

# **Understanding Changes in the Delaware Juvenile Amenability Population, Policies and Processes**

By: Jack O'Connell and Jorge Rodriguez  
Delaware Statistical Analysis Center

December 2008

Delaware  
Juvenile Justice Collaborative

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

## **Eighteen is Delaware's Age of Majority ...**

**Original Jurisdiction:** By Statute Homicide, Rape 1<sup>st</sup> Rape 2<sup>nd</sup> Kidnapping 1<sup>st</sup> are originally filed in Superior instead of Family Court.

**Repeat:** By Statute 16 year olds with a prior felony adjudication charged with Conspiracy 1<sup>st</sup>, Rape 3<sup>rd</sup>, Assault 1<sup>st</sup>, Arsons 1<sup>st</sup>, Burglary 1<sup>st</sup>, Drug Trafficking are 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:** cases once in Superior Court can be reversed remanded back to Family Court .

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

**A Research Caveat for anyone conducting 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.

This data is only available because of the special assistance of all Delaware criminal justice agencies.

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.

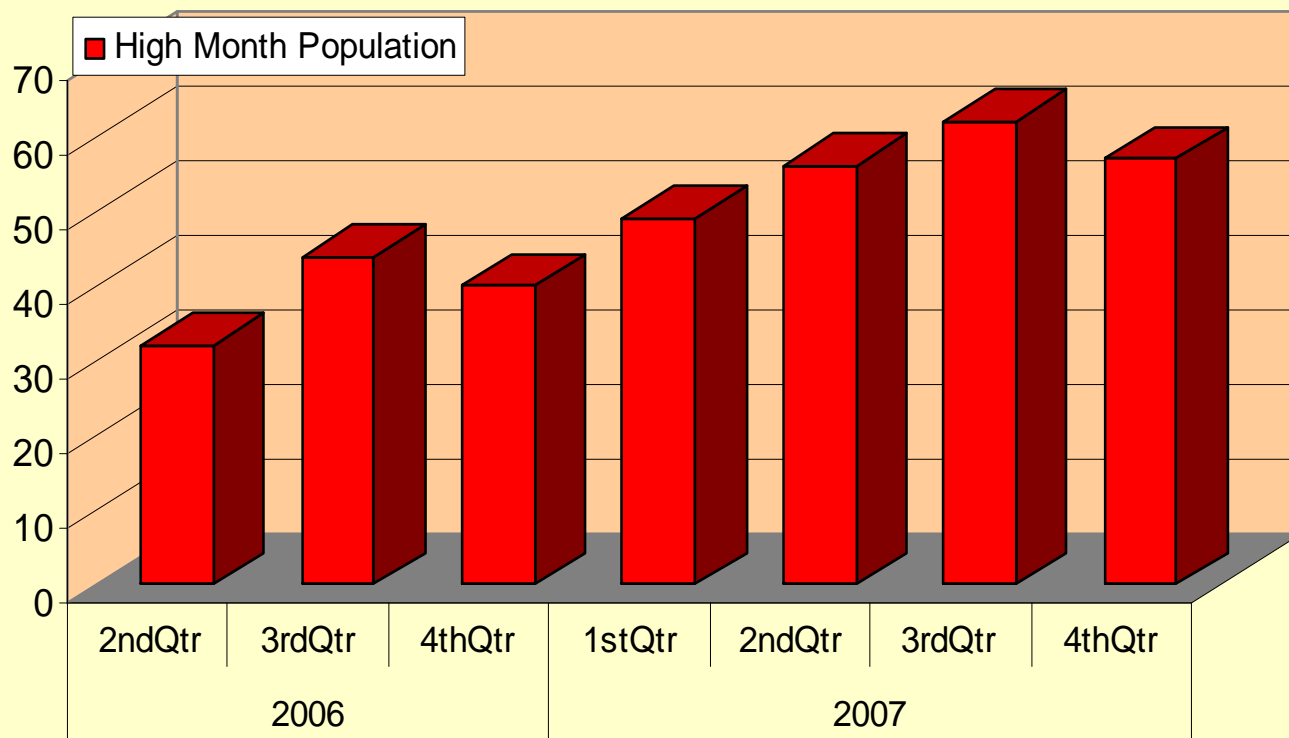
Since 2002 most of focus has been on major **POLICY CHANGES**

