Third 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 third 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, June 4th thru Thursday, June 7, 2018.

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:

Once again, I was able to accomplish my visitation goals thanks to the collaborative and collegial efforts of everyone in the court system. My third visit included opportunities to dialogue with Judge Douglas Beach, president judge, Judge Thea Sherry who recently stepped down as Administrative Judge of the Family Court, Judge Margaret Donnelly, Administrative Judge of the Family Court and Judge Sandra Farragut-Hemphill, who was recently reassigned to the Family Court. I had the chance to observe open and closed court proceedings before Commissioner Heather Cunningham, Commission Diane Monahan and Judge Margaret Donnelly.

At the department level I met, at length, with Chief Juvenile Officer Rick Gaines, Director of delinquency services Deb Woodside as well as a good number of DJO's with a variety of experience and job responsibilities. Dialogue with other members of the Juvenile Justice Team occurred on an ad hoc basis throughout my visit.

On Tuesday I was able to observe additional court proceeding, meet with other DJO's and attend the Family Court en banc meeting. I particularly appreciated the chance to meet with non-administrative DJO's who are in direct contact with juveniles on a daily basis. Their responses to my questions confirmed that they are familiar with the consent decree, that departmental leaders emphasize the imperative of abiding by it and that in fact they make evert effort to do so. As in every large organization it is critical that this message continue to be hammered, because on Wednesday night in my meeting with parents in North County a few of them expressed concerns that DJO's were allowing kids to talk about the "facts" of a case before findings had been made or admissions accepted by a judicial officer.

I would be remiss if I were not to acknowledge the efforts made by family members to attend the meetings with me. In many cases families must take time off from work, make childcare arrangements and find transportation to meet with me. Their observations and comments were forthright, honest and extraordinarily helpful and I have considered their input carefully when evaluating the courts compliance. A good portion of Tuesday afternoon was set aside to speak to legal counsel for juveniles including Katrina Jones, Esq. public defender, Quinn Grimes, Esq. conflict counsel and Kelly Chevalier certified counsel. Their observations and comments regarding the Juvenile Justice System were insightful and helped and confirm for me that in all areas of the consent decree involving defense counsel that the parties are in substantial compliance. There was general agreement that recent training provided was excellent and should continue. Counsel did express a concern that on occasion juveniles have appeared before a judicial officer for a detention hearing only to be told by that officer that the matter can't proceed because the child previously appeared in another proceeding before another judicial officer, which in the opinion of counsel may sometimes result in unnecessary delay. Balancing this concern with the objective of one judge, one child is always a challenge.

The Tuesday evening community presentation at the Ferguson Community Center was superb in terms of the information provided to the Community by the Court. It was also clear that considerable effort had been made to encourage the community to attend and it paid off with a good-sized cross section of stakeholders appearing and actively participating in a Q and A session. The Court expressed a commitment to continuing this important dialogue on an ongoing basis.

My time spent observing informal adjustments in South County on Wednesday morning and North County in the afternoon made it clear that DJO's make every effort to ensure that juveniles and families are informed of their right to counsel, given time to read police reports and advised not to discuss the allegations. Given the stressful nature of legal proceedings, the more basic the language used by the DJO's the better as I did observe some confusion especially in the afternoon. I appreciated the chance to meet with a group of parents which was facilitated by Deb Woodside and her staff. The parents were very forth coming. They stated a common theme that I have heard expressed in every jurisdiction I have been in, including my own, which is "why did my kid have to get in trouble before there was help available." The majority were very pleased with the experience while their child was under supervision.

Thursday morning, I met with legal officers, including Chimene Laskley, Esq.
Last, but not least, I want to thank the Family Court Administrator, Ben Burkemper, Esq. and his executive secretary Anne Hollin for the invaluable assistance and information they provided during my visit.

Additional Comments from the DMC Subject Matter Expert:
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.

