



Delaware's Gun Court

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Chief Judge
Delaware Family Court





Every single day in the United States, guns cause the death of 20 children and young adults.

Children and young adults constitute over 41% of all firearm deaths and non-fatal injuries.



Why have Gun Court?

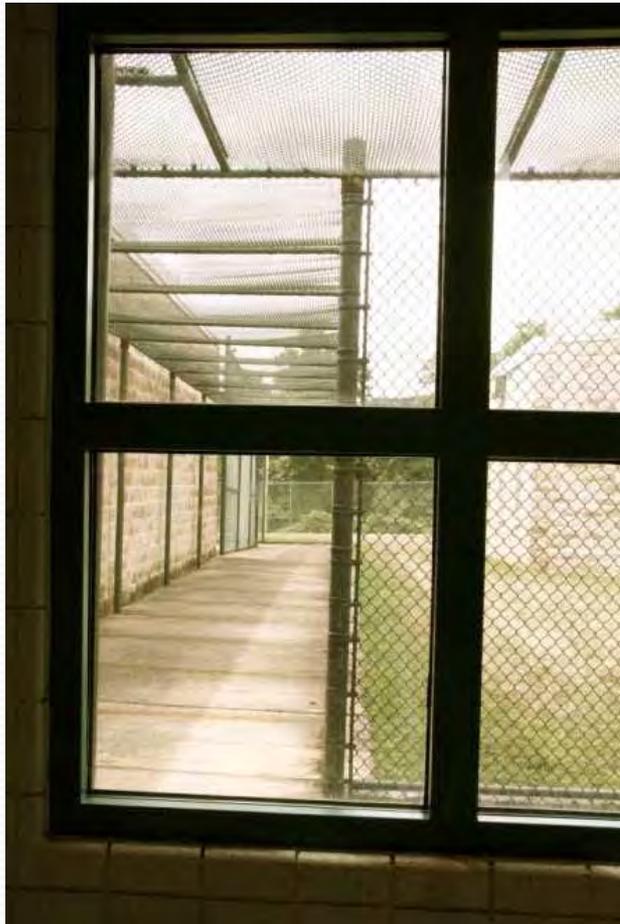
The Need

- Juvenile “street gun culture” trend
 - 20% of all perpetrators of Wilmington gun crime in 2008 were juveniles between the ages of 14 and 16
- System complications:
 - Dual jurisdiction of Family Court & Superior Court
 - Crowded court calendars
 - Multiple case delays
 - No communications between various State agencies
 - Inadequate data tracking & information sharing
 - Political bickering





The Solution

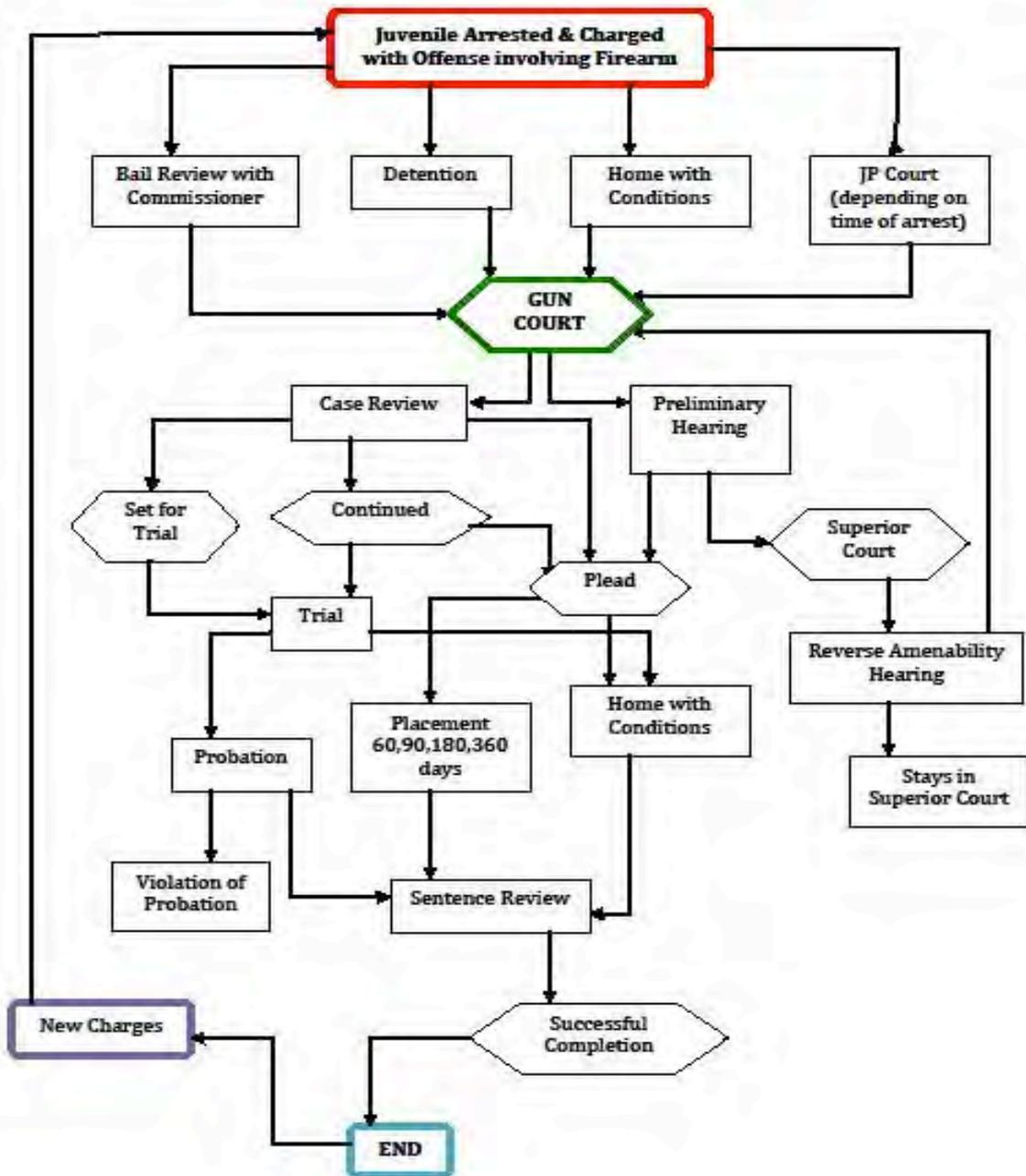


- Establish a Gun Court
 - 2009
 - Part of Family Court
 - Exclusively for juveniles
- GOAL:
 - To break the repeating cycle of juvenile gun crime & rehabilitate DE's youth as quickly & effectively as possible within Constitutional Rights.



Methodology

- Delaware is looking at each individual juvenile and assessing their unique individual circumstances
- Emphasizing treatment and education over punishment and alienation has led to a low recidivism rate and judicial and economical efficiency.
- The collaboration among the Court, Prosecutor's Office, Defense Counsel and the Division of Youth Rehabilitative Services has made this program successful in Delaware.





The Reasoning

- Addressing gun violence in juvenile court promotes community safety and rehabilitation
- Single, streamlined forum to address gun violence
- Sentences include appropriate treatment, rehabilitation efforts & close court supervision
- Consistent data tracking for effective resource allocation



The Upside

- By keeping juveniles incarcerated, more of them are completing high school & receiving their GEDs, when they previously never did.



