RECIDIVISM IN DELAWARE

An Analysis of Prisoners Released in 2009 through 2011

September 2015

Delaware Criminal Justice Council

Statistical Analysis Center

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State of Delaware Document Control Number 100703-15-09-02

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Executive Summary

Introduction

Delaware Senate Bill 226, signed into law on August 8, 2012, implemented the recommendations of the Delaware Justice Reinvestment Task Force created by Executive Order 27. Through its changes, Senate Bill 226:

> "…promotes informed decision-making in the criminal justice system by institutionalizing the use of evidenced-based practices in decisions concerning bail, rehabilitation and probation supervision and helps ensure scarce resources are focused on higher-risk offenders."

Among the many provisions of SB 226 designed to support the purpose of the legislation, the bill added the following to the Statistical Analysis Center's powers, duties and functions under Title 11, § 8903:

> "Submit annually to the Governor, Chief Justice, President Pro Tem of the Senate, and the Speaker of the House a report examining 1-year, 2-year, and 3-year rates of re-arrest, reconviction, and recommitment of released offender cohorts. The first report shall be submitted by July 31, 2013."

This is the third report produced pursuant to SB 226. As required, three measures of recidivism were analyzed for this report: rearrest, reconviction, and recommitment. As in previous reports, only inmates released from Delaware prison terms were included in this study. In Delaware's unified corrections system, prison is defined as an incarceration term of more than one year, either as a sentence on a single charge or as the aggregate of contiguous multiple sentences. Similar to the second report, this report provides recidivism information on prison release cohorts for three consecutive years (2009-2011).

Methodology

In designing the study, the goal was to select a methodology that was as rigorous as possible within the limits of the time, resources, and data available to complete the study. In keeping with this goal, the decision was made to focus the study on inmates released after serving prison sentences.

Offender cohorts selected for this study were all inmates released from Delaware prison sentences in calendar years 2009 through 2011. Released prisoners (1,084 in 2009, 1,110 in 2010, and 1,049 in 2011) were tracked for up to three years following release from a secure facility. The focus of the study is on the first occurrence of post-release recidivism events; therefore, some study subjects could be included in one cohort more than once if they were released more than once in a single cohort year or in multiple cohorts if they experienced releases in more than one of the three years studied. Delaware arrest, court, and Department of Correction records were examined to identify state charges on serious offenses and violations of probation or parole that occurred during the study period and legal actions taken in response that resulted in a conviction and/or recommitment.

Those arrested for a new qualifying offense, convicted for such an offense, or recommitted to secure custody for any reason were classified as having recidivated on one or more of the three distinct recidivism measures. Which measure(s) were applicable depended on the response of the justice system to the new offense or violation and when in the study period the offense or violation occurred. Recidivism rates were examined at one year intervals during the three-year study period.

Key Findings

The one-, two-, and three-year recidivism rates for the three cohorts are presented below. As the table indicates, by the end of three years, about 77% of offenders in each cohort had been rearrested for a serious offense. More than 71% had a reconviction and more than two-thirds had a recommitment.

	2009 Release Cohort			2010 Release Cohort			2011 Release Cohort		
	1 year	2 years	3 years	1 year	2 years	3 years	1 year	2 years	3 years
Rearrest	53.0%	69.2%	76.9%	53.5%	71.4%	77.1%	56.3%	73.2%	77.9%
Reconviction	48.6%	63.9%	71.4%	47.9%	65.8%	72.6%	50.5%	68.4%	74.5%
Recommitment	45.6%	61.5%	67.7%	46.9%	62.5%	68.0%	50.4%	64.3%	69.7%

Closer examination of the table reveals that most recidivism events identified occurred in the first two years after release. When focusing just on those individuals who had a recidivism event, across all three cohorts and all three measures of recidivism, about 70% of recidivism events occurred within the first year, and just over 90% occurred before the end of the second year.

Recidivism rates were generally higher for Blacks than for Whites, and higher for males than for females. Caution should be used in interpreting these specific findings, however. The number of females in each cohort was relatively small. Also, the study did not analyze the relationships between the multitude of other factors such as age, length of stay, and criminal history that influence recidivism. Drawing further conclusions about differences in recidivism based on race in the absence of such analyses would be inappropriate and potentially misrepresentative of the data. This report also presents brief analysis of the types of offenses for which offenders were imprisoned.

Considerations

The one-, two-, and three-year recidivism rearrest, reconviction, and recommitment rates for the 2009 through 2011 cohorts that were the focus of this study were high. However, these rates are consistent with previous studies conducted by the Center using similar methods and measures. As in any study of this nature, rates could change in either direction if different decisions are made about recidivism measures and methods used to capture and analyze data.

Analyzing recidivism is challenging, as it is a complex, multifaceted problem. This study, while providing some rich data about the subject, raises far more questions than the Center was able to explore given the study's time, resource, and data limitations. It is important to remember that this study did not examine the complexities of offender behavior. Recidivism is only one type of measure needed to determine whether a package of sanctions and interventions was successful in deterring an individual from future offending. Recidivism and desistance are essentially all or none measures – either a person continues to reoffend or they do not. However, rehabilitation is a gradual, non-linear process with progress occurring in incremental steps. Examination of recidivism then should also include appropriate study of rehabilitation efforts to understand progress prisoners are making on the path toward no longer recidivating.

Study Overview

This is the third in a series of annual recidivism reports required by Senate Bill 226 of Delaware's 146th General Assembly. The first report, released in July 2013, covered 2008 and 2009 release cohorts. The 2014 installment included cohorts from 2008 through 2010. This version covers 2009, 2010, and 2011 release cohorts. Recidivism measures and research methods remain largely consistent with those used in prior year studies, but additional data resources recently accessible to the Center were utilized with the goal of more thoroughly identifying subjects who should be removed from study due to events such as death, deportation, or criminal activity/incarceration in other jurisdictions. Those added resources and additional activity review resulted in adjustments to 2009 and 2010 data reflected in this report.

Delaware has a unified correction system. All correctional facilities are operated by the state, and prison and jail systems are not separated. Secured facilities that house offenders in sentenced status are also used to hold detainees. Prison and jail sentences are distinguished by sentence length, with terms of more than one year identified as prison; terms of one year or less are identified as jail. The delineation of a prison term refers to sentence length rather than time served. There are various allowances for early release that can substantially reduce actual time served. Good time credits and other early or conditional release provisions generally result in about 10% to 15% of prison inmates serving less than one year before release.

Offender cohorts selected for this study were those released in 2009, 2010, and 2011 from Delaware prison sentences. Selected prison cohorts were tracked after release from secure facilities via Delaware arrest records to identify state charges on serious offenses that occurred within three years. Identified arrests were tracked to determine convictions on charges for offenses that occurred within three years. Recommitments were identified as any detained or sentenced admissions to any secure Department of Correction (DOC) facility within three years of release.

This study focuses on in-state recidivism events following release from a Delaware prison sentence. Individuals become subjects of study at each prison release event, and recidivism is counted for only the first event in each measure within the tracking time limit. Each individual can thus be counted only once as a recidivist after a given prison release, however, a return to prison can mean that a subject could be counted as a recidivist in another cohort following his next release, appearing as a study subject multiple times in the different release cohorts.

This study considers only Delaware activity as recidivism events. The Center does not have access to non-Delaware criminal records except those released to the public. State and public records reviewed in the research process, however, revealed that some subjects had significant criminal justice events in other jurisdictions during the tracking period. For example, court dockets from a neighboring state might show that a probationer is incarcerated in another jurisdiction. If such sources gave reliable indications of criminal involvement in the tracking period by a subject who had not recidivated in Delaware, that subject was removed from the study as if they were not in the initial release cohort. Criminal activity in other jurisdictions cannot be completely accounted for through available sources, so it is not possible to reliably identify when and where non-Delaware events occurred. The Center holds the position, however, that it is unreasonable to regard subjects as non-recidivists if we are aware of significant criminal activity elsewhere during the three year tracking period.

Recidivism Subject and Offense Group Summaries

In this study cycle, inmates released from Delaware prison sentences in calendar year 2011 were identified and tracked. Follow-up study was also conducted on 2009 and 2010 cohorts previously identified. The research processes remained consistent with those described in previous reports in this series. As in the past, subjects were not separated by ethnicity for analysis. Numbers of Hispanic subjects in annual cohorts are low, and ethnicity breakouts by gender or other categories result in too many groups with zero or near-zero counts. Ethnicity identification also creates more reliability issues as information system records have relatively high rates of conflicting data.

Race, gender, age, length of stay, and offense histories are common parameters in recidivism research, and they are among factors that appear to have some association with recidivism rates. Characteristics explored in this report are given somewhat cursory analytical attention. Recidivism is influenced by extensive and complex sets of characteristics and circumstances. The limited analyses presented here are intended more to illustrate recidivism variability with just a small number of factors than to support firm conclusions about the influence of those factors.

Table 1 shows summary counts by race and gender for tracked cohorts identified as released from Delaware prison sentences from 2009 through 2011.

Table 1. Prison release cohort race and gender counts

	2009			2010			2011		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Black	600	39	639	624	42	666	590	32	622
White	376	68	444	390	53	443	373	53	426
Other	1	0	1	1	0	1	0	1	1
Total	**977**	**107**	**1,084**	**1,015**	**95**	**1,110**	**963**	**86**	**1,049**

Females comprised 9.9%, 8.6%, and 8.2% of the tracked prison release cohorts in 2009, 2010, and 2011, respectively. Relatively large fluctuations in release cohort female proportions may be seen over time, but that is not unexpected. Female prison populations are generally less than 200; annual numbers of female releases are correspondingly low. Readers should be mindful of small group counts, especially for females, as breakouts of release cohort characteristics are presented throughout this report.

Figure 1, on the following page, shows race and gender proportions of tracked subjects in each annual prison release cohort from 2009 through 2011. Group percentages are based on totals in Table 1, but subjects in the "Other" race category (one per year) are not represented in the bar chart, nor are they represented in other race/gender breakouts throughout the rest of the report.

Figure 1. Prison release cohort race and gender proportions

Chart excludes one subject from each annual cohort in the "Other" race category.
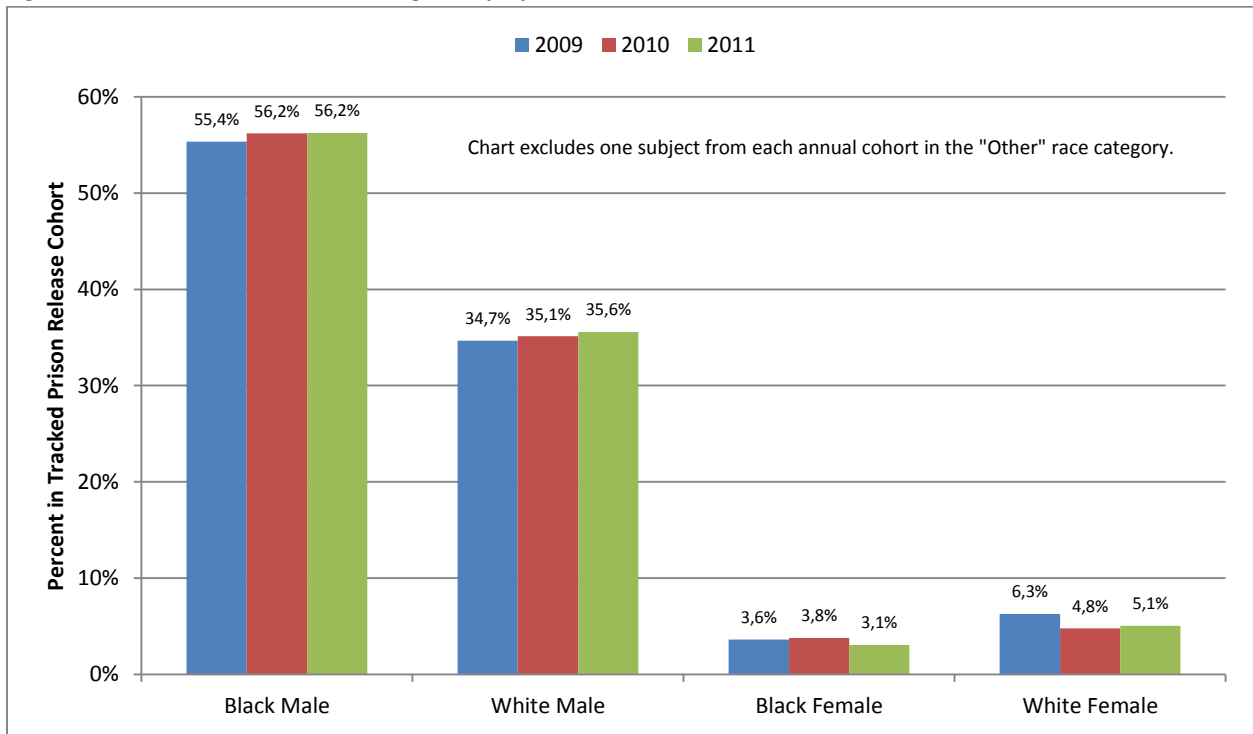
Table 2 shows inmate at-risk age quartiles and Figure 2 shows median at-risk ages by race and gender. White males were generally older than Black males, but more fluctuation is seen among female inmates.

Table 2. Prison release cohort at-risk age quartiles by race and gender

Age at start of at-risk period	2009				2010				2011			
	Male		Female		Male		Female		Male		Female	
	Black	White	Black	White	Black	White	Black	White	Black	White	Black	White
25th percentile	25.5	25.9	27.6	29.3	24.8	26.1	29.0	25.1	24.8	26.0	24.1	27.9
Median	30.6	32.8	32.3	36.6	30.2	33.8	36.4	31.9	30.6	32.3	28.3	33.5
75th percentile	39.3	45.0	39.0	43.7	39.1	43.7	44.5	42.8	39.1	43.7	41.0	40.8

Figure 2. Median at-risk age by race and gender
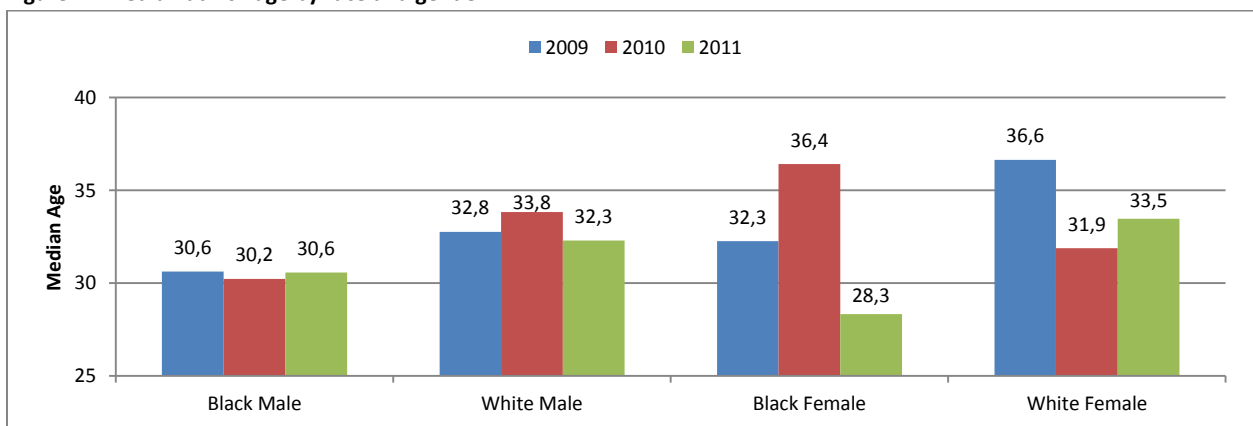
Figures 3 and 4, respectively, show counts of male and female subjects in selected at-risk age groups. Subjects are grouped by at-risk age as of their last birthday on or before their at-risk date.

Figure 3. Number of tracked males in release cohorts by race and at-risk age groups

Figure 4. Number of tracked females in release cohorts by race and at-risk age groups
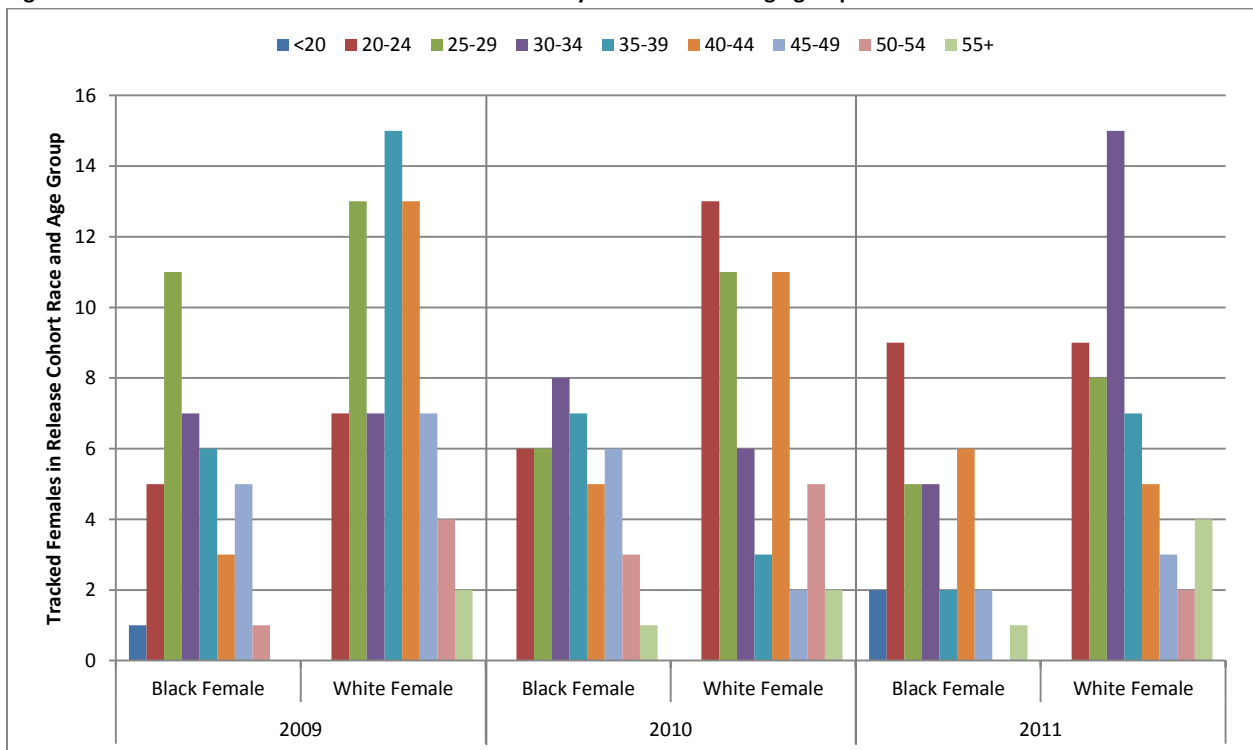
Figure 4 illustrates an example of the small group issues previously mentioned regarding breakouts of subject characteristics. Note that for females only a few of the selected age groups have more than 10 subjects in each cohort year.

The influence of time served in prison, also referred to as length of stay herein, is a common analytical aspect in recidivism research, but there are conflicting research findings and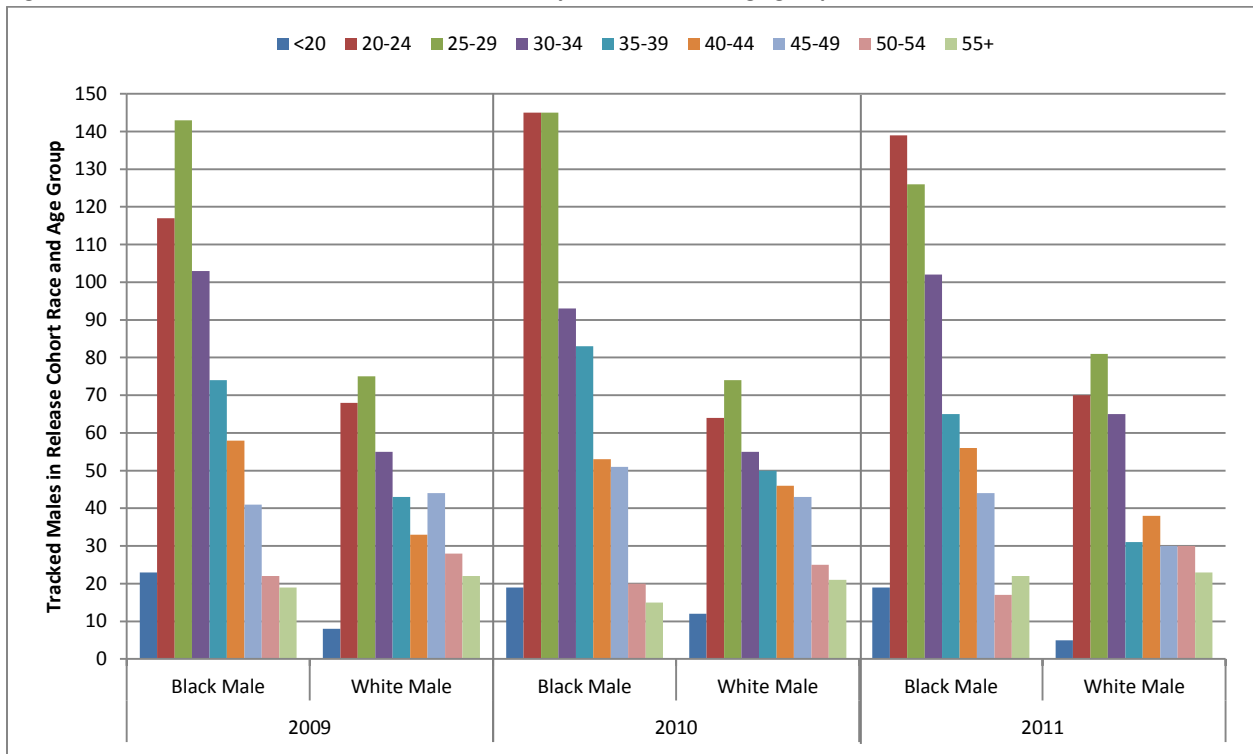 assertions regarding time served and recidivism relationships. The Center explored length of stay in this study, but we note that its dependence on numerous other variables can result in misleading conclusions about its impact on recidivism if those complexities are not considered. Conviction offenses and criminal histories, for example, are among many factors that affect sentence lengths and time served.

Average lengths of stay for each cohort year by race and gender are displayed in Figure 5. As a partial and simplified representation of criminal history, the average number of Delaware felony arrests for client race and gender groups in each cohort year is plotted on the secondary axis in Figure 5. Length of stay calculations in the prison release data include credit for time served in detention.

Figure 5. Length of stay and Delaware felony arrests
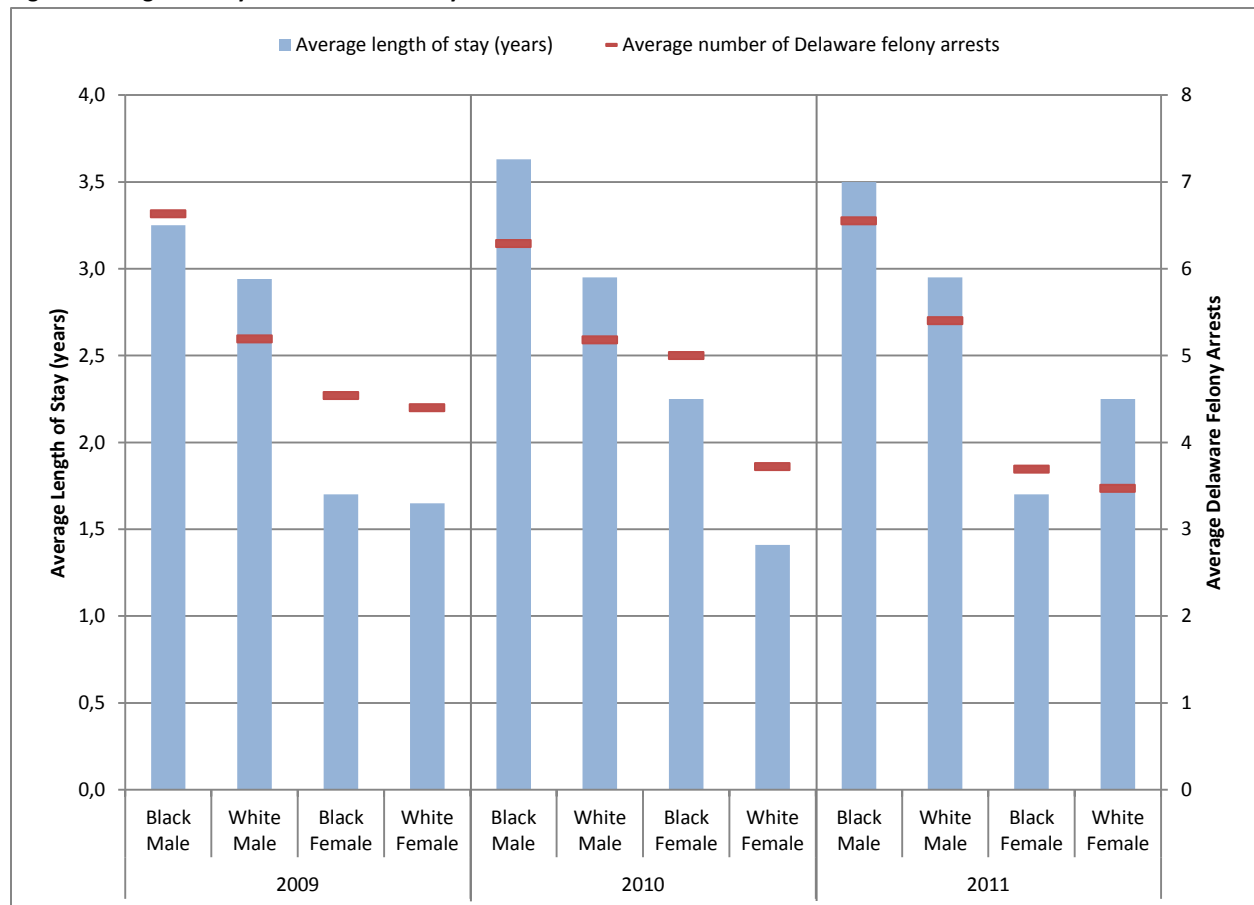
Offenses for which inmates were sentenced to prison will generally be among the primary length of stay drivers. Also, the nature of prior criminal activity may be attributable to offender traits or conditions that influence the likelihood of future offending upon release. Release offense is a common recidivism

research parameter, but it is often difficult to attribute a prison term to a single offense type. Also, as complex cases with multiple offense types and plea-bargaining are common, a single offense can be inadequate or misleading in describing reasons for an offender's imprisonment. Nevertheless, offense type is virtually an expectation in analyses of correctional populations and recidivism, and resolution to a single offense label is necessary for manageability.

For subjects in this study whose prison terms involved multiple offenses, the Center identified a lead offense by the longest single term served. If the longest term criteria yielded more than one offense type, ties were broken using an offense hierarchy that loosely follows the FBI's Uniform Crime Reporting hierarchy. Table 3 lists offense types from most to least serious that were used to classify subjects by their imprisonment offenses for the releases of this study. The table also shows counts of subjects with those lead offense types by race and gender for each cohort year. Offense types are listed under broad offense groups of violent, property, and public order, with subject counts also shown for each group. Violations of probation or parole are counted as the underlying offense for which the probationer or parolee had been sentenced.

Table 3. Prison term lead offense classification counts by release cohort race and gender

Prison Term Lead Offense	2009				2010				2011			
	Male		Female		Male		Female		Male		Female	
	Black	White	Black	White	Black	White	Black	White	Black	White	Black	White
Violent	**182**	**142**	**11**	**19**	**185**	**135**	**14**	**16**	**195**	**132**	**11**	**13**
Homicide	10	4	0	2	13	7	1	1	8	3	0	2
Rape	30	37	0	0	27	30	0	2	32	41	0	1
Robbery	78	51	3	13	89	56	5	6	105	48	6	6
Assault	48	23	5	2	38	17	8	3	33	11	1	2
Other Sex Offense	5	8	0	2	4	16	0	0	4	15	0	0
Other Violent Offense	11	19	3	0	14	9	0	4	13	14	4	2
Property	**63**	**84**	**5**	**20**	**59**	**86**	**8**	**14**	**51**	**102**	**3**	**19**
Arson (Unoccupied)	0	1	0	0	0	2	1	1	0	2	0	0
Burglary	48	66	1	10	46	67	2	5	38	81	1	6
Theft	7	9	1	6	4	12	3	4	5	9	1	7
Fraud/Forgery	3	5	3	4	8	4	2	4	3	5	1	6
Other Property Offense	5	3	0	0	1	1	0	0	5	5	0	0
Public Order	**355**	**150**	**23**	**29**	**380**	**169**	**20**	**23**	**344**	**139**	**18**	**21**
Drug Dealing	193	41	14	9	238	52	11	7	195	45	9	5
Other Drug Offense	44	14	2	6	37	14	7	6	35	8	1	10
Weapon Offense	82	32	3	2	79	23	1	1	75	37	4	2
Driving Related	**16**	**50**	**0**	**9**	**16**	**64**	**1**	**8**	**17**	**39**	**2**	**3**
Vehicular Homicide	*0*	*2*	*0*	*2*	*1*	*9*	*1*	*3*	*1*	*1*	*1*	*0*
Vehicular Assault	*0*	*1*	*0*	*0*	*1*	*2*	*0*	*0*	*0*	*2*	*0*	*0*
DUI	*11*	*45*	*0*	*6*	*10*	*52*	*0*	*5*	*12*	*34*	*0*	*3*
Other MV Related	*5*	*2*	*0*	*1*	*4*	*1*	*0*	*0*	*4*	*2*	*1*	*0*
Other Public Order	20	13	4	3	10	16	0	1	22	10	2	1

Figure 6, on the following page, shows graphically the numbers of subjects by race and gender with release offenses in the broad groups of violent, property, and public order offenses. A salient feature of Figure 6 is the high number of Black males in the public order offense group. Key factors in that group

count are drug and weapon offenses. There are over four times more Black males than White males in the drug offense group, and on average almost three times more Black males than White males in the weapon offense group. Driving related offense numbers were much lower for Black males than White males. On average, there are almost four times more White males than Black males in the DUI release group.

