

# **RECIDIVISM IN DELAWARE**

An Analysis of Prisoners Released in 2011 through 2013

December 2017

**Delaware Criminal Justice Council**

**Statistical Analysis Center**

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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 fifth report produced pursuant to SB 226. As required, three measures of recidivism were analyzed for this report: rearrest, reconviction, and recommitment. As in previous reports, only inmates released from Delaware prison terms were included in this study. In Delaware’s unified corrections system, prison is defined as an incarceration term of more than one year, either as a sentence on a single charge or as the aggregate of contiguous multiple sentences. Similar to previous reports, this report provides recidivism information on prison release cohorts for three consecutive years (2011-2013).

### 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 2011 through 2013. Released prisoners (1,049 in 2011, 1,015 in 2012, and 1,203 in 2013) were tracked for up to three years following release from a secure facility. The focus of the study is on the first occurrence of post-release recidivism events; therefore, some study subjects could be included in one cohort more than once if they were released more than once in a single cohort year or in multiple cohorts if they experienced releases in more than one of the three years studied. Delaware arrest, court, and Department of Correction records were examined to identify state charges on serious offenses and violations of probation or parole that occurred during the study period and legal actions taken in response that resulted in a conviction and/or recommitment.

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

## Key Findings

The one-, two-, and three-year recidivism rates for the three cohorts are presented below. As the table indicates, by the end of three years, about 75% of offenders in each cohort had been rearrested for a serious offense. More than 65% had a reconviction and almost two-thirds had a recommitment.

	2011 Release Cohort			2012 Release Cohort			2013 Release Cohort		
	1 year	2 years	3 years	1 year	2 years	3 years	1 year	2 years	3 years
<b>Rearrest</b>	56.3%	73.2%	77.9%	52.5%	69.9%	75.7%	51.9%	66.3%	71.3%
<b>Reconviction</b>	50.5%	68.4%	74.5%	45.9%	62.9%	68.3%	46.2%	60.1%	65.0%
<b>Recommitment</b>	50.4%	64.3%	69.7%	46.1%	60.1%	64.9%	45.0%	59.2%	64.5%

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

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

## Considerations

The one-, two-, and three-year recidivism rearrest, reconviction, and recommitment rates for the 2011 through 2013 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 methods and measures used to capture and analyze data.

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

## Study Overview

This is the fifth in a series of annual recidivism reports required by Senate Bill 226 of Delaware's 146<sup>th</sup> General Assembly. The first report, released in July 2013, covered 2008 and 2009 release cohorts while the second report released in 2014 covered 2008 through 2010. The 2015 installment included cohorts from 2009 through 2011 while 2016 covered 2010, 2011 and 2012 cohorts. This version covers 2011, 2012, and 2013 release cohorts. Recidivism measures and research methods remain largely consistent with those used in prior year studies, but additional data resources recently accessible to the Center, specifically the access to Probation and Parole records from Delaware Department of Correction, were utilized with the goal of more thoroughly identifying subjects who should be removed from the study due to events such as death, deportation, or criminal activity/incarceration in other jurisdictions.

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. Prison sentences make up approximately 50% of the Delaware incarcerated population on any given day.

Offender cohorts selected for this study were those released in 2011, 2012, and 2013 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. Reccommitments 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 period. 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/her next release, appearing as a study subject multiple times in the different release cohorts.

This study considers only Delaware activity as recidivism events. The Center does not have access to non-Delaware criminal records except those released to the public. State and public records reviewed in the research process, however, revealed that some subjects had significant criminal justice events in other jurisdictions during the tracking period. For example, court dockets from a neighboring state might show that a probationer is incarcerated in another jurisdiction. If such sources gave reliable



indications of incarceration in the tracking period by a subject who had not recidivated in Delaware, that subject was removed from the study as if they were not in the initial release cohort. Criminal activity in other jurisdictions cannot be completely accounted for through available sources, so it is not possible to reliably identify when and where non-Delaware events occurred. The Center holds the position, however, that it is unreasonable to regard subjects as non-recidivists if we are aware of significant criminal activity elsewhere during the three year tracking period.

## Recidivism Subject and Offense Group Summaries

In this study cycle, inmates released from Delaware prison sentences in calendar year 2013 were identified and tracked. The research processes remained consistent with those described in previous reports in this series. As in the past, subjects were not separated by ethnicity for analysis. Numbers of Hispanic subjects in annual cohorts are low, and ethnicity breakouts by gender or other categories result in too many groups with zero or near-zero counts. Ethnicity identification also creates more reliability issues as information system records have relatively high rates of conflicting data.

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

Table 1 shows summary counts by race and gender for tracked cohorts identified as released from Delaware prison sentences from 2011 through 2013.

**Table 1. Prison release cohort race and gender counts**

	2011			2012			2013		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Black	590	32	622	543	27	570	599	40	639
White	373	53	426	392	53	445	494	68	562
Other	0	1	1	0	0	0	2	0	2
<b>Total</b>	<b>963</b>	<b>86</b>	<b>1,049</b>	<b>935</b>	<b>80</b>	<b>1,015</b>	<b>1,095</b>	<b>108</b>	<b>1,203</b>

Males comprised between 91% and 92% of the prison releasees tracked from 2011 to 2013. Females comprised 8.2%, 7.9%, and 8.9% of the tracked prison release cohorts in 2011, 2012, and 2013, respectively. Relatively large fluctuations in release cohort female proportions may be seen over time, but that is not unexpected. Female prison populations are generally less than 200; annual numbers of female releases are correspondingly low. Readers should be mindful of small group counts, especially for females, as breakouts of release cohort characteristics are presented throughout this report.

Figure 1, on the following page, shows race and gender proportions of tracked subjects in each annual prison release cohort from 2011 through 2013. Group percentages are based on totals in Table 1, but subjects in the “Other” race category (one for 2011 and two for 2013) 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**

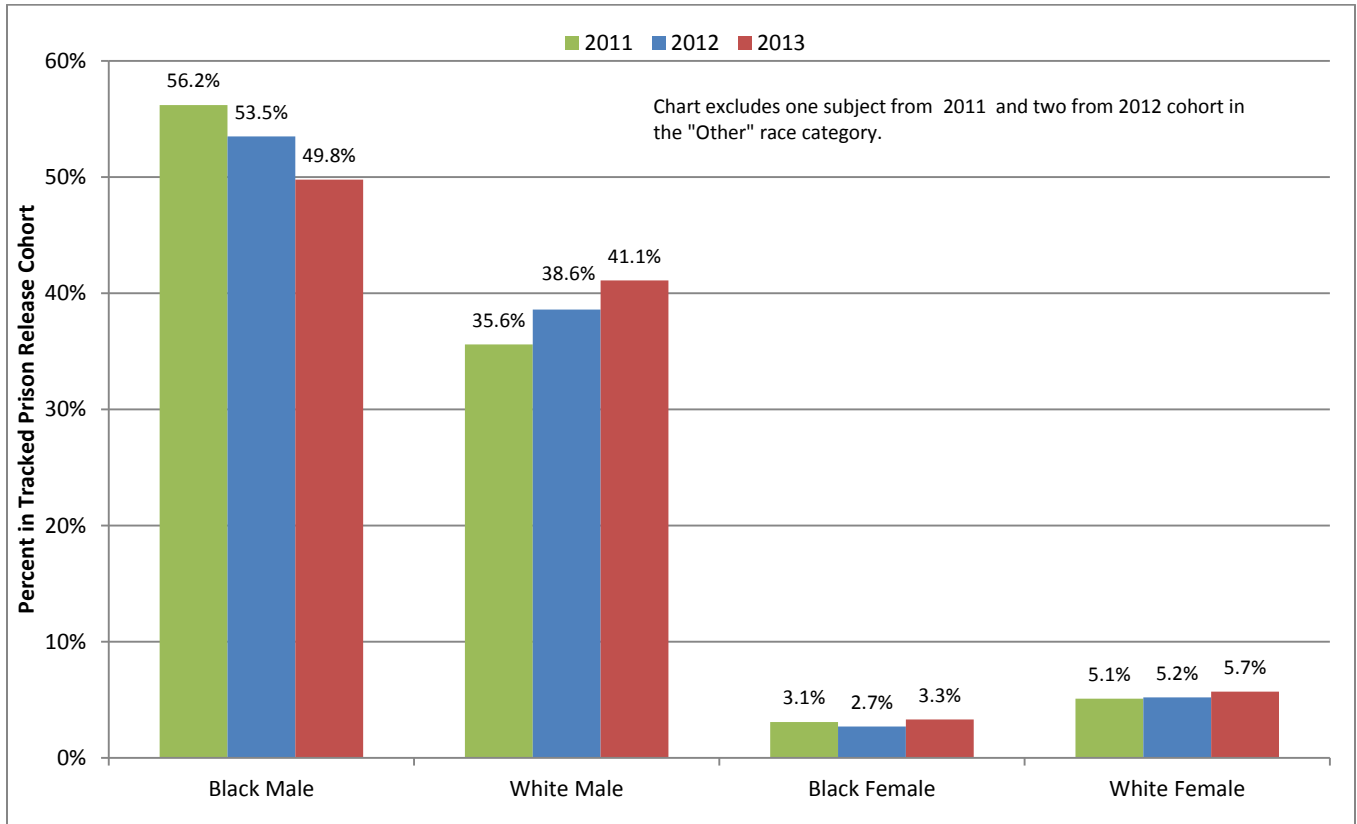
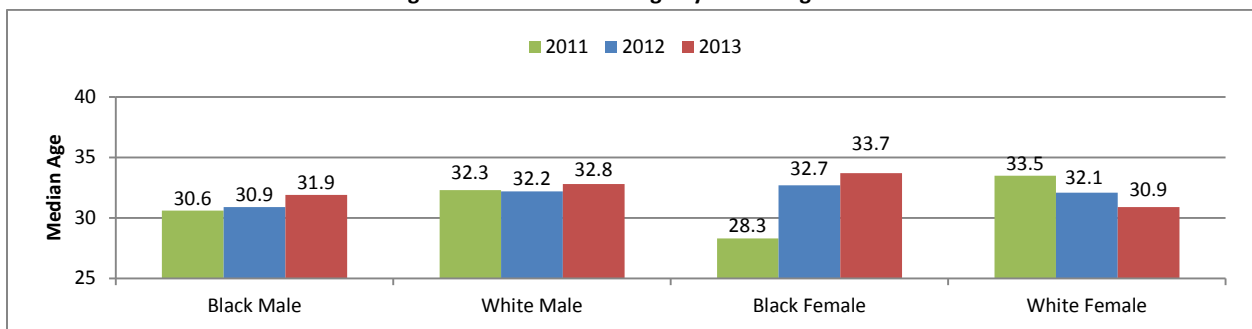


Table 2 shows inmate at-risk age quartiles and Figure 2 shows median at-risk ages by race and gender. White males were generally older than Black males, but more fluctuation is seen among female inmates.

