



**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: 1<sup>st</sup> Quarter 2010,  
March 31, 2010

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 1<sup>st</sup> quarter of 2010, and a historical look of these populations since the 1<sup>st</sup> quarter of 2007.

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 1<sup>st</sup> 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 223 individuals that have been detained longer than 120 days. Of these 223 individuals, 132 cases are pending disposition without exceptional circumstances. Fifty-two are guilty but awaiting sentencing, 32 are Murder 1<sup>st</sup> 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 (72.6 percent). The remaining 27 percent of Superior Court cases are split between Kent County (17.0 percent) and Sussex County (10.3 percent).



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The final table displays the Superior Court detention population by quarter since December 31, 2006. The total 1<sup>st</sup> quarter 2010 Superior Court detention population has decreased overall by 41 individuals, with a 20 person decrease in active cases, and a 21 person decrease in the non-sentenced detention category. The current Superior Court detention population is the lowest it has been since this reports inception in 3<sup>rd</sup> Quarter 2006.

**Table 1**

| <b>Summary Of DOC Detainees Statewide Superior Court Cases<br/>1st Quarter 2010 Snapshot</b> |                         |                         |                         |                         |                         |              |
|--|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|--------------|
| <b>Detention Length of Stay as of 3/31/2010</b>  |                         |                         |                         |                         |                         |              |
| <b>Case Type</b>   | <b>121-150<br/>days</b> | <b>151-180<br/>days</b> | <b>181-270<br/>days</b> | <b>271-360<br/>days</b> | <b>&gt;360<br/>days</b> | <b>Total</b> |
| <b><i>Total Active Cases</i></b>   |                         |                         |                         |                         |                         |              |
| <b>Felony A or Felony B</b>  | <b>32</b>               | <b>28</b>               | <b>26</b>               | <b>9</b>                | <b>6</b>                | <b>101</b>   |
| <b>Other Cases</b>   | <b>14</b>               | <b>8</b>                | <b>6</b>                | <b>1</b>                | <b>2</b>                | <b>31</b>    |
| <b><i>Total Active Cases</i></b>   | <b>46</b>               | <b>36</b>               | <b>32</b>               | <b>10</b>               | <b>8</b>                | <b>132</b>   |
| <b><i>Total Non-Sentenced Detention Cases</i></b>  |                         |                         |                         |                         |                         |              |
| <b>Murder 1st</b>  | <b>2</b>                | <b>2</b>                | <b>6</b>                | <b>8</b>                | <b>14</b>               | <b>32</b>    |
| <b>Cases Involving Psych</b>   | <b>1</b>                | <b>0</b>                | <b>0</b>                | <b>0</b>                | <b>6</b>                | <b>7</b>     |
| <b>Guilty Awaiting Sentencing<br/>Cases</b>  | <b>10</b>               | <b>4</b>                | <b>19</b>               | <b>6</b>                | <b>13</b>               | <b>52</b>    |
| <b><i>Total Non-Sentenced Detention<br/>Cases</i></b>  | <b>13</b>               | <b>6</b>                | <b>25</b>               | <b>14</b>               | <b>33</b>               | <b>91</b>    |
| <b><i>Total Active and Non-Sentenced Detention Cases</i></b>                                 |                         |                         |                         |                         |                         |              |
| <b><u>Total</u></b>  | <b>59</b>               | <b>42</b>               | <b>57</b>               | <b>24</b>               | <b>41</b>               | <b>223</b>   |

