

### **Narrative Summary**

This is the 10th Compliance Report since the Memorandum of Agreement (MOA) was signed by all parties on or about December 17, 2012. There has been significant progress during the past six months in each of the three (3) areas of the MOA.

The MOA includes commitments in Due Process, DMC and Equal Protection (including Community Outreach), and Protection from Harm: Detention Facility. Below is a short summary of progress in each major area. This summary includes highlights of positive events as well as remaining limitations in each area.

### **Due Process**

The last (9<sup>th</sup>) Compliance Report, submitted in April 2017, noted the ponderous remaining limitations included providing structural independence of the Public Defender and sufficient capacity of the Juvenile Defender Unit of the Public Defender's Office. - Significant progress has been made in both areas during the past six months.

The Mayor signed an Executive Order which provides assurances that will allow the Public Defender to provide "independent, ethical and zealous advocacy" as required by the MOA. This Executive Order is an innovative move by the Mayor's Administration which supports independence and addresses the MOA through local action. The Order obviates waiting on changes at the State level in public defense structures and/or funding, all within the constraints of the Shelby County Charter. *(See attached executed Executive Order dated March 23, 2017 and labeled as Attachment 1).*

In August 2016, Public Defender Stephen Bush submitted a "Blueprint to Achieve Compliance in Juvenile Defender Services." This document provides a roadmap to compliance with the MOA that can be achieved through local action. Given the assurances outlined in the Executive Order, the Public Defender is working to implement the operational steps outlined in the "Blueprint." The Executive Order and implementation of the Blueprint should move the County into substantial compliance with the terms of the MOA, comfortably by early 2018.

As to the need for sufficient capacity for representation by the Juvenile Defender Unit, the percentage of complaints represented by that unit has risen above 60% in the past three (3) months of 2017, and the unit is receiving 100% of all non-conflict appointments.

Due Process protections afforded at the Court are much improved, often exceptional, and

in many cases, peerless. There is a demanding focus of protecting rights as well as documenting consideration of factors in decisions by both Magistrates and staff. The majority of cases are handled non-judicially, and the Probation staff does an effective job in advising youth of their rights and in administering a Graduated Response Grid designed to promote consistent dispositional decisions.

The MOA between the County and DOJ contains 15 separate sections and a total of 56 compliance provisions pursuant to Monitor Sandra Simkins' reports. The DOJ and the County have agreed that 10 separate sections, and 35 compliance provisions, were in Substantial Compliance (SC) for more than a year. Thus, they are completed and terminated from the MOA. Of the remaining 5 sections, 66.7% of all compliance provisions are in Substantial Compliance.

**Completed & Removed Provisions:**

1. Notices of charges
2. Plea colloquies
3. Restitution guidelines
4. Bond out guidelines
5. Confidentiality of juvenile delinquency proceedings
6. Language access plan
7. Treatment of witnesses
8. Judicial bench cards
9. Written findings
10. Recordings of juvenile delinquency proceedings

**Provisions to be removed:**

1. Remainder of probable cause determinations
2. Training

**Remaining Provisions:**

1. Transfer Hearings: 1 of 7 provisions have been completed (*see Simkins' report #9, pg. 11*)
2. Protection against Self-Incrimination: 11 of 13 provisions have been completed (*see Simkins' report #9, pg. 11&12*)
3. Juvenile Defenders: 0 of 8 provisions have been completed (*see Simkins' report #9, pg. 14*)

**Positives:**

1. As of April 2017, 35 of the 56 items in the MOA were removed from further consideration because the Court maintained Substantial Compliance for longer than the required year.

2. The Public Defender is now at 62% capacity as of August 2017; his office is handling 100% of all non-conflict cases. *(see attached report from June-August, 2017 and labeled as Attachment 2)*
3. Under the Probable Cause Determinations provision, with the latest SC grade in the last report, the Court is fully compliant in all areas. Professor Simkins noted the “remaining provisions are also in substantial compliance.”
4. Under Training, Section III.A.2. (a), (b) and (c), the Court has reached substantial compliance on all items. This section has been completed and should be terminated from the MOA.

