

Assessment of Juvenile Justice in Delaware

A Snapshot During the Period
April-June 2008

Presented July 17, 2008
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Submitted by Shay Bilchik, J.D.
July 17, 2008

Executive Summary

This report to the Department of Services for Delaware's Children, Youth, and Their Families provides a snapshot of the juvenile justice system in Delaware in April-June 2008. It uses that snapshot to identify productive paths for reducing juvenile crime, increasing the rehabilitative aspects of juvenile justice, and leveraging the resources to do so.

Fifty individual interviews with a variety of stakeholders in the juvenile justice system were undertaken for this study. The results were combined with reviews of relevant reports on Delaware's juvenile justice system and with statistical analyses to form the base for this report. The author's extensive local and national experience with juvenile justice and related agencies provides the lens for analysis and interpretation of these sources.

Delaware has made meaningful progress over the past decade, especially in more recent years, in dealing effectively and appropriately with juveniles in the justice system. Of particular note, there is more cooperation among agencies, greater use of community-based programs as alternatives to detention, reduced reliance on unwarranted use of detention, reduced recidivism, marked reduction in the constant overcrowding at pre-trial secure detention centers, and increased use of in-state programs to provide appropriate levels of treatment. The Department's commitment to the Juvenile Detention Alternatives Initiative has been a major resource for a number of these changes; others have stemmed from departmental and division policies and from the commitment of the state's juvenile justice professionals to their calling – nurturing positive youth development and turning children and youth away from delinquency and crime.

This report highlights areas where commendable progress has been made and offers recommendations for moving forward on a number of fronts that can dramatically strengthen Delaware's efforts to attain the ultimate goal of preventing youth from becoming crime-involved and helping them become healthy, productive adults.

This summary highlights 10 areas in which action driven at the state level could produce excellent returns on investment both in terms of dollars saved and in terms of young lives redeemed.

The areas are further divided into two levels of activity, with the first of the two receiving immediate attention. These actions require the engagement of the Department and of other state agencies, the legislative and judicial branches of Delaware's government, and formal and informal partners at the community level. Those experienced in juvenile justice know that to date there is no one magic cure and there is no one magic organization to address juvenile crime. But collaboration, focused purpose, and commitment to youth can elevate Delaware to the highest levels of states committed to their youth and their futures. In this regard, when the following 10 areas are incorporated into the strong base of policies, operations and programming currently in place, they will help Delaware develop a Blueprint for an improved juvenile justice system that will greatly distinguish it and better serve the youth in its care.

Areas for immediate attention:

- Increasing the use of diversion to keep juveniles from unnecessary involvement with the juvenile justice system while providing accountability and services, and in turn freeing up resources to more effectively address the needs of juveniles exhibiting more serious delinquent behavior and greater service needs;
- Pursuing even more vigorously the benefits of the Juvenile Detention Alternatives Initiative (e.g., fewer youth in high levels of detention, young people closer to home while awaiting trial, reduced pre-trial detention itself, and more effective placements of youth) while acknowledging and addressing the concerns about lack of commitment from agency leadership to the effort, youth being held in juvenile detention pending prosecution of cases in the Superior Court, inappropriate detention and/or release of offenders, and the need for a greater range of alternatives and supports such as the refining and opening of Day and Evening Report Centers and increasing statewide the availability of electronic monitoring systems;
- Ensuring that recruitment and retention policies and practices, including the caseloads and workloads, pay grades, training and hiring patterns of DYRS probation officers reflect sound management practices, thereby fully supporting the staff in engaging the youth in their care;
- Increasing the resources devoted to aftercare, connecting youth to positive adult influences that can help stabilize them and support them in doing the right thing as they emerge from detention and return to school and neighborhood without returning to the behaviors and situations that put them into the juvenile justice system; and

- Investigating and resolving issues around Delaware’s school drop out rate (one of the highest in the country), which along with what are perceived as unnecessarily high levels of suspension and expulsion from school (and referral of youth involved in school infractions to the juvenile justice system, may be substantially contributing to the state’s increase in juvenile arrests.

Areas of focus warranting ongoing and serious attention:

- Continuing and enhancing the current move toward use of data-driven policy and evidence-based programs, not to the exclusion of thoughtful efforts at program and process development and improvement, but with the idea of measuring impact and effectiveness, supporting what works, and correcting course where needed;
- Fostering intra-agency and interagency cooperation as an institutional value by highlighting benefits and accomplishments of the strategy and involving the entire system that addresses juvenile justice needs in providing treatment services (e.g., expanding partnerships with nongovernmental organizations and other Divisions within the Department, beginning with the Division of Child Mental Health in better meeting the needs of youth on probation and DFS in ensuring that the needs of maltreated adolescents are met);
- Engaging the community and its resources more actively in meeting the needs of the young people who are in trouble or at risk of trouble, to reduce their risk and enhance their chances of good and productive lives free of the stigma of criminal histories (e.g. enlisting community organizations like the Hope Commission, the Inter-faith Council in Wilmington, and community prosecution teams to help communities and neighborhoods to work together with governmental agencies to prevent as well as reduce crime);
- Building upon the present DYRS shift toward more community based strategies that draw from well-documented positive youth development approaches and treat youth within the state, rather than in out of state placements; and
- Making serious inroads in reducing the disproportionate contact that minority youth have with the juvenile justice system – a chronic issue in many communities that requires concerted, focused action.

Delaware’s citizens have the opportunity to reach and help their most challenged and challenging children and youth in an even more significant manner than has been done to date. This is an opportunity that will benefit the youth, the adults, the neighborhoods, the communities, and the

state as a whole. Much outstanding work is currently being done by thousands of caring and extremely competent workers and community members within the state of Delaware. It is time to build on that work. There is much to be gained by doing so – whether measured in human terms of helping a child succeed to adulthood or in financial terms when comparing the relative costs when one considers that each drop-out who turns to crime and drugs can cost the community and the state more than \$5 million dollars over a career of delinquency and crime. Using either measurement, our course of action is clear and compelling.

Section I. Introduction

I am pleased to present this report to the leadership of the State of Delaware's Department of Services for Children, Youth and Their Families (hereafter referenced as "the Department") and its Division of Youth Rehabilitative Services (DYRS).

The report reviews the juvenile justice system in the State of Delaware in a snapshot mode covering the period April-June 2008. It identifies areas in which improvements can be made to what is already a strong and in many ways successful base of operations. The report does not reflect a detailed examination of all operations of the system, but instead looks at the "footprint" of the current system and where that footprint can be strengthened.

The time was ripe for this review. It builds upon ongoing reform efforts and improvements that have been under way for over a decade. These include the four-year strategic and financial plan developed by the Department in 2006 identifying trends and challenges confronting DYRS in addressing the issues faced by youth in its care; a commitment across state departments and agencies to engage in multi-systemic approaches to the challenges facing state agencies; and the lessons learned in the Foster Care Reform effort. These events created a unique moment in time, which combined with recent public attention centered on levels of juvenile offending, provides an opportunity to step back and take a hard look at the system and its needs in order to produce a clear vision of what is necessary to make the next steps toward a nationally well-regarded system that helps Delaware's youth move toward productive, active adulthoods.

Juvenile crime and juvenile justice have received a tremendous amount of public attention in Delaware in recent years. Much of that attention has focused on violent juvenile and youth crime, particularly gun violence. These are important issues that must continue to receive significant attention. However, too little attention has been given to those components of the juvenile justice system that are sound and functioning well; to the strategies and investments that could strengthen the elements of the system that still face challenges; and to how the proper attention and investment could produce a holistic juvenile justice system that uses both prevention and intervention components functioning at highly effective levels to reduce and prevent juvenile delinquency and adult crime.

In March 2007, a random sample of 600 Delaware registered voters was polled through the Delaware Children's Campaign on issues relating to the state's children. Ninety-six percent said

that stopping the rise of teenage gangs and teen violence was “very important” or “important” as a problem to be addressed in Delaware. But an equal 96 percent rated early intervention with troubled kids as a “very important” or “important” service that should be provided by the state, with 80 percent rating it “very important.” Better than seven out of ten (72 percent) “agreed” or “agreed strongly” with the statement that the state’s juvenile justice system needs dramatic overhaul. Delaware voters also indicated clearly their support for early assistance and education (as young as age 3) for children and for supports for youth returning to their communities from the juvenile justice system (Barcelo and Co., March 2007). Additional national and Delaware polling information on these issues is presented in Appendix 1.3.

These data suggest that the potential for public support of system improvement and provision of effective services is high. It is clear that early intervention is valued by Delaware voters and that there is solid to strong support for constructive intervention and for remediation rather than punishment as the system’s primary focus. This is the direction DYRS has headed over the past decade, and there is substantial support for even greater investments in these areas.

Already seen as one of the more innovative states in developing systems of care for its children and families, Delaware has the potential to establish itself as one of the nation’s highly functioning and effective juvenile justice systems – one that provides a strong holistic, individualized, balanced range of services focused on prevention, early intervention, and supportive aftercare in community-based settings to the greatest possible extent.

The groundwork for extraordinary progress is already laid. DYRS has made significant progress over the past decade in improving the range of services available to the youth in its care, and it has simultaneously shifted to a more community-based focus in that work (reducing where appropriate the number of youth under more rigorous forms of supervision). Also reflecting this progress are actions taken by the Department and its partners in developing and making consistent use of instruments to determine risk at the point of detention and the assessment of service needs on an ongoing basis – to both initially place and continually identify the needs of its youth and help chart effective courses for them. This has been accomplished in the face of an increasing youth population and severe budget constraints. DYRS has met these challenges head-on with both a more efficient operating system and an investment in effective policies and programmatic strategies, including its participation in the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative.

DYRS can be proud of the work it has done to date in transforming service to the children and youth in its care. Much to its credit, the division has stated clearly that it is not satisfied with resting on those accomplishments. Juvenile crime rates are still unacceptably high; DYRS wants to continue to reduce recidivism rates that have been declining and to continue to transform its system toward effective community-based services.

The Department is now two years into its Four-year Strategic and Financial Plan and is facing the same financial pressures as other Delaware agencies and agencies in other states as it continues to strive to achieve the Plan's goals. DYRS has determined that it must continue to advance in every way possible the key components of that plan without expecting additional (or even level) funding. This creates a major challenge: maximizing the value of every dollar it spends and ensuring that it receives a good return on investment.

This review is designed to further that four-year plan and DYRS's goals to fulfill it. In this regard, the review will identify areas in which improvements can be made with little or no new investment, but it will not stop there. It will also identify and include areas in which sound new investment needs to be made so that juvenile crime will be reduced and young people will be equipped for better life outcomes, including less involvement in juvenile crime.

The Structure of This Review

This review was commissioned, as noted, by the Department of Services to Delaware's Children, Youth, and their Families. It commenced formally on April 22, 2008 with a meeting of juvenile justice system stakeholders to discuss plans for the review and their perspectives on its tasks and on the Delaware juvenile justice system. The list of attendees is provided as Appendix 1.1. The core work of the review was performed during May and June of 2008.

The early stages of the project included a review of various reports and studies from 1996 to the present relating to several different aspects of the juvenile justice system in Delaware. An important approach utilized in this review has been the concept of building on prior work rather than repeating it. Because these reports shed light on many of the dimensions of the juvenile justice system, Appendix 1.4 summarizes some of those reviewed and suggests findings that are of special interest in moving forward. The overview provided in Appendix 1.4 should serve as a base for learning from the past and building on the know-how that has been gained. These previous reports can help us benchmark progress to date and set reasonable targets for future gain on a variety of

issues of considerable importance to moving Delaware's juvenile justice system still farther forward.

Much of the meat of this report is found in the results of a series of one-to-one interviews conducted with 50 stakeholders from a wide range of government and non-government agencies and organizations. The interviews were conducted with the expectation that the information gathered would not be directly attributed to a specific individual. While this issue of attribution was generally not raised as a concern during the interviews, where it was, the agreement of non-attribution strengthened interviewees' willingness to be candid. Those interviewed included, but extended beyond the group invited to the stakeholder meeting of April 22, 2008. All individuals interviewed are listed in Appendix 1.2. A large portion of Section II's observations and findings are drawn from these interviews and the statistical information described below.

A second component of Section II is the analysis of data on the functioning of DYRS and the results of its efforts to reduce delinquency and increase public safety. The author worked extensively with DYRS staff and the Delaware Statistical Analysis Center to gather and review data to inform this work. Their value demonstrates the value that improved data collection and management has had for DYRS and the Department in managing the juvenile justice system and its components, the role it should continue to play in making decisions regarding policy and practice, and the possibility of an even greater role in the future. Section III of the report presents the observations and opportunities resulting from this review. These recommendations suggest ways to strengthen DYRS, building on the work already done and taking advantage where possible of low-cost and no-cost initiatives and the successes found in other states' programs. The observations and opportunities are divided into two areas or levels of activity; both are in need of serious attention. The first level of activity, however, should be treated with a higher priority and as areas in need of immediate action.

The report is not designed to be a comprehensive assessment of the functions and operations of DYRS and Delaware's juvenile justice system. Too little time was available to undertake this more ambitious agenda. Rather, its goal is to highlight those areas where concrete, specific actions can strengthen the work and "footprint" of DYRS and better serve those in its care -- and others whom it is charged with serving. For example, the report identifies a number of areas in which DYRS and its partners perform quite well, but could achieve better outcomes in its work. These findings should not be viewed as deficiencies but rather as opportunities.

This review also treats the system as a whole rather than a series of parts – as a continuum from prevention and early intervention through institutionalization and aftercare, from treatment of first offenders to disposition of recidivist serious offenders. The parties involved in the system range from such traditional members as DYRS, the court, prosecutors, public defenders, law enforcement and treatment providers, to those whom some would consider nontraditional, such as consumers of the services DYRS provides (youth and families), grassroots organizations, and sister state agencies whose work integrally relates to, but is not controlled by, DYRS.

This more comprehensive and holistic lens leads to a more complex but more effective system that includes delinquency prevention, community based diversion programs, and institutionalization – but also embraces a number of services and activities that rely to at least some degree on systems and resources external to DYRS (e.g. alternatives to detention, efforts to reduce the over-representation of minorities, provision of aftercare in the community, transitional living programs, and other systems of care and support).

Delaware’s success is contingent upon how well an overarching, widely drawn juvenile justice plan is both conceived and implemented, on how well it truly brings together all the necessary elements to help create a sound, dependable base for the system – its footprint. To amplify on a number of key examples of such programs and plans, Appendices to Section II provide brief descriptions of best practices in key areas that can broaden and deepen the system of juvenile justice and restoration of youth to constructive lives in their communities.

Before we turn to specifics about Delaware’s juvenile justice system, it is useful to examine the elements of an effective, well-functioning juvenile justice system. Such a system has five characteristics – a strong and effective balance of prevention and intervention using a multi-systemic approach; an individualized system of justice for youth; proven and effective policies and practices; strong links to the community; and strong public engagement and political will. These characteristics are described in more detail in Appendix 1.5. Delaware’s juvenile justice system has become increasingly sounder over the past decade. This report inherently reflects the significant progress Delaware has made in relation to each one of these characteristics. Its challenge is to improve its ability to demonstrate these five characteristics at the highest levels:

- A stronger and more effective balance of prevention and intervention services using a broader range of traditional and nontraditional systems
- A strong individualized system of justice for youth that enhances accountability

- Even greater use of tested and effective policies and practices
- Stronger links to a wider range of community organizations and members
- Greater public engagement and more clearly expressed public and political will

Section II. Juvenile Justice in Delaware: Interviews with Key Stakeholders, Partners, and Others; Review of Current Data

A major element of this study was conducting interviews with a wide range of individuals not only within the juvenile justice system, but also in related government organizations and nonprofit and community groups. Fifty interviews were conducted between April 22 and the beginning of July 2008. Names and affiliations of interviewees are listed in Appendix 1.2. The interview strategy was used because it permits follow-up, clarification, and cross-validation; it also permits more in-depth exploration of key concepts and issues.

Research for this section also included examination of a variety of statistics and trend data related to juvenile justice case processing, caseloads, case dispositions, and staffing issues. These data offer concrete evidence of needs and concerns that can be effectively addressed by a forward-looking, broadly based group that aims to improve juvenile justice in Delaware.

Working Together

One of the most promising messages heard at both the launch of this effort (April 22, 2008) and throughout the interview process was the improved level of cooperation among the various participants in the juvenile justice system that was perceived by almost every interviewee. One sign of this cooperation that was cited several times is the Department's ability to convene key decision-makers promptly to address issues of importance in the operation of the system – already evidenced in developing new policies to address the needs of girls in (or at risk of entering) the juvenile justice system; the need to provide alternatives to referrals from schools into the system; and the development of the Juvenile Detention Alternatives Initiative.

Indeed, it became clear that Delaware's small size is in this case an asset: Stakeholders are familiar with the issues and with each other; they share common values about the importance of young people and their developmental needs. The ability to come together relatively quickly to address issues of importance, coupled with like-mindedness and commitment to cooperation, permeated virtually every interview, whether the informant was a government official, a nonprofit leader, or a grassroots representative. It is a strong asset to Delaware's juvenile justice system. Its strength and presence, however, also raise expectations about what can and should be accomplished

by way of improvements, beyond what has been done to date. This high level of expectation has led to a sense of failure to live up to potential that frustrated a number of interviewees.

Delaware's leaders can maintain and bolster this cooperative spirit by fostering it as an institutional value, highlighting its benefits and accomplishments, and ensuring opportunities for its ongoing practice and recognition. But they must nurture this spirit if they wish to retain it. Cooperation is work and as with many things in life, the important is too often sidelined in favor of the urgent. Nurturing cooperation is a modest expenditure with extraordinary returns. Indeed, it is one of the lowest cost items that can help Delaware and DYRS better serve the state's children and youth.

An Evidence-Based and Data-Driven Culture

A second major theme addressed by a number of interviewees involves their desire to operate in an evidence-based and data-driven system. This is a goal that Delaware officials share with many juvenile justice officials around the country.

A number of interviewees commented that the "data culture" within DYRS has improved dramatically over the past decade. They observed that DYRS increasingly relies on the data available to it in making management and operational decisions and noted that data are key in the Department's Four-Year Plan.

It is clear that between DYRS and the Delaware Statistical Analysis Center (SAC), there is ample ability to use the power of data to tell the story of juvenile justice in Delaware in numerous ways. That story is virtually untold at this point – an unfortunate situation since in many ways the achievements are rather remarkable: lower quarterly pre-trial detention admissions despite an increasing juvenile population, higher levels of juvenile arrests, *and* the return of older and more seriously involved juvenile offenders to the jurisdiction of the juvenile justice system pursuant to a change in state law (SB 200). This has all been achieved at the same time that lengths of stay in placements have been reduced and that 12-month felony recidivism rates have been reduced through FY 2006 for juveniles returning from residential care. These are major accomplishments.

