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To: SENTAC

From: Thomas F. MacLeish, Interim Director

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Subject: Superior Court Detention Case Status of Long Term Detainees: 3<sup>rd</sup> Quarter 2012, September 30, 2012

This updated quarterly report provides an overview of Superior Court detention population cases for defendants detained longer than 120 days in a Level V Delaware Department of Correction (DOC) secure facility or the Delaware Psychiatric Center. Although the detainees may have more than one case for which he/she is being held, only the case with the highest charge for which an individual is being held is reported. This report also gives the statewide and county breakdowns for the Superior Court detainee population in a secure DOC facility 120-days or more for the 3<sup>rd</sup> quarter of 2012, and a historical look of these populations since the 3<sup>rd</sup> quarter of 2008.

There are numerous reasons why an offender with a Superior Court case may be detained in a secure facility for 120 days or more. Superior Court detainees with no specific case complications are found in the category of “active” detention cases. These “active” cases are following normal court processes and have not been sentenced as of the end of the quarter. The second group of detainee cases, “other non-sentenced detention cases” are those consisting of persons with cases involving psychological issues, and those defendants found guilty but awaiting sentencing. Murder 1<sup>st</sup> degree cases are also in this “other non-sentenced” category. These cases are not held to the same time processing standards as “active cases.”

The statewide Superior Court detention population summary, found in Table 1, shows a population of 225 individuals that have been detained longer than 120 days. Of these 225 individuals, 143 cases are pending disposition without exceptional circumstances. Thirty-nine are guilty awaiting sentencing, 34 are Murder 1<sup>st</sup> cases, and the remaining 9 cases are awaiting some type of psychological evaluation. Eight of individuals awaiting psychological evaluation are being physically held at the Delaware Psychiatric Center.

The second, third and fourth tables, show a detailed breakout by county. New Castle County has the largest percent of the statewide Superior Court detention population (73.3%). The remaining 27% of Superior Court cases are split evenly between Kent County (13.3%) and Sussex County (13.3%).

The final table displays the Superior Court detention population by quarter since September 30, 2008. The total 3<sup>rd</sup> quarter 2012 Superior Court detention population has increased overall by 23 individuals, with a 29 person increase in active cases, and a 6 person decrease in the non-sentenced detention category since 2<sup>nd</sup> quarter 2012. The current Superior Court detention population for 2012 follows similar patterns from 2008, 2009, 2010 and 2011 with 1<sup>st</sup> and 2<sup>nd</sup> Quarter decreases and 3<sup>rd</sup> and 4<sup>th</sup> Quarter population increases.

**Table 1**

<b>Summary Of DOC Detainees Statewide Superior Court Cases 3<sup>rd</sup> Quarter 2012 Snapshot</b>						
<b>Detention Length of Stay as of 09/30/2012</b>						
<b>Case Type</b>	<b>121-150 days</b>	<b>151-180 days</b>	<b>181-270 days</b>	<b>271-360 days</b>	<b>&gt;360 days</b>	<b>Total</b>
<b>Total Active Cases</b>						
<b>Felony A or Felony B</b>	<b>28</b>	<b>24</b>	<b>34</b>	<b>3</b>	<b>6</b>	<b>95</b>
<b>Other Cases</b>	<b>26</b>	<b>9</b>	<b>8</b>	<b>2</b>	<b>3</b>	<b>48</b>
<b>Total Active Cases</b>	<b>54</b>	<b>33</b>	<b>42</b>	<b>5</b>	<b>9</b>	<b>143</b>
<b>Total Non-Sentenced Detention Cases</b>						
<b>Murder 1st</b>	<b>1</b>	<b>0</b>	<b>4</b>	<b>10</b>	<b>19</b>	<b>34</b>
<b>Cases Involving Psych</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>6</b>	<b>9</b>
<b>Guilty Awaiting Sentencing Cases</b>	<b>7</b>	<b>4</b>	<b>14</b>	<b>6</b>	<b>8</b>	<b>39</b>
<b>Total Non-Sentenced Detention Cases</b>	<b>8</b>	<b>6</b>	<b>18</b>	<b>17</b>	<b>33</b>	<b>82</b>
<b>Total Active and Non-Sentenced Detention Cases</b>						
<b><u>Total</u></b>	<b>62</b>	<b>39</b>	<b>60</b>	<b>22</b>	<b>42</b>	<b>225</b>

