



Delaware

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House Judiciary Committee
Legislative Hall
411 Legislative Avenue
Dover, DE 19901

June 18, 2019

Dear Members of the House Judiciary Committee:

We urge you to support House Bills 10, 75, and 76 when they come before the Committee today. As the Supreme Court of the United States has recognized in a series of cases, children are different from adults in fundamental ways. Their still developing cognitive and decision-making abilities mean kids deserve more compassion when they make bad decisions, and means they have a deeper capacity to change.

The purpose of the juvenile justice system is meant to be rehabilitation, not punishment. It is for these reasons that we have a juvenile delinquency system administered through the family court that is separate from full criminal proceedings for adults.

Over the years, however, as “tough-on-crime” policies have driven decision making, the lines between the juvenile justice system and the adult one have been blurred. House Bills 10, 75 and 76 would reverse some of those changes.

House Bill 10

Currently, Delaware has no minimum age of prosecution. That means that youth as young as seven or eight years old may be arrested, charged and adjudicated delinquent. We know that youth make rash, impulsive decisions and do not take risk into account, and do not fully comprehend consequences or the judicial system. We also know that introducing youth at a young age into the juvenile justice system increases the potential for future offending. This bill would set the minimum age at 12, and would also limit transfers of juveniles to adult court.

House Bills 75 and 76

These bills would shut down the Youthful Criminal Offender Program (YCOP) - a facility that houses kids who have been convicted as adults at Sussex Correctional, an adult prison. Under these bills, they would be held instead in facilities meant for



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juveniles. YCOP currently holds approximately 10 kids, in a space meant for 50. Because they are required by federal law to be completely separated from adults in the facility, rehabilitation, education and recreational opportunities for these kids are extremely limited. In addition to being inefficient, studies have shown that kids housed in adult facilities are much more likely to recidivate as adults and have worse outcomes for themselves and their communities.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "David Bever". The signature is written in a cursive style with a large initial "D".

David Bever
Interim Director

A handwritten signature in black ink that reads "Karen Lantz". The signature is written in a cursive style with a large initial "K".

Karen Lantz
Staff Attorney & Policy Counsel