These trends will be explored in greater depth in this report, but this shift to a data-driven and evidence-based culture surfaced loudly and clearly in the course of the interviews conducted. It reflects a major success of DYRS's leaders and staff along with those of its partner agencies. This success belongs to the management and staff of DYRS, who under the leadership of Cabinet

Secretary Cari DeSantis changed the way DYRS approaches its work. It is an approach this author strongly endorses and encourages the department to build upon.

Diversions

The issue of being able to use diversion to keep juveniles out of the system emerged in numerous interviews. Interviewees raised the lack of an adequate capacity to divert young people from the system as an important need for focus. This was, in fact, the most frequently mentioned area of concern along with the reentry and aftercare of offenders returning home from placement with DYRS. Interviewees who mentioned the subject voiced a clear desire for change.

In most communities, diversion programs are used to keep juvenile offenders out of the court system when the nature of the offense and the history of the offender do not warrant that level of formal intervention. A short summary in Appendix 2.1 describes the way diversion programs operate in those jurisdictions and their potential effectiveness. Although there is regular use of diversion in Delaware through arbitration approved by the Assistant Attorney General in charge of juvenile prosecutions, court-approved diversion for drug cases (Juvenile Drug Court), and cases involving offenders who present mental health concerns (also court approved), a number of informants called for the greater use of diversion. They indicated that more young offenders could appropriately be diverted if there were a broader array of services and methods of accountability available. Most often the calls for the increased use of diversion focused on the need for diversion at the point of arrest, an option permitted by state law but currently not available because of local policy and practice as established by the Office of the Attorney General.

The expressed need for individual case review by the Office of the Attorney General prior to diversion at the point of arrest is understandable, but other jurisdictions have addressed this issue effectively through the use of explicit offense and prior history guidelines for admission to the diversion option. This possibility should be explored further in Delaware; and it appears it will be used in the new teen court program in a modified manner.

A close review should be done by DYRS, the court, the Attorney General and Public Defender of the breakout of offending categories, which will amplify the potential for reducing the burden on the formal juvenile justice system and the stigmatizing of young people through the greater use of diversion alternatives.

A number of those interviewed talked about the stigma and labeling caused by an arrest and referral to the juvenile justice system, within both the youth's school and his or her peer group. This was further emphasized by the young people and parents who described the resulting labeling and stigmatization as akin to a "life sentence" in terms of how youth were treated by peers, school officials and even family members. Interviewees encouraged that steps be taken to avoid this while still creating some accountability for the youths' behavior and opportunity to meet their needs. Even without counting felony cases, it appears that the system has significant room to expand the use of diversion among misdemeanor cases alone. This should not be interpreted as a comment on the viability of diversion for less serious felony cases on a case by case basis.

DYRS, and more broadly the Department and its partners, have seen the wisdom of investing "upstream" through prevention and early intervention programs, which is the philosophy reflected in the use of diversion programs. Efforts supported by the Delaware Girls' Initiative, the Wilmington Police Department's Child Development Community Policing Initiative (serving children and youth exposed to violence), the new teen court program referenced above, and the work of the Hope Commission are examples of DYRS working in partnership with and in support of prevention or early intervention efforts. This work should continue, for in the long term, while we must continue to meet the challenges presented by our most troubled and troubling youth already in the system, these strategies supporting prevention and early intervention have the greatest potential for payoff.

Numerous interviewees noted the need for services that would be associated with new diversion options, pointing out that some of these may exist within the communities in which the offenders reside. It was further noted that the Hope Commission, through the Interfaith Coalition, is mapping these services within specific zip codes and census tracts in Wilmington, and that this cataloging approach could be used to further support diversion.

Several individuals also suggested that DYRS and the Attorney General work with the non-profit community to develop new services that would support the use of diversion, funded in part by the Criminal Justice Council or the Delaware foundation community. The area of greatest interest with respect to increasing the use of diversion was at the point-of-arrest; interviewees expressed a desire to keep youth out of the system and to reduce the workload on attorneys and other staff. In this regard, a description is provided in Appendix 2.1 of a unique diversion alternative in use in Miami-Dade County, Florida incorporating the use of civil citations as an alternative to arrest.

Research on this program has also determined that there are substantial cost savings that can be achieved through this approach that can be reinvested in supports and services.

Detention Reform

The Juvenile Detention Alternatives Initiative (JDAI) is a nationwide detention reform effort conducted in partnership with and supported by the Annie E. Casey Foundation. It seeks to help state juvenile justice systems reduce the unnecessary use of secure detention pending trial for juvenile offenders, using a variety of strategies, including use of more objective detention criteria and stronger assessment instruments, the creation of a broader range of detention alternatives, and the engagement of community and system partners in both monitoring and providing supportive services to the alleged offender and his/her family pending trial.

Interviewees made it clear that JDAI had garnered a significant amount of attention and effort over the past several years – winning both praise and criticism from these informants.

Analysis of the available JDAI data helps to clarify the benefits of JDAI in Delaware. The impact is largely positive, but interviews offer an offsetting perspective. Some critics (a minority) firmly believe that JDAI has allowed the release of alleged offenders who may be contributing to the escalating violence Delaware has experienced over the last year (particularly in Wilmington). Other critics, although JDAI supporters, believe that with a more sustained and significant effort and a greater range of alternatives and supports, the initiative could have achieved even more in reducing the unnecessary use of pre-trial detention.

A specific concern was that a number of stakeholders, rather than remaining directly involved with their peers in helping to lead the initiative, delegated their authority to other staff. Though these delegates may have made significant efforts on behalf of their agencies, the absence of the highest-level decision-makers at the JDAI Collaborative table sent a strong message: The JDAI and its goals were not (or were no longer) a top-level concern to them. There is no question that the failure of some leaders to continue to engage in JDAI personally sent negative messages to a number of those who were interviewed. Moreover, experience at other JDAI sites across the country has demonstrated the importance of the sustained engagement by agency leaders in the initiative. This lesson is one that needs to be given serious consideration as various initiatives are launched. Leadership does count, and failure to lead in a fully engaged manner sends any number of unintended – and almost always negative – messages.

Looking at JDAI itself rather than more narrowly at the role of Delaware leadership, a number of interviewees praised the initiative's ability to help keep young people close to home while awaiting trial; with supportive, positive influences; in school; and at required court appearances, without re-offending. The data generated by the Department support the perceptions of interviewees.

Chart 3.1 shows the reduction in pre-trial detention between the first quarter of 2000 and the first quarter of 2008. This significant reduction in the use of pre-trial detention compares quite favorably with the projected use of such detention based on population growth assuming arrest rates remained steady. To frame it concretely, the projected increase in detainees would have meant needing to house an additional 55 youth on any given day (125 with JDAI reforms versus a projected 180). That is the equivalent of having to build and operate a new detention facility – at \$60 million in construction costs and millions in annual operating costs.



Chart 3.1 JDAI Reduces Detention Facility Populations; Source Delaware Statistical Analysis Center, 2008.

A major question not answered by these data is whether pre-trial dispositions of youth are contributing to increases in juvenile arrests that Delaware has experienced over recent years. One key JDAI initiative is the use of a carefully constructed Risk Assessment Instrument (RAI). This instrument, which staff are trained to administer, helps to identify the risk of the youth failing to appear in court and the level of alternative housing that might be advisable. Effective practice places an offender in detention only when there is a risk of failing to appear at a subsequent court hearing on his/her case or of re-offending while on pre-trial release. This standard for pre-trial detention is one generally accepted in the juvenile justice field and is generally reflected in Delaware law and practice. The detention practice in Delaware is unusual, however, in that it also allows juvenile offenders to post bail (one of the few states that do so). This bail factor impacts the use of detention independent of the use of the criteria of the RAI. Delaware officials should revisit

the use of bail, a remnant from the past and no longer relevant with state laws and the use of an objective and race neutral RAI in place.

The Delaware Statistical Analysis Center (SAC) has compiled data on how the use of the Risk Assessment Instrument has affected the re-arrest of offenders and their failure to appear at court hearings. As reflected in Chart 3.2 the SAC examined the use of RAI to establish pre-trial restrictions in terms of two outcomes – re-offending before trial or failure to appear at hearing, examining cases over a two month period in 2006. The results affirmed the predictive value of RAI. Between pretrial release and court disposition of their cases, 89 percent of the youth released based on the RAI did not re-offend, and 91 percent appeared at scheduled hearings. Where the RAI screened youth into alternatives to secure detention, the results were also very encouraging. Those screened into alternatives to secure detention appeared at a rate of 97 percent for their court hearings; 81 percent of this group did not re-offend between arrest and case disposition. Recidivism rates are higher for the Delaware juvenile justice system as a whole, so both of these sets of data reflect the successful use of the RAI and of JDAI policies. With additional resources to monitor and support the youth during the pre-trial phase, success rates could be increased further.

Delaware Juvenile Risk Assessment (RAI) Screens:
Arrest Before Disposition for RAI Screens Between April and May 2006, n=318.

Presumptive RAI Outcome	<u>Arrest before disposition</u>					
	Total	Column %	<u>Arrest</u>		<u>No arrest</u>	
			RAIs	Row %	RAIs	Row %
Release	192	60	21	11	171	89
Alternative	31	10	6	19	25	81
Detain	95	30	17	18	78	82
Total	318	100	44	14	274	86

Delaware Juvenile Risk Assessment (RAI) Screens: Failure to
Appear Before Disposition for RAI Screens Between April and May 2006, n=318.

Presumptive RAI Outcome	<u>Failure to Appear (FTA) Before Disposition</u>					
	Total	Column %	<u>FTA</u>		<u>No FTA</u>	
			RAIs	Row %	RAIs	Row %
Release	192	60	17	9	175	91
Alternative	31	10	1	3	30	97
Detain	95	30	3	3	92	97
Total	318	100	21	7	297	93

Chart 3.2, Risk Assessment Instrument Analysis; Source Delaware Statistical Analysis Center, September 2006.

With input from consultants engaged by the Annie E. Casey Foundation, Delaware has continued to improve its detention practices in other ways. Most recently DYRS staff and the collaborative of stakeholders involved in the initiative revised the RAI to ensure that it will be more race-neutral and less subjective. It is expected that this revision will help to reduce disproportionate detention of youth of color in Delaware – an issue of importance both as addressed in interviews and as presented in previous reports that are outlined in Appendix 1.4.

The interviews provided a better understanding of how JDAI accomplishments could be enhanced by establishing more alternatives to detention, making electronic monitoring devices more available downstate in Kent and Sussex Counties, and adopting and refining the use of Day or Evening Reporting Centers across the state. Several individuals also suggested the need for further educational supports and counseling services.

A recurrent call for more data to better understand and refine the work of JDAI highlighted the increased value that State officials are placing on use of data-driven management. Currently there are no regular data reported on program results. The program needs daily monitoring of activity from the use and application of the RAI, to the accounting of what is happening to youth released pursuant to the RAI (e.g., are they being rearrested, failing to appear, violating the use of their electronic monitoring, or failing to abide by the other conditions of their release?). These data should be automated to the extent possible.

The data snapshot of April and May 2006 provided by the Statistical Analysis Center is helpful, but there should be an ongoing stream of such automated data that are readily available as management tools for public safety and the welfare of the affected youth. In a state that has become quite data savvy, this need can be easily met if the decision is made to do so.

A number of interviewees credited JDAI with reducing the overcrowding in Delaware's juvenile detention facilities and thereby reducing the negative and stigmatizing affect of unnecessary detention. The data support the contention of these observers. As of June 24, 2008, the detention populations at the state's facilities used for pre-trial detention were as follows: Stevenson 34, with a cap of 55; and New Castle 66, with a cap of 64. The state has gone from a condition of constant overcrowding when the JDAI initiative began to one of virtual accord with the assigned facility cap. With research also showing that detention increases the probability of offenders being institutionalized and disproportionately impacting youth of color, the positives associated with JDAI are substantial. Much of this research has been done around the issue of disproportionate minority contact, but applies more broadly to detention and disposition policies, practices and outcomes.

The success story of the JDAI endeavor, told clearly by the data, is a significant one: lower numbers of youth detained at a time of an increasing youth population and higher numbers of arrests – while achieving modest levels of failure-to-appear and re-arrest rates during pre-trial release.

Three additional factors that came to light during the interviews made these achievements even more significant. These reductions came about while DYRS was at the same time addressing:

- the return of some serious offenders to the juvenile justice system pursuant to SB 200;
- the holding of juveniles transferred to the jurisdiction of the Superior Court to be tried as criminal offenders (many held in excess of six months pending trial); and

- the detention of youth not permitted under Title 10 Del.C. Section 1007 to be detained (a practice that JDAI helped to change through an ongoing educational effort).

Maintaining vigilance on the non-1007 issue and determining a more appropriate holding facility for the youth transferred to Superior Court is essential. The JDAI stakeholder group can play a critically important role in resolving this issue, driving down the detention of offenders held in these facilities even further.

DYRS Probation and Juvenile Justice Institutions and Cross Systems Initiatives

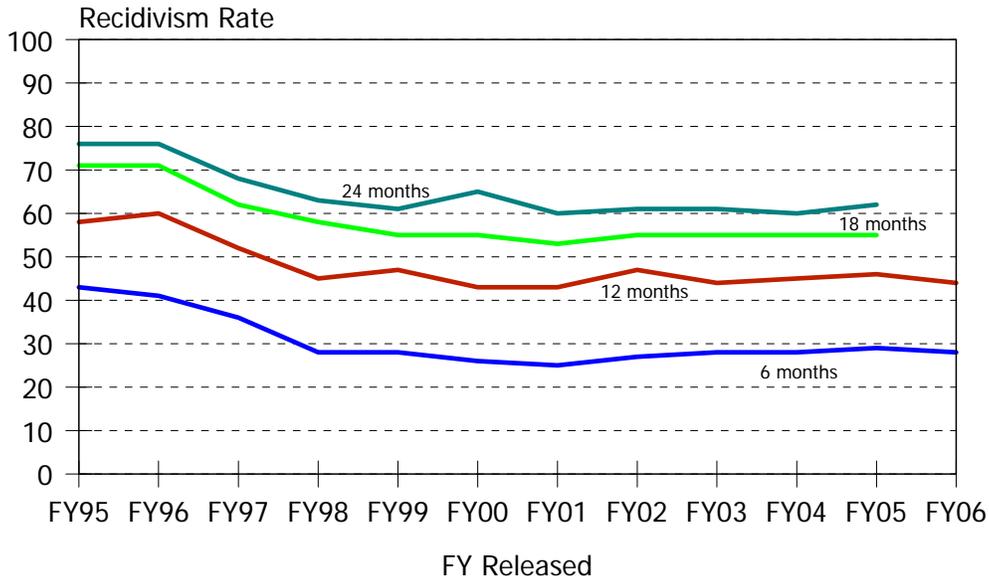
During this review, interviews were conducted with the leadership of DYRS, supervisory and line staff of DYRS, other Department officials, and persons who provide services in partnership with DYRS. The interviews and available data point to a change in the approach and culture of DYRS – a shift in particular to a more rehabilitative and positive youth development framework as the shaping for the work of DYRS. This change echoes one occurring in other parts of the country and is part of the benefit of DYRS’s increasing reliance on data-driven and evidence-based programming. An outstanding example is the DYRS shift to more appropriate use of community-based alternatives to incarceration. Soundly developed risk and needs assessment instruments provide a more consistent and reliable gauge of appropriate levels of care for each youth. As a result, the program achieves better outcomes. This sound path DYRS has traveled bodes well for its work in the future, including better outcomes for the young people in its care.

There are three levels of out of home placements in Delaware: Level V, Level IV, and Level III. Level V is the most intensive programming and is comprised of locked secure institutional settings like the Ferris School for Boys. Level IV placements are staff secure programs that provide 24 hour supervision and general diagnostic, substance abuse and sex offender treatment. Level III programs provide programming in community based settings. Most of the programming across the three levels is provided by contracted private organizations both in Delaware and out-of-state. As reported by the SAC in November of 2007 in its report: Delaware Juvenile Recidivism: 1994-2006 Juvenile Level III, IV and V Recidivism, there were 129 separate institutions, public and private residential programs and Level III programs in use during this time period. The interviews revealed a general level of satisfaction with the work being done with the offenders in the institutions within the state, but a desire to do more. In particular, there were very few comments expressing concerns, for example regarding the services and programming within the Ferris School for Boys. Where

there had been concerns the interviewees felt that action was taken (or is being taken) to try to address those concerns. Further, as noted above, this review did not include a full facilities and operations review. In conducting this assessment, therefore, significant time was not spent further exploring these facilities unless there was a particular issue of concern (e.g. the programming for youth sentenced to Ferris for one year under SB 200 noted below). It is worthy of note, however, that based upon the interviews a review of the DYRS facilities may be in order to continue the gains made in creating the Ferris School for Boys.

The profile of the youth placed in Delaware's juvenile justice institutions has changed dramatically over the past several years. The youth placed in Level IV and V facilities are more serious offenders and receive a more intensive set of services. Youth who would have previously been in these facilities are being served in lower level treatment alternatives. This change occurred (starting in the late 1990's) while still achieving lower rates of recidivism one year after release, thereby supporting the effectiveness of this juvenile justice strategy. Figure 3.1 for example provides a look at the felony recidivism rates for offenders in Level V placements. As can be clearly seen, there has been a reduction of recidivism that has continued since 1997. Figure 3.2 provides a look at the felony recidivism rates for Level IV placements, a group of offenders that over the past several years has included many of the offenders who would have been in Level V placement.

Figure 3.1 Level V Felony Recidivism Rates



Level V Felony Recidivism Rates

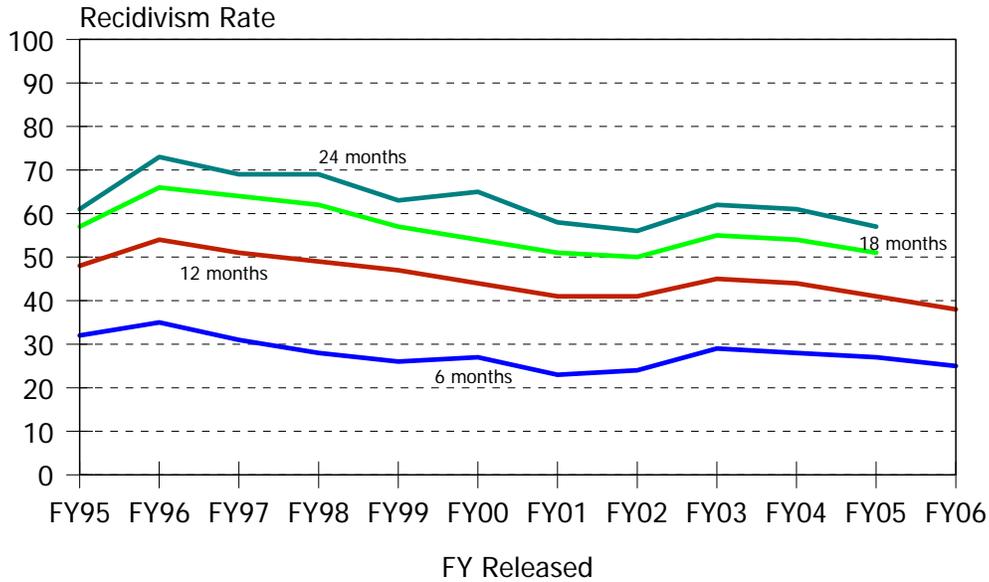
Time Period	N. Released	Months Since Release			
		6 Months	12 Months	18 Months	24 Months
FY 97	447	36%	52%	62%	68%
FY 98	363	28%	45%	58%	63%
FY 99	398	28%	47%	55%	61%
FY 00	482	26%	43%	55%	65%
FY 01	522	25%	43%	53%	60%
FY 02	513	27%	47%	55%	61%
FY 03	497	28%	44%	55%	61%
FY 04	579	28%	45%	55%	60%
FY 05	504	29%	46%	55%	62%
FY 06	499	28%	44%	.	.