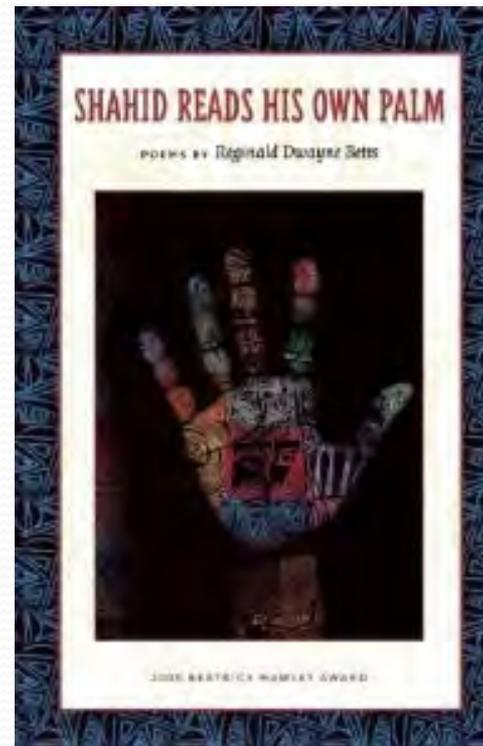
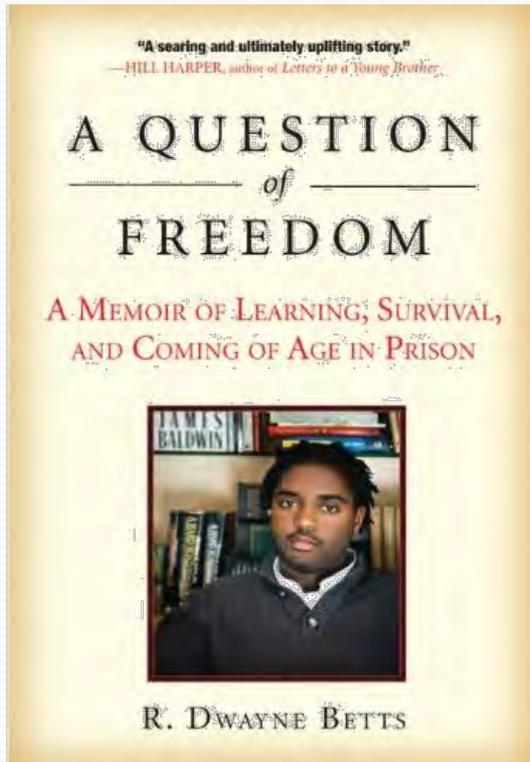


The Downside

- Taking a risk with these youths in terms of giving them another chance after committing very serious offenses
- Gun Court calendar will eventually be overloaded with non-gun cases since once in Gun Court, juvenile comes back for *all* subsequent charges.

Dwayne Betts

What is the value of a life?





Success Story

- New Castle County: E. G.
 - Came in with very serious robbery gun charges
 - Went to Project Stay-Free
 - Committed a VOP by failing to check in
 - First 90 days à no change
 - Today (6 months later): a New man.
 - Packed the Courtroom with supporters
 - Thankful for the second chance



Delaware Gun Court Statistics

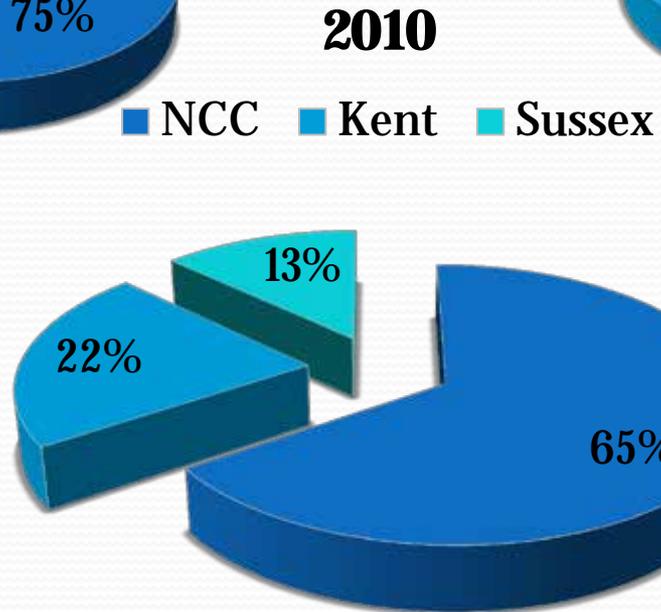
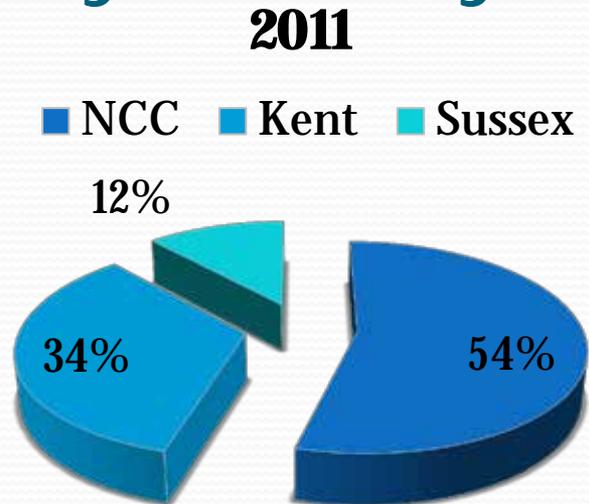
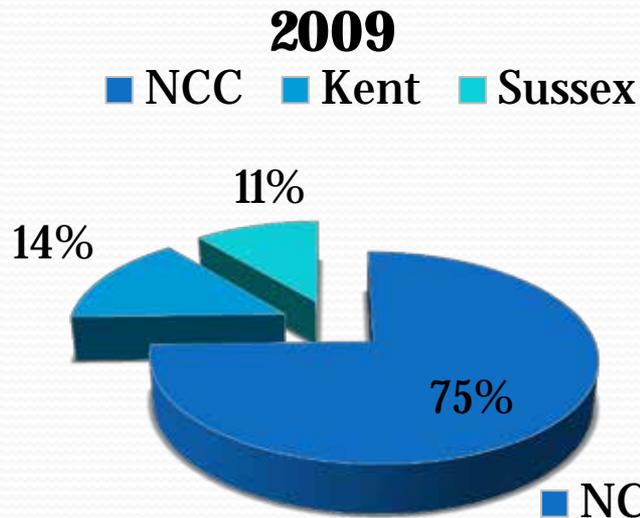


Statistics

- One year after inception, Delaware's Gun Court decreased the number of juvenile gun cases heard in Superior Court by 44%.
- Drastically reduced case disposition time
 - Nearly 90% of cases plead.
- Reduced expenses: 61% of the space at DE's juvenile detention centers was occupied by gun crime defendants in 2008. In 2009 Gun Court reduced this to 17%.
- As of January 2012, out of the 230 juveniles who had come through Gun Court, 35 had new gun charges.
 - 15% recidivism rate

