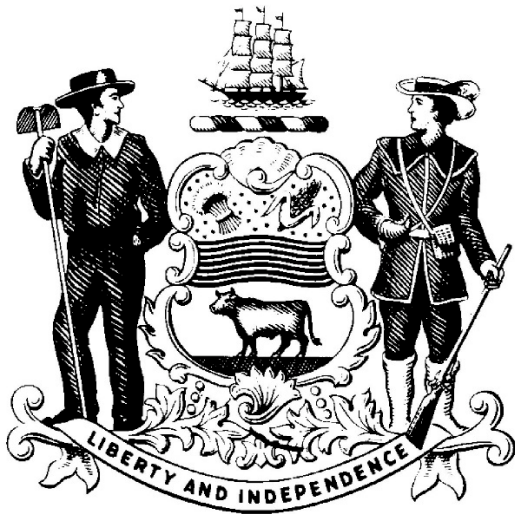


# THE DELAWARE JUVENILE JUSTICE ADVISORY GROUP

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



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# Delaware Juvenile Justice Advisory Group

820 N. French Street, 10<sup>th</sup> Floor

Hon. William L. Chapman Jr.

Wilmington, DE 19801

Chair

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July 22, 2023

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 State of Delaware is out of compliance with the Jail Removal Core Requirement of JJDPa for FY 22 and we anticipate being out of compliance for Fiscal Years 23 and 24. While this results in a loss of funding, it has provided JJAG with an opportunity to examine the reasons for our non-compliance and make a commitment to correct and improve our juvenile justice system. As discussed further on Page 9, JJAG has taken concrete steps to bring the State back into compliance.

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

# Executive Summary

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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. On November 20th, 2019, Governor Carney appointed Hon. William L. Chapman as the Chair of the JJAG. The JJAG convened for the first time under his leadership on January 28th, 2020. In 2022, the JJAG updated membership to its subcommittees; reviewed and updated its recommendations; reviewed and updated its members; funded R/ED projects (see R/ED Subcommittee detail below); assisted in the decision-making process for the Congressionally Directed Spending for the Community-Based Violence Reduction Prevention - Statewide Violence Reduction Program (see the Prevention Subcommittee detail below); and the FY21 Title II funds were awarded upon approval of the Compliance Manual update.

Unfortunately, FY22 Title II funding was reduced by 20% due to the fact that Delaware is out of compliance with the Jail Removal Core Requirement of the JJDPA. The CJC and JJAG have since taken multiple steps to achieve compliance in the future.

## **Historical Accomplishments**

Delaware has been continuously working to improve the Juvenile Justice System. While efforts predate information in this report, this timeline begins in 2002, with the Annie E. Casey Juvenile Detention Alternatives Initiative. Other efforts over the years include the DSCYF Blueprint for Success, the Juvenile Justice Reform and Reinvestment Initiative, the DSCYF-DPBH Out of School Time Programming, the CDC Evaluation, the Smart on Juvenile Justice Enhancing Access Grant Project, and the Second Chance Reentry Grant Project.

## **Current Initiatives**

Delaware's current initiatives to improve Juvenile Justice include the Juvenile Civil Citation Program; the Restorative Justice & Mediation Programs operated by the Delaware Center for Justice and People's Place, which completed a total of 235 mediations in FY22-23; the School Offense Diversion Program, which serviced 31 referrals in calendar year 2022-2023; the YRS Juvenile Diversion System Reform project to streamline diversion in the state; and the DSCYF-YRS Dual Status Youth Grant which has served 180 youth and families in calendar years 2022 and 2023. The CJC also contracted with the Crime and Justice Institute to evaluate Delaware's Risk Assessment Instrument and is working to implement their recommendations.

## **JJAG Subcommittees**

The JJAG maintained oversight of the Criminal Justice Council's suite of Juvenile Justice grants totaling \$2,920,143 for federal fiscal year 2021 and \$2,725,153 for federal fiscal year 2022. As of August 2020, the JJAG operated the following subcommittees: Prevention, Bail & Legislation, Reentry, Racial & Ethnic Disparities (R/ED), Youth, and the Executive Committee. Each subcommittee works to identify and improve specific issues of the subcommittee area.

## **Legislation**

The JJAG provided assistance and leadership in the Delaware 151<sup>st</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.

## **National Accomplishments**

In 2018, Congress reauthorized the Juvenile Justice and Delinquency Prevention Act after operating on an expired act that had not had substantial review for 18 years. The Act was first authorized in 1974, 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 changes to the Core Requirements (R/ED, Sight and Sound Separation, Jail Removal, & Deinstitutionalization of Status Offenses), Title II, Title V, State Plans, State Advisory Group Appointees, Required State Staff, the Annual Report, the National Recidivism Measure, and the Runaway and the 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. The Juvenile Justice System Structure in Delaware includes the Family and Justice of the Peace Courts; the Delaware Department of Justice Family Division; the Office of Defense Services; and the Department of Services for Children, Youth, and their Families, which includes Youth Rehabilitative Services, the Division of Family Services, and the Division of Prevention and Behavioral Health Services.

## **Current Delaware Youth Demographics**

Delaware's youth population increased 1.8% in 2022 to 208,517. Of that 2022 total, 58.3% (121,569) youth live in New Castle County, while 20.3% (42,303) live in Kent County, and 21.4% (44,645) live in Sussex County. In New Castle County, 48.6% of the juvenile population is male and 51.4% is

female. In Kent County, it is 48.2% male and 51.8% female. In Sussex County, it is 47.9% male and 52.1% female. According to the 2022 Census of the Delaware youth population, 60.8% (126,778) are White, 20.8% (43,372) are Black, 10.1% (21,060) are Hispanic, and 8.3% (17,307) are multiple/other races.

### **Analysis of Delaware Juvenile Crime**

The number of juvenile arrests in Delaware in 2022 totaled 1,670. The state had an arrest rate of 800 arrests per 100,000 youth, or 8 arrests per 1,000 youth. In 2022, Kent County had an arrest rate of 9.56 arrests per 1,000 juveniles – the highest juvenile arrest rate in the state. Robbery and aggravated assault comprise the overwhelming majority of juvenile arrests for Part I violent crimes and have fluctuated annually since 2016. In 2022, there were 59 juvenile arrests for robbery, 149 for aggravated assault, 8 for rape, 3 for forcible sodomy, 8 for forcible fondling, and 0 for homicide. All decreased from 2020, with the exception of Aggravated Assault, which increased slightly.

Overall, the majority (61%) of Delaware’s juvenile Part I violent crime arrests were in New Castle County, a decrease from 70.2% in 2013. Kent County contributed 20% to the arrests, compared with 17.4% in 2013. Sussex County contributed 19% to the arrests, compared with 17.6% in 2013. Males accounted for the vast majority of the arrests. Juvenile arrests for Part I Property Crime for 2016-2021 have steadily decreased over the years, and slightly increased in 2022. Similar to Part I Violent Crimes, males account for the majority (85.2%) of all Part I property crime arrests.

Part II crimes represent the largest portion of juvenile arrests. From 2016 to 2022, the total juvenile arrests decreased among all of the listed Part II offenses, with the exception of a slight increase from 2018-2019, and 2021-2022. However, this is still a significant decrease in arrests since 2016. Despite the continuing decrease in total Part II offenses, the totals in all categories, except for Other Sexual Offenses and Driving Under the Influence, increased from 2021 to 2022.

### **State Advisory Group**

The JJDPA details the JJAG membership requirements. These are listed in the State Advisory Group Section of this report, along with the list of JJAG members for 2022. The roster has since been updated due to transition in 2023.

### **Federal Funding FY22**

The total amount of funding for funding year 2021 is \$2,920,143. The Total amount of funding for funding year 2022 is \$2,725,153.

### **Title II Grantees**

The Title II Subgrantee for FY21 is the Delaware Center for Justice's SoDP In-School Pilot Program. Active Title II Subgrants from FY19 and FY20 include: DSCYF's Juvenile Diversion Program System Reform Program, the Office of the Public Defender's ODS Street Team Launch program, and their Juvenile Justice Jeopardy Games program.

## **Recommendations**

In 2022, the JJAG reviewed and updated its recommendations. They are as follows:

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 R/ED Subcommittee recommends examining the role of adverse childhood experiences and resilience assessments within programs designed to assist youth in the juvenile justice system. 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.
12. In order to regain compliance with the Jail Removal requirement of the JJDPA, improve public safety, reduce recidivism, and to better serve youth in the system (or at risk of entering the system), the JJAG recommends the following:
  - a. Explore establishing a Juvenile Processing Center where law enforcement may take youth who have been arrested while law enforcement investigates and awaits arraignments. Placement in a youth specific facility is in the best interest of the youth and public safety.
  - b. Implement an electronic Statewide Compliance Reporting System to be used by all reporting agencies. This will standardize data collection, decrease the amount of time the reporting agencies and CJC staff allocate to collecting and aggregating data, improve response time to potential violations, and ensure accurate data collection to fulfill federal requirements.
  - c. Expand the use of Civil Citation by creating a DELJIS prompt to remind law enforcement of its availability for eligible offenders.
  - d. Expand the use of Civil Citation by making it mandatory for law enforcement to offer it to eligible youth (pending the consent of the victim and voluntary participation of the youth cited).
  - e. The JJAG recognizes that pre-trial detention decisions should be based on the risk of failure to appear and risk of new criminal activity, not on a family's or youth's financial ability to pay monetary bail. Pre-trial determinations should maximize liberty among youth who are entitled to the presumption of innocence, while also protecting public

safety and ensuring effective court operation. Therefore, the JJAG recommends eliminating the use of monetary bail for youth and developing a robust pre-trial system in which individualized assessments are based on risk to determine if a youth should be detained or released with or without non-financial conditions.”

## 2022 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.

On November 20<sup>th</sup>, 2019, Governor Carney appointed Hon. William L. Chapman as the Chair of the JJAG. The JJAG convened for the first time under his leadership on January 28<sup>th</sup>, 2020.

