
Recidivism of Delaware Juvenile Sex Offenders Released in 2001

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Introduction

This study provides recidivism rates for juvenile sex offenders released by the Department of Services for Children, Youth and Their Families (DSCYF), Division of Youth Rehabilitative Services (DYRS) during 2001.¹ This report presents descriptive and recidivism findings on the 22 juvenile sex offenders released during 2001. The juvenile sex offenders were tracked for 5 years after their release to the community.

The main measures of recidivism used in this study are re-arrest and re-incarceration following a 2001 release pursuant to a sex offense adjudication. Major recidivism rates findings are reported for two different at-risk intervals: three and five years. Many juvenile recidivism studies report truncated results because they stop following juveniles once they reach the age of majority. This study does not truncate results because Delaware arrests can be tracked through an offender's adult years and offenders can be tracked into the Department of Correction.

¹ See page 16 for a detailed explanation of how the dataset was constructed for this study.

Recidivism Highlights

Juveniles were tracked for at least 5 years after their release in 2001 from Level V or Level IV placement episodes that occurred pursuant to an adjudication for a sex offense. Level V, the most intensive programming available, is comprised of locked secure institutional settings like the Ferris School for Boys in Wilmington, Delaware. Level IV staff secure programs provide 24 hour supervision and general diagnostic, substance abuse and sex offender treatment in settings like Diversified Treatment Alternatives in Lewisburg, Pennsylvania.

Table 1 shows that the over-all re-arrest recidivism rate at five years is 77 percent. Forty-one percent of the released juvenile sex offenders in this study were re-arrested for a new sex offense. Sixty-four percent were re-arrested for a felony within five years of their 2001 release.

Table 1 shows that 36 percent of the sex offenders in this study were re-admitted to an incarceration in DYRS or DOC within five years of their release. Eighteen percent were re-admitted to DYRS and 36 percent to DOC. The DOC re-admission rate is higher than the DYRS rate because the sex offenders in this study were over 18 years of age during the majority of the follow-up period, as the average age at release was 16.6 years of age.

Table 1: Recidivism rate of juvenile sex offenders released in 2001, n=22

Recidivism measure	<u>Years after release</u>				
	1 year	2 years	3 years	4 years	5 years
Any re-arrest	27 %	59 %	68 %	77 %	77 %
Any sex offense	9	23	27	36	41
Felony re-arrest	18	36	45	64	64
Misdemeanor re-arrest	18	27	36	55	59
Violation re-arrest	9	18	32	55	59
Any incarceration	9 %	32 %	36 %	36 %	36 %
Any YRS incarceration	9	18	18	18	18
Any DOC incarceration	9	27	36	36	36

Measuring Recidivism

Re-arrest recidivism is measured when a youth is arrested after being released from a DYRS Level IV or V incarceration episode. Recidivism is reported as the percentage of persons released who are re-arrested following release. Arrests for technical violations or traffic offenses not related to driving under the influence or motor vehicle theft are not included in this study. Re-incarceration recidivism is measured when a juvenile is re-admitted to DYRS or DOC incarceration after being released from a DYRS Level III, IV or V placement episode. Incarceration includes a stay in Level IV or Level V in either a juvenile or adult facility.

Traditionally, recidivism is measured from the date of release from an institution or a residential placement. This measure is valid for systems that take youth from the street, incarcerate them, and then release them back to the street. Delaware's juvenile system is much more likely to place the juvenile offender in a series of secure placements before a youth is released to the community. The methodology in this report captures the serial institutionalization of a juvenile as a *secure placement episode*.

Secure placement episodes comprise an uninterrupted period of time when a youth is not in the community and may include multiple releases from secure residential placements. For example, a sex offender placement episode may include two contiguous placements: (1) admission to the Detention Center, (2) admission to The Pines Treatment Center in Virginia, and release to the community with Aftercare follow-up. The at-risk period does not start until the juvenile has been released from The Pines and is no longer in secure supervision. In this study, the post-release *at-risk* period starts when a juvenile is released to the community from a secure setting.

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Offender Characteristics

Types of juvenile sex offenders

Results are reported in this study for four types of juvenile sexual offenders: rapists, sexual contact, child molesters and statutory rapists. While these categories are not mutually exclusive, they attempt to group classes of offenses and offenders into recognizable groups based on the nature of the offense and victim characteristics.

