



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

CRIMINAL JUSTICE COUNCIL

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**Summary Minutes**  
**Juvenile Justice Advisory Group**  
**Wednesday, April 18, 2018**  
**11:00AM -12:00 PM**

**University of Delaware Good Stay Center  
2600 Pennsylvania Avenue, Wilmington, DE**

**Committee Members:** Michael Arrington (Chair), Hon. Michael Newell (Family Court), Abigail Layton (Attorney General), Lisa Minutola (Chief Defender), Com. David Jones (Judicial Officer), Brian Moore (Dept. of Education), Hon. Josette Manning (Secretary of DSCYF), Nancy Dietz (DSCYF-DYRS), Kimberly Chandler (Homeland Security), Chief Robert Tracey (Wilmington PD), Capt. Peter Sawyer (DSP), Gregory Fuller (Public Member), James Kane (Public Member), Shamia Turlington (Public Member), Julisa Quixchan (Public Member Youth), Angelis Olivo (Public Member Youth), and Morgan Smith (Public Member Youth)

**CJC and SAC Staff:** Christian Kervick (CJC), Cliffvon Howell (CJC), Scott McLaren (CJC), and Monica Celli (CJC)

**Public Attendees:** *None*

The agenda items were discussed in the following order:

**I. Approval of Minutes from previous JJAG Meeting**

The meeting was called to order with the unanimous approval of the January 31, 2018 meeting minutes.

**II. Federal Issues**

Mr. Arrington asked Mr. Howell to discuss federal issues. Mr. Howell stated that the CJC is in process of requesting a 1 year extension for the SMART suite of grants due to late start dates impacting deliverables. He added that the DMC project was late implementing because the JJAG was not seated.

Mr. Arrington inquired about new funding. Mr. Howell replied that the Title II application is due on May 18th. Mr. Howell explained Title II is the Juvenile Formula

Grant that includes DMC work and special programs approved by the JJAG in accordance to JJAG priorities.

Mr. Arrington noted that one DMC requirement is that the juvenile must be presented to the magistrate within six hours of being detained. Chief Judge Newell added that there have been bail changes and police have asked if transport is included in the 6 hours requirement of the OJJDP Act. Mr. Arrington added that some police departments keep computerized logs that can present an issue due to acute accuracy that would otherwise not be present in manual logs. Mr. Howell stated that transport does not count towards the 6 hours. Mr. Howell clarified that once the juvenile enters the facility the clock starts and it ends when he/she is transported. Capt. Sawyer asked if the clock starts again when the juvenile enters the Family Court Building. Mr. Howell answered that it does not.

Capt. Sawyer added that he appreciates the work to keep SROs in schools. Chief Judge Newell indicated that's not currently an issue for discussion.

Mr. Kane asked if the six-hour clock runs when a juvenile is transported to identify burglarized (or other crime) areas. Mr. Howell informed the group that departments are instructed to document this occurrence and submit it as an extenuating circumstance relative to investigation (pre-arrest). Mr. Kervick stated that the OJJDPA rules are open for interpretation, but it is correct that the juveniles cannot be kept in adult lock up. Mr. Arrington clarified that the clock runs from the time the juvenile is at the police station to the time s/he sees a judge.

Mr. Howell then read the draft update for the system reform grants. Mr. Arrington added that Judge Teske, the chair of CJJ, will be attending the next SJJAC conference.

### **III. JJAG Administrative Matters**

Mr. Howell stated that the ad hoc committees still need members. He added interested members should sign up to help shape the evaluation contract. Ms. Minutola, Ms. Layton, Mr. Moore, and Mr. Stevenson volunteered for the committee.

Ms. Minutola stated that HB 308 passed because data on civil citation was provided. Mr. Arrington stated that JJAG members have been participating more actively on the Legislative Committee and instructed members to inform him if anyone would like to sit in, especially public members. He added that there is an important bill to eliminate mandatory minimum sentences (for juveniles), but it has no legislative committee support. Mr. Arrington added that juvenile justice is not criminal law, it is a civil matter, and this must be kept in front as advocacy. Mr. Arrington also noted there is a bill that would allow juvenile drug offenses to enhance adult sentences, and a bill that would require recording of police interviews with juveniles and all violent felonies of adults. Mr. Arrington posed the question of what role parents should have in interviews and stated this will be an issue the group examines in the future. Chief Judge Newell added that a fiscal note will be forthcoming.

Mr. Arrington then presented the by-laws changes. Capt. Sawyer motioned to approve and Chief Judge Newell seconded.

Mr. Howell then presented the focus areas deemed most important by the members and explained the methodology of data collection. He added that the JJAG has financial resources so subject matter experts can be brought in to discuss the issues and the focus areas will be used to direct the 3-year plan.

