

# **Second Report of the Independent Auditor and DMC Subject Matter Expert**

*Agreement between the United States  
Department of Justice and the St. Louis  
County Family Court*

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Due Process Auditor: Judge Arthur E. Grim

DMC Subject Matter Expert: Mark A. Greenwald

## **I. Introduction**

This is the second report of the Due Process Auditor and DMC Subject Matter Expert prepared pursuant to the memorandum and agreement between the United States Department of Justice and the St. Louis County Family Court.

On November 18, 2013, the United States opened an investigation into the administration of juvenile justice at the Family Court which resulted in the July 31, 2015 Report of Findings. While the Family Court disagrees with and disputes the findings made by the United States in its July 2015 report all parties have nevertheless cooperated in arriving at an agreement that is designed to protect the constitutional rights and the best interests of juveniles in St. Louis County.

The parties jointly selected the Honorable Arthur E. Grim to serve as the Due Process Auditor, and Mark A. Greenwald to serve as the DMC Subject Matter Expert. The agreement provides that we perform compliance reviews every six months with additional reviews as necessary if emergent issues arise. The report below outlines our findings from the compliance review conducted Monday, December 4<sup>th</sup> thru Thursday, December 7, 2017.

## **II. Compliance Review Findings**

This report includes a summary of compliance findings as well as a more detailed accounting of compliance in each substantive area in Part B.

### **Comments from the Due Process Auditor:**

In my comments at the conclusion of my first compliance review I had stated that I looked forward to being able to drill down further in my second visit including opportunities to visit and to meet with Juvenile's families and counsel, to observe further court proceedings, to review additional transcripts and to continue ongoing dialogue with all relevant stakeholders. In point of fact I was able to accomplish all of the above stated goals in large part because of the collaborative collegial and cooperative efforts of everyone in the Court System. I particularly want to express my appreciation to Judge Thea Sherry who will be leaving her position as administrative Judge of the Family Court later this Spring. Her passion for and commitment to the important work of this Court is evident and her leadership has in large part facilitated the "can do" attitude I have observed throughout the court system. I was also able to spend some time meeting with Judge Donnelly who will replace Judge Sherry, and I am confident the court will continue to move forward under her able and committed leadership.

I appreciated the chance to attend the community meeting on Monday evening and to gain valuable insight from attorneys, parents, court watchers and Chaplain Rev. Dr. Dietra Wise Baker. My trip to the North County Office on Wednesday afternoon gave me a chance to observe young girls who had been served well by their time spent under the care of the court and most importantly I also had an opportunity to meet in a confidential setting with a former client and his parents who were very forthcoming in their views of the juvenile justice system as they experienced it. I was also able to converse with the grandmother of a different youth previously involved with the court.

I was given a plethora of transcripts to review and also had ample chance to observe both open and closed court proceedings by all Judges and Commissioners. My observation is that these proceedings were conducted in compliance with the terms and conditions of the consent decree.

Last, but not least, my meeting and dialogue with the departmental stakeholders from Ben Burkemper and CJO Rick Gaines to individual DJO's as well as departmental directors leads me to conclude that they are committed to excellence. The time I spent with Quinn Grimes, Esq. and Katrina Jones, Esquire makes it clear that the process implemented for indigent representation is working.

**Additional Comments from the DMC Subject Matter Expert:**

The DMC auditor conducted two site visits since the first site visit report was issued in June of 2017. On September 28 & 29 of 2017, The Court began receiving the trainings outlined in section II.E.23 of the Agreement. The trainings covered an entire day and were facilitated by staff from the Haywood Burns Institute and the Center for Law and Policy. On September 29, 2017, I attended and observed the training provided to the Court. The training included a discussion of the following general topics:

- Defining racial and ethnic disparities (RED)
- Brief history of youth of color in the justice system
- Systemic barriers to healthy adolescent development
- Using data to reduce racial and ethnic disparities
- Community engagement
- Confronting and countering implicit bias

The training was well received and staff from the Court were engaged throughout the day. While this training was detailed, informative, and well received by Court staff, it is the opinion of the DMC monitor and the other parties of the Agreement that it did not adequately address all of the topic areas outlined under section II.E.23, specifically:

*"OJJDP will provide technical assistance in the form of training to the Court about DMC training strategy. The strategy will include training on at least: (1) formal petitions; (2) certifications; (3) pretrial detention; (4) findings of delinquency; (5) commitment to a confined facility as an initial disposition; and (6) commitment to a confined facility due to violation of conditions equivalent to probation. OJJDP provided a separate communication about its commitment to the Court. The training strategy will also be consistent with the requirements of this Agreement and coordinated with statewide initiatives and efforts to comply with the Juvenile Justice and Delinquency Prevention Act of 2002 (JJDPA)."*

As mentioned previously, OJJDP did facilitate the training that occurred on September 27, 2018. After reviewing information from the first bi-annual report from the court, it was suggested that the parties consider focusing supplemental training on areas of identified

need, rather than to simply meet the initial requirements of the Agreement. The parties unanimously agreed, and the Court is preparing a revised training request for consideration. If approved by all parties, the revised training topics would replace the existing requirements listed in section II.E.23, and the parties would jointly explore funding options.

On September 28, 2017, the DMC monitor participated in the St. Louis Family Court en banc meeting via webinar. After discussing the key findings from the 1<sup>st</sup> bi-annual DMC report, The Family Court Administrator also shared the following recommendations as priorities for the Court:

1. **TREND ANALYSIS**: The DMC Report contains data for the first six (6) months of calendar year, 2017. We will continue to collect data at the same contact points in order to enable the Court to conduct a more detailed trend analysis. We will also develop performance measures in order to monitor a strategy to minimize racial and ethnic disparities at select decision points in the system from time of referral to the commitment of youth to the Division of Youth Services.
2. **AGE OF YOUTH AT TIME OF REFERRAL**: According to the data in Table 6 of the Report (p.25), approximately 36% (429) of the total youth (1,195) of the informally resolved delinquency referrals were 14 years of age or younger. Research has revealed that a youth's early contact with the juvenile justice system is a good predictor that the youth is more likely to return to the system with more serious and violent crime. The Court will explore how it can provide more and better diversionary measures to the younger youth in order to avoid future contact with the juvenile justice system.
3. **SECURE DETENTION**: As reflected in Table 70 of the Report (p.101), the relative rate index (RRI) for black youth in detention is high (3.4) and warrants further attention. While the rate is high, the data does not tell us *why* the figure is so high. The Court will engage experts to conduct further analysis to start looking at potential determinant(s) of the high rate including the analysis of admission to secure detention data while controlling for a number of factors that might predict detention. The Court anticipates that the data will ultimately be examined by the DMC subcommittee of the JDAI collaborative with oversight by the JDAI executive team led by Commissioner Heather Cunningham.
4. **YOUTH, FAMILY AND COMMUNITY ENGAGEMENT**: The Court realizes that the "clients" of the juvenile justice system are in the best position to provide the Court with input and feedback about their needs and how we can improve the system generally. The Court has authorized Rick Gaines, the Chief Juvenile Officer, and Tymesha Buckner-Dobyns, Director of Court Programs, to develop a plan to actively engage youth, families and the community through regular meetings of selected individuals and the utilization of surveys to measure the "client" experience in the court. The Court will also consider expanding our engagement to all community-

based organizations including but not limited to youth advocates and faith leaders.

5. **IDENTIFICATION OF THE ORIGINATION OF LAW ENFORCEMENT REFERRALS:** Law enforcement is a major source of referrals to the court system. However, the Court is unable to glean from the current data where the data originated within the law enforcement community. For example, if the Court knew that a referral came from a school resource officer, it would allow the Court to work with the school district to generate alternatives to court referrals in an effort to hold the juvenile accountable. At the same time, if the Court knew that a referral came from the “street,” the court would be in a better position to work with that specific law enforcement agency to minimize referrals. The Court will collaborate with law enforcement and schools to capture the relevant data and develop overall strategies to reduce referrals from law enforcement.

Several of these priorities require further research and data analysis. The Court recently hired staff as part of an effort to strengthen and prioritize the Court's ability to analyze data. This includes the recent employment of the actual analyst who was responsible for the production of the previous bi-annual report at the Office of State Courts Administrator. This dramatically improves the ability of the Court to conduct on-going and more advanced analyses.

Throughout the reporting, the DMC Auditor was provided with all documentation and interview requests. To that end, I would also like to specifically thank Mr. Ben Burkemper for providing timely responses to requests for information.

