

First 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*

Draft submitted: May 22, 2017

Final submitted: June 22, 2017

Due Process Auditor: Judge Arthur E. Grim

DMC Subject Matter Expert: Mark A. Greenwald

I. Introduction

This is the first report of the Due Process Auditor 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 me, the Honorable Arthur E. Grim to serve as the Due Process Auditor. The agreement provides that I perform compliance reviews every six months with additional reviews as necessary if emergent issues arise. The report below outlines my findings from the compliance review conducted April 17 thru April 20, 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:

My first compliance review afforded me the opportunity to meet with the majority of key personnel having responsibility for the juvenile justice system within the St. Louis County Family Court including The Honorable Douglas R. Beach, President Judge, The Honorable Thea Sherry, Administrative Judge, and Ben Burkemper, Family Court Administrator. I was able to observe various open and closed court proceedings presided over by Judges and Commissioners as well to review transcripts of various proceedings. I was able to engage in open and productive dialogue with various directors and managers within the organization as well meet with line officers from different regions within the Delinquency Services Department. I spent the better part of a half day visiting the Detention Center and meeting with the Director of Detention Services, Supervisors as well as various Detention Deputy Juvenile Officers. I met with Rick Gaines, the new Chief Juvenile Probation officer as well as Quinn Grimes, Esq., juvenile defender and various private defense counsels. As a result of my onsite visit and review of documentation, I conclude that the court has taken significant steps to move toward compliance since the December 14, 2016 memorandum of agreement. I look forward to being able to drill down further in my second scheduled visit in early December 2017, at which time I will request and anticipate opportunities to meet with juvenile, families and counsel, to observe further court proceedings, to review additional transcripts as well as to continue ongoing dialogue with all relevant stakeholders. I could not have been more pleased with the collaborative and collegial nature of my interaction with everyone in the Court system and I particularly want to note the assistance of Family Court Administrator, Ben Burkemper and his executive secretary, Anne Hollin, both of whom went above and beyond the call of duty.

In addition an issue that emerged during my initial visit was the question of whether the juvenile

court public defender, Katrina Jones, Esq. was assigned full time to the Juvenile Court. An email from attorney Jones under the date of June 7, 2017 to me makes it clear that at this time she and Quinn Grimes, Esq., the St. Louis County Juvenile Defender, handle only St. Louis County Juvenile Delinquency matters. Attorney Jones states that she is not assigned any other duties in the Public Defender's Office. That complies with the requirement that two full time Juvenile Defense Counsel be available in the St. Louis County Juvenile Court. I have some concern as to the guarantee of that continuing availability given that Michael Barrett, Esq., Director of the Missouri State Public Defender association in an email on May 11, 2017, responding to a request to Stephen Reynolds, Esq. of his office, stated he was declining to share information about the following:

“Can you please confirm whether Katrina's caseload is 100% Juvenile Cases or whether some portion of her caseload consists of adult cases?”

In my view it is imperative that steps be taken to ensure that the MSPD becomes engaged as a partner in the continuing quest of the Court to ensure the excellence of the system.

I want to note as well that I was provided with ample opportunity to observe both open and closed proceedings as well as being provided with a good number of transcripts for both types of proceedings.

In many of these transcripts I was very impressed with the thoroughness of colloquies, of the utilization of age appropriate language and the good faith attempts to engage juveniles in the process as well as the active listening by the courts.

Additional Comments from the DMC Subject Matter Expert:

During my first compliance visit, I was provided with direct access to any staff or source documentation that was requested. Additionally, I was able to interact with a number of staff and view a number of the electronic systems used to collect relevant juvenile justice information. The court has an impressive juvenile justice information system and well trained IT professionals who are capable of performing advanced data analysis. It is also clear that these staff routinely work with staff and experts at other agencies (OSCA for example) to enhance reporting.

Without exception, all staff interviewed were professional, forth-coming and well-informed. I also want to note the special assistance provided by Mr. Ben Burkemper and his executive Secretary, Anne Hollin, before during and after the first compliance visit.

