

Settlement Agreement – United States through the Department of Justice with Shelby County, Tennessee, the County Mayor and the County Attorney, and the Juvenile Court of Memphis and Shelby County (JCMSC).

DRAFT

Eleventh Compliance Report – Equal Protection

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June 27, 2018

INTRODUCTION

A Memorandum of Agreement or Understanding (MoU) regarding the Juvenile Court of Memphis and Shelby County was signed December 17, 2012 by the United States Department of Justice, Civil Rights Division, and the County Mayor and County Attorney, and the Juvenile Court of Memphis and Shelby County (JCMSC) to address the administration of juvenile justice for youth facing delinquency before the juvenile court and the conditions of confinement of youth at the detention center operated by the juvenile court. From this point on JCMSC will be referred to as Juvenile Court. Every six months, the Equal Protection Monitor assesses the level of compliance by the Juvenile Court. The first Monitor's report was submitted on June 12, 2013. This is the 11th Equal Protection Monitor report covering the timeframe from Dec. 2017 to April 2018.

The Juvenile Court has undertaken a series of initiatives to reduce or eliminate race disparities. While those efforts at juvenile justice reform are to be applauded, the unfortunate fact is that the racial disparities in the operation of the justice system are nearly as great as those which led to the original MOU in 2012. The success of recent initiatives is yet to be apparent. Black youth are overwhelmingly referred to juvenile court, receive detention, and referred for further court proceedings (petitioned). The bulk of youth referred to adult court are Black. The difficult work of changing systems operations needs to continue in Shelby County, and continues to require the dedication of Juvenile Court leaders and County officials, as well as Federal oversight and support.

The evidentiary basis for these statements and conclusions concerning compliance with the MoU, and detailed in this Report, are based on:

1. Document reviews (policies, data, compliance report by the Settlement Agreement Coordinator, reports provided by the Pam Skelton (Juvenile Court) in-conjunction with the Equal Protection Strategic Planning Committee, the Shelby County Disproportionate Minority Contact Coordinator or DMC Coordinator, meeting notes, emails, etc.),
2. On-site visits (early February 2018, April 4, 2018).

Interviews and phone-calls with Staff, the Shelby County DMC Coordinator, the Settlement Agreement Coordinator, and conference calls with Staff and the Department of Justice (DOJ). Each of the ten previous Equal Protection Monitor reports, including the eight past assessment studies (7 conducted by the Equal Protection Monitor) have also been relied upon to arrive at conclusions concerning compliance with the MoU.

Although the above was relied upon, an on-site visit that took place on July 21st and 22nd 2016 was instrumental in producing discussion and specific strategies for the Juvenile Court to follow. This on-site visit was a two-day working meeting and what was produced from those interactions has since framed my on-site visits and the writing of the Equal Protection Monitor reports starting with the Eighth to this current 11th report. The forthcoming discussion is framed by (1) the results from the Assessment study and (2) what the Juvenile Court has done in terms of procedural changes, strategies, and policies as each pertains to disproportionate minority contact (DMC) around referrals, detention, and non-judicial decision-making.

THE CONTINUED INFLUENCE OF RACE IN JUVENILE COURT PROCEEDINGS

A total of eight assessment studies have been conducted (one preceding the MoU and seven since). For the most part, all eight assessment studies show that race continues to explain case outcomes even after taking into consideration relevant legal factors, such as crime severity, crime type, etc.

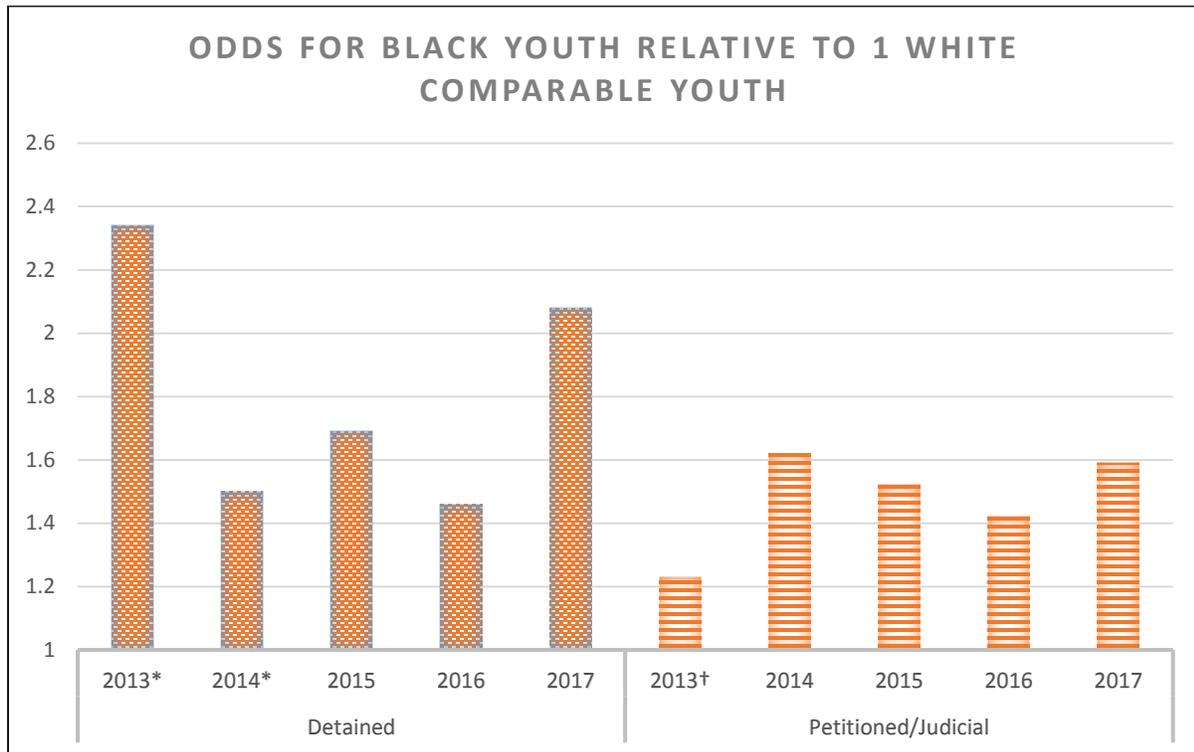
More specific:

