Justice Reinvestment in Maine

Third Presentation to the Maine Commission to Improve the Sentencing, Supervision, Incarceration and Management of Prisoners

December 11, 2019

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What is Justice Reinvestment?

A data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety

The Justice Reinvestment Initiative is funded principally by the U.S. Department of Justice’s Bureau of Justice Assistance (BJA) with additional funding from The Pew Charitable Trusts.

Technical assistance for states participating in the Justice Reinvestment Initiative is provided by The Council of State Governments (CSG) Justice Center and Community Resources for Justice’s Crime and Justice Institute (CJI).
The process of collecting and analyzing case-level data from criminal justice agencies in Maine is underway.

<table>
<thead>
<tr>
<th>Justice Reinvestment Data Request Update</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Data Requested</strong></td>
</tr>
<tr>
<td>---------------------</td>
</tr>
<tr>
<td>Arrests/Criminal History</td>
</tr>
<tr>
<td>Court Filings and Sentences Charges, dispositions and sentences, specialty court dockets</td>
</tr>
<tr>
<td>Prosecutorial Data Charges, filings, dispositions and sentences, diversions</td>
</tr>
<tr>
<td>Probation Admissions, terminations, program participation, sanctions</td>
</tr>
<tr>
<td>Prison Admissions, releases, program participation</td>
</tr>
</tbody>
</table>
Section 2 in this presentation is based on sentencing data from the Administrative Office of the Courts. Section 3 is based on admissions, terminations, and snapshot data from the Maine Department of Corrections.

A. DPS Computerized Criminal History:
- More than 500,000 arrests and dispositions
- Analyzed by guilty dispositions using disposition date and offense level, with only Class D and higher offenses included in prior conviction history.

B. AOC Data on Charges, Cases, and Probation Revocations:
- More than 203,000 criminal cases, including those filed between July 1, 2015 and June 30, 2019
- disposed between July 1, 2015 and June 30, 2019
- having a probation revocation between July 1, 2015 and June 30, 2019
- More than 332,000 criminal charges
- Race information is missing for almost 4 percent of records. Gender information is missing for about 1 percent of records.
- Analyzed by filing date, with the most serious offense taking precedence; by finding date, with the most serious offense taking precedence; and by sentence date, with a combination of most restrictive sentence and most serious offense taking precedence.

C. DOC Data on Probation and Prison:
- More than 150,000 records including
  - Probation starts and terminations between January 1, 2008 and December 30, 2018
  - Prison admissions and releases between January 1, 2008 and December 30, 2018
  - Probation and prison snapshots of the population on June 30 of each year between 2008 and 2018
- Race information is missing for about 2 percent of records. Gender information is complete in all records.
- Analyzed by start/admission date and termination/release date, with the most serious offense taking precedence. Offense information is unclassified or unclear in about 9 percent of prison records and less than 1 percent of probation records.

Source: Data from the Maine Department of Corrections and Maine Administrative Office of the Courts, 2019.
Presentation Overview

1. Recap of November Findings
2. Sentencing Analysis
3. Prison and Probation Analysis
Arrest activity is largely concentrated on relatively low-level offenses such as violation of conditions of release, but high-level drug enforcement arrests are on the rise.

- VCR was the primary or secondary charge in more than 20 percent of all arrests.
- Drug arrests were just less than 9 percent of all arrests in Maine in 2018. However, arrests for drug trafficking made up over half of all Class A arrests and over one-quarter of Class B arrests.
- Between 2008 and 2018, drug arrests for women increased 25 percent. During that time, arrests of women for Class A drug offenses more than tripled.
- Class A drug arrests overall doubled from 2008 to 2018.
- Black people account for 21 percent of Class A drug arrests and 15 percent of Class B drug arrests.
Although Maine has a low incarceration rate, most sentences involve some incarceration; straight probation is uncommon.

- More than 80 percent of felony sentences involve a period of incarceration in either jail or prison; straight probation is notably uncommon.

- The number of felony sentences decreased 10 percent between FY2016 and FY2019, but the number of sentences to prison increased 2 percent.

- When split sentencing to jail or prison is used, the additional terms of supervision are generally longer than the average for straight probation cases.

- In FY2019, nearly half of sentences for felony drug offenses resulted in a sentence to prison.

- Between FY2016 and FY2019, 48 percent of non-Mainers sentenced to prison were black, while 7 percent of Mainers sentenced to prison were black.
MDOC supervision policies follow principles of effective intervention, but there are implementation challenges.

