

# **Recidivism of Delaware Adult Sex Offenders Released from Prison in 2001**

July 2007



**State of Delaware**

**Office of Management and Budget  
Statistical Analysis Center**



Recidivism of Delaware Adult Sex Offenders Released from Prison in 2001

Prepared by the Statistical Analysis Center, Office of Management and Budget, State of  
Delaware

Authors:

Charles J. Huenke, Jr.  
John P. O'Connell  
Spencer B. Price  
Philisa J. Weidlein-Crist

State of Delaware Document Number: 100208-070604

### Acknowledgments

The Statistical Analysis Center would like to express thanks to those who contributed background research to this study. From the Delaware Criminal Justice Information System, Peggy Bell, Executive Director, John Bell, Lynn Gedney, and Deborah Sacra provided NCIC criminal history data and assisted in other areas of record reconciliation and compilation. Gail Riblett, Delaware Board of Parole, provided crucial information that had not been recorded electronically for parole clients.

This project was supported by grant # 2006-BJ-CX-K002, awarded by the Bureau of Justice Statistics, US Department of Justice. Contents of the document are the responsibility of the Delaware Statistical Analysis Center and its authors. Views or opinions expressed herein do not necessarily reflect those of the US Department of Justice.

# Table of Contents

- Introduction..... 1
  - Background..... 1
  - Delaware's Approach..... 1
- Sex Offenders Released From Prison..... 3
  - Demographics..... 3
  - Sentence Length and Time Served..... 5
  - Criminal History..... 7
- Recidivism..... 10
  - Overall Recidivism Within 3 Years..... 11
  - Recidivism by Demographic Groups..... 15
  - Recidivism by Sentence Groups..... 18
  - Comparisons to Other Offenders Released in Delaware..... 20
- Technical Notes..... 23

## List of Tables and Figures

Table 1. Demographics of sex offenders released in 2001; all offenders.....	3
Table 2. Demographics of sex offenders released in 2001; offenders with child victims...	4
Table 3. Sex offender's time sentenced and time served; all offenders.....	5
Table 4. Sex offender's time sentenced and time served; offenders with child victims.....	6
Table 5. Prior criminal record of sex offenders; all victim ages.....	7
Table 6. Prior criminal record of sex offenders; offenders with child victims.....	8
Table 7. Recidivism by conviction offense; all offenders.....	11
Table 8. Recidivism by conviction offense; offenders with child victims.....	12
Table 9. Recidivism by time after release; all victim ages.....	13
Table 10. Recidivism by time after release; offenders with child victims.....	14
Table 11. Recidivism and offender demographics; all victim ages.....	16
Table 12. Recidivism and offender demographics; offenders with child victims.....	17
Table 13. Recidivism by time served before release; all victim ages.....	18
Table 14. Recidivism by time served before release; offenders with child victims.....	19
Figure 1. Felony recidivism for selected Delaware release cohorts.....	20
Figure 2. Probation/parole violation recidivism for selected Delaware release cohorts....	21
Figure 3. Any rearrest recidivism for selected Delaware release cohorts.....	22

# Introduction

## ***Background***

In early 2006, the Justice Research and Statistics Association (JRSA) and the Bureau of Justice Statistics (BJS) initiated a project designed to improve state criminal history records through analysis. The chosen analysis topic was sex offender recidivism, and Delaware was selected as one of the participating states. The JRSA study focuses on sex offenders released from prison in 2001, and its design is modeled after a BJS study reported in *Recidivism of Sex Offenders Released from Prison in 1994*.

The BJS study measured 3-year recidivism of 9,691 sex offenders released from prisons in 15 states in 1994. It estimated that those 9,691 releases represented two-thirds of all sex offenders released nationwide that year. BJS found that within three years of release, 43 percent of the sex offenders were rearrested for at least one new crime. Rearrests for new sex offenses were quite low; 5.3 percent were rearrested for a new sex crime within three years after release from prison.

## ***Delaware's Approach***

Unlike most states, Delaware has a unified correction system rather than separate prison and jail systems. In Delaware, prison has historically been defined as an incarceration sentence of more than one year; that definition is used in this analysis. For the purpose of this analysis, a sex offender is defined as one whose prison sentence involved, either as a primary or an underlying offense, a conviction that would have required sex offender registration under Delaware law that followed the 1994 Jacob Wetterling Act. (It should be noted that some offenders in this study were not required to register because their crimes predated registration laws.)

An additional stipulation for offenders selected in this study is that the 2001 prison release was the first release for a sex offense associated with the prison sentence. Though the selection required that an offender had been serving his initial sentence for a given sex offense, it is possible that part of his incarceration term was for probation or parole violation on a previous conviction, including a prior sex offense.

There were 82 sex offenders released from Delaware prison sentences in 2001 who were initially identified as meeting the JRSA study criteria. Further analysis, however, revealed that four of the 82 released prisoners had exceptional circumstances that eliminated them from recidivism follow-up. Two were released to and remained in mental health facilities, one was released from Delaware to the custody of another state, and one was released to federal authorities and eventually deported.

Crimes that led to offenders being selected for this study spanned an eighteen-year period of significant changes in Delaware sex offense laws. Statute specificity with respect to offense and victim details has not been consistent or complete enough to reliably classify crimes without reviewing supplemental information. Obtaining such details can be a

difficult task, especially for older records, and several sources were required to fill data voids so that reported offenses and convictions were described with sufficient confidence. Original offense and arrest information were identified with as much detail as possible, but offenders were placed in one of four groups based on their **conviction offenses**.

The conviction offense groups under which prison releases are classified for this study are forcible rape, statutory rape, sexual contact, and non-contact sex offenses. Forcible rape includes any sexual penetration without the victim's consent. Statutory rape includes sexual penetration with the victim's consent, but with a victim who is too young to legally consent to such acts. Sexual contact includes any unlawful contact of a sexual nature without penetration. Non-contact sex offenses are crimes that do not involve physical contact between the offender and victim, such as child pornography, solicitation, and use of coercion or threats to induce participation in unlawful sexual acts.

Though modeled after earlier work done by BJS, this study has some notable differences. Possibly most important is that the dichotomization of rapists and sexual assaulters was avoided in the Delaware analysis. BJS made the distinction that rape always involves forcible intercourse but sexual assault never does. There is no argument here with that distinction, but detailed offense information shows that the implication that offenders sentenced to prison for sexual contact are not rapists can be misleading. Arrest charges typically provide better indications of actual crimes committed than convictions reached through plea agreements, and most offenders in this study who were sentenced for non-penetration sexual contact were originally arrested for forcible or statutory rape.

Another area where this report differs from the BJS model is in use of the classification of child molesters. The BJS report presents data for child molesters and statutory rapists as subsets of all rapists and sexual assaulters. While categorizing child molesters and statutory rapists separately, the BJS report notes that all sex offenders whose victims are children could be regarded as child molesters, including statutory rapists. This report presents data for all offenders and separate tables for offenders whose victims were children (under age 18), keeping the same offense groupings in both sets of tables.

