

National Juvenile Defender Leadership Summit

Decriminalizing Common Youth Misbehavior



Delaware's Juvenile Civil Citation Program

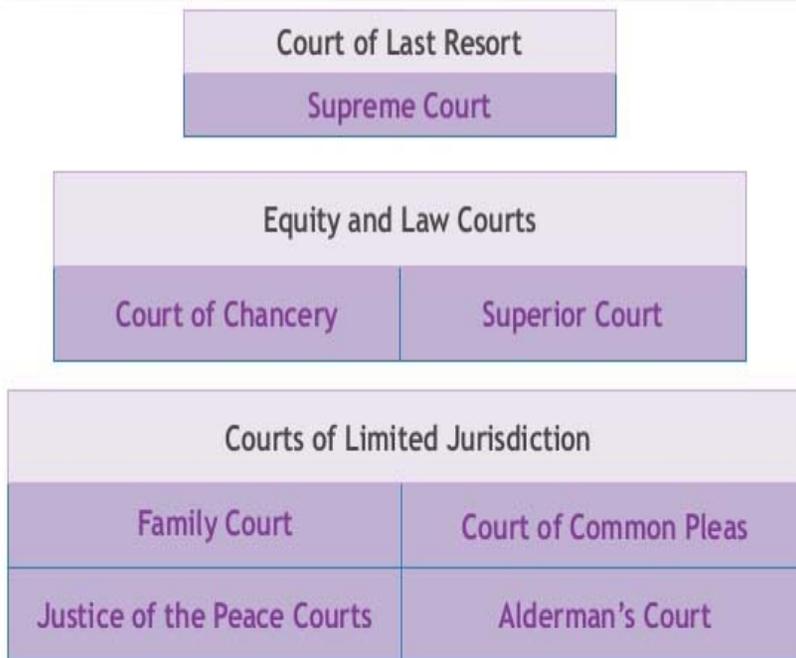
This program is funded through the Delaware Criminal Justice Council by the U.S. Department of Justice, Bureau of Justice Assistance, Office of Juvenile Justice and Delinquency Prevention

An Overview of the Delaware Court System

The Delaware Judiciary is composed of the Supreme Court, the Court of Chancery, the Superior Court, the Family Court, the Court of Common Pleas, the Justice of the Peace Court, and related judicial agencies. In terms of interrelationships among the courts, the Delaware Court system is similar to a pyramid. The Justice of the Peace Court represents the base of the pyramid and the Supreme Court the apex of the pyramid. As a litigant goes upward through the court system pyramid, the legal issues generally become more complex.



