
**Perceptions about Sentencing and Attitudes toward Correctional Alternatives in the Maine
Criminal Justice Professional Community**

Sentencing Practices Subcommittee

Submitted to the State of Maine
Corrections Alternative Advisory Committee

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INTRODUCTION

Public Opinion

The public supports a range of community alternatives to prison, especially for nonviolent offenders (Cullen & Moon, 2002). There is a large body of evidence that suggests that although some citizens may be punitive, they also want the correctional system to rehabilitate offenders (Cullen, Fisher, & Applegate, 2000). The NCSC Sentencing Attitudes Survey (2006) found that the public wants a criminal justice system that is effective and fair in its sentencing policies. The survey found that Americans think rehabilitation is a more important priority than punishment and overwhelming believe that offenders can be successfully rehabilitated. This same study found high levels of support for alternatives to prison sentences like probation, restitution, and mandatory participation in job training, counseling and treatment programs. The public is more receptive about using alternatives for nonviolent offenders, younger offenders and offenders with mental illness. The idea of directing non-violent offenders into treatment and counseling programs was endorsed by about half the public (51%) as something that should be used often as an alternative to prison (NCSC, 2006). The public indicated that they would rather see their tax dollars support programs that try to prevent crime by helping offenders rather than be used to build more prisons (NCSC, 2006).

A recent national public opinion survey conducted by Zogby International (Krisberg & Marchionna, 2006) found that striking majorities favor rehabilitation as a major goal of incarceration. Findings suggest that the public does not feel the current correctional system helps to solve the problem of crime. The public recognizes that prisoners face enormous barriers to successful reintegration to the community and that rehabilitative services should be provided as a means of reducing crime (Krisberg & Marchionna, 2006). By an 8 to 1 margin, the US Voting Public was in favor of rehabilitation for prisoners as opposed to a punishment only system; the public favored services both during and after release from prison. Huge margins felt that job training; drug treatment, mental health services, family support, mentoring, and housing were all very important services that should be offered to prisoners (Krisberg & Marchionna, 2006).

A report released entitled “Cutting Correctly: New Prison Policies for Times of Fiscal Crisis” highlighted states that are responding to fiscal crises by closing prisons or downsizing correctional systems, and outlined strategies that budget-strapped states can employ to reduce correctional costs while maintaining public safety. The report showed that the public is shifting away from support for imprisonment for non-violent offenders, and now embraces a wide array of prevention, rehabilitation and alternative sentencing approaches. One recent survey conducted by the polling firm Belden, Russonello and Stewart found that the public believes that laws should be changed to reduce the incarceration of nonviolent offenders, and that rehabilitation should still be the number one purpose of the justice system. Building public trust and strengthening support for rehabilitation requires correctional policymakers and practitioners to use the research in evidence-based practices (EBP) to develop and sustain the most effective interventions possible. This is necessary to increase the public’s confidence in the criminal justice system to effectively rehabilitate offenders.

Purpose of the Stakeholder Survey

The Sentencing Practices Subcommittee was formed to evaluate the use of split sentencing to determine its effectiveness in managing the risk and needs of offenders. Implied in this recommendation was the requirement to collect and analyze data within the State, conduct research regarding policies and practices across the Country, and engage members and stakeholders in learning about and discussing the existing practice of split sentencing as well as other, alternative sentencing options. The Sentencing Practices Subcommittee is a study group of the Corrections Alternative Advisory Committee (CAAC) which was created by the Maine Legislature in the spring of 2005 to improve the efficiency and effectiveness of the State's corrections system and to better manage costs.

The purpose of the survey was to gather input from multiple and diverse criminal justice stakeholder groups outside the subcommittee process to assist the CAAC in the formulation of its final recommendations. The goals of the survey were:

- To gain an understanding regarding their perceptions about the goals of sentencing;
- To determine whether criminal justice stakeholders support the use of alternative sentencing practices,
- To determine which alternative sentencing practices criminal justice stakeholders support and for whom,
- To determine their understanding of EBP practices and policies.

FINDINGS IN BRIEF

- Punishment and specific deterrence were the two most commonly cited reasons for recommending or imposing a sentence which includes a period of incarceration.
- Overall, the seriousness of offense, risk level and prior record were seen as the most important pieces of information in making sentencing decisions.
- Although currently not available, risk assessment information was considered valuable in making sentencing decisions.
- Respondents endorsed that they would most often recommend a split sentence for an individual who committed a sex offense and least likely for an individual who committed a traffic offense.
- Respondents underestimated the nature and frequency of the use of split sentencing in Maine. Split sentencing is used more broadly for all types of offenses and used more frequently than perceived.
- The seriousness of an offense is considered the most important factor in deciding the length of a jail/prison sentence. Risk level was still considered one of the top three priorities.
- Of those that stated they are familiar with EBP (31%), a smaller percentage believed it was being adhered to or that effective treatment was available.
- In order for stakeholders to feel confident about using sentencing schemes that include correctional alternatives, they need to have a higher level of confidence in their effectiveness and availability.
- Criminal justice stakeholders feel mental health treatment; day/evening reporting centers, halfway houses, and substance abuse treatment are most needed.
- The majority of respondents endorsed that they believe they have a role in reducing recidivism.

SURVEY METHODS AND DESIGN

Questionnaire Design

A cross sectional design was used to provide baseline descriptive information about the perceptions of Maine criminal justice stakeholders. A limitation of the design is that it offers a portrait of the participants at one point in time. The stakeholder survey was designed in a web-based format. The benefit of a web survey is that the response rate is typically faster, the data processing is easier as the response are downloaded into a data analysis program, and input can be automatically validated improving data quality. The survey contained a mix of single and multiple option questions, dichotomous questions, nominal questions, ordinal questions, and likert questions totally 30 questions in all. After the survey was automated a pretest was done to identify any potential problems, such as confusing terms or phrases or difficult questions.

The survey attempted to engage multiple and diverse stakeholders in the Maine criminal justice professional community. The diverse group included Judges, Prosecutors, Defense Attorneys, Victim Advocacy Groups, Probation Officers, Sheriffs, Jail Administrators, Police Chiefs, State Police, and Legislators. A list of the accessible population yielded one thousand one hundred and thirty three names.

Sampling Design

A sampling frame was constructed and the population was divided into non-overlapping groups. A non proportional quota sampling technique (the nonprobabilistic equivalent of stratified random sampling) was employed; over-sampling small groups to assure that they are adequately represented in the sample. Based on the average response of 50% from previous surveys done by the Crime and Justice Institute in Maine, random samples of 60 participants were selected from each group using a random number table. If the list of potential participants in any one group was less than 60, the entire group was selected for inclusion.