Table 2

| Summary Of DOC Detainees With New Castle County Superior Court Cases<br>1st Quarter 2010 Snapshot |                 |                 |                 |                 |              |            |
|---|-----------------|-----------------|-----------------|-----------------|--------------|------------|
| Detention Length of Stay as of 3/31/2010  |                 |                 |                 |                 |              |            |
| Case Type   | 121-150<br>days | 151-180<br>days | 181-270<br>days | 271-360<br>days | >360<br>days | Total      |
| <b>Total Active Cases</b>   |                 |                 |                 |                 |              |            |
| Felony A or Felony B  | 25              | 20              | 18              | 6               | 4            | 73         |
| Other Cases   | 8               | 5               | 3               | 0               | 2            | 18         |
| <b>Total Active Cases</b>   | <b>33</b>       | <b>25</b>       | <b>21</b>       | <b>6</b>        | <b>6</b>     | <b>91</b>  |
| <b>Total Non-Sentenced Detention Cases</b>  |                 |                 |                 |                 |              |            |
| Murder 1st  | 1               | 2               | 5               | 8               | 10           | 26         |
| Cases Involving Psych   | 0               | 0               | 0               | 0               | 1            | 1          |
| Guilty Awaiting Sentencing<br>Cases   | 9               | 4               | 16              | 4               | 11           | 44         |
| <b>Total Non-Sentenced Detention<br/>Cases</b>  | <b>10</b>       | <b>6</b>        | <b>21</b>       | <b>12</b>       | <b>22</b>    | <b>71</b>  |
| <b>Total Active and Non-Sentenced Detention Cases</b>   |                 |                 |                 |                 |              |            |
| <b>Total</b>  | <b>43</b>       | <b>31</b>       | <b>42</b>       | <b>18</b>       | <b>28</b>    | <b>162</b> |

Table 3

| Summary Of DOC Detainees With Kent Superior Court Cases<br>1st Quarter 2010 Snapshot |                 |                 |                 |                 |              |           |
|--|-----------------|-----------------|-----------------|-----------------|--------------|-----------|
| Detention Length of Stay as of 3/31/2010   |                 |                 |                 |                 |              |           |
| Case Type  | 121-150<br>days | 151-180<br>days | 181-270<br>days | 271-360<br>days | >360<br>days | Total     |
| <b>Total Active Cases</b>  |                 |                 |                 |                 |              |           |
| Felony A or Felony B   | 5               | 5               | 3               | 3               | 0            | 16        |
| Other Cases  | 2               | 1               | 3               | 1               | 0            | 7         |
| <b>Total Active Cases</b>  | <b>7</b>        | <b>6</b>        | <b>6</b>        | <b>4</b>        | <b>0</b>     | <b>23</b> |
| <b>Total Non-Sentenced Detention Cases</b>   |                 |                 |                 |                 |              |           |
| Murder 1st   |                 | 0               | 0               | 0               | 4            | 4         |
| Cases Involving Psych  | 1               | 0               | 0               | 0               | 4            | 5         |
| Guilty Awaiting Sentencing<br>Cases  | 1               | 0               | 2               | 2               | 1            | 6         |
| <b>Total Non-Sentenced<br/>Detention Cases</b>                                       | <b>2</b>        | <b>0</b>        | <b>2</b>        | <b>2</b>        | <b>9</b>     | <b>15</b> |
| <b>Total Active and Non-Sentenced Detention Cases</b>                                |                 |                 |                 |                 |              |           |
| <b>Total</b>   | <b>9</b>        | <b>6</b>        | <b>8</b>        | <b>6</b>        | <b>9</b>     | <b>38</b> |

