



# Shelby County Government

**MARK H. LUTTRELL, JR.**  
MAYOR

**JUDGE PAUL G. SUMMERS**  
DOJ SETTLEMENT COORDINATOR

**TO: Honorable Mark H. Luttrell, Jr.**  
**Mayor, Shelby County, Tennessee**

**Honorable Dan H. Michael**  
**Juvenile Court Judge of Memphis & Shelby County**

**Honorable Bill Oldham**  
**Sheriff of Shelby County, Tennessee**

**Honorable Kathryn Pascover**  
**Shelby County Attorney**

**US Department of Justice**  
**Honorable D. Michael Dunavant**  
**United States Attorney, Western District of Tennessee**

**Winsome Gayle, Esq.**  
**Civil Rights Division, Special Litigation Section**

**Richard Goemann, Esq.**

**Emily Keller, Esq.**

**Professor Sandra Simkins, Due Process Monitor**

**Dr. Michael Leiber, Equal Protection Monitor**

**FROM: Honorable Paul G. Summers, Settlement Agreement Coordinator**  
**Senior Judge (Ret.), State of Tennessee**

**DATE: March 5, 2018**

**RE: Compliance Report #11**



# Shelby County Government

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MAYOR

JUDGE PAUL G. SUMMERS  
DOJ SETTLEMENT COORDINATOR

**I have studied the 2012 Memorandum of Agreement (MOA) between Shelby County Government and the Department of Justice (DOJ). I understand the substantive and procedural issues and provisions. I have a firm grasp on reforms and efforts accomplished by Shelby County (County) and the Juvenile Court of Memphis and Shelby County (JCMSC). In analyzing the County's progress vis-à-vis the MOA, I use a burden of proof standard higher than a preponderance of evidence standard trial judges utilize in declaratory judgment actions.**

**I understand the definitions of substantial compliance, good faith discretion, and termination. I have studied the Tenth Amendment and the Supremacy Clause, and I understand the difference. I also have a career of experience in dealing with judicial systems, federal and state. The County is not quite there yet, but I can see the end in sight. When the JCMSC meets my heightened standard, I shall immediately report my findings to you.**

**Attached hereto is the 11<sup>th</sup> Compliance Report of the MOA by the Settlement Agreement Coordinator. Please let me know if you have any questions or need anything further.**

**Thank you.**

**Paul G. Summers, Settlement Agreement Coordinator  
Senior Judge (Ret.), Tennessee**

### **Narrative Summary**

This is the 11th 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, Disproportionate Minority Contact (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 challenges in each area.

### **Due Process**

The last Compliance Report, submitted in September 2017, noted significant progress made in the remaining areas of Due Process during the prior six months. The MOA contained 15 separate sections and 56 compliance provisions under Due Process. Due to a year or more of substantial compliance (SC), 10 separate sections & 42 compliance provisions have been completed and terminated from the MOA. Due to the continued substantial compliance in 2 more sections & 7 more provisions, these items should be terminated from the MOA shortly.

As noted in the last report, the Mayor signed an Executive Order which provided assurances that allow the Public Defender (PD) to provide "independent, ethical and zealous advocacy" as required by the MOA. This Executive Order was 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.

Public Defender Stephen Bush has submitted his "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."

At this time, the representation by the Juvenile Defender Unit has risen above 60%, and the unit is receiving 100% of all non-conflict appointments.

Due process protections afforded at the Court are much improved, 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.

**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: 5 of 7 provisions have been completed or are pending removal from MOA (*see Simkins' report*)
2. Protection against self-incrimination: 11 of 13 provisions have been completed (*see Simkins' report*)
3. Juvenile defenders: 3 of 8 provisions have been completed or are pending removal from the MOA (*see Simkins' report*)

**Positives:**

1. As of October 2017, 42 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 for 2017; this office is handling 100% of all non-conflict cases. (*see attached report from 2017 and labeled as Attachment 1*)
3. The Probable Cause Determinations section, with the latest Substantial Compliance grade in the last report, shows the Court is fully compliant in all areas; and this entire section is pending removal from the MOA.
4. Under the Training section, the Court has reached Substantial Compliance on all items and is pending removal from the MOA.
5. All Court staff as well as Judge & Magistrates completed JFI youth suicide training.

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

*The following areas have not reached substantial compliance due to constitutional 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. The Court can do nothing further under this provision.
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 (DA) 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.
3. Discovery – the 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, 5 of the provisions have been in Substantial Compliance for at least 2 years and are pending removal, and 3 had 2 consecutive Substantial Compliance ratings but were downgraded to a Partial Compliance rating. The downgrade reflects the monitor's belief that State law should not control the discovery provided by the District Attorney (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.*

4. Attorneys at all probation conferences – The Tennessee Administrative Office of the Courts (AOC) will not pay for representation at this stage (pre-petition), and the University of Memphis Law School clinic has declined to assist at this stage as well. However, as of March 1, 2018 the Public Defender and/or a panel attorney (pro bono) will attend conferences (even without payment) with full implementation of this program by July 1<sup>st</sup>.

### **DMC and Equal Protection**

The Tenth Compliance Report submitted in December 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:

- The Court implemented all changes requested by Dr. Leiber on the DAT in the DAT3 as of February 2017. Dr. Leiber has made additional suggestions and has held a second Technical Assistance on February 21, 2018 with additional changes in process. The Court continues to implement all of Dr. Leiber's suggestions and requests.
- 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. 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:**

The Court had 5 provisions upgraded with 4 additional provisions improving to Substantial Compliance during the last visit (October 2017). With one more successful visit in April 2018, the following provisions should be terminated:

\*Community Outreach

1. IV- B
2. IV-C
3. IV-E

\*DMC Assessment

1. III- B.1.(c)
2. III-B.4.(a) & (b)

**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:** The Court continues its Strategic Planning Team to address DMC & Dr. Leiber's recommendations. 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 January 31, 2018 and labeled as Attachment 2)*. 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 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.
  - b. 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.
  - c. 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.
  - d. Precinct Liaison- The Court currently has a Juvenile Services Specialist who works out of Old Allen Precinct & one that works out of Tillman Precinct. Data shows that the Precinct Liaison Program has impacted the number of summons and transports being formally handled by Juvenile Court. The Court has also expanded the program into one more precinct (Mt. Moriah venue).
  
