

**STAND
UP FOR WHAT'S
RIGHT AND
JUST**

SURJ

Action *Track*

Desk Notes from Tom Eichler

SURJ's pursuit of sentencing reform and alternatives to incarceration gains strength as we move into the last quarter of this year. When Supreme Court Justice Kennedy addressed the American Bar Association this summer with a forceful appeal to its members to advocate for change of the minimum mandatory drug laws that take away judicial discretion and produce unjust results, Bruce Stargatt, a member of the ABA Board of Governors, was there to represent Delaware. He joins recently retired Delaware Supreme Court Justice Joseph Walsb, and former Delaware Bar Association President Frank Biondi as the newest members of the SURJ Board of Directors. Their presence underscores the SURJ commitment to continued sentencing reform in Delaware.

In July, to help integrate substance abuse and mental health treatment into Delaware's criminal justice system, SURJ formed a Treatment Working Group under the leadership of Russ Buskirk and Rita Morroco. This is a significant undertaking, especially when you realize that 80 percent of those incarcerated need treatment. There is much to understand in the area of treatment in Delaware, and SURJ has been on a steep learning curve. One insight to think about is this: evidence suggests that Delaware judges sentence offenders to incarceration because that is the place where residential treatment is available.

Also in July, a small delegation from SURJ and the Delaware Center for Justice made a trip to Newark, New Jersey to learn about the state's Reentry Roundtable, a forum that puts barriers to successful offender community reentry squarely before state policy makers. We need such an initiative in Delaware as well.

All of these efforts are aimed at developing SURJ's Agenda 2004, including the input we received from those of you who took the time to participate in our membership survey, offering your guidance on the priorities for the coming year. You can read more about survey results on Page 3 of this Action Track.

We continue our commitment to fact-based advocacy and to promoting dialogue from the grassroots level. Please visit the newly upgraded SURJ website at www.surj.org to get a look at the rapidly developing facts that advance the case for reform.



Progress and Goals Highlighted At First SURJ Annual Convention

On Thursday evening, October 16, more than 75 people joined together at the Modern Maturity Center in Dover for SURJ's first annual convention. Organized by SURJ's Kent County Co-Captains, Phyllis Levitt and Ellen Wasfi, and district chairs, the event celebrated the organization's progress and set the stage for SURJ's 2004 Agenda.

The convention opened with remarks from the event moderator, William DeLauder, SURJ board member and past president of Delaware State University. He reviewed SURJ's 2003 accomplishments,

including the HB 35 coalition that SURJ assembled and the compromise agreement forged among SURJ, the Attorney General's office and the Sentencing Accountability Commission, which became HB 210 and was passed into law.

HB 210 moderates sentences for some drug offenders, saving a significant number of prison beds and helping eliminate the need to expand prison construction for at least a year.

Rep. Nancy Wagner provided a detailed account of the development of HB 210, and pointed out that more work is needed to bring about sentencing reforms that would be both cost effective and just.

In stating his position on HB 210, Sen. John C. Still, III, (R), 17th District, spoke about his familiarity with substance abuse and treatment issues within his own family. His firsthand

experience informed his understanding that without treatment, such reforms are not effective; without funding, treatment is not guaranteed.

"That is why I insisted that the Administration agree to look kindly upon a \$1 million increase in treatment funding for the Department of Correction next year before I offered my support of this bill," said Sen. Still.

Sen. Still added that Marian Harris, director of the House of Pride treatment center, is leading the organization in the right direction. "We just need to give them more

help. It is one thing to talk about treatment, it is another thing to fund it."

There was much praise for the ongoing work of Dover's House of Pride in rehabilitating people

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Sen. John C. Still, III, (R), 17th District

Read On About

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- **Working to Achieve Successful Reentry through Treatment**
- **Facts that Dispel Misconceptions About Treatment**
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Continuation of Annual Convention article

with alcohol and drug addictions and helping them successfully re-enter society.

Robert Downer, a former resident who is now on staff, shared his personal struggle with addiction and his eventual success, thanks to the treatment he received at the House of Pride. He mentioned that 28-day treatment programs are quick fixes and are far too short to help people break through their addictions. Long-term treatment, like that he received at House of Pride, is essential.

Rep. Bruce C. Ennis (D) 28th District, who serves on SURJ's Board of Trustees, used statistics to bolster the case for reform of Delaware's criminal justice system. He pointed out that according to a March 2003 piece in the Taxpayers' Network, Delaware is first among all states in its per capita corrections expenditures.

SURJ is Making its Voice Heard

With SURJ becoming the strongest grassroots voice for criminal justice reform in the Delaware General Assembly, Rep. Ennis noted that "SURJ is now recognized as a key player in the General Assembly." At the same time, he admitted that the legislative climate for SURJ is not ideal, noting that he and Sen. Still, among SURJ's top legislative supporters, are members of the minority parties in each of their respective Houses.