On June 4, 2018, The DMC monitor was on-site at the Court for the first day of the compliance monitoring visit. Activities during the first day of the site visit included several meetings with Court staff, monitoring of delinquency hearings and a site visit to a local day treatment facility. On June 5, 2018, the DMC monitor participated in the St. Louis Family Court en banc meeting via webinar. After discussing the key findings from the 1st bi-annual DMC report, The Family Court Administrator also shared the following recommendations as priorities for the Court:

On September 28 & 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:

- 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

However, the trainings did not deeply explore all the topics specifically outlined in the Agreement. 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 original requirements listed in Section II.E.23. The parties have agreed to the following modifications in how the agreement will be enforced, as it relates to section II.E.23:

> "OJJDP, or another mutually agreed upon trainer or technical assistance provider, will provide technical assistance in the form of training to the court about DMC training strategy. The Court will propose a DMC training plan and strategy and submit that plan to the United States for approval. The training strategy will 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)."

At the time of this report, a new training strategy has been developed, and the parties are in the process of executing a contract with an identified expert for training. The parties have tentatively scheduled the trainings to occur in late September. Arrangements will also be made for the DMC auditor to attend trainings on at least one of the two planned training days.

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

	Description of Provision	1st Report Compliance Rating	2nd Report Compliance Rating	3rd Report Compliance Rating
II.A.1	Court-Appointed Counsel –appointed defense counsel protocol	Substantial Compliance	Substantial Compliance	Substantial Compliance
II.A.2	Court-Appointed Counsel – publicly-funded juvenile defense counsel	Partial Compliance	Substantial 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	Substantial Compliance
II.A.4	Court-Appointed Counsel – juvenile defense counsel training	Substantial Compliance	Substantial Compliance	Substantial Compliance
II.A.5	Court-Appointed Counsel – financial eligibility determination	Substantial Compliance	Substantial Compliance	Substantial Compliance
II.A.6	Court-Appointed Counsel – training requirement policy	Substantial Compliance	Substantial Compliance	Substantial Compliance
II.A.7	Court-Appointed Counsel – juvenile defender caseload assessment	N/A	Partial Compliance	Substantial Compliance
II.A.8	Court-Appointed Counsel – attorney-client meetings prior to detention hearings	Substantial Compliance	Substantial Compliance	Substantial Compliance
II.A.9	Court-Appointed Counsel – single attorney representation	Substantial Compliance	Substantial Compliance	Substantial Compliance
II.A.10	Court-Appointed Counsel – representation at initial detention hearing	Substantial Compliance	Substantial Compliance	Substantial Compliance
II.A.11	Court-Appointed Counsel – utilization of financial eligibility standards	Substantial Compliance	Substantial Compliance	Substantial Compliance
II.B.12	Privilege Against Self-Incrimination – detention center interrogation policy	Substantial Compliance	Substantial Compliance	Substantial Compliance
II.B.13	Privilege Against Self-Incrimination – Statement of Rights and Waiver Form	Substantial Compliance	Substantial Compliance	Substantial Compliance
II.B.14	Privilege Against Self-Incrimination – juvenile officers' communication with juveniles about substance of allegations	N/A	Partial Compliance	Substantial 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	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	Substantial Compliance
II.B.17	Privilege Against Self-Incrimination – notification of right to counsel during informal adjustment proceedings	Partial Compliance	Partial Compliance	Substantial Compliance