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 (4<sup>th</sup> version) is in the works with additional suggestions from Dr. Leiber's TA visit in February 2018 included.
  - 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 continues 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 continues as a community-based alternative to detention which 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 youths 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 continue and are 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-eight (78) cases were referred to the program in 2017, involving 326 students and 81 volunteer attorneys. Seventeen (17) 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 (3%).
- e. 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 & is updated regularly.

- f. 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.

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-discussions with Law Enforcement & in particular MPD continue and are ongoing.
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. 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: I advised that if in 2017 the numbers increased, 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.

**Comments:**

I attended the technical assistance visit of Dr. Micheal Leiber on Wednesday, February 21, 2018. Dr. Leiber advised that “Our main interest is the decision to detain. If there’s a problem, I don’t think it’s the person; it may be the tool.” I took that to mean that Dr. Leiber is not concerned with subjectivity in detention decisions. He’s concerned with the objectivity of the DAT. The MOA is only concerned with the treating juveniles the same, regardless of race. Dr. Leiber mentioned that he is not an expert in the DAT and does not have one to recommend, he will check with colleagues to see if he can provide a DAT that is approved by him, along with additional mitigating factors. The Court agreed to contact Mr. Mark Soler, with the Children’s Center for Law and Policy and the Court’s JDAI technical assistance provider, to discuss this as well. However, Dr. Leiber advised that making some changes to the current DAT, particularly removing all mandatory statutory reasons to detain from the override section, will be very helpful and the Court will move to make these changes asap.

**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:

- Mr. Leon Gray coordinates community outreach efforts, and these efforts are ongoing. A calendar of quarterly public meetings in 2018 has been created; and meetings in 2017 were 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 would 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 to act as a liaison, and he 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, 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 continued 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 (PBMS) 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 2017 has risen:

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

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 works to continually improve & has done so in the past six months. The improvements noted in the Tenth Compliance Report continue. The subsequent six (6) months reflect continued 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 some suggestions of former consultant Dr. Bernard Glos, have been beneficial and informative.

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. Implementation of some aspects of the program has occurred 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 focused 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; and these meetings continue. The team reviews 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 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
- 24/7 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.
- Round the clock medical care
- Jason Foundation Institute training provided to all Court & Detention/Medical staff in December 2017.

**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:**

- Suicide Prevention Provision III.c.2. (j)  
 Suicide Prevention Provision III.c.2. (f)

*See attached Report Card labeled as Attachment 3.*

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

The population remains steady around 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: Case Assignment report for 2017  
 Attachment 2: Strategic Planning Committee Memorandum-January 31, 2018  
 Attachment 3: Report Card for Detention



## **Due Process**

The Due Process requirements of the MOA between the Department of Justice and Shelby County contained 14 separate sections & a total of 56 compliance provisions. The Court is down to 5 sections & 14 provisions, with 2 sections & an additional 5 provisions pending termination by the DOJ. With only 3 sections & 9 provisions remaining, little is left to declare the MOA terminated.

### **I. Policies and Procedures**

#### ***(a) Probable Cause Determinations- Terminated***

- (i) Terminated**
- (ii) Terminated**
- (iii) Terminated**
- (iv) Terminated**
  - a. Terminated**
  - b. Terminated**
  - c. Terminated**
  - d. Terminated**
- (v) Terminated**

### **I. Policies and Procedures**

#### ***(b) Notice of Charges – Terminated***

- (i) Terminated**
- (ii) Terminated**
- (iii) Terminated**
- (iv) Terminated**

### **I. Policies and Procedures**

#### ***(c) Transfer Hearings***

- (i) Within 90 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices in accordance with Tenn. Code Ann. § 37-1-134 and the Tennessee Rules of Juvenile Procedure, R. 24(b) to require Transfer Hearings that comport with due process requirements prior to waiving jurisdiction and ordering transfer of a Child's case to adult court. Specifically, JCMSC shall ensure that all Transfer Hearings include the following: (MOA p. 11)**
  - a. Terminated**

- b. **Terminated**
- c. Children, through their attorneys, are provided the opportunity to introduce evidence on their own behalf; **Court follows State discovery law which is the basis of the monitor's complaint.**
- d. Children, through their attorneys, are provided the opportunity to meaningfully confront evidence presented against them, including cross-examining adverse witnesses; **Court follows State discovery law which is the basis of the monitor's complaint.**
- e. **Terminated**
- f. The Judge or Juvenile Court Magistrate presiding as Special Judge makes written findings on whether there are reasonable grounds to believe that: (1) the Child committed the delinquent act as alleged; (2) the Child is not committable to an institution for persons with a developmental disability or mental illness; and (3) the interests of the community require that the Child be put under legal restraint or discipline; and **\*\*Pending Removal\*\***
- g. The Judge or Juvenile Court Magistrate presiding as Special Judge considers and documents his or her consideration of factors relevant to his or her findings, including, but not limited to: (1) the extent and nature of the Child's prior delinquency; (2) the nature of past treatment efforts and the nature of the Child's response thereto; (3) the Child's suitability for additional treatment; (4) the nature of the delinquent act alleged; (5) the Child's social factors; (6) the alternatives within the juvenile justice system which were considered and the rationale for rejecting those alternatives; and (7) whether the juvenile court and juvenile justice system can provide rehabilitation of the juvenile. **\*\*Pending Removal\*\***

**Status**

These provisions, except (c) and (d) have been in Substantial Compliance for a year or more, and are pending termination by the DOJ.

**Comments**

1. The County has objected to these downgrades and has provided detailed information on four cases raised in the report which documented that the Court had followed state law in all four instances. Further, the Court pointed out that in addition to discovery from the District Attorney, the Court always provides all records pertaining to the child the State seeks to transfer – psychological examinations, school records, medical records (if relevant), Dept. of Children's Services (DCS) records from prior delinquency commitments to DCS custody (including any records regarding treatment while in DCS custody), and the like. Finally, the County objected to the strong implication that the Court and its magistrates were guilty of judicial misconduct as a result of discovery issues in transfer hearings.
2. It has also been repeatedly explained that the Court is bound by the law and has no ability to change it. The Due Process compliance reports nevertheless retain the posture that the Court must order open file discovery in a preliminary matter to come into compliance with the MOA. Such action would immediately put the Court into an adversarial position with the District Attorney, who would appropriately file both a likely successful lawsuit and a likely successful complaint with the Court of the Judiciary. Even assuming that all other jurisdictions in Tennessee provide full discovery prior to transfer hearings (they do not), such a decision is solely within the discretion of the district attorneys for those respective jurisdictions. The juvenile courts in those counties have no power to order full discovery at transfer hearings without the agreement of their respective district attorneys.