Key Findings on Probation Supervision in Maine

- In rural areas, contact standards are difficult to accomplish due to the long distances for client or Probation Officer travel.
- There is a strong focus on case planning, though only for higher-risk people on probation.
- Incentives are not included on any graduated sanctions grid, nor is there formal policy indicating how, when, under what circumstances, and for whom they should be applied.
- Improved coordination is needed between probation officers in the field and institutional staff preparing people for release.
- In many areas, community-based resources are limited, difficult to access, and difficult to assess for quality.
- Transportation is a serious limitation to accessing treatment, programming, and other services for people on probation.

Eight dimensions of effective intervention

1. Assess risk, need, and responsivity.
2. Target the right people.
4. Ensure adequate investment in and access to proven programs.
5. Use case planning to facilitate positive behavior change.
6. Respond to both positive and negative behaviors.
7. Hold individuals accountable.
8. Measure outcomes.
Presentation Overview

1. Recap of November Findings
2. Sentencing Analysis
3. Prison and Probation Analysis
States use a variety of different approaches to sentencing. Maine is among seven states that do not use sentencing guidelines and do not rely on parole release.

In some states (upper right), the adoption of sentencing guidelines and abolishing parole went hand in hand.

Sentencing guidelines and discretionary parole release operate simultaneously in eight states (upper left).

**Source:** Alexis Lee Watts, Robina Institute, "In Depth: Sentencing Guidelines and Discretionary Parole Release," Figure 1. See: https://sentencing.umn.edu/content/depth-sentencing-guidelines-and-discretionary-parole-release
State sentencing guidelines use offense severity and criminal history.

Example: Minnesota Sentencing Grid

<table>
<thead>
<tr>
<th>SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)</th>
<th>CRIMINAL HISTORY SCORE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder, 3rd Degree Murder, 2nd Degree (unintentional murder)</td>
<td>10</td>
</tr>
<tr>
<td>Assault, 1st Degree Controlled Substance Crime, 1st Degree</td>
<td>9</td>
</tr>
<tr>
<td>Aggravated Robbery, 1st Degree Controlled Substance Crime, 2nd Degree</td>
<td>8</td>
</tr>
<tr>
<td>Felony DWI</td>
<td>7</td>
</tr>
<tr>
<td>Controlled Substance Crime, 3rd Degree</td>
<td>6</td>
</tr>
<tr>
<td>Residential Burglary/ Simple Robbery</td>
<td>5</td>
</tr>
<tr>
<td>Nonresidential Burglary</td>
<td>4</td>
</tr>
<tr>
<td>Theft Crime, (Over $5,000)</td>
<td>3</td>
</tr>
<tr>
<td>Theft Crime ($5,000 or less) Check Forgeries ($251-$2,500)</td>
<td>2</td>
</tr>
<tr>
<td>Sale of Simulated Controlled Substance</td>
<td>1</td>
</tr>
</tbody>
</table>

Presumptive probation

Sentencing Guidelines and Data Collection

“The key to effective correctional resource management is data. When sentencing is implemented uniformly, as under sentencing guidelines, the resulting sentences are fairly predictable, thereby presenting a starting point for analysis. But in order to forecast correctional populations accurately, a jurisdiction must also track actual sentencing data. This permits the jurisdiction to confirm sentencing patterns, which may deviate from the recommended guidelines at a predictable rate. The combination of the expected guidelines sentence and the actual sentence provides the commission with a rich data set from which it can develop a long-term forecasting model or gauge the impact of pending legislation or guidelines modifications. In the states where the collection of such data has been made a priority, the commission is able to discern how many prison or jail beds will be needed for any given piece of legislation.”

Maine sentencing disposition patterns, shown here by offense class and conviction history, generally show an increased likelihood of going to prison as severity increases.

