



**Stand Up
For What's
Right and Just**

SURJ

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"It's time to stop building jails in America and get back to the task of building our children."

-Colin Powell Republican National Convention, August 2000

EXECUTIVE COORDINATOR'S MESSAGE

The reasons SURJ was created last December are as compelling as ever. The economy has slowed, State revenues are down, but prison populations are up. Hard choices are confronting State policy makers. Budget hearings are underway in Dover.

The Department of Correction (DOC) has already cut \$4.7 million from its operating budget for the present year – in spite of the fact that prison populations have hit a new high of 6,508 this fall. Confronted with a mandate to propose \$3.4 million in additional reductions, DOC has placed the Key substance abuse treatment program on the cut list. We know that 4 of 5 inmates need substance abuse treatment, fewer receive it. Cutting this program is not a good choice.

On October 31 two events occurred of importance to SURJ members. We held a rally in Dover and used it as an opportunity to announce our SURJ Agenda 2002. At the same time, Wilmington Mayor Baker held a public event to announce the new Wilmington Kids Count report. These two events were opposite sides of the same Delaware coin.

The **Wilmington Kids Count** event underscored the investments we need to be making as a society for the next generation, investments which will also relieve some of the pressure on the criminal justice system. You can see the report on the net at www.dekidscount.org . Click on the Wilmington Kids Count tab.

The **SURJ Agenda 2002** is focused on steps that will break into the "poverty breeds crime" cycle by reform of Delaware's criminal justice system. And to help advance the Agenda is our growing membership that now totals 1001.

Considering that we already house prisoners at a rate higher than 38 other states, *what would be wrong with deciding that the current 6,589 is enough beds* for the foreseeable future? Instead of more construction, let's redouble our commitment to alternatives that will enable Delaware to live within this level of prison capacity by:

- achieving speedy trial standards, thereby reducing detention populations;
- increasing emphasis on inmate drug and alcohol treatment, and education to lower recidivism; and
- giving judges more discretion to make drug sentences that build incentives for changing behavior.

-Tom Eichler

**THE EXECUTIVE COMMITTEE
ADOPTED THE FOLLOWING
AT THE OCTOBER 25
MEETING...**

SURJ AGENDA 2002:

SURJ is committed to working in cooperation with others in advancing our goals. We applaud the initiatives being taken by others – many within the justice system itself – to improve our criminal justice system. We encourage the steps being taken to attack the causes of crime. We believe that public safety can be increased with appropriate measures for prevention and treatment.

We are advocating for reform by carefully examining the issues, proposing alternatives, and informing our members and the public on the need for reform. We are convinced that with study and a healthy dialogue, knowledge will replace fear and we will be able to improve the lives of countless Delaware citizens.

The SURJ Agenda 2002 represents next steps that we believe will advance needed reforms:

A. Legislation

SURJ is proposing legislation that would allow Delaware's nationally acclaimed and respected judiciary to be given the authority to replace imposition of minimum mandatory sentences in certain circumstances with successful completion of a rigorous treatment program and/or

successfully fulfilling other conditions deemed appropriate by the Court.

SURJ is also proposing an amendment to the motor vehicle law to reduce the mandatory two-year revocation of drivers license for conviction of a misdemeanor drug offense and three-year revocation for felony drug offense.

When prisoners are required to serve their entire sentence without the option of parole or early release, the state loses the carrot of early release that can help persuade them to enter treatment and the stick of parole that can motivate them upon release to continue treatment and aftercare.

– *Shoveling Up:
The Impact of Substance
Abuse on State Budgets,
January 2001*

B. Treatment Works

Work toward expansion of inmate substance abuse treatment services, including aftercare in the community. Advocate for expansion of community-based prevention and treatment for all citizens, thereby reducing the number of citizens whose substance abuse problem causes them to come in contact with the criminal justice system.

Criminals should serve their due sentences with no frills. But over 97 percent of the state's inmates serve their sentences and are released. Without treatment, offenders return to their communities and often return to their prior ways. Eventually, they return to our prisons.

–*DOC Commissioner Taylor*

C. Speedy Trial

Work toward improvement in Court's speedy trial performance. Track recommendations coming from existing Court committee and advocate for implementation of needed steps.

We have all heard statistics of the extraordinary sums that Delaware spends per year to house pre-trial defendants. We all lament the length of time it takes for a case to move through the criminal justice system from arrest to disposition. Delaware's prison population is made up of an unacceptably high percentage of pre-trial detainees.

