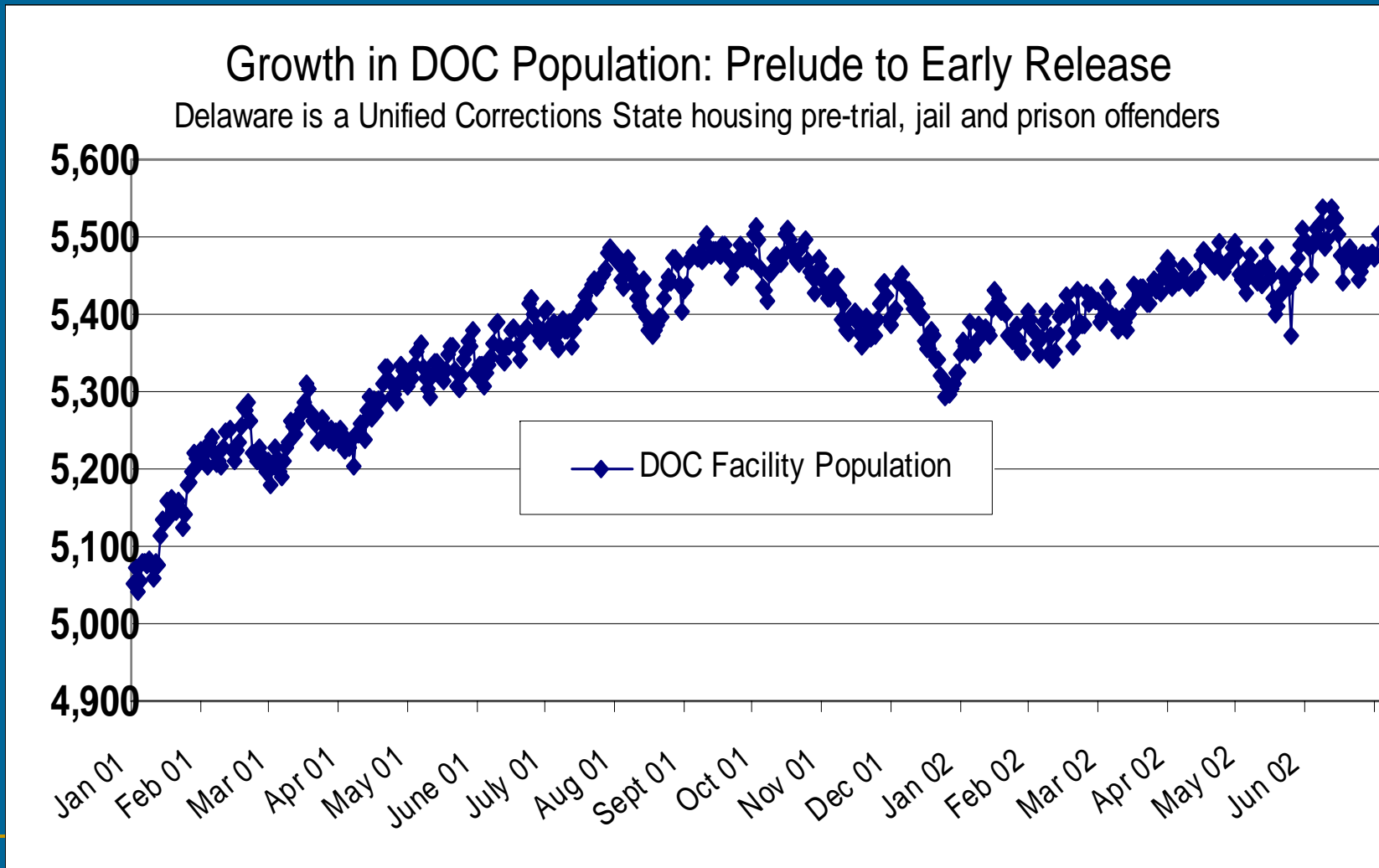


# Delaware's Prisoner Early Release Process 2002 to 2005

The National Association of Sentencing Commissions  
Annual Meeting  
Baltimore, Maryland August 2 - 4, 2009

