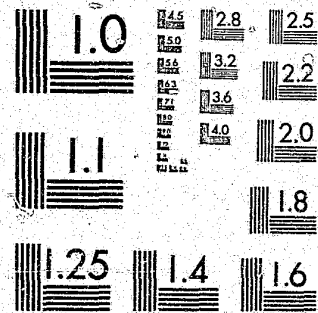


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# RECIDIVISM IN DELAWARE

## A STUDY OF REARREST AFTER RELEASE FROM INCARCERATION



PREPARED BY  
STATISTICAL ANALYSIS CENTER

DOVER, DELAWARE  
DECEMBER 1984

96670

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U.S. Department of Justice  
National Institute of Justice

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STATISTICAL ANALYSIS CENTER

DOVER, DELAWARE

DECEMBER 1984

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## INTRODUCTION

This study is the first definitive attempt to analyze recidivism in Delaware and involves a sample of 91% of all persons released from Delaware institutions over a three year period.

The study departs from the traditional definition of Violent Crime by including the offense of Kidnapping. The Federal Bureau of Investigation does not include this offense in constructing the Violent Crime Index, not because it does not recognize the seriousness of the offense, but because it does not occur often enough to be of statistical consequence.

This study ranks the seriousness of kidnapping as less than rape but more than robbery for no other reason than the severity of available sanctions upon conviction.

It is important to recall that any offense(s) for which a person is ultimately convicted of and incarcerated for is (are) the result of a criminal justice process which includes screening of charges, plea negotiations and the presentation of evidence at trial. The result may vary from the initial arrest charge. It is not unusual for persons to be arrested and charged with the most serious form of a crime type, only to be ultimately convicted of a lesser included offense or other crime.

While this analysis, in many respects, addresses the apparent escalation of criminal behavior wherein released persons are rearrested and charged with crimes more serious than the one for which previously incarcerated, the research staff is keenly aware of the adjustments made

in the system which result in the final disposition and that the magnitude of more serious behavior may be overstated.

Michael H. Rabasca, Director  
Statistical Analysis Center

## SUMMARY

- There is no classic definition of recidivism. For this study, recidivism is: The rearrest for any crime of persons released from a period of incarceration. (page 1)
- This study includes 3,241 persons released from incarceration between January 1, 1980 and December 31, 1982. (page 3)
- Persons released were tracked from date of release until date of first rearrest or September 30, 1983, whichever occurred first. (page 4)
- Persons were at risk of rearrest for periods of time ranging from a maximum of 45 months to a minimum of 9 months. (page 4)
- The recidivism rate at 9 months after release was 32%, after 1 year, 40% and at the completion of the study, 51.4%. (page 5)
- Average time to rearrest was 264 days. However, the median, a better measure, was 195 days. (page 5)
- Almost 75% of all rearrests occur within the first year after release. (page 6 and table 1, appendix)
- The longer one can go without arrest, the less likely he is to be rearrested at all. (page 6)

- The 1980 release group recidivated at a higher rate than the 1981 and 1982 groups. (page 8)
- The process of selection for release may have improved in recent years, or the offender group is less criminally inclined. (page 10)
- The recidivism rate (i.e. rearrest for any crime) of violent offenders as a whole is no more than property or other offenders. (page 11)
- Persons released after serving time for Homicide had the lowest rearrest rate of all serious offenders. (page 12). No one who had been convicted of Murder in the First or Second Degree was rearrested. Of 16 released from Manslaughter sentences, 7 were rearrested, 1 for Kidnapping and 6 for minor offenses. (page 30)
- Burglars are the most likely to be rearrested. (page 12, page 36)
- The less serious the offense for which previously incarcerated the more likely a rearrest will be for a crime of equal or greater seriousness. (page 15)
- The study group was rearrested for serious crimes at a higher rate than all other arrestees with the exception of rape. (page 19)

- There is no difference in the recidivism rates of persons released after reaching their "good time" release date, or "meritorious credit plus good time", or released by court order, or by being placed on parole. (page 21)
- Almost 46% of the group which earned no good time prior to release is rearrested. Ninety percent of this group served less than 30 days. (page 21)
- The longer average term served, the more likely a rearrest will be for a serious crime. (page 23)
- Blacks are rearrested at a slightly higher rate than whites. (page 26)
- Males are rearrested at a higher rate than females. (page 27)
- Recidivism decreases with age. (page 28)
- Persons incarcerated and subsequently released after conviction for Non-Aggravated (Simple or Misdemeanor) Assault are rearrested at the same rate and for crimes of equal seriousness as those who had served time for Aggravated Assault. (page 33)
- Persons incarcerated for petty larceny (Misdemeanor Theft) are rearrested at the same rate as those incarcerated for Grand Larceny (Felony Theft). (page 37, page 38)

## RECIDIVISM IN DELAWARE

"Recidivism is the final and only practical test for all corrections."

Prassel

Recidivists are those who return to criminal behavior. The extent to which the cycle of crime is repeated by those who have been previously convicted measures, in a sense, the success or failure of rehabilitative or deterrence efforts and the whole system of criminal justice.

There is no recidivism "rate" without a frame of reference. Far too often, criminal justice practitioners and reformers herald statistics which, by themselves, tell little or nothing about that which they purport to describe. High "rates" might be found if one were to describe the number of persons in prison who had been there at least once before. But, isn't that what one would hope to find? Low "rates" might be found if only a repeat of the same offense was counted as recidivism. Are not those with known criminal histories more closely watched and subject to arrest for the most minor infractions, or are they more skillful at avoiding arrest?

Attempts to treat recidivism in pure statistical terms face several problems.<sup>1</sup> How long after the first event is one considered a recidivist if he is involved in a second event? Is the commission

<sup>1</sup>Leslie T. Wilkins, Evaluation of Penal Measures (New York, Random House, 1969)



of a lesser offense recidivism? If one commits a more serious offense, is that an indictment of rehabilitation or deterrence?

Studies of recidivism can take many forms. They can measure any combination of arrest, conviction, and incarceration over any period of time. Most studies, however, are based on those who are released from confinement and arrested again. We have elected to use that measure for this study.

This product is the result of data drawn from the Delaware Justice Information System and was funded by the U.S. Department of Justice, Bureau of Justice Statistics.

### The Sample

Between January 1, 1980 and December 31, 1982, 3,527 persons were released from confinement in Delaware institutions for a variety of reasons. This group provided the data for three prior SAC Time Served In Prison studies:

Report Number 1: The Prison Population  
Report Number 2: The Jail Population  
Report Number 3: Time by Crime

Of this group, 3,241 had complete enough data to permit analysis in this study. Thus this study represents a sample of 91.9% of all persons released during the 3 year period.

### The Methodology

All persons released from confinement were tracked from date of release until date of first rearrest or September 30, 1983, whichever occurred earliest.

The most serious charge filed on the date of first rearrest is the crime counted.

Thus persons in this study were at risk of arrest for times varying from a maximum of 45 months (for January 1, 1980 releases) to a minimum of 9 months (for December 31, 1982 releases).