DELAWARE'S COURT SYSTEM



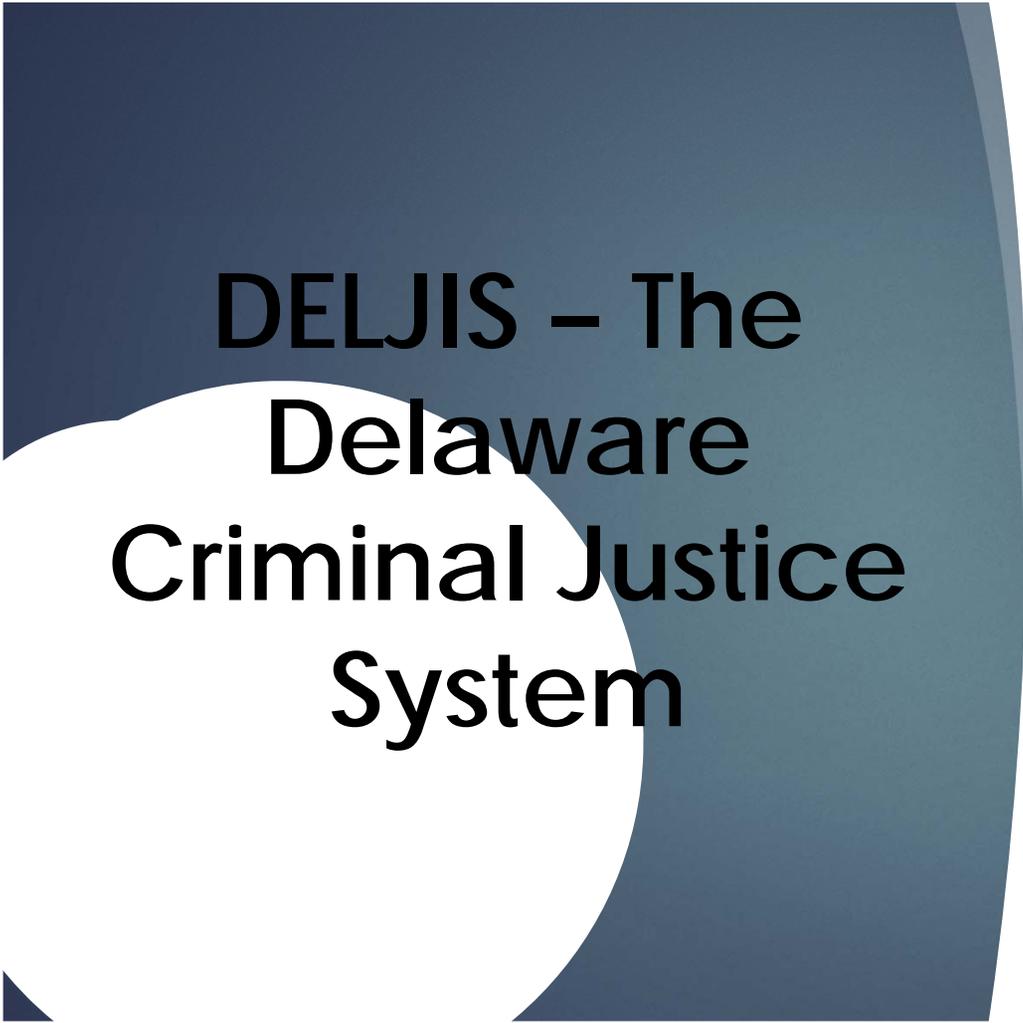
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Walters Kluwer

The State of Delaware has a unified statewide court system to deal with juvenile delinquency cases.

The Family Court has extensive jurisdiction over virtually all family and juvenile matters. All civil appeals, including those relating to juvenile delinquency, go directly to the Supreme Court while criminal cases are appealed to the Superior Court.

The Constitution of Delaware, Article IV, Section 1, authorizes the Family Court.



DELJIS – The Delaware Criminal Justice System



Delaware was the first US state to implement an integrated criminal justice information system (CJIS) that supports electronic sharing of criminal justice information within the criminal justice community.

The Delaware CJIS has been in existence since 1990, it is constantly changing to meet the needs of system participants - state and local police, the Attorney General's office, the Public Defender's office, the courts, and the Department of Corrections.

CJIS facilitates the electronic sharing of information among all participating agencies. Specifically, case information, from initial contact to case-closing events, is available to CJIS participants.

For example, warrant and incarceration information is available to CJIS participants instantly; court dispositions are electronically transmitted to the State Bureau of Identification (SBI); and protection from abuse orders, created on-line in Family Court, are available to all CJIS participants in real-time.



Department of Services for Children, Youth and their Families

The Department of Services for Children, Youth and their Families (The Delaware Children's Department) was established in 1983 by the General Assembly of the State of Delaware. Its primary responsibility is to provide and manage a range of services for children who have experienced abandonment, abuse, adjudication, mental illness, neglect, or substance abuse. Its services include prevention, early intervention, assessment, treatment, permanency, and after care. The Department also offers desirable career opportunities, attracting and retaining proud and talented employees who are motivated to think of the child first in all that they do.

