

JUSTICE REINVESTMENT OVERSIGHT GROUP  
2015 ANNUAL REPORT



**JANUARY 29, 2016**

**Criminal Justice Council**

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# ANNUAL REPORT OF THE JUSTICE REINVESTMENT OVERSIGHT GROUP FOR 2015

The Justice Reinvestment Oversight Group was created by Executive Order # 40 on June 7<sup>th</sup>, 2013 to ensure the effective implementation of SB 226, the Justice Reinvestment Act. This Annual Report, required by Executive Order #40, is submitted to the Governor, the General Assembly, and the Supreme Court annually on December 31.

Since its inception the Oversight Group has met seven times, August 26, 2013, December 4, 2013, April 23, 2014, August 21, 2014, January 6, 2015, July 29, 2015, and December 15, 2015. The Agenda and Minutes for each meeting are included with this report, along with all other presentation materials provided to the Governor, General Assembly, and Supreme Court.

**Justice Reinvestment Task Force:** Governor Jack Markell created the Delaware Justice Reinvestment Task Force, a predecessor to the Oversight Group, on July 25th, 2011, under Executive Order Number Twenty-Seven. The Task Force was charged with conducting a comprehensive examination of Delaware's criminal justice system. The Task Force, which was chaired by the Lieutenant Governor Matthew Denn, included a legislator from each party from each chamber; judicial officers from four courts; the Attorney General; the Public Defender; the Commissioner of the Department of Correction; the Secretary of the Department of Safety and Homeland Security; the Colonel of the Delaware State Police; two representatives of county or municipal law enforcement; the Executive Director of the Victim's Compensation Assistance

Program; and a representative of the Individual Assessment, Discharge, and Planning Teams (I-ADAPT).

With the ongoing assistance and collaboration of the Vera Institute of Justice, the Task Force analyzed Delaware's criminal justice system to determine drivers of corrections populations and costs. The analysis concluded that the following factors were drivers of prison population and prison costs: large pretrial population; lengthy sentences; and a high number of violations of probation.

*Pretrial population* - Delaware is a "unified" state and all of its detained population is housed in its prison system. Data from 2010 indicated that 23% of its prison beds were occupied by "pre-sentenced" individuals. The data analysis further indicated that 14% of the detained population could be candidates for release or community supervision. DE, in comparison to similar criminal justice systems, houses a larger percentage of its detainees.

*Length of Stay* – The 2010 analysis determined that Delaware's sentenced inmates serve long sentences when compared with other states. The average prison (greater than 1 year) sentence in Delaware was three years. The national average is about two years.

*Violations of Probation* - The data from 2010 indicated that 39% of admissions to prison (Level V) had a violation of probation as the lead charge. In 2010, 13% of probation violations were for new convictions, 87% were for "technical" violations. In 2010 individuals serving time for VOPs occupied 13% of prison bed space.

The Delaware Justice Reinvestment Task Force completed its work by submitting a report at its final meeting in March, 2012. The Delaware Justice Reinvestment Task Force Consensus Report, attached to this document, recommended legislation to address issues included in the Consensus Report. The Legislature responded by passing Senate Bill 226, the Justice Reinvestment Act, which was signed by the Governor on August 8, 2012. The new law required the Department of Correction and the courts to make certain changes in how they manage and process individuals under their jurisdiction. In addition, the Statistical Analysis Center was required to complete annual recidivism studies.

**Justice Reinvestment Oversight Group:** On June 7, 2013, Governor Jack Markell issued Executive Order #40, which established the Delaware Justice Reinvestment Oversight Group to ensure effective implementation of SB 226. The Group first met on August 26, 2013. The Oversight Group, which is chaired by the President Judge of Superior Court, includes a legislator from each political party from each chamber of the General Assembly; the Chief Judge of the Court of Common Pleas; the Chief Magistrate; the Secretary of the Department of Labor; the Secretary of the Department of Health and Social Services; and the Commissioner of the Department of Correction (DOC).

Under Executive Order #40, the Oversight Group is charged with reviewing the implementation of SB 226. The Oversight Group may establish reporting requirements for the agencies tasked with implementing SB 226; receive and review reports from those agencies; and establish and review outcome measures related to SB 226. In addition, the Oversight Group may establish funding priorities; identify and recommend statutory or other changes to

facilitate the implementation of SB 226; measure the cost impacts and reallocation of resources if any savings are realized and undertake such additional studies or evaluations as it deems necessary to further the goals of SB 226.

Most notable for future work of the Oversight Group is the award of nearly \$900,000 in additional federal funding to the Delaware Criminal Justice Council from the United States Department of Justice Bureau of Justice Assistance for further implementation of the recommendations in the Consensus report, including implementation of SB 226.

Included in this SB 226 was the requirement that Delaware utilize a validated Risk Assessment Instrument to assess risk of failure to appear in court as well as the risk of new criminal activity. The federal funds include \$150,000 for the development of a validated Risk Assessment Instrument. The Oversight Group issued a Request for Proposals in 2015 and received four proposals. The Oversight Group reviewed the proposals and selected the proposal submitted by the Crime and Justice Institute (CJI) of the Community Resources for Justice. A subcommittee was appointed by the Oversight Group to oversee the development of the Delaware Pretrial Risk Assessment Study Design as well as Memorandums of Agreement between CJI and DELJIS, and CJI and the Department of Correction. Data has been transferred to CJI and the analysis is forthcoming.

A second use of the federal funds is the continued implementation of the Risk Needs Responsivity (RNR) tool with the assistance of George Mason University and the University of Delaware. A contract has been received from George Mason University. The tasks include: 1. Coordinate the application program interface (API) (link between DACS and RNR web based

tool); facilitate work between Slonky (JMU's technology contractor and CNTI, DOC's technology contractor; 2. Fee/cost of user licenses for DOC for the period following current expiration; Validation of the Treatment Match Formula; Monitor application in Delaware facilities.

A third use of the funds is to provide additional electronic monitoring equipment for DOC.

A fourth use of the funds is to pilot the use of kiosks at DOC.

The Oversight Group will also be able to obtain continued technical assistance through this grant. The Oversight Group will consider what is available and determine if there is a need.

Finally, per Executive Order #40, it is too early in the implementation of SB 226 to report any significant cost impact or the reallocation of any resources. The Justice of the Peace Courts report that there is no additional costs to the Courts for the use of the Risk Assessment Instrument. They also report that the Courts have not reallocated any personnel as a result of the implementation of the Risk Assessment instrument. The Department of Correction indicated that it cannot declare a cost impact. It has observed an improvement in the delivery of services through the changes listed in its reports, which are attached.

The Justice Reinvestment Oversight Group is grateful for the support of the Criminal Justice Council in preparing this report, and for the work of the many state agencies involved in the successful and on-going implementation of SB 226, the Justice Reinvestment Act. As can be seen in the depth and breadth of the work outlined in the attachments to this Annual Report of the Oversight Group, Delaware is committed to data- and research-informed practices to increase public safety, reduce recidivism and generate savings.

Attached to this report are the materials submitted at each of the seven meetings of the task force by the state agencies and by the Vera Institute of Justice, which provided technical assistance to the Oversight Group. These reports contain the progress reports on all elements of SB 226 implementation and suggestion for further work in 2015.

Attached to this report are the following items, which contain all the implementation data received by the Oversight Group:

#### APPENDIX #1

APRIL 23, 2014 DELAWARE JUSTICE REINVESTMENT TASK FORCE CONSENSUS REPORT

APRIL 23, 2014 JUSTICE REINVESTMENT OVERSIGHT GROUP MEETING AGENDA

APRIL 23, 2014 JUSTICE REINVESTMENT OVERSIGHT GROUP MEETING MINUTES

APRIL 23, 2014 VERA INSTITUTE OF JUSTICE POWERPOINT PRESENTATION

APRIL 23, 2014 VERA INSTITUTE OF JUSTICE PRETRIAL RELEASE DECISION PRAXES

#### APPENDIX #2

AUGUST 21, 2014 JUSTICE OVERSIGHT GROUP MEETING AGENDA

AUGUST 21, 2014 JUSTICE OVERSIGHT GROUP MEETING MINUTES

AUGUST 21, 2014 VERA INSTITUTE OF JUSTICE POWERPOINT PRESENTATION

AUGUST 21, 2014 VERA INSTITUTE OF JUSTICE PRETRIAL RISK ASSESSMENT INSTRUMENT  
VALIDATION MEMORANDUM

AUGUST 21, 2014 VERA INSTITUTE GUIDE TO CALCULATING JUSTICE-SYSTEM MARGINAL COSTS

AUGUST 21, 2014 CJC REPORT

AUGUST 21, 2014 DELJIS: JRI DATA UPDATE POWERPOINT

AUGUST 21, 2014 STATISTICAL ANALYSIS CENTER: PRETRIAL RISK ASSESSMENT AND DOC  
DETAINED ADMISSIONS QUICK LOOK

AUGUST 21, 2014 DOC: JRI OUTCOME MEASURES POWERPOINT

### APPENDIX #3

JANUARY 6, 2015 JUSTICE REINVESTMENT OVERSIGHT GROUP PRETRIAL SUBCOMMITTEE  
MEETING AGENDA

JANUARY 6, 2015 JUSTICE REINVESTMENT OVERSIGHT GROUP PRETRIAL SUBCOMMITTEE  
MEETING MINUTES

JANUARY 26, 2015 JUSTICE REINVESTMENT OVERSIGHT GROUP MEETING AGENDA

JANUARY 26, 2015 JUSTICE REINVESTMENT OVERSIGHT GROUP MEETING MINUTES

JANUARY 26, 2015 VERA INSTITUTE OF JUSTICE SUMMARY OF EFFORTS POWERPOINT

JANUARY 26, 2015 STATISTICAL ANALYSIS CENTER IMPLEMENTATION UPDATES  
MEMORANDUM

JANUARY 26, 2015 DEPARTMENT OF CORRECTION SB 226 PROGRESS REPORT

JANUARY 26, 2015 DOC JUSTICE REINVESTMENT OUTCOME MEASURES POWERPOINT

### APPENDIX #4

JULY 29, 2015 JUSTICE REINVESTMENT OVERSIGHT GROUP MEETING AGENDA

JULY 29, 2015 JUSTICE REINVESTMENT OVERSIGHT GROUP MEETING MINUTES

JULY 29, 2015 DEPARTMENT OF CORRECTION SB 226 PROGRESS REPORT

JULY 29, 2015 PRETRIAL RISK ASSESSMENT INSTRUMENT VALIDATION STUDY REQUEST FOR  
PROPOSALS

JULY 29, 2015 JRI PRETRIAL RISK ASSESSMENT INSTRUMENT VALIDATION STUDY SUMMARY SHEET

JULY 29, 2015 STATISTICAL ANALYSIS CENTER POWERPOINT PRESENTATION

APPENDIX #5

DECEMBER 15, 2015 JUSTICE REINVESTMENT OVERSIGHT GROUP MEETING AGENDA

DECEMBER 15, 2015 JUSTICE REINVESTMENT OVERSIGHT GROUP MEETING MINUTES

DECEMBER 15, 2015 DEPARTMENT OF CORRECTION SB 226 PROGRESS REPORT

DECEMBER 15, 2015 DEPARTMENT OF CORRECTION JRI OUTCOME MEASURES POWERPOINT

DECEMBER 15, 2015 CRIME AND JUSTICE INSTITUTE DELAWARE PRETRIAL RISK ASSESSMENT STUDY DESIGN

In addition, [Recidivism in Delaware: An Analysis of Prisoners Released 2008-2010](#), the most recent report required under SB 226 from the Delaware Statistical Analysis Center, published September, 2014, can be found online at:

<http://cjc.delaware.gov/sac/pdf/Corrections/Recidivism%20in%20Delaware%3B%20An%20Analysis%20of%20Prisoners%20Released%20in%20of%202008-2010.pdf>.

**JUSTICE REINVESTMENT OVERSIGHT GROUP PRETRIAL SUBCOMMITTEE  
AGENDA FOR JANUARY 6, 2015**

- 1. Introduction**
- 2. Risk Assessment Instrument Validation**
- 3. Pretrial Praxis Development**
- 4. Next Steps**

## JUSTICE REINVESTMENT OVERSIGHT GROUP PRETRIAL SUBCOMMITTEE MINUTES FOR JANUARY 6, 2015

The Justice Reinvestment Oversight Group Pretrial Subcommittee met at 2pm on January 6, 2015 in the Superior Court Conference Room of the New Castle County Courthouse. In attendance were: Supreme Court Justice James T. Vaughn Jr., Chief Judge Alex Smalls of the Court of Common Pleas, Chief Magistrate Alan Davis, Commissioner Robert Coupe of the Department of Correction, Drew Fennell of the Governor's Office, Brendan O'Neill of the Public Defender's Office, Commissioner Lynne Parker of Superior Court, Karen Sullivan representing the Department of Justice, Katherine Parker West representing the Delaware Center for Justice, Chris Kervick of the Criminal Justice Council, Scott McLaren of CJC, and Valarie Tickle of CJC. Ron Keen of CJC staffed the meeting.

After introductions, Drew Fennell opened the meeting with a historical overview of the Justice Reinvestment Initiative. She reported that currently a focus of the JRI effort is looking closely at the detention population. Commissioner Coupe followed with an overview of DOC JRI efforts. He reported that DOC completes an LSI-R on Level V offenders serving one year or more and Level IV offenders serving 6 months or more. He added that now a digital online version of the LSI-R is available. Commissioner Coupe also indicated that their work also includes a Risk/Needs Responsivity evaluation. That effort is being led by Dr. Faye Taxman of George Mason University. An example of that effort is the determination that 60% of offenders have a substance abuse disorder and that 60% of the programming available for offenders does not include a substance abuse disorder component.

Next, there was a discussion of the validation of the JP Risk Assessment Instrument. Justice Vaughn opened the discussion by offering that a purpose of the validation of the JPRAI is to create a context for the use of the tool. Kate Parker West indicated that the validation of the RAI is a key to the process. Drew Fennell indicated that a Request For Proposal needs to be issued. She followed by indicating that a single source process will not be adequate for the federal government, Lynne Parker suggested that the RAI could be revised. Drew Fennell suggested that NTAC be contacted for technical assistance with the RAI.

Judge Davis reported that the completion of the RAI which was implemented in December of 2013 has become a non-issue. He added that while the adoption of a PRAXIS would be helpful, magistrates should not let it do the assessment work for them.

The meeting adjourned at about 3:15PM.



# JUSTICE REINVESTMENT OVERSIGHT GROUP AGENDA FOR January 26, 2015

1. Welcome and Introductions
2. Minutes from August 21<sup>st</sup> 2014 meeting
3. Implementation Updates
  - a. JP Courts
  - b. DOC
  - c. SAC
  - d. CJC
    1. 2014 JRI Annual Report
    2. Update on Plan for Validation of RAI
    3. Update for request of Technical Assistance from Bureau of Justice  
  
Assistance with PRAXIS

4. Transitioning to JRI Phase III: Building on Implementation Successes (Ruth Delaney, Vera

Institute of Justice)

5. Next Steps

6. Next Meeting

7. Adjournment

## JUSTICE REINVESTMENT OVERSIGHT GROUP MEETING MINUTES FOR JANUARY 26, 2015

The Justice Reinvestment Oversight Group met on January 26<sup>th</sup> 2015 at 10AM in the New Castle County Courthouse. In attendance were: Chair Justice James T. Vaughn Jr. of the Supreme, President Judge Jan Jurden of Superior Court, Chief Judge Alex Smalls of the Court of Common Pleas, Chief Magistrate Alan Davis of the Justice of the Peace Courts, Alan Grinstead representing the Department of Correction, Public Defender Brendan O'Neill, Karen Sullivan representing the Department of Justice, Drew Fennell Esq. of the Governor's Office, Marcie Smith representing State Senator Lavelle, Ruth Delaney of the Vera Institute of Justice, Joanna Champney, and Samantha Zulkowski of the Department of Correction, Katherine West of the Delaware Center for Justice, Marianne Kennedy of the Justice of the Peace Courts, Peggy Bell of DELJIS, Tom MacLeish, Charles Huenke, and Philisa Weidlein-Christ of CJC/SAC. The meeting was staffed by Chris Kervick, Valarie Tickle, Ron Keen, and Kathleen Kelley, all of the Criminal Justice Council.

The meeting opened with the approval of the Minutes from the August 2014 meeting.

Judge Davis opened the Implementation Updates topic by reporting that the Justice of the Peace Courts are completing the Risk Assessment Instrument as required. He added that once the instrument is validated some adjustments may need to occur.

Alan Grinstead reported for the Department of Correction that the detainee population is about the same as it was prior to the implementation of JRI. He added that currently there are 321 individuals under Pretrial supervision. He also reported that DOC is reviewing defendants for low risk cases that can be out-sourced to a contractual program, but so far only 2 defendants have qualified. Bureau Chief Grinstead reported that as of January 2015, 684 offenders are linked to electronic monitoring. The LSI-R and Motivational Interviewing efforts are ongoing. Joanna Champney reported that regarding the Risk Needs Responsivity Tool, George Mason University will provide DOC with a Gap Analysis based on self-reported needs of offenders.

Tom MacLeish and Chuck Huenke distributed a memorandum Implementation Updates and provided a summary of the information (see document). Some of the highlights included: 135 cases were "overridden" to a higher risk classification. Of that total, 80 did not cite special considerations. Judge Davis advised that he would be reviewing individual cases more closely. In looking at Chart 4 of the memorandum, Brendan O'Neill observed that the Pre-trial detention totals were about the same as they were prior to the implementation of the Risk Assessment

Instrument. Chuck Huenke commented that if the admissions lasting 3 days or less were eliminated that 20 prison beds would be saved.

Chris Kervick of CJC reported that the 2014 Justice Reinvestment Oversight Group Annual Report was completed and distributed on time. He also reported that CJC was working with the Department of Correction to issue a pre-trial supervision RFP. He added that a small group was working on the validation of the RAI. He stated that a RFP would be issued as BJA was not likely to accept a sole-source proposal. He anticipated that the RFP will be issued in the next few weeks.

Next, Ruth Delaney of Vera gave a PowerPoint presentation which summarized Delaware's JRI efforts to date.

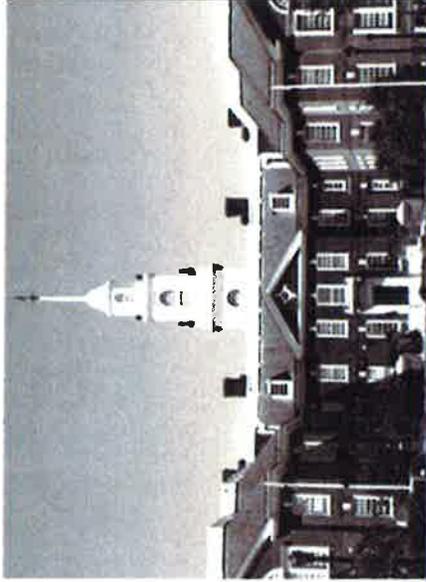
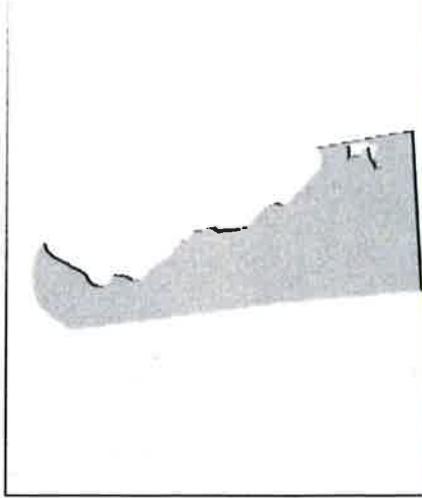
Samantha Zulkowski of DOC gave a PowerPoint presentation which updated DOC's JRI efforts to date.

Under Next Steps Drew Fennell suggested that a small group work on Praxis and report back to the Oversight Group.

Some examples of Praxis were provided then next steps for developing a Praxis were offered. The next steps included:

The meeting adjourned at about 12:00PM.

# Delaware Justice Reinvestment



**Oversight Group Meeting, January 26, 2015**

Ruth Delaney, Program Associate, Vera Institute of Justice



CENTER ON SENTENCING & CORRECTIONS

January 26, 2015

# Agenda

1. JRI Phase II: Accomplishments and Continuing Efforts
2. Looking ahead: Maximizing State Reforms
3. Discussion

# Justice Reinvestment

A **data-driven approach** to reduce spending on corrections and **reinvest savings in evidence-based strategies** designed to increase public safety



**BJA**  
Bureau of Justice Assistance  
U.S. Department of Justice

**VERA**  
INSTITUTE OF JUSTICE

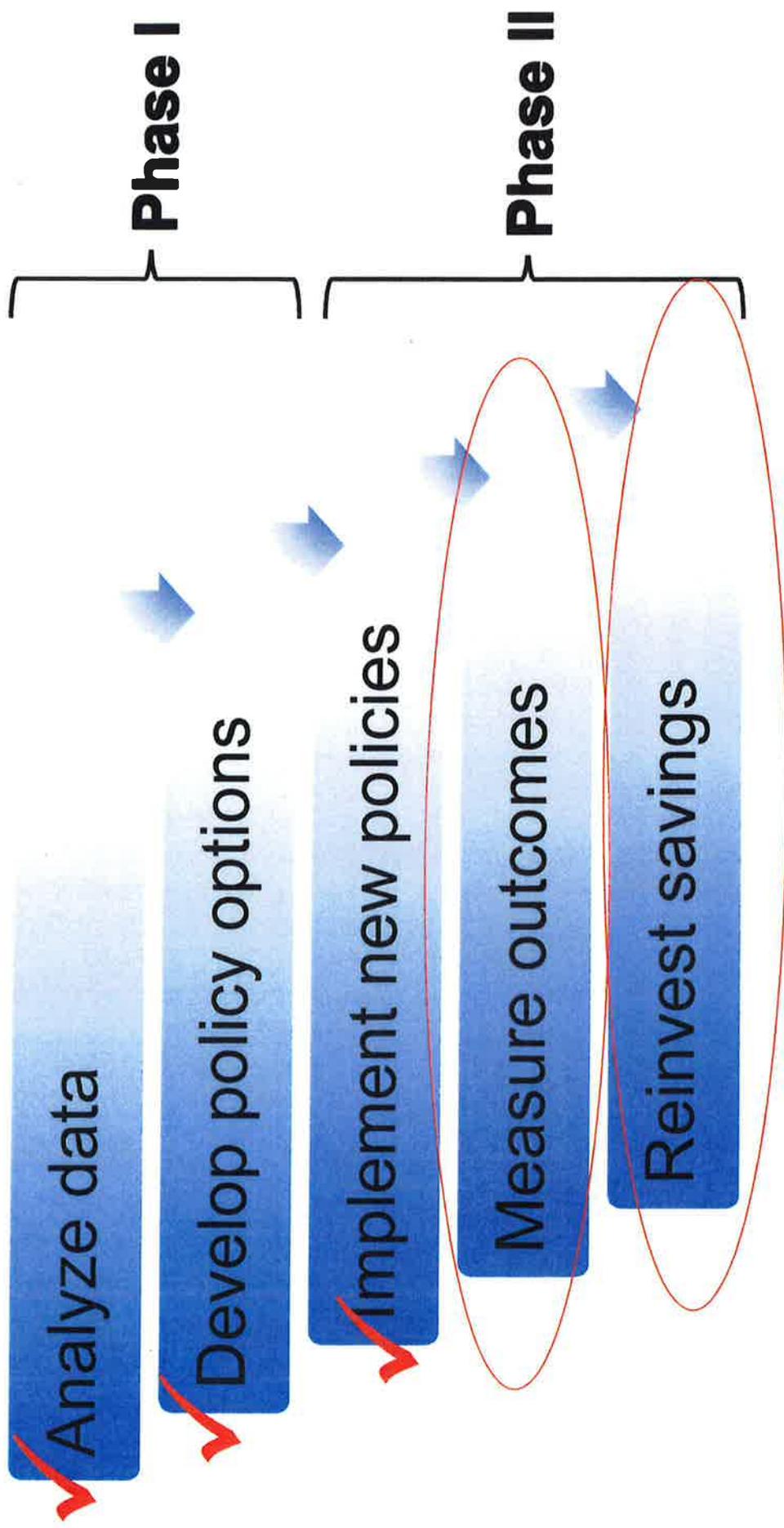
**VERA**  
INSTITUTE OF JUSTICE

CENTER ON SENTENCING & CORRECTIONS

Slide 3 • January 26, 2015

# JRI Phase II: Accomplishments and Continuing Efforts

# JRI Model



# Implement New Policies: SB 226

## Implementation of key provisions:

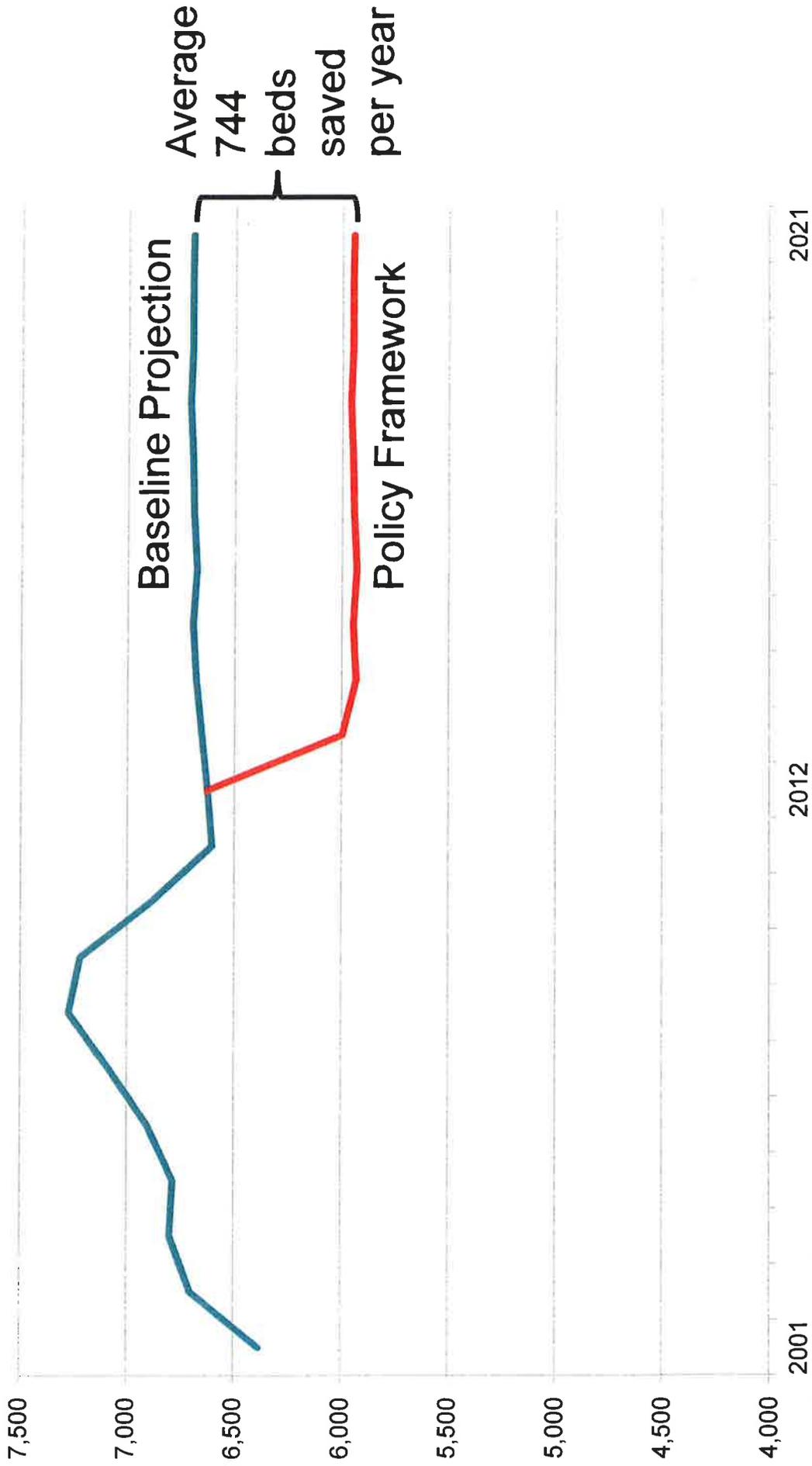
- ✓ Pretrial Risk Assessment
- ✓ Risk and Needs Information at Sentencing
- ✓ Program Completion Credits
- ✓ Earned Compliance Credits
- ✓ Case Planning
- ✓ Assessment of Community-Based Services
- ✓ Recidivism Study

# Key Tools: Implement New Policies

Complete JRI seed funding projects:

Initiative	Agency	Approved funding amount
✓ 1. <i>JRI Coordinator</i>	CJC/JP Courts/Oversight Group	\$34,000
✓ 2. <i>Effective Interventions Initiative</i>	Delaware DOC	\$160,000
✓ 3. <i>Risk-Needs-Responsivity Simulation Tool</i>	Delaware DOC	\$75,000

# Measure Outcomes: Projections



# Key Tools: Measure Outcomes

Produce regular reports on SB 226 performance measures:

- ✓ Recidivism reports released in 2013 and 2014
- ✓ Baseline Performance Measures from DELJIS, DOC, and JP Courts submitted to Oversight Group in August 2014
- Determine reporting schedule for performance measures
- Submit DELJIS, DOC, and JP Court performance measures to Oversight Group

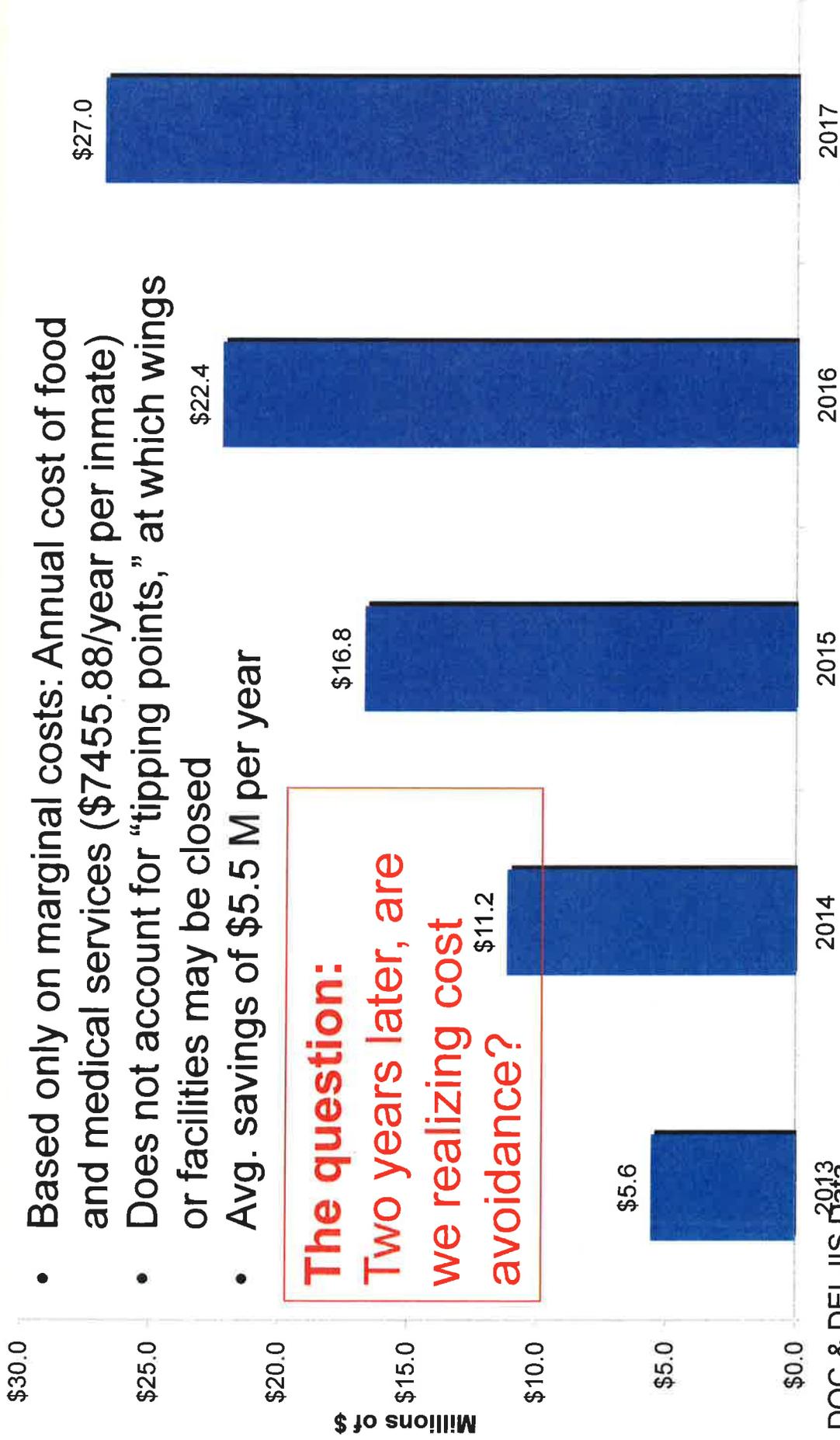
Resources and support:

- ✓ SAC, DELJIS, and DOC data systems and staff

# Reinvest Savings: Projections

- Based only on marginal costs: Annual cost of food and medical services (\$7455.88/year per inmate)
- Does not account for “tipping points,” at which wings or facilities may be closed
- Avg. savings of \$5.5 M per year

**The question:**  
Two years later, are we realizing cost avoidance?



DOC & DELJIS 2013 Data



# Key Tools: Reinvest Savings

Develop a cost-avoidance methodology:

- Convene a workgroup
- Determine what types of costs to examine: average, marginal, and fixed
- Develop calculation methodology
- Propose uses for reinvestment
- Determine reinvestment approval process

Resources and Support:

- ✓ Vera's [Cost Benefit Knowledge Bank](#) has many useful resources related to identifying justice system costs, resources, articles, and guides
- ✓ BJA and NTTAC

# Looking ahead: Maximizing State Reforms

# Maximizing State Reforms: Goals

Reduce unnecessary pretrial detention and increase justice system costs saved and avoided by implementing evidence-based practices.

Specifically, Delaware will:

1. Validate the PRAI
2. Develop pretrial supervision resources and allocate them based on risk

# Proposed Projects

BJA funds will be used to:

1. Validate PRAI
2. Increase supervision resources for low-risk defendants via a contract a non-profit agency
3. Increase supervision resources for low- and moderate-risk defendants via kiosks
4. Increase supervision resources for high-risk defendants via electronic monitoring

# Anticipated Outputs

Per month:

- 70 low-risk defendants will receive case management through the nonprofit agency
- 80 low- and moderate-risk defendants will be supervised in whole or in part via 3 kiosks (one in each county)
- 25 high-risk defendants will be supervised via electronic monitoring

# Anticipated Outcomes

New practices will result in:

- A 10% increase in defendants who make all scheduled court appearances
- A 10% decrease in defendants who receive a new criminal arrests during the pretrial period
- A 10% decrease in the number of offenders held in Level V incarceration pretrial

# Key Tools: Pretrial Praxis

Develop a pretrial praxis to support judicial bail determinations:

- ✓ Convene a work group
- Assess supervision and special condition resources
- Develop prototypes
- Pilot the praxis and engage judges in providing feedback
- Collect and report performance measures
- Review praxes periodically and adjust as necessary

Resources and Support:

- ✓ Vera memo, including example praxis tools
- ✓ BJA and NTTAC

# Discussion



STATE OF DELAWARE  
 EXECUTIVE DEPARTMENT  
 CRIMINAL JUSTICE COUNCIL  
 STATISTICAL ANALYSIS CENTER  
 410 FEDERAL STREET, SUITE # 6  
 DOVER, DELAWARE 19901

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 Web: cjc.delaware.gov/sac

January 26, 2015

MEMORANDUM

To: Justice Reinvestment Initiative Oversight Committee  
 From: Thomas F. MacLeish, Director, Statistical Analysis Center  
 Subject: Implementation Updates

**Status of research on pretrial failure rates pursuant to SB 226**

For its required report of pretrial failure rates, the Center planned to use Pretrial Risk Assessment Instrument (PRAI) cases from the first half of 2014. While researching defendants' records, the Center found that significant numbers of cases within the PRAI scope had been excluded from study due to the absence of risk assessment records with Judge ID's recorded in CJIS. It may be that paper records were completed and risk assessments were considered by judges during bail decisions in such cases, but it appears that electronic record omissions resulted in about 20% of eligible cases being excluded from the data collection process and subsequent analysis.

In a recent discussion with the Chief Magistrate, it was learned that the Center had been unaware of policy changes in administering the PRAI that may account for some of the record omissions. The Center has temporarily put final analysis of early 2014 records on hold and will decide on an appropriate study period after further discussion with the Court and analysis of system records. An overview of findings from the suspended analysis is as follows.

The data collection and selection process yielded 9,216 qualifying cases with JP risk assessments in the first half of 2014. There were 7,519 individual defendants involved in those 9,216 cases. A random sample of 832 individuals was selected for this study. The sample of individuals yielded 1,048 cases with JP risk assessments. In 202 of the sampled cases, incarceration of defendants resulted in no time at risk for failure. It is important to note that incarceration may have been entirely or partially related to cases not included in the risk assessment process.

Preliminary failure rates are summarized in the following table. Failure rate calculations pertain to 846 cases for which defendants had any opportunity for pretrial failure in a non-custodial setting.

Failure Measure	Rearrest or FTA	Failure to Appear	Rearrest	Rearrest and FTA
Failure Rate	41.4%	27.7%	26.7%	13.5%

### **Follow-up to questions raised at the August 21, 2014, JRI Oversight Committee meeting**

The first topic addressed is the possibility of inferring risk assessment override reasons through the use of non-scored items indicated in group 4 of the PRAI. Examination of this area led to a finding that cases involving domestic violence or weapon/firearm charges were sometimes not indicated as such in the PRAI. Based on the Center's analysis of data from the first half of 2014, just over 30% of cases identified as domestic violence elsewhere in the system did not have domestic violence crimes indicated in item 4.f. of the PRAI. The finding for firearm or deadly weapon charges was similar. Just over 30% of cases with firearm or deadly weapon charges had neither indicated in items 4.c. or 4.d. of the PRAI.

Charts following this narrative illustrate why definitive associations of overrides with special considerations in group 4 cannot be established. Most assessments with overrides had no group 4 items marked (see Chart 1). Additionally, analysis focused on group 4 items of firearm or domestic violence offenses revealed that the vast majority of assessments with any of those items marked were not overridden (see Charts 2 and 3).

Readers may notice that Chart 1 counts of high risk ratings with higher overrides are different than those previously released by the Center. Through ongoing analysis, more risk assessment cases with charges outside the stated scope have been identified. Changes in counts here reflect exclusion of additional non-RAI cases.

Another question raised was whether or not the PRAI was having any DOC impact. The short answer remains that there is insufficient information to make definitive conclusions. Emerging data, however, are tending to indicate that there has likely been little or no discernible impact on DOC detentions. As previously discussed, detention declined during the unusually harsh winter weather in early 2014, but that was followed by a rebound to near levels of 2013.

PRAI impact may not be observed in detained admission and population counts alone, as we cannot know what the detention situation would have been in the absence of the PRAI. But we can look at detention in the context of other parameters for more insight. It is reasonable to expect, for example, that significant changes could be observed through differences in rates of detained admissions relative to arrests. Charts 4 and 5 show detained admissions in relation to arrests for charges in the risk assessment scope since the beginning of 2012. Those charts do not reveal patterns of reduced detentions for arrests in the PRAI charge scope.

Regarding the PRAI impact on detention, it should be kept in mind that the majority of detained admissions in the first six months of PRAI implementation occurred in cases that were outside the PRAI scope, e.g., from VOP's or capias returns on FTA's. The Center estimates that over 60% of detained admissions were associated with cases outside the PRAI scope.

Finally, questions regarding national detention figures and the status of probation or parole violators in those counts were explored. The Center consulted a Bureau of Justice Statistics (BJS) statistician regarding counts in the source data collection forms for national jail inmate statistics. The following is a sample excerpt of that form. In section II.3. of the sample form, detained probation/parole violators are to be counted in the convicted group.

FORM CJ-50 (10-15-2012)

**II.3. Of all persons CONFINED in your jail facilities on June 28, 2013, how many were —**

- For persons with more than one status, report the status with the most serious offense.
- For convicted inmates include probation and parole violators with no new sentence.

**a. Convicted** \_\_\_\_\_

How many were —

1. Unsented inmates or awaiting sentencing \_\_\_\_\_

2. Sentenced inmates \_\_\_\_\_

**b. Unconvicted** \_\_\_\_\_

How many were —

1. Awaiting trial/arraignment \_\_\_\_\_

2. Awaiting transfer/hold for other authorities \_\_\_\_\_

3. Other \_\_\_\_\_

**c. TOTAL (Sum of items II.3a and II.3b should equal item I. 1a)** \_\_\_\_\_

**II.5. On June 28, 2013, how many persons CONFINED in your jail facilities were held for —**

- For persons with a multiple hold, count them only once with priority being Federal, State, and local.

**a. Federal authorities**

1. U.S. Marshals Service \_\_\_\_\_

2. Federal Bureau of Prisons \_\_\_\_\_

3. U.S. Immigration and Customs Enforcement (I.C.E.) \_\_\_\_\_

4. Bureau of Indian Affairs \_\_\_\_\_

5. Other - Specify \_\_\_\_\_

**b. State prison authorities**

1. For your state \_\_\_\_\_

2. For other states \_\_\_\_\_

**c. Other local jail jurisdictions**

- EXCLUDE inmates being housed for your own jurisdiction (i.e., your own county/city inmates).

1. Within your state \_\_\_\_\_

Delaware's detention population has fluctuated in the area of 20% to 24% of the total custody population over the past few years. Included in those detention populations are probation/parole violators and convicted persons held while awaiting sentencing. We do not have an estimate for the latter group, but, based on DOC's charge labeling, the probation/parole violation group could be about 17% of the detained population. Reducing the detention population by that estimate of probation/parole violators yields estimates of unconvicted proportions in the range of 17% to 20% of the total DOC population.

In JRI reviews, Delaware's detention proportion was cited as evidence that its pretrial population is unusually high. The table below shows incarcerated population summaries from national jail and prison statistics compiled by BJS for recent years. We do not have figures readily available for direct comparison of Delaware's unconvicted population with national figures, but using the estimates based on probation/parole violator reductions puts Delaware's pretrial population proportions close to national estimates from BJS.

Bureau of Justice Statistics National Incarcerated Population Summary, 2010 - 2012

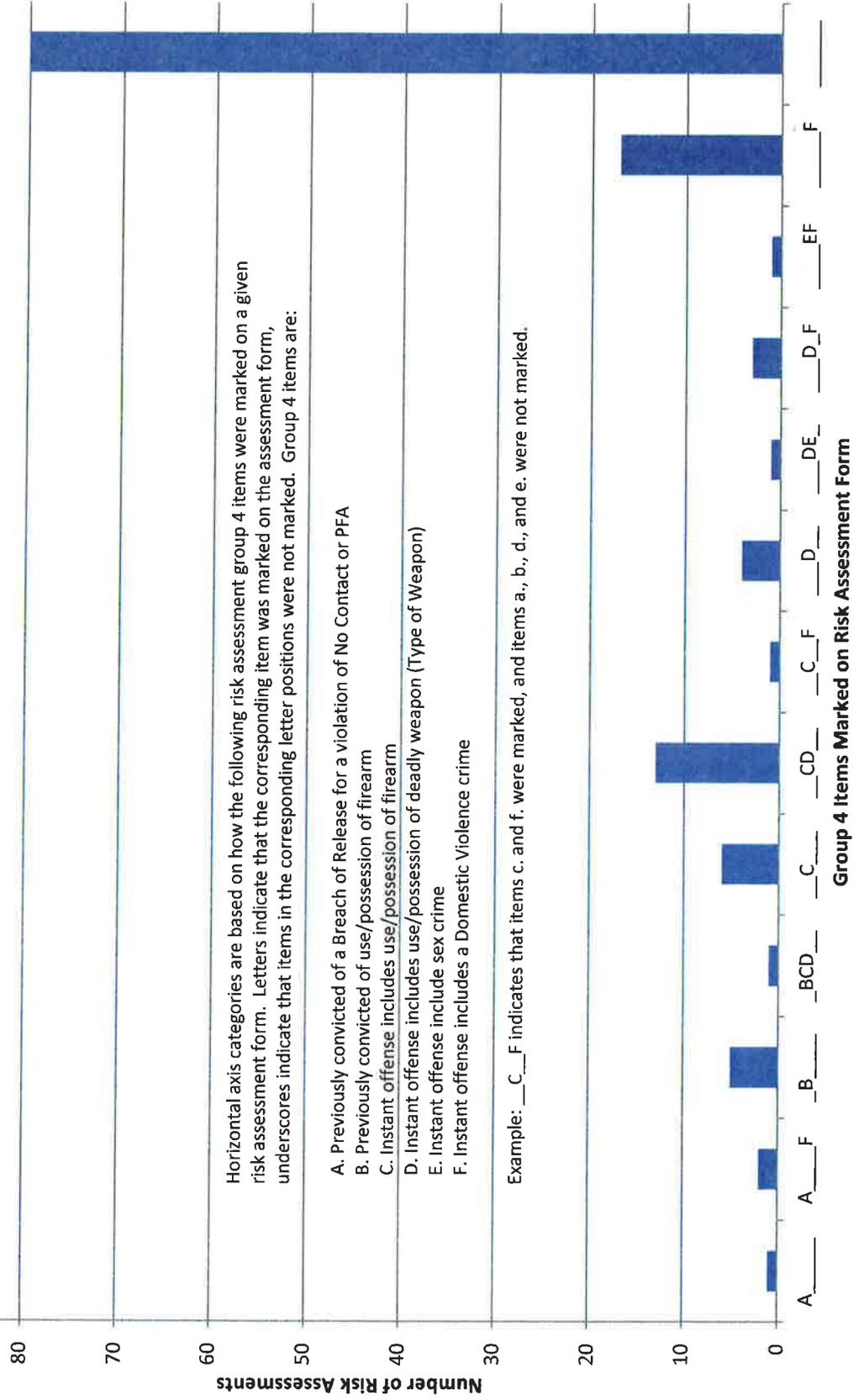
Year	Total	Jail	Prison	Jail % of Total	Unconvicted % of Jail	Unconvicted % of Total
2010	2,270,100	748,700	1,521,400	33.0%	61.1%	20.2%
2011	2,240,600	735,600	1,505,000	32.8%	60.6%	19.9%
2012	2,228,400	744,500	1,483,900	33.4%	60.6%	20.2%

Sources: Table 2 in: <http://www.bjs.gov/content/pub/pdf/cpus12.pdf>

Table 3 in: <http://www.bjs.gov/content/pub/pdf/jim12st.pdf>

**Chart 1: Use of Group 4 Special Considerations When Risk Rating is High and Override is Indicated as Higher**

135 risk assessments with high risk ratings were indicated as overridden higher; 80 (59.3%) of those with overrides had no special considerations identified in group 4 items a. thru f. of the risk assessment instrument.



Horizontal axis categories are based on how the following risk assessment group 4 items were marked on a given risk assessment form. Letters indicate that the corresponding item was marked on the assessment form, underscores indicate that items in the corresponding letter positions were not marked. Group 4 items are:

- A. Previously convicted of a Breach of Release for a violation of No Contact or PFA
- B. Previously convicted of use/possession of firearm
- C. Instant offense includes use/possession of firearm
- D. Instant offense includes use/possession of deadly weapon (Type of Weapon)
- E. Instant offense include sex crime
- F. Instant offense includes a Domestic Violence crime

Example: \_\_C\_\_F indicates that items c. and f. were marked, and items a., b., d., and e. were not marked.

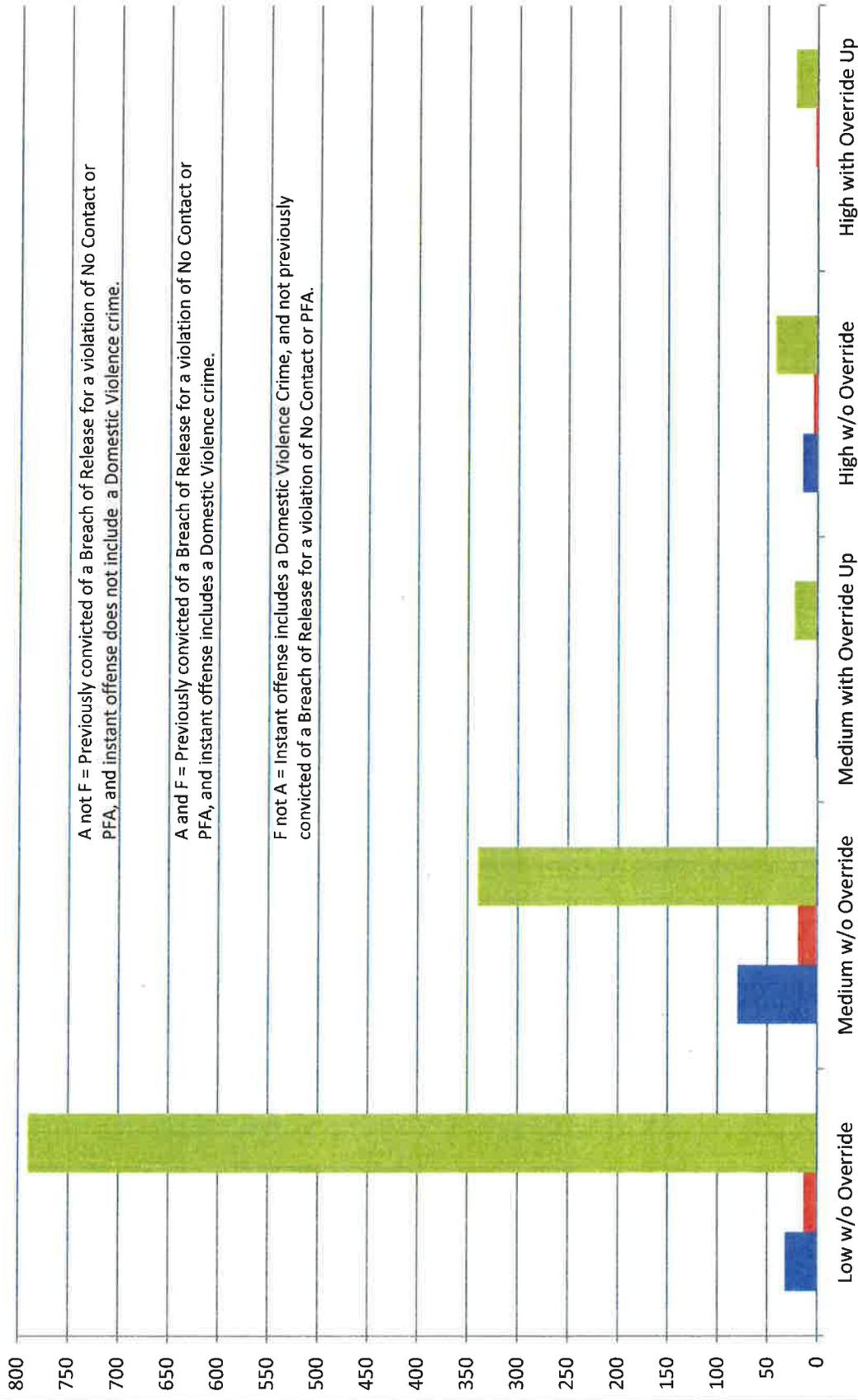
**Group 4 Items Marked on Risk Assessment Form**

**Chart 2: Risk and Override Selections When Unsourced Items Involving Firearms are Marked**



**Chart 3: Risk and Override Selections When Unsourced Items Involving Breach of Release on No Contact/PFA or Domestic Violence are Marked**

■ A not F ■ A and F ■ F not A



A not F = Previously convicted of a Breach of Release for a violation of No Contact or PFA, and instant offense does not include a Domestic Violence crime.