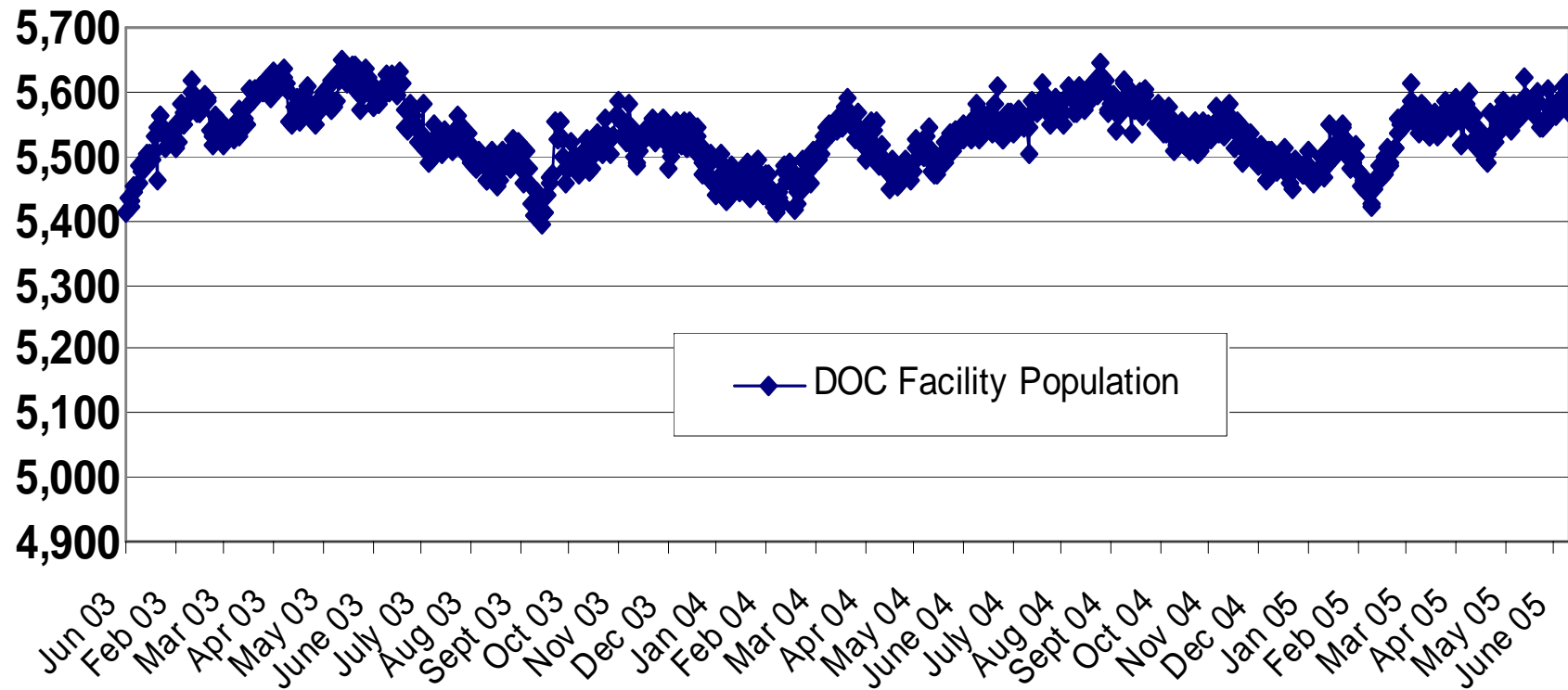
By  
Jack O'Connell, Director  
Delaware Statistical Analysis Center

# The Problem: The Delaware Level V Population



# The Early Release Contributed to the Stabilization for the DOC Population

"Early Release" had about a 9 to 12 Month Delayed Impact  
Delaware is a Unified Corrections State housing pre-trial, jail and prison offenders



# Authority for Early Release

- Delaware Statute Title 11 §4217 provides for DOC to recommend early release
- The Sentencing Accountability Commission established a special pre-screening committee including DOC, the Attorney General and Public Defenders' Offices, a Superior Court judge and the Board of Parole.
- Any member of the pre-screening committee could veto the recommendation of an offender's early release

# Early Release Process

- Each member of the SENTAC pre-screening committee contributed computer, case and prison documents for the initial review. DOC recommended cases for the committee's review
- By law the cases recommended for early release from prison were forwarded to the Board of Parole
- The Board of Parole conducted a separate review and recommended tailored community supervision programs before the original sentencing judge made the decision for early release.

