

# THE DELAWARE JUVENILE JUSTICE ADVISORY GROUP

*Annual Report and Recommendations  
to Governor John Carney and the  
Delaware State Legislature*

*July 2021*



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# Delaware Juvenile Justice Advisory Group

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Wilmington, DE 19801

Hon. William L. Chapman Jr.  
Chair

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June 30, 2021

The Juvenile Justice Advisory Group (“JJAG”), was reestablished and reinvigorated by Governor John C. Carney in Executive Order Number Eleven as a specialized committee with knowledge and expertise in juvenile justice to advise the Criminal Justice Council on a variety of areas required by federal law. This report fulfills one of the requirements of Executive Order Number Eleven to provide a report to the Governor, Legislature, and the Criminal Justice Council on the state of juvenile justice in Delaware.

Of particular significance, the Federal Juvenile Justice and Delinquency Prevention Act (the “Act”) was passed by Congress and signed by the President on December 21, 2018 representing the first major update to the law since 2002. All States are required to comply with the Act in order to be eligible for federal funding for juvenile justice programs. The JJAG is pleased to report that Delaware has met the requirements of the prior version of the law and is in position to comply with the provisions of the new Act in 2021.

Additionally, Executive Order Number Eleven requires the JJAG to provide advice to ensure that assistance will be available on an equitable basis to deal with all disadvantaged youth, (including females, minority youth, and youth with mental disorders or incapacities, developmental disabilities, cognitive impairment or chronological immaturity) and to consult and coordinate its activities with those agencies and non-profit organizations which directly impact juvenile justice and delinquency prevention in this State.

The attached report highlights Delaware’s major accomplishments in juvenile justice, provides some statistics on the demographics of Delaware youth, provides information on the trends on delinquency in Delaware, and explains the process for federal funding in Delaware.

The JJAG appreciates the confidence and support of Governor Carney, the Legislature, and the Criminal Justice Council and commits to fulfilling its responsibilities under its charge. As James Baldwin once wrote, “These are all our children. We will profit by, or pay for, whatever they become.”

Sincerely,



WILLIAM L. CHAPMAN, Jr.  
Chair, Juvenile Justice Advisory Group

# 2019 & 2020 JJAG Accomplishments

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## ***Local Accomplishments***

The Juvenile Justice Advisory Group (JJAG) established by Executive Order Number 11 was signed by Governor John Carney on July 12, 2017, with all appointments completed by the Governor in 2018.

In 2019, the JJAG experienced a loss of leadership when the Chair of the committee, Michael Arrington, was appointed to a Family Court judgeship in July of 2019. The JJAG received the new Chair appointment on November 20, 2019. The JJAG convened for the first time under the leadership of Hon. William J. Chapman, Jr. on January 28, 2020.

Due to the significant absence of leadership and inability to meet without a Chair, the JJAG members decided to continue the goals and subcommittee work outlined in the 2018 Annual Report to the Governor for 2019. The JJAG established updated recommendations and subcommittees in 2020.

## **Juvenile Civil Citation**

The Department of Services of Children, Youth, and Their Families, Youth Rehabilitative Services Division oversees the Juvenile Civil Citation Program, which is a statewide civil alternative to the formal arrest and criminal prosecution of low-risk youth under age 18 who commit program eligible misdemeanor offenses. Its primary purpose is to prevent further delinquency, and appropriately address youth offenses without creating a criminal record or court intervention. The program offers law enforcement the option of issuing the youth a civil citation in lieu of arrest.<sup>1</sup> Without this program, these youth would otherwise formally interact with the state's juvenile justice system. Historically, diversion programs have shown to be effective in improving the low-risk youths' long-term outcomes; including improved educational attainment and behavioral health, strengthened family functioning, and greater skill building development.<sup>2</sup> The program was initially funded by a Title II Formula Block grant, but was codified in 2016 due to its success.

Juvenile Civil Citation is a community-based program that provides swift, appropriate consequences for youth with eligible minor misdemeanor delinquent acts. The program holds youth accountable in a proportional manner, helps families identify and address youth needs through referrals and skills development, diverts youth from the Juvenile Justice system, prevents

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<sup>1</sup> <https://kids.delaware.gov/yrs/juvenile-civil-citation.shtml#:~:text=The%20Juvenile%20Civil%20Citation%20Program,commit%20program%20eligible%20misdemeanor%20offenses.&text=The%20program%20offers%20law%20enforcement,citation%20in%20lieu%20of%20arrest.>

<sup>2</sup> DSCYF-YRS Community Services: Juvenile Civil Citation Program Calendar Year 2020 Annual Report.

youth from having a criminal history, and promotes public safety by allowing law enforcement to focus on serious and violent offenders. Youth are eligible if they are under 18 years of age and committed an eligible misdemeanor offense. This originally included seven misdemeanors.

However, in 2018 eligibility was expanded to all misdemeanors, with the exception of any Title 21 misdemeanor; unlawful sexual contact in violation of § 767 of Title 11; and unlawful imprisonment second degree in violation of § 781 of Title 11. The youth also may not have any prior criminal adjudication; prior referral to the Juvenile Offender Civil Citation; or prior referral to any other diversion program, unless more than 1 year has elapsed since the first referral and the prior referral was for a different offense. Both the youth and their parents/guardians must agree to the program requirements. These program requirements include a complete formal needs assessment, five hours of community service, restitution (if applicable), and completion of a Community Impact Statement. However, failure to complete the program requirements, or committing a delinquent act, results in formal court processing of the civilly cited offense.<sup>3</sup>

COVID-19 presented unique challenges to the program; however, staff was able to adapt the program requirements to maintain the integrity of the program as well as the health and safety of the youth. Due to COVID-19, the required five (5) hours of community service was excluded, and an alternative written assignment was required. This written assignment supports DSCYF's adopted philosophy of balance and restorative justice. It is also separate from the required Community Impact Statement.<sup>4</sup>

The COVID-19 pandemic had a significant impact on the number of referrals received. In Fiscal Year 2019 there were 400 eligible referrals and 279 (70%) successfully completed the program. In FY 2020, there were 364 eligible referrals and 350 (96%) successfully completed the program.<sup>5</sup>

### **Restorative Justice & Mediation Programs**

Currently, Delaware has two mediation programs in place: the Restorative Justice Conferencing Program run by the Delaware Center for Justice (DCJ) in New Castle County, and the Victim-Offender Mediation Program run by The Center for Community Justice (CCJ) at People's Place in Kent and Sussex Counties. "DCJ began offering mediation for juveniles in 1994, adding adult mediation in 1995. However, in 2003-2004, for an unidentified reason, juvenile mediation stopped in New Castle County and just restitution calculation began. With approval by the courts,

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<sup>3</sup> <https://kids.delaware.gov/yrs/juvenile-civil-citation.shtml#:~:text=The%20Juvenile%20Civil%20Citation%20Program,commit%20program%20eligible%20misdemeanor%20offenses.&text=The%20program%20offers%20law%20enforcement,citation%20in%20lieu%20of%20arrest>

<sup>4</sup> DSCYF-YRS Community Services: Juvenile Civil Citation Program Calendar Year 2020 Annual Report.

<sup>5</sup> DSCYF-YRS Community Services: Juvenile Civil Citation Program Calendar Year 2020 Annual Report.

the restitution calculation in New Castle County ended in December 2019 and youth mediations with Family Court began again in January 2020.”<sup>6</sup>

“These programs are the primary alternative case resolution programs under Delaware Title 11. VII. Ch. 95. The General Assembly finds and declares that: The resolution of felony, misdemeanor and juvenile delinquent offenses can be costly and complex in a judicial setting where the parties involved are necessarily in an adversary posture and subject to formalized procedures; and Victim-offender alternative case resolutions can meet the needs of Delaware’s citizens by providing forums in which persons may voluntarily participate in the resolution of certain criminal offenses in an informal and less adversarial atmosphere.”<sup>7</sup>

This framework embodies the idea that, “Restorative practices identify and work to meet the needs of all parties involved to go beyond traditional mediation and address the root causes that lead to that issue.” Mediation provides “those who have been harmed (victims) the opportunity to address those who have caused them harm (offenders) in a safe, structured setting. The goal of this service is to directly hold an offender accountable, empowering them to have a say in what their needs are to ensure their behavior that led to the conflict/ criminal act does not continue, while also empowering and assisting victims to express how they have been impacted and what their needs are as a result of the conflict/crime. This is all done with the assistance of highly qualified staff and volunteer mediators/facilitators.”<sup>8</sup>

In Kent and Sussex counties, CCJ accepts pre-arrest referrals from the community and offers juveniles student classes. These include a Conflict Resolution Class (CR) and a Shoplifter’s Alternative (SA) class. These classes are generally court ordered as a term of arbitration, or a requirement of probation.<sup>9</sup>

In 2020, 30 youth were referred to DCJ, representing 31 cases. 20 of those cases were mediated and closed successfully. 7 cases were closed without mediation (3 victims declined, 3 victims did not show for mediation, and 1 defendant did not show for mediation). DCJ was still working to schedule mediation with 3 youth during the time of the reported statistics. In FY 2018-2019, there were 347 referred cases to DCJ, 47 victims requesting restitution, and \$60,438.92 in Restitution determined. During the same time period (FY 2018-2019), CCJ conducted 49 youth mediations and 128 youth classes. In FY 2019-2020, CCJ conducted 14 youth mediations and 95 youth classes.<sup>10</sup>

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<sup>6</sup> Delaware Center for Justice Restorative Justice Conferencing Program New Castle County Family Court January 28, 2021

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> People’s Place: The Center for Community Justice Youth & Mediation Services: Center for Community Justice Victim-Offender Mediation Program January 26, 2021.