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

DMC PROVISIONS

	Description of Provision	1st Report Compliance Rating	2nd Report Compliance Rating	3rd Report Compliance Rating
II.E.22	**Training for Court and Staff – DMC trainings**	**Partial Compliance**	**Substantial Compliance**	**Substantial Compliance**
II.E.23	**Training for Court and Staff – OJJDP technical assistance**	**N/A**	**Beginning Compliance**	**Partial Compliance**
II.E.24	**Training for Court and Staff – documentation of attendance at in-person DMC trainings**	**N/A**	**Substantial Compliance**	**Substantial Compliance**
II.E.25	**Training for Court and Staff – requirement that DMC trainings occur at least annually**	**N/A**	**Substantial Compliance**	**Substantial Compliance**
II.E.26	**Training for Court and Staff – inclusion of Office of State Court Administrator**	**Partial Compliance**	**Substantial Compliance**	**Substantial Compliance**
II.F.27	**Equal Protection Duties and Responsibilities**	**N/A**	**Substantial Compliance**	**Substantial Compliance**
II.G.28	**Data Collection and Reporting – statewide case management system**	**Partial Compliance**	**Substantial Compliance**	**Substantial Compliance**
II.G.29	**Data Collection and Reporting – public availability of data**	**N/A**	**Substantial Compliance**	**Substantial Compliance**
II.G.30	**Data Collection and Reporting – informal resolution and delinquency petition data**	**Partial Compliance**	**Substantial Compliance**	**Substantial Compliance**
II.G.31	**Data Collection and Reporting – certification to adult court data**	**Partial Compliance**	**Substantial Compliance**	**Substantial Compliance**
II.G.32	**Data Collection and Reporting – detention data**	**Partial Compliance**	**Substantial Compliance**	**Substantial Compliance**
II.G.33	**Data Collection and Reporting – detention screening data**	**Beginning Compliance**	**Substantial Compliance**	**Substantial Compliance**
II.G.34	**Data Collection and Reporting – alternatives to detention data**	**Partial Compliance**	**Substantial Compliance**	**Substantial Compliance**
II.G.35	**Data Collection and Reporting – data on delinquency findings**	**Partial Compliance**	**Substantial Compliance**	**Substantial Compliance**
II.G.36	**Data Collection and Reporting – alternatives to DYS commitment data**	**Partial Compliance**	**Partial Compliance**	**Substantial Compliance**
II.G.37	**Data Collection and Reporting – availability of counsel data**	**Partial Compliance**	**Substantial Compliance**	**Substantial Compliance**
II.G.38	**Data Collection and Reporting – disposition data**	**Partial**	**Substantial**	**Substantial**

		Compliance	Compliance	Compliance
II.G.39	Data Collection and Reporting – capacity to summarize and analyze DMC data	Substantial Compliance	Substantial Compliance	Substantial Compliance
II.G.40	Data Collection and Reporting – data analysis of key decision points	N/A	Substantial Compliance	Substantial Compliance
II.G.41	Data Collection and Reporting – bi-annual DMC report	N/A	Substantial Compliance	Substantial Compliance
II.G.42	Data Collection and Reporting – proposed plan based on bi-annual DMC report		Substantial Compliance	Substantial Compliance
II.G.43	Data Collection and Reporting – Family Court en banc meetings	N/A	Substantial Compliance	Substantial Compliance
II.G.44	Data Collection and Reporting – bi-annual DMC professional statistical analysis	N/A	Substantial Compliance	Substantial Compliance
II.G.45	Data Collection and Reporting – DMC professional statistical analysis methodology	N/A	Partial Compliance	Substantial 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	**II.A.1.a** **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:** **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 shall not grant the motion until new counsel is retained or appointed.**
Compliance Rating for Subsection	Substantial Compliance
Discussion	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.
Recommendations	Continued adherence

for Reaching Compliance	
Evidentiary Basis	Section: 211.211, right to counsel Section: 600.086 R.S.M.o.
Settlement Agreement Provision Subsection	**II.A.1.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.** **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.** 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.**
Compliance Rating for Subsection	Substantial Compliance
Discussion	The auditor met with public defender Katrina Jones, juvenile defender Quinn Grimes as well as certified counsel Kelly Chevalier and notes that certified counsel is very seldom appointed.
Recommendations for Reaching Compliance	Continued adherence to establish procedure is essential. Remind all judicial officers to consider appointing certified counsel when appropriate.
Evidentiary Basis	Discussions with counsel for juveniles as well as court administrator.
Settlement Agreement Provision Subsection	**II.A.1.c** **The Court shall notify all appointed juvenile delinquency defense counsel of his or her appointment within 48 hours of the appointment.**
Compliance Rating for Subsection	Substantial Compliance
Discussion	This procedure has been implemented with fidelity.
Recommendations	The auditor finds the court to be in compliance as a result of implementing an

for Reaching Compliance	effective procedure.
Evidentiary Basis	Electronic records provided to auditor May 22, 2017
Settlement Agreement Provision Subsection	**II.A.1.d** **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.**
Compliance Rating for Subsection	Substantial Compliance
Discussion	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.
Recommendations for Reaching Compliance	Parties are in compliance.
Evidentiary Basis	Review of policies. Discussion with attorney Jones and attorney Grimes.

