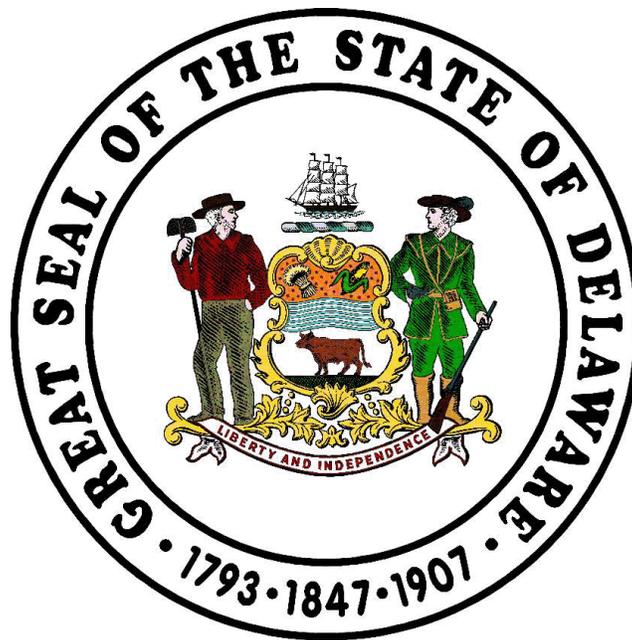


# RECIDIVISM IN DELAWARE

An Analysis of Offenders Released in 2015 through 2017



November 2021

Prepared by the

Statistical Analysis Center

Delaware Criminal Justice Council

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## Table of Contents

List of Tables and Figures .....	2
Executive Summary.....	3
Introduction .....	4
Methodology.....	5
Recidivism Subject and Offense Group Summaries.....	7
Recidivism Findings.....	11
A Deeper Look at Rearrest .....	13
Conclusions .....	21
Summary of Findings.....	21
Considerations and Limitations .....	22
Appendix A.....	A1
Recidivism Offenses and Prison Lead Offenses .....	A1
Appendix B .....	A1
Conditions of Probation and Parole.....	A1

## List of Tables and Figures

Table 1. One-, two-, and three-year series recidivism rates.....	3
Table 2. Prison release cohort at-risk age quartiles by sex and race.....	7
Table 3. Prison term lead offense classification counts by sex and race.....	10
Table 4. Series recidivism rates at 1, 2, and 3 years.....	11
Table 5. Recidivism rates by sex and race.....	11
Table A1. Arrest or conviction events counted as recidivism.....	A1
Table A2. Lead release offense classifications and examples of specific offenses included.....	A2
Table B1. New offense and technical violation conditions.....	A1
Table B2. Program violation conditions.....	A2
Table B3. Home confinement violation conditions.....	A2
Figure 1. Three-year recidivism rates for 2008 through 2017 cohorts.....	3
Figure 2. 2017 release cohort by race and sex.....	7
Figure 3. 2017 release cohort race proportion by sex.....	7
Figure 4. Age breakout of males released in 2017.....	8
Figure 5. Age breakout of females released in 2017.....	8
Figure 6. 2017 release cohort average length of stay by sex and race.....	8
Figure 7. Subjects by sex and race in prison release lead offense groups.....	9
Figure 8. Rearrest recidivism rates at 3 years by lead offense type.....	12
Figure 9. 2017 rearrest breakout by general offense type.....	13
Figure 10. 2017 36-month interval rearrest breakout.....	14
Figure 10a. Felony rearrest breakouts.....	15
Figure 10b. VOP rearrest breakouts.....	16
Figure 11. General frequency of conditions of probation violated.....	17
Figure 12. Conditions violated when only one condition selected.....	18
Figure 13. 3-year recidivism rate by age group.....	19
Figure 14. Recidivism rates of each age group.....	20

## Executive Summary

This report is released annually per the requirements set forth by Delaware Title 11 § 8903. This report explores both required recidivism measures for 2017 prison releases in the aforementioned statute as well as the reconviction and return to prison measures. This report provides a detailed methodology on how these four categories are measured. As in previous reports, only Delaware recidivism events are utilized to calculate these rates.

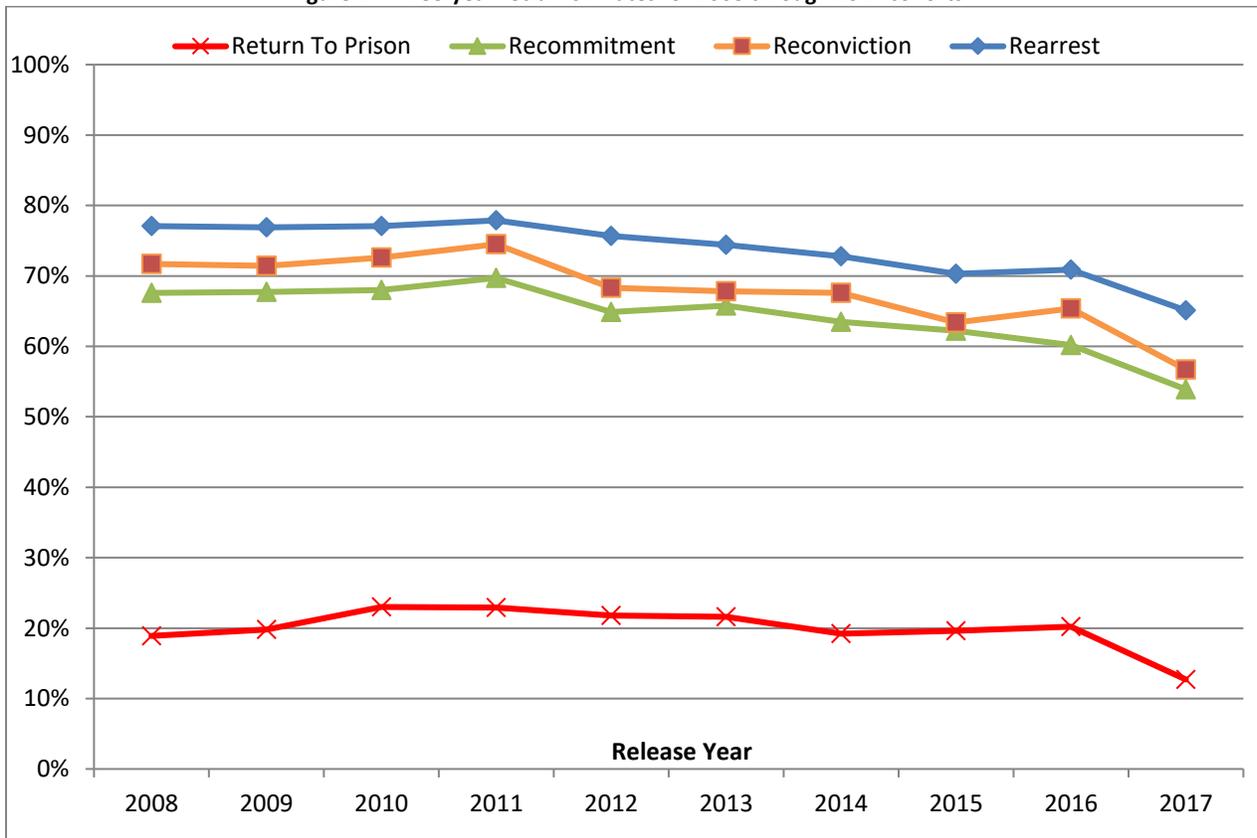
Since the inception of the report, three-year cumulative recidivism rates have generally continued to trend downward. Return to prison rates have ranged between 12-23%, recommitment rates between 53-69%, reconviction rates between 56-74%, and rearrest rates between 65-77%. The 2017 release cohort boasts the lowest rates for every tracked recidivism measure among all previous cohorts.

Table 1. One-, two-, and three-year series recidivism rates

	2015 Release Cohort			2016 Release Cohort			2017 Release Cohort		
	1 year	2 years	3 years	1 year	2 years	3 years	1 year	2 years	3 years
<b>Return to Prison</b>	7.5%	14.2%	19.6%	6.9%	15.6%	20.2%	4.4%	9.5%	12.7%
<b>Recommitment</b>	45.3%	56.1%	62.2%	41.2%	55.0%	60.2%	37.1%	49.8%	53.9%
<b>Reconviction</b>	48.4%	58.3%	63.4%	45.5%	59.6%	65.4%	41.6%	54.1%	56.7%
<b>Rearrest</b>	52.9%	63.9%	70.3%	48.8%	64.6%	70.9%	45.4%	60.1%	65.1%

With this installment of recidivism analysis, the Center has now analyzed ten prison release cohorts. Figure 1 displays three-year rates of return to prison, recommitment, reconviction, and rearrest for each cohort.

Figure 1. Three-year recidivism rates for 2008 through 2017 cohorts



## Introduction

This is the eighth report produced pursuant to Delaware Title 11 § 8903. Thus far, 10 years of cohorts have been analyzed in this series. This version of the report continues the use of the new measure of recidivism for Delaware, introduced in a previous report, return to prison. Consistent with previous reports, three other measures of recidivism were also analyzed: recommitment, reconviction, and rearrest. These measures of recidivism are defined as follows:

- Return to Prison – a return to Level V status with a sentence length greater than 12 months during the at-risk period
- Recommitment – the first secure custody readmission (excluding administrative recommitments) during the at-risk period
- Reconviction – the first conviction event on any qualifying offense during the at-risk period
- Rearrest – the first incident of arrest during the at-risk period for any qualifying offense

This report covers 2015 through 2017 release cohorts, with a focus on offenders released in the year 2017. Recidivism measures and research methods remain largely consistent with those used in prior studies; due to advances in the Statistical Analysis Center's (the Center) ability to obtain and analyze data, measures have been taken to improve the clarity of data obtained for these cohorts.

