



# Delaware Probation and Parole

## Fact Sheet

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Over the past two decades the number of Delawareans under court-ordered community supervision as a total number and a percentage of the population has dropped significantly (community supervision = pre-trial supervision, levels 1-3 probation & home confinement).

- *1999: 21,000+ individuals on community supervision*  
= **2.8% of the Delaware population** (753,000 residents)
- *2023: 11,150 individuals on community supervision*  
= **1.1% of the Delaware population** (1,020,000 residents)

## Conditions of Supervision

The Delaware Sentencing Accountability Commission (SENTAC) has set nine *standard conditions* of supervision (Conditions 1-9) for low and moderate risk individuals serving probation levels 1 and 2 and an additional four standard conditions (Conditions 10-13) for higher risk individuals serving level 3 probation. Individuals serving level 1 probation for *Restitution Only* are only subject to two standard conditions (make court-ordered payments and report change of address/employment/financial status).

Other *special conditions* may be established by the Court or by a Probation Officer with the goal of promoting pro-social behavior and protecting public safety. These commonly include no contact orders with a victim or completing a treatment program to address substance abuse or co-occurring disorders that drive criminal behavior and self-harm. Per Delaware law and DOC policy, every probationer receives instructions about their conditions of supervision and a written copy of their conditions of supervision.

### Conditions of Supervision

1. You must not commit a new criminal offense or moving motor vehicle offense during the supervision period.
2. You must report any new arrest, conviction, or police contact within 72 hours to your Supervising Officer.
3. You must report to your Supervising Officer at such times and places as directed, and permit the Probation/Parole Officer to enter your home and/or visit places of employment.
4. You must have authorization from your Supervising Officer to leave the State of Delaware or your approved state of residence.
5. You must report any changes of residence and/or employment within 72 hours to you Supervising Officer.
6. You must have written approval from your Supervising Officer to own, possess, or be in control of any firearm or deadly weapon. (NOTE: Del. Code Title 11, Section 1448 prohibits purchase, possession, ownership, or control of any deadly weapon by persons convicted of a felony, crime of violence, drug offense, or commitment for a mental disorder.)
7. You are not to possess or consume a controlled substance or other dangerous drugs unless prescribed lawfully. You are subject to random testing as directed by your Supervising Officer.
8. You must pay a supervision fee as required by State Law in accordance with a schedule as established by the Department of Correction.
9. You must comply with any Special Conditions imposed at any time by your Supervising Officer, the Court and/or the Board of Parole.
10. You must not quit a job, training program, or school without prior approval of your Supervising Officer.
11. You must be employed full-time or active in job training or school on a full-time basis. If not, you must attend a Job Search Program or perform Community Service on a schedule established by the Supervising Officer.
12. You must participate in 0-35 hours of community service each week as directed by your Supervising Officer.
13. You must abide by a curfew established by your Supervising Officer.

## SENTAC



Delaware Sentencing  
Accountability Commission  
**Benchbook**  
**2021-22\***

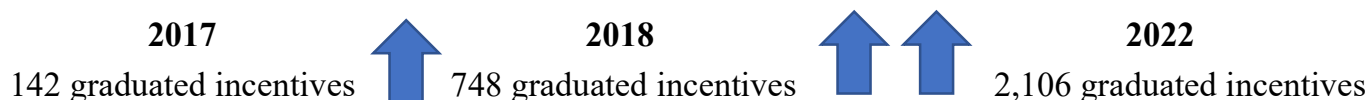
## Balanced approach to community supervision

Delaware employs a dynamic probation system that leverages proven evidence-based practices to motivate and support probationers while holding them accountable for their behavior choices with the shared goal of successful completion of court-ordered probation. These policies and practices are continually evolving to meet modern best practices. Consider this example:

- **Reduced number of in-office visits:** Over the past decade the requirement for in-person office visits has been significantly reduced. For highest-risk probationers, required weekly in-office visits have been replaced with a minimum of two face-to-face visits per month in the office or in the community. Moderate-risk probationers have a minimum of one face-to-face visit per month in the office or in the community. Home visits with a Probation Officer are also required at different increments depending on the level of supervision. Probation Officers have discretion to require more frequent office visits as a graduated response (i.e. for demonstrating illegal drug use, failing to report, failing to participate in treatment) or for demonstrating high-risk behavior.

## Introduction of graduated incentives

Probation Officers employ a ‘reward system’ of graduated incentives for probationers who are found to be engaging in pro-social activities and in compliance with the terms of their probation. This may result in a later curfew or no curfew, decreased reporting requirements or early discharge from probation. Within 5 years DOC has experienced a **16-fold increase in the use of graduated incentives** that recognize and reward compliance and positive behavior choices by probationers.



## Use of graduated sanctions instead of a VOP

Probation Officers frequently employ graduated sanctions to develop working relationships, solicit problem-solving, and elicit behavior change. *Graduated sanctions provide flexibility to address non-compliance with conditions of supervision without triggering a formal Violation of Probation (VOP).* They are employed after consideration of a probationer’s risk level, severity and frequency of non-compliant behavior, and offense for which the probationer is under supervision. Graduated sanctions range from verbal warnings to travel restrictions, increased contact expectations, substance use testing, imposition of a curfew, or use of electronic monitoring.