Serious crime for the purposes of this study include the offenses of:

- Homicide (Murder, Manslaughter)
- Rape
- Kidnapping
- Robbery
- Aggravated Assault
- Burglary
- Larceny
- Motor Vehicle Theft
- Arson

### Recidivism Over Time

There were 3,241 persons in this sample who were released during the period January 1, 1980 through December 31, 1982 from confinement in Delaware institutions. Of this group 1,667, or 51.4%, had been rearrested for any crime by September 30, 1983 after periods of time ranging from a minimum of 9 months to a maximum of 45 months after release.

The distribution of time to arrest after release is shown in Figure 1. It is obvious to ascertain that large numbers of arrests occur very shortly after release but also declines rapidly. This is the result of both a reduction of the number at risk (since those arrested are no longer at risk of arrest, having been arrested) and an actual reduction in the percent of those remaining who are arrested.

The average time from release to arrest was 264 days (8 months, 24 days). This figure, however, is not considered to be an appropriate measure of the characteristics of this group due to the large variation of times to arrest. The small number of those arrested after long periods at risk skews the average time to arrest of the very large group arrested shortly after release.<sup>1</sup>

A more descriptive measure is the median. This is the point where 50% of the arrestees are above and 50% are below. Median time to arrest of the 1,667 persons was 195 days (6 months, 15 days).

The following table, extracted from Table 1 and 2, Appendix, shows the cumulative percent of recidivism and shows how recidivism

<sup>1</sup>Standard Deviation: 249 days

occurs most often in the days immediately after release but tapers quite rapidly.

<u>Days Since Release</u>	<u>Number At Risk</u>	<u>Number Arrested</u>	<u>% Of At Risk Arrested</u>	<u>Cumulative % Of Releasees Arrested</u>
0 - 30	3241	204	6.3%	6.3%
31 - 60	3037	161	5.3%	11.3%
61 - 90	2876	145	5.0%	15.8%
91 - 120	2731	99	3.6%	18.8%
121 - 150	2632	99	3.8%	21.8%
151 - 180	2533	81	3.2%	24.3%
181 - 210	2452	93	3.8%	27.2%
211 - 240	2359	86	3.6%	29.8%
241 - 270	2273	69	3.0%	32.0%

This shows that of 3,241 persons released 204, or 6.3%, were arrested within 30 days. Of the remaining 3,037 persons 161, or 5.3% of that group, were arrested within 60 days of release. These 365 persons arrested were 11.3% of all persons released. Note that as time passes, the percent of those remaining who get arrested gets smaller. In fact, of those persons remaining arrest-free 3 years, only 13 were arrested (See Table 1, Appendix).

This demonstrates the function of time in a successful return to society: Most arrests occur within the first year after release. Almost 75% of all rearrests occur in this period. More importantly, the longer one can go without arrest, the less likely he is to be arrested at all. Thus, adjustment during the first year of release is critical.

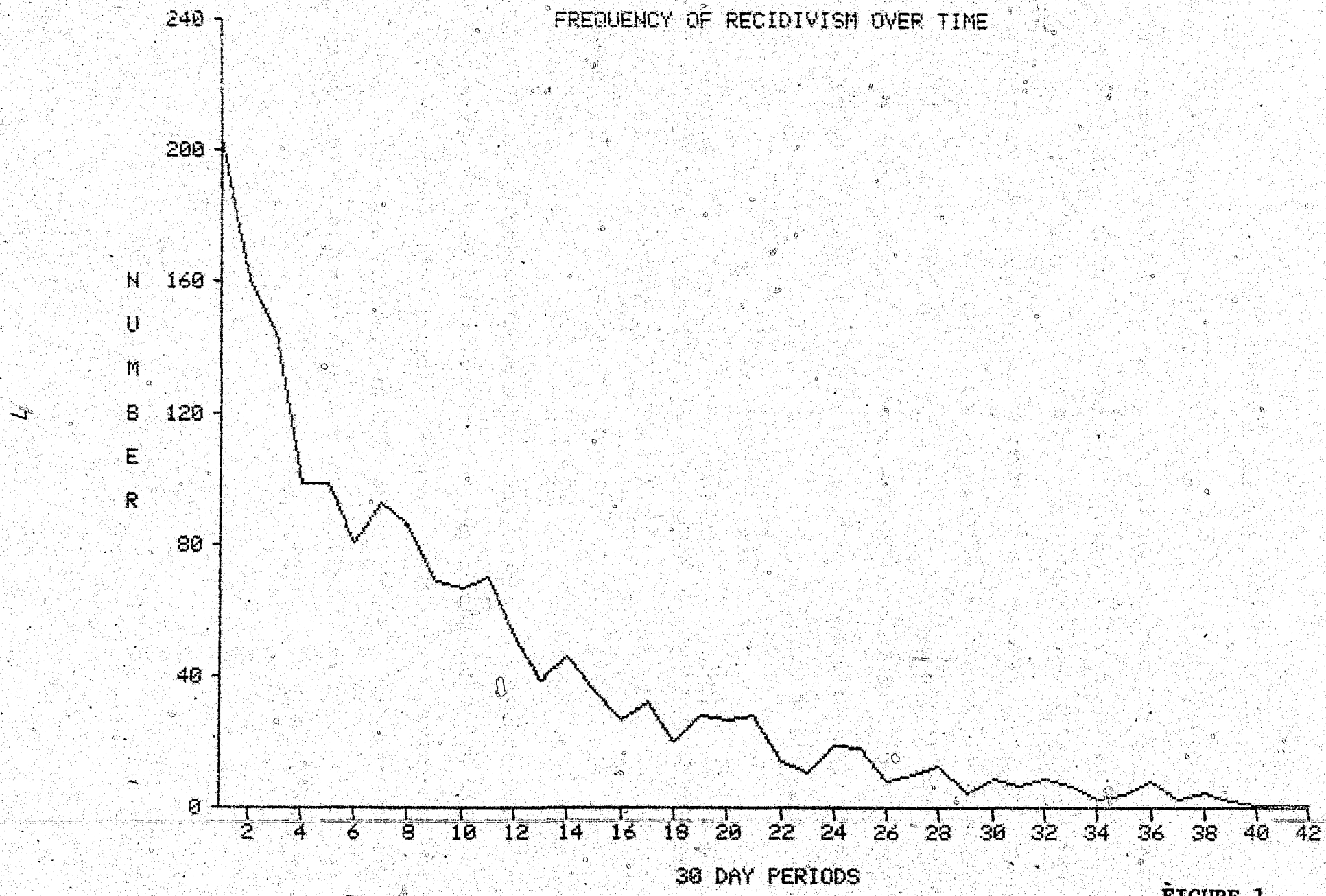


FIGURE 1

Recidivism and Time at Risk

The longer a group of releases is at risk, the higher will be the number (and percent) of the group who eventually are rearrested. Thus it is logical to find that the group of persons who have been released the longest would have a higher recidivism "rate".

It should also be expected that the average time to rearrest would be higher because of the passage of time.

Such is the case of the 3,241 persons in this study. If the group is divided into sub-groups by year of release, there are substantial differences in both the recidivism "rate" and the average time to rearrest.