Table 1: Participants Surveyed

Who Was Surveyed?	E-mails Obtained	Number of Surveys Sent (Including Paper)	Kickbacks from Invalid E-mail	Total Surveys Received by Participants	Response Rate
Judge Prosecutor Victim Advocate Probation Officer Defense Attorney Law Enforcement/Police Sheriff Office/Jails Legislature	1,133**	528**	66	462	141 Completed Surveys for a Response rate of 30.5%
Sixty people were randomly selected from each stakeholder group. If the list of potential participants in any one group was less than 60, the entire group was selected for inclusion.					
**Participants were sent either an electronic or paper survey with an introduction letter outlining the goals and purpose of the survey. The survey contained 30 questions and required 10-15 minutes to complete. Reminder letters were delivered as the deadline approached. Deadlines were extended twice to allow for increased participation. The survey remained live for a total of 5 weeks.					

Procedure

Electronic invitations outlining the goals of the survey were sent to members of the sample. The invitation directed participants to a website where they were prompted to enter a unique and confidential user id. Reminder letters were delivered one week prior to the deadline which was extended twice to allow for increased participation. The survey remained live for a total of five weeks. A paper version of the invitation letter and survey was mailed to members of the sample that did not have e-mail.

Limitations

As mentioned previously, a non-probabilistic sampling technique was used for this survey. Probabilistic or random sampling methods are considered more accurate and rigorous. However, we were unable to ensure that every member of the population had an equal chance of being included in the sample. Some membership lists provided were either incomplete or outdated and contained faulty e-mail addresses. These circumstances made it unfeasible to do a true stratified random sampling. Additionally, the faulty e-mail addresses resulted in several “bounced-back” invitations. A surprising 12.5% (n=66) of e-mails were faulty. These “bounce-backs” were not replaced in an effort to prevent our sample from becoming a convenience sample. Some subgroups responded in numbers too low to provide meaningful results (Legislatures were omitted from most analysis with only 3 respondents). Response rates for other groups were not large enough to allow for statistical testing making the information gathered in this survey anecdotal evidence. Conclusions made throughout the report are limited by the nature of the sample surveyed. Given the small sample size, how representative the individuals who responded to the survey are of all criminal justice stakeholders cannot be assumed.

Respondents

Overall the response rate for the survey was 30.5% (n=141). At 29% (n=41) Probation Officers represented the subgroup with the largest percent of responses, followed by Judges at 18% (n=26) and victim advocates at 16% (n=22). When analyzed by county and region, the largest percentage of respondents indicated that they worked in Cumberland County (14%) and DOC region 3 (35%).

The majority of the respondents were male (65%); however, 100% of the respondents from the victim advocate subgroup and half of the defense attorney subgroup were female. Ninety-four percent of the law enforcement subgroup was male.

Some congruence across sub-groups is found when looking at years of experience. The largest percent of respondents in every group except victim advocates and defense attorneys indicated that they have 20 or more years of experience. While a large percentage (25%) of defense attorneys also indicated they had 20 or more years of experience, an equal amount indicated 2 to 5 years of experience. The largest group of victim advocates had 2 to 5 years of experience. Only 6% of the respondents had less than 2 years experience, half of which were victim advocates.

Table 2. Participants by County

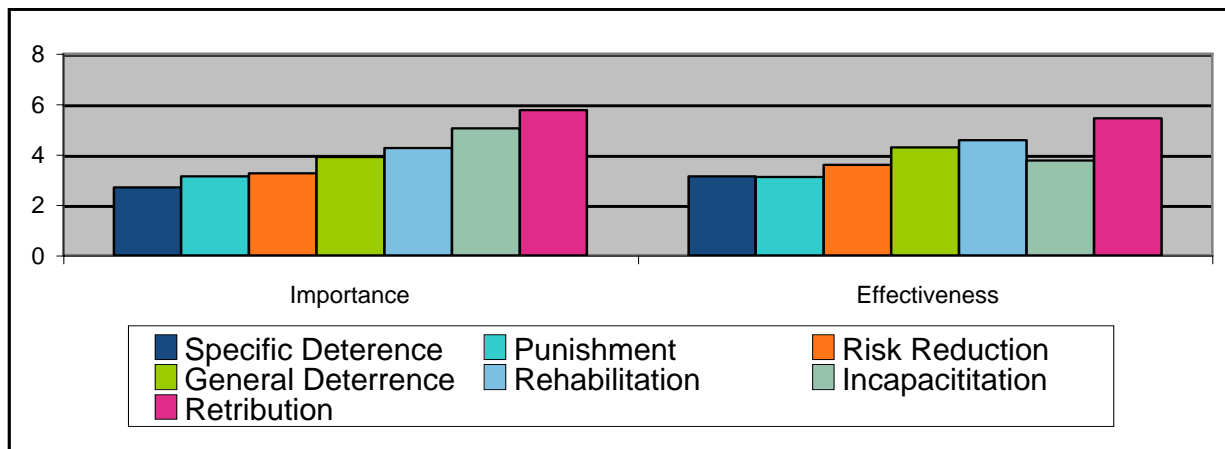
County	Frequency	Percent
Androscoggin	23	8.58
Aroostook	10	3.73
Cumberland	37	13.81
Franklin	16	5.97
Hancock	10	3.73
Kennebec	23	8.58
Knox	10	3.73
Lincoln	10	3.73
Oxford	18	6.72
Piscataquis	8	2.99
Sagadahoc	9	3.36
Somerset	9	3.36
Waldo	10	3.73
Washington	11	4.10
York	24	8.96
Statewide	19	7.09
Total	268*	100

PERCEPTIONS ABOUT THE GOALS OF SENTENCING

Respondents were asked to rate by order of importance reasons why sentences which include a period of incarceration are recommended or given. As can be seen in Table 3, respondents most often endorsed specific deterrence and punishment. Respondents belonging to the victim advocate group were the only subgroup to endorse risk reduction as the most important reason why sentences might include a period of incarceration. Probation officers and judges rated the goal of risk reduction as a top priority. Overall, retribution was not seen as an important goal of sentencing among those respondents participating in the survey. Refer to Appendix A for the complete results.

From a criminal justice policy standpoint, the implications are noteworthy given that the research on official punishment and deterrence has shown that it is ineffective in reducing recidivism. It would appear that before a policy statement endorsing risk reduction in the criminal justice system serves as a platform for system reform, further education is needed not only in the community, but in the professional criminal justice community as well. With regard to evidence-based practices, sentences involving a period of incarceration may be appropriate for extremely high risk offenders when incapacitation is the goal. The extremely high risk offenders should receive sanctions that provide high levels of structure, supervision, and/or incapacitation so that at least during the time they are under correctional supervision their risk is being managed.