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

Age at start of at-risk period	2011				2012				2013			
	Male		Female		Male		Female		Male		Female	
	Black	White	Black	White	Black	White	Black	White	Black	White	Black	White
25th percentile	24.8	26.0	24.1	27.9	24.8	25.6	28.4	25.1	25.5	25.5	24.5	26.3
Median	30.6	32.3	28.3	33.5	30.9	32.2	32.7	32.1	31.9	32.8	33.7	30.9
75th percentile	39.1	43.7	41.0	40.8	40.9	43.0	38.2	40.7	40.4	42.9	44.8	39.8

**Figure 2. Median at-risk age by race and gender**



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

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

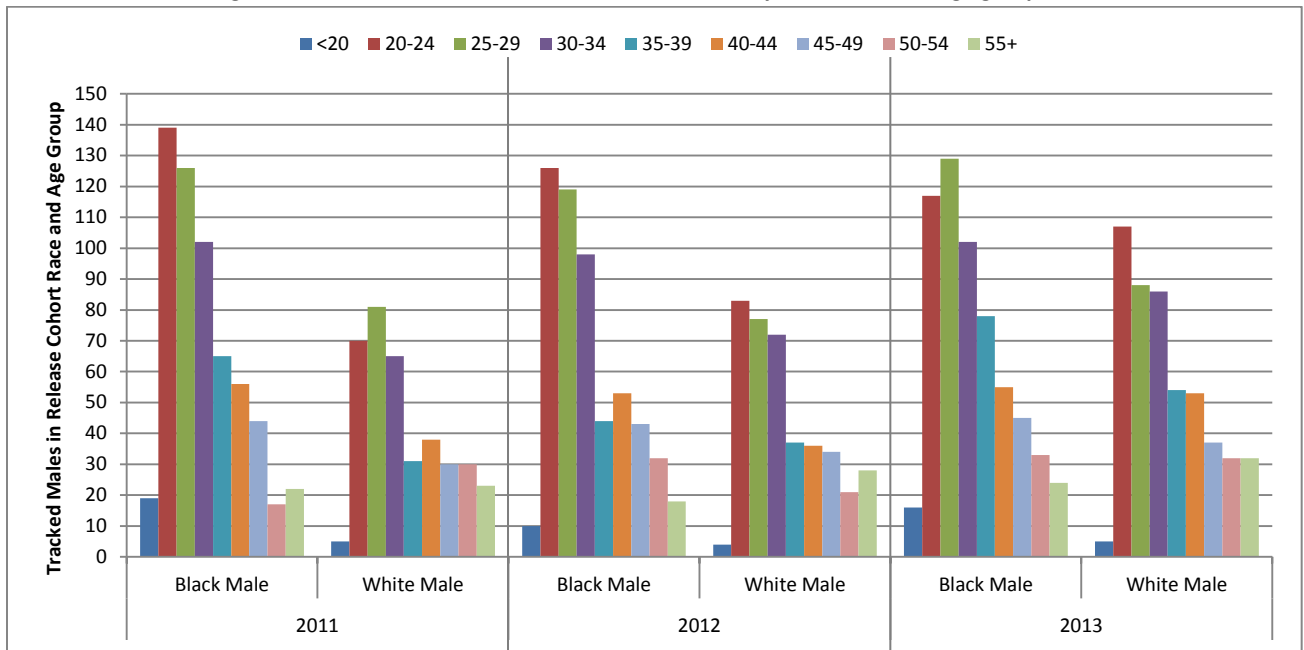
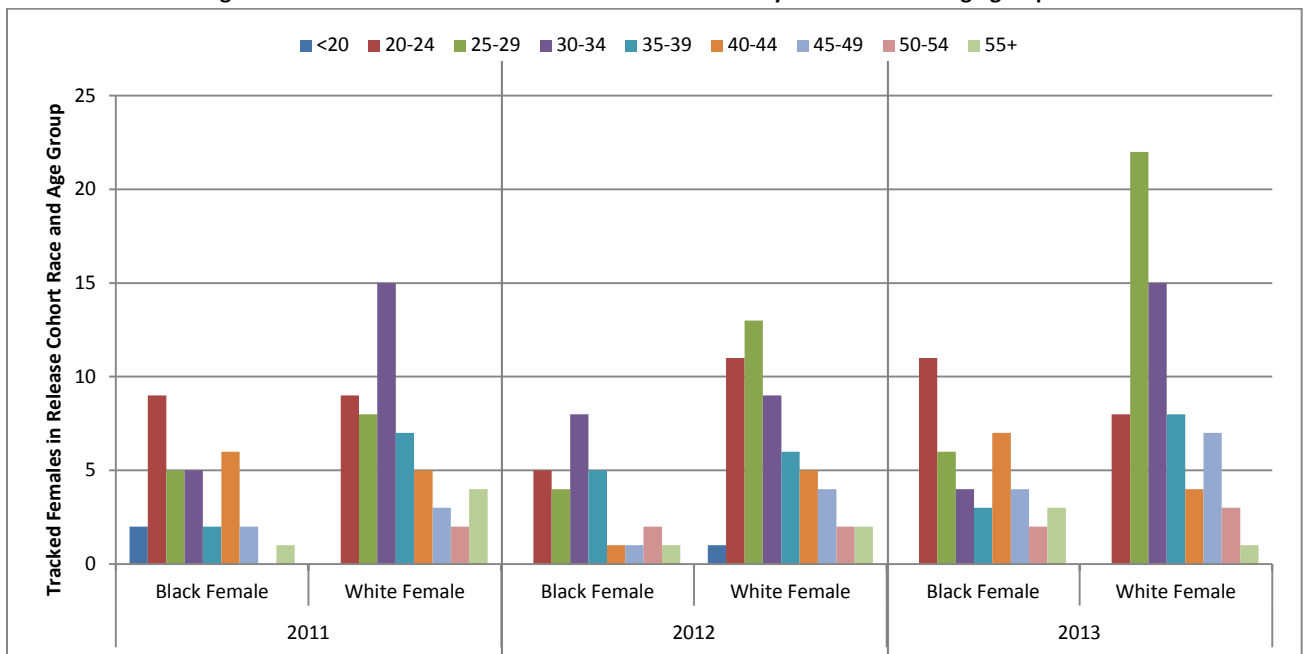


Figure 4 illustrates an example of the small group issues previously mentioned regarding breakouts of subject characteristics. Note that for females only a few of the selected age groups have more than 10 subjects in each cohort year.

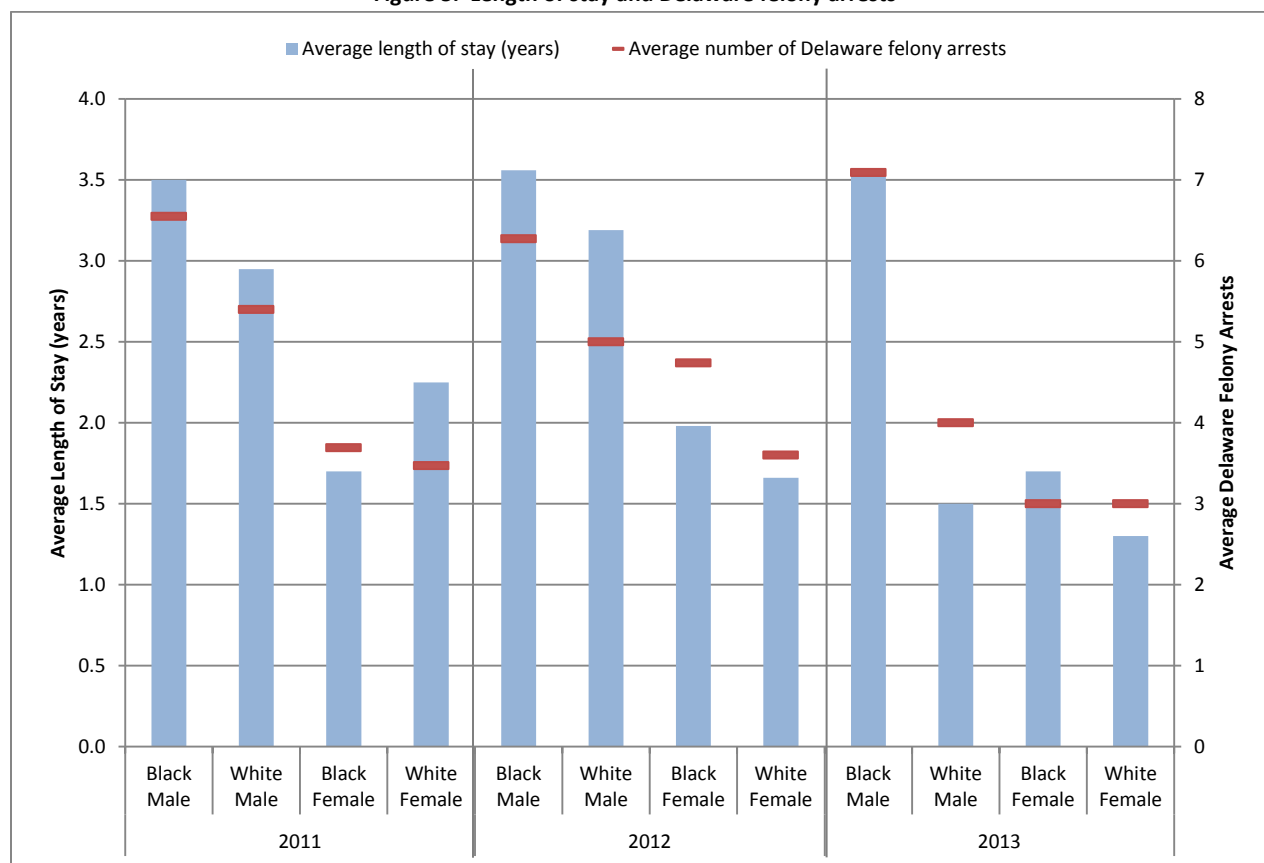
**Figure 4. Number of tracked females in release cohorts by race and at-risk age groups**



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.