In 2022, the JJAG updated membership to its subcommittees; reviewed and updated its recommendations; reviewed and updated its members; funded R/ED projects (see R/ED Subcommittee detail below); and assisted in the decision-making process for the Congressionally Directed Spending for the Community-Based Violence Reduction Prevention- Statewide Violence Reduction Program (see the Prevention Subcommittee detail below).

The FY21 Title II funding awards were delayed due to the fact the Office of Juvenile Justice and Delinquency Prevention (OJJDP) required each state to rewrite and resubmit their Compliance Manuals. On December 15<sup>th</sup>, 2021, OJJDP provided an annotated manual to guide states on the required updates. Delaware rewrote and resubmitted its manual on June 12<sup>th</sup>, 2021. It was approved and Delaware was awarded its full FY21 Title II award amount.

The State of Delaware is out of compliance with the Jail Removal Core Requirement of the JJDP for FY22. Preliminary data shows the state is likely to be out of compliance for FY23 and FY24 as well. As a result, Delaware loses 20% of federal Title II funding. In FY22, the Title II award was reduced from \$607,008.75 to \$485,607. A loss of \$121,401.75. Of the remaining awarded amount, 50% must be allocated to efforts to get back into Compliance.

In FY22, Delaware had 187 Jail Removal violations. Delaware is in compliance with the Deinstitutionalization of Status Offenders (DSO) and Sight & Sound Separation Requirements.

The following steps have been taken in an effort to achieve compliance in future years:

- The Criminal Justice Council is working with CCAS, the federal technical assistance provider, to explore ways to achieve compliance.
- The Criminal Justice Council hired a Compliance Monitor (January 2023), and monitoring frequency has been increased.

- The Criminal Justice Council conducted a training at the Annual Police Chief's Retreat to inform law enforcement of the federal requirements and changes resulting from the 2018 reauthorization of the JJDP.
- The Criminal Justice Council worked with the federal technical assistance provider CCAS to schedule a training for the Courts to inform court officials of the federal requirements and changes resulting from the 2018 reauthorization of the JJDP.
- The Juvenile Justice Coordinator has communicated with various states (Utah, Maine, D.C.) who are in compliance to discuss the ways they maintain compliance. As a result, the Juvenile Justice Coordinator, Compliance Monitor, and YRS Leadership visited the Washington D.C. Juvenile Processing Center to explore the possibility of establishing one in Delaware.
- The Compliance Monitor and Juvenile Justice Coordinator have contacted Pennsylvania to explore their statewide electronic Compliance Reporting System to explore the possibility of implementing this in Delaware. This would be used by all reporting agencies (Law Enforcement, Courts, DYRS). The goal would be to streamline reporting and allow the Compliance Monitor to view potential violations in real time (or soon after). Therefore, violations would be addressed more swiftly, and action may be taken before they increase to a large number.
- The R/ED Subcommittee is exploring the possibility of expanding the Civil Citation Program. This would assist with compliance as well, removing or preventing JCC eligible youth from entering an adult jail & lockup.
- The Criminal Justice Council staff informed the JJAG of the issue. All efforts are reported to the JJAG. The JJAG will make funding decisions regarding Compliance.

In FY22, the JJAG Membership roster did not meet the JJDP requirement that the majority of members must not be full-time employees of the federal, state, or local government. No penalty is issued from OJJDP. However, the JJAG and CJC are working to revamp youth and public membership. These efforts have included sending flyers to local colleges, non-profits that serve youth, and public contacts. The JJAG approved compensating youth for their participation and is exploring the option of holding meetings outside of normal business hours to accommodate youth and public members.

## ***Historical Timeline of Juvenile Justice in Delaware***

### **2002 Annie E. Casey Juvenile Detention Alternatives Initiative (JDAI)**

In 2003, Delaware enacted HB 210, 'get tough' legislation. This "Resulted in the transfer of a large number of juvenile offenders to the criminal justice system [and] significant overcrowding of juvenile detention facilities."<sup>1</sup> Delaware invited the Annie E. Casey Juvenile Detention Alternatives Initiative (JDAI) to lead the state in addressing the overcrowding and the issue of excessive placement of juveniles in secure detention. This was extremely successful, as "JDAI produced a 27% reduction in the average daily juvenile detention population by mid-2009...Average daily populations in the detention centers continued to decline in 2010, by a total of 48% from 2003, with overall admissions decreasing by 60% compared to 2003...Upon achieving reduced detention populations, the JDAI stakeholder group reorganized in 2009 as the Juvenile Justice Collaborative (JJC) in an effort to implement additional reforms across the larger juvenile justice system."<sup>2</sup>

"The JDAI/JJC efforts have resulted in streamlined case processing and development of specialized courts: Mental Health Courts, including statewide expansion; Drug Courts; and Gun Courts, including a Gun Violence Prevention Program for Level IV Cottages and Ferris School. These efforts have also resulted in targeted interventions and supervision, legislative changes around school codes of conduct and mandatory reporting for school-based offenses. Conditions of confinement have been enhanced through the elimination of overcrowding, improvements in the physical plant of facilities, and enhanced rehabilitative and educational services within the residential facilities."<sup>3</sup>

### **2005 Blueprint for Success**

Delaware began using a Risk Assessment Instrument for youth bond hearings.

### **2008 Blueprint for Success**

DYRS created a specialized unit within Community Services for youth with Inappropriate Sexual Behavior.

### **2012 Blueprint for Success:**

DYRS implemented Community Based Standards (CBS) in state staff-secure facilities.

An evaluation was completed by the DSCYF Comprehensive Strategy Group, and "The Little Engine That Could" report was published.

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<sup>1</sup> Wilson, J. et. al. 2017 Juvenile Justice System in Delaware 2021: The Little Engine That Could. Comprehensive Strategy Group.

<sup>2</sup> Id.

<sup>3</sup> Id.

## **2012 Juvenile Justice Reform and Reinvestment Initiative (JJRI)**

“OJJDP funded three diverse demonstration sites to implement JJRI,” one of which was Delaware. “Before the implementation of JJRI, DYRS undertook a four-year strategic planning process aimed to improve services to youth in secure case facilities, decrease the detention population, improve interventions for sex offenders, and restructure community services. As a result, in 2011, DYRS implemented a Community Services Restructure Initiative that focused heavily on matching youth with appropriate services and improving the quality of services that youth received. This process resulted in the implementation of an evidence-based risk-need assessment tool. It also resulted in significant contracting changes with community-based service providers and, in several cases, eliminated funding to community programs that were assessed as providing low-quality services. This money was redirected to support new community-based service programs.”

“Delaware has made significant progress in many areas targeted by JJRI. Perhaps most significantly, Delaware has made strides in the reliable use of the PACT<sup>4</sup> across community-based and residential services. At the beginning of JJRI, only youth on community supervision were assessed using the PACT, after disposition. Through the course of the grant Delaware also implemented the PACT with youth in residential facilities (albeit after disposition), which will increase Delaware’s ability to match youth to appropriate serves and expand the use of SPEP™ with youth in residential services. Along the way, Delaware has implemented high-quality and more timely PACT training for probation officers to increase the reliability of PACT scores. Finally, Delaware continues to support rigorous studies of the PACT, including discriminability and validation studies, to ensure the evidence base of the PACT as a local assessment tool.”<sup>5</sup>

## **2014 Blueprint for Success**

DYRS began using Standardized Program Evaluation Protocol (SPEP) on programs offered in the community.

Performance Based Standards were implemented for in-state secure programming.

## **2014 Prevention and Behavioral Health Out of School Time Programming**

Since FY2014, the DSCYF Division of Prevention and Behavioral Health partnered with the Delaware Criminal Justice Council to administer and monitor \$2.5 million in Youth Suicide & Violence Prevention state funding. The funding resulted, in part, from a recommendation by the

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<sup>4</sup>The Positive Achievement Change Tool ensures youth are assigned to appropriate supervision options based on risk to re-offend and connected to services, supports, and programs that address their criminogenic needs, promote success, and reduce recidivism. This will later become the “MPACT” – (Modified).

<sup>5</sup> Hussemann, J. & Liberman, A. 2017 Implementing Evidence-Based Juvenile Justice Reforms: Demonstration Sites in OJJDP’s Juvenile Justice Reform and Reinvestment Initiative. Urban Institute.

Centers for Disease Control and Prevention report on a cluster of juvenile suicides that occurred in Kent and Sussex Counties in 2011-2012.

The CDC report noted gaps in positive activities such as after-school and summer safe havens to enrich and support the well-being and development of middle school and high school youth. In order to address the growing need for prevention services for youth statewide, the state FY14 Budget Proposal included this initiative to support positive prevention activities for youth.

Since 2014, a diverse group of projects and service providers have been established and awarded, all of whom incorporate Evidence-Based Programs. Youth engage in programming that incorporates academics; exposure to nature; music and the arts; bullying, suicide, and pregnancy prevention programming; sports and athletics; healthy living; life skills; and self-esteem building. In FY22, 2,740 youth statewide received services under this project. This funding continues to provide resources to diverse, evidence-based projects. A new group of projects was awarded for the 2022 state fiscal year.

### **2015 Blueprint for Success**

DSCYF established a Quality Improvement Unit and initiated the Civil Citation Program.