Figure 6. Subjects by race and gender in prison release lead offense groups
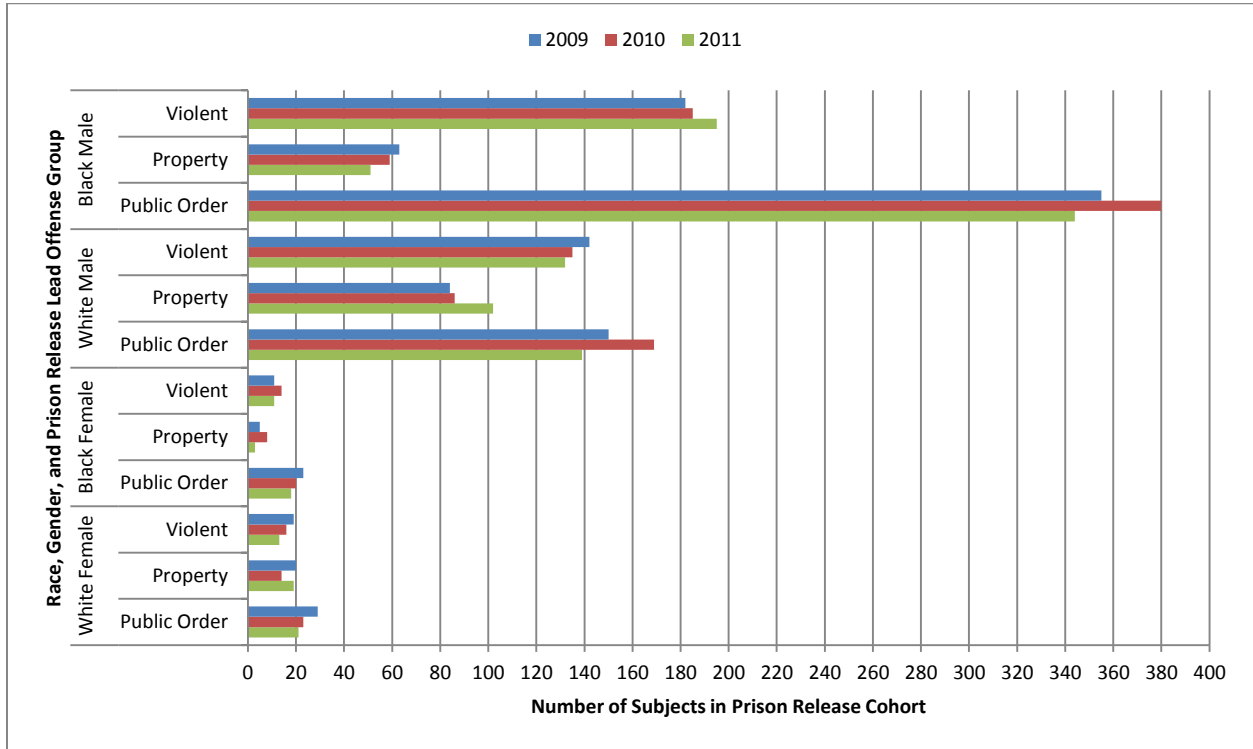
With counts from all the three cohort years combined, Table 4 shows the ten most common offense types for each race and gender combination. Three year totals are in parentheses after each group heading and offense type. Totals in the group headings include counts for all 19 offense types.

Table 4. Top 10 release offense types by race and gender, combined 2009 through 2011 cohorts

Group Rank	Black Male (N=1,814)	White Male (N=1,139)	Black Female (N=113)	White Female (N=174)
1	Drug Dealing (626)	Burglary (214)	Drug Dealing (34)	Robbery (25)
2	Robbery (272)	Robbery (155)	Robbery (14)	Other Drug Offense (22)
3	Weapon Offense (236)	Drug Dealing (138)	Assault (14)	Burglary (21)
4	Burglary (132)	DUI (131)	Other Drug Offense (10)	Drug Dealing (21)
5	Assault (119)	Rape (109)	Weapon Offense (8)	Theft (17)
6	Other Drug Offense (116)	Weapon Offense (92)	Other Violent (7)	Fraud/Forgery (14)
7	Rape (88)	Assault (51)	Fraud/Forgery (6)	DUI (14)
8	Other Public Order (52)	Other Violent (42)	Other Public Order (6)	Assault (7)
9	Other Violent (38)	Other Sex Offense (39)	Theft (5)	Other Violent (6)
10	DUI (33)	Other Public Order (39)	Burglary (4)	Homicide (5)

Recidivism Methodology and Findings

Measures and Methods

Subjects in this study were tracked for rearrest, reconviction, or recommitment after their at-risk dates using electronic data stored in the state's criminal justice information system, court, and DOC record repositories. Offenses counted as recidivism were limited to state felonies, serious misdemeanors, or violations of probation or parole. Excluded as recidivism events are most state motor vehicle offenses, state criminal offenses classified as violations, and all municipal ordinances. A small number of offenses excluded from recidivism counts can result in jail terms, but the general distinction used for exclusion was that only jailable state offenses were counted as recidivism. (Refer to the Appendix for details.)

For post-release arrests or convictions identified, recidivism events were established by offense dates, not actual arrest or conviction dates. The intent was to associate recidivism events as closely as possible with an offenders' return to criminal behavior, rather than when authorities became aware of and acted on that behavior. Offenses were not counted as recidivism events if post-release arrests or convictions were for offenses that occurred prior to release. Recommitments were based only on DOC admission dates, regardless of when the underlying offense(s) occurred. Any secure custody readmissions, in detained or sentenced status, and regardless of sentence length, were counted as recommitments.

Each subject's at-risk date marked the start of one-year intervals established for recidivism time series. The intervals are calculated from each individual's at-risk date. Recidivism rates were calculated for each of the three study measures at each tracking interval. For each recidivism measure and tracking interval, all initial cohort subjects were classified into one of three groups.

- **Recidivists:** *In a given interval, a subject becomes a recidivist if records indicate a recidivism event occurred by the interval's end. Only the first event of each measure is counted, but the recidivist identifier carries forward to all intervals for a given measure after that first event.*
- **Cohort attrition:** *If not already identified as a recidivist, a subject is counted in the cohort attrition group in a given interval, and each subsequent interval, if the subject's death was known to occur before the end of that interval. For recidivism measured by reconviction, a subject in fugitive status on a pending recidivist rearrest case is counted in the cohort attrition group as of the interval when a warrant was issued; this cohort attrition designation can be temporary if a fugitive is found to have been returned and adjudicated in a follow-up study.*
- **Non-recidivists:** *In a given interval, a subject is regarded as a non-recidivist if not counted in the cohort attrition group and no recidivism events were recorded as occurring through the end of that interval, including all prior intervals. A subject counted as a non-recidivist up to an interval when death was known to occur would be moved to the cohort attrition group from that interval onward, but would still be counted as a non-recidivist in recidivism-free intervals prior to death.*

With the terms above representing counts in each group, the following equation holds throughout the tracking period.

$$Initial\ Cohort\ Size =\ Recidivists + Non\text{-}recidivists + Cohort\ Attrition$$

Rearranging the previous equation yields the following.

$$Recidivists + \text{Non-recidivists} = Initial\ Cohort\ Size - Cohort\ Attrition$$

Using the terms defined above, interval recidivism rates were calculated using the following equation.

$$Interval\ Recidivism\ Rate = \frac{Recidivists}{(Recidivists + \text{Non-recidivists})} * 100\%$$

This method is intended to include only those who had the opportunity to recidivate in the recidivism rate calculation. Note that the denominator in the interval recidivism rate equation can diminish over time due to cohort attrition, and denominators can differ with each measure in the same interval. For example, consider a subject first rearrested in the second tracking interval, who died without another event, but also before the case could be adjudicated. That subject would be included in the rearrest recidivism rate denominator for all intervals (and in the numerator from the second interval onward). For the reconviction measure, he would be moved to the cohort attrition group in the second interval, thus reducing the reconviction rate denominator by one for the second and subsequent intervals.

Note: The methodology used in this study has not changed since the original report, but the description was modified with the goal of improving clarity.

Recidivism Rates for 2009 through 2011 Cohorts

Table 5 shows recidivism rates calculated using the methodology described above at one, two, and three year intervals for the measures studied. The column headings **R+N** and **R** represent the denominator and numerator, respectively, in the recidivism rate equation above. Within each recidivism measure, there are slight increases over the three cohort years. Variability is slightly larger in the first two years, but for the primary measure, rearrest, rate differences are near one percentage point by the third year.

Table 5. Rearrest, reconviction, and recommitment recidivism rates at 1, 2, and 3 years

		2009 Prison Release Cohort			2010 Prison Release Cohort			2011 Prison Release Cohort		
		R+N	R	Recidivism Rate	R+N	R	Recidivism Rate	R+N	R	Recidivism Rate
Rearrest	1 year	1,080	572	**53.0%**	1,108	593	**53.5%**	1,043	587	**56.3%**
	2 years	1,075	744	**69.2%**	1,106	790	**71.4%**	1,036	758	**73.2%**
	3 years	1,073	825	**76.9%**	1,103	850	**77.1%**	1,031	803	**77.9%**
Reconviction	1 year	1,077	523	**48.6%**	1,098	526	**47.9%**	1,035	523	**50.5%**
	2 years	1,070	684	**63.9%**	1,088	716	**65.8%**	1,017	696	**68.4%**
	3 years	1,064	760	**71.4%**	1,077	782	**72.6%**	1,008	751	**74.5%**
Recommitment	1 year	1,080	492	**45.6%**	1,102	517	**46.9%**	1,040	524	**50.4%**
	2 years	1,075	661	**61.5%**	1,094	684	**62.5%**	1,025	659	**64.3%**
	3 years	1,072	726	**67.7%**	1,087	739	**68.0%**	1,017	709	**69.7%**

Recidivism rates for each measure are shown in Figures 7 through 9 on the following page. Figures 10 through 22 follow with recidivism breakouts by race and gender, length of stay, release offense types, and age at release.

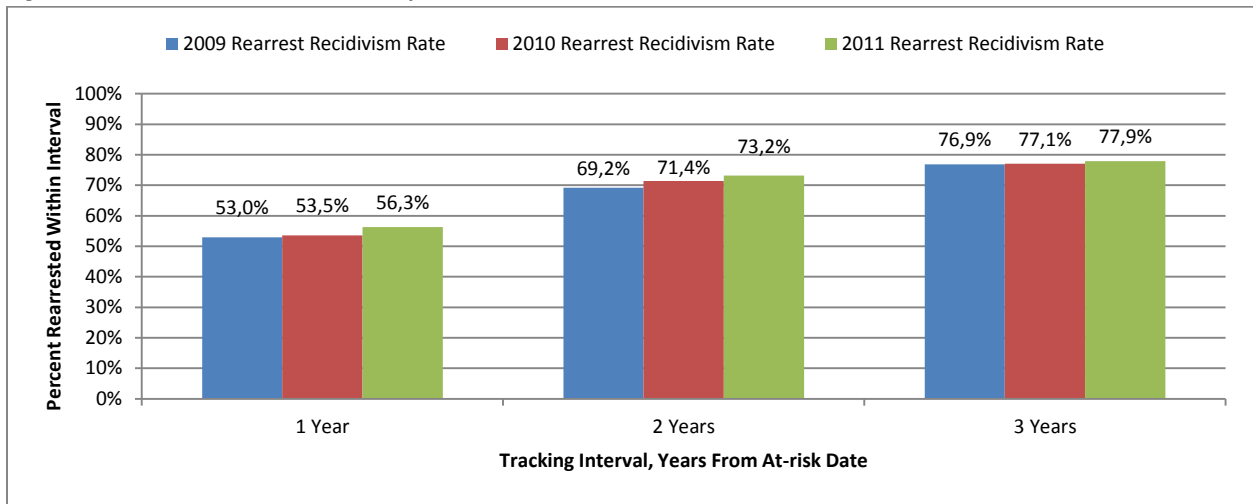**Figure 7. Rearrest: recidivism rates at 1 year intervals**

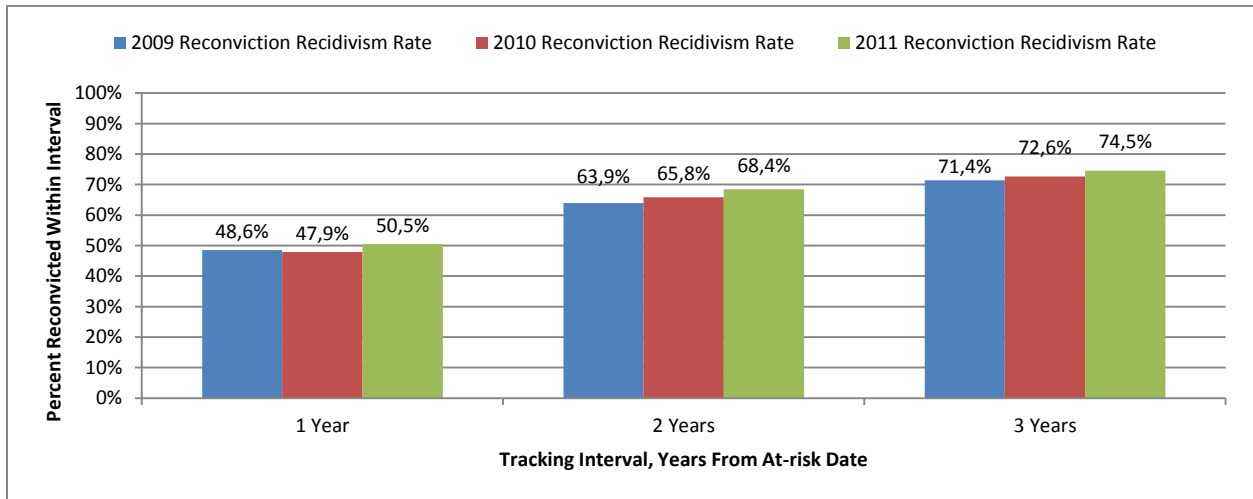**Figure 8. Reconviction: recidivism rates at 1 year intervals**

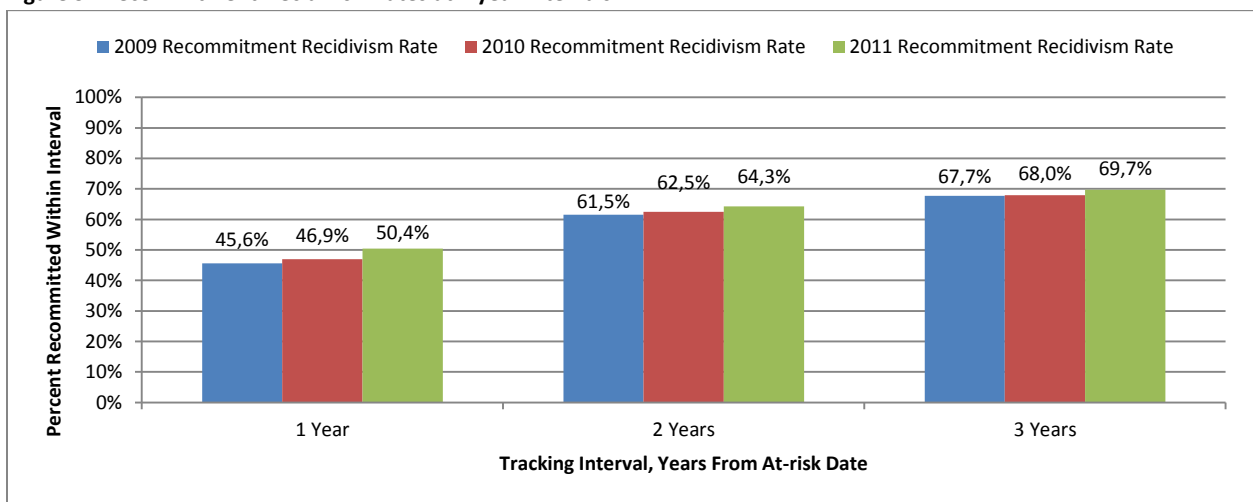**Figure 9. Recommitment: recidivism rates at 1 year intervals**

Figure 10. Rearrest: recidivism rates at 1 year intervals by race and gender
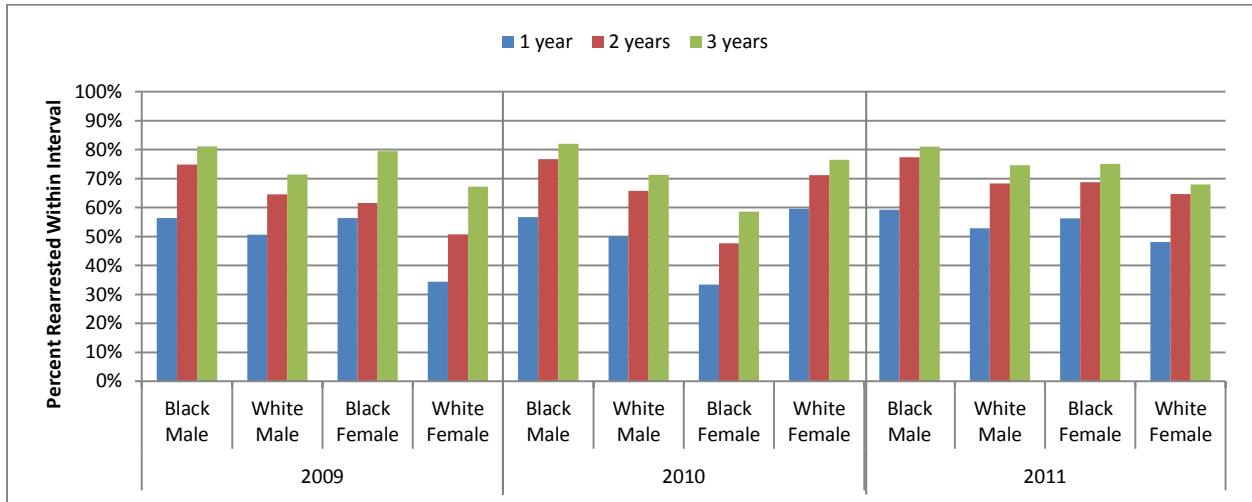

Figure 11. Reconviction: recidivism rates at 1 year intervals by race and gender
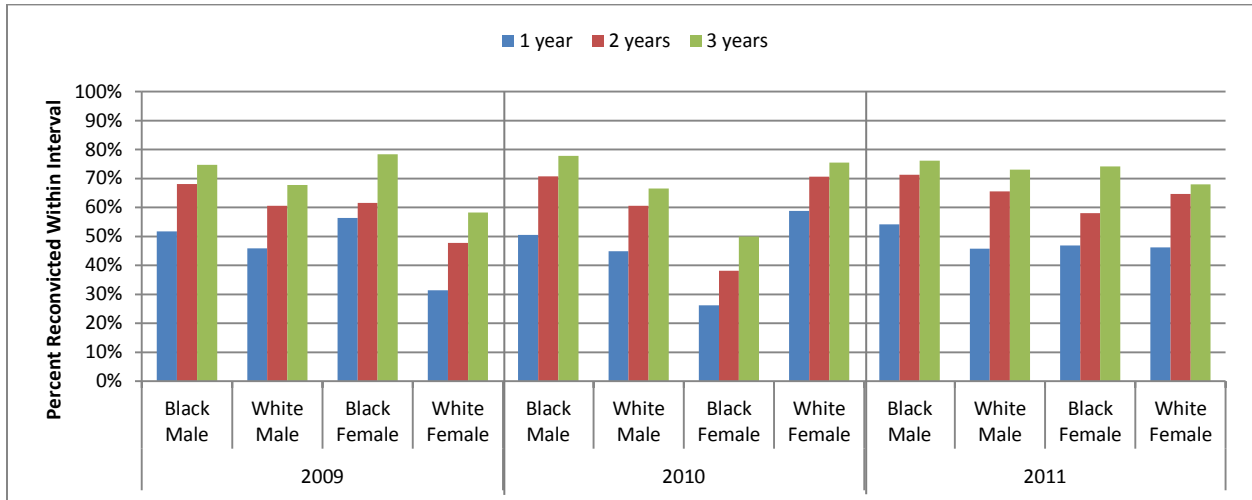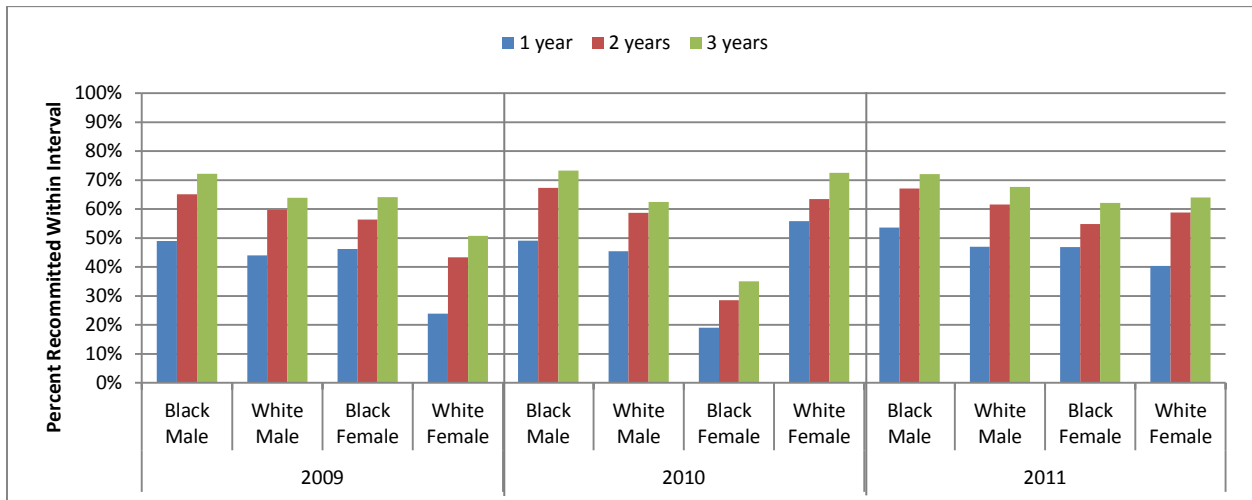

Figure 12. Recommitment: recidivism rates at 1 year intervals by race and gender

Figures 13 through 15 show three year recidivism rates by length of stay for each measure, with average at-risk age on the secondary axis. Note that maximum length of stay differs in the three cohort years. These figures show substantial recidivism decreases at the highest length of stay intervals, but increased age and factors not considered here could also be influencing those decreases.

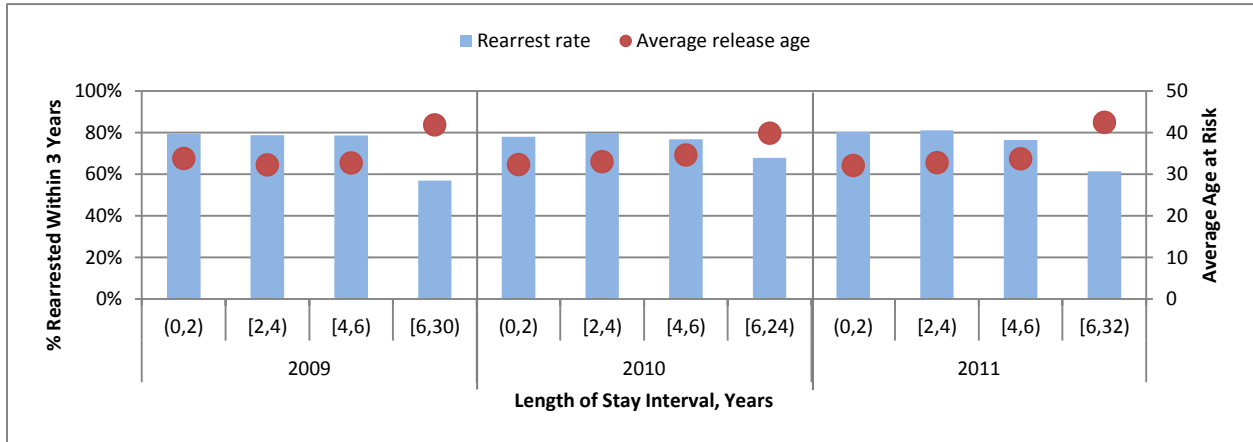**Figure 13. Rearrest: recidivism rates at 3 years by length of stay**

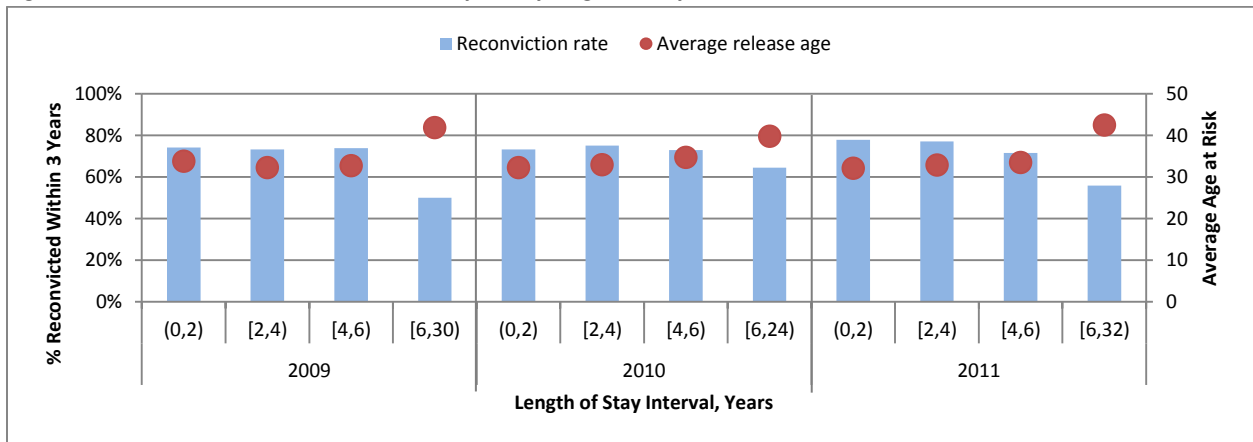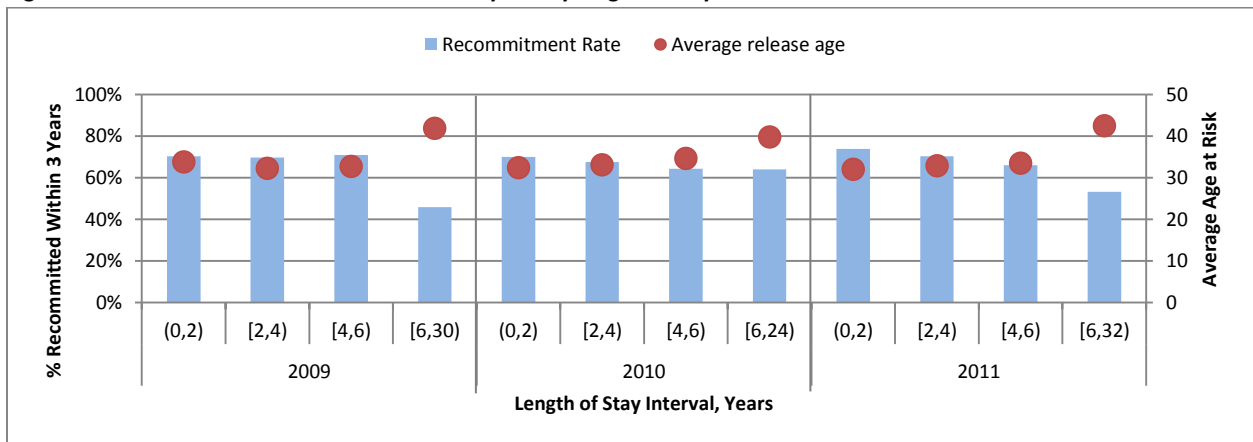**Figure 14. Reconviction: recidivism rates at 3 years by length of stay**

Figure 15. Recommitment: recidivism rates at 3 years by length of stay

Figures 16 through 18 show three year recidivism rates for each cohort grouped by release offense type. As with any other breakout presented herein, many factors are at play in addition to the focus variable. In Figure 16, for the primary measure of rearrest, the association of length of stay with offense type is also explored. For each offense group, average length of stay was calculated for the three cohort years combined. At about 9.4 years, average length of stay was highest for the homicide group. With each offense group in Figure 16, average length of stay relative to the homicide average is represented by the semi-transparent bar overlaying recidivism rate bars. For example, the average length of stay for the robbery group was about 3.5 years, which is represented as 37.6% of the average for homicide.