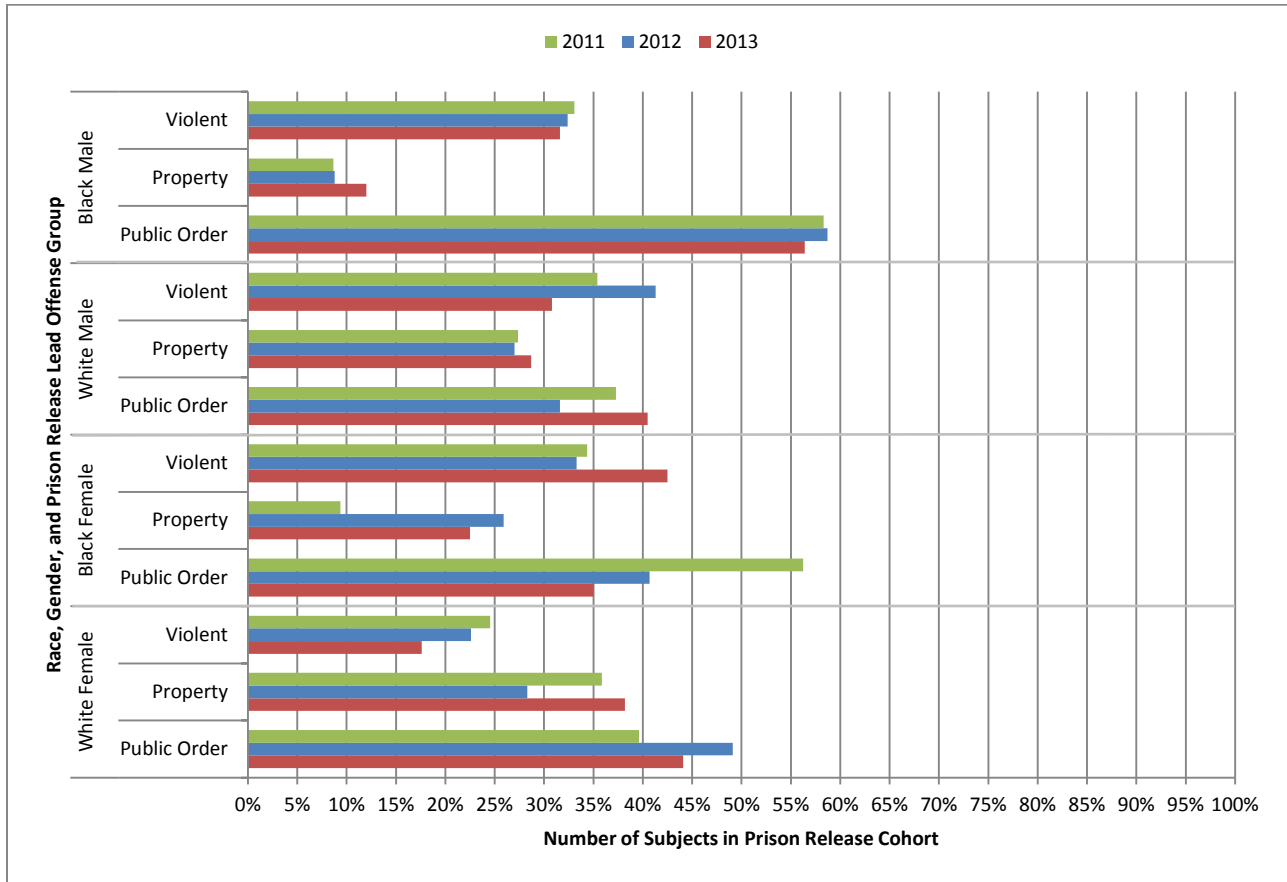
For subjects in this study whose prison terms involved multiple offenses, the Center identified a lead offense by the longest single term served. If the longest term criteria yielded more than one offense type, ties were broken using an offense hierarchy that loosely follows the FBI's Uniform Crime Reporting 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	2011				2012				2013			
	Male		Female		Male		Female		Male		Female	
	Black	White	Black	White	Black	White	Black	White	Black	White	Black	White
<b>Violent</b>	<b>195</b>	<b>132</b>	<b>11</b>	<b>13</b>	<b>176</b>	<b>162</b>	<b>9</b>	<b>12</b>	<b>189</b>	<b>152</b>	<b>17</b>	<b>12</b>
Homicide	8	3	0	2	7	10	0	1	3	6	1	1
Rape	32	41	0	1	25	36	0	3	32	29	0	2
Robbery	105	48	6	6	92	53	3	4	96	43	11	4
Assault	33	11	1	2	34	23	3	4	33	34	5	3
Other Sex Offense	4	15	0	0	5	22	0	0	8	17	0	0
Other Violent Offense	13	14	4	2	13	18	3	0	17	23	0	2
<b>Property</b>	<b>51</b>	<b>102</b>	<b>3</b>	<b>19</b>	<b>48</b>	<b>106</b>	<b>7</b>	<b>15</b>	<b>72</b>	<b>142</b>	<b>9</b>	<b>26</b>
Arson (Unoccupied)	0	2	0	0	1	2	0	0	0	2	1	0
Burglary	38	81	1	6	41	83	2	5	57	108	4	11
Theft	5	9	1	7	4	14	1	5	11	23	3	10
Fraud/Forgery	3	5	1	6	2	5	4	4	3	7	1	4
Other Property Offense	5	5	0	0	0	2	0	1	1	2	0	1
<b>Public Order</b>	<b>344</b>	<b>139</b>	<b>18</b>	<b>21</b>	<b>319</b>	<b>124</b>	<b>11</b>	<b>26</b>	<b>338</b>	<b>200</b>	<b>14</b>	<b>30</b>
Drug Dealing	195	45	9	5	182	47	6	8	191	57	5	14
Other Drug Offense	35	8	1	10	25	10	2	5	22	12	2	5
Weapon Offense	75	37	4	2	88	32	2	3	99	53	6	2
<b>Driving Related</b>	<b>17</b>	<b>39</b>	<b>2</b>	<b>3</b>	<b>17</b>	<b>27</b>	<b>0</b>	<b>7</b>	<b>13</b>	<b>64</b>	<b>0</b>	<b>8</b>
<i>Vehicular Homicide</i>	1	1	1	0	1	1	0	2	1	2	0	0
<i>Vehicular Assault</i>	0	2	0	0	1	0	0	0	0	0	0	0
<i>DUI</i>	12	34	0	3	11	25	0	4	8	55	0	8
<i>Other MV Related</i>	4	2	1	0	4	1	0	1	4	7	0	0
Other Public Order	22	10	2	1	7	8	1	3	13	14	1	1

Figure 6, on the following page, shows graphically the numbers of subjects by race and gender with release offenses in the broad groups of violent, property, and public order offenses. A salient feature of Figure 6 is the high number of Black males in the public order offense group. Key factors in that group count are drug and weapon offenses. There are over four times more Black males than White males in the drug offense group, and on average almost three times more Black males than White males in the weapon offense group. Driving related offense numbers were much lower for Black males than White males. On average, there are over three times more White males than Black males in the DUI release group.

Figure 6. Subjects by race and gender in prison release lead offense groups



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

Table 4. Top 10 release offense types by race and gender, combined 2011 through 2013 cohorts

Group Rank	Black Male (N=1,732)	White Male (N=1,259)	Black Female (N=99)	White Female (N=174)
1	Drug Dealing (568)	Burglary (272)	Drug Dealing (20)	Drug Dealing (27)
2	Robbery (293)	Drug Dealing (149)	Robbery (20)	Burglary (22)
3	Weapons (262)	Robbery (144)	Weapons (12)	Theft (22)
4	Burglary (136)	Weapons (122)	Assault (9)	Other Drug (20)
5	Assault (100)	DUI (114)	Other Violent (7)	DUI (15)
6	Rape (89)	Rape (106)	Burglary (7)	Robbery (14)
7	Other Drug (82)	Assault (68)	Fraud/Forgery (6)	Fraud/Forgery (14)
8	Other Violent (43)	Other Violent (55)	Other Drug (5)	Assault (9)
9	Other Public Order (42)	Other Sex Offense (54)	Theft (5)	Weapons (7)
10	DUI (31)	Theft (46)	Other Public Order (4)	Rape (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 an offenders' return to criminal behavior, rather than when authorities became aware of and acted on that behavior. Offenses were not counted as recidivism events if post-release arrests or convictions were for offenses that occurred prior to release. Recommitments were based only on DOC admission dates, regardless of when the underlying offense(s) occurred. Any secure custody readmissions, in detained or sentenced status, and regardless of sentence length, were counted as recommitments.

