VERA INSTITUTE OF JUSTICE

Date: **February 22, 2012**

To: **Delaware Justice Reinvestment Task Force**

Subject: **Feasibility Assessment for Proposals Under Consideration**

From: **Vera Institute of Justice, Center on Sentencing and Corrections**

The purpose of this memorandum is to transmit information regarding feasibility of proposals currently being considered by the Task Force. The attached information supplements information and data analyses provided to the Task Force in November, December, and January. To compile the feasibility information, Vera staff relied on conversations with Delaware stakeholders, the experience of other Center on Sentencing and Corrections staff and consultants, the qualitative and quantitative analysis conducted for Delaware JRI, and social science research studies and publications.

The first five pages contain a ***summary chart***, which provides a quick visual reference to information that could affect the proposals' likelihood of success. The chart addresses the following questions:

- Are financial resources needed to implement the proposal?
- Is the proposal likely to face political opposition?
- Is legislation required to enact the proposal?
- Is it supported by administrative policy, or is a new policy required?
- Will the proposal have a significant impact on the population?
- Is this effect likely to be lasting?
- How long until the impact is realized?

The proposals appear on the left-hand side of each page. Feasibility questions are presented as a series of statements across the top as column headings. The information is then summarized using a scale of highly agree/somewhat agree/disagree.

For example, to address the question of resources, the chart lists "Current financial resources likely sufficient." To answer this question, a filled circle indicates that no additional resources are needed. A partially filled circle indicates that minimal resources may be required, and an empty circle indicates that resources will be necessary to implement a proposal.

Following the summary chart, ***individual charts*** for each recommendation contain more details and support. The appendices are grouped as follows:

A. Pretrial
B. Community Corrections/VOP
C. Prison-based Recidivism Reduction

D. Recommendations to Reduce Length of Stay

Delaware JRI Task Force: Feasibility Analysis Summary

Key:
○= do not agree, ⦿= somewhat agree, ●= highly agree

Proposals	Ease of Implementation				Magnitude of Impact		Time to Impact
	Current Financial Resources Likely Sufficient	*Has Political Support*	*Supported by Current Law*	*Supported by Current Administrative Policy*	*Likely to Cause Significant Population Reduction*	*Likely to Have a Lasting Effect*	*Likely to Have a More Immediate Effect*
Pretrial Proposals (See Appx. A)							
Implement pretrial risk assessment instrument	○	⦿	○	○	●	●	○
Provide magistrates with appearance and re-arrest data	⦿	●	●	○	⦿	●	⦿
Increase pretrial supervision capacity	⦿	⦿	●	⦿	⦿	●	⦿
Increase use of criminal summons	●	⦿	●	○	⦿	⦿	●
Support problem-solving courts	○	●	⦿	⦿	N/A	N/A	N/A

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Community Corrections/VOP Proposals (See Appx. B)							
Increase variety and availability of intermediate sanctions and document their use	⦿	●	⦿	⦿	⦿	●	⦿
Support staff to include more positive reinforcements	⦿	⦿	●	⦿	⦿	●	⦿
Use identified needs and strengths to develop case plans	○	●	●	○	⦿	●	○
Increase community treatment and programming capacity to meet offender needs	○	●	⦿	●	●	●	○

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CONTINUED: Community Corrections/VOP Proposals (See Appx. B)							
Option A: *Prior to sentencing, assess offenders for risk, needs, and abilities prior to assigning supervision level*	○	⦿	○	○	⦿	●	○
Option B: *After sentencing, assess offenders for risk, needs, and abilities prior to assigning supervision level*	●	⦿	○	○	⦿	●	⦿
Better coordinate with courts to tailor supervision	●	●	●	○	⦿	●	○
Measure outcomes related to risk reduction	⦿	●	●	○	N/A	N/A	N/A

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	Current Financial Resources Likely Sufficient	*Has Political Support*	*Supported by Current Law*	*Supported by Current Administrative Policy*	*Likely to Cause Significant Population Reduction*	*Likely to Have a Lasting Effect*	*Likely to Have a More Immediate Effect*
Proposals for Recidivism Reduction in Prison (see Appx. C)							
Assess risk of reoffending and needs upon prison intake	○	●	⦿	○	●	●	○
Develop case plans based on inmates' criminogenic needs	○	●	⦿	○	●	●	○
Evaluate programs and fund successful ones	○	●	⦿	○	N/A	N/A	N/A
Expand program capacity to meet inmates' needs	○	●	●	⦿	●	●	○

Delaware JRI Task Force: Feasibility Analysis Summary

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	Current Financial Resources Likely Sufficient	*Has Political Support*	*Supported by Current Law*	*Supported by Current Administrative Policy*	*Likely to Cause Significant Population Reduction*	*Likely to Have a Lasting Effect*	*Likely to Have a More Immediate Effect*
Proposals to Reduce Length of Stay/Supervision Terms (See Appx. D)							
Implement special early release plan	●	⦿	●	○	⦿	○	●
Increase good time credits	●	⦿	○	○	●	●	⦿
Create completion credits	●	●	○	○	⦿	●	⦿
Implement earned compliance credits	●	⦿	○	○	●	●	⦿
Eliminate conditional release	●	●	○	○	⦿	●	○
Cap VOP sentences	●	⦿	⦿	○	⦿	●	⦿
Use risk and needs assessment information in sentencing	○	⦿	○	○	●	●	⦿

