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# **Delaware Felony Case Processing An Analysis of 2006 Adult Arrests**

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January 2011



**State of Delaware  
Executive Department  
Office of Management and Budget  
Budget Development, Planning and Administration**

**Statistical Analysis Center**  
410 Federal Street • Suite 6 • Dover, DE 19901  
Phone: (302) 739-4626 • Fax: (302) 739-4630 • [www.sac.omb.delaware.gov](http://www.sac.omb.delaware.gov)

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January 2011

Author

Charles J. Huenke Jr., Lead Researcher

Director

John P. O'Connell, Jr.

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## **Preface**

### **Delaware Felony Case Processing**

When one looks at criminal justice planning documents that intend to inform us about the results of laws and polices we often see the funnel flowchart showing the steps felony arrestees follow as their cases progress through the criminal justice system. Correctly, this chart shows that many cases fall by the wayside not resulting in a felony conviction or a prison term. Interestingly this chart has not changed since the early 1970's when it was originally developed for the old U.S. Department of Justice Law Enforcement Administration Assistance (LEAA) agency (now the DOJ Office of Programs). The reason the chart has not changed is that no one could credibly put numbers on the page. The false assumption that someone could push a computer button and produce these results cast light on our then sadly incomplete, disconnected and non-standardized criminal justice information systems. Over the years, counties, states and the federal government have poured billions of dollars into systematic efforts to improve our criminal justice information systems to ensure identification (fingerprints), develop and maintain law files (standardization of legal terms), fleshing out sentencing orders (measure of punishment and surveillance), and linking each offender's arrest with the end result including release from prison (system integration).

Delaware participated in the 2010 effort hosted by the U.S. Department of Justice Bureau of Justice Statistics (BJS) and administered by the Justice Research and Statistics Association to test the hypothesis that after all these criminal justice system improvements we could "push the button" for results. The answer is we and the four other participating states got viable results; the sticky point is the button got stuck. We were able to produce statewide numbers for the first time for all 2006 felony arrestees in the Delaware and track them successfully to either falling out of the felony part of the criminal justice system or being sentenced – sometimes to prison. Historically this is a remarkable feat. While the data exist that allows this analysis, which is good news, it still takes a very significant amount of work of knowledgeable researchers to put it together.

We now have viable results tracking felons through the criminal justice system. Following a brief discussion of some of the issues with the criminal justice databases, the second part of this study provides step by step details for the flow of felons through the criminal justice system. On the following page a brief summary of these results are presented. For instance, 43 percent of the arrested felons are convicted of a felony, while overall 69 percent of the felony arrestees are convicted of either a felony or a misdemeanor. For all of these convictions, only 11 percent are sentenced to prison for terms of one year or more; however 47 percent are sentenced to some type of incarceration (including prison, jail or time served). The severity of the crime makes a difference. For those felons being arrested for violent crimes and convicted, 40 percent are sentenced to prison, and when all types of incarceration are considered the rate is 80 percent. Interestingly, 50 percent of the felony arrestees have two or more prior felony arrests in their criminal histories.

John P. O'Connell, Director

## Summary of 2006 Delaware Felony Case Tracking Processing

*Rounded to the nearest whole number*

	Felony Arrests	Criminal History Two+ Prior Felonies	Percent Distribution by Crime Group (Column Percentages)		Of Arrests Guilty Felony	Of Arrests Guilty Any Crime
			At Arrest	At Filing or Indictment		
Violent	2,689	46%	25%	20%	41%	64%
Property	3,242	46%	30%	24%	39%	67%
Drug	2,932	53%	28%	26%	48%	67%
Public Order	1,850	56%	17%	13%	43%	73%
(misdemeanor reductions)				17%		
<b>Totals</b>	<b>10,713</b>	<b>50%</b>	<b>100%</b>	<b>100%</b>	<b>43%</b>	<b>69%</b>

94.5 percent filed or indicted  
and of those 17 percent  
were indicted  
for a misdemeanor

	Number Guilty	Of Guilty Percent Sentenced to Prison	Prison Terms in Months		Of Guilty Percent Sentenced to Jail	Mean Jail Term	Of Guilty Percent Sentenced to any Incarceration
			Mean	Median			
Violent	983	40%	105 mos.	48 mos.	40%	5.2 mos.	80%
Property	1,234	7%	39	24	46%	4.9	53%
Drug	1,361	18%	55	36	40%	4.2	58%
Public Order	972	7%	36	36	56%	4.4	64%
(misdemeanor reductions)	2,843	> 1%	20	18	22%	1.9	22%
<b>Totals</b>	<b>7,393</b>	<b>11%</b>	<b>76 mos.</b>	<b>36 mos.</b>	<b>36%</b>	<b>4 mos.</b>	<b>47%</b>

greater than a year

arithmetic average

50th percentile  
"the person in the middle"

a year and less,  
indefinite terms,  
and time served only

Prison, Jail  
and Time Served Only  
sentences

DeISAC January 2011

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## **Introduction**

In December 2008 Justice Research and Statistics Association (JRSA) for the Department of Justice Bureau of Justice Statistics released a Request for Proposals from state Statistical Analysis Centers to conduct analyses of case processing for felony arrests in 2006. Delaware and four other states were selected and awarded funding to participate in the study. This report provides a summary of DelSAC's analysis and findings from its study of 2006 felony case processing as part of the JRSA project.

In its initial request to candidate SACs, the JRSA project description called for individuals arrested for felonies in calendar year 2006. Sometime between Delaware's response to the proposal and the project kickoff meeting the study's focus changed to individuals indicted for felonies in 2006. Delaware kept 2006 felony arrests as the selection criteria for study subjects, and those subjects are further limited to adults or juveniles who were prosecuted as adults.

## **Section I: Methodology**

### ***Data Collection Process***

Delaware has three counties; New Castle, Kent, and Sussex. Beyond municipal agencies involved in their arrests, processing of felony defendants is essentially a state responsibility. With the exception of some municipal courts handling minor offenses, criminal defendants are prosecuted in state courts. State prosecutors operate in county offices of the state's Department of Justice. The state's Department of Correction houses and/or supervises detainees, sentenced inmates, probationers and parolees. All critical data pertaining to the prosecution of felony defendants are ultimately managed by the state.

The primary sources of information for this study are Delaware's Criminal Justice Information System (CJIS) and the Judicial Information Center (JIC). CJIS is the state's official criminal history repository. JIC provides the primary interface and electronic repository used by Family, Common Pleas, and Superior Courts. These two systems are integrated, but to a significant extent there is information pertinent to this study available in one but not the other.

Most arrest data are initially entered by police agencies into CJIS, and Justice of the Peace Courts use CJIS to schedule and record their case processing. The state's Department of Justice and Office of the Public Defender also interface with CJIS, but not all case processing data from those offices are recorded there. Through a fundamentally well-structured integration, information is passed between CJIS and JIC as case processing progresses.

DelSAC has direct read-only access to CJIS and JIC mainframe databases through standard interfaces developed for the criminal justice community. We also have considerable research flexibility through in-house programming to query and transfer mainframe data to PC databases. DelSAC acquired virtually all data collected for this study through its direct access to mainframe data sources.

Initial data collection started with a mainframe query of basic charge data for all 2006 arrests in CJIS. The primary list of 2006 arrest charges from CJIS was processed in a PC database to identify felony charges and a set of distinct case numbers to which those charges belonged. That set of case numbers and their associated identifiers formed the foundation for subsequent collection of relevant offender and case processing data from the integrated mainframe databases. An iterative process of querying mainframe data, building and refining PC database tables, and re-querying mainframe data ultimately resulted in development of a relational database with core elements needed for the final product.

It should be noted that we often have a choice of whether specific programming and processing steps are performed on the mainframe or on a PC. Mainly for convenience, but also for mainframe resource considerations, much of our processing that could be done on the mainframe is instead done on a PC. This brief description may imply that unnecessary steps are taken involving repeated data transfer to and from the mainframe, but the ease of use, power, and versatility of our PC database tools yield considerable benefits in the overall process.

Following primary data collection from the mainframe, a Microsoft Access database was developed to house collected data, queries, and forms for subsequent review and entry. The database contained a set of related tables, the parent of which comprised the study codebook fields and was designed to hold one record for each arrest event. Child tables contained charge, filing, disposition, legal representation, demographic and other data in one-to-many relationships. Flattening of the multi-source data was accomplished by populating the parent table through combinations of electronic and manual operations.

