

JUSTICE REINVESTMENT INITIATIVE (JRI)

Delaware

Megan Russo and Samantha Harvell

In 2011, Delaware faced a budget shortfall, significant overcrowding in each of its four correctional facilities, and the fourth-highest violent crime rate in the US. With technical assistance through JRI, and under the leadership of the Delaware Justice Reinvestment Task Force, the state enacted S.B. 226 in 2012 to more cost-effectively manage corrections populations, reduce recidivism, and increase public safety.

KEY ACCOMPLISHMENTS

Through S.B. 226, Delaware:

Implemented Data-Driven Decisionmaking

Developed and implemented a pretrial risk assessment tool that provides judges with information about a person’s risk of not showing up at their trial; this tool allows people on pretrial to be safely released to the community, saving valuable bed space.

Expanded the use of risk and needs assessment to target people in need of more programming to better match them to appropriate and effective programming and services in prison.

Strengthened Data Analysis Capabilities

Invested ongoing resources in annual recidivism reports to better understand who returns to prison and for what reasons.

Assessed in-prison programming to ensure programs are evidence-based and match the needs of the incarcerated population.

Targeted Prison Resources to People at Greatest Risk of Recidivating

Increased the number of days people could earn off their prison sentence for completing evidence-based programming from 100 to 160 days.

Implemented compliance credits for all people on probation to reinforce good behavior.

LASTING IMPACT OF JRI

Through JRI, Delaware laid the groundwork for ongoing pretrial justice improvements.

Analyses conducted through JRI revealed that nearly one in four people incarcerated in Delaware’s unified prison system were detained pretrial and that 14 percent of those admitted in 2010 could have been safely released to the community under supervision. To address this, the state implemented a pretrial risk assessment instrument to support data-driven decisionmaking about the use of detention. When validation of an existing tool suggested it was ineffective, Delaware secured a JRI maximizing grant from the Bureau of Justice Assistance to develop and implement an improved tool that is currently in use. Pretrial detentions have decreased 33 percent since the tool was implemented, and pretrial defendants in 2018 made up 17 percent of the prison population, down from 23 percent in 2010. Moreover, in partnership with the Delaware Department of Correction and the Office of Defense Services, the state’s attorney general’s office is working to implement a routine survey of people on pretrial detention to identify any additional cases that should be reviewed for potential bail adjustments.

SAVINGS/REINVESTMENT

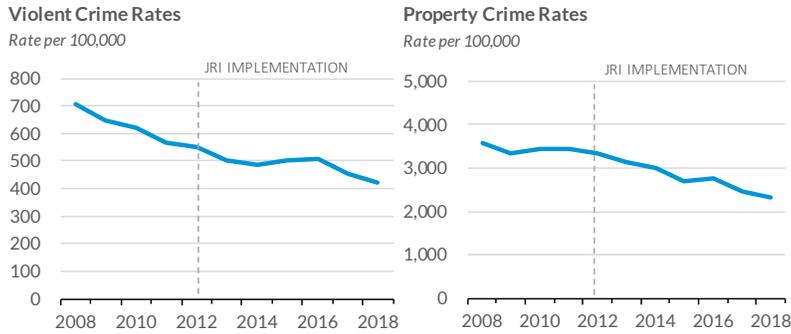
Savings/averted costs

\$0

State JRI investment

\$0

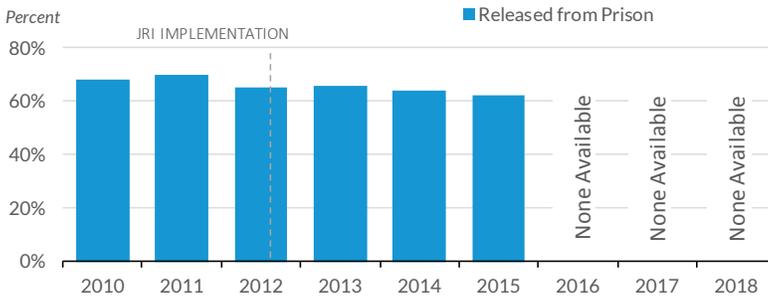
Violent and Property Crime Rates, 2008–18



Source: FBI, Uniform Crime Reporting Program (2008–2018).

- Violent crime rates were declining before JRI and fluctuated after reform.
- Property crime rates were declining before JRI and fluctuated after reform.

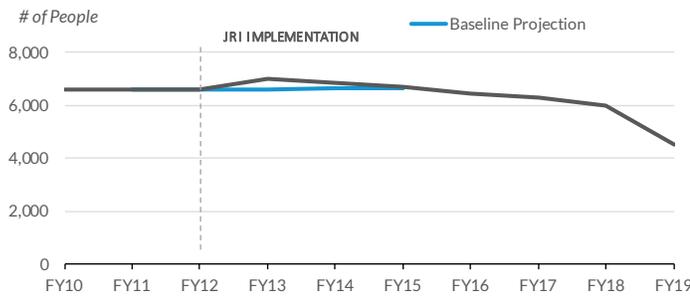
Recidivism Rate: Readmission to Level V Supervision Within Three Years



Source: Delaware Statistical Analysis Center, Recidivism in Delaware Report Series 2013–18.
Notes: Sufficient time has not passed to calculate a three-year rate for 2016–18; population includes people released from a prison term of at least one year in level V supervision.

- Recidivism rates decreased among people released from prison between 2010 and 2015.

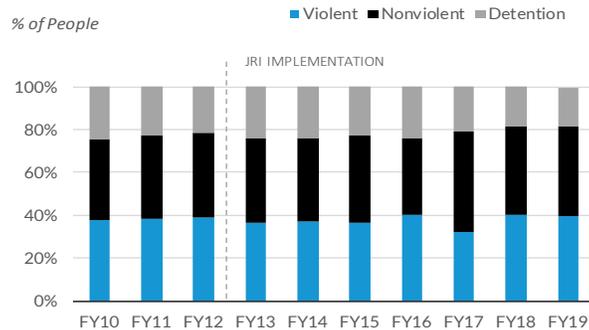
Level IV and Level V Supervision Population



Sources: Delaware DOC annual reports, 2010–19; the JFA Institute calculated the baseline prison population projection.
Note: Consistent with the JRI projections, the population included here is all people incarcerated on level IV and level V supervision in the state's unified court system.

- After increasing between 2012 and 2013, the level IV and V supervision population steadily decreased between 2013 and 2019.

Prison Composition



Source: Data provided by the Delaware Department of Corrections (not available online).
Note: A limited number of offenses categorized by statute as violent in Delaware are not captured in the violent category here, including drug trafficking, some weapons offenses, and some public order offenses. These are counted as nonviolent in this graphic.

- In 2019, 40 percent of people in prison were there for a violent offense, compared with 38 percent in 2010.

*The data in this summary describe trends and provide additional context on system changes pre- and post-reform. Indicators shown here track high-level changes in state justice systems and do not necessarily demonstrate the impact of any specific reform, including JRI policy and practice changes. Visit urban.is/JRI to see detailed sources for information in this fact sheet.