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**Delaware Serious and Violent Offender  
Reentry Project  
2003 to 2006 Evaluation  
with  
Recidivism Results**

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May 2009



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## Foreword

David S. Swayze, Chair, Delaware Research and Evaluation Committee

There is no doubt that the Delaware Serious and Violent Offender Reentry Project (SVORI) work plan was well conceived -- the difficulty came in its application. What was conceptualized at a “high level” did not work on the “ground.”

Offender reentry, like SENTAC’s Key, Crest, Greentree and TASC addiction treatment programs are societal trend changing concepts aimed at reducing recidivism and eventually the incarceration rate. While some of the results for our drug addiction programs have been promising, we haven’t been able to demonstrate a sustained decrease in overall recidivism. Post incarceration recidivism by all accounts in Delaware and across the country still hovers at 60 percent of the offenders returning to incarceration after five years. The new reentry programs, which will operate under Governor Markell’s charter (Executive Order Number 7), are our next chance to get it right. In spite of the difficulties and disappointing results, the SVORI program findings serve as an excellent set of lessons and they deserve our careful attention.

The first lesson is that being released from jail or prison in Delaware is no longer being led to the prison gate with a new pair of jeans, a chambray shirt, \$20 and a bus ticket. Under 1988 SENTAC and 1990 Truth in Sentencing laws an offender leaving prison must go through a significant supervisory, accountability, and treatment gauntlet before walking freely on our streets. Level IV work release and addiction treatment and Level III “Operations Safe Streets” are now the normal right of passage for most serious offenders in Delaware. This process offers a chance to look for a job, to start an educational or training program, and to continue the “Crest” Level IV treatment services. But also, this process has proven efficient at catching offenders committing new crimes or violations of their court orders. Seventy-five percent of Level IV offenders and over 60 percent of the Level III offenders recidivate within one year and find themselves back in jail or staying at Level IV longer. This level of accountability played havoc with SVORI reentry planning and needs explicit attention in our new plans.

Another SVORI lesson learned is that many of our released prisoners are serious criminals who are at best lukewarm to reentry programming. Only a third of the SVORI offenders completed the SVORI program and of these only a third remained crime free for one year. Will housing and employment by themselves convince offenders to become constructive citizens? These were the primary SVORI services. Funding for other programs was plentiful, but interagency coordination was insufficient to provide their delivery. Keeping offenders engaged in rehabilitation and finding ways to successfully coordinate service delivery are significant challenges.

Finally, SVORI had an active research partner in the Delaware Statistical Analysis Center. The results of this study and operational feedback during SVORI that identified the key problems as they occurred were invaluable. If we are to truly have an evidenced-based reentry process, we need to find a way to engage DELSAC from the onset in the next phase of offender reentry projects.

## Table of Contents

Background .....	1
Gaining Perspective on the Target Population.....	1
The Vision for Delaware SVORI.....	2
Implementation of Delaware SVORI – Lessons Learned.....	4
Initial Planning and Outcomes .....	4
Plans versus Practical Applications.....	4
Selecting and Admitting Offenders to SVORI.....	5
The Volume of SVORI Admissions Did Not Meet Expectations.....	6
SVORI, a Volunteer Program?.....	6
Getting Offenders Started on SVORI was Difficult.....	7
SVORI Case Managers.....	9
As SVORI Judges Change, So Do Proceedings.....	10
Interagency Coordination of Services.....	10
Slow Expenditure of Funds.....	13
Delaware Legislation Affecting Prisoner Reentry Barriers.....	14
SVORI Success and Recidivism.....	15
Reasons for not Completing SVORI.....	15
Summary of SVORI Demographics and Arrest History.....	16
SVORI Re-arrest at One-Year at Risk: Overall Finding.....	17
SVORI Re-arrest at One-Year at Risk: By Gender, Race and Ethnicity....	18
What Difference did SVORI Case Management Services Make.....	21
Summary of SVORI Treatment Services .....	22

## List of Tables and Charts

Chart 1. Delaware Offender Progression in SVORI.....	15
Chart 2. Comparison of SVORI Success, Percent Receiving Case Management And Recidivism .....	21
Chart 3. SVORI Case Management Services .....	23
Table 1. Summary of SVORI Offenders’ Demographics and Arrest History.....	17
Table 2. SVORI Recidivism Rates: One Year at Risk .....	18
Table 3. SVORI Recidivism Summary by Gender/Race and Ethnicity.....	20

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# Delaware Serious and Violent Offender Reentry Project 2003 to 2006 Evaluation with Recidivism Follow-up Results

## BACKGROUND

### Prisoner Reentry

The reality of offender re-entry is that most offenders return from incarceration to live in our communities. Thus, the offender reentry hypothesis becomes: increasing assistance to returning offenders such that they become productive law-abiding citizens will yield decreased recidivism and increased public safety. It is certainly true in Delaware that almost all offenders sentenced to prison return to live in our communities. In Delaware in 2007, of all offenders sentenced to prison, only 13 offenders were sentenced to life or to death. These life and death-row offenders account for only 1.4 percent of offenders sentenced to prison. This means that 98.6 percent of the 2007 prison admissions of 1,473, despite the seriousness of their crimes and length of their criminal histories, will sooner or later return to our communities. In the most optimistic view, significant savings are expected in prison operations as recidivism decreases, allowing for government to resource allocations away from corrections and toward other areas.

### Gaining a Perspective: Prisoner Reentry Target Population

In the discussions regarding prisoner reentry there is a fair amount of confusion regarding the size of the target population. Because Delaware is a “unified correction state”, what in other states would be pre-trial detainees and short-term offenders (held in county jails) often gets misinterpreted as “prisoners” in Delaware. It is not uncommon for commentators to say that we have 7,200 people in prison in need of reentry services. If they are referring to persons in pretrial detention staying a few days or in Level IV quasi-incarceration work release or in violation of probation facilities, they are correct. However, if they are referring to the U.S. Department of Justice perspective of prison reentry for persons sentenced to greater than one year who might be released someday, the Delaware count of prisoners is closer to 3,100. (DelSAC January 2009).

In addition, not all prisoners experience the same treatment programming in prison; therefore, they should not be viewed as equal in terms of reentry plans. Some offenders are involved in special prison treatment programs like Key and Greentree that are already receiving intensive post-prison work release treatment in Crest and special probation programs. In 2007, about 225 offenders were sentenced in Superior Court to the prison

addiction treatment programs and another 133 were sentenced to the six-month boot camp diversion program, which emphasizes addiction treatment. These 358 offenders, which account for 24 percent of 2007 prison admissions, present special planning and evaluation issues when included as a part of a reentry program.

## The Vision for Delaware SVORI

The national SVORI (Serious and Violent Offender Reentry Initiative) program was housed in the U.S. Department of Justice (DOJ), Office of Justice Programs. Up to \$2 million was provided to each state to design and implement a pilot reentry program. Delaware applied for and was granted funds for this project in the spring of 2003. The Delaware Serious and Violent Offender Reentry Initiative (SVORI) started in July 2003 and the program was active, with a six-month no-cost extension, until December 31, 2006. Delaware's SVORI program was initially funded at \$1.9 million and later received an additional supplement of \$609,000 in early 2006 from national SVORI and the U.S. DOJ Community Development Office Weed and Seed Program. Start up activities in Delaware during the first eight months of the project included the hiring of the SVORI management staff at DHSS – Division of Substance Abuse and Mental Health (DSAMH), development of the client selection protocol, and the establishment of the contractual process, hiring and training of the contract SVORI case managers.