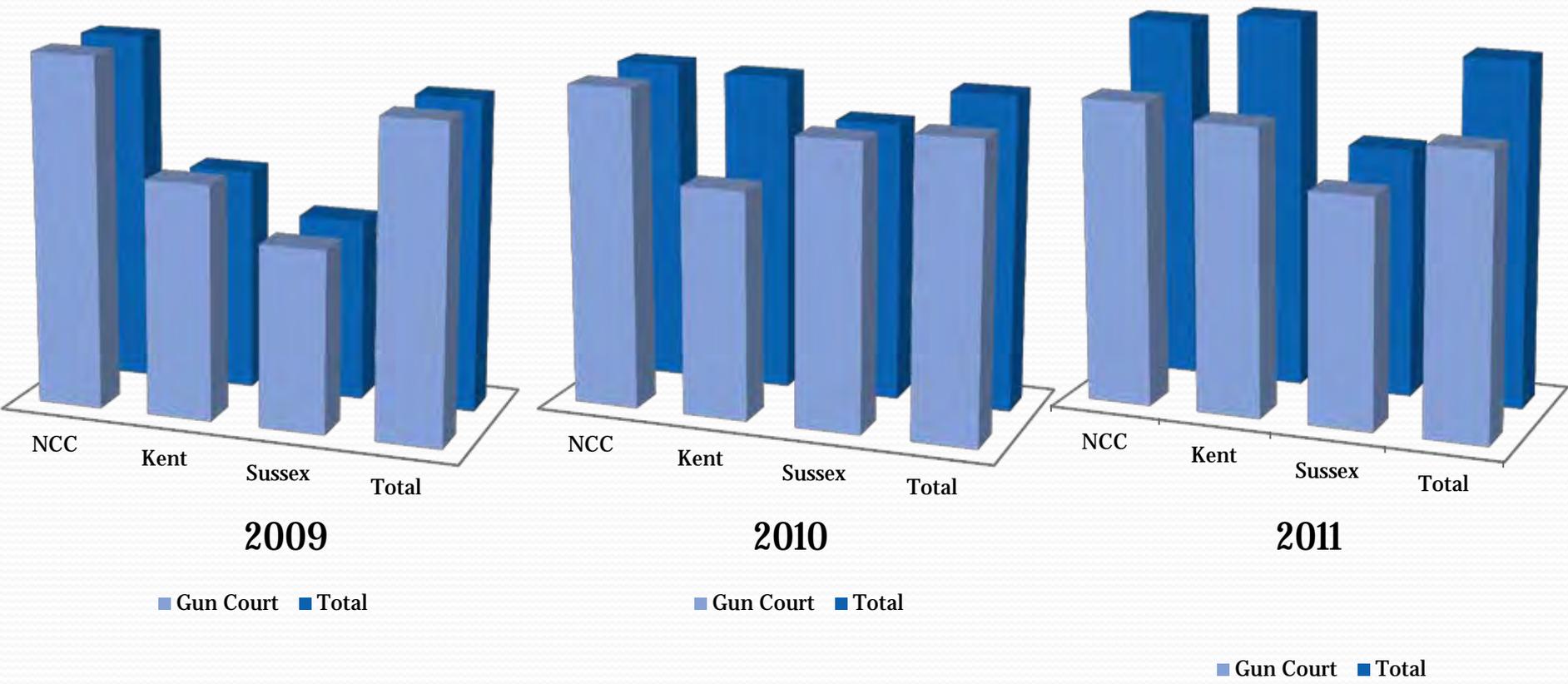


Total Violent Felonies by County





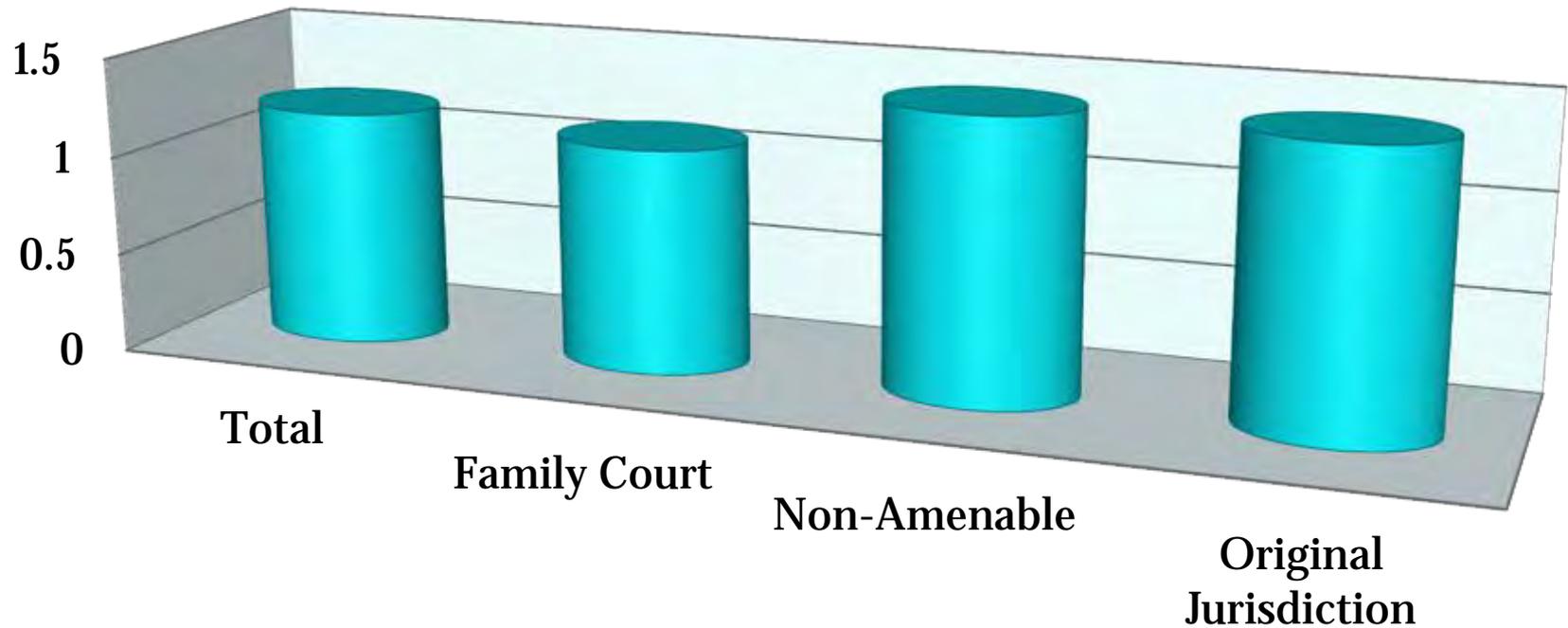
Violent Felony Recidivism Rate





Average Recidivism Rate 09-11

Average

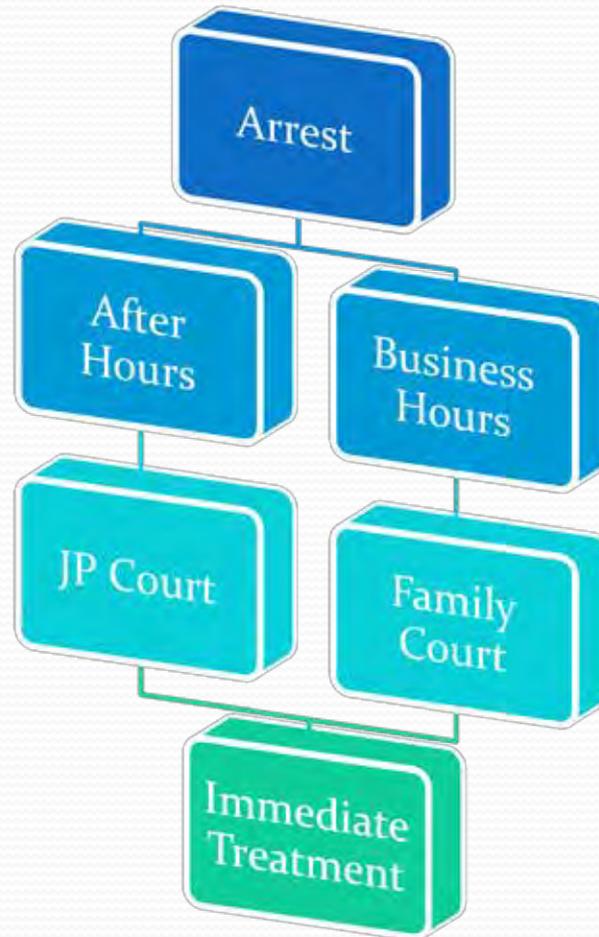




The Gun Court Process

From Arrest through Release

The Process: Arrest





The Process: Charges



- Superior Court
 - First and Second-Degree Murder
 - First and Second-Degree Unlawful Sexual Intercourse
 - First Degree Assault
 - First Degree Kidnapping
 - First Degree Robbery IF
 - Previously adjudicated delinquent of 1 or more offenses which would constitute a felony AND
 - Involves a deadly weapon OR involves the threat of possessing a deadly weapon OR involves the infliction of serious physical injury on the victim



The Process: Charges

- Superior Court
 - If Defendant is 16 or older AND has previously been found delinquent of a felony AND the current charge is
 - First-Degree Conspiracy
 - First-Degree Arson
 - First-Degree Burglary
 - An attempt of any of these charges





The Process: Charges

– Gun Court

– An amenability hearing will be held if:

- Juvenile is 16 or older
- Charged with
 - Manslaughter
 - First-Degree Burglary
 - Arson
 - Second-Degree Rape
 - An attempt of any of these charges

