

RECIDIVISM IN DELAWARE

An Analysis of Prisoners Released in 2008 through 2010

September 2014

Delaware Criminal Justice Council

Statistical Analysis Center

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Christian Kervick, Executive Director

Statistical Analysis Center

Colonel Thomas F. MacLeish, Director

Analysts

Brie Gannon

Charles Huenke

Spencer Price

Jim Salt

Philisa Weidlein-Crist

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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 second report produced pursuant to SB 226. As required, three measures of recidivism were analyzed for this report: rearrest, reconviction, and recommitment. As in the first report, 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.

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 2008 through 2010. Released prisoners (1,167 in 2008, 1,090 in 2009, and 1,113 in 2010) 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 two or three 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 six month intervals during the three year study period.

Key Findings

As the table below indicates, by the end of three years, slightly more than 75 percent of offenders in each cohort had been rearrested for a serious offense. Just over 70 percent had a reconviction and just over two-thirds had a recommitment. The one-, two-, and three-year recidivism rates for the three cohorts are presented below.

	2008 Release Cohort			2009 Release Cohort			2010 Release Cohort		
	1 year	2 years	3 years	1 year	2 years	3 years	1 year	2 years	3 years
Rearrest	55.8%	70.9%	77.1%	52.7%	68.7%	76.5%	53.2%	71.1%	76.7%
Reconviction	49.3%	65.3%	71.7%	48.2%	63.6%	71.1%	47.7%	65.5%	71.9%
Recommitment	47.0%	61.3%	67.6%	45.3%	61.1%	67.4%	46.6%	61.8%	67.0%

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 percent of recidivism events occurred within the first year, and just over 90 percent 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 2008 through 2010 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 and the focus of the Center's mission. For example, this study did not examine those prisoners who did not recidivate, yet key understandings for addressing recidivism may lie in understanding this population. 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 second in a series of annual recidivism reports required by Senate Bill 226 of Delaware's 146th General Assembly. The first report, [*Recidivism in Delaware: An Analysis of Prisoners Released in 2008 and 2009*](#), was released in July 2013. This installment includes a 2010 cohort and minor adjustments to 2008 and 2009 data. Recidivism measures and research methods remain consistent with those used and described in the initial report, but the methodology description has been revised here to improve clarity.

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 2008, 2009, and 2010 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. Recidivements 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. Some individuals, in fact, appear as study subjects multiple times in this analysis. Two individuals were in the same cohort twice, 57 others were in two different release cohorts, and one individual was in all three release cohorts.

This study considers only Delaware activity as recidivism events, and 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, news sources might report the arrest of a study subject for a serious crime in a neighboring state, or court dockets 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

Using the same research processes described in the report on 2008 and 2009 cohorts, this study cycle identified and tracked inmates released from Delaware prison sentences in 2010. In addition to the new 2010 cohort, a small number of 2008 and 2009 records were updated for subjects who had not reached the 3-year at risk mark in the previous study or to correct errors identified in this follow-up. Updates and corrections to 2008 and 2009 data are reflected in tables and graphs presented in this report.

As in the previous study, 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 2008 through 2010, with updates to 2008 and 2009 counts mentioned above.

Table 1. Prison release cohort race and gender counts

	2008			2009			2010		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Black	663	39	702	603	39	642	626	42	668
White	404	60	464	379	68	447	391	53	444
Other	0	1	1	1	0	1	1	0	1
Total	1,067	100	1,167	983	107	1,090	1,018	95	1,113

Females comprised 8.6%, 9.8%, and 8.5% of the tracked prison release cohorts in 2008, 2009, and 2010, respectively. Relatively large fluctuations in release cohort female proportions may be seen over time, but that is not unexpected with the low numbers of prison inmates and annual releases. Readers should be mindful of small group counts, especially for females, as breakouts of released inmate 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 2008 through 2010. 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

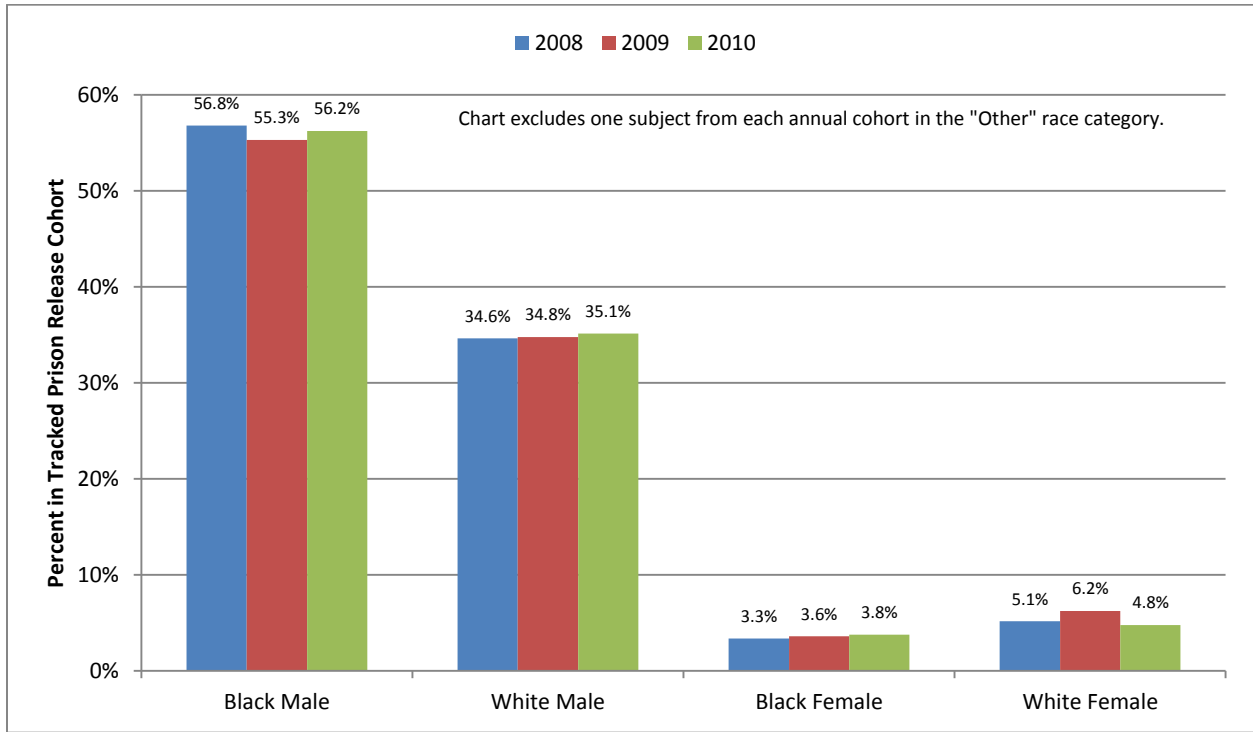
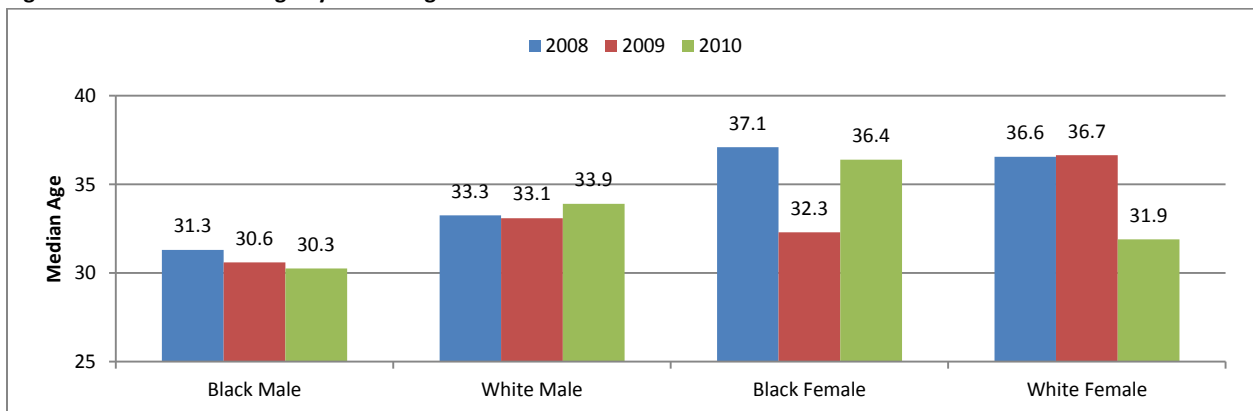


Table 2 shows inmate release age quartiles, and Figure 2 shows median release ages by race and gender. At release, females tend to be older than males, and White males tend to be older than Black males.

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

Age at start of at-risk period	2008				2009				2010			
	Male		Female		Male		Female		Male		Female	
	Black	White	Black	White	Black	White	Black	White	Black	White	Black	White
25 th percentile	25.7	26.5	27.1	29.9	25.5	25.9	27.6	29.2	24.7	26.1	29.0	25.2
50 th percentile	31.3	33.3	37.1	36.6	30.6	33.1	32.3	36.7	30.3	33.9	36.4	31.9
75 th percentile	39.4	43.7	43.4	43.5	39.4	45.0	39.0	43.7	39.0	43.7	44.5	42.8

Figure 2. Median release age by race and gender



Figures 3 and 4, respectively, show counts of male and female subjects in selected release age groups. Subjects are grouped by release age as of their last birthday on or before their release date.