**Limitations that affect the Court’s scope of work:**

*The following areas have not reached substantial compliance due to Tennessee laws*

1. Independence of the Panel Attorneys – Rule 13 of the Tennessee Supreme Court requires the Juvenile Judge to appoint counsel and to maintain a roster of attorneys for conflict representation. The Court requested an Opinion from the Judicial Ethics Committee of the Tennessee Judicial Conference. The Committee advised that the Court must comply with the dictates of Rule 13 unless and until the Tennessee Supreme Court or the General Assembly changes the rule. *(See attached letter from Judge Alan Glenn and labelled as Attachment 3.)*
2. Transfer Issues, specifically the number of notices filed- This issue is under the sole control and discretion of the District Attorney General. The District Attorney in Tennessee is the most powerful politician in his or her district. He or she has virtually unbridled power and discretion as to who is prosecuted; who is charged; and what cases are presented to the Grand Jury in her or his district. Those decisions include transfer motions from Juvenile Court to Criminal Court. Only the DA makes those decisions. The Court is reactive and does not control the number of transfer motions. *(See attached letter from DA Amy Weirich and labeled as Attachment 4.)*
3. Discovery - District Attorney General follows long established State law – a transfer hearing is deemed a preliminary matter and the discovery available only after indictment in criminal court is not applicable. *It should be noted that of the remaining 6 provisions to be completed under Transfer, 4 have at least 4 consecutive SC ratings but are not shown as complete by the monitor, and 3 had 2 consecutive SC ratings but were downgraded to a PC rating. The downgrade reflects the monitor’s belief that State law should not control the discovery provided by the DA. Additionally, this stance does not take into account that the defense bar is provided a pre-transfer report generated by the Court which includes all of the child’s Court records on social and criminal history. school records, and any and all records maintained by the Department of Children’s’ Services. (Note: It should also be pointed out that in Tennessee, a preliminary hearing, or probable cause hearing or preliminary examination is not required in all felony cases. The DA can decide to go straight to*

*the Grand Jury, by presentment or indictment, and bypass the preliminary hearing afforded after a defendant is arrested. But when a preliminary hearing is afforded, the only test is whether the State can prove that a crime was committed and the defendant “probably committed the crime.” That is the same standard the Grand Jury uses in issuing a true bill. It appears that the Juvenile Court, in its transfer hearings, is fully complying with Tennessee law as to preliminary hearings.) Otherwise, all 6 remaining provisions have been in SC for over one year and should be terminated from the MOA. (See again attached letter from DA Amy Weirich and labelled as Attachment 4.)*

4. Psychological evaluations – Psychological evaluations are confidential, per Tennessee statute; and the state provider (West TN Psychological) indicated that it needed orders entered so that they could speak freely with children, maintaining confidentiality. Both orders (one for the evaluation and one to protect confidentiality) are entered on the same day in the courtroom. There is no delay and no obstacle in getting these evaluations.
5. Attorneys at all probation conferences – The Tennessee Administrative Office of the Courts (AOC) will not pay for representation at this stage (pre-petition). (See attached email from AOC and labelled as Attachment 5.) The University of Memphis Law School clinic has declined to assist at this stage as well. The Public Defender and/or a Panel Attorney (pro bono) will attend a conference (even without payment) if a child or family so requests.

### **DMC and Equal Protection**

The Ninth Compliance Report submitted in April 2017 noted that the Court was “laying a foundation to reduce the presence of DMC” and that if it “continues to enact changes in policies and procedures, it is anticipated that reductions...and greater equity in the treatment of all youth will occur in court referrals, secure detention, and non-judicial outcomes.” It is also important to note that Dr. Leiber’s analysis continues to reflect that race is not a statistically significant determinant of judicial decision-making.

Following Dr. Leiber's technical assistance visit in July 2016, Juvenile Court CAO Pamela Skelton formed a Strategic Planning Committee to address DMC issues and Dr. Leiber's recommendations. Disparities needed to be addressed at each decision point in the juvenile justice system and the Strategic Planning Committee has been the focal point for pushing for change. Some examples of the work being done through this committee:

- Juvenile Court is addressing the high number of referrals from law enforcement by teaching weekly classes at the annual in-service training for the Memphis

Police Department. The class introduces alternatives to referring youth to the Court. The Memphis Police Department was chosen as the initial target group since 85% of youth referred to the Court come from MPD. The classes cover a 9-month time frame (February – October 2017) and it is estimated that more than 1,500 officers will receive the training.