# The Target Populations

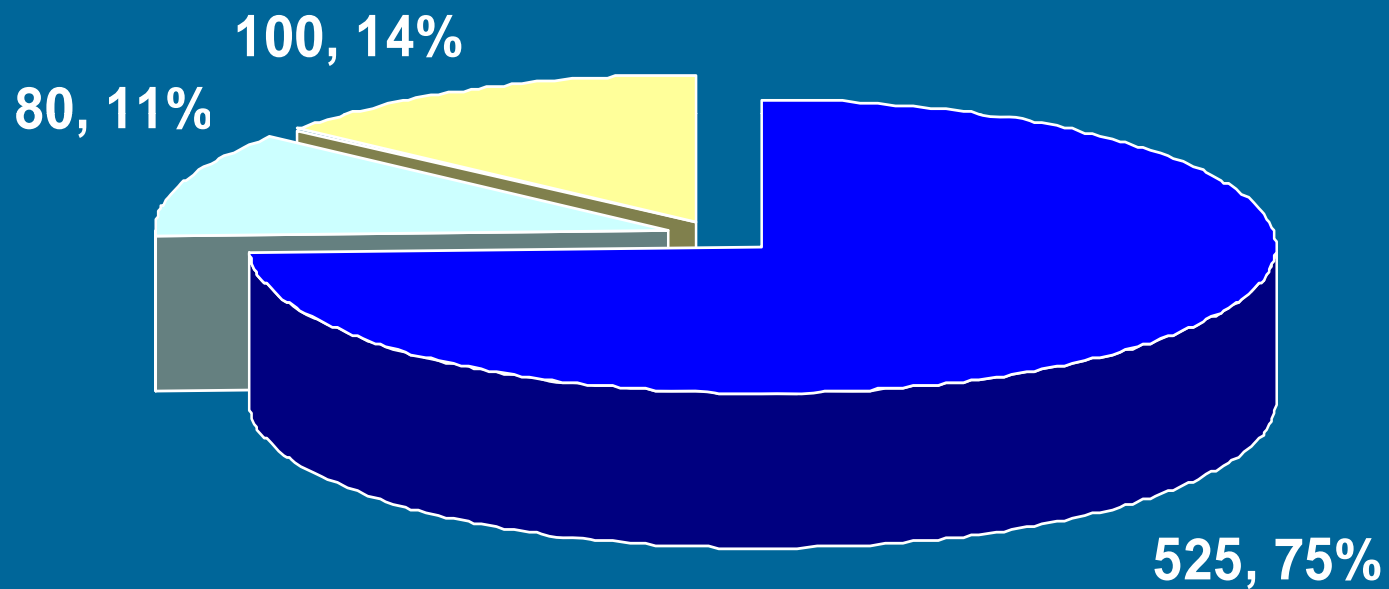
- DOC had documented the increasing number of prisoners older than 50 who were believed to represent less risk of recidivism
- HB 210 had passed, which reduced drug trafficking (minimum mandatory of 3 years) and repeat drug selling (minimum mandatory of 5 years) terms by up to one-half: These prisoners' cases were retroactively considered
- Offenders needed to have served at least 50% of their term

# The Pool was Big

## The Probability of Release Slight

- DOC recommended 705 prisoners to the SENTAC Pre-Screening Committee
- 180 (25%) were forwarded by the SENTAC Pre-Screening Committee to the Board of Parole for development of a special community supervision program
- 100 (14%) were actually released early by the sentencing judge

- Early Release Qualified: Not SENTAC Approved
- SENTAC Screened Not Released by Judge
- SENTAC Screened and Released by Judge



## The Process was Slow – about 1 Year

- DOC candidates for early release were considered in 16 separate groups spanning October 2002 to July 2005
- It took an average of 116 days for the SENTAC Pre-Screening Committee's review
- It took an average of 269 days for the Board of Parole and the final judicial decisions
- Start to release averaged just over a year – meaning that the first prison population results could not be expected until 2003 and first recidivism results until 2004 and 2005