Table 3: Goals of Sentencing Importance vs. Effectiveness (Level of Importance=Values closer to 1)



Recommending or giving a sentence which included a period of incarceration was perceived as effective in keeping the offender from committing future crimes. Again, perceptions about the effectiveness of specific deterrence (punishment is applied to convince the convicted offender not to offend again) did not align with the research on the effects of official punishment. The literature is clear that official punishment without treatment has not been shown to be a specific deterrent to future criminal behavior. Additionally, research on intensive supervision programs and other supervision enhancements based on custody, control, and/or deterrence has failed to show promise in reducing the recidivism of offenders under community supervision (Cullen, Wright, and Applegate, 1996; Petersilia and Turner, 1993). Appropriate correctional treatment can be effective in reducing recidivism among certain types of offenders.

RISK ASSESSMENT VIEWED AS IMPORTANT

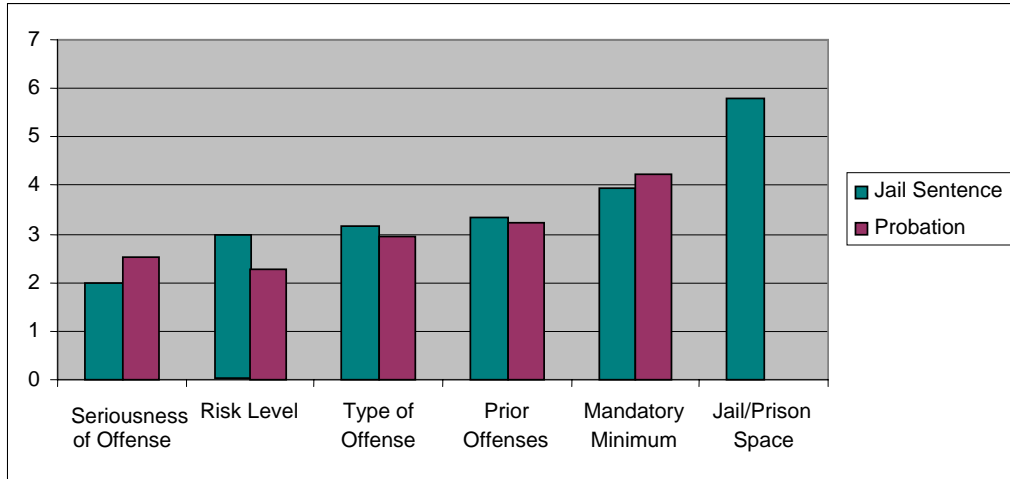
Respondents were asked to view types of information that may or may not be available and asked, “What kind of information would be important to you in recommending or making sentencing decisions?” The results can be found in Table 4. Overall, seriousness of offense (96%) and risk level (93%) were seen as the most important pieces of data needed to make an informed sentencing decision. Among the respondents, it would appear that they would support an initiative to conduct risk assessments prior to sentencing. Risk assessment instruments measure the probability that an offender will reoffend and specifically what factors (criminogenic needs) will contribute to the criminal behavior. Prior record or criminal history, a static, but predictive criminogenic factor was viewed as extremely important by judges, defense attorneys, prosecutors, and probation officers. Knowledge of education or vocational experience was viewed as the least important piece of information.

Table 4. Important Information in Recommending or Making Sentencing Decisions

Type of Information	% Selecting Information as Important	% of Occupation Indicating Yes	
Knowledge of education or vocational experience	11%	% of Judges	62%
		Judges were the only group who indicated yes to this type of information	
Knowledge of family circumstances	37%	% of Judges	67%
		% of Defense Attorneys	50%
		% of Victim Advocates	36%
Knowledge of substance abuse	55%	% of Judges	79%
		% of Defense Attorneys	75%
		% of Probation Officers	61%
Victim’s opinion	64%	% of Victim Advocates	82%
		% of Probation Officers	73%
		% of Judges	71%
Availability of treatment options	66%	% of Judges	88%
		% of Sheriffs/Jail Admin	82%
		% of Defense Attorneys	75%
Prior record	77%	% of Judges	100%
		% of Defense Attorneys	100%
		% of Prosecutors	100%
		% of Probation Officers	100%

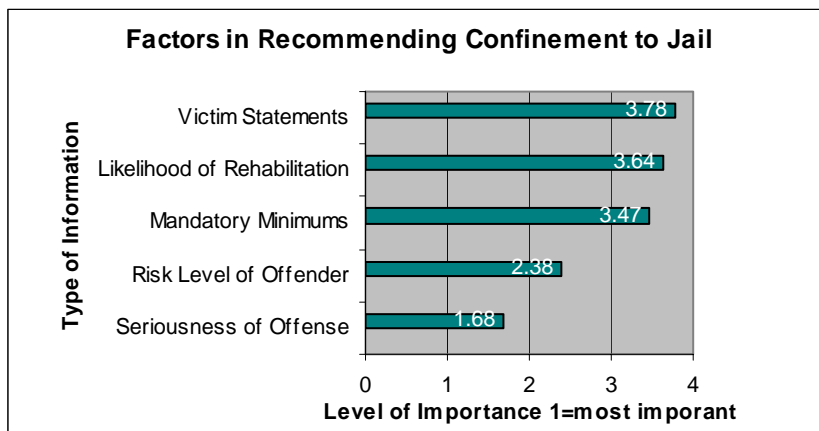
Considering Maine does not conduct risk assessments prior to sentencing, courts are accustomed to using the information they have available to make subjective predictions about whether an individual will commit future crimes.

Table 5: Important Information in deciding length of jail and probation sentence



Respondents were asked, “What factors are considered the most important when recommending or deciding the length of a jail sentence and the length of a probation period following a period of incarceration?” Respondents were asked to rate the options by order of importance(number 1=most important). Table 5. shows that respondents think the same types of information are important in making decisions about the length of confinement to jail and the probation period. The availability of prison/jail space was not viewed as a determining factor. The seriousness of an offense and risk level was viewed as important in both cases.

Table 6: Most Important Factors in Recommending Confinement to Jail



According to Table 6, the seriousness of offense was seen as the most important element in recommending a period of incarceration, followed by the risk level of an offender (information which is currently not available at the time of sentencing in Maine).

PERCEPTIONS ABOUT THE USE OF SPLIT SENTENCING

Several survey questions were asked to ascertain how respondents perceived the use and frequency of split sentencing. For purposes of the survey, a split sentence was defined as a sentence that included a period of confinement in jail or prison followed by a period of probation.

