TO: **Winsome Gayle**
Civil Rights Division
Special Litigation Section
US Department of Justice

Honorable Curtis Person,
Presiding Judge, Memphis-Shelby Juvenile Court

Honorable Mark H. Luttrell, Jr.
Mayor, Shelby County, Tennessee

Craig E. Willis,
Assistant County Attorney

FROM: **Sandra Simkins**
Due Process Monitor

DATE: **June 5, 2013**

RE: **Compliance Report #1—April 2013**

Juvenile Court Memphis Shelby County (JCMSC) entered into a Memorandum of Agreement (Agreement) with the United States Department of Justice Civil Rights Division (DOJ) on December 17, 2012. According to the Agreement, compliance shall be assessed by two monitors and a facility consultant. I was named the Due Process Monitor, and have subject matter expertise in the area of due process and juvenile delinquency. The first regularly scheduled compliance review and site visit occurred April 8, 2013 through April 12, 2013. This report evaluates the extent to which JCMSC has complied with each substantive provision of the Due Process sections of the Agreement.

Format

1. Executive Summary
2. Discussion of Compliance Findings
    a. Methodology
    b. Comments regarding Due Process Compliance
        i. Probable Cause
        ii. Notice of Charges
        iii. Transfer Hearings
        iv. Protections Against Self-Incrimination
        v. Confidentiality of Proceedings
        vi. Miscellaneous
3. Chart of compliance provisions (sent as a separate document)

Executive Summary

This report recognizes that the Juvenile Court of Memphis and Shelby County (JCMSC) has had 90 days to address 34provisions in the Due Process section of the Agreement. It is clear that within this short time period JCMSC has worked very hard to meet the terms of the Agreement and has made significant strides toward the protection of children's due process rights. The amount of dedication and commitment to making this first round of changes is commendable.

The Due Process section of the Agreement required the revision of many court policies and changes in juvenile court practices. In regard to the revision of court policies, changes were required in the areas of Probable Cause Determinations, Notice of Charges, Transfer Hearings and the Protection against Self- Incrimination.Based on my review of these polices,I find that overall JCMSC has reached beginning compliance. Given the short period of time and the recent enactment of many policies, there has not been sufficient time to do thorough training of all court personnel. It is my hope that JCMSC will ensure all personnel have been adequately trained on these policies and that there will be continued implementation.

The second area that required immediate attention centered on changing juvenile court practices. My on-site observations confirmed that the implementation of these policies has begun.It is my hope that there will be continued training on these new practices so that all personnel understand their importance and that these reforms are sustained. Document review as contemplated by the Agreement was not possible.There was insufficient data to review as there was only three weeks between the implementation of the new policies and my on-site visit. This issue will be addressed in more detail at the next compliance review.

Overall,of the 34 Due Process Provisions required to be completed within 90 days of the Effective Date of the Agreement, I find that JCMSC'scompliance status is as follows:

Compliance Standards	**Due Process Provisions**
Substantial Compliance	0
Partial Compliance	1
Beginning Compliance	25
Non Compliance	3
Insufficient Information/pending	5
Total # of Required Due Process Provisions in Agreement	**34**

Definitions regarding compliance standards are found in the "Methodology" section of this report. Also, the "Performance Metrics for Due Process Reforms" are discussed in more detail on page ten of this report. Given that this is the first time an Agreement of this type has been entered into by any jurisdiction, the efforts by JCMSC are significant.

Specialized Training on Detention Hearing Advocacy

I want to acknowledge the cooperation of JCMSC and the panel attorneys who attended a specializedprobable cause and detention hearing training on March 25, 2013. At this training a national juvenile defense expert and an expert in Tennessee juvenile law trained over 30 panel attorneys in detention hearing skills. This training was supported by the generous funding of OJJDP and by the National Juvenile Defender Center.

Areas of Ongoing Due Process Concerns

Although the progress of JCMSC is significant, there are still some areas of concern that seriously impact the due process rights of children and the compliance of the Agreement.

Inadequate Resources for Juvenile Defense:There are significant issues in the way in which indigent defense services are delivered. Theoverall scarcity of resources diminishes the ability of the defense attorneys to represent children in a manner that ensures their due process rights and comports with the Tennessee Code of Professional Responsibility.Fifty-two attorneys share one investigator. There is no administrative support from paralegals, social workers or secretaries. The Agreement contemplates that within one year the Shelby County Public Defender's Office will create a specialized unit for juvenile defense. The creation of this specialized unit is critical to the overall success of this Agreement.

Access to information, case processing, and lack of independence: The site visit revealed case processing concerns related to how defense attorneys obtain information necessary to competent representation. Issues include uniform attorney access to the child's social file andconsistent discovery procedures and protocols. In addition, the panel attorneys are currently not independent from the court and at the time of my visit,there was no place in the juvenile court building for defense lawyers to privately talk to their clients.[1]

The rapid pace of transfer hearings combined with lack of resources, lack of independenceand lack of access to information negatively impacts children at JCMSC

The decision to prosecute a child in adult criminal court is momentous. The first decision ever rendered by the Supreme Court of the United States on the subject of juvenile court focused on the due process requirements of transfer hearings. The guidelines of the National Council of Juvenile and Family Court Judges emphasize the importance of qualified and adequately resourced legal representation in transfer hearings.[2] Although JCMSC polices have been revised, I remain very concerned about the due process rights of Shelby children at transfer hearings.

[1] It is my understanding that JCMSC is working to resolve this issue. I anticipate a private meeting space to be in place by the next compliance review.

[2] National Council of Juvenile and Family Court Judges, "Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases" (2005) at 105, http://www.ncjfcj.org/content/blogcategory/346/411/.

The site visit revealed that transfer hearings at JSMSC typically occur within 14 days from the time of arrest. If an attorney asks for a continuance, the transfer hearing can occur within 28 days. I do not believe it is feasible, even for a skilled and resourced attorney, to do a constitutionally sound transfer hearing in 14 days that meets the requirements of the Tennessee Code of Professional Responsibility.The law of Tennessee requires that the Judges balance seven*Kent*[3] factors prior to transfer. Careful analysis is particularly important given the recent U.S. Supreme Court decisions of Roper v. Simmons[4] and Graham v. Florida[5](which refer to delays in adolescent brain development and the corresponding impact on culpability).

