

ADMINISTRATIVE DIRECTIVE NO. 150

This 15th day of August, 2003,

IT APPEARS THAT:

(1) The Delaware Judiciary should constantly seek to fulfill its mission of ensuring swift and fair justice by providing a fair, efficient, effective and prompt forum and processes for the resolution of both criminal and civil disputes among the citizens of the State.

(2) In furtherance of this mission, the courts must proactively manage their caseloads from date of filing to final disposition.

(3) By Administrative Directive No. 118, dated December 1, 1999, the Committee on Speedy Trial Guidelines, chaired by Joseph T. Walsh, former Supreme Court Justice, was created. The Committee issued its final report on November 1, 2000. This report made recommendations to accelerate the adjudication of criminal cases in the Delaware court system.

(4) By Administrative Directive No. 128, dated April 10, 2001, as amended on May 22, 2001, the Delivery of Criminal Justice Policy Committee was created, also with Justice Walsh as chair, in large part to implement the Speedy Trial Report of November 1, 2000.

(5) The Delivery of Criminal Justice Policy Committee filed its final report with the Chief Justice on December 28, 2001, but its work is ongoing.

(6) There has been in recent years a dramatic increase in the number and complexity of criminal cases in Delaware and variations in practices and procedures, as well as a static lack of adequate resources. As a consequence, the courts, the Department of Justice, the Office of the Public Defender, and other defense counsel in all three counties have addressed and are continuing to address and improve: (a) delays in the adjudication of criminal cases and (b) reduction in the pre-trial incarceration time.

(7) There is a need to coordinate the speedy trial reforms of the Judicial Branch with the ongoing efforts of the Sentencing Accountability Commission (SENTAC) (see 11 Del. C. § 6580) and the Delaware Sentencing Research and Evaluation Committee (see Section 71 of the 2004 Budget Act).

(8) It is desirable to reconstitute the Delivery of Criminal Justice Policy Committee and to rename it as the Speedy Trial Committee to formulate policy, to reduce the number of pre-trial detainees in Delaware prisons, to implement the recommendations of the Speedy Trial Guidelines Committee and the Delivery of Criminal Justice Policy Committee, and to insure efficiency and fairness in the processing of criminal cases.

NOW, THEREFORE, IT IS DIRECTED, with the unanimous approval of the members of the Supreme Court, pursuant to Delaware Constitution, article IV, § 13(1) that:

(A) A new Speedy Trial Committee is hereby established, consisting of the following persons and such other persons as the Chief Justice shall determine from time to time:

Supreme Court Justice Myron T. Steele, Chair
Superior Court Judge Richard S. Gebelein
Superior Court Judge Jerome O. Herlihy
Family Court Judge William L. Chapman, Jr.
Common Pleas Court Judge Charles W. Welch, III
Chief Magistrate of Justices of the Peace Court, or her designee
The Attorney General, or her designee
The Public Defender, or his designee
Jerome M. Capone, Esquire
The State Court Administrator, or his designee
The Honorable Joseph T. Walsh
The President of Delaware State Bar Association, or his designee

(B) The presiding judges of the Superior Court, Family Court, and Court of Common Pleas shall receive notice and minutes of all committee meetings and shall be entitled to attend any meeting personally or send additional designees.

(C) The Committee shall report to and serve at the pleasure of the Chief Justice. The Committee shall make further and periodic progress reports and recommendations to the Chief Justice concerning the following issues:

- (i) Statewide criminal justice policy to continue implementation of the recommendations contained in the Final Reports of the Committees on Speedy Trial Guidelines and the Delivery of Criminal Justice Policy.
- (ii) The continued development of statewide policies, the implementation of which will carry out the mission of swift and fair justice as well as reduce the number of pre-trial detainees and the length of pre-trial detentions. Those policies shall address, without limitation:

- Creating and implementing a state-of-the-art knowledge base on the status of prisoners, probationers and detainees
- Adjudicating all criminal cases at the earliest feasible stage, consistent with resources available
- Eliminating all unnecessary continuances
- Developing additional alternatives for judges to determine whether a pre-trial defendant should be released or held in custody

(D) The Committee shall also report, and formulate policy, on any other issues the Committee encounters during its deliberations concerning the prompt adjudication of criminal cases.

(E) The State Court Administrator and the AOC staff persons assigned to work with the Committee shall coordinate the work of the Committee with the appropriate entities within the Judicial Branch and the other relevant arms of State Government.

(F) The Committee shall file an interim report by January 31, 2004, and a final report by March 31, 2004.

(G) This Directive is effective immediately.

Chief Justice

cc: The Honorable Ruth Ann Minner
The Honorable Randy J. Holland

The Honorable M. Jane Brady
The Honorable Lawrence M. Sullivan

The Honorable Carolyn Berger
The Honorable Myron T. Steele
The Honorable Jack B. Jacobs
Members of the Judicial Conference
Court Administrators

Counsel to the Governor
Budget Director
Chair of Senate Judiciary Committee
Chair of House Judiciary Committee