### III. Compliance Ratings Overview & Comparison

***Non-compliance*** means that the Court has made no notable progress in achieving compliance on any of the key components of the provision.

***Beginning compliance*** means that the Court has made notable progress in achieving compliance with a few, but less than half, of the key components of the provision.

***Partial compliance*** means that the Court has made notable progress in achieving compliance with the key components of the provision, but substantial work remains.

***Substantial compliance*** means that the Court has met or achieved all or nearly all the components of a particular substantive provision, that the deviation from the obligations set forth in the provision is slight, and that the United States received substantially the same benefit it would have from literal performance.

Additionally, we have added N/A where required information was either not available or is otherwise not yet rated at the time of this report.

**Table 1. Compliance Ratings, by Provision**

**Due Process Provisions**

<b>Provision Number</b>	<b>Description of Provision</b>	<b>1<sup>st</sup> Report Compliance Rating</b>	<b>2<sup>nd</sup> Report Compliance Rating</b>
II.A.1	Court-Appointed Counsel –appointed defense counsel protocol	Substantial Compliance	Substantial Compliance
II.A.2	Court-Appointed Counsel – publicly-funded juvenile defense counsel	Partial Compliance	Substantial Compliance
II.A.3	Court-Appointed Counsel – requirement that juvenile defense counsel be members of good standing of that Missouri Bar	Substantial Compliance	Substantial Compliance
II.A.4	Court-Appointed Counsel – juvenile defense counsel training	Substantial Compliance	Substantial Compliance
II.A.5	Court-Appointed Counsel – financial eligibility determination	Substantial Compliance	Substantial Compliance
II.A.6	Court-Appointed Counsel – training requirement policy	Substantial Compliance	Substantial Compliance
II.A.7	Court-Appointed Counsel – juvenile defender caseload assessment	N/A	Partial Compliance
II.A.8	Court-Appointed Counsel – attorney-client meetings prior to detention hearings	Substantial Compliance	Substantial Compliance
II.A.9	Court-Appointed Counsel – single attorney representation	Substantial Compliance	Substantial Compliance
II.A.10	Court-Appointed Counsel – representation at initial detention hearing	Substantial Compliance	Substantial Compliance
II.A.11	Court-Appointed Counsel – utilization of financial eligibility standards	Substantial Compliance	Substantial Compliance
II.B.12	Privilege Against Self-Incrimination – detention center interrogation policy	Substantial Compliance	Substantial Compliance
II.B.13	Privilege Against Self-Incrimination – Statement of Rights and Waiver Form	Substantial Compliance	Substantial Compliance
II.B.14	Privilege Against Self-Incrimination – juvenile officers’ communication with juveniles about substance of allegations	N/A	Partial Compliance
II.B.15	Privilege Against Self-Incrimination – prohibition on offering into evidence statements made by juvenile to juvenile officer regarding substance of allegations	Substantial Compliance	Substantial Compliance
II.B.16	Privilege Against Self-Incrimination – prohibition on offering into evidence statements made by juvenile during informal adjustment process	Partial Compliance	Partial Compliance

II.B.17	Privilege Against Self-Incrimination – notification of right to counsel during informal adjustment proceedings	Partial Compliance	Partial Compliance
II.B.18	Privilege Against Self-Incrimination – appointment of counsel for informal adjustment proceedings	Partial Compliance	Substantial Compliance
II.C.19	Detention Hearings	N/A	Substantial Compliance
II.D.20	Plea Colloquies	Substantial Compliance	Substantial Compliance
II.E.21	Training for Court and Staff – due process trainings	Substantial Compliance	Substantial Compliance

### DMC Provisions

Provision Number	Description of Provision	1 <sup>st</sup> Report Compliance Rating	2 <sup>nd</sup> Report Compliance Rating
II.E.22	Training for Court and Staff – DMC trainings	Partial Compliance	Substantial Compliance
II.E.23	Training for Court and Staff – OJJDP technical assistance	N/A	Beginning Compliance
II.E.24	Training for Court and Staff – documentation of attendance at in-person DMC trainings	N/A	Substantial Compliance
II.E.25	Training for Court and Staff – requirement that DMC trainings occur at least annually	N/A	Substantial Compliance
II.E.26	Training for Court and Staff – inclusion of Office of State Court Administrator	Partial Compliance	Substantial Compliance
II.F.27	Equal Protection Duties and Responsibilities	N/A	Substantial Compliance
II.G.28	Data Collection and Reporting – statewide case management system	Partial Compliance	Substantial Compliance
II.G.29	Data Collection and Reporting – public availability of data	N/A	Substantial Compliance
II.G.30	Data Collection and Reporting – informal resolution and delinquency petition data	Partial Compliance	Substantial Compliance
II.G.31	Data Collection and Reporting – certification to adult court data	Partial Compliance	Substantial Compliance
II.G.32	Data Collection and Reporting – detention data	Partial Compliance	Substantial Compliance
II.G.33	Data Collection and Reporting – detention screening data	Beginning Compliance	Substantial Compliance
II.G.34	Data Collection and Reporting – alternatives to detention data	Partial Compliance	Substantial Compliance
II.G.35	Data Collection and Reporting – data on delinquency findings	Partial Compliance	Substantial Compliance

II.G.36	Data Collection and Reporting – alternatives to DYS commitment data	Partial Compliance	Partial Compliance
II.G.37	Data Collection and Reporting – availability of counsel data	Partial Compliance	Substantial Compliance
II.G.38	Data Collection and Reporting – disposition data	Partial Compliance	Substantial Compliance
II.G.39	Data Collection and Reporting – capacity to summarize and analyze DMC data	Substantial Compliance	Substantial Compliance
II.G.40	Data Collection and Reporting – data analysis of key decision points	N/A	Substantial Compliance
II.G.41	Data Collection and Reporting – bi-annual DMC report	N/A	Substantial Compliance
II.G.42	Data Collection and Reporting – proposed plan based on bi-annual DMC report		Substantial Compliance
II.G.43	Data Collection and Reporting – Family Court en banc meetings	N/A	Substantial Compliance
II.G.44	Data Collection and Reporting – bi-annual DMC professional statistical analysis	N/A	Substantial Compliance
II.G.45	Data Collection and Reporting – DMC professional statistical analysis methodology	N/A	Partial Compliance

#### IV. Detailed Compliance Ratings

This section provides details about compliance with each substantive provision in the agreement.

**Table 2. Detailed Compliance Ratings**

##### Due Process Provisions

II.A.1 Court-Appointed Counsel – appointed defense counsel protocol	
Overall Compliance Rating	Substantial Compliance
Settlement Agreement Provision Subsection	<p><b>II.A.1.a</b></p> <p><b>In delinquency cases, the St. Louis County Family Court (“Court”) will implement a revised protocol for a juvenile’s retention of appointed defense counsel consistent with the following:</b></p> <p><b>a. For a juvenile who is detained and not represented by counsel, the Court shall appoint the Office of the Missouri State Public Defender no later than the following business day after the juvenile is detained. The Public Defender’s representation shall continue until such time as the Court terminates jurisdiction over the juvenile or grants a well-taken motion to withdraw. The Court shall not appoint such attorney “for detention hearing only.” If prior to disposition, the appointed attorney files a motion to withdraw based on financial ineligibility, the Court</b></p>