Year Released	Number Released	Time to Rearrest		Average Time To Rearrest (Days)
		Number Rearrested	Percent Rearrested	
1980	1185	775	65.3%	324 Days
1981	996	511	51.3%	255 Days
1982	1060	381	36.0%	156 Days

The differences can be attributed to differing times at risk. The 1980 group has had longer to recidivate and each new arrestee in that group affects both the percent rearrested and the average time to rearrest. The 1981 and 1982 groups have not had as long at risk. The only logical measure of each group is to compare them at similar time frames after release.

Recidivism at 30 Day Intervals  
By Year Group

Days Since Release	1980		1981		1982	
	Number Rearrested	Cumulative Percent	Number Rearrested	Cumulative Percent	Number Rearrested	Cumulative Percent
0 - 30	82	6.9%	61	6.1%	61	5.8%
31 - 60	73	13.1%	46	10.7%	42	9.7%
61 - 90	66	19.6%	30	13.8%	49	14.3%
91 - 120	40	22.0%	26	16.4%	33	17.5%
121 - 150	39	25.3%	32	19.6%	28	20.1%
151 - 180	29	27.7%	27	22.3%	25	22.5%
181 - 210	26	29.9%	36	25.9%	31	25.4%
210 - 240	31	32.5%	35	29.4%	20	27.3%
241 - 270	34	35.4%	20	31.4%	15	28.7%
271 - 300	26	37.6%	23	33.7%		
301 - 330	31	40.2%	21	35.8%		
331 - 360	24	42.2%	17	37.5%		
361 - 390	13	43.3%	18	39.3%		
391 - 420	25	45.4%	12	40.5%		
421 - 450	15	46.7%	16	42.1%		
451 - 480	14	47.9%	10	43.1%		
481 - 510	14	49.1%	16	44.7%		
511 - 540	15	50.4%	4	45.1%		
541 - 570	19	52.0%	7	45.8%		
571 - 600	18	53.5%	9	46.7%		
601 - 630	19	55.1%	9	47.7%		

The preceding table shows that there are differences in the rates of rearrest of the year groups, with the 1982 year group having fewer releasees rearrested at the noted intervals than its 1980 and 1981 counterparts. While this limited observation may not be indicative of a long range trend, it does suggest that more recent releasees have remained arrest-free than earlier releasees. These differences may be the result of several variables, among them, better preparation of releasees, better selection, closer supervision or a less criminally inclined group (which suggests the incarceration of lower risk offenders). Such an analysis is beyond the scope of this study but may be addressed at a later date.

Recidivism By Crime Type

The persons released were divided into groups representing the category of crime for which previously incarcerated for. Persons listed as having been incarcerated for violent crimes included those convicted of the following crimes:

- Murder
- Rape
- Kidnapping
- Robbery
- Aggravated Assault (Felony Assault)

Those incarcerated for property crimes included the following:

- Burglary
- Larceny (Theft)
- Motor Vehicle Theft
- Arson

The following table shows the results:

Rearrest by Category of Crime for Which Incarcerated

<u>Category Incarcerated For</u>	<u>Number Released</u>	<u>Number Rearrested</u>	<u>Percent Recidivism</u>
Violent Crime	388	207	53.4%
Property Crime	877	461	52.6%
Other Crime	1976	999	50.6%
Total	3241	1667	51.4%

Differences are N.S.\*

While violent criminals seem to get arrested more often than others, the differences are not statistically significant.

\*At .05

Rearrest of the Violent and Property offenders was as follows:

Rearrest of Violent Criminals

Type Of Violent Crime	Number Released	Number Rearrested	Percent Recidivism	Average Time To Rearrest
Homicide	23	7	30.4%	466 Days
Rape	51	24	47.1%	264 Days
Kidnapping	6	2	33.3%	203 Days
Robbery	173	98	56.6%	295 Days
Aggravated Assault	135	76	56.3%	263 Days
Total	388	207	53.4%	285 Days

Rearrest of Property Criminals

Type Of Property Crime	Number Released	Number Rearrested	Percent Recidivism	Average Time To Rearrest
Burglary	243	156	64.2%	300 Days
Larceny	579	277	47.8%	243 Days
Motor V Theft	43	22	51.2%	197 Days
Arson	12	6	50.0%	365 Days
Total	877	461	52.6%	262 Days

Note that burglars have the highest rate of recidivism

The following shows whether the rearrest was for a violent, property or other crime:

REARRESTS BY TYPE OF CRIME FOR WHICH INCARCERATED AND CATEGORY OF CRIME REARRESTED FOR.

Incarcerated For	Rearrested For:			Total
	Violent Crime	Property Crime	Other Crime	
Homicide	1	0	6	7
Rape	5	6	13	24
Kidnapping	0	2	0	2
Robbery	22	23	53	98
Aggravated Assault	10	12	54	76
Burglary	20	61	75	156
Larceny	25	103	149	277
Motor Vehicle Theft	4	11	7	22
Arson	0	0	6	6
Other	81	212	706	999
Total	168	430	1069	1667

Breaking down rearrests further it is noted that violent offenders are rearrested for violent acts more often than others.

REARREST BY CATEGORY OF CRIME FOR WHICH INCARCERATED AND REARRESTED FOR

<u>Category Incarcerated For</u>	<u>Number Rearrested For Violent Crime</u>	<u>Number Rearrested For Property Crime</u>	<u>Number Rearrested For Other Crime</u>	<u>Total Number Rearrested</u>
Violent Crime	38	43	126	207
Property Crime	49	175	237	461
Other Crime	81	212	706	999
Total	168	430	1069	1667

REARREST BY CATEGORY OF CRIME FOR WHICH INCARCERATED AND REARRESTED FOR

<u>Category Incarcerated For</u>	<u>Percent Rearrested For Violent Crime</u>	<u>Percent Rearrested For Property Crime</u>	<u>Percent Rearrested For Other Crime</u>	<u>Total Percent Rearrested</u>
Violent Crime	9.8%	11.1%	32.5%	53.4%
Property Crime	5.6%	20.0%	27.0%	52.6%
Other Crime	4.1%	10.7%	35.7%	50.6%
Total	5.2%	13.3%	33.0%	51.4%

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This shows whether the crime for which rearrested for was more serious, less serious, or of equal seriousness when compared to the crime for which incarcerated previously.

Type of Crime Incarcerated For	Number Released	Rearrested For:			Total
		More Serious	Same	Less Serious	
Homicide	23	0	0	7	7
Rape	51	0	1	23	24
Kidnapping	6	0	0	2	2
Robbery	173	3	9	86	98
Aggravated Assault	135	1	9	66	76
Burglary	243	20	31	105	156
Larceny	579	41	83	153	277
Motor Vehicle Theft	43	14	1	7	22
Arson	12	0	0	6	6
Drugs	111	14	5	25	44
Other	1865	320	635	0	955
Total	3241	413	774	480	1667
	100%	12.7%	23.9%	14.8%	51.4%

The above table shows that:

1. The less serious the crime for which originally incarcerated, the more likely the crime for which rearrested was of equal or greater seriousness.

