

Massachusetts Department of Correction
Luis S. Spencer, Commissioner

ANALYSIS OF 'OTHER' OFFENDER POPULATION GROWTH

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Introduction

From January 1, 2002 to 2011, the 'Other' offender population has increased by 133%. The Massachusetts Department of Correction (MA DOC) criminally sentenced jurisdiction population of 'Other' offenders has increased from 334 in 2002 to 778 in 2011. From 2002 to 2011, two other offender populations increased in number, Person and Drug offenders, increasing by 6%, and 16% respectively, while 'Property' and 'Sex' offender populations decreased by 21%, and 5% respectively. In relationship to the four other offender populations, the 'Other' offender population has increased significantly throughout the trend period, 2002 to 2011. This brief will detail sentencing trends of 'Other' offenders amongst the Department's January 1st snapshot populations from 2002 to 2011, as well as new court commitment admissions from 2001 to 2010, in order to identify attributes generating this offender population increase.

Notable Definitions

Criminally Sentenced or "Sentenced": An individual who has been found guilty of a criminal offense through legal means, and is required to be incarcerated.

Jurisdiction Population: An individual is considered to be under Massachusetts DOC jurisdiction when the Commonwealth has legal authority over the individual regardless of where the inmate is being held to include those incarcerated in Massachusetts DOC facilities as well as those housed in correctional facilities outside of the Massachusetts DOC (Massachusetts Houses of Correction, other state's correctional facilities and the Federal Bureau of Prisons).

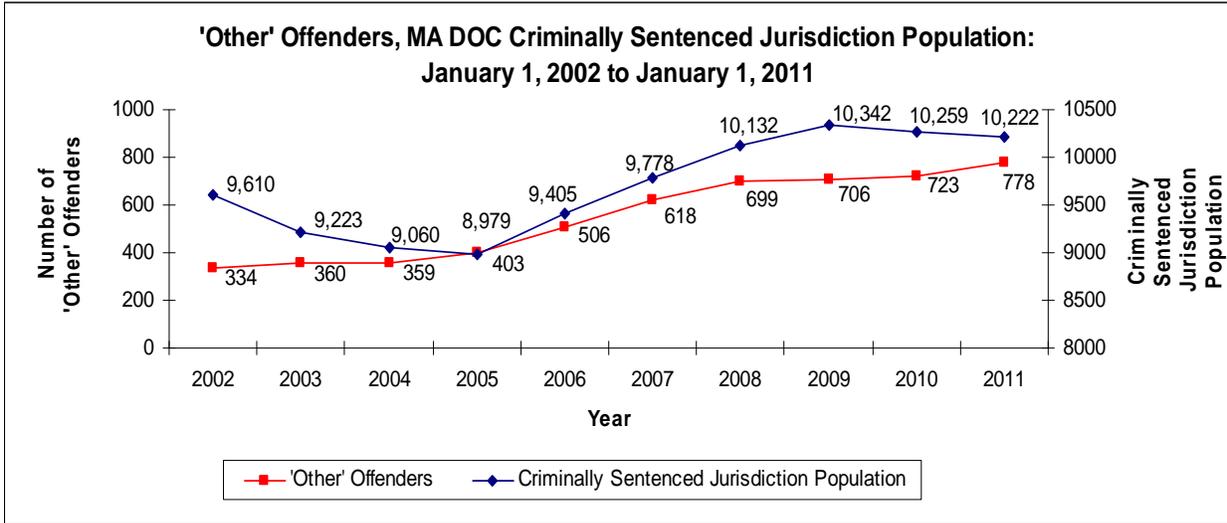
Governing Offenses: Individuals may be incarcerated for multiple offenses. The governing offense is that associated with the longest maximum discharge date. It is a standard practice, nationally, to use a "governing" offense when multiple, and sometimes different offense types occur.

Other Offenses: Miscellaneous offenses that are not clearly categorized into an offense category (Person, Property, Sex, or Drug) including obstruction of justice, OUI, prostitution, and some weapons possession.