Respondents were asked, “Why do you suppose some offenders receive a split sentence and others do not?” The majority of respondents (87%) indicated that they perceived split sentences were needed for supervision beyond imprisonment. Risk assessment results are important in selecting the individuals who might need supervision beyond imprisonment.

Further, respondents were asked for what type of offense would split sentences be recommended or imposed. Respondents endorsed that they would most often recommend a split sentence for an individual who committed a sex offense, as shown in Table 8. They indicated that an individual committing a traffic offense would least likely be recommended for a split sentence.

Table 7: Perceived Reasons why Split Sentences are Given

	Yes Answers
Type of Crime	64%
Seriousness of Crime	69%
Lack of Options to Manage Risk Other Than Incarceration or Traditional Probation	72%
Risk of Recidivism	75%
Perceived Need for Supervision Beyond Imprisonment?	87%

Table 8: Type of offense / Recommend a Split Sentence
Values closer to 1 indicate first choice

Offense	Average
Sex offense	2.30
Drug Offense	2.7
Violent Offense	2.72
Property Crime	3.23
Traffic Offense	3.87

For purposes of the study, the results were compared to actual data compiled by the University of Southern Maine. While individuals with sex offenses were likely to receive a split sentence with jail confinement of more than 270 days, Table 9. shows that individuals with drug, violent, property, and traffic offenses also received split sentences

with varying lengths of incarceration. Respondents underestimated the nature of the use of split sentencing in Maine. Split sentencing is used more broadly for all types of offenses.

Table 9. Count of LSI results compared to Crime Type

Jail/Prison Time		LSI Admin	LSI Mod	LSI High/Max	Total
Less than 45 days	Assault/Threaten	54	493	50	597
	Burglary	20	96	6	122
	Drugs	36	150	5	191
	OUI	198	438	9	645
	Property Damage	11	33	3	47
45-270	Theft	50	83	7	140
	Traffic Criminal	38	69	5	112
	Assault/Threaten	14	140	35	189
	Burglary	17	123	18	158
	Drugs	20	139	21	180
More than 270	OUI	18	67	6	91
	Theft	21	92	14	127
	Traffic Criminal	12	68	5	85
	Drugs	14	76	14	104
	OUI	3	13	3	19
	Robbery	5	40	2	47
	Sex Offenses	1	11	78	90
Theft	11	17	10	38	
	Traffic Criminal	1	18	5	24

The likelihood of receiving a split sentence correlated with the individual's risk level as measured by the Level of Service Inventory (LSI-R). The LSI-R is a validated risk assessment tool used by the Maine Department of Corrections (Andrews & Bonta, 1995). As can be seen in Table 10, low risk (administrative) individuals received a split sentence 55.1% of the time.

Table 10. LSI rating and Split Sentence

LSI Rating	Straight Probation	Split Sentence
Administrative	44.9%	55.1%
Moderate	35.8%	64.2%
High/Maximum	20.6%	79.4%

As shown in Table 11, split sentences were found to be the majority of sentences whether the crime was a felony or misdemeanor (Rubin, 2006). Surprisingly, 48.2% of low risk offenders who commit misdemeanor crimes received split sentences. If the risk levels of these individuals were known prior to sentencing, they would likely be appropriate for diversion from incarceration and probation. Ninety-three percent of the administrative cases received less than 45 days in jail. Prison/jail beds should be reserved for extremely high risk offenders, such as more serious/violent offenders, or those who cannot function safely and effectively in less restrictive alternatives. Since secure placement is the most expensive and often the least effective response to criminal behavior, this makes both fiscal and programmatic sense. Low risk offenders benefit from low intensity or no correctional intervention at all.

Table 11. Split Sentences by Felony and Misdemeanors

Risk Level	Split Sentence	Straight Probation
	Felony	
Administrative	71.7%	28.3%
Moderate	84.5%	15.5%
High/Maximum	92.2%	7.8%
Total	83.7%	16.3%
	Misdemeanor	
Administrative	48.2%	51.8%
Moderate	52.9%	47.1%
High/Maximum	55.3%	44.7%
Total	52.0%	48.0%

As shown in Table 12, the subcommittee was presented with data that suggested that there is a slightly higher recidivism rate for those who receive split sentences versus those on straight probation (Rubin, 2006).

Table 12. Split Sentenced Probationer Compared to Probationers Receiving a Straight Sentence

Sentence Type	Recidivism Rate
Split Sentence	30.4%
Straight Probation	20.5%
Total	26.9%

Correlation Coefficient=.106** Correlation is significant at the 0.01 level (2-tailed).

Table 13. shows that the increase in recidivism rates was significant for administrative (low) and moderate risk offenders when controlling for risk level. Split sentence probationers appear to have a higher recidivism rate than straight probationers even after accounting for specific characteristics. Split sentencing appears to have more of a profound impact on low risk offenders as to whether they recidivate (Rubin, 2006).

Table 13. Correlating Recidivism to Sentencing while controlling for Risk Level

LSI Rating (includes overrides)	Straight Probation Recidivism Rate	Split Sentence Recidivism Rate
Administrative*	10.5%	15.3%
Moderate*	21.6%	31.0%
High	33.3%	43.3%
Maximum	100.0%	53.8%

*=Statistically significant difference between recidivism rates

Split sentences are used more frequently than respondents perceived. Survey respondents were asked, “If you had to make a guess, what percentage of sentences would you estimate are split sentences?” Thirty-eight percent of the respondents estimated that it was used in less than 50% of cases.

The actual data indicated that twice as many split sentenced offenders (66.41% compared to 33.59%) entered probation in 2004 and 2005 as those with a straight probation sentences (Rubin, 2006). The Subcommittee estimated that nearly 80% of convicted offenders receive a split sentence, considering the data set did not include those offenders who were still serving time in jail/prison.

Table 14. % of sentences that are split sentences	Frequency	Percent	
Less than 30%	27	19%	38%
Between 31-50%	27	19%	
Between 51-70%	46	33%	62%
More than 70%	40	29%	
Total	140	100%	100%

SUPPORT FOR CORRECTIONAL ALTERNATIVES

A recent National Center for State Courts (NCSC) sentencing reform project survey found wide support among court leaders both for reducing recidivism through evidence-based practices and for reducing reliance on long-term incarceration through utilization of community-based alternatives to incarceration for appropriate offenders (Warren, 2006). As several states have implemented sentencing and correctional alternatives for specific target populations, we were interested in finding out if Maine’s criminal justice stakeholders would support correctional alternatives for targeted groups.

