

Identifying Chronic Offenders

SUMMARY

About 5 percent of offenders were responsible for 19 percent of the criminal convictions in Minnesota over the last four years, including 37 percent of the convictions for felony offenses. These “chronic” offenders were much more likely than non-chronic offenders to have committed property crimes and, to a lesser extent, violent crimes. More than three-fourths of chronic offenders had convictions for more than one type of offense. About 62 percent of chronic offenders were convicted in more than one county.

The first task in assessing how Minnesota’s criminal justice system deals with chronic offenders is to define what is meant by the term “chronic offender.” The second is to estimate the extent of chronic criminal behavior in Minnesota. In this chapter, we provide information on chronic offenders in our state and address the following questions:

- **How is the term “chronic offender” defined? What limitations do existing data place on our ability to examine chronic criminal behavior?**
- **How many chronic offenders are there in Minnesota and where do they commit crimes? To what extent do chronic offenders cross county boundaries in committing crimes?**
- **How do the types and severity of crimes committed by chronic offenders compare with those committed by non-chronic offenders?**
- **To what extent do chronic offenders specialize in committing particular types of crimes?**
- **What is known about the characteristics of chronic offenders?**

In this chapter, we first discuss the difficulties we faced in defining and measuring chronic criminal behavior. Second, we present the results obtained by using jail booking data to measure the number of chronic offenders in Minnesota. Third, we examine estimates of the number of chronic offenders identified by using data on convictions for felony, gross misdemeanor, and misdemeanor offenses.¹ Finally,

¹ A felony is a crime for which a sentence of imprisonment for more than one year may be imposed. A misdemeanor is a crime for which a sentence of not more than 90 days in jail or a fine of not more than \$1,000, or both, may be imposed. A gross misdemeanor is any crime that is neither a felony nor a misdemeanor and calls for no more than 365 days in jail or a fine of no more than \$3,000, or both. *Minn. Stat.* (2000) §609.02, subd. 1-4. The 2000 Legislature increased the maximum fine amount for misdemeanor offenses from \$700 to \$1,000. *Minn. Laws* (2000) ch. 488, art. 5, sec. 5.

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we discuss what our analyses and other sources say about other characteristics of chronic offenders.

MEASUREMENT ISSUES

The term “chronic offender” is generally used to refer to individuals who frequently or persistently violate criminal laws. Estimating the number of chronic offenders and the extent of their criminal behavior is difficult, however, for a variety of reasons. First:

- **Most crimes cannot be traced to a particular offender.**

This happens because most crimes are not reported to police and arrests are not made for most reported crimes. According to nationwide data, more than half of the violent crimes and about two-thirds of the property crimes committed in the United States are not reported to police.² In addition, arrests are made for only about 20 to 25 percent of serious crimes reported to police in Minnesota.³ Among serious crimes, arrest rates are higher for crimes that are violent and more likely to have witnesses, such as murder, manslaughter, rape, and aggravated assault. Arrest rates for burglary are lower due to the absence of witnesses and perhaps the higher priority placed on solving violent crimes.

Even when an arrest is made for a particular crime or a suspected offender is booked into jail, it is not possible to definitively link the crime to that individual unless the person is convicted of the crime. Some of those arrested are never prosecuted, and others are prosecuted but found not guilty.⁴ National data indicate that about 30 percent of those prosecuted for felonies are not convicted of any offense.⁵

Second:

- **In Minnesota, information on criminal activity is scattered among several databases, making it difficult to compile a complete criminal history of each offender.**

The Bureau of Criminal Apprehension (BCA) maintains a criminal history database that includes records of arrests and convictions for felonies, gross misdemeanors, and selected misdemeanors. Records are included in this database

² Bureau of Justice Statistics, United States Department of Justice, *Criminal Victimization 1999: Changes 1998-99 with Trends 1993-99* (Washington, D.C., August 2000), 11.

³ Serious, or Part I, crimes include murder/manslaughter, rape, aggravated assault, robbery, burglary, larceny, motor vehicle theft, and arson. Arrest rates for less serious crimes (Part II crimes) are considerably higher. In Minnesota, arrests are made for about two-thirds of Part II crimes.

⁴ See Minnesota Planning, *Tracking Crime: Analyzing Minnesota Criminal History Records* (St. Paul, 1998) for data on the percentage of arrests that result in prosecution and conviction for the offenses of domestic abuse, firearm offenses, criminal sexual conduct, and vulnerable person abuse. The report indicates that between 46 and 61 percent of people arrested are prosecuted and about 80 percent of those prosecuted are convicted.

⁵ Bureau of Justice Statistics, United States Department of Justice, *Sourcebook of Criminal Justice Statistics* (Washington, D.C., 1999), 460. This figure applies to felony defendants in the nation's 75 largest counties. Comparable information on misdemeanor offenses is not available.

Fragmented data systems make it difficult to access complete information on an offender's criminal history.

only if they are accompanied by a fingerprint providing definitive identification of an offender. Records without a fingerprint are maintained in the BCA "suspense files," a separate database that is not available to the public. Comprehensive data on misdemeanor cases can only be obtained from the courts. The State Court Administrator's Office has information on misdemeanor convictions for most of the state, except Hennepin and Scott counties. In addition, information on the probation status of offenders is not centralized, although the Department of Corrections (DOC) is developing a statewide database. Information on prison and jail sentences can be obtained from BCA and court records but does not reflect actual time served. Data on the time served by prison inmates must be obtained from DOC. Information on actual time served by offenders in local jails and correctional facilities is not available from a single statewide source.

Although efforts are underway to develop an integrated database, criminal justice agencies are currently unable to access complete information on an offender's criminal history. Similarly, the lack of an integrated database makes it difficult to provide comprehensive research information to policy makers on important criminal justice issues. The lack of a centralized data source was a problem for this study as well. We could estimate the number of chronic offenders and the extent of their criminal activity only by first compiling a criminal history of each offender from the various data sources.

Compiling a criminal history for each offender is complicated by offenders' use of aliases. Linking an individual's criminal activity across databases, or even within some databases, can be difficult. Some offenders have lengthy lists of aliases, and some offenders use the same alias. Although we attempted to match records appropriately, perfect matching is not possible given the current information systems.

Finally, estimating the number of chronic offenders can be methodologically challenging due to other factors. For example, data limitations make constructing complete criminal histories infeasible. The analysis in this chapter is limited to criminal activity over the last five years. Going back much further than five years was not possible due to limits on the data available on misdemeanor convictions and questions regarding the completeness of other records.

Given these data limitations, our analyses may understate the number of chronic offenders or the extent of their prior criminal activity. Since some offenders may have been in prison during the entire five-year period, their propensity to commit crimes upon release is not reflected in the available data. Similarly, to the extent that offenders spent some of the five-year period in prison or jail, our analysis will understate the frequency with which offenders commit crimes when not incarcerated. The number of chronic offenders and their criminal activity could also be understated if chronic offenders are more successful than non-chronic offenders at avoiding arrests and convictions.