Despite the underlying inconsistencies, tables in this report are structured to be somewhat comparable to those in the BJS report where possible. Unless otherwise noted, analogous tables are numbered to maintain correspondence between the two reports. Readers will see that many groupings in the Delaware release data result in very small samples, and sample size problems influenced decisions regarding the inclusion of certain data shown in BJS tables. An expansion of this study to multiple release years would be necessary to obtain sufficient samples within sub-categories chosen in the BJS study.



## Sex Offenders Released From Prison

Tables 1 through 6 provide demographic, sentence, and criminal history information for Delaware's 82 sex offenders released from prison in 2001 who were initially identified as meeting the JRSA criteria.

### Demographics

Prisoner Characteristic	Offense Category				
	All	Forcible Rape	Statutory Rape	Sexual Contact	Non-Contact
<b>Race</b>					
White	51.2%	61.2%	36.4%	33.3%	50.0%
Black	48.8%	38.8%	63.6%	66.7%	50.0%
<b>Ethnicity</b>					
Hispanic	6.1%	8.2%	0.0%	0.0%	25.0%
Non-Hispanic	93.9%	91.8%	100.0%	100.0%	75.0%
<b>Age at release</b>					
17-24	18.3%	22.4%	18.2%	11.1%	0.0%
25-29	14.6%	16.3%	18.2%	5.6%	25.0%
30-34	19.5%	12.2%	45.5%	27.8%	0.0%
35-39	18.3%	16.3%	18.2%	22.2%	25.0%
40-44	14.6%	16.3%	0.0%	16.7%	25.0%
45 or older	14.6%	16.3%	0.0%	16.7%	25.0%
<b>Age at release</b>					
Average	35.5	35.0	31.1	37.9	42.3
Median	34.4	34.2	32.1	36.0	40.0
Total released	82	49	11	18	4

Delaware has higher proportions of non-Hispanic and black offenders than seen in national figures compiled by BJS. The percentage of Hispanic offenders in this release group is close to 2000 census estimates for the state's general population of Hispanic males in the same age group, which is 5.9 percent. Black representation, however, is much higher than in the general state population, where black males comprise about 18.7 percent of males in this age range. Disproportionate minority representation in prison is not unique to sex offenders, and racial disparity is actually less severe among this group than in Delaware's inmate population overall. Blacks account for over 60 percent of the state's total incarcerated population.

Sex offenders released by Delaware in 2001 were slightly younger than those in the BJS 1994 study. Average and median ages differ by only about one year. In the selected age groups, the largest differences are seen in the under-25 ages (18.3 percent here versus 12.2 percent in the BJS group) and the 45 or older group (14.6 percent versus 19 percent).

Offenders in the statutory rape category are the youngest as a group among Delaware sex offenders released from prison; the maximum age in this release category was less than 38. Statutory rape was generally limited to a younger group in a relatively narrow age range. At the time of their offenses, the statutory rape group ranged from age 19 to just under 34 years; almost three-quarters were between the ages of 27 and 34. Offenders in other groups ranged from teenagers to over 63 years old, and almost one-third of them were between 34 and 63.

Table 2. Demographic characteristics of sex offenders released from prison in 2001; child victims only

Prisoner Characteristic	Offense Category				
	All	Forcible Rape	Statutory Rape	Sexual Contact	Non-Contact
<b>Race</b>					
White	56.1%	65.8%	36.4%	42.9%	66.7%
Black	43.9%	34.2%	63.6%	57.1%	33.3%
<b>Ethnicity</b>					
Hispanic	4.5%	5.3%	0.0%	0.0%	33.3%
Non-Hispanic	95.5%	94.7%	100.0%	100.0%	66.7%
<b>Age at release</b>					
17-24	19.7%	23.7%	18.2%	14.3%	0.0%
25-29	15.2%	15.8%	18.2%	7.1%	33.3%
30-34	19.7%	10.5%	45.5%	28.6%	0.0%
35-39	19.7%	18.4%	18.2%	21.4%	33.3%
40-44	12.1%	15.8%	0.0%	14.3%	0.0%
45 or older	13.6%	15.8%	0.0%	14.3%	33.3%
<b>Age at release</b>					
Average	35.0	35.0	31.1	37.0	41.4
Median	34.2	35.0	32.1	34.9	35.2
Total released	66	38	11	14	3

A striking difference between Delaware and BJS data shown in Tables 1 and 2 is that offenders in this study appear to have a much higher rate of child victimization. In the BJS report, 44.3 percent of the sex offenders released from prison in 1994 were identified as child molesters. Of Delaware's 82 sex offenders released from prison in 2001, the associated sex offense involved a child victim in 80.5 percent of the cases. That figure is consistent with recent Delaware arrest statistics, which show that children are victims in 75 to 80 percent of sex offense arrest cases.

## Sentence Length and Time Served

Time sentenced measures in Tables 3 and 4 show total time sentenced and time sentenced for new sex offenses. Total time sentenced counts all uninterrupted incarceration time for the stay from which each offender was released in 2001. It can include time for charges not related to a sex offense, and can also include recommitment for probation or parole violations from previous convictions for any crimes.

Delaware differs from many states in that its law prohibits concurrent sentences of confinement. Since incarceration time for multiple charges is served consecutively, total sentence time here refers to the aggregate of terms for all charges in a sentence resulting in commitment and any additional sentences prior to release.

Sentence Characteristic	Offense Category				
	All	Forcible Rape	Statutory Rape	Sexual Contact	Non-Contact
<b>Total time sentenced (months)</b>					
Average	79.2	104.7	37.1	42.9	45.8
Median	40.5	60.0	36.0	36.0	36.0
<b>Time sentenced for new sex offenses (months)</b>					
Average	67.7	97.4	26.0	20.2	32.3
Median	30.0	60.0	24.0	24.0	16.5
<b>Total time served (months)</b>					
Average	55.5	70.8	31.6	35.9	22.9
Median	36.0	52.8	32.3	31.9	17.9
<b>Percent who served</b>					
>12 - 18 months	14.6%	16.3%	9.1%	5.6%	50.0%
>18 - 24	13.4%	10.2%	9.1%	22.2%	25.0%
>24 - 30	8.5%	6.1%	18.2%	11.1%	0.0%
>30 - 36	14.6%	6.1%	36.4%	27.8%	0.0%
>36 - 60	19.5%	16.3%	27.3%	22.2%	25.0%
>60 months	29.3%	44.9%	0.0%	11.1%	0.0%
Total released	82	49	11	18	4

It is important to note that, though sentences are grouped by conviction offenses, original charges can influence sentence lengths. For example, most offenders (13 out of 18) in the sexual contact study group were initially charged with rape (10) or statutory rape (3). Plea agreements with relatively harsh sentences for sexual contact are bargains for offenders facing much longer terms for rape. Sentence statistics for sexual contact

offenses can be misleading. In fact, with occasional exceptions for repeat offenders, prison sentences are rare in cases of sexual contact without penetration.