Delaware has a unified correctional system, with all correctional facilities and services falling under the jurisdiction of the State. This unified system integrates prison and jail systems. Within the unified system, Delaware maintains a five-level system of supervision for offenders: Level V (24-Hour Incarceration); Level IV (Quasi-Incarceration); Level III (Intensive Probation Supervision); Level II (Standard Probation); Level I (Administrative Probation).

Delaware defines a prison term as the aggregate of Level V sentences for an offender totaling greater than one year, while a jail term is defined as the aggregate of sentences for an offender being one year or less at Level V. Only offenders released from prison terms were included in this study. Early release of any type does not remove the offender from the studied cohort, as the offender was still sentenced to an aggregate contiguous sentence of greater than a year at Level V.

Individuals become subjects of this study at each prison release event. Only in-state recidivism events are captured for this analysis, with the first event for each of the four recidivism measures counted during the associated tracked at-risk period. Each individual can thus be counted only once as a recidivist after a given prison release. However, a new prison sentence can mean that a subject could enter a new at-risk period following his/her next release. As such, an offender can appear as a study subject multiple times in one or more release cohorts.

This study explores the required measures of Delaware recidivism in limited context of cohort demographics, length of stay, and release crime categories. Included in this version of the annual recidivism report is a more in-depth look at first rearrest events, especially violations of probation. The Center has continued efforts to further branch out in recidivism research by assisting the Delaware Correctional Reentry Commission (DCRC). One of the goals of the DCRC is to provide a success rate analysis on cohorts of offenders who are receiving increased reentry services per Executive Order 27.

## Methodology

Offenders who were studied for this report:

- Were released from a Level V prison term (aggregate sentence of greater than one year) in a Delaware Department of Correction facility;
- Were not immediately released to federal custody from Delaware incarceration, either to serve time or to be deported;
- Were not released immediately to other state or local authorities that would go on to imprison the offender to a period of incarceration that would extend beyond that offender's at-risk period of three years following their Delaware release;
- Were tracked from the point of release from secure custody (which identifies the start of the at-risk period) for up to three years until a recidivism event or death occurred.

Subjects of this study were tracked for return to prison, recommitment, reconviction, and rearrest occurring after their at-risk dates using electronic data stored in the state's criminal justice information system, court, and Department of Correction (DOC) records. 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. Also, post-release arrests or convictions for offenses that occurred prior to release were not counted as recidivism events. 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 [Appendix A](#) for details.)

Rearrest and reconviction events were established by offense dates, not 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 that behavior was discovered or processed through the criminal justice system.

Recommitments were based only on DOC admission dates, regardless of when the underlying offense(s) occurred. Any secure custody readmissions (excluding administrative recommitments), in detained or sentenced status, and regardless of sentence length, were counted as recommitments. Returns to prison (newly added to this installment) are recommitments to Level V status with sentence lengths of greater than one year.

Each subject's at-risk date marked the start of one-year intervals established for the recidivism time series. The intervals are calculated from each individual's at-risk date. Recidivism rates were calculated for each of the four 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. For the return to prison measure only, the cohort attrition term is zero; that is, the initial cohort size is not reduced by attrition of non-recidivists over the tracking period.*

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, apart from return to prison, 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.

In the Center's review of other states' recidivism methodology, cohort attrition is generally not considered when calculating return to prison rates. Due to the tendency of comparing recidivism rates between states, the common practice of not considering cohort attrition was used to calculate Delaware's return to prison rate.

The Center does not generally have access to non-Delaware criminal records except those released to the public. However, Delaware information system records can provide a non-public source that assists in the identification of non-Delaware activity. State and public records reviewed in the research process 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 the offender has significant criminal activity elsewhere during the three-year tracking period.

## Recidivism Subject and Offense Group Summaries

There were 1,112 distinct individuals tracked for up to three years following release from a prison term in 2017. Breakouts of race, sex, age, length of stay, and offense histories are provided in this section. These are common parameters in recidivism research and may appear to have some association with recidivism rates, but correlations are not examined in detail.

Figure 2 shows the demographic breakdown by sex and race for offenders released in 2017. Females were broken out further to better display the racial breakdown of the female cohort. Figure 3 shows race and sex proportions of tracked subjects in the 2017 prison release cohort, but subjects in the “Other” race category are not represented in the bar chart due to representing less than 1% of both the male and female prison populations.

Males accounted for 90% of the prison releases in the 2017 cohort, while females comprised the remaining 10%. Annual prison releases of female offenders are generally low. Readers should be mindful of small group counts, especially for females, as samples of this size are generally more susceptible to fluctuation resulting from anomalous behavior in recidivism studies.

Figure 2. 2017 release cohort by race and sex

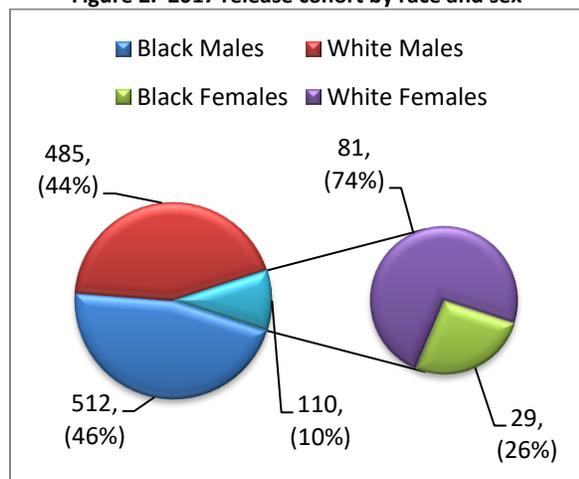


Figure 3. 2017 release cohort race proportion by sex

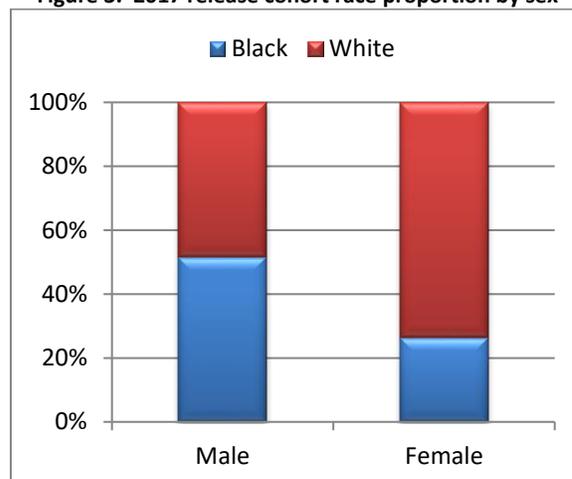


Table 2 displays offender at-risk age quartiles over a three-year series, broken out by sex and race.

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

Age at start of at-risk period	2015				2016				2017			
	Male		Female		Male		Female		Male		Female	
	Black	White	Black	White	Black	White	Black	White	Black	White	Black	White
25th percentile	27.0	28.0	26.5	26.0	26.0	28.0	26.0	26.8	26.0	29.0	25.0	27.0
Median	33.0	34.0	32.5	30.5	33.0	34.0	34.0	33.0	33.0	36.0	31.0	32.0
75th percentile	42.8	47.0	39.8	42.8	41.0	46.0	44.0	42.0	42.0	48.0	36.0	43.0

Figures 4 and 5, 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 5 illustrates an example of the small-group issues previously mentioned regarding breakouts of subject characteristics. Note that for females only one of the selected age groups has 20 or more subjects.

Figure 4. Age breakout of males released in 2017

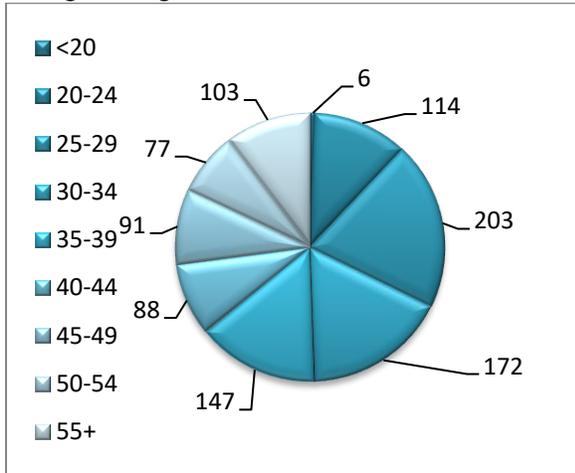
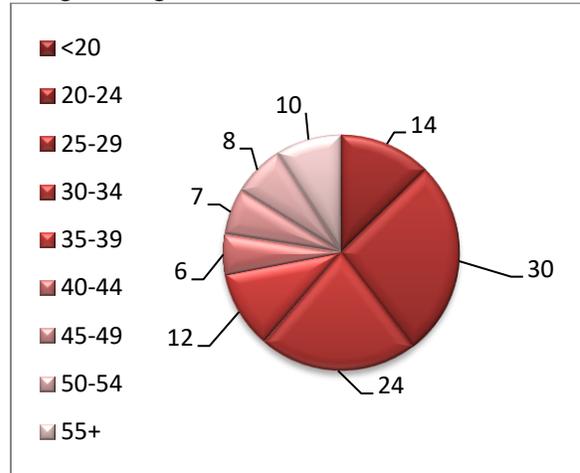
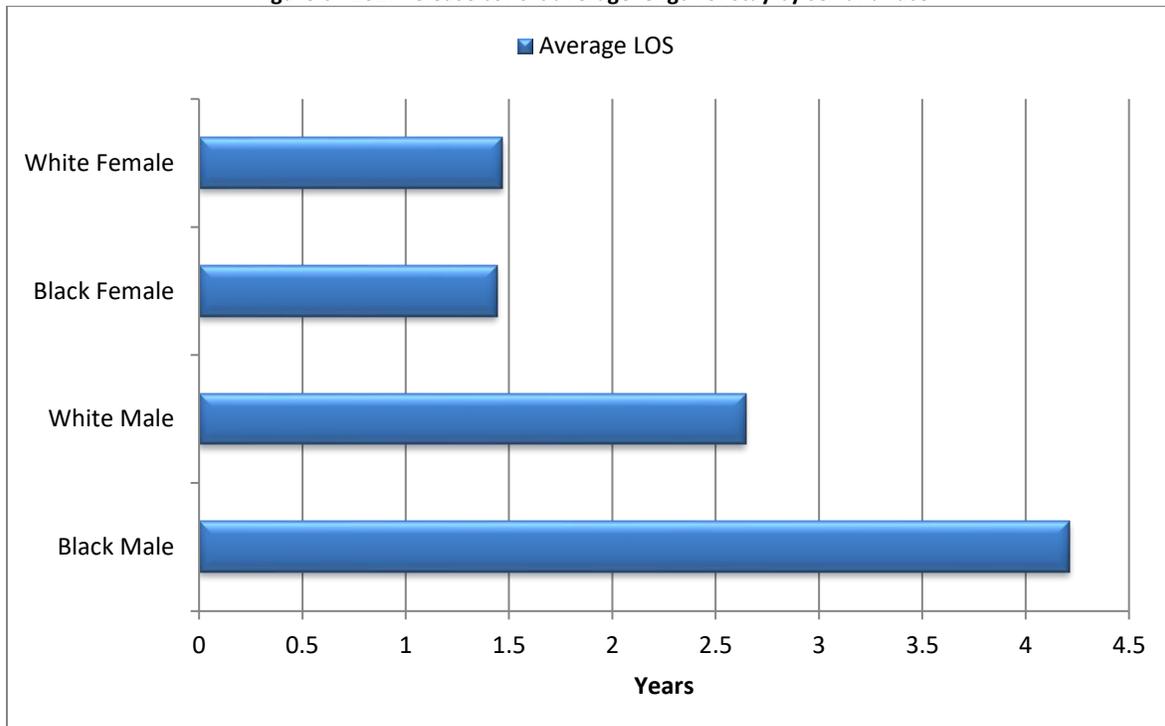


