



U.S. Department of Justice  
Civil Rights Division

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DJ 207-72-3

*Special Litigation Section - PHB  
950 Pennsylvania Ave, NW  
Washington DC 20530*

June 20, 2018

**Via Electronic and First Class Mail**

Sheriff Bill Oldham  
201 Poplar Avenue  
Suite 902  
Memphis, TN 38103

RE: Consultant's Assessment of Shelby County's Juvenile Detention Center

Dear Sheriff Oldham:

In 2018, the Department of Justice ("Department") retained a new consultant, Pamela Clark, to evaluate Shelby County's implementation of the protection from harm provisions of our December 17, 2012 Memorandum of Agreement ("Agreement"). She has completed her assessment and prepared the accompanying report after reviewing documents, interviewing leadership, staff, and residents, and touring the detention center during our April 2018 compliance visit.

We commend your leadership and staff for your progress toward compliance with the Agreement's protection from harm provisions. With the exception of three provisions, Ms. Clark reports that the detention center's leadership and staff have achieved either substantial compliance or, as reflected in prior correspondence, the termination of the Agreement's protection from harm provisions.

Among the successes that Ms. Clark highlights, the staff's continued decrease in its uses of force is particularly noteworthy. In addition, your staff's almost immediate screening of new youth admittees for suicidality is an important safeguard. Finally, detention center leadership's "Circle-Up" groups increase communication between staff and youth, models respect and caring, and provides youth with a safe venue for venting difficult emotions.

Ms. Clark finds that three Agreement provisions are in Partial Compliance. Two of these provisions require policy revisions that will better prepare the detention center's staff and leadership to review the processes and events that precipitate a future suicide attempt or successful suicide. The Mortality and Morbidity Review and Interdisciplinary Review are two processes that should be fully developed and ready to be deployed, should the need arise. Ms. Clark finds the Interdisciplinary Review is completely absent from the detention center's policy and the Mortality and Morbidity Review policy is inadequate to ensure preparedness. Although

required by separate Agreement provisions, Ms. Clark notes that your office can combine both reviews into a single policy and procedure, should your office consider a single review procedure to be most effective and efficient.

The third provision in Partial Compliance relates to inconsistencies that Ms. Clark found between detention center staff's suicide risk designations and the corresponding observation levels and housing/garment/personal effects restrictions they impose on the youth at risk. She notes that both policy and practice need to reflect consistency between levels of suicide risk, and staff observation frequency (e.g., constant or continuous), and restrictions on youths' personal effects, such as the removal of clothes and use of suicide smocks, restrictions on routine privileges and the use of a "spork" for eating. This provision has remained in Partial Compliance for several compliance reviews. Ms. Clark recommends that your staff and your contract mental health provider, CCS, work together to bring these important suicide prevention practices into alignment.

As the Department makes its determination about the state of compliance with the Agreement's protection from harm provisions, we would appreciate hearing your views on Ms. Clark's report.

Sincerely,



Steven H. Rosenbaum  
Chief  
Special Litigation Section

Enclosure

cc: D. Michael Dunavant  
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