Of the 22 offenders analyzed in this report, 21 were classified as either a *rapist* or a *sexual contact* offender. Offense information was missing on one offender whose arrest history has been expunged. Offenders were classified based on the information available from the arrest that lead to their adjudication as a sex offender and FACTS notes.² These four types of sexual offenders are described in Delaware law as:

Rapist

Delaware defines sexual penetration, in 11 Del. C. § 761(h), as the unlawful placement of an object inside the anus or vagina of another person, or the unlawful placement of the genitalia or any sexual device inside the mouth of another person. Sexual intercourse is defined in 11 Del. C. § 761(f) as encompassing the crimes commonly known as rape and sodomy or any act of cunnilingus or fellatio regardless of whether penetration occurs. Rapists are offenders that were adjudicated of an offense that involved unlawful sexual penetration or sexual intercourse. A total of 13 offenders were classified as rapists.

Sexual Contact

Sexual contact encompasses sexual offenses where no penetration occurred. Sexual contact is defined in 11 Del. C. § 761(e) as any intentional touching which is intended to be sexual in nature. A total of eight offenders were classified as having been adjudicated of sexual contact.

Child Molesters

For purposes of this report, child molesters are offenders that raped or had sexual contact with victims that had not reached their 14th birthday. A total of 20 offenders were classified as child molesters. Their victim's age ranged from three to 11 years.

Statutory Rapists

For purposes of this report, statutory rapists are offenders that raped without using force or had sexual contact with victims that were between 14 and 17 years of age. One offender was

² DSCYF maintains a database (FACTS) which is used to track juvenile cases. Critical information on a juvenile's case, information which may not readily fit into a fixed data entry field, is entered into free-text notes by case workers and probation officers.

classified as being a statutory rapist. The statutory rapist was adjudicated of sexual contact in the second degree, 11 Del. C. § 768. The statutory rapist was 16 years old and the victim was 15 years old.

Demographic characteristics

The 22 juvenile sex offenders in this study were evenly split, in terms of race, between blacks and whites. One offender, or 5 percent, was of Hispanic origin. One offender was female. The average offender was 16.6 years of age at release. Table 1 shows the demographic characteristics of juvenile sex offenders released during 2001.

Table 2: Demographic characteristics of juvenile sex offenders released in 2001, by type of offender

Offender Characteristics	All	Rapists	Sexual contact	Child molesters	Statutory rapists
Total	100%	100%	100%	100%	100%
Race					
White	50%	38%	75%	50%	100%
Black	50	62	25	50	0
Hispanic origin					
Hispanic origin	5%	8%	0%	5%	0%
Non-Hispanic	95	92	100	95	100
Age at release					
13	5%	8%	0%	5%	0%
14	5	8	0	5	0
15	18	31	0	20	0
16	14	0	38	15	0
17	27	38	13	30	0
18	23	15	25	20	0
19	9	0	25	5	100
Age at release					
Average	16.6	16.0	17.0	16.0	19.0
Median	16.8	16.7	17.7	16.7	19.0
Total released	22	13	8	20	1

Time served

The 22 juvenile sex offenders were sentenced by Family Court to indefinite sentences which were served in out-of-state sex offender residential treatment programs. In addition to time spent in detained and sentenced status in Delaware, the juvenile sex offenders served time in

programs that were located in Minnesota, Pennsylvania, South Carolina and Virginia. The majority of the placement episodes comprised two placements: a stay in secure detention while the case was being adjudicated, and then time in a treatment program like Minnesota's Hennepin County Home School. These out-of-home placements reflect the rehabilitative mission of DYRS and the Family Court and are based on placement decision taken by a team of professionals from Family Court, the Division of Child Mental Health, the Office of the Public Defender, and DYRS. The time served under Family Court indefinite, or indeterminate, sentences is dictated by the treatment provider and juvenile sex offenders serve their time in out-of-state staff secure residential treatment centers.

The time that juvenile sex offenders served ranged from 12.7 months to 43.5 months. On average, juvenile sex offenders served just short of two years. The average length of stay of juveniles incarcerated in the Ferris School for Boys (Delaware's *reform* school), which does have a treatment component as part of its normative culture programming, was seven months for juveniles released during 2001.