The Tennessee Rules of Professional Responsibility Rule 1.1 requires competence as defined as follows:

> A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.[6]

Without ancillary support, 14 days is not enough time for attorneys to obtain and review the necessarydocuments, evaluations and investigation required to address factors such as "the Child's suitability for additional treatment."The rushed time frame, added to the woefully low allocation of resources, challenges the integrity of the entire system. In my exit interview with JCMSC, I mentioned my concern about the rapid pace of transfer hearings. Understandably, JCMSC responded that they want to keep their JDAI detention center numbers low. It is true that delays in transfer hearings will probably increase detention numbers. I would like to emphasize, however, that JDAI supports a "just" juvenile system.

Conclusion

Overall JCMSC has made much progress in a very short period of time. I commend them for their dedication and commitment to the process of meeting the provisions of the Agreement. The new policies and new practices are a great start toward ensuring due process rights of children. And, as noted above, work remains to be done. Thank you for the opportunity to be a part of this historic settlement.

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[3]Kent v. United States, 383 U.S. 541 (1966). Tennessee requires that the judge weigh the following factors prior to transfer: *(1) the extent and nature of the Child's prior delinquency; (2) the nature of past treatment efforts and the nature of the Child's response thereto; (3) the Child's suitability for additional treatment; (4) the nature of the delinquent act alleged; (5) the Child's social factors; (6) the alternatives within the juvenile justice system which were considered and the rationale for rejecting those alternatives; and (7) whether the juvenile court and juvenile justice system can provide rehabilitation of the juvenile.* Section: 37-1-134

[4]Roper543 U.S. 551 (2003).

[5]Graham 130 S. Ct. 2011 (2010).

[6]Thoroughness is further defined as follows: "Competent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem, and the use of methods and procedures meeting the standards of competent practitioners. It also includes adequate preparation. The required attention and preparation are determined in part by what is at stake; major litigation and complex transactions ordinarily require more extensive treatment than matters of lesser complexity and consequence. An agreement between the lawyer and the client regarding the scope of the representation may limit the matters for which the lawyer is responsible. *See* RPC 1.2(c). TENN. SUP. CT. R. 8,TENNESSEE RULES OF PROFESSIONAL CONDUCT, *Amended September 29, 2010, and October 12, 2010; Effective January 1, 2010.*

Discussion of Compliance Findings

Methodology

The information for this compliance report was obtained in a variety of ways. Prior to the first site visit, I spoke to many stakeholders in order to better understand JCMSC. In addition, on March 25, 2013, I met Judge Person, court personnel and many panel attorneys. Prior to the first site visit, I also had the opportunity to review draft policies and procedures.

During the five-day site visit I observed many court hearings, including 15 delinquency hearings(five trials, ten admissions), nine detention hearings, threeprobation conferences, twopartial transfer hearings and one rehearing. At these hearingsI was able to observe threemagistrates and twojudges. During the site visit I had meetings with the following: six individual commissioners, the Countywide Juvenile Justice Consortium, JCMSC court staff, three individual magistrates, threeindividual probation officers, a group of 12 panel attorneys, five individual panel attorneys, the juvenile defender coordinator, the court psychologist, the public defender, and two attorney generals. I reviewed the following documentation: all policies and corrective service procedures, the newly created Judges' Bench Book, and the first compliance report prepared by Settlement Coordinator Bill Powell. All of the above provided useful information about current JCMSC operations, the progress that has been made toward compliance with the Agreement, and the areas where continued attention is needed.

The Agreement does not conceptualize or require specific compliance levels; however experience in other jurisdictions suggests that the following levels are useful in evaluation. Note, "significant period" of time means longer than one year.

Substantial Compliance means that JCMSC has drafted the relevant policies and procedures, has trained the staff responsible for implementation, has sufficient staff to implement the required reform; has demonstrated the ability to properly implement the procedures over a significant period of timeand has ascertained that the procedures accomplish the outcome envisioned by the provision.

Partial Compliance means that JCMSC has drafted policies and procedures and has trained staff responsible for implementation. While progress has been made toward implementing the policy, it has not yet been sustained for a significant period of time.

Beginning Compliance means that the JCMSC has made initial efforts to implement the required reform and achieve the outcome envisioned by the provision, but significant work remains. Policies may need to be revised, staff may need to be trained, procedures may need continued implementation to accomplish outcome envisioned by the Agreement.

Non –Compliancemeans that JCMSC has made no notable compliance on any of the key components of the provision.

Insufficient Information/pending means that it is not possible to assess compliance at this moment. Given that my first compliance visit occurred three weeks after the new policies were implemented, there was insufficient data to evaluate.

Probable Cause

(a) *Probable Cause Determinations*

(i) *Within 90 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices to require that prior to detaining any Child, Juvenile Court Magistrates make a determination that there is probable cause that: (1) a delinquent act was committed, (2) the named Child committed the delinquent act alleged, and (3) the alleged delinquent act is one for which Tennessee statutes and JCMSC policy permit the use of detention. (Agreement p. 9)*

(ii) *Within 90 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices to provide Children arrested without a warrant a Probable Cause Determination to detain within 48 hours of the warrantless arrest. (Agreement p. 9)*

(iii) *Within 90 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices to ensure that no Child is detained for more than 48 hours prior to the Detention Hearing if the Court has not made a Probable Cause Determination. (Agreement p. 9)*

Comments

Beginning Compliance

JCMSC has made significant progress in this area. Policies have been created and implementation has begun. At every court hearing I observed judges and magistrates incorporating the new policies into their practice. Many different entities (including the probation department, intake staff, the Office of the Attorney General, the defense panel attorneys, and the detention center staff) have adjusted their practicesto ensure that every child has a hearing within 48 hours. The coordination of this effort within 90 days is commendable.

I heard no complaints and saw no issues regarding children being held longer than 48 hours prior to a detention hearing. It also appears that defense attorneys are getting the Affidavit of Complaint (AOC) prior to detention hearings, and that the AOC contains the information required by (a) (i) above. Given the newness of these changes in policies and practices, I encourage ongoing training to ensure continued implementation.

