



Three Critical Sentencing Elements
Reduce Recidivism:
A Comparison between Robbers and Other Offenders

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I sincerely hope the information in this report will provide policy makers and criminal justice practitioners with an improved understanding of recidivists, and of robbers in particular. Hopefully, these officials will use this report to create laws, policies, and sentences that will efficiently and substantially reduce recidivism.

Steven J. Semmann

The statements and observations contained in this report that are not expressly attributed to others, are those of the author and do not necessarily reflect the official positions of the Wisconsin Sentencing Commission, the Wisconsin Supreme Court or Court System, or the State of Wisconsin.

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EXECUTIVE SUMMARY

Recidivism, as defined by the *Merriam-Webster Online Dictionary*, is “a tendency to relapse into a previous condition or mode of behavior; *especially*: relapse into criminal behavior.”

In large part, the purpose of studying recidivism is to gain an understanding of why criminal offenders recidivate and ultimately, to attempt to identify ways to prevent the relapses of criminal behavior. The findings from this study demonstrate that traits unique to individuals in distinct offense categories can be identified. By understanding these traits more thoroughly, sentences potentially can be crafted to reduce the likelihood of re-offending. As the statistics in this report suggest, moderating the behavior of these prolific offenders could have a real impact on reducing crime in the State of Wisconsin.

For this study of robbers, recidivism refers to adult offenders who were convicted by the courts and sentenced to any form of oversight by the Wisconsin Department of Corrections (DOC) on more than one occasion. These convictions included misdemeanor and felony offenses that occurred at any time between 1980 and 2003.

The goals of this study were threefold. First, to help criminal justice practitioners better understand the traits associated with specific groups of repeat offenders, in this case robbers. Second, to raise awareness of the significance of those traits when sentencing or making policy. Finally, to attempt to identify what an effective sentence is to prevent robbers from re-offending.

Section one of this report outlines general trends and traits of repeat offenders. Section two identifies traits specific to repeat robbery offenders. Section three examines the sentences received by these robbery offenders, while section four introduces and discusses a comprehensive sentencing model comprised of three elements that are critical to reducing recidivism. Throughout this study, findings from previously documented national and international studies are presented adjacent to corresponding Wisconsin statistics.

TRENDS, TRAITS, AND OBSERVATIONS OF ALL OFFENDERS

Previous studies have found that an offender’s criminal past is a compelling indicator of future recidivism. These findings are validated by the observations of Wisconsin offenders analyzed for this report. Of adult offenders sentenced to DOC multiple times, those with 1,2,3,4, and 5 prior offenses commit another offense 39%, 50%, 55%, 57%, and 58% of the time respectively. This re-offending percentage continues to increase with the number of priors.

Also consistent with previous studies, the Wisconsin statistics documented herein demonstrate that younger offenders recidivate at a rate much higher than older offenders. Roughly half of all offenses committed by DOC sentenced recidivists were ages 18 through 23. Other Wisconsin findings consistent with previous studies include the recidivism rates for gender and race. As expected, male recidivists in Wisconsin re-offended and are re-sentenced to DOC more often than females (38% versus 27%). American Indian and Black offenders topped the list of percent recidivating, followed by Hispanics, Whites, and Asian/Pacific Islanders.

Psychological and sentencing observations from eight national and international studies round out the first section on general recidivistic traits. Psychological and substance abuse problems

are briefly referenced along with past successes in predicting an offender's risk of recidivating through self-appraisal questionnaires and computer modeling.

TRENDS, TRAITS, AND OBSERVATIONS OF ROBBERY OFFENDERS

The findings of this study become particularly interesting and beneficial in the second section, which compares the characteristics of robbers to all other offenders. Studying individual offender groups results in the identification of traits unique to those offender groups. For example, the traits of robbers include:

- Robbers commit more offenses per offender than other offenders.
- Offenses committed by robbers are in general more severe than other offenders (70% felonies for robbers versus 35% felonies for other offenders).
- Robbers recidivate at a much higher rate than other offenders (65% versus 35%).
- Sentencing robbers may require a longer term view since robbers have criminal careers that span a long period of time.
- Robbers are younger than other offenders. Recidivistic robbers are younger than robbers who do not recidivate.
- There is no distinguishable point at which robbers "age out."
- The recidivism rate of female robbers is much higher than other female offenders (55% versus 26%).
- Specific racial groups recidivate at a rate higher than others, particularly when offense categories are looked at individually.
- Money, substance abuse, and unemployment are the primary reasons cited for robbing.
- Studies of the criminal histories of robbers suggest that there are in some cases identifiable progressions of offenses from retail theft to theft to burglary to robbery.

STUDY OF ROBBERY SENTENCES

Four questions were investigated during the study of robbery sentences. First, did robbers receive predominantly prison or probation sentences, and on what basis? Second, were there specific factors that influenced the duration of their sentences? Third, can an offender's risk to recidivate be determined by the factors selected on the Wisconsin Sentencing Guidelines Worksheets? Finally, did the sentences imposed on these robbers have an impact on whether they re-offended?

Data from DOC, the state trial courts, and the guidelines worksheets were analyzed. From data reported on the sentencing guidelines worksheets, robbers were sentenced to prison 82% of the time (91% for armed robbers, and 63% for unarmed robbers). Out of the many factors listed on the worksheets, judges deemed four specific factors worthy of prison sentences 100% of the time they were selected (Effect of Multiple Counts, a risk level assessment of 3 (out of 3), Employment Status at the time the Offense was Committed, and Great Bodily / Extreme

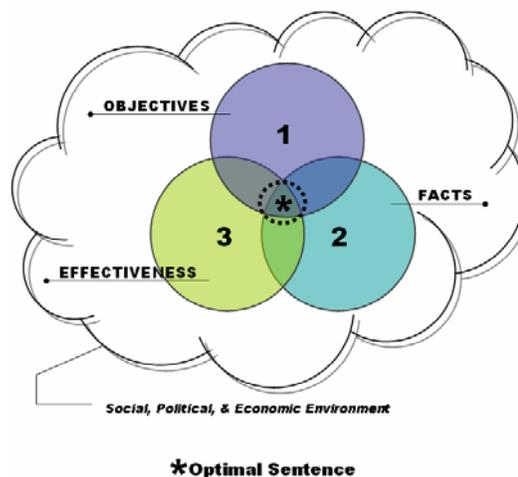
Emotional Harm). Even though a number of other worksheet factors were highly associated with sentences to prison, none were associated exclusively with sentences to probation.

A multivariate regression analysis was performed to determine the effect of each worksheet factor on the length of sentences imposed on robbers. Factors pertaining predominantly to a substantial criminal record and an “Aggravated” offense severity were found to increase the length of prison sentences. Health problems, age, and playing a minimal role in an offense all generally reduced sentence lengths. Being female also appears to greatly reduce prison sentence length. What is not clear is if the difference in the prison sentence lengths between male and female robbers is justified given the high rate of recidivism for female robbers.

IS THERE AN EFFECTIVE SENTENCE TO PREVENT RE-OFFENDING?

The current state of criminal justice data in Wisconsin, while not conducive to scientifically conclusive statements about effective sentences, allows for important observations about effective sentencing. A comprehensive sentencing model is offered for consideration after analyzing and merging the results of previous recidivism studies, Wisconsin recidivism statistics, Wisconsin case law, and Wisconsin statutory law.

Judges should consider three critical sentencing elements in order to substantially reduce recidivism. Those elements include: Element 1-Objectives of Sentencing; Element 2-Facts of the Case and Offender; and, Element 3-Effectiveness of Sentencing Options. The area at which the three elements intersect contains the optimal sentence to reduce an offender's likelihood to re-offend.



While the consideration of sentencing objectives and case and offender facts is required in Wisconsin, information regarding the long-term effectiveness of each sentencing option on each offender group is scarce to non-existent. The fact that there is a legally required convergence of Elements 1 and 2 in Wisconsin is perhaps the reason why recidivism rates are not higher. Likewise, the fact that little is known about sentence effectiveness creates only chance or seldom intersections with the other elements, and is perhaps at least part of the reason why recidivism rates are not lower.

RECOMMENDATIONS

Much can be learned about recidivism by studying the unique traits of repeat offenders from different offense groups. Ideally, the knowledge gained from the observations documented in this study will help practitioners generate sentences that will decrease the current rates of recidivism. Much more can and should be investigated in order to bring about a substantial reduction in the recidivism rates presented in this report.

Policy makers and criminal justice practitioners currently have the authority to change the way recidivism is addressed. The following recommendations are just some of the ways in which victimization and the expense created by repeat offenders could be moderated in the future:

- Support continued study of the traits associated with specific repeat offender groups. Doing so allows for observations such as those identified by the robbery analysis;
- Consider aggregate facts when sentencing (explained more fully in the text);
- Research and pilot new and different sentences;
- Create and implement a standard and consistently used defendant identification number for all criminal justice partners in Wisconsin to facilitate the study of necessary data;
- Expand the information collected on the sentencing guidelines worksheets;
- Devise and implement a system of identifying and tracking sentence effectiveness; and,
- Consider all three critical sentencing elements as one in order to reduce recidivism (explained more fully in the text).

INTRODUCTION

Recidivism, as defined by the *Merriam-Webster Online Dictionary*, is “a tendency to relapse into a previous condition or mode of behavior; *especially*: relapse into criminal behavior.” The United States Department of Justice, Bureau of Justice Assistance, defines recidivism simply as “The repetition of criminal or delinquent behavior.” As a topic, recidivism has been widely studied¹.

In large part, the purpose of studying recidivism is to gain an understanding of why criminal offenders recidivate and ultimately, to attempt to identify ways to prevent the relapses of criminal behavior.

The time of sentencing in the trial courts² is one point at which intervening in an offender's cycle of recidivism is possible. Determining the most effective sentence to prevent an offender from recidivating however, is a highly complex and historically elusive task. This fact is demonstrated by the high rate of recidivism for criminal offenders, which in previous studies, ranges from 40 to 78 percent depending on the offense category (Langan and Levin, 2002). The definition of recidivism also has a direct influence on the variations in recidivism rates presented.

Setting definitional differences aside for the moment, the fact that recidivism rates vary between offender groups suggests the following questions: What accounts for the rate differences between offender groups? And, are there ways to customize sentences to the individuals in each group to prevent, or at least reduce, the repeat offending?

Unfortunately, or fortunately depending on one's perspective, the process of sentencing is not purely theoretical. The process of sentencing is not limited exclusively to what might “in theory” work best for a particular offender. Rather, criminal sentencing subsists in an environment enmeshed in societal and political factors (Yates and Fording, 2005), economic factors³, and ever increasing structure and guidelines (Ulmer and Kramer, 1996). Despite these environmental influences, judges still bear in mind the predominant objectives of criminal sentencing while contemplating the specific facts regarding the offender being sentenced.

The process of criminal sentencing in Wisconsin is built on a solid foundation of judicial discretion. In a discretionary sentencing system, judges' access to comprehensive information at the time of sentencing is essential to the development of individualized sentences that are fair and effective. Providing relevant offender traits to sentencing judges can only help them in their efforts to achieve their sentencing objectives. The Wisconsin Supreme Court recognized this fact in State v. Gallion, 2004 WI 42, 270 Wis. 2d 535, 678 N.W.2d 197 (2004).

The justices opined, “[n]ow judges have an enhanced need for more complete information upfront, at the time of sentencing. Judges would be assisted in knowing about a defendant's propensity for causing harm” The justices continued “Information compiled by a sentencing commission will also be helpful in providing comparative data Experience has taught us to be cautious when reaching high consequence conclusions about human nature that seem to be intuitively correct at the moment. Better instead is a conclusion that is based on more complete and accurate information and reached by an organized framework for the exercise of discretion.” Gallion, 270 Wis. 2d at 555.

Studying the traits of repeat offenders and their offenses is consistent with the legislative directive to the Wisconsin Sentencing Commission (WSC). Section 973.30(j) Wis Stats. directs

the WSC to “Study how sentencing options affect various types of offenders and offenses.” Researching how sentencing options affect recidivists, then, is directly in keeping with WSC’s legislative charge. Researching recidivism is also in keeping with the Governor’s charge to the WSC. In late 2003, the Governor directed the WSC to study the “effectiveness of sentencing practices.”⁴ Analyzing recidivists and the sentences they receive is a sound way of accomplishing this directive. This report offers recidivism information in keeping with the Governor’s charge, legislative intent, and the Supreme Court’s notion of providing judges with “complete and accurate” information.

The goals of this study were threefold. First, to help criminal justice practitioners better understand the traits associated with specific groups of repeat offenders, in this case robbers.⁵ Second, to raise awareness of the significance of those traits when sentencing or making policy. Finally, to attempt to identify what an effective sentence is to prevent robbers from re-offending.

To accomplish the above goals, this report will:

- Compare statistics on general recidivistic traits gathered from documented studies;
- Identify some common and some unique traits of Wisconsin recidivists extracted from the automation systems of the circuit courts (Consolidated Court Automation Programs-CCAP⁶) and the Wisconsin Department of Corrections (DOC)⁷ (Correctional Accounting/Cashier Unit-CACU), which is the primary source for the recidivism statistics;
- Spotlight robbery offenders using statistics and traits drawn from literature and Wisconsin data;
- Document what Wisconsin circuit court judges identified as key sentencing factors for court cases associated with a specific group of robbers (These factors were the most frequently reported by judges on the Wisconsin Sentencing Guidelines Worksheets⁸ for Robbery and Armed Robbery); and,
- Introduce a sentencing model that includes three elements critical to reducing recidivism.

WSC provides this information on recidivism to criminal justice practitioners as a supplement to all other information available for consideration when sentencing or making policy. This compilation, including selected findings from previous studies and newly generated Wisconsin statistics, is to be used as an additional resource to better understand the make-up or traits of specific categories of offenders. By understanding repeat offenders and their traits more thoroughly, sentences could potentially be crafted to diminish re-offending. As the statistics in this report suggest, moderating the behavior of these prolific offenders could have a substantial positive impact on reducing crime in the State of Wisconsin.

DEFINING RECIDIVISM

As noted above, the term recidivism can be defined in a variety of ways. In addition to the literal definition, recidivism has various components that should be considered, particularly when comparing statistical information between studies. Allen Beck of the U.S. Bureau of Justice Statistics points out three concepts that should be examined in order to properly understand

recidivism. First, what is counted as recidivism? Are probation violations included in the calculation, or only new offenses. Second, what is the time frame of recidivism? Beck reports that time-frames in previous studies range from one to 22 years. Third, what is the basis for making sense of the data? Comparisons to similar programs or data should be made in order to know whether the figures presented are good or bad. Beck concludes by stating “Without keeping the three concepts...in mind, recidivism information will not be useful in knowledgeable decision-making” (Beck, 2001).

Other recidivism researchers caution that recidivism rates provided in most reports are presented broadly from general population rates, to rates for specific offender types (Jones and Connelly, 2001). Those same researchers question “Which numbers are more accurate? Should we use the overall recidivism rate when given or should we use those given by offender type?” While these are good questions to be mindful of when analyzing recidivism statistics, both general and specific numbers can still be accurate. Limiting the output to only one unit of measure or the other may result in the unintended consequence of hindering access to potentially insightful information. Offering both measures could be helpful in obtaining a better understanding of the nuances that make up this complex topic.

Readers should bear in mind one other point when reviewing recidivism information. Recidivism rates given for longer versus shorter periods of time do not necessarily indicate more or less meaningful results. These differing rates can simply be providing different information. Rates that include longer timeframes span more, or potentially all, of an offender’s criminal career. Recidivism rates given for shorter periods of time can be used to understand how quickly after some type of contact with authorities offenders have a subsequent contact. The type of contact also varies between recidivism reports and can include arrest, charging, or conviction.

Both general and specific statistical information will be presented in this report. The objective for doing so is to paint a more complete picture for consideration by practitioners throughout the criminal justice system as they participate in fashioning fair and effective sentences.

For this study, recidivism refers to adult offenders who were convicted by the courts and were sentenced to any form of oversight by the DOC on more than one occasion. These convictions included misdemeanor and felony offenses that occurred at any time between 1980 and 2003, unless a shorter period of time is specified. The term DOC oversight used in this paper includes offender management methods such as prison, extended supervision, parole, probation, etc.

Even though technical violations of probation/supervision add to higher percentages of recidivism if defined differently (USSC, 2004a), they were not included in this report since revocation data were not available to the WSC at the time. In addition, technical violations were excluded from this report since studying offenders who have been arrested, successfully prosecuted, and sentenced for new offenses insures a higher degree of confidence when studying offenders’ past behavior and making risk predictions for the future (Dow et. al., 2005). Even without including technical violations, as the data in this report demonstrate, a substantial rate of recidivism remains when new offenses are analyzed exclusively.

Furthermore, the decision to use DOC data and DOC sentenced offenders was made because WSC’s other primary source of data (CCAP) does not contain a consistently used and standard defendant identification number, as CCAP is primarily a case management system for the courts. There was no reliable way to tie all offenses committed by an offender to that offender. In short, each offender’s complete criminal history could not reliably be constructed from CCAP

or a combination of CCAP and DOC. Of the data sets available to WSC, only DOC had a system built around offenders and their identification numbers.

Finally, the rationale for defining recidivism as multiple sentences to DOC oversight was, in part, based on a belief that offenders who re-offend after having repeatedly interacted with a variety of criminal justice personnel, demonstrate a substantial disregard for authority. This disregard for authority indicates a greater risk of recidivating than offenders who received sentences that did not involve some sort of continued person-to-person supervision.

TRENDS, TRAITS, AND OBSERVATIONS OF ALL OFFENDERS

Of course sentencing decisions are not made by reviewing sentencing statistics and common practices alone. Still, aggregate statistical data can be used by judges, district attorneys, defense attorneys, and policy makers to obtain a more complete perspective from which to develop or recommend effective sentences. The information in this first section provides some general characteristics of repeat offenders.

