

# Vera Institute of Justice

## Criminal Justice Issues and Prisoners' Rights

**<https://www.vera.org/blog/delaware-governor-recognizes-benefits-of-jri-in-state-of-the-state-pushes-for-more-reform>**

### Public Facing Advocacy Writing

In his recent State of the State address, Delaware Governor Jack Markell laid out his criminal justice policy priorities for 2014, charting a path forward that would strengthen the Delaware justice system by piloting a pretrial supervision program, advancing judicial discretion, and removing barriers to reentry.

These efforts follow on 2012s Justice Reinvestment Act (SB 226), legislation developed by the Delaware Justice Reinvestment Task Force, a bipartisan, inter-branch committee established by Governor Markell in 2011. With support from the U.S. Department of Justices Justice Reinvestment Initiative, Vera assisted the task force in analyzing justice system data and identifying three drivers of the states unified corrections population: a large pretrial population, a high rate of revocations from probation, and long sentence lengths. (In 2010, the average length of stay for prisoners was more than three years, while the national average is about two years). The task force recommended policies to the legislature designed to address these drivers that, after legislative approval, were signed into law by the governor in August 2012.

With Veras continued assistance, Delaware agencies are now implementing the SB 226 policies. Over the last 18 months, the Justice of the Peace Courts developed and implemented an objective pretrial risk assessment that provides judges with information about offenders risk of flight pending trial. The states Department of Correction (DOC) established earned time credits for program completion in prison and compliance with conditions of supervision in the community, and is expanding the use of its risk/needs assessment to prisons in order to match offenders needs with appropriate programming. Meanwhile, the states Statistical Analysis Center (SAC) produced the first of many recidivism reports in 2013 something that the SAC had never done previously.

Pointing to work already underway in Delaware, Governor Markell highlighted a pretrial supervision pilot project co-managed by the DOC and the Delaware Center for Justice. The purpose of the pilot is to link intensity of supervision with assessed risk of flight, as determined by SB 226s pretrial risk assessment instrument. Said the governor, By supervising some offenders, we can keep them out of prison in the first place and link them with services to address addictions or mental health concerns in the community, and not a prison cell.

Turning to new initiatives, Governor Markell called for greater judicial discretion in sentencing. At present, Delaware is the only state that requires judges to impose consecutive rather than concurrent sentences for multiple offenses. As the Governor said, that hasnt made us any safer and contributes to overcrowding our prisons. While the task force addressed long sentence lengths via earned time credits, offering judges greater discretion would more directly impact sentence lengths, reducing crowding in prisons and associated costs.

Finally, Governor Markell urged legislators to build on the success of 2009s I-ADAPT reentry program, calling for legislation to remove two remaining barriers to employment for individuals reentering society: the automatic revocation of drivers licenses and the requirement that applicants denote their criminal history by checking a box to that effect on state job applications. By banning the box, Delawares state government, said Governor Markell, could be a model for the private sector.

In the Governors own words, these and all his policy priorities are about giving people a fair shot: Thats why we passed the Justice Reinvestment Act to rehabilitate and not just incarcerate.

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