

Understanding Changes in the Delaware Juvenile Amenity Population Policies and Processes

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Like other states, Delaware has its own sentencing procedures for juveniles not amenable to Family Court processes and programs (transfer mechanisms).

Eighteen is Age of Majority ...

Original Jurisdiction: By Statute Homicide, Rape 1st Rape 2nd Kidnapping 1st are by law originally filed in Superior instead of Family Court.

Repeat: By Statute 16 year olds with a prior felony adjudication charged with Conspiracy 1st, Rape 3rd, Assault 1st, Arsons 1st, Burglary 1st, Drug Trafficking are by law originally filed in Superior instead of Family Court

Discretionary: Prosecutors may request that juveniles not amenable to the juvenile rehabilitative process be referred to Superior Court.

Reverse Remand: Many cases can be reversed remanded back from Superior Court to Family Court .

Youthful Offender Program: DOC operates the YCOP for juveniles older than 16 sentenced in Superior Court.

A Research Caveat For anyone wishing to conduct research on the topic of juvenile amenability.

The data is a mess, you will need to make an investment.

"Transfer Juveniles" touch police, prosecution, Family Court, Superior Court, Mental Health services, and sometimes both the juvenile and adult facilities. The information in these systems is recorded differently (some electronic and some not) and it is not easily linkable.

Juvenile transfers to the adult judicial system is subject to strong and, sometimes adversarial differences of opinion.

Some of the issues involved include:

Public Safety: Violent and repetitive behavior on the part of older juveniles.

Quality of Programs: The availability and success of juvenile rehabilitation programs and our ability to place and monitor juveniles makes a difference in the legal path selected.

Emotional maturity and culpability of juveniles.

Fidelity to the philosophy of *parens patriae*.

System Efficiency: These cases can be complex and subject to many legal steps that slow case processing.

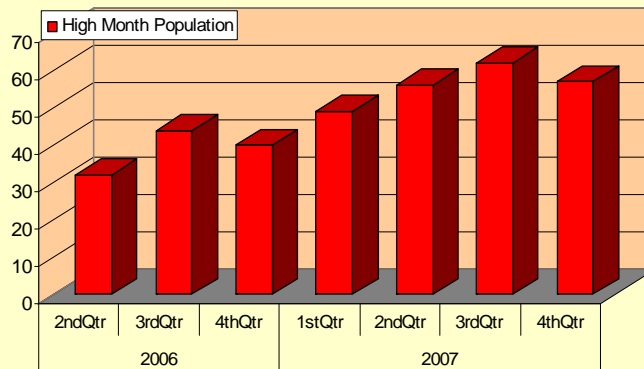
Since 2002 most of focus has been on major **POLICY CHANGES**

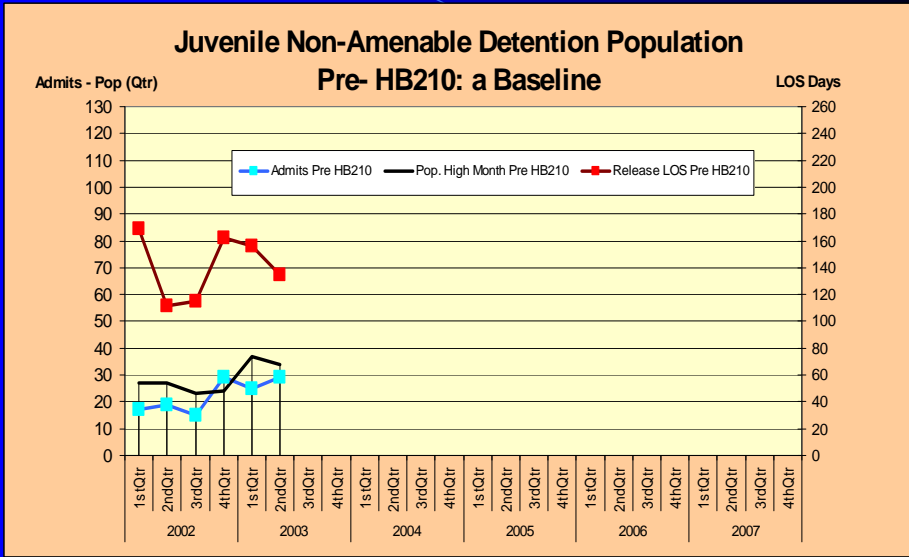
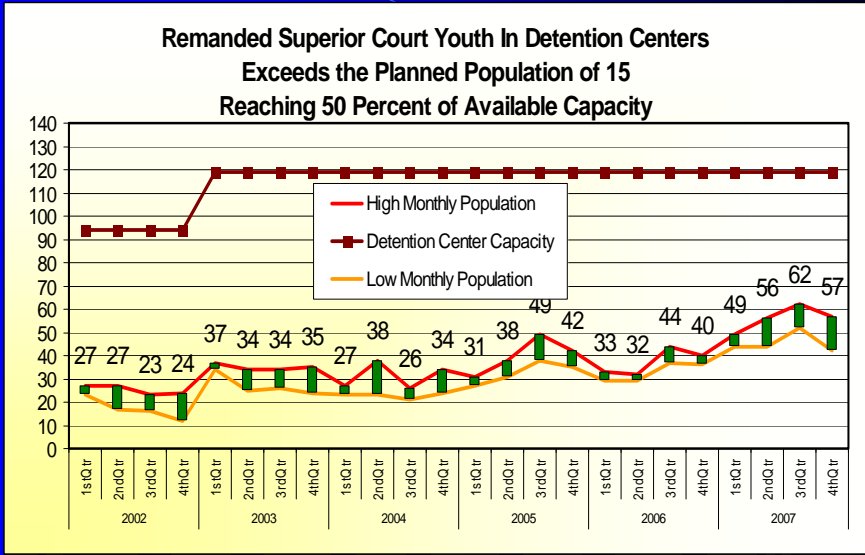
In July 2003, **HB 210** became law and Robbery 1st and Assault 1st cases became “original” rather than “repeat” jurisdiction cases.

