

# SURJ IS A STATEWIDE INITIATIVE TO SEEK REFORMS WITHIN THE CRIMINAL JUSTICE SYSTEM, AND TO ATTACK THE CAUSES OF CRIME.

## Action Track

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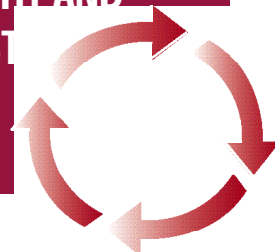
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### Our goals are to:

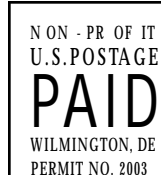
- Change sentencing laws and procedures
- Ensure that a continuum of care and treatment, both clinical and social, is available in the corrections system and in the community for alcohol and drug abuse, and for the mentally ill.
- Reduce jail time for defendants who are awaiting trial
- Support the victims of crime, including not only those harmed by the crime but also their families and neighborhoods
- Attack the causes of crime by rejuvenating distressed neighborhoods and broadening access to education, jobs and training for their residents

STAND UP FOR WHAT'S RIGHT AND JUST

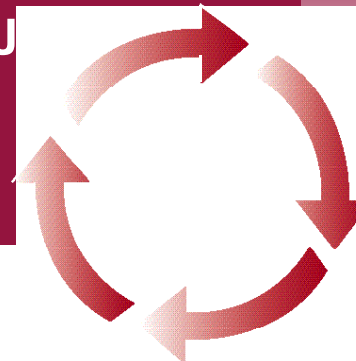


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More news on how SURJ is advancing the cause of justice.



STAND UP FOR WHAT'S RIGHT AND JUST



# Action Track

## What are citizens thinking about crime?

### A SHIFT IN ATTITUDE WITH NATIONAL SENTIMENT

A recent Hart poll indicates that national sentiment is shifting from a lock 'em up attitude to a *let's get at the root causes of crime* attitude. According to the poll, today's public favors dealing with the roots of crime over strict sentencing by a two-to-one margin: 65 percent to 32 percent. This is a dramatic change from public attitudes in 1994, when

The Gallup Organization found 48% of Americans favored addressing the causes of crime and 42% preferred the punitive approach. Another finding that shows promise is this: More than half of adults want judges to have the opportunity to determine appropriate sentencing rather than be restricted by mandatory sentencing laws.

### Desk Notes from Tom Eichler

*Influencing public policy to carry out our mission: this is what SURJ is all about.*

*In our first past year and a half, SURJ has made many inroads in helping influence public policy.*

*Progress demands that we continue pushing forward. **Between now and the election on November 5, people will be talking about the important issues. Our goal is to ensure that criminal justice reform is one of those issues.***

*SURJ will continue to get the facts and figures that pertain to our justice system into the hands of those who are running for office, so they are more aware of what is working and not working in our criminal justice system. Let's keep in mind that it is the citizens who make the decisions on November 5. It is to our benefit to keep ourselves informed and involved... to exchange ideas with family, friends, neighbors and co-workers so we can advance some new thinking on some old issues—new thinking that will effect a better quality of justice for all of us.*

### Read On About

- SENTAC report
- Prison-to-work
- Membership

## Progress Snapshot

*SURJ is now 18 months old, and in that short time we have made progress we can all take note of. In addition to developing a speaker's bureau that's been helping us get the word out into communities statewide, we have:*

- Introduced legislation HB 436, to provide a "safety valve" for extreme drug sentences,
- Drafted and passed a drug sentence driving privilege restoration bill SB 377,
- Weighed in on Department of Correction budget issues, opposing the Commissioner's cut in treatment programs and testifying in favor of community-based initiatives to support inmate reentry to the community;
- Participated with the Treatment Task Force and made statements at their hearing,
- Co-sponsored a conference on "best practices" for restorative justice,
- Placed opinion pieces on reform topics in the print media,
- Launched the SURJ speakers bureau, with more than 30 speakers statewide,
- Launched Action Track, our newsletter, and
- Recruited 1,637 members.

