

# **Measuring Jail Recidivism in Montgomery County, Maryland**

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**A Collaborative Report of Justice & Security Strategies, Inc.  
and the Montgomery County Pre-Release and Re-Entry  
Services Division, Department of Correction and  
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## Executive Summary

The jail recidivism study in Montgomery County, Maryland is a collaborative work between Justice & Security Strategies, Inc. (JSS) and the Pre-Release and Re-Entry Services Division (PRRS) of the Montgomery County Department of Correction and Rehabilitation (MCDOCR). The purposes of the study were to examine recidivism within a jail population, determine the research needs of a county jail system, and provide recommendations about how to deal with recidivism overall.

Funding for the study was provided by the Governor's Office of Crime Control and Prevention.

To conduct the study, JSS and PRRS developed the research design, collected and analyzed the data, and wrote the final report. We collected and analyzed data of a sample of men (n=294) and women (n=282) who were released from MCDOCR from July 1, 2003 to December 31, 2004. JSS created an MS Access database specifically for this project. Doing so allowed us to combine information from nine (9) databases and to track offenders before and after their release.

The data were drawn from:

1. FBI/NCIC criminal histories
2. Maryland State Record of Arrest and Prosecution (RAP) records
3. Maryland Department of Motor Vehicle Administration (MVA)
4. Maryland Department of Public Safety and Correctional Services (DPSCS)
5. Montgomery County CJIS
6. Maryland Judiciary Case Search
7. Diminution Reports
8. Commitment files
9. District Court cases

The analysis included the use of survival and hazard models to estimate the failure rates of the offender population.

## **Issues and Findings**

This study defined recidivism as “the tendency to relapse into a previous condition or mode of behavior, especially criminal behavior” and used re-arrest/re-indictment and re-conviction of inmates as measures of recidivist behavior. We examined recidivism at one-year and three-years after release from the Montgomery County Department of Rehabilitation and Correction. Re-arrest/re-indictment means that an offender was both arrested by police and subsequently indicted for the offense by the State Attorney. This definition may differ from other studies where only an arrest occurred, but charges were not necessarily filed.

### **Re-arrests/Re-indictments**

We found that after one year, 41% of males and 32% females were re-arrested/re-indicted for any offense. When we add violations of probation the percentages increase to 46% for males and 38% for females. Many of the arrests were for minor offenses as only 6% of males and 6% females were arrested for serious offenses.

After three years the re-arrest/indictment rates increase for any crime—for males, they rise to 66% arrested for any offense, and 54% of the females. When we add the violations of probation, the rates increase to 68% for males and 61% for females. The arrest rates for serious charges nearly triple for males to 17% and double for females at 12%

### **Re-convictions**

After one year, 21% of males and 14% of females were re-convicted. It is important to note that had we only used the Maryland rap sheet data, we would have accounted for 16% of males and 9% of females, missing out on at least one-third of their re-convictions in other jurisdictions.

Over three years, conviction rates are 48% and 35% for men and women, respectively. These figures are about one-third higher (or more) than would have been measured by the usual technique of looking at Maryland rap sheets only.

### **Original Offenses**

In our sample, the most serious convictions of releasees were property (37%) and traffic (28%) offenses. These were followed by person crimes (19%), drug offenses (13%), sex offenses (2%), and other.

Twenty-one percent were in jail for felonies and 79% were in jail for misdemeanors.

### **Who Recidivates? Demographics of Recidivists**

For all convictions we found the following groups significantly greater ( $p < 0.10$ ) for failure:

- Males were more likely to recidivate than females over the three-year period.

- Within the male sample we found significance for nonwhites with sentences longer than 9 months, and for property offenses (vs. traffic, vs. drug, and vs. person).
- Within the female sample, we found that nonwhites with sentences longer than 9 months and property offenses (vs. traffic).

We were not able to collect information about socioeconomic status of offenders or accurate information about ethnicity. Data regarding ethnic origin were not consistently reported.

## **Discussion and Policy Issues**

During the course of this project, we not only learned about the recidivism rates of offenders in Montgomery County, but learned about the difficulties in capturing information about recidivists.

### **General Recidivism Issues**

1. We recommend that agencies that study recidivism carefully consider data sources and necessary data elements before embarking on a large scale study. This study is one of only a handful of studies on jail recidivism. We carefully selected the sample of offenders and meticulously collected data on each offender. Unfortunately, most recidivism studies do not utilize all possible data sources: interestingly, there is a disincentive to do so, because the more data that is gathered, it appears that they will yield higher recidivism rates.
2. We recommend that future studies include over-sampling of women, as the comparison between men and women are important for policy considerations and for determining priorities for after-care and re-entry. Our sample of 576 offenders included 294 men and 282 women. In other studies women make up a small proportion of the cases (10-13%). We over-sampled women to allow us to compare them to men and to provide more definitive results about recidivism among women in Montgomery County.
3. We recommend that future studies more carefully define recidivism and strive to use definitions that would make comparisons across jurisdictions valid. We defined recidivism as re-arrests/indictments and re-convictions. The first category of re-arrests/indictments means that the offenders were arrested and *charged* with a crime by the state attorney's office. Other studies only looked at 'arrests' by police and thus comparisons with other jurisdictions are difficult if not impossible.
4. We strongly recommend that criminal histories from multiple data sources be used. Unlike other studies, we used criminal histories from the FBI/NCIC to track offender behavior in jurisdictions outside of Maryland. If this study had just confined itself to using the state criminal history records the one and three year rates would be 31% and 48% compared to 41% and 65%.

## **Specific Recidivism Issues: Montgomery County**

5. We recommend that Montgomery County criminal justice officials should focus on the men and women who are prone to commit serious crimes – that most recidivist acts are ‘minor’ in nature. In addition, we found that most recidivism that occurs within one year is driven by more minor crimes; serious offending is more evenly spread out over time (at least over the 3 years of our follow up). We found that serious charges for males triple from one year to three years (to 17 percent) and double for females at 12 percent.

### **Data collection issues**

6. We recommend that system improvements take place to integrate databases. The current Maryland and Montgomery County criminal justice data systems do not allow researchers and policymakers to use data productively. The nine data sources that were used for this project were not integrated into a common system and data could not be extracted easily.
7. We recommend that departments of correction consider linking criminal justice systems data to non-criminal justice data. That is, data from health and human services, the labor department, and unemployment insurance information might be useful to corrections administrators to assess the status of releasees in the workforce and in the community.

### **Sustainability:**

8. We recommend the establishment of a state-wide commission on recidivism that includes all relevant criminal justice agencies. Among its charges, the commission would examine data issues, establish uniform definitions of recidivism, and discuss methods for how recidivism could be measured economically and efficiently at the state and local levels. At a minimum, the commission should include prison and jail administrators, probation and parole officials, law enforcement, state attorneys, judges, and researchers.
9. We recommend that the Governor’s Office of Crime Control and Prevention and the Montgomery County Council work collaboratively to provide financial assistance for research within the Montgomery County Department of Correction and Rehabilitation to maintain and sustain work that was initiated under this grant.
10. This project has documented all of the steps needed to develop a full program in measuring jail recidivism. Most of the jurisdictions in Maryland would have extreme difficulty conducting a similar study because of the challenges of extracting meaningful data from these databases. A follow up phase of research should focus on three areas: 1) continuing to measure recidivism in Montgomery County, 2) determining the most important data fields and information systems that other jurisdictions could use to measure recidivism, and 3) exploring the use of data from non-criminal justice sources (e.g., labor department, health and human services, and unemployment insurance records).

## Introduction

Recidivism, defined as “the tendency to relapse into a previous condition or mode of behavior, especially criminal behavior,”<sup>1</sup> is seldom measured systematically or routinely by local correctional agencies. While jail administrators are often asked about the frequency of inmates returning to their facilities, very few administrators in the United States can answer the question with precision. Because of the lack of staff and data systems, regular reports on jail recidivism are few and far between.

Fortunately, through a grant from the Maryland Governor’s Office of Crime Control and Prevention and the interest and dedication of the staff at the Montgomery County Department of Correction and Rehabilitation (MCDOCR), Justice & Security Strategies, Inc. (JSS) was able to conduct this study. As part of a collaborative effort between JSS and Montgomery County’s Pre-Release and Re-Entry Services Division (PRRS), researchers from both organizations planned the project, developed the research design, collected and analyzed the data, and wrote the final report.

We addressed the following major research questions:

1. What are the rates of re-arrest/re-indictment and re-conviction for inmates sentenced into the Montgomery County Department of Correction and Rehabilitation?
2. What were the original offenses for which these inmates were incarcerated, and what is the nature of the offense that resulted in their conviction?
3. What the demographics of recidivism? Are there differences in socioeconomic status, race, and ethnicity? Are younger persons more likely to recidivate than older persons?
4. What are the differences between men and women releasees? Are men more likely to be rearrested/re-indicted, reconvicted, or re-incarcerated than women?

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<sup>1</sup> <http://www.merriam-webster.com/dictionary/recidivism>

5. If an inmate did recidivate, what was the nature of the subsequent crime or crimes?
6. For those released under conditional supervision – parole and probation—are recidivism rates higher and what proportion commits new crimes and technical violations?

We collected and analyzed data of a sample of men (n=294) and women (n=282) who were released from MCDOCR from July 1, 2003 to December 31, 2004. We used multiple sources of data to put together a comprehensive picture of jail recidivists in Montgomery County.

## **Background**

### **Jails in the United States**

About 2,900 jails exist in the United States according to the Bureau of Justice Statistics (Sabol and Minton, 2008). Each of them is organized and run by different entities including sheriff's departments, county and municipal departments, Indian tribes, states, penal commissions, and the federal government. They range in size from modest lock-up facilities in rural areas with a handful of cells to large systems such as those in Los Angeles and New York City that incarcerate more offenders than many state prison systems (19,300 and 14,000 respectively). Nearly half of the nation's jails have populations under 50. The largest jails (n=159) have average daily populations of more than 2,000 inmates and incarcerate 29% of the total number of inmates in the country (Sabol and Minton, 2008).

Jails and jail populations are more varied and complex than state or federal institutions. Jails serve a variety of functions, from holding individuals before their trial, holding individuals temporarily (juveniles, mentally ill, military, court witnesses, protective custody) to holding individuals awaiting transfer to a state or federal agencies (often due to overcrowding). Jails book large numbers of offenders annually, most of whom stay for only a few hours or days.

The nation's jails admitted an estimated 13 million persons during a one-year period from June 2006 to June 2007. By comparison, approximately 780,000 individuals are both admitted and discharged from the country's state and federal prisons, and the average inmate spends several years in these facilities. Jail inmates are often viewed as less serious offenders than state and federal inmates, and therefore are viewed as requiring fewer services.

Jails are often the point of entry into the nation's correctional system and incarcerate offenders who are alleged to have committed or who have been convicted of crimes of all types. Jails also incarcerate large numbers of offenders serving relatively short post-conviction sentences for which offender reentry programs are extremely relevant. In many states, offenders sentenced to one year or less serve their sentences in jails rather than in the state prison system.

The sentence threshold between serving time in jails versus serving time in a state prison system actually varies from state to state. In Massachusetts, for example, which has the 30-month sentencing threshold, more sentenced offenders are held in county jails than in state prisons. While the vast majority of the 13 million individuals moving in and out of jails remain only for a few hours or days before community release or institutional transfer, an estimated 20% will spend at least one month in jail, 12% at least two months, and 4% will spend more than six months (Sabol et al., 2007).

Most jail releasees are released to a neighborhood in proximity to the jail, whereas state and federal prison inmates might be released from correctional institutions hundreds of miles from their homes. Some states like Virginia are experimenting with reentry models that transfer state inmates to local jails in order to allow the inmates to develop stronger family and community ties before release. Many state systems and the Federal Bureau of Prisons also

contract with local jails and community-based facilities to place carefully selected inmates into work release programs just prior to release.

### **Recidivism of Prisoners**

While there are differences between jail and prison populations, a number of studies of recidivism of prisoners are useful as they provide consistent predictors of criminal recidivism and tend to predict criminality generally.

A number of studies exist that shed light on recidivism rates in prisons. They show that age, gender, and having past offenses are the general predictors of criminal recidivism – that younger persons are more likely to reoffend than older ones, men more than women, and those who have offended often in the past are more likely to reoffend than those who offended less often. With respect to age, a study of released federal inmates found an inverse association with age – when controlling for prior criminal histories, the likelihood of returning to prison decreased as age increased (Hoffman and Beck, 1984). The literature regarding race as a predictor of recidivism is less clear. Some studies indicated that whites are less likely than non-whites to return to prison (Beck and Shipley, 1989; Harer, 1994), whereas others do not find a race-recidivism association (Orsagh and Chen, 1988). Many studies have found that men have substantially higher recidivism rates than women (Beck and Shipley, 1989; Jones and Sims, 1997; Langan and Levin, 2002).

Other factors have been studied as well. For example, research in Oklahoma by Spivak and Damphousse (2006) found that being paroled or released to probation, as opposed to being discharged without post-release supervision, increased the hazard of recidivism, and being released to probation (through a split sentence) led to an especially high hazard of re-incarceration (Spivak and Damphousse, 2006).

Langan and Levin (2002) found that within three years from their release, 67.5% of prisoners from 15 states were rearrested. This was an increase from a 1983 study that showed 62.5% were rearrested. Of the 272,111 prisoners from 15 states, 46.9% were reconvicted for a new crime and 25.4% were resentenced to prison for a new crime. Nearly 52% were back in prison, serving time for a new prison sentence or for a technical violation of their release, like failing a drug test, being arrested for a new crime, or for missing an appointment

Langan and Levin (2002) also found that the re-arrest rates for property offenders, drug offenders, and public-order offenders increased significantly from 1983 to 1994 within three years of their release. For property offenders the increase was from 68% to 74%, for drug offenders from 50% to 67%, and for public-order offenders the increase was from 55% to 62%. Reconviction rates, however, did not change significantly from 1983 to 1994. Among prisoners released in 1983, 46.8% were reconvicted within three years compared to 46.9% among those released in 1994.

### **Jail Recidivism Studies**

Studies of jail recidivism are few and far between. The most comprehensive report comes from the Hampden County Sheriff Department's House of Correction. Lyman (2004) indicates that since 1998, the County has tracked 15,000 people and reports one- and three-year recidivism rates. Only sentenced offenders are part of the study, and they represent about 40% of the inmate population. One year recidivism rates for those released in 2004 (2,298) were 48% re-arraignment, 26% re-conviction, and 21% re-incarceration (Lyman, 2004).

In Jacksonville (FL) the Sheriff's Office manages the Habitual Misdemeanor Offender Program (HMO). A study of 2002 data revealed that 758 people were incarcerated for an average of 111 days (averaging 6.5 arrests each). Six types of arrests accounted for 76% of all

recidivist arrests: Drugs/alcohol, Trespass, Prostitution, Theft, Criminal Traffic Offenses, and Fighting/Battery. The HMO program was legislatively created to require minimum mandatory 6-month to 1-year sentence for offenders that had previously been convicted of 4 or more misdemeanors within 12 month to allow time for treatment to help to reduce jail recidivism (Bass, 2005).

Other jail recidivism studies include:

- A study of the Philadelphia Prison System (which houses pre-trial detainees as well as those sentenced up to two years) revealed that between 1995 and 2003, 240,729 inmates cycled through, with 53,228 entering once and 53,621 others accounting for 187,501 admissions and releases. Seventy percent of the inmates in the system in 2003 had a previous admission to the system (Roman and Kane, 2006).
- The Dutchess County Jail in Poughkeepsie, New York has an annual admission rate of 3500. Its average daily population is between 320-400 offenders. The recidivism rates (measuring re-incarceration) in the control group studied from 1998 to 2001 were 54.2 percent, while the offenders who participated in a jail transition program had recidivism rates of 21.1 percent (Christensen, 2006).

## **Methodological Issues**

Previous studies of jail recidivism are inconsistent in their methodologies. Lyman and LoBuglio (2006) point out some of the problems that confront researchers engaged in jail recidivist studies. Among these are the definitions used for recidivism – some studies use re-arrest only, others include re-arrest and re-arraignment, while still others include re-arrest, re-conviction and re-incarceration.

Maltz (2001) indicates that the definition of re-arrest has added complications. He states that there are “raw arrests” – those where probable cause exists, but no subsequent indictments or convictions occur; “arrest followed by prosecutorial action” – those where an indictment, information or arraignment occurs; or “arrest followed by conviction” – where a court disposition occurs.

In his study, Maltz also recognized that prior recidivism studies (beyond prisons and jails) elicited numerous definitions of recidivism, including the following:

- “Arrest: number of arrests; recorded police contact; court appearance; time elapsed before the first arrest; did conviction result?”
- Reconviction: jail or prison sentence; felony or less; sentence.
- Incarceration: type of facility; seriousness of offense.
- Parole violation: nature of the violation; seriousness of the infraction; was it police-initiated?
- Parole suspension: new offense; number of suspensions.
- Parole revocation: new offense; seriousness of the offense; average number of good days on parole.
- Offense: seriousness; number; new offense.
- Absconding: was an absconder warrant issued?
- Probation: proportion redetained; length of time detained; number of violations; violation warrant.” (Maltz, 2001: 62)

In our review of the literature, we also found that researchers often limit themselves to using criminal histories from their own particular state or jurisdiction. That is, some studies do not go beyond their state or jurisdictional boundaries and do not use national records for criminal histories (like the FBI’s NCIC) or neighboring information systems to track releasees.

Another methodological issue is that of non-comparability across jurisdictions. Differences in laws, policies, and procedures among jurisdictions will prevent direct comparisons. For example, one state may use probation heavily, while another state may not. Some state or county jurisdictions may have highly sophisticated computerized criminal justice information systems, while others may not, leading to data entry issues as well as reporting discrepancies.

In this study we define recidivism in the following way: 1) as re-arrests that lead to prosecutorial action, or in this case an indictment by the Montgomery County State’s Attorney or other office; 2) as re-convictions as determined by the Maryland District and Circuit Courts and other jurisdictions; and 3) as re-incarcerations into a facility. We rely upon Maryland state

statutes to determine the seriousness of the offense and use both the Maryland criminal histories and the FBI criminal histories to track releasees over a period of time that covers at least three years.

## Section 1: The Study Site and Methods

### Montgomery County

Montgomery County, Maryland is home to nearly one million residents. The county has undergone a slight shift in its demographic profile over the last decade. From 2000 to 2008, the percentage of whites living in the county has decreased from 65% to 61%, with increases in Black or African Americans (15% to 16%), Asians (11% to 13%) and Hispanics or Latinos (12% to 15%). The median age of residents has increased from 36.8 years to 39 years, with a slight increase in those 65 years and over (11% to 12%). The percentage of foreign born has residents has increased from 27% to 30%.<sup>2</sup>

The Montgomery County government is run by an elected County Executive and County Council. The County Executive develops policies, proposes plans, programs, budgets, and legislation, has the authority to hire and fire department heads, and appoints members of committees and boards. The Council serves as the legislative branch of government. Among other things, the Council approves the budget, sets the local property tax, confirms major appointments by the County Executive, and approves all land use plans in the county.

In terms of crime, according to the Montgomery County Police Department serious crimes of murder, rape, robbery, aggravated assault, burglary, larceny, and auto thefts increased 5.3% from 2007 to 2008. Much of the increase is attributable to larcenies—in particular thefts from vehicles and theft of vehicle parts, where GPS units, cell phones, iPods, and laptop computers were stolen from unlocked vehicles.<sup>3</sup>

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<sup>2</sup> <http://www.montgomerycountymd.gov/content/exec/stat/pdfs/vitallivingindicator.pdf>

<sup>3</sup> <http://www.montgomerycountymd.gov/content/pol/media/08stat/04/031909crimestats.pdf>

## **Montgomery County DOCR**

The Montgomery County Department of Correction and Rehabilitation (MCDOCR) is a department within the county government. Arthur Wallenstein is the Director and he oversees two jails, a pre-trial division, and a pre-release/re-entry division. Offenders who are arrested in the County are brought to the Montgomery County Detention Center's (MCDC) Central Processing unit and may stay at most 72 hours at this temporary holding facility. Beyond that, the inmates are transferred to the main jail facility, the Montgomery County Correctional Facility (MCCF). During the intake process, staff from the Pre-Trial Supervision Division assesses inmates remanded to the jail to determine if they can be managed better in the community under supervision, and so advise the court. The Pre-Release and Re-Entry Services Division (PRRS) works on the "back-end" and serves carefully screened sentenced inmates who are within one year of release.