- A Summons Review Team has been established to develop a process to address summonses without the necessity of Court intervention. This initiative's intent is to prevent qualifying youth from making formal contact with the judicial system thereby strategically impacting the Referral Decision Point; but more importantly, the program diverts youth away from the Court thereby preventing both their entry and/or furtherance in the juvenile justice system.
- The Graduated Response Grid has been reconstructed to establish more appropriate and more consistent dispositions. In addition to the grid being revised, appropriate court staff understands the need to apply court responses from a restorative perspective versus a disposition mindset objective. Pursuant to the request by DOJ and Dr. Leiber, this Grid is being validated by an independent contractor.
- An expeditor position has been created and filled to facilitate the release of youth from detention. The Expeditor and Expeditor Team assess the daily detention population for youth who may be eligible for a less restrictive alternative.

It is worth mentioning, as in prior reports, that many positive developments have occurred since the MOA was signed. The number of children detained, the number of children petitioned to Court, the number of children transferred to the adult system have all been dramatically reduced since the MOA was signed. The bulk of this reduction involves minority youth which means fewer minority youth are progressing through the juvenile justice system. The Court deserves recognition for this accomplishment. That being said, the Court should continue to pursue its many strategies to reduce DMC and to evaluate each strategy in terms of DMC.

**Completed & Removed Provisions:**

DMC Assessment- *III.B.1. (d)*.

Community Outreach- *IV.D*.

**Provisions to be removed:**

No provisions are set to be removed during the next visit; however, please note that the Court had 13 provisions upgraded with 4 provisions improving to Substantial Compliance during the last visit (April 2017).

### **Remaining Provisions:**

1. Referrals
2. Secure Detention
3. Non-Judicial Decision Making
  - a. *Cases petitioned*
  - b. *Diverted or dismissed/warned*
4. Waiver/Transfer to Adult Court
  - a. *Notice of transfer; waiver to adult court*

**Positives:** *After a request by the Court to the DOJ for Technical Assistance (TA), Dr. Leiber administered TA in July 2016. Attached (see attached memo from Dr. Leiber dated July 27, 2016 and labeled as Attachment 6) is a summary of findings provided after his visit as a road map to direct the Court. In addition, the Court formulated a Strategic Planning Team to address Dr. Leiber's concerns. The team meets approximately every three weeks, and a written memo of each meeting is sent to Dr. Leiber updating him on the team's progress (attached see latest memo to Dr. Leiber dated August 31, 2017 and labeled as Attachment 7). The following is a composite of the Court's progress:*

1. The Court's webpage has been fully implemented with a data dashboard where all of the court's data is linked and accessible, along with all DOJ related documents, reports, charts, etc. (<https://dashboard.shelbycountyttn.gov/>)
2. Referral
  - a. MPD LEAP Training Class-Weekly training classes on the Law Enforcement Assessment Phone-In (LEAP) program, administered to the MPD academy, regarding LEAP information and to educate on when to transport. A MPD informational card was developed and given out at each class and 2000 cards were given to Deputy Director Ryall in August to be distributed amongst all MPD during roll calls.
  - b. MPD Quarterly Meetings- Meetings between the Court and MPD Director Rallings & Deputy Director Ryall delve into various areas of concerns and possible solutions. As a result of the most recent meeting in July, monthly LEAP reports will be sent to the MPD Director on a monthly basis per his request.
  - c. Porter Leath & Youth Villages Safe Place- There are two areas where the Court has respite beds to be utilized as an alternative to detention, specifically in domestic violence cases. This process has been instructive and educational.
  - d. MPD Cheat/informational card- Regarding LEAP and when to transport. In addition to the above, the Detention Facility utilizes these cards in the intake process.
  - e. Precinct Liaison- The Court currently has a Juvenile Services Specialist who works out of Old Allen Precinct. Data shows that the Precinct Liaison Program

has impacted the number of summons and transports being formally handled by Juvenile Court. The Court is also working to expand the program into two more precincts (Tillman & Mt. Moriah venues).