Appendix A: Feasibility of Pretrial Recommendations

Recommendation: Implement pretrial risk assessment instrument	
Ease of implementation	
Existing examples or require brand new prototype?	Many jurisdictions use objective assessments to inform release decisions. Thus, Delaware can call upon a wealth of knowledge and experience for training purposes. Also, a number of research-based pretrial risk assessments are available that can be modified and validated for Delaware.
Part of existing effort already?	No.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	A basic, free or low cost tool can be used immediately. Data collection can begin, and adjustments can be made to the tool along the way. Resources and staff time will be needed for these efforts. Re-validation would require additional spending.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	Yes. Additional resources may be required to ensure adequate staffing in 24-hour courtrooms as well as to train staff and judges.
Requires legislative or administrative policy changes?	At a minimum, this would require an administrative policy change for JPCs. Legislation could require use of the tool, which would ensure the desired uniformity.
Will strategy encounter policymaker or general public resistance?	The success of the recommendation depends on Court approval and cooperation of all magistrates. The Public Defender and other stakeholders may have questions about the use of information gathered during the assessment.
Requires process changes involving multiple systems?	No.
Is there adequate IT capacity to implement?	Existing IT infrastructure has the capacity, but resources will be necessary to integrate the assessment into the information system.
Magnitude of Impact	
Results in what kind of reduction in population?	***Population projection will estimate the impact of this policy option.*** A new validated risk and needs assessment tool would identify defendants who are low-to-moderate risk candidates for release. This could result in a significant reduction in the detention population. Rough estimates range from a 10 to 14% reduction.
Reduction lasting or temporary?	Lasting, especially if the data shows that FTA and re-arrest rates are low even with increased pretrial releases.
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes. If the tool is implemented and properly used, the pretrial detention population could be significantly reduced.
Time to impact	
Short term – 12-24 months? *Long term – 2-5 years?*	JPC courts could begin use of a basic risk assessment immediately.

Recommendation: Provide magistrates with appearance and re-arrest data

Ease of implementation	
Part of existing effort already?	No.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	One-time expenditure to program computer systems to allow Delaware's current system to collect and report this data.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	No.
Requires legislative or administrative policy changes?	This recommendation requires an administrative change only.
Requires process changes involving multiple systems?	No.
Is there adequate IT capacity to implement?	Yes. DELJIS or JIC would create these reports.
Magnitude of Impact	
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes. Future release decisions will be improved if judicial officers have better information about defendants' appearance and re-arrest histories.
Time to impact	
Short term – 12-24 months? *Long Term – 2-5 years?*	Short Term. Providing FTA and re-arrest information to magistrates can impact future release decisions by helping them make more informed choices about who should be detained and who should be released. If these decisions are shown to lead to better outcomes (i.e., low rates of FTAs and re-arrests), magistrates may feel more confident in using the risk assessment to inform their release decisions.

Recommendation: Increase pretrial supervision capacity

Ease of implementation	
Part of existing effort already?	Yes. Probation officers in the Bureau of Community Corrections already provide pretrial supervision. Risk assessment will help determine the appropriate use of pretrial supervision resources. The supervision strategies should be individually tailored, evidence-based for this population, and based on the risk assessment instrument. It is important to target medium- and high-risk defendants for supervision resources, rather than low risk. Delaware DOC's pretrial supervision unit is located in Wilmington. Only a few officers in Kent and Sussex counties are assigned to pretrial supervision.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	Moderate allocation of resources may be necessary to expand pretrial supervision capacity. It may be possible to accomplish by shifting of resources. On the other hand, low risk releasees may not require more supervision than reminders and, perhaps, occasional phone check-ins.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	Additionally, it may be desirable to train judges about availability and capacity of pretrial supervision. This recommendation will require re-deployment of personnel and resources to pretrial supervision as needed (i.e., if implementation of a pretrial risk assessment instrument and provision of FTA and re-arrest data result in an increased number of pretrial releases). Pretrial supervision officers may require training because the status, risks, and needs of a defendant are distinct from those of a convicted person serving a term of community supervision.
Requires legislative or administrative policy changes?	This is an administrative change only.
Will strategy encounter resistance?	It is possible that the general public could object to increased use of pretrial supervision. However, this is a practice in wide use in hundreds of courts nationwide. The success of this policy depends on whether magistrates at JPCs will increase releases, using pretrial supervision as an alternative to pretrial detention.
Requires process changes involving multiple systems?	No.
Magnitude of Impact	
Results in what kind of reduction in population?	Pretrial supervision is an alternative to pretrial detention, and the Court may release more defendants with the knowledge that they will be monitored and supervised safely in the community.
Reduction lasting or temporary?	Lasting. If utilized more often, the number of defendants held in detention will reduce significantly.
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes. A reduction in Delaware's pretrial detention population would justify investments in greater pretrial supervision capacity.
Time to impact	
Short term – 12-24 months? *Long Term – 2-5 years?*	After implementation of the assessment, the impact could be achieved short term. However, sufficient time should be allowed to design an evidence-based supervision program that is responsive to the pretrial population.

