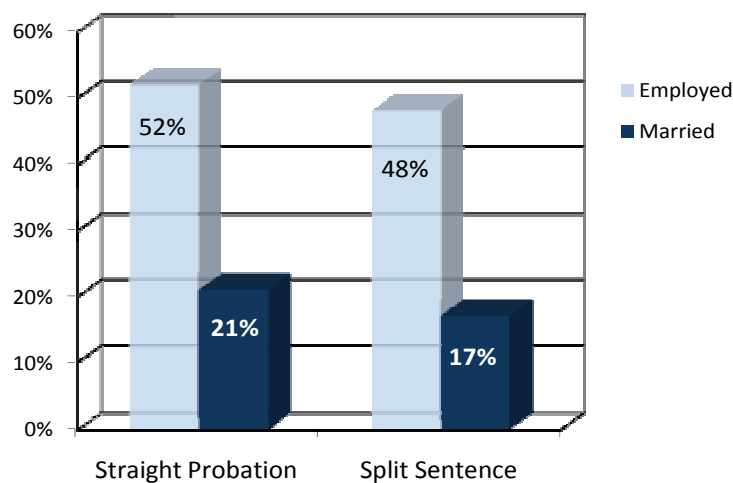
PROBATION AND SPLIT-SENTENCING IN MAINE

Overview

In 2005, the Maine Department of Corrections (MDOC), with support from the National Institute of Corrections, began implementing a series of evidence-based principles in community corrections with the goal of improving the effectiveness of offender management in the community. This brief examines Maine's sentencing practices during the pilot project, for adult probationers entering probation between 2004 and 2007. Two main questions guide the analysis: *Who is more likely to receive a split sentence?* And *what is the relationship between sentence-type and the probability of probation violation and/or recidivism?*

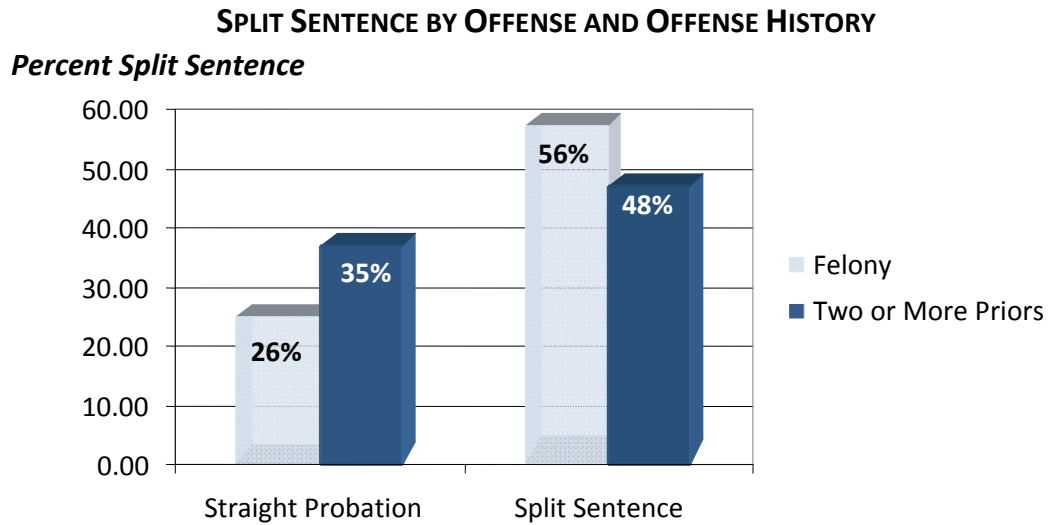
Who Received a Split-Sentence?

In Maine, there are two major forms of probation: 1) straight probation and 2) a split-sentence. The latter form of probation occurs when the court orders the offender to serve a portion of his/her sentence in prison or jail, with the remainder to be served under community supervision. In Maine, 65% of all probations have a split-sentence. Most of those with a split sentence (85%) are males, white (92%) and have committed a felony (56%). The average age of the split-sentence group is 33, and the majority are unemployed and unmarried.