### 3. Secure Detention

- a. Expedite Review Team- Court staff discusses internally communications from the Sheriff's office each day as to any children who may be eligible for release. The team conducts weekly expedition meetings with Court staff, defense attorneys, Public Defenders, and the District Attorney General's office. This team also reviews youth on electronic monitoring for length of time.
- b. Detention Assessment Tool (DAT) - Revised DAT (3<sup>rd</sup> version) was implemented on February 1, 2017, with suggestions from Dr. Leiber.
- c. Ceasefire Program- Operation Ceasefire is a violence prevention program that uses a public health approach, outreach workers, public education campaigns, and community mobilization to reduce shootings and killings. Youth who participate in Operation Ceasefire receive this disposition either as an informal adjustment or as a direct court order.
- d. Electronic Monitoring- Greater use of electronic monitoring as an alternative to detention (not release); we currently have a capacity for 45-50 monitors (pre-adjudication)
- e. Evening Reporting Center (ERC) - The ERC is a community-based alternative to detention started in February 2015, to target youth under supervised probation. The program has been expanded to include not only referrals from Juvenile Court made in response to a probation violation (post-adjudication), but also for youth who may be at risk of being detained or remaining in detention (pre-adjudication). The program works with 10 youth at a time and the youth are in the program for 30 days.

### 4. Non-Judicial

- a. Summons Review Team (SRT)- SRT reviews summonses for the charges viewed as minor misdemeanor offenses (this item is for referral numbers and for non-judicial handling to determine if some of the summonses can be handled with no contact or minimal contact/lowest diversion sanctions). This pilot program began in November 2016, and the SRT consists of the entire staff with reviews that begin from the top and move down to line staff.
- b. Response Grid- Grid was implemented in late 2016 to replace the original "Graduated Sanctions Grid," which provided a mechanism to make case processing determinations on using objective criteria vs. subjective review by each counselor. The Response Grid is currently being validated by an independent contractor per Dr. Leiber and the MOA.

- c. Policy Review – New policies were created on the summons processes and the Response Grid, and a Policy Report card was developed to use on all policy reviews henceforth. Policy reviews are underway and ongoing.
- d. Youth Court- The statutorily based program began in February 2011, with student teams from four Memphis City Schools, and expanded to 17 high schools in 2016. Youth Court is a juvenile delinquency diversion and peer restorative justice program dedicated to rehabilitation of first-time nonviolent offenders. The program holds the youthful offenders accountable for their behavior and educates them about citizenship. Local attorneys and law students from the University of Memphis guide the student team members in their roles as prosecutors, defense counsel, jurors and court officers. Seventy-five (75) cases were referred to the program in 2016, involving 376 students and 72 volunteer attorneys. Nineteen (19) first-time offenders began participating as high school team members soon after their dispositions were completed, and all of their charges were dismissed. The program has the lowest recidivism of any Court program, with a current rate of seven percent (7%).
- e. Ceasefire Program- Operation Ceasefire is a violence prevention program that uses a public health approach, outreach workers, public education campaigns, and community mobilization to reduce shootings and killings. Youth who participate in Operation Ceasefire receive this disposition either as an informal adjustment or as a direct court order.
- f. Resource Directory- The Court worked in collaboration with University of Tennessee Health Science Center, University of Memphis, and the Urban Child Institute to map referral resources by services and zip codes (zip code mapping was at the request of Dr. Leiber but not a requirement of the MOA). The directory is being utilized throughout the Court system and by the Public Defender's Office.
- g. Unruly Walk-In Clinic-This walk-in clinic is one of the Court's resources for youth and families who need the opportunity to speak with someone and get some services where there is no pending charge before the Court. One of the probation counselors is available during business hours to see anyone who walks in with an issue.
- h. Non-bullying Class- This class is currently grant-funded from implementation in January 2017 through September 2017, and is for youth involved in fights or other issues in which bullying may be the problem.

5. Cases diverted went from .91 in 2015 to .95 in 2016

6. Secure detention went from 2.29 in 2015 to 1.88 in 2016



7. Cases resulting in probation went from 1.29 in 2015 to .90 in 2016

### **Areas for Continued Improvement:**

1. Referrals
2. Law Enforcement Assessment Phone-In (LEAP) - Education is ongoing and continuing; the Court is performing yeoman's work. The Court does not supervise law enforcement.
3. The Court continues to assess and readjust the various diversion programs as needed. It is noteworthy that the Court has evaluated six of its "in-house" diversion programs and two "partner" programs. The Court has also adopted OJJDP's 5-step model to strategically reduce DMC. The strategy includes the development of program logic models and such models have been developed for "in-house" diversion programs. This best practice will influence the Court's actions as it moves forward.
4. The Court is looking to create a burglary/theft class and domestic violence type class for perpetrators over the next several months, similar to Ceasefire (for weapons charges).