–*Chief Justice E.
Norman Veasey, The
State of the Delaware
Judiciary, May 1, 2001*

**D. Criminal Justice System
Performance**

Promote development of performance indicators and supporting data for monitoring justice system's performance, advocate for steps to translate data into information toward continuous improvement.

E. Prison to Work Initiative

Encourage on-going initiative to develop a comprehensive system of "prison to work" services, tapping existing programs, to increase the chances for success of discharged inmates. This needs to start with comprehensive assessment of inmates at time of arrest as part of the presentence evaluation.

F. Reduce Number of Juveniles in Detention

Collaborate with the Department of Services for Children, Youth and their Parents and Annie E. Casey Foundation to address chronic overcrowding of the State's two juvenile detention centers.

G. Corrections Accreditation

Encourage Department of Correction pursuit of American Correction Association (ACA) accreditation and other appropriate standards as a systematic means to advance the conditions of confinement.

SURJ AGENDA 2002 ANNOUNCED AT DOVER RALLY

One Hundred Thirty people attended the October 31 rally held in Dover. Delaware State University President **William DeLauder**, a SURJ member, hosted the rally at the Martin Luther King Student Center on campus. **Governor Peterson** reminded people of why SURJ exists and the mission ahead for needed reforms. SURJ **Chair Janet Leban** announced the SURJ Agenda 2002, including our

legislative and other advocacy issues.

Episcopal **Bishop Wayne Wright** challenged participants to weigh the public policy choices we have as citizens between investing in classrooms or prison cells. State **Rep. Bruce Ennis** (D-28th District) spoke eloquently from his experience as a retired State Police officer as well as legislator in declaring that first time drug offenders need treatment not incarceration. Dover **Mayor Hutchison**, while not able to attend, provided a letter underscoring his belief in treatment, education and especially early intervention, and challenged us to work together to find a better balance, indicating that it is time for the State to reevaluate its existing minimum mandatory sentencing laws.

Harold Parker from Churches Take A Corner (CTAC) gave living testimony to the fact that "treatment works". **Reverend Richard Avant**, chair of the Interdenominational Ministries Alliance reminded us of the unity of purpose we have as a community collaboration. NAACP **Chapter President Cecil Wilson** confronted us with the realities of race in the criminal justice system...just to mention some of the messages. Over 20 community agencies were hosting networking opportunities at the conclusion as participants enjoyed a box lunch. Forty new member cards

were in hand as participants left the Center.

Leading up to the rally was a series of monthly networking meetings coordinated by Kent County Membership Chair **Ellen Wasfi** that have provided extensive outreach to the community. There are now some 208 SURJ members in Kent County. For further information about Kent County SURJ activities contact **Ellen Wasfi** at (302) 734-1545.

Faith Leaders meeting in Georgetown Delaware...

Sussex SURJ meeting to acquaint members of the clergy and representatives from all aspects of the faith community in Sussex with **justice issues** and the **SURJ Agenda 2002**.

Monday, November 26, 5:30 p.m. at the law offices of Faqua & Yori, 28 The Circle, Georgetown Delaware

Hosted by Sussex SURJ Team:
For more information call:
-Tim Willard (302) 856 7777
-John Hollis (302) 242-8737
-Phyllis Byrne (302) 645-2717

MEMBERSHIP NEWS...

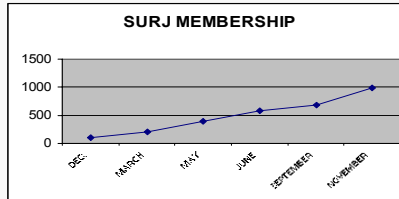
Question:

What do Sister Jeanne Cashman; Director of Sojourners Place, Dan Simpson; Delaware Tech dean and former State Police Superintendent, Dave Buckson; former Governor and Attorney General, Mike Begatto; President of Delaware State AFL-CIO, and Dover Mayor Hutchison have in common?

Answer:

They are all new SURJ members. Someone you know is waiting to be asked.

As this newsletter goes out SURJ has 1001 members. Including some 427 new members since our last newsletter. Great progress, but still a way to go toward our target of "2002 members by 2002". If **each member will personally recruit two new members** we will surpass the target in a flash. Please use the new member sign up form with this newsletter to enlist a new member. Or just call in their name and address. Or they can sign up on our website, www.surj.org. We are still Delaware's fastest growing not for profit organization, more members are more voices in the community to advance the dialogue for change.