(iv) Within 90 days of the Effective Date, JCMSC shall ensure that every Child has a meaningful opportunity to test the existence of probable cause during his or her Probable Cause Determination by revising its policies practices and procedures to: (Agreement p. 9)

(a) Appoint a defense attorney to represent any indigent Child or Child whose indigence cannot be readily determined in advance of the Probable Cause Determination. Children must be presumed indigent unless information to the contrary is provided to JCMSC

Comments

Beginning Compliance

By complying with the Agreement and presuming the indigence of every child, JCMSC has joined a group of jurisdictions who engage in national best practice. The ABA and the newly released National Juvenile Defense Standards require early appointment of counsel and encourage continuity of representation from intake through post-disposition.[7] It is my hope that other jurisdictions in Tennessee and beyond will follow JCMSC's lead in this important area.[8]

(b) Require the government to prove the existence of probable cause with reliable evidence such as a live witness or an Affidavit of Complaint completed and sworn to by a law enforcement officer with firsthand knowledge of the incident leading to the arrest of the Child or by an officer who communicates with a reliable source who has firsthand knowledge of the incident leading to the child's arrest; (Agreement p.10)

Comments

Beginning Compliance

I had the opportunity to observe ninedetention hearings during my site visit. During these detention hearings, there were several issues relating to what constitutes "reliable evidence."Many factors will impact whether or not the evidence is reliable. For example, evidence will be less reliable if 1) the witness is unidentified, 2) the witness has a motive, 3) there is a lack of corroborating evidence, 4) there is a lack of physical evidence when, given the

[7] National Juvenile Defense Standards, National Juvenile Defender Center (2012), available at http://www.njdc.info/publications.php.

[8] Juvenile Justice Standards annotated: a balanced approach, standards relating to counsel for Private Parties §3.1(a) (institute for Judicial administration/ American bar association, ed., 1980) [hereinafter Juvenile Justice standards], §3.1(a) (1980). *See also,* 42 Pa.C.S.A. § 6337.1(b) (1) provides that in delinquency proceedings, all children shall be presumed indigent. If a child appears at any hearing without counsel, the court shall appoint counsel for the child prior to thecommencement of the hearing. The presumption that the child is indigent may be rebutted if the court ascertains that the child has the financial resources to retain counsel of his choice at his own expense. The court may not consider the financial resources of the child's parent, guardian, or custodian when ascertaining whether the child has the financial resources to retain counsel of his choice at his own expense.

facts, it should exist, and 5) when there are inconsistencies on the face of AOC. Reliability is obviously a question for the fact finder; however, I wanted to relay two experiences from the site visit.

Example #1

I reviewed an AOC where a police officer had relied on an unknown witness' identification of a suspect in a photo-lineup. There was nothing in the AOC that provided information about the reliability of the witness or why there was suspicion to put the child's photo in the lineup. Despite the lack of information, the magistrate found that there was probable cause. In this situation, the fact that the witness was unidentified decreased the reliability of the AOC.

Fortunately, in Shelby County, attorneys have the opportunity to ask for a re-hearing in front of a judge. This attorney chose to have a re-hearing. At the re-hearing, the prosecutor presented several police officers who were able to provide first hand evidence regarding the circumstances of the arrest. The attorney was able to cross examine the police officers and the judge confirmed the finding of probable cause. The issue, however, is whether the magistrate should have found there to be probable cause at the first hearing given the unreliable evidence provided in the AOC.

Example #2

A second case involved an AOC where the police officer relied solely on the statements of two co-defendants. The defense attorney zealously argued that the two co-defendants' statements were unreliable because the co-defendants had obvious motive issues. The attorney argued that co-defendant statements alone were insufficient to find probable cause. The magistrate agreed, and the child was released from detention.

I raised this issue during my exit meeting with JCMSC and encouraged JCMSC to engage in ongoing discussions regarding what is sufficient to find probable causeand to require that in the AOC.

(c)	*Allow defense attorneys an opportunity to challenge the government's evidence of probable cause, by cross-examining witnesses, presenting alternative testimony, or by any other appropriate means; and (Agreement p. 10)*

Comments

Beginning Compliance

The Agreement does not require the state to bring in witnesses for every probable cause hearing. The Agreement does require "reliable evidence" on the face of the AOC, or witnesses. It was clear to me that the court allows defense attorneys to cross examine prosecution witnesses when they were presented. I also observed several probable cause hearings where defense

attorneys presented their own witnesses, and zealously argued for the child to be held in a less restrictive setting.

Clearly, the state has the burden of proving probable cause. This requires sufficiently reliable information on the AOC or witnesses. If there is insufficient evidence on the AOC and there are no witnesses, the state must release the child from detention or ask for a continuance to bring in the witnesses.

> *(d) Require that a record be maintained, reflecting when defense counsel was appointed, the forms of evidence used, and whether the defense attorney challenged such evidence or presented alternative evidence. Such record should be accessible from the information and recording system.*
>
> *(v) Each month, the Judge, or his or her designee, shall review a sampling of Case Files to determine whether the procedures for Probable Cause Determinations are being followed as required by this Agreement. The review shall include periodic observations of Probable Cause Determinations to ensure that Juvenile Court Magistrates and other staff follow policies, procedures, and practices required by this Agreement. If the review reveals that the procedures regarding Probable Cause Determinations have not been properly followed, the Judge shall take immediate corrective action, including a discussion with the responsible staff, to bring about compliance with the terms and requirements of this Agreement. (Agreement p. 10)*

Comments

Insufficient Information/Pending

Asindicated in my executive summary, I will not be evaluating the documentation until the next compliance period. However, I would like to outline how I will be analyzing data for the coming reports.

The Agreement is very specific regarding the Due Process metrics that must be analyzed.[9]The first three performance metrics relate specifically to Probable Cause.