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

- **Recidivists:** *In a given interval, a subject becomes a recidivist if records indicate a recidivism event occurred by the interval's end. Only the first event of each measure is counted, but the recidivist identifier carries forward to all intervals for a given measure after that first event.*
- **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.*
- **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.*



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, the subject 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 2011 through 2013 Cohorts

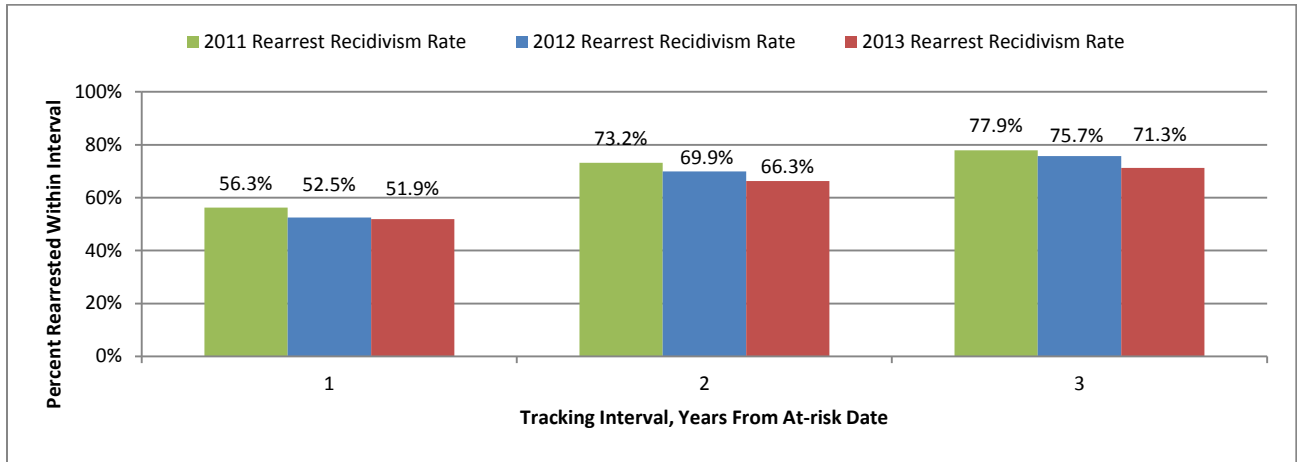
Table 5 shows recidivism rates calculated using the methodology described above at one-, two-, and three- year intervals for the measures studied. The column headings **R+N** and **R** represent the denominator and numerator, respectively, in the recidivism rate equation above. Within each recidivism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

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

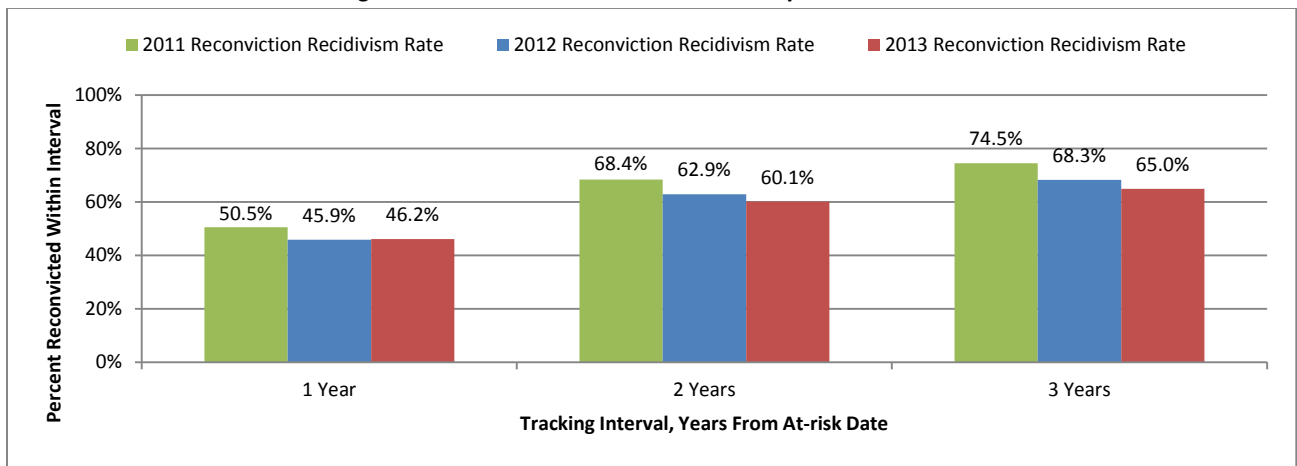
		2011 Prison Release Cohort			2012 Prison Release Cohort			2013 Prison Release Cohort		
		R+N	R	Recidivism Rate	R+N	R	Recidivism Rate	R+N	R	Recidivism Rate
Rearrest	1 year	1,043	587	56.3%	1,014	532	52.5%	1,195	620	51.9%
	2 years	1,036	758	73.2%	1,010	706	69.9%	1,192	790	66.3%
	3 years	1,031	803	77.9%	1,007	762	75.7%	1,189	848	71.3%
Reconviction	1 year	1,035	523	50.5%	1,013	465	45.9%	1,191	550	46.2%
	2 years	1,017	696	68.4%	1,009	635	62.9%	1,186	713	60.1%
	3 years	1,008	751	74.5%	1,006	687	68.3%	1,180	767	65.0%
Recommitment	1 year	1,040	524	50.4%	1,014	467	46.1%	1,193	537	45.0%
	2 years	1,025	659	64.3%	1,011	608	60.1%	1,187	703	59.2%
	3 years	1,017	709	69.7%	1,007	654	64.9%	1,183	763	64.5%

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

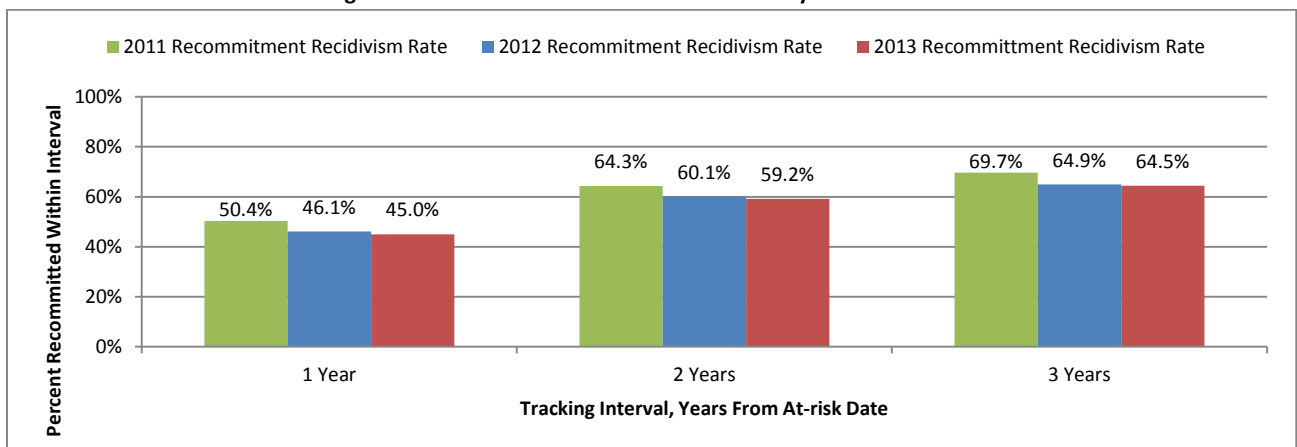
**Figure 7. Rearrest: recidivism rates at 1 year intervals**



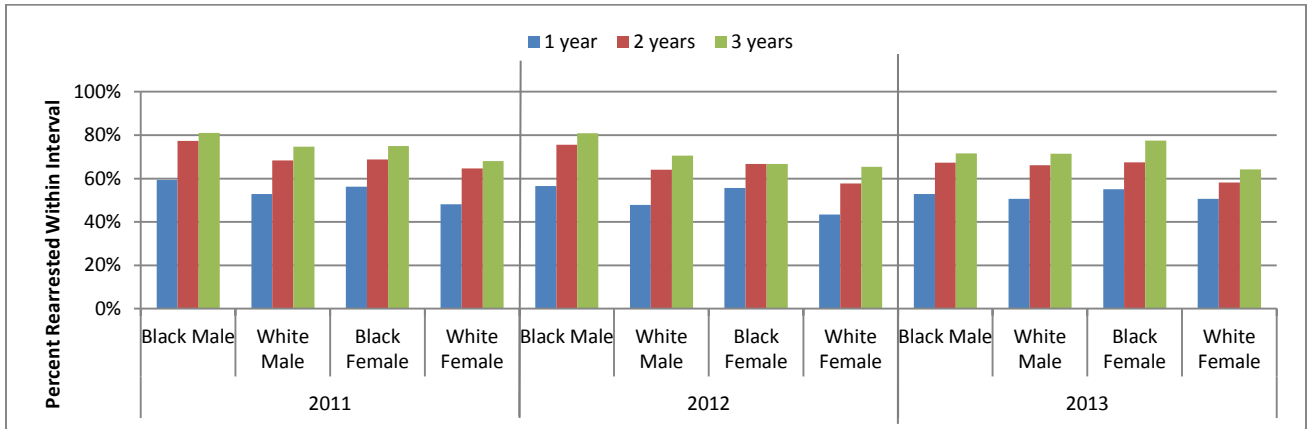
**Figure 8. Reconviction: recidivism rates at 1 year intervals**



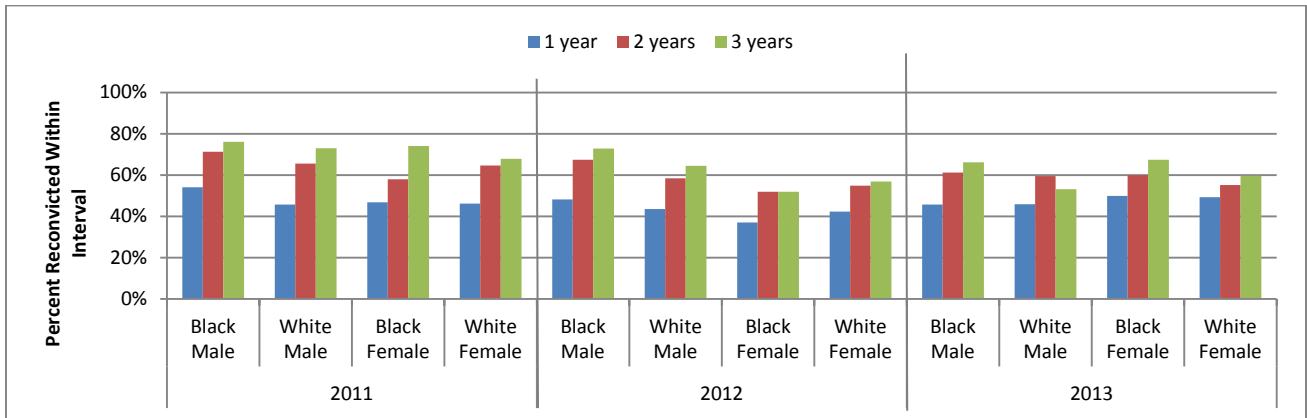
**Figure 9. Recommitment: recidivism rates at 1 year intervals**