In 2006, MCDOCR received and discharged 9,400 individuals. The vast majority of them were detained on a pre-trial status. Of this number, most were released from the detention centers and 550 participated in the work release program.

Through June of 2009, the average monthly sentenced population at MCDC/MCCF was 336, and the average monthly population within PRRS was 168.

While many of the inmates were released into Montgomery County (74%), about 20% were released into other Maryland counties, and about 6% into Washington, DC and Virginia.

## **Research Issues and Questions**

This project began over three years ago when Director Wallenstein and the Chief of the PRRS, Stefan LoBuglio, asked themselves about recidivism in the county jail. They recognized that they needed information about how offenders flowed through the criminal justice system

and that they needed to make decisions affecting security, classification, movement, programs, and re-entry planning. With no baseline information about recidivism, they could not begin to evaluate specific programs.

To study recidivism in Montgomery County, staff from JSS and PRRS developed a methodology that would answer specific research questions while working within a limited budget. It was decided at an early stage of the process to select a sample of men and women from a specific time period and then to follow their criminal activities for at least three years.

We were interested in answering the following research questions for both men and women:

- What are the rates of re-arrest/re-indictment, re-conviction, and re-incarceration for inmates sentenced into the Montgomery County Department of Correction and Rehabilitation?
- What were the original offenses for which these inmates were incarcerated, and what is the nature of the offense that resulted in their conviction?
- What the demographics of recidivism? Are there differences in socioeconomic status, race, and ethnicity? Are younger persons more likely to recidivate?
- What are the differences between men and women releasees? Are men more likely to be rearrested/re-indicted, reconvicted, or re-incarcerated than women?
- If an inmate did recidivate, what was the nature of the subsequent crime or crimes?
- For those released under conditional supervision – parole and probation—are recidivism rates higher and what proportion commits new crimes and technical violations?

## **Data and Methods**

We began the study by obtaining a report on offenders released from custody in mid-year 2003. Montgomery County Criminal Justice Information Systems program staff provided a report of 2,182 locally sentenced offenders who were released in the study period from July 1, 2003 to December 31, 2004. Offenders either served their time or were released at court time

served. We excluded offenders who served on weekends only and those who were transferred from either State or Federal Prison facilities to the Montgomery County facilities.

Because we sought recidivism information about women, we over-sampled from that population. All women released from July 2003 to December 2004 were selected (N=323) and 320 men were randomly selected from those released in 2004. Through the data collection process, 67 cases were deemed ineligible and were dropped. The final sample size was 576 of which 294 were men and 282 were women.

JSS created an MS Access database specifically for this project. Doing so allowed us to combine information from nine databases and track offenders before and after their release.

The data were drawn from:

1. FBI/NCIC criminal histories
2. Maryland State Record of Arrest and Prosecution (RAP) records
3. Maryland Department of Motor Vehicle Administration (MVA)
4. Maryland Department of Public Safety and Correctional Services (DPSCS)
5. Montgomery County CJIS
6. Maryland Judiciary Case Search
7. Diminution Reports
8. Commitment files
9. District Court cases

Information regarding these data sources, including limitations, is summarized below by type of data source.

### **FBI/NCIC and Maryland State Record of Arrest and Prosecution (RAP) Records**

Staff at the Montgomery County Pre-release Center (PRC) printed hard copies of FBI/NCIC and Maryland State Record of Arrest and Prosecution (RAP) records for each offender. RAP records provide a comprehensive record of an individual's adult criminal life history, although there are limitations to these data. Reporting by police agencies is voluntary,

offender data on the local level do not always match state level identifiers, and RAP sheets generally contain only more serious offenses.

For this project, FBI/NCIC RAP was used primarily for out-of-state arrests, while arrests within the state of Maryland were coded from the MD RAP. The exception was for warrant arrests for a failure to appear (FTA) or violation of probation (VOP), which do not appear on the state RAP but are recorded on the FBI/NCIC RAP. As a general rule, if an arrest was listed on the FBI/NCIC RAP that was not present on the MD RAP, it would be included in the project database.

The MD RAP does not include conviction dates, incarceration or release dates, and case numbers. Conviction dates for Maryland offenses were obtained using the electronic criminal history files supplied by the Maryland Department of Public Safety and Correctional Services (DPSCS). Whenever possible, commitment and release dates were also culled from case notes in Maryland Judiciary Case Search.

Additional limitations to RAP data are the charge descriptions provided on the RAP which are often inadequate to determine the offense and consequent seriousness. When unsure based on the charge description, hierarchical coding rules were employed and when necessary, privileged the least serious category or type of offense.

### **Motor Vehicle Administration reports (MVA)**

Montgomery County PRC staff also printed Maryland State Motor Vehicle Administration reports. The primary limitation to motor vehicle records is they only include those who have a Maryland driver's license. If the individual no longer has, or never had, a Maryland driver's license, or the charges have been expunged, then determining offense details was conducted through a search by a PRRS staff person in the Criminal Justice Information

System (CJIS). MVA data are generally not included in the MD RAP, DPSCS data, or MD Judiciary Case search.

### **Maryland Department of Public Safety and Correctional Services Data (DPSCS)**

The Maryland Department of Public Safety and Correctional Services (DPSCS) provided an electronic file of the CJIS criminal history records from those in the sample. The electronic data provided a crucial element in this study -- conviction dates for the Maryland based post-release offenses.

### **Crystal Sentencing Report**

Staff from the Montgomery County CJIS program provided a “Crystal Sentencing Report” to provide information on the charges related to the governing offense. The Crystal Report included a facility ID number, detailed sentencing data (e.g., jail time sentenced, jail time suspended, time sentenced to probation, supervised or not etc) with each charge and case reported in an individual row in the spreadsheet. For the 623 subjects in this study, the original report contained over 25,000 rows of data. From this original report, only those cases associated with the governing offense facility ID number were retained, leaving approximately 6,000 rows. After a period of review, it was determined that the CJIS facility ID number was not solely associated with the governing charges. In fact, the sentencing report contained many past and future criminal events. Utilizing data from the Diminution Records, DOCR Commitment Files, and MD Judiciary Case Search, cases related to the governing offense (or in the case of VOP offenses also the original charge) were isolated to 937 rows of data that were imported into the project database.

## **Maryland Judiciary Case Search**

Case notes were reviewed through the Maryland Judiciary Case Search website at <http://casesearch.courts.state.md.us/inquiry/inquiry-index.jsp> by looking up each individual case number and coding information into the project databases. This was necessary to obtain detailed information for a number of different steps in the project process. Using the case number provided on the Crystal Report, thousands of cases were reviewed on Maryland Judiciary Case Search to determine which cases were to be included in the governing offense; in obtaining detailed information with respect to violation of probation cases (warrant issue and warrant served dates as well as dispositions and sentencing data); and to obtain and/or clarify charges, dispositions and sentencing data on cases that were omitted or overwritten on the MD RAP or sentencing reports (e.g., sentence reconsiderations and appeals).

## **Other Sources**

Other sources of data utilized in this project included Diminution Reports, Commitment files, and CJIS and District Court case searches by PRC staff. The Diminution Report, generated by DOCR staff upon the release of an offender, records the governing offense case number, the sentence (if multiple charges, whether it was to be served consecutively or concurrently), and the sentence begin and release date. However, a substantial number (40%) of the study subjects did not have a Diminution Record, most likely because as they were released directly from court and did not return to the facility and a report was not generated. Identification of the governing charges for those offenders without a diminution report relied on a review of the Commitment Files and through individual on-line searches of the MD Judiciary Case Search (described above). When details of the case remained unclear, PRC staff conducted searches in CJIS and District Court case notes to provide the necessary data.

## **Data Coding from Datasets**

In order to consistently capture these data from these numerous sources, coding decisions and hierarchy rules were established. In general, this resulted in conservative estimates of criminal activity in quantity and severity of arrest behaviors. For instance, multiple events which occurred on the same day were coded as a single event. Likewise, when the description of the charge was generic (e.g., Possession with the Intent to Distribute) and could not be clarified, the least serious offense which fit into that category was chosen.

In addition, each offense in the database (most serious prior conviction, most serious governing charge and most serious post-release charge) was cataloged by type of offense (e.g., person, property, drug) of the most serious offense, class (felony (coded as 1), or misdemeanor (coded as 0)) and the offense seriousness category from I (most serious) to VII (least serious) in accordance with Maryland State statutes. The source for statute classification information was from the Maryland State Commission on Criminal Sentencing Guidelines Manual Guidelines Offense Table Appendix A, updated February 2006.

In deciding which was the most serious charge or conviction, person offenses were privileged over property, drug and other types of offenses. For the purpose of offense seriousness, DUI/DWI offenses, although designated as traffic for the offense type, were still considered as person offenses and thus were privileged over property, drug and other types of offenses. Thereafter, seriousness was determined based on the specific charges in accordance with the State of Maryland criminal law statutes.

## **Project Complexities**

The process of obtaining the data for this project was complex and labor intensive. For example, for one offender it may have been necessary to examine all nine data sources to ensure

that all of the information before and after release was included. This meant using hard copies of criminal histories and motor vehicle reports, reviewing court cases on line via the court website, and using electronic data from the state and within the Montgomery County information system. Data entry was slow and tedious.

A discussion of the major issues related to conducting this study – the different reporting of violations of probation by type of court, missing data, and a summary of the labor effort required, are explicated below.

### **Violation of Probation – Differential Reporting by Court**

One of the major problems with data collection is the reporting of violation of probation (VOP) offenses in the District and Circuit Courts. In the Circuit Court, VOP charges and dispositions are listed under the original charge on the RAP while in the District Court, the VOP is only reflected in the District Court Case notes on MD Case Search. There was no indication of the VOP in the Crystal Sentencing Report, on the RAP, or the DPSCS data. To ensure complete reporting of criminal activity of those in this sample all District Court case notes related to the governing or a post-release event or events were reviewed using MD Judiciary Case Notes. Only those cases where a warrant was issued and served were added to the project database. Through this process, 54 of the women and 48 of the men had one or more District Court VOPs. While all of the men had another post-release event on either the MD RAP or FBI/NCIC RAP, 11 of the women had no other post-release arrest activity. Had we relied only upon criminal histories, we would have missed Violations of Probation for women and would have underestimated recidivists in that group by at least 3.8%.

## **Missing Data/Unfinished Business**

There remain several elements missing from these data – the nature of VOP offenses, the lack of post-release incarceration and release dates, and key demographics that would further inform this study. Information from Probation and Parole on VOP offenses would be helpful to determine whether a VOP was for a new arrest or technical violation. If the VOP was a technical violation, the nature of the violation would be useful. One way to estimate this is to observe the warrant issue data, and then look for an arrest within an approximate time of the violation. If an arrest is found, then the VOP could be assumed to be for a new arrest. If there was no arrest within a certain time period, then the VOP could be a technical violation.

Another desirable data requirement was post-release commitment and release dates. The recidivism analysis in this project utilized hazard modeling – exploring time to failure (e.g., the amount of time before the individual was rearrested and reconvicted). It also would have been useful to incorporate a measure of “time at risk” when considering recidivist events. If the individual was incarcerated for two of the three years in the follow-up period, his/her opportunity to offend would be a third of that of someone else who remained free during that same period of time.

Finally, additional demographic variables in the commitment files could provide insight into the patterns of criminal behavior of this sample. These data elements include: the address of the inmate at booking, race/ethnicity, level of education achieved, measures of family status (married, number of children, sole provider, etc.) and socio-economic data. Prior studies of recidivism reveal that social bonds derived from strong family ties can be a key factor in the desistance process. If these data were included, they may provide additional insight necessary to effectively define the role of family in the re-entry efforts in Montgomery County.

## **Validation of Data Collection**

Toward the end of the project period, we conducted a validation exercise to ensure that data were consistently coded and interpreted. Ms. Teresa Still of PRRS randomly selected several subjects from the recidivism study and reviewed the coding of their data in the JSS database and the information from their Maryland narrative RAP sheets. Ms. Still found that the coders and data entry staff carefully interpreted and deciphered the language on the RAP sheets and meticulously coded those data in the JSS database. (A full explanation is in Appendix 4).

## **Data Analysis: Survival and Hazard Models**

### *Cox Proportional Hazards Model*

In addition to univariate descriptive statistics and bivariate analyses, we used a Cox Proportional Hazards Survival Regression Analysis to evaluate the relationships between a number of independent variables and the dependent criteria of recidivism (nine models). Prior studies (Spivak and Damphousse, 2006 and Huebner, et al, 2007) show the value of the Cox Proportional Hazards Model over logistic regression or standard regression models. Relative to a statistical model using a binary outcome of “recidivate or not,” survival time statistical models provide a richer picture of subsequent criminal offending. In a survival model, the “time to failure” is the dependent variable. This class of statistical models offers several advantages. Because they use the information of how quickly a person recidivates if he/she does so, the models use more of the available information to produce better estimates of the predictors of recidivism. In addition, these methods allow incomplete spells – cases without recidivism during the period of observation that are censored at the time of data collection – to contribute to the estimation of the parameters. In a standard analysis, these cases would be excluded from the estimation sample.

With our sample of 576 men and women, we constructed nine measures of recidivism, three related to re-arrests and six related to re-convictions:

<b>Arrest for serious charge</b>
<b>Arrest for any offense</b>
<b>Arrest for offense or violation of probation (arrest or warrant served)</b>
<b>Any conviction</b>
<b>Any conviction using Maryland rap sheet data only</b>
<b>Conviction for serious offense</b>
<b>Conviction for person or sex offense</b>
<b>Conviction for property offense</b>
<b>Conviction for felony</b>

These serve as the dependent variables. We constructed a variety of models based on prior research, primarily focusing on age, gender, race, and criminal histories.

### Survival Curves

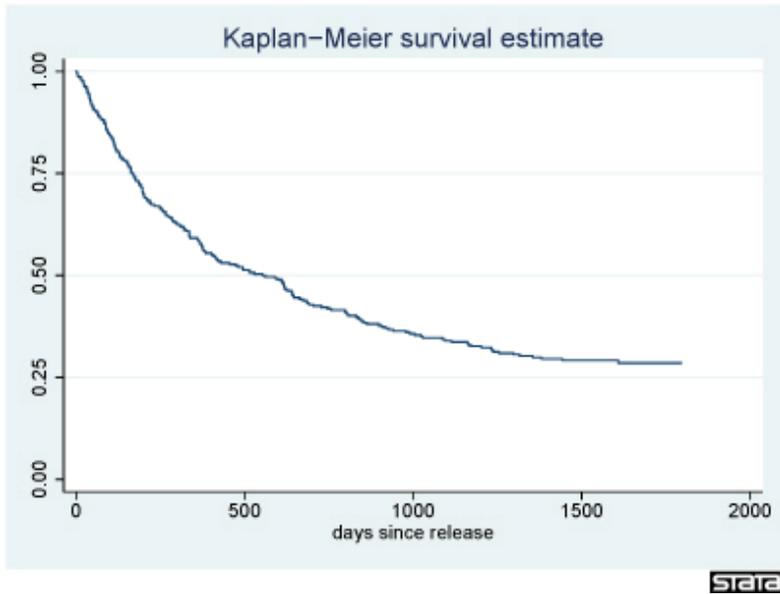
Kaplan-Meier survival curves are the cumulative proportion surviving over time from release. At the moment of release from custody, 100% are out of custody. All those who have not been rearrested as of a given time are considered to have “survived.” The curve shows what proportion remain arrest free at any given length of time from release.

Survival curves provide more information than recidivism rates for a specified time period of, for example, one or three years because the curve shows how rapidly the recidivism occurs. In comparing curves for different populations, one compares how much and when the recidivism occurs.

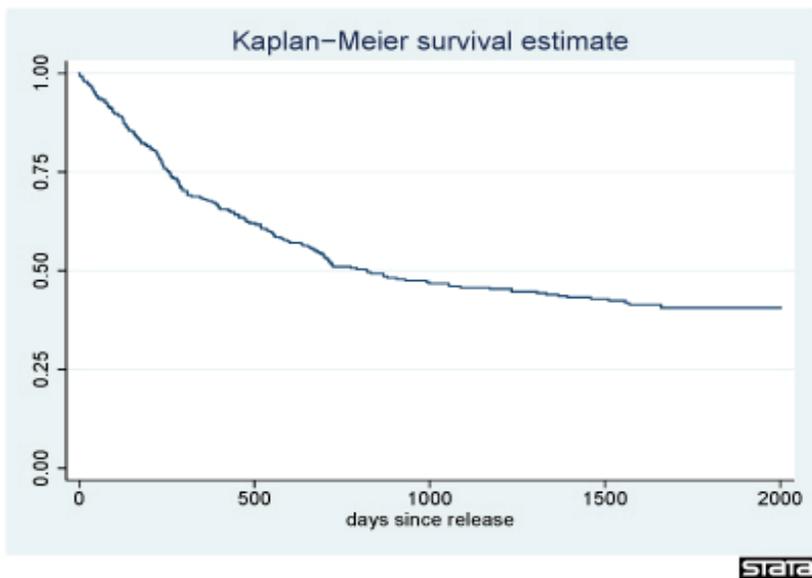
The survival curves below show the rates for males and females for re-arrests (Diagrams 1 and 2). We see that after one year, about 41% of males and 32% of females are re-arrested for any offense. After three years, the rates increase – 66% of males and 54% of females are re-

arrested. These results depicted here are for illustrative purposes and are discussed more fully in the next section.

**Diagram 1. Survival curve for all males, arrests for any offense**



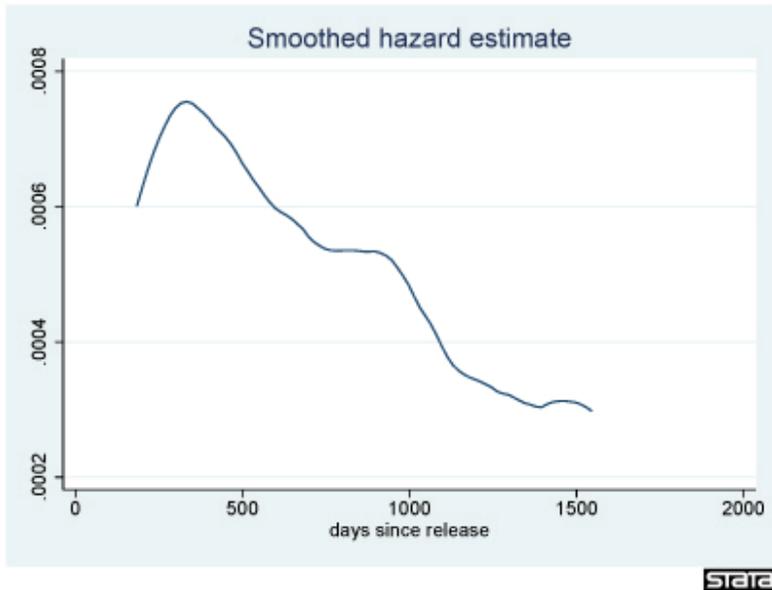
**Diagram 2. Survival curve for all females, arrests for any offense**



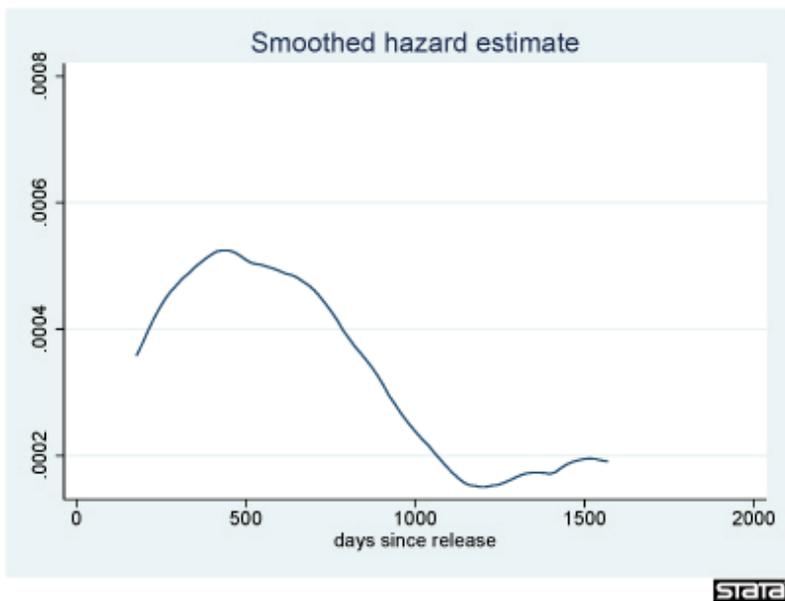
## Hazard Rates

An alternate way to view the same phenomenon is to plot the hazard rate, which shows the rate at which people are recidivating. Hazard rates for recidivism generally rise sharply soon after release and then decline to relatively low levels.

