



Juvenile Justice Collaborative

Establishing a more effective and efficient juvenile justice system

Quarterly Collaborative Meeting March 12, 2009

Minutes

The meeting began at 9:35am with introductions.

Overview of the Collaborative Structure

Alison McGonigal welcomed the new Co-Chairs of the Collaborative, Vivian Rapposelli, Cabinet Secretary, and Chandlee Kuhn, Chief Judge of Family Court. Alison stated that the structure of the Collaborative will change to quarterly group meetings, with the Leadership committee and various subcommittees meeting on a monthly or bi-monthly basis. The meeting schedule for 2009 was distributed.

Priorities for 2009

The Leadership committee met in early March to develop the priorities for 2009. The 11 priority areas and project leads are as follows:

Legislation -10 Del Code § 1007 *Lead: Mills, McGonigal, Davis*

Focus will be on amending the current statute to meet the realities of the system. Legislation has been drafted by Judge Nicholas. The Department of Justice has also drafted legislation to amend constitutional bail requirements for juveniles. The intent is to allow the court and other juvenile justice experts to act in the best interest of the community and the child. The group will need to consider including the Risk Assessment Instrument (RAI) in the legislation. Concerns regarding the unintended consequences of change and the possibility of net-widening will also need to be addressed.

HB85

Lead: Dailey-Lewis

HB85 is not being followed as intended and is often misinterpreted, resulting in unnecessary arrests and the system being inundated with school offense cases. The Department of Education and school districts will need to be involved.

Risk Assessment Data

Lead: McGonigal, Kuhn

A plan needs to be developed and implemented to effectively collect and analyze data from the RAI. Reliable data is necessary to support the use of the RAI and to illustrate the effectiveness of alternative to detention programs.

Other data needs will also need to be addressed. The Statistical Analysis Center (SAC) does not have the personnel resources to keep up with the increase in requests for data analysis. Chandlee Kuhn and Vivian Rapposelli will explore options regarding graduate school internships.

Superior Court

Lead: Minutola

Superior Court youth continue to account for nearly one-third of the detention populations. Case processing delays need to be examined as well as delays in transferring youth to the Department of Corrections.

Truancy

Lead: Davis

The truancy process should be reviewed to address issues that initiate in the school system through barriers that arise during the court process.

Young Offender Program

Lead: Rapposelli, Giddins

There is a gap in the system in appropriately addressing the service needs of very young offenders. An effective program should be developed to meet the needs of this population in an effort to reduce further delinquent behavior and the need for deep-end services.

Community Programs

Lead: Rapposelli, Giddins

An assessment should be completed to review the current capacity of pre- and post- adjudication community programs as well as to determine the efficacy of these programs.

Gun Court

Lead: Kuhn

A juvenile Gun Court is scheduled to begin April 1. Youth charged with specific offenses involving a firearm will be referred to the Gun Court. Treatment and program components that may be required as a condition of bail or adjudication will need to be outlined. The system will also need to determine the data elements that will need to be tracked and analyzed.

Internal Training

Lead: McGonigal

Training and education regarding the work of the Juvenile Justice Collaborative and related systems issues and changes will need to be presented to all system stakeholders and community partners.

Stimulus Plan

Although the \$6.6M stimulus did not include the juvenile system, the team will submit proposals to the Criminal Justice Council. The team agreed that we need to be purposeful in dealing with current budget restraints and that we should look at ways to re-allocate current dollars to more efficient programs and processes.

Alternative Schools

Issues with alternative schools will need to be addressed in coordination with efforts around HB85 and the Truancy Court once the Department of Education and district representatives are a part of the collaborative effort.

If you are interested in participating in a particular workgroup, contact Alison McGonigal. Project leads will also be contacting Collaborative members directly to participate.

Vivian Rapposelli stated that she is very grateful for the support from the Collaborative and as long as we stay focused on our vision, we will see positive change in the future. Chandlee Kuhn agreed that this is a great opportunity despite the current economic situation. There is a significant amount of trust between the Children's Department and the Courts. The plan is to move Delaware's juvenile justice system forward and to look closely for opportunities in the stimulus package that will support the juvenile system.

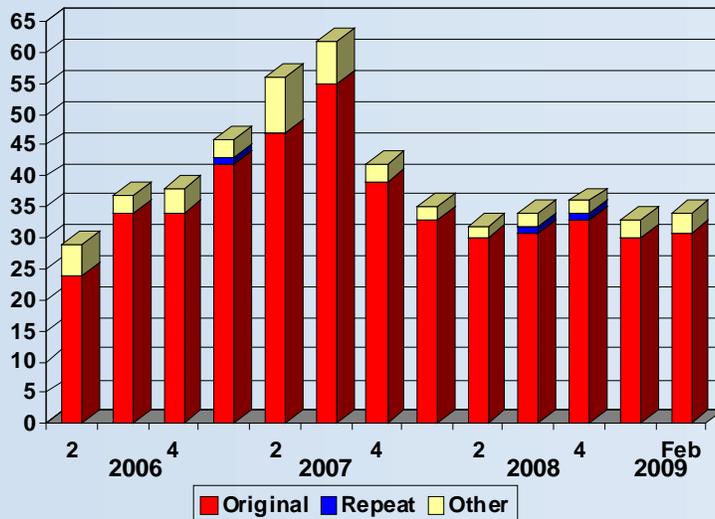
Carlyse Giddins stated that in FY08, \$5 million was spent on youth in out of state placement for inappropriate sexual behavior and how great it would be if we could keep that money in Delaware, keeping the youth closer to their families. Carlyse stated that her goal is to make Delaware's juvenile justice system the best in the nation.