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

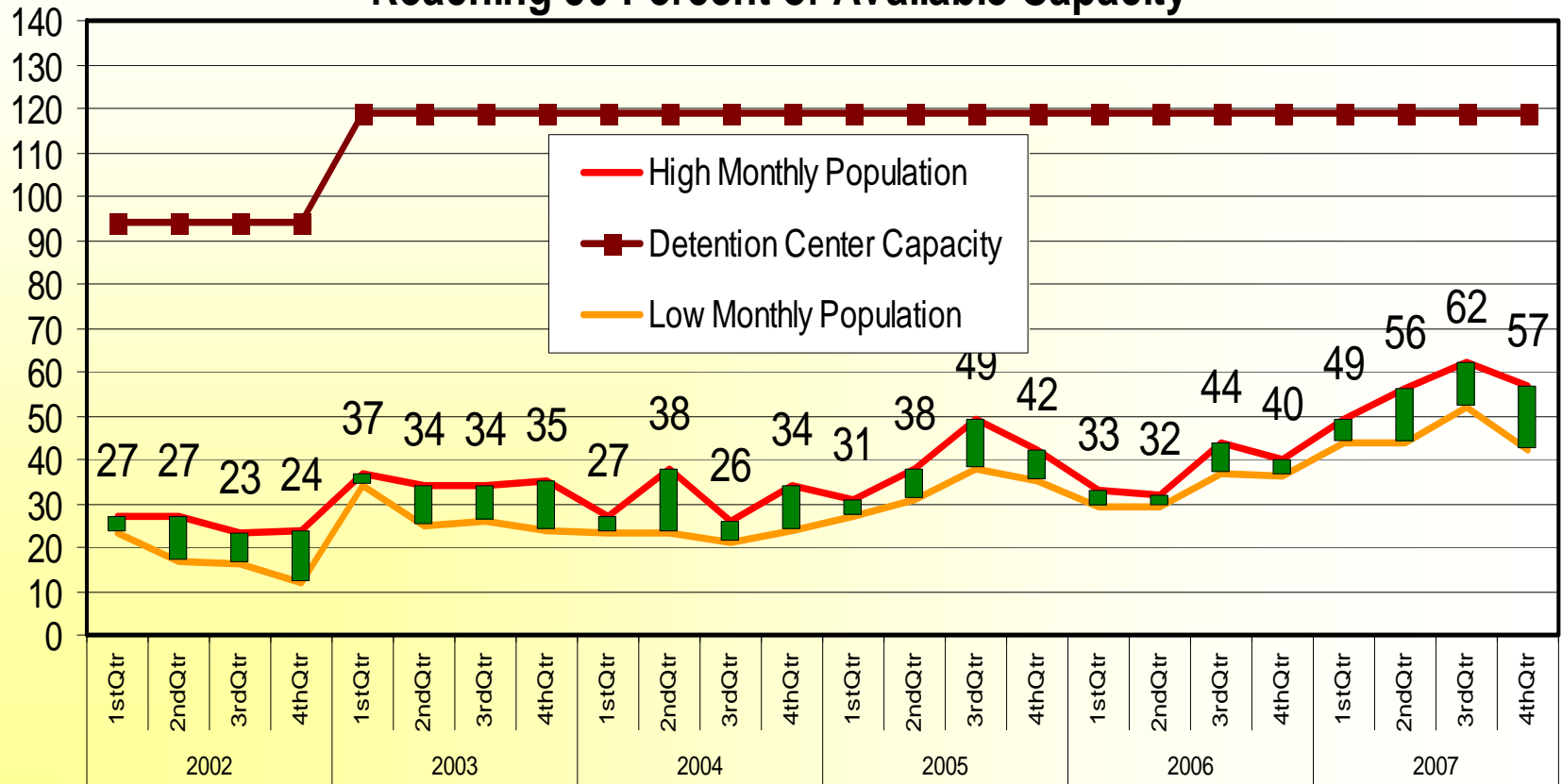
In July 2005, **SB 200**, after extensive study and debate, partially reversed HB 210 and only Robbery 1<sup>st</sup> defendants that have a prior felony adjudication and display or use a deadly weapon remain as original jurisdiction.

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 Populaiton



## Remanded Superior Court Youth In Detention Centers Exceeds the Planned Population of 15 Reaching 50 Percent of Available Capacity



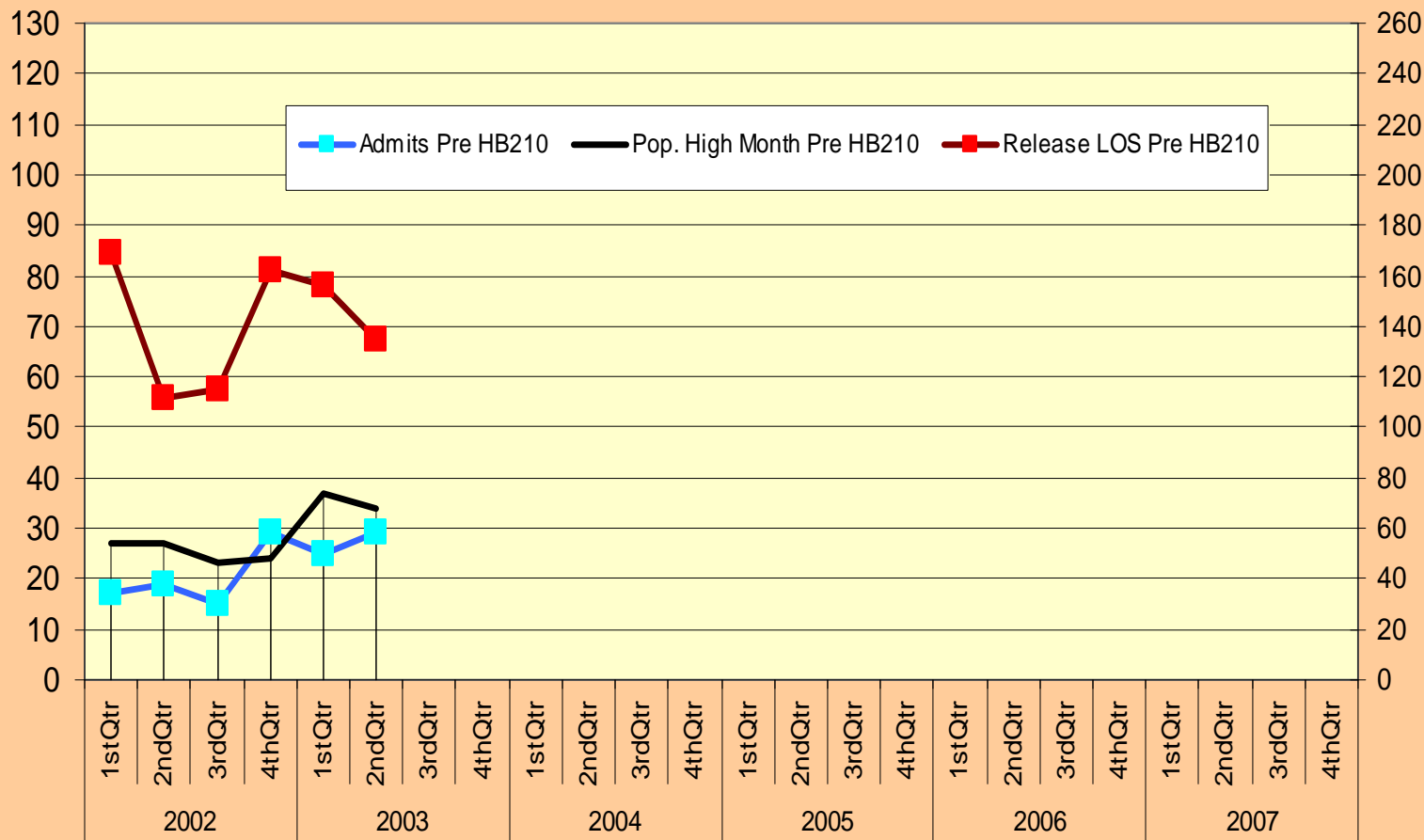
Remember: The original plan was not to exceed 15 Superior Court detention beds.