**Diagram 3. Hazard model for all males, arrests for any offense**



**Diagram 4. Hazard model for all females, arrests for any offense**



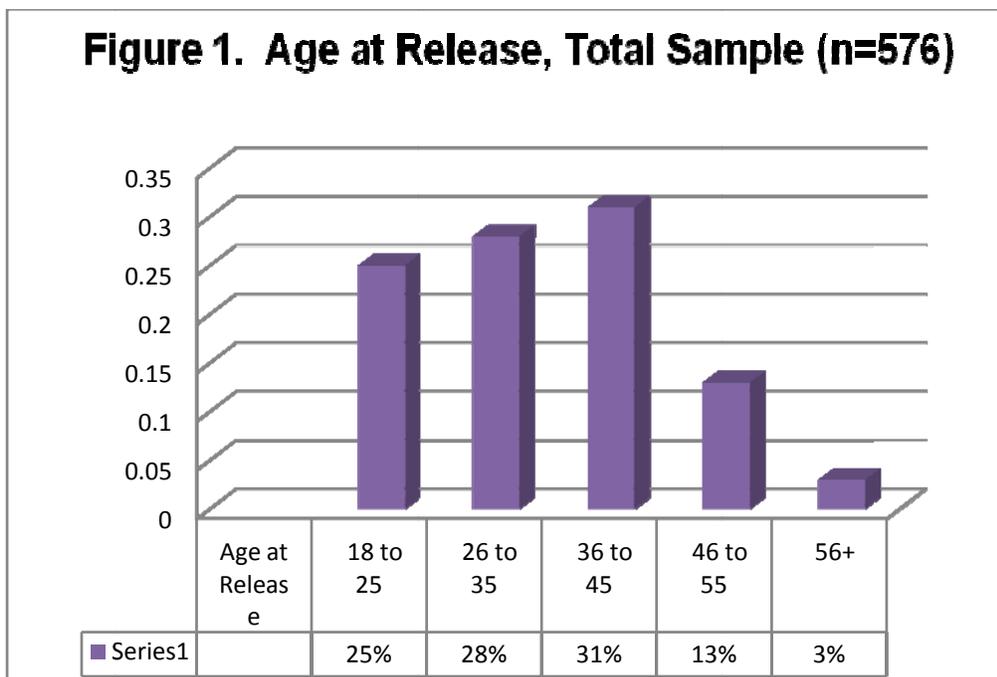
The survival curves and hazard models for all males and all females are located in Appendixes 1 and 2, respectively.

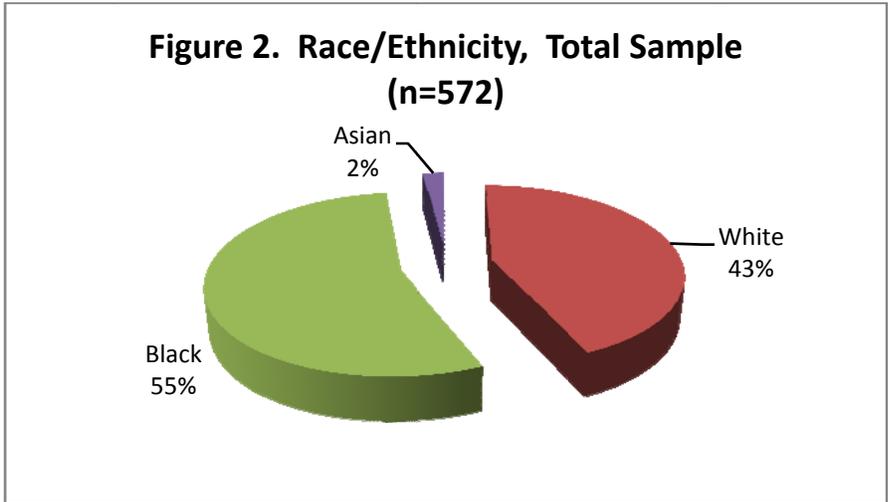
## Section 2: Findings -- Characteristics of the Sample

In this section, we briefly describe the characteristics of the individuals within our sample of men and women. Figure 1 shows the age at release of our total sample of 576 persons. The mean age of is 34.6 years, with 52% of the sample in two categories (18-25 and 26-35). Forty-eight percent of the sample is 36 or older.

As we discussed earlier, we over-sampled the number of women to allow us comparisons with the male population. Thus, 51% of the sample is male and 49% is female.

The race/ethnicity of our sample (Figure 2) is 54% black, 43% white, and 2% Asian. We could not determine an accurate count of those offenders who were Hispanic, as the indicators of ethnicity were inconsistently filled out in the databases. The percentage of black inmates is higher than the percentage of blacks living in Montgomery County, while the proportions of whites and Asians serving jail sentences are lower than their respective populations in the county.





In our sample, the most serious convictions of releasees were property (37%) and traffic (28%) offenses. These were followed by person crimes (19%), drug offenses (13%), sex offenses (2%), and other (Figure 3).

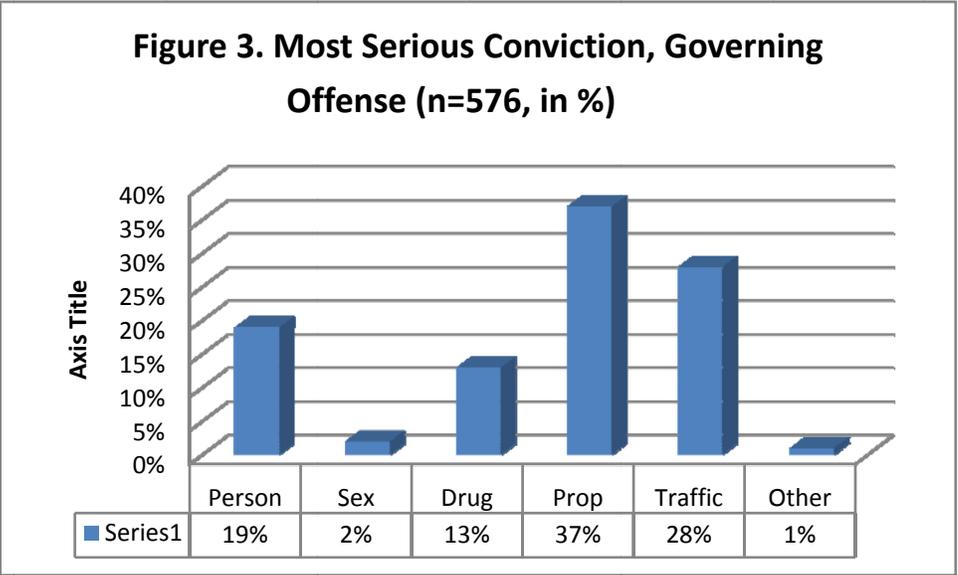


Figure 4 shows the most serious conviction by offense category based on the guidelines of the Maryland State Commission on Sentencing.<sup>4</sup> Crimes of violence are classified within Categories I-III. Murder in the first degree and rape in the first degree are in Category I. Armed carjacking, other sexual crimes, forms of child abuse, kidnapping, and murder in the second degree are in Category II. Attempted murder, arson, unarmed carjacking, armed robbery, prostitution and a related offense, lesser sexual crimes, hate crimes, and felonies committed with a handgun fall into Category III.

Categories IV through VII are less serious and include property crimes, controlled substances, and an assortment of crimes. Category IV crimes include second degree burglary, felony drug offenses that carry five year sentences, rioting, involuntary and voluntary manslaughter, child pornography, perjury, incest, and third degree sexual crimes.

Category V crimes include misdemeanor abuse and neglect, accessory after the fact, assault in the second degree, bad checks, bribery, commercial fraud, counterfeiting, election offenses, extortion and other threats, misdemeanor hate crimes, obstructing justice, some motor vehicle offenses, misdemeanor sex crimes, and some forms of wiretapping. Crimes committed under Category VI include misdemeanor child abuse, crimes against animals, assaults with a vehicle, bribery of jurors, crimes involving cemeteries, crimes by foreclosure consultants, commercial fraud, selling destructive devices (explosives), tax evasion, providing contraband to a prisoner, driving under the influence (2<sup>nd</sup> offense), and weapons crimes.

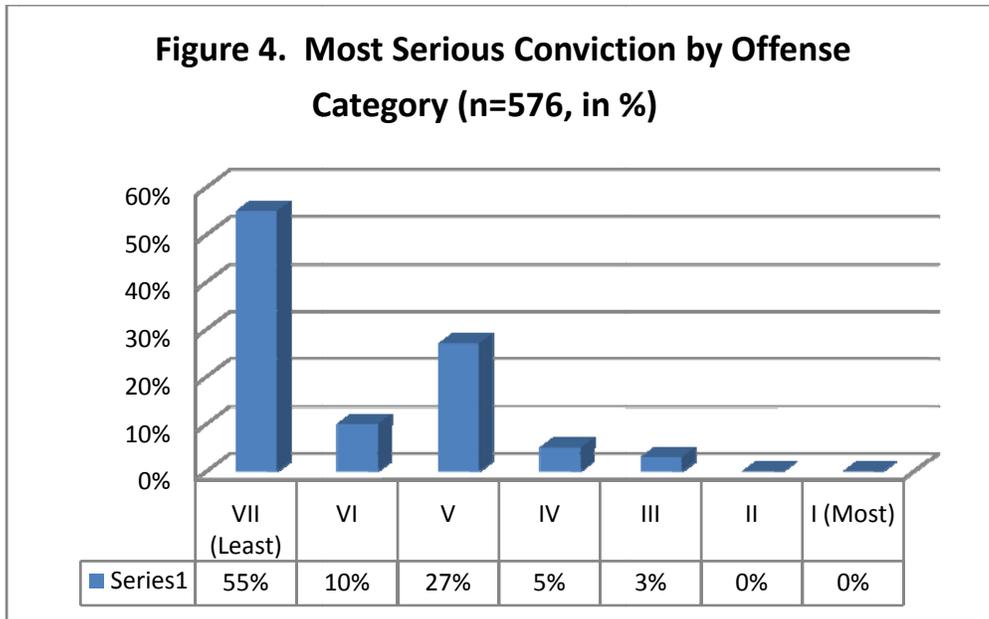
Crimes committed under Category VII include minor drug offenses (two year sentences or less), misdemeanor burglaries, minor credit card crimes, disorderly conduct, making false

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<sup>4</sup> Sources for statute classification information were from the Maryland State Commission on Criminal Sentencing Guidelines Manual Guidelines Offense Table Appendix A, updated February 2006

statements, gambling, identity fraud, motor vehicle violations, minor thefts, and minor weapons crimes.

Figure 4 shows that in our sample, most of the convictions (55%) were in the least serious category (VII), followed by Category V with 27%. Very few releaseses were convicted of the most serious offenses – only 3 percent in Category III.



### Sentencing

Judges imposed sentences of a mean of 449 days (15 months), but suspended about 70 percent of that time (mean of 315 days suspended). Inmates served a mean of 94 days or about three months. As part of their sentence, many offenders were given probation – up to three years, with a mean of about three months (88 days). An overwhelming majority (95%) were given supervised probation (Figure 5).

<b>Figure 5. Sentencing</b>	<i>N</i>	<i>Mean</i>
Mean days served (released date less booking date)	576	94

Mean sentence imposed (in days)	576	449
Mean sentence suspended (in days)	576	315
Mean total probation sentence (in days)	576	88

## Criminal Histories

From the Maryland rap sheets and the FBI/NCIC data we found that for our sample of inmates, the mean age of first arrest was 24 years old. On average, these inmates had 8 arrests. Most of the arrests were in the state of Maryland (about 75%). Of the arrests, a mean of 3.67 resulted in convictions (or about 45% of the arrests).

Figure 6 shows that the most serious prior conviction was for an offense against persons (26%), followed by property (18%), traffic (15%) and drugs (11%). For 23% of the sample the governing offense for their current stay was their only conviction – that is, nearly ¼ of our sample did not have a previous conviction.

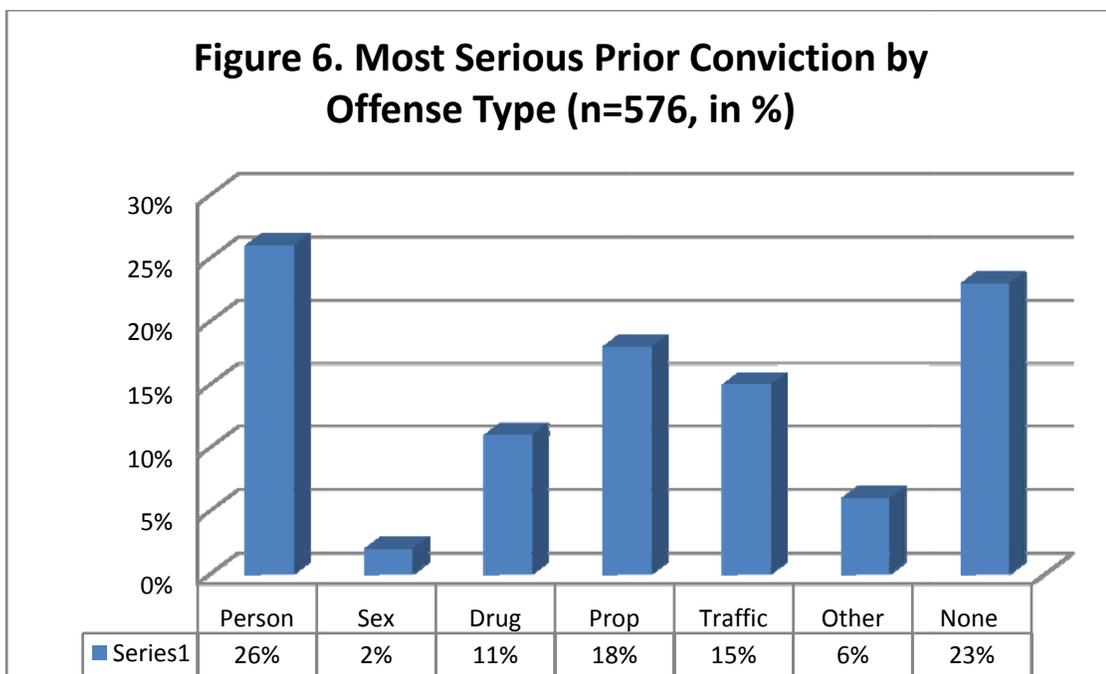
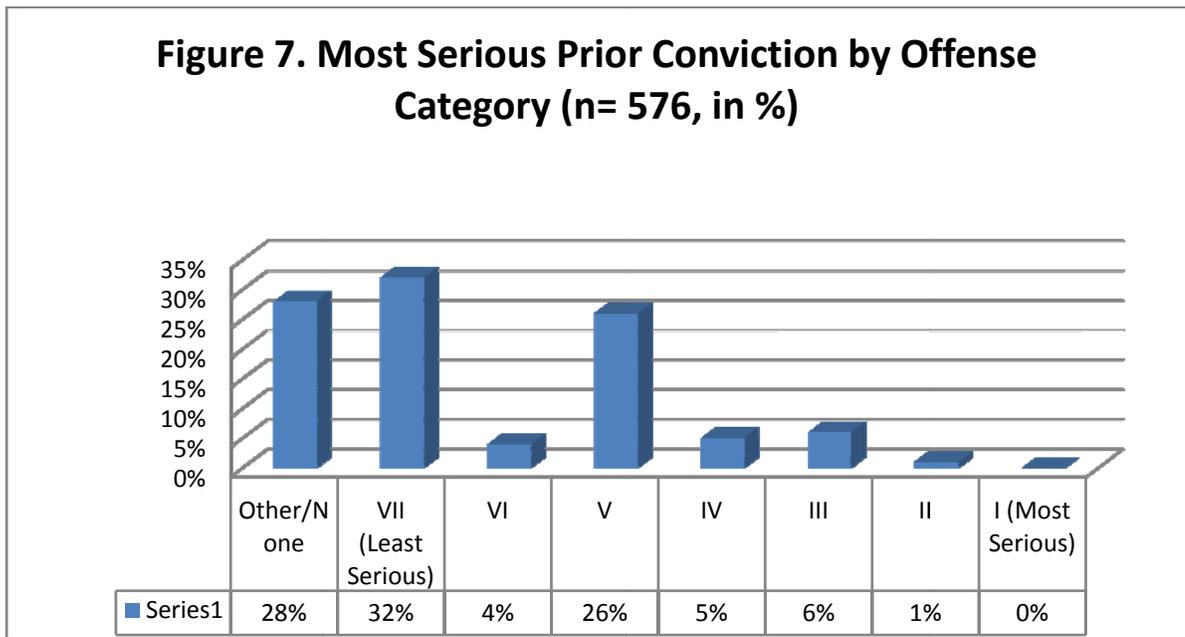


Figure 7 shows the most serious prior convictions by the Maryland State offense categories. In our sample, 7% of the men and women were previously convicted of violent offenses (Categories I-III). Thirty-two percent were convicted of the least serious offenses, 28% had no prior convictions or other less serious offenses, and 26% were convicted of Category V offenses.



## Multivariate Analyses

### Re-Arrests

Three measures of recidivism relate to re-arrests for the males and females in our sample. After one year (Figure 8), 41% of males and 32% of females were arrested for any offense. When we add violations of probation the percentages increase to 46% for males and 38% for females. Many of the arrests were for minor offenses as only 6% of males and 6% females were arrested for serious offenses.

After three years (Figure 9) the arrest rates increase for any crime—for males, they rise to 66% arrested for any offense, and 54% of the females. When we add the violations of probation, the rates increase to 68% for males and 61% for females. The arrest rates for serious charges nearly triple for males to 17% and double for females at 12%.

**Re-Convictions**

Six measures of recidivism for re-conviction were used. After one year, 21% of males and 14% of females were re-convicted. Had we only used the Maryland rap sheet data, we would have accounted for 16% of males and 9% of females, missing out on at least one-third of their re-convictions.

The re-convictions for serious offenses for both males and females after one year were relatively low – 7% for men and 6% for women (Figure 13)

**Figure 8: Measures of Recidivism by Gender (1 year)**

	<i>Male (n=294)</i>	<i>Female (n=282)</i>
<b>Arrest for serious charge</b>	6%	6%
<b>Arrest for any offense</b>	41%	32%
<b>Arrest for offense or violation of probation (arrest or warrant served)</b>	46%	38%
<b>Any conviction</b>	21%	14%
<b>Any conviction using Maryland rap sheet data only</b>	16%	9%
<b>Conviction for serious offense</b>	7%	6%
<b>Conviction for person or sex offense</b>	9%	4%
<b>Conviction for property offense</b>	10%	6%
<b>Conviction for felony</b>	3%	3%

Conviction rates are 49% and 35% for men and women, respectively, over three years (Figure 9). These are about one-third higher (or more) than would have been measured by “usual” technique of looking at Maryland rap sheets only (36% for men and 22% for women).

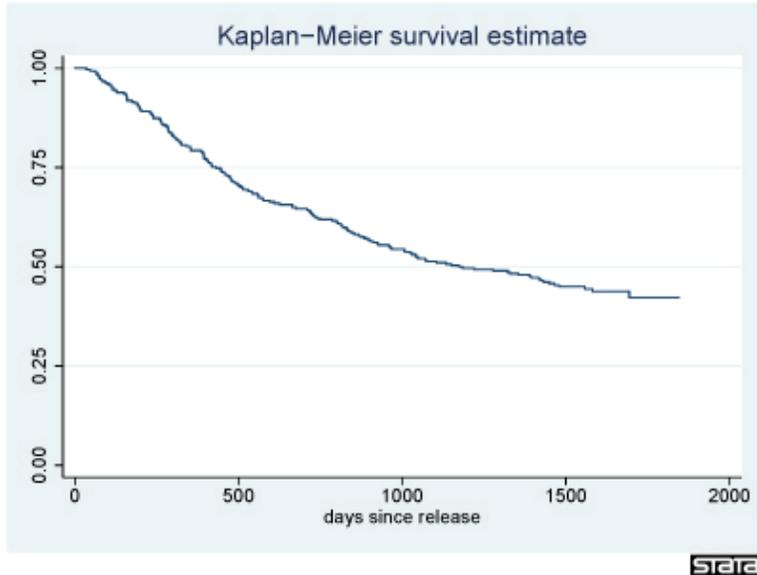
After three years, re-convictions of men for serious offenses were at 19% and 15% for women. Men and women were similar in their re-convictions for property offenses (19% for men and 18% for women) and for re-convictions for felonies (8% for men and 9% for women). Larger differences occurred for re-convictions for person/sex offenses, where men were at 17% and women at 9%.