II.A.2 Court-Appointed Counsel – publicly-funded juvenile defense counsel	
Settlement Agreement Provision	**II.A.2** **The Court will secure the equivalent of at least two publicly-funded full-time juvenile defense counsel for the Court's delinquency cases.**
Compliance Rating	Substantial Compliance
Discussion	I cannot emphasize enough the importance of utilizing counsel with broad experience in the juvenile court. The responsibility of the court to hold young people accountable when they commit delinquent acts, to protect the community and to develop the competencies of the juvenile and the concomitant responsibility of defense counsel to assertively represent the child while considering their best interest in accord with their expressed interests requires mature, knowledgeable, caring advocates such as Attorney Jones and Attorney Grimes.
Recommendations for Reaching Compliance	Parties are in compliance. The court has ensured the equivalent of two publicly – funded full time juvenile defense counsel as well as certified counsel on an ad hoc basis as needed.
Evidentiary Basis	The Auditor has observed both Attorney Jones and Attorney Grimes in court and has spoken to them extensively outside of court.

II.A.3 Court-Appointed Counsel – requirement that juvenile defense counsel be members of good standing of the Missouri Bar	
Settlement Agreement Provision	**II.A.3** **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	Substantial Compliance
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.

II.A.4 Court-Appointed Counsel – juvenile defense counsel training	
Overall Compliance Rating	**Substantial Compliance**
Settlement Agreement Provision Subsection	**II.A.4** **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	Substantial Compliance
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 2017 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 has
Recommendations for Reaching Compliance	Commit to regular ongoing training.
Evidentiary Basis	Court Administration Communications

Settlement Agreement Provision Subsection	**II.A.4.a** **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.**
Compliance Rating for Subsection	Substantial compliance
Discussion	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 2017 sponsored by the Missouri Public Defender and the National Juvenile Defender Center and either have or will continue to participate in additional training.
Recommendations for Reaching Compliance	Parties are in compliance.
Evidentiary Basis	
Settlement Agreement Provision Subsection	**II.A.4.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."** **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.** **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 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. **iii. The Court shall ensure that juvenile defense training consistent with the requirements of this Agreement is offered no less than every six months.**
Compliance Rating for Subsection	Substantial Compliance
Discussion	The court has complied with the notification of attorneys thru administrate 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	Parties are in compliance.
Evidentiary Basis	Administrative Order 156.

II.A.5 Court-Appointed Counsel – financial eligibility determination	
Overall Compliance Rating	**Substantial Compliance**
Settlement Agreement Provision Subsection	**II.A.5.a** **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:** **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).**
Compliance Rating for Subsection	Substantial Compliance
Discussion	St. Louis County "order" of April 10, 2017 satisfies the requirements of this provision.
Recommendations for Reaching Compliance	Parties are in compliance.
Evidentiary Basis	April 10, 2017 court order.
Settlement Agreement Provision Subsection	**II.A.5.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.
Compliance Rating for Subsection	Substantial Compliance
Discussion	The auditor has been provided with Rule 13 and has been assured that it is followed by St. Louis County Courts.
Recommendations for Reaching Compliance	Parties are in compliance, although auditor advised that this does not occur in St. Louis County.
Evidentiary Basis	Discussion with Court Administrator.
Settlement Agreement Provision Subsection	**II.A.5.c** **The uniform policy will include a uniform fee schedule.**
Compliance Rating for Subsection	Substantial Compliance
Discussion	A schedule has been provided and is followed by the courts.
Recommendations for Reaching Compliance	Parties are in compliance.
Evidentiary Basis	Auditor was provided with the schedule.
Settlement Agreement Provision Subsection	**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.**
Compliance Rating for Subsection	Substantial Compliance
Discussion	The Court has published the policy on its website along with the administrative order which authorizes it.
Recommendations for Reaching Compliance	Parties are in compliance.
Evidentiary Basis	Receipt and review of policy by auditor.
Settlement Agreement Provision Subsection	**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.** **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. **iii. After selection, the name of the selected individual will go to the bottom of the list.** **iv. The Court Administrator will maintain only one master list of certified counsel.**
Compliance Rating for Subsection	Substantial Compliance
Discussion	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: 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 rhe referral for fling 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. 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. In this even 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.
Recommendations for Reaching Compliance	Parties are in compliance.
Evidentiary Basis	Although parties are in compliance a survey of the court indicates judicial officers seldom utilize certified counsel.
Settlement Agreement Provision Subsection	**II.A.5.f** **The Court will make the list of certified counsel available to the public.**
Compliance Rating for Subsection	Substantial Compliance