Membership Co-chairmen Dale Wolf and Russ Peterson are being joined in the membership campaign by Sid Balick (302) 658-4265 and Margaret Owens (302) 778-4388 co-chairs for Wilmington membership, Ellen Wasfi (302) 734-1545 chair of Kent membership, and Tim Willard (302) 856-7777, Phyllis Byrne (302) 645-2717, and John Hollis (302) 242-8737 co-chairs of Sussex membership. Other key posts are being presently being filled to round out our commitment to being a statewide, grassroots collaborative organization.

FROM THE COURT HOUSE

UPDATE...CHIEF JUSTICE VEASEY CHAMPIONS SPEEDY TRIALS...

Chief Justice Veasey emphasized the goal of speedy trials at the Court's November 5 budget hearing in Dover. "It is important that we focus on the goal of speedy trials and effective management of pre-trial detention. These Issues have both a fairness and a fiscal dimension" the Chief Justice indicated in his remarks. He noted that from 1996 to 2000, the average time from arrest to disposition in cases in New Castle Superior Court cases has decreased from an average of 219.7 days to 170.6 days, in spite of an increase in the total number of cases being heard.

He reported that the pretrial prison population has increased over the last 15 years from 21% to 26% of the total DOC population. "The reason for the growth is, as a State, we have gotten tougher on probation violators" according to Chief

Justice Veasey, who went on to say "The Judiciary is not satisfied with the status quo with either of these issues". He called attention to the work being done under the committee headed by Justice Walsh to develop reliable data to "...take action in every case where it appears that the length of pre-trial detention can be reduced while assuring that justice is served."

Putting his finger on another problem, he indicated "We are experiencing a genuine crisis in providing court appointed contract attorney services for indigent defendants in Superior Court cases where the Public Defender is unable to represent a defendant due to an ethical conflict". He has appointed Justice Steele to convene a task force to address this issue. Full remarks can be read on the web at <http://courts.state.de.us/supreme/index.htm>

SURJ members Lawrence Sullivan, Public Defender, and Kathleen Jennings, of Oberly and Jennings have been tapped to serve on the Justice Steele task force.

LONG-STANDING SPEEDY TRIAL STANDARD ABOLISHED.

We have previously reported on the Court's performance in meeting the speedy trial standard that 90% of cases should reach disposition within 120 days of arrest. The performance in 1999 was 50.3%. The most recent report for the first part of 2000 was 52.8%. The standard was set by then Chief Justice Andrew D. Christie in 1990, according to the Court's annual report.

On July 11, Chief Justice Veasey issued Administrative Directive 130 which rescinded the Justice Christie standard and replaced it with one that starts the clock at time of incitement, on average about 30 days after arrest,

indicating that the courts are not responsible for what happens between arrest and incitement (the Justice Department is). The new standard allows the Court the same 120 days, its just that it now starts about 30 latter, effectively adding another month to the "speedy trial" goal. Apparently this new, more liberal standard, is consistent with recommendations of the National Center for State Courts. It remains to be seen how this more generous target will improve performance on achieving a speedy trial for defendants. As noted in our data section of this report, Delaware's detention population has grown in 20 years from 236 in 1981 to 1,284 on October 1, 2001. Keeping it under control is key to heading off the need for new facilities.

CORRECTION CAPACITY AT NEW HIGH...

Commissioner Taylor at budget hearing in Dover indicated that with the State's largest prison construction program in its history began in fiscal year 1996 and should come to a conclusion in July 2003 with completion of the drug treatment facility for women at the Baylor Women Correctional Institution - giving DOC a post construction operating capacity of 6,589 beds.

CENSUS AT NEW HIGH...

"Today's count is 6508...the net growth for the past few weeks has been in the +225 range. If this rate of growth continues, we will need to start planning new construction."

-Commissioner Stan Taylor, November 5 budget hearing.

SURJ VIEWPOINT...

Considering that Delaware already houses prisoners at a rate higher than 38 other states, *what would be wrong with deciding that the current 6,589 is enough beds* for the foreseeable future? Instead of more construction, let's redouble our commitment to alternatives that will enable Delaware to live within this level of prison capacity by:

- ❑ achieving speedy trial standards, thereby reducing detention populations;
- ❑ increasing emphasis on inmate drug and alcohol treatment, and education to lower recidivism; and
- ❑ giving judges more discretion to make drug sentences that build incentives for changing behavior.

