



Juvenile Justice Collaborative

Establishing a more effective and efficient juvenile justice system

Leadership Committee May 13, 2009

Minutes

In attendance: Jim Adams, Tim Brandau, Lisa DiBuo, Tom Foley, Carylse Giddins, David Jones, Jan Jurden, Chandlee Kuhn, Lillian Lowery, Charles Madden, Evelyn Mendez, Andrea Mills, Lisa Minutola, Jack O'Connell, John Polk, Vivian Rapposelli, Alison McGonigal.

The meeting began with introductions at 10:10am.

Review of Participants

Alison McGonigal shared a list of new participants who have agreed to become a part of the Juvenile Justice Collaborative. Chandlee Kuhn stated that she was encouraged to see such broad participation and we are poised to move forward. Chandlee believes this is where juvenile justice decisions will be made for the state.

Subcommittee Updates

Chandlee Kuhn requested that a subcommittee be formed to examine the expungement statutes due to ambiguity in the current law. Alison McGonigal stated that there is a group that will be convening to discuss expungement on May 20. The group is being chaired by Michael Arrington and Ellie Torres. Chandlee asked that information from that meeting be shared with the JJC. Carlyse Giddins stated that the Department is in support of amending the current statute as youth are being excluded from educational and employment opportunities.

Superior Court Subcommittee--Lisa Minutola provided an update on behalf of the Superior Court subcommittee. An action plan was developed and the group has identified goals and objectives. The primary goal is to ensure that only the appropriate youth are prosecuted in Superior Court, and that if prosecuted in Superior Court, cases are processed and resolved in a timely manner and youth receive ample treatment services. Lisa stated that a Juvenile Task Force meeting was held in New Castle County on May 11 and only four cases were listed as "problem cases." This is a significant improvement from when the task force was first established. The group has also identified data needs and will be working closely with the Statistical Analysis Center and DYRS to obtain the information. The next subcommittee meeting is scheduled for May 28.

Chandlee Kuhn asked if the Attorney General and defense counsel could look at ways to assess cases earlier in the process in an effort to reduce the unnecessary transfers to Superior Court. Lisa replied that she and Tina Showalter discussed how to better educate their respective staff on how to look at key factors that would assist in making earlier determinations. David Jones suggested that it is key to have more timely amenability decisions as well.

Youthful Offender Program Subcommittee—Carlyse Giddins provided an update on behalf of the committee. The group has identified a target age group of youth aged 12 and under. The goal is to develop a service model that will more effectively meet the needs of this younger population. The group has reviewed DYRS snapshot data, diversion program information, and completed an extensive research and literature review. The committee hopes to have a recommendation to the JJC in October.

Community Programs Subcommittee—Carlyse Giddins provided an update on behalf of the committee. The committee is tasked with assessing the current services provided in the community from pre-trial through re-entry and identifying opportunities for service enhancement while ensuring that we are investing our resources effectively. Carlyse reported that there were questions as to why DYRS was not completing this review independently. Carlyse stressed the importance of collaboration and needing feedback and input from all system partners in order to have a comprehensive review. If changes are made in Community Services, it will be important to have support from across the system.

Legislation Subcommittee—Alison McGonigal provided an update on behalf of the committee. The committee is currently reviewing 10 Del. Code § 1007 for possible amendments. Judge William Nicholas from Kent County Family Court drafted legislation which the group is using as a template. The proposed amendments would give the Court more discretion in making detention determinations for juveniles and cite specific instances when secure detention would be appropriate. Concerns have been raised regarding net-widening and undoing the progress we have made with reducing unnecessary and inappropriate detentions. The committee will work to address these concerns as they move forward.

Chandlee Kuhn suggested that the group look into changing bail requirements for juveniles. This could possibly alleviate some of the issues. Tom Foley stated the Delaware constitution states that every person is entitled to bail. Any changes would require a constitutional amendment. Chandlee asked the subcommittee to look into what other states are doing and if the systems that do not require bail for juveniles are working.