In July 2005, **SB 200**, after extensive study and debate, partially reversed HB 210 and only Robbery 1st defendants that have a prior felony adjudication and display or use a deadly weapon remain as original jurisdiction.

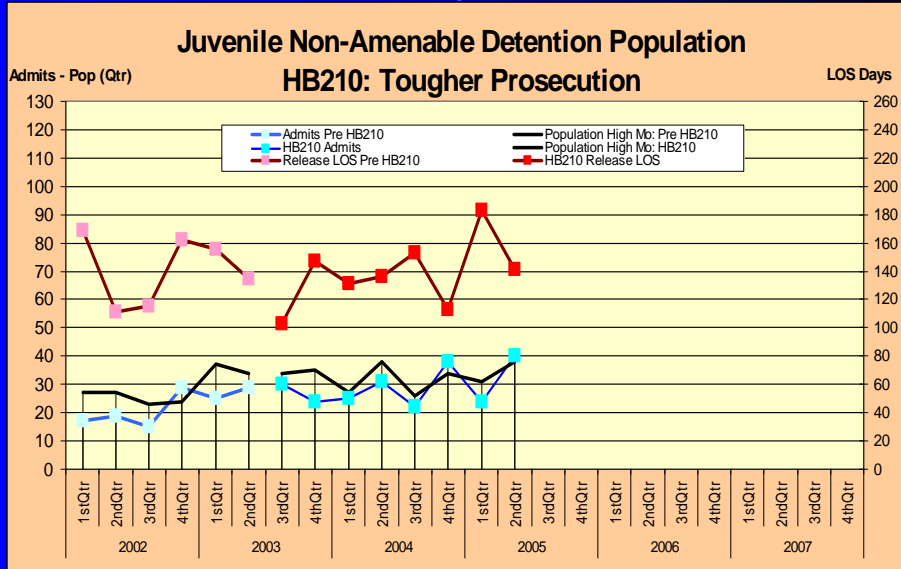
After SB 200, as expected, the juvenile Superior Court population decreased, THEN ... it reached unprecedented levels accounting for 50 percent of all the juvenile detention beds.

