

Beyond Paper Prisons: Expanding Second Chances in Delaware

Our newest campaign is about fighting for real second chances through Clean Slate policies.

ARTICLE BY: MITCHELL PATTERSON,
COMMUNICATIONS INTERN

America's decades-old culture of tough-on-crime policies has created an unprecedented criminal justice crisis: A staggering number of Americans find themselves locked in a

paper prison, with no end to their sentence, even after they've served their time.

Nearly 1 in 3 people have some sort of arrest or conviction on their record. **In Delaware, over 400,000 people are saddled with**

arrest or criminal records that block their access to jobs, housing, education, starting a business, or participating fully in social and civic community life. That's why we're teaming up with the National Clean Slate Initiative, the

Delaware Coalition for Smart Justice, Delaware Center for Justice, Game Changers, and the Paper Prisons Initiative to launch a Clean Slate effort right here in our state.

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HB 37 PASSES THE HOUSE CORRECTIONS COMMITTEE; MOVES AHEAD TO A FLOOR VOTE!

ACLU SMART JUSTICE



SPRING 2021 // WHAT'S INSIDE:

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We invite you to exercise your free speech rights by sending suggestions, letters, questions, or comments.

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ARTICLE BY: MIKE BRICKNER,
EXECUTIVE DIRECTOR

Dear Friends and Supporters,

The Delaware General Assembly is back and in session, and the ACLU of Delaware is hard at work with our allies to advance Smart Justice reforms, secure our right to vote, and deliver on the tremendous legal victory in our education funding lawsuit.

In this newsletter, you will read more about two of our Smart Justice initiatives: Clean Slate Delaware and House Bill 37. Beyond these priorities, our Smart Justice team is also prioritizing:

- Reforming laws that prevent transparency and accountability in police practices;



- Ending the modern day debtors' prisons by prohibiting incarceration for nonpayment of fines and fees, preventing the suspension of driver's licenses when a person cannot pay a legal debt, and ensuring courts assess a person's ability to pay a fine or fee;
- Transforming our probation system by ending the use of technical violations to send a person to prison, and ensuring probation works to rehabilitate rather than punish a person; and
- Striking a blow against the failed War on Drugs by removing drug crimes from the violent felony category and allow for sentence modification for some drug crimes.

Following a landmark presidential election that saw historic voter turnout, now is the time to modernize Delaware's election system by passing HB 75, the second leg of a constitutional amendment to allow all voters the opportunity to cast a ballot by mail.

Finally, we will work with the legislature to pass the Governor's proposed budget, which includes the landmark education funding settlement, as well as creation of an ombudsperson office that would investigate issues of racial inequity in our schools.

Make sure you are signed up for email updates from the ACLU of Delaware to get the latest on these initiatives, and to take action as these reform measures advance in the legislature.

For regular updates, events and more, visit our website: www.aclu-de.org.



CLEAN SLATE DELAWARE CAMPAIGN,
CONT. FROM FRONT PAGE

The National Clean Slate Initiative is a movement to automate the clearing of criminal records after a period of time, allowing people who have served their debt to society to move on with their lives. It is spurred by a belief in second chances, a belief that an old criminal record should not lead to a lifetime of poverty or stigma. In fact, a research study done by Michigan Law found that those who are able to obtain expungements have very little risk of recidivism and a significant improvement in their income and ability to secure stable employment.

In Delaware, our advocacy campaign aims to build on the second chance successes we've already accomplished by passing legislation that will automatically seal or expunge certain arrest or criminal records after a set period of time.

Through our efforts, we seek to ensure that more Delawareans can move beyond their

“Currently, most Delawareans with an arrest or criminal record face significant barriers to education, employment, housing, credit, and other opportunities to become productive, contributing members of society.”

paper prisons and receive a true second chance at economic success and inclusion in their communities.

Clean Slate policies are popular.

Automatic record sealing is supported by criminal justice reform experts, economic and civil rights activists, policy-makers on both sides of the aisle, justice-involved individuals, crime survivors, business owners, prosecutors and law enforcement leaders.

Currently, most Delawareans with an arrest or criminal record face significant barriers to education, employment, housing, credit, and other opportunities to become productive, contributing members of society. This can lead to further arrests,

convictions and returns to prison. No matter how minor the offense or how long ago it was, an employer, a landlord, or a college may have policies or regulatory requirements that exclude those with criminal records. Even in the absence of formal barriers, the stigma of a criminal record can be a lifelong barrier to opportunity.

