

FRONT
PAGE
NEWS

IN THIS ISSUE

Forum explores issues related to the aging prisoner.....1

The pardons project.....2

Girls study group research findings.....3

The play was the thing at the 88th annual meeting.....3

Legislative activity line-up.....6

Update on aging out of foster care programs.....6

DCJ says farewell to Vivian Lea.....7

What do you think?.....7



DELAWARE CENTER FOR JUSTICE
100 WEST 10TH STREET, SUITE 905
WILMINGTON, DE 19801
PHONE: 302-658-7174
FAX: 302-658-7170
E-MAIL: center@dcjustice.org
WEBSITE: www.dcjustice.org

Forum Explores Issues Related To The Aging Prisoner

Information Reveals Need for Attention and Change

More than 80 people attended Visions of Justice IX, *The Aging Prisoner*, to explore policies and laws pertaining to the management and care of Delaware's aging prison population. The forum, which took place May 8 at Clayton Hall on the University of Delaware Campus in Newark, featured Jonathan Turley, Maurice Shapiro Professor of Public Interest Law at George Washington University School of Law and executive director of the Project for Older Prisoners.

Also on the program was the Delaware panel, which included the Hon. Richard S. Gebelein, chief deputy Attorney General; Carl Danburg, commissioner, Delaware Department of Correction; and, Ina Li, M.D., associate director of Geriatric, Family, and Community Medicine at Wilmington Hospital, Christiana Care Health System.

In his presentation, Dr. Turley said, "We can make rational, bipartisan choices about how to better manage the criminal justice system, but there has been a disconnect between what is best to do and what is chosen to do." He elaborated on that by explaining that our prisons are in an acute problem state, pointing out that we are warehousing prisoners and experiencing a recidivism rate that is far too high.

"It shouldn't be a surprise, he said, "especially since there is a move against parole boards and pardons systems. The California prison system, for example, is



Forum participants from left: Jonathan Turley, Richard Gebelein, Carl Danburg, and Ina Li.

a bloody nightmare, with a 70 to 90 percent recidivism rate."

Pertaining to older prisoners, he said that we cannot ignore special needs among prisoners, or the costs go through the roof. According Danburg, in our nation it costs \$32,000 a year per prisoner; older prisoners cost between \$60,000 and \$70,000 a year.

(Continued on page 4)

Girls Study Group Research Findings To Be Presented At October 22 Forum

Service providers, policymakers, and interested citizens are invited to attend a free forum sponsored by DCJ's Delaware Girls Initiative. The forum will feature presentations of the work of the Girls Study Group. This three-year study, funded by the Office of Juvenile Justice and Delinquency Prevention, was undertaken to further the field's understanding of female juvenile offending and to identify effective strategies for preventing and reducing female juvenile involvement in delinquency and violence.

(Continued on page 3)

PROGRAMS
IN
ACTION

The Pardons Project

A passport not only to civic redemption, but also to personal transformation.

By Mary Starkweather-White and Sally Milbury-Steen

The Pardons Project, a joint project of the Delaware Center for Justice and Delaware Pacem in Terris, began 12 years ago as an outgrowth of a community coalition lobbying effort to change the Delaware Constitution and statutes to restore the vote to ex-felons. That effort was eventually successful in June 2000.

Twelve years ago, however, one highly placed political official stated on local television in a debate with Mark Brunswick, Education Coordinator for the A. Philip Randolph Institute, that there was no need for the bill, because ex-felons could have their votes restored if they appeared before the Board of Pardons. Brunswick subsequently started the Pardons Project to show how slow and cumbersome a process that was. Despite its slow pace, the Pardons Project has had an amazing track record.

Under the leadership in recent years of Mary Starkweather-White, about 40 people have received pardons through support from the Pardons Project, which meets monthly, and the number is growing at an increasing rate. Speakers from the Pardons Project have also spoken to several community groups and have appeared on cable TV shows.

Keeping Longshoremen on the Job

For the past year, the Pardons Project, with the aid of student volunteers from the Widener University School of Law Public Interest Resource Center, met in monthly workshops with approximately 100 longshoremen to help those facing possible dismissal due to the Maritime Transportation Security

Act. According to the Act, persons who have committed felonies within the past seven years are ineligible to work at a port. This is a great hardship because the Port of Wilmington has been one of the few places where individuals with prior convictions have been able to gain employment and earn a living wage. The workshops have helped longshoremen receive their temporary Transportation Worker Identification Credential (TWIC) cards and/or pardons to protect their jobs.