- Being Black increases the chances of being detained compared to similar Whites.
- Being Black decreases the chances of receiving a non-judicial outcome compared to similar Whites. In other words, Black youth are more likely to be petitioned than comparable White youth.

In short, since the MoU, race continues to have a relationship with court outcomes in detention and non-judicial decision-making. Black youth continue to be overrepresented in police referrals. This latter relationship has significant implications for a better understanding of the effects of race at detention.

To further illustrate the continued influence of race on court outcomes, Figure 1 (page 5) provides the odds derived from the logistic multivariate analysis as part of the assessment of decision-making at detention and receiving a non-judicial outcome for Whites and Blacks once factors such as crime severity, prior record, etc. are taken into account. The logistic multivariate regression creates a mathematical model showing which combinations of legal and extralegal factors are represented in the decisions and outcomes of court processes. Legal factors and to some extent extra-legal factors can be relied upon to make a juvenile justice outcome due to its *parens patriae* foundation, such as crime severity and assessments about the family environment. Race, however, should not be predictive of a stage outcome once all legal and other extralegal factors are considered. If race does not indicate a statistically significant presence, then disproportionate minority contact is explained by differences, for example, in legal characteristics (i.e. crime severity). If race is a statistically significant indicator, then something else in addition to legal and other extra-legal factors accounts for the race relationship. One possibility is bias that may be present in the form of overt and/or indirect or subtle bias.

Although the overall number of youth involving secure detention has reduced significantly over the years for both White and Black youth, a little over 3 Blacks are still being detained to every 1 White (see Appendix 2). The racial gap decreases after controlling or taking into consideration legal factors. For example, in 2017, Blacks are a little over two times more likely to be detained than Whites once legal and extra-legal factors are considered. The relative rate involving a petition or a judicial outcome in 2017 is 2.15. Once legal and extra-legal considerations are taken into account, the odds of a Black youth being petitioned is 1.59 times greater than that of Whites. These relationships of race with both detention and petition have remained fairly steady between 2013 through 2017 (meaning race is a statistically significant).

Figure 1. Logistic Regression Odds by Race and Stage, 2013-2017

* Logistic regression represents interaction between race and person offense; Main race effect not significant

† Logistic regression coefficient not significant

Note: How to read odds ratio, for example in 2013, detained 2.34 Blacks to 1 White.

WHY HAVE DMC AND THE INFLUENCE OF RACE ON COURT PROCEEDINGS NOT CHANGED?

As recently as the summer of 2016, the Juvenile Court began to show a more concerted commitment and activity to address DMC and for the most part has continued to this day. With the hiring of Ms. Skelton, leadership has been evident by among other things organizing meetings, assigning personnel to committees, reaching out to entities in the community (e.g., police), establishing deadlines, etc. with the intent to take on areas of concern and the recommendations detailed in the Equal Protection Monitor Reports. These efforts on the part of the Juvenile Court have been good but have not been sufficient as of yet to produce significant changes in DMC and greater equity in the handling of youth and in particular, Black youth.

Not Enough Time has Passed for Changes to Take Effect and It Is an Ongoing Process

In part, some of this lack of change can be attributed to the recent implementation of a number of the activities by the Juvenile Court and not enough time has passed to assess the full impact on the treatment of youth. In addition, implementation of strategies or changes in procedures need to be monitored, evaluated, revised, etc. It is an ongoing process.

Referrals

Led by Ms. Skelton and the Equal Protection Strategic Planning Committee discussions and an array of activities have occurred that focus on referral, detention and decision-making at the non-judicial stage. Among these is the focus on summons, the revising both the DAT (used at the detention stage) and the Graduated Response Grid (used at the petition stage). In partnership with law enforcement, the Juvenile Court has had a Summons program since 2010. The program was implemented as a means for law enforcement to issue summons instead of arrest involving minor offenses, such as simple assault and trespassing. However, the Juvenile Court conducted no thorough analysis of the effectiveness of the program as relates to DMC. One problematic practice could have been the inclusion of too many youth through the program (i.e., net widening). In a new initiative, the Summons Review Team (SRT), the Juvenile Court is now tracking information to assess which youth are receiving summons, for what offenses, whether the summons is appropriately being issued, and whether trends exist that need to be addressed with law enforcement. The SRT initiative was **not fully implemented until the fall of 2016 and revised in February 2017.**

In response to recommendations to conduct a formal evaluation of the summons effort and in particular the SRT, the Juvenile Court provided data for a seven-month period (February through August 2017) to the Equal Protection Monitor. **An evaluation was conducted that resulted in a report dated September 13th, 2017,** and is presented in Appendix 1 of the Tenth Equal Protection Monitor Compliance Report.