The following DMC materials were provided or were acquired independently as a result of the first compliance visit:

- Missouri Juvenile Officer Performance Standards (2017)
- Family Court Judiciary and Administration Organization Chart
- Missouri Juvenile Detention Assessment (JDTA) Form
- Missouri Juvenile Justice Association Implicit Bias Training Flyer
- Example (redacted) Juvenile Summary Form

- Example (redacted) Juvenile Delinquency Petition
- The Second Field Test of the Missouri Juvenile Detention Assessment Report (OSCA, 2010)

DRAFT Data Reports Provided by the St. Louis County Family Court:

- 30a Delinq Resolved Informally 01-01 to 04-21-17.xlsx
- 30b Delinq Resolved Through Petition 01-01 to 04-21-17.xlsx
- 30c Delinq Resolved Informally Dismiss for IA 01-01 to 04-21-17.xlsx
- 31 Certifications 01-01 to 04-21-17.xlsx
- 32 Detentions Pre-Adjudication 01-01 to 04-21-17.xlsx
- 34 Alternatives to Detention 01-01 to 04-21-17.xlsx
- 35 Findings of Delinquency 01-01 to 04-21-17.xlsx
- 36 38a Alternatives Prior to DYS Commitment 01-01 to 04-21-17.xlsx
- 37 Attorney for Juvenile 01-01 to 04-21-17.xlsx
- 38b DYS Commit with Violations of Court Order 01-01 to 04-21-17.xlsx
- 38c DYS Commit with Stay 01-01 to 04-21-17.xlsx
- Charge List 2016-2017.xlsx

COMPLIANCE RATINGS:

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 “Not Yet Rated” 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

Provision Number	Description of Provision	Overall Compliance Rating
II.A.1	Court-Appointed Counsel –appointed defense counsel protocol	Substantial Compliance
II.A.2	Court-Appointed Counsel – publicly-funded juvenile defense counsel	Partial Compliance
II.A.3	Court-Appointed Counsel – requirement that juvenile defense counsel be members of good standing of that Missouri Bar	Substantial Compliance
II.A.4	Court-Appointed Counsel – juvenile defense counsel training	Substantial Compliance
II.A.5	Court-Appointed Counsel – financial eligibility determination	Substantial Compliance
II.A.6	Court-Appointed Counsel – training requirement policy	Substantial Compliance
II.A.7	Court-Appointed Counsel – juvenile defender caseload assessment	Not Yet Rated
II.A.8	Court-Appointed Counsel – attorney-client meetings prior to detention hearings	Substantial Compliance
II.A.9	Court-Appointed Counsel – single attorney representation	Substantial Compliance
II.A.10	Court-Appointed Counsel – representation at initial detention hearing	Substantial Compliance
II.A.11	Court-Appointed Counsel – utilization of financial eligibility standards	Substantial Compliance
II.B.12	Privilege Against Self-Incrimination – detention center interrogation policy	Substantial Compliance
II.B.13	Privilege Against Self-Incrimination – Statement of Rights and Waiver Form	Substantial Compliance
II.B.14	Privilege Against Self-Incrimination – juvenile officers’ communication with juveniles about substance of allegations	Not Yet Rated
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
II.B.16	Privilege Against Self-Incrimination – prohibition on offering into evidence statements made by juvenile during informal adjustment process	Partial Compliance
II.B.17	Privilege Against Self-Incrimination – notification of right to counsel during informal adjustment proceedings	Substantial Compliance
II.B.18	Privilege Against Self-Incrimination – appointment of counsel for informal adjustment proceedings	Partial Compliance

II.C.19	Detention Hearings	Not Yet Rated
II.D.20	Plea Colloquies	Substantial Compliance
II.E.21	Training for Court and Staff – due process trainings	Substantial Compliance