Table 3: Time served in months by juvenile sex offenders released in 2001, by type of offender

Characteristics	All	Rapists	Sexual contact	Child molesters	Statutory rapists
Time served in months					
Average	22.7	20.0	24.5	21.8	19.2
Median	20.6	20.3	24.5	20.6	19.2
Upon release in 2001, percent who had served ...					
7 – 12	5%	8%	0%	5%	0%
13 – 18	18	23	13	20	0
19 – 24	45	54	38	45	100
25 – 31	23	15	38	25	0
32 – 36	5	0	13	5	0
37 – 60	5	0	0	0	0
Total released	22	13	8	20	1

Prior criminal record

Arrest statistics shown in this report pertain to arrests for violations of probation, misdemeanors, and felonies. Arrests for municipal ordinances and most traffic misdemeanors are not included in this report. Arrests for traffic misdemeanors related to DUI and motor vehicle theft are included in this report. Fifteen, or 68 percent, of the juvenile sex offenders in this study had prior arrests for any crime. Therefore, 32 percent of the juvenile sex offenders were first time offenders. Also, seven, or 32 percent, had prior arrests for felony

sex offenses. Half of the juvenile sex offenders in the study had prior felony arrests. On average, the juvenile offenders in the study had at least two prior arrests.

Two juvenile offenders, or nine percent, had prior incarcerations (admissions to Level IV or Level V) pursuant to an adjudication. On average, juvenile sex offenders had one prior incarceration.

Table 4: Prior criminal record of juvenile sex offenders released in 2001, by type of offender

Prior	All	Rapists	Sexual contact	Child molesters	Statutory rapists
Percent with at least 1 prior arrest for ...					
Any crime	68%	69%	63%	65%	100%
Any sex offense	32	31	38	30	100
Any felony	50	54	38	45	100
Any misdemeanor	36	46	13	35	0
Prior arrests for any crime					
Average	2	2	1	2	1
Median	1	1	1	1	1
Percent with at least 1 prior incarceration for ...					
Any crime	9%	8%	13%	10%	0%
Any sex offense	0	0	0	0	0
Any felony	5	0	0	0	0
Any misdemeanor	9	0	13	10	0
Prior incarcerations for any crime					
Average	1	1	1	1	1
Percent who were first releases					
	91%	92%	88%	90%	100%
Total released	22	13	8	20	1

Recidivism measures

This section highlights eight recidivism measures for the five year follow-up period. The eight recidivism measures are re-arrest for any crime, sex offense, misdemeanor, violation of probation; and, any re-incarceration, re-incarceration in DYRS, re-incarceration in DOC. The follow-up period is five years since release from a DYRS incarceration episode in 2001.

The five year recidivism rate of juvenile sex offenders released in 2001 is 77 percent for any re-arrest, 64 percent for a felony, and 59 percent for any misdemeanor re-arrest.

Of the 22 juveniles that were tracked for this study, nine, or 41 percent, were re-arrested within five years for a sex offense. One sex offender was arrested for sexual contact where the victim was three years old, one was arrested for raping a 13 year old, two were arrested for raping 15 year olds, one was arrested for raping a 35 year old, one sexually harassed a 12 year old, and three failed to register as sex offenders.

