



**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 2009,
September 30, 2009

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 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 121-days or more for the 3rd quarter of 2009, and a historical 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 247 individuals that have been detained longer than 120 days. Of these 247 individuals, 133 cases are pending disposition without exceptional circumstances. Fifty-nine are guilty but awaiting sentencing, 46 are Murder 1st cases, and the remaining 9 cases are waiting on some type of psychological evaluation. Six of the 9 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 (65.2 percent). The remaining 35 percent of Superior Court cases are split between Kent County (16.6 percent) and Sussex County (18.2 percent).



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The final table displays the Superior Court detention population by quarter since September 30, 2006. The total 3rd quarter 2009 Superior Court detention population has increased compared to the last quarter overall by 2 individuals, with a 14 person increase in active cases, and a 12 person decrease in the non-sentenced detention category. Fourth Quarter 2008 marks the highest population in all categories since this report's inception in 3rd Quarter 2006. The 3rd Quarter population of 2009 at 247 is 10.2 percent lower than the same time last year when the population was 275.

Table 1

Summary Of DOC Detainees Statewide Superior Court Cases 3rd Quarter 2009 Snapshot						
Detention Length of Stay as of 9/30/2009						
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	32	19	32	7	5	95
Other Cases	17	8	9	3	1	38
<i>Total Active Cases</i>	49	27	41	10	6	133
<i>Total Non-Sentenced Detention Cases</i>						
Murder 1st	3	2	3	8	30	46
Cases Involving Psych	0	0	1	2	6	9
Guilty Awaiting Sentencing Cases	9	5	25	12	8	59
<i>Total Non-Sentenced Detention Cases</i>	12	7	29	22	44	114
<i>Total Active and Non-Sentenced Detention Cases</i>						
<u>Total</u>	61	34	70	32	50	247

Table 2

Summary Of DOC Detainees With New Castle County Superior Court Cases 3rd Quarter 2009 Snapshot						
Detention Length of Stay as of 9/30/2009						
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	15	12	23	5	4	59
Other Cases	8	0	4	2	1	15
Total Active Cases	23	12	27	7	5	74
Total Non-Sentenced Detention Cases						
Murder 1st	3	2	2	5	22	34
Cases Involving Psych	0	0	0	1	3	4
Guilty Awaiting Sentencing Cases	5	3	24	10	7	49
Total Non-Sentenced Detention Cases	8	5	26	16	32	87
Total Active and Non-Sentenced Detention Cases						
Total	31	17	53	23	37	161

Table 3

Summary Of DOC Detainees With Kent Superior Court Cases 3rdQuarter 2009 Snapshot						
Detention Length of Stay as of 9/30/2009						
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	6	4	4	2	1	17
Other Cases	1	5	2	0	0	8
Total Active Cases	7	9	6	2	1	25
Total Non-Sentenced Detention Cases						
Murder 1st	0	0	1	3	6	10
Cases Involving Psych	0	0	0	1	2	3
Guilty Awaiting Sentencing Cases	2	0	0	0	1	3
Total Non-Sentenced Detention Cases	2	0	1	4	9	16
Total Active and Non-Sentenced Detention Cases						
Total	9	9	7	6	10	41

Table 4

Summary Of DOC Detainees With Sussex County Superior Court Cases 3rd Quarter 2009 Snapshot						
Detention Length of Stay as of 9/30/2009						
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	11	3	5	0	0	19
Other Cases	8	3	3	1	0	15
<i>Total Active Cases</i>	19	6	8	1	0	34
<i>Total Non-Sentenced Detention Cases</i>						
Murder 1st	0	0	0	0	2	2
Cases Involving Psych	0	0	1	0	1	2
Guilty Awaiting Sentencing Cases	2	2	1	2	0	7
<i>Total Non-Sentenced Detention Cases</i>	2	2	2	2	3	11
<i>Total Active and Non-Sentenced Detention Cases</i>						
<i>Grand Total</i>	21	8	10	3	3	45

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
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
<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
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
<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
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