On June 14, 2008, Tyrone Butler, President of International Longshoremen's Association Local #1694, told members of the A. Philip Randolph Institute, that to date all 3,000 workers at the Wilmington Port have received their temporary TWIC cards and no one has been denied. According to Mr. Butler, "We couldn't have done this without the Pardons Project." On November 3, 2007 Richard Smith, on behalf of unions I.L.A. #1694, #1694-1, #1883, and #1884, presented Mary Starkweather-White and the Pardons Project with their "Above and Beyond the Call of Duty for Humanity, Labor and Justice Award."

Know Someone Who Needs The Pardons Project?

For those who may be interested in the the Pardons Project and/or could benefit from it, please call Mary Starkweather-White, coordinator at Delaware Center for Justice at 302-658-7174 or at Delaware Pacem in Terris at 302-656-2721.

Girls Study Group Research Findings To Be Presented At October 22 Forum

(Continued from page 1)

Dr. Margaret Zahn, the study's principal investigator and currently acting deputy director of the Research and Evaluation Division of the National Institute of Justice, and Dr. Diana Fishbein, the study's researcher on issues of brain development, will make presentations in morning sessions.

Following lunch, the documentary film, "Girl Trouble," will be screened. The film, winner of best documentary film at the San Francisco Film Festival and shown on PBS's "Independent Lens" series, features the stories of three female adolescents in San Francisco's juvenile justice

system. One of the film's participants will be attending for a question-and-answer session at the conclusion of the film.

Date: **Wednesday, October 22**

Time: **9:00 a.m. to 3:00 p.m.**

Place: **Clayton Hall, University of Delaware Campus, Newark, DE**

To register, contact Bebbin Cassel at: bcassel@dcjustice.org or call 302-657-0903.

The Play Was The Thing At The 88th Annual Meeting

On June 4, the Delaware Center for Justice celebrated its 88th anniversary at the Baby Grand in a new and dramatic way – by featuring a reader's theater production of *The Exonerated*, followed by a sparkling wine and dessert reception.

More than 150 people attended the annual meeting to experience this unique play, which was written by Jessica Blank and Erik Jensen, two actors who traveled the country to interview several individuals who had been convicted of crimes they did not commit and sentenced to death before being exonerated – in one case, 22 years later. Using their stories, the authors created interwoven narratives that highlight how in the face of injustice, the human spirit is a powerful thing. And powerful was the show, eliciting from the audience a standing ovation.

Featured in the production, directed by Sima Robbins, was a talented cast, most of whom have been very active in community theater: Kathy Buterbaugh, Maurice Chambers, Brian

Couch, Slate Gaymon, Richard Gaw, Manon Matthews Neal, Omar Rashada, Gary Robbins, Kristyn Robinson, and James Shanahan. The director and cast were all volunteers, spending hundreds of hours between March and June rehearsing for the one performance.

THE EXONERATED

Also at the annual meeting, DCJ presented the William A. Vrooman "Exemplar of Justice Award" to Kevin O'Connell, for his unflagging commitment to a humane and equitable criminal justice system. In his remarks, which blended humor with seriousness, Kevin thanked his parents and his wife and children for helping inspire him and support him as he carries out his crusade – often quite vocally – for a higher standard of justice.

PROGRAMS

IN

ACTION

ON
THE
ISSUES

Forum Explores Issues Related To The Aging Prisoner

(Continued from page 1)

Turley said that prison populations reflect the demographic changes in society; therefore, we see more elderly there, but they are gray-ing at a faster rate than the general population. Prisoners tend to be 10 to 15 years older than their chronological age.

A Complex History of Irrational Choices

According to Turley, in the 1960's and 1970's, we made some progress. We used to be the world leader in correctional philosophy and science. "Today, Europe sees our policies as stupid. We are not applying rational choices to our corrections problems," he said.