Historical Profile of Youth Released by Fiscal Year

Average	Total	Fiscal Year Released									
		97	98	99	00	01	02	03	04	05	06
Level V LOS in months	3.7	3.8	3.5	4.5	4.4	3.9	3.9	3.6	3.3	3.3	3.6
Placement episode LOS in months	7.1	6.8	7.4	9.1	7.5	7.7	7.5	6.5	5.8	6.2	6.5
No. of prior detention admissions	3.0	2.3	2.5	2.7	2.9	2.9	3.1	3.1	3.4	3.9	3.2
No. of prior incarceration admissions	2.2	1.7	1.9	2.1	2.3	2.4	2.3	2.1	2.2	2.4	2.4
Number of prior felony arrests	2.4	3.5	2.8	2.8	2.5	2.4	2.1	2.2	2.1	2.2	2.2
Number of prior arrests	7.5	8.6	7.6	7.4	6.9	6.8	7.2	7.4	7.4	8.2	7.9

Source: Delaware Statistical Analysis Center, November 2007.

Figure 3.2 Level IV Felony Recidivism Rates



Level IV Felony Recidivism Rates

Time Period	N. Released	Months Since Release			
		6 Months	12 Months	18 Months	24 Months
FY 97	299	31%	51%	64%	69%
FY 98	495	28%	49%	62%	69%
FY 99	534	26%	47%	57%	63%
FY 00	528	27%	44%	54%	65%
FY 01	518	23%	41%	51%	58%
FY 02	635	24%	41%	50%	56%
FY 03	499	29%	45%	55%	62%
FY 04	467	28%	44%	54%	61%
FY 05	443	27%	41%	51%	57%
FY 06	592	25%	38%	.	.

Historical Profile of Youth Released by Fiscal Year

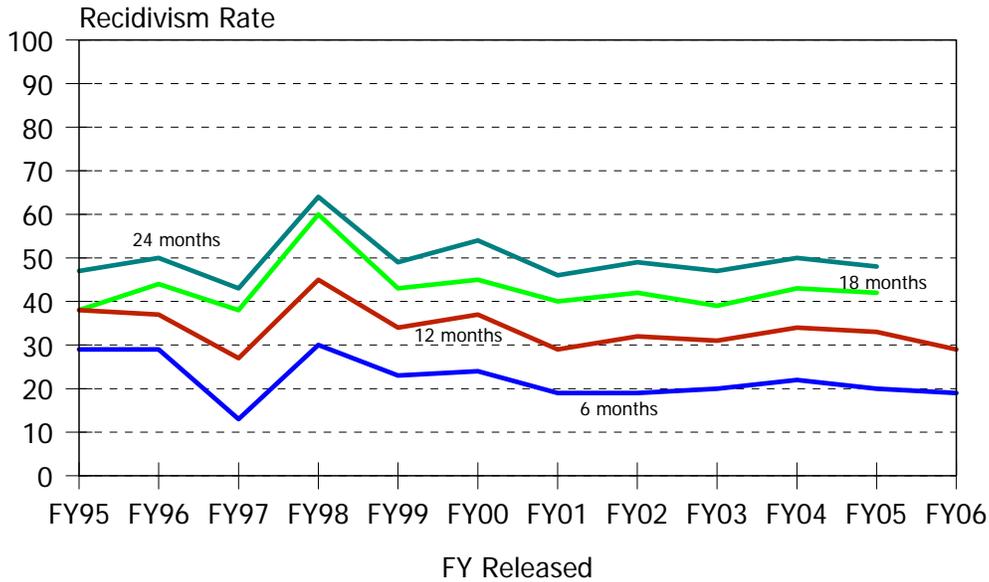
Average	Total	Fiscal Year Released										
		97	98	99	00	01	02	03	04	05	06	
Level IV LOS in months	3.8	6.7	4.5	4.4	3.8	4.2	3.3	3.2	3.1	3.3	2.8	
Placement episode LOS in months	5.5	8.7	5.9	6.0	5.2	6.0	4.8	4.7	4.7	5.0	4.5	
No. of prior detention admissions	2.9	2.3	2.5	2.8	2.8	2.6	2.8	2.9	3.3	3.5	3.2	
No. of prior incarceration admissions	2.0	1.5	1.5	2.1	2.1	2.1	1.9	1.9	2.0	2.0	2.3	
Number of prior felony arrests	2.0	2.8	2.4	2.4	2.1	2.0	1.6	1.9	1.8	1.8	1.8	
Number of prior arrests	6.8	7.1	6.6	6.8	6.2	6.2	6.4	6.8	7.1	7.2	7.4	

Source: Delaware Statistical Analysis Center, November 2007.

Skeptics of this approach that reduces the number of youth receiving institutional placements and employs a more community-based approach to their rehabilitation would have predicted that with the DYRS strategy, recidivism would increase. It did not.

To complete this snapshot, we can see in Figure 3.3 that Level III felony recidivism has also been reduced. Again, skeptics would expect that the recidivism for this group would have risen dramatically. Instead the recidivism curves across the three levels, including Level III, have taken the contrary direction, a sign of the soundness of this evidence-based approach.

Figure 3.3 Level III Residential Felony Recidivism Rates



Level III Felony Recidivism Rates

Time Period	N. Released	Months Since Release			
		6 Months	12 Months	18 Months	24 Months
FY 97	107	13%	27%	38%	43%
FY 98	188	30%	45%	60%	64%
FY 99	277	25%	36%	44%	51%
FY 00	458	23%	36%	44%	52%
FY 01	573	19%	30%	40%	46%
FY 02	691	18%	32%	41%	48%
FY 03	960	20%	31%	40%	47%
FY 04	1,311	22%	34%	43%	50%
FY 05	1,447	20%	33%	42%	48%
FY 06	1,394	19%	29%	.	.

Historical Profile of Youth Released by Fiscal Year

Average	Fiscal Year Released										
	Total	97	98	99	00	01	02	03	04	05	06
Level III LOS in months	2.9	7.6	6.6	4.4	4.2	3.0	3.4	2.9	2.2	2.4	2.5
Placement episode LOS in months	4.2	10.0	9.7	6.5	6.0	4.5	5.5	4.4	3.1	3.2	3.5
No. of prior detention admissions	1.9	2.2	2.3	2.0	2.0	1.7	1.8	2.0	2.2	1.9	1.6
No. of prior incarceration admissions	0.9	0.8	1.0	1.1	1.1	0.7	0.9	1.0	0.9	0.9	0.8
Number of prior felony arrests	1.2	1.6	2.3	1.9	1.6	1.3	1.2	1.2	1.1	1.1	1.0
Number of prior arrests	5.5	6.4	6.6	6.1	5.5	5.0	5.3	5.6	5.5	5.4	5.4

Source: Delaware Statistical Analysis Center, November 2007.

Table 3.1 captures the consolidated recidivism rates in FY 2006 for these three levels of care. They are at levels higher than DYRS would like, but reflect ongoing improvement.

Table 3.1

Delaware Juvenile Recidivism Rates
One Year After Release (FY 2006) Based on Arrests (n=499)

Initial Classification Level This Episode	Reason for Recidivating by Arrest Charge Level			
	Recidivism for Felony Arrest	Recidivism for Misdemeanor	Recidivism/No Arrest	Violation of Parole Arrest
Level V	44%	28%	22%	5%
Level IV	38%	32%	25%	5%
Level III	29%	35%	29%	7%

Note: Percentage is calculated on total arrested recidivists at each level. Source: Delaware SAC, 2007.

The staff interviewed for this report supports this shift in the focus more broadly and specifically as it relates to Level IV and V placements. They did, however, note several areas in need of ongoing attention.

First, the mandatory one year placement for certain offenders pursuant to the requirements of SB 200, causes this group and others interviewed concern. They acknowledge that these serious offenders are better served by retaining them in the juvenile justice system as compared to their mandatory transfer to Superior Court (adult jurisdiction) pursuant to the former law (HB 210), but express concern that programming available at the Ferris School for these offenders is inadequate. Several pointed out that in most instances these offenders experienced the same six-month treatment module that was simply repeated. While they felt that a longer treatment modality should be developed for these youth, they also believed that state law should permit DYRS (perhaps with court approval) to have these youth step down into a community based program at the end of a minimum of six months as appropriate. Research tells us that successful programs and interventions are delivered in a timely manner, with the appropriate level of intensity, and for the right duration. This situation of inadequate or inappropriate treatment for more serious offenders must be addressed either with new programming or increased judicial or DYRS discretion to assess and determine how best to address the rehabilitative needs of these offenders.

Second, DYRS-affiliated staff reported that mental health services provided to youth by the Delaware Division of Child Mental Health (CMH) within the DYRS facilities has been a very

positive step. The ability of DYRS to benefit from the expertise of CMH allows DYRS staff to focus on what they do best, the rehabilitation of the offenders in their care through an array of behavioral modification and treatment services, supervision and accountability. The efficiency and effectiveness of partnering with CMH and the team case management approach it engendered was valued greatly. While they and others interviewed sensed that the full benefit of this two year old partnership was yet to be realized, they thought that with ongoing efforts to create a more seamless, team effort, the young people in the care and custody of DYRS would benefit from improved treatment. Delaware is fortunate in this regard. Experience in other jurisdictions where juvenile justice staff attempted to create their own parallel systems of treatment for mental health issues and substance abuse has shown these efforts to be problematic, even difficult.

During the interview process CMH expressed an interest in expanding its partnership with DYRS to become even more effective in working with youth in placement and during re-entry, as well as exploring ways to better engage the population of youth put on probation.

Numerous interviewees were excited about the possibility of piloting an expansion of the DYRS/CMH partnership to the general probation population, perhaps testing the idea in a census tract. This is currently being done with a focus on juvenile female offenders and has identified both very high levels of need and the ability to connect the girls to services. Once the idea was suggested to possibly expand this approach to boys (e.g. on level two probation), it was raised by this author in a number of subsequent interviews, in order to gauge reaction. The idea was strongly endorsed as a pilot test.

The third area receiving extensive comment was the handling of juveniles placed on probation. While noting the need to adopt caseload and workload standards similar to those adopted pursuant to state law in the child welfare field for the Delaware Division of Family Services (DFS), there was also a concern that DYRS was not effectively connecting to services located in the communities from which these young people enter the care of DYRS. This issue is noted later in this report and is an area in which DYRS can show improvement.

The fourth area of focus commented on by several individuals within DYRS and the Department was related to workforce. One individual said quite eloquently that the most significant resource available to DYRS was almost always underutilized: its staff. It is this workforce that carries out the intent of the Delaware state code as it relates to juvenile offenders and works each day with the youth in its system. It is a group of dedicated, but too frequently less than fully

supported workers – intake, caseworker, probation, and detention and correctional facility staff. One of the main issues facing this workforce is the caseload and workload they carry in attempting to fulfill their responsibilities and serve the youth in their care. As of June 30, 2008 the average caseload of a DYRS community service probation officer was 37. The DYRS caseload as of that date for intensive supervision was 26:1, for moderate to high-risk 39:1, and low risk 125:1. In an article produced in September of 2006 for the American Probation and Parole Association, Bill Burrell of Temple University made the case for Juvenile Caseload Standards of 15:1 for intensive supervision; 30:1 for moderate to high-risk supervision; and 100:1 for low risk supervision. Delaware *exceeds* these levels by approximately 66% in intensive supervision, 33% in moderate to high risk supervision, and 25% in low risk supervision. This is a situation that must be further studied and addressed, as it was the view of many of those interviewed that this issue is contributing to the diminished capacity of staff to effectively provide the supervision and supportive services required by the offenders in their care and the high levels of turnover within DYRS Community Service staff. A similar examination needs to take place for DYRS workers staffing the state’s juvenile facilities, as comments were also made about the challenge of retaining these workers. These studies must look at both “caseload” and “workload.” As made clear by numerous interviewees, the demands of a caseload will vary based on types of responsibilities and job duties, as well as geographic location. Serving a caseload of juvenile probationers in an urban area, for example, does not equate numerically with carrying out those duties for an identical caseload in a rural area. Travel time alone in meeting with clients creates a tremendous imbalance in actual “workload.”

Across the country, there is a less-than-stellar track record in retention of juvenile justice system staff. Delaware is no exception. Tables 3.2 and 3.3 below depict the turnover rates for three levels of DYRS Family Service Specialists (the official title for those frequently called probation officers) from FY 2000 through FY2008. This table illustrates turnover rates for 9 fiscal years at both supervisory and fieldwork levels. Efforts need to be made to reduce this attrition and the negative impact the resulting instability in the relationships formed between the youth DYRS serves and its staff.

Table 3.2

Community Services Staff Turnover Rate

	Beginning Count	Ending Count	Average	Terminations & Transfers Out		Turnover Rate
FY2000	40	39	39.5	9	FY2000	23%
FY2001	39	43	41	18	FY2001	44%
FY2002	42	39	40.5	8	FY2002	20%
FY2003	38	57	47.5	6	FY2003	13%
FY2004	56	55	55.5	3	FY2004	5%
FY2005	55	56	55.5	9	FY2005	16%
FY2006	56	49	52.5	16	FY2006	30%
FY2007	49	57	53	4	FY2007	8%
FY2008	54	53	53.5	6	FY2008	11%

Table 3.3

Secure Care Staff Turnover Rate

	Beginning Count	Ending Count	Average	Terminations & Transfers Out		Turnover Rate
FY2000	144	137	140.5	44	FY2000	31%
FY2001	137	151	144	31	FY2001	22%
FY2002	147	145	146	26	FY2002	18%
FY2003	142	136	139	23	FY2003	17%
FY2004	139	161	150	21	FY2004	14%
FY2005	162	200	181	54	FY2005	30%
FY2006	185	196	190.5	60	FY2006	31%
FY2007	185	197	191	35	FY2007	18%
FY2008	191	187	189	49	FY2008	26%

Chart 3.3 below shows the turnover rate for DFS caseworkers and its downward trend. When exploring how DFS had achieved its exemplary turnover rates, its leaders explained that the department had made a significant commitment to strengthen and better support the DFS workforce. Several important steps were taken that can and should be applied to the benefit of the DYRS staff and the youth it serves. These steps include performing a caseload/workload analysis, determining standard workloads and related caseloads for various categories of staff and incorporating them into state law, thereby ensuring funding to maintain them; adding a pay grade to the DYRS “schedule” so as to provide a stronger promotional and financial pathway within DYRS; enhancing the training and professional development opportunities for staff; formalizing an internship/externship

relationship with universities within the state that will create a professional feeder pattern into DYRS; and utilizing an over-hire recruitment and hiring policy that will provide a ready pool of staff to enter vacancies (currently vacancies can take long periods of time to fill, leaving remaining staff to carry additional responsibilities during the interim).

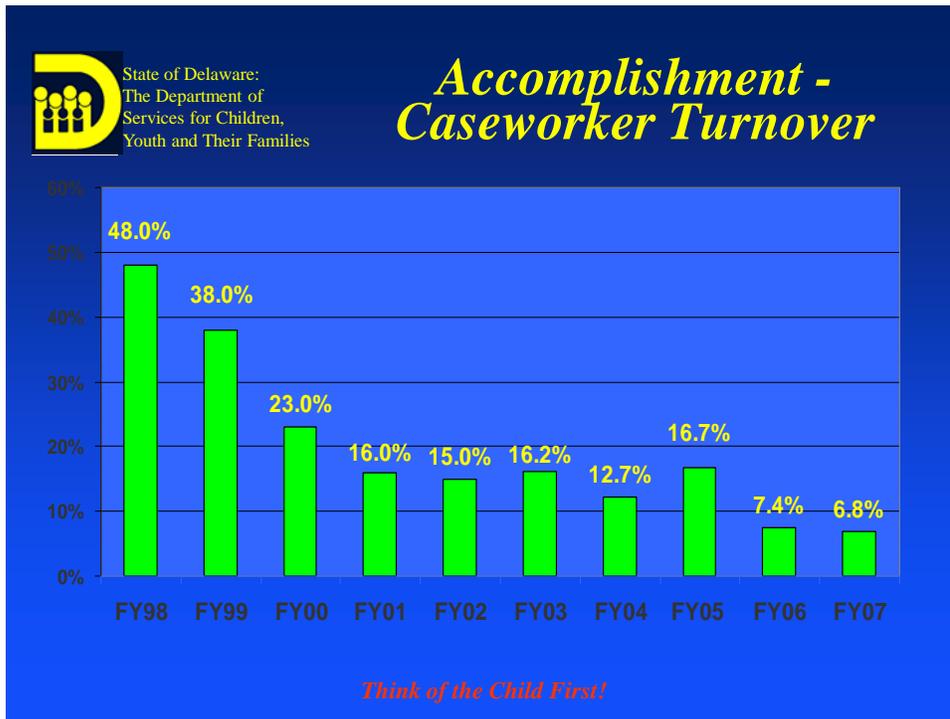


Chart 3.3

It is the implementation of these policies, along with a strong, inclusive management approach that has led to the successes that DFS has had in stabilizing its workforce. DYRS can and should be able to do the same. The public safety, the young people in the care of DYRS, and the workers devoted to their well being demand and deserve it.

Time and again we hear from young people in the juvenile justice system who succeed in turning away from crime, that what made the difference was a connection to a person in the system – perhaps a caseworker or probation officer -- who had a profound impact on their life. In the interviews of the youth and parents conducted for this review, it was clear how much value they found in a DYRS worker who would actively and passionately support them in their pathway toward a more positive and pro-social lifestyle. It is this workforce, plagued by heavy caseloads and workloads and high turnover rates that need to be better supported to do its life-changing work.

There is one final area worthy of comment concerning the efforts of DYRS and how they relate to DFS. Beyond the lessons learned from the DFS efforts around workforce recruitment and retention, there is an alignment of the work of these two Divisions within the department that also has the ability to greatly impact the safety and well-being of the young people they serve and the community. The pathway that many young people follow from maltreatment into delinquency is well documented in the research. Currently, there is extensive coordination between DYRS and DFS in serving youth who are known to both Divisions and cross over between the two. The Department has developed a protocol for the case management of these youth, with primary responsibility being with DFS. As with the partnership between DYRS and CMH, these new working relationships take time to embed themselves in a seamless and fully coherent manner. Issues are bound to arise about the management of cases and other case and management related issues, but this does not mitigate the value of this partnership in better serving children and youth.