– Otherwise, Gun Court has Jurisdiction





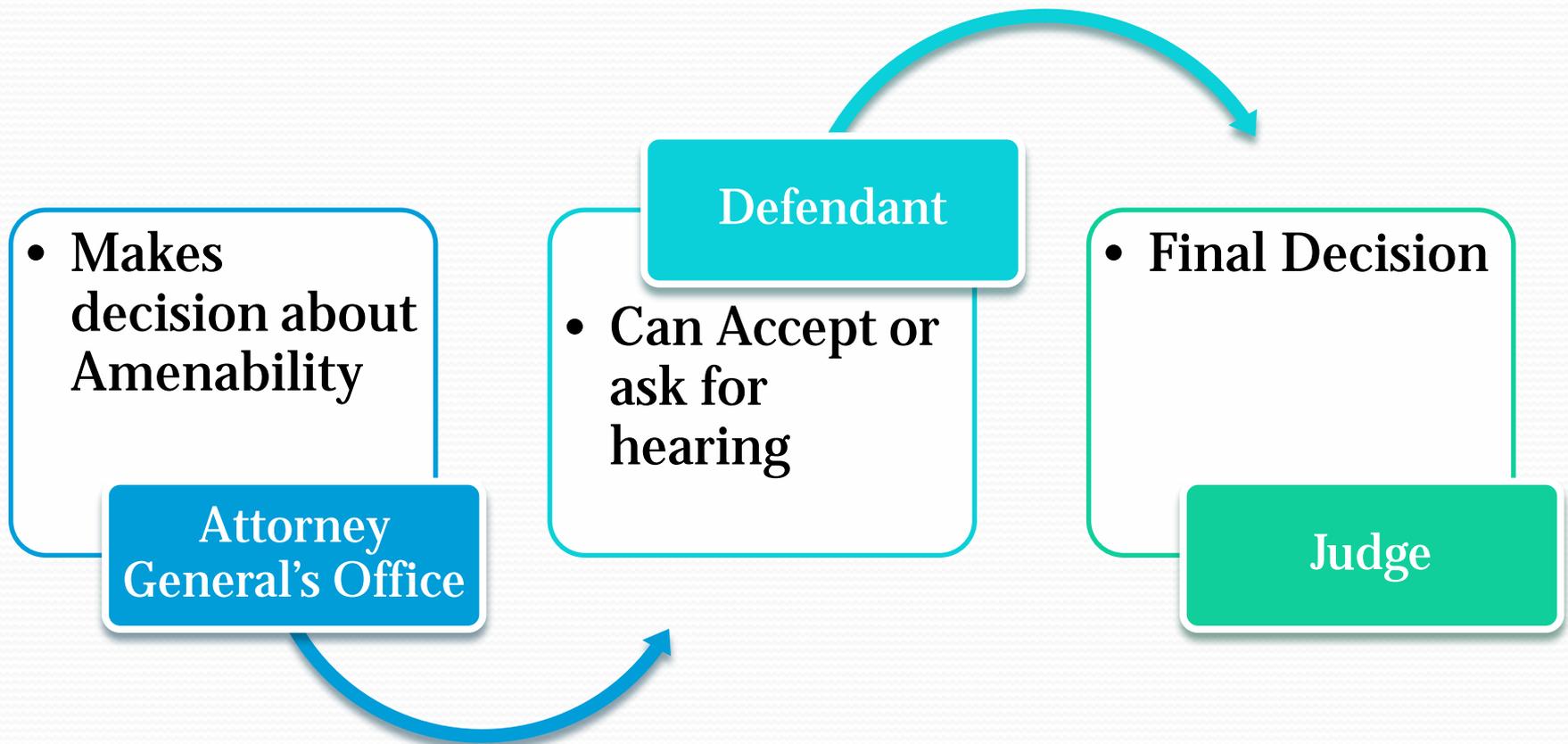
The Process: Charges

- Typical Gun Court Charges
 - Carrying a Concealed Deadly Weapon
 - Possession of a Firearm During the Commission of a Felony
 - Reckless Endangering
 - Aggravated Menacing
 - Theft of a Firearm
 - Possession of a Weapon in a Safe Zone