DMC Provisions

Provision Number	Description of Provision	Overall Compliance Rating
II.E.22	Training for Court and Staff – DMC trainings	Partial Compliance
II.E.23	Training for Court and Staff – OJJDP technical assistance	Not Yet Rated
II.E.24	Training for Court and Staff – documentation of attendance at in-person DMC trainings	Not Yet Rated
II.E.25	Training for Court and Staff – requirement that DMC trainings occur at least annually	Not Yet Rated
II.E.26	Training for Court and Staff – inclusion of Office of State Court Administrator	Partial Compliance
II.F.27	Equal Protection Duties and Responsibilities	Not Yet Rated
II.G.28	Data Collection and Reporting – statewide case management system	Partial Compliance
II.G.29	Data Collection and Reporting – public availability of data	Not Yet Rated
II.G.30	Data Collection and Reporting – informal resolution and delinquency petition data	Partial Compliance
II.G.31	Data Collection and Reporting – certification to adult court data	Partial Compliance
II.G.32	Data Collection and Reporting – detention data	Partial Compliance
II.G.33	Data Collection and Reporting – detention screening data	Beginning Compliance
II.G.34	Data Collection and Reporting – alternatives to detention data	Partial Compliance
II.G.35	Data Collection and Reporting – data on delinquency findings	Partial Compliance
II.G.36	Data Collection and Reporting – alternatives to DYS commitment data	Partial Compliance
II.G.37	Data Collection and Reporting – availability of counsel data	Partial Compliance
II.G.38	Data Collection and Reporting – disposition data	Partial Compliance
II.G.39	Data Collection and Reporting – capacity to summarize and analyze DMC data	Substantial Compliance
II.G.40	Data Collection and Reporting – data analysis of key decision points	Not Yet Rated
II.G.41	Data Collection and Reporting – bi-annual DMC report	Not Yet Rated
II.G.42	Data Collection and Reporting – proposed plan based on bi-annual DMC report	
II.G.43	Data Collection and Reporting – Family Court en banc meetings	Not Yet Rated
II.G.44	Data Collection and Reporting – bi-annual DMC professional statistical analysis	Not Yet Rated
II.G.45	Data Collection and Reporting – DMC professional statistical analysis methodology	Not Yet Rated

A. 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>II.A.1.a</p> <p>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:</p> <p>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.</p>
Compliance Rating for Subsection	Substantial Compliance
Discussion	Michael Barrett, MSPD, in an email to the DOJ has taken the position that this section is in contravention of Missouri Law in that the “state statute” gives the Public Defender the authority to make the initial indigence determination regarding clients. The Court has provided statutory evidence that supports their position.
Recommendations for Reaching Compliance	Research “state statute” Inform auditor of findings and if appropriate suggest corrective action.
Evidentiary Basis	Section: 211.211, right to counsel Section: 600.086 R.S.M.o.
Settlement Agreement Provision	<p>II.A.1.b</p> <p>For a juvenile who is not detained and not represented by counsel, following</p>

Subsection	<p>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.</p> <ul style="list-style-type: none"> 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	
Recommendations for Reaching Compliance	
Evidentiary Basis	
Settlement Agreement Provision Subsection	<p>II.A.1.c</p> <p>The Court shall notify all appointed juvenile delinquency defense counsel of his or her appointment within 48 hours of the appointment.</p>
Compliance Rating for Subsection	Substantial Compliance
Discussion	
Recommendations for Reaching Compliance	
Evidentiary Basis	Electronic records provided to auditor May 22, 2017
Settlement Agreement Provision Subsection	<p>II.A.1.d</p> <p>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.</p>
Compliance Rating	Substantial Compliance

for Subsection	
Discussion	
Recommendations for Reaching Compliance	
Evidentiary Basis	

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	Partial Compliance
Discussion	The Court has substantially complied with this requirement. The auditor has rated this as partial compliance because the MSPD has declined to provide information specifically requested by DOJ inquiring whether or not Katrina Jones, Esq. is assigned full time to Juvenile Court, although attorney Jones has confirmed in writing that she is presently assigned fulltime to juvenile court.
Recommendations for Reaching Compliance	
Evidentiary Basis	

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	
Recommendations for Reaching Compliance	
Evidentiary Basis	Confirming documentation has been provided by the court.