[9]The Agreement at page 20 states as follows: "To insure due process reforms implemented Monitor shall analyze the following i. Conduct study measuring time between arrest & PC hearing over 6 month period;ii. Review data maintained for PC hearing including forms of evidence used, appt of counsel & whether defense challenged govts evidence; iii. Review sample of Petitions including when Petitions were made available to defense atty, whether changes made to charges & when defense atty notified of such changes; iv. Review sample of transfer hearings including whether defense atty present, whether allowed to introduce evidence & whether Magistrate appropriately documented bases of transfer; v.Review # of transfer recommendations, # of transfers ordered, & # of written findings directing transfer; vi.Review of PO advisement of rights document, the # of children provided with that document, whether a child's atty was notified of the Probation conference, the # of children who signed waivers & whether such waivers were signed upon advisement of counsel; vii. Review of # of children represented by atty, # represented by PD, # by private atty, stage of process where counsel was appointed & the average caseload of each

Between now and the next compliance report, I have requested the cooperation of JCMSC in providing the documents mentioned in the following sections of the Agreement: Probable Cause (A.1.a.iv.d), Notice of Charges (A.1.b.iii), Transfer hearings (A.1.c.ii), Protections against Self-Incrimination (A.1.d.ix). I will review the documents, make comments, and then request additional information as necessary. In addition, I will review a random sample during each visit. I believe that this request is reasonable. I also believe it is an important step in the process of self-evaluation and good management. It is my hope that the tracking of this information will sustain the reforms long after required compliance reports.

Notice of Charges

(i)	*Within 90 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices in accordance with Tenn. Code Ann. § 40-10-101 to ensure that Children and defense counsel receive copies of the Affidavit of Complaint as soon as it is available, but at a minimum before the Detention Hearing. JCMSC shall also ensure that Juvenile Court Magistrates formally arraign Children at all Detention Hearings. (Agreement p. 10)*
(ii)	*When changes are made to a Child's charges as set forth in a filed Petition prior to the Adjudicatory Hearing that could increase the penalty, JCMSC shall provide notice of the final charges by providing copies of the amended or new Petition upon the filing of same Petition at least 14 calendar days in advance of the hearing so that the Child and defense counsel have sufficient time to prepare for the hearing, unless the Child and defense counsel waive the advance notice. If defense counsel establishes that he or she has not had sufficient time to prepare for the hearing because of changes to the Child's charges and requests a continuance, JCMSC shall move the date of the Adjudicatory Hearing to provide counsel with a reasonable opportunity to prepare. (Agreement p. 10)*
(iii)	*When changes are made to a Child's charges as set forth in a filed Petition prior to the Adjudicatory Hearing that reduce the penalty or drop the charges, JCMSC shall provide notice of the final charges by providing copies of the amended or new Petition to the Child and defense counsel upon the filing of same Petition within 24 hours of the change in charges. (Agreement p. 11)*

Juvenile Defender; viii. Qualitative review of monthly supervisory reviews required for the PC determinations, transfer hearings, & protections against self-incrimination. Will include an assessment of the # of reviews & steps taken to address supervisor's concerns, including informal & formal measures. JC shall maintain record of documents necessary to facilitate review by Monitor"

Comments

Beginning Compliance

With regard to the Notice provisions of the Agreement, JCMSC has made significant progress. Policies have been created, reviewed, and they are beginning to be incorporated into practice. During the site visit, I observed ninedetention hearings and defense counsel always had a copy of the AOC in advance. I observed one situation in which the prosecutor amended the charges to increase the potential penalty. In this situation, the prosecutor had verbally informed defense prior to the adjudicatory hearing. While defense counsel had verbal notice of the amended charge, documentation regarding the charge was handed over minutes before the trial. The practice of handing documents over minutes before trial is obviously troublesome, as I was concerned that the attorney did not have sufficient time to prepare. I would hope the court would ensure that this practice is not prevalent. During the site visit I did not observe a hearing where charges were downgraded. I find that JCMSC has reached beginning compliance in this area.

Concerns regarding lack of discovery protocols and lack of defense attorney supervision and training

Notice of charges and the opportunity of defense attorneys to adequately prepare is a fundamental part of due process. While I did not see "Notice of Charges" violations, I am very concerned that defense attorneys do not consistently receive discovery.JCMSC does not have a consistent procedure ensuring all defense attorneys get discovery in a timely manner. My conversations with panel attorneys revealed the following: 1) many attorneys get discovery the day of trial, 2) discovery is frequently limited to only the statements of the child, and 3) some attorneys get more discovery than others depending, it seems, on the individual attorney's personal relationships and ability to navigate the system.

A juvenile prosecutor told me that they provide the defense attorneys "whatever they want, but not all of them ask." The prosecutor informed me that it is the defense attorney's responsibility to ask for the discovery-- if they don't file a motion, discovery is not provided. However, there is no consistent training or meetings between the panel attorneys and the juvenile defender coordinator, so it is unclear whether new panel attorneys are trained in how to obtain discovery and memorialize those requests. I recommend that additional supervision and standards to ensure competent counsel be implemented.[10]

Another area of concern is the lack of protocols regarding how a panel attorney should obtain information in the child's social file. Several panel attorneys seemed unaware that they could access information in the social file. Other lawyers told me that they had to "hunt down" the child's specific probation officer in order to obtain necessary information.

I have suggested the following:

1. JCMSC should routinize discovery practices and access to social files to ensure that every child's attorney has equal access to information.

[10] National Juvenile Defense Standards, supra note 7 at 144.

2. The Juvenile Defender Coordinator should create a standard discovery letter for all panel attorneys that is kept on file indefinitely[11]
3. Training and standards be implemented (and a manual provided) so that panel attorneys can be trained toaccess the social file and request discovery. Attorneys should also be trained as to memorializing those requests.
4. The panel should be restructured to ensure independence from the JCMSC.

> *(iv) Each month, the Judge, or a designee, shall review all files related to Transfer Hearings to determine if Transfer Hearings properly follow the requirements of this Agreement. The review shall include periodic observations ofTransfer Hearings to ensure that Juvenile Court Magistrates and other staff follow policies, procedures and practices required by this Agreement. If the review reveals that the Transfer Hearing procedures have not been properly followed, the Judge shall take immediate corrective action, including a discussion with the responsible staff, to bring about compliance with the terms and requirements of this Agreement. (Agreement p. 11)*

Comments

Insufficient Information/Pending

As stated above, the short timeframe between the implementation of policies on March 17, 2013 and my site visit, my review of these documents will occur during the next compliance period.