Broader level issues are also bound to arise. It was during the interview process that one of these issues arose that is worthy of inclusion in this report. Several interviewees mentioned that in light of the tight budget situation being faced by the various Divisions within the department, a number of cost savings steps were being taken. One of these taken (or intended to be taken) by DFS was to reduce the concentration of effort put on maltreated adolescents. The reasoning behind this is to focus instead on the more vulnerable younger population of children brought to the attention of DFS. My concern is in no way a comment on the need for this type of triaging, but instead an effort to inform the department that it is these adolescents, whether the victim of persistent maltreatment starting in childhood and extending into adolescence, or maltreatment occurring during adolescence alone, who are at highest risk of juvenile offending. Research indicates in fact that there is a causal relationship between adolescent maltreatment and delinquency. In the collaborative work undertaken by DFS and DYRS this issue must be addressed in order to avoid contributing to higher levels of offending.

Aftercare and Connections to Positive Pro-social Adult Influences

In the child welfare field there has been a tremendous amount of attention around providing positive, life long connections for young people aging out of the foster care system. The need for the same type of “connections” for young people in the juvenile justice system came up quite often in the interviews conducted for this review.

Over the past twenty years, those who study or work with distressed youth (such as foster-care youth and delinquent youth) have recognized increasingly the vital role of aftercare – or “re-entry” – as the young person moves out of his or her controlled environment, often with few lessons in how to do so safely and fewer supports in resolving problems. A body of knowledge has developed reflecting what comprises a strong aftercare approach: provision of services, supports and behavioral controls with the nurturing of relationships with pro-social adults. Interviewees in this review identified a need for a stronger focus in Delaware on aftercare and re-entry services for youth returning to their communities, with an even more particular focus on those aging out of the juvenile justice system.

One effort to develop this concept in Delaware has been made through the Comprehensive Aftercare Program (CAP), which has been tested in the more rural counties of Sussex and Kent. CAP has proved to reduce recidivism. In a study conducted by the Delaware SAC in March of 2007 of juveniles who benefited from CAP and a matched comparison group of offenders, CAP was able to reduce both felony and misdemeanor recidivism, with the felony reductions at statistically significant levels (see Table 3.4 and Chart 3.4 below). The program uses a heavily skewed behavioral control model, resulting in a significant number of probation violations. This may have contributed in part to the lower recidivism rates.

Numerous informants suggested that if a program such as CAP were infused with more resources and supports that would enhance behavior modification and encourage pro-social behavior the results of CAP would be even more significant. Many also called for the expansion of CAP. To its credit, DYRS has recently made the decision to expand the CAP approach to more youth in Sussex and Kent Counties.

Table 3.4 CAP and Comparison Group Matched-Pair Recidivism Rates

Re-arrest recidivism measure	Matched-Pair		Rate Difference	z
	CAP	Comparison Group		
Total	70%	77%	6%	0.801
Felony	30%	44%	14%	1.650 *
Misdemeanor	44%	52%	8%	0.885
VOP/Capias contempt	45%	25%	-20%	-2.407 **

* $p=.0989$, ** $p=.0161$. When the z score is large and the significance level is small (typically smaller than 0.05) the results are not due to random chance and are considered statistically significant.

CAP cases were sampled from the 76 CAP cases that started the program from July 2005 through June 2006 and exited the program during 2006. Cases were followed until March 1, 2007.

Comparison group cases were sampled from the 620 releases from Level IV and V programs and facilities from July 2005 through June 2006. Cases were followed until March 1, 2007.

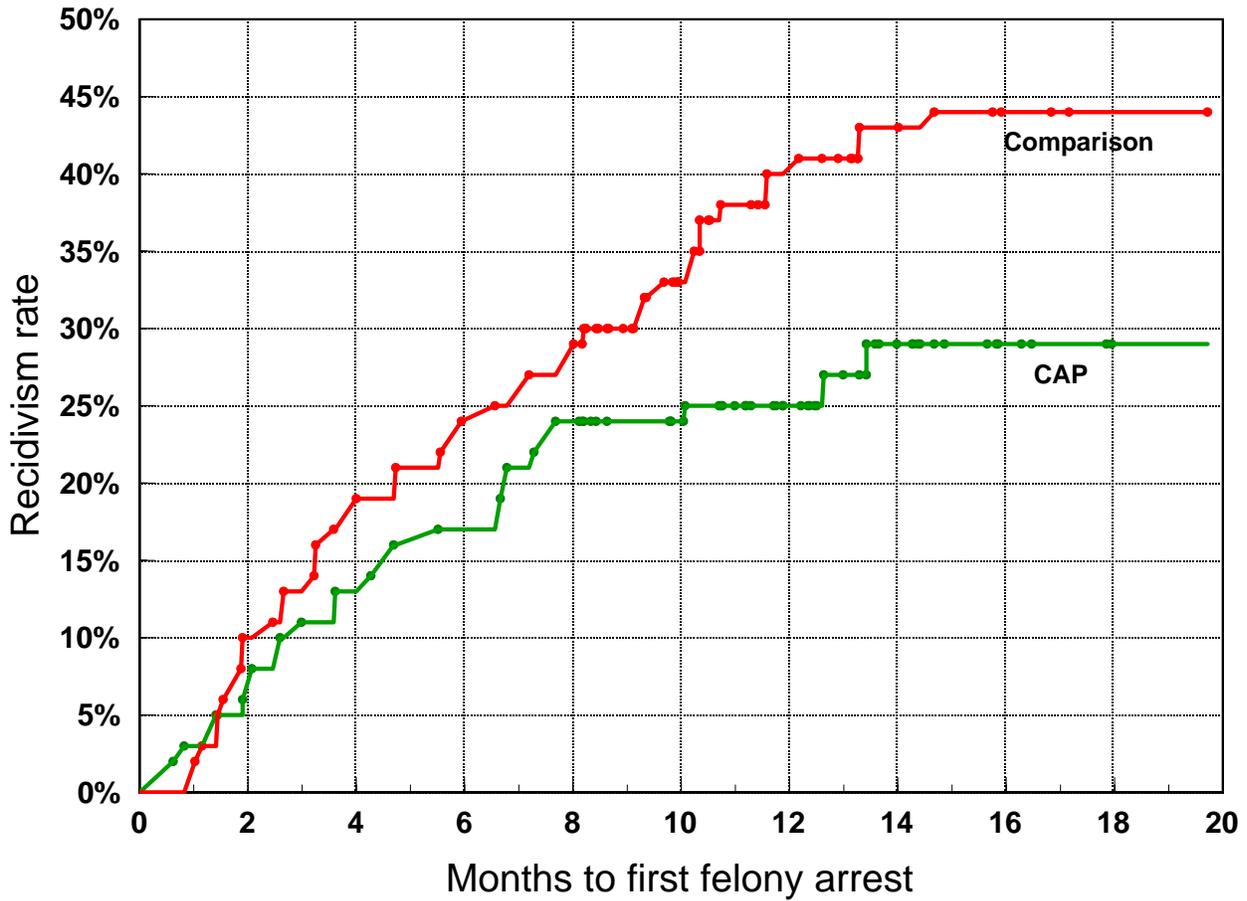
Sixty-three pairs were matched on race, gender, number of prior arrests and number of prior felony arrests. For example, a 16 year old, black male CAP case with 6 prior total arrests and 4 prior felony arrests was matched to a 16 year old, black male released from Level IV with 6 prior total arrests and 4 prior felony arrests.

CAP Unit entry and exit dates provided by the CAP Unit Administrator, DYRS.

Criminal histories obtained from DELJIS on March 1, 2007.

Source: Delaware Statistical Analysis Center, June 2008.

Chart 3.4 CAP and Comparison Group Matched-Pair Felony Recidivism Rates



Source: Delaware Statistical Analysis Center, June 2008.

Another issue highlighted in these interviews was the need to better support juvenile offenders as they not only leave their rehabilitative programming (whether or not residential), but also move from the age of juvenile jurisdiction to the age of majority (18) pursuant to Delaware law.

This transition is particularly difficult for youth who have been involved in the juvenile justice system as they move into adulthood without many of the supports that young people need as they continue to mature and are exposed to new life experiences.

In today's society, adolescence appears to be extending into the early to mid-twenties; a new stage of "emerging adulthood" has begun to be recognized. Young people from every socio-economic category are in need of supports from adults for longer periods of time. Our increased understanding of

the development of the adolescent and young adult brain informs us that our young people need and deserve these supports as part of their maturation process – that this stage of development, previously present but unrecognized, is as much biological as sociological in many ways. A youth who recently left a DYRS placement and returned to Wilmington with his newfound status as an adult, appeared at the April 22nd launch of this review and spoke eloquently of the need for additional, extended supports within the juvenile justice system for youth in his situation.

It was gratifying in this regard that a variety of interviewees called not only for a greater focus on creating and executing strong aftercare plans for juvenile offenders in general, but also a separate but equally important effort to provide supports for juvenile offenders as they age out of the juvenile justice system – reversing the situation in which this population receives decreasing levels of attention and support from DYRS. Does such support help? Table 3.5 shows how CAP has benefited an older population of offenders, ages 17 and 18, in their movement into legal adulthood, lowering the felony recidivism rate from 67% to 27% (Delaware SAC, June 2008). Both the recognition of the importance of the issue of transition to adulthood while under the care and supervision of DYRS and the initial indication of a promising approach to better supporting these youth merits serious exploration by the department.

Table 3.5 Draft CAP and Comparison Group
Matched-Pair Recidivism Rates for 17 and 18 year olds, n=15.

Re-arrest recidivism measure	<u>Matched-Pair</u>		Rate Difference	z
	CAP	Comparison Group		
Total	93%	93%	0%	0.0000
Felony	27%	67%	40%	2.1958 *
Misdemeanor	73%	73%	0%	0.0000
VOP/Capias contempt	47%	27%	-20%	-1.1366

* $p=.0281$. When the z score is large and the significance level is small (typically smaller than 0.05) the results are not due to random chance and are considered statistically significant.

CAP cases were sampled from the 76 CAP cases that started the program from July 2005 through June 2006 and exited the program during 2006. Cases were followed until March 1, 2007.

Comparison group cases were sampled from the 620 releases from Level IV and V programs and facilities from July 2005 through June 2006. Cases were followed until March 1, 2007.

Sixty-three pairs were matched on race, gender, number of prior arrests and number of prior felony arrests for the March 2007 analysis. For example, a 16 year old, black male CAP case with 6 prior total arrests and 4 prior felony arrests was matched to a 16 year old, black male released from Level IV with 6 prior total arrests and 4 prior felony arrests. This analysis shows results for the 15 pairs that were 17 and 18 years old at the start of the program -- the 15 pairs were taken from the original 63 matched-pairs in the March 2007 analysis.

CAP Unit entry and exit dates provided by the CAP Unit Administrator, DYRS.

Criminal histories obtained from DELJIS on March 1, 2007.

Source: Delaware Statistical Analysis Center, June 2008.

Appendix 2.2 includes a short summary of examples of aftercare and other programs designed to create these connections and pathways into adulthood.

A School-to-Juvenile-Justice Pipeline?

Another area garnering comments of great concern related to state laws and school policies dealing with the mandatory reporting of school misbehavior to law enforcement – and related requirements around suspension and expulsion.

In light of research showing the positive correlation between school failure/drop-out and delinquency and later adult criminal behavior, these policies seem to be counterintuitive and counterproductive. A Coalition for Juvenile Justice report issued in 2001 found that youth who drop out of school are three and a half times more likely than high school graduates to be arrested. The fall 2003 issue of *New Direction for Youth Development* found that the single largest predictor of later arrest among adolescent females is having been suspended, expelled or held back during the middle school years. As captured by Christle, et al in a 2005 article on this subject, academic failure, exclusionary disciplinary school practices, and dropout have been identified as key elements in a “school to prison pipeline.” In addition, these policies and practices can be quite expensive. Economist Mark Cohen of Vanderbilt University has estimated that by saving one child from dropping out and becoming crime- and drug-involved, a community can save itself and the child as much as \$7.2 million in lifetime costs. Computed at present value of the costs for a 14-year-old, savings could be as much as \$5.8 million. (Cohen and Piquero, 2007)

Interviewees in this report called for a reexamination of Delaware’s current policies and practices and a greater effort in this area of concern – both as to state laws and school district policies. These individuals were well aware of the disruption that can be caused by unruly students who misbehave within the school, but felt that thoughtful use of discretion and alternatives could keep youth connected to school instead of driving them away – and too often into the justice system. With a reported number of Delaware school suspensions in 2005-2006 of 33,798 and expulsions of 163, and a student population of 120,890, it is no wonder that even with some duplicate count (a student being suspended more than one time in a year) that this issue has risen to one of great concern.

Several informants noted the impact of the state’s “zero tolerance” approach that flowed from concern about creating and maintaining a peaceable environment in the schools. There was no

question that a safe and learning environment is an important right of children in school. But there was some concern that suspension or expulsion required by some combination of state law and/or school district policies, may also be motivated or encouraged by the No Child Left Behind (NCLB) performance measures both for safe schools and for achieving schools: The more disruptive students were removed from school and taken off the rolls, the higher performance achieved under NCLB. But what must not be ignored by state officials and the citizens of Delaware is that zero tolerance has resulted in many students being on the streets because they are refused the opportunity to be in school – and the streets are a prime breeding ground for crime and other negative life outcomes.

This situation is further complicated by the fact that Delaware has 6.9 percent of its students in charter schools and 3.1 percent exercising school choice via inter-district transfer. Statistics on intra-district public school choice were unavailable. Delaware is a “choice state,” meaning that parents can enroll their children in any school(s) that have available seats. Approximately 5.4% of Delaware students attend private rather than public or charter schools. As described by one individual, this mix of charter, private, choice and public schools results in both a “good behavior and involved parent drain” from many of the most distressed public schools. The impact on the normative environment in these schools can become dramatic, resulting in schools that are more chaotic and difficult in which to learn.

It was of no surprise in light of all of these factors that in a 2008 report issued by Education Week, it was found that roughly four in ten (40%) of Delaware youth who started 9th grade in 2001-2 did not graduate in June 2005 (most recent data available). This graduation rate of 60% compares poorly with graduation rates of 83% in New Jersey and 80% in Pennsylvania; two of Delaware’s neighboring states. Delaware performance ranks as the 7th worst in the country. Serious attention needs to be paid to what may have quite unintentionally become a school to juvenile justice pipeline.

Calls for a new approach have recently been met by the development of both a new diversion program and a new teen court program, both focusing on school- related cases. In addition, the plea for a reassessment of the state’s “zero tolerance” policies has been met by a concerted effort by some to keep these young people connected to school. In the Christina School District, for example, this has included expanded use of alternative schools through school district funding (complementing the state funds that support alternative schools) and the identification of

children and youth at risk of dropping out who are then exposed to special educational programs designed to keep them in school. Appendix 2.3 of this report includes a short summary describing promising approaches in dealing with this issue, including the use of alternative schools in a more proactive and positive manner.

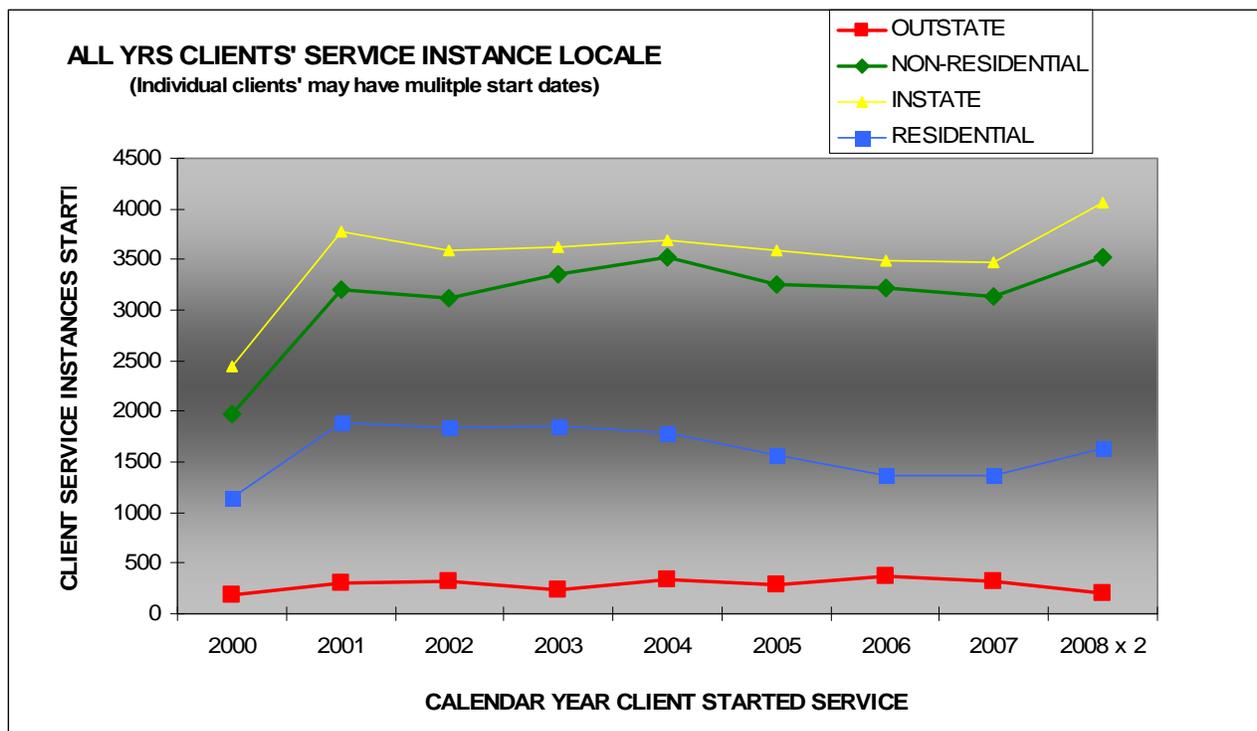
The one additional area in which the schools became a focal point was in relation to re-entry and aftercare of juvenile offenders. Numerous individuals noted that the education program within the state's juvenile facilities had documented significant progress with the youth while in their care. Further, programming providing vocational training was also noted as an important new effort undertaken by DYRS. In the opinion of these interviewees, however, not enough was being done to prepare the students for re-entry to their home school and for their home school to receive them after their release from one of the state's residential treatment programs. Once again, the Christina School District has taken steps to remediate this problem by assigning one individual to serve as a liaison between the school district and DYRS to plan for the successful re-entry of the student. While I cite to the actions of the Christina School District, it is merely due to the fact that it was the district most commonly referenced in the interviews. There is little doubt that if more time had been available other noteworthy efforts would have been discovered. None of these, however, seem to have adequately addressed this critically important issue.