Discussion	The Court has published the policy on its website along with the administrative order which authorizes it.
Recommendations for Reaching Compliance	Parties are in compliance.
Evidentiary Basis	

II.A.6 Court-Appointed Counsel – training requirement policy	
Settlement Agreement Provision	**II.A.6** **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).**
Compliance Rating	Substantial Compliance
Discussion	See discussion and recommendations in II A.4.
Recommendations for Reaching Compliance	Parties are in compliance.
Evidentiary Basis	

II.A.7 Court-Appointed Counsel – juvenile defender caseload assessment	
Settlement Agreement Provision	**II.A.7** **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.**
Compliance Rating	Substantial Compliance
Discussion	The Court, in collaboration with the Juvenile Public Defender, regularly assess and monitors caseload and has clearly articulated a willingness to advocate for additional resources if requested. None has been requested and none appears to be necessary.
Recommendations for Reaching Compliance	Parties are in compliance.
Evidentiary Basis	Discussions with Judge Donnelly, Katrina Jones, Esq. and Ben Burkemper, Esq.

II.A.8 Court-Appointed Counsel – attorney-client meetings prior to detention hearings	
Settlement Agreement Provision	**II.A.8** **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.**

Compliance Rating	Substantial Compliance
Discussion	Implementation with fidelity can be difficult but the auditor believes based in discussions with court and staff that this policy and practice is followed.
Recommendations for Reaching Compliance	Parties are in compliance.
Evidentiary Basis	Tab 15 satisfied the requirements.

II.A.9 Court-Appointed Counsel – single attorney representation	
Settlement Agreement Provision	**II.A.9** **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.**
Compliance Rating	Substantial Compliance
Discussion	The Court has complied with this provision as evidenced by electronic records provided to the auditor on May 22, 2017.
Recommendations for Reaching Compliance	Parties are in compliance.
Evidentiary Basis	Electronic records under date of May 22, 2017.

II.A.10 Court-Appointed Counsel – representation at initial detention hearing	
Settlement Agreement Provision	**II.A.10** **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.**
Compliance Rating	Substantial Compliance
Discussion	Auditors discussions with court personnel including Judge Donnelly and Katrina Jones, Esq. indicated this occurs and that procedures are in place.
Recommendations for Reaching Compliance	Parties are in compliance.
Evidentiary Basis	

II.A.11 Court-Appointed Counsel – utilization of financial eligibility standards	
Settlement Agreement Provision	**II.A.11** **All publicly-funded juvenile defense attorneys shall determine financial eligibility by using the standards of the Office of the Missouri State Public**

	Defender.
Compliance Rating	Substantial Compliance
Discussion	A letter from Judge Thea Sherry confirms that these standards are utilized as well as the auditors discussions with Attorneys Jones and Grimes
Recommendations for Reaching Compliance	Parties are in compliance.
Evidentiary Basis	Letter from Judge Sherry

II.B.12 Privilege Against Self-Incrimination – detention center interrogation policy	
Settlement Agreement Provision	**II.B.12** **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.**
Compliance Rating	Substantial Compliance
Discussion	The Court has revised its policies to specifically prohibit such interrogation and has provided a dedicated space apart from the center for that purpose.
Recommendations for Reaching Compliance	Parties are in compliance.
Evidentiary Basis	

II.B.13 Privilege Against Self-Incrimination – Statement of Rights and Waiver Form	
Settlement Agreement Provision	**II.B.13** **The Court and Staff will utilize the Statement of Rights and Waiver Form attached to this Agreement as Attachment A.**
Compliance Rating	Substantial Compliance
Discussion	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.
Recommendations for Reaching Compliance	Parties are in compliance.
Evidentiary Basis	