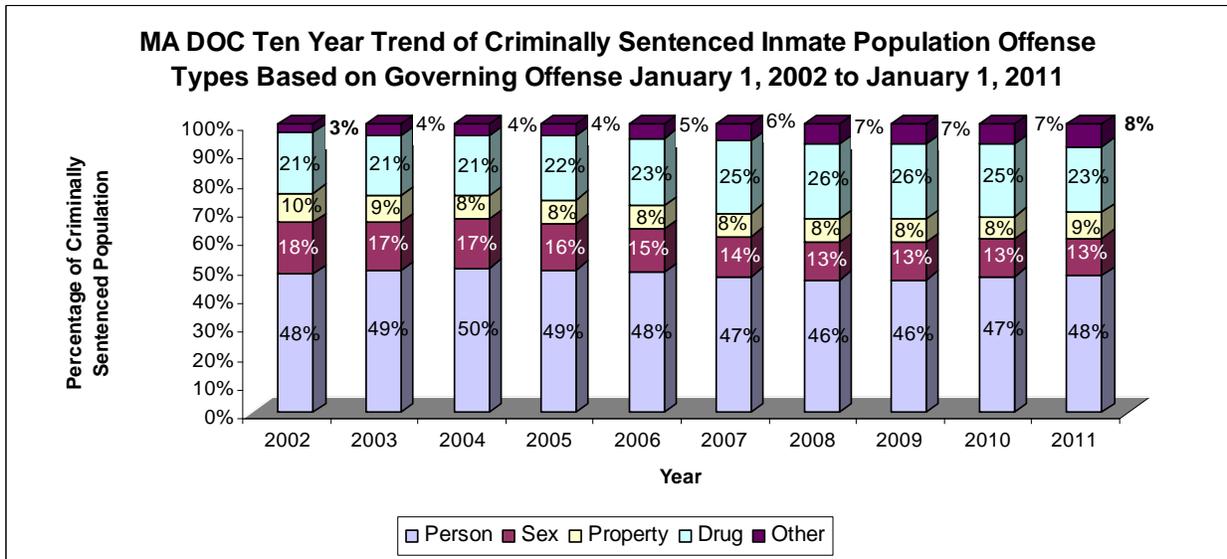
'Other' offenders: Inmates with a governing offense that is categorized as an Other Offense.

New Court Commitments: Individuals committed by the courts to the MA DOC as a result of a criminal offense. All new court commitments and those individuals who began serving new sentences (e.g., From and After Sentences) during the year are included in this category even if there was no physical release from custody when they moved from one sentence to another. If an individual is committed to the MA DOC more than once, each court commitment for that individual is counted separately.

January 1, 2002 to 2011 'Other' Offender Population



The MA DOC jurisdiction population of 'Other' offenders has been effectively increasing in number annually since 2005. From January 1, 2002 to 2011, the 'Other' offender's population increased in number at an average annual percentage rate of 13.3%, while MA DOC's criminally sentenced population increased at an annual percentage rate less than 1% (.6%).



Proportionally the 'Other' offender offense type category has increased from 3% of MA DOC criminally sentenced population on January 1, 2002 to 8% on January 1, 2011. Thus, the percentage of criminally sentenced inmate's serving a governing 'Other' offense has increased by 5% from January 1, 2002 to January 1, 2011.