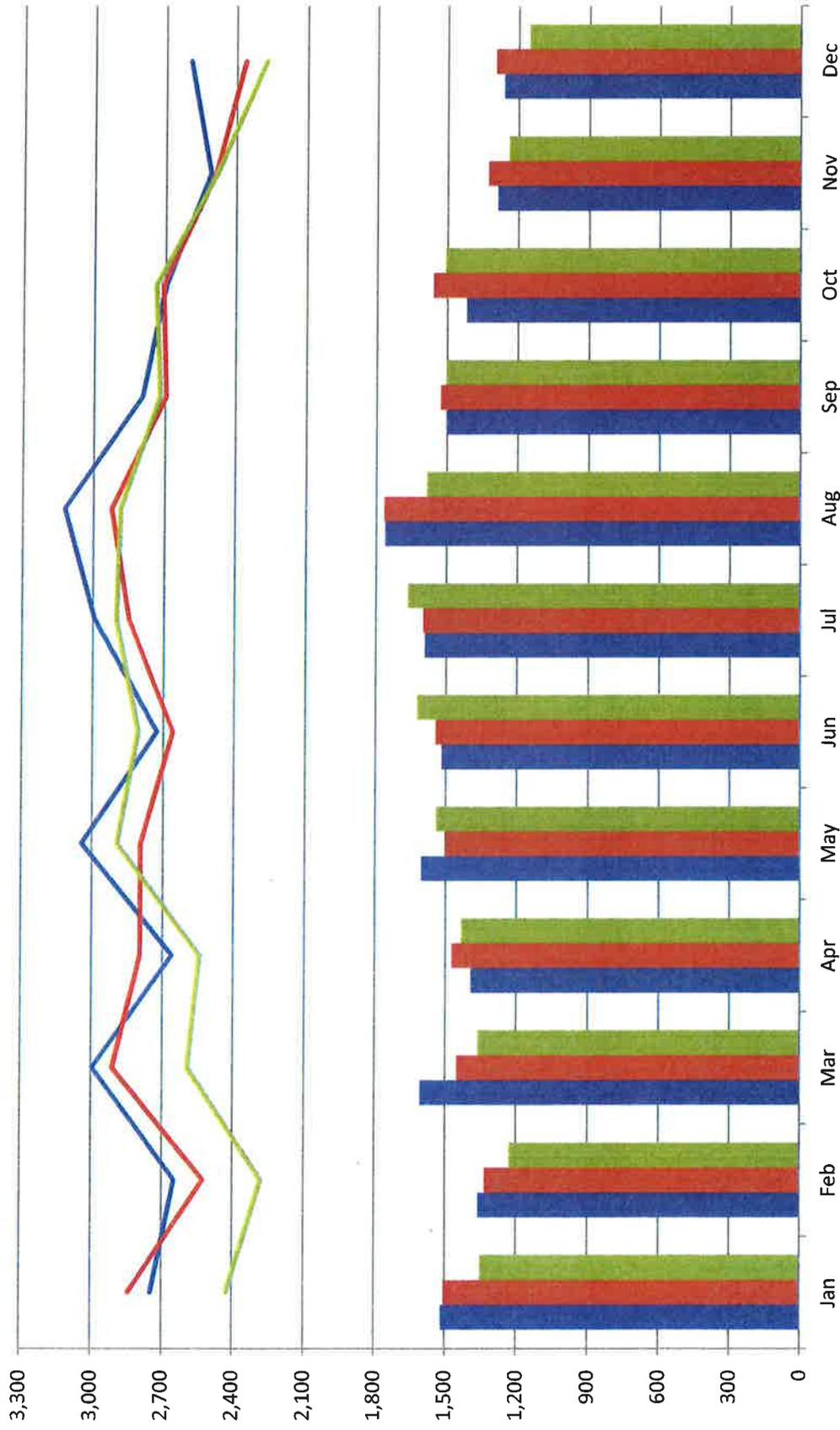
A and F = Previously convicted of a Breach of Release for a violation of No Contact or PFA, and instant offense includes a Domestic Violence crime.

F not A = Instant offense includes a Domestic Violence Crime, and not previously convicted of a Breach of Release for a violation of No Contact or PFA.

**Chart 4: Monthly Detained Admissions and "PRAI Arrests"**

(PRAI Arrests are state charges within the current PRAI scope; felony, misd A, misd B, and DUI)

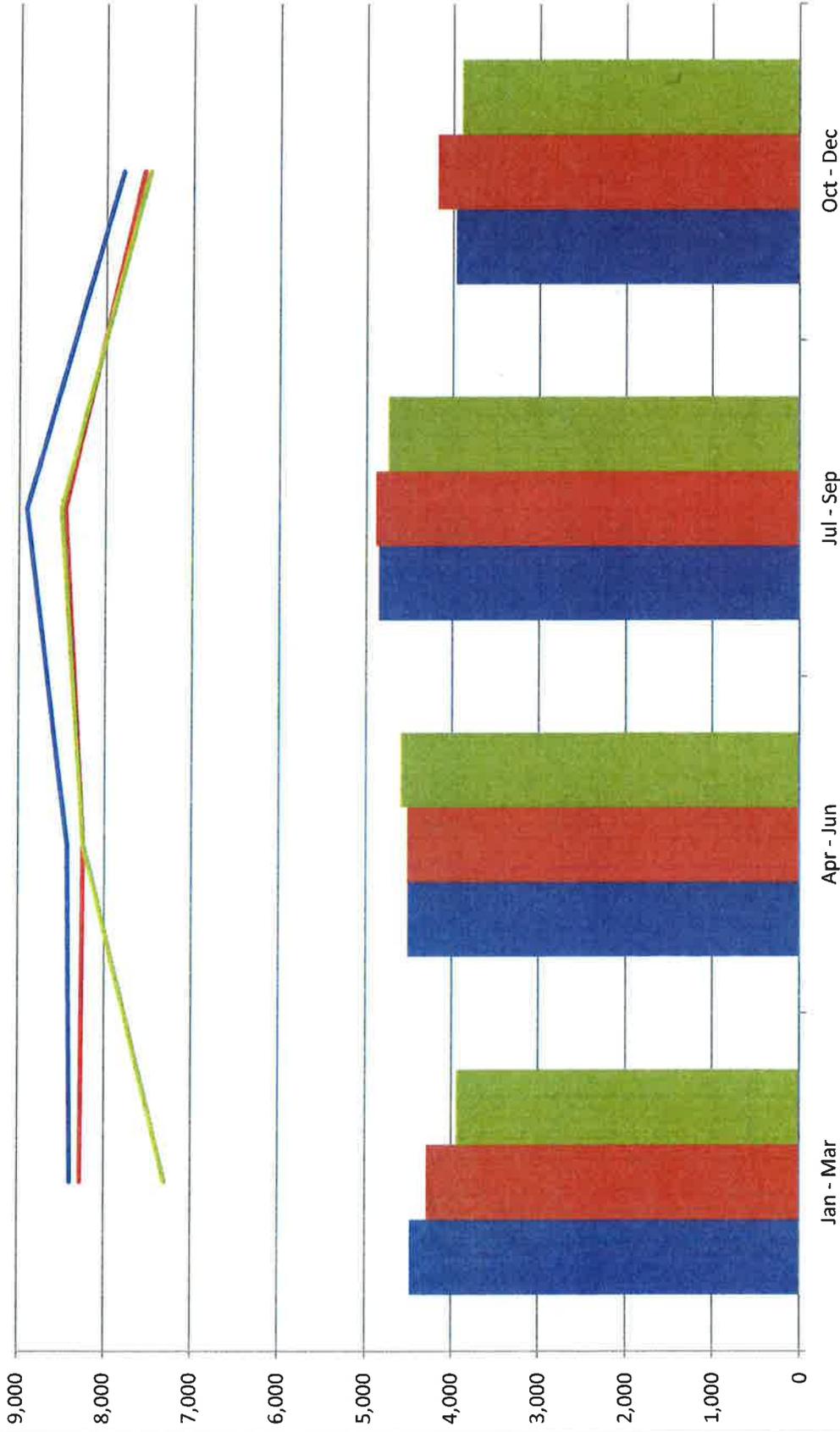
■ 2012 Detained Admissions    ■ 2013 Detained Admissions    ■ 2014 Detained Admissions  
— 2012 Arrests    — 2013 Arrests    — 2014 Arrests



### Chart 5: Quarterly Detained Admissions and "PRAI Arrests"

(PRAI Arrests are state charges within the current PRAI scope; felony, misd A, misd B, and DUI)

■ 2012 Detained Admissions   
 ■ 2013 Detained Admissions   
 ■ 2014 Detained Admissions  
— 2012 Arrests   
 — 2013 Arrests   
 — 2014 Arrests



State of Delaware

Executive Order #40 –  
Delaware Justice  
Reinvestment Oversight  
Group to Ensure Effective  
Implementation of SB 226

Department of Correction Progress Report

**Department of Correction (DOC) Progress Report on SB226 JRI Implementation**

**January 26, 2015**

Previous updates were August 26, 2013, December 4, 2013 and April 23, 2014, October 2014 (not a meeting date). January 2015 highlighted in yellow.

- Title 11, 2104 changes – Pretrial Assessment.** The court shall employ an objective assessment instrument to gauge the person’s risk of flight and re-arrest. The risk assessment instrument shall be responsive to the needs of victims of domestic violence and sexual assault. Use of the objective risk assessment instrument shall commence by December 31, 2013.

**Increase in use of P&P pre-trial supervision.** 6 Probation Officers assigned statewide. July 2012– 190 offenders, July 2013- 231, November 2013-325 offenders, April 2014-337 offenders

**Update: July 2014 – 295 offenders, Oct. 2014 – 309, January 2015 – 321**

**Propose legislative changes** to empower the P&P Officers to better supervise offenders on pretrial supervision through administrative sanctions.

**July 2014 update - DOC is not pursuing legislation at this time.**

**The increased use of electronic monitoring devices- Electronic supervision of sex offenders, DUI-alcohol monitoring and Home Confinement has increased the use of electronic monitoring equipment.**

Month/Year	Electronic Monitoring Units in Use
October 2006	261
October 2007	269
October 2008	329
October 2009	435
October 2010	437
October 2011	489
October 2012	501
October 2013	645
April 2014	678
GPS-275	TAD 122
RF Cell 70, Voice ID 5	RF 206
<b>Sep 2014</b>	<b>633</b>
<b>January 2015</b>	<b>684</b>
<b>GPS- 291</b>	<b>TAD- 155</b>
<b>RF cell- 71</b>	<b>RF - 167</b>

**3<sup>rd</sup> Party Pre-Trial Community Supervision Program** – Governor and General Assembly provided \$250,000 in the DOC FY15 budget to develop a pilot program to provide pre-trial supervision and services for eligible offenders.

July 2014 update – The RFP was posted 08/15/14 and closes 09/16/14. The posting has closed and the evaluation committee continues to examine the top parties' proposals.

**Contract was awarded to the Rick Van Story Center in Wilmington at the end of December 2014. P&P Policy development and operations began in January 2015.**

**There have been 2 cases referred to RVRC for supervision.**

2. **Title 11, 4321 (b) (2) changes – Use of assessment at SENTAC Levels 2, 3 & 4.** DOC shall evaluate each person under Supervision Accountability Level II, III or IV, using an objective risk and needs assessment instrument and shall create a case plan for those persons assessed to be moderate to high risk that targets the need factors identified by the assessment. The DOC shall make efforts to provide treatment and services responsive to the person's needs and characteristics. Use of the objective risk assessment instrument and associated case plans shall commence by December 31, 2013.

**Level of Service Instrument- Revised (LSI-R)** the DOC P&P has been utilizing since 2003. The use of the LSI-R, a validated assessment instrument, was expanded to Level IV work release in December 2012 and implemented at Level V incarceration in June 2013.

**Update 08/20/14 – Level 5 has completed 944 LSI-R assessments in 2014 DOC LV5 LSIR total 1284. Level 4 completed 773 LSI-R Assessments in 2014 and Level 3 P&P completed 4517 LSI-R Assessments. Total LSI-R assessments completed in 2014 is 5,175.**

**Risk Need Responsivity (RNR) Simulation Tool** -The DOC, CJC and VERA have partnered with Dr. Faye Taxman and Dr. Michael Caudy at George Mason University (GMU) to utilize the Risk Need Responsivity (RNR) tool. With the RNR tool DOC will be able to review/evaluate the classification process, population's program needs, etc.

**Update August 2014-Progress on the RNR tool has continued over the past several months. Dr. Caudy and his group have been working on assessing the initial findings from the LSI-R data that we have been providing them. They (GMU) have finalized their contract with a vendor to start working on the analysis of the individual offender data which should not be a lengthy process. CNTI continues to provide data on a**

regular basis as well as clarifying any questions/ issues that they have concerning our data.

**API (Application programming interface) development; Dr. Taxman is looking to see if there are any potential funding sources that would be willing to fund of part or all of the development of the API for the RNR Tool. Without any help the current cost estimates would breakdown as follows:**

- **Development of the API for the Assess an Individual tool = \$13,000**
- **Implementation and support of the API after initial development = \$2,000**
- **Monthly usage fee = \$270 per month (\$3,240 for one year)**

**Based on these numbers, it would cost about \$20k to fund the development and use of the API for the individual portal over the course of the next year.**

The DOC P&P also utilize the DVSI-R for domestic violence offenders on Level II or III probation. The University of Delaware is currently conducting the validation process for the DVSI-R.

**Update August 2014– the UD continues to collect information on those individuals that P&P has completed the DVSI-R on. As of 08/01/14 P&P has been using the assessment for 13 months. The validation process looks at 18 months of data; therefore, the validation process is ongoing.**

**The database used for the validation study has been reviewed by University of Delaware staff and there is enough data to begin validating the DVSI-R risk assessment. The needs portion of the DVSI-R needs the follow-up to treatment data entered into the database for analysis. This data is currently being inputted for the primary treatment need. Once the data is entered statewide, it will be forwarded to U of D staff for review.**

- 3. Title 11, 4321 (g) changes – Assess the treatment needs of the DOC population. “The Department shall undertake an assessment of the availability of community resources to meet the treatment and rehabilitation needs of the supervised population every three years and endeavor to develop and support programs in accordance with identified needs. The first three-year report shall be completed by December 31, 2013”**

**DOC Progress Report: No update - The assessment report was submitted before the December 31, 2013 deadline. The next report will be due December 31, 2016. The DOC continues to work with DHSS and the vision is to add community programs to the RNR program.**

4. **Title 11, 4333 (i) changes – Removed the 60 day requirement** before an assessment could be completed and an offender’s level could be changed. DOC shall have the authority without leave of the court to reclassify any offender sentenced to probation at Levels I, II or III.

**DOC Progress Report:** The new policy at P&P has been written and implemented  
**Update – completed**

5. **Title 11, 4334 (d) changes – DOC authorized to administratively resolve a technical violation of conditions of probation by placing an offender “on home confinement for a period of not more than 10 days consecutively, and not more than 20 days per calendar year.”**

**DOC Progress Report:** The new policy at P&P has been written and implemented  
**Update- Completed. This option has not been utilized as of this date.**

6. **Title 11, 4334 changes – supports the use of Graduated Responses by P&P.** The Department shall develop guidelines for probation officers to assist them in providing consistent and appropriate responses to compliance and violations of the conditions of probation or supervision.

**DOC Progress Report:** **The guidelines have been developed and implemented.** The electronic format to track graduated responses has been developed in DACS and was completed in August 2013. Funding for this project began under the ABA Racial Justice Improvement Project overseen by Justice DuPont Ridgely.

Probation officers will receive training in Motivational Interviewing at Delaware Technical Community College starting in September 2013. Funding for the training was obtained with assistance from CJC.

**Update –As of 08/01/14, 326 administrators and staff members have completed Introduction to Motivational Interviewing training during 19 sessions. 60 staff members and supervisors have completed Advanced Motivational Interviewing and 54 staff members and supervisors have completed additional Coaching and Coding training. 22 staff members have completed the Motivational Interviewing (MI) instructor training program. Those trained include all P&P Officers and Management Staff, Training Academy Staff, and representatives from Level 4 Management and Counselors.**

**As of August 18, 2014 DOC MI trainers have begun providing MI training to the BOTC class (Probation & Parole Academy).**

**There have been 14 DOC employees that have successfully completed the MI Trainer training who are now certified to be trainers. Some of the newly certified DOC MI Trainers recently provided MI training to cadets in the DOC P&P Basic Officer Training Class. The grant has been extended and a plan to provide additional training is being discussed with Del Tech.**

**Refresher training for Supervisors and Certified trainers will be held March 2015.**

- 7. Title 11, 4348 changes – Offenders released early on good time credit deemed released on “probation”, effectively eliminating “conditional release”.** Also addresses waiver by inmate to finish sentence in prison in lieu of probation.

**DOC Progress Report:** We attempted to submit legislation in June 2013 to address confusion in interpreting current law, but we were unsuccessful as session timed out. Legislation was supported by CJC, Attorney General’s Office and DOC.

**Update –HB203 Legislation passed the Senate in January 2014 and was signed into law by Governor Markell on 01/30/2014.**

**Completed-Process has been implemented**

- 8. Title 11, 4381 changes – Good time credits.** Allows for “up to 60 days of additional good time may be awarded for the successful completion of an approved program designed to reduce recidivism.” The DOC Commissioner is responsible for designating the programs that meet this requirement. No more than a total of 160 days of good time may be earned in any 1 year consisting of 365 days actually served. This up from a maximum of 100 days.

**DOC Progress Report:** DOC partnered with the CJC and UD to conduct an assessment of nine (9) programs utilizing the California Program Assessment Process (CPAP). The assessment evaluates the programs on material, policy, procedure and implementation to assess recidivism reduction value. The assessment is in the third round of the process, which includes direct observation, interviews and surprise visits from the assessors. The DOC Commissioner will utilize the results of the assessment to designate programs for additional good time as well as how much good time should be earned for the specific program. The amount of good time earned should correspond to the amount of program dosage hours. Programs currently under evaluation are; 1) Key/Crest Programs (all sites), 2) Greentree (north & south), 3) Head-Start, 4) Academics

(GED, HS Diploma, Vo-Tech), 5) Thinking for a Change, 6) Mental Health CBT programs, 7) Family Problems, 8) Mothers in Reentry.

**No CPAP Assessments conducted since April 2014 update below**

UD's CPAP assessment is completed. Initial findings were positive for most programs. The following Programs have received additional Good Time Credits.

All Key Programs – 26 Good Time Credits

All Crest Programs – 15 Good Time Credits

Mother's In Reentry Program – 4 Good Time Credits

**The DOC has hired a Director of Behavioral Health (Treatment Programs) the Director is within the Bureau of Correctional Healthcare Services and will oversee the delivery of offender treatment programs.**

**Update: Treatment Program Committee formed at DOC to evaluate programs in partnership with University of Delaware utilizing the RNR Tool from George Mason University**

9. **Title 11, 4383 changes – Earned compliance for probation.** Subject to the limitations set forth in §4333(d) of this title, periods of probation may be reduced by earned compliance credit under the provisions of this chapter and rules and regulations adopted by the Commissioner of Correction. Individuals may earn up to 30 days of credit for 30 days of compliance, not to exceed half of their probationary period.

**DOC Progress Report:** P&P has been conducting a manual assessment of offenders on probation to comply with the law. Funding has been obtained to create an electronic tracking module in DACS. Prior to SB226 P&P Officers reduced approximately 25% of their offender's probation sentences for significance compliance with conditions of supervision so the actual impact of this new law may not show significant differences statistically. The impact of the new law is that the probation sentence is reduced without judicial approval.

**Update Same as April 2014– this is part of the ongoing SB226 upgrades to the DOC DACS (records management system) and is expected to be completed by January 2015. Currently Probation Officers track compliant offenders and utilize the Court process to grant individuals early discharge. Same**

10. **Title 11, 6531 (a) changes – DOC shall evaluate each person using an objective risk and needs assessment instrument** and create a case plan that targets the offender’s needs. The Department shall make efforts to provide treatment and services responsive to the person’s needs and characteristics. Use of the objective risk assessment instrument shall commence by December 31, 2013.

**DOC Progress Report: Update – same as #2 above, use of the LSI-R assessment instrument has been implemented.**

11. **Title 11, 6531 (g) changes – The Department shall undertake an assessment of its ability to meet treatment and rehabilitative needs** of the confined population every three years and endeavor to provide programs in accordance with identified needs. The first report shall be completed by December 31, 2012.

**DOC Progress Report:** The DOC did complete the report as directed. Moving forward the Risk Need Responsivity (RNR) tool will enhance this process and improve the ability of the DOC to assess the treatment and rehabilitative needs of the offender population.

**Update- Next report is due December 31, 2015**

**January 2015 Update: DOC’s Research and Planning Unit continues to work with GMU and UD concerning the RNR process, which includes the creation of a Gap Analysis which will compare our population’s needs as determined by the LSI-R/RNR with the menu of currently available programming offered in our facilities. DOC will be furnishing its 2014 offender cohort data to GMU by 1/31/15, after which GMU will complete the Gap Analysis. The Research & Planning Unit will be working collaboratively with DOC’s Director of Behavioral Health, the Treatment Program Review Committee, the Bureau of Prisons, the Bureau of Community Corrections, and DOC’s top leadership to consider the implications of the Gap Analysis. When appropriate, the findings and any implications for program reallocation/revision will be discussed with DOC’s behavioral health vendor and all other relevant parties.**

Prepared by Chief Grinstead, Deputy Commissioner Hines and Commissioner Coupe (8.22.13, 8.25.13)

Updates from Chief Grinstead, Deputy Chief Klein, Planner M. Records (12.2.13)

Updates from Chief Grinstead, Deputy Commissioner Hines and Director Sebastian (04.22.14)

Updates from Chief Grinstead, Deputy Commissioner Hines, Deputy Chief Kline (08.20.14)

Updates from Chief Grinstead, Deputy Chief Kline, Planning Chief Champney (01.25.15)

# JRI Outcome Measures

January 26, 2015



# Pretrial Detention

Level V

Level IV

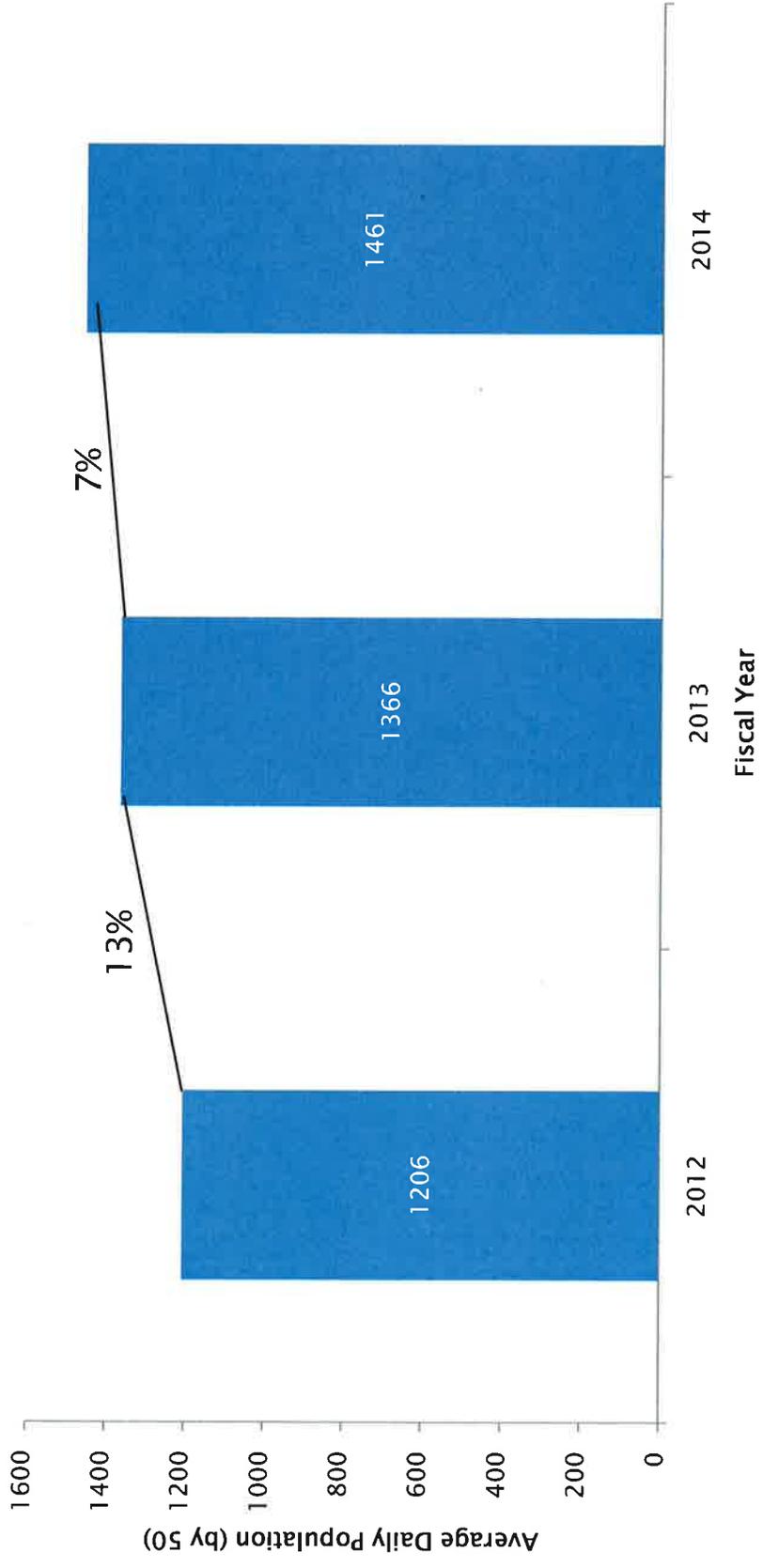
Levels I-III

VOP Data



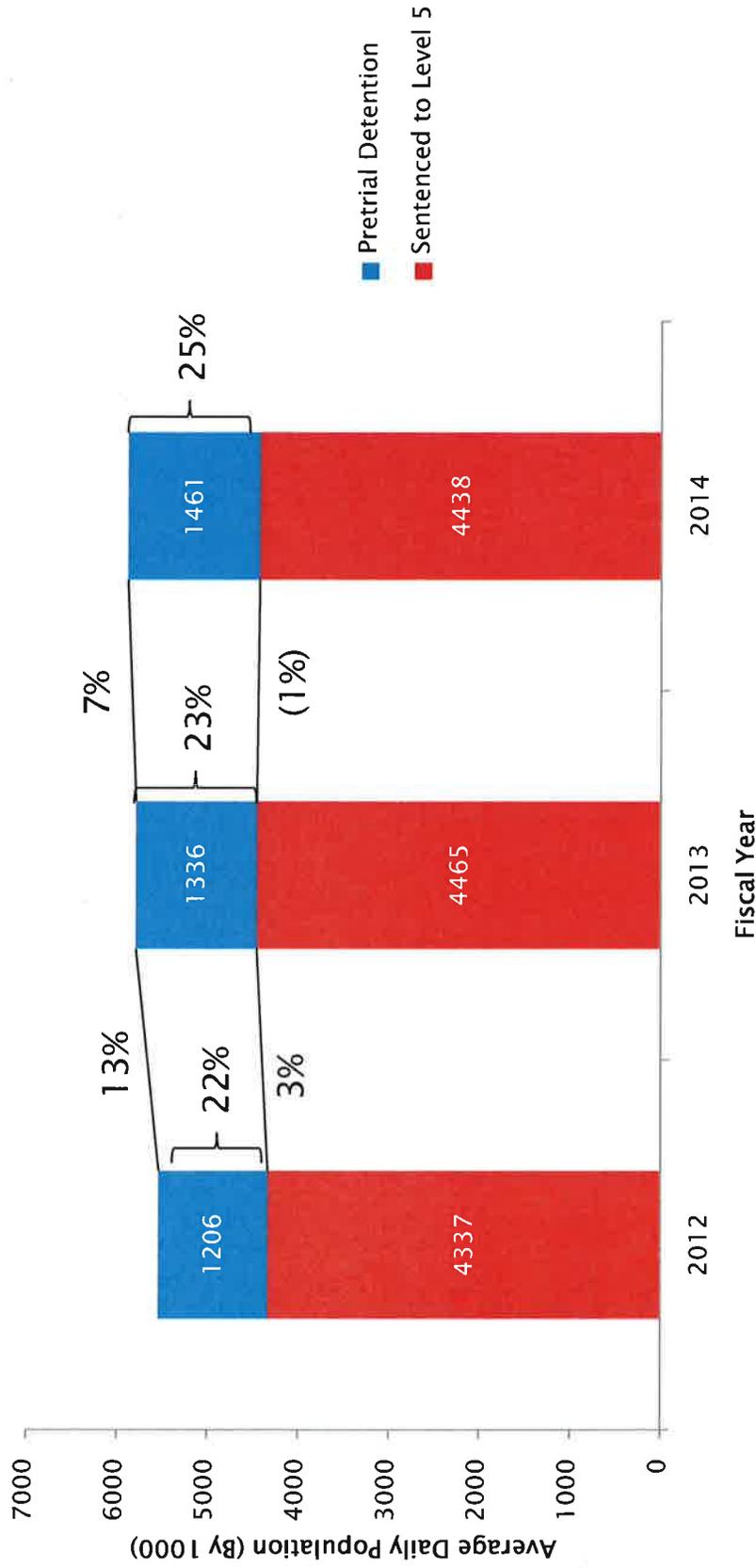
# Pretrial Detention

## Average Daily Population of Pretrial Detainees



# Pretrial Detention

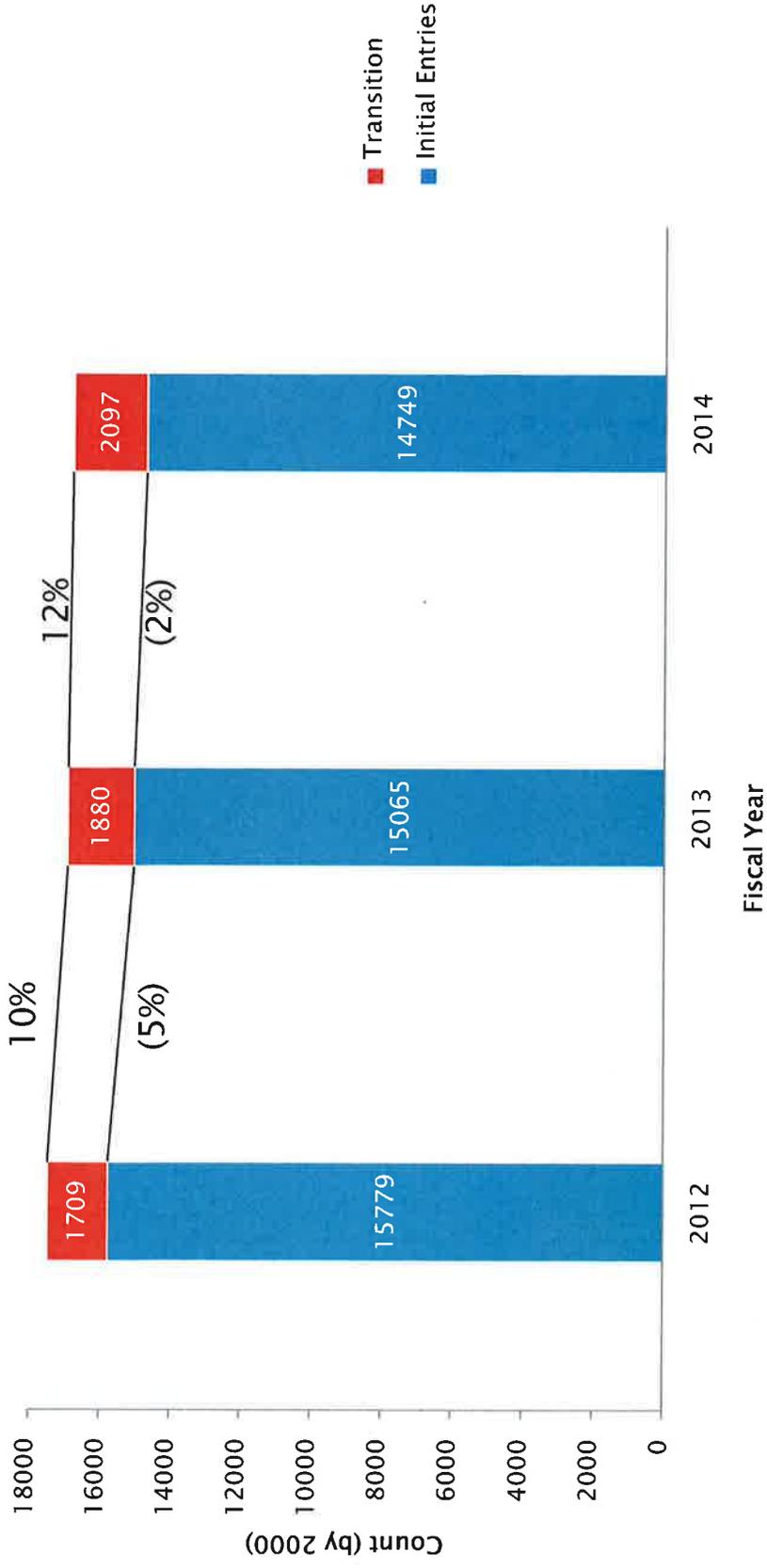
Daily Average of Total Level V Population per Fiscal Year