Type of Crime Incarcerated For	Percent Rearrested For Equal or More Serious Crime
Homicide	0%
Rape	1.9%
Kidnapping	0%
Robbery	6.9%
Aggravated Assault	7.4%
Burglary	21.0%
Larceny	21.4%
Motor Vehicle Theft	34.8%

Such a conclusion should not be unexpected, since the less serious the original offense, the more offenses of increased seriousness there are available to commit.

2. Thieves are most likely to repeat the same crime (Larceny).

<u>Type of Crime Incarcerated For</u>	<u>Percent Rearrested for Same Crime</u>
Homicide	0%
Rape	1.9%
Kidnapping	0%
Robbery	5.2%
Aggravated Assault	6.7%
Burglary	12.8%
Larceny	14.3%
Motor Vehicle Theft	2.3%

Finally, the following chart indicates the actual crime for which rearrested for by the category of crime for which previously incarcerated.

TOTAL 7 24 2 98 76 156 277 22 6 44 955 1667

CRIME REARRESTED FOR

CRIME INCARCERATED FOR	HOMICIDE	RAPE	KIDNAPPING	ROBBERY	AGGRAVATED ASSAULT	BURGLARY	LARCENY	MOTOR VEHICLE THEFT	ARSON	DRUGS	ALL OTHER	TOTAL
Homicide			1								6	7
Rape		1	1		3	5	1				13	24
Kidnapping						1	1				2	2
Robbery	2		1	9	10	4	15	3	1	2	51	98
Aggravated Assault				1	9	3	6	3		3	51	76
Burglary	1	1	3	8	7	31	29	1		8	67	156
Larceny	2		3	11	9	16	83	4		10	139	277
Motor Vehicle Theft				2	2	5	5	1		1	6	22
Arson											6	6
Drugs				1		4	9			5	25	44
All Other	1	1	6	24	48	62	124	10	5	40	634	955
TOTAL	6	3	15	56	88	131	273	22	6	69	998	1667

Comparison To Other Arrestees

To gain perspective of how the released group faired when compared to the remainder of the arrested population, the arrest rates of the study group were compared to those of all other persons arrested during the January 1980-September 1983 period.

There were 77,456 arrests during the January 1980-September 1983 period. Of that number 1667 were from the study group, leaving 75,789 other arrests. It must be considered, however, that this group also obviously contains recidivists from other released groups (pre 1980) and persons previously convicted but not incarcerated. Nonetheless, the arrest rate of the recidivist study group was higher than the remaining population for all serious crimes except rape.

RATE PER 10,000 ARRESTS\*

	<u>Of Recidivists</u>	<u>Of Others</u>	<u>Difference</u>
Murder	36	13	+277%
Rape	18	42	- 57%
Robbery	330	101	+333%
Aggravated Assault	528	330	+ 60%
Burglary	780	421	+ 85%
Larceny	1632	1438	+ 14%
Motor Vehicle Theft	132	93	+ 30%
Drugs	414	430	- 4%
Other	<u>6124</u>	<u>7133</u>	- 14%
	10000	10000	

\*Kidnapping included in Others

### Recidivism and Method of Release

Prisoners can be released by any of seven methods:

1. By expiration of the sentence ordered (known as "max out").
2. By expiration of the sentence ordered less "good time" earned.
3. By expiration of the sentence ordered less "meritorious credits" plus "good time" earned.
4. By parole.
5. By order of a court.
6. By re-parole.
7. By release to other authorities.

The 3,241 inmates released were examined to determine the method of release and, if rearrested, the percent rearrested, to determine if any significant differences existed between the different methods of release.

### RECIDIVISM BY METHOD OF RELEASE

Method of Release	Number Released	Number Rearrested	Percent Recidivism
Expiration of Maximum Sentence	528	242	45.8%
Less "Good Time"	1121	569	50.8%
Less "Merit & Good Time"	552	304	55.1%
Parole	513	277	54.0%
By Court Order	512	269	52.5%
Re-Parole	10	3	30.0%
To Other Authorities	5	3	60.0%
Total	3241	1667	51.4%

There are several significant points to be made regarding the preceding table.

First, there is no statistically significant difference in the re-arrest rate of persons released for "good time", "meritorious credit plus good time", court order, or parole. Essentially, these groups recidivate at the same rate.<sup>1</sup>

Second, of the group who were released for expiration of sentence ("max out"), 90% served less than 30 days. Those persons would earn no "good time" and would be expected to contain a large number of petty offenders and traffic offenders. Viewed in this light, having 45.8% rearrested seems extraordinarily high and may indicate that this group contains many persons

<sup>1</sup> N.S. at .05 level  
 $\chi^2 = 3.28$   
d.f. = 3

operating on the fringes of criminal behavior yet not committing offenses serious enough to warrant more than short periods of incarceration.

Third, the lack of difference in re-arrest rates of persons on parole suggests either that persons on parole will not recidivate at a rate any greater than the general released population, or that, the presumably more restrictive nature of parole inhibits the recidivism rate of parolees whom, without supervision, would recidivate a much higher rate.

Careful examination of the following two tables reveals that the longer average time served, the more likely rearrest will be for a serious crime. It is probably reasonable to assume that persons incarcerated long enough to earn meritorious credits in addition to good time or to be awarded parole were incarcerated for the more serious crimes and subsequently more likely to commit offenses of similar seriousness.

RECIDIVISM BY METHOD OF RELEASE  
AND CATEGORY OF CRIME REARRESTED FOR

Method of Release	Rearrested for:			Total
	Violent Crime	Property Crime	Other Crime	
Expiration of Maximum Sentence	20	61	161	242
Less "Good Time"	59	139	371	569
Less "Merit & Good Time"	35	95	174	304
Parole	33	89	155	277
By Court Order	20	45	204	269
Re-Parole		1	2	3
To Other Authorities	<u>1</u>		<u>2</u>	<u>3</u>
Total	168	430	1069	1667

RECIDIVISM BY METHOD OF RELEASE  
AND AVERAGE TIME SERVED TO AVERAGE TIME TO  
REARREST

Method of Release	Number Rearrested	Average Time Served	Average Time To Rearrest
Expiration of Maximum Sentence	242	40 Days	242 Days
Less "Good Time"	569	126 Days	249 Days
Less "Merit & Good Time"	304	522 Days	244 Days
Parole	277	557 Days	334 Days
By Court Order	269	106 Days	271 Days
Re-Parole*	3	21 Days	181 Days
To Other Authorities*	3	5 Days	39 Days
Total	1667	258 Days	264 Days
*Excluded From Totals	1661	258 Days	265 Days

On the other hand, the "max out" group served an average of only 40 days and should be expected to contain the less dangerous offenders. Nonetheless the following table shows that while 43.4% of the longer termers who were rearrested were rearrested for serious crimes, one-third of the presumably very low risk offender group who were also rearrested for serious crime.

