

Group seeks changes in Delaware juvenile justice system

March 22, 2016 · by Matt Bittle · 0 Comments



DOVER — Teenagers drinking alcohol, trying marijuana or getting into scuffles are common occurrences, many people say.

But those common misbehaviors, which are often minor, can impact Delawareans well after they complete a community-service program and mature.

They think they've moved past the crime, only for the offense to show up again years later when they try to buy a home, apply to college or purchase a gun.

That arrest can linger on a record for decades, blocking

someone from various pathways in life.

Some believe the punishment often does not fit the crime, so they are working to change that.

At a Tuesday meeting of the Delaware Kids Caucus, an ad hoc committee designed to focus on children's issues, lawmakers and justice officials listened to initiatives to rehabilitate juveniles and prevent them from suffering a black mark on their records.

Created in 2015 by the Department of Services for Children, Youth and their Families, the Juvenile Civil Citation Program aims to provide an alternative form of punishment and rehabilitation for those younger than 18 who are arrested for low-level crimes.

The selected violations are disorderly conduct, loitering, shoplifting, underage consumption or possession of alcohol, possession of less than 1 ounce of marijuana and third-degree criminal trespassing.



From left, Department of Services for Children, Youth and their Families statewide juvenile civil citation coordinator Donna Pugh; Riya Shah of the Juvenile Law Center; Lisa Minutola of the Office of Defense Services and Kathryn Lunger of the Public Defenders Office were among the many guest speakers at Tuesday's Kids Caucus held inside the House Majority Caucus Room at Legislative Hall.

coordinator Donna Pugh said.

"It's an alternative to arrest at the initial impact of the youth encounter with law enforcement," citation

"The reason that's so important is because studies have shown that youth that are involved in the juvenile justice system have a larger or a higher risk of recidivism once they became in the system because of the contact they make with others that are involved that are higher risk."

A police officer who has reason to arrest a teenager or child for one of those offenses can instead refer them to the 90-day program.

But, the plan requires participants stay out of trouble and involves community service, an assessment and, if needed, substance abuse treatment.

Not only does it keep children out of the justice system in the first place, supporters say, it frees up resources that can be used for more serious crimes and criminals.

Thirty of the first 32 people who entered the program passed, Ms. Pugh said.

After a pilot effort with police officers stationed in schools, the program has been expanded to every law enforcement agency in the state, and police are working to ensure all officers are aware of it.

“It’s a great thing not for them to get in a fight but to call a parent and say, ‘Hey, I’m not arresting your child, I am referring them to this program. This is what they have to go through. I am the only law enforcement entity that knows about this,’” said Patrolman First Class James Piazza, the Dover Police Department officer stationed at Central Middle School.

“‘It will not be on their record. They have to complete the program.’ Instead of calling their parents and saying, ‘I got a warrant for your child for disorderly conduct. They were in a fight. Bring them to the station whenever you can and you’ll find out what’s going on when Family Court sends you something in the mail.’”

Lisa Minutola, chief of legal services for the Office of Defense Services, said she wants to see the Juvenile Civil Citation Program expanded through legislation.

Others shared details on the difficulty of getting charges expunged, meaning a “minor offense” committed as a child can impact career prospects well down the road.



Rep. Debra J. Heffernan (D-Wilmington) and Sen. Harris B. McDowell III (D-Wilmington) led the Kids Caucus discussing juvenile criminal behavior.

Riya Shah, a lawyer with the Juvenile Law Center, spoke about children sentenced as adults, recommending lawmakers grant judges discretion to move juveniles from the Superior Court to the Family Court.

Because humans’ brains take more than two decades to fully develop, teenagers are biologically more prone to risk-taking and impulsive behavior, Ms. Shah said.

“Kids have the potential to mature out of crime. This is a behavior that doesn’t last forever. Kids desist over time,” she said.

In the 1980s and 1990s, many lawmakers nationally moved toward greater penalties as part of a widespread push to get tough on crime. That led to treating juveniles as adults in many cases, including placing them in prisons, sometimes with offenders convicted of violent felonies, Ms. Shah said.

Now, Delaware is apparently swinging back to the other side, efforts entities like the Public Defender’s Office want to see continue.

One piece of legislation that would do that is a bill approved by a House committee last week regarding restrictions of juvenile shackling for court appearances.

“Every detained child is still coming into court every day with leg irons around their ankles,” said Kathryn Lunger with the Public Defender’s Office. “When they stand up, when they sit down, when they move about the courtroom to take the stand or to speak to the court, these leg irons are around them, and the court sees it, their family members see it and it’s just awful and it’s humiliating for these kids.

“In addition, they also hurt and leave marks. These kids are being treated like hardened criminals.”

Reach staff writer Matt Bittle at mbittle@newszap.com

Tags: Courts · Featured · General Assembly · Prisons

<http://delawarestatenews.net/news/group-seeks-changes-in-delaware-juvenile-justice-system/#.VvKTjaNm7n0.email>