Regarding SURJ's ability to effect reform, Josh Templet, SURJ's Deputy Director, said, "Rep. Wagner illustrated the elaborate compromise that led to HB 210. The greater our membership, the louder our voice will be in legislative hall, and the less we will have to compromise next year. If each of our current members signed up just one more member, we would be nearly

halfway toward our membership goal of 10,000."

Focusing on the importance of treatment, Josh brought attendees up to date on SURJ's newly formed Treatment Working Group, an effort that recognizes the potential for treatment to change lives and save dollars. He noted that at SURJ's October Board meeting, the Attorney

General indicated that she would be willing to collaborate with SURJ during the coming legislative session on treatment initiatives.

Josh also shared essential results from the recent survey of SURJ members and its Board of Trustees, including members' preferences for SURJ 2004 reforms and

means of achieving them. There was consensus that Delaware needs further reductions in mandatory minimum sentences, improved reentry programs, and expanded access to effective treatment.

During a question and answer session, SURJ members expressed concerns about:

- the menace of the three-strike repeat offender law in Delaware;
- the particularly damaging effects that incarceration can have on juveniles, and the need to pursue alternatives to locking juveniles away; and
- the need to recognize and support "non-traditional" community-based reentry programs, like those provided by House of Pride.

Dr. DeLauder closed the convention by encouraging those present to help recruit new SURJ members and to call the SURJ office if they know of any speaking opportunities for SURJ's speakers bureau. He also encouraged everyone to visit the new SURJ website at www.surj.org.



*Marian Harris
Director, House of Pride*

Working to Achieve Successful Reentry through Treatment

The SURJ Treatment Working Group is hard at work under the leadership of Russ Buskirk and Rita Morroco. The group is focusing on the most effective path forward considering that:

- About 80 percent of incarcerated offenders have a drug or alcohol problem.
- More than 1 out of 5 inmates are seriously mentally ill.

These facts pose serious challenges to successful reentry for the 98 percent of the inmate population who are going to be released back to the community.

The Delaware Department of Health and Social Services estimates that on any given day in our state, there are 12,000 to 15,000 people who need publicly supported treatment; unfortunately, only 6,353 people received publicly provided treatment in 2000, leaving a significant treatment gap.

A national report completed just a few years ago indicated that for every dollar spent on drug abuse in Delaware, 94 cents is used to "shovel up" the consequences of abuse, and only six cents are spent on prevention, treatment, and research.

Why is there such a discrepancy? The reason is this: many are under the mistaken assumption that treatment does not work, or that it only works when the abuser "gets religion," or that it is a waste of money because there is no "cure."

Facts that Dispel Misconceptions about Treatment

Hard facts exist that counter easy excuses for inaction, and SURJ's Treatment Working Group has uncovered many of them, including:

Investing in prevention saves money.

- In California, a study that evaluated the cost-effectiveness of publicly supported treatment programs concluded that for every dollar being spent on treatment programs, \$7 in future costs are saved.

Alternatives to incarceration can reduce recidivism.

- Ninety-eight percent of the graduates from the Delaware Department of Correction's Boot Camp enter with a prior history of felony arrests, but only 25 percent are rearrested 18 months following graduation. This 73-percentage point decrease in felony arrests is very significant.
- Those who completed Department of Correction (DOC) Key, Crest and aftercare treatment programs were far less likely to be rearrested (31 percent) than the comparison group who received no treatment services (70 percent), according to an evaluation by Delaware's Sentencing Accountability Commission.
- An independent study of the DOC Crest and aftercare programs by the Center for Drug and Alcohol Studies at the University of Delaware found that 69 percent of those who completed both Crest and aftercare were arrest free three years after release from prison, compared to 29 percent for the untreated comparison group.
- The combined benefit of lower costs and lower recidivism is seen in a study completed by the Center that shows nearly 90 percent of the cost of the DOC Crest program is recaptured in the first 12 months after a Crest participant is released due to its effectiveness in helping to prevent individuals from recidivating.

SURJ will continue to advocate for increased availability of access to treatment as a cost-effective way to change lives and relieve some of the burden on the Delaware criminal justice system.

For more information, see the Research Briefs on Treatment at www.surj.org.

Stand Up and Take Note

Spotlight on Survey Results

In September, SURJ conducted a survey to solicit members' comments and opinions to assist the Policy Committee in assembling SURJ's Agenda 2004.

Below are highlights of the survey. Detailed results can be found at www.surj.org.

<i>Member Mandates</i>	<i>SURJ Response</i>
SURJ should focus on reducing mandatory minimum sentences	The Board of Directors concurred with member input and directed the Policy Committee to include these two initiatives as priorities in SURJ's Agenda 2004.
SURJ should work to improve the success of ex-offenders reentering the community	
SURJ should better nurture its members	SURJ held a Fall Membership Convention in Dover during October, a Visions of Justice event in Wilmington during November, and plans further membership events in January and February. Meanwhile, our Membership Committee, Co-Chaired by Shirley Seibert and Bill DeLauder, is recruiting more SURJ district chairs to keep in closer touch with members.
SURJ should consider an optional electronic newsletter	SURJ will develop an electronic newsletter to be published in 2004.
SURJ's speakers bureau should be expanded	SURJ is updating its speakers bureau content (to reflect our 2003 accomplishments) and soliciting more speaking opportunities.