Method of Release	Of those rearrested, percent arrested for Violent Crime + Property Crime = Serious Crime		
Expiration of Maximum Sentence	8.3%	25.2%	33.5%
Less "Good Time"	10.4%	24.4%	34.8%
Less "Merit and Good Time"	11.5%	31.3%	42.8%
Parole	11.9%	32.1%	44.0%
By Court Order	7.4%	16.7%	24.1%
Re-Parole	N/A		
To Other Authorities	N/A		

The preceding seems to indicate that no one method of release appears to be any more effective in controlling recidivism than any other unless one presumes that the more restrictive nature of parole (persons released for "good time" or "meritorious plus good time" are also considered to be on parole) inhibits criminal behavior. Such a presumption however runs counter to a philosophy that longer prison terms have a rehabilitative or deterrent effect on future criminal behavior and indicates that it is simply closer supervision that influences such behavior. Persons released by court order, while having a low rearrest for serious crime rate, have a total rearrest rate no better than any other group.

### Recidivism By Race

The race of rearrested offenders was examined for differences. Variables used were the methods of release.

Method	Method of Release by Race Recidivism					
	Blacks Released	Rearrested No.	%	Whites Released	Rearrested No.	%
Expiration of Maximum Sentence	283	133	47.0	244	108	44.3
Less "Good Time"	656	341	52.0	463	228	49.2
Less "Merit & Good Time"	311	185	59.5	240	119	49.6
Parole	288	159	55.2	224	118	52.7
By Court Order	256	136	53.1	256	133	52.0
Other	9	5	55.6	6	1	16.7
Total	1803	959	53.2	1433	707	49.3

While there is no substantial difference between races\*, blacks were rearrested in slightly higher percentages in all categories of release, with the exception of the "meritorious plus good time" group where the rearrest percentage was nearly 10% higher.

\*Significant at .05 level.

### Recidivism By Sex

Those rearrested were examined by sex. Males were rearrested more often than females. Within groups, however, females had a substantially higher percentage of their "meritorious credit and good time" release group rearrested than males.

Method of Release	Recidivism By Sex					
	No. Males Released	No. Males Rearrested	% Rearrested	No. Females Released	No. Females Rearrested	% Rearrested
Expiration of Maximum Sentence	459	224	48.8	69	18	26.1
Less "Good Time"	1061	538	50.7	60	31	51.7
Less "Merit and Good Time"	514	280	54.5	38	24	63.2
Parole	456	252	55.3	57	25	43.9
By Court Order	427	237	55.5	85	32	37.7
Other	12	5	35.7	1	1	100.0
Total	2931	1536	52.4	310	131	42.3



Recidivism By Age

Criminal justice practitioners and researchers have long held that crime is essentially an occupation of the young. If such a hypothesis were true, one would expect to find that the rearrest of those released from prison would vary with age, with older persons rearrested less frequently.

Analysis revealed that not only did rearrest rates decline with age but also that time to rearrest increased with age. (Prior analysis showed that the longer one went without arrest, the less likely rearrest would occur at all). Additionally, the relative seriousness of the offense for which rearrested also declined with age.

Recidivism By Age

Age	No. Released	No. Rearrested	% Rearrested	Average Time to Rearrest	If Rearrested, Rearrested for Serious*	Other
18-20	413	236	57.1	232 Days	41.1%	58.9%
21-23	739	408	55.2	256 Days	35.0%	65.0%
24-26	617	335	54.3	269 Days	37.0%	63.0%
27-29	420	217	51.7	287 Days	32.7%	67.3%
30-34	469	227	48.4	284 Days	31.2%	68.8%
35-39	227	120	52.9	281 Days	37.5%	62.5%
40-49	251	92	36.7	277 Days	23.9%	76.1%
50+	105	32	30.5	165 Days	31.3%	68.7%

\*Index Offenses: Homicide, Rape, Robbery, Aggravated Assault, Burglary, Larceny, Motor Vehicle Theft, Arson

Homicide

Great interest is always focused on persons convicted of Homicide. Twenty-three persons were released from incarceration after serving sentences for homicide. No person convicted of Murder in the First or Second Degree was rearrested. Of 16 releasees from Manslaughter sentences, 7 were rearrested, one for a violent crime (Kidnapping).

Crime Incarcerated For	No. Released	Rearrested for		
		Violent	Property	Other
Murder 1/2	7	0	0	0
Manslaughter	16	1	0	6
TOTAL	23	1	0	6

### Rape

Less than half of the 51 individual released after incarceration for rape were rearrested in the follow-up period. Only one of the 24 who were rearrested committed another rape. Four were rearrested for other violent crimes while 6 were rearrested for property offenses. The remainder committed misdemeanors such as obstructing justice, criminal mischief, disorderly conduct (2), and invasion of privacy. The average time to rearrest was 258 days. This is the second lowest mean time to rearrest of all index offenses but it should be noted that 13 of the 24 rearrests were for other crimes. Also the average time to rearrest for the rapists who recidivated was similar to the total population's average time of 264 days to rearrest.

Other sexual offenders were also tracked. These individuals had been imprisoned for offenses such as sexual misconduct, sexual assault, sodomy, incest, prostitution, and indecent exposure. Twenty of the 44 other sexual offenders released were rearrested.

### Kidnapping

Kidnapping, though a serious violent crime, is not carried in official violent crime figures because it occurs too infrequently to have a significant statistical impact. There were 6 persons convicted of kidnapping who were released. Two were rearrested, 1 for burglary, 1 for larceny.

### Robbery

Almost 57% (98 releasees) of the 173 robbery offenders released recidivated in the follow-up period. However only 44 of the 98 rearrests were for serious crimes. Twenty-three robbery releasees were rearrested for property offenses while 22 committed violent crimes. Only 9 of the 98 releasees who recidivated were rearrested for robbery. The most frequent offenses the 98 recidivists committed were simple assault, larceny and contempt of court. The mean time to rearrest for all robbery offenders following release was 295 days.

Of the 173 robbery releasees, 123 had been imprisoned for first degree robbery while only 50 were incarcerated for second degree robbery. The robbery first degree releasees recidivated at a 53.7% rate while 64% of the robbery second degree releasees were rearrested. Robbery first degree releasees also went an average of 306 days to rearrest while second degree robbery releasees went an average of 272 days.

### The Assault Puzzle

Assaultive behavior is traditionally divided into two categories: Aggravated and Non-aggravated. The definition of an aggravated assault is:

"... an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Attempts are included . . ."<sup>1</sup>

All other assaults are classified as non-aggravated.

In contrast, Delaware divides assaults into three categories, Assault in the First Degree and Assault in the Second Degree, both felonies, and Assault in the Third Degree, a misdemeanor. The resultant classification of an arrest for assault 1, 2, or 3 as an aggravating or non-aggravating assault is highly judgemental. For this reason, it is beneficial to examine the total assault picture. For analytical purposes, felony assaults are considered aggravating, while misdemeanor assault is considered non-aggravating (or simple) assault.

The vast majority of assault arrests are non-aggravating. (In 1983, 2,515 adults arrested for non-aggravating assault vs. 632 arrests for aggravating).

Additionally, the probabilities of incarceration and average sentences ordered are substantially different.

