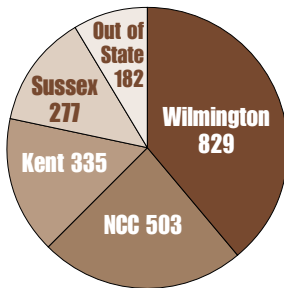




SURJ is a statewide initiative to seek reforms within the criminal justice system and to attack the causes of CRIME.

Get Ready to Take the SURJ Membership Survey

SURJ will be conducting its first-ever membership survey in early September. We are a grassroots organization, so your ideas, needs, and expectations are reflected in everything that we strive to achieve. Because we will be conducting this survey through e-mail, if you are not on SURJ's e-mail list or do not have access to a computer, please be sure to contact our office at (302) 426-9252 so that we can send you a hard copy of the survey. It is important that we hear the opinions of all of our members, so be sure to take this opportunity to share your thoughts, ideas, and expectations with us.



Membership now at 2,126.
That's almost a 12 percent jump from the start of the year.
Let's get it higher!



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: _____

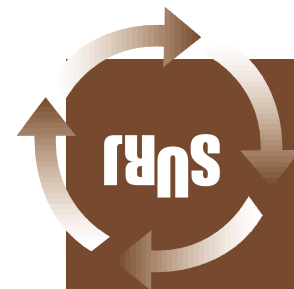
E-mail: _____

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.

Advancing reform across Delaware's criminal justice landscape

Action Track
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Action *Track*

SURJ Advances its Agenda with Passage of HB 210



Desk Notes from Tom Eichler

*When progress stalls, SURJ keeps working to advance our agenda. That is why, when an 18-month impasse occurred between the Attorney General's legislative agenda (House Bill 52), and our modest effort to give judges some discretion on exceptional drug cases (House Bill 35), we continued pursuing our objective. The determination paid off with the development and passage of House Bill 210, known as the **AG/SENTAC/SURJ compromise agreement**.*

As you will read in the lead story, Judge Gebelein, then chair of the Sentencing Accountability Commission (SENTAC), focused his attention on this issue and helped forge the compromise agreement. We are pleased to report that on June 30 Governor Minner signed HB 210 into law, effective immediately—a law based on a bill that did not even exist just one month earlier.

HB 210 responds directly to the repeated warnings by Correction Commissioner Taylor that unless present policies change, he would be asking the legislature to authorize a 1,000-bed expansion of Delaware's already large prison system. This would cost about \$100 million.

An official State Statistical Analysis Center evaluation tells us that the savings we will reap from this bill will be enough to forestall for at least one more year the need to begin a costly prison expansion construction project. This gives our State one more year to develop more cost-effective alternatives to incarceration that will promote public safety.

Our hats are off to Judge Gebelein for helping find the solution that was so elusive, bringing about the first reform in drug sentencing in memory. I also want to thank the 34 sponsors of HB 35, starting with the prime sponsor Rep. John Van Sant, for their steadfast leadership on sentencing reform. And thanks to the more than 30 other organizations who endorsed HB 35, and to our members, so many of whom were involved in the grassroots steps that allowed this citizen advocacy agenda to have a major impact after only two and a half years since SURJ's founding.

As I said, progress demands continued action, so we are on to our next steps, which include (1) the introduction of HB 304 by Speaker Terry Spence, authorizing a special commission to assess the criminal justice system and develop recommendations for creating much needed alternatives to incarceration; and (2) moving ahead with our newly formed Treatment Working Group, headed by Russ Buskirk.

Helps Put Off Costly Prison Expansion

The Delaware General Assembly's passage of House Bill 210 will moderate sentences for some drug offenders, saving a significant number of beds and helping eliminate the need to expand prison construction for at least a year.

House Bill 210 is a compromise agreement among the Attorney General, the Sentencing Accountability Commission (SENTAC) and SURJ, which earlier had introduced HB 35, a "drug safety valve" bill that returned discretion to Delaware's judges and introduced alternatives to minimum mandatory prison sentences for some drug offenses. It did not pass due to competing bills that caused an ongoing stalemate.

SURJ knew that if we were to achieve our objectives, we would have to negotiate a compromise to overcome the stalemate. Judge Gebelein,

then Chair of the Sentencing Accountability Commission (SENTAC), led the charge for a compromise, working with SURJ and the Attorney General to create a single bill. The outcome was HB 210, a bill that will reduce prison time for drug and non-violent motor vehicle violators to make sure that expensive and limited prison capacity is saved for the most violent criminals.

Key Provisions of the Bill

- The 15-year minimum mandatory for repeat "possession with intent to deliver" offenses has been reduced to three years, except for heroin, which is reduced to five years.
- No longer will repeat possession misdemeanor/felony convictions trigger these enhanced penalties.
- The cocaine trafficking limit is raised from five grams to 10 grams, so it is now more in

Continued on page 2

Josh Templet Will Help Fuel the Fire of Reform as SURJ's Deputy Director

In response to the increasing amount of advocacy leadership and membership support needed to advance SURJ's agenda for reform, the Board created the new position of Deputy Director. Filling that position is Josh Templet, who joined the SURJ team on June 2.