### **2015 CDC Evaluation<sup>6</sup>**

In 2015, the Centers for Disease Control and Prevention conducted a study on “Elevated Rates of Urban Firearm Violence and Opportunities for Prevention – Wilmington, Delaware.” Wilmington had been experiencing a significant increase in firearm violence, so “The Delaware Division of Public Health, with concurrence from the City Council and Mayor’s office, issued a formal invitation to CDEC to provide epidemiologic assistance and make programmatic recommendations for a public health response.”<sup>7</sup> The study found that 15.1% of individuals involved in firearm crimes at the time of the offense were under the age of 18 and 39.4% were between ages 18-25. At one point in their life, 54% of the individuals involved in firearm crimes had received any of the juvenile services listed: Juvenile Community Probation, Residential Detention, Behavioral Health Services, and Managed Care Services. 73% of the individuals involved in firearm crimes were at some point a recipient of social assistance programs, 42% had a prior suspension/expulsion, and 58% had less than or equal to 10 unexcused absences in the school year preceding the crime (of those enrolled in school). The study found that in the “Sample of 15–29-year-old males, there were 209 individuals who had an estimated risk of 90% or greater based on multiple risk factors. Ultimately, 205 of these young men were involved in

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<sup>6</sup> <https://www.dhss.delaware.gov/dhss/cdcfinalreport.pdf>

<sup>7</sup> <https://www.dhss.delaware.gov/dhss/cdcfinalreport.pdf>

firearm crimes over the study period.”<sup>8</sup> Recommendations for those who suffered trauma from child abuse included therapeutic support/counseling such as trauma-focused Cognitive Behavioral Therapy. For those with Juvenile Criminal Involvement, recommendations included individual or family focused programs and placement strategies, such as Multidimensional Treatment Foster Care and Functional Family Therapy. For those with school problems, recommendations included individual or group school-based social and emotional learning and other programs such as Coping Power and Life Skills Training. The authors also recommended increasing collaboration between social service agencies by data sharing, refining the risk assessment tool and focus on youth, and establishing a community advisory board.<sup>9</sup>

### **2015 Smart on Juvenile Justice Enhancing Access**

As a recipient of the FY 2015 Smart on Juvenile Justice: Enhancing Youth Access to Justice Reform Planning Grant and the FY 2016 Smart on Juvenile Justice: Enhancing Youth Access to Justice Reform Implementation Grant; Delaware, through the Criminal Justice Council and Office of Defense Services, convened key juvenile justice stakeholders to form the Smart on Juvenile Justice Access Committee (SJJAC). This committee was a strategic planning group with the goal to plan and implement statewide system reform in relation to youth access to indigent services. This committee ceased operations after fulfilling its grant goals.

As a result of this funding, two juvenile defenders were hired, and vertical representation has now been implemented in all three counties, with New Castle County being the last county to implement it on May 1<sup>st</sup>, 2017. The Juvenile Training and Immersion Program (JTIP) was adopted and implemented with quarterly trainings. Five additional Delaware trainers were JTIP certified at a training at Delaware Law School and ODS hired a Juvenile Justice Specialist. She then was transferred to a full-time position within ODS. ODS also held multiple Annual Delaware Juvenile Justice Summits that averaged 150 registered attendees, hired an expungement coordinator, and held multiple expungement clinics throughout the grant period.

### **2016 Blueprint for Success**

DYRS extended SPEP to programming offered in the staff-secure facilities and secure facilities. DYRS implemented a dispositional matrix for court recommendations for all of the DYRS involved youth.

### **2017 Second Chance Reentry**

In 2017, the State of Delaware DSCYF-DYRS was awarded a grant to ensure quality assurance of the MPACT tool. This project concluded in 2019. DYRS contracted with a Juvenile

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<sup>8</sup> Id.

<sup>9</sup> Id.



Justice Statewide Re-entry Improvement Coordinator to convene a workgroup of key stakeholders of the Juvenile Justice Collaborative to address the significant barriers to improving youth outcomes. The focus areas were ensuring fidelity when implementing research-based improvement strategies; improving collaboration across government agencies, service systems, and state/local lines; and improving data to track and measure progress and hold agencies and providers accountable for results.

As a result of this grant, the integration of the MPACT into FOCUS allows DYRS to build reports in FOCUS that incorporate results from an MPACT and link those results to a specific client and case plan. A completed MPACT also produces several reports on a youth, including an individual report, needs report, and trauma report. This facilitates collaborative planning for a youth. This project has also allowed DYRS to collect production data to inform interrater reliability, which is included in the MPACT software. This module is used as a training tool to evaluate the reliability of responses selected by the Community Service staff and highlights questions which may be causing rater confusion. Interrater reliability training is critical to ensure the collected data is accurate. This will support future research and validation of the MPACT.<sup>10</sup>

## ***Current Initiatives***

### **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>11</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 long term outcomes for low-risk youths; including improved educational attainment and behavioral health, strengthened family functioning, and greater skill building development.<sup>12</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

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<sup>10</sup> DYRS SCA Improving Outcomes for Youth Quarterly Report

<sup>11</sup> [YRS Civil Citation](#)

<sup>12</sup> DSCYF-YRS Community Services: Juvenile Civil Citation Program Calendar Year 2020 Annual Report.

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 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, and completion of a Community Impact Statement. Failure to complete the program requirements, or committing a delinquent act, results in formal court processing of the civilly cited offense.<sup>13</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, the restitution calculation in New Castle County ended in December 2019 and youth mediations with Family Court began again in January 2020."<sup>14</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>15</sup>

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<sup>13</sup> Id. 11

<sup>14</sup> Delaware Center for Justice Restorative Justice Conferencing Program New Castle County Family Court January 28, 2021

<sup>15</sup> Id.

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>16</sup>

In Kent and Sussex counties, CCJ accepts pre-arrest referrals from the community and offers student classes to juveniles. 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>17</sup>

In addition to the mediation programs, the School Offense Diversion program was implemented in New Castle County to provide relief to Family Court in 2004 and to work with youth arrested as a result of their school discipline experience.

“The School Offense Diversion Program at the Delaware Center for Justice, Inc. is funded through the State of Delaware and governed by the Administrative Office of the Courts. Once determined to be eligible, middle and high-school students from New Castle County, along with their parent(s) or guardian(s), meet with SoDP staff and identify appropriate steps to take that address behaviors that led to an in-school incident which prompted their referral to the program. DCJ’s SoDP is an alternative to the juvenile court process and punitive disciplinary approaches – a space for mediation with students to talk through and understand the nature of the incident and to validate their experience. Students stay in the program for an average of 2 months and are followed by program staff. Students are expected to:

- Attend school regularly and perform as expected and show a willingness to achieve good grades and improve relationships.
- Write a self-reflective essay and/or a letter from the future and/or as a youth advocate about their school discipline experience.
- Pay it forward, learning and serving in a volunteer capacity – if able and willing.
- Complete a relevant reading and reflecting assignment.
- Discuss practices and complete assignments that boost their assets, increase their capacity to problem-solve, and acknowledge and express gratitude.

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<sup>16</sup> Id.

<sup>17</sup> People’s Place: The Center for Community Justice Youth & Mediation Services: Center for Community Justice Victim-Offender Mediation Program January 26, 2021.

- If referred, work with a professional on healthy communication and impulse control and other important issues essential to adolescent growth.
- If referred, participate in an alcohol and/or drug evaluation, and enter substance abuse counseling and/or treatment, including random drug tests, if indicated by the evaluation.
- Remain arrest-free while completing the program.

Parents or guardians are expected to:

- Do their best to support their child's participation and completion of the program.
- Monitor their child's school attendance and school grades and school discipline.
- If referred, participate in family counseling.

It is the intention that referred students learn to resolve problems skillfully and mindfully, and sustain healthy relationships, to prevent repeated involvement with the juvenile justice system.”<sup>18</sup>

In FY22-23 (ending May 2023), DCJ conducted a total of 205 mediations. 100% of Family Court cases reached an agreement. 5 CCP cases did not reach an agreement. 172 cases closed with successful completion of their agreements. 15 cases closed with unsuccessful completion of agreement and 34 cases are currently being monitored for completion.

DCJ's SoDP for criminal charges saw 19 restorative conferences/mediations. All resulting in agreements. To date, 9 students have been closed out successfully this fiscal year and only 1 was closed unsuccessful. SoDP referrals have gone from 5 in calendar year 2021 to 12 in calendar year 2022, and to date DCJ stands at 18 referrals in 2023. Family Court Restorative Conferencing referrals nearly tripled from 27 in calendar year 2021 to 73 in 2022, and DCJ is currently on track to exceed 73 referrals for calendar year 2023.

CCJ reported 475 adult/CCP mediation case referrals and 57 Family Court referrals, 30 of which were juvenile Family Court referrals. 16 juvenile referrals were in Kent and 14 were in Sussex. 255 mediations were conducted, and 258 Closed Compliant Mediation Agreements were achieved (3 continued from the prior year). There is not a breakdown available for adult/juvenile/CCP/Family Court. Of the 258, 15 were in Kent and 243 were in Sussex. For the Youth Class (those referred by Family Court, Arbitration, Probation, Mediation, or the Community), 27 completed the Conflict Resolution Class (10 in Kent, 17 in Sussex) and 14 completed the Shoplifting Alternatives Class (3 in Kent, 11 in Sussex). The first CCJ SoDP referral occurred in November of 2022. The official court launch was on May 1<sup>st</sup>, 2023. As of May 2023, there were 2 referrals from Kent and 1 from Sussex.

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<sup>18</sup> [DCJ SoDP Brochure](#)

### **Juvenile Diversion System Reform:**

The overarching goal of this project is for DYRS to have more oversight of the statewide diversion programs. This will allow them to collect data to evaluate effectiveness of the programs and to identify service gaps in the diversion programs currently offered. This project concluded in 2022.

DYRS provided a Closeout Report that included their overall project progress, a system map of post arrest diversion (Teen Court, Mediation, Arbitration, Mental Health Courts, and SoDP), eligibility requirements, the screening process, the data collection process, and recommendations.

There was a total of 1,063 juvenile arrest notifications received and screened for Post Arrest Diversion from January 1<sup>st</sup>, 2021, to December 31<sup>st</sup>, 2021. After screening in FOCUS, 995 juveniles were NOT active with DYRS at the time of arrest. 249 youth were excluded for “Fail to Attend School-Civil Citation” and 9 youth were excluded for “Underage Possession/Consumption of Alcohol-Civil Citation.” In total, 258 civil citations were excluded from the 995 youth that were NOT active with DYRS at the time of arrest. After exclusions, the results, were that 737 youth were eligible for Post Arrest Diversion during 2021.

### **DSCYF-DYRS Dual Status Youth Grant**

In 2017, Delaware completed a 12-month process to analyze the juvenile justice system and develop a strategic plan as part of the OJJDP Juvenile Justice Strategic Planning Second Chance Act grant. JJAG convened a task force comprised of diverse systemwide stakeholders to develop policy change recommendations to improve diversion programs in the state.