<sup>10</sup> Id. footnotes 6 & 9

### JJAG Subcommittees

The JJAG resumed oversight of the Criminal Justice Council's suite of Juvenile Justice grants totaling \$2,714,326 in 2019 and \$3,741,218 in 2020.

In 2019, the JJAG established the following subcommittees. However, the number of subcommittees was overly ambitious, and most were inactive.

JUVENILE JUSTICE ADVISORY GROUP SUBCOMMITTEES 2019	
NAME	FOCUS
Pre-Contact	<ul style="list-style-type: none"><li>• Education for expectant parents</li><li>• Child Find &amp; Head Start</li><li>• Preschool / Kindergarten screening</li></ul>
Initial Contact (Pre-Arrest)	<ul style="list-style-type: none"><li>• Schools – Administrative approach vs. JJ/SROs</li><li>• Community Centers / Youth Centers</li><li>• Civil Citation Centers</li><li>• Alternative approach – peer/teen courts</li><li>• Child Welfare overlap</li><li>• Truancy</li></ul>
Initial Contact (Arrest)	<ul style="list-style-type: none"><li>• Interview by Police</li><li>• Presentment</li><li>• School Offenses</li></ul>
Bail	<ul style="list-style-type: none"><li>• Guidelines</li><li>• Purpose</li><li>• Access to Bail</li><li>• Conditions of release</li><li>• Community Alternatives</li><li>• Transfer Between Courts</li><li>• Access to Counsel</li></ul>
Initial Detention	<ul style="list-style-type: none"><li>• Parental Contact</li><li>• Assessment- Approach; Timing; Confidentiality</li><li>• Reviews</li><li>• Education</li></ul>
Pretrial Adjudication	<ul style="list-style-type: none"><li>• Access to Counsel</li><li>• Case Review</li><li>• Amenability / Transfers</li><li>• Plea Negotiations</li><li>• Trial Dates and Time</li></ul>

Disposition	<ul style="list-style-type: none"> <li>• Dispositional Guidelines/Matrix</li> <li>• Assessment and Recommendations</li> <li>• Parental Involvement</li> <li>• Timing and Costs</li> <li>• Orders – Format, Sequencing, Availability</li> </ul>
Rehabilitation	<ul style="list-style-type: none"> <li>• Internal (State System)</li> <li>• External (Contracted Levels IV/V)</li> <li>• Interface with Education &amp; Welfare</li> <li>• Parental Involvement</li> <li>• Accountability to Victim/Community</li> <li>• Measure of Success</li> <li>• Modification/Sequencing of Orders</li> <li>• Preparation for Probation</li> </ul>
Re-Entry	<ul style="list-style-type: none"> <li>• Probation</li> <li>• Education Coordination</li> <li>• Vocational Skills Training</li> <li>• Family Preparation</li> <li>• Mentoring</li> </ul>
Three Year Plan (Ad-Hoc)	
System Reform Grant (Ad-Hoc)	
Disproportionate Minority Contact (Ad-Hoc)	

As of August 2020, the JJAG condensed the above subcommittees into the following listed below. These committees have been meeting regularly.

JUVENILE JUSTICE ADVISORY GROUP SUBCOMMITTEES 2020	
NAME	FOCUS
Prevention	<ul style="list-style-type: none"> <li>• Child Welfare</li> <li>• Access to Services</li> <li>• Early Education Gang Prevention</li> </ul>



Bail & Legislation	<ul style="list-style-type: none"> <li>• Guidelines</li> <li>• Purpose</li> <li>• Access to Bail</li> <li>• Conditions of release</li> <li>• Community Alternatives</li> <li>• Transfer Between Courts</li> <li>• Access to Counsel</li> <li>• Risk Assessment Tools</li> <li>• Review of Bail Rules and Statutes</li> <li>• Review of Pending Juvenile Justice Legislation</li> </ul>
Re-entry	<ul style="list-style-type: none"> <li>• Gang Impact on Re-entering Safely</li> <li>• Probation</li> <li>• Education Coordination</li> <li>• Vocational Skills Training</li> <li>• Family Preparation</li> <li>• Mentoring</li> </ul>
Racial & Ethnic Disparities (RED)	<ul style="list-style-type: none"> <li>• Examine data related to race and ethnicity for juvenile justice involvement</li> <li>• Examine measurements of Adverse Childhood Experiences (ACE) and Resilience data</li> <li>• Align aggregated data points with prevention and intervention committee work</li> </ul>
Youth	<ul style="list-style-type: none"> <li>• Identify and understand current youth programming</li> <li>• Police engagement with juvenile offenders</li> <li>• Key issues facing youth which lead them to crime or criminal justice system exposure</li> <li>• Community based solutions</li> </ul>
Executive Committee	<ul style="list-style-type: none"> <li>• Per the JJAG By-Laws, the Executive Committee has the authority to carry on the routine business of the JJAG between regular meetings and acts as the initial appeals board.</li> </ul>

## **Legislation**

The JJAG provided assistance and leadership in the Delaware 150<sup>th</sup> General Assembly. That leadership played a key role in the passage of legislation that will have a profound impact on the Juvenile Justice System in Delaware. The following bills represent legislation passed by the Delaware 150<sup>th</sup> General Assembly:

<b>BILL</b>	<b>SCOPE</b>
Senate Bill 41	SB 41 This Act establishes that the age of offense and not the age of arrest determines jurisdiction for a person facing charges. Currently, if a person commits a delinquent act before age 18 but is arrested after age 18, the offense is automatically heard before the adult court of jurisdiction. See <i>Howard v. State</i> , 612 A.2d 158 (Del. 1992) (Table). This Act reverses this procedure so that if the offense occurs before the age of 18 and the arrest is after a person's 18th birthday, but before their 21st birthday, the Family Court will have jurisdiction. However, this Act makes clear that this Act does not preclude prosecuting a person to whom the Act applies as an adult, as permitted in Title 10.
Senate Bill 44 with House Amendment 1	SB 44 w/ HA 1 This Act makes the possession or consumption of alcohol by an individual under 21 years of age a civil offense. This Act also prohibits including information concerning a civil violation of the underage possession or consumption law on an individual's certified criminal record.
Senate Bill 45 with Senate Amendment 1	SB 45 w/ SA 1 Under current law, the possession, use, or consumption of a personal use quantity of marijuana remains a crime for those under the age of 21 despite being a civil violation for adults. This Act makes the possession, use, or consumption of a personal use quantity of marijuana a civil violation for juveniles. This Act also makes conforming amendments to subsection (i), regarding expungement of a single criminal offense under subsection (c), as, after the effective date of this Act, subsection (c) will no longer contain a criminal offense.
Senate Bill 60 with House Amendment 4	SB 60 w/ HA 4 This bill clarifies that in order to be found guilty of prostitution the person must be 18 years or older.

House Bill 250      HB 250 This Act is a recommendation of the Jurisdiction Improvement Committee established by the Delaware Supreme Court Order of November 7, 2017. The Act provides for the Justice of the Peace Court and Family Court to have concurrent jurisdiction over truancy matters and allows for a means of transfer from the Justice of the Peace Court to the Family Court for cases in which the Family Court already has open proceedings regarding the child or child's family. Concurrent jurisdiction allows for judicial economy in consideration of such matters while at the same time allowing the Family Court to focus their resources on the more significant filings. This Act mandates that school principals attempt to confer with a truant child's parents/guardians in an effort to address the child's lack of attendance prior to filing a complaint with a court. The Act returns to Family Court the consideration of criminal contempt of students in truancy proceedings and removes subsections that are redundant as a result of § 1007C of Title 10. This Act clarifies that children adjudicated truant within the Justice of the Peace Court would have the right to appeal the finding to the Family Court. For truancy matters which result in adjudications truant within the Family Court, appeal rights will remain as is specified in 10 Del. C. § 1051. This Act also removes the requirement of a bond for an appeal. Finally, this Act identifies the criteria for determining whether a complaint will remain in the Justice of the Peace Court or be transferred to Family Court.

## ***National Accomplishments***

Congress recently reauthorized the Juvenile Justice and Delinquency Prevention Act after operating on an expired act that had not had substantial review for 18 years. The following is a summary of the reauthorized act as compiled by the Coalition for Juvenile Justice and the National Criminal Justice Association:

### **Background**

The Juvenile Justice and Delinquency Prevention Act (JJDP Act) was first authorized in 1974. It was established to ensure states and territories meet certain common standards for how youth across the country are treated in the justice system. It did this by establishing two core protections: a prohibition on the incarceration of youth charged with status offenses (conduct that is not criminal if engaged in by an adult, such as skipping school or breaking curfew), and a requirement that youth have sight and sound separation from adult inmates. Two additional protections were added in a subsequent reauthorization: a prohibition against housing young people in adult facilities while awaiting trial as juveniles, and requiring that states address disproportionate minority contact. States receive federal formula grant funding for complying with these protections.