	<b>shall not grant the motion until new counsel is retained or appointed.</b>
Compliance Rating for Subsection	<b>Substantial Compliance</b>
Discussion	<b>The Court established and implemented a protocol for the appointment of defense counsel and has adhered to it with fidelity based on my review of files.</b>
Recommendations for Reaching Compliance	<b>Continued adherence</b>
Evidentiary Basis	<b>Section: 211.211, right to counsel Section: 600.086 R.S.M.o.</b>
Settlement Agreement Provision Subsection	<p><b>II.A.1.b</b></p> <p><b>For a juvenile who is not detained and not represented by counsel, following a submission by or on behalf of the juvenile of appropriate financial forms to the Court and a request for appointment of counsel, the Court shall determine the juvenile’s eligibility for the appointment of publicly-funded juvenile defense counsel, or for the appointment of certified counsel as described in Section II.A.5. If the Court receives these forms and this request less than seven days before the juvenile’s first hearing before the Court, then the Court shall grant a continuance so that the determination is made at least seven days before that hearing.</b></p> <ul style="list-style-type: none"> <li><b>i. If the Court determines that a juvenile who is not detained and not represented by counsel is financially eligible for representation by the publicly-funded juvenile defense counsel, then such counsel shall be appointed immediately after that financial eligibility determination is made.</b></li> <li><b>ii. If the Court determines that a juvenile who is not detained and not represented by counsel does not qualify for representation by the publicly-funded juvenile defense counsel, but is financially eligible for representation by certified counsel as described in this Agreement, then the Court shall appoint the counsel whose name is at the top of the list.</b></li> </ul>
Compliance Rating for Subsection	<b>Substantial Compliance</b>
Discussion	<b>Based on a survey of the judicial officers only one attorney (Greg Smith) Esq. was appointed by Commissioner Cunningham from the master list of certified counsel. Either the public defender, Katrina Jones or the juvenile defender, Quinn Grimes, has been appointed on all non-detained cases where the juvenile requests representation and is eligible.</b>
Recommendations for Reaching Compliance	<b>Continued adherence to establish procedure is essential. Remind all judicial officers to consider appointing certified counsel when appropriate.</b>
Evidentiary Basis	<b>All judicial officers responded to survey.</b>

Settlement Agreement Provision Subsection	<b>II.A.1.c</b>  <b>The Court shall notify all appointed juvenile delinquency defense counsel of his or her appointment within 48 hours of the appointment.</b>
Compliance Rating for Subsection	<b>Substantial Compliance</b>
Discussion	<b>This procedure has been implemented with fidelity.</b>
Recommendations for Reaching Compliance	<b>The auditor finds the court to be in compliance as a result of implementing an effective procedure.</b>
Evidentiary Basis	<b>Electronic records provided to auditor May 22, 2017</b>
Settlement Agreement Provision Subsection	<b>II.A.1.d</b>  <b>The Court shall incorporate into its written policies and procedures an expectation that appointed juvenile delinquency defense counsel will notify a juvenile of their appointment and provide their clients with contact information within 24 hours of receipt of notice of their appointment.</b>
Compliance Rating for Subsection	<b>Substantial Compliance</b>
Discussion	<b>The Court has provided the auditor with a copy of written policies and procedures. The public defender and attorney Quinn Grimes adhere to this policy with fidelity.</b>
Recommendations for Reaching Compliance	<b>Parties are in compliance.</b>
Evidentiary Basis	<b>Review of policies. Discussion with attorney Jones and attorney Grimes.</b>

<b>II.A.2 Court-Appointed Counsel – publicly-funded juvenile defense counsel</b>	
Settlement Agreement Provision	<b>II.A.2</b>  <b>The Court will secure the equivalent of at least two publicly-funded full-time juvenile defense counsel for the Court’s delinquency cases.</b>
Compliance Rating	<b>Substantial Compliance</b>
Discussion	<b>Katrina Jones and Quinn Grimes continue to work fulltime on juvenile cases. Both counsel are extremely committed and competent.</b>
Recommendations for Reaching Compliance	<b>Parties are in compliance.</b>
Evidentiary Basis	

<b>II.A.3 Court-Appointed Counsel – requirement that juvenile defense counsel be members of good standing of the Missouri Bar</b>
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Settlement Agreement Provision	<b>II.A.3</b>  The Court shall promulgate a Family Court administrative rule requiring that all appointed juvenile delinquency defense counsel, including juvenile public defenders and certified counsel as set forth in this Agreement, whose appointments occur after the rule's promulgation, be members in good standing of the Missouri Bar.
Compliance Rating	<b>Substantial Compliance</b>
Discussion	The auditor is satisfied with the documentation that has been provided by the court, fulfils all requirements.
Recommendations for Reaching Compliance	Parties are in compliance.
Evidentiary Basis	Confirming documentation has been provided by the court.

<b>II.A.4 Court-Appointed Counsel – juvenile defense counsel training</b>	
<b>Overall Compliance Rating</b>	<b>Substantial Compliance</b>
Settlement Agreement Provision Subsection	<b>II.A.4</b>  The Court shall promulgate a Family Court administrative rule requiring that all appointed juvenile delinquency defense counsel undergo juvenile delinquency defense training addressing matters of best practices and procedures for juvenile delinquency defense, including but not limited to juvenile trial and appellate practice and procedure, adolescent development, and other relevant issues consistent with this Agreement. This training will be offered through the Court, as set forth at Section II(A)(4)(b). In addition to this training, which must be completed once, the Court's administrative rule will also require that all appointed juvenile delinquency defense counsel annually complete three hours of CLE addressing juvenile law and accredited by the Missouri Bar.
Compliance Rating for Subsection	<b>Substantial Compliance</b>
Discussion	The auditor believes the Court has promulgated and effectuated an excellent process and is aware training has occurred. All publicly funded delinquency defense counsel handling cases in St. Louis County, including those attorneys on the master list of certified counsel attended a training session in May sponsored by the Missouri Public Defender and the National Juvenile Defender Center. Continued in house training with Mary Fox and Sarah Johnson who have been certified as trainers through the National Juvenile Defender Association will occur.
Recommendations	<b>Determine if the Public Defender will permit staff to attend training.</b>

for Reaching Compliance	
Evidentiary Basis	
Settlement Agreement Provision Subsection	<p><b>II.A.4.a</b></p> <p><b>Beginning six months after the Effective Date of this Agreement, all appointed juvenile delinquency defense counsel shall successfully complete all training requirements set forth in this Agreement no later than six months after their first appointment as juvenile delinquency defense counsel pursuant to the terms of this Agreement. The Court may extend the timing of an attorney’s required training for good cause shown on a case-by-case basis. However, all appointed juvenile delinquency defense counsel must complete the training requirements set forth in Section II(A)(4) within one year after their first appointment as juvenile delinquency defense counsel.</b></p>
Compliance Rating for Subsection	<b>Substantial compliance</b>
Discussion	<b>All publicly funded delinquency defense counsel handling cases in St. Louis County, including those attorneys on the master list of certified counsel attended a training session in May sponsored by the Missouri Public Defender and the National Juvenile Defender Center and either have or will continue to participate in additional training.</b>
Recommendations for Reaching Compliance	<b>Parties are in compliance.</b>
Evidentiary Basis	
Settlement Agreement Provision Subsection	<p><b>II.A.4.b</b></p> <p><b>The Court shall bi-annually notify the Missouri State Public Defender’s Office and other juvenile defense counsel of the administrative rule requiring that all appointed juvenile delinquency defense counsel undergo juvenile delinquency defense training and request that the Missouri State Public Defender and other juvenile defense counsel ensure the attendance at training for any attorney who has not received training within the previous 12 months. In addition, the Court shall select certain attorneys with adequate juvenile defense experience and training as “juvenile defense trainers.”</b></p> <ul style="list-style-type: none"> <li><b>i. Juvenile defense trainers’ duties shall include providing training to attorneys who wish to be added to the pool of certified counsel as set forth in Section II.A.5, as well as to public defenders who are newly assigned to represent juveniles in delinquency proceedings before the Court.</b></li> <li><b>ii. The Court shall ensure that juvenile defense trainers are appropriately trained and qualified to offer training to attorneys providing juvenile delinquency defense, including appointed counsel, and to be available on an ongoing basis for follow-up. The Department of Justice’s Office of</b></li> </ul>

	<p>Juvenile Justice and Delinquency Prevention (“OJJDP”) will provide technical assistance to the Court in the form of training consistent with this Agreement. OJJDP provided a separate communication about its commitment to the Court.</p> <p>iii. The Court shall ensure that juvenile defense training consistent with the requirements of this Agreement is offered no less than every six months.</p>
Compliance Rating for Subsection	<b>Substantial Compliance</b>
Discussion	The court has complied with the notification of attorneys thru administrative order 156. No additional training is required because no attorney has expressed an interest to be added to the pool of certified counsel and no new public defenders have been assigned.
Recommendations for Reaching Compliance	<b>Parties are in compliance.</b>
Evidentiary Basis	<b>Administrative Order 156.</b>

