



NATIONAL JUVENILE DEFENDER CENTER

**SUMMARY OF THE DEPARTMENT OF JUSTICE INVESTIGATION OF THE  
ST. LOUIS COUNTY FAMILY COURT, MISSOURI**

*United States Department of Justice, Civil Rights Division*

The Department found the following specific *Due Process violations*:

**DENIAL OF CONSTITUTIONALLY-ADEQUATE ACCESS TO COUNSEL.** St. Louis County Family Court fails to provide adequate representation for children in delinquency proceedings, in violation of the Due Process Clause of the Fourteenth Amendment. *In re Gault*, 387 U.S. 1, 34-43 (1967). Several factors contribute to this denial of constitutionally-adequate representation by counsel, including:

- the staggering caseload of the sole public defender assigned to handle all indigent juvenile delinquency cases in St. Louis County,
- an arbitrary system of determining eligibility for public defender representation and appointing private attorneys for children who do not qualify for a public defender,
- the flawed structure of the St. Louis County Family Court, and
- significant gaps in representation between detention hearings and subsequent court appearances.

**VIOLATION OF PRIVILEGE AGAINST SELF-INCRIMINATION.** St. Louis County Family Court fails to adequately protect children’s privilege against self-incrimination.

- The Family Court’s requirement that a child admit to the allegations to be eligible for an informal processing of his case is coercive, and potentially forces a child to be a witness against himself in subsequent proceedings. *Gault*, 387 U.S. at 55 (“[T]he constitutional privilege against self-incrimination is applicable in the case of juveniles as it is with respect to adults.”).

**INADEQUATE PROBABLE CAUSE.** St. Louis County Family Court fails to provide adequate probable cause determinations to children facing delinquency charges. *Schall v. Martin*, 467 U.S. 256 (1984); *Gerstein v. Pugh*, 420 U.S. 103, 114 (1974); *R.W.T. v. Dalton*, 712 F.2d. 1225, 1227 (8th Cir. 1983).

- Probable cause determinations are made on an *in camera*, *ex parte* basis, and children have no opportunity at any stage of the proceedings to challenge probable cause.

**IMPROPER CERTIFICATION (TRANSFER).** St. Louis County Family Court fails to provide children facing certification to be criminally tried in adult criminal court with adequate due process.

- In particular, the Family Court’s failure to consider, and permit adversarial testing of, the prosecutorial merit of the underlying allegations against the child at the certification

hearing does not “measure up to the essentials of due process and fair treatment,” in violation of the Fourteenth Amendment. *See Kent v. United States*, 383 U.S. 541, 562, 567 (1966).

**DEFICIENT GUILTY PLEAS.** St. Louis County Family Court fails to ensure that guilty pleas are entered knowingly and voluntarily, in violation of children’s rights under the Fifth, Sixth, and Fourteenth Amendments. *See Boykin v. Alabama*, 395 U.S. 238 (1969).

- Judges and commissioners do not adequately examine whether children understand the rights they give up when pleading guilty or the potential collateral consequences.

**UNCONSTITUTIONAL COURT STRUCTURE.** The organizational structure of the Family Court is contrary to separation of powers principles and deprives children of adequate due process. U.S. Const., art. I, art. II, § 2, cl. 5; art. III, § 2.

- Wherein both prosecutor and probation officer are employees of the court,
- the prosecutor is counsel for the probation officer, and
- the probation officer acts as both an arm of the prosecution as well as a child advocate.

The Department found the following specific *Equal Protection violations*:

**DISPARATE FORMAL PROSECUTION.** Black children are almost one-and-a-half times (1.46) more likely than White children to have their cases handled formally, even after introducing control variables such as gender, age, risk factors, and allegation.

- This ratio means that Black children have a lower opportunity for diversion.

**HEIGHTENED LEVELS OF PRETRIAL DETENTION.** Race has a significant and substantial impact on pretrial detention.

- Even after controlling for the severity of the offense, the risks presented by the youth, and the age of the youth, Black youth have two-and-a-half times (2.50) the odds of being detained (held in custody) pretrial than do White children.

**MORE FREQUENT REMOVAL FROM COMMUNITY FOR VIOLATION OF COURT CONDITIONS.** When Black children are under the supervision of the Court and violate the conditions equivalent to probation or parole, the Court commits Black children almost three times (2.86) more to the Missouri Division of Youth Services (DYS) than White children who are under similar Court supervision.

- This disparity exists even when we control for past referrals and treatment. Children committed to DYS custody are placed in restrictive out-of-home settings.

**DISPROPORTIONATE PLACEMENT AFTER ADJUDICATION.** After controlling for severity of the offense and other variables, the odds of the Court placing Black youth in DYS custody after adjudication (the juvenile equivalent of an adult conviction) are more than two-and-a-half times (2.74) the odds of White youth placement.

- White youth are significantly more likely to be placed in a less restrictive setting—such as on probation with in-home services or in a residential treatment facility that is not operated by the state—than in DYS custody.

*If you have questions about this Investigation or questions about how to use it to strengthen work in your community, please contact NJDC at 202.452.0010.*