The Act was last reauthorized in 2002 and expired in 2007. On December 13, 2018, Congress signed HR 6964 with broad bipartisan support. Major changes to the Act include:

### **Core Requirements**

- **Racial and Ethnic Disparities:** Changes to the Disproportionate Minority Contact (DMC) requirement to focus on Racial and Ethnic Disparities (“RED”). Requires that states collect and analyze data on racial and ethnic disparities. Requires states to determine which points create RED and establish a plan to address RED.
- **Sight and Sound/Jail Removal:** Not later than 3 years after the date of enactment, states are required to ensure sight and sound separation and jail removal for youth awaiting trial as adults. This protection previously applied only to youth being held on juvenile court charges. An exception continues to exist for cases where a court finds, after a hearing and in writing, that it is in the interest of justice.
- **Deinstitutionalization of Status Offenses:** Status offenses are those which relate solely to the age of the offender. Federal law generally prohibits incarceration of youth who have committed a status offense. Youth who are found in violation of a valid court order may be held in detention, but for no longer than seven days, if the court finds that such detention is necessary and enters an order containing the following: 1) identifies the

valid court order that has been violated; 2) specifies the factual basis for determining that there is reasonable cause to believe that the status offender has violated such order; 3) includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the status offender in such a facility, with due consideration to the best interest of the juvenile; 4) specifies the length of time, not to exceed seven days, that the status offender may remain in a secure detention facility or correctional facility, and includes a plan for the status offender's release from such facility. Such an order may not be renewed.

**Title II:**

- Is renamed the Charles Grassley Juvenile Justice and Delinquency Prevention Program.
- Creates a new focus on data-driven, evidence-based, or promising prevention programs.

**Title V:**

- Is amended to permit Youth PROMISE grants to be used by local policy boards to fund delinquency prevention programs, including but not limited to: alcohol and substance abuse prevention or treatment services; tutoring and remedial education, especially in reading and mathematics; child and adolescent health and mental health services; and leadership and youth development activities.

**State Plans:**

- The Juvenile Justice Delinquency Prevention Act requires the State Plan to be supported by or consider scientific knowledge regarding adolescent development and behavior, as well as the effects of delinquency prevention programs and juvenile justice interventions on adolescents.
- A state shall make the plan or amended plan publicly available by posting the plan or amended plan on the State's publicly available website.

**State Advisory Group Appointees:**

- Clarifies who may be appointed to the required State Advisory Group (SAG):
  - a. Persons, licensed or certified by the applicable state, with expertise and competence in preventing and addressing mental health and substance abuse needs in delinquent youth and youth at risk of delinquency;

- b. Representatives of victim or witness advocacy groups, including at least one individual with expertise in addressing the challenges of sexual abuse and exploitation and trauma, and particularly for the needs of youth who experience disproportionate levels of sexual abuse, exploitation, and trauma before entering the juvenile justice system;
- c. For a state in which one or more Indian Tribes are located, an Indian tribal representative (if such representative is available) or other individual with significant expertise in tribal law enforcement and juvenile justice in Indian tribal communities; and,
- d. Youth members must now be not older than 28 at the time of initial appointment.

**Required State Staff:**

- Requires the State to designate at least one individual who shall coordinate efforts to achieve and sustain compliance with the core requirements and certify whether the state is in compliance with such requirements.

**Annual Report:**

- A summary of data from 1 month of the applicable fiscal year regarding the use of restraints and isolation upon juveniles held in the custody of secure detention and correctional facilities operated by a State or unit of local government.
- The number of status offense cases petitioned to court, number of status offenders held in secure detention, the findings used to justify the use of secure detention, and the average period of time a status offender was held in secure detention;
- The number of juveniles released from custody and the type of living arrangement to which they are released;
- The number of juveniles whose offense originated on school grounds, during school sponsored off-campus activities, or due to a referral by a school official, as collected and reported by the Department of Education or similar State educational agency; and
- The number of juveniles in the custody of secure detention and correctional facilities operated by a State or unit of local or tribal government who report being pregnant.

**National Recidivism Measure:**

- The Administrator, in accordance with applicable confidentiality requirements and in consultation with experts in the field of juvenile justice research, recidivism, and data collection, shall—
  - a. Establish a uniform method of data collection and technology that States may use to evaluate data on juvenile recidivism on an annual basis;
  - b. Establish a common national juvenile recidivism measurement system; and
  - c. Make cumulative juvenile recidivism data that is collected from States available to the public.

**Runaway and Homeless Youth Act**

- Includes a two-year reauthorization of the Runaway and Homeless Youth Act.

# Delaware's Juvenile Justice System Structure

In Delaware, youth in the juvenile justice system under the age of 18 are not considered “criminals,” except as specified in Title 10, section 1010 pertaining to cases where youth are subject to adult court jurisdiction.<sup>11</sup>

## **Family Court and Justice of the Peace Court**

The Delaware legislature endorsed the concept of a statewide, unified Family Court with establishing legislation in 1971.<sup>12</sup> The Delaware Family Court has courthouses in each of the three counties. The Family Court has “original statewide civil and criminal jurisdiction over family and child matters and offenses.”<sup>13</sup> In 2005, the Family Court became a constitutional court by virtue of an amendment to the Delaware Constitution.<sup>14</sup>

In Family Court, judges and commissioners preside over all delinquency cases with judges presiding over felony cases and commissioners presiding over misdemeanor cases.

By statute, the Governor appoints 17 judges to serve in the Family Court statewide.<sup>15</sup> Judges have the authority to “[h]ear, determine, render, and enforce judgment in any proceeding before the Court.”<sup>16</sup> This includes the authority to determine and enter disposition for alleged violations of probation by youth.<sup>17</sup> Commissioners are judicial officers appointed by the Governor and assigned to oversee a range of Family Court matters, such as juvenile detention hearings<sup>18</sup> and delinquency proceedings, which include but are not limited to amenability hearings, arraignments, preliminary hearings, case reviews, violation of probation hearings, and trials.<sup>19</sup> Commissioners also have the power to accept pleas and to enter disposition for children who have been adjudicated delinquent.<sup>20</sup>

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<sup>11</sup> 10 Del.C. § 1010 (2012).

<sup>12</sup> *Family Court History*, DELAWARE COURTS, <http://courts.delaware.gov/family/history.aspx> (last visited May 28, 2017). See also 10 Del.C. § 902(a) (1971) (“In the firm belief that compliance with the law by the individual and preservation of the family as a unit are fundamental to the maintenance of a stable, democratic society, the General Assembly intends by enactment of this chapter that 1 court shall have original statewide civil and criminal jurisdiction over family and child matters and offenses as set forth herein. The court shall endeavor to provide for each person coming under its jurisdiction such control, care, and treatment as will best serve the interests of the public, the family, and the offender, to the end that the home will, if possible, remain unbroken and the family members will recognize and discharge their legal and moral responsibilities to the public and to one another.”).

<sup>13</sup> 10 Del.C. § 902(a) (1971).

<sup>14</sup> *Family Court History*, DELAWARE COURTS, <http://courts.delaware.gov/family/history.aspx> (last visited May 28, 2017). See also Del. Const. art. IV, § 1.

<sup>15</sup> 10 Del.C. § 906(a)-(b) (2008).

<sup>16</sup> 10 Del.C. § 925(9) (2009).

<sup>17</sup> 10 Del.C. § 925(18) (2009).

<sup>18</sup> 10 Del.C. § 915(c)(6) (2008).

<sup>19</sup> 10 Del.C. § 915(c)(8) (2008).

<sup>20</sup> 10 Del.C. § 915(c)(9) (2008).



Magistrates are judicial officers appointed by the governor<sup>21</sup> to preside in the Justice of the Peace Court. Unlike judges and commissioners, magistrates are not required to be trained in the law. Magistrates can potentially preside over bail setting hearings and some truancy appearances.<sup>22</sup>

### **Delaware Department of Justice (DDOJ): Family Division**

The DDOJ is responsible for making all charging decisions following an arrest. A team of deputy attorneys general in the DDOJ prosecute juvenile delinquency cases in Family Court and truancy cases in the Justice of the Peace Court<sup>23</sup>. The unit is charged with coordinating between police, probation, schools, and the courts, and “seeks disposition of cases that aim to protect the community while being in the best interest of the juvenile.”<sup>24</sup>

### **The Department of Services for Children, Youth and their Families**

The Department of Services for Children, Youth and their Families (DSCYF) is the umbrella agency that provides integrated youth services through three service groups: the Division of Youth Rehabilitative Services (DYRS), the Division of Family Services (DFS), and the Division of Prevention and Behavioral Health Services (DPBHS).<sup>25</sup> DSCYF’s mission is to engage families and communities to promote the safety and well-being of children through prevention, intervention, treatment, and rehabilitative services.”<sup>26</sup>

The three divisions have distinct obligations within DSCYF. DYRS provides services to youth ordered into its care by the Family Court. These services include detention, treatment, probation and post-disposition aftercare services. DYRS is responsible for assessing the individual needs of youth up to age 19 and collaborating with the youth’s family, school, and community to coordinate services and resources that will help the child become a positive citizen within the community.<sup>27</sup> DPBHS provides assessment, treatment, and services that range from outpatient to residential for youth up to age 18 who are dealing with mental health or substance abuse issues.<sup>28</sup> DFS investigates child abuse and neglect and dependency allegations, and offers treatment services, foster care, adoption, and independent living.<sup>29</sup>

#### **a. Detention Facilities**

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<sup>21</sup> *Magistrate Screening Committee*, DELAWARE COURTS, <http://courts.delaware.gov/jpcourt/screening.aspx> (May 28, 2017).

<sup>22</sup> *Id.* See also *Frequently Asked Questions*, STATE OF DELAWARE: THE OFFICIAL WEBSITE OF THE FIRST STATE, <http://dpr.delaware.gov/boards/magistrate/faqs.shtml> (May 28, 2017).

<sup>23</sup> *Family Division: About the Division*, DELAWARE.GOV, <http://attorneygeneral.delaware.gov/family/> (last visited May 29, 2017) (The Family Division also includes three other Department of Justice units: Child Support, Child Protection, and Domestic Violence and Child Abuse; cross-training to provide a range of services across the four units is the encouraged practice.).

<sup>24</sup> *Family Division: About the Division*, DELAWARE.GOV, <http://attorneygeneral.delaware.gov/family/> (May 29, 2017).