Every feasible opportunity was taken to collect data and compile each arrest record through queries or other programmatic manipulation, but a largely manual data entry effort was unavoidable. Completing arrest records typically involved a visual inspection process of identifying and sorting police charges from those added by the Attorney General's office or courts, determining relevant filings, dispositions and dates, and transferring those data from child tables to the parent. Compilation of sentence data required a tedious process of manually looking up and reading sentence orders, docket entries, or other mixed formats to interpret and aggregate data.

For further details on the collection of specific data elements, Appendix A provides a revision of the BJS/JRSA dataset codebook, annotated to show data sources and other comments for each field requested in the study. It also lists supplemental or replacement fields used by DelSAC.

### ***Obstacles Encountered***

A major obstacle to data collection for this study can be generalized as the extent to which manual review and data entry were necessary to fill the required data elements. While most of the requested data are available in some form from CJIS or JIC, data structures and system processes do not readily lend themselves to programmatic creation of the requested summary. Virtually every arrest record needed some level of visual inspection, interpretation, and keyboard entry to extract and compile data.

The most time-consuming effort involved collection of sentence data. Superior Court sentence orders are compiled in basically standardized formats from field codes and data arrays. Even so, Delaware's complex sentencing structure, practice, and requirements for judicial latitude result in orders that must be physically read for full and proper analysis. Lower court sentences are entered in a mix of data arrays and free text elements and must also be manually examined for complete interpretation.

Additional obstacles arise from non-standard practices implemented by some system users. Despite working for state agencies and using state information systems with common interfaces, DOJ and court personnel practices can vary across counties or among individuals. Those practices result in some degree of unpredictability and confusion in data collection and analysis.

Superior Court has exclusive jurisdiction in adult felony cases, but many adult felony cases are disposed in other courts. Tracking and analyzing outcomes in those cases can sometimes be complicated by variations in practice. Variations observed in felony cases prosecuted as misdemeanors included; felony charges reduced to misdemeanors in the same charge records, charges nol-prossed and a new set of charges added, or entire cases nol-prossed and re-entered under new case numbers.

About 13.5 percent of 2006 adult felony cases were identified as having been reduced to misdemeanors for prosecution in the Court of Common Pleas. A much smaller portion, less than two percent, went to Family Court for prosecution as misdemeanors. Confusion over what charges were intended for prosecution often resulted from transfers to lower courts. Information filings were poorly documented in the Court of Common Pleas, and they are not part of the process in Family Court.

We encountered numerous situations where CJIS and JIC had conflicting information, particularly in Court of Common Pleas cases. Exceptional circumstances were also encountered where relevant information was not available from either CJIS or JIC, or where entered information did not make legal or logical sense. In some cases courts were consulted for information from their paper files to reconcile anomalies; in others, judgment calls were made based on the most sensible choices.

### ***Data Quality***

Throughout this study we encountered problems that appear to be consequences of a system struggling to keep pace with a growing and highly active offender population. A particularly troublesome area was demographic data. While expectations for accuracy might be high in this fundamental data group, it stands to reason that errors could be persistent. Such information is often collected at high-stress points in the process, and offenders are often uncooperative or do their best to mislead authorities.

There are also indications that user's practices are such that the full potential of system structure and its inherent research value are being undermined. The integrated system is designed to facilitate efficient and accurate data entry, but interfaces must strike a workable balance of guiding complete and correct entry without being overly restrictive or cumbersome. System integrity therefore relies on a disciplined and cooperative mindset of its users. Insufficient focus on that mindset is evident in several aspects.

Field-specific data quality issues are included in Appendix A, and others are mentioned within the analytical results presentations in Section II.

***Lessons Learned***

It is unknown if there are lessons directly applicable to other states from Delaware's experience in this study. Differences in statistical analysis center roles and their state's information systems will likely limit the relevance of specific recommendations.

Additionally, it will take some time for Delaware to absorb all that might be revealed through this effort. If other states are likewise just beginning to contemplate findings, perhaps efforts should be made to continue dialogue among this study's participants.

Delaware is probably not alone regarding the following assessment. Our research and understanding of issues would benefit from increased standardization and data maintenance discipline. Weaknesses in those areas can be exposed by increased scrutiny through more extensive research. The unfortunate fact, however, is that opportunities and resources for studies of this breadth and depth are limited, as are the will and resources to implement changes based on their findings.

## Section II: Persons Arrested for Felonies in 2006

Following the previously described data collection process and subsequent verification, DelSAC identified 10,713 felony arrests in 2006 involving adult defendants or juveniles (less than 18 years old) who were prosecuted as adults. The final count is regarded as a reasonably accurate portrayal, but absoluteness should not be ascribed to it.

It is certain that there were felony arrests in 2006 that are not represented in this analysis. Some arrests were removed from the system prior to or during the study, primarily due to expungements or offender deaths. There may also be some felony arrests that were not properly entered in the system and therefore were not identified as felonies in our queries. DelSAC estimates the number of unrepresented cases to be on the order of 100 or less.

The final count also includes 120 arrests that originally involved only misdemeanors but had felony charges added by prosecutors. Most such cases involved driving under the influence (DUI). In Delaware, first and second DUI offenses are misdemeanors; third and subsequent offenses are felonies. Prior offenses as defined in the state's DUI law may not be readily identifiable at the time of arrest. It can thus be difficult for police to initially determine the appropriate offense sequence for charges that should be felonies.

The majority of non-DUI cases that were originally misdemeanors involved drugs or assault, where circumstances unknown or not accounted for at initial arrests were later taken into consideration by prosecutors. All misdemeanor cases that were upgraded to felonies were grouped according to the categories of charges added by prosecutors.

*Note: In the following tables and prose, felony defendants and arrests refer to adults and juveniles prosecuted as adults.*

Table 1 shows the number of 2006 felony arrests grouped by the most serious charge in each arrest. Using available codes and narratives, inchoate crimes were classified as offenses that defendants attempted, solicited, or conspired to commit.

Property offenses make up the largest of the four major crime groupings in Table 1, but drug trafficking is by far the largest single arrest offense category. Drug trafficking has almost twice the arrest volume as the second largest single category of burglary.

**Table 1. Felony defendants, number of arrests by most serious charge, 2006**

<b>Violent</b>	<b>2,689</b>	<b>25.1%</b>
Murder	46	0.4%
Rape	214	2.0%
Robbery	557	5.2%
Assault	920	8.6%
Other violent	952	8.9%
<b>Property</b>	<b>3,242</b>	<b>30.3%</b>
Burglary	1,041	9.7%
Larceny/theft	925	8.6%
MV theft	158	1.5%
Forgery	506	4.7%
Fraud	199	1.9%
Other property	413	3.9%
<b>Drug</b>	<b>2,932</b>	<b>27.4%</b>
Trafficking	2,018	18.8%
Other drug	914	8.5%
<b>Public order</b>	<b>1,850</b>	<b>17.3%</b>
Weapons	368	3.4%
Driving-related	510	4.8%
Other public order	972	9.1%

## *Felony Defendant Demographics*

### **Gender and Age**

Table 2 shows gender distributions of arrestees by offense categories. Delaware's adult population is about 52 percent female, but males outnumber females in felony arrests by nearly four to one overall. In gender proportions, forgery arrests are closest to parity at almost 48 percent female; theft, at about 41 percent female, is second closest. All other crimes have disproportionate male representation of about three quarters or higher.

**Table 2. Felony defendants, gender by most serious arrest charge, 2006**

Most serious arrest charge	Total	Male	Female	% Male	% Female
<b>All offenses</b>	10,713	8,523	2,190	79.6%	20.4%
<b>Violent</b>	2,689	2,228	461	82.9%	17.1%
Murder	46	43	3	93.5%	6.5%
Rape	214	206	8	96.3%	3.7%
Robbery	557	500	57	89.8%	10.2%
Assault	920	694	226	75.4%	24.6%
Other violent	952	785	167	82.5%	17.5%
<b>Property</b>	3,242	2,313	929	71.3%	28.7%
Burglary	1,041	891	150	85.6%	14.4%
Larceny/theft	925	545	380	58.9%	41.1%
MV theft	158	127	31	80.4%	19.6%
Forgery	506	265	241	52.4%	47.6%
Fraud	199	147	52	73.9%	26.1%
Other property	413	338	75	81.8%	18.2%
<b>Drug</b>	2,932	2,390	542	81.5%	18.5%
Trafficking	2,018	1,726	292	85.5%	14.5%
Other drug	914	664	250	72.6%	27.4%
<b>Public order</b>	1,850	1,592	258	86.1%	13.9%
Weapons	368	346	22	94.0%	6.0%
Driving-related	510	447	63	87.6%	12.4%
Other public order	972	799	173	82.2%	17.8%

Tables 3 and 4 show arrest age distributions, means, and medians. Tabulated age data are based on arrest dates, but age of majority (18 years old in Delaware) is based on the crime occurrence date. Some juveniles who were prosecuted as adults might therefore be represented in an 18 or over age group.