2014	2,185 graduated sanctions used
2018	4,411 graduated sanctions used
2022	3,311 graduated sanctions used

*Before the introduction of graduated sanctions, “technical” violations such as a curfew violation often resulted in a Violation of Probation filing or the immediate arrest on an Administrative Warrant.*

## Reduced numbers of Violation of Probation Reports

Today, *one-time technical violations* of a condition of supervision generally result in the use of a graduated sanction. *Repeated violations* most commonly lead to additional interventions and an increase in the level of supervision. *Sustained violations* of the conditions of supervision, *egregious violations* of a condition of supervision, or *an arrest for a new offense* will trigger a Violation of Probation report to the Court and could result in a return to custody through an Administrative Warrant.

Violation of Probation reports are submitted to the court by Probation Officers to alert a judge to a probationer's failure to follow the conditions of supervision. **A VOP report does not usually result in immediate arrest and return to custody.** VOP reports may request that the Court issue a summons to appear if the probationer is not an immediate threat to public safety or a *capias* if the probationer has absconded from supervision. The number of Violation of Probation reports submitted to the Courts were reduced by nearly 50% from 2017 (9,744) through 2022 (5,087), reflecting the increased use of graduated sanctions to resolve non-compliant behavior along with the continued reduction in the probationer population.

### **2022 VOP report insights:**

- **51%** (2,594) were triggered by arrests for a new offense
- **50%** (2,551) cited violation of no contact orders (i.e. with a victim), failing to participate in or complete treatment, or another "special condition"
- **47%** (2,392) cited failure to report to Probation or absconding from supervision
- **33%** (1,676) had a graduated sanction imposed before a VOP report was submitted
- **29%** (1,462) cited a violation for possessing or consuming controlled substances without a prescription
- **0.19% (10)** included only a citation for failing to abide by a curfew (5 involved high risk probationers where a graduated sanction was previously applied for missed curfews and 5 were supplemental VOP reports filed after an original VOP was filed on other violations)
- **0.00% (zero)** included only a citation for the following conditions: failing to pay the supervision fee; failing to participate in employment, job training, or education; failing to participate in community service; or quitting school or a job without approval

## Declining use of Administrative Warrants

Probation Officers are legally authorized to return a probationer to custody without a court-issued warrant pending a bail hearing at which time a Judge determines the conditions of release. Administrative Warrants are used in situations when the probationer is a threat to the public, an identifiable victim, or there are other aggravating circumstances. Administrative Warrants require approval from the Probation Officer's supervisor. The number of Administrative Warrants dropped by more than 50% from 2014 (3,942) to 2022 (1,785). This dramatic reduction correlates with increased efforts by Probation Officers to resolve non-compliance in the community through graduated responses short of returning probationers to the Court for a Violation of Probation hearing.

## **2022 Administrative Warrants insights:**

- **63%** (1,127) cited the probationer's arrest for a new offense
- **44%** (787) cited possessing or consuming a controlled substance without a prescription
- **33%** (581) cited violation of no contact orders (i.e. with a victim), failing to participate in or complete treatment, or another "special condition"
- **30%** (532) cited absconding from supervision or failing to report
- **9%** (152) cited violation of order to not possess firearm or deadly weapon
- **0.7%** (12) cited failure to be employed or enrolled in school or job training
- **0.5% (9) cited only failing to abide by a curfew** (each were high risk probationers, including 5 on GPS supervision, 1 out on bail for a new felony drug offense, and 1 GVI participant)
- **0.4%** (7) cited failure to participate in community service as directed
- **0.2%** (3) cited failure to obtain permission before quitting a job
- **0.0% (zero) cited only failing to participate in employment, job training, education, or community service; or quitting school or a job without approval**

## **Reentry Support**

Probation and Parole assigns four *Inreach Officers* who are dedicated to reentry planning with inmates who are approaching release to the community. Inreach Officers meet with inmates to implement individualized Transition Accountability Plans, which include employment planning, treatment referrals, accessing Medicaid and food benefits upon release, and securing identification credentials.

Probation and Parole assigns teams of *Institutional Release Officers* to prisons to meet with inmates who are scheduled for release to probation to complete the probation intake process. Institutional Release Officers review probation sentences, conditions of supervision, and probation reporting requirements.

Probation and Parole assigns teams of *Intake Officers* to courthouses to meet with individuals who are sentenced directly to probation to review probation sentences, conditions of supervision, and probation reporting requirements with the new probationer.

Probation and Parole employs contracted reentry professionals who work with Inreach Officers to ensure a smooth transition to the community. They complete reentry needs assessments and follow up to meet identified needs, including ensuring release with a temporary supply of medication, schedule medical appointments in the community, and initiate referral to behavioral health services. They also work with probationers who are temporarily incarcerated on a Violation of Probation to establish a housing plan, in-patient drug treatment, and address other needs that led to non-compliant behavior.

Probation and Parole contracts with a community service provider that offers transitional reentry services, including transportation to treatment, sober living, or housing. This service also provides short term case management for high needs probationers to ensure stabilization during the transition to longer term supports. These services help overcome immediate challenges of returning to the community.

Probation Officers in every Probation and Parole office have taken the personal initiative to establish on-site clothing, personal care and food closets stocked with items they donated personally and secured from other individuals and non-profits. These items are provided to probationers with immediate unmet needs.