<sup>25</sup> *Department of Services for Children, Youth and their Families: About the Department*, STATE OF DELAWARE: THE OFFICIAL WEBSITE OF THE FIRST STATE, <https://kids.delaware.gov/> (July 8, 2021).

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

DYRS operates two secure pretrial detention facilities in Delaware: the New Castle County Detention Center (NCCDC) has 64 beds, and the Stevenson House Detention Center (Stevenson House) has 55 beds.<sup>30</sup>

Delaware made a commitment to detention reform in 2002 when the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) came to the state. At that time Delaware became a JDAI replication site with a focus on reducing the excessive placement of children and adolescents in Delaware's secure detention facilities.<sup>31</sup>

#### b. Commitment Facilities

DYRS operates The Ferris School, which is a hardware-secure, Level V facility that holds up to 72 adjudicated boys between the ages of 13 and 18. The average length of stay at Ferris School is six months. Ferris is intended for youth deemed to be serious or "chronic" offenders who are a risk to self or others and who require intensive rehabilitative treatment. DYRS also operates three staff-secure residential treatment facilities for youth adjudicated delinquent and ordered into secure care and treatment by the court.<sup>32</sup> Grace Cottage is a 14-bed, Level IV facility for girls; Snowden Cottage is a 15-bed, Level IV facility for adjudicated boys; and Mowlds Cottage is a 15-bed, Level IV transitional housing program which provides for short-term commitments for youth on the aftercare program who have been committed directly by the Family Court.<sup>33</sup> The average length of stay for all programs in Mowlds Cottage is six weeks.<sup>34</sup> All facilities have an Educational Services Unit charged with providing educational programming for youth. There is no Level V facility for girls, therefore girls deemed to be in need of Level V care are sent to facilities in other states. Ten percent of Delaware's committed youth, both girls and boys, are sent out of state through contracts and agreements with other state facilities and agencies. This percentage includes youth who require specialized services, such as intensive treatment for sexual behaviors, which Delaware cannot provide.

In calendar year 2019, DYRS served 757 youth on community-based supervision (pre-trial, assessment, probation/aftercare), down from 1,155 youth served five years prior in 2014. Also, in calendar year 2019, 834 youth were served in DYRS-operated detention or residential treatment facilities, down from 1,335 youth in 2014. Thus, in calendar year 2019, DYRS-operated detention or residential treatment facilities had a decrease in admissions by 40% from 2014 whereas youth served on community-based supervision decreased by 35% from 2014.

Young men under the age of 18 who are convicted and sentenced as adult offenders are incarcerated at the Youthful Criminal Offender Program (YCOP) operated by the Department of

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<sup>30</sup> NCCDC is located in Wilmington and Stevenson House is located in Milford.

<sup>31</sup> *Department of Services for Children, Youth and their Families: About the Department*, STATE OF DELAWARE: THE OFFICIAL WEBSITE OF THE FIRST STATE, <https://kids.delaware.gov/> (July 8, 2021).

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

Corrections and located at the Sussex Correctional Institute – an adult facility. These youth are isolated from the general adult population until their 18th birthday due to the sight and sound restrictions that apply to children housed in adult facilities. Prior to sentencing, if detained pending the resolution of their charges, these youth are held at DYRS detention facilities.

On June 13, 2021, HB26 became law and effective January 1, 2022, YCOP shall be closed and all youth under the age of 18 will remain under the care and custody of DSCYF.

### **The Office of Defense Services**

The Delaware Office of Defense Services (ODS) consists of two branches, the Public Defender's Office and the Office of Conflicts Counsel. ODS provides representation to indigent adults and all children charged with an act of delinquency. While the Public Defender's Office has been in existence for over 50 years, its current structure was established in 2015.

The guiding principle of ODS is that financial means is not a barrier to obtaining zealous legal representation. Its goal is ensuring the Sixth Amendment's rights to an effective lawyer and to a fair trial are respected and realized.<sup>35</sup> Within its trial division, ODS has a unit of specially trained lawyers dedicated to the representation of youth in Family Court.<sup>36</sup> In addition to providing legal representation in pending cases, ODS provides assistance in some post-disposition matters, such as expungement, as a result of recent federal grants.<sup>37</sup> ODS also participates in community outreach efforts and policy advocacy for criminal and juvenile justice improvements.<sup>38</sup>

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<sup>35</sup> *Our Mission* <https://ods.delaware.gov/our-mission/>

<sup>36</sup> *Our Services* <https://ods.delaware.gov/our-services/>

<sup>37</sup> Expungements <https://ods.delaware.gov/our-services/>

<sup>38</sup> *Our Mission* <https://ods.delaware.gov/our-mission/>

# Current Delaware Youth Demographics

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## Delaware Youth Population

Delaware experienced a 22% decrease from 269,770 children in 2017 to 209,703 in 2018. The number decreased again in 2019 to 203,684. Of that 2019 total, 59.2% (120,649) youth live in New Castle County, while 20% (40,761) live in Kent County, and 20.8% (42,274) live in Sussex County. Since 2010, there has been a slight shift in the juvenile population from New Castle County to Kent and Sussex Counties. Census data for 2020 is not yet available.

## Gender Demographics<sup>39</sup>

The data released by the Census Bureau breaks down the population by gender. According to that data, males represent 50.6% (103,076) and females represent 49.4% (100,608) of juveniles under the age of 18 in the State of Delaware in 2019.

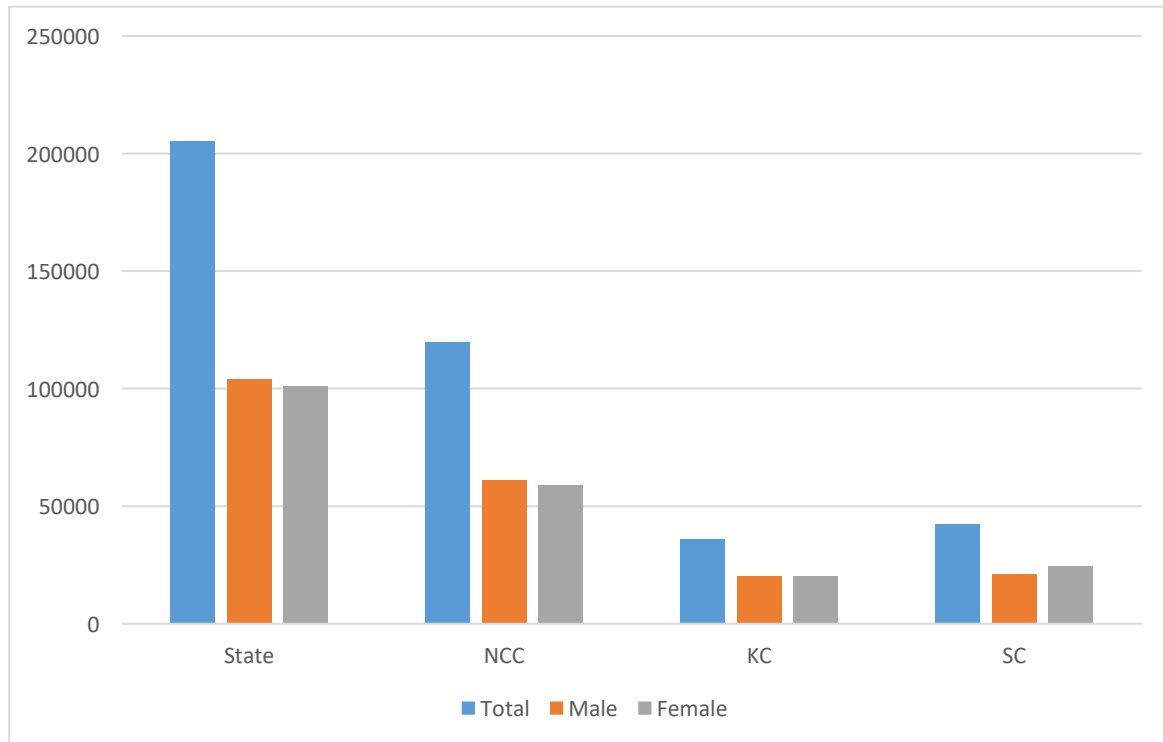
In New Castle County, 50.7% of the juvenile population is male and 49.3% is female. In Kent County, it is 50.7% male and 49.3% female. In Sussex County, it is 50.4% male and 49.6% female.

<i><b>2019 Juvenile Population, by Gender</b></i>			
	MALE	FEMALE	TOTAL
NCC	61,097	59,552	120,649
KC	20,686	20,075	40,761
SC	21,293	20,981	42,274
<b>State</b>	<b>103,076</b>	<b>100,608</b>	<b>203,684</b>

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<sup>39</sup> United States Census Bureau (2019). *American Community Survey: 2019*. Washington, DC: United States Department of Commerce. <https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/>

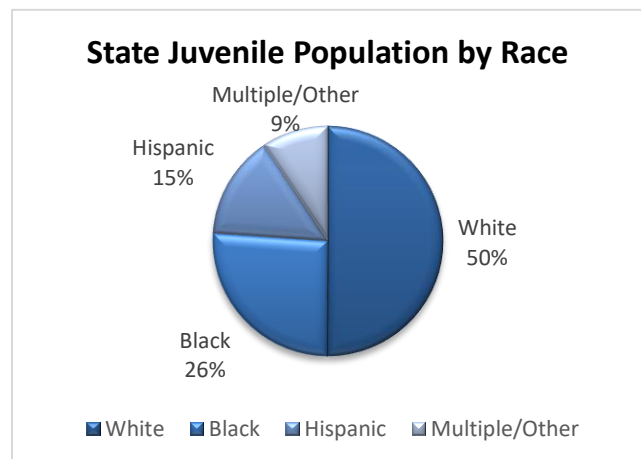
### 2019 Juvenile Population, by Gender



### Racial Demographics<sup>40</sup>

According to the Delaware Population Consortium, there were 217,707 youth between the ages of 0-18 in 2019. 116,375 are White (50.7%), 58,305 are Black (25.4%), 33,370 are Hispanic (14.6%) and 21,322 are multiple/other races (9.3%).