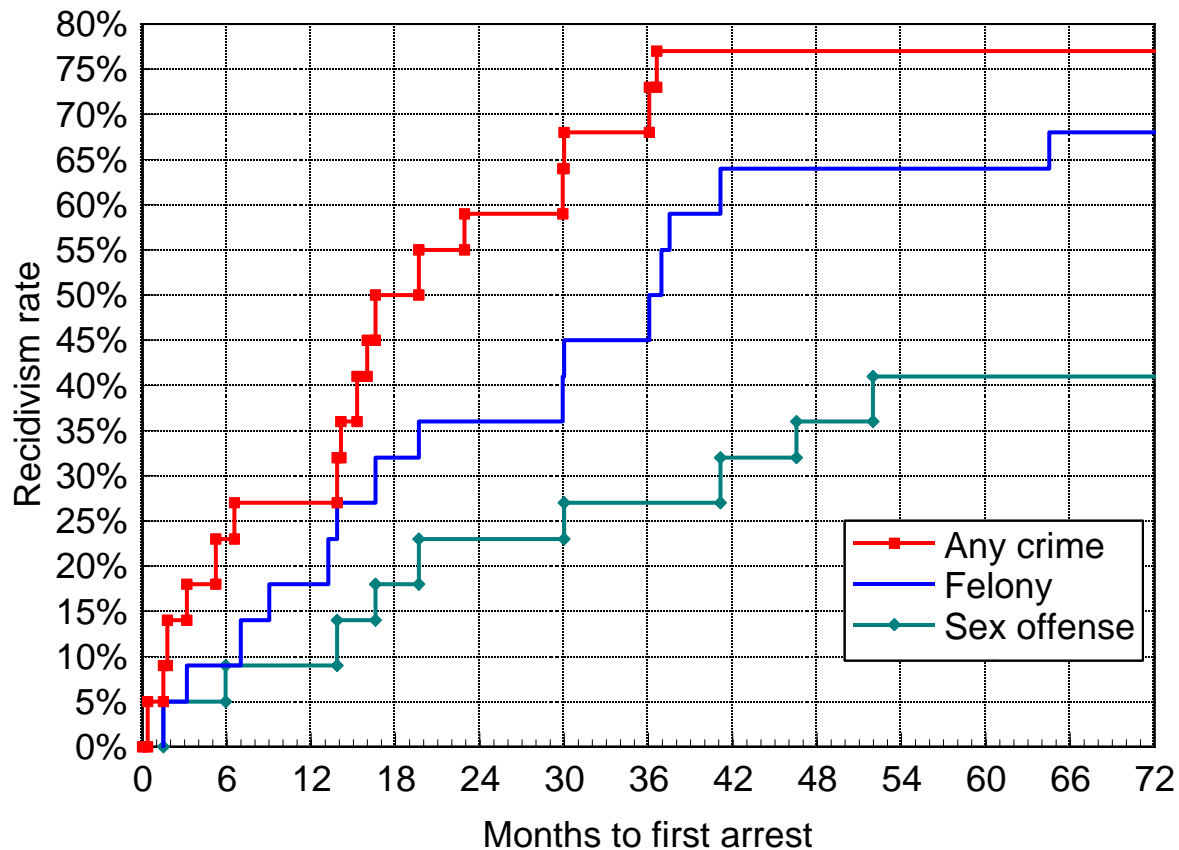
Eight juvenile sex offenders, or 36 percent, were admitted to a DOC Level IV or Level V incarceration after their 2001 release for a juvenile facility.

Table 5: Five year recidivism rate of juvenile sex offenders released in 2001, by recidivism measure and type of offender

Recidivism measure	All	Rapists	Sexual contact	Child molesters	Statutory Rapists
Within five years following release ...					
Any crime re-arrest	77%	69%	88%	76%	100%
Any sex offense	41	38	38	38	100
Any felony	64	54	75	62	100
Any misdemeanor	59	46	75	52	100
Any violation	59	23	75	38	100
Any re-incarceration	36	31	3	33	0
Any YRS incarceration	18	15	2	19	0
Any DOC incarceration	36	31	3	33	0
Total released	22	13	8	20	1

Time to recidivism

Graph 1: Recidivism rate of juvenile sex offenders arrested for any crime, felony and sex offenses after their 2001 release



The graph, Recidivism rate of juvenile sex offenders arrested for any crime, felony and sex offenses after their 2001 release, shows that within 6 months following their release 23 percent, or five juvenile sex offenders, had been re-arrested for any crime. Within one year, 27 percent had been re-arrested. By the third year 68 percent had been arrested for new crimes. Within five years, 77 percent had been re-arrested for new crimes. While there is no overall increase after 38 months (three years) in the recidivism rate for any crime the 17 offenders that had already been arrested for new crimes within 37 months continued to be arrested for new felony and sex offenses. The felony and sex offense re-arrest rate lines in Graph 1 show increases in re-arrest recidivism after 37 months. In the case of felony recidivism, the increase means that felony recidivists arrested after 37 months had already been arrested for misdemeanors or violations of probation.

Within 6 months following their release nine percent, or two juvenile sex offenders, were re-incarcerated for any crime. Within two years, 32 percent had been re-incarcerated. Within five years, 36 percent had been re-incarcerated.

Table 6 shows the re-arrest and re-incarceration rates of juvenile sex offenders released in 2001 in six different threshold periods.

Table 6: Recidivism rate of juvenile sex offenders released in 2001, by recidivism measure and type of offender

Time after 2001 release	All	Rapists	Sexual contact	Child molesters	Statutory Rapists
Rearrested for any crime within ...					
6 months	23%	23%	13%	20%	0%
1 year	27	23	25	25	0
2 years	59	54	63	55	100
3 years	68	62	75	65	100
4 years	77	69	88	73	100
5 years	77	69	88	75	100
Re-incarcerated for any crime within ...					
6 months	9%	15%	25%	10%	0%
1 year	9	15	25	10	0
2 years	32	23	50	30	0
3 years	36	31	63	33	0
4 years	36	31	63	33	0
5 years	36	31	63	33	0
Total released	22	13	8	20	1

Re-arrest rate by demographic characteristics

Table 7 shows that black sex offenders (41 percent) were more likely than white sex offenders (36 percent) to be re-arrested for any crime within five years of their release. The Hispanic offender that was a part of this study was not re-arrested. All sex offenders that were 13, 15, and 18 years of age at release were re-arrested.

