

New Report: Delaware's Broken Probation System

The urgent need to reform community supervision in the first state.

ARTICLE BY: MORGAN KELLER,
COMMUNICATIONS MANAGER

Our probation system is fundamentally broken, so we're launching a new initiative to push for reform. Our full report on the broken probation system, stories of people impacted by the probation system, and a call to action can all be found at our new website, PeopleNotProbation.com.


Delaware has the 8th highest rate of probation in the nation, with a punishment-heavy focus that leads many back to prison. Here are the facts:

- Level IV (highest level) prison population are incarcerated for a probation violation,
- 10 percent of the Level V prison population are incarcerated for a probation violation, and
- Recent studies have shown as many as 94% of those incarcerated for probation violations did not commit a new crime, but were sent back to prison for minor technical violations.

Every person sent back to prison represents a failure of our justice system—a life delayed because of

- 47 percent of the

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DELAWARE'S BROKEN PROBATION SYSTEM:

The Urgent Need to Reform Community Supervision in the First State

1 in 3

In 2015, 1 out of every 3 people released from prison were re-arrested within three years for a technical probation violation.



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and more!

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ARTICLE BY: MIKE BRICKNER,
EXECUTIVE DIRECTOR

Dear Friends and Supporters,

It's a critical time in our nation's history, and the ACLU of Delaware is working around the clock to protect your right to vote, reform our justice system, and heal the wounds of racial injustice that have long plagued our communities.

Many of you have watched in horror the national news of the systematic dismantling of the U.S. Postal Service. With the COVID-19 pandemic still raging, access to fast and reliable postal services is a lifeline to many Americans. It is also critical to ensuring everyone can vote. On September 3, we filed a lawsuit representing the League of Women Voters of Delaware and an individual voter who




feared their vote by mail ballot could arrive late and be rejected. Read more about this lawsuit on page 5.

We are ensuring that voters know how to cast a ballot by mail, and that they cast an informed ballot. In partnership with the Campaign for Smart Justice and Game Changers, the ACLU of Delaware relaunched our Vote Smart Justice Campaign in August 2020, focusing on police reform. Candidates for Wilmington city council, mayor and treasurer were provided a questionnaire on their views on a variety of critical police reform issues. The Game Changers, a group of formerly incarcerated Delawareans, then led canvassing, phone banking, and community outreach efforts to ensure voters were informed prior to casting a ballot in the September 2020 primary election. When the election season

concludes, our Vote Smart Justice coalition will continue to work with the elected candidates to ensure they follow through with their pledges for various police reforms.

I am even more excited to tell you about the upcoming **2020 Kandler Awards Celebration**, which gives us an opportunity to celebrate our victories and honor outstanding civil liberties heroes. While the COVID-19 pandemic has changed how we will celebrate — we're going virtual for the first time ever! — it will not dampen the joy and inspiration the Kandler Awards bring. For more information on this year's Kandler celebration, see page 7.

Thank you for supporting the hard work our team puts in every day. I hope you enjoy this issue of *Connection*, and look forward to seeing you at Kandler! 

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





ARTICLE BY: KATHLEEN EPLER,
PRESIDENT, BOARD OF DIRECTORS

Letter from the New President

the Department of Corrections response to COVID in the prisons and keeping an eye on this year's election cycle in the midst of constant changes, is much more immediate. At the ACLU, we are always ready for whatever challenge is presented to us.

Although our very able staff does the majority of the heavy lifting, our board of directors guides the work, supports staff efforts behind the scenes, and acts as ambassadors of the ACLU in our communities.

At our Annual Meeting in July I accepted

my new position as President of the ACLU-DE board of directors, we welcomed a couple of new board members, and said farewell to a few members who had come to the end of their terms with us.

I would like to say thank you once again to Kate Cowperthwait, Patty Downing, Guillermina Gonzalez, Senator Elizabeth "Tizzy" Lockman, Lawrence Stromberg and Dan Young. Their service, dedication and continued commitment to our mission is deeply appreciated. I'd also like to extend a special thank you to my predecessor,

Kathryn Jakabcin, for her time leading this board with integrity and passion, and for her continued service on the board as well.

We are delighted to welcome two new members to the board: Haneef Salaam and Ariel Gruswitz. They have both been dedicated to the tenets of the ACLU and active in their communities for years.

If you'd like to see who is on the board and learn a bit about each of us, visit the board page on the ACLU of Delaware's website: <http://www.aclu-de.org/en/board-directors>.

As always, thank you for supporting our hard work and our important mission. 🇺🇸

Friends,

As you read through this newsletter you'll learn about many of the challenges we face, but more importantly you'll get a glimpse into all the work that the ACLU of Delaware is actively engaged in. That's what our *Connection* is about.