**Table 4**

| <b>Summary Of DOC Detainees With Sussex County Superior Court Cases<br/>1st Quarter 2010 Snapshot</b> |                         |                         |                         |                         |                         |              |
|---|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|--------------|
| <b>Detention Length of Stay as of 3/31/2010</b>   |                         |                         |                         |                         |                         |              |
| <b>Case Type</b>  | <b>121-150<br/>days</b> | <b>151-180<br/>days</b> | <b>181-270<br/>days</b> | <b>271-360<br/>days</b> | <b>&gt;360<br/>days</b> | <b>Total</b> |
| <b><i>Total Active Cases</i></b>  |                         |                         |                         |                         |                         |              |
| <b>Felony A or Felony B</b>   | <b>2</b>                | <b>3</b>                | <b>5</b>                | <b>0</b>                | <b>2</b>                | <b>12</b>    |
| <b>Other Cases</b>  | <b>4</b>                | <b>2</b>                | <b>0</b>                | <b>0</b>                | <b>0</b>                | <b>6</b>     |
| <b><i>Total Active Cases</i></b>  | <b>6</b>                | <b>5</b>                | <b>5</b>                | <b>0</b>                | <b>2</b>                | <b>18</b>    |
| <b><i>Total Non-Sentenced Detention Cases</i></b>   |                         |                         |                         |                         |                         |              |
| <b>Murder 1st</b>   | <b>1</b>                | <b>0</b>                | <b>1</b>                | <b>0</b>                | <b>0</b>                | <b>2</b>     |
| <b>Cases Involving Psych</b>  | <b>0</b>                | <b>0</b>                | <b>0</b>                | <b>0</b>                | <b>1</b>                | <b>1</b>     |
| <b>Guilty Awaiting Sentencing<br/>Cases</b>   | <b>0</b>                | <b>0</b>                | <b>1</b>                | <b>0</b>                | <b>1</b>                | <b>2</b>     |
| <b><i>Total Non-Sentenced<br/>Detention Cases</i></b>   | <b>1</b>                | <b>0</b>                | <b>2</b>                | <b>0</b>                | <b>2</b>                | <b>5</b>     |
| <b><i>Total Active and Non-Sentenced Detention Cases</i></b>  |                         |                         |                         |                         |                         |              |
| <b><i>Grand Total</i></b>   | <b>7</b>                | <b>5</b>                | <b>7</b>                | <b>0</b>                | <b>4</b>                | <b>23</b>    |