Community-Based Providers

A number of interviews were conducted with not-for-profit organizations (non governmental organizations) that partner with DYRS to provide community-based services to the youth in the Division's care – both residential and non-residential care. These interviewees described the array of services provided by DYRS as being both substantial and in need of expansion. This expansion included both ensuring that the services needed by the youth are available for those currently within the state and for those who should be returned to the state who are now being served outside of Delaware.

Together with interviewees who are not part of the not-for-profit community, these community services providers pointed to the cost effectiveness of serving Delaware's youthful offenders, including sex offenders, within the state. They noted that this is challenging work and will be a difficult transition, but encouraged it as being more economical and effective in rehabilitating the young people who are within the care of DYRS.

CHART 3.5



Keeping young people close to their families is generally accepted as best practice in juvenile justice, because it allows for interaction throughout treatment, and facilitates an easier transition back into family, school and community. The idea certainly serves DYRS’s rehabilitative goals. DYRS has already moved in this direction. Chart 3.5 shows the numbers of youth served out of state and in state between 2000 and the first half of 2008 (where the half-year total is multiplied by two to project an annual figure).

As can be seen the use of out of state programs generally rose from 2000 to 2006, but from 2006 to 2008 Delaware has experienced a significant reduction in out of state placements. This is matched by an increase in the use of non-residential dispositions and in-state residential dispositions and placements.

This shift has been intentional as a byproduct of both the state’s awareness of the evidence-based practices noted earlier in this report, as well as the financial pressures for DYRS to become more efficient and effective in its practices.

The provider community appears to be eager to work in partnership with DYRS in advancing this rebalancing even more significantly, including working closely with DYRS to develop sex offender treatment within Delaware. It was reported that the state currently spends up to \$6 million a year to treat this population out of state. It is projected that the cost savings from shifting to in-state services will be substantial for this population alone.

Community and Family Engagement

A recent survey of juvenile correctional administrators and probation directors at the state and local level revealed that one of the most important and difficult issues they were attempting to address was family engagement. The issue of how DYRS and its partners can best engage the young people in their care and the families of these youth similarly arose as a challenge in the Delaware discussions. These concerns were not expressed solely by the youth and families, but also by a wide range of stakeholders.

A key aspect of this work involves finding the best ways to engage the communities in which the young people and their families live. The lack of trust between child welfare and delinquency prevention agencies and local family and community structures has been an historical challenge. The state systems are often the face of authority, removing children and youth from homes, extended families, and community settings. They are legally required to do this, but that does not make them trusted.

Significant efforts have been made in child welfare and more recently in juvenile justice to establish or regain that trust through the use of strength-based approaches to engaging families. This strategy taps into family and community assets – engaging families as part of the solution and communities as vital safety nets of support and caring.

The Delaware Office of the Attorney General has taken a major step to address this situation in the juvenile justice setting – the establishment of community prosecution teams that bring together community members, law enforcement, and the Attorney General staff. The hope is that the community prosecution team will work in partnership with community members and neighborhood organizations to build community safety and to help children and youth grow into crime-free, productive adults. This effort offers the prospect of engaging the communities, families and young people most directly involved and breaking down the barriers of mistrust by demonstrating concern, cooperation, and commitment to the community. It is essential that DYRS

be an active part of the community prosecution teams. When mentioned to the workers interviewed for this report, they expressed strong sentiment that probation workers and similar staff need to have an active presence at the community forums to be conducted as part of this effort, so that they can both inform and benefit from these discussions.

On the community side of the equation, Wilmington, Delaware's largest city is fortunate to have the Hope Commission and the Inter-faith Coalition in place. These two organizations have taken on, as part of their own missions, addressing the crime and drug problems that their city faces. They have also assumed an active role in reaching out to families and youth to help them deal with problems before those problems become calamities for youth. They provide an opportunity for DYRS to better engage the population it serves in the largest jurisdiction it serves. Appendix 2.4 provides a brief review of other community engagement efforts that might help inform this work in Delaware. In the brief time this author was in the state of Delaware and in contact with individuals who care deeply about the children and youth DYRS serves, it became clear that there was room to further grow the connection to these indigenous organizations and family and community assets.

Ensuring a System That Treats All Youth Fairly

As noted in Appendix 1.4, prior reports have recognized that minority youth, particularly African Americans, are overrepresented in the state's juvenile justice system when compared to their share of the population. This condition – generally referred to as disproportionate minority contact (DMC) – is just that – a condition. It needs to be analyzed to identify the causes for the disproportion, and corrective action needs to be taken to ensure that all youth have received full justice and fair treatment from their first contact with the juvenile justice system to their full return to their neighborhoods and communities. A number of interviewees expressed concern that in light of the fact that the Federal requirement to analyze and address this issue has been in place for over 20 years, too little progress has been made.

Analysis of this issue has taken place, spearheaded by the state's Juvenile Justice Advisory Group (JJAG), housed in Delaware within the state's Criminal Justice Council. It is the body charged with addressing the DMC issue and has aligned itself to a limited degree with the work of the JDAI and others. As revealed in the DMC Plan for FY 2008, there is an ongoing focus on this issue through a DMC subcommittee that reports to the JJAG. The work of this group has documented that there is DMC at several stages or decision points within the juvenile justice

system, with this disparate treatment and the resulting disproportionality most evident at arrest, detention, sentences involving confinement, and transfer for adult prosecution. The JJAG and the Delaware Criminal Justice Council have made efforts to address this problem. More needs to be done.

While any effort to strengthen the work in this area must be led by the JJAG, many communities have also used an outside moderator/convener who can create a positive framework of problem solving. A major element of this job is ensuring that a wide range of stakeholders come together and work together to develop a data-driven framework in which issues are surfaced and addressed based on facts. Perceptions need to be recognized in the process, but facts tend to help such groups move forward because they provide a neutral and common platform.

Delaware has already taken a major step forward by bringing in the W. Hayward Burns Institute to conduct a readiness assessment for the juvenile justice system to initiate this type of community collaboration. (See Appendix 1.4 for summary of report.) The support previously described for data-driven and evidence-based practice is a second plus in efforts to examine causes and corrective actions with respect to DMC. The broadly based community support, the high level of public opinion endorsing rehabilitation of youth, and the commitment already demonstrated by key players, including those interviewed for this report suggests strongly that there is a meaningful opportunity for Delaware to attack this issue.

In doing so it will be worthwhile to fully explore the eight major areas of possible causes of DMC as put forward by the federal Office of Juvenile Justice and Delinquency Prevention. These include:

- **Differential behavior:** Youth from different groups may be involved in more or less serious crimes, may become involved at earlier or later ages, and may be involved with other social service systems at higher rates (which can provide constructive collaborative opportunities for these groups and the juvenile justice system).
- **Mobility:** Youth who reside in one community may spend more time in other communities because they have sufficient mobility to do so, and may become involved as delinquents in jurisdictions that are not in their neighborhoods, thus skewing the residence data for delinquency rates and other statistics that describe the system.
- **Indirect effects:** Risk factors that range from economic status to education to location may place a youth at risk of becoming involved with the justice system. Though the risk factors

do not directly generate the juvenile justice involvement, they may lead to differential offending, differential access to preventive services, and differential access to such resources as alternative private schools.

- **Differential opportunities:** Treatment and prevention resources are seldom uniform or universally accessible in communities. Characteristics ranging from hours of operation to transportation services to the framework of the services themselves may encourage or discourage participation – or make participation virtually impossible. Services in given locations may be more or less effectively implemented for a variety of reasons. Differential processing when the possibility of juvenile justice involvement arises – or inappropriate decision-making for a variety of reasons – can sharply differentiate opportunities that youth have to benefit from such programs as Alternatives to Incarceration.
- **Justice by geography:** Within the same state and for the same offense and circumstances, one youth may be treated very differently from another by the juvenile justice system, depending on where he or she lives within the state.
- **Legislation:** Legislative direction regarding penalties or dispositions for specific kinds of behavior may unintentionally target minority group youth or may target locations (e.g., school grounds or public housing areas) which may result in minority youth being unintentionally disadvantaged in coming into contact with the juvenile justice system.
- **Contributing mechanisms:** A high rate of arrest for minority youth who are poorly served by lower rates of diversion leads to higher rates of formal processing as delinquents. There is some evidence that minority youth (African Americans and Hispanics in particular) receive harsher treatment correlated with their racial/ethnic characteristics. Though individual effects may be small, the cumulative impact on the disproportion of minorities who wind up being labeled and treated as delinquent can quickly snowball, especially because many later decisions are based on whether the youth in question is a repeat offender or not.
- **Statistical aberrations:** Lack of use of up-to-date estimates of population, sharp rises from large-scale immigration of a particular minority group, and other events may skew the data in a variety of ways. In addition, lack of uniform classifications of racial/ethnic groups may over-weight a group's role in one jurisdiction and under-weight it in another.

In the interviews of youth, family members and other stakeholders, the issue of racial disparities came into the conversation as both an issue of great importance and as one that presents great challenges. Indeed, the societal issues, individual biases, and structural racism that all contribute to this problem are difficult to address. Fortunately it is not necessary to tackle them all simultaneously in order to make progress in reducing DMC – or to successfully address one in order to advance to another. Organizations like the Burns Institute have worked successfully with communities in reducing DMC. A commitment should be made to more fully and adequately address this problem; the desire for a fair and equitable juvenile justice system in Delaware requires no less.

Section III. Observations and Opportunities

The State of Delaware has progressed in important areas in its management of juvenile justice: This author believes that noting successes helps point toward ways to make future improvements, but that it is also important to lay out actions necessary to continue to improve the system and its impact on Delaware's youth. Indeed, the studies and reports documented in Appendix 1.4 served as "drivers" in this regard for much of the noteworthy progress in dealing with juvenile justice issues that has taken place to date. They also serve as benchmarks for what is left to be done to fulfill their promise. The following list is a sample of the victories to date.

- Delaware has reduced detention applied inappropriately to youth who do not warrant it, developed an increasingly wider range of alternatives to detention that have reduced detention even in the face of growing youth populations and higher arrest rates, and reduced dramatically the once overcrowding of secure detention facilities.
- It has begun to put into place a variety of diversion programs such as teen courts and other programs related to school cases.
- It has reduced the use of out-of-state care, thereby placing youth closer to home and family and reducing unnecessary expenses.
- It has undertaken innovations in aftercare that have produced documented positive results in reducing recidivism among older youth as they return to their families and neighborhoods.
- It has demonstrated throughout its juvenile justice system a growing willingness among juvenile-justice-related agencies to work together on common causes.
- It has increasingly sought to use evidence-based programming and to gather and thoughtfully analyze data to highlight successes and spot opportunities for corrective action.
- It has created a climate of willing cooperation among agencies within the Department and encouraged such action through collaboration between DYRS and both DFS and CMH, as well as participation in collaborative initiatives such as JDAI and the Delaware Girl's Initiative.
- It has begun to examine the path to identifying and removing causes of disproportionate minority contact.

These are just some of Delaware's successes in the juvenile justice arena. But just as there are successes, there are unmet needs. This review observed that along with successes, Delaware has

a number of opportunities to make success more likely in the future. Here are some that appear worthy of exploration and action.

Areas for immediate attention:

- Increasing the use of diversion to keep juveniles from unnecessary involvement with the juvenile justice system while providing accountability and services, and in turn freeing up resources to more effectively address the needs of juveniles exhibiting more serious delinquent behavior and greater service needs;
- Pursuing even more vigorously the benefits of the Juvenile Detention Alternatives Initiative (e.g., fewer youth in high levels of detention, young people closer to home while awaiting trial, reduced pre-trial detention itself, and more effective placements of youth) while acknowledging and addressing the concerns about lack of commitment from agency leadership to the effort, youth being held in juvenile detention pending prosecution of cases in the Superior Court, inappropriate detention and/or release of offenders, and the need for a greater range of alternatives and supports such as the refining and opening of Day and Evening Report Centers and increasing statewide the availability of electronic monitoring systems;
- Ensuring that recruitment and retention policies and practices, including the caseloads and workloads, pay grades, training and hiring patterns of DYRS probation officers reflect sound management practices, thereby fully supporting the staff in engaging the youth in their care;
- Increasing the resources devoted to aftercare, connecting youth to positive adult influences that can help stabilize them and support them in doing the right thing as they emerge from detention and return to school and neighborhood without returning to the behaviors and situations that put them into the juvenile justice system; and
- Investigating and resolving issues around Delaware's school drop out rate (one of the highest in the country), which along with what are perceived as unnecessarily high levels of suspension and expulsion from school (and referral of youth involved in school infractions to the juvenile justice system, may be substantially contributing to the state's increase in juvenile arrests.

Areas of focus warranting ongoing and serious attention:

- Continuing and enhancing the current move toward use of data-driven policy and evidence-based programs, not to the exclusion of thoughtful efforts at program and process development and improvement, but with the idea of measuring impact and effectiveness, supporting what works, and correcting course where needed;
- Fostering intra-agency and interagency cooperation as an institutional value by highlighting benefits and accomplishments of the strategy and involving the entire system that addresses juvenile justice needs in providing treatment services (e.g., expanding partnerships with nongovernmental organizations and other Divisions within the Department, beginning with the Division of Child Mental Health in better meeting the needs of youth on probation and DFS in ensuring that the needs of maltreated adolescents are met);
- Engaging the community and its resources more actively in meeting the needs of the young people who are in trouble or at risk of trouble, to reduce their risk and enhance their chances of good and productive lives free of the stigma of criminal histories (e.g. enlisting community organizations like the Hope Commission, the Inter-faith Council in Wilmington, and community prosecution teams to help communities and neighborhoods to work together with governmental agencies to prevent as well as reduce crime);
- Building upon the present DYRS shift toward more community based strategies that draw from well-documented positive youth development approaches and treat youth within the state, rather than in out of state placements; and
- Making serious inroads in reducing the disproportionate contact that minority youth have with the juvenile justice system – a chronic issue in many communities that requires concerted and focused action.

Successful efforts at making progress tend to lead agencies and staffs to be more receptive to further efforts to move forward. Delaware is in a position to capitalize on its positive results to date to take advantage of its opportunities to continue to move ahead.

The benefits not just to the Department but to the state and its citizens can be sizable – lives saved, money saved, futures enhanced. These observations offer truly golden opportunities for progress toward safer, better communities and youth with brighter futures.

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Appendices

Appendix 1.1
Attendees at April 22, 2008 Meeting

Mike Arrington, Esq.
Parkwoski Guerke & Swayze, P.A.

Amy Benjamin, Deputy Principal Assistant Secretary
Department of Services to Children, Youth, and Their Families

Cari DeSantis, Cabinet Secretary,
Department of Services to Children, Youth, and Their Families

Lisa DiStefano, Chief, Community Services
Division of Youth Rehabilitative Services

Del Failing
Peoples Place II

Larry Haas
Child, Inc.

James Hinton, Youth

Peter Jones, Judge
Sussex County Family Court

Jim Kane, Executive Director
Delaware Criminal Justice Council

Mike Kersteter, Executive Director
Peoples Place II

Chris Kervick, Deputy Director
Delaware Criminal Justice Council

Judge Chandlee Johnson Kuhn, Chief Judge
New Castle County Family Court

Janet Leban, Executive Director
Delaware Center for Justice

Judge Bonita Lee
Justice of the Peace Court

Charles A. Madden, Interim Executive Director
Hope Commission

Alison McGonigal, JDAI Coordinator
Division of Youth Rehabilitative Services

Lisa Minutola, Assistant Public Defender

James Mosley, Director
Department of Public Safety

Leslie Newman, Executive Director
Children and Families First

Jack O'Connell, Director
Delaware Statistical Analysis Center

Mike Purzycki, Executive Director
Chase Center Riverfront

Jorge Rodriguez, Senior Analyst
Delaware Statistical Analysis Center

April Schmitt, Family Services Program Support Administrator
Department of Services to Children, Youth, and Their Families

Rick Shaw, Director
Division of Youth Rehabilitative Services

Henry Smith, Director
Division of Management Support Services

Steve Wesley, Deputy Director
Division of Youth Rehabilitative Services

Appendix 1.2

Persons Interviewed for This Report

Shawn Allen, Founder and Executive Director
YESS, Youth Empowered to Strive and Succeed

Mike Arrington, Esq.
Parkwoski Guerke & Swayze, P.A.

Amy Benjamin, Deputy Principal Assistant Secretary
Department of Services to Children, Youth, and Their Families

Tim Brandau, Executive Director
Child, Inc.

Paul Calistro, Executive Director
West End Neighborhood House

Susan Cycyk, Director
Division of Child Mental Health

Patricia Dailey-Lewis, Assistant Attorney General

Alan Davis, Chief Magistrate
Justice of the Peace Court

Cari DeSantis, Cabinet Secretary,
Department of Services to Children, Youth, and Their Families

Lisa DiStefano, Chief, Community Services
Division of Youth Rehabilitative Services

Dr. Aileen Fink, Psychology Manager, Direct Care Services
Division of Child Mental Health

Rev. Douglas D. Gerdts, Pastor
First & Central Presbyterian Church

Carlyse Giddins, Director
Division of Family Services

Peter Jones, Judge
Sussex County Family Court

Jim Kane, Executive Director
Delaware Criminal Justice Council

Mike Kersteter, Executive Director
Peoples Place II

Chris Kervick, Deputy Director
Delaware Criminal Justice Council

Judge Chandlee Johnson Kuhn, Chief Judge
New Castle County Family Court

April Lathbury, Program Director
Aquila Substance Abuse Treatment Center

Janet Leban, Executive Director
Delaware Center for Justice

Lillian Lowery, Superintendent
Christina School District, Wilmington, DE

Charles A. Madden, Interim Executive Director
Hope Commission

Alison McGonigal, JDAI Coordinator
Division of Youth Rehabilitative Services

Annette Miller, Superintendent Ferris School
Division of Youth Rehabilitative Services

Albert Mills, Director
Project Stay Free

Lisa Minutola, Assistant Public Defender

James Mosley, Director
Department of Public Safety

Leslie Newman, Executive Director
Children and Families First

Jack O'Connell, Director
Delaware Statistical Analysis Center

Mike Purzycki, Executive Director
Chase Center Riverfront

Jorge Rodriguez, Senior Analyst
Delaware Statistical Analysis Center

Dana Sawyer, Administrator
Office of Prevention and Early Intervention

April Schmitt, Family Services Program Support Administrator
Department of Services to Children, Youth, and Their Families

Terry Senio, Principal and Supervisor of Education
Department of Services to Children, Youth, and Their Families

Rick Shaw, Director
Division of Youth Rehabilitative Services

Henry Smith, Director
Division of Management Support Services

Karen Triolo, Family Services Program Support Manager
Department of Services to Children, Youth, and Their Families

Steve Wesley, Deputy Director
Division of Youth Rehabilitative Services

Parent and Youth Roundtable Discussion:

Eva, Jennifer, Kevis, Lynelle, Lynier, and Quinzell

Division of Youth Rehabilitative Services Roundtable Discussion:

- Edward Bell, Master Family Service Specialist
DYRS
- Hope Balcerak, Master Family Service Specialist
DYRS
- Ryan Brabson, Family Service Supervisor
DYRS
- Amy Brown, Master Family Service Specialist
DYRS
- Don Watts, Family Service Supervisor
DYRS
- Yvette Wilmer, Senior Family Service Specialist
DYRS

Appendix 1.3

National and Delaware Public Views on Juvenile Crime and Justice

Violent acts by troubled youth result in public outcry. Perhaps the most obvious example of how far such outcries can reach is the “adultification” of many juvenile cases in the 1990s – requiring or making it extremely easy to move juvenile cases to adult courts. But when adults are asked about the causes and cures of juvenile crime, they are significantly more likely to opt for attacking social problems (65 percent) than for increasing enforcement (31 percent), based on a 2006 national survey. The portion supporting the social problems approach has increased from 51 percent in 1994.