2012 Total Daily Average = 5543  
 2013 Total Daily Average = 5831  
 2014 Total Daily Average = 5899

# Pretrial Detention

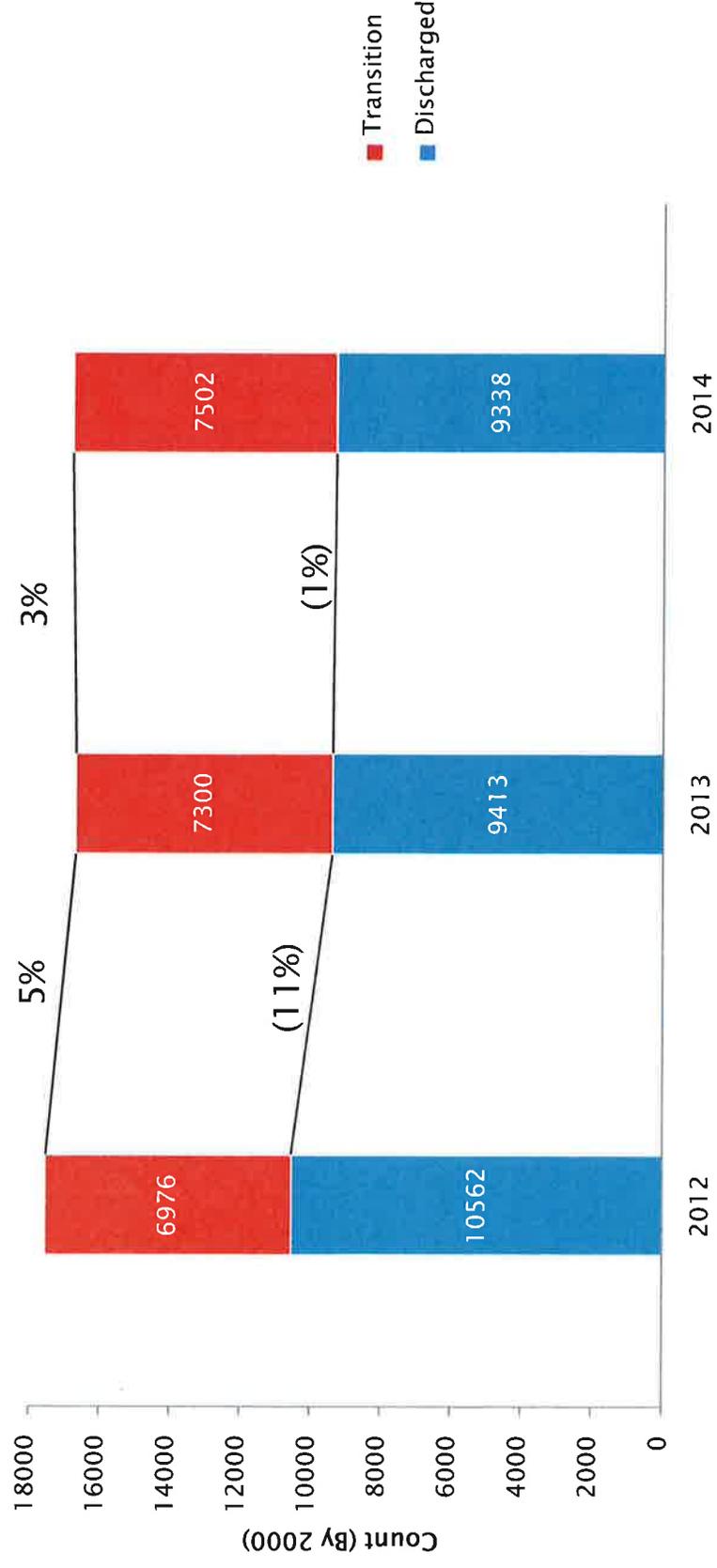
Admissions into Pretrial Detention



2012 Total N = 17488  
 2013 Total N = 16945  
 2014 Total N = 16846

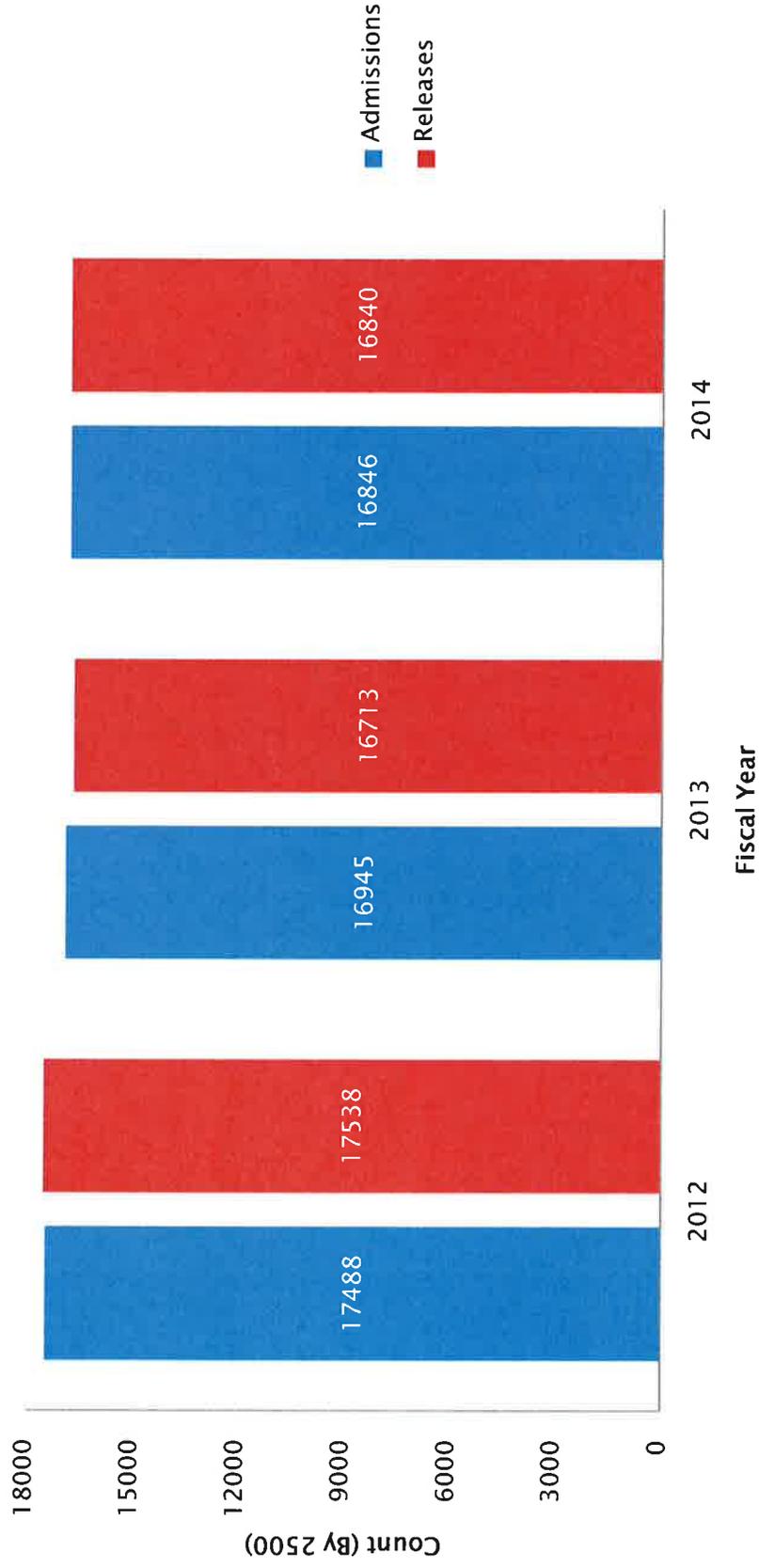
# Pretrial Detention

Releases from Pretrial Detention



# Pretrial Detention

Net Change of Admissions and Releases



Pretrial Detention

**Level V**

Level IV

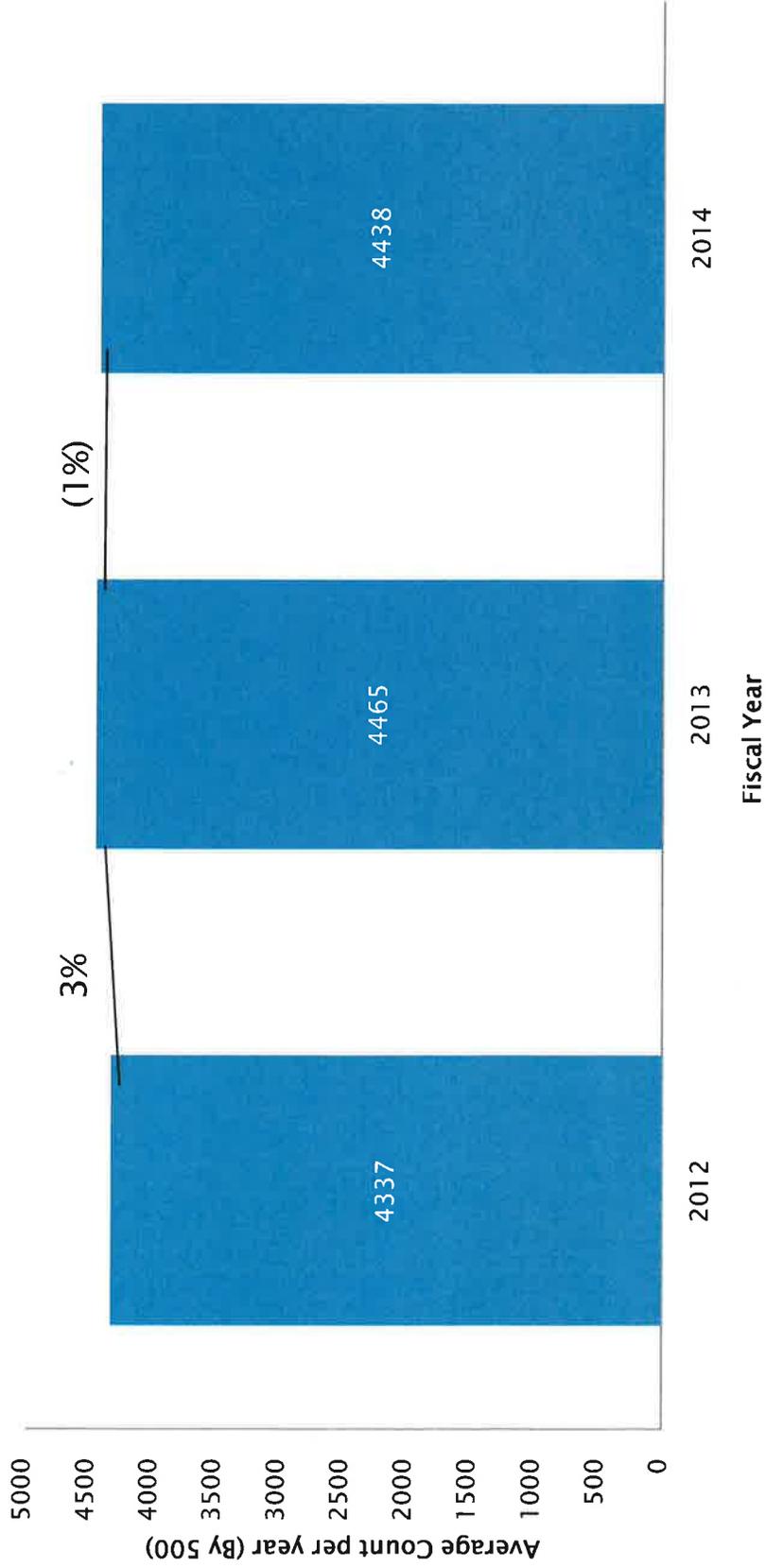
Levels I-III

VOP Data



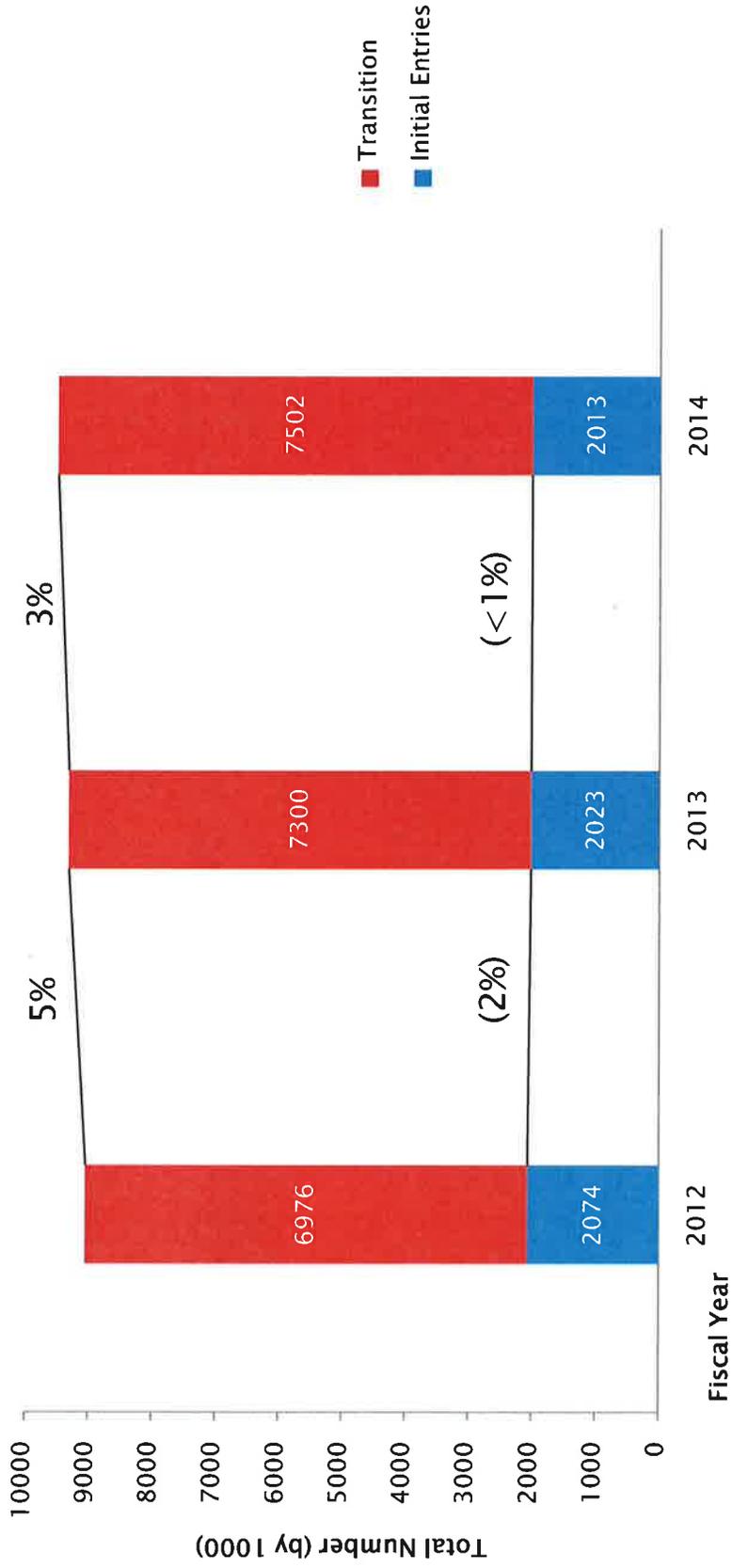
# LEVEL V

## Average Yearly Population



# LEVEL V

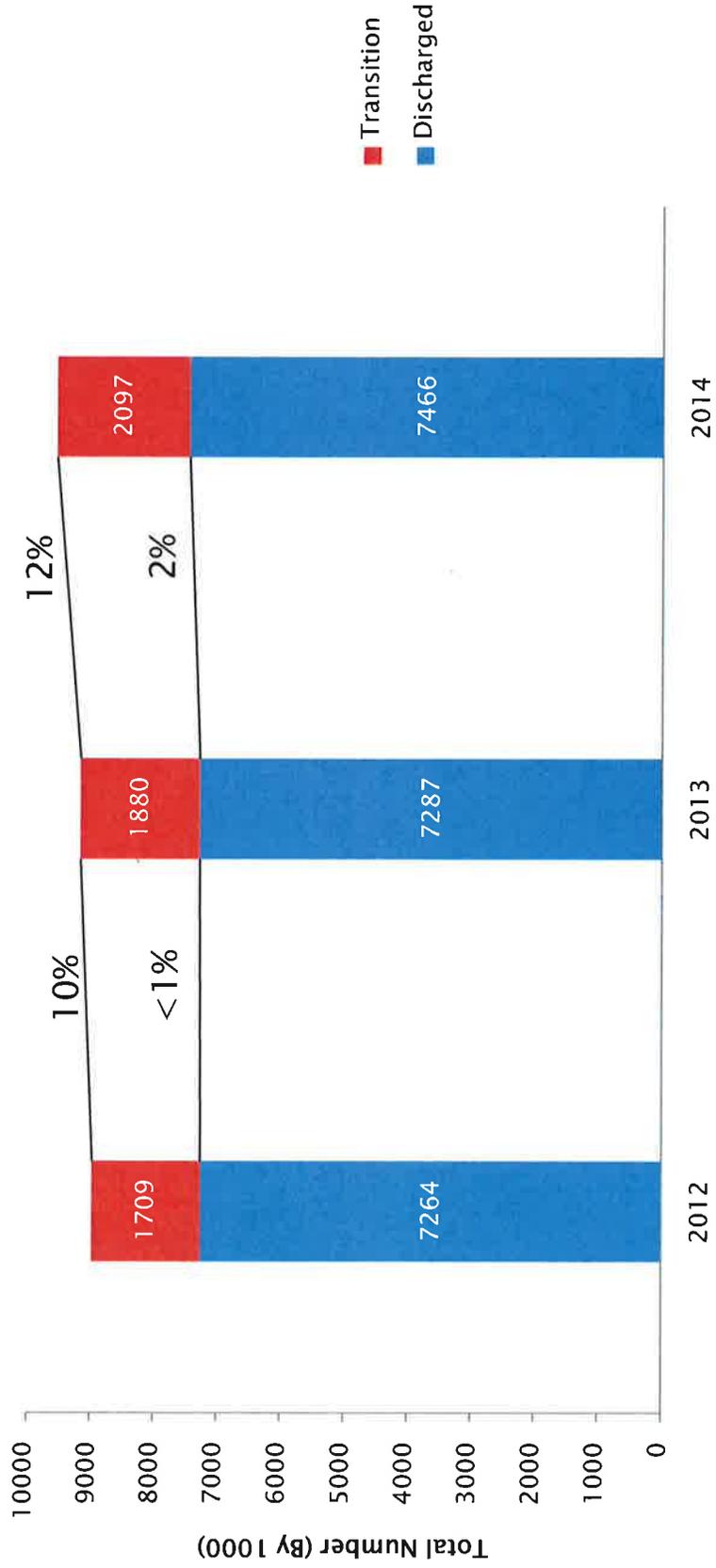
## Admissions to Level V



2012 Total N = 9050  
 2013 Total N = 9323  
 2014 Total N = 9515

# LEVEL V

## Releases from Level V



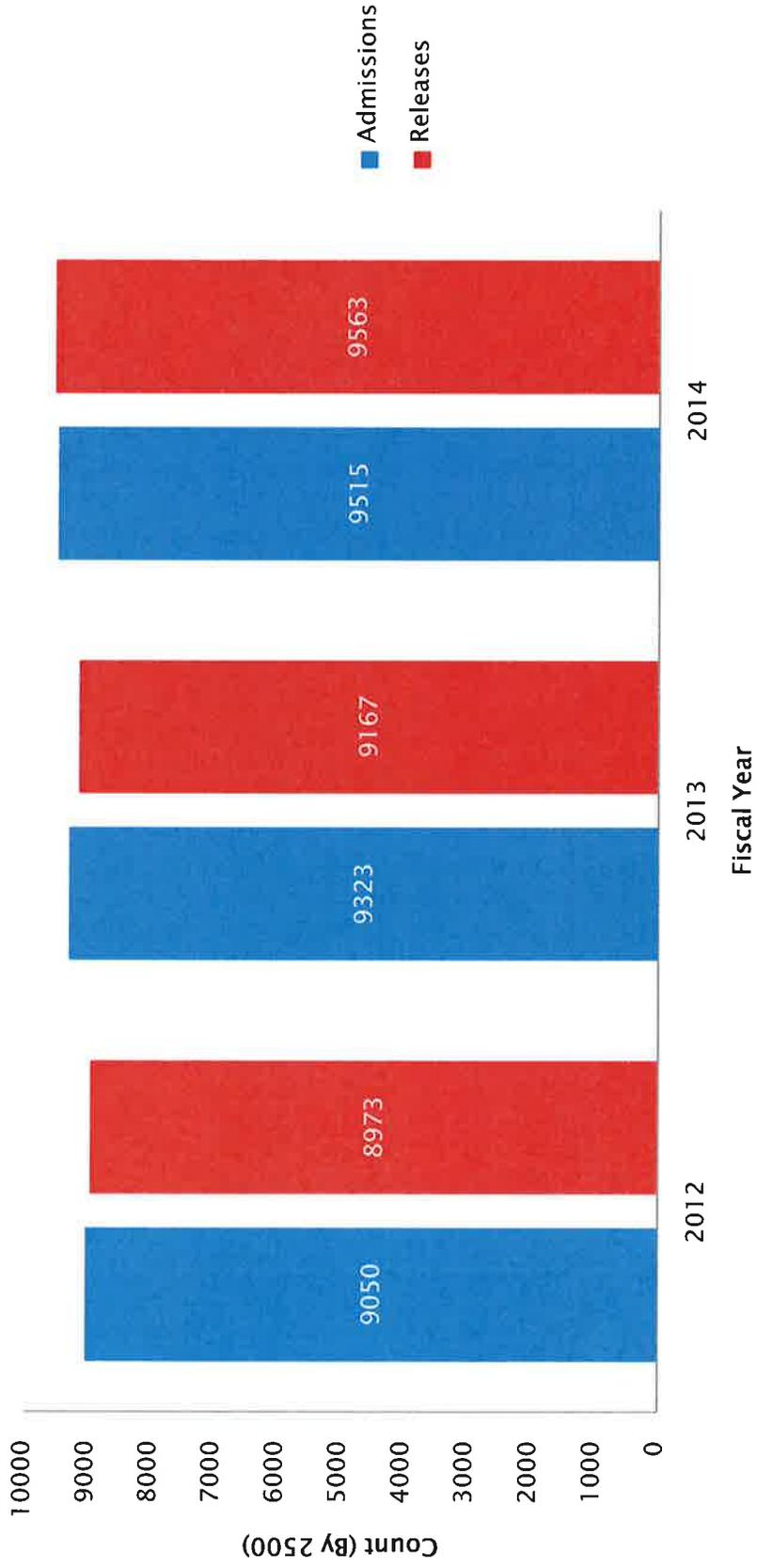
2012 Total N = 8973

2013 Total N = 9167

2014 Total N = 9563

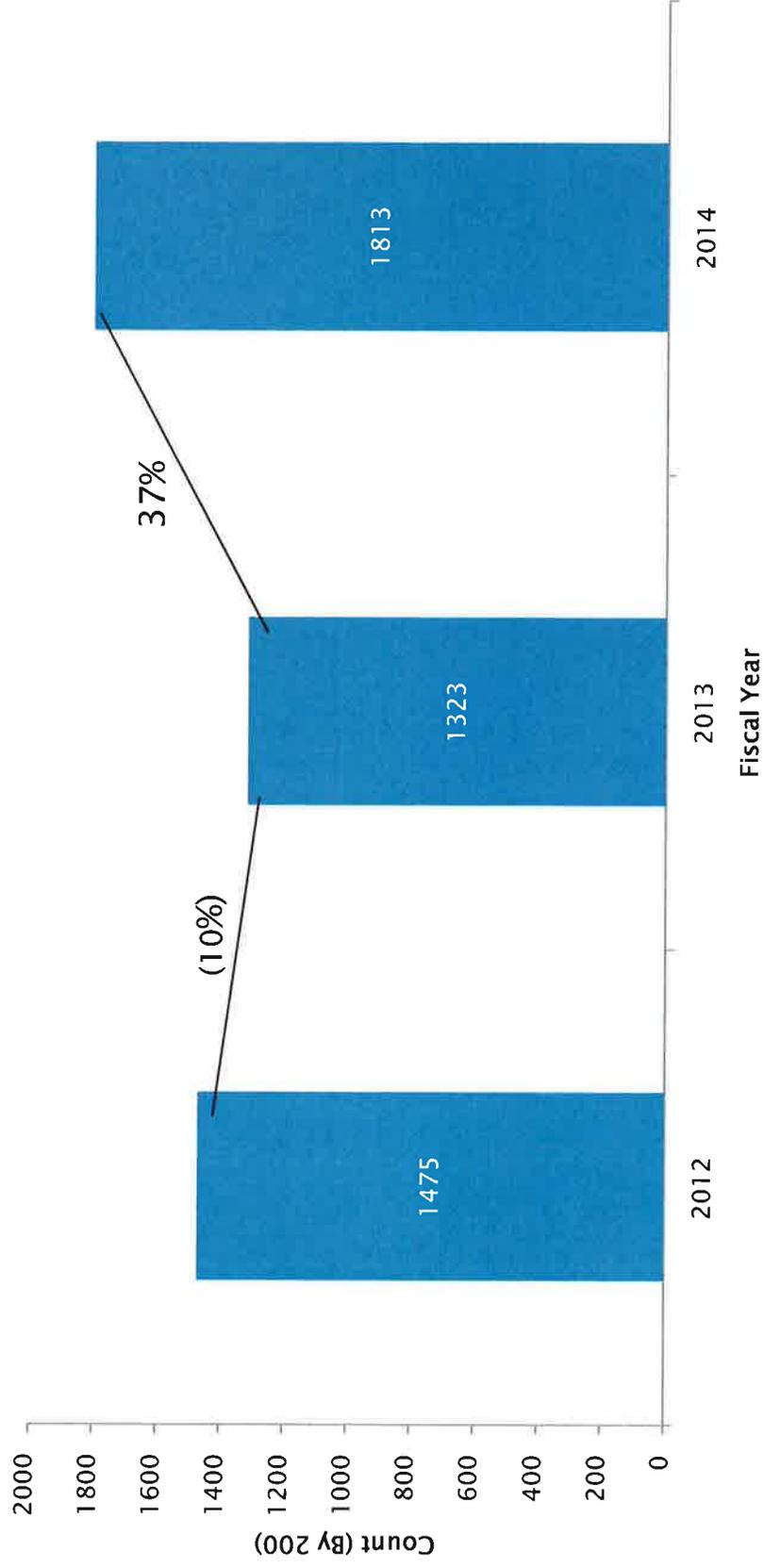
# Level V

## Net Change of Admissions and Releases



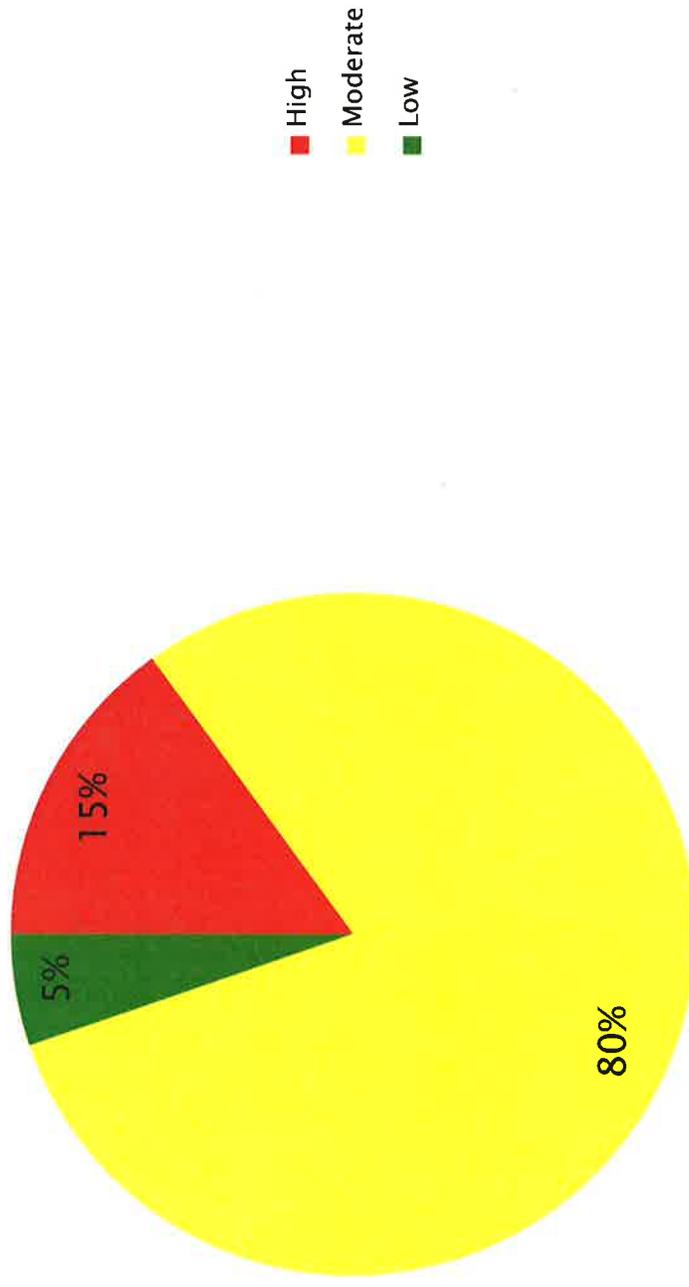
# Level V

## Eligible for Assessment



# Level V

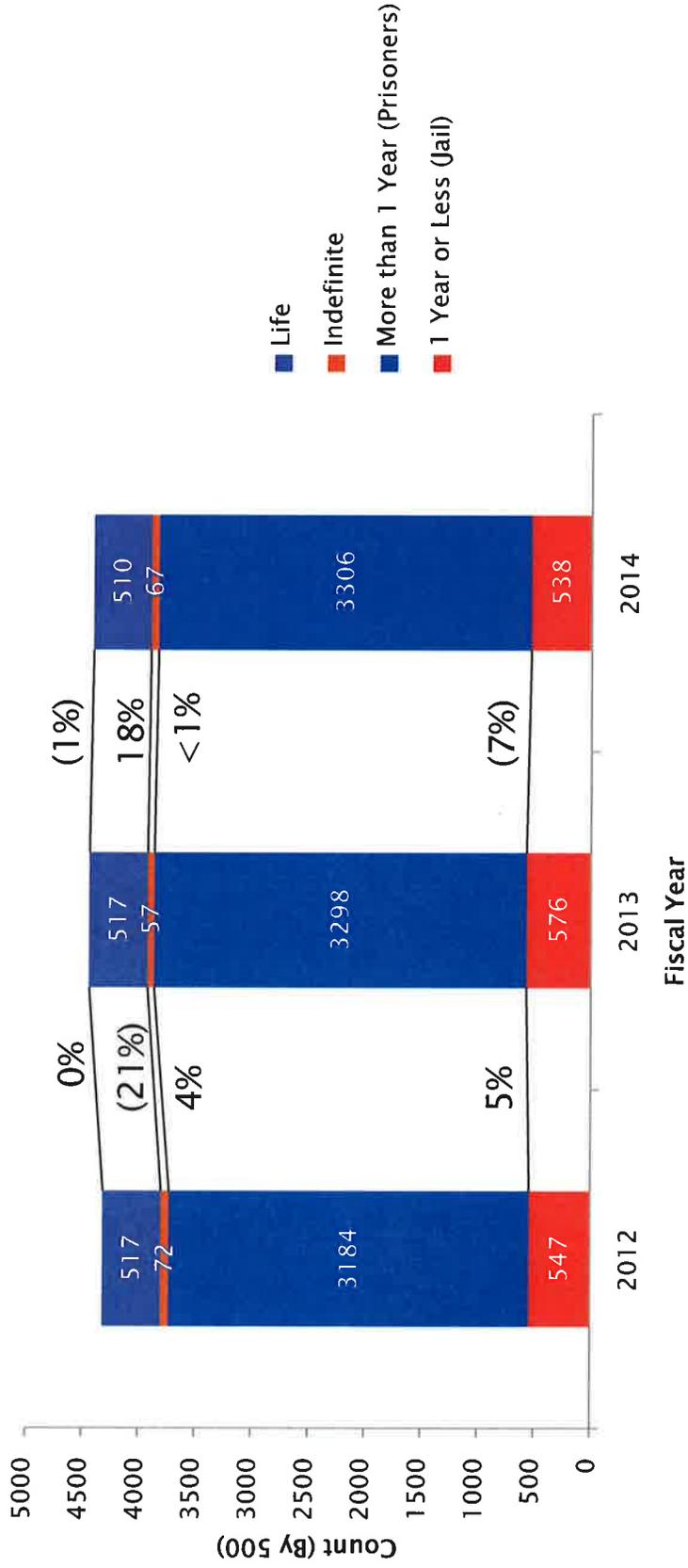
## Offender Risk Levels at Level V for FY 2014