<b>II.A.5 Court-Appointed Counsel – financial eligibility determination</b>	
<b>Overall Compliance Rating</b>	<b>Substantial Compliance</b>
Settlement Agreement Provision Subsection	<p><b>II.A.5.a</b></p> <p>The Court will establish in writing and implement a uniform, transparent policy for determining a juvenile’s financial eligibility for the appointment of private defense counsel in delinquency cases where the juvenile has claimed indigency and the Office of the Missouri State Public Defender has made a determination of financial ineligibility and declines to represent the juvenile. This policy shall be consistent with the following:</p> <p>a. The Court will establish a pool of certified counsel from which these appointments will be made. To be included in the pool, an individual must be a member in good standing of the Missouri Bar who has fulfilled the training requirements set forth in Section II(A)(4).</p>
Compliance Rating for Subsection	<b>Substantial Compliance</b>
Discussion	<b>St. Louis County “order” of April 10, 2017 satisfies the requirements of this provision.</b>
Recommendations for Reaching Compliance	<b>Parties are in compliance.</b>
Evidentiary Basis	<b>April 10, 2017 court order.</b>
Settlement	<b>II.A.5.b</b>

Agreement Provision Subsection	<b>Nothing in this Agreement prohibits the Court from permitting law students from representing children in delinquency proceedings in accordance with Missouri Supreme Court Rule 13.</b>
Compliance Rating for Subsection	<b>Substantial Compliance</b>
Discussion	<b>The auditor has been provided with Rule 13 and has been assured that it is followed by St. Louis County Courts.</b>
Recommendations for Reaching Compliance	<b>Parties are in compliance, although auditor advised that this does not occur in St. Louis County.</b>
Evidentiary Basis	<b>Discussion with Court Administrator.</b>
Settlement Agreement Provision Subsection	<b>II.A.5.c  The uniform policy will include a uniform fee schedule.</b>
Compliance Rating for Subsection	<b>Substantial Compliance</b>
Discussion	<b>A schedule has been provided and is followed by the courts.</b>
Recommendations for Reaching Compliance	<b>Parties are in compliance.</b>
Evidentiary Basis	<b>Auditor was provided with the schedule.</b>
Settlement Agreement Provision Subsection	<b>II.A.5.d  The Court will publish this policy on its website, and will provide this policy to all juveniles and their parents or guardians upon its receipt of notice that the Office of the Missouri State Public Defender will not represent the juvenile due to its determination of financial ineligibility.</b>
Compliance Rating for Subsection	<b>Substantial Compliance</b>
Discussion	<b>The Court has published the policy on its website along with the administrative order which authorizes it.</b>
Recommendations for Reaching Compliance	<b>Parties are in compliance.</b>
Evidentiary Basis	<b>Receipt and review of policy by auditor.</b>
Settlement Agreement Provision Subsection	<b>II.A.5.e  The Court will make appointments for delinquency cases from the pool of certified counsel as set forth below: i. The St. Louis County Family Court Administrator will maintain a master list of all certified counsel.</b>

	<ul style="list-style-type: none"> <li>ii. When a juvenile is deemed eligible for appointment of certified counsel, the Family Court Administrator will select for appointment the individual whose name appears at the top of the master list of certified counsel.</li> <li>iii. After selection, the name of the selected individual will go to the bottom of the list.</li> <li>iv. The Court Administrator will maintain only one master list of certified counsel.</li> </ul>
Compliance Rating for Subsection	<b>Substantial Compliance</b>
Discussion	<p>The policy and procedure is contained in an official communication from Judge Sherry on August 31, 2017. Both the PD and Juvenile Defender shall use the P.D. form:</p> <p>Once a DJO has met with a family and determined that the referral should be sent to Legal for filing, the DJO will ask the family if they want appointed counsel, and the DJO will provide the family with a copy of the PD financial form to complete. Once completed, the DJO will send the form along with the referral for filing to Legal. The Legal Department will file the petition, and once the case is accepted and assigned a case number and Division, the attorney will add the case number and decision to the PD/JD financial form and forward it to the designated tray for the JD/PD as located in the Legal Department. Every effort will be made to promptly forward the application to the appropriate PD/JD. Within 3 days of receipt of the application, the PD/JD will either enter her appearance or advise the Court that the juvenile does not qualify. In that event, the Court shall assign the Juvenile to certified counsel from the list.</p> <p>Legal will be responsible for forwarding the PD financial form in cases where the referral has already been screened sufficient by Legal and sent to the DJO to allow the DJO the opportunity to meet with the family and assess how the case will move forward. In other instances where the PD financial form is not received by the DJO prior to filing but received prior to the initial hearing, the DJO will be responsible for forwarding the PD financial form to the designated PD/JD.</p> <p>In this event that the form is only completed at the time of the initial hearing, the Court will then refer this matter to this appropriate public defender/Juvenile Defender.</p>
Recommendations for Reaching Compliance	<b>Parties are in compliance.</b>
Evidentiary Basis	<b>Although parties are in compliance a survey of the court indicates judicial officers seldom utilize certified counsel.</b>
Settlement Agreement	<b>II.A.5.f</b>

Provision Subsection	<b>The Court will make the list of certified counsel available to the public.</b>
Compliance Rating for Subsection	<b>Substantial Compliance</b>
Discussion	<b>The Court has published the policy on its website along with the administrative order which authorizes it.</b>
Recommendations for Reaching Compliance	<b>Parties are in compliance.</b>
Evidentiary Basis	

<b>II.A.6 Court-Appointed Counsel – training requirement policy</b>	
Settlement Agreement Provision	<b>II.A.6</b> <b>The Court will incorporate into its written policies and procedures a requirement that individuals appointed to represent juveniles in delinquency proceedings have met the training requirements set forth in Section II(A)(4).</b>
Compliance Rating	<b>Substantial Compliance</b>
Discussion	<b>See discussion and recommendations in II A.4.</b>
Recommendations for Reaching Compliance	<b>Parties are in compliance.</b>
Evidentiary Basis	

<b>II.A.7 Court-Appointed Counsel – juvenile defender caseload assessment</b>	
Settlement Agreement Provision	<b>II.A.7</b> <b>The Court will continue to support the Office of the Missouri State Public Defender’s assessment of its juvenile defenders’ caseloads, so as to determine whether requests to the Missouri General Assembly for additional budgetary resources are merited.</b>
Compliance Rating	<b>Partial Compliance</b>
Discussion	<b>In my view, it is imperative that all parties strive to establish a collegial and collaborative relationship in order to achieve this requirement.</b>  <b>I have been advised that Judge Sherry made a number of attempts to do so and I am certain that Judge Donnelly will continue that effort.</b>
Recommendations for Reaching Compliance	<b>The auditor recognizes the substantial efforts already made by the court and does not minimize the difficulty of establishing a mutually beneficial relationship with the public defender but I encourage continued efforts be made.</b>
Evidentiary Basis	<b>Discussions with Judge Sherry</b>

<b>II.A.8 Court-Appointed Counsel – attorney-client meetings prior to detention hearings</b>	
Settlement Agreement Provision	<b>II.A.8</b> <b>The Court and Staff will continue to provide as much notice and opportunity for attorney-client meetings prior to detention hearings as is practicable, and will institute a written policy for their personnel to this effect.</b>
Compliance Rating	<b>Substantial Compliance</b>
Discussion	<b>Implementation with fidelity can be difficult but the auditor believes based in discussions with court and staff that this policy and practice is followed.</b>
Recommendations for Reaching Compliance	<b>Parties are in compliance.</b>
Evidentiary Basis	<b>Tab 15 satisfied the requirements.</b>

<b>II.A.9 Court-Appointed Counsel – single attorney representation</b>	
Settlement Agreement Provision	<b>II.A.9</b> <b>With regard to juvenile delinquency defense attorneys from the Office of the Missouri State Public Defender or otherwise appointed by the Court, the Court will maintain, to the extent feasible, a single attorney’s representation of a juvenile until either the Court terminates jurisdiction over the juvenile or grants a well-taken motion to withdraw.</b>
Compliance Rating	<b>Substantial Compliance</b>
Discussion	<b>The Court has complied with this provision as evidenced by electronic records provided to the auditor on May 22, 2017.</b>
Recommendations for Reaching Compliance	<b>Parties are in compliance.</b>
Evidentiary Basis	<b>Electronic records under date of May 22, 2017.</b>

<b>II.A.10 Court-Appointed Counsel – representation at initial detention hearing</b>	
Settlement Agreement Provision	<b>II.A.10</b> <b>The Court will continue its efforts to ensure all juveniles’ ability to receive representation at an initial detention hearing from the Office of the Missouri State Public Defender or from an attorney otherwise appointed by the Court.</b>
Compliance Rating	<b>Substantial Compliance</b>
Discussion	<b>Auditors discussions with court personnel including Judge Sherry and Katrina Jones, Esq. indicated this occurs and that procedures are in place.</b>
Recommendations for Reaching Compliance	<b>Parties are in compliance.</b>
Evidentiary Basis	