With these limitations in mind, we estimated the number of chronic offenders and the extent of their criminal activity over a five-year period, 1995-99. We used

data on both jail bookings and convictions to make our estimates.⁶ We considered an offender to be “chronic” if the offender was booked into a jail facility ten or more times from 1995 through 1999. Alternatively, we labeled an offender as “chronic” if the offender had five or more convictions of any type or three or more felony convictions over the period. Our analysis of conviction data was limited to a four-year period, 1996-99, due to some data reporting problems we found with the 1995 data. Much of the rest of this chapter presents the results of our analyses of jail booking and conviction data.

JAIL BOOKINGS

We used information on jail bookings from three sources. Information from the Department of Corrections covers the booking activity in most of the local detention facilities in Minnesota except the Hennepin and Ramsey county jails.⁷ We obtained information on bookings directly from those counties. We counted each booking occurrence as a single booking, even if a person was booked on multiple charges. We also tried to eliminate duplicate, juvenile, and transfer records from the booking databases.



Using jail bookings to identify chronic offenders has advantages and disadvantages.

Bookings can be a useful way of looking at chronic offenders and their criminal activity because bookings provide a broader look at criminal activity than is represented by convictions. However, using booking information in this way is open to certain criticisms. First, bookings may overstate criminal activity because people who are booked for a crime may be innocent. Second, law enforcement agencies may have different booking practices. Some may be less likely to book suspects than others. In addition, some law enforcement agencies may book fewer people and rely on citations requiring people to appear before the court instead.⁸ Finally, people may be booked into a facility for reasons other than being suspected of a new offense.

⁶ A jail booking is a procedure for admitting a person into a local jail or detention facility. Booking procedures include fingerprinting, photographing, and collecting personal history information. We used jail bookings instead of arrests due to concerns about the completeness of available data on arrests. However, while we were able to obtain comprehensive data on jail bookings using three sources, it should be recognized that jail bookings include fewer potential offenders than arrests. Every offender booked at a jail has been arrested, but some offenders who are arrested are never admitted to a local jail.

⁷ In this section, we are using the term “jail” somewhat loosely to apply to any holding facility or adult detention center that is used to detain adults prior to trial or sentencing. Some jails also house sentenced inmates. We did not obtain booking data from the local adult correctional facilities—such as those in Hennepin, Ramsey, and St. Louis counties—that only incarcerate sentenced inmates. If an offender was sentenced to report to one of these facilities without first having been booked into a jail, we will not have a record for the offender. Also, we did not obtain booking data from municipal police facilities that can only detain suspects for up to six hours. Neither the adult correctional facilities nor the municipal police facilities regularly report their activities for inclusion in the DOC booking data.

⁸ A citation is a written order to appear in court.

Because we were using booking data as an estimate of offenders' criminal activity, we attempted to eliminate records that would artificially inflate individuals' bookings. For example, if an offender received a sentence to be served only on weekends, the offender would be booked every weekend until his or her sentence was complete. Since the multiple bookings would be a result of the original sentence, not new offenses, we eliminated the subsequent bookings that we could identify as such.

However, it was not possible to eliminate all bookings that involved activity other than new criminal activity.⁹ Because we were using data from three different sources—and within the DOC data, from over 100 different facilities—similar activities could have been recorded differently. It is possible that our findings would be different if we had been able to make the booking data from all the facilities perfectly comparable.

We defined an offender as chronic if he or she was booked 10 or more times from 1995 through 1999. In order to use booking information to identify chronic offenders, we matched bookings to offenders based on their first name, last name, and birth date. Unlike the DOC database, data from Hennepin and Ramsey counties included matches based on fingerprints. However, we found that using the fingerprint information to supplement our matching procedures did not affect the overall results or our conclusions about the distribution of chronic offenders across the state.

Findings

For the five-year period, 1995-99, we estimated that over 336,000 people were booked into Minnesota's local adult detention centers and holding facilities. We found that:

- **Most individuals who were booked into a jail during the last five years were only booked once.**

Although individuals averaged almost 2.7 bookings each, Table 1.1 shows that 55 percent of people booked between 1995 and 1999 were booked only one time. But, these offenders accounted for only 21 percent of the statewide bookings.

In contrast:

- **A relatively small share of suspected offenders accounted for a disproportionately large share of all bookings.**

Table 1.1 also shows that 14 percent of offenders (about 48,000 individuals) were booked five or more times over the last five years. They accounted for close to half of the jail bookings statewide between 1995 and 1999.

⁹ For example, if an individual was booked for an offense, released pending his or her court appearance, and then booked after being sentenced for the offense, he or she would have had two bookings for the same offense. We were not able to identify with certainty cases in which a second booking was for the same offense and therefore we did not eliminate the second booking from our analysis.

A small share of suspected offenders accounted for more than one-fourth of all bookings statewide.

Table 1.1: Suspected Offenders and Bookings by Number of Times Booked, 1995-99

<u>Number of Times Booked</u>	<u>Percentage of Offenders</u>	<u>Percentage of Bookings</u>
1	55%	21%
2	17	13
3	8	9
4	5	8
5 to 9	10	23
10 or more	4	26

SOURCES: Office of the Legislative Auditor's analyses of booking data from the Department of Corrections and Hennepin and Ramsey counties.

Over a five-year period, most “chronic” offenders were booked in more than one county.

The individuals we identified as “chronic”—those booked ten or more times in five years—represented 4 percent of the suspected offenders (over 15,000 individuals) and accounted for 26 percent of bookings statewide. Chronic offenders were booked an average of 15 times from 1995 through 1999, with some offenders having been booked over 70 times during the five-year period.

Seventy-nine percent of those booked between 1995 and 1999 were booked in only one county. However, chronic offenders were more likely—in part due to their greater number of bookings—to be booked in more than one county. In fact:

- **Chronic offenders—those people booked ten or more times in five years—were booked in an average of three counties.**

As Table 1.2 shows, only 18 percent of chronic offenders were booked in one county, and close to one-third were booked in four or more counties. This suggests that chronic offenders cross county lines to commit offenses.

Table 1.2: Number of Counties in Which an Offender Was Booked, 1995-99

<u>Number of Counties</u>	<u>Percentage of Chronic Offenders</u>	<u>Percentage of Non-Chronic Offenders</u>
1	18%	82%
2	26	14
3	24	3
4	16	1
5 or more	15	<1

SOURCES: Office of the Legislative Auditor's analyses of booking data from the Department of Corrections and Hennepin and Ramsey counties.

Also of concern is the distribution of chronic offenders across the state. In the last year, some media attention focused on the number of chronic offenders in the Twin Cities metropolitan area. However, policy makers are interested in knowing the extent to which various parts of the state have chronic offenders. In general, we found that:

- **Hennepin County appears to have a larger share of chronic offender bookings than its share of all bookings, serious crimes, and the adult population.**

Table 1.3 shows that, while Hennepin County had 32 percent of jail bookings statewide, it had 40 percent of the bookings for chronic offenders.¹⁰ Its share of chronic offender bookings was also higher than its share of Minnesota's adult population (24 percent) and its share of serious crimes (35 percent).