Defendants under 18 comprise 3.3 percent of the violent offense group and 1.3 percent of the other three offense groups combined. While youth arrest rates are high in violent crimes, the tilt toward violence here is largely due to statutory provisions for proceeding against juveniles as adults for certain serious offenses. Instant offenses of murder or rape in the first or second degrees, or assault in the first degree, are likely reasons for juveniles being prosecuted as adults. Non-amenable in robbery or less serious cases would likely be due to prior non-amenable findings or delinquency adjudications.

The average age for all felony defendants in the study is about 31, and the median age is about 28. Fraud and driving-related offenses are the only groups with average defendant ages above 34 or median ages above 32. They are also the only groups where median ages are higher than average ages.

**Table 3. Felony defendants, age distribution by most serious arrest charge, 2006**

Most serious arrest charge	Number of arrests	Percent of felony arrestees whose ages, in years, were -						
		Under 18	18-20	21-24	25-29	30-34	35-39	40 or over
<b>All offenses</b>	10,713	1.1%	17.3%	18.7%	18.2%	12.0%	10.7%	21.8%
<b>Violent</b>	2,689	3.3%	17.2%	18.7%	17.4%	11.5%	9.9%	22.1%
Murder	46	10.9	17.4	19.6	23.9	13.0	8.7	6.5
Rape	214	0.9	15.0	16.4	19.6	11.7	7.5	29.0
Robbery	557	9.0	26.4	21.4	14.4	8.8	8.1	12.0
Assault	920	2.0	15.9	20.4	17.7	12.4	9.6	22.1
Other violent	952	1.4	13.7	15.9	18.0	12.2	11.8	27.2
<b>Property</b>	3,242	0.3%	17.5%	17.3%	17.3%	13.1%	11.6%	22.9%
Burglary	1,041	0.6	24.8	21.2	16.7	11.8	9.1	15.8
Larceny/theft	925	0.1	10.8	15.6	17.5	15.0	12.6	28.3
MV theft	158	0.0	20.3	15.2	17.1	11.4	17.1	19.0
Forgery	506	0.0	11.9	15.6	21.1	13.4	12.8	25.1
Fraud	199	0.0	3.0	8.0	11.1	15.1	14.1	48.7
Other property	413	0.7	27.1	18.6	16.5	11.1	10.4	15.5
<b>Drug</b>	2,932	0.6%	20.7%	23.1%	20.6%	10.9%	9.2%	14.9%
Trafficking	2,018	0.9	22.8	25.5	21.2	11.0	7.5	11.1
Other drug	914	0.0	16.0	17.9	19.5	10.7	12.8	23.1
<b>Public order</b>	1,850	0.4%	11.7%	14.4%	17.5%	12.8%	12.9%	30.3%
Weapons	368	1.1	22.0	20.9	16.8	11.1	6.3	21.7
Driving-related	510	0.0	6.5	7.3	12.2	12.0	13.5	48.6
Other public order	972	0.3	10.6	15.6	20.5	13.9	15.1	24.0

**Table 4. Felony defendants, average and median ages by most serious arrest charge, 2006**

Most serious arrest charge	Number of arrests	Average age, years	Median age, years
<b>All offenses</b>	10,713	31.1	28.2
<b>Violent</b>	2,689	31.1	27.8
Murder	46	27.0	25.1
Rape	214	33.5	29.3
Robbery	557	26.7	23.5
Assault	920	31.0	27.9
Other violent	952	33.3	30.4
<b>Property</b>	3,242	31.4	29.2
Burglary	1,041	28.8	25.8
Larceny/theft	925	33.5	32.0
MV theft	158	31.2	28.8
Forgery	506	32.3	30.3
Fraud	199	38.4	39.7
Other property	413	28.6	25.9
<b>Drug</b>	2,932	29.0	26.2
Trafficking	2,018	27.8	25.2
Other drug	914	31.7	29.2
<b>Public order</b>	1,850	33.8	32.2
Weapons	368	30.5	26.7
Driving-related	510	38.3	39.6
Other public order	972	32.7	30.9

### Race and Ethnicity

Race and ethnicity distributions for felony defendants are displayed in Table 5. As with gender, but to a greater degree, there are significant racial disparities in felony arrests compared with the general population. Blacks comprise about 20 percent of Delaware’s adult population by census estimates. In the four major offense groups, Blacks range from about 40 percent to over 64 percent of defendants. In the individual categories, arrests are close to racial parity only for fraud and driving-related offenses. The greatest disparity occurs in murder arrests, where about three-fourths of defendants are Black.

**Table 5. Felony defendants, race and ethnicity by most serious arrest charge, 2006**

Most serious arrest charge	Number of arrests	Non-Hispanic			Hispanic		
		Black	White	Other	Black	White	Other
<b>All offenses</b>	10,713	50.3%	42.6%	0.2%	0.8%	6.0%	0.01%
<b>Violent</b>	2,689	53.2%	38.3%	0.1%	0.7%	7.8%	0.0%
Murder	46	73.9	15.2	0.0	2.2	8.7	0.0
Rape	214	44.4	42.5	0.5	0.5	12.1	0.0
Robbery	557	65.4	27.8	0.0	0.9	5.9	0.0
Assault	920	55.2	35.2	0.1	0.9	8.6	0.0
Other violent	952	45.1	47.6	0.0	0.3	7.0	0.0
<b>Property</b>	3,242	39.9%	54.5%	0.3%	0.5%	4.8%	0.0%
Burglary	1,041	36.8	58.3	0.3	0.6	4.0	0.0
Larceny/theft	925	35.6	59.2	0.2	0.2	4.8	0.0
MV theft	158	44.9	48.7	0.0	0.0	6.3	0.0
Forgery	506	39.3	56.5	0.0	0.8	3.4	0.0
Fraud	199	24.6	67.8	2.0	0.0	5.5	0.0
Other property	413	63.9	27.6	0.0	1.2	7.3	0.0
<b>Drug</b>	2,932	63.0%	30.1%	0.2%	1.4%	5.4%	0.0%
Trafficking	2,018	70.4	21.3	0.2	1.9	6.2	0.0
Other drug	914	46.5	49.7	0.1	0.2	3.5	0.0
<b>Public order</b>	1,850	44.3%	48.1%	0.2%	0.6%	6.8%	0.1%
Weapons	368	53.0	40.5	0.3	1.1	5.2	0.0
Driving-related	510	23.3	69.2	0.4	0.2	6.7	0.2
Other public order	972	52.0	39.8	0.0	0.7	7.5	0.0

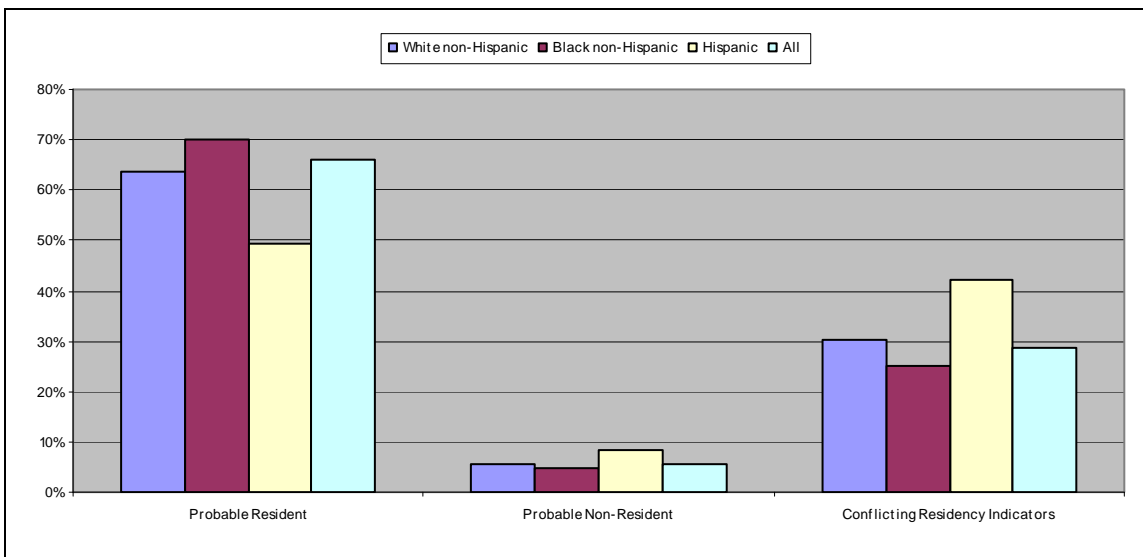
With census estimates for Hispanics at about 7 percent of the state’s general population, ethnic arrest proportions appear to be much closer to representative. In terms of data quality, however, ethnicity is a particularly difficult area. Data elements for Hispanic identification in system records yield numerous conflicts and false negatives. Due to low confidence in system entries, ethnicity received more attention than other demographic data. Reviews of photos, birth places, interpreter needs, or other corroborative elements resulted in overrides of system data in about 20 percent of the net Hispanic identifications for this study.