Figure 5. Age breakout of females released in 2017



Average length of stay for the 2017 release cohort by sex and race are displayed in Figure 6. Length of stay calculations in the prison release data include credit for time served in detention. It is important to mention that multiple variables impact an offender's length of stay, such as the prior criminal history of the offender and the crime committed.

Figure 6. 2017 release cohort average length of stay by sex and race



Release offense is a common recidivism research parameter, but it is often difficult to attribute a prison term to a single offense type. Complex cases with multiple offense types and plea-bargaining are common, and a single offense can be misleading in describing reasons for an offender’s imprisonment.

Figure 7 displays the percentage of each lead offense category for sex and race. It should be noted that black males saw a significant rise in violent offenses in this cohort’s release lead offense groups. Another salient feature of Figure 7 is the high number of black males in the public order offense group. Key factors in that group count are drug dealing and weapon offenses. There are almost three times more black males than white males in the drug dealing group and over twice as many black males than white males in the weapon offense group. Another important point to note is that there are more than three times as many white males than black males in the burglary offense group. There are also almost five times as many white males than black males in the driving related offense group (white males accounted for over five times as many DUIs as black males in the release cohort). 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.

**Figure 7. Subjects by sex and race in prison release lead offense groups**

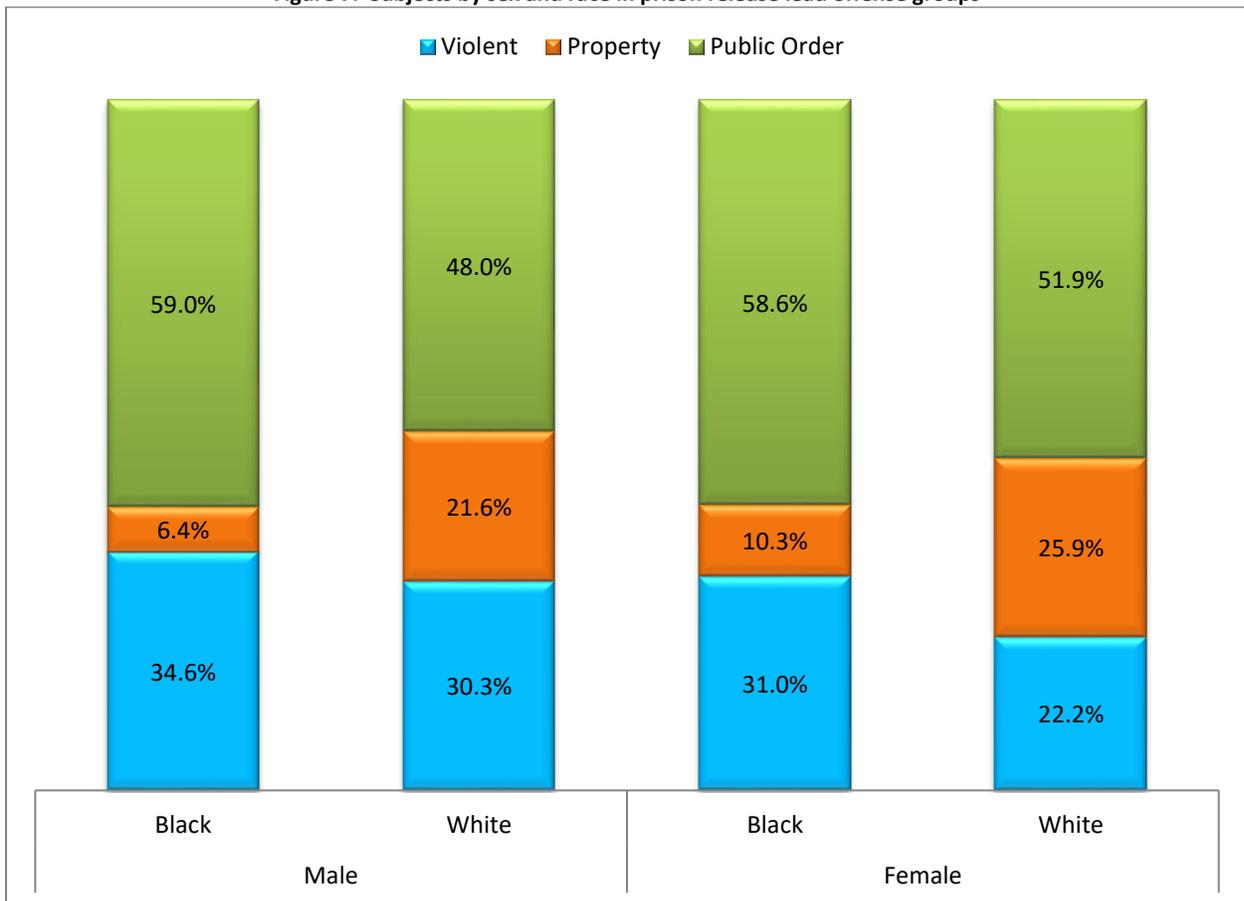


Table 3 lists offense type classifications from most to least serious for the 2017 prison release cohort. The table shows counts of subjects for each lead offense type by sex and race. Offense types are listed under broad offense groups of violent, property, and public order, with subject counts also shown for each group. Violations of probation or parole are counted as the underlying offense for which the probationer or parolee had been sentenced. The number inside the parentheses in the following table displays the count of violations of probation from the total count of each category listed in the table.

The 2017 release cohort boasts a reduction in both violent and property offenses for male offenders, and a slight increase in public order offenses in comparison to the 2016 cohort.

**Table 3. Prison term lead offense classification counts by sex and race**

Prison Term Lead Offense	Male		Female	
	Black	White	Black	White
<b>Violent</b>	<b>177 (21)</b>	<b>147 (38)</b>	<b>9 (3)</b>	<b>18 (5)</b>
Homicide	10 (1)	6 (0)	1 (0)	0 (0)
Rape	32 (3)	40 (12)	0 (0)	1 (0)
Robbery	64 (8)	39 (9)	4 (1)	12 (2)
Assault	50 (7)	26 (10)	4 (2)	3 (2)
Other Sex Offenses	12 (2)	22 (3)	0 (0)	0 (0)
Other Violent Offenses	9 (0)	14 (4)	0 (0)	2 (1)
<b>Property</b>	<b>36 (9)</b>	<b>105 (36)</b>	<b>3 (1)</b>	<b>21 (14)</b>
Arson, Unoccupied	0 (0)	2 (0)	0 (0)	0 (0)
Burglary	27 (6)	84 (30)	1 (1)	10 (8)
Theft	5 (2)	14 (3)	1 (0)	7 (3)
Fraud/Forgery	3 (1)	5 (3)	1 (0)	4 (3)
Other Property Offenses	1 (0)	0 (0)	0 (0)	0 (0)
<b>Public Order</b>	<b>302 (38)</b>	<b>233 (60)</b>	<b>17 (9)</b>	<b>43 (13)</b>
Drug Dealing	153 (22)	53 (17)	7 (4)	9 (5)
Other Drug Offenses	10 (4)	12 (7)	1 (1)	5 (3)
Weapons	100 (4)	40 (12)	7 (3)	4 (2)
<i>Driving Related</i>	<i>25 (4)</i>	<i>110 (18)</i>	<i>2 (1)</i>	<i>16 (1)</i>
Vehicular Homicide	1 (1)	1 (0)	0 (0)	0 (0)
Vehicular Assault	0 (0)	2 (1)	0 (0)	2 (0)
DUI	17 (2)	103 (15)	2 (1)	12 (1)
Other Motor Vehicle Offenses	7 (1)	4 (2)	0 (0)	2 (0)
Other Public Order Offenses	14 (4)	18 (6)	0 (0)	8 (2)

## Recidivism Findings

Table 4 shows recidivism rates 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 provided in the methodology section.