II.A.4 Court-Appointed Counsel – juvenile defense counsel training	
Overall	Substantial Compliance

Compliance Rating	
Settlement Agreement Provision Subsection	<p>II.A.4</p> <p>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.</p>
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 sponsored by the Missouri Public Defender and the National Juvenile Defender Center.
Recommendations for Reaching Compliance	Determine if the Public Defender will permit staff to attend training.
Evidentiary Basis	
Settlement Agreement Provision Subsection	<p>II.A.4.a</p> <p>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.</p>
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 sponsored by the Missouri Public Defender and the National Juvenile Defender Center.

Recommendations for Reaching Compliance	
Evidentiary Basis	
Settlement Agreement Provision Subsection	<p>II.A.4.b</p> <p>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.”</p> <ul style="list-style-type: none"> 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	Please see discussion in II.A.4.a.
Recommendations for Reaching Compliance	
Evidentiary Basis	

II.A.5 Court-Appointed Counsel – financial eligibility determination	
Overall Compliance Rating	Substantial Compliance
Settlement	II.A.5.a

Agreement Provision Subsection	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	
Evidentiary Basis	
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	
Evidentiary Basis	
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	
Evidentiary Basis	

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	N/A
Discussion	The Court has published the policy on its website along with the administrative order which authorizes it.
Recommendations for Reaching Compliance	
Evidentiary Basis	
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: <ul style="list-style-type: none"> 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 Court administrator has represented and demonstrated that he follows this policy.
Recommendations for Reaching Compliance	
Evidentiary Basis	
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	
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	
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	Not Yet Rated
Discussion	In my view, it is imperative that all parties strive to establish a collegial and collaborative relationship in order to achieve this requirement.
Recommendations for Reaching Compliance	
Evidentiary Basis	

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	
Recommendations for Reaching	

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	
Evidentiary Basis	

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	
Recommendations for Reaching 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.
Recommendations for Reaching Compliance	

Evidentiary Basis	
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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	
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.
Recommendations for Reaching 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	Partial Compliance
Discussion	I have been ensured a policy has been in place and it will continue. Documents are to be provided.
Recommendations	

for Reaching Compliance	
Evidentiary Basis	

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	<p>II.B.15</p> <p>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.</p>
Compliance Rating	Substantial Compliance
Discussion	
Recommendations for Reaching Compliance	
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	<p>II.B.16</p> <p>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.</p>
Compliance Rating	Not Yet Rated
Discussion	
Recommendations for Reaching Compliance	
Evidentiary Basis	

II.B.17 Privilege Against Self-Incrimination – notification of right to counsel during informal adjustment proceedings

Settlement Agreement Provision	<p>II.B.17</p> <p>The Staff will, at the initial informal adjustment conference, notify a juvenile of their right to counsel during the informal adjustment process. This notice</p>
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	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	
Recommendations for Reaching Compliance	
Evidentiary Basis	

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	Partial Compliance
Discussion	This is a work in progress and further review is needed.
Recommendations for Reaching Compliance	
Evidentiary Basis	See Tab 6

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.
Recommendations for Reaching Compliance	
Evidentiary Basis	

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	
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	Please see discussion in II A.4.
Recommendations for Reaching Compliance	

Evidentiary Basis	
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DMC Provisions

II.E.22 Training for Court and Staff – DMC trainings	
Settlement Agreement Provision	<p>II.E.22</p> <p>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.</p>
Compliance Rating	Partial 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. At the time of this publication, 38 staff, including other relevant stakeholders, have received implicit bias training.
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). Additionally, the court will need to ensure that staff participate in the trainings when they are offered by OJJDP and or their contractors.
Evidentiary Basis	Discussions with staff; review of implicit bias training flyer; list of court staff; attendance sign-in sheets provided by court staff.

