Understanding Changes in the Delaware Juvenile Amenability Population, Policies and Processes

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Like other states, Delaware has its own sentencing procedures for juveniles not amenable to Family Court processes and programs (transfer mechanisms).

Eighteen is Delaware's Age of Majority ...

Original Jurisdiction: By Statute Homicide, Rape 1st Rape 2nd Kidnapping 1st are originally filed in Superior instead of Family Court.

Repeat: By Statute 16 year olds with a prior felony adjudication charged with Conspiracy 1st, Rape 3rd, Assault 1st, Arsons 1st, Burglary 1st, Drug Trafficking are originally filed in Superior instead of Family Court

Discretionary: Prosecutors may request that juveniles not amenable to the juvenile rehabilitative process be referred to Superior Court.

Reverse Remand: cases once in Superior Court can be reversed remanded back to Family Court .

Youthful Offender Program: DOC operates the YCOP for juveniles older than 16 sentenced in Superior Court.

A Research Caveat for anyone conducting research on the topic of juvenile amenability.

The data is a mess, you will need to make an investment.

"Transfer Juveniles" touch police, prosecution, Family Court, Superior Court, Mental Health services, and sometimes both the juvenile and adult facilities. The information in these systems is recorded differently (some electronic and some not) and it is not easily linkable.

This data is only available because of the special assistance of all Delaware criminal justice agencies.

Juvenile transfers to the adult judicial system is subject to strong and, sometimes, adversarial differences of opinion.

Some of the issues involved include:

Public Safety: Violent and repetitive behavior on the part of older juveniles.

Quality of Programs: The availability and success of juvenile rehabilitation programs and our ability to place and monitor juveniles makes a difference in the legal path selected.

Emotional maturity and culpability of juveniles.

Fidelity to the philosophy of ***parens patriae.***

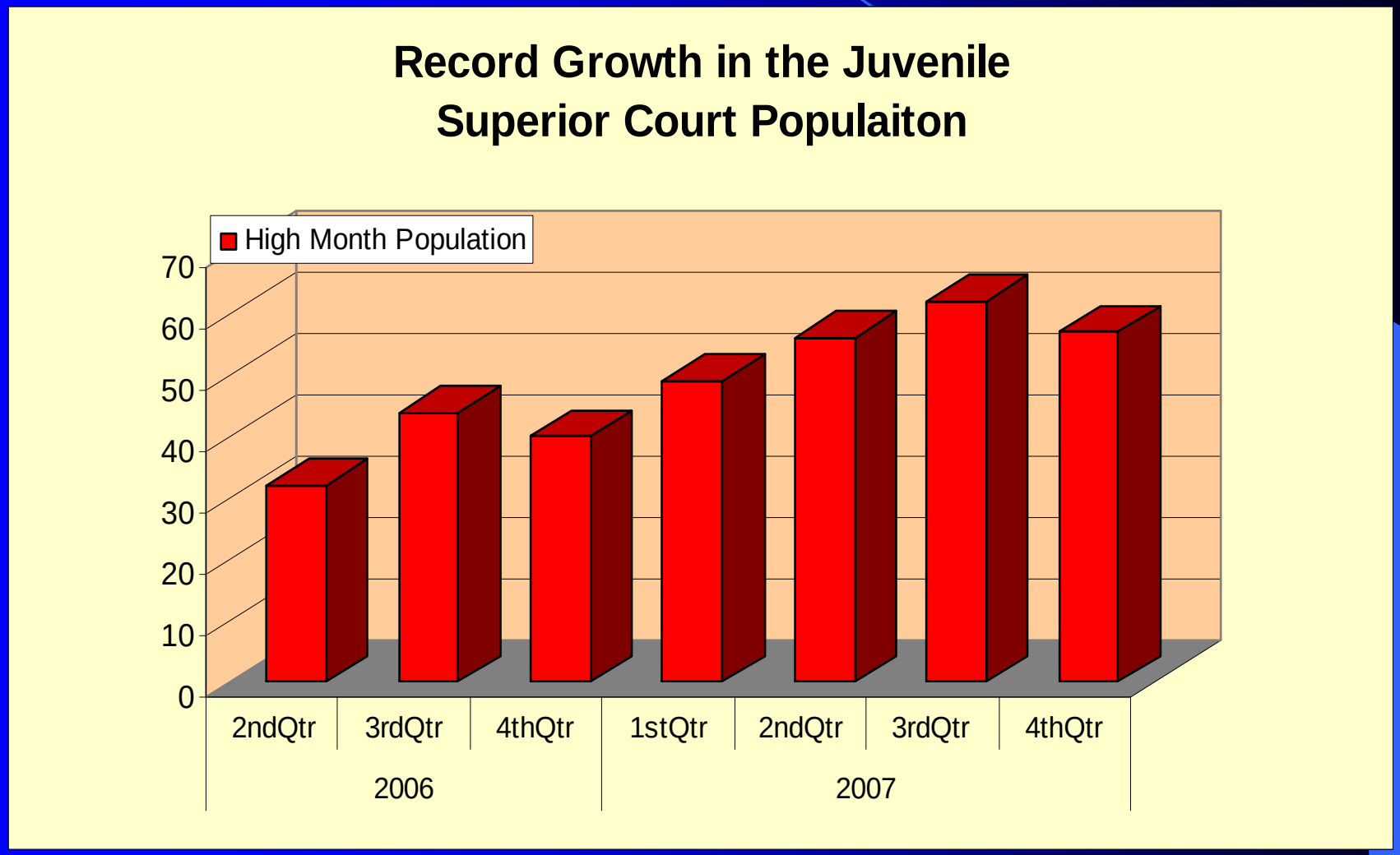
System Efficiency: These cases can be complex and subject to many legal steps that slow case processing.