**Figure 9: Measures of Recidivism by Gender (3 years)**

	<i>Male (n=294)</i>	<i>Female (n=282)</i>
<b>Arrest for serious charge</b>	17%	12%
<b>Arrest for any offense</b>	66%	54%
<b>Arrest for offense or violation of probation (arrest or warrant served)</b>	68%	61%
<b>Any conviction</b>	49%	35%
<b>Any conviction using Maryland rap sheet data only</b>	36%	22%
<b>Conviction for serious offense</b>	19%	15%
<b>Conviction for person or sex offense</b>	17%	9%
<b>Conviction for property offense</b>	19%	18%
<b>Conviction for felony</b>	8%	9%

In Figures 10 and 11 we show the survival curves for all males' re-convictions. Figure 10 shows the survival curve for all males based on data from the FBI/NCIC and Maryland rap sheets. Figure 11 shows the survival curve of all males based on data solely from the Maryland rap sheets.

**Figure 10. Survival curve for all males, any conviction**



**Figure 11. Survival curve for all males, any conviction using MD Rap sheet data only**

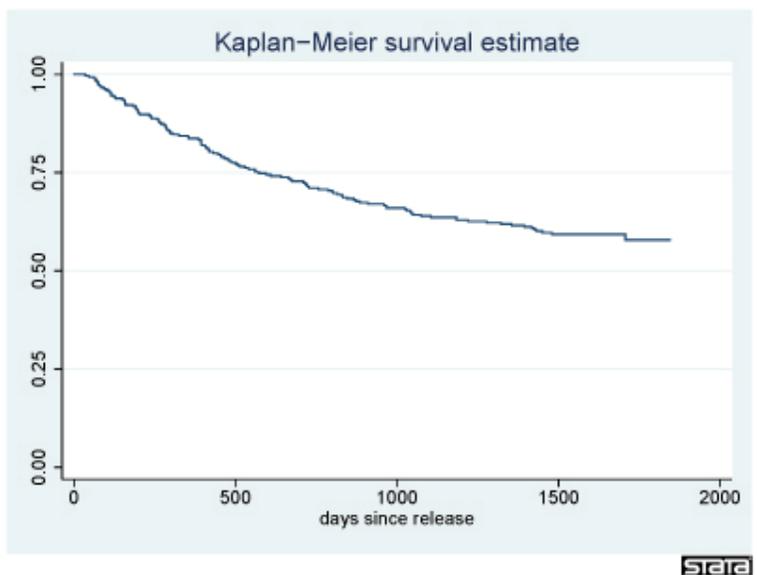
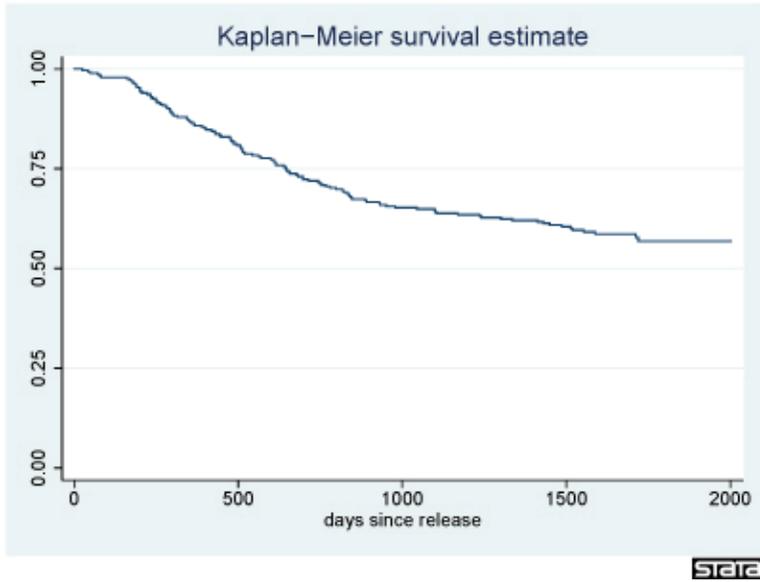


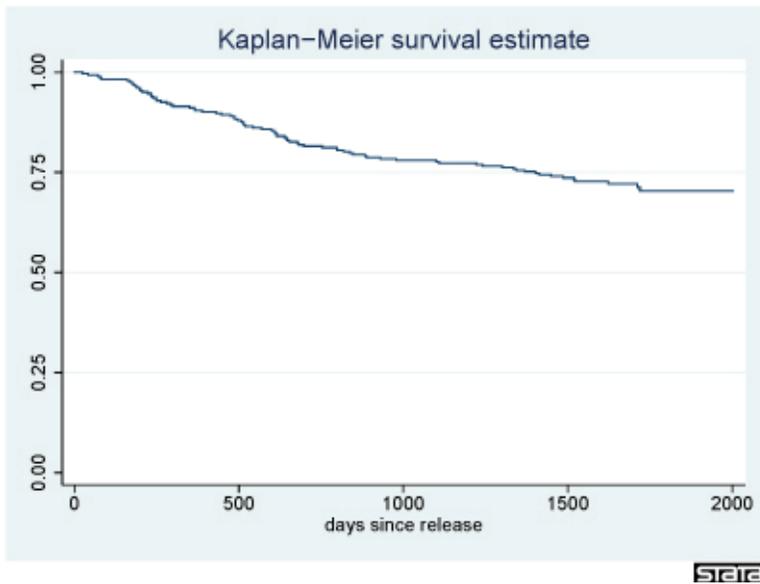
Figure 12 illustrates the survival curves for all females, for any convictions using data from the FBI/NCIC and the Maryland rap sheets. Figure 13 shows the survival curve for all

females for any conviction using only the Maryland rap sheets. Once again, this illustrates that using all sources provide us with more accurate depictions of recidivism.

**Figure 12. Survival curve for all females, any conviction**



**Figure 13. Survival curve for all females, any conviction using MD Rap Sheet data only**



We conducted a large number of comparisons of the survival curves. For both all convictions and convictions for serious offenses, we compared men to women. Within gender we compared:

- nonwhite/white,
- age under/over 30,
- sentence 9 months or more/less,
- felony/misdemeanor,
- governing vop/not,
- governing property/traffic,
- governing property/drug,
- governing property/person.

For all convictions we found the following groups significantly greater ( $p < 0.10$ ) for failure: Males were more likely to recidivate than females over the three-year period. Within the male sample we found significance for nonwhites with sentences longer than 9 months, and for property offenses (vs. traffic, vs. drug, and vs. person). Within the female sample, we found that nonwhites with sentences longer than 9 months and property offenses (vs. traffic).

For the more serious convictions we found that within the sample of males: nonwhite, sentence longer than 9 months, property offenses (vs. traffic) were more likely to fail and within the female sample, nonwhites with property offenses (vs. traffic) more likely to fail.

In multivariate models, as with other studies, we found that the consistent picture is that age is negatively related to recidivism and the number of prior arrests is positively related (and highly statistically significant).

For the more serious convictions, longer sentence length is related to lower recidivism for males. For females, the “more serious” model is not reliable.

With respect to race, whites consistently have lower hazard rates than non-whites. This variable is statistically significant unless one adds a control for the number of past arrests, where it remains negative but much smaller in magnitude and is no longer statistically significant.

# Summary of Findings and Recommendations

## Findings

This study defined recidivism as “the tendency to relapse into a previous condition or mode of behavior, especially criminal behavior,”<sup>5</sup> and used re-arrest/re-indictment and re-conviction of inmates as measures of recidivist behavior. We examined recidivism at one-year and three-years after release from the Montgomery County Department of Correction and Rehabilitation. R-arrest/re-indictment means that an offender was both arrested by police and subsequently indicted for the offense by the State Attorney. This definition may differ from other studies where only an arrest occurred, but charges were not necessarily filed.

### Re-arrests/Re-indictments

We found that after one year, 41% of males and 32% females were re-arrested/re-indicted for any offense. When we add violations of probation the percentages increase to 46% for males and 38% for females. Many of the arrests were for minor offenses as only 6% of males and 6% females were arrested for serious offenses.

After three years the re-arrest/indictment rates increase for any crime—for males, they rise to 66% arrested for any offense, and 54% of the females. When we add the violations of probation, the rates increase to 68% for males and 61% for females. The arrest rates for serious charges nearly triple for males to 17% and double for females at 12%

### Re-convictions

After one year, 21% of males and 14% of females were re-convicted. It is important to note that had we only used the Maryland rap sheet data, we would have accounted for 16% of

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<sup>5</sup> <http://www.merriam-webster.com/dictionary/recidivism>

males and 9% of females, missing out on at least one-third of their re-convictions in other jurisdictions.

Over three years, conviction rates are 48% and 35% for men and women, respectively. These figures are about one-third higher (or more) than would have been measured by the “usual” technique of looking at Maryland rap sheets only.

### **Original Offenses**

In our sample, the most serious convictions of releasees were property (37%) and traffic (28%) offenses. These were followed by person crimes (19%), drug offenses (13%), sex offenses (2%) and other (1%).

Twenty-one percent were in for felonies and 79% were in jail for misdemeanors.

### **Who Recidivates? Demographics of Recidivists**

For all convictions we found the following groups significantly greater ( $p < 0.10$ ) for failure:

- Males were more likely to recidivate than females over the three-year period.
- Within the male sample we found significance for nonwhites with sentences longer than 9 months, and for property offenses (vs. traffic, vs. drug, and vs. person).
- Within the female sample, we found that nonwhites with sentences longer than 9 months and property offenses (vs. traffic).

We were not able to collect information about socioeconomic status of offenders or accurate information about ethnicity. Data regarding ethnic origin were not consistently reported.

## Discussion and Policy Issues

During the course of this project, we not only learned about the recidivism rates of offenders in Montgomery County, but learned about the difficulties in capturing information about recidivists.

### General Recidivism Issues

1. We recommend that agencies that study recidivism carefully consider data sources and necessary data elements before embarking on a large scale study. This study is one of only a handful of studies on jail recidivism. We carefully selected the sample of offenders and meticulously collected data on each offender. Unfortunately, most recidivism studies do not utilize all possible data sources: interestingly, there is a disincentive to do so, because the more data that is gathered, it appears that they will yield higher recidivism rates.
2. We recommend that future studies include over-sampling of women, as the comparison between men and women are important for policy considerations and for determining priorities for after-care and re-entry. Our sample of 576 offenders included 294 men and 282 women. In other studies women make up a small proportion of the cases (10-13%). We over-sampled women to allow us to compare them to men and to provide more definitive results about recidivism among women in Montgomery County.
3. We recommend that future studies more carefully define recidivism and strive to use definitions that would make comparisons across jurisdictions valid. We defined recidivism as re-arrests/indictments and re-convictions. The first category of re-arrests/indictments means that the offenders were arrested and *charged* with a crime by

the state attorney's office. Other studies only looked at 'arrests' by police and thus comparisons with other jurisdictions are difficult if not impossible.

4. We strongly recommend that criminal histories from multiple data sources be used. Unlike other studies, we used criminal histories from the FBI/NCIC to track offender behavior in jurisdictions outside of Maryland. If this study had just confined itself to using the state criminal history records the one and three year rates would be 31% and 48% compared to 41% and 65%.

### **Specific Recidivism Issues: Montgomery County**

5. We recommend that Montgomery County criminal justice officials should focus on the men and women who are prone to commit serious crimes – that most recidivist acts are 'minor' in nature. In addition, we found that most recidivism that occurs within one year is driven by more minor crimes; serious offending is more evenly spread out over time (at least over the 3 years of our follow up). We found that serious charges for males triple from one year to three years (to 17 percent) and double for females at 12 percent.

### **Data collection issues**

6. We recommend that system improvements take place to integrate databases. The current Maryland and Montgomery County criminal justice data systems do not allow researchers and policymakers to use data productively. The nine data sources that were used for this project were not integrated into a common system and data could not be extracted easily.
7. We recommend that departments of correction consider linking criminal justice systems data to non-criminal justice data. That is, data from health and human services, the labor

department, and unemployment insurance information might be useful to corrections administrators to assess the status of releasees in the workforce and in the community.

**Sustainability:**

8. We recommend the establishment of a state-wide commission on recidivism that includes all relevant criminal justice agencies. Among its charges, the commission would examine data issues, establish uniform definitions of recidivism, and discuss methods for how recidivism could be measured economically and efficiently at the state and local levels. At a minimum, the commission should include prison and jail administrators, probation and parole officials, law enforcement, state attorneys, judges, and researchers.
9. We recommend that the Governor's Office of Crime Control and Prevention and the Montgomery County Council work collaboratively to provide financial assistance for research within the Montgomery County Department of Correction and Rehabilitation to maintain and sustain work that was initiated under this grant.
10. This project has documented all of the steps needed to develop a full program in measuring jail recidivism. Most of the jurisdictions in Maryland would have extreme difficulty conducting a similar study because of the challenges of extracting meaningful data from these databases. A follow up phase of research should focus on three areas: 1) continuing to measure recidivism in Montgomery County, 2) determining the most important data fields and information systems that other jurisdictions could use to measure recidivism, and 3) exploring the use of data from non-criminal justice sources (e.g., labor department, health and human services, and unemployment insurance records).

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**Appendix 1**  
**Data Codebook**

## MC-DOCR Recidivism Study Database CODEBOOK to GOCCP

\*\*Note – Variables marked with double asterisk (\*\*) are included in the TABLE of the Access database but are not listed on the data entry form. These variables were imported from the Crystal Sentencing report or were calculated variables that were needed for data analysis but did not need to be on the data entry form.

Variables outlined in green were deleted while at PRC to protect subject identities.

Variables outlined in yellow – waiting for assistance from Parole & Probation.

Description	Variable Name	Response Categories
<b>Identifiers</b>		
ID – Automatically Assigned by Access (Not included in GOCCP file submission)	id	Auto Number
JSS ID Number	jssid	Numeric – 3 digits
Date RAP Sheet Run by PRC	Rapdate**	Date
State ID	sid	Numeric
FBI	fbi	Text
Montgomery County Police ID	mcpid	Text
Facility ID	facid	Numeric
Social Security Number	ssn	Numeric XXX-XX-XXXX
Name	name	Text: Last Name, First Name, Middle Name (or initial)
Number of Aliases	aliasnu	Numeric - Default 0 <i>Will not be coded for JSS</i>
Alias Names	alias	Memo field for all possible Names listed: Last, First, Middle Initial <i>Will not be coded for JSS project – Kept for GOCCP</i>
<b>Sample Descriptives/Demographics</b>		
Street Address at time of booking or as indicated on RAP sheet or commitment file	address	Text
City	city	Text
State	state	Text - Default is MD
Zip Code at time of booking/RAP	zip	Text
How long at this address (months but enter years)?	livelong	Text
Who do you live with?	liveswith	Text

<b>Description</b>	<b>Variable Name</b>	<b>Response Categories</b>
Date of Birth	dob	MM/DD/YYYY
Age as of Release Date	age	<i>Calculated (release-dob)</i>
Gender (recoded into numeric)	genderR	0=Female 1=Male
Race (recoded into numeric)	raceR	0=White; 1=Black; 2=Hispanic; 3=Asian; 4=Other, (missing=system missing)
Marital status (recoded into numeric)	maritalR	0=single; 1=married; 2=divorced; 3=widowed
Number of Dependents	depends	Numeric
Sole Provider?	soleprov	Check Box: 0=No; 1=Yes
Years of Education	yrsedu	Numeric
U.S. Citizen?	uscitizen	Check Box: 0=No; 1=Yes
<b>Release Information</b>		
Date Booked	booked	MM/DD/YYYY
Date Released	released	MM/DD/YYYY
Sentence Start Date <i>Coded from DR reports and from case notes– in other cases booking date copied into this field.</i>	sentstart	MM/DD/YYYY
Governing Offense Number of cases or counts included in governing charge	govnucount	Numeric - <i>Aggregated from Related Sentencing data - may encompass more than 1 case - included in incarceration period</i>
Governing Offense Sentence length – days served	govsent	<i>Calculated (release-booked)</i>
Governing Offense Sentence length – days served from Sentence Start Date	govstart**	<i>Calculated (release-sentstart)</i>
Governing Offense Total Sentence Imposed in Days	totsentimp	<i>Calculated from sentencing worksheet</i>
Governing Offense Total Sentence Suspended in Days	totsentsus**	<i>Calculated from sentencing worksheet</i>
Governing Offense Total Sentence Executed in Days	totsentexec	<i>Calculated from sentencing worksheet</i>
Governing Offense Total Credit days <i>(Not always reliable –may be able to obtain better data – but not good now.)</i>	totcdtdays	<i>Aggregated from Sent Worksheet</i>
Governing Offense Total Probation Sentence in Days	totprobation	<i>Calculated from sentencing worksheet</i>
Governing Offense Total Probation - Supervised Probation?	totppsup	Check Box: 0=No; 1=Yes <i>Determined from sentencing worksheet and DPSCS data</i>

Description	Variable Name	Response Categories
Date P&P Expires - off probation <i>This variable is missing data/blank</i>	tutoffpandp	MM/DD/YYYY <i>Calculated possibly from sentencing worksheet sentstart-releasedate but not sure how good – also difficult to do from DPSCS data</i>
Release Status (Text)	relstat**	Released from/at court Released Time Served (from facility)
Release Status <b>Recoded into numeric</b>	relts	0=Released from/at court 1=Released Time Served (from facility)
<b>Governing Offense for Study Release Cohort</b>		
<b>Case Number</b>	<b>govdocket</b>	<b>Governing Case or Docket number. Deleted from extraction because query in MD Case Search = name of subject</b>
Offense Date (If more than one – choose date of most serious offense) (Note – this will often be the arrest date)	govdate	MM/DD/YYYY
Conviction Date of most serious governing charge	govconvic	MM/DD/YYYY
Brief Description of most serious offense (text)	govdes	List developed as data collected – See Offense Description Table below
Most Serious Offense Type	govtype	5=Person; 4=Sex Offense 3=Drug; 2=Property 1=Traffic; 0=Other (unclear what to classify); 9=None
Most Serious Offense Type – Recoded to classify alcohol related traffic offenses as alcohol/drug offense	govtypeR	5=Person; 4=Sex Offense 3=Alcohol/Drug; 2=Property 1=Traffic; 0=Other (unclear what to classify); 9=None
Most Serious Offense Category	govsercat	7=Type I; 6=Type II 5=Type III; 4=Type IV 3=Type V; 2=Type VI 1=Type VII (not a guidelines offense – default to VII); 0=Other; 9=None
Most Serious Misdemeanor or Felony	govmisfel	0=misdemeanor; 1=felony
Governing offense for Failure to Appear	Govfta**	0=No 1=Yes
Is the governing offense a violation of probation? (If yes, then offense information is for the ORIGINAL offense for which the subject was placed on Supervision, otherwise it is for the governing offense)	govvop	Check Box: 0=No; 1=Yes
<b>Was the subject violated for a tech violation?</b> <i>This variable and related variables below are missing data/blank because need P&amp;P to identify.</i>	<b>govvoptech</b>	<b>Check Box: 0=No; 1=Yes (if No, assume the subject was violated for new arrest)</b>

Description	Variable Name	Response Categories
If VOP was Tech Violation, why violated? Positive UA Failure to Report to P&P Failure to Attend Treatment Failure to Pay Fines or Restitution Failure to obtain work Failure to comply (other)	gvioua gvioftr gvioftatx gvioftpay gvionowrk gvioother	Check Boxes: 0=No; 1=Yes (select all that apply)
If Failure to Comply other, Specify why	gvioothtext	Text
On Probation or Parole at time of governing offense? <i>In most cases, this and related variables are missing data/blank as database did not capture each prior offense/sentence. Need information from P&amp;P.</i>	govpandp	Check Box: 0=No; -1=Yes
If yes, was this supervised P&P?	govpandpsup	Check Box: 0=No; -1=Yes
P&P Sentence when arrested for governing offense?	govpanpsent	Numeric (in days)
<b>Criminal History</b>		
Date of First <b>Arrest</b>	hxdate	MM/DD/YYYY
Age at first arrest	hxage**	Calculated (hxdate-dob)
Number of prior arrests	hxarrest	Numeric
Number of arrests outside Maryland	hxoutmdarr	Numeric
Number of arrests inside Maryland	hxinmdarr	Numeric Calculated (hxarrest -hxoutmdarr)
Number of prior convictions	hxconv	Numeric (PBJ treated as a conviction; STET is <b>not</b> a conviction)
Number of nolo contendere admissions	hxnolo	Numeric
Number of prior periods of incarceration	hxincar	Numeric Count each period of time imposed by the court (even if less than 30 days)
Description Most Serious <b>conviction</b> in subject's history (text)	hxdes	List developed as data collected – See Offense Description Table below
Most Serious conviction type	hxtype	5=Person; 4=Sex Offense 3=Drug; 2=Property 1=Traffic; 0=Other (unclear what to classify); 9=None
Most Serious conviction type – Recoded to classify alcohol related traffic offenses as	hxtypeR	5=Person; 4=Sex Offense 3=Alcohol/Drug; 2=Property