II.B.14 Privilege Against Self-Incrimination – juvenile officers' communication with juveniles about substance of allegations	
Settlement Agreement Provision	**II.B.14** **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	Substantial Compliance
Discussion	The Court has enacted a formal policy which was provided to the auditor on December 18, 2017.
Recommendations for Reaching Compliance	Parties are in compliance. The auditor notes the importance of strict adherence to this prohibition and recommends continuing reminders and training for all staff. I further note that families have reported failures to adhere to this prohibition on occasion but a plethora of families report adherence. The auditor concludes that any deration from the obligation set forth in the provision is slight.
Evidentiary Basis	My observation of informal supervision proceedings, discussions with DJO's and supervisors as well as parents and juveniles indicate adherence in virtually every case.

II.B.15 Privilege Against Self-Incrimination – prohibition on offering into evidence statements made by juvenile to juvenile officer regarding substance of allegations	
Settlement Agreement Provision	**II.B.15** **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	Substantial Compliance
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	

II.B.16 Privilege Against Self-Incrimination – prohibition on offering into evidence statements made by juvenile during informal adjustment process	
Settlement Agreement Provision	**II.B.16** **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.**

Compliance Rating	Substantial Compliance
Discussion	My review of transcripts finds no evidence of submission of a prior statement made during an informal adjustment process.
Recommendations for Reaching Compliance	Parties are in compliance.
Evidentiary Basis	My review of transcripts and court observations.

II.B.17 Privilege Against Self-Incrimination – notification of right to counsel during informal adjustment proceedings	
Settlement Agreement Provision	**II.B.17** **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.**
Compliance Rating	Substantial Compliance
Discussion	My observation is that the right to counsel is addressed, in the vast majority of cases. The auditor is well aware that this has not always occurred and in fact, was told so by one child and several parents. Most children and families indicated they were told and the auditor concludes that any deviation from the obligations set forth in the provision is slight. It is imperative that all staff continue to be well trained in this aspect.
Recommendations for Reaching Compliance	The parties are in compliance.
Evidentiary Basis	Policy statement email on 10/11/17

II.B.18 Privilege Against Self-Incrimination – appointment of counsel for informal adjustment proceedings

Settlement Agreement Provision	**II.B.18** **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.**
Compliance Rating	Substantial Compliance
Discussion	Katrina Jones, Esq. is available to represent juveniles during informal adjustment proceedings and Quinn Grimes, Esq. has agreed to represent any youth requesting counsel for informal adjustment proceedings regardless of his or her family's income.
Recommendations for Reaching Compliance	Parties are in compliance.
Evidentiary Basis	Policy statement email on 10/11/17

II.C.19 Detention Hearings	
Settlement Agreement Provision	**II.C.19** **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.**
Compliance Rating	Substantial Compliance
Discussion	My documents review satisfies me that this is occurring with very rare exceptions.
Recommendations for Reaching Compliance	Parties are in compliance.
Evidentiary Basis	Transcripts

II.D.20 Plea Colloquies	
Settlement Agreement Provision	**II.D.20** **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.**
Compliance Rating	Substantial Compliance
Discussion	The auditor is impressed by the excellent plea colloquy and review of transcripts and observation of proceedings concludes it is utilized.
Recommendations for Reaching Compliance	Parties are in compliance.
Evidentiary Basis	

II.E.21 Training for Court and Staff – due process trainings

Settlement Agreement Provision	**II.E.21** **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.**
Compliance Rating	Substantial Compliance
Discussion	A competency-based program training for deputy juvenile officer was held on November 17, 2017.
Recommendations for Reaching Compliance	Parties are in compliance but ongoing training on a regular basis is critical.
Evidentiary Basis	

DMC Provisions

II.E.22 Training for Court and Staff – DMC trainings	
Settlement Agreement Provision	**II.E.22** **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.**
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. On September 28 & 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: - 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
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.

II.E.23 Training for Court and Staff – OJJDP technical assistance	
Settlement Agreement Provision	**II.E.23** **OJJDP, or another mutually agreed upon trainer or technical assistance provider, will provide technical assistance in the form of training to the court about DMC training strategy. The Court will propose a DMC training plan and strategy and submit that plan to the United States for approval. The training strategy will 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).**
Compliance Rating	Partial Compliance
Discussion	On September 28 & 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: - 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 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. At the time of this report, a new training strategy has been developed, and the parties are in the process of executing a contract with an identified expert for training. The parties have tentatively scheduled the trainings to occur in late September. Arrangements will also be made for the DMC auditor to attend trainings on at least one of the two planned training days.