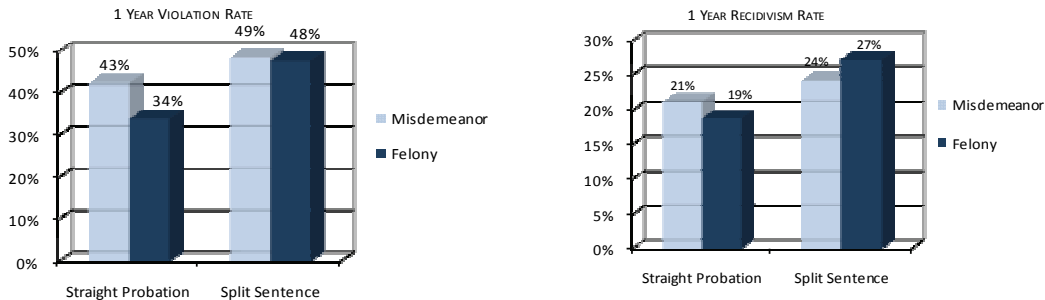
Split-Sentences in Maine Are More Likely to be Given to More Serious Offenders

Of the 7,740 probationers receiving a split-sentence during the pilot project, 56% were charged with a felony (versus a misdemeanor). The split-sentence probationers, on average, had more prior arrests (4.9 compared to 4.1) and were younger at the age of first arrest (a known recidivism risk factor). On the whole, 40% of those receiving a split sentence had two or more prior arrests, compared to just 35% of those not receiving a split-sentence.



Probationers Receiving Split-Sentences Re-Offended at a Higher Rate

The data show that those receiving a split-sentence were 1.26 times as likely to re-offend within one year than those on straight probation. This finding is generally consistent over time and is not influenced by severity of offense.



Recidivism is More Likely for Lower Risk Felony Offenders Receiving a Split-Sentence

The risk of re-offending is not the same for offenders of different risk categories. For example, while the lower split-sentence risk offenders in the sample were more likely to recidivate within one year, higher risk offenders who received a split-sentence were *not* more likely to re-offend within one year. For the highest risk category (Maximum), offenders receiving straight probation were more likely (62% v. 47%) to recidivate within one year. This finding shows that for some offenders, split-sentences do not lead to higher rates of re-offending. When restricting the analysis to non-felonies, the data revealed that there is no difference in the proportion of “administrative” offenders with split-sentences who recidivated within one year (9.6% straight probation vs. 9.0% split-sentence). For non-felons, the disparity in risk of re-offending was greater at higher LSI-R risk levels, with split-sentence offenders classified as “high” risk recidivating at a 15% higher rate than non-split-sentence offenders¹. These findings carry policy implications for examination by policymakers.

IMPLICATIONS

Several policy-relevant findings were gleaned from the Maine adult probation data. First, analyses showed that most of the probationers who received a split-sentence had committed a felony, and had a lengthier criminal history than those on straight probation. However, a sizable portion of lower risk offenders (as measured by the LSI-R) had also received split-sentences. Administrative to medium risk offenders may receive a split-sentence for a number of reasons, including mandatory minimum sentences, or because risk level is generally not known at the time of court action.

The analyses also examined the impact of different sentences on probationer outcomes. The data revealed that split-sentences generally result in a higher rate of violations and new offenses within one year of the start of probation supervision. The data suggested that lower risk offenders receiving a split-sentence were more likely to recidivate than those on straight probation whereas higher risk offenders receiving a split sentence were not. This finding suggests that the criminal justice system may want to more closely examine who receives a split-sentence versus who does not. Understanding the most cost-efficient (in terms of fiscal and criminal justice policy) manner in which to use incarceration remains a high priority for the state of Maine. The findings above are a positive step toward increasing knowledge of this process.

¹ Interestingly, split-sentence probationers classified as “maximum” risk had a lower rate of offending than their straight probation counterparts. Small sample sizes in these groups, however, preclude confidence in these results.

ABOUT THIS BRIEF

This brief was developed under the auspices of a cooperative agreement (#05C43GJG4) between the University of Southern Maine and National Institute of Corrections. Funding for this report was provided by the National Institute of Corrections and data was collected through a cooperative agreement with the Maine Department of Corrections. The opinions, findings, and conclusions expressed in this publication are those of the authors and do not necessarily reflect the view of the Department of Justice or the Maine Department of Corrections.

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*This report is available on the Justice Policy Program Website:
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