

Send Us Your E-mail Address!

Most of our communication with our members is through e-mail. We don't send out many e-mails, but it's the best way for us to keep you informed in a timely manner about legislation and upcoming events. If you have not received an e-mail from us recently, please take a moment to e-mail Joanna at jchampney@surj.org, or call her at (302) 426-9252 with your e-mail address or contact information changes.

SURJ and Delaware Center for Justice Cosponsor Visions of Justice VIII

Eighth Annual Visions of Justice Forum
"Implementing Prisoner Reentry"

Clayton Hall, University of Delaware

May 22, 2007

8:30 a.m. to 12 noon

Research on prisoner reentry will be presented, and Corrections Commissioner Carl Danberg and other service providers will be speaking about their reentry efforts. This event is free and open to the public, but a \$20 fee is requested for those wishing to join the speakers for lunch. RSVP by May 18th to (302) 658-7174 ext. 10 or center@dcjustice.org.

SURJ 2007 Membership Contribution

Yes, I/We would like to support SURJ and its mission with a contribution of:

\$250 \$50 \$ _____ (other)
 \$100 \$25

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All contributions are tax deductible.

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In The News

HB 71: Mandatory Minimum Drug Sentencing Law Passes in the House

SURJ is pleased to report that on Tuesday, April 3, 2007, the Delaware House of Representatives passed H.B. 71 by a strong 26-13 majority. Although we should all enjoy this victory, the fight to pass this crucial piece of legislation is not yet over. H.B. 71 still needs to pass in the Senate, and the SURJ office has already begun planning for this next stage. SURJ's members are vital to our efforts and we will continue to keep you informed and let you know how you can help.

Thank you to everyone who came down to Legislative Hall to show their support. There was standing room only in the House Chamber! Thank you to Speaker Terry Spence (R-Stratford), the bill's primary House sponsor, who fought hard to make sure that this bill received the debate and hearing it deserved and thank you to all of the other legislators who support HB 71.

Speaking on behalf of the bill were SURJ Board Members Edmund "Ned" Carpenter, II, Esq., Thomas A. Foley, Esq., and the Honorable Joseph T. Walsh. SURJ Trustee and former Attorney General, Charles M. Oberly, Esq., also spoke in support of the bill.

In his remarks to the House, Ned Carpenter stressed that both supporters and opponents of this bill agree on several things – that the drug trade is a serious problem and that mandatory minimum sentences transfer significant power to the prosecuting attorney. The desire to retain the ability to threaten defendants, Mr. Carpenter said, will be the primary reason why opponents will not support the bill. Additionally, the opposition cannot claim that our judiciary is incapable of handing down fair sentences, since Delaware's judges have consistently been highly ranked in national studies.

Tom Foley pointed out that this bill has nothing to do with diminishing law enforcement's capabilities – the police will continue to aggressively pursue crime. The real question, he said, is whether justice demands that each and every offender should serve a mandatory minimum sentence. Delaware's frequent use of plea bargaining, he pointed out, illustrates the widely held belief that a mandatory minimum sentence is not appropriate in every case. Defendants should have the opportunity to be heard, and judges should be able to consider the whole picture instead of using a sentencing "cookbook." "If a guy is a bad apple, he will still go to prison under this law," Foley argued.

When Justice Joseph Walsh addressed the House, he reflected on his experiences as a judge. "Sentencing is the hardest part of being a judge," he said. Judges must focus on the offense that has been committed while also focusing on the individual, a difficult balance. With mandatory minimum sentencing, Judge Walsh argued, a Judge is unable to establish a balance at all because the entire focus is on the amount of drugs involved in the crime. Judge Walsh also expressed his confidence in Delaware's judiciary. "I know every judge in this state, and there are no soft-on-sentencing judges," he firmly stated.

Please continue to check your e-mail for updates on HB 71!