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

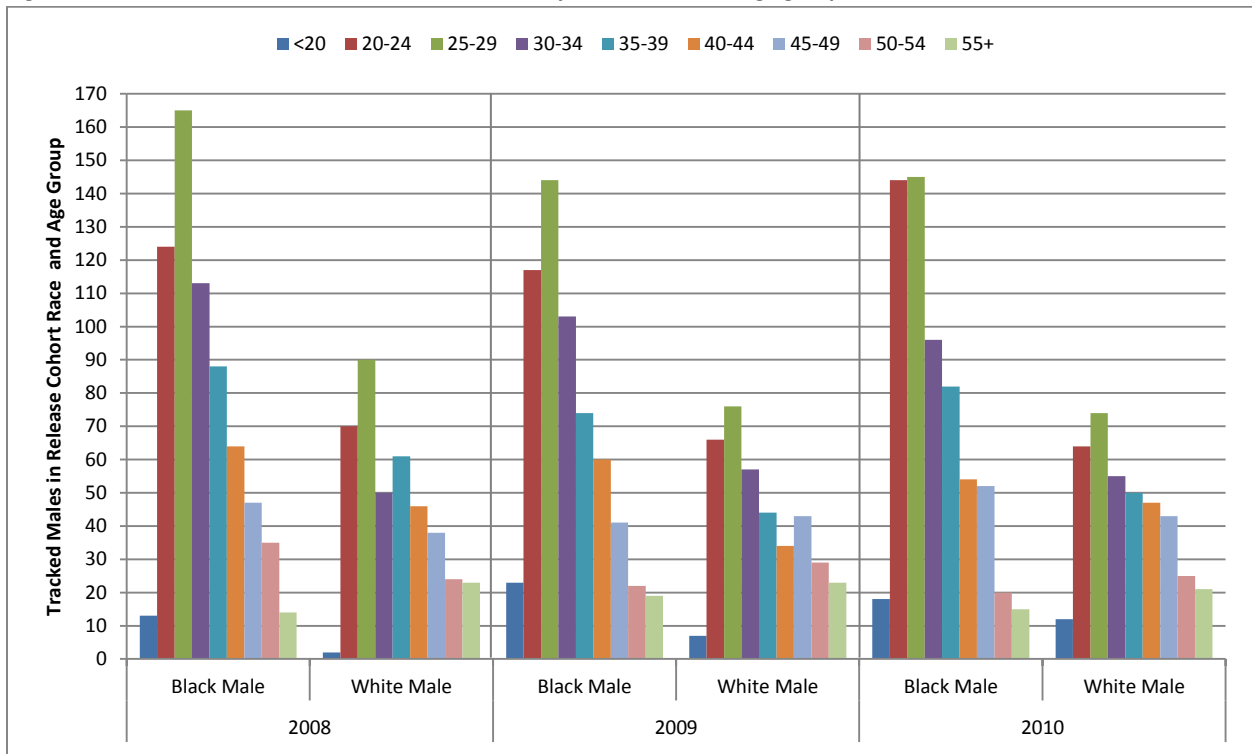


Figure 4. Number of tracked females in release cohorts by race and release age groups

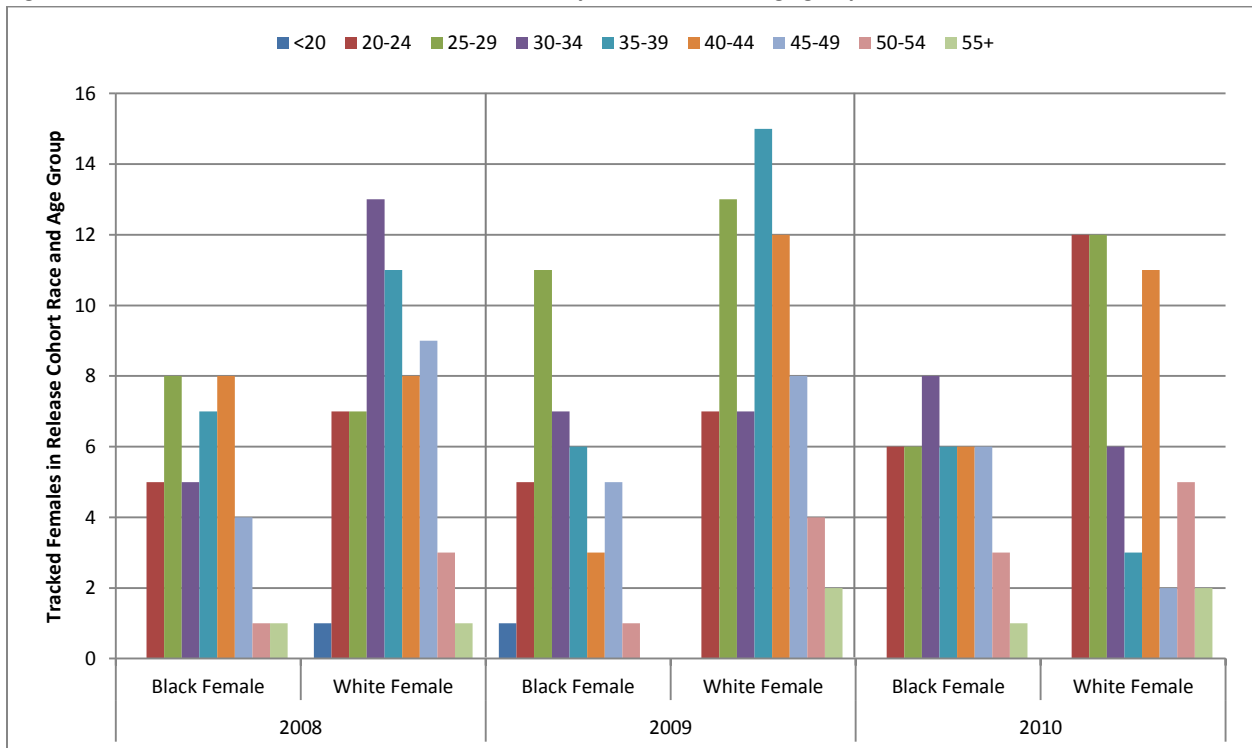
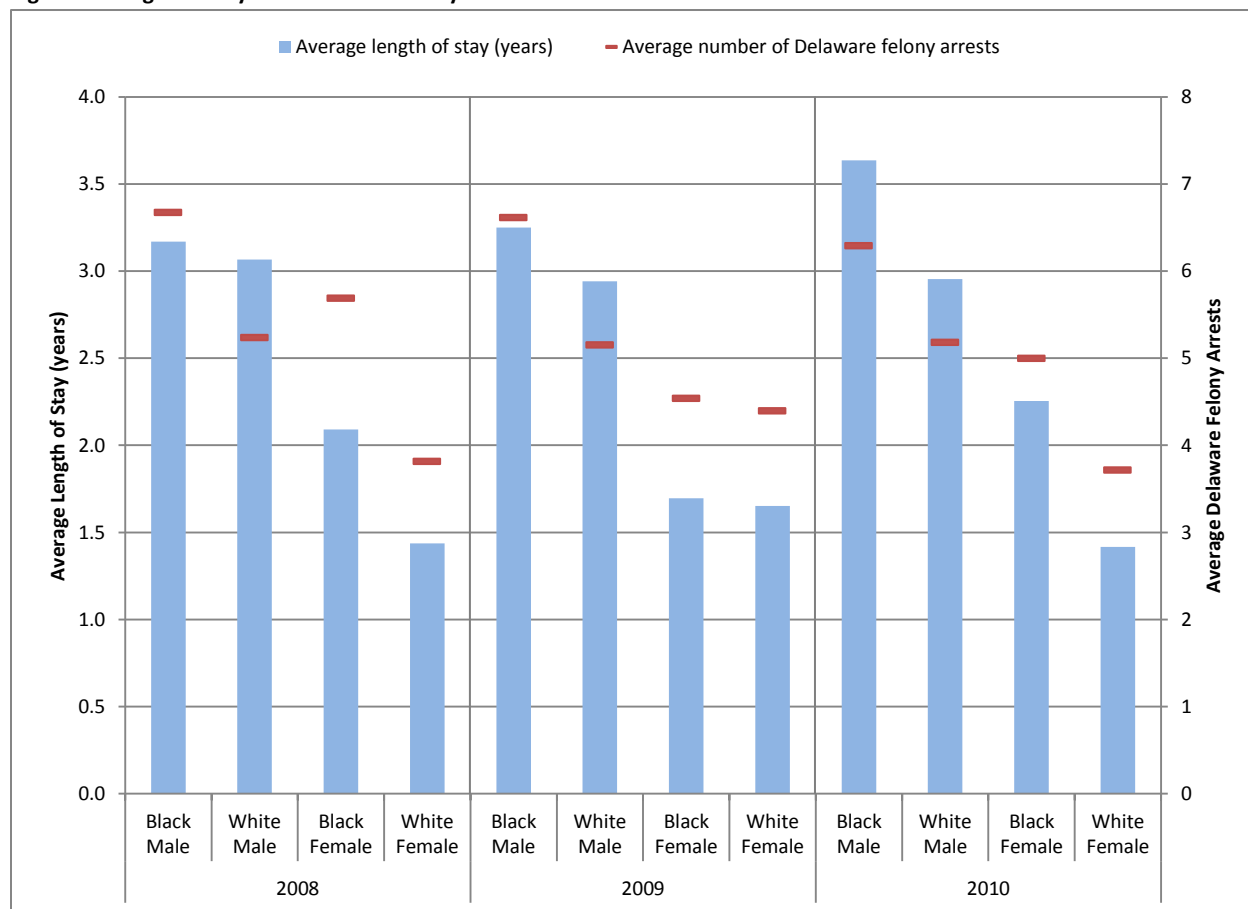


Figure 4 illustrates an example of the small group issues previously mentioned regarding breakouts of subject characteristics. Note that for females only a few of the selected age groups have more than 10 subjects in each cohort year.