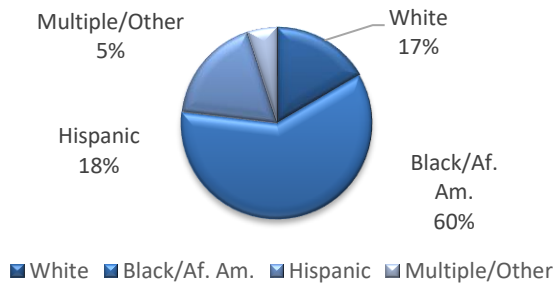
When analyzing the racial demographics for Delaware, it is important to note that the juvenile Hispanic population grew from 5,687 in 1990 to an estimate of more than 33,370 in 2019.



<sup>40</sup> Delaware Population Consortium

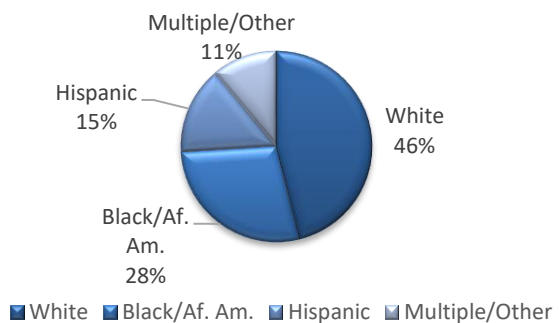
The total 2019 population of the City of Wilmington is 70,670. Currently, Wilmington is the largest city in the State of Delaware and represents 7.3% of the State's total population of 972,332. About 26% (18,215) of the residents are between the ages of 0-18. Of Wilmington's juvenile population, 60% (10,996) are African American, while 17% (3,103) are White, 18% (3,298) are Hispanic, and 5% (818) are of multiple or other races.

**Wilmington Juvenile Population by Race**



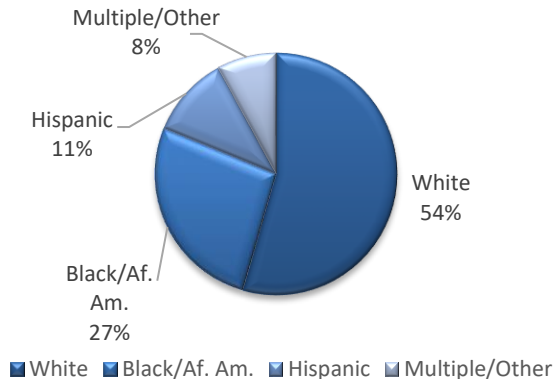
New Castle County includes the City of Wilmington and is the largest county in Delaware in terms of population. As of 2019, it represents 58% of the total state population, and the 134,892 of youth aged 0-18 represent 59% of all those between 0-18 statewide. In NCC, 46% (58,937) of youth are White, 28% (35,950) African American, 15% (18,822) are Hispanic, and 11% (13,816) are multiple or other races.

**NCC Juvenile Population by Race**

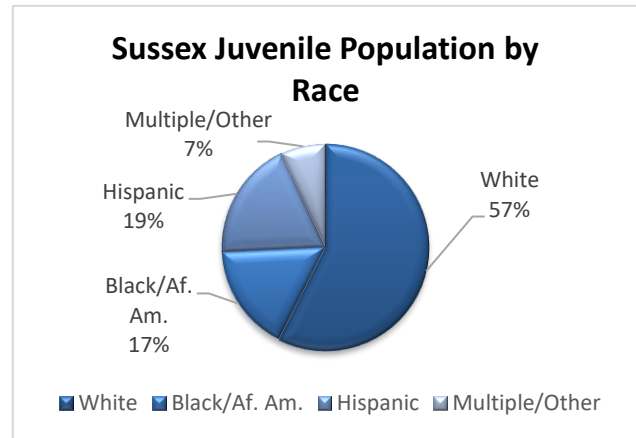


Kent County is located in the center of the state and in terms of population, is the smallest county in Delaware. The population of those aged 0-18 in Kent County in 2019 was 46,115, representing 20% of the population in this age range for the entire State of Delaware. The racial breakdown for juveniles in Kent County indicates that 55% (24,276) are White, 27% (12,138) are African American, 11% (4,729) are Hispanic, and 8% (3,442) represent multiple or other races.

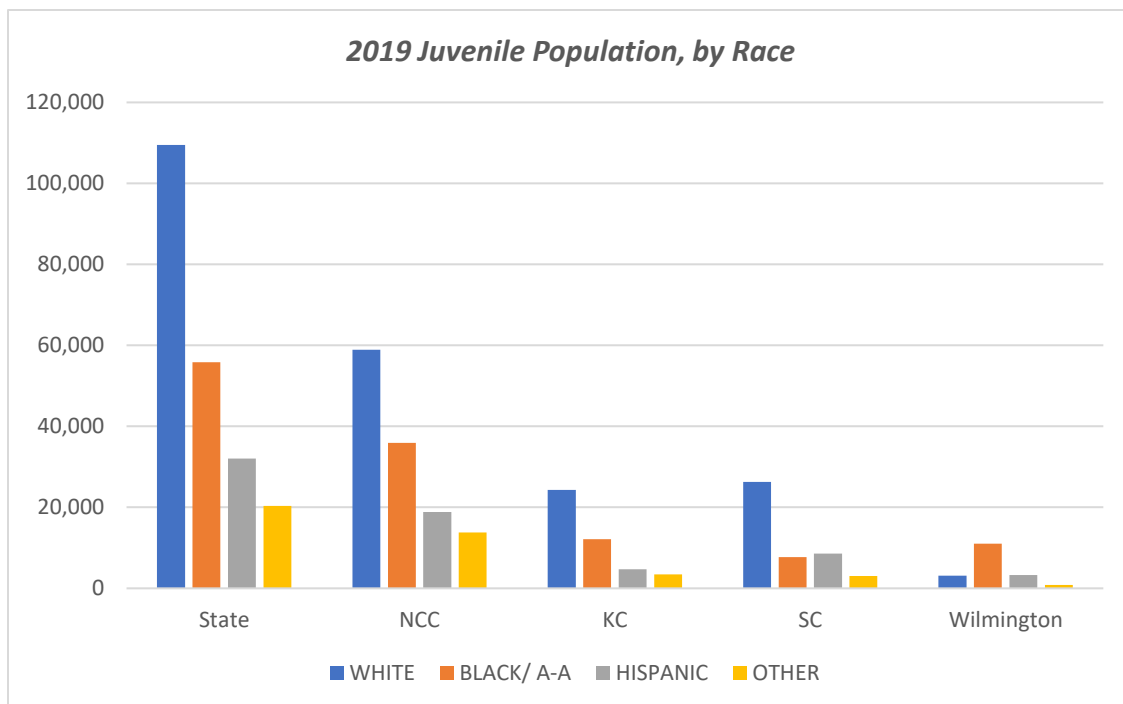
**Kent Juvenile Population by Race**



Sussex County is the southernmost county in the State of Delaware and includes both rural communities and resort towns. The juvenile population for 2019 was approximately 48,375, which represents 21% of all juveniles in the state. The racial breakdown indicates that 58% (26,285) of Sussex juveniles are White, 17% (7,709) are African American, 19% (8,542) are Hispanic, and 7% (3,061) represent multiple or other races.



<b>2019 Juvenile Population, by Race</b>					
	<i>WHITE</i>	<i>BLACK/ A-A</i>	<i>HISPANIC</i>	<i>OTHER</i>	<i>TOTAL</i>
NCC	58,937	35,950	18,822	13,816	127,525
KC	24,276	12,138	4,729	3,442	44,585
SC	26,285	7,709	8,542	3,061	45,597
<b>State</b>	<b>109,498</b>	<b>55,797</b>	<b>32,037</b>	<b>20,319</b>	<b>217,651</b>
<i>Wilmington</i>	<i>3,103</i>	<i>10,996</i>	<i>3298</i>	<i>818</i>	<i>18,215</i>





# Analysis of Delaware Juvenile Crime

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The following Juvenile Crime data was compiled by the State of Delaware Statistical Analysis Center. Methodology is detailed in Appendix A.

The number of juveniles arrested in Delaware in 2019 totaled 2,963 and 1,910 in 2020. In 2019, the state had an arrest rate of 14.6 arrests per 1,000 juveniles. In 2020, the arrest rate was 9.4 arrests per 1,000 juveniles.

<i><b>Total Juvenile Arrests, 2015 to 2020</b></i>						
	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>
Juvenile Arrests	3,969	3,722	3,344	2,873	2,963	1,910

The number of juveniles arrested in New Castle County in 2019 totaled 1,755 and 1,222 in 2020. 2019 arrests increased slightly from 2018, but then decreased in 2020. In 2019, the county had an arrest rate of 14.6 arrests per 1,000 juveniles and a rate of 10.1 in 2020. In 2020, New Castle County had the highest juvenile arrest rate in the state.

The number of juveniles arrested in Kent County in 2019 totaled 641 and 288 in 2020. This has been steadily decreasing since 2015, with the exception of a slight increase in 2016. In 2019, the county had an arrest rate of 15.7 arrests per 1,000 juveniles and a rate of 7.1 in 2020. In 2020, Kent had the lowest juvenile arrest rate in the state.