SURJ Names Former FBI Director Louis J. Freeh as Board Chair

A member of the SURJ Board since 2004, the Honorable Louis J. Freeh was elected Board Chair this past November. From 1993 to 2001, Judge Freeh served as Director of the Federal Bureau of Investigation. He has also served as a Special Agent of the FBI, as an Assistant United States Attorney, and as United States District Judge for the Southern District of New York. Judge Freeh will replace Governor Dale E. Wolf, who is retiring after serving four years as SURJ's Board Chair. Gov. Wolf remains on the SURJ Board as a Vice Chairman. Also elected as Vice Chairs are the Honorable Joseph T. Walsh, retired Delaware Supreme Court Justice and the Reverend Canon Lloyd S. Casson, the rector of the Episcopal Church of Saints Andrew and Matthew.

Judge Freeh has already played a vital role in SURJ's efforts to repeal Delaware's mandatory minimum drug sentencing laws. In a recent News Journal article, Freeh said, "Some people told me I'd be one of the last people they thought they'd see pushing this initiative." However, Freeh's experience as a federal judge convinced him that change was needed. As a federal judge, he recalled having to sentence 20-year-olds who were drug users – but not dealers – to nearly two years in prison knowing that they would come out hardened by the prison system.

Incarceration: The Best Public Safety Solution?

Over the past few decades, incarceration has increasingly been used as a tool to promote public safety. The rise in the incarceration rate and the seemingly constant expansion of prisons is evidence of our reliance on incarceration to fight crime. However, the continuing presence of crime and the rising cost of incarceration beg the question of whether or not incarceration has proven effective in preventing crime and promoting public safety.

Certainly, there are those for whom imprisonment is a necessary punishment, but these serious offenders are not the ones who are overcrowding our prisons. The United States leads the world in incarceration rates, and this is not because our citizens are generally more prone to break the law.

It is time to become more pragmatic about seeking solutions for fighting crime. By constantly expanding our prison system, we are not reducing criminal behavior. It is no longer acceptable to assume that incarceration alone is enough to have an impact on crime.

According to the Bureau of Justice Statistics, the rate of incarceration in 2005 in prison and jail was 737 inmates per 100,000 U.S. residents. 1 in every 136 U.S. residents was incarcerated in a state or federal prison or a local jail, and national spending on corrections jumped from \$9 billion to \$61 billion between 1982 and 2004.

As these bleak statistics reflect, Americans have generally come to embrace incarceration as the best tool to enhance public safety and fight crime. A new approach is desperately needed. Only by getting "smart on sentencing" will public safety be increased in a meaningful way.

- In 1982 1,747 inmates were housed in Delaware. Today the inmate population in Delaware is approximately 7,000.
- In 2001, Delaware completed a four year \$180 million expansion and we stand ready to embark on another round of costly prison expansion.
- 1 in 13 of Delaware's budget dollars is spent on correction.
- Each inmate in Delaware costs our state \$30,000 per year.

Efforts to Pass Federal Second Chance Act Continue

The Federal Second Chance Act (H.R. 1593 / S. 1060) was reintroduced in both houses of Congress in late March, marking continued efforts to pass the Act despite the bill's blockage at the end of the Congressional Session last December. First introduced in 2005, the bill is strongly supported by President Bush and aims to provide \$100 million in grants to states and local governments for promoting successful prisoner reentry into the community.

Among the 700,000 people who leave state prison this year, more than two-thirds will be arrested again within three years. The Second Chance Act would provide much-needed federal muscle to fund and recommend programs that each state could customize according to its needs.

Please contact your U.S. Senators and Representative and tell them that you support the Second Chance Act.

Senator Joe Biden (302) 573-6345

Senator Tom Carper (302) 573-6291

Representative Mike Castle (302) 428-1902

Prison Ministries Needs Your Help!

Prison Ministries of Delaware is in need of toiletry items (plastic containers only) and large sized women's winter coats and professional clothing for female inmates on work release. Mentors are also needed for Prison Ministries' mentoring program. If you have items to donate or are interested in becoming a mentor, please contact Joanna at jchampney@surj.org or (302) 426-9252 to learn more.

Thank You!

Thank you to all SURJ members who have generously donated to SURJ during our Annual Appeals drive. Without the support of our members, we would not be able to continue the important work we are doing to ensure the best quality of justice in this state. If you have not yet donated to SURJ, please consider doing so. We can be proud of our accomplishments, but there is so much more that remains to be done!