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.

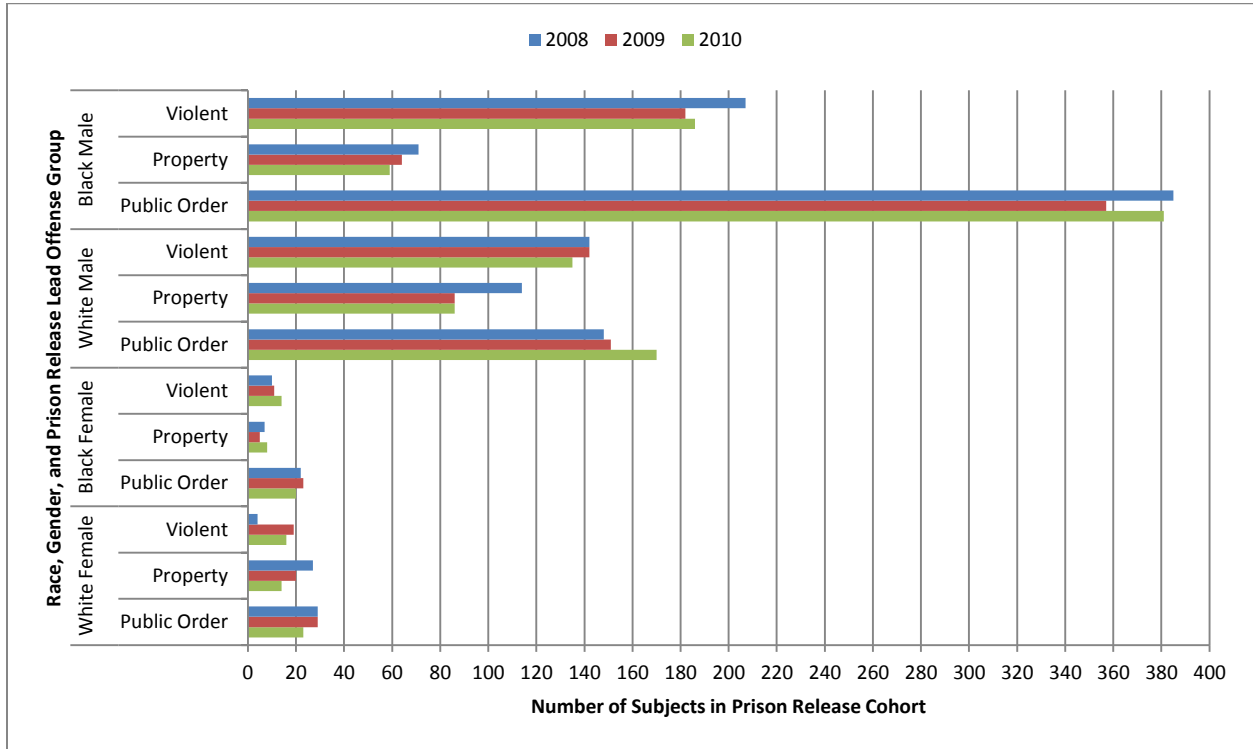
Table 3. Prison term lead offense classification counts by release cohort race and gender

Prison Term Lead Offense	2008				2009				2010			
	Male		Female		Male		Female		Male		Female	
	Black	White	Black	White	Black	White	Black	White	Black	White	Black	White
Violent	207	142	10	4	182	142	11	19	186	135	14	16
Homicide	11	3	0	0	10	4	0	2	13	7	1	1
Rape	46	44	0	1	30	37	0	0	27	30	0	2
Robbery	84	51	3	2	78	51	3	13	90	56	5	6
Assault	34	22	5	1	48	23	5	2	38	17	8	3
Other Sex Offense	7	9	0	0	5	8	0	2	4	16	0	0
Other Violent Offense	25	13	2	0	11	19	3	0	14	9	0	4
Property	71	114	7	27	64	86	5	20	59	86	8	14
Arson (Unoccupied)	2	2	0	1	0	1	0	0	0	2	1	1
Burglary	53	84	2	12	48	68	1	10	46	67	2	5
Theft	8	17	2	6	8	9	1	6	4	12	3	4
Fraud/Forgery	7	8	3	8	3	5	3	4	8	4	2	4
Other Property Offense	1	3	0	0	5	3	0	0	1	1	0	0
Public Order	385	148	22	29	357	151	23	29	381	170	20	23
Drug Dealing	207	40	13	9	194	42	14	9	238	52	11	7
Other Drug Offense	72	19	4	8	44	14	2	6	37	14	7	6
Weapon Offense	78	30	2	4	83	32	3	2	80	23	1	1
Driving Related	16	48	0	6	16	50	0	9	16	65	1	8
<i>Vehicular Homicide</i>	1	4	0	0	0	2	0	2	1	9	1	3
<i>Vehicular Assault</i>	0	2	0	0	0	1	0	0	1	2	0	0
<i>DUI</i>	12	39	0	6	11	45	0	6	10	53	0	5
<i>Other MV Related</i>	3	3	0	0	5	2	0	1	4	1	0	0
Other Public Order	12	11	3	2	20	13	4	3	10	16	0	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 drug and weapon offenses. White male subjects were more evenly spread over the drug, weapon, and driving related offense groups.

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.

Table 4. Top 10 release offense types by race and gender, combined 2008 through 2010 cohorts

Group Rank	Black Male (N=1,872)	White Male (N=1,174)	Black Female (N=120)	White Female (N=181)
1	Drug Dealing (639)	Burglary (219)	Drug Dealing (38)	Burglary (27)
2	Robbery (252)	Robbery (158)	Assault (18)	Drug Dealing (25)
3	Weapons (241)	DUI (137)	Other Drug (13)	Robbery (21)
4	Other Drug (153)	Drug Dealing (134)	Robbery (11)	Other Drug (20)
5	Burglary (147)	Rape (111)	Fraud/Forgery (8)	DUI (17)
6	Assault (120)	Weapons (85)	Other Public Order (7)	Theft (16)
7	Rape (103)	Assault (62)	Theft (6)	Fraud/Forgery (16)
8	Other Violent (50)	Other Drug (47)	Weapons (6)	Weapons (7)
9	Other Public Order (42)	Other Violent (41)	Other Violent (5)	Assault (6)
10	Homicide (34)	Other Public Order (40)	Burglary (5)	Other Public Order (6)

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 offenders’ returns to criminal behavior, rather than when authorities became aware of and acted on their 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 six-month intervals established for recidivism time series. The intervals do not imply actual time at risk; they simply mark time from initial at-risk dates. 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 designated in 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.

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

Rearranging the previous equation yields the following.

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

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

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

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 2008 through 2010 Cohorts

Table 3 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, the table shows small differences in recidivism rates for the three cohort years. Variability is slightly larger in the first two years, but rate differences are less than one percentage point by the third year.