Table 7: Re-arrest rate of juvenile sex offenders released in 2001, by recidivism measure and type of offender

Offender Characteristics	Percent re-arrested for any crime within 5 years				
	All	Rapists	Sexual contact	Child molesters	Statutory rapists
Race					
White	36%	23%	63%	35%	100%
Black	41	46	25	40	0
Hispanic origin					
Hispanic origin	0%	0%	0%	0%	0%
Non-Hispanic	77	69	88	75	100
Age at release					
13	100%	100%	0%	100%	0%
14	0	0	0	0	0
15	100	100	0	100	0
16	75	0	100	75	0
17	60	50	100	60	0
18	100	100	100	100	0
19	50	0	50	0	100
Total released	22	13	8	20	1

Re-arrest rate of first time and repeat offenders

Table 8 shows that the over-all recidivism rate is lower for first time offenders than for repeat offenders. The overall recidivism rate of first time offenders was 14 percent after five years of their 2001 release. The overall recidivism rate of repeat offenders, those with two or more arrests, was 64 percent after five years of their 2001 release. Five percent of first time offenders were re-arrested for a sex offense. Thirty-six percent of repeat offenders were re-arrested for a sex offense.

Table 8: Recidivism rate of juvenile sex offenders released in 2001, by prior arrests

Prior arrests	<u>Percent re-arrested within 5 years</u>				
	All	Rapists	Sexual contact	Child molesters	Statutory rapists
First time offenders, n=7					
For any crime	14 %	0 %	38 %	14 %	0 %
For any sex offense	5	0	13	5	0
For any felony	14	0	38	14	0
For any misdemeanor	9	0	25	10	0
Repeat offenders, n=15					
For any crime	64 %	69 %	50 %	62 %	100 %
For any sex offense	36	38	25	33	0
For any felony	50	54	38	48	0
For any misdemeanor	50	46	50	43	100
Total released	22	13	8	20	1

Re-arrest rate by number of prior arrests

Table 9 shows that all juvenile sex offenders that had three or more arrests prior to their 2001 release were re-arrested. Juvenile sex offenders that had one prior arrest had a recidivism rate of 43 percent and 80 percent of those with two prior arrests were re-arrested within five years.

Table 9: Recidivism rate of juvenile sex offenders released in 2001, by number of prior arrests for any crime

Number of prior arrests	<u>Percent re-arrested within 5 years</u>				
	All	Rapists	Sexual contact	Child molesters	Statutory rapists
1, n=7	43%	0%	100%	43%	0%
2, n=5	80	100	67	75	100
3, n=3	100	100	100	100	0
4, n=2	100	100	0	100	0
5, n=3	100	100	100	100	0
8, n=1	100	100	0	100	0
10, n=1	100	100	0	100	0
Total released	22	13	8	20	1

Data Sources

Criminal Justice Information System Data

Arrest data was downloaded from the Criminal Justice Information System (CJIS) on January 10, 2007, for use in this study. Before the arrest data could be analyzed, extensive cleanup and charge selection was required according to the following protocol:

- a. Complete criminal history information was downloaded from CJIS at the charge level for all youth released from a residential Level IV or V program (incarceration) during calendar year 2001 that had been incarcerated pursuant to an adjudication for a sex offense.
- b. Charges from arresting jurisdictions other than “DE” were excluded, thus deleting charges under municipal ordinances.
- c. Charges for Title 21 offenses not related to driving under the influence or the theft of a motor vehicle were excluded.
- d. Offense Title, Section, Class, and Type citations were verified against the SAC’s law file. Where CJIS statute citations did not match the law file, the citations were corrected. The SAC’s law file matches current state statutes. For example, an offender’s arrest for burglary in the third degree, a class F felony, appeared in CJIS as an unclassified misdemeanor.
- e. Attempted offenses charged under 11 Del.C. § 531 were corrected to the actual statute violated where an appropriate match could be made against the attempted offense’s literal description. For example, 11 Del.C. § 531, attempted theft over \$1,000, was recoded as an arrest for 11 Del.C. § 841, theft over \$1,000 – attempted.
- f. Attempted offenses charged under 11 Del.C. § 531 where the literal description did not reference an actual offense (Attempted attempt to commit a crime) and the NCIC code was not missing, were recoded to the actual statutes using the NCIC code.
- g. Attempted offenses charged under 11 Del.C. § 531 where the literal description did not reference an actual offense (Attempted attempt to commit a crime) and the NCIC code was missing, were recoded to actual statutes through the descriptive information contained in CJIS under the offense’s complaint number.
- h. Attempted offenses charged under 11 Del.C. § 531 where the literal description did not reference an actual offense, the NCIC code was missing and the complaint information did not yield any clues as to the crime committed were resolved within the context of the offender’s arrest patterns and criminal career.
- i. Criminal charges for individual offenders were aggregated at the arrest level, thus providing a collection of all relevant charges by offender and date of arrest, i.e., charges were aggregated into arrest events by date of arrest and SBI number.