We believe more Delawareans should be able to move beyond their paper prisons and receive a true second chance at economic success and inclusion in their communities. The work that's been done to move expungement access in Delaware is an incredible start, but there's still more work to do. The COVID-19 crisis and the nationwide recession has only deepened the problems caused by permanent criminal and arrest records.

Clean Slate legislation affects every Delawarean, whether you have a record or not:

- For anyone with a

criminal or arrest record who paid their debt to society, a second chance means access to education and job training, a stable job, livable income and safe housing for them and their family;

- For taxpayers, it means a more efficient legal system unburdened by the transactional costs of record-clearing petitions in courts;
- For communities across Delaware, fewer people on-track for repeat offenses and more jail time means safer streets; and
- For businesses, it means more qualified job applicants meeting the needs of the workforce, and it means a stronger local economy.

Delaware needs Clean Slate policies now more than ever to ensure that the hundreds of thousands of people trapped in paper prisons can be included in the nation's recovery. Everyone stands to win with Delaware Clean Slate legislation. 

Speaking of Second Chances...

This contributed article sheds light on what a true second chance can do for someone's journey.



ARTICLE BY: CORIE PRIEST

There are three things that I would have never expected the moment I accepted a plea bargain for 30 months on July 20, 2009. 1) I would do the entire 30 months, 2) It would shape the trajectory of my life, and 3) my record would be wiped clean in less than 10 years after coming home.

I served 24 months after the judge determined 30 months was excessive given that minimum mandatory 24 months. **Finding my calling was a result of going to jail.**

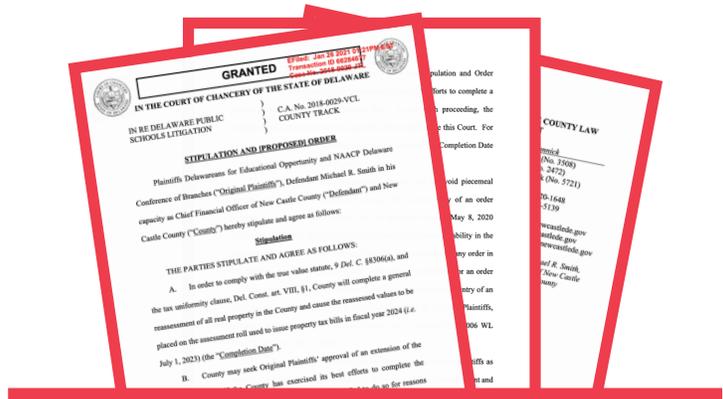
I realized who I wanted to become and the

impact I wanted to have on my community while self-reflecting in jail. But getting my record clear was unfathomable because at the time I could not get my felony conviction expunged because of the state's statute.

That all changed June 30, 2019, exactly eight years to the day I came home, when Gov. Carney signed the Expungement Bill into law. The law went into effect Dec. 27, 2019, I was granted an expungement in April of 2020.

I can tell you that getting an expungement of my felony conviction is a game changer. It allows people like me to restore their lives and dignity.

Corie Priest was formerly incarcerated and is now the Community Engagement Specialist for the Attorney General or DOJ Community Engagement Specialist and former felon.



Two Counties Reach Agreements with our Plaintiffs

Another step in the right direction for schools that need it most.

ARTICLE BY: MITCHELL PATTERSON, COMMUNICATIONS INTERN

New Castle and Kent counties have reached agreements with our clients, Delaware NAACP and Delawareans for Educational Opportunity.

The New Castle County agreement promises to complete a property tax reassessment by fiscal year 2024, and the Kent County agreement promises reassessment by fiscal year 2025. Both agreements promise further reassessments to be completed at more regular intervals.

The counties has been collecting taxes based on outdated property taxes, in violation

of the Delaware Code and the State Constitution.

The effect of the outdated assessments has been that the public school systems have suffered continuous funding crises and the tax burden has fallen disproportionately on lower-value property owners.

Once each county completes their updated assessment, property taxes will be levied according to current property values, and owners of higher-valued properties will be taxed proportionately to their properties' actual value. This will help bridge the gap in the public school budget disparities by zip code.

Meet our newest team members in the Smart Justice Division: Haneef Salaam and John Reynolds!

Haneef has joined our team as the new Delaware Campaign for Smart Justice manager and John joins us as the organization's first Clean Slate Delaware campaign manager.



