

# SEXUAL ASSAULT TRENDS AND SEX OFFENDER RECIDIVISM IN MAINE

# 2010

Maine Statistical Analysis Center  
USM Muskie School of Public Service

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## Foreword

Concern about sex offenders and their behavior is understandably a topic of great public interest. Numerous public policy proposals target the management of sex offenders in prisons and in communities post-release. Recent examples of such proposals include, but are not limited to, enhanced sanctions for convicted and repeat sex offenders, civil commitment for predatory sex offenders, the development of sex offender registries, and the use of advanced technology to monitor sex offenders and residency restrictions.<sup>1</sup> Unfortunately, the quality and extent of the body of knowledge concerning sex offender behavior has not kept pace with either the sophistication or potential cost of some of these proposed policies.

The purpose of this report is to shed light on trends in sex offending and the recidivism of sex offenders in Maine, by replicating the methods of Bureau of Justice Statistics special report, *Recidivism of Sex Offenders Released from Prison in 1994*. That study followed prisoners released from prison in 15 states during 1994 over a three year period, examining their patterns of incarceration. This report seeks to replicate, to the degree possible, the analysis and resulting data tables for sex offenders released from Maine's state prisons over a five year period, from 2004-2008.

This report also examines sex offenders admitted to probation from 2004-2007. The rationale for this inclusion is that offenders under community correctional supervision are a population of special interest, and that determining the progress of a group which had been subjected to supervision in the community might also have important policy implications. Each group was followed for a period of three years to identify re-incarcerations.

Funding for this report is provided by BJS to the Maine Statistical Analysis Center, located at the University of Southern Maine's Muskie School of Public Service. Any points of view or opinions stated are those of the report author and do not necessarily represent the opinion or official position of BJS.

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<sup>1</sup>See Council of State Government's *National Legislative Briefing: Sex Offender Management Policy in the States* at <http://csg-web.csg.org/knowledgecenter/docs/pubsafety/ZonedOut.pdf>

## Methodology

Although this Maine study seeks to replicate the BJS analysis as closely as possible, community corrections (probation) admissions are also included, given the high level of interest in issues related to sex offenders under supervision in the community and the availability of state probation recidivism data. Other variations from the BJS study should be noted. One such variation is that the Maine Department of Corrections accepts inmates with sentences of 270 days (9 months) or more, unlike the BJS study, which accepted only inmates with a sentence of one year or more. Other deviations from the original BJS report are noted in the report text. Primarily, such deviations consist of omitted data tables resulting from the unavailability of arrest data, and in some cases, data on the age of the victim.

## Limitations

Data sources used for the analyses contained in this report are Maine's Uniform Crime Reports, generated by the Maine Department of Public Safety and incarceration, probation, and recidivism outcome data generated by the Maine Department of Corrections. In considering report findings, it is important to note and be aware of the limitations of this analysis. The cohorts were so small that relatively small fluctuations could result in large changes in certain outcomes. An obvious, and extremely important, limitation of any study basing outcome measures on official records is that unreported behavior is not included. It is also important to be mindful that there is overlap between the prison release and probation cohorts; i.e., some offenders leaving prison were also released to probation, and therefore would be included in each cohort.

The findings of this study are limited to sex offenders in Maine's state prison and probation systems. Findings may not necessarily be applied to sex offenders in other states leaving prison, or those entering Maine's probation system at another period of time. However, study findings establish a baseline sex offender recidivism rate for Maine, and begin a trend line useful for state policy makers. The study will also appeal to a national audience interested in state corrections performance measurement.

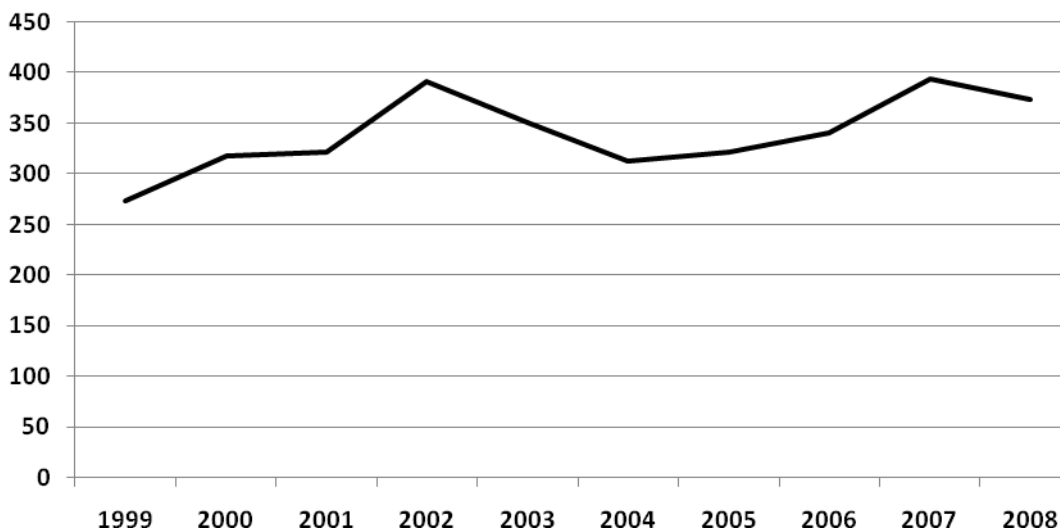
## Section I: Sex Offense Trends in Maine 1999-2008

### *Forcible Rape Offenses<sup>2</sup>*

Forcible rape is one of the eight crimes grouped together as Index crimes, which are reported annually by each state to the FBI as part of the Uniform Crime Report. This section examines forcible rape occurring in Maine and compares it to trends in the rest of the country. What follows is an overview of forcible rape crime rates in Maine over the last ten years, and an examination of the national and regional trends. Crime rates are disaggregated to explore the distinct developments across Maine's counties and towns, and are compared to national and regional trends where applicable.

