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January 8, 2013

To: SENTAC

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Subject: Superior Court Detention Case Status of Long Term Detainees: 4th Quarter 2012, December 31, 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 4th quarter of 2012, and a historical look of these populations since the 4th 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 1st 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 294 individuals that have been detained longer than 120 days. Of these 294 individuals, 176 cases are pending disposition without exceptional circumstances. Sixty-nine are guilty awaiting sentencing, 38 are Murder 1st cases, and the remaining 11 cases are awaiting some type of psychological evaluation. Nine 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 (71.4%). The remaining 28% of Superior Court cases are split evenly between Kent County (13.6%) and Sussex County (14.9%).

The final table displays the Superior Court detention population by quarter since December 31, 2008. The total 4th quarter 2012 Superior Court detention population has increased overall by 69 individuals, with a 33 person increase in active cases, and a 36 person increase in the non-sentenced detention category since 3rd quarter 2012. The current Superior Court detention population for 2012 marks the highest increase in overall offenders of any quarter from 2008 until now.

Table 1

| Summary Of DOC Detainees Statewide Superior Court Cases 4th Quarter 2012 Snapshot | | | | | | |
|--|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|--------------|
| Detention Length of Stay as of 12/31/2012 | | | | | | |
| Case Type | 121-150 days | 151-180 days | 181-270 days | 271-360 days | >360 days | Total |
| Total Active Cases | | | | | | |
| Felony A or Felony B | 40 | 25 | 35 | 9 | 3 | 112 |
| Other Cases | 27 | 21 | 14 | 0 | 2 | 64 |
| Total Active Cases | 67 | 46 | 49 | 9 | 5 | 176 |
| Total Non-Sentenced Detention Cases | | | | | | |
| Murder 1st | 5 | 2 | 5 | 4 | 22 | 38 |
| Cases Involving Psych | 0 | 1 | 1 | 1 | 8 | 11 |
| Guilty Awaiting Sentencing Cases | 7 | 10 | 26 | 19 | 7 | 69 |
| Total Non-Sentenced Detention Cases | 12 | 13 | 32 | 24 | 37 | 118 |
| Total Active and Non-Sentenced Detention Cases | | | | | | |
| <u>Total</u> | 79 | 59 | 81 | 33 | 42 | 294 |

Table 2

| Summary Of DOC Detainees With New Castle County Superior Court Cases 4th Quarter 2012 Snapshot | | | | | | |
|---|-----------------|-----------------|-----------------|-----------------|--------------|------------|
| Detention Length of Stay as of 12/31/2012 | | | | | | |
| Case Type | 121-150 days | 151-180 days | 181-270 days | 271-360 days | >360 days | Total |
| Total Active Cases | | | | | | |
| Felony A or Felony B | 22 | 18 | 22 | 6 | 2 | 70 |
| Other Cases | 20 | 10 | 11 | 0 | 2 | 43 |
| Total Active Cases | 42 | 28 | 33 | 6 | 4 | 113 |
| Total Non-Sentenced Detention Cases | | | | | | |
| Murder 1st | 5 | 2 | 5 | 4 | 14 | 30 |
| Cases Involving Psych | 0 | 1 | 1 | 1 | 5 | 8 |
| Guilty Awaiting Sentencing Cases | 5 | 8 | 22 | 17 | 7 | 59 |
| Total Non-Sentenced Detention Cases | 10 | 11 | 28 | 22 | 26 | 97 |
| Total Active and Non-Sentenced Detention Cases | | | | | | |
| Total | 52 | 39 | 61 | 28 | 30 | 210 |

Table 3

| Summary Of DOC Detainees With Kent Superior Court Cases 4th Quarter 2012 Snapshot | | | | | | |
|--|-----------------|-----------------|-----------------|-----------------|--------------|-----------|
| Detention Length of Stay as of 12/31/2012 | | | | | | |
| Case Type | 121-150 days | 151-180 days | 181-270 days | 271-360 days | >360 days | Total |
| Total Active Cases | | | | | | |
| Felony A or Felony B | 8 | 3 | 9 | 2 | 1 | 23 |
| Other Cases | 1 | 4 | 2 | 0 | 0 | 7 |
| Total Active Cases | 9 | 7 | 11 | 2 | 1 | 30 |
| Total Non-Sentenced Detention Cases | | | | | | |
| Murder 1st | 0 | 0 | 0 | 0 | 5 | 5 |
| Cases Involving Psych | 0 | 0 | 0 | 0 | 1 | 1 |
| Guilty Awaiting Sentencing Cases | 2 | 2 | 0 | 0 | 0 | 4 |
| Total Non-Sentenced Detention Cases | 2 | 2 | 0 | 0 | 6 | 10 |
| Total Active and Non-Sentenced Detention Cases | | | | | | |
| Total | 11 | 9 | 11 | 2 | 7 | 40 |

Table 4

| Summary Of DOC Detainees With Sussex County Superior Court Cases 4th Quarter 2012 Snapshot | | | | | | |
|---|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|--------------|
| Detention Length of Stay as of 12/31/2012 | | | | | | |
| Case Type | 121-150 days | 151-180 days | 181-270 days | 271-360 days | >360 days | Total |
| <i>Total Active Cases</i> | | | | | | |
| Felony A or Felony B | 10 | 4 | 4 | 1 | 0 | 19 |
| Other Cases | 6 | 7 | 1 | 0 | 0 | 14 |
| <i>Total Active Cases</i> | 16 | 11 | 5 | 1 | 0 | 33 |
| <i>Total Non-Sentenced Detention Cases</i> | | | | | | |
| Murder 1st | 0 | 0 | 0 | 0 | 3 | 3 |
| Cases Involving Psych | 0 | 0 | 0 | 0 | 2 | 2 |
| Guilty Awaiting Sentencing Cases | 0 | 0 | 4 | 2 | 0 | 6 |
| <i>Total Non-Sentenced Detention Cases</i> | 0 | 0 | 4 | 2 | 5 | 11 |
| <i>Total Active and Non-Sentenced Detention Cases</i> | | | | | | |
| <i>Grand Total</i> | 16 | 11 | 9 | 3 | 5 | 44 |

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 | |
| 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 |
| 4th Quarter 2012 (12/31/12) | 67 | 46 | 49 | 9 | 5 | 176 |
| | <i>Non-Sentenced Detention Cases</i> | | | | | |
| 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 |
| 4th Quarter 2012 (12/31/12) | 12 | 13 | 32 | 24 | 37 | 118 |
| | <i>Total Active and Non-Sentenced Detention Cases</i> | | | | | |
| 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 |
| 4th Quarter 2012 (12/31/12) | 79 | 59 | 81 | 33 | 42 | 294 |