Figure 16. Rearrest: recidivism rates at 3 years by lead offense type
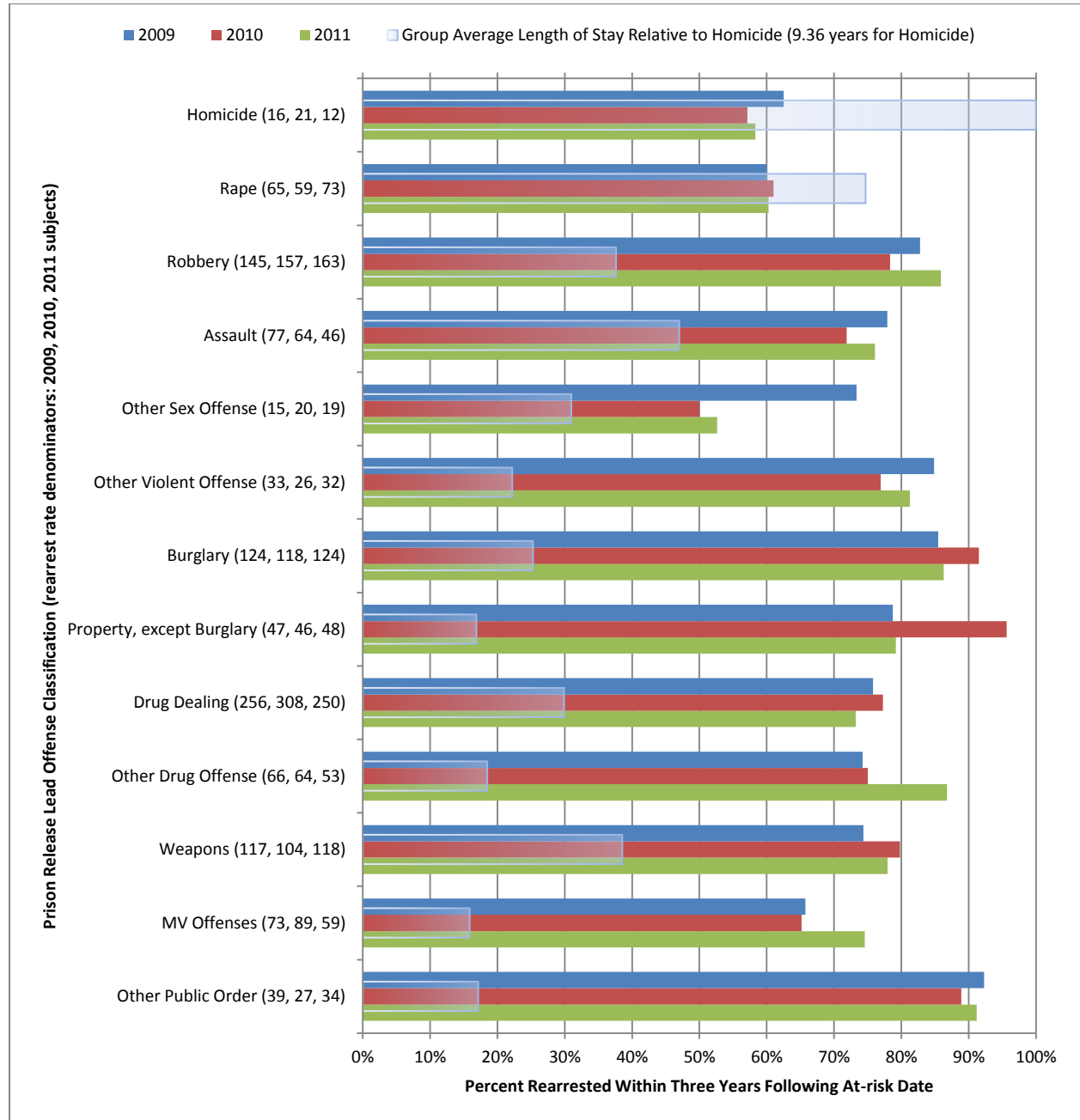
Figure 17. Reconviction: recidivism rates at 3 years by lead offense type
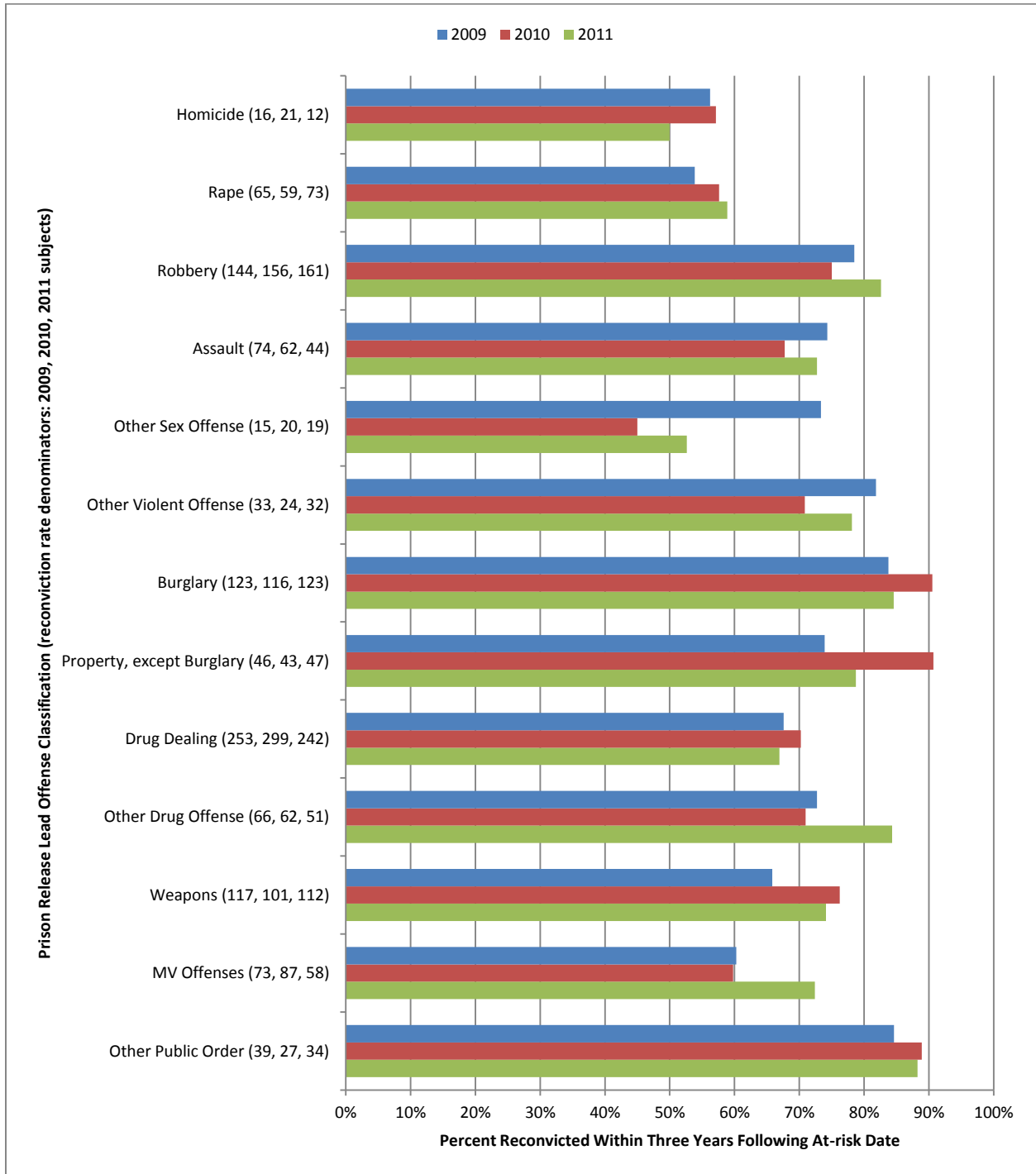
Figure 18. Recommitment: recidivism rates at 3 years by lead offense type
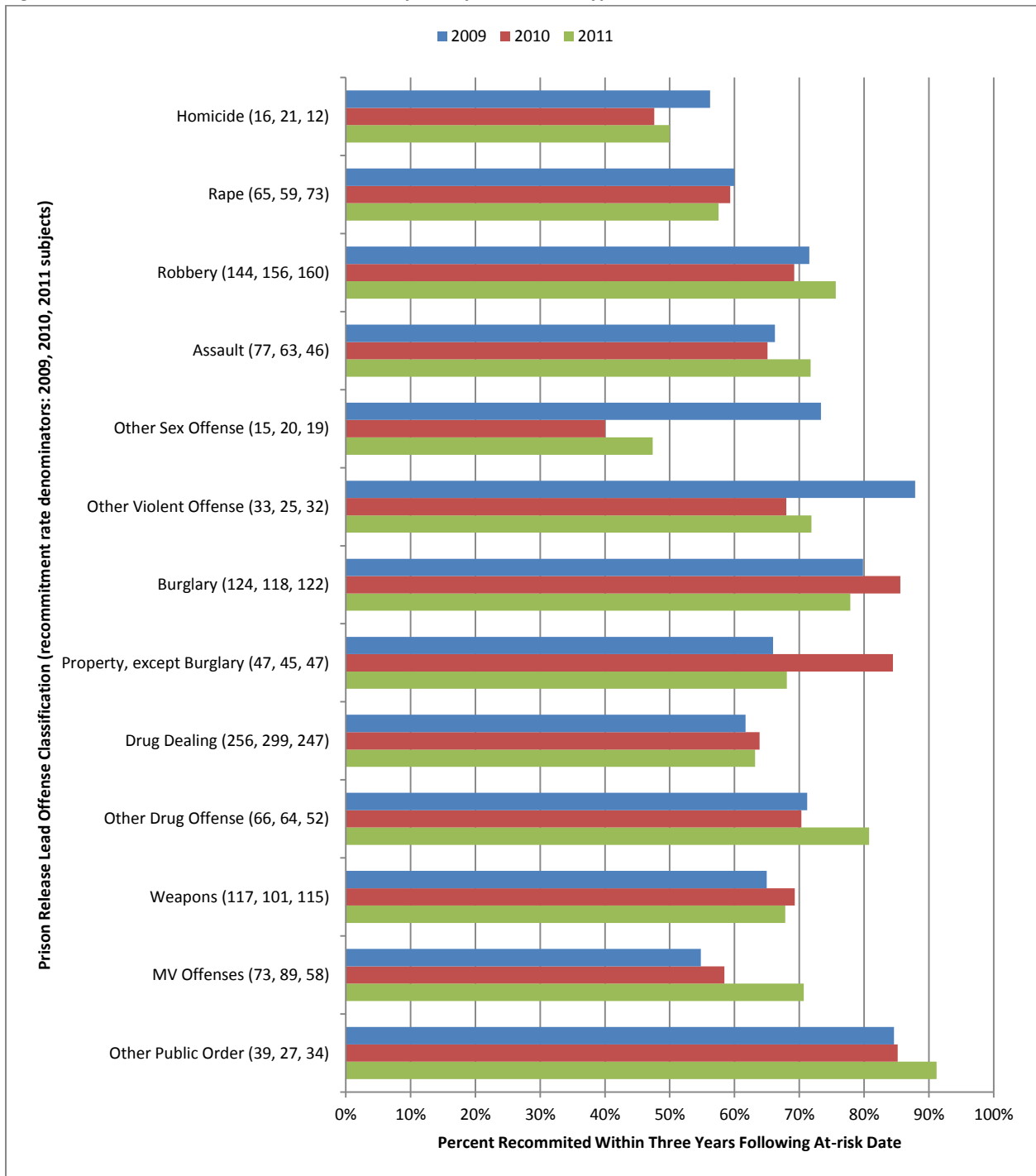
Figures 19, 20, and 21 show three year rates of rearrest, reconviction, and recommitment for males by age group. Results are not displayed for females due to small group sizes (refer to Figure 4). Figures 19 through 21 show significant reductions in recidivism as offenders' at-risk ages increase. Note that rates at or near 100% for the <20 group occur with group sizes of less than 20 individuals (refer to Figure 3).

Figure 19. Rearrest: male recidivism rates at 3 years by at-risk age group

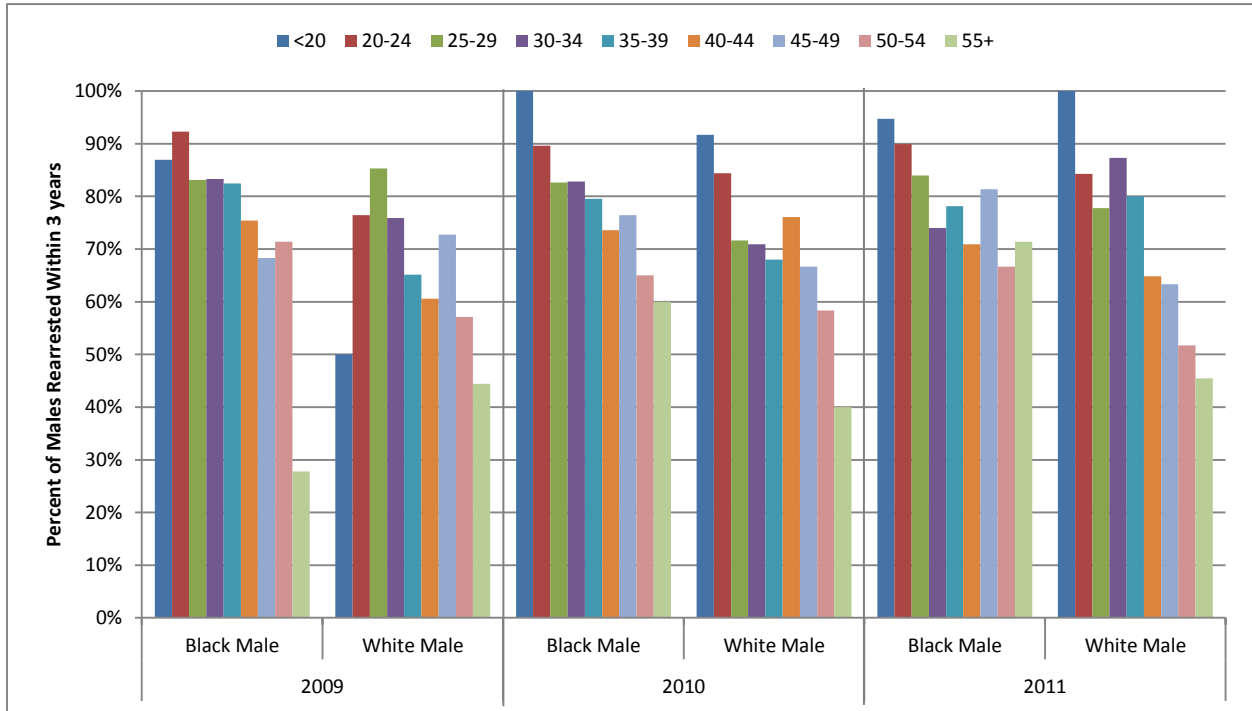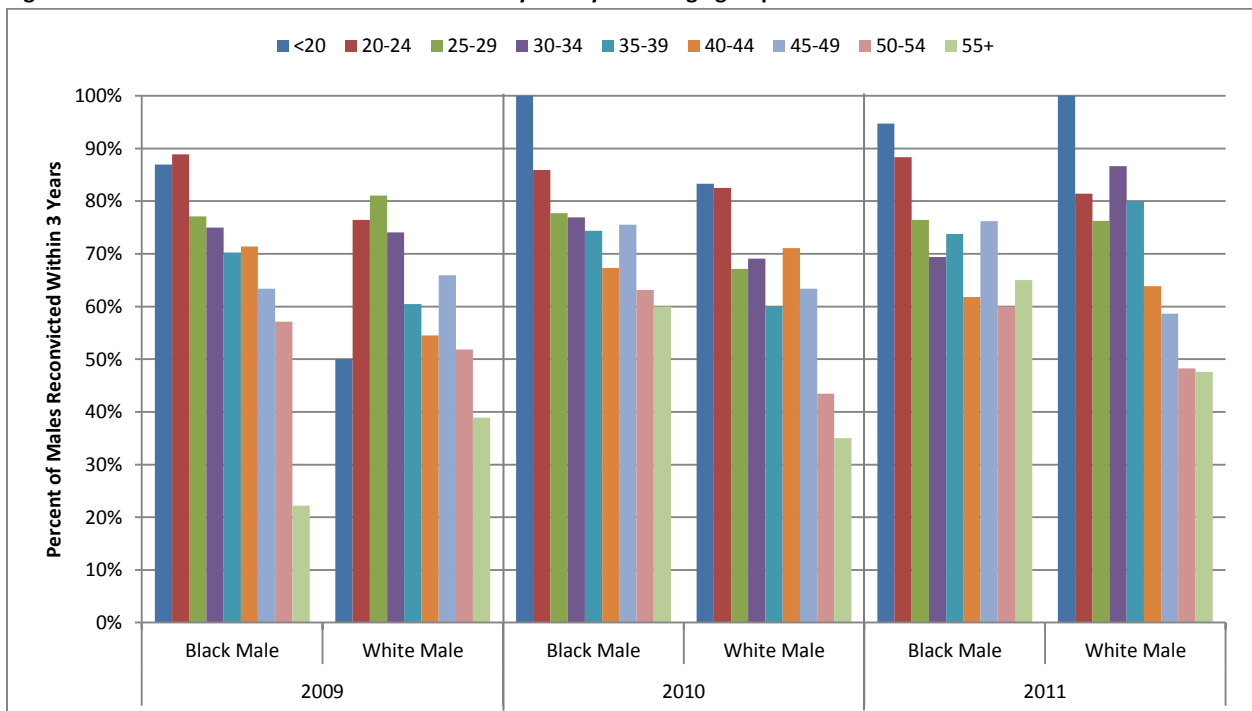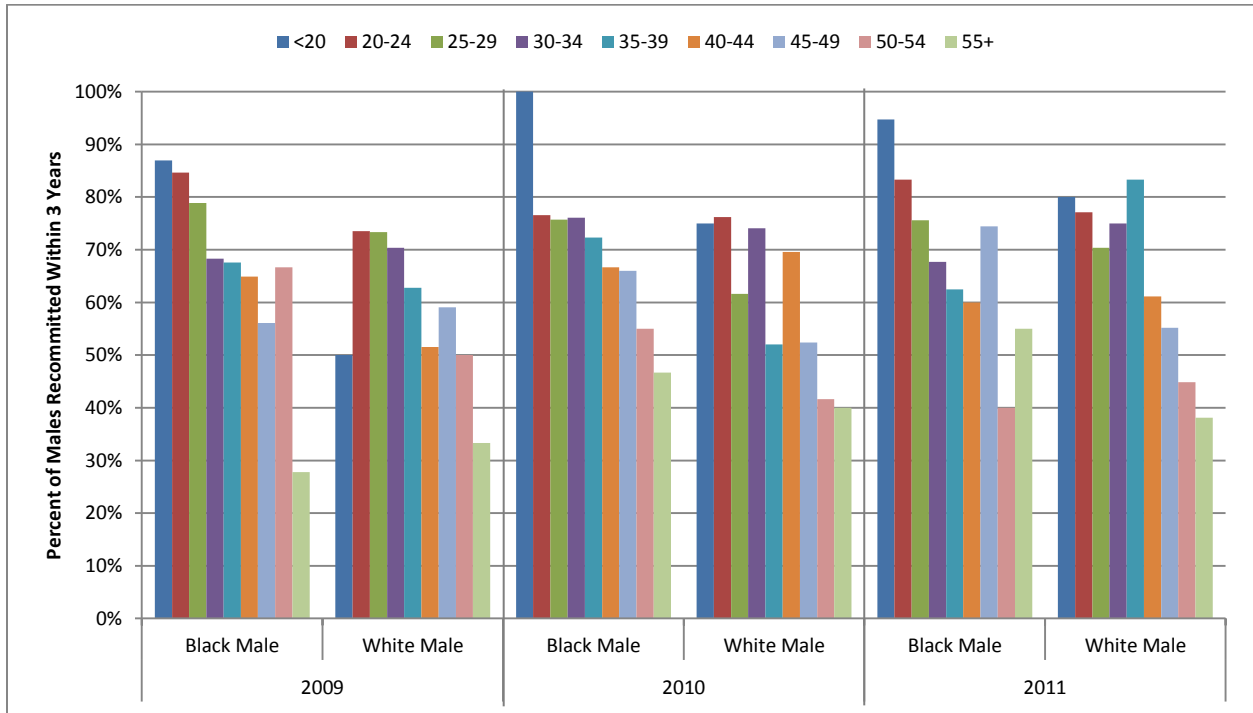**Figure 20. Reconviction: male recidivism rates at 3 years by at-risk age group**

Figure 21. Recommitment: male recidivism rates at 3 years by at-risk age group

Conclusions and Limitations

Summary of Findings

The findings of this study provide an overview of recidivism among three annual cohorts released from Delaware prison sentences. The Center tracked 1,084 prisoners released in 2009, 1,110 released in 2010, and 1,049 in 2011 for three years following release from secured custody for three recidivism measures: rearrest, reconviction, and recommitment. Tracking times were divided into one year intervals, and individuals were designated as recidivists as of the tracking interval in which their first recidivism events occurred. Offense dates were used to determine rearrest or reconviction events to most closely represent returns to criminal behavior. For the recommitment measure, recidivism was identified by the date of first readmission to secure custody in a DOC facility, whether in detained or sentenced status, and for any length of time.

The Center captured race, gender, and at-risk age for each study subject as they were recorded in the state's information systems, with some manual review to resolve obvious data conflicts. (Ethnicity was not studied due to low Hispanic subject counts and issues with data quality on ethnicity.) About 91% of prisoners released in 2009 through 2011 were males; about 61% of males were Black. Approximately 60% of females released in the three years were White. For both races, median at-risk ages for females were about two years above those of males. For both genders, median at-risk ages for White subjects were about two years above those of Black subjects.

For the purpose of analysis, the Center also categorized participants by the offense which determined the majority of their prison stay (lead offense). The lead offenses were grouped into three major categories of violent, property, or public order. Of released inmates included in this study, about 52% were released from sentences in the public order group; about 33% from violent offense sentences, and about 16% from property offense sentences. Within each major group, the most common offense types were: robbery for violent offenses (44%), burglary for property offenses (72%), and drug offenses for public order (60%).

The three year rearrest recidivism rates were nearly equal for prison inmates released in 2009, 2010, and 2011 (76.9%, 77.1%, and 77.9%, respectively). The one percentage point spread over the three years represents a difference of no more than 10 recidivists in any one of the cohorts. Among race and gender groups for the three cohort years combined, Black males had a three year rearrest rate of about 81%; for White males the rate was about 72%. Rearrest rates for Black females and White females were nearly equal at about 70%.

Rearrest rates varied substantially over the identified release offense groups. The highest rate, at about 91%, was in the broad and relatively small other public order offense group. Ranking second highest, almost 88% of subjects in the burglary group, which comprised about 11% of releases, were rearrested within 3 years. The lowest rearrest rates were in homicide, rape, and other sex offense groups, with each having rearrest rates around 60%.

Considerations and Limitations

Limited analyses of race, gender, at-risk age, offense types, and length of stay show sometimes large differences in rearrest recidivism for those groupings. Conclusions should be drawn carefully though, as more in-depth analyses should be conducted, and some group sizes were small even when three cohort years were combined.

Recidivism rates generally decreased as at-risk age increased which is consistent with research in this area. Rates also generally decreased as length of stay increased, but at-risk age is generally correlated with longer lengths of stay. Advanced analytical research that could possibly show relationships with length of stay and at-risk ages were outside the scope of this study.

In addition to the primary measure of rearrest, reconviction and recommitment measures are required and reported in this study series, but those measures add dubious value in enhancing our understanding offenders' post-release behavior. An absence of reconviction does not necessarily negate the indication of reoffending inferred from rearrest. Likewise, recommitment is not necessarily a reliable indicator of the severity or certainty of reoffending.

Readers should exercise caution when comparing recidivism rates in this report to findings in other studies. There are currently no standards for terminology and methodology in recidivism research. As a result, different studies can produce recidivism rates that are similar in name but are incommensurable in measure. Lack of awareness of methodological differences among studies can lead to misconceptions about offender behavior and rehabilitative effectiveness that one might infer from different recidivism results.

Recidivism is only one type of measure needed to determine whether a package of sanctions and interventions was successful in deterring an individual from future offending. Large differences in recidivism rates alone are not likely to provide reliable indicators of the quality or effectiveness of rehabilitation efforts, either in absolute or relative terms. Recidivism and desistance are essentially all or none measures – either a person continues to reoffend or they do not. However, rehabilitation is a gradual, non-linear process with progress occurring in incremental steps.

If recidivism is intended as a measure of rehabilitative success, recidivism research should also include appropriate study of rehabilitation efforts to understand progress prisoners are making on the path toward desistance. Such study should include particular focus on those who appear to be successfully rehabilitated. Resources that are essential for more comprehensive studies are beyond the capacity of the Center alone. Thorough research will require dedication of more resources and collaboration of multiple entities. Without the insight to be gained from broadening the scope of study, recidivism research could easily lead to faulty conclusions regarding what works and why.

Appendix

Reference Links

Links to sites with additional information pertaining to criminal justice topics in Delaware are provided below.

- Delaware Statistical Analysis Center (SAC):
  http://cjc.delaware.gov/sac/
- Delaware Criminal Justice Information System (DELJIS):
  http://deljis.delaware.gov/
- Delaware Courts:
  http://courts.delaware.gov/
- Delaware Department of Correction:
  http://www.doc.delaware.gov/
- Delaware Sentencing Accountability Commission (SENTAC):
  http://cjc.delaware.gov/SENTAC/sentac.04.07.shtml
- Delaware Code:
  http://delcode.delaware.gov/

Recidivism Offenses and Prison Lead Offenses

Most offenses of relevance in this study, whether related to pre-release or recidivism follow-up, are identified in Titles 11, 16, 21, or 31 of the Delaware Code. In measuring rearrest and reconviction recidivism, the Center used only what it refers to as serious criminal offenses. In addition to probation or parole violations, selected offenses are identified in the Delaware Code as felonies or misdemeanors with incarceration as a possible (or mandatory) sanction. In a small number of cases, Delaware arrests and detentions of subjects held as fugitives for others jurisdictions were also counted as recidivism. Offenses/events used in rearrest and reconviction recidivism measures are summarized in Table A1.

Table A1. Arrest or conviction events counted as recidivism

Delaware Code references	Offenses or events counted in rearrest or reconviction recidivism measures
Title 11	Any criminal felony or misdemeanor punishable by incarceration; Violation of probation (§ 4334) or parole (§ 4352); Arrest prior to requisition (§ 2513)
Title 16	Felony or misdemeanor drug offenses identified in Chapter 47
Title 21	Driving after judgment prohibited (§ 2810); Driving under the influence (§ 4177); Disregarding the signal of a police vehicle, felony only (§ 4103); Leaving the scene of an accident (Chapter 42); Theft, unauthorized use, or damage of vehicles (Chapter 67)
Title 31	Abusing, neglecting, exploiting, or mistreating an impaired adult (Chapter 39)

Table A2 (following page) lists generalized offenses within classifications that were identified as lead offenses for prisoners released in 2009 through 2011. Lead offense classifications are listed in hierarchical order in the left column; specific offenses in each row are listed in no particular order. The brief literal descriptions should give readers a sense of the nature of offenses covered; those seeking more specificity are referred to the Delaware Code link above.

Table A2. Lead release offense classifications and examples of specific offenses included

Lead Release Offense Classification	Examples of Specific Offenses Included
Homicide	Murder, any degree; Murder by abuse or neglect, any degree; Manslaughter; Criminally negligent homicide
Rape	Rape, any degree; Unlawful sexual intercourse, any degree; Unlawful sexual penetration, any degree
Robbery	Robbery, any degree; Carjacking, any degree
Assault	Attempted murder; Assault, any degree; Assault in a detention facility
Other Sex Offense	Unlawful sexual contact, any degree; Sexual abuse of a child; Dangerous crime against a child; Sexual exploitation or solicitation of a child; Child pornography
Other Violent Offense	Menacing or aggravated menacing; Reckless endangering; Terroristic threatening; Arson 1st degree; Extortion; Riot; Stalking; Promoting prostitution 1st degree; Victim/witness intimidation
Arson	Arson 2nd or 3rd degree
Burglary	Burglary, any degree; Possession of burglar's tools
Theft	Theft; Shoplifting; Possession of shoplifter's tools or instruments of theft; Exploitation of resources of infirm or impaired persons
Fraud/Forgery	Forgery; Identity theft; Issuing a bad check; Unlawful use of a credit card; Home improvement fraud
Other Property	Criminal mischief; Criminal trespass; Receiving stolen property
Drug Dealing	Drug trafficking; Possession with intent to deliver drugs; Distribution of drugs to minors
Other Drug Offense	Possession of drugs; Possession of drug paraphernalia; Maintaining a vehicle or dwelling to use or deliver drugs; Possessing drugs without a prescription or acquiring drugs with fraudulent prescriptions; Delivery or possession of drugs within prohibited zones
Weapons	Carrying a concealed deadly weapon or dangerous instrument; Possession of a deadly weapon or firearm during commission of a felony; Possession of a deadly weapon or firearm by persons prohibited; Wearing body armor during commission of a felony; Theft of a firearm
Vehicular Homicide	Vehicular homicide, any degree; Murder, manslaughter, or criminally negligent homicide if a vehicle was not intentionally used as a weapon (listed as homicide if vehicle intentionally used as weapon)
Vehicular Assault	Vehicular assault, any degree
Driving Under Influence	Driving under the influence of alcohol or drugs
Other Motor Vehicle Offense	Driving after judgment prohibited; Failure to stop at command of a police officer
Other Public Order	Endangering welfare of a child; Hindering prosecution; Escape, any degree; Promoting prison contraband; Resisting arrest; Tampering with a witness; Tampering with physical evidence; Criminal contempt of a domestic protection from abuse order; Non-compliance with conditions of recognizance; Failure to register as a sex offender; Sex offender residing/loitering in prohibited zone

RECIDIVISM IN DELAWARE

An Analysis of Prisoners Released in 2009 through 2011

Supplemental Focus on I-ADAPT Clients

October 2015

Delaware Criminal Justice Council

Statistical Analysis Center

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State of Delaware Document Control Number 100703-15-11-05

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List of Tables and Figures

Study Overview

This study uses the 2011 prison release cohort, which was added in the Center's 2015 annual recidivism report, to explore a subgroup of clients involved in a recently-implemented statewide reentry initiative. In 2009, a committee of Delaware Cabinet Secretaries was tasked by Governor Markell to develop a plan to reduce recidivism among former inmates. The plan developed by the committee, and adopted by the Governor through Executive Order 7, created an Individual Assessment, Discharge and Planning Team (I-ADAPT) that coordinates the efforts of several agencies to deliver services to inmates with the goal of increasing their chances of successful re-entry in the community. A press release from the Governor's Office announcing adoption of the I-ADAPT plan is included in the Appendix for additional information.