Recommendation: Increased use of criminal summonses

Ease of implementation	
Part of existing effort already?	11 Del. Code 1907 grants police the authority to issue a criminal summons instead of making an arrest for misdemeanors in certain circumstances.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	None.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	No.
Requires legislative or administrative policy changes?	Law enforcement agency policy changes or directives instructing police to use criminal summonses in certain categories of cases.
Will strategy encounter policymaker or general public resistance?	Implementation will depend on approval by law enforcement agencies.
Requires process changes involving multiple systems?	No.
Magnitude of Impact	
Results in what kind of reduction in population?	Increased use of criminal summonses could significantly reduce the number of defendants booked and detained pretrial. In 2010, for example, arrests for violations and low-level misdemeanors resulted in 3.5% of detention admissions.
Reduction lasting or temporary?	Lasting only if law enforcement agencies maintain use of criminal summonses.
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes.
Time to impact	
Short term – 12-24 months? *Long term – 2-5 years?*	If adopted and implemented, impact would be realized in the short term.

Recommendation: Strengthening problem-solving courts

Ease of implementation	
Part of existing effort already?	Yes. Delaware courts have a number of specialty dockets, including drug courts in all three counties in the Court of Common Pleas and Superior Court, and a mental health court in New Castle County Superior Court. Plans for expansion to Kent and Sussex counties are underway.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	Minimal resources are required to build the court's capacity to improve data entry and access and measure outcomes. For example, the addition of one laptop computer would greatly assist in this effort. Longer term efforts could include developing an evaluation plan and performance measures for the problem-solving courts.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	No.
Requires legislative or administrative policy changes?	No changes are required; however, Delaware may wish to establish guidelines, goals, or measures for the specialty courts through legislation. The advantage of this approach is that it may enhance sustainability of the courts.
Will strategy encounter policymaker or general public resistance?	None anticipated.
Requires process changes involving multiple systems?	No.
Magnitude of Impact	
Results in what kind of reduction in population?	This recommendation is instrumental in helping the courts determine what approaches are working, which will allow smarter investment in the future. Therefore, no direct impact would result from this recommendation.
Reduction lasting or temporary?	N/A
Cost-benefit analysis: is impact proportionate to resources necessary to achieve it?	Yes. It is crucial for Delaware to understand whether the approaches of its specialty dockets are effective in reducing recidivism and detention.
Time to impact	
Short term – 12-24 months? *Long term – 2-5 years?*	N/A

Appendix B: Feasibility of Community Corrections/VOP Recommendations

Recommendation: Increase availability and variety of intermediate sanctions and document their use	
Ease of implementation	
Existing examples or require brand new policy?	Yes, examples exist in Delaware. The DOC has the authority to respond to violations with administrative sanctions. Technical violators can be placed at Level IV Work Release or Level IV Violation of Probation Centers for up to 5 days at a time, not to exceed 10 days in a calendar year. This works well in Kent and Sussex counties, where there are VOP centers. However, in New Castle County, there is no such option. While home confinement is a sentencing option, it is not available as a sanction in response to violations of probation.
Part of existing effort already?	Yes.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	This depends on implementation. Detention beds may need to be re-purposed as VOP beds in New Castle County. In addition, this may require re-alignment of staff and other resources, but will not require a new facility. Implementation of home confinement as a sanction option would need minimal investment. Existing infrastructure and resources already used for sentences of home confinement can be used.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	Staff may need training and guidance on availability and use of appropriate responses, as well as how to document the use of responses to violations.
Requires legislative or administrative policy changes?	Administrative changes are needed to increase availability and use of intermediate sanctions, and to document their use. In particular, probation officers could benefit from departmental guidance on which sanctions are approved and in what circumstances they should be used. Legislative change will be required to make home confinement a permissible sanction option for VOPs.
Will strategy encounter policymaker or general public resistance?	None anticipated.
Requires process changes involving multiple systems?	No.
Magnitude of Impact	
Results in what kind of reduction in population?	Increased use of intermediate sanctions could reduce VOPs revoked back to prison, or held in detention awaiting court resolution. It is difficult, however, to project the magnitude of impact based on the available data. However, other states have achieved prison population reductions through increased use of intermediate sanctions, especially when paired with treatment and when those responsible for creating guidance guard against net-widening.
Reduction lasting or temporary?	Lasting.
Cost-benefit information: is likely impact proportionate to resources necessary to achieve it?	Yes.
Time to impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Impact will begin in the short term because offenders should be less likely to be returned to custody. The increased use of intermediate sanctions in lieu of prison should help address this population driver.

Recommendation: Support staff to include more positive reinforcements

Ease of implementation	
Existing examples or require brand new policy?	Other supervision agencies have incorporated positive reinforcements into their supervision practice
Part of existing effort already?	Yes.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	Financial resources may be necessary to train probation officers to use positive reinforcements that are endorsed by the DOC. Training can be used to educate staff on how to model and reinforce pro-social attitudes amongst supervisees. The options for incorporating positive reinforcements into supervision practice range in cost and breadth. Delaware DOC could develop training and policy guidance (at minimal cost), or could engage in a broader training effort, using a course such as EPICS (Effective Practices in Community Supervision), developed by the University of Cincinnati Center for Criminal Justice Research. EPICS teaches probation and parole officers how to apply principles of effective intervention and core correctional practices, specifically: improving relationship skills, cognitive restructuring, structured skill building, problem solving, reinforcement, and use of authority. The cost is approximately $18,000 for 30 staff, or $36,000 for 10 train-the-trainer sessions.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	A training component might be necessary (See above).
Requires legislative or administrative policy changes?	Administrative procedural change.
Will strategy encounter policymaker or general public resistance?	No.
Requires process changes involving multiple systems?	No.
Magnitude of Impact	
Results in what kind of reduction in population?	This has the potential to reduce revocations and reoffending, but its impact is difficult to quantify.
Reduction lasting or temporary?	Lasting.
Cost-benefit information: is likely impact proportionate to resources necessary to achieve it?	Yes.
Time to impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Long term. As probation officers increase use of extrinsic motivators like positive reinforcements in response to offender compliance, this can help reinforce positive behavior change, causing fewer offenders to violate.