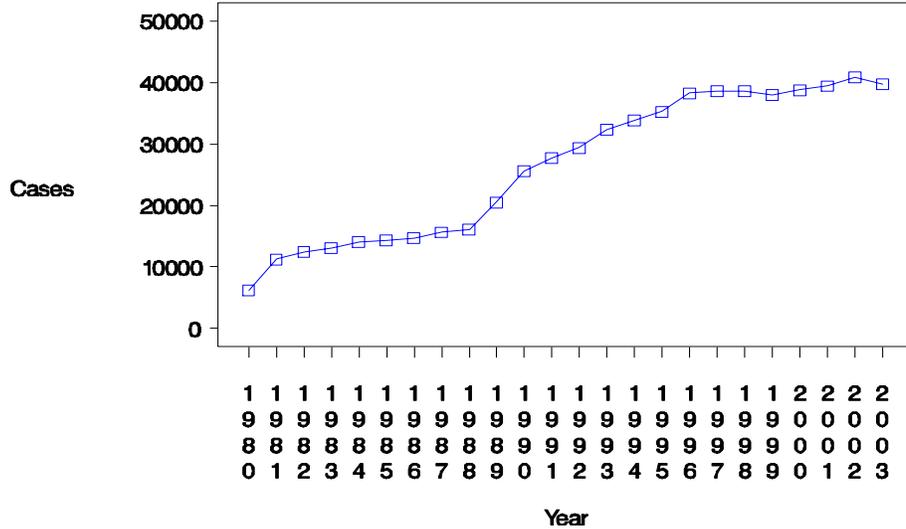
Prior to detailing the specific traits and statistics of general recidivists in Wisconsin, a brief overview of the population of Wisconsin DOC offenders and their offenses is presented. The information in the table below summarizes adult offenders sentenced to DOC and their major offenses⁹ with conviction dates between 1980-2003:

Major Offenses.....	634,926
Major Offenders ¹⁰	343,265
Average Number of Major Offenses per Offender	1.85
Percent Felony Major Offenses	36%
Percent Misdemeanor Major Offenses.....	64%
Percentage of Offenders Who Committed At Least One Major Felony Offense	45%

TRENDS IN WISCONSIN

A review of adult felony and misdemeanor offenders, including repeat offenders, sentenced to DOC between 1980 and 2003 exposed a trend pattern comprised of three segments (see diagram below). The first being a significant period of increase from 1980-1987. During this first period, new cases (measured by major offenses) rose by over 9,000. The second period, 1988-1995, was a period of extreme increase. During this second eight year period new cases rose by nearly 20,000. The third period, 1996-2003, experienced a moderate by comparison period of increase, rising by over 4,000 new cases. By the end of the third time period, the annual rate of cases sentenced to DOC for new offenses was three times what it had been just 20 years earlier.

Count of Major Offenses in DOC since 1980 (F+M)



A review of individuals who recidivated as a percentage of the overall DOC population reveals an ever-increasing percentage of recidivists consistent with the DOC trend numbers. The numbers listed below demonstrate that an increasing percentage of all offenders are sent back to some form of DOC oversight after having been convicted of one or more previous criminal acts within these eight-year periods. (All figures include time incarcerated)

Year	% Recidivated*
1980-1987	20%
1988-1995	27%
1996-2003	29%
1980-2003	36%

*Offenders Sentenced to DOC

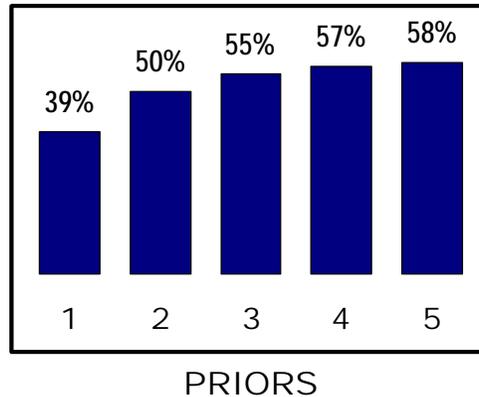
As noted in the introduction, the time frame for measuring recidivism has an impact on the figures generated. Measuring recidivism in eight-year periods, as described in the first three rows above, yields a lower percentage of recidivism than the percentage calculated over the life of the data set. Increasing the time-frame for recidivism incorporates offenses committed over a greater period of time. The percentage of recidivism is 36% when using the twenty four year period compared to 20%-29% when using the eight year periods.

TRAITS IN WISCONSIN

The following numbers represent adult offenders sentenced to DOC multiple times from 1980-2003.

Criminal History¹¹ – Multiple previous studies have determined that an offender’s past criminal record is one of the best indicators of future recidivism (USSC 2004a, Barnoski 2004, Zamble and Quinsey 1997).

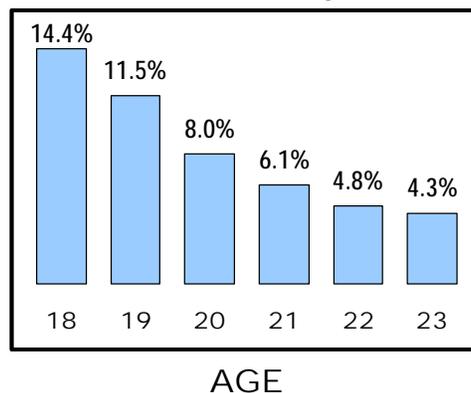
Percent of Wisconsin Recidivists Who Commit Subsequent Offenses



As shown above, the percentage of offenders who commit subsequent offenses increases as the number of prior offenses increases. Offenders with one prior offense go on to commit a second offense 39% of the time. This percentage jumps to 58% for offenders with five prior offenses. *For a graph and statistics up to 26 priors see Appendix A.*

Age – “Recidivism rates decline relatively consistently as age increases. Generally, the younger the offender, the more likely the offender recidivates” (USSC, 2004a, p.12).

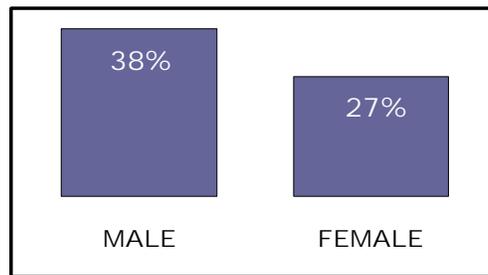
Percent of Offenses Committed by Wisconsin Recidivists



Consistent with previous studies, this study found that younger offenders recidivate more frequently than older offenders. Roughly half of all offenses committed by recidivists sentenced to DOC were ages 18 through 23. *For a detailed graph and statistics through age 57 see Appendix B.*

Gender – “Overall, women recidivate at a lower rate than men” (USSC 2004a, p.11).

Percent of Wisconsin Recidivists

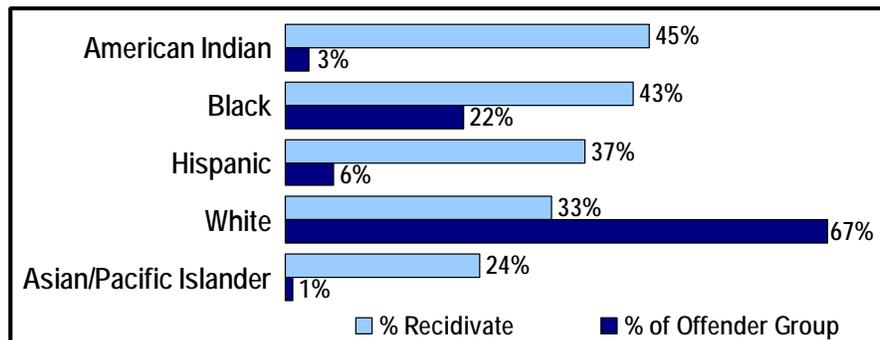


GENDER

In Wisconsin, male offenders recidivate at a higher rate than female offenders. Of all offenders sentenced to DOC between 1980 and 2003, males are re-sentenced to some form of DOC oversight 38% of the time, while females are re-sentenced 27%.

Race/Ethnicity – “Black offenders are more likely to recidivate (32.8%) than are Hispanic offenders (24.3%). White offenders are the least likely to recidivate (16.0%)” – *study based on two-year rates for federal offenses* (USSC 2004a, p.12).

Percent of Wisconsin Recidivists



* (N=343,265), 24-Year Rates

The Wisconsin statistics above demonstrate that recidivism rates vary between offenders from different racial groups. The recidivism rates between the five racial groups examined in this study range from 24% to 45%. Similar to previous research, this study found that Black offenders recidivated more frequently than Hispanic offenders, while Hispanic offenders recidivated more frequently than White offenders. Also noteworthy are the recidivism percentages of American Indian and Asian/Pacific Islander offenders. The recidivism rate of offenders in the American Indian group (45%) is higher than the 24-year Wisconsin recidivism rate (36%), while the rate for offenders in the Asian/Pacific Islander group is less (24%).

One finding common to all racial groups is the disparity between the recidivism percentages and the percentages of the total DOC study group. For example, offenders in the American Indian group recidivated at a rate of 45%, yet comprise only 3% of offenders in the study.

TRAITS FROM PREVIOUS STUDIES

Among the best predictors of recidivism are youthfulness and criminal history. Other factors include committing a variety of offenses, alcohol abuse, low educational attainment, and behavior while incarcerated. In addition, social factors such as family criminality, poverty, and poor parental child-rearing behavior also have an impact on recidivism (Zamble and Quinsey, 1997).

General

Persistent offenders “spent considerably less time married, working, and in the military over the course of their lives” (Laub and Sampson, 2003, p.151). In addition, “...men who desisted from crime are distinguished by long-term stability in marriage and employment” (Laub and Sampson, 2003, p.118).

Other traits of recidivists – (Excerpts from USSC, 2004a, p12-13, within two years of release).

- “[T]hose with stable employment in the year prior to their instant offense are less likely to recidivate (19.6%) than are those who are unemployed (32.4%).”
- “[O]ffenders with less than a high school education are most likely to recidivate (31.4%).”
- “Offenders who have never been married are most likely to recidivate (32.3%).”
- “[O]ffenders using illicit drugs within one year prior to their instant offense have a higher recidivism rate (31.0%) than those not using illicit drugs (17.4%). “

First offender traits are consistent with the trait patterns of repeat offenders as described above-(Excerpts from USSC, 2004b, p7-8).

- A higher concentration of older offenders (41 and older) existed in the first offender group as opposed to offenders with an extensive criminal history.
- White offenders make up a higher proportion of first offenders versus other races.
- Offenders with minimal criminal histories are more likely to have high school diplomas and some college training compared to offenders with extensive criminal histories.
- Offenders with minimal criminal histories are more likely to be legally married than offenders with extensive criminal histories.
- The percentage of offenders with illicit drug use goes up as criminal history goes up.

Offenders with minimal criminal histories are less likely to commit some sort of dangerous offense immediately following their first.

Psychological

The following psychological traits of repeat offenders were reported in a study conducted by Zamble and Quinsey (1997).

- Repeat offenders have difficulty coping with difficult situations (Zamble and Porporino, 1988). In addition, repeat offenders do not recognize they have problems coping (Zamble and Quinsey, 1997). These findings may help to explain why offenders continue their poor ways of dealing with difficult choices including avoiding situations that lead to re-offending.
- “The development of certain sorts of life problems, strong dysphoric emotional responses without self-awareness, heavy substance abuse, and actions without normal anticipation of consequences, form the bases of a description of the proximal causes of criminal offending” (Zamble and Quinsey, 1997, p.93).
- “[T]he first slip in the case of criminal behavior has serious potential consequences...” “The evidence indicates a very rapid unfolding of the breakdown process in some cases, and this argues that preventive efforts must concentrate on the recognition of the earliest signs of susceptibility in order to avoid the rest of the sequence” (Zamble and Quinsey, 1997, p.147).

OBSERVATIONS FROM PREVIOUS STUDIES

Punishment

- “A defendant with a record of prior criminal behavior is more culpable than a first offender and thus deserving of greater punishment. General deterrence of criminal conduct dictates that a clear message be sent to society that repeated criminal behavior will aggravate the need for punishment with each recurrence” (USSC, 2004c).
- “[T]he repetition of criminal conduct aggravates the guilt and justifies heavier penalties when they are again convicted” (Graham v. West Virginia, 224 U.S. 616,623 (1912)).
- Even authors who argue for downsizing and shifting funding away from prisons agree that there are those who need to be incarcerated. “People who pose a real threat to public safety or who have committed violent acts should be in prison” (Jacobson, 2005, p.14).

Deterrence

- “[O]ffenders are most likely to recidivate (25.6%) when their sentence is a straight prison sentence” (USSC, 2004a, p.13).
- “[P]rison does not reduce felony recidivism, and may increase it” (Barnoski, 2004, p.10).

Rehabilitation

- “If, as the data indicate, abstinence from illicit drug use, or high school completion, reduces recidivism rates, then rehabilitation programs to reduce drug use or to earn high school diplomas may have high cost-benefit values” (USSC, 2004a, p15-16).
- Alternatives to incarceration programs can help to reduce recidivism particularly when they involve drug treatment (Barnoski, 2004).
- Responses from the SAQ (Self-Appraisal Questionnaire, Loza, Dhaliwal, Kroner, & Loza-Fanous, 2000) could be used as part of an individualized cognitive treatment plan (Loza and Loza-Fanous, 2003).

Prevention

- Authors theorize that the only real way to break the cycle of recidivism is to prevent the next offense. The only way to do that is to understand what is happening in the offender’s mind just prior to the next offense. Understanding what is in their mind might facilitate action to change their behavior. (Zamble and Quinsey, 1997)
- “The men who desisted from crime shared a daily routine that provided both structure and meaningful activity. The structure was fully embraced by the men, and one result was a disassociation from delinquent peers” (Laub and Sampson, 2003, p.146).
- Following release from prison, offenders that persisted in crime mentioned having criminal associates whereas offenders that desisted from crime seemed more prepared to resist pressures from co-offenders. (Burnett, 2004)
- “[S]ervices and surveillance should begin immediately upon release and be front-loaded in the first six months to the first year” (Petersilia, 2003, p153).
- “[T]o be at all successful, prevention efforts must be very selective and highly targeted” (Cromwell, 1996, p96).

Prediction

- “[T]here are important differences in adult criminal trajectories that cannot be predicted from childhood.” (Laub and Sampson, 2003, p.113).
- Offenders that commit infractions while in prison are more likely to re-offend after they get out of prison (Barnoski, 2004).
- Computer modeling can be used to predict and classify recidivism with a high degree of success based on advanced multivariate modeling using accumulated risk factors (Dow et. al., 2005).
- Offenders themselves could provide regular insight during supervision, through the use of self reporting tools. The Self-Appraisal Questionnaire (SAQ) (Loza, Dhaliwal, Kroner, & Loza-Fanous, 2000) is a self-report instrument that assesses content areas previously demonstrated to be predictive of recidivism (Kroner and Loza, 2001).

TRENDS, TRAITS, AND OBSERVATIONS OF ROBBERY OFFENDERS

The information in this second section is provided to help readers gain a more thorough understanding of the characteristics of repeat robbery offenders. For additional details regarding general Wisconsin robbery statistics including additional sentencing information, see the Wisconsin Sentencing Commission's report *Criminal Sentencing in Wisconsin: Robbery (July 2005)* at <http://wsc.wi.gov/docview.asp?docid=3461>.

Unless otherwise specified, the robbery offenders used for the Wisconsin statistics listed below are defined as individuals who have committed at least one robbery during the span of their criminal career and were sentenced to DOC oversight between 1980 and 2003. The robbers from this data set include offenders who have committed robbery only and offenders who have committed robbery plus other offenses.¹² The information on robbers in this section includes both armed and unarmed robbers.

The decision to present information on all robbers together was made after an analysis was performed on the recidivism percentage of armed versus unarmed robbers. The reason for considering presenting these two groups separately was the potential severity of armed offenders and their associated acts. Armed robbery is more severe in terms of the penalty prescribed by law and the potential harm to the victims. In terms of the question, is an armed robber more likely to recidivate, the distinction between armed and unarmed robbery is small. In fact, the unarmed robbers who recidivated were slightly more likely to re-offend than the armed robbers who recidivated¹³. In addition, the complexity of portraying this distinction over all of the categories presented in this report would obfuscate the general observations in favor of a numerical distinction that is not substantial.

All offenses committed by the robbery offenders who were studied resulted in sentences to DOC and had convictions between 1980 and 2003.

	ROBBERS	ALL OTHERS
Major Offenses	30,215	604,711
Major Offenders	10,240	333,025
Average Number of Major Offenses per Offender	2.95	1.82
Percent Felony Major Offenses	70%	35%
Percent Misdemeanor Major Offenses	30%	65%
Percent of Offenders in Dataset	3%	97%
Percentage of Total Cases Attributed To	5%	95%
Percentage of Felony Cases Attributed To	9%	91%

Specific statistics from the table above stand out as noteworthy. The average number of major offenses committed by robbery offenders demonstrates the fact that robbers commit more offenses per offender compared with all other offenders. Not only do robbers commit more offenses, they commit more serious offenses as evidenced by the higher felony versus misdemeanor percentage compared with other offenders. Just this one offender group, consisting of three percent of all offenders sentenced to DOC, commits more than nine percent of all felony major offenses sentenced to DOC.

TRENDS OF ROBBERS IN WISCONSIN

A review of robbery and other offenders who recidivated as a percentage of the overall DOC population reveals an ever-increasing percentage of recidivism consistent with the DOC trend numbers presented on page 9. The numbers listed below demonstrate that an increasing percentage of all offenders are sent back to some form of DOC oversight after having been convicted of one or more previous criminal acts within these eight-year periods. (All figures include time incarcerated)

Year	% Recidivated*	
	Robbers	All Others
1980-1987	37%	19%
1988-1995	49%	26%
1996-2003	44%	28%
1980-2003	65%	35%

*Offenders Sentenced to DOC Multiple Times from 1908 through 2003

Of extreme significance is the difference between the recidivistic percentages for robbers over the eight-year periods (37-49%) versus the percentage over the 24 year period (65%). This difference strongly suggests that the criminal careers of offenders in the robbery group are long and would be significantly under-represented if shorter time periods were used exclusively.¹⁴ Therefore, any actions to reduce the recidivism of robbers must be mindful of extended periods of time, not only the traditional high risk period shortly after being released from prison.

Also noteworthy from the percentages listed above is the contrast between the overall recidivism percentages of robbers versus all others. Roughly *two-thirds* of robbers recidivated and returned to some DOC oversight whereas slightly more than *one-third* of all other offenders were re-sentenced to DOC.