Transfer Hearings

General Comments

As I stated in my executive summary, one of my greatest concerns is how transfer hearings are conducted at JCMSC. Transfer to adult court presents serious lifelong consequences. The U.S. Supreme Court has declared that the question of whether a child will be deprived of the special protections of juvenile jurisdiction as "critically important."[12]The National Juvenile Defense Standards clearly state that specialized training and experience are necessary prerequisites to providing effective assistance of counsel to youth facing adult prosecution.[13] In addition, National Juvenile Court and Family Court Juvenile Delinquency Guidelines reinforce how critical it is for counsel to have resources in order to prepare:

> Because of the very serious potential consequences if the juvenile delinquency court decides to waive jurisdiction and transfer the youth to the criminal court,

[11] The standard discovery letter should request the following: police officer statements, photos of crime scene, access to tangible evidence, forensic evidence such as DNA, fingerprints, ballistics and drug test results, the Miranda card, incident reports such as school and business reports, and client statements.
[12] *Kent*, 383 U.S. at 553.
[13] National Juvenile Defense Standards, supra note 7 at 134.

> including lengthy incarceration, and possible abuse in adult prison of immature or special needs youth, *it is critical that counsel has the time and resources to prepare* for the probablecause hearing. Counsel must understand child and adolescent development, developmental disabilities, victimization and trauma, mental health, mental retardation and maturity issues, and the treatment services that are available in the juvenile justice system... counsel should investigate all circumstances of the case relevant to the appropriateness of transfer. Counsel should also seek disclosure of any reports or other evidence that will be submittedto, or may be considered by the court, in thecourse of transfer proceedings. If circumstanceswarrant, counsel should have requested appointmentof an investigator or expert witness to aid inthe preparation of the defense, and any otherorder necessary to protect the youth's rights,during pre-trial proceedings. Counsel should alsofully explain the nature of the proceedings andthe consequences of transfer to the youth and theyouth's parent or legal custodian. *[Emphasis added]*[14]

Research is very clear that transferring children is dangerous and leads to an increase in recidivism.[15] At JCMSC, the rapid pace of hearings, uneven access of defense attorneys to critical information in the social file, the lack of specialized training, and the lack of resources to compile defense evidence undermines the due process rights of children. I am hopeful that a juvenile unit at the Public Defender's office will be funded in the timeframe contemplated by the Agreement. The importance of increasing the resources to defense attorneys in this area cannot be overstated. While the policies on paper appear to comport with the law of the State of Tennessee and the due process protections of the United States Constitution, in practice, it is doubtful that transfer hearings at JCMSC are constitutionally sound or meet the requirements of the Tennessee Code of Professional Responsibility. I do not believe it is possible for JCMSC to obtain compliance in this area without additional resources.

Defense Attorneys lack resources to adequately represent children

The Agreement contemplated a new juvenile defender unit to become part of Shelby County's existing Public Defender office within one year. Much of the success of the Agreement depends on the creation and the funding of this unit by the county and it is my hope the county honors its Agreement and allocates additional resources. Clearly, the current structure does not adequately resource the panel attorneys.

Fifty-two attorneys share one investigator. There is no administrative support from paralegals, social workers or secretaries. There is no support to assist with the preparation of transfer hearings, major offenses or appeals. This lack of support dramatically impacts a lawyer's

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[14] National Juvenile Court Family Court guidelines, supra note 2, at 105.

[15] *See,* Redding, R. E. (2008, Aug.). Juveniles transfer laws: An effective deterrent to delinquency? *Juvenile Justice Bulletin* (NCJ-220595). Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.McGowan, A., Hahn, R., Liberman, A., Crosby, A., Fullilove, M., Johnson, R., Moscicki, E., Price, L., Snyder, S., Tuma, F., Lowry, J., Briss, P., Cory, S., & Stone, G. (2007).Effects on violence of laws and policiesfacilitating the transfer of juveniles from the juvenile justice system to the adult system.*American Journal of Preventive Medicine, 32*, S7-S28.

ability to represent children. Given the tremendous structural issues that exist, I was impressed by the commitment and dedication of the panel lawyers.

I commend JCMSC for the dramatic reduction in the number of children held in detention. I also commend JCMSC for its decreased transfer rate. In reviewing documents provided to me from January 2013 to March 2013, of the 60 children who received "Notice of Transfer", 21 children were transferred to adult court. While it is encouraging that JCMSC transferred 35% of total youth receiving notice, I am concerned about what appears to be an overall high rate of transfer.

Doing some cursory research by way of comparison, according to Tennessee Juvenile Court Statistical Data provided by the Tennessee Council of Juvenile and Family court Judges Administrative Office of the Courts, in 2012, a total of 161 cases for children under age 18 were transferred to adult court by the state of Tennessee. Of the 161 cases statewide, 91 cases or 56% of the transfer cases came from Shelby County.[16]

> *Within 90 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices in accordance with Tenn. Code Ann. § 37-1-134 and the Tennessee Rules of Juvenile Procedure, R. 24(b) to require Transfer Hearings that comport with due process requirements prior to waiving jurisdiction and ordering transfer of a Child's case to adult court. Specifically, JCMSC shall ensure that all Transfer Hearings include the following: (Agreement p. 11)*
>
> *The Assistant District Attorney presents evidence in support of the petition for transfer*

Comments

Beginning Compliance

During my site visit, transfer hearings occurred on one day. Unfortunately, on that day I was only able to observe several partial hearings. I have requested and reviewed the transcript and documents from a number of recent transfer hearings. As noted in the Settlement Coordinator's report, JSMSC has revised policies, procedures and practices. These polices are sufficient and therefore JCMSC has reached beginning compliance for this provision.

[16] *See* http://www.tncourts.gov/courts/juvenile-family-courts/statistics at 82.

b. *Children have a right to an attorney whose role is to represent their stated interest; (Agreement p. 11)*

c. *Children, through their attorneys, are provided the opportunity to introduce evidence on their own behalf;(Agreement p. 12)*

d. *Children, through their attorneys, are provided the opportunity to meaningfully confront evidence presented against them, including cross-examining adverse witnesses; (Agreement p.12)*

Comments

Beginning Compliance Section *(b)*

Non Compliance Section *(c)*

Non Compliance Section *(d)*

As indicated above, this is an area of major concern. While each child does have an attorney, and from what I observed, the attorney understands that her role is to represent the clients expressed interest, as noted above, the attorney lacks training and resources to effectively fulfill her role.