Table 1.3: Bookings by Region, 1995-99

Region	Percentage of Chronic Offender Bookings	Percentage of All Bookings	Percentage of Serious Crimes (1999) ^a	Percentage of 1998 Population, Ages 18-64
Twin Cities Metropolitan Area	72%	63%	68%	56%
Hennepin County	40%	32%	35%	24%
Ramsey County	13	11	15	10
Other Metropolitan Area Counties	20	20	18	21
Outstate	28	37	32	44
TOTAL	100%	100%	100%	100%

^aSerious, or Part I, crimes include murder/manslaughter, rape, aggravated assault, robbery, burglary, larceny, motor vehicle theft, and arson. We present only the percentage for serious crimes because the St. Paul Police Department does not report all Part II (less serious) crimes, only "other assaults."

SOURCES: Office of the Legislative Auditor's analyses of booking data from the Department of Corrections and Hennepin and Ramsey counties, crime statistics from the Bureau of Criminal Apprehension, and population data from the United States Census Bureau.

Hennepin County had a disproportionately large share of chronic offender bookings.

In contrast, outstate Minnesota had fewer chronic offender bookings than expected based on crime rates and its shares of the adult population and total bookings. About 28 percent of the chronic offender bookings were in outstate Minnesota, compared with 37 percent of all bookings, 32 percent of serious crimes, and 44 percent of the adult population.

An alternative way of examining the distribution of chronic offenders across the state is to determine where each chronic offender has been booked most often. We assigned each offender a "primary county" if at least half of his or her bookings occurred in one county.¹¹ As Table 1.4 shows, Hennepin County was the primary county for 38 percent of chronic offenders. In contrast, only 27 percent of all offenders had Hennepin County as their primary county.

Outstate counties and Twin Cities area counties other than Hennepin and Ramsey generally had a smaller share of the chronic offender population than their shares of all offenders. However, these regions tended to have chronic offenders that were somewhat more mobile than those in Hennepin and Ramsey counties. Approximately 12 percent of the chronic offenders with a primary county outside

¹⁰ In addition, Hennepin County had 49 percent of the bookings for offenders with 20 or more bookings.

¹¹ We did not assign a primary county to offenders if their bookings were equally split between two counties.

Table 1.4: Offenders by Primary County, 1995-99

Region	Percentage of Chronic Offenders	Percentage of All Offenders
Twin Cities Metropolitan Area	62%	54%
Hennepin County	38%	27%
Ramsey County	11	9
Other Metropolitan Area Counties	13	18
Outstate	19	38
No Primary County	19	8
TOTAL	100%	100%

NOTE: A “primary county” was assigned if at least half of an offender’s bookings occurred in one county. We did not assign a primary county to individuals whose bookings were equally split between two counties.

SOURCES: Office of the Legislative Auditor’s analyses of booking data from the Department of Corrections and Hennepin and Ramsey counties.

of Hennepin and Ramsey counties were booked in only one county, compared with 33 percent of the Hennepin County chronic offenders and 16 percent of the Ramsey County chronic offenders. In addition, outstate Minnesota and the Twin Cities area counties other than Hennepin and Ramsey tended to have a larger share of the bookings from the fairly mobile group of chronic offenders without a primary county.¹²

CONVICTIONS

Convictions provide another way of measuring chronic offender activity.

As an alternative approach to identifying chronic adult offenders, we analyzed data on criminal convictions in Minnesota between 1996 and 1999.¹³ Similar to our analysis of statewide booking data, we determined offenders’ total number of convictions by matching offenders’ names and dates of birth as reported in criminal records. In contrast to bookings, convictions represent criminal activities for which an offender has either pleaded guilty to or been found guilty of an offense following arrest, prosecution, and judicial disposition.¹⁴ For our analysis, we included convictions for felony, gross misdemeanor, and

¹² Outstate counties had 44 percent of the bookings from chronic offenders without a primary county but only 28 percent of all chronic offender bookings. The five Twin Cities metropolitan area counties (Anoka, Carver, Dakota, Scott, and Washington) surrounding Hennepin and Ramsey counties had 27 percent of the bookings from chronic offenders without a primary county and 20 percent of the bookings for all chronic offenders.

¹³ We used conviction data from the BCA’s criminal history database and the BCA’s “suspense” file. We also used data from the State Court Administrator’s Office and Hennepin County District Court on misdemeanor convictions. These misdemeanor records included only the first disposition for each count; they did not include disposition information from subsequent court activity, such as probation revocations or appeals. We also used BCA data on offenders’ reported aliases to help build offenders’ conviction histories. Although our analysis of offender bookings included data for 1995-99, we restricted our analysis of conviction data to 1996-99 when we found possible underreporting of felony and gross misdemeanor convictions by Hennepin County in 1995. Due to time limitations for this study, we did not include Scott County’s misdemeanor conviction data, which are not available from the State Court Administrator’s Office.

¹⁴ *Minn. Stat.* (2000) §609.02, subd. 5.

misdemeanor offenses.¹⁵ We treated each conviction on a criminal count, or charge, as a separate conviction—even if there were multiple counts in a single case.¹⁶

For our analysis, we excluded convictions for certain misdemeanor offenses, such as traffic-related offenses, housing violations, license violations, juvenile offenses, and cases filed as petty misdemeanors.¹⁷ We did this because we found that many convictions for these offenses, such as speeding or underage consumption of alcohol, were for one-time offenders. We also excluded convictions arising out of local ordinances when we were able to identify the offense as such.¹⁸

Data Issues

The results of our study rely on the accuracy of reporting by the district courts to the State Court Administrator’s Office. In addition, whether an offense results in a conviction depends on law enforcement strategies, prosecution practices, and judges’ decisions. Each of these factors may vary across jurisdictions and affect the extent to which offenders’ conviction records reflect the offenses they have committed.

But there are some problems in using conviction data.

Of particular concern is the fact that the Twin Cities metropolitan area has a smaller share of convictions than either its share of population or its share of reported Part I (serious) crimes. As Table 1.5 indicates, the Twin Cities area has about 56 percent of the state’s adult population (ages 18 to 64) and 68 percent of the reported Part I crimes. But, for the period 1996-99, the Twin Cities metropolitan area had only 45 percent of the total convictions in our database, including 57 percent of the felonies, 49 percent of the gross misdemeanors, and 42 percent of the misdemeanors.

It is not entirely clear why the Twin Cities area’s share of convictions lags behind its shares of reported serious crimes. There are a number of factors that may explain these differences. First, prosecutors in Hennepin and Ramsey counties use pretrial diversion more frequently than prosecutors in other parts of the state. This practice may reduce reported convictions in these counties relative to reported crimes since, under pretrial diversion, prosecutors can dismiss criminal charges provided offenders satisfactorily complete the terms of their sentences.