<table>
<thead>
<tr>
<th></th>
<th>0-1 Prior Convictions</th>
<th>2-3 Prior Convictions</th>
<th>4-5 Prior Convictions</th>
<th>6+ Prior Convictions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Murder</strong></td>
<td>100% Prison</td>
<td>100% Prison</td>
<td>no cases</td>
<td>no cases</td>
</tr>
<tr>
<td>Class A (N= 454)</td>
<td>37% Prison</td>
<td>45% Prison</td>
<td>34% Prison</td>
<td>32% Prison</td>
</tr>
<tr>
<td></td>
<td>52% Prison Split</td>
<td>46% Prison Split</td>
<td>45% Prison Split</td>
<td>53% Prison Split</td>
</tr>
<tr>
<td></td>
<td>&lt;1% Jail</td>
<td>1% Jail</td>
<td>no cases</td>
<td>1% Jail</td>
</tr>
<tr>
<td></td>
<td>10% Jail Split</td>
<td>4% Jail Split</td>
<td>14% Jail Split</td>
<td>11% Jail Split</td>
</tr>
<tr>
<td></td>
<td>1% Probation</td>
<td>5% Probation</td>
<td>7% Probation</td>
<td>no cases</td>
</tr>
<tr>
<td>Class B (N= 2,868)</td>
<td>26% Prison</td>
<td>33% Prison</td>
<td>40% Prison</td>
<td>45% Prison</td>
</tr>
<tr>
<td></td>
<td>27% Prison Split</td>
<td>27% Prison Split</td>
<td>20% Prison Split</td>
<td>21% Prison Split</td>
</tr>
<tr>
<td></td>
<td>8% Jail</td>
<td>14% Jail</td>
<td>14% Jail</td>
<td>11% Jail</td>
</tr>
<tr>
<td></td>
<td>28% Jail Split</td>
<td>19% Jail Split</td>
<td>15% Jail Split</td>
<td>13% Jail Split</td>
</tr>
<tr>
<td></td>
<td>10% Probation</td>
<td>7% Probation</td>
<td>11% Probation</td>
<td>10% Probation</td>
</tr>
<tr>
<td>Class C (N= 9,395)</td>
<td>20% Prison</td>
<td>28% Prison</td>
<td>32% Prison</td>
<td>39% Prison</td>
</tr>
<tr>
<td></td>
<td>7% Prison Split</td>
<td>6% Prison Split</td>
<td>6% Prison Split</td>
<td>7% Prison Split</td>
</tr>
<tr>
<td></td>
<td>35% Jail</td>
<td>38% Jail</td>
<td>38% Jail</td>
<td>35% Jail</td>
</tr>
<tr>
<td></td>
<td>23% Jail Split</td>
<td>17% Jail Split</td>
<td>14% Jail Split</td>
<td>10% Jail Split</td>
</tr>
<tr>
<td></td>
<td>12% Probation</td>
<td>9% Probation</td>
<td>9% Probation</td>
<td>7% Probation</td>
</tr>
</tbody>
</table>

*Note: This examines sentenced people who had a legal address in Maine at the time of case filing and convictions for a Class D offense or higher. Eleven Class B and 196 Class C sentences of Fine/Other are not included in the grid.

White people sentenced to prison on a straight sentence had more prior convictions than people of other races.

**Sentences to Prison by Prior Conviction Categories and Race, FY2016–FY2019**

<table>
<thead>
<tr>
<th>Race</th>
<th>0-1 Priors</th>
<th>2-3 Priors</th>
<th>4-5 Priors</th>
<th>6+ Priors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>59%</td>
<td>22%</td>
<td>12%</td>
<td>8%</td>
</tr>
<tr>
<td>Native Am.</td>
<td>62%</td>
<td>24%</td>
<td>10%</td>
<td>3%</td>
</tr>
<tr>
<td>White</td>
<td>43%</td>
<td>29%</td>
<td>16%</td>
<td>12%</td>
</tr>
</tbody>
</table>

**Straight Sentences to Prison**

- **N = 1310**
  - Median: 1

**Split Sentences to Prison**

- **N = 1,339**
  - Median: 1

*Note: This examines sentenced people who had a legal address in Maine at the time of case filing and convictions for a class D offense or higher.

Sentences to prison for men outnumber those for women by nearly six to one, but men tend to have more prior convictions than women.

*Note: This examines sentenced people who had a legal address in Maine at the time of case filing and convictions for a class D offense or higher.

People receiving straight sentences to prison or jail for Class C felonies generally have more prior convictions than those receiving other sentencing dispositions.

*Median Number of Prior Convictions* by Offense Level and Sentence for Felony Sentences, FY2016–FY2019

*Note: This examines sentenced people who had a legal address in Maine at the time of case filing and convictions for a class D offense or higher.*

Between FY2016 and FY2019, 44 percent of sentences to prison for Class C offenses were for less than one year.