Evidentiary Basis	Discussions with staff; correspondence with 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	**II.E.24** **The training shall be in person and Staff will document attendance of all staff who participate in the training.**
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.
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	**II.E.25** **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.**
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.

II.E.26 Training for Court and Staff – inclusion of Office of State Court Administrator	
Settlement Agreement Provision	**II.E.26** **The Court will invite personnel from the Office of State Court Administrator ("OSCA") to participate in any training on juvenile delinquency data collection.**
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

II.F.27 Equal Protection Duties and Responsibilities	
Settlement Agreement Provision	**II.F.27** **Within three months of the Effective Date, the Court shall expand the duties of the Family Court Administrator to include:** **a. oversight of the Court's efforts to monitor, evaluate, and minimize DMC; and** **b. responsibility for reporting on and evaluating these efforts and outcomes arising out of the efforts.**
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.

II.G.28 Data Collection and Reporting – statewide case management system	
Settlement Agreement	**II.G.28**

Provision	**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.**
Compliance Rating	Substantial Compliance
Discussion	The Court published the second bi-annual DMC report on May 18, 2018. The report included 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 2nd bi-annual DMC report.

II.G.29 Data Collection and Reporting – public availability of data	
Settlement Agreement Provision	**II.G.29** **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.**
Compliance Rating	Substantial Compliance
Discussion	The Court published the second bi-annual DMC report on May 18, 2018. On June 6, 2018, Dr. Bradley Wing presented the findings from the second bi-annual DMC report at the Court en banc meeting. On June 6, 2018, Dr. Bradley Wing and ben Burkemper presented the findings from the second bi-annual DMC report at a community meeting that was advertised in advance, open to the public, and held in Ferguson, MO.
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, participation in public meetings; review of the Family Court website.

II.G.30 Data Collection and Reporting – informal resolution and delinquency petition data	
Settlement Agreement Provision	**II.G.30** **The Court will continue to collect and make available data showing whether a juvenile delinquency matter referred to the Court was resolved informally 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.
Compliance Rating	Substantial Compliance
Discussion	The Court published the second bi-annual DMC report on May 18, 2018. 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 2nd bi-annual DMC report.

II.G.31 Data Collection and Reporting – certification to adult court data	
Settlement Agreement Provision	**II.G.31** **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.**
Compliance Rating	Substantial Compliance
Discussion	The Court published the second bi-annual DMC report on May 18, 2018. 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 2nd bi-annual DMC report.

II.G.32 Data Collection and Reporting – detention data	
Settlement Agreement Provision	**II.G.32** **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.**
Compliance Rating	Substantial Compliance
Discussion	The Court published the second bi-annual DMC report on May 18, 2018. 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.33 Data Collection and Reporting – detention screening data	
Settlement Agreement Provision	**II.G.33** **The Court will collect and make available data on detention screening and detention criteria as performed and utilized by the Court's Juvenile Office.**
Compliance Rating	Substantial Compliance
Discussion	The Court published the second bi-annual DMC report on May 18, 2018. 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 2nd bi-annual DMC report.

II.G.34 Data Collection and Reporting – alternatives to detention data	
Settlement Agreement Provision	**II.G.34** **The Court will collect and make available data on its use of alternatives to detention.**
Compliance Rating	Substantial Compliance
Discussion	The Court published the second bi-annual DMC report on May 18, 2018. 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 2nd bi-annual DMC report.

II.G.35 Data Collection and Reporting – data on delinquency findings	
Settlement Agreement Provision	**II.G.35** **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 case, disaggregated by age, sex, and race, and indicating the most serious offenses for which the Court found a juvenile delinquent.**
Compliance Rating	Substantial Compliance
Discussion	The Court published the second bi-annual DMC report on May 18, 2018. 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 2nd bi-annual DMC report.

