# Where does DCJ stand...

On Tuesday, January 10<sup>th</sup>, 2017 the state of Delaware goes into its second legislative session of the 148 General Assembly. As an agency we will continue to advocate for sound policy by working with the new administration, legislators, and community stakeholders. Below is a list of legislative priorities for this upcoming year.

### Opposing the death penalty...

The Delaware Center for Justice is a staunch advocate against the death penalty. Specifically, we believe it is racially biased and arbitrarily applied. Our current system of justice is imperfect, which puts innocent lives at risk. The death penalty is also extremely costly to the taxpayers. Simply put, the death penalty is the wrong public policy choice for Delaware.

On August 2, 2016 the Supreme Court of Delaware ruled the state's death penalty law unconstitutional. Delaware's statute violates the U.S. Constitution by giving judges, and not juries, the final say to impose the death penalty.

The death penalty could be reinstated by the introduction of new legislation within the state general assembly. Courts and states across the country are moving away from the death penalty and recognize that it is an inherently flawed policy. We have and will continue to advocate against the death penalty and any legislation working to reinstate it.

#### We stand for bail reform...

At this very moment, there are approximately 1,200 men and women sitting in a Delaware prison solely because they do not have the financial resources to bail themselves out. These are individuals that have not been convicted of any crime, but face the stiff collateral consequences for not having access to the capital needed to bail themselves out.

We support the implementation of a validated risk assessment tool to assess the risk a defendant poses to



the community. Additionally, DCJ supports the elimination of cash bail in favor of a risk-based bail system, which requires an expansion of Delaware's pretrial supervision capacity.

## Time to end the TANF —Lifetime Ban for drug felonies...

Delaware is one of twelve states that impose a lifetime ban on the collection of TANF (Temporary Assistance for Needed Families) for an individual convicted of a drug felony. This ban specifically affects women, children, and communities of color.

Between 1996 and 2011, the Sentencing Project estimates over 2,000 women within the state of Delaware have been affected by the TANF ban.

If a single mother with two dependent children has a felony drug conviction

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the TANF benefit will be reduced from the three-person level to that of a two-person household. Considering that TANF benefits are modest to begin with, any reduction creates even greater shortcomings for everyone within the family.

The Delaware Center for Justice believes that an individual should be able to move themselves and families forward, past any of their previous personal indiscretions. We fully support the legislative effort to remove this restriction.

### We oppose mandatory minimums...

The Delaware Center for Justice stands against any policy to institute mandatory minimums. We believe it is important for judges to be able to use their discretion when sentencing. The implementation of mandatory minimums shifts power from the judge to the prosecutor.

Studies have shown mandatory minimum sentencing ineffective in preventing crime and a key driver of our state and countries rising prison population, which is costly. The budget for the Delaware Department of Corrections is over 275 million, which is an important number to examine as the state looks for cost cutting measures to balance the budget.

The Delaware Center for Justice stands firmly against any attempt to legislate harmful and outdated policies such as mandatory minimums in the Delaware General Assembly.

#### We believe in second chances...

A criminal record can be a hindrance to obtaining employment, education, or credit among citizens who are innocent or have led responsible and law-abiding lives for a substantial period of time since being convicted of a crime. A study by the National Employment Law Project shows that an estimated 65 million U.S. adults

who have criminal records often confront barriers that prevent even the most qualified from securing employment.

A study by the San Jose State University record clearance project shows that an average low-income worker with a family of four in the U.S has an income below 38,000 per year. Taking into account the 40% reduction in income for people with conviction histories, the expected average yearly income would drop to \$22,800, which is approximately \$2,000 below the 2015 federal poverty line. This example clearly illustrates how expunging records helps strengthen families, improve economic productivity, and increase tax revenue.

The Delaware Center of Justice believes that there should be a mandatory expungement of all arrests and charges that did not lead to criminal convictions. In addition, after a set period of time without any further convictions, an individual should be able to have his or her record expunged.