January 1, 2002 to 2011 'Other' Offender Population

MA DOC January 1, 2002 to 2011 'Other' Offender Governing Sentence Descriptions												
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Total	2002 vs 2011 % Diff
Other Weapon Offenses*	93	96	117	153	207	253	312	356	374	419	2,380	351%
Bartley-Fox Gun Law**	50	65	75	85	119	135	135	138	126	120	1,048	140%
OUI w/ or w/out Injury	89	89	85	77	91	106	127	133	119	115	1,031	29%
Intimidation of Witness/Juror	17	18	15	17	17	24	27	22	29	44	230	159%
Other Motor Vehicle Offenses	12	14	13	12	17	12	13	12	16	13	134	8%
Prostitution	13	14	12	15	14	22	19	4	12	9	134	-31%
Attempt to Commit Crime	11	7	11	13	11	11	8	12	13	23	120	109%
Escapes	5	14	10	8	8	14	18	3	3	4	87	N/A
Perjury	2	7	3	2	4	11	13	5	7	8	62	N/A
Public Peace Crimes	9	7	7	4	4	7	4	3	3	2	50	N/A
Domestic Abuse Prevention	10	10	3	2	1	4	3	5	5	6	49	-40%
Leaving the Scene	5	6	1	3	3	4	2	2	5	6	37	N/A
Habitual Criminal	6	6	3	4	3	3	6	0	0	0	31	N/A
Delivering/Receiving Articles to Inmates	2	3	1	2	1	4	3	3	3	1	23	N/A
Deriving Support from Prostitution	2	0	1	1	1	2	1	5	4	3	20	N/A
Resisting Arrest	3	1	0	3	0	2	4	0	2	1	16	N/A
Other	3	3	1	0	0	0	0	0	0	1	8	N/A
Bribery/Corruption	0	0	0	0	2	1	0	1	1	1	6	N/A
Obstruction of Justice	0	0	0	0	2	0	1	1	1	0	5	N/A
Trespassing	2	0	0	0	0	1	0	1	0	0	4	N/A
Violation of Labor Laws	0	0	1	1	1	0	0	0	0	0	3	N/A
Cruelty to Animals	0	0	0	0	0	1	2	0	0	0	3	N/A
Loan Sharking	0	0	0	0	0	1	1	0	0	0	2	N/A
Poss F/A Removed	0	0	0	0	0	0	0	0	0	1	1	N/A
Abandonment of Child	0	0	0	0	0	0	0	0	0	1	1	N/A
Possession of Alcohol Under 21	0	0	0	1	0	0	0	0	0	0	1	N/A
Total	334	360	359	403	506	618	699	706	723	778	5,486	133%

Please note: The offenses are arranged in descending order by total count of the offense. Also, 2002 vs. 2011 percentage differences are only presented for offenses with at least ten offenders in 2002.

From January 1, 2002 to 2011, the following four 'Other' offenses increased in number by more than 100%: "Other Weapon Offenses," "Bartley-Fox Gun Law," "Intimidation of Witness/Juror," and "Attempt to Commit Crime." However, driving the population increase of 'Other' offenders are two weapon related offenses: "Other Weapon Offenses," and "Bartley-Fox Gun Law." Combined, these two offense subcategories increased in number by 361% from 143 in 2002 to 539 in 2011, with "Other Weapon Offenses" increasing by 351% from 93 in 2002 to 419 in 2011, and "Bartley-Fox Gun Law" increasing by 140% from 50 in 2002 to 120 in 2011. These two offense subcategories accounted for 89% of the increase in number of 'Other' offenders to the MA DOC January 1st jurisdiction population from 2002 to 2011.

***Other Weapon Offenses:** Includes weapon related offenses that are not categorized into a specific offense description. Examples of statutes included in this offense description include: sale of ammunition, violation of gun license statute, carrying dangerous weapon, quantity of firearms, defacing a firearm, etc.

****Bartley-Fox Gun Law:** Weapons violation, carrying a firearm without a license.

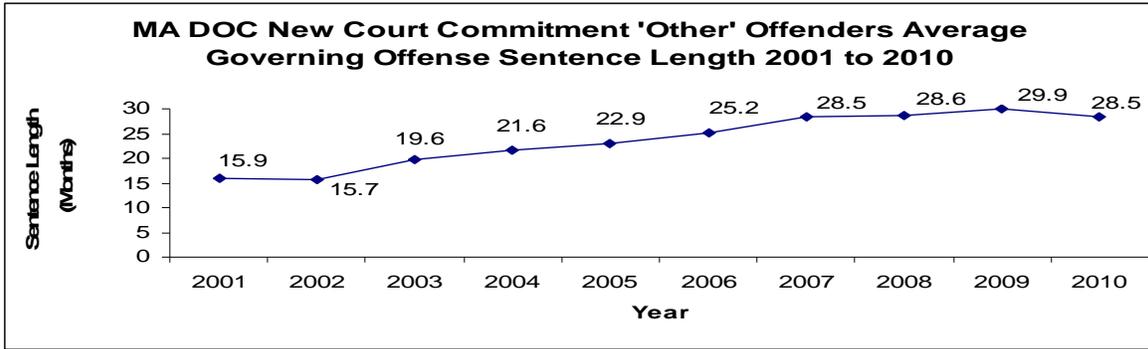
New Court Commitments ‘Other’ Offender Populations 2001 to 2010