**Table 4. Series recidivism rates at 1, 2, and 3 years**

			2015 Prison Release Cohort			2016 Prison Release Cohort			2017 Prison Release Cohort		
			R+N	R	Recidivism Rate	R+N	R	Recidivism Rate	R+N	R	Recidivism Rate
Return to Prison	Year	1	1,114	83	7.5%	1,156	80	6.9%	1,110	49	4.4%
		2	1,114	158	14.2%	1,156	180	15.6%	1,110	105	9.5%
		3	1,114	218	19.6%	1,156	234	20.2%	1,110	141	12.7%
Recommitment	Year	1	1,092	495	45.3%	1,150	474	41.2%	1,095	406	37.1%
		2	1,089	611	56.1%	1,147	631	55.0%	1,091	543	49.8%
		3	1,085	675	62.2%	1,143	688	60.2%	1,090	587	53.9%
Reconviction	Year	1	1,086	526	48.4%	1,148	522	45.5%	1,095	455	41.6%
		2	1,079	629	58.3%	1,142	681	59.6%	1,091	590	54.1%
		3	1,074	681	63.4%	1,132	740	65.4%	1,090	618	56.7%
Rearrest	Year	1	1,106	585	52.9%	1,150	561	48.8%	1,101	500	45.4%
		2	1,104	706	63.9%	1,147	741	64.6%	1,097	659	60.1%
		3	1,096	771	70.3%	1,146	812	70.9%	1,097	714	65.1%

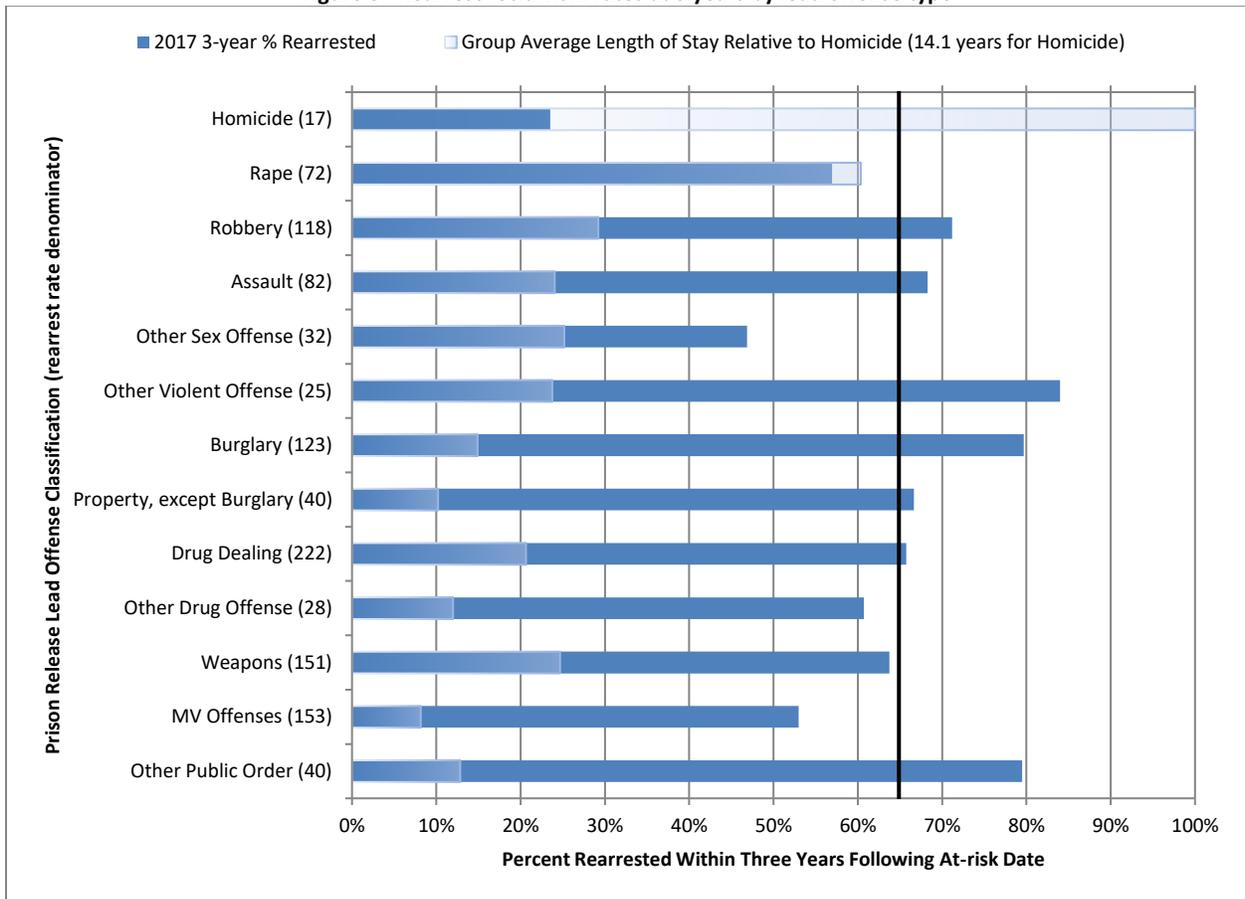
Table 5 displays recidivism rates for each measure broken out by sex and race.

**Table 5. Recidivism rates by sex and race**

		Return to Prison			Recommitment			Reconviction			Rearrest		
		1 Year	2 Year	3 Year	1 Year	2 Year	3 Year	1 Year	2 Year	3 Year	1 Year	2 Year	3 Year
Black	Total	3.3%	9.6%	13.9%	38.0%	50.6%	54.3%	42.5%	54.5%	56.9%	47.7%	61.9%	66.4%
	Male	3.1%	9.8%	14.3%	37.9%	50.6%	54.3%	42.3%	54.8%	57.3%	47.1%	62.0%	66.5%
	Female	6.9%	6.9%	6.9%	39.3%	50.0%	53.6%	46.4%	50.0%	50.0%	57.1%	60.7%	64.3%
White	Total	5.5%	9.4%	11.7%	36.4%	49.3%	53.6%	40.9%	54.0%	56.7%	43.5%	58.7%	64.0%
	Male	5.2%	9.7%	12.2%	36.5%	49.7%	54.1%	40.7%	53.9%	56.2%	42.9%	58.2%	63.4%
	Female	7.4%	7.4%	8.6%	35.8%	46.9%	50.6%	43.2%	54.3%	59.3%	46.9%	61.7%	67.9%

Figure 8 shows three-year rearrest rates for the 2017 prison release 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 8 the association of length of stay with offense type is explored for the measure of focus, rearrest. The bold vertical line indicates the three-year rearrest rate for 2017 (65.1%). The average length of stay was calculated for each offense category. Average length of stay was highest for the homicide group at around 14 years, significantly increased from the 2016 cohort's 8.9 years. For each offense group in Figure 8, 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 4.1 years, which is represented as 29.2% of the average for homicide.

**Figure 8. Rearrest recidivism rates at 3 years by lead offense type**



## A Deeper Look at Rearrest

In this installment of recidivism analysis, the Center has provided a more in-depth analysis of rearrest offenses for the 2017 recidivism cohort. In Figure 9, all 714 first rearrests within the three-year at-risk period were broken out by the general offense type, be it felony, misdemeanor, or violation of probation (VOP) for each interval.