### **Limitations that affect the Court's scope of work:**

*The following areas have not reached Substantial Compliance due to various circumstances out of the court's control*

1. Referrals (arrests & summons) - The Court does not hire or supervise law enforcement; but when we can educate about different alternatives and choices, the data has shown a decline in the numbers.
2. The Court cannot force MPD to use the LEAP programs but continues to educate them on the program from the top management to in-service training of all officers.
3. Notice of Transfers - Per Dr. Leiber to address the lack of movement to address notice of and actual transfer to adult court as it pertains to DMC, "the Juvenile Court needs to figure out a way to address this issue; admittedly, most of the decision-making rests with the prosecutor." (Compliance Report#9, pg.8-#5) The truth is that all of the decisions in this area are made by the prosecutor.
  - a. Dialogue with the DA's office is ongoing with regards to diversion.
  - b. Note: If the numbers increase, it could be due to the new law that added charges eligible for transfer and the language "shall" hold a hearing vs. prior language of "may" hold a hearing.

### Community Outreach Program (COP)

The Court continues to be involved in a number of community activities. The challenge has been to plan and structure these activities into a cohesive effort to improve Court/Community relations, but this is now being done as shown by the following:

- The Court hired Leon Gray about a year ago to coordinate community outreach efforts, and these efforts continue and are ongoing. A calendar of quarterly public meetings has been created; and meetings have been held in areas including Hickory Hill, Whitehaven, and Frayser. Mr. Gray is working collaboratively with the JDAI to hold joint meetings, and these efforts have been beneficial to the Court as a whole.
- The County-wide Juvenile Justice Consortium (CJJC) continues to be active and has added some new members to augment the core of volunteers who have been the heart of the CJJC. The Court adopted the CJJC recommendation to create a brochure for parents of Court involved youth and to develop a parent orientation for youth in Detention. This type of valuable feedback and response from the Court is what was envisioned in the creation of the CJJC. The Court has provided any support requested by the Consortium, and has worked toward enacting many of the suggestions of the Consortium, including Parent Orientation classes and more assistance at our front desk in the lobby. The Court has reached Substantial Compliance under Sections IV.B., C., D., and E. All that remains under this Community Outreach piece is the Consortium piece and the court-wide community survey piece.
- It was expected that preliminary results of the long awaited Community Survey will be available in April 2017, but that survey has been put on hold (see below).

*Community Outreach has been ongoing with the following programs:*

- a. Quarterly Community Meetings- Public forum where the community can ask questions to a panel of Juvenile Court Staff and community stakeholders and also receive information about the various programs/resources that are available.
- b. Citizens Police Academy- Provides the citizens of Memphis with a better understanding of police functions; how policies are developed; the decision making process; and what an officer experiences on a day-to-day basis.
- c. Speaker's Bureau- Helps the Court facilitate a knowledgeable presence in our community at various community functions/events.
- d. Juvenile Detention Alternative Initiative (JDAI) - Memphis' success in reducing the number of youth in Detention earned the City a coveted partnership with the

AECF in June 2011. Memphis is one of the largest urban courts in the U.S. and the first in Tennessee selected by AECF as a JDAI Site.

- e. JDAI Parent Forums- Our JDAI initiative, through the Committee and Ms. Kimbrell Owens, has held 2 parent forums this year and plans to hold one more event in the fall months.
- f. Faith-Based Initiative- Mr. Leon Gray, through his work and contacts in the faith-based community, has reached out to churches throughout Memphis to request volunteers and mentors for the Court in various capacities. Mr. Gray has held various events and tours and will continue this work throughout the remainder of 2017.
- g. Countywide Juvenile Justice Consortium (Consortium or CJJC) - The Consortium is a requirement of the MOA under Section IV.A. of the MOA under “Community Outreach.” The CJJC is an independent group of citizens appointed mostly by the Mayor. The Court sends Mr. Gary Cummings to all of its meetings and to act as a liaison, and communicates regularly with the Consortium.
- h. Judge’s Action Center- was created in 2008 to serve as a liaison between Juvenile Court and the public to help answer questions or address concerns for people who have issues involving Juvenile Court of child welfare matters. The Action Center provides helpful and timely answers for those who have questions concerning Juvenile Court; assists people with problems that have previously gone unresolved; and receives suggestions on how to improve court operations.

