

## **SMART on Juvenile Justice: Enhancing Youth Access to Justice Initiative**

### **SJJAC Quarterly Meeting**

Meeting Minutes

January 20, 2017

#### **Opening**

The SMART on Juvenile Justice: Enhancing Youth Access to Justice Initiative SJJAC Quarterly Meeting was called to order at 10:05 a.m. on January 20, 2017 in the One Rodney Square, 6<sup>th</sup> floor conference room by Lisa Minutola.

#### **Present**

Lisa Minutola, Dawn Williams, Terica Jones, Colin Dunlavey, Kirstin Cornell, Tricia Widdoss, Addie Asay, Sam Lukoff, Michelle Brogden, Romie Griesmer, Frank Mieczkowski, Abby Layton, Robert Goff, Alison McGonigal, Kathryn Lunger, Tiffany Anders, Cara MacDonald, Vivian Medinilla, Cliffvon Howell and Ellie Torres. Tim Collins, member of the public

#### **Discussion**

- Lisa Minutola gave a welcome and introduction. Dawn Williams made a motion to approve the minutes from October 14, 2016. All were in favor of the approval.

Dawn Williams provided background information on the history and purpose of the Smart on Juvenile Justice Planning Grant. Dawn and Lisa informed the group that the Strategic Plan details the activities and objectives that the SJJAC oversees. Dawn explained how information from an assessment of Delaware's juvenile defense and juvenile justice systems by the National Juvenile Defender Center (NJDC) aligned with some of action steps in the Strategic Plan. Lisa informed the committee that NJDC has performed 21 assessments statewide and created a report for each state. The NJDC's draft report for Delaware is now being reviewed by the Office of Defense Services for corrections and to evaluate the recommendations in the report. The draft report indicates a lack of advocacy for juvenile clients and pervasive systemic issues that create barriers to access to quality counsel.

- Dawn informed the group that the Planning Grant has been extended until September 30, 2017. Dawn introduced the staff in attendance funded via the grant and their roles: Samantha Lukoff- Juvenile Justice Policy Specialist; Tiffany Anders-Attorney JJ Unit, and Cara MacDonald- Attorney JJ. There is an Expungement Coordinator position that has yet to be filled. Dawn explained the Office of Defense Services (ODS) is moving towards juvenile-specific attorneys. Dawn updated the Committee on the status of the open Juvenile Justice Fellow position that is included in the Planning Grant. Chris Kervick of the CJC is currently

interviewing and an offer has been made to a candidate. The CJC is waiting to hear back from the candidate regarding the offer.

- The following updates were given on the workgroups:
  - Specialized Training and Education: Dawn Williams provided the update. She explained the main focus is to identify needs with respect to educational training for staff of the Office of Defense Services and other multi-disciplinary stakeholders. Dawn and Alison McGonigal outlined the following recommendations from their workgroup comprised of representatives from ODS, Family Court, Delaware Center for Justice, and the Office for Conflict Counsel representatives:
    - Adopt what was outlined in the Strategic Plan regarding a curriculum for juvenile defenders
    - 2. Review and draft guidelines to assist juvenile defenders in understanding their roles and obligations.
    - 3. Look at what other stakeholders have an interest in pursuing related to juvenile issues
    - 4. Enhance community engagement.
    - 5. To have a similar training and education workgroup active with all 3 juvenile justice reform grants.
    - 6. Plan subsequent training based on the September summit. Possibly an annual juvenile justice summit each year.
    - 7. Create other training resources for conflict counsel.
  - Dawn discussed the Juvenile Justice Summit held at the Chase Center in September of 2016 which was the center piece of the workgroup's efforts. Additional juvenile defender quarterly trainings have been held in accordance with the Strategic plan.
  - Post-Disposition: Lisa Minutola advised that the workgroup focused on youth having access to counsel once a case has been resolved. Expungements were seen as a short term way to that end. ODS utilized volunteer attorneys who agreed to help the children apply for expungement. They have roughly 50 volunteers assisting to date. ODS has provided training at multiple locations to volunteer attorneys. ODS has also provided training to DFS to make DFS aware that if they have children on their caseload who need expungements, they can contact ODS. They have also had communication with the Office of the Child Advocate to

ensure they are aware of the resource. Three formal expungement clinics have been performed to date. They were held on July 6, 2016 at Troop 2, July 29, 2016 at Delaware Law School and September 9, 2016 at People's Place. ODS has contacted roughly 100 individuals; 41 expungements granted and the records removed from the electronic system; 6 expungements granted but waiting for the records to be removed from the system; 7 pending and awaiting an order from the court; and 15 others in need of various items or documents to complete the process. Lisa discussed plans to conduct expungement clinics in other counties because all clinics to date have been conducted in New Castle County.

Kathryn Lunger discussed going to Ferris School and the cottages on the campus of YRS at least once monthly to meet with youth. Kathryn discussed the Y-COP unit and poor conditions observed at the facility. Kathryn explained these are youth convicted as adults and housed at an adult facility, but separated from the adult population. Kathryn explained these youth have limited access to amenities needed for their education and wellness. Kathryn explained concern currently exists regarding the manner by which the youth are waiving IEP rights to be accommodated by the Institution at SCI.

- Initial Detention: Colin Dunlavey provided the update for this work group. The goal of this group was to review access to counsel at initial detention hearings in all courts with an emphasis on the JP Courts. The group has made various potential recommendations, many of which are being further considered by the separate group reviewing Delaware's current bail laws. The group would like more than one bail hearing calendar for youth per day in the Family Court. The committee recommends expansion of the committee to include Family Court, YRS, and the AG's Office.

Lisa Minutola informed the group that an ideal system is one where people are not detained strictly based upon not having the money to make bail. Lisa would like to see a system where cash-bail is limited to cases where it is most-appropriate. Lisa informed the Committee there are discussions around potential statutory changes to the bail process.

- Waiver of Counsel: The update was given by Addie Asay. The draft Waiver of Counsel Rule has been sent to the Family Court Rules Committee for vote. February or March is the anticipated date to have the completed vote. If approved by the Family Court Judiciary, the rule will then be sent to the Supreme Court for review and approval. The new rule would likely be promulgated by spring 2017.

- DMC: Monica Germono provided an update for this group. Monica indicated that they are waiting to hear from the CJC regarding how much money they are receiving to outreach and bring in trainers to execute that component. The workgroup is waiting to hear from the CJC on how funds work in concert with the other two grants. This group will supplement the Implementation Grant and the Juvenile Justice Reform Grant.
- Transfer Laws: Robert Goff gave the update. Robert indicated that the statutory framework around the Transfer Law has remained static for 20 years. Robert indicated that the majority of the focus of the Transfer Law is around weapons and firearms charges. The committee believes attorneys working with these cases should be well trained because there is not an abundance of guidance or case law in this regard. Robert reiterated the committee is not happy with the current statutory environment around the matter because the existing laws harken back to an age in juvenile justice that does not align with strides made in other areas of the juvenile justice system such as juvenile expungement; expressed interest, waiver of counsel, and the analysis of cognitive function in the juvenile brain development vs. adult brain development. This group will continue to review laws and the federal landscape.

Lisa Minutola informed the group that other jurisdictions are looking at the same issues. Lisa pointed out that Ohio has some cases challenging the existing transfer laws going through the process currently.

### **Adjournment**

Meeting was adjourned at 11:10 a.m. by Lisa Minutola. The next meeting date is to be determined but will occur in April 2017.

Minutes submitted by: Cliffvon Howell