The number of juvenile arrests in Sussex County in 2019 totaled 567 and 400 in 2020. This has been steadily decreasing since 2015, with the exception of a slight increase in 2017. In 2019, the county had an arrest rate of 13.4 arrests per 1,000 juveniles and a rate of 9.5 in 2020.

<i><b>Juvenile Arrests by County, 2015 to 2020</b></i>						
	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>
NCC	2,335	2,126	1,867	1,578	1,755	1,222
KC	852	872	723	700	641	288
SC	782	724	754	595	567	400
<b>State</b>	<b>3,969</b>	<b>3,722</b>	<b>3,344</b>	<b>2,873</b>	<b>2,963</b>	<b>1,910</b>

## Part I Juvenile Crime

For the period 2015 to 2020, the annual average of juvenile arrests for all Part I crimes is 940. The number of juvenile arrests for Part I crimes has steadily decreased from 2015-2020, with the exception of a slight increase in 2019. Part I Property offenses have also significantly decreased since 2015.

In 2015, 32.5% of juvenile arrests for Part I crimes were violent. In 2019, 37% of juvenile arrests for Part I crimes were violent and 35.7% were violent in 2020.

<i>Juvenile Arrests for Part I Offenses, 2015 to 2020</i>						
	2015	2016	2017	2018	2019	2020
Violent	403	360	288	305	325	219
Property	837	731	671	545	563	395
<b>Total Part I</b>	<b>1,240</b>	<b>1,091</b>	<b>959</b>	<b>850</b>	<b>888</b>	<b>614</b>

## Part I Violent Crime

Robbery and aggravated assault comprise the overwhelming majority of juvenile arrests for Part I violent crimes and have fluctuated annually since 2015. In 2019, there were 111 juvenile arrests for robbery and 200 for aggravated assault. By contrast, there were 14 arrests for rape and 0 arrests for homicide. In 2020, there were 93 juvenile arrests for robbery, 113 for aggravated assault, 11 for rape, and 2 for homicide.

<i>Juvenile Arrests for Part I Violent Crimes, 2015 to 2020</i>						
	2015	2016	2017	2018	2019	2020
Homicide	1	6	2	2	0	2
Rape	20	20	24	14	14	11
Robbery	116	121	81	87	111	93
Aggravated Assault	266	213	181	202	200	113
<b>Total Part I Violent</b>	<b>403</b>	<b>360</b>	<b>288</b>	<b>305</b>	<b>325</b>	<b>219</b>

The tables below break down the 2019 and 2020 juvenile Part I violent crime arrests by county. Overall, the majority (65% in 2019 and 68% in 2020) of Delaware's juvenile Part I violent crime arrests were in New Castle County. This was 70.2% in 2013. Kent County contributed 21.2% (2019) and 17% (2020) to the arrests, compared with 17.4% in 2013. Sussex County contributed 13.9% (2019) and 15.1% (2020) to the arrests, compared with 17.6% in 2013.

<i>Juvenile Arrests for Part I Violent Crimes, By County, 2019</i>				
	NCC	KC	SC	STATE TOTAL
Homicide	0	0	0	0
Rape	7	4	3	14
Robbery	83	21	7	111
Aggravated Assault	121	44	35	200
<b>Total Part I Violent</b>	<b>211</b>	<b>69</b>	<b>45</b>	<b>325</b>

<i>Juvenile Arrests for Part I Violent Crimes, By County, 2020</i>				
	NCC	KC	SC	STATE TOTAL
Homicide	1	1	0	2
Rape	3	5	3	11
Robbery	80	10	3	93
Aggravated Assault	65	21	27	113
<b>Total Part I Violent</b>	<b>149</b>	<b>37</b>	<b>33</b>	<b>219</b>

The next two tables break out statewide juvenile arrests for Part I violent crimes by gender, from 2015 to 2020. Males accounted for the vast majority of the arrests. In 2019, males accounted for 85.2% of all juvenile arrests for Part I violent crimes. This includes 100% of rape arrests, 95% of robbery arrests, and 79% of aggravated assault arrests. In 2020, males accounted for 50% of homicide arrests, 100% of rape arrests, 89% of robbery arrests, and 75% of aggravated assault arrests.

<i><b>MALE Juvenile Arrests for Part I Violent Crimes, 2015 to 2020</b></i>						
	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>
Homicide	1	5	2	2	0	1
Rape	19	20	24	12	14	11
Robbery	109	106	70	83	105	83
Aggravated Assault	209	158	134	135	158	85
<b>Total Part I Violent</b>	<b>338</b>	<b>289</b>	<b>230</b>	<b>232</b>	<b>277</b>	<b>180</b>

<i><b>FEMALE Juvenile Arrests for Part I Violent Crimes, 2015 to 2020</b></i>						
	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>
Homicide	0	1	0	0	0	1
Rape	1	0	0	2	0	0
Robbery	7	15	11	4	6	10
Aggravated Assault	57	55	47	67	42	28
<b>Total Part I Violent</b>	<b>65</b>	<b>71</b>	<b>58</b>	<b>73</b>	<b>48</b>	<b>39</b>

## Part I Property Crime

The tables below illustrate juvenile arrests for Part I Property Crime for 2015-2020. Arrests have steadily decreased over the years. Similar to Part I Violent Crimes, males account for the majority (81%) of all Part I property crime arrests. In 2019, males accounted for 89.7% of burglary arrests, 68.1% of larceny theft arrests, 87% of vehicle theft arrests, and 100% of arson arrests. In 2020 males accounted for 90.1% of burglary arrests, 70.2% of larceny theft arrests, 89.8% of vehicle theft arrests, and 100% of arson arrests.

<i>Juvenile Arrests for Part I Property Crimes, 2015 to 2020</i>						
	2015	2016	2017	2018	2019	2020
Burglary	185	141	146	132	146	141
Larceny Theft	605	552	473	370	335	188
Vehicle Theft	30	34	34	41	75	59
Arson	17	4	18	2	7	7
<b>Total Part I Property</b>	<b>837</b>	<b>731</b>	<b>671</b>	<b>545</b>	<b>563</b>	<b>395</b>

<i>MALE Juvenile Arrests for Part I Property Crimes, 2015 to 2020</i>						
	2015	2016	2017	2018	2019	2020
Burglary	166	132	132	118	131	128
Larceny Theft	347	340	305	230	228	132
Vehicle Theft	26	30	34	37	65	53
Arson	14	4	18	2	7	7
<b>Total Part I Property</b>	<b>553</b>	<b>506</b>	<b>489</b>	<b>387</b>	<b>431</b>	<b>320</b>

<i>FEMALE Juvenile Arrests for Part I Property Crimes, 2015 to 2020</i>						
	2015	2016	2017	2018	2019	2020
Burglary	19	9	14	14	15	13
Larceny Theft	258	212	168	140	107	56
Vehicle Theft	4	4	0	4	10	6
Arson	3	0	0	0	0	0
<b>Total Part I Property</b>	<b>284</b>	<b>225</b>	<b>182</b>	<b>158</b>	<b>132</b>	<b>75</b>

## Part II Juvenile Crime

Part II crimes represent the largest portion of juvenile arrests. The data in the table below reflects juvenile arrests for some of the more serious Part II juvenile crimes for the years 2015 to 2020.

From 2015 to 2019, the total juvenile arrests decreased among all of the listed Part II offenses, with the exception of a slight increase from 2018-2019. However, this drastically dropped in 2020. Other Sexual Offenses increased from 2015, reaching its peak in 2017, but have since fallen to the original 2015 number. Weapon Law Violations fluctuated over the years, but decreased in 2019 and 2020. Drug Offenses and Other Assaults have steadily decreased since 2015, and Driving Under the Influence arrests have not significantly fluctuated or changed.

<i>Juvenile Arrests for Selected Part II Offenses, 2015 to 2020</i>						
	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>
Other Assaults	1,051	1,016	912	792	839	468
Other Sexual Offenses	16	25	30	28	20	16
Weapon Law Violations	88	101	81	83	60	56
Drugs Offenses	429	363	351	288	266	102
Driving Under Influence	2	0	0	0	2	2
Criminal Mischief	219	208	155	114	140	127
<b>Total Part II Offenses</b>	<b>1,805</b>	<b>1,713</b>	<b>1,529</b>	<b>1,305</b>	<b>1,327</b>	<b>771</b>

# The State Advisory Group

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The JJAG is Delaware's State Advisory Group. Pursuant to the JJDP Act [34 U.S.C. § 11133(a)(3)] states receiving Title II Formula Grant funds must provide an advisory group that-

*(A) shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the State—*

*(i) which members have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency, the administration of juvenile justice, or the reduction of juvenile delinquency;*

*(ii) which members include—*

*(I) at least 1 locally elected official representing general purpose local government;*

*(II) representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;*

*(III) representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation, and youth services;*

*(IV) representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;*

*(V) volunteers who work with delinquents or potential delinquents;*

*(VI) youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;*

*(VII) persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and*

*(VIII) persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence;*

*(iii) a majority of which members (including the chairperson) shall not be full-time employees of the Federal, State, or local government;*

*(iv) at least one-fifth of which members shall be under the age of 24 at the time of appointment; and*

*(v) at least 3 members who have been or are currently under the jurisdiction of the juvenile justice system;*