3. Discovery issues were first brought up in the Due Process Monitor report of October 2016, and provisions (c) and (d) were downgraded from Substantial Compliance to Partial Compliance due to monitor determination that lack of discovery was preventing an appropriate transfer hearing. Open file discovery at transfer hearings is not part of the MOA. Further, a quick review of every MOA or lawsuit listed on the DOJ website (found at <https://www.justice.gov/crt/special-litigation-section-cases-and-matters>) shows that none were found to have included requirements of open file discovery in transfer hearings.

## **Due Process**

### **1. Policies and Procedures**

#### *(c) Transfer Hearings- Terminated*

- (ii) Terminated**

#### *(d) Protections Against Self-Incrimination*

- (i) Terminated**
- (ii)** Within 90 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices to notify a Child's defense attorney in writing of any probation conference or interview. The probation conference or interview shall be open to the Child's defense attorney. **(MOA p. 13)**
- (iii) Terminated**

## **Status**

All items above except for subsection (d) (ii) have been completed and terminated from the MOA. As to the remaining subsection, each and every youth are advised in writing that an attorney may be requested, and all conferences are open to the youth's attorney. This item is still in Partial Compliance due to the fact that attorneys are not assigned to every probation conference. The Court, following the Due Process Monitor's advice, again approached the State regarding payment for representation at the probation conferences. Per the Tennessee Administrative Office of Courts (AOC), it will not pay for representation at the pre-petition stage; and the University of Memphis Law School clinic has declined numerous times to assist at this stage as well, the Public Defender starting March 1, 2018, Full representation by attorneys at all conferences will be complete by July 1, 2018m as provided by the PD and the Court.

## **Due Process**

### **1. Policies and Procedures**

#### *(d) Protections against Self-Incrimination*

- (iv)** JCMSC shall require probation officers to have Children document in writing their receipt and understanding of their rights against self-incrimination. JCMSC shall consider the Child's ability to understand his or her rights and ensure that the rights are explained in age-appropriate language. Children must receive the advice of counsel about their rights against self-incrimination and the meaning of any waiver before signing a waiver. Children must acknowledge their waiver in writing in order for the probation conference to proceed. **(MOA p. 13)**

**Status**

The Due Process monitor should put this provision back into full compliance, where it has been since October 2015.

**Due Process**

1. Policies and Procedures

*(d) Protections against Self-Incrimination*

- (v) **Terminated**
- (vi) **Terminated**
- (vii) **Terminated**
- (viii) **Terminated**
- (ix) **Terminated**
- (x) **Terminated**

**Due Process**

1. Policies and Procedures

*(e) Juvenile Defenders*

- (i) Within one year of the Effective Date, SCG shall take action to ensure independent, ethical, and zealous advocacy by the juvenile defenders representing Children in delinquency hearings. This action shall include: **(MOA p. 14)**
  - a. Creating a responsibility for the supervision and oversight of juvenile delinquency representation to the Shelby County Public Defender 's Office ("SCPD") and supporting the establishment of a specialized unit for juvenile defense;
  - b. Supporting SCPD training for juvenile defenders, including training on trial/advocacy skills and knowledge of adolescent development; **\*\*Pending Removal\*\***
  - c. Ensuring that juvenile defenders have appropriate administrative support, reasonable workloads, and sufficient resources to provide independent, ethical, and zealous representation to Children in delinquency matters. Representation of Children shall cover all stages of the juvenile delinquency case, including pre-adjudicatory investigation, litigation, dispositional advocacy, and post dispositional advocacy for as long as JCMSC has jurisdiction over a Child; and **\*\*Pending Removal\*\***
  - d. Implementing attorney practice standards for juvenile defenders; supporting the training of attorneys within the SCPD specialized unit and the independent panel system on the practice standards; and supporting supervision and evaluation of said attorneys against such practice standards. **\*\*Pending Removal\*\***

**Status**

The MOA requires the County to support the Public Defender’s Office in its responsibility for the supervision and oversight of juvenile delinquency representation and to support the establishment of a specialized unit for juvenile defense. Attached is a report that shows a breakdown of representation by the Juvenile Defender Panel and the Public Defender for 2017. The complaints handled by the Public Defender have steadily increased as shown below:

<b>Year</b>	<b>% complaints represented by Public Defender</b>
2014	19%
2015	30%
2016	53%
2017	62%

**Comments**

Following issuance of the Executive Order by the County Mayor which provided assurances of freedom from political influence and operational independence, it is incumbent on the Public Defender to move forward in implementing the operational items proposed in the "Blueprint to Achieve Compliance in Juvenile Defender Services" which was submitted on August 15, 2016. Recommendations in the Blueprint include:

1. Establish Adequate Assurances, including a term of service, to protect the Chief Public Defender from political influence
2. Establish operational independence by:
  - Allowing the PD to advocate for funding and participate fully in state/local budget proceedings
  - Reorganize the PD Division for service delivery consistent with the ABA Ten Principles
  - Establish business rules that govern administration of public defense revenue sources
  - Insure the PD can manage all operations and functions in a manner that meets ethical obligations
3. Increase Public Defender capacity to provide direct representation

We now must assume that the Public Defender’s Office is fully operational under The Blueprint, as all of these items have been operationalized and are ongoing. The one remaining recommendation of the Chief Public Defender is to bring his salary up to pay parity with the State Public Defender’s Conference and the Mayor has agreed to do this in September 1, 2018.

**Due Process**

**1. Policies and Procedures**

*(e) Juvenile Defenders*

- (ii) Within one year of the Effective Date, JCMSC shall take action to ensure independent, ethical, and zealous advocacy by the juvenile defenders representing Children in delinquency hearings. This action shall include: **(MOA p. 15)**
  - a. Appointing juvenile defenders to represent children at Detention Hearings and Probable Cause

Determinations as early as possible, including immediately after intake staff completes required paperwork where possible;

- b. Establishing a juvenile defender panel system, overseen by an independent body, to handle any delinquency cases that either pose a conflict for the specialized unit for juvenile defense or would cause the juvenile unit to breach workload restrictions required by this Agreement;
- c. Supporting the promulgation and adoption of attorney practice standards for juvenile defenders; supporting the training of attorneys within the SCPD specialized unit and the independent panel system on the practice standards; and supporting supervision and evaluation of said attorneys against such practice standards; and
- d. Ensuring that juvenile defenders have a confidential meeting space to confer with their clients within the Facility.