After the strategic planning grant, the Department of Services for Children Youth and their Families (DSCYF) began collaborating with the Robert F. Kennedy National Resource Center for Juvenile Justice Juvenile, Justice Reform and State Courts Initiative (JJRSCI) National Center for State Courts. This federal grant developed policies and processes for dual status youth (DSY), meaning youth were involved in both the juvenile justice and child welfare systems. This is a vulnerable, at-risk population. In April 2020, there were 96 youth involved with DSCYF that were identified as dual status youth. In Delaware, both systems are housed within DSCYF, which allows for increased data sharing and collaboration, two key elements to the development of best practices.

The DSCYF DSY Initiative aims to ensure systematic identification, expedited planning, and collaborative service delivery for dual status youth and youth at risk of sexual exploitation.

The goal is to promote positive outcomes for youth and create a streamlined process for DSCYF staff.

The DSY initiative began on January 1<sup>st</sup>, 2022. The process began with the DYRS Diversion Coordinator identifying dual status youth, based upon youth arrest notifications from the Delaware Criminal Justice Information System (DELJIS). Once identified, the youth's information is sent to DSCYF staff and its contracted partner, WrapAround Delaware, to schedule a meeting within ten days of the youth's arrest. WrapAround Delaware contacts the youth's care giving family to participate in the DSY meetings as well. Benefits, protocol, and goals of the DSY Meetings include:

- To better develop a collaborative and targeted plan to identify and access priority treatment and program services.
- To use an evidence-based approach that will reduce placement disruption, prevent further penetration into the juvenile justice and child welfare systems, and provide for quick and individualized case planning.
- To use a research-informed screening instrument to effectively identify youth at risk for sexual exploitation.

Since implementation, a total of 180 youth and families have been served by the DSY process: 113 in calendar year 2022 and 67 thus far in calendar year 2023. In turn, there have been 84 DSY meetings in calendar year 2022 and 40 DSY meetings in calendar year 2023 thus far.

The DSY initiative has a Steering Committee consisting of representatives from DYRS, DPBH, DFS, Family Court, Department of Justice, Office of Defense Services, Office of the Child Advocate, and WrapAround Delaware. This committee meets quarterly to review both qualitative and quantitative data to track the progression of the initiative. The initiative has also created targeted materials for caregiving families and foster families and will continue to share information as the initiative moves forward.

### **Risk Assessment Instrument Evaluation**

In 2019, the CJC contracted with the Crime and Justice Institute (CJI) to evaluate Delaware's Juvenile Risk Assessment Instrument. This tool is used to predict how likely the youth is to fail to appear to their court hearing and assists in determining bail decisions. Stakeholders had concerns about the validity and predictability of the existing tool. CJI collected data from various agencies (Family & JP Court, DSCYF-DYRS, and DELJIS) and determined the data was insufficient to build a new tool or complete an evaluation. CJI provided Delaware with recommendations to improve data collection that must be implemented before an evaluation can be conducted or a new tool can be built. The Bail & Legislative Subcommittee continues to work

with various stakeholders and national experts to implement the recommendations. This is an ongoing effort.

### ***JJAG Subcommittees***

The JJAG maintained oversight of the Criminal Justice Council's suite of Juvenile Justice grants totaling \$2,920,143 for federal fiscal year 2021 and \$2,725,153 for federal fiscal year 2022.

As of August 2020, the JJAG operated the following subcommittees. These committees have been meeting regularly – with the exception of the Youth Subcommittee. Youth membership is being reworked.

<b>JUVENILE JUSTICE ADVISORY GROUP SUBCOMMITTEES 2022</b>		
<b>Name</b>	<b>Focus</b>	<b>Activity</b>
Prevention	<ul style="list-style-type: none"> <li>• Child Welfare</li> <li>• Access to Services</li> <li>• Early Education Gang Prevention</li> </ul>	<p>The Subcommittee assisted in the decision-making process for the Congressionally Directed Spending for the Community-Based Violence Reduction Prevention Statewide Violence Reduction Program. The review panel presented program recommendations to the subcommittee who discussed and made recommendations to the JJAG for funding approvals.</p> <p>The Subcommittee identified obstacles youth and families face when attempting to obtain identification necessary to participate in youth programming and employment.</p> <p>The Subcommittee is</p>

		<p>exploring partnerships to address these barriers.</p> <p>The Subcommittee met in March, July, and September.</p>
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>	<p>This Subcommittee and CJC oversaw the CJJ evaluation of the RAI. The Subcommittee is currently working to address &amp; implement the recommendations with the goal of collecting enough data in an operational format to allow for an evaluation of the tool's validity, or to support building a new, more reliable, data driven tool. The Subcommittee is collaborating with multiple state agencies to address the data needs for this project.</p> <p>The Subcommittee met in February. However, there are ongoing operational meetings with state agency personnel to address the data needs.</p>
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> </ul>	<p>The Subcommittee is working to implement a Reentry checklist to ensure smooth transition for youth reentering the community, as well as a focus group comprise of DYRS youth to discuss gaps when reentering.</p> <p>The Subcommittee is also exploring collaborating with</p>



	<ul style="list-style-type: none"> <li>• Mentoring</li> </ul>	<p>the City of Wilmington's community events.</p> <p>The Subcommittee met in March and August.</p>
Racial & Ethnic Disparities (R/ED)	<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>	<p>The Subcommittee continues to review aggregated data of race, ethnicity, and gender correlated with arrests, detention, incarceration, and other juvenile justice involvement.</p> <p>The Subcommittee worked with various state agencies to standardize the definitions used to fulfill the R/ED data requirements. It identified data limitations that compromise the accuracy of the data and worked with the Juvenile Justice Specialist to complete the R/ED plan.</p> <p>The Subcommittee also identified action steps necessary to meet some of the plan's recommendations.</p> <p>The Office of Defense Services was awarded \$18,456 for the ODS Street Team Launch to address R/ED in arrests by educating youth on their constitutional rights and protections.</p>

		The Subcommittee met in January, June, and November.
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>	This Subcommittee is currently inactive. The JJAG is exploring adding new youth members and engaging non-member youth to amplify youth voice.
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>	This Committee meets every Monday prior to a JJAG meeting.

## Legislation

The JJAG provided assistance and leadership in the Delaware 151<sup>st</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 151<sup>st</sup> General Assembly:<sup>19</sup>

Bill	Scope
HB 447 w/HA2	This Act implements some of the recommendations of the African American Task Force's Safety and Justice Subcommittee.

<sup>19</sup> <https://legis.delaware.gov/AllLegislation>

	<p>Specifically, it requires that cases or charges that are more than 7 years old be treated as “resolved in favor of” a child or adult if there is no disposition available for the case and no outstanding warrants. This clarification will prevent errors in record-keeping in the criminal justice system from stopping an otherwise qualified petitioner from obtaining an expungement that may otherwise be available. It will also require old cases for which no outcome is listed to be removed from a person's record if they are more than 7 years old. In addition, this Act allows an individual with multiple violations or misdemeanors in different cases that would be eligible for a mandatory expungement if they had occurred in a single case, and the individual has no other convictions on their record, to apply directly for a discretionary expungement after 5 years have passed from the most recent conviction. The court would then consider the application under its usual “interest of justice” rubric in determining whether to grant the expungement. This saves applications to the pardon board for multiple minor misdemeanors and increases parity between applicants with similar records.</p>
HB 419 w/ HA 1	<p>Citing the increasing number of false confessions recorded by the National Registry of Exonerations and recent science around adolescent brain development, several states across the nation have passed legislation to ban the use of deceptive interrogation techniques on juveniles. Deceptive tactics is limited to the knowing use of misleading statements about evidence or communications of false promises of leniency to extract a confession or other incriminating evidence from a youth suspected of breaking</p>

	<p>the law. To date, Delaware has yet to have a wrongful conviction case involving a false confession but according to groups such as the Innocence Project, wrongful convictions can often take decades to be revealed. Three other states, Illinois, Utah and Oregon, have passed similar legislation. Additional states, including Colorado and California, are currently considering similar legislation. This Act mirrors efforts in other states by prohibiting the knowing use of false statements about evidence, or false or misleading promises of leniency during custodial interrogations of persons under the age of 18. Any statement elicited from a person in violation of this section is inadmissible in any subsequent juvenile delinquency or criminal court proceeding.</p>
HB 314	<p>This bill clarifies House Bill 307 from 2018 by making it clear that a 6-month or 12-month mandatory commitment to Level 5 incarceration or institutional confinement for a juvenile only applies to adjudications of delinquency for the charge of Robbery First Degree or Possession of a Firearm during the Commission of a Felony if the offense was committed after the child's 16th birthday.</p>
HB 244 w/HA 2	<p>Recognizing the negative impact of criminal justice imposed financial obligations on defendants has led to reforms across the country to reduce the financial burdens that disproportionately impact the poor. This type of debt and the collateral consequences of suspending a driver's license negatively impacts the rehabilitation of those in the criminal justice system and pushes those without an ability to pay further into the</p>

	<p>system unnecessarily. This Act does all of the following: (1) Prohibits a court from imposing a fine, fee, cost, or assessment on children without the means to pay them. (2) Provides the courts with the discretion to waive, modify, or suspend any fine, fee, cost, or assessment. (3) Prohibits a court or the Department of Transportation from suspending a driver's license for nonpayment of a fine, fee cost, assessment, or restitution and from charging a penalty, assessment, or fee to a defendant for the cancellation of a warrant issued due to the defendant's nonpayment of a fine, fee, cost, assessment, or restitution. (4) Prohibits a court from imposing an additional fee on a defendant for payments that are made at designated periodic intervals or late, or when probation is ordered to supervise a defendant's payment. Nothing in this Act precludes the court from filing contempt charges against defendants who willfully fail to pay their fines. (5) Requires the Judiciary and the Delaware Criminal Justice Information System to report on the sum collected from fines, fees, costs, assessments, and restitution and make a public report of these totals. (6) Eliminates the Public Defender fee and the Probation Supervision fee. The collections from these fees currently go to the General Fund. (7) Creates the Criminal Legal System Imposed Debt Study Group to review the impact that court imposed financial obligations have on defendants and victims and make recommendations to promote access, fairness, and transparency in the imposition and collection of court imposed financial obligations. (8) Makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.</p>
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HB 215