Two key findings from the evaluation are:

- 52% of cases resulted in a SRT admission. That is, 52% of the youth receiving a summons were diverted away (e.g., warned and released) rather than proceeding to Juvenile Court for an intake interview.
- Race does not appear to be related to the SRT decision. That is, being White or Black did not impact the SRT decision once relevant factors were taken into consideration (e.g., crime severity, etc.).

On the basis of these overall findings, several recommendations were given:

- Although a good number of youth are participating in the SRT program, there is a need to increase the number of youth considered eligible for participation in the program.

Since 89% of those that did not participate in the SRT program received a non-judicial intake outcome, it was recommended to assess the criteria for declining admission and adjust to include those that are simply being released at intake or receiving modest interventions. In other words, admit more youth into the SRT program.

- Create a variable or category indicating why a youth was declined admission into the SRT program.

Overall, the creation and use of the SRT program is very good because it has great potential to reduce the number of youth entering the Juvenile Court via a summons. This effort should also help reduce DMC. The Juvenile Court is commended for this effort and should heed the

recommendation to increase the number of youth participating in the program. In addition, a staff person from the Court came to Tampa, FL (early December, 2017) to be trained as to how to do the SRT evaluation. This training was done to allow the staff person to conduct periodic assessments of the SRT program for the purpose of monitoring possible change. The Juvenile Court's willingness to do this is a good sign and shows a commitment to adhere to a continuous process of monitoring, evaluation, and change of the SRT initiative. Such a commitment will be needed to increase the effectiveness of the program and hopefully, reduce DMC. The implications for DMC rest of the reduction of Black referrals to juvenile court.

It must be noted that the Juvenile Court declined several requests by the Equal Protection Monitor to provide aggregated data as to how the SRT program is doing and if the recommendations provided have been taken into account since the evaluation study by the Equal Protection Monitor. Moving forward, it is imperative that the Juvenile Court provide the aggregate counts concerning how many youth were considered and how many were diverted. This information should be differentiated by the race of the youth.

Within the context of referrals to the Juvenile Court, it is important to point out that the Juvenile Court has implemented the Precinct Liaison program – one operates at Old Allen – and another at the Tillman Station to address referrals. This is an effort that entails a probation officer in the field to work with the Memphis Police Department to divert youth rather than issuing a summons and possibly, a transportation. In addition, summons involving minor misdemeanor offenses are being reviewed, along the lines of the offenses listed in the SHAPE initiative, as a means to reduce referrals. This is a relatively new initiative and data that could be obtained involves decisions from **January through March of 2018** which showed that the Precinct Liaison officer had contact with 187 youth; with 23 receiving an unofficial decision (warn/release), 88 a summons and 76 MPD transported. These numbers represent an improvement from those in 2016, where it was recommended that the program needed to expand the days and hours the Precinct Liaison officer was present. The Juvenile Court responded to this recommendation. Yet, the initiative still needs to expand the number of youth being served and when appropriate to use the unofficial decision more often to truly have an impact on reducing Juvenile Court referrals and DMC.

Secure Detention

Changes to structured decision-making tools, such as to the Detention Alternative Tool (DAT3), for example, also take time to be evaluated, re-assessed, changed and implemented, evaluated, etc. Through interactions with the Juvenile Court, it is apparent the Juvenile Court has somewhat struggled with this aspect of implementing change; that it is an ongoing process.

While the SRT program was developed to help reduce youth being referred by a summons to the Juvenile Court, the DAT has been implemented to structure detention decision-making that may result in more consistent outcomes for offenders with similar characteristics. This involves youth referred by the police to the Juvenile Court for consideration of secure detention. The DAT guides intake counselors through an objective decision-making process as to which youth meet criteria for secure detention pending a detention hearing. The revised DAT or **DAT3 was implemented February 1st, 2017**. As noted in every Equal Protection Monitor Report including

this Eleventh Equal Protection Report, taking all relevant case characteristics into account, being Black increases the chances of being held in secure detention. These results have been consistent and evident despite the use of various versions of the DAT and the DAT having been validated. It had been recommended that the DAT3 be evaluated. It was believed that in some manner, either in terms of the criteria comprising the instrument and/or the use of overrides, the DAT3 was at the root cause of these issues. An override represents a decision to detain a youth whose score on the DAT3 is below 19. A total score of 19 or higher is otherwise required to justify the use of secure detention.