### **Comments**

The Public Defender's Juvenile unit continues to provide representation to youth and now handles the majority of cases and all non-conflict cases. In addition, the Public Defender has a Transfer Unit to handle the transfer cases and hearings. The Panel Attorney handles conflict cases randomly by software and administered by the Panel Coordinator as such, the court has done all that it can do subject to TN State Law; and these items should now be in Substantial Compliance.

### **Due Process**

#### **1. Policies and Procedures**

##### *(f) Plea Colloquies – Terminated*

**(i) Terminated**

**(ii) Terminated**

- a. Terminated**
- b. Terminated**
- c. Terminated**
- d. Terminated**

**(iii) Terminated**

##### *(g) Restitution Guidelines- Terminated*

**(i) Terminated**

**(ii) Terminated**

- a. Terminated**
- b. Terminated**
- c. Terminated**

*(h) Bond-Setting Guidelines- Terminated*

**(i) Terminated**

**(ii) Terminated**

- a. **Terminated**
- b. **Terminated**
- c. **Terminated**
- d. **Terminated**

*(i) Confidentiality of Juvenile Delinquency Proceedings- Terminated*

**(i) Terminated**

**(ii) Terminated**

*(j) Language Access Plan- Terminated*

**(i) Terminated**

**(ii) Terminated**

*(k) Treatment of Witnesses- Terminated*

**(i) Terminated**

**a. Terminated**

**b. Terminated**

*(l) Judicial Bench Cards- Terminated*

**(i) Terminated**

**(ii) Terminated**

**(iii) Terminated**

**a. Terminated**

**b. Terminated**

**c. Terminated**

**d. Terminated**

**e. Terminated**

**f. Terminated**

*(m) Written Findings- Terminated*

**(i) Terminated**

**(ii) Terminated**

*(n) Recordings of Juvenile Delinquency Hearings- Terminated*

- (i) **Terminated**
- (ii) **Terminated**
- (iii) **Terminated**
- (iv) **Terminated**

## **Due Process**

### **2. Training- Terminated**

(a) **Terminated**

(b) **Terminated**

- (i) **Terminated**
- (ii) **Terminated**
- (iii) **Terminated**
- (iv) **Terminated**
- (v) **Terminated**
- (vi) **Terminated**
- (vii) **Terminated**

(c) **Terminated**

## **DMC and Equal Protection**

In July 2016, Equal Protection Monitor Dr. Michael Leiber conducted his first technical assistance visit at the Court to develop a focused approach to addressing DMC issues with Court staff. Following that visit, Juvenile Court CAO Pam Skelton organized a Strategic Planning Committee to develop new and/or updated approaches to address DMC and Equal Protection issues. Ms. Skelton has convened regular meetings of the Strategic Planning Committee since that. Each and every suggestion made by Dr. Leiber at that visit and since has been implemented by the Court including changes he requested to the Detention Assessment Tool (DAT). His second technical assistance visit was held on February 21, 2018 to discuss issues with the DAT, including assessments of the tool on a monthly basis & creating a separate category for “mandatory” detention per Tennessee State law. All the items have or will also be implemented.

### **1. DMC Assessment**

(a) *Data*

- (i) Within six months of the Effective Date, JCMSC shall identify all data collection needs to engage in a thorough evaluation of DMC at each major Decision Point along the stages of juvenile justice. (MOA p. 21)

## **Status**

Data is and continues to be available at each decision point. All data is reviewed by the DMC Coordinator and the Data/Research Analyst, who share it with other staff regularly. This item has reached Substantial Compliance per the October 2017 Equal Protection Monitor.



## **DMC and Equal Protection**

### *1. DMC Assessment*

- (b) Within nine months of the Effective Date, JCMSC shall augment the appropriate data collection method to assist in its evaluation of its DMC levels, causes, and reduction. The method shall include an assessment of the following areas within JCMSC and Shelby County related to comparisons of white and African-American children, as well as any additional population groups which constitute five percent or more of the juveniles referred to JCMSC in the preceding year: **(MOA p. 21)**
- (i) Relative rate index for each Decision Point, including, but not limited to, pre-adjudication detention, diversion , and transfers;
  - (ii) A comparison of JCMSC, the County's, and the State's RRI with the national RRI data;
  - (iii) Referring agencies, types of offenses referred by each particular agency; offense severity referred by the agency; and resources offered to Children within the referring agency' s jurisdiction;
  - (iv) Number of Children in detention over a set period of time, their risk assessment scores, the component parts of their risk assessment scores, the recommended actions from their risk assessment scores, their social factors, whether they were placed in alternative programs, and the outcomes of those alternative programs;
  - (v) Available diversion options for Children appearing before JCMSC. This shall account for the options available in different geographic regions of the County; and
  - (vi) Number of youth formally considered for transfer to adult court and the number actually certified for transfer.

### **Status**

All items above have been completed in this section and, in particular, the State & National RRI data were discussed at the October 2017 visit. This item is now in Substantial Compliance.

## **DMC and Equal Protection**

### *1. DMC Assessment*

- (c) Within six months of the Effective Date, JCMSC shall identify staffing needs to collect, evaluate, and report DMC data as required by this Agreement. JCMSC shall assign additional staff required within nine months. **(MOA p. 22)**

### **Status**

This area is now in Substantial Compliance. Dr. Aimee Burgdorf continues her work in this area as the Data/Research Analyst and continues to take the lead with enthusiasm in approaching this work. After one more successful visit in April 2018, this item will be ready for termination from the MOA.

### *1. DMC Assessment*

(d) **Terminated**

**DMC and Equal Protection**

*1. DMC Assessment*

- (e) Within six months of the Effective Date, JCMSC shall also identify and designate a point of contact ("POC") within each department responsible for delinquency matters before the court - including, but not limited to, probation, detention, and the Juvenile Court Magistrates - to report on and evaluate the department's DMC reduction efforts. **(MOA p. 22)**

**Status**

The Point of Contact (POC) process was replaced with the Strategic Planning Committee convened by Pam Skelton, which serves a similar purpose, meets regularly and has been successful in targeting DMC at different points. The decision to discontinue the POC process and reports was made in consultation with Equal Protection Monitor Dr. Mike Leiber at his last report in September 2016. Due to the ongoing efforts and success of the Strategic Planning Committee, the Equal Protection monitor moved this provision into Substantial Compliance in 2017.