2014 Total N = 2622

# Level V

**Break Down of Average Daily Level V Sentenced  
Population per Fiscal Year**



2012 Total N = 4337  
 2013 Total N = 4465  
 2014 Total N = 4438

Pretrial Detention

Level V

**Level IV**

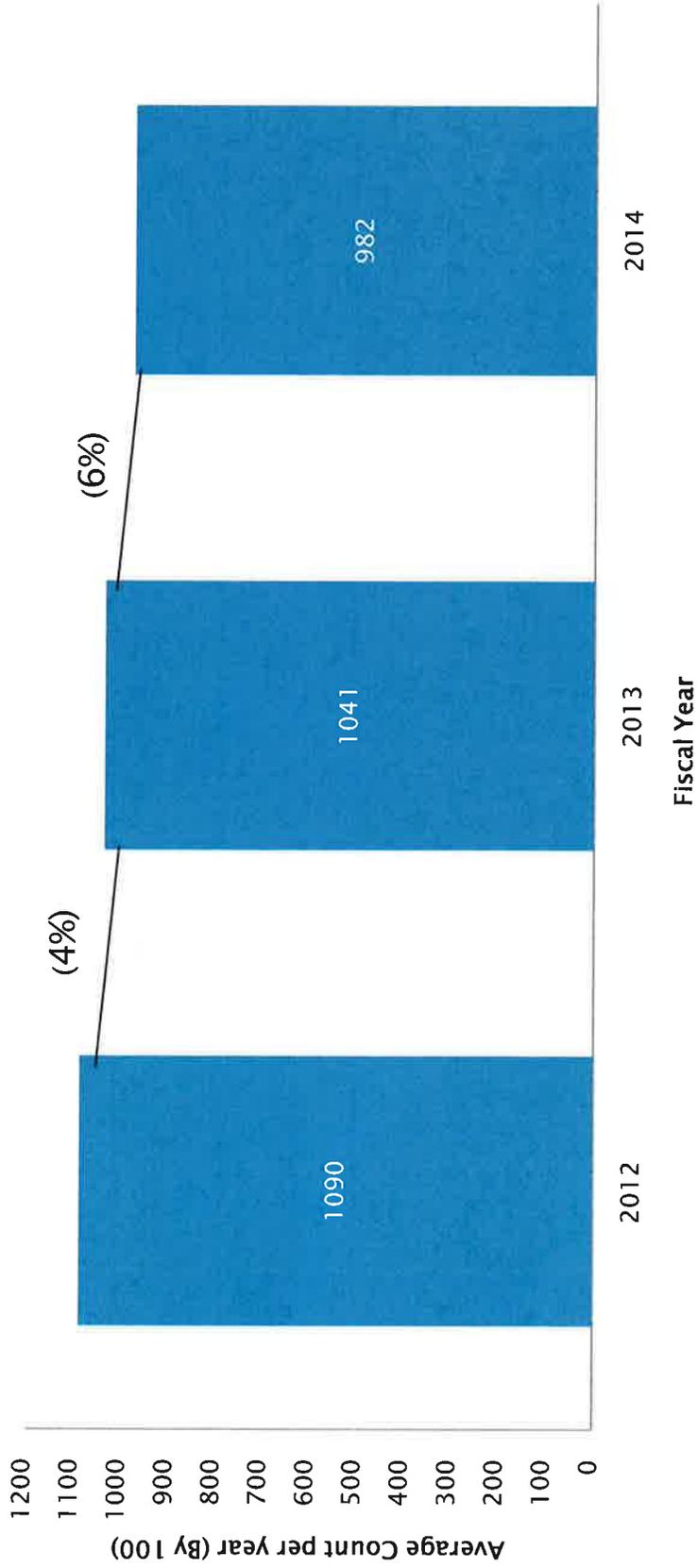
Levels I-III

VOP Data



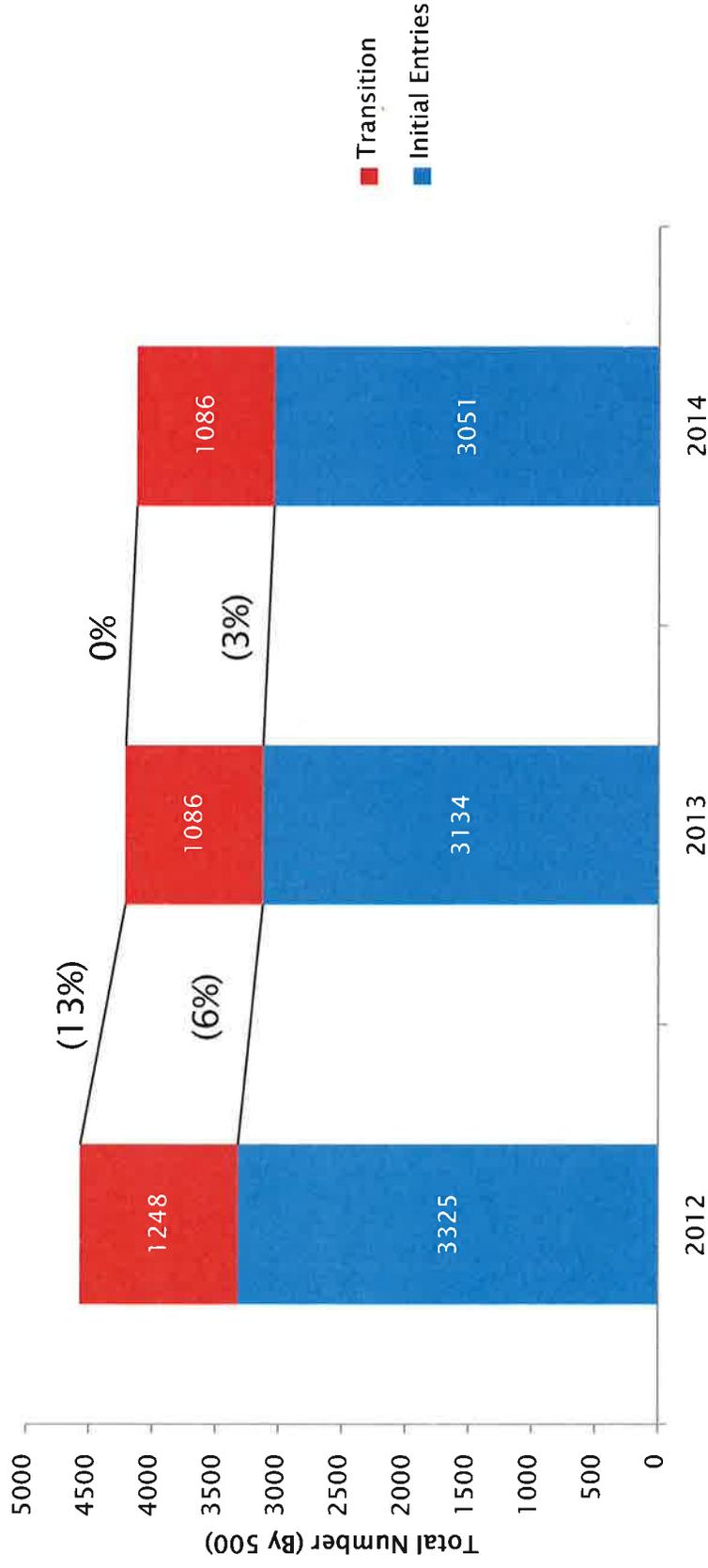
# LEVEL IV

## Average Daily Population per Fiscal Year



# LEVEL IV

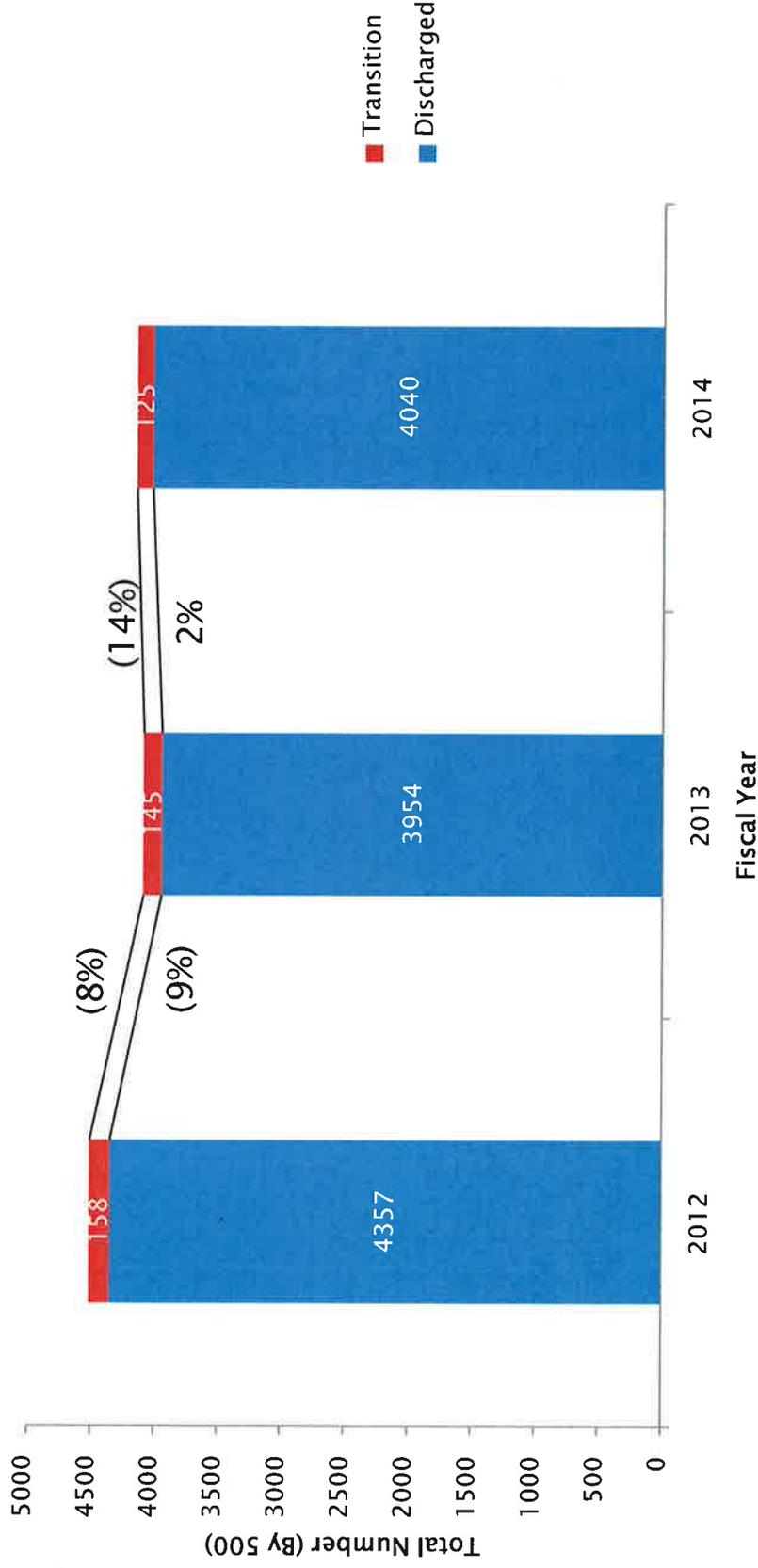
## Admissions to Level IV



2012 Total N = 4573  
2013 Total N = 4220  
2014 Total N = 4137

# LEVEL IV

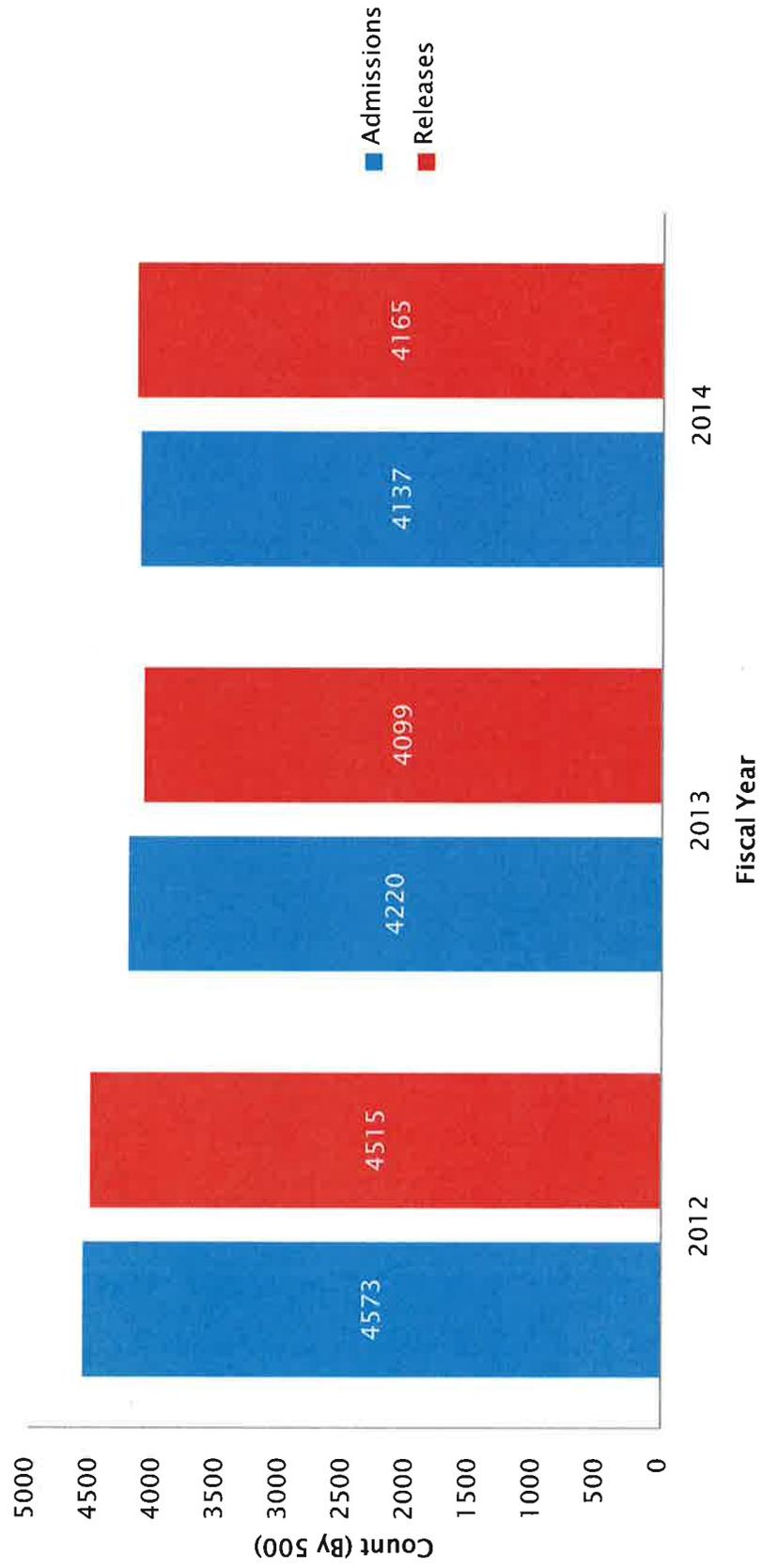
## Releases from Level IV



2012 Total N = 4515  
2013 Total N = 4099  
2014 Total N = 4165

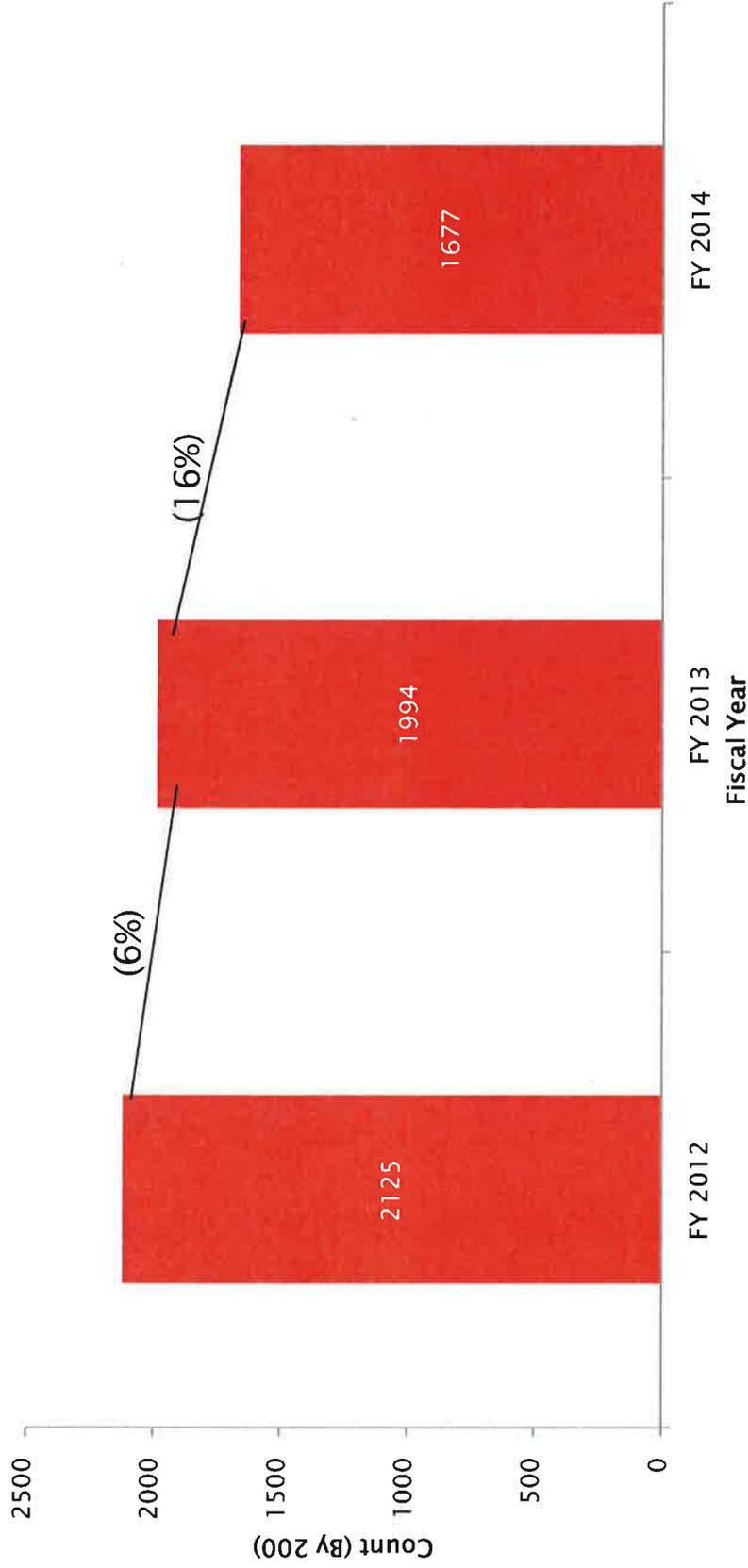
# Level IV

Net Change of Admissions and Releases



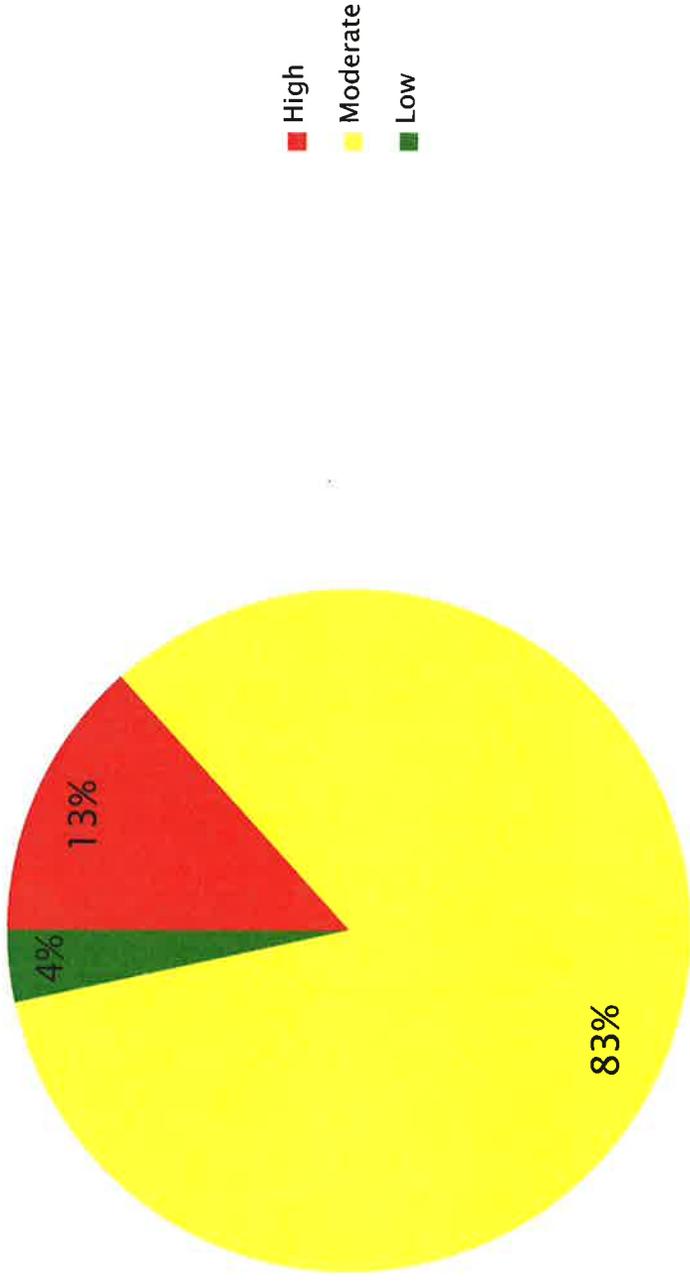
# Level IV

## Eligible for Assessment



# Level IV

## Offender Risk Levels at Level IV for FY 2014



2014 Total N = 1076

Pretrial Detention

Level V

Level IV

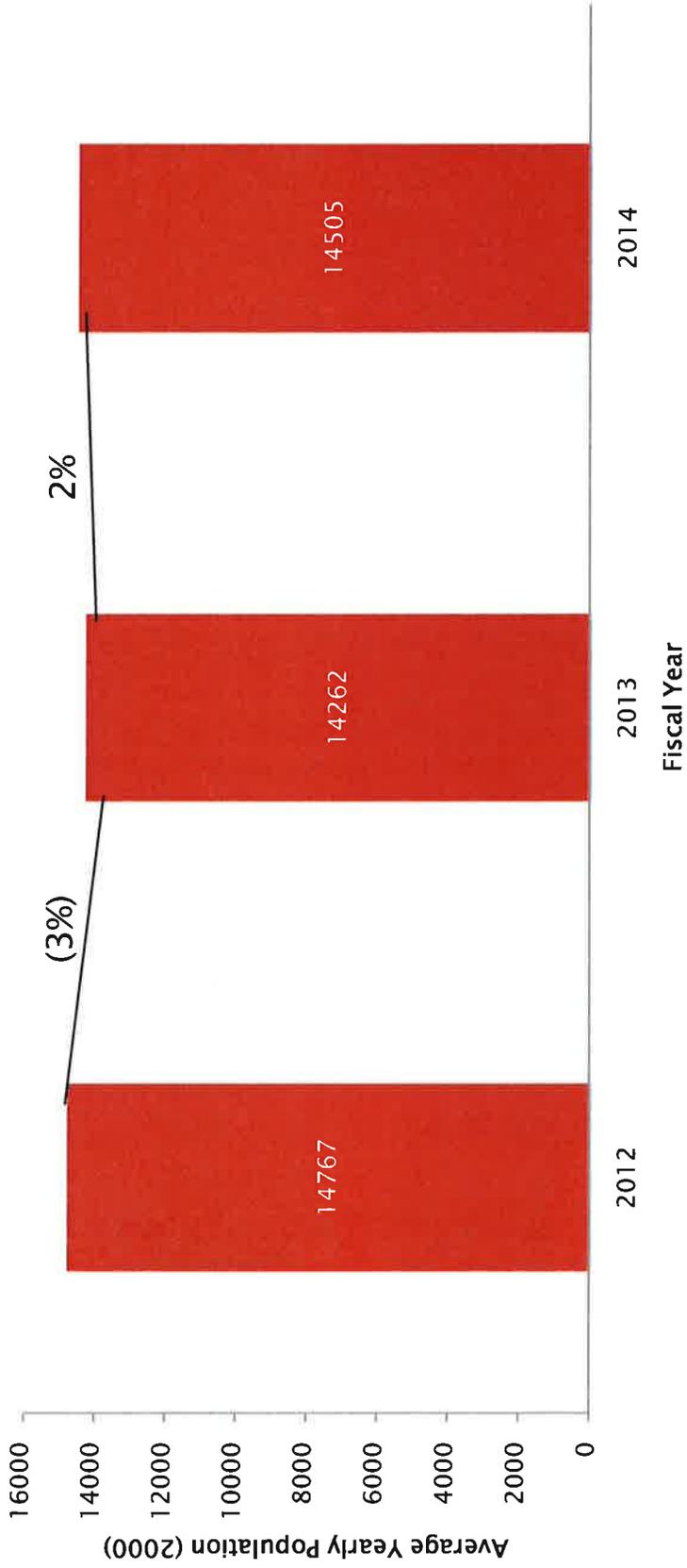
**Levels I-III**

VOP Data



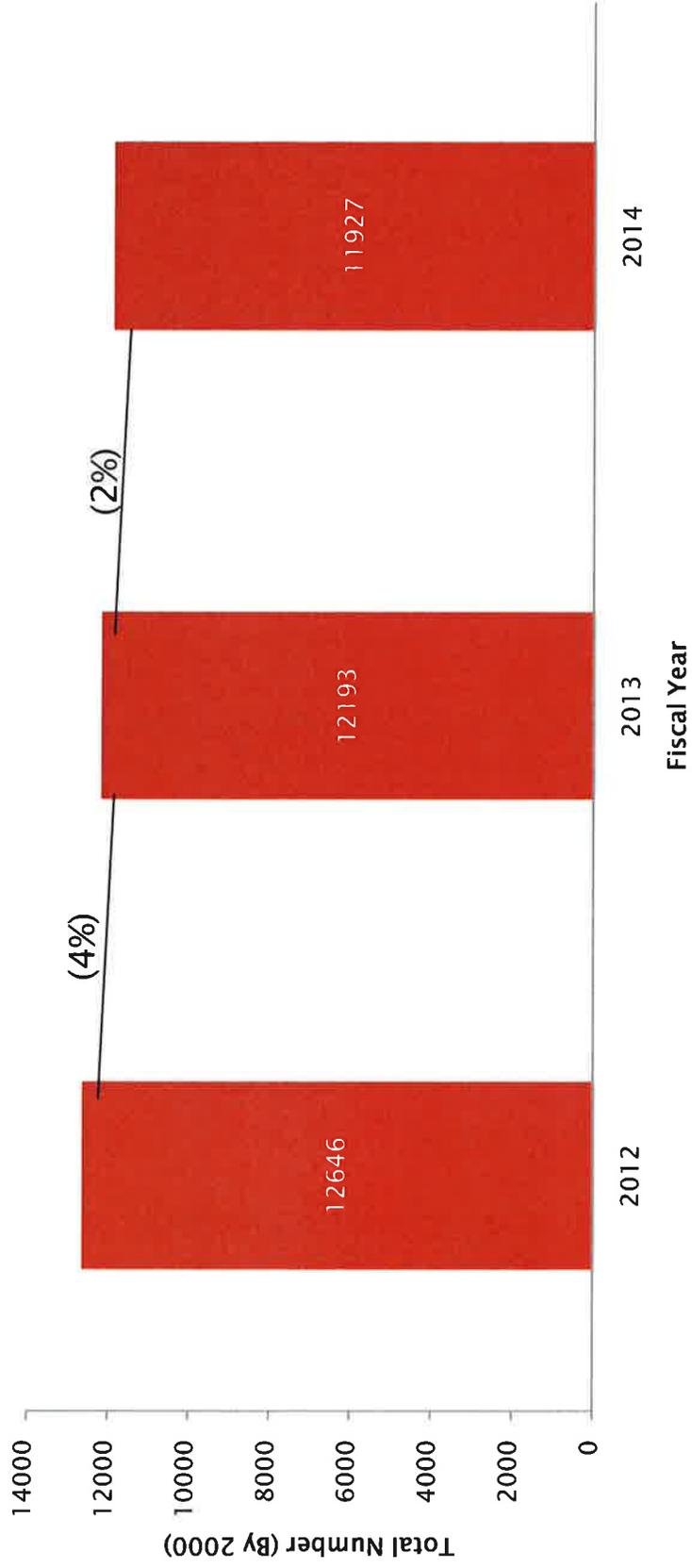
# LEVEL I-III

Average Yearly Population per Fiscal Year



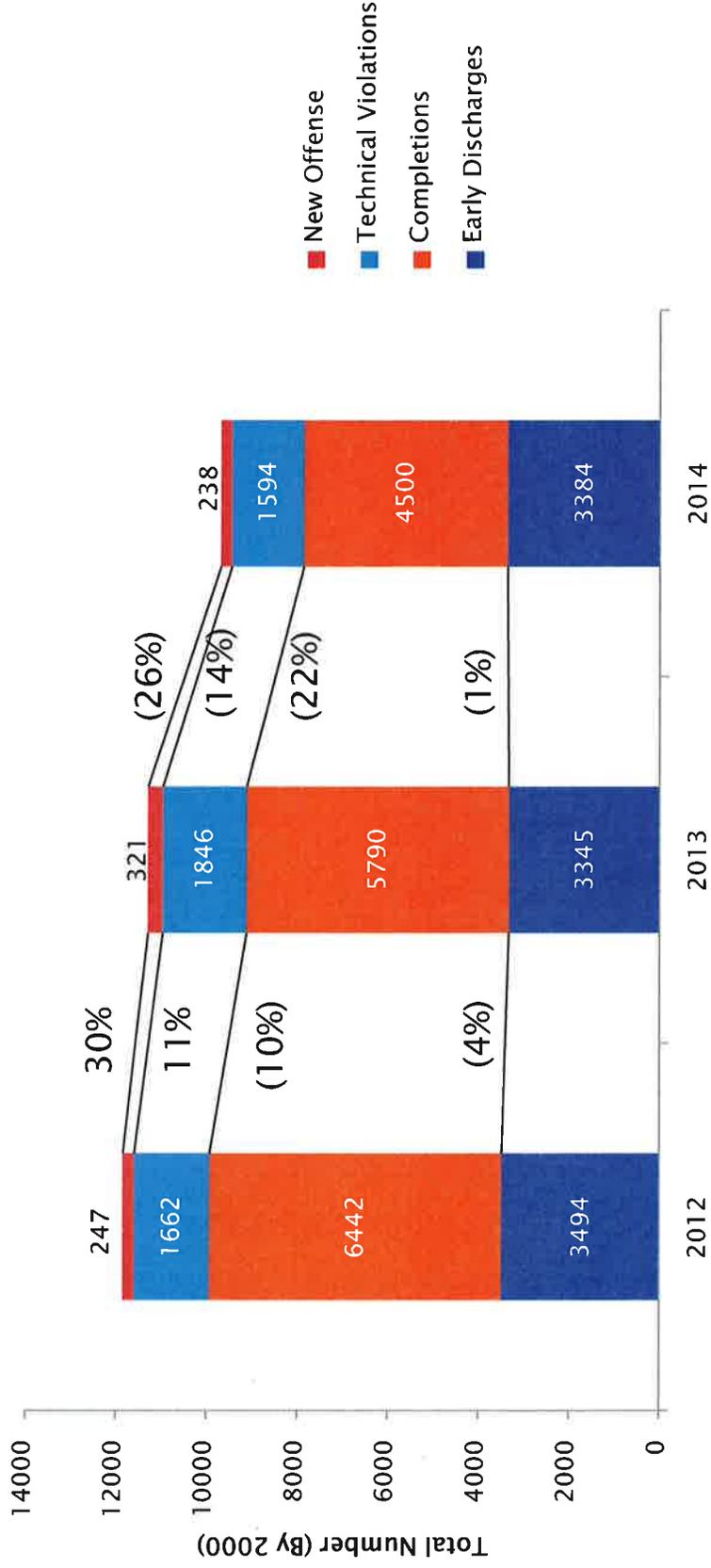
# LEVEL I-III

## Admissions to Level I-III



# LEVEL I-III

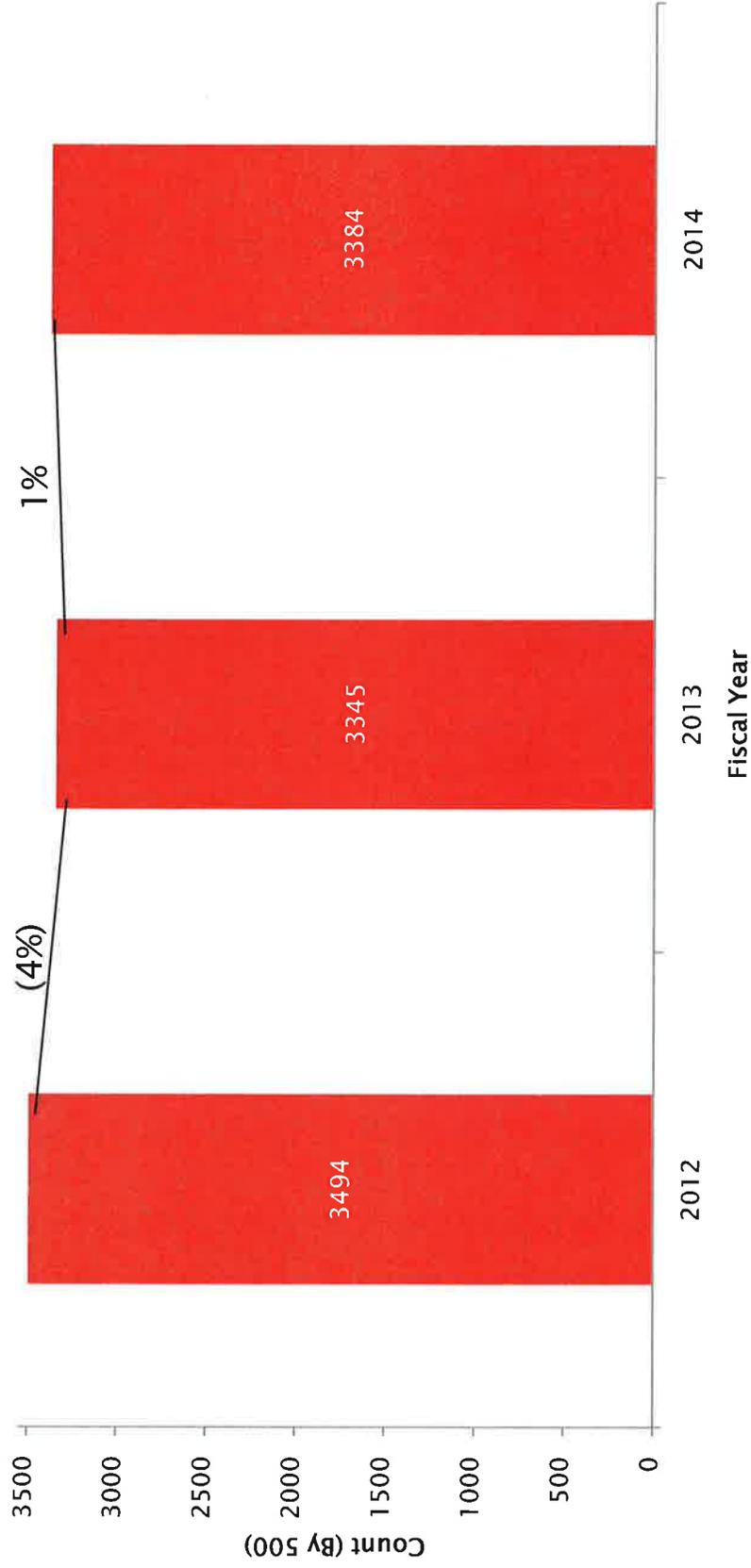
Releases from Level I-III



2012 Total N = 13086  
 2013 Total N = 12334  
 2014 Total N = 11399

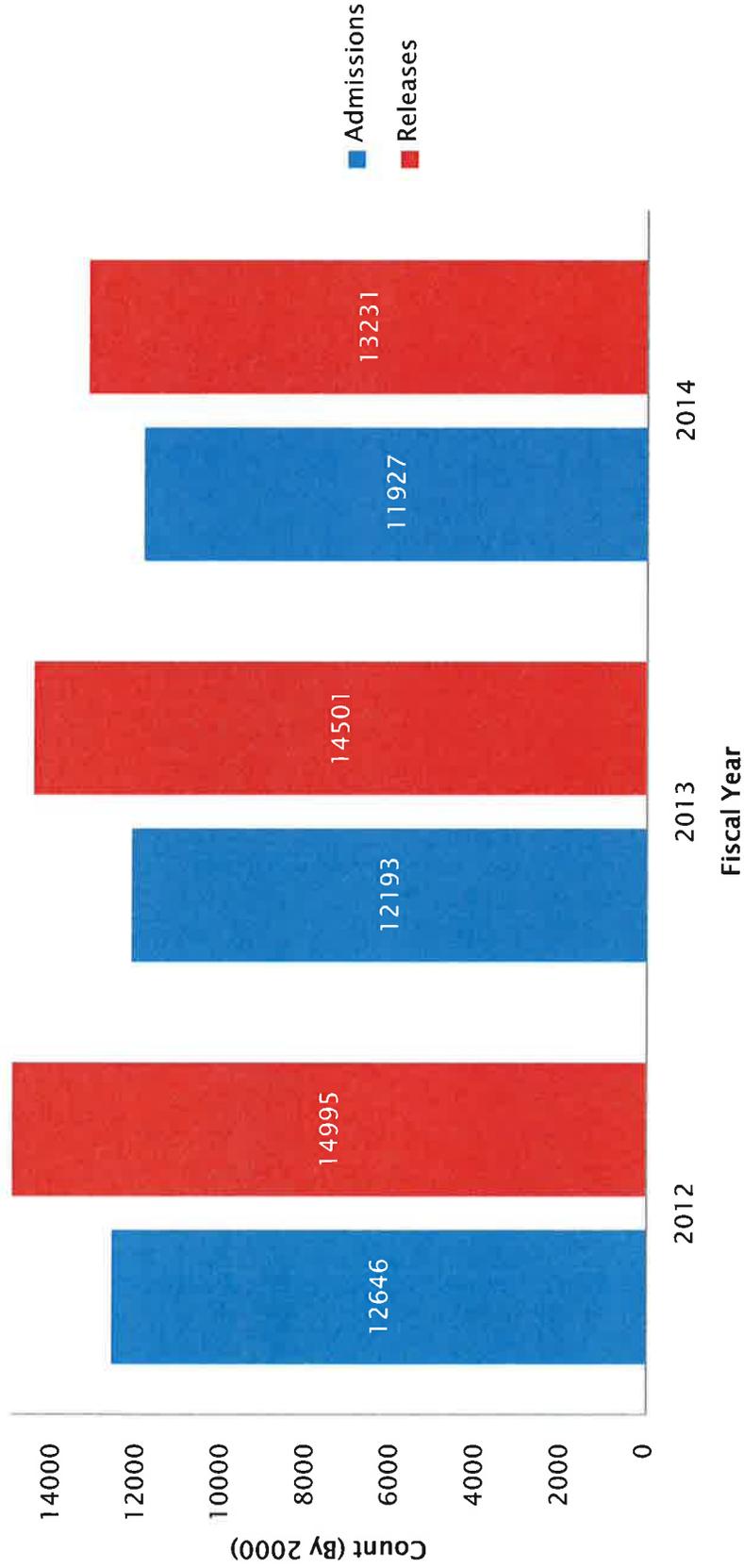
# LEVEL I-III

Offenders Released from Levels I-III as Early Discharge



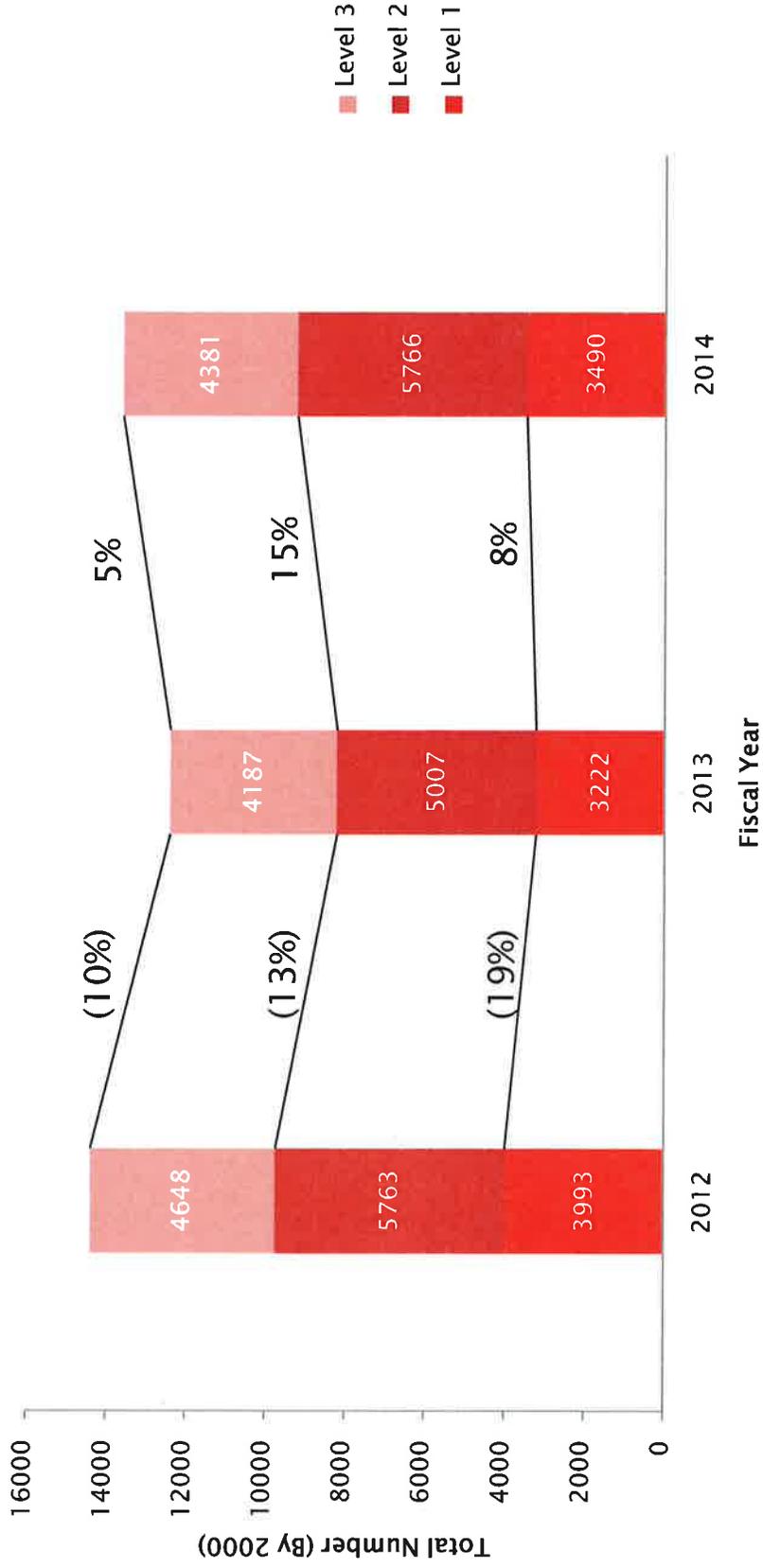
# Level I-III

Net Change of Admissions and Releases



# LEVEL I-III

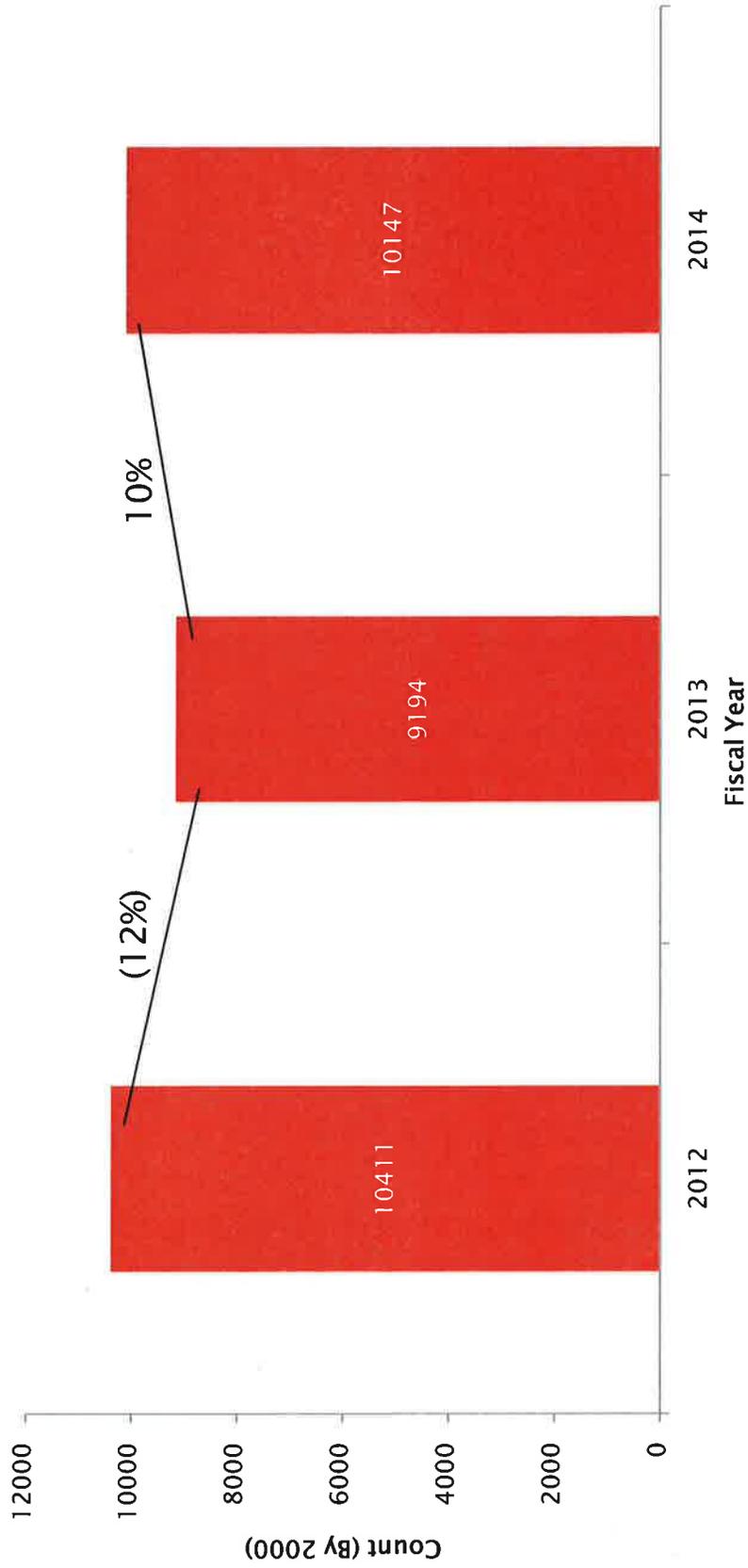
## Sentenced to Levels I-III



2012 Total N = 14404  
 2013 Total N = 12416  
 2014 Total N = 13637

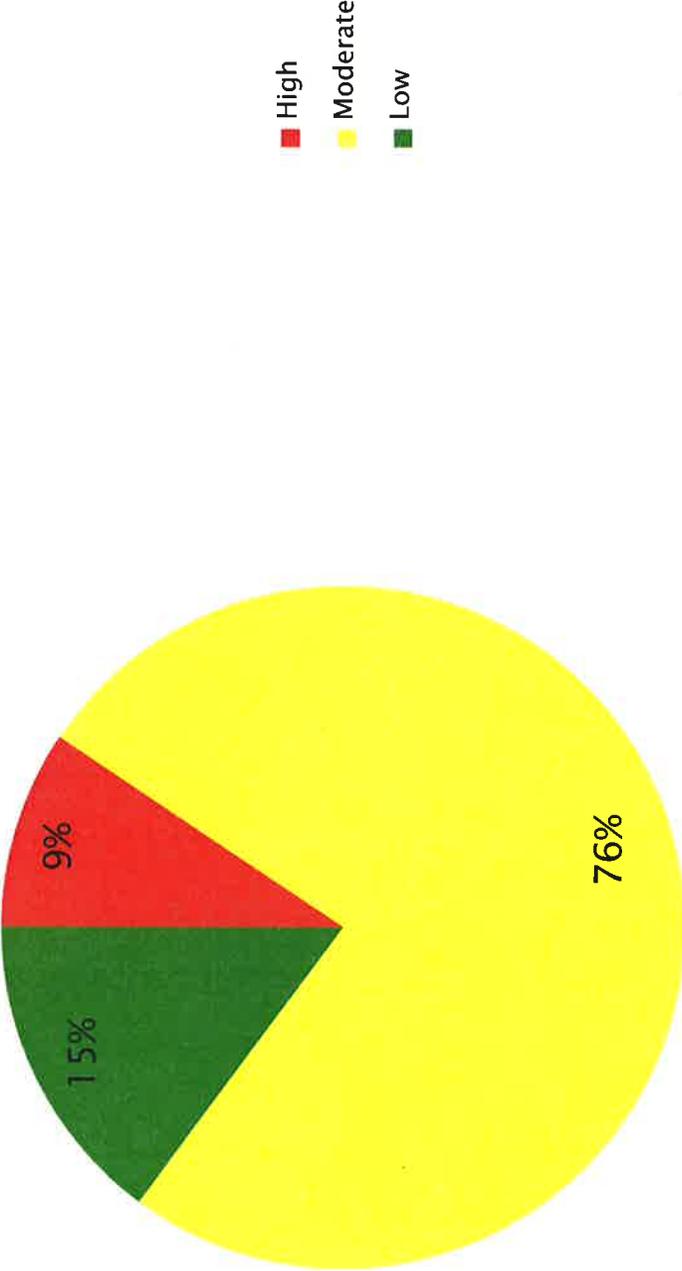
# Level I-III

## Eligible for Assessment



# Level I-III

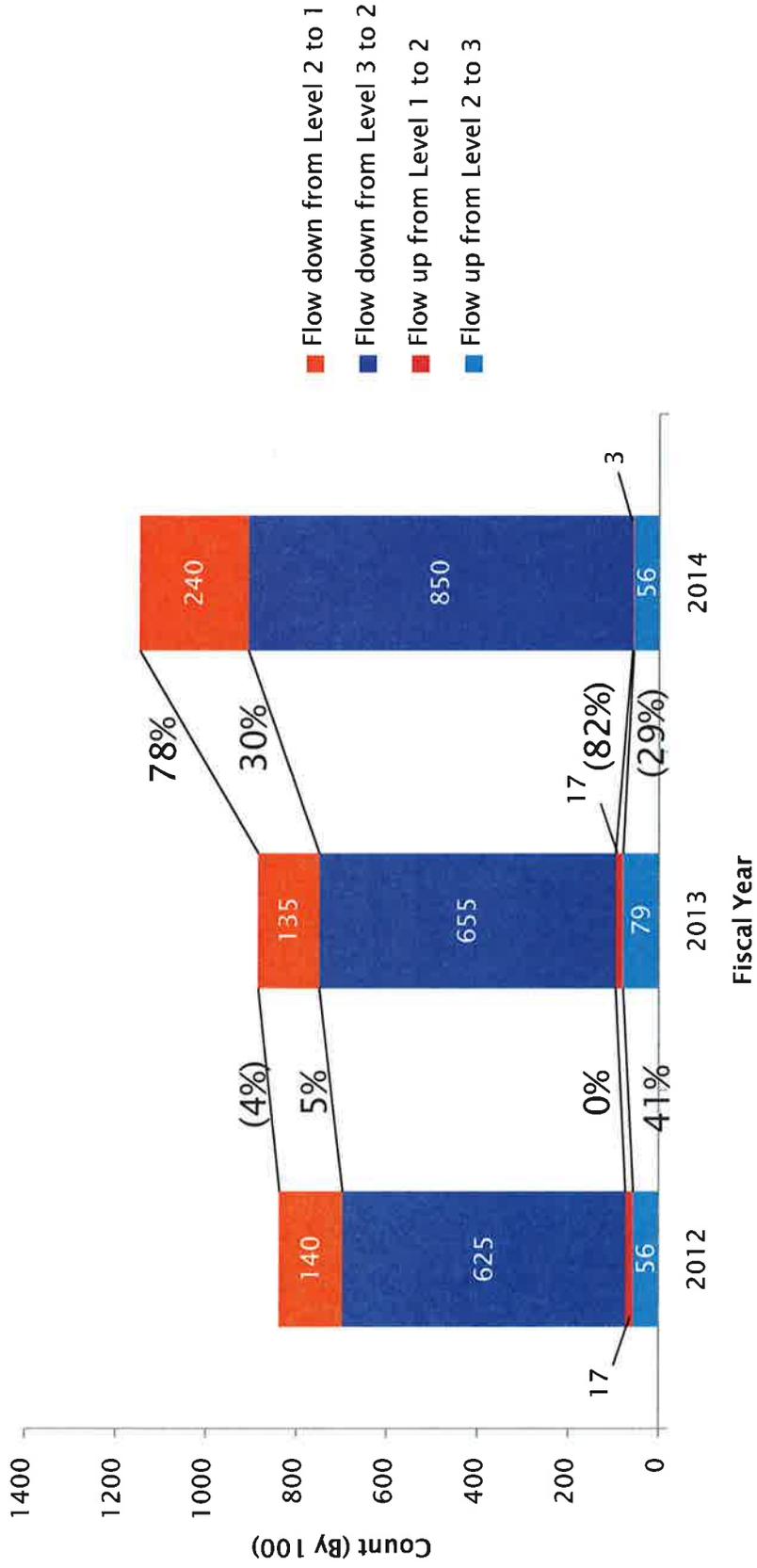
Offender Risk Levels at Level II & III for FY 2014



2014 Total N = 3657

# LEVEL I-III

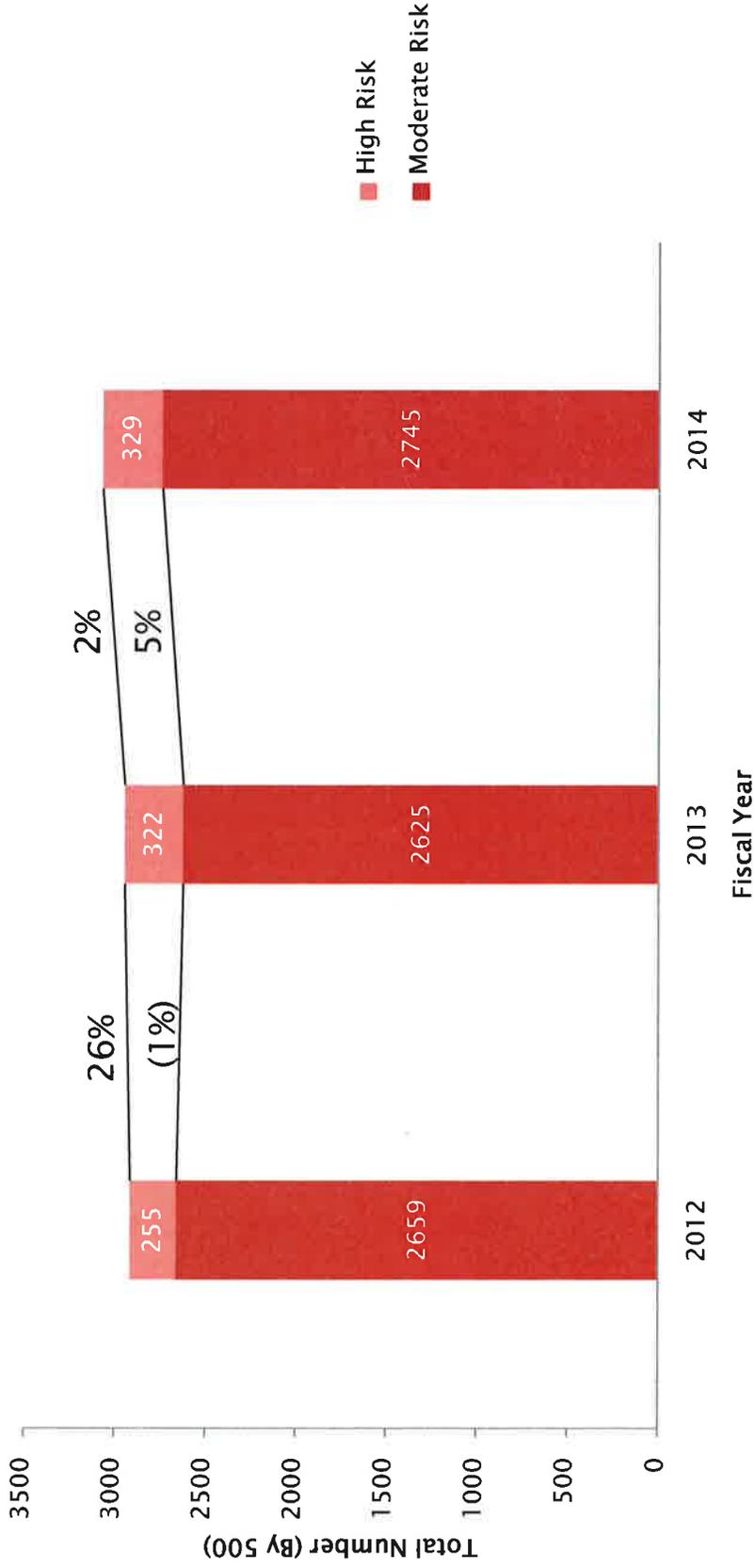
## Assessed to Levels I-III



2012 Total N = 838  
 2013 Total N = 886  
 2014 Total N = 1149

# Level I-III

Number of Supervision Plans Completed



2012 Total N = 2914  
 2013 Total N = 2947  
 2014 Total N = 3074

Pretrial Detention

Level V

Level IV

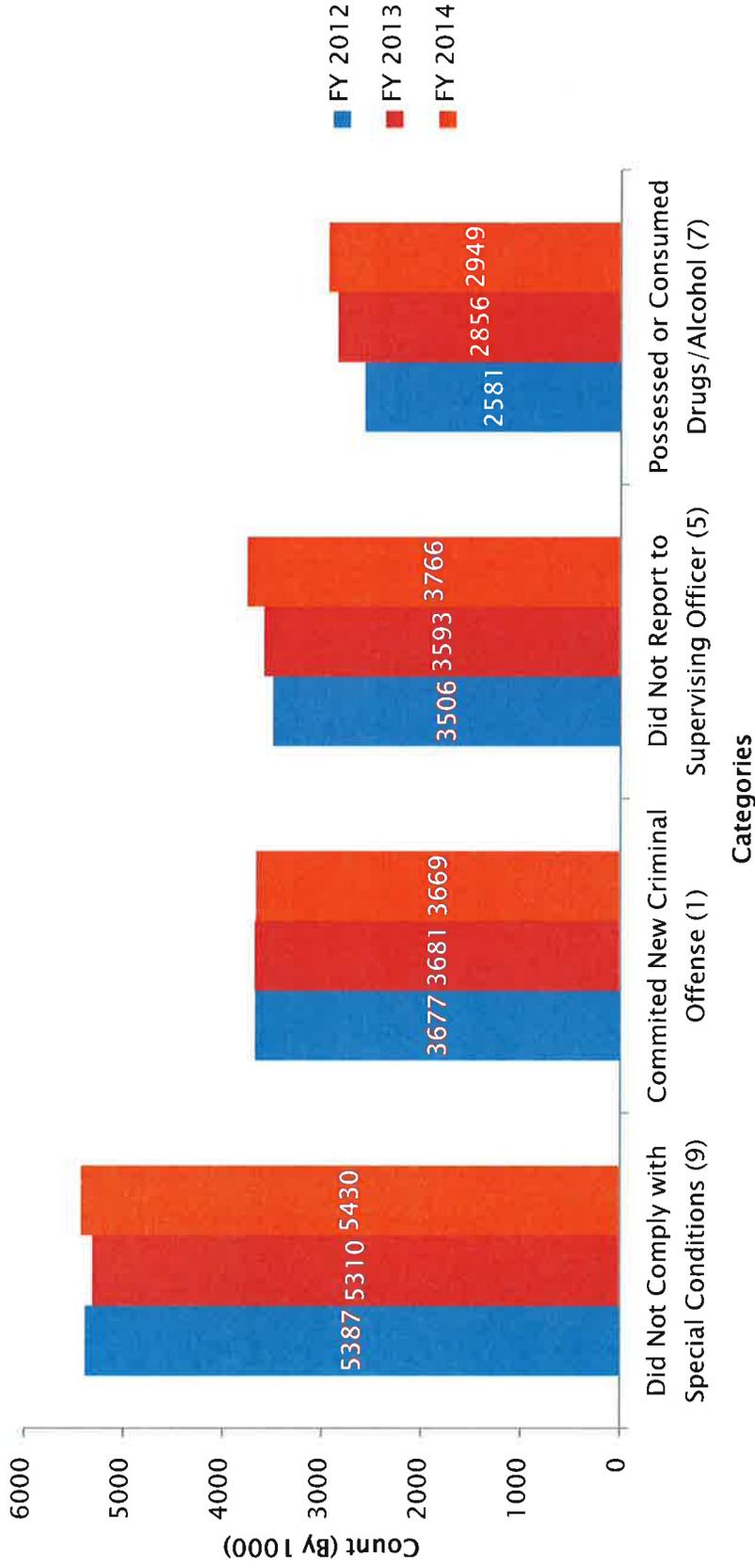
Levels I-III

**VOP Data**



# Probation Conditions

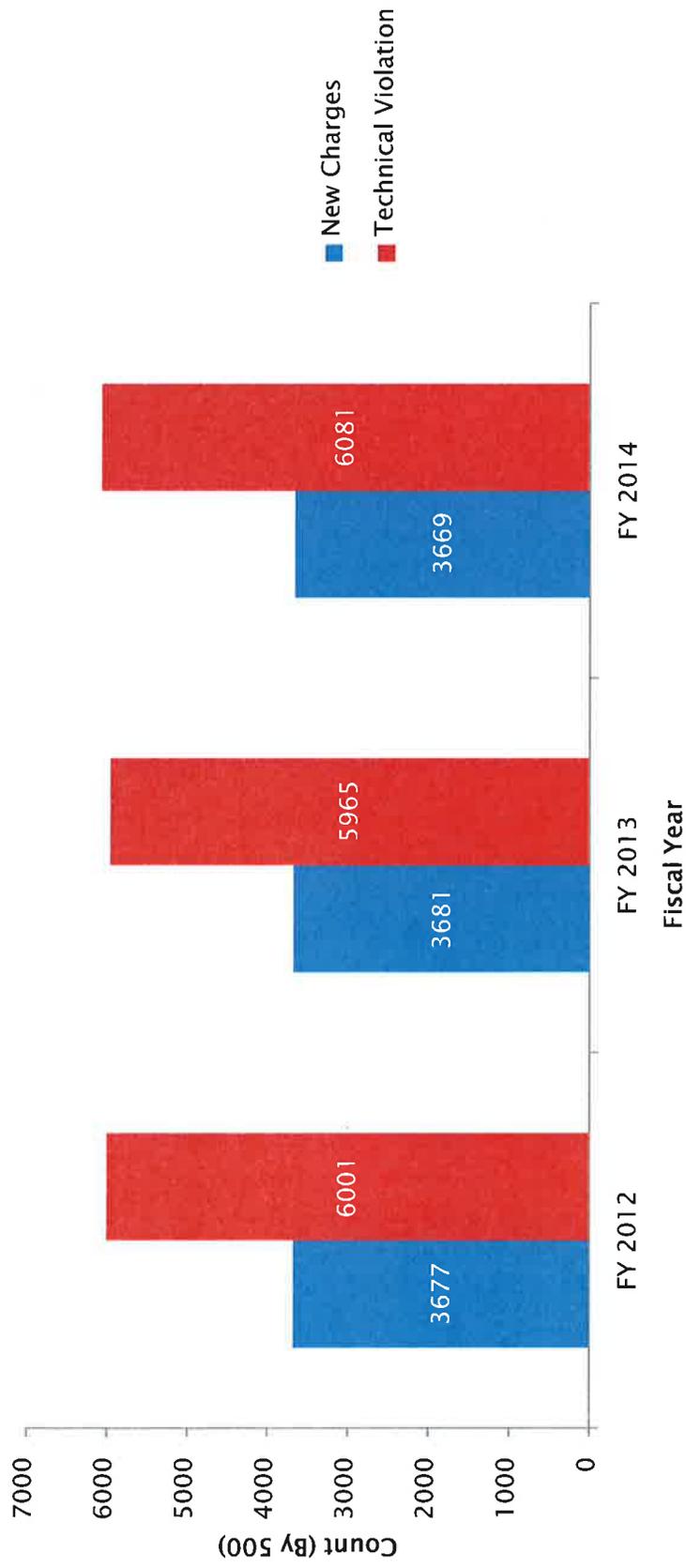
## Top Probation Conditions Violated



FY 2012 Total Conditions N = 20853  
 FY 2013 Total Conditions N = 21165  
 FY 2014 Total Conditions N = 21304

# Technical versus New Charges

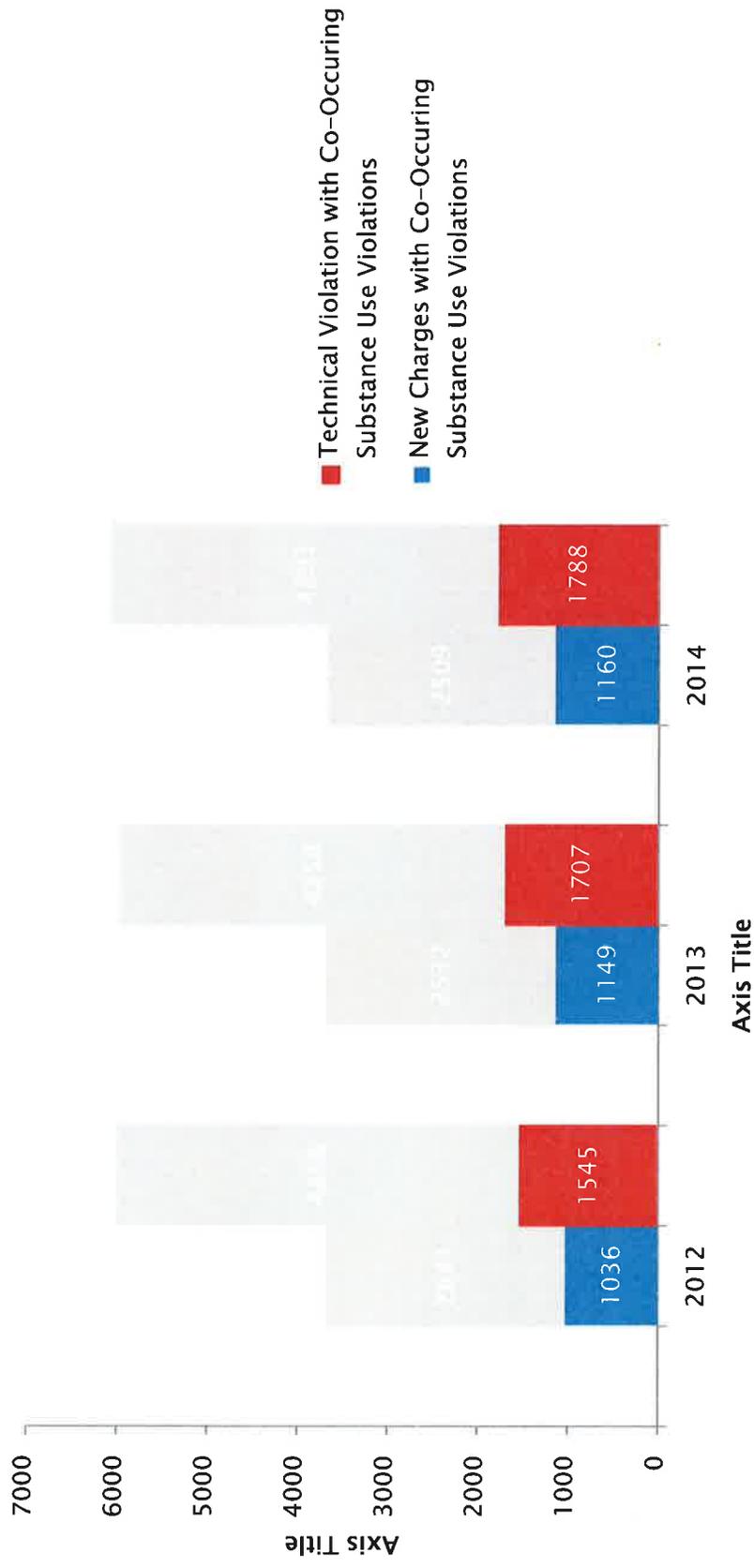
Technical Violations versus Violations based on New Charges by Fiscal Year



FY 2012 Total Violations N = 9678  
FY 2013 Total Violations N = 9646  
FY 2014 Total Violations N = 9752

# Substance Use Violations

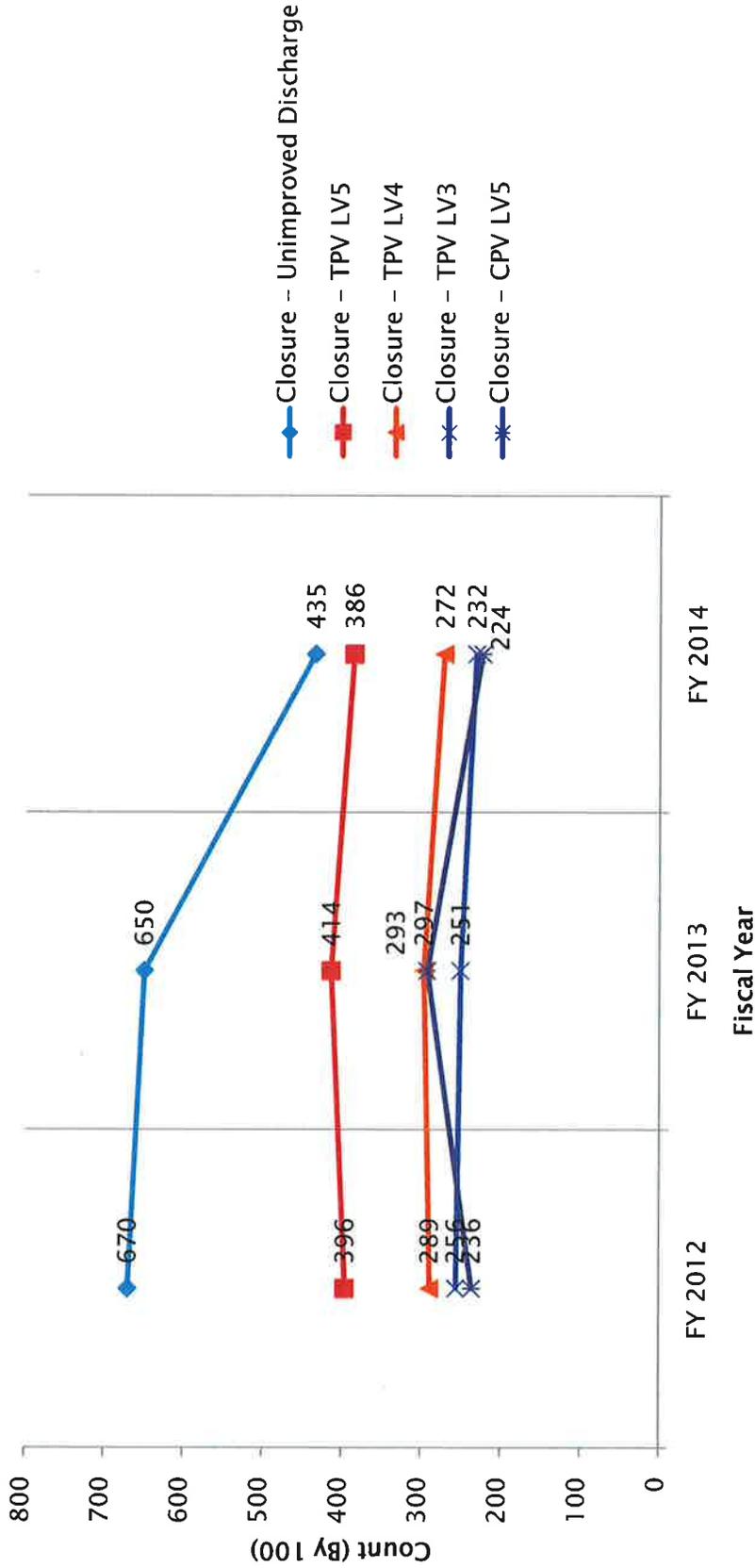
Co-Occurring Substance Use Violations by Fiscal Year



FY 2012 Total Violations N = 9678  
 FY 2013 Total Violations N = 9646  
 FY 2014 Total Violations N = 9752

# Closures for New Charges (All)

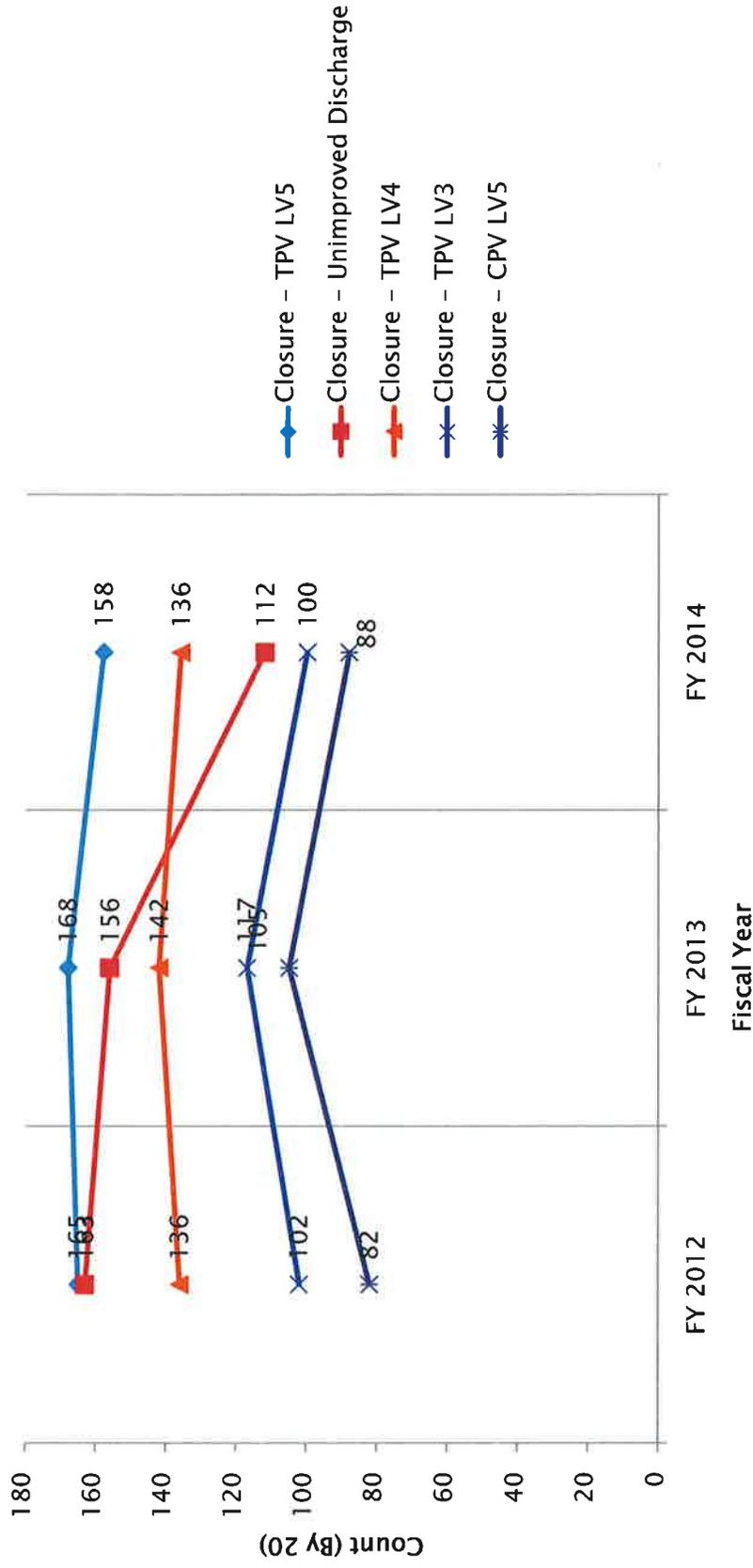
Closures for New Charges (All) by Fiscal Year



FY 2012 Total Closures N = 6426  
 FY 2013 Total Closures N = 6632  
 FY 2014 Total Closures N = 5914

# Closures for New Charges with Co-Occurring Substance Use Only

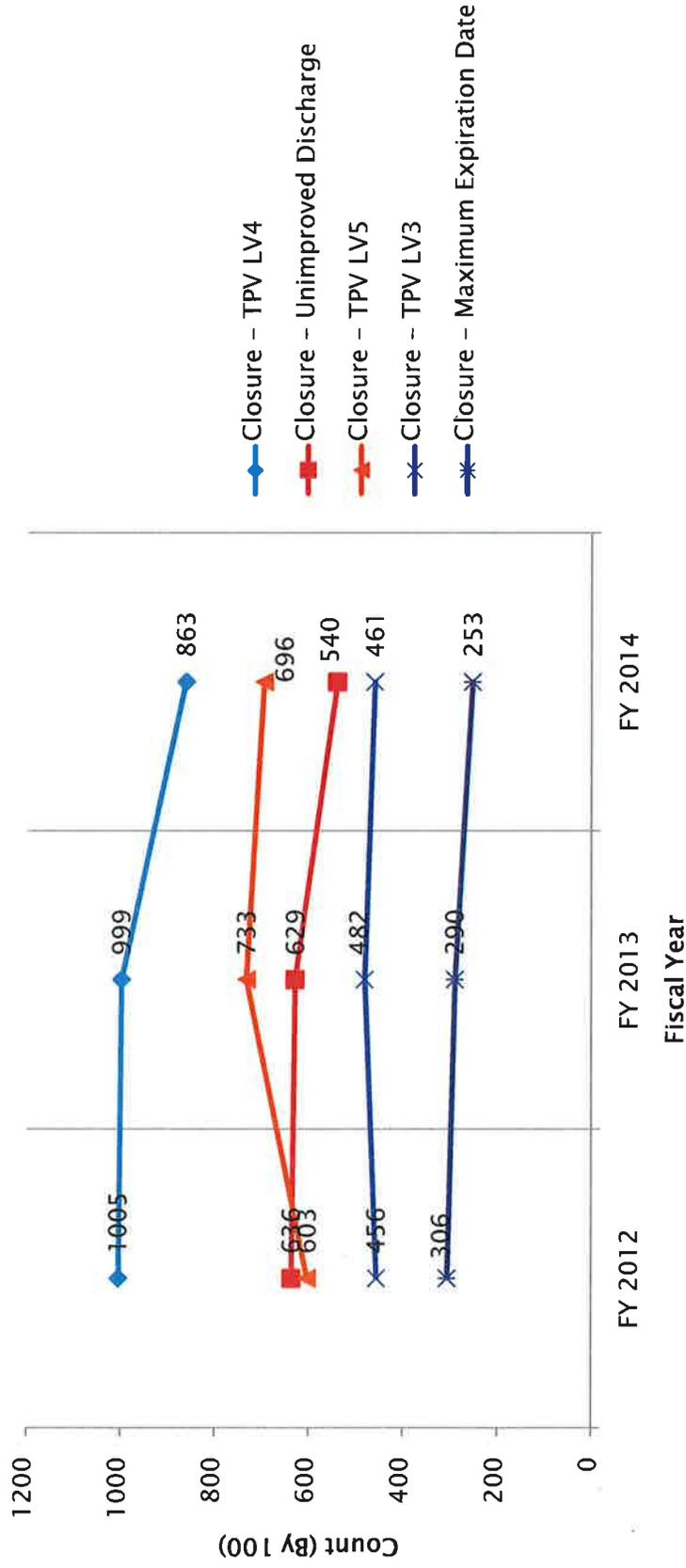
Closures for NC with Co-Occurring SU by Fiscal Year



FY 2012 Total Closures N = 6426  
 FY 2013 Total Closures N = 6632  
 FY 2014 Total Closures N = 5914

# Closures for Technical Violations (All)

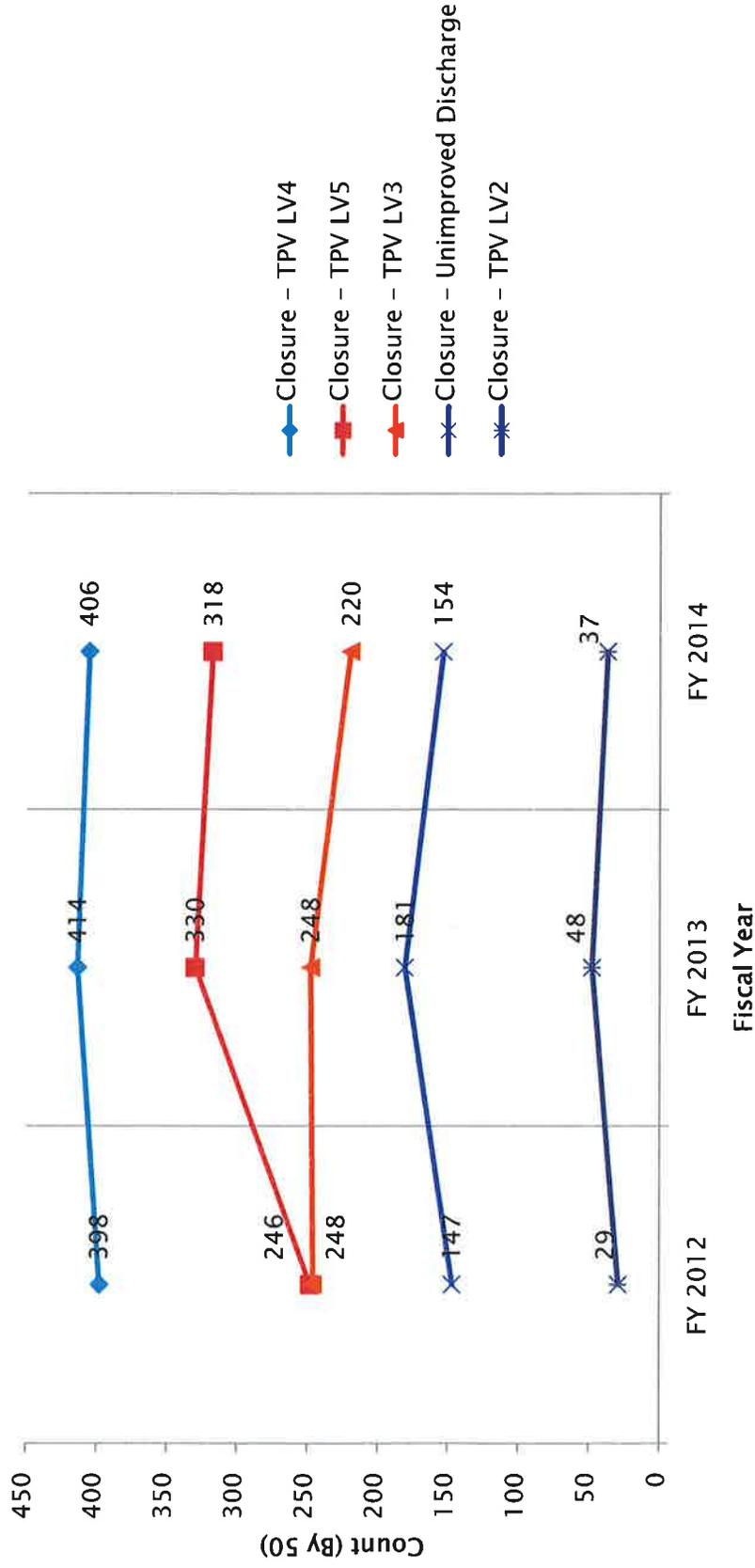
Closures for Technical Violations (Not Including Substance Use) by Fiscal Year



FY 2012 Total Closures N = 6426  
 FY 2013 Total Closures N = 6632  
 FY 2014 Total Closures N = 5914

# Closures for Technical Violations only with Co-Occurring Substance Use

Closures for TV with Co-Occurring SU by Fiscal Year



FY 2012 Total Closures N = 6426  
 FY 2013 Total Closures N = 6632  
 FY 2014 Total Closures N = 5914

# JUSTICE REINVESTMENT OVERSIGHT GROUP AGENDA FOR JULY 29, 2015

1. Welcome and Introductions
2. Minutes from January 26<sup>th</sup> 2015 meeting
3. RAI Validation Recommendation Approval
4. Implementation Updates
  - a. CJC
  - b. DOC
  - c. SAC
  - d. JP Courts
5. Next Steps
6. Next Meeting
7. Adjournment

# JUSTICE REINVESTMENT OVERSIGHT GROUP MEETING MINUTES FOR JULY 29, 2015

The Justice Reinvestment Oversight Group met at 1:30PM on July 29, 2015 in the 12<sup>th</sup> floor conference room of the New Castle County Courthouse. In attendance were Chair, Justice James Vaughn, of the Delaware Supreme Court, Chief Judge Alex Smalls of the Court of Common Pleas, Chief Magistrate Alan Davis. Drew Fennell of the Governor's Office, Commissioner Robert Coupe of the Department of Correction, Representative James Johnson of the State House of Representatives, Secretary John McMahon of the Department of Labor, Brendan O'Neill of the Office of Defense Services, Peggy Bell of DELJIS, Chris Kervick of the Criminal Justice Council, Thomas MacLeish of the Statistical Analysis Center, Philisa Weidlein-Crist of SAC, Joanna Champney of DOC, Karen Sullivan of the Department of Justice, Jay Lynch of the Department of Health and Social Services, and Katherine West of the Delaware Center for Justice. Ron Keen staffed the meeting.