The aim of the SVORI program was to reduce the recidivism of released prisoners thereby saving the state precious resources and reducing crime by helping ex-offenders receive the services they need to successfully re-enter society. The program design was to have inmates begin work with their SVORI case manager up to a year before release from prison and to have coordinated and timely services made available which included education, employment, housing, mental health, substance abuse, legal, and monitoring for compliance. To assist in the identification of offenders' needs, DOC agreed to pick special SVORI probation officers to team with the DHSS contractual case managers. Both the probation officers and the DHSS contract managers were to be trained in DOC's new LSI-R offender assessment process so that a comprehensive and common individualized needs assessment would drive reentry services.

The individual contractual case managers were to be assisted by the DHSS case management team, which was to help facilitate navigation through the traditionally complex and confusing applications for offender financial and treatment assistance. The case management team, housed at DHSS, was also to provide screening and assessment, service planning, treatment referrals, and referral to employment assistance. Finally, the DHSS case management team was to coordinate contracting, training and monitoring of local case managers activities.

DHSS-DSAMH was designated the lead agency for SVORI, in part because it was recognized that there has been a chronic shortage of available community-based treatment services for offenders released from prison and that this organizational placement (instead of the Department of Correction) would provide a unique

environment to better assess and implement the needed substance abuse and mental health treatments. This organizational arrangement was unique in the U.S. DOJ SVORI program where almost all other SVORI programs were headquartered in the states' Departments of Correction or Parole Boards.

In compliance with the U.S. DOJ guidelines, the Delaware SVORI targeted high-risk offenders between 18 to 35 years old at release and who had no record of sex offenses. Priorities for enrollment were determined to be younger offenders who reside in Delaware, and who had substance abuse or mental health disorders as well as severe deficiencies in employment. To make efficient use of the local community social support networks, including special substance abuse and mental health support groups, the selection of SVORI clients was to emphasize offenders from the City of Wilmington in New Castle County, Dover in Kent County and Seaford, Millsboro and Bridgeville in Sussex County. As the SVORI program was phased-in, the goal was to reach up to 300 admissions to the program per year. To select the offenders from the prison population for SVORI, special computer programs were prepared by the Department of Corrections.

The Delaware SVORI program included a unique relationship with the Superior Court's Reentry Court. Reentry Court, via an amended sentencing order, would put the full authority of the court behind the rehabilitative expectations of the offender. Not only would the offender be subject to customary SENTAC post-prison probation conditions (but also because of the amended sentencing order) the offender would be expected to fully participate in the offender's unique SVORI rehabilitation plan. This meant that prior to entry into the SVORI, an offender would appear before the reentry judge and agree to the reentry plan. As part of the reentry team, the DOC probation officer would monitor the offenders' compliance in cooperation with case manager and associated program staff. While the commission of a new crime during participation in the reentry program would likely result in a probation violation and potential return to jail, other incidences of non-compliance with the reentry plan would result in graduated sanctions: the first offense community service, the second offense weekend time at a work release center, a third offense a seven day stay at a violation of probation center, and a fourth offense jail time. This graduated sanction model for offender reentry was based on the experience of a smaller Delaware Superior Court program (Re-Entry Programming in Delaware, September 2004).

The Delaware Offender Reentry Initiative Steering Committee, which was chaired by the Director of Division of Substance Abuse and Mental Health DHSS and consisted of representatives of each participating agency, met on nearly a monthly basis for the term of the SVORI program. Committee activities included but were not limited to: planning, changes in plans, routine progress reports and efforts to effect interagency coordination. It was this committee to which the DHSS SVORI director gave reports and discussed issues.

The end result of SVORI was expected to be a finely tuned multi-agency prisoner reentry project that could successfully handle 300 admissions per year and an example of social

reinvestment as the recidivism rate for offenders significantly decreased and public safety increased.

## Implementation of Delaware SVORI -- Lessons Learned

### Initial Planning and Outcome

Although the implementation of the program started in July of 2003, it was not until March 2004 that the initial list of referrals (an applicant pool) from the Department of Correction was available for the SVORI management staff in Delaware Health and Social Services (DHSS) to conduct initial in-prison interviews for potential SVORI selection and admission. The planned ending date for the program was still June 30, 2006 at this point.

The Delaware Offender Reentry Initiative Steering Committee (“Steering Committee”) established the process of the “Meeting with Partners” to plan the tactical step for the implementation for the Delaware plan submitted to the U.S. Department of Justice. Between October and December 2003 in the course of the “Meeting with Partners” process, DHSS established the time lines and memoranda of understanding that were agreed to and initiated. The roles for the to-be-hired contractual case managers were established. Training for LSI-R and the use of graduated sanctions were agreed to for the contractual case managers, and the Reentry Court protocols were established when the judicial court staff was hired. The role of the Public Defenders was established. Based on the outcome of the newly defined communications and roles, there emerged a flow chart of task and responsibilities for Phase 1 (institutional), Phase 2 (transition to the community, and Phase 3 (community).

### Plans versus Practical Application

The Delaware Offender Reentry Project Steering Committee met nearly monthly and doggedly made efforts to implement the interagency cooperation necessary for the multi-agency offender reentry program. While the proposed plan was promising, the evolution of its implementation revealed a complex host of issues relating to pre-existing independent agency inertia and practical learn-as-you-go lessons. Many of the issues that presented themselves could not always be resolved in a timely or effective manner. It took time for the Steering Committee to understand and frame the practical issues as they unfolded and once understood, these problems became the consuming reality. The original plan in many ways, gradually, became more of a goal rather than a road map as the practical issues arose. Yet, SVORI was implemented, there was a program, and in some cases issues were solved. What follows are highlights of implementation topics as they arose and were documented in steering committee meeting notes, minutes, communications and decisions.

## Selecting and Admitting Offenders to SVORI

The original plan called for as many as 300 SVORI admissions per year with a period of up to a year to establish and prepare the offenders for reentry. The preparation of offenders for SVORI was to be a team DOC- DHSS-SVORI effort. The DOC LSI-R instrument and DOC record information were to be the tools for developing the offender “needs profile” that would provide the starting point for each offender’s unique SVORI “treatment plan.”

From the start, the selection process and enlistment of offenders was far more challenging than expected. During the initial eight-month implementation period of July of 2003 to March of 2004, the year-long offender preparation was shorted to two months, and by the summer of 2004 the DHSS SVORI director’s initial meeting with the offender became the sole basis for initial offender preparation. Part of the issue was that the SVORI DOC computer-generated applicant pool was not specific enough, generating a list where at least half of the offenders did not meet SVORI participation criteria. It became a labor-intensive priority for the DHSS SVORI director to winnow down the DOC applicant pool during the initial meetings with offenders so that they even appeared SVORI qualified. This effort, while screening out many of the non-qualified applicants, was not perfect and even after SVORI admission, 25 percent of the SVORI clients were dismissed after the fact for failing to meet basic SVORI admission criteria. The winnowing down of the DOC computer generated applicant pool was a concern to all and by June of 2004, DOC had assigned senior staff to help review cases. Accordingly, the orchestration of the DOC-DHSS team-developed a “needs profile” and LSI-R front-end assessments went by the wayside. Most of the “front-end” energy went into the verification and selection of qualified SVORI offenders. The needs profile development became a task, by default, assigned to the DHSS contractual case managers as did the arrangements for the initial appearance with the reentry court where the sentencing order would be amended to include components specific to reentry.