*Maine Trend:* In 2008, there were 375 reports of rape in Maine. This is a 57% increase compared with the number of reports in 1999. Over the last ten years, 2007 saw the highest number of reports of rape (391). This increase may be explained by greater statewide efforts to encourage victims to file reports.

*Chart 1: Reports of Rape Offenses in Maine  
1999 - 2008*



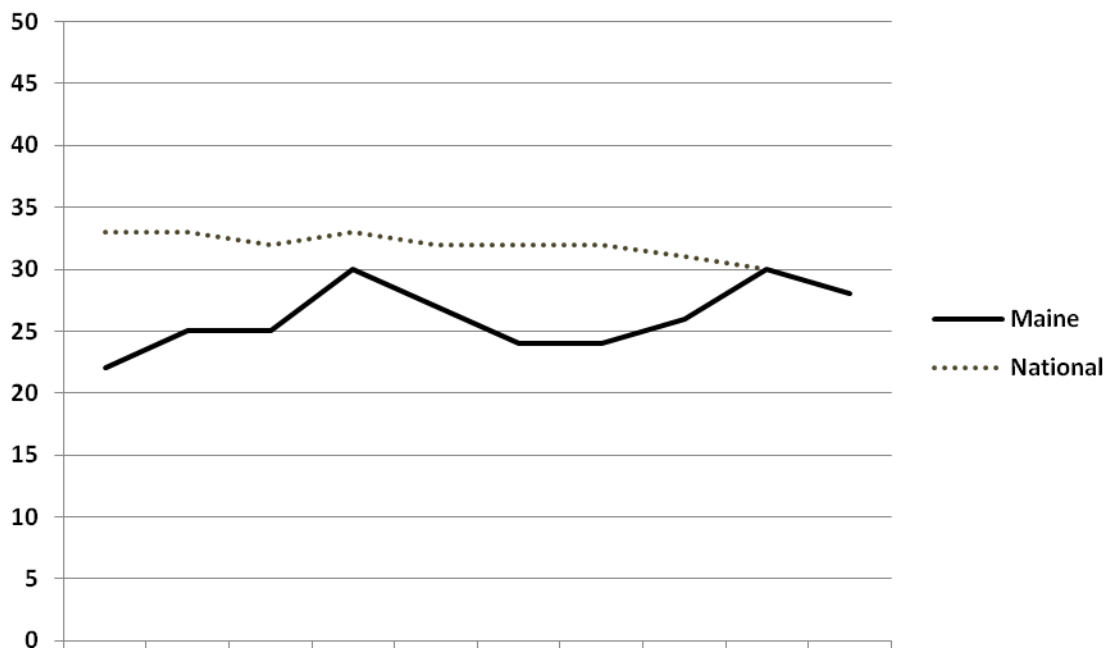
<sup>2</sup>The Maine Department of Public Safety (MDPS) collects data from each law enforcement agency on forcible rape offenses. Offenses are victim reports to law enforcement, rather than an arrest for a crime. Forcible rape is defined by MDPS as “the carnal knowledge of a female forcibly and against her will.” This category includes attempted forcible rape, but excludes statutory rape or other sex offenses. Because forcible rape is one of eight crimes reported to the FBI on an annual basis, this offense classification remains the same between the national and state levels.

**Forcible Rape Offense Reports**

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Maine	239	320	326	377	354	315	326	339	391	375

*National Comparison:* In 2008, the rape offense rate in Maine was 28/100,000 population. This is a 49.2% increase from the rate in 1999. In the last 10 years, the highest rape offense rate in Maine was in 2007 (30/100,000 population). The national rate is not available for 2008, but overall, Maine ranked 32<sup>nd</sup> in the nation in 2008 (see Chart 2), and is moving closer to the national average.