## Juvenile Non-Amenable Detention Population

### Pre- HB210: a Baseline

Admits - Pop (Qtr)

LOS Days



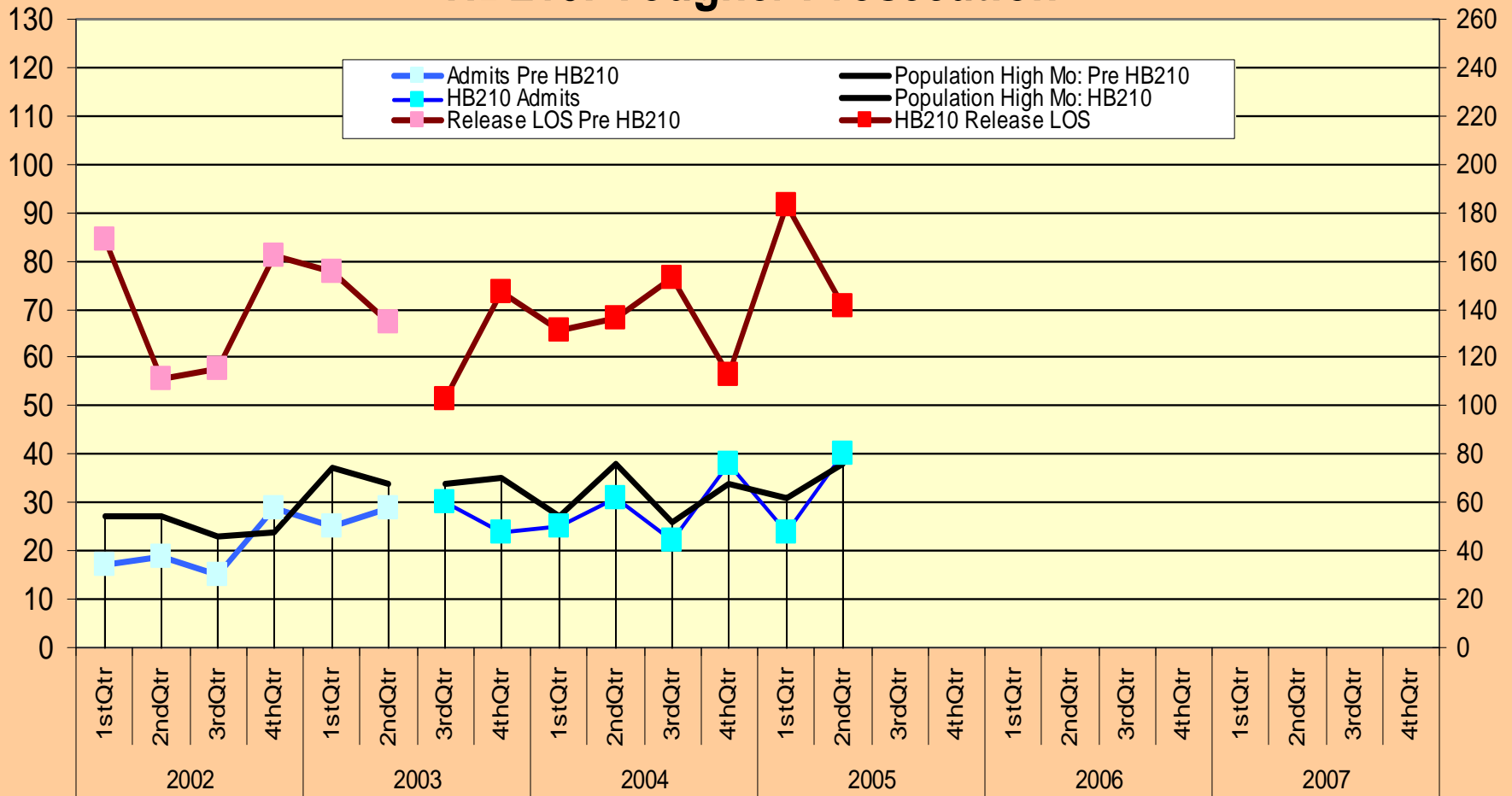


In July 2003, **HB 210** became law and Robbery 1<sup>st</sup> and Assault 1<sup>st</sup> cases became “original” rather than “repeat” jurisdiction cases.

## Juvenile Non-Amenable Detention Population HB210: Tougher Prosecution

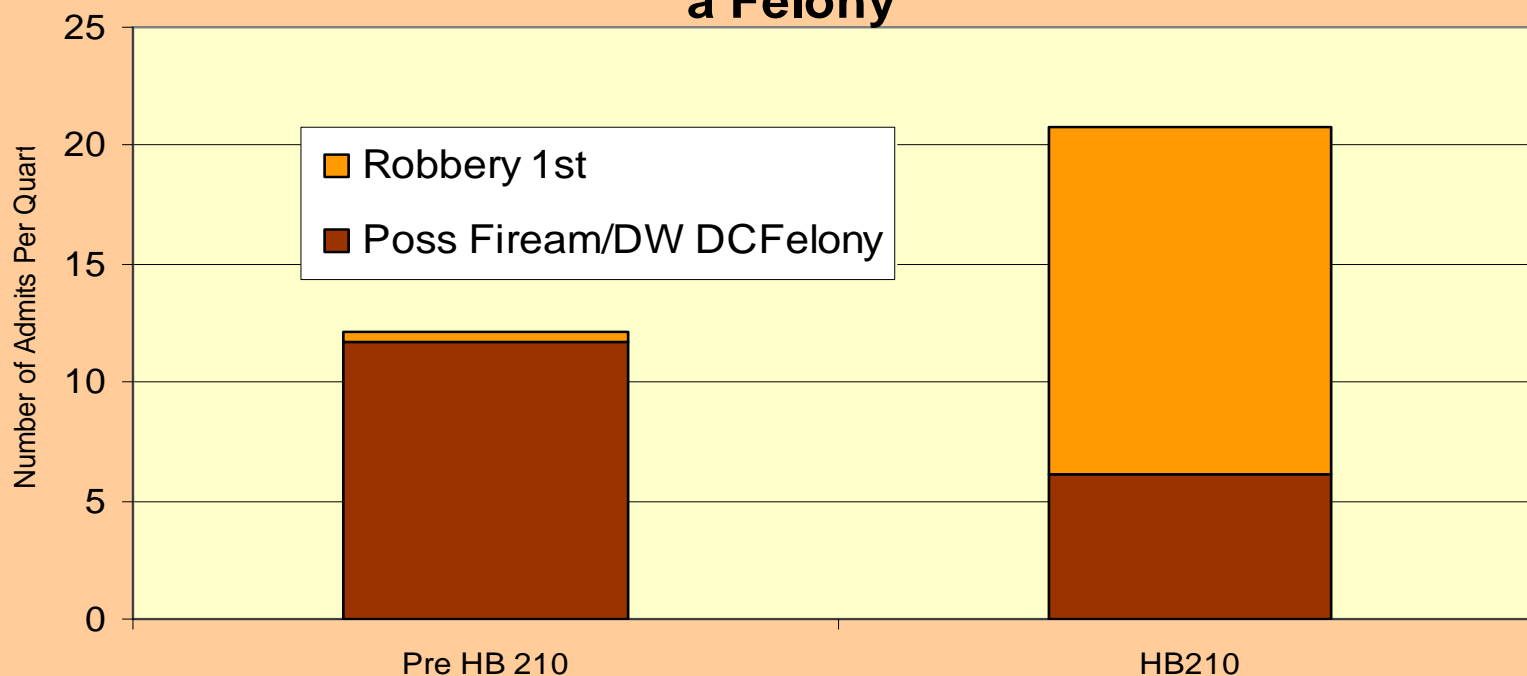
Admits - Pop (Qtr)