Name	Repres.	Full-Time Government	Youth
Hon. William L. Chapman, Jr. Esq.	Chair		
Hon. Michael K. Newell	Family Court Chief Judge	X	
Hon. Kathy Jennings Proxy: Abigail Rodgers	Delaware Dept. of Justice	X	
Hon. Brendan O'Neill Proxy: Lisa Minutola	Office of Defense Services	X	
Hon. David Jones	Family Court Commissioner	X	
Hon. Josette Manning	Secretary, DSCYF	X	
Sec. Susan Bunting Proxy: Brian Moore	Secretary, Dept. of Education	X	
Dir. John Stevenson	Director, DYRS	X	
Dir. Trenee Parker	Director, DFS	X	
Dir. Aileen Fink	Director, PBH	X	
Com. Claire DeMatteis	Delaware Dept. of Correction	X	
Hon. Robert Coupe	Dept. of Homeland Security	X	
Chief Robert Tracy	Wilmington PD	X	
Chief Kenneth Brown	Milford PD	X	
Chief R.L. Hughes	Georgetown PD	X	
Eliza Hirst, Esq., CWLS	Public		
Melissa L. Dill, Esq.	Public		
Joe Garcia	Public		
Alexander Grier	Public		
James Kane	Public		
Gwendolyn Scott-Jones	Public		
Corie Priest	Public		
Shamia Turlington	Youth		X
Julisa Quixchan	Youth		X
Angelis Olivo	Youth		X
Jane Lyons	Youth		X
Reginald Daniel	Youth		X
Amanda Huff	Youth		X
Morgan Smith	Youth		X
Aaron Locke	Youth		X



### ***Federal Funding Fiscal Year: 2010-2019***

Federal Fiscal Year	Amount	Percentage Change per year
2010	\$480,000	NA
2011	\$600,000	(-) 5%
2012	\$400,000	(+) 3%
2013	\$403,957	(-) 15%
2014	\$482,758	(-) 25%
2015	\$630,448	(-) 44%
2016	\$3,704,816	(-) 23%
2017	\$2,714,419	(+) 2%
2018	\$2,717,298	(-) 3%
2019	\$2,714,326	(-) .11%
2020	\$3,741,218	(+) 37.84

#### **Title II: Formula Grants**

2010	\$480,000	NA
2011	\$600,000	(+) 25%
2012	\$400,000	(-) 33%
2013	\$403,957	(+) 1%
2014	\$393,667	(-) 2.5%
2015	\$393,667	NA
2016	\$393,873	(+) .05%
2017	\$400,463	(+) 1.67%
2018	\$403,341	(+) .71%
2019	\$400,318	(-) .75%
2020	\$427,205	(+) 6.72%

#### **Title V Juvenile Delinquency Prevention**

2020	\$1,000,000	N/A
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#### **Children's Justice Act**

2014	\$89,091	NA
2015	\$88,789	(+) .79%
2016	\$88,978	(+) .21%
2017	\$88,956	(-) .02%
2018	\$88,957	(+) .02%
2019	\$89,008	(+) .06%
2020	\$89,013	(+) .01%

#### **Juvenile Justice Smart Grants**

2015	\$147,983	NA
2016	\$996,965	(+) 574%

<b>Second Chance Act Grant</b>		
2016	\$833,736	NA
<b>DSCYF/DPBH KD Grants</b>		
2016	\$2,225,000	NA
2017	\$2,225,000	NA
2018	\$2,225,000	NA
2019	\$2,225,000	N/A
2020	\$2,225,000	N/A

Title II Grantee/Address	Name/Phone #e-mail	Description	Grant Amount	Outcomes January, 2009
Child, Inc.	Michele Ostafy 302-762-8989 <a href="mailto:athornton@ymcade.org">athornton@ymcade.org</a>	Teen Dating Violence Prevention	\$70,939	A two-fold teen dating violence prevention program to include school and community-based workshops for middle and high school students as well as psycho-educational programming facilitated by a clinician for teens exhibiting dating violence tendencies.
YMCA Delaware, Inc.	Antonio Bernard 302-257-5854 <a href="mailto:athornton@ymcade.org">athornton@ymcade.org</a>	Bear-Glasgow Family YMCA Teen Leadership	\$66,197	Engage 60 teens utilizing evidence based and evidence informed programming at the Bear-Glasgow Family YMCA. Programs include SPORT (evidence based), Teen Leaders, Teen Nights and Summer Camp focusing on substance use and crime prevention through character development, workforce skills, and healthy lifestyles.
Youth Advocate Programs, Inc.	Fred Fog 973-454-3385 <a href="mailto:ffogg@yapinc.org">ffogg@yapinc.org</a>	YAP Delinquency Prevention Program	\$132,864	Youth Advocate Programs, Inc. (YAP) proposes to provide delinquency prevention programming to youth, ages 7 to 10, who are at risk of future juvenile justice involvement. YAP's approach is to provide early intervention strategies to include wraparound advocacy, education enrichment programming and evidence based PATTS.

## **Recommendations**

The Juvenile Justice Advisory Group proposes the following recommendations to guide Juvenile Justice planning activities and resources throughout the state:

1. The JJAG will review, discuss, and vote on legislation related to juvenile justice and lend support to bills that are consistent with the JJAG's goals. The JJAG Bail & Legislation Subcommittee will be the first to review, discuss, and vote on the bills. They will then present to the full JJAG who will review, discuss, and vote on the bills. The JJAG will subsequently provide its final recommendations to the CJC Legislative Committee and the Criminal Justice Council.
2. The JJAG understands the importance of Juvenile Diversion and supports the expansion of diversionary opportunities. The JJAG recommends expanding and raising awareness of pre-arrest diversion, specifically Civil Citation.
3. The JJAG recommends investing in prevention-based services for youth. Members of the JJAG and its Subcommittees will work to identify areas of need and under-served populations who could benefit from an infusion of prevention-based programming. When appropriate and available, the JJAG recommends dedicating financial resources to meet the preventative needs of the community.
4. The JJAG recommends studying available data on school drop-out rates, incidents of youth violence, and poverty to determine areas of need, types of resources needed, and where to target resources in order to combat juvenile delinquency and promote healthy communities statewide.
5. The JJAG recognizes that a small number of high-risk repeat juvenile offenders perpetuate the majority of juvenile violent crime. Therefore, the JJAG recommends directing appropriate resources to this population to treat and prevent further violence effectively and efficiently.
6. The JJAG recognizes the dangers gang involvement poses to youth who are at risk of juvenile justice involvement, as well as to youth who are reentering the community after system involvement. The JJAG recommends researching and implementing effective, evidence-based gang awareness, prevention, and extraction programs. The JJAG also recommends

exploring mentoring options, especially for reentering youth who need a continued, consistent supportive relationship and role model.

7. The JJAG recognizes re-entry services and coordination are essential for a youth's successful return to the community after exiting secure detention. The JJAG recommends continuing efforts to analyze and improve community and home-based support services, as well as cross-agency collaboration and communication to ensure a seamless transition. The JJAG recommends committing state and federal resources where applicable and available to meet the needs of the DSCYF.
8. The JJAG recognizes the importance of leveraging existing resources and efforts at every stage of the Juvenile Justice System. The JJAG recommends inventorying existing resources, facilitating coordination between agencies, increasing awareness of resources to the general public, and creating a centralized, easily accessible location for this information.
9. The JJAG recommends exploring new evidence-based practices, while also enhancing and expanding existing evidence-based practices, to facilitate sustainable positive change and success for youth and their families. The JJAG recommends allocating state and local resources, when applicable and appropriate, to fund evidence-based programs designed to strengthen families as a means to limit youth involvement in the juvenile justice system.
10. The JJAG understands that improving youth outcomes involves youth service agencies outside of the Criminal and Juvenile Justice Systems. Therefore, the JJAG recommends supporting the youth continuum of care through available state and federal resources.
11. JJAG recognizes that youth of color have disproportionate contact with the juvenile justice system. As a result, JJAG's RED Subcommittee will examine the role of adverse childhood experiences and resilience assessments within programs designed to assist youth in the juvenile justice system. The Subcommittee continues to review aggregated data of race, ethnicity, and gender correlated with arrests, detention, incarceration, and other juvenile justice involvement. JJAG recommends state and federal resources be identified to help individually tailor services and supports for youth of color who experience disproportionate juvenile justice contact.

## **Appendix A Methodology & FBI/NIBRS Offense Definitions**

Juvenile arrest data in the data tables were compiled by the Delaware Statistical Analysis Center (SAC); the tables are adaptations from data SAC uses in its annual Crime in Delaware reports. SAC receives crime reporting data from the State Bureau of Identification, which has responsibility for preparing and submitting state data to the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program.

The UCR Program has undergone numerous changes in recent decades; most significant is the gradual transition from the Summary Reporting System (SRS) to the National Incident-Based Reporting System (NIBRS). Detailed history on the UCR Program is available from numerous state and federal sources. Readers are referred to (appendix and or web references?) for further information.

For historical reasons, tables in this report use SRS offense terminology. Delaware transitioned to NIBRS reporting prior to 2015, but adjustments have been made to adapt NIBRS data for arrest counts in SRS categories. It should be noted that the full transition from SRS to NIBRS is expected to occur at the national level in 2021. Offense terminology may be changed for future versions of this report.

The following offense descriptions were extracted from various Uniform Crime Reporting (UCR) Program sources. This is not a complete list of UCR offenses; selected descriptions are limited to those for which juvenile arrest data appear in this JJAG Annual Report. Listed offenses follow the order of their appearance in the report's arrest tables.

UCR offense descriptions vary over time. The list below does not necessarily match a specific version of UCR definition references. Selections were chosen to provide generalized descriptions that were in effect during the years 2015 to 2020.