Some of our work, such as the education funding lawsuit, is years in the making. Other areas of our work, like monitoring

Podcast Alert

The Black Women Behind the Ongoing Fight for Suffrage.

EXCERPT OF ARTICLE ORIGINALLY PUBLISHED
ON WWW.ACLU.ORG

The 19th Amendment inked women's suffrage into American history, a culminating moment in an effort to win political power. But it's essential to reflect on who the

19th Amendment excluded in practice if not on paper, and what the popular historical record of this movement leaves out.

"Black women know as 1920 unfolds that many of them are still going to be disenfranchised,"

professor and author Martha S. Jones tells *At Liberty*. "That's not a secret. That's an open premise of the 19th Amendment.

Jones is the Society of Black Alumni Presidential Professor and a professor of history at Johns

Hopkins University. Jones is also the author of the new book, *Vanguard: How Black Women Broke Barriers, Won the Vote, and Insisted on Equality for All*.

Listen to the podcast here:
<https://www.aclu.org/news/voting-rights/the-black-women-behind-the-ongoing-fight-for-suffrage/> 🇺🇸



1 in 33 Delawareans are under DOC custody

Roughly half of people on probation in Delaware make simple mistakes that shouldn't warrant any prison time—but our broken probation system could force them back into prison anyway.

Check out the website:
PeopleNotProbation.com



Reimagine probation. Improve lives.

For individuals returning home after incarceration, the hurdles to successful reentry are substantial. Returning citizens struggle to find housing, transportation, medical care, and employment at a liveable wage. On top of this, many face mental health and substance abuse challenges. The probation system and its myriad of reporting requirements, meetings, costs for treatment, curfews, and surveillance are insurmountable hurdles for too many.

Can we work toward a better system? As Delawareans, we can cut our prison population, give returning citizens a real chance at success, reduce recidivism, make Delaware safer, and save taxpayer dollars.

If we change our probation system and the culture around community correction, we change lives.

UNDERSTAND THE ISSUES

WHAT YOU NEED TO KNOW

94%
Ninety-four percent of the people sent to prison for probation violations have not committed a new crime.

1 out of every 3
1 out of every 3 people released from prison were re-arrested within three years for a technical probation violation.

\$37 million
If Delaware cut the number of probation violations by 60%, and reduced the average length of time a person must serve for a violation from 4 to 2 months, it would reduce its prison population by 1,082 people and save at least \$37 million by 2025.

**NEW PROBATION REPORT,
CONT. FROM FRONT PAGE 1**

a system focused on punishment rather than rehabilitation. Delaware deserves a probation system that will lift people up and provide them the support they need to thrive.

But reform is possible. Even today, since March 2020, the prison population in Delaware prisons has dropped 14 percent due to COVID-19 and a reduction in technical probation violations. If officials enacted the ACLU of Delaware's recommended reforms and cut the average length of time a person spends on probation by half, and reduced probation violations by

60 percent, Delaware would save at least \$37 million by 2025. At a time when budgets are lean and leaders have to make difficult funding decisions, these are dollars that could be invested to lift our communities up, rather than punish them.

Join us in calling for systemic change by going to our new interactive website, where you can read our report, learn about the lives impacted by probation in Delaware, and take action to reform our broken system.

We'd like to extend a special thanks to those people currently and formerly on probation, reentry providers, Delaware state justice system personnel,

and community members who were willing to share their stories, expertise, and perspectives for this report. 🇺🇸

**THE HOMELESSNESS
PROBATION TRAP**

For returning citizens who have no income or family connections, homelessness becomes an endless probation trap.





FILED

We're suing to ensure your ballot is counted

We filed a lawsuit with the League of Women Voters of Delaware to ensure that ballots sent by Election Day will count.

ARTICLE BY: MORGAN KELLER,
COMMUNICATIONS MANAGER

Did you know that the Department of Elections only counts ballots returned to the department no later than 8 p.m. on Election Day, no matter when those ballots were put in the mail?

In many cases, this doesn't leave a reasonable amount of time for voters to practice their constitutional right to cast a ballot. Because of this timeline, there is a strong risk that thousands of voters may have their ballots disqualified for arriving too late, or they may have to go to the polls in-person and choose between their health

and their right to vote.


We filed a lawsuit that aims to fix this issue.

Our lawsuit, *League of Women Voters of Delaware v. State of Delaware Department of Elections*, asks the courts to order that the Department of Elections accept all ballots mailed by Election Day and received within ten days of the election. The defendants in the case are the Delaware Department of Elections and the State Election Commissioner Anthony J. Albence, in his official capacity. The plaintiffs are the League of Women Voters Delaware and an individual voter.