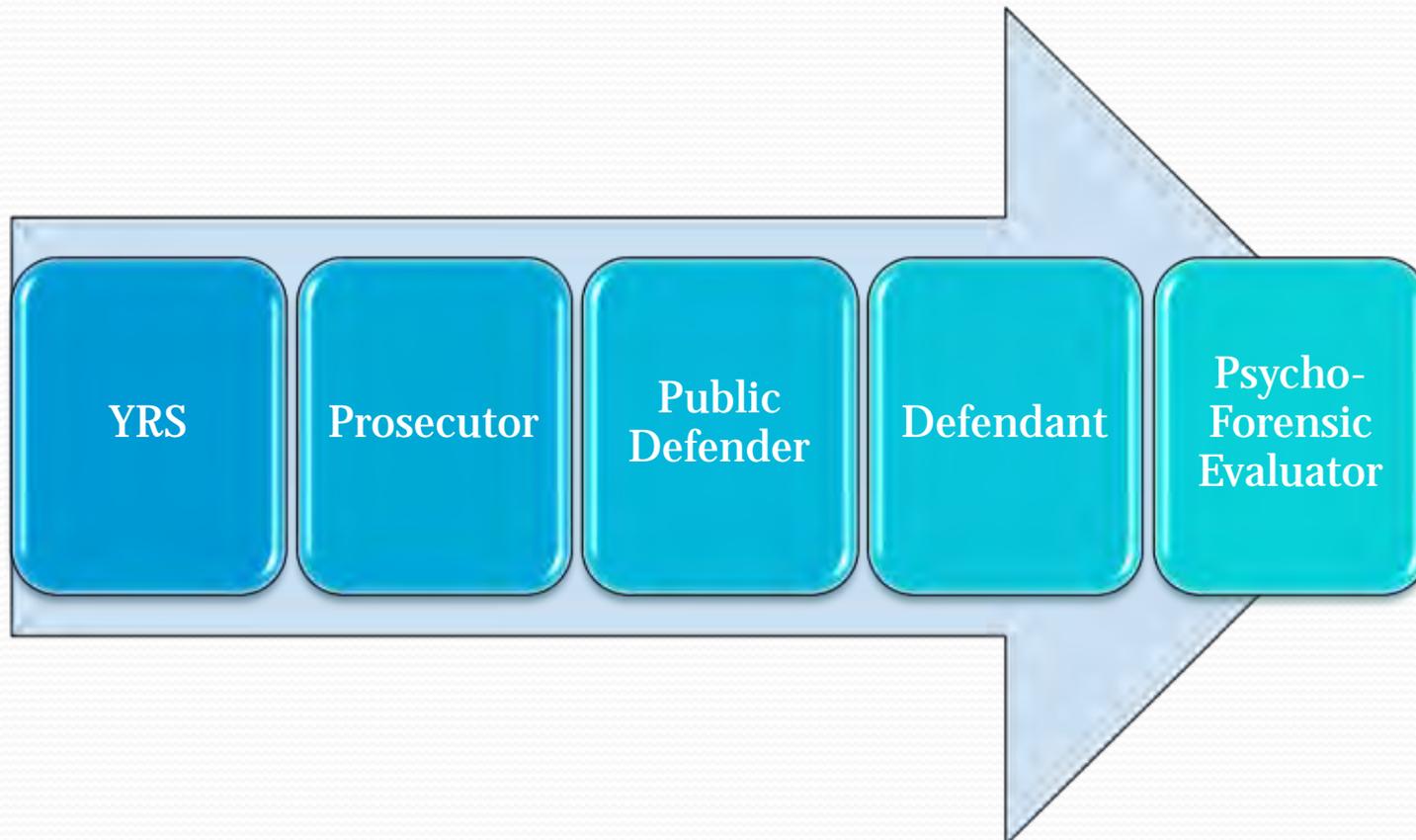
The Process: Amenability





The Process: Amenability

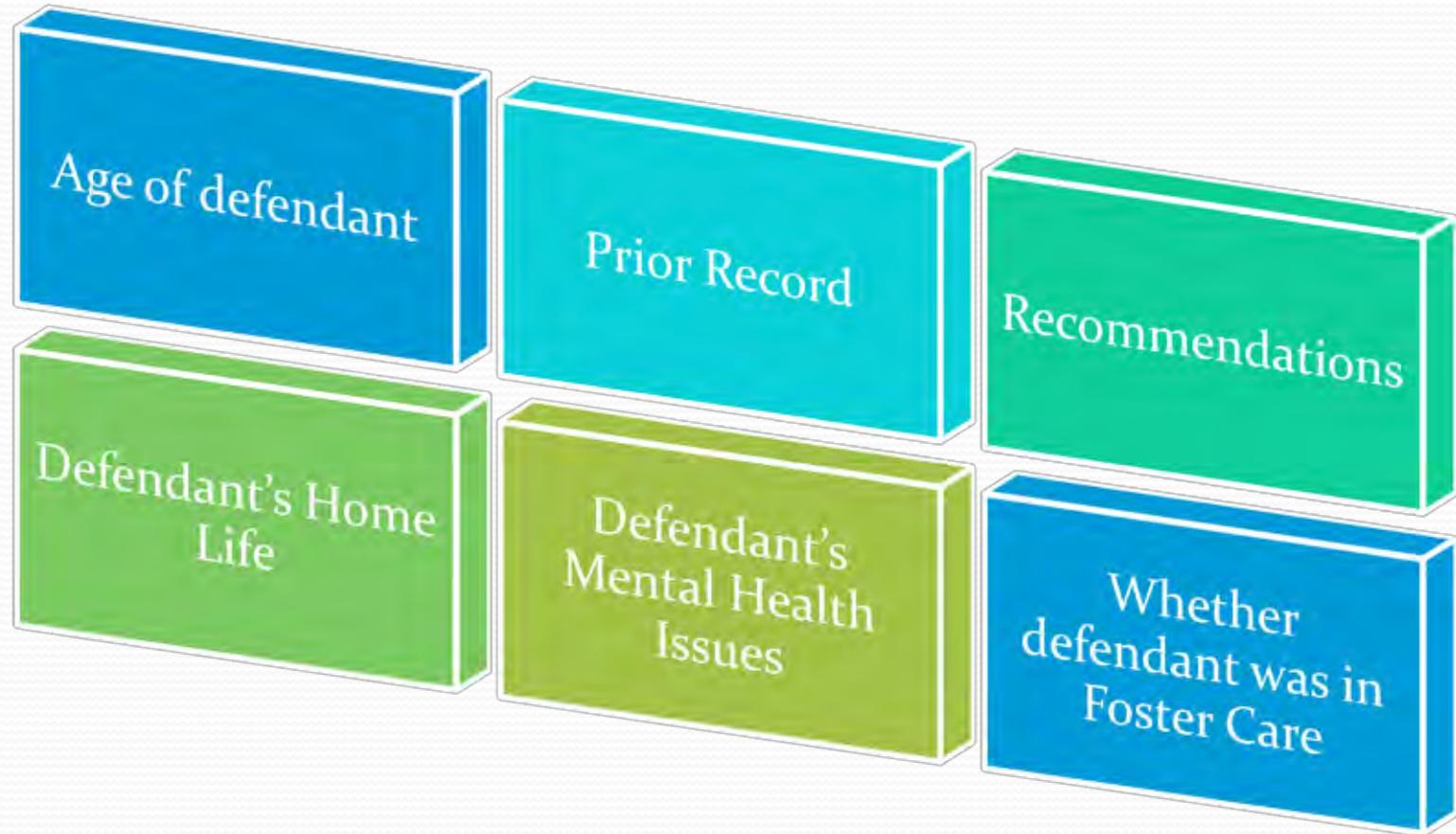
- Judge will incorporate the opinions of the:





The Process: Amenability

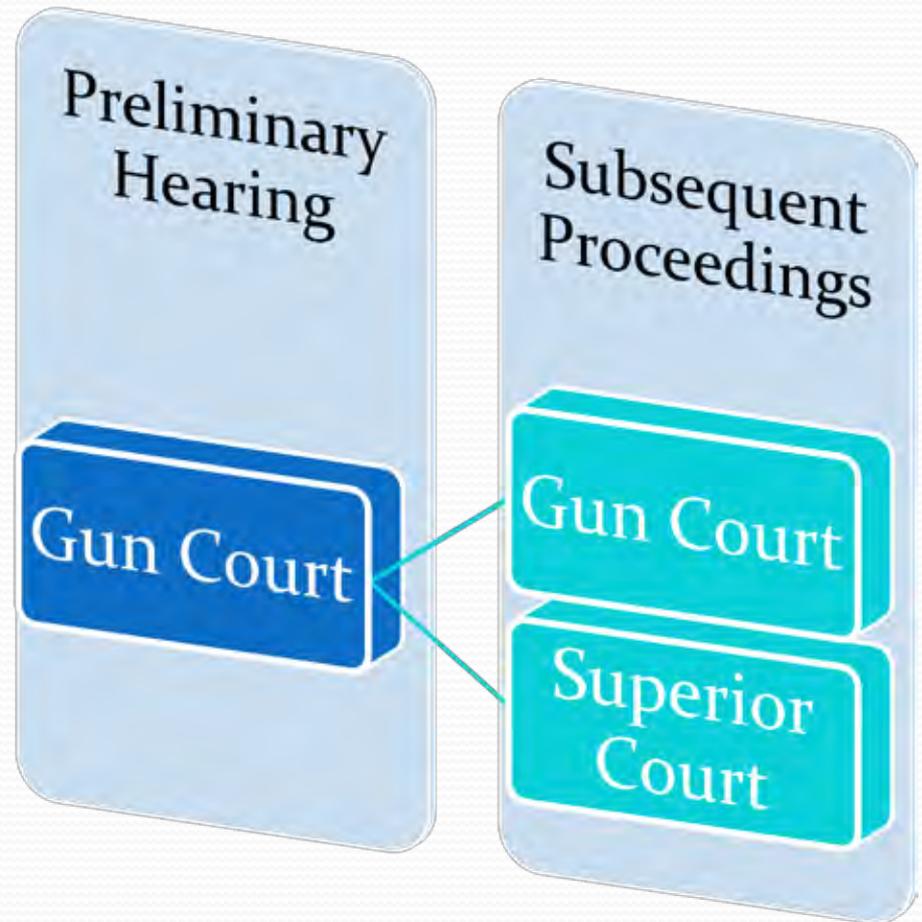
Judge will incorporate the following factors





The Process: Prelim

- Gun Court Judge hears Preliminary Hearings for all cases in Gun Court, even those which will be transferred to Superior Court.