**Chart 2: Rape Offenses/100,000, Maine vs. USA  
1999-2008**



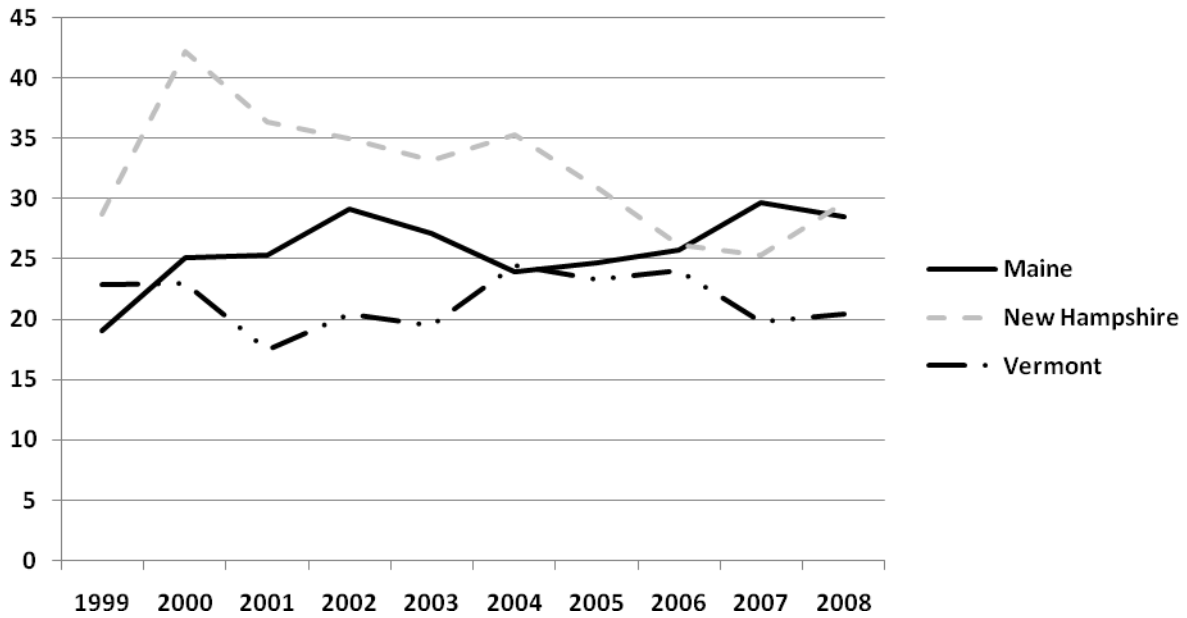
**Rape Offenses/100,000**

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Maine	22	25	25	30	27	24	24	26	30	28
National	33	33	32	33	32	32	32	31	30	NA

*Regional Comparison:* Maine has shown a relative increase in the rate of reported forcible rape offenses, especially over the last five years, resulting in a rate that may soon surpass New Hampshire as the highest rate in Northern New England, if the current trend continues. Although the reasons for this upward trend are unknown, this increase may at least partially be explained by increased collaboration between victim service providers and law enforcement.

Since 2004, Maine’s reported forcible rape offense rate has increased 19.2%, compared to a decline of 15.9% in New Hampshire and a 16.7% decline in Vermont.<sup>3</sup>

**Chart 3: Forcible Rape Offense Reports per 100,000  
Regional Comparison, 1999-2008**



**Forcible Rape Offense Reports**

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Maine</b>	19.1	25.1	25.3	29.1	27.1	23.9	24.7	25.7	29.7	28.5
<b>New Hampshire</b>	28.7	42.2	36.4	35	33.2	35.3	30.9	26.2	25.3	29.7
<b>Vermont</b>	22.9	23	17.5	20.4	19.5	24.5	23.3	24	19.8	20.4

<sup>3</sup>Maine’s forcible rape offense rate was higher in 2008 than all other New England states except New Hampshire.

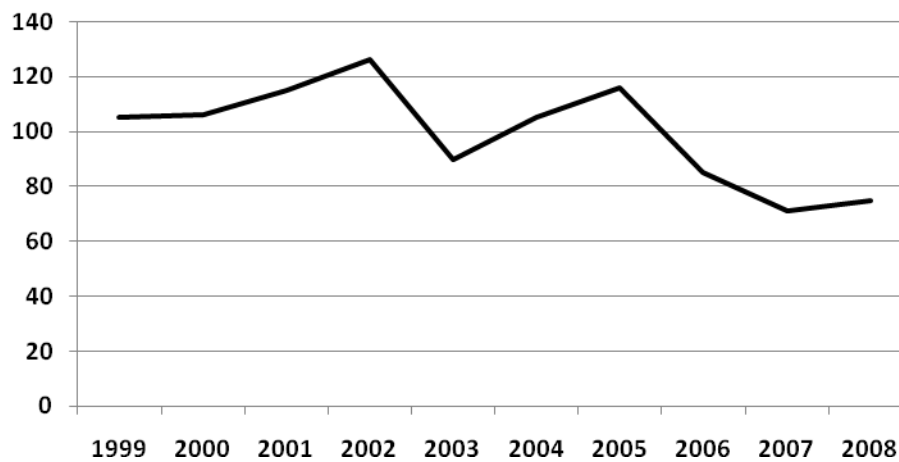


### ***Forcible Rape and Sex Offense Arrests<sup>4</sup>***

Examining arrest rates offers a chance to understand who is committing forcible rape and sex offense crimes in Maine. The data in this section constitute crimes reported to law enforcement (Index and Non-Index) which resulted in an arrest. The arrest data cannot be compared precisely with the Uniform Crime Report (UCR) data because an individual may have been arrested several times during the year or have been arrested for a crime committed the previous year. Moreover, the data should not be analyzed as an annual accounting of the number of persons arrested, but rather, as the number of arrests reported by law enforcement. One arrest is counted for each separate occasion in which an individual is either arrested, cited or summonsed for criminal acts.<sup>5</sup>

In 2008, there were 75 forcible rape arrests in Maine. This is a 28.6% decrease in forcible rape arrests compared with the number of arrests in 1999. Over the last ten years, 2002 saw the highest number of forcible rape arrests (126). Overall, Maine ranked 34th in the nation in 2008 in the number of forcible rape arrests.