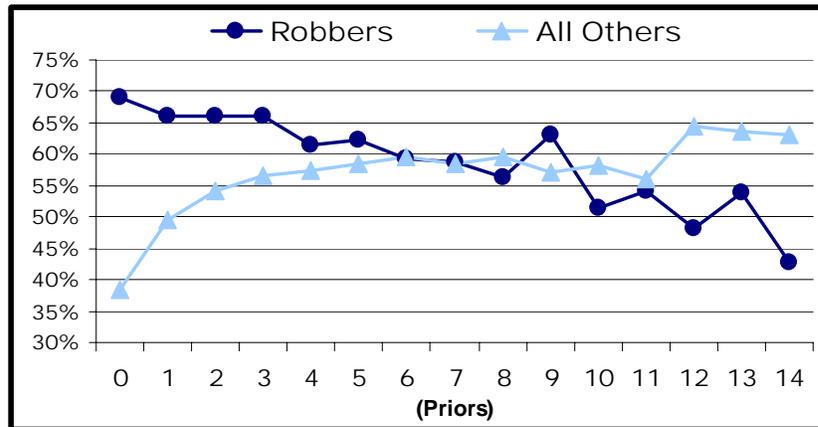
An additional example of the impact of differences in recidivism definitions and variations in counting techniques becomes clear when the numbers presented above for robbers are analyzed further. Bear in mind, this study by definition represents relative numbers of offenders who are re-sentenced to DOC for new offenses after already having been under DOC's oversight. Multiple offenses that were committed on different days and charged as separate cases were counted as only one contact with DOC, provided those offenses resulted in convictions and sentences on the same day. If the purpose of this study had been to measure crime or victimization rates, each separate case regardless of sentence date would have been counted separately. The reason this is significant for the robbery group is that the recidivism percentages given in the table above would be seven to eight percentage points higher if this single different approach were used. The importance of this point is also that a significant number of robbers committed subsequent acts often times even before their earlier cases were adjudicated.

TRAITS OF ROBBERS IN WISCONSIN

The following numbers represent adult offenders sentenced to DOC multiple times from 1980-2003.

Criminal History

Percent of Offenders who Recidivate in Wisconsin



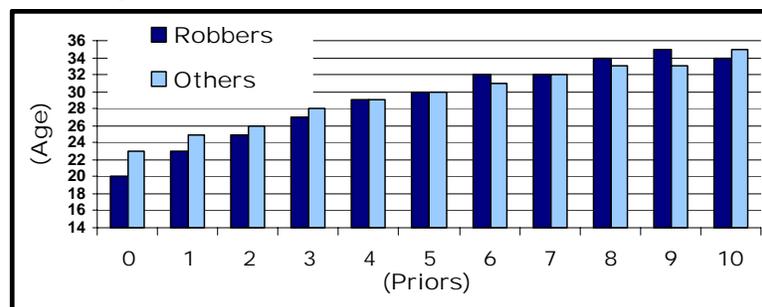
Individuals in the Wisconsin robber group follow the national trend of being very prolific repeat offenders. For offenders with no criminal history, the recidivism percentage of robbers (69%) is nearly double that of other offenders (38%). Robbers continue to maintain relatively high recidivism rates for the first six offenses, despite a slight decrease from 69% to 59%. At six prior offenses the recidivism rate becomes equal between the two groups.

By contrast, the recidivism rate of all other offenders begins at 38% and increases dramatically over the first six offenses. This increase is most profound between the first and third offense. This suggests that intervening early in the criminal careers of these offenders may lead to a noticeable reduction in recidivism rates.

The general decrease in the recidivism percentage of robbers is perhaps due, in part, to the felony offense severity of robbery. Robbery offenders may be spending longer periods of time incarcerated resulting in less time to re-offend. *For a graph and detailed statistics see Appendix C.*

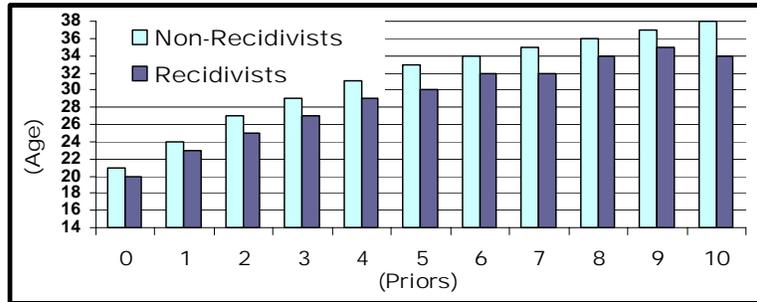
Age

Median Age of Offenders who Recidivate in Wisconsin



As depicted above, robbers who recidivate are generally younger than other offenders who recidivate. The median age of robbers with no criminal history is three years less than other offenders. Additionally, shown below, robbery offenders who recidivate are consistently younger than those who do not recidivate.

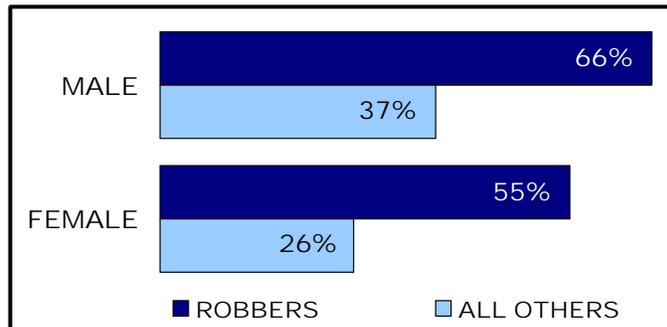
Median Age of Robbery Offenders in Wisconsin



For more information on median age and age range by number of priors see Appendix D.

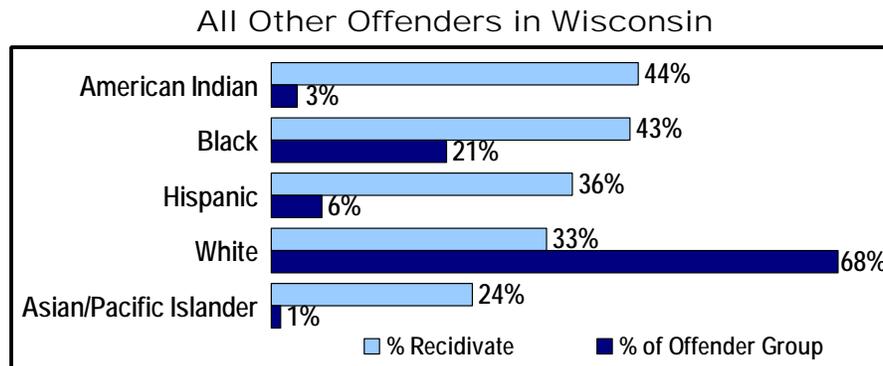
Gender

Recidivism Rates by Gender in Wisconsin



As demonstrated above, both male and female robbers recidivate at a rate that is higher than all other offenders. Consistent with the overall findings presented earlier in this report, males time and again recidivated at a higher rate than females. When the data are broken down by gender and offense category together, interesting and potentially important observations emerge. For example, even though male robbers recidivated at a rate that was higher than female robbers, more than half of female robbers recidivated (55%). Female robbers recidivated at a rate that was more than twice as much as females that committed other offenses.

Race/Ethnicity

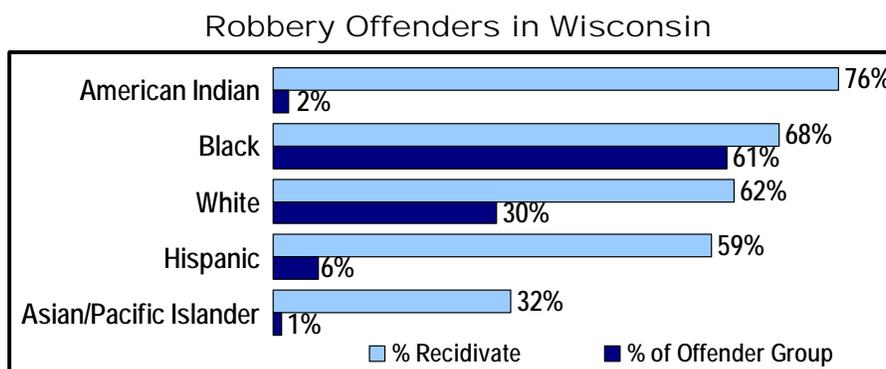


* Represents 333,025 offenders sentenced to DOC between 1980 and 2003.

Similar to the overall Wisconsin statistics on race presented earlier in the report, recidivism rates for all other offenders vary among racial groups. This study found that Black offenders in the all other group recidivated more frequently than Hispanic offenders, while Hispanic offenders recidivated more frequently than White offenders. As demonstrated above, differences between racial groups are also apparent when further examining the racial make-up of the all other offender group. The all other offense category consists predominantly of white offenders.

Dramatic differences emerge when the offense category of robbery is compared with all other offenders. The recidivism percentage of robbers is significantly higher than other offenders. As seen below, the rates for robbers range from 32%-76% compared with 24%-45% for all other offenders. This study found that Black offenders recidivated more frequently than White offenders (68% versus 62%), while Hispanic offenders recidivated more frequently than Asian/Pacific Islander offenders (59% versus 32%). Of note is the recidivism percentage of American Indian offenders. The recidivism rate of robbery offenders in this group (76%) is higher than all robbery racial groups as well as all racial groups in the other offenders' group.

One finding common to all robbery racial groups is a disparity between the recidivism percentages and the percentages of the different offense study groups. For example, robbery offenders in the American Indian group recidivated at a rate of 76%, yet comprise only 2% percent of robbery offenders in the study. One notable exception was Black offenders. Black robbery offenders make up the largest portion of robbery offenders (61%).



* Represents 10,240 offenders sentenced to DOC between 1980 and 2003.

Progression of Criminality in Wisconsin

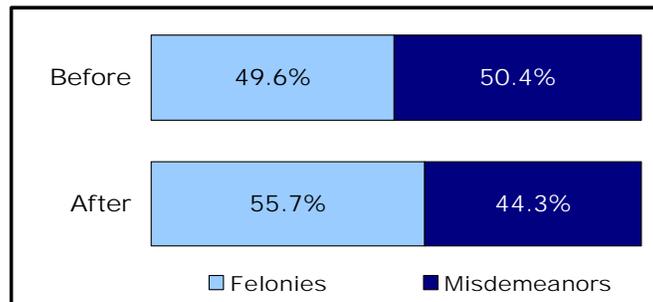
A review of the criminal histories of robbers indicates that prior arrests included the crimes of burglary and shoplifting and that there may be a progression from shoplifting to burglary to robbery (Cromwell, 1996). Frequent offenses committed by Wisconsin robbers with 10 or more offenses include:

- **Retail Theft** comprising 17% of their other offenses.
- **Theft** comprising 12% of their other offenses.
- **Burglary** comprising 8% of their other offenses.

Average Number of Offenses Relative to an Offender's First Robbery

Before074
After	1.07
During (Including Robbery)	1.14

Severity of Offenses Relative to an Offender's First Robbery



TRAITS OF ROBBERS FROM PREVIOUS STUDIES

Reasons for Robbing

Money, substance abuse, and unemployment are the primary reasons cited for robbing.

- Nearly 60% of robbers said the motivation for robbing was money. Of those motivated by money nearly 1/3 wanted money to buy drugs, nearly 1/3 wanted money for specific items such as cars. The rest sought money for food, shelter, or just simply desired money (Cromwell, 1996).
- The motivation for those persistent offenders who were involved in robbery was money. Robberies committed by these offenders were often for the purpose of buying alcohol (Laub and Sampson, 2003).

- Money problems were cited as the most prominent problem for robbers as a group followed by substance abuse problems (Zamble and Quinsey, 1997).
- “The most common reason given for committing the robberies was the desire or need for money”. 2/3 of robbers cited money as the motivating factor (Feeney, 1986, p28).
- “[O]nly 20% of those who robbed for money had jobs at the time of the robbery” (Cromwell, 1996, p92).

Other problems were also cited as contributing to the behavior of robbers.

- Problems with alcohol interfered with obtaining stable employment and relationships (Laub and Sampson, 2003).
- Cocaine was most frequently used by robbers compared to other offenders and other drugs (Zamble and Quinsey, 1997).

Psychological

- Robbers as a group reported more previous psychological problems than other groups of offenders (depression/hopelessness, general moodiness, high anxiety levels, and anger) (Zamble and Quinsey, 1997).
- Robbers are more driven by conscious motivational processes than other offenders. “[R]obbery was significantly more likely to be planned or rehearsed than other crimes, twice as likely as property offenses, and three times as likely as assaults” (Zamble and Quinsey, 1997, p108). However, 75% of robbers planned for less than 15 minutes.
- Robbery of individuals usually involved little to no planning, whereas commercial robberies involved more planning (Feeney, 1986).
- Robbers are more likely to have thought of the possible negative consequences of offending compared with other offenders, but still were not sufficiently deterred (Zamble and Quinsey, 1997).

OBSERVATIONS OF ROBBERS FROM PREVIOUS STUDIES

General

- Of all offenders sentenced under the United States guidelines, robbers are among those most likely to recidivate. (USSC, 2004a)
- Of all violent crimes (homicide, kidnapping, rape, other sexual assault, assault, and robbery) robbers had the highest rate of arrest and reconviction. (70.2% and 46.5% respectively). “[O]f all the different offense categories, the released robber was the one most likely to be re-arrested for robbery (13.4%)” (Langan and Levin, 2002, p.9).

- Of those seeking to commit a robbery, 40% were committing their first. In addition, “26% said they had committed 2 to 9 robberies, 24% reported 10 to 49 robberies, and 10% reported 50 or more robberies” (Cromwell, 1996, p91).

Progression of Criminality

The following progressive characteristics of robbers were reported by Cromwell (1996):

- 19% of robberies are unintended or “accidental” and originally started out as burglaries or fights.
- There also seems to be a progression from few robberies to multiple robberies.
- First-time robbers indicated a sense of fear, apprehension, and consider leaving the money if the victims express a need for the money. This is contrary to repeat robbers who indicate they are much less fearful and are unmoved by the victim’s pleas. This transition happens only after a few robberies.

Punishment

- As a group, robbers were given the longest average sentences at 61.5 months (Zamble and Quinsey, 1997).
- Spending more time in prison slightly reduces recidivism for some crimes but not robbery (Barnoski, 2004).
- The notion that robbers “do relatively little planning and rarely think about getting caught . . . weakens the appeal of deterrence as a strategy for controlling robbery. Steep penalties are unlikely to deter those who do not believe they will be caught.” “The relative ineffectiveness of deterrence on those who rob strengthens the case for incapacitation” (Cromwell, 1996, p96).

Prevention

- Understanding could lead to prevention. “There are some hints that the aversive effect of apprehension is strongest for first-time offenders who are still learning how to rob. This suggests that if apprehension could be made to take place early in the offender’s career, it might be possible to interrupt the learning process and steer the offender away from robbery” (Cromwell, 1996, p96).
- “[T]echniques to change the balance of cognitions regarding positive versus negative consequences might be an effective way to deter some types of offences” (Zamble and Quinsey, 1997, p109).
- A survey of robbers as to ways of preventing future robberies yielded the responses of providing jobs, training programs, counseling, drug treatment programs, and target hardening (Cromwell, 1996).

STUDY OF ROBBERY SENTENCES

After examining the traits of recidivistic robbers, the sentences received by these prolific offenders were studied. Four specific questions were investigated. First, did robbers receive predominately prison or probation sentences, and on what basis? Second, were there specific factors that influenced the duration of their sentences? Third, can an offender's risk to recidivate be determined by the factors selected on the guidelines worksheets? Finally, did the sentences imposed on these robbers have an impact on whether they re-offended?

OVERVIEW OF SENTENCES

In an effort to provide a perspective on how convicted felons are sentenced in Wisconsin, the sentences from all felony cases filed and sentenced between February 1, 2003 and November 20, 2004 were reviewed. This review confirmed a widely held notion that practically all offenders convicted of felony charges receive sentences to some form of DOC oversight. The results show 99.5% of all robbers and 99.8% of all other offenders convicted of a felony charge were sentenced to DOC oversight. In other words, offenders convicted of at least one felony charge will receive either a prison or probation sentence as opposed to a non-DOC sentence of jail, fine, restitution, etc.¹⁵

Unlike the recidivism statistics presented previously in this report, differentiating between armed and unarmed robbery proved essential due to statutory differences in offense severity between the two crimes. In Wisconsin, Armed Robbery is a Class C felony with maximum lengths of prison and extended supervision being 25 and 15 years respectively. "Unarmed" Robbery is a Class E felony with maximum lengths of prison and extended supervision being 10 and 5 years respectively.¹⁶

The Wisconsin data show that robbers received prison sentences 73% of the time.¹⁷ Of those robbers receiving prison sentences, the following terms of confinement were ordered.¹⁸

Type of Robbery	25 th PCTL	50 th PCTL *	75 th PCTL
Armed Robbery	3.5 yrs	5.0 yrs	7.0 yrs
Unarmed with Use of Force	3.0 yrs	4.0 yrs	5.0 yrs
Unarmed with Threat of Force	3.0 yrs	3.7 yrs	5.0 yrs

*50th Percentile Represents the Median (half of the sentences are above, half are below)

When offenders received a sentence to DOC other than prison, probation was the primary sentence. Of those robbers sentenced to DOC between 1980 and 2003, the following percentages of offenders received probation as their primary sentence¹⁹:

Percent of Robbery Offenders Who Received Probation

	Armed	Unarmed	All
Before First Robbery	67%	72%	69%
After First Robbery	41%	50%	50%
For First Robbery	19%	38%	31%
For Subsequent Robberies	5.4%	13%	12%

While sentencing statistics on prison and probation may be interesting or even useful, they do not provide specific information about the mindset of judges at the time of sentencing. Why did some offenders receive probation and some prison? What factors influenced the judges' decisions regarding the type and length of sentences they ordered? To answer these questions, an analysis was performed on the sentencing guidelines worksheets submitted for nearly four hundred robbery cases.

SENTENCING GUIDELINES WORKSHEETS

The Wisconsin Sentencing Guidelines Worksheets contain factors that judges consider when sentencing offenders convicted of specific felony offenses.²⁰ The worksheets provide a common framework for judges throughout Wisconsin to perform an assessment of offense severity and offender risk. Since the worksheets are primarily prepared by judges, the responses provide a direct insight into the thoughts of the judges at the time of sentencing.

The table below lists the major worksheet factors. Most of the factors also have between 2 and 8 sub-factors that judges can consider at the time of sentencing. *For a complete list of factors, and a copy of the Sentencing Guidelines Worksheets for Robbery and Armed Robbery, see Appendix E.*

Sentencing Guidelines Worksheet Structure

Section 1
<p>Offense Severity</p> <ul style="list-style-type: none"> - Characteristics of the Offense - Degree of Preparation - Type of Harm - Aggravating Factors [Wis. Stat. §973.017] - Penalty Enhancers [Wis. Stat. §939] - Role in Offense - Vulnerable Victim
Section 2
<p>Risk Factors</p> <ul style="list-style-type: none"> - Education - Employment History - Criminal Record - Mental and Physical Health - Alcohol and Drug Abuse - Social Factors - Attitude
Section 3
<p>Other Guidelines Elements</p> <ul style="list-style-type: none"> - Offense Information (probation percent, classification level, permissible penalties) - Sentence Recommendation Grid (based on offense severity and offender risk) - Sentence Adjustment Factors

Judges are instructed to consider all factors listed on the worksheets and indicate which factors are instrumental in their sentencing decisions. Judges denote the applicable factors by

checking boxes indicating if that factor had an effect on the sentence they imposed.²¹ Finally, judges are to rate the offense severity level and the defendant’s risk level on a scale of one to three: one being low, three being high. These ratings are then mapped to a grid that provides a suggested sentence length.