Expedited Transfer Hearing time frame harms children

As indicated above the expected time frame to prepare for a transfer hearing is 14 days. Section(c) above envisions that attorneys be provided with the opportunity to introduce evidence on the clients behalf. Evidence could come from any number of sources, but identifying mitigating evidence takes time and resources. Even with exceptional resources, it would be challenging to compile the appropriate evidence in 14 days. However, at JCMSC, where 52 panel attorneys share one investigator and there is no administrative support whatsoever to help gather information from the social file or get reports from school, prior programs, or family, it is unlikely that panel attorneys are able to meet their obligationof thorough preparation as required by the Tennessee Code of Professional Conduct.[17]

The recent creation of the Child Protection Investigative Team (CPIT)[18]highlights the resource imbalance between the Attorney General's Office and panel attorneys and reinforces the

[17]Tennessee Rules of Professional Conduct R. 1.1: (2011), www.tba.org/ethics/2011_TRPC.pdf

[18]CRIP is the "working collaboration of agencies that respond to reported child sexual and severe physical abuse. The team includes representatives from all law enforcement jurisdictions in Shelby County, the District Attorney General's office, the Memphis Child Advocacy Center, Tennessee Department of Children's Services, Shelby County Rape Crisis Center, and Juvenile Court." Tennessee law mandates a comprehensive multidisciplinary team approach to the investigation and intervention of child sexual and severe physical abuse. The protocol codifies the

above mentioned due process concerns.Many children who face transfer at JCMSC will be charged with the types of offenses handled by CRIP.

As stated in my executive summary, understandably, JCMSC wants to keep their JDAI detention center numbers low. This is clearly a work in progress, but I am hopeful that JCSMC will be able to resolve some of the resource and case processing issues I mentioned above to decrease the length of stay.[19]

e.	*Children are protected from self-incrimination;*
f.	*The Judge or Juvenile Court Magistrate presiding as Special Judge makes written findings on whether there are reasonable grounds to believe that: (1) the Child committed the delinquent act as alleged; (2) the Child is not committable to an institution for persons with a developmental disability or mental illness; and (3) the interests of the community require that the Child be put under legal restraint or discipline; and (Agreement p. 12)*

Comments

Beginning Compliance

Children are protected from self-incrimination at transfer hearings. Judges and Magistrates consistently read children their rights prior to the hearings. I reviewed requested documents regarding (f), and find that JSMSC is in beginning compliance with this section.

g.	*The Judge or Juvenile Court Magistrate presiding as Special Judge considers and documents his or her consideration of factors relevant to his or her findings, including, but not limited to: (1) the extent and nature of the Child's prior delinquency; (2) the nature of past treatment efforts and the nature of the Child's response thereto; (3) the Child's suitability for additional treatment; (4) the nature of the delinquent act alleged; (5) the Child's social factors; (6) the alternatives within the juvenile justice system which were considered and the rationale for rejecting those alternatives; and (7) whether the juvenile court and juvenile justice system can provide rehabilitation of the juvenile. (Agreement p.12)*

work of this team. It also represents a commitment by the alliance of agencies that work together to intervene in the most severe child abuse cases in Shelby County. The first shared CPIT protocol was signed in 1993."This agreement will help ensure child sex abuse cases and other violent acts involving children will be quickly and effectively investigated. Having a team of law enforcement officers, family counselors and victim advocates all working together sets a higher standard for the criminal justice system in Shelby County," said Shelby County Mayor Mark H. Luttrell, Jr.http://www.scdag.com/home/annual-reports.

[19] For JDAI related innovations regarding transfer hearings *see* JDAI Pathway 05 Reducing Unnecessary Delay Innovations in Case Processing, http://www.jdaihelpdesk.org/SitePages/jdai-pathways-series.aspx, at 33-35.

Comments

Non Compliance

At noted above, I am concerned about uneven access to information and lack of resources. Given that it is expected that the Shelby County and the State of Tennessee will fund a new juvenile unit in the public defender's office, I will wait until my next compliance report to make a detailed assessment of this section.

(ii)	*Each month, the Judge, or a designee, shall review all files related to Transfer Hearings to determine if Transfer Hearings properly follow the requirements of this Agreement. The review shall include periodic observations of Transfer Hearings to ensure that Juvenile Court Magistrates and other staff follow policies, procedures and practices required by this Agreement. If the review reveals that the Transfer Hearing procedures have not been properly followed, the Judge shall take immediate corrective action, including a discussion with the responsible staff, to bring about compliance with the terms and requirements of this Agreement. (Agreement p. 12)*

Comments

Insufficient Information/Pending

As stated above, the short timeframe between the implementation of policies on March 17, 2013 and my site visit, my review of these documents will occur during the next compliance period.

Protections againstSelf-Incrimination

(d) Protections Against Self-Incrimination

(i) Within 90 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices to prevent probation officers or any other staff from eliciting information about Children's involvement in the alleged delinquent act or acts in question outside the presence of the Child's defense attorney. (Agreement p. 12)

(ii) Within 90 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices to notify a Child's defense attorney in writing of any probation conference or interview. The probation conference or interview shall be open to the Child's defense attorney. (Agreement p. 13)

(iii) Within 90 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices to ensure that probation officers appropriately advise Children of their Miranda rights. The probation officer's advisement of rights shall include: (Agreement p. 13)

a. A description of the role of a defense lawyer;

b. A statement that the Child is entitled to the appointment of a defense attorney and that a defense attorney may be provided at no cost if the Child is eligible;

c. A statement that the Child's statements regarding the alleged offense can be included in the probation report; and

d. A statement that the Child's statement could be used against him or her by the prosecutor, probation officer, or the Magistrate Judge in further proceedings, including disposition.

(iv) JCMSC shall require probation officers to have Children document in writing their receipt and understanding of their rights against self-incrimination. JCMSC shall consider the Child's ability to understand his or her rights and ensure that the rights are explained in age-appropriate language. Children must receive the advice of counsel about their rights against self-incrimination and the meaning of any waiver before signing a waiver. Children must acknowledge their waiver in writing in order for the probation conference to proceed. (Agreement p. 13)

Comments

Beginning Compliance

This is an area where JCMSC has done a good job of meeting the provisions of the Agreement. At every hearing I observed, children were advised of their rights. I heard children being read their rights prior to probation conferences, detention hearings, adjudicatory hearings, transfer hearings and admissions.[20] While this is admirable, being on site revealed that taking time to repeatedly read the rights was very time consuming and seemed to be overdone.