***Chart 4: Forcible Rape Arrests in Maine  
1999 - 2008***



### ***Forcible Rape Arrests***

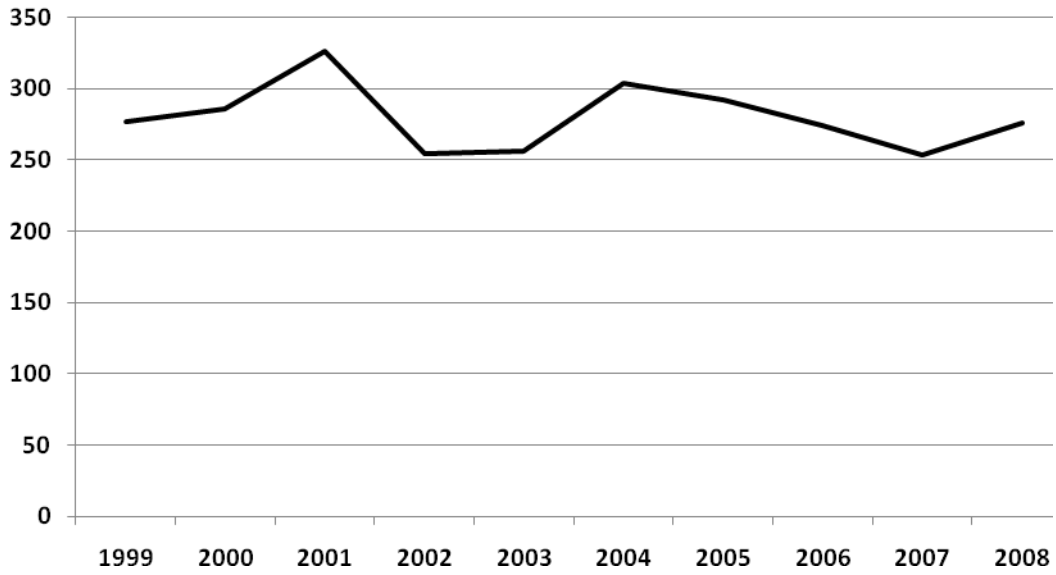
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Maine</b>	105	106	115	126	90	105	116	85	71	75

In 2008, there were 276 sex offense arrests in Maine. Over the last ten years, 2001 saw the highest number of sex offense arrests (326).

<sup>4</sup>MDPS collects data from each law enforcement agency on sex offense arrests. Since sex offenses are not an Index Crime, Maine does not collect data on the number of incidents reported. As defined by MDPS, a sex offense can include, “adultery and fornication, buggery, incest, indecent exposure, sodomy, statutory rape, and all attempts to commit any of these crimes.” Forcible rape is a separate category, and not included in these totals.

<sup>5</sup>All charts and tables in this section use data from the Maine Department of Public Safety’s Crime in Maine series, the FBI’s Uniform Crime Reports, and the Center for Sex Offender Management data center.