MA DOC Criminally Sentenced Jurisdiction Population New Court Commitments of 'Other' Offenders from 2001 to 2010												
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total	2001 vs 2010 % Diff
OUI w/ or w/out Injury	107	109	108	119	138	111	126	144	120	120	1,202	12%
Other Weapon Offenses	21	28	43	62	87	84	107	107	101	120	760	471%
Other Motor Vehicle Offenses	53	52	50	65	66	69	95	68	62	65	645	23%
Prostitution	44	54	66	56	84	62	74	54	59	40	593	-9%
Bartley-Fox Gun law	21	33	37	39	61	58	63	55	63	60	490	186%
Other Decency/Public Peace Crimes	44	42	33	29	27	45	38	35	30	19	342	-57%
Leaving the Scene	10	9	9	12	9	13	13	17	13	18	123	80%
Domestic Abuse Prevention	7	11	21	9	7	11	7	10	8	8	99	N/A
Resisting Arrest	5	8	2	11	12	9	11	7	8	20	93	N/A
Intimidation of Witness/Juror	4	7	3	6	3	5	10	11	17	24	90	N/A
Attempt to Commit Crime	8	7	10	8	6	10	6	10	7	17	89	N/A
Trespassing	8	5	4	6	9	10	7	6	3	7	65	N/A
Perjury/Contempt of Court	1	3	4	0	8	5	3	5	11	14	54	N/A
Obstruction of Justice	1	2	3	4	4	3	4	6	2	4	33	N/A
Escapes	6	6	6	1	1	2	4	1	2	2	31	N/A
Delivering/Receiving Articles to Inmates	3	0	1	3	0	2	1	1	1	1	13	N/A
Deriving Support from Prostitution	0	0	1	0	1	1	0	5	2	0	10	N/A
Possession of Alcohol Under 21	1	1	0	3	0	1	2	0	1	0	9	N/A
Other	1	1	2	0	0	0	1	0	3	0	8	N/A
Habitual Criminal	1	0	0	2	1	0	2	0	0	0	6	N/A
Cruelty to Animals	0	1	0	1	0	1	2	1	0	0	6	N/A
Bribery/Corruption	0	0	0	0	2	0	0	1	0	1	4	N/A
Violation of Labor laws	1	0	1	0	0	0	0	0	0	0	2	N/A
False Alarm or Fire/Removal of Fire Protective Devices	0	0	1	0	0	0	0	0	0	1	2	N/A
Non-Support or Abandonment of Child	0	0	0	0	0	0	0	0	0	1	1	N/A
Total	347	379	405	436	526	502	576	544	513	542	4,770	56%

Please note: The offenses are arranged in descending order by total count of the offense. Also, 2002 vs. 2011 percentage differences are only presented for offenses with at least ten offenders in 2002.

Additionally, from 2001 to 2010, the number of new court commitment ‘Other’ offender admissions to MA DOC’s jurisdiction population increased by 56% from 347 in 2001 to 542 in 2010. Similar to the Department’s January 1st snapshot populations, driving the increase in number of new court commitment ‘Other’ offenders admitted were once again, “Other Weapon Offenses,” and the “Bartley-Fox Gun Law.” These two offenses increased by 329% from 42 in 2001 to 180 in 2010. Thus, these two offense subcategories accounted for 71% of the increase in number of new court commitment ‘Other’ offender admissions from 2001 to 2010.