The Delaware SVORI criteria for admission had four components:

- ◆ violent prisoners sentenced to greater than one year of incarceration,
- ◆ and who were less than 36 years old,
- ◆ and had no record of sex offenses,
- ◆ and who lived in high crime communities.

Charge identification issues plagued the selection of offenders who had violent offenses, who were incarcerated for more than a year, and who had no sex offense convictions in their history. An August 2004 DOC report showed that sex offenses were often secondary charges in a case and it was difficult to identify these charges in an offender’s current and historical cases. Violation of probation offenders serving long terms had a similar charge identification issue as the violation of probation sometimes masked the nonviolent or sex offense nature of the underlying crime.

In addition, identifying where an offender lived was problematic. Zip codes, which were used as the geo-code indicator for the high crime communities, were often out of date. This led to a wide dispersion of offenders on the case managers case loads; not only was there a much larger geographical area to cover, but the availability of services became less as the SVORI population became more dispersed and the demand for offender transportation became more acute.

## The Volume of SVORI Admissions Did Not Meet Expectations

A corollary issue related to the difficulty of selecting qualified SVORI applicants was that the goal of admitting 300 participants per year could not be met. By March 2005, after a frustrating period of coming to terms with the actual versus the expected selection process, the goal for the entire three-year grant was reduced to 300. In the end 303 offenders were admitted to SVORI and the goal was met, but not without ongoing adjustments aimed at increasing admissions. The original estimates had been based on general DOC computer runs that showed the availability of nearly 900 qualified candidates per year. It was estimated based on this count that there would not only be enough offenders for SVORI, but there would be plenty of offenders who would volunteer but could not be served. If this were the case, the plan was to treat the unserved offenders as a control or comparison group. The assumption was that there were plenty of young, non-sex offense violent offenders being released from prison. This baseline assumption was problematic.

One of the first discoveries regarding the SVORI target population was that few women seemed to qualify. In April 2004 it was recognized that very few women were even listed in the DOC applicant pool. After an intensive DOC effort to find women who met the SVORI criteria, it was determined that very few women inmates meet these criteria, especially violent offenders serving long terms. This resulted in a March 2005 grant adjustment request to the U.S. Department of Justice to admit any women serving time in any Level V (incarceration) or Level VI (quasi-incarceration: e.g., work release) facility. After this request was approved, the number of females being admitted to SVORI increased. Females in SVORI went from being under-represented to being over-represented in the program, with the end result being just over twenty percent of the SVORI cases being female.

## SVORI, a Volunteer Program?

Initially, SVORI was a program for which offenders were expected to volunteer. It was believed that the applicant pool was so excessively large that not even all those who volunteered could be served because of the 300 admissions per year cap. The original assumption was that offenders being released from prison would be very attracted to the support and additional resources offered during their reentry to the community.

However by August 2004, the Delaware Statistical Analysis Center monitoring reports indicated that only 37 percent of the DHSS SVORI director's SVORI interviewees (even when qualified) volunteered to enter SVORI. Apparently, the intensive Operation Safe Streets supervision, which includes strict curfews and the frequent appearance before the reentry judge were part of the reason that offenders sought to avoid SVORI. Judges tried to counter this attitude by offering a 6-month reduction for Level V prison terms for offenders that volunteered to participate in SVORI. By November 2004, the Steering Committee agreed to switch SVORI from a voluntary to mandatory program. From that point forward, if the DHSS SVORI director determined that an offender qualified, the case was to be forwarded to the reentry court for the appropriate amendments to the sentencing order. This was the second major program change (following the different criteria for female offenders) that was expected to increase the volume of SVORI admissions.

Even after these two significant changes, the SVORI counts were lower than expected. In October 2005 a request was made to the U.S. Department of Justice for a grant adjustment to expand males to include violent offenders on Level III Operation Safe Streets who were having difficulty and who were at risk of being violated back to prison. This request was approved; however it is uncertain as to whether this expansion of the target population resulted in a significant increase in SVORI admissions.

#### Getting Offenders Started on SVORI was Difficult:

*The problems coordinating the prison release and SENTAC flow-down were significant*

Not only did the selection process for SVORI clients emerge as a major administrative problem that changed the operations and expectations of the program three times, but getting the qualified SVORI clients started on actual case management services also emerged as a frustrating and time consuming issue. It was expected that when the DHSS SVORI director approved a prisoner as a SVORI client, after a stay for up to six months at Level IV work release or Level IV Crest addiction treatment the offender would be moved to Level III intensive probation that included Operation Safe Street surveillance for SVORI case management. Within five months of the selection of the first SVORI offenders in March 2004, it became apparent that far fewer than expected SVORI offenders followed this anticipated flow down pattern.

While the Steering Committee was trying to pin down the reasons for delayed or terminated SVORI admission, a new and counter-intuitive offender movement anomaly emerged. By August 2004, it was realized that some offenders were being released sooner, not later, than expected to Level III and once these offenders were placed on probation, it was very difficult to re-connect these offenders with the DHSS SVORI director so that the reentry court procedure could start. This was a particularly frustrating finding as over forty offenders who were to be admitted to SVORI case management were shunted over to regular probation. This was a difficult finding for a committee that was trying to increase the number of SVORI admissions. Part of the solution was

providing the DOC Community Services director with updated copies of the DHSS SVORI director SVORI applicant list. The DOC Division of Prisons was to attach the expected Level V and IV movement dates to this list. To help try to get a handle on these movement issues, DOC assigned a special staff member to monitor the changing offender circumstances. It was believed that if the DOC community service director had updates on the shifting information, it would be possible to schedule the special SVORI probation officer assignments to coincide with SVORI case managers assignments and thus prevent more SVORI offenders from falling through the probation assignment cracks. The DOC Community Service director also believed that if she were given thirty days notice of an offender's release to Level III, she could assure that the home verification and premise search was conducted prior to release. This would eliminate another scheduling delay for SVORI cases.

SVORI client movement was a routine agenda item at the Steering Committee meetings. The special DOC case monitor presented many case examples of problems that were encountered in order to move SVORI offenders through the SENTAC flow-down process from Level V to IV to the streets on Level III. By March of 2005, after a call for a special DeISAC tracking study to summarize the problem, it was shown that 45 percent of the DHSS SVORI director's most recent SVORI applicant list did not move as expected to Level III. Some of these offenders were still at or had been returned to Level V. In some cases, delays occurred at Level V because of limited Level IV space; thus SVORI offenders were put on waiting lists and competed with other offenders in other programs, like Key-Crest addiction treatment that needed a Level IV bed. In other cases, more offenders than expected violated while at Level IV before they could move to Level III. This either led to longer stays at Level IV or a return to Level V to serve a short violation term. While this was surprising to the Steering Committee, the high level of violations at Level IV work release was validated in a separate DeISAC study. In this other study, it was shown that within one year of being admitted to Level IV with probation to follow - 70 to 80 percent of the Level IV work release offenders were arrested (DeISAC January 2005). Many of these violators were "violated" to more time at Level IV or sent back to jail.

The special SVORI tracking study also showed that thirty-two percent of the DHSS SVORI director applicant list was still at Level IV and many had uncertain movement dates due to varied progress in the Crest addiction program. Only 23 percent of the SVORI offenders had actually moved to SVORI case management on Level III or II probation, far less than originally expected.