Description	Variable Name	Response Categories
alcohol/drug offense		1=Traffic; 0=Other (unclear what to classify); 9=None
Most Serious Conviction Category	hxsercat	7=Type I; 6=Type II 5=Type III; 4=Type IV 3=Type V; 2=Type VI 1=Type VII (not a guidelines offense – default to VII); 0=Other; 9=None
Most Serious Misdemeanor or Felony	hxmisfel	0=misdemeanor; 1=felony
Most Serious Conviction Failure to Appear	hxfta**	0=No 1=Yes
Missing Disposition	hxsernodispo	Check Box: 0=No; 1=Yes <i>(when you have arrest information only – no convictions – happens often as FBI RAPs many times don't have disposition data)</i>
Most Serious Prior Offense Occurred Outside of Maryland?	hxsernotmd	Check Box: 0=No; 1=Yes
<b>Recidivism Post-Release Summary</b>		
Rearrested Post-Release	rearrest	1=Yes, 0=No <i>(totarr&gt;0=Yes)</i>
Reconvicted Post-Release	reconvict	1=Yes, 0=No <i>(totconv&gt;0=Yes)</i>
Reincarcerated Post-Release	reincar	1=Yes, 0=No <i>(totincar&gt;0=Yes)</i>
Total number of arrests Post-Release	totarr	Numeric <i>(aggregated)</i>
Total number of conviction Post-Release	totconv	Numeric <i>(aggregated)</i>
Total number of Nolo Contedre Post-release	totnolo	Numeric <i>(aggregated)</i>
Total number of incarcerations Post-release	totincar	Numeric <i>(aggregated)</i>
Number Counts Charged Post-Release	tarcount	Numeric <i>(aggregated)</i>
Number Convicted Counts Post-Release	tarconvct	Numeric <i>(aggregated)</i>
Proportion of VOP Arrests Post-Release	tarrvop	Numeric <i>(aggregated)</i>
Proportion of FTA Arrests Post-Release	tarrfta	Numeric <i>(aggregated)</i>
Mean Seriousness of most serious charge for all arrests Post-Release	tarrsercat	Numeric <i>(aggregated)</i>
Proportion of Felonies Charged for all arrests Post-Release	tarrmisfel	Numeric <i>(aggregated)</i>
Total Time Sentenced all arrests Post-Release	tarsentimp	Numeric <i>(aggregated)</i>
Total Time Suspended all arrests Post-Release	tarsentsus	Numeric <i>(aggregated)</i>

Description	Variable Name	Response Categories
Total Time Executed for all arrests Post-Release	tarsexec	Numeric ( <i>aggregated</i> )
Total number of times sentenced to Time Served Post-Release	tarsentts	Numeric ( <i>aggregated</i> )
Total number of times placed on Parole and Probation Post-Release	trepandp	Numeric ( <i>aggregated</i> )
Total Time Sentenced to Parole and Probation for all arrests Post-Release	tarsentpp	Numeric ( <i>aggregated</i> )
Total dollar amount of fines for all arrests Post-Release	tarsentfine	Numeric ( <i>aggregated</i> )
<b>Sentencing Data by Individual Charge (Separate Table/Data File):</b>		
Details of <b>every charge</b> contained within the governing offense AND if a VOP – the original offense data. Imported from the Crystal Sentencing Spreadsheet once the case was reviewed and a determination made as to which charges are associated with governing offense ( <b>cannot base on Facility ID#</b> ).		
Description	Variable Name	Response Categories
JSS ID Number	jssid	Numeric – 3 digits <i>automatically populates from main table JSS ID</i>
Date booked	DtBOOKED	Date booked
Date Released	DtRELEASE	Date released
Release Status	relts	0=Released from/at court 1=Released Time Served
Date Case Closed	CCLOS_Dt	Date case closed
Charge Description	CHARGE	Brief Description from Sentencing Worksheet
<b>Case Number</b>	<b>casencop</b>	<b>Case number</b>
Charge Part of Governing Sentence?	govinstudy	1=Yes 4=Original Charge of VOP
Most Serious Charge in Governing Offense? (or in case of VOPs – this is the most serious ORIGINAL charge)	govmostser	0=No 1=Yes
VOP charge – Is this a VOP charge within these governing offenses?	govvop	0=No 1=Yes
Gov Sentence START date from DR or booking date	DRgovstart	MM/DD/YYYY
Sentence Commencement Date from DR	DRcommdt	MM/DD/YYYY
Release Date from DR (maximum release date)	DRreldt	MM/DD/YYYY
Date Sentenced from DR or MD Case Search	DRSentdt	MM/DD/YYYY
Sentencing Case Notes	notes	text

Description	Variable Name	Response Categories
Case Disposition based on begin or close dates or MD case search	casedispo	0=Fines/Probation Only 1=Nolle Prose 2=Stet 4=Not in this Study Period 5=Guilty, Include in Study 6=Consecutive to Most Ser. 8=Released TS 9=Concurrent to Most Ser.
VOP Close Status	vopclose	0=Closed Satisfactory (Not GUILTY) 1=Closed Unsatisfactory (Guilty)
Date Sentence Began <i>(Caution - Not highly reliable)</i>	BEGIN_Dt	MM/DD/YYYY
Sentence Imposed	sentimp	Numeric (in days) <i>(calculated)</i>
Sentence Suspended	susimp	Numeric (in days) <i>(calculated)</i>
Actual Time Served	actual	Numeric (in days) <i>(released-booked)</i>
Actual Time Imposed	senactual	Numeric (in days) <i>(sentimp-susimp)</i>
Credit for Time Served <i>(Caution - not always reliable)</i>	cdtdays	Numeric (in days)
Probation Imposed	pimp	Numeric (in days) <i>(calculated)</i>
Supervised/Unsupervised	supprob	1= Supervised 0=Unsupervised
<b>Recidivism Data – for EACH arrest Post-Release (Separate Table/Data file):</b>		
Description	Variable Name	Response Categories
JSS ID Number	jssid	Numeric – 3 digits <i>automatically populates from main table JSS ID</i>
Arrest Date	arrdate	MM/DD/YYYY <i>See Date Warrant Served notes</i>
Warrant/Summons Issue Date	warrdate	MM/DD/YYYY <i>Date summons or warrant was issued by the court based on MD Case Search notes.</i>
Warrant/Summons Served Date	warsdate	MM/DD/YYYY <i>Date summons or warrant was <u>served</u> based on MD Case Search notes. A summons or warrant can be served either by arresting agency or mailed. If by arrest and/or if individual was committed or had an initial hearing same date as warrant serve date, this date was then copied into the date of arrest for VOP offenses).</i>

Description	Variable Name	Response Categories
Arrest Jurisdiction (Recoded into Numeric)	arjurisR	1 'Montgomery' 2 'Prince Georges' 3 'Frederick' 4 'Howard' 5 'Anne Arundel' 6 'Baltimore County' 7 'Baltimore City' 8 'Carroll' 9 'Calvert' 10 'Wash County' 11 'Wicomico' 12 'MD State Police' 13 'MD DOC Agency' 14 'Other' 15 'Parole and Probation' 16 'Washington DC' 17 'Out of state' 18 'Worcester'
DC Region (Montgomery, Prince George's Counties and DC) vs Not DC region	regarjur	1= In DC Region 0=Not DC Region
DC Region vs Out of State vs. Other	regarjurR	1=DC Region 2=Other MD Jurisdictions 3=Out of State (not DC)
Arrest Data Source (Recoded into Numeric)	ardataR	1=MD RAP 2=DMV 3=FBI/NCIC 4=MD Case Search 5=Other 6=DPCSC
First Arrest event post-release?	firstarr	Check Box: 0=No; 1=Yes
Number of counts in this arrest event	arcount	Numeric ( <i>may encompass more than one case but only one arrest event (e.g., on same day)</i> )
Number of convictions for this arrest	arconvct	Numeric
Number of Nolo Contendere for this arrest	arnoloct	Numeric
Is the most serious offense a violation of probation? (If yes, then the offense information is for the ORIGINAL offense for which the subject placed on Supervision)	arrvop	Check Box: 0=No; 1=Yes
Was the VOP for a new arrest? <i>This variable and related variables below are mostly missing data/ blank because need P&amp;P to identify.</i>	vopnewarr	Check Box: 0=No; 1=Yes
Was the VOP for a technical violation? <i>This variable and related variables below are mostly</i>	arrtechvop	Check Box: 0=No; 1=Yes

Description	Variable Name	Response Categories
<i>missing data/ blank because need P&amp;P to identify.</i>		
<b>Most Serious Offense Post-Release</b> (Note – this is the most serious offense in which they were <b>charged</b> )		
Description Most Serious <b>Offense</b>	arrdes	List developed as data collected – See Offense Description Table below
Most Serious <b>Offense</b> Type	arrtype	5=Person; 4=Sex Offense 3=Drug; 2=Property 1=Traffic; 0=Other (unclear to classify); 9=None
Most Serious <b>Offense</b> Type – Recoded to classify alcohol related traffic offenses as alcohol/drug offense	arrtypeR	5=Person; 4=Sex Offense 3=Alcohol/Drug; 2=Property 1=Traffic; 0=Other (unclear what to classify); 9=None
Most Serious <b>Offense</b> Category	arrsercat	7=Type I; 6=Type II 5=Type II; 4=Type IV 3=Type V; 2=Type VI 1=Type VII; 0=Other (unclear to classify)
Most Serious <b>Offense</b> Misdemeanor or Felony	armisfel	0=Misdemeanor 1=Felony
Most Serious <b>Offense</b> a Failure to Appear?	arrfta	0=No 1=Yes
<b>Most Serious Conviction Post-Release</b>		
Description Most Serious <b>Conviction</b>	convdes	List developed as data collected – See Offense Description Table below
Most Serious <b>Conviction</b> Type	convtype	5=Person; 4=Sex Offense 3=Drug; 2=Property 1=Traffic; 0=Other (unclear to classify); 9=None
Post-Release <b>Conviction</b> Type Recoded – to classify alcohol related traffic offenses as alcohol/drug offense	convtypeR	5=Person; 4=Sex Offense 3=Alcohol/Drug; 2=Property 1=Traffic; 0=Other (unclear to classify); 9=None
Most Serious <b>Conviction</b> Category	convsercat	7=Type I; 6=Type II 5=Type II; 4=Type IV 3=Type V; 2=Type VI 1=Type VII; 0=Other (unclear to classify)
Most Serious <b>Conviction</b> Misdemeanor or Felony	convmisfel	0=Misdemeanor 1=Felony
Most Serious <b>Conviction</b> a Failure to Appear?	convfta	0=No 1=Yes
Conviction Date	arconvdate	MM/DD/YYYY

<b>Description</b>	<b>Variable Name</b>	<b>Response Categories</b>
Incarceration Date	arincardate	MM/DD/YYYY <i>Have been able to include on some cases based on MD Case Search Notes. DPSCS data does not include incarceration or release dates.</i>
Date of Release	arreldate	MM/DD/YYYY <i>Have been able to include on some cases based on MD Case Search Notes. DPSCS data does not include incarceration or release dates.</i>
Arrest Time Sentenced for this arrest	arsentimp	Numeric Sentenced imposed by court (in days)
Arrest Sentence Suspended	arsentsus	Numeric Sentence Suspended by Court (in days)
Arrest Sentence Executed	arsexec	Numeric <i>(Calculated <math>arsentimp - arsentsus</math>)</i>
Sentence to Parole & Probation	arsentpp	Numeric Sentenced to P&P (in days)
Sentenced to Time Served?	arsentts	Check Box 0=No; 1=Yes
Fined Post-Release?	fined	1=Yes, 0=No <i>(<math>arsentfine &gt; 0 = Yes</math>)</i>
Fine imposed?	arsentfine	Fine amount imposed (\$)
Supervised Probation?	arppsup	Check Box 0=No; 1=Yes
Unsupervised Probation?	arppunsup	Check Box 0=No; 1=Yes
P&P Closed Unsatisfactory?	Ppclose	Check Box 0=No; 1=Yes <i>(for VOP cases only)</i>
Reconvicted Post-Release?	reconvict	1=Yes, 0=No <i>(<math>arconvet &gt; 0 = Yes</math>)</i>
Reincarnated Post-Release?	reincar	1=Yes, 0=No <i>(<math>arsexec &gt; 0 = Yes</math>)</i>
Placed on Parole or Probation Post-Release?	repandp	1=Yes, 0=No <i>(<math>arsentpp &gt; 0 = Yes</math>)</i>

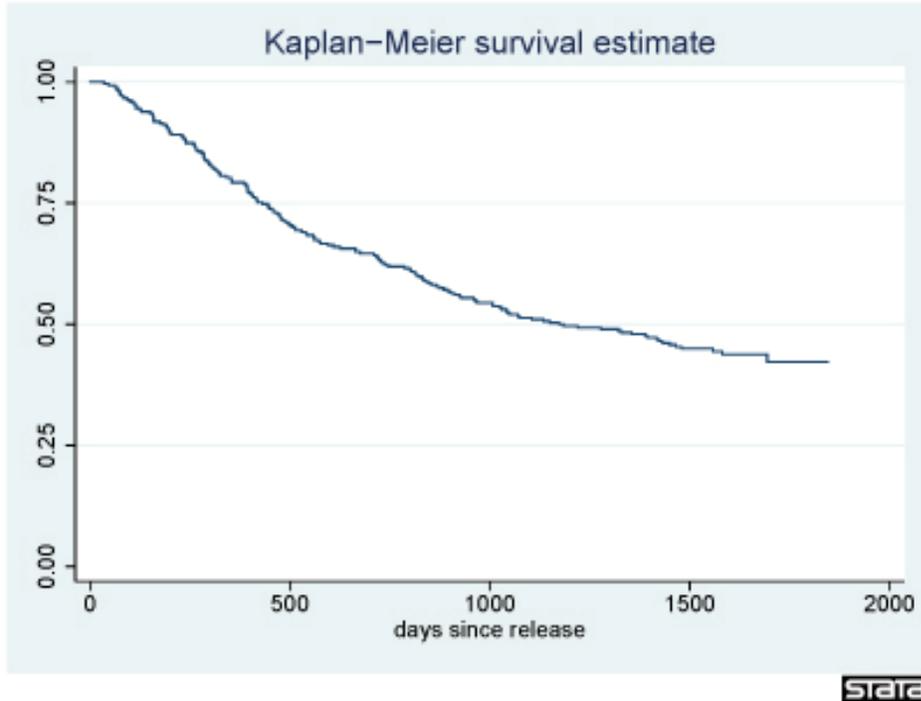
**Offense Description Table used for governing, criminal history & post-release arrests and convictions**

Offense Description	Offense Description
Abduction**	CDS Possession - MJ
Abuse - Confine Unattended Child	CDS Possession - Non MJ
Abuse - Desertion, non-support, minor child	CDS Possession - Non-CDS
Abuse, neglect of vulnerable person by custodian	CDS Possession with intent to distribute
Accessory after the fact, person offense	Child Abuse - Physical 1st
Alc Bev in Prohibited Place	Child Abuse - Physical 2nd
Alien Inadmissable Section 212**	Child Abuse - Sexual
Alien/Illegal Entry to US**	Contempt of Court**
Arson, Threat of	Contempt, Criminal
Assault - 1st Degree	Contribute to Conduct Child CINS or Del
Assault - 2nd Degree	Court Order, Violation**
Assault - Life Threaten Injury M/V Under Influence	Credit Card Theft < \$500
Assault - Reckless Endangerment	Credit Card Theft, Felony > \$500
Assault & Battery**	Custodial Interference**
Assault on DOC Officer or other inmate, 1st	Deportation
Assault on DOC Officer or other inmate, 2nd	Destruction of Property - General**
Assault on Law Enforcement Officer	Disorderly Conduct
Assault w/Deadly Weapon**	Disorderly Conduct - Rioting
B&E Storehouse	DL 1st canceled, suspended, revoked
Bad Check <\$500	DL sub canceled, suspended, revoked
Bad Check >\$500	Domestic Violence/Assault**
Bribery to or by public officer	DRL - Without or Expired, Sub
Burglary 1st Degree	DUI 21-902(a) 1st offense
Burglary 2nd Degree	DUI 21-902(a) 2nd Offense
Burglary 3rd Degree	DUI 21-902(a) 3rd + offense
Burglary 4th Degree	DUI/DWI - General - UTL # Offense or Out of State*
Burglary**	DWI 21-902(b-d)
Carjacking - armed	Escape**
Carjacking - unarmed	Escape, 1st Deg
CDS - Admin Equip Poss/Distribution - MJ	Escape, 2nd Deg
CDS - Admin Equip Poss/Distribution - NonMJ	Failure to Appear - Felony
CDS - Poss Paraphernalia	Failure to Appear - Misd
CDS - Prescription Obtain by Fraud	Failure to Pay Fine
CDS - Violate CDS Laws/Conspiracy	False Statement to Police Officer
CDS Distribution - General	Federal Charge Violation**
CDS Distribution - Narcotic	Forgery, Priv Documents
CDS Distribution - Non-Narcotic	Fraud - Money Laundering**
CDS Importation - dangerous substances	Fraud Conversion/Lease Goods
CDS Possession - General	Fraud/Impersonation - use ID wo Consent**

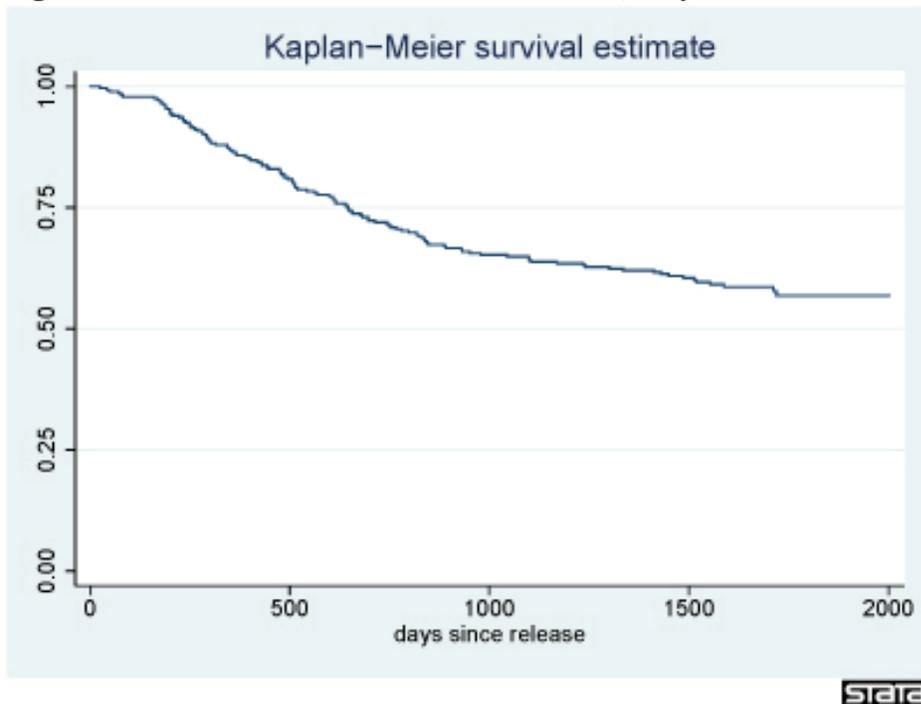
Offense Description	Offense Description
Fraud/Impersonation Law Enforcement Officer	Robbery with Force or Threat of Force
Fugitive from Justice**	Rogue and Vagabond
Habitual Felon**	Sex Crimes - Failure to Register/False Information
Harbor Fugitive	Sex Crimes - Misd Sexual Abuse
Identity Fraud, benefit <\$500	Sex Offense, 2nd Degree
Identity Fraud, benefit >\$500	Sex Offense, Rape, 1st Degree
Identity Fraud, Intent to manufacture, distribute	Sex Offense, Rape, 2nd Degree
Identity Fraud, sell false ID	Sexual Offense, 3rd Degree
Interference - Hinder Police Officer	Sexual Offense, 4th Degree
Kidnapping	Stalking and Harassment
Kidnapping - False Imprisonment	Telephone Misuse/Repeat Calls
Loitering or Prowling**	Theft Less Than \$100
Malicious destruction of property <\$500	Theft Over \$500/Felony/Grand
Malicious destruction of property >\$500	Theft Under \$500
Manslaughter - Vehicular	Theft**
Manslaughter - Voluntary or Involuntary	Theft,Misappropriation by Fiduciaries
Misconduct in Office	Trespass - Peeping Tom
Motor Vehicle - Failing to Remain=death	Trespass - Private/Posted Property
Motor Vehicle - Failing to Remain=injury	U/U LIVESTOCK MV Unlawful Use of Goods
Motor Vehicle - Failure Stop Prop damage	Unauthorized Removal of Property**
Motor Vehicle - Fleeing or eluding police, 1st	Unlawful Entry**
Motor Vehicle - Fleeing or eluding police, 2nd	Uttering False Documents
Motor Vehicle - General**	Violate Protection Ex-Parte, 1st offense
Motor Vehicle - Required Security, 1st	Violate Protection Ex-Parte, sub
Motor Vehicle - Required Security, sub	Violation Parole**
Motor Vehicle - unlawful taking	VOP - Unknown Original Offense
Murder Attempted, 1st Degree	VOP Gov - Original offense Most Serious
Murder, 1st Degree	Warrant**
No Offense Listed	Weapon - Carry/Wear Concealed Deadly
Not Applicable - Governing is first conviction	Weapon - deadly, intent to injure
Nudity/Indecent Exposure	Weapon - deadly, intent to kill or injure
Obscene - Child pornography, 1st offense	Weapon - Handgun in Vehicle**
Obscene - Child pornography, sub	Weapon - Illegal poss conviction felony
Obscene - Possession Visual Child Porn, 1st	Weapon - Illegal poss, under 21 yrs old
Obscene - Possession Visual Child Porn, Sub	Weapon - Poss Danger/Deadly school; not handgun
Obstructing Justice	Weapon - Possession of Firearm
Other - See Notes	Weapon - Use in Drug Offense
Poss/Receiving Stolen Property**	Weapon - Wear, Carry Handgun, 1st offense
Prostitution-General	Weapon - Wear, Carry Handgun, sub
Resisting Arrest	
Robbery with Dangerous Weapon	