<http://kids.delaware.gov/aboutdepartment.shtml>

- **The Department is comprised of four divisions. There are three service divisions and one management support division. They are as follows:**
- **Division of Prevention and Behavioral Health Services (DPBHS)**
- **Division of Family Services (DFS)**
- **Division of Management Support Services (DMSS)**
- **Division of Youth Rehabilitative Services (DYRS)**
- **The mission of the Delaware Children's Department is to assist children, youth and families in making positive changes through services that support child and public safety, behavioral health and individual, family and community well-being.**
- **The Children's Department wants every child to be safe, live in a stable home, learn and grow in self-esteem, and embrace a sense of hope about the future. The Department leads a system of care approach (both community based and residential) that is child centered and assures effective, timely and appropriate support for Delaware's children.**

Little Engine That Could –

Recommendations for Improvements
2012 Comprehensive Strategy Group

- ▶ Civil Citation
- ▶ Trauma Informed Care
- ▶ Assess & Address Gang Problems
- ▶ Comprehensive Strategy – QA related to risk and needs assessment, on-going validation, inter-rater reliability, matching services to identified needs, program evaluation, addressing gaps in measurement, data management and analysis
- ▶ Data Development
- ▶ Dispositional Matrix / Guidelines
- ▶ <http://kids.delaware.gov/yrs/yrs.shtml>



Division of Youth Rehabilitative Services

Blueprint for Success



Evidenced Based Platform: Building Blocks

- ▶ Doing what we think is best is not as good as doing what we know works...
- ▶ Evidence and research support using validated assessments, diverting low level youth from our system, and addressing dynamic needs.
- ▶ We can succeed in our mission when we remain neutral as decision makers and use tools to guide our case planning, recommendations, and service referrals.

Evidenced Based Platform: Building Blocks

- ▶ Low risk and moderate risk youth are served best in the community in non-residential programs.
 - Limits their exposure to youth with more serious delinquency.
 - Prevents them from the traumatic experience of out of home placement.
 - Most low risk youth do not return to the juvenile justice system.
 - The Division can focus resources on higher risk population

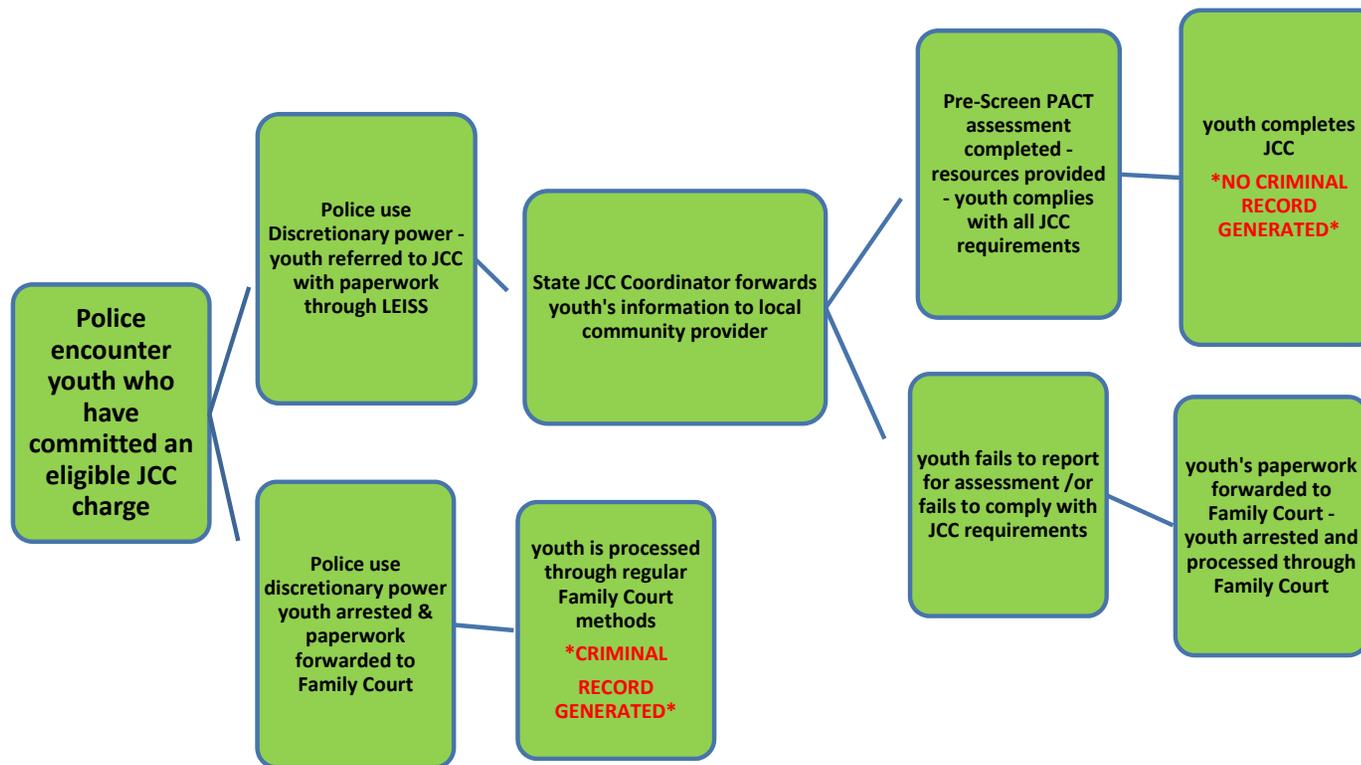
<http://kids.delaware.gov/pdfs/yrs-bluerint-for-success.pdfs>