[20] Reading children their rights is important, however, the forms may need further revision to ensure that the language on the forms is age appropriate and that children comprehend their legal rights. *See* MacArthur Models for Change, "Washington Judicial Colloquies Project: a Guide for Improving Communication and Understanding in Court." The document provides guidance on how to consistently use developmentally-appropriate language in court that youth can understand. http://www.modelsforchange.net/publications/343.

In consultation with JCMSC, we are revising some of the practices to allow defense attorneys to review the rights with the child prior to certain hearings.For example, the attorney can go through the rights form with the child prior to the probation conference. If there is no attorney at the probation conference, the policies mandate that the probation officer advise the child of the rights, and if the child brings up the charge (or wants to discuss potential forthcoming charges) the probation officer is to advise the child not to discuss the charges.

I am concerned that numerous Corrective Service Policies have been issued in a very short time to court personnel. It is clear that additional training needs to occur, particularly for the probation officers, so that they can incorporate the new policies into their practice and understand the importance of these policies. In addition, I have made suggested revisions to the language of some of the CSP's to make sure that the probation officer is not discussing the charge (or prior or potential charges) with the client in the absence of an attorney.

(vi)	*Within 30 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices in accordance with Tenn. Code Ann. § 37-1-127(b) and(e) to prohibit the adverse use of information obtained from a Child during his or her probation conference. (Agreement p. 14)*
(vii)	*Within 30 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices in accordance with Tenn. Code Ann. § 37-1-127(b) to ensure that Juvenile Court Magistrates do not permit the government to call Children as witnesses in the Child's own Adjudicatory or Transfer Hearing. (Agreement p. 14)*

Comments

Beginning Compliance

JCMSC has reached beginning compliance for these sections.

(viii)	*Within 30 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices in accordance with Tenn. Code Ann. § 37-1-127(b) to require Juvenile Court Magistrates to give an oral advisement of rights against self-incrimination to any Child who wishes to testify at his or her own Adjudicatory or Transfer Hearings. (Agreement p. 14)*

Comments

Beginning Compliance

At the exit meeting, I indicated to JCMSC that,in some circumstances,advising the children of their rights could be done by the attorneys prior to the court hearing. For example, attorneys could go over the rights forms with their clients prior to the adjudicatory hearing. Once an attorney reviewed the rights with the youth, the attorney could sign a form confirming

they had reviewed this with the youth or the attorney could indicate this on the record. Children will still have their rights read to them by a judge or magistrate prior to the detention hearing, plea colloquy at the adjudicatory hearing, and prior to the transfer hearing.

ix)	*Each month, the Judge, or his or her designee, shall review a sampling of Case Files to determine whether the requirements of this Agreement regarding protections against self-incrimination of Children are being properly followed. The review shall include periodic observations of probation conferences by appropriate supervisory staff of the Court's Probation Department as well as periodic observations of Adjudicatory and Transfer Hearings by the Judge or his or her designee. If the reviews reveal that the procedures regarding protection against self-incrimination have not been properly followed, the Judge shall take immediate corrective action, including a discussion with the responsible staff, to bring about compliance with the terms and requirements of this Agreement. (Agreement p. 14)*

Comments

Insufficient Information/Pending

As stated above, given that the short time frame between the implementation of the policies on March 17, 2013 and my site visit, my review of these documents will occur during the next compliance period.

(x)	*JCMSC shall immediately cease the practice of providing Visit and Contact forms to Juvenile Court Magistrates prior to Adjudicatory Hearings. (Agreement p. 14)*

Comments

Partial Compliance

JCMSC has stopped this practice and is in partial compliancewith this provision. In making the determination that JCMSC was in partial compliance, I spoke to four individual probation officers, observed several probation conferences, spoke with panel attorneys individually and as a group, and observed adjudicatory hearings.

Confidentiality of Juvenile Delinquency Proceedings

(i) Confidentiality of Juvenile Delinquency Proceedings *(i) Within 30 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices to protect the Children's confidentiality in delinquency proceedings. (Agreement p. 17)* *(ii) The Court shall ensure, in accordance with Tenn. R. Juv. P. 27 and Tenn. Supreme Court Rule 30. C. (5) that only persons who are properly concerned in a Child's case or in the Court's discretion, only persons with a direct interest in the case, are admitted into any delinquency proceeding. (Agreement p. 17)*

Comments

Beginning Compliance

JCMSC submitted two policies to address this provision: the policies are sufficient. In addition, at my initial visit on March 25, 2013, I met with panel attorneys who expressed concern that the new policies prevented them from being able to observe other lawyers in the courtroom. Based on my experience, and after consultation, the new policy which prohibits other lawyers from being present in the courtroom is overprotective and creates other dangers.
As the practice of law is a self-regulating profession, it is important that lawyers can observe the practice of other lawyers and judges. Allowing defense attorneys and prosecutors to remain in the courtroom during a hearing furthers the stated goal of monitoring the due process protections of children and monitoring the practice standards of other attorneys. I expressed this to JCMSC and they agreed to return to the former practice of allowing other attorneys to be in the courtroom during a child's court proceeding.

Miscellaneous

Praise for Policy against Shackles

Although it was not required by the Agreement, JCMSC should be praised for ensuring that children do not appear in court with shackles. The Supreme Court has banned indiscriminant shackling of adults because it is prejudicial and violates the right to a fair trial, however, most states still allow for indiscriminant shackling of children in the juvenile system.[21]

[21] See Deck v. Missouri, 544 U.S. 622, 626 (2005) ("We first consider whether, as a general matter, the Constitution permits a State to use visible shackles routinely in the guilt phase of a criminal trial. The answer is clear: The law has long forbidden routine use of visible shackles during the guilt phase; it permits a State to shackle a criminal defendant only in the presence of a special need."). See also, Children *in Chains: Indiscriminate Shackling of Juveniles*, Kim M. McLaurin, 38 Wash. U. J.L. &Pol'y 213 (2012).