Turley acknowledged that the Bureau of Prisons is trying to achieve standardization in prisons and uses a correctional philosophy and science to guide its decisions. The Bureau sees it as a science in that how we house prisoners is important; setting out to achieve something to reduce recidivism is important; equal treatment of all people is needed; mainstreaming communities within the system is the way to go.

Age and Recidivism

The irony, he said, is this: "We know what fuels recidivism. We have data that gives us accurate projections." For example, age is a significant factor. It is the most reliable predictor of recidivism. For males, age 30 is the dividing line. After this age, male offenders are less likely to recidivate. Age should not be used as a single marker for release, but should be considered as individuals are evaluated for success outside the prison. Along with age, he said, we need to consider whether each individual is a habitual offender, if his crime was violent or a property crime, if he is drug dependent or has health problems. "Most important," said Turley, "we need to find out if there is a place where, upon release, he can find a soft landing."

The reality is this, he said. "...we push out high recidivists and protect low recidivists (like older prisoners) by keeping them in prison. It makes no sense."

Older prisoners tend to stay away from the rest of the population, as they fear younger prisoners. The older prisoners fill the hospital beds in the corrections system. Suicide is higher among them. There are fatalities from victimization of older prisoners.

The Program for Older Prisoners

The Program for Older Prisoners (POPS), which takes a risk-based approach to dealing with the burgeoning older prisoner population, is established through law schools. POPS students at George Washington University Law School are trained to identify and evaluate low-risk prisoners within the system, providing a path forward for the supervised release of low-risk, high-cost prisoners. It also looks to help establish geriatric units for high-risk, older prisoners. Such a system can lower costs, improve care for inmates, and reduce crime by making room for more dangerous, younger prisoners.

Turley said, "Political will is needed to effect needed changes; so far, we have lacked it. We have information and know what works to reduce recidivism, as evidenced, in part, by POPS' zero percent recidivism rate. Politicians don't sign on, though, as then they can blame others for high recidivism rates. Here's the bottom line: creating more victims is the cost of doing business for politicians, who are afraid to try such programs, afraid to put their name on the line, and fear being seen as not being tough on crime."

Delaware Panel Responds

Dr. Li provided more insight into health issues related to our aging population and the older prison population. She pointed out that from 1990-2001, those over 50 tripled in Delaware, and by 2050, one out of five people in our country will be over 65.

"This is causing a health crisis," she said, "as we don't have geriatricians prepared to take care of the aging population, and medical costs continue to rise. In prisons, caring for aging prisoners costs three times more than caring for younger prisoners." She explained

(Continued on next page)

that the cost goes up exponentially because older prisoners are subject to high blood pressure, stroke, and cancers, and screenings are needed.

"In prisons, 51 percent of older prisoners said their health was good to excellent before going in prison. Five years later, 46 percent said it was poor," she said.

Li also pointed out that, in prison, the biological vs. chronological age is very different among prisoners; in fact, there can be up to a 15-year difference, so a 60-year-old may physically be more like 75. Depression is underreported. Dementia in prison is a problem that needs to be managed as well.

Danburg provided an overview of the current prison population in Delaware. "We have 25,000 in and out of the system's 7,200 beds each year. There are 7,200 people in the system on average in a year, with 3,800 in for one year or more. The average age is 45, but the physical age is much older, by about 10 to 15 years.

Danburg stated that the younger population (those under 55 years of age) is underrepresented, and the number of those that are older is rising significantly. From 1992 to 2001, the percentage of older prisoners in the prison population increased from 5.7 percent to 7.9 percent. The trend is expected to continue, so while there are 157 over 60 years of age in prison today, over the next 5 years it will double.

Danburg pointed out the irony of the situation. He said that the average number of convictions before someone is actually imprisoned is eight. So the DOC gets these people when they are older (over 30), exactly the time when data shows that the likelihood to recidivate drops dramatically.

Elderly prisoners are invisible and easier to manage, he said. They are vulnerable to abuse and tend to stick together. Physical accommodations are needed for them in the prison system, and we are not able to do that in our diverse system, with three men's prisons and one women's prison.

Danburg agreed that we need specific programs for older prisoners, but that the system sees this

as counterintuitive, since older prisoners require less of an effort to keep discipline and order than younger prisoners.

