



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

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To: SENTAC, and Sentencing Research and Evaluation Committee

From: Philisa J. Weidlein-Crist
John P. O'Connell Jr.

Subject: Superior Court Detention Case Status of Long Term Detainees: 4th Quarter 2008,
December 31, 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 4th 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 318 individuals that have been detained longer than 120 days. Of these 318 individuals, 184 cases are pending disposition without exceptional circumstances. Eighty-four are guilty but awaiting sentencing, 43 are Murder 1st cases, and the remaining 7 cases are waiting on some type of psychological evaluation. Four 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 (70.8 percent). The remaining 29 percent of Superior Court cases are split between Kent County (13.8 percent) and Sussex County (15.4 percent).



**Budget Development, Planning and Administration
Statistical Analysis Center**

410 Federal Street • Suite 6 • Dover, DE 19901
Phone: (302) 739-4626 • Fax: (302) 739-4630 • www.omb.delaware.gov

The final table displays the Superior Court detention population by quarter since September 30, 2006. The total 4th quarter 2008 Superior Court detention population has increased by 43 individuals, with a 36 person increase in active cases, and a 7 person increase in the non-sentenced detention category. Fourth Quarter 2008 marks the highest population in all categories since this reports inception in 3rd Quarter 2006. Both active cases and the number of non-sentenced detention cases have increased the last two quarters with a 23 percent total increase from 1st quarter 2008.

Table 1

Summary Of DOC Detainees Statewide Superior Court Cases 4th Quarter 2008 Snapshot						
Detention Length of Stay as of 12/31/2008						
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	51	26	42	13	5	137
Other Cases	27	10	6	3	1	47
<i>Total Active Cases</i>	78	36	48	16	6	184
<i>Total Non-Sentenced Detention Cases</i>						
Murder 1st	7	1	10	9	16	43
Cases Involving Psych	1	0	2	2	2	7
Guilty Awaiting Sentencing Cases	8	13	35	15	13	84
<i>Total Non-Sentenced Detention Cases</i>	16	14	47	26	31	134
<i>Total Active and Non-Sentenced Detention Cases</i>						
<u>Total</u>	94	50	95	42	37	318

Table 2

Summary Of DOC Detainees With New Castle County Superior Court Cases 4th Quarter 2008 Snapshot						
Detention Length of Stay as of 12/31/2008						
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	32	17	34	6	4	93
Other Cases	17	8	3	3	1	32
Total Active Cases	49	25	37	9	5	125
Total Non-Sentenced Detention Cases						
Murder 1st	7	1	9	7	10	34
Cases Involving Psych	1	0	1	1	1	4
Guilty Awaiting Sentencing Cases	6	13	24	10	9	62
Total Non-Sentenced Detention Cases	14	14	34	18	20	100
Total Active and Non-Sentenced Detention Cases						
Total	63	39	71	27	25	225

Table 3

Summary Of DOC Detainees With Kent Superior Court Cases 4th Quarter 2008 Snapshot						
Detention Length of Stay as of 12/31/2008						
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	10	5	3	2	1	21
Other Cases	4		1			5
Total Active Cases	14	5	4	2	1	26
Total Non-Sentenced Detention Cases						
Murder 1st				2	5	7
Cases Involving Psych						0
Guilty Awaiting Sentencing Cases	1		4	3	3	11
Total Non-Sentenced Detention Cases	1	0	4	5	8	18
Total Active and Non-Sentenced Detention Cases						
Total	15	5	8	7	9	44

Table 4

Summary Of DOC Detainees With Sussex County Superior Court Cases 4th Quarter 2008 Snapshot						
Detention Length of Stay as of 12/31/2008						
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	9	4	5	5	0	23
Other Cases	6	2	2	0	0	10
<i>Total Active Cases</i>	15	6	7	5	0	33
<i>Total Non-Sentenced Detention Cases</i>						
Murder 1st	0	0	1	0	1	2
Cases Involving Psych	0	0	1	1	1	3
Guilty Awaiting Sentencing Cases	1	0	7	2	1	11
<i>Total Non-Sentenced Detention Cases</i>	1	0	9	3	3	16
<i>Total Active and Non-Sentenced Detention Cases</i>						
<i>Grand Total</i>	16	6	16	8	3	49

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	<i>Total</i>
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
<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
<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