

## **SUMMARY OF FINDINGS**

### **ST. LOUIS COUNTY FAMILY COURT**

In November 2013, the Justice Department's Civil Rights Division launched an investigation into the St. Louis County Family Court looking at whether the court provides constitutionally required due process to all children appearing for delinquency proceedings and whether the court's administrative of juvenile justice provides equal protection to all children regardless of race. The investigation found that the court fails to provide constitutionally required due process to children appearing for delinquency proceedings, and that the court's administration of juvenile justice discriminates against Black children. The investigation was conducted under the Violent Crime Control and Law Enforcement Act of 1994, which gives the department the authority to seek a remedy for a pattern or practice of conduct that violates the constitutional or federal statutory rights of youths in the administration of juvenile justice.

#### **THE INVESTIGATION**

The investigation involved an in-depth review of:

- Data provided by the Missouri Office of State Courts Administrator regarding over sixty variables for nearly 33,000 cases, including all delinquency and status offenses resolved in the St. Louis County Family Court between 2010 and 2013;
- Over 14,000 pages of documents, including the family court records of over 120 children;
- Court transcripts of proceedings in approximately 70 detention, adjudication, disposition and certification hearings;
- Court policies, procedures and other operational documents; and
- A number of external reports.

The division also conducted interviews with:

- Court personnel, including all of the judges and commissioners, the juvenile officer, deputy juvenile officers, legal director and directors of delinquency services, court programs and the detention center;
- Representatives of both the state and local public defender's offices;
- Private attorneys with experience as appointed attorneys for delinquency proceedings in the family court; and
- Parents of several youth who had been involved in delinquency proceedings with the family court.

#### **FINDINGS**

The Justice Department found reasonable cause to believe that the St. Louis Family Court fails to provide constitutionally required due process to children appearing for delinquency proceedings. Specifically, the Justice Department found the following due process violations:

- St. Louis County Family Court fails to provide adequate representation for children in delinquency proceedings, in violation of the Due Process Clause of the Fourteenth

Amendment. The staggering caseload of the sole public defender assigned to handle all indigent juvenile delinquency cases in the county, an arbitrary system of appointing private attorneys for children who do not qualify for public defender services, the flawed structure of the family court, and significant delays in appointing counsel to children following detention hearings are all factors that contribute to this constitutional deprivation of counsel.

- St. Louis County Family Court fails to adequately protect children's privilege against self-incrimination. The family court's requirement that a child admit to the allegations to be eligible for an informal processing of his case is coercive, and potentially forces a child to be a witness against himself in subsequent proceedings.
- St. Louis County Family Court fails to provide adequate determinations that there is probable cause that a child committed the alleged offense.
- St. Louis County Family Court fails to provide children facing certification to be criminally tried in adult criminal court with adequate due process. The failure to consider, and permit adversarial testing of, the prosecutorial merit of the underlying allegations against the child at the certification hearing fails to comport with due process.
- St. Louis County Family Court fails to ensure that children's guilty pleas are entered knowingly and voluntarily, in violation of children's rights under the Fifth, Sixth and Fourteenth Amendments.
- The organizational structure of the family court is rife with conflicts of interest. The roles of judge, prosecutor and probation officer are blurred, and positions traditionally held by members of the executive branch are filled by employees who answer to the court's judges. These conflicts of interest are contrary to separation of powers principles and deprive children of adequate due process.

The Justice Department also found that the court's administration of juvenile justice discriminates against Black children. Specifically, the Justice Department found:

- Black children are almost one-and-a-half times (1.46) more likely than White children to have their cases handled formally, rather than through diversion or other means.
- Black youth are two-and-a-half times (2.50) more likely to be detained (held in custody) pretrial than White children.
- When Black children are under the supervision of the court and violate the conditions equivalent to probation or parole, the court commits Black children almost three times (2.86) more often to the Missouri Division of Youth Services than White children who are under similar court supervision.
- The odds of the court placing Black youth in Division of Youth Services custody after adjudication (the juvenile equivalent of an adult conviction) are more than two-and-a-half times (2.74) the odds of White youth placement.