<b>II.A.11 Court-Appointed Counsel – utilization of financial eligibility standards</b>	
Settlement Agreement Provision	<b>II.A.11</b> <b>All publicly-funded juvenile defense attorneys shall determine financial eligibility by using the standards of the Office of the Missouri State Public Defender.</b>
Compliance Rating	<b>Substantial Compliance</b>
Discussion	<b>A letter from Judge Thea Sherry confirms that these standards are utilized.</b>
Recommendations for Reaching Compliance	<b>Parties are in compliance.</b>
Evidentiary Basis	

<b>II.B.12 Privilege Against Self-Incrimination – detention center interrogation policy</b>	
Settlement Agreement Provision	<b>II.B.12</b> <b>Within three months of the Effective Date, the Court shall revise its policies, procedures, and practices to prohibit police interrogations in the Juvenile Detention Center unless an attorney is present to represent the juvenile.</b>
Compliance Rating	<b>Substantial Compliance</b>
Discussion	<b>The Court has revised its policies to specifically prohibit such interrogation and has provided a dedicated space apart from the center for that purpose.</b>
Recommendations for Reaching Compliance	<b>Parties are in compliance.</b>
Evidentiary Basis	

<b>II.B.13 Privilege Against Self-Incrimination – Statement of Rights and Waiver Form</b>	
Settlement Agreement Provision	<b>II.B.13</b> <b>The Court and Staff will utilize the Statement of Rights and Waiver Form attached to this Agreement as Attachment A.</b>
Compliance Rating	<b>Substantial Compliance</b>
Discussion	<b>My review of transcripts and discussion with personnel satisfies me that this form is utilized. It is utilized prior to all law enforcement questioning of juveniles. Notice is also given to juveniles and parents regarding the role of the Deputy Juvenile Officer before any questions are asked by Law Enforcement.</b>
Recommendations for Reaching Compliance	<b>Parties are in compliance.</b>
Evidentiary Basis	

<b>II.B.14 Privilege Against Self-Incrimination – juvenile officers’ communication with juveniles about substance of allegations</b>	
Settlement Agreement Provision	<b>II.B.14</b>  The Court will continue to prohibit the juvenile officer or his designee from speaking with the juvenile regarding the substance of allegations previously made in that juvenile’s delinquency case without either the presence of the juvenile’s counsel or the written consent from that counsel to speak with the juvenile outside of that counsel’s presence, until such allegations are adjudicated or otherwise disposed of by the Court or the parties.
Compliance Rating	<b>Partial Compliance</b>
Discussion	The Court has enacted a formal policy which was provided to the auditor on December 18, 2017. The auditor remains concerned that some juvenile officers stated that their supervisor permits them to allow youth to talk about allegations as long as the youth initiates the discussion.
Recommendations for Reaching Compliance	Ensure that all juvenile officers understand and adhere to the formal policy.
Evidentiary Basis	Discussions with a number of juvenile officers.

<b>II.B.15 Privilege Against Self-Incrimination – prohibition on offering into evidence statements made by juvenile to juvenile officer regarding substance of allegations</b>	
Settlement Agreement Provision	<b>II.B.15</b>  The Staff will continue to adhere to its practice that the juvenile officer or his designee not offer into evidence, in a later delinquency adjudication proceeding on such allegations, any statement made by the juvenile to the juvenile officer or his designee regarding the substance of allegations previously made in that juvenile’s delinquency case that takes place outside of the presence of the juvenile’s counsel and that was not consented to by the juvenile’s counsel.
Compliance Rating	<b>Substantial Compliance</b>
Discussion	My review of transcripts finds no evidence of any subsequent admission into the record of any such statement.
Recommendations for Reaching Compliance	The formal policy enacted by the court was provided to this auditor on Dec 18, 2017
Evidentiary Basis	

<b>II.B.16 Privilege Against Self-Incrimination – prohibition on offering into evidence statements made by juvenile during informal adjustment process</b>
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Settlement Agreement Provision	<b>II.B.16</b>  <b>The Staff will continue its practice that the juvenile officer or his designee not offer into evidence, in a later delinquency adjudication proceeding where the same juvenile is the defendant, any prior statement made by a juvenile during an informal adjustment process.</b>
Compliance Rating	<b>Partial Compliance</b>
Discussion	<b>My review of transcripts finds no evidence of submission of a prior statement made during an informal adjustment process.</b>
Recommendations for Reaching Compliance	<b>Parties are in partial compliance and continued monitoring is recommended.</b>
Evidentiary Basis	

<b>II.B.17 Privilege Against Self-Incrimination – notification of right to counsel during informal adjustment proceedings</b>	
Settlement Agreement Provision	<b>II.B.17</b>  <b>The Staff will, at the initial informal adjustment conference, notify a juvenile of their right to counsel during the informal adjustment process. This notice will include notice of the availability of representation from the pool of certified counsel, subject to the applicable financial eligibility requirements and fee schedule. If a request for counsel is made, the conference will be adjourned until the Court rules on the request for counsel or the juvenile withdraws the request.</b>
Compliance Rating	<b>Partial Compliance</b>
Discussion	<b>My observation is that the right to counsel is not always addressed</b>
Recommendations for Reaching Compliance	<b>I fully expect that issue to be rectified as all become familiar with the 10/11/17 policy statement. In addition the availability of representation by Quinn Grimes should be stated.</b>
Evidentiary Basis	<b>Policy statement email on 10/11/17</b>

<b>II.B.18 Privilege Against Self-Incrimination – appointment of counsel for informal adjustment proceedings</b>	
Settlement Agreement Provision	<b>II.B.18</b>  <b>The Court will agree to provide, upon request from the juvenile or their parent or guardian, appointed counsel from the pool of certified counsel referenced in this Agreement, subject to the applicable financial eligibility requirements and fee schedule, to represent the juvenile during informal adjustment proceedings.</b>
Compliance Rating	<b>Substantial Compliance</b>
Discussion	

Recommendations for Reaching Compliance	<b>Parties are in compliance.</b>
Evidentiary Basis	<b>Policy statement email on 10/11/17</b>

<b>II.C.19 Detention Hearings</b>	
Settlement Agreement Provision	<p><b>II.C.19</b></p> <p><b>The Court will include a probable cause determination in its detention hearing procedure. The Court’s probable cause determination may take into account information presented through informal modes of proof. However, the juvenile may challenge the evidence presented against him through cross-examination of witnesses who testify at the hearing for the juvenile officer, including deputy juvenile officers, and may call witnesses and offer evidence on his/her own behalf. If the Court orders a juvenile to be detained pending an adjudication hearing, the Court will continue to state on the record its reason for this detention decision and the available alternatives to detention that were considered and rejected. The Court will also state the factual basis for its probable cause determination. The Court will continue to conduct detention hearings on the record, and will continue to preserve such record in accordance with Missouri law.</b></p>
Compliance Rating	<b>Substantial Compliance</b>
Discussion	<b>My documents review satisfies me that this is occurring with very rare exceptions.</b>
Recommendations for Reaching Compliance	<b>Parties are in compliance.</b>
Evidentiary Basis	<b>Transcripts</b>

<b>II.D.20 Plea Colloquies</b>	
Settlement Agreement Provision	<p><b>II.D.20</b></p> <p><b>The Court has adopted a uniform plea colloquy for acceptance of a juvenile’s plea to charges of delinquency, from which the judicial officers may in their discretion deviate when the circumstances of a particular proceeding merit such adjustment. In the event that a judicial officer deviates from the model colloquy, they will use youth-accessible language to ensure the juvenile understands the charges against them and the consequences of their plea. The model colloquy is attached as Attachment B to this Agreement.</b></p>
Compliance Rating	<b>Substantial Compliance</b>
Discussion	<b>The auditor is impressed by the excellent plea colloquy and review of transcripts and observation of proceedings concludes it is utilized.</b>
Recommendations	<b>Parties are in compliance.</b>

for Reaching Compliance	
Evidentiary Basis	

<b>II.E.21 Training for Court and Staff – due process trainings</b>	
Settlement Agreement Provision	<b>II.E.21</b> <b>The Court will develop, implement and maintain adequate attendance and curriculum documentation of a competency-based training program for all deputy juvenile officers who work on juvenile delinquency matters, addressing the role and responsibilities of, among others, juvenile defense counsel in delinquency proceedings, the due process rights of juveniles, including but not limited to juveniles’ right to counsel and privilege against self-incrimination, the potential consequences (including collateral consequences) for a juvenile who is adjudicated delinquent, and the provisions of this Agreement.</b>
Compliance Rating	<b>Substantial Compliance</b>
Discussion	<b>A competency based program training for deputy juvenile officer was held on November 17, 2017.</b>
Recommendations for Reaching Compliance	<b>Parties are in compliance but ongoing training on a regular basis is critical.</b>
Evidentiary Basis	