LOS Days



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

**Pre and Post HB 210: Robbery 1st Cases versus Possession of a Firearm/DW During the Commission of a Felony**



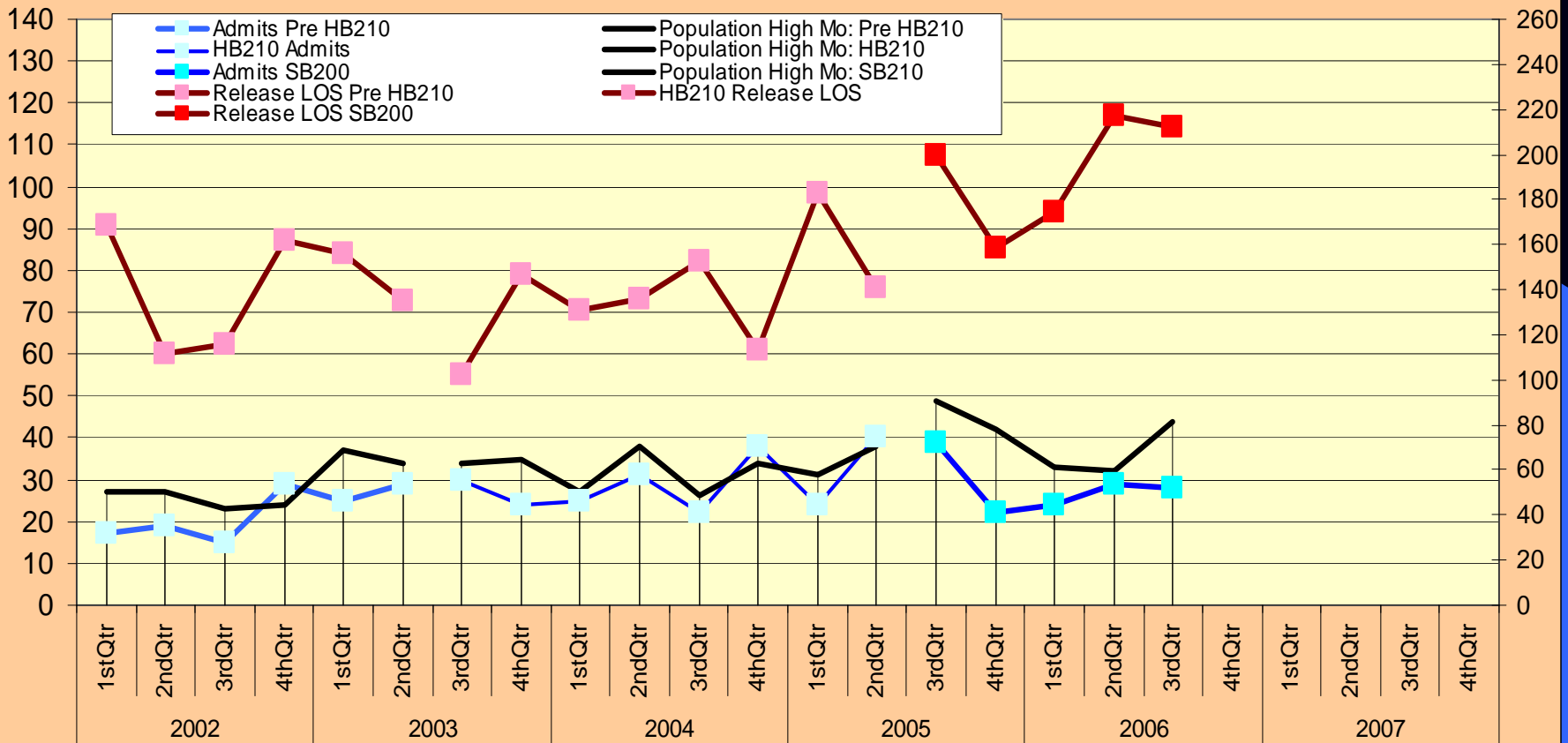
In July 2005 when **SB 200** became law, the number of non-amenable admits decreased as expected, but the population did not decrease to the level expected due to increased LOS.