Just the Facts

Recent national reports on higher incarceration rates and lower violent crime rates have been attracting wide attention. Here are the details:

- The national violent crime rate is down by 54 percent in the past ten years, hitting its lowest recorded level.
- Incarceration rates are up, and Delaware's is very high: In the U.S., 701 persons per 100,000 residents are incarcerated, up from 699 the previous year, making the U.S. the nation with the highest rate. In Delaware, SURJ calculated that we are incarcerating 835 per 100,000 residents in 2003, down from the official Bureau of Justice Statistics rate of 895 in 2002, but still towering over the national rate and the rates of all other nations.
- New estimates on risk of incarceration show that if rates of incarceration remain unchanged, about one in three black males, one in six Hispanic males, and one in 17 white males are expected to go to prison during their lifetime.

For more information, see the related SURJ Research Brief at www.surj.org.

Speaking Out for SURJ

An Action Track interview with SURJ activist, Reverend Seymour Flinn.

AT: How did you become involved with SURJ?

SF: I was moved after attending the Delaware Center for Justice's 80th Anniversary meeting, where former Governor Russell Peterson delivered a speech that inspired the creation of SURJ. Its goals matched my belief in the need for a more just criminal justice system. I recognized the need for reform as a result of teaching for several years at Gander Hill and Baylor prisons, as part of the Thresholds program.

AT: Your work through SURJ's Speakers Bureau has been phenomenal. You have delivered nearly a dozen speeches, sharing SURJ's message with hundreds of people. How do you motivate people to learn about SURJ and become members?



Reverend Seymour Flinn

SF: People are terrified of "coddling" criminals, of providing treatment instead of prison, and many feel that recent decreases in crime prove that mandatory minimum sentences work. My goal is to counteract such misconceptions. Then, I encourage people to get involved in what really works to improve safety and ensure justice. I do that by providing facts about treatment for offenders that shows it is not "coddling". In fact, treatment is more effective in preventing repeated crime. I also emphasize the facts recently repeated by Supreme Court Justice Kennedy that weaken the case for mandatory minimums.

AT: Through your teaching and mentoring of inmates, you have had the chance to observe the criminal justice system from an insider's perspective. Any stories to share?

SF: There are a number of outrageous and damaging barriers to reentry faced by ex-offenders. I was surprised to discover that one of the people I mentored had not lost his driver's license as a result of

his crime. I asked him how he was able to hold onto it, while so many other ex-offenders had had theirs revoked. He told me that he was charged with theft, not drugs. You have to ask yourself: Why are drug-offenders singled out? Is it fair that they are prevented from being able to get to treatment or to a job and those who commit thefts don't have to face the same barrier? It makes no sense.

AT: What are your hopes for next year?

SF: As it stands now, there is a serious lack of treatment and pre-release preparation for offenders. I look forward to SURJ's 2004 initiatives to address these pressing challenges.

Congratulations

Congratulations to Board member Sam Lathem, who was elected president of Delaware AFL-CIO in October.

In Memoriam

We extend our sympathies to the friends and families of Roxana Cannon Arsh, a Board of Trustee member and generous supporter of SURJ, and Shirley A. Cupery, a SURJ member and activist.



SURJ is a statewide initiative to seek reforms within the criminal justice system and to attack the causes of CRIME.



SURJ prides itself on being a non-dues-based organization.

This month SURJ will be conducting its Annual Appeal, asking our 2,250 members to consider making a financial contribution to fuel SURJ's advocacy during the upcoming 2004 legislative session. If you are unable to contribute financially, please visit our website at www.surj.org or call our office at (302) 426-9252 to learn about other ways you can contribute to our success.

YES, I want to Stand Up for what's Right and Just by joining SURJ. I want to be part of this nonprofit grassroots organization whose members advocate for reforming Delaware's criminal justice system and attacking the causes of crime.

We support: Revitalizing communities, increasing access to jobs, drug and alcohol treatment, and allocating taxpayer resources more wisely so funds are shifted from the expensive warehousing of offenders to activities that help restore victims, prevent offenses, reduce recidivism and improve public safety.

Name: _____

Home Address: _____

Phone: _____ Fax: _____

E-mail: _____

PLEASE CUT AND MAIL THIS FORM TO:
SURJ, 100 W. 10th ST., SUITE 615, WILMINGTON, DE 19801
OR FAX IT TO 302-426-9251.

**If your organization needs a speaker who will bring the important SURJ message to its members, our statewide SURJ Speakers Bureau is at your service.
Call 1-302-426-9252.**

Gaining Momentum... Making Progress

Action Track
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