- (f) JCMSC shall collect data and information required by this Agreement to determine where DMC occurs. This collection effort shall begin within nine months of the Effective Date. In particular, JCMSC shall determine the specific Decision Points where DMC occurs. This shall include geographic regions, referring agency (including individual schools) and the Decision Points noted in the DOJ Report of Findings, namely, detention, alternatives to detention, and transfer recommendations. An analysis of this data shall be conducted on an annual basis. **(MOA p. 22)**

**Status**

As stated in the last report, this portion of the MOA requires the Court to determine the specific Decision Points where DMC occurs. Information from Juvenile Court and from Dr. Leiber's Assessment Reports provides ample information about where DMC occurs. Data collection has not been an issue, and as such, this item is ready to be brought into Substantial Compliance.

**DMC and Equal Protection**

*1. DMC Assessment*

- (g) Within six months of the Effective Date, JCMSC shall assess the impact of its current policies, procedures, and programs on DMC levels at each Decision Point. JCMSC shall conduct an inventory of the available services and diversion options by race, ethnicity, and geographic region. The inventory shall measure, at minimum, the availability of family therapy, parent training, cognitive-behavioral treatment, mentoring, academic skills enhancement, afterschool recreation, vocational/job training, and wraparound services. This assessment shall include an analysis of JCMSC's current agreements with law enforcement, schools, social services agencies, and the cities and towns within Shelby County. **(MOA p. 22)**

**Status**

This section requires an assessment and an inventory of available services and diversion options. A host of documents were submitted and included in the 2nd Compliance Report dated September 23, 2013 which addressed the inventory. However, in 2017, the Court evaluated both in- house and outside programs that are used as diversion options. Program logic models have been developed to guide the monitoring and assessment of

the programs as the Court moves forward. Policies and procedures associated with each of “in-house” programs have been reviewed through the use of a “program/policy” report card and recommendations have been made to the appropriate program administrators. Likewise, an analysis of the Court’s current agreements with law enforcement is done monthly through the examination of LEAP reports, status reports to MPD, and quarterly meetings with MPD. Analysis of the Court’s agreements with the schools, social service agencies and the cities/ towns within Shelby County is currently underway and is an ongoing process. The Court has made these assessments a part of the overall DMC Strategy and as such believes that this provision has reached Substantial Compliance.

## **DMC and Equal Protection**

### *1. DMC Assessment*

- (h) Within nine months of the Effective Date, JCMSC shall complete and implement its strategic plan to reduce DMC. A committee shall be formed to oversee the execution of the strategic plan. The committee shall consider further development of diversion programs including community service, informal hearings, family group conferences, victim impact panels, victim= offender mediation, mentoring, teen courts, restitution, and other restorative justice strategies. The committee shall recommend changes to the plan based on experience of success or failures in implementation. **(MOA p. 23)**

### **Status**

Lisa Hill, Shelby County DMC Coordinator, submitted a Strategic Plan to Reduce DMC on December 16, 2013. The plan was revised late 2015 with the assistance of the Court’s DMC Coordinator, and submitted with prior reports. A portion of the plan was dependent upon the success of the Points of Contact Committee which had difficulty finding steady ground. Therefore, the POC Committee was replaced in 2016 with the Strategic Planning Committee being led by Court CAO Pamela Skelton. Since the Strategic Planning Committee’s inception, the Court has experienced positive movement. The committee is currently using OJJDP’s Strategy for Reducing DMC as its model moving forward. The EP monitor moved this provision into Substantial Compliance at the October 2017 visit.

## **DMC and Equal Protection**

### *2. Policies and Procedures*

- (a) Within six months of the Effective Date, JCMSC shall revise its policies, procedures, practices, and existing agreements to reduce DMC at each Decision Point along the stages of juvenile justice and to encourage objective decision-making in all departments relating to its delinquency docket. **(MOA p. 23)**
- (b) JCMSC's revision of its policies, procedures, practices, and existing agreements shall include the following: **(MOA p. 23)**
  - (i) Collection of data sufficient to evaluate whether the relevant policy, procedure, practice, or agreement results in DMC reduction;
  - (ii) A provision requiring the least restrictive options and alternatives to a detention setting to ensure DMC reductions;

- (iii) Guidelines expressly identifying a list of infractions and reasons for which a Child may not be detained. This list shall prohibit detention for punishment, treatment, to meet the demands of the community, the police, a victim, or school administrators, to provide convenient access to the Child, to arrange for services, to satisfy the demands of the Child's parent(s) or guardian(s), or to facilitate the interrogation of the Child or investigation of the offense;
- (iv) Guidelines expressly identifying the reasons for which a Child may be detained. This list shall include the requirement that the Juvenile Court Magistrates make a determination that there is probable cause to believe that the Child has committed a delinquent offense for which he or she may be detained;
- (v) Training and guidance on the use of existing and new objective decision-making tools; and
- (vi) A requirement that a supervisory authority review all overrides within each department on, at minimum, a monthly basis.

**Status**

The Court continues to progress in the utilization of objective decision making tools. The Detention Assessment Tool (DAT) has long been in use by Detention to insure objectivity in the detention decision; and DAT3 was implemented on February 1, 2017, pursuant to suggestions from Dr. Leiber. The process to assess and modify the DAT continues. The DAT validation report completed by the University of Memphis showed the DAT was effective in identifying which youth could be safely released into the community. 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; therefore, these provisions are ready to be moved into Substantial Compliance.

**DMC and Equal Protection**

*2. Policies and Procedures*

- (c) JCMSC shall reassess the effectiveness of its policies, procedures, practices, and existing agreements annually. JCMSC shall make necessary revisions to increase the effectiveness of JCMSC's DMC reduction efforts within the County. **(MOA p. 24)**

**Status**

As previously mentioned, the Court has recently performed multiple evaluations and assessments. The DMC reduction model that was adopted requires regular monitoring to ensure that necessary revisions to increase effectiveness are performed. The Court is committed to all phases of the process (identification, assessment, intervention, evaluation, and monitoring) and all results will be shared with the appropriate administrators. This provision is ready to be moved into Substantial Compliance.

**DMC and Equal Protection**

*3. DMC Reduction: Evaluation and Tools*

- (a) Within nine months of the Effective Date, JCMSC shall commence use of objective decision-

making tools to assess necessary court services for Children, including, but not limited to, alternatives to detention, referrals for social services, and prevention and early intervention services. This requirement may not replace the necessary steps to ensure compliance with due process described in the above Section. **(MOA p. 24)**

### **Status**

The DAT, YASI and Graduated Response Grid are among the objective decision and risk assessment tools used by the Court. The Grid has been reworked and is currently being validated as stated above. The DAT was revised (February 1, 2017) pursuant to Dr. Leiber's suggestions and technical assistance on new and additional changes was held on February 21, 2018. The Court continues to assess and re-assess its tools and programs, and has implemented each and every one of the EP Monitor's requirements, & suggestions. This provision now meets Substantial Compliance, along with the evaluation tools and subsections below.