Confessions are powerful evidence of guilt. Therefore, this Act adopts the Uniform Law Commission's Uniform Electronic Recordation of Custodial Interrogations Act to promote truth-finding, promote efficiency, and protect constitutional values. Specifically, this Act mandates electronic recording of the custodial interrogation process by law enforcement when the interrogation relates to a crime allegedly committed by an adult or a delinquent act allegedly committed by a child. The type of recording required, either audio or audio and video, depends on the location of the custodial interrogation. Recognizing that a blanket requirement of recording electronically all interrogations is not feasible, this Act provides 5 exceptions to the recording mandate: (1) exigent circumstances, (2) an individual's refusal to be recorded, (3) interrogations occurring in other jurisdictions, (4) when the interrogator or interrogator's supervisor reasonably believes electronic recording would reveal a confidential informant's identity or jeopardize the safety of the officer, the individual interrogated, or another individual, and (5) equipment malfunctions. Further, this Act requires the prosecution to notify the defense of an intention to introduce an unrecorded statement and of the exception that permitted the lack of recording. This Act requires the prosecution to prove by clear and convincing evidence that an exception applies. This Act also prescribes remedies for violations of the electronic recording requirement, including the giving of a cautionary instruction to the jury. Additionally, this Act provides civil immunity for both law enforcement officers and law enforcement agencies. Finally, this Act requires the Council on Police Training to adopt rules to implement this Act, which are

	to be enforced by each law enforcement agency.
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## National Accomplishments

In 2018, Congress 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 (JJDPA) 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 (“R/ED”). This requires that states collect and analyze data on racial and ethnic disparities at various decision points in the Juvenile Justice System. It also requires states to determine which points create R/ED and to establish a plan to address R/ED.
- **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 any 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 to hold a youth in an adult facility.
- **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, it must enter 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**

- This 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**

- This 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>20</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>21</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>22</sup> In 2005, the Family Court became a constitutional court by virtue of an amendment to the Delaware Constitution.<sup>23</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>24</sup> Judges have the authority to “[h]ear, determine, render, and enforce judgment in any proceeding before the Court.”<sup>25</sup> This includes the authority to determine and enter disposition for alleged violations of probation by youth.<sup>26</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>27</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>28</sup> Commissioners also have the power to accept pleas and to enter disposition for children who have been adjudicated delinquent.<sup>29</sup>

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<sup>20</sup> 10 Del.C. § 1010 (2012).

<sup>21</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>22</sup> 10 Del.C. § 902(a) (1971).

<sup>23</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>24</sup> 10 Del.C. § 906(a)-(b) (2008).

<sup>25</sup> 10 Del.C. § 925(9) (2009).

<sup>26</sup> 10 Del.C. § 925(18) (2009).

<sup>27</sup> 10 Del.C. § 915(c)(6) (2008).

<sup>28</sup> 10 Del.C. § 915(c)(8) (2008).

<sup>29</sup> 10 Del.C. § 915(c)(9) (2008).

Magistrates are judicial officers appointed by the governor<sup>30</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>31</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>32</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>33</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>34</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>35</sup>

The three divisions have distinct obligations within DSCYF. DYRS provides services to youth ordered into its care by the Family Court, Justice of the Peace Court, and Superior Court. These services include detention, treatment, probation, and post-disposition aftercare services. DYRS is responsible for assessing the individual needs of youth 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>36</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>37</sup> DFS investigates child abuse, neglect, and dependency allegations; and offers treatment services, foster care, adoption, and independent living.<sup>38</sup>

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<sup>30</sup> *Magistrate Screening Committee*, DELAWARE COURTS, <http://courts.delaware.gov/jpcourt/screening.aspx> (May 28, 2017).

<sup>31</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>32</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>33</sup> *Family Division: About the Division*, DELAWARE.GOV, <http://attorneygeneral.delaware.gov/family/> (May 29, 2017).

<sup>34</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>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

a. Detention Facilities

DYRS operates two secure pretrial detention facilities in Delaware: the New Castle County Detention Center (NCCDC) which has 64 beds, and the Stevenson House Detention Center (Stevenson House) which has 55 beds.<sup>39</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>40</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>41</sup> Grace Cottage is a 14-bed, Level IV residential treatment facility for girls; Snowden Cottage is a 15-bed, Level IV residential treatment facility for adjudicated and sentenced boys; and Mowlds Cottage is also a 15-bed, Level IV residential treatment facility for adjudicated and sentenced boys.<sup>42</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 2022, DYRS served 932 youth on community-based supervision (pre-trial, assessment, probation/aftercare), down from 2,073 youth served six years prior in 2016. Also, in calendar year 2022, 442 youth were served in DYRS-operated detention or residential treatment facilities, down from 689 youth in 2016. Thus, in calendar year 2022, DYRS-operated detention or residential treatment facilities had a decrease in admissions by 36% from 2016, whereas youth served on community-based supervision decreased by 55% from 2016.

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<sup>39</sup> NCCDC is located in Wilmington and Stevenson House is located in Milford.

<sup>40</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>41</sup> *Id.*

<sup>42</sup> *Id.*

On June 13<sup>th</sup>, 2021, HB26 became law and effective January 1<sup>st</sup>, 2022, the Department of Correction's Youth Criminal Offender Program closed. Consequently, all youth under the age of 18 remain under the care and custody of DSCYF. YRS houses this population<sup>43</sup> of youth across the three Level 5 facilities. All YRS services are evidenced-based to reduce risk and recidivism and support the individual needs of youth.

### **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>44</sup> Within its trial division, ODS has a unit of specially trained lawyers dedicated to the representation of youth in Family Court.<sup>45</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>46</sup> ODS also participates in community outreach efforts and policy advocacy for criminal and juvenile justice improvements.<sup>47</sup>

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<sup>43</sup> Youths who are either found non-amenable in Family Court or are sentenced by Superior Court to the adult system for serious offenses.

<sup>44</sup> *Our Mission* <https://ods.delaware.gov/our-mission/>

<sup>45</sup> *Our Services* <https://ods.delaware.gov/our-services/>

<sup>46</sup> Expungements <https://ods.delaware.gov/our-services/>

<sup>47</sup> *Our Mission* <https://ods.delaware.gov/our-mission/>

# Delaware's Youth Demographics

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## Delaware Youth Population

In 2017, Delaware experienced a 22% decrease in the youth population from 269,770 children to 209,703 in 2018. In 2020 the number decreased to 203,684, but there was a 0.5% increase of children in 2021 to 204,906. In 2022, there was a 1.8% increase to 208,517. Of that 2022 total, 58.3% (121,569) youth live in New Castle County, while 20.3% (42,303) live in Kent County, and 21.4% (44,645) 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.

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 21,060 in 2022. 11.4% (13,373) of NCC youth, 7.8% (3,300) of Kent County youth, and 9.6% (4,286) of Sussex County youth are Hispanic.<sup>48</sup>

## Gender Demographics

The data obtained from the Census breaks down the population by gender. According to that data, males represent 48.4% (100,922) and females represent 51.6% (107,594) of juveniles under the age of 18 in the State of Delaware in 2022.

In New Castle County, 48.6% of the juvenile population is male and 51.4% is female.<sup>49</sup> In Kent County, it is 48.2% male and 51.8% female.<sup>50</sup> In Sussex County, it is 47.9% male and 52.1% female.<sup>51</sup>

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<sup>48</sup> All Demographic data is obtained from the [U.S. Census Bureau](#)

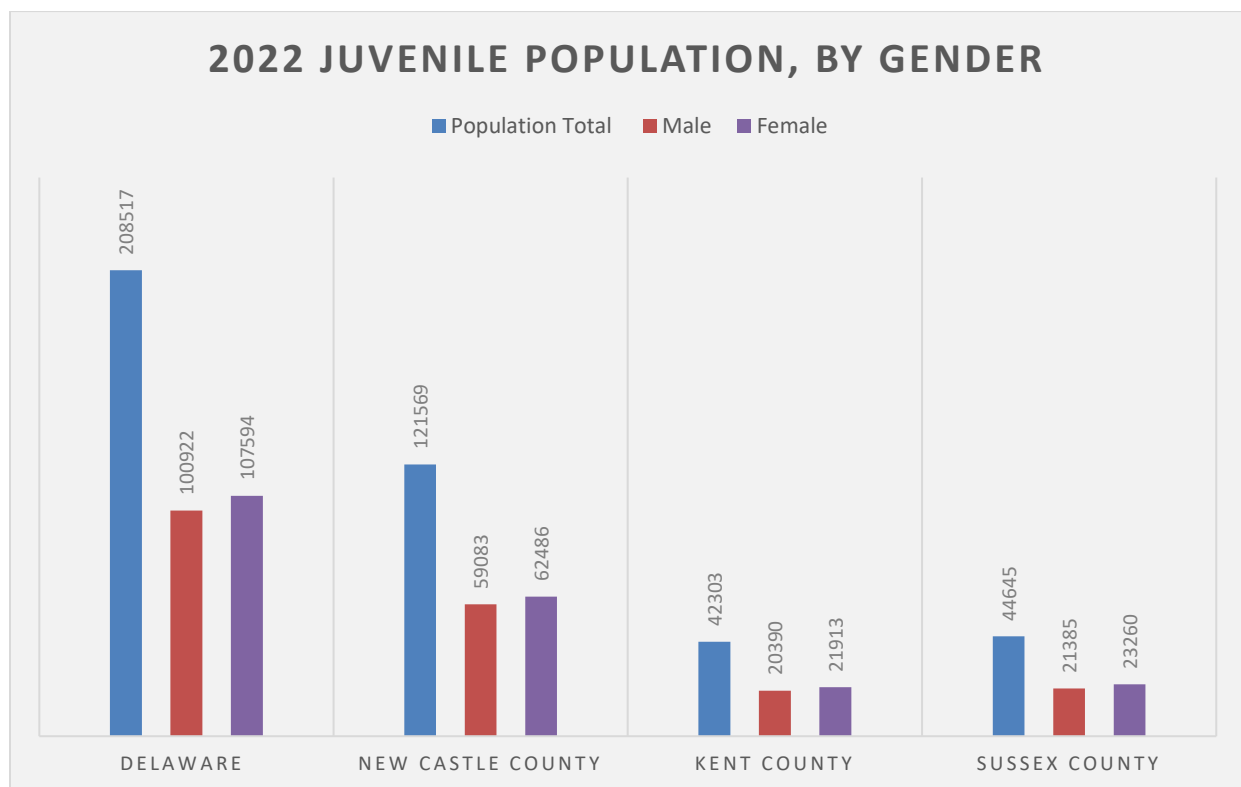
<sup>49</sup> [U.S. Census New Castle County](#)

