

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)
<p>Within 90 days insure every child has meaningful opportunity to test PC by revising practices to</p> <p>a. Appoint defense atty to represent any indigent child. Indigence should be presumed unless information to contrary is provided</p>	Beginning Compliance	A.1.(a)(iv)(a)
<p>b. Require govt to prove existence of PC with reliable evidence or affidavit of complaint</p>	Beginning Compliance	A.1.(a)(iv)(b)
<p>c. Allow defense attys opportunity to challenge PC</p>	Beginning Compliance	A.1.(a)(iv)(c)
<p>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</p>	Insufficient Information/Pending	A.1.(a)(iv)(d)
<p>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.</p>	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)