PROVISIONS FROM MEMORANDUM OF AGREEMENT		
PROBABLE CAUSE DETERMINATIONS	**COMPLIANCE RATING**	**SECTION**
Within 90 days revise policies to require prior to detaining a child Magistrate makes proper probable cause determination	Beginning Compliance	A.1.(a)(i)
Within 90 days insure PC determination within 48 hours of warrantless arrest	Beginning Compliance	A.1.(a)(ii)
Within 90 days insure no child detained for more than 48 hours prior to Detention Hearing if Court has not made PC determination	Beginning Compliance	A.1.(a)(iii)
Within 90 days insure every child has meaningful opportunity to test PC by revising practices to a. Appoint defense atty to represent any indigent child. Indigence should be presumed unless information to contrary is provided	Beginning Compliance	A.1.(a)(iv)(a)
b. Require govt to prove existence of PC with reliable evidence or affidavit of complaint	Beginning Compliance	A.1.(a)(iv)(b)
c. Allow defense attys opportunity to challenge PC	Beginning Compliance	A.1.(a)(iv)(c)
d. Require record be maintained reflecting when defense counsel appointed, forms of evidence used, & whether defense atty challenged evidence or provided alternative evidence. Such record should be accessible from the info system	Insufficient Information/Pending	A.1.(a)(iv)(d)
Each month, Judge or designee shall review a sampling of case files to determine whether requirements regarding notice of charges are being followed. Shall also include periodic observations of Detention & Adjudicatory hearings. If not, immediate corrective action shall be taken.	Insufficient Information/Pending	A.1.(a)(v)

NOTICE OF CHARGES	COMPLIANCE RATING	SECTION
Within 90 days revise policies to insure children & defense atty receive copies of affidavit of complaint as soon as available but at minimum before Detention Hearing. Also insure Magistrates formally arraign children at all Detention Hearings.	Beginning Compliance	A.1.(b)(i)
When changes made to charges as set forth in petition prior to adjudicatory hearing that could increase the penalty, JC shall provide notice of final charges by providing copies of new Petition at least 14 calendar days in advance of hearing unless advance notice is waived.	Beginning Compliance	A.1.(b)(ii)
When changes made to charges as set forth in petition prior to adjudicatory hearing that could reduce the penalty, JC shall provide notice of final charges by providing copies of new Petition within 24 hours of change in charges.	Beginning Compliance	A.1.(b)(iii)
Each month, Judge or designee shall review a sampling of case files to determine whether requirements regarding notice of charges are being followed. Shall also include periodic observations of Detention & Adjudicatory hearings. If not, immediate corrective action shall be taken.	Insufficient Information/Pending	A.1.(b)(iv)
TRANSFER HEARINGS	**COMPLIANCE RATING**	**SECTION**
Within 90 days require Transfer Hearings comport with due process requirements. Specifically, shall insure all Transfer Hearings include: a. Asst DA presents evidence in support of petition for transfer	Beginning Compliance	A.1.(c)(i)(a)
b. Children have right to attorney whose role is to represent their stated interest	Beginning Compliance	A.1.(c)(i)(b)
c. Children, thru their atty, are provided opportunity to present evidence on their own behalf	Non –Compliance	A.1.(c)(i)(c)

TRANSFER HEARINGS (CONTINUED)	COMPLIANCE RATING	SECTION
d. Children, thru atty, provided opportunity to confront evidence & witnesses	Non –Compliance	A.1.(c)(i)(d)
e. Children are protected from self-incrimination	Beginning Compliance	A.1.(c)(i)(e)
f. Judge or Magistrate makes written findings that: child committed delinquent act, child is not committable to an institution for persons with developmental disability or mental illness and interests of community require Child be put under legal restraint or discipline and	Beginning Compliance	A.1.(c)(i)(f)
g. Judge or Juvenile Court Magistrate considers & documents consideration of factors relevant to findings including 7 factors	Non –Compliance	A.1.(c)(i)(g)
Each month, Judge, or designee, shall review all files related to Transfer Hearings to insure Hearings followed Agreement. Review shall include periodic observations of Transfer Hearings to insure Magistrates follow policies.	Insufficient Information/Pending	A.1.(c)(ii)
PROTECTIONS AGAINST SELF-INCRIMINATION	**COMPLIANCE RATING**	**SECTION**
Within 90 days prevent POs or other staff from eliciting info about Children's involvement in alleged delinquent act outside presence of Child's defense atty	Beginning Compliance	A.1.(d)(i)
Within 90 days notify Child's atty in writing of any probation conference or interview which shall be open to defense atty.	Beginning Compliance	A.1.(d)(ii)
Within 90 days, insure POs advise Children of Miranda rights. Shall include a. Description of role of defense atty	Beginning Compliance	A.1.(d)(iii)(a)

PROTECTIONS AGAINST SELF-INCRIMINATION (CONTINUED)	COMPLIANCE RATING	SECTION
b. Statement Child is entitled to atty& maybe at no cost	Beginning Compliance	A.1.(d)(iii)(b)
c. Statement that Child's statements regarding offense can be included in Probation report	Beginning Compliance	A.1.(d)(iii)(c)
d. Statement that Child's statement can be used against them.	Beginning Compliance	A.1.(d)(iii)(d)
POs have Children document understanding of rights against self incrimination& must receive advice of atty before waiving it.	Beginning Compliance	A.1.(d)(iv)
Consider partnership w/non-profit of academic organization to provide advice and support to children during the probation intake process	Suggested, Not required	A.1.(d)(v)
Within 30 days, prohibit adverse use of information obtained from child during probation conference	Beginning Compliance	A.1.(d)(vi)
Within 30 days, insure Magistrates do not permit the govt to call Children as witnesses in Child's own Adjudicatory or Transfer Hearing	Beginning Compliance	A.1.(d)(vii)
Within 30 days Magistrates required to give oral advisement of rights against self-incrimination to any Child wishing to testify at own hearing	Beginning Compliance	A.1.(d)(viii)
Each month the Judge, or designee shall review sample of files to determine rights against self-incrimination are protected. This shall include periodic observation of probation conferences by appropriate supervisory staff of the Probation dept as well as observation of Adjudicatory & Transfer Hearings	Insufficient Information/Pending	A.1.(d)(ix)
Immediately cease providing Visit & Contact forms to Magistrates prior to Adjudicatory Hearings.	Partial Compliance	A.1.(d)(x)

CONFIDENTIALITY OF JUVENILE DELINQUENCY PROCEEDINGS	COMPLIANCE RATING	SECTION
Within 30 days revise policies to protect confidentiality in delinquency proceedings	Beginning Compliance	A.1.(i)(i)
Insure only person properly concerned with child's case are admitted into any delinquency proceeding	Beginning Compliance	A.1.(c)(ii)