<sup>50</sup> [U.S. Census Kent County](#)

<sup>51</sup> [U.S. Census Sussex County](#)

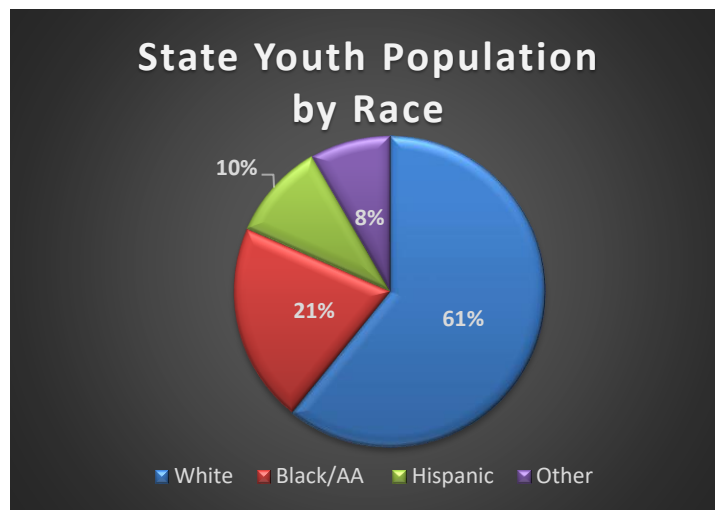


<b>2022 Juvenile Population, by Gender</b>			
	MALE	FEMALE	TOTAL
NCC	59,083	62,486	121,569
KC	20,390	21,913	42,303
SC	21,385	23,260	44,645
<b>State</b>	<b>100,922</b>	<b>107,594</b>	<b>208,517</b>



## Racial Demographics<sup>52</sup>

According to the 2022 Census of the Delaware population, there were 208,517 youth between the ages of 0-18. 60.8% (126,778) are White, 20.8% (43,372) are Black, 10.1% (21,060) are Hispanic, and 8.3% (17,307) are multiple/other races. It is important to note Hispanic data is collected as a subset of “White,” therefore conflating the data and results in a percentage over 100%.

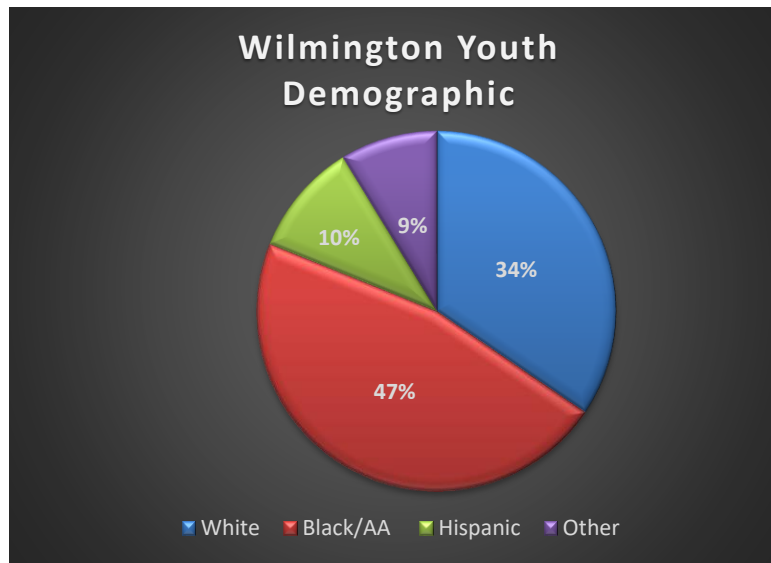


The total 2022 population of the City of Wilmington is 71,569. Currently, Wilmington is the largest city in the State of Delaware and represents 7% of the State’s total population of 1,018,396. The 2022 juvenile population of the City of Wilmington is 12,875. Currently, Wilmington is the largest city in the State of Delaware and represents 6% of the State’s total juvenile population. About 18% of the residents are between the ages of 0-18. Of Wilmington’s juvenile population, 46.6% (6,000) are Black/African American, while 34.5% (4,442) are White, 10.2% (1,313) are Hispanic, and 8.7% (1,120) are of multiple or other races.<sup>53</sup>

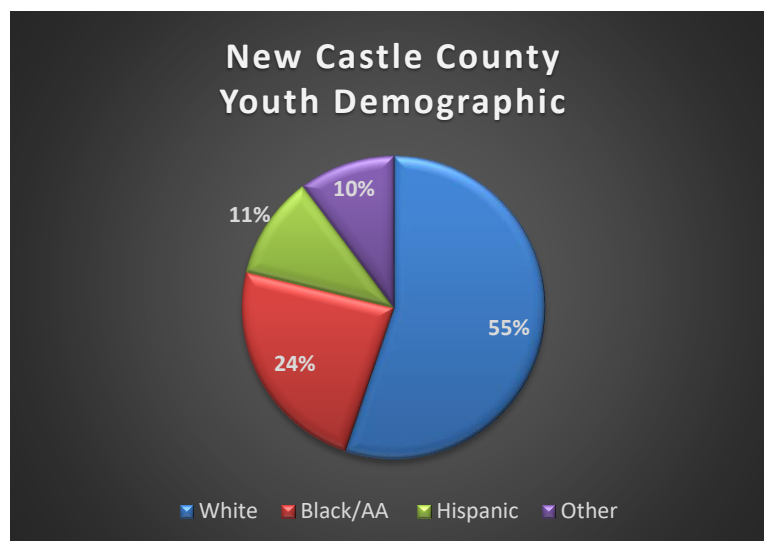
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<sup>52</sup> Id. Footnotes 48, 49, 50

<sup>53</sup> [U.S. Census Wilmington](#)

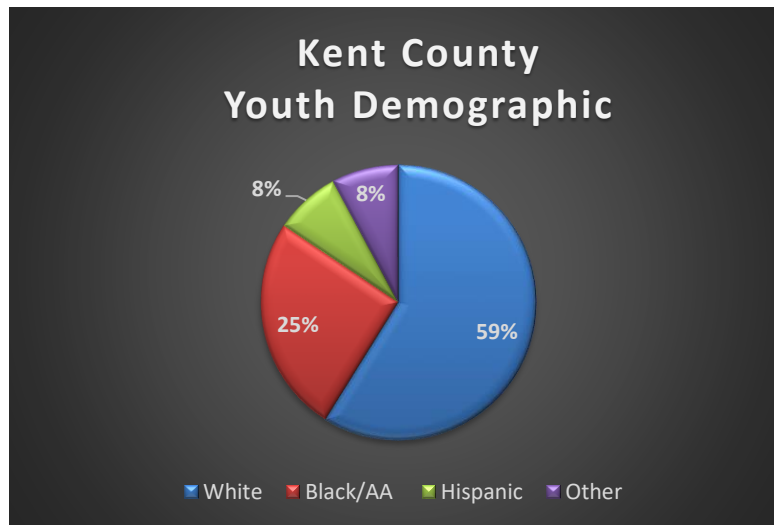


New Castle County includes the City of Wilmington and is the largest county in Delaware in terms of population. As of 2022, it represents 57% of the total state population, and the 121,569 of youth aged 0-18 represent 58.9% of all those between 0-18 statewide. In NCC, 53.5% (67,106) of youth are White, 24% (28,690) Black/African American, 11% (13,373) are Hispanic, and 10.2% (12,400) are multiple or other races.

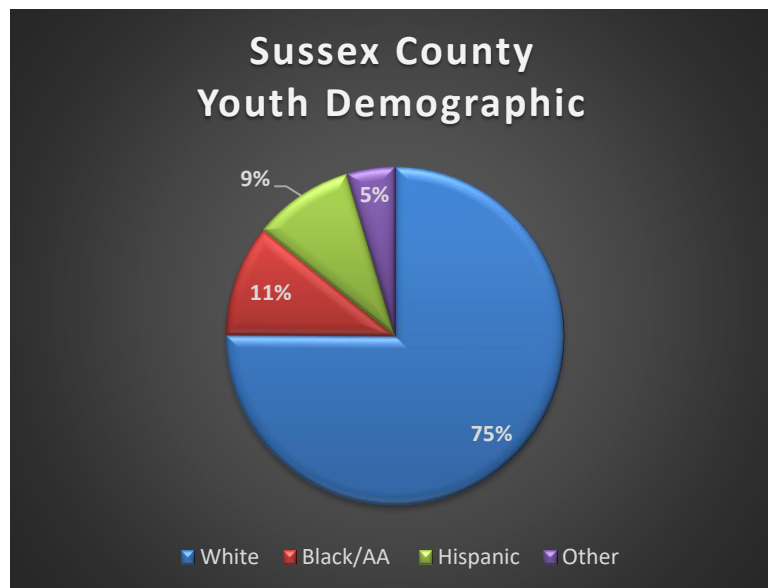


Kent County is located in the center of the state and in terms of population, is the smallest county in Delaware. The population of those aged 0-18 in Kent County in 2022 was 42,303, representing 20.3% of the population in this age range for the entire State of Delaware. The racial breakdown for juveniles in Kent County indicates that 59.1% (24,916) are White, 25.5% (10,787) are

