

20 Questions for Delaware General Assembly Candidates

CANDIDATE NAME: EDWARD OSIENSKI (D)

CANDIDATE DISTRICT: STATE REP. DISTRICT 24

The Coalition for Smart Justice is committed to cutting the number of prisoners in Delaware in half and eliminating racial disparities in the criminal justice system. Elected officials are essential to achieving those goals. We have launched a campaign to communicate with voters about candidates' positions on issues related to criminal justice reform. This questionnaire is the focus of that effort. If you choose not to respond, we will indicate that in our public communications.

Scale Questions

1. Delaware sends too many people to prison with sentences that are too long.

Strongly Agree Agree Neutral Disagree Strongly Disagree

I co-sponsored HB 308: This Act removes the sunset provision contained in Volume 80, Chapter 412 of the Laws of Delaware (formerly House Bill No. 405, as amended, of the 148th General Assembly) that is set to expire the law on September 8, 2018. The purpose of Volume 80, Chapter 412 of the Laws of Delaware is to prevent first-time juvenile offenders charged with certain minor misdemeanors from entering into the juvenile criminal justice system by providing law enforcement with a civil citation procedure as an alternative to arrest.

2. Communities of color are over-policed and underserved.

Strongly Agree Agree Neutral Disagree Strongly Disagree

As a member of the Workforce Investment Board we need to focus investment in workforce training for our struggling communities

3. Prison time is an effective deterrent to crime. Longer sentences mean less crime.

Strongly Agree Agree Neutral Disagree Strongly Disagree

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purpose of Volume 80, Chapter 412 of the Laws of Delaware is to prevent first-time juvenile offenders charged with certain minor misdemeanors from entering into the juvenile criminal justice system by providing law enforcement with a civil citation procedure as an alternative to arrest.

4. **It is important to invest more state resources into diversion programs such as drug treatment and community supervision so that fewer people go to prison.**

Strongly Agree Agree Neutral Disagree Strongly Disagree

I am a co-sponsor of HB 220 & HB 8: HB 220-This act establishes the Addiction Action Committee as a means to establish a comprehensive, coordinated strategy to address addiction in Delaware. The committee is authorized to make recommendations on a comprehensive approach to address and monitor the addiction crisis. **HB 8-** This bill seeks to expand the eligibility criteria for the Juvenile Offender Civil Citation Program by including the offense of possession of drug paraphernalia and permitting a second referral to the Juvenile Offender Civil Citation Program where the first referral occurred more than 18 months ago and was not a referral for the same offense.

5. **It is important to invest more state resources into services that will assist people coming out of prison to find a job and be successful as they re-enter the community.**

Strongly Agree Agree Neutral Disagree Strongly Disagree

I co-sponsored HB 97, HB 344 and supported passage of SB 171:

- **HB 97-** AN ACT TO AMEND CHAPTER 51 OF TITLE 24 OF THE DELAWARE CODE RELATING TO COSMETOLOGY AND BARBERING. This Bill modifies the impact of criminal history on an applicant's eligibility for licensure. It gives the Board discretion to grant waivers for a felony convictions for crimes committed against a person where more than 3 years have elapsed, and more than 2 years have elapsed for other felonies. The Board is precluded from considering a conviction where more than 10 years have elapsed since date of conviction. The Bill authorizes the Delaware Department of Correction to establish prison barbering training programs. These programs will provide a means for inmates to satisfy licensure requirements while incarcerated and help with employment opportunities upon release.
- **HB 344-** The language set forth in this statute would remove barriers for inmates who are students with disabilities and who have an Individualized Education Program (IEP) under state and federal law, when being considered for parole or a sentence modification. Requiring an inmate with an IEP to complete a GED or State of Delaware High School Diploma is counter-productive to the treatment

and programming of this segment of the prison population and prohibits them from seeking the same benefits of parole or sentence modification afforded to those inmates who do not have an IEP. This amendment to the law allows an inmate the opportunity to earn a State of Delaware Diploma of Alternate Achievement Standards upon successful completion of the inmate's IEP.

- **SB 171-** Individuals who are released from prison face many hurdles as they re-enter the community, including difficulty obtaining identification documents. Lacking identification imposes additional hurdles as these individuals attempt to find housing and employment. This Act requires the Department of Correction to provide individuals who are being released from the custody of the Department of Correction ("DOC"), after 6 months of incarceration following conviction, with a Delaware Personal Credential Card ("Personal Credential"). An individual may present the Personal Credential to receive one free certified copy of the individual's birth certificate and one identification card or driver's license, if otherwise eligible to receive those documents.

6. [When an especially egregious crime happens in Delaware, it is important to pass a law to make sentences harsher.](#)

Strongly Agree Agree Neutral Disagree Strongly Disagree

7. [The state should retain the power to seize people's assets under current civil asset forfeiture laws even though no crime has been proven.](#)

Strongly Agree Agree Neutral Disagree Strongly Disagree

I support SB 60: Civil forfeiture laws represent one of the most serious assaults on private property rights in the nation today. Under civil forfeiture, police and prosecutors can seize your car or other property, sell it and use the proceeds to fund agency budgets—often without so much as charging you with a crime. This Act protects individual liberty and property rights by standardizing forfeitures across all crimes, simplifying procedures, and addressing counterproductive incentives in the law that distort policing priorities. Importantly, this Act does not change the authority of law enforcement to seize property suspected of being associated with crime or limit in any way prosecutors' ability to charge and prosecute suspected criminals. Moreover, it ensures that those individuals proven guilty of a crime do not keep the fruits of their crime. In doing so, it strikes the right balance between the individual property rights and public safety.