Class C Prison Sentences by Sentence Length Group, FY2016–FY2019

<table>
<thead>
<tr>
<th>Sentence Length Group</th>
<th>FY2016</th>
<th>FY2017</th>
<th>FY2018</th>
<th>FY2019</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Years–2 Years</td>
<td>290</td>
<td>318</td>
<td>415</td>
<td>337</td>
<td>1220</td>
</tr>
<tr>
<td>2.1 Years–3 Years</td>
<td>280</td>
<td>320</td>
<td>282</td>
<td>282</td>
<td>1164</td>
</tr>
<tr>
<td>3.1 Years–4 Years</td>
<td>296</td>
<td>37</td>
<td>32</td>
<td>28</td>
<td>483</td>
</tr>
<tr>
<td>4.1 Years–5 Years</td>
<td>86</td>
<td>101</td>
<td>95</td>
<td>93</td>
<td>385</td>
</tr>
<tr>
<td>More Than 5 Years</td>
<td>38</td>
<td>37</td>
<td>95</td>
<td>28</td>
<td>208</td>
</tr>
</tbody>
</table>

Between FY2016 and FY2019, 23 percent of Class B sentences to prison were for nine months and one day to one year; 41 percent were for one to two years.

Class B Prison Sentences by Sentence Length Group, FY2016–FY2019

<table>
<thead>
<tr>
<th>Sentence Length Group</th>
<th>FY2016</th>
<th>FY2017</th>
<th>FY2018</th>
<th>FY2019</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Years–2 Years</td>
<td>204</td>
<td>173</td>
<td>206</td>
<td>162</td>
<td>496</td>
</tr>
<tr>
<td>2.1 Years–3 Years</td>
<td>90</td>
<td>108</td>
<td>104</td>
<td>118</td>
<td>431</td>
</tr>
<tr>
<td>3.1 Years–4 Years</td>
<td>86</td>
<td>113</td>
<td>100</td>
<td>74</td>
<td>466</td>
</tr>
<tr>
<td>4.1 Years–5 Years</td>
<td>35</td>
<td>24</td>
<td>23</td>
<td>14</td>
<td>445</td>
</tr>
<tr>
<td>More Than 5 Years</td>
<td>30</td>
<td>33</td>
<td>30</td>
<td>10</td>
<td>466</td>
</tr>
</tbody>
</table>

Between 2016 and 2019, 35 percent of Class A sentences to prison were for more than five years.

**Source:** Data from the Maine Administrative Office of the Courts, 2016–2019.
Between FY2016 and FY2019, relatively short sentences to prison of less than one year increased 21 percent, peaking in FY2018.

Relatively short sentences (less than 60 days) account for nearly 40 percent of felony jail split sentences.

**Time Sentenced for Felony Jail Splits, FY2018**

- 60+ days: 412 (61%)
- 31–60 days: 109 (16%)
- 21–30 days: 75 (11%)
- 11–20 days: 32 (5%)
- 6–10 days: 28 (4%)
- <=5 days: 21 (3%)

**Felony Split Sentences to Jail, FY2016–FY2019**

- FY2016: 714
- FY2017: 683
- FY2018: 677
- FY2019: 626

FY2016-FY2019: -12%

**Source:** Data from the Maine Administrative Office of the Courts, 2016–2019.
Time ordered for misdemeanor jail split sentences is 30 days or less in 73 percent of cases.

Key takeaways are about criminal history and short sentences.

- Maine sentencing disposition patterns, by offense class and conviction history, generally show an increased likelihood of going to prison as severity increases.

- White people sentenced to prison on a straight sentence had more prior convictions than people of other races.

- People receiving straight sentences to prison or jail for Class C felonies generally have more prior convictions than those receiving other sentencing dispositions.

- Between 2016 and 2019, 44 percent (337 total) of Class C sentences to prison were short (271 to 365 days), creating a challenge for correctional programming.

- Between FY2016 and FY2019, these short sentences to prison increased 21 percent, peaking in FY2018. During the same period, sentences of 1.1–2 years decreased 12 percent.

- Relatively short sentences of less than 60 days account for nearly 40 percent of felony jail split sentences. Time ordered for misdemeanor jail split sentences is 30 days or less in 73 percent of cases.
Presentation Overview

1. Recap of November Findings
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Between 2012 and 2018, prison admissions increased 34 percent. Much of that growth can be attributed to an increase in new commitments to prison.

The relative proportions across admission types have changed little between 2012 and 2018.

2012 Prison Admissions:
- 0.4% SCCP Violation
- 42.3% Probation Violation
- 57.3% New Sentence

2018 Prison Admissions:
- 1.4% SCCP Violation
- 42.0% Probation Violation
- 56.6% New Sentence

*SCCP = Supervised Community Confinement Program. See Maine Revised Statutes Title 34-A §3036-A

Source: Data from Maine Department of Corrections, 2008–2018.
Between 2012 and 2018, prison admissions for probation violations for women more than doubled. In the same period, new sentences to prison for women increased 65 percent.

While admissions for new sentences have always outnumbered probation violation admissions for men, this is not true for women, among whom probation violation admissions outnumbered new sentence admissions in both 2015 and 2018.