The meeting opened with the approval of the Minutes of the January 26, 2015 meeting.

The next agenda topic was the RAI validation recommendation approval. Chris Kervick opened the discussion by indicating that the RAI Review Team was seeking the approval by the JRI Oversight Group of its recommendation that the validation of the RAI be completed by the Crime and Justice Institute (CRI) of the Community Resources for Justice (CRJ). A motion of approval of the recommendation was offered, seconded and approved. A meeting of the RAI Review Team with CRI is to be scheduled.

Updates by agencies were the next agenda item discussed.

Chief Magistrate Davis opened the discussion by reporting that the RAI is fully implemented in the JP Courts and that all magistrates are using it.

Next, Commissioner Coupe reported regarding the DOC JRI efforts as required by SB 226.

He opened his remarks by indicating that the DOC has implemented most of the requirements of SB 226. Referring to a JRI Progress Report distributed to attendees, Commissioner Coupe reported that DOC intends to let the courts know that some Pretrial Supervision cases have been referred to an outside contractor if the cases are appropriate for referral. Statewide there are 7 Pretrial Supervision Officers and 7 Pretrial Report Writing Officers. Also, statewide there are 453 cases under Pretrial Supervision. This includes 11

supervised by the Rick Van Story Resource Center, and 31 via Electronic Monitoring. The question was asked if the Rick Van Storey is restrictive. Commissioner Coupe responded that the number of cases referred to Rick Van Storey need to be managed. He added that violent crimes are excluded from the program and that the Van Storey program is not in a position to report to the court. The success of the cases in the program is monitored and DOC receives reports from Van Storey monthly and quarterly.

As to the use of the LSI-R, Commissioner Coupe reported that it has been fully implemented.

George Mason University has provided their final report summarizing the primary needs of the correctional population and how these needs influence recidivism. The report is being reviewed by DOC leadership.

A meeting is scheduled with the courts to discuss piloting a project that would provide LSI-R information to judges before sentencing.

As to the report assessing the treatment needs of the DOC population, the next one is due December 31, 2016.

It was reported that the new DOC policy removing the 60 day requirement before an assessment could be completed and an offender's supervision level changed has been written and fully implemented.

Also a new policy has been written and fully implemented authorizing the DOC to administratively resolve a technical violation of probation by placing an offender "on home confinement for a period of not more than 10 days consecutively, and not more than 20 days per calendar year." It was noted that to date, this option has not been utilized.

As to the use of graduated responses by probation officers the guidelines have been developed and implemented. Following up on the Motivational Interviewing training which occurred in 2013 and 2014, the grant was extended and refresher training was provided for 51 supervisors and certified trainers in March of 2015.

Reporting on good time credits, the University of Delaware completed its California Program Assessment Process (CPAP). The following programs have received additional Good Time Credits.

All Key Programs – 26 Good Time Credits

All Crest Programs – 15 Good Time Credits

Mother's In Reentry Program – 4 Good Time Credits

Reporting on Earned Compliance for Probation, it was noted that the requirement has been fully implemented. The electronic upgrades to DACS that were required were completed in January of 2015.

As to the requirement that DOC evaluate each offender using and objective risk and needs assessment, compliance is provided by the use of the LSI-R.

Reporting on the requirement that DOC undertake an assessment of its ability to meet treatment and rehabilitative needs the next report is due December 31, 2015.

Chris Kervick reported that the 2015 JRI Annual Report will be completed and that a draft will be sent to the Oversight Group in advance of the due date.

Tom MacLeish of SAC presented a PowerPoint focusing on RAI data drawn from the first six months of 2014. The data showed that the re-arrest RAI failure rate was 25.7% and the failure to appear rate for the RAI was 25.8%. The overall failure rate was 40.7%. The failure rate for low risk defendants was 30.6%, for medium risk defendants it was 57.6% and for high risk defendants it was 61.7%.

The presentation included data regarding detention population totals over time, prison bed projections offered by consultants in 2012, and various data computations regarding the RAI results, and prison population totals over time. (See PowerPoint)

Comments included:

- The spike in the prison population could be explained as seasonal.
- Whether it was possible to determine if failures at low and medium risk had been referred to Pretrial Supervision.
- The high failure rate could suggest that Pretrial Supervision could be more vigorous if additional funds were available.
- It was suggested that the material be provided to the RAI evaluation team.
- It was suggested that funds are available if changes need to be made to the RAI.

The meeting adjourned at about 3PM.

State of Delaware

**Executive Order #40 –  
Delaware Justice  
Reinvestment Oversight  
Group to Ensure Effective  
Implementation of SB 226**  
Department of Correction Progress Report

Commissioner Robert Coupe, DOC  
7/29/2015

**Department of Correction (DOC) Progress Report on SB226 JRI Implementation**

**July 29, 2015**

- Title 11, 2104 changes – Pretrial Assessment.** The court shall employ an objective assessment instrument to gauge the person’s risk of flight and re-arrest. The risk assessment instrument shall be responsive to the needs of victims of domestic violence and sexual assault. Use of the objective risk assessment instrument shall commence by December 31, 2013.

**Increase in use of P&P pre-trial supervision.** 6 Probation Officers assigned statewide. July 2012– 190 offenders, July 2013- 231, November 2013-325 offenders, April 2014-337 offenders

**Update: July 2014 – 295 offenders, Oct. 2014 – 309, January 2015 – 321**

**Propose legislative changes** to empower the P&P Officers to better supervise offenders on pretrial supervision through administrative sanctions.

**July 2014 update - DOC is not pursuing legislation at this time.**

**The increased use of electronic monitoring devices- Electronic supervision of sex offenders, DUI-alcohol monitoring and Home Confinement has increased the use of electronic monitoring equipment.**

<b>Month/Year</b>	<b>Electronic Monitoring Units in Use</b>
October 2006	261
October 2007	269
October 2008	329
October 2009	435
October 2010	437
October 2011	489
October 2012	501
October 2013	645
April 2014	678
GPS-275	TAD 122
RF Cell 70, Voice ID 5	RF 206
<b>Sep 2014</b>	<b>633</b>
<b>January 2015</b>	<b>684</b>
<b>GPS- 291</b>	<b>TAD- 155</b>
<b>RF cell- 71</b>	<b>RF - 167</b>

**3<sup>rd</sup> Party Pre-Trial Community Supervision Program** – Governor and General Assembly provided \$250,000 in the DOC FY15 budget to develop a pilot program to provide pre-trial supervision and services for eligible offenders.

July 2014 update – The RFP was posted 08/15/14 and closes 09/16/14. The posting has closed and the evaluation committee continues to examine the top parties' proposals.

**Contract was awarded to the Rick Van Story Center in Wilmington at the end of December 2014. P&P Policy development and operations began in January 2015.**

**There have been 2 cases referred to RVRC for supervision.**

2. **Title 11, 4321 (b) (2) changes – Use of assessment at SENTAC Levels 2, 3 & 4.** DOC shall evaluate each person under Supervision Accountability Level II, III or IV, using an objective risk and needs assessment instrument and shall create a case plan for those persons assessed to be moderate to high risk that targets the need factors identified by the assessment. The DOC shall make efforts to provide treatment and services responsive to the person's needs and characteristics. Use of the objective risk assessment instrument and associated case plans shall commence by December 31, 2013.

**Level of Service Instrument- Revised (LSI-R)** the DOC P&P has been utilizing since 2003. The use of the LSI-R, a validated assessment instrument, was expanded to Level IV work release in December 2012 and implemented at Level V incarceration in June 2013.

**Update 08/20/14 – Level 5 has completed 944 LSI-R assessments in 2014 DOC LV5 LSIR total 1284. Level 4 completed 773 LSI-R Assessments in 2014 and Level 3 P&P completed 4517 LSI-R Assessments. Total LSI-R assessments completed in 2014 is 5,175.**

**Risk Need Responsivity (RNR) Simulation Tool** -The DOC, CJC and VERA have partnered with Dr. Faye Taxman and Dr. Michael Caudy at George Mason University (GMU) to utilize the Risk Need Responsivity (RNR) tool. With the RNR tool DOC will be able to review/evaluate the classification process, population's program needs, etc.

**Update August 2014-Progress on the RNR tool has continued over the past several months. Dr. Caudy and his group have been working on assessing the initial findings from the LSI-R data that we have been providing them. They (GMU) have finalized their contract with a vendor to start working on the analysis of the individual offender data which should not be a lengthy process. CNTI continues to provide data on a**

regular basis as well as clarifying any questions/ issues that they have concerning our data.

API (Application programming interface) development; Dr. Taxman is looking to see if there are any potential funding sources that would be willing to fund of part or all of the development of the API for the RNR Tool. Without any help the current cost estimates would breakdown as follows:

- Development of the API for the Assess an Individual tool = \$13,000
- Implementation and support of the API after initial development = \$2,000
- Monthly usage fee = \$270 per month (\$3,240 for one year)

Based on these numbers, It would cost about \$20k to fund the development and use of the API for the individual portal over the course of the next year.

The DOC P&P also utilize the DVSI-R for domestic violence offenders on Level II or III probation. The University of Delaware is currently conducting the validation process for the DVSI-R.

**Update August 2014– the UD continues to collect information on those individuals that P&P has completed the DVSI-R on. As of 08/01/14 P&P has been using the assessment for 13 months. The validation process looks at 18 months of data; therefore, the validation process is ongoing.**

The database used for the validation study has been reviewed by University of Delaware staff and there is enough data to begin validating the DVSI-R risk assessment. The needs portion of the DVSI-R needs the follow-up to treatment data entered into the database for analysis. This data is currently being inputted for the primary treatment need. Once the data is entered statewide, it will be forwarded to U of D staff for review.

3. **Title 11, 4321 (g) changes – Assess the treatment needs of the DOC population.** “The Department shall undertake an assessment of the availability of community resources to meet the treatment and rehabilitation needs of the supervised population every three years and endeavor to develop and support programs in accordance with identified needs. The first three-year report shall be completed by December 31, 2013”

**DOC Progress Report: No update - The assessment report was submitted before the December 31, 2013 deadline. The next report will be due December 31, 2016. The DOC continues to work with DHSS and the vision is to add community programs to the RNR program.**

4. **Title 11, 4333 (i) changes – Removed the 60 day requirement** before an assessment could be completed and an offender’s level could be changed. DOC shall have the authority without leave of the court to reclassify any offender sentenced to probation at Levels I, II or III.

**DOC Progress Report:** The new policy at P&P has been written and implemented  
**Update – completed**

5. **Title 11, 4334 (d) changes – DOC authorized to administratively resolve a technical violation of conditions of probation by placing an offender “on home confinement for a period of not more than 10 days consecutively, and not more than 20 days per calendar year.”**

**DOC Progress Report:** The new policy at P&P has been written and implemented  
**Update- Completed. This option has not been utilized as of this date.**

6. **Title 11, 4334 changes – supports the use of Graduated Responses by P&P.** The Department shall develop guidelines for probation officers to assist them in providing consistent and appropriate responses to compliance and violations of the conditions of probation or supervision.

**DOC Progress Report:** **The guidelines have been developed and implemented.** The electronic format to track graduated responses has been developed in DACS and was completed in August 2013. Funding for this project began under the ABA Racial Justice Improvement Project overseen by Justice DuPont Ridgely.

Probation officers will receive training in Motivational Interviewing at Delaware Technical Community College starting in September 2013. Funding for the training was obtained with assistance from CJC.

**Update –As of 08/01/14, 326 administrators and staff members have completed Introduction to Motivational Interviewing training during 19 sessions. 60 staff members and supervisors have completed Advanced Motivational Interviewing and 54 staff members and supervisors have completed additional Coaching and Coding training. 22 staff members have completed the Motivational Interviewing (MI) instructor training program. Those trained include all P&P Officers and Management Staff, Training Academy Staff, and representatives from Level 4 Management and Counselors.**

**As of August 18, 2014 DOC MI trainers have begun providing MI training to the BOTC class (Probation & Parole Academy).**

**There have been 14 DOC employees that have successfully completed the MI Trainer training who are now certified to be trainers. Some of the newly certified DOC MI Trainers recently provided MI training to cadets in the DOC P&P Basic Officer Training Class. The grant has been extended and a plan to provide additional training is being discussed with Del Tech.**

**Refresher training for Supervisors and Certified trainers will be held March 2015.**

- 7. Title 11, 4348 changes – Offenders released early on good time credit deemed released on “probation”, effectively eliminating “conditional release”. Also addresses waiver by inmate to finish sentence in prison in lieu of probation.**

**DOC Progress Report:** We attempted to submit legislation in June 2013 to address confusion in interpreting current law, but we were unsuccessful as session timed out. Legislation was supported by CJC, Attorney General’s Office and DOC.

**Update –HB203 Legislation passed the Senate in January 2014 and was signed into law by Governor Markell on 01/30/2014.**

**Completed-Process has been implemented**

- 8. Title 11, 4381 changes – Good time credits.** Allows for “up to 60 days of additional good time may be awarded for the successful completion of an approved program designed to reduce recidivism.” The DOC Commissioner is responsible for designating the programs that meet this requirement. No more than a total of 160 days of good time may be earned in any 1 year consisting of 365 days actually served. This up from a maximum of 100 days.

**DOC Progress Report:** DOC partnered with the CJC and UD to conduct an assessment of nine (9) programs utilizing the California Program Assessment Process (CPAP). The assessment evaluates the programs on material, policy, procedure and implementation to assess recidivism reduction value. The assessment is in the third round of the process, which includes direct observation, interviews and surprise visits from the assessors. The DOC Commissioner will utilize the results of the assessment to designate programs for additional good time as well as how much good time should be earned for the specific program. The amount of good time earned should correspond to the amount of program dosage hours. Programs currently under evaluation are; 1) Key/Crest Programs (all sites), 2) Greentree (north & south), 3) Head-Start, 4) Academics

(GED, HS Diploma, Vo-Tech), 5) Thinking for a Change, 6) Mental Health CBT programs, 7) Family Problems, 8) Mothers in Reentry.

**No CPAP Assessments conducted since April 2014 update below**

UD's CPAP assessment is completed. Initial findings were positive for most programs. The following Programs have received additional Good Time Credits.

All Key Programs – 26 Good Time Credits

All Crest Programs – 15 Good Time Credits

Mother's In Reentry Program – 4 Good Time Credits

**The DOC has hired a Director of Behavioral Health (Treatment Programs) the Director is within the Bureau of Correctional Healthcare Services and will oversee the delivery of offender treatment programs.**

**Update: Treatment Program Committee formed at DOC to evaluate programs in partnership with University of Delaware utilizing the RNR Tool from George Mason University**

9. **Title 11, 4383 changes – Earned compliance for probation.** Subject to the limitations set forth in §4333(d) of this title, periods of probation may be reduced by earned compliance credit under the provisions of this chapter and rules and regulations adopted by the Commissioner of Correction. Individuals may earn up to 30 days of credit for 30 days of compliance, not to exceed half of their probationary period.

**DOC Progress Report:** P&P has been conducting a manual assessment of offenders on probation to comply with the law. Funding has been obtained to create an electronic tracking module in DACS. Prior to SB226 P&P Officers reduced approximately 25% of their offender's probation sentences for significance compliance with conditions of supervision so the actual impact of this new law may not show significant differences statistically. The impact of the new law is that the probation sentence is reduced without judicial approval.

**Update Same as April 2014– this is part of the ongoing SB226 upgrades to the DOC DACS (records management system) and is expected to be completed by January 2015. Currently Probation Officers track compliant offenders and utilize the Court process to grant individuals early discharge. Same**

10. **Title 11, 6531 (a) changes – DOC shall evaluate each person using an objective risk and needs assessment instrument** and create a case plan that targets the offender’s needs. The Department shall make efforts to provide treatment and services responsive to the person’s needs and characteristics. Use of the objective risk assessment instrument shall commence by December 31, 2013.

**DOC Progress Report: Update – same as #2 above, use of the LSI-R assessment instrument has been implemented.**

11. **Title 11, 6531 (g) changes – The Department shall undertake an assessment of its ability to meet treatment and rehabilitative needs** of the confined population every three years and endeavor to provide programs in accordance with identified needs. The first report shall be completed by December 31, 2012.

**DOC Progress Report:**The DOC did complete the report as directed. Moving forward the Risk Need Responsivity (RNR) tool will enhance this process and improve the ability of the DOC to assess the treatment and rehabilitative needs of the offender population.

**Update- Next report is due December 31, 2015**

**January 2015 Update: DOC’s Research and Planning Unit continues to work with GMU and UD concerning the RNR process, which includes the creation of a Gap Analysis which will compare our population’s needs as determined by the LSI-R/RNR with the menu of currently available programming offered in our facilities. DOC will be furnishing its 2014 offender cohort data to GMU by 1/31/15, after which GMU will complete the Gap Analysis. The Research & Planning Unit will be working collaboratively with DOC’s Director of Behavioral Health, the Treatment Program Review Committee, the Bureau of Prisons, the Bureau of Community Corrections, and DOC’s top leadership to consider the implications of the Gap Analysis. When appropriate, the findings and any implications for program reallocation/revision will be discussed with DOC’s behavioral health vendor and all other relevant parties.**

Prepared by Chief Grinstead, Deputy Commissioner Hines and Commissioner Coupe (8.22.13, 8.25.13)

Updates from Chief Grinstead, Deputy Chief Klein, Planner M. Records (12.2.13)

Updates from Chief Grinstead, Deputy Commissioner Hines and Director Sebastian (04.22.14)

Updates from Chief Grinstead, Deputy Commissioner Hines, Deputy Chief Kline (08.20.14)

Updates from Chief Grinstead, Deputy Chief Kline, Planning Chief Champney (01.25.15)



**STATE OF DELAWARE**  
**Executive Department**  
**Criminal Justice Council**  
State Office Building-Tenth Floor  
820 N. French Street  
Wilmington, DE 19801

Telephone: (302) 577-5030  
Fax: (302) 577-3440

**Justice Reinvestment Initiative – Phase 3**  
**Professional Service –**  
**Pretrial Risk Assessment Instrument Validation Study**  
**Request for Proposals**

**Eligible Applicants**

**Eligibility:** Professional service entity/vendor that demonstrates history and expertise in validation studies, particularly those involving risk assessment instruments used with criminal justice-involved populations.

**Deadline**

Completed responses must be **received at the Criminal Justice Council Office no later than 2:00 p.m. on May 29, 2015—no exceptions will be made.** Requests received after the deadline will not be eligible for funding. Requests may be submitted via mail or emailed.

**Contact Information**

If you have questions in regard to this request for proposal, please contact Valarie Tickle at (302) 577-8713 or [valarie.tickle@state.de.us](mailto:valarie.tickle@state.de.us). This request for proposal may also be found on the Criminal Justice Council website <http://cjc.delaware.gov>

**Released From:** The Criminal Justice Council  
**Release Date:** April 15, 2015

## **I. Overview**

The Delaware Criminal Justice Council ("CJC") is soliciting proposals for funding under the 2014 Justice Reinvestment Initiative ("JRI") Maximizing State Reforms, a challenge grant program for JRI states. This project was supported by Grant No. 2014-MU-BX-0004 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice. CJC has been awarded the federal grant and will administer this Program. JRI refers to a data-driven approach that: (1) analyzes criminal justice trends to understand what factors are driving the growth in jail and prison populations; (2) develops and implements policy options to manage the growth in correction expenditures and increase the effectiveness of current spending and investment to increase public safety and improve offender accountability; and (3) measures the impact of the policy changes and reinvestment resources and holds policymakers accountable for projected results.

By signing Executive Order Number Twenty-Seven on July 25th, 2011 Delaware Governor Jack Markell created the Delaware Justice Reinvestment Task Force. The Task Force was charged with conducting a comprehensive examination of Delaware's criminal justice system. The Task Force, which was chaired by the Lieutenant Governor, included a member of each party from each chamber. It also included judicial officers from four courts, the Attorney General, the Public Defender, the Commissioner of the Department of Correction, the Secretary of the Department of Safety and Homeland Security, the Colonel of the Delaware State Police, two representatives of county or municipal law enforcement, the Executive Director of the Victim's Compensation Assistance Program, and a representative of the Individual Assessment, Discharge, and Planning Teams (I-ADAPT). The Delaware Justice Reinvestment Task Force completed its work by submitting a report in 2012. The report recommended legislation to address issues included in the report submitted by the Task Force. Following a rigorous data analysis, the Justice Reinvestment Task Force grouped its Justice Reinvestment policies, enacted as Senate Bill 226, into four goals: 1. Concentrating detention resources on high-risk defendants; 2. Focusing supervision and prison resources on moderate- to high-risk people; 3. Holding offenders accountable; and 4. Protecting and supporting victims of crime.

On June 7, 2013 Governor Jack Markell issued Executive Order Number Forty which established the Delaware Justice Reinvestment Oversight Group to ensure effective implementation of SB 226. The Group, which is chaired by the President Judge of Superior Court, includes a member of each political party from each chamber of the General Assembly. It also includes the Chief Judge of the Court of Common Pleas, the Chief Magistrate, Secretary of the Department of Labor, Secretary of the Department of Health and Social Services, and the Commissioner of the Department of Correction (DOC).

The primary goal of the CJC project under the JRI Maximizing State Reforms program is to directly increase corrections costs saved or avoided by reducing unnecessary pretrial confinement through the following objectives:

1. improve pretrial supervision strategies that will reduce confinement;
2. improve pretrial release decision making through validating the Justice of the Peace

Court Risk Assessment Instrument (RAI);

3. demonstrate use and efficacy of evidence-based practices to improve pretrial release and supervision strategies.

Delaware Senate Bill 226 requires that a Pretrial Risk Assessment Instrument (RAI) used in bail determination hearings be an objective instrument. In 2013, the Justice of the Peace Courts convened a Risk Assessment Instrument Implementation Committee to develop an instrument. The committee included representatives from The JP Courts, the Court of Common Pleas, Family Court, DELJIS, the Department of Correction, the Delaware Center for Justice, the Vera Institute, and the Criminal Justice Council including its Statistical Analysis Center. It relied heavily on instruments developed in two other states and one municipal jurisdiction. The instrument was introduced to one Family Court and eleven Justice of the Peace Courts. The Justice of the Peace Courts are Delaware's entry-level courts through which pass the great majority of all criminal cases.

The purpose of this request for proposals is to conduct a rigorous validation process to measure the validity of and, if relevant, suggest improvements to the Risk Assessment Instrument implemented in the Justice of the Peace Courts as a result of JRI. The proposed pretrial program is based on appropriately assessing individuals to ensure the better informed release decisions. Key to a system of evidence-based practice is evaluation of implementation and impact using results for learning and quality improvement. The selected research team will serve as the evaluator for the project, will collect and analyze data, and meet with key staff regularly to provide feedback.

### **Award Amount and Length**

**One award up to the amount of \$150,000 will be made to implement the services with an expected completion date of June 30, 2016. No additional funds will be awarded and a one year no cost end date extension may be granted if approved by BJA.**

### **I. Scope of Services**

#### **A. Project Services**

CJC seeks a professional service entity/vendor that demonstrates a history of and experience in conducting high-level assessment tool validation.

### **Study Methodology and Design**

Contractor shall work collaboratively with CJC and JRI Oversight Group to design a study methodology that assesses and makes recommendations to improve the predictive validity of the RAI assessment for the pretrial population, including inclusion of additional factors or exclusion of existing factors, the weights assigned to the factors, and the number of categories and potential cut-points for grouping defendants into risk categories. Study design shall include at minimum the following:

Methodology description

Timeline

Budget

Required data

Other sections deemed important and necessary by Proposer

### Validation Study

The Contractor shall conduct a validation study that includes:

- Analysis that measures the accuracy of the predicted risk resulting from the RAI assessment by comparing it to the actual outcomes of pretrial population, i.e., whether those released appeared in court and did not engage in new criminal activity. (*through statistical analysis of the existing pilot or historical outcome data.*)
- Analysis that distinguishes the predictive validity of the RAI assessment for different sub-groups of the pretrial population, including sub-groups by gender, race/ethnicity, age, commitment offense, etc.

The Contractor shall provide CJC with a report that includes:

- Summary of validation study approaches used in other validation analyses and justification for approach and methodology employed in this study.
- Description of the validation study findings across subgroups of pretrial population.
- Recommendations for refining the RAI assessment to improve its validity for pretrial population and sub-populations, as appropriate.

## **II. Proposal Submission Requirements**

Please do not attach letters of support, brochures or other documents. You should attach to your response any letters of agreement verifying that a collaborating agency will cooperate with project implementation and/or will provide resources directly related to obtaining project deliverables.

### Minimum Requirements

#### Applicants must:

1. It is the responsibility of the applicant to ensure that the proposal is complete.  
Proposal narratives must be:
  - A maximum of 20 pages double spaced
  - 8 ½ x 11 inch paper
  - One inch margins
  - Type no smaller than 12 point, Times New Roman font
  - Number each page
2. Provide evidence of expertise and/or experience in validation studies.
3. Have an understanding of the judiciary and pretrial systems, including unified systems such as the structure in Delaware.
4. Demonstrate an understanding of the Justice Reinvestment Initiative.
5. Be willing to immediately build the relationship with key criminal justice and judiciary stakeholders in Delaware.
6. Comply with all Federal, State and CJC reporting requirements and grant administration guidelines.

Proposer Information:

Please submit a cover sheet containing the following information:

Proposer Name:

Proposer Address:

Proposer Contact Name:

Proposer Contact Phone Number:

Proposer E-mail Address:

Proposer Signature: Each Proposer must sign its Proposal including the printed name and title of the signatory. The signature must be made by a representative(s) authorized by the Proposer to make representations for the Proposer and to obligate the Proposer to perform the commitments contained in its Proposal.

Proposal Content:

For Section I. Scope of Services and all services described therein, provide a detailed description of your firm's:

**Qualifications.** Address all Qualifications:

- Experience with Scope of Services described in this Solicitation: Experience conducting a validation study, preferably a study that analyzes the predictive accuracy of a risk assessment instrument used with a criminal justice-involved population. If the Prior Project Experience does not involve a risk assessment validity study and/or does not involve a criminal justice-involved population, describe the validation study conducted and how it relates to the proposed Project.
- Experience is current: Both Prior Project experiences occurred within five (5) years of the date of this Informal Solicitation. Describe any past or current involvement with projects in Delaware.
- Experience of Key Personnel: Experience conducting a validation study, preferably a study that analyzes the predictive accuracy of a risk assessment instrument used with a criminal justice-involved population.

**Work plan.** Specify your proposed project approach and methodology for successfully completing the RAI validation study, and all other services required in Section I.A. Describe in detail the study methodology and data required, including a justification for the methodology approach.

**Capacity and timeline.** Include your firm's capacity and proposed timeline for completing the Project.

**Expectations and/or assumptions of CJC involvement or level of effort,** including review, approval and other communication protocols necessary to successfully complete the services. Provide a list of questions you would need answered and the data or other resources you would need access to or to be provided by the CJC and/or Courts to begin and complete the services.

**Staffing.** Include a description of roles and responsibilities of the staff proposed for the services. Include descriptions of team members' experience and qualifications, including brief resumes.

**Cost and work effort estimate.** Include a spreadsheet or table format with a total price quote that includes sufficient detail for the review committee to determine the justification for what is being proposed. Estimate should include the price quote per milestone including the following

milestones, as well as any additional milestones deemed appropriate by Proposer, towards project completion:

- a. **Study design**
- b. **Data collection**
- c. **Data analysis**
- d. **Report drafting**
- e. **Report review**
- f. **Final Report**

## **Review Process**

An evaluation team composed of representatives of the State of Delaware will evaluate proposals on a variety of quantitative criteria. Neither the lowest price nor highest scoring proposal will necessarily be selected. **Decisions will be made by June 15, 2015 and the anticipated award date is July 1, 2015.**

The State of Delaware reserves full discretion to determine the competence and responsibility, professionally and/or financially, of vendors. Vendors must provide in timely manner any and all information that the State of Delaware may deem necessary to make a decision.

### **1. Proposal Evaluation Team**

The Proposal Evaluation Team shall be comprised of representatives of the State of Delaware. The Team shall determine which vendors meet the minimum requirements of the selection criteria of the RFP. The Team may negotiate with one or more vendors during the same period and may, at its discretion, terminate negotiations with any or all vendors. The Team shall make a recommendation regarding the award to the CJC and JRI Oversight Group, who shall have final authority to award a contract to the successful vendor as may be in the best interests of the State of Delaware.

### **2. Proposal Selection Criteria**

The information required to be submitted in response to this RFP has been determined by the State of Delaware to be essential for use by the Proposal Evaluation Team in the bid evaluation and award process. Therefore, all instructions contained in this RFP shall be met in order to qualify as a responsive and responsible contractor and participate in the Proposal Evaluation Team's consideration for award. Proposals which do not meet or comply with the instructions of this RFP may be considered non-conforming and deemed non-responsive and subject to disqualification at the sole discretion of the Team.

The Proposal Evaluation Team reserves the right to:

- Select for contract or for negotiations a proposal other than that with lowest costs.
- Reject any and all proposals or portions of proposals received in response to this RFP or to make no award or issue a new RFP.

- Waive or modify any information, irregularity, or inconsistency in proposals received.
- Request modification to proposals from any or all vendors during the contract review and negotiation.
- Negotiate any aspect of the proposal with any vendor and negotiate with more than one vendor at the same time.
- Select more than one vendor pursuant to 29 Del. C. §6986.

Selection will be based on the following criteria:

### 1. Criteria Weight

All proposals shall be evaluated using the same criteria and scoring process. The following criteria shall be used by the Proposal Evaluation Team to evaluate proposals:

Criteria	Weight
Background, staff and financial resources, industry reputation and references	25
Experience in providing services of comparable specifications/scope and value	20
Approach to performing the tasks set forth in Scope of Services; thoroughness and completeness of the proposal	25
Timing and structure	10
Management reports and reporting requirements	10
Budget	10
<b>Total</b>	<b>100%</b>

### 3. Proposal Clarification

The Proposal Evaluation Team may contact any vendor in order to clarify uncertainties or eliminate confusion concerning the contents of a proposal. Proposals may not be modified as a result of any such clarification request.

### 4. References

The Proposal Evaluation Team may contact any customer of the vendor, whether or not included in the vendor's reference list, and use such information in the evaluation process.

## **REPORTING REQUIREMENTS**

Awarded projects are required to submit quarterly fiscal and programmatic progress reports within twenty days following the close of each quarter:

Quarter ending March 31 – Reports are due April 20

Quarter ending June 30 – Reports are due July 20

Quarter ending September 30 – Reports are due October 20

Quarter ending December 31- Reports are due January 20

Completed responses must be **received at the CJC Office no later than 2:00 p.m. on May 29, 2015—no exceptions will be made.** Please send your proposals to Valarie Tickle via email at [valarie.tickle@state.de.us](mailto:valarie.tickle@state.de.us) or mail:

**Valarie Tickle  
Criminal Justice Council  
820 N. French Street,  
Carvel State Building, 10<sup>th</sup> Floor,  
Wilmington, Delaware 19801.**

If you have questions, please contact Valarie Tickle at (302) 577-8713 or [valarie.tickle@state.de.us](mailto:valarie.tickle@state.de.us)

**JUSTICE REINVESTMENT INITIATIVE:  
PRETRIAL RISK ASSESSMENT INSTRUMENT VALIDATION STUDY  
SUMMARY SHEET JUNE 23, 2015: REVIEWER \_\_\_\_\_**

NAME OF ORGANIZATION	AMOUNT OF FUNDING	TIME FRAME	COMMENTS
UNIVERSITY OF CONCINNATI RESEARCH INSTITUTE	\$89,044	12 MONTHS	
CRIME AND JUSTICE INSTITUTE AT COMMUNITY RESOURCES FOR JUSTICE	\$90,083	12 MONTHS	
CENTER FOR DRUG AND HEALTH STUDIES UNIVERSITY OF DELAWARE	\$150,000	12 MONTHS	
URBAN INSTITUTE	\$149,932	12 MONTHS	

# Statistical Analysis Center



Presentation to JRI Oversight Group

July 29, 2015

# SAC JRI/SB 226 Activities

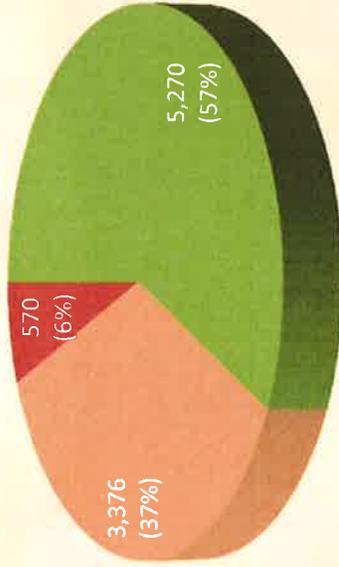
- Preparation of annual recidivism report in progress
  - CY 2011 release cohort identified, 3-year post-release tracking of about 1,150 clients ongoing
  - Additional analysis of cohort subgroups under consideration
    - I-ADAPT clients
    - Sex offenders
    - Clients without recidivism events

# SAC JRI/SB 226 Activities

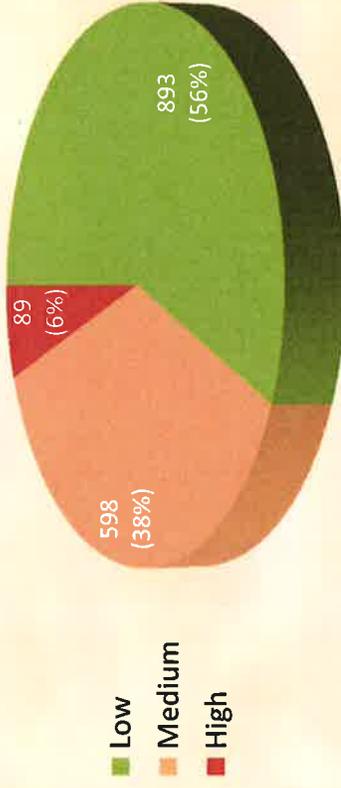
- Continued tracking of randomly sampled defendants from 9,216 qualifying risk assessments in first half of 2014
  - 1,580 cases randomly selected for failure rate tracking
    - No failure opportunity in 277 (17.5%) of 1,580 cases
    - Failure rate (rearrest or FTA) for defendants in 1,303 cases with any time at-risk between risk assessment and case disposition is 40.7%
      - Rearrest rate is 25.7%
      - Failure to appear rate is 25.8%
        - » Rates could increase slightly as some cases (10.3% of sample) without both failure types were still pending at the time of data compilation

## Distribution of assessed risk levels in sampled risk assessments versus identified population from the first half of 2014

9,216 Qualifying Risk Assessments



1,580 Sampled Risk Assessments



Low  
Medium  
High

Relative sizes of risk group samples, portion of each group at risk, and pre-disposition failure rates

■ At-Risk for FTA or Rearrest   ■ Not At-Risk

Low Risk, Failure Rate = 30.6%



Medium Risk, Failure Rate = 57.6%

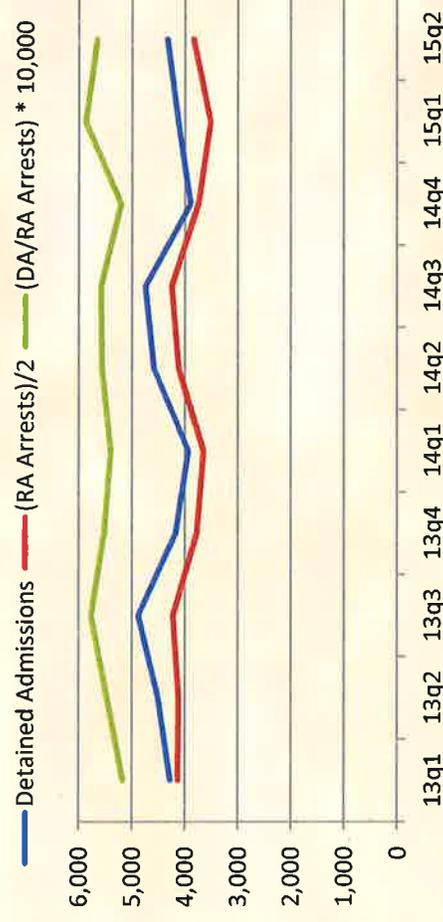


High Risk, Failure Rate = 61.7%



## Recurring question: Is the risk assessment process contributing to a reduced detention population?

- Data show a slight decline in the detained population in the past 2 years:
  - Mid-year detainee counts (7-day average) of slightly over 1,500 in 2013, about 1,500 in 2014, and slightly over 1,400 in 2015.
- Data do not indicate a detained population decline attributable to the risk assessment process:
  - Relative to arrests, detained admissions in 2015 exceed 2013 and 2014 levels.



Vera and the JFA Institute (James Austin) projected average annual reductions (from their base projections) of 176 detention beds with adoption of their Justice Reinvestment proposals.

James Austin's base DOC projections, from Vera's presentation at the 2/27/2012 JRI Task Force Meeting:

**FORECAST OF DELAWARE SENTENCED + DETAINED POPULATIONS**

Year	Detained		Sentenced			Total
	Base	With 8% Peaking	Level 4	Level 5	Level 5	
2011*	1,306	N/A	908	4,397	4,397	5,306
2012	1,309	1,414	909	4,435	4,435	5,345
2013	1,312	1,417	910	4,459	4,459	5,369
2014	1,312	1,417	917	4,467	4,467	5,383
2015	1,306	1,410	928	4,444	4,444	5,372
2016	1,314	1,419	925	4,453	4,453	5,378
2017	1,316	1,421	928	4,459	4,459	5,382
2018	1,320	1,426	927	4,453	4,453	5,380
2019	1,321	1,427	922	4,454	4,454	5,378
2020	1,320	1,426	920	4,460	4,460	5,381
2021	1,316	1,421	920	4,459	4,459	5,379
2022	1,314	1,419	924	4,459	4,459	5,383
Avg. % Change 2012-2022	0.0%				0.1%	0.1%

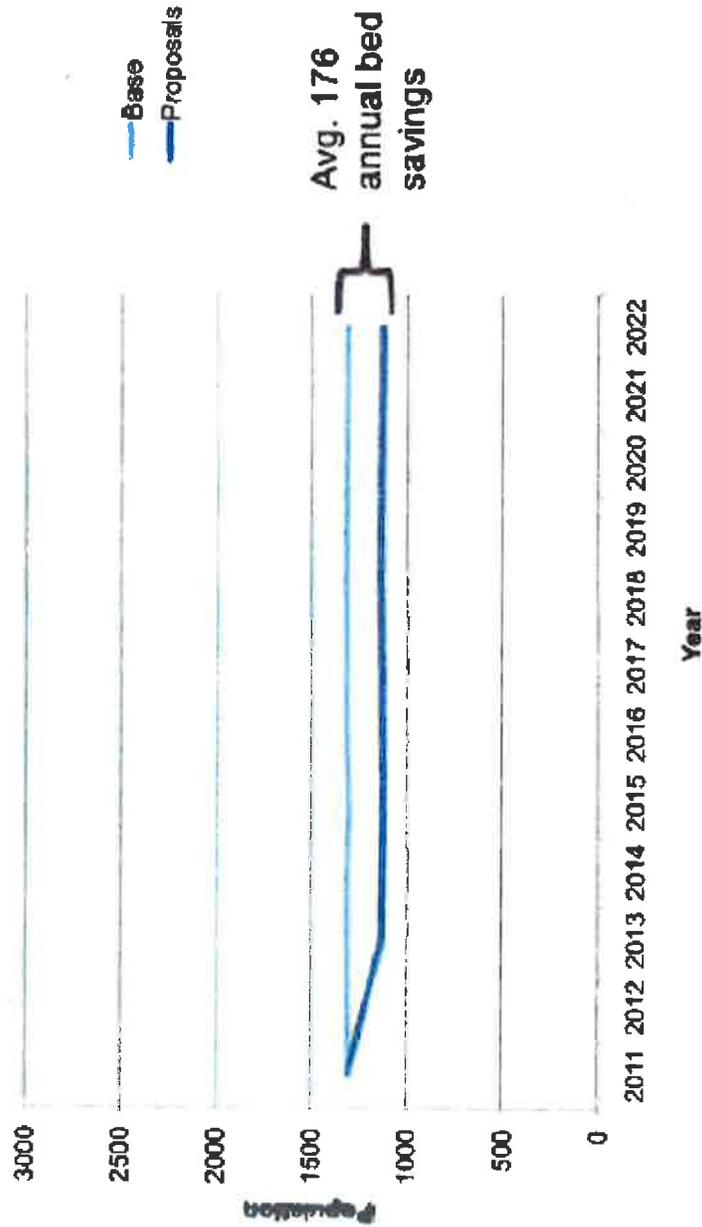
\* 2011 data are avg. of quarterly counts

At mid-year 2015, DOC's population exceeds the Vera/JFA base projection by about 100. The actual sentenced count is close to the Vera/JFA projected total, while the actual detained count is close to the "With 8% Peaking" projection.

DOC's total population in mid-2015 is about 800 inmates higher than Vera/JFA's projections with their proposed JRI bed savings.

# DOC Detained Populations Projected by Vera/JFA

## Projection: Pre-trial Proposals



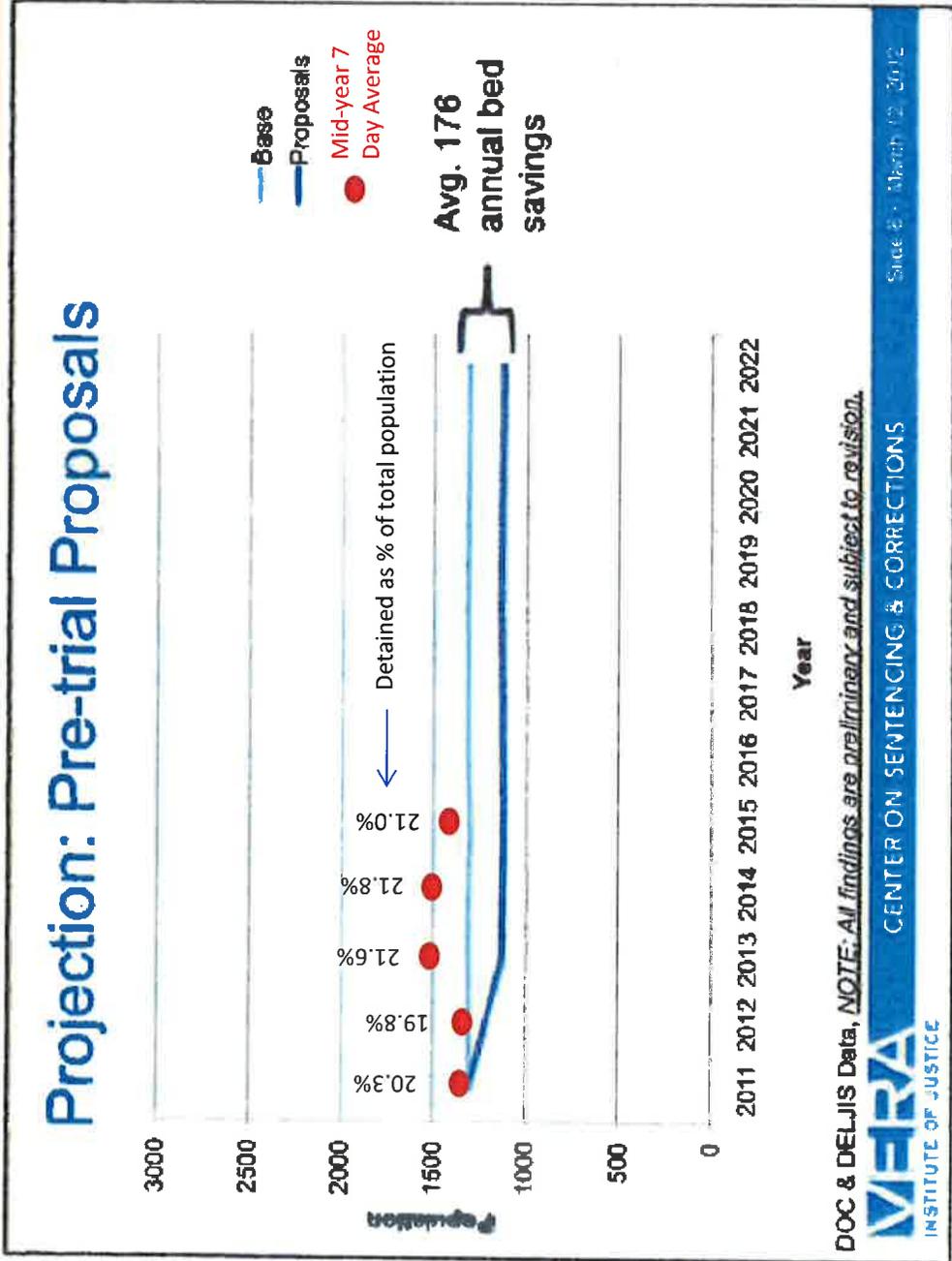
DOC & DELJIS Data, NOTE: All findings are preliminary and subject to revision.



CENTER ON SENTENCING & CORRECTIONS

Slide 8 - March 12, 2012

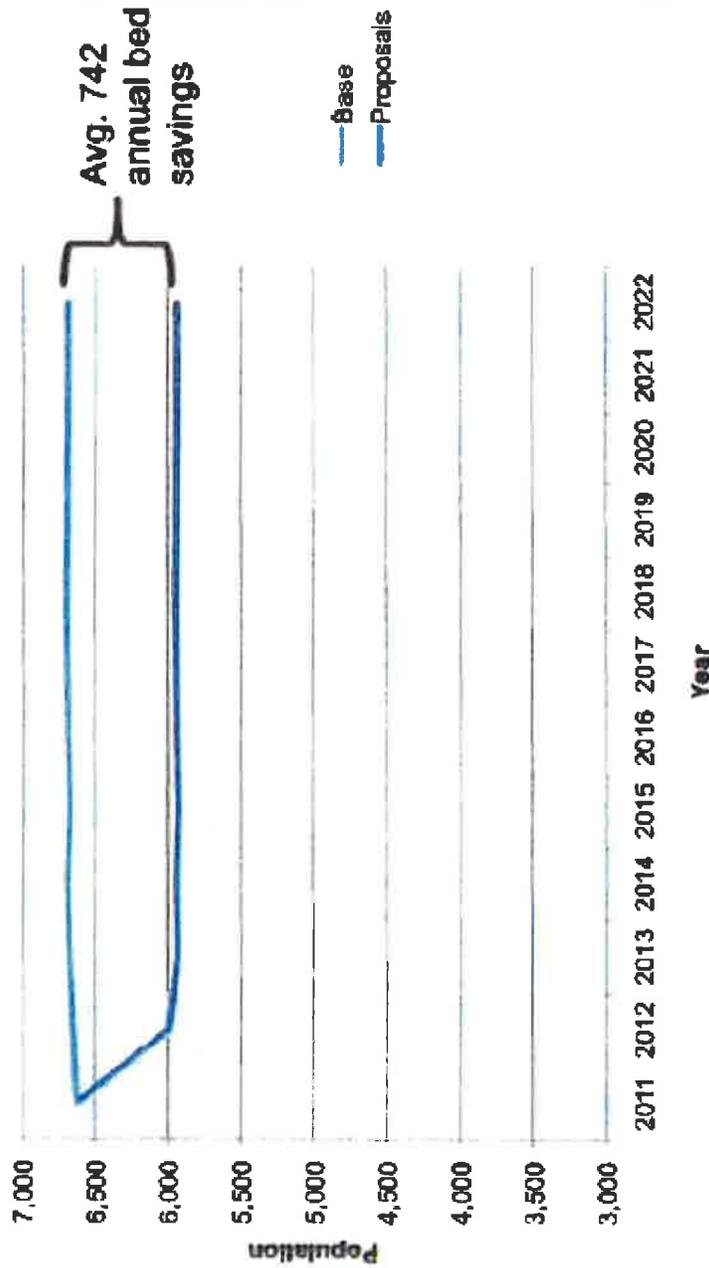
DOC Detained Populations Projected by Vera/JFA versus Actual at Mid-year



Mid-year 7 day average is calculated from daily counts for the period 3 days before to 3 days after June 30 of each year.