Table 4. Time sentenced and time served for sex offenders released in 2001; child victims only

Sentence Characteristic	Offense Category				
	All	Forcible Rape	Statutory Rape	Sexual Contact	Non-Contact
<b>Total time sentenced (months)</b>					
Average	74.4	98.6	37.1	44.7	45.0
Median	40.5	60.0	36.0	36.0	24.0
<b>Time sentenced for new sex offenses (months)</b>					
Average	67.2	97.9	26.0	21.2	43.0
Median	36.0	60.0	24.0	24.0	24.0
<b>Total time served (months)</b>					
Average	52.4	67.1	31.6	36.7	16.0
Median	36.0	53.2	32.3	32.6	13.8
<b>Percent who served</b>					
>12 - 18 months	15.2%	15.8%	9.1%	7.1%	66.7%
>18 - 24	13.6%	10.5%	9.1%	21.4%	33.3%
>24 - 30	6.1%	5.3%	18.2%	0.0%	0.0%
>30 - 36	16.7%	5.3%	36.4%	35.7%	0.0%
>36 - 60	18.2%	15.8%	27.3%	21.4%	0.0%
>60 months	30.3%	47.4%	0.0%	14.3%	0.0%
Total released	66	38	11	14	3

More than 92 percent of offenders in this study were sentenced after Delaware's Truth in Sentencing Act of 1989, which eliminated most parole and reduced good time credits. Truth in Sentencing (TIS) reduced the severity of many offenses, and thereby shortened maximum sentences in many cases. While appearing to require offenders to serve nearly all of their stated sentence terms, the actual intended effect was that, for similar crimes, offenders would serve about the same amount of time under TIS as would have been served before being paroled under previous law.

In TIS sentences, offenders typically serve about 85 to 90 percent (an average of 86.5 percent for this study group) of unsuspended portions of their sentences before release with good time credits. By contrast, the six non-TIS offenders in this study served an average of 50.1 percent of their unsuspended sentences before release. With suspended time taken into account, both TIS and non-TIS offenders probably have an average of about 60 percent of their sentence time remaining at release.

## Criminal History

Prior criminal record measures in the following tables are more limited than those in the BJS report. Data availability and reliability of older records affected choices of measures displayed here. Crime details, conviction, and incarceration data are not readily available or can be unreliable for records from the mid-1980s and earlier. A significant portion of offenders in this study are old enough to create uncertainty regarding the completeness of electronic criminal histories; 29.3 percent reached adulthood before 1980.

Prior to the sex crime for which imprisoned	Offense Category				
	All	Forcible Rape	Statutory Rape	Sexual Contact	Non-Contact
<b>Percent with at least one prior arrest:</b>					
For any crime	84.1%	79.6%	90.9%	94.4%	75.0%
For any sex offense	26.8%	20.4%	9.1%	55.6%	25.0%
In a jurisdiction other than Delaware	32.9%	26.5%	54.5%	38.9%	25.0%
<b>Number of prior arrests for any crime</b>					
Average	8.2	6.0	15.0	10.9	4.0
Median	7.0	5.0	13.0	11.0	4.0
Total released	82	49	11	18	4

Note: Due to factors such as offender activity that predates automated information systems data collection, criminal records are probably underrepresented by available data. Prior arrests for sex offenses against children are not presented here due to lack of details in criminal history data. Prior conviction and incarceration data are not presented in this table as those data are believed to be too incomplete to be reasonably representative.

An area of interest in criminal histories of this group is that almost one third of them were found to have arrest activity in other jurisdictions prior to the Delaware arrest that led to the prison stay for their 2001 release. Given the state's small size and easy access to other states, it is not unusual to encounter offenders in Delaware with criminal records elsewhere, but the extent of activity for this group was somewhat surprising. It is not known if levels of multi-state criminal history would be similar for non-sex offenders.

Tables 5 and 6 show a generally high level of criminal involvement for most groups of sex offenders released from prison in 2001. The percentages of offenders with at least one prior arrest for any crime and any sex offense are close to those in the BJS report, but offenders in this study have considerably more prior arrests overall. This could be due, at least in part, to more thorough arrest records as electronic information systems have

developed. There could also be differences in crime types that were counted in each study.

In general prior arrests are counted here only if they involve crimes which are punishable by a term of incarceration. Common traffic violations are excluded (though some repeat offenders can be jailed), but serious motor vehicle offenses, such as driving under the influence, driving during license revocation, and leaving the scene of an accident, are included. Probation and parole violations are not included in prior arrests for these tables.

Table 6. Prior criminal record of sex offenders released from prison in 2001; child victims only

Prior to the sex crime for which imprisoned	Offense Category				
	All	Forcible Rape	Statutory Rape	Sexual Contact	Non-Contact
<b>Percent with at least one prior arrest:</b>					
For any crime	80.3%	73.7%	90.9%	92.9%	66.7%
For any sex offense	21.2%	13.2%	9.1%	57.1%	0.0%
In a jurisdiction other than Delaware	30.3%	26.3%	54.5%	28.6%	0.0%
<b>Number of prior arrests for any crime</b>					
Average	7.6	4.9	15.0	10.2	2.7
Median	6.0	3.0	13.0	10.5	1.0
Total released	66	38	11	14	3

Note: Due to factors such as offender activity that predates automated information systems data collection, criminal records are probably underrepresented by available data. Prior arrests for sex offenses against children are not presented here due to lack of details in criminal history data. Prior conviction and incarceration data are not presented in this table as those data are believed to be too incomplete to be reasonably representative.

Offenders in the statutory rape and sexual contact groups appear to be the most criminally active among sex offenders released from prison. For the statutory rape group, however, sex offenses evidently account for a smaller portion of their overall activity than for other groups. Only 9.1 percent were found to have a prior sex offense arrest. Among non-sex offenses appearing most frequently in statutory rape offenders' histories are theft (82 percent of the group), assault (73 percent), and drug sales (55 percent).

Independent of any possible recidivism after their 2001 prison releases, high levels of repeat sex offenses are already indicated among this cohort of Delaware sex offenders. Overall, more than one-quarter were arrested for a sex offense prior to the one that led to this prison stay. Among offenders whose victims were less than 18 years old, just over

21 percent had been previously arrested for a sex offense. For offenders with adult victims, half had at least one prior sex offense arrest.