**Limitations that affect the Court’s scope of work:**

*The following area(s) have not reached Substantial Compliance due to various circumstances out of the court’s control*

In 2012, the Court requested funding for the Community Survey to the Office of Juvenile Justice and Delinquency Prevention (OJJDP); it was received in October 2016. OJJDP put the survey out for bids and selected a vendor. The survey got underway in the spring of 2016 under the direction of OJJDP. However, we were advised by the vendor that the survey was placed “on hold” in June 2017. No data or findings have yet to be reported to the Court. The Court has done all that it can do to get this survey completed.

**Protection from Harm: Detention Facility**

On July 1, 2015 the Juvenile Detention Center was transferred to and placed under the control of the Shelby County Sheriff. This has been a substantial change and adjustments continue to be made. There have been significant improvements in the past year and especially in the past six months.

In the past 6 months the data has shown the following accomplishments:

- Declines in the both the number and rates of Use of Force
- A dramatic increase in the use of non-physical alternatives to Use of Force
- Decline in rates of assault on youth
- Decline in physical and mechanical restraints
- Dramatic decline in use of room confinement
- Decline in the average duration of room confinement

Great strides occurred following a technical assistance visit by Dr. David Roush in June 2016. A more juvenile focused, interactive training program was implemented. Development of the Positive Behavior Management System continues. Regular meetings convened by CAO Steve Leech with Chief Fields and his Detention Management Team continue. The focus on these changes have had a positive impact.

The Major Incident Reporting System automates the collection of data and has been in place since September 2016, and the Court has confidence in the validity of the data collected. The Sheriff's Office and Shelby County Government have audit teams.

The improvements in performance are even more impressive, given the increasing population. The Average Daily population in February has risen:

<u>Year</u>	<u>Average Daily</u>
2014	36
2015	66
2016	84
2017	97

The population of Detention has more than doubled in the past three years and has increased 15% in the past twelve months (*see attached graph labeled as Attachment 8*). This increase strains both youth and staff on everything, including medical/mental health services and programming. An expeditor has been hired by the Court, and regular meetings aimed at reviewing youth for possible release are occurring; more can be done. The primary cause for the population increase appears to be increases in length of stay, so it will be important to work collaboratively with the Court to manage the population. The good relationship between the Court and Detention should help in this regard.

Administration of Detention has greatly improved in the past year. The "great deal" of improvement noted in the Ninth Compliance Report has continued. The subsequent six (6) months has shown dramatic reductions in the uses/types of force and room confinement,

more focused staff training, and deeper use of PBMS. These improvements have been critical as the population continues to hover in the 90s.

PBMS has grown deep roots following a June 2016 technical assistance visit with prior consultant, Dr. David Roush. The “Train the Trainer” training provided by the National Partnership of Juvenile Justice, and the suggestions from current consultant Dr. Bernard Glos, have been beneficial and informative. Both consultants have been generous with training and resource materials.

Following several years of telephonic discussions with the Youth Center of High Plains, Amarillo, Texas about their PBMS approach, 5 members of the Juvenile Detention team spent several days at that facility in June 2017. They have already implemented some aspects of the program, with positive results. The twice daily “circle-up” meetings have now been augmented with daily meetings of smaller groups of 8, which focus on positive relationship building and mechanisms to empower youth to control their behavior. Many other suggestions from Amarillo are being reviewed, and plans to implement them are in progress. The 2017 annual in-service Juvenile Training is focusing on verbal de-escalation and relationship building. JDS certified trainers are being utilized and juvenile-focused interactive training continues.

Shelby County School’s new Hope Academy principal is working to educate more students. The school system and the Achievement School District are also focusing on that goal. Youth who are not yet in classes receive programming throughout the school day.

The data from May through August 2017 shows:

- 0 involuntary room confinements
- 0% number of involuntary room confinement per # of Use of Force
- 0% use of room confinement/segregation/special management per 100 person days of youth confinement
- 0 hours duration of room confinement/segregation/special management unit

Involuntary room confinement for over one hour has been eliminated as a sanction and replaced with alternatives such as “cooling off” or limited restrictions of privileges, such as phone or visitation.

A multi-disciplinary review team consisting of a Correct Care Solutions (“CCS”) mental health provider, JDS top management team, and the Policy and Statutory Compliance Officer held its first monthly meeting in August 2017. The team will review the month’s suicidal precautions, uses of isolation/room confinement, and uses of force to ensure compliance with policies and suggest improvements/training opportunities. This is in

addition to the immediate reviews of use of force incidents by top JDS personnel, particularly video, and review/coaching with staff members.