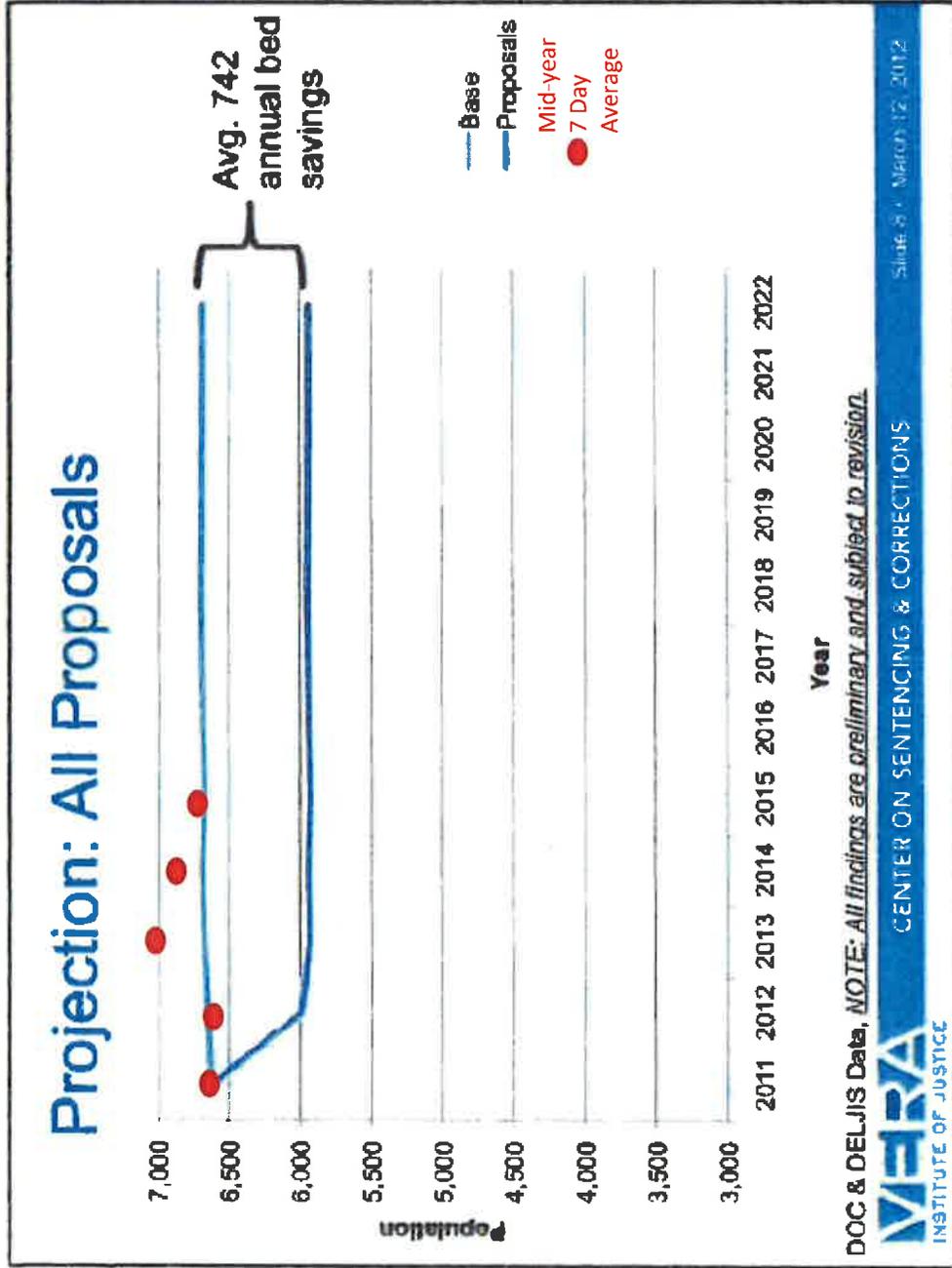
# DOC Total Populations Projected by Vera/JFA

## Projection: All Proposals



DOC & DELJIS Data, NOTE: All findings are preliminary and subject to revision.

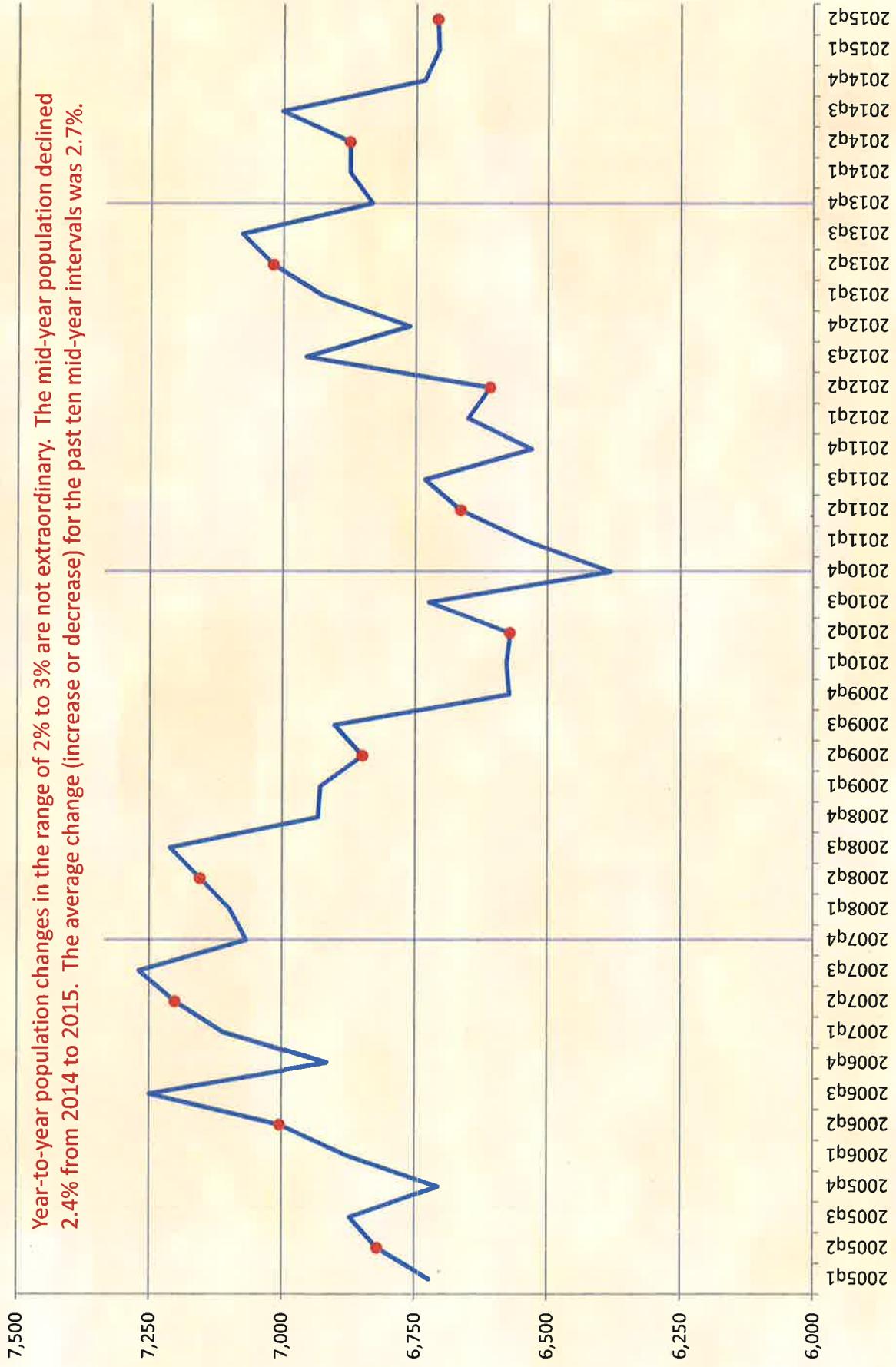
DOC Total Populations Projected by Vera/JFA versus Actual at Mid-year



Mid-year 7 day average is calculated from daily counts for the period 3 days before to 3 days after June 30 of each year.

# End of Quarter DOC Population (7-day average for 3 days before to 3 days after quarter end)

— End of Quarter Population    ● Quarter 2

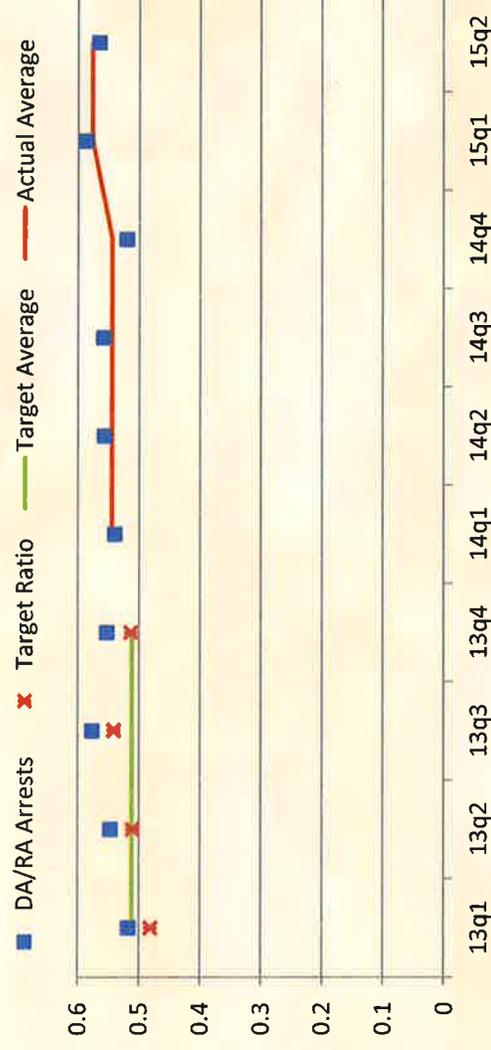


## What level of admission reductions would be commensurate with detained bed savings proposed by Vera/JFA?

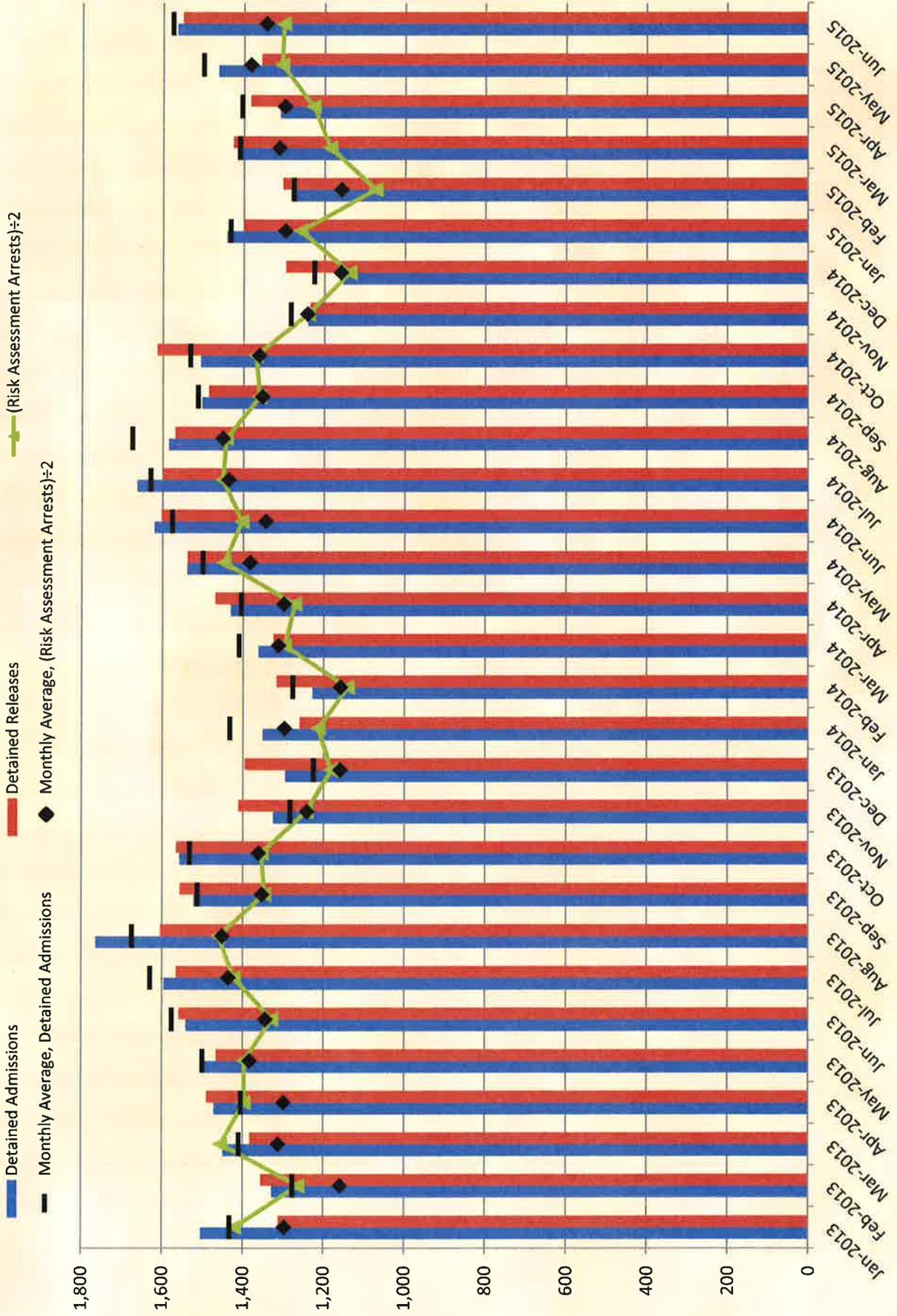
*With average lengths of stay of about 1 month, achieving a 176 bed reduction through reduced admissions implies long term sustainment of about 176 fewer monthly admissions.*

There are many variables to consider, but, if a reduction in detained admissions is resulting from the risk assessment process, we should see a reduction of detained admissions relative to arrests that result in risk assessments.

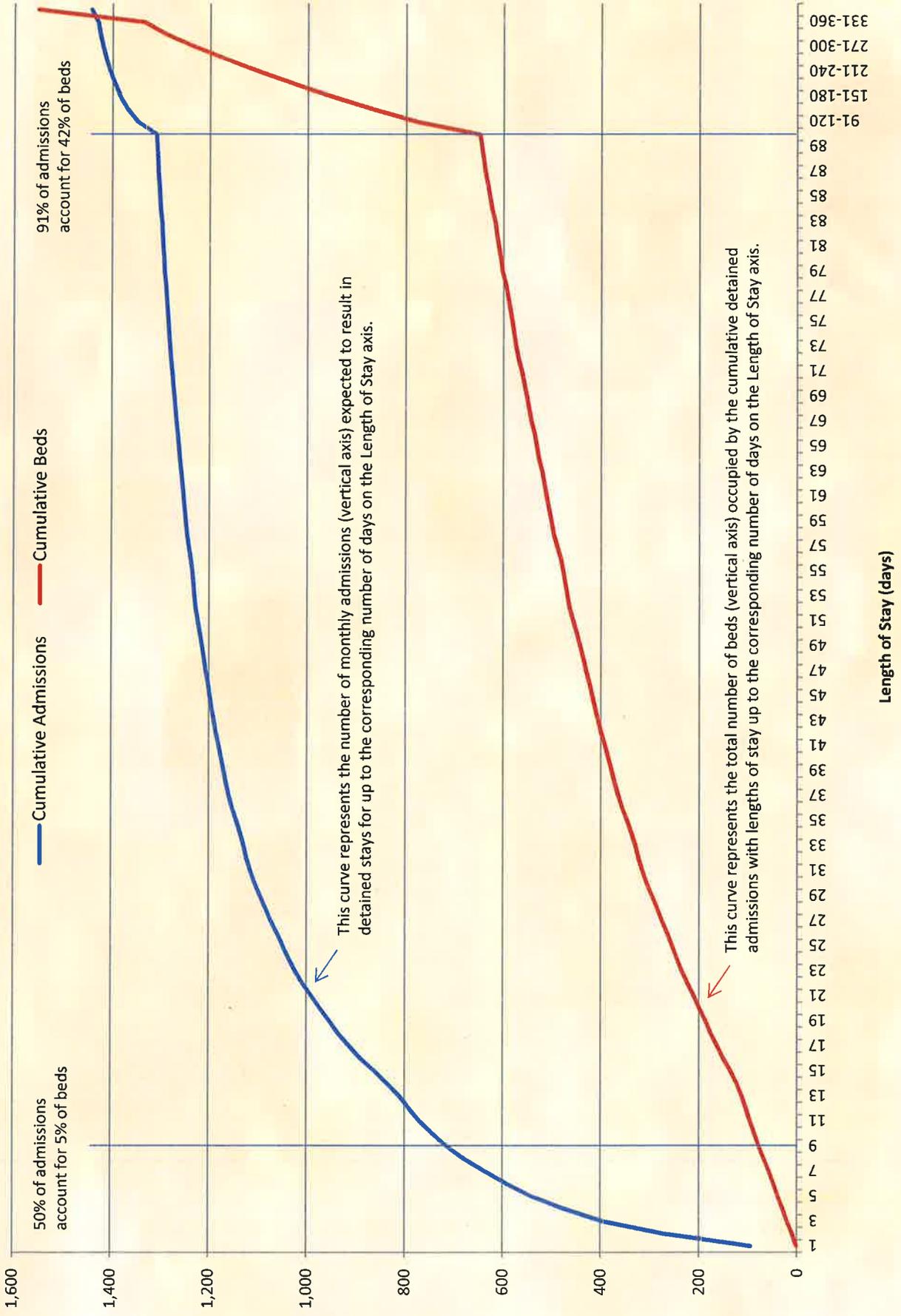
The chart below shows ratios of detained admissions to risk assessment category arrests (DA/RA Arrests). The chart shows a target ratio of detained admissions to risk assessment category arrests based on 2013 data with a more modest reduction of 100 admissions per month. The average for that target ratio is compared to the actual average ratio in the post-2013 period.



# Monthly Detained Admissions and Releases; Risk Assessment Category Arrests (scaled by .5)



### Cumulative Bed Impact for Cumulative Monthly Admissions by Length of Stay (Est. from 2014 Detained Releases)



# Should an identifiable impact be expected?

- There is no framework associating risk levels with recommended bail or conditions.
- The process may be influencing bail decisions, but we have no way of measuring such influence.
- Do we have any way of knowing to what extent the risk assessment process should influence bail decisions?
  - “Much has been written on the ability to assess risk. Succinctly put, while there is evidence of the predictability of the behavior of groups (macro level behavior), it is very difficult, if not impossible, to predict the behavior of individuals within these groups (micro level behavior). In part, this is due to the fact that there are so many situational or environmental factors that are unpredictable in terms of how they impact human behavior.”

*James Austin, The Proper and Improper Use of Risk Assessment in Corrections, published in Federal Sentencing Reporter, Vol. 16, No. 3, pp. 1–6, ISSN 1053-9867, electronic ISSN 1533-8363.*  
© 2004 Vera Institute of Justice.

# A Closer Look at the Risk Assessment and Failure Rate Data

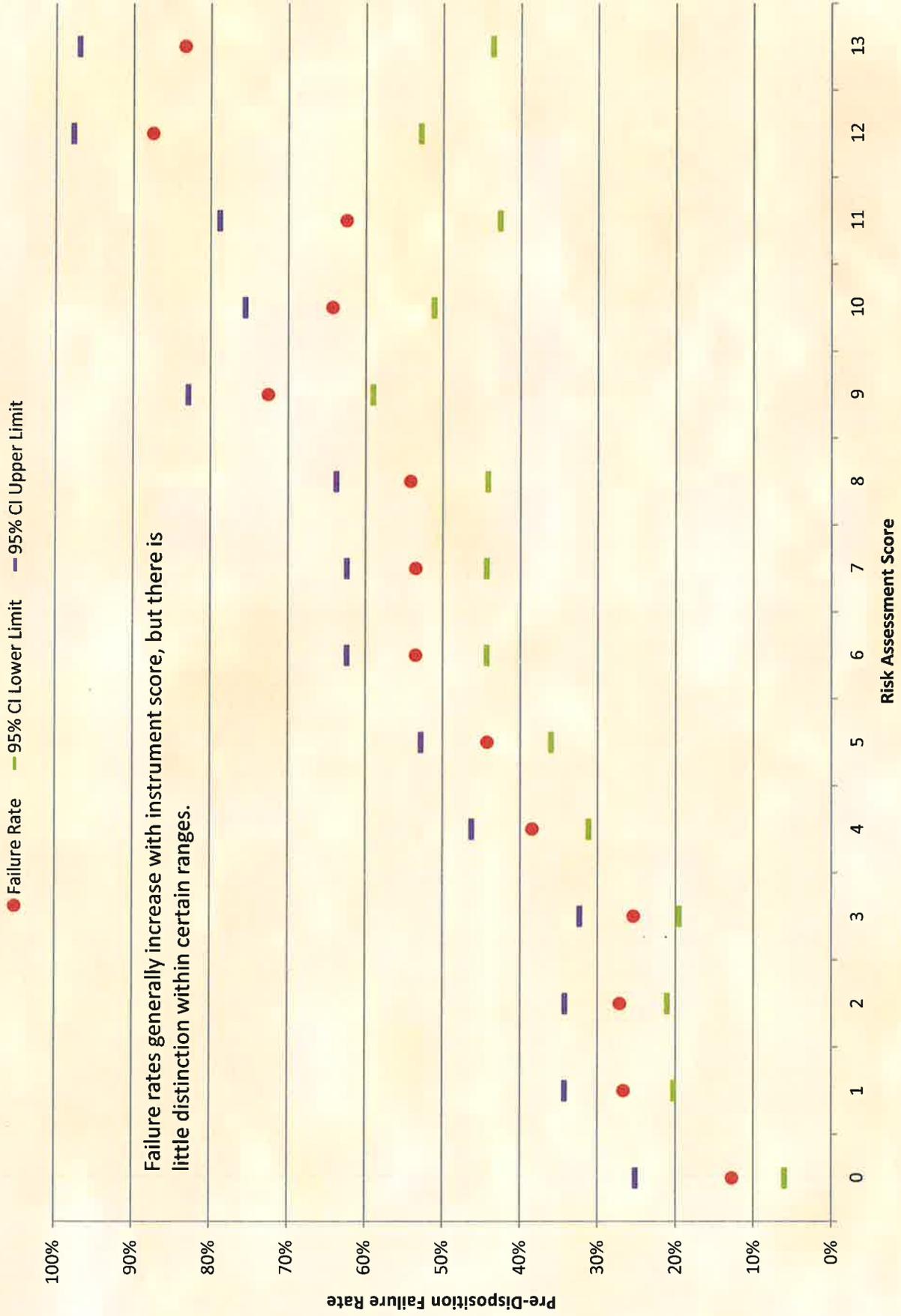
# First Half 2014 JP RAI Sample Failure Rates with 95% Confidence Intervals

● Failure Rate    — 95% CI Lower Limit    — 95% CI Upper Limit

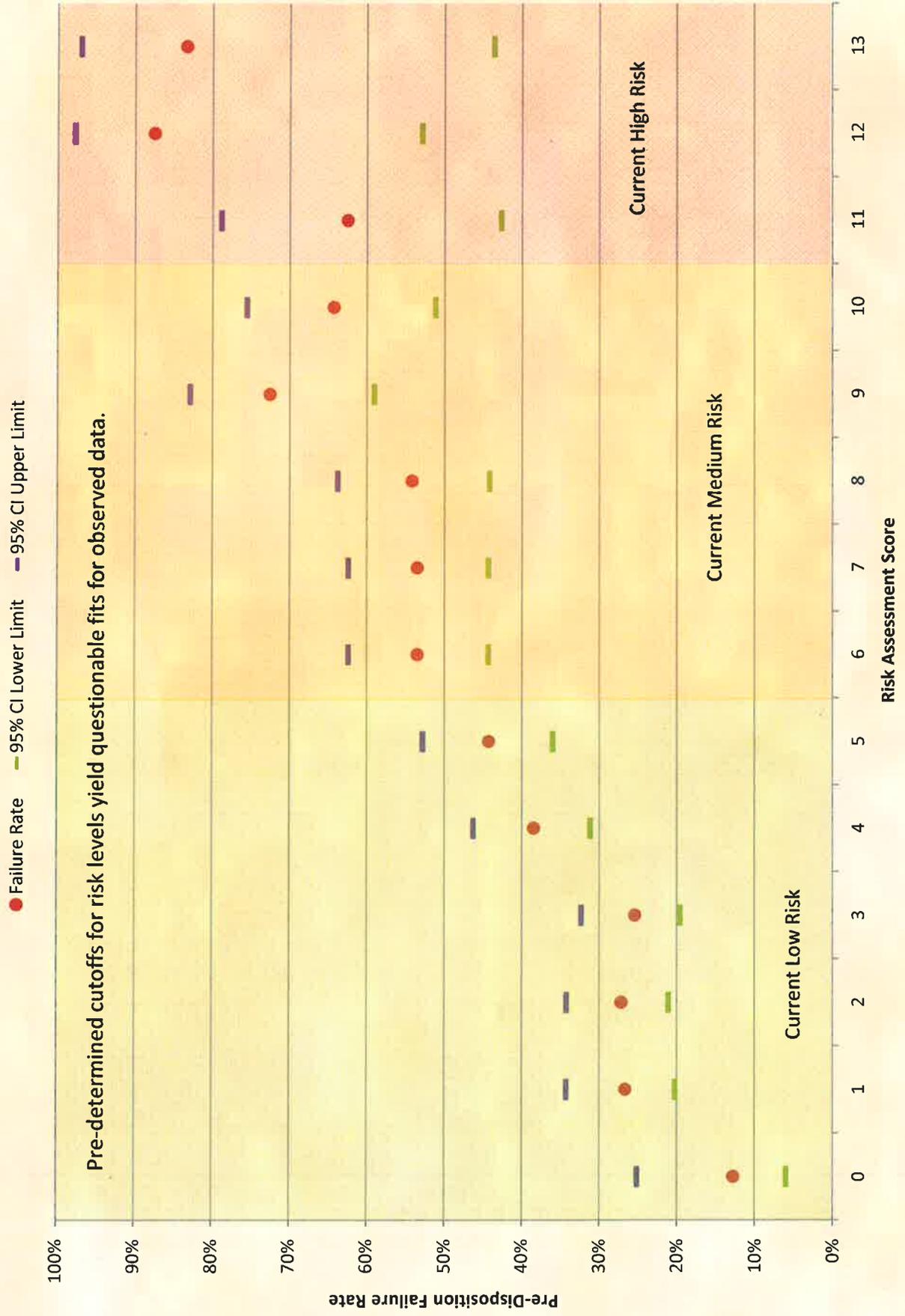


Mean failure rates increase with risk level, but “distributions of means” for medium and high have significant overlap.

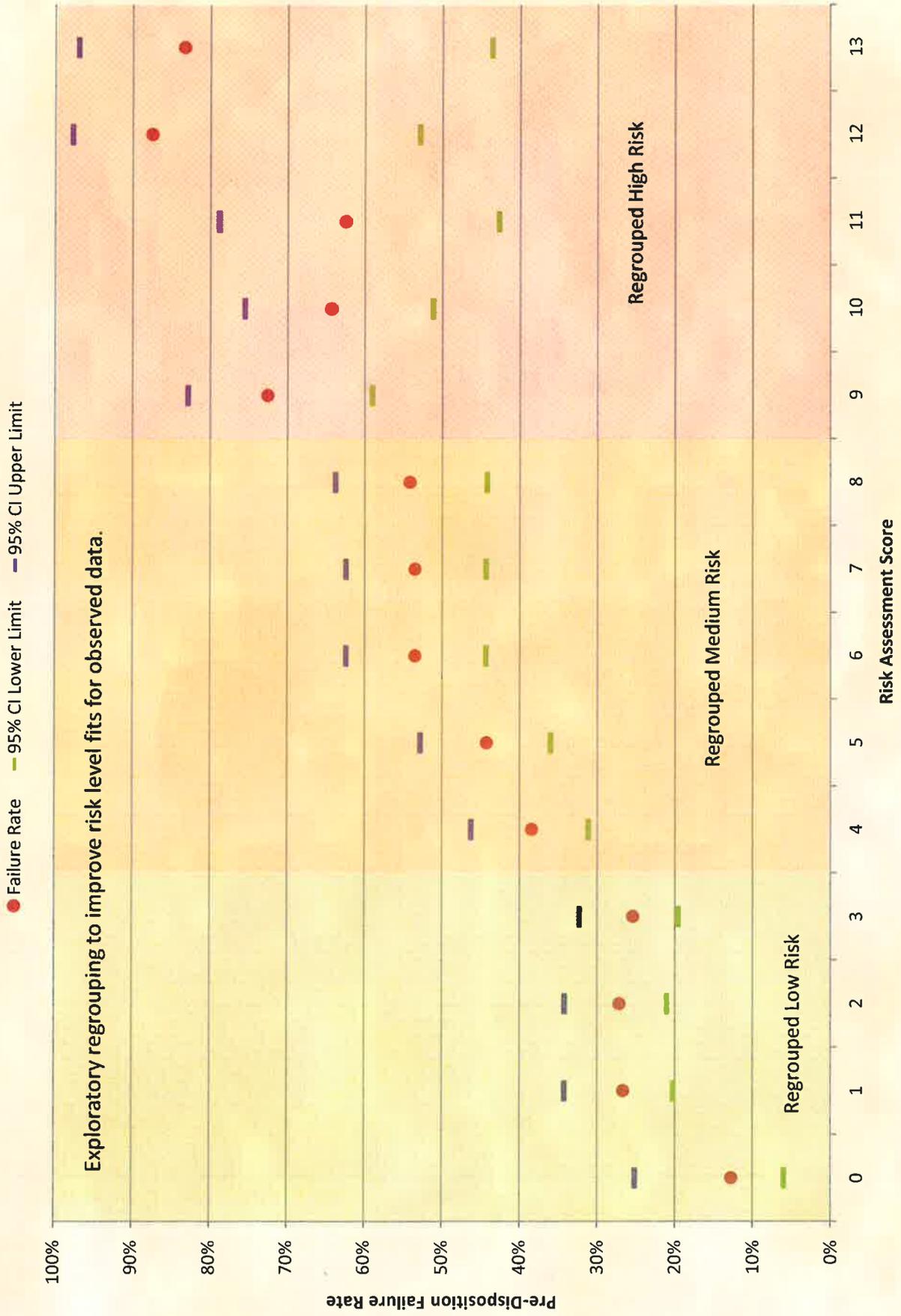
### First Half 2014 JP RAI Sample Failure Rates with 95% Confidence Intervals



### First Half 2014 JP RAI Sample Failure Rates with 95% Confidence Intervals



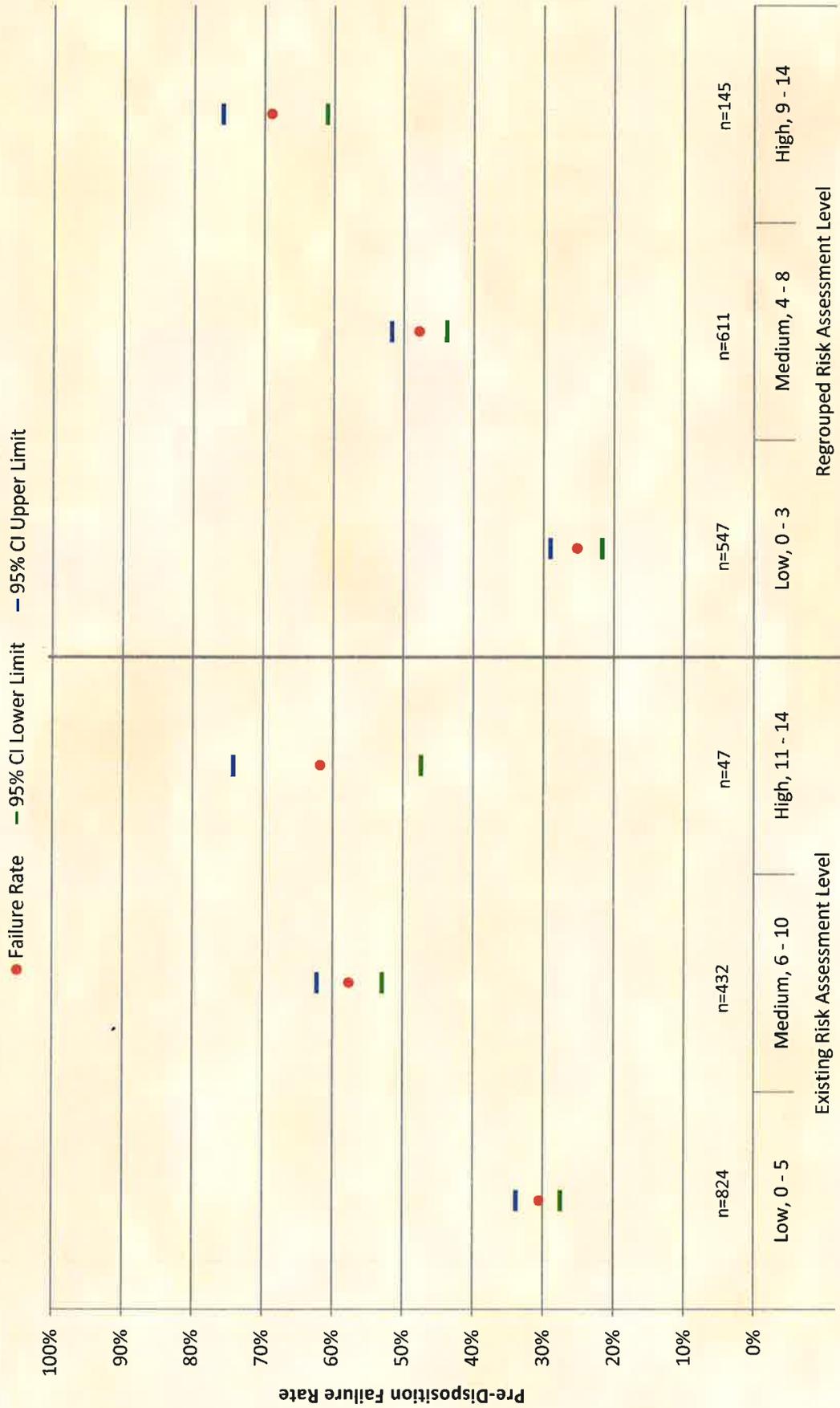
# First Half 2014 JP RAI Sample Failure Rates with 95% Confidence Intervals



# First Half 2014 JP RAI Sample Failure Rates with 95% Confidence Intervals

## Existing Versus Exploratory Risk Level Grouping on Instrument Scores

Regrouping of levels yields lower failure rates for low and medium risks, higher failure rate for high risk, and better separation of means across risk levels.

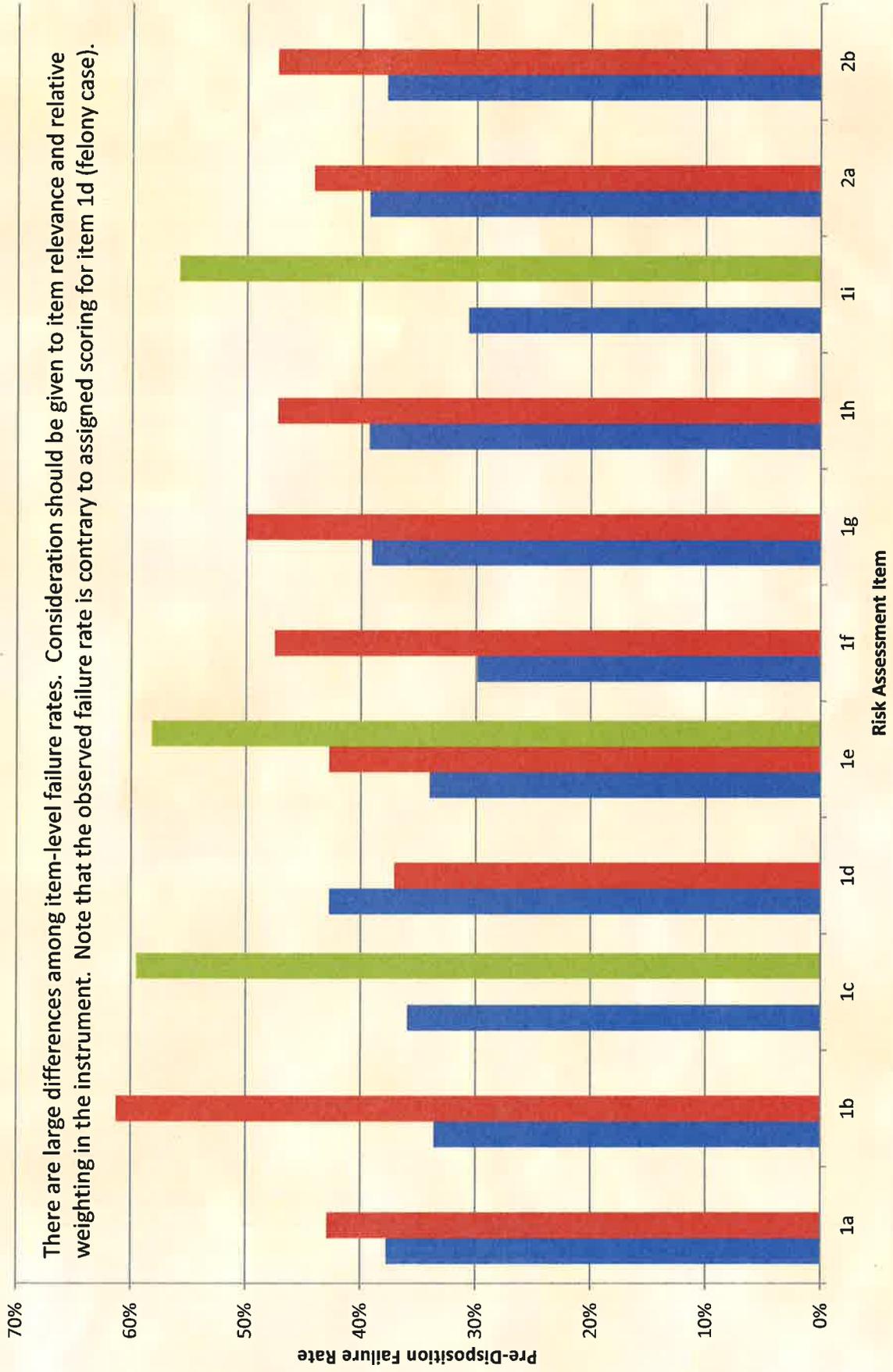


# Risk Factors Considered in the Current Instrument

Item	Risk Factor	Risk Score
1 a	Current age	32 & under = 1 33 & over = 0
1 b	Number of capiases in last 5 years	3 or more = 1 2 or less = 0
1 c	Number of FTA capiases for felony charges	1 or more = 2 None = 0
1 d	Current case includes 1 or more felony	Yes = 1 No = 0
1 e	Criminal history includes felony convictions	2 or more = 2 1 = 1 0 = 0
1 f	Criminal history includes Title 11, 16, and/or DUI misdemeanor convictions	1 or more = 1 None = 0
1 g	Criminal history includes convictions for drug offenses and/or DUI offenses	3 or more = 1 2 or less = 0
1 h	Defendant is currently on probation/parole	Yes = 1 No = 0
1 i	Defendant has open current bail on another pending case	Yes = 2 No = 0
2 a	Defendant is unemployed at the time of arrest	Yes = 1 No = 0
2 b	Defendant has lived at current residence for less than 12 months	Yes = 1 No = 0

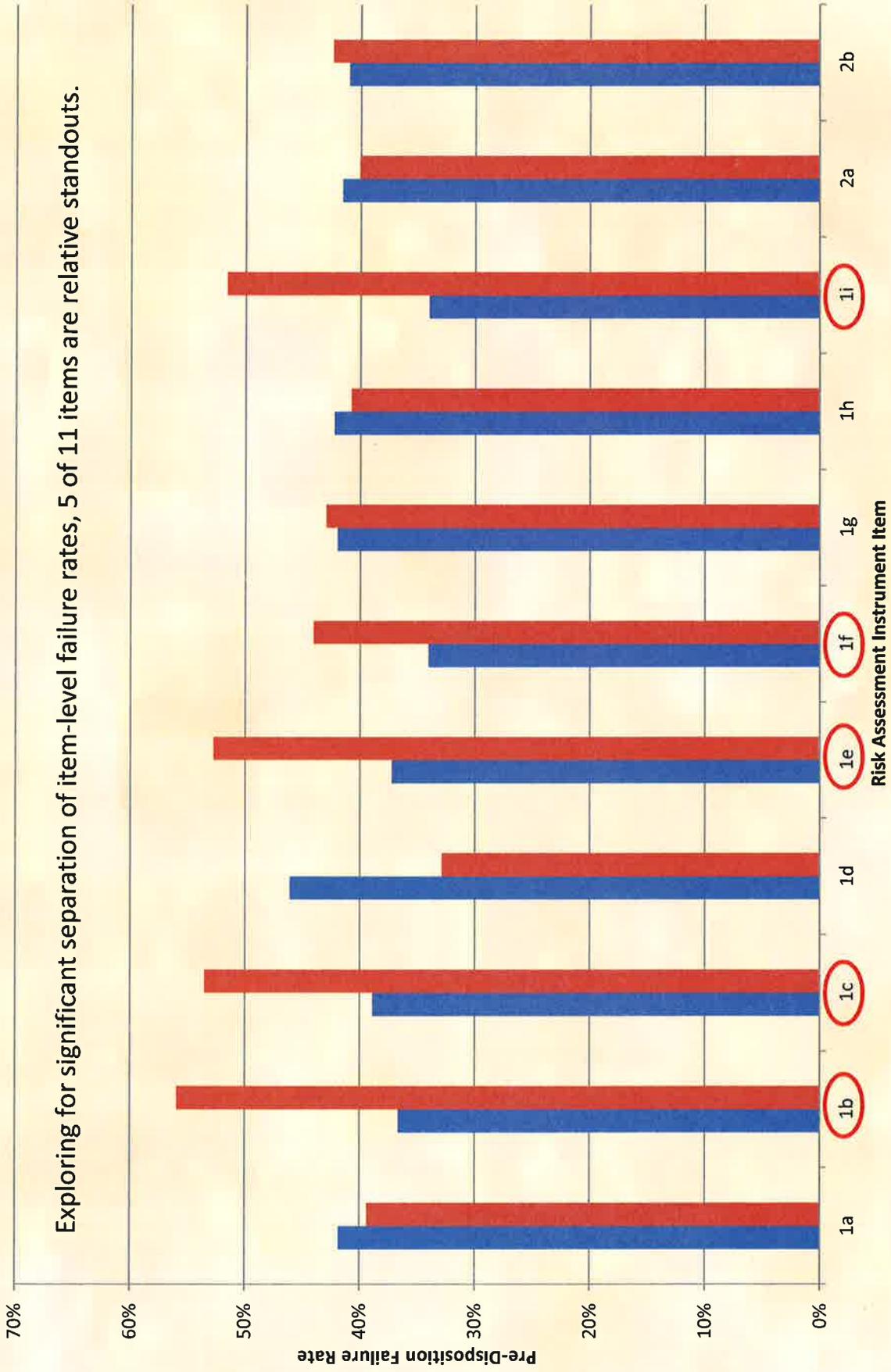
## Failure Rate by Risk Assessment Item Score

■ 0 ■ 1 ■ 2

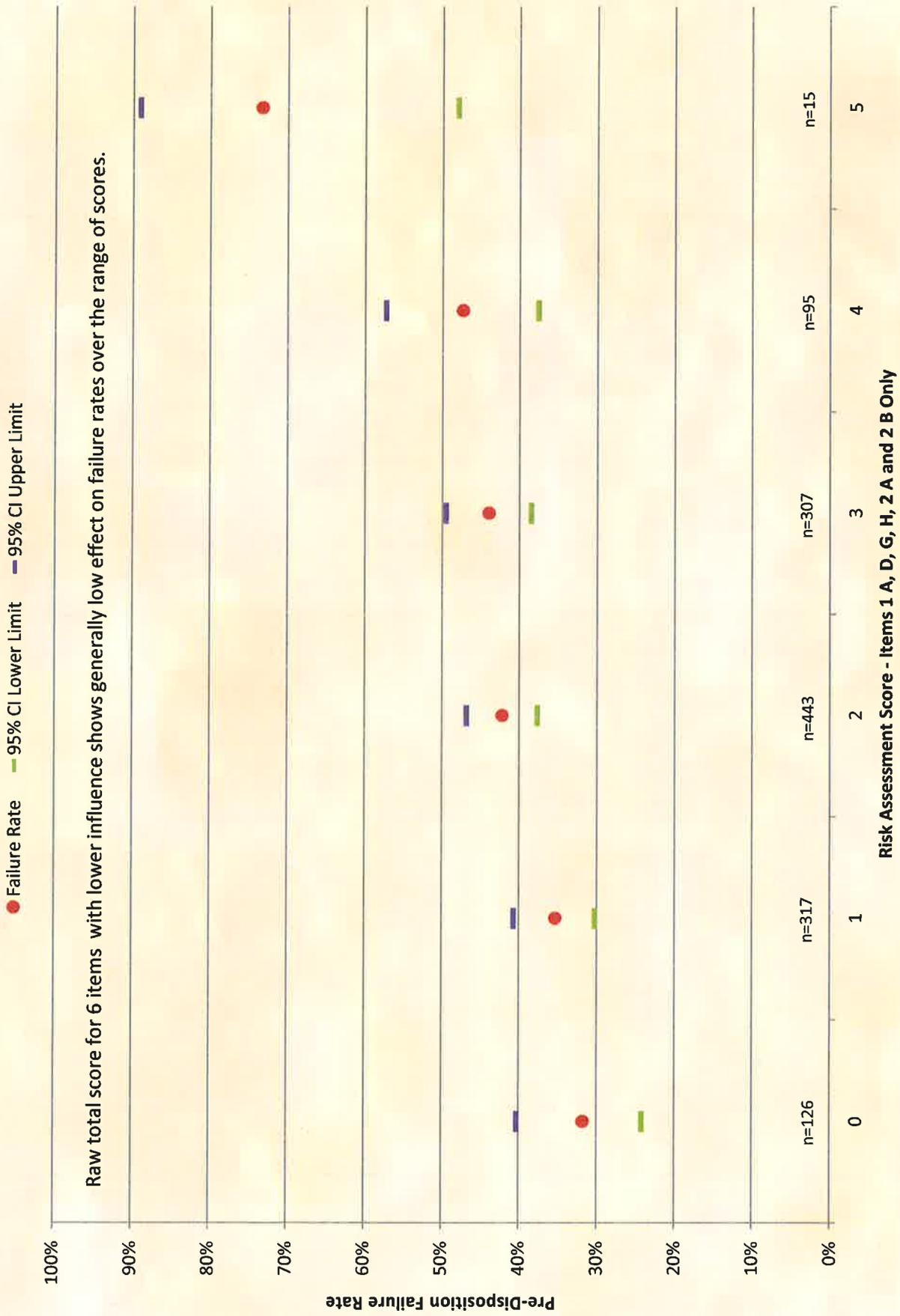


## Failure Rate Separation for Minimum to Maximum Risk Assessment Instrument Item Scores

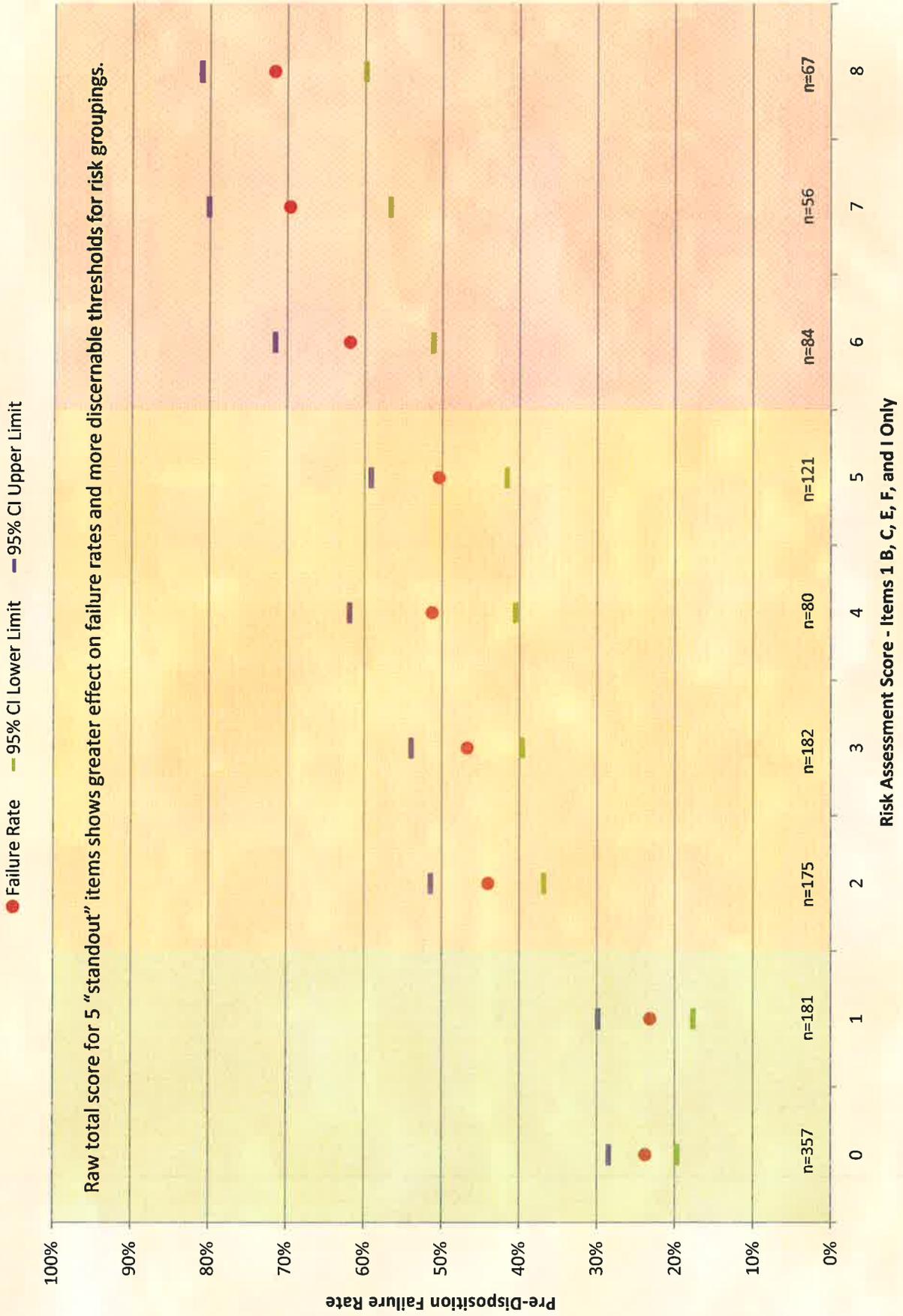
■ Minimum Item Score 95% CI Upper Limit    ■ Maximum Item Score 95% CI Lower Limit