*Chart 5: Sex Offense Arrests in Maine  
1999 - 2008*

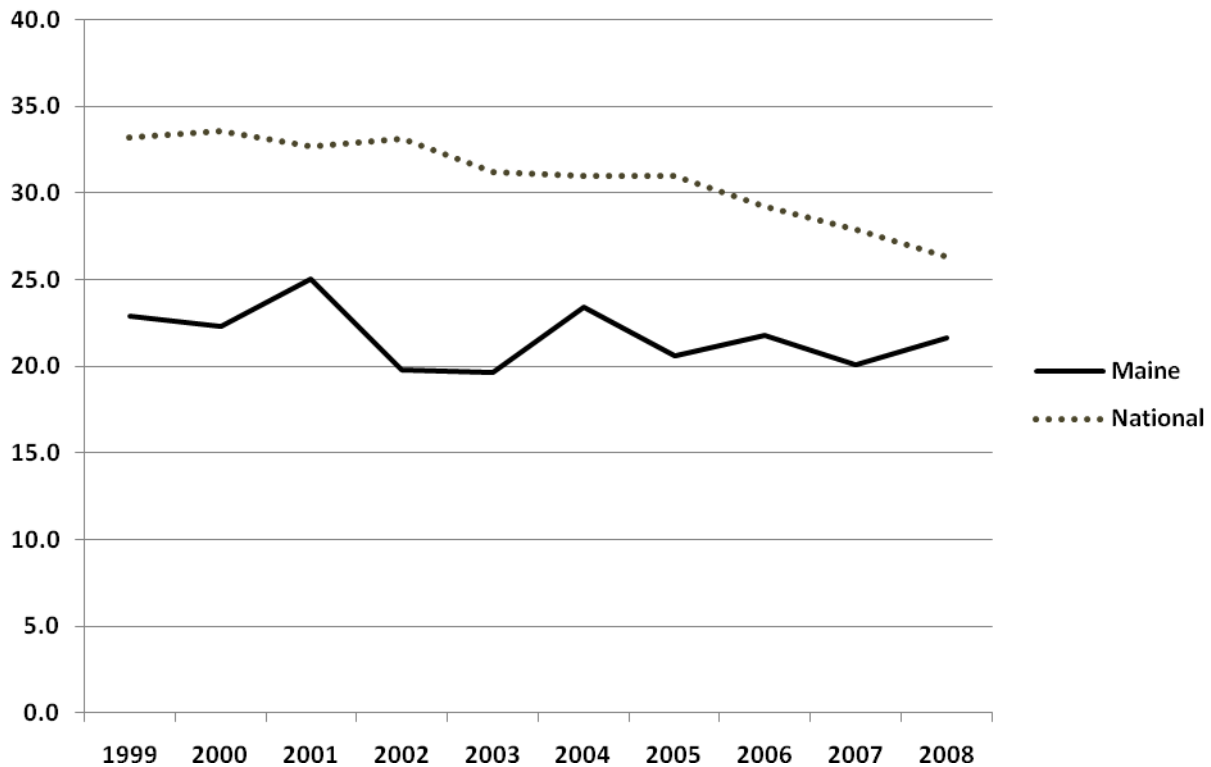


***Sex Offense Arrests***

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Maine	277	286	326	254	256	304	292	274	253	276

*National Comparison:* In 2008, the sex offense arrest rate in Maine was 21.6/100,000 population. Maine’s sex offense rate has fluctuated between 20 and 25 per 100,000 population in the last ten years. The national sex offense rate, while higher than Maine’s, has slowly declined, and in 2008 was 26.3/100,000 population. Overall, Maine ranked 18<sup>th</sup> in the nation in 2008, higher than all other New England states.

**Chart 6: Sex Offense Arrests per 100,000  
National Comparison, 1999 - 2008**

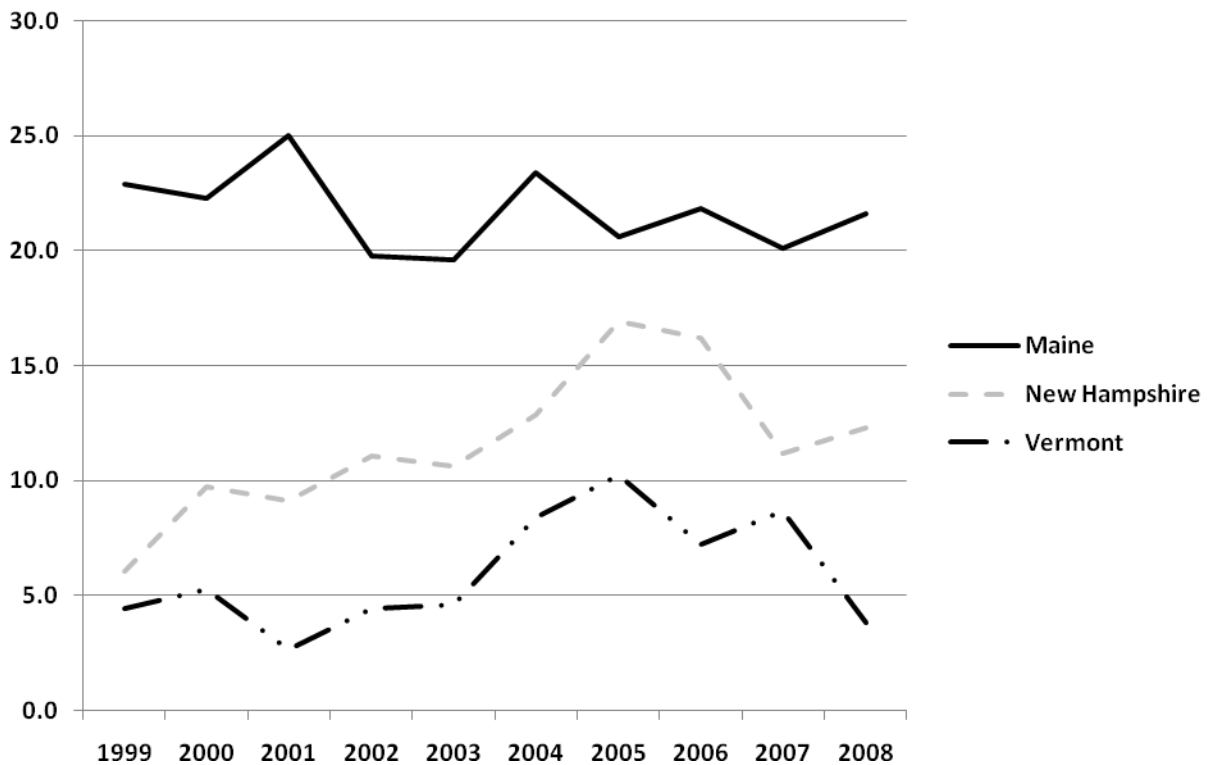


**Sex Offense Arrests/100,000**

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Maine</b>	23	22	25	20	20	23	21	22	20	21
<b>National</b>	33	34	33	33	31	31	31	29	28	26

Regional Comparison: Maine has maintained a consistently higher sex offense arrest rate than its neighboring states. In 2008, Maine’s sex offense arrest rate was nearly twice as high as New Hampshire and five times higher than Vermont. Since 1999, Maine’s sex offense arrest rate has increased 5.7% compared to an increase of 26.8% in New Hampshire and a 13.3% decline in Vermont.