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

		2008 Prison Release Cohort			2009 Prison Release Cohort			2010 Prison Release Cohort		
		R+N	R	Recidivism Rate	R+N	R	Recidivism Rate	R+N	R	Recidivism Rate
Rearrest	1 year	1,161	648	55.8%	1,086	572	52.7%	1,110	590	53.2%
	2 years	1,157	820	70.9%	1,081	743	68.7%	1,108	788	71.1%
	3 years	1,155	891	77.1%	1,079	825	76.5%	1,106	848	76.7%
Reconviction	1 year	1,154	569	49.3%	1,082	521	48.2%	1,099	524	47.7%
	2 years	1,145	748	65.3%	1,071	681	63.6%	1,082	709	65.5%
	3 years	1,136	814	71.7%	1,063	756	71.1%	1,069	769	71.9%
Recommitment	1 year	1,161	546	47.0%	1,086	492	45.3%	1,110	517	46.6%
	2 years	1,157	709	61.3%	1,081	661	61.1%	1,104	682	61.8%
	3 years	1,153	780	67.6%	1,077	726	67.4%	1,100	737	67.0%

Recidivism rates for each measure in 6-month at-risk intervals 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 6 month intervals

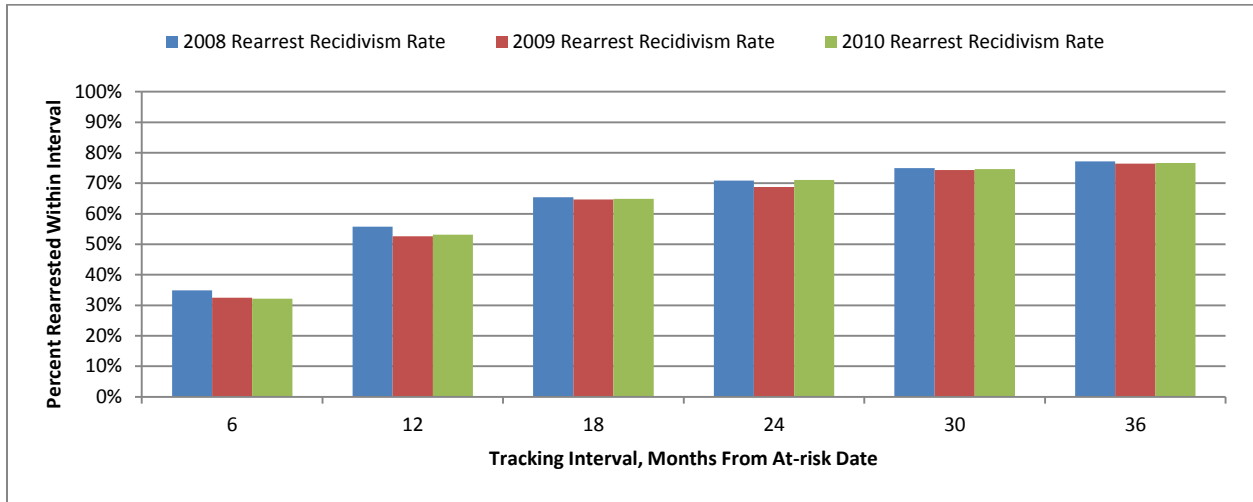


Figure 8. Reconviction: recidivism rates at 6 month intervals

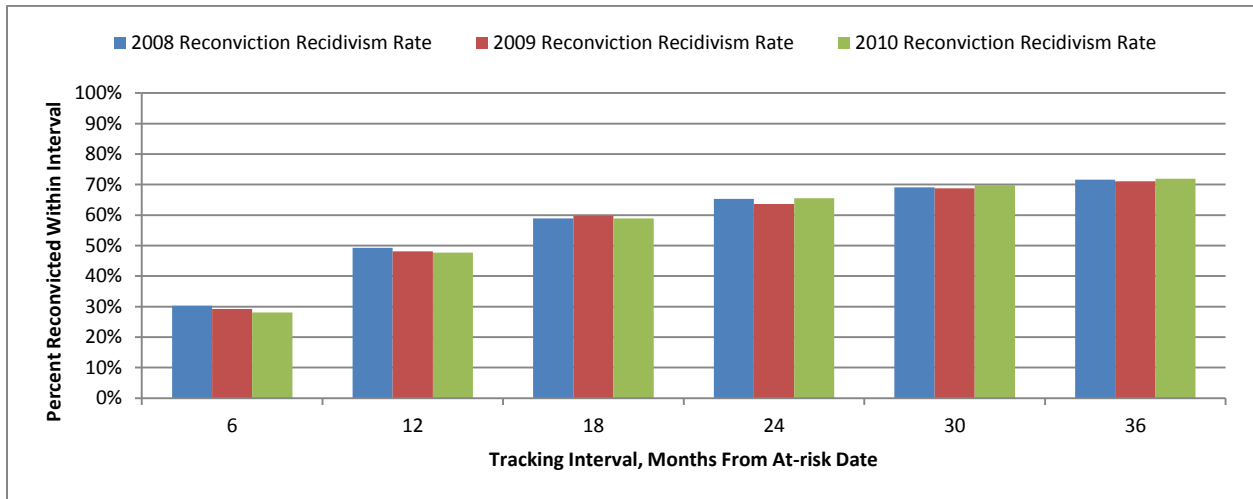


Figure 9. Recommitment: recidivism rates at 6 month intervals

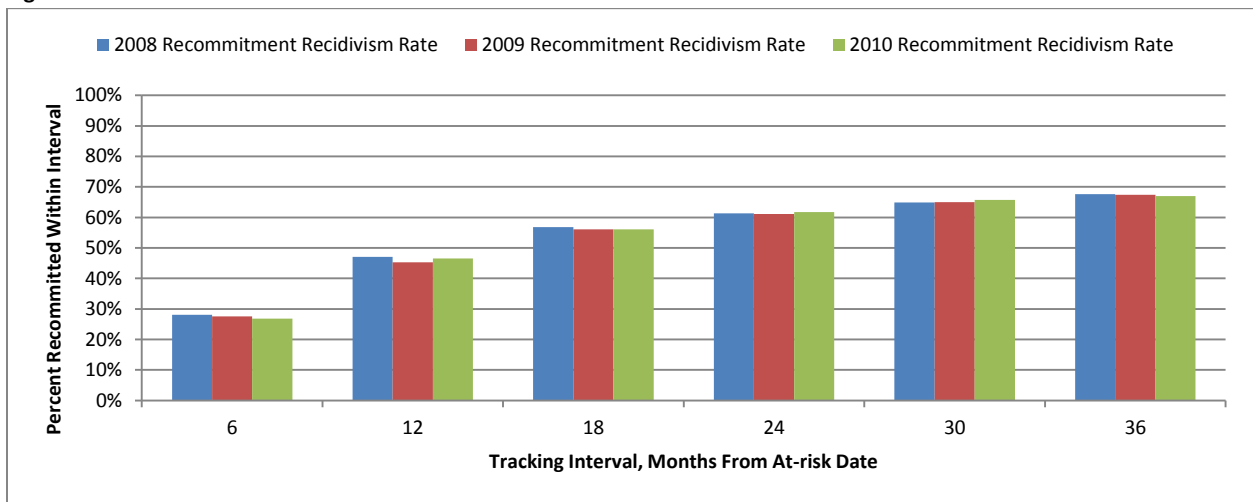


Figure 10. Rearrest: recidivism rates at 1 year intervals by race and gender

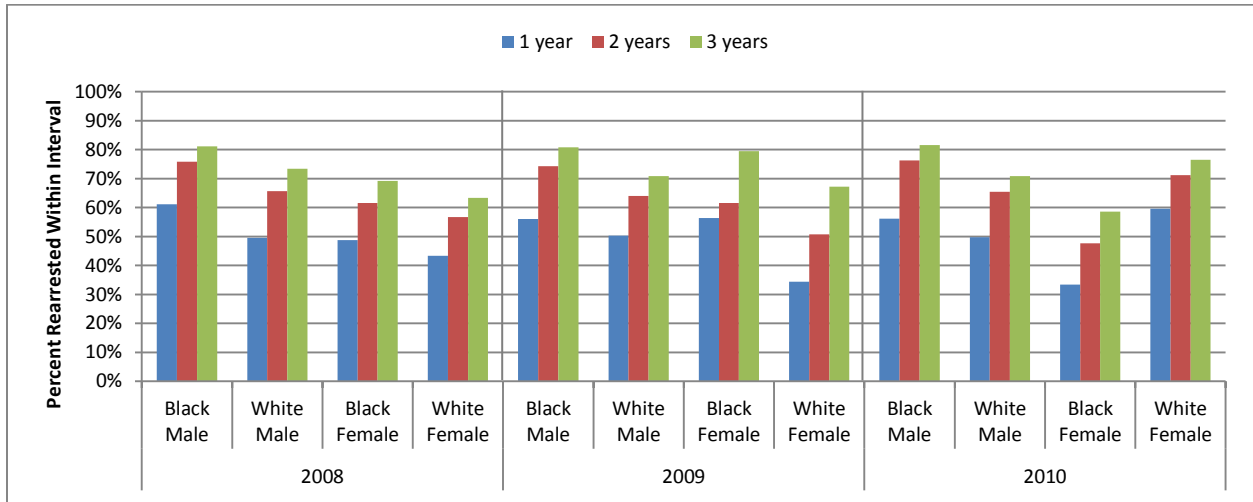


Figure 11. Reconviction: recidivism rates at 1 year intervals by race and gender

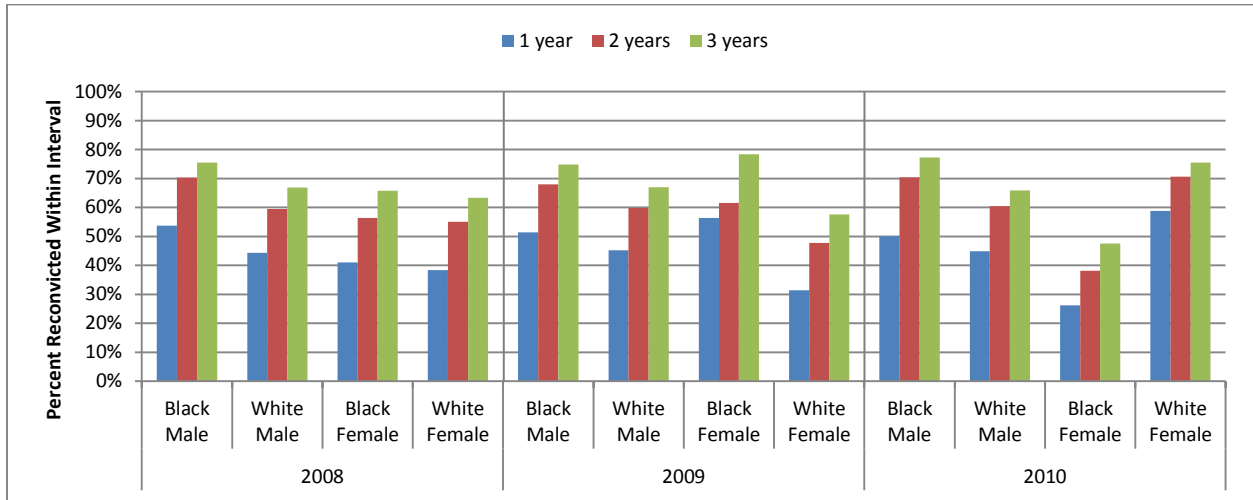
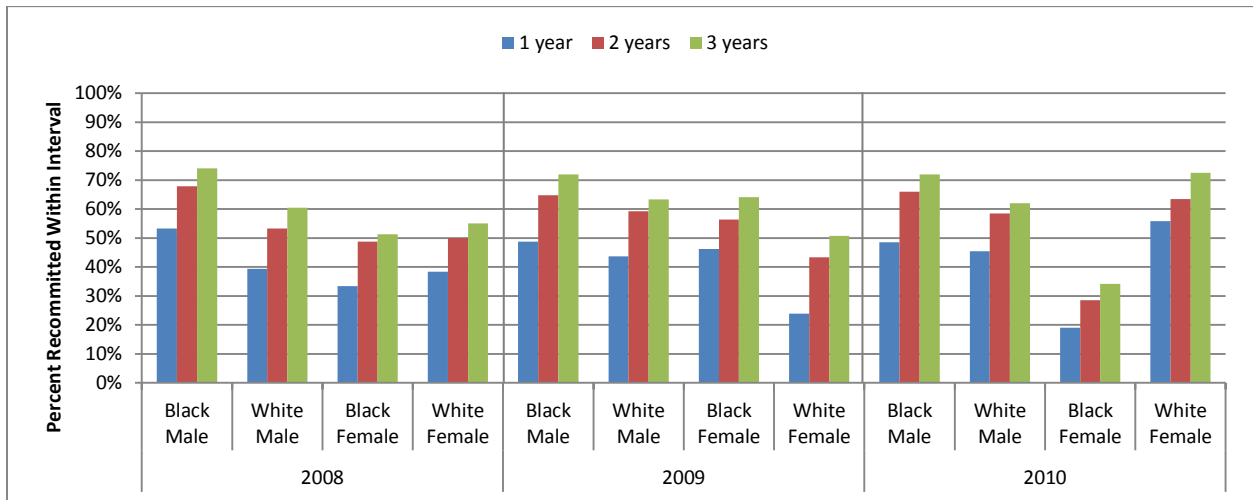


Figure 12. Recommitment: recidivism rates at 1 year intervals by race and gender



Figures 13 through 15 show three year recidivism rates by length of stay for each measure, with average release age on the secondary axis. Note that maximum length of stay differs in the three cohort years.