### **Homicide Offenses**

**Murder and Nonnegligent Manslaughter**—The willful (nonnegligent) killing of one human being by another

**Negligent Manslaughter**—The killing of another person through negligence

### **Rape Offenses**

**Rape**—(Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

**Sodomy**—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

**Sexual Assault With An Object**—To use an object or instrument to unlawfully penetrate, however

slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

**Robbery**—The taking, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm

**Aggravated Assault**—An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness. This also includes assault with disease (as in cases when the offender is aware that he/she is infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.)

**Burglary/Breaking and Entering**—The unlawful entry into a building or other structure with the intent to commit a felony or a theft

**Larceny/Theft (except Motor Vehicle Theft)**—The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Examples are thefts of bicycles, motor vehicle parts and accessories, shoplifting, pocket picking, or the stealing of any property or article that is not taken by force and violence or by fraud. Embezzlement, confidence games, forgery, check fraud, etc., are excluded.

**Motor Vehicle Theft**—The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on land surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

**Arson**—To unlawfully and intentionally damage, or attempt to damage, any real or personal property by fire or incendiary device

**Other Assaults (Simple Assault and Intimidation)**—Assaults and attempted assaults where no weapon was used or no serious or aggravated injury resulted to the victim. Stalking, intimidation, coercion, and hazing are included.

#### **Other Sex Offenses**

**Fondling**—The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

**Incest**—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law

**Statutory Rape**—Nonforcible sexual intercourse with a person who is under the statutory age of consent

**Weapon Law Violations**—The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons

**Drug/Narcotic Offenses**—(Except Driving Under the Influence) The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use

**Driving Under the Influence**—Driving or operating a motor vehicle or common carrier while mentally or physically impaired as the result of consuming an alcoholic beverage or using a drug or narcotic

**Criminal Mischief (also identified as Destruction/Damage/Vandalism of Property)**—To (excluding by arson) willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it

### **FBI/NIBRS Definitions**

#### **Criminal Offense**

#### **Definition**

Arson

The willful and malicious burning of a dwelling, motor vehicle, or other personal property, with or without the intent to defraud.

#### *Assault Offenses*

Aggravated

An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Simple

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Bribery

The offering, giving, receiving, or soliciting of anything of value (i.e., a bribe, gratuity, or kickback) to sway the judgment or action of a person in a position of trust or influence.

Burglary/Breaking and Entering

The unlawful entry into a building or other structure with the intent to commit a felony or a theft. Burglary: The unlawful entry (or attempted entry) into a building or structure to commit a crime.



Counterfeiting or Forgery	The altering, copying, or imitation of something, without authority or right, with the intent to deceive or defraud by passing the copy or thing altered or imitated as that which is original or genuine; or the selling, buying or possession of an altered, copied, or imitated thing with the intent to deceive or defraud.
Destruction, Damage, or Vandalism of Property	To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
Drug/Narcotic Offenses	The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use.
Drug Equipment Violation	The unlawful manufacture, sale, purchase, possession, or transportation of equipment or devices utilized in preparing and/or using drugs or narcotics.
Embezzlement	The unlawful misappropriation by an offender to his/her own use or purpose of money, property, or some other thing of value entrusted to his/her care, custody, or control.
Extortion or Blackmail	To unlawfully obtain money, property, or any other thing of value, either tangible or intangible, through the use or threat of force, misuse of authority, threat of criminal prosecution, threat of destruction of reputation or social standing, or through other coercive means.
<i>Fraud Offenses</i>	
False Pretense, Swindle, Confidence Game	The intentional misrepresentation of existing fact or condition, or the use of some other deceptive scheme or device, to obtain money, goods, or other things of value.
Credit Card/ ATM Fraud	The unlawful use of a credit (or debit) card or automatic teller machine for fraudulent purposes. This offense does not apply to the theft of a credit/debit card but rather its fraudulent use.
Impersonation	Falsely representing one's identity or position, and acting in the character or position thus unlawfully assumed, to deceive others and thereby gain a profit or advantage, enjoy some right or privilege, or subject another person or entity to an expense, charge, or liability which would not have otherwise been incurred.

Welfare Fraud	The use of deceitful statements, practices or devices to unlawfully obtain welfare benefits.
Wire Fraud	The use of an electric or electronic communications facility to intentionally transmit a false and/or deceptive message in furtherance of a fraudulent activity.
Identity Theft	Wrongfully obtaining and using another person's personal data (e.g., name, date of birth, Social Security number, driver's license number, credit card number)
Hacking/Computer Invasion	Wrongfully gaining access to another person's or institution's computer software, hardware, or networks without authorized permissions or security clearances
Gambling Offenses	To unlawfully bet or wager money or something else of value; assist, promote, or operate a game of chance for money or some other stake; possess or transmit wagering information; manufacture, sell, purchase, possess, or transport gambling equipment, devices, or goods; or tamper with the outcome of a sporting event or contest to gain a gambling advantage.
Gambling Equipment Violations	To unlawfully manufacture, sell, buy, possess, or transport equipment, devices, and/or goods used for gambling purposes. Such equipment is also known as "gambling paraphernalia".
Operating/ Promoting/ Assisting	To unlawfully operate, promote, or assist in the operation of a game of chance, lottery, or other gambling activity.
Sports Tampering	To unlawfully alter, meddle in, or otherwise interfere with a sporting contest or event for the purpose of gaining a gambling advantage. This offense includes engaging in bribery for gambling purposes.
Other	Betting/Wagering: To unlawfully stake money or something else of value on the happening of an uncertain event or on the ascertainment of a fact in dispute.
<i>Homicide Offenses</i>	
Criminal Homicide	This includes Murder – the willful, non-negligent killing of one human being by another – and negligent Manslaughter.
Justifiable Homicide	The killing of a perpetrator of a serious criminal offense by a peace officer in the line of duty; or the killing, during the commission of a serious criminal offense, of the perpetrator by a private individual.

Kidnapping or Abduction	The unlawful seizure, transportation, and/or detention of a person against his/her will, or of a minor without the consent of his/her custodial parent(s) or legal guardian. This offense includes not only kidnapping and abduction, but hostage situations as well.
Human Trafficking Offenses	The inducement of a person to perform a commercial sex act, or labor, or services, through force, fraud, or coercion. Human trafficking has also occurred if a juvenile has been induced or enticed (regardless of force, fraud, or coercion) to perform a commercial sex act.
Commercial Sex Acts	Inducing a person by force, fraud, or coercion to participate in commercial sex acts, or if a juvenile is induced to perform such act(s).
Involuntary Servitude	Obtaining a person(s) through recruitment, harboring, transportation, or provision, and subjecting such persons by force, fraud, or coercion into voluntary servitude, peonage, debt bondage, or slavery (not to include commercial sex acts)
Larceny-Theft Offenses	The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another person.
Pocket-Picking	The theft of articles from another person's physical possession by stealth where the victim usually does not become immediately aware of the theft.
Purse-Snatching	The grabbing or snatching of a purse, handbag, etc., from the physical possession of another person.
Shoplifting	The theft, by someone other than an employee of the victim, of goods or merchandise exposed for sale.
Theft from Motor Vehicle	The theft of articles from a motor vehicle, whether locked or unlocked.
Theft of Motor Vehicle Parts or Accessories	The theft of any part or accessory affixed to the interior or exterior of a motor vehicle in a manner which would make the item an attachment of the vehicle or necessary for its operation.
Theft from Building	A theft from within a building which is either open to the general public or where the offender has legal access.
Theft from a Coin-Operated Machine or Device	A theft from a machine or device which is operated or activated by the use of coins.
All Other Larceny	All thefts which do not fit any of the definitions of the specific subcategories of Larceny/Theft listed above.

Motor Vehicle Theft	The theft (or attempted theft) of a motor vehicle by person(s) without lawful access to the vehicle.
Pornography/ Obscene Material	The violation of laws or ordinances prohibiting the manufacture, publishing, sale, purchase, or possession of sexually explicit material, e.g., literature, photographs, etc.
<i>Prostitution Offenses</i>	
Prostitution	To unlawfully engage in sexual relations for profit. This offense includes prostitution by both males and females.
Assisting or Promoting Prostitution	To solicit customers or transport persons for prostitution purposes; to own, manage, or operate a dwelling or other establishment for the purpose of providing a place where prostitution is performed; or to otherwise assist or promote prostitution.
Robbery	Feloniously taking or attempting to take anything of value from someone by force, threat of force, violence, and/or by putting the victim in fear.
Sex Offenses, Forcible	Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.
Forcible Rape	The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
Forcible Sodomy	Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
Sexual Assault with an Object	To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.

Forcible Fondling	The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of this/her youth or because of his/her temporary or permanent mental or physical incapacity.
Sex Offenses, Non-Forcible Incest	Unlawful, non-forcible sexual intercourse. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
Statutory Rape	Non-forcible sexual intercourse with a person who is under the statutory age of consent.
Stolen Property Offenses	Receiving, buying, selling, possessing, concealing, or transporting any property with the knowledge that it has been unlawfully taken, as by burglary, embezzlement, fraud, larceny, robbery, etc.
Weapon Law Violations	The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. Includes violations such as the manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc. silencers; and furnishing deadly weapons to minors.
Cruelty to Animals	Intentionally, knowingly, or recklessly taking an action that mistreats or kills any animal without just cause, such as torturing, tormenting, mutilation, maiming, poisoning, or abandonment
All Other Offenses	All crimes which are not Group-A offenses and not included in one of the specifically named Group B crime categories listed above. Offenses of general applicability (i.e., any offense prefixed by "accessory before/after the fact", "aiding and abetting", "assault to commit", "conspiracy to commit", "facilitation of", "solicitation to commit", "threat to commit", or any other prefix identifying it as other than the substantive offense) are included in this category, if the substantive offense is within Group A.