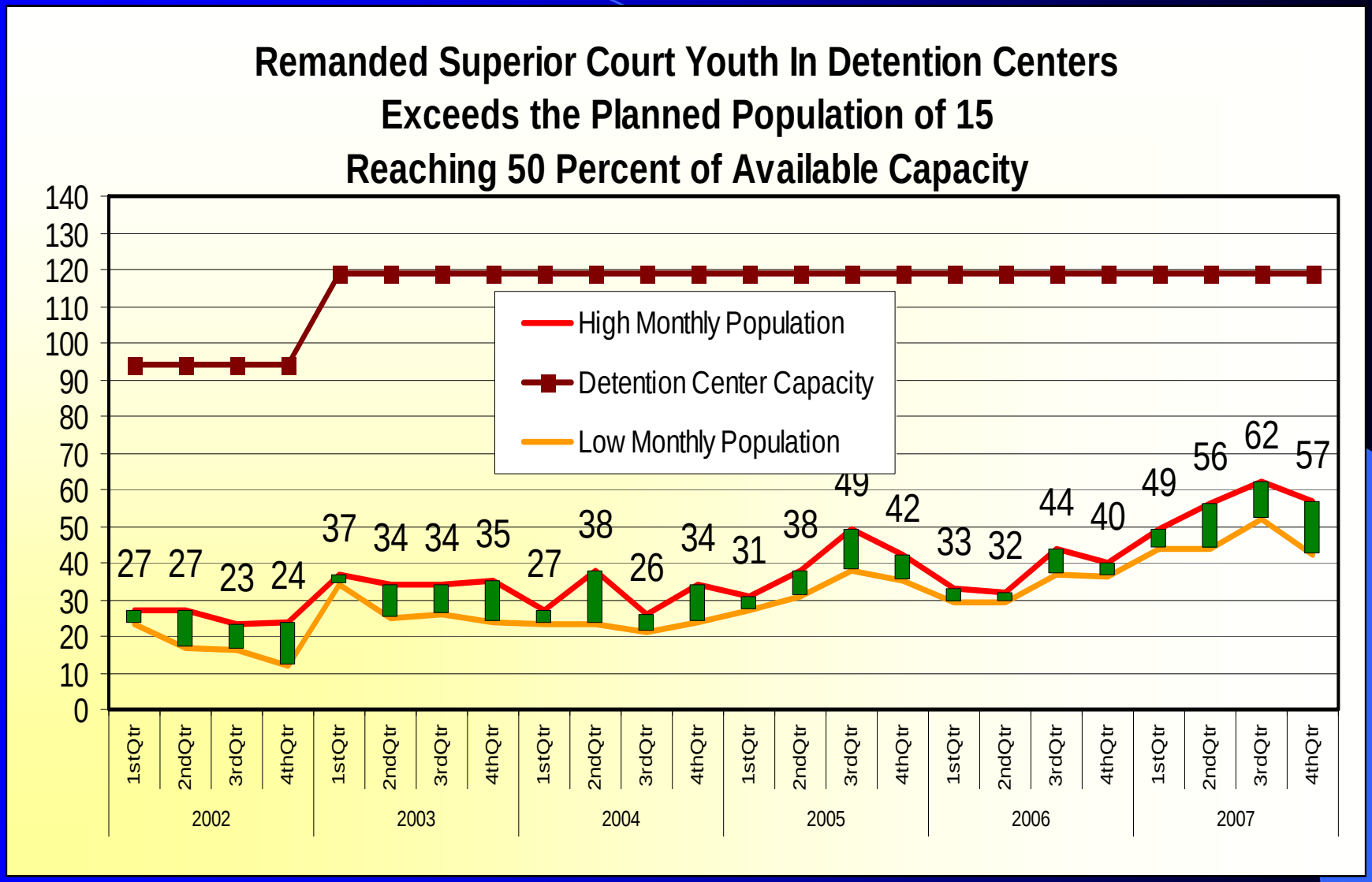
Since 2002 most of focus has been on major **POLICY CHANGES**

In July 2003, **HB 210** became law and Robbery 1st and Assault 1st cases became "original" rather than "repeat" jurisdiction cases.

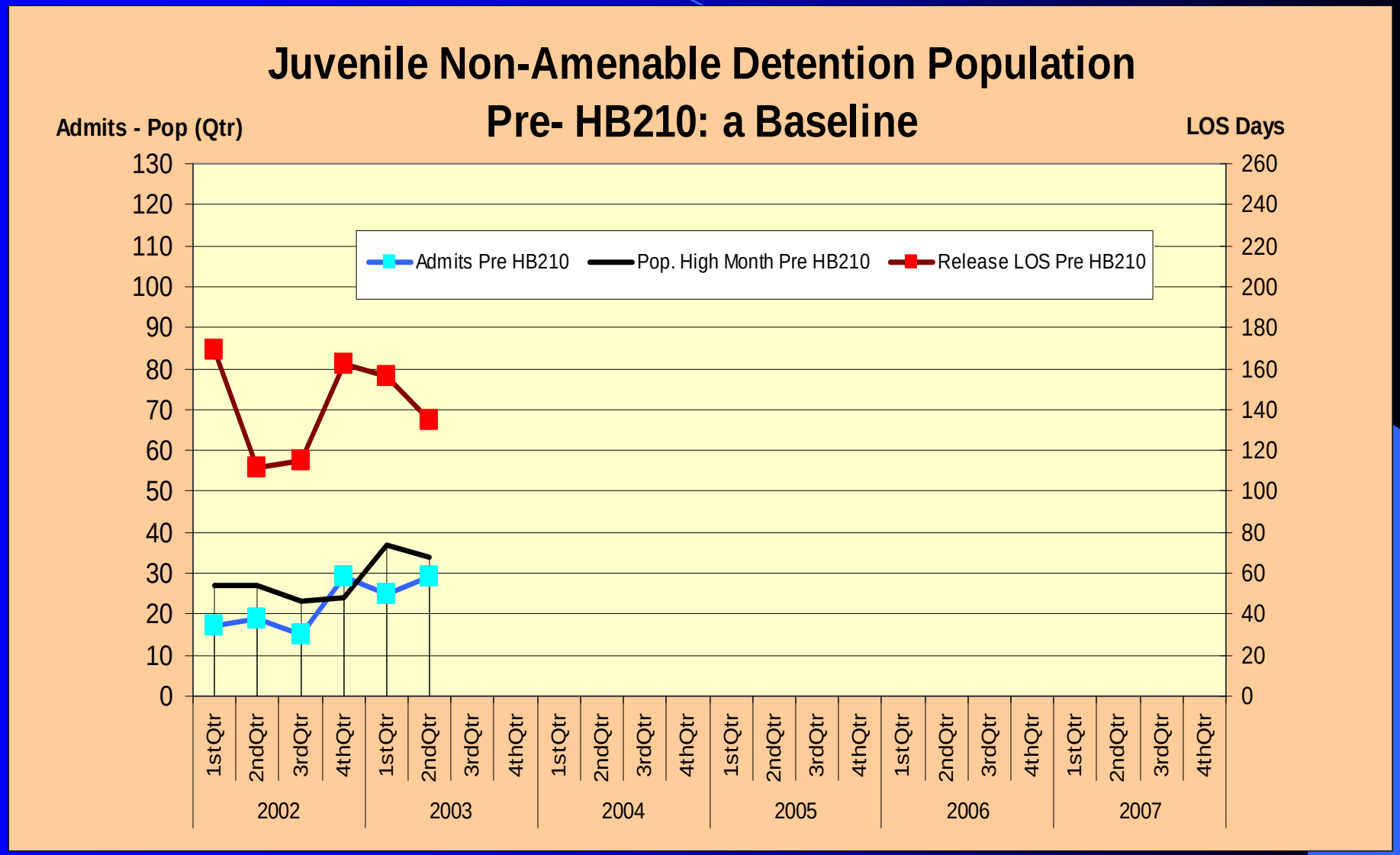
In July 2005, **SB 200**, after extensive study and debate, partially reversed HB 210 and only Robbery 1st defendants that have a prior felony adjudication and display or use a deadly weapon remain as original jurisdiction.