Respondents were queried whether they would support correctional alternatives for varying types of offenses. For purposes of the survey, correctional alternatives were defined as options to manage the risk and needs of offenders, other than incarceration or traditional probation. As shown in Table 15 respondents indicated strong support for offering correctional alternatives for individuals convicted of theft and driving offenses, including OUI. Over half the respondents supported or strongly supported offering correctional alternatives to individuals who commit drug offenses

(55.5%) and property crimes (55.5%). Respondents strongly opposed (38.7%) offering correctional alternatives to individuals convicted of sex offenses. Slightly over 70% opposed or strongly opposed offering alternatives to individuals committing sex offenses.

Type of Offense	Strong Support	2	3	4	Not at all
Driving Offenses including OUI	19.7	44.5	17.5	10.9	7.3
Drug Offenses	16.8	38.7	21.2	16.8	6.6
Sex offenses	5.8	4.4	19	32.1	38.7
Theft crimes	18.8	48.6	18.1	8.7	5.8
Property crimes	13.9	41.6	27.7	10.2	6.6

Respondents were asked, “Would you support a policy in favor of offering correctional alternatives to non-violent offenders?” Of the respondents, Judges and defense attorneys were the most likely to support a policy. Prosecutors were less likely to strongly support a policy; however, they did not endorse strong opposition. Twelve percent of the respondents belonging to the law enforcement group strongly opposed offering correctional alternatives to non-violent offenders. As be seen in Table 16. the overall impression taken is that the majority of respondents did not endorse strong opposition. This finding is consistent with the national public opinion data which suggests that the public is shifting away from incarcerating nonviolent offenders.

	Would you support a policy in favor of offering correctional alternatives to non-violent offenders?				
	Strongly Support (1)	2	3	4	Strongly Oppose (5)
Judge	62%	31%	8%	0%	0%
Prosecutor	8%	46%	31%	8%	8%
Victim Advocate	27%	46%	18%	9%	0%
Probation Officer	27%	46%	17%	7%	2%
Defense Attorney	75%	25%	0%	0%	0%
Law Enforcement/Police	12%	71%	6%	0%	12%
Sheriff Office/Jails	36%	36%	27%	0%	0%
TOTALS	33%	44%	15%	4%	3%

Respondents were asked whether they would support a policy in favor of offering correctional alternatives to high-risk offenders. Probation officers and defense attorneys were more likely to strongly support or support offering alternatives to high risk offenders. Law enforcement officials taking the survey revealed the most opposition to the policy statement. Overall, 65% of the respondents indicated that they would support the policy.

Table 17.

	Would you support a policy in favor of offering correctional alternatives to high-risk offenders?				
	Strongly Support (1)	2	3	4	Strongly Oppose (5)
Judge	42%	15%	31%	12%	0%
Prosecutor	31%	31%	8%	15%	15%
Victim Advocate	41%	18%	27%	9%	5%
Probation Officer	37%	51%	5%	5%	2%
Defense Attorney	25%	63%	0%	13%	0%
Law Enforcement/Police	6%	24%	18%	41%	12%
Sheriff Office/Jails	27%	18%	27%	18%	9%
TOTALS	33%	32%	17%	14%	5%

Defense attorneys offered the most support for diverting low risk offenders from the criminal justice system. Sheriff and jail officials (91% of the respondents) also offered support or strong support. Judges were clearly in support of the practice with only 8% endorsing opposition or strong opposition.

Table 18.

	Would you support a policy in favor of diverting low-risk offenders from the criminal justice system?				
	Strongly Support (1)	2	3	4	Strongly Oppose (5)
Judge	42%	31%	19%	8%	0%
Prosecutor	0%	46%	23%	31%	0%
Victim Advocate	14%	36%	32%	18%	0%
Probation Officer	37%	32%	15%	10%	7%
Defense Attorney	88%	13%	0%	0%	0%
Law Enforcement/Police	6%	47%	24%	12%	12%
Sheriff Office/Jails	36%	55%	9%	0%	0%
TOTALS	30%	36%	19%	12%	4%

UNDERSTANDING OF EVIDENCE-BASED PRACTICES

Research efforts based on careful statistical analysis (meta-analysis) of hundreds of research studies has provided the field with scientifically proven indications of how to reduce offender recidivism. These studies have demonstrated that rehabilitation can work for certain types of offenders (Cullen & Gendreau, 2000). On average, the best program can reduce recidivism rates of up to thirty percent or more. The research studies have identified many programs that reduce recidivism, the types of services most likely to be effective, and which offenders respond most favorably. What works is appropriate correctional services that are 1) offered to higher risk rather than lower risk cases; 2) targeted toward factors that link with criminal behavior; and 3) in a service style matched with offender learning style and characteristics.

	How Familiar Are You With EBP		How Closely Do You Adhere to EBP	
	Frequency	Percent	Frequency	Percent
Very (1)	42	31.1%	9	6.9%
2	30	22.2%	34	26.2%
3	21	15.6%	44	33.8%
4	15	11.1%	18	13.8%
Not at all (5)	27	20.0%	25	19.2%
Total	135	100%	130	100%

As can be seen in Table 19, almost one third of total respondents endorsed that they were familiar with evidence-based practices. Less than 7% of the respondents acknowledge that they “very much” adhered to evidence based practices. One possible explanation for low rates of adherence might relate to their perception about the availability and effectiveness of treatment. While over 72% of the total respondents indicated that they believe effective treatment decreases recidivism, less than 10% responded that they felt it was available. Judges (92%) believe effective treatment decreases recidivism.