The Process: Case Review

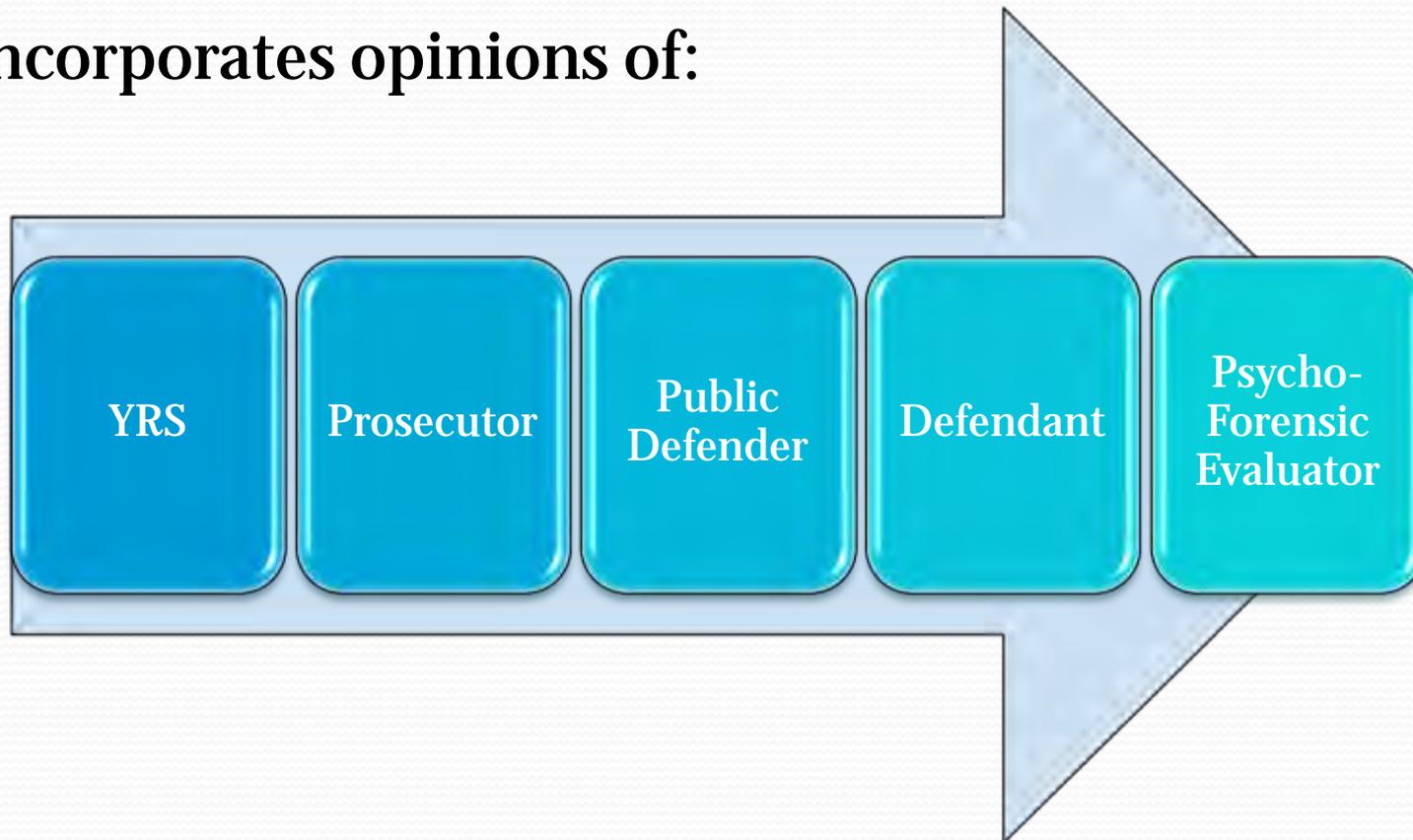
- Prior to going to trial, a case review is scheduled.





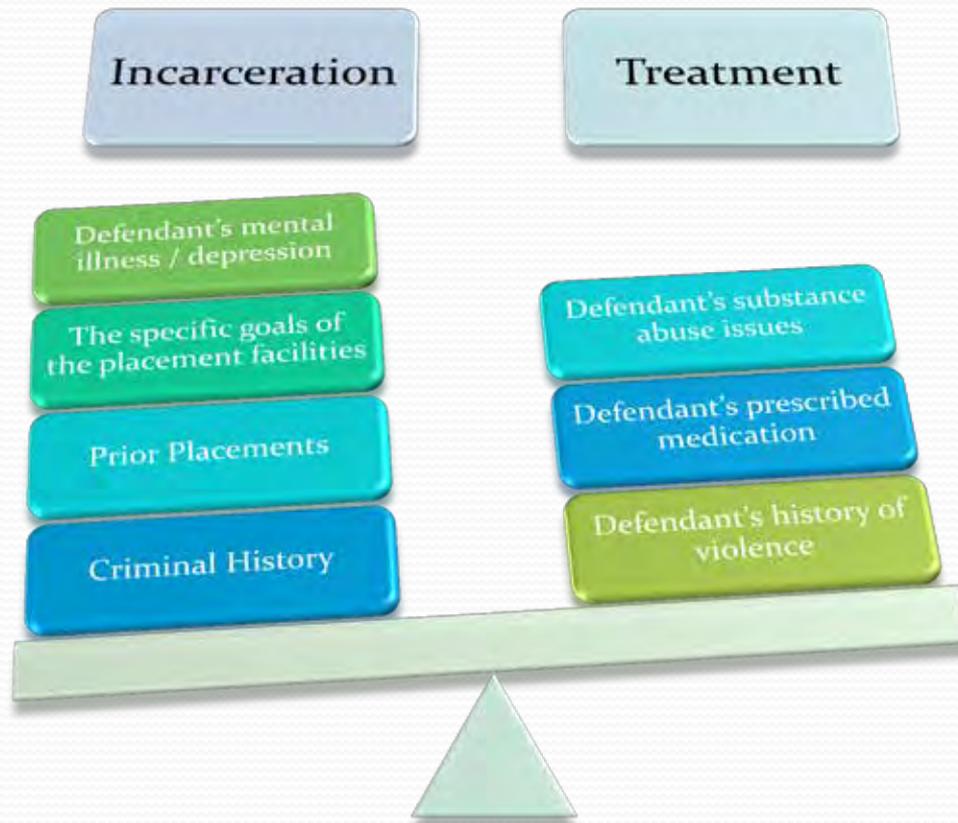
The Process: Sentencing

- Judge has discretion over where to place defendant.
- Incorporates opinions of:



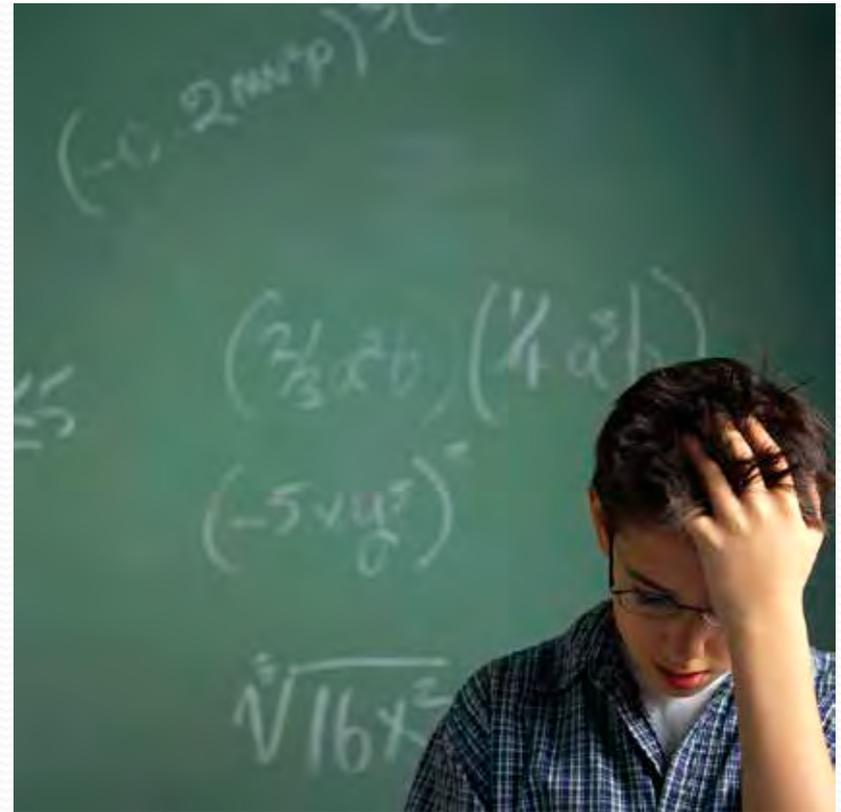
The Process: Sentencing

- Factors that should be considered in placement decision:



