

**GOVERNOR'S OFFICE**  
**DOVER**  
**EXECUTIVE ORDERS**

**No. 40, Establishment Of The Delaware Justice Reinvestment Oversight Group To Ensure Effective Implementation Of Senate Bill 226**

**WHEREAS**, from 2011 to 2012, the Delaware Justice Reinvestment Task Force conducted a comprehensive examination of the Delaware criminal justice system; and

**WHEREAS**, further to the Task Force's recommendations, the Delaware Legislature passed Senate Bill 226, which was signed into law in August 2012; and

**WHEREAS**, Senate Bill 226 requires that the Delaware Department of Corrections and the judiciary implement important reforms; and

**WHEREAS**, if implemented successfully, Senate Bill 226 could reduce the prison population and produce savings of up to \$27 million over five years, which could be available for reinvestment; and

**WHEREAS**, a Justice Reinvestment Oversight Group will, through a deliberative and rigorous process, help to ensure effective implementation of Senate Bill 226 (hereinafter "SB 226");

**NOW, THEREFORE, I, JACK A. MARKELL**, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby ORDER that:

1. The Delaware Justice Reinvestment Oversight Group (hereinafter "Oversight Group") is hereby established. The Oversight Group will consist of:
  - a. Two members of the Senate, both appointed by the President pro tempore of the Senate;
  - b. Two members of the House of Representatives, both appointed by the Speaker of the House;
  - c. The President Judge of the Superior Court or designee;
  - d. The Chief Judge of the Court of Common Pleas or designee.
  - e. The Chief Magistrate of the Justice of the Peace Court or designee;
  - f. The Secretary of the Department of Labor or designee;
  - g. The Secretary of the Department of Health and Social Services or designee; and
  - h. The Commissioner of the Department of Corrections or designee.
2. The chair of the Oversight Group shall be the President Judge of the Superior Court.
3. A quorum of the Oversight Group shall consist of a majority of members. If a quorum is met at any meeting, it is a sufficient number of members for any official action to be taken by the Oversight Group.
4. Each voting member shall be entitled to appoint a single individual to serve as proxy for the duration of his term if the member is unable to attend a meeting of the Oversight Group.
5. Members of the Oversight Group shall receive no compensation for their services, except that any member may be reimbursed for actual expenses incurred in the performance of their duties by the agency or department in which they serve as an official or employee.
6. When the following items are on the agenda of the Oversight Group, the following representatives shall be invited to attend the meeting:
  - a. When the Oversight Group reviews the progress of state agencies in implementing SB 226, a representative from each of the Attorney General's Office and the Public Defender's Office shall be invited to the meeting.
  - b. When the oversight committee considers the reallocation of resources, a representative of the Department of Health and Social Services shall be invited to the meeting.
  - c. A representative of the Office of Management and Budget shall be invited to all meetings of the Oversight Group.
7. All executive branch departments and agencies shall, upon request of the Oversight Group or the Governor, provide requested services, information, and technical assistance to support the goals of the Task Force.
8. The Oversight Group shall meet as soon as practicable after appointment. Thereafter, the Oversight Group shall meet at least bi-annually and at the call of the chair or by a majority of the members.
9. The Oversight Group terminates three years after its first meeting, unless the Governor, via Executive Order, continues it for a specified period of time.
10. The Oversight Group shall:
  - a. Review the implementation of SB 226 including, but not limited to:
    - i. Establish reporting requirements for the agencies tasked with implementing SB 226;
    - ii. Receive and review reports from the agencies; and
    - iii. Establish and review outcome measures related to SB 226.
  - b. Establish funding priorities and submit an application to the U.S. Department of Justice's Bureau of Justice Assistance (BJA) for Justice Reinvestment Initiative seed funding.
  - c. Develop a plan for (i) measuring the cost impacts of SB 226 and (ii) reallocation of resources if any savings are

realized.

- d. Identify and recommend statutory changes that facilitate the implementation of SB 226.
  - e. Undertake such additional studies or evaluations as the Oversight Group considers necessary to further the goals of SB 226.
  - f. On or before December first of each year, beginning in 2013, report on implementation progress, cost impacts, and reallocation of resources to the Governor, General Assembly, and Supreme Court, the first report to be submitted by December 31, 2013 and annually thereafter.
11. The Delaware Criminal Justice Council shall:
- a. Provide staff assistance and support to the Oversight Group, as needed.
  - b. Administer any grant funding received through applications made by the Oversight Group.

Jack A. Markell,  
Governor

**17 DE Reg. 94 (07/01/13)**