¹⁵ Throughout this report, we use the terms “felony convictions,” “gross misdemeanor convictions,” and “misdemeanor convictions” to mean convictions for felony, gross misdemeanor, or misdemeanor offenses, respectively.

¹⁶ While some agencies analyze conviction data based on the number of criminal court cases, a case-level approach may result in inconsistencies in conviction totals due to statewide variations in prosecutors’ charging and case-filing practices. For example, some prosecutors may file multiple charges in a single case, while others may file a separate case for each charge.

¹⁷ Due to the differences in recordkeeping among our data sources, we may not have identified some convictions for these offenses and inadvertently included them in our analysis. We also deleted duplicate convictions from our dataset when we were able to identify the record as such. Currently, a petty misdemeanor is not a crime but an activity prohibited by statute or local ordinance. It is punishable by a maximum fine of \$300. *Minn. Stat.* (2000) §609.02, subd. 4a. In 2000 Legislature increased the maximum fine amount for petty misdemeanors from \$200 to \$300. *Minn Laws* (2000), ch. 488, art. 5, sec. 6.

¹⁸ The number, type, and severity level of local ordinances vary among jurisdictions, so we excluded these convictions from our analysis and instead examined violations of criminal statutes, which have statewide application.

Table 1.5: Convictions, Reported Serious Crimes, and Population by Region, 1996-99

Region	Percentage of Convictions, 1996-99	Percentage of Felony and Gross Misdemeanor Convictions (1999)	Percentage of Serious Crimes (1999) ^a	Percentage of 1998 Population, Ages 18-64
Twin Cities	45%	51%	68%	56%
Metropolitan Area				
Hennepin County	21%	25%	35%	24%
Ramsey County	9	10	15	10
Other Metropolitan Area Counties	15	17	18	21
Outstate	55	49	32	44
TOTAL	100%	100%	100%	100%

^aSerious, or Part I, crimes include murder/manslaughter, rape, aggravated assault, robbery, burglary, larceny, motor vehicle theft, and arson. We present only the percentage for serious crimes because the St. Paul Police Department does not report all Part II (less serious) crimes, only "other assaults."

SOURCES: Office of the Legislative Auditor's analyses of 1996-99 conviction data from the Bureau of Criminal Apprehension, the State Court Administrator's Office, and Hennepin County District Court; crime data from the Bureau of Criminal Apprehension; and population data from the United States Census Bureau.

Second, underreporting of convictions may also play a role. We found some evidence of underreporting of felony and gross misdemeanor convictions by Hennepin County in 1995 and, as a result, we limited our analysis to the period, 1996-99. We also learned of technical problems with the electronic transfer of that district's data to the BCA. Our exclusion of Scott County misdemeanor convictions from our database also reduced the Twin Cities area's share of convictions. But, this factor is unlikely to explain much of the differences between the Twin Cities area and the rest of the state.

Finally, differences in policing, prosecution, and sentencing practices may also be a factor. If practices in the Twin Cities area result in fewer reported crimes being solved and successfully prosecuted, the area's share of convictions would be less than its share of reported crimes. Whether differences in these practices play a significant role in explaining the distribution of convictions across the state is unknown. The lack of adequate statewide data and time limitations prevented us from examining these practices in detail.

Chronic Offenders and Their Convictions

We grouped offenders according to the frequency and severity level of their convictions between 1996 and 1999.¹⁹ Table 1.6 shows the percentage of

¹⁹ We identified offense levels according to the Minnesota Offense Code (MOC) or statutory definitions. When MOC or statute data were inadequate, we relied on sentencing data to define the offense level. We recognize that offense level as defined by a sentence may not always agree with the offense level as found by a jury or as pleaded by a defendant; however, we had to rely on sentencing information for a relatively small proportion of statewide convictions. Using this methodology, we identified offense levels for 99.9 percent of the convictions in our dataset.

Most chronic offenders had convictions for serious crimes, but some have only been convicted of low-level crimes.

Table 1.6: Chronic Offenders by Group, 1996-99

Offender Group	Percentage of Chronic Offenders
Five or more convictions (misdemeanor offenses only)	18%
Five or more convictions (including at least one gross misdemeanor offense but no felony offenses)	22
Five or more convictions (including one or two felony offenses)	30
Three or more convictions for felony offenses	31
All chronic offenders	100%

SOURCES: Office of the Legislative Auditor's analyses of 1996-99 conviction data from the Bureau of Criminal Apprehension, the State Court Administrator's Office, and Hennepin County District Court.

offenders we identified as chronic using four different definitions. We classified an offender as "chronic" if the offender's criminal history included at least one of four combinations of convictions: (1) five or more convictions for misdemeanor offenses, but no offenses above the misdemeanor level, (2) five or more convictions, including at least one gross misdemeanor offense but no felony offenses, (3) five or more convictions, including at least one but no more than two felony offenses, or (4) at least three convictions for felony offenses. We refer to all offenders not in any of these four chronic offender groups as "non-chronic" offenders.

Over the four-year period we studied, there were about 233,000 offenders with convictions in Minnesota. These offenders had a total of about 388,000 convictions, or about 1.7 convictions each. Approximately 11,600 of these offenders were chronic offenders. Chronic offenders had about 74,000 convictions in four years, or an average of more than 6 convictions each. Overall, we found that:

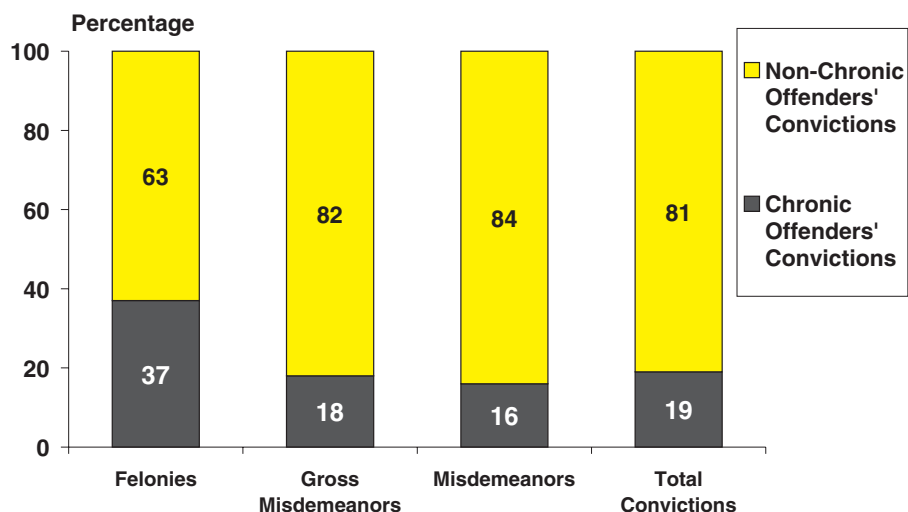
- **While most offenders had only one conviction in four years, the 5 percent of offenders whom we identified as "chronic" accounted for 19 percent of all convictions between 1996 and 1999.**