### First Half 2014 JP RAI Items 1 A, D, G, H, 2 A & B Sample Failure Rates with 95% Confidence Intervals

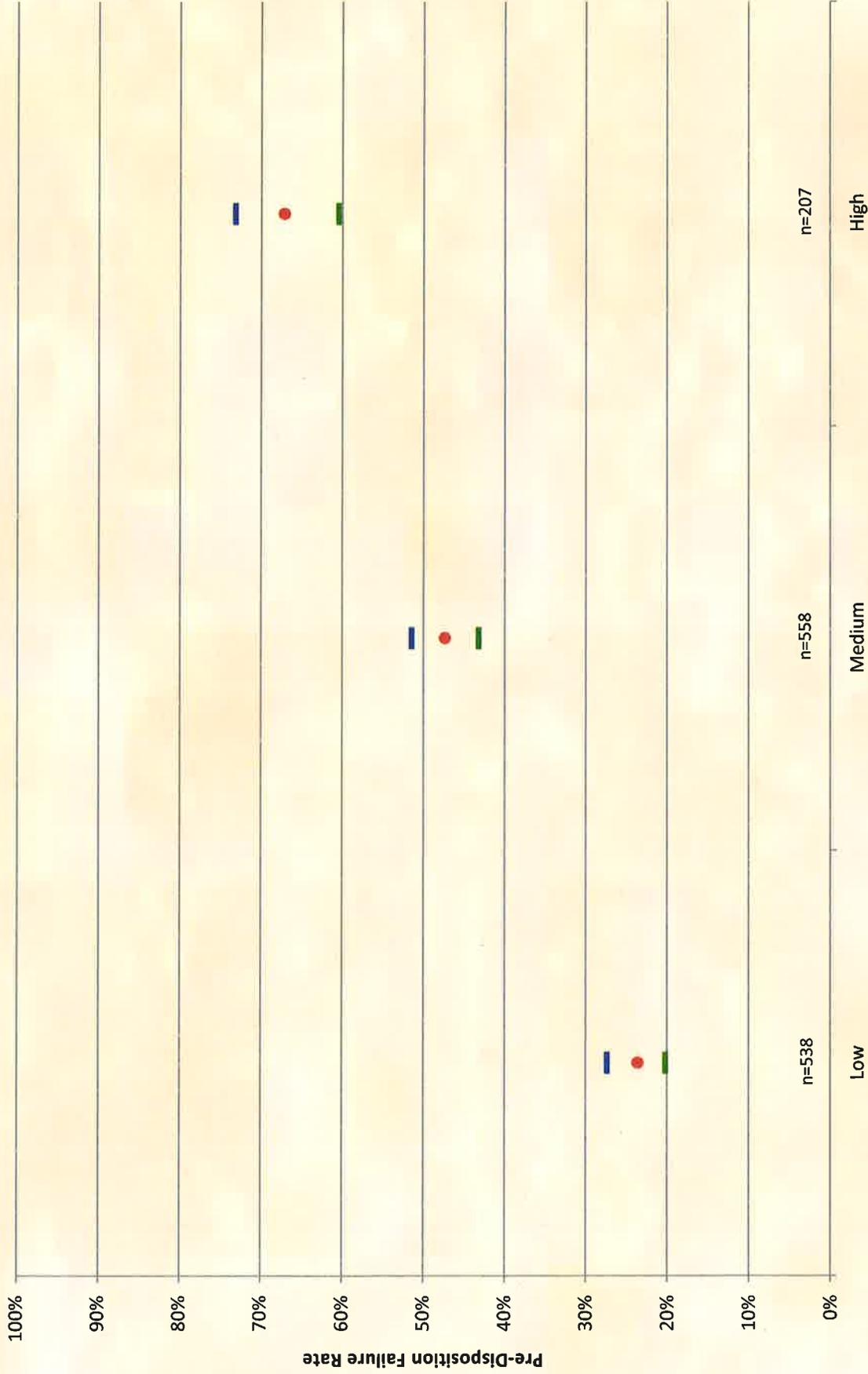


### First Half 2014 JP RAI Items 1 B, C, E, F, & I Sample Failure Rates with 95% Confidence Intervals



### First Half 2014 JP Revised RAI, 5 Items, Sample Failure Rates with 95% Confidence Intervals

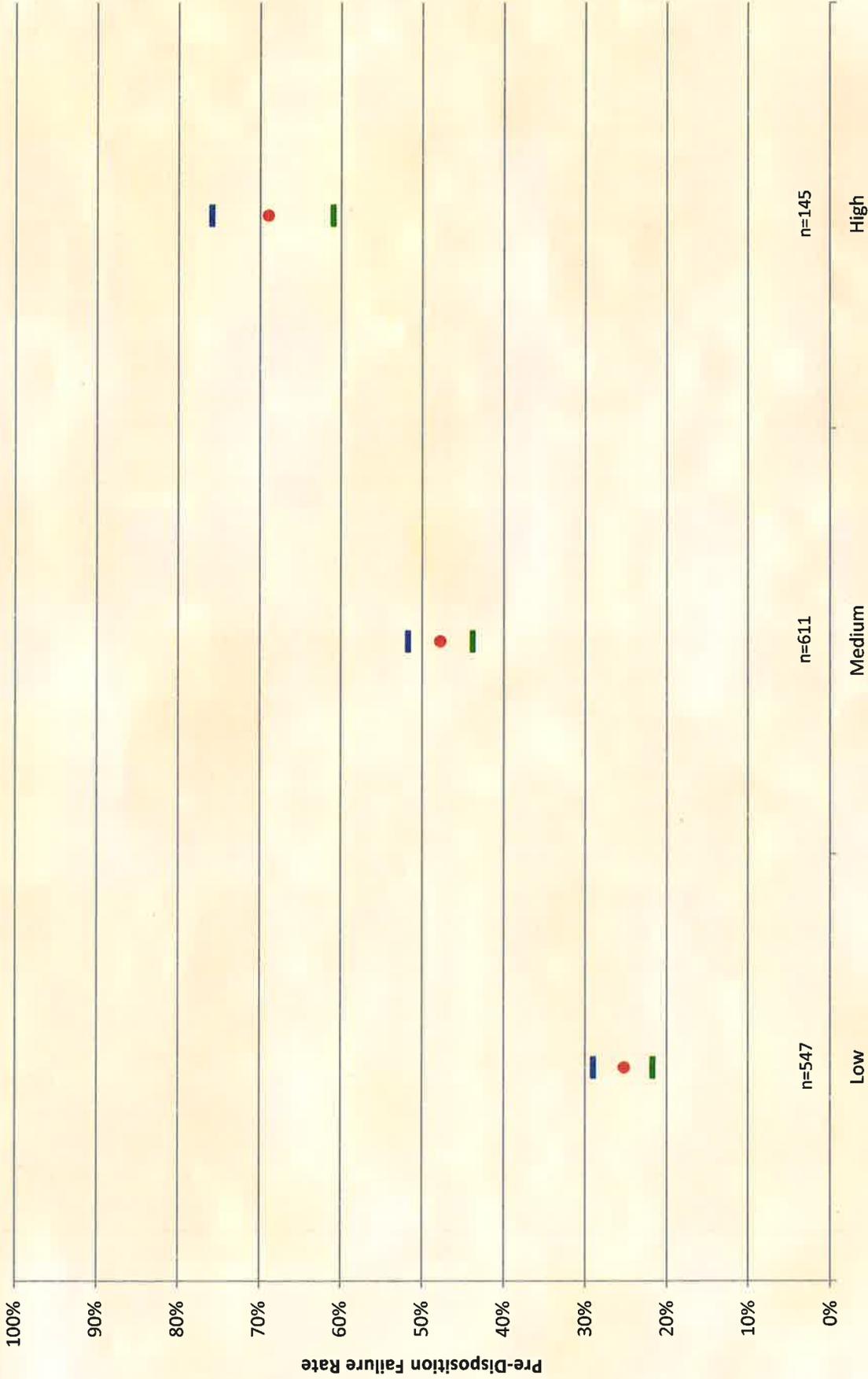
● Failure Rate    — 95% CI Lower Limit    — 95% CI Upper Limit



Revised RAI, Sum of Items 1b, 1c, 1e, 1f, and 1i: Low = 0 - 1; Medium = 2 - 5; High = 6 - 8

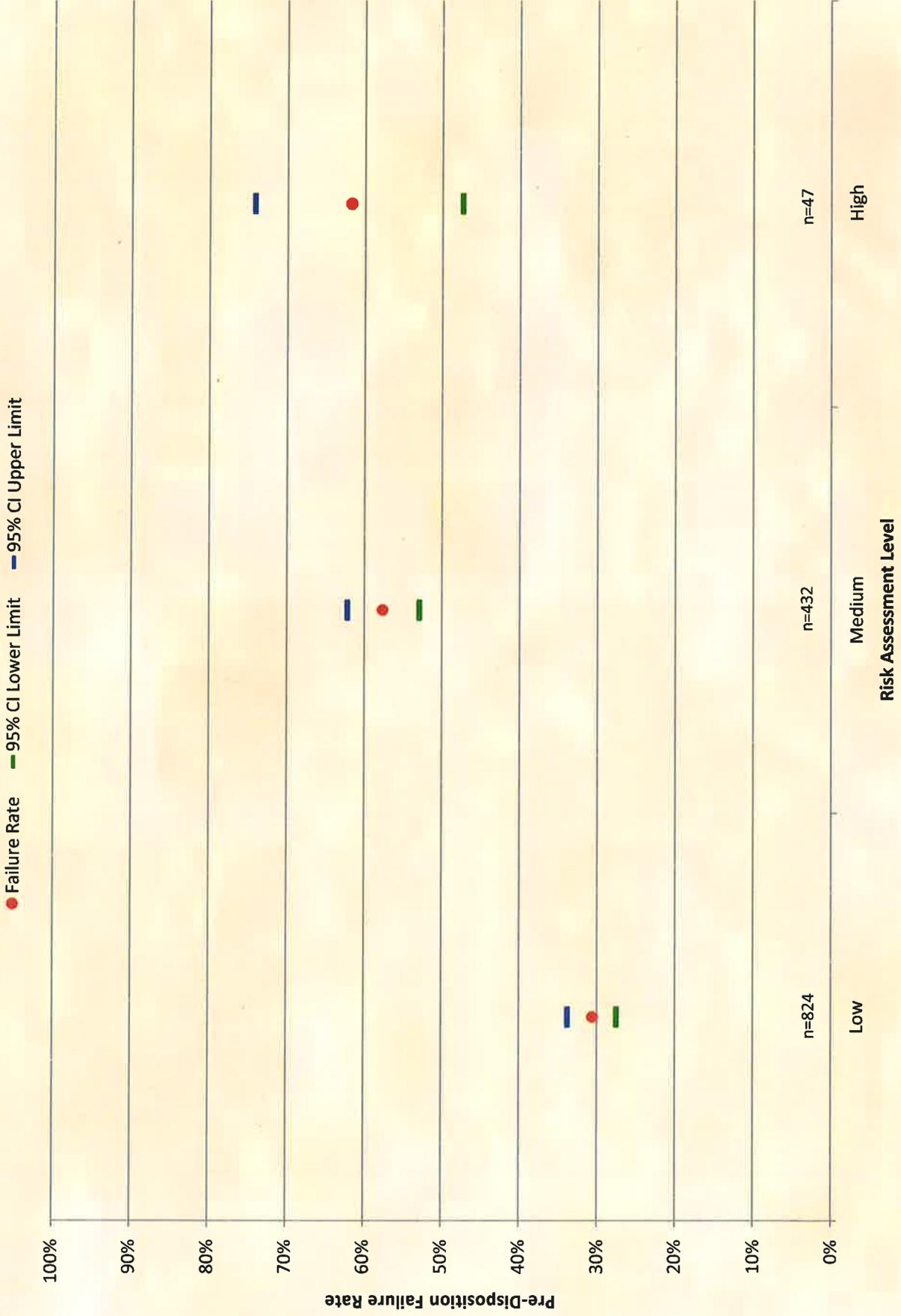
**First Half 2014 JP RAI, Regrouped Risk Levels, Sample Failure Rates with 95% Confidence Intervals**

● Failure Rate    — 95% CI Lower Limit    — 95% CI Upper Limit



**Regrouped Risk Assessment Level: Low = 0 - 3; Medium = 4 - 8; High = 9 - 14**

### First Half 2014 JP RAI Sample Failure Rates with 95% Confidence Intervals



# Relative rankings of the implemented risk assessment and exploratory variants using two statistical measures:

Pearson's $r$		Receiver Operating Characteristic	
Risk Assessment Variant	$r$	Risk Assessment Variant	AUC
Low, Medium, High Grouping on Prominent 5 Items	.322	Raw Total Score for Prominent 5 Items	.680
Raw Total Score for Prominent 5 Items	.314	Implemented RAI, Raw Total Score for 11 Items	.676
Implemented RAI, Raw Total Score for 11 Items	.305	Low, Medium, High Grouping on Prominent 5 Items	.674
Regrouped Low, Medium, High for 11 Items	.297	Regrouped Low, Medium, High for 11 Items	.657
Implemented RAI Low, Medium, High, Including Overrides	.260	Implemented RAI Low, Medium, High, Including Overrides	.633
Raw Total Score for 6 Low-influence Items	.107	Raw Total Score for 6 Low-influence Items	.558

## Guidelines for qualitative interpretation of Pearson's $r$ and the Area Under the ROC Curve:

Pearson's $r$	
Cohen	Hopkins
.5 Large	.9 to 1 Nearly perfect
.3 Medium	.7 to .9 Very large
.1 Small	.5 to .7 Large
	.3 to .5 Moderate
	.1 to .3 Small
	0 to .1 Trivial

Hopkins, Will G., PhD, Auckland University of Technology

Area Under the ROC Curve	
.90 to 1	Excellent (A)
.80 to .90	Good (B)
.70 to .80	Fair (C)
.60 to .70	Poor (D)
.50 to .60	Fail (F)

Tape, Thomas G., MD, University of Nebraska Medical Center

# JUSTICE REINVESTMENT OVERSIGHT GROUP AGENDA FOR DECEMBER 15, 2015

1. Welcome and Introductions
2. Minutes from July 29<sup>th</sup> 2015 meeting
3. RAI Validation Status
4. Delaware Bail Association Presentation (Dr. David Krahl)
5. Implementation Updates
  - a. CJC
  - b. DOC
  - c. SAC
  - d. JP Courts
6. Next Steps
7. Next Meeting

# JUSTICE REINVESTMENT OVERSIGHT GROUP MINUTES FOR DECEMBER 15, 2015

The Justice Reinvestment Oversight Group met at 10AM on December 15, 2015 in the Superior Court Judges' Conference Room on the 10<sup>th</sup> floor of the New Castle County Courthouse.

In attendance from the Oversight Group were: Chair, Justice James Vaughn of the Delaware Supreme Court, Commissioner Robert Coupe of the Department of Correction, Judge Alex Smalls of the Court of Common Pleas, Chief Magistrate Alan Davis of the Justice of the Peace Courts, Representative James Johnson of the State House of Representatives, Secretary John McMahon of the Department of Labor, Drew Fennell representing the Governor's Office, Karen Sullivan, representing the Department of Justice, Brendan O'Neill of the Office of Defense Services, Jay Lynch of DHSS, Kyle Baranski of the Office of Management and Budget, Ashlee Delaney and Rob Kessler of the State Senate. Samantha Zulkowski was a presenter representing the Department of Correction. Independent presenters included Dr. David Krahl of the University of Tampa, Kristin Bechtel and Jesse Revicki by phone of the Crime and Justice Institute. Also attending were State Senator Colin Bonini, Peggy Bell of DELJIS, Amy Quinlan of the Administrative Office of the Courts, Alan Grinstead of the Department of Correction, Joanna Champney of the Department of Correction, Chris Kervick and Scott McLaren of the Criminal Justice Council, Tom MacLeish of the Statistical Analysis Center, and Kate Parker West of the Delaware Center for Justice. Attending on behalf of Bail Bondsmen were Terry Spence, William Resto, Ken Moye, Lorin Jones, Brunilda Mercado, and Shannon Roche. Valarie Tickle and Ron Keen of CJC staffed the meeting.

The meeting opened with the approval of the Minutes of the July 29, 2015 meeting.

The next agenda item covered was a presentation on behalf of the Delaware Bail Bond Association. The PowerPoint presentation was given by Dr. David Krahl of the University of Tampa. The focus of the presentation was the use of surety bonding to assure the appearance of criminal defendants for court proceedings. Dr. Krahl also suggested the use of secured Pretrial release and the use of private versus public resources to assure that defendants attend scheduled court proceedings.

Discussion among Dr. Krahl, representatives of the Bail Bond Association, and members of the Oversight Group followed.

A conference call between the Oversight Group and Kristin Bechtel and Jesse Revicki of the Crime and Justice Institute was the next agenda item. Ms. Bechtel and Mr. Revicki indicated that they had Risk Assessment Instrument data for the period 12/3/13 through 8/31/15. They reported that there were almost 9,000 bookings with assessments. Of that total, about 4,000 had been released on bail or their own recognizance. Another 2,500 were detained in prison and approximately 900 were assigned to Pretrial supervision. Ms. Bechtel and Mr. Revicki indicated that they should be able to share some initial data soon. They added that they would have a better idea regarding the final product early in 2016.

Updates:

Chris Kervick, Executive Director of the Criminal Justice Council reported that the Annual Report of the Oversight Group is due January 31, 2016.

Chief Magistrate Alan Davis reported that the Risk Assessment Instrument remains fully implemented.

Samantha Zulkowski gave a PowerPoint presentation on behalf of the Department of Correction. The highlights included:

- The average daily Pretrial Detention population for FY 2015 was down approximately 7% from FY 2014, but was up approximately 1% from FY 2012.
- The average percentage of the Level V daily population representing Pretrial Detention was 22% in FY 2012, 25% in FY 2014, and 23% in FY 2015.
- Of the Offender Risk Levels for FY 2015 as measured by the LSI-R or the Static 99, was 48% High Risk, 44% Moderate Risk, and 7% Low Risk.
- The average daily Level IV population has declined each fiscal year since FY 2012. Overall, the average daily Level IV population for FY 2015 of 961 is 11.8% lower than the FY 2012 average daily total of 1,090.
- The Offender Risk Level at Level IV for 2015 as measured by the LSI-R and the Static 99 was 2.3% Low Risk, 41% Moderate Risk, and 57% High Risk.
- The average daily population for Levels I-III has declined 3.4% in FY 2015 (14,271) from FY 2012 (14,767).
- The Offender Risk Level at Levels I-III as measured by the LSI-R, Static 99, and DVSI-R for FY 2015 was 27% Low Risk, 50% Moderate Risk, and 23% High Risk.

The DOC also reported the following Miscellaneous Measures captured beginning in FY 2015.

- Level V Credit Days Awarded: 2,197
- Level IV Credit Days Awarded: 280

- Number of individuals in Levels I-III discharged due to earned compliance credit:  
61
- Number of graduated sanctions imposed on individuals at Levels I-III.  
2,628

**Next Steps:**

**Validation of Risk Assessment Instrument.**

**Next Meeting: February 2016**

State of Delaware

Executive Order #40 –  
Delaware Justice  
Reinvestment Oversight  
Group to Ensure Effective  
Implementation of SB 226

Department of Correction Progress Report

Commissioner Robert Coupe, DOC  
12/15/2015

**Department of Correction (DOC) Progress Report on SB226 JRI Implementation**

**December 15, 2015**

Previous updates were August 26, 2013, December 4, 2013, April 23, 2014, October 2014 (not a meeting date), January 26, 2015, and July 29, 2015.

1. **Title 11, 2104 changes – Pretrial Assessment.** The court shall employ an objective assessment instrument to gauge the person’s risk of flight and re-arrest. The risk assessment instrument shall be responsive to the needs of victims of domestic violence and sexual assault. Use of the objective risk assessment instrument shall commence by December 31, 2013.

- **Increase in use of P&P pre-trial supervision.**

**Status:** There are 6 Statewide Pretrial Supervision Officers. As of 12/14/15, the caseload for Pretrial Services was as follows:

- Statewide: 546 (Including 21 supervised by Rick Van Story Resource Center)

New Castle: 386 (including 21 RVRC)

Kent County: 76

Sussex County: 84

- **Propose legislative changes** to empower the P&P Officers to better supervise offenders on pretrial supervision through administrative sanctions.

**Status:** DOC is not pursuing legislation at this time.

- **Increase use of electronic monitoring devices- Electronic supervision of sex offenders, DUI-alcohol monitoring and Home Confinement has increased the use of electronic monitoring equipment.**

**Status:**

Month/Year	Electronic Monitoring Units in Use
October 2006	261
October 2007	269
October 2008	329
October 2009	435
October 2010	437

Executive Order #40 – Delaware Justice Reinvestment Oversight Group to Ensure Effective Implementation of SB 226 | 2015

October 2011	489
October 2012	501
October 2013	645
April 2014	678 (GPS 275, TAD 122, RF 206, RF Cell 70, Voice ID 5)
Sep 2014	633
January 2015	684 (GPS 291, TAD 155, RF Cell 71, RF 167)
June 2015	714 (GPS- 302, TAD- 150, RF- 190, RF Cell- 72)
September 2015	666 (GPS-297, TAD-140, RF- 164, RF Cell- 65)

- **3<sup>rd</sup> Party Pre-Trial Community Supervision Program** – Governor and General Assembly provided \$250,000 in the DOC FY15 budget to develop a pilot program to provide pre-trial supervision and services for eligible defendants.

**Status:** The contract was awarded to the Rick Van Story Resource Center in Wilmington at the end of December 2014. P&P Policy development and operations began in January 2015.

Cumulative number of participants as of 11/30/15: 61  
 Active number of pre-trial clients at RVRC as of 12/14/15: 21

2. **Title 11, 4321 (b) (2) changes – Use of assessment at SENTAC Levels 2, 3 & 4.** DOC shall evaluate each person under Supervision Accountability Level II, III or IV, using an objective risk and needs assessment instrument and shall create a case plan for those persons assessed to be moderate to high risk that targets the need factors identified by the assessment. The DOC shall make efforts to provide treatment and services responsive to the person’s needs and characteristics. Use of the objective risk assessment instrument and associated case plans shall commence by December 31, 2013.

**Level of Service Instrument- Revised (LSI-R)-** The DOC P&P has been utilizing the LSI-R since 2003. The use of the LSI-R, a validated assessment instrument, was expanded to Level IV work release in December 2012 and implemented at Level V incarceration in June 2013.

**Status:**

	Beginning of CY 15 (Jan-Jun)	FY 2015 (Jul 2014 – Jun 2015)	CY 2014 (Jan 2014 – Dec 2014)	CY 2015* (Jan 2015 – <u>12/11/15</u> )  <i>*Note: CY not complete as of report date</i>
<b>Level 5:</b>	830	1746	994	1,310
<b>Level 4:</b>	404	619	773	627
<b>P&amp;P:</b>	2,020	3,156	4,517	3,985
<b>TOTAL</b>	3,254	5,521	5,175	5,922

**Risk Need Responsivity (RNR) Simulation Tool** -The DOC, CJC and VERA have partnered with Dr. Faye Taxman at George Mason University (GMU) to utilize the Risk Need Responsivity (RNR) tool. With the RNR tool, DOC will be able to review/evaluate the classification process, population’s program needs, etc.

**Status:** GMU has provided their final report summarizing the primary needs of the correctional population and how these needs influence recidivism. A Gap Analysis has been included in the finalized report, providing DOC with an assessment of the needs of the correctional population in comparison with the availability of programming.

Work with GMU continues to create an Application Programming Interface (API) which will integrate the web-based RNR Tool into DOC’s DACS computer system, allowing it to be part of the case management and classification processes utilized by DOC personnel. The Delaware Criminal Justice Council has allocated JRI funds to support the continuing work with GMU.

The DOC P&P also utilize the DVSI-R for domestic violence offenders on Level II or III probation. The University of Delaware conducted the validation of the DOC’s use of the DVSI-R in March of 2015. The validation concluded that the tool is meeting its objectives. Excerpts from the validation study state that “the DVSI-R is a valid risk assessment tool among the Delaware probationer population, including for different gender and race groups. The DVSI-R performed similar to previous research in its predictive validity for our measures of family violence re-offending, providing further supportive evidence of its predictive validity.” The validation also determined that

though the inter-rater reliability (i.e. consistency of scoring, evidenced by same scores on the assessment if administered by different staff) was fair to moderate, pointing to the need for booster training for individuals administering the assessments.

3. **Title 11, 4321 (g) changes – Assess the treatment needs of the DOC population.** “The Department shall undertake an assessment of the availability of community resources to meet the treatment and rehabilitation needs of the supervised population every three years and endeavor to develop and support programs in accordance with identified needs. The first three-year report shall be completed by December 31, 2013.”

**Status:** The assessment report was submitted before the December 31, 2013 deadline. The next report will be due December 31, 2016. The DOC continues to work with DHSS and the vision is to add community programs to the RNR program.

4. **Title 11, 4333 (i) changes – Removed the 60 day requirement** before an assessment could be completed and an offender’s level could be changed. DOC shall have the authority without leave of the court to reclassify any offender sentenced to probation at Levels I, II or III.

**Status:** The new policy at P&P has been written and implemented.

5. **Title 11, 4334 (d) changes – DOC authorized to administratively resolve a technical violation of conditions of probation by placing an offender “on home confinement for a period of not more than 10 days consecutively, and not more than 20 days per calendar year.”**

**Status:** The new policy at P&P has been written and implemented. This option has not been utilized as of this date.

6. **Title 11, 4334 changes – supports the use of Graduated Responses by P&P.** The Department shall develop guidelines for probation officers to assist them in providing consistent and appropriate responses to compliance and violations of the conditions of probation or supervision.

**Status:** The guidelines have been developed and implemented. The electronic format to track graduated responses has been developed in DACS and was completed in August 2013. Funding for this project began under the ABA Racial Justice Improvement Project overseen by Justice DuPont Ridgely.

Probation officers received training in Motivational Interviewing at Delaware Technical Community College starting in September 2013. Funding for the training was obtained with assistance from CJC. As of 08/01/14, 326 administrators and staff members have completed Introduction to Motivational Interviewing training during 19 sessions. 60 staff members and supervisors have completed Advanced Motivational Interviewing and 54 staff members and supervisors have completed additional Coaching and Coding training. 22 staff members have completed the Motivational Interviewing (MI) instructor training program. Those trained include all P&P Officers and Management Staff, Training Academy Staff, and representatives from Level 4 Management and Counselors.

As of August 18, 2014 DOC MI trainers have begun providing MI training to the BOTC class (Probation & Parole Academy).

There have been 14 DOC employees who have successfully completed the MI Trainer training who are now certified to be trainers. Some of the newly certified DOC MI Trainers recently provided MI training to cadets in the DOC P&P Basic Officer Training Class. The grant was extended and refresher training for Supervisors and Certified trainers was held on March 16, 17, and 18, 2015 at the Del Tech Terry Campus, with 51 individuals attending. Stephen Andrew from the Health Education & Training Institute (HETI) was the presenter.

7. **Title 11, 4348 changes – Offenders released early on good time credit deemed released on “probation”, effectively eliminating “conditional release,”** and also addresses waiver by inmate to finish sentence in prison in lieu of probation.

**Status:** HB 203 passed the Senate in January 2014 and was signed into law by Governor Markell on 01/30/2014. Legislation was supported by the CJC, the Attorney General’s Office and DOC. The measure addressed confusion in interpreting current law, but we were unsuccessful as session timed out.

8. **Title 11, 4381 changes – Good time credits.** Allows for “up to 60 days of additional good time may be awarded for the successful completion of an approved program designed to reduce recidivism.” The DOC Commissioner is responsible for designating the programs that meet this requirement. No more than a total of 160 days of good time may be earned in any 1 year consisting of 365 days actually served. This up from a maximum of 100 days.

**Status:** DOC partnered with the CJC and UD to conduct an assessment of nine (9) programs utilizing the California Program Assessment Process (CPAP). The assessment evaluates the programs on material, policy, procedure and implementation to assess recidivism reduction value. The assessment is in the third round of the process, which includes direct observation, interviews and surprise visits from the assessors. The DOC Commissioner will utilize the results of the assessment to designate programs for additional good time as well as how much good time should be earned for the specific program. The amount of good time earned should correspond to the amount of program dosage hours. Programs currently under evaluation are; 1) Key/Crest Programs (all sites), 2) Greentree (north & south), 3) Head-Start, 4) Academics (GED, HS Diploma, Vo-Tech), 5) Thinking for a Change, 6) Mental Health CBT programs, 7) Family Problems, 8) Mothers in Reentry.

UD's CPAP assessment is completed. Initial findings were positive for most programs. The following Programs have received additional Good Time Credits.

All Key Programs (Level V) – 26 Good Time Credits

All Crest Programs (Level IV) – 15 Good Time Credits

Women in Transition (formerly Mothers In Reentry) Program (previously Level V, now at Level IV) – 4 Good Time Credits

The DOC has hired a Director of Behavioral Health (Treatment Programs); the Director is within the Bureau of Correctional Healthcare Services and will oversee the delivery of offender treatment programs. The Director of Behavioral Health convened several meetings of the Treatment Program Review Committee to plan for revision of multiple programs offered within DOC facilities. Adjustments to Therapeutic Communities at several prisons have occurred, and the Key-Crest continuum is also being improved.

Beginning in April of 2015, DOC began tracking credit days awarded in the DACS system. Two months of data collection reveal that 2,197 total days of earned compliance credit were given to individuals serving a Level V sentence. 280 days were awarded to those serving a Level IV sentence.

9. **Title 11, 4383 changes – Earned compliance for probation.** Subject to the limitations set forth in §4333(d) of this title, periods of probation may be reduced by earned compliance credit under the provisions of this chapter and rules and regulations adopted by the Commissioner of Correction. Individuals may earn up to 30 days of credit for 30 days of compliance, not to exceed half of their probationary period.

**Status:** P&P has been conducting a manual assessment of offenders on probation to comply with the law. Funding has been obtained to create an electronic tracking module in DACS. Prior to SB226, P&P Officers reduced approximately 25% of their offender's probation sentences for significance compliance with conditions of supervision so the actual impact of this new law may not show significant differences statistically. The impact of the new law is that the probation sentence is reduced without judicial approval. This process, standardized into operations by SB 226, required upgrades to the DOC DACS (records management system) and was completed in August 2014. Through FY15 (11 months of tracking), 61 individuals received early discharge due to earned compliance credit.

- 10. Title 11, 6531 (a) changes – DOC shall evaluate each person using an objective risk and needs assessment instrument** and create a case plan that targets the offender's needs. The Department shall make efforts to provide treatment and services responsive to the person's needs and characteristics. Use of the objective risk assessment instrument shall commence by December 31, 2013.

**Status:** Use of the LSI-R assessment instrument has been implemented.

- 11. Title 11, 6531 (g) changes – The Department shall undertake an assessment of its ability to meet treatment and rehabilitative needs** of the confined population every three years and endeavor to provide programs in accordance with identified needs. The first report shall be completed by December 31, 2012.

**Status:** The DOC completed the 2012 report as directed. Moving forward, the Risk Need Responsivity (RNR) tool will enhance this process and improve the ability of the DOC to assess the treatment and rehabilitative needs of the offender population. The next report is due December 31, 2015.

GMU has issued a Gap Analysis which compares our population's needs as determined by the LSI-R/RNR with the menu of currently available programming offered in our facilities. The Research & Planning Unit will be working collaboratively with DOC's Director of Behavioral Health, the Treatment Program Review Committee, the Bureau of Prisons, the Bureau of Community Corrections, and DOC's top leadership to consider the implications of the Gap Analysis. When appropriate, the findings and any implications

for program reallocation/revision will be discussed with DOC's behavioral health provider and all other relevant parties.

Prepared by Chief Grinstead, Deputy Commissioner Hines and Commissioner Coupe (8.22.13, 8.25.13)

Updates from Chief Grinstead, Deputy Chief Klein, Planner M. Records (12.2.13)

Updates from Chief Grinstead, Deputy Commissioner Hines and Director Sebastian (04.22.14)

Updates from Chief Grinstead, Deputy Commissioner Hines, Deputy Chief Kline (08.20.14)

Updates from Chief Grinstead, Deputy Chief Kline, Planning Chief Champney (01.25.15)

Updates from Chief Grinstead, Pretrial Services Unit Supervisor Zwickert, Planning Chief Champney, and Planner Zulkowski (7.28.15)

Updates from Chief Grinstead, Probation & Parole Director Sebastian, and Planning Chief Champney (11.17.15, 12.14.15)

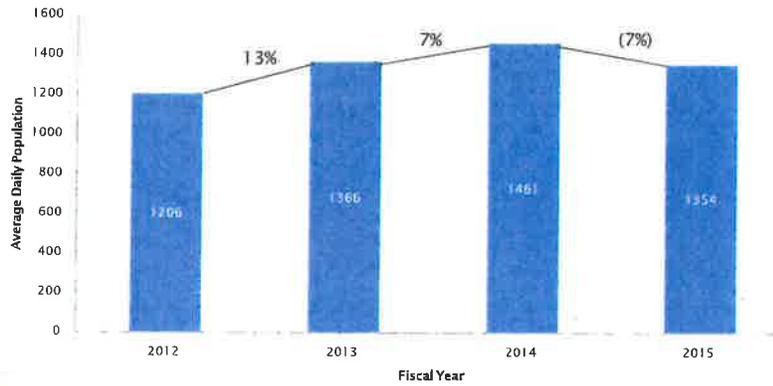
# JRI Outcome Measures

December 15, 2015

## Pretrial Detention

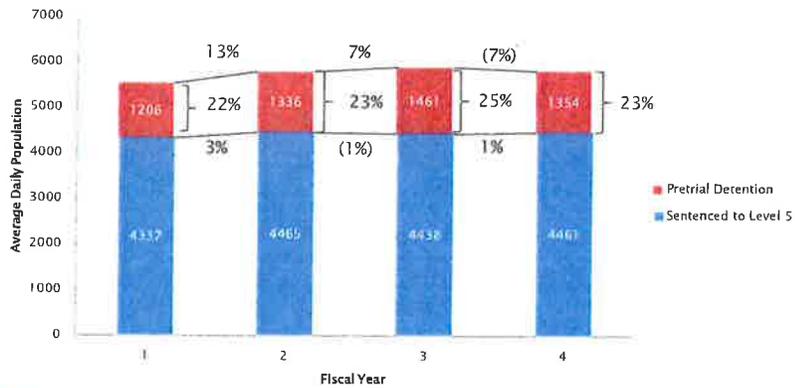
# Pretrial Detention

Average Daily Population of Pretrial Detainees



# Pretrial Detention

Daily Average of Total Level V Population per Fiscal Year



2012 Total Daily Average = 5543  
 2013 Total Daily Average = 5831  
 2014 Total Daily Average = 5899  
 2015 Total Daily Average = 5815

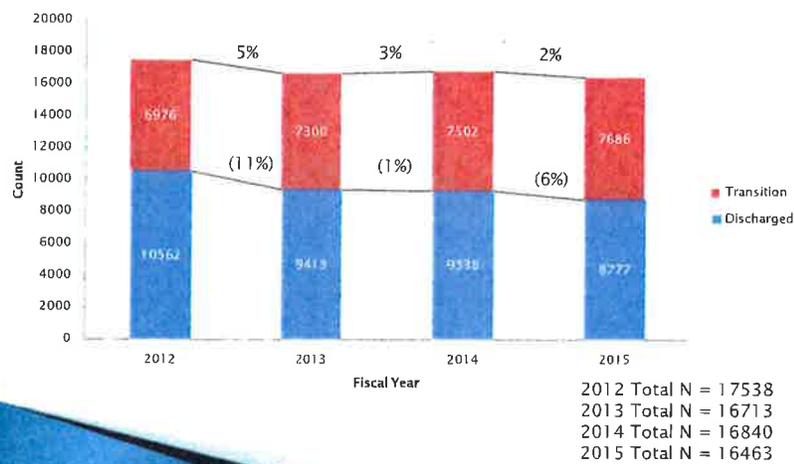
# Pretrial Detention

## Admissions into Pretrial Detention



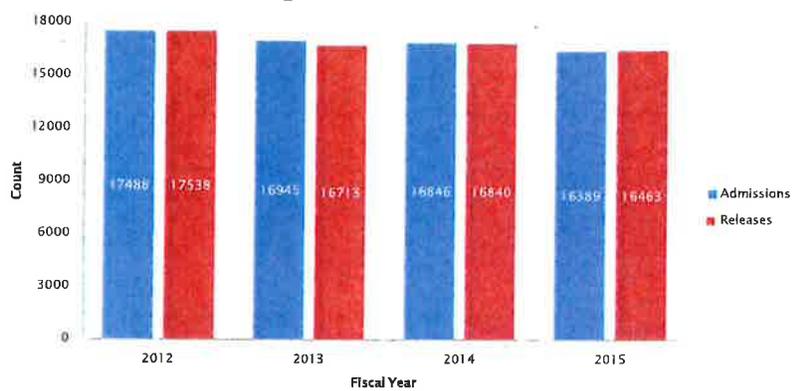
# Pretrial Detention

## Releases from Pretrial Detention

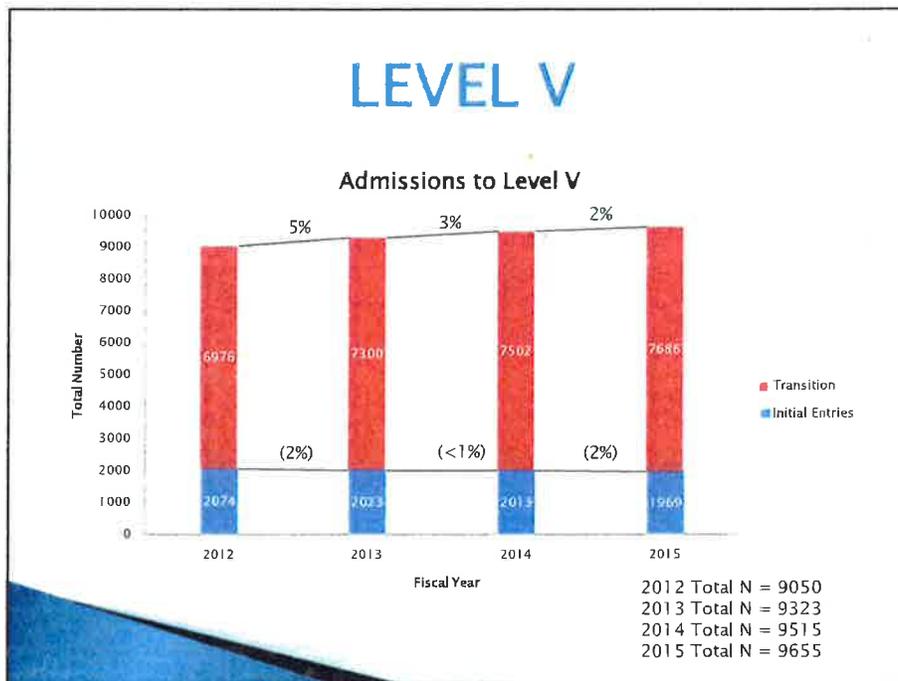
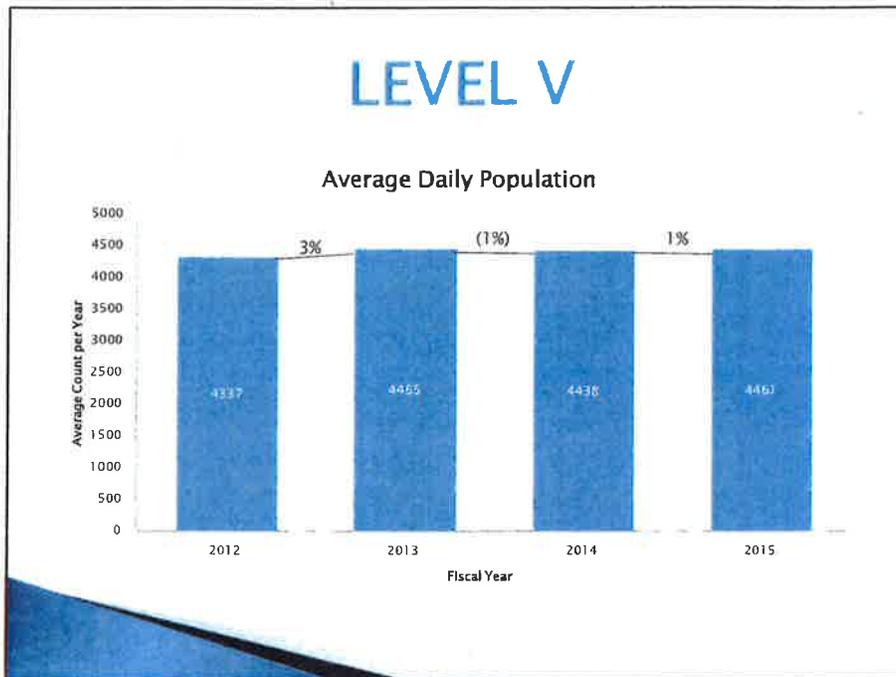


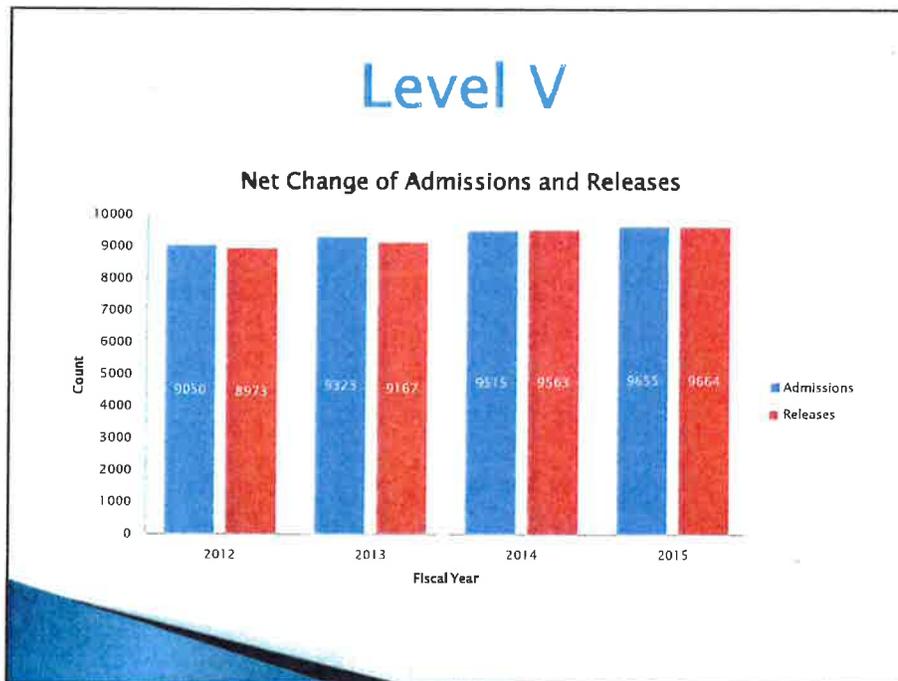
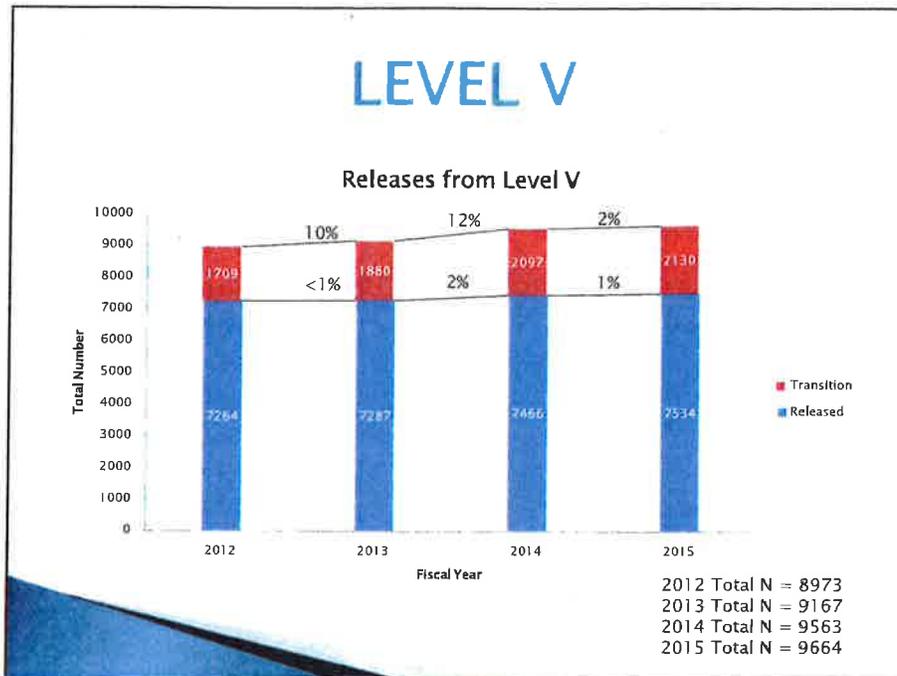
# Pretrial Detention

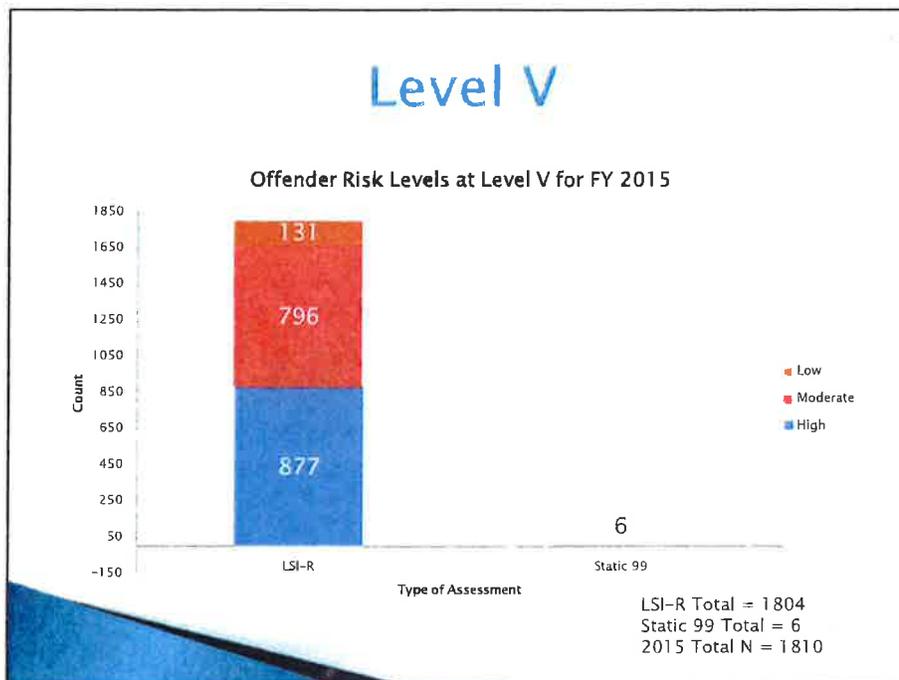
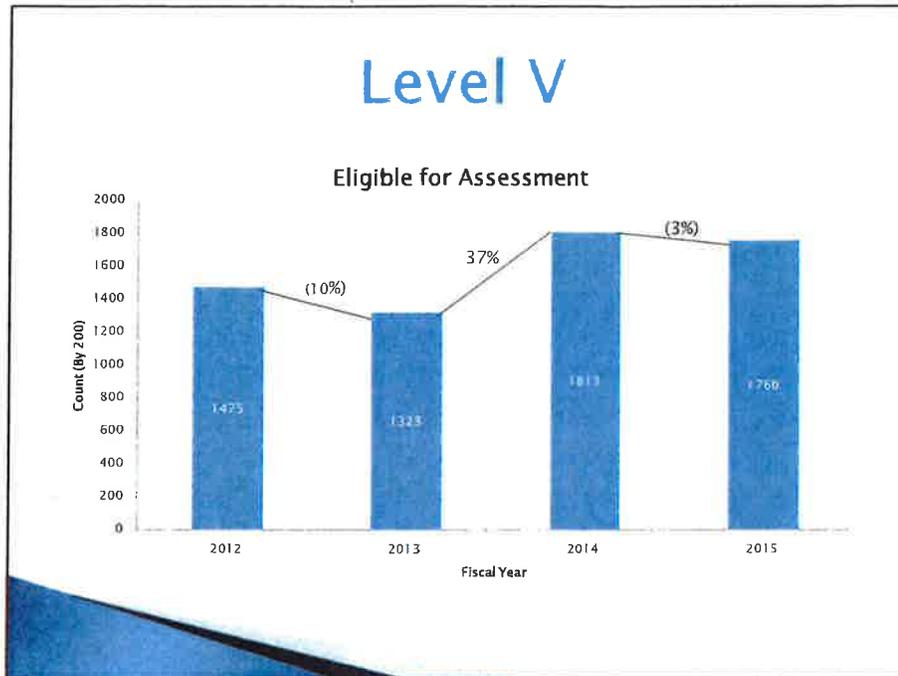
## Net Change of Admissions and Releases