The team's review of August revealed: 1 youth placed on suicide precaution who was only in his room to sleep; 0 uses of involuntary room confinement; and 1 planned use of force, with no injuries, following 15 minutes of unsuccessful verbal attempts to get the youth to stay in his room at bedtime.

The staffing analysis, completed in 2016, continues to assist with planning. The additional captains and lieutenants provide on-site counseling/coaching/teaching to staff. Every Corrections Deputy recruit class receives training in adult and juvenile management to increase the pool of juvenile-trained officers available to meet staffing requirements and five (5) new officials will be added in the next thirty (30) days.

Monthly meetings with the Sheriff's Office Chief Administrative Officer and upper level command staff continue to monitor progress with the MOA.

**Positives:**

- Uses of Force have declined
- Non-physical alternatives have increased significantly
- Assaults and injuries to youth have declined
- Training is more interactive and youth focused
- The Positive Behavior Management System continues to develop
- Room confinement reduced dramatically
- Contract medical services continues to do a good job and communication between medical staff and security staff is sound
- Hope Academy is a positive, progressive asset
- The Major Incident Reporting System has been in use since September 2016.
- As of the June 2017 consultant report, there is over 80% compliance, with remaining areas in partial compliance.
- There has been dramatic improvement in lowering the uses of force and room confinement, as training in tactics designed to continue that progress is implemented and refined.

**Completed and Removed Provisions:**

- 1 (a) Use of Force—restraint chair
- 2 (b) Suicide Prevention--Cut down tools
- 2 (c) Suicide Prevention—Qualified Mental Health Professional (“QMHP”) Review

**Provisions with Sustained Compliance—Removal has been Requested:**

- 2 (d) Suicide Prevention—QMPH review (Compliance since 12/14)
- 2 (g) Suicide Prevention—Follow-up (Compliance since 12/14)
- 2 (h) Suicide Prevention—Reporting (Compliance since 6/14)
- 2 (i) Suicide Prevention—Recording attempts (Compliance since 12/14)
- 3 (a) Training—(Compliance since 12/14)
- 4 (b) Metrics—Force documents (Compliance since 1/14)

**Provisions with Sustained Compliance:**

- 2 (j) Suicide Prevention—Analyze (Compliance since 12/16)

**Provisions in Partial Compliance or 1<sup>st</sup> Time in Compliance:**

**Use of force**

- 1 (b) Analyze uses of force---compliance was achieved 6/17.
- 1 (c) Policies—7 out of 10 subparts are in compliance. 3 in partial compliance:
  - ii—prohibit use of unapproved forms of physical restraint and seclusion
  - iii—restraint/seclusion only when child is in immediate danger/less restrictive means were tried first
  - x—require formal review of all uses of force to ensure staff actions are appropriate
- 1 (d) Formal review of all uses of force/abuse

**Suicide Prevention**

- 2 (a) (vii) —Multiple levels of precaution. Previously in compliance since 12/14/\*  
report that vii—multi-levels of precautions was lowered\*
- 2 (f) (ii) Suicide Prevention precautions/evaluate risk, write orders, monitor. Previously in compliance since 12/14\*\*

**Metrics**

- 4 (a) (1) Monthly review of force
- 4 (a) (ii) Review of effectiveness of suicide plan

*See attached Report Card labeled as Attachment 9.*

**Limitations that affect the Detention Center's scope of work:**

The population remains steady at 90 due to the average length of stay. Detention staff works as a team with the Juvenile Court Judge, Magistrates, CAO, and all Court personnel, meeting and communicating multiple times each day to address the status of the detained youth.

The older facility continues to be an issue. An assessment of the facility has been conducted. Recently, Sheriff's Office leadership met with the Mayor's Administration CAO to discuss options for a new/newer facility.

**Appendixes:**

Attachment 1: Mayor Luttrell Executive Order

Attachment 2: Public Defender Report

Attachment 3: Rule 13

Attachment 4: Transfer Issues

Attachment 5: AOC email

Attachment 6: July 2017- Leiber Memo

Attachment 7: August 2017- Leiber Memo

Attachment 8: Detention Population Graph

Attachment 9: Detention Report Card