**Source:** Data from Maine Department of Corrections, 2008–2018.
Between FY2016 and FY2019, sentences to prison increased 2 percent and usage varied by judicial region.

Percent Change in Felony Prison Sentences by Judicial Region, FY2016–FY2019

<table>
<thead>
<tr>
<th>Region</th>
<th>FY2016</th>
<th>FY2019</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Region 1</td>
<td>150</td>
<td>123</td>
<td>-18%</td>
</tr>
<tr>
<td>Region 2</td>
<td>199</td>
<td>207</td>
<td>4%</td>
</tr>
<tr>
<td>Region 3</td>
<td>202</td>
<td>234</td>
<td>16%</td>
</tr>
<tr>
<td>Region 4</td>
<td>237</td>
<td>210</td>
<td>-11%</td>
</tr>
<tr>
<td>Region 5</td>
<td>208</td>
<td>209</td>
<td>0%</td>
</tr>
<tr>
<td>Region 6</td>
<td>127</td>
<td>151</td>
<td>19%</td>
</tr>
<tr>
<td>Region 7</td>
<td>63</td>
<td>63</td>
<td>0%</td>
</tr>
<tr>
<td>Region 8</td>
<td>101</td>
<td>118</td>
<td>17%</td>
</tr>
<tr>
<td>Total</td>
<td>1,287</td>
<td>1,315</td>
<td>2%</td>
</tr>
</tbody>
</table>

Between FY2016 and FY2019, sentences to probation remained stable and some regions used probation more than others.

### Percentage of Felony Sentences to Probation by Judicial Region, FY2016–FY2019

<table>
<thead>
<tr>
<th>Judicial Region</th>
<th>FY2016</th>
<th>FY2019</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Region 1</td>
<td>62</td>
<td>83</td>
<td>34%</td>
</tr>
<tr>
<td>Region 2</td>
<td>59</td>
<td>59</td>
<td>0%</td>
</tr>
<tr>
<td>Region 3</td>
<td>88</td>
<td>75</td>
<td>-15%</td>
</tr>
<tr>
<td>Region 4</td>
<td>24</td>
<td>26</td>
<td>8%</td>
</tr>
<tr>
<td>Region 5</td>
<td>42</td>
<td>23</td>
<td>-45%</td>
</tr>
<tr>
<td>Region 6</td>
<td>31</td>
<td>37</td>
<td>19%</td>
</tr>
<tr>
<td>Region 7</td>
<td>28</td>
<td>29</td>
<td>4%</td>
</tr>
<tr>
<td>Region 8</td>
<td>5</td>
<td>9</td>
<td>80%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>339</td>
<td>341</td>
<td>1%</td>
</tr>
</tbody>
</table>

### Percent Change in Felony Probation Sentences by Judicial Region, FY2016–FY2019

- Region 1: 34%
- Region 2: 0%
- Region 3: -15%
- Region 4: 8%
- Region 5: -45%
- Region 6: 19%
- Region 7: 4%
- Region 8: 80%

**Total**: 1%

*Source: Data from the Maine Administrative Office of the Courts, 2016–2019.*

Between FY2016 and FY2019, 10 percent of statewide felony sentences were to probation.
Thirty-six percent of the snapshot prison population in 2018 had been admitted to prison for a probation violation.

**Snapshot Prison Population by Admission Type on June 30, 2018**

Total: 2,493

- **Probation Violation**: 908 (36%)
- **New Commitment**: 1,312 (53%)
- **Unknown Admission Type**: 217 (9%)
- **Other Admission Type**: 56 (2%)

**Probation Violation**

- Median Time Served: 9 months

**New Commitment**

- Median Time Served: 12 months

*Note: “Other Admission Type” includes people admitted on interstate detainers, on interstate compact, for an SCCP violation, or on safe keeper status. People on safe keeper status are serving time in a county jail who are admitted to DOC for higher-level security monitoring or mental health services that cannot be provided by the county.*

*Source: Data from Maine Department of Corrections, 2008–2018.*
In June 2018, women constituted 10 percent of Maine’s standing prison population.