II.E.23 Training for Court and Staff – OJJDP technical assistance	
Settlement Agreement Provision	<p>II.E.23</p> <p>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).</p>

Compliance Rating	Not Yet Rated
Discussion	OJJDP has engaged the court and discussions are on-going to establish DMC training strategies. At the time of this report, the trainings have not been scheduled by OJJDP, although discussions are on-going.
Recommendations for Reaching Compliance	The court will need to ensure that staff participate in the trainings when they are offered by OJJDP and or their contractors.
Evidentiary Basis	Discussions with staff; correspondence with OJJDP and DOJ

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	Not Yet Rated
Discussion	
Recommendations for Reaching Compliance	
Evidentiary Basis	

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	Not Yet Rated
Discussion	
Recommendations for Reaching Compliance	
Evidentiary Basis	

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	Partial 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 trainings.
Recommendations for Reaching Compliance	Continue to invite OSCA staff to participate in DMC related trainings, and ensure participation in DMC trainings when they are offered by OJJDP or their contractors.
Evidentiary Basis	Discussions with court staff; review of implicit bias training flyer; list of court staff; attendance sign-in sheets provided by court staff.

II.F.27 Equal Protection Duties and Responsibilities	
Settlement Agreement Provision	<p>II.F.27</p> <p>Within three months of the Effective Date, the Court shall expand the duties of the Family Court Administrator to include:</p> <ul style="list-style-type: none"> 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	Not Yet Rated
Discussion	The court and DOJ have agreed that the first report will be available in early Fall 2017
Recommendations for Reaching Compliance	
Evidentiary Basis	Discussions with court and DOJ staff.

II.G.28 Data Collection and Reporting – statewide case management system	
Settlement Agreement Provision	<p>II.G.28</p> <p>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.</p>
Compliance Rating	Partial Compliance
Discussion	Staff from the St. Louis Family Court are developing a series of reports that will ultimately address this measure. These reports are being jointly developed between the court and OSCA and cover a variety of relevant topics. A more thorough review and expected timeline of the reports should be available prior to or during the anticipated second site visit (December 2017).
Recommendations for Reaching Compliance	Continue development and finalize a consistent and easy to interpret reporting format for distribution to stakeholders.

Evidentiary Basis	Discussions with court staff; review of the following draft report documents: 30a Delinq Resolved Informally 01-01 to 04-21-17.xlsx 30b Delinq Resolved Through Petition 01-01 to 04-21-17.xlsx 30c Delinq Resolved Informally Dismiss for IA 01-01 to 04-21-17.xlsx 31 Certifications 01-01 to 04-21-17.xlsx 32 Detentions Pre-Adjudication 01-01 to 04-21-17.xlsx 34 Alternatives to Detention 01-01 to 04-21-17.xlsx 35 Findings of Delinquency 01-01 to 04-21-17.xlsx 36 38a Alternatives Prior to DYS Commitment 01-01 to 04-21-17.xlsx 37 Attorney for Juvenile 01-01 to 04-21-17.xlsx 38b DYS Commit with Violations of Court Order 01-01 to 04-21-17.xlsx 38c DYS Commit with Stay 01-01 to 04-21-17.xlsx
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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	Not Yet Rated
Discussion	The court and DOJ have agreed that the first report will be available in early Fall 2017.
Recommendations for Reaching Compliance	
Evidentiary Basis	Discussions with court and DOJ staff.

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	Partial Compliance
Discussion	Staff from the St. Louis Family Court are developing a series of reports that will ultimately address this measure. These reports are being jointly developed between the court and OSCA and cover a variety of relevant topics.
Recommendations for Reaching Compliance	Continue development and finalize a consistent and easy to interpret reporting format for distribution to stakeholders. A more thorough review and expected timeline of the reports should be available prior to or during the anticipated second site visit (December 2017).