After SB 200, as expected, the juvenile Superior Court population decreased, THEN … it reached unprecedented levels accounting for 50 percent of all the juvenile detention beds.




Remanded Superior Court Youth In Detention Centers
Exceeds the Planned Population of 15
Reaching 50 Percent of Available Capacity
High Monthly Population
Detention Center Capacity
Low Monthly Population
140
130
120
110
100
90
80
70
60
50
40
30
20
10
0
27 27 23 24 37 34 34 35 27 38 26 34 31 38 49 42 33 32 44 40 49 56 62 57
1stQtr 2ndQtr 3rdQtr 4thQtr
2002
2003
2004
2005
2006
2007

Remember: The original plan was not to exceed 15 Superior Court detention beds.



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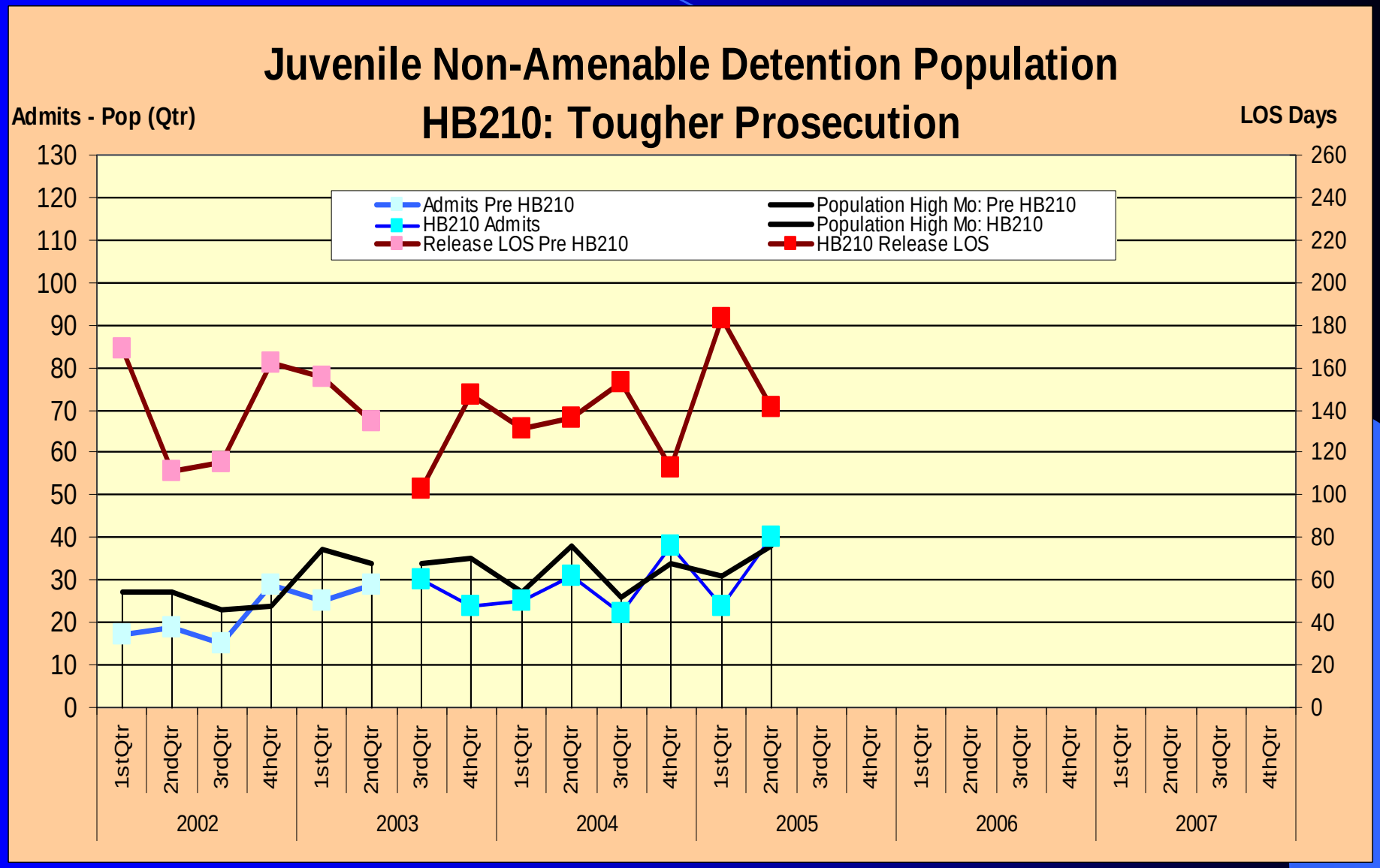
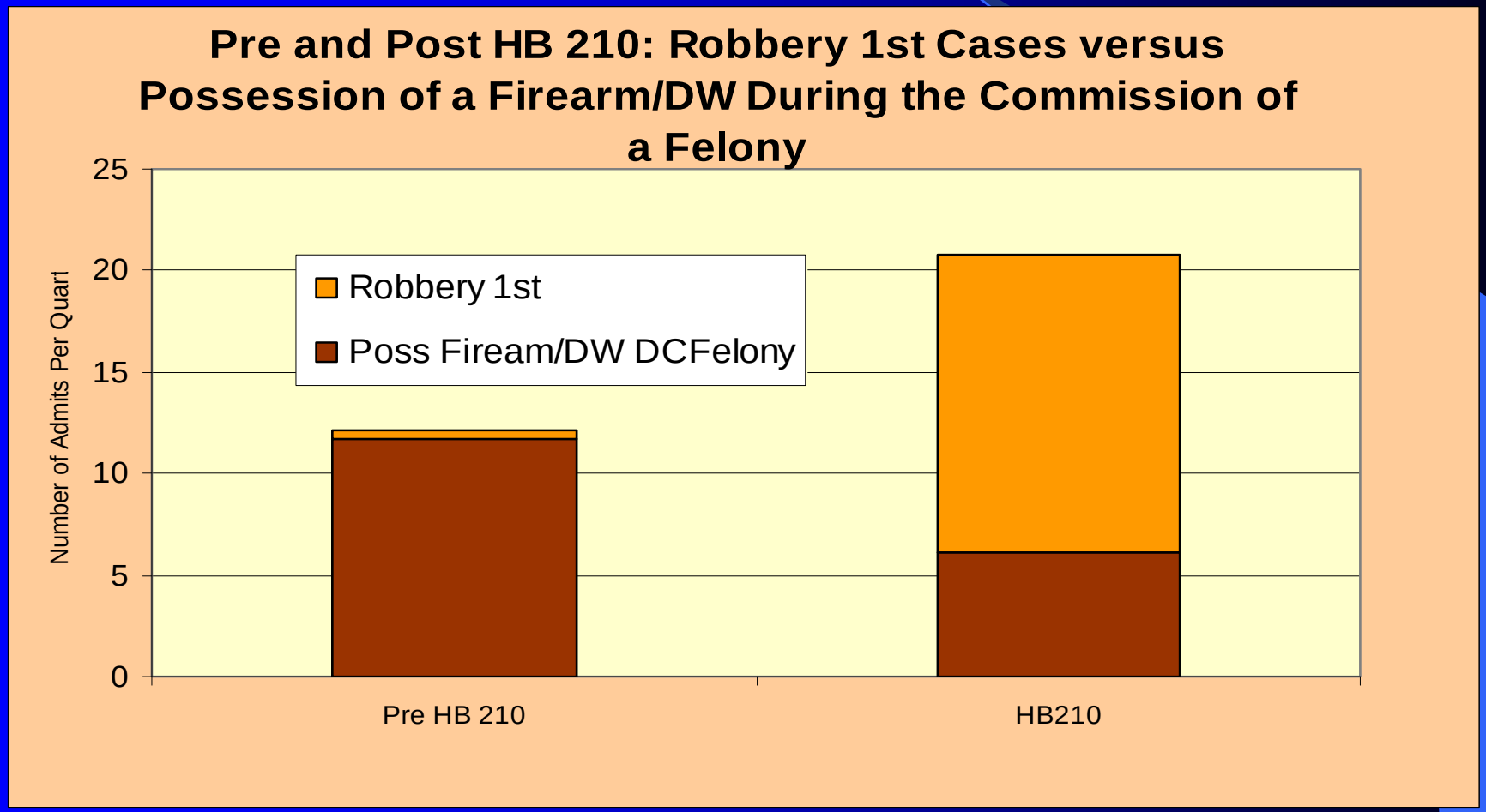
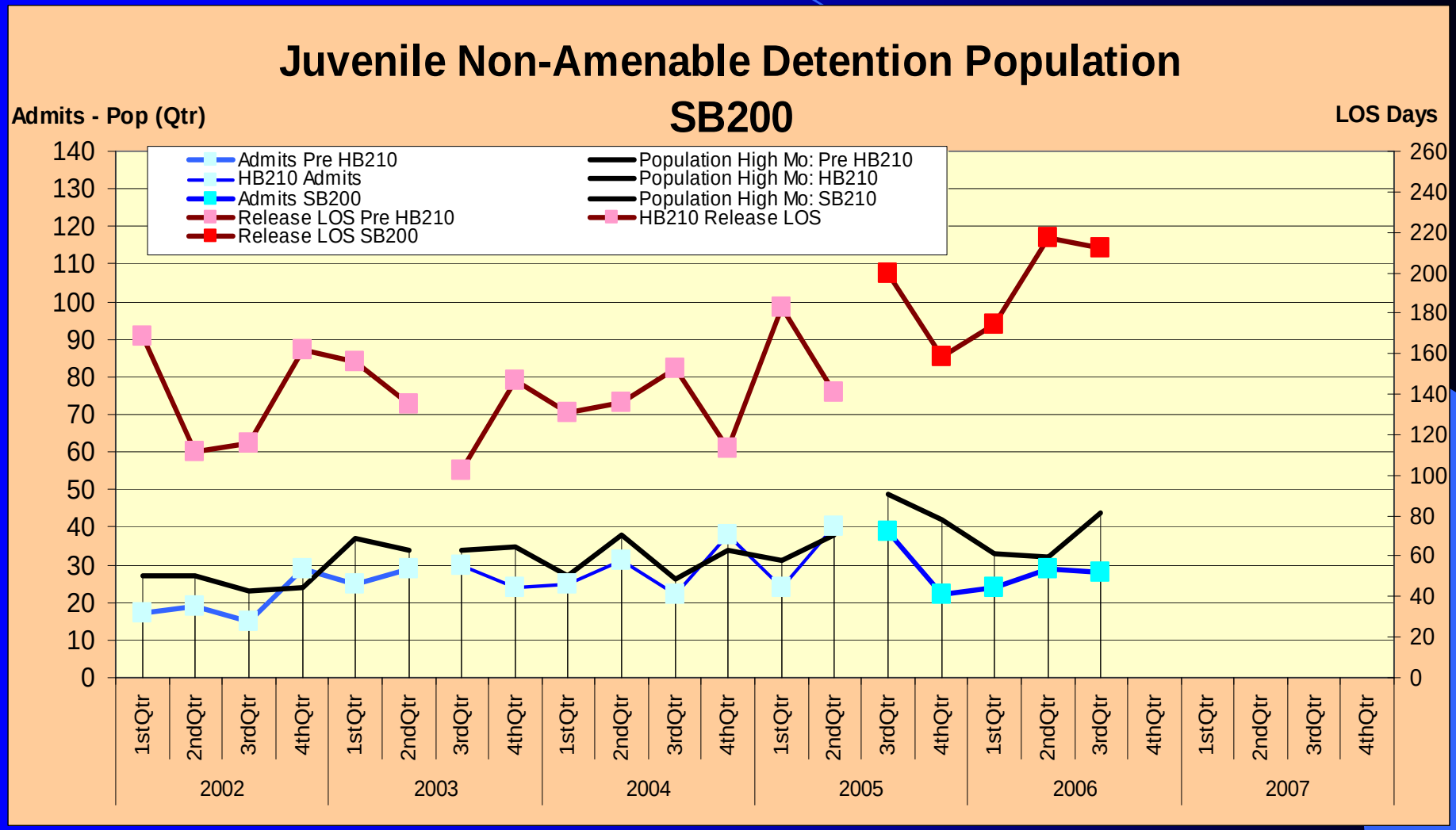