Following a **site visit in early October of 2017**, the Juvenile Court provided detention data to the Equal Protection Monitor to conduct an assessment of the DAT3. The data examined consisted of all referrals administered the DAT3 in the eight-month period since the implementation of the DAT3 from February 1st, 2017 through September 30th, 2017. A summary of the evaluation of the DAT3 can be found in Appendix 2 of the Tenth Equal Protection Monitor Report. Key findings from the evaluation are:

- Ninety-three percent of those referred to Juvenile Court via a transport were Black youth; representing a significant overrepresentation relative to the general population.
- Twenty-one percent or 243 of all youth referred to the Juvenile Court scored a 19 or higher on the DAT3. Again, a score of 19 is the threshold to allow for a decision to use secure detention.
- Thirty-one percent of all cases resulted in detention as the result of an override of the total score. That is, 355 youth who scored lower than a 19 were subject to detention.
- Justifications for the override as provided by court personnel were: possession /use of a firearm (34% of the justifications for the override); open APC/Warrant from the court (21%); followed by danger to the community (16%), court ordered (14%), threat of bodily harm (10%), and some form of parent guardian refusal/not being located, and not available making up the rest of the justifications for the decision to override (7%).

On the basis of these results, the following recommendations were provided:

- The Juvenile Court needs to continue to work with the police to reduce the number of youth referred to Court for a consideration of detention, especially since 93% of those referred in this study are Black; representing a significant overrepresentation relative to the general population in Shelby/ Memphis. While acknowledging that the Juvenile Court has attempted to work with the police to achieve this goal (e.g., discussions, training, etc.), it is evident that more work needs to be done in terms of the transporting of youth to the Juvenile Court. To illustrate this point, an examination of recent data shows that of 111 youth transported by the police, 48% (or 54) involved police failure to call the Juvenile Court.
- A related recommendation and one that has been voiced by the Equal Protection Monitor on numerous occasions is the need to continue to examine the DAT3, discuss the results, revise, re-evaluate, revise, etc. This evaluation shows that there are problems with the DAT3 and how it contributes to the DMC issue. Accordingly,
 - A revision needs to occur to change some of the criteria and weights associated with the items of the DAT3.

- The revision needs to involve a change in the override process; training and monitoring of the supervisor(s) will need to be done.
- The change to DAT3 should come as soon as possible.
- The Juvenile Court needs to conduct another evaluation following the revision to DAT3. This evaluation should occur within a 6-7-month period of time.

The Equal Protection Monitor and his doctoral student came onsite in **early February of 2018** to conduct a working meeting to help the Juvenile Court better understand the study, discuss the results, as well as provide direction as to how to further refine the DAT3 and the process involved. This one day meeting was very productive. The discussions brought to light that:

- Mandatory statutory items denying release or granting detention should be removed as override criteria and instead be placed on the top or first page of the DAT3 indicating a non-use of the DAT3 (a decision of mandatory detention). By doing this, the count of discretionary overrides would decline. Some of the factors comprising mandatory detention are: weapons offenses, APC, and Court Order;
- There was also discussion that some of the other criteria for the justification of an override also fell into non-use of the DAT3. That is, detention is required. The Court is going to look into this. The items of interest were danger to community and threat of bodily harm. The DAT3 already takes into account these offenses.
- About 7% of the youth were detained due to either not being able to locate a parent or a parent refusal. These youth who otherwise be released. Discussion centered on some the concerns that arise involving this issue – unable to release a youth without a guardian, a youth threaten to harm a parent, etc. The Court is going to discuss this justification for an override to assess whether anything can be done to address, such as broadening the range of allowable releases, establish a non-secure release, use of shelter beds, referral to social services, etc.

Roughly 243 youth (21%) met the total score of 19 and above. The discussion centered on the questions and weights. The Court has been asked to:

- Examine for duplication, double counting
- Examine questions to see if these can be further defined – severity vs less serious, etc.
- Examine the weights assigned (i.e., the scoring system) to each outcome
- Examine and determine if mitigating factors that are more urban related could be incorporated. I focused on employment, though good, questions emerge regarding how many inner city youth have a job. Due to the City's depressed economy or the difficulty in obtaining employment, the Juvenile Court was asked to focus on attainability. Maybe even broader factors could be considered, such as engages in positive activity- e.g. school, GED prep, employment, family care, significant service activity.

The Juvenile Court is attempting to address these recommendations.

The illustration of some of the history surrounding the DAT3 shows how implementation, evaluation, refinement, and evaluation is an iterative process that ultimately may result in the achievement of the desired goal. Through a series of evaluations and discussions concerning the DAT3 and why DMC and inequity continue to exist at detention, insights emerged that provide a context for a better understanding of these occurrences. More specific, the Black relationship with detention is tied to the overrepresentation of police transports that results in detention. The significant presence of Black youth at detention, in turn, appears, in part, to be producing the reported presence of the positive race effect at this stage in the decision-making process. Recall, of the youth referred to detention, 93% are Black. Thus, some of the DMC issue at detention is tied to differential involvement in delinquent behavior, possible overzealous police deployment practices and referrals to detention, and the DAT3 itself. If the recommendations cited above concerning the DAT3 (e.g., examination and changing of weights and mitigating factors) are addressed by the Juvenile Court, the contributing role of the DAT3 could be remedied. Still, following the revisions to the DAT3, the Juvenile Court needs to once again evaluate how the instrument is being implemented and monitored thereafter.

In short, if the changes to the DAT3 are incorporated as recommended and data are collected, examined, and given to the Equal Protection Monitor, the Juvenile Court has done what is needed to be in compliance as relates to this stage in the proceedings. This information should be given to the Monitor by the next site visit.