Recommendation: Use identified needs and strengths to develop case plans	
Ease of implementation	
Existing examples or require brand new policy?	Although this would be a new practice model for Delaware, other case planning and management models exist in other jurisdictions, which can be used and adapted to Delaware's particular needs.
Part of existing effort already?	No.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	This would require investment of resources targeted towards training staff in how to use a case planning and management system.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	(See above).
Requires legislative or administrative policy changes?	DOC policy would clarify that supervision plans must be based on an offender's risk and needs assessment, rather than relying on standard conditions or special conditions set by the court.
Will strategy encounter policymaker or general public resistance?	No.
Requires process changes involving multiple systems?	No.
Magnitude of Impact	
Results in what kind of reduction in population?	This has the potential to reduce revocations and reoffending, but its impact is difficult to quantify.
Reduction lasting or temporary?	Lasting.
Cost-benefit information: is likely impact proportionate to resources necessary to achieve it?	Yes. See below.
Time to impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Long term. As probation officers utilize case plans in supervising offenders, conditions of supervision may be better tailored to an offender's specific risk and needs. Research shows that more individualized supervision produces better offender compliance outcomes, reducing the number of people who violate and are returned to prison.

Recommendation: Increase community treatment and programming capacity to meet offender needs

Ease of implementation	
Part of existing effort already?	No.
One-time action or ongoing?	An initial assessment of treatment needs and capacity is required. An initial ramp-up of building community treatment capacity would be followed by ongoing evaluation of treatment provision and outcomes.
What financial resources are necessary?	Among the needs identified during Vera's work is residential treatment in the community for lower-risk offenders as well as other community-based treatment options. In addition, probation officers have identified needs areas that are not currently addressed, including decision-making, criminal attitudes/thinking and sex offender programming. Contracts with DOC should reflect that treatment programs must address these needs. Building capacity in the community is a cost-intensive effort. However, Delaware could take advantage of other states' resources for residential treatment; for example, rather than making large expenditures to build capacity, Delaware could contract with service providers in other states. This would likely be less costly than treatment in a secured setting, while increasing flexibility of the system. At a minimum, the next step should be to assess the treatment needs and current capacity, which involves minimal to moderate resources.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	No.
Requires legislative or administrative policy changes?	This would require changing the agency's approach to treatment provision.
Will strategy encounter policymaker or general public resistance?	It is possible that increased spending on treatment will meet with resistance.
Requires process changes involving multiple systems?	No.
Magnitude of Impact	
Results in what kind of reduction in population?	Research shows that treatment is effective at stopping the cycle of reoffending. For example, studies have demonstrated that drug treatment can reduce rearrests significantly, with results ranging from 10 to 36%.
Reduction lasting or temporary?	Lasting.
Cost-benefit information: is likely impact proportionate to resources necessary to achieve it?	Yes. Research is consistent that "drug treatment programs are so cost effective that the money saved on crimes not committed just while offenders are in treatment is sufficient to offset the costs of treatment." (Duffee & Carlson 1996).
Time to impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Long term. As treatment availability is widened to target needs that have been identified as priority areas, supervision outcomes are likely to improve, reducing the number of people who violate and are returned to prison.

Recommendation: Assess offenders for risk, needs, and abilities prior to assigning supervision level		
	Option A: Pre-sentencing	**Option B: Post-sentencing**
Ease of implementation		
One-time action or ongoing?	Ongoing	Ongoing
What financial resources are necessary?	Significant resources would be needed to create a separate calendar at criminal courts. The second calendar would provide sufficient time after conviction for administration of the risk-needs assessment, so that the sentencing judge could take that information into account when assigning supervision level.	Few resources would be necessary to implement this option. Currently the risk-needs assessment is completed by the DOC 60 days after intake to probation. This option would advance the date of the assessment to a time shortly after sentencing but before assignment of supervision level.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	If DOC staff conducts the risk assessments under this scenario, no staffing changes would be required.	No. DOC already conducts a similar assessment.
Requires legislative or administrative policy changes?	Both. Legislation would require that risk and needs information be provided to judges prior to assigning the supervision level. The policies of DOC and the criminal courts would need to be changed accordingly.	Both. 11 Del. Code 4333(i) allows DOC to change the supervision level no sooner than 60 days after sentencing based on the risk assessment instrument. This proposal would require legislative amendment as well as agency policy changes. For courts, sentences would need to be changed to reflect "supervision" rather than a particular level (I, II or III). DOC would have to conduct assessments soon after sentencing.
Will strategy encounter policymaker or general public resistance?	This option may encounter resistance from judges, prosecutors, or criminal defense attorneys who are accustomed to immediate sentencing and to predictable outcomes.	This option may encounter resistance because it could be perceived as removing judges' discretion.
Requires process changes involving multiple systems?	Yes. This option will require closer coordination between courts and DOC.	Yes.
Magnitude of Impact		
Results in what kind of reduction in population?	This impact is likely to be indirect. However, it has the potential to improve outcomes for those on supervision, reducing the recidivism rate. If individuals are assessed before assignment to supervision, fewer low-to-medium risk people will be assigned to an inappropriate supervision level after sentencing. There is consistent research showing that intensive supervision for low-level offenders can increase their risk of reoffending.	
Reduction lasting or temporary?	Lasting.	
Cost-benefit information: is likely impact proportionate to resources necessary to achieve it?	This option may not be cost beneficial: the magnitude of impact will not be great, but the additional calendar would be costly.	Yes. This proposal reduces the cost of supervising offenders at higher than necessary supervision levels.
Time to impact		
Short term – 12-24 mos.? *Long term – 2-5 years?*	Since this requires significant resources, time to impact would be longer term.	Short term. This would require moving the date of assessment forward.