According to our data, these chronic offenders had between 3 and 41 convictions each during this time period. As Figure 1.1 indicates, we found that:

- **While chronic offenders accounted for 19 percent of convictions, they accounted for 37 percent of convictions for felony offenses and 18 percent of convictions for gross misdemeanor offenses.**

While some policy makers have suggested that chronic offenders typically commit only low-level crimes, we found that chronic offenders tended to have more convictions for serious crimes than non-chronic offenders. On average, chronic offenders had 11 times more convictions for felony offenses, 4 times more convictions for gross misdemeanor offenses, and 4 times more convictions for misdemeanor offenses, than non-chronic offenders. These differences are partly due to the greater number of convictions for chronic offenders than for

Figure 1.1: Offenders' Shares of All Convictions by Offense Level, 1996-99



Five percent of the offenders were responsible for more than one-third of the felony convictions.

SOURCES: Office of the Legislative Auditor's analyses of 1996-99 conviction data from the Bureau of Criminal Apprehension, the State Court Administrator's Office, and Hennepin County District Court.

non-chronic offenders; chronic offenders had, on average, about 4.5 times the number of convictions that non-chronic offenders had. These figures do not necessarily represent every chronic offender's criminal history since the frequency of offenses varies greatly among chronic offenders. As Figure 1.2 shows, convictions for all chronic offenders consisted of about 26 percent felonies, 16 percent gross misdemeanors, and 59 percent misdemeanor offenses. By contrast, convictions for all non-chronic offenders included 10 percent felonies, 17 percent gross misdemeanors, and 73 percent misdemeanor offenses.

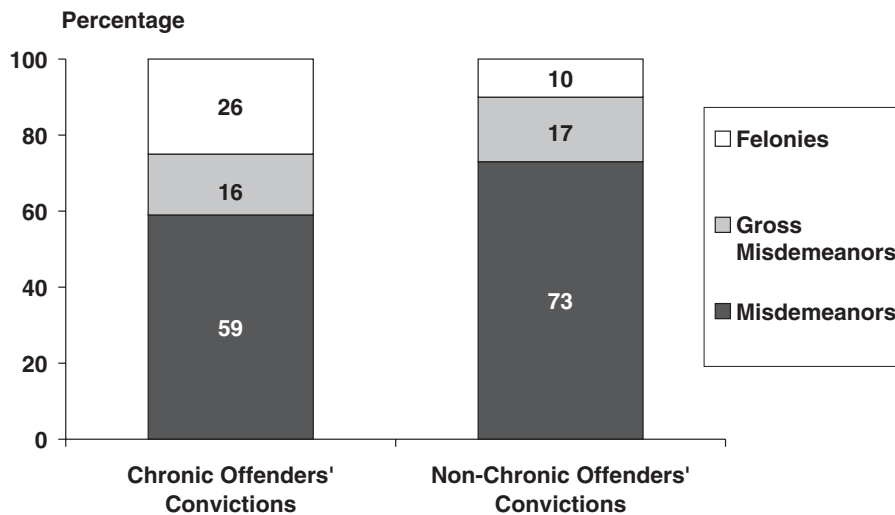
We also examined the types of offenses for which offenders had convictions.²⁰ We classified convictions according to the following five general offense categories: person, property, drug, driving while impaired (DWI), and "other." (The "other" category included offenses such as escape from incarceration, gambling, and loitering.) Data for 1996-99 indicate that:

- Compared with non-chronic offenders, chronic offenders had an average of nearly 8 times more convictions for property offenses and 6 times more convictions for person offenses, but only 1.5 times the number of DWI convictions.

Figure 1.3 shows that only 12 percent of all chronic offenders' convictions were for DWI-related offenses, while 37 percent of the convictions for non-chronic offenders were for DWI-related offenses. In contrast, 44 percent of chronic

²⁰ Using statute information, we identified offense types for about 96 percent of the convictions in our dataset.

Figure 1.2: Offenders' Convictions by Offense Level, 1996-99

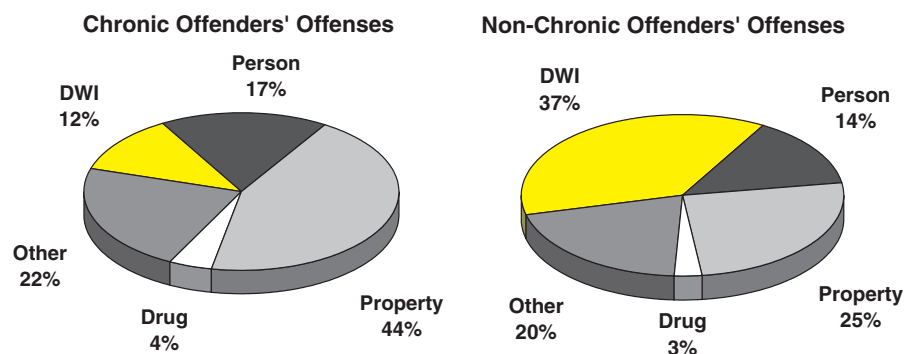


NOTE: Percentages may not sum to 100 due to rounding.

SOURCES: Office of the Legislative Auditor's analyses of 1996-99 conviction data from the Bureau of Criminal Apprehension, the State Court Administrator's Office, and Hennepin County District Court.

Figure 1.3: Offenders' Convictions by Offense Type, 1996-99

About 44 percent of chronic offenders' convictions were for property crimes.



NOTE: Percentages may not sum to 100 due to rounding.

SOURCES: Office of the Legislative Auditor's analyses of 1996-99 conviction data from the Bureau of Criminal Apprehension, the State Court Administrator's Office, and Hennepin County District Court.

Chronic offenders accounted for a disproportionately large share of violent crimes.

offenders' convictions were property offenses (such as theft and burglary) and 17 percent were person crimes, compared with 25 percent and 14 percent respectively for all non-chronic offenders.

We also grouped convictions into 22 more detailed offense categories, such as assault, forgery, burglary, sex offenses, and weapons crimes.²¹ Compared with non-chronic offenders, chronic offenders had, on average, more convictions for serious person crimes. For example, they had 11 times more homicide convictions, 15 times more robbery convictions, 5 times more assault convictions, and 9 times more convictions for violating orders for protection. Table 1.7 shows the average number of convictions for offenders for a selection of offenses.

