

Department of Justice Taking Tougher Stance on Juveniles With Guns

Attorney General Matt Denn announced today a series of initiatives the Department of Justice is undertaking to address the problem of juveniles carrying firearms. The steps include prosecution of some juveniles with serious or multiple firearm offenses as adults, ensuring that juveniles who are a danger to the public are not released back into the community immediately after they are arrested, and expanding the ability of Family Court to punish violent crime.

“Juvenile gun possession is one of the most serious threats to public safety that I have seen in my first eleven weeks in office,” Denn said. “Part of the reason is that adults have told these juveniles that there are no real consequences to carrying guns – and too often that has been true. We have to ensure that there are consequences, and that juveniles know about those consequences.”

Prosecution of Serious Juvenile Gun Offenses As Adult Crimes

The first component of the Department of Justice’s new juvenile anti-gun program involves charging decisions for juveniles. The Attorney General has begun personally reviewing each new juvenile gun offense, and has directed that some offenses which would previously have been handled as delinquency cases in Family Court be treated instead as adult cases due to their severity and/or the defendant’s history with the criminal justice system.

There are two juveniles for whom this new process has already been implemented. The first is a seventeen year old who is a member of one of Wilmington’s known youth gangs. This

defendant, who has a series of adjudications dating back four years for offenses including resisting arrest, illegal possession of ammunition, and terroristic threatening, was arrested again in February of this year for multiple felony firearms offenses. With supporting testimony from the FBI and the Wilmington Police Department, the Department of Justice has asked the Family Court for permission to prosecute this defendant as an adult, and that request is currently awaiting a decision from the Family Court.

The second juvenile, age 15, led Wilmington police on a high speed chase in a stolen vehicle through the streets of Wilmington in February, and subsequently on a foot chase after he abandoned the stolen vehicle. A loaded and cocked semi-automatic weapon, which had also been stolen, was found in the vehicle, tucked between the front seat and the console. This defendant's case has been sent automatically to Superior Court because of the Attorney General's decision to charge him with possession of a firearm during the commission of a felony.

"We need juveniles in our state to understand that carrying a gun has real consequences," Denn said. "It no longer automatically means a delinquency charge that will disappear from your record when you turn 18. Prosecuting a juvenile as an adult is a difficult decision and one that we don't make lightly, but these gun crimes have created an intolerable condition on our streets."

In pointing out the need for this new policy, Denn noted a recent report from the Criminal Justice Council's Statistical Analysis Center which showed that from 2011 to 2013, thirty five percent of the juveniles arrested for shootings in the City of Wilmington already had a prior firearms arrest from a separate incident.

Ensuring that Dangerous Juveniles Are Detained After Arrest

In response to concerns expressed by a number of law

enforcement professionals that juveniles who they had arrested for serious felony offenses were immediately released to the custody of their families pending trial, the Department of Justice has worked with the judiciary and the Wilmington Police Department to create a new process to ensure that prosecutors are present at bail hearings for juveniles arrested during evening and weekend hours for serious felonies.

Effective immediately, Wilmington Police Department officers who arrest juveniles on charges that constitute Class D felonies or greater during evening or weekend hours will immediately notify the Department of Justice, which will in turn ensure that a prosecutor can present evidence at the juvenile's bail hearing (prosecutors already participate during regular business hours in bail hearings involving juveniles). This new procedure received its first use this past weekend, when one of our prosecutors was called at 3:00 a.m. Saturday to attend a bail hearing for teenager who was arrested for attempted murder in the city.

This new program mirrors a program involving adult bail hearings that has been in place for some time in the City of Wilmington, and which has shown demonstrable success in ensuring that sufficiently high bail is set for individuals who would present a threat to the community.

"We have heard from too many law enforcement officers that they arrested juveniles for serious felony charges one night, only to see them out on the same corners again a night or two later," Denn said. "This heightened attention from our office to bail hearings will help us ensure that evidence is properly presented to magistrates and that potentially violent juveniles are kept off the streets pending trial."

Allowing Family Court to Punish Delinquent Juveniles

Last week, Attorney General Denn noted what he considers to be

a deficiency in the state's laws governing Family Court: the Court is not permitted to consider punishment of juveniles, harm to victims, or deterrence of other juveniles in determining the sentences it imposes for even the most serious crimes.

This month, the Department of Justice will be asking the General Assembly to establish a task force to re-examine the Family Court's governing statute, so that a group of judges, attorneys who practice in Family Court, and community members with expertise in children's issues can discuss the possibility of amending the law in order to allow Family Court judges to consider more factors when sentencing juveniles who are adjudicated delinquent.