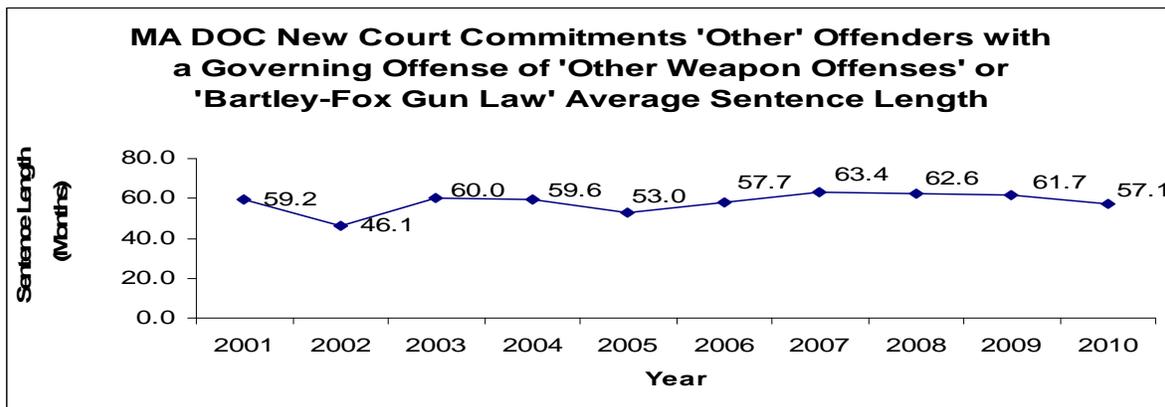
**New Court Commitment ‘Other’ Offender’s Average Governing Sentence Length
2001 to 2010**



*The average governing offense sentence length is based on the governing offense’s max term.

Additionally, from 2001 to 2010, the average governing offense sentence length for new court commitment ‘Other’ offenders increased by 79% from 15.9 months in 2001 to 28.5 months in 2010. The average sentence length for ‘Other’ offenders increased annually from 2002 to 2009, incurring a slight decrease from 2009 to 2010. During the trend period, the shortest average governing sentence length was in 2002, 15.7 months, and the longest average sentence length was in 2009, 29.9 months. Thus, average sentence length of ‘Other’ offenders increased by 14.2 months, 90% from 2002 to 2009.

New Court Commitment ‘Other’ Offender’s with a Governing Offense of ‘Other Weapon Offenses’ or ‘Bartley-Fox Gun Law’ Average Governing Sentence Length 2001 to 2010



*The average governing offense sentence length is based on the governing offense’s max term.

These two ‘Other’ offense subcategories, which are driving the increase in MA DOC’s ‘Other’ offender population average prodigiously longer sentence lengths. For example, in 2010 the average sentence length for a new court commitment ‘Other’ offender was 28.5 months, while for an inmate serving specifically for ‘Other Weapon Offenses’ or ‘Bartley-Fox Gun Law’ was 57.1 months. Thus, not only is there an increase in new court commitments serving one of these two ‘Other’ offense subcategories, these admissions are also serving longer sentences, compared to the remainder of the ‘Other’ offender population.

Conclusion

The significant increase in number of *'Other'* offenders to the MA DOC criminally sentenced jurisdiction population has been driven by two specific weapon related offenses, as well as increased sentence length associated with *'Other'* offenders. Both MA DOC's January 1st population from 2002 to 2011, and new court commitment population from 2001 to 2010 incurred significant increases in number of *'Other'* offenders charged with "*Other Weapon Offenses*" or the "*Bartley-Fox Gun Law*". These two offense subcategories increased in number by 361% amongst the Department's January 1st populations from 2002 to 2011, and 329% amongst the Department's new court commitment populations admitted from 2001 to 2010. Also, driving this population increase is the average governing sentence length of new court commitment *'Other'* offenders, which increased by 79% from 2001 to 2010. Therefore, not only is there a significant increase in number of offenders being sentenced under these two weapon related offenses, the governing sentence lengths of *'Other'* offenders has also increased. Increases in sentence length will lead to offenders being in the MA DOC for longer lengths of stay, which contributes to generating this population increase.

This brief was written and prepared by Matthew Moniz, Research Analyst. Any comments or questions can be addressed by e-mail: research@doc.state.ma.us. Copies of publications from the Office of Strategic Planning & Research can be found at <http://www.mass.gov/doc>.

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