Table 20: Support for Effective Treatment

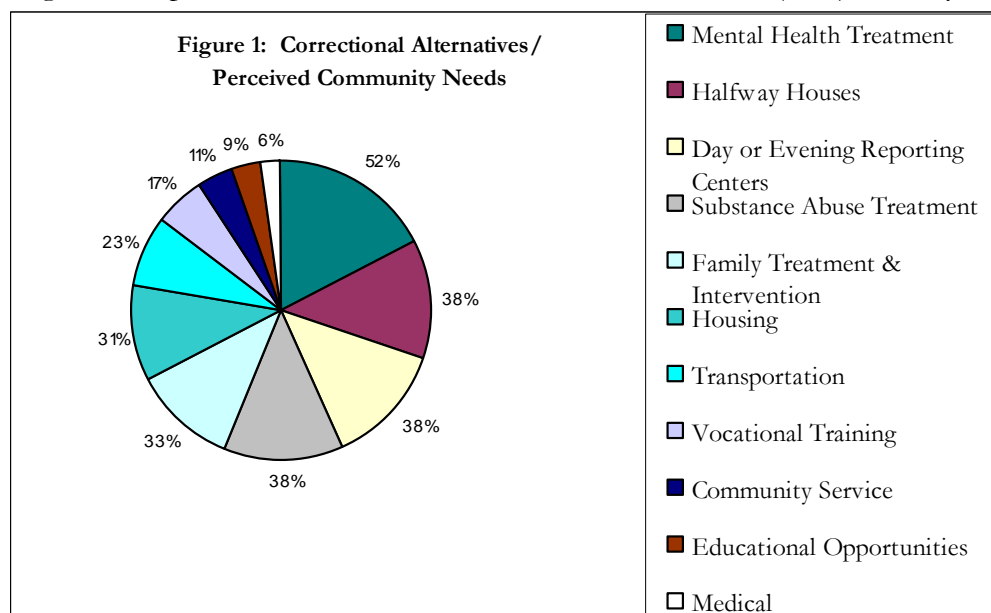
Do you believe effective treatment decreases recidivism?						
		YES	NO	UNSURE	TOTALS	
Occupation	Judge	Frequency	23	0	2	25
		% within Occupation	92.0%	0.0%	8.0%	100%
	Prosecutor	Frequency	8	2	3	13
		% within Occupation	61.5%	15.4%	23.1%	100%
	Victim Advocate	Frequency	16	2	4	22
		% within Occupation	72.7%	9.1%	18.2%	100%
	Probation Officer	Frequency	30	5	6	41
		% within Occupation	73.2%	12.2%	14.6%	100%
	Defense Attorney	Frequency	6	0	2	8
		% within Occupation	75.0%	0.0%	25.0%	100%
	Law Enforcement/Police	Frequency	7	2	8	17
		% within Occupation	41.2%	11.8%	47.1%	100%
	Sheriff Office/Jails	Frequency	9	1	1	11
		% within Occupation	81.8%	9.1%	9.1%	100%
TOTALS	Frequency	99	12	26	137	
	% within Occupation	72.3%	8.8%	19.0%	100%	

Overall, respondents indicated that they believe effective treatment works. Slightly over 40% endorsed that they were not confident that effective treatment was available. Not only are respondents not confident in this respect, respondents also indicated that some correctional treatment options simply were not available in their community. Options such as halfway houses and day/evening reporting centers for adult offenders simply do not exist. Mental health and substance abuse treatment were also viewed as limited options.

Table 21: Confidence in Treatment System

Do you believe effective treatment decreases recidivism?	How confident are you that effective treatment is available?					
		Strongly	2	3	4	Not at all
YES		2.9%	4.4%	24.3%	27.2%	13.2%
NO		0.0%	0.0%	2.9%	2.2%	37.0%
UNSURE		0.0%	0.0%	7.4%	7.4%	4.4%

Respondents were asked, “For you to consider recommending or imposing sentences that include correctional alternatives, what types of options are needed that are currently not available?” As can be seen in Figure 1, respondents endorsed that mental health treatment (52%), halfway houses



(38%), day/evening reporting center (38%), and substance abuse treatment (38%) were most needed in their jurisdictions. All but three counties (York, Franklin, & Cumberland) indicated that mental health treatment was the most prevalent need. Appendix A depicts the perceived needs by county.

ROLE IN RECIDIVISM REDUCTION

The development of an effective system of local correctional alternatives is largely dependent upon the ability of the jurisdiction to bring key criminal justice stakeholders together as a “policy team” because no single agency has the authority or ability to bring about systemic change.

In order for correctional alternatives to have long lasting system wide impact, the effort must be well organized, with thoughtful input from all stakeholders, consistent participation, and on-going support. Key criminal justice stakeholders must establish effective leadership, and work towards a common goal of risk reduction. To gauge support for a risk

		YES	NO	TOTALS
Judge	Frequency	24	1	25
	% within Occupation	96.0%	4.0%	100%
Prosecutor	Frequency	13	0	13
	% within Occupation	100%	0.0%	100%
Victim Advocate	Frequency	12	10	22
	% within Occupation	54.5%	45.5%	100%
Probation Officer	Frequency	40	1	41
	% within Occupation	97.6%	2.4%	100%
Defense Attorney	Frequency	7	1	8
	% within Occupation	87.5%	12.5%	100%
Law Enforcement/Police	Frequency	15	2	17
	% within Occupation	88.2%	11.8%	100%
Sheriff Office/Jails	Frequency	10	1	11
	% within Occupation	90.9%	9.1%	100%
TOTALS	Frequency	121	16	137
	% within Occupation	88.3%	11.7%	100%

reduction philosophy, survey participants were asked whether they believe they have a role in recidivism reduction. The majority of respondents (121 frequency count or 88.3%) indicated that they have a role in reducing recidivism. Victim advocate groups were least likely to endorse that they have a role; their role is to assist the victim.

CONCLUSIONS & RECOMMENDATIONS

Changes in the way Maine improves sentencing and corrections must be anchored in changing attitudes and philosophy, advancing training in evidence-based practices, and improving the availability and effectiveness of the treatment delivery system. As a starting point, criminal justice stakeholders must have open discussions and reach common ground about the goals of sentencing; these goals may be different for individuals with varying risk levels. Criminal justice stakeholders must become conversant in EBP polices and practices in order to share their knowledge with community members. Statewide training on evidence-based practices for criminal justice practitioners must be integrated into their “basic training”. Criminal justice leaders may wish to consider a statewide curriculum for all stakeholders.

There appears to be wide support from the surveyed respondents indicating endorsement for the use of actuarial risk assessment instruments in assessing the suitability of sentencing options. To tie sentencing and related decisions to risk level, sentencing judges and post sentencing agencies need to use a validated risk assessment method that meaningfully differentiates between offenders who are high, moderate and low risk. Length of supervision and services provided should be clearly tied to an offender’s risk level. Sentencing judges need to have at their disposal options that are appropriate for the risk level of the offenders being processed. Having a continuum of sentencing options available at this stage provides the court the flexibility to impose conditions that may be more effective in changing the offender’s behavior.

Using risk assessment prior to sentencing would increase the identification of low risk offenders eligible for diversion services and minimize the use of split sentencing for low risk individuals, who in actuality benefit from low intensity or no intervention at all. Research has shown that placing offenders who are lower risk in structured programs, both treatment and supervision oriented, can actually increase recidivism (Lowenkamp & Latessa, 2005). Low risk means the individual is not likely to reoffend; therefore, investing resources to avoid reoffense is a waste of valuable funds.

Appropriate responses include fines, community work services, and attending a one-time class. The current costs used for incarcerating and supervising low risk offenders could be used to develop a comprehensive treatment/supervision continuum to manage those individuals requiring high levels of supervision and treatment.

The survey results seem to suggest that for criminal justice practitioners to buy-in to recommending correctional alternatives they must be confident that programs are available, accessible, and effective. The Maine criminal justice professional community is encouraged to prioritize correctional treatment. To this end, the Sentencing Practices Sub-Committee made several recommendations in their final report (<http://www.maine.gov/corrections/caac/SupMat/index.htm>).