## Juvenile Non-Amenable Detention Population

### SB200

Admits - Pop (Qtr)

LOS Days



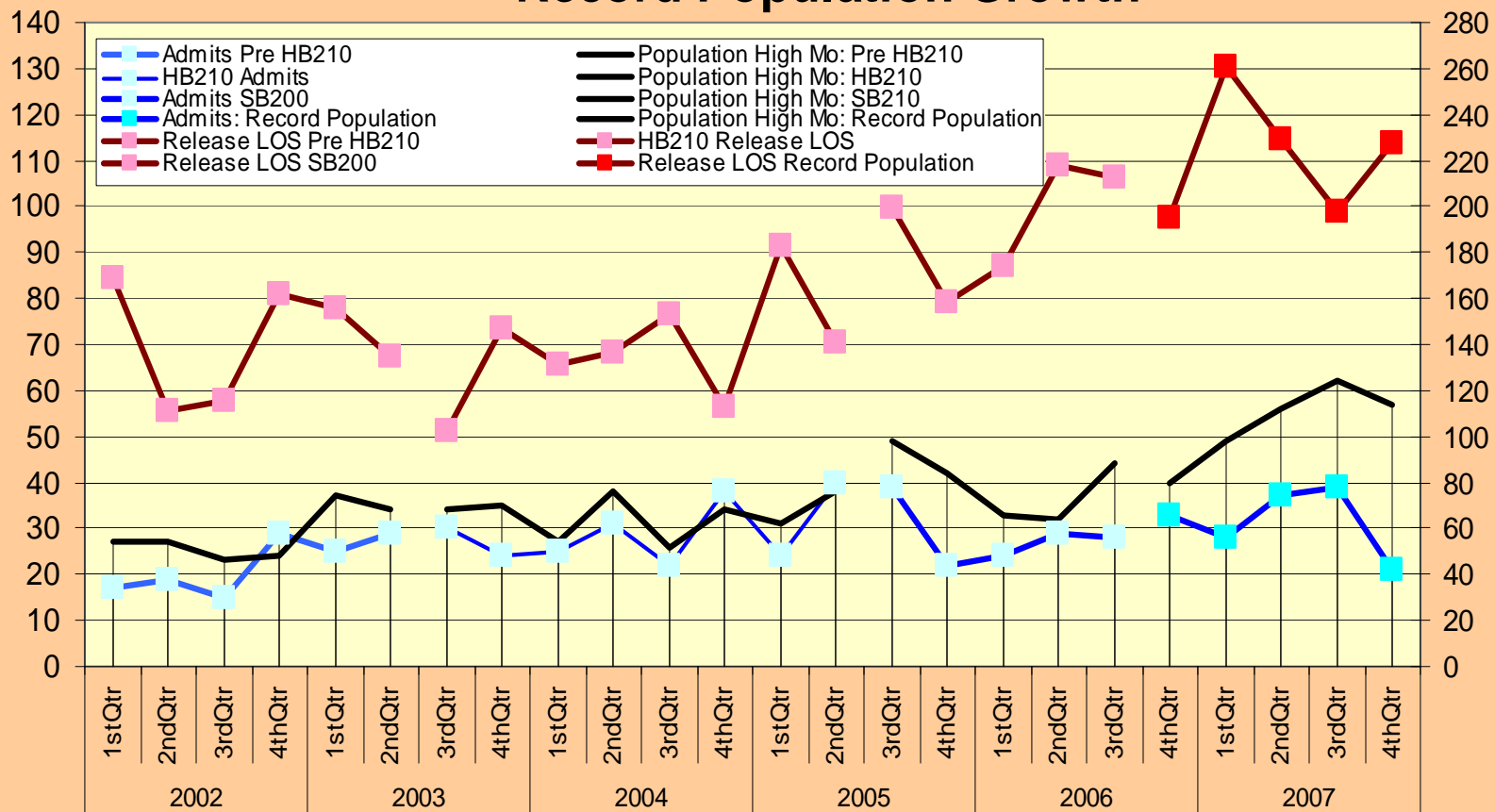
The primary reason for the unprecedented growth in the non-amenable juvenile population has been LOS, which indicates a decrease in criminal justice system efficiency

## Juvenile Non-Amenable Detention Population

### Record Population Growth

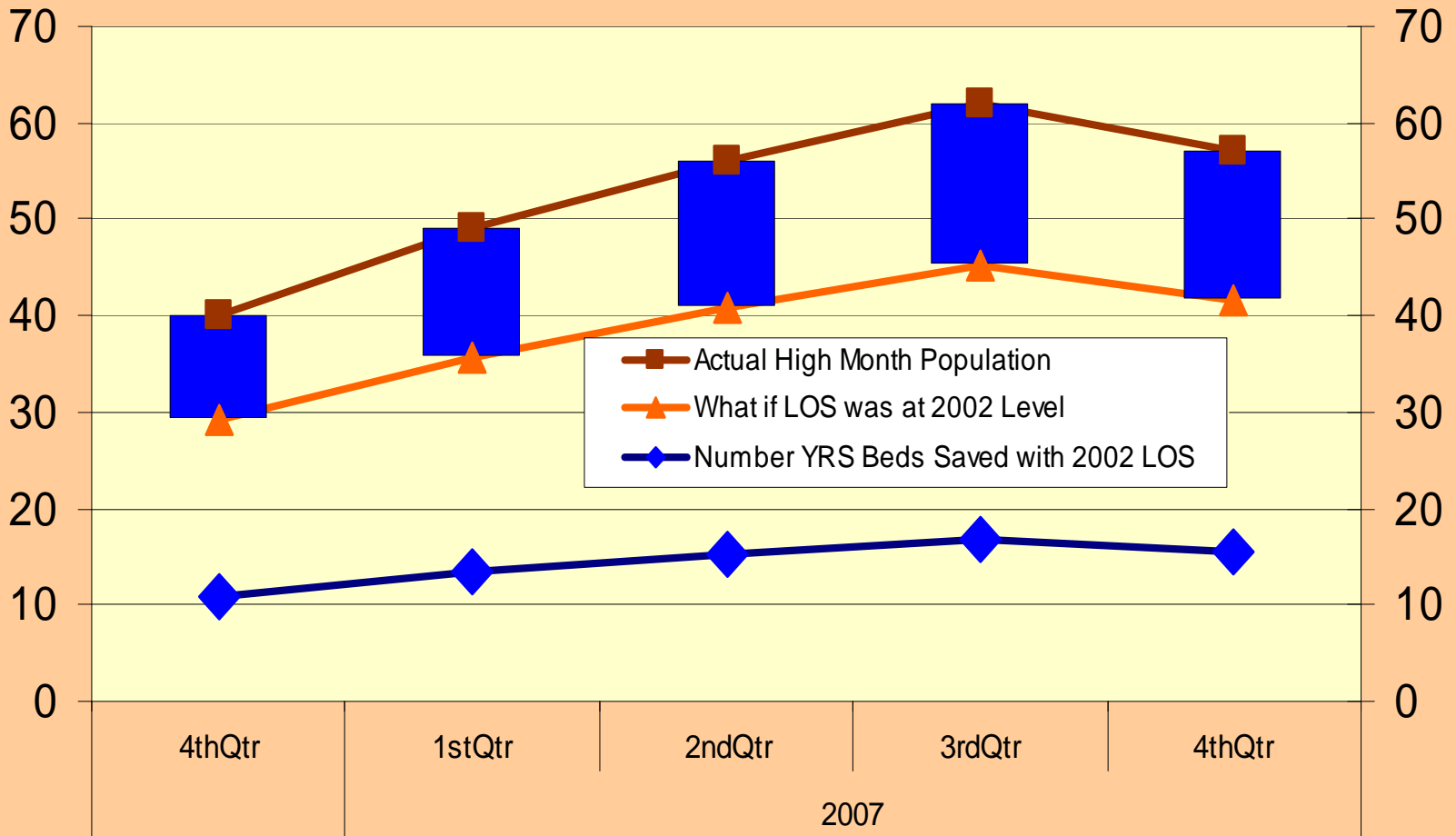
Admits - Pop (Qtr)

