



# Delaware Probation and Parole Fact Sheet



April 2024

Over the past 25 years, the number of Delawareans under court-ordered community supervision, both as a total number and a percentage of the population, has significantly decreased.

- 1999: 21,000+ individuals on community supervision  
= 2.8% of the Delaware population (753,000 residents)
- 2023: 11,280 individuals on community supervision  
= 1.1% of the Delaware population (1,020,000 residents)

\* Community supervision = pre-trial supervision, levels 1-3 probation & home confinement

## Serving probation as an alternative to incarceration

It is common for a judge to sentence a convicted individual to prison but then suspend the prison sentence for an opportunity to remain in the community under probation supervision. Probation comes with specific rules (conditions of supervision) that must be followed to remain in the community. If the individual successfully completes their probation period, the judge dismisses the suspended prison sentence. If the individual violates the conditions of supervision while on probation, the judge may impose some or all of the suspended prison sentence after considering the seriousness of the violations.

Probation is a second chance to avoid incarceration by demonstrating better decision-making, refraining from new offenses, and completing treatment or programs that address the root cause of their criminal behavior. The role of a Probation Officer is to guide, encourage and support individuals' positive behavior choices and to address non-compliant behavior when they fail to follow the court-ordered conditions of supervision. The Officer's dual role helps ensure an effective rehabilitation system.

## What are the conditions of probation supervision?

Delaware's Sentencing Accountability Commission (SENTAC) establishes the **standard terms of probation**, called **Conditions of Supervision**. They set basic expectations for behavior, identify the tools Probation Officers need to stay informed, support improvement in conduct, and reporting to the court:

- **8 standard terms of probation** (Conditions 1-7 & 9) apply to low and moderate-risk individuals at [probation levels 1 & 2](#) (Condition 8 – the probation supervision fee – ended in April 2023).
- **An additional 4 standard conditions** (Conditions 10-13) apply to higher-risk individuals at [level 3 probation](#).
- **Only 2 standard conditions** apply to individuals at level 1 probation for *Restitution Only* (make court-ordered payments and report address/employment/financial status change).
- **Special conditions** may be established (Condition 9) to promote pro-social behavior and protect public safety. They 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 individual 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\*

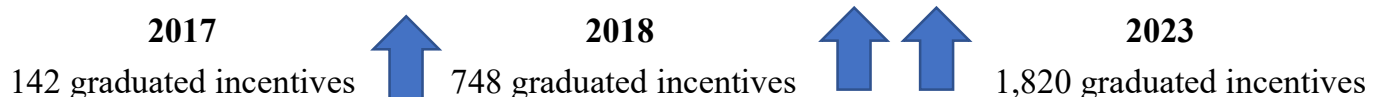
## Delaware employs a balanced approach to community supervision

Delaware uses a variety of evidence-based practices to motivate individuals, hold them accountable for their behavior choices, and support their completion of court-ordered probation. These practices are continually evolving. Consider this example:

- **Reduced number of in-office visits:** Over the past decade, the requirement for in-person office visits has significantly reduced. For high-risk individuals, 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 individuals 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 in different increments depending on the level of supervision. Probation Officers have discretion to require more frequent office visits as a graduated response (for example, demonstrating illegal drug use, failing to report, or failing to participate in treatment) or for demonstrating high-risk behavior.

## Introduction of graduated incentives to reward compliance

Probation Officers employ a 'reward system' of graduated incentives for individuals on probation who comply with their probation terms. Incentives may include reduced curfew, fewer reporting requirements, or early discharge from probation. Over the past six years, Probation and Parole have increased **the use of graduated incentives by over 1000%**.



## Using graduated sanctions to address non-compliance

Today, 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
2019	4,411 graduated sanctions used
2023	3,711 graduated sanctions used

***NOTE:*** Before graduated sanctions were introduced, “technical” violations such as a curfew violation often triggered a Violation of Probation filing or an immediate arrest on an Administrative Warrant. Graduated sanctions reduce the use of Violations of Probation to address non-compliance.

## 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 to alert a judge to an individual’s failure to follow the conditions of supervision. **A VOP report does not usually result in an immediate arrest and return to custody.** VOP reports may inform the judge of the arrest of an individual on probation, request that the individual be summoned if they are not an immediate threat to public safety or issue a *capias* if the individual has absconded from supervision. The number of VOP reports for individuals on Level 1 – 3 supervision dropped by nearly 40% from 2015 (9,060) to 2023 (6,040), reflecting the increased use of graduated sanctions to resolve non-compliant behavior and the continued reduction in the probationer population.

## **2023 Level 1 – 3 VOP report insights:**

- **50 %** (3,046) were triggered by arrests for a new offense
- **51%** (3,105) cited violation of no contact orders (i.e., with a victim), failing to participate in or complete treatment, or another “special condition”
- **46%** (2,750) cited failure to report to Probation or absconding from supervision
- **31%** (1,882) had a graduated sanction imposed before a VOP report was submitted
- **25%** (1,524) cited a violation for possessing or consuming controlled substances without a prescription
- **< 00.05% (3) *cited only* failure to abide by a curfew** (One represented a high risk individual on GPS supervision who committed 5 curfew violations which resulted in an Administrative Commitment,

followed by 24 additional curfew violations which triggered the VOP report; one represented a supplemental VOP report that advised the Court of a curfew violation after the submission of an initial VOP report triggered by a missed office visit that violated a court-imposed zero tolerance condition for any violation; one represented a high risk individual on GPS supervision who had been given three prior graduated sanctions after testing positive for illegal substances and more than 20 curfew violations - VOP report was ultimately submitted after 7 additional curfew violations.)

- **00.00% (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 2023 (1,804). 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.

### **Of the 1,804 Level 1 - 3 Administrative Warrants in 2023:**

- **64%** (1,146) cited the probationer's arrest for a new offense
- **42%** (753) cited possessing or consuming a controlled substance without a prescription (heightened risk of overdose, self-harm, or death)
- **37%** (659) cited violation of no contact orders (i.e., with a victim), failing to participate in or complete treatment, or another "special condition"
- **32%** (574) cited absconding from supervision or failing to report
- **9%** (164) cited violation of order not to possess a firearm or deadly weapon
- **1%** (19) cited failure to be employed or enrolled in school or job training
- **00.30% (6) cited only failing to abide by a curfew** (Represents four high-risk individuals with each person on GPS supervision. The VOP Report on four of these Administrative Warrants had additional condition citations.)
- **00.28%** (5) cited failure to participate in community service as directed
- **00.50%** (9) cited failure to obtain permission before quitting a job
- **00.00% (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* dedicated to reentry planning with inmates 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 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 assign 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, scheduling medical appointments in the community, and initiating referrals 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 support. These services help overcome the 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.