Recommendation: Coordinate with courts to tailor supervision	
Ease of implementation	
Part of existing effort already?	Yes. Courts currently work with probation to varying degrees. This recommendation would allow for closer collaboration between courts and DOC to provide conditions that will improve an offender's chances of succeeding. The question is *how* to further this existing effort. If courts had access to assessment information prior to determining special conditions, judges could craft individualized conditions that are realistic, relevant, and research-based (i.e., focused on the most powerful criminogenic factors and communicated in a way that enhances motivation).
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	No immediate investment required.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	This will require collaborative effort between probation and the courts.
Requires legislative or administrative policy changes?	To be determined.
Will strategy encounter policymaker or general public resistance?	Success is conditional on sustained cooperation between probation and the courts.
Requires process changes involving multiple systems?	To be determined.
Magnitude of Impact	
Results in what kind of reduction in population?	Research suggests that offenders with conditions tailored to their dynamic risk factors have a better chance of completing supervision successfully. The potential magnitude of such impact is unknown, however.
Reduction lasting or temporary?	Lasting.
Cost-benefit information: is likely impact proportionate to resources necessary to achieve it?	No hard costs are anticipated; policies that result from the collaboration may require changes, however.
Time to impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Impact, if any, is likely to be seen in the long term.

Recommendation: Measure outcomes related to risk reduction	
Ease of implementation	
Existing examples or require brand new prototype or policy?	Delaware previously conducted recidivism studies, but has not done so in the recent past. We understand that the Statistical Analysis Center has begun this work. Knowing the "success rate" of the corrections system is vital to understanding whether a strategy or intervention is working. Other states commonly study recidivism, although methods vary.
One-time action or ongoing?	Ongoing
What financial resources are necessary?	This proposal requires dedicating SAC resources to conducting recidivism analyses. ***N.B.*** *recidivism should be measured for all DOC populations, not just the community corrections population.*
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	No. SAC staff have the knowledge and skills required to do this work.
Requires legislative or administrative policy changes?	Legislative change is not required; however, legislation may be desirable to ensure that this work is a priority and that it is appropriately funded.
Will strategy encounter policymaker or general public resistance?	No.
Requires process changes involving multiple systems?	No. It may, however, require cooperation of DOC to obtain data not available in DELJIS.
Magnitude of Impact	
Results in what kind of reduction in population?	N/A. This proposal is instrumental in determining whether any current or future measures are working, as well as to assist Delaware in future criminal justice planning efforts.
Reduction lasting or temporary?	N/A
Cost-benefit information: is likely impact proportionate to resources necessary to achieve it?	N/A
Time to impact	
Short term – 12-24 months? *Long term – 2-5 years?*	N/A

Appendix C: Feasibility of Prison-based Recidivism Reduction Recommendations

Recommendation: Assess risk of reoffending and needs upon prison intake	
Ease of implementation	
Existing examples or require brand new policy?	Delaware DOC uses the LSI-R (a widely used and well-researched assessment tool) for its probation population, and the LSI-R: Short Version for those sentenced to more than 1 year.
Part of existing effort already?	Yes.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	To administer the LSI-R is important because it provides crucial information on needs that enables corrections staff plan effective interventions. The LSI-R: SV, by comparison, is a screening tool that identifies inmates and needs that require further assessment, but it cannot stand in the place of a full assessment for those who need it. The screening tool does not allow for the kind of case planning on which effective interventions depend. Full assessments would require additional staff time. However, because many sentenced individuals previously served probation terms, the time required for assessment would not require the full 45 minutes. Re-assessment, as compared with a first-time assessment, takes less time because the agency already has the static information (i.e., demographic information that does not change over time). Re-assessment would require inquiry only into dynamic factors, reducing the time to administer the instrument.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	Prison staff will need training to administer the full LSI-R. However, DOC has extensive experience administering the LSI-R to its probation population and could make use of that experience in training institutional corrections staff.
Requires legislative or administrative policy changes?	Administrative change: DOC's Bureau of Prisons would need to develop a policy regarding inmate assessment.
Will strategy encounter policymaker or general public resistance?	No.
Requires process changes involving multiple systems?	No.
Magnitude of Impact	
Results in what kind of reduction in population?	Assessment is the engine that drives effective correctional interventions. In other words, assessment in itself does not have a measurable impact, but it allows agencies to target the right people for the right programs, which can reduce recidivism.
Reduction lasting or temporary?	Lasting.
Cost-benefit information: will this lower recidivism significantly?	Yes.
Time to impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Long term. If individuals are progressively assessed upon intake, in-prison programming may be better tailored to an offender's specific risk and needs. Data has proven that more individualized types of programming produce better offender outcomes, reducing offender recidivism after release.