Mr. Haneef Salaam is a native Delawarean born and raised in Wilmington. He is engaged in empowering the community and very passionate about helping individuals released from prison become positive and productive community members after making that change himself.

Haneef has worked with government and non-profit agencies focused on prisoner reentry for the past 10 years; holding positions such as President of the Delaware Reentry Consortium and Community Facilitator for I-ADAPT, the Governor's reentry initiative. He also started Building

Success, LLC, a small business that provides consultation and program planning for nonprofits.

Prior to joining the ACLU of Delaware, Haneef was an in-reach coordinator for the Hope Commission at the Achievement Center.

Haneef is passionate about helping disadvantaged populations find solutions and ways to overcome their barriers to success.

In his free time Haneef is a community advocate in Wilmington. 🇺🇸



John Reynolds joined ACLU of Delaware as Campaign Manager for Clean Slate Delaware in February 2021.

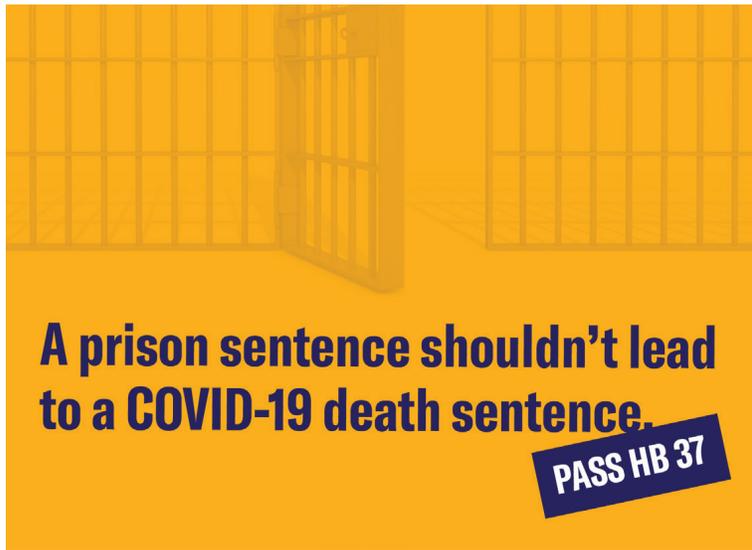
John is a committed advocate for racial justice and graduate of UCLA School of Law with a specialization in Critical Race Studies.

Prior to ACLU-DE, John lived in New York, where he coordinated legal education programming at the Federal Bar Council, managed direct service efforts at

NYC Mission Society for students struggling with criminal justice, economic, and other challenges, and worked on campaigns for criminal justice reform and economic equity at the Center for Popular Democracy.

In addition to his role at ACLU-DE, John is co-founder of Native Roots Farm Foundation, an avid tennis player, and an eternally optimistic fan of mediocre sports teams. 🇺🇸

Stay up to date on the Clean Slate & Smart Justice campaigns at www.aclu-de.org



A prison sentence shouldn't lead to a COVID-19 death sentence.

PASS HB 37

Spotlight Legislation: HB 37, the Public Health Emergency Credit Bill

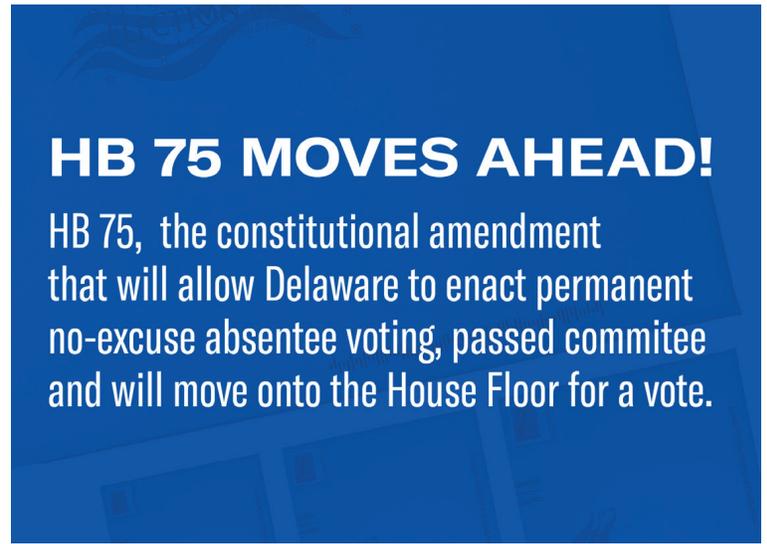
ARTICLE BY: MITCHELL PATTERSON, COMMUNICATIONS INTERN

Advocates have been urging Delaware officials to follow public health recommendations to reduce the number of people living in correctional facilities in an attempt to mitigate the COVID-19 crisis behind prison walls. The virus poses a significant threat not only to those incarcerated in the constricted environment of a prison, but to the prison staff, their families, and the public.