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

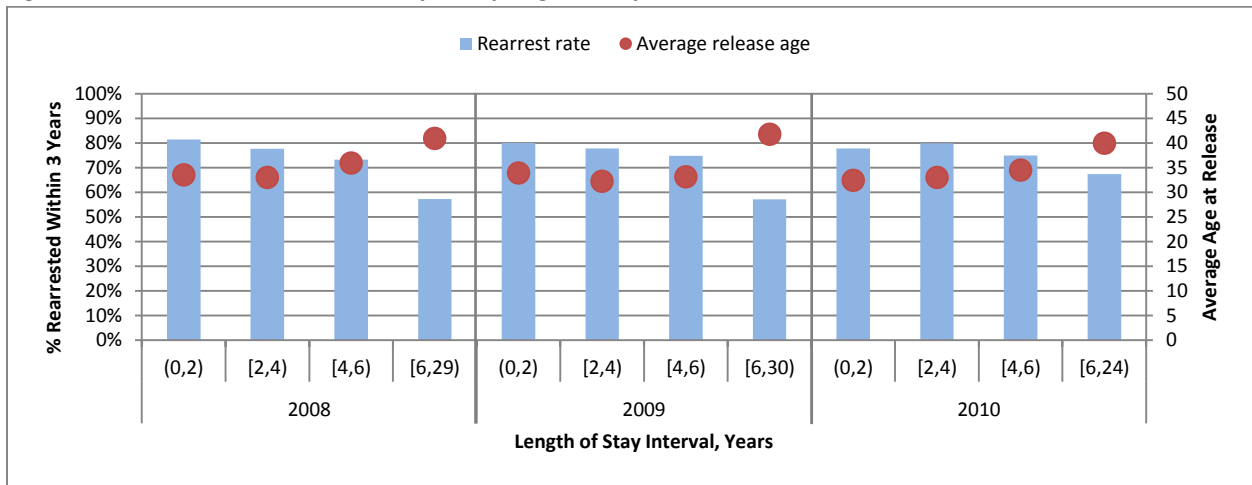


Figure 14. Reconviction: recidivism rates at 3 years by length of stay

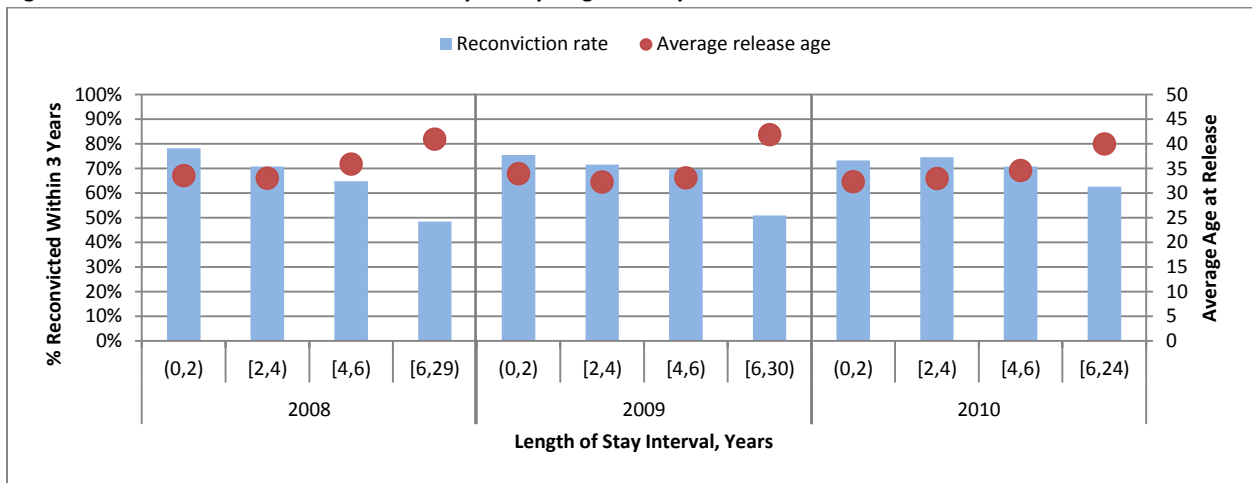


Figure 15. Recommitment: recidivism rates at 3 years by length of stay