Mr. Kane asked if prevention was the highest scoring and Mr. Howell confirmed that it was. He added that NCJA and the CJC create a policy limit for these areas. For example, SENTAC is broad based and has concrete numbers under its policies.

Mr. Arrington stated that schools, civil citation, alternative approaches, and child welfare are subcategories of prevention and the JJAG can work with the committee to come up with a presentation on each area.

Mr. Kane requested facts and statistics.

Mr. Stevenson stated that ensuring a smooth and timely education transition is important. He stated reentering youth are sent to alternative schools even though school was not the issue before entering the facility. He explained the juvenile is forced to go to an alternative school and gets into more trouble.

Mr. Arrington asked to organize a committee for the meeting after next.

Ms. Minutola stated that Alana Farber (from ODS) has been working with exiting youth. She noted Ferris' lacrosse coach has been working with the youth to get them into a non-alternative school.

Mr. Moore noted that alternative schools have a place. For example, it is a place for juveniles coming out of confinement and the school counselor would not be able to see the youth the first week of reentry. He stated alternative schools can mitigate circumstances.

Mr. Arrington then discussed the rehabilitation committee. Mr. Smith volunteered to chair the committee. Mr. Arrington stated Mr. Smith would receive internal assistance from CJC staff.

Mr. Priest volunteered to chair the arrest/initial contact committee. Mr. Arrington stated Mr. Priest would be partnered with someone in the system. He added that the committee should examine current practices, what needs work, and how to achieve improvements.

Mr. Arrington noted that the 5th committee, pretrial adjudication, has no members and interested members should see Mr. Howell.

Ms. Minutola then discussed the adult bail statute. She stated it is 99% finished and it has to go through the General Assembly. This is Title 11 and will not affect Title 10 (juvenile bail). Under this legislation, individuals can be held without bail for felonies when there are no

circumstances in which the individual can be released safely. The individual can be released under conditions, which can include money. Ms. Minutola added that they are in a good position with bills. HB 306 adds more discretion to judges for juvenile firearms offenses (passed Senate), HB 307 has to do with mandatory minimum amendments with the DOJ, and HB 305 is on hold until DOJ and law enforcement concerns are addressed. This has to do with limiting YCOP to post-conviction instead of pretrial. There are concerns about the rehabilitation aspect and additional reforms may be needed. She stated bail and YCOP are the current priorities.

Mr. Arrington stated that “juvenile” means they should be in Family Court.

Commissioner Jones asked if YCOP is a choice if the youth is not wanted in juvenile detention and if the bill is reforming YCOP or where the juveniles are placed.

Ms. Minutola stated that it is currently addressing where juveniles are placed before the conviction is known. She added YCOP is a separate discussion.

Mr. Arrington stated that benchmarking is conviction instead of arrest.

Commissioner Jones stated there used to be amenability. Ms. Layton stated DOJ is working with ODS on a compromise for bills and the right way to balance responsibility and rehabilitation. She stated the structure in Family Court for gun cases is being maintained and they are looking at who they can keep out of the system so the individual may be rehabilitated instead of convicted.

Secretary Manning stated that DSCYF would like to serve the YCOP youth and believes DSCYF could serve them better. However, she also wants the Division protected when they are at capacity or cannot handle the youth. She explained they need YCOP temporarily and the Department is focused on prevention. She would like to meet families where they are instead of classifying services as YRS, CPS, and DPBH.

Chief Judge Newell stated that NJDC reported on video bail and YRS began transporting youth for in-person hearings in March. Communication and access to justice are issues and bail times seem to be working. He added that agency bails in Sussex totaled at 7 and Kent and New Castle County did not have a large number. He stated that he does not want to pull SROs out of schools. Chief Judge Newell also stated that speedy trial is an issue that results in continuance problems and is interested in the committee.

Secretary Manning stated she is willing to have a court room at the facility so they don't have to shackle the juveniles. They found the space, but need funding for staffing. She added that this way, the youth could get counsel at initial presentment.

Mr. Arrington asked if there is any funding for a pilot program. Mr. Kervick responded that it has been a long time since they took federal funding and asked the legislation for staffing.

Ms. Minutola stated this would be good for most defendants and that there are multiple bail hearings. She added the preventative detention piece needs work and they are missing youth after Family Court closes. She stated this can increase risk factors and people are needed to cover bail hearings.

Capt. Sawyer suggested DSP could bring juveniles there instead. Chief Judge Newell stated this is a statewide issue that may work in New Castle County, but resources differ across the state.

**IV. Functional Areas Presentation**

N/A

**V. Adjourn**

Respectfully submitted,  
Cliffvon Howell  
Juvenile Justice Specialist  
Notes Compiled by: Monica Celli