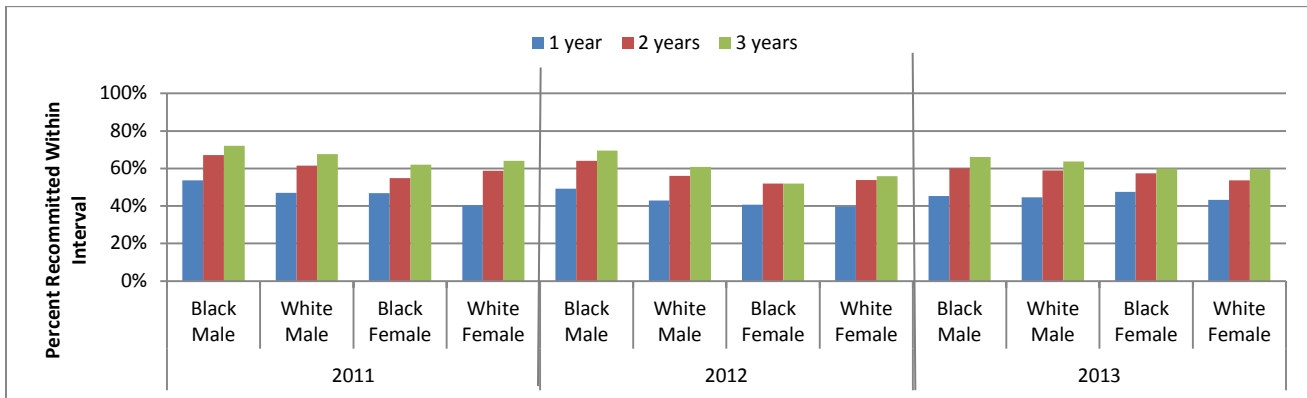
**Figure 10. Rearrest: recidivism rates at 1 year intervals by race and gender**



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



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



Figures 13 through 15 show three year recidivism rates by length of stay for each measure, with average age at-risk on the secondary axis. Length of stay is group by years with the second number in each group being 'up to' that year. For instance, group one is any length of stay up to two years with the second group being two year and up to four years. Note that maximum length of stay differs in the three cohort years. These figures show substantial recidivism decreases at the highest length of stay intervals, but increased age and factors not considered here could also be influencing those decreases.

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

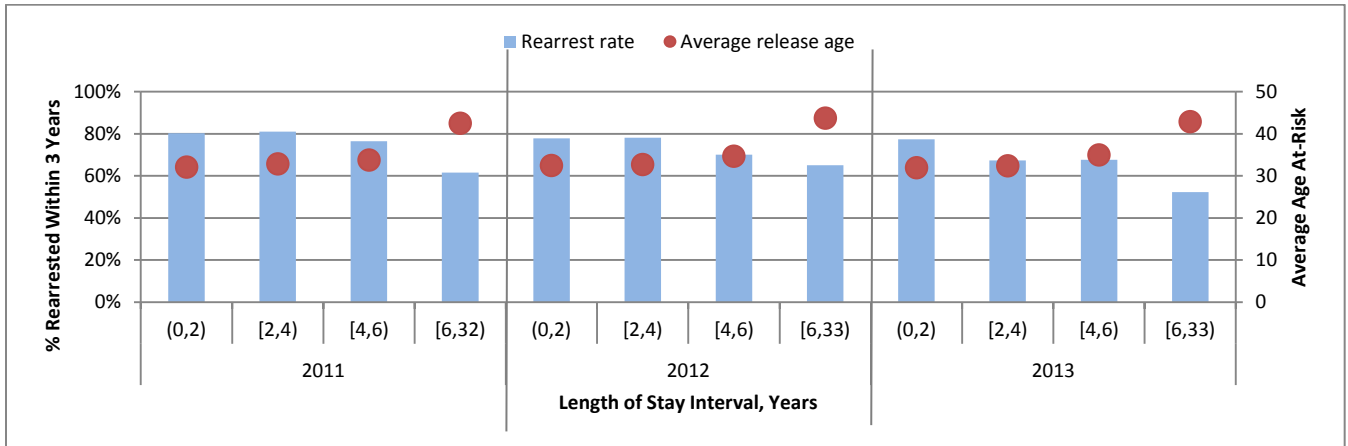


Figure 14. Reconviction: recidivism rates at 3 years by length of stay

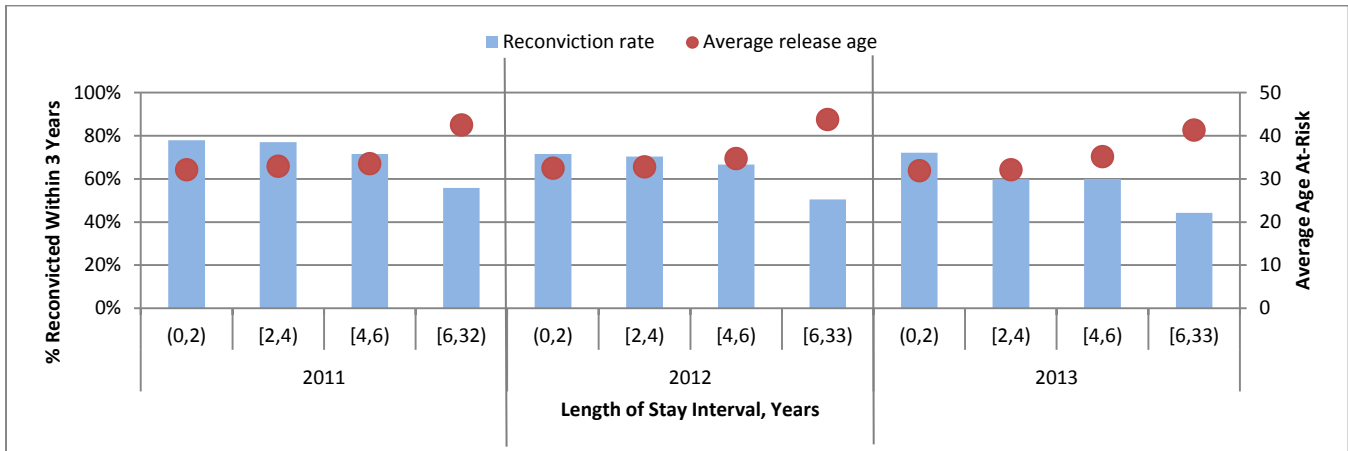
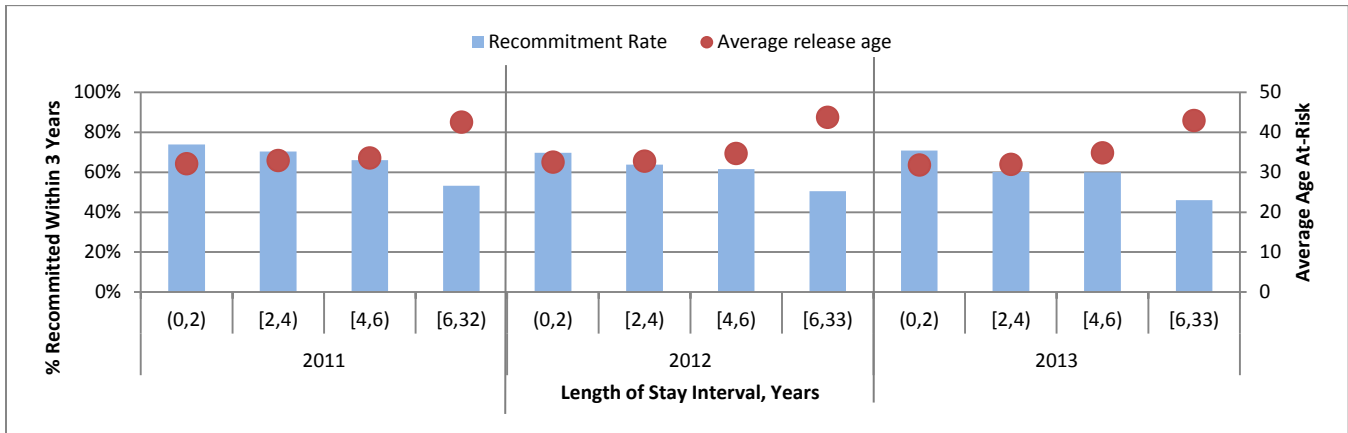
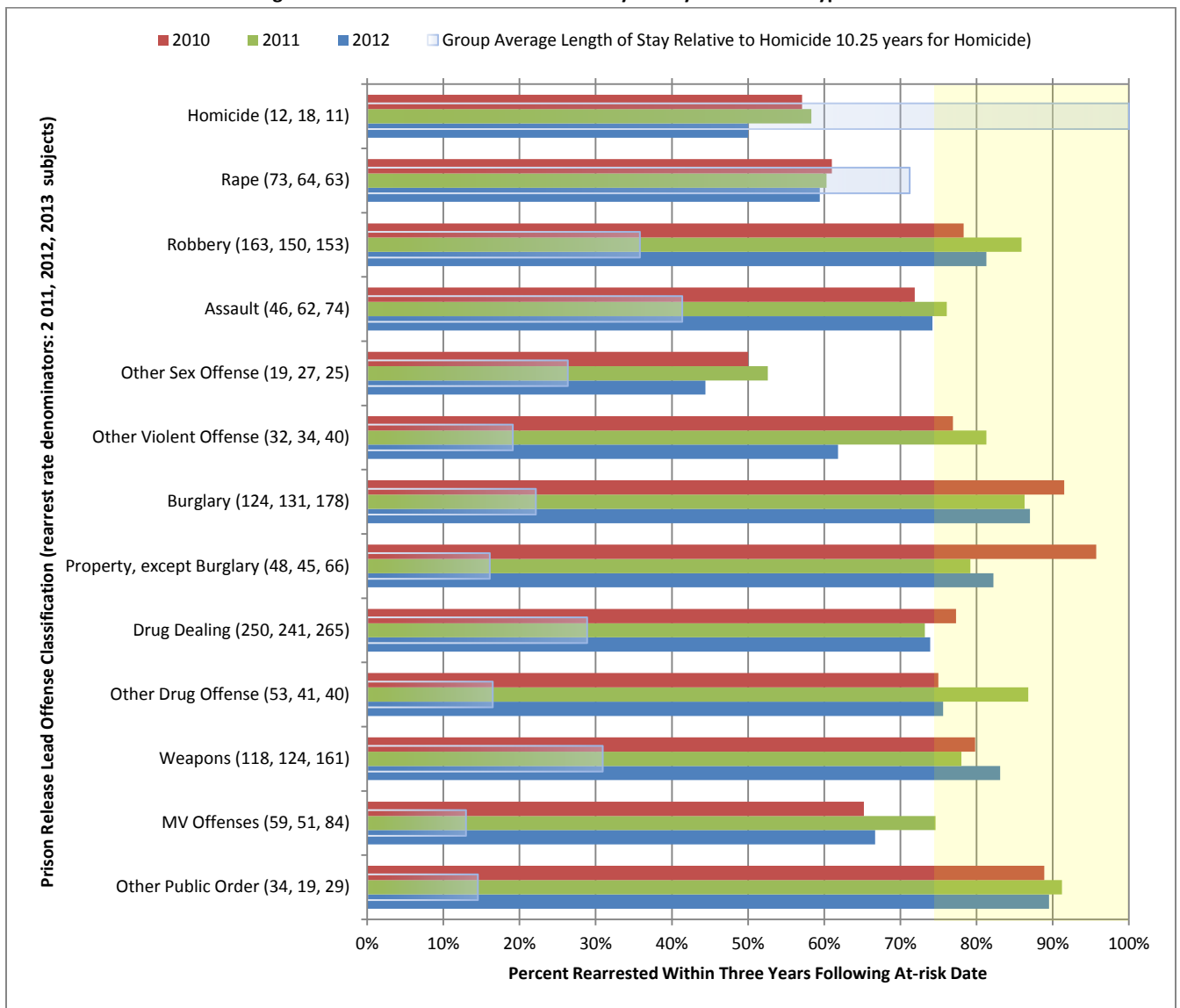


