

STATE OF DELAWARE



EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER NUMBER FIFTY-EIGHT

RE: REESTABLISHMENT OF THE JUVENILE JUSTICE ADVISORY GROUP

WHEREAS, our children are our State's greatest asset, and we must be sensitive not only to their basic medical, educational and family needs, but we must also address those needs so as to minimize our children's involvement with the criminal justice system; and

WHEREAS, if we are to reduce crime in the long run, then we must focus our attention on preventing the development of career criminals, that is, we must focus on our children and youth and devise methods to keep them out of the criminal justice system; and

WHEREAS, the Juvenile Justice & Delinquency Prevention Act (42 USCS §5633 (2003)), as amended, requires the preparation and implementation of a state plan to coordinate human services to youth and their families in order to ensure effective delinquency prevention and treatment programs; and

WHEREAS, the Juvenile Justice & Delinquency Prevention Act requires that such coordination of human services includes all agencies responsible for the delivery of such services as education, economic support, public health and social work, and includes

those agencies which directly impact juvenile justice and delinquency prevention such as the police, courts and corrections; and

WHEREAS, the Juvenile Justice & Delinquency Prevention Act, as amended, requires that the state plan provides for an Advisory Group which shall comprise of members with specialized knowledge and/or backgrounds, and which purpose is to exercise specific functions; and

WHEREAS, in accordance with the requirements of the Juvenile Justice & Delinquency Prevention Act, the Juvenile Justice Advisory Group was reestablished by Executive Order Number Ten of Governor Castle, dated June 6, 1985, the Criminal Justice Council was designated by statute as the State planning agency solely responsible for supervising the preparation and administration of the Delaware plan required by the Juvenile Justice & Delinquency Prevention Act, as amended; and

WHEREAS, certain elected, appointed and public officials have specialized knowledge and/or backgrounds, and have traditionally been members of the Advisory Group;

NOW THEREFORE, I, RUTH ANN MINNER, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby order and declare as follows:

1. In accordance with the requirements of the Juvenile Justice & Delinquency Prevention Act (42 USCS §5633), as amended, the Juvenile Justice Advisory Group is hereby reestablished.
2. The Juvenile Justice Advisory Group shall:
 - a. Participate in the development and review of the State's Juvenile Justice Plan prior to submission to the supervisory board for final action;
 - b. Be afforded an opportunity to review and comment, not later than 30 days after submission to the Advisory Group, on all juvenile justice and delinquency prevention grant applications submitted to the Criminal Justice Council;

- c. Advise the Criminal Justice Council of the needs of Delaware for an effective, comprehensive, coordinated approach to juvenile delinquency prevention and treatment, the improvement of the juvenile justice system, as well as provide for the coordination and maximum utilization of existing juvenile delinquency programs and other programs, such as education, health, and welfare within the State of Delaware, as they relate to delinquency prevention and treatment;
- d. Make recommendations to the Criminal Justice Council and the General Assembly regarding the improvement and coordination of existing services, identify problems and needs of those existing services, develop new programs to meet the needs identified, and establish priorities in the juvenile justice area;
- e. Provide advice in developing, maintaining and expanding delinquency prevention, to divert juveniles from the juvenile justice system and to provide community-based alternatives to juvenile detention and correctional facilities, including:
 - (1) Community-based programs and services for the prevention and treatment of juvenile delinquency through the development of foster-care and shelter-care homes, group homes, half-way houses, home-maker and home health services, and any other designated community-based diagnostic, treatment or rehabilitative services;
 - (2) 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 be retained in his or her home;
 - (3) Youth-service bureaus and other community-based programs to divert youth from the juvenile justice system or to support, counsel or provide work and recreational opportunities for delinquents and youth in danger of becoming delinquent;
 - (4) Comprehensive programs of drug and alcohol abuse education and rehabilitation and programs for the treatment and rehabilitation of drug-addicted youth and “drug-dependent” youth;
 - (5) Specialized residential treatment programs for dependent-neglected youth who have complex behavior or emotional problems, or who have been victims of child abuse;
 - (6) Educational programs or supportive services designed to encourage delinquents and other youth to remain in elementary and secondary schools or in alternative learning institutions;

- (7) Expanded use of probation and recruitment and training of probation officers, other professional and paraprofessional personnel and volunteers to work effectively with youth;
 - (8) Statewide programs using probation subsidies, other subsidies, or financial incentives that may include but are not limited to programs designed to:
 - (a) reduce the number of commitments of juveniles to any form of juvenile facility as a percentage of the State juvenile population;
 - (b) increase the use of non-secure community-based facilities as a percentage of total commitments to juvenile facilities; and
 - (c) discourage the use of secure incarceration and detention.
- f. Advise the Criminal Justice Council in the development of a State plan which shall monitor the criminal justice system to insure that dependent-neglected youth are not sent to correctional facilities;
 - g. 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 that contact incidental to admission and booking, unless that juvenile can be kept totally separate from adult inmates, including inmates trustees; and to ensure a policy is in effect which requires individuals who work with both, juvenile and adult inmates, in collocated facilities have been trained and certified to work with juveniles;
 - h. 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 mentally retarded and emotionally or physically handicapped youth; and
 - i. 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 Delaware, the Department of Justice, the Office of the Public Defender, and the Department of Public Safety.
3. The Juvenile Justice Advisory Group shall comprise between 15 and 33 members. A public citizen member of the Group shall be designated by the Governor to serve as Chairperson during the Governor's pleasure. The remaining members of the Advisory Group shall be as follows:
- a. The Attorney General;
 - b. The Public Defender;
 - c. The Chief Judge of the Family Court;
 - d. The Secretary of Education;
 - e. The Director of The Division of Youth and Rehabilitation Services;

- f. The Director of The Division of Family Services;
 - g. Three (3) Delaware State Law Enforcement Officers appointed by the Governor and to serve at her pleasure; one (1) Officer is to be appointed from each County;
 - h. One (1) Wilmington Law Enforcement Officer appointed by the Governor and to serve at her pleasure;
 - i. The remaining members shall be appointed by the Governor in accordance with federal requirements and will serve during her pleasure.
4. All meetings of the Juvenile Justice Advisory Group shall be open to the public, and the dates, times and locations of such meetings shall be timely published in an appropriate manner.
5. Executive Order Number Ten, approved by Governor Castle and dated June 6, 1985, is hereby rescinded.

Approved this 19th day of July, 2004.



Ruth Ann Minner
Governor

ATTEST:

Harriet R. Smith Anderson
Secretary of State