Recommendation: Develop case plans based on inmates' criminogenic needs	
Ease of implementation	
Existing examples or require brand new policy?	The DOC classification manual instructs corrections staff to create "life skills plans" based on needs as determined through a records review. The plans are not based on a needs assessment tool, and Vera's survey of classification staff showed that, in practice, staff do not create life skills plans. Thus, Delaware does not have a model in place for case planning. However, various tools exist in the field for case planning, including the LS/CMI (Level of Service/Case Management Inventory), the COMPAS , as well as tools developed by other jurisdictions themselves. Training resources are widely available as well.
Part of existing effort already?	No.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	Some resources may be needed to acquire tools to facilitate case planning and to train DOC classification staff on case planning based on inmates' needs.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	Yes, this will require training.
Requires legislative or administrative policy changes?	Requires administrative policy and procedure supporting case planning. It may be desirable to include this in legislation, however
Will strategy encounter policymaker or general public resistance?	No.
Requires process changes involving multiple systems?	No.
Magnitude of Impact	
Results in what kind of reduction in population?	Case planning is an evidence-based practice in which officers match inmates' criminogenic needs with appropriate programs. It is consistent with the need principle (i.e., research showing that effective treatment focuses on criminogenic need areas). Along with assessment and programs, it can reduce recidivism.
Reduction lasting or temporary?	Lasting.
Cost-benefit information: will this lower recidivism significantly?	Yes. Together with assessment and programs, it is an approach that can reduce reoffending.
Time to impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Long term. An implementation timeline should allow sufficient time to implement this new way of doing business.

Recommendation: Evaluate programs and fund successful ones

Ease of implementation	
Existing examples or require brand new policy?	Prison program evaluation has periodically occurred in Delaware, though there has been no regular system for evaluating key prison programs. ***Process evaluations*** are designed to determine the extent to which program elements are consistent with evidence-based models and the extent and quality of the research supporting the model's effectiveness. A variety of tools are available to aid this process. Two of the most widely used are the Correctional Program Assessment Inventory (CPAI) and the CPC (Correctional Program Checklist). The CPAI is validated in the U.S. and Canada, meaning that CPAI scores accurately predict program outcomes. ***Outcome evaluations*** and ***impact evaluations*** are less common (because of cost), but models exist in Delaware and in other jurisdictions. A first step in implementing this recommendation would be to create an evaluation plan that outlines which programs will be evaluated, which methods will be used, and a timeline for evaluation activities.
Part of existing effort already?	Yes. Delaware has partnered with researchers to conduct evaluations.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	Although an external group could be engaged to conduct process evaluations, moderate resources could be expended to train staff, building internal capacity in this area. If outcome and impact evaluations are in order, a prudent approach would be to partner with outside researchers through grants or requests for technical assistance.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	See above. Training may be desired to build internal capacity for program evaluation.
Requires legislative or administrative policy changes?	May require a policy change that requires programs to be evaluated more frequently. It may be desirable to require this in legislation, however.
Will strategy encounter policymaker or general public resistance?	No.
Requires changes to multiple systems?	No.
Magnitude of Impact	
Results in what kind of reduction in population?	This will allow DOC to use effective programs, which can reduce recidivism. However, this proposal in itself does not reduce the population.
Reduction lasting or temporary?	N/A
Cost-benefit information: will this lower recidivism significantly?	While outcome and impact evaluations are better indicators of which programs are actually working, they are costly. Delaware may wish to do this only for the most popular programs, as it has done for the Key/Crest/Aftercare continuum in the past. For other programs, it would likely be cost prohibitive to conduct such evaluations. Process evaluations might help fill the knowledge gap, giving DOC a better idea of what is likely working and what probably is not.
Time to impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Although it will not have a direct impact on population, it will take some time to develop and carry out an evaluation plan.

Recommendation: Expand program capacity to meet inmates' needs	
Ease of implementation	
Existing examples or require brand new policy?	Implementing this proposal will involve a needs and capacity assessment. The results of this assessment may reveal that Delaware DOC should expand current program capacity and/or add new programs.
Part of existing effort already?	No.
One-time action or ongoing?	Ongoing.
What financial resources are necessary?	Some resources will be necessary to conduct the program needs assessment. Based on the results of this assessment, significant resources may be required to expand existing programs and/or create new programs in prison that adequately address current risks and needs of inmates.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	Adequate staffing and training are needed to properly run programs. Some jurisdictions have addressed program staffing needs by cross-training security staff to run programs.
Requires legislative or administrative policy changes?	No.
Will strategy encounter policymaker or general public resistance?	No.
Requires process changes involving multiple systems?	No.
Magnitude of Impact	
Results in what kind of reduction in population?	Effective programming successfully addresses inmates' criminogenic risks and needs to reduce offender recidivism over the long term. This recommendation would maximize DOC's ability to meet the needs of its population. Because a baseline for offender needs and program capacity is not available, the magnitude of the potential impact is unknown.
Reduction lasting or temporary?	N/A
Cost-benefit information: is impact proportionate to resources necessary to achieve it?	As program availability is widened to target identified offender needs, offender outcomes are likely to improve, reducing the number of people who reoffend after release.
Time to impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Long term.