<sup>1</sup>CRIME IN U.S., 1983, Federal Bureau of Investigation

SUPERIOR COURT ONLY DATA

<u>Assault Type</u>	<u>Probability of Incarceration</u>	<u>Average Sentences</u>
Assault 1st Degree	81.5%	98 Months
Assault 2nd Degree	59.9%	33 Months
Assault 3rd Degree	33.4%	12 Months

Furthermore, more persons are convicted of lesser degrees of assault. Of the total assault releasee group, 135 had been convicted of Assault 1 or 2, while 165 had been convicted of Assault 3.

For these reasons, it might be reasonable to expect that those persons who had been convicted of lesser degrees of assault would be less likely to recidivate, since the initial behavior was less criminal.

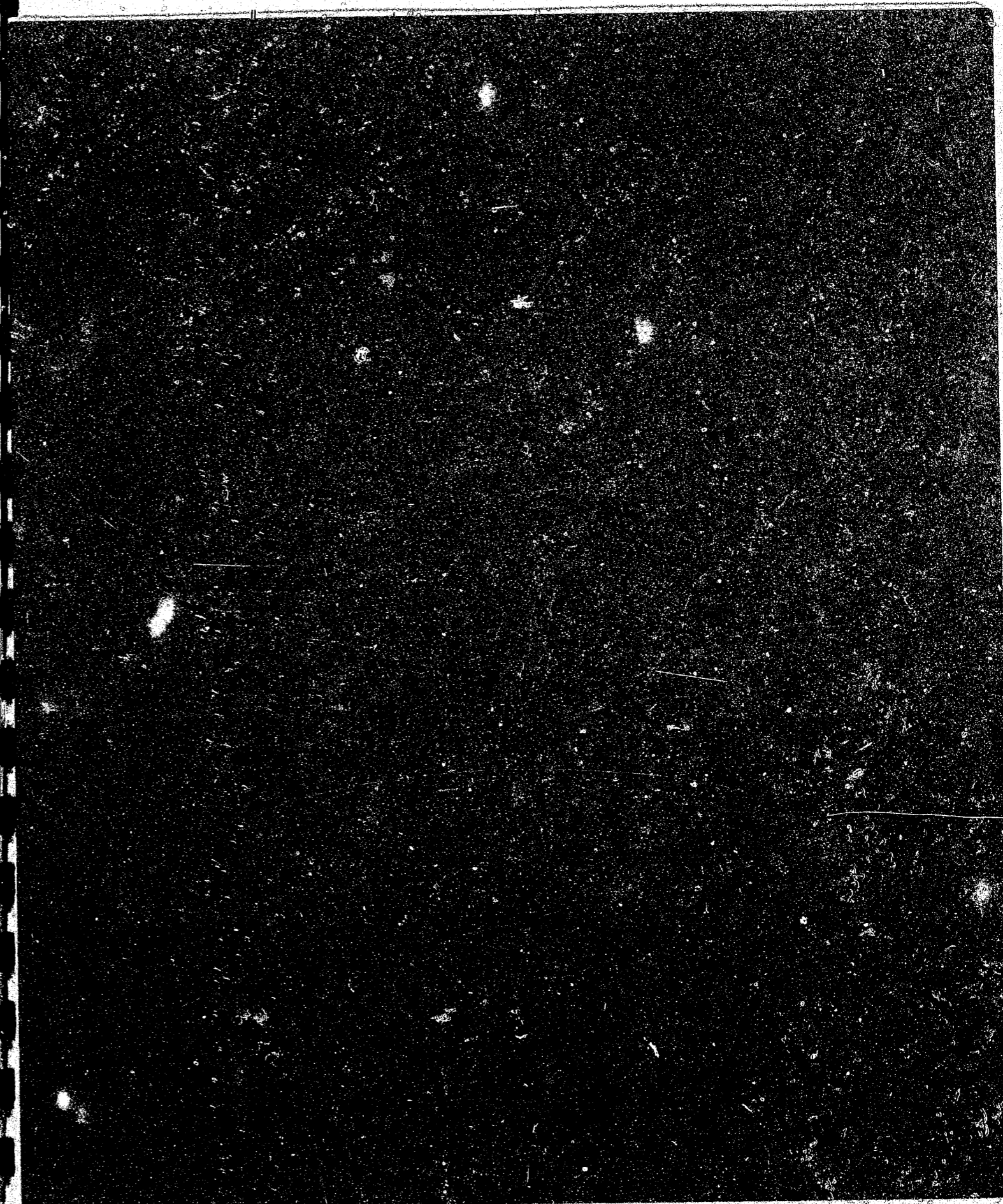
Analysis does not substantiate such a hypothesis. Persons previously incarcerated for non-aggravated assaults (i.e. Assault in the Third Degree) are rearrested at the same rate and for crimes equally as serious as persons previously incarcerated for Aggravated Assault.

Statistics are as follows:

<u>Crime</u>	<u># Released</u>	<u># Rearrested</u>	<u>Percent</u>	<u># Rearrested for Assaultive Crimes*</u>	<u>Percent</u>
Assault 1 or 2 (Aggravating)	135	76	56.3%	23	17.0%
Assault 3 (Non-Aggravating or Simple)	165	95	57.6%	30	18.2%

\*Assaultive crimes are: Homicide, Rape, Kidnapping, Robbery, Aggravated Assault, Simple Assault.

The following chart shows the break out of re-arrests for each category.





CRIME INCARCERATED FOR	REARRESTED FOR										
	HOMICIDE	ROBBERY	AGGRAVATED ASSAULT	SIMPLE ASSAULT	BURGLARY	LARCENY	MOTOR VEHICLE THEFT	CONTEMPT OF COURT	DISORDERLY CONDUCT	OTHER	TOTAL
AGGRAVATED ASSAULT (135) (RELEASES)		1	9	13	3	6	3		11	30	76
NON-AGGRAVATED ASSAULT (165) (RELEASES)	1	3	12	14	7	12	1	25	5	15	95
TOTAL	1	4	21	27	10	18	4	25	16	45	171

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### Burglary

Burglary releasees had the highest rate of recidivism of all index offenders. Sixty-four percent of the 243 burglary releasees were rearrested. Of the 156 recidivists, more than one-half (81) were rearrested for serious crimes. One-fifth of all rearrested were charged with another burglary. This clearly indicates that of all serious offenders released, burglars had the greatest propensity to recidivate.

The mean time to rearrest for burglars was 300 days. Most burglary releasees had been incarcerated for burglary of the second and third degree. Only eight of 243 releasees were imprisoned for burglary of first, fourth, or unspecified degree or possession of burglary tools.

### Larceny

(Includes all cases Grand Theft, Petty Theft, Shoplifting, and Theft under False Pretenses)

Of the 579 offenders released from incarceration for larceny, 277 or 48% were rearrested. Less than half of those rearrested committed serious crimes. In terms of all larceny releasees, that amounts to only one-fifth of all releasees being rearrested for serious crime. Thirty percent of all larceny releasees who recidivated were rearrested for larceny (83 out of 277). This is the highest percentage of releasees rearrested for the same crime they were incarcerated for.