WORKSHEET ANALYSIS

A data set was created consisting of all factors selected and voluntarily submitted by judges on 409 sentencing guidelines worksheets (*For a breakdown of the number of worksheets submitted by county see Appendix F*).²² These worksheets were comprised of cases with offense dates ranging from February 2003 through November 2005. Demographic and sentence length information were added by matching case and county number from the worksheets to the DOC data set used to generate the recidivism statistics detailed in the previous sections of this report. Since the DOC data set contained information only through September 2005, 6 robbery and 23 armed robbery cases were dropped from consideration due to a lack of demographic data. Of the 380 remaining robbery worksheets, 257 were for armed robbery convictions, and 123 were for unarmed robbery convictions.

Type of Sentences Imposed

The first question that was considered was whether robbers received predominantly prison or probation sentences, and on what basis. To determine the answer, the primary sentences of robbers were reviewed along with the frequencies of all sentencing factors selected by judges on the robbery worksheets. Overall, 82% of robbers from this worksheet group received a prison sentence. Armed robbers received prison sentences 91% of the time while unarmed robbers were sentenced to prison 63% of the time. The complete results are detailed in the table below:

PRISON			PROBATION	
N	%		N	%
233	91%	Armed	24	9%
78	63%	Unarmed	45	37%
311	82%	All	69	18%

A review of the sentencing guidelines factors organized by frequency revealed specific factors that are predominantly associated with prison sentences. Several armed robbery worksheet factors were associated with prison sentences every time they were selected. These factors include:

- **Effect of Multiple Counts** – Selected 60 times.
- **Risk Level 3** (from the worksheet sentencing grid) – Selected 59 times.
- **Employment Status at the time the Offense was Committed** – Selected 30 times.
- **Great Bodily / Extreme Emotional Harm** – Selected 27 times.

The table below details other notable sentencing factors and their associated percentages of prison sentences :

ARMED ROBBERY OFFENDERS*		
Worksheet Factor	% Sentenced to Prison	# of Times Selected
Prior Felonies	97.8%	90
Offense Level 3	97.6%	82
Frequent Prior Abuse	96.7%	123
Risk Level 2	96.2%	106
Extreme Degree of Force	96.2%	53
Prior Misdemeanors	95.9%	74

* Represents 257 offenders sentenced to DOC between 1980 and 2003.

UNARMED ROBBERY OFFENDERS*		
Worksheet Factor	% Sentenced to Prison	# of Times Selected
Similar Prior Offenses	95.8%	24
Risk Level 3	88.1%	42
Prior Felonies	85.4%	41
Risk Level 1	25.6%	39
Value of Loss	20.0%	5
Minimal Role	16.7%	6
No Criminal Record	13.3%	15

* Represents 123 offenders sentenced to DOC between 1980 and 2003.

The observations from the results listed above indicate that an offender's criminal history and other traits common to recidivistic robbers (high risk level, employment status) are apparently influencing the judges' decisions regarding the sentences they give to robbers. Noteworthy also are the lack of factors that stand out as influential for offenders who received probation. None of the worksheet factors were associated 100% with probation. The relatively small number of factors with a low prison percentage also supports the notion that robbers are high risk and prolific re-offenders.

For a complete list of armed and unarmed robbery factors by frequency, see Appendix G.

Length of Sentences Imposed

A multivariate regression analysis was performed next to explore the impact each worksheet factor had on the length of sentences imposed. This technique allows variations in sentence length to be mathematically attributed to each worksheet factor. To minimize the bias created by infrequent selections, each factor had to be selected on at least 5 worksheets in order to be included in the analysis.

As previously noted, not all robbers from the worksheet group received prison sentences. To account for non-prison sentences a separate measure of "prison years" was constructed. Each robber received either zero prison years if he or she was given a non-prison sentence, or a number of prison years equal to the actual amount of confinement time ordered.

Since a number of zero prison year observations occurred for both unarmed robberies and armed robberies (36.6% and 9.3% respectively), a standard linear regression would yield poor estimates for most variables. Additionally, a standard linear regression would provide no way of interpreting a prediction of negative number of prison years. Consequently, a standard linear regression was ruled out for the prison length analysis.

To counter the potential difficulties associated with a linear regression model, a Tobit regression model was used. A Tobit model, though similar in interpretation to a standard linear model, takes into account the censored (non-prison) observations and provides a method of interpreting a negative estimate of prison years. Simply put, if the sum of all worksheet factor coefficients selected for a given offender is less than or equal to zero, that offender is predicted to receive a non-prison sentence. If the sum of all values is greater than zero, the offender is predicted to receive a prison sentence.

Although a model was initially constructed that combined armed and unarmed robbery, both statistical evidence and the statutory differences discussed above required the two offenses be analyzed separately. In addition, the offense severity and risk assessment grid rankings were isolated from the individual sentencing factors and analyzed in a separate regression. Separating severity and risk figures was necessary because severity and risk are not sentencing factors. Judges are instructed to consider each factor and then make a determination of severity and risk. As such, the true impact of each factor on sentence length can be overemphasized or diluted if all factors and risk/severity rankings are analyzed together.

The two tables below contain the statistically significant²³ results from the worksheet analysis.

ARMED ROBBERY OFFENDERS*		
Worksheet Factor	Coefficient	# of Times Selected
<i>Prior Felonies</i>	2.42	90
<i>Extreme Degree of Force</i>	2.37	53
<i>Read-In Offenses</i>	1.98	51
<i>Effect of Multiple Counts</i>	1.62	60
<i>Concealed Identity</i>	1.74	50
<i>Mental Health</i>	-2.12	46
<i>Female</i>	-3.57	14
<i>Minimal Role</i>	-3.61	23

* Represents 257 offenders sentenced to DOC between 1980 and 2003.

UNARMED ROBBERY OFFENDERS*		
Worksheet Factor	Coefficient	# of Times Selected
<i>Habitual Criminality</i>	5.74	8
<i>Effect of Multiple Counts</i>	2.97	22
<i>Similar Prior Offenses</i>	2.65	41
<i>Hispanic</i>	1.95	9
<i>Great Bodily Harm</i>	1.66	40
<i>Defendant not on Legal Status</i>	1.60	48

UNARMED ROBBERY OFFENDERS*		
Worksheet Factor	Coefficient	# of Times Selected
Age	-0.54	123
Vulnerable Victim	-1.51	25
Extreme Degree of Force	-1.51	29
Treatment for Health Problems	-3.75	9

* Represents 123 offenders sentenced to DOC between 1980 and 2003.

The coefficient values listed in the tables above represent the number of years each sentence was increased or decreased when the corresponding worksheet factor was selected. For example, the armed robbery coefficient for the Extreme Degree of Force factor is 2.37. This means that armed robbers who had the Extreme Degree of force factor checked are expected to receive 2.37 more years in prison than those armed robbers who did not have that factor checked.

When the coefficient for a given factor is negative, an offender is expected to receive a lesser amount of years than an offender who does not have that factor selected. Armed robbery offenders with Mental Health problems, for example, are expected to receive 2.12 years less than armed robbers without mental health problems. Interestingly, the coefficient for the Extreme Degree of Force factor was negative for unarmed robbers and positive for armed robbers. The opposing signs for the same factor suggest that the degree of force used while committing a robbery is a distinguishing characteristic between the two offenses in the minds of the judges.

Readers should be mindful of the number of times each factor was selected. Three of the factors listed above had only 8 or 9 occurrences. Observations resulting from few occurrences, though perhaps not conclusive, can still be used to suggest possible effects, and at a minimum, be used to justify additional study.

Findings from the factor analysis from this section of the report can be joined with the statistical observations presented in the previous sections of this report to expose other meaningful observations. For example, the factor analysis suggests that a female armed robber would receive approximately 3.57 fewer years in prison than a male armed robber with an identical offense profile. However, the recidivism statistics presented above demonstrate that female robbers recidivate at a rate that, while somewhat less than males, is still very high (55%). Therefore, should female robbers be receiving significantly less prison time than males?

Offense & Risk*

Armed Robbery		Unarmed Robbery	
Worksheet Item	Coefficient	Worksheet Item	Coefficient
Offense Severity 1 to 2	2.98	Offense Severity 1 to 2	.98**
Offense Severity 1 to 3	6.87	Offense Severity 1 to 3	3.83
Risk Level 1 to 2	3.07	Risk Level 1 to 2	3.50
Risk Level 1 to 3	7.68	Risk Level 1 to 3	6.11

* Represents 380 Robbery Offenders Sentenced to DOC between 1980 and 2003 (Armed = 257, Unarmed = 123).

**Not Statistically Significant

The coefficients in the Offense and Risk table equate to numbers of years as well. Offense Severity 1 and Risk Level 1 were the baselines used to measure the effects of moving up in severity and risk level from 1 to 2, and from 1 to 3. Increases in risk level appear to be weighted somewhat more heavily by judges than increases in severity level. Armed robbers with severity assessments of 3 received 6.87 more years in prison than armed robbers with severity level of 1. Similarly, armed robbers with risk assessments of 3 received 7.68 more years in prison than armed robbers with a risk level of 1. These findings suggest that judges understand to some extent the risk posed by robbers.

For a complete list of regression results see Appendix H.

Recidivistic Factors

Question three explored whether an offender's risk to recidivate could be determined by the factors selected on the guidelines worksheets. To answer this question, an analysis was performed comparing the factors listed on the worksheets to the recidivistic traits from the first two sections of this report.

Approximately half of the factors listed on the worksheets are commonly held traits referred to in previous recidivism studies. This observation is not surprising since an entire section of the robbery worksheet is devoted to the topic of offender risk. Those worksheet factors traditionally associated with risk include: Education, Employment History, Criminal Record, Mental and Physical Health, Alcohol and Drug Abuse, and Social Factors.

A fundamental problem emerged instantly during this analysis. The current Wisconsin guidelines worksheets only indicate whether a factor had an influence on the sentence given. Specifically, the overwhelming majority of notations made by judges, per instruction, indicate only whether a factor had an aggravating or mitigating influence on the sentence imposed. Worksheets generally do not indicate the presence or absence of specific factors beyond whether they were influential during sentencing.

A factor traditionally associated with recidivism, while perhaps not relevant for sentencing, can still be present. For example, the factors listed under the Employment History and Social Factors sections of the worksheets have been found to be common components of recidivism. Yet, often times there are no notations at all on the submitted worksheets for these two factors. When this situation occurs, valuable observations about the correlation between these recidivistic traits and re-offending cannot be made. In addition, these traits cannot be connected with other sentencing factors, the sentences imposed, and ideally, the determination whether the sentence imposed had an impact on preventing subsequent re-offending.

As a result of the current lack of data collected, the kind of results documented in the above sections on type and length of sentences are chiefly what can be concluded from the worksheet data at this time.

Effectiveness of Sentences Imposed

The final question that was explored was whether the sentences imposed on these robbery offenders made a difference in preventing recidivism. To answer this question, the data from the worksheets, DOC, and CCAP were integrated and analyzed. The time span for the worksheets included robberies with offense dates ranging from February 2003 through November 2005.

The robbers from the submitted worksheets were divided into three groups: those who received probation sentences, those who received short prison sentences (5 years or less), and those who received long prison sentences (greater than 5 years).

The criminal histories for the offenders from each of the three groups were examined to see if those offenders received subsequent convictions. Given the fact that the median sentence length for robbers is between 3.7 to 5 years, most offenders who received prison sentences were still confined. Of the robbery offenders who received probation sentences, some have already recidivated. However, since the majority of the worksheets were received from the later portion of this time span, a period of time too small to draw conclusions has elapsed.

Determining what sentences work, or at least what sentences do not work should be possible for this group of robbers after additional time has elapsed. A possible future strategy for studying the sentence effectiveness of this group of robbers is:

1. Follow the same group of Robbers used for this worksheet analysis;
2. Group these offenders into three categories;
 - a. Those who received probation sentences.
 - b. Those who received short prison sentences.
 - c. Those who received long prison sentences.
3. See which offenders recidivated and which ones did not;
4. See what traits are common to the individuals within each group;
5. Analyze non-recidivist group to identify commonalities in their traits and sentences;
6. Analyze the recidivist group
 - a. Which offenders have multiple traits
 - b. Of those that have many traits, what was the second to last sentence they received as this sentence did not work?
 - c. What was the last sentence they received and were there identifiable reasons why this one did work?
7. Compare non-recidivist sentences with the last sentences from the recidivist group to identify commonalities.

The current confinement status of the robbery group, along with the current limitations of criminal justice data in Wisconsin, make developing scientifically conclusive statements about effective sentencing difficult. However, important observations about effective sentencing can be made by analyzing and merging the results of previous recidivism studies, Wisconsin recidivism statistics, Wisconsin case law, Wisconsin statutory law, and data from the sentencing guidelines worksheets.

IS THERE AN EFFECTIVE SENTENCE TO PREVENT RE-OFFENDING?

So, how then should criminal justice practitioners use all of this information to develop or recommend sentences that effectively prevent recidivism? Furthermore, what exactly is an effective sentence to prevent recidivism? Applying Rufus Miles' Law, "Where you stand depends on where you sit," to sentencing results in an understanding that different people affected by, or participating in, the criminal justice system inevitably define effectiveness differently.

Victims of crime might regard light sentences as offenders not effectively paying for their crimes. Taxpayers might favor the most cost-effective sanctions rather than simply the harshest. Citizens might regard rising recidivism rates as the criminal justice process not effectively protecting the public. Prosecutors might argue that the only way to effectively prevent offenders from re-offending is to confine them. Finally, defense attorneys might argue the only way to ensure an offender has a chance to become an effective member of society is for them to remain in the community with their support system. Thus, the objectives of sentencing have a direct impact on how people perceive the effectiveness of a given sentence.

As the discussion below suggests, the objectives of sentencing are collectively only the first of three critical elements that comprise comprehensive sentencing to reduce recidivism.

ELEMENT 1: OBJECTIVES OF SENTENCING

The most commonly held sentencing objectives are documented in literature (Clancy, 1981), mandated by legislation (973.017(2)(ad)-(ak) Wis stats)²⁴, and enumerated by Wisconsin case law. See McCleary v. State 49 Wis. 2d 263, 182 N.W.2d 512 (1971), and State v. Gallion, 270 Wis. 2d 535, 678 N.W.2d 197 (2004).

The primary objectives of criminal sentencing include:

- Punishment (based on the gravity of the past offense);
- Rehabilitation (based on the current needs of the offender); and,
- Deterrence and Incapacitation (based on the need to protect the public in the future).

Specific points in McCleary are reaffirmed by the Court in Gallion, as it emphasized the importance of people understanding the objectives judges are trying to accomplish when handing down specific sentences. "[D]ecisions will not be understood by the people . . . unless the reasons for decisions can be examined." Gallion, 270 Wis. 2d at 556. The Supreme Court in Gallion is even stronger than in McCleary by requiring judges to state on the record the

objectives of sentencing: “[c]ircuit courts are required to specify the objectives of the sentence on the record.” Gallion at 557. Further, “[c]ourts are to identify the general objectives of greatest importance” Id.

Sentencing objectives do not have to be the same for all cases. “These [objectives] may vary from case to case. In some cases, punishment and protection of the community may be the dominant objectives. In others, rehabilitation of the defendant and victim restitution may be of greater import. Still others may have deterrence or a restorative justice approach as a primary objective.” Gallion, 270 Wis. 2d at 557-558.

Even though literature, Wisconsin statutory law, and Wisconsin case law are generally consistent in identifying the main objectives of sentencing, there are those who contend other objectives should be foremost in the minds of judges. State of Oregon Judge Michael Marcus strongly argues “CRIME REDUCTION IS AND MUST BE A MAJOR PURPOSE OF SENTENCING” (Marcus 2004). While Judge Marcus agrees that the objectives mentioned above must be considered, he believes that focusing on crime prevention reduces future victimization.

The sentencing objectives enumerated by Gallion and Wisconsin statutes and the objectives of crime reduction are not mutually exclusive. Crime reduction is, in effect, protecting the public. The objective of preventing an offender from recidivating, if successful, will by definition reduce crime and ultimately protect the public. The objectives of sentencing will only be effective if the specific facts of each case and the specific characteristics or traits of each offender are considered in conjunction with objectives.

ELEMENT 2: FACTS OF THE CASE AND OFFENDER

As demonstrated by the statistics presented earlier in this report, there are different traits for different offenders. As such, developing sentences customized to each offender and his or her traits would intuitively be a good way to craft sentences that reduce or prevent re-offending.

One possible strategy to develop an effective sentence is to predict who is likely to re-offend based on some quantity of recidivistic factors. These factors can be identified and applied to the specifics of each new case appearing before the courts to be sentenced. Sentences can be tailored to the predicted risks and needs of each offender, as demonstrated by which traits are present, in an effort to predict which offenders have a high probability of re-offending. Authors have demonstrated that such a strategy has worked with some success in the past. “[G]iven the predictive usefulness of single variables, one would expect that combining a variety of predictors would be a way of increasing reliability and therefore predictive accuracy” (Zamble and Quinsey, 1997, p.2).

Researchers Dow, Jones, and Mott (2005) have used this technique of combining recidivistic traits to develop pattern recognition technology consisting of 80 different factors for predicting Wisconsin DOC sentenced offenders’ risk of re-offending. To date, this technique has been used in practice by the DOC primarily for providing information to assist in making release decisions. Additionally, DOC is investigating whether this technology will increase their accuracy in assessing offender risk while incarcerated, and making community based risk assessments.²⁵ Risk modeling has not been used thus far in Wisconsin to assist in the development of recidivism reducing sentences in the trial courts.