### **DMC and Equal Protection**

#### *3. DMC Reduction: Evaluation and Tools*

- (b) Within nine months of the Effective Date, JCMSC shall refine its objective decision-making tools for determining whether pre-adjudication detention is necessary for a particular Child. In addition to due process considerations outlined above, JCMSC shall expressly identify a list of reasons for which a Child may not be detained. This list shall include, but is not limited to: punishment; treatment; meeting the demands of the community, the police, a victim, or school administrators; providing convenient access to the Child; arranging services for the Child; satisfying the demands of the Child's parent(s) or guardian(s); or facilitating the interrogation of the Child or investigation of the offense. **(MOA p. 24)**

### **Status**

See comments in the section above, along with the fact that the Court continues to work with its full-time expeditor who constantly reviews and monitors children in detention and pushes for alternatives when warranted.

### **DMC and Equal Protection**

#### *3. DMC Reduction: Evaluation and Tools*

- (c) Within nine months of the Effective Date, JCMSC shall implement a pilot program allowing law enforcement to phone in information about a recently arrested youth, which could lead to more youth being released with a summons and fewer transports by law enforcement to JCMSC. **(MOA p. 24)**

### **Status**

This program is known as LEAP (Law Enforcement Assessment Program) and it began in December 2014. The Court has entered into Memoranda of Understanding (MOUs) with all but one (1) law enforcement agency in the County. The Court DMC Coordinator has led the charge in this area by teaching a course with others at the MPD Training Academy, and by recently getting the MPD Director monthly reports on the LEAP data which shows the numbers of call-ins. This sharing of information should be very beneficial as we move forward knowing that 85% of all transports to the Court are from the City of Memphis. The Court has done all that has been required & is in Substantial Compliance on this provision.

## **DMC and Equal Protection**

### *3. DMC Reduction: Evaluation and Tools*

- (d) Within nine months of the Effective Date, JCMSC shall develop objective tools for providing pre- and post-adjudication alternatives to secure detention, probation recommendations (including initial placement, technical violations, and the level of supervision), and transfer recommendations. To assist with the expansion of services, JCMSC shall partner with other County departments and agencies as necessary to increase access to direct services within the community (including the implementation of a pilot diversion program). JCMSC shall use the inventory of the available services and diversion options by race, ethnicity, and geographic region to inform its decision to provide or expand the required services. In particular, JCMSC shall assess the availability of house arrest, day/evening treatment centers, intensive probation, shelter care, specialized foster care, and attendant or holdover care. **(MOA p. 24)**

### **Status**

The Court continues to be involved in the creation and development of a number of programs including the Juvenile Court Precinct Liaison Initiative (JCPL) and the School Based Probation Liaison (SBPL). The Court worked closely with the University of Tennessee Health Sciences Center, the University of Memphis, and the Urban Child Institute to develop a resource/services manual that was mapped by zip code, so that families can be referred to services located in their neighborhoods. In addition, the Court continues to work closely with JDAI to seek detention alternatives and potential local resources. The Court has met all requirements here and is in Substantial Compliance.

## **DMC and Equal Protection**

### *3. DMC Reduction: Evaluation and Tools*

- (e) Within nine months of the Effective Date, JCMSC shall develop and implement a process to statistically review all transfer recommendations. The objective measure and the Transfer Hearing bench card (referenced in the due process section above) shall be evaluated to determine if there are any patterns contributing to DMC in transfer recommendations, identify the departments and particular decision-makers contributing to DMC in transfer recommendations, and develop an action plan for eliminating the pattern and reducing the factors contributing to DMC in transfer recommendations. **(MOA p. 25)**

### **Status**

This process is in place and review has been ongoing. While discussions with the prosecutor are open and continue, the Notice of Transfers are filed by the District Attorney General's Office in her sole discretion. We know of nothing else that can be done by the Court at this time; the Court has met all requirements and is in Substantial Compliance.

## **DMC and Equal Protection**

### *3. DMC Reduction: Evaluation and Tools*

- (f) Within nine months of the Effective Date, JCMSC shall begin implementing the revised data collection mechanism to assist in its continued evaluation of DMC levels, causes, and reduction. **(MOA p. 25)**

**Status**

There cannot be any doubt that the Court collects data timely and appropriately and consistently uses this data to evaluate DMC. The DMC Coordinator & Research Specialist work together on pulling, assessing and reviewing the data constantly. Their reviews and assessments are shared constantly with staff. The Court has met all requirements & is in Substantial Compliance.

**DMC and Equal Protection**

*3. DMC Reduction: Evaluation and Tools*

- (g) Within nine months of the Effective Date, each designated DMC point of contact shall begin to use the department's data to evaluate the following on a monthly basis: **(MOA p. 25)**
  - (i) The relative rate index relating to the department's area of review;
  - (ii) A review of overrides using the objective factors developed for the department, including whether permissible overrides should be revised;
  - (iii) A review of the number of Children detained, in part, due to the department's actions;
  - (iv) A review of any explanations of such detention actions;
  - (v) A review of the number of Children offered non-judicial options by the department; and
  - (vi) A review of the effectiveness of the decision-making tools developed to ensure that decisions are not based on a Child's race or proxies for a Child's race or ethnicity.

Each month, the designated DMC point of contact shall provide a management report to the department head and to the Judge identifying conduct or decision-making that increases DMC or frustrates efforts to reduce DMC. The DMC point of contact, department head, and Judge shall address these concerns. The DMC point of contact shall ensure that suggestions for addressing inconsistencies and overrides are communicated to the responsible JCMSC employee. **(MOA p. 25)**

**Status**

The POC reports have been replaced with updates and memoranda from the Strategic Planning Committee, which meets every 3 weeks and has done so since Dr. Leiber's TA visit in 2016. The Court has completed all requirements and is in Substantial Compliance.

**DMC and Equal Protection**

*3. DMC Reduction: Evaluation and Tools*

- (h) On an annual basis, JCMSC shall evaluate and revise all objective decision-making tools listed above to minimize the extent, if any, to which the tool uses racial or ethnic differences (or proxies for racial and ethnic differences) as a basis for decision-making. **(MOA p. 26)**

**Status**

The number of objective tools being used has increased as discussed above. The DAT has been validated, and the Graduated Response Grid is in the process of being validated. The Court continues to work toward substantial compliance on this item & has implemented all suggestions and requests of the Equal Protection Monitor.