The sexual contact group has the highest likelihood of prior sex offenses, with over 55 percent having at least one sex crime arrest prior to the imprisonment offense. This reflects the fact that, except for repeat sex offenders, lengthy incarceration for sexual contact itself is unlikely. Recall also that this group includes those who plea from more serious crimes to avoid longer sentences. As stated earlier, about 72 percent of those whose prison sentences involved sexual contact were originally charged with forcible or statutory rape.

## Recidivism

The primary measure of recidivism used in this study is rearrest within three years of each offender's 2001 prison release. It should be clear that the absence of a rearrest does not guarantee an absence of criminal relapse. There could be offender activity that never comes to the attention of authorities, and even if there is known criminal activity within three years, reporting or investigation delays could push an arrest beyond the three year tracking period.

On the other hand, rearrest is not necessarily a conclusive indicator of offender relapse. When an arrest results in conviction, however, there is added assurance that the arrest reflects an offender's criminal involvement. Rearrests that were counted as recidivism events were also traced to identify convictions; rearrest resulting in conviction is used as an additional recidivism measure. Any reference to conviction as a recidivism measure in this study is based on when the underlying arrest occurred rather than the time to conviction itself. The objective is to capture the most reliable indicators of offender behavior and to try to isolate those indicators from issues of criminal justice system efficiency.

Thresholds of return to correctional custody are also used as recidivism measures in this study, but Delaware's unified correction system and complex sentencing practices add confusion to this already murky area. Any readmissions to custody in Delaware, whether in pretrial detention or sentenced status, are to state facilities. Readmission to prison refers only to sentences to incarceration terms greater than one year, but those terms can be aggregates of sentences from any authority, and can include on any combination of new crimes and probation or parole violations.

Tables 7 through 14 show recidivism data for 78 offenders tracked for rearrests in and outside Delaware since being released from prison in 2001. Four of the 82 released sex offenders initially identified were eliminated from recidivism tracking due to follow-on custody. (Fortunately they were in the two largest crime groups; two were whites in the forcible rape group, and two were blacks in the sexual contact group.) Two of those four were released to mental health facilities, one was deported, and one was released to another state. As far as could be determined, none of the four had an opportunity to commit a new offense in a non-custodial setting in the US during the tracking period.

As with criminal history, arrests for new offenses were counted if the underlying crimes were punishable by incarceration. The same exclusions for common traffic violations apply here. In contrast to prior offense counts, probation and parole violations are counted as recidivism events and are shown as a separate measure.

Probation and parole violations, while not necessarily associated with new crimes here, are important indicators of offenders engaging in high risk behavior. Sex offenders often have stringent community supervision conditions with low tolerance for non-compliance. Violations that might be considered technical are likely to result in incarceration, as close supervision is intended to reduce the risk of new offenses.



## Overall Recidivism Within 3 Years

Among the four selected groups, offenders in the forcible rape group were least likely to be rearrested within three years of release. This is the case for new crimes and probation or parole violations. It was in the forcible rape group alone, however, that any new sex offense arrests occurred within three years of release from prison.

Recidivism Measure	Offense Category				
	All	Forcible Rape	Statutory Rape	Sexual Contact	Non-Contact
<b>Within 3 years after release, percent who were:</b>					
Rearrested for violation of probation or parole	57.7%	51.1%	63.6%	68.8%	75.0%
Rearrested for any new felony	32.1%	27.7%	45.5%	37.5%	25.0%
Rearrested for any new felony or misdemeanor	55.1%	46.8%	72.7%	62.5%	75.0%
Rearrested for any new sex offense	3.8%	6.4%	0.0%	0.0%	0.0%
Rearrested for any new crime or violation of probation/parole	71.8%	59.6%	90.9%	87.5%	100.0%
Rearrested for a new crime or violation of probation/parole resulting in conviction	67.9%	55.3%	81.8%	87.5%	100.0%
Readmitted to full custody for detention or sentence	60.3%	51.1%	63.6%	81.3%	75.0%
Readmitted to prison (> 1 year) sentence	16.7%	17.0%	9.1%	25.0%	0.0%
<i>Total tracked from release*</i>	<i>78</i>	<i>47</i>	<i>11</i>	<i>16</i>	<i>4</i>

\* 82 sex offenders were initially identified as released from prison sentences in 2001. Four were subsequently excluded from recidivism tracking due to their post-release situations. Of those four, two were released to and remained in mental health facilities, one was deported, and one was released to and apparently remained in custody in other jurisdictions (state and federal).

The three years following release show offenders in the statutory rape and sexual contact groups continuing the high levels of criminal activity indicated by their pre-2001 history. Of the 27 individuals in the two groups, two-thirds were rearrested for new crimes, and 40.7 percent had at least one new felony arrest within three years. Considering violations of probation or parole and new crimes, barely 11 percent of the combined statutory rape and sexual contact groups remained arrest free for three years after release.

Though the sexual contact group had the highest percentage of offenders readmitted to prison, offenders in the forcible rape group were slightly more likely to be resentenced to prison for a reconviction in the three year tracking period. Four of the fourteen sexual contact offenders who were reconvicted of a new crime or probation/parole violation

were readmitted to prison, while eight of the 26 reconvicted forcible rape offenders received new prison sentences.

Table 8. Recidivism rate of sex offenders released from prison in 2001, by recidivism measure and conviction offense category; child victims only

Recidivism Measure	Offense Category				
	All	Forcible Rape	Statutory Rape	Sexual Contact	Non-Contact
<b>Within 3 years after release, percent who were:</b>					
Rearrested for violation of probation or parole	55.4%	45.9%	63.6%	71.4%	66.7%
Rearrested for any new felony	29.2%	24.3%	45.5%	35.7%	0.0%
Rearrested for any new felony or misdemeanor	52.3%	40.5%	72.7%	64.3%	66.7%
Rearrested for any new sex offense	1.5%	2.7%	0.0%	0.0%	0.0%
Rearrested for any new crime or violation of probation/parole	69.2%	54.1%	90.9%	85.7%	100.0%
Rearrested for a new crime or violation of probation/parole resulting in reconviction	64.6%	48.6%	81.8%	85.7%	100.0%
Readmitted to full custody for detention or sentence	56.9%	45.9%	63.6%	78.6%	66.7%
Readmitted to prison (> 1 year) sentence	13.8%	10.8%	9.1%	28.6%	0.0%
<i>Total tracked from release*</i>	<i>65</i>	<i>37</i>	<i>11</i>	<i>14</i>	<i>3</i>

\* 66 sex offenders whose victims were juveniles were initially identified as released from prison sentences in 2001. One was subsequently excluded from recidivism tracking due to deportation shortly after release.

Overall, offenders whose victims were children were less likely than those with adult victims to be rearrested, reconvicted, or readmitted to custody within three years. Using the measure of rearrest for any new crime or violation of probation/parole, the three-year recidivism rate for offenders with adult victims was 84.6 percent, compared to 69.2 percent for offenders with child victims.

