

## **APPENDIX 1**

Monthly Review 2013

MAR APR MAY JUN JUL AUG SEP OCT NOV DEC YTD

Detention Probable Cause	(number of cases)												YTD
	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD		
Attorney Present	15	21	18	26	23	20	14	18	16	20	191		
Attorney Present %	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%		
Affidavit of Complaint	15	18	15	23	22	20	14	18	16	20	181		
Affidavit of Complaint %	100%	86%	83%	88%	96%	100%	100%	100%	100%	100%	95%		
Uncontested	0	3	0	1	2	4	3	9	3	5	30		
Uncontested %	0%	17%	0%	4%	9%	20%	21%	50%	19%	25%	17%		
Contested	0	4	1	6	13	5	7	9	13	15	73		
Contested %	0%	22%	7%	26%	59%	25%	50%	50%	81%	75%	40%		
By Oral Argument	0	2	0	2	12	4	7	7	13	14	61		
Oral Argument %	0%	50%	0%	33%	92%	80%	100%	78%	100%	93%	63%		
By Written Documents	0	0	0	0	0	1	0	0	0	0	1		
Written Documents %	0%	0%	0%	0%	0%	20%	0%	0%	0%	0%	2%		
By Live Witnesses	0	0	0	0	0	0	0	0	2	0	2		
Live Witnesses %	0%	0%	0%	0%	0%	0%	0%	0%	22%	0%	2%		
By Continuance for Proof	0	2	1	4	1	1	0	0	0	1	10		
Continuance for Proof %	0%	50%	100%	67%	8%	20%	0%	0%	0%	7%	25%		
Statement of Attorney Regarding Notice and Advisement of Rights	3	5	8	14	13	10	12	18	16	20	119		
Statement of Attorney Regarding Notice and Advisement of Rights %	20%	24%	44%	54%	57%	50%	86%	100%	100%	100%	63%		
Rights Form by Magistrate (protection from self-incrimination)	3	10	15	21	14	15	12	18	16	20	144		
Rights Form by Magistrate (protection from self-incrimination) %	20%	48%	83%	81%	61%	75%	86%	100%	100%	100%	75%		





MAR APR MAY JUN JUL AUG SEP OCT NOV DEC YTD

The Nature of the Delinquent Act Alleged	5	7	3	7	8	10	6	9	6	9	70
The Nature of the Delinquent Act Alleged %	71%	78%	75%	88%	100%	100%	100%	100%	100%	100%	91%
The Child Social Factors	0	0	1	4	1	0	6	9	6	9	36
The Child Social Factors %	0%	0%	25%	50%	13%	0%	100%	100%	100%	100%	49%
The Alternatives Within the Juvenile Justice System Considered and Ratio	1	2	2	5	1	1	6	9	6	9	42
The Alternatives Within the Juvenile Justice System Considered and Ratio %	14%	22%	50%	63%	13%	10%	100%	100%	100%	100%	57%
Whether the juvenile court and juvenile justice system can provide rehabilitation	7	9	3	8	8	10	6	9	6	9	75
Whether the juvenile court and juvenile justice system can provide rehabilitation %	100%	100%	75%	100%	100%	100%	100%	100%	100%	100%	98%
Defense Presented Evidence	0	0	0	0	0	0	0	0	0	0	0
Defense Presented Evidence %	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Opposing Probable Cause	0	0	0	0	0	0	0	0	0	0	0
Opposing Probable Cause %	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
In Support of Continued Juvenile Jurisdiction	0	0	0	0	0	0	0	0	0	0	0
In Support of Continued Juvenile Jurisdiction %	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

Notes:

This data is compiled from a physical review of the legal jacket only. The absence of a required form indicates only the lack of written documentation, not the failure to address a particular issue, procedure or right.

Court orders in 2014 will include findings of evidence presented by the defense related to probable cause and continued juvenile jurisdiction. This information is currently available only through recordings of court proceedings.

The heading of "Appointment of Attorney", (under Detention Probable Cause), was changed on September 1, 2013 to "Attorney Present". This allows documentation of both appointed and private counsel. Numbers have been recalculated from March, 2013, forward to reflect the change.

Prior to October, 2013, rights forms were required at every stage of proceedings. Therefore, numbers from prior months may not accurately reflect advisement of due process rights absent such duplication.

## JUDICIAL REVIEW

### DECEMBER 2013 CASES

#### DETENTION/PROBABLE CAUSE

The review of December statistics indicates that each juvenile appearing for a detention hearing was represented by counsel. In 100% of cases an Affidavit of Complaint (AOC) was presented, each juvenile was advised of his/her rights, as evidenced by a rights form signed by the magistrate, and the defense attorney signed a form acknowledging appointment and notice.

Since defense attorneys were reluctant to document anything at the detention level until they were more familiar with the case, the statistics from March through August do not reflect whether or not the defense contested the AOC and probable cause.

On September 1, 2013, forms were modified to allow the magistrates to note the manner in which opposition to the AOC was presented. Therefore, September through December figures show a significant increase only because of improved tracking procedures. YTD Totals should be reviewed with the above in mind.

#### ADJUCATORY HEARINGS

The following goals of "attorney present," "rights form," petition" and "order" have continued at 100% since implementation of adjusted procedures.

Admissions accounted for 69% of December cases reviewed, while trials represented 31%. Trials in December showed an increase, but since that decision was controlled by defense counsel, it is not clear that court procedures had any significant impact. However, the furnishing of more information and additional time for attorneys to advise with their clients did assist the decision process by promoting more informed representation.

#### TRANSFER HEARINGS

Transfer hearings remain constant while transfers have declined YTD. The documentation of protection of rights in all categories remains at 100%. The category, "written findings," presented a particular challenge. While the magistrate/special judge did consider the factors required under state law and the Memorandum of Understanding (MOA), such consideration was not evident in the monthly statistical review. This was corrected by drafting more detailed orders and submitting a court ordered Pre-Transfer Report.