The Process: Placements

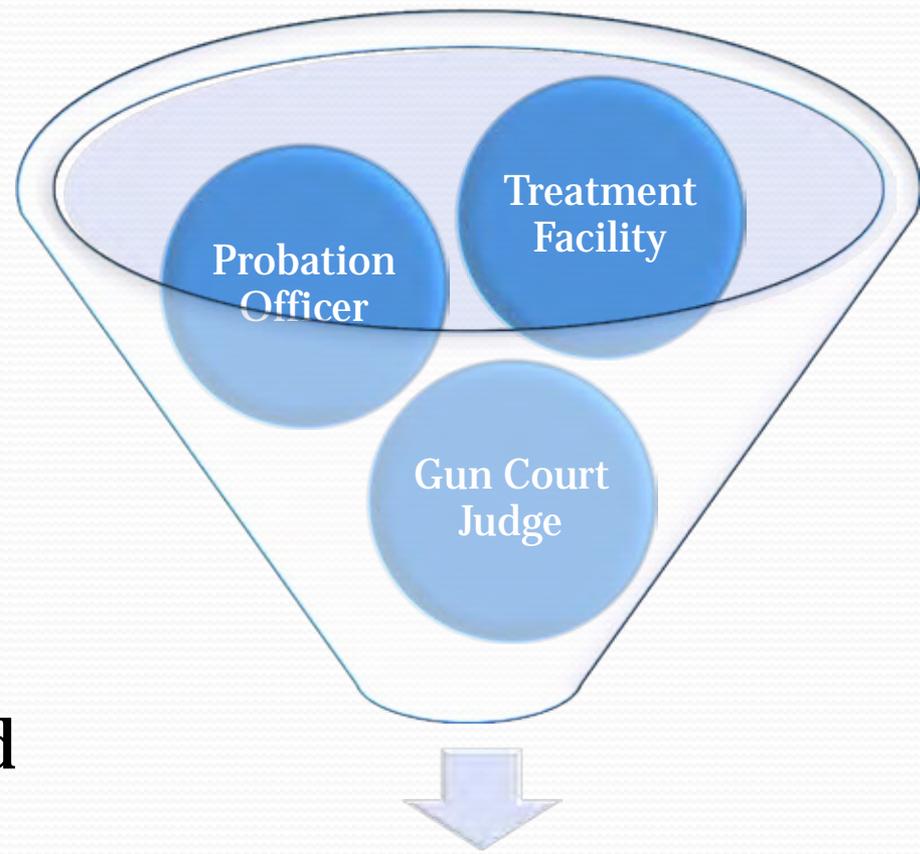
- Grace Cottage
- Glen Mills (Pennsylvania)
- Coastal Harbor (Georgia)
- Project Stay-Free
- Ferris
- South Dakota & Southwest Indiana (Girls)





The Process: Sentence Reviews

- Held periodically in front of Gun Court Judge
- On phone or in person
- Department of Services for Children, Youth, and their Families conducts probation reviews and status updates



Sentence Review

The Process: The End



- Juvenile completes sentence, gun court jurisdiction ends.
- BUT, subsequent charges will bring the defendant back to Gun Court, whether or not the new charges involve a weapon.



The Role of Gun Court Players



Roles: Judge

Gun Court Judge presides over:

Bail Reviews

Amenability
Hearings

Arraignments

Preliminary
Hearings

Pleas &
Sentencing

Case Reviews



Roles: Judge

– Has the choice to:

Waive Jurisdiction

Find Non-Amenable

Accept Plea

Set a Date for Trial

Continue



Roles: Prosecution

- Evaluates, based on the nature of the crimes, whether jurisdiction lies in Superior Court or Family Court.
- Statutory mainly, but will also look at factors:

Defendant's
Age

Prior Record

Seriousness
of Offense

Any Family
Court Benefit

D's Prior
Placement
History



Roles: Prosecution

- **Prior to Trial:**
 - Accumulates as much information as possible
 - Talks with Defense Attorney, Child Services and Support Services
 - Gets to hear mitigating factors

Defendant's
Age

Prior Record

Seriousness
of Offense

Any Family
Court Benefit

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Placement
History



Roles: Prosecution

– Goal:

**Maintain
public safety
without**

**Ruining the
defendant's
Life**



Roles: Defense



- Meet with Defendant, PFE, Family
- Goal: Keep the case in Gun Court, and out of the Superior Court.





Roles: Defense

- To keep the case in Gun Court, argue mitigating factors.
- If staying in Gun Court, conduct discovery after preliminary hearing.

Defendant

Support Services

YRS

Family Members



Roles: Youth Rehabilitative Services

- Prior to hearing, probation officers attempt to reach out to defendant's on Gun Court Calendar.
- Explain their role in Gun Court.
- Try to collect records:

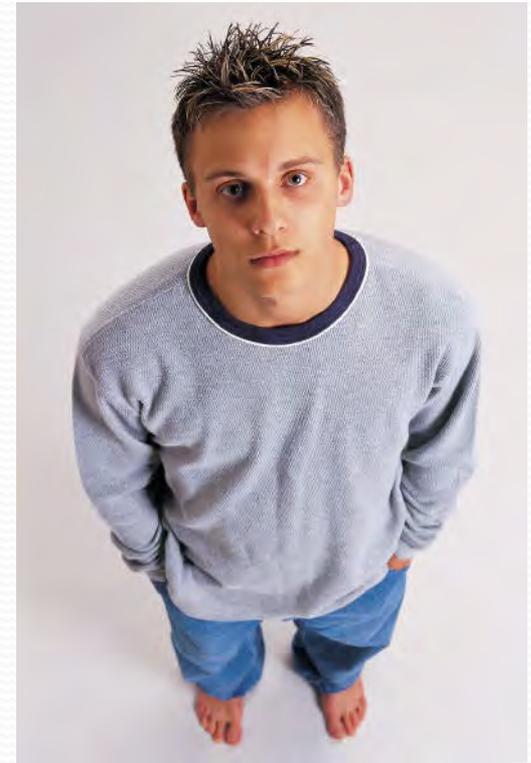
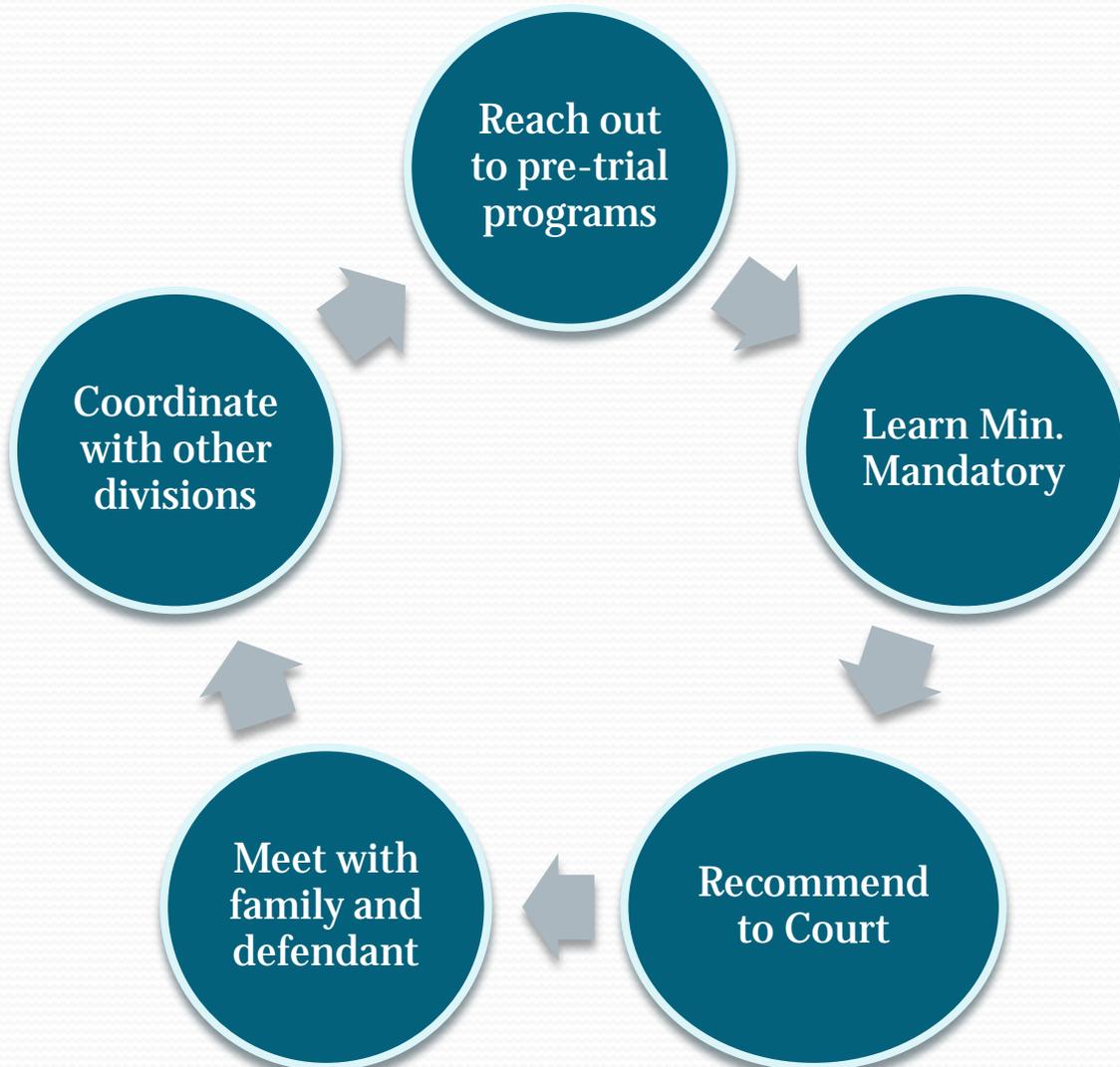
Home
Behavior