A series of focus groups set up to research such attitudes found a similar pattern; four groups of adults of varied background and demographic characteristics began by decrying youth violence but swiftly moved to causes and began suggesting various formal and informal prevention and early intervention steps that the group felt adults ought to be taking -- coming to reasonably strong consensus that energy should be spent on fixing the problems. .

Attitudes among Americans in recent years have strongly supported rehabilitative and treatment strategies for youth in care, both to prevent future crimes and to save tax dollars down the road. According to a February 2007 Zogby Poll for the National Council on Crime and Delinquency:

- Nine out of ten adults agreed that youth crime is a major problem in the U.S.
- By the same proportion, an overwhelming majority of adults feel that rehabilitative services and treatment for incarcerated youth could help prevent future crime.
- Better than nine out of ten Americans (95 percent) believe that increasing education and job skills training for youth in the juvenile justice system will help reduce crime.
- More than 80 percent of those polled agreed that spending on rehabilitative services and treatment for youth will save tax dollars in the long run.

Americans are less likely than one might imagine to endorse punitive justice when it comes to dealing with youth, though they do feel parents bear a significant amount of fault. The Zogby Poll referenced above found that”

- Overwhelmingly, by a 92 percent to 6 percent margin, Americans believe that youth transfers to adult courts should be undertaken on a case-by-case basis rather than under a blanket or automatic policy.
- Two out of three Americans say that putting incarcerated youth in adult facilities doesn’t “teach them a lesson” or deter them from crime.
- When asked whether nonwhite youth are more likely than white youth to be prosecuted in adult courts, twice as many respondents agreed (60 percent) that this was true as disagreed (32%)

- In the eyes of eight out of ten (82%) of those surveyed, parents are somewhat at fault for the behavior of their children who have committed crimes. Nearly one in ten (9 percent) said parents were completely at fault. Six percent feel that parents are not at fault.

In March 2007, the Delaware Children’s Campaign commissioned a poll of 600 of the state’s registered voters. The survey, conducted by Barcelo and Company, focused on issues related to the well-being and safety of the state’s children. These findings can serve as a baseline for improvement in both action and communication.

- Asked how conditions had changed for children in their communities during the past five years, four of ten said there had been no change, but three of ten said conditions had gotten somewhat worse (17 percent) or much worse (13 percent). Two of ten said conditions were somewhat better, with only 3 percent reporting “much better” conditions.
- Has the state responded well to the needs of children? Seven of ten respondents graded the state’s efforts as C, D, or F (C=50 percent, D=18 percent, F=4 percent). A total of one in four (24 percent) graded the state A (2 percent) or B (22 percent).
- How could the state improve this set of grades? Education (38 percent) topped the list by a wide margin. No other suggestion rose to double-digit response. The next five items in terms of response (out of a list of 16 actions) follow: children’s services and protection – 9 percent; day care, afterschool programs and activities – 6 percent; government use of funds, resources – 5%; social services, help low-income people – 4 percent. (Thirteen percent responded “don’t know.”)
- How should the state deal with troubled youth – punishment, treatment for problems, or prevention services? Seven of ten respondents preferred prevention; two of ten endorsed treatment, and only one of ten backed punishment as the priority.
- Respondents saw a sizable number of youth-related problems as serious. The list below highlights items of special relevance to juvenile crime and justice issues with which respondents agreed or agreed strongly:
 - Truancy is a major cause of much of the trouble that kids today get into. (64 percent)
 - Too many children don’t have safe places to go after school. (81 percent)
 - Too many young people are dropping out of school or graduating without good job skills. (88 percent)
 - Too many young people are using drugs and alcohol. (90 percent)
 - Too many teen-agers are getting pregnant. (81 percent)
 - Too many children are short-changed by the foster care system. (68 percent)
- Respondents agreed that a number of programmatic interventions were either somewhat important or very important to the state. (Note: In almost every case, the Very Important rating exceeded the Somewhat Important rating.)
 - Higher quality child care for working families (92 percent)
 - Intervening early when kids first start getting into trouble (96 percent)
 - Improving programs to prevent teen drug and alcohol abuse (95 percent)
 - Quality before/after school care for children of working families (01 percent)
 - More and safer recreational opportunities for children (92 percent)

- Special programs for girls who are getting into trouble at school or with the law (88 percent)
- Stopping the rise of teen gangs and teen violence (94 percent)

Appendix 1.4

Six Reports from the Past Decade: An Overview of Findings and Observations

George Santayana, the historian and philosopher, observed more than 100 years ago, “Those who cannot remember the past are condemned to repeat it.” Learning is in many respects remembering and improving upon the past – and learning from the past experience of others.

The State of Delaware – both directly and through consultants and citizen groups -- engaged in a variety of reviews and studies of issues related to its juvenile justice system between 1995 and 2007 (all but one report reviewed herein were issued after 2004). Several of these reports have led to reforms, changes ranging from modest to major. But the more recent reports (as well as some of the older ones) point to problems yet to be fixed and challenges yet to be met. Reviewing these reports helps to provide an appreciation of the history of these issues, a background of prior experience with this subject, and a perspective on their importance that lend depth to the findings and recommendations in this current snapshot of the system as it stands in spring 2008.

The reports are selected from those that were brought up in the stakeholder meeting in April, in various individual interviews, and in related research during the course of this project.

This is not an exhaustive review of literature on the state’s (or the nation’s) juvenile justice policies, programs, and strategies over the past 25 years. The short time frame for completing this report (2.5 months) made such a detailed effort impossible. But the reports represented here reflect documents to which interviewees referred frequently. They are summarized here, with particular attention to the main findings and conclusions that inform the current review. The last part of the section notes some themes that emerge from an overview of the reports.

The table below lists the reports summarized in this appendix, as a point of reference. The reports are presented and discussed in chronological order by date of issuance.

Table - Chronological Listing of Reports Reviewed

Date of Issue	Title	Author	Brief Summary of Content
January 1996	Evaluation of Alternatives to Incarceration	Hornby Zeller Associates for Delaware Dept. of Services for Children, Youth, and their Families	Comparison of services, costs, population characteristics; recommendations
September 2005	Four-Year Strategic Plan To Address Challenges and Opportunities to Delaware's Children in Crisis	Hon. Cari DeSantis, Cabinet Secretary, Delaware Dept. of Services for Children, Youth and their Families	Describes progress, challenges, and future needs in order to provide 21 st Century care to Delaware's children in various systems
March 2006 and March 2007	The Wilmington Hope Commission Report (Executive Summary and March 2007 Meeting Minutes)	The Wilmington (DE) Hope Commission	Proposes multi-faceted actions to provide a safer, healthier, more economically and intellectually secure city
July 2006	Delaware Detention Reform Initiative: Alternative to Detention Program Assessment	R. Mariscal, et. al for the Annie E. Casey Foundation	Reviews then-current alternative to detention programs in DE, recommends several strengthening steps
February 2007	Along the Continuum: Blueprint for Delaware's Juvenile Justice Transformation: What Works and What Doesn't Work	Staff of Office of Prevention and Early Intervention...Delaware Children's Department	Reviews literature on effectiveness of crime prevention and juvenile justice programs based on major studies; assesses Delaware programs against this frame and recommends actions
June 2007	Readiness Assessment Consultation Report	Staff of W. Haywood Burns Institute	Addresses Delaware disproportionate minority contact issues and makes recommendations to reduce it

Evaluation of Alternatives to Incarceration

This study by Hornby Zeller Associates was commissioned by the Division of Youth Rehabilitative Services (DYRS). Its focus is on examining program effectiveness, particularly in relation to program cost and client type, in the DYRS system. Issued in January 1996, the report reflects work undertaken in the second half of 1995.

The study examines for each of three types of DYRS programs – Ferris School, the state's secure facility (since closed, rebuilt and reopened); Community-Based Services (traditional

probation and aftercare), and a range of Alternatives to Incarceration, generally programs operated by contractors to the State of Delaware. In addition to comparing costs, clientele, and cost-effectiveness for these three major categories, the report focuses on the specific costs and effectiveness of program types and programs by contractor, comparing outcomes for different population groups and outcomes by cost.

The population at the Ferris School was judged by the consultants to form two very distinct groups – those youth who remained at Ferris for 30 days or less and those who remained at Ferris for more than 30 days. The former group consisted chiefly of youth sent to Ferris for assessments: “...a substantial portion is sent there for brief periods, usually seven days but sometimes as long as thirty, for assessment purposes only.” (Hornby Zeller, p. 31)

The report compared the Alternatives to Incarceration group to both the Community Based Services group and the Ferris School population. Within the Alternatives programs, the four levels of service (Secure, Staff Secure, Non-Staff Secure, and Community Supervision) were compared against each other. Contractors within each level of Alternatives to Service were compared to each other in terms of effectiveness of operations. Costs of programs versus program effectiveness were also assessed within types of Alternatives to Incarceration.

Some key findings of this report included the following:

- Youth in Alternative Services (Alternatives to Incarceration) had the lowest rate of arrest during program involvement (26 percent) of all four groups (compared with 38 percent for those in Ferris 30 days or less, 48 percent for Community Based Services, and 60 percent for those in Ferris more than 30 days). The higher rate for those in Community Based Services than for Alternatives Services youth was attributed by Hornby Zeller to the less intensive supervision levels of this program. Youth in Alternative Services (Alternatives to Incarceration) who completed the services were less likely to recidivate than youth in Ferris School, whether measured by arrests or adjudications and convictions. Forty-three percent of the Alternatives youth were rearrested within a year of being discharged from services compared with 50 percent of the Ferris School youth
- Among the Alternatives to Incarceration, community supervision completers showed the lowest rates of recidivism whether after a year or after a longer interval. All the Alternative programs showed more favorable results than the Ferris School did -- both within a year of the youths' discharges and over longer time spans. Alternatives to Incarceration also

produced better results for all age groups except those under 14 (which may be affected by the fact that most of this age group were assigned to Community Based Services rather than to Alternatives to Incarceration).

- When results of Alternatives to Incarceration programs were examined according to the race of the youth, the Alternatives programs showed a consistently high success rate among white youth, compared with Ferris School. African American youth showed a much more mixed picture in terms of results when these programs were compared. White youth had consistently higher rates of success, while African-American youth experienced more mixed results among the various programs, with many results more negative than those of white youth. The report points out that age and race may have been the governing variables in producing these results, and adds that race was “clearly a factor in the juvenile system, although it may serve only as a proxy for other issues, such as poverty and family structure.” (Hornby Zeller, page ix)
- Comparing costs across the three major types of programs highlighted their sharp differences. Average daily cost for Ferris School was reported at \$189 (1993 dollars). In contrast, Alternative Services cost \$65 per client per day on average and Community Based Services cost only \$2.71 per client per day on average. Measured by median cost, a similar relationship emerged among the three. Community Based Services at \$997 per client “target episode” (the episode that placed the client in this study) was substantially less expensive than Alternatives (median of \$16,758 per target episode). Both of these were far less costly than Ferris School (overall median \$37,764 per episode). The median costs of Ferris School for clients detained there more than 30 days was \$61,409.
- Analyzing costs from another perspective, the report found that “cost per success” (success defined as the cost of achieving one non-recidivist youth) dramatically underscored the cost-effectiveness of Alternative Services. Its cost per success was \$13,090, compares with the overall cost of a success at Ferris of \$21,736 and a cost for those residing in Ferris more than 30 days of \$40,163. The report points to sizable cost savings that may be possible from more judicious use of Alternatives and less reliance on Ferris.

- The comparison of contracted service providers' client recidivism rates within Alternatives to Incarceration showed highly disparate recidivism rates even when the comparison was among contractors providing the same type of service (comparing within community supervision, non-staff secure and staff secure programs). Similarly, when calculating cost per success rates for the three main types of Alternatives (Community Supervision, Non-Staff Secure, and Staff Secure), the report finds substantially disparate costs per success among agencies providing the same category of service. To cite one example, the least expensive (per success) Secure Staff program cost \$11,379 per success. The most expensive out of four programs in this category cost \$209,573 per success.
- Comparing success rates with what providers charge showed that the most expensive in several instances was clearly not the most effective – an issue that does not appear to have been addressed in more recent studies.
- Cost effectiveness and efficiency are calculated in a series of ways – by program types, by target episode costs, by quartiles and deciles, and by types and contractors within Alternative Service. Staff Secure care was for most youth the most expensive alternative in terms of both direct treatment and cost of subsequent episodes.

Subsequent reports presented here do not undertake such cost effectiveness and efficiency analyses. This approach might, however, well be useful as a tool in the management analysis conducted by the Department of Services for Children, Youth and Their Families. Lastly, analysis of effectiveness (with or without consideration of cost effectiveness) must also control for prior history, presenting offense and level of risk in determining comparative program effectiveness. More recent analyses conducted by the Delaware SAC have provided this more sophisticated approach.

Four-Year Strategic Plan To Address Challenges and Opportunities in Service to Delaware's Children in Crisis

This four-year plan for the Department of Services for Delaware's Children, Youth, and Their Families was developed by the department and issued in September 2005. It examines current trends, projections for the needs of children, and the creation of a 21st Century Children's Services System for Delaware. The report focuses on two areas – basic infrastructure and juvenile justice reform – with a strategic action plan and a long-term financial plan for each. It also provides a recap of changes in the department since 2001.

The review of recent history points out that the state system generally engages with children when they are in some kind of crisis – arrest, mental illness, severe behavioral problems, emotional disorders, family disintegration, and the like. The immediate demand is intervention and treatment, which reduces opportunities for preventive actions. It is also clear that mental health issues have come to the forefront as a significant element in social disaffection (often manifesting as juvenile crime, substance abuse, and eventual adult dysfunction. The level of demand is growing. Between August 2004 and 2005, the number of children serviced per day by the Department grew by 450, due in part to parents who fail to appear in court with their children who are brought up on delinquency charges. Formerly, Family Court had not automatically placed these children in the Department's direct control, but this Department -initiated change in policy contributed significantly to the caseload increase.

This strategic plan also notes the pivotal role of the Foster Care Task Force report in increasing program attention and funding resources to reform completely the state's system, as vouchsafed by the significant positive changes – which earned Delaware the #3 ranking in the federal review of child and family services among the 50 states. This report, *How Foster Care Can Work for Delaware's Children*, was published in May 2001 by a diverse task force appointed by Governor Ruth Ann Minner in January of that year. The task force included foster parents, foster care advocates, legislative staff and leadership, and the responsible Department Secretary.

Invoking the Delaware legislation that created the Department, the report points out that the System of Care approach increasingly supported by research across the nation is remarkably similar to the mission of the Department as stated in the Delaware Code:

“to plan, develop, and administer a comprehensive and unified service delivery system (to various children in need) within a continuum of care, (including the children’s families) within the least restrictive environment possible, but consistent with the child’s health and safety, (and) to emphasize preventive services to children, youth, and their families...”

(DeSantis, page 24)

The strategic plan also points to the revamped vision statement for the department and its new and direct motto, “Think of the Child First!” It details departmental achievements during the past four years, including reducing operating deficits through sound management (including the Malcolm Baldrige criteria for organizational excellence), shifting the focus to home- and community-based treatment for those children who had been placed in out-of-home care, reducing the share of children who need to return for further help, cutting substantially the number of children detained for minor offenses, and improving training contracting, monitoring, and evaluation – as well as building on strong staff support for drawing on “best practice” programs. New services have been added and existing services expanded, based on strategic planning and analysis. New tools, including mapping, have been brought to bear on old problems, such as caseload issues.

For the future, this report evinces the department’s aim to increase services to meet needs, fix its infrastructure so that it measures up to the new workloads, and reform juvenile justice services (including embedding of child mental health treatment and nationally proven prevention and treatment initiatives, vocational education opportunities, and an emphasis on prevention and early intervention). Five expected results are outlined, based on what a System of Care approach has generated during the past decade as measured by national evaluation studies:

- Improve how children behave and function emotionally
- Improve school performance
- Reduce the number of costly out-of-home residential placements
- Reduce violations of the law
- Reduce 12-month recidivism in juvenile justice by 57 percent.

The report thoughtfully documents the fact that the increased need for services and the need for improved services are not free – but it lays out its financial needs clearly and explains the underlying demand and cost drivers in direct, documented fashion.

The Wilmington Hope Commission (Executive Summary of Report and March 2007 Meeting Minutes)

The Wilmington Hope Commission, whose original report was released in March 2006, provides a different perspective – that of a commission of more than two dozen civic, professional, business, faith-based, political, and service leaders from the state’s largest city, which presents by far the largest source of cases for the state’s juvenile justice system. Thus the commission’s work is constructive not only as a collaborative activity with unusually deep breadth and reach, but as a strong example of community organizations who can become not just allies but partners with the Department and its agencies.

In less than one year after the city’s mayor established the Hope Commission, this group mobilized itself, organized and held nine full commission meetings (including testimony from a host of local and national leaders as well as from community residents young and old); held countless meetings of its seven key subcommittees (which more than 100 additional community members, beyond the Commission membership, were invited to join); incorporated social, economic, and crime data along with focus group reports and research on best practices in key areas; and generated a report that puts the city’s challenges into historical perspective and portrays the need for a city where hope can become reality and a path by which Wilmington can reach that goal.

The commission did not take a simplistic view. It emphasizes that the problems faced by the city and its neighborhoods are complex and often influenced by outside forces, such as the loss of manufacturing jobs in this decade. It also emphasized the impact that Wilmington’s future has – for good or ill – on the entire State of Delaware. Nor did it let itself be guided only by outside experts or by self-generated opinion. It combined the wisdom of all, tempered with evidence of results, and tapped the core of commitment that Wilmington residents presented in town meetings, focus groups, subcommittee sessions, and other forums.

Instead of calling for rescue from outside, it focused on a set of problems and solutions that put the answers squarely in the hands of Wilmington and its citizens – calling for dramatically increased levels of citizen engagement in the governance of the city as well as for the support of local and state authorities.

The inventory of those who stepped forward ranged from teenagers to old-agers, from professionals and business owners to residents of the hardest-hit areas of the city, from faith-based groups to the state's Division of Youth Rehabilitative Services and Statistical Analysis Center.