Evidentiary Basis	Discussions with court staff; review of the following draft report documents: 30a Delinq Resolved Informally 01-01 to 04-21-17.xlsx 30b Delinq Resolved Through Petition 01-01 to 04-21-17.xlsx 30c Delinq Resolved Informally Dismiss for IA 01-01 to 04-21-17.xlsx
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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	Partial Compliance
Discussion	Staff from the St. Louis Family Court are developing a report that will ultimately address this measure. These reports are being jointly developed between the court and OSCA and cover a variety of relevant topics.
Recommendations for Reaching Compliance	Continue development and finalize a consistent and easy to interpret reporting format for distribution to stakeholders. A more thorough review and expected timeline of the reports should be available prior to or during the anticipated second site visit (December 2017).
Evidentiary Basis	Discussions with court staff; review of the following draft report documents: 31 Certifications 01-01 to 04-21-17.xlsx

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	Partial Compliance
Discussion	Staff from the St. Louis Family Court are developing a report that will ultimately address this measure. This report is being jointly developed between the court and OSCA and cover a variety of relevant topics.
Recommendations for Reaching Compliance	Continue development and finalize a consistent and easy to interpret reporting format for distribution to stakeholders. A more thorough review and expected timeline of the reports should be available prior to or during the anticipated second site visit (December 2017).
Evidentiary Basis	Discussions with court staff; review of the following draft report documents:

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

Settlement Agreement Provision	<p>II.G.33</p> <p>The Court will collect and make available data on detention screening and detention criteria as performed and utilized by the Court’s Juvenile Office.</p>
Compliance Rating	Beginning Compliance
Discussion	<p>The St. Louis Family Court utilizes the Missouri Juvenile Detention Assessment Form to determine eligibility for secure juvenile detention. The instrument underwent two field tests, which were last evaluated by the Office of State Court Administrator in 2010. Staff from the St. Louis Family Court are developing a report that will ultimately address this measure. This report is being jointly developed between the court and OSCA and cover a variety of relevant topics.</p> <p>Although beyond the scope of this study, The State of Missouri should consider conducting an updated field test may be useful as the last evaluation appears to have occurred in 2010. It’s generally considered good practice to routinely (every 3-5 years) validate or review risk screening tools to ensure validity and that they adequately account for the available detention alternatives.</p>
Recommendations for Reaching Compliance	<p>The court should develop a report that provides information regarding number of screenings, outcomes of screenings, broken down by race, gender, ethnicity, etc. A more thorough review and expected timeline of the reports should be available prior to or during the anticipated second site visit (December 2017).</p>
Evidentiary Basis	<p>Discussions with court staff; review of the Missouri Juvenile Detention Assessment Form; review of field test reports for the Missouri Juvenile Detention Assessment Form.</p>

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

Settlement Agreement Provision	<p>II.G.34</p> <p>The Court will collect and make available data on its use of alternatives to detention.</p>
Compliance Rating	Partial Compliance
Discussion	<p>Staff from the St. Louis Family Court are developing a report that will ultimately address this measure. This report is being jointly developed between the court and OSCA and cover a variety of relevant topics. While a report is under development, the extent to which specific juvenile detention alternatives remains relatively unclear and will be explored further in future reports. It is clear from discussions with staff that intake screening and Deputy Juvenile Officers go to great lengths to find alternatives to detention for all eligible youth.</p>
Recommendations	<p>Continue development and finalize a consistent and easy to interpret reporting</p>

for Reaching Compliance	format for distribution to stakeholders. Consider the development of additional or dedication detention alternatives. A more thorough review and expected timeline of the reports should be available prior to or during the anticipated second site visit (December 2017).
Evidentiary Basis	Discussions with court staff; review of the Missouri Juvenile Detention Assessment Form

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	Partial Compliance
Discussion	Staff from the St. Louis Family Court are developing a report that will ultimately address this measure. This report is being jointly developed between the court and OSCA and cover a variety of relevant topics.
Recommendations for Reaching Compliance	Continue development and finalize a consistent and easy to interpret reporting format for distribution to stakeholders. A more thorough review and expected timeline of the reports should be available prior to or during the anticipated second site visit (December 2017).
Evidentiary Basis	Discussions with court staff; review of the following draft report documents: 35 Findings of Delinquency 01-01 to 04-21-17.xlsx

