



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF MANAGEMENT AND BUDGET

April 14, 2008

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: 1<sup>st</sup> Quarter 2008,  
March 31, 2008

This updated quarterly report provides an overview of Superior Court detention population cases for defendants detained longer than 120 days in a 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 highest case, or case with the highest charge, for which an individual is being held is reported. Moreover, this report describes the statewide and county breakdowns for the Superior Court detainee population in a secure DOC facility 121-days or more for the 1<sup>st</sup> quarter of 2008, and a history of these populations since the 3<sup>rd</sup> quarter of 2006.

There are many reasons why a detainee in a secure facility may be held more than 120 days on a Superior Court case. Superior Court detainees with no specific case complications are found in the "active" detention cases. These "active" cases are following the normal court process 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.

The statewide Superior Court detention population summary, found in Table 1, shows a population of 258 individuals that have been detained longer than 120 days. Of these 258 individuals, 132 cases are pending disposition without exceptional circumstances. Sixty-four are guilty but awaiting sentencing, 43 are Murder 1<sup>st</sup> cases, and the remaining 19 cases are waiting on some type of psychological evaluation. Ten of these 19 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 (69.4 percent). The remaining 30 percent of Superior Court cases are split fairly evenly between Kent County (17.4 percent) and Sussex County (13.2 percent).



The final table displays the Superior Court detention population by quarter since September 30, 2006. The total 1<sup>st</sup> quarter 2008 Superior Court detention population has decreased by 33 individuals, with a 46 person decrease in active cases, and a 13 person increase in the non-sentenced detention category. Fourth quarter 2007 marks the largest 121-day or more Superior Court detainee population at 291, and is 61 persons higher than the reported low point in 1<sup>st</sup> quarter 2007. It is also important to note that 1<sup>st</sup> quarter 2008 is 28 persons higher than 1<sup>st</sup> quarter 2007.

**Table 1**

<b>Summary Of DOC Detainees Statewide Superior Court Cases 1st Quarter 2008 Snapshot</b>						
<b>Detention Length of Stay as of 3/31/2008</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>32</b>	<b>30</b>	<b>26</b>	<b>3</b>	<b>0</b>	<b>91</b>
<b>Other Cases</b>	<b>24</b>	<b>10</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>41</b>
<b>Total Active Cases</b>	<b>56</b>	<b>40</b>	<b>31</b>	<b>4</b>	<b>1</b>	<b>132</b>
<b>Total Non-Sentenced Detention Cases</b>						
<b>Murder 1st<sup>1</sup></b>	<b>1</b>	<b>2</b>	<b>13</b>	<b>7</b>	<b>20</b>	<b>43</b>
<b>Cases Involving Psych</b>	<b>3</b>	<b>2</b>	<b>6</b>	<b>0</b>	<b>8</b>	<b>19</b>
<b>Guilty Awaiting Sentencing Cases</b>	<b>3</b>	<b>8</b>	<b>29</b>	<b>12</b>	<b>12</b>	<b>64</b>
<b>Total Non-Sentenced Detention Cases</b>	<b>7</b>	<b>12</b>	<b>48</b>	<b>19</b>	<b>40</b>	<b>126</b>
<b>Total Active and Non-Sentenced Detention Cases</b>						
<b><u>Total</u></b>	<b>63</b>	<b>52</b>	<b>79</b>	<b>23</b>	<b>41</b>	<b>258</b>

<sup>1</sup> Murder 1<sup>st</sup> includes Murder 1<sup>st</sup> cases at any stage of the judicial process. Cases Involving Psych and Guilty Awaiting Sentencing Cases do not include any Murder 1<sup>st</sup> cases for which psych may be involved or those Murder 1<sup>st</sup> cases that are Guilty awaiting sentencing.

Table 2

<b>Summary Of DOC Detainees With New Castle County Superior Court Cases 1st Quarter 2008 Snapshot</b>						
<b>Detention Length of Stay as of 3/31/2008</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>23</b>	<b>21</b>	<b>16</b>	<b>2</b>	<b>0</b>	<b>62</b>
<b>Other Cases</b>	<b>8</b>	<b>5</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>17</b>
<b>Total Active Cases</b>	<b>31</b>	<b>26</b>	<b>19</b>	<b>2</b>	<b>1</b>	<b>79</b>
<b>Total Non-Sentenced Detention Cases</b>						
<b>Murder 1st</b>	<b>1</b>	<b>1</b>	<b>7</b>	<b>7</b>	<b>14</b>	<b>30</b>
<b>Cases Involving Psych</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>7</b>	<b>12</b>
<b>Guilty Awaiting Sentencing Cases</b>	<b>3</b>	<b>7</b>	<b>28</b>	<b>11</b>	<b>9</b>	<b>58</b>
<b>Total Non-Sentenced Detention Cases</b>	<b>5</b>	<b>9</b>	<b>38</b>	<b>18</b>	<b>30</b>	<b>100</b>
<b>Total Active and Non-Sentenced Detention Cases</b>						
<b>Total</b>	<b>36</b>	<b>35</b>	<b>57</b>	<b>20</b>	<b>31</b>	<b>179</b>

Table 3

<b>Summary Of DOC Detainees With Kent Superior Court Cases 1st Quarter 2008 Snapshot</b>						
<b>Detention Length of Stay as of 3/31/2008</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>6</b>	<b>6</b>	<b>8</b>	<b>1</b>	<b>0</b>	<b>21</b>
<b>Other Cases</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>6</b>
<b>Total Active Cases</b>	<b>8</b>	<b>8</b>	<b>9</b>	<b>2</b>	<b>0</b>	<b>27</b>
<b>Total Non-Sentenced Detention Cases</b>						
<b>Murder 1st</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>0</b>	<b>6</b>	<b>11</b>
<b>Cases Involving Psych</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>3</b>
<b>Guilty Awaiting Sentencing Cases</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>4</b>
<b>Total Non-Sentenced Detention Cases</b>	<b>0</b>	<b>2</b>	<b>6</b>	<b>1</b>	<b>9</b>	<b>18</b>
<b>Total Active and Non-Sentenced Detention Cases</b>						
<b>Total</b>	<b>8</b>	<b>10</b>	<b>15</b>	<b>3</b>	<b>9</b>	<b>45</b>

**Table 4**

<b>Summary Of DOC Detainees With Sussex County Superior Court Cases 1st Quarter 2008 Snapshot</b>						
<b>Detention Length of Stay as of 3/31/2008</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>2</b>	<b>0</b>	<b>0</b>	<b>8</b>
<b>Other Cases</b>	<b>14</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>18</b>
<b><i>Total Active Cases</i></b>	<b>17</b>	<b>6</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>26</b>
<b><i>Total Non-Sentenced Detention Cases</i></b>						
<b>Murder 1st</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>2</b>
<b>Cases Involving Psych</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>4</b>
<b>Guilty Awaiting Sentencing Cases</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>
<b><i>Total Non-Sentenced Detention Cases</i></b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>8</b>
<b><i>Total Active and Non-Sentenced Detention Cases</i></b>						
<b><i>Grand Total</i></b>	<b>19</b>	<b>7</b>	<b>7</b>	<b>0</b>	<b>1</b>	<b>34</b>

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