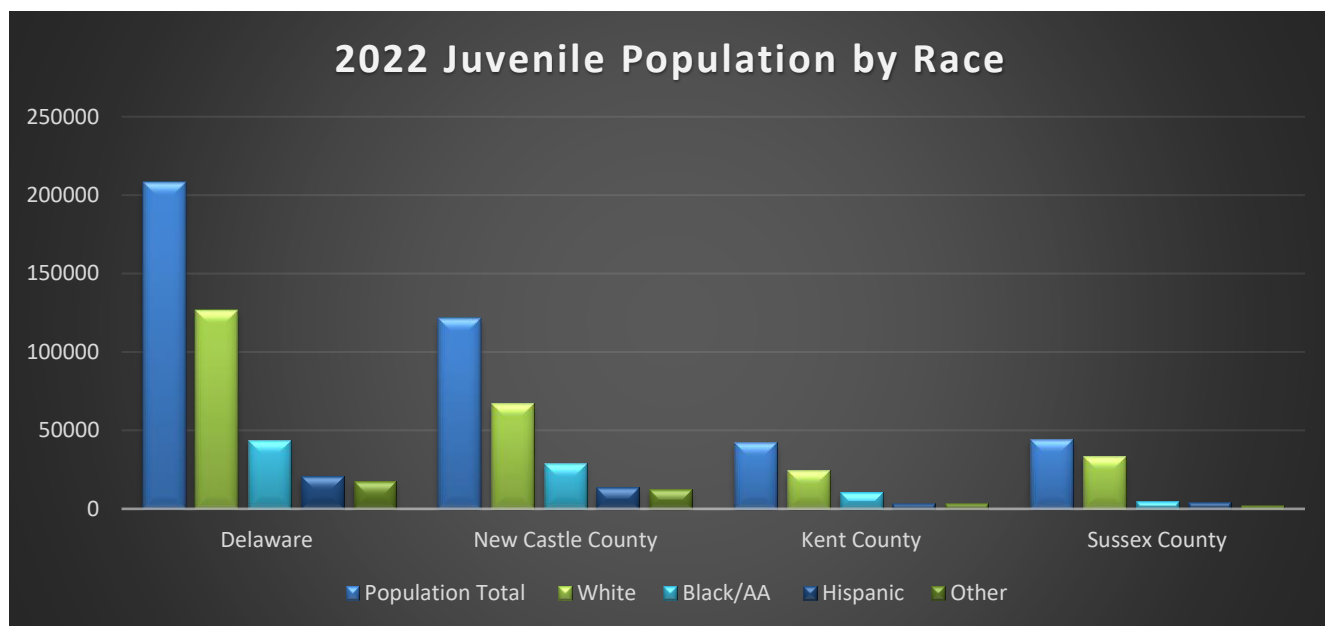
Black/African American, 7.8% (3,300) are Hispanic, and 7.8% (3,300) represent multiple or other races.



Sussex County is the southernmost county in the State of Delaware and includes both rural communities and resort towns. The juvenile population for 2022 was 44,654, which represents 21% of all juveniles in the state. The racial breakdown indicates that 70.2% (33,528) of Sussex juveniles are White, 10.7% (4,777) are Black/African American, 9.6% (4,286) are Hispanic, and 4.6% (2,054) represent multiple or other races.



	<b>2022 Juvenile Population, by Race</b>				
	<i>WHITE</i>	<i>BLACK/ A-A</i>	<i>Hispanic</i>	<i>OTHER</i>	<i>TOTAL</i>
NCC	67,106	28,690	13,373	12,400	121,569
KC	24,916	10,787	3,300	3,300	42,303
SC	33,528	4,777	4,286	2,054	44,654
<b>State</b>	<b>126,778</b>	<b>43,372</b>	<b>21,060</b>	<b>17,307</b>	<b>203,516</b>
<i>Wilmington</i>	<i>4,442</i>	<i>6,000</i>	<i>1,313</i>	<i>1,120</i>	<i>12,875</i>



## Analysis of Delaware Juvenile Crime

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

The number of juvenile arrests in Delaware in 2022 totaled 1,670. The state had an arrest rate of 800 arrests per 100,000 youth, or 8 arrests per 1,000 youth.

<b>Total Juvenile Arrests, 2016 to 2022</b>							
	2016	2017	2018	2019	2020	2021	2022
Juvenile Arrests	3,722	3,344	2,873	2,963	1,910	1,669	1,670

The number of juveniles arrested in New Castle County in 2022 totaled 882, a decrease from 2021. In 2022, the county had an arrest rate of 725.5 arrests per 100,000 juveniles or 7.25 arrests per 1,000 juveniles, making it the county with the lowest juvenile arrest rate in the state.

The number of juvenile arrests in Kent County in 2022 totaled 403. This has been steadily decreasing since 2016, with the exception of a slight increase in 2021 and 2022. In 2022, the county had an arrest rate of 952.7 per 100,000 juveniles or 9.53 arrests per 1,000 juveniles, making it the county with the highest juvenile arrest rate in the state.

The number of juvenile arrests in Sussex County in 2022 totaled 385. This has been steadily decreasing since 2016, with the exception of a slight increase in 2017 and 2022. In 2022, the county had an arrest rate of 862.2 arrests per 100,000 juveniles or 8.6 arrests per 1,000 juveniles.

<b>Juvenile Arrests by County, 2016 to 2022</b>							
	2016	2017	2018	2019	2020	2021	2022
NCC	2,126	1,867	1,578	1,755	1,222	1,022	882
KC	872	723	700	641	288	302	403
SC	724	754	595	567	400	345	385
<b>State</b>	<b>3,722</b>	<b>3,344</b>	<b>2,873</b>	<b>2,963</b>	<b>1,910</b>	<b>1,669</b>	<b>1,670</b>

### Part I Juvenile Crime

For the period 2016 to 2022, the annual average of juvenile arrests for all Part I crimes is 775.9. The number of juvenile arrests for Part I crimes has steadily decreased from 2016-2022, with the exception of a slight increase in 2019 and 2022. Part I Property offenses have also significantly decreased since 2016, with the exception of a slight increase in 2022.

In 2016, 33% of juvenile arrests for Part I crimes were violent. In 2022, 43.2% of juvenile arrests for Part I crimes were violent.

<i>Juvenile Arrests for Part I Offenses, 2016 to 2022</i>							
	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>
Violent	360	288	305	325	219	235	231
Property	731	671	545	563	395	259	304
<b>Total Part I</b>	<b>1,091</b>	<b>959</b>	<b>850</b>	<b>888</b>	<b>614</b>	<b>494</b>	<b>535</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 2016. In 2022, there were 59 juvenile arrests for robbery, 149 for aggravated assault, 8 for rape, 3 for forcible sodomy, 8 for forcible fondling, and 0 for homicide.<sup>54</sup> All decreased from 2021, with the exception of Aggravated Assault, which increased slightly. However, this is still a significant decrease from 2016.

<i>Juvenile Arrests for Part I Violent Crimes, 2016 to 2022</i>							
	2016	2017	2018	2019	2020	2021	2022
Homicide	6	2	2	0	2	5	0
Rape by Force	20	24	14	14	11	8	8
Forcible Sodomy	N/A	N/A	N/A	N/A	N/A	N/A	3
Forcible Fondling	N/A	N/A	N/A	N/A	N/A	N/A	8
Robbery	121	81	87	111	93	83	59
Aggravated Assault	213	181	202	200	113	139	149
<b>Total Part I Violent</b>	<b>360</b>	<b>288</b>	<b>305</b>	<b>325</b>	<b>219</b>	<b>235</b>	<b>231</b>

The table below breaks down the 2022 Juvenile Part I violent crime arrests by county. Overall, the majority (61%) of Delaware's juvenile Part I violent crime arrests were in New Castle County. This was 70.2% in 2013. Kent County contributed 20% to the arrests, compared with 17.4% in 2013. Sussex County contributed 19% to the arrests, compared with 17.6% in 2013.

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<sup>54</sup> Forcible Sodomy and Forcible Fondling were not reported in previous reports; therefore, data is not provided for 2016-2021.



<b><i>Juvenile Arrests for Part I Violent Crimes, By County, 2022</i></b>				
	NCC	KC	SC	STATE TOTAL
Homicide	0	0	0	0
Rape	4	2	2	8
Forcible Sodomy	1	1	1	3
Forcible Fondling	4	2	2	8
Robbery	45	5	9	59
Aggravated Assault	82	36	31	149
<b>Total Part I Violent</b>	<b>131</b>	<b>43</b>	<b>42</b>	<b>231</b>

The next two tables break out statewide juvenile arrests for Part I violent crimes by gender, from 2016 to 2021. Males accounted for the vast majority of the arrests. In 2022, males accounted for 71.7% of all juvenile arrests for Part I violent crimes. This includes 100% of rape arrests, 91.3% of robbery arrests, and 62.4% of aggravated assault arrests.

<b>MALE Juvenile Arrests for Part I Violent Crimes, 2016 to 2022</b>							
	2016	2017	2018	2019	2020	2021	2022
Homicide	5	2	2	0	1	4	0
Rape	20	24	12	14	11	8	8
Forcible Sodomy	N/A	N/A	N/A	N/A	N/A	N/A	3
Forcible Fondling	N/A	N/A	N/A	N/A	N/A	N/A	8
Robbery	106	70	83	105	83	63	54
Aggravated Assault	158	134	135	158	85	95	93
<b>Total Part I Violent</b>	<b>289</b>	<b>230</b>	<b>232</b>	<b>277</b>	<b>180</b>	<b>170</b>	<b>155</b>

<b>FEMALE Juvenile Arrests for Part I Violent Crimes, 2016 to 2022</b>							
	2016	2017	2018	2019	2020	2021	2022
Homicide	1	0	0	0	1	1	0
Rape	0	0	2	0	0	0	0
Forcible Sodomy	N/A	N/A	N/A	N/A	N/A	N/A	0
Forcible Fondling	N/A	N/A	N/A	N/A	N/A	N/A	0
Robbery	15	11	4	6	10	20	5
Aggravated Assault	55	47	67	42	28	44	56
<b>Total Part I Violent</b>	<b>71</b>	<b>58</b>	<b>73</b>	<b>48</b>	<b>39</b>	<b>65</b>	<b>61</b>

### Part I Property Crime

The tables below illustrate juvenile arrests for Part I Property Crime for 2016-2022. Arrests have steadily decreased over the years, with the exception of 2022. Similar to Part I Violent Crimes, males account for the majority (85.2%) of all Part I property crime arrests. In 2022, males accounted for 92.8% of burglary arrests, 76.8% of larceny theft arrests, 95.1% of vehicle theft arrests, and 100% of arson arrests.