For public safety reasons, no one on the Steering Committee recommended trying to change the DOC and judiciary patterns of sanctioning Level IV violators. It was recommended, however, that SVORI Level IV cases where the offender was exhibiting good behavior could be targeted for early release via special sentencing modifications. DOC supported this idea because it would help with backlog of offenders that were held at Level V pending admission to Level IV.

## SVORI Case Managers

### *Shifting Roles and Turnover Make Management Difficult*

In December 2003 the DHSS request for proposal (RFP) process yielded the selection of the Delaware Center of Justice for New Castle County and Kent/Sussex Counseling for Kent and Sussex County as the contract agencies to provide local SVORI case management services. These agencies recruited four case managers for New Castle County and two each for Kent and Sussex County. In addition, a contract supervising case manager was hired for New Castle County and one for both Kent and Sussex counties. This made the statewide complement for contract case management, including managers, ten employees. The full complement of contract case managers was working by the end of summer 2004. Between the summer of 2004 and summer of 2006 when the last case manager was hired, turnover resulted in nine new case managers being hired. Both of the Kent County case managers worked for the full two and one-half year period up to December 2006 and one from New Castle County worked for the entire period. In the remainder of the situations there was fairly fast turnover, which resulted in a significant amount of caseload shuffling and training. Even something as simple as data collection required new training for each new case manager.

As noted above, the role of the case managers changed from the original plan where the offender needs assessment would be done prior to release from Level V as a team effort along with DOC staff to a point where the full responsibility fell on the individual case managers at SVORI admission. There was no LSI-R training for needs assessment and there was only limited offenders' needs information passed on to the contract case managers regarding addiction treatment history, mental health, educational achievement and family problems.

Even the hiring of contractual case managers instead of state employees was not without criticism. Before the SVORI case managers could be hired, the courts expressed concern about contracting for private case management services, citing situations in the recent past where contractual case managers had been reluctant to report violations of court orders that would likely result in court sanctions. The judiciary felt that this withholding of pertinent information could result in a pattern of relieving the offender from strict accountability and prevent prompt intervention to deal with issues creating a public safety risk. The director of the Division of Substance Abuse and Mental Health (DSAMH) responded to the judiciary regarding this issue of trust with assurances that the SVORI process required the full cooperation and compliance with court orders for the contracted private SVORI case managers and their host agencies.

Under the shifting conditions and knowledge of when an offender would actually be admitted to SVORI for case management services, the SVORI case managers set about preparing case plans and finding local resources to meet the SVORI offenders' needs. For about 18 months the case management and reentry court activities were underway with the contracting agencies supervising their case managers in coordination with the DHSS SVORI director. An assistant for the DHSS SVORI director was then hired. The

purpose of this new position was to enhance the communication with the contract case managers and help coordinate additional resources for SVORI offenders.

Instead, without notification, a new style of administration was implemented that centralized communication cutting the contract agencies' project coordinator out of the communication loop and realigning communication directly from DHSS to the individual managers. Moreover, communication between the probation officers and public defenders had to go through DHSS before it could go to the contract case managers. Also, any changes to case plans had to go through DHSS for approval. The result was the teamwork approach between the contract case managers, the special SVORI DOC probation officer, the public defender and the reentry court judges turned into a top down management approach. A formal complaint from one of the contracting agencies provided for discussions that resulted in the return to the status quo.

### As SVORI Judges Change, So Do Proceedings

The SVORI reentry court would begin a case by amending an original sentencing order so that the activities required to reduce recidivism and encourage cooperation with the case manager would have the full authority of the court. The commission of a new crime while in the reentry program in most cases resulted in a violation of probation and a potential return to jail. However, non-compliance with the reentry plan activities resulted in graduated sanctions: the first offense resulted in community service, the second offense resulted in weekend time at a work release center, a third offense resulted in a seven day stay at a violation of probation center, and the fourth offense resulted in jail time. This is how the reentry court operated in Kent and Sussex County for the duration of SVORI and for the early phases of New Castle County.

In August of 2004, the sitting New Castle County reentry judge was called to active military duty in the Middle East and with his replacement came a revised judicial procedure. The primary difference was that the new New Castle County reentry court judge was less likely to fully utilize the graduated sanctions for SVORI non-compliance. New Castle County SVORI offenders found themselves violated back to jail or prison much more quickly, even for minor non-compliance behavior. This was not only a change in the legal environment; it was also a surprise to the contract case managers and probation officers. As the case managers and probation officers began to understand the new legal environment, they were able to adapt and communicate the new rules to the SVORI offenders. In terms of policy, most of the Steering Committee and the case managers were unhappy with the change, believing that the mid-stream change in court procedures reduced SVORI's effectiveness.

### Interagency Coordination of Services

A key premise for prisoner reentry programs is that a common understanding of offenders' needs and a coordinated cooperative effort to meet those needs by state and

private agencies would improve offenders' lives and reduce the commission of new crimes. This was the plan for Delaware's SVORI effort.

As the discussion above indicates the SVORI reentry program was severely challenged in its efforts to target appropriate offenders and to anticipate what the actual release date might be so that SVORI case management services might start. The difficulty of something as mundane as offender qualification criteria and release dates ended up surprising the Steering Committee and monopolizing its attention. While a major effort was made to get offenders started on SVORI, little inter-agency energy was left to coordinate the complex web of offender services. Out of bureaucratic necessity, this task was left to the contract case managers. Interestingly, it was the DHSS financial reports on October 2005 that triggered the Steering Committee's active discussion of interagency coordination of SVORI services. At the time, there was only eight months remaining for the program and only about half the funds had been spent. A very large sum of unspent treatment and employment funds triggered the long postponed discussion regarding how treatment coordination might occur under the revised SVORI plan. While there had been scattered discussion regarding coordination of SVORI services before the October 2005 report, the more comprehensive review started with the realization that – *although SVORI had a slow difficult start, it was far too important, and it shouldn't be left to die.* The following sections provide a thumbnail sketch of issues related to SVORI service coordination.

### Substance Abuse and Mental Health Treatment

DHSS funded substance abuse and mental health treatment showed very low spending levels. This was because DHSS-DSAMH had not received enough offender information from any source to make appropriate addiction and mental health referrals. In addition, the special access planned for SVORI offenders for public assistance was not discussed in depth. As the discussion unfolded it was realized that the barriers to offenders receiving public assistance and food stamps were so onerous and complex, especially when trying to figure out if the offender had a prior illicit drug conviction, that it was a process left to the contract case managers to ferret out on a case-by-case basis. The task of offenders qualifying for public assistance funds was so difficult that in some cases, the SVORI public defenders teamed with the contract case managers to help prepare the offenders' paperwork.

### Employment

Department of Labor ("DOL") had established procedures with SVORI contract case managers and offenders for access to the routine unemployment and job search processes. However, here too, this task required the case managers to transport and help the offender at the local DOL office because the DOL was not set up to provide service off-site for the SVORI offenders. The more the contract case managers and DOL staff looked into the possibility of employment for SVORI offenders, the more stark the general situation became. Something as basic as preparing a job resume, training that is readily available

to offenders in and out of prison, ended up being a fruitless exercise for many of the SVORI offenders. Without prior job history or basic academic skills or graduation from high school, preparing a resume made little sense. As contract managers got to know their caseload better, they gained a better understanding how truly unprepared most offenders were for even the most basic jobs.