Fifty-four percent (149) of the 277 larceny recidivists were rearrested for other crimes. Simply assault and contempt of court accounted for 21 and 33 rearrests respectively. Forty-six percent of all rearrests of larceny releasees were for serious crimes. This is fairly high in comparison with other serious offenders. The average time to rearrest for larceny offenders was 243 days.

The recidivism behavior of larceny releasees incarcerated for felony larceny was examined to determine if there were any differences between them and those incarcerated for all larceny offenses. Less than half of the 389 felony larceny offenders released were rearrested in the follow-up period. Only 8% of all rearrests were for violent crime, while property crime made up over one-third of all rearrests (37.9%).

Felony Larceny

This is very similar to the percentage of rearrests among misdemeanor larceny releasees (28.7%). Other common crimes the felony larceny releasees were rearrested for included disorderly conduct, contempt of court, and simple assault. The data shows that when rearrested the felony larceny releasee has a very high probability of being arrested for another crime. The average time to rearrest of the 190 felony larceny recidivists was 265 days.

Both felony and misdemeanor larceny releasees display similar recidivist behavior. Individuals who had been originally incarcerated for felony larceny are rearrested at the same rate as those who previously had been incarcerated for misdemeanor larceny. The percentage of releasees rearrested for serious crime and another larceny are also similar. The statistics for the two groups are:

Crime	# Released	# Rearrested	Percent	Rearrested For Serious Crime		Rearrested For Another Larceny	
				#	%	#	%
Felony Larceny	389	190	48.8%	88	22.6%	58	14.9%
Misdemeanor Larceny	190	87	45.8%	40	21.0%	25	13.2%
Total Larceny	579	277	47.8%	128	22.1%	83	14.3%

Motor Vehicle Theft

Slightly more than half of the 43 motor vehicle theft offenders recidivated following release from prison. One-half of those rearrested committed property offenses, while less than one-fifth were apprehended for violent crimes. Six of the 22 rearrests were for other offenses. Burglary and larceny were the most common offenses the releasees were rearrested for (5 rearrests for each). Only 1 out of the 43 releasees was rearrested for another motor vehicle theft.

The average time to rearrest was 197 days. However this average time includes one individual who went 1,051 days to rearrest. Thus the median time is considerably lower.

TOTAL RECIDIVISM

TABLE 1

Days To Rearrest	Number Rearrested	Percent Of Total Population	Cumulative Percent	Percent Of Total Recidivism	Cumulative Percent
0- 30	204	6.3 %	6.3%	12.2 %	12.2%
31- 60	161	5.0 %	11.3%	9.7 %	21.9%
61- 90	145	4.5 %	15.8%	8.7 %	30.6%
91- 120	99	3.0 %	18.8%	5.9 %	36.5%
121- 150	99	3.0 %	21.8%	5.9 %	42.5%
151- 180	81	2.5 %	24.3%	4.9 %	47.3%
181- 210	93	2.9 %	27.2%	5.6 %	52.9%
211- 240	86	2.6 %	29.8%	5.2 %	58.1%
241- 270	69	2.1 %	32.0%	4.1 %	62.2%
271- 300	67	2.1 %	34.1%	4.0 %	66.2%
301- 330	70	2.2 %	36.3%	4.2 %	70.4%
331- 360	52	1.6 %	37.8%	3.1 %	73.5%
361- 390	39	1.2 %	39.0%	2.3 %	75.9%
391- 420	46	1.4 %	40.4%	2.8 %	78.6%
421- 450	36	1.1 %	41.5%	2.2 %	80.8%
451- 480	27	.8 %	42.3%	1.6 %	82.4%
481- 510	32	1.0 %	43.3%	1.9 %	84.3%
511- 540	20	.6 %	43.9%	1.2 %	85.5%
541- 570	28	.9 %	44.7%	1.7 %	87.2%
571- 600	27	.8 %	45.5%	1.6 %	88.8%
601- 630	28	.9 %	46.4%	1.7 %	90.5%
631- 660	14	.4 %	46.8%	.8 %	91.4%
661- 690	11	.3 %	47.1%	.7 %	92 %
691- 720	19	.6 %	47.7%	1.1 %	93.2%
721- 750	18	.6 %	48.3%	1.1 %	94.2%
751- 780	8	.3 %	48.5%	.5 %	94.7%
781- 810	10	.3 %	48.8%	.6 %	95.3%
811- 840	13	.4 %	49.2%	.8 %	96.1%
841- 870	5	.2 %	49.4%	.3 %	96.4%
871- 900	9	.3 %	49.7%	.5 %	96.9%
901- 930	7	.2 %	49.9%	.4 %	97.4%
931- 960	9	.3 %	50.2%	.5 %	97.9%
961- 990	7	.2 %	50.4%	.2 %	98.3%
991-1020	3	.1 %	50.5%	.2 %	98.5%
1021-1050	4	.1 %	50.6%	.2 %	98.7%
1051-1080	8	.3 %	50.9%	.5 %	99.2%
1081-1110	3	.1 %	51.0%	.2 %	99.4%
1111-1140	5	.2 %	51.2%	.3 %	99.7%
1141-1170	2	.1 %	51.3%	.1 %	99.8%
1171-1200	1	*	51.33%	.1 %	99.9%
1201-1230	1	*	51.36%	.1 %	99.9%
1231-1260	1	*	51.4%	.1 %	100.0%
TOTAL	1667	100.00%	51.4%	100.00%	100.0%

\*Less than .1%

POPULATION AT RISK

TABLE 2

Days To Rearrest	Number Rearrested	Population At Risk	Failure Rate
0- 30	204	3241	6.3 %
31- 60	161	3037	5.3 %
61- 90	145	2876	5.0 %
91- 120	99	2731	3.6 %
121- 150	99	2632	3.8 %
151- 180	81	2533	3.2 %
181- 210	93	2452	3.8 %
211- 240	86	2359	3.6 %
241- 270	69	2273	3.0 %
271- 300	67	2204	3.0 %
301- 330	70	2137	3.3 %
331- 360	52	2067	2.5 %
361- 390	39	2015	1.9 %
391- 420	46	1976	2.3 %
421- 450	36	1930	1.9 %
451- 480	27	1894	1.4 %
481- 510	32	1867	1.7 %
511- 540	20	1835	1.1 %
541- 570	28	1815	1.5 %
571- 600	27	1787	1.5 %
601- 630	28	1760	1.6 %
631- 660	14	1732	.8 %
661- 690	11	1718	.6 %
691- 720	19	1707	1.1 %
721- 750	18	1688	1.0 %
751- 780	8	1670	.5 %
781- 810	10	1662	.6 %
811- 840	13	1652	.8 %
841- 870	5	1639	.3 %
871- 900	9	1634	.6 %
901- 930	7	1625	.4 %
931- 960	9	1618	.6 %
961- 990	7	1609	.4 %
991-1020	3	1602	.2 %
1021-1050	4	1599	.3 %
1051-1080	8	1595	.5 %
1081-1110	3	1587	.2 %
1111-1140	5	1584	.3 %
1141-1170	2	1579	.1 %
1171-1200	1	1577	.1 %
1201-1230	1	1576	.1 %
1231-1260	1	1575	.1 %
TOTAL	1667	1574	