It must also be noted that the Juvenile Court has expanded the use of electronic monitoring for pre-adjudicatory youth as an alternative to secure detention. In addition, the Juvenile Court continues to use The Ceasefire Gun Program has an initiative to release youth who are a first-time misdemeanor gun offender from detention. Last, an expeditor continues to review the daily detention report as well as review each and every youth in detention at least weekly to assess whether a youth can be either released, placed on electronic monitoring, or removed from electronic monitoring. Each of these have the potential to either reduce the number of youth referred to Juvenile Court and/or reduce the number of youth and the length of stay of those already detained. However, the best strategy for impacting change in DMC levels and improving the services provided by the Juvenile Court is to continue to address transports of youth to detention. This can be achieved by, for example, further dialogue with law enforcement about the number of juveniles transported to the court and immediately released where such transfers could have been avoided had the officers used the call-in program.

Slow Movement Revising the Graduated Response Grid (GRG)

Non-Judicial Decision-Making

Results from the assessment studies, including the current 7th assessment study, indicate a DMC concern with respect to the disparate use of non-judicial resolutions in the juvenile justice system. In fact, every Equal Protection Monitor Compliance Report has recommended that the Juvenile Court do something to address disparities at this stage in the proceedings. This **recommendation also emerged from a meeting in July of 2016** where the Equal Protection Monitor and the Juvenile Court discussed these issues at detention and the non-judicial/petition stage. The Graduated Response Grid (GRG) is a revision of a prior instrument (Graduated Sanctions Grid) and was **implemented November 1st, 2016**. The instrument is used at intake or the petition stage to determine release, diversion or a referral for further court proceedings. The Juvenile Court agreed to assess, evaluate, and revise the structured decision-making tool used at the non-judicial stage. This instrument was believed to be contributing to the overrepresentation of Black youth receiving the judicial outcome at this stage, as well as the presence of the statistically significant race effects reported in the assessment studies. The Juvenile Court formed a committee and **contracted with DATA FOR GOOD in April of 2017** in response to this recommendation to accomplish this task.

At the conclusion of the writing of this Eleventh Equal Protection Monitor Report, the Juvenile Court had been non-responsive to repeated requests for the necessary information to assess what has been accomplished in terms of the GRG. There was an initial referral by the Juvenile Court to the monthly strategic committee reports and Judge Summers' 11th Settlement Coordinator Report from March 5, 2018. An examination of those documents failed to provide specific information other than some generic statements. For example, "The Graduated Response Grid (GRG) used by Probation has done much to provide consistency in determining appropriate non-judicial dispositions, and is currently being validated by an independent contractor, Data for Good. The DMC Coordinator, the Research Specialist/Analyst, and the Administrator of Children's Bureau work daily on policies, procedures, & working to engage objective decision-making..." (Summers, 2018: page 12). What is stated may be true but **nothing specific is provided** as to the steps taken to revise the GRG, if a revised GRG has been implemented, or if an alternative instrument has been implemented and if so, has it been evaluated, and whether the revisions achieved the intended objectives. In June, the Equal Protection Monitor received a review of key tasks concerning the GRG from the Juvenile Court that provided some base counts. Documentation of the flow of cases through the Children's Bureau and the entire Juvenile Court is being worked on but not finalized. A final report from DATA FOR GOOD is expected sometime in late June/early July.

The Juvenile Court has contracted with DATA FOR GOOD to study the GRG and some very preliminary information has been produced. But since the DMC issue at the petition stage (non-judicial/judicial decision-making) has been discussed for many years, and especially in July of 2016 as a key point of inquiry, little has been accomplished by the Juvenile Court in addressing this concern at this stage in the proceedings.

Thus, it is not surprising that the impact of race at the petition stage (non-judicial/judicial decision-making) has not changed. **Black youth are overrepresented in the judicial outcome at this stage AND when factors are taken into consideration or controlled, such as crime severity and prior record, a Black relationship with the case most severe outcome still remains. That is, Black youth are over 1 and a half times more likely than alike White youth to receive a judicial outcome; or go further into the juvenile court.**

- It is recommended that the Juvenile Court continue to evaluate, refine, and implement an objective decision-making tool at the petition stage. The Juvenile Court needs to make a decision if the tool is the GRG or some other structured decision-making instrument. Moving forward, this information needs to be shared with the Equal Protection Monitor in order to evaluate what the Juvenile Court has done to assess compliance. This should include what tools are in use, what modifications are being made, what data elements are collected / recorded to support these decisions, how are the decision processes routinely monitored for racial impact, what non judicial resources have been developed, where located, what capacity, what utilization rates (by race).

The Juvenile Court has implemented other programs and initiatives at the non-judicial/petition stage; each of these efforts have the potential to reduce DMC. One such program is the By-Pass initiative which is an alternative to placing a youth on probation. It is a 90-day program for age 14 and younger. The Parent Orientation program is being used. The Parent Orientation program is for parents where they can ask court personnel questions about juvenile court proceedings. Parents will be also informed as to the importance of what it means to reject an offer to participate in diversion. There is also a newly developed class that was created to provide an avenue for juveniles placed in the Youth Services Bureau to be released from YSB supervision with tools given to abstain from have additional contact with Juvenile Court. During the class, the juvenile and the parent will receive a folder of mentoring, educational and employment booklets in addition to a certificate of completion. There is also a newly formed Diversion Team where the objective is to collaborate and assign youth to court programming. The Diversion Team consists of: Youth Court, Early Intervention Program (EIP), APS/BY-PASS, Ceasefire, and Children's Bureau. The Diversion Team meets weekly and a goal is to be sure that youth are receiving the necessary services that will educate, intervene, and provide them with life skills that decreases recidivism and promotes healthy life outcomes.