Risk is traditionally derived from a combination of sources including facts specific to each case and factors associated with an offender. The Wisconsin Supreme Court in Gallion reiterated the requirement of identifying case specific facts and factors. The Court in Gallion cited Harris v. State, 75 Wis. 2d 513, 519-520, 250 N.W.2d 7 (1977), as it detailed a list of factors that courts may take into account at the time of sentencing. Harris enumerates 11 sentencing factors with three additional factors being referenced.²⁶ In addition to these general factors, judges are also to consider any aggravating or mitigating factors and any applicable felony sentencing guidelines.²⁷

The Wisconsin Sentencing Guidelines Worksheets are among the primary tools used currently by circuit court judges to assess the factors of offenders and their offenses at the time of sentencing. In the course of completing these worksheets, the judges assess whether a particular factor was applicable by indicating if that factor was “Aggravating” or “Mitigating.” As previously stated in the section on robbery sentences, the worksheets are divided into five sections:

- A. Offense Severity**
- B. Risk Factors**
- C. Offense Information**
- D. Sentence Recommendation**
- E. Sentence Adjustment Factors**

For the purpose of providing truly complete information to judges at the time of sentencing, Element 2 should really be thought of as consisting of two components: **Individual Facts** and **Aggregate Facts**

“Individual Facts” are those facts regarding the offender and offense(s) for which he or she is being sentenced. For example, the information contained on a single sentencing guidelines worksheet, or in a pre-sentence investigation report, is included in the set of individual facts. “Aggregate Facts,” on the other hand, are facts that result from an analysis of historical and summary information about multiple similar offenders. Despite the potential variations in the definition of “similar” offenders, meaningful information regarding aggregate facts can and should still be gathered, presented, and considered at the time of sentencing. The statistics and analysis detailed in the above comparison between robbers and other offenders is one example of information that comprises aggregate facts. Another example of aggregate facts is the summary sentencing guidelines worksheet observations presented above in the section on robbery sentences.

The connection between Elements 1 and 2 is easily recognized. The consideration of sentencing objectives and the facts of each case are not only recognized, but required by Wisconsin case law. “Courts are to describe the facts relevant to these objectives. Courts must explain, in light of the facts of the case, why the particular component parts of the sentence imposed advance the specified objectives. Courts must also identify the factors that were considered in arriving at the sentence and indicate how those factors fit the objectives and influence the decision.” Gallion, 270 Wis. 2d at 558.

The contention that aggregate facts should be considered at the time of sentencing is not raised to suggest that judges should look at statistics alone when making sentencing decisions.

Rather, the statistics on common recidivistic traits should be helpful to judges to enable them to engage defendants, and others, in discussions about how those traits apply to the case before them. Disregarding aggregate facts at the time of sentencing might ignore relevant information, thereby shrinking the pool of data to draw from and weakening the chance at preventing future offenses. As the Wisconsin Supreme Court in Gallion states, “[j]udges would be assisted in knowing about a defendant’s propensity for causing harm, [and] the circumstances likely to precipitate the harm (e.g., alcoholic beverages, proximity to school children, etc.)” 270 Wis. 2d at 555, 678 N.W.2d at 206. The best way to know “a defendant’s propensity for causing harm” is to collect information and perform a risk assessment. An effective way for judges and others to perform a complete risk assessment is to have access to aggregate facts about similarly situated offenders, and then use their discretion on how those aggregate facts apply to the individual facts.

No matter how well matched the first two Elements are, if an offender is given a sentence that is ineffective for his or her offense category, any recidivism-reducing benefits may be jeopardized. Facts about the effectiveness of each sentence must be identified and considered in order to achieve a higher degree of recidivism reduction.

ELEMENT 3: EFFECTIVENESS OF SENTENCING OPTIONS

Another strategy to develop effective sentences is to identify sentences that have been demonstrated to be effective in similar cases. The problem with this second strategy is identifying what those effective sentences are and how they have been proven to be successful. In addition to contemplating Elements 1 and 2, judges are faced with numerous possible sentencing options to choose from. The various sentencing options²⁸ include:

"Supervised" (by DOC)		"Unsupervised"
Probation	Imprisonment	
Probation, Sentence Imposed Probation, Sentence Withheld <u>Conditions of Probation</u> <ul style="list-style-type: none"> • Jail/House of Correction • Fine/Forfeiture • Costs • Other Fees • Restitution • Alcohol Assessment • Alcohol Treatment • Drug Treatment • Psych Assessment • Employment/school • Prohibitions • Community Service • Child Support • Ignition Interlock 	State Prison Extended Supervision (ES) <u>Conditions of ES</u> <ul style="list-style-type: none"> • Jail/House of Correction • Fine/Forfeiture • Costs • Other Fees • Restitution • Alcohol Assessment • Alcohol Treatment • Drug Treatment • Psych Assessment • Employment/school • Prohibitions • Community Service • Child Support • Ignition Interlock 	Jail/House of Correction Fine/Forfeiture Costs Other Fees Restitution License Revoked License Suspended Alcohol Assessment Community Service Ignition Interlock Crime Prevention Contribution Non-Probation Conditions <ul style="list-style-type: none"> • Prohibitions • Alcohol Treatment • Drug Treatment • Psych Treatment • Employment/School • Work Release

"Supervised" (by DOC)		"Unsupervised"
Probation	Imprisonment	
<ul style="list-style-type: none"> • Other 	<ul style="list-style-type: none"> • Other 	<ul style="list-style-type: none"> • Child Support • Other

Not only do judges need to select the appropriate sentence or sentences from the above list, they need to determine how long or how much of each to order. Judges need to determine if probation versus prison will suffice. If so, for how long, and with what conditions (provided the services associated with those conditions are presently available)? If imprisonment is needed, so too, for how long and what conditions are to be recommended. Finally, included in the range of options to choose from are all of the items listed in the "Unsupervised" column. Excluding the limitless possible options contained under "Other", there are well over 600,000 possible combinations of sentences judges can order in Wisconsin.²⁹

Determining which of these options are optimal for an offender is difficult because information is lacking regarding the short-term effectiveness of each option on the various offender groups, and almost nonexistent regarding the long-term success rate of each option. There is no "Guide to Effective Programs and Sentences" in Wisconsin to assist judges with selecting the perfect combination of sentences.

Judge Michael Marcus offers his perspectives on the current practice of selecting sentences. He suggests that sentences are selected more on the perceptions of sentences intuitively fitting a crime rather than on evidence that a given sentence has been proven to be successful at preventing future crime. Marcus states, "we send thieves to theft talk, drunk drivers to alcohol treatment, bullies to anger counseling, addicts to drug treatment, and sex offenders to sex offender treatment . . . as a matter of symmetry rather than of science" (Marcus 2004).

Although there are studies that have examined some of the sentencing options listed above (Duguid, 2000), additional studies on other sentencing options are needed. Specifically, additional studies are needed on how each sentencing option affects offenders in each offense category. Judge Marcus again weighs in on improving information about sentencing options: "[O]ur only sane course is to improve our knowledge and our ability to guide our sentencing behaviors based on good evidence about what works on which offenders" (Marcus 2005).

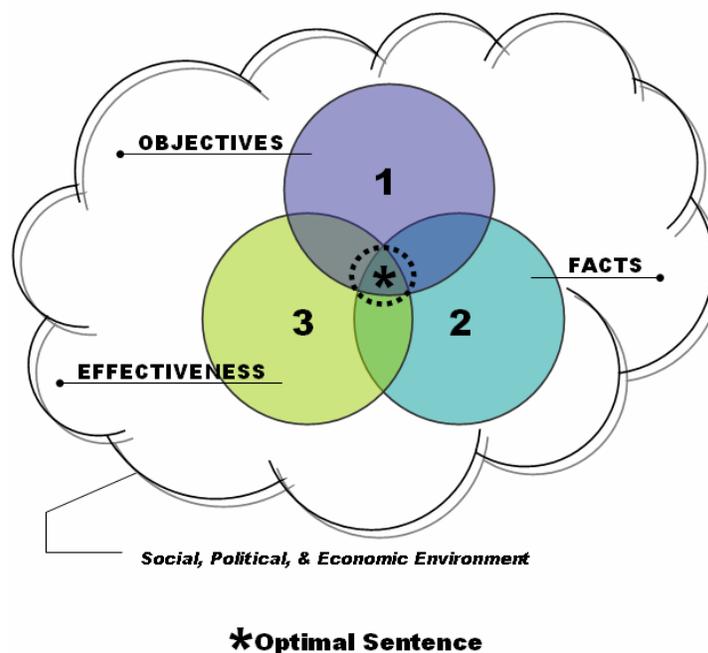
State government efforts to research issues related to sentence effectiveness in Wisconsin are beginning to emerge. The Wisconsin Court system's Planning and Policy Advisory Committee (PPAC) is one such example. PPAC, whose function is to advise the Supreme Court on long range planning matters, created a subcommittee to "explore and assess the effectiveness of policies and programs designed to improve public safety and reduce incarceration."³⁰ This subcommittee, Alternatives to Incarceration (AIC), is currently "studying the area of risk assessment and is hoping to make recommendations to PPAC on whether or not and how . . . [computer aided risk] assessments can be used as a tool for judges before sentencing to determine if an alternative to incarceration is an option."³¹ While the AIC has also been working with the DOC in the area of risk assessment, no specific or final recommendations related to developing effective sentences have materialized to date.

Selecting the best sentence for an offender is made more problematic by the interrelationships among the three elements discussed above. Since all three elements are interconnected, perhaps the best way to think about them is as one, rather than three separate components.

COMPREHENSIVE SENTENCING MODEL

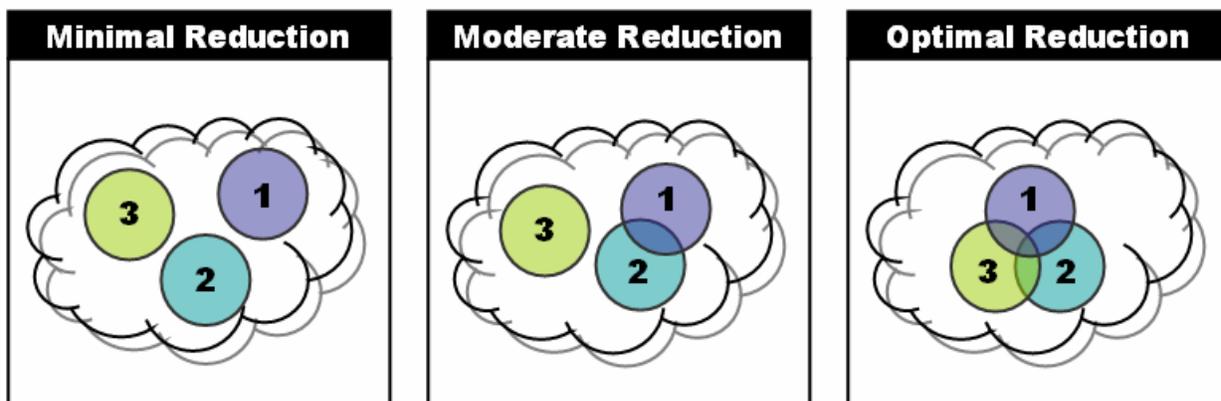
As mentioned in the introduction of this report, sentencing exists in an environment of social, economic, and political factors. Since the primary purpose of this study is to present information in order to increase the understanding of recidivism and the critical elements needed to reduce it, only minimal mention of environment is offered here. Suffice it to say that locking up every first offender forever would effectively prevent recidivism, but would be socially, politically, and economically prohibitive. This point is raised simply to be mindful of the fact that the three elements discussed above, while arguably the most critical, are not the only forces present at the time of criminal sentencing.

Crafting effective sentences to reduce recidivism requires the convergence of all three of these critical sentencing elements: Objectives, Facts, and Effectiveness. As depicted below, the point at which the three elements intersect is the theoretical optimal sentence to prevent an offender from re-offending.



Excluding one of the three elements from consideration is like having only two legs of a three-legged stool. The absence of any one of the three is likely to result in failure. If any one of the sentencing elements is moved out of position, there will no longer be a point at which they all intersect. If the three elements do not intersect, achieving a sentence to prevent recidivism becomes improbable. The best that can be achieved, assuming two of the three elements still intersect, is a slight to moderate reduction in recidivism.

The extent to which judges consider the three elements creates a continuum of recidivism-reducing sentences. The extent to which these elements intersect for each offender sentenced, results in recidivism reduction that ranges from minimal to optimal.



Without knowledge of the effectiveness of individual and combined sentencing options, judges are left with control and consideration of Elements 1 and 2 only. Even if objectives and facts are in perfect alignment, a sentence to an ineffective sentencing option is more likely to perpetuate the current recidivism rates. Without solid information about Element 3, current operating practices, which include plea bargains, council recommendations, going rates, and past practices, become the default sentencing methodology. Judges can still achieve some reduction when Elements 1 and 2 intersect, but an optimal reduction of recidivism is not achievable without the intersection with Element 3.

The fact that judges are legally required to consider Elements 1 and 2 in Wisconsin is perhaps the reason why recidivism rates are not higher. Likewise, the fact that little is known about sentence effectiveness creates only chance intersections with the others, and is perhaps at least part of the reason why recidivism rates are not lower. Conceivably, when additional information regarding the effectiveness of sentences on specific offenders becomes available, there will be a greater decrease in recidivism rates.

RECOMMENDATIONS

Much can be learned about recidivism by studying the unique traits of each repeat offender group and the traits of those who do not recidivate. Ideally, the knowledge gained from the observations documented in this study will help practitioners generate sentences that will decrease the current rates of recidivism.

As stated in the introduction of this report, the time of sentencing is one point when disrupting an offender's cycle of recidivism is possible. Of course there are many other interdependent factors that contribute to recidivism beyond sentencing. An offender's likelihood to recidivate is surely also impacted by the capabilities of justice system actors beyond the court. Previous studies discuss many elements that have been found to positively impact recidivism. Effectively supervising convicted offenders is a major component of reducing recidivism along with successfully treating each offender's needs as presented by their criminal behavior. An offender's success at avoiding re-offending when returning to their communities will be enhanced or challenged by, among other things, the make-up of their family units, contacts with criminal associates, and access to housing and employment. The overwhelming challenge of

addressing all of these topics in a single study is prohibitive and is intentionally avoided in this sentencing study.

Much more can and should be investigated in order to bring about a substantial reduction in the recidivism rates presented in this report. Perhaps after 20 more years of chipping away at the complex topic of recidivism, researchers may learn that a certain percentage of people will continue to re-offend no matter what sentences they receive. Or, those studies may conclude that the judges of our time simply did not have complete or proper information to make sentencing decisions to significantly affect recidivism. Specifically, those findings might include the notion that since present day practitioners did not know enough about which sentences were effective for specific offender groups, they were merely not able to create an intersection between all three critical sentencing elements. As a result, those practitioners could not possibly have impacted recidivism rates to the extent that they intended.

Policy makers and criminal justice practitioners currently have the authority to change the way recidivism is addressed. The following recommendations are just some of the ways in which victimization and the expense created by repeat offenders might be moderated in the future:

#1 – Continue to Study Traits Specific to Repeat Offender Groups

Studying recidivists by specific offense categories yields insights about those repeat offenders that are of great value and do not emerge by studying all recidivists together. Characteristics specific to particular offenders can be identified, as evidenced by the above comparison of robbers and all other offenders. As a result, criminal sentences can be more specifically crafted to address the challenges posed by each offender type. The difficult task of crafting sentences tailored to specific types of offenders can be eased if judges have access to information that provides an insight on the make-up of these repeat offenders. By continuing to research specific offender types, observations such as the ones documented in this report for robbers can be brought to light. Those observations include:

- Robbers commit more offenses per offender than other offenders.
- Offenses committed by robbers are on average more severe than other offenders.
- Robbers recidivate at a much higher rate than other offenders (65% versus 35%).
- Sentencing robbers may require a longer term view since the 24 year recidivism percentage of 65% is significantly higher than the 8 year percentages of 37-49%. These statistics support the finding that robbers have criminal careers that span a long period of time.
- Robbers are younger than other offenders. Recidivistic robbers are younger than robbers who do not recidivate.
- Assessing the age data of robbers demonstrates that there is no generalizable point at which they “age out.” This is another example that may support the notion that the criminal careers for robbers span a long period of time.
- Although male robbers recidivate at a rate that is higher than females, the recidivism rate of female robbers is very high (55%), and not much less than males.
- Specific racial groups recidivate at a rate higher than others, particularly when offense categories are looked at individually.

- Money, substance abuse, and unemployment are the primary reasons cited for robbing.
- Studies of the criminal histories of robbers suggest that there are in some cases identifiable progressions of offenses from retail theft to theft to burglary to robbery.

These aggregate findings strongly suggest that robbers are at a higher risk for recidivating than other offenders. Judges and others should be aware of these findings when assessing a robbery offender's future risk at the time of sentencing and when completing the sentencing guidelines worksheets. These findings also suggest that if there is a progression of offenses for robbers, the progressive pattern could potentially be identified and interrupted with a specifically crafted sentence to prevent the ascension to the more serious assaultive crime of robbery.

#2 – Consider Aggregate Facts When Sentencing

Judges' duties involve the determination of sentencing objectives including what an appropriate punishment for an offender is, as well as how or if a person can be rehabilitated. When other clear resources are lacking in this area, aggregate facts could potentially be used to assist in these decisions. If the aggregate facts found in literature, studies, and Wisconsin statistics all demonstrate there is an offender profile for someone strongly likely to re-offend (extensive criminal history, young, low education, no family support structure, not remorseful, impulsive, etc.), then judges should not only be made aware of this information, but use it to develop recidivism reducing sentences tailored to each individual offender.

Theory and reason suggest that if robbers are prolific offenders, then focusing rehabilitation efforts on them should yield noticeable results in crime reduction. Combining this rehabilitation theory with the aggregate statistics regarding a possible progression of offenses from this study suggests that the place to focus rehabilitation efforts is early in an offender's criminal career, and prior to ascending to a more severe crime like robbery.

What happens in practice, on the other hand, does not appear to be consistent with this rehabilitation theory. If rehabilitating robbers produces the desired result of significantly impacting crime, why do the recidivism rates for robbers remain high? Additionally, if rehabilitating robbers is consistently achievable, why are there no specialty courts for robbers similar to drug courts or teen courts? Finally, which programs are proven to prevent robbers from re-offending? These points are not raised to suggest that all robbers cannot be rehabilitated, rather that additional information, potentially in the form of aggregate facts, is greatly needed given these conflicting notions.

As the aggregate facts from this study suggest, a low probability for rehabilitation exists for a significant percentage of robbers based on their characteristics, high rate of recidivism, and extended criminal careers. In addition to prison as a punishment, incapacitating robbers for a long period of time may be necessary to protect the public. Other aggregate facts from this study suggest that female robbers, for example, may be receiving shorter prison sentences than their risk warrants.

#3 – Research New and Different Sentences

With the present information, scientific conclusions regarding sentences to prevent recidivism are not apparent. However, given the recidivism rates nationally and in Wisconsin, the criminal sentencing process should clearly continue to be studied and innovative sentences should be explored in greater detail. For example, if recidivists have a difficult time coping with difficult

decisions and do not realize this fact, perhaps sentences could be directed toward programs such as life skill training and decision making. Additionally, since most recidivists re-offend sooner rather than later after release (Langan and Levin, 2002, Jacobson, 2005, Petersilia, 2003), perhaps moving resources up front to more closely monitor offenders during this critical period would be more effective. New techniques such as self-reporting tools could also be attempted to more closely and efficiently monitor the thoughts of long-term and impulsive offenders such as robbers. Even if the findings of future research only include suggestions or observations about strategies to try, research, or develop further, the public is better served than simply continuing on with current practices alone.