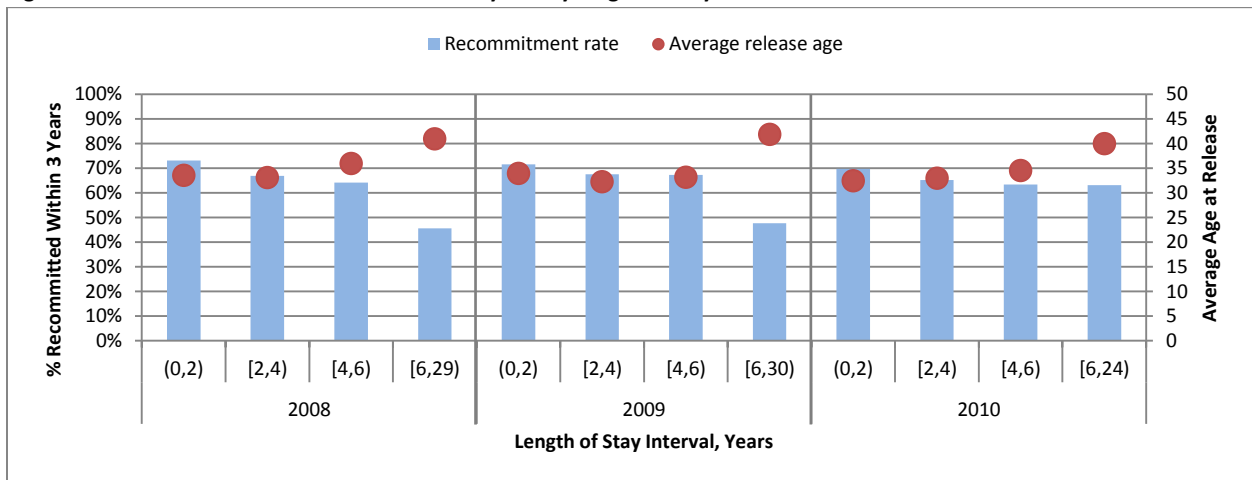


Figure 16. Rearrest: recidivism rates at 3 years by lead offense type

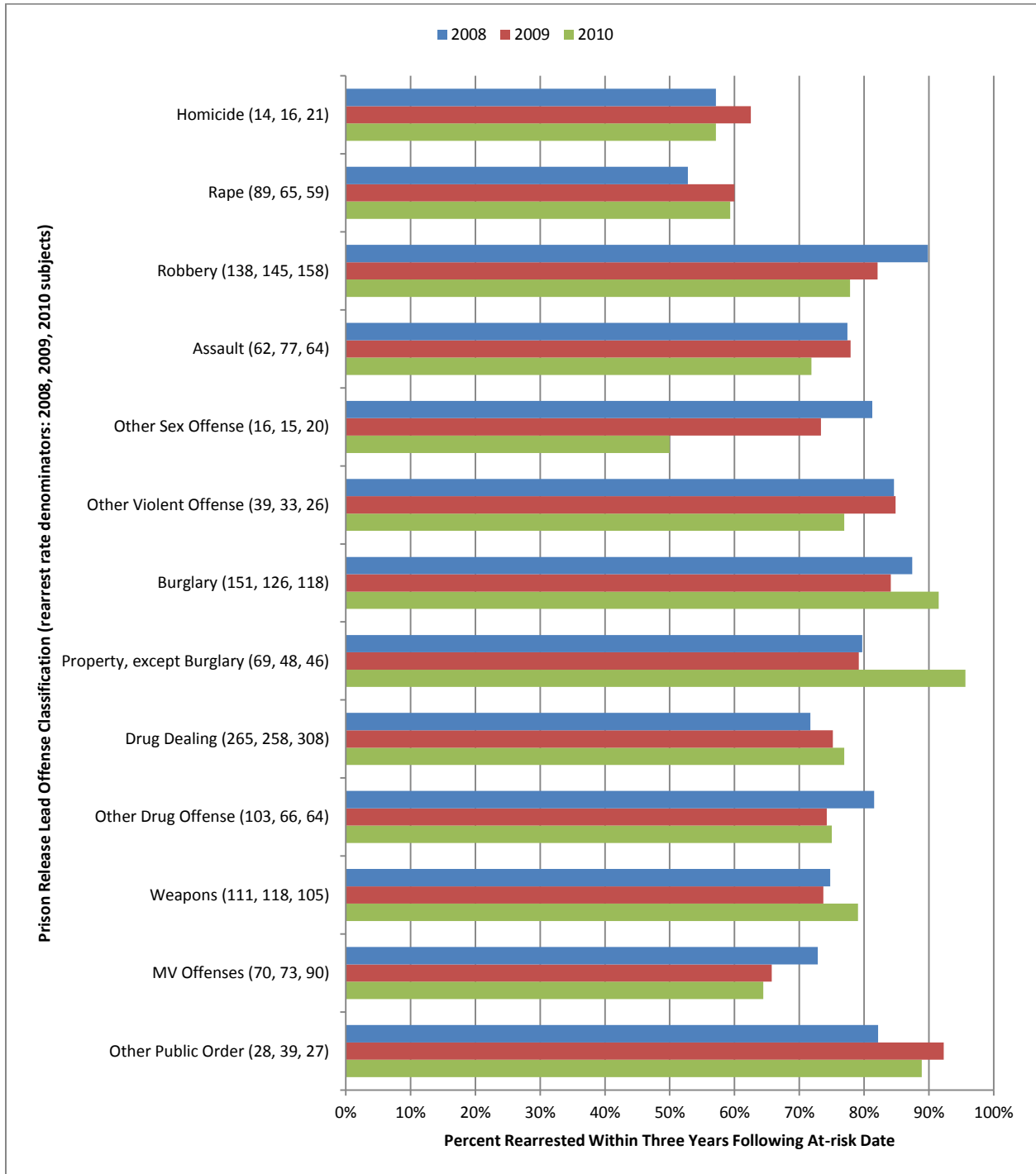


Figure 17. Reconviction: recidivism rates at 3 years by lead offense type

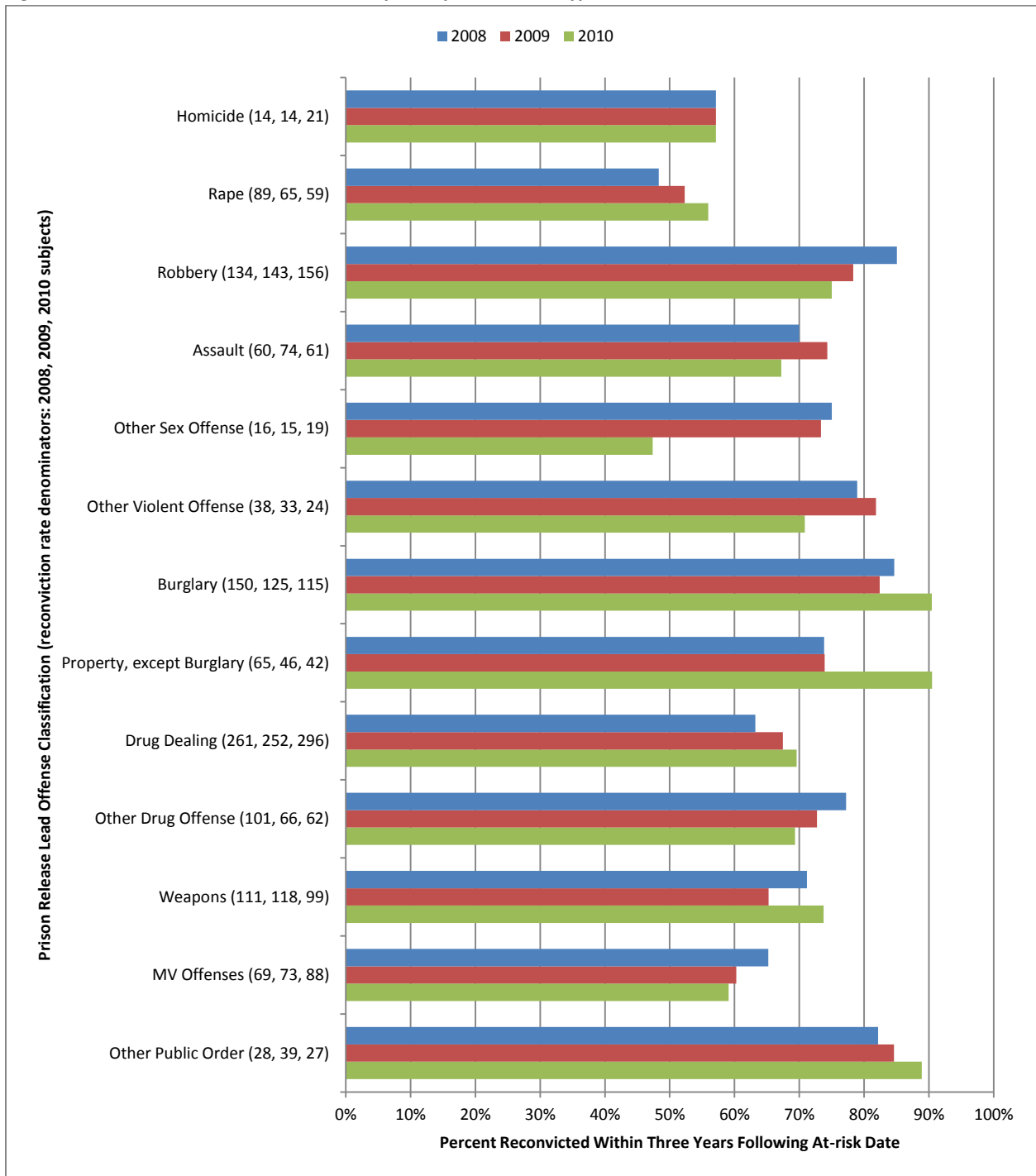
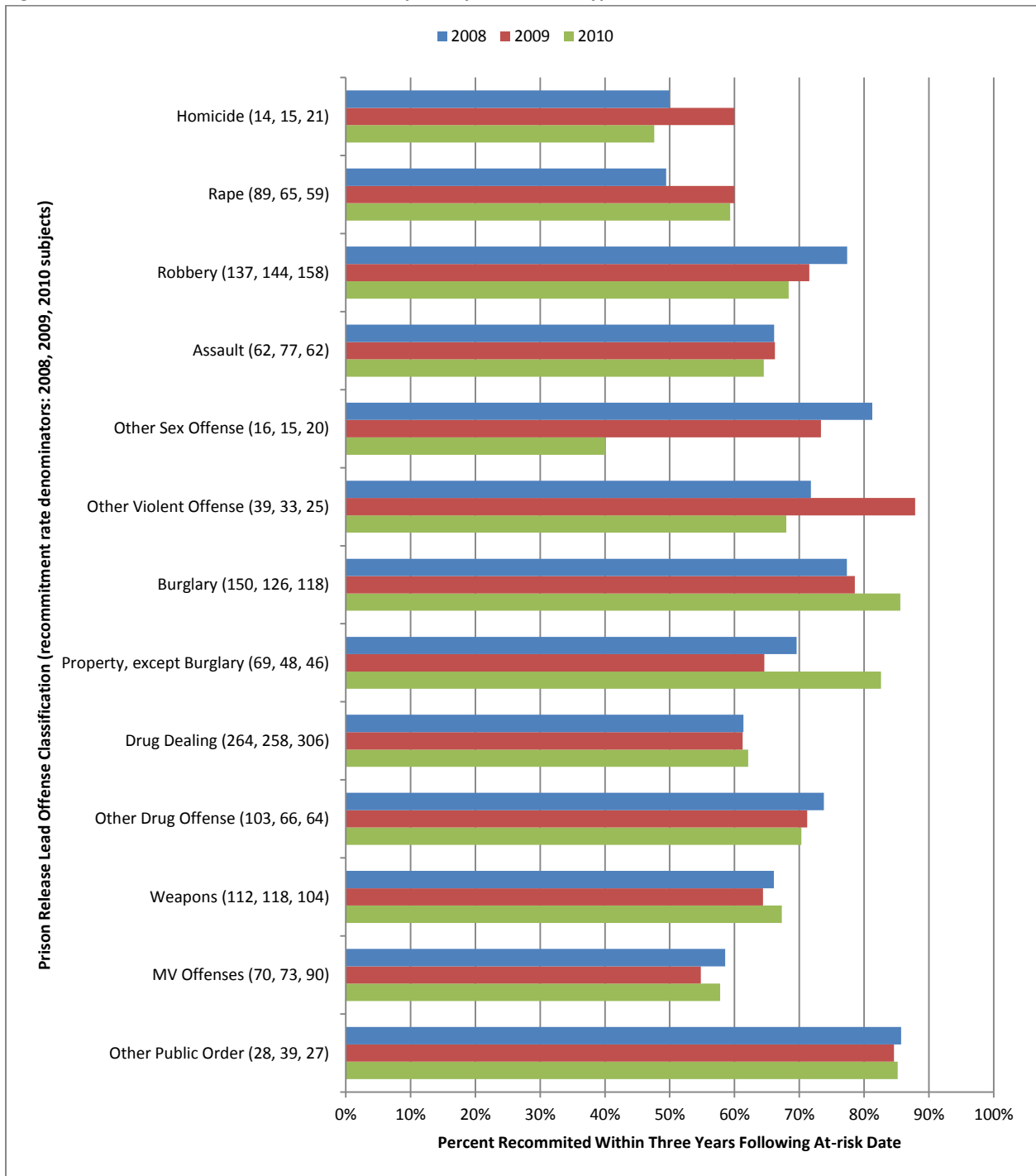