Key commission recommendations include:

- expanding community policing as a department-wide approach, with police engaging as fully as possible with community residents in problem solving, not just apprehending felons;
- creating a strong advocacy group to improve children's education, to ensure that Wilmington's young people moved into future job markets well equipped to compete and well-educated as citizens;
- improving economic development opportunities through a variety of strategies, including Hope Zones, focus on preservation of the good qualities of neighborhoods, efforts to attract younger families back into Wilmington itself, and developing business opportunities that would continue to attract sound businesses that offer well-paying jobs to good workers;
- establishing a "Hope Outreach Workers" network of youth and adults who would work in their neighborhoods to coordinate services, identify and gain attention to emerging needs, and help the neighborhoods celebrate their successes;
- strengthening ex-offender re-entry programs that promote positive reintegration, by engaging the faith community in providing such services right in ex-offenders' neighborhoods and by taking advantage of what had been learned about the value of intensive, community-based parole and other aftercare;
- creating a permanent Hope Commission to implement, monitor, and sustain the action plans in the report, in order to serve as a convening body, a focal point for energy, and a voice for the goals of the original commission and new goals that were developed.

Meeting on Youth Violence

Not quite a year later, in March 2007, the Hope Commission sponsored an initial session on strategic planning to reduce youth violence. This gathering was tasked to identify and assess current policies and programs addressing juvenile violence, to identify barriers to reducing both

juvenile violence and juvenile recidivism rates, and to propose new policies and programs to be implemented to reduce juvenile violence.

This session, far from being the pro forma event it might have been, was a lively, engaged discussion among people determined to find and implement effective answers to the problem of juvenile violence. A senior state criminal justice planner outlined the shooting statistics for Wilmington; participants suggested various analyses they thought might shed more light on the firearms, drugs and shooting issues; and the official offered to examine the data through the proposed lenses. The official also explained that research had shown that half the drug dealers in two areas were from outside the City of Wilmington, indicating that the neighborhoods and perhaps the city had become hubs for traffickers.

The Director of the Division of Youth Rehabilitative Services attended, sharing the mechanisms of Operation Safe Streets, which is designed to provide aggressive enforcement of conditions of release for high-risk offenders, including frequent contacts and high visibility presence by police and probation. A related program, the Comprehensive Aftercare Program (CAP) was described as handling supervision of high-risk youth on probation youth in Kent and Sussex Counties. CAP features a manageable caseload for probation officers, involvement of family members in planning, frequent contact with the youth, and a community-based network of supports and services. The director offered to place a similar unit in New Castle County, which includes Wilmington, if additional resources were to become available. Law enforcement officers were asked to offer comments and suggestions, which included possible expansion of the Wilmington Police Department's Child Development Community Policing Initiative, which is focused on youth 17 or younger who have been affected by violence and brings together social services for the youth and his/her family. The program survived initial skepticism and has become accepted by the Wilmington community.

The group went on to discuss the feasibility of a community probation system intertwined with community policing and focused on prevention and provision of needed services, not just on monitoring. One idea put forth was "neighborhood probation officers" who would know the immediate community and its resources and could build trust with families. Participants also suggested a focus on prevention, not just disposition after the fact of an offense, and proposed that

representatives of all relevant agencies should attend the regularly scheduled community policing meetings.

The vigor, openness, forward-focus, and insights of this group – meeting almost a year after the Hope Commission reported to the Mayor – holds out a model of community engagement – officials, residents, and those with experience in the field coming together to make sensible, constructive improvements that will restore health and vibrancy to all parts of the city.

Delaware Detention Reform Initiative:

Alternative to Detention Program Assessment

In July 2006, two consultants to the Annie E. Casey Foundation filed a report assessing the progress in Delaware of JDAI (The Juvenile Detention Alternatives Initiative) that had received substantial support from the foundation. The purpose of the report was to determine whether the JDAI related programs as they then existed met the needs of the overall initiative, how existing programs were being used, and what service gaps existed. The consultants conducted a “snapshot” overview of the system for two days in mid-May 2006.

The consultants pointed to a critical flaw in their view – that there was “...no single source or system where risk assessment scores and recommendations can be matched to youth placed in alternative programs.” (Mariscal and Payne, page 3) When paper case files were sought, many were “unavailable.” For those risk assessment instruments that could be located, it was clear that youth were being mis-positioned in facilities that did not match with their risk assessment profiles, even though spaces were available for them. “Data subsequently provided after our interviews bore out the anecdotal information acquired from our stakeholder interviews; specifically that the RAI were not informing referrals to ATD (Alternatives to Detention) programs” (Mariscal and Payne, page 3). The authors also noted that on further examination it became apparent that many of the RAIs being reviewed were not even properly scored. The problems with missing files and failure to use the RAIs in placement were persistent throughout the Alternatives Services system.

The issue of “unlawful” secure detention of juveniles was another problem. Delaware state law prohibits secure detention unless the juvenile is charged with specific levels or kinds of offenses. Though the numbers of youth detained contrary to provisions of state law had decreased during the first quarter of 2006 (then the most recent data point), 41 youth were placed in secure

detention against state law. For most of these youth, according to the report's authors, such illegal action was not justified; appropriate alternative services were available and should have been the placement of choice.

After briefly reviewing the various Alternatives to Detention programs run by contactors on behalf of the state, the consultants presented a number of findings and recommendations. These included the following:

- The lack of comprehensive, disaggregated, data present numerous serious challenges: RAIs are not available and/or improperly used resulting in placements that are too restrictive (or otherwise inappropriate) given the risk the youth presents.
- Data necessary to gain an overall picture of Alternatives to Detention are not readily available to inform stakeholder decisions about the program; there is no one place where one can find the necessary data to make sound decisions on a regular basis.
- Monitoring of the system – essentially quality control – is essential to ensure that only youth who would otherwise be detained are referred to Alternatives to Detention. Failure to monitor could result in continued violations of state law.
- Judicial decision makers (Commissioners, Justices of the Peace, and Judges, among others) need more information and education on the types of alternatives to detention that are available and the reasons for using them, to enable them to reduce reliance on secure detention. The consultants noted that in the first quarter of 2006, three years after the system was initiated, one in eight youth (13%) was improperly sent to secure detention.
- As a routine element of judicial meetings and trainings, judicial officers should be updated on changes, additions, and service levels of Alternatives to Detention, with a review of the purposes of these programs.
- The “bench book” that serves as a reference for judicial officers on Alternatives to Detention should become an electronic document that can be updated and transmitted daily to each court. It should include distinctions among pre-adjudicative programs and between pre- and post-adjudicative programs, as well as relevant rules and laws governing placements.
- Court expeditors should be assigned to conduct weekly reviews of detentions to identify appropriate releases.

- The Division of Youth Rehabilitative Services should be brought into discussions and explorations about pre-adjudication supervision. For example, its electronic monitoring program could be expanded to provide for as many as 25 youth to be placed on pre-adjudication electronic monitoring, thus relieving pressure on and costs of secure detention.
- Community representatives should be routinely included as major stakeholders in the Alternatives to Detention initiative. Special attention should be paid to gaining representation from among community members who live where sizable numbers of youth entering the system live. Support from community groups is critical to broadening the scope of alternative program services; addressing issues around disproportionate minority representation will require an expanded collaboration that must include these community leaders.
- More programs are needed to address the needs of girls and young women. The 2005 cancellation of the contract with the largest provider of services to females was necessary, according to the authors, but nonetheless left a sizable gap. Current (2006) use of spaces may not support such programs, but that may be because judicial officials are unaware that the programs are available or do not see these programs as meeting females' needs.
- The consultants applauded the fact that the cases of Alternatives to Detention youth are processed as expeditiously as those of youth in secure detention and urged that this practice continue because it expedites placement of Alternatives youth into the appropriate programs.

Along the Continuum: Blueprint for Delaware's Juvenile Justice Transformation: What Works and What Doesn't Work

In February 2007, the Office of Prevention and Early Intervention, within the Delaware Department of Services for Delaware's Children, Youth, and their Families produced this report, which researched a number of "best practices" and "gold standard" programs from a variety of national sources. Researched areas included juvenile justice, mental health, alcohol and other drug prevention, public health, education, and similar subject areas.

This report is noteworthy as a resource to state policymakers about what have been defined as promising, "gold standard," outstanding, or excellent programs in prevention and intervention on

behalf of youth that can be considered in moving forward with the reforms promised in the Department's Four-Year Strategic Plan (see above). The report contains more than 60 pages of documented programs that have been found to have some level of positive impact in studies that are performed with reasonable to excellent rigor.

A strength of this report is that it draws from an extraordinary range of agencies and organizations in its search for "what works and what doesn't." It is not confined to the usual juvenile justice sources, but instead it reaches to public health, mental health, psychology, and other disciplines in its search for what can enrich and strengthen Delaware's efforts on behalf of its youth. For example, the Office of the Surgeon General of the United States (anti-violence research for communities), the Safe and Drug-Free Schools Office in the U.S. Department of Education, the National Institutes of Health, the Blueprints for Prevention Program (University of Colorado), the National Council on Crime and Delinquency, and similar organizations.

This style of outreach presages a recommendation of this report – that broader partnerships and more vigorous community outreach be integrated into the state's juvenile justice reform efforts in order to build public support, strengthen political will, and discover untapped resources. In the report's outreach, its broad perspective uncovers many promising programs. Similar outreach by the state agencies involved could well yield proportionally important returns.

Readiness Assessment Consultation Report

Consultants from the W. Haywood Burns Institute presented this report in June 2007 on the Department's and DYRS's (and collateral groups') readiness to confront issues of disproportionate minority contact (DMC) in the state's juvenile justice system. The Institute specializes in helping local and state jurisdictions to deal effectively with reducing disproportionate minority contact and has developed a process that draws from its experience. It interviewed members of the JDAI Collaborative as well as key players who interact with but do not necessarily serve on the Collaborative.

It is worthwhile to note that in the reports reviewed for the assessment being conducted by this author, this is the first significant mention of the disproportionate representation of minorities in the juvenile justice system since the 1996 Hornby Zeller report summarized above. The current

Department's willingness to tackle this sometimes touchy subject is a sign of its maturity and commitment to reform.

The Burns team observed that a key factor in beginning a constructive conversation is providing the jurisdictions and related agencies involved with "a safe space to begin a dialogue about the commitment and capacity it takes to effectively confront and successfully challenge DMC." (Burns Institute, Page 2). Several of those interviewed for the Burns report expressed doubt about the Collaborative's collective will or ability to act on this issue. If their assessment is accurate, the need for a truly safe space for discussion is beyond necessary – it is imperative. Federal requirements and simple justice demand that disproportionate minority contact be thoughtfully and candidly analyzed and promptly and effectively addressed.

Among the recommendations noted by Burns Institute staff, were the following:

- The Collaborative must have a "presence" (an institution or a leading individual) that stands up for the disproportionate minority contact issue.
- Data quality needed to improve and the capacity developed to disaggregate the data by age, race, ethnicity, and gender as well as type of intake and type of placement.
- The issue of youth being held in juvenile detention while awaiting trial as adults needed to be resolved by the Collaborative or higher authority. Burns saw this as a current and troubling area in limbo.
- The process of the Collaborative's and others' work has not included community stakeholders and professionals from other sectors of the juvenile justice field. It needed to include them, with at least some taking seats on the Collaborative.
- Processes, including a risk assessment instrument, need to be regularized across the various intake situations, to help both to track cases accurately and to improve and monitor placements.
- A plan for tackling disproportionate minority contact needs to be data-driven, developed by a broad consensus of all kinds of stakeholders, and framed in clear (and measurable) goals and objectives. It must take a statewide view, but examine geographic disparities.

This report contains numerous additional findings that are of high utility in advancing improvements in the state’s juvenile justice system, including specific steps for addressing disproportionate minority contact issues.

Where Has This Knowledge Been Taken?

While this section may not contain all the reports that have touched on juvenile justice in Delaware over the past decade, it does present the reports that emerged from inquiries made of current state leadership and other stakeholders. These demonstrate real progress, but also real issues to be addressed in the future across a range of child and youth concerns.

Some areas that arise from these reports include managing data and making it available electronically as well as on paper; educating judges and prosecutors on the various options for disposition of juvenile cases and how these are designed to work in the short and long terms; developing broader community and cross agency partnerships; creating a wider range of community-based alternatives to detention; focusing on reentry/aftercare; and addressing and reducing disproportionate minority contact. There is reason to believe that addressing some of these problems could help mitigate others – a major win-win for any system.

The current assessment is a first step toward helping Delaware’s juvenile justice system move forward rather than repeating the past. Delaware authorities have strongly endorsed this strategy to date. A highly useful next step could be the formation of a focused group that goes beyond one department to organize a review and “update” of the reports highlighted here, as well as related documents, to identify recurrent issues, highlight areas of progress, note and move forward with constructive suggestions, and highlight environmental changes that affect report conclusions. Much good might come from an effort to learn from the past – if it is not prologue, it is almost certainly informative. This has also been one of the goals of this current report.

Meanwhile, these previous reports shed light on how Delaware and its agencies arrived where they are at present. This in and of itself may suggest ways to move forward. Moreover, there are many national reports that can augment local knowledge and experience, share examples, provide guidance on implementation, and offer suggestions on other resources (visit www.ojp.usdoj.gov/ojjdp and www.ncjrs.gov for an excellent assortment).

Appendix 1.5

Key Elements of an Effective Juvenile Justice System

A juvenile justice system should be characterized by the following five key elements:

**I. A Stronger and More Effective Balance of Prevention and Intervention Services
Utilizing a Multi-Systems Approach**

It provides a stronger and more effective balance of prevention and intervention services. Historically, the approach to juvenile justice, even though framed around a rehabilitative model, has been one focused predominantly on accountability and punishment. Resources have been largely allocated to ensure that those who offend are held accountable and the public protected through the use of detention, probation and incarceration. This approach has created an imbalance in the budgeting within the juvenile justice system, with a disproportionate part of those budgets spent on punishment and behavioral control, and too little spent on prevention and early intervention. A plan for system's reform must include concurrent investments in prevention (stemming the flow of young people into the juvenile justice system) and institutional supports. This rebalancing will allow increasing investments in the front end of the system, thereby driving down the number of youth entering the system and resulting in better outcomes for youth across a spectrum of measures.

II. A Strong Individualized System of Justice for Youth

It provides individualized justice that recognizes the age, developmental stage and uniqueness of the youth with whom it comes in contact and protects the interests of public safety. This can be accomplished in part by providing strong assessment, adequate representation of counsel, a strong court operation, and the employment of youth serving staff who utilize a strength based approach and, at the same time, understand the need for a system of graduated sanctions to hold youth accountable. All of these efforts should be carried out in a manner that seeks to reduce the overrepresentation of children of color and disparity in outcomes.

III. Proven and Effective Policies and Practices

It provides a broad array of services that meet the needs of youth in the system and those diverted from the system, reflecting data driven evidence-based practices with ongoing measurement and evaluation. While many associate evidence-based practices with such off the shelf models whose efficacy has been highlighted in the literature, it is time to challenge each component part of the system to examine its practices in order to further those that are truly effective and abandon those which do not produce the desired outcomes. Proven and effective practices should be integral to a seamless intersection of the systems of care that must come together to fully meet the needs of its clients incorporating a strong model of collaboration, sharing of information, integration of services and the blending/braiding of funding streams.

IV. A Stronger Link to the Community

It is integrally connected to the community from which the youth have come into the system or, if placed in out of home care, are going to return upon release. The juvenile justice system should engage community organizations and community members more effectively to achieve successful outcomes for youth and the community. In order to accomplish this in a county the size of Los Angeles it is critical that consideration be given to the division of work responsibility into smaller regionalized efforts. This provides the opportunity for community members and organizations to be a part of the analysis and planning to address the particular challenges a given community faces and target the particular needs of youth in that community. To achieve an effective engagement of the community in this effort, the involvement of community members must include the consumers of juvenile justice services: parents and youth who have experience with the juvenile justice system. This would also involve linking the “front end” of those other systems of care with the juvenile justice system. These various systems tend to have contact with many of the same youth and families without effectively sharing information or dedicating shared resources to addressing the issues faced within a community setting.

V. Greater Public Engagement, Public Will, and Political Will

It has strong public and political support, based upon a long-term and extensive effort to educate the public on the challenges faced by the juvenile justice system and the possibility for success. The public needs to understand the juvenile justice system and realize that its success is important to everyone in the state in terms of the state's quality of life and future as an ideal place to live. In order to accomplish this, the realities of juveniles involved in delinquent behavior, and the pathway they follow into delinquency, need to be brought to the public's attention. This focus should be not just on sensational stories of a few who have committed heinous crimes, but a focus on the majority of juveniles who, with appropriate supports, have an opportunity to turn their lives around and become contributing members of the Delaware community. This can be done by making the plan for juvenile justice reform very public, setting specific achievable goals around which the public can rally support, and publicly reporting the achievements. A body public that begins to champion the need for an improved juvenile justice system can create the political will to make it happen.

Appendix 2.1

Juvenile Diversion: A Promising Alternative

Diversion takes an involved youth out of the adjudication process and redirects him or her to a condition (e.g., probation) or a program that seeks to help the young person get back on the right track with the least possible engagement with the juvenile justice system.

Effective diversion programs hold offenders accountable for the offenses committed, help to remediate the damage caused by their actions, and provide timely and certain consequences. Effective diversion is directed toward helping youth.

Community-based diversion programs are cost-effective solutions, intended to decrease crowding, shield offenders from the stigma of labeling and institutionalization, help offenders avoid associating with youth who have more serious delinquent histories, and maintain positive ties between the juvenile and his or her family and community.

Different processes exist in state and local law, policy, practice, for referring cases to diversion. Some jurisdictions divert youth immediately after arrest, but before charges are filed. Others divert after charges have been filed but prior to a finding by a judge. One of the newest diversion models diverts youth before arrest takes place.

Research Suggests Major Benefits from Diversion

A three year longitudinal study of first-time juvenile offenders cited for tobacco or alcohol offenses were assigned at random to three treatment groups and a control group. The study found that there were no significant differences in recidivism rates and that the diversion program offered the most cost-effective program intervention to provide more services to potentially troubled teens.

Research has shown that approximately 54 percent of males and 73 percent of females arrested will have no further contact with the juvenile justice system. Thus, the critical task is to target only those youth who need intervention services and to match them with the appropriate kinds and levels of programming they need, rather than to serve youth who are unlikely to commit another crime.

Diversion programs are valued because they reduce labeling of youth for small infractions; they reduce court caseloads while providing some measure of accountability; they reduce the burden on juvenile detention facilities; and they save time, money, and paperwork.

Diversion programs have been demonstrated to be effective in many ways in a number of areas of the country. Below are three examples.

