



**State of Delaware Executive Department
Office of Management and Budget**

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To: SENTAC, and Sentencing Research and Evaluation Committee

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Subject: Superior Court Detention Case Status of Long Term Detainees: 3rd Quarter 2008,
September 30, 2008

This is an updated quarterly report that 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 detainee 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 121-days or more for the 3rd quarter of 2008, and a history look of these populations since the 3rd quarter of 2006.

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 275 individuals that have been detained longer than 120 days. Of these 275 individuals, 148 cases are pending disposition without exceptional circumstances. Eighty-two are guilty but awaiting sentencing, 38 are Murder 1st cases, and the remaining 7 cases are waiting on some type of psychological evaluation. Five of the 7 individuals are being held at the Delaware Psychiatric Center.

From the second, third and fourth tables, we can see the detailed breakout by county. New Castle County has the largest percent of the statewide Superior Court detention population (71.3 percent). The remaining 29 percent of Superior Court cases are split fairly evenly between Kent County (12.0 percent) and Sussex County (16.7 percent).



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The final table displays the Superior Court detention population by quarter since September 30, 2006. The total 3rd quarter 2008 Superior Court detention population has increased by 30 individuals, with a 34 person increase in active cases, and a 4 person decrease in the non-sentenced detention category. Active cases had steadily decreased from their peak of 178 in 4th quarter 2007 to a new low of 114 in the 2nd quarter of 2008, a 36 percent decrease until this quarter in which there is a 23 percent increase. While active cases held in detention longer than 120 days has increased significantly, the number of non-sentenced detention cases has decreased for the first time in almost a year. This increase in active cases is specifically due to the large number of incoming cases that are unresolved.

Table 1

Summary Of DOC Detainees Statewide Superior Court Cases 3rd Quarter 2008 Snapshot						
Detention Length of Stay as of 9/30/2008						
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	29	38	38	6	6	117
Other Cases	18	9	4	0	0	31
Total Active Cases	47	47	42	6	6	148
Total Non-Sentenced Detention Cases						
Murder 1st	6	4	9	3	16	38
Cases Involving Psych	0	0	1	4	2	7
Guilty Awaiting Sentencing Cases	8	8	37	9	20	82
Total Non-Sentenced Detention Cases	14	12	47	16	38	127
Total Active and Non-Sentenced Detention Cases						
<u>Total</u>	61	59	89	22	44	275

Table 2

Summary Of DOC Detainees With New Castle County Superior Court Cases 3rd Quarter 2008 Snapshot						
Detention Length of Stay as of 9/30/2008						
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	17	29	21	5	4	76
Other Cases	13	6	4	0	0	23
Total Active Cases	30	35	25	5	4	99
Total Non-Sentenced Detention Cases						
Murder 1st	5	3	7	2	9	26
Cases Involving Psych	0	0	1	1	2	4
Guilty Awaiting Sentencing Cases	6	6	31	8	16	67
Total Non-Sentenced Detention Cases	11	9	39	11	27	97
Total Active and Non-Sentenced Detention Cases						
Total	41	44	64	16	31	196

Table 3

Summary Of DOC Detainees With Kent Superior Court Cases 3rd Quarter 2008 Snapshot						
Detention Length of Stay as of 9/30/2008						
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	4	4	5	0	2	15
Other Cases	0	1	0	0	0	1
Total Active Cases	4	5	5	0	2	16
Total Non-Sentenced Detention Cases						
Murder 1st	0	0	2	1	6	9
Cases Involving Psych	0	0	0	1	0	1
Guilty Awaiting Sentencing Cases	1	1	3	0	2	7
Total Non-Sentenced Detention Cases	1	1	5	2	8	17
Total Active and Non-Sentenced Detention Cases						
Total	5	6	10	2	10	33

Table 4

Summary Of DOC Detainees With Sussex County Superior Court Cases 3rd Quarter 2008 Snapshot						
Detention Length of Stay as of 9/30/2008						
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	8	5	12	1	0	26
Other Cases	5	2	0	0	0	7
<i>Total Active Cases</i>	13	7	12	1	0	33
<i>Total Non-Sentenced Detention Cases</i>						
Murder 1st	1	1	0	0	1	3
Cases Involving Psych	0	0	0	2	0	2
Guilty Awaiting Sentencing Cases	1	1	3	1	2	8
<i>Total Non-Sentenced Detention Cases</i>	2	2	3	3	3	13
<i>Total Active and Non-Sentenced Detention Cases</i>						
<i>Grand Total</i>	15	9	15	4	3	46

Table 5

Statewide Quarterly Change in Superior Court Detention Population

<i>Active Cases</i>						
	121-150 days	151-180 days	181-270 days	271-360 days	>360 days	Total
3rd Quarter 2006 (9/30/06)	68	41	21	10	3	143
4th Quarter 2006 (12/31/06)	62	42	40	7	6	157
1st Quarter 2007 (3/31/07)	62	34	38	6	3	143
2nd Quarter 2007 (6/30/07)	66	37	44	14	2	163
3rd Quarter 2007 (9/30/07)	63	37	35	11	10	156
4th Quarter 2007 (12/31/07)	63	50	50	7	8	178
1st Quarter 2008 (3/31/08)	56	40	31	4	1	132
2nd Quarter 2008 (6/30/08)	60	29	18	5	2	114
3rd Quarter 2008 (9/30/08)	47	47	42	6	6	148
<i>Non-Sentenced Detention Cases</i>						
3rd Quarter 2006 (9/30/06)	24	17	35	13	21	110
4th Quarter 2006 (12/31/06)	8	12	50	16	23	109
1st Quarter 2007 (3/31/07)	10	7	23	17	30	87
2nd Quarter 2007 (6/30/07)	11	17	42	16	29	115
3rd Quarter 2007 (9/30/07)	8	7	43	25	33	116
4th Quarter 2007 (12/31/07)	15	10	27	24	37	113
1st Quarter 2008 (3/31/08)	7	12	48	19	40	126
2nd Quarter 2008 (6/30/08)	5	18	41	29	38	131
3rd Quarter 2008 (9/30/08)	14	12	47	16	38	127
<i>Total Active and Non-Sentenced Detention Cases</i>						
3rd Quarter 2006 (9/30/06)	92	58	56	23	24	253
4th Quarter 2006 (12/31/06)	70	54	90	23	29	266
1st Quarter 2007 (3/31/07)	72	41	61	23	33	230
2nd Quarter 2007 (6/30/07)	77	54	86	30	31	278
3rd Quarter 2007 (9/30/07)	71	44	78	36	43	272
4th Quarter 2007 (12/31/07)	78	60	77	31	45	291
1st Quarter 2008 (3/31/08)	63	52	79	23	41	258
2nd Quarter 2008 (6/30/08)	65	47	59	34	40	245
3rd Quarter 2008 (9/30/08)	61	59	89	22	44	275