## Those Actually Considered

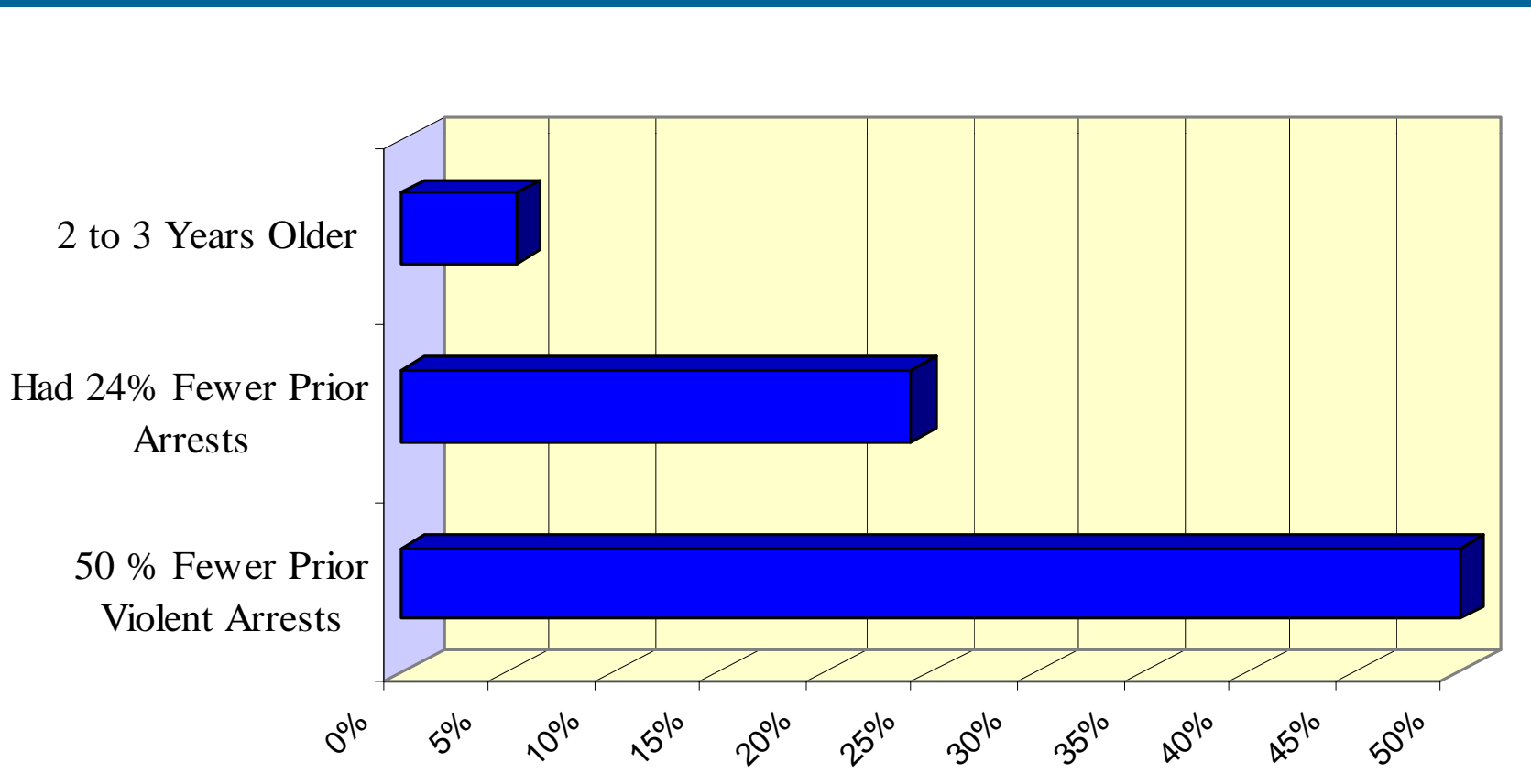
[180 out of 705 (26%)] were Serious Offenders