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	Partial Compliance
Discussion	Staff from the St. Louis Family Court are developing a report that will ultimately address this measure. This report is being jointly developed between the court and OSCA and cover a variety of relevant topics. As mentioned in a previous measure a report regarding detention alternatives is under development. However, the extent to which specific juvenile detention alternatives remains relatively unclear and will be explored further by the DMC before and during the next site visit (December 2017). It is clear from discussions with multiple court staff that intake screening and Deputy Juvenile Officers go to great lengths to find alternatives to detention for all eligible youth. To that end, there should be a

	pathway to documenting and summarizing these efforts.
Recommendations for Reaching Compliance	Continue development and finalize a consistent and easy to interpret reporting format for distribution to stakeholders. Additionally, the court should ensure that data is collected and reported on the programs or types of detention alternatives to detention that are available. A more thorough review and expected timeline of the reports should be available prior to or during the anticipated second site visit (December 2017).
Evidentiary Basis	Discussions with court staff; review of the following draft report documents: 36 38a Alternatives Prior to DYS Commitment 01-01 to 04-21-17.xlsx

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	Partial Compliance
Discussion	Staff from the St. Louis Family Court are developing a report that will ultimately address this measure. This report is being jointly developed between the court and OSCA and cover a variety of relevant topics.
Recommendations for Reaching Compliance	Continue development and finalize a consistent and easy to interpret reporting format for distribution to stakeholders. A more thorough review and expected timeline of the reports should be available prior to or during the anticipated second site visit (December 2017).
Evidentiary Basis	Discussions with court staff; review of the following draft report documents: 37 Attorney for Juvenile 01-01 to 04-21-17.xlsx

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	Partial Compliance
Discussion	Staff from the St. Louis Family Court are developing a report that will ultimately address this measure. This report is being jointly developed between the court and OSCA and cover a variety of relevant topics. Through discussions with court staff, data regarding youth committed to DYS and the corresponding reasons that led to the commitment are being collected by the court. The final reports being developed by the court should clearly outline these factors.
Recommendations for Reaching Compliance	Continue development and finalize a consistent and easy to interpret reporting format for distribution to stakeholders. A more thorough review and expected timeline of the reports should be available prior to or during the anticipated second site visit (December 2017).
Evidentiary Basis	Discussions with court staff; review of the following draft report documents: 38b DYS Commit with Violations of Court Order 01-01 to 04-21-17.xlsx 38c DYS Commit with Stay 01-01 to 04-21-17.xlsx

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. Additionally, the court has a series of skilled IT analysts capable of reviewing and extracting this information using an advanced database reporting system (IBM COGNOS). To ensure accuracy of records, a series of exception reports are routinely generated by the courts IT staff and shared with line staff to ensure the accuracy of records. This greatly increases confidence in the validity and reliability of data that will be used to generate the reports associated with the agreement between the court and the Department of Justice.
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	II.G.40

Provision	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	Not Yet Rated
Discussion	
Recommendations for Reaching Compliance	
Evidentiary Basis	

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	Not Yet Rated
Discussion	
Recommendations for Reaching Compliance	
Evidentiary Basis	

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.
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Compliance Rating	Not Yet Rated
Discussion	
Recommendations for Reaching Compliance	
Evidentiary Basis	

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

Settlement Agreement Provision	<p>II.G.43</p> <p>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.</p>
Compliance Rating	Not Yet Rated
Discussion	
Recommendations for Reaching Compliance	
Evidentiary Basis	

II.G.44 Data Collection and Reporting – bi-annual DMC professional statistical analysis

Settlement Agreement Provision	<p>II.G.44</p> <p>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:</p> <ul style="list-style-type: none"> 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	Not Yet Rated
Discussion	

Recommendations for Reaching Compliance	
Evidentiary Basis	

II.G.45 Data Collection and Reporting – DMC professional statistical analysis methodology	
Settlement Agreement Provision	<p>II.G.45</p> <p>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.</p>
Compliance Rating	Not Yet Rated
Discussion	
Recommendations for Reaching Compliance	
Evidentiary Basis	