Tables 9 and 10 show that most of the three-year recidivism events occur with the first two years after release. Rearrest activity is most intense in the six to twelve month at-risk window, with 28.2 percent of all offenders rearrested in that period. By the end of their second year at risk, almost two-thirds of all offenders had been rearrested for a new crime or probation/parole violation. Less than ten percent of the rearrest recidivism occurred in the third year.

Aside from the non-contact group of four offenders, the sexual contact group had the highest first-year recidivism rates, with 37.5 percent rearrested in their first six months and another 25 percent rearrested in the second six months following release.

Table 9. Recidivism rate of sex offenders released from prison in 2001, by type of rearrest, type of sex offender, and time after release; all victim ages

Time after 2001 release	Cumulative percent of offenders rearrested				
	All	Forcible Rape	Statutory Rape	Sexual Contact	Non-Contact
<b>Rearrested for violation of probation or parole within:</b>					
6 months	17.9%	8.5%	27.3%	37.5%	25.0%
1 year	42.3%	34.0%	45.5%	62.5%	50.0%
2 years	55.1%	46.8%	63.6%	68.8%	75.0%
3 years	57.7%	51.1%	63.6%	68.8%	75.0%
<b>Rearrested for any new felony within:</b>					
6 months	5.1%	4.3%	9.1%	6.3%	0.0%
1 year	11.5%	12.8%	9.1%	12.5%	0.0%
2 years	25.6%	23.4%	36.4%	25.0%	25.0%
3 years	32.1%	27.7%	45.5%	37.5%	25.0%
<b>Rearrested for any new crime within:</b>					
6 months	10.3%	4.3%	18.2%	25.0%	0.0%
1 year	26.9%	21.3%	27.3%	37.5%	50.0%
2 years	46.2%	38.3%	54.5%	56.3%	75.0%
3 years	55.1%	46.8%	72.7%	62.5%	75.0%
<b>Rearrested for violation of probation or parole or any new crime within:</b>					
6 months	19.2%	10.6%	27.3%	37.5%	25.0%
1 year	47.4%	38.3%	54.5%	62.5%	75.0%
2 years	65.4%	53.2%	81.8%	81.3%	100.0%
3 years	71.8%	59.6%	90.9%	87.5%	100.0%
<i>Total tracked from release*</i>	78	47	11	16	4

\* 82 sex offenders were initially identified as released from prison sentences in 2001. Four were subsequently excluded from recidivism tracking due to their post-release situations. Of those four, two were released to and remained in mental health facilities, one was deported, and one was released to and apparently remained in custody in other jurisdictions (state and federal).

Table 10. Recidivism rate of sex offenders released from prison in 2001, by type of rearrest, type of sex offender, and time after release; child victims only

Time after 2001 release	Cumulative percent of offenders rearrested				
	All	Forcible Rape	Statutory Rape	Sexual Contact	Non-Contact
<b>Rearrested for violation of probation or parole within:</b>					
6 months	18.5%	5.4%	27.3%	42.9%	33.3%
1 year	41.5%	27.0%	45.5%	71.4%	66.7%
2 years	52.3%	40.5%	63.6%	71.4%	66.7%
3 years	55.4%	45.9%	63.6%	71.4%	66.7%
<b>Rearrested for any new felony within:</b>					
6 months	4.6%	2.7%	9.1%	7.1%	0.0%
1 year	9.2%	8.1%	9.1%	14.3%	0.0%
2 years	24.6%	21.6%	36.4%	28.6%	0.0%
3 years	29.2%	24.3%	45.5%	35.7%	0.0%
<b>Rearrested for any new crime within:</b>					
6 months	10.8%	2.7%	18.2%	28.6%	0.0%
1 year	26.2%	16.2%	27.3%	42.9%	66.7%
2 years	44.6%	35.1%	54.5%	57.1%	66.7%
3 years	52.3%	40.5%	72.7%	64.3%	66.7%
<b>Rearrested for violation of probation or parole or any new crime within:</b>					
6 months	20.0%	8.1%	27.3%	42.9%	33.3%
1 year	47.7%	32.4%	54.5%	71.4%	100.0%
2 years	63.1%	48.6%	81.8%	78.6%	100.0%
3 years	69.2%	54.1%	90.9%	85.7%	100.0%
<i>Total tracked from release*</i>	65	37	11	14	3

\* 66 sex offenders whose victims were juveniles were initially identified as released from prison sentences in 2001. One was subsequently excluded from recidivism tracking due to deportation shortly after release.

## ***Recidivism by Demographic Groups***

Demographic subdivisions like those used in the BJS study result in numerous cells with small sample problems in Delaware's 2001 prison release cohort. Sample size issues should be kept in mind when viewing Tables 11 and 12. For example, recidivism rates for any rearrest are 100 percent for whites in the statutory rape group and for whites and blacks in the non-contact group. Sample sizes for those subgroups are four, two, and two, respectively.

Overall recidivism appears to be higher for blacks than whites. By age at release, the highest recidivism rate for all groups combined is in the 25 to 29 year-old range at 83.3 percent, but most other ages are close at around 75 percent. Combined new crime and probation/parole recidivism remains high throughout all age groups except 45 and older, where it drops to 40 percent.

Table 11. Recidivism rate of sex offenders released from prison in 2001, by type of rearrest, type of sex offender, and offender demographics; all victim ages

Type of rearrest and offender demographic characteristic	Percent of offenders rearrested within 3 years of release				
	All	Forcible Rape	Statutory Rape	Sexual Contact	Non-Contact
<b>Violation of probation or parole</b>					
<b>Race</b>					
White	52.5%	42.9%	100.0%	66.7%	50.0%
Black	63.2%	63.2%	42.9%	70.0%	100.0%
<b>Age at release</b>					
17-24	71.4%	60.0%	100.0%	100.0%	n/a
25-29	66.7%	62.5%	50.0%	100.0%	100.0%
30-34	56.3%	66.7%	60.0%	40.0%	n/a
35-39	57.1%	37.5%	50.0%	100.0%	100.0%
40-44	58.3%	50.0%	n/a	66.7%	100.0%
45 or older	30.0%	28.6%	n/a	50.0%	0.0%
<b>Any new crime</b>					
<b>Race</b>					
White	47.5%	39.3%	75.0%	50.0%	100.0%
Black	63.2%	57.9%	71.4%	70.0%	50.0%
<b>Age at release</b>					
17-24	57.1%	40.0%	100.0%	100.0%	n/a
25-29	75.0%	62.5%	100.0%	100.0%	100.0%
30-34	62.5%	50.0%	60.0%	80.0%	n/a
35-39	50.0%	50.0%	50.0%	66.7%	0.0%
40-44	50.0%	50.0%	n/a	33.3%	100.0%
45 or older	30.0%	28.6%	n/a	0.0%	100.0%
<b>Violation of probation or parole or any new crime</b>					
<b>Race</b>					
White	65.0%	53.6%	100.0%	83.3%	100.0%
Black	78.9%	68.4%	85.7%	90.0%	100.0%
<b>Age at release</b>					
17-24	71.4%	60.0%	100.0%	100.0%	n/a
25-29	83.3%	75.0%	100.0%	100.0%	100.0%
30-34	75.0%	66.7%	80.0%	80.0%	n/a
35-39	78.6%	62.5%	100.0%	100.0%	100.0%
40-44	75.0%	62.5%	n/a	100.0%	100.0%
45 or older	40.0%	28.6%	n/a	50.0%	100.0%
<i>Total tracked from release*</i>	78	47	11	16	4

\* 82 sex offenders were initially identified as released from prison sentences in 2001. Four were subsequently excluded from recidivism tracking due to their post-release situations. Of those four, two were released to and remained in mental health facilities, one was deported, and one was released to and apparently remained in custody in other jurisdictions (state and federal).