**DMC and Equal Protection**

*4. Training*

- (a) Within one year of the Effective Date, JCMSC shall provide all staff involved in any fashion in its delinquency docket with a minimum of sixteen hours of training on DMC in the juvenile justice system. The training shall emphasize the role of the Court, Juvenile Court Magistrates, probation, detention, and other Court personnel in reducing DMC in the juvenile justice process. The training shall include an interactive component with sample cases, responses, feedback, and testing to ensure retention. Training for all new staff shall be provided biannually. The training shall also address: **(MOA p. 26)**
  - (i) Understanding the potential causes of DMC, including, but not limited to, institutional resources, individual decision-making, differential handling of Children based on race or ethnicity, programming options, availability of prevention and treatment options, and eligibility criteria for court services;
  - (ii) Using data collection methods to inform DMC reduction progress;
  - (iii) Understanding how bias - implicit or explicit - may impact the decision-making process;
  - (iv) Evaluating the availability of programs and services that take into account community resources;
  - (v) Using decision-making tools in a fair manner and evaluating any decision to override objective outcomes;
  - (vi) Understanding the importance of community engagement and awareness of racial or ethnic disparities in the treatment of Children appearing before the Court; and
  - (vii) Understanding the Court's oversight role on community issues impacting juvenile justice.
- (b) JCMSC shall ensure that all staff involved in any fashion in the delinquency docket shall complete a minimum of four hours of refresher training on an annual basis. This refresher training shall include updates related to JCMSC's challenges and progress in reducing DMC over the prior year. **(MOA p. 27)**

**Status**

The Court continues to provide extensive staff training and is constantly looking for new training opportunities. Dr. Leiber stated in his last report that the Court is to be “commended for their effort in this regard” and these



items were moved up to Substantial Compliance.

**\*\*The following items should be removed after a successful April 2018 visit\*\***

*DMC and Equal Protection-DMC Assessment*

1. *III- B.1.(c)*
2. *III-B.4.(a) & (b)*

*5. Community Outreach*

- A. Within six months of the Effective Date, JCMSC shall develop and implement a community outreach program to keep the community informed about the progress of its reforms. The community outreach program shall include a process for updating and receiving input from a countywide juvenile justice consortium comprised of the Memphis/Shelby Juvenile Justice Board and other key stakeholders, including, but not limited to, six to nine citizens selected by the Mayor and approved by the County Commission who are reflective of the cultural and ethnic diversity of the County; to include no less than two parents of children who have had delinquency matters before JCMSC; a person under the age of twenty-one (21) who has had direct contact with the juvenile justice system; and community advocates. **(MOA p. 33)**
- B. The community outreach program shall require at least one open meeting every six months for the first three (3) years of this Agreement and at least one time annually thereafter. The open meetings shall inform the public about the requirements of this Agreement, discuss JCMSC's progress in each substantive area of the Agreement, and address community concerns related to the fair administration of juvenile justice. The meetings shall be held in a location with easy access to public transportation. At least one week before the open meetings, JCMSC shall widely publicize the meetings using print media, radio, and the internet. **(MOA p. 33)**
- C. The community outreach meetings shall include summaries of reports completed pursuant to this Agreement during the period immediately prior to the meeting and inform the public of any policy changes or other significant actions taken as a result of this Agreement. **(MOA p. 33)**
- D. **Terminated**
- E. The community outreach program shall include a data dashboard that directly communicates JCMSC's compliance with the provisions of this Agreement. The data dashboard shall present a snapshot of JCMSC's progress toward complying with the due process, equal protection, and protection from harm goals identified in the Agreement. JCMSC shall ensure that the data dashboard is available on a publicly accessible website that is updated on a monthly basis at minimum. **(MOA p. 34)**

**Status**

The County-wide Juvenile Justice Consortium (CJJC) has continued 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 under these subsections is the Consortium piece, and the Court continues the work with them. This provision should be in Substantial Compliance.

### **Community Outreach**

- F. Within one year of the Effective Date, JCMSC shall conduct, or retain an individual or entity approved by the DOJ with expertise in social science research and statistics to conduct, a representative survey of members of the Shelby County community regarding their experiences with and perceptions of JCMSC. The community survey shall be conducted annually until the termination of this Agreement. The individual or entity conducting the annual community survey shall: **(MOA p. 34)**
1. Develop a baseline of measures on public satisfaction with JCMSC, attitudes among court personnel, and the quality of encounters with the court by Children and their families;
  2. Conduct baseline surveys of County residents, JCMSC personnel, and Children appearing before JCMSC on delinquency matters, and follow-up surveys on at least an annual basis; and
  3. Ensure that the community surveys are designed to capture the opinions of community members in each demographic group and geographic region of Shelby County.

### **Status**

In 2012, the Court put in a request for funding for the Community Survey to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) but did not receive it until 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, after work proceeded for more than a year. No data or findings have yet to be reported to the Court. The Court cooperated fully and has nothing remaining on its part to get this survey completed. This Provision should be upgraded to Substantial Compliance.

**~~\*\*The following items should be removed after a successful April 2018 visit\*\*~~**

### **~~*DMC and Equal Protection-Community Outreach*~~**

- ~~1. *IV-B*~~
- ~~2. *IV-C*~~
- ~~3. *IV-E*~~

## Protection from Harm/Detention

The original agreement between Shelby County and the DOJ in 2012 contains a total of 41 provisions including subparts.

Compliance=C      Substantial Compliance=SC.      Partial Compliance=PC

### As of October 2017

<b>Terminated</b>	<b>10</b>
<b>Request to terminate pending</b>	<b>16</b>
<b>In position to terminate after April visit</b>	<b>2</b>
<b>Additional visits needed</b>	<b>13 (12 are currently in compliance)</b>

### Provisions Needing Additional Visits after April 2018

**Use of Force:** (1) (c) Policies/Procedures/Practices. All 10 elements are C or SC.  
(1) (d) Reviews. 1 element and it is C.

**Suicide Prevention:** 0

**Training:** 0

**Metrics:** (4) (a) (i) Review of uses of force/corrective action.  
**The 1 element and is SC.**  
(4) (a) (ii) Review of the effectiveness of Suicide Plan.  
**The 1 element and is PC.**

### Addressing Concerns

**Increased Population/Aging Facility:** Discussion underway for a larger/better designed facility to house all juveniles in Shelby County Sheriff's Office custody.