Continued on page 2

Read On About

- **Passage of Drug Sentencing Bill, HB 210**
- **New Deputy Director**
- **More About Legislation**
- **Action Track Interview**
- **Membership News**

Advancing the Agenda

Continuation of HB 210 article

line with the trafficking levels of other drugs.

- The last six months of drug sentences may be served at Level IV, work release or home confinement to help ensure that treatment will be continued as offenders prepare to reintegrate into their communities.

A Look at the Savings

According to Delaware's Statistical Analysis Center, the increases in violent crime provisions in this bill will require an additional 142 to 172 prison beds annually, but this will be offset by:

1. Reduced sentences for drug violations, saving 300 beds.
2. Sentencing alternatives that permit the Department of Correction to use electronic monitoring for motor vehicle violators, which will save another 150 beds annually.

The net result is a reduction of between 278 and 308 beds, an outcome that fulfills the spirit of the first point of SURJ's agenda for 2003, calling for a repeal or modification of mandatory drug sentencing laws that unduly limit a judge's discretion to individualize sentences and maximize treatment.

Josh Templet (cont'd)

Josh brings to the organization familiarity and experience with legislative hall, having worked most recently as an assistant to the Senate majority caucus in the General Assembly. He was also a Legislative Fellow for the House majority caucus through the Institute for Public Administration at the University of Delaware, where he earned his Bachelor's Degree in Political Science, graduating magna cum laude. Josh also interned with the Governor's office as an assistant legislative liaison.

Josh has already jumped in with both feet, focusing his energies on:

- Building the membership base: One of his first initiatives is developing and

Passage of HB 210 marks the first time in memory that the Delaware General Assembly has voted to make major changes in how prison capacity is used for non-violent motor vehicle offenders and drug offenders. Along with this, our State must focus on meeting the necessity for substance abuse treatment. Sen.

"But for the pressure brought by SURJ and HB 35, there would have been no compromise. We have made progress that 18 months ago I would have thought impossible."

— Judge Gebelein.

John Still advanced that need to the Administration, which agreed to consider increasing the 2004 Department of Correction's budget by 25 percent (\$1 million) for drug treatment, illustrating a growing recognition that rehabilitation must be supported.

With these changes, expensive prison capacity will be more targeted for violent criminals and less for drug and motor vehicle offenses. **These results show what grassroots, fact-based advocacy can do.**

implementing the first membership survey, which you can read about on the back panel of this newsletter.

- Organizing SURJ's grassroots lobbying efforts: Helping members stay current, talk about, and support SURJ's legislative efforts statewide is a challenging organizational goal for 2003-2004.
- Helping manage SURJ's office.
- Assisting with the development of SURJ's legislative agenda.

You can reach Josh by calling SURJ at 302-426-9252 or online at jtemplet@surj.org.

Other Bills Passed Reflect SURJ's 2003 Agenda for Reform

There are four bills passed by this legislative session that will help us advance SURJ's 2003 Agenda, especially in the area of supporting successful reentry.

SB 5 was originally intended to repeal the ban on ex-felons from being licensed as barbers or cosmetologists. However, the bill was amended (SA 1) to allow only those ex-felons previously trained in these trades to apply for a license. Unfortunately, the amendment weakens the bill's ability to remove this barrier to reentry.

HB 75 reduces the likelihood that a failure to reinstate one's drivers license will certify one as a habitual offender.

HB 96 gives Family Court judges more sentencing discretion by permitting youth who are participating in the Family Court Adjudicated Drug Court Program to apply for a learner's permit or driver's license after completing at least twelve hours of drug treatment.

HB 263 allows rehabilitated drug felons to have access to food stamp programs if they are participating in, have completed or are certified out of a drug treatment program approved by the Department of Health and Social Services. This bill, drafted by the Addictions Coalition, removes an important barrier to successful reentry of offenders.

Several bills that were not passed, which SURJ hopes will meet a more positive fate in the next legislative session, include:

HB 205, SB 39, which address last year's unfortunate bail forfeiture law (HB 478). With neither of these bills passing, unconstitutional clutter remains in the Delaware Code.

SB 56, which would reduce the loss of driving privileges by those convicted of a drug felony from three years to one year, languishes in committee. Since a law was passed last year reducing the loss of driving privileges for some drug misdemeanors from one year to six months, this bill serves as second half of a SURJ endorsed measure that will remove another barrier to reentry.

SB 70, the "Juvenile Protection Act," which would abolish the death penalty for juveniles, was drafted by the Collaboration for Youth and endorsed by SURJ; it remains in "solitary confinement" in committee.