The I-ADAPT process was in its early stages of implementation in 2011. The review of I-ADAPT clients in this study does not represent an evaluation of the I-ADAPT process. Records reviewed for this analysis indicate only that clients were identified for participation in I-ADAPT. Levels of client participation, such as specific services offered or accepted, were not identified. Recidivism is compared for I-ADAPT and non I-ADAPT clients in the 2011 release cohort, but the Center intends no implication of causality. Thorough I-ADAPT analysis is far from complete, and sufficient data for conclusive results may not be available. A primary intent of this analysis is to illustrate some of the underlying group differences and difficulties that might be encountered when using recidivism as a measure of rehabilitative success attributable to I-ADAPT or any other intervention.

This study uses only the rearrest measure for recidivism, but methodology otherwise remains consistent with that of the full cohort analysis. As in the main study, clients are limited to those who were released from Delaware prison sentences, which are defined as incarceration terms of more than one year. Actual time served on a prison sentence may be less than one year due to good time credit or other reductions. Participation in the I-ADAPT process is not limited to inmates serving prison sentences; some jail inmates and clients in community corrections settings are also eligible. This study included only I-ADAPT clients whose enrollment periods were associated with the 2011 prison release events that yielded the 2011 cohort for the main study.

Client Characteristics and Recidivism Rates

Through records maintained by the Department of Correction and other I-ADAPT principles, the Center identified 336 I-ADAPT clients whose participation in the process began during or shortly after the prison stay that entered them in the 2011 release cohort. Of the 713 remaining inmates in the 2011 release cohort, 675 did not appear to have I-ADAPT participation periods connected to the prison stay of the 2011 release. There were 38 additional I-ADAPT clients who had participation periods that could not be clearly distinguished as part of the 2011 stay or a subsequent stay. Those 38 clients were excluded from the analysis of 336 I-ADAPT and 675 non I-ADAPT clients below. Table 1 shows counts by gender and race for clients assigned to the I-ADAPT and non I-ADAPT groups as described above.

Table 1. Gender and race breakout of I-ADAPT and non I-ADAPT clients in 2011 release cohort

	Male		Female		
	Black	White	Black	White	Other
I-ADAPT	222	87	15	12	0
Non I-ADAPT	347	271	17	39	1

As illustrated in Figures 1 and 2 on the following page, combinations of gender and race are considerably different in the I-ADAPT and non I-ADAPT groups. Among prisoners released in 2011, more than 70% of clients in the I-ADAPT group were Black; about 54% of clients in the non I-ADAPT group were Black. Gender proportions are nearly the same in both groups, but White females are much less proportionally represented in the I-ADAPT group than Black females. Almost 47% of Black females in the cohort were in the I-ADAPT group. In the 2011 prison release cohort, the White female participation rate in I-ADAPT (about 23.5%) appears to be about half the rate for Black females. The White male participation rate is about 60% of the rate for Black males.

Figure 3 shows summary data for age data by offense category for clients in each of the I-ADAPT and non I-ADAPT groups. For the two groups overall, average and median at-risk ages of I-ADAPT clients were just over one year higher than those of non I-ADAPT clients. As shown in Figure 3, age patterns differed across release offense groups.

Figures 4 through 6 show summary data for offense category, length of stay, and prior Delaware felony arrest for clients in the I-ADAPT and non I-ADAPT groups. I-ADAPT clients in the 2011 cohort were more likely to have served time on a violent offense. In all offense categories, average lengths of stay were higher for I-ADAPT clients than for non I-ADAPT clients. For I-ADAPT clients overall, the average length of stay was 4.1 years; for non I-ADAPT clients it was 2.8 years. I-ADAPT clients averaged 6.4 prior felony arrests in Delaware, versus an average of 5.6 for non I-ADAPT clients.

Figure 1. Gender and race proportions in 2011 release cohort I-ADAPT and Non I-ADAPT groups

I-ADAPT

4,5% 3,6%

25,9%

66,1%

- Black Male
- White Male
- Black Female
- White Female

Non I-ADAPT

2,5% 5,8%

40,1%

51,4%
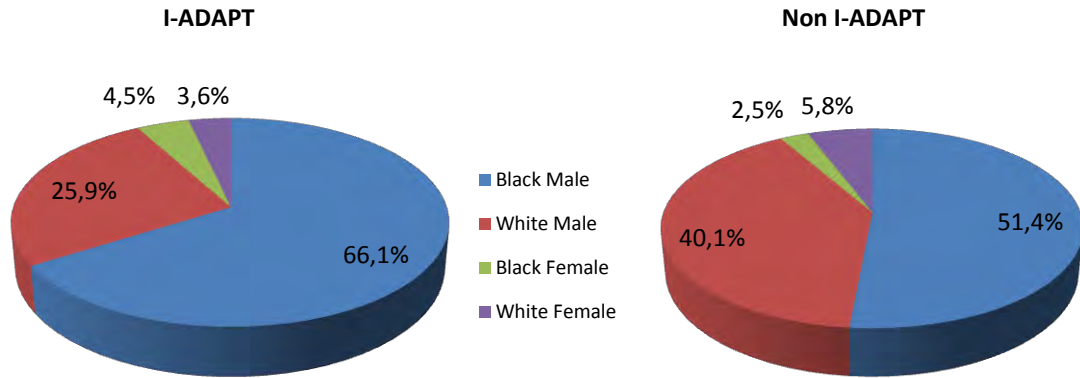
Figure 2. I-ADAPT participation rates by gender and race in the 2011 release cohort

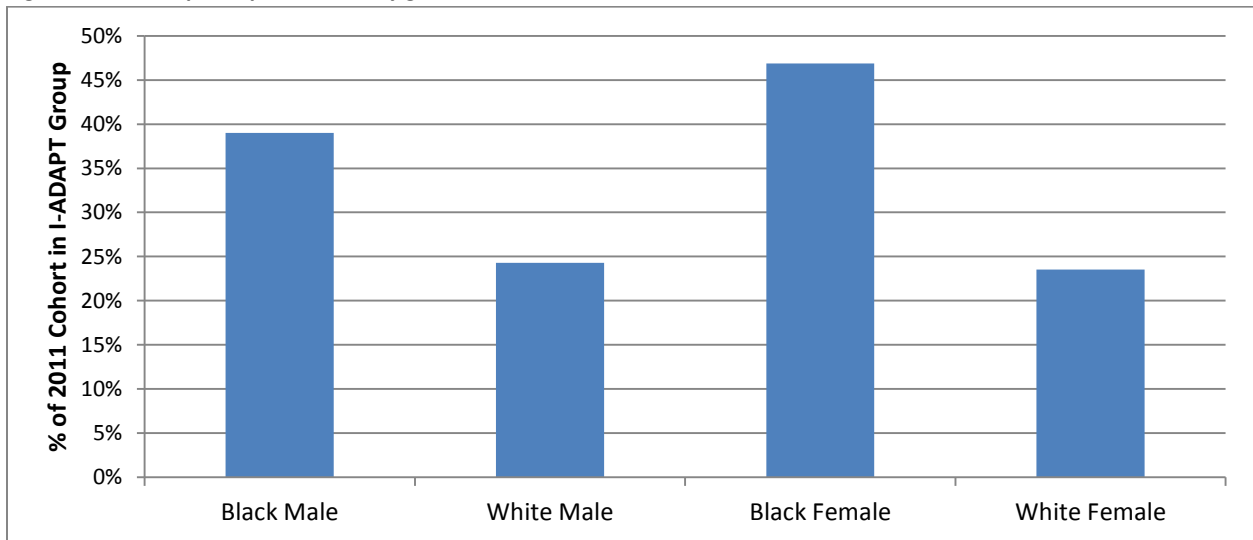**Figure 3. Average at-risk age of I-ADAPT and non I-ADAPT clients in the 2011 release cohort**
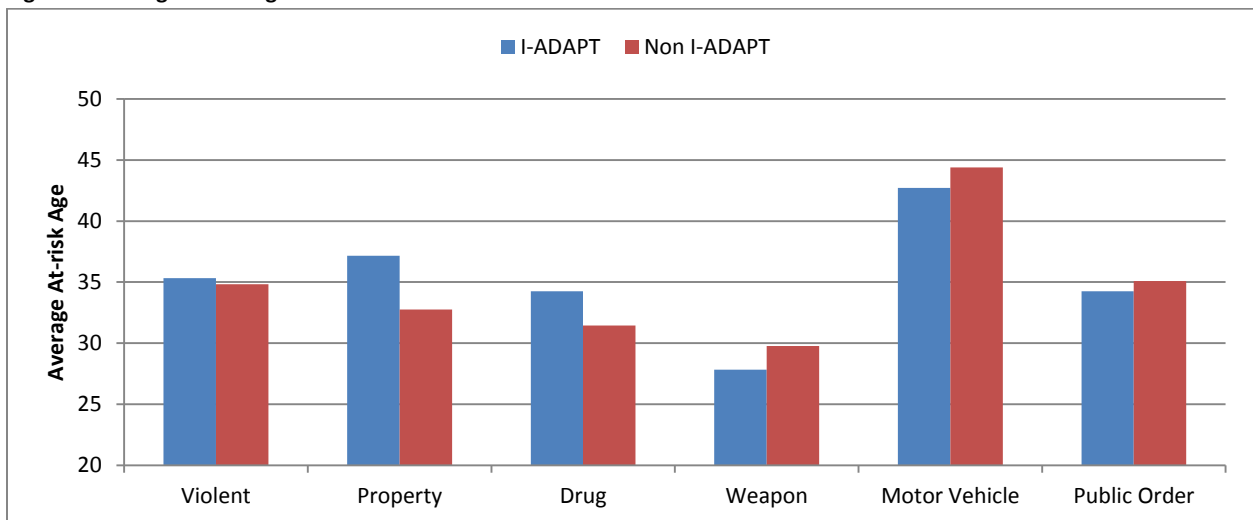
Figure 4. Percent of I-ADAPT and non I-ADAPT clients in each release offense category
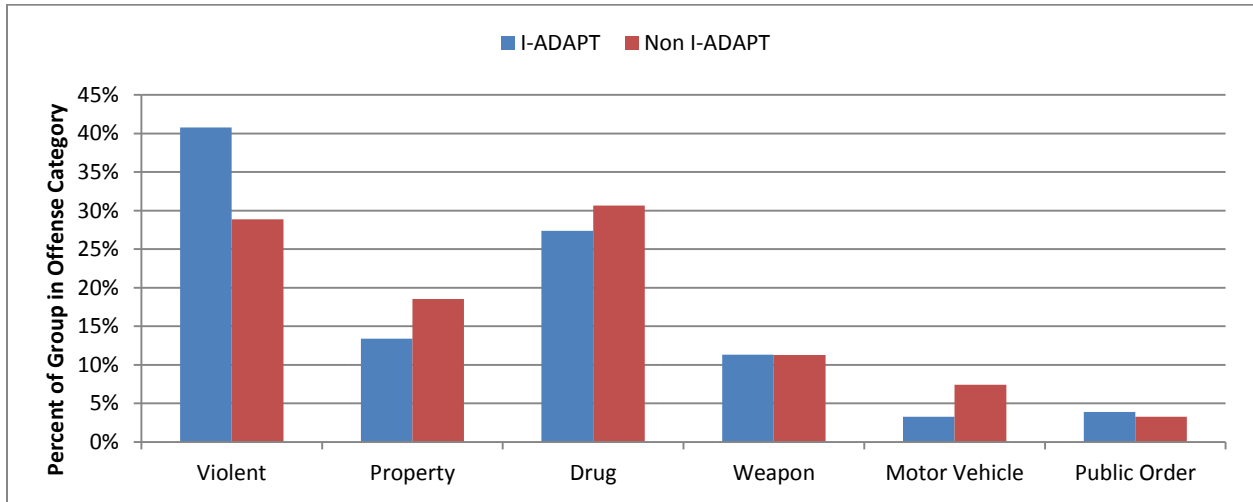

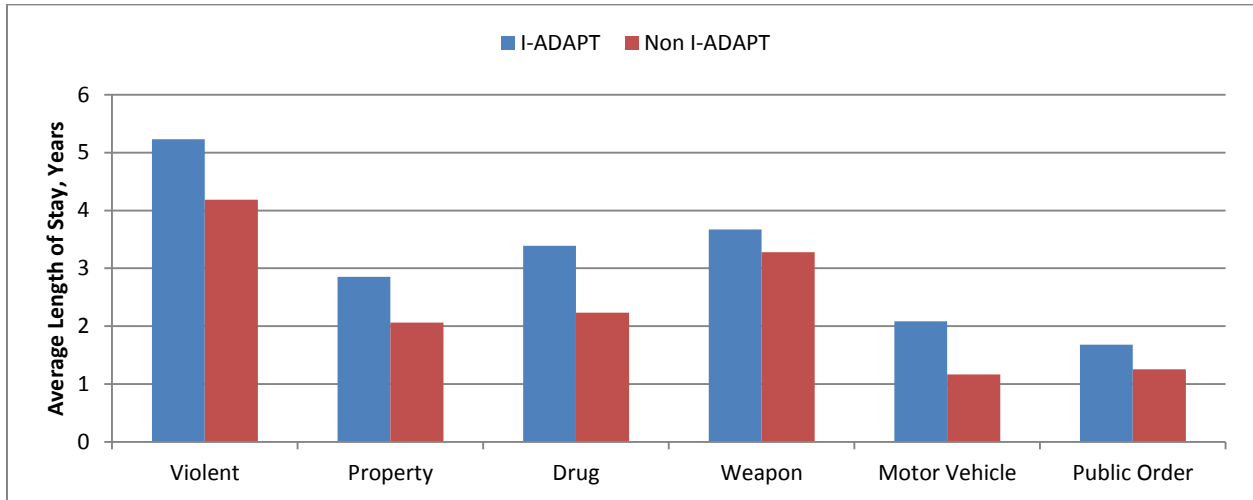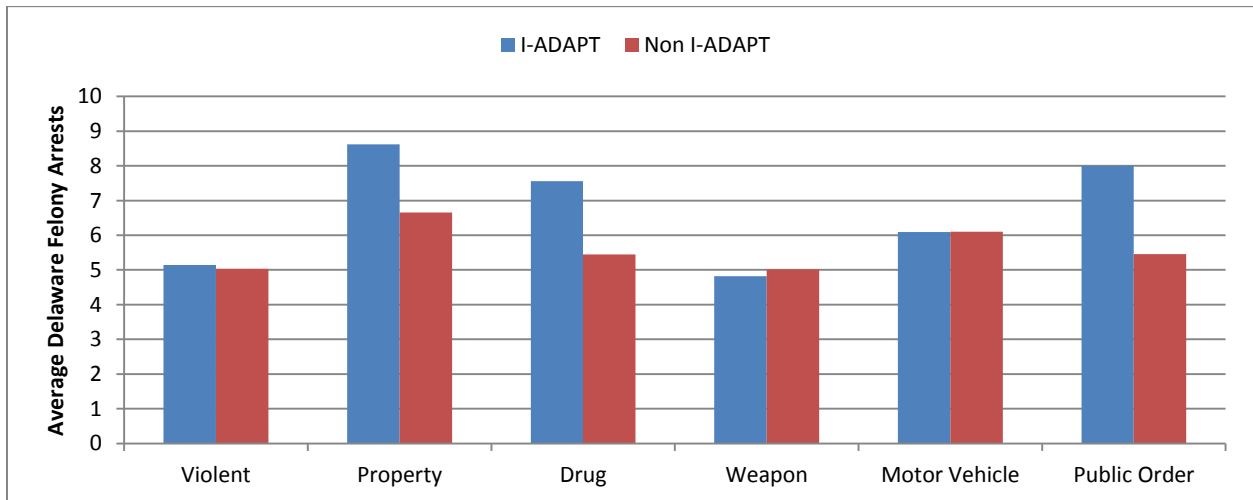**Figure 5. Average length of stay, I-ADAPT and non I-ADAPT clients by release offense category**

Figure 6. Average prior Delaware felony arrests, I-ADAPT and non I-ADAPT clients by release category

While representing only a fraction of characteristics that could be considered, the foregoing figures should illustrate that there are differences among clients beyond participation in the I-ADAPT process that could impact recidivism. Though matching techniques are often suggested or used in the analysis of various treatment effects, the list of factors that could influence recidivism is essentially limitless. And if researchers attempt thorough consideration of possibly influential factors, limitations on data availability or reliability will likely stymie such efforts.

To begin to contemplate the myriad variables that should be considered in client matching efforts, one could start with characteristics implied in the brief list of re-entry obstacles cited in the I-ADAPT press release (Appendix), "… *such as a lack of education and job skills, homelessness, substance abuse issues and problems finding work because of their criminal history*." Add to that list factors such as mental and physical health conditions, family or other support structures, and individual will to change, and a sense of the difficulty in both enumeration and quantification of variables that could influence recidivism may begin to emerge. Thorough matching of recidivism subjects is arguably not practically achievable.

Despite concerns expressed herein about reliably isolating specific factors that influence recidivism, a primary goal of the I-ADAPT process is recidivism reduction. Though expectations of greater emphasis on recidivism and more conclusive findings are anticipated, the exploratory comparisons presented here are not intended as measures of I-ADAPT success. The limited selection of charts should indicate that, as with implementing the process, the task of understanding and measuring its impact could be huge.

Figure 7 shows rearrest rates at 6 month at-risk intervals for 336 I-ADAPT and 675 non I-ADAPT clients in the 2011 prison release cohort. Through the first 30 months after release, recidivism rates were lower for I-ADAPT clients, but the difference decreased over time and was eliminated with a slight reversal by the 36th month. For perspective of the difference near the three year mark, rates would be equalized for both groups at the 30 month interval by an increase of 2 recidivists in the I-ADAPT group and at the 36 month interval by a decrease of 2 recidivists in the I-ADAPT group.

Figure 7. Rearrest rates, I-ADAPT versus non I-ADAPT clients in 2011 release cohort
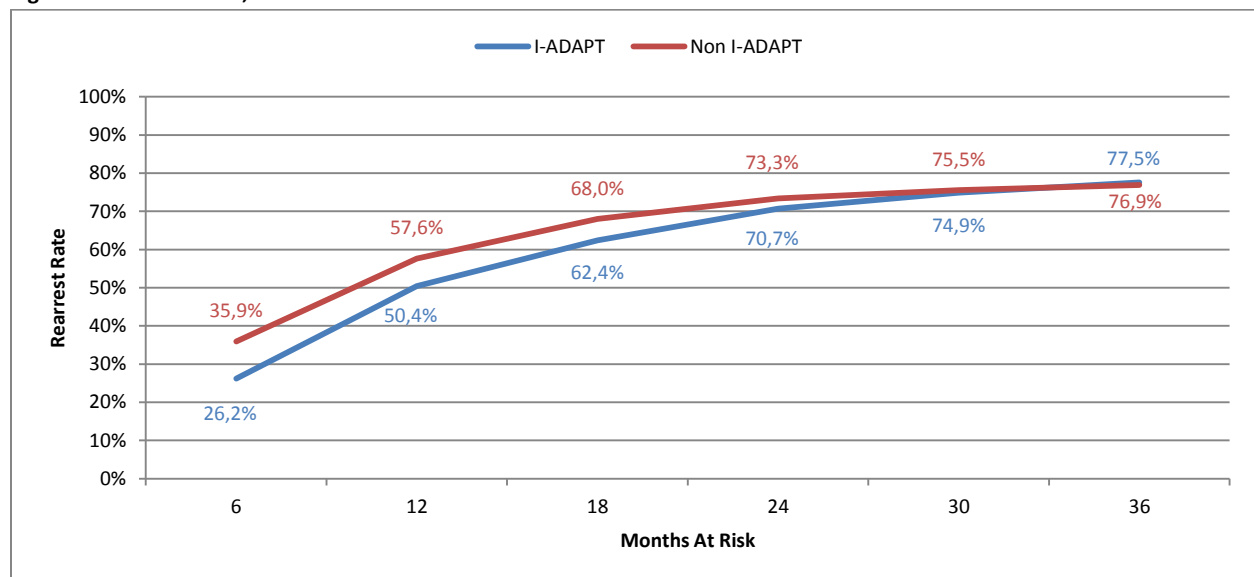
The next four figures show rates of rearrest for I-ADAPT and non I-ADAPT clients in four gender/race groups.

Figure 8. Rearrest rates, I-ADAPT versus non I-ADAPT black males in 2011 release cohort
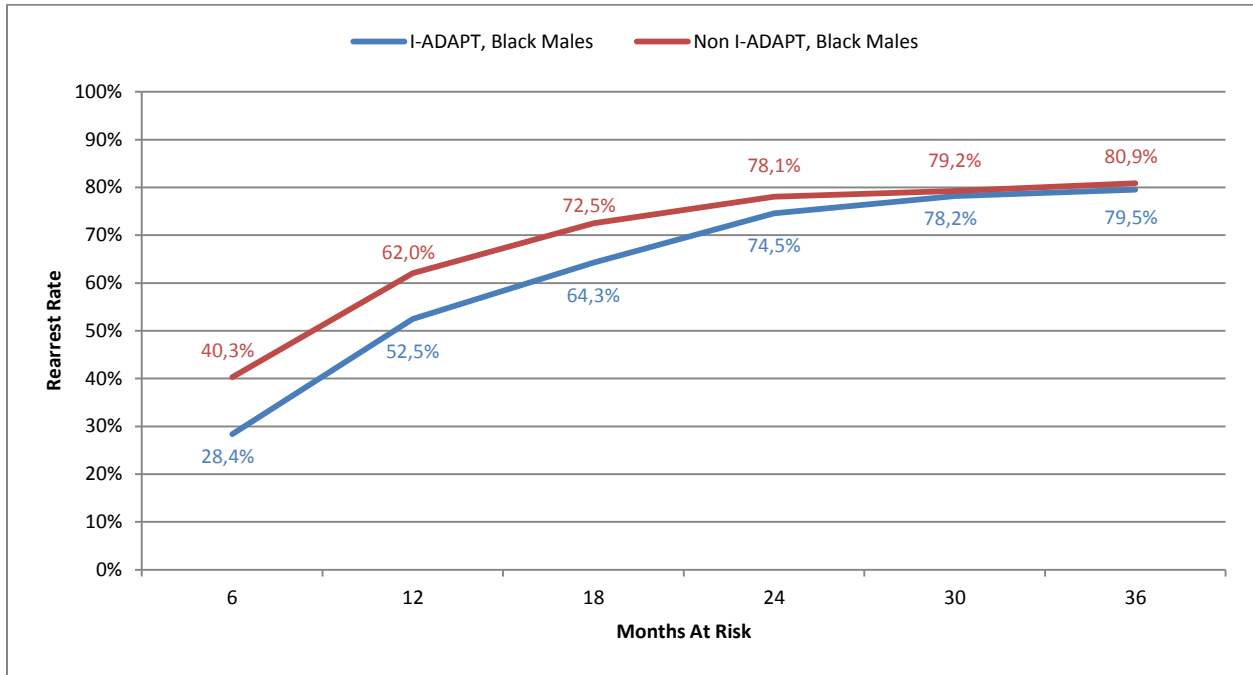
Figure 9. Rearrest rates, I-ADAPT versus non I-ADAPT white males in 2011 release cohort
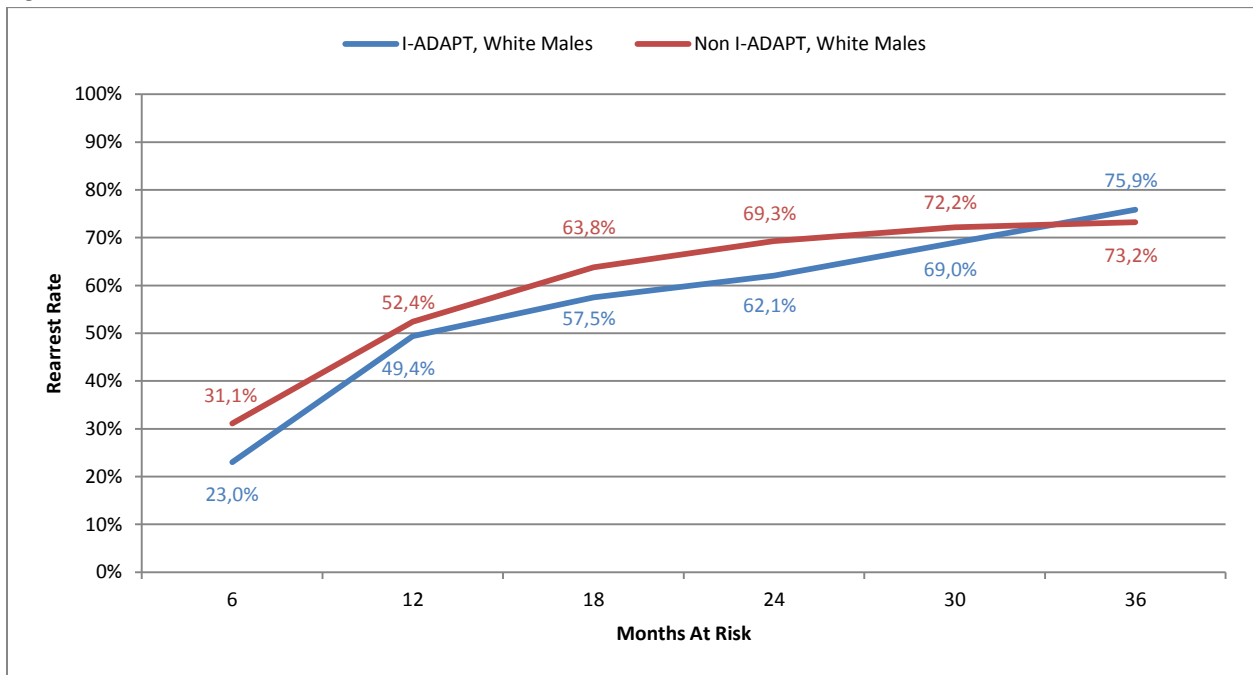
Readers should keep in mind that counts of female clients in each group (see Table 1) are small.

Figure 10. Rearrest rates, I-ADAPT versus non I-ADAPT black females in 2011 release cohort
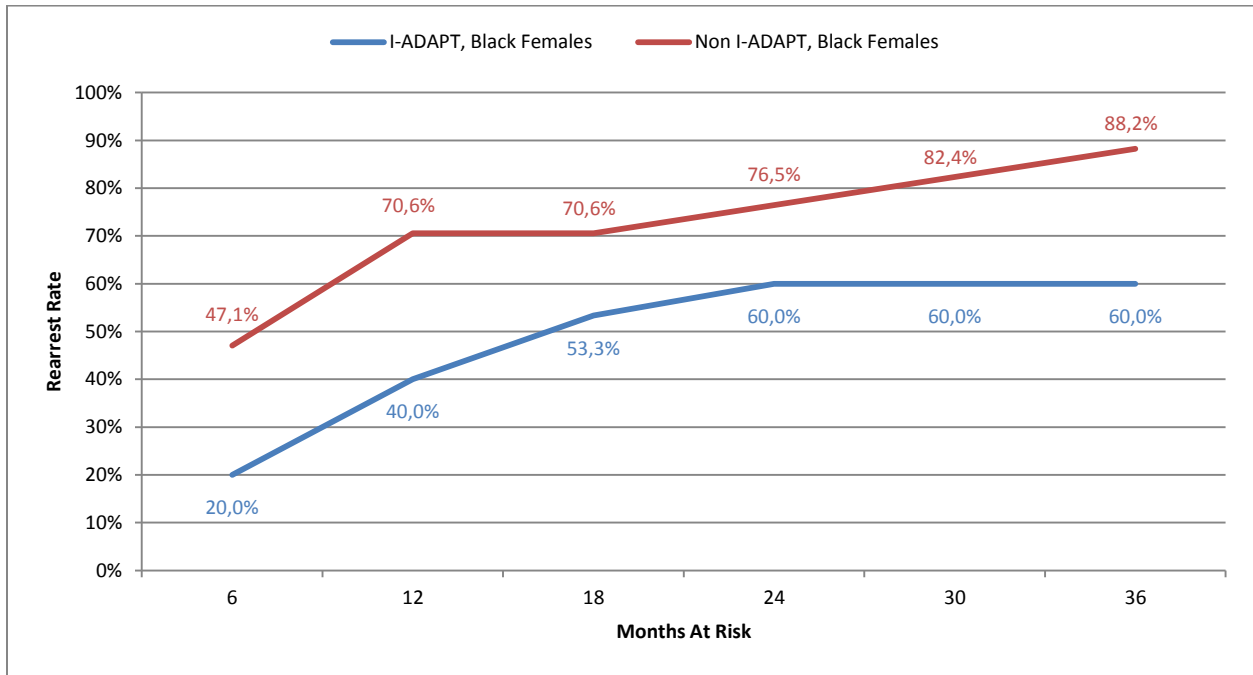
Figure 11. Rearrest rates, I-ADAPT versus non I-ADAPT white females in 2011 release cohort
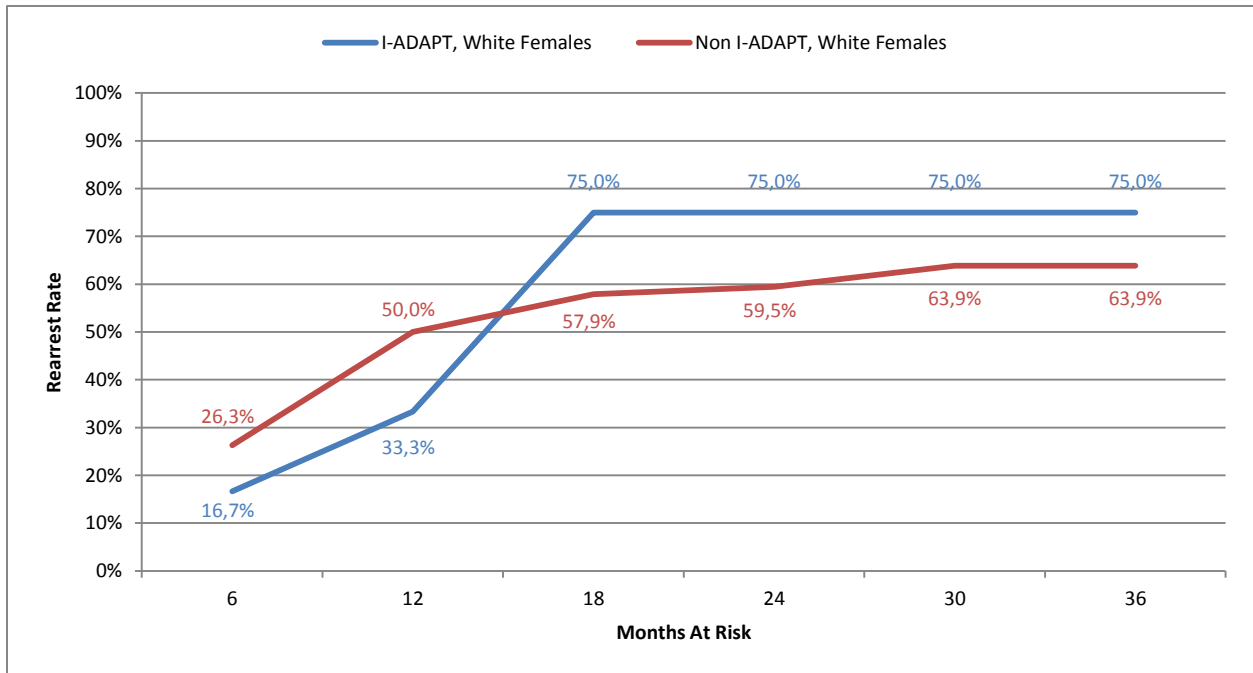
Figure 12 shows I-ADAPT and non I-ADAPT client rearrest rates at yearly intervals for four selected age groups. By the second year at risk, rearrest rates are consistently higher for non I-ADAPT clients in three of the four age groups, but rates were higher for I-ADAPT clients than for non I-ADAPT clients in the 30-39 year old group.