Table 1.7: Average Number of Convictions per Offender Group, by Offense Categories, 1996-99

Offense Category	Average Number of Convictions for:		Convictions per Offender:	Chronic Offenders' Share of Convictions
	All Chronic Offenders	All Non-Chronic Offenders	Chronic Offenders to Non-Chronic Offenders	
Theft	1.028	.123	8:1	31%
Assault	.631	.136	5:1	20
Burglary	.247	.013	19:1	49
Violation of Order for Protection	.106	.012	9:1	31
Sex Offense	.082	.014	6:1	24
Robbery	.062	.004	15:1	44
Homicide	.022	.002	11:1	37
Kidnapping	.01	.0005	21:1	53

SOURCES: Office of the Legislative Auditor's analyses of 1996-99 conviction data from the Bureau of Criminal Apprehension, the State Court Administrator's Office, and Hennepin County District Court.

As discussed earlier, we classified the 5 percent of offenders labeled as "chronic" into four groups based largely on the offense level of their convictions. Of all chronic offenders, 31 percent had three or more convictions for felony offenses and 30 percent had five total convictions with one or two felonies over the 1996-99 period. The other two groups, which include chronic offenders without felony convictions, accounted for about 40 percent of all chronic offenders.²²

We looked at the convictions for each of our four chronic offender groups to determine the types of crimes they committed. As Table 1.8 shows, offenders with felony convictions generally had person, property, or drug crimes as part of

²¹ The 22 offense categories include the person crimes of assault, homicide, robbery, kidnapping, sex offense, violation of an order of protection, and other person; the property crimes of forgery, fraud, theft, receiving stolen property, arson, burglary, property damage, and other property; drug crimes; DWIs; and other offenses including justice crimes, weapons crimes, gambling, family offenses, and escape.

²² The variation in the size of these four chronic offenders groups may be partly due to our methodology, offenders' use of alias names, and the following differences in data recordkeeping. The BCA uses fingerprint data, not reported names, aliases, or dates of birth, to build offenders' criminal histories. In contrast, the State Court Administrator's Office and Hennepin County District Court keep data only on a criminal case-level basis and not at the offender level. Because of these differences in recordkeeping, it is likely we matched more records for offenders with felony or gross misdemeanor convictions, and undermatched offenders with only misdemeanor convictions.

Table 1.8: Chronic Offenders' Convictions by Offense Type, 1996-99

Offense Type	Percentage of Convictions of Chronic Offenders with: Five or More Convictions (Misdemeanors Only)	Any Felony Conviction ^a
Person	9%	20%
Property	54	47
Drug	<1	7
Other ^b	27	19
Driving While Impaired	10	8
Total Convictions	100%	100%

^aIncludes offenders with five or more convictions, including one or two felony offenses, and offenders with three or more convictions for felony offenses.

^bExamples of "other" offenses include loitering, gambling, and disorderly conduct.

SOURCES: Office of the Legislative Auditor's analyses of 1996-99 conviction data from the Bureau of Criminal Apprehension, the State Court Administrator's Office, and Hennepin County District Court.

their criminal history. Offenders with convictions for only misdemeanor offenses generally committed property crimes and "other" offenses, such as loitering, gambling, and disorderly conduct. These differences can be explained in part by the severity of offenses as defined by statutes. Person and drug crimes tend to be classified as gross misdemeanor or felony offenses.

Most chronic offenders do not specialize in committing one type of offense.

Some policy makers suggest that jurisdictions should develop strategies, such as special correctional programs or sentencing guidelines, for handling chronic offenders. Currently, some correctional programs are designed to treat offenders for one type of offense, such as driving while impaired. According to our data, however, most chronic offenders' criminal histories included more than one type of offense. We found that:

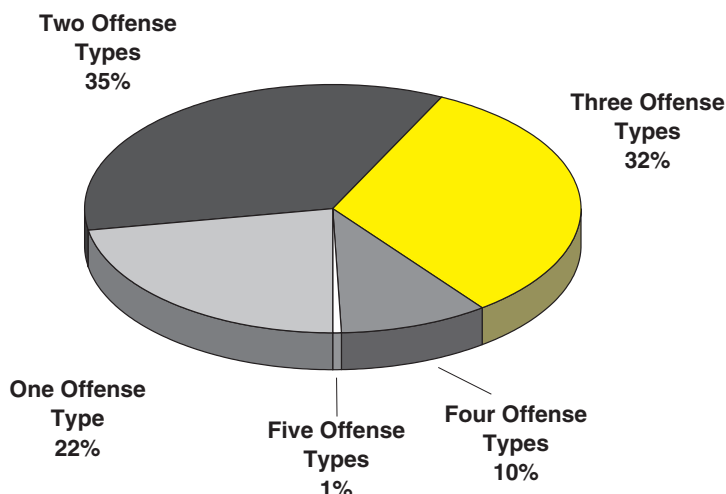
- **About 78 percent of all chronic offenders had convictions in at least two of the five general offense categories we examined.**

More than 40 percent of all chronic offenders had convictions for three or more offense types. As Figure 1.4 shows, only 22 percent of chronic offenders had convictions limited to one offense type.

Most chronic offenders convicted of only one offense type had convictions limited to property offenses. As Table 1.9 shows, chronic offenders with felony convictions were more likely than other chronic offenders to have convictions limited to either person or drug crimes.

Chronic offenders with convictions for more than one offense type (about 4 percent of all offenders) accounted for 15 percent of all convictions statewide. Table 1.10 shows the percentage of offenders with convictions for each type of offense that also had convictions for other offense types. For example, 64 percent of chronic offenders with convictions for person crimes also had property convictions and 63 percent of chronic offenders with drug convictions also

Figure 1.4: Percentage of Chronic Offenders by Number of Offense Types, 1996-99



NOTE: The five offense types are: person, property, drug, DWI, and other.

SOURCES: Office of the Legislative Auditor's analyses of 1996-99 conviction data from the Bureau of Criminal Apprehension, The State Court Administrator's Office, and Hennepin County District Court.

Most chronic offenders had at least one conviction for a property offense.

had property convictions. Of all chronic offenders with DWI convictions, just 3 percent had *only* DWI convictions; 61 percent also had property convictions, and 71 percent also had convictions for “other” offenses.

To further illustrate the variations in chronic offenders’ criminal histories, of those chronic offenders with convictions for more than one type of offense, we found that about 14 percent had convictions for person, property, and “other” offenses.

Table 1.9: Chronic Offenders with Convictions for Only One Offense Type, by Offense Type, 1996-99

Offense Type	Percentage of Chronic Offenders without Felony Convictions	Percentage of Chronic Offenders with Felony Convictions ^a
Person only	5%	23%
Property only	73	66
Drug only	0	10
DWI only	12	0
Other only	11	2
All Chronic Offenders	100%	100%

NOTE: Percentages may not sum to 100 due to rounding.

^aMost “other” offenses are either misdemeanor or gross misdemeanor offenses. Therefore it is less likely offenders with felony convictions will have offenses limited to “other” types.

SOURCES: Office of the Legislative Auditor's analyses of 1996-99 conviction data from the Bureau of Criminal Apprehension, the State Court Administrator's Office, and Hennepin County District Court.