### **DMC Provisions**

<b>II.E.22 Training for Court and Staff – DMC trainings</b>	
Settlement Agreement Provision	<b>II.E.22</b> <b>The Court and Staff will ensure personnel who are directly involved in decision-making processes of the Court or the Juvenile Office concerning juvenile delinquency will participate in accredited DMC trainings provided or funded by OJJDP. Accredited DMC trainings will occur in St. Louis County.</b>
Compliance Rating	Substantial Compliance
Discussion	The Court has conducted two (2) implicit bias trainings since the execution of the MOU and before the drafting of the first site visit report. The first training occurred on March 3, 2017 and the second training occurred on April 21, 2017. Both trainings were facilitated by Dr. Juanita Simmons of Northwest Missouri State University. Documentation provided by the court indicates that 82 staff are directly involved with youth or otherwise involved with the juvenile decision-making process. This list includes staff in a variety of conditions including Deputy Juvenile Officer, Youth Advocates, and Others.

	<p>On September 28 &amp; 29, 2017, the Court received additional training facilitated by OJJDP. The trainings were conducted by staff from the Haywood Burns Institute and the Center for Law and Policy. The trainings covered a variety of topics, including:</p> <ul style="list-style-type: none"> <li>- Defining racial and ethnic disparities (RED)</li> <li>- Brief history of youth of color in the justice system</li> <li>- Systemic barriers to healthy adolescent development</li> <li>- Using data to reduce racial and ethnic disparities</li> <li>- Community engagement</li> <li>- Confronting and countering implicit bias</li> </ul>
Recommendations for Reaching Compliance	Continue to offer implicit bias and other trainings that discuss and provide strategies for disproportionate minority contact (DMC) or racial and ethnic disparities (RED).
Evidentiary Basis	Discussions with staff; review of implicit bias training flyer; list of court staff; attendance sign-in sheets provided by court staff, monitors on-site observations and participation in trainings.

<b>II.E.23 Training for Court and Staff – OJJDP technical assistance</b>	
Settlement Agreement Provision	<p><b>II.E.23</b></p> <p><b>OJJDP will provide technical assistance in the form of training to the Court about DMC training strategy. The strategy will include training on at least: (1) formal petitions; (2) certifications; (3) pretrial detention; (4) findings of delinquency; (5) commitment to a confined facility as an initial disposition; and (6) commitment to a confined facility due to violation of conditions equivalent to probation. OJJDP provided a separate communication about its commitment to the Court. The training strategy will also be consistent with the requirements of this Agreement and coordinated with statewide initiatives and efforts to comply with the Juvenile Justice and Delinquency Prevention Act of 2002 (JJDP).</b></p>
Compliance Rating	Beginning Compliance
Discussion	<p>On September 28 &amp; 29, 2017, the Court received additional training facilitated by OJJDP. The trainings were conducted by staff from the Haywood Burns Institute and the Center for Law and Policy. The trainings covered a variety of topics, including:</p> <ul style="list-style-type: none"> <li>- Defining racial and ethnic disparities (RED)</li> <li>- Brief history of youth of color in the justice system</li> <li>- Systemic barriers to healthy adolescent development</li> <li>- Using data to reduce racial and ethnic disparities</li> <li>- Community engagement</li> <li>- Confronting and countering implicit bias</li> </ul>

	However, the trainings did not deeply explore all the topics specifically outlined in the Agreement.
Recommendations for Reaching Compliance	After reviewing information from the first bi-annual report, the Parties agreed to consider focusing supplemental DMC trainings on areas of identified needs. The Parties, together with the DMC Subject Matter Expert, are in the process of discussing a revised training strategy. Once approved by both Parties, this revised training strategy would satisfy the existing requirements listed in Section II.E.23, and the Parties would jointly explore funding options.  The parties are currently negotiating a revised training strategy that would focus future trainings on areas of identified need.
Evidentiary Basis	Discussions with staff; correspondence with OJJDP, DOJ and the Court, participation in training events.

#### **II.E.24 Training for Court and Staff – documentation of attendance at in-person DMC trainings**

Settlement Agreement Provision	<b>II.E.24</b>  <b>The training shall be in person and Staff will document attendance of all staff who participate in the training.</b>
Compliance Rating	Substantial Compliance
Discussion	At the time of this report, Court staff have participated in a number of DMC related trainings. Documentation and sign-in sheets for each of these trainings has been provided to the DMC auditor for review and verification.
Recommendations for Reaching Compliance	The Court is complying with this requirement and is adequately documenting both the trainings and the staff that attend the trainings. This measure is listed as “partial” compliance as other trainings are planned throughout the agreement.
Evidentiary Basis	Discussions with staff; correspondence with Court staff, participation in training events, review of training sign-in sheet documentation.

#### **II.E.25 Training for Court and Staff – requirement that DMC trainings occur at least annually**

Settlement Agreement Provision	<b>II.E.25</b>  <b>DMC training for personnel from the Court and Staff shall occur on at least an annual basis. OJJDP’s separate communication to the Court includes information about the development of curriculum and training based on the DMC-related needs.</b>
Compliance Rating	Substantial Compliance
Discussion	The primary DMC training occurred on September 28 & 29, 2017. At the time of this report, Court staff have participated in a number of DMC related trainings, including training specific to implicit bias. Documentation and sign-in sheets for each of these trainings has been provided to the DMC auditor for review and verification.

Recommendations for Reaching Compliance	The Court is complying with this requirement and staff have attended implicit bias and more detailed DMC trainings during the review period.
Evidentiary Basis	Discussions with staff; correspondence with Court staff, participation in training events, review of training sign-in sheet documentation.

<b>II.E.26 Training for Court and Staff – inclusion of Office of State Court Administrator</b>	
Settlement Agreement Provision	<b>II.E.26</b>  <b>The Court will invite personnel from the Office of State Court Administrator (“OSCA”) to participate in any training on juvenile delinquency data collection.</b>
Compliance Rating	Substantial Compliance
Discussion	The court has invited personnel from the Office of State Court Administrator and the auditor has received documentation of OSCA staff participation in implicit bias and the DMC trainings conducted in September 2017.
Recommendations for Reaching Compliance	The Court is complying with this provision of the agreement.
Evidentiary Basis	Discussions with court staff; review of implicit bias training flyer; list of court staff; review of attendance sign-in sheets provided by court staff, participation in training events

<b>II.F.27 Equal Protection Duties and Responsibilities</b>	
Settlement Agreement Provision	<b>II.F.27</b>  <b>Within three months of the Effective Date, the Court shall expand the duties of the Family Court Administrator to include:</b> <ul style="list-style-type: none"> <li><b>a. oversight of the Court’s efforts to monitor, evaluate, and minimize DMC; and</b></li> <li><b>b. responsibility for reporting on and evaluating these efforts and outcomes arising out of the efforts.</b></li> </ul>
Compliance Rating	Substantial Compliance
Discussion	The Court is complying with this provision of the agreement. Shortly after the Agreement was signed, the duties of the Family Court Administrator were expanded and now include oversight of the Court’s efforts to monitor, evaluate, and minimize DMC. On November 28, 2017, the Family Court Administrator presented the findings from the first bi-annual DMC report at the Court en banc meeting.
Recommendations for Reaching Compliance	The Court is complying with this provision of the agreement.
Evidentiary Basis	Discussions with Court staff; participation in en banc meetings.