*Chart 7: Sex Offense Arrests per 100,000 People  
Regional Comparison, 1999 - 2008*



**Sex Offense Arrests/100,000**

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Maine</b>	23	22	25	20	20	23	21	22	20	21
<b>New Hampshire</b>	6	10	9	11	11	13	17	16	11	12
<b>Vermont</b>	4	5	3	4	5	8	10	7	9	4

## Section II: Maine's Sex Offender Recidivism Outcomes

In recent years, prisoner reentry has become an important issue within the field of corrections and with the public. There has been a widespread increase in the numbers of offenders released into communities, accompanied by an increase in re-offending rates in the United States.

While any offender's subsequent reoffending is of public concern, the prevention of sexual violence is particularly important, given the irrefutable harm that these offenses cause victims and the fear they generate in the community.

To that end, tracking, describing, and analyzing outcomes (recidivism) of released offenders is an important activity for correctional assessment. This section will provide an overview of recidivism outcomes in Maine for two groups: 1) sex offenders leaving prison and 2) sex offenders entering probation. The data are collected by the Maine Department of Corrections.

- 1) *Return Rates of Sex Offenders Released from Incarceration between 2004-2008*
- 2) *The cohort of all offenders released from Maine DOC facilities<sup>6</sup> between 2004 and 2008 consisted of 5,315 individuals. Slightly more than 10% (552) were characterized as sex offenders. By age, sex offenders were significantly older than other offenders. At the time of release, 28.6% of sex offenders were older than 44 years old, compared with 13.7% of other offenders<sup>7</sup>. The median age of all sex offenders was 39 years, nine years older than other offenders. This age difference is due in large part to sentence length. Sex offenders had significantly longer sentences than other offenders.*

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<sup>6</sup>Bolduc Correctional Facility, Central Maine Pre-Release Center, Charleston Correctional Facility, Downeast Correctional Facility, Maine Correctional Center, Maine State Prison, Women's Reentry Center.

<sup>7</sup>Sex Offenders had at least one adjudicated (convicted) offense which falls into the category of a sex offense.

**Table 1: Demographic Characteristics of Offenders Released from Prison between 2004-2008**

Prisoner Characteristic	All		Sex Offender*		Other Offender	
	N	%	N	%	N	%
<b>Race</b>						
White	4,668	87.8%	496	89.9%	4,172	87.6%
Black	295	5.6%	23	4.2%	272	5.7%
Other	352	6.6%	33	6.0%	319	6.7%
<b>Age at release</b>						
18-24	1,106	20.8%	54	9.8%	1,052	22.1%
25-29	1,240	23.3%	82	14.9%	1,158	24.3%
30-34	812	15.3%	79	14.3%	733	15.4%
35-39	717	13.5%	86	15.6%	631	13.2%
40-44	629	11.8%	93	16.8%	536	11.3%
45 or older	811	15.3%	158	28.6%	653	13.7%
<b>Year of Release</b>						
2004	1,009	19.0%	109	19.7%	900	18.9%
2005	1,034	19.5%	120	21.7%	914	19.2%
2006	996	18.7%	112	20.3%	884	18.6%
2007	1,098	20.7%	113	20.5%	985	20.7%
2008	1,178	22.2%	98	17.8%	1,080	22.7%
<b>Age at release</b>						
Average**	33.5		38.9		32.9	
Median**	31		39		30	
<b>Total Released</b>	<b>5,315</b>		<b>552</b>		<b>4,763</b>	

\*Includes Rape

\*\* -  $P < .01$

### 3) Re-incarceration Rates of Sex Offenders released from prison between 2004-2008

Sex offenders had statistically significant lower rates of return to prison for a new crime than other offenders at one, two, and three years after release from prison. Within one year, 4.0% of sex offenders returned to prison (for any new crime) compared to 7.1% of other offenders. Sex offender return rates after two and three years were 8.8% and 15.0%, which were lower than the return rate of all other offenders at 15.1% and 21.0%, respectively.

However, sex offender return rates for sex offenses at one, two, and three years were 0.7%, 1.8%, and 3.8% which were 14, 18, and 38 times higher than the return rate of other offenders.