Table 2

Summary Of DOC Detainees With New Castle County Superior Court Cases 3 <sup>rd</sup> Quarter 2012 Snapshot						
Detention Length of Stay as of 09/30/2012						
Case Type	121-150 days	151-180 days	181-270 days	271-360 days	>360 days	Total
<b>Total Active Cases</b>						
Felony A or Felony B	20	18	23	2	3	66
Other Cases	19	6	7	2	2	36
<b>Total Active Cases</b>	<b>39</b>	<b>24</b>	<b>30</b>	<b>4</b>	<b>5</b>	<b>102</b>
<b>Total Non-Sentenced Detention Cases</b>						
Murder 1st	1	0	4	7	12	24
Cases Involving Psych	0	2	0	1	3	6
Guilty Awaiting Sentencing Cases	6	2	12	6	7	33
<b>Total Non-Sentenced Detention Cases</b>	<b>7</b>	<b>4</b>	<b>16</b>	<b>14</b>	<b>22</b>	<b>63</b>
<b>Total Active and Non-Sentenced Detention Cases</b>						
<b>Total</b>	<b>46</b>	<b>28</b>	<b>46</b>	<b>18</b>	<b>27</b>	<b>165</b>

Table 3

Summary Of DOC Detainees With Kent Superior Court Cases 3 <sup>rd</sup> Quarter 2012 Snapshot						
Detention Length of Stay as of 09/30/2012						
Case Type	121-150 days	151-180 days	181-270 days	271-360 days	>360 days	Total
<b>Total Active Cases</b>						
Felony A or Felony B	5	3	6	1	3	18
Other Cases	2	0	1	0	1	4
<b>Total Active Cases</b>	<b>7</b>	<b>3</b>	<b>7</b>	<b>1</b>	<b>4</b>	<b>22</b>
<b>Total Non-Sentenced Detention Cases</b>						
Murder 1st	0	0	0	2	5	7
Cases Involving Psych	0	0	0	0	1	1
Guilty Awaiting Sentencing Cases	0	0	0	0	0	0
<b>Total Non-Sentenced Detention Cases</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>6</b>	<b>8</b>
<b>Total Active and Non-Sentenced Detention Cases</b>						
<b>Total</b>	<b>7</b>	<b>3</b>	<b>7</b>	<b>3</b>	<b>10</b>	<b>30</b>

**Table 4**

<b>Summary Of DOC Detainees With Sussex County Superior Court Cases 3<sup>rd</sup> Quarter 2012 Snapshot</b>						
<b>Detention Length of Stay as of 09/30/2012</b>						
<b>Case Type</b>	<b>121-150 days</b>	<b>151-180 days</b>	<b>181-270 days</b>	<b>271-360 days</b>	<b>&gt;360 days</b>	<b>Total</b>
<b><i>Total Active Cases</i></b>						
<b>Felony A or Felony B</b>	<b>3</b>	<b>3</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>11</b>
<b>Other Cases</b>	<b>5</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>
<b><i>Total Active Cases</i></b>	<b>8</b>	<b>6</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>19</b>
<b><i>Total Non-Sentenced Detention Cases</i></b>						
<b>Murder 1st</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>
<b>Cases Involving Psych</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>
<b>Guilty Awaiting Sentencing Cases</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>6</b>
<b><i>Total Non-Sentenced Detention Cases</i></b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>5</b>	<b>11</b>
<b><i>Total Active and Non-Sentenced Detention Cases</i></b>						
<b><i>Grand Total</i></b>	<b>9</b>	<b>8</b>	<b>7</b>	<b>1</b>	<b>5</b>	<b>30</b>