### Residency and Citizenship

While arrest and census data are compared above, it is recognized that felony defendants’ representation in hard-to-count census groups could be problematic. Marginalized and transient populations also create difficulties with residency data in this study. For about two-thirds of the 2006 felony defendants, criminal justice information and other available records provide reasonably sound evidence of Delaware residency. About five percent of



defendants have similarly strong evidence of non-residency. About 29 percent, however, have conflicting information and there is insufficient reason to classify them as residents or non-residents. Residency indicators are summarized in Figure 1.



**Figure 1. Delaware residence or non-residence indicators, felony defendants, 2006**

Non-residency and conflicting residency indicators are highest for Hispanic defendants. Citizenship (not shown herein), which is not directly identified in the Delaware criminal justice information system, is another area of uncertainty, particularly for Hispanics. About 42 percent of Hispanic defendants had indicators of possible non-citizenship. Of Hispanic defendants counted as probable Delaware residents, about 27 percent had non-citizenship indicators.

Observation of uncertainties associated with residency should raise questions about likely omissions in criminal history profiles based on Delaware arrests only. With about one-third having some indication of residency in another state, it is reasonable to expect that a substantial portion of Delaware felony defendants have arrest histories elsewhere. It is also clear that issues of residential instability and multi-state arrest records are not unique to Delaware; these are potential topics for further collaborative research.

***Prior Felony Arrests***

Though more extensive data were requested, criminal history profiles provided for this study were curtailed to prior felony arrests only. Misdemeanor arrest and conviction histories involve an arduous process of separating non-criminal traffic and municipal ordinance charges from criminal charges. There are also problem areas with felony conviction data, especially for records that pre-date the CJIS/JIC integration period in the early 1990’s. While incomplete, the expedient measure of prior Delaware felony arrests offers a hint of felony defendants’ levels of criminal involvement.

As shown in Table 6, nearly two-thirds of felony defendants in this study have at least one prior felony arrest in Delaware. Nearly half have multiple prior Delaware felony

arrests. The offense categories with the three highest prior felony arrest percentages are murder, other public order, and robbery.

**Table 6. Felony defendants, prior felony arrests by most serious arrest charge, 2006**

Most serious arrest charge	Number of arrests	Percent of defendants with -	
		At least one prior felony	Multiple prior felonies
<b>All offenses</b>	10,713	66.1%	49.7%
<b>Violent</b>	2,689	62.6%	45.9%
Murder	46	84.8	63.0
Rape	214	56.5	40.2
Robbery	557	75.8	59.1
Assault	920	61.1	44.2
Other violent	952	56.6	40.2
<b>Property</b>	3,242	62.8%	46.3%
Burglary	1,041	69.4	53.3
Larceny/theft	925	54.5	36.5
MV theft	158	73.4	58.9
Forgery	506	59.7	40.5
Fraud	199	54.8	39.7
Other property	413	68.3	55.9
<b>Drug</b>	2,932	69.3%	53.3%
Trafficking	2,018	70.7	55.8
Other drug	914	66.2	47.8
<b>Public order</b>	1,850	72.2%	55.6%
Weapons	368	71.7	53.3
Driving-related	510	61.8	47.8
Other public order	972	77.9	60.5

The high prior felony percentage for other public order defendants is not surprising given the types of offenses in that category. Over 60 percent of other public order defendants were charged with felonies of failure to register as a sex offender, failure to comply with conditions on secured or unsecured release, or escape. Those offenses are highly likely to derive from prior felony arrests in Delaware.

Four other categories where over 70 percent of defendants have prior felony arrests are often associated with high levels of street violence starting at young ages. Murder and robbery defendants, ranking first and third in prior felony arrests, have the lowest mean and median ages (Tables 3 and 4). Drug trafficking and weapons also have relatively high prior felony arrests and young defendants.

Regarding the subject of criminal history profiles being limited to in-state records, it may be worthwhile to focus on the theft, forgery, and fraud offense categories. Collectively about 15 percent of felony defendants are in those categories, and they have among the lowest proportion with prior felony arrests – about 56 percent for the group. Those three categories also have the highest percentage of non-resident defendants among all offenses (about 10 percent). An additional 33 percent have conflicting residency information, thus only about 57 percent were identified as Delaware residents.

Based on prior Delaware felony arrest frequencies alone, one might infer lower levels of repetitive criminal behavior for theft, forgery, and fraud defendants. But the correlation

with a low residency rate suggests another possibility that merits consideration. It could be that prior arrest profiles would change significantly, and to varying degrees by offense categories, if they included multi-state criminal histories.

### ***Prosecution Filings, Dispositions, and Sentences***

Table 7 shows case filings by most serious filing charge, with arrest counts from Table 1 repeated for comparison. Of the initial 10,713 arrests, 569 defendants had all charges nol-prossed or dismissed without filings. There were also 11 defendants whose cases did not have filings, but final dispositions or courts could not be determined at the time of the study.

**Table 7. Felony defendants, number or arrests and filings by most serious charge, 2006**

Most serious arrest charge	Number	Percent	Most serious filing charge	Number	Percent
<b>All offenses</b>	10,713	100.0%	<b>All filings</b>	10,133	100.0%
<b>Violent</b>	2,689	25.1%	<b>Felony filings</b>	<b>8,379</b>	<b>82.7%</b>
Murder	46	0.4%	<b>Violent</b>	2,021	19.9%
Rape	214	2.0%	Murder	42	0.4%
Robbery	557	5.2%	Rape	209	2.1%
Assault	920	8.6%	Robbery	501	4.9%
Other violent	952	8.9%	Assault	632	6.2%
<b>Property</b>	3,242	30.3%	Other violent	637	6.3%
Burglary	1,041	9.7%	<b>Property</b>	2,461	24.3%
Larceny/theft	925	8.6%	Burglary	818	8.1%
MV theft	158	1.5%	Larceny/theft	736	7.3%
Forgery	506	4.7%	MV theft	96	0.9%
Fraud	199	1.9%	Forgery	410	4.0%
Other property	413	3.9%	Fraud	143	1.4%
<b>Drug</b>	2,932	27.4%	Other property	258	2.5%
Trafficking	2,018	18.8%	<b>Drug</b>	2,590	25.6%
Other drug	914	8.5%	Trafficking	1,806	17.8%
<b>Public order</b>	1,850	17.3%	Other drug	784	7.7%
Weapons	368	3.4%	<b>Public order</b>	1,307	12.9%
Driving-related	510	4.8%	Weapons	290	2.9%
Other public order	972	9.1%	Driving-related	387	3.8%
			Other public order	630	6.2%
			<b>Misdemeanor filings</b>	<b>1,754</b>	<b>17.3%</b>
			Violent	648	6.4%
			Property	510	5.0%
			Other	574	5.7%
			Unknown	22	0.2%

*Note: There were no filings in 580 cases; 538 of those were nol-prossed, 31 were dismissed, and 11 were pending or had unknown dispositions at the study's conclusion.*

Cases are filed by information or grand jury indictment in Delaware Superior Court, the state's adult felony court. About 79 percent of 2006 felony arrest cases were filed in Superior Court; 1.3 percent of Superior Court cases were filed as misdemeanors. About 84 percent of Superior Court filings on 2006 felony arrests were by indictment.

Prosecutor filings in the Court of Common Pleas (CCP) are by information. About 13.5 percent of 2006 felony cases were reduced to misdemeanors for prosecution in CCP.

Numerous irregularities were encountered with records of CCP filings, and it was often difficult or impossible to determine when and what charges were filed. For CCP cases in the study database, filing dates were omitted and charge counts were often suppositional.

About 200 Family Court cases are counted among the misdemeanor filings in Table 7. This is somewhat of a misnomer, as Family Court cases are processed without filings by information or indictment. For study purposes, the intent was to use filing data elements to identify what charges were accepted for disposition in Family Court. Incomplete or spurious system records were encountered at relatively high rates in Family Court cases, and it was often difficult to determine the Court’s intent. But the low volume of cases in Family Court had a small impact on the study overall in terms of unknown data.