Figure 15. Recommitment: recidivism rates at 3 years by length of stay

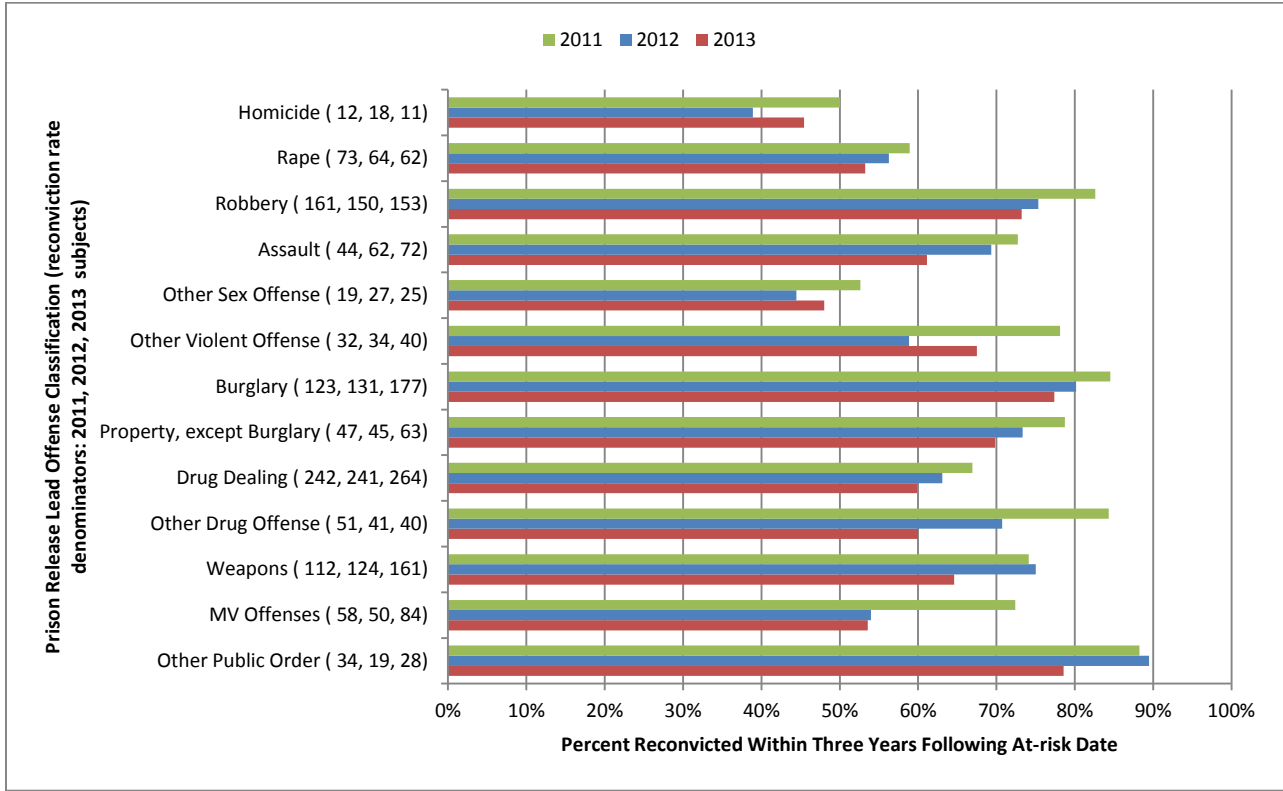


Figures 16 through 18 show three year recidivism rates for each cohort grouped by release offense type. As with any other breakout presented herein, many factors are at play in addition to the focus variable. In Figure 16, for the primary measure of rearrest, the association of length of stay with offense type is also explored. The light yellow shaded area indicates the three year rearrest rate for 2011, 2012 and 2013 cohorts combined. For each offense group, average length of stay was calculated for the three cohort years combined. At about 10.25 years, average length of stay was highest for the homicide group. With each offense group in Figure 16, average length of stay relative to the homicide average is represented by the semi-transparent bar overlaying recidivism rate bars. For example, the average length of stay for the robbery group was about 3.7 years, which is represented as 35.8% of the average for homicide.

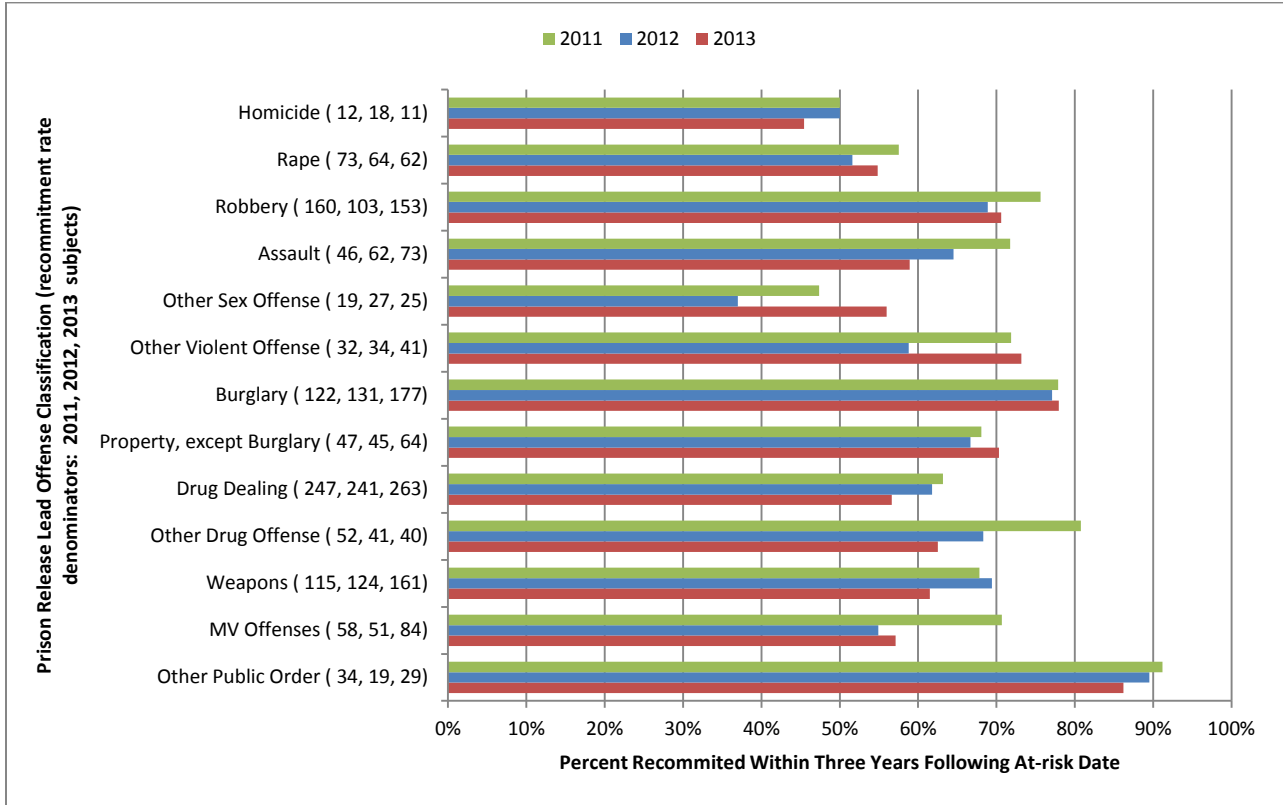
**Figure 16. Rearrest: recidivism rates at 3 years by lead offense type**