## Appendix 2 Survival Curves

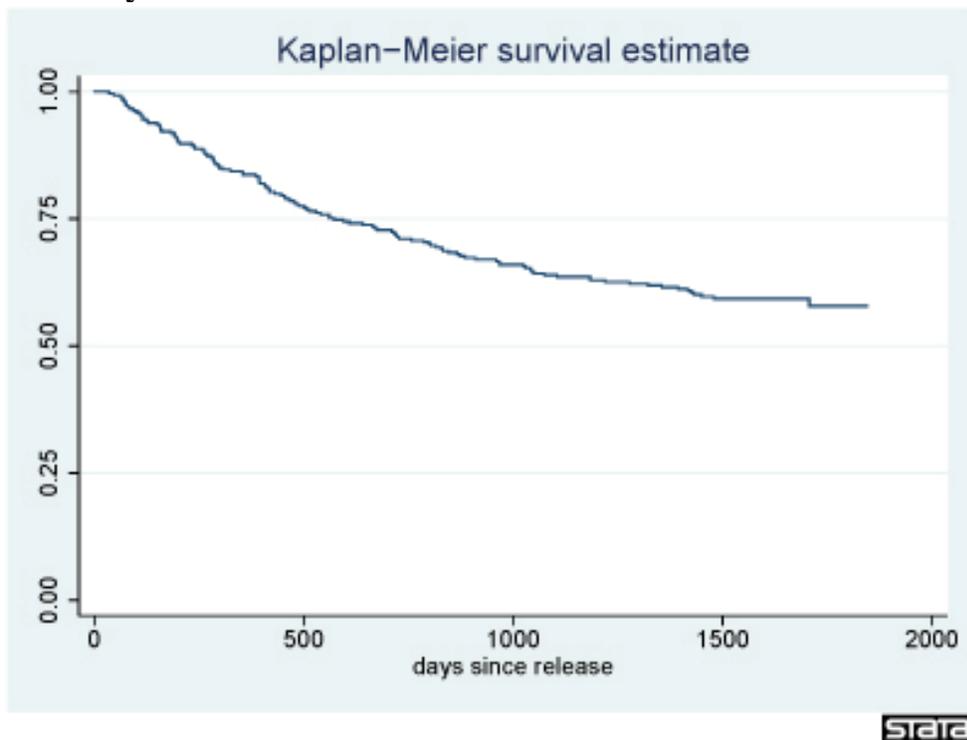
**Figure A. Survival curve for all males, any conviction**



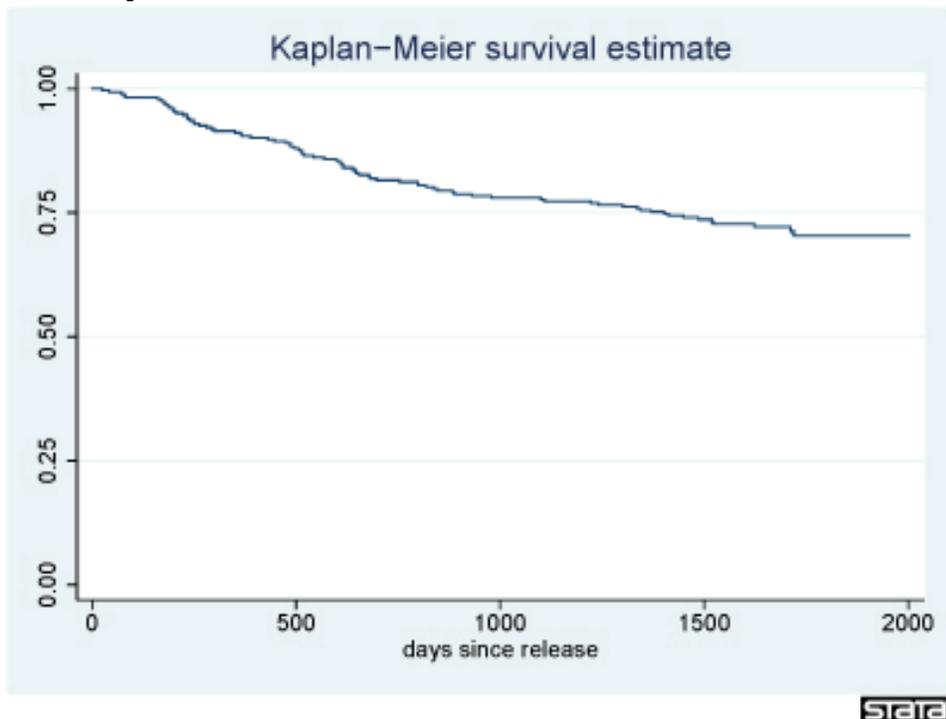
**Figure B. Survival curve for all females, any conviction**



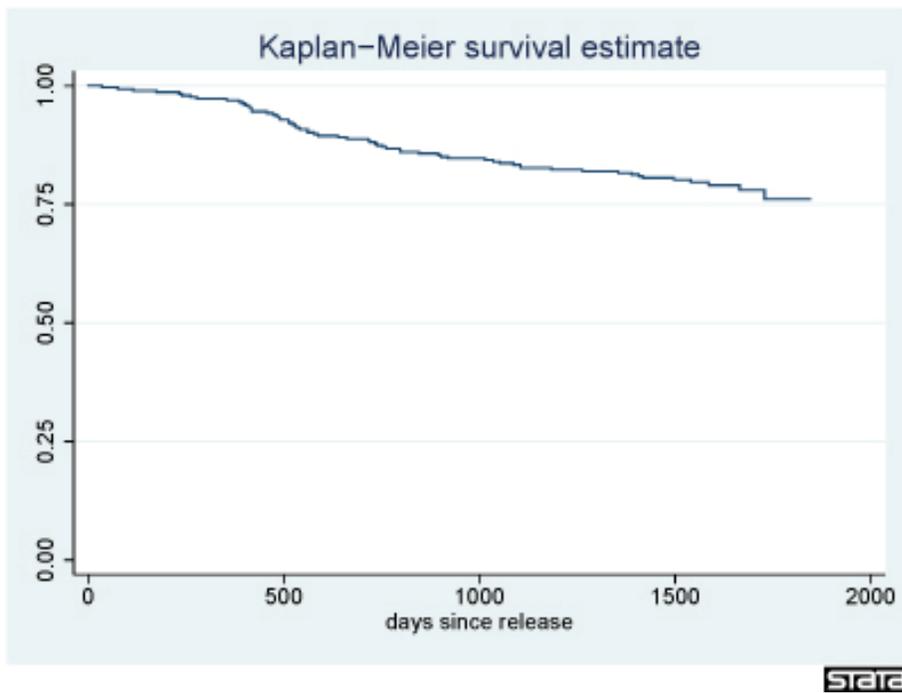
**Figure C. Survival curve for all males, any conviction using MD rap sheet data only**



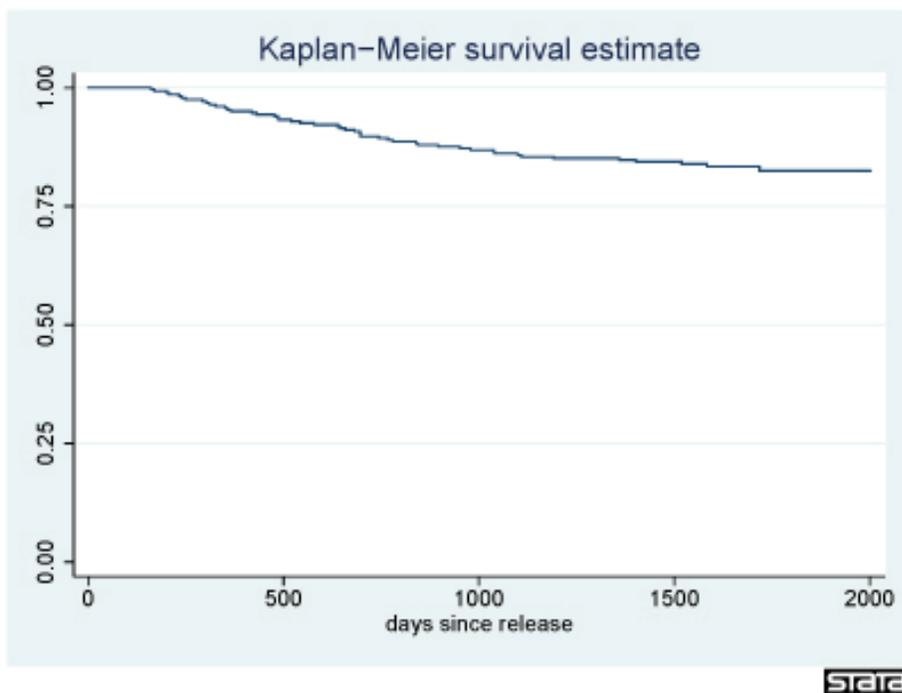
**Figure D. Survival curve for all females, any conviction using MD rap sheet data only**



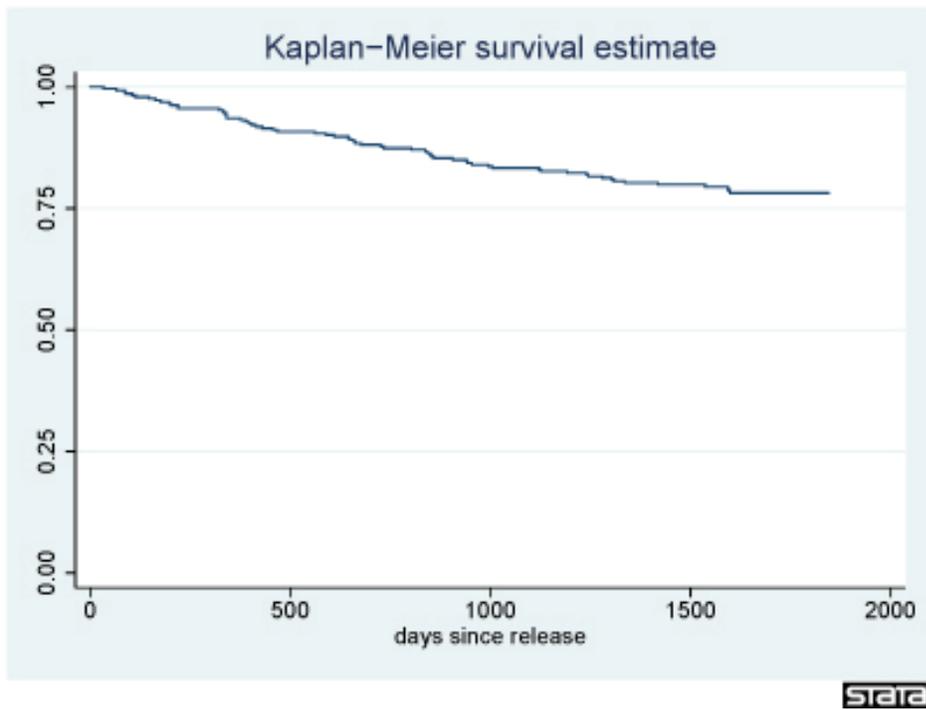
**Figure E. Survival curve for all males, convictions for serious offense**



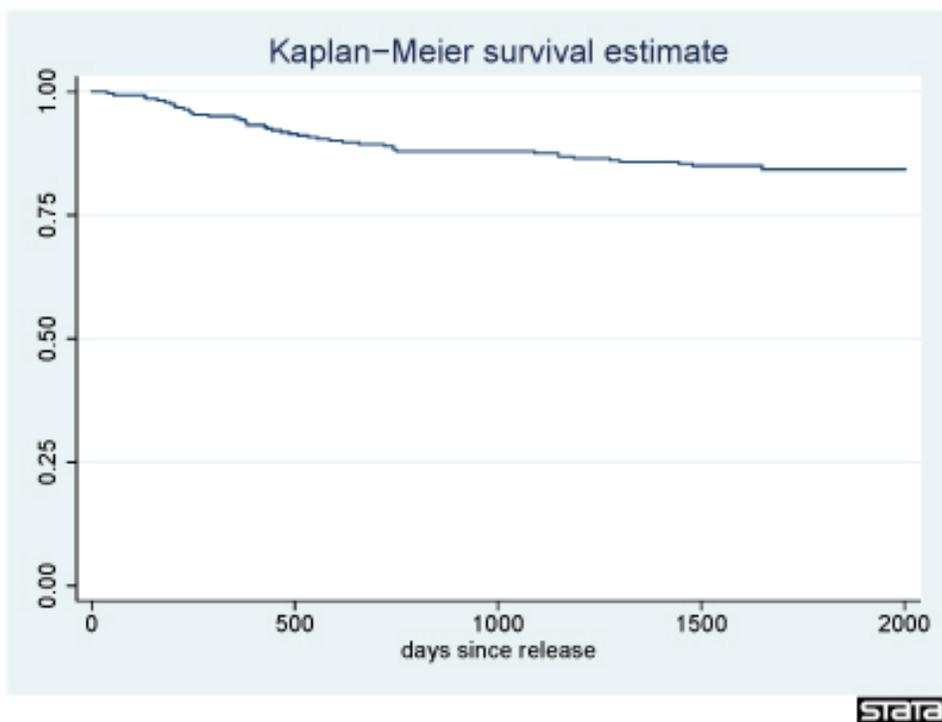
**Figure F. Survival curve for all females, convictions for serious offense**



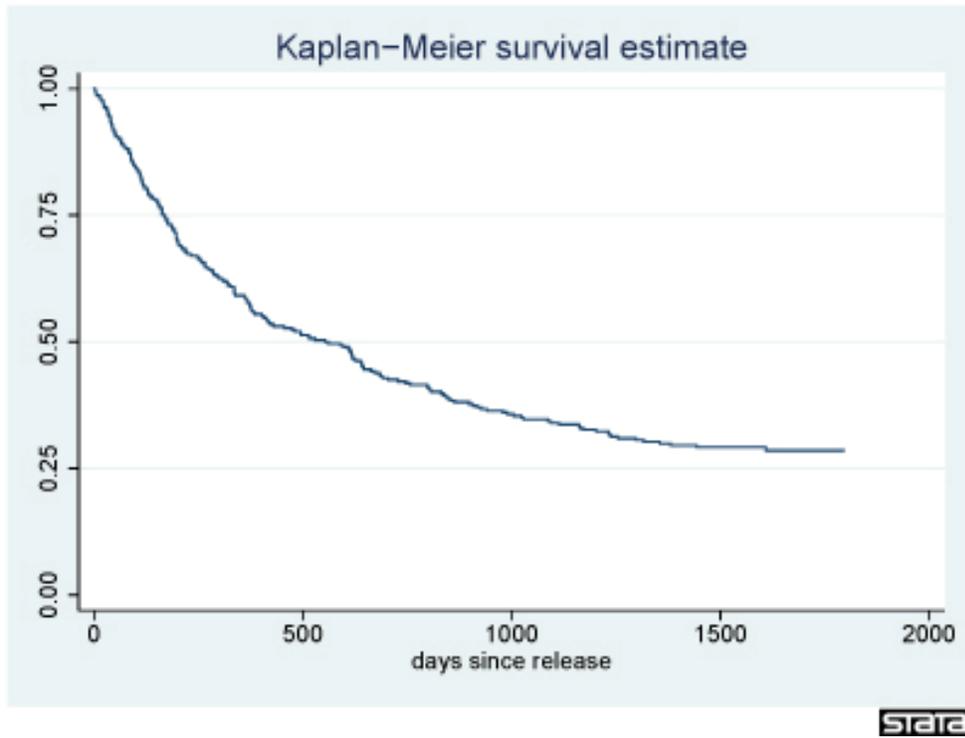
**Figure G. Survival curve for all males, arrests for serious charge**



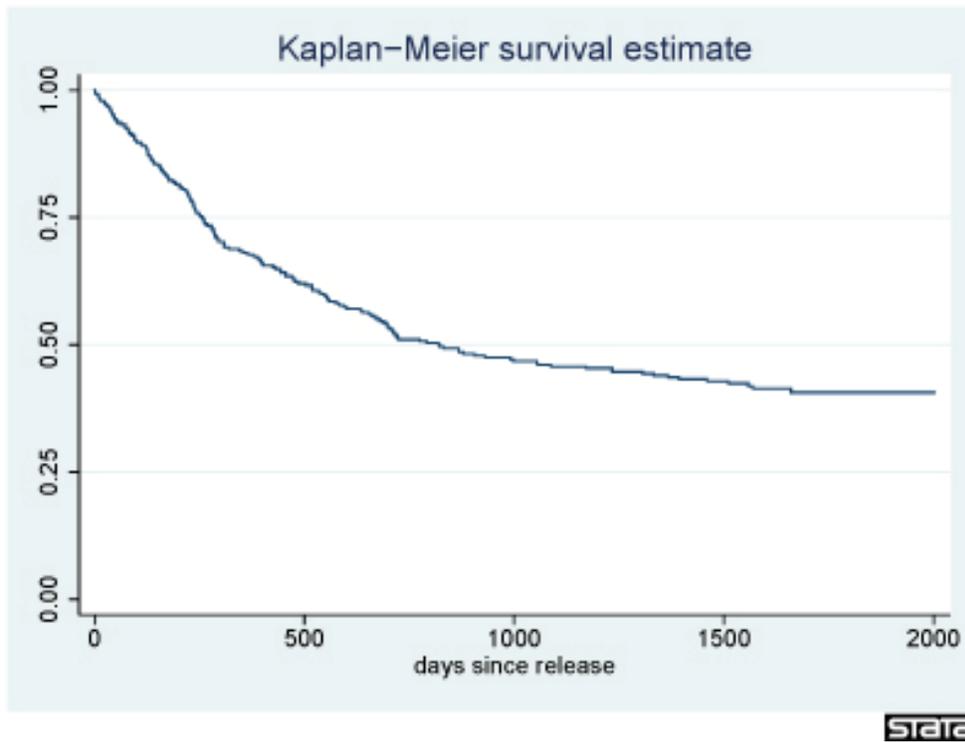
**Figure H. Survival curve for all females, arrests for serious charge**