<b>II.G.28 Data Collection and Reporting – statewide case management system</b>	
Settlement Agreement Provision	<b>II.G.28</b>  <b>The Court will use the Justice Information System (JIS) or some other approved statewide case management system to collect data on sex, race, age, and juvenile offense information. The Court will develop and use the JIS or another approved statewide case management system to produce reports in standard file format.</b>
Compliance Rating	Substantial Compliance
Discussion	Staff from the Court and the Office of State Court Administrator (OSCA) published the first bi-annual DMC report in November of 2017. The report includes a comprehensive overview of a number of decision points, and includes data specific to sex, race, and age.
Recommendations for Reaching Compliance	The Court is complying with this provision of the agreement.
Evidentiary Basis	Discussions with court staff; review of interim data reports; review of 1 <sup>st</sup> bi-annual DMC report

<b>II.G.29 Data Collection and Reporting – public availability of data</b>	
Settlement Agreement Provision	<b>II.G.29</b>  <b>The Court will make publicly available the data required by this Section through bi-annual reports of the Family Court Administrator and the Family Court en banc meeting process, as described in this Agreement.</b>
Compliance Rating	Substantial Compliance
Discussion	The Court published the first bi-annual report on the Family Court’s website in November 2017. On November 28, 2017, the Family Court Administrator presented the findings from the first bi-annual DMC report at the Court en banc meeting. The Court is scheduled to release the 2 <sup>nd</sup> bi-annual DMC report at an en banc meeting in June 2018
Recommendations for Reaching Compliance	The Court is complying with this provision of the agreement.
Evidentiary Basis	Discussions with Court staff; participation in November 2017 en banc meeting; review of the Family Court website.

<b>II.G.30 Data Collection and Reporting – informal resolution and delinquency petition data</b>	
Settlement Agreement Provision	<b>II.G.30</b>  <b>The Court will continue to collect and make available data showing whether a juvenile delinquency matter referred to the Court was resolved informally</b>

	<b>prior to the filing of a delinquency petition and collect data on matters resolved through delinquency petition. This data will include disaggregation by sex, race, age, and the most serious charged offense.</b>
Compliance Rating	Substantial Compliance
Discussion	Staff from the Court and the Office of State Court Administrator (OSCA) published the first bi-annual DMC report in November of 2017. The report includes a review of cases resolved informally and results are available by sex, race, age, and the most serious charged offense.
Recommendations for Reaching Compliance	The Court is complying with this provision of the agreement.
Evidentiary Basis	Discussions with court staff; review of interim data reports; review of 1 <sup>st</sup> bi-annual DMC report

**II.G.31 Data Collection and Reporting – certification to adult court data**

Settlement Agreement Provision	<b>II.G.31</b>  <b>The Court will continue to collect and make available data showing whether a juvenile delinquency case was certified to the criminal court and will, for each such case, record the sex, age, and race of the juvenile, the most serious offenses for which the Court certified a case to the criminal court, and the most frequent geographic areas (identified by zip code) within the county from which juvenile delinquency cases were certified.</b>
Compliance Rating	Substantial Compliance
Discussion	Staff from the Court and the Office of State Court Administrator (OSCA) published the first bi-annual DMC report in November of 2017. The report includes all of the elements in this specific provision of the agreement.
Recommendations for Reaching Compliance	The Court is complying with this provision of the agreement.
Evidentiary Basis	Discussions with court staff; review of interim data reports; review of 1st bi-annual DMC report

**II.G.32 Data Collection and Reporting – detention data**

Settlement Agreement Provision	<b>II.G.32</b>  <b>The Court will continue to collect and make available data to monitor DMC regarding detention of juveniles awaiting adjudication hearings. This data will be disaggregated by age, sex, race, and most serious charged offense. This data will also track—for each juvenile so detained—the length of the juvenile’s detention.</b>
Compliance Rating	Substantial Compliance
Discussion	Staff from the Court and the Office of State Court Administrator (OSCA)

	published the first bi-annual DMC report in November of 2017. The report includes all of the elements in this specific provision of the agreement.
Recommendations for Reaching Compliance	The Court is complying with this provision of the agreement.
Evidentiary Basis	Discussions with court staff; review of interim data reports; review of 1st bi-annual DMC report

**II.G.33 Data Collection and Reporting – detention screening data**

Settlement Agreement Provision	<b>II.G.33</b> <b>The Court will collect and make available data on detention screening and detention criteria as performed and utilized by the Court’s Juvenile Office.</b>
Compliance Rating	Substantial Compliance
Discussion	Staff from the Court and the Office of State Court Administrator (OSCA) published the first bi-annual DMC report in November of 2017. The report includes all of the elements in this specific provision of the agreement.
Recommendations for Reaching Compliance	The Court is complying with this provision of the agreement.
Evidentiary Basis	Discussions with court staff; review of interim data reports; review of 1st bi-annual DMC report

**II.G.34 Data Collection and Reporting – alternatives to detention data**

Settlement Agreement Provision	<b>II.G.34</b> <b>The Court will collect and make available data on its use of alternatives to detention.</b>
Compliance Rating	Substantial Compliance
Discussion	Staff from the Court and the Office of State Court Administrator (OSCA) published the first bi-annual DMC report in November of 2017. The report includes all of the elements in this specific provision of the agreement.
Recommendations for Reaching Compliance	The Court is complying with this provision of the agreement.
Evidentiary Basis	Discussions with court staff; review of interim data reports; review of 1st bi-annual DMC report

**II.G.35 Data Collection and Reporting – data on delinquency findings**

Settlement Agreement Provision	<b>II.G.35</b> <b>The Court will collect and make available data showing the cases within a given date range where the Court made findings of delinquency in a juvenile’s</b>
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	<b>case, disaggregated by age, sex, and race, and indicating the most serious offenses for which the Court found a juvenile delinquent.</b>
Compliance Rating	Substantial Compliance
Discussion	Staff from the Court and the Office of State Court Administrator (OSCA) published the first bi-annual DMC report in November of 2017. The report includes all of the elements in this specific provision of the agreement.
Recommendations for Reaching Compliance	The Court is complying with this provision of the agreement.
Evidentiary Basis	Discussions with court staff; review of interim data reports; review of 1st bi-annual DMC report

<b>II.G.36 Data Collection and Reporting – alternatives to DYS commitment data</b>	
Settlement Agreement Provision	<b>II.G.36</b>  <b>The Court will collect and make available data showing the type or nature of the alternatives to commitment to the Division of Youth Services (“DYS”) that were available for consideration by the Court in cases where the Court’s initial dispositional ruling commits the juvenile to DYS. This data will be collected through JIS or some other approved statewide case management system.</b>
Compliance Rating	Partial Compliance
Discussion	Staff from the Court and the Office of State Court Administrator (OSCA) published the first bi-annual DMC report in November of 2017. However, the report did not specifically include analyses specific to DYS Commitment data. The Court is collecting data regarding alternatives to DYS commitment data, and I expect this will be rectified in the next iteration of the bi-annual DMC report.
Recommendations for Reaching Compliance	Include data specific to alternatives to DYS commitment in the next iteration of the bi-annual DMC report.
Evidentiary Basis	Discussions with court staff; review of interim data reports; review of 1st bi-annual DMC report

<b>II.G.37 Data Collection and Reporting – availability of counsel data</b>	
Settlement Agreement Provision	<b>II.G.37</b>  <b>The Court will continue to collect and make available data recording whether counsel was made available to the juvenile for dispositional proceedings. This data will be collected through JIS or some other approved statewide case management system.</b>
Compliance Rating	Substantial Compliance
Discussion	Staff from the Court and the Office of State Court Administrator (OSCA) published the first bi-annual DMC report in November of 2017. The report includes all of the elements in this specific provision of the agreement.

Recommendations for Reaching Compliance	The Court is complying with this provision of the agreement.
Evidentiary Basis	Discussions with court staff; review of interim data reports; review of 1st bi-annual DMC report

**II.G.38 Data Collection and Reporting – disposition data**

Settlement Agreement Provision	<p><b>II.G.38</b></p> <p><b>The Court will, in collecting this data, include the number of cases in each of the following categories: cases where the Court’s initial disposition committed the juvenile to DYS; cases where the Court’s initial disposition placed the juvenile on conditions equivalent to probation, and later committed the juvenile to DYS due to violations of those conditions; and cases where the Court conditionally suspended an initial disposition committing the juvenile to DYS, and later executed that disposition due to violations of its conditional suspension. The data will include various date ranges, the most serious offenses for which the Court selected DYS commitment and the most frequent geographic areas (identified by zip code) within the county from which juveniles found delinquent were committed to DYS. This data will be disaggregated by age, sex, and race.</b></p>
Compliance Rating	Substantial Compliance
Discussion	Staff from the Court and the Office of State Court Administrator (OSCA) published the first bi-annual DMC report in November of 2017. The report includes all of the elements in this specific provision of the agreement.
Recommendations for Reaching Compliance	The Court is complying with this provision of the agreement.
Evidentiary Basis	Discussions with court staff; review of interim data reports; review of 1st bi-annual DMC report

**II.G.39 Data Collection and Reporting – capacity to summarize and analyze DMC data**

Settlement Agreement Provision	<p><b>II.G.39</b></p> <p><b>JIS or some other approved statewide case management system will maintain the capacity to summarize and analyze data to review DMC at the points identified by this Agreement and place that data in standard file and report formats.</b></p>
Compliance Rating	Substantial Compliance
Discussion	The Juvenile Information System (JIS) collect a variety of metrics that will be useful in assessing the extent to which disproportionate minority contact (DMC) at various stages of the juvenile justice system.