Table 12. Recidivism rate of sex offenders released from prison in 2001, by type of rearrest, type of sex offender, and offender demographics; child victims only

Type of rearrest and offender demographic characteristic	Percent of offenders rearrested within 3 years of release				
	All	Forcible Rape	Statutory Rape	Sexual Contact	Non-Contact
<b>Violation of probation or parole</b>					
<b>Race</b>					
White	50.0%	37.5%	100.0%	66.7%	50.0%
Black	62.1%	61.5%	42.9%	75.0%	100.0%
<b>Age at release</b>					
17-24	75.0%	62.5%	100.0%	100.0%	n/a
25-29	60.0%	50.0%	50.0%	100.0%	100.0%
30-34	61.5%	75.0%	60.0%	50.0%	n/a
35-39	53.8%	28.6%	50.0%	100.0%	100.0%
40-44	50.0%	50.0%	n/a	50.0%	n/a
45 or older	22.2%	16.7%	n/a	50.0%	0.0%
<b>Any new crime</b>					
<b>Race</b>					
White	47.2%	37.5%	75.0%	50.0%	100.0%
Black	58.6%	46.2%	71.4%	75.0%	0.0%
<b>Age at release</b>					
17-24	58.3%	37.5%	100.0%	100.0%	n/a
25-29	70.0%	50.0%	100.0%	100.0%	100.0%
30-34	61.5%	50.0%	60.0%	75.0%	n/a
35-39	53.8%	57.1%	50.0%	66.7%	0.0%
40-44	37.5%	33.3%	n/a	50.0%	n/a
45 or older	22.2%	16.7%	n/a	0.0%	100.0%
<b>Violation of probation or parole or any new crime</b>					
<b>Race</b>					
White	63.9%	50.0%	100.0%	83.3%	100.0%
Black	75.9%	61.5%	85.7%	87.5%	100.0%
<b>Age at release</b>					
17-24	75.0%	62.5%	100.0%	100.0%	n/a
25-29	80.0%	66.7%	100.0%	100.0%	100.0%
30-34	76.9%	75.0%	80.0%	75.0%	n/a
35-39	76.9%	57.1%	100.0%	100.0%	100.0%
40-44	62.5%	50.0%	n/a	100.0%	n/a
45 or older	33.3%	16.7%	n/a	50.0%	100.0%
<i>Total tracked from release*</i>	65	37	11	14	3

\* 66 sex offenders whose victims were juveniles were initially identified as released from prison sentences in 2001. One was subsequently excluded from recidivism tracking due to deportation shortly after release.

## Recidivism by Sentence Groups

As with demographic subdivisions, sentence group splits shown in Tables 13 and 14 result in subgroups with small samples.

Type of rearrest and time served in prison before 2001 release	Percent of offenders rearrested within 3 years of release				
	All	Forcible Rape	Statutory Rape	Sexual Contact	Non-Contact
<b>Violation of probation or parole</b>					
<b>Time served in prison</b>					
>12 - 18 months	66.7%	62.5%	0.0%	100.0%	100.0%
>18 - 24	50.0%	40.0%	0.0%	100.0%	0.0%
>24 - 30	66.7%	50.0%	100.0%	50.0%	n/a
>30 - 36	66.7%	100.0%	50.0%	60.0%	n/a
>36 - 60	46.7%	25.0%	100.0%	33.3%	100.0%
>60 months	56.5%	52.4%	n/a	100.0%	n/a
<b>Any new crime</b>					
<b>Time served in prison</b>					
>12 - 18 months	50.0%	50.0%	0.0%	100.0%	50.0%
>18 - 24	70.0%	40.0%	100.0%	100.0%	100.0%
>24 - 30	66.7%	50.0%	100.0%	50.0%	n/a
>30 - 36	58.3%	66.7%	75.0%	40.0%	n/a
>36 - 60	66.7%	50.0%	66.7%	100.0%	100.0%
>60 months	39.1%	42.9%	n/a	0.0%	n/a
<b>Violation of probation or parole or any new crime</b>					
<b>Time served in prison</b>					
>12 - 18 months	66.7%	62.5%	0.0%	100.0%	100.0%
>18 - 24	70.0%	40.0%	100.0%	100.0%	100.0%
>24 - 30	83.3%	50.0%	100.0%	100.0%	n/a
>30 - 36	83.3%	100.0%	100.0%	60.0%	n/a
>36 - 60	73.3%	50.0%	100.0%	100.0%	100.0%
>60 months	65.2%	61.9%	n/a	100.0%	n/a
<i>Total tracked from release*</i>	78	47	11	16	4

\* 82 sex offenders were initially identified as released from prison sentences in 2001. Four were subsequently excluded from recidivism tracking due to their post-release situations. Of those four, two were released to and remained in mental health facilities, one was deported, and one was released to and apparently remained in custody in other jurisdictions (state and federal).



For any rearrest, there is a slight recidivism peak in the 24 to 36 month sentence range overall, but there is more fluctuation for offenders with child victims. Rearrests for new crimes fall off rather sharply in the over-60-month sentence group, but probation or parole violations bring the overall recidivism rate for that group closer to the others.