II.G.36 Data Collection and Reporting – alternatives to DYS commitment data	
Settlement Agreement Provision	**II.G.36** **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.**
Compliance Rating	Substantial Compliance
Discussion	The 2nd bi-Annual DMC Report was released in May of 2018. The report includes a discussion of the classifications of alternatives to DYS commitment that are generally available to the Court. Through discussions with court staff and through personal observation of disposition hearings, it is clear to the DMC Auditor that the Court considers a variety of alternatives to DYS commitment. The Court has agreed to include an additional table or appendix table that provides a detailed listing of the alternatives that are available, in addition to the currently listed classifications of alternatives. This more detailed table will be included in the 3rd bi-annual DMC report, that will be released in November of 2018. The DMC Auditor has requested to be provided with a copy of the aforementioned table prior to the publication of the final report.
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 bi-annual DMC reports

II.G.37 Data Collection and Reporting – availability of counsel data	
Settlement Agreement Provision	**II.G.37** **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.
Compliance Rating	Substantial Compliance
Discussion	The Court published the second bi-annual DMC report on May 18, 2018. 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 2nd bi-annual DMC report.

II.G.38 Data Collection and Reporting – disposition data	
Settlement Agreement Provision	**II.G.38** **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.**
Compliance Rating	Substantial Compliance
Discussion	The Court published the second bi-annual DMC report on May 18, 2018. 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 2nd bi-annual DMC report.

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

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.

II.G.40 Data Collection and Reporting – data analysis of key decision points	
Settlement Agreement Provision	**II.G.40** **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.**
Compliance Rating	Substantial Compliance
Discussion	The Court published the second bi-annual DMC report on May 18, 2018. 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 2nd bi-annual DMC report.

II.G.41 Data Collection and Reporting – bi-annual DMC report	
Settlement Agreement Provision	**II.G.41** **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.**
Compliance Rating	Substantial Compliance
Discussion	The Court published the second bi-annual DMC report on May 18, 2018. 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 2nd bi-annual DMC report.

II.G.42 Data Collection and Reporting – proposed plan based on bi-annual DMC report	
Settlement Agreement Provision	**II.G.42** **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.**
Compliance Rating	Substantial Compliance
Discussion	The Court published the second bi-annual DMC report on May 18, 2018. This report and recommendations were also shared with the Court's leadership at the November and May en banc meetings. 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.
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 2nd bi-annual DMC report.

II.G.43 Data Collection and Reporting – Family Court en banc meetings	
Settlement Agreement Provision	**II.G.43** **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 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.
Compliance Rating	Substantial Compliance
Discussion	The Court published the second bi-annual DMC report on May 18, 2018. The report includes all of the elements in this specific provision of the agreement. The court also held a community meeting to discuss the findings of the report on June 6, 2018. The success of the improved approach was evident as the meeting was wellattended by over 50 stakeholders from around the St. Louis area.
Recommendations for Reaching Compliance	While the Court is complying with this provision of the agreement, they are encouraged be more timely with the posting of documents presented at the en banc meeting.
Evidentiary Basis	Discussions with court staff; review of interim data reports; review of 2nd bi-annual DMC report.

II.G.44 Data Collection and Reporting – bi-annual DMC professional statistical analysis	
Settlement Agreement Provision	**II.G.44** **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 ofDMC in the Court's delinquency system, by the Office of State Courts Administrator or by the Court's Principal Analyst, Dr. Bradley Wing. The DMC professional conducting the statistical analysis will have the following qualifications:** **a. understands statistical analyses such as logistic regression and odds ratios; and** **b. understands the range of factors which might contribute to DMC within St. Louis County.**
Compliance Rating	Substantial Compliance

Discussion	The Court published the second bi-annual DMC report on May 18, 2018. 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.
Recommendations for Reaching	The Court is complying with this provision of the agreement.

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

II.G.45 Data Collection and Reporting – DMC professional statistical analysis methodology	
Settlement Agreement Provision	**II.G.45** **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.**
Compliance Rating	Substantial Compliance
Discussion	The 2nd bi-Annual DMC Report was released in May of 2018. The report includes the use of logistic regression and other appropriate statistical techniques were included throughout the report.
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 bi-annual DMC reports