**Table 2: Recidivism Measure, Re-Incarceration to Prison**

	All		Sex Offender		Other Offender	
<b>Within 1 Year Following Release (2004-2008)</b>	N	%	N	%	N	%
Returned to prison with a new sentence for any type of crime**	360	6.8%	22	4.0%	338	7.1%
Returned to prison with a new sentence for felony**	244	4.6%	8	1.4%	236	5.0%
Returned to prison with a new sentence for misdemeanor	116	2.2%	14	2.5%	102	2.1%
Returned to prison for technical violation*	167	3.1%	27	4.9%	140	2.9%
Returned to prison with a new sentence for any type of crime or technical violation* <sup>8</sup>	668	12.6%	53	9.6%	615	12.9%
Returned to prison for sex offense**	5	0.1%	4	0.7%	1	0.02%
<b>Total Released</b>	<b>5,315</b>		<b>552</b>		<b>4,763</b>	

<b>Within 2 Years Following Release (2004-2007)</b>						
Returned to prison with a new sentence for any type of crime**	595	14.4%	40	8.8%	555	15.1%
Returned to prison with a new sentence for felony**	409	9.9%	19	4.2%	390	10.6%
Returned to prison with a new sentence for misdemeanor	186	4.5%	21	4.6%	165	4.5%
Returned to prison for technical violation*	263	6.4%	41	9.0%	222	6.0%
Returned to prison with a new sentence for any type of crime or technical violation**	996	24.1%	86	18.9%	910	24.7%
Returned to prison for sex offense**	11	0.3%	8	1.8%	1	0.1%
<b>Total Released</b>	<b>4,137</b>		<b>454</b>		<b>3,683</b>	

<b>Within 3 Years Following Release (2004-2006)</b>						
Returned to prison with a new sentence for any type of crime**	617	20.3%	51	15.0%	566	21.0%
Returned to prison with a new sentence for felony**	440	14.5%	24	7.0%	416	15.4%
Returned to prison with a new sentence for misdemeanor	177	5.8%	27	7.9%	150	5.6%
Returned to prison for technical violation**	259	8.5%	42	12.3%	217	8.0%
Returned to prison with a new sentence for any type of crime or technical violation	1002	33.0%	98	28.7%	904	33.5%
Returned to prison for sex offense**	17	0.6%	13	3.8%	4	0.1%
<b>Total Released</b>	<b>3,039</b>		<b>341</b>		<b>2,698</b>	

\*  $p < .05$  \*\*  $p < .01$

<sup>8</sup>This row of data include individuals who returned to prison for an unspecified revocation event.

#### 4) Sex Offenders Admitted to Probation between 2004-2008

The cohort of offenders released to probation between 2004 and 2008 consisted of 18,295 individuals. Slightly fewer than 5% (4.9%), (897) were characterized as sex offenders. Similar to the racial breakdown among those offenders leaving prison, probationer sex offenders and offenders of other crimes were not significantly different by race. By age, sex offenders were older than other offenders. At the time of admission to probation, 28.7% of sex offenders were older than 44 years old, compared with 15.7% of other offenders. The median age of all sex offenders was 37 years, which was seven years older than other offenders on probation.<sup>9</sup>

**Table 3: Demographic Characteristics of Offenders Released to Probation between 2004-2008**

Probationer Characteristic	All		Sex Offender*		Other Offender	
	N	%	N	%	N	%
<b>Race</b>						
White	16,838	92.0%	825	92.0%	16,013	92.0%
Black	560	3.1%	24	2.7%	536	3.1%
Other	897	4.9%	48	5.4%	849	4.9%
<b>Age at release</b>						
18-24	5,160	28.2%	162	18.1%	4,998	28.7%
25-29	3,324	18.2%	116	12.9%	3,208	18.4%
30-34	2,441	13.3%	119	13.3%	2,322	13.3%
35-39	2,289	12.5%	119	13.3%	2,170	12.5%
40-44	2,079	11.4%	124	13.8%	1,955	11.2%
45 or older	2,992	16.4%	257	28.7%	2,735	15.7%
<b>Year of Release</b>						
2004	4,699	25.7%	196	21.9%	4,503	25.9%
2005	3,540	19.3%	195	21.7%	3,345	19.2%
2006	3,332	18.2%	173	19.3%	3,159	18.2%
2007	3,316	18.1%	178	19.8%	3,138	18.0%
2008	3,408	18.6%	155	17.3%	3,253	18.7%
<b>Age at release</b>						
Average	33		38.2		32.7	
Median	31		37		30	
<b>Total released</b>	18,295		897		17,398	

\*Includes Rape

<sup>9</sup> In Maine, probation is a court-ordered term of community supervision with specified conditions for a determinate period of time that cannot exceed the maximum sentence for the offender. It is imposed on an adjudicated offender who is placed under supervision in lieu of or subsequent to incarceration, with a requirement to comply with certain standards of conduct.