Gun Court

Chandlee Kuhn explained the implementation of a Gun Court calendar in New Castle County Family Court. The calendar was developed as a result of increased gun violence involving juveniles. A list of acceptable offenses was distributed and is attached. The Court, Attorney General (AG), and defense counsel can recommend other cases for inclusion on the calendar. Chandlee reported that a Superior Court AG and Family Court AG have been splitting the calendar, which has allowed for relevant information and a thorough review of the file to be considered at the initial hearings. The AG and the Court will be focusing on the individual case and how much of a threat the juvenile poses to the community. Jim Adams stated that a high percentage of pleas have been

negotiated at the initial hearings so far, saving case processing time. Chandlee stated that cases will remain on the Gun Court calendar even if a plea is offered to a lesser offense.

A long term issue will be to determine what resources are needed to effectively manage this population. The youth will require the highest level of supervision and an electronic monitor in most cases. A question was raised as to how data will be kept on the gun court program. Family Court is tracking the cases and will forward to the information to SAC. Tim Brandau asked what the comparison group will be. Jack O'Connell replied that it could be youth with similar charges or we could compare counties.

Chandlee stated that there are enough cases to justify the calendar. A question was raised as to offenses occurring in school or on school property- would the case go to School Diversion calendar or to the Gun Court calendar? Chandlee stated that the Gun Court calendar would supersede other options.

The process for reviews post adjudication will need to be determined after further consultation with DYRS. Carlyse will look into programming options for these youth such as how to specifically address behaviors involving firearms. Lisa Minutola and Jim Adams stated they have had discussions about needing programming that will positively impact these offenders. It will be important to look at evidence-based practices as well as grant opportunities. Lisa suggested looking into the Alabama Gun Court program. There has been publicity around this model recently. Carlyse stated that once data is gathered, it may be helpful to institute a public awareness campaign to bring a greater focus for the public to work with the system on decreasing youth involvement with firearms.

Annie E. Casey Foundation Update

Representatives from the Annie E. Casey Foundation met with Chandlee Kuhn, Vivian Rapposelli, Carlyse Giddins, and Alison McGonigal on April 1 to discuss the status of our partnership through the Juvenile Detention Alternatives Initiative (JDAI). As a result of the meeting, the Foundation offered to complete an updated assessment on Delaware's juvenile justice system in relation to JDAI. After further consideration, it was decided that we would review four previous reports that were completed in Delaware for recommendations rather than initiate a new assessment. We will identify areas where we are able to make progress within the next year and areas where we will need technical assistance. Data will be the primary focus. Other key areas include disparities, out of home placements, and school referrals to the juvenile justice system. The four previous reports are: *Assessment of Juvenile Justice in Delaware by Shay Bilchik (July 2008)*; *DMC Readiness Assessment* by the W. Haywood Burns Institute (June 2007); *Alternatives to Detention Program Assessment* by the Annie E. Casey Foundation (July 2006); *Delaware Initial Assessment* by the Annie E. Casey Foundation (2002).

New Business

Carlyse Giddins raised a question regarding our definition of recidivism. The issue was raised in a recent staff meeting in DYRS. Delaware currently uses "felony re-arrest" as the measure for juvenile recidivism. The issue has been discussed at length as part of the Governor's reentry initiative, and the working group originally decided on a definition that focused on reconviction and sentenced to incarceration, confinement, and further supervision. A final determination has not been made by the working group. Vivian

Rapposelli suggested that the data would be more meaningful if there was a uniform definition for the adult and juvenile systems statewide.

Jack O'Connell stated that "felony re-arrest" is the core definition for juvenile recidivism, but the capability is much richer. Jack explained that what you collect illustrates what you are looking at. For example, when measuring re-arrest, it shows that we are interested in measuring the impact on public safety; reconviction focuses on the judicial process and re-incarceration is an indicator for the cost impact on the prison system.

A question was raised as to the level of difficulty in adding these measures. Jack stated that the request would need to be reviewed to examine all that would be required and additional resources would be necessary.

The group agreed to table the discussion until the next meeting. Carlyse will gather more information and disseminate to the group via email.

Minutes from the March 2009 meeting will be reviewed and approved at the next meeting.

The meeting adjourned at 11:30am.