# Level V

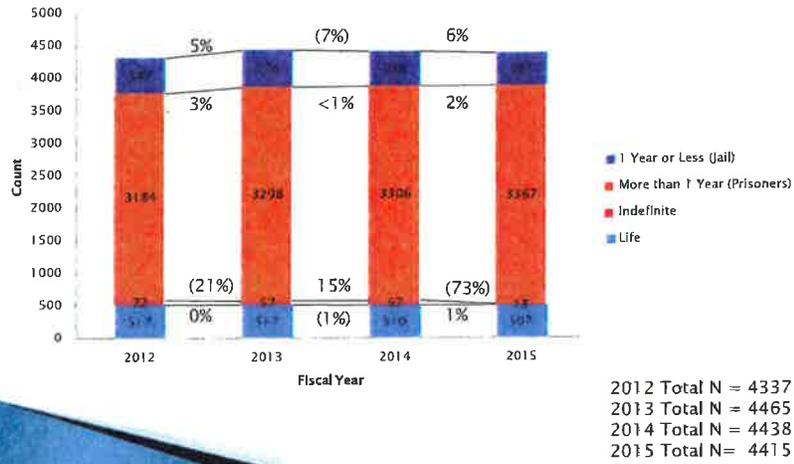




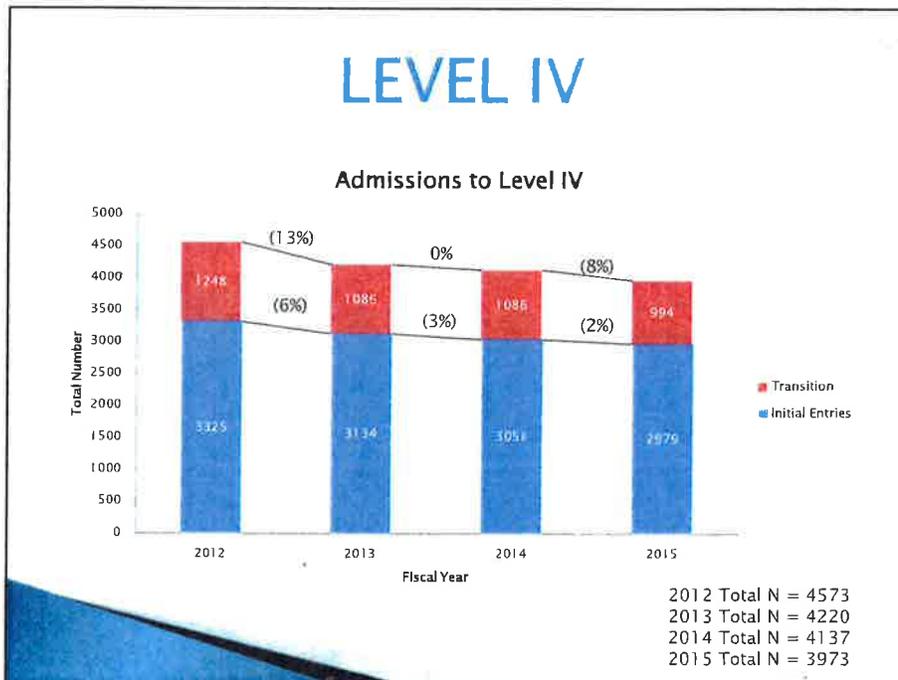
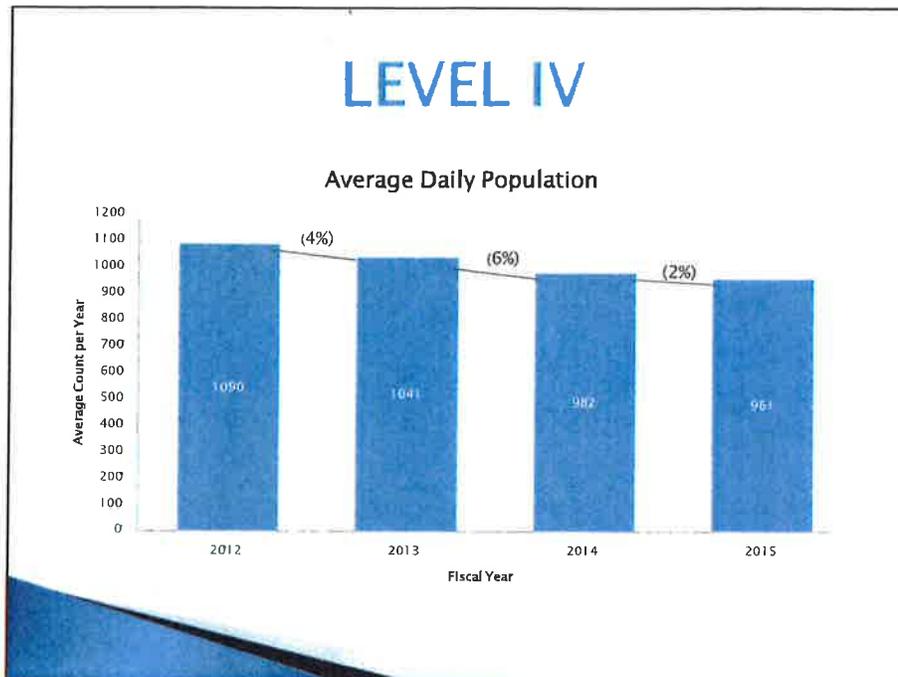


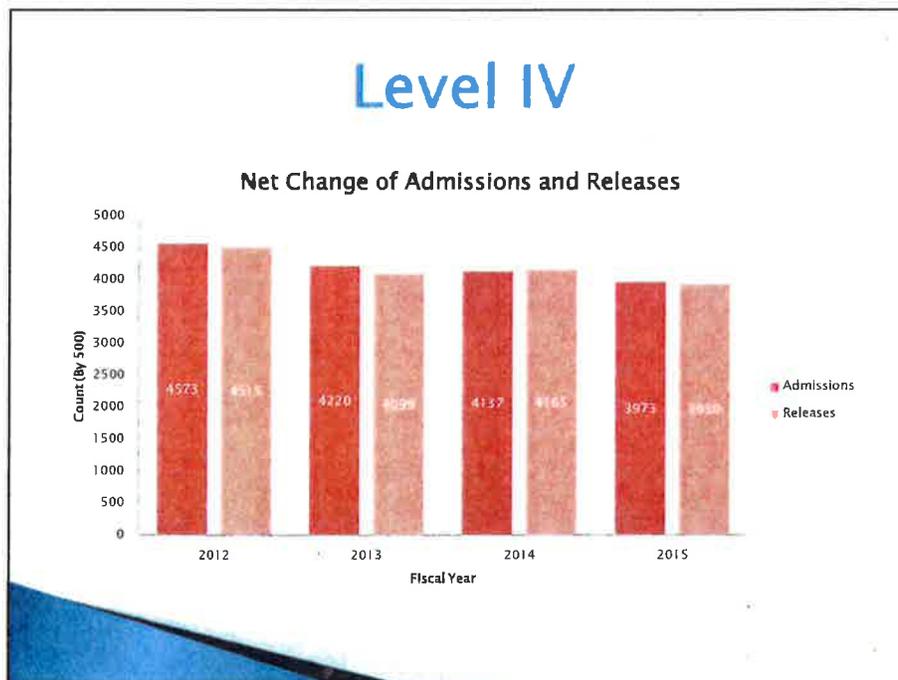
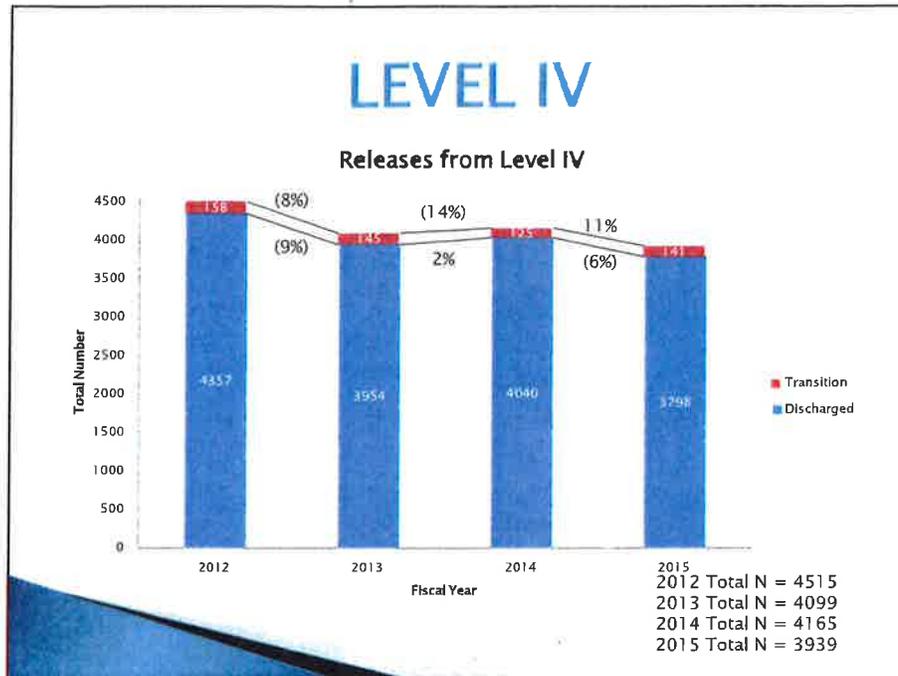
## Level V

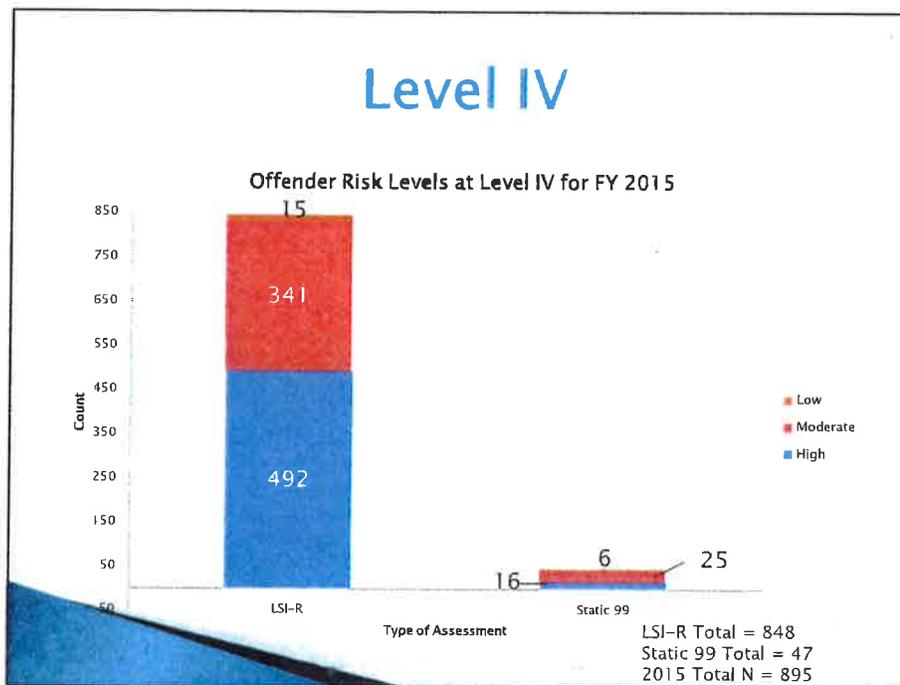
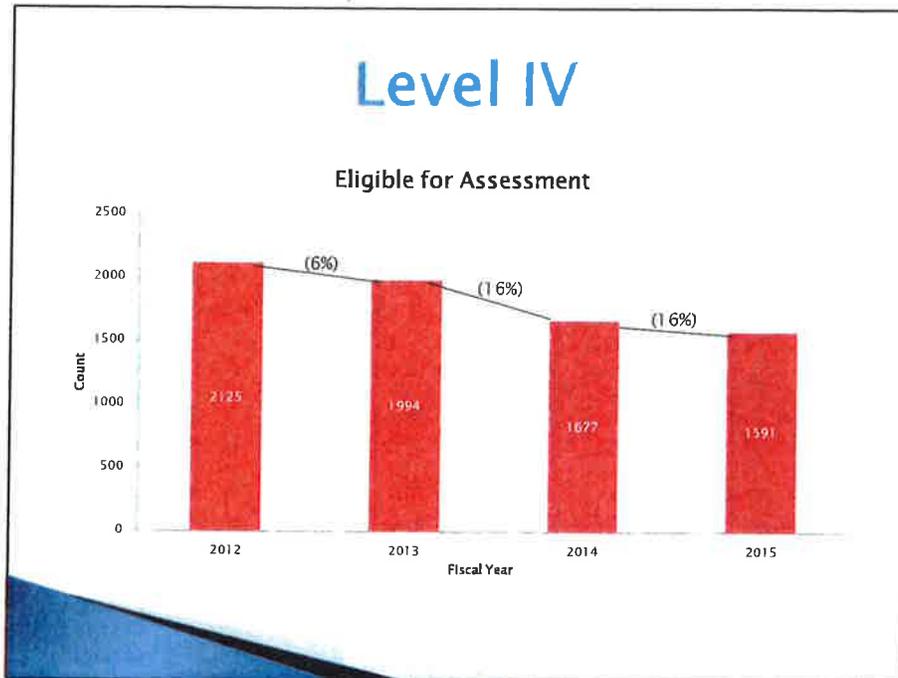
Break Down of Average Daily Level V Sentenced Population per Fiscal Year



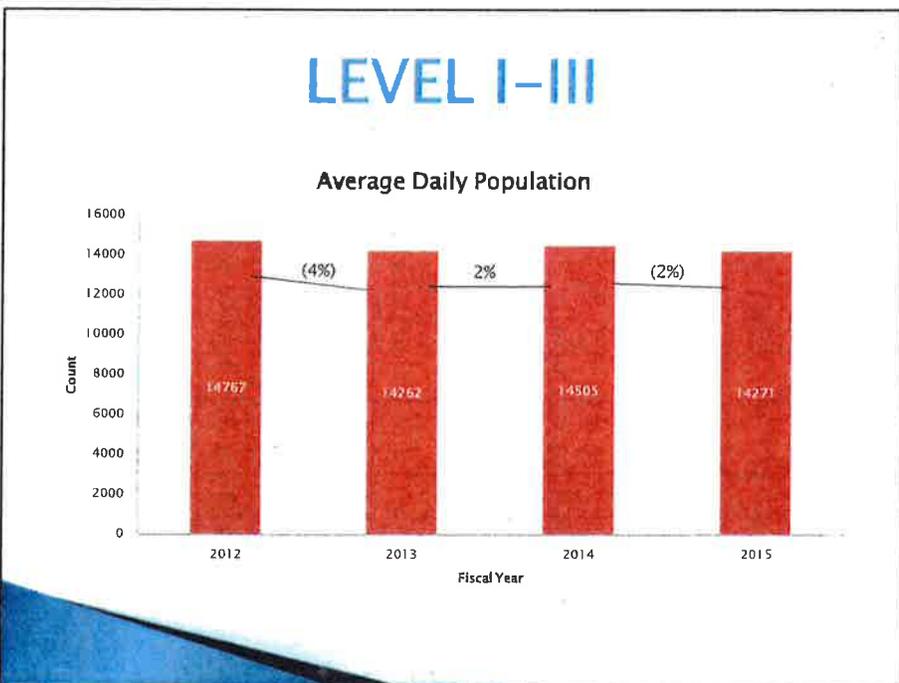
## Level IV

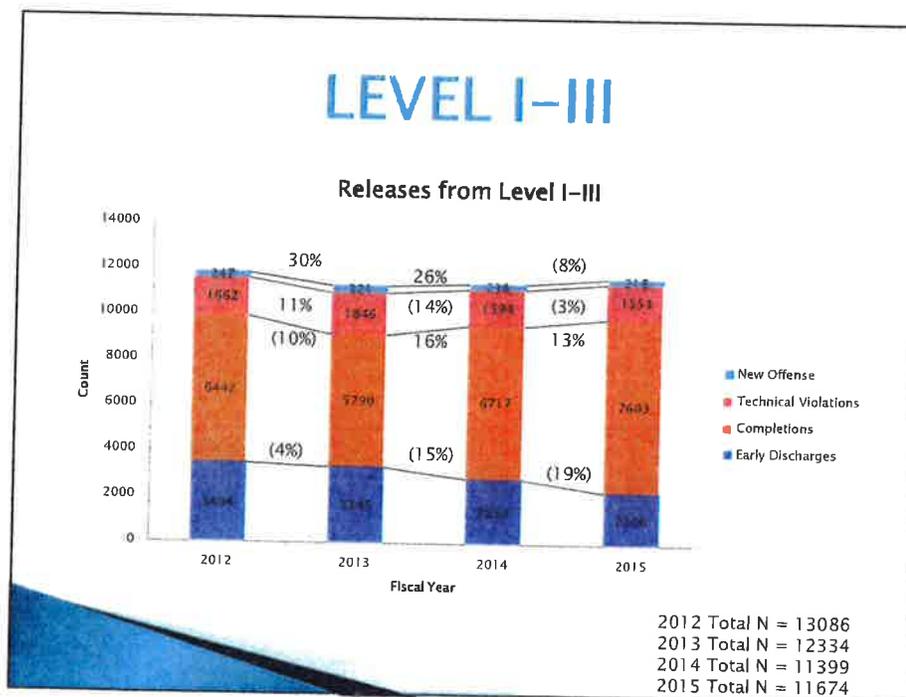
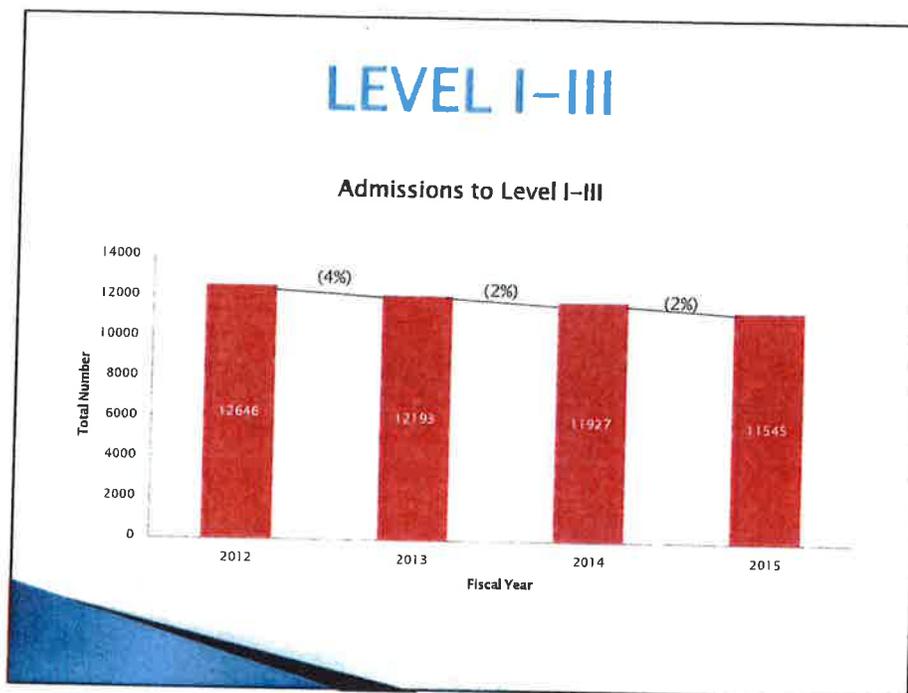


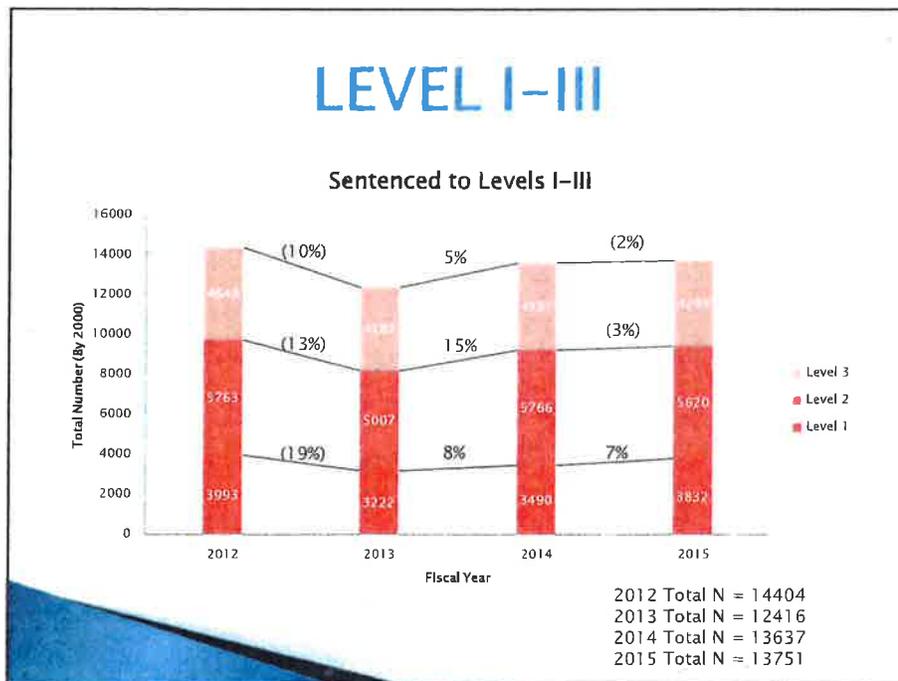
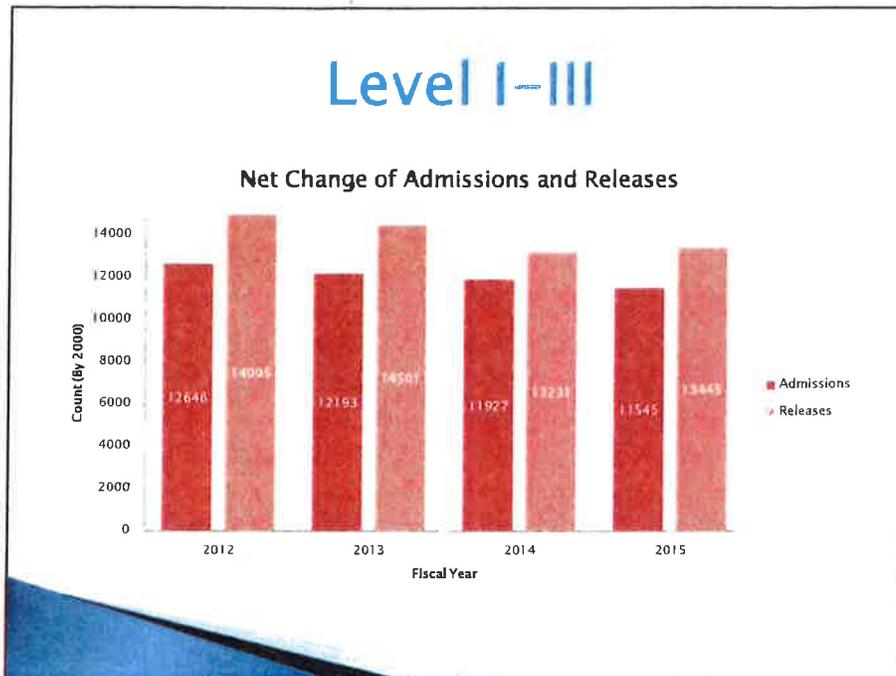


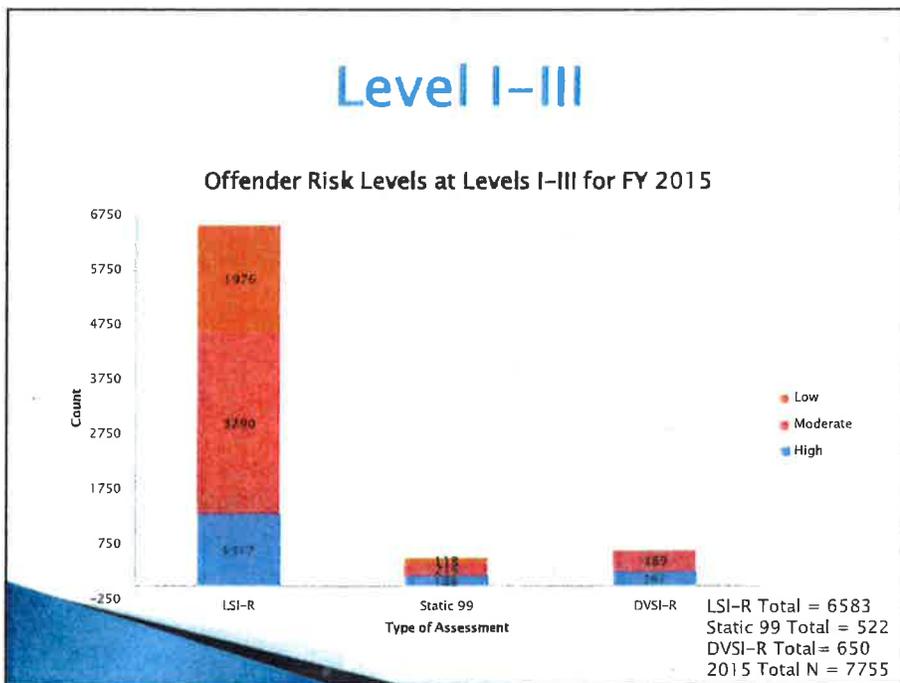
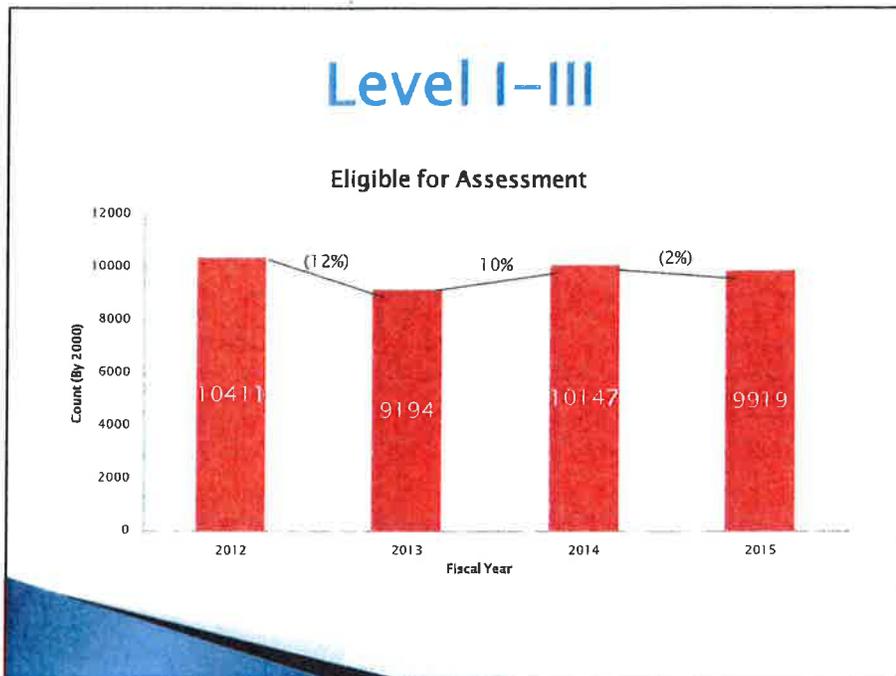


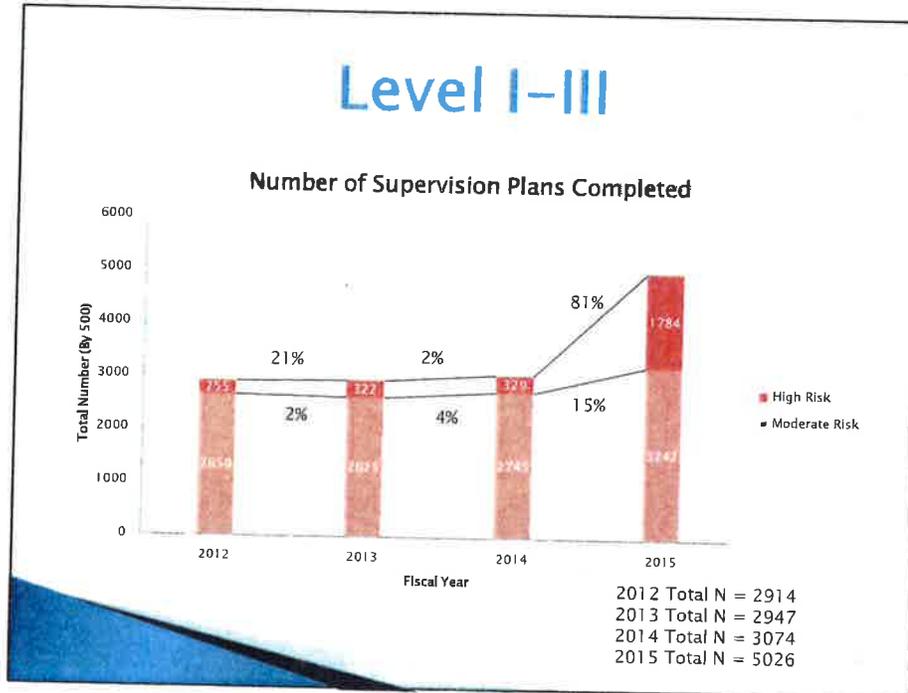
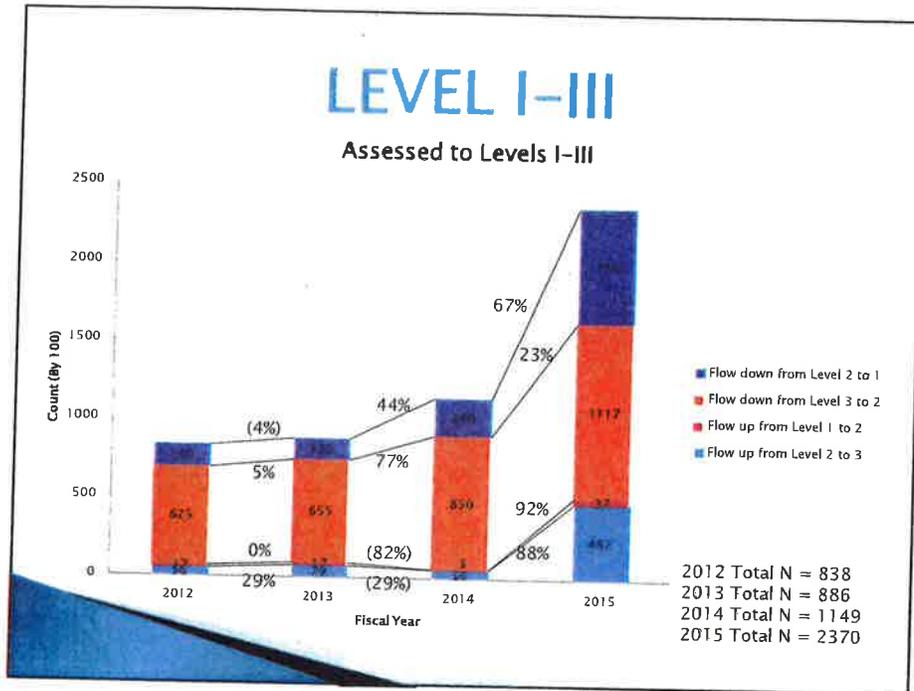
# Levels I-III







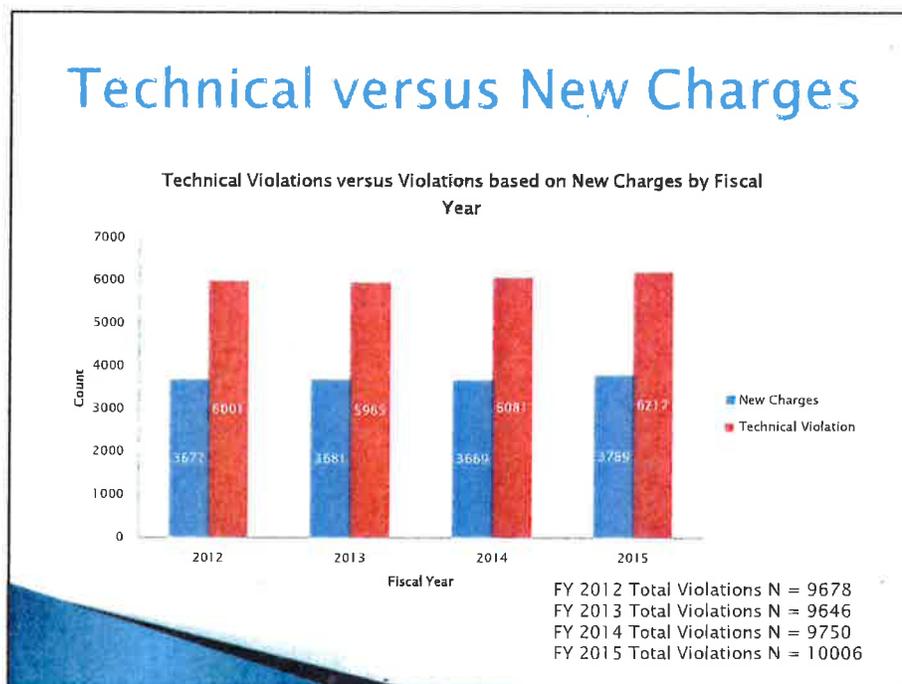
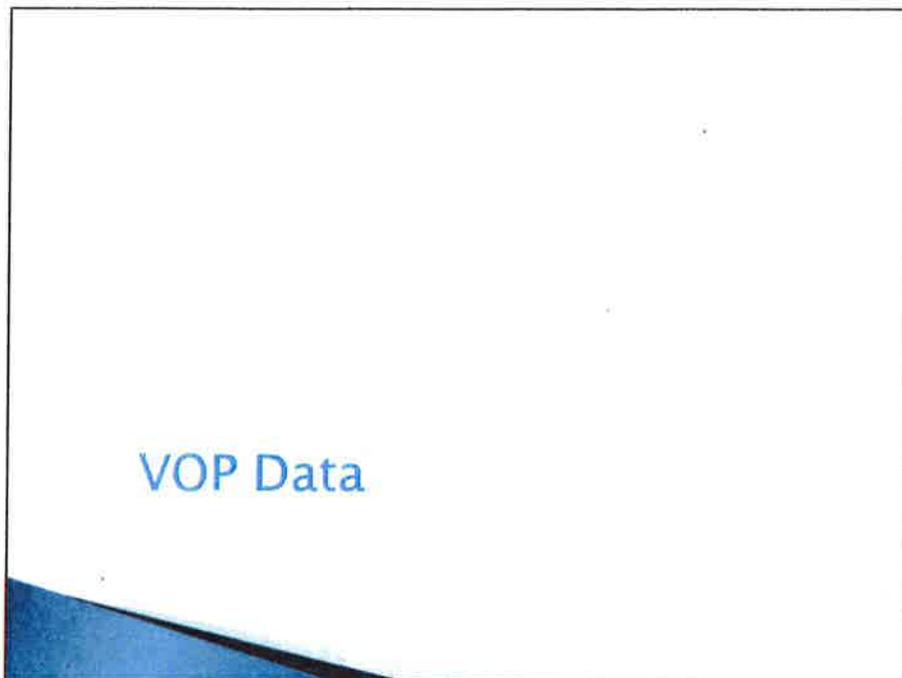




## Misc. Information

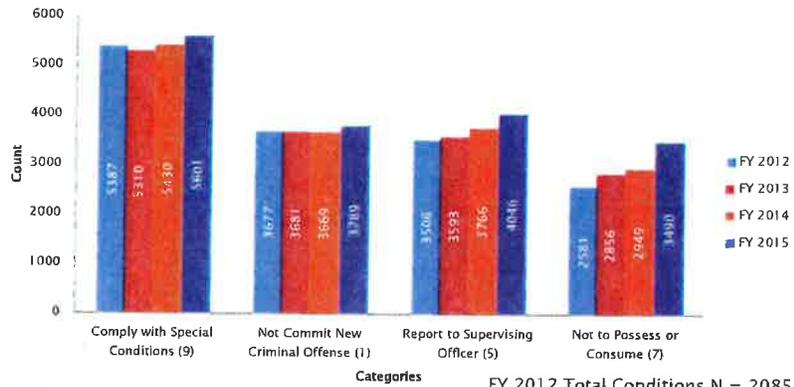
### Misc. Measures Captured Beginning in FY 2015

- ▶ Level V Credit Days Awarded: 2197
  - April 2015
- ▶ Level IV Credit Days Awarded: 280
  - April 2015
- ▶ # of Individuals in Levels I-III discharged due to earned compliance credit 61
  - August 2014
- ▶ # of graduated sanctions imposed on individuals at Levels I-III 2628
  - January 2014



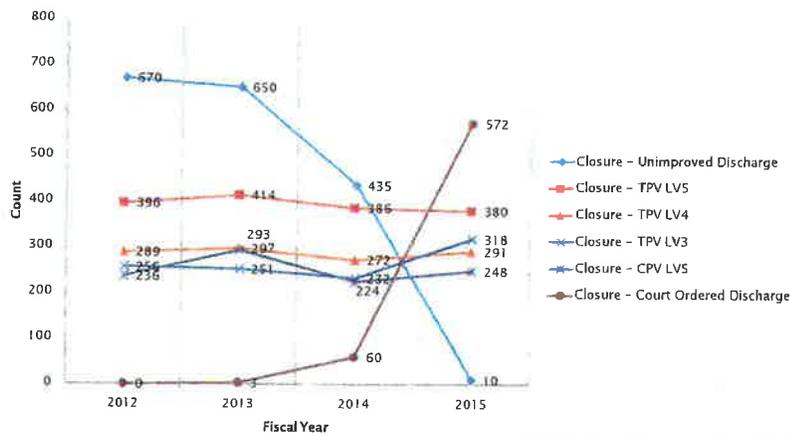
# Probation Conditions

## Top Conditions of Violations of Probation



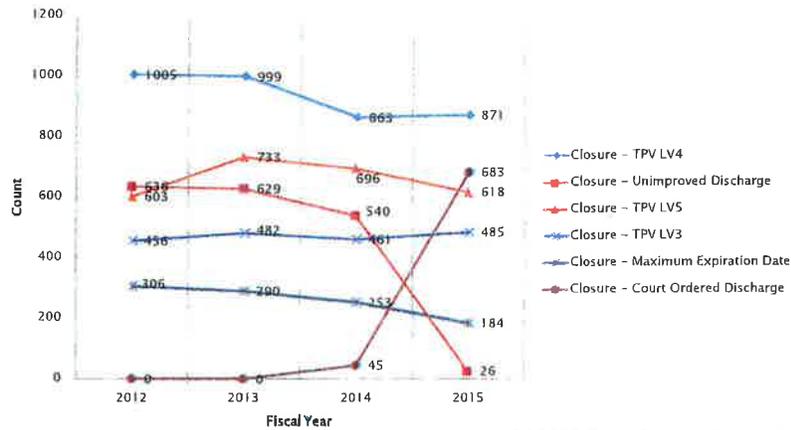
FY 2012 Total Conditions N = 20853  
 FY 2013 Total Conditions N = 21165  
 FY 2014 Total Conditions N = 21304  
 FY 2015 Total Conditions N = 22363

# Closures for New Charges (All)



FY 2012 Total Closures N = 6426  
 FY 2013 Total Closures N = 6632  
 FY 2014 Total Closures N = 5914  
 FY 2015 Total Closures N = 6289

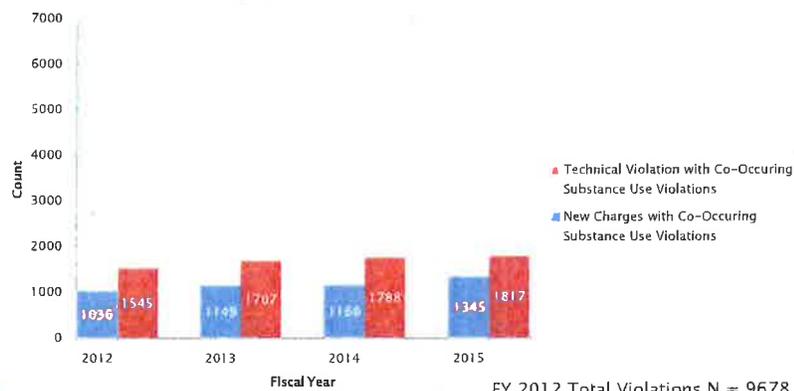
## Closures for Technical Violations (All)



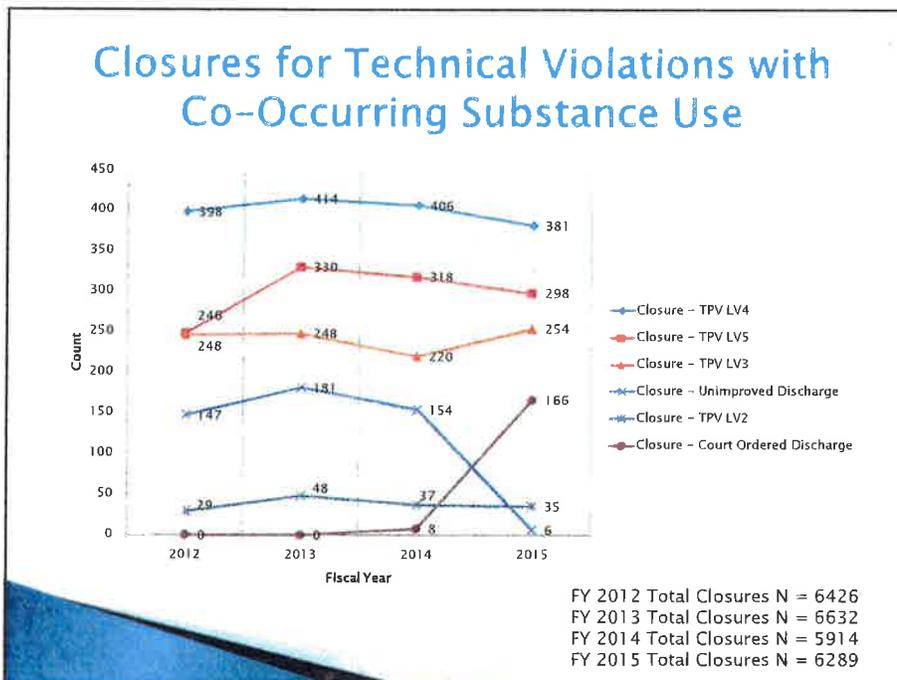
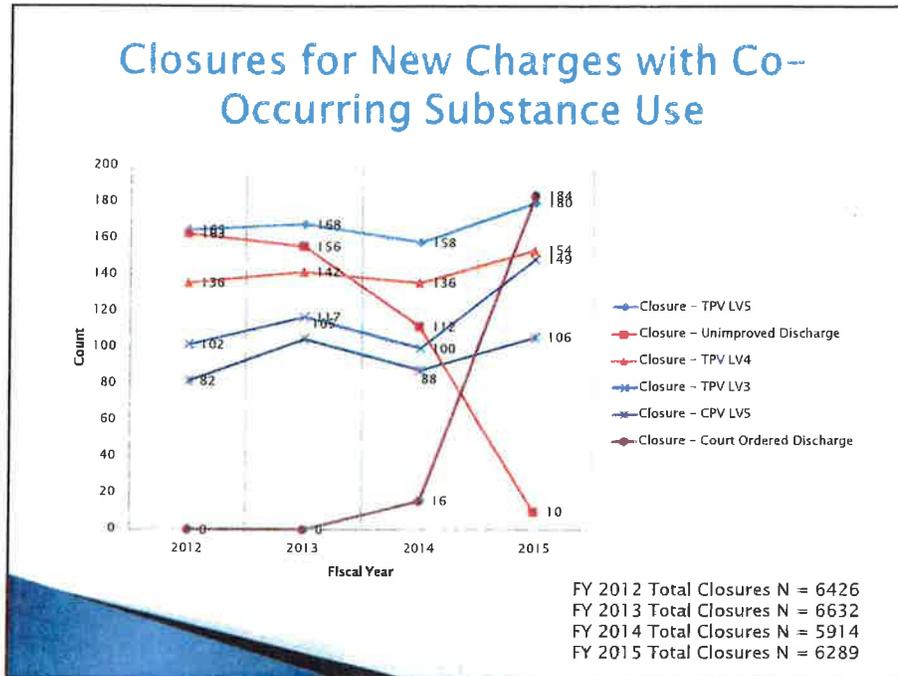
FY 2012 Total Closures N = 6426  
 FY 2013 Total Closures N = 6632  
 FY 2014 Total Closures N = 5914  
 FY 2015 Total Closures N = 6289

## Substance Use Violations

Co-Occuring Substance Use Violations by Fiscal Year



FY 2012 Total Violations N = 9678  
 FY 2013 Total Violations N = 9646  
 FY 2014 Total Violations N = 9750  
 FY 2015 Total Violations N = 10006



## Delaware Pretrial Risk Assessment Study Design

The Crime and Justice Institute (CJI) at Community Resources for Justice seeks to validate the pretrial risk assessment instrument currently in use in the state of Delaware. The tool was created as part of prior Justice Reinvestment Initiative work to provide judges with additional risk-based information to inform pretrial release decisions. Mostly drawn from information found in DELJIS, the risk assessment uses prior criminal and failure to appear history as well as information on employment to objectively assess a defendant's risk of failure to appear or new criminal activity during the pretrial period.

This study design provides the steps CJI will take to test the validity of the Delaware pretrial risk assessment instrument. The validation purpose and methodology are included along with sections describing the research questions, statistical analysis, and data requested.

### Validation Purpose

The purpose of validating a pretrial risk assessment instrument is to ensure that the assessment is able to predict failure to appear and new arrest pending case disposition for the locality that will be using the instrument. Validating a local instrument should also provide clear guidance on which defendants are low, moderate, and high risk based on the total score so that objective release recommendations are provided to the court. At the end of the validation process, a jurisdiction should be able to identify if any modifications or revisions to the pretrial risk assessment would be appropriate to increase overall predictive accuracy, and determine if the risk assessment is appropriately classifying defendants within sub-groups such as gender or offense severity.

The validation process may also help to determine if there are any data issues or inter-rater reliability challenges that should be addressed moving forward. Validating a pretrial risk assessment instrument empirically demonstrates whether the existing assessment should be retained and supports an overall data-driven organization and process.

### Methodology

The first step in the validation is to learn as much information about desired outcomes, the tool itself, the implementation process, and how and where the tool is used. The two outcome measures CJI and Delaware have agreed upon, define pretrial failure as a failure to appear or a new arrest during the pretrial period. CJI will also research the pretrial assessment instrument's implementation, scoring and use, reports on the instrument, and any other available information.

The second step in the process of validating a pretrial risk assessment instrument will be to request, clean, and analyze data. CJI will work with DELJIS to request data pertaining to defendant booking and release from jail, pertinent court case information, offense information, risk assessment scores and items, and information on pretrial supervision (please see Attachment A: Data Request). In cleaning the data, CJI will ensure that it is

labeled properly, is logical, and that the analyst fully understands what it describes. Finally, CJ's data analyst will conduct a number of statistical analyses to measure the predictive validity of the scoring and risk levels with the total defendant sample and within desired sub-groups. Specific analysis to be conducted will be described later in this document.

The final step in the validation process is to make any necessary modifications to the instrument, if appropriate, and to report on the validation and recommendations. During the validation analysis, if certain questions are found to be lacking in predictive ability, CJ will recommend these items either be removed or modified. For example, perhaps a defendant that is 32 or younger is not predictive of pretrial failure, but a defendant that is 25 or younger is predictive; CJ may recommend a change in this risk item so the overall tool is more predictive. Finally, CJ will prepare a validation report that will outline all of the steps and analysis conducted as part of the pretrial risk assessment validation and will include any recommendations for improving the tool or the pretrial process as a whole.

### Research Questions

Three research questions will be asked and answered in the process to validate Delaware's pretrial risk assessment instrument.

1. Is the Delaware pretrial risk assessment a valid instrument for predicting pretrial failures including failure to appear and new criminal arrest pending case Disposition?
2. Does the Delaware pretrial risk assessment classify risk levels appropriately by distinguishing between low, moderate, and high risk defendants based on increasing pretrial failure rates?
3. Does the Delaware pretrial risk assessment appropriately predict risk of pretrial failure for various subgroups (e.g., by gender, offense type)?

By focusing on these three questions, CJ will be able to describe whether the current risk assessment items and how they are scored are associated with pretrial failure. Because release decisions are often made based on the defendant's pretrial risk level, these risk levels should appropriately classify defendants into low risk (with the lowest likelihood of pretrial failure), medium risk, and high risk (with the highest likelihood of pretrial failure). Lastly, CJ will determine whether the risk assessment works equally well among various sub-groups.

### Statistical Analysis

A number of different statistical tests will be performed during the validation study. Initial univariate and bivariate analysis will mostly describe the sample. Demographics, charge severity and type, average length of pretrial detention and case processing, pretrial risk factor items, total score, and risk levels will all be described for both the total sample and any sub-groups identified. CJ will also examine pretrial failure rates, pretrial failure rates by total risk score, and pretrial failure rates by risk level for the total sample and sub-groups.

Additional bivariate and multivariate statistical tests will be used to determine how well the pretrial risk assessment instrument predicts pretrial failures. Correlation analysis, which measures the strength and

direction of the relationship between two variables, will be used to examine the relationship between risk items and total score with pretrial failure. A stronger correlation indicates the item or total score is associated with pretrial failure. CJI will also perform area under the curve receiver operating characteristic (AUC ROC) analysis which shows how well the instrument predicts pretrial failure compared to chance. For the tool to be a valid predictor, it should correctly predict pretrial failure or pretrial success better than the flip of a coin. This analysis will also reveal the chance for false positives (the tool indicates the defendant is highly likely to fail, but doesn't) and false negatives (the tool indicates the defendant is highly unlikely to fail, but does). Lastly, multivariate analysis such as bivariate logistic regression, will be used to examine if the pretrial risk tool total score is significantly related to pretrial failure after controlling for other measures such as gender and length of time on pretrial release, among others. As part of this analysis, the odds of pretrial failure with every one point increase on the pretrial risk assessment will be reviewed provided the total score of the pretrial risk tool is significantly associated with pretrial failure.

#### Data Requested

CJI will request data from DELJIS and the Department of Correction's pretrial services agency. Below, in Appendix A: Data Request, is the data request form that will be submitted to DELJIS and contains the fields and information CJI is interested in. Data requested will be de-identified so that no individuals are at risk and will contain information on jail booking and release, court cases, offenses, risk score and items, and pretrial supervision.