**Use of Force:** Dramatic reduction due to increased training and programming, focusing on a Positive Behavior Management System that incentivizes good behavior by youth and provides \ strategies for staff for better communication.

Reviews are conducted internally by highest level commanders after each use of force, including reviews with involved staff, and reviewed monthly externally.

**Isolation/Room confinement:** Dramatic reduction, often no instances for months, for the same reasons as the decline in force uses.

**Suicide Prevention:** No youth has committed suicide in facility. National expert Lindsey Hayes assessed facility in 2012. All Hayes' recommendations for training and policies are followed. Jason Foundation Institute training provided to all Court & Detention/Medical staff in December 2017.

**Metrics:** In 2012, entries were manual and there was concern that the validity of the entries could not be confirmed as they could be altered. Subsequently, Juvenile Court implemented an electronic program,

with oversight and input of the facility monitor. The system far exceeded his requests. That program will not permit changes to original entries, and allows for verification.

### **Major Accomplishments**

- Implementation of Positive Behavior Management System, following site visit to Amarillo, Texas Youth Center
- Reduction in uses of force, isolation/room confinement, assaults
- Mark Soler is referring other agencies to JDS to discuss how to reduce room confinement
- Well documented suicide precaution decisions
- Round the clock medical and mental health care
- Implementation of assessment and report by national suicide expert Lindsey Hayes
- Implementation of state of the art self-validating electronic data program (approved by 1<sup>st</sup> facility consultant Dr. David Roush)
- Youth have seconds at meals and healthy snacks
- Increased educational opportunities, counseling staff, detention staff, and therapeutic programs so youth are busy.
- Youth have books in rooms
- Increased educational opportunities as well as general and therapeutic programming opportunities
- Increased volunteers
- Baptisms at the request of the youth with a parent present

Juvenile Detention Services (“JDS”) has been under the control of the Shelby County Sheriff’s Office since July 2015. The partnership between the Sheriff’s Office, the Court, the medical provider, and technical assistance has reaped many tangible benefits, including the dramatic reductions in the use of force and isolation/room confinement. The reductions are the result of: a more fully developed Positive Behavior Management System (“PBMS”), a more thoughtful utilization of room confinement, and meticulous documentation of the actual times of room confinement, particularly in connection with suicide precautions. Pursuant to a recent recommendation, Sgt. Michelle Hunt will focus her full time and attention on PBMS. Staff and youth continue to interact in small groups several times day. This allows staff to more quickly note and respond to youth who are troubled and youth to feel more connected with staff. The medical provider, Correct Care Solutions, (“CCS”) has provided more thorough documentation of the reasons for placing youth on suicide precautions. CAO Steve Leech continues active engagement with JDS Leadership. A multi-disciplinary review team meets monthly to review the month’s suicide precautions, room confinement, and each use of force, including videos. That review is in addition to the reviews by JDS leadership following each use of force.

The most recent technical assistance has been provided by the Jason Foundation, which trained all JDS and CCS personnel in suicide prevention.

The staff analysis assists JDS leadership as the juvenile population increases. Five Corrections

Deputies have recently been assigned to JDS. The Sheriff ensures that every new Correctional Officer recruit has been trained to work at JDS and there is a growing pool of qualified staff to draw upon.

Youth are being educated and treated therapeutically with the services of the Shelby County School's Hope Academy, the JDS Juvenile Manager and counselors, CCS mental health staff, and volunteers. Youth are busy with classes, tutors, and projects. The status of the provisions below in bold reflects the status pursuant to the DOJ reports.

### **USE OF FORCE**

#### 1. Use of Force (a) Restraint chair/pressure point

**Status: Terminated**

(b) Within six months of the Effective Date, the Facility shall analyze the methods that staff uses to control Children who pose a danger to themselves or others. The Facility shall ensure that all methods used in these situations comply with the use of force and mental health provisions in this Agreement. **(MOA p. 28)**

**Status: This provision is in Substantial Compliance.** This is accomplished by multiple reviews.

(c) Within six months of the Effective Date, JCMSC shall ensure that the Facility's use of force policies, procedures, and practices: **(MOA p. 28)**

**Status: All ten (10) subparts are in Compliance/Substantial Compliance.**

- (i) Ensure that staff use the least amount of force appropriate to the harm posed by the Child to stabilize the situation and protect the safety of the involved Child or others;
- (ii) Prohibit the use of unapproved forms of physical restraint and seclusion;
- (iii) Require that restraint and seclusion only be used in those circumstances where the Child poses an immediate danger to self or others and when less restrictive means have been properly, but unsuccessfully, attempted;
- (iv) Require the prompt and thorough documentation and reporting of all incidents, including allegations of abuse, uses of force, staff misconduct, sexual misconduct between children, child on child violence, and other incidents at the discretion of the Administrator, or his/her designee;
- (v) Limit force to situations where the Facility has attempted, and exhausted, a hierarchy of pro-active non-physical alternatives;
- (vi) Require that any attempt at non-physical alternatives be documented in a Child's file;

- (vii) Ensure that staff are held accountable for excessive and unpermitted force;
- (viii) Within nine months of the Effective Date ensure that Children who have been subjected to force or restraint are evaluated by medical staff immediately following the incident regardless of whether there is a visible injury or the Child denies any injury;
- (ix) Require mandatory reporting of all child abuse in accordance with Tenn. Code. Ann. § 37-1-403; and
- (x) Require formal review of all uses of force and allegations of abuse, to determine whether staff acted appropriately.

**Comments:** All 10 subparts are in compliance/substantial compliance. Uses of force and room confinement have dropped dramatically. Staff is routinely using non-physical alternatives. The facility had previously recorded Suicide Precaution by hours from initiation until release, thereby allowing the suggestion that they had been in the rooms during that time when, in fact, they were frequently only in their rooms to sleep. This method of reporting has been changed to accurately reflect the time youth are confined. Each use of force is reviewed and critiqued by JDS leadership, including Assistant Chief Fields, Chief Inspector Bridgeforth (who is also Chief Fields' designee), and staff. In addition to the reviews that follow each use of force, a multi-disciplinary review team meets monthly to review documents and video.

(d) Each month, the Administrator, or his or her designee, shall review all incidents involving force to ensure that all uses of force and reports on uses of force were done in accordance with this Agreement. The Administrator shall also ensure that appropriate disciplinary action is initiated against any staff member who fails to comply with the use of force policy. The Administrator or designee shall