Appendix D: Feasibility of Recommendations to Reduce Length of Stay

Recommendation: Implement special early release plan	
Ease of implementation	
Existing examples or require brand new policy?	Yes. 11 Del. C. § 4217 provides authority for sentence modification. From 2002 to 2005, Delaware's Sentencing Accountability Commission reviewed 705 cases and recommended 180 individuals for sentence modification. Of that group, courts ultimately modified 100 sentences. A study by the Statistical Analysis Center showed the individuals screened in this manner had lower recidivism rates than those not released.
Part of existing effort already?	No. This recommendation would involve a renewed, intensive case review of individuals sentenced under the prior drug law.
One-time action or ongoing?	One time.
What financial resources are necessary?	DOC staff time would be taken by compiling files for SENTAC review; it also would take SENTAC's time to review cases. No additional resources are anticipated; however, it may be desirable to evaluate the outcomes for the release cohort, as SAC did previously.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	No.
Requires legislative or administrative policy changes?	No. However, if inmates are allowed to request a 4217 review through counsel of record, such changes would be required.
Will strategy encounter policymaker or general public resistance?	This recommendation could face resistance from the public.
Requires process changes involving multiple systems?	Yes—the proposal would require coordination between DOC, SENTAC, and possibly SAC. However, no formal process changes would be required.
Magnitude of Impact	
Results in what kind of reduction in population?	The magnitude likely would be small, but direct and immediate. The rate of release for the previous case review was 14% of all reviewed cases (i.e., 100/705). DOC roughly estimates that 500-600 individuals might qualify for review. If the release rate held, the impact would be roughly 77 individuals. If more restrictive criteria are used, the impact would be lower.
Reduction lasting or temporary?	Temporary.
Cost-benefit information: is impact proportionate to resources necessary to achieve it?	Costs include DOC staff time. Assuming a reduction of 1 year per person, a savings of $7,500 marginal cost per bed per year equates to savings of approximately $575 K. This is a very conservative estimate. Population projections will provide more detailed information regarding the magnitude of impact.
Time to impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Long term. The impact may not occur within the next 24 months because of the intensive case review, as well as the fact that some individuals may be near the beginning of their incarceration terms and would not be released immediately.

Recommendation: Increase good time credits

Ease of implementation	
Existing examples or require brand new policy?	Delaware has a good time statute that grants reductions in time to serve for complying with prison disciplinary rules and participating in programs. Other states also provide examples of different approaches to good time accrual rates and what kinds of programs merit good time.
Part of existing effort already?	Yes.
One-time action or ongoing?	One-time change.
What financial resources are necessary?	Minimal resources might be required to change the calculation performed by Delaware Automated Correctional System (DACS).
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	No.
Requires legislative or administrative policy changes?	This would require a statutory change to §4381 that would increase the amount of statutory good time or meritorious good time credits an inmate can receive per month and per year.
Will strategy encounter policymaker or general public resistance?	There may be resistance from policy makers and/or public.
Requires process changes involving multiple systems?	No.
Magnitude of Impact	
Results in what kind of reduction in population?	Could be significant. If Delaware increased good time for all currently eligible under §4281, 85% of inmates would be eligible. Population projections will provide more detailed information regarding the magnitude of impact.
Reduction lasting or temporary?	Lasting.
Cost-benefit information: is impact proportionate to resources necessary to achieve it?	Studies have demonstrated that there is no significant difference in rates of recidivism for individuals with increased good time credits as compared to those serving a full term. The savings from reduced bed days could be significant. And it increases DOC's flexibility and ability to manage inmate behavior.
Time to impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Impact will begin in near term, with continuing and increasing impact over time.

Recommendation: Create completion credits

Ease of implementation	
Existing examples or require brand new policy?	By Delaware DOC policy, inmates are awarded 4 credit days for program completion. Other states offer greater credits for completion of programs and specify which programs warrant the credits (i.e., those likely to reduce recidivism).
Part of existing effort already?	Yes.
One-time action or ongoing?	One time.
What financial resources are necessary?	No additional staff time will be required. Currently, DOC records staff must manually enter participation credits. Completion credits could be entered into the system in the same way.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	No.
Requires legislative or administrative policy changes?	A statutory change would be required to make completion credits available to inmates who complete certain programs.
Will strategy encounter policymaker or general public resistance?	None anticipated.
Requires process changes involving multiple systems?	No.
Magnitude of Impact	
Results in what kind of reduction in population?	Because program completion rates are unavailable, it is difficult to estimate. However, we expect the impact to be moderate.
Reduction lasting or temporary?	Lasting.
Cost-benefit information: is impact proportionate to resources necessary to achieve it?	Yes. Creating completion incentives means aligning desired behavior (completion of programs likely to reduce recidivism) with award of credits, reinforcing the risk reduction effects of those programs.
Time to impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Impact will begin in near term, with continuing and increasing impact over time.