Half the cases counted as unknown misdemeanor filings in Table 7 had incomplete data tracing them to CCP and/or Family Court. No determination of filings could be made in those cases, but they were assumed to be misdemeanors because they were apparently passed to courts without jurisdiction over adult felonies.

The juxtaposition of arrest and filing charges in Table 7 provides a sense of severity reduction by offense type as cases flow through the process. It is noted that cases can end up in different offense categories as they move from arrest to filing stages, but the filing to arrest ratio indicates that drug arrests are most likely to retain felony status at filing. About 88 percent of drug felony arrests had felony filings. Violent and property offenses had about 75 to 76 percent of felony arrests filed as felonies. In the public order offense group, about 71 percent of felony arrests were filed as felonies.

Table 8 shows the distribution of 2006 felony arrests by type of disposition. Almost 98 percent of cases were accounted for with final dispositions. The majority of arrests led to some type of conviction (69 percent), and the overwhelming majority of convictions were by plea agreement. Less than 2 percent of all cases went to trial, and about 78 percent of trials resulted in guilty verdicts. About 82 percent of trials were by jury.

**Table 8. Dispositions for felony defendants, 2006**

<b>Disposition</b>	<b>Number</b>	<b>Percent</b>
Total Arrested	10,713	100.0%
Convicted	7,393	69.0%
Pled guilty	7,049	65.8%
Trial guilty	163	1.5%
Guilty after unsuccessful diversion	181	1.7%
Not convicted	3,068	28.6%
Nolle prosequi	1,693	15.8%
Dismissed	760	7.1%
Acquitted	45	0.4%
Diversion, discharged without guilt	566	5.3%
Pending or unknown	252	2.4%
Diversion, outcome unknown or pending	58	0.5%
Other pending	184	1.7%
Other unknown	14	0.1%

There are three disposition categories for diversion cases in Table 8. Those cases include drug court diversion, probation before judgment, and various first offender diversion

programs. Additional diversion cases are included in the pled guilty category where defendants pled guilty to one or more charges and entered diversion on others. For example, a defendant charged with various drug offenses and endangering the welfare of a child might plead guilty to endangering the welfare of a child and enter diversion on one or more drug charges.

Table 9 shows disposition distributions by arrest offense, with row headings from Table 8 as column headings. Values in each cell represent dispositions as the percentage of total arrests for each offense category.

**Table 9. Felony defendants, dispositions by arrest offense, 2006**

Most serious arrest charge	Pled guilty	Trial guilty	Guilty after unsuccessful diversion	Nolle prosequi	Dismissed	Acquitted	Diversion, discharged without guilt	Diversion, outcome unknown or pending	Other pending	Other unknown
<b>All offenses</b>	65.8%	1.5%	1.7%	15.8%	7.1%	0.4%	5.3%	0.5%	1.7%	0.1%
<b>Violent</b>	60.5%	3.4%	0.3%	15.1%	15.8%	1.1%	1.9%	0.3%	1.3%	0.2%
Murder	71.7	17.4	0.0	8.7	2.2	0.0	0.0	0.0	0.0	0.0
Rape	75.2	7.5	0.0	9.3	4.2	2.3	0.0	0.0	1.4	0.0
Robbery	70.0	4.5	0.2	12.7	10.4	0.2	0.5	0.2	1.3	0.0
Assault	57.1	2.8	0.2	14.8	19.2	1.6	2.0	0.4	1.5	0.3
Other violent	54.5	1.7	0.6	18.4	19.0	0.8	3.2	0.4	1.2	0.2
<b>Property</b>	66.5%	0.7%	0.7%	19.2%	6.8%	0.2%	2.8%	0.7%	2.1%	0.1%
Burglary	69.7	0.9	0.3	16.1	10.2	0.2	1.1	0.5	1.1	0.0
Larceny/theft	67.1	0.8	1.1	19.5	4.8	0.4	2.8	0.9	2.3	0.4
MV theft	64.6	1.3	0.0	16.5	11.4	0.0	2.5	1.3	2.5	0.0
Forgery	67.0	0.0	1.6	17.0	3.2	0.0	7.5	0.8	3.0	0.0
Fraud	64.3	0.5	0.0	26.6	3.0	0.5	1.5	1.0	2.5	0.0
Other property	58.1	1.2	0.7	26.2	7.7	0.0	2.4	0.5	3.1	0.0
<b>Drug</b>	65.9%	0.9%	4.7%	11.8%	1.7%	0.2%	13.1%	0.6%	1.1%	0.1%
Trafficking	69.8	1.1	3.9	11.1	1.5	0.2	11.0	0.3	0.9	0.1
Other drug	57.2	0.2	6.6	13.2	2.0	0.0	17.8	1.3	1.5	0.1
<b>Public order</b>	72.1%	1.2%	0.5%	17.4%	3.4%	0.2%	2.1%	0.4%	2.6%	0.1%
Weapons	68.8	1.9	0.8	19.8	2.4	0.5	3.0	0.8	1.6	0.3
Driving-related	85.1	1.0	0.6	8.0	1.4	0.0	1.6	0.0	2.4	0.0
Other public order	66.6	1.1	0.3	21.3	4.8	0.2	2.1	0.4	3.1	0.1

Though murder and rape defendants have the highest trial and conviction percentages, conviction rates are lowest in the violent offense group overall. High dismissal rates in the lower hierarchy offenses of the violent group contribute significantly to the relatively high non-conviction rate. Case dismissals for crimes against persons are often due to lack of victim or witness cooperation.

Table 10 provides a breakout of felony and misdemeanor convictions by offense and disposition type. About 69 percent of felony defendants were convicted, but over 38 percent of those convictions were for misdemeanors only. More than eight out of ten trial convictions were for felonies, but that rate was overshadowed by the high misdemeanor

conviction rate in plea agreements. It should also be noted that felonies of conviction are often less serious than arrest or filing charges.

**Table 10. Felony defendants, conviction type by most serious arrest charge, 2006**

		Percent of defendants who were -					
		By plea agreement, guilty of -		At trial, found guilty of -		After unsuccessful diversion, guilty of -	
Most serious arrest charge	Number of arrests	At least 1 felony	Misd(s). only	At least 1 felony	Misd(s). only	At least 1 felony	Misd(s). only
<b>All offenses</b>	10,713	40.2%	25.6%	1.3%	0.3%	1.0%	0.7%
<b>Violent</b>	2,689	37.7%	22.8%	3.0%	0.4%	0.0%	0.3%
Murder	46	71.7	0.0	17.4	0.0	0.0	0.0
Rape	214	64.0	11.2	7.5	0.0	0.0	0.0
Robbery	557	60.3	9.7	4.3	0.2	0.0	0.2
Assault	920	28.8	28.3	2.2	0.7	0.0	0.2
Other violent	952	25.5	29.0	1.3	0.4	0.0	0.6
<b>Property</b>	3,242	37.9%	28.6%	0.6%	0.2%	0.3%	0.4%
Burglary	1,041	49.3	20.5	0.6	0.3	0.1	0.2
Larceny/theft	925	35.8	31.4	0.8	0.0	0.1	1.0
MV theft	158	31.0	33.5	0.6	0.6	0.0	0.0
Forgery	506	33.2	33.8	0.0	0.0	1.4	0.2
Fraud	199	27.6	36.7	0.5	0.0	0.0	0.0
Other property	413	27.1	31.0	0.7	0.5	0.2	0.5
<b>Drug</b>	2,932	43.8%	22.0%	0.7%	0.1%	3.4%	1.3%
Trafficking	2,018	53.5	16.3	0.9	0.2	3.1	0.8
Other drug	914	22.5	34.7	0.2	0.0	4.3	2.3
<b>Public order</b>	1,850	42.0%	30.1%	0.9%	0.4%	0.0%	0.5%
Weapons	368	41.6	27.2	1.9	0.0	0.0	0.8
Driving-related	510	51.8	33.3	0.2	0.8	0.0	0.6
Other public order	972	37.0	29.5	0.8	0.3	0.0	0.3

Among the four major offense groups, property offenses have the highest proportion of misdemeanor convictions (42.9 percent). The lowest share of misdemeanor convictions (32.8 percent) is in the drug offense group, but the proportions are dramatically different for trafficking and other drug offenses. In five offense categories (other violent, motor vehicle theft, fraud, other property, and other drug), more defendants were convicted of misdemeanors than felonies.