Maine should consider continuing its effort to complete a needs assessment to identify what gaps currently exists in correctional programming. Consideration should be given to whether offenders have reasonable access to programs, as well as what barriers they face in getting into programs such as transportation, childcare, and medical insurance. The needs assessment should identify the number of offenders living in a particular geographic area, their level of risk, and the services they require. This data should be matched with the type of program, services provided, and program capacity. For more information readers are encouraged to review “Gap Analysis of Programs for Offenders across Maine” by Lisa Spruance and Dr. Edward Latessa. This study examined research questions related to identification of programs, program capacity and program quality.

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Appendix A: Goals of Sentencing

		Goals of Sentencing						
		Specific Deterrence	Punishment	Risk Reduction	General Deterrence	Rehabilitation	Incapacitation	Retribution
Judge	Importance	2.67	3.26	3.05	4.04	4.23	4.68	6.22
	Effectiveness	2.91	2.95	3.43	4.55	4.86	3.10	5.76
Prosecutor	Importance	2.92	2.62	3.85	3.38	5.00	4.77	5.46
	Effectiveness	3.54	3.00	3.38	3.62	5.15	3.77	5.54
Victim Advocate	Importance	3.05	3.09	2.95	4.27	4.14	5.05	5.45
	Effectiveness	2.77	3.68	3.41	4.27	4.05	3.86	5.95
Probation Officer	Importance	2.73	3.39	2.83	4.17	4.1	4.9	5.88
	Effectiveness	3.17	3.12	3.54	4.44	4.22	4.27	5.24
Defense Attorney	Importance	2.25	3.38	3.62	3.75	3.63	5.38	6.00
	Effectiveness	3.38	2.88	4.13	4.38	4.13	4.13	5.00
Law Enforcement/Police	Importance	2.24	2.29	3.88	3.24	5.29	5.29	5.76
	Effectiveness	2.88	3.12	3.71	3.82	5.35	3.65	5.47
Sheriff Office/Jails	Importance	2.64	3.55	3.82	3.45	3.27	5.73	5.55
	Effectiveness	3.91	2.55	3.82	4.73	5.09	2.91	5.00
AVERAGE	Importance	2.69	3.12	3.24	3.91	4.26	5.04	5.76
	Effectiveness	3.13	3.10	3.58	4.30	4.58	3.78	5.46

Level of Importance=Number one=first choice

Appendix B: Perceived Options Not Available Per County

	Mental Health Treatment	Halfway Houses	Day or Evening Reporting Centers	Substance Abuse Treatment	Family Treatment & Intervention	Housing	Transportation	Vocational Training	Community Service	Educational Opportunities	Medical
Androscoggin	52%	35%	35%	35%	26%	22%	39%	26%	13%	9%	9%
Aroostook	80%	40%	20%	40%	30%	40%	30%	20%	0%	0%	0%
Cumberland	38%	30%	54%	41%	30%	33%	19%	22%	14%	8%	14%
Franklin	38%	44%	44%	25%	44%	19%	44%	19%	6%	13%	6%
Hancock	80%	50%	0%	20%	50%	50%	10%	20%	10%	10%	0%
Kennebec	65%	39%	30%	26%	39%	35%	35%	17%	9%	4%	0%
Knox	70%	30%	30%	60%	20%	20%	20%	30%	0%	0%	0%
Lincoln	50%	50%	50%	30%	0%	30%	40%	30%	20%	0%	0%
Oxford	56%	39%	33%	44%	22%	22%	28%	22%	6%	11%	17%
Penobscot	52%	29%	43%	38%	24%	52%	14%	19%	19%	0%	0%
Piscataquis	75%	50%	13%	13%	25%	38%	13%	13%	38%	13%	13%
Sagadahoc	44%	44%	44%	44%	0%	33%	22%	33%	22%	0%	11%
Somerset	56%	33%	44%	22%	56%	22%	11%	44%	0%	11%	0%
Waldo	70%	50%	30%	40%	10%	40%	20%	20%	10%	10%	0%
Washington	91%	46%	18%	36%	9%	46%	18%	9%	0%	9%	0%
York	38%	25%	50%	54%	21%	25%	25%	25%	8%	13%	4%
Statewide	53%	32%	16%	42%	14%	42%	14%	16%	16%	16%	5%
Total	52%	38%	38%	38%	33%	31%	23%	17%	11%	9%	6%

Appendix C: Stakeholder Survey

**Perceptions about Sentencing
and Attitudes toward Correctional Alternatives
in the Maine Criminal Justice Professional Community**

Please read and answer the questions in the order they are asked. Please do not skip ahead in the questionnaire, return to questions you have already answered, or discuss the questionnaire or your answers with anyone else.

Demographic Information:

Please enter your gender:

- Male
- Female
- I do not wish to answer this question

Please enter your occupation:

- | | |
|--|---|
| <input type="checkbox"/> Judge | <input type="checkbox"/> Defense Attorney |
| <input type="checkbox"/> Prosecutor | <input type="checkbox"/> Law Enforcement/Police |
| <input type="checkbox"/> Victim Advocate | <input type="checkbox"/> Sheriff Office/Jails |
| <input type="checkbox"/> Probation Officer / Manager | <input type="checkbox"/> Legislature |

Please enter the number of years you have worked in the field (for partial years, please round down):

- Less than 2 years
- 2 to 5 years
- 6 to 10 years
- 11 to 15 years
- 16 to 20 years
- more than 20 years

Please enter the county/counties in which you currently work.

- | | | |
|--|---|--|
| <input type="checkbox"/> Androscoggin County | <input type="checkbox"/> Knox County | <input type="checkbox"/> Somerset County |
| <input type="checkbox"/> Aroostook County | <input type="checkbox"/> Lincoln County | <input type="checkbox"/> Waldo County |
| <input type="checkbox"/> Cumberland County | <input type="checkbox"/> Oxford County | <input type="checkbox"/> Washington County |
| <input type="checkbox"/> Franklin County | <input type="checkbox"/> Penobscot County | <input type="checkbox"/> York County |
| <input type="checkbox"/> Hancock County | <input type="checkbox"/> Piscataquis County | <input type="checkbox"/> Statewide |
| <input type="checkbox"/> Kennebec County | <input type="checkbox"/> Sagadahoc County | |

1. The following purposes are typically cited for reasons why sentences which include a period of incarceration are recommended or given:

Please enter rate the following reasons by order of **importance** to you where '1' = your first choice, '2' = your second choice, and so on.