Recommendation: Implement earned compliance credits to focus supervision resources on higher-risk probationers	
Ease of implementation	
Existing examples or require brand new policy?	At least 10 states have implemented earned compliance credits. This would require a new policy in Delaware.
Part of existing effort already?	No.
One-time action or ongoing?	One time action to change policy, but ongoing to award credits and calculate time served.
What financial resources are necessary?	Minimal resources may be required to incorporate reward of credits into calculation of supervision terms.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	No.
Requires legislative or administrative policy changes?	This would require a statutory change that standardizes the accrual of earned compliance credits. One caveat: the policy should ensure that those with identified treatment needs have sufficient time to complete programs that address those needs.
Will strategy encounter policymaker or general public resistance?	There may be resistance from policy makers and/or the public.
Requires process changes involving multiple systems?	No.
Magnitude of Impact	
Results in what kind of reduction in population?	This could have a significant impact on the number of people on community supervision, freeing up supervision resources to focus on higher risk probationers.
Reduction lasting or temporary?	Lasting.
Cost-benefit information: is impact proportionate to resources necessary to achieve it?	Yes. This will help reallocate resources to the most effective use—higher risk probationers.
Time to impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Impact will begin in near term, with continuing and increasing impact over time.

Recommendation: Eliminate conditional release

Ease of implementation	
Existing examples or require brand new policy?	This will require a new policy in Delaware.
Part of existing effort already?	No.
One-time action or ongoing?	One time.
What financial resources are necessary?	None anticipated.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	No.
Requires legislative or administrative policy changes?	An amendment to 11 Del. Code 4348 will be required to eliminate conditional release.
Will strategy encounter policymaker or general public resistance?	None anticipated.
Requires process changes involving multiple systems?	No.
Magnitude of Impact	
Results in what kind of reduction in population?	This proposal will likely have some impact on prison population. Because it will shorten the time many offenders are supervised, it may reduce the number of probation violations that result in incarceration.
Reduction lasting or temporary?	Lasting.
Cost-benefit information: is impact proportionate to resources necessary to achieve it?	Yes, as there are no costs anticipated.
Time to impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Short term, but most of the impact will be seen beyond 24 months.

Recommendation: Cap VOP sentences

Ease of implementation	
Existing examples or require brand new policy?	This will require a new policy.
Part of existing effort already?	No.
One-time action or ongoing?	One time action.
What financial resources are necessary?	None.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	No.
Requires legislative or administrative policy changes?	There are two ways to realize this recommendation--legislative change could create a statutory maximum for VOP sentences or SENTAC administrative policy could create a voluntary sentencing guideline for VOPs. Currently, the presumptive penalty is an increase in one SENTAC level.
Will strategy encounter policymaker or general public resistance?	Judicial task force members have expressed a preference that this recommendation be a voluntary guideline, rather than a statutory maximum.
Requires process changes involving multiple systems?	No.
Magnitude of Impact	
Results in what kind of reduction in population?	To illustrate the impact, capping sentences to 120 days for 2010 admissions would have resulted in a savings of 77,692 bed days, or 213 prison beds over the year. The population projections will provide more information.
Reduction lasting or temporary?	Lasting.
Cost-benefit information: is impact proportionate to resources necessary to achieve it?	Yes.
Time to impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Impact will begin in the short term (120 days after the first person is sentenced under the new maximum), but will increase and stabilize soon thereafter.

Recommendation: Include risk and needs assessment information for consideration in sentencing

Ease of implementation	
Existing examples or require brand new policy?	Other jurisdictions utilize risk assessment tools at sentencing. These models can be adapted to Delaware's particular needs. ***N.B.*** If this recommendation is adopted, it would subsume the recommendation to conduct a risk assessment prior to assigning supervision level
Part of existing effort already?	No. Pre-sentence Investigation reports (PSIs) are provided in approximately 8% of superior court cases. This proposal would increase that number, as well as add a section that includes risk and needs assessment information. Information from an objective risk and needs assessment tool would help judges craft sentences designed to reduce risk of recidivism.
One-time action or ongoing?	One time action to develop the instrument; ongoing actions to administer the tool and provide information to judges.
What financial resources are necessary?	As with the pretrial risk assessment instrument, moderate funding will be needed to develop and validate the tool. Additional resources should be allotted for training and adequate staffing.
Requires significant changes in staffing knowledge, skills and experience, or utilization of personnel resources?	Yes. Delaware should ensure adequate staffing and training to provide quality information on risk and needs to judges.
Requires legislative or administrative policy changes?	Administrative changes would be required to move Delaware away from immediate sentencing to allow time for a proper risk-needs assessment to be conducted.
Will strategy encounter policymaker or general public resistance?	The success of this policy depends on the willingness of all parties involved to commit.
Requires process changes involving multiple systems?	Yes – courts, the state prosecutor's office, the public defender, and DOC must collaborate for this proposal to succeed.
Magnitude of Impact	
Results in what kind of reduction in population?	Although difficult to estimate, the impact of this policy could be enormous. Providing high-quality information to Delaware judges would help them fulfill to the sentencing philosophy set by the legislature and SENTAC—to impose "the least restrictive and most cost-effective sanction possible." (SENTAC Benchbook 2011)
Reduction lasting or temporary?	Lasting.
Cost-benefit information: is impact proportionate to resources necessary to achieve it?	Yes. If the tool is implemented and properly used, the supervision and/or prison population could be reduced through reductions to violations of supervision conditions.
Time to impact	
Short term – 12-24 months? *Long term – 2-5 years?*	Long term. The risk assessment portion of the PSI could be developed and validated within 12 months. This could be piloted in a few courts and its impact would be immediate. Expansion to the remaining courts will take longer.