Dear Editor:

Corrections Commissioner Stan Taylor, faced with a belt-tightening mandate, has proposed cutting the Correction Department's (DOC) Key substance abuse treatment program for inmates. Approval of this cut would be a **major step backward** for the inmates who would miss out and for the Delaware communities to which they return on release.

DOC estimates that four out of five inmates have a substance abuse problem when they enter. It costs \$75,000 to house an inmate serving a three-year mandatory drug sentence. We know that without treatment, most will return to DOC for another long sentence within a few years.

The Key substance abuse treatment program was pioneered by DOC, is fully licensed, has been extensively evaluated against rigorous scientific standards, and has been found, along with its companion Crest program for work release inmates, to have outstanding results in reducing repeat arrests.

We know that 97 percent of DOC's inmates are going to be released back to the community. Most of those who receive no treatment will re-offend and be back for another long stay at taxpayer's expense.

The National Center on Addiction and Substance Abuse at Columbia University released a report earlier this year that indicated the State of Delaware spends \$.94 of its substance abuse dollar to "shovel up" the consequences of substance abuse while spending only 6 cents for treatment and prevention (*Shoveling Up: the Impact of Substance Abuse on State Budgets*, January 2001). A cut in Key will only create a greater imbalance.

Key and Crest have come to be respected as national models. It's good to be first. Let's continue to protect public safety and avoid a backward step with this false economy.

Sincerely,
Thomas P. Eichler
SURJ Executive Coordinator

DELAWARE CRIMINAL JUSTICE 101

Continuing with our focus on data from our July newsletter...

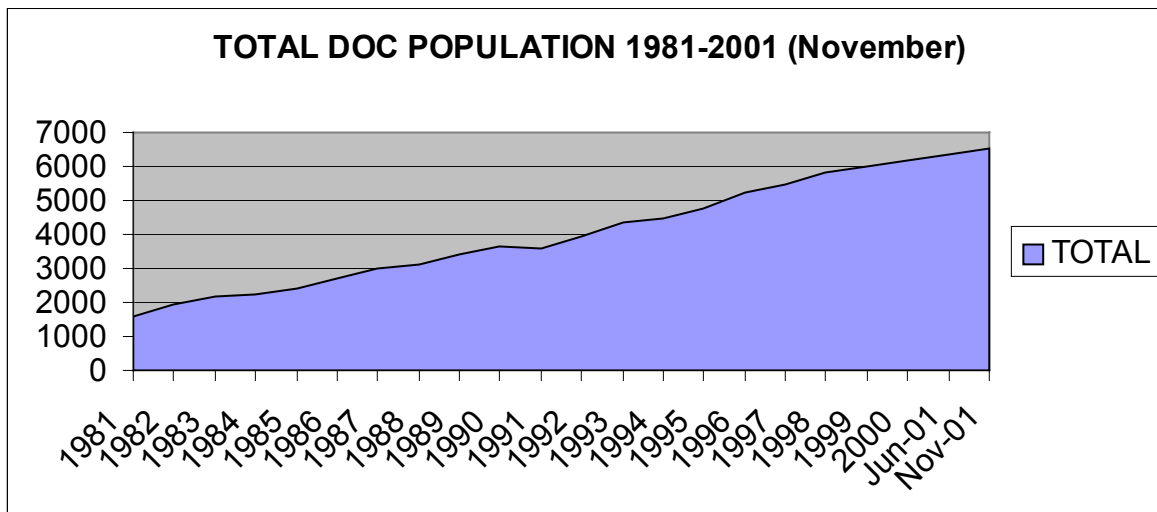
Incarceration Update

6,508 people incarcerated in Delaware's correctional system (Nov. 7, 2001)

-up from 1,561 in 1981

1,284 people in detention status (Oct. 1, 2001)

-up from 236 in 1981



Note: 1999 Jail and Prison numbers exclude Level IV Supervised Custody counts due to the large number of Home Confinement cases. They do include Level IV offenders held at Level V, housed at work release and the VOP center. Sources :Delaware Statistical Analysis Center and Delaware Department of Corrections.

According to the federal Bureau of Justice Statistics' March 2001 report, some nearby states have begun to see a decrease in their incarcerated population:

- Massachusetts -4.8%
- New York -3.1
- New Jersey -2.8

26,599 persons were under the supervision of the Department of Corrections as of August, 2001 (3.4% of Delaware's population); including

-20,149 in the community on probation and parole.