Figure 9. 2017 rearrest breakout by general offense type

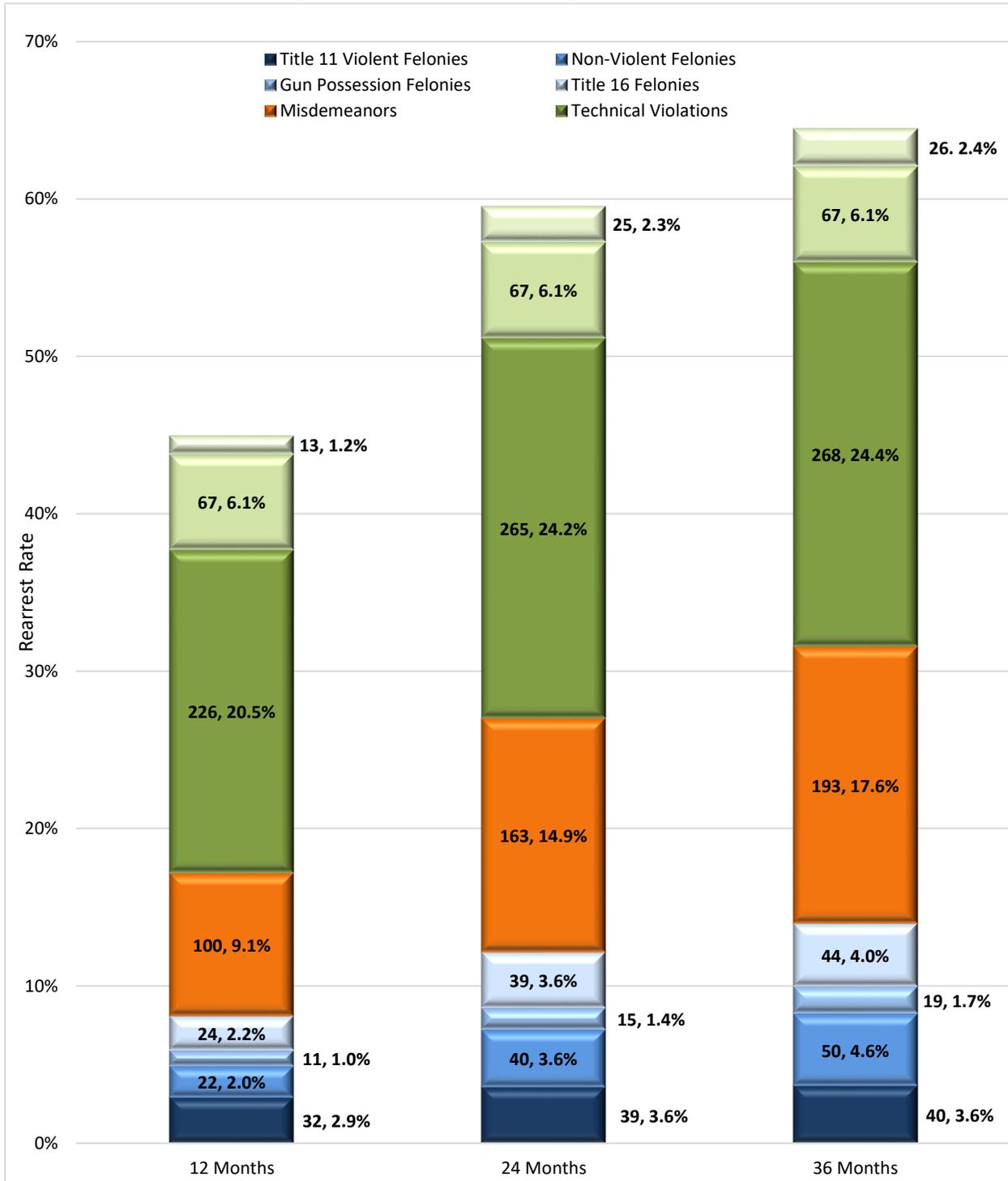


Figure 10 displays the proportions of **first rearrest** event by each general offense type. Slightly over half of those rearrests were for probation violations, while misdemeanors accounted for around 27% of first rearrest events. Felonies made up the remaining 21% of first rearrest events.

**Figure 10. 2017 36-month interval rearrest breakout**

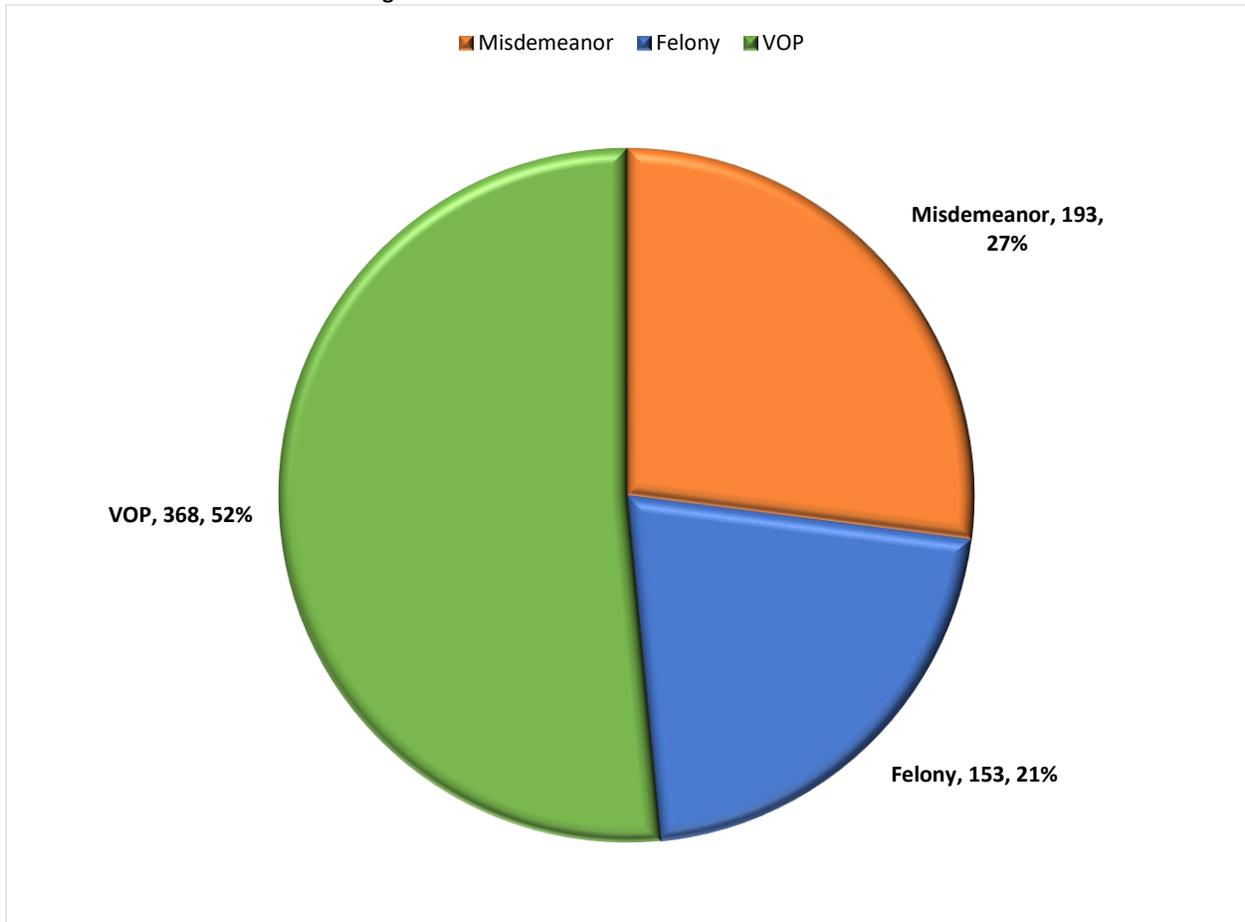


Figure 10a displays a more detailed breakout of the felony slice of the previous pie chart. Delaware Title 11 §4201(c) statutorily defines which felonies in Delaware law shall be considered violent, but despite this, ambiguity remains in some of the statutes that define the offenses themselves. Due to this ambiguity, the Center further segregated charges that involved firearm possession, and charges that fell under Delaware Title 16, which regulates drug offenses. Title 11 violent felonies that did not involve drugs or firearm possession accounted for 26% of the first rearrest felonies; this rate is down from the 2016 cohort's 34%. Title 16 felonies accounted for 29% of the first rearrest felonies, while gun possession accounted for 12% of the first rearrest felonies. Both Title 16 and firearm possession rates are up from the 2016 cohort's rates. Non-violent felonies account for the remainder, at 33%. The charge with the highest grade was selected as the lead charge for purposes of first rearrest, so there can be situations where a drug felony was committed with a non-violent felony; however, the non-violent felony was of a higher grade, in which case that rearrest would be counted with the non-violent felonies.