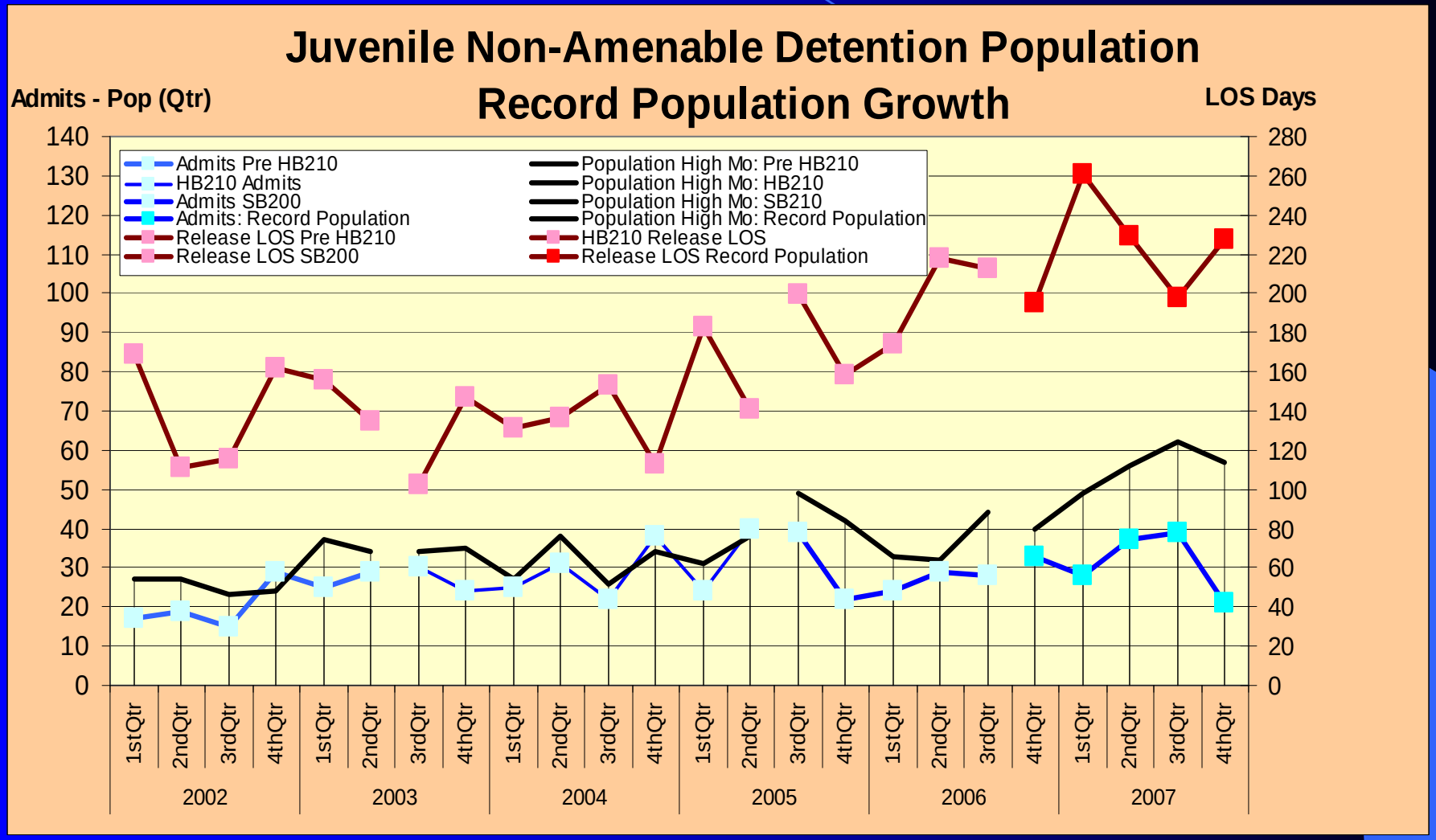
In July 2003, **HB 210** became law, many crimes that had been charged as PF/DWDCF became Robbery 1st and many Robbery 1st cases moved from Family to Superior Court to be tried as adults.

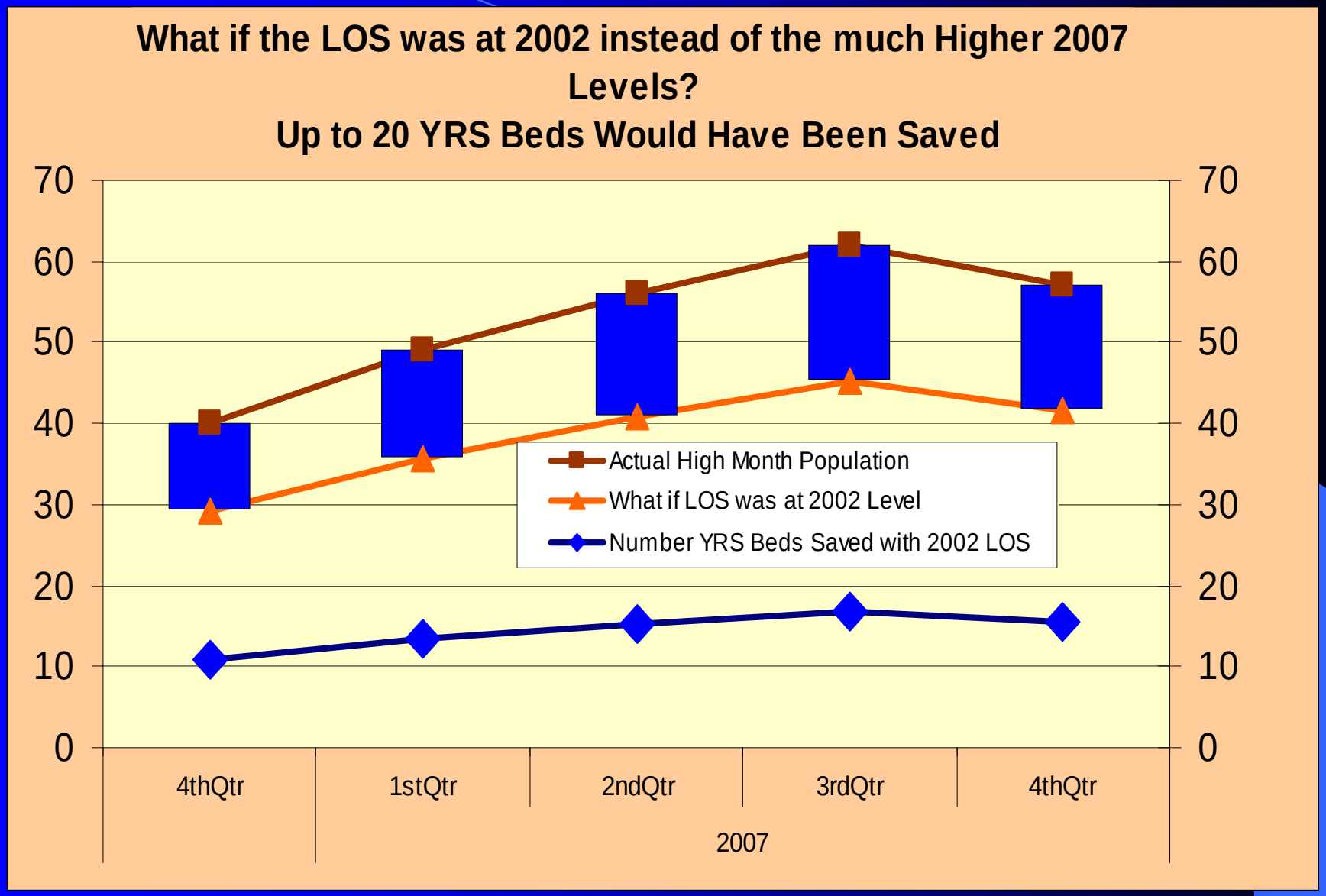


In July 2005 when **SB 200** became law, the number of non-amenable admits decreased as expected, but the population did not decrease to the level expected due to increased LOS.