- retribution
- rehabilitation
- general deterrence (keep others from committing crimes)
- specific deterrence (keep the offender from committing future crimes)
- risk reduction (apply approaches that reduce the likelihood the offender will reoffend)
- punishment
- incapacitation

2. Rate them by order of **effectiveness** as you perceive them where '1' = your first choice, '2' = your second choice, and so on. Effectiveness refers to the effects of incarceration on convicted offenders' committing future crimes.

- retribution
- rehabilitation
- general deterrence (keep others from committing crimes)
- specific deterrence (keep the offender from committing future crimes)
- risk reduction (apply approaches that reduce the offender will reoffend)
- punishment
- incapacitation

3. What kind of information would be important to you in recommending or making sentencing decisions? Check all that apply.

- prior record
- risk level
- victim's opinion
- seriousness of offense
- availability of treatment options
- knowledge of substance abuse
- knowledge of family circumstances
- knowledge of education or vocational experience

4. What factors would you consider in deciding whether to recommend, or not to recommend, confinement to jail or prison? Please enter your preference for the following reasons by order of importance to you where '1' = your first choice, '2' = your second choice, and so on.

- seriousness of offense
- risk level of the offender
- likelihood of rehabilitation
- mandatory minimums
- victim statement

Questions 5-9 use the term "split sentence". For purposes of this study, a split sentence is defined as a sentence that includes a period of confinement in jail or prison followed by a period of probation.

5. Why do you suppose some offenders receive a split sentence and others do not? Check all that apply.

- type of crime
- seriousness of crime
- perceived need for supervision beyond imprisonment
- risk to commit future crimes
- lack of options to manage the risk and needs of offenders, other than incarceration or traditional probation)

6. For what type of offenses would you typically recommend a split sentence? Please enter your preference for the following factors where '1' = your first choice, '2' = your second choice, and so on.

- sex offense
- violent offense
- property crime
- drug offense
- traffic offense

7. If you had to make a guess, what percentage of sentences would you estimate are split sentences? Please check one.

- Less than 30%
- Between 31-50%
- Between 51-70%
- More than 70%

8. In the **last year**, do you think the use of split sentences:

- Increased
- Decreased
- Stayed the same
- Not Sure

9. In the **last five years**, do you think the use of split sentences:

- Increased
- Decreased
- Stayed the same
- Not Sure

10. What factors would you consider to be important when recommending or deciding the length of a **jail sentence**? Please enter your preference for the following factors where '1' = your first choice, '2' = your second choice, and so on.

- risk level
- type of offense
- mandatory minimum
- seriousness of offense
- prior offenses
- jail/prison Space
- unsure

11. What factors would you consider to be important when recommending or deciding the length of **probation** period following the incarceration period? Please enter your preference for the following factors where '1' = your first choice, '2' = your second choice, and so on.

- risk level
- type of offense
- mandatory minimum
- seriousness of offense
- prior offenses
- unsure

Questions 12 and 13 use the term “correctional alternatives”. For purposes of this study, correctional alternatives are defined as options to manage the risk and needs of offenders, other than incarceration or traditional probation.

12. Which of the following correctional alternatives would you support in your community? Check all that apply.

- Day Reporting Center
- Evening Reporting Center
- Drug Court
- Substance Abuse Treatment
- Community Service Programs
- Residential Half-way House

13. For you to consider recommending or imposing sentences that include correctional alternatives, what types of options are needed which are not currently available? Check all that apply.

- Substance Abuse Treatment
- Mental Health Treatment
- Educational Opportunities
- Family Treatment & Intervention
- Vocational Training
- Housing
- Medical
- Community Service
- Transportation
- Halfway Houses
- Day or Evening Reporting Centers

14. How familiar are you with the term “evidence-based practices”?

- | | | | | | |
|-----------|---|---|---|---|------------|
| Very Much | | | | | Not at All |
| 1 | 2 | 3 | 4 | 5 | |

15. How closely do you believe you adhere to evidence-based practices in your jurisdiction?

- | | | | | | |
|-----------|---|---|---|---|------------|
| Very Much | | | | | Not at All |
| 1 | 2 | 3 | 4 | 5 | |

16. Do you believe effective treatment decreases the likelihood that an offender will commit a future crime? Effective treatment is defined as treatment that is scientifically based and research supports the use of it in treating offenders.

- Yes___ No___ Unsure___

17. How confident are you about the availability of effective treatment in the jurisdiction where you work?

- | | | | | | |
|----------|---|---|---|---|----------------------|
| Strongly | | | | | Not Confident at All |
| 1 | 2 | 3 | 4 | 5 | |

18. Considering your occupation in the criminal justice system, do you believe you have a role in reducing recidivism? Reducing Recidivism means decreasing the likelihood an offender will commit future crimes.

Yes___ No___

19. Do you believe a period of incarceration by itself decreases the likelihood that an offender will commit a future crime?

Yes___ No___ ___ Unsure

20. Do you believe targeting low risk offenders for intensive correctional treatment may increase, decrease, or not affect the likelihood they will commit future crimes.

___Increase ___Decrease ___Not Affect

21. Do you believe targeting moderate risk offenders for intensive correctional treatment may increase, decrease, or not affect the likelihood they will commit future crimes.

___Increase ___Decrease ___Not Affect

22. Do you believe targeting high risk offenders for intensive correctional treatment may increase, decrease, or not affect the likelihood they will commit future crimes.

___Increase ___Decrease ___Not Affect

23. Would you support a policy in favor of offering correctional alternatives to nonviolent offenders?

Strongly Support				Strongly Oppose
1	2	3	4	5

24. Would you support a policy in favor of offering targeted intensive correctional treatment to high risk offenders?

Strongly Support				Strongly Oppose
1	2	3	4	5

25. Would you support a policy in favor of diverting low risk offenders from the criminal justice system?

Strongly Support				Strongly Oppose
1	2	3	4	5

Questions 26-30 use the term “correctional alternative”. For purposes of this study, correctional alternatives are defined as options to manage the risk and needs of offenders, other than incarceration or traditional probation.

26. Would you support offering a correctional alternative program for theft crimes?

Strongly Support				Strongly Oppose
1	2	3	4	5

27. Would you support offering a correctional alternative program for sex crimes?

Strongly Support				Strongly Oppose
1	2	3	4	5

28. Would you support offering a correctional alternative program for driving offenses including OUI?

Strongly Support				Strongly Oppose
1	2	3	4	5

29. Would you support offering a correctional alternative program for drug crimes?

Strongly Support				Strongly Oppose
1	2	3	4	5

30. Would you support offering a correctional alternative program for property crimes?

Strongly Support				Strongly Oppose
1	2	3	4	5