Table 11 shows sentences by conviction category. Delaware has a unified correction system of state facilities only. By convention, incarceration up to one year is identified as jail, and terms of more than one year are identified as prison. The one year threshold for prison applies to unsuspended incarceration before good time credits are applied.

Felony sentences to incarceration are required by law to be definite sentences, but it is common for sentences to have provisions to suspend remaining incarceration upon some conditions being met. Most commonly, suspension provisions involve completion of one or more treatment programs. Such sentences sometimes specify minimum terms to be served before suspension.

For classification in Table 11 and elsewhere, suspendable incarceration sentences were labeled as jail if there was a maximum term of one year or less. Minimum terms of more

than one year put suspendable incarceration sentences in the prison category. Sentences with maximums of more than one year that could be suspended after a minimum term of one year or less (including no minimum) were classified as indefinite incarceration.

**Table 11. Felony defendants, most severe sentence by most serious conviction, 2006**

Most serious conviction charge	Number of convictions	Percent of convicted defendants sentenced to -					
		Prison	Indefinite incarceration	Jail	Probation	Other	Unknown or not sentenced
<b>All offenses</b>	7,393	10.8%	2.5%	33.5%	49.0%	4.0%	0.3%
<b>Violent</b>	983	39.9%	2.5%	37.1%	20.1%	0.0%	0.3%
Murder	36	94.4	0.0	2.8	0.0	0.0	2.8
Rape	123	65.9	2.4	23.6	7.3	0.0	0.8
Robbery	319	52.0	3.4	30.7	13.5	0.0	0.3
Assault	230	28.3	1.7	42.2	27.8	0.0	0.0
Other violent	275	16.7	2.5	50.9	29.8	0.0	0.0
<b>Property</b>	1,234	6.9%	2.6%	43.2%	47.0%	0.2%	0.2%
Burglary	505	11.5	4.6	54.1	29.7	0.2	0.0
Larceny/theft	272	2.2	1.5	30.9	65.4	0.0	0.0
MV theft	49	6.1	2.0	46.9	44.9	0.0	0.0
Forgery	181	1.1	0.6	37.6	59.7	0.6	0.6
Fraud	105	2.9	0.0	27.6	68.6	0.0	1.0
Other property	122	10.7	2.5	45.9	41.0	0.0	0.0
<b>Drug</b>	1,361	17.8%	7.6%	32.5%	41.8%	0.1%	0.2%
Trafficking	837	25.8	10.8	33.1	30.0	0.1	0.2
Other drug	524	5.0	2.7	31.5	60.7	0.0	0.2
<b>Public order</b>	972	7.4%	2.6%	53.7%	35.8%	0.5%	0.0%
Weapons	232	13.8	0.4	37.1	48.7	0.0	0.0
Driving-related	292	9.2	5.1	78.1	7.5	0.0	0.0
Other public order	448	2.9	2.0	46.4	47.5	1.1	0.0
<b>Misdemeanors</b>	2,843	0.2%	0.0%	21.6%	67.7%	10.1%	0.4%

Less than 47 percent of convicted felony defendants arrested in 2006 were sentenced to incarceration. More than 71 percent of those incarceration sentences were for terms of less than one year. There were three offense categories (murder, rape, and robbery) for which defendants were more frequently sentenced to prison than jail.

Incarceration terms include credit for time served, and sentences to time served only are regarded as incarceration. For example, consider a defendant who was detained for 9 months prior to sentencing. A sentence of 18 months, with credit for 9 months served, would be counted as an 18 month prison term. A sentence immediately releasing the defendant, with credit for 9 months served, would be a 9 month jail sentence.

Proper time served credit is not always known or accounted for at sentencing, so counts likely represent only a lower bound for time served as a proportion of all incarceration. That point being noted, more than 40 percent of incarceration sentences were time served only. More than 56 percent of jail sentences were for time already served. At least 6 out of the total 797 prison sentences were for time already served.



Slightly more than 53 percent of convicted felony defendants received non-incarcerative sentences. Probation, including partial confinement under house arrest or in a half-way house or placement in a residential treatment facility, was the most severe sentence for 49 percent of convicted defendants. Probation often includes financial sanctions and other conditions such as treatment, education, and no-contact orders. About 8 percent of non-incarcerative sentences were non-probationary and typically involved financial sanctions such as fines and/or court fees.

Summary statistics for incarceration sentences are shown in Table 12. Sentence lengths represent unsuspended custody terms before reductions for good time for the aggregate of charges in a case. Sentences to life, death, or terms greater than 45 years were truncated to 45 years for mean calculations. Note that Delaware abolished parole for offenses committed on or after June 30, 1990.

**Table 12. Felony defendants, incarceration sentences by most serious conviction, 2006**

Most serious conviction charge	Sentence lengths (months) for prison and jail sentences						Indefinite sentence
	Prison (more than 1 year)			Jail (1 year or less)			
	Number of offenders	Sentence length		Number of offenders	Sentence length		
	Mean	Median		Mean	Median	Number of offenders	
<b>All offenses</b>	797	75.9	36.0	2,477	4.0	3.0	186
<b>Violent</b>	392	105.2	48.0	365	5.2	4.7	25
Murder	34	267.9	240.0	1	6.0	6.0	0
Rape	81	165.9	120.0	29	6.2	5.9	3
Robbery	166	60.6	36.0	98	5.7	6.0	11
Assault	65	92.8	48.0	97	5.2	4.6	4
Other violent	46	57.0	48.0	140	4.5	3.5	7
<b>Property</b>	85	38.6	24.0	533	4.9	3.6	32
Burglary	58	42.7	24.0	273	6.7	6.0	23
Larceny/theft	6	35.5	24.0	84	2.8	1.9	4
MV theft	3	17.0	18.0	23	3.4	3.0	1
Forgery	2	21.0	21.0	68	2.9	1.8	1
Fraud	3	22.0	24.0	29	3.4	2.3	0
Other property	13	33.3	24.0	56	3.7	0.0	3
<b>Drug</b>	242	55.0	36.0	442	4.2	3.0	104
Trafficking	216	57.6	36.0	277	4.2	3.0	90
Other drug	26	34.0	24.0	165	4.1	3.0	14
<b>Public order</b>	72	35.6	36.0	522	4.4	3.0	25
Weapons	32	40.4	36.0	86	4.7	3.5	1
Driving-related	27	29.5	24.0	228	5.2	6.0	15
Other public order	13	36.5	24.0	208	3.4	3.0	9
<b>Misdemeanors</b>	6	19.4	18.0	615	1.9	1.2	0

Good time reductions are prohibited in some sentences, but most defendants sentenced to prison will have their terms reduced by good time. It is difficult to establish a general estimate, but possible good time credit will typically range from about 1 to 3 months per year of sentence.

Due to the high proportion of time served, most jail sentences will not be reduced by good time. Good time can be earned in jail sentences, but defendants must have post-



sentence time to serve to benefit from application of good time credits. Jail sentences other than time served could typically earn about 2 to 5 days per month for good time.

Prison counts in Table 12 include two death sentences and eleven life sentences. There were also twelve sentences other than life with terms of 45 years or more; projected release dates would put that group of defendants in their 70's or ages well beyond life expectancies.

### ***Post-conviction Outcomes***

Analyses of post-conviction outcomes were limited to cases of defendants found guilty at trial, and specifically focused on appeals in Superior Court cases. There were 8 bench trial convictions in lower courts, none of which were appealed. Of 155 Superior Court defendants found guilty at trial, 100 had filed appeals in Supreme Court as of the study's conclusion.

The likelihood of appeal was much greater for defendants sentenced to incarceration. Appeals were filed in almost 74 percent of trial guilty cases with incarceration, but only about 22 percent of non-incarceration cases were appealed.

There were also distinct differences in incarceration terms for cases with and without appeals. In cases that resulted in incarceration and were appealed, about 87 percent of defendants were sentenced to more than one year. Among defendants sentenced to incarceration who did not appeal, about 39 percent were sentenced to over one year.

Sentence data collected for the study represent original sentences or corrections thereof. Resentencings after successful appeals or modifications were not captured. It might be worth noting, however, that one of the two death sentences issued was overturned on appeal. That defendant was resentenced to life.

### ***Additional Findings***

Miscellaneous additional findings are summarized below.