Their Criminal History was significant -- averaging  
12 prior arrests, which included on average  
3.7 drug selling or trafficking arrests  
2.4 other violent felonies  
1.6 deadly weapon felonies  
2.8 violation of probations

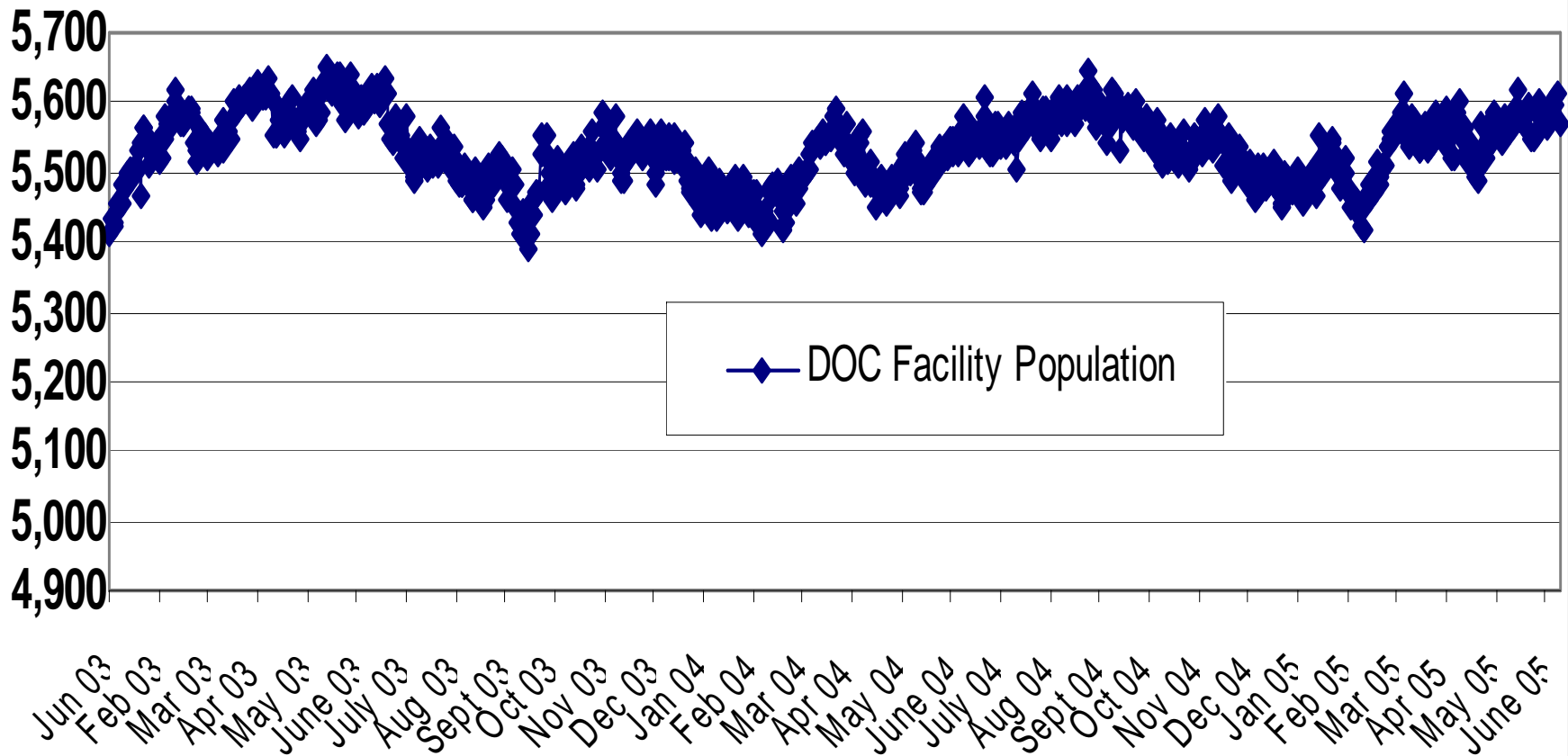
They had already served an average of  
5.7 years in prison of a 10.5 year sentence