Figure 18. Recidivism: recidivism rates at 3 years by lead offense type



Figures 19 and 20 show three year rates of rearrest for males and females, respectively, by age group. Recall that for females most of these group sizes were under 10 subjects (refer to Figure 4).

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

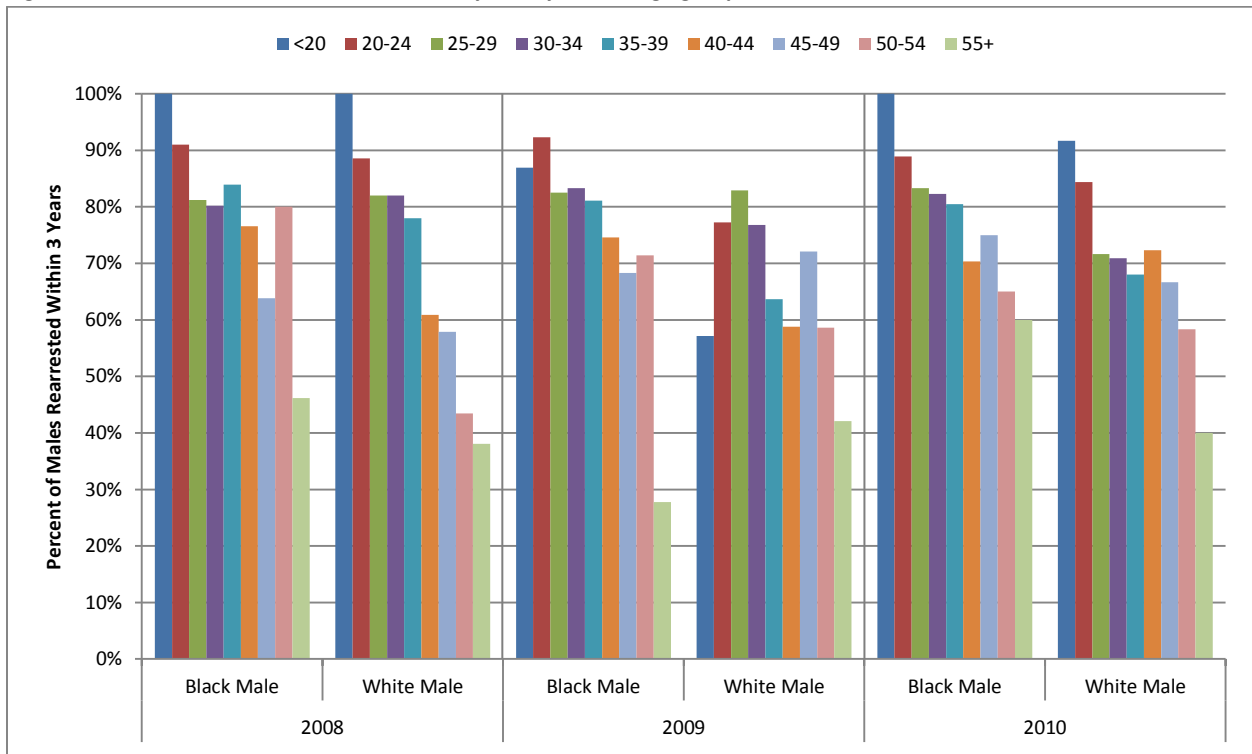
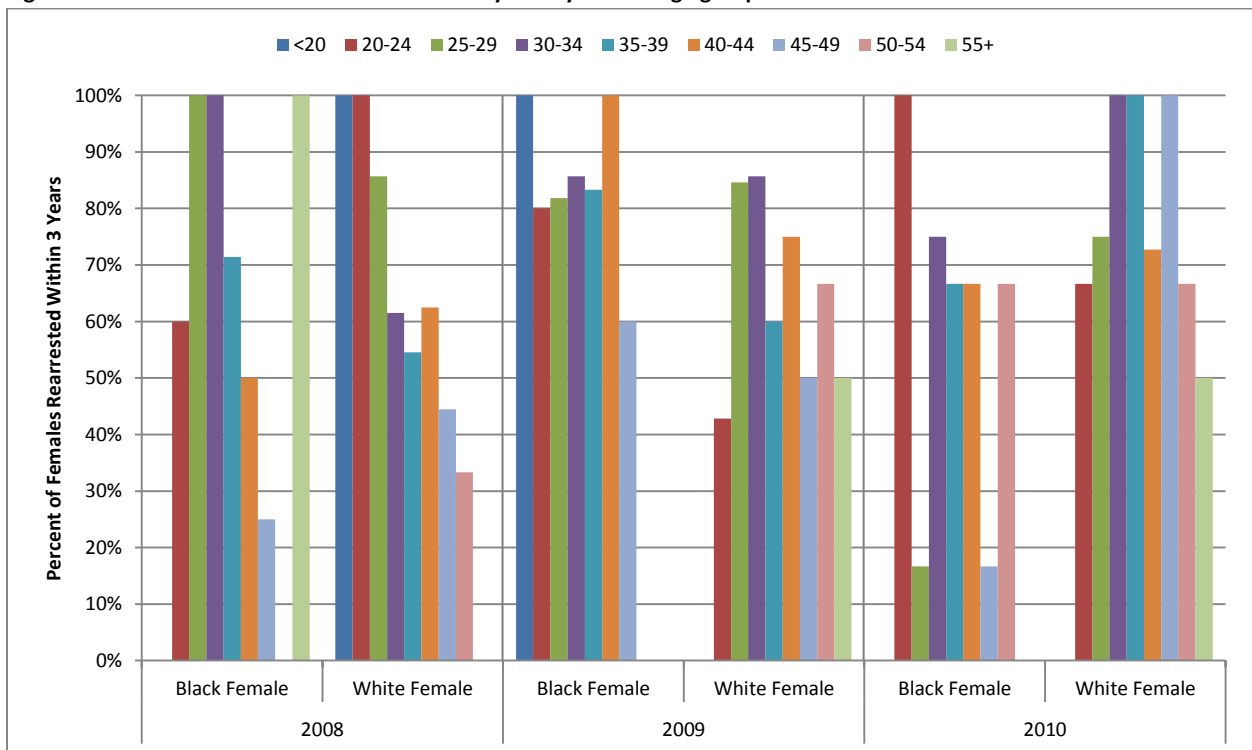


Figure 20. Rearrest: female recidivism rates at 3 years by release age group



Figures 21 and 22 show three year rates of reconviction and recommitment, respectively, for males by age group. Reconviction and recommitment charts are omitted for females due to small group sizes.