Summary

Substantial and necessary change in order to reduce DMC and provide greater equity in the treatment of all youth has not occurred at referrals, secure detention, and non-judicial decision-making (petition). In part, the lack of change is the result of needing more time for the efforts to have an impact. There is also a need for the Juvenile Court to view the initiatives not solely as one involving implementation but rather as a process that necessitates data, discussion, implementation, evaluation, refinement, monitoring and ongoing refinement. A critical first step at the non-judicial or petition stage is for the Juvenile Court to accelerate the evaluation, implementation and ongoing refinement of the Graduate Response Grid (GRG). Until this is done, DMC and the inequitable treatment of youth will likely continue to exist at this stage in the proceedings. At detention, refinements to the DAT3 are needed as well as implementation and evaluation of those refinements. If the Juvenile Court does this, the Juvenile Court will take a

significant step towards compliance with the MoU in terms of addressing DMC at this stage in the proceedings.

RATINGS TOWARD COMPLIANCE

In the section to follow, specific provisions, action taken to address the provisions, the level of compliance, a discussion of the rating of compliance, recommendations, and expectations will be discussed. The following levels are useful for indicating movement toward compliance on the part of the Juvenile Court that is first detailed:

Substantial Compliance (SC) means that the Juvenile Court has implemented policies, procedures and programs; has trained staff and personnel; has sufficient staff to implement the required reform; has demonstrated a commitment toward reform; has identified points of contact, have met, collected data, analyzed the data, and attempted reform; has addressed data needs; has developed and utilized mechanisms to disseminate information; has identified and developed areas and stages in the system in need of reform; has developed a plan to evaluate and monitor reform, and has ascertained if reform achieved desired outcomes. All of this needs to be implemented and accomplished within time-lines as specified in the Agreement.

Partial Compliance (PC) means that the Juvenile Court has implemented policies, procedures and programs; has trained staff and personnel; has sufficient staff to implement the required reform; has demonstrated a commitment toward reform; has identified points of contact, have met, collected data, analyzed the data, and attempted reform; has addressed data needs; has developed and utilized mechanisms to disseminate information; has identified and developed areas and stages in the system in need of reform; has developed a plan to evaluate and monitor reform, and has ascertained if reform achieved desired outcomes. **However**, while progress has been made toward stated above items, performance has been inconsistent and/or incomplete throughout the monitoring period and additional modifications are needed to ensure a greater level of compliance.

Beginning Compliance (BC) means that the Juvenile Court has made initial efforts to implement the required reform and achieve the desired outcome of equal protection for all youth within the stated time-lines **but** significant work remains on many of facets of stated above items.

Non-Compliance (NC) means the Juvenile Court has not implemented policies, procedures and programs; has not trained staff and personnel; does not have sufficient staff to implement the required reform; has not demonstrated a commitment toward reform; has not identified points of contact, have not met, have not collected data, have not analyzed the data, and have not attempted reform; has not addressed data needs; has not developed and utilized mechanisms to disseminate information; has not identified and developed areas and stages in the system in need of reform; has not developed a plan to evaluate and monitor reform, and has not ascertained if reform achieved desired outcomes. This assessment is made within the context that the above stated actions or inactions has not occurred within time-lines as specified in the Agreement.

Compliance Level to Be Determined (CLTBD) means that a decision on the compliance level is pending in light of deadlines of specific reforms as stated in the Agreement have not yet come or arrived – Nine-Months, One- Year- or have been given an extension.

Table 1. Compliance Rating by Provision

| Identifier | Provision | Compliance Rating |
|--------------------|--|----------------------------|
| 1a | Identify all data collection needs at each major Decision Point | SC |
| 1c | Identify staffing needs to collect, evaluate & report data | SC |
| 1e | JCMSC shall identify and designate a point of contact within each department to reduce DMC | SC |
| 1f | Collect data and information required to determine where DMC occurs | SC |
| 1d | Shelby County Mayor shall appoint a coordinator responsible for oversight of the progress on reducing DMC | SC |
| 1b (9 months) i-vi | JCMSC shall augment the appropriate data collection method to assist in its evaluation of its DMC levels, causes, and reduction.... This includes information on points of contact, the RRIs, and available diversion options for youth appearing before JCMSC | PC |
| 1g (9 months) | Assess impact policies/procedures/programs on DMC levels at each decision point and conduct inventory of services and options... | PC |
| 1h (9 months) | Complete and implement strategic plan to reduce DMC; Court DMC Coordinator is working on this and has developed 30-60-90 work plan | PC |
| 2a | Revise policies, procedures, practices, and existing agreements to reduce DMC at each Decision Point and encourage objective decision making in all departments | PC PC |