# Advancing the Agenda

## HB 436: SURJ's First Foray into the Legislative Process

### Legislators for HB 436

#### House

Rep. John F. Van Sant (D-13th)  
 Rep. Joseph G. DiPinto (R-4th)  
 Rep. Bruce C. Ennis (D-28th)  
 Rep. V. George Carey (R-36th)  
 Rep. Tina Fallon (R-39th)  
 Rep. J. Benjamin Ewing (R-35th)  
 Rep. Deborah Hudson (R-12th)  
 Rep. Helene M. Keeley (D-5th)  
 Rep. Clifford G. Biff Lee (R-40th)  
 Rep. George "Bobby" Quillen (R-30th)  
 Rep. John R. Schroeder (D-37th)  
 Rep. David H. Ennis (R-6th)  
 Rep. Robert F. Gilligan (D-19th)  
 Rep. Nancy Wagner (R-31st)  
 Rep. Dennis P. Williams (D-1st)

#### Senate

Sen. Liane M. Sorenson (R-6th)  
 Sen. Harris B. McDowell (D-1st)  
 Sen. George H. Bunting (D-20th)  
 Sen. Catherine A. Cloutier (R-5th)  
 Sen. Margaret Rose Henry (D-2nd)  
 Sen. F. Gary Simpson (R-18th)  
 Sen. Robert L. Venables (D-21st)  
 Sen. Dallas Winslow (R-4th)

### Organizations Endorsing HB 436 for Drug Sentencing Reform

Addictions Coalition  
 American Association of University Women, Wilmington Branch  
 Catholic Diocese of Wilmington  
 Delaware AFL-CIO  
 Delaware Alliance for the Mentally Ill  
 Delaware Alliance for Restorative Justice  
 Delaware Center for Justice  
 Delaware Chapter of A. Phillip Randolph Institute  
 Delaware American Civil Liberties Union  
 Delaware Common Cause  
 Delaware League of Women Voters  
 Delaware NAACP/Delaware Psychiatric Assn.  
 Lutheran Office on Public Policy  
 Medical Society of Delaware  
 Metropolitan Wilmington Urban League  
 National Conference for Communities and Justice, Delaware Region  
 YWCA of New Castle County, Delaware

### "SAFETY VALVE" MEASURE DEVELOPED BY SURJ

SURJ developed House Bill 436 to provide Delaware's nationally acclaimed judges with a "safety valve" on drug minimum mandatory sentences. The carefully drafted bill calls for a rigorous alternative treatment sentence in those cases where the mandatory sentence would be extreme. Failure to comply would require the offender to serve the full mandatory sentence.

This "safety valve" measure was inspired by a speech given by Superior Court President **Judge Henry duPont Ridgely** who noted that our judges are on "auto-pilot" in such cases. He cited a half dozen examples where, when added together, the defendants were sentenced to 239 years in Delaware's prisons at a cost to taxpayers of approximately \$5.5 million.

### GETTING ACTION ON THE BILL

The bill's introduction was given an excellent sendoff at a press conference on March 25. Former Attorney General Oberly, a SURJ member, spoke eloquently about the existing flawed law and how it came to be. A few days later, the bill was voted out of the House Judiciary Committee and added to the House agenda for floor action.

At the same time, Attorney General Brady had her own sentencing reform agenda. House leaders held up action on our bill while awaiting the belated introduction of the AG's bill. Ultimately, the AG's bill was introduced as HB 478, which was also signed out of the Judiciary Committee, but not before committee chair Rep. Nancy Wagner asked the AG's representative what would happen if both bills passed. The answer was that there would be a "train wreck." This held up further consideration of both bills while leaders sought a resolution to the conflicting approaches.

During this time, the AG forwarded a letter to House members that attacked our

safety valve bill as being ...far too broad in its scope and reach. Victor Battaglia, our SURJ secretary/treasurer, set the record straight with our own letter to House members, expressing our hope that the House would ... not be distracted by misleading criticism....

The Attorney General's letter to House members, and the SURJ response can be viewed on line at [www.surj.org](http://www.surj.org).

Also, SURJ leaders drafted an amendment responsive to the objections which the AG had raised. In spite of these efforts and personal negotiations with the AG, it became obvious that the AG's opposition was without solution. Neither her bill, HB 478, nor our bill reached the floor, each stalemated by the other.

### AT THE 11TH HOUR

Because the House failed to take up HB 436, the bill dies with the end of the session and will have to be reintroduced next year.

It is disappointing to have the legislature fail to pass HB 436, not because it lacked merit, but because it was never brought to debate by House leadership. Still, we got much farther with the bill than many had expected for our first year in the General Assembly. Our partners were very much in evidence in the General Assembly on its last night. SURJ extends special thanks to Phillip Bannowski, Pat Todd, Wendell Howell, John Flarty, Joe Dell' Olio, Grace Pierce-Beck, Shirley Siebert, Janet Leban, Russ Peterson, and Bonny Anderson for their on the scene support. We also thank Tom Foley for being with us on short notice if our bill had reached the floor.

SURJ has provided a rally point for both organizations and legislators who are looking for constructive alternatives to expanding and/or building new prisons. They, and we, are already thinking ahead.