#4 – Create Uniform Offender I.D. System for All State Justice Partners

Wisconsin should consider creating and implementing a standard and consistently used defendant identification number for all state criminal justice partners to facilitate the study of necessary data. Accessing data and drawing conclusions about recidivism is hindered as a result of the current dilemma of making a positive identification of offender records between criminal justice systems. Of the data sources available to the WSC, only the DOC data allow for a reliable study of recidivism at this time. This limitation results in the study of recidivism being restricted to those offenders given a DOC sentence. This single enhancement of a consistently used defendant I.D. number will allow for greater observations and conclusions to be drawn from a wider range of offenses by combining and analyzing data from the automation systems of all criminal justice partners. Practitioners and policy makers might consider creating or using a state I.D. number that is tied to offender fingerprint records and/or Federal Bureau of Investigation numbers.

#5 – Expand Information Collected on Sentencing Guidelines Worksheets

The current sentencing guidelines worksheets are intended as a tool for judges to assist in consistently considering relevant sentencing factors. The present worksheets are only designed to indicate whether a particular factor had an influence on the sentence imposed. The worksheets do not allow for information to be collected on the presence of traits common to recidivists. If worksheets were expanded to allow for collecting information of this sort, additional observations could be made that link recidivistic traits to sentencing factors, types of sentences, length of sentences, and an offender's likelihood to re-offend.

The WSC should consider adding additional risk factors that are common to recidivists to the guidelines worksheets. The Dow et. al. (2005) model for risk prediction currently piloted by the DOC could be incorporated in some fashion into the current risk assessment section of the worksheets.

#6 – Create System to Identify and Track Sentence Effectiveness

If the creation of recidivism-reducing sentences requires information regarding sentence effectiveness, then it stands to reason that some sort of system should exist to track the effectiveness of the various sentencing options. No such system presently exists in Wisconsin. Studying the effectiveness of the numerous sentencing options should be raised in priority along with a project to build some type of system to track the effectiveness of those sentencing options. Critical to a sentencing effectiveness tracking system would be information pertaining to offense categories since sentences are most effective when they are tailored to specific offender groups.

#7 - Consider All Three Sentencing Elements as One to Reduce Recidivism

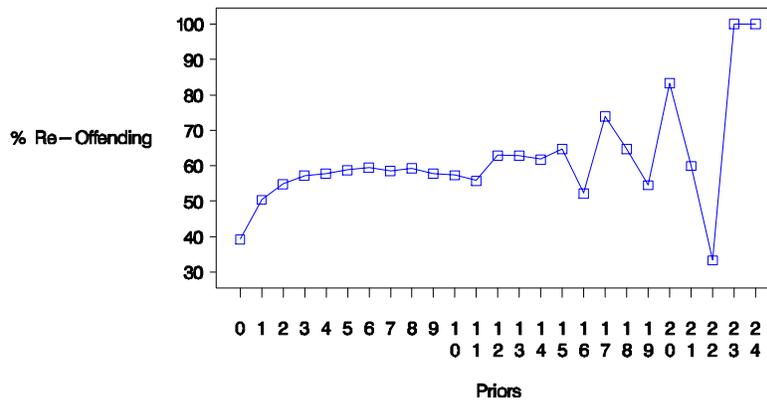
As the discussion on the comprehensive sentencing model proposed in this paper suggests, three critical sentencing elements are required to reduce recidivism. Consideration of only two out of the three elements is presently required by law in Wisconsin. Since a mechanism for tracking sentence effectiveness does not currently exist in Wisconsin, developing sentences to consistently reduce recidivism is difficult. Only by considering all three elements as one will there be support for the recommendation to develop a system of tracking sentence effectiveness.

APPENDICES

Appendix A – Percentage Re-Offending by Prior Offenses

Prior offenses are calculated by subtracting one (1) from the total number of court cases committed by an adult offender where that offender was sentenced to DOC oversight from 1980 through 2003. By contrast, the recidivism statistics presented throughout this report represent only the total number of return trips to DOC and count offenses that were committed on different dates as one offense provided the cases have identical conviction and sentence dates.

Criminal History by Percent Re-Offending

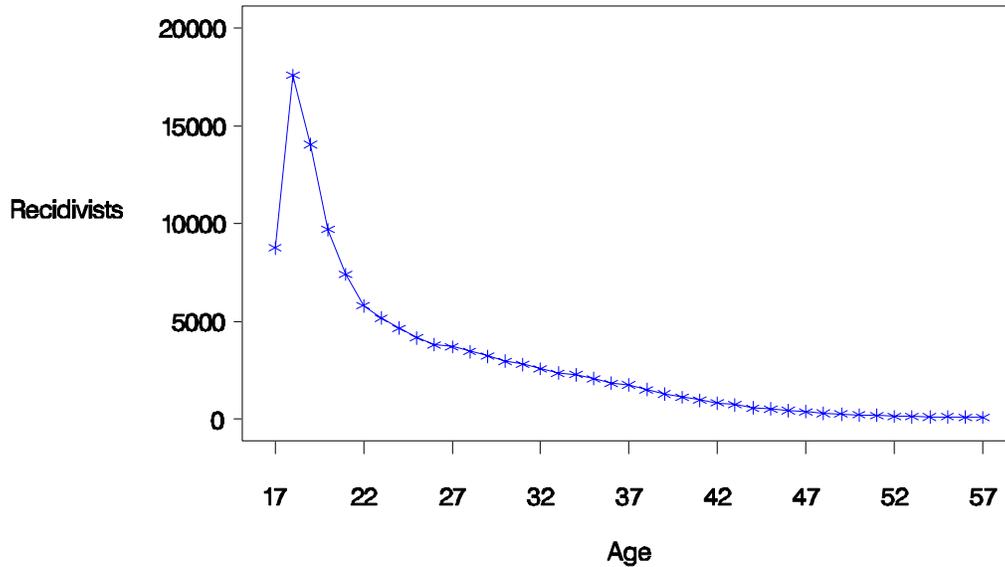


39.29	% of	343,265	offenders having	1	prior offense	commit another offense
50.42	% of	134,874	offenders having	2	prior offenses	commit another offense
54.89	% of	68,004	offenders having	3	prior offenses	commit another offense
57.27	% of	37,324	offenders having	4	prior offenses	commit another offense
57.79	% of	21,374	offenders having	5	prior offenses	commit another offense
58.82	% of	12,352	offenders having	6	prior offenses	commit another offense
59.51	% of	7,266	offenders having	7	prior offenses	commit another offense
58.56	% of	4,324	offenders having	8	prior offenses	commit another offense
59.32	% of	2,532	offenders having	9	prior offenses	commit another offense
57.79	% of	1,502	offenders having	10	prior offenses	commit another offense
57.37	% of	868	offenders having	11	prior offenses	commit another offense
55.82	% of	498	offenders having	12	prior offenses	commit another offense
62.95	% of	278	offenders having	13	prior offenses	commit another offense
62.86	% of	175	offenders having	14	prior offenses	commit another offense
61.82	% of	110	offenders having	15	prior offenses	commit another offense
64.71	% of	68	offenders having	16	prior offenses	commit another offense
52.27	% of	44	offenders having	17	prior offenses	commit another offense
73.91	% of	23	offenders having	18	prior offenses	commit another offense
64.71	% of	17	offenders having	19	prior offenses	commit another offense
54.55	% of	11	offenders having	20	prior offenses	commit another offense
83.33	% of	6	offenders having	21	prior offenses	commit another offense
60.00	% of	5	offenders having	22	prior offenses	commit another offense
33.33	% of	3	offenders having	23	prior offenses	commit another offense
100.00	% of	1	offenders having	24	prior offenses	commit another offense

Appendix B – Number of Recidivists by Age of First Offense

The following percentages are taken from the group of recidivists and represent the number of offenses contained in the data set categorized by the age of the offender's first offense.

Age of First Offense by Count of Recidivists

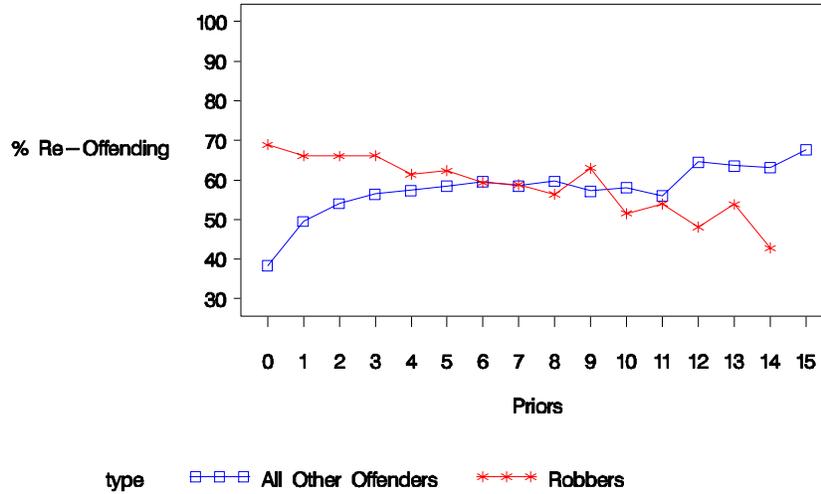


14.41% of recidivists were age 18
 11.52% of recidivists were age 19
 7.95% of recidivists were age 20
 6.07% of recidivists were age 21
 4.76% of recidivists were age 22
 4.25% of recidivists were age 23
 3.81% of recidivists were age 24
 3.42% of recidivists were age 25
 3.12% of recidivists were age 26
 3.04% of recidivists were age 27
 2.84% of recidivists were age 28
 2.65% of recidivists were age 29
 2.43% of recidivists were age 30
 2.30% of recidivists were age 31
 2.11% of recidivists were age 32
 1.93% of recidivists were age 33
 1.87% of recidivists were age 34
 1.70% of recidivists were age 35
 1.51% of recidivists were age 36
 1.44% of recidivists were age 37
 1.24% of recidivists were age 38
 1.06% of recidivists were age 39

0.92% of recidivists were age 40
 0.80% of recidivists were age 41
 0.68% of recidivists were age 42
 0.61% of recidivists were age 43
 0.47% of recidivists were age 44
 0.43% of recidivists were age 45
 0.37% of recidivists were age 46
 0.32% of recidivists were age 47
 0.25% of recidivists were age 48
 0.22% of recidivists were age 49
 0.18% of recidivists were age 50
 0.16% of recidivists were age 51
 0.12% of recidivists were age 52
 0.11% of recidivists were age 53
 0.10% of recidivists were age 54
 0.10% of recidivists were age 55
 0.08% of recidivists were age 56
 0.08% of recidivists were age 57

Appendix C – Percentage Re-Offending by Priors (by Offense)

Criminal History by Percent Re-Offending



ROBBERY OFFENDERS		PRIORS	OTHER OFFENDERS	
% Re-Offending	% of Robbers		% Re-Offending	% of Other offenders
68.93%	68.9258%	0	38.38%	38.3803%
66.14%	45.5859%	1	49.55%	19.0184%
66.07%	30.1172%	2	54.06%	10.2815%
66.18%	19.9316%	3	56.46%	5.8053%
61.44%	12.2461%	4	57.40%	3.3325%
62.36%	7.6367%	5	58.42%	1.9470%
59.34%	4.5313%	6	59.53%	1.1591%
58.84%	2.6660%	7	58.52%	0.6783%
56.41%	1.5039%	8	59.67%	0.4048%
62.99%	0.9473%	9	57.20%	0.2315%
51.55%	0.4883%	10	58.11%	0.1345%
54.00%	0.2637%	11	56.03%	0.0754%
48.15%	0.1270%	12	64.54%	0.0486%
53.85%	0.0684%	13	63.58%	0.0309%
42.86%	0.0293%	14	63.11%	0.0195%
-	-	15	67.69%	0.0132%
-	-	16	52.27%	0.0069%
-	-	17	73.91%	0.0051%
-	-	18	64.71%	0.0033%
-	-	19	54.55%	0.0018%
-	-	20	83.33%	0.0015%
-	-	21	60.00%	0.0009%
-	-	22	33.33%	0.0003%
-	-	23	100.00%	0.0003%
-	-	24	100.00%	0.0003%

Appendix D – Median Age of Offenders

The information in the table below consists of DOC sentenced offenders whose age ranges from 18-65. This age range comprises 99.99% of offenders 18 and older.

ROBBERY OFFENDERS

ALL OTHER OFFENDERS

ROBBERY OFFENDERS						PRIOR OFF.	ALL OTHER OFFENDERS					
NON-RECIDIVISTS			RECIDIVISTS				NON-RECIDIVISTS			RECIDIVISTS		
25th PCTL	50 th PCTL*	75th PCTL	25th PCTL	50 th PCTL*	75th PCTL		25th PCTL	50 th PCTL*	75th PCTL	25th PCTL	50 th PCTL*	75th PCTL
19	21	27	19	20	25	0	21	27	36	19	23	30
20	24	31	20	23	28	1	22	28	36	20	25	32
22	27	34	21	25	30	2	23	29	37	21	26	33
25	29	35	23	27	32	3	24	30	37	23	28	34
26	31	37	25	29	34	4	25	31	38	24	29	35
28	33	37	26	30	35	5	26	32	38	25	30	36
30	34	39	28	32	36	6	28	33	39	26	31	37
32	35	39	28	32	37	7	29	34	40	27	32	37
31	36	41	29	34	37	8	30	35	40	29	33	38
32	37	40	31	35	38	9	30	36	41	29	33	38
34	38	41	31	34	39	10	31	36	40	30	35	39
33	38	40	32	33	38	11	32	36	42	31	36	41
32	37	44	32	33	35	12	33	39	42	30	36	41
33	36	38	32	35	37	13	34	38	43	31	36	41
33	34	36	33	40	41	14	34	40	46	31	36	40
35	40	46	*	*	*	15	36	38	43	31	37	41
*	*	*	*	*	*	16	32	38	42	33	37	43
*	*	*	*	*	*	17	38	45	47	33	36	39
*	*	*	*	*	*	18	35	38	44	33	37	41
*	*	*	*	*	*	19	34	37	38	39	40	43
*	*	*	*	*	*	20	25	25	25	41	41	43
*	*	*	*	*	*	21	42	43	43	40	45	58
*	*	*	*	*	*	22	39	42	44	58	58	58
*	*	*	*	*	*	23	*	*	*	58	58	58
*	*	*	*	*	*	24	*	*	*	58	58	58
*	*	*	*	*	*	25	58	58	58	*	*	*

Appendix E – Robbery Worksheet (Page 1)

CCAP Case Number: _____
 County: _____

Sentencing Date: _____
 Offender Age: _____

Robbery, Wis. Stat. § 943.32
 (1)(a) (1)(b)

THIS WORKSHEET ONLY APPLIES TO:
 Sentencing Hearings Held On or After 7/1/2005, for TIS-II Offenses (Offenses Committed On or After 2/1/2003).

NOTE A: Where several options are presented, circle one and check *Mitigating* or *Aggravating*. [EX. Minimal Leader]
NOTE B: Only check *Mitigating* or *Aggravating* for those factors that apply. Otherwise, leave the boxes unchecked.

OFFENSE SEVERITY	Mitigating	Aggravating
Characteristics of the Offense		
Value of Loss: \$ <input style="width: 100px;" type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
Motivated by Need for Basic Necessities	<input type="checkbox"/>	<input type="checkbox"/>
Motivated by Greed	<input type="checkbox"/>	<input type="checkbox"/>
Conduct More Serious than Offense of Conviction	<input type="checkbox"/>	<input type="checkbox"/>
Other, specify: _____	<input type="checkbox"/>	<input type="checkbox"/>
Degree of Preparation		
None or Spontaneous / Some / Extensive	<input type="checkbox"/>	<input type="checkbox"/>
Type of Harm		
Threat / Abduction / Restraint	<input type="checkbox"/>	<input type="checkbox"/>
Great Bodily Harm / Extreme Emotional Harm	<input type="checkbox"/>	<input type="checkbox"/>
Extreme Degree of Force	<input type="checkbox"/>	<input type="checkbox"/>
Aggravating Factors, Wis. Stat. § 973.017 <input type="checkbox"/> N/A		
Concealed or Altered Appearance	<input type="checkbox"/>	<input type="checkbox"/>
Gang-Related Offense	<input type="checkbox"/>	<input type="checkbox"/>
Elderly Victim	<input type="checkbox"/>	<input type="checkbox"/>
Bulletproof Clothing	<input type="checkbox"/>	<input type="checkbox"/>
Crime Committed to Influence Governmental Policy	<input type="checkbox"/>	<input type="checkbox"/>
Other, specify: _____	<input type="checkbox"/>	<input type="checkbox"/>
Penalty Enhancers, Wis. Stat. § 939 <input type="checkbox"/> N/A		
Repeat Offender (§ 939.62) <input type="checkbox"/> Pleased and Proved	<input type="checkbox"/>	<input type="checkbox"/>
Dangerous Weapon (§ 939.63) <input type="checkbox"/> Pleased and Proved	<input type="checkbox"/>	<input type="checkbox"/>
Hate Crime (§ 939.645) <input type="checkbox"/> Pleased and Proved	<input type="checkbox"/>	<input type="checkbox"/>
Role in Offense		
Minimal / Leader	<input type="checkbox"/>	<input type="checkbox"/>
Manipulated or Pressured	<input type="checkbox"/>	<input type="checkbox"/>
Abused Position of Trust / Authority	<input type="checkbox"/>	<input type="checkbox"/>
Other, specify: _____	<input type="checkbox"/>	<input type="checkbox"/>
Vulnerable Victim		
Mentally Ill	<input type="checkbox"/>	<input type="checkbox"/>
Cognitively Deficient	<input type="checkbox"/>	<input type="checkbox"/>
Youthful Victim, provide age: <input style="width: 50px;" type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
Otherwise Vulnerable, specify: _____	<input type="checkbox"/>	<input type="checkbox"/>

RISK FACTORS	Mitigating	Aggravating
Education		
Grade Completed, circle one: -9 9 10 11 12 12+	<input type="checkbox"/>	<input type="checkbox"/>
Degree Obtained: <input type="checkbox"/> None <input type="checkbox"/> GED/HSED <input type="checkbox"/> High School <input type="checkbox"/> College <input type="checkbox"/> Currently Enrolled	<input type="checkbox"/>	<input type="checkbox"/>
Employment History		
Usually Employed	<input type="checkbox"/>	<input type="checkbox"/>
Same Employer for Extended Period of Time	<input type="checkbox"/>	<input type="checkbox"/>
Employed When Offense was Committed or at Time of Sentencing	<input type="checkbox"/>	<input type="checkbox"/>
Lengthy or Frequent Periods of Unemployment	<input type="checkbox"/>	<input type="checkbox"/>