Figure 12. Rearrest rates at 1, 2, and 3 years, I-ADAPT versus non I-ADAPT clients by at risk age group
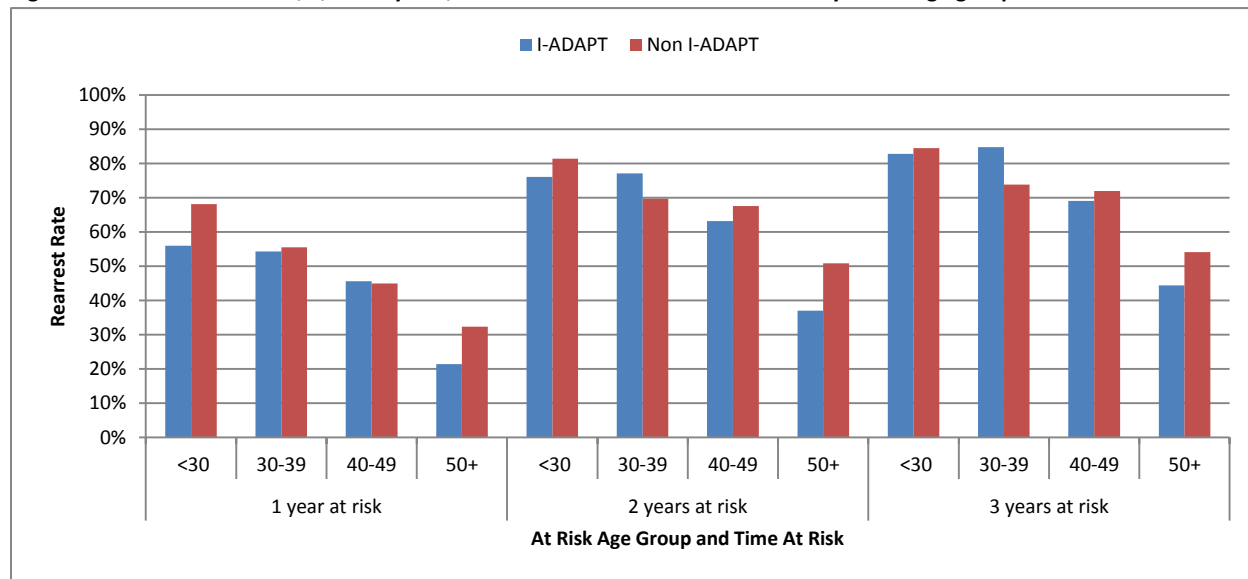
Based on Figure 12, it appears that I-ADAPT effectiveness could be age dependent. While some degree of age dependence may hold, Figure 13 shows that the relationship is likely not a simple one. Length of stay comparisons are indicative of confounding factors in the I-ADAPT process and age relationship. Average length of stay was consistently higher for I-ADAPT clients, but the difference for 30-39 year-olds was smallest at less than six months; the difference is almost one year for the younger group, and more than two years for the older groups. Those findings suggest a need for further examination.

Figure 13. Average length of stay, I-ADAPT versus non I-ADAPT clients by at risk age group
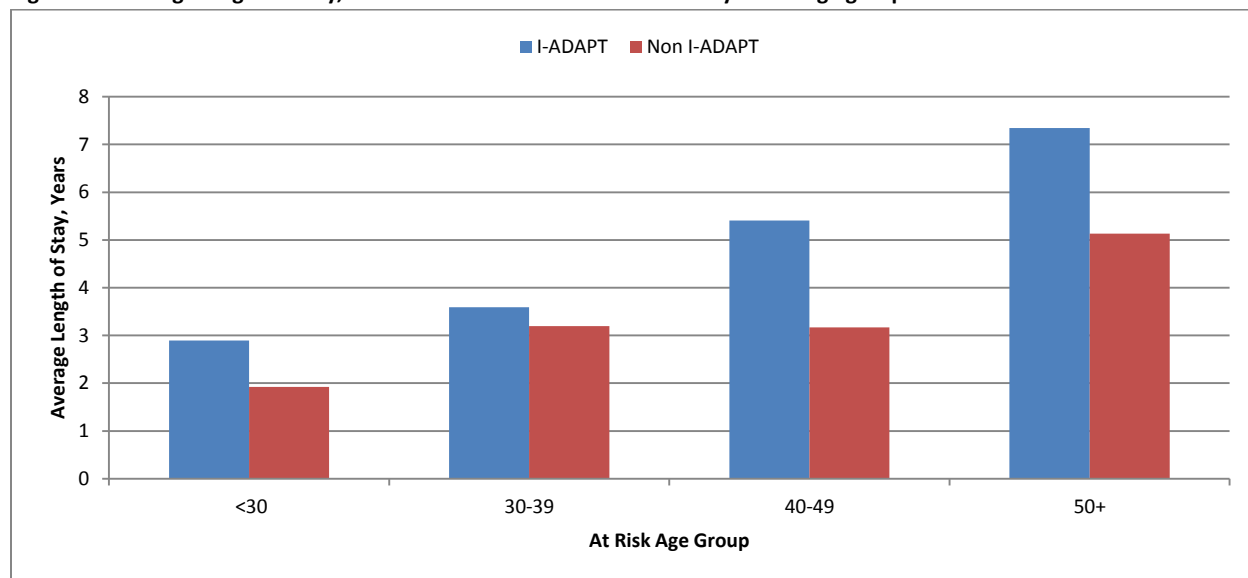
Conclusions and Limitations

This study offers a cursory look at characteristics and rearrest rates of I-ADAPT clients in the early stages of the process. The underlying analysis was not a process evaluation, but topics explored here may be worth contemplating in any other I-ADAPT assessment framework. Material presented in this report should provide a glimpse of the complexities to consider if recidivism is to be used a primary measure of I-ADAPT effectiveness.

In the first 30 months after release from prison, rearrest rates for I-ADAPT clients in the 2011 cohort were lower than for non I-ADAPT clients in the same cohort. The difference in rates for the two groups decreased steadily for those 30 months, and by the 36th month I-ADAPT clients had a rearrest rate of 77.5% versus 76.9% for non I-ADAPT clients. Rearrest rate patterns differed markedly when factors of gender, race, and age were considered.

It would be premature to attribute recidivism rate differences exhibited in this analysis to the I-ADAPT process. Analysis of just a few client characteristics of I-ADAPT and non I-ADAPT groups in the 2011 cohort reveal confounding factors that limit the determinative value of observations. It is important to consider how client election or selection for I-ADAPT participation might be associated with traits that also influence recidivism. Much more information and resources will be needed to conduct meaningful analyses of the I-ADAPT process.

Appendix: Governor's Office I-ADAPT Press Release, May 11, 2009

To Reduce Repeat Offenses, Governor Markell Releases Re-entry Plan

Cross-agency coordination critical to preparing inmates for productive future; New "I-ADAPT" process will start re-entry planning at beginning of sentence

NEW CASTLE — Inmates unprepared to succeed when reintroduced to society are far more likely to commit additional crimes when released. To reduce these repeat offenses and curb the cost of re-incarceration, Governor Jack Markell tasked several Cabinet Secretaries in January to come up with some real solutions to these pressing problems without increasing up-front cost to taxpayers.

Today, the group and the Governor presented the results of their work - a plan that gets state agencies working together to help inmates prior to their release as they tackle problems such as finding a job, housing and combating drug and alcohol addictions. It requires several agencies to coordinate their outreach to inmates; changes how services are delivered to maximize results; and initiates a system for re-entry planning that begins at point of incarceration rather than at release.

Because it requires agencies to work together to be more efficient, effective, responsive and responsible, the plan to reduce repeat offenses should achieve results without additional costs to taxpayers.

"Most of the people in our prisons will someday get out. We can simply turn them out without a plan for success and hope that they will not commit another crime or we can help them find the right path to become productive citizens. The first choice likely ends in more crime and the enormous costs of re-incarceration. The second, which is the path this plan starts us on, helps cut costs and hopefully helps cut crime," Markell said. "Waiting until an inmate is about to be released is far too late to start thinking about re-entry."

While developing the plan, the group's work included eight public forums, four visits to state correctional facilities and input from the business community, community, faith-based organizations and members of the criminal justice community.

 "No community can sustain high levels of incarceration and recidivism without comprehensive rehabilitation. It should not be lost on any of us that the Governor, without urging, made fixing a broken system one of his first priorities," said Dr. Tony Allen, chairman of the Hope Commission. "The work of the task force is an incredibly important first step in addressing this problem, but the real responsibility lies with all of us—communities, faith-based organizations, businesses, government and the public. We look forward to working with the Governor, his Cabinet and our community to make this plan a tangible reality."
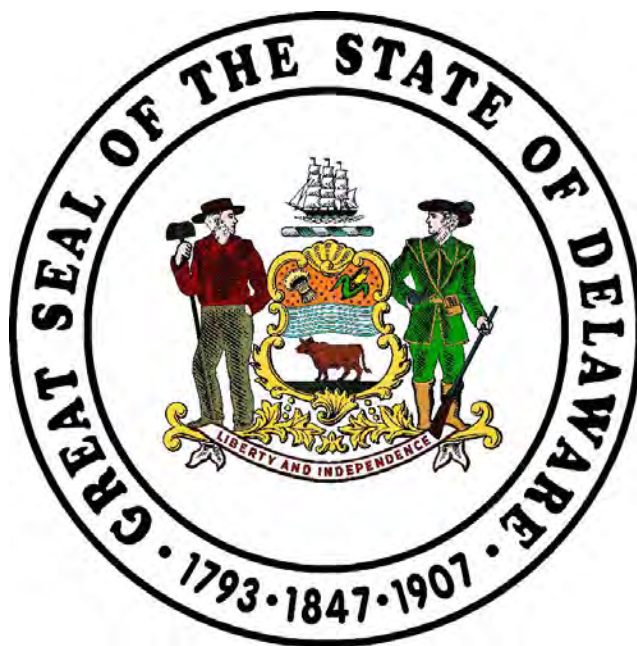
Recognizing that about 97 percent of the state's inmate population will eventually be released, Gov. Markell stressed the importance of working to keep them from returning to the correctional system. Aside from protecting public safety, the plan is designed to save taxpayer money since housing an inmate costs Delaware taxpayers about $30,000 per year, which is about 20 times the cost of probation. The current prison population is just under 7,000 inmates, with 2,800 expected to be released within the next two years.

The plan was developed by a Cabinet committee representing the Departments of Correction, Labor, Education, Health and Social Services and the Delaware State Housing Authority. It launches a new system for re-entry planning that begins when an inmate is incarcerated and moves into a more rigorous phase six months prior to an offender's release. Working together, the state agencies represented on the Cabinet committee will help offenders who struggle with obstacles that lead them back to criminal activity such as a lack of education and job skills, homelessness, substance abuse issues and problems finding work because of their criminal history.

"The plan is very ambitious and has all the right elements to make a difference in the re-entry process," said Dr. Christine Visher, director of the Center for Drug and Alcohol Studies at the University of Delaware and a nationally recognized expert in offender re-entry. "I am pleased that agencies realize they each have a part to play and have agreed to work in cooperation and coordination with each other. These efforts should substantially improve the program."

Some ideas already established for the agencies to address include: job readiness workshops at correctional work-release facilities, increasing efforts to provide incarcerated offenders with job skills that will help them in the workforce, prioritizing the offenders most in need of vocational training, facilitating offenders' efforts to find affordable housing, identifying offenders with mental health, substance abuse problems or disabilities that require services in anticipation of release and establishing a formal Department of Correction re-entry policy.

The plan provides concrete next steps, including the launch of an executive order that will: adopt the plan, establish a Cabinet committee to oversee its implementation and create an Individual Assessment, Discharge and Planning Team (I-ADAPT) to assist in implementing it. The I-ADAPT team will include representatives from the agencies represented on the Cabinet committee (the Departments of Correction, Labor, Education, Health and Social Services and the Delaware State Housing Authority), as well as representatives from faith-based and community organizations and an ex-offender. Also, the involved state agencies will sign a Memorandum of Agreement on their roles and responsibilities in cooperatively implementing a successful re-entry plan for offenders.

RECIDIVISM IN DELAWARE

Long-Term Follow-Up of Individuals Released from Prison in 2008 and 2009 Classified as Three-Year Non-Recidivists by Re-Arrest

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Long-Term Follow-Up of Individuals Released from Prison in 2008 and 2009 Classified as Three-Year Non-Recidivists by Re-Arrest

Executive Summary

Overview

The three-year re-arrest rate in the Delaware Statistical Analysis Center report on recidivism among prisoners released from prison sentences in 2008 and 2009 was more than 75%. The current sub-study focuses on the 517 individuals who were not identified as having been re-arrested within three years of their release from prison. This study serves two purposes: 1) to determine the extent to which this group of non-recidivists was re-arrested after the conclusion of the original three-year study; and 2) to provide an initial examination of how non-recidivists are different from and similar to prisoners who were re-arrested in the original three-year study.

This study used the same methodology and consulted the same information resources as the original recidivism study. Individuals were tracked from the end of their original three-year at-risk window through August 10, 2015. During this time period, most individuals were at-risk for an additional two to more than four-and-one-half years.

Findings

Long-Term Follow-Up Recidivism Findings

Overall, just over 37% of individuals released from prison in 2008 and 2009 who were not arrested during the Center's three-year recidivism study were re-arrested during the long-term follow-up window. Most long-term recidivists (75.6%) had been re-arrested within the first 24 months of the long-term tracking window. Older individuals and those with fewer felony arrests had the lowest rates of re-arrest. Those released from prison on crimes against a person had the lowest re-arrest rate; on property crimes, the highest. Those with a low number of felonies in their criminal histories had the lowest rates of re-arrest. Little or no difference in the re-arrest rate was noted based on gender or race.

Comparison Findings

On average, recidivists tend be younger than non-recidivists, with the age difference greater for the original three-year study. Also, re-arrest rates trend downward as age increases, with the pattern more evident in the three-year study.

Recidivists generally had more felony arrests, on average, than non-recidivists. The offense from which a prisoner was released for the prison stay immediately prior to entry into the original three-year study is associated with the rate of re-arrest, but likely in complex ways. Among the eight most common release offenses, Individuals with robbery and burglary offenses had the highest rates of recidivism in both the three-year and long-term follow-up groups.

The length of the prison stay immediately prior to entry into the original three-year study is also associated with the rate of re-arrest, but likely in complex ways as well. Longer lengths of stay were also associated with lower rates of re-arrest for the three-year and long-term follow-up groups.

Introduction

This supplemental report reflects an initial exploration of persons identified as not having recidivated through re-arrest in the Delaware Statistical Analysis Center's study, Recidivism in Delaware: An Analysis of Prisoners Released in 2008 and 2009 (http://cjc.delaware.gov/sac/pdf/Corrections/RecidivismFinalJuly30.pdf). The purpose of this supplemental study is two-fold: 1) to determine the extent to which this group of non-recidivists was re-arrested after the conclusion of the original three-year study; and 2) to examine how these non-recidivists are different from and similar to prisoners who were re-arrested in the original three-year study.

Study Methodology

Offenders selected for this study were those released in 2008 and 2009 and not classified as recidivists by re-arrest by the end of their respective three-year follow-up windows in the Center's aforementioned study completed in 2013. To understand long-term patterns in recidivism and non-recidivism, arrest records were examined to identify state charges on serious offenses that occurred between the end of an individual's three-year follow up window and August 10, 2015. Given the time and resource limitations and other considerations for this particular supplemental study, convictions for new charges and recommitments to any secure Department of Correction (DOC) facility were not examined.

As in the full recidivism study, this supplemental study focuses on in-state recidivism events. Recidivism is counted for only the first arrest within each individual's long-term follow-up window. Each individual can thus be counted only once as a long-term recidivist. A person was classified as a recidivist if he/she was arrested for a new crime or a violation of parole or probation.

As for the full study, only Delaware activity is counted for determining recidivism events. State and public records reviewed in the research process revealed that some subjects had significant criminal justice events (e.g., arrests, convictions, incarcerations) in other jurisdictions during the long-term follow-up period. Where indications of criminal involvement by a subject who had not been re-arrested in Delaware were present, that subject was removed from the study as if they were not in the long-term follow-up cohort.

The Center does not have access to non-Delaware criminal records, so criminal activity outside of this state cannot be meaningfully and accurately accounted for; it is therefore not included in our recidivism measures. The Center holds the position, however, that it is unreasonable to regard subjects as non-recidivists if we are aware of significant criminal activity elsewhere.

This study also examined demographic and other descriptive data to identify any patterns of differences between individuals in the three-year non-recidivist group and those who had recidivated within three-years of release from their prison sentences. Information examined includes age, gender, race, felony history, and release offenses. Not examined were variables germane to understanding the dynamics of

recidivism (e.g., education level, employment history, mental health and substance abuse history, rehabilitative progress) but for which the SAC does not have access to reliable data sources.

Demographics of the Overall 2008-2009 Three-Year Non-Recidivist (by Re-Arrest) Group

Table 1 presents demographic information about the 2008-2009 study group that was not re-arrested by the end of the original three-year tracking period. This group of 517 individuals was predominantly male but was equally split with respect to race and cohort year. The average age of this group was 38.8 years, with the 2009 cohort slightly older.

Table 1: Demographic Characteristics of the Long-Term Follow-Up Cohort (prior to attrition)

	2008		2009		Total	
	Number	Percent	Number	Percent	Number	Percent
Cohort Members	262	50.7%	255	49.3%	517	
Gender						
Male	228	87.0%	225	88.2%	453	87.6%
Female	34	13.0%	30	11.8%	64	12.4%
Race						
Black	133	50.8%	124	48.6%	257	49.7%
White	129	49.2%	131	51.4%	260	50.3%
Age (in years)						
Average	39.2		38.4		38.8	
Range	20.1-75.4		17.7-75.8		75.8	
Younger than 20	0	0.0%	6	2.4%	6	1.2%
20-24.9	21	8.0%	29	11.4%	50	9.7%
25-29.9	48	18.3%	42	16.5%	90	17.4%
30-34.9	34	13.0%	33	12.9%	67	13.0%
35-39.9	34	13.0%	37	14.5%	71	13.7%
40-44.9	40	15.3%	32	12.5%	72	13.9%
45-49.9	41	15.6%	31	12.2%	72	13.9%
50-54.9	23	8.8%	20	7.8%	43	8.3%
55 and older	21	8.0%	25	9.8%	46	8.9%

Adjustment of the Cohort Due to Attrition

As in the original study, individuals were removed from the long-term follow-up group when a death occurred or when an individual was found to have been arrested or incarcerated in a non-Delaware jurisdiction.

Three individuals were removed from the follow-up group because they were determined to have died prior to the end of the first year of the long-term follow-up period. An additional 30 individuals were found to have been arrested or incarcerated in another state and were excluded from the study as a result.

The removal of these individuals changed the demographics of the study group somewhat (see Table 2). Nearly two-thirds of those lost to attrition were from the 2008 cohort, with generally higher proportions of males, Whites, and younger individuals lost to attrition.

Table 2: Demographic Characteristics of the Long-Term Follow-Up Cohort, Adjusted for Attrition

	2008		2009		Total	
	Number	Percent	Number	Percent	Number	Percent
Cohort Members	242	50.0%	242	50.0%	484	
Gender						
Male	209	86.4%	213	88.0%	422	87.2%
Female	33	13.6%	29	12.0%	62	12.8%
Race						
Black	125	51.7%	119	49.2%	244	50.4%
White	117	48.4%	123	50.8%	240	49.6%
Age (in years)						
Average	39.3		38.8		39.1	
Range	20.1-75.4		17.7-75.8		17.7-75.8	
Younger than 20	0	0.0%	6	2.5%	6	1.2%
20-24.9	20	8.3%	26	10.7%	46	9.5%
25-29.9	43	17.8%	39	16.1%	82	16.9%
30-34.9	31	12.8%	31	12.8%	62	12.8%
35-39.9	32	13.2%	34	14.1%	66	13.6%
40-44.9	35	14.5%	30	12.4%	65	13.4%
45-49.9	40	16.5%	31	12.8%	71	14.7%
50-54.9	21	8.7%	20	8.3%	41	8.5%
55 and older	20	8.3%	25	10.3%	45	9.3%

Time At-risk for Re-Arrest

All individuals included in this supplemental study had already been considered at-risk for three years. The long-term follow-up period began the day after an individual's original three-year at-risk period closed and continued through August 10, 2015. The *total* time it was possible for an individual to be at risk, including the original three-year window, ranged from almost 5.2 years to just over 7.6 years. The average total time at-risk was almost 6.6 years. Individuals in the 2008 release group had longer periods

of at-risk time due to their earlier releases. Those released late in 2009 had the shortest at-risk windows, those in early 2008 had the longest. Table 3 provides the possible time at-risk for the 2008 and 2009 cohorts.

Table 3: Possible Time At-Risk, by Release Cohort (in years)

	Total			Long-Term Follow-Up Period Only		
	Average	Minimum	Maximum	Average	Minimum	Maximum
2008	7.06	6.36	7.61	4.06	3.36	4.61
2009	6.08	5.18	6.60	3.08	2.18	3.60
Overall	6.58	5.18	7.61	3.58	2.18	4.61

Analysis and Findings

Arrest data were analyzed to determine the re-arrest rate at six-month intervals during the long-term follow-up period. Also, re-arrest rates were examined by age, gender, race, offense-type, and felony history.

In accordance with the second purpose of the study, analyses of demographic and other data were conducted to explore differences and similarities among recidivists and non-recidivists for both the three-year and long-term follow-up groups.

Long-Term Rates of Re-Arrest

Overall, 37.2% of the individuals in the adjusted study group had been re-arrested by the end of the long-term follow-up window. Those in the 2008 release cohort had a higher rate of re-arrest (39.3%) as compared to the 2009 release cohort (35.1%), which may be a function of longer at-risk periods for the earlier cohort. Three-quarters of those classified as recidivists in the long-term study had been re-arrested within two years of the closure of their original three-year tracking window (see Figure 1).

There was no essential difference in the re-arrest rate based on gender (37.2% for males vs 37.1% for females). There was also little difference in the rates based on race (38.3% for Whites vs 36.1% for Blacks).

Figure 1: Re-Arrests in the Long-Term Follow-Up Window
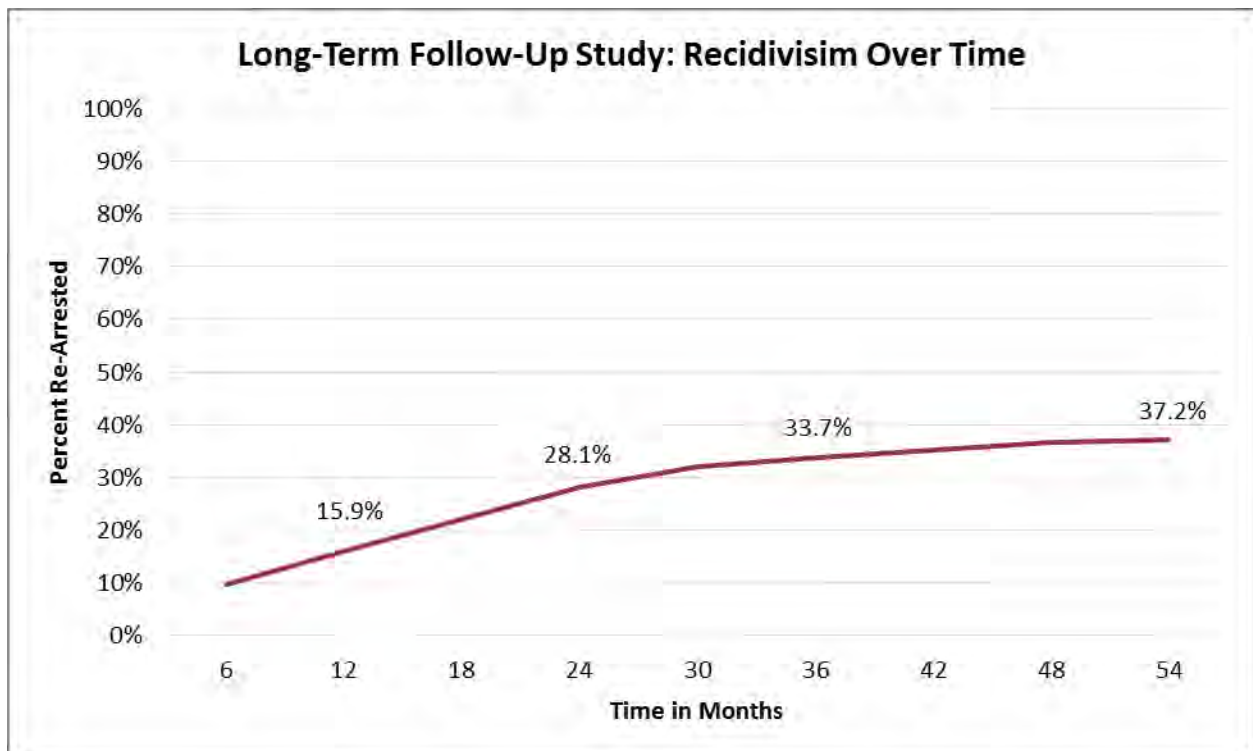
Older individuals were re-arrested at lower rates than younger individuals. There was notable variation in re-arrest rates based on age, with 44% of individuals below age 30 re-arrested, 39.9% of those aged 30 through 44, and 28% of individuals aged 45 and older. Figure 2 shows the re-arrest trends for these age groups. In each age group, most individuals were re-arrested within the first two years of the long-term follow-up window, with a low of 70% for the oldest group and a high of 80% for the aged 30 through 44 group.

Figure 3 provides a more detailed breakdown of long-term re-arrest rates by age group. Generally, older individuals had lower re-arrest rates than those who were younger. When interpreting this figure, note that only six individuals were part of the youngest age group, two-thirds of whom were re-arrested.