Figure 10a. Felony rearrest breakouts

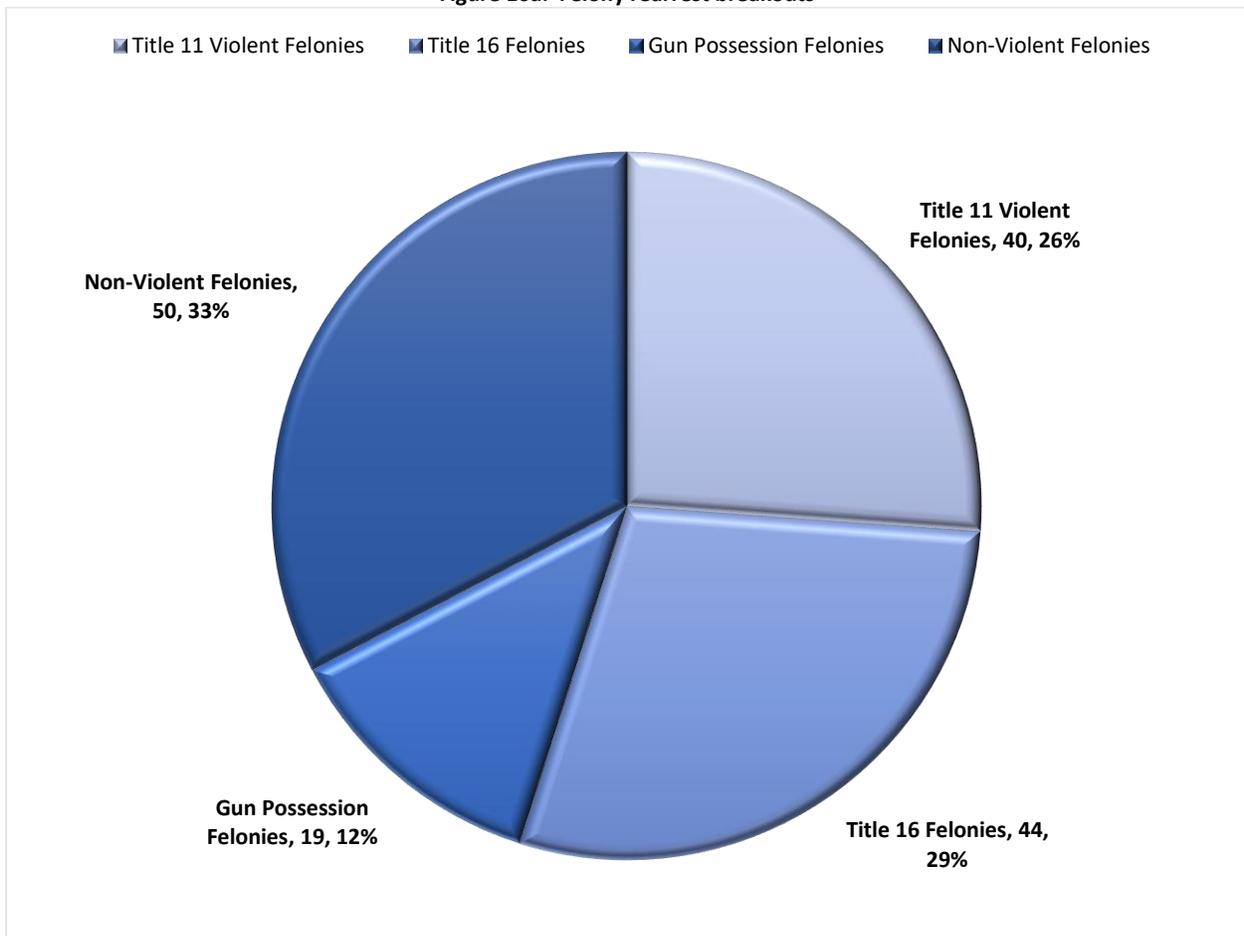


Figure 10b displays a more detailed breakout of the VOP slice of Figure 10 (page 14). The Center has worked to provide an in-depth analysis of offenders released from a Delaware prison stay whose first recidivism event was a probation violation. In keeping with the methodology that began with the December 2017 recidivism publication, probation violations for failing to pay were ignored as rearrest events. In this cohort, the Center tracked 368 probation violations, which are further broken out into categories determined by which conditions of their probation were violated, leading to the rearrest. It should be noted that 7 of these violations had insufficient information available to determine their category of probation violation, and thus were not included in Figure 10b. Technical violations account for a majority of VOP first rearrests, at 74%. This is the broadest category of conditions, which includes failure to report to the offender's probation officer, failure of drug testing, and general noncompliance with a court order. A subset of technical violations are new offense violations, which occur when an offender commits a new criminal offense. Due to the nature of how the Center calculates first rearrest, most of the new offense violations that are captured in this study are crimes committed outside of Delaware. These account for 7% of the probation violations, down from the 2016 cohort's 11%. The last slice of this pie are program violations, which account for 19% of first rearrest probation violations. Program violations are typically the result of violating treatment program rules, fighting with other offenders or staff while in a treatment facility, bringing contraband into a facility, or absconding from a facility.

**Figure 10b. VOP rearrest breakouts**

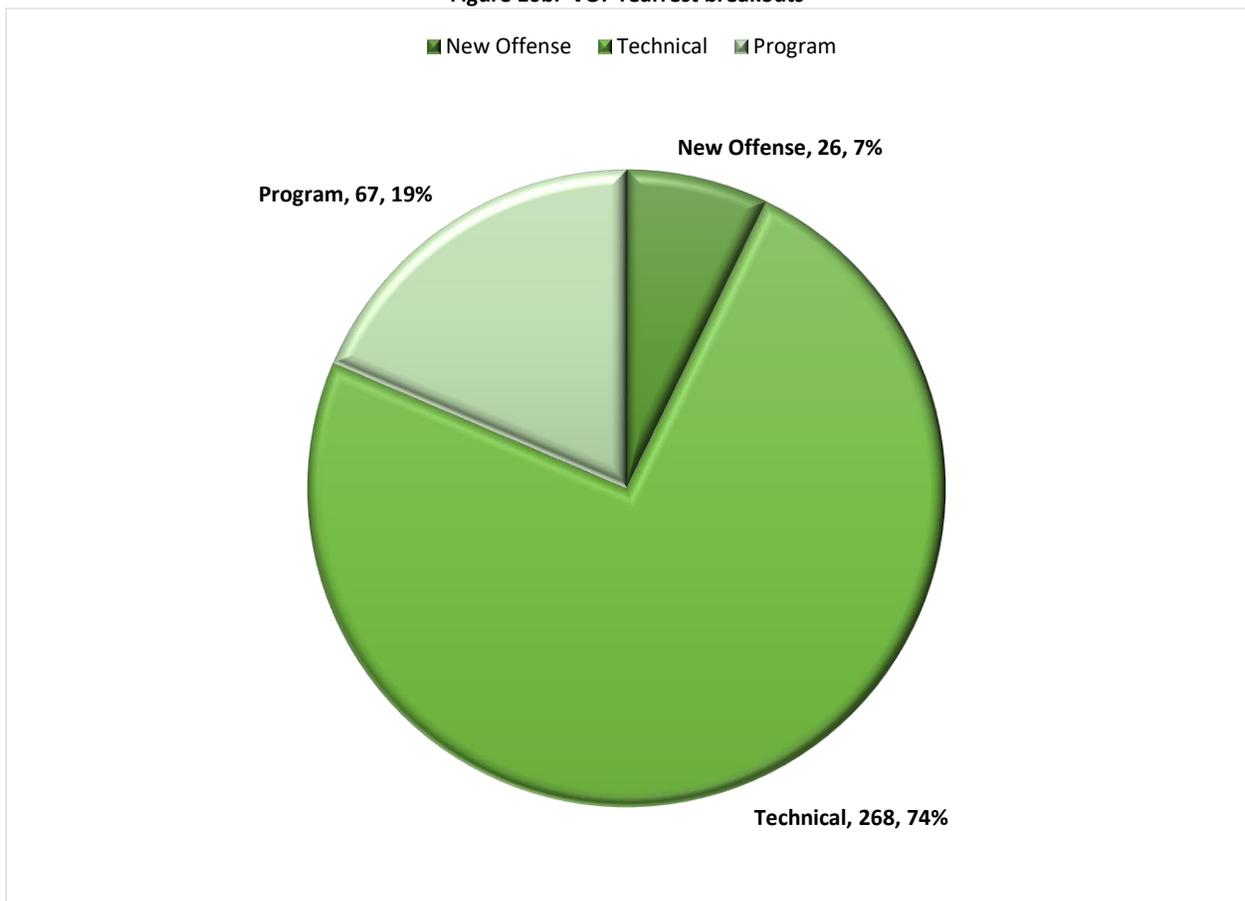


Figure 11 displays the general frequency of which conditions of probation and parole were cited in the first rearrest violation of probation reports. The most common conditions found referenced in the 368 violation of probation reports analyzed were condition 9, found present in 55% of all reports, condition 7 at almost 37%, and condition 3 at 32%. Condition VC3 was found to be violated in 84% of program violations. The definitions of these conditions can be found in [Appendix B](#) of this report. For the purposes of analysis, violations of the home confinement conditions were considered technical violations, as that is how they are coded in the Department of Correction’s Delaware Automated Correction System (DACS).

