

STATE OF DELAWARE



**EXECUTIVE DEPARTMENT
DOVER**

**EXECUTIVE ORDER
NUMBER ELEVEN**

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: REESTABLISHMENT OF THE JUVENILE JUSTICE ADVISORY GROUP

WHEREAS, our children are Delaware’s greatest asset, and we must be sensitive not only to their essential medical, educational and family needs, but we must also address those needs so as to minimize our children’s involvement with the juvenile justice and criminal justice systems; and

WHEREAS, if we are to reduce crime in the long run, we must focus our attention on preventing youth from entering the juvenile justice and criminal justice systems; and

WHEREAS, those children who are involved in the juvenile justice and criminal justice systems need and deserve the highest quality of services and best practices in order to maximize their potential to become healthy and productive citizens; and

WHEREAS, the Juvenile Justice & Delinquency Prevention Act (42 USCS § 5633 (2017)), as amended, (“JJDPA”) requires the preparation and implementation of a state plan to coordinate services for youth and their families in order to ensure effective delinquency prevention and treatment programs; and

WHEREAS, the JJDPA requires that such coordination of services includes all agencies responsible for the delivery of such services including education, economic support, public health and social work, and includes those agencies which directly impact juvenile justice and delinquency prevention such as law enforcement, the courts, prosecution, defense, and corrections; and

WHEREAS, the JJDPA requires a participating state to designate a state agency as the sole agency for supervising the preparation and administration of the plan, and provide for the creation of an advisory group comprised of members with specialized knowledge and/or backgrounds in juvenile justice; and

WHEREAS, the Criminal Justice Council is designated as the State of Delaware's planning agency responsible for supervising the preparation and administration of the Delaware plan required by the JJDPA; and

WHEREAS, in accordance with the requirements of the JJDPA, the Juvenile Justice Advisory Group was reestablished as an advisory group by Executive Order Number Fifty-Eight of Governor Minner, dated July 19, 2004.

NOW, THEREFORE, I, JOHN C. CARNEY, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby **DECLARE** and **ORDER** as follows:

1. In accordance with the requirements of the JJDPA, the Juvenile Justice Advisory Group ("JJAG") is hereby reestablished as the State Advisory Group for Delaware.
2. The JJAG shall:
 - a. Participate in the development and review of the State's Juvenile Justice Plan prior to submission to the Criminal Justice Council for final action;
 - b. Be afforded an opportunity to review and comment, not later than 30 days after submission to the JJAG, on all grant applications submitted to the Criminal Justice Council related to juvenile justice and delinquency prevention and services to juveniles in the criminal justice system;
 - c. Advise the Criminal Justice Council of the needs of Delaware for a comprehensive and coordinated approach to juvenile delinquency prevention and treatment, including the improvement and coordination of existing services, and the development of new programs to meet the needs of existing services and other needs as identified;
 - d. Provide funding advice to the Criminal Justice Council in developing, maintaining and expanding delinquency prevention to divert juveniles from the juvenile justice system, and to provide advice on community-based alternatives to juvenile detention and correctional facilities including:

- i. Community-based programs and services for the prevention and treatment of juvenile delinquency through the development of community-based diagnostic, treatment or rehabilitative services;
- ii. Community-based programs and services to work with parents and other family members and to provide family-centered counseling services to maintain and strengthen the family structure so that the juvenile may remain in the community;
- iii. Youth rehabilitative services and other community-based programs to divert youth from the juvenile justice system or to support, counsel or provide work and recreational opportunities for justice involved youth and those at risk of becoming involved in the juvenile justice system;
- iv. Comprehensive programs of substance abuse education and rehabilitation and programs for youth in need of substance abuse treatment;
- v. Educational programs or supportive services designed to encourage justice involved youth and other youth to remain in elementary and secondary schools or in alternative learning environments;
- vi. Expanded use of probation and recruitment and training of probation officers, other professional and paraprofessional personnel and volunteers to work effectively with youth;
- vii. Statewide programs using probation subsidies, other subsidies, or financial incentives that may include, but are not limited to, programs designed to:
 1. Reduce the number of commitments of juveniles to any form of juvenile facility as a percentage of the State juvenile population;
 2. Increase the use of non-secure community-based facilities as a percentage of total commitments to juvenile facilities; and
 3. Discourage the use of secure incarceration and detention;
- e. Advise the Criminal Justice Council in the development of a State plan which shall monitor the juvenile and criminal justice system to ensure that dependent, neglected, and abused youth are not sent to facilities designated for juvenile justice involved youth;