Drug and Alcohol Impact on Criminal Justice System

Substance abuse is a major burden on the criminal justice system, as indicated in the national research:

- drug offenders were a third of all persons convicted of a felony in state courts;
- more than 80% of state incarcerated populations reported past drug use;
- 52% were under the influence of alcohol or drugs when committing their offence.

-Harrison, The Revolving Prison Door for Drug-Involved offenders: Challenges and Opportunities, July 2001

It is estimated that 4 out of 5 sentenced inmates in Delaware's correction system have a drug or alcohol problem. Delaware's Key program for prison inmates and Crest program for work release inmates are licensed by the state as therapeutic treatment programs. Last year nearly 1,000 inmates participated in Key and nearly 1,000 in Crest. Unfortunately, the Key program may be cut due to funding constraints, according to Commissioner Stan Taylor as noted in the News Journal on November 12, 2001.

Treatment works...

DOC's KEY and CREST programs have benefited from extensive evaluation by the Center for Drug and Alcohol Studies, University of Delaware, which is on-going.

An analysis of the **CREST** program participants was compared with a comparison group three years after release showed that:

Arrest free:

- Comparison group – 29% arrest free;
- CREST program completers – 55% arrest free;
- CREST program completers, with aftercare – 69% arrest free.

Drug free:

- Comparison group – 5% drug free;
- CREST program completers – 27% drug free;
- CREST program completers with aftercare – 35% drug free.

Three-Year Outcomes of Therapeutic Community Treatment for Drug-Involved Offenders in Delaware: From Prison to Work Release to Aftercare, Martin, Butzin, Saum, Inciardi The Prison Journal Sept. 1999

Some 242 inmates participated in the DOC boot camp program for young adults (18–24 years old), which includes 360 hours of substance abuse treatment according to DOC. A significant number of the boot camp inmates (35%) are part of the drug-diversion program who would otherwise be serving minimum mandatory sentences for first time drug possession and trafficking offences. Many of these drug offenders are avoiding sentences ranging from 2 to 5 years. The six-month boot camp program coupled with aftercare and strictly supervised probation is comparing favorably with much more expensive prison terms regarding public safety.

Recidivism findings, where 98 percent of the Boot Camp graduates have a prior history of felony arrests, they only have a 25 percent felony re-arrest rate 18 months after graduation.

–Delaware's Adult Boot Camp. O'Connell, Huenke, Knox, Statistical Analysis Center, May 2001

An extensive body of federally funded research shows that, with treatment, primary drug use decreases by nearly half. In addition, reported alcohol and drug-related medical visits decline by more than 50 percent, criminal activity decreases by as much as 80 percent, and financial self-sufficiency improves.

–Changing the Conversation The National Treatment Plan Initiative, Center for Substance Abuse Treatment, U.S. Dept. of Health and Human Services

ATTENTION SURJ MEMBERS:

Please cut out the form below and have a friend sign up to become a SURJ member and have them mail it to the address on the card.

WELCOME TO SURJ			
STAND UP FOR WHAT'S RIGHT AND JUST			
SURJ is a non-profit grassroots organization dedicated to reforming Delaware's criminal justice system and to attacking the causes of crime. SURJ goals include community revitalization; jobs, drug and alcohol treatment; and wise use of limited taxpayer resources, so funds are shifted from expensive warehousing of offenders to more constructive activities and sanctions that restore victims and develop the competency of the offender.			
If you believe in these principles and want to join SURJ (no cost), and if you wish to receive additional information, please complete this form: PLEASE PRINT CLEARLY			
NAME:	_____		
ADDRESS:	_____		
CITY:	STATE:	ZIP:	

(H) Phone:	_____	(W) Phone:	_____
e-mail:	_____	FAX:	_____
Mail this form to: SURJ, Community Service Building, Suite 409, 100 W. 10th Street, Wilmington, DE 19801 Or you may fax to (302) 426-9251			

Goals of SURJ

- Changing sentencing laws and procedures;
- Ensuring that a continuum of care and treatment, both clinical and social, is available in the corrections system for alcohol and drug abuse, and for the mentally ill—and within the community as well;
- Reducing jail time for defendants who are awaiting trial;
- Supporting the victims of crime, including not only those harmed by the crime but also their families and neighborhoods;
- Attacking the causes of crime by rejuvenating distressed neighborhoods and broadening access to education, jobs and training for their residents.



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