**Figure 11. General frequency of conditions of probation violated**

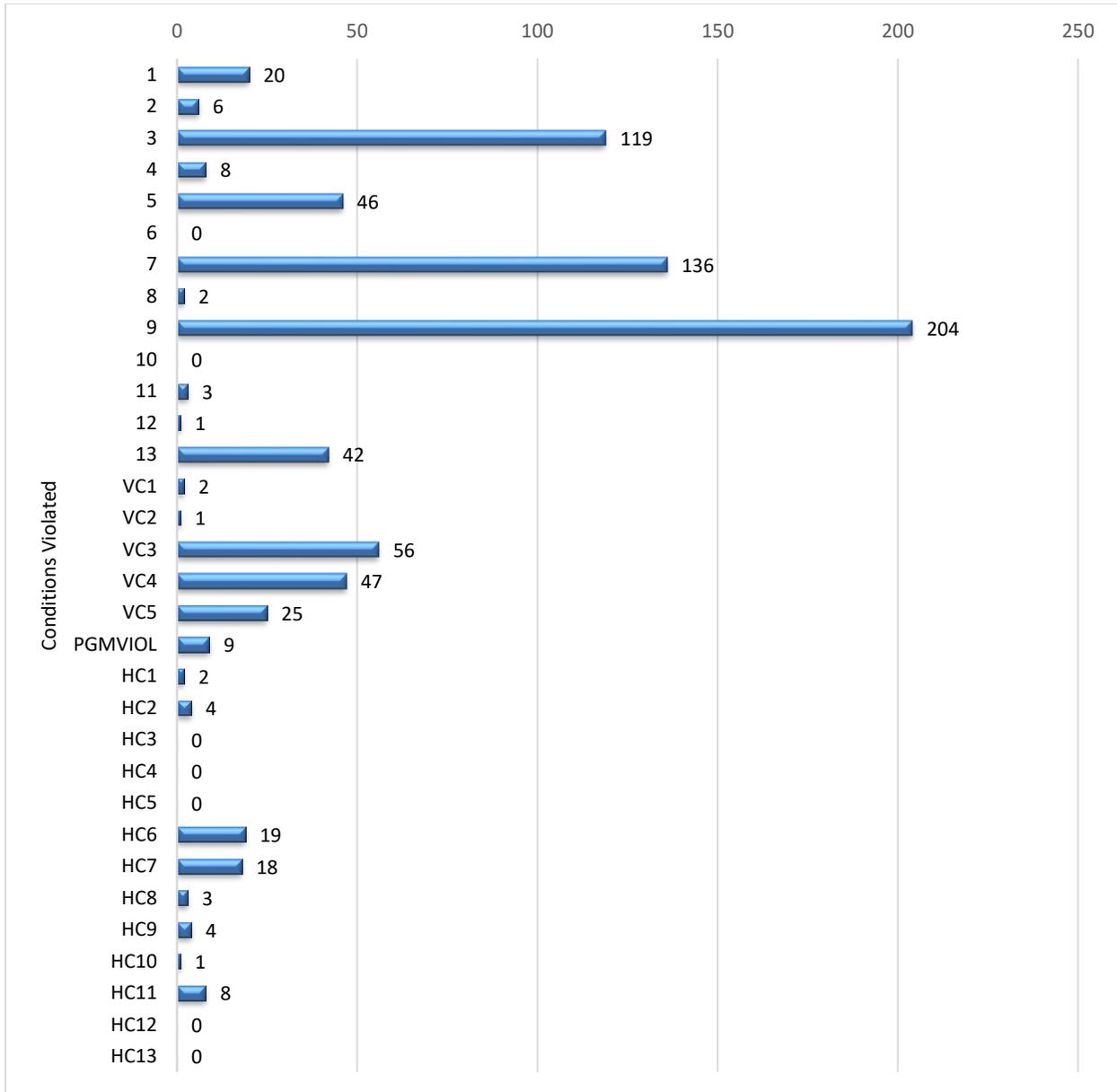
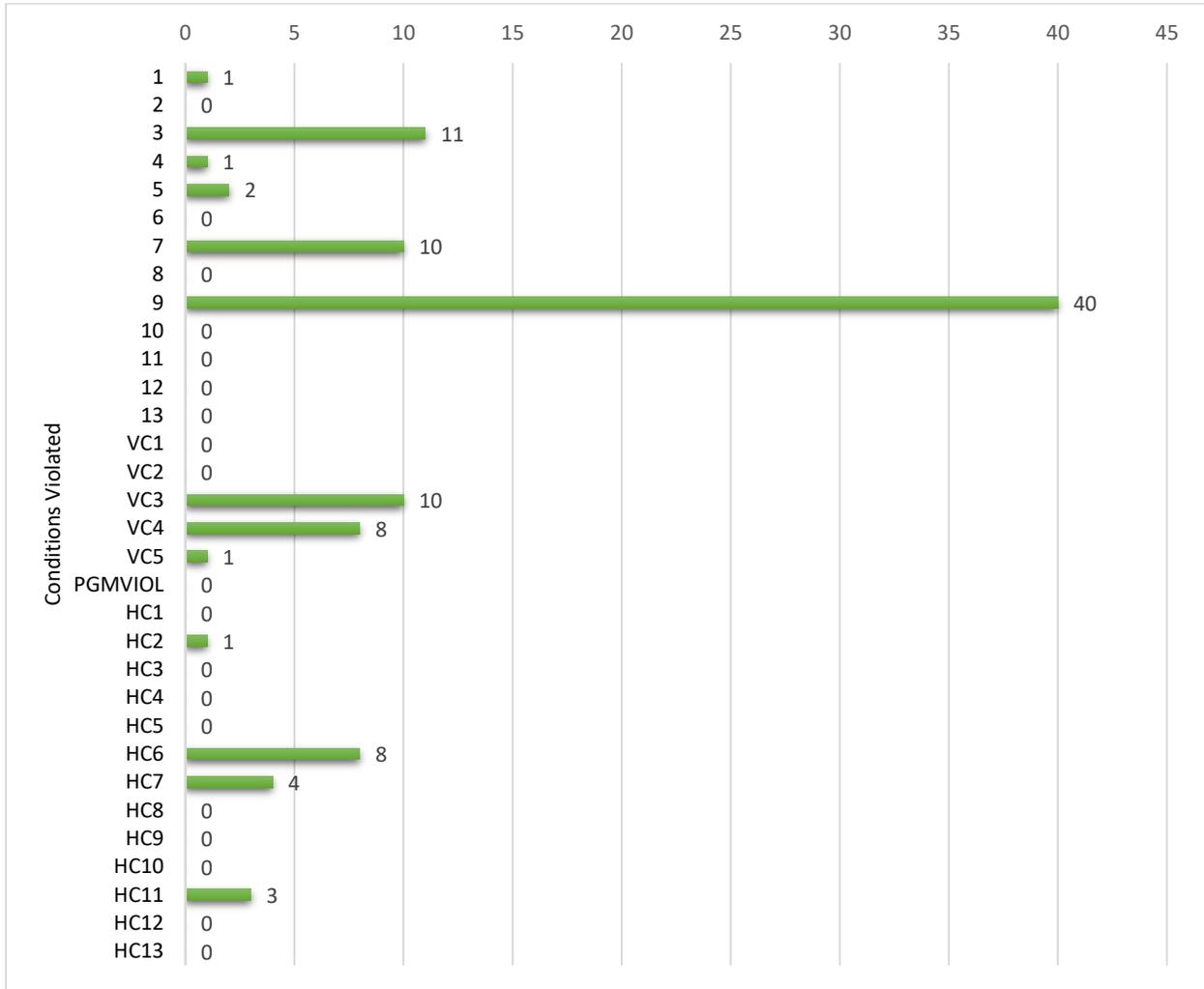


Figure 12 takes a closer look at the violation of probation reports that cited only one condition violated. These 100 single-condition violations account for 27.2% of all first rearrest VOP reports. 40% of these single-condition violations cited condition 9, and 10% of these violations cited condition VC3, down from 23% from the 2016 cohort. 28% of program violations cited a single condition, while around 24% of technical violations cited a single condition. Only 4% of new offense violations were the sole reason for the probation violation.

**Figure 12. Conditions violated when only one condition selected**



## Recidivism by Age

In this installment of the annual recidivism report, the Center has provided a more intricate look of recidivism amongst different age groups. Age has long been asserted to correlate to recidivism rates, with younger offenders being presumed to have higher recidivism rates, while older offenders tend to have lower recidivism rates. Figure 13, below, displays each studied age group's contribution to the total three-year recidivism rate of each measure. Looking specifically at rearrests, there is some disparity in the recidivism rates amongst certain age groups. For instance, the 55+ age group makes up 10.2% of the cohort, but only accounts for 5.8% of the three-year rearrest rate. Every age group from 39 years old and below is overrepresented in the three-year rearrest rate, while every age group from 40 and over is underrepresented.

Figure 13. 3-year recidivism rate by age group

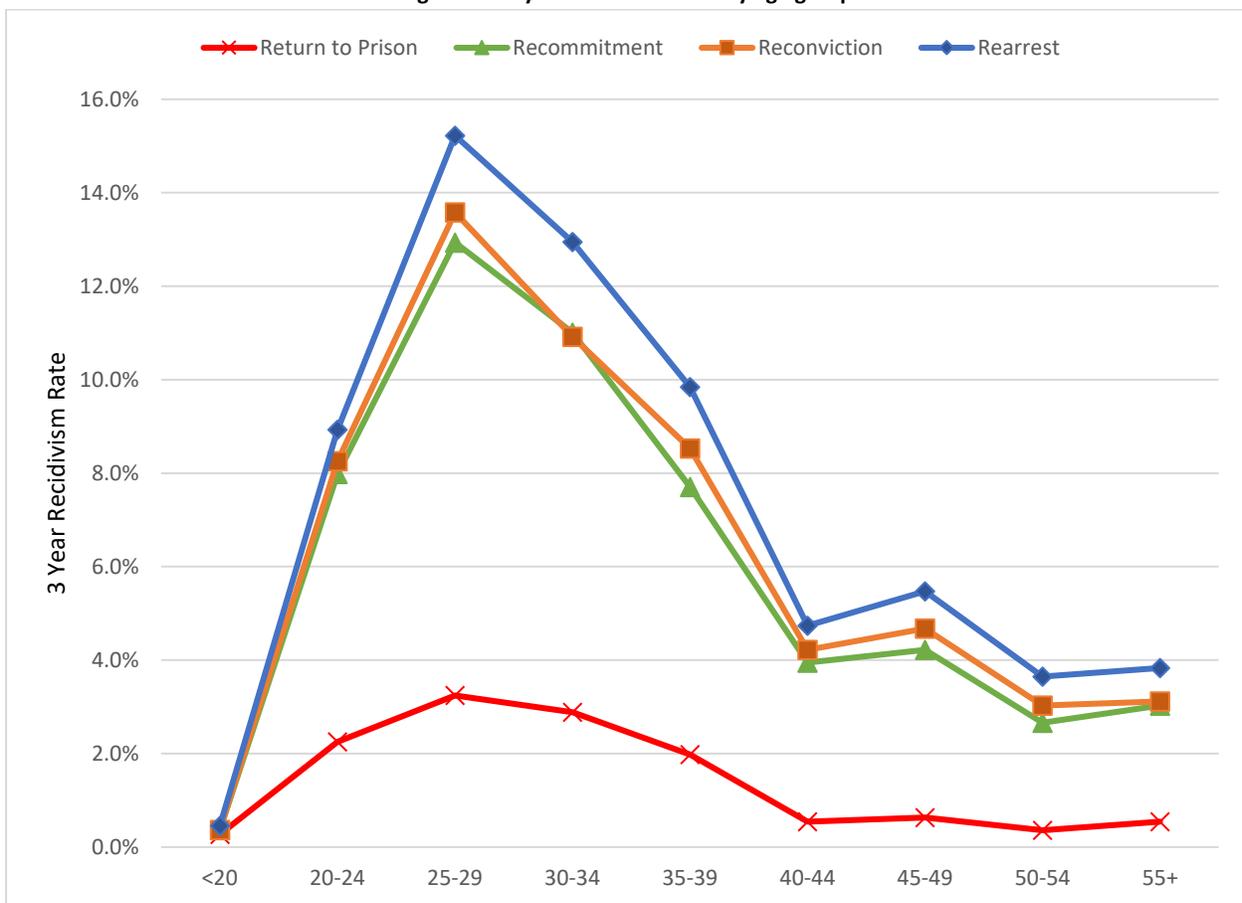
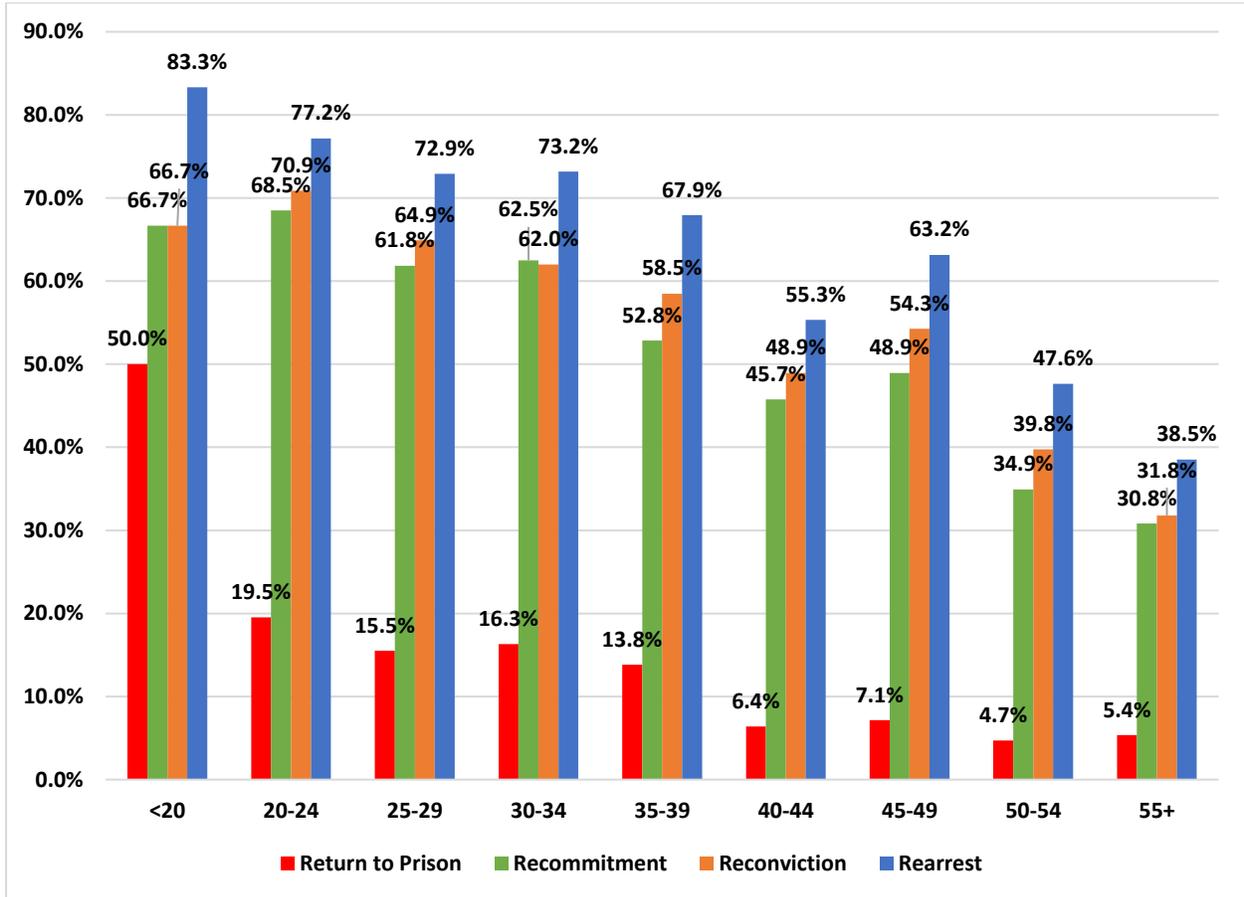