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

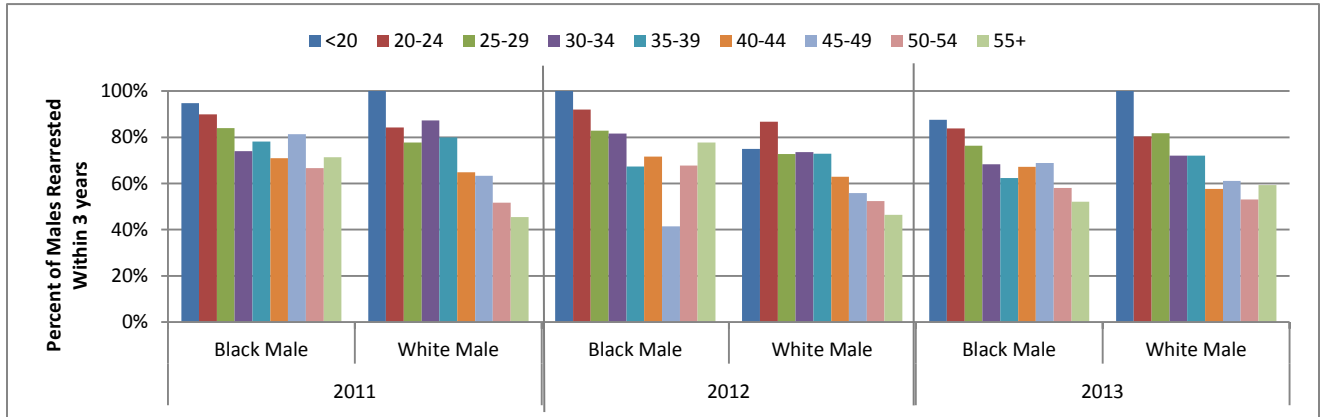


**Figure 18. Recommitment: recidivism rates at 3 years by lead offense type**

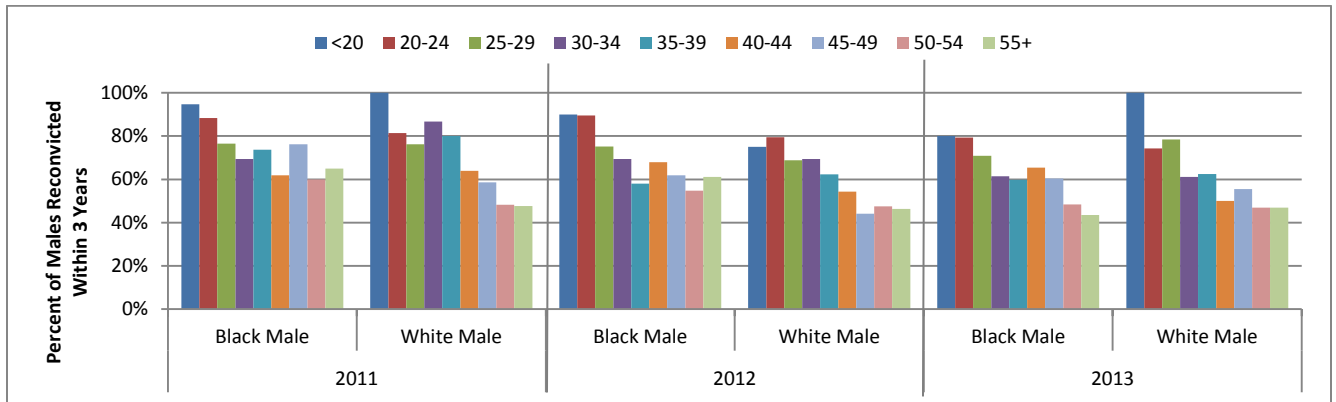


Figures 19, 20, and 21 show three year rates of rearrest, reconviction, and recommitment for males by age group. Results are not displayed for females due to small group sizes (refer to Figure 4). Figures 19 through 21 show significant reductions in recidivism as offender at-risk ages increases. Note that rates at or near 100% for the <20 group occur with group sizes of less than 20 individuals (refer to Figure 3).

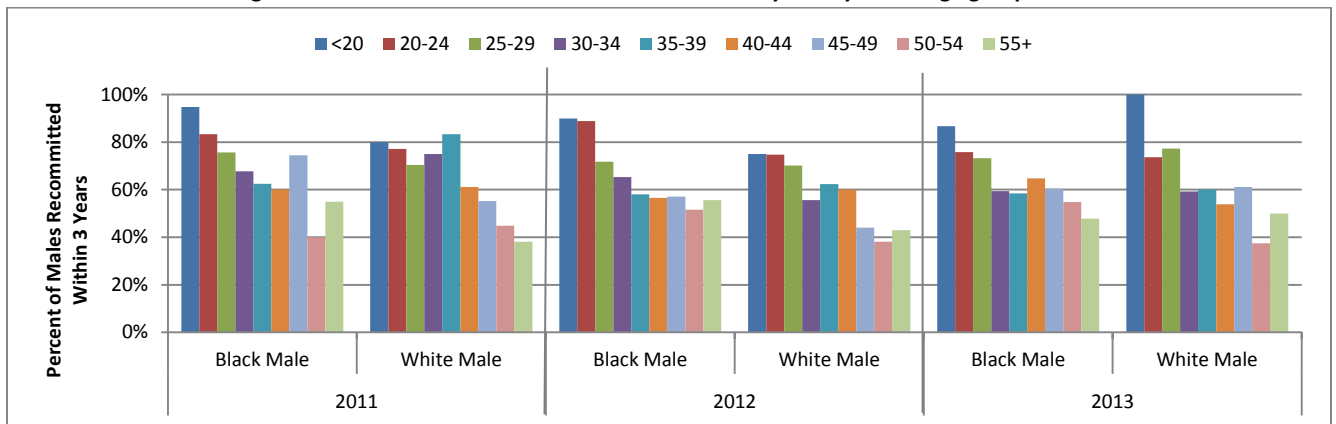
**Figure 19. Rearrest: male recidivism rates at 3 years by at-risk age group**



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



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



## Conclusions and Limitations

### Summary of Findings

The findings of this study provide an overview of recidivism among three annual cohorts released from Delaware prison sentences. The Center tracked 1,049 prisoners released in 2011, 1,015 released in 2012, and 1,203 released in 2013 for three years following release from secured custody for three recidivism measures: rearrest, reconviction, and recommitment. Tracking times were divided into one year intervals, and individuals were designated as recidivists as of the tracking interval in which their first recidivism events occurred. Offense dates were used to determine rearrest or reconviction events to most closely represent return to criminal behavior. For the recommitment measure, recidivism was identified by the date of first readmission to secure custody in a DOC facility, whether in detained or sentenced status, and for any length of time.

The Center captured race, gender, and at-risk age for each study subject as they were recorded in the state's information systems, with some manual review to resolve obvious data conflicts. (Ethnicity was not studied due to low Hispanic subject counts and issues with data quality on ethnicity.) About 92% of prisoners released in 2011 through 2013 were males; and about 58% of males were Black. Approximately 64% of females released in the three years were White. For both races, median at-risk ages cluster between 30 and 33 with the exception of Black females in 2011 (28.3).

For the purposes of analysis, the Center also categorized participants by the offense which determined the majority of their prison stay (lead offense). The lead offenses were grouped into three major categories of violent, property, or public order. Of released inmates included in this study, about 49% were released from sentences in the public order group; about 33% from violent offense sentences, and about 18% from property offense sentences. Within each major group, the most common offense types were: robbery for violent offenses (43.6%), burglary for property offenses (72.8%), and drug offenses for public order (56.9%).

The three year rearrest recidivism rates were nearly equal for prison inmates released in 2011, 2012, and 2013 (77.9%, 75.7%, and 71.3% respectively). Among race and gender groups for the three cohort years combined, Black males had a three year rearrest rate of about 73%; for White males the rate was about 67%. Rearrest rates for Black females were 61%, and for White females, almost 63%.

Rearrest rates varied substantially over the identified release offense groups. The highest rate, at about 90%, was in the broad and relatively small other public order offense group. Ranking second highest, almost 85% of subjects in the burglary group, which comprised about 13% of releases, were rearrested within 3 years. The lowest rearrest rates were in the homicide, rape, and other sex offense groups, with each having rearrest rates of less than 60%.