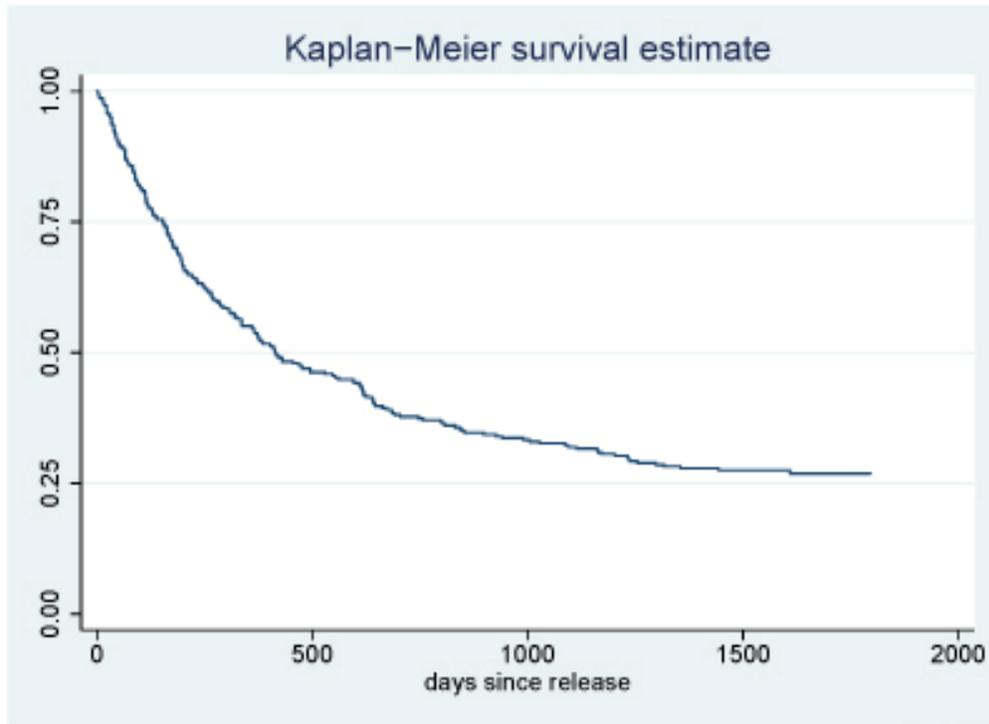
**Figure I. Survival curve for all males, arrests for any offense**



**Figure J. Survival curve for all females, arrests for any offense**

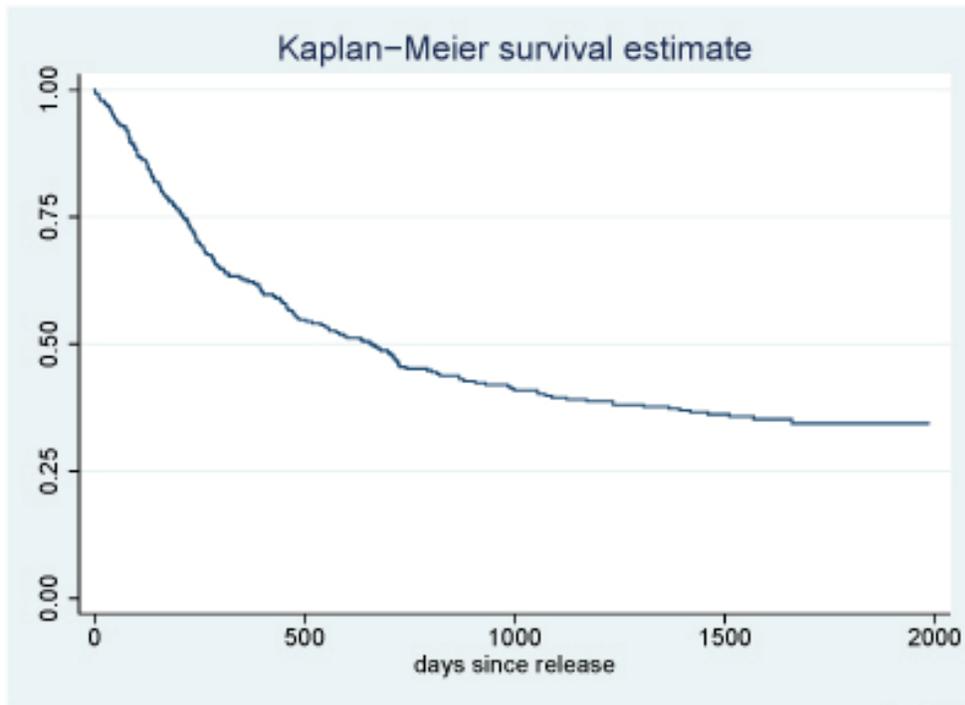


**Figure K. Survival curve for all males, arrests for any offense or VOP**



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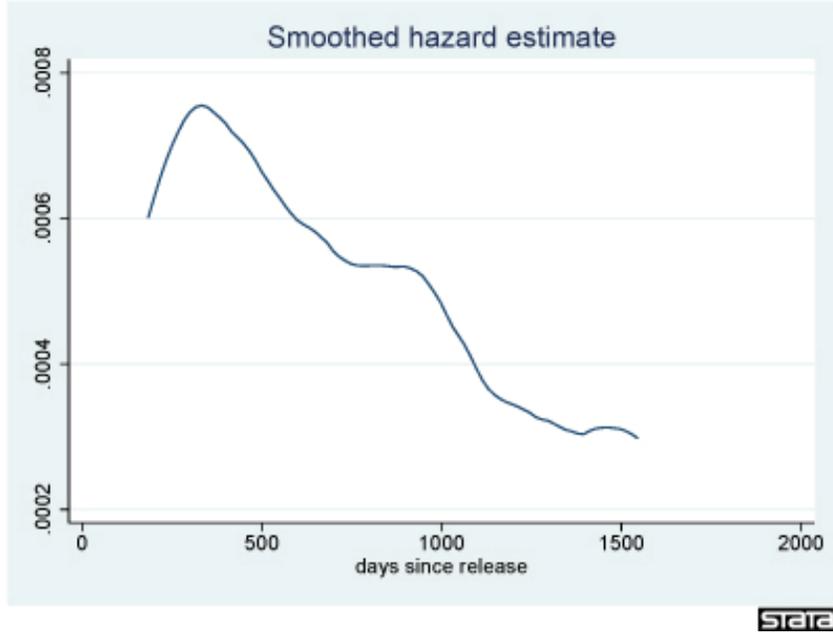
**Figure L. Survival curve for all females, arrests for any offense or VOP**



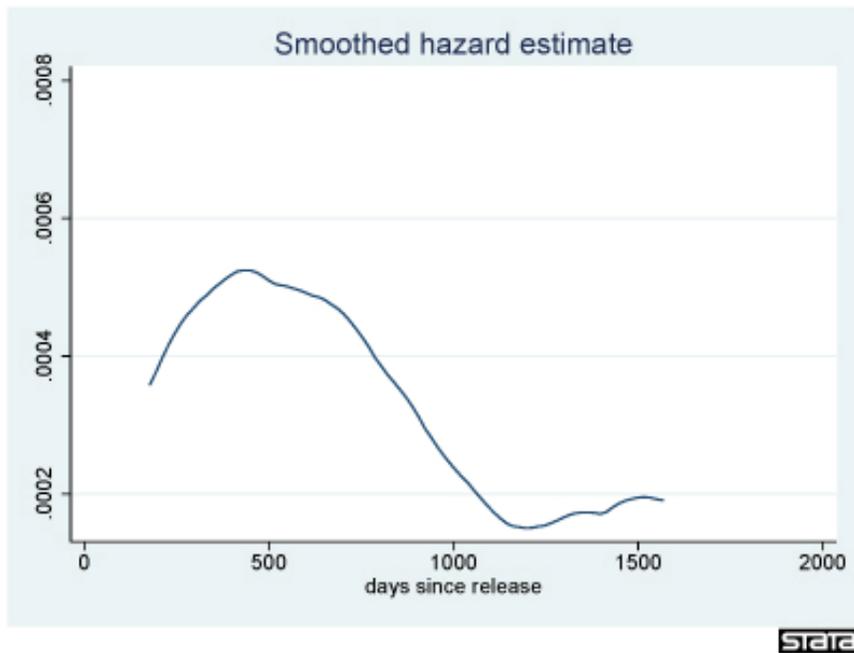
Stata

## Appendix 3 Smoothed Hazard Models

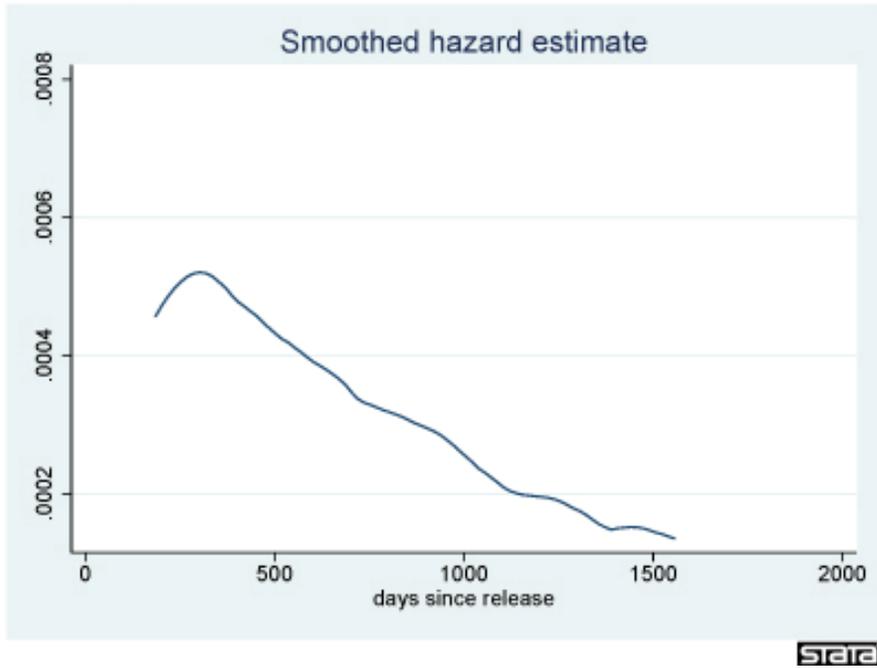
**Figure A. Hazard model for all males, any conviction**



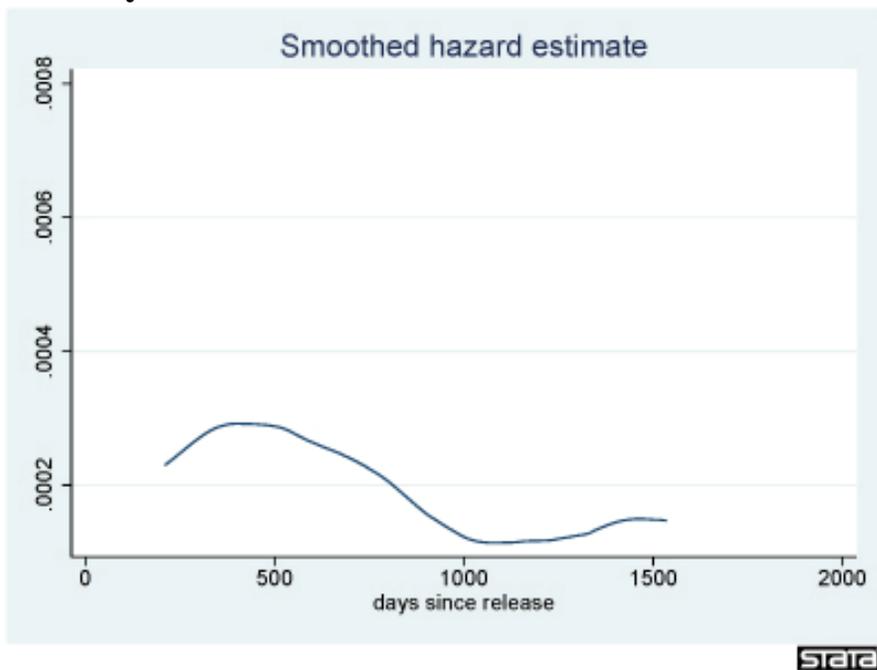
**Figure B. Hazard model for all females, any conviction**



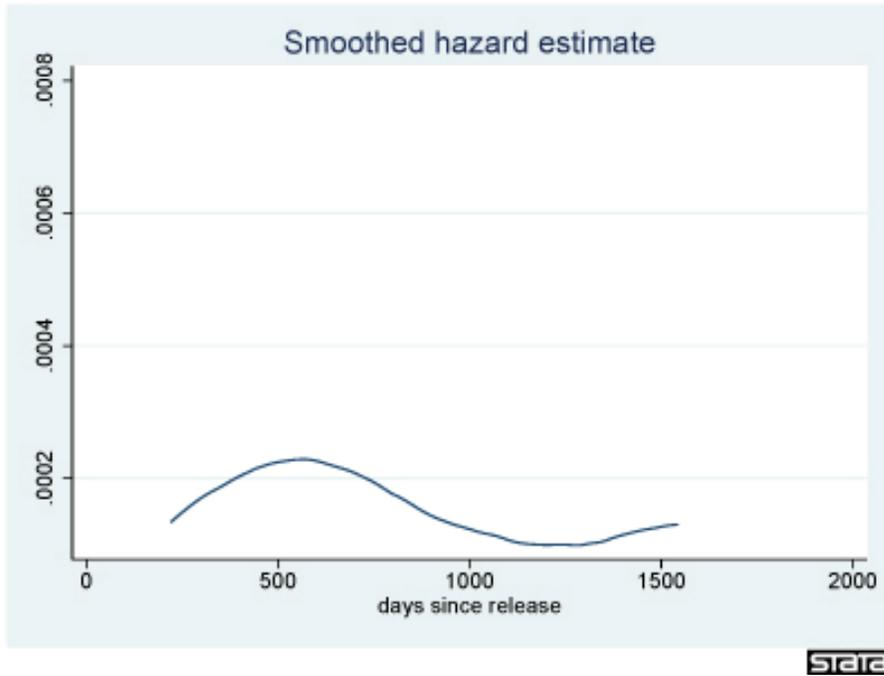
**Figure C. Hazard model for all males, any conviction using MD rap sheet data only**



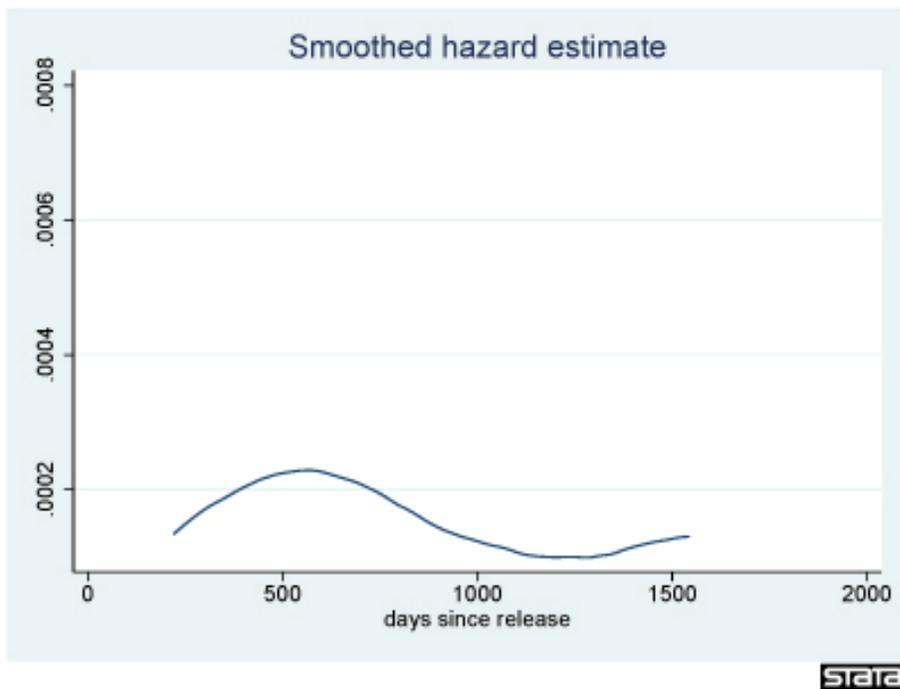
**Figure D. Hazard model for all females, any conviction using MD rap sheet data only**



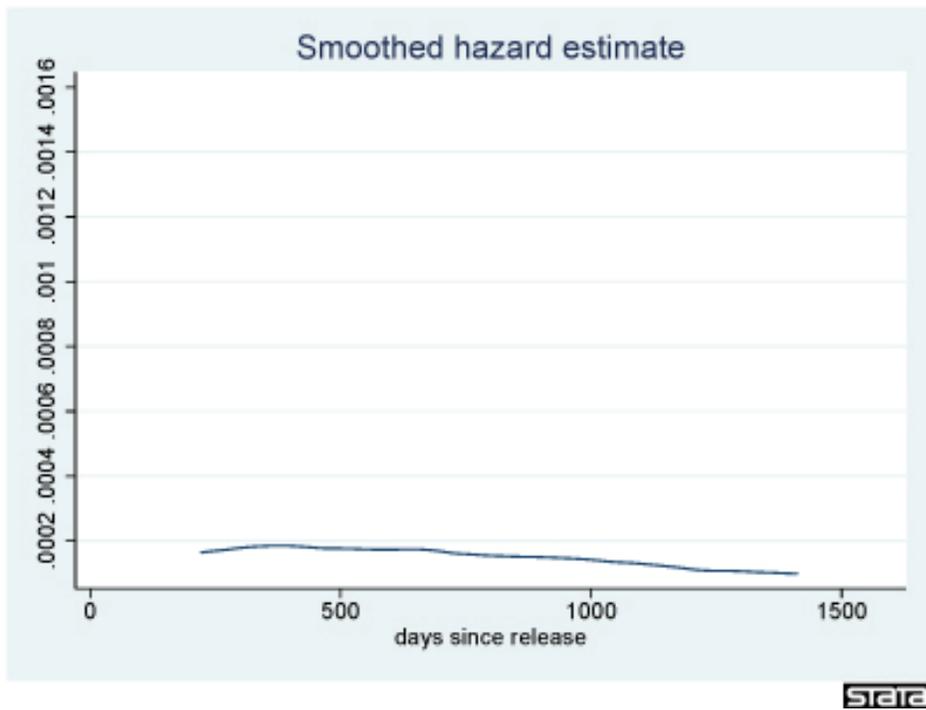
**Figure E. Hazard model for all males, convictions for serious offense**



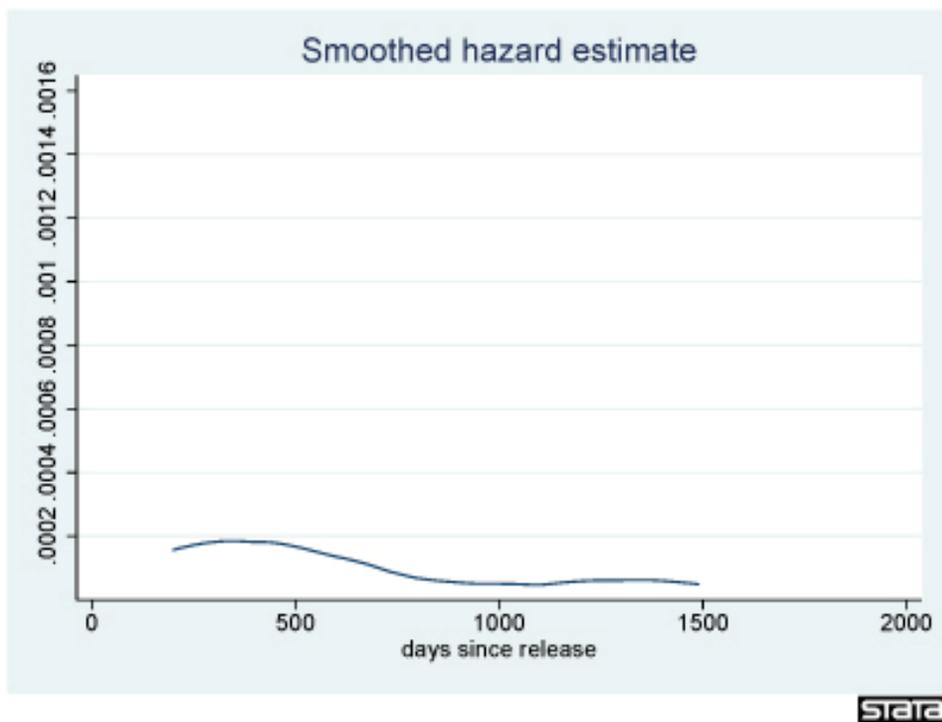
**Figure F. Hazard model for all females, convictions for serious offense**