# Stand Up and Take Note

## Commission Tells Legislature "Treatment Works"

The Sentencing Accountability Commission (SENTAC), chaired by **Judge Gebelein**, responded to the General Assembly's request for an evaluation of the Department of Correction (DoC) drug treatment programs with a comprehensive report.

Findings indicated that DoC's Key, Crest, and the less well known Greentree treatment programs are reducing recidivism among inmates fortunate enough to enter them. Not only are the programs working to cut down repeat offenses, but also the report indicates that treatment programs are cost effective.

As the report states, Key/Crest programming costs "are offset by reductions in disciplinary actions, reductions in security and correctional counselor staff, and lowered maintenance costs...."

**While saving money is always needed, the real payoff of treatment programs is in reduced repeat offenses**—something that not only turns people's lives around so they can become productive members of their communities, but also increases the level of public safety.

The report indicates that participants in these inmate treatment programs have a re-arrest rate for violent felony charges of about 15percent or less two years after release. This result shows real promise, especially when we consider that the over-

all recidivism rate for inmates who serve prison terms of one year or more, which is about 40 percent.

While findings are encouraging, the report also indicates that we have room for further improvement. As stated on page ix:

*It appears from this study that too few offenders are receiving the full benefit of this continuum. Sentencing and classification practices do not always support the utilization of the treatment continuum, and program placement appears to be driven primarily by length of time on sentences and slot availability.*

### KEY SENTAC RECOMMENDATIONS:

■ **Expand the work release capacity** in Level IV to reverse the decline we have experienced in regular "non-treatment" work release. This is an especially acute problem in New Castle County where work release beds have significantly declined and where the largest percentage of offenders will likely reenter society. All offenders need transitional support when they are facing the critical time—the crisis—of reentering the community.

■ **Encourage improvements in the correctional treatment continuum.** The Key/Crest continuum would benefit by adopting the American Correctional Association's Standards for Therapeutic Communities, and all institutional TC

graduates could benefit from transitional care and aftercare.

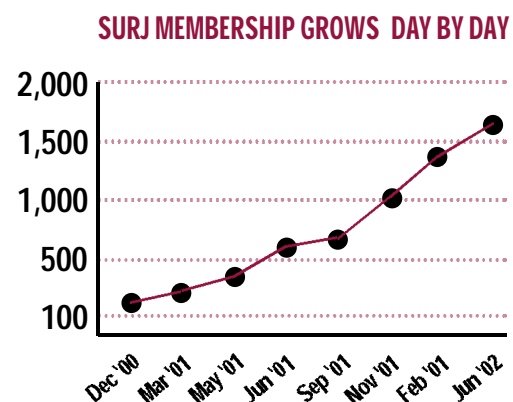
■ **Re-examine the ways that offenders are placed in treatment services.** The goal of this process should be to identify priority populations, improve methods of movement through the continuum and support the full utilization of the continuum when possible.

■ **Remove restrictions on placing Key graduates into Crest programs at the end of their Level V sentences.** SENTAC believes Key completers should be placed in supervised transitional services rather than released directly to the streets. Identification of legal, regulatory or policy barriers that prevent full use of the continuum should be examined and changes should be made where feasible.

■ **Provide SENTAC with the resources to monitor and examine its impact on an ongoing basis.**

These recommendations are consistent with the SURJ position that the 6,589 DoC beds are enough. The next steps need to be directed at reducing demand through treatment and other measures that will reduce overall recidivism. SURJ will closely monitor the implementation of these recommendations. The full SENTAC report may be found on line at [www.state.de.us/cjc/finalreport.pdf](http://www.state.de.us/cjc/finalreport.pdf).

## Growing Membership, Active Speaker's Bureau and Expanding Web Site



As the chart left shows, SURJ continues to increase its membership at an average rate of 100 new members per month.

Our speaker's bureau has been spreading the SURJ message for reform of our justice system all over the state. We are proud of our cadre of speakers who are taking the message to civic organizations, faith community groups and anyone else who calls requesting a speaker. Rev. Seymour Flinn has been all over the state speaking to Episcopal parishes. Silver-throated humorist Dr.

Ed Goate has taken the SURJ message to just about every Rotary Club in Kent County. Pat Todd took an assignment on 24 hours notice. *If your group would like a SURJ speaker call (302) 426 9252.*

In the days ahead we are taking steps to make our web site [www.surj.org](http://www.surj.org) more informative to our members and visitors, with links to other sources as well. We are also improving our capacity to reach our members quickly with email for the 70 percent who are on line.