Figure 21. Reconviction: male recidivism rates at 3 years by release age group

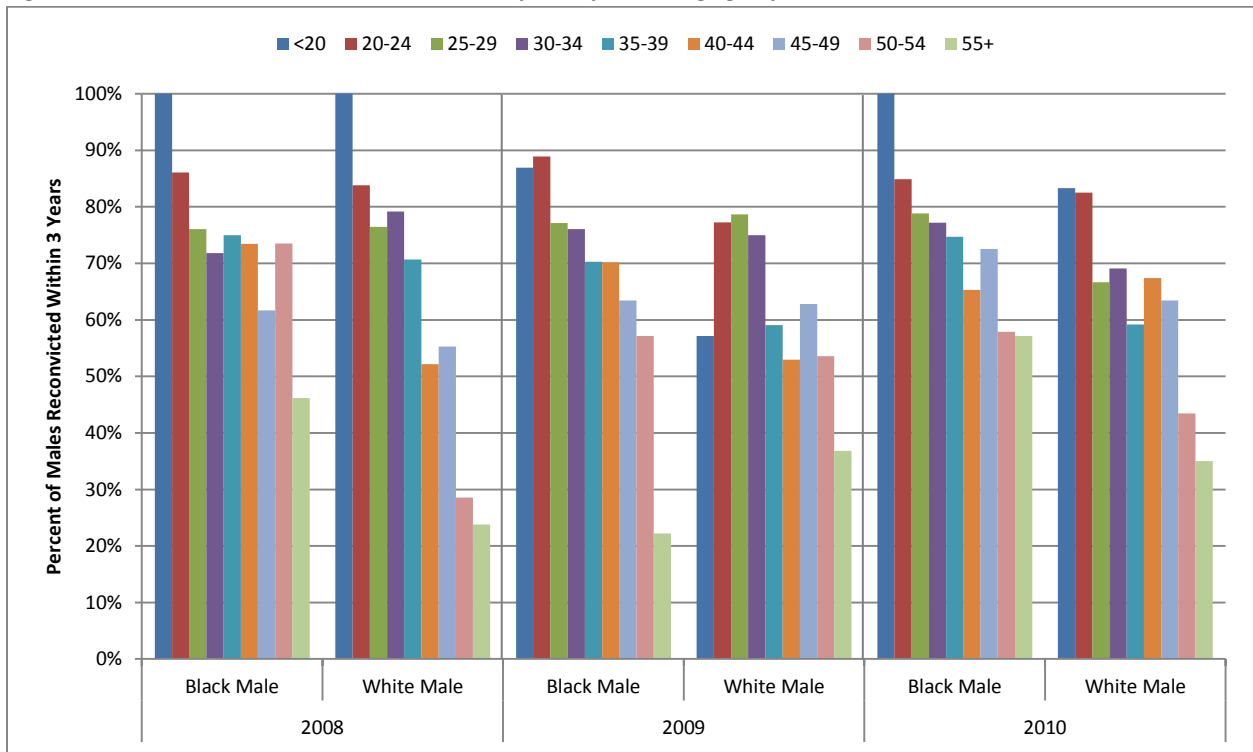
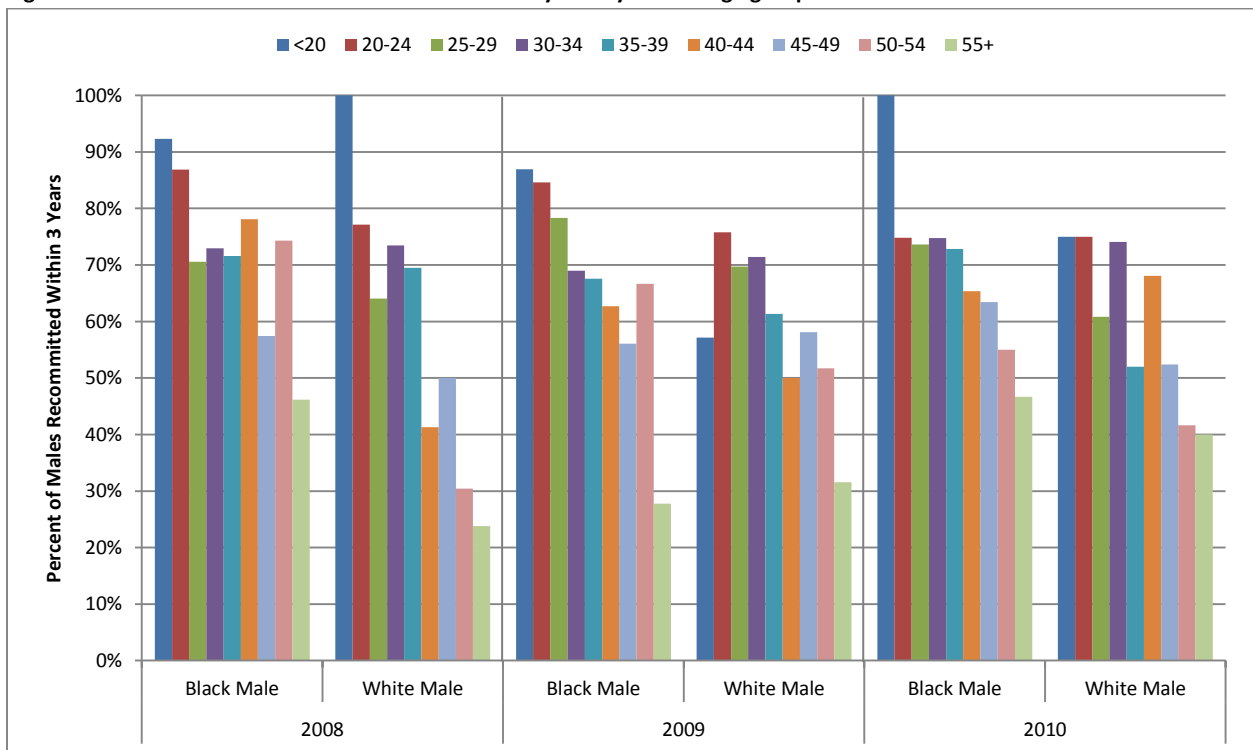


Figure 22. Recombitment: male recidivism rates at 3 years by release age group



Conclusions and Limitations

The findings of this study provide an overview of prisoner recidivism in Delaware. The Center tracked 1,167 prisoners released in 2008, 1,090 released in 2009, and 1,113 released in 2010 for three years following release from secured custody for three recidivism measures: rearrest, reconviction, and recommitment. Tracking times were divided into six month 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 release age for each study subject as they were recorded in the state's information system, with some manual review to resolve obvious data conflicts. (Ethnicity was not studied due to low Hispanic subject counts and issues with inconsistent system data on ethnicity.) About 91% of prisoners released in 2008 through 2010 were males. About 62% of the male prisoners released in those three years were Black. Approximately 60% of females released in the three years were White. Median release ages were 30.7 years for Black males, 33.4 years for White males, 34.5 years for Black females, and 36 years for White females.

The Center also categorized the prison term leading to each study release by a single offense type; a lead offense was identified as the offense for which the prisoner served the most time when multiple offenses were involved. Offenses were grouped into three major categories of violent, property, or public order. Of inmates released from prison in 2008 through 2010, just over half (51.6%) had served time on an offense in the public order group; 31.8% were released from a violent offense sentence, and 16.7% were released from a property offense sentence. Within each major group, some offense types were much more common than others; 41.5% of violent offenses were robbery, 70.8% of property offenses were burglary, and 61.5% of public order offenses were drug offenses.

The three year rearrest recidivism rates were nearly equal for prison inmates released in 2008, 2009, and 2010 (77.1%, 76.5%, and 76.7%, respectively). Reconviction rates for all three cohorts averaged 71.6%, and recommitment rates averaged 67.4%.

Limited analyses of race, gender, release 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. Among race and gender groups, Black males had the highest three year rearrest rate at 81.2%. The rearrest rate for White males was 71.7%. Rearrest rates for Black females and White females were nearly equal at 68.9% and 68.5%, respectively.

Recidivism rates generally decreased as release age increased. Rates also generally decreased as length of stay increased, but release age also generally increased with increased length of stay. There was no effort to explore recidivism relationships with length of stay for similar release ages, as groups would be too small to provide meaningful comparisons.

Subjects released from prison with lead offenses of rape or homicide had lower recidivism rates than those with any other lead offense type; homicide subjects were a very small group, however. Subjects with burglary as their lead release offense had the highest recidivism rates, along with the relatively small group of subjects whose lead offenses were public order types other than drug, weapon, or motor vehicle offenses. The robbery offense group was among the largest in the study, and recidivism rates for that group were among the highest.

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. 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. Such study should include particular focus on those who appear to be successfully rehabilitated. Without insight on rehabilitative success, 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 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 2008 or 2009. 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