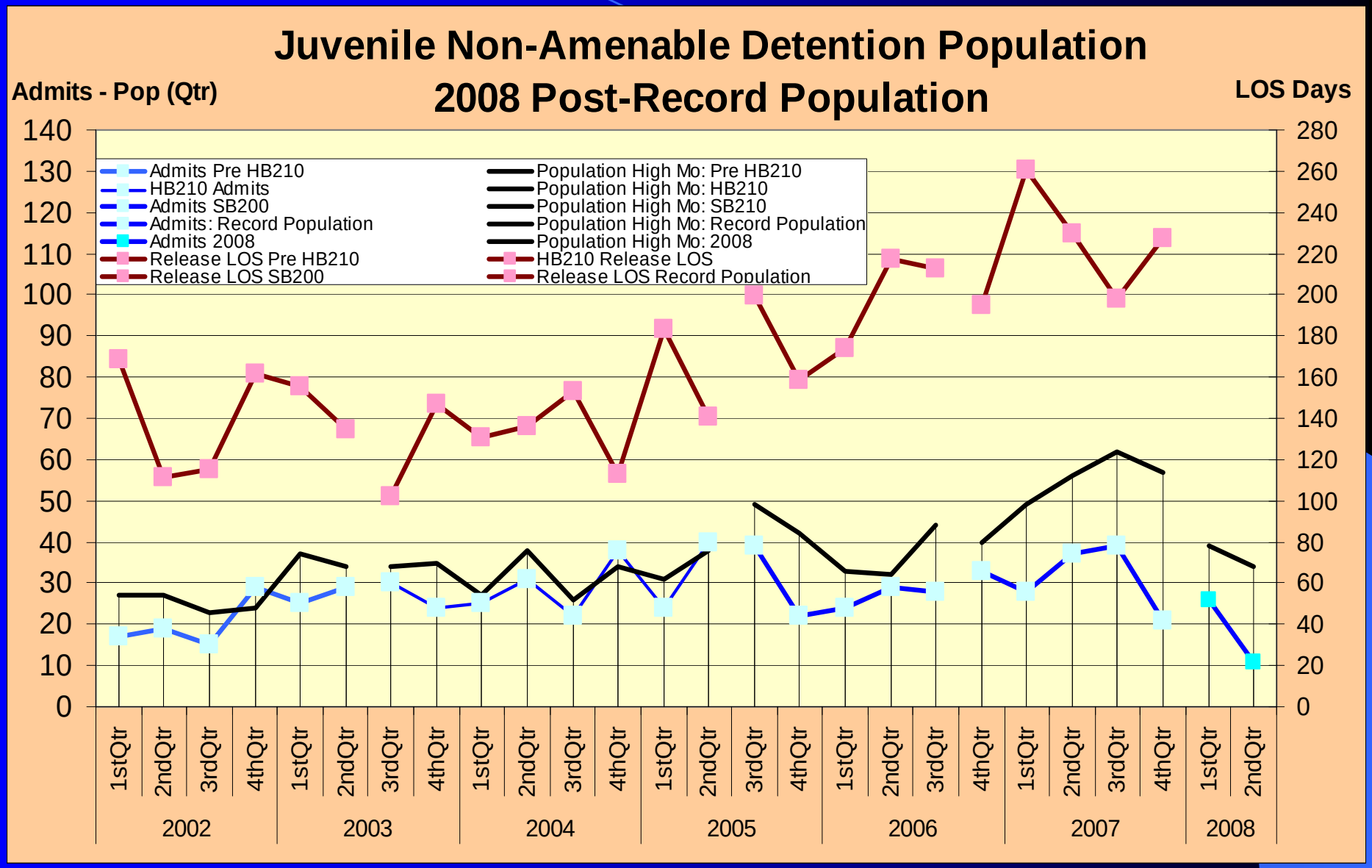


The primary reason for the unprecedented growth in the non-amenable juvenile population has been LOS, which indicates a decrease in criminal justice system system efficiency