Figure 2: Re-Arrests in the Long-Term Follow-Up Window, by Age Category
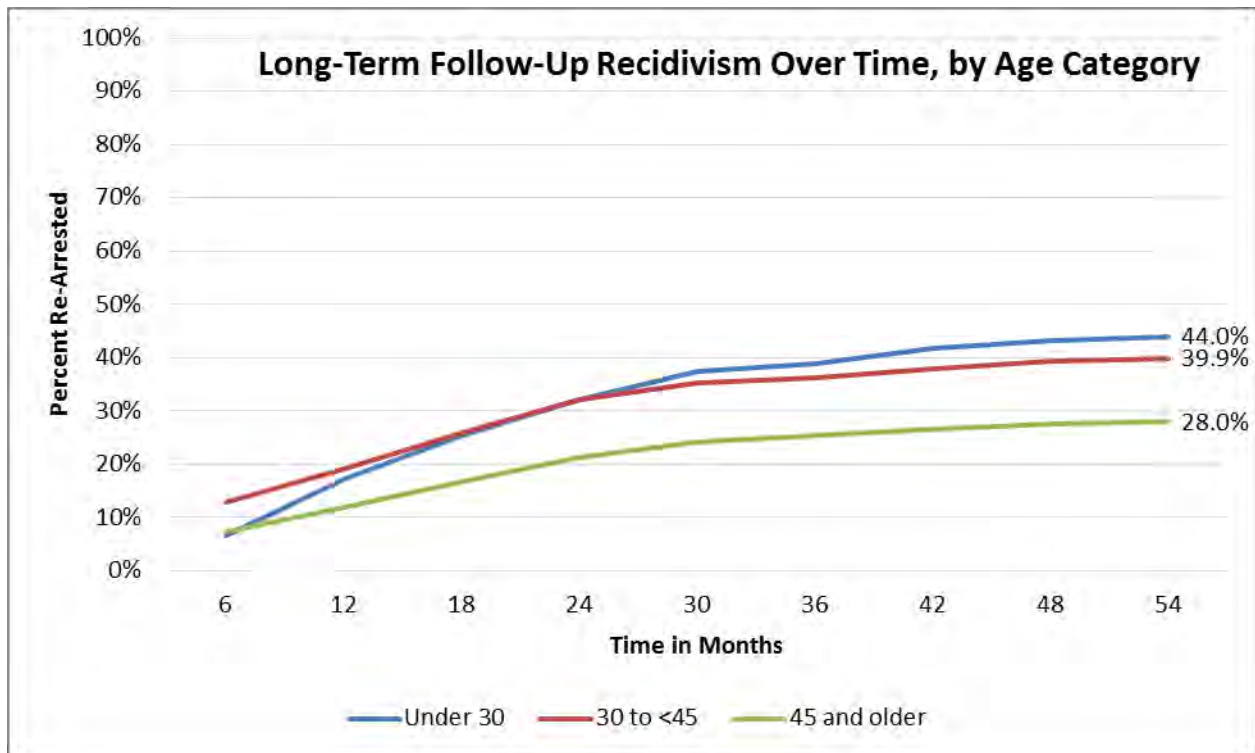
Figure 3: Long-Term Re-Arrest Rates by Age Group
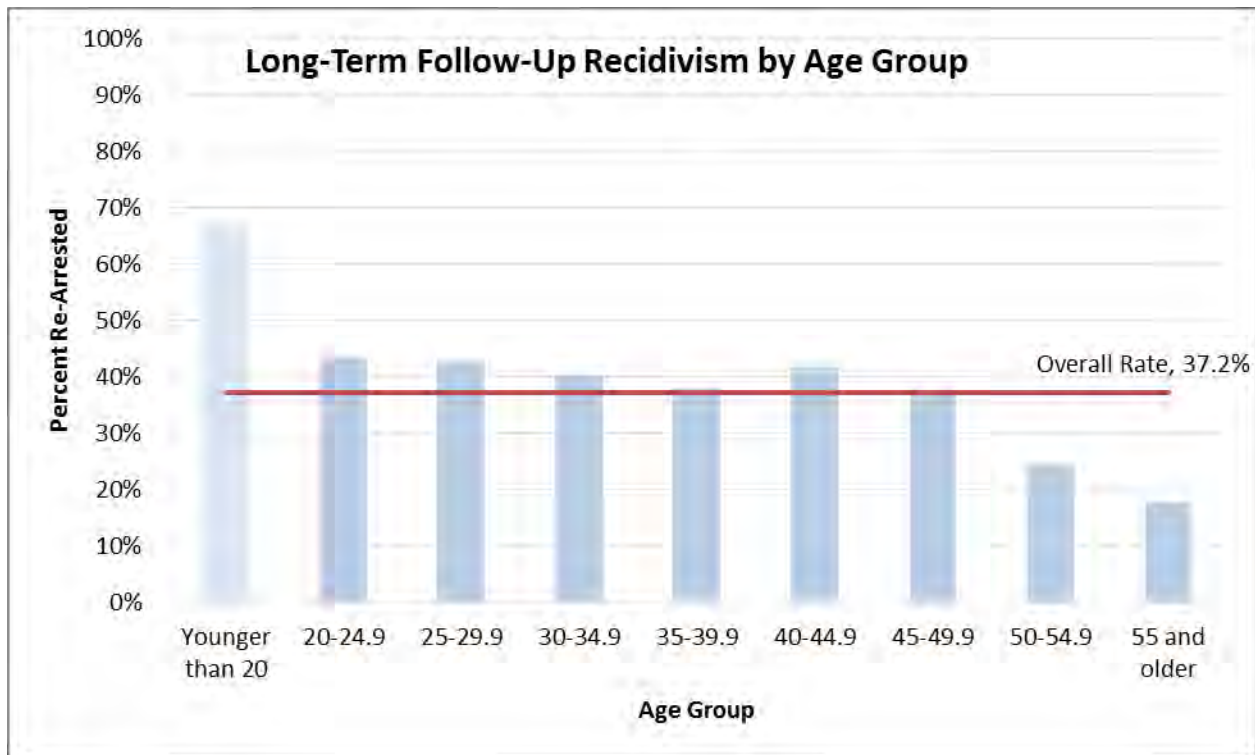
Figure note: There were only six individuals in the total 'Younger than 20' group, four of whom were re-arrested. Therefore, caution is advised when interpreting findings for that age group.

Those released from prison on crimes against a person had the lowest re-arrest rate; on property crimes, the highest. When classifying release offenses into three main categories (Figure 4), about 42% those released for property crimes were re-arrested. Just over 30% of those released on person offenses were re-arrested. There are, however, significant variations among the crimes within each category. These variations are explored later in this report.

Figure 4: Long-Term Re-Arrest Rate by Release Offense Type
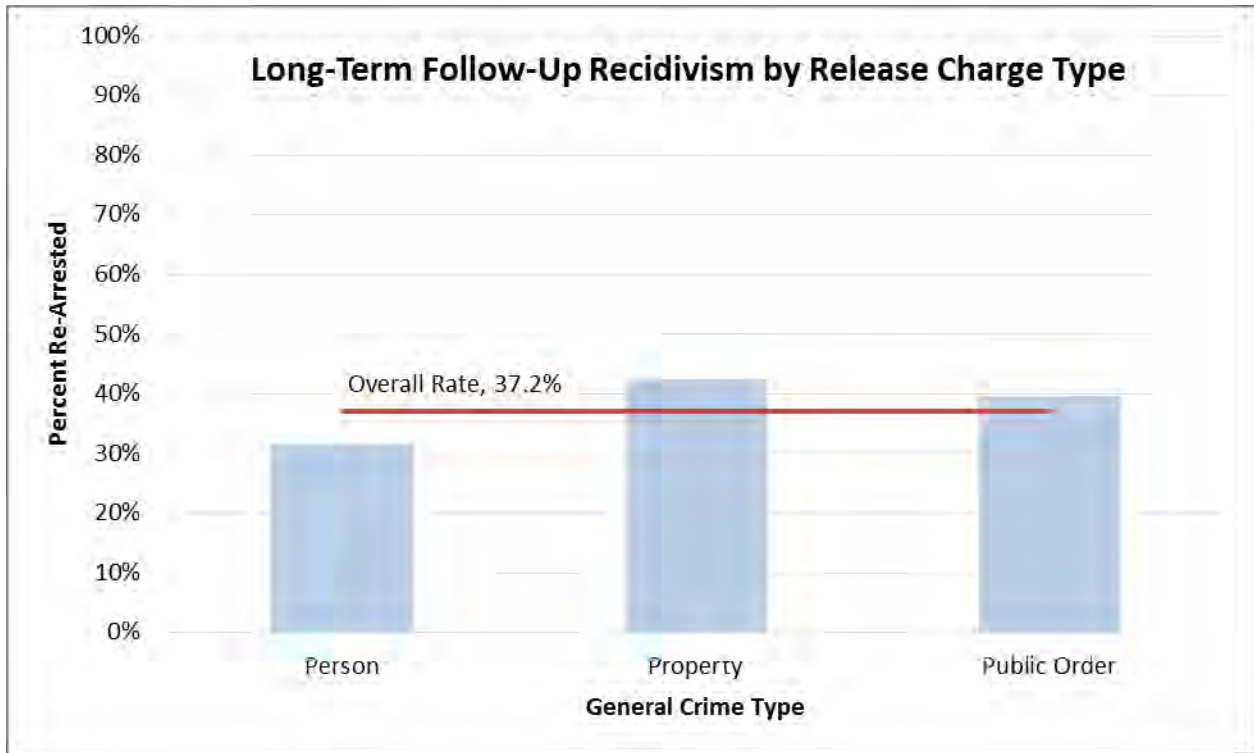
Long-Term Follow-Up Recidivism by Release Charge Type

Overall Rate, 37.2%

Y-axis: Percent Re-Arrested (0% to 100%)

X-axis: General Crime Type — Person, Property, Public Order

Those with a low number of felonies in their criminal histories had the lowest rates of re-arrest. Individuals with four or more felonies in their arrest histories were re-arrested during the long-term follow-up period at rates ranging from 40% to nearly 55% percent (Figure 5). Rates were about 30% or lower for those with one to three felonies.

Figure 5: Long-Term Re-Arrest Rate by Felony History
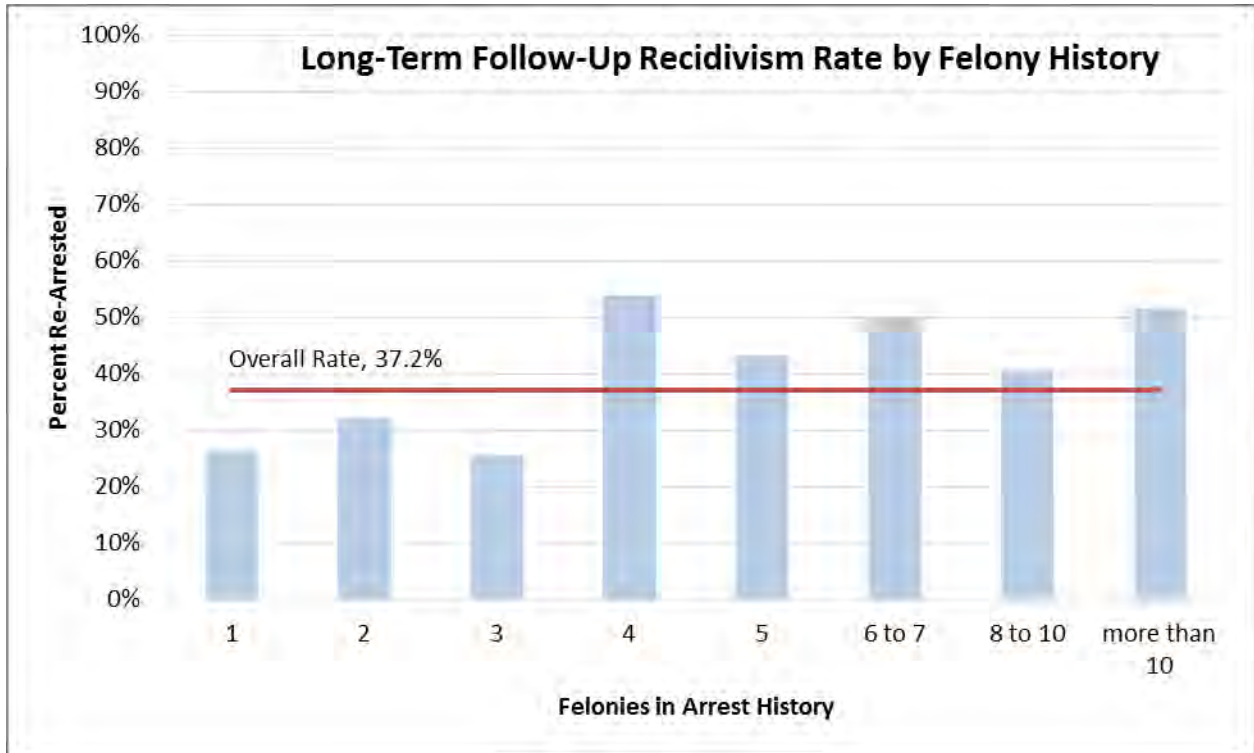
Summary of Long-Term Follow-Up Recidivism Findings

Overall, just over 37% of individuals released from prison in 2008 and 2009 who were not arrested during the Center's three-year recidivism study were re-arrested during the long-term follow-up window. Most long-term recidivists (75.6%) had been re-arrested within the first 24 months of the long-term tracking window. Older individuals and those with fewer felony arrests had the lowest rates of re-arrest. Those released from prison on crimes against a person had the lowest re-arrest rate; on property crimes, the highest. Those with a low number of felonies in their criminal histories had the lowest rates of re-arrest. Little or no difference in the re-arrest rate was noted based on gender or race.

Comparisons between Recidivists and Non-Recidivists

To begin to understand how recidivists and non-recidivists are different, demographic variables along with offense type, felony history, and length of stay for the prison term individuals were released from when they entered their original three-year study cohorts were examined. Note that this is not an exhaustive list of factors that may be associated with recidivism. Not all variables captured, routinely or otherwise, as part of an individual's typical interaction with the criminal justice and corrections systems (e.g., mental health and substance abuse history) are available to the SAC. Also, as this report was being produced, a new data source that includes information on individuals' progress through probation (and parole) was made available to the Center and includes additional variables that will be examined in the future.

This section of the report provides the result of these analyses, organized by topic area.

On average, recidivists tend be younger than non-recidivists. As can be seen in Figure 6, the age difference is largest when examining the original three-year study group (32.9 average age for those re-arrested vs 38.8 for those not rearrested). However, the pattern still holds in the long-term follow-up group (36.8 years vs 40.4 years), although to a smaller extent. That the gap is smaller for the long-term follow-up cohort is not surprising given that it is comprised of older (on average) three-year non-recidivists. Figures 7-8 show the age distributions for the three-year and long-term follow-up groups.

Figure 6: Differences in Average Age for Recidivists and Non-Recidivists

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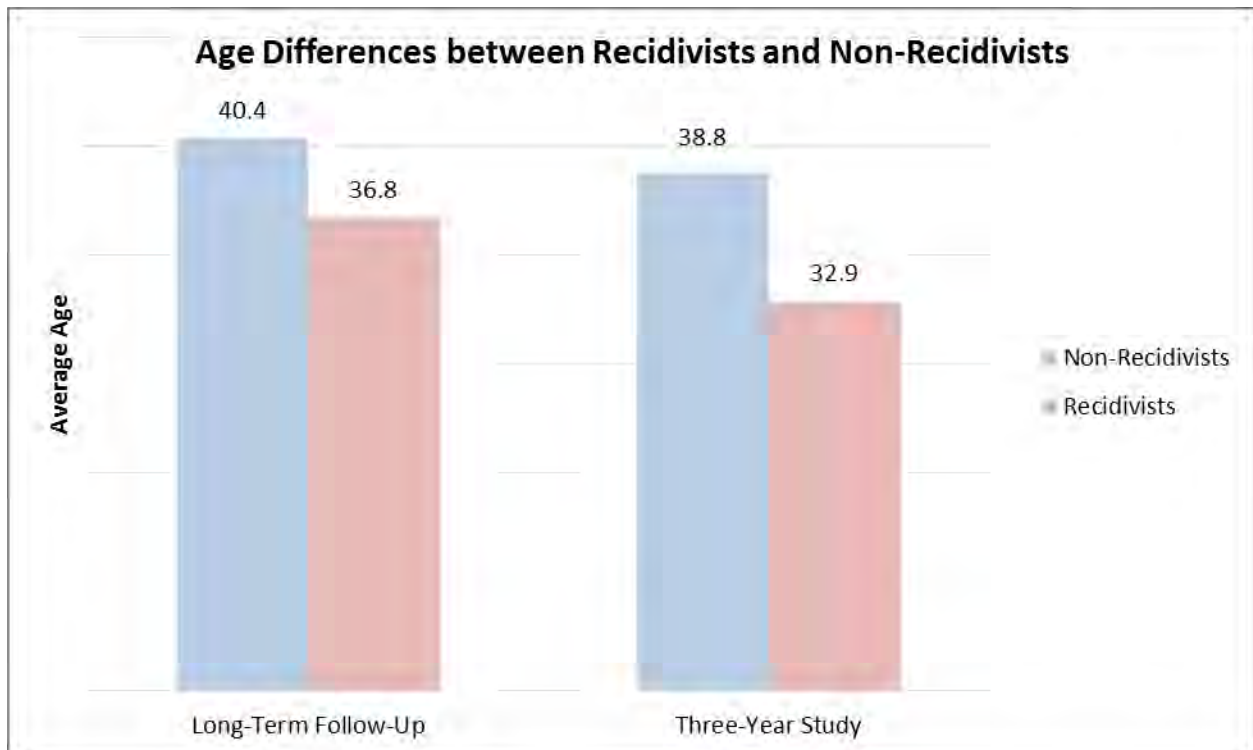
Figure 7: Age Distribution of Long-Term Follow-Up Group: Recidivists and Non-Recidivists
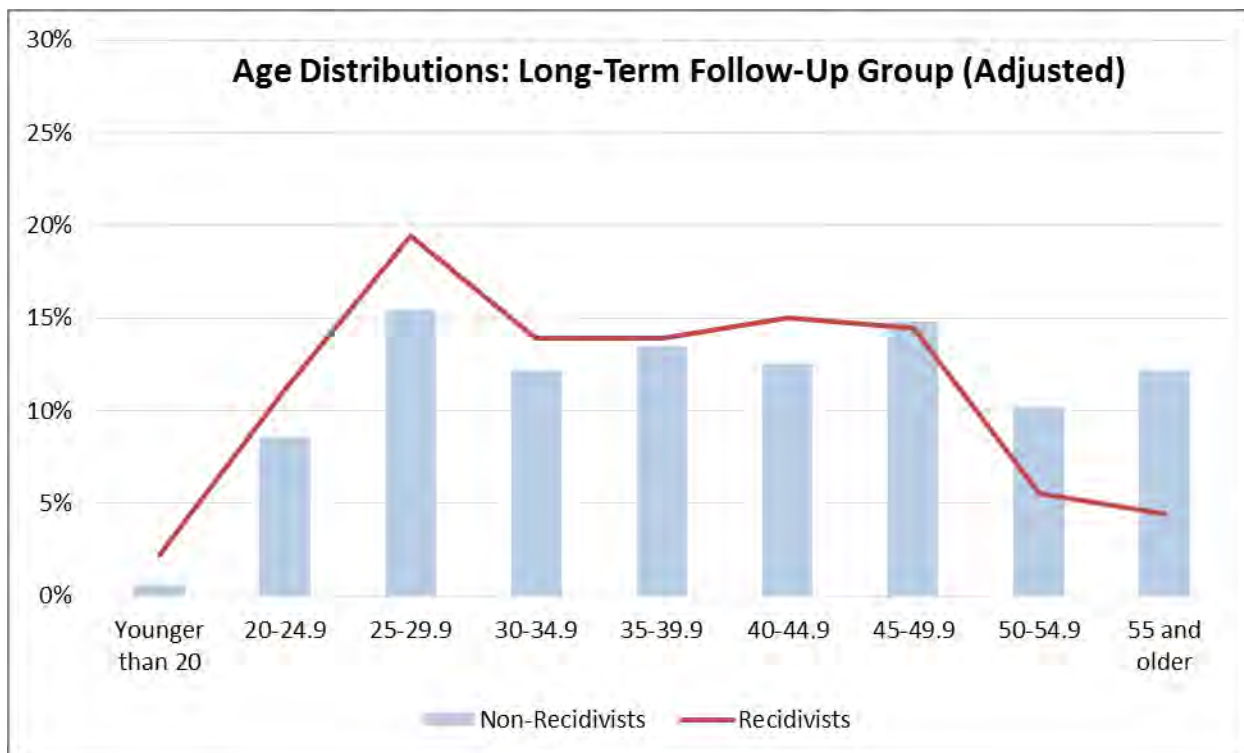
Figure 8: Age Distribution of Three-Year Study Group: Recidivists and Non-Recidivists
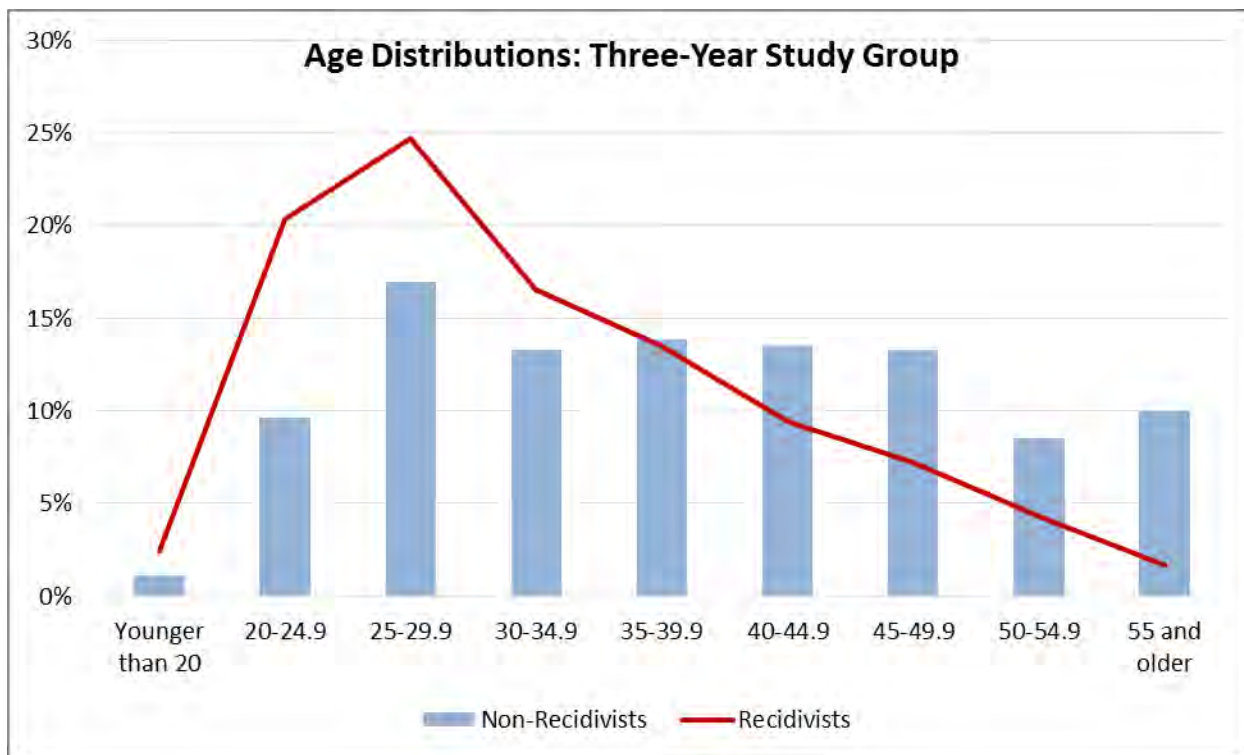
Re-arrest rates trend downward as age increases. In both the long-term follow-up and three-year studies, older age is associated with less recidivism by re-arrest (Figures 9-10), a finding consistent with other recidivism research.

Figure 9: Long-Term Follow-Up Study, Re-Arrest Trend by Age
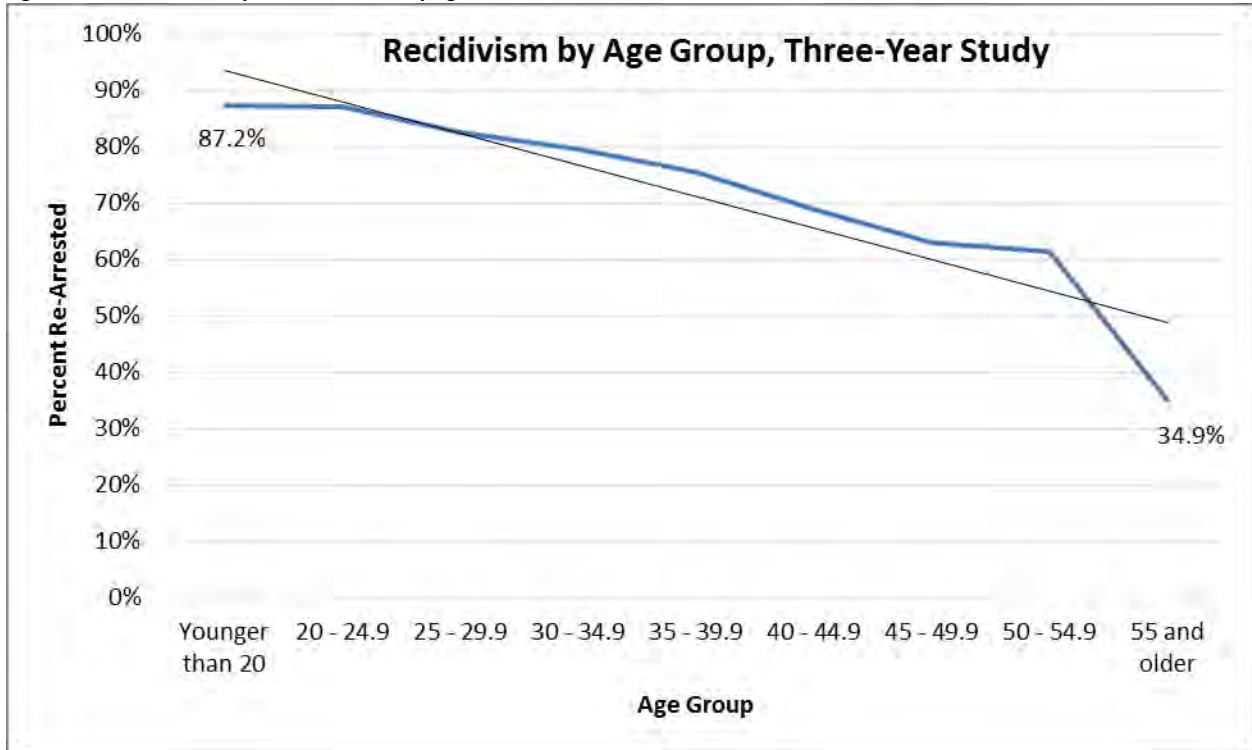
Recidivists generally had more felony arrests, on average, than non-recidivists. Examination of felony histories revealed two findings. First, recidivists, on average, have more felony arrests in their criminal histories than do non-recidivists (Figures 11-12), with that difference greater for the three-year study group. Second, as the number of felonies increase, the greater the re-arrest rate is in general (Figures 13-14), although this trend is much more distinct for the three-year group than for the long-term follow-up group.

Figure 11: Differences in Felony History by Age, Long-Term Follow-Up Study
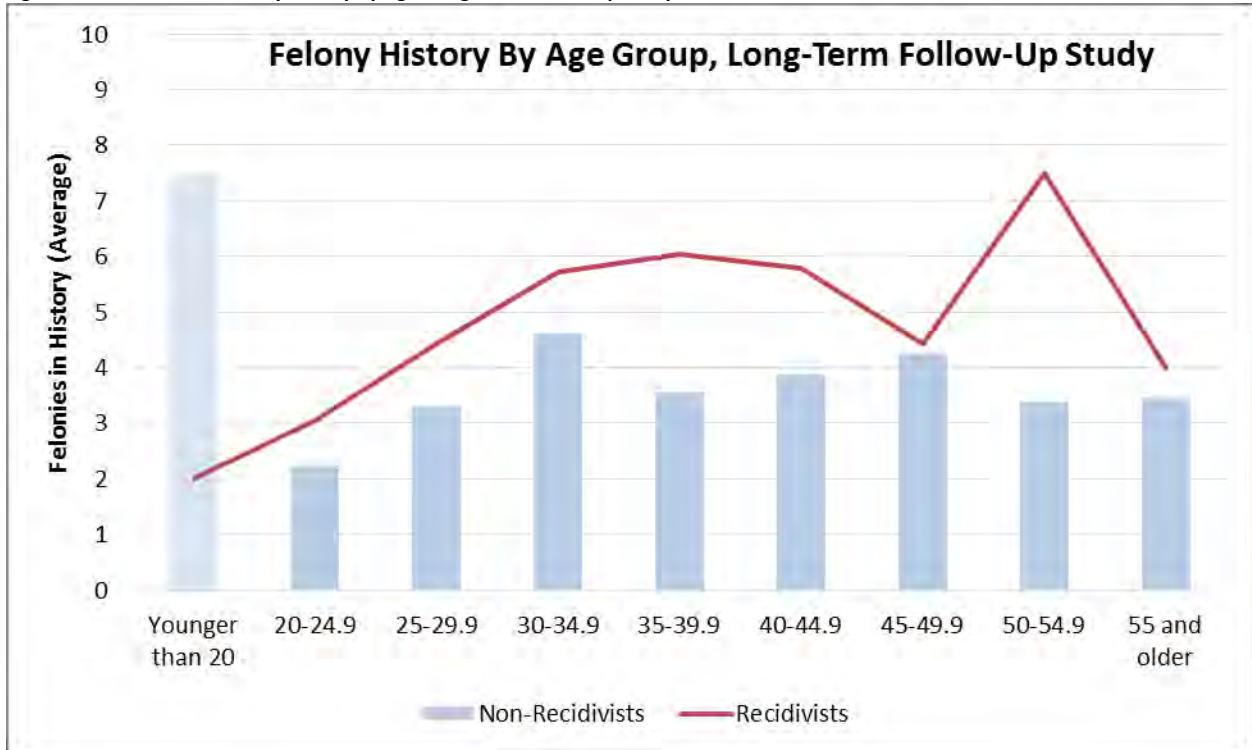
Figure note: There were only six individuals in the total 'Younger than 20' group, four of whom were re-arrested. Therefore, caution is advised when interpreting findings for that age group.