They were older: their Average Age was 36

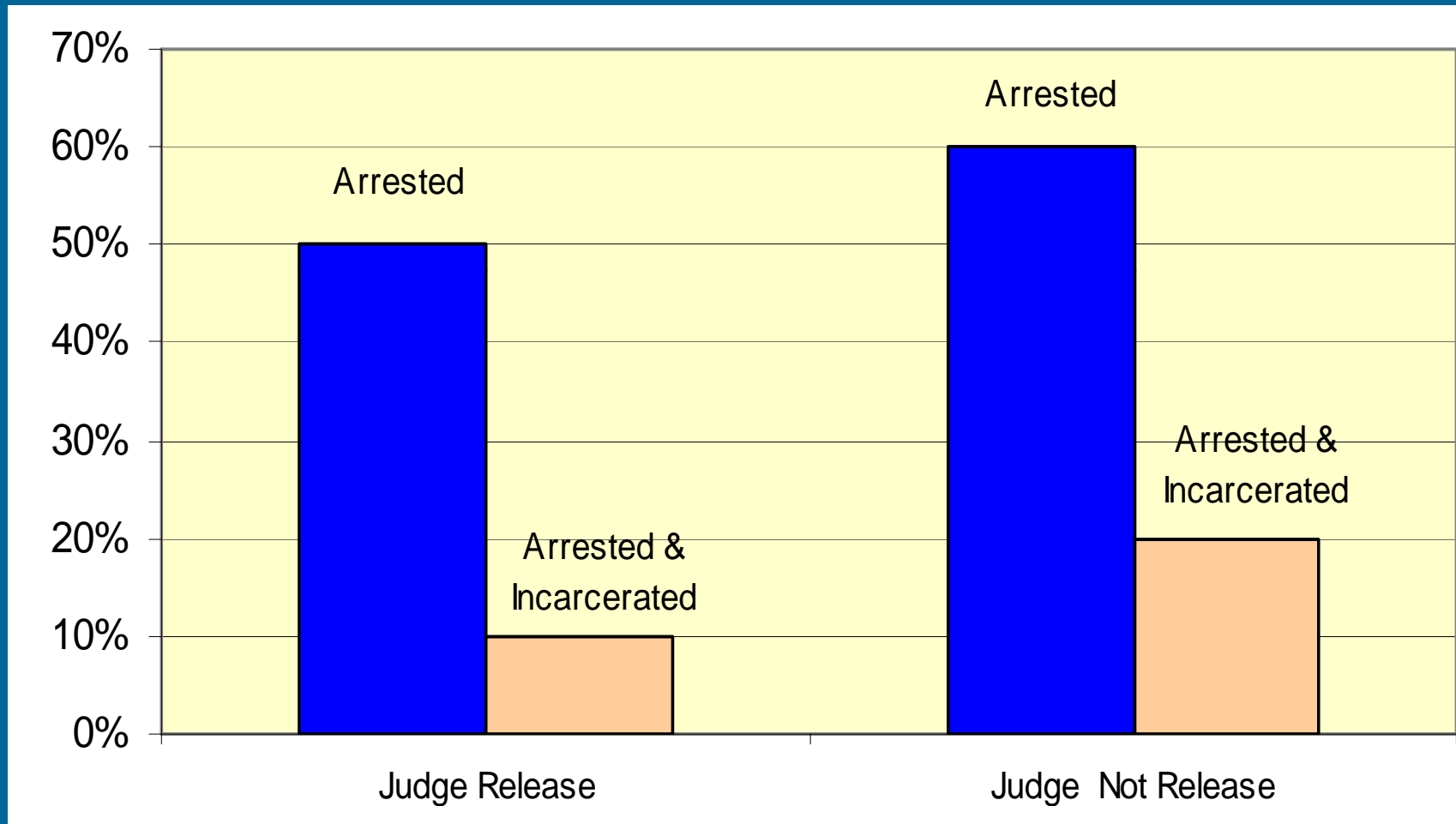
Among all Items, Prior History and Age were Key for the Final Release Decision --Judges Selections for Release --(compared to those not released) where



"Early Releases" were estimated to save an average of 3.5 years for each of the 100 Released Offenders -- Spread over 3 years this saved about 100 DOC beds  
*Delaware is an Unified Corrections State housing pre-trial, jail and prison offenders*