SB 96, another Collaboration for Youth measure, would give Family Court judges the discretion to use an alternative sentence rather than the six-month mandatory sentence now required for juvenile second felony offenses that occur within one year of a previous juvenile felony adjudication.

Stand Up and Take Note

SURJ says farewell to **Keith Singer**, our University of Pennsylvania intern who has graduated with a Master's in Social Work and has moved with his wife to Colorado. His outstanding work will help us identify how to create and maintain more effective reentry programs in our state.

We welcome **Apryl Walker**, our summer intern from the University of Delaware's School of Urban Affairs and Public Policy.

SURJ Trustees Make News

- The Hon. Vincent A. Bifferato, Sr. received the Msgr. Paul J. Taggart St. Thomas More Award.
- James Gilliam, Sr. received the Thomas C. Maloney Community Service Award.
- Phyllis Levitt was elected President of the Delaware ACLU's Board of Directors.

In Memoriam

We extend our sympathies to family and friends of Diane Hurilla, a volunteer who gave her time and energy generously to help keep SURJ moving ahead. Diane gave over 500 hours to SURJ, helping to coordinate our speakers bureau, process mailings, and staff our office. We will always be grateful for her assistance and will miss her kindness.

Membership Matters!

An **Action Track** interview with SURJ activist, **Linwood Killen**:

AT: Your SURJ advocacy in Kent County is noteworthy. What is the reason you have become so involved?

LK: There is too much wrongdoing in the criminal justice system, and it must be corrected. To do that, people need to speak up. When we speak up with one voice, we're often not heard. It takes a chorus of voices to be heard, and SURJ is the organization that provides us with the chance to voice our concerns and help make things right.

AT: How did you find out about SURJ?

LK: I saw an article in the Delaware State News about a year and a half ago. When I read about SURJ's mission to reform the criminal justice system and attack the causes of crime through a grassroots approach, I knew it was the way to go. I called right away, signed up as a member, and immediately



Linwood Killen

talked to my friends to bring in a few more people with me.

AT: And since then, how many members have you successfully recruited?

LK: Upwards of 65 in Kent County, which is about 20 percent of the county's SURJ membership. I've even brought in people from out of state... as far away as Massachusetts.

AT: How do you motivate people to join?

LK: I stay on top of what SURJ is doing through the website, member e-mails, newsletters, and newspapers. I have lots of membership sign up cards and take them with me everywhere. And I talk my head off about what SURJ is trying to do, and I tell people it's time for them to sign on and Stand Up for what's Right and Just.

AT: Is there anything specific that fuels your interest in improving our state's criminal justice system?

LK: I can't tolerate injustice. Prisons should not be used for people who commit small infractions of the law. They should not be used to warehouse nonviolent offenders with drug problems. We have got to do something to change policies that cause these things to happen. One person can't do that. A grassroots organization like SURJ can.

AT: What would you advise people to do who want to help raise the level of membership in SURJ?

LK: Don't be shy about talking about the issues. Call SURJ for information to hand out to others on what SURJ is doing, what bills we're supporting, what actions we're taking to make this a more just state. Visit the website for information, and talk about what you read. Carry cards with you and urge others to make our voice louder. If you're enthusiastic about it, others will catch the spirit. The more people we have, the stronger our voice. The stronger our voice, the more success we'll have in bringing about a change for the better.

Here's What's Next on the Legislative Front

Last February, when Commissioner Taylor spoke at his budget hearing, he said that unless current criminal justice policies change, he would have to ask for up to \$185 million for a prison expansion of 1,000 beds. Then in May, during the annual State of the Delaware Judiciary presentation to a joint session of the General Assembly, Chief Justice Veasey recommended that Delaware conduct a top down review of the criminal justice system before we start another costly prison expansion.

In response to those comments, SURJ drafted House Bill 304, which is being introduced by

Speaker Terry Spence. HB 304 creates a Special Commission to assess the viability of alternatives to prison construction. The review will include an analysis of charging decisions, pre-trial detention, plea bargaining, sentencing and correctional systems, rehabilitation, programming, offender re-entry mechanisms and community-based services and programming. The assessment also will identify modifications that can be made in those systems to improve their cost-effectiveness and reduce the risk of re-offense in conformance with justice, public safety, and constitutional requirements.

SURJ will advocate for passage of HB 304 when the General Assembly returns in January. Meanwhile, we will be developing other

recommendations for further reform, including improvements in the opportunities for treatment.

All agree that treatment is a key to avoiding criminal behavior and helps support successful reentry to the community for many released from prison. Therefore, advocating for needed treatment programs is an important goal of SURJ, and it will be the focus of our new Treatment Working Group. Russ Buskirk, the Continuum of Care Director at Northeast Treatment Centers, will be heading the group, which held its first meeting on July 2 to develop an agenda. **For further information, or to participate in the group, please contact Apryl Walker in our office at 302-426-9252 or aprylwalk@surj.org.**