Janet Leban asked if Delaware would continue to be involved with the Annie E. Casey Foundation. Alison McGonigal informed the group that representatives from the Foundation will be meeting with Secretary Rapposelli and Chief Judge Kuhn on April 2. Alison believes the Foundation will continue to partner with Delaware, but it is important for us to establish our own structure and goals in order to sustain our efforts.

SAC Reports

Jorge Rodriguez reported on the population of Superior Court involved youth. Jorge noted that there was a significant spike during the 3rd Quarter of 2007; however, the population has gone down during the past few quarters. The population has been averaging about 33 youth per quarter, accounting for one-third of the overall detention population.

Superior Court Population Q2-06–Q1-09



Chandlee Kuhn asked for clarification on the difference between “repeat” and “other.” The terms are defined in the SAC Detention Monitoring Reports as follows:

Repeat- Juveniles that have reached their 16th birthday and have been previously adjudicated of at least one felony, and charged with one of several enumerated offenses (conspiracy 1st degree, rape 3rd degree, arson 1st degree, Burglary 1st degree, Trafficking in marijuana, cocaine, illegal drugs, methamphetamine, LSD, or designer drugs, and all attempts to commit such offenses) shall be referred to Superior Court.
10 Del Code § 1010 (a) (3)

Discretionary (Other)- Juveniles that are not amenable to the rehabilitative processes available to Family Court shall be referred to Superior Court.
10 Del Code § 1010 (a) (2)

Chandlee Kuhn asked if we knew the reasons for the spike in 2007 and if so, would we be better prepared to handle a similar situation if it happened again this summer. Alison McGonigal stated that there was a significant number of admissions during June, July, and August of 2007 of youth charged with offenses in the jurisdiction of Superior Court. The process for Superior Court youth takes longer than the Family Court process, creating a backlog. Once youth are eligible for transfer to the Department of Corrections, there is also a waiting period due to the limited bed capacity in the Young Criminal Offender Program (YCOP). Chandlee suggested that the Collaborative speak with Judge Vaughn within the next 30 days in an effort to address case processing delays. Jorge Rodriguez stated that SAC has a presentation on the changes in the Superior

Court population and related policies and processes that can be made available to anyone who is interested in looking at this area in more detail.

Jorge Rodriguez reported on a comparison of the percentage of youth who have been released after 10 days of adjudication (Q2-08 to Q3-08). During the 2nd Quarter, 38% of youth were released after 10 days of adjudication, with 84% being released to a secure placement. During the 3rd Quarter, 56% were released after 10 days of adjudication, with 83.5% releasing to a secure placement. The comparison also showed that in January 2008, 30 youth were released to out of state placement, but in February of 2009, less than five youth were placed out-of-state. Jorge suggested that this could become a backlog issue as well, due to wait lists for in-state placements. Chandlee agreed and she is concerned that the populations will increase as summer approaches due to the waiting periods for Ferris School. Chandlee asked if our in-state Level IV programs are meeting the needs of youth versus the out-of-state programs. She commented that the out-of-state programs were used for youth with specific needs and if these needs are not being met at Grace, Snowden, or Mowlds Cottages, we are doing a disservice to the youth. Carlyse Giddins stated that DYRS will continue to monitor the referrals and placement needs of youth. Carlyse stated that we also need to look at the recidivism rates of the out-of-state placements versus in-state. Chandlee is concerned that because of the economic situation, we will begin to warehouse youth rather than provide the services they need.

Reports for the detention centers, Ferris School, and Mowlds Cottage are available on the OMB/SAC website:

<http://budgetdelaware.gov/sac/publications.shtml>

Community Services Brief

Lisa DiStefano expressed her appreciation to the Collaborative for helping to address issues that are impacting Community Services. Frontline and management staff from Community Services will be participating in the subcommittees as well as the larger group.

The meeting adjourned at 11:00am.

In Attendance:

Mike Barbieri, Representative
Kysha Barrett, DSCYF OCM
Kecia Blackson, DSCYF OCM
Tim Brandau, Child Inc.
Susan Burns, DSCYF OCM
Deanna Carnevale, DSCYF DYRS
Allison Cassidy, Delaware Girls Initiative
Alan Davis, JP Court
Lisa DiBuo, Family Court
Lisa DiStefano, DSCYF DYRS
Aileen Fink, DSCYF DCMH
Carlyse Giddins, DSCYF DYRS
Jay Holstein, DSCYF DYRS
Renee Iacovelli, DSCYF DYRS
Ron Keen, Criminal Justice Council
Chandlee Kuhn, Family Court
Janet Leban, Delaware Center for Justice
Shirley Lerner, DSCYF DYRS
Alison McGonigal, JJC Coordinator
Annette Miller, DSCYF DYRS
Andrea Mills, Family Court
Lisa Minutola, Office of Public Defender
Kim Pepper, DSCYF DYRS
Vivian Rapposelli, DSCYF
Susan Radecki, DSCYF DFS
Mitchell Rock, DSCYF DYRS
Jorge Rodriguez, OMB SAC
Dee Schuller, DSCYF DYRS
Terry Senio, DSCYF DMSS
Rick Shaw, DSCYF DYRS
John Stevenson, DSCYF DYRS