Civil Citation is a pre-arrest diversion program that is approved and supported by Juvenile Justice Advisory Group (JJAG) of Delaware's Criminal Justice Council (CJC). It is implemented through the collaboration and agreement between the Delaware's Department of Justice, local law enforcement agencies, Family Court, and the Office of Defender Services. It is funded through a (3) year grant from the Criminal Justice Council (CJC).

The Department of Services for Children, Youth and Their Families Division of Youth Rehabilitative Services graciously accepted the responsibility of the overall coordination, implementation, improvements, collection and analysis of data, and development of program guidelines for the community providers.



Delaware's Juvenile Civil Citation Flow Chart



*Juvenile Civil Citation is a program which requires:***

1. Community Service

- **5 hours of Community service**

2. Intervention Services

- **Must have an initial intake meeting with the community provider**
- **Must have a PACT (Positive Achievement Change Tool) Pre-Screen assessment completed & a Trauma Screen**
- **Must complete any initial evaluations recommended by the PACT Pre-Screen assessment**

3. Other Sanctions or Services

Additional sanctions or services include:

- **Restitution (If any assessed, and relevant to Shoplifting referrals)**
- ***RECEIVE NO NEW CRIMINAL CHARGES WHILE PARTICIPATING IN THE PROGRAM**

The program should be completed expeditiously.**



State of Delaware Juvenile Civil Citation Form			
Juvenile's Name Bouncie Tigger		DUCW 0915123456	
DOB 12/31/1970	Race White	Sex Male	
Address 12345 W. Main St., Dover, DE 19901		Phone 302-555-1212	
Parent/Guardian Phone A. A. Milne 302-444-1313			
Incident Location Ashdown Forest		Date 12/16/2015	Time 1455
Offense(s) 11 Del C. 0840a1 - Shoplifting Under \$1,500 Remove Goods Wares or Merchandise			
To Wit Bouncie Tigger entered Ashdown Forest and removed a pot of honey belonging to Winnie The Pooh.			
<p>You must call the Providers in the county you reside in during business hours Monday through Friday, between 9:00am – 4:30pm, to schedule an appointment for an initial assessment within seven (7) business days. Failure to contact the Providers may result in these criminal charges being filed with the Court, and having an arrest record.</p>			