DOL reported there were plenty of jobs available if the SVORI client had a skill or had completed an apprenticeship. Few had. The Steering Committee decided that a more extensive front-end profile of offenders participating in a reentry program was needed and that it made more sense to focus on job training and basic education for many of the SVORI offenders. This too proved to be very frustrating. For example, when DOL arranged for 15 job-training positions at the Delaware Technical College in Wilmington where SVORI offenders were paid \$9 an hour to attend the course, only nine of the 15 who signed up with the assistance of their case managers attended.

For the few SVORI offenders who could qualify for employment, there was trouble applying because of a lack of proper identification. The identification provided by DOC at release from prison was not helpful in employment situations. In some of these cases the Public Defenders assisted the offenders to get a driver's license or an official state identification card – something necessary when applying for a job.

Towards the end of the SVORI grant DOL invested \$250,000 of the SVORI funds in a mobile technology vehicle (38 ft. Winnebago), which served as a mobile DOL office. The primary goal of the DOL mobile technology vehicle was to reach offenders in rural areas.

### Housing

Housing is a key offender reentry service. Before an offender is released to the community on probation, DOC makes a visit to verify that the housing the offender has arranged to reside in is appropriate and at least viable for the short run. Some offenders have alienated family and friends and as a result, arranging even short-term housing can be very difficult.

About mid-way through the SVORI program there was a growing awareness that because of limited resources the Delaware Housing Authority was not going to be able to provide much help. The Delaware Housing Authority's waiting list included many non-offenders, while many offenders faced legal barriers -- especially those with illicit drug histories -- that limited their access to public housing. At the June 15, 2005 Steering Committee meeting, a one page housing report identified the need for a more comprehensive housing plan that focused on a non-traditional housing plan involving the contract case managers soliciting non-profit agencies, faith-based agencies and private property owners. In January 2006, a new housing coordinator was hired to assist the DHSS SVORI director and the contract case managers to find "non-traditional" SVORI

offender housing. Of special interest was that the number of women SVORI offenders was increasing and so was the need for housing that would accept children.

In addition to the legal barriers associated with offender housing and the reluctance of property owners to rent to offenders, those who worked trying to find housing for offenders raised the argument that offenders who don't have jobs can't pay rent.

### Barriers to Prisoner Reentry

Once the SVORI offender selection and admission processes were better understood and accepted as routine – regardless of the inherent difficulties of the process, the Steering Committee began to grapple with the difficulty of coordinating reentry services. This evolved into a hands-on understanding of the barriers that offenders face when they return to the community. A lesson learned was that these barriers, whether legal or societal, present difficult challenges that need to be considered and monitored more closely than occurred with the SVORI effort. Any future prisoner reentry effort needs to be cognizant of these realities and how to approach them if there ever is to be a chance at overcoming them. Something the SVORI plan was missing was a comprehensive accounting of the legal and social barriers to prisoner reentry. This need was addressed shortly after the conclusion of the SVORI program when the non-profit agency Stand Up for What's Right and Just (SURJ) and the Delaware Center for Justice (DCJ) jointly published a detailed report and held a full day's symposium funded by the Welfare Foundation that focused on the Delaware version of prisoner reentry barriers. The report is entitled *Ex-Offender Reentry in Delaware* (May 2007) and is a "must read" for anyone planning a new prisoner reentry effort.

### Slow Expenditure of Funds

The slow expenditure of funds was an important reason for requesting a no-cost program extension from the U.S. Department of Justice. With the June 2006 deadline looming, a full one-third of the funds had not been spent: \$876,972 out of \$2,603,234. Much of the inability for spending the funds emanated from the lack of offender assessments that would justify or trigger SVORI services. For instance, as late as May 2006, only a month before the original SVORI program conclusion date, 85 percent of the \$645,410 DHSS substance abuse and mental health funds remained unspent. The original plan called for treatment summaries to be prepared before the SVORI offender left prison, which would have pre-alerted treatment providers, but the processes of identifying and selecting and placing SVORI cases was so uncertain and subject to so much revision that pre-planned case assessment was delayed until SVORI admission. Once this responsibility ended up at the contract case manager's level, the referral practice to DHSS services was not fully established before the end of the grant.

When the SVORI program extension was approved, which allowed it to continue until December 31, 2006, the Steering Committee received an executive directive from Lt.

Governor (Chair of the Criminal Justice Council), the Commissioner of Corrections and the Secretary of DHSS to expand spending to include more local support groups to assist case managers. Consequently, more case managers were hired and “market” available counseling and substance abuse treatment was provided. Public Defender services were expanded, the Department of Labor received the funding for the mobile technology vehicle and the Department of Corrections opened and staffed the Wilmington day reporting office on weekends. Eight private non-profit and faith-based programs received one-time funding for transportation, mentoring, childcare, HIV education and testing, and short-term housing.

When SVORI ended on December 31, 2006, the program had served 303 prisoners returning to the community and the money was spent. The total cost was \$2.509 million.

### Delaware Legislation Affecting Prisoner Reentry Barriers

During the period of SVORI the Delaware Legislature passed a number of bills that were designed to attenuate the legal barriers to prisoner reentry.

2000: Senate Bill 350 provided the right to vote for most felons five years after completing their full sentencing including post-prison probation and making full restitution.

2003: House Bill 263 exercised the option provided to the state by 21 U.S.C §862a(d)(1) to provide food stamps to persons convicted of felony drug crimes on the condition the offender participated in an approved substance abuse program and demonstrated satisfactory progress through negative drug test results.

2004: Senate Bill 56 shortened the ban for a person convicted of felony drug crime to apply for a conditional driver’s license from three years to one year after completing their sentence.

2004: Senate Bill 229 opened some jobs that were previously closed due to regulator licensing rules. Under this law licensing boards can only disqualify an ex-offender whose convictions were “substantially related” to the occupation.

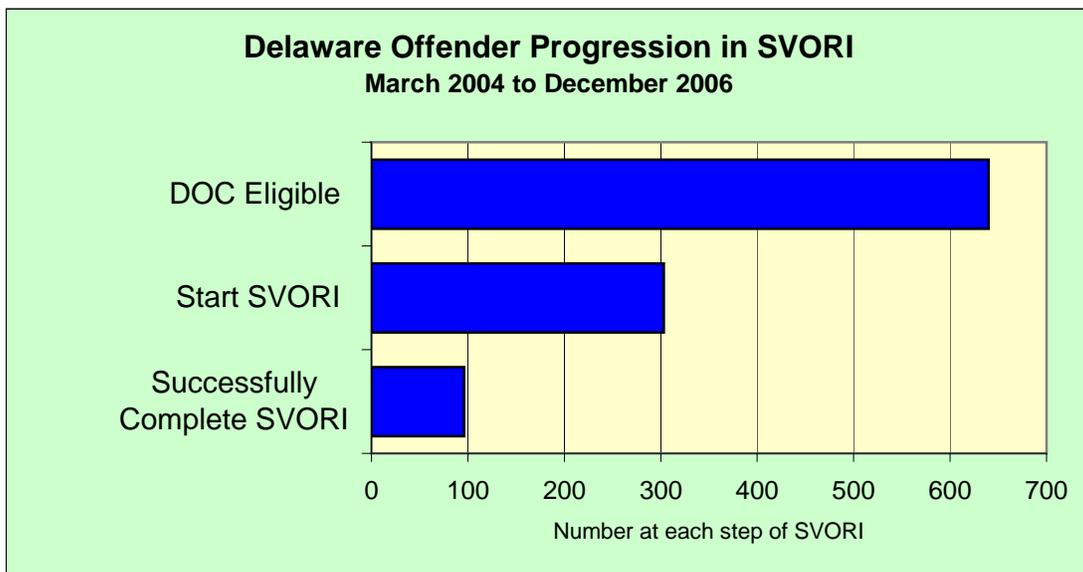
2006: House Bill 443 requires that police officers receive special training for responding to individuals with mental or physical disabilities.