Table 1.10: Chronic Offenders' Offense Types, 1996-99

Chronic Offenders with This Offense Type:	Percentage with Only One Type of Offense	Percentage Who Also Had a Conviction for a:				
		Person Crime	Property Crime	Drug Crime	DWI Crime	Other Crime
Person (<i>N</i> = 5,371)	8%	--	64%	13%	38%	64%
Property (<i>N</i> = 8,507)	21	40%	--	14	31	56
Drug (<i>N</i> = 1,855)	8	37	63	--	28	56
DWI (<i>N</i> = 4,303)	3	48	61	12	--	71

SOURCES: Office of the Legislative Auditor's analyses of 1996-99 conviction data from the Bureau of Criminal Apprehension, the State Court Administrator's Office, and Hennepin County District Court.

Nearly 8 percent had convictions for person, property, DWI, and "other" offenses, and about 3 percent had convictions for property, drug, and "other" offenses.

Location of Chronic Offenders

We also examined convictions by geographic region to determine the prevalence of chronic offenders around the state, as well as the extent to which chronic offenders are convicted of crimes in multiple counties.²³ As discussed earlier in this chapter, we found that the Twin Cities metropolitan area had a smaller share of convictions than its share of reported serious crime or adult population. We emphasize that our findings on the geographic distribution of chronic offenders and their convictions across the state are based on reported criminal convictions; they may not represent true differences in the degree of chronic offender activity across the state.

Chronic offenders are a statewide problem.

Overall, about 45 percent of chronic offenders' convictions and 46 percent of other offenders' convictions occurred in the Twin Cities metropolitan area. But, it appears that the Twin Cities area had more of the serious chronic offender activity. In particular, Table 1.11 shows that:

- **A majority of the chronic offenders' felony convictions occurred in the Twin Cities metropolitan area, while close to two-thirds of their misdemeanor convictions occurred outside the Twin Cities area.**

During the 1996-99 period, 54 percent of chronic offenders' felony convictions occurred in the Twin Cities metropolitan area, compared with 47 percent of gross misdemeanor convictions and 37 percent of misdemeanor convictions. Hennepin County accounted for much of this difference. About 28 percent of chronic offenders' felony convictions occurred in Hennepin County but only 23 percent of gross misdemeanor convictions and 16 percent of misdemeanor convictions occurred in Hennepin County.

²³ We were able to identify county information for 99.9 percent of the convictions in our dataset.

Chronic offenders in the Twin Cities area tend to commit more serious crimes than chronic offenders elsewhere in the state.

Table 1.11: Chronic Offenders' Convictions by Region and Offense Type, 1996-99

Region	Percentage of Felonies	Percentage of Gross Misdemeanors	Percentage of Misdemeanors	Percentage of 1998 Population, (Ages 18-64)
Twin Cities Metropolitan Area	54%	47%	37%	56%
Hennepin County	28%	23%	16%	24%
Ramsey County	11	10	9	10
Other Metropolitan Area Counties	16	15	13	21
Outstate	46	53	63	44
Total Convictions	100%	100%	100%	100%

SOURCES: Office of the Legislative Auditor's analyses of 1996-99 conviction data from the Bureau of Criminal Apprehension, the State Court Administrator's Office, and Hennepin County District Court.

According to our data:

- **While less than half of the state's adult population (ages 18 to 64) lived in outstate Minnesota, the majority of all chronic offenders' convictions (about 55 percent) occurred in that region.**

As Table 1.11 shows, chronic offenders' convictions in outstate Minnesota included 46 percent of the felonies, 53 percent of the gross misdemeanors, and 63 percent of the misdemeanors.

We also examined the extent to which chronic offenders were convicted of crimes in different jurisdictions. As was the case with our analysis of jail bookings, most chronic offenders crossed county boundaries to commit offenses. Table 1.12 shows that:

- **About 62 percent of chronic offenders had convictions in more than one county.**

Table 1.12: Number of Counties in Which an Offender Had a Conviction, 1996-99

Number of Counties	Percentage of Chronic Offenders	Percentage of All Non-Chronic Offenders
1	38%	91%
2	34	9
3	18	1
4	7	<1
5 or more	3	0

SOURCES: Office of the Legislative Auditor's analyses of 1996-99 conviction data from the Bureau of Criminal Apprehension, the State Court Administrator's Office, and Hennepin County District Court.

In fact, 10 percent of chronic offenders (about 1,100 offenders) had convictions in four or more counties between 1996 and 1999. On average, chronic offenders had convictions in two counties. In contrast, 91 percent of non-chronic offenders had convictions in only one county.

We also studied how chronic offenders across the state vary in terms of the level and type of their convictions. To examine the variation across the state, we assigned each offender a “primary” county if 50 percent or more of his or her convictions were from a particular county.²⁴ About 87 percent of chronic offenders had a primary county.

Consistent with our previous results, Table 1.13 shows that chronic offenders with only misdemeanor convictions tended to have a primary county in regions outside the Twin Cities metropolitan area. Only 20 percent of these chronic offenders had a primary county in the Twin Cities metropolitan area. But, 43 percent of chronic offenders with more serious convictions had at least half of their convictions in a Twin Cities area county.

**Outstate
Minnesota has a
disproportionately
high share of
low-level chronic
offenders.**

Table 1.13: Chronic Offenders by Level of Offense and Primary County, 1996-99

Region	Percentage of Misdemeanor-only Chronic Offenders	Percentage of Other Chronic Offenders
Twin Cities Metropolitan Area	20%	43%
Hennepin County	10%	22%
Ramsey County	3	9
Other Metropolitan Area Counties	6	11
Outstate	71	44
No Primary County	9	14
Total Offenders	100%	100%

NOTE: Percentages may not sum to 100 due to rounding.

SOURCES: Office of the Legislative Auditor’s analyses of 1996-99 conviction data from the Bureau of Criminal Apprehension, the State Court Administrator’s Office, and Hennepin County District Court.

As discussed earlier, we found that most chronic offenders did not specialize in committing one particular type of offense. As Table 1.14 shows, chronic offenders with some types of convictions were disproportionately represented in particular regions of the state. For example, chronic offenders with drug convictions were disproportionately represented in Hennepin and Ramsey counties when compared with those counties’ proportions of all chronic offenders. The Twin Cities metropolitan area, and Hennepin County in particular, also had a disproportionately high share of the chronic offenders with only person crime convictions. Chronic offenders with DWI convictions were disproportionately represented in outstate counties.

²⁴ We did not assign primary counties to those offenders with convictions equally split between two counties.