| | | |
|-----------------|--|---|
| 2b | <p>relating to its delinquency docket</p> <p>(i) Collection of sufficient data</p> <p>(ii) Provision requiring least restrictive options and alternatives to a detention setting</p> <p>(iii.) Guidelines identifying a list of infractions for which a child shall NOT be detained</p> <p>(iv.) Guidelines identifying a list of infractions for which a child may be detained</p> <p>(v.) Training and guidance on the use of existing and new objective decision making tools</p> <p>(vi.) Requirement that a supervisory authority review all overrides within each department on, at minimum, a monthly basis</p> | <p>PC</p> <p>PC</p> <p>PC</p> <p>PC</p> <p>PC</p> <p>PC</p> |
| 2c | Reassess the effectiveness of its policies, procedures, practices and existing agreements annually and make necessary revisions to increase DMC reduction | PC |
| 3a-h (9 months) | <p>Use of objective decision-making tools, etc.</p> <p>Refine decision-making tools, etc.</p> <p>Pilot program – Sheriff’s department – transport</p> <p>Pilot program – Memphis Police Department – Program</p> <p>Ceasefire</p> <p>Electronic monitoring expansion</p> <p>Monitor Transfer</p> <p>Annual review of objective tools</p> | <p>PC</p> <p>PC</p> <p>PC</p> <p>PC</p> <p>PC</p> <p>PC</p> |
| 4 | Training on a number of pts (i-vii) | SC |

| | | |
|---|--|---|
| | Staff involved with the delinquency docket should receive training of at least 4 hours. | SC |
| 5 | <p>Develop and implement a community outreach program to inform community of progress toward reforms.</p> <p>This should include a county-wide consortium that includes but is not limited to six to nine citizens selected by the Mayor and approved by the County Commission.</p> <p>Open meeting every six months</p> <p>There is a need for summaries of reports to be posted</p> <p>JCMSC shall publish on its website annual reports in accordance with the Agreement. Terminated, no longer being monitored.</p> <p>The Community Outreach program should include a data dashboard that communicates compliance on the part of JCMSC with the Agreement.</p> <p>A community survey shall be conducted (one year)</p> | <p>SC</p> <p>SC</p> <p>SC</p> <p>SC</p> <p>SC</p> <p>SC</p> <p>This has been terminated</p> |

1. DMC Assessment

- (a) Identify all data collection needs at each major Decision Point (p. 21)
STATUS-SUBSTANTIAL COMPLIANCE (SC)
 DISCUSSION: This has been done.
- (c) Identify staffing needs to collect, evaluate & report data (p. 22)
STATUS-SUBSTANTIAL COMPLIANCE (SC)
 DISCUSSION: This has been done.
- (e) JCMSC shall identify and designate a point of contact within each department to reduce DMC (p. 22).
STATUS-SUBSTANTIAL COMPLIANCE (SC)
 DISCUSSION: This has been done.
- (f) Collect data and information required to determine where DMC occurs (p. 22)
STATUS-SUBSTANTIAL COMPLIANCE (SC)
 DISCUSSION: This has been done.
- (d) Shelby County Mayor shall appoint a coordinator responsible for oversight of the progress on reducing DMC (p. 22).
STATUS-SUBSTANTIAL COMPLIANCE (SC)
 DISCUSSION: The County DMC Coordinator was hired in February of 2013. Work had been done with Staff, the Points of Contact, development of reports and to some degree has been involved in community outreach. As stated previously, the Court DMC Coordinator and the County DMC Coordinator should collaborate to some degree on tasks, such as community out-reach and the s strategic plan. As in the past, the County DMC Coordinator should continue to act as an independent overseer of the activities of the Court.

1. DMC Assessment

- (b) Within nine months, Juvenile Court shall augment the appropriate data collection method to assist in its evaluation of its DMC levels, causes, and reduction. This includes information on points of contact, the RRI, and available diversion options for youth appearing before JCMSC... (p. 22)
STATUS-PARTIAL COMPLIANCE FOR STAFF (PC)
 DISCUSSION: The 7th assessment study was conducted and the process will continue with working relationships with the Court to improve data examined. Staff has produced many documents using data and RRI. Listing of diversion programs has occurred. Mapping and interpretation and action has been done. Information and data needs to be presented, analyzed, a plan developed and implemented, followed by an evaluation at the non-judicial/petition stage. This is central toward gaining a rating of substantial compliance.

Need to show changes have occurred in the DAT3 along with information following implementation – aggregate counts and distributions concerning how many mandatory detentions, those detained and not detained.

Aggregate information should continue to be collected and provided to the Equal Protection Monitor concerning the:

- SRT initiative
- Precinct Liaison initiative
- Transports
- Cease Fire
- Expeditor initiatives

Providing such information at the aggregate level for a year or what can be provided allows the Monitor to evaluate how the Juvenile Court is attempting to address DMC and whether such strategies are accomplishing the intended objectives.

- (g) Assess impact of policies/procedures/programs on DMC levels at each decision point and conduct inventory of services and options...(p. 22-23)

STATUS-PARTIAL COMPLIANCE (PC)

DISCUSSION: Already addressed – see comments for 1(a)

- (h) Complete and implement strategic plan to reduce DMC... (p. 23)

STATUS-PARTIAL COMPLIANCE (PC)

DISCUSSION: Juvenile Court is now using framework used to guide this compliance report as their strategic plan. The Juvenile Court has shown a much stronger commitment to address DMC than in the past. Create a time-line addressing points raised in 1(b) and indicate what has been done and what is planned for the future. Submit this as part of the monthly strategic plan.