2009: House Bill 53 prohibits granting leave for a state employee for the purposes of serving a term of incarceration.

## SVORI Success and Recidivism

SVORI dealt with offenders in the community during the 34-month period between March 2004 and December 2006. As shown in Chart 1 below, DOC had identified 640 offenders who were thought to be eligible for SVORI, however less than half, 303, of these offenders were admitted to SVORI in the community. Two of the reasons that DOC had difficulty in accurately identifying prisoners actually qualifying for SVORI were that (1) many offenders were not released near their expected release date due to pending legal issues and (2) other offenders violated their Level IV quasi-incarceration term and were returned to incarceration. In addition, as the DHSS SVORI manager interviewed the 640 offenders, it was discovered that some were actually sex offenders, others were older than 35 years old, and still others had not really served a year in prison. These selection issues made it very difficult to anticipate the movement and timing of SVORI offenders from DOC prison through Level IV quasi-incarceration to DHSS case managers in a community setting. The difference between the expected and the actual number of offenders that started the SVORI program was a surprise to the SVORI Steering Committee and presented an unanticipated challenge that they had to struggle to understand and find ways in which to adapt. This was a major issue that as shown in earlier sections of this report resulted in a very different reentry program than initially planned.

Chart 1



## REASONS FOR NOT COMPLETING SVORI, ONCE ADMITTED

As shown in Chart 1 above, of the 303 offenders that started the community phase of SVORI, only 96 (32 percent) successfully completed the program. The reasons the 207 SVORI offenders did not successfully complete the program breaks down as shown in the display below. This assessment is based on the October 2006 DelSAC special SVORI monitoring report that was conducted just prior to the close of the program.

### Reasons for Not Completing SVORI after Admission

27.6%	.....	once admitted, offender later refused to participate and/or withdrew
25.4%	.....	were found not to meet SVORI admission criteria
23.2%	.....	were re-incarcerated before completion of SVORI
18.9%	.....	were discharged by a judge as unsuccessful
2.7%	.....	absconded
2.2%	.....	moved to another state.

As the October 2006 monitoring report shows, it remained difficult to the end to identify which offenders qualified for SVORI. About one out of four of the offenders that actually were admitted into SVORI were discovered, even after the DHSS SVORI director's initial interview, to not be in compliance with the SVORI target population criteria; that is, they had sex offense histories, they had not served at least one year in prison, or were older than 35 and once discovered were released from the program.

Over half of the offenders who actually started SVORI failed to complete the program through their own volition. It was through their own behavior or decision that they indicated their unwillingness or inability to comply with SVORI expectations. Almost 28 percent of the offenders that started the SVORI program openly refused to comply with the SVORI requirements. Another 23 percent were re-arrested or committed a severe enough violation that their probation was revoked and they were returned to Level V incarceration. Another 2.7 percent of the SVORI non-completers absconded. About 19 percent were found at one of their re-entry court hearings to be noncompliant with the program and were discharged by the judge. Two point two percent of the SVORI offenders moved to another state and were removed from the program.

## SUMMARY OF SVORI DEMOGRAPHICS AND ARREST HISTORY

As shown in Table 1 below, of the 303 SVORI offenders, 79.5 percent were males and 20.5 percent were females. Blacks accounted for 67 percent of the SVORI population, while whites accounted for 27.4 percent and Hispanics accounted for 5.6 percent.

The reason that nearly 20 percent of the SVORI offenders were females, which far exceeds the 4.4 percent of the female portion of the Delaware prison population, is that the SVORI Steering Committee received permission from the U.S. Department of Justice

to target any female leaving incarceration status even if they did not meet the 12 month minimum prison stay. Thus, females serving short Level V jail terms were included in the SVORI program.

It is not surprising that 67 percent of the SVORI offenders were black considering the disproportionate black population in prison. This fairly represents the proportion of black offenders in prison. Nor is it surprising the age of the average SVORI offender is just over 30 years old, which is close the average age of a Delaware offender. What is noteworthy is that SVORI clientele are serious offenders who have very lengthy criminal histories and accordingly have a very high risk of recidivism. On average, SVORI offenders had over 19 prior arrests in their history. Strikingly, the average number of prior felony arrests averages over 5 per offender. Even the women, who are usually thought to have less serious criminal histories, exceed an average of 4 or more prior felony arrests. An arrest is counted as being arrested in Delaware for any number of charges on any single day.

Table 1  
Summary of SVORI Offenders' Demographics and Arrest History

Gender/Race and Ethnicity	Number	Percent of SVORI	Avg. Age	Prior Arrests	Prior Felony Arrests
White Females	29	9.6%	35	23.4	4
Black Females	33	10.9%	31	18	4.5
White Males	54	17.8%	29	17.8	5.2
Black Males	170	56.1%	30	19.8	5.7
Hispanic Males	17	5.6%	31	15.1	3.8
Total	303	100.0%	30.5	19.3	5.2

### SVORI Re-arrest at One-Year at Risk: Overall Finding

Of the 303 offenders that started the community phase of SVORI, only 96 (32 percent) successfully completed the program, leaving 207 SVORI offenders who, for reasons described above, did not successfully complete the program. The assumption is that those that completed the SVORI program had a lower recidivism rate than those that did not successfully complete the program. This assumption holds true as shown in the Table 2 below. The overall SVORI arrest recidivism rate is 76.2 percent within one year of starting the program. Such a high recidivism rate while disappointing is not exceptional for a group of offenders with such extensive history. However, once the recidivism rate is split between the successful and unsuccessful completers, there is a statistically significant difference between the groups where those who successfully completed SVORI had a 63.5 percent recidivism rate versus those that did not complete SVORI that had a 82.1 percent recidivism rate ( $p < .01$ ).

Does this significantly lower recidivism rate mean that successful SVORI completers are 18.6 percentage points better than the non-completers when it comes to re-arrest? In a general sense, yes; but in a scientific sense, only maybe. The problem is, we know that many of the non-completers for whatever reasons wanted to avoid SVORI, which means that those who successfully completed may have been motivated to shed their criminal behavior and as such may have been more amenable to the case workers' assistance. In scientific parlance this is referred to as "selection criteria", which means the success we see is really related to a biased selection of those who actually participated in SVORI. The hard answer is that some and maybe many would have been successful even without SVORI because they possessed the motivation to remain arrest free.