**Snapshot Prison Population by Gender on June 30, 2018**

- **Male**: 2,252 (90%)
- **Female**: 241 (10%)

**Snapshot Prison Population by Age on June 30, 2018**

<table>
<thead>
<tr>
<th>Age Range</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age 29 And Under</td>
<td>675</td>
</tr>
<tr>
<td>Age 30-39</td>
<td>878</td>
</tr>
<tr>
<td>Age 40-49</td>
<td>496</td>
</tr>
<tr>
<td>Age 50-59</td>
<td>300</td>
</tr>
<tr>
<td>Age 60-69</td>
<td>107</td>
</tr>
<tr>
<td>Age 70+</td>
<td>37</td>
</tr>
</tbody>
</table>

**Average Age in the Prison Population in 2018:**

- Male Average: 38
- Female Average: 36

*Source: Data from Maine Department of Corrections, 2008–2018.*
People of color are overrepresented in the Maine DOC population compared to the state’s total population.

Source: Data from Maine Department of Corrections, 2008–2018. US Census Fact Finder 2017
https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF
Between 2012 and 2018, the proportion of people released from prison to probation increased from 43 percent to 48 percent.

**Change 2012–2018**

- **Other**: -17, -30%
- **SCCP**: -21, -24%
- **Release to Probation**: +164, +34%
- **Discharge**: +121, +25%

**Source:** Data from Maine Department of Corrections, 2008–2018.
The median length of stay (LOS) in prison increased for releases to probation and releases to SCCP between 2008 and 2018.

Source: Data from Maine Department of Corrections, 2008–2018.
About one-third of prison release events involve people who served less than nine months and one day in MDOC.

LOS Groups for Prison Releases, 2012–2018

- 270 days or less
- 271 days–1 year
- 1.1 years–2 years
- 2.1 years–3 years
- 3.1 years–4 years
- 4.1 years–5 years
- More than 5 years

In 2018…

56% of release events with less than 9 months + 1 day served were admitted on a new commitment.

36% of release events with less than 9 months + 1 day served were admitted for a probation violation.

Source: Data from Maine Department of Corrections, 2008–2018.
The number of probation starts increased slightly between 2012 and 2018, due in part to a 13-percent increase in misdemeanor probation starts.

### Probation Starts by Offense Level, 2012–2018

<table>
<thead>
<tr>
<th>Year</th>
<th>Felony Probation Starts</th>
<th>Misdemeanor Probation Starts</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>1,196</td>
<td>528</td>
</tr>
<tr>
<td>2013</td>
<td>1,190</td>
<td>508</td>
</tr>
<tr>
<td>2014</td>
<td>1,292</td>
<td>496</td>
</tr>
<tr>
<td>2015</td>
<td>1,274</td>
<td>516</td>
</tr>
<tr>
<td>2016</td>
<td>1,205</td>
<td>574</td>
</tr>
<tr>
<td>2017</td>
<td>1,164</td>
<td>599</td>
</tr>
<tr>
<td>2018</td>
<td>1,173</td>
<td>595</td>
</tr>
</tbody>
</table>

**Change 2012–2018**

- **Misdemeanor Probation Starts**
  - +13% (67 starts)
- **Felony Probation Starts**
  - -2% (23 starts)

**Source:** Data from Maine Department of Corrections, 2008–2018.
In 2018, felony probation made up two-thirds of all probation starts.

**Probation Starts, 2018**
- **Felony**: 66%
- **Misdemeanor**: 34%

**Most Common Offenses for Felony Probation**
- **Unlawful Trafficking Scheduled Drugs (B)**: 149 (13%)
- **Theft by Unauthorized Taking or Transfer (C)**: 100 (9%)
- **Burglary (B)**: 97 (8%)
- **Aggravated Assault (B)**: 77 (7%)
- **Burglary (C)**: 46 (4%)

**Most Common Offenses for Misdemeanor Probation**
- **Domestic Violence Assault (D)**: 156 (26%)
- **OUI 1 Prior (D)**: 107 (18%)
- **Unlawful Possession of a Scheduled Drug (D)**: 65 (11%)
- **Assault (D)**: 38 (6%)
- **Domestic Violence Terrorizing (D)**: 23 (4%)
- **OUI (D)**: 23 (4%)

**Source:** Data from Maine Department of Corrections, 2008–2018.
About half of people starting felony probation begin after release from prison.

Felony Probation Starts by Admission Type, 2012–2018

<table>
<thead>
<tr>
<th>Year</th>
<th>Sentences to Probation</th>
<th>Releases from Prison</th>
<th>Interstate Compact</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>621</td>
<td>31</td>
<td></td>
</tr>
<tr>
<td>2013</td>
<td>632</td>
<td>36</td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>663</td>
<td>49</td>
<td></td>
</tr>
<tr>
<td>2015</td>
<td>653</td>
<td>45</td>
<td></td>
</tr>
<tr>
<td>2016</td>
<td>609</td>
<td>39</td>
<td></td>
</tr>
<tr>
<td>2017</td>
<td>615</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>2018</td>
<td>582</td>
<td>32</td>
<td></td>
</tr>
</tbody>
</table>

Change 2012–2018

- Sentences to Probation: -3%
- Releases from Prison: +6%
- Interstate Compact: +1%

Source: Data from Maine Department of Corrections, 2008–2018.
A large percentage of sentences to felony probation are for 13 to 24 months.