2. DMC Policies and Procedures

- (a) Revise policies, procedures, practices, and existing agreements to reduce DMC at each Decision Point and encourage objective decision making in all departments relating to its delinquency docket. (p. 23)

STATUS-PARTIAL COMPLIANCE (PC)

DISCUSSION: Already discussed. See 1(a)

STATUS-PARTIAL COMPLIANCE (PC)

DISCUSSION: Structured decision-making tools have been adopted, revised, and implemented. However, efforts to revise need to continue. Already discussed, see comments 1(a).

- (b) Revision of the above to include: (p. 23)
 - (i) Collection of sufficient data
 - (ii) Provision requiring least restrictive options and alternatives to a detention setting
 - (iii.) Guidelines identifying a list of infractions for which a child shall NOT be detained
 - (iv.) Guidelines identifying a list of infractions for which a child may be detained
 - (v.) Training and guidance on the use of existing and new objective decision making tools
 - (vi.) Requirement that a supervisory authority review all overrides within each department on, at minimum, a monthly basis.

STATUS-PARTIAL COMPLIANCE (PC)

DISCUSSION: Already discussed, training, adoption, and implementation of objective tools has occurred. Issues already discussed. See comments detailed in 1(a).

- (c) Reassess the effectiveness of its policies, procedures, practices and existing agreements annually and make necessary revisions to increase DMC reduction (p. 24)

STATUS-PARTIAL COMPLIANCE (PC)

DISCUSSION: Already discussed, see comments detailed in 1(a).

3. DMC Reduction: Evaluation and Tools (pg. 24-26)

- (a) Use of objective decision-making tools, etc.
STATUS-PARTIAL COMPLIANCE (PC)
DISCUSSION: Already discussed, see comments detailed in 1(a).
- (b) Refine decision-making tools, etc.
STATUS-PARTIAL COMPLIANCE (PC)
DISCUSSION: Already discussed, see comments detailed in 1(a).
- (c) Implementation of a pilot program involving sheriff, police and the summons program
STATUS-PARTIAL COMPLIANCE (PC)
DISCUSSION: Agreement in place and implementation, training and evaluation needs to be part of effort
- (d) Use of alternatives, including a pilot diversion program to secure detention, day/evening reporting center, the Law Enforcement Assistance Program, expansion of SHAPE, expansion of Electronic Monitoring, CEASE FIRE, Diversion Team, Parent Orientation, Precinct Liaison, SRT, etc.
STATUS-PARTIAL COMPLIANCE (PC)
DISCUSSION: Already discussed, see 1(b,h). It is important to note planned

expansion of use of electronic monitoring. As stated in previous Compliance Reports, all of these strategies and programs need to be critically examined to assess/evaluate if address DMC and could be used more often.

- (e) Monitor and evaluate Transfer Process
- (f) Continued collection of data to assess DMC and its causes
- (g) Points of Contact to evaluate monthly RRI and numbers at each point in the system and generate a management report
- (h) Annually review objective decision-making tools....

STATUS-PARTIAL COMPLIANCE (PC)

DISCUSSION: These items have been discussed previously, see 1(b,h). Positive steps have been taken. Need to continuously review and revise.

4. Training (p. 26-27)

- (a) Training on a number of pts (i-vii)
- (b) Staff involved with the delinquency docket should receive training of at least 4 hours.

STATUS-SUBSTANTIAL COMPLIANCE (SC)

DISCUSSION: Several training sessions have occurred and training on certain programs is still in progress. Overall, the Court is commended for their effort in this regard.

5. Community Outreach as stated in Agreement

- (a) Develop and implement a community outreach program to inform community of progress toward reforms.

STATUS-SUBSTANTIAL COMPLIANCE (SC)

DISCUSSION: Done.

STATUS-SUBSTANTIAL COMPLIANCE (SC)

DISCUSSION: Done.

- (b) A number of other criteria that focus on at least one open meeting every six months and the publicizing of the meeting and the posting. (p. 33)

STATUS-SUBSTANTIAL COMPLIANCE (SC)

DISCUSSION: Public meetings have been held. Further, the Juvenile Court is making efforts to be engaged with the community.

- (c) There is a need for summaries of reports completed pursuant to the Agreement and made available to the community prior to the meeting- to be posted (p. 34)

STATUS-SUBSTANTIAL COMPLIANCE (SC)

DISCUSSION: This appears to have occurred

- (d) JCMSC shall publish on its website annual reports in accordance with the Agreement.

STATUS-SUBSTANTIAL COMPLIANCE (SC)

DISCUSSION: These activities have occurred. Terminated. No longer being monitored.

- (e) The Community Outreach program should include a data dashboard that communicates compliance on the part of JCMSC with the Agreement. (p. 34)

STATUS-SUBSTANTIAL COMPLIANCE (SC)

DISCUSSION: Done.

- (f) A community survey shall be conducted (**one year**) (p. 34)
The survey should measure public satisfaction, attitudes among court personnel and community members both within Memphis and the County and should be representative of gender, race/ethnicity.

STATUS-TERMINATED

DISCUSSION: Terminated.