Table 2  
SVORI Recidivism Rates: One Year At Risk

	<u>Number</u>	<u>Percent</u>	<u>Number</u> <u>Arrested</u> <u>1 Year At Risk</u>	<u>Arrest</u> <u>Recidivism</u> <u>Rate</u>
Total SVORI	303	100.0%	231	76.2%
Successfully Completed	96	31.7%	61	63.5%
Unsuccessful	207	68.3%	170	82.1%

For the 231 SVORI recidivists, 58.4 percent were arrested for a new felony, 22.5 percent for a new misdemeanor, 3.9 percent for a DUI and 15.2 percent for only a violation for probation. Offenders that successfully completed SVORI were, on average, arrested for less serious crimes. Unsuccessful SVORI offenders were more likely to be arrested for a new felony than offenders that successfully completed SVORI: 65.9 percent versus 39.3 percent. Unsuccessful SVORI offenders were about 4 times as likely be arrested for drug selling or drug trafficking: 19.4 percent versus 4.9 percent. Successful SVORI offenders were more likely than unsuccessful SVORI offenders to be arrested for only a violation of probation: 24.6 percent versus 11.8 percent -- or a misdemeanor: 31.1 percent versus 19.4 percent.

### SVORI Re-arrest at One-Year at Risk By Gender, Race and Ethnicity

Table 3 below summarizes the SVORI recidivism rates for each of the gender and race and ethnic groups. These results show that for all but Hispanic males, SVORI had a positive impact for the approximate one-third that successfully completed the SVORI program. Hispanic males had a counter intuitive result where those that successfully completed SVORI were all arrested within one year entering the program, while only 69 percent that did not complete the program were arrested.

Of all the gender, race and ethnicity groups, white females had the highest level of successful completions at 41.4 percent and they were also the most successful with a 41.7 percent arrest rate. The white females that tended to be successful had very extensive criminal histories with an average of just over 37 prior arrests. This is the highest prior arrest rate for any of the gender, race and ethnic groups and usually is an indicator of certain future criminality. What may be offsetting the prediction that these women should have failed to be law abiding might have been their age, which was on average, 37 years old. Older offenders are less likely to recidivate.

Black females who successfully completed the SVORI program had an 8.3 percentage point lower recidivism rate than those that were unsuccessful in completing the program, and while a positive finding, it was not statistically significant. This means we cannot be sure that black females, even if they successfully completed the program were more likely to be law abiding. Black females were also less likely than white females and males (except for Hispanic males) to successfully complete SVORI at only a 27.3 percent success rate. This may indicate that the reentry program offerings and processes, as they relate to black women, need to be reviewed in terms of cultural effectiveness.

Just under a third of the black and white males successfully completed SVORI. In both cases the males that completed were significantly less likely to recidivate. Successful white males recidivated at a 52.9 percent rate versus 81.1 percent for unsuccessful white males. Successful black males recidivated at a 68.5 percent rate versus 87.9 percent for unsuccessful black males. Black males, while completing SVORI at about the same rates as white males and having a lower recidivism rate than their unsuccessful counterparts, had a 15.6 percentage point higher recidivism rate than white males (68.5 versus 52.9). This finding, like the black female difference between races, indicates a need for cultural review of reentry offerings and processes.

Hispanic male SVORI results need to be premised with the fact that only 17 (5.6 percent) of the total SVORI cases were Hispanic males and therefore may be subject to the problem of too few cases to represent a reasonable test of SVORI for this group. Still the results are counterintuitive. Those that successfully completed SVORI were all rearrested within one year, while those who failed to complete fared much better, significantly better than the offenders who completed the program. Truly, this is an initial indicator that we have a lot to learn about what works and doesn't work with prisoner reentry programs.

Table 3  
 SVORI Recidivism Summary by Gender/Race and Ethnicity  
 Successful Completer Compared to Unsuccessful Completers

	Median <u>Age</u>	Prior Number <u>Of Arrests</u>	Number <u>SVORI</u>	Percent <u>Successful</u>	Arrested <u>1 Year At Risk</u>	Recidivism <u>Rate</u>
All White Females	35	23.4	29	100.0%	16	55.2%
Successful	37.1	37.4	12	41.4%	5	41.7%
Unsuccessful	33.2	13.5	17	58.6%	11	64.7%
All Black Females	31	18	33	100.0%	24	72.7%
Successful	32.6	25.9	9	27.3%	6	66.7%
Unsuccessful	29.6	15	24	72.7%	18	75.0%
All White Males	29	17.8	54	100.0%	39	72.2%
Successful	27.9	18.3	17	31.5%	9	52.9%
Unsuccessful	29.9	17.6	37	68.5%	30	81.1%
All Black Males	30	19.8	170	100.0%	139	81.8%
Successful	29.3	20.4	54	31.8%	37	68.5%
Unsuccessful	29.8	19.5	116	68.2%	102	87.9%
All Hispanic Males	31	15.1	17	100.0%	13	76.5%
Successful	31.3	20.3	4	23.5%	4	100.0%
Unsuccessful	30.6	13.5	13	76.5%	9	69.2%

Successful versus Unsuccessful Completers

	T-test	P <	Significant
White Females	4.2	0.001	Yes
Black Females	1.7	0.09	No
White Males	7.4	0.001	Yes
Black Males	10.1	0.001	Yes
Hispanic Males	4.4	0.001	Yes

## What Difference did SVORI Case Management Services Make?

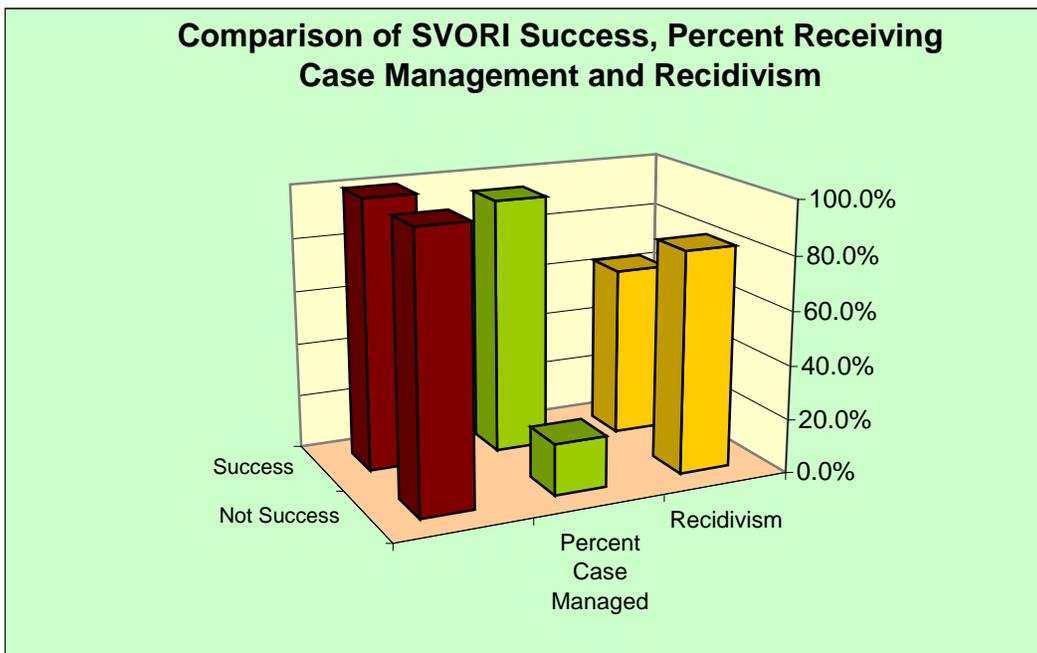
Successfully completing SVORI is associated with lower recidivism and successful completion is associated with case management. As the Chart 2 below shows, of the 303 offenders that started SVORI, 96 (32 percent) successfully completed the SVORI program and 207 (68 percent) did not. When these two groups' process and recidivism are examined, very different patterns emerge. Almost all of those successfully completing SVORI had received case management service while very few of the non-successful SVORI offenders did. The outcome is that those receiving case management services and completing the program were almost 23 percent less likely to recidivate, that is, be arrested within a year. In summary ...