5) *Re-Arrest Rates of Sex Offenders Admitted to Probation between 2004-2008*

*Sex offenders on probation had lower rates of re-arrest for a new crime than other offenders at one, two, and three years after admission to probation. Within one year of admission to probation, sex offenders were re-arrested for any type of new crime at 17.2% compared with 24.9% for non-sex offenders, although their technical violations rates were higher. Sex offender re-arrest rates at two and three years were 25.1% and 31.8%, which were lower than the rate of other offenders at 31.7% and 35.0% respectively.*

**Table 4: Recidivism Measure, Re-Arrested**

	All		Sex Offender		Other Offender	
<b>Within 1 Year Entering Probation (2004-2008)</b>	N	%	N	%	N	%
Re-arrested for any type of crime	4,479	24.5%	154	17.2%	4,325	24.9%
Re-arrested for felony	1,218	6.7%	18	2.0%	1,200	6.9%
Re-arrested for misdemeanor	3,335	18.2%	138	15.4%	3,197	18.4%
Re-arrested for technical violation	5,434	29.7%	303	33.8%	5,131	29.5%
Re-arrested for sex offense	51	0.3%	10	1.1%	41	0.2%
Re-arrested for any type of crime or technical violation	8,296	45.3%	381	42.5%	7,915	45.5%
<b>Total Probation Entrants</b>	<b>18,295</b>		<b>897</b>		<b>17,398</b>	
<b>Within 2 Years Entering Probation (2004-2007)</b>						
Re-arrested for any type of crime	4,676	31.4%	186	25.1%	4,490	31.7%
Re-arrested for felony	1,361	9.1%	23	3.1%	1,338	9.5%
Re-arrested for misdemeanor	3,473	23.3%	165	22.3%	3,308	23.4%
Re-arrested for technical violation	5,561	37.3%	336	45.4%	5,225	36.9%
Re-arrested for sex offense	61	0.4%	18	2.4%	43	0.3%
Re-arrested for any type of crime or technical violation	8,098	54.4%	407	55.0%	7,691	54.3%
<b>Total Probation Entrants</b>	<b>14,891</b>		<b>740</b>		<b>14,151</b>	
<b>Within 3 Years Entering Probation (2004-2006)</b>						
Re-arrested for any type of crime	4,026	34.8%	181	31.8%	3,845	35.0%
Re-arrested for felony	1,195	10.3%	29	5.1%	1,166	10.6%
Re-arrested for misdemeanor	3,020	26.1%	158	27.8%	2,862	26.0%
Re-arrested for technical violation	4,704	40.7%	294	51.7%	4,410	40.1%
Re-arrested for sex offense	67	0.6%	22	3.9%	45	0.4%
Re-arrested for any type of crime or technical violation	6,484	56.0%	352	61.9%	6,132	55.7%
<b>Total Probation Entrants</b>	<b>11,569</b>		<b>569</b>		<b>11,000</b>	

## Findings

While Maine continues to be one of the safest states in the nation, rape and sexual assault remain one of the most chronically underreported crimes. Only 41% of victims report their assault<sup>10</sup>, and reliance on law enforcement data only can be unreliable when trying to measure the prevalence of the crime or gain a better understanding of trends. For example, in the 2006 Maine Crime Victimization Survey, 18.2% of respondents said they had been victimized by rape or attempted rape in their lifetime. Multi-disciplinary initiatives, such as Sexual Assault Response Teams, which help victims/survivors navigate legal and law enforcement systems more effectively, may lead to increased reporting, but it is unknown if that is the only factor. Recent statistics show that many victims/survivors are being served by Maine's nine sexual assault support programs. The numbers have increased from 2,362 in 2000 to 2,800 in 2008.<sup>11</sup>

The data on sex offender state prison release recidivism suggest that sex offenders do not reoffend at significantly higher rates than other offenders. Of the 552 sex offender prisoners released from a state correctional facility since 2004, the one, two and three year re-incarceration rates for a new crime was lower than other offenders, while technical violation rates were higher for the same period. Sex offenders were older than other offenders, which may be a factor in the lower re-incarceration rate for a new offense, as older offenders generally reoffend at lower rates than younger offenders. Because the prison data did not include risk assessment or data, this report cannot identify whether sex offenders were considered a "riskier" population for reoffending.

Adult probationer sex offender recidivism rates were similar to the findings of prisoners released from a state correctional facility. From 2004 to 2008, the one year re-arrest rate of sex offenders for any new crime was lower than for other offenders (17.2% vs. 24.9%). However, technical violation rates were higher for sex offenders than other offenders at one, two, and three years. These rates may reflect MDOC policy to have specially trained, specialized probation officers supervising sex offenders more intensively in communities than other offenders.

Overall, there is much more to learn about factors associated with the likelihood of re-offense of sex offenders. Ongoing dialogue between researchers and practitioners supervising and treating sex offenders is essential to gather information about offenders and the events leading

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<sup>10</sup>Rand, M. and Catalano, S. (2007). Crime Victimization, 2006. Washington D.C.: Bureau of Justice Statistics, U.S. Department of Justice.

<sup>11</sup>Maine Coalition Against Sexual Assault (MECASA) Center Statistics 2007-2008.

up to offenses, and to ensure that research activity can be translated into strategies to more effectively manage sex offenders in the community.

Ultimately, research on sex offender recidivism must be designed and applied to practice with the goals of preventing further victimization and creating safer communities.<sup>12</sup>

This report attempted to define multiple measures of recidivism, considering re-offense rates for both sex crimes and all other offenses, and utilizing consistent follow-up periods. Future reporting on sex offenders will expand the follow up period (five years or more) and examine specific types of sex offenders.

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<sup>12</sup>See <http://www.csom.org/pubs/recidsexof.html> Center of Sex Offender Management, "Recidivism of Sex Offenders" May 2001

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