Wisconsin Sentencing Guidelines Worksheet §943.32(1)

Effective Date of this Revision: 7/1/2005

SEND TO: Wisconsin Sentencing Commission, P.O. Box 7856, Madison, WI 53707-7856

Appendix E – Robbery Worksheet (Page 2)

Criminal Record		
Criminal Record Not a Factor, check here <input type="checkbox"/>		
No Criminal Record	<input type="checkbox"/>	<input type="checkbox"/>
Prior Misdemeanor(s), total number <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prior Assaultive Misdemeanors, total number <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prior felony or felonies, total number <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prior Assaultive Felonies, total number <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prior Offense(s) Similar to Current Offense	<input type="checkbox"/>	<input type="checkbox"/>
Previously Placed on Community Supervision	<input type="checkbox"/>	<input type="checkbox"/>
Criminal History Understates / Overstates Risk	<input type="checkbox"/>	<input type="checkbox"/>
On Legal Status / Not on Legal Status when Crime was Committed	<input type="checkbox"/>	<input type="checkbox"/>
Time Since Most Recent Conviction / Incarceration: <input type="text"/> months / yrs	<input type="checkbox"/>	<input type="checkbox"/>
Mental and Physical Health		
Mental Health Problem(s) / Physical Health Problem(s)	<input type="checkbox"/>	<input type="checkbox"/>
Treatment for Health Problems	<input type="checkbox"/>	<input type="checkbox"/>
Alcohol and Drug Abuse		
Under the Influence When the Offense was Committed	<input type="checkbox"/>	<input type="checkbox"/>
Frequent Prior Abuse	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Prior Treatment	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Never Treated For Alcohol/Drug Abuse	<input type="checkbox"/>	<input type="checkbox"/>
Social Factors		
Married or Long-Term Relationship	<input type="checkbox"/>	<input type="checkbox"/>
Resides With or Supports Children	<input type="checkbox"/>	<input type="checkbox"/>
Family Support or Other Support Network	<input type="checkbox"/>	<input type="checkbox"/>
Defendant Suffered Prior Abuse	<input type="checkbox"/>	<input type="checkbox"/>
Attitude		
Remorse	<input type="checkbox"/>	<input type="checkbox"/>
Accepts Responsibility	<input type="checkbox"/>	<input type="checkbox"/>
Detailed Rehabilitative Plan in Progress	<input type="checkbox"/>	<input type="checkbox"/>
Cooperated with Authorities / Prosecution	<input type="checkbox"/>	<input type="checkbox"/>
Other, specify:	<input type="checkbox"/>	<input type="checkbox"/>

OFFENSE INFORMATION		
<p>Percent of Offenders Given Probation for the Offense since 2/2003 (TIS II effective date):</p> <p style="text-align: center; font-size: 1.2em;">46%</p>	<p>Penalty Classification Level:</p> <p style="text-align: center; font-size: 1.2em;">Class E Felony</p>	<p>Permissible Penalties:</p> <ul style="list-style-type: none"> Probation Fine – Maximum \$50,000 Maximum Imprisonment – 15 Years <ul style="list-style-type: none"> • Initial Confinement – Maximum 10 Years • Extended Supervision – Maximum 5 Years

RECOMMENDED SENTENCE RANGE			
OFFENSE SEVERITY	RISK FACTORS		
	Lesser	Medium	High
Mitigated	___ Prob. – 1½ yrs confinement	___ Prob. – 3 yrs confinement	___ 2 – 5 yrs confinement
Intermediate	___ Prob. – 3 yrs confinement	___ 2 – 5 yrs confinement	___ 3 – 7½ yrs confinement
Aggravated	___ 2 – 5 yrs confinement	___ 3 – 7½ yrs confinement	___ 7 – 10 yrs confinement

OTHER FACTORS THAT MAY WARRANT SENTENCE ADJUSTMENT	Mitigating	Aggravating
PSI Recommendation	<input type="checkbox"/>	<input type="checkbox"/>
Read-In Offense(s)	<input type="checkbox"/>	<input type="checkbox"/>
Effect of Multiple Counts	<input type="checkbox"/>	<input type="checkbox"/>
Victim Statement	<input type="checkbox"/>	<input type="checkbox"/>
Restitution Paid Before Sentencing	<input type="checkbox"/>	<input type="checkbox"/>
District Attorney (DA) Recommendation	<input type="checkbox"/>	<input type="checkbox"/>
Defense Attorney Recommendation	<input type="checkbox"/>	<input type="checkbox"/>
Other, specify:	<input type="checkbox"/>	<input type="checkbox"/>

Appendix E – Armed Robbery Worksheet (Page 1)

CCAP Case Number: _____

Sentencing Date: _____

County: _____

Offender Age: _____

Armed Robbery, Wis. Stat. § 943.32(2)

THIS WORKSHEET ONLY APPLIES TO:
 Sentencing Hearings Held On or After 7/1/2005, for TIS-II Offenses (Offenses Committed On or After 2/1/2003).

NOTE A: Where several options are presented, circle one and check *Mitigating* or *Aggravating*. [EX. Minimal Leader]

NOTE B: Only check *Mitigating* or *Aggravating* for those factors that apply. Otherwise, leave the boxes unchecked.

OFFENSE SEVERITY	Mitigating	Aggravating
Characteristics of the Offense		
Value of Loss: \$ _____	<input type="checkbox"/>	<input type="checkbox"/>
Motivated by Need for Basic Necessities	<input type="checkbox"/>	<input type="checkbox"/>
Motivated by Greed	<input type="checkbox"/>	<input type="checkbox"/>
Type of Weapon, specify :	<input type="checkbox"/>	<input type="checkbox"/>
Conduct More Serious than Offense of Conviction.....	<input type="checkbox"/>	<input type="checkbox"/>
Other, specify :	<input type="checkbox"/>	<input type="checkbox"/>
Degree of Preparation		
None or Spontaneous / Some / Extensive.....	<input type="checkbox"/>	<input type="checkbox"/>
Type of Harm		
Threat / Abduction / Restraint.....	<input type="checkbox"/>	<input type="checkbox"/>
Great Bodily Harm / Extreme Emotional Harm.....	<input type="checkbox"/>	<input type="checkbox"/>
Extreme Degree of Force.....	<input type="checkbox"/>	<input type="checkbox"/>
Aggravating Factors, Wis. Stat. § 973.017 <input type="checkbox"/> N/A		
Concealed or Altered Appearance.....	<input type="checkbox"/>	<input type="checkbox"/>
Gang-Related Offense.....	<input type="checkbox"/>	<input type="checkbox"/>
Elderly Victim.....	<input type="checkbox"/>	<input type="checkbox"/>
Bulletproof Clothing	<input type="checkbox"/>	<input type="checkbox"/>
Crime Committed to Influence Governmental Policy.....	<input type="checkbox"/>	<input type="checkbox"/>
Other, specify :	<input type="checkbox"/>	<input type="checkbox"/>
Penalty Enhancers, Wis. Stat. § 939 <input type="checkbox"/> N/A		
Repeat Offender (§ 939.62)..... <input type="checkbox"/> Plead and Proved.....	<input type="checkbox"/>	<input type="checkbox"/>
Dangerous Weapon (§ 939.63)..... <input type="checkbox"/> Plead and Proved.....	<input type="checkbox"/>	<input type="checkbox"/>
Hate Crime (§ 939.645)..... <input type="checkbox"/> Plead and Proved.....	<input type="checkbox"/>	<input type="checkbox"/>
Role in Offense		
Minimal / Leader	<input type="checkbox"/>	<input type="checkbox"/>
Manipulated or Pressured.....	<input type="checkbox"/>	<input type="checkbox"/>
Abused Position of Trust / Authority	<input type="checkbox"/>	<input type="checkbox"/>
Other, specify :	<input type="checkbox"/>	<input type="checkbox"/>
Vulnerable Victim		
Mentally Ill.....	<input type="checkbox"/>	<input type="checkbox"/>
Cognitively Deficient.....	<input type="checkbox"/>	<input type="checkbox"/>
Youthful Victim, provide age: _____	<input type="checkbox"/>	<input type="checkbox"/>
Otherwise Vulnerable, specify :	<input type="checkbox"/>	<input type="checkbox"/>

RISK FACTORS	Mitigating	Aggravating
Education		
Grade Completed, circle one : -9 9 10 11 12 12+	<input type="checkbox"/>	<input type="checkbox"/>
Degree Obtained: <input type="checkbox"/> None <input type="checkbox"/> GED/HSED <input type="checkbox"/> High School <input type="checkbox"/> College <input type="checkbox"/> Currently Enrolled	<input type="checkbox"/>	<input type="checkbox"/>
Employment History		
Usually Employed.....	<input type="checkbox"/>	<input type="checkbox"/>
Same Employer for Extended Period of Time	<input type="checkbox"/>	<input type="checkbox"/>
Employed When Offense was Committed or at Time of Sentencing.....	<input type="checkbox"/>	<input type="checkbox"/>
Lengthy or Frequent Periods of Unemployment.....	<input type="checkbox"/>	<input type="checkbox"/>

Wisconsin Sentencing Guidelines Worksheet §943.32(2)

Effective Date of this Revision: 7/1/2005

SEND TO: Wisconsin Sentencing Commission, P.O. Box 7856, Madison, WI 53707-7856

Appendix E – Armed Robbery Worksheet (Page 2)

Criminal Record		
Criminal Record Not a Factor, check here <input type="checkbox"/>		
No Criminal Record	<input type="checkbox"/>	<input type="checkbox"/>
Prior Misdemeanor(s), total number <input type="text"/> Assaultive Misdemeanors, total number <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prior felony or felonies, total number <input type="text"/> Assaultive Felonies, total number <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prior Offense(s) Similar to Current Offense	<input type="checkbox"/>	<input type="checkbox"/>
Previously Placed on Community Supervision	<input type="checkbox"/>	<input type="checkbox"/>
Criminal History Understates / Overstates Risk	<input type="checkbox"/>	<input type="checkbox"/>
On Legal Status / Not on Legal Status when Crime was Committed	<input type="checkbox"/>	<input type="checkbox"/>
Time Since Most Recent Conviction / Incarceration: <input type="text"/> months / yrs.	<input type="checkbox"/>	<input type="checkbox"/>
Mental and Physical Health		
Mental Health Problem(s) / Physical Health Problem(s)	<input type="checkbox"/>	<input type="checkbox"/>
Treatment for Health Problems	<input type="checkbox"/>	<input type="checkbox"/>
Alcohol and Drug Abuse		
Under the Influence When the Offense was Committed	<input type="checkbox"/>	<input type="checkbox"/>
Frequent Prior Abuse	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Prior Treatment	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Never Treated For Alcohol/Drug Abuse	<input type="checkbox"/>	<input type="checkbox"/>
Social Factors		
Married or Long-Term Relationship	<input type="checkbox"/>	<input type="checkbox"/>
Resides With or Supports Children	<input type="checkbox"/>	<input type="checkbox"/>
Family Support or Other Support Network	<input type="checkbox"/>	<input type="checkbox"/>
Defendant Suffered Prior Abuse	<input type="checkbox"/>	<input type="checkbox"/>
Attitude		
Remorse	<input type="checkbox"/>	<input type="checkbox"/>
Accepts Responsibility	<input type="checkbox"/>	<input type="checkbox"/>
Detailed Rehabilitative Plan in Progress	<input type="checkbox"/>	<input type="checkbox"/>
Cooperated with Authorities / Prosecution	<input type="checkbox"/>	<input type="checkbox"/>
Other, specify:	<input type="checkbox"/>	<input type="checkbox"/>

OFFENSE INFORMATION		
Percent of Offenders Given Probation for the Offense since 2/2003 (TIS II effective date):	Penalty Classification Level:	Permissible Penalties:
14%	Class C Felony	Probation Fine – Maximum \$100,000 Maximum Imprisonment – 40 Years <ul style="list-style-type: none"> • Initial Confinement – Maximum 25 Years • Extended Supervision – Maximum 15 Years

RECOMMENDED SENTENCE RANGE			
OFFENSE SEVERITY	RISK FACTORS		
	Lesser	Medium	High
Mitigated	___ Prob. – 3 yrs confinement	___ Prob. – 6 yrs confinement	___ 5 – 10 yrs confinement
Intermediate	___ Prob. – 6 yrs confinement	___ 5 – 10 yrs confinement	___ 10 – 17 yrs confinement
Aggravated	___ 4 – 10 yrs confinement	___ 8 – 15 yrs confinement	___ 15 – 25 yrs confinement

OTHER FACTORS THAT MAY WARRANT SENTENCE ADJUSTMENT	Mitigating	Aggravating
PSI Recommendation	<input type="checkbox"/>	<input type="checkbox"/>
Read-In Offense(s)	<input type="checkbox"/>	<input type="checkbox"/>
Effect of Multiple Counts	<input type="checkbox"/>	<input type="checkbox"/>
Victim Statement	<input type="checkbox"/>	<input type="checkbox"/>
Restitution Paid Before Sentencing	<input type="checkbox"/>	<input type="checkbox"/>
District Attorney (DA) Recommendation	<input type="checkbox"/>	<input type="checkbox"/>
Defense Attorney Recommendation	<input type="checkbox"/>	<input type="checkbox"/>
Other, specify:	<input type="checkbox"/>	<input type="checkbox"/>

Wisconsin Sentencing Guidelines Worksheet §943.32(2)

Effective Date of this Revision: 7/1/2005

SEND TO: Wisconsin Sentencing Commission, P.O. Box 7856, Madison, WI 53707-7856

Appendix F – Worksheets Submitted by County

Armed Robbery	
County	Worksheets
Brown	2
Calumet	1
Columbia	1
Dane	9
Door	2
Eau Claire	1
Jackson	1
Kenosha	1
Manitowoc	2
Marathon	1
Milwaukee	211
Oconto	5
Outagamie	1
Racine	3
Richland	1
Sheboygan	2
Washington	3
Waukesha	6
Waupaca	1
Waushara	1
Winnebago	2

Unarmed Robbery	
County	Worksheets
Ashland	1
Brown	1
Clark	1
Dane	4
Eau	2
Fond du Lac	3
Jackson	1
Lincoln	1
Manitowoc	4
Marinette	1
Milwaukee	93
Oconto	1
Outagamie	1
Racine	1
St. Croix	1
Sauk	1
Sheboygan	1
Washington	1
Waukesha	4

Appendix G – Worksheet Factor Frequency

ARMED ROBBERY

Factor	Prison	Probation	Total	Prison
	N			%
OffenseLevel_1	29	11	40	72.5%
OffenseLevel_2	124	11	135	91.9%
OffenseLevel_3	80	2	82	97.6%
RiskLevel_1	72	20	92	78.3%
RiskLevel_2	102	4	106	96.2%
RiskLevel_3	59	0	59	100.0%
Concealed or Altered Appearance	47	3	50	94.0%
Value of Loss	26	6	32	81.3%
Vulnerable Victim	9	2	11	81.8%
Degree of Preparation	21	4	25	84.0%
Threat / Abduction / Restraint	117	11	128	91.4%
Great Bodily / Extreme Emotional Harm	27	0	27	100.0%
Extreme Degree of Force	51	2	53	96.2%
Other Type of Harm	5	0	5	100.0%
Minimal (1st)	14	9	23	60.9%
Leader (1st)	37	2	39	94.9%
Manipulated or Pressured	17	3	20	85.0%
Other Role in Offense	51	3	54	94.4%
Accepts Responsibility	139	15	154	90.3%
Cooperated with Authorities / Prosecution	92	9	101	91.1%
No Criminal Record	35	8	43	81.4%
Prior Misdemeanors	71	3	74	95.9%
Prior Felonies	88	2	90	97.8%
Prior Offense(s) Similar to Current Offense	38	2	40	95.0%
Criminal History Understates / Overstates Risk	7	0	7	100.0%
Defendant not on Legal Status	79	5	84	94.0%
Time Since Most Recent Conviction / Incarceration	20	1	21	95.2%
Employed when Offense was Committed	30	0	30	100.0%
Mental Health / Physical Health Problems	42	4	46	91.3%
Treatment for Health Problems	14	1	15	93.3%
Frequent Prior Abuse	119	4	123	96.7%
Prior Treatment / Never Treated	21	2	23	91.3%
Read-In Offense(s)	49	2	51	96.1%
Effect of Multiple Counts	60	0	60	100.0%
DA or Defense Rec	65	11	76	85.5%
Habitual Criminality	7	0	7	100.0%
Other Adjustment Factor	34	6	40	85.0%

Appendix G – Worksheet Factor Frequency (Continued)

ROBBERY

Factor	Prison	Probation	Total	Prison
	N			%
OffenseLevel_1	10	8	18	55.6%
OffenseLevel_2	39	31	70	55.7%
OffenseLevel_3	29	6	35	82.9%
RiskLevel_1	10	29	39	25.6%
RiskLevel_2	31	11	42	73.8%
RiskLevel_3	37	5	42	88.1%
Concealed or Altered Appearance	7	7	14	50.0%
Value of Loss	1	4	5	20.0%
Vulnerable Victim	17	8	25	68.0%
Degree of Preparation	2	3	5	40.0%
Threat / Abduction / Restraint	27	12	39	69.2%
Great Bodily / Extreme Emotional Harm	28	12	40	70.0%
Extreme Degree of Force	15	14	29	51.7%
Minimal (1st)	1	5	6	16.7%
Leader (1st)	18	9	27	66.7%
Other Role in Offense	9	11	20	45.0%
Accepts Responsibility	34	23	57	59.6%
Cooperated with Authorities / Prosecution	17	13	30	56.7%
No Criminal Record	2	13	15	13.3%
Prior Misdemeanors	30	6	36	83.3%
Prior Felonies	35	6	41	85.4%
Prior Offense(s) Similar to Current Offense	23	1	24	95.8%
Defendant not on Legal Status	31	17	48	64.6%
Time Since Most Recent Conviction / Incarceration	4	1	5	80.0%
Employed when Offense was Committed	3	2	5	60.0%
Mental Health / Physical Health Problems	25	8	33	75.8%
Treatment for Health Problems	3	6	9	33.3%
Frequent Prior Abuse	45	13	58	77.6%
Prior Treatment / Never Treated	7	6	13	53.8%
Read-In Offense(s)	13	5	18	72.2%
Effect of Multiple Counts	18	4	22	81.8%
DA or Defense Rec	20	26	46	43.5%
Habitual Criminality	8	0	8	100.0%
Other Adjustment Factor	8	5	13	61.5%

Appendix H – Regression Results (Continued)

ARMED ROBBERY

Factor	Coefficient	Standard Error
1-2 Judge Counties	0.57	1.47
3-6 Judge Counties	-3.41	1.13
7-17 Judge Counties	-3.35	1.23
Age	-0.54	0.25
Ln(age)	18.87	7.62
Female	-1.52	1.06
Black Defendant	-0.79	0.63
Hispanic Defendant	1.95	0.95
Concealed or Altered Appearance	0.40	1.15
Value of Loss	-2.90	2.26
Vulnerable Victim	-1.51	0.73
Degree of Preparation	0.08	1.96
Threat/Abduction/Restraint	0.33	0.69
Great Bodily Harm	1.66	0.65
Extreme Degree of Force	-1.51	0.68
Minimal Involvement	-3.47	2.72
Leader	1.02	0.74
Other Role in Offense	0.57	0.87
Accepts Responsibility	-0.90	0.73
Cooperated with Authorities	-0.72	0.76
No Criminal Record	-2.16	1.26
Prior Misdemeanors	0.67	0.64
Prior Felonies	0.47	0.58
Prior Offenses Similar to Present Offense	2.65	0.73
Defendant not on Legal Status	1.60	0.62
Time Since Most Recent Conviction	-0.53	1.45
Employed When Offense Committed	1.17	1.40
Mental Health	-0.66	0.68
Treatment for Health Problems	-3.75	1.82
Frequent Prior Offenses	0.53	0.73
Prior Treatment/Never Treated	-0.13	1.29
Read-In Offenses	0.40	0.80
Effect of Multiple Counts	2.97	0.67
DA or Defense Recommendation	-1.17	0.64
Habitual Criminality	5.74	1.21
Other Adjustment Factor	-0.71	0.84
Constant	-45.35	17.90

Log likelihood = -190.98, n = 123

Appendix H – Regression Results

All regressions use the Tobit model (see page 19 for details). Ln(age) refers to the natural log of the defendant's age. For armed robberies, 1-2 judge counties are taken as the baseline; for unarmed robberies, Milwaukee County is taken as the baseline. This does not affect the results of the analysis.