LOS Days



# What if the LOS was at 2002 instead of the much Higher 2007 Levels?

## Up to 20 YRS Beds Would Have Been Saved

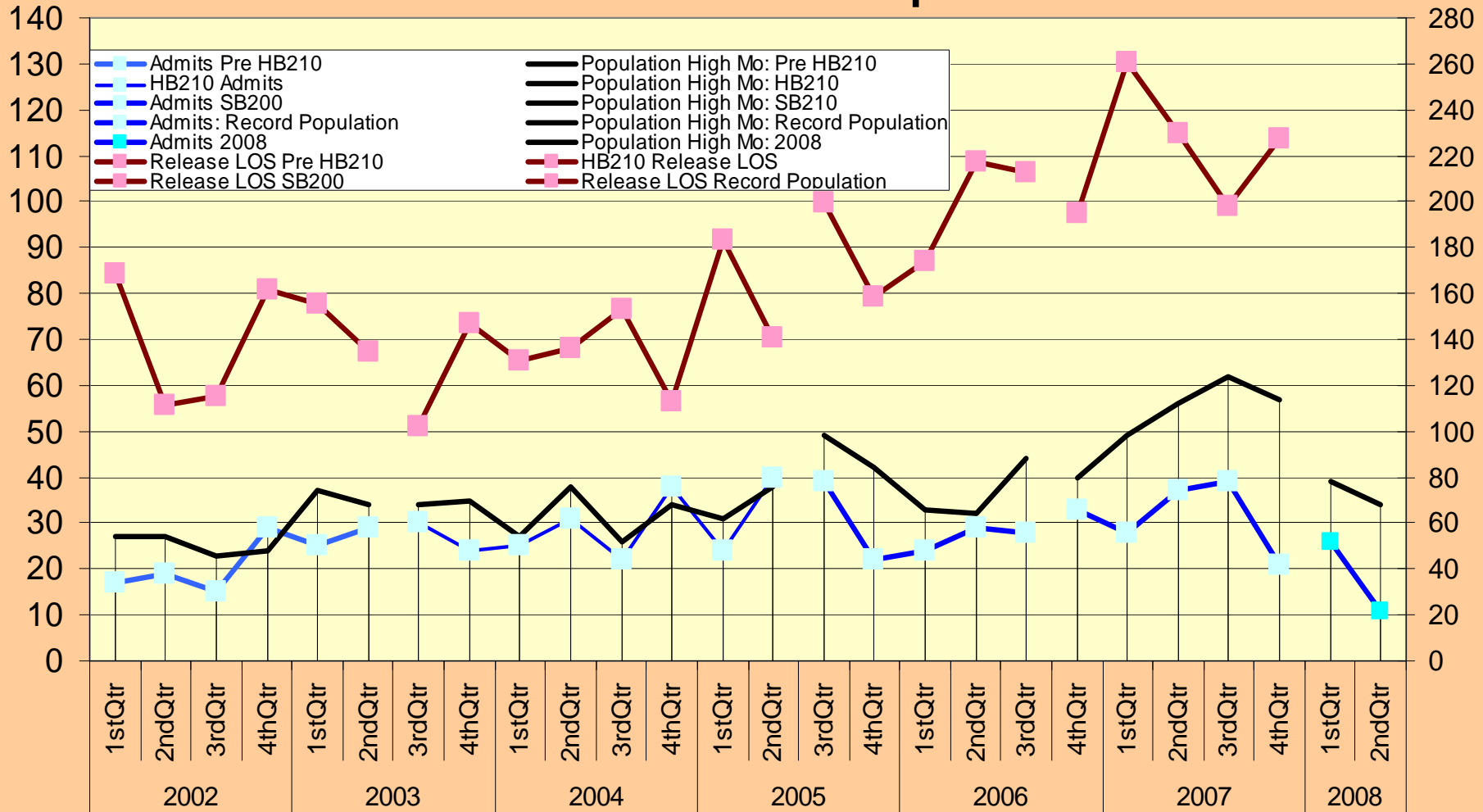


# Why have juvenile Superior Court Admissions decreased so much in 2008?

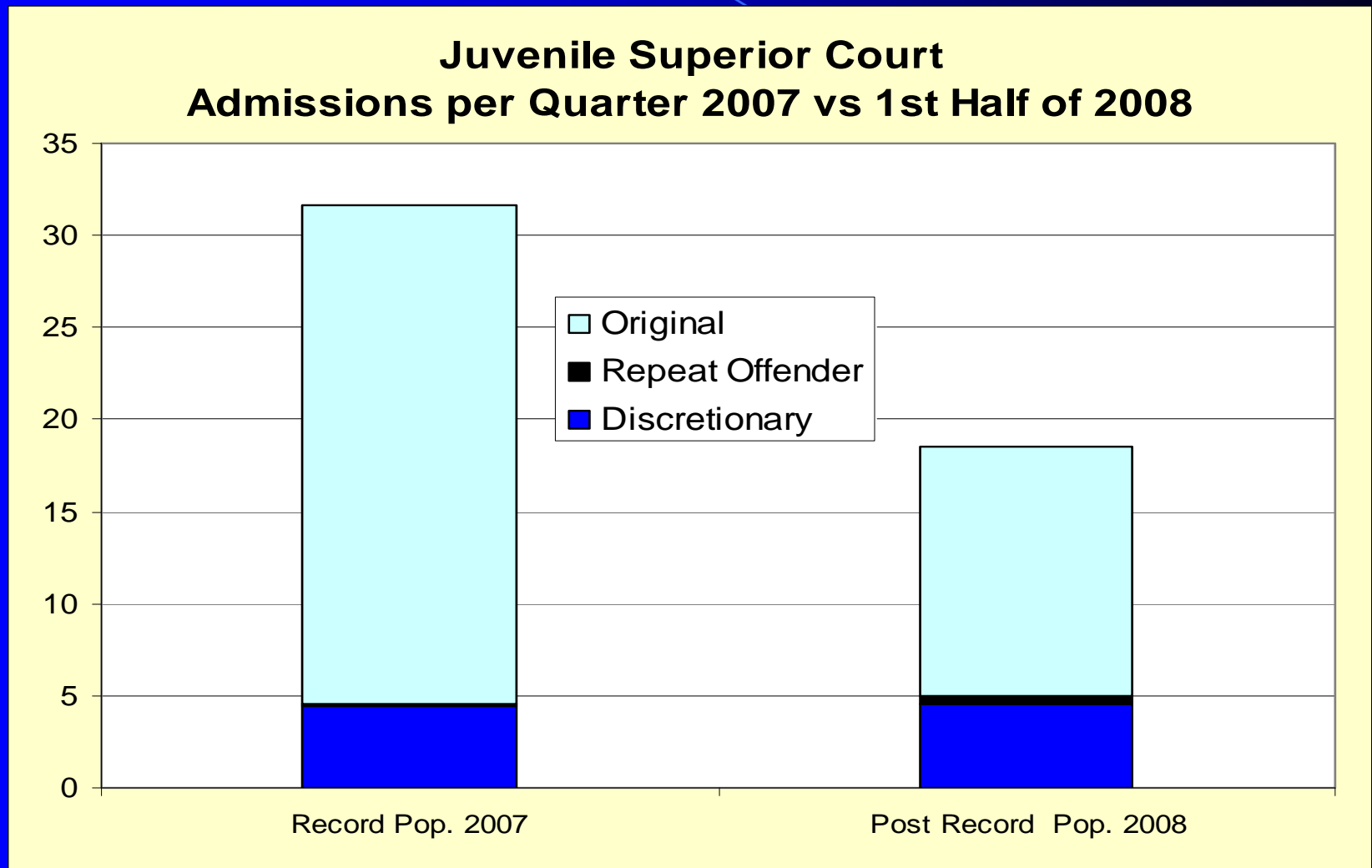