Table 5

## Statewide Quarterly Change in Superior Court Detention Population

| <b>Active Cases</b>                                   |                         |                         |                         |                         |                         |              |
|---|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|--------------|
|   | <b>121-150<br/>days</b> | <b>151-180<br/>days</b> | <b>181-270<br/>days</b> | <b>271-360<br/>days</b> | <b>&gt;360<br/>days</b> | <b>Total</b> |
| <b>1st Quarter 2007 (3/31/07)</b>                     | 62                      | 34                      | 38                      | 6                       | 3                       | <b>143</b>   |
| <b>2nd Quarter 2007 (6/30/07)</b>                     | 66                      | 37                      | 44                      | 14                      | 2                       | <b>163</b>   |
| <b>3rd Quarter 2007 (9/30/07)</b>                     | 63                      | 37                      | 35                      | 11                      | 10                      | <b>156</b>   |
| <b>4th Quarter 2007 (12/31/07)</b>                    | 63                      | 50                      | 50                      | 7                       | 8                       | <b>178</b>   |
| <b>1st Quarter 2008 (3/31/08)</b>                     | 56                      | 40                      | 31                      | 4                       | 1                       | <b>132</b>   |
| <b>2nd Quarter 2008 (6/30/08)</b>                     | 60                      | 29                      | 18                      | 5                       | 2                       | <b>114</b>   |
| <b>3rd Quarter 2008 (9/30/08)</b>                     | 47                      | 47                      | 42                      | 6                       | 6                       | <b>148</b>   |
| <b>4th Quarter 2008 (12/31/08)</b>                    | 78                      | 36                      | 48                      | 16                      | 6                       | <b>184</b>   |
| <b>1st Quarter 2009 (3/31/09)</b>                     | 56                      | 40                      | 39                      | 5                       | 5                       | <b>145</b>   |
| <b>2nd Quarter 2009 (6/30/09)</b>                     | 45                      | 30                      | 28                      | 12                      | 4                       | <b>119</b>   |
| <b>3rd Quarter 2009 (9/30/09)</b>                     | 49                      | 27                      | 41                      | 10                      | 6                       | <b>133</b>   |
| <b>4th Quarter 2009 (12/31/09)</b>                    | 61                      | 27                      | 37                      | 19                      | 8                       | <b>152</b>   |
| <b>1st Quarter 2010 (3/31/10)</b>                     | 46                      | 36                      | 32                      | 10                      | 8                       | <b>132</b>   |
| <b>Non-Sentenced Detention Cases</b>                  |                         |                         |                         |                         |                         |              |
| <b>1st Quarter 2007 (3/31/07)</b>                     | 10                      | 7                       | 23                      | 17                      | 30                      | <b>87</b>    |
| <b>2nd Quarter 2007 (6/30/07)</b>                     | 11                      | 17                      | 42                      | 16                      | 29                      | <b>115</b>   |
| <b>3rd Quarter 2007 (9/30/07)</b>                     | 8                       | 7                       | 43                      | 25                      | 33                      | <b>116</b>   |
| <b>4th Quarter 2007 (12/31/07)</b>                    | 15                      | 10                      | 27                      | 24                      | 37                      | <b>113</b>   |
| <b>1st Quarter 2008 (3/31/08)</b>                     | 7                       | 12                      | 48                      | 19                      | 40                      | <b>126</b>   |
| <b>2nd Quarter 2008 (6/30/08)</b>                     | 5                       | 18                      | 41                      | 29                      | 38                      | <b>131</b>   |
| <b>3rd Quarter 2008 (9/30/08)</b>                     | 14                      | 12                      | 47                      | 16                      | 38                      | <b>127</b>   |
| <b>4th Quarter 2008 (12/31/08)</b>                    | 16                      | 14                      | 47                      | 26                      | 31                      | <b>134</b>   |
| <b>1st Quarter 2009 (3/31/09)</b>                     | 9                       | 12                      | 41                      | 23                      | 32                      | <b>117</b>   |
| <b>2nd Quarter 2009 (6/30/09)</b>                     | 19                      | 14                      | 28                      | 32                      | 33                      | <b>126</b>   |
| <b>3rd Quarter 2009 (9/30/09)</b>                     | 12                      | 7                       | 29                      | 22                      | 44                      | <b>114</b>   |
| <b>4th Quarter 2009 (12/31/09)</b>                    | 17                      | 8                       | 30                      | 12                      | 45                      | <b>112</b>   |
| <b>1st Quarter 2010 (3/31/10)</b>                     | 13                      | 6                       | 25                      | 14                      | 33                      | <b>91</b>    |
| <b>Total Active and Non-Sentenced Detention Cases</b> |                         |                         |                         |                         |                         |              |
| <b>1st Quarter 2007 (3/31/07)</b>                     | 72                      | 41                      | 61                      | 23                      | 33                      | <b>230</b>   |
| <b>2nd Quarter 2007 (6/30/07)</b>                     | 77                      | 54                      | 86                      | 30                      | 31                      | <b>278</b>   |
| <b>3rd Quarter 2007 (9/30/07)</b>                     | 71                      | 44                      | 78                      | 36                      | 43                      | <b>272</b>   |
| <b>4th Quarter 2007 (12/31/07)</b>                    | 78                      | 60                      | 77                      | 31                      | 45                      | <b>291</b>   |
| <b>1st Quarter 2008 (3/31/08)</b>                     | 63                      | 52                      | 79                      | 23                      | 41                      | <b>258</b>   |
| <b>2nd Quarter 2008 (6/30/08)</b>                     | 65                      | 47                      | 59                      | 34                      | 40                      | <b>245</b>   |
| <b>3rd Quarter 2008 (9/30/08)</b>                     | 61                      | 59                      | 89                      | 22                      | 44                      | <b>275</b>   |
| <b>4th Quarter 2008 (12/31/08)</b>                    | 94                      | 50                      | 95                      | 42                      | 37                      | <b>318</b>   |
| <b>1st Quarter 2009 (3/31/09)</b>                     | 65                      | 52                      | 80                      | 28                      | 37                      | <b>262</b>   |
| <b>2nd Quarter 2009 (6/30/09)</b>                     | 64                      | 44                      | 56                      | 44                      | 37                      | <b>245</b>   |
| <b>3rd Quarter 2009 (9/30/09)</b>                     | 61                      | 34                      | 70                      | 32                      | 50                      | <b>247</b>   |
| <b>4th Quarter 2009 (12/31/09)</b>                    | 78                      | 35                      | 67                      | 31                      | 53                      | <b>264</b>   |
| <b>1st Quarter 2010 (3/31/10)</b>                     | 59                      | 42                      | 57                      | 24                      | 41                      | <b>223</b>   |