8. People of color are treated more harshly by the police and prosecutors than white people.

Strongly Agree Agree Neutral Disagree Strongly Disagree

9. Probation sentences are too long and there are too many obstacles to meeting the terms of probation.

Strongly Agree Agree Neutral Disagree Strongly Disagree

10. Delaware should reinstate the death penalty for murder.

Strongly Agree Agree Neutral Disagree Strongly Disagree

I would support HB 125: This act will be known as the Extreme Crimes Protection Act. This Act revises Delaware's death penalty statute to ensure its compliance with the United States Constitution, as interpreted by the United State Supreme Court in *Hurst v. Florida*, and by the Delaware Supreme Court in *Rauf v. State*. In accord with those cases, this Act will require that before a death sentence can be imposed, a jury (unless the Defendant waives their right to one) must first determine unanimously and beyond a reasonable doubt: that at least 1 statutory aggravating circumstance exists; which (if any) statutory and non-statutory aggravating circumstances alleged by the State exist; and whether all of the aggravating circumstances found to exist outweigh all of the mitigating circumstances found to exist. This Act also revises Delaware's death penalty statute to comply with the United State Supreme Court's holding in *Hall v. Florida*, interpreting standards set forth in *Atkins v. Virginia*. This Act adopts the term "intellectual disability" used by the United State Supreme Court.

11. Delaware should reinstate the death penalty only for murder of a police officer, prison guard or other first responder.

Strongly Agree Agree Neutral Disagree Strongly Disagree

I would support the Extreme Crimes Protection Act

12. The state should establish a civilian oversight board that would review incidences such as serious police brutality or when a police officer kills someone while on duty.

Strongly Agree Agree Neutral Disagree Strongly Disagree

13. Bail reform is important so that a person's ability to access money does not determine who stays in prison awaiting trial and who goes home.

Strongly Agree Agree Neutral Disagree Strongly Disagree

I voted YES on HB 204: HB 204 makes a number of changes to Chapter 21, Title 11 of the Delaware Code, with the goal of modernizing the pretrial process, reducing reliance on monetary conditions, improving the efficiency and outcomes for the criminal justice system, and ensuring the safety of the community.

14. Juveniles should not be tried as adults no matter what crime they are accused of.

Strongly Agree Agree Neutral Disagree Strongly Disagree

15. People with a felony record should be able to have that record expunged by a judge, even for serious crimes, after a period of 5-10 years has elapsed with no further criminal activity.

Strongly Agree Agree Neutral Disagree Strongly Disagree

I am a co-sponsor of SB 197, SB 54 & SB 146: SB 197 This Act provides mandatory expungement eligibility to individuals who were convicted of the possession, use or consumption of marijuana prior to Delaware's decriminalization of these offenses. SB 54 This act modifies Delaware's discretionary expungement provisions to allow more children, and adults with only juvenile records, the ability to petition the Court for an expungement. SB 146 This Act streamlines Delaware's juvenile expungement code by providing the Delaware Family Court the option to immediately order an expungement in the event that a felony case was terminated in favor of the juvenile (i.e. a juvenile was found not guilty, or the charges were dropped). Delaware law currently allows the Court to do this for misdemeanor and violation cases.

Open-Ended Questions

16. African Americans are 22 percent of Delaware's population and 51 percent of our prison population. What should the General Assembly do to reduce the racial disparities at various stages of our criminal process?

Establish a civilian oversight board for law enforcement, bail reform to remove monetary conditions, remove mandatory minimums, and collect, track, publish and analyze prosecutorial decisions.

17. The average length of stay in prison in Delaware is 50 percent longer than the national average. Will you pledge to advocate for the elimination of all mandatory minimum sentences? Please give a yes or no answer and any explanation you think is necessary. If there are mandatory minimums you support, please identify them specifically.

I do not support criminal legislation that require mandatory minimum sentences

18. Do you support legislation and appropriation of funds requiring the collection, analysis and publication of statistical data in order to track prosecutorial decisions, evaluate the effectiveness policies and assess racial bias in the criminal justice system? Please give a yes or no answer and any explanation you think is necessary.

Yes

19. Other than gun control legislation. how can Delaware fight our gun violence problem? Are there specific proposals that you would offer as a member of the General Assembly to reduce gun violence in the state?

Improvements in education, livable wage Jobs, gang prevention and reducing drug violence.

20. Do you support diversion for people accused of some violent crimes such as offensive touching and assault in the third degree?

I co-sponsored HB 442: This Act expands the Juvenile Civil Citation Program to provide law enforcement officers with the discretion to refer any first-time juvenile offender engaged in any misdemeanor-level behavior to the civil citation program, where the juvenile can be required to participate in counseling, treatment, community service, or any other appropriate intervention. A juvenile who successfully completes the requirements of the civil citation program will not have an arrest or prosecution indicated on their record