## Juvenile Non-Amenable Detention Population 2008 Post-Record Population

Admits - Pop (Qtr)

LOS Days



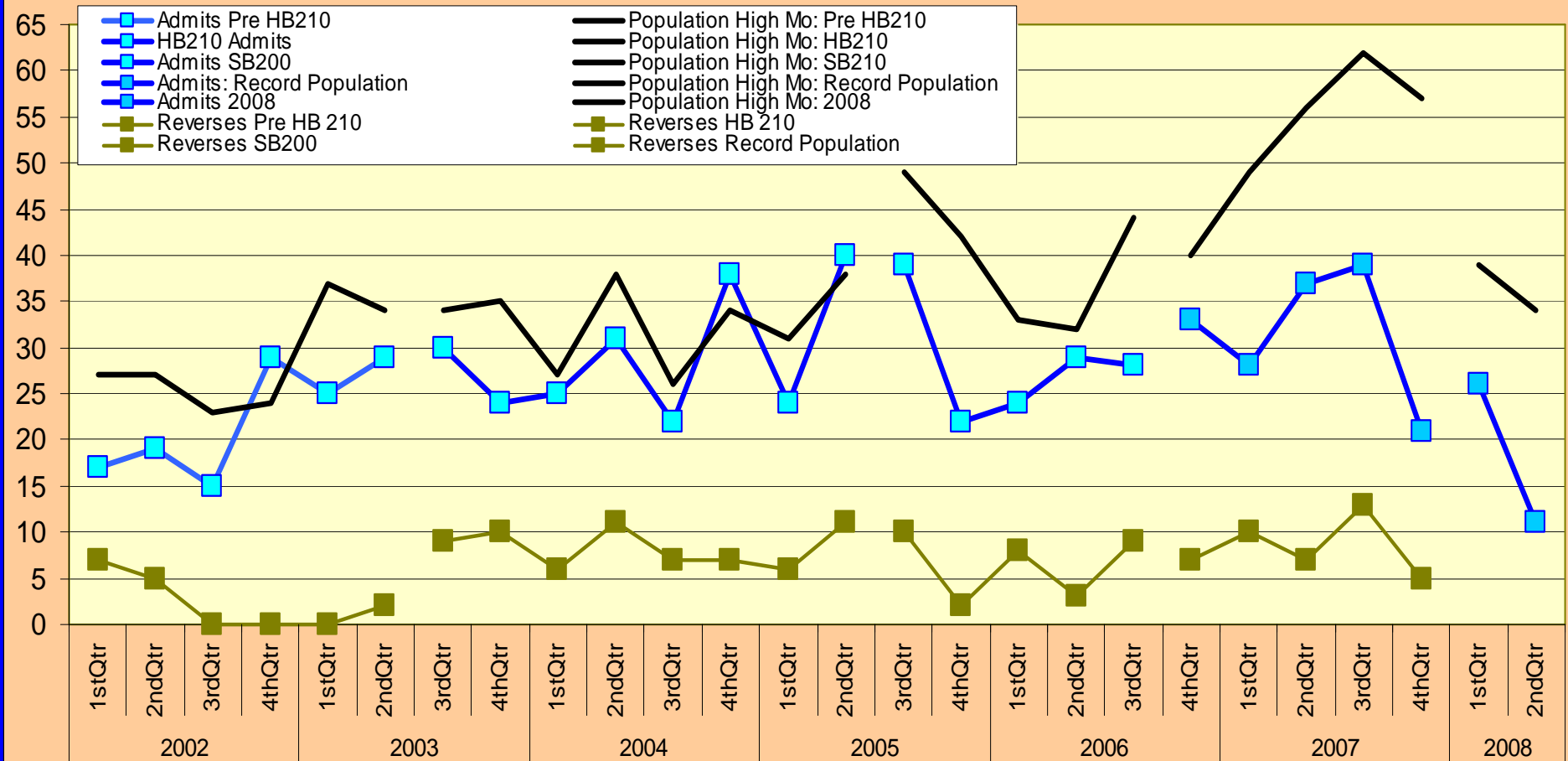
# The number of Robbery 1<sup>st</sup> and PFDCF Admissions Decrease by one-half in 2008