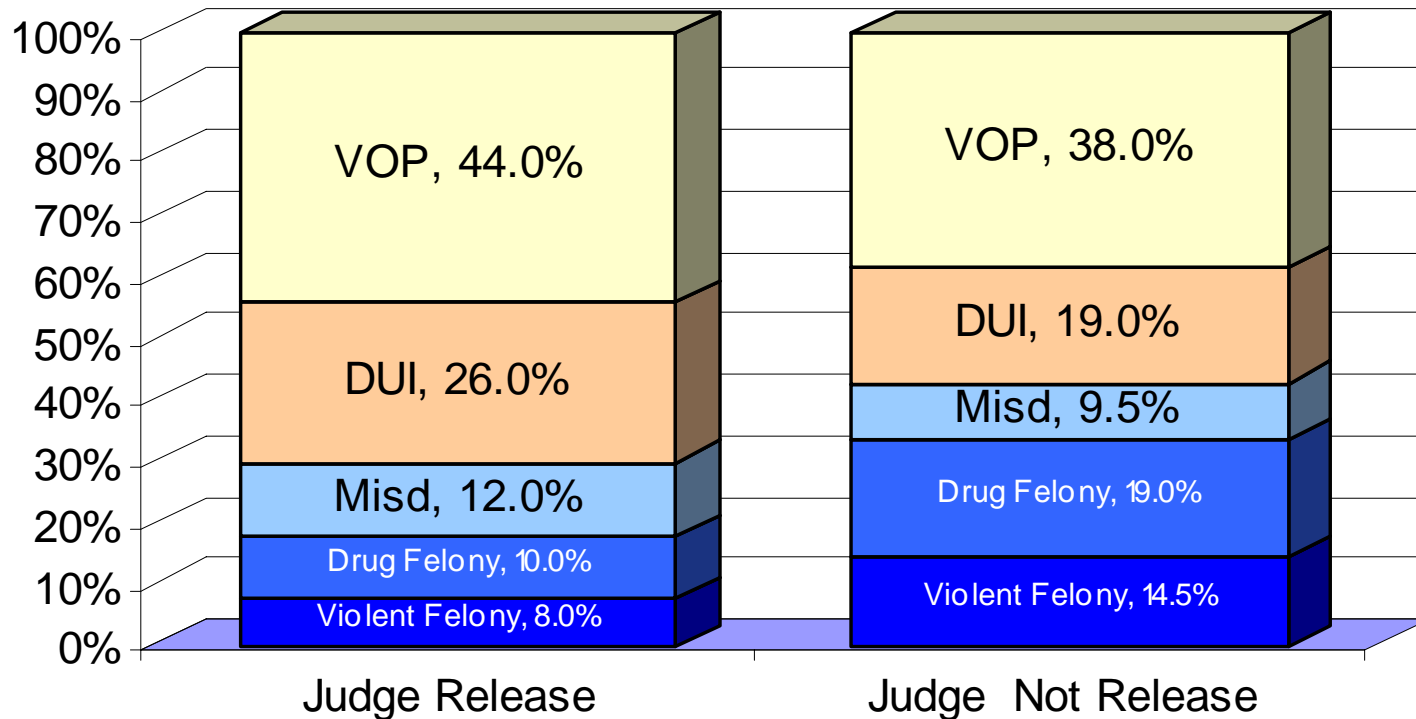


# Judges Decisions Make a Difference in Recidivism (at least one year at risk)



# Judges Decisions Make a Difference in Recidivism – Crime Severity

## Profile of MSO Post Release Charge



# Summary

- The Delaware SENTAC Early Release Process targeted older violent offenders and a retroactive application for reduced drug selling penalties
- The Early Release Process emphasized careful history, event, and prison behavior review
- Only 1 in 7 “qualified” candidates were released early – but this was significant enough to ameliorate the prison population --but these findings are confounded by the HB 210 implementation
- Although not formally using risk analysis, the released offenders tended to align with the key factors of being older and having relatively less criminal history
- Check [sac.omb.delaware.gov](http://sac.omb.delaware.gov) for more details