RECIDIVISM BY YEAR GROUP  
TABLE 3

DAYS TO REARREST	1980			1981			1982		
	NO. REARRESTED	% REARRESTED	CUMULATIVE	NO. REARRESTED	% REARRESTED	CUMULATIVE	NO. REARRESTED	% REARRESTED	CUMULATIVE
0- 30	82	6.9 %	6.9 %	61	6.1 %	6.1 %	61	5.8 %	5.8 %
31- 60	73	6.1 %	13.0 %	46	4.6 %	10.7 %	42	4.0 %	9.8 %
61- 90	66	5.6 %	18.6 %	30	3.0 %	13.7 %	49	4.6 %	14.4 %
91- 120	40	3.4 %	22.0 %	26	2.6 %	16.4 %	33	3.1 %	17.5 %
121- 150	39	3.3 %	25.3 %	32	3.2 %	19.6 %	28	2.6 %	20.1 %
151- 180	29	2.4 %	27.7 %	27	2.7 %	22.3 %	25	2.4 %	22.5 %
181- 210	26	2.2 %	29.9 %	36	3.6 %	25.9 %	31	2.9 %	25.4 %
211- 240	31	2.6 %	32.5 %	35	3.5 %	29.4 %	20	1.9 %	27.3 %
241- 270	34	2.9 %	35.4 %	20	2.0 %	31.4 %	15	1.4 %	28.7 %
271- 300	26	2.2 %	37.6 %	23	2.3 %	33.7 %	18	1.7 %	30.4 %
301- 330	31	2.6 %	40.2 %	21	2.1 %	35.8 %	18	1.7 %	32.1 %
331- 360	24	2.0 %	42.2 %	17	1.7 %	37.5 %	11	1.0 %	33.1 %
361- 390	13	1.1 %	43.3 %	18	1.8 %	39.3 %	8	.8 %	33.8 %
391- 420	25	2.1 %	45.4 %	12	1.2 %	40.5 %	9	.9 %	34.7 %
421- 450	15	1.3 %	46.7 %	16	1.6 %	42.1 %	5	.5 %	35.2 %
451- 480	14	1.2 %	47.9 %	10	1.0 %	43.1 %	3	.3 %	35.5 %
481- 510	14	1.2 %	49.1 %	16	1.6 %	44.7 %	2	.2 %	35.7 %
511- 540	15	1.3 %	50.4 %	4	.4 %	45.1 %	1	.1 %	35.8 %
541- 570	19	1.6 %	52.0 %	7	.7 %	45.8 %	2	.2 %	36.0 %
571- 600	18	1.5 %	53.5 %	9	.9 %	46.7 %			
601- 630	19	1.6 %	55.1 %	9	.9 %	47.7 %			
631- 660	7	.6 %	55.7 %	7	.7 %	48.4 %			
661- 690	8	.7 %	56.4 %	3	.3 %	48.7 %			
691- 720	11	.9 %	57.3 %	8	.8 %	49.5 %			
721- 750	12	1.0 %	58.3 %	6	.6 %	50.1 %			
751- 780	4	.3 %	58.6 %	4	.4 %	50.4 %			
781- 810	7	.6 %	59.2 %	3	.3 %	50.8 %			
811- 840	12	1.0 %	60.2 %	1	.1 %	50.9 %			
841- 870	4	.3 %	60.5 %	1	.1 %	51.0 %			
871- 900	8	.7 %	61.2 %	1	.1 %	51.1 %			
901- 930	5	.4 %	61.6 %	1	.1 %	51.1 %			
931- 960	9	.8 %	62.4 %	2	.2 %	51.3 %			
961- 990	7	.6 %	63.0 %						
991-1020	3	.3 %	63.3 %						
1021-1050	4	.3 %	63.6 %						
1051-1080	8	.7 %	64.3 %						
1081-1110	3	.3 %	64.5 %						
1111-1140	5	.4 %	64.9 %						
1141-1170	2	.2 %	65.1 %						
1171-1200	1	.1 %	65.2 %						
1201-1230	1	.1 %	65.3 %						
1231-1260	1	.1 %	65.3 %						

A3

RECIDIVISM BY YEAR GROUP AT RISK  
TABLE 4

DAYS TO REARREST	1980 NO. REARRESTED	1980 POP. AT RISK	1980 FAILURE RATE	1981 NO. REARRESTED	1981 POP. AT RISK	1981 FAILURE RATE	1982 NO. REARRESTED	1982 POP. AT RISK	1982 FAILURE RATE
0- 30	82	1185	6.9%	61	996	6.1%	61	1060	5.7%
31- 60	73	1103	6.6%	46	935	4.9%	42	999	4.2%
61- 90	66	1030	6.4%	30	889	3.4%	49	957	5.1%
91- 120	40	964	4.1%	26	859	3.0%	33	908	3.6%
121- 150	39	924	4.2%	32	933	3.8%	28	875	3.2%
151- 180	29	885	3.3%	27	801	3.4%	25	847	3.0%
181- 210	26	856	3.0%	36	774	4.7%	31	822	3.8%
211- 240	31	830	3.7%	35	738	4.7%	20	791	2.5%
241- 270	34	799	4.2%	20	703	2.8%	15	771	1.9%
271- 300	26	765	3.4%	23	683	3.4%	18	756	2.4%
301- 330	31	739	4.2%	21	660	3.2%	18	738	2.4%
331- 360	24	708	3.4%	17	639	2.7%	11	720	1.5%
361- 390	13	684	1.9%	18	622	2.9%	8	709	1.1%
391- 420	25	671	3.7%	12	604	2.0%	9	701	1.3%
421- 450	15	646	2.3%	16	592	2.7%	5	692	.7%
451- 480	14	631	2.2%	10	576	1.7%	3	687	.4%
481- 510	14	617	2.3%	16	566	2.8%	2	684	.3%
511- 540	15	603	2.5%	4	550	.7%	1	682	.2%
541- 570	19	588	3.2%	7	546	1.3%	2	681	.3%
571- 600	18	569	3.1%	9	539	1.7%			
601- 630	19	551	3.4%	9	530	1.7%			
631- 660	7	532	1.3%	7	521	1.3%			
661- 690	8	525	1.5%	3	514	.6%			
691- 720	11	517	2.1%	6	511	1.6%			
721- 750	12	506	2.4%	6	503	1.2%			
751- 780	4	494	.8%	4	497	.8%			
781- 810	7	490	1.4%	3	493	.6%			
811- 840	12	483	2.5%	1	490	.2%			
841- 870	4	471	.9%	1	489	.2%			
871- 900	8	467	1.7%	1	488	.2%			
901- 930	5	459	1.1%	2	487	.4%			
931- 960	9	454	2.0%						
961- 990	7	445	1.5%						
991-1020	3	438	.7%						
1021-1050	4	435	.9%						
1051-1080	8	431	1.9%						
1081-1110	3	423	.7%						
1111-1140	5	420	1.2%						
1141-1170	2	415	.5%						
1171-1200	1	413	.2%						
1201-1230	1	412	.2%						
1231-1260	1	411	.2%						

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**END**