Figure 12: Differences in Felony History by Age, Three-Year Study

Felony History By Age Group, Three-Year Study

Y-axis: Felonies in History (Average)

X-axis: Younger than 20, 20-24.9, 25-29.9, 30-34.9, 35-39.9, 40-44.9, 45-49.9, 50-54.9, 55 and older

Legend: Non-Recidivists, Recidivists
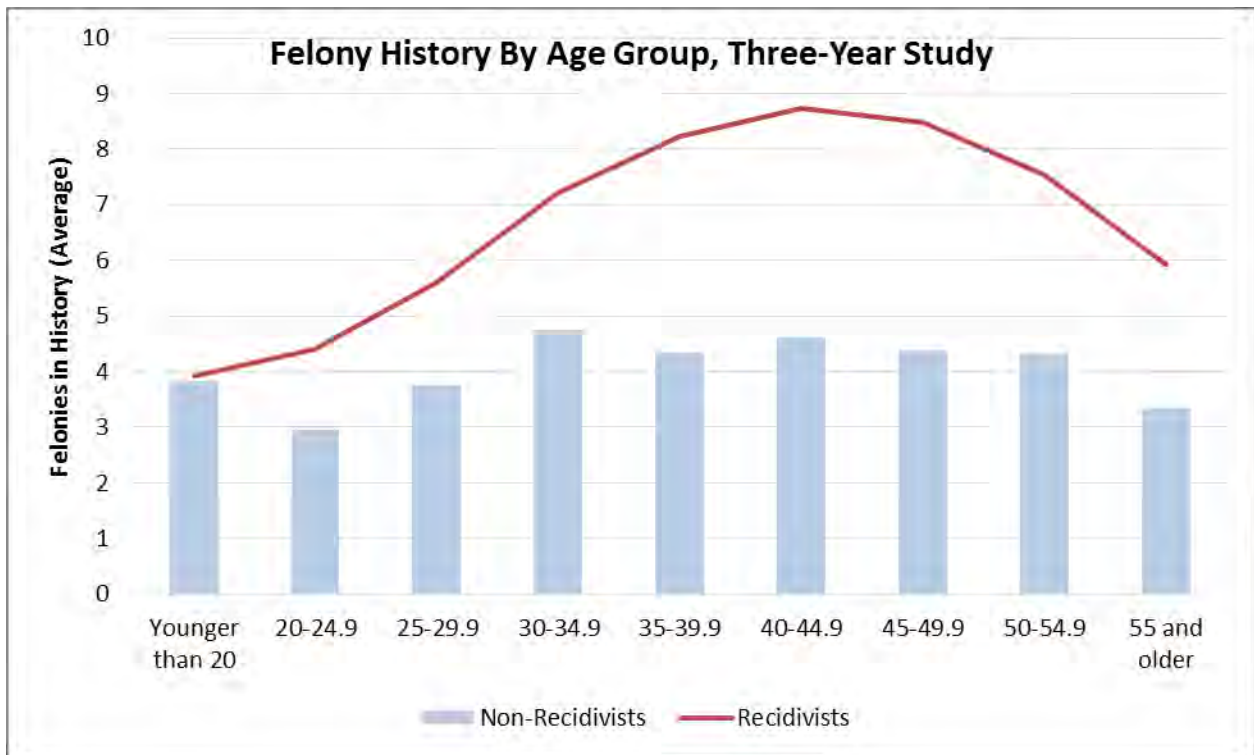
Figure 13: Recidivism Rate by Felony History, Long-Term Follow-Up Study

Long-Term Follow-Up Recidivism by Felony Arrest History

Y-axis: Percent Re-Arrested

X-axis: Number of Felonies (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, more than 10)

26.2%

51.6%
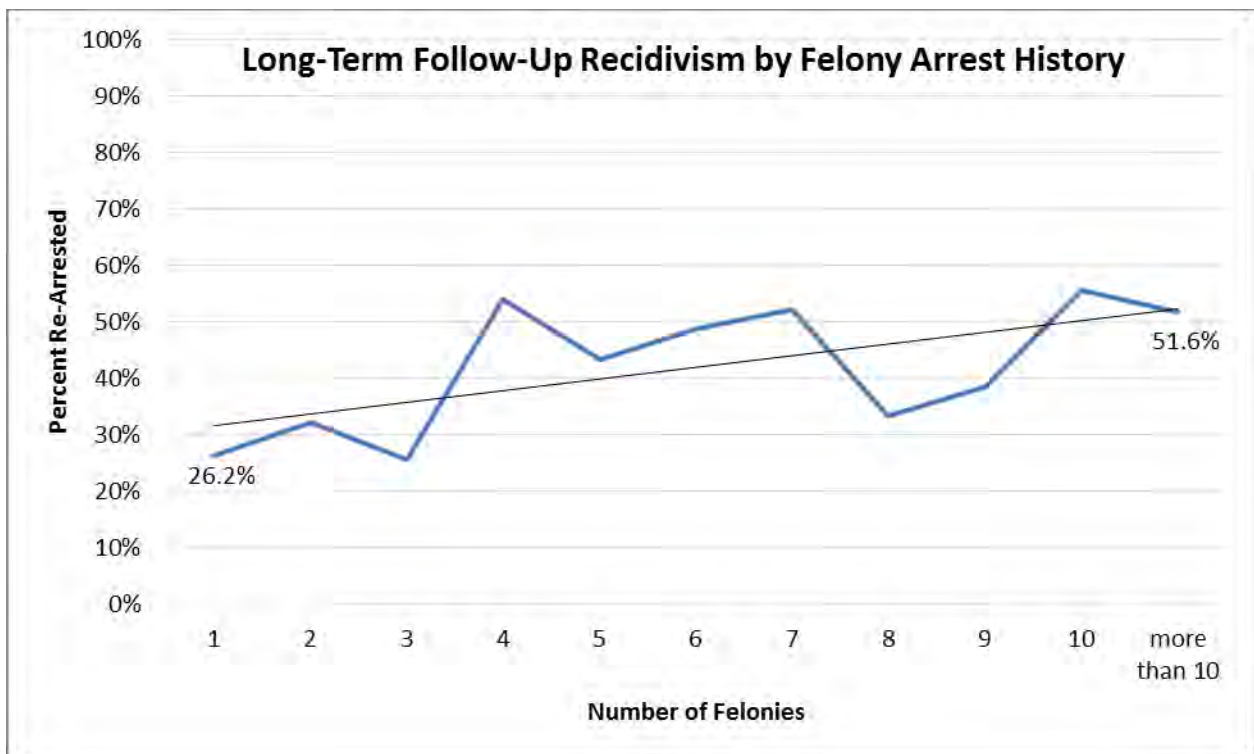
Figure 14: Recidivism Rate by Felony History, Three-Year Study
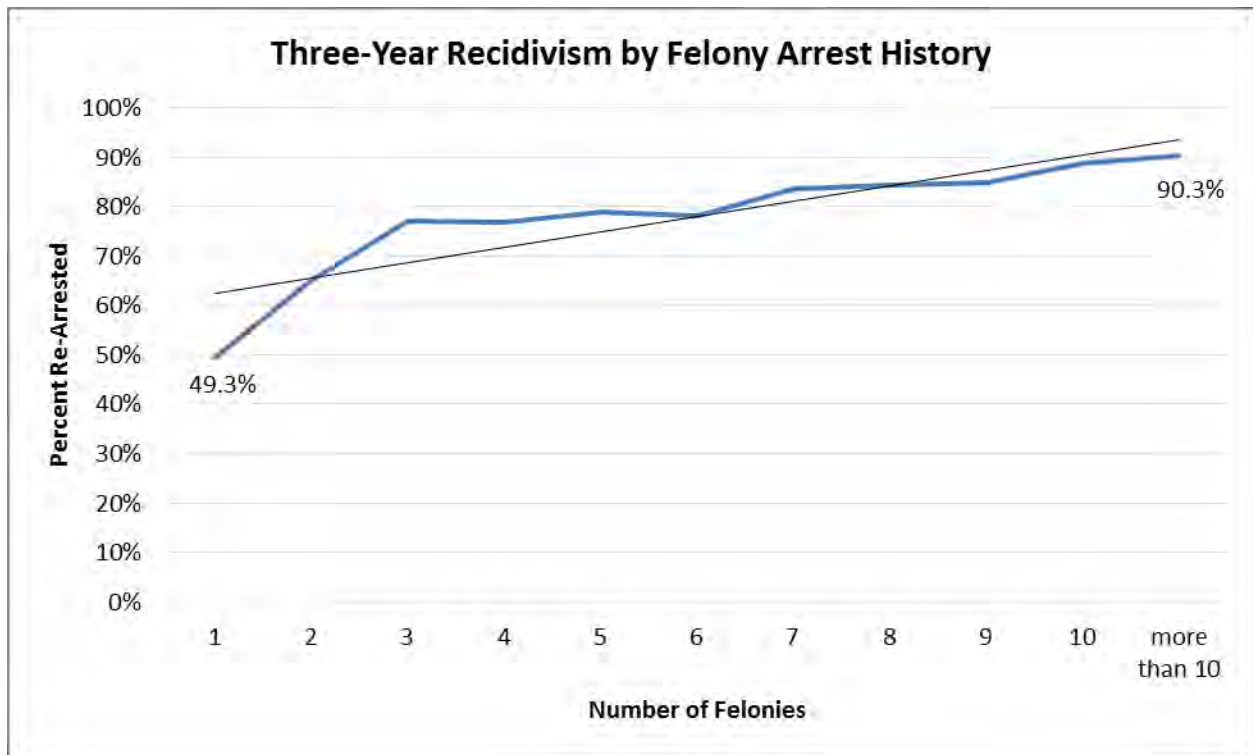
The offense from which a prisoner was released for the prison stay immediately prior to entry into the original three-year study is associated with the rate of re-arrest, but likely in complex ways. Table 4 provides comparative information for the eight most common release offenses for both the three-year and long-term follow-up cohorts. These offenses represent more than 80% of the offenses from which individuals were released.

Table 4: Most Common Release Offenses

Long-Term Follow-Up		Three-Year Study	
Recidivists	Non-Recidivists	Recidivists	Non-Recidivists
Drug Dealing	Drug Dealing	Drug Dealing	Drug Dealing
Robbery	Rape	Robbery	Rape
Rape	Weapons	Burglary	Weapons
Weapons	Other Drug	Weapons	Robbery
DUI	Burglary	Other Drug	DUI
Burglary	Assault	Assault	Burglary
Other Drug	Robbery	Rape	Other Drug
Assault	DUI	DUI	Assault

Table 5 explores age differences between recidivists and non-recidivists based on release offense. With the exception of robbery in the long-term follow-up group, the general age finding noted earlier is true for each release offense—recidivists are younger than non-recidivists. However, the magnitude of the

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differences varies across release offenses. In the three-year study, differences ranged from 2.8 years for robbery to 10.7 years for assault. In the long-term follow-up group, the differences were smaller—2.2 years for rape, 6.8 for DUI; robbery was the exception to the pattern, with recidivists one year older.

Table 5: Average Age (in Years) by Most Common Release Offense

	Long-Term Follow-Up			Three-Year Study		
	Non-Recidivists	Recidivists	All	Non-Recidivists	Recidivists	All
DrugDealing	37.8	33.5	36.1	35.7	30.8	32.1
Rape	45.0	42.8	44.3	45.9	37.6	41.4
Weapons	34.2	31.6	33.3	33.7	30.3	31.2
Robbery	31.4	32.4	31.9	33.1	30.5	30.9
Burglary	38.6	35.9	37.5	37.9	32.7	33.4
DUI	53.4	46.6	50.1	49.0	43.5	45.5
OtherDrug	41.2	34.8	39.1	38.3	32.6	33.8
Assault	45.2	39.7	44.0	44.0	33.3	35.7

Among the eight most common release offenses, individuals with robbery and burglary offenses had the highest rates of recidivism in both the three-year and long-term follow-up groups. Those in the long-term follow-up study with DUI and drug dealing release offenses had higher-than-average recidivism rates, but individuals with these offenses in the three-year study had lower-than-average rates of recidivism (see Figures 15-16).

Figure 15: Recidivism Rate by Most Common Release Offense, Long-Term Follow-Up Study
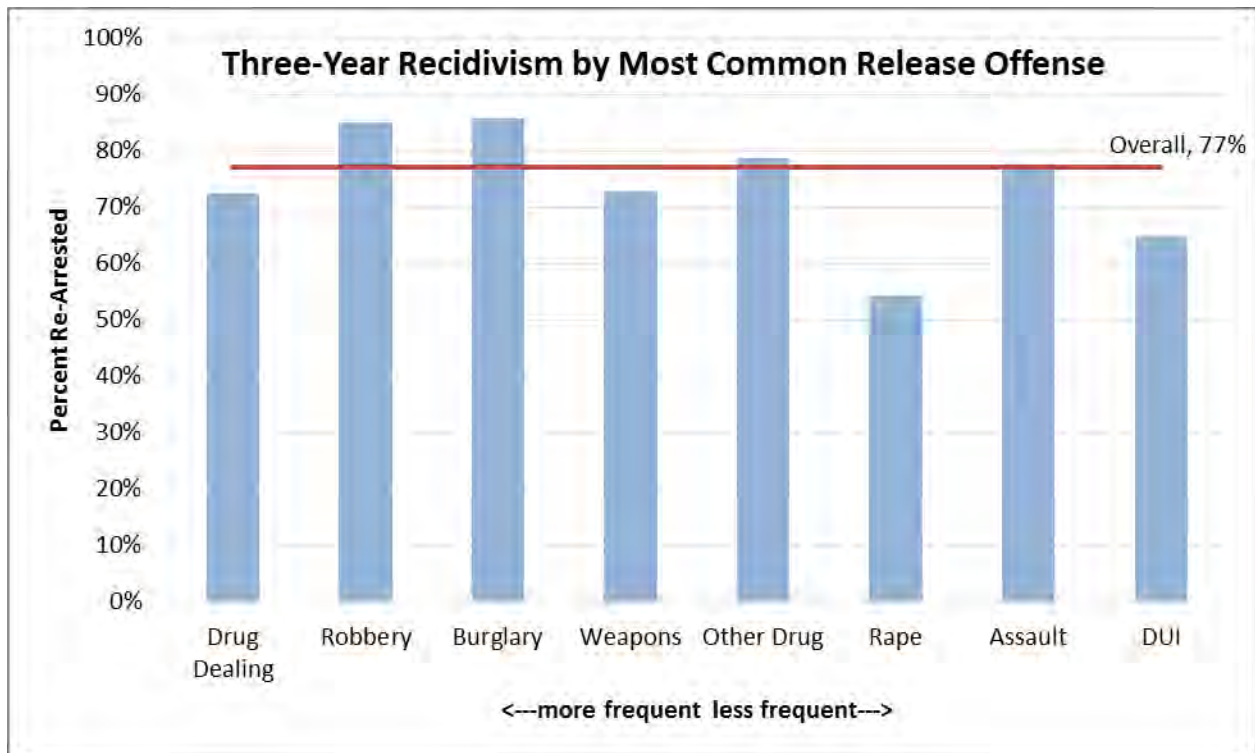
The length of the prison stay immediately prior to entry into the original three-year study is associated with the rate of re-arrest, but likely in complex ways.

On average, individuals re-arrested, whether during the three-year study or the long-term follow-up, were released from prison sentences with shorter lengths of stay than those not re-arrested (3.7 years vs 4.2 years for the long-term follow-up group; 2.7 years vs 4.0 years for the three-year study group).

Longer lengths of stay were also associated with lower rates of re-arrest for the three-year and long-term follow-up groups (see Figure 17). However, it would be premature to conclude that longer prison stays cause lower rates of recidivism—a combination of numerous other factors, including age, arrest history, the nature of the crimes for which an individual was sentenced, mental health and/or substance abuse problems, and participation in rehabilitative programs, likely underlie the statistical relationship observed between length of stay and recidivism. For illustrative purposes, Tables 6-7 provide re-arrest rates for the most common release offenses and length of stay.

Figure 17: Re-Arrest Rate by Pre-At-Risk Length of Stay, Three-Year and Follow-Up Studies
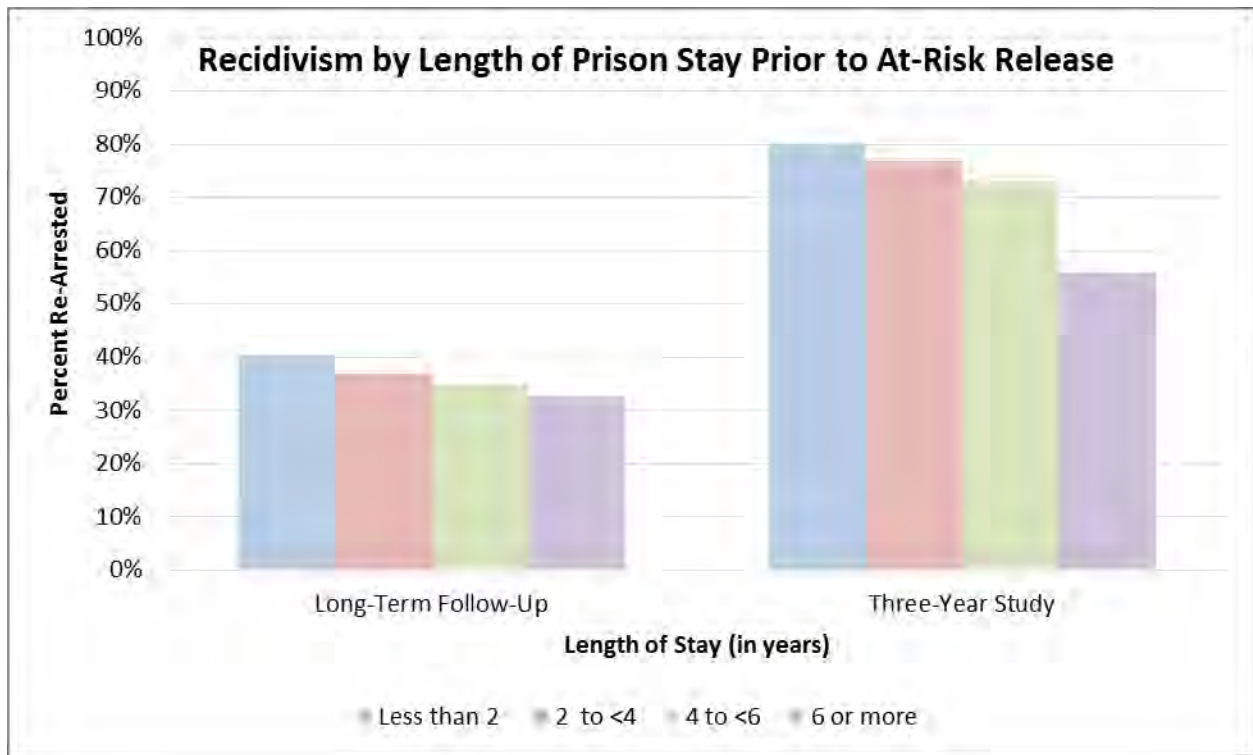
Table 6: Long-Term Recidivism- Most Common Release Offenses by Length of Stay

	Total Length of Stay Counts					Re-Arrest by Length of Stay				
	<2 yrs	2 - <4	4 - <6	6 or more	Total	<2 yrs	2 -<4	4 - <6	6 or more	**Total**
Drug Dealing	37	49	28	15	129	56.8%	30.6%	35.7%	40.0%	**40.3%**
Rape	11	17	7	31	66	36.4%	41.2%	14.3%	22.6%	**28.8%**
Weapons	4	37	7	5	53	25.0%	37.8%	28.6%	20.0%	**34.0%**
Robbery	12	12	7	8	39	50.0%	58.3%	28.6%	62.5%	**51.3%**
Burglary	21	9	2	5	37	42.9%	22.2%	50.0%	60.0%	**40.5%**
DUI	30	5	0	0	35	50.0%	40.0%	NA	NA	**48.6%**
Other Drug	28	1	3	2	34	32.1%	0.0%	33.3%	50.0%	**32.4%**
Assault	11	3	3	13	30	9.1%	0.0%	66.7%	30.8%	**23.3%**
Total	**189**	**143**	**60**	**92**	**484**	**40.2%**	**37.1%**	**35.0%**	**32.6%**	**37.2%**

Table 7: Three Year Recidivism- Most Common Release Offenses by Length of Stay

	Total Length of Stay Counts					Re-Arrest by Length of Stay				
	<2 yrs	2 - <4	4 - <6	6 or more	Total	<2 yrs	2 -<4	4 - <6	6 or more	**Total**
Drug Dealing	184	231	77	36	528	77.2%	74.9%	61.0%	58.3%	**72.5%**
Rape	38	45	19	56	158	68.4%	60.0%	52.6%	41.1%	**54.4%**
Weapons	38	143	34	19	234	84.2%	69.9%	73.5%	68.4%	**72.6%**
Robbery	87	110	57	32	286	85.1%	87.3%	87.7%	71.9%	**85.0%**
Burglary	178	66	16	18	278	87.1%	84.8%	87.5%	72.2%	**85.6%**
DUI	103	14	2	0	119	65.0%	57.1%	100.0%	NA	**64.7%**
Other Drug	136	24	7	2	169	77.9%	95.8%	57.1%	0.0%	**78.7%**
Assault	73	24	21	22	140	83.6%	87.5%	85.7%	36.4%	**77.1%**
Total	**1,075**	**717**	**245**	**220**	**2,257**	**80.1%**	**77.0%**	**73.1%**	**55.9%**	**76.0%**

Summary of Comparison Findings

On average, recidivists tend be younger than non-recidivists, with the age difference greater for the original three-year study. Also, re-arrest rates trend downward as age increases, with the pattern more evident in the three-year study.

Recidivists generally had more felony arrests, on average, than non-recidivists. The offense from which a prisoner was released for the prison stay immediately prior to entry into the original three-year study is associated with the rate of re-arrest, but likely in complex ways. Among the eight most common release offenses, individuals with robbery and burglary offenses had the highest rates of recidivism in both the three-year and long-term follow-up groups.

The length of the prison stay immediately prior to entry into the original three-year study is also associated with the rate of re-arrest, but likely in complex ways as well. Longer lengths of stay were also associated with lower rates of re-arrest for the three-year and long-term follow-up groups.

Summary

This study focused on the 517 individuals who were not identified as having been re-arrested within three years of their release from prison in 2008 through 2009. This study sought to determine the extent to which this group of non-recidivists was re-arrested after the conclusion of the original three-year study, and provided an initial exploration of how non-recidivists are different from and similar to prisoners who were re-arrested in the original three-year study.

Long-Term Follow-Up Recidivism Findings

Overall, just over 37% of individuals tracked in the long-term follow-up study were re-arrested after the original three-year study window. Most (75.6%) had been re-arrested in the first 24 months of long-term tracking. Increased age and lower felony arrests were associated with lower rates of re-arrest. Those released from prison on crimes against a person had the lowest re-arrest rate; on property crimes, the highest. Those with a low number of felonies in their criminal histories had the lowest rates of re-arrest. Little or no difference in the re-arrest rate was noted based on gender or race.

Comparison Findings

On average, recidivists are younger than non-recidivists. Also, re-arrest rates trend downward as age increases, with the pattern more evident in the three-year study.

Recidivists generally had more felony arrests, on average, than non-recidivists. The offense from which a prisoner was released for the prison stay immediately prior to entry into the original three-year study is associated with the rate of re-arrest, but likely in complex ways. Among the eight most common release offenses, Individuals with robbery and burglary offenses had the highest rates of recidivism in both the three-year and long-term follow-up groups.

The length of the prison stay immediately prior to entry into the original three-year study is also associated with the rate of re-arrest, but likely in complex ways as well. Longer lengths of stay were also associated with lower rates of re-arrest for the three-year and long-term follow-up groups.

Limitations and Considerations

These findings are generally consistent with other research on factors associated with recidivism. However, this study could not examine factors that are not part of the data sets the SAC has access to. Also, with the recent access to the probation and parole database mentioned earlier, a decision was made to delay conducting more advanced analyses of the relationships among the factors examined in this study for their potential contribution to recidivism/non-recidivism until we can properly assess and mine that information for further use.

Also, this study did not employ more advanced analyses to explore the statistical contributions to and relationships among the factors examined when making the comparisons. Such analyses will be

considered as both additional cohorts are included in the long-term follow-up study process, and further consideration is given to additional data sources and variables, such as the length of post-release supervision, the extent of an individual's criminal history, and indicators of rehabilitative progress.

Finally, it is important to reiterate that, while longer lengths of prison stays prior to release from prison and older ages were associated with lower recidivism by re-arrest, it would be erroneous to conclude that an optimal solution to decreasing recidivism is to increase the length of prison stays. This study did not address causal relationships among the various factors included and recidivism. It is likely that a combination of various factors drives recidivism and desistance.
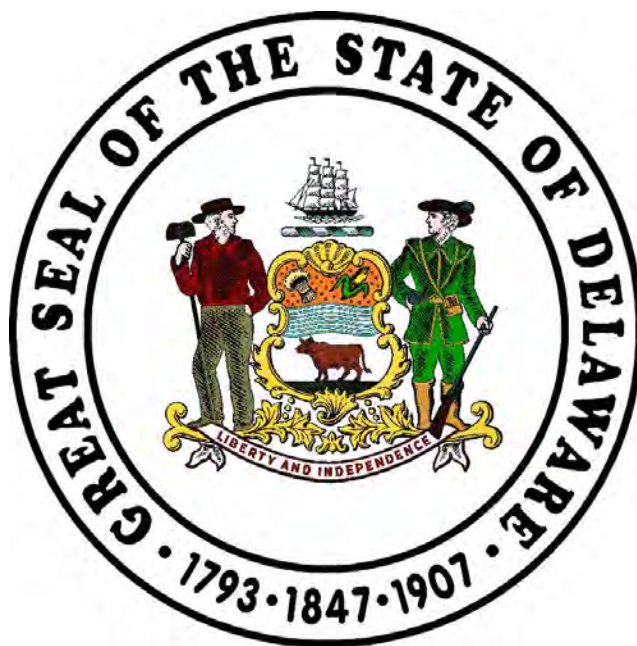
RECIDIVISM IN DELAWARE

Supplemental Focus on Sex Offenders released from
Prison in 2008 through 2011

November 2015

Delaware Criminal Justice Council

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List of Tables and Figures

Study Overview

Delaware Sex Offenders released from Prison looks at recidivism of sex offenders released from a prison term in calendar years 2008, 2009, 2010 and 2011. This is a supplemental recidivism document that takes a closer look at those prisoners released from 2008 to 2011 who served time on a registerable sex offense. A total of 289 prisoners were released between 2008 and 2011 on a registerable sex offense.

Of the 289 prisoners released on a registerable sex offense, 76 were released in 2008, 63 in 2009, 66 in 2010 and 84 in 2011. This supplemental study takes a look at offender and victim demographics, relationships, sex offense characteristics and sex offender recidivism following release.

Methodology

The following study is based on the prison release population identified in the Recidivism in Delaware reports published June 2013 through November 2015 by the Delaware Statistical Analysis Center. This subgroup of 289 sex offenders were pulled from prisoners released in 2008, 2009, 2010 and 2011 by identifying those offenders who served at least some part of their prison sentence for a registerable sex offense as specified by Delaware Criminal Code 11§4121(a)(4). Information was then gathered on these offenders and their victims using the Criminal Justice Information System (CJIS) to classify and categorize sex offending by victim demographics, offender demographics, sentence and recidivism patterns. Only offenders serving time on a registerable sex offense are included in this study. Offenders released on a violation of probation or parole for a sex offense are not included, nor are offenders released from a prison term for Failure to Register as a Sex Offender.

Demographics for both offenders and victims and other case identifying characteristics such as offender to victim relationship were compiled when available. Some victim characteristics are not available due to the age of cases involved where only minimal information is available in CJIS. Where information could not be obtained regarding victim demographics or offender to victim relationships, "Unknown" is used.

Analyzing the 289 sex offenders released from prison between 2008 and 2011 yielded the identification of 316 victims associated with the case or cases for which the offender was released from prison. Nine victims' gender and age could not be found, and 16 victims' races could not be identified. In addition, 18 victims are identified as "Society;" the reference used by Delaware for those crimes involving victims without being able to specify one victim. These crimes involve possession or distribution of child pornography.

Lastly, the cohorts of releases from 2008 to 2011 are combined for analysis purposes in the demographics and recidivism sections of this study. Similar findings between the 4 years and small subgroup numbers (e.g., the number of female offenders) contributed to the decision to combine the release year cohorts.

Offender and Victim Demographics

Gender

The overwhelming majority of sex offenders released are male (98.3%), with only 5 female offenders (1.7%). Over 90% of the victims of male offenders were female, and 8.2% were male. When the offender is female, 85.7% of the victims are male, and 14.3% of the victims are female. In this cohort of releases, male offenders exclusively committed sex offenses where the victim was "Society" or "Unknown." Figure 1 displays offender proportions by victim gender or victim type. As illustrated, when the victim was female, 99.6% of the offenders were male, and when the victim was male, 79.3% of the offenders were male.

Figure 1: Offender Gender versus Victim Gender
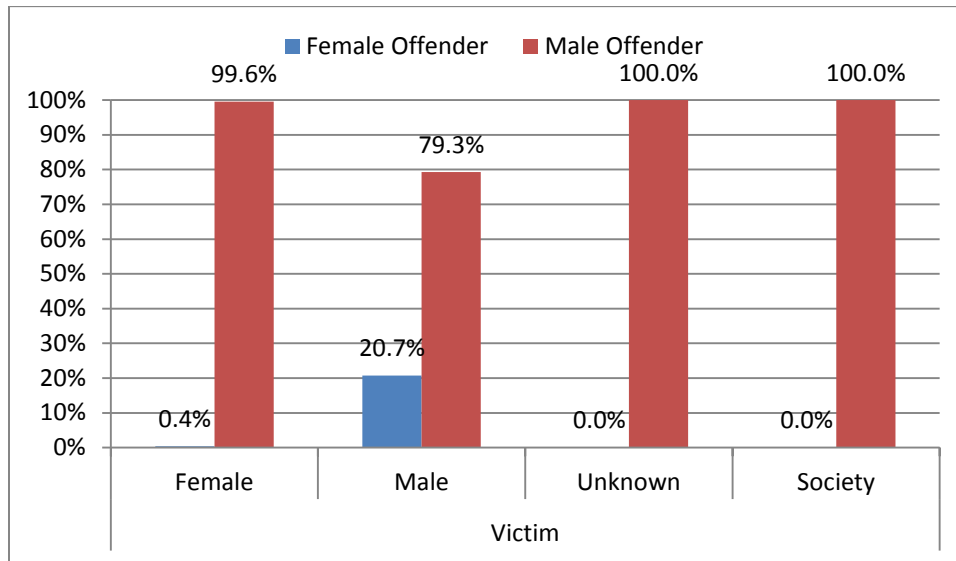
Race

Of the 289 sex offenders released from prison between 2008 and 2011, 38.4% are Black and 61.6% are White. Victims were 34.2% Black, 60.4% White, and 5.4% are Unknown race. When the victim was Black, 92.2% of the offenders were Black and 7.8% White. With White victims, 86.7% of the offenders were White and 13.3% of the offenders were Black. When the victim's race is Unknown, 75% of the offenders were White and 25% of the offenders were Black. For sex offenders where Society is the victim, 94.4% were committed by White offenders and 5.6% were committed by Black offenders. Figure 2 displays sex offender race versus victim race.