Thurston County, Washington

This program diverts first and second time offenders (ages 8 to 17) who are charged with misdemeanors or gross misdemeanors to a board of community volunteers. The prosecuting attorney also has the discretion to divert youth charged with offenses above the misdemeanor level. If the youth is eligible for diversion, the board meets with the

youth and his or her parent(s) or guardian(s) to discuss the diversion process, the reasons the offender committed the offense, and the impact of the offense. The board then formulates a diversion agreement that may include community service, restitution to the victim, or counseling. A juvenile diversion case manager monitors the juvenile's completion of the agreement.

The program was shown to have reduced recidivism by more than 5% and is estimated to save Washington taxpayers about \$2,775 of future justice system costs per participant – with costs to taxpayers of only about \$140 per youth.

Miami-Dade County, Florida

The civil citation initiative began in April 2007, changing the way first-time juvenile misdemeanor charges are handled. Instead of arrest, the eligible youth (age 8 to 17) receives a civil citation. The juvenile is assessed by the Juvenile Services Department (JSD) and receives an appropriate, targeted intervention. The juvenile is assigned a caseworker and is required to complete the intervention(s).

If the civil citation is not offered in lieu of arrest in an eligible case, the offer is made when the youth arrives at the Juvenile Assessment Center. The juvenile is assigned a case worker and required to complete sanctions. In the first ten months of the program, more than 1,300 civil citations were issued.

Program benefits are many:

- Based on prior diversion experience, JSD anticipates a 30 percent reduction in arrests with this initiative.
- Cost savings, including reduced intake and screening time, less paperwork, absence of court fees, and an immediate cost saving of \$5,000 per child because arrest is averted.
- Personal information is kept out of criminal/juvenile justice data bases, from which information may be released even if records have been sealed.

Jefferson and Gilpin Counties, Colorado

In Colorado, police reports are provided to the district attorney's office for decision about prosecution. Diversion may take place through an informal adjustment or (for more serious cases that are selected for diversion) through a court petition that formally refers the case to diversion.

In these two counties, which comprise the First Judicial District of Colorado, all clients entering supervised diversion complete an assessment interview with a diversion officer, in which the youth's explanation for the event, the circumstances, and the youth's general personal situation are discussed.

Once the assessment is completed, the juvenile signs a contract regarding his/her individualized terms of diversion and begins the program. Common requirements include weekly meetings with diversion officer, community services, drug screening, apology to the victim, and payment of court fees.

Results are excellent. The Judicial District handles approximately 800 diversion clients a year, with a 77 percent successful completion rate. Only eight to nine percent of youth who successfully complete the program re-offend during the two years after their completion.

Appendix 2.2

Aftercare: Support and Connections for Success

Aftercare embraces the range of stages, supervision, services, and supports that, if effectively employed, can help youth who have been incarcerated in the juvenile justice system to come back into their communities, foreswear antisocial and delinquent behavior, and move forward to successful, productive lives.

Why the need for aftercare? When youth are released, it is frequently into the same circumstances and disorganized communities in which they had lived when they got into trouble. They may find it all too easy to slip back into friendship patterns and the habits that resulted in their incarceration. Without support to find better alternatives to their old ways, youth are all too likely to become re-involved in trouble and rearrested. Although determining a specific figure is difficult, researchers estimate that the recidivism rate for untreated serious juvenile offenders is well in excess of 50 percent.

The consequences for failure to provide adequate and appropriate aftercare are serious both for the youth and the community – and even the nation:

- Nationally, 70 to 73 percent of youth have either a high school diploma or a GED by young adulthood. In contrast, only one in eight (12 percent) of formerly incarcerated youth have that credential.
- Only three out of ten of these youth were either going to school or working in a job a year after their release.
- Delinquent youth are seven times more likely to have a history of unemployment and welfare dependence than their counterparts; they are more likely to be divorced and to conceive children outside marriage.

What Makes Aftercare Different?

Effective aftercare starts with intensive intervention for the incarcerated youth and moves forward through transition to the community and throughout community supervision. It also requires that formal and informal social control networks, government and community systems, and a continuum of services grounded in the community be in place.

Aftercare is distinguished from traditional juvenile justice models of youth exiting from confinement because with aftercare:

- offenders must receive both services and supervision;
- aftercare begins during incarceration and extends through (and perhaps even beyond) community supervision;
- both governmental and community systems are (or should be) tapped to provide services, supervision, and support.

Effective aftercare must transcend traditional organizational boundaries. Youth return to communities, not to government institutions. They must be supported and monitored in community contexts, and they must develop positive support resources that outlast any engagement with

juvenile justice monitoring. Not only must organizations think about new partners, but such formal organizations as courts, prosecutors, community supervisors, and police must learn to work together in a different rhythm and for a mutually agreed purpose.

Intensive Aftercare Program (IAP)

This intensive, community-based program is based on research showing that a highly structured and enhanced transition from confinement to the community would benefit parolees in areas such as family and peer relations, education, jobs, substance abuse, mental health, and recidivism without negatively affecting the community.

The IAP model is a “correctional continuum” consisting of three integrally related segments: pre-release and preparatory planning during incarceration; structured transition that requires the participation of institutional and aftercare staff prior to and following community reentry; and long-term, re-integrative activities that ensure adequate service delivery and the necessary level of social control.

Key elements of the program include:

- Individualized, intensive case planning
- Continuity in case management and service delivery throughout the program
- High level coordination and cooperation between institutional and aftercare staff
- Formal transition structures (e.g., transition facilities), processes (e.g., furloughs), and/or programs as mechanisms for facilitating community reentry
- The use of small caseloads restricted to IAP cases only
- Intensive supervision and multiple control mechanisms accompanied by access to a wide range of community-based services
- A system of graduated rewards and sanctions to respond immediately and proportionately to the youth’s behavior.

A Look at Programs for Youth Aging Out of the System

The foster care system in America has traditionally ended fostering of youth when they turn 18. In many cases, the transfer has been abrupt and disruptive. A 17-year-old was eligible through foster care for many benefits and services. The next day, at age 18, all support ceased.

In some cases, youth were living on their own, or in group facilities that could not provide any support as of the youth’s 18th birthday. In other cases, sadly, foster parents would not or could not provide support on their own for the young person. Yet the youth might still be in high school or might be seeking college or advanced vocational training. In many cases, the youth had had no opportunity to acquire enough savings to even rent a room, let alone an apartment.

A number of states did take some action to extend assistance. Nationally, the U.S. Congress enacted the Chafee Foster Care Independence Program (CFCIP) to assist fostered youth, particularly those aging out of the foster care system, in achieving self-sufficiency and independence. States can receive grants to provide plans to assist youth in a successful transition to adulthood by providing help with education, employment, financial management, housing, emotional support, and assured connections to caring adults for older youth in foster care as well as youth 18-21 who have aged out of the foster care system. The Educational and Training Vouchers

Program, added to the CFCIP in 2002, provides resources education and training needs of youth aging out of foster care, through vouchers (up to \$5,000 per year) for post secondary education and training for eligible youth.

This system is described not as a suggestion that all juvenile justice-involved youth are foster children, but to highlight a relatively straightforward and inexpensive way that existing systems have used to help a group that is in many way similar to juvenile justice involved youth re-entering their communities at older ages. Both populations are in need of supports and assistance as they move toward adulthood in community and family situations where such support is otherwise unavailable.

Family Finding – A Strategy for Alternative Help and Support

There are times when the parents of a youth are not the best persons for him or her to return to as part of community re-entry. The parent or parents may be in jail or drug-involved or incapacitated. There may be a history of adverse relationship that is almost certain to continue and may result in harm; there may be no room for the returning child in the family's then-current residence.

Family Finding, a program developed by EMQ, uses internet search technology and databases to locate relatives of youth at risk of entering, in, or in the process of aging out of the foster care system. It works to locate relatives – biological family members – who may be able to provide these children with safe, healthy families and speed their recovery from emotional trauma, perhaps even providing a permanent family placement for the child.

This same technology could be used to help find alternatives to detention, as well as positive family connections, for youth on probation and/or entering aftercare.

Appendix 2.3

School: Home Base or Hostile Territory?

Schools are where the majority of young people spend the majority of their daytime hours. They are not simply transmitters of knowledge. They are socialization mechanisms, transmitters of values, and locations for all kinds of human interactions from first dates to first crimes, from unveiling of talent to quashing of initiatives. The best schools, most would agree, are truly amazing against sometimes serious odds. The worst schools are sometimes damaging in amazing and long-lasting ways.

One of the most confounding issues facing school administrators and staff today is how to ensure the safety of the school, its grounds, its students, and its staff – while at the same time ensuring that every child gets an education and that each is challenged to fulfill his or her own potential. A high school graduation is considered so important that the Boys and Girls Clubs of America has made it a major goal for its nationwide network of clubs. But graduation is thwarted when youth drop out – or are pushed out – of the school system. Those who go out for whatever reason seldom come back in, whether by GED or other means, research has repeatedly proved.

In a number of areas of the nation, an unfortunate collision has been observed – one that is creating a virtual “school-to-jail pipeline.” This pipeline is fed by situations in which schools feel they have no alternative but to refer offenses once handled within the school to the juvenile justice authorities. As a result, offenses once dealt with by school staff, teachers, and parents are now dealt with by detention, adjudication, and possibly even removal from home and community.

Some of this sea change has been caused by legislative mandates. The 1994 Gun-Free Schools Act tied federal school aid to what are commonly called zero-tolerance policies. That is, no weapon of any sort is permitted on school grounds. Possession of a weapon on school grounds is punishable by a one year mandatory suspension. The zero-tolerance concept has permeated school discipline policies in unforeseen ways, ranging from drug possession (including aspirin) to possession of any other kind of contraband.

Meanwhile, schools have been directed to mainstream (place in “regular” school settings) youth with a host of behaviorally challenging conditions. Many longer-serving teachers feel youth are given fewer boundaries and less guidance at home. Whether this is true or not, there has been a dramatic increase in suspensions and expulsions from schools – especially secondary schools – in the past two decades.

Unfortunately in all too many cases, long-term suspension and outright expulsion have been the schools’ response to the challenges they unquestionably face. The school-to-jail pipeline is fed by this phenomenon because those who drop out are significantly more likely to become criminally involved than those who complete high school. That figure includes both voluntary and involuntary departures from school. Some experts feel that mandatory expulsion is even more likely than dropping out in general to result in crime and drug abuse involvement. This is expensive, not

simply in terms of human potential wasted but in cash costs to society. Mark Cohen of Vanderbilt University and his colleague Alex Piquero calculated that saving a child from dropping out (or being “dropped out”) is a remarkably good value – averting costs of up to \$5 million per dropout that society would otherwise bear (Cohen and Piquero, 2007).

Schools have resorted in a number of communities to referring offenders to the juvenile justice system for offenses that once would have meant a meeting with parents, in-school suspension or after-school detention, or some similar action. Police are present in greater numbers in schools. This can be a benefit, as with many school resource officer programs in which youth develop positive relationships with police. But there are signs, according to several researchers, that in some communities these police officers are being asked to arrest and process juveniles because the officers are present and offer a means of disposing of the offending youth without ongoing school involvement.

These situations are also showing signs of impact on disproportionate minority contact with the juvenile justice system. For example, in Palm Beach County, Florida, African American youth made up only 29 percent of the school population in 2003 but represented 64 percent of arrests. In Des Moines, Iowa, African American youth comprise 15 percent of the population of the school youth, but represent one third of the arrests as of 2003.

What are some answers? One is the development of different types of schools. For example, career academies have helped youth focus on a variety of post-high-school career interests ranging from public safety to automobile mechanics to teaching and early childhood development to science and technology. Many of these institutions are “schools within a school” in which small communities of youth focus on both academic essentials and career exploration. Education authorities agree that smaller schools seem to produce better results, and a recent evaluation documented the effectiveness of well-run career academies in this regard. Alternative schools that provide greater structure, smaller classes, culturally attractive reference points, and even intensive coaching and support can work wonders with youth who do not learn well in more traditional settings.

The Global Collegiate Academy, a middle-school-age alternative school in New Britain, Connecticut, has won praise from teachers, students, administrators, and parents for its hands-on learning style, group project work, and intensive learning focus. This is just one example of developing an alternative to standard education that helps to reach children and youth whose learning styles and goals fall outside the education mainstream.

Such concepts as graduation coaches – adults who work closely with youth to support and mentor them through the critical high school graduation step – also seem to help with student discipline. Youth who are learning and progressing are, as most teachers would agree, far less likely to present discipline issues than their counterparts.

The fact is, however, that schools and the juvenile justice system need to form stronger partnerships to keep youth in school, to build community supports for both schools and youth, and to focus on finding ways to help youth learn and enjoy it. This means drawing on a wide range of community resources – the aforementioned Boys and Girls Clubs, other youth-serving

organizations, civic and fraternal groups, businesses looking for 21st-century workforces, and others.

It also means including police officers, juvenile justice workers, and others in the school mix, not as alternatives to school discipline but as part of a thoughtfully constructed support system. For example, Allentown, Pennsylvania, middle schools and high schools pioneered what has become a not uncommon practice – placing juvenile probation officers right in the schools. This not only helps to keep the youth in school but provides extra monitoring, problem-solving, and support for the young person and an easier and more trusting relationship between the youth and both the school and juvenile justice official.

An additional element of shrinking the school-to-jail pipeline is developing a data system that helps track the situation. Without knowledge, there is only guesswork and opinion, and Delaware's juvenile justice community has made it increasingly clear that it seeks facts rather than guesses, information rather than opinion. This particular area will require school cooperation, and school officials should be part of the extended partnership because schools and education are so central to the successful futures of our youth.

Appendix 2.4

Community Engagement

The importance of community as a focus of public safety action goes back as far as the 1960s as a core of criminal justice. The concept of community justice has engaged a variety of criminal and civil justice agencies, courts, and related agencies for nearly half a century. That movement, centered on community engagement, continues today.

Research on alternatives to detention has found that by and large, community-based programs are more effective for youth with similar characteristics than are secure care programs, providing the youth's situation makes community-based programming viable.

What has received less attention in the juvenile justice field is the concept of community engagement. However, re-entry research makes it clear that young people who leave structured and helpful treatment settings to return home without community supports that help them sustain a changed outlook and environment are more likely to re-offend.

Meanwhile, those who work with communities in crime prevention and community development have increasingly recognized that they can provide supports to troubled youth and that they need to address causes of crime rather than just the particular individuals who are arrested for crime.

Criminal and juvenile justice systems, overwhelmed with overcrowded jails, prisons, and youth facilities, have increasingly moved to seek a range of innovations, including partnerships with community members to prevent or remediate juvenile crime. They have found that communities can offer rich resources – sometimes unanticipated but frequently effective.

Community Policing, Community Supports for Youth

Police have become increasingly aware of the reality that they can resolve many problems with the help of community members. In many places they have learned how to use their stature and experience to make requests, pose issues to residents for action, and tap specific resources ranging from informal community leaders to official civic spokespersons.

These skills help juvenile justice professionals because police are the usual point of intake into the juvenile justice system. The community, if properly engaged, can develop a variety of pre-arrest diversion resources that can keep young people from becoming deeply enmeshed in the juvenile justice system. Religious leaders may be able to organize groups to facilitate youth making restitution through community service. A corps of mentors can be built from within the neighborhood to help guide the youth and provide positive role models.

The essence of community policing is that the police listen to the community and engage the community in solving problems. This policing is focused not on arrest statistics or case closures so much as on the vitality of the community and the well-being of its members. Thus community policing can provide a useful partnership for juvenile justice prevention, including diversion and

identification of alternatives to incarceration. For example, police led the way in Chula Vista, California, to establishing a Child Custody Program that enables custodial exchanges without parental contact, mediates parental disputes, and helps parents seek peaceful and legal means of redress, thereby minimizing trauma to children and youth. Research clearly documents that custodial disputes eventually harm all parties – parents, children, and police officers and others who must respond to the eventual violence that results from too many of these calls, violence that can send the children into all kinds of negative behaviors.

Community Prosecution

This strategy is focused on problem solving public safety, and quality of life issues; it partners with law enforcement, private and public agencies, and members of the community; it has a clearly defined focus; and it uses both reactive and preventive/proactive measures to increase community well-being. The concept is that the prosecutor's office establishes an office in a neighborhood, usually one that is facing challenges. That office seeks to work with community organizations and residents

The idea of community prosecution crystallized in the development of the Midtown Community Court in Manhattan that was opened in 1993. Though the Midtown Community Court took a major cue from the then-emerging success of drug courts, the Midtown project was deliberately focused not on drugs but on the health of the community. Using tools ranging from arbitration to social workers to negotiation – and beyond – the court provided important impetus for the dramatic reduction of crime in the midtown area by the latter half of the 1990s. By 2003, well over 100 prosecutors' offices were known to be employing community prosecution based on the Midtown model.

Community prosecution frequently focuses on juvenile justice-related issues, ranging from diversion to truancy prevention to gang prevention. Drug trafficking and violence – two issues that disproportionately involve younger people, are also common target subjects of community prosecution.

Communities of Color Partnership

The Communities of Color Partnership (COCP) is a collaboration between the juvenile justice system and community providers in Multnomah County, Oregon, to help youth remain in the community and keep them from returning to the juvenile justice system. As a community-based initiative, COCP provides specialized, integrated services and case management for medium to high-risk juvenile offenders on probation (aged 12-18) whose ethnic/cultural backgrounds are disproportionately represented in commitments to Oregon Youth Authority (OYA) correctional facilities.

COCP brings team of professionals and community members together to provide culturally competent case management and treatment. Minority communities are partnered to rehabilitate and decrease recidivism rates. Youth are referred to the program by their Juvenile Court Counselor (JCC) and each case is reviewed by a committee composed of treatment providers, OYA, Department of Community Justice (DCJ) treatment services staff, an educational advocate, JCCs, case managers and the COCP lead agency program managers. After cases are accepted for intake,

they are assigned a case manager. Cases are reviewed by the committee at weekly or semi-monthly meetings.

Youth receive services provided through a Community Support Network, including educational and vocational services, counseling, mental health and addiction treatment, mentoring and other services in a culturally appropriate setting designed to strengthen a youth's pro-social connections to the community and maximize his or her community supports. Youth are assigned to a case manager who assists with connecting the youth to tutoring, family counseling or other relevant services as needed to help the youth be successful on probation or parole. Oftentimes the youth and their family are required to be present throughout the entire staffing process in an effort to convey to the youth that there are people who want to help with services and support.

COCP sees itself as a unique program for a variety of reasons:

- Service delivery is culturally appropriate
- Service providers are community-based and are involved in case planning at the earliest point, after adjudication
- Services are strength-based and family centered
- Youth and family are involved in building an effective service plan
- Accountability is shared across multiple organizations representing government, non-profits, faith community and individual service providers

COCP gets results. Services have improved outcomes for high-risk youth and reduced juvenile crime: Three out of four of the youth served remained free of crime in the year after they left the program (2006-07 data). It has also helped to sharply reduce the over-representation of minority youth committed to OYA correctional facilities: a 2006-2007 report indicated that Multnomah County commitments of minority youth to state youth correctional facilities is down 78% compared to 1997.

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