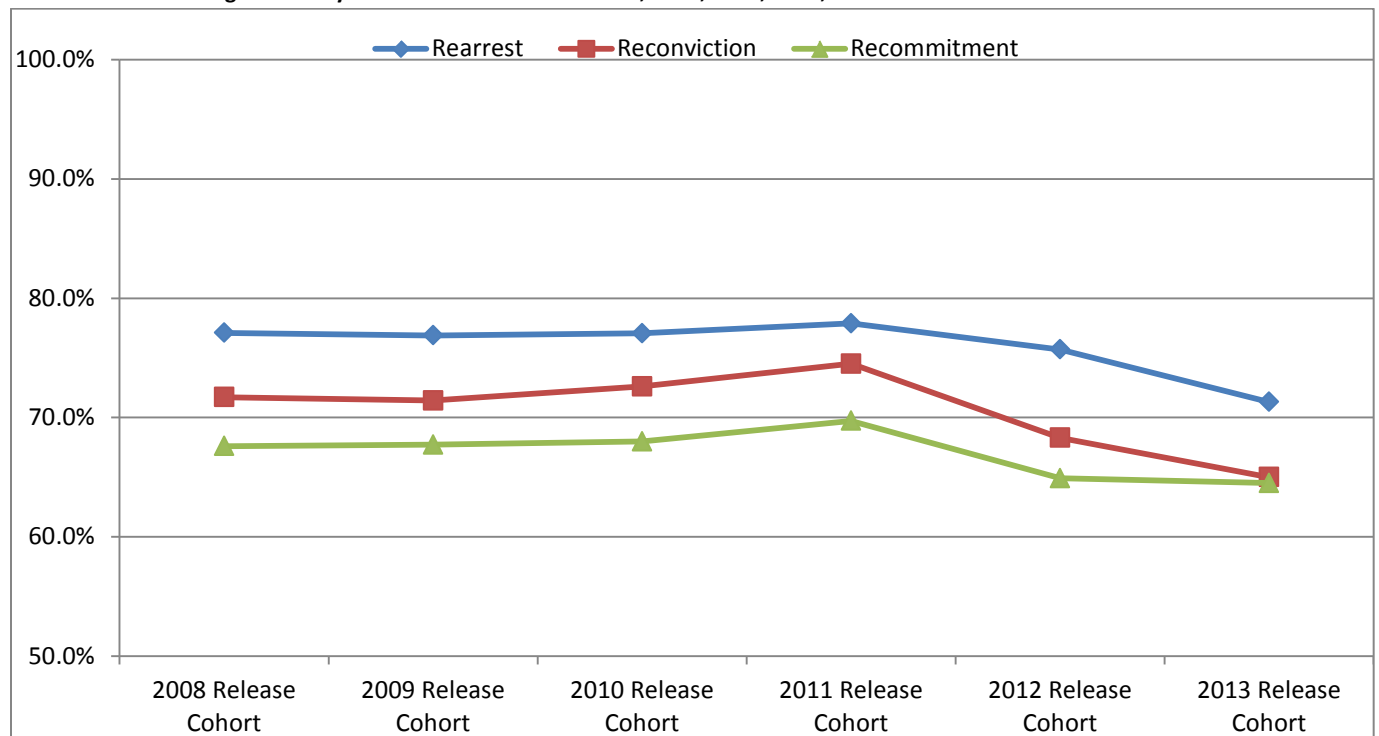
## Historical Reviews

With this installation of recidivism analysis, the Center has now analyzed six prison release cohorts. Across these prison release cohorts, rearrest, reconviction and recommitment rates have remained fairly consistent with the exception of the last two years in which both which rearrest, reconviction and recommitment are slightly lower than in previous years. Over the five prison release cohorts, at least 70% of offenders were rearrested within the first three years of release. More than 70% of released offenders were reconvicted with the exception of 2012 and 2013 in which 68.3% and 65%, respectively, were reconvicted. Two out of three offenders were readmitted to a DOC secure facility during release years 2008 through 2011, with 2012 and 2013 at almost 65% recommitment within the first three years of release. Unfortunately, the Center cannot speak to the change in prosecution and/or DOC programming that may have impacted the lower reconviction and recommitment rates that occurred in 2012 and 2013, but such reductions in rates warrant further examination. Table 6 gives an overview of historical rates and Figure 22 displays rearrest, reconviction and recommitment 3 year rates for each cohort.

**Table 6. Recidivism Rates for 2008, 2009, 2010, 2011, 2012, 2013 cohorts**

	2008 Release Cohort			2009 Release Cohort			2010 Release Cohort			2011 Release Cohort			2012 Release Cohort			2013 Release Cohort		
	1 year	2 year	3 year	1 year	2 year	3 year	1 year	2 year	3 year	1 year	2 year	3 year	1 year	2 year	3 year	1 year	2 years	3 years
<b>Rearrest</b>	55.8%	70.9%	77.1%	53.0%	69.2%	76.9%	53.5%	71.4%	77.1%	56.3%	73.2%	77.9%	52.5%	69.9%	75.7%	51.9%	66.3%	71.3%
<b>Reconviction</b>	49.3%	65.3%	71.7%	48.6%	63.9%	71.4%	47.9%	65.8%	72.6%	50.5%	68.4%	74.5%	45.9%	62.9%	68.3%	46.2%	60.1%	65.0%
<b>Recommitment</b>	47.0%	61.3%	67.6%	45.6%	61.5%	67.7%	46.9%	62.5%	68.0%	50.4%	64.3%	69.7%	46.1%	60.1%	64.9%	45.0%	59.2%	64.5%

**Figure 22. 3 year Recidivism Rates for 2008, 2009, 2010, 2011, 2012 and 2013 Cohorts**



## A Deeper Look at Violations of Probation and Parole

An area of ongoing discussion with this recidivism analysis is the inclusion of violation of probation as a measure of rearrest. The Center believes violation of probation constitutes a return to criminal behavior because the offender is not abiding by the set of guidelines established by the court and DOC which help to keep the offender from reoffending. In an effort to explore the depth of violation of probation as a return to criminal behavior further, the Center with the support of DOC has gained access to Probation and Parole progress reports and violation reports.

The Center went through each violation of probation that constituted the first rearrest for a released prisoner in the 2013 cohort. The Center gathered the conditions violated for each violation as well as read through the reports to gain a better understanding of what occurred to result in a violation. This endeavor has been enlightening in more than one regard. It reveals details of offender behavior, positive and negative, and the tremendous lengths Probation and Parole Officers go through to help the offender with rehabilitation, treatment, and to not reoffend is impressive.

As a result of this in-depth look, the Center removed offenders as recidivists from the 2013 cohort if the offender's only violation in the three years after release was for failing to pay restitution or fines. SB 220, passed during the 142<sup>nd</sup> General Assembly, shortened probation terms and made other probation terms concurrent causing difficulty for some offenders with more extensive restitution and fine requirements to pay off the debts prior to the end of the probation term. Many of the failure to pay violation reports were filed for the court to extend the terms of probation so that the offender may be able to pay off the debts while other violations were for not paying anything toward restitution and fines. While some non-payment may be a matter of willful disregard, the Center elected to eliminate non-payment violation of probation as return to criminal behavior when the former prisoner has no other recorded offenses in the three years following his/her release from prison. Nineteen prisoners had only a violation of probation for failure to pay in the three years following release and were changed to non-recidivists in this study. Removing these offenders changed the three year arrest rate from 73% to 71.3%. This is the first year the Center has removed probation violations for failure to pay. For cohort years going forward, the Center will routinely check for failure to pay violations and move those offenders who only have a failure to pay in the three years following release to the non-recidivist category.

The Center found that 361 prison releasees were arrested for a violation of probation or parole as the first arrest in the three years following release. This accounts for 42.6% of the 2013 releasees arrested in the first three years after release. In an attempt to better understand the criminal behavior occurring and to categorize the wealth of information contained in the violation reports, Table 7 displays the conditions violated by released offenders in 2013 when his/her first arrest was for a violation of probation/parole. Table A3 in the appendix provides the full list of conditions referenced by number in Table 7.

The most common condition violated is Condition 9 (65.5%), special conditions imposed by the supervising officer, Court and/or the Board of Parole, followed by Condition 7 (58.7%), possession or consumption of drugs and/or alcohol, and Condition 3 (48.9%), reporting to supervising officer. Only 26.9% of the former prisoners violated only one condition, while the remaining 73.1% violated more than one condition. Almost 20% of the violations were for a violation of a Zero Tolerance order. Of the violations for Zero Tolerance orders, 23.6% of the violations were for only the zero tolerance condition while the remaining 76.4% were for a violation of the zero tolerance condition and at least one other condition.

**Table 7. Conditions Violated**

Violated Condition	1	2	3	4	5	6	7	8	9	10	11	12	13
% Violated by Only Condition	3.1%	0.0%	21.6%	4.1%	0.0%	8.2%	21.6%	0.0%	33.0%	0.0%	4.1%	0.0%	3.1%
% Violated by more than 1 condition	14.0%	4.5%	48.9%	13.3%	15.9%	6.4%	58.7%	1.9%	65.5%	0.4%	5.7%	1.1%	22.7%

## Considerations and Limitations

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

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

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

Readers should exercise caution when comparing recidivism rates in this report to findings in other studies. There are currently no standards for terminology and methodology in recidivism research. As a result, different studies can produce recidivism rates that are similar in name but are incommensurable in measure. Lack of awareness of methodological differences among studies can lead to misconceptions about offender behavior and rehabilitative effectiveness that one might infer from different recidivism results. For example, a recent press release from the Virginia Governor's office stated that Virginia has the lowest recidivism rate in the country. Upon further review, the Center found that the "lowest recidivism rate" (22.4%) the governor's office is referring to is a rate that includes offenders who are convicted of a state responsible felony conviction and sentenced to one year or more or offenders

sentenced to a parole violation for two years or more.<sup>1</sup> A quick run of Delaware's numbers shows that Delaware's re-incarceration rate when based on Virginia's re-incarceration terms is 18.9% at the highest. This quick run includes offenders who served a sentence for any offense of one year or more in the first three years following release from prison in 2013. However, in Virginia's recidivism documents, Delaware is cited as having a recommitment rate of 64.9% for year 2012 which is not at all comparable to Virginia's re-incarceration rates. The Center cannot stress enough the importance of comparing valid and commensurable rates instead of face value rates as cited in news releases.

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

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

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<sup>1</sup> <https://vadoc.virginia.gov/about/facts/research/recidivism/recidivism-at-a-glance-november-2017.pdf>

## Appendix

### Reference Links

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

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

<b>Delaware Code references</b>	<b>Offenses or events counted in rearrest or reconviction recidivism measures</b>
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 2011 through 2013. 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**

<b>Lead Release Offense Classification</b>	<b>Examples of Specific Offenses Included</b>
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

## Violation of Probation and Parole Conditions

Table A3 displays the definitions of violations by condition number used for the more in-depth look at violations of probation and parole as the first rearrest in the initial three years following a prisoner’s release.

**Table A3. Violation of Probation and Parole Conditions**

Condition	Definition
1	You must not commit a new criminal offense or moving motor vehicle offense during the supervision period. This includes the charges of Escape after Conviction, Escape 3rd and motor vehicle offenses.
2	You must report any new arrest, conviction, or police contact within 72 hours to your supervising officer.
3	You must report to your supervising officer at such times and places as directed, and permit the probation/parole officer to enter your home and/or visit places of employment.
4	You must have authorization from your supervising officer to leave the State of Delaware or your approved state of residence.
5	You must report any changes of residence and/or employment within 72 hours to your supervising officer.
6	You must have written approval of your supervising officer to own, possess, or be in control of any firearm or deadly weapon.(note: 11 Del.C.1448 prohibits purchase, possession, ownership or control of any deadly weapon by persons convicted of a felony, crime of violence, drug offense or commitment for mental disorder.)
7	You are not to possess or consume a controlled substance or other dangerous drugs unless prescribed lawfully. You are subject to random testing as directed by your supervising officer.
8	You must pay a supervision fee as required by state law in accordance with a schedule as established by the Department of Correction.
9	You must comply with any special conditions imposed at any time by your supervising officer, the Court and/or the Board of Parole.
10	You must not quit a job, training program, or school without prior approval of your supervising officer.
11	You must be employed full-time or active in job training or school on a full-time basis. If not, you must attend a job search program or perform community service on a schedule established by the supervising officer.
12	You must participate in 0 - 35 hours of community service each week as directed by your supervising officer.
13	You must abide by a curfew established by your supervising officer.