Record Growth in the Juvenile Superior Court Population

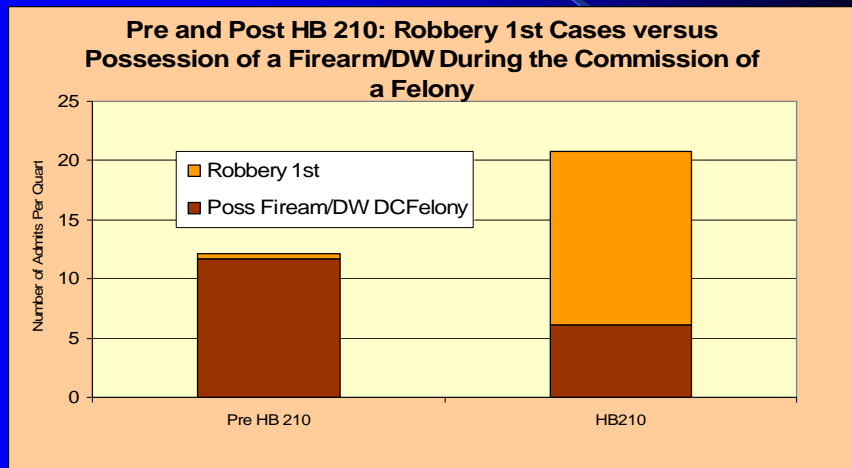




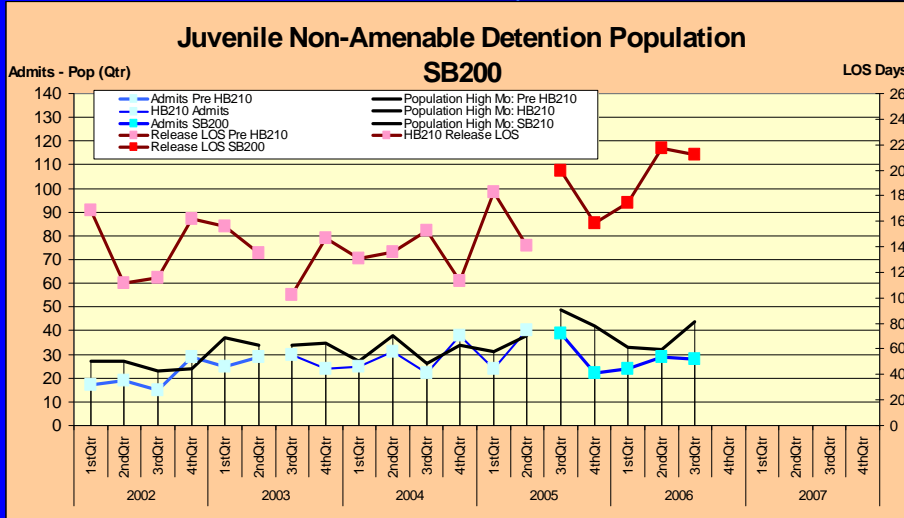
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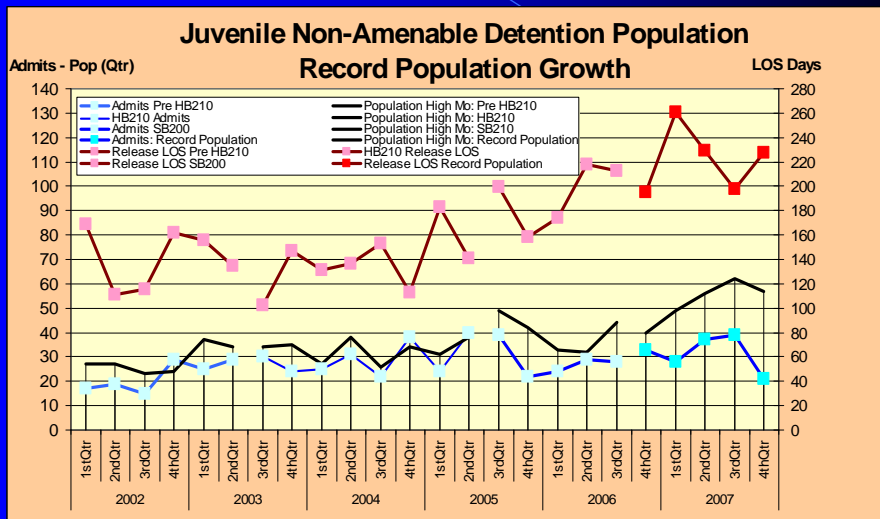
In July 2003, **HB 210** became law, many crimes that had been charged as PF/DWDCF became Robbery 1st and many Robbery 1st cases moved from Family to Superior Court to be tried as adults.

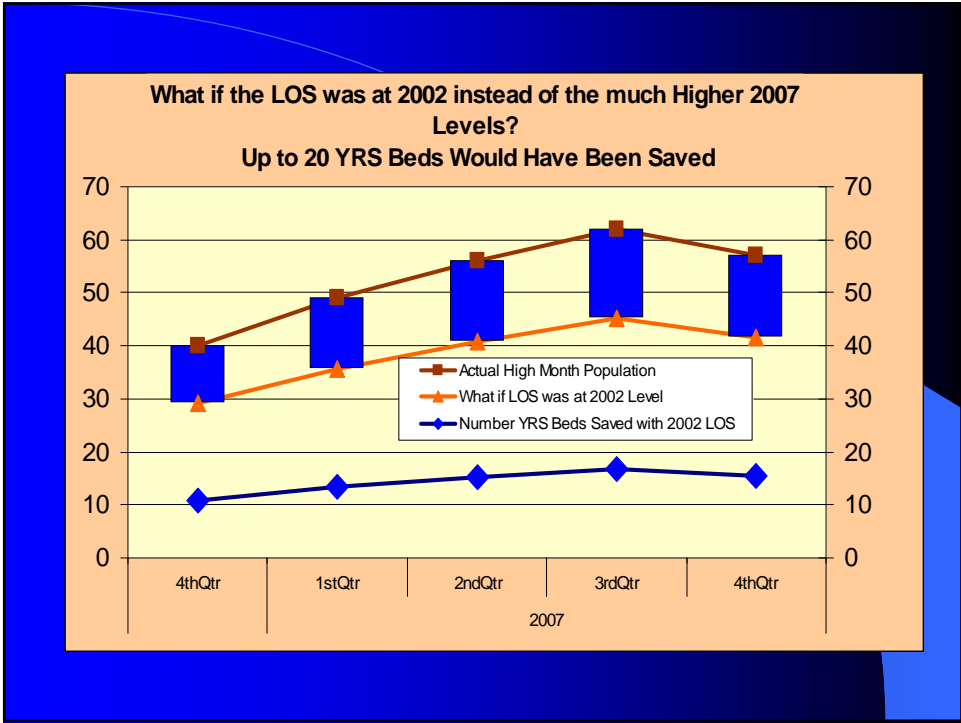


In July 2005 when **SB 200** became law, the number of non-amenable admits decreased as expected, but the population did not decrease to the level expected due to increased LOS.



The primary reason for the unprecedented growth in the Non-amenable juvenile population has been LOS, which indicates a decrease in criminal justice system efficiency





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