Table 14. Recidivism rate of sex offenders released from prison in 2001, by type of rearrest, type of sex offender, and time served before release; child victims only

Type of rearrest and time served in prison before 2001 release	Percent of offenders rearrested within 3 years of release				
	All	Forcible Rape	Statutory Rape	Sexual Contact	Non-Contact
<b>Violation of probation or parole</b>					
<b>Time served in prison</b>					
>12 - 18 months	70.0%	66.7%	0.0%	100.0%	100.0%
>18 - 24	55.6%	50.0%	0.0%	100.0%	0.0%
>24 - 30	66.7%	0.0%	100.0%	n/a	n/a
>30 - 36	63.6%	100.0%	50.0%	60.0%	n/a
>36 - 60	41.7%	16.7%	100.0%	33.3%	n/a
>60 months	50.0%	44.4%	n/a	100.0%	n/a
<b>Any new crime</b>					
<b>Time served in prison</b>					
>12 - 18 months	50.0%	50.0%	0.0%	100.0%	50.0%
>18 - 24	77.8%	50.0%	100.0%	100.0%	100.0%
>24 - 30	66.7%	0.0%	100.0%	n/a	n/a
>30 - 36	54.5%	50.0%	75.0%	40.0%	n/a
>36 - 60	58.3%	33.3%	66.7%	100.0%	n/a
>60 months	35.0%	38.9%	n/a	0.0%	n/a
<b>Violation of probation or parole or any new crime</b>					
<b>Time served in prison</b>					
>12 - 18 months	70.0%	66.7%	0.0%	100.0%	100.0%
>18 - 24	77.8%	50.0%	100.0%	100.0%	100.0%
>24 - 30	66.7%	0.0%	100.0%	n/a	n/a
>30 - 36	81.8%	100.0%	100.0%	60.0%	n/a
>36 - 60	66.7%	33.3%	100.0%	100.0%	n/a
>60 months	60.0%	55.6%	n/a	100.0%	n/a
<i>Total tracked from release*</i>	65	37	11	14	3

\* 66 sex offenders whose victims were juveniles were initially identified as released from prison sentences in 2001. One was subsequently excluded from recidivism tracking due to deportation shortly after release.

## Comparisons to Other Offenders Released in Delaware

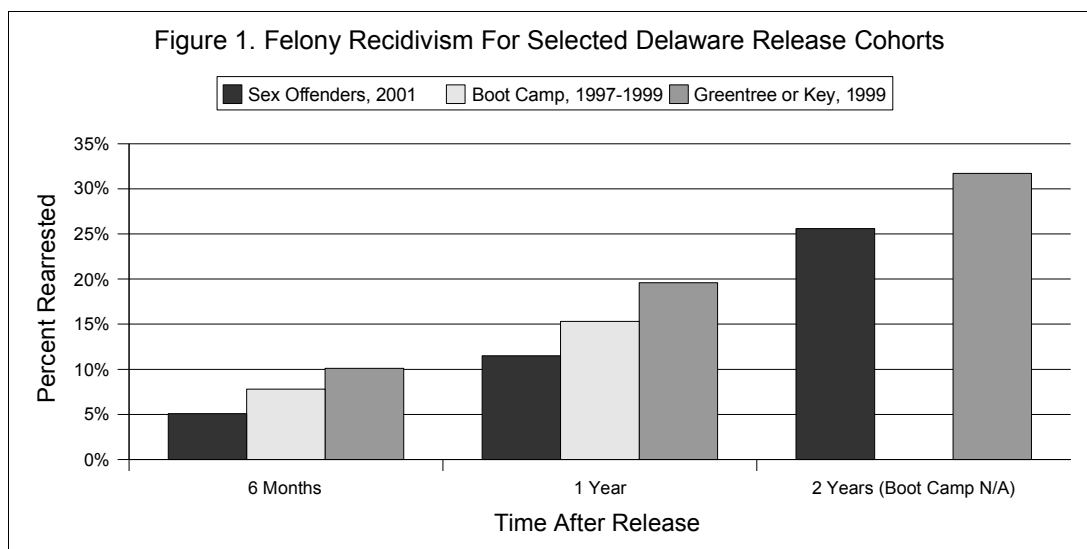
There was no comparison group drawn for this study, but previous recidivism studies in Delaware offer some insight into how sex offender rearrest rates compare with other offenders under high levels of scrutiny after release from incarceration.

One study, reported in *Delaware's Adult Boot Camp, May 2001*, tracked 255 offenders for 18 months after release from Delaware's Boot Camp in late 1997 to late 1999. The Boot Camp is a six month military-type program designed, according to legislation, to “provide for the re-structuring of behavior through a highly-regimented routine of physical exercise, hard work, continued education, and substance abuse therapy.”

Boot Camp, which started in early 1997, was originally intended as a shock incarceration alternative to prison for low-level non-violent felons. Sparse candidate rosters, however, necessitated quick expansion of eligibility to less than ideal clientele. Certain provisions exclude many sex offenders, but some occasionally participate in the program. A recent update of the previous study showed that in a two-year period less than 1.5 percent of clients entering Boot Camp were registered sex offenders.

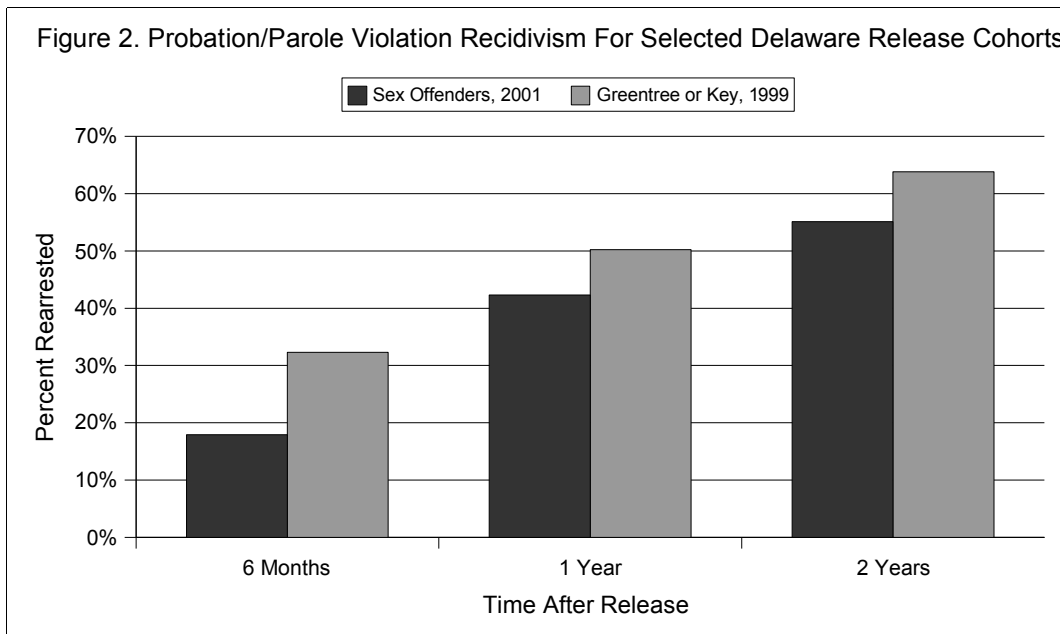
Another study, reported in *Sentencing Trends and Correctional Treatment in Delaware, April, 2002*, tracked 511 offenders for two years after release in 1999 from one of two programs, Greentree or Key. Those two programs are designed to provide intensive life skills training and substance abuse treatment to inmates serving prison terms of generally at least 18 months. They typically serve clients with more serious or substantial criminal histories than those in Boot Camp. As with Boot Camp and sex offenders, Greentree and Key clients are usually under intensive supervision upon release to the community.