He added that funds are "disproportionately spread to older inmates in Delaware." Nationally, it costs \$32,000 to incarcerate one person a year, up from \$27,000 in 1991. The cost spent per elderly prisoner is much higher: \$60,000 to \$70,000 a year. He said that the average age of prisoners who die of medical-related deaths in custody is 45.

He concluded by saying that Delaware has to make choices about older inmates. Ideas offered by Jim Welsh, medical director for DOC, include setting aside a housing unit carved out for the older population, tailoring benefits/restrictions to their health care, and providing incentives for prisoners to participate in their own health care.

Judge Gebelein addressed the audience last, providing an overview of a release mechanism "experiment" undertaken in 2002. The effort's

goal was to reduce the expansion of level V space by reducing the prison population in a controlled way. Representatives from the Delaware Sentencing Accountability Commission, Department of Correction, Department of Justice, Superior Court, and Delaware Board of Parole began by reviewing 730 files of offenders who had served at least 50 percent of their sentences and who had been sentenced under mandatory minimum drug laws that had been modified.

Of the 730, 147 were recommended to the parole board and 98 were released, of which 10 returned to level V custody within the study period (10.2 percent). Thirty-three were over 40 years of age at the time of release; only one of those (3 percent) returned to level V.

Data made clear that it might be a good idea to look at the sentences of those over 40 every year or every other year to determine release potential. Gebelein said, "Risk analysis is better now, so we can predict future criminal conduct more accurately."

"It costs \$32,000 to incarcerate one person a year... the cost spent per elderly prisoner is much higher: \$60,000 to \$70,000 a year."

ON THE ISSUES

ON THE ISSUES

Legislative Activity Line-Up

The 144th General Assembly passed several bills that have already been enacted into law or are awaiting the governor's signature. The Delaware Center for Justice supports this legislation.

- **HB 446** – establishes the Adult Healthcare Review Committee and sets forth its purpose to provide advice and counsel in relation to the provision of adequate healthcare services to the incarcerated population within Delaware.
- **HB 434** – codifies the Continuous Remote Alcohol Monitoring Program as a permanent sentencing and supervision mechanism for the Delaware Courts, the Department of Correction, and the Board of Parole. It also expands the utilization of the program to the Court of Common Pleas in Kent and Sussex counties.
- **HB 498** – deals with expungement to make the process more efficient and less expensive. It will require the automatic expungement of records in most misdemeanor cases upon request of the defendant to the State Bureau of Identification.
- **SB 313** – reforms the methods by which criminally mentally ill adults and criminally mentally ill non-amenable juveniles, according to the bill's synopsis, "are treated, rehabilitated, and punished." Among its provisions is that non-amenable juveniles under the age of 18 who have been adjudged "guilty but mentally ill" should be placed in an appropriate facility other than the Delaware Psychiatric Center.
- **SB 316** – amends the current good time provisions to eliminate disincentives to engage in programs identified as appropriate by the Department of Correction. Its purpose is to capture the original intent of earlier legislation, which was to target good time to those offenders who are cooperative in rehabilitation efforts. In addition, the bill increases the amount of good time that can be earned in a month by one half of one day.
- **SB 287** – clarifies that the Department of Correction may use existing and emerging technologies to monitor offenders placed on house arrest. In addition, court orders will be required before an offender can be placed on Level 1, 2, or 3 probation or house arrest.

The Delaware Center for Justice supports three new laws pertaining to improving Delaware's response to domestic violence and sexual assault:

- **HB 371** – amends the state's crime victim compensation statute by adding the offenses of sexual assault and sexual abuse.
- **SB 253** – enhances the harassment and stalking statutes of the Delaware Code to better protect Delaware citizens.
- **SB 486** – raises funds to support domestic violence victim services in the state by adding a \$15 fee to all certified copies of marriage license certificates issued in the state.

Update on Aging Out of Foster Care

Since *Commentary's* spring newsletter, we were glad to learn that Delaware State's Department of Children, Youth, and Their Families (DSCYF) Annual Progress Report for 2007 was approved in October by the US Department of Health & Human Services Administration on Children, Youth and Families (Children's Bureau). The Report included the Chafee Foster Care Independence Program, confirming that DSCYF is in compliance with the Chafee grant's requirement that "foster care recipients between 18 and 21 years of age should be provided with financial,

housing, counseling, employment, education, and other appropriate support services."