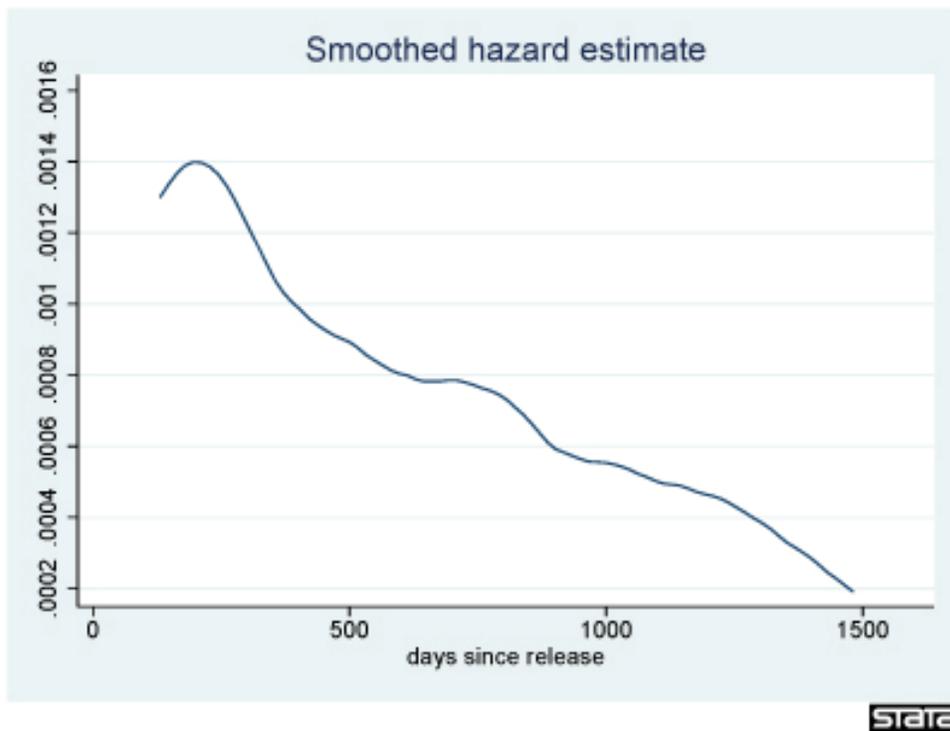
**Figure G. Hazard model for all males, arrests for serious charge**



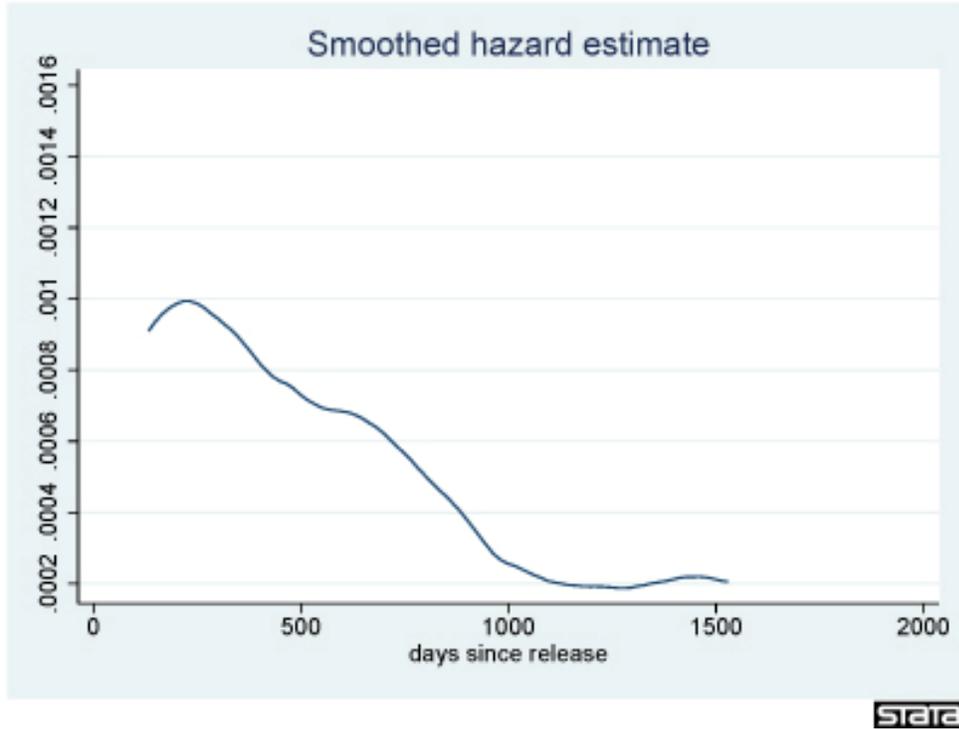
**Figure H. Hazard model for all females, arrests for serious charge**



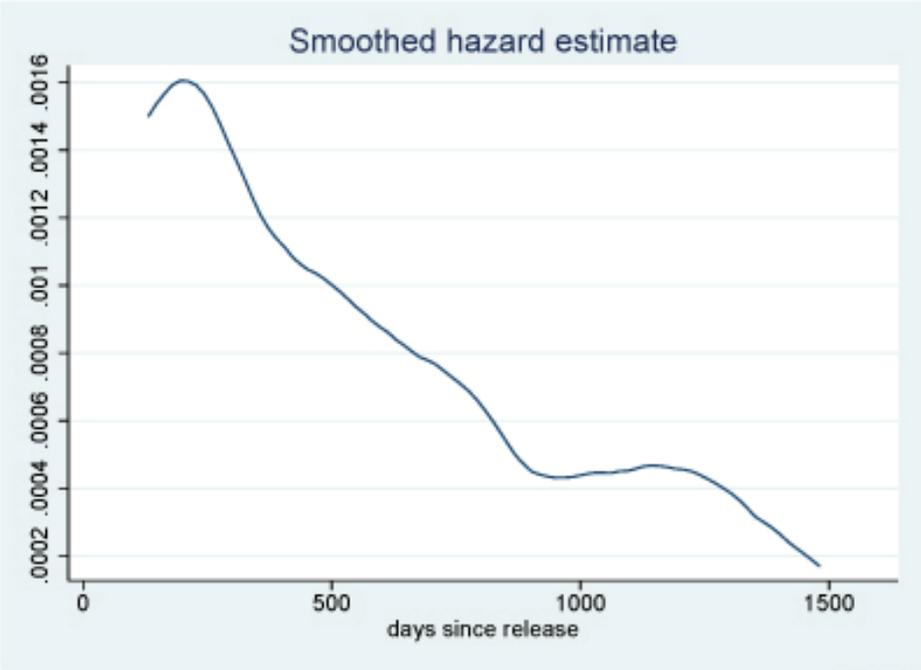
**Figure I. Hazard model for all males, arrests for any offense**



**Figure J. Hazard model for all females, arrests for any offense**

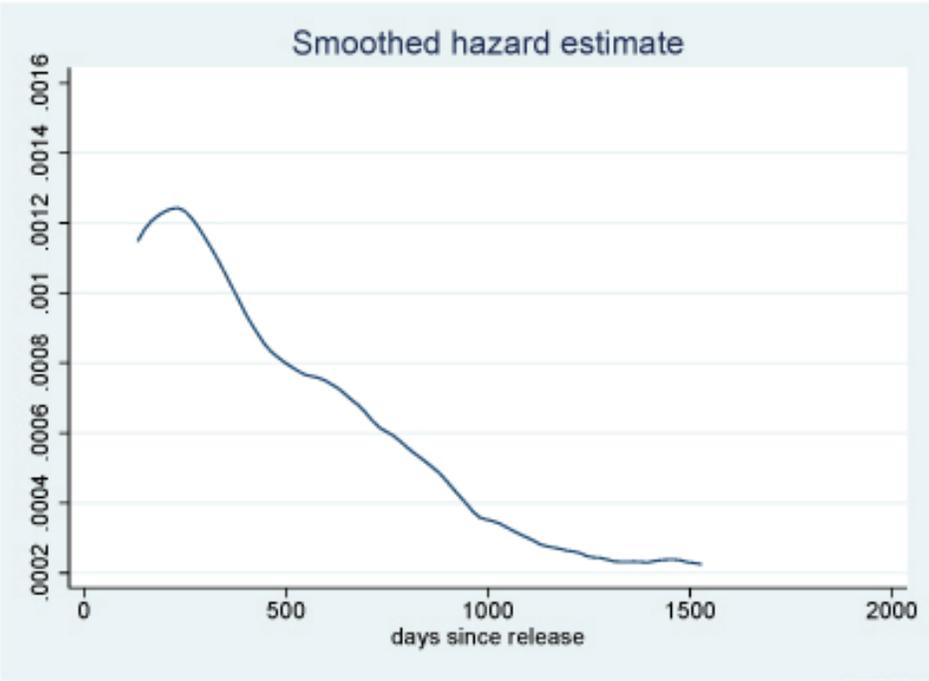


**Figure K. Hazard model for all males, arrests for any offense or VOP**



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**Figure L. Hazard model for all females, arrests for any offense or VOP**



STATA

## Memorandum

TO: Craig D. Uchida

FROM: Teresa Still

RE: Validation of data coding process

VIA EMAIL

As discussed in our meeting on 6/25/09, I am detailing the processes by which I recently reviewed a sampling of Maryland RAP sheets and compared them with the Circuit and District Court databases, as well as a follow-up conversation I had with Assistant State's Attorney Peter Feeney on the plea bargaining process.

### **Arrest and Conviction Data Currently Captured in the JSS Database**

In an effort to better familiarize myself with the coding of data in the JSS database and to understand the ways in which arrests and convictions are noted on the Maryland RAP, I randomly selected several subjects from the recidivism study and reviewed the coding of their data in the JSS database and the information from their Maryland narrative RAP sheets. It was immediately apparent that Shawn Flower has done a superb job of carefully interpreting and deciphering the language on the RAP sheets and meticulously coding that data in the JSS database. She has approached this enormous task with careful deliberation and has exercised caution in making assumptions and forming conclusions about data on the RAP sheets.

At present, we have the following data on post-release arrests and convictions within the JSS database:

#### Arrests

- The date of the arrest
- The number of counts within the arrest event
- The most serious count within the arrest event is described (2<sup>nd</sup> Degree Assault, Possession of CDS, Theft Over \$500, VOP, etc.)
- If the arrest marks the first recidivist event
- The jurisdiction of the arresting agency (Montgomery County, Prince George's County, Washington DC, etc.)
- The source of the arrest data (MD RAP, MD case search, FBI RAP, MVA)
- Additional fields exist for the offense type (person, property, drug, sex, etc.), seriousness category, misdemeanor vs. felony, and reason(s) for VOPs but these fields have not yet been populated

#### Convictions

- The date of the conviction

- The number of counts of conviction
- Sentence information
- Additional fields exist for incarceration date and release date but this data is not readily available to us
- Currently there are NOT fields for the type of offense, seriousness category, or misdemeanor vs. felony for convictions but these could easily be added

### **Comparison of Maryland Narrative RAP Data with District and Circuit Court Databases, Plea Bargaining Process**

It was unclear to us whether the arrest and conviction information on the Maryland RAP accurately reflected the original charges or if it reflected the results of plea bargaining. To answer this question, I randomly selected several subjects from the study and cross-checked the arrest/conviction data on their Maryland RAP sheet against the data in the District and Circuit Court databases. Maryland RAP sheets contain police department tracking numbers but not criminal case numbers. The District Court database may be searched by tracking number, however, the Circuit Court database may only be searched by case number. I therefore began with a search in the District Court database by entering the tracking number from the Maryland RAP. I then scrolled through the entries in the District Court database and noted the description of the charges and the disposition, and compared that data to the charges and dispositions listed on the Maryland RAP. I repeated this process for 5 subjects, and in each case, the data in the District Court database was identical to the information contained on the Maryland RAP.

In order to search the Circuit Court database, I needed to obtain the criminal case number and this was possible in one of two ways. One method involved entering the tracking number into the District Court database as described above. If the case had been advanced to the Circuit Court, the new criminal case number would be listed. The second method of obtaining a case number involved accessing the Maryland Judiciary Case Search (MDJSC), a public on-line repository of case records within the Maryland Judiciary. By entering the subject's name and other identifiers, MDJSC would generate a listing of their case numbers and dispositions. I selected cases with filing dates that were similar to the arrest date on the Maryland RAP. By opening each case, I could compare the tracking number with that on the Maryland RAP until the correct case was located. MDJCS lists the tracking number and the criminal case number so I noted the case number and entered it in the Circuit Court database. I then scrolled through the entries in the Circuit Court database and noted the description of the charges and the disposition, and compared that data to the charges and dispositions listed on the Maryland RAP. As with the District Court database, the data in the Circuit Court was identical to the information contained on the Maryland RAP. Below is an example of an entry from a Maryland RAP and the corresponding data from the District Court database:

#### Entry from Maryland Narrative RAP

SUBJECT ALSO ARRESTED ON 12/10/04 BY MONTGOMERY CNTY PD TRK # 000000000000

-AND FOUND GUILTY AND WAS GIVEN A SENTENCE OF 60 DAYS

OF WHICH 56 DAYS WAS SUSPENDED

AND GIVEN PROBATION OF 1 YRS

AND WAS FINED 200.00

ON THE CHARGE OF DISORDERLY CONDUCT

-THE CHARGE OF TEL MISUSE: REPEAT CALLS

WAS PLACED ON THE STET DOCKET

The above entry essentially states that the defendant was found guilty of Disorderly Conduct and sentenced to 60 days, suspend 56 days, with 1 year of probation. A charge of Telephone Misuse was placed on the Stet Docket.

Corresponding entries from the Maryland District Court database

DISORDERLY CONDUCT          PLEA: G    DISP: G    05/05/10

FINE:    200.00    SUSP FINE:    200.00

PROB END: 06/05/10

INCIDENT DATE: 04/09/30

TERM: JAL 00/00/060    SUSP TERM: 00/00/056

TEL MISUSE:REPEAT CALLS          PLEA: OP    DISP: STET 05/05/10

INCIDENT DATE: 04/09/30

The above entry reiterates the information from the Maryland RAP.

In addition to comparing Maryland RAP data to District and Circuit Court data, I contacted Assistant State's Attorney Peter Feeney to discuss the indictment and plea bargain process. Mr. Feeney indicated that the Maryland RAP typically reflects the indictment but not the original arrest offense. For example, the police may charge an individual with Attempted First Degree Murder. This charge is reflected on the original charging document (police report or statement of charges). However, the State's Attorneys Office (SAO) receives the case and may determine that there is insufficient evidence to pursue a conviction for Attempted First Degree Murder, so they reduce the charge and seek an indictment for Second Degree Assault. Neither and Maryland RAP nor the District or Circuit Court databases will capture the original arrest offense of Attempted First Degree Murder. Only the original charging document created by the police will contain that charge. Mr. Feeney further indicated that the SAO has both the ability to amend (reduce) the arrest charge and to negotiate which counts to pursue.

**Conclusions and Recommendations**

As a result of my comparisons between the Maryland RAP and the Circuit and District Court databases, we can reasonably conclude that the data from all sources is consistent and that the charges as listed on the Maryland RAP are reliable descriptions of the convictions. The charges listed on the Maryland RAP may not necessarily be the original arrest offense given the possibility of a reduction by the SAO, but we

can conclude that they are the charges for which the State sought an indictment. Given the difficulty with obtaining original charging documents (police reports) for all 576 subjects in the study (294 men and 282 women), it is my recommendation that we amend the description of our recidivism measures to more accurately reflect our data: re-arrest/indictment, re-conviction, re-incarceration. In many cases, the charge listed on the Maryland RAP will indeed be the original arrest offense, but for those cases in which it was reduced, our measure of "re-arrest/indictment" will still be an accurate description. I am also recommending that we add offense description or offense type, seriousness category, and felony vs. misdemeanor fields for convictions within our JSS database. We now know that the data within the Maryland narrative RAP is a reliable source for convictions. This information will be a critical piece of the final report and will help align our study to be more consistent with other similar studies.

Feel free to call me with any questions.

Teresa Still

Assessment Services Manager

Montgomery County Pre-Release and Reentry Services

[teresa.still@montgomerycountymd.gov](mailto:teresa.still@montgomerycountymd.gov)

(240)773-4252

# Maryland State Commission on Criminal Sentencing Policy



## Crimes of Violence (CR, §14-101)

Updated January 2008

OFFENSE	SOURCE	TYPE	LEVEL	CAT	MAX	MIN
Abuse and Other Offensive Conduct <i>Child Abuse, physical, 1<sup>st</sup> degree</i>	CR, §3-601	Person	Felony	II	25Y	
Abuse and Other Offensive Conduct <i>Child Abuse, sexual*</i> <i>*under certain conditions as defined in CR, §14-101</i>	CR, §3-602(b)	Person	Felony	II	25Y	
Arson and Burning <i>A dwelling or occupied structure (Arson, 1<sup>st</sup> degree)</i>	CR, §6-102(a)	Property	Felony	III	30Y	
Assault and Other Bodily Woundings <i>Assault, 1<sup>st</sup> degree</i>	CR, §3-202	Person	Felony	III	25Y	
Handguns <i>Unlawful use in commission of felony or crime of violence, 1<sup>st</sup> offense</i>	CR, §4-204(b)(2)	Person	Misd.	III	20Y	5Y
Handguns <i>Unlawful use in commission of felony or crime of violence</i>	CR, §4-204(B)(1)	Person	Misd.	II	20Y	5Y
Kidnapping and Related Crimes <i>Child Abduction, Child under 12</i>	CR, §3-503(a)(1)	Person	Felony	III	20Y	
Kidnapping and Related Crimes <i>Kidnapping, Child under 16</i>	CR, §3-503(a)(2)	Person	Felony	II	30Y	
Kidnapping and Related Crimes <i>Kidnapping, Generally</i>	CR, §3-502(a)	Person	Felony	II	30Y	
Manslaughter and Related Crimes <i>Manslaughter, voluntary</i>	CR, §2-207	Person	Felony	IV	10Y	
Murder <i>1<sup>st</sup> degree</i>	CR, §2-201(a)	Person	Felony	I	LIFE	LIFE
Murder <i>1<sup>st</sup> degree, attempted</i>	CR, §2-205	Person	Felony	II	LIFE	
Murder <i>2<sup>nd</sup> degree</i>	CR, §2-204(a)	Person	Felony	II	LIFE	
Murder <i>2<sup>nd</sup> degree, attempted</i>	CR, §2-206	Person	Felony	III	30Y	
Prostitution and Related Crimes <i>Abduction, Child under 16 for immoral purposes</i>	CR, §11-305(a)	Person	Misd.	III	8Y	
Robbery <i>Carjacking, Unarmed</i>	CR, §3-405(b)	Person	Felony	III	30Y	
Robbery <i>Carjacking, Armed</i>	CR, §3-405(c)	Person	Felony	II	30Y	



**Crimes of Violence (CR, §14-101) (continued)**

OFFENSE	SOURCE	TYPE	LEVEL	CAT	MAX	MIN
Robbery <i>Robbery With a Dangerous or Deadly Weapon</i>	CR, §3-403(a)	Person	Felony	III	20Y	
Sexual Crimes <i>Rape, 1<sup>st</sup> degree</i>	CR, §3-303(a)	Person	Felony	I	LIFE	
Sexual Crimes <i>Attempted Rape, 1<sup>st</sup> degree</i>	CR, §3-309(a)	Person	Felony	II	LIFE	
Sexual Crimes <i>Rape, 2<sup>nd</sup> degree</i>	CR, §3-304(a)	Person	Felony	II	20Y	
Sexual Crimes <i>Attempted Rape, 2<sup>nd</sup> degree</i>	CR, §3-310(a)	Person	Felony	III	20Y	
Sexual Crimes <i>Sex Offense, 1<sup>st</sup> degree</i>	CR, §3-305(a)	Person	Felony	I	LIFE	
Sexual Crimes <i>Attempted Sexual Offense, 1<sup>st</sup> degree</i>	CR, §3-311(a)	Person	Felony	II	LIFE	
Sexual Crimes <i>Sex Offense, 2<sup>nd</sup> degree</i>	CR, §3-306(a)	Person	Felony	II	20Y	
Sexual Crimes <i>Attempted Sexual Offense, 2<sup>nd</sup> degree</i>	CR, §3-312(a)	Person	Felony	III	20Y	
Sexual Crimes <i>Continuing course of conduct</i>	CR, §3-315	Person	Felony	II	30Y	