Amid the COVID-19 pandemic, we must do everything we can to ensure that as many people are able to vote safely and securely by mail. The uncertainty around the United States Postal Service's ability to promptly deliver mail-in ballots is a national concern. Still, it's one that can be eased by extending strict election-day deadlines like Delaware's current law. Extending the deadline would minimize the number of people that will need to access voting locations. Thereby providing more space and less risk for those who choose to vote in-person, and it would lift much of the burden

of already overworked Delaware USPS employees to move ballots at warp speed from DOE to homes and back again.

Delaware leaders took action to allow any voter to cast a mail-in ballot due to the pandemic, but now we must have a system that works for everyone. COVID-19 is still a health risk, and Delaware is under a state of emergency – **we need to make sure we're doing everything we can to allow people to cast their vote by mail safely and without undue barriers.**

You can see our full complaint at www.aclu-de.org. 

Counselors, Not Cops

Our children deserve resources, not punishment.

ARTICLE BY: SARAH GREEN, CO-LEAD OF THE S.A.F.E. SCHOOLS EDUCATION CAMPAIGN

Counselors, Not Cops is a movement to shine light on the true impact of law enforcement in the school system. Research shows there is no evidence that policing schools increases student safety. Instead, the data clearly highlights how students of color are disproportionately affected and pushed into the juvenile justice system.

This is an equity issue. There are millions of children in our country who attend a school with an officer but no school nurse, psychologist, or counselor. The glaring racial disparity in school discipline is exacerbated by the presence of those officers. Instead of providing trauma-informed care and giving

youth a chance to learn from their mistakes, we lead them straight through the school-to-prison pipeline.

The S.A.F.E. Schools Education Campaign hopes to change that reality and provide our youth with the resources necessary to succeed in their education and overall growth.

For more information on the Counselors, Not Cops movement, read National ACLU's full report here: <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/cops-and-no-counselors>.

To get involved locally, please contact the S.A.F.E. Schools Education Campaign by emailing Shannon Griffin, ACLU-DE Education Organizer, at sgriffin@aclu-de.org. 



Your **vote** is your **power**.

Request and get updates on your ballot or find your polling location:

www.iVote.DE.Gov

Voting in 2020

There are a lot of uncertainties surrounding the elections this year, but you can ahead of any unknowns by creating a plan vote like your rights depend on it.

The 2020 Election is unprecedented. The coronavirus pandemic, Delaware's new vote by mail law, and postal service interruptions introduce obstacles and options many voters have never before considered. Therefore, it is imperative that everyone makes a vote plan. Consider the following:

- Have you registered to vote by October 10, 2020? Most Delaware citizens over age 18 are eligible, including most with felony convictions who have completed their sentence.
- Voting in-person between the hours of 7am and 8pm at your polling place (which can be found on ivote.de.gov) or to voting-by-mail? If voting-by-mail, request and return your ballot as soon as possible.

You don't have to face the 2020 election alone. We will be monitoring all the important information to keep you informed.

Visit our website for more information on voting in 2020, including a list of frequently asked questions. If you have additional questions or concerns, our voting and elections team is here to help! Reach out to us at aclu@aclu-de.org.

It's Almost Kandler Time!

We may not be gathering in-person this year, but we're still going to celebrate in style!

ARTICLE BY: MORGAN KELLER
COMMUNICATIONS MANAGER

This year has been challenging, but we still have a lot to celebrate, and we want to celebrate in style with you -- at a distance, of course.

Please join us on **October 14, 2020 at 7 p.m. via Zoom.** We will also have a special musical guest (see the back cover of this issue!), a silent auction with fabulous post-pandemic getaways, and all attendees will receive an exclusive party package in the mail.

This year's honorees are two exemplary

champions, retired Superior Court Judge Susan Del Pesco and Metropolitan Wilmington Urban League CEO and President Eugene Young. Both of these leaders have made immeasurable contributions to Delaware and the fight for justice and equality, and we are proud to honor them with the Kandler Award.

We hope to see you on October 14 for dancing, dining, coming together in unity, and honoring two incredible Delawareans — all from the safety of your own home. 🇺🇸

Kandler HONOREES



Eugene R. Young, Jr.
President & CEO of the Metropolitan Wilmington Urban League



Susan Del Pesco
Retired Superior Court Judge; Advocate



Kandler Awards CELEBRATION

Honoring 100 Years of the ACLU

When: Wed, Oct 14 at 7 p.m.

Where: Virtual Via Zoom

Tickets, Sponsorships & More Info:

www.aclu-de.org/en/events/2020-kandler-celebration-honoring-100-years-aclu



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Kandler Awards CELEBRATION

Honoring 100 Years of the ACLU

We're excited to announce
our musical guest for this
year's Kandler event:

Jea Street, Jr.

Tickets, Sponsorships & More Info:
www.aclu-de.org/en/events/2020-kandler-celebration-honoring-100-years-aclu

More information on page 7.