# Juvenile Non-Amenable Detention Population

## Reverse Remand Pattern

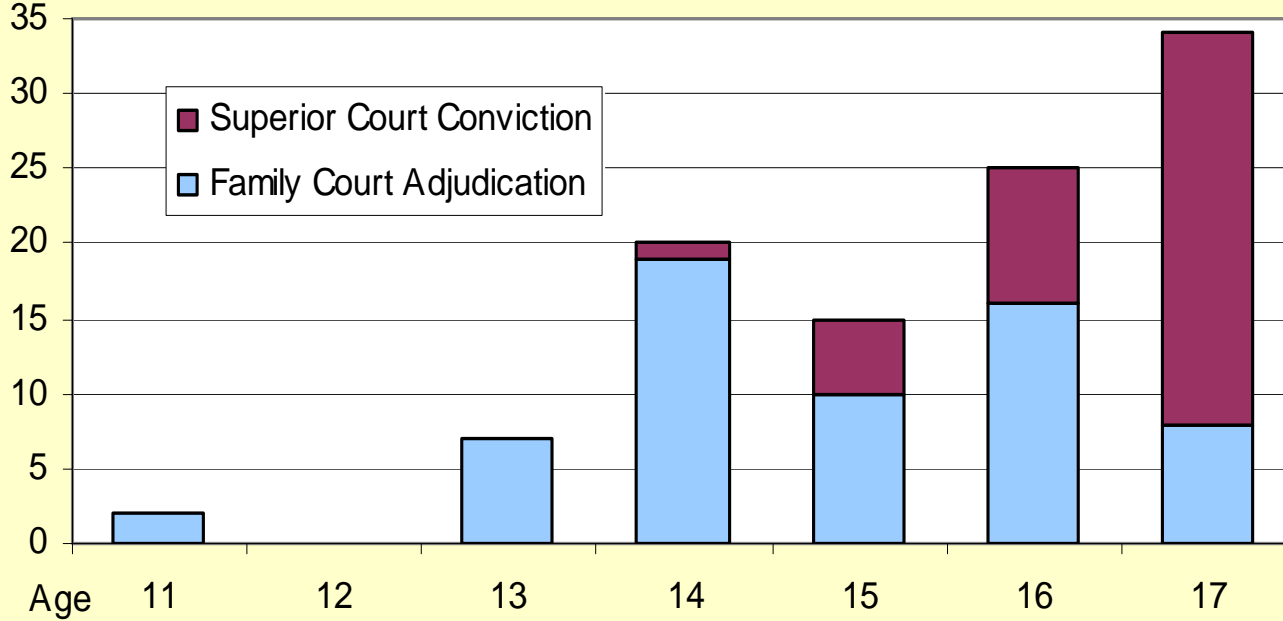
Admits - Pop (Qtr)



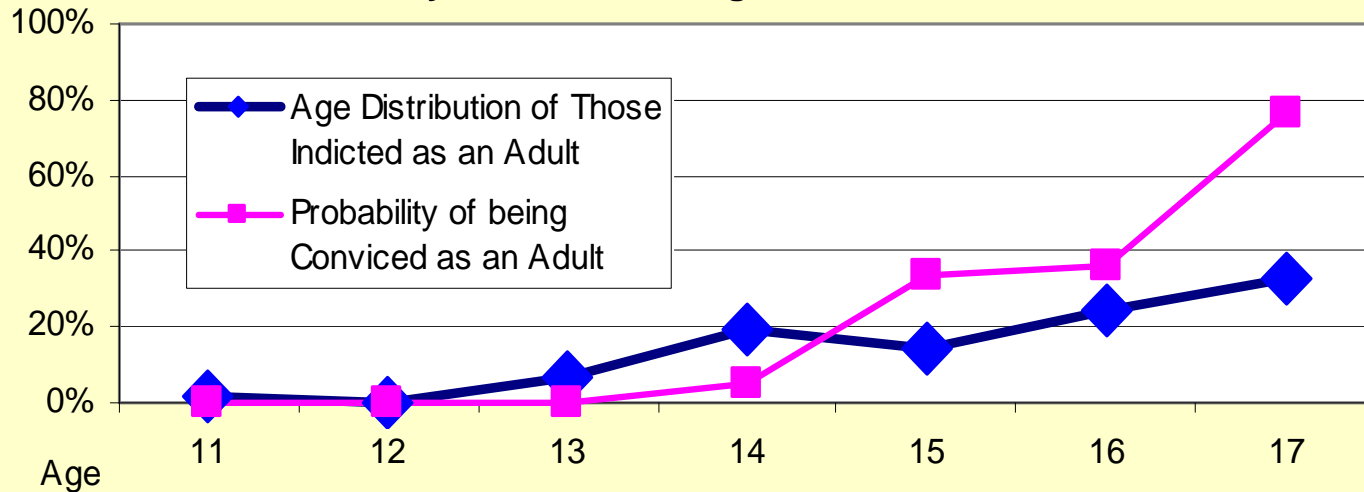


## Result of Cases for Juveniles Filed as a Adult in Superior Court: FY 2004

Number of Cases



## Probability of Juvenile Being Convicted as an Adult



e-mail ideas and comments to  
[john.oconnell@state.de.us](mailto:john.oconnell@state.de.us) or  
[Jorge.rodriquez@state.de.us](mailto:Jorge.rodriquez@state.de.us)

And check our website for  
Delaware Criminal Justice Studies at  
[sac.omb.delaware.gov](http://sac.omb.delaware.gov)