A new effort underway in DSCYF is the development of a Youth in Transition database to collect demographic and outcome information on each youth who receives state-supported independent living services. This is an exciting initiative in that it will help the State assess what works best to help youth in transition from foster care achieve productive, self-sufficient lives.

DCJ Says Farewell to Vivian Lea

After 36 years with Delaware Center for Justice, Vivian Lea is retiring.



When she started with the agency in January of 1972, its name was the Delaware Council on Crime and Justice; Russell Peterson was Governor, the Delaware Museum of Natural History opened its doors, and, believe it or not, E-mail was introduced for the first time.

Vivian can recall working under seven executive directors, two assistant directors, and a host of former staff members, interns, and summer youth.

As she looks to the future, she has no plans to slow down. She said she will spend time participating in the education of her grandchildren, devote more time to the public school system, and continue serving and working on various committees in her church and the Ladies Auxiliary to the Veterans of Foreign Wars. She is also interested in expanding her computer skills and taking adult learning classes at the University of Delaware. She may even decide to work part-time!

DCJ extends to Vivian all the good wishes in the world as she moves into the next stage of her very busy life.

WHAT DO YOU THINK?

This is an excerpt from an editorial written by Diane L. Gadow, formerly superintendent of Ferris School and recently appointed Deputy Commissioner for Programs and Treatment, Texas Youth Commission.

It's Time – Strengthening Partnerships Throughout the Juvenile Justice System.

It's time for juvenile justice leaders to build smarter and stronger alliances and improve marketing efforts that will enable us to strengthen the integration of our youths into the "real" community.

As we encounter youths with significant mental health and special education issues, there is a thrust to change the culture of juvenile justice organizations to respond to safety and security issues, provide defined programs for youths, and comply with federal and state laws.

We know what we need; we just need to do it. As leaders, we must develop partnerships within the juvenile justice system that are fully supported through, and integrated with, community services. These partnerships must embrace pre-sentence programs, probation,

detention, institutions, contracted services, parole and aftercare programs, and the courts.

There is strength in alliances that positively impact our population. These partnerships identify where we can have a more meaningful effect on our association with state and local government. The future depends upon developing agreements with all systems integral to our offender population throughout every state. This should be the new "norm" in how we do business.

We need not have issues repeated state by state. We need not improve our own juvenile offender culture simply within our own community. We need to be proactive, pre-emptive, ready and responsive – together, continuing to lead in forging community alliances. It's time.

What do you think?

Visit us with your thoughts on line:

www.dcjustice.org

PEOPLE
AT
WORK

OPPORTUNITY
PLACE

OUR MISSION:

For 88 years, the Delaware Center for Justice has dedicated itself to building a safer, more secure Delaware through advocacy, education, research, and direct services that work toward restoring justice to all who are involved in and affected by Delaware's criminal justice system, including victims, offenders, their families, and the community.

Become a member and help to ensure justice in Delaware.

Senior Friend	\$20	Organizational Sponsor	\$100
Friend	\$35	Leader	\$250
Advocate	\$50	Patron	\$500+

Individuals and organizations are invited to join by choosing the membership level most appropriate for you, making your check payable to the Delaware Center for Justice. Your support is vital to building a safer, more secure Delaware for every citizen.

Volunteer Opportunity

If you would like to volunteer at BWCI to assist incarcerated mothers with reading books on tape to their children, call Janet Leban at 658-7174, ext. 14.

COMMENTARY

Published by the Delaware Center for Justice
 100 West 10th Street, Suite 905
 Wilmington, DE 19801
Phone: 658-7174 • **Fax:** 658-7170
Board President: Janet Kramer
Executive Director and Commentary Writer: Janet Leban
Editor: Sima Robbins
Design: Hughes Design, Inc.



Delaware Center For Justice
 100 WEST 10TH STREET, SUITE 905
 WILMINGTON, DE 19801
 Phone: 302-658-7174
 Fax: 302-658-7170

NON-PROFIT ORG.
 US POSTAGE
PAID
 PERMIT #44
 WILM., DE

**Bringing issues to light
 that will help improve
 Delaware's system of justice...**