ASSESSMENT PROVIDERS CONTACT INFO: Youth residing in New Castle County contact: Wraparound Delaware 105A Rogers Rd. Wilmington, DE 19801 Phone:(302)504-8487 Youth residing in Kent or Sussex Counties contact: Community Supervision Resource Connection (CSRC) 630 W. Division Street Dover, DE 19904 Phone:(302)672-7159		<i>The DE Juvenile Civil Citation Program provides an alternative to arrest for the youth for certain minor misdemeanor delinquent acts where there is NO CRIMINAL RECORD. Youth Participants will not need to attend Family Court prior to or during participation of this program.</i> Youth participation in the DE Juvenile Civil Citation Program will require the following: <ul style="list-style-type: none"> Assessing risks and needs. (Completion of an initial PACT assessment and following assessment recommendations) No further Family Court contact or new arrests during the program period. (Usually 90 days) Completion of five (5) community service hours and a letter of apology. 	
Solely for the purpose of Juvenile Civil Citation (JCC), I waive my right to appear in court, and agree to have my case handled through the State of Delaware's Juvenile Civil Citation program. I understand that there may be sanctions assigned by the JCC Coordinator and or partner agencies as authorized to complete the program. Additionally, I understand that I may be arrested and prosecuted for the offense listed above if I do not comply with the following: <ul style="list-style-type: none"> The victim(s) objects to my participation in this program. I fail to call or contact the Community Provider. I fail to attend my scheduled PACT assessment. I am arrested for any other crime prior to completion of the Juvenile Civil Citation Program. I fail to comply with the terms and/or conditions of the Juvenile Civil Citation Program. 			
_____ Juvenile's Name (Signature)		_____ Juvenile's Name (Print)	_____ DATE
Was Parent/Guardian Contacted? Y / N			
By accepting and receiving this printed copy of the Juvenile Civil Citation Form, you (youth and parent/guardian) are agreeing to participate in the State of Delaware's Juvenile Civil Citation Program			

Positive Achievement Change Tool

- ▶ Determines the risk for re-offending
 - low, moderate, moderate-high, or high
- ▶ Considers static and dynamic risk factors
- ▶ Identifies criminogenic needs
 - Dynamic risk factors demonstrated through research to predict recidivism
- ▶ Highlights protective factors
- ▶ Prioritizes needs for targeted case planning
- ▶ Indicates mental health or substance abuse evaluation needs

Pre-Screen Summary

PACT Pre Screen Summary Risk Report

Youth's Name: john smith DJJ ID#: 621

Level of Risk to Re-Offend: High

Based on the PACT completed on 01/05/2007 by James Smith

March 15, 2007

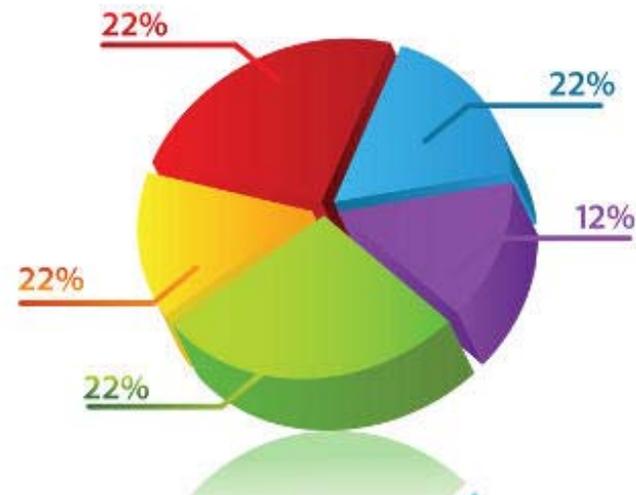
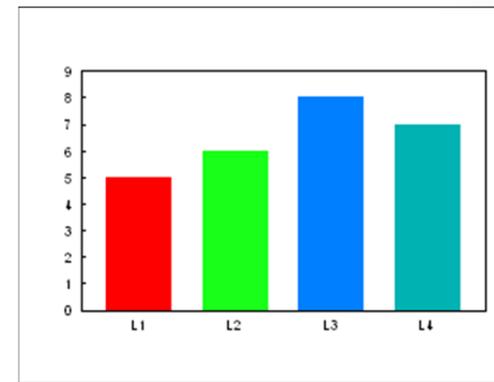
Subject Name:	smith, john	Organization:	TEST12	
ID:		JLAN:		
Factor	Date		% of Max	Score
Domain 1: Criminal History	1/5/2007		48.39%	15
Domain 2: Social History	1/5/2007		61.11%	11
Domain 4: Pre-Screen Attitude/Behavior Indicators	1/5/2007		13.04%	3
				