Figure 2: Offender Race versus Victim Race
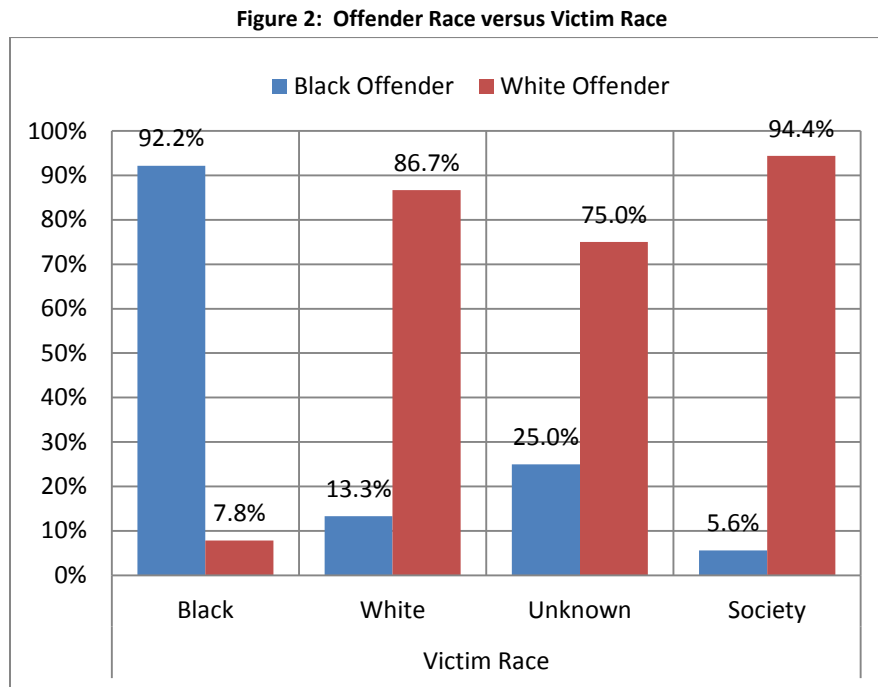
Age

Age for both offenders and victims was calculated using the date when the sex offense occurred. This gives a more accurate description of sex offense and offending patterns as some offenders may be more prone to commit crimes against a specific age group. Offender age at the time the sex offense occurred ranged from 15 to 70 years old, while victim age ranged from 1 to 78. Over 80% of known victims were under the age of 18 at the time the sex offense occurred with 53.6% between 9 and 15 years old. More than 60% of sex offenses where "Society" was listed as the victim involve an offender between 24 and 40 years old. Victims over 18 account for only 17.9% of all known victims, with 13.8% of victims between 18 and 35.

Table 1 displays victim age for known victims at the time of the sex offense versus offender age. Blue shaded cells specify victims who were younger than their sex offender at the time of the sex offense, which accounts for 89.3% of all known victims. Green cells indicate victims who were older than the offender at the time of the sex offense (7.9%). Yellow shaded cells are reserved for victims and offenders within the same age range, making up 2.8% of all victims.

Table 1: Victim and Offender Age at the time of the Sex Offense

|		Victim Age at Time of Sex Offense															Total
		1-3	4-5	6-8	9-11	12-15	16-17	18-20	21-23	24-26	27-30	31-35	36-40	41-45	46-50	51 or more	
Offender Age at Time of Sex Offense	Under 16	3	1	2	3	0	0	0	0	0	0	0	0	0	0	0	9
	16-17	0	1	2	0	2	0	1	0	0	0	0	0	0	1	0	7
	18-20	0	4	3	3	11	0	0	0	0	1	2	0	0	0	0	24
	21-23	0	0	0	1	11	1	0	3	4	1	1	0	0	1	0	23
	24-26	0	2	8	1	10	3	0	0	2	3	1	0	0	0	1	31
	27-30	0	4	4	5	17	1	1	0	1	0	1	0	0	0	1	35
	31-35	1	3	6	6	20	2	2	3	1	2	2	2	0	0	0	50
	36-40	0	1	5	9	20	2	1	1	0	1	0	0	1	1	0	42
	41-45	0	5	4	6	8	0	1	2	0	0	0	1	0	0	0	27
	46-50	0	2	4	4	8	4	0	0	0	0	1	0	2	0	0	25
	51-55	0	1	0	3	1	0	0	0	0	0	0	0	0	0	0	5
	56-60	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	2
	61 or older	0	2	0	1	5	0	0	0	0	0	0	0	0	0	1	9
Total		4	26	39	42	113	13	6	9	8	8	9	3	3	3	3	289

Offender to Victim Relationship

Offender to victim relationship for sex offenses is an important characteristic of sex offenses. The sex offender registry was created based on the idea that having more information on convicted sex offenders' whereabouts can potentially help keep victims safe. Additional information on living and working locations of sex offenders enables the public to have more information that was not available prior to late 1990s. However, as the following table (Table 2) shows, almost 80% of victims know their offender prior to the sex offense committed against her/him. Less than 9% of victims termed her/his offender a "stranger" at the time of the sex offense. Figure 3 displays offender to victim relationship by more basic groupings.

Table 2: Offender to Victim Relationship

Offender to Victim Relationship	Release Year				Total	Percent
	2008	2009	2010	2011		
Acquaintance	27	13	9	24	73	23.1%
Father/Step Father/Mother	11	13	16	18	58	18.4%
Uncle, Cousin, Grandfather	8	6	15	10	39	12.3%
Stranger	5	8	7	8	28	8.9%
Mother's Boyfriend, Mother's Ex-Boyfriend	7	6	4	7	24	7.6%
Ex-Boyfriend/ Boyfriend, Husband	5	4	4	5	19	6.0%
Family Friend	4	7	4	4	19	6.0%
Unknown Relationship	7	4	2	6	19	6.0%
Offenses against Society	2	2	5	9	18	5.7%
Neighbor, Friend, Otherwise Known	4	2	8	1	15	4.7%
Authority Figure	0	1	3	1	5	1.6%
Total	80	66	77	93	316	

**Figure 3: Offender to Victim Relationship Regrouped**
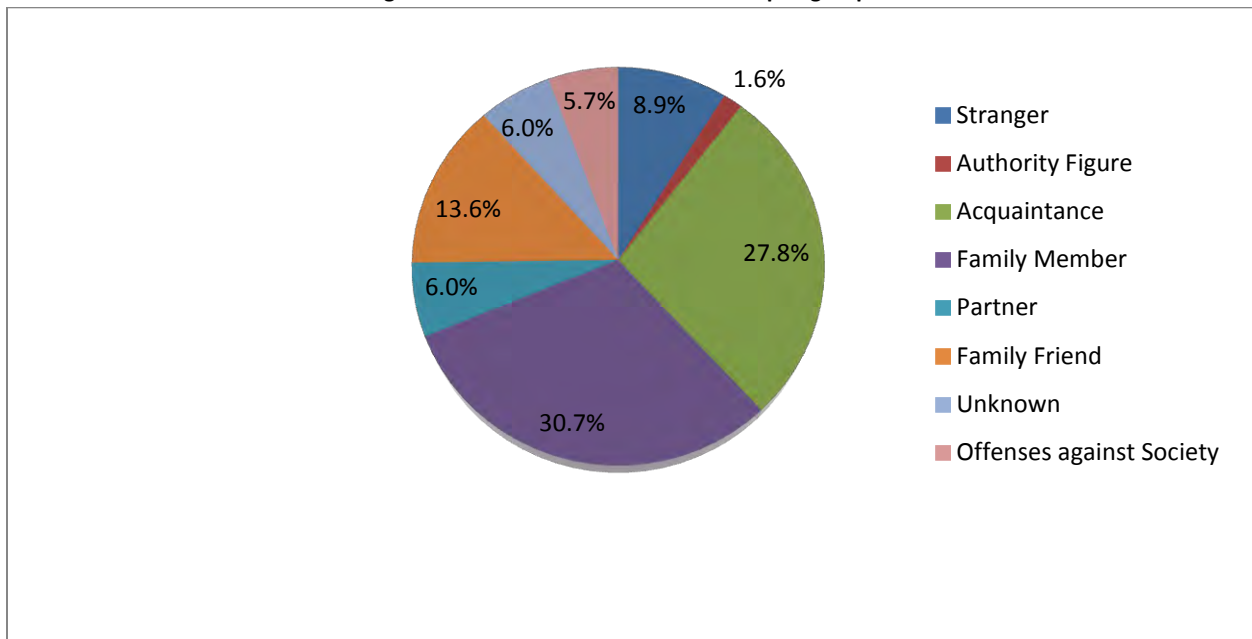
Types of Crime, Tier Designation and Length of Stay

Sex Offense Crimes

Sex offenses the prisoners were released on between 2008 and 2011 ranged from Rape 1st (felony A) to Unlawful Sexual Contact 3rd (misdemeanor A). Most sex offenses not only have a registration requirement; many also carry statutory minimum sentences such as 2 year minimums for child pornography convictions and Rape 3rd, as well as a 10 year minimum for a Rape 2nd conviction. Sex offenses can also carry increased penalties for subsequent offenses in addition to added charges for being a sex offender committing another sex offense (11§777A). Often in sex offense cases, multiple charges are dismissed or nol-prossed for conviction on one sex offense charge. For instance, an offender is charged with one count of dealing child pornography (11§1109) for each item distributed, but may be convicted of only one charge carrying a 2 year minimum sentence.

Delaware's sex offense laws have changed many times over the last 50 years by statute reference as well as type and class. The sex offenders released between 2008 and 2011 from prison had cases spanning from the 1970s to more current times. To evaluate the types of sexual crimes committed by these offenders, offender crimes by the most serious offense are displayed in Figure 4. More than 75% of inmates released between 2008 and 2011 for a registerable sex offense committed some degree of Rape. Statutory rape, termed statutory based on the case affidavit where a victim clearly identifies the sexual acts as "consensual," accounts for 8.9% of the cases. The remaining 15% is split fairly evenly between Non-Penetration Sexual Contact (4.2%), Sexual Solicitation and Sexual Exploitation (4.8%), and No Contact (5.9%) sex crimes which are cases of child pornography.

Figure 4: Sex Crime Cases for 2008 to 2011 Sex Offender Prisoner Releases

- Rape
- Statutory Rape
- Non-Penetration Sexual Contact
- Sexual Solicitation or Sexual Exploitation
- No Contact
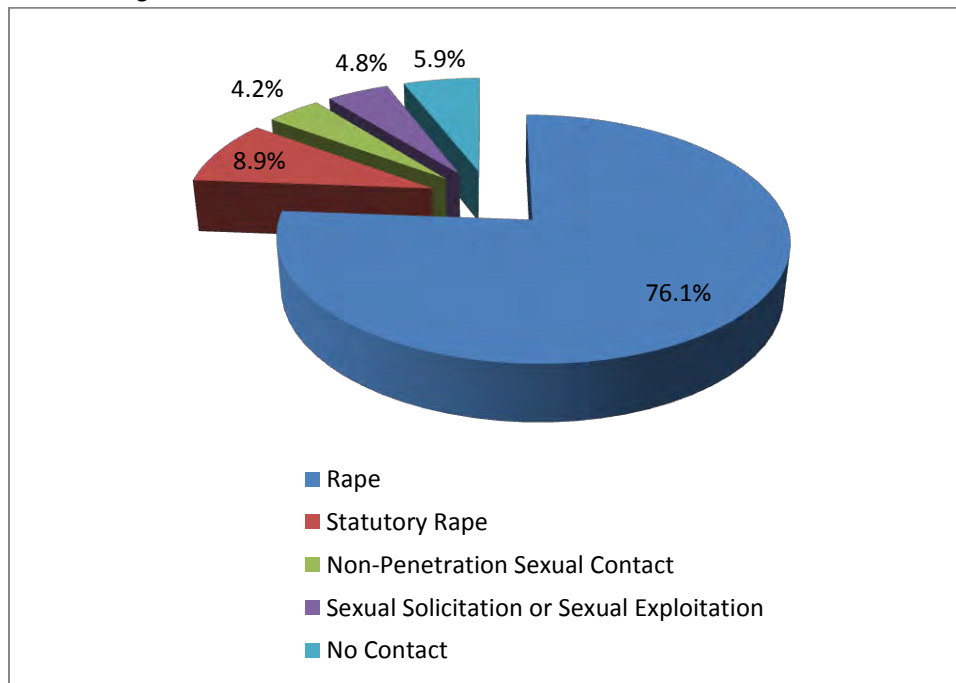
To analyze these sex offenses further, a look at the highest type and class of sex crime at arrest versus conviction follows in Table 3. In order to make these comparisons with the vast array of statute changes over the years, charges are shown using just the type and class of the crime. Therefore, no sentencing inferences can be made from this type and class data because the data do not take into account the different sentencing ranges for specific crimes.

Table 3 displays the highest sex offense at arrest versus the highest sex offense at conviction. Less than half (46.0%) of the highest charge at arrest remained the same type and class at conviction (yellow shaded cells). Almost 54% of the sex offenses charged were pled down to lesser included crimes or to crimes lower than the original arrest type and class, indicated by the cells to the right of the yellow shaded cells. Most offenders (88.9%) were arrested for a felony A or felony B sex offense, while only 66.4% were convicted of a felony A or felony B sex offense.

Table 3: Highest Sex Offense Charge at Arrest versus Highest Sex Offense Charge at Conviction

		Highest Charge at Conviction							Totals
		Felony A	Felony B	Felony C	Felony D	Felony F	Felony G	Misdemeanor A	
Highest Charge at Arrest	Felony A	31	85	20	1	2	4	1	144
	Felony B	0	76	31	3	2	0	1	113
	Felony C	0	0	18	0	0	1	0	19
	Felony D	0	0	0	3	0	0	0	3
	Felony E	0	0	0	0	2	0	0	2
	Felony F	0	0	0	0	0	2	0	2
	Felony G	0	0	0	0	0	4	1	5
	Misdemeanor A	0	0	0	0	0	0	1	1
Totals		31	161	69	7	6	11	4	289

Sex Offender Registry Tier

Another unique aspect to sex offenders is tier designation. Tier designation is based on both conviction charge, judicial discretion, and for pre-Megan's law offenders, the Delaware Attorney General's office. An offender originally arrested for Rape 1st and pleas to Rape 3rd may be designated at Tier 2 per his/her conviction charge, but a judge has the ability to change tier designation based on judicial discretion. Tier designation guidelines can be found in 11§4121(d)(1), 11§4121(d)(2) and 11§4121(d)(3) . Tier 2 is the most common designation, with Tier 3 reserved for the most serious and/or violent sex offenses and offenders, and Tier 1 for offenders who are not designated to Tier 2 or Tier 3 or those with some misdemeanor convictions. Table 4 displays tier designation by release year for sex offenders released from prison between 2008 and 2011. Tier designation for two offenders released in 2008 could not be found being as both offenders are now deceased; however, based on the offenders' convictions of Rape 1st, most likely both offenders were designated to Tier 3 while living. Just over 50% of the releases are Tier 2, with 48.8% designated to Tier 3 and less than half a percent designated to Tier 1.

Table 4: Tier Designation by Release Year

|		Release Year				Total
		2008	2009	2010	2011	
Tier	3	26	34	37	43	*140*
	2	48	29	29	40	*146*
	1	0	0	0	1	*1*
Total		*74*	*63*	*66*	*84*	*287*

Length of Stay

Sex offenders served from just over a year to almost 30 years in prison. Just under half of the sex offenders released served less than 4 years in prison, with 60.2% serving less than 6 years. More than 80% served less than 10 years and 18.7% served 10 years or more in prison. Table 5 displays total length of stay in years by release year cohort. Each length of stay group includes the first number listed and up to the second. For example, "[2,4)" is 2 years to just under 4 years, and "[4,6)" is 4 years to just under 6 years.

Table 5: Total Length of Stay by Release Year for Sex Offenders

Total Length of Stay in Years	Release Year				Total
	2008	2009	2010	2011	
[0,2)	11	15	16	23	*65*
[2,4)	27	14	15	20	*76*
[4,6)	12	5	10	6	*33*
[6,8)	7	7	7	8	*29*
[8,10)	7	9	5	11	*32*
[10,15)	6	8	9	8	*31*
[15,20)	1	2	3	5	*11*
[20,25)	3	1	1	2	*7*
[25…	2	2	0	1	*5*
Totals	*76*	*63*	*66*	*84*	*289*

Figure 5 shows length of stay for sex offenders versus all other prisoners released in 2008 through 2011. Sex offender length of stay follows a similar pattern to length of stay for all other offenders released from 2008 to 2011. The number of offenders serving longer terms decreases as lengths of stay increase, with the exception of sex offenders serving more than 6 years. The number of sex offenders serving more than 6 years in prison comprises 34-46% of each cohort of sex offenders while other prisoners serving 6 years or more only makes up 7-11% of the prison releases each year.

Figure 5: Length of Stay: Sex Offenders versus All Other Offenders
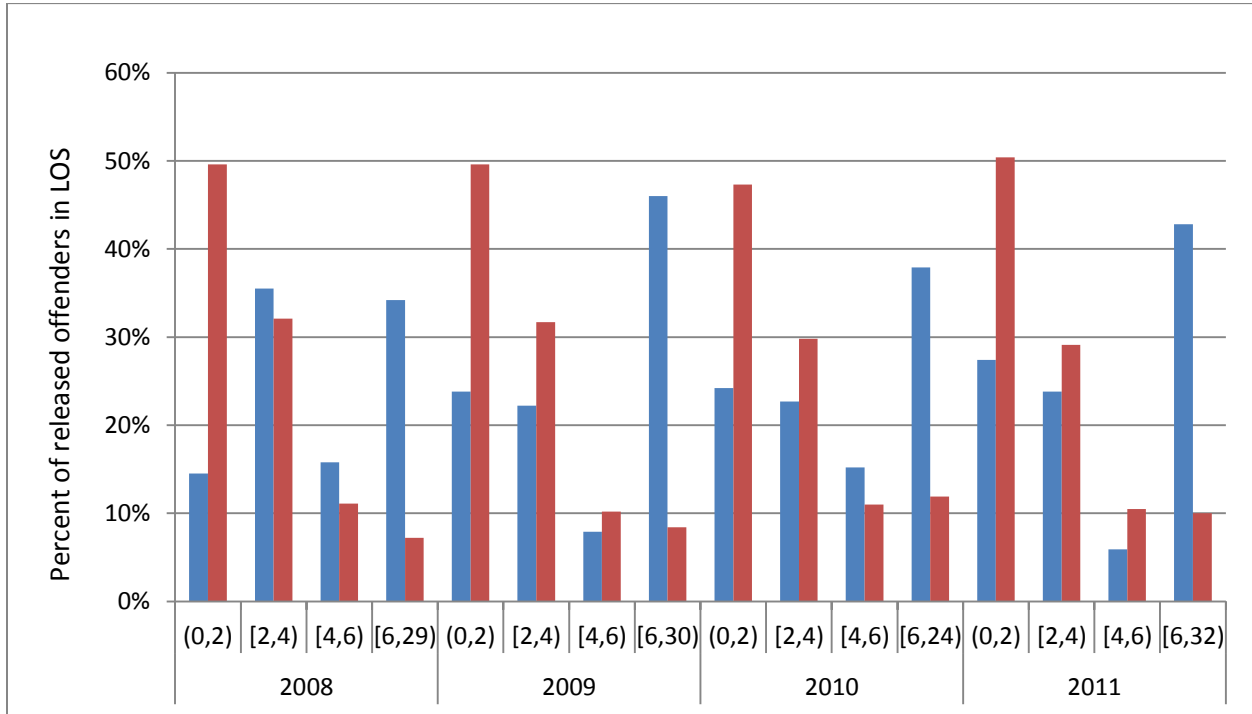
Recidivism

Sex offenders tend to recidivate at lower rates over the 3 year post release period than other prisoners. When compared to all other prisoners released from 2008 to 2011, sex offenders were rearrested significantly less in the 1-,2- and 3-years following release. Similar patterns are found when looking at reconviction and recommitment. Table 6 illustrates sex offender recidivism and all other offenders recidivism for the 3 year post release period. Figures 6-8 display sex offender recidivism rates versus all other prisoners for rearrest, reconviction and recommitment, respectively.

Table 6: Sex Offender Recidivism and Other Offender Recidivism

Sex Offender Recidivism			
	1 year	2 year	3 year
Rearrest	36.6%	50.7%	55.4%
Reconviction	31.3%	46.1%	50.2%
Recommitment	35.9%	49.6%	54.0%
Other Offender Recidivism			
	1 year	2 year	3 year
Rearrest	55.4%	71.9%	78.2%
Reconviction	49.5%	66.0%	72.8%
Recommitment	47.8%	62.5%	68.6%

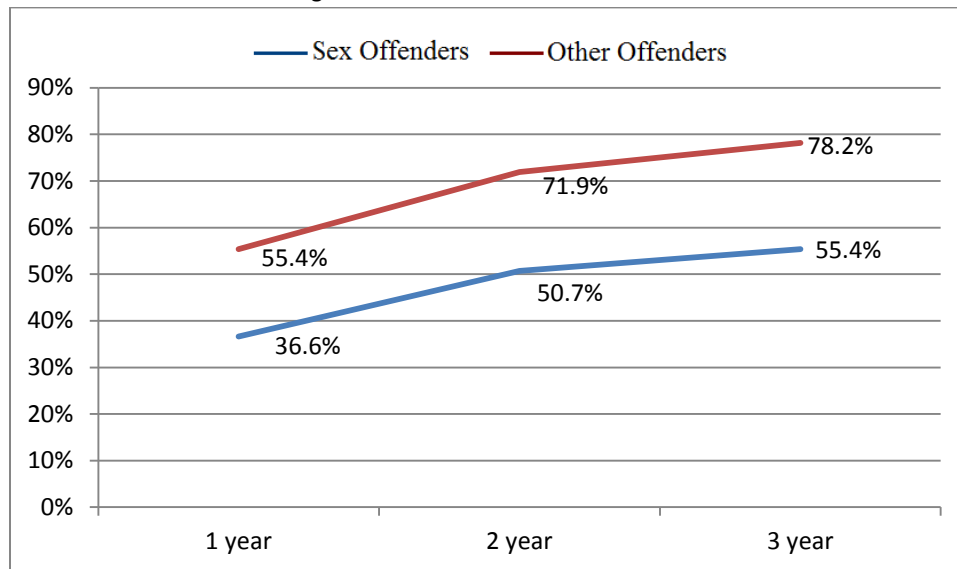**Figure 6: Rearrest rates: Sex Offenders**

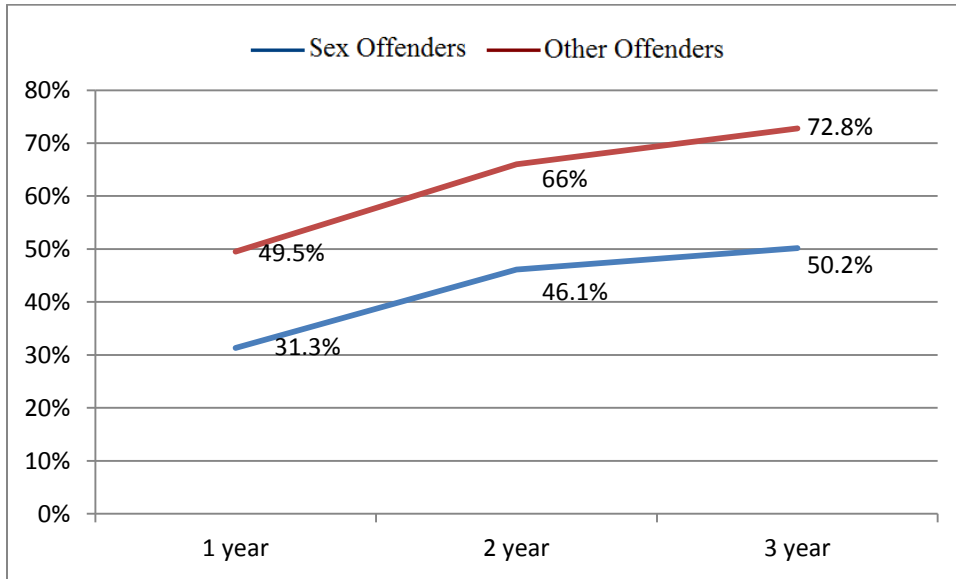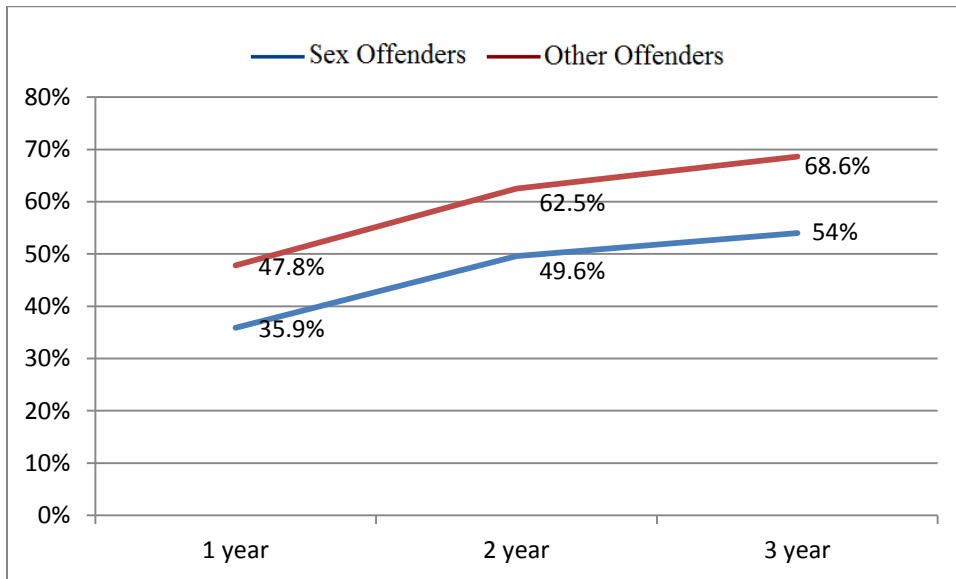**Figure 7: Reconviction rates: Sex Offenders versus Other Offenders**

Figure 8: Recommitment rates: Sex Offenders versus Other Offenders

The issue of sex offender recidivism can lead to heated debates between the public and lawmakers. The idea that sex offenders repeat their crimes has led to many national law changes such as the sex offender registry and restrictions on where sex offenders can live and work. In order to evaluate sex offender reoffending, this study looks at both prior and post sex offense arrests and convictions. Prior sex offenses include any arrest for a currently registerable crime. Being as criminal histories in Delaware can go back to the 1970s, sex offenders are more likely to have a pre-prison sex offense history than a post-releases sex offense history during the first 3 years after release from the prison stay identified. Table 8 looks at prior sex offenses while Table 9 shows post-release sex offenses. Almost one quarter of the sex offenders released between 2008 and 2010 were previously arrested for a registerable sex offense prior to the sex crime for which he/she was in prison. However, during the 3 year follow-up period, only 3.5% of the total offenders released from serving time on a sex offense are arrested for a new sex offense.

Table 8: Prior Sex Offending

	Release Year				Totals
	2008	2009	2010	2011	
Offenders with a Prior Sex Offense Arrest	13	20	11	24	68
Total Sex Offenders Released	*76*	*63*	*66*	*84*	289
Percent of Total	*17.1%*	*31.7%*	*16.7%*	*28.6%*	*23.5%*

Table 9: Post-Release Sex Offending

	Release Year				Totals
	2008	2009	2010	2011	
Offenders with a Post Sex Offense Arrest	1	5	0	4	10
Total Sex Offenders Released	*76*	*63*	*66*	*84*	289
Percent of Total	1.3%	7.9%	0.0%	4.7%	3.5%

Conclusions and Limitations

The typical convicted sex offender released from prison between 2008 and 2011 on a sex offense is a white male between the ages of 18 and 40. Victims of these offenders are generally white females between 9 and 15, with almost 40% of victims 12 to 15 years of age. Almost 80% of victims know the offender prior to the sex offense occurring, with 30.7% of offenses committed by a family member. Just under 90% of offenders were arrested on a felony A or felony B sex offense, but only 66.4% were convicted of a felony A or felony B sex offense. Sixty percent of the offenders studied served less than 6 years in prison, and half are required to register at Tier 2 on the sex offender registry. Nearly 1 in 4 sex offenders released was previously arrested for a registerable sex offense prior to his/her conviction resulting in the prison release from 2008 to 2011, while only 3.5% of the sex offenders released were arrested for a new registerable sex offense in the 3 years following release.

In comparison to the prison population released between 2008 and 2011, sex offenders served more time, with 34-46% serving 6 years or more and 7-11% of other prisoners serving 6 years or more. Sex offenders also recidivate at lower rates than other prisoners released from 2008 to 2011.

This study, like many others in Delaware, is limited to only Delaware comparisons. We cannot compare sex offenders in other states unless we are using a similar cohort of individuals released from prison terms on registerable sex offenses. The recidivism measures are limited to only Delaware recidivism. Some of these offenders may have left Delaware and committed crimes in other states for which this study does not take into account. Lastly, the recidivism measures used were developed by the Delaware Statistical Analysis Center and are outlined in the Recidivism in Delaware reports. Other states and jurisdictions use a vast array of measurements and variables to measure recidivism, and any comparisons are intensely cautioned.

Another limitation of this study is the exclusion of offenders not serving prison time, and also those offenders who did serve prison time on Failure to Register as a Sex Offender and Violation of Parole or Probation when the original crime was a sex offense. These three categories of sex offenders would be another opportunity to further evaluate sex offending patterns and victim characteristics. However, due to time and resource restraints on the Center, this group could not be included in the current study.