December 1, 2020

MEMORANDUM

To:	Administrative Office of the Courts
From:	Spencer Price; Director, Statistical Analysis Center
Analyst:	Charles Huenke; Statistical Analysis Center
Subject:	Pretrial Failure Supplemental Analysis

On October 6, 2020, the Statistical Analysis Center prepared a memorandum providing pretrial failure rates for Delaware Pretrial Assessment Tool (DELPAT) cases from the first half of 2019. The Center was subsequently asked to provide additional information regarding the nature of offenses in new criminal arrest (NCA) failures reported in that analysis. This request required considerably more effort due to complexities involved with identifying and relating multiple events in an individual's activity while awaiting case disposition.

In the Center's basic pretrial failure rate analysis, generally only the first NCA and the first Failure to Appear (FTA) were of interest. This follow-up request requires more detailed inspection of all charges for offenses occurring in the pretrial periods for each case, which necessitates collecting and synthesizing additional data elements from tens of thousands of system records.

The October memorandum summarized findings for 9,946 DELPAT cases; 8,560 of those cases had some time at risk for pretrial failure. This additional review revealed some data compilation errors that resulted in slight changes in counts previously presented. Through combining cases from both quarters for analysis, four second quarter cases were found to be repeated assessments on cases that had initial appearances in the first quarter. Repeated representations of those cases were eliminated, leaving 8,556 cases with pretrial at-risk time. In six other cases, previously counted NCA events were found to have occurred outside the pretrial period. Table 1 shows case and failure counts as revised during this supplemental analysis.

Table 1

No At-Risk Time	Any At-Risk Time	No Failure		Any Failure		FTA		NCA	
		Count	Rate	Count	Rate	Count	Rate	Count	Rate
1,386	8,556	4,750	55.5%	3,806	44.5%	2,477	29.0%	2,572	30.1%

This analysis focuses on the types of new criminal activity identified for the 2,572 cases with one or more NCA failures (the rightmost group in Table 1).

For the NCA analysis, the Center created eight hierarchical offense groups. Charges in DELPAT and NCA cases were labeled by offense group, and then each case (by Delaware Uniform Case number) was labeled as the highest order offense for charges within the case. The eight offense groups, from highest to lowest order, are: Person Felony, Weapon Felony, Drug Felony, DUI Felony, Property Felony, Other Felony, Person Misdemeanor, and Other Misdemeanor.

The first two columns in Table 2 show how the 2,572 DELPAT cases with NCA failures are distributed over the eight offense groupings. There it is shown that just over 75% (623 Person Misdemeanors and 1,325 Other Misdemeanors) of this DELPAT group had no felony charges in the risk-assessed cases from the pretrial tracking pool. Less than 8% of these 2,572 DELPAT cases were in the Person and Weapon Felony groups.

Table 2

DELPAT Case Offense Group	DELPAT Cases With NCA	NCA(s) Involved → Person Felony	Weapon Felony	Drug Felony	DUI Felony	Property Felony	Other Felony	Person Misd.	Other Misd.
Person Felony	138	22	5	9	4	7	43	31	59
Weapon Felony	58	11	6	7	0	4	11	8	24
Drug Felony	106	11	11	23	1	6	20	19	37
DUI Felony	38	1	0	3	8	0	10	4	15
Property Felony	209	15	7	9	0	61	22	20	140
Other Felony	75	9	2	4	1	7	27	18	35
Person Misd.	623	98	18	24	2	43	30	194	424
Other Misd.	1,325	109	35	75	14	202	100	272	1,020
Total	2,572	276	84	154	30	330	263	566	1,754

NCA column headings in Table 2 show the same eight offense groups; counts in these columns represent the number of cases in each DELPAT offense group with at least one NCA offense in the column heading group. Unlike the DELPAT offense groupings, counts in the NCA columns are not mutually exclusive; each case represented in the "DELPAT Cases With NCA" column can be represented in more than one NCA group. For example, in the Person Felony row, there were 22 cases with at least one NCA in the Person Felony group. Seven of those 22 cases also had NCA offenses in the Property Felony, Other Felony, Person Misdemeanor, and Other Misdemeanor groups.

Table 2 does not show any obvious correlation between DELPAT and NCA offense types, and it was not intended to do so. There are virtually countless external factor variations that can limit or expand opportunities for crimes to be committed, especially in the relatively short time frames of pretrial periods. Rather than trying to glean them from group statistics where they are easily masked, such factors are best illuminated through detailed review of numerous cases in the context of individuals' histories.

An additional perspective is offered in Table 3, which shows the same DELPAT case groupings as in Table 2. One column shows the number of cases where at least one NCA was in the same

or a higher order offense group as the DELPAT case. Another column shows the number of cases where at least one NCA was in a higher order group than the DELPAT case.

Table 3

DELPAT Case Offense Group	DELPAT Cases With NCA	DELPAT Cases With Equal or Higher Order NCA Offenses	DELPAT Cases With Higher Order NCA Offenses
Person Felony	138	22	-
Weapon Felony	58	16	11
Drug Felony	106	41	21
DUI Felony	38	12	4
Property Felony	209	83	28
Other Felony	75	46	22
Person Misd.	623	330	183
Other Misd.	1,325	1,325	643
Total	*2,572*	*1,875*	*912*

Please feel free to contact me with any additional questions.