**Felony Probation Term Lengths by Probation Admission Type, 2018**

- **Releases from DOC**
- **Sentences to Probation**

<table>
<thead>
<tr>
<th>Term Length</th>
<th>Releases from DOC</th>
<th>Sentences to Probation</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 months or less</td>
<td>31</td>
<td>81</td>
</tr>
<tr>
<td>13-24 months</td>
<td>271</td>
<td>360</td>
</tr>
<tr>
<td>25-36 months</td>
<td>181</td>
<td>83</td>
</tr>
<tr>
<td>37-48 months</td>
<td>73</td>
<td>24</td>
</tr>
<tr>
<td>49-60 months</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>More than 60 months</td>
<td>26</td>
<td>8</td>
</tr>
</tbody>
</table>

**In 2018…**

- Of people released from DOC onto felony probation...
  - 47% had between 13 and 24 months to complete on supervision.
  - 31% had between 25 and 36 months to complete on supervision.

- Of people sentenced to felony probation, 64% had between 13 and 24 months to complete.

**Source:** Data from Maine Department of Corrections, 2008–2018.
Sentences to misdemeanor probation increased 10 percent between 2012 and 2018.

**Misdemeanor Probation Starts by Admission Type, 2012–2018**

<table>
<thead>
<tr>
<th>Year</th>
<th>Interstate Compact</th>
<th>Sentences to Probation</th>
<th>Releases from Jail</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>34</td>
<td>708</td>
<td>2012</td>
</tr>
<tr>
<td>2013</td>
<td>40</td>
<td>750</td>
<td>2013</td>
</tr>
<tr>
<td>2014</td>
<td>54</td>
<td>778</td>
<td>2014</td>
</tr>
<tr>
<td>2015</td>
<td>51</td>
<td>768</td>
<td>2015</td>
</tr>
<tr>
<td>2016</td>
<td>46</td>
<td>715</td>
<td>2016</td>
</tr>
<tr>
<td>2017</td>
<td>37</td>
<td>700</td>
<td>2017</td>
</tr>
<tr>
<td>2018</td>
<td>36</td>
<td>650</td>
<td>2018</td>
</tr>
</tbody>
</table>

**Change 2012–2018**

- **Interstate Compact**: +6% +2
- **Sentences to Probation**: +10% +100
- **Releases from Jail**: -8% -58

*Source: Data from Maine Department of Corrections, 2008–2018.*
The overwhelming majority of misdemeanor probation starts are for sentences of less than one year.

In 2018...

Of people sentenced to misdemeanor probation, 71% had 12 months or less to complete on supervision.

Of people released from jail onto misdemeanor probation, 23% had 13 to 24 months complete on supervision.

Source: Data from Maine Department of Corrections, 2008–2018.
Black and Native American people make up a smaller proportion of the state’s probation population than they do of the prison population.

**Felony and Misdemeanor Probation Snapshot by Race, 2018**

- **White**: 94% in Maine Population, 90% in Probation Snapshot
- **Black**: 1% in Maine Population, 5% in Probation Snapshot
- **Asian**: 1% in Maine Population, 0% in Probation Snapshot
- **Native American**: 1% in Maine Population, 2% in Probation Snapshot
- **Two or More**: 2% in Maine Population, 1% in Probation Snapshot
- **Unknown**: 2% in Maine Population, 2% in Probation Snapshot

**Source**: Data from Maine Department of Corrections, 2008—2018. US Census Fact Finder 2017
https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF
Maine’s probation population has a larger proportion of women than the prison population.

Between 2012 and 2018, the female probation population increased 2% as the total probation population decreased 11%.

**Snapshot Probation Population by Gender on June 30, 2018**

- Male: 4,548 (79%)
- Female: 1,245 (21%)

**Snapshot Probation Population by Age on June 30, 2018**

- Age 29 And Under: 1,845 (32%)
- Age 30-39: 2,074 (36%)
- Age 40-49: 1,026 (18%)
- Age 50-59: 598 (10%)
- Age 60-69: 189 (3%)
- Age 70+: 61 (1%)

**Average Age in the Probation Population in 2018:**

- Male Average: 36
- Female Average: 36

*Source: Data from Maine Department of Corrections, 2008–2018.*
Releases from felony probation increased 35 percent between 2012 and 2018.