- At the time of disposition, Superior Court defendants were represented by the Public Defender's Office in about 60 percent of cases; another 15 percent were represented by contract or court appointed attorneys. About 23 percent had private representation. About 0.6 percent of defendants represented themselves. Defense type was unknown in about 1.2 percent of disposed Superior Court cases.
- In Superior Court convictions, pre-sentence investigations were ordered in about 13 percent of guilty plea cases. For bench trials, 45 percent had pre-sentence investigations; for jury trials, about 84 percent had pre-sentence investigations.
- For 2006 felony defendants in all courts, fines totaling almost \$1.2 million were ordered to be paid. That total was eclipsed by almost \$11 million in suspended fines.
- Restitution amounts were identified for 1,840 defendants in this study; total restitution ordered for those defendants was about \$9.4 million.



## Appendix A, Data Definitions

**Table 13. Felony Case Processing Dataset Codebook, With Delaware Modifications**

	<b>Name</b>	<b>Label</b>	<b>Format</b>	<b>Value</b>	<b>Source</b>	<b>Comment</b>
1	DEFNAME	Defendant name	A50	None	CJIS	Often multiples, used name flagged as primary when aliases exist.
2	SID	Defendant state ID number	A20	None	CJIS	Primary identifier. A few offenders were found to have records under unlinked multiples.
3	FBI	Defendant FBI number	A20	None	CJIS	Not present for all subjects.
4	DOB	Defendant DOB	mmddyyyy	None	CJIS	Multiples often exist, had insufficient time confirm with DE DMV records if licensed in DE, which would be only available confirmation source.
5	GENDER	Defendant gender	F1	1 Male 2 Female 8 Unknown 9 Missing	CJIS	Reconciled with mug shot or DMV photo if possible when uncertain.
6	RACE	Defendant race	F1	1 White 2 Black 3 American Indian or Alaskan Native 4 Asian-Pacific Islander 8 Unknown 9 Missing	CJIS	Reconciled with mug shot or DMV photo if possible when uncertain or conflicts were encountered.
7	HISP	Hispanic/Latino origin	F1	1 Yes 2 No 8 Unknown 9 Missing	CJIS	Weak area, tried to reconcile, if surname or other data indicated conflict, using mug shots, POB, etc.

	<b>Name</b>	<b>Label</b>	<b>Format</b>	<b>Value</b>	<b>Source</b>	<b>Comment</b>
8	CITIZEN	At time of case filing defendant was U.S. citizen	F1	1 Yes 2 No 3 Possible non-citizen indication 8 Unknown 9 Missing	Not directly available	Entered 2 only if offender was found to be deported or similarly strong indicator. Entered 3 if there was other indicator of non-citizenship.
9	RESIDENT	At time of case filing defendant was a state resident	F1	1 Yes 2 No 3 Possible non-resident indication 8 Unknown 9 Missing	CJIS records hold address, but often multiples with indefinite chronologies	True “residence” is questionable, e.g., DE address, but licensed in another state. Entered 3 when conflicting indicators were present.
10	EMPLOY	At time of case filing defendant was employed either part- or full-time	F1	1 Yes 2 No 8 Unknown 9 Missing	Some employment data in CJIS	Status on a specific date is generally unavailable, regard as missing for all.
11	INCOME	Monthly income at time of case filing	F6	999999=Not applicable	Not available	Regard as missing for all.
12	PRIORFEL	Number of prior felony arrests	F3	None	CJIS (note that CH data is for DE only)	Old records (pre-mid 1980’s) are sketchy. Entered but not high confidence for offenders born pre-1970.
13	PRIORMIS	Number of prior misdemeanor arrests	F3	None	CJIS	Not entered. Extensive effort to eliminate non-criminal traffic offenses.
14	FELCONV	Number of prior felony convictions	F3	None	CJIS and JIC	Not entered. Extensive effort to collect and review to reasonable confidence level.

	<b>Name</b>	<b>Label</b>	<b>Format</b>	<b>Value</b>	<b>Source</b>	<b>Comment</b>
15	MISCONV	Number of prior misdemeanor convictions	F3	None	CJIS and JIC	Same as item 13 and 14.
16	PPRISON	Prior total minimum prison time sentenced (months)	F4	None	CJIS, JIC, and DOC (if at all)	Not able to accomplish.
17	PJAIL	Prior total minimum jail time sentenced (months)	F4	None	Same as 16. (unified system)	Not able to accomplish.
18	CRIME	Date of crime	mmddyyyy	None	CJIS	Generally earliest date if >1.
19	ARREST	Date of arrest	mmddyyyy	None	CJIS	
20	TOTCHGS	Total number of arrest charges	F3	None	CJIS	Attempted to sort police charges from AG or court charges.
20a	FELCHGS	Total number of felony arrest charges	F3	None	CJIS	Added by DelSAC
21	CHG1	Most serious arrest charge	F2	[see list of charge categories]	CJIS	
22	CHG1CAT	Most serious arrest charge category	F1	1 Violent 2 Property 3 Drug 4 Public-Disorder 8 Unknown 9 Missing	CJIS	
23	CHG1ATT	Is most serious arrest charge an attempt?	F1	1 Yes 2 No 8 Unknown 9 Missing	CJIS	

	<b>Name</b>	<b>Label</b>	<b>Format</b>	<b>Value</b>	<b>Source</b>	<b>Comment</b>
24	CHG2	Second most serious arrest charge	F2	[see list of charge categories]	CJIS	
25	CHG2CAT	Second most serious arrest charge category	F1	1 Violent 2 Property 3 Drug 4 Public-Disorder 8 Unknown 9 Missing	CJIS	
26	CHG2ATT	Is second most serious arrest charge an attempt?	F1	1 Yes 2 No 8 Unknown 9 Missing	CJIS	
27	FILING	Date of filing	mmddyyyy	44444444 JP case 55555555 Family Court case 66666666 CCP case 77777777 no filing	JIC	Filings not used in JP or Family Courts. Informations filed in CCP cases, but filing dates are unreliable.
28	FILETYPE	Type of filing	F1	1 Information 2 Indictment 3 Mixed 1 and 2 4 JP Court 5 Family Court 7 No filing 8 Unknown 9 Missing	JIC	All DE indictments are grand jury
28a	FILECHGS	Number of charges filed	F3		JIC	Added by DeISAC
28b	FILEFELS	Number of felonies filed	F3		JIC	Added by DeISAC

	<b>Name</b>	<b>Label</b>	<b>Format</b>	<b>Value</b>	<b>Source</b>	<b>Comment</b>
29	FILE1CODE	Most serious filing charge offense code	F20	None	CJIS/JIC	
30	FILE1	Most serious filing charge	F2	[see list of charge categories]	CJIS/JIC	
31	FILE1CAT	Most serious filing charge category	F1	1 Violent 2 Property 3 Drug 4 Public-Disorder 8 Unknown 9 Missing	CJIS/JIC	
32	FILE1ATT	Is most serious filing charge an attempt?	F1	1 Yes 2 No 8 Unknown 9 Missing	CJIS/JIC	
33	FILE2CODE	Second most serious filing charge offense code	F20	None	CJIS/JIC	
34	FILE2	Second most serious filing charge	F2	[see list of charge categories]	CJIS/JIC	
35	FILE2CAT	Second most serious filing charge category	F1	1 Violent 2 Property 3 Drug 4 Public-Disorder 8 Unknown 9 Missing	CJIS/JIC	
36	FILE2ATT	Is second most serious filing charge an attempt?	F1	1 Yes 2 No 8 Unknown 9 Missing	CJIS/JIC	

	<b>Name</b>	<b>Label</b>	<b>Format</b>	<b>Value</b>	<b>Source</b>	<b>Comment</b>
37	DEFENSE	Defense attorney type	F1	1 Public defender 2 Private attorney 3 Assigned attorney 4 Pro se /self represented 8 Unknown 9 Missing	JIC	Used attorney at time of disposition when multiple types were present.
38	TRIALTYP	Trial type	F1	1 Bench 2 Jury 3 Not applicable 8 Unknown 9 Missing	JIC	
39	DISPOSE	Date of disposition	mmddyyyy	None	JIC or CJIS	
40	DISPTYPE	Disposition type	F1	1 Dismissal 2 Acquittal 3 Divert-deferral 4 Guilty-plea 5 Guilty-trial 6 Other 7 Case pending 8 Unknown 9 Missing	JIC or CJIS	Type 6 (Other) is used exclusively for nolle prosequi. OTHERSENT (field 66) values are used in combination with DISPTYPE 3 to show the diversion outcome (see below).
41	TOTCONVICT	Total number of conviction charges	F3	None	CJIS/JIC	
41a	FELCONVICT	Total number of felony conviction charges	F3	None	CJIS/JIC	Added by DelSAC
42	CONVICT1CODE	Most serious conviction charge offense code	F20	None	CJIS/JIC	