The Boot Camp and Greentree/Key recidivism studies used different rearrest measures than used in this study, but some data are suitable for comparison. Felony rearrest rates, which were the only measures common to all three studies, are shown in Figure 1.



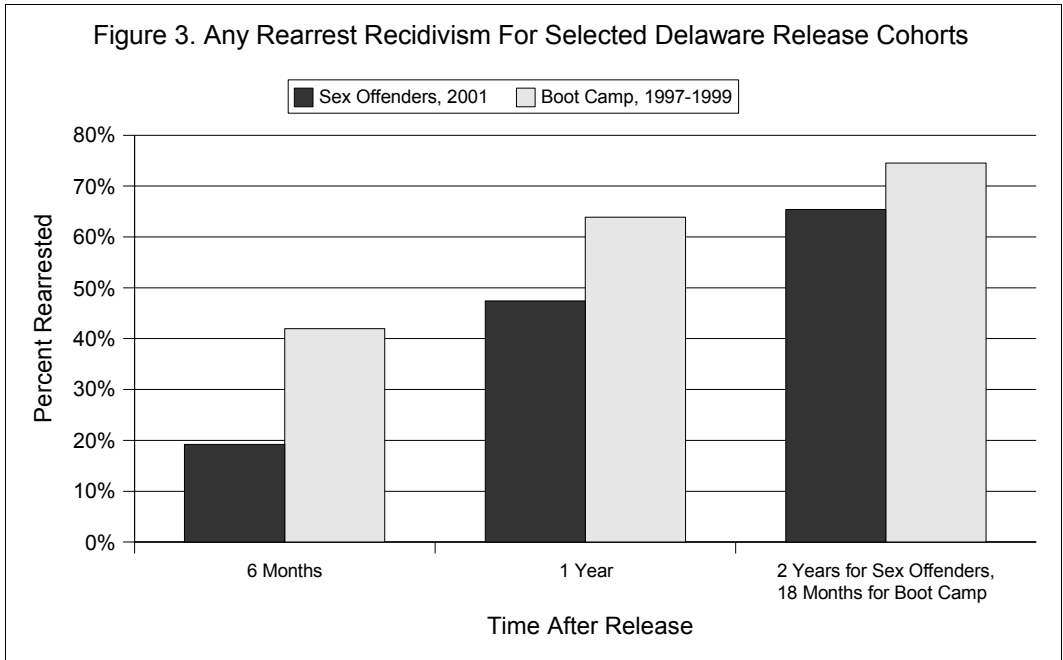
Six-month and one-year felony recidivism rates for sex offenders are considerably lower than for the Boot Camp and Greentree/Key groups. Boot Camp tracking ended at 18 months, but the full group of 255 offenders in that study did not reach 18 months at risk during the follow-up period. The first 199 Boot Camp offenders to cross the 18 month at-risk threshold had a 26.6 percent felony rearrest rate at that point, so trends of the six-month and one-year columns in Figure 1 would probably continue to the two-year mark.

Probation violations are available as a separate measure from the Greentree/Key study, but not from the Boot Camp study. Figure 2 compares sex offender and Greentree/Key rearrest rates for probation or parole violations within two years of release. As with felony rearrests, probation violations are consistently higher for Greentree/Key clients than for sex offenders. It is unlikely that higher Greentree/Key violation rates could be attributed to supervision intensity alone, as sex offenders are also typically subjected to strict community supervision terms after release.



Many Boot Camp clients have their sentences reduced significantly if they successfully complete the program, including its community supervision aftercare component. Failure to comply with post-release supervision can result in return to prison to complete the full original term. Expectations are that Boot Camp graduates would be highly motivated to remain arrest-free, especially during the first 18 months after release.

One Boot Camp recidivism measure was any rearrest for a new crime or violation of probation. The comparable measure for sex offenders included parole violations (due to older cases for some sex offenders), but that difference is insignificant here. Time frames were different for the two groups, but as seen in Figure 3, Boot Camp offenders at the 18-month mark have already exceeded the 2-year recidivism rate for sex offenders. In fact, sex offenders did not even reach the 18-month Boot Camp rate at the 3-year mark.



Boot Camp and Greentree/Key clients provide a reasonable representation of offenders who would typically receive low to mid-range prison sentences. While magnitudes of differences would differ, the general trends observed in the previous comparisons would probably hold for samples of similarly-situated prisoners released from Delaware.

## Technical Notes

Delaware has a unified correction system, so its correctional facilities house a mix of clients in detained or sentenced statuses. Prison populations are not identified by where inmates are housed or by what court they were sentenced. Delaware inmates are labeled as prisoners if they are sentenced to a total incarceration term of greater than one year. The total incarceration term can be from an aggregate of any number of sentences in any number of courts. Time is aggregated from any sentence events that occur between the earliest committing sentence to the time of release. Delaware incarceration terms may not be served concurrently, but probation terms may.

Difficulties have been encountered in the development and maintenance of a correctional information system that accommodates Delaware's complex sentencing structure and tracks clients' administrative and physical movements. As a result, the state is left with correction system records in far less than ideal research condition. Questions involving who is serving how much time and for what charges are in fact virtually impossible to answer directly using information captured by and stored in the existing system.

Identification of the 82 sex offenders released from prison in 2001 for this study involved multiple facets and stages of record selection and review designed to minimize subject omissions within a manageable scope of effort. Record searches were not exhaustive, so there remains some possibility that the selection was incomplete. The 82 sex offenders were selected from a pool of over 1,300 prison releases.

Given ages of some offenders relative to electronic information systems, criminal history is probably underrepresented for subjects in this study. Statistics selected for this study were chosen largely for the purpose of comparison to data presented by BJS in its report on 1994 prison releases. For some measures, however, there was no attempt made to collect certain data because of prior knowledge of general shortcomings. Two areas, for example, are prior conviction and prior victimization data.

There was also no attempt to analyze time remaining to be served in this report due to complexities of parole and suspended sentences in Delaware. Total sentence time often includes parts of remaining parole and suspended time from previous sentences, and those times can be factors in sentencing on new crimes. The accumulation of unused parole and previously suspended time, as well as current sentences, should be considered as time remaining to be served. Virtually all offenders in this study had additional time to serve, but calculating the amount of such time in a consistent and meaningful fashion is extremely difficult, if not impossible.

An unfortunate omission from this study is a non-sex offender comparison group. The diverse nature and histories of identified sex offenders made it apparent that selection of non-sex offenders who could be deemed comparable would likely be an iterative process requiring more time than available. Though less than desirable as substitutes for matched comparisons, the Greentree/Key and Boot Camp comparisons were chosen as alternatives to give some perspective on sex offender versus general population recidivism.