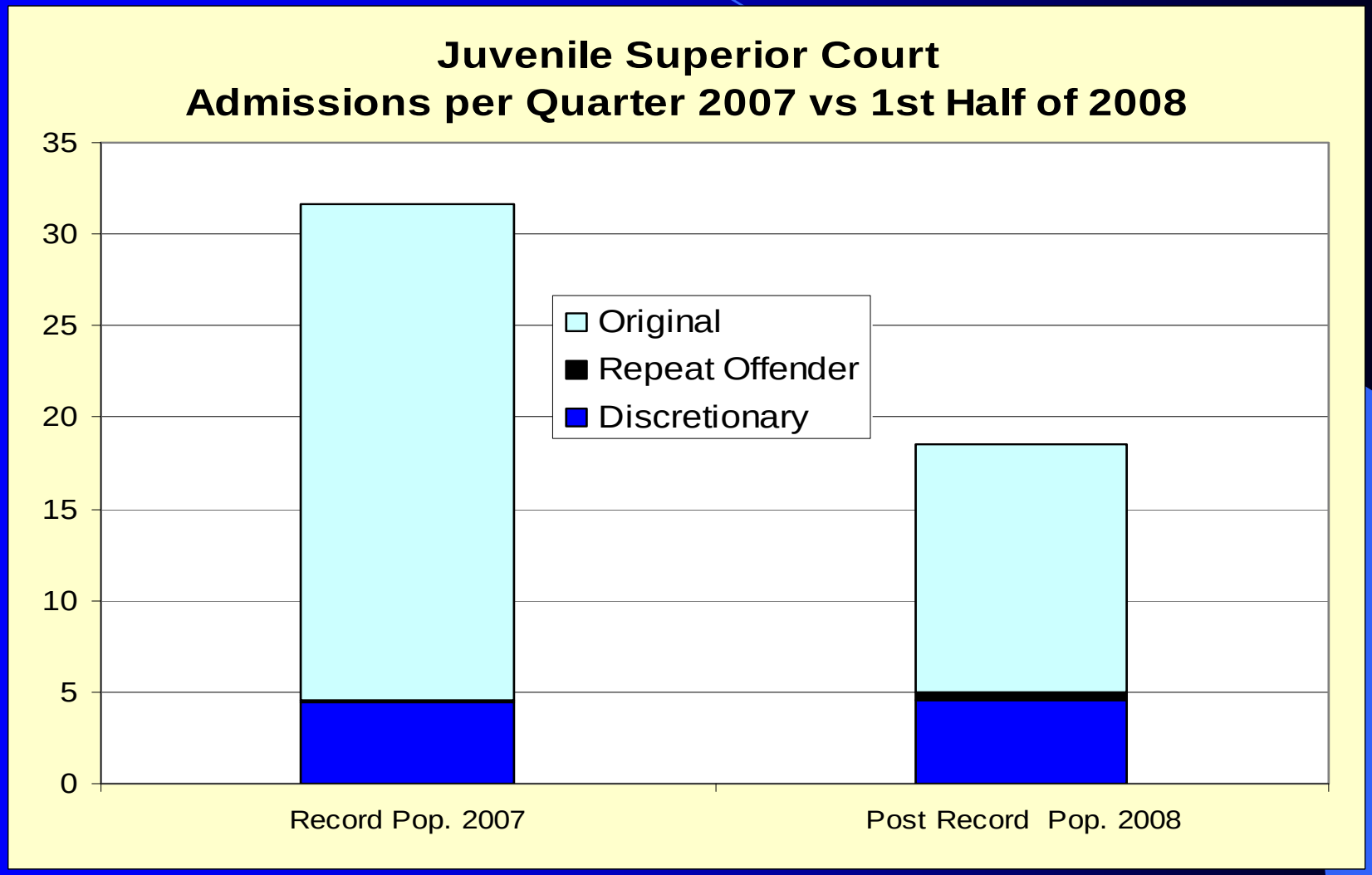



What if the LOS was at 2002 instead of the much Higher 2007 Levels?
Up to 20 YRS Beds Would Have Been Saved
70
60
50
40
30
20
10
0
Actual High Month Population
What if LOS was at 2002 Level
Number YRS Beds Saved with 2002 LOS
4thQtr
1stQtr
2ndQtr
3rdQtr
4thQtr
2007

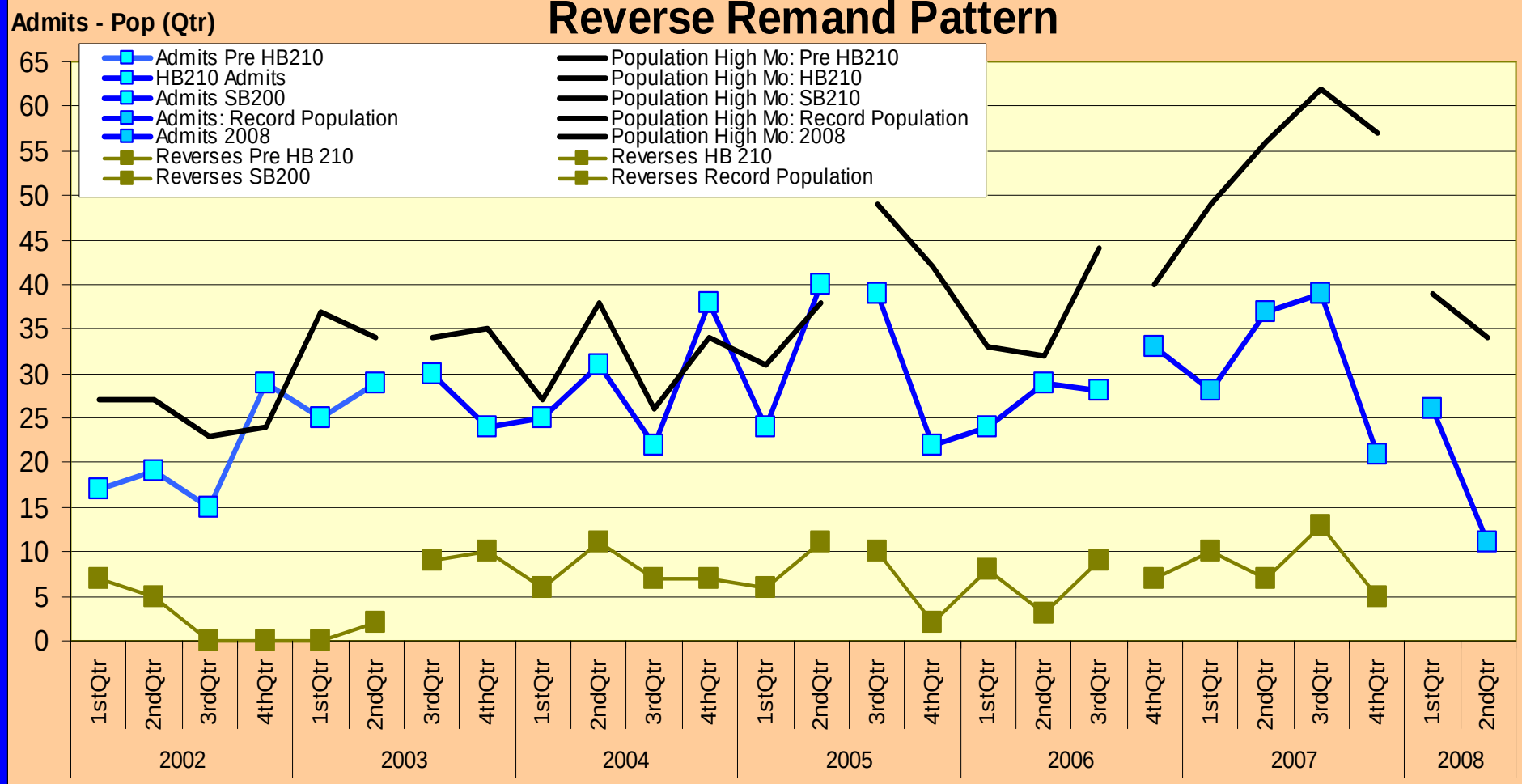
Why have juvenile Superior Court Admissions decreased so much in 2008?