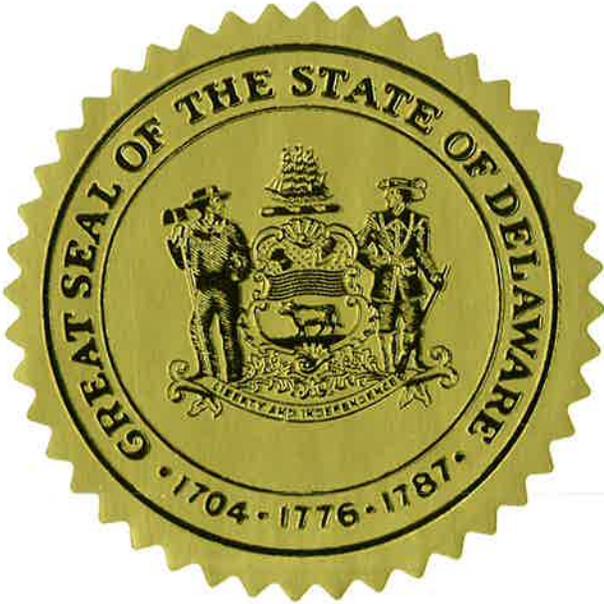
- f. Ensure that juveniles alleged to be, or found to be, delinquent shall not be confined, detained, or incarcerated in adult jails, lock-ups or correctional facilities (except contact incidental to admission and booking), unless that juvenile can be kept totally separate from adult inmates, including inmate trustees; and to ensure a policy is in effect which requires individuals who work with both juvenile and adult inmates in collocated facilities to have been trained and certified to work with juveniles;
 - g. Provide advice to ensure that assistance will be available on an equitable basis to deal with all disadvantaged youth, including but not limited to females, minority youth, and youth with mental disorders or incapacities, developmental disabilities, cognitive impairment or chronological immaturity;
 - h. Consult and coordinate its activities with those agencies and non-profit organizations which directly impact juvenile justice and delinquency prevention in this State, including the Department of Services for Children, Youth and their Families, the Family Court of the State of Delaware, the Department of Justice, the Office of Defense Services, the Department of Safety and Homeland Security, the Department of Correction, and the Department of Education;
 - i. Require all State diversion programs to submit an annual report, to be submitted by August 30th of each year to the JJAG, that includes program outcomes data on the number of youth served; and
 - j. Submit an annual report with recommendations to the Governor, Legislature, and Criminal Justice Council by March 31, 2018 and by the last day of March each year thereafter, on the state of juvenile justice in Delaware and compliance with the requirements outlined in e., f. and g. of paragraph 2 of this Order.
3. The Juvenile Justice Advisory Group shall be comprised of between 15 and 33 members appointed by the Governor, who have training, experience or special knowledge in the following: prevention and treatment of juvenile delinquency; administration of juvenile justice; or reduction of juvenile delinquency. A majority of the members shall not be full-time employees of the federal, state or local governments; at least one-fifth shall be under the age of 24 at the time of appointment; and at least 3 members shall be persons who have been or currently are under the jurisdiction of the juvenile justice system. The Governor

shall appoint one member of the public as Chair of JJAG to serve at the Governor's pleasure and shall have substantial experience in juvenile justice, and may include a retired Judge or Commissioner of the Delaware Family Court. The remaining members of the Advisory Group shall be as follows:

- a. The Chief Judge of the Family Court, or a designee appointed by the Chief Judge, and an additional judicial officer from Family Court;
- b. The Attorney General, or a designee appointed by the Attorney General;
- c. The Chief Defender, or a designee appointed by the Chief Defender;
- d. The Secretary of the Department of Services for Children, Youth and their Families, or a designee appointed by the Secretary;
- e. The Secretary of Education, or a designee appointed by the Secretary;
- f. The Director of the Division of Youth Rehabilitation Services, or a designee appointed by the Director;
- g. The Director of the Division of Family Services, or a designee appointed by the Director;
- h. The Director of the Division of Prevention and Behavioral Health Services, or a designee appointed by the Director;
- i. The Commissioner of the Department of Correction, or a designee appointed by the Commissioner;
- j. The Secretary of Safety and Homeland Security, or a designee appointed by the Secretary; and
- k. Three members of the Delaware Police Chief's Council, Inc. appointed by the Governor, representing each of the three counties of the State, one of whom shall be a representative from either the City of Wilmington Police Department or the Delaware State Police.
- l. The remaining members shall be appointed by the Governor in accordance with JJDP, 42 USCS § 5633(a)(3)(A)(ii), and shall include representatives of public agencies, volunteers, and non-profit organizations such as those: concerned with preserving and strengthening families; involved with programs that are alternatives to incarceration; and experienced with mental health issues, delinquency prevention and treatment. The members will serve at the Governor's pleasure.

4. All meetings of the JJAG shall be open to the public, and the dates, times and locations of such meetings and their minutes shall be timely published in an appropriate manner.
5. Executive Order Number Fifty-Eight, approved by Governor Minner and dated July 19, 2004, is hereby rescinded.

APPROVED this 12th day of July 2017.



John C. Carney

John C. Carney
Governor

ATTEST:
[Signature]

Secretary of State