Felony Supervision Terminations by Termination Type, 2012–2018

<table>
<thead>
<tr>
<th>Year</th>
<th>Discharge from Probation</th>
<th>Violation of Probation</th>
<th>Other Termination</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>1,196</td>
<td>311</td>
<td>110</td>
</tr>
<tr>
<td>2013</td>
<td>1,306</td>
<td>378</td>
<td>100</td>
</tr>
<tr>
<td>2014</td>
<td>1,251</td>
<td>455</td>
<td>100</td>
</tr>
<tr>
<td>2015</td>
<td>1,287</td>
<td>455</td>
<td>124</td>
</tr>
<tr>
<td>2016</td>
<td>1,337</td>
<td>498</td>
<td>130</td>
</tr>
<tr>
<td>2017</td>
<td>1,373</td>
<td>531</td>
<td>167</td>
</tr>
<tr>
<td>2018</td>
<td>1,490</td>
<td>508</td>
<td>193</td>
</tr>
</tbody>
</table>

*Note: Releases coded as “Other” include federal detainers, interstate compact, and writ/court order.

Source: Data from Maine Department of Corrections, 2008—2018.
Although the overwhelming majority of felony probations end in discharge, for men, nearly a quarter of probations end because of a probation violation.

**Female Felony Probation Terminations, 2018**

- Discharge: 334 (74%)
- Violation: 89 (20%)
- Other: 27 (6%)

**Male Felony Probation Terminations, 2018**

- Discharge: 1156 (66%)
- Violation: 419 (24%)
- Other: 166 (10%)

*Note: Releases coded as “Other” include federal detainers, interstate compact, and writ/court order. Violation details are missing or cannot be analyzed for 80 percent or more of probation violation terminations.*

**Source:** Data from Maine Department of Corrections, 2008—2018.
In 2018, nearly 60 percent of probations were completed in two years or less.

### Felony Probation Terminations by Length of Stay on Probation, 2018

<table>
<thead>
<tr>
<th>Length of Stay on Probation</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>0–12 months</td>
<td>590</td>
<td>27%</td>
</tr>
<tr>
<td>13–24 months</td>
<td>692</td>
<td>32%</td>
</tr>
<tr>
<td>25–36 months</td>
<td>491</td>
<td>22%</td>
</tr>
<tr>
<td>37–48 months</td>
<td>183</td>
<td>8%</td>
</tr>
<tr>
<td>49–60 months</td>
<td>100</td>
<td>5%</td>
</tr>
<tr>
<td>60+ months</td>
<td>135</td>
<td>6%</td>
</tr>
</tbody>
</table>

*Note: Releases coded as “Other” include federal detainers, interstate compact, and writ/court order.*
Key takeaways are about prison admissions, length of stay, gender, and race.

- Between 2012 and 2018, prison admissions increased 34 percent. Much of that growth can be attributed to an increase in new commitments to prison. During this period, admissions to prison of women for probation violations more than doubled while new sentences to prison for women increased 65 percent.

- About one-third of prison release events involve people who served less than nine months and one day in MDOC.

- Black people make up 1 percent of Maine’s population, but constitute 11 percent of the state's prison population and 5 percent of the state’s probation population.

- In 2018, women made up 10 percent of Maine’s prison population and 21 percent of the state’s probation population.

- The number of probation starts increased slightly between 2012 and 2018, due in part to a 13-percent increase in misdemeanor probation starts. Each year, at least two-thirds of probation starts are for felony offenses.
Key Overall Takeaways

- Maine sentencing disposition patterns, by offense class and conviction history, generally show an increased likelihood of going to prison as severity increases.

- White people sentenced to prison on a straight sentence had more prior convictions than people of other races.

- People receiving straight sentences to prison or jail for Class C felonies generally have more prior convictions than those receiving other sentencing dispositions.

- Between 2016 and 2019, 44 percent (337 total) of Class C sentences to prison were short (271 to 365 days), creating a challenge for correctional programming.

- Between FY2016 and FY2019, these short sentences to prison increased 21 percent, peaking in FY2018. During the same period, sentences of 1.1–2 years decreased 12 percent.

- Relatively short sentences of less than 60 days account for nearly 40 percent of felony jail split sentences. Time ordered for misdemeanor jail split sentences is 30 days or less in 73 percent of cases.

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Thank You

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bshelor@csg.org

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This project was supported by Grant No. 2015-ZB-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice’s Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.