96 successfully completed the SVORI of which 94.8 percent had received case management services and 63.5 percent were rearrested

... Compared to the ...

207 that did not successfully complete the program where only 18.8 percent had received management case services and 82.1 percent were rearrested.

Chart 2



While promising, this finding needs to be balanced with the SVORI case tracking finding above which showed that many of those that did not successfully complete the SVORI program voluntarily opted out of the program by simply refusing to participate or by returning to their prior criminal ways and finding themselves quickly back in jail or prison. Perhaps, what this finding highlights is that a method to motivate offenders with deep criminal histories is an important precursor to initiating new reentry efforts.

## Summary of SVORI Treatment Services

The provision of case management services, as indicated above, was significantly related to the probability of SVORI offenders successfully completing the program. For the approximately one-third that completed the program, their recidivism rate, while high was still 18.6 percentage lower than SVORI offenders that did not successfully complete the program: 63.5 percent recidivism rate for SVORI completers versus 82.1 percent recidivism rate for SVORI non-completers. While this is a positive result and the association with receiving case management services is very strong, it cannot be dismissed that part of the positive finding is actually attributable to the statistical “selection criteria” where those who were successful were the offenders most likely to be amenable to rehabilitation. For instance, successful SVORI white females had the lowest recidivism rate at 41.7 percent but this group was clearly the oldest group, and there is a strong correlation between being older and female being associated with lower recidivism rates.

One of the ways to judge a prisoner reentry program is the linkage between the offenders’ needs and the type and quality of the services delivered. As the discussion of the implemented SVORI programs in the earlier section of the report describes, this group of very serious offenders faced a very strict routine of surveillance and accountability once released to the community. As with most Delaware offenders released from prison, SVORI offenders were placed on intensive probation Level III that not only included the many collateral contacts and visits each week, but also Operation Safe Streets surveillance that involved random curfew checks and administrative home searches conducted by a joint DOC probation and police officer team. Administrative searches do not require a search warrant because of post-prison sentencing order provisions. SVORI reentry court, at least for the Kent and Sussex County and the early period of New Castle County, provided for a careful monitoring of the rehabilitation components of SVORI and upon failure, incremental punishments before finally sending the offender back to Level V in the hope that this would keep the offender on track. These components of SVORI represent a strong public safety and justice model.

On the social need side; the original SVORI plan envisioned a well-coordinated and comprehensive package that met the needs of the offenders. However, the types of services shown in the chart below show that the resultant SVORI community services were largely limited to housing assistance and job searches. While these are important services, the distribution of actual services provided does not reflect the pattern that was initially anticipated. For instance, it is commonly known that nearly 80 percent of

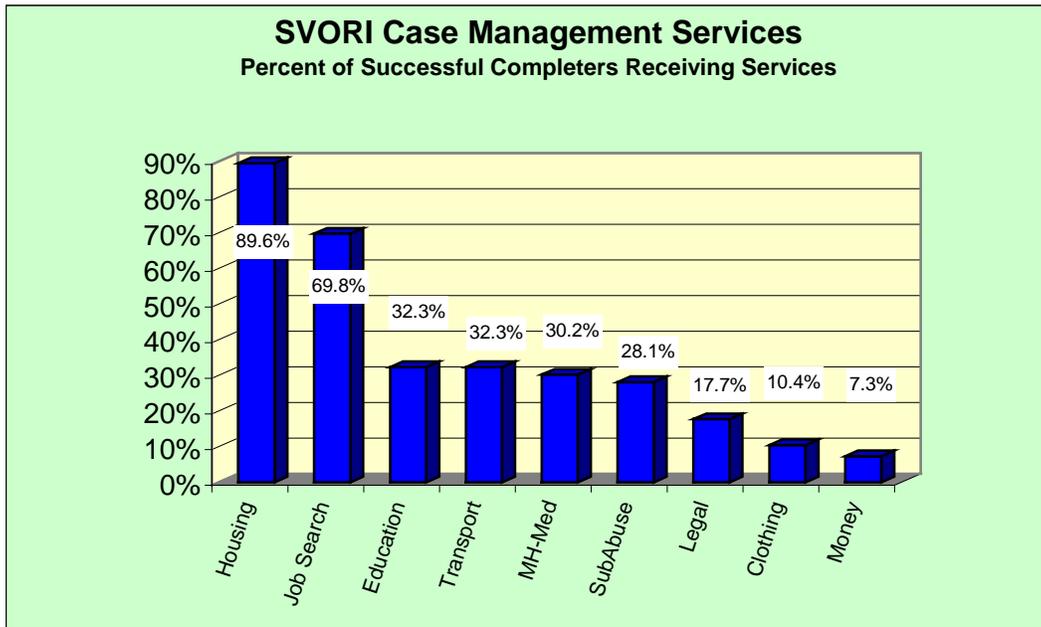
prisoners have addiction problems and some of them received formal Key or Greentree addiction treatment while in prison, but only 30 percent received any addiction assistance during reentry. Not only were the SVORI services less comprehensive than originally planned, they were for the most part carried out locally through the initiative and personal creativity of the contract case managers with only limited direct coordination with the state agencies.

Chart 3 below indicates that nearly the entire group of successful SVORI offenders received assistance in finding suitable housing arrangements, and nearly 70 percent received some type of job search assistance. Less than a third of the successful SVORI offenders, which means only 30 or so offenders received assistance in education attainment, substance abuse and mental health – all areas that although not quantified by SVORI are know to be of great need.

Description of Types of SVORI Case Management Services

Housing:	Assistance in finding suitable housing
Job Search:	Job search assistance
Education:	GED, Drivers Education, job training and career tip courses
Transportation:	Bus passes for jobs, interviews and appointments
MH –Medical:	Community mental health counseling, anger management counseling, family counseling, hospital clinic appointments and Medicaid assistance
Substance Abuse:	Community based addiction counseling and detox
Legal:	Public Defender assistance
Clothing:	Gift cards for clothing for job interviews
Money:	Gift cards for necessary living cost other than clothing

Chart 3



## Resources:

Delaware's Reentry Drug Court: A Practical Approach to Substance Abuse Offenders: Judge Richard Gebelein, Superior Court of Delaware, March 2003.

Delaware Serious and Violent Offender Reentry Project; Final Report: Patricia Brooks, November 2007.

Delaware Serious and Violent Offender Reentry Project; Work Plan: SVORI Steering Committee, October 2002.

Department of Corrections Population Patterns 2000 to March 2009: Delaware Statistical Analysis Center, April 2009.

Ex-Offender Reentry in Delaware: A Report on Delaware Reentry Roundtable: Stand Up for what's Right and Just and Delaware Center for Justice, May 2007.

First Year Assessment of the 2003 Probation Reform Law's Impact on the Administration of Justice (Senate Bill 50 and Senate Bill 150): Delaware Statistical Analysis Center, January 2005.

New Delaware Re-entry Program Launched: Jack Kemp, Corrections Today, December 2003.

Re-Entry Programming in Delaware (Riblett Report): September 2004.