Table 5

## Statewide Quarterly Change in Superior Court Detention Population

	<i>Active Cases</i>					<i>Total</i>
	121-150 days	151-180 days	181-270 days	271-360 days	>360 days	
3rd Quarter 2008 (9/30/08)	47	47	42	6	6	148
4th Quarter 2008 (12/31/08)	78	36	48	16	6	184
1st Quarter 2009 (3/31/09)	56	40	39	5	5	145
2nd Quarter 2009 (6/30/09)	45	30	28	12	4	119
3rd Quarter 2009 (9/30/09)	49	27	41	10	6	133
4th Quarter 2009 (12/31/09)	61	27	37	19	8	152
1st Quarter 2010 (3/31/10)	46	36	32	10	8	132
2nd Quarter 2010 (6/30/10)	37	33	23	3	5	101
3rd Quarter 2010 (9/30/10)	58	37	37	6	6	144
4th Quarter 2010 (12/31/10)	61	50	56	13	5	185
1st Quarter 2011 (3/31/11)	44	44	57	18	7	170
2nd Quarter 2011 (6/30/11)	57	34	34	7	10	142
3rd Quarter 2011 (9/30/11)	48	40	58	10	7	163
4th Quarter 2011 (12/31/11)	63	37	38	15	5	158
1st Quarter 2012 (3/31/12)	45	23	43	9	7	127
2nd Quarter 2012 (6/30/12)	34	34	22	16	8	114
3rd Quarter 2012 (9/30/12)	54	33	42	5	9	143
	<i>Non-Sentenced Detention Cases</i>					
3rd Quarter 2008 (9/30/08)	14	12	47	16	38	127
4th Quarter 2008 (12/31/08)	16	14	47	26	31	134
1st Quarter 2009 (3/31/09)	9	12	41	23	32	117
2nd Quarter 2009 (6/30/09)	19	14	28	32	33	126
3rd Quarter 2009 (9/30/09)	12	7	29	22	44	114
4th Quarter 2009 (12/31/09)	17	8	30	12	45	112
1st Quarter 2010 (3/31/10)	13	6	25	14	33	91
2nd Quarter 2010 (6/30/10)	13	9	28	19	31	100
3rd Quarter 2010 (9/30/10)	6	11	35	17	25	94
4th Quarter 2010 (12/31/10)	3	9	29	21	30	92
1st Quarter 2011 (3/31/11)	3	6	26	23	28	86
2nd Quarter 2011 (6/30/11)	8	7	30	27	33	105
3rd Quarter 2011 (9/30/11)	12	7	28	17	29	93
4th Quarter 2011 (12/31/11)	7	8	31	24	36	106
1st Quarter 2012 (3/31/12)	17	14	34	17	33	115
2nd Quarter 2012 (6/30/12)	6	9	26	22	25	88
3rd Quarter 2012 (9/30/12)	8	6	18	17	33	82
	<i>Total Active and Non-Sentenced Detention Cases</i>					
3rd Quarter 2008 (9/30/08)	61	59	89	22	44	275
4th Quarter 2008 (12/31/08)	94	50	95	42	37	318
1st Quarter 2009 (3/31/09)	65	52	80	28	37	262
2nd Quarter 2009 (6/30/09)	64	44	56	44	37	245
3rd Quarter 2009 (9/30/09)	61	34	70	32	50	247
4th Quarter 2009 (12/31/09)	78	35	67	31	53	264
1st Quarter 2010 (3/31/10)	59	42	57	24	41	223
2nd Quarter 2010 (6/30/10)	50	42	51	22	36	201
3rd Quarter 2010 (9/30/10)	64	48	72	23	31	238
4th Quarter 2010 (12/31/10)	64	59	85	34	35	277
1st Quarter 2011 (3/31/11)	47	50	83	41	35	258
2nd Quarter 2011 (6/30/11)	65	41	64	34	43	247
3rd Quarter 2011 (9/30/11)	60	47	86	27	36	256
4th Quarter 2011 (12/31/11)	70	45	69	39	41	264
1st Quarter 2012 (3/31/12)	62	37	77	26	40	242
2nd Quarter 2012 (6/30/12)	40	43	48	38	33	202
3rd Quarter 2012 (9/30/12)	62	39	60	22	42	225