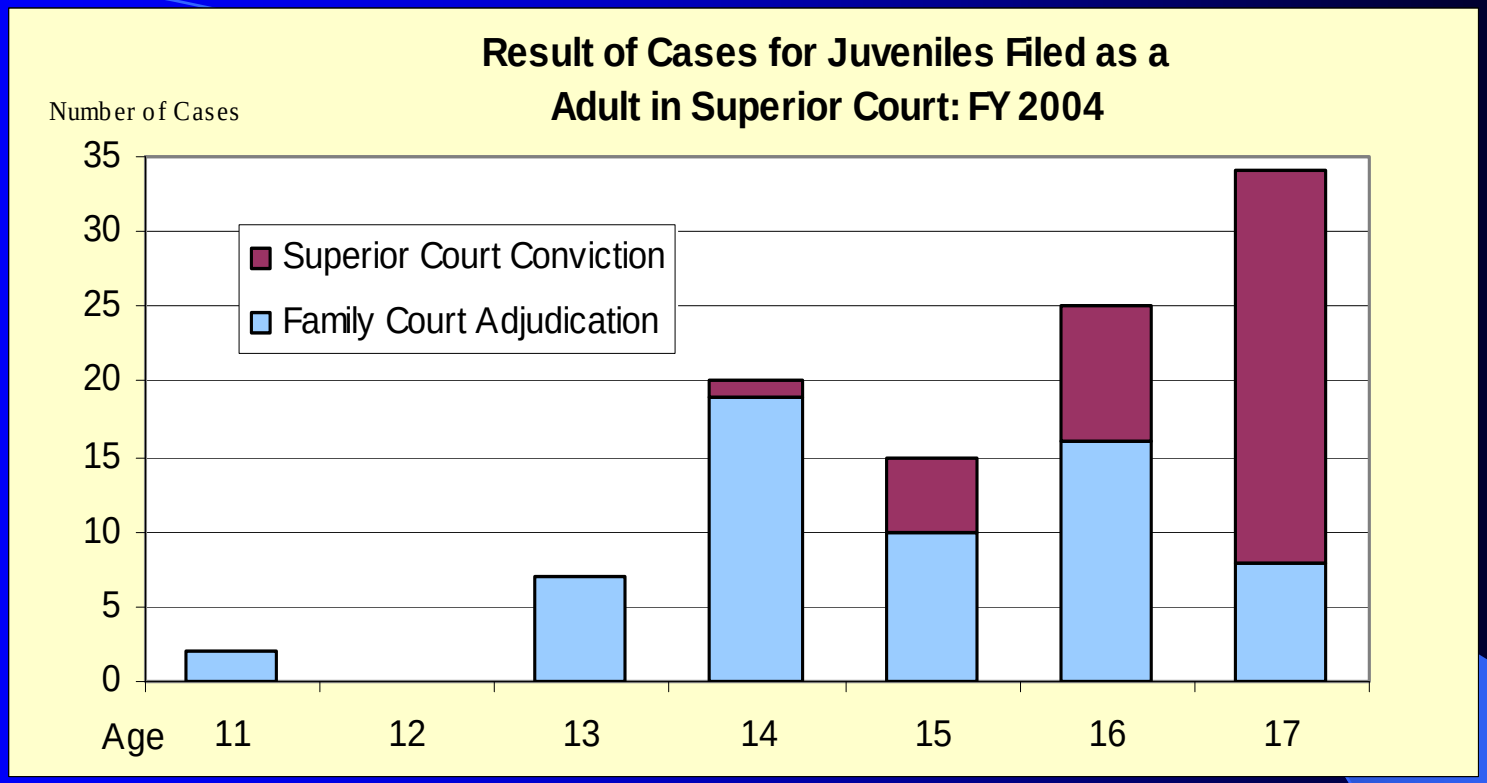


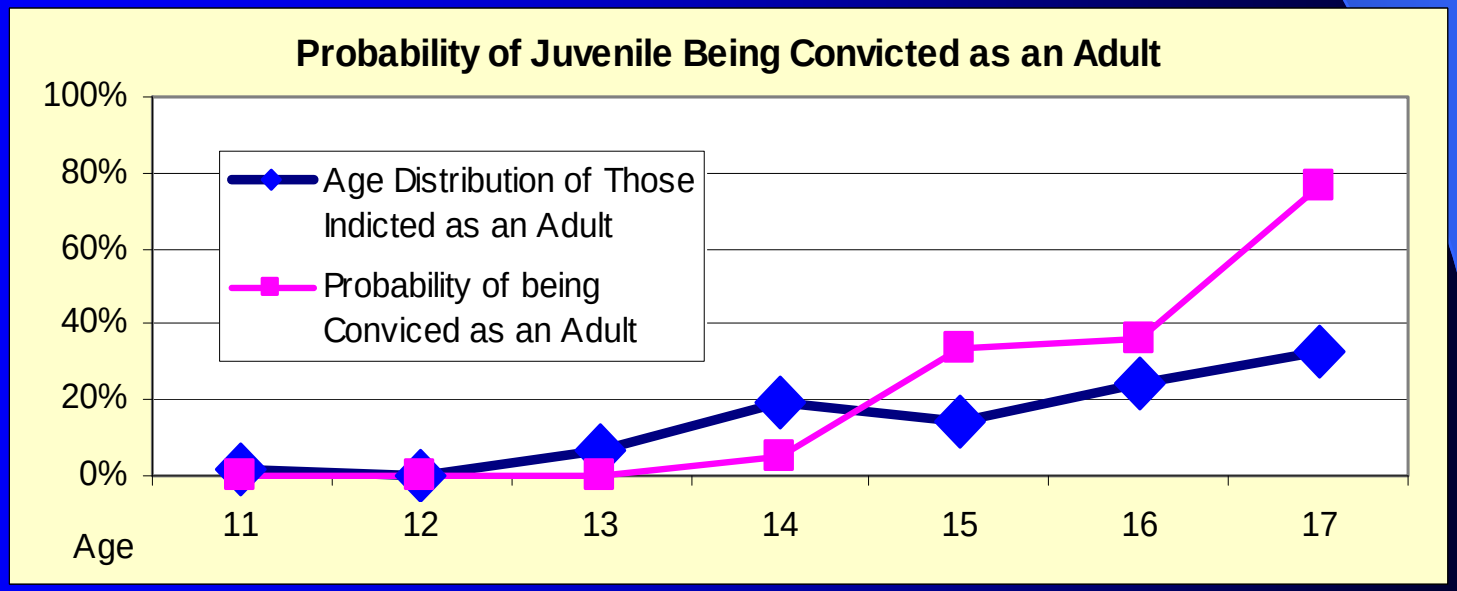
The number of Robbery 1st and PFDCF Admissions Decrease by one-half in 2008



Juvenile Non-Amenable Detention Population
Reverse Remand Pattern




Result of Cases for Juveniles Filed as a Adult in Superior Court: FY 2004
Number of Cases
35
30
25
20
15
10
5
0
Superior Court Conviction
Family Court Adjudication
Age
11
12
13
14
15
16
17


Probability of Juvenile Being Convicted as an Adult
100%
80%
60%
40%
20%
0%
Age Distribution of Those Indicted as an Adult
Probability of being Conviced as an Adult
Age
11
12
13
14
15
16
17

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And check our website for
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