Incorrect statute citations on 21 charges, or 6.7 percent, were changed to match the SAC law file.

Out-of-state arrests were checked through NCIC on January 3, 2007.

Juvenile Placement Data

Release cohort data was extracted from the data maintained on the DSCYF's Family and Child Tracking System (FACTS), and the SAC's DYRS facility database, for youth released from an incarceration during calendar year 2001 pursuant to an adjudication for a sex offense. Release cohort data was conflated according to the following protocol:

- a. Division of Family Services (DFS), DCMH, and DYRS Level III, IV and V program data was extracted from FACTS on January 10, 2007. The DYRS placement information (program name, admission and release dates) was verified against DSCYF fiscal records. If the fiscal records were not found, the placement information was verified through the program's records, when these were available.
- b. The program data were integrated with the SAC's juvenile facility database.

Secure Placement Episodes

Secure placement episodes comprise a continuous period of time when a youth is not in the community and may include multiple releases from secure residential placements. For example, the typical Ferris School for Boys placement episode includes three uninterrupted placements: (1) admission to the Detention Center, (2) admission to Ferris School, and (3) transition back to the community through Mowlds Cottage.

Secure placements include DYRS detention and Level IV and Level V programs which house adjudicated youth in secure settings. Secure placements also include DFS and DCMH programs that provide residential services which are classified by DSCYF as crisis bed, mental health; inpatient hospital; inpatient hospital, mental health; residential group care, treatment center; residential Interagency Collaborative Team; residential treatment, mental health; and residential treatment, substance abuse.

From time-to-time a secure DYRS sex offender placement will be preceded or followed by a DFS or DCMH residential placement. Residential DFS and DCMH placements are included in this study for juveniles that had at least one active DYRS sex offender incarceration and were released to the community during calendar year 2001

Juvenile Sex Offender Arrest Recidivism Study Dataset

The analysis file was produced by joining the latest available offender identification (SBI, and demographic information such as name, date of birth, race), arrest history (CJIS) and placement data (DYRS facility and contracted III, IV and V programs). Since the analysis file used for calculating all the statistics in this report was conflated from the latest available information, the statistics presented in this document supersede statistics presented in

previous reports. In total, 322 arrest charges were identified, verified and matched against secure out-of-home placements to produce the analysis file.

DYRS/DOC Re-admission Recidivism Dataset

DOC release cohort data was extracted from CJIS, for juveniles that had been released from a DYRS sex offender incarceration during calendar year 2001. DOC release cohort data was conflated according to the following protocol:

- a. DOC detention, Level IV and V admission and release data was extracted from CJIS on January 23, 2007.
- c. DOC data were integrated with the SAC's juvenile placement data.
 - Excluded from the DYRS/DOC re-admission recidivism dataset were DOC records where an offender was in the community under supervised custody, direct supervision, pre-trial services, home confinement, assigned to a Probation and Parole institution or to *restitution only*.
 - When an offender had a Central Violation of Probation, Plummer House or Sussex Halfway House Work Release case, and the location file showed that during part of the case the offender had been in a *hard* institution, i.e., Women's Correctional or Delaware Correctional Institution, the location file admission and release data on the hard institution was included in the dataset.
 - Excluded from the dataset were Central Violation of Probation, Plummer House or Sussex Halfway House Work Release cases that were not related to a location file *hard* institution admission/release record.

The re-admission analysis file was produced by joining the latest available offender identification (SBI, and demographic information such as name, date of birth, race), DOC admission history (CJIS) and placement data (DYRS facility and contracted III, IV and V programs).