Substance
Abuse

Mental
Health

School
Records

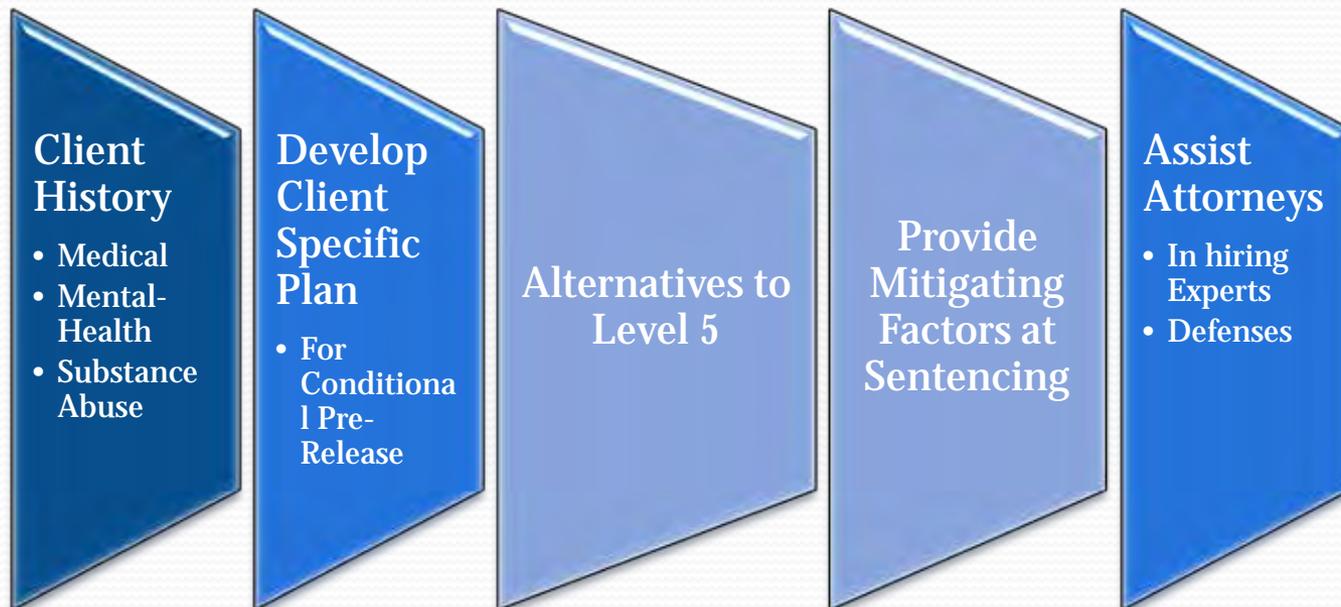
Roles: Youth Rehabilitative Services





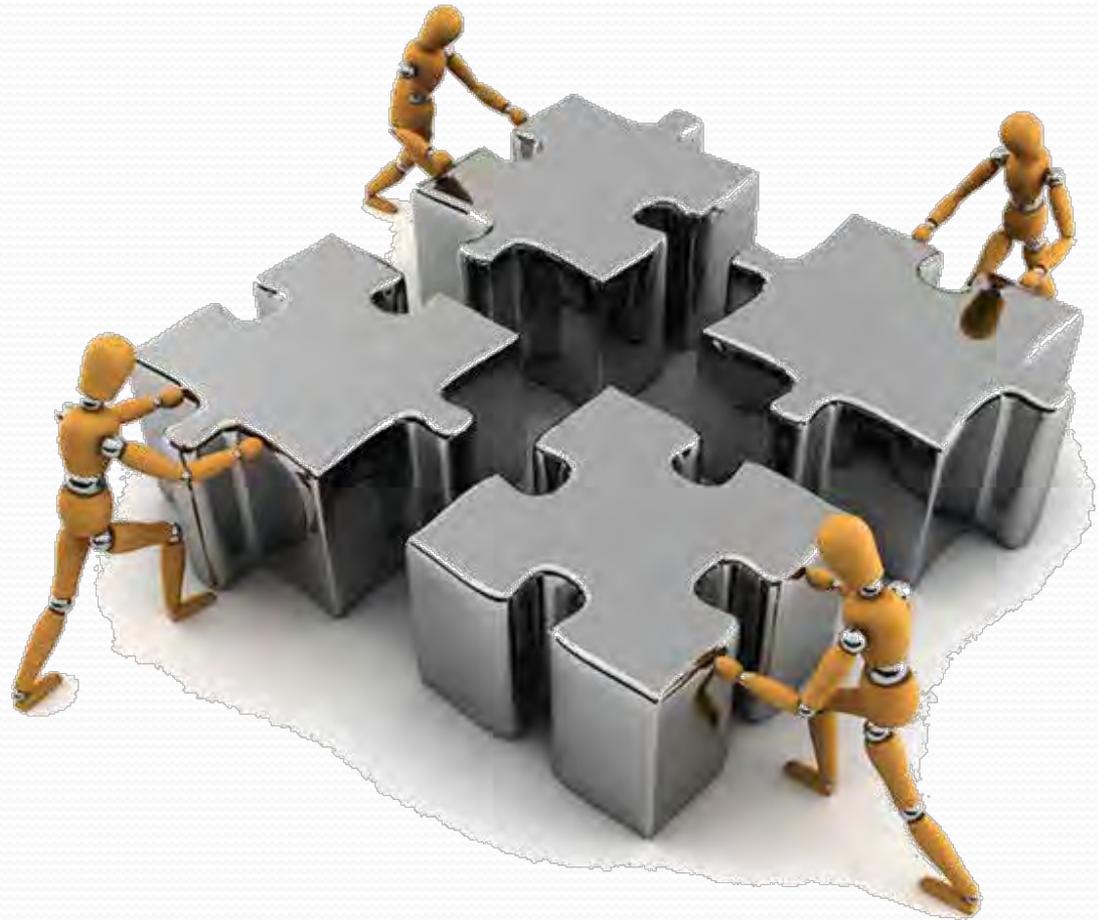
Roles: Support Services

- Delaware Public Defender's Office established the first Psycho-Forensic Evaluator (PFE) Unit of any PDO in 1980.
- Masters-level PFEs assist attorneys



Roles: Support Services

- PFEs try to get the complete picture of the defendant.
- Contact all parties in defendant's life
- Assist Attorneys





Future Goals

- Lower recidivism rates.
- Provide more juvenile's with access to education/ GED programs.
- Help juveniles become employed or employable upon completion of rehabilitative treatment.
- Gain a better understanding of the reasons for youth gun crimes.



Conclusion

- Gun Court is still a work in progress, but we have seen positive results thus far and we continue to adapt to better serve the citizens of Delaware.



Questions?