House Bill 37 provides a mechanism to safely and fairly lower a prison's population during a pandemic. Normally, incarcerated

individuals have opportunities to earn credit to reduce their sentences. The pandemic, however, has severely diminished these opportunities. The bill establishes "public health emergency credits," which would automatically be awarded during any public health emergency. These credits would be awarded at the rate of 6 months for every month served during a public health emergency, up to a maximum reduction in sentence of 1 year. ■

Status at time of writing:
Out of Committee; Ready for a vote on the House Floor.



HB 75 MOVES AHEAD!

HB 75, the constitutional amendment that will allow Delaware to enact permanent no-excuse absentee voting, passed committee and will move onto the House Floor for a vote.

Spotlight Legislation: HB 75, the No-Excuse Absentee Constitutional Amendment

ARTICLE BY: MITCHELL PATTERSON, COMMUNICATIONS INTERN

During the COVID-19 pandemic, American democracy shifted away from polling booths and towards mailboxes. The country saw record voter turnout levels, and experts believe mail-in voting will keep voter participation reliably high in the future.

To ensure its citizens' safety in exercising their right to vote, the Delaware General Assembly expanded vote-by-mail accessibility last year. That was only a temporary measure, however.

House Bill 75 provides

a more permanent solution by amending the Delaware State Constitution to grant the General Assembly power to regulate absentee voting.

Passing this Bill would make Delaware the 35th state to provide its citizens the ability to request mail-in ballots without needing an excuse. No-excuse mail-in voting is safe, secure, and it makes it easier for citizens to vote without worrying about their health during a public health crisis. ■

Status at time of writing:
Out of Committee; Ready for a vote on the House Floor.

Calling All Attorneys: Are You in Amicus?

Join or renew your membership today!

ARTICLE BY: MELISSA BRYSON,
DEVELOPMENT DIRECTOR

As we work on repairing the damage from four years of a hostile federal administration, we are inviting attorneys in our state to join us in the path ahead by becoming new, or renewed, members of the ACLU of Delaware's Amicus Society.

The Amicus Society allows lawyers and other members of the legal community committed to our constitutional rights and freedoms to have an insider's view of the ACLU's work in Delaware and nationwide. Stay tuned for the announcement of our spring 2021 virtual speaker event for active Amicus Society members.

As esteemed supporters of our legal work, Amicus Society members have direct access to information on the most critical local and national civil liberties issues of the day.

Law firms are asked to join as Charter Members, though it is not a requirement. Your firm's generous contribution at this level is greatly appreciated; it will provide significant support to the work of our outstanding legal team.

Individuals may join at the member and sustaining member levels.

Charter Members will retain charter status in our publications in perpetuity. To receive membership communications, exclusive event invites, and to stay listed as an individual on the website, annual dues are required.

Dues can be paid annually or semi-annually by check or credit card. For more information, contact ACLU of Delaware Development Director Melissa Bryson at mbryson@aclu-de.org or 302-654-5326 x102. ■



Amicus Society

AMERICAN CIVIL LIBERTIES UNION OF DELAWARE

PARTICIPATION LEVELS:

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Silver \$5,000 – \$9,999

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\$2,500

Member

\$1,000*

**The participation level for lawyers who have been members of the bar for 8 years or less or are full-time public interest lawyers is \$250.*



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S.A.F.E. SCHOOLS

Safe • Accountable • Forward • Equitable

S.A.F.E. Schools, a Building People Power Issue Campaign in partnership with the ACLU of Delaware, is comprised of community advocates dedicated to realizing true equity public schools.

The group organizes the power necessary to create racial justice, end the racial and socio-economic segregation of our schools, ensure fair discipline, and eliminate the opportunity gap.

Learn more about S.A.F.E. Schools and stay up-to-date on their efforts, visit our website at www.ACLU-DE.org.

STAY IN TOUCH