Recommendations for Reaching Compliance	
Evidentiary Basis	Reviewed data entry process and screens with court staff.

<b>II.G.40 Data Collection and Reporting – data analysis of key decision points</b>	
Settlement Agreement Provision	<b>II.G.40</b>  <b>Within six months of the effective date, the Family Court Administrator or his/her designee shall work with the Court’s department heads responsible for delinquency matters to access and analyze the data available through the JIS system or some other approved statewide case management system at five decision points in the juvenile justice process. These decision points include: formal petitions; pretrial detention; findings of delinquency; commitment to Division of Youth Services as initial disposition; and commitment to Division of Youth Services due to a violation of conditions equivalent to probation.</b>
Compliance Rating	Substantial Compliance
Discussion	Staff from the Court and the Office of State Court Administrator (OSCA) published the first bi-annual DMC report in November of 2017. The report includes all of the elements in this specific provision of the agreement.
Recommendations for Reaching Compliance	The Court is complying with this provision of the agreement.
Evidentiary Basis	Discussions with court staff; review of interim data reports; review of 1st bi-annual DMC report

<b>II.G.41 Data Collection and Reporting – bi-annual DMC report</b>	
Settlement Agreement Provision	<b>II.G.41</b>  <b>The Family Court Administrator or his/her designee, with the assistance of the Court’s department heads responsible for delinquency matters, shall conduct for the Court an analysis of this DMC data on a bi-annual basis, produce to the Court a report, and, when appropriate, provide suggestions to the Court for changes to policy, procedure, or practice to minimize DMC. The Court Administrator’s analysis and report shall address each decision point identified by Section II.G(40) that reveals DMC.</b>
Compliance Rating	Substantial Compliance
Discussion	Staff from the Court and the Office of State Court Administrator (OSCA) published the first bi-annual DMC report in November of 2017. The report includes all of the elements in this specific provision of the agreement.
Recommendations for Reaching	The Court is complying with this provision of the agreement.

Compliance	
Evidentiary Basis	Discussions with court staff; review of interim data reports; review of 1st bi-annual DMC report

**II.G.42 Data Collection and Reporting – proposed plan based on bi-annual DMC report**

Settlement Agreement Provision	<p><b>II.G.42</b></p> <p><b>Within 60 days of each bi-annual report, the Court, in collaboration with the Family Court Administrator, shall develop a proposed plan, including proposed changes to policy, procedure, or practice, as well as additional staff training, as needed, to address concerns found in the report. On a bi-annual basis, the Family Court will provide the data, report, suggestions (where applicable), and proposed plan (where applicable) to the Family Court en banc.</b></p>
Compliance Rating	Substantial Compliance
Discussion	<p>Staff from the Court and the Office of State Court Administrator (OSCA) published the first bi-annual DMC report in November of 2017. This report and recommendations were also shared with the Court’s leadership at the November en banc meeting.</p> <p>Court recently hired staff as part of an effort to strengthen and prioritize the Court's ability to analyze data. This includes the recent employment of the actual analyst who was responsible for the production of the previous bi-annual report at the Office of State Courts Administrator. This dramatically improves the ability of the Court to conduct on-going and more advanced analyses.</p>
Recommendations for Reaching Compliance	The Court is complying with this provision of the agreement.
Evidentiary Basis	Discussions with court staff; review of interim data reports; review of 1 <sup>st</sup> bi-annual DMC report.

**II.G.43 Data Collection and Reporting – Family Court en banc meetings**

Settlement Agreement Provision	<p><b>II.G.43</b></p> <p><b>The Family Court en banc shall meet no later than 90 days after receipt of this material. The Court will add the bi-annual report, any proposed plan, and any suggestions to the proposed agenda for that meeting. The Court en banc meetings where the bi-annual report, any proposed plan or any other information related to the report is on the agenda will be open to the public. The Court will post an announcement of the meeting and add the final minutes of meetings en banc on its public website. The Court will post every bi-annual report, proposed plan and any related documents to be considered</b></p>
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	<b>at the Court en banc meeting on its public website. During the meeting the Family Court en banc will discuss these materials, and, where applicable, consider any suggestions from the Court Administrator as well as any proposed plan from the Court.</b>
Compliance Rating	Substantial Compliance
Discussion	Staff from the Court and the Office of State Court Administrator (OSCA) published the first bi-annual DMC report in November of 2017. The report includes all of the elements in this specific provision of the agreement.
Recommendations for Reaching Compliance	While the Court is complying with this provision of the agreement, we have discussed ways the Court can improve community outreach and access for the public. As a result, the Court plans to hold a separate community meeting in the future to discuss the most recent iteration of the report, which will ensure easier access for community stakeholders. Additionally, we have discussed improvements to the public notice procedures as well as for information pursuant to this agreement that is posted to the internet.
Evidentiary Basis	Discussions with court staff; review of interim data reports; review of 1st bi-annual DMC report

<b>II.G.44 Data Collection and Reporting – bi-annual DMC professional statistical analysis</b>	
Settlement Agreement Provision	<p><b>II.G.44</b></p> <p><b>The Family Court Administrator’s bi-annual analysis of and report on DMC data referenced in Section II.G(41) shall include a bi-annual professional statistical analysis of DMC in the Court’s delinquency system, by the Office of State Courts Administrator. The DMC professional conducting the statistical analysis will have the following qualifications:</b></p> <ul style="list-style-type: none"> <li><b>a. understands statistical analyses such as logistic regression and odds ratios; and</b></li> <li><b>b. understands the range of factors which might contribute to DMC within St. Louis County.</b></li> </ul>
Compliance Rating	Substantial Compliance
Discussion	<p>Staff from the Court and the Office of State Court Administrator (OSCA) published the first bi-annual DMC report in November of 2017.</p> <p>The DMC Auditor has interviewed and reviewed the knowledge, skills, and abilities of the primary analyst responsible for the production of the bi-annual DMC report. It is the opinion of the DMC Auditor that he meets all of the requirements of the Agreement, and is fully capable of producing the requisite analyses.</p>
Recommendations for Reaching Compliance	The Court is complying with this provision of the agreement.
Evidentiary Basis	Discussions with court staff; OSCA analyst interviews; review of interim data

	reports; review of 1st bi-annual DMC report
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<b>II.G.45 Data Collection and Reporting – DMC professional statistical analysis methodology</b>	
Settlement Agreement Provision	<p><b>II.G.45</b></p> <p><b>This DMC professional statistical analysis shall refer to the OJJDP “Disproportionate Minority Contact Technical Assistance” Manual and analyze DMC by using the Relative Rate Index, logistic regression, and odds ratio formulas. This analysis will include an assessment of the collected DMC data referenced in this Agreement and proposals, if appropriate, for technical assistance and improvement of data collection/recording. The professional statistical analysis will be conducted with the award from the Department of Justice to collect and analyze data on DMC in Missouri’s juvenile justice system.</b></p>
Compliance Rating	Partial Compliance
Discussion	Staff from the Court and the Office of State Court Administrator (OSCA) published the first bi-annual DMC report in November of 2017. The report included an appendix that focused specifically on relative rate index analyses. The report did not include regression analyses, however in the opinion of the DMC Subject Matter Expert, logistic regression analysis would not have been possible or appropriate because of the small number of cases during the initial study period. I have discussed this with the analysts who have prepared the report and I believe that logistic regression analyses will be revisited in the next iteration of the bi-annual report.
Recommendations for Reaching Compliance	The 2 <sup>nd</sup> iteration of the bi-annual report should include logistic regression analysis, where possible and appropriate.
Evidentiary Basis	Discussions with court staff; review of interim data reports; review of 1st bi-annual DMC report