<i><b>Juvenile Arrests for Part I Property Crimes, 2016 to 2022</b></i>							
	2016	2017	2018	2019	2020	2021	2022
Burglary	141	146	132	146	141	78	83
Larceny Theft	552	473	370	335	188	118	155
Vehicle Theft	34	34	41	75	59	57	61
Arson	4	18	2	7	7	6	5
<b>Total Part I Property</b>	<b>731</b>	<b>671</b>	<b>545</b>	<b>563</b>	<b>395</b>	<b>259</b>	<b>304</b>

<i><b>MALE Juvenile Arrests for Part I Property Crimes, 2016 to 2022</b></i>							
	2016	2017	2018	2019	2020	2021	2022
Burglary	132	132	118	131	128	66	77
Larceny Theft	340	305	230	228	132	85	119
Vehicle Theft	30	34	37	65	53	44	58
Arson	4	18	2	7	7	4	5
<b>Total Part I Property</b>	<b>506</b>	<b>489</b>	<b>387</b>	<b>431</b>	<b>320</b>	<b>199</b>	<b>259</b>

<b><i>FEMALE Juvenile Arrests for Part I Property Crimes, 2016 to 2022</i></b>							
	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>
Burglary	9	14	14	15	13	12	6
Larceny Theft	212	168	140	107	56	33	36
Vehicle Theft	4	0	4	10	6	13	3
Arson	0	0	0	0	0	2	0
<b>Total Part I Property</b>	<b>225</b>	<b>182</b>	<b>158</b>	<b>132</b>	<b>75</b>	<b>60</b>	<b>45</b>

## Part II Juvenile Crime

Part II crimes represent the largest portion of juvenile arrests (60%). The data in the table below reflect juvenile arrests for some of the more serious Part II juvenile crimes for the years 2016 to 2022.

From 2016 to 2022, the total juvenile arrests decreased among all of the listed Part II offenses, with the exception of a slight increase from 2018-2019, and 2021-2022. However, this is still a significant decrease in arrests since 2016. Despite the continuing decrease in total Part II offenses, the totals in all categories except for Other Sexual Offenses and Driving Under the Influence increased from 2021 to 2022.

<i>Juvenile Arrests for Selected Part II Offenses, 2016 to 2022</i>							
	2016	2017	2018	2019	2020	2021	2022
Other Assaults	1,016	912	792	839	468	476	612
Other Sexual Offenses	25	30	28	20	16	19	1
Weapon Law Violations	101	81	83	60	56	68	92
Drugs Offenses	363	351	288	266	102	119	156
Driving Under Influence	0	0	0	2	2	0	0
Criminal Mischief	208	155	114	140	127	70	122
<b>Total Part II Offenses</b>	<b>1,713</b>	<b>1,529</b>	<b>1,305</b>	<b>1,327</b>	<b>771</b>	<b>752</b>	<b>983</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 adolescent development, 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, child and adolescent mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities, 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 delinquent youth or youth at risk of delinquency;*

*(VI) representatives of 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;*

*(VIII) 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;*

*(IX) 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, particularly the needs of youth who experience disproportionate levels of sexual abuse, exploitation, and trauma before entering the juvenile justice system; and*

*(X) 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;*

*(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 28 at the time of initial appointment; and*

*(v) at least 3 members who have been or are currently under the jurisdiction of the juvenile justice system or, if not feasible and in appropriate circumstances, who is the parent or guardian of someone who has been or is currently under the jurisdiction of the juvenile justice system;*

\*The roster included is for the 2022 year and has since been updated due to transition in 2023.

2022 JJAG Membership Roster			
Name	Rep.	Full-Time Gov.	Youth
Hon. William L. Chapman, Jr. Esq.	Chair		
Hon. Michael K. Newell	Family Court Chief Judge	X	
Hon. Kathy Jennings Designee: Abigail Rodgers	Delaware Dept. of Justice	X	
Hon. Kevin O'Connell Designee: Lisa Minutola	Office of Defense Services	X	
Hon. David Jones	Family Court Commissioner	X	
Hon. Josette Manning	Secretary, DSCYF	X	
Sec. Mark A. Holodick Designee: Brian Moore	Secretary, Dept. of Education	X	
Dir. Renee Ciconte	Director, DYRS	X	
Dir. Trenee Parker	Director, DFS	X	
Dir. Aileen Fink	Director, PBH	X	
Com. Monroe B. Hudson	Delaware Dept. of Correction	X	
Sec. Nathaniel McQueen Designee: Major Peter Sawyer	Dept. of Homeland Security	X	
Chief Robert Tracy	Wilmington PD	X	
Chief Kenneth Brown	Milford PD	X	
Chief Cory Tchida	Georgetown PD	X	
Eliza Hirst, Esq., CWLS	Office of Defense Services	X	
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

**Federal Funding Fiscal Year: 2010-2022**

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%
2021	\$2,920,143	(-) 21.95 %
2022	\$2,725,153	(-) 6.68%

**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%
2021	\$605,937	(+) 42%
2022	\$485,607	(-) 20%

**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%
2021	\$89,206	(+) .22%

2022	\$89,546	(+) .38%
<b>Juvenile Justice Smart Grants</b>		
2015	\$147,983	NA
2016	\$996,965	(+) 574%
<b>Second Chance Act Grant</b>		
2016	\$833,736	NA
<b>Enhancing Juvenile Indigent Defense grant</b>		
2022	\$400,000	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
2021	\$2,225,000	N/A
2022	\$1,750,000	(-) 21%

Title II Grantee/Address	Name/Phone #/e-mail	Description	Grant Amount	Outcomes
Dept. of Services for Children Youth and Families	Natasha Smith 302-892-6443 <a href="mailto:natasha.smith@delaware.gov">natasha.smith@delaware.gov</a>	Juvenile Diversion Program System Reform	JF19, 20 \$32,559	The overarching goal is for YRS to have more oversight of the statewide diversion programs which will allow them to collect data to evaluate effectiveness of the programs and identify where service gaps are in the diversion programs currently offered.
Office of the Public Defender	Liz Evans 302-577-5200 <a href="mailto:liz.evans@delaware.gov">liz.evans@delaware.gov</a>	ODS Street Team Launch	JF19 \$18,456	The Delaware Office of Defense Services (ODS) is contracting with Partners for Justice to focus on holistic advocacy, education, and training for young people who have been justice involved. The ODS portion of this funding will be used to launch a Street Team.
Office of the Public Defender	Liz Evans 302-577-5200 <a href="mailto:liz.evans@delaware.gov">liz.evans@delaware.gov</a>	Juvenile Justice Jeopardy Games	JF19 \$20,000	ODS will contract with Strategies for Youth (SFY) to develop 2 Juv. Justice Jeopardy (JJJ) games to enhance outreach efforts. Youth will learn about safe interactions with law enforcement, criminal/delinquency statutes, arrest procedures, & court proceedings. ODS hopes to reach the youth of color who are most at risk for system involvement.

Delaware Center for Justice	Jessica Alicea 302-498-5472 <a href="mailto:Jalicea@dcjustice.org">Jalicea@dcjustice.org</a>	SoDP In-School Pilot Program	JF21 \$195,146.00	This pilot project brings DCJ's time-tested, evidence-based School Offense Diversion Program into schools to reduce the number of delinquent behaviors resulting in disciplinary action, suspensions, and criminal offenses by meeting students' needs before behaviors escalate to that level.
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## **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 R/ED Subcommittee recommends examining the role of adverse childhood experiences and resilience assessments within programs designed to assist youth in the juvenile justice system. 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.
12. In order to regain compliance with the Jail Removal requirement of the JJDPA, improve public safety, reduce recidivism, and to better serve youth in the system (or at risk of entering the system), the JJAG recommends the following:
  - a. Explore establishing a Juvenile Processing Center where law enforcement may take youth who have been arrested while law enforcement investigates and awaits arraignments. Placement in a youth specific facility is in the best interest of the youth and public safety.
  - b. Implement an electronic Statewide Compliance Reporting System to be used by all reporting agencies. This will standardize data collection, decrease the amount of time the reporting agencies and CJC staff allocate to collecting and aggregating

data, improve response time to potential violations, and ensure accurate data collection to fulfill federal requirements.

- c. Expand the use of Civil Citation by creating a DELJIS prompt to remind law enforcement of its availability for eligible offenders.
- d. Expand the use of Civil Citation by making it mandatory for law enforcement to offer it to eligible youth (pending the consent of the victim and voluntary participation of the youth cited).
- e. The JJAG recognizes that pre-trial detention decisions should be based on the risk of failure to appear and risk of new criminal activity, not on a family's or youth's financial ability to pay monetary bail. Pre-trial determinations should maximize liberty among youth who are entitled to the presumption of innocence, while also protecting public safety and ensuring effective court operation. Therefore, the JJAG recommends eliminating the use of monetary bail for youth and developing a robust pre-trial system in which individualized assessments are based on risk to determine if a youth should be detained or released with or without non-financial conditions.



## **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.

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.
<i>Assault Offenses</i>	
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.

*Prostitution Offenses*

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	Unlawful, non-forcible sexual intercourse.
Incest	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.