Figure 14, below, displays the 3-year recidivism rates of each measure, for each individual age group explored in this report. For example, around 63% of offenders in the 45-49 age group (60 out of 95) were rearrested within the 3-year at-risk period. In Figure 13, above, those 60 offenders in the aforementioned age group account for 5.5% of the total rearrest rate. Figure 14 shows that as the group age of offenders increases, the recidivism rates of those groups generally decrease.

Figure 14. 3-year recidivism rates of each age group



## Conclusions

### Summary of Findings

The findings of this study provide an overview of recidivism for the 2017 prison release cohort. The Center tracked 1,114 distinct offenders in the 2017 cohort for three years following release from secured custody for four recidivism measures: return to prison, recommitment, reconviction, and rearrest. 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 and return to prison measures, recidivism was identified by the date of first readmission to secure custody in a DOC facility. The recommitment group included anyone detained or otherwise incarcerated for any length of time; whereas the return to prison included only offenders returned to a sentence of greater than 12 months at Level V custody.

The Center captured sex, race, and at-risk age for each study subject as they were recorded in the state's information systems, with some manual review to resolve data conflicts. Ethnicity was not studied due to concerns with data quality. About 90% of offenders released in 2017 were males; almost 51% of males were black. Approximately 74% of females released in the 2017 cohort were white, up from 67% in the 2016 cohort.

For the purposes of analysis, the Center also categorized subjects 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 53% were released from sentences in the public order group, about 32% from violent offense sentences, and about 15% from property offense sentences. These rates are very similar to rates reported in prior cohort years, with a slight rise in violent offenses.

Rearrest rates varied substantially over the identified release offense groups. The highest three-year rearrest rate among the release crime categories is that of other violent offenses, at 84%, with burglary and other public order offenses both following closely at nearly 80% each. It should also be noted that offenders in the rape group are recidivating at a rate of 56.7%, down from last year's rate of 65.4%. The group with the lowest rearrest rates this cohort is the homicide group (23.5%).

In this installment of the annual recidivism report, the Center took a deeper focus on first rearrest incidents. 52% of recidivists had a violation of probation as their first rearrest offense. 74% of these VOPs were considered technical violations, while only 7% were for new offenses. Slightly over 20% of first rearrest incidents were felonies, with non-violent felonies comprising the largest category of felonies at 33%. Title 11 violent felonies are down to 26%, from the 2016 cohort's 34%.

## Considerations and Limitations

Limited analyses of sex, race, at-risk age, and offense types show sometimes large differences in rearrest recidivism for those groupings. Conclusions should be drawn carefully though, as more in-depth analyses should be conducted.

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 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.

This installment continues the use of the measure of return to prison. While return to prison rates do not contribute much to greater understanding of offender behavior, they were provided to give more common ground for comparison to other jurisdictions. This measure identifies the portion of released prisoners who were recommitted to a facility for a prison term (greater than 12 months at Level V). The methodology for this measure deviates from the other three in that it does not account for cohort attrition over the tracking period; this was done to match the apparent practices of other jurisdictions.

Analyzing recidivism is challenging, as it is a complex, multifaceted subject. 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 offenders are making on the path toward no longer recidivating.

If recidivism is intended as a measure of rehabilitative success, recidivism research should also include appropriate study of rehabilitation efforts to understand progress offenders are making on the path toward desistance. Such a 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. The Center hopes to widen the scope of recidivism study by continuing to provide assistance to the Delaware Correctional Reentry Commission (DCRC).

It should be noted that this installment will be the last to include the reconviction measure. Senate Bill 98 of the 151<sup>st</sup> General Assembly removed this requirement from the reporting statute that governs this publication.

## Appendix A

### 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 other 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 offenders released from studied cohorts. Lead offense classifications are listed in hierarchical order in the left column; specific offenses in each row are listed in no particular order. The brief literal descriptions should give readers a sense of the nature of offenses covered; those seeking more specificity are referred to the Delaware Code link above.

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

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

## Appendix B

### Conditions of Probation and Parole

**Table B1. New offense and technical violation conditions**

<b>Code</b>	<b>Definition</b>
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.

**Table B2. Program violation conditions**

<b>Code</b>	<b>Definition</b>
VC1	You shall not commit and/or be convicted of any criminal offense during the supervision period. This includes the charges of Escape After Conviction, Escape 3rd and motor vehicle offenses.
VC2	You must be employed, enrolled in school training, community service, treatment programs, or other productive activity which exceeds fifteen (15) hours a week.
VC3	You must abide by all the rules and regulations of the county community correction center and/or the residential treatment program as described in the orientation manual.
VC4	You will follow any special rules/conditions imposed at any time by the Court, Parole Board, Department of Correction, halfway house staff and the residential treatment program.
VC5	You are not to possess or consume alcoholic beverages, controlled substances and/or other dangerous drugs unless they are legally prescribed and authorized. You are subject to random and/or frequent drug/alcohol testing.
PGMVIOL	Other Program Violation

**Table B3. Home confinement violation conditions**

<b>Code</b>	<b>Definition</b>
HC1	You will not commit a new criminal/motor vehicle offense or participate in any illegal activities. New arrests, convictions, or police contacts must be reported immediately to your officer.
HC2	You will not change your residence without prior approval from your officer. You may not reside in subsidized housing unless your name appears on the lease, nor with someone identified as a past or potential victim in a domestic violence or sex offense.
HC3	You will not change your employment without prior approval from your officer. No "under the table" work is permitted and those who are approved by the program as self-employed must possess a valid business license.
HC4	You will not leave the State of Delaware without permission from your officer.
HC5	You will not own, possess or be in control of any firearm, ammunition, dangerous weapon or explosive.
HC6	You will not possess or use any alcoholic beverage or drug except for prescribed medication of which you have made your officer aware. You are required to submit to urinalysis/breathalyzer testing as well as DNA testing and/or sex offender registration as required by law.
HC7	You will not leave your residence during curfew hours except for life threatening emergencies.

	All schedule changes must be submitted at least twenty-four hours in advance and may be approved only by your officer.
HC8	You must not damage or destroy the House Arrest equipment. You will be responsible for any repair/replacement due to negligence or willful damage. You must call your officer or the monitoring center to report any equipment problems. Do not call this number to request schedule changes.
HC9	You must keep appointments with your officer, follow all instructions issued by any officer, and report to your employment, treatment programs, etc. As listed in your curfew hours.
HC10	You must pay fines, costs, restitution, fees, etc. according to a schedule as ordered by your officer.
HC11	You must obey any special conditions imposed by your officer, the Board of Parole, or the Courts.
HC12	You must maintain electric and telephone service to your residence during the entire period of supervision. Your phone may not be connected on the same line with an answering machine, fax or computer, and it must be free of all special features such as Caller ID, call forwarding, answer call, call waiting, three-way calling, etc. Nor may any TV service such as Direct TV be on the line.
HC13	You must allow officers to enter your home or place of employment at any time they request.