Table 1.14: Selected Chronic Offender Profiles by Primary County, 1996-99

Chronic Offender Profiles	Percentage of Chronic Offenders by Primary County				Total
	Outstate Counties	Hennepin County	Ramsey County	Other Metropolitan Area Counties	
All chronic offenders (N = 10,162)	56%	23%	10%	12%	100%
Person only (N = 394)	38	37	8	16	100
Property only (N = 1,490)	67	21	5	8	100
Drug only (N = 149)	38	39	15	8	100
DWI only (N = 118)	78	10	4	8	100
Any person (N = 4,786)	52	25	10	13	100
Any property (N = 7,245)	57	22	10	11	100
Any drug (N = 1,655)	38	31	18	13	100
Any DWI (N = 3,719)	62	18	7	14	100

NOTE: Includes only those chronic offenders whom we were able to assign a primary county. "Primary county" indicates that at least 50 percent of the offender's convictions were in that county. We did not assign a primary county to offenders whose convictions were equally split between two counties.

SOURCES: Office of the Legislative Auditor's analyses of 1996-99 conviction data from the Bureau of Criminal Apprehension, the State Court Administrator's Office, and Hennepin County District Court.

OTHER CHARACTERISTICS

It would be useful for policy makers, as well as criminal justice agencies dealing with chronic offenders, to have additional information on chronic offenders. We were able to obtain only limited statewide data on offenders' characteristics, such as gender and race. Compared to all individuals booked, the data showed that males and African Americans were disproportionately represented among individuals booked frequently over the last five years. Of people for whom we had gender data, 79 percent of people booked were male, while 89 percent of people booked ten or more times were male.²⁵ Among those for whom race information was available, 74 percent of all offenders were white, while 54 percent of individuals booked ten or more times were white.²⁶ African Americans, who accounted for 15 percent of all people booked, accounted for 36 percent of people booked ten or more times. Between 1995 and 1999, 4 percent of all people booked were American Indian and 5 percent were Hispanic. In contrast, among those booked ten or more times, 7 percent were American Indian, and 2 percent were Hispanic.

²⁵ Because we matched offender records by last name, first name, and date of birth, it is possible we failed to identify some female offenders as chronic if they married and changed their last name during our period of analysis. However, in order to avoid identification as a chronic offender, these female offenders could not have had ten or more bookings under either of their last names.

²⁶ It should be noted that race data were not always consistent for offenders. Even the Hennepin County data, which matches offender booking records by fingerprint, did not always have the same race information for the same offender. Sex and race could not be established for 7 percent of all offenders and 2 percent of those booked ten or more times. Nearly all of the individuals for whom we did not have sex or race information were from Ramsey County.

There is very little statewide information on offenders' characteristics.

Based on our 1996-99 conviction data, of people for whom we had gender data, 79 percent of all offenders were male, while 86 percent of offenders meeting one of our four definitions of chronic were male. Among those for whom race information was available, nearly 74 percent of all offenders with convictions were white, compared with 67 percent of chronic offenders. While 19 percent of all offenders with convictions were African American, about 25 percent of chronic offenders were identified as such. Our data also indicated that about 5 percent of all offenders were American Indian, and 3 percent were either Hispanic or Asian. Among our chronic offenders, about 8 percent were American Indian, and less than 1 percent were identified as either Hispanic or Asian.²⁷

Information on offenders' chemical dependency and mental health problems, housing status, employment history, and marital status may help policy makers formulate better strategies for addressing the problem of chronic recidivism. However, there is very little centralized or computerized information on these characteristics of chronic or non-chronic offenders. Some information is available as a result of a recent study of chronic offenders in Hennepin County.²⁸ The study found that 72 percent of the chronic offenders identified on the basis of their criminal convictions were unemployed and 16 percent were homeless or living in a shelter. Three-fourths of the chronic offenders had never been married.

The study also examined offenders who had been booked at the Hennepin County Adult Detention Center five or more times during 1998. Using information provided by other Hennepin County agencies, the study found that about half of these chronic offenders had been chemically dependent at one time or another. About one-fourth had some indication of a mental health issue in their case file, although the report did not indicate the nature or severity of the problems experienced by chronic offenders. In our review of a limited number of case files in Hennepin County, we also noted a high rate of chemical dependency among the most chronic offenders but a lower rate of mental health problems.

This information on chronic offenders in Hennepin County may be useful in understanding the challenges faced in that county. However, without analyzing similar data elsewhere in the state, the results should not be considered representative of chronic offenders statewide.

27 Based on our conviction data, we could establish gender for only 48 percent of all offenders and 85 percent of the offenders meeting one of our four definitions of "chronic." In addition, we were able to establish race for only 43 percent of all offenders and 83 percent of all chronic offenders. We caution that these findings may not be representative of offenders' race statewide. We were able to establish race for 81 percent of offenders with Hennepin County as primary county, but only 38 percent of offenders with Ramsey County as a primary county, 36 percent of offenders whose primary county was a Twin Cities metropolitan county other than Hennepin or Ramsey, and 29 percent of offenders with a primary county outside the Twin Cities metropolitan area.

28 Executive Strategic Planning Group of the Hennepin County Criminal Justice Coordinating Committee, *Chronic Offenders in Hennepin County: A Management Framework* (Minneapolis, September 2000). The study identified an offender as "chronic" if the offender had five or more criminal convictions, or three or more felony convictions, over a three-year period (1996-98).

DISCUSSION

The findings in this chapter highlight several characteristics of chronic offenders. First, when defining chronic offenders by their number of bookings or their number of convictions, it is apparent that many chronic offenders do not restrict their criminal activities to a single jurisdiction. On average, chronic offenders were booked in three counties, while on average they were convicted in two counties. These findings illustrate some of the challenges agencies face when developing strategies for identifying and managing chronic offenders. If policy makers or criminal justice agencies want to focus efforts on chronic offenders, it is important to be able to identify who they are. The fact that many chronic offenders commit crimes in several counties, combined with incomplete data and fragmented data systems across the state, makes it difficult for criminal justice personnel to develop comprehensive pictures of offenders' criminal activities around the state.

Second, chronic offenders seldom commit only one type of offense. We found that a fairly small portion of chronic offenders (22 percent) had convictions limited to one offense type. For example, only 3 percent of chronic offenders convicted of driving while impaired (DWI) had only DWI convictions and only 8 percent of chronic offenders with drug convictions had only drug convictions. We do not present this information as evidence that offense-specific programs or guidelines should be abandoned or that people are unaware of or do not consider offenders' histories during sentencing. We are simply illustrating how diverse chronic offenders' histories can be and the complexities of determining appropriate sanctions. In addition, all jurisdictions may not agree on what the appropriate sanctions are for some of these offenders. For example, some jurisdictions might focus on substance abuse issues of an offender and emphasize substance abuse treatment over incarceration, while others might focus on the same offender's threat to public safety and favor incarceration.

Overall, these findings may prove useful to policy makers when considering programs or strategies for handling offenders. Some policy makers and members of the criminal justice community suggest that there should be special programs or sentencing guidelines for chronic offenders. Some programs already focus on offenders who repeatedly commit certain types of crime, such as DWI-related offenses. The Minnesota Sentencing Guidelines Commission is considering and evaluating options regarding sentencing policy for felony drug offenders. And some judicial districts have case-management systems or practices that include tracking and processing offenders who commit certain types of offenses.