M-PACT (Modified PACT)

- ▶ Latest version of the PACT
- ▶ Greater predictive strength
- ▶ Customized to Delaware
- ▶ Gender Specific scoring models
- ▶ Can be used in Community or Residential
- ▶ Can be predictive of specific crimes, i.e. violent, property, drug, or general felony re-offense

STATISTICAL DATA

- **92% of those referred are eligible to participate in the program**
- **Average age of youth referred is – 14.5**
- **63% referred youth are male**
- **69% of youth referred are Non-White**
- **47% of youth referred reside in our largest county (New Castle County)**
- **52% of youth referred reside in our other two counties - (Kent- 13%, Sussex- 39%)**



STATISTICAL DATA – Cont'd.

- **21% referral increase from 2016 to 2017**
- **90% of participating youth successfully complete the program**
- **62% of referrals are for Disorderly Conduct**
- **29% of referrals are for Possession of Marijuana (9% referrals are for our other eligible offenses)**
- **90.6% of our referrals are from School Resource Officers (SROs)**
- **1st recidivism study – 9.21%**



PROGRAM EXPANSIONS

Program Timeline:

- ▶ 2015 – Implementation Statewide Pilot Program only with School Resource Officers (SROs) through a Memorandum of Understanding between all stakeholders
- ▶ 2016 – Expansion Statewide to all Law Enforcement Officers
- ▶ 2016 - HB 405 - Codified Program
- ▶ 2017 -HB 8 - Expanded Eligible Offenses and “Second Bite”



Juvenile Civil Citation Staff have participated in over 40 community resource fairs and events since the program's inception date. The program has been well received by all Delawareans! Here are some event highlights!



Law Enforcement Officers across the state have been very supportive of this new initiative.

School Resource Officers (SROs) have annual training and updates regarding Juvenile Civil Citation.

Delaware State Police have added Juvenile Civil Citation training to their Police Academy training for new cadets.

Law Enforcement Training has completed for New Castle County Police Department, the City of Wilmington Police Department, and all of our beach area law enforcement agencies.

Goals for 2017 are to have webinars, and training modules completed and actively running for all sworn law enforcement across the state by the end of 2018.



REPLICATION / CHALLENGES

REPLICATION

- ▶ We did not “recreate the wheel”
- ▶ Collaboration and support between stakeholders
- ▶ Support from Legislative Body - “Right time” for Juvenile Justice Reform in the state.

CHALLENGES

- Transitioning from a Pilot Program to all inclusive statewide program
- Training all sworn law enforcement officers across the state
- Law enforcement discretionary power

RESOURCES

- <http://kids.delaware.gov/yrs/yrs.shtml> - Our website
- <http://delcode.delaware.gov/sessionlaws/ga148/chp412a.pdf> - Legislative House Bill 405 – Codified Delaware’s Juvenile Civil Citation Program
- <http://legis.delaware.gov/BillDetail?LegislationId=25761> – Legislative House Bill 8 – Expansion of Delaware’s Juvenile Civil Citation Program

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