UNARMED ROBBERY

Factor	Coefficient	Standard Error
3-6 Judge Counties	-1.46	1.84
7-17 Judge Counties	-0.36	1.88
Milwaukee	-0.04	1.63
Ln(age)	2.01	1.01
Female Defendant	-3.57	1.22
Black Defendant	-0.63	0.66
Hispanic Defendant	-1.35	1.08
Concealed or Altered Appearance	1.74	0.75
Value of Loss	-1.73	1.26
Vulnerable Victim	0.29	1.43
Degree of Preparation	-0.44	1.24
Threat/Abduction/Restraint	-0.17	0.57
Great Bodily Harm	1.26	1.00
Extreme Degree of Force	2.37	0.67
Other Type of Harm	-0.19	1.88
Minimal Involvement	-3.61	1.04
Leader	0.06	0.84
Manipulated/Pressured	-2.26	1.11
Other Role in Offense	-0.49	0.71
Accepts Responsibility	-1.10	0.71
Cooperated with Authorities	0.40	0.67
No Criminal Record	-0.73	0.84
Prior Misdemeanors	-0.27	0.62
Prior Felonies	2.42	0.65
Prior Offenses Similar to Present Offense	1.18	0.83
Criminal History Over/Understates Risk	2.90	1.67
Defendant not on Legal Status	-0.69	0.63
Time Since Most Recent Conviction	0.29	1.03
Employed When Offense Committed	0.54	0.89
Mental Health	-2.12	0.73
Treatment for Health Problems	-0.03	1.28
Frequent Prior Offenses	0.59	0.61
Prior Treatment/Never Treated	-1.01	1.01
Read-In Offenses	1.98	0.71
Effect of Multiple Counts	1.62	0.66
DA or Defense Recommendation	-0.82	0.65
Habitual Criminality	1.23	1.73
Other Adjustment Factor	-0.16	0.74
Constant	-0.92	3.47

Log Likelihood = -663.09, n = 257

Appendix H – Regression Results (Continued)

ARMED ROBBERY

Factor	Coefficient	Standard Error
Offense Level 2	2.98	0.64
Offense Level 3	6.87	0.69
Risk Level 2	3.07	0.50
Risk Level 3	7.68	0.57
Constant	-1.46	0.66

Log Likelihood = -632.01, n = 257

UNARMED ROBBERY

Factor	Coefficient	Standard Error
Offense Level 2	0.98	0.93
Offense Level 3	3.83	0.97
Risk Level 2	3.50	0.83
Risk Level 3	6.11	0.84
Constant	-3.56	1.09

Log likelihood = -223.25, n = 123

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ENDNOTES

¹ For more information on the topic of recidivism see the Recidivism Research Abstract provided by the Wisconsin Sentencing Commission (WSC) at <http://wsc.wi.gov/docview.asp?docid=3675>

² Trial Courts

In Wisconsin, the term trial court is synonymous with circuit court. There are currently 241 circuit court judges in Wisconsin.

³ Letter from Wisconsin Governor Jim Doyle to Wisconsin Sentencing Commission members directing them to "...take into account the overall costs and effectiveness of sentencing practices." Furthermore, "The Commission may identify means to protect the public safety and reduce public expenditure at the same time." November 21, 2003.

⁴ Ibid

⁵ Robbery Defined - 2003-04 WISCONSIN STATUTES & ANNOTATIONS, through 2005 Wis. Act 50 and November 1, 2005. **943.32 Robbery.** (1) Whoever, with intent to steal, takes property from the person or presence of the owner by either of the following means is guilty of a Class E felony:

(a) By using force against the person of the owner with intent thereby to overcome his or her physical resistance or physical power of resistance to the taking or carrying away of the property; or

(b) By threatening the imminent use of force against the person of the owner or of another who is present with intent thereby to compel the owner to acquiesce in the taking or carrying away of the property.

(2) Whoever violates sub. (1) by use or threat of use of a dangerous weapon, a device or container described under s. 941.26(4)(a) or any article used or fashioned in a manner to lead the victim reasonably to believe that it is a dangerous weapon or such a device or container is guilty of a Class C felony.

⁶ CCAP Data

Where court data was required, queries were run against data from the CCAP system. The CCAP data set used by WSC included only felony cases filed on or after 02/01/03 with judgments on or before 11/24/04. The CCAP dataset was used to find sentencing data for cases where the common data elements, case number and county number, existed in both DOC and CCAP datasets.

⁷ DOC Data

CACU was the system from which most of the Wisconsin statistical information used in this paper was extracted. CACU contains data for over 25 years, from all Wisconsin counties. In addition, the DOC data include a defendant identification number which is essential to positively identifying offenders and reliably tracking their criminal histories.

Three data sets were extracted from CACU and used to produce the Wisconsin statistics provided in this report. The first data set (All Offenders) was extracted from the entire CACU data set and limited by cases or individual offenders with conviction dates from 1980 through 2004. Sentencing dates were used for cases where conviction dates were unavailable. Offense dates were used in the absence of either conviction or sentencing dates. Data prior to 1980 were not used since they were back loaded and incomplete, thus, deemed unreliable. Non-charging statutes (i.e. Charge Modifiers including Conspiracy, Habitual Criminality, Repeater, Use of Dangerous Weapon, Hate Crime, Attempt, Bulletproof Garment, Concealing Identity, Gang Crimes, etc.) were dropped when this set was extracted since they were not relevant to the calculations contained in this report.

The second data set (Robbers) was extracted from the All Others data set and is limited to offenders charged and convicted of robbery as either the major or minor offense. This data set includes all cases and charges committed by offenders convicted of any form of robbery.

The third data set (All Others) was extracted from the All Offenders data set and excludes all cases and charges committed by offenders contained in the Robbers data set.

⁸ Wisconsin Sentencing Guidelines Worksheets

Circuit court judges in Wisconsin are asked to complete a sentencing worksheet for the following offenses: Burglary; Delivery/Possession Cocaine <=1g; Delivery/Possession THC 200-1,000g; 1st Degree Sexual Assault; 2nd Degree Sexual Assault; 1st Degree SA of Child; 2nd Degree SA of Child; Theft >\$10,000; Robbery; Armed Robbery; Forgery; Forgery Uttering.

Sentencing worksheets contain factors the judges should consider at the time of sentencing. The worksheets contain sections for Offense Severity Assessment, Risk Factors, % sentenced to Probation for the previous 5 years, Permissible penalties, a combined grid of risk assessment and offense severity (each ranked one to three), and Other Factors that May Warrant Adjustment of the Sentence.

⁹ Major offenses

A major offense in DOC's CACU system is defined as the most severe offense resulting from a specific circuit court case where the offender was sentenced to some form of DOC oversight. A case is set up by DOC staff when they receive a new Judgment of Conviction (JOC) from the circuit court. As a general practice, a single JOC is sent to DOC for each circuit court case. All DOC sentenced charges for each case are printed on that single JOC. Over the course of time however, circuit courts have on occasion sent in multiple JOCs containing each charge sentenced to DOC separately. This anomaly results in multiple major offenses being recorded in the DOC system for the same circuit court case, when only one major offense for each court case would have been recorded if all charges for that case were printed on the same document.

Of the 692,848 DOC cases contained in the data set possessed by WSC, 2.3% had multiple major offenses listed for the same circuit court case and county number. Since these anomalies were created by what equates to inconsistent clerical procedures, WSC staff updated the cases in question so that they only have one major offense per circuit court case. The methodology used to insure the most severe offense was flagged as the major offense was as follows: Major offenses were attributed to charges with prison sentences over probation, longer sentences over shorter, and lower sequence numbers over higher.

After making this adjustment, counting major offenses when calculating criminal histories in the DOC system is similar to counting an equivalent number of corresponding circuit court cases. For most calculations, major offenses were used as the basis for extracting information from the Robbers and All Others data sets. Making the major offense adjustment as described above, prevents overstating criminal histories for offenders where multiple JOCs were sent in.

¹⁰ Major Offender

A major offender is defined as an individual who was convicted of a crime by the trial courts and sentenced to some form of DOC oversight on at least one occasion between 1980 and 2003.

¹¹ Criminal History

WSC provides the information in this report with the presumption that criminal history measured by number of cases is more indicative of continued criminal behavior than criminal history measured by total number of charges. That is to say, an offender with a criminal history that includes four separate cases each with one count over a 2 year period is more likely to recidivate than an offender having only one case with four counts during that same period (assuming the offense dates of all four of those counts were committed within a relatively short period of time).

¹² Specialty Robbers vs. Diverse Offenders

An analysis was performed to explore what percentage of robbers commit robbery only versus committing robbery plus other offenses. The purpose for doing this was to explore whether or not those that "specialize" in robbery have different traits than those that commit other offenses along with robbery. Sentencing decisions would most likely be different between the two offender types if, for example, their other offenses suggested drug dependency which may require a sentence involving treatment.

The findings yielded a slightly higher percentage of robbery offenders who committed exclusively robbery as opposed to committing other offenses in addition to robbery. Taken at face value, this finding might suggest that the two nearly equal groups should be studied separately. However, an analysis was then performed on the time span between each offender's first and last offense. These observations could suggest something very different. The group that committed robbery only had a median offending span of 3 years. In sharp contrast, the group that committed robbery plus other offenses had a median offending span of 11 years. The dramatic difference suggests that simply not enough time elapsed to allow offenders in the exclusive group to migrate to the diverse group.

In sum, more analysis is needed on this point prior to any suggestive observation being included in the body of this report. As a result, both exclusive and diverse robbers are included in this study.

¹³ Armed vs. Unarmed

Recidivism rate for Armed Robbers (1980-2003) is 64%
Recidivism rate for Unarmed Robbers (1980-2003) is 71%

¹⁴ Criminal Career

An additional measure of the length of criminal activity was devised during the course of this study. The average number of years between an offender's first and last DOC sentenced offense was calculated. The median number of years between a robber's first and last offense was 7 as opposed to 4 years for all other offenders. The average number of years between a first and last DOC sentenced offense for the two offense groups is as follows:

	25 th Percentile	50 th Percentile	75 th Percentile
Robbers	3 years	7 years	12 years
All Others	2 years	4 years	9 years

Since these numbers may be influenced to some degree by the length of prison sentences ordered, they were not included in the body of this report. Nevertheless, the offenders still committed a subsequent crime after they were released from DOC oversight. The numbers listed above demonstrate that some measure of length of criminal career is worth additional study.

¹⁵ % of Felons Receiving a DOC Sentence

These figures were generated from the CCAP system.

	DOC	Non-DOC	Total
Robbers	656	3	659
All Others	16584	29	16613

¹⁶ Maximum Penalties - 2003-04 WISCONSIN STATUTES & ANNOTATIONS, through 2005 Wis. Act 50 and November 1, 2005.

943.32 Robbery. (1) Whoever, with intent to steal, takes property from the person or presence of the owner by either of the following means is guilty of a Class E felony:

(2) Whoever violates sub. (1) by use or threat of use of a dangerous weapon, a device or container described under s. 941.26

(4) (a) or any article used or fashioned in a manner to lead the victim reasonably to believe that it is a dangerous weapon or such a device or container is guilty of a Class C felony.

973.01(2)(b).

3. For a Class C felony, the term of confinement in prison may not exceed 25 years

5. For a Class E felony, the term of confinement in prison may not exceed 10 years.

973.01(2)(d).

2. For a Class C felony, the term of extended supervision may not exceed 15 years.

4. For a Class E, F, or G felony, the term of extended supervision may not exceed 5 years.

¹⁷ Robbery Sentences

This information was compiled by the Wisconsin Sentencing Commission and presented in their report: [Criminal Sentencing in Wisconsin: Robbery \(July 2005\)](#), page 5.

¹⁸ Prison Length for Robbers

Ibid p.11

¹⁹ Primary Sentence

Prison and other sentences imposed but stayed were counted as probation if the defendant was then placed on probation.

²⁰ Worksheet Offenses

Burglary; Delivery/Possession Cocaine <=1g; Delivery/Possession THC 200-1,000g; 1st Degree Sexual Assault; 2nd Degree Sexual Assault; 1st Degree SA of Child; 2nd Degree SA of Child; Theft >\$10,000; Robbery; Armed Robbery; Forgery; Forgery Uttering.

²¹ Effect of Worksheet Factors on Sentences

Older versions of the sentencing guidelines worksheets did not contain separate indicators for whether a factor had an aggravating or mitigating influence on a sentence. To standardize data from the old and new worksheets, the aggravating and mitigating indicators were dropped leaving only an indicator for whether a factor was checked or not.

²² Worksheet Selection Bias

Due to the voluntary nature of how worksheets are returned, some self-selection bias may exist. Despite this possible limitation, the guidelines worksheets are the best source for this kind of data at the present time.

²³ Statistically Significant

Where the value of the t statistic is greater than 2.00 (significant at approximately the five percent level). The t statistic is calculated by dividing the coefficient by the standard error. In other words, "the chances are less than one in twenty that the true coefficient is actually zero and that we are observing a larger coefficient just by chance" (Fisher, 1980).

²⁴ 973.017(2)(ad)-(ak) - 2003-04 WISCONSIN STATUTES & ANNOTATIONS, through 2005 Wis. Act 50 and November 1, 2005.

(ad) The protection of the public.

(ag) The gravity of the offense.

(ak) The rehabilitative needs of the defendant.

²⁵ DOC Risk Prediction

Personal e-mail correspondence with Anthony Streveler, DOC Policy Initiatives Advisor, March 19, 2006.

²⁶ Sentencing Factors

Those factors include: "(1) Past record of criminal offenses; (2) history of undesirable behavior pattern; (3) the defendant's personality, character and social traits; (4) result of presentence investigation; (5) vicious or aggravated nature of the crime; (6) degree of the defendant's culpability; (7) defendant's demeanor at trial; (8) defendant's age, educational background and employment record; (9) defendant's remorse, repentance and cooperativeness; (10) defendant's need for close rehabilitative control; (11) the rights of the public; and (12) the length of pretrial detention." *Harris v. State*, 75 Wis. 2d 513, 519-20, 250 N.W.2d 7 (1977). Additional factors have been recognized as appropriate considerations (e.g., read-ins, *Austin v. State*, 49 Wis. 2d 727, 183 N.W.2d 56 (1971), and the effect of the crime on the victim, *State v. Jones*, 151 Wis. 2d 488, 444 N.W.2d 760 (Ct. App. 1989)). The circuit court need discuss only the relevant factors in each case. See *State v. Echols*, 175 Wis. 2d 653, 683, 499 N.W.2d 631 (1993)." *Gallion*, 270 Wis. 2d at 559.

²⁷ Required Sentencing Considerations

973.017(2) - 2003-04 WISCONSIN STATUTES & ANNOTATIONS, through 2005 Wis. Act 50 and November 1, 2005.

(2) GENERAL REQUIREMENT. When a court makes a sentencing decision concerning a person convicted of a criminal offense committed on or after February 1, 2003, the court shall consider all of the following:

(a) If the offense is a felony, the sentencing guidelines adopted by the sentencing commission under s. 973.30 or, if the sentencing commission has not adopted a guideline for the offense, any applicable temporary sentencing guideline adopted by the criminal penalties study committee created under 1997 Wisconsin Act 283.

(ad) The protection of the public.

(ag) The gravity of the offense.

(ak) The rehabilitative needs of the defendant.

(b) Any applicable mitigating factors and any applicable aggravating factors, including the aggravating factors specified in subs. (3) to (8).

²⁸ Sentencing Options

The summarized list of possible unique sentences was taken from the set of actually imposed sentences contained in the CCAP system.

²⁹ Possible combinations

This is a conservative calculation since the possible combinations when prison/ES with conditions imposed and stayed are not being added to the resulting probation conditions set of options. As stated in the body of the document the seemingly infinite set of options associated with "Other" are also not included in this simple calculation.

"Supervised" (by DOC)		"Unsupervised"
Probation	Imprisonment	
$(2^{15}-1)+(2^{15}-1)=65,534$	$(2^{15}-1)+1=32,768$	$2^{19}-1=524,288$
$65,534+32,768+524,288+622,590$		
This includes 15 possible conditions with each of the two probation sentences. The null set in each sentence is not an option.	This includes 15 possible combinations off of ES. The null set is not an option. Prison adds one additional option.	This includes 19 possible sentences or conditions. The null set is not an option.

³⁰ Planning and Policy Advisory Committee

Wisconsin Court System website located at <http://wicourts.gov/about/committees/ppac.htm>

³¹ Alternatives to Incarceration Committee

PPAC meeting minutes from 8/18/05.