	<b>Name</b>	<b>Label</b>	<b>Format</b>	<b>Value</b>	<b>Source</b>	<b>Comment</b>
43	CONVICT1	Most serious conviction charge	F2	[see list of charge categories]	CJIS/JIC	
44	CONVICT1CAT	Most serious conviction charge category	F2	1 Violent 2 Property 3 Drug 4 Public-Disorder 8 Unknown 9 Missing	CJIS/JIC	
45	CONVICT2CODE	Second most serious conviction charge offense code	F20	None	CJIS/JIC	
46	CONVICT2	Second most serious conviction charge	F2	[see list of charge categories]	CJIS/JIC	
47	CONVICT2CAT	Second most serious conviction charge category	F1	1 Violent 2 Property 3 Drug 4 Public-Disorder 8 Unknown 9 Missing	CJIS/JIC	
47a	PSI	Pre-sentence investigation ordered	F1	1 Yes 2 No	JIC	Added by DeISAC, no if PSI was for restitution only.
48	SENTDATE	Date of sentencing	mmddyyyy	None	JIC	
49	SENT1	Incarceration sentence	F1	1 Incarcerated 2 Not incarcerated 3 Time served 7 Not applicable 8 Unknown 9 Missing	Mainly JIC. CJIS in JP, Family Court, and some CCP cases.	Time served (3) sentences were distinguished from incarceration sentences that involved some custody beyond the sentence date.

	<b>Name</b>	<b>Label</b>	<b>Format</b>	<b>Value</b>	<b>Source</b>	<b>Comment</b>
50	SENT2	Most serious sentence category	F2	1 Prison 2 Jail 3 Probation 4 Fine 5 Other 6 Indefinite 8 Not applicable 98 Unknown 99 Missing	See 49	Integrated system. Used jail for <=1 year, prison for >1 year. Type 6 applies to conditional suspense where min <=1 year and max >1 year.
51	SENT3	Specific sentence imposed	F2	1 Incarceration plus probation 2 Incarceration, no probation 3 Time served plus probation 4 Time served, no probation 5 Probation plus other conditions 6 Probation only 7 Fine only 8 Other 97 Not applicable 98 Unknown 99 Missing	See 49	1 thru 4 were modified to apply to SENT1 values 1 thru 3.
52	PRISMIN	Number of prison months-minimum for all conviction charges	F5	11952=Life 13020=Death 88888=Not applicable 88889=Unknown 88890=Missing	Not used	Prison and Jail items 52 thru 57 were substituted with items 57a thru 57f

	<b>Name</b>	<b>Label</b>	<b>Format</b>	<b>Value</b>	<b>Source</b>	<b>Comment</b>
53	PRISMAX	Number of prison months-maximum for all conviction charges	F5	11952=Life 13020=Death 88888=Not applicable 88889=Unknown 88890=Missing	Not used	See 52
54	PRISUS	Number of prison months-suspended for all conviction charges	F5	11952=Life 13020=Death 88888=Not applicable 88889=Unknown 88890=Missing	Not used	See 52
55	JAILMIN	Number of jail months-minimum for all conviction charges	F3	888=Not applicable 889=Unknown 890=Missing	Not used	See 52
56	JAILMAX	Number of jail months-maximum for all conviction charges	F3	888=Not applicable 889=Unknown 890=Missing	Not used	See 52
57	JAILSUS	Number of jail months-suspended for all conviction charges	F3	888=Not applicable 889=Unknown 890=Missing	Not used	See 52
57a	MINMONS	Number of unsuspended incarceration months-minimum for all conviction charges	F5		See 49	DelSAC substitute. MINMONS and MINDAYS (57d) are additive.

	<b>Name</b>	<b>Label</b>	<b>Format</b>	<b>Value</b>	<b>Source</b>	<b>Comment</b>
57b	MAXMONS	Number of unsuspended incarceration months-maximum for all conviction charges	F5		See 49	DelSAC substitute. MAXMONS and MAXDAYS (57e) are additive.
57c	SUSMONS	Number of months suspended for all conviction charges	F5		See 49	DelSAC substitute. SUSMONS and SUSDAYS (57f) are additive.
57d	MINDAYS	Number of unsuspended incarceration days-minimum for all conviction charges	F3		See 49	See 57a
57e	MAXDAYS	Number of unsuspended incarceration days-maximum for all conviction charges	F3		See 49	See 57b
57f	SUSDAYS	Number of days suspended for all conviction charges	F3		See 49	See 57c
58	PROB	Probation sentence imposed	F1	1 Yes 2 No 7 Not applicable 8 Unknown 9 Missing	JIC	
59	PROBMTHS	Number of probation months	F3	888=Not applicable 889=Life	JIC	

	<b>Name</b>	<b>Label</b>	<b>Format</b>	<b>Value</b>	<b>Source</b>	<b>Comment</b>
60	COMMUNSERV	Community service sentence	F1	1 Yes 2 No 7 Not applicable 8 Unknown 9 Missing	JIC	
61	CSHRS	Number of community service hours imposed	F4	8888=Not applicable	JIC	
62	FINE	Fine imposed	F1	1 Yes 2 No 7 Not applicable 8 Unknown 9 Missing	JIC for Superior Court. CJIS for Family Court or in some CCP cases, if not in JIC.	DE often imposes fines but suspends all or part. Surcharges are based on fine amounts before suspension. If no fine, or if full amount is suspended, value is 2.
63	FINEAMT	Fine amount	F7	\$8888888=Not applicable	(See 62)	Amount of fine not suspended.
63a	FINESUS	Suspended fine amount	F7		(See 62)	DelSAC added. Amount of fine suspended.
63b	RESTITUTION	Restitution amount ordered	F7			DelSAC added.
64	ELECMON	Electronic monitoring	F1	1 Yes 2 No 7 Not applicable 8 Unknown 9 Missing	JIC	

	<b>Name</b>	<b>Label</b>	<b>Format</b>	<b>Value</b>	<b>Source</b>	<b>Comment</b>
65	TREATMENT	Treatment imposed	F1	1 Yes 2 No 7 Not applicable 8 Unknown 9 Missing	JIC	
66	OTHERSENT	Other sentence imposed	F1	1 Yes 2 No 3 Sex offender registration ordered 4 Diversion with successful outcome 5 Diversion unsuccessful 7 Not applicable 8 Unknown 9 Missing	JIC	
67	NEWTRL	Motion for new trial filed with trial court	F1	1 Yes 2 No 7 Not applicable 8 Unknown 9 Missing	JIC	Limited effort to identify.
68	AMDSSENT	Motion for amended sentence file with trial court	F1	1 Yes 2 No 7 Not applicable 8 Unknown 9 Missing	JIC	Limited use to cases where significant modifications or amendments occurred and were identified.

	<b>Name</b>	<b>Label</b>	<b>Format</b>	<b>Value</b>	<b>Source</b>	<b>Comment</b>
69	NOTAPP	Notice of appeal filed with the trial court	F1	1 Yes 2 No 7 Not applicable 8 Unknown 9 Missing	JIC	Notice of appeal in DE is filed with the appellate court.
70	OTHERPOST	Other post-trial motion filed with trial court	F1	1 Yes 2 No 7 Not applicable 8 Unknown 9 Missing	JIC	Limited effort to identify.
71	APPEAL	Appeal filed in an appellate court	F1	1 Yes 2 No 7 Not applicable 8 Unknown 9 Missing	JIC and/or Supreme Court web site	Limited effort to identify beyond trial guilty cases.

**Table 14. Felony Case Processing Charge Categories, With Delaware Modifications**

<b>Category Code</b>	<b>Offense Category</b>
	<b><i>Violent Offenses</i></b>
1.....	Murder (includes nonnegligent manslaughter)
2.....	Rape
3.....	Robbery
4.....	Assault
5.....	Other violent (includes negligent manslaughter and kidnapping)
	<b><i>Property Offenses</i></b>
6.....	Burglary
7.....	Larceny-theft
8.....	Motor vehicle theft
9.....	Forgery
10.....	Fraud
11.....	Other-property
	<b><i>Drug Offenses</i></b>
12.....	Drug sales
13.....	Drug possession/other drug
	<b><i>Public-Disorder</i></b>
14.....	Weapons
15.....	Driving-related
16.....	Other public order (includes nonviolent offenses such as receiving stolen property and vandalism)
	<b><i>Misdemeanors</i></b>
17.....	Person
18.....	Property
19.....	Other (includes drug and public disorder)
	<b><i>Missing or Unknown</i></b>
98.....	Unknown
99.....	Missing