The Pre-Transfer Report has greatly improved the information presented to and considered by the magistrate/special judge in the decision to retain or transfer. This report contains insightful information useful to both defense and prosecution in evaluating the possibility of rehabilitation within the juvenile system.

Prior to August 2013, there was no tracking of waiver of transfer by defense. All cases transferred were recorded as granted. Adjusted procedures are now in place that reflect transfers granted after hearing and those in which the defense waived the hearing. The Court likewise did not track the heading, "Defense Presented Evidence." Effective January 3, 2014 amended procedures will now allow for collection of that data.

Monthly Review 2014

	JAN	YTD
<b>Detention Probable Cause</b>	<b>18</b>	<b>18</b>
(number of cases)		
Attorney Present	18	18
Attorney Present %	100%	100%
Affidavit of Complaint	18	18
Affidavit of Complaint %	100%	100%
Uncontested	7	7
Uncontested %	39%	39%
Contested	11	11
Contested %	61%	61%
By Oral Argument	10	10
Oral Argument %	91%	91%
By Written Documents	0	0
Written Documents %	0%	0%
By Live Witnesses	1	1
Live Witnesses %	9%	9%
By Continuance for Proof	0	0
Continuance for Proof %	0%	0%
Statement of Attorney Regarding Notice and Advisement of Rights	18	18
Statement of Attorney Regarding Notice and Advisement of Rights %	100%	100%
Rights Form by Magistrate (protection from self-incrimination)	18	18
Rights Form by Magistrate (protection from self-incrimination) %	100%	100%

**Adjudicatory Hearing**

(number of cases)

**JAN YTD**

Attorney Present  
Attorney Present %

17 17  
100% 100%

Rights Form (protection from self-incrimination)  
Rights Form (protection from self-incrimination) %

17 17  
100% 100%

Petition  
Petition %

17 17  
100% 100%

Amended Petition  
Amended Petition %

0 0  
0% 0%

Trial  
Trial %

4 4  
24% 24%

Waiver and Admission  
Waiver and Admission %

13 13  
76% 76%

Plea and Rights Form  
Plea and Rights Form %

13 13  
100% 100%

Order  
Order %

17 17  
100% 100%

	JAN	YTD
<b>Transfer Hearing</b>	9	9
Attorney Present	9	9
Attorney Present %	100%	100%
Rights Form (Protection against self-incrimination)	9	9
Rights Form (Protection against self-incrimination) %	100%	100%
Petition	9	9
Petition %	100%	100%
Notice of Intent to Transfer	9	9
Notice of Intent to Transfer %	100%	100%
Transfer	3	3
Granted	33%	33%
Granted %		
Waived	6	6
Waived %	67%	67%
Written Findings, Rationale for Transfer:	9	9
Written Findings, Rationale for Transfer: %	100%	100%
The Extent and Nature of the Child's Prior Delinquency	9	9
The Extent and Nature of the Child's Prior Delinquency %	100%	100%
The Nature of Past Treatment Efforts	9	9
The Nature of Past Treatment Efforts %	100%	100%
The Child's Suitability for Additional Treatment	9	9
The Child's Suitability for Additional Treatment %	100%	100%

**JAN YTD**

The Nature of the Delinquent Act Alleged 9 9  
The Nature of the Delinquent Act Alleged % 100% 100%

The Child Social Factors 9 9  
The Child Social Factors % 100% 100%

The Alternatives Within the Juvenile Justice System Considered and Rational for Rejecting Them 9 9  
The Alternatives Within the Juvenile Justice System Considered and Rational for Rejecting Them % 100% 100%

Whether the juvenile court and juvenile justice system can provide rehabilitation of the juvenile 9 9  
Whether the juvenile court and juvenile justice system can provide rehabilitation of the juvenile % 100% 100%

**Defense Presented Evidence**

Opposing Probable Cause 3 3  
Opposing Probable Cause % 33% 33%

In Support of Continued Juvenile Jurisdiction 3 3  
In Support of Continued Juvenile Jurisdiction % 33% 33%

**Defense Waived Evidence**

Opposing Probable Cause 6 6  
Opposing Probable Cause % 67% 67%

In Support of Continued Juvenile Jurisdiction 6 6  
In Support of Continued Juvenile Jurisdiction % 67% 67%

## JUDICIAL REVIEW

### JANUARY 2014 CASES

#### DETENTION/PROBABLE CAUSE

Every juvenile who appeared for a detention hearing during January 2014 was represented by counsel. The Public Defender is now present along with the Juvenile Panel and members of the private bar.

Of the 26 cases reviewed, 8 appeared by way of juvenile summons instead of physical arrest. Use of summons by law enforcement and release from Intake based upon a low "DAT" score continue to lower the detention population and indicate that JDAI efforts are on-going.

All other Due Process metrics continue at 100%.

#### ADJUDICATORY HEARINGS

The goals of the MOA continue at 100% as evidenced by the attached spreadsheet.

It appears that waivers and admissions increased during this reporting period. Early appointment of counsel, request for discovery and multiple continuances may have impacted the decision to enter a guilty plea.

#### TRANSFER HEARINGS

Transfer cases were conducted pursuant to TCA 37-1-134. Every juvenile appeared with counsel and signed a rights form acknowledging explanation of due process.

Additionally, the legal jacket contained a petition, notice of intent to transfer and written findings. All due process and procedural safeguards continue at 100%.

There were 9 juveniles transferred during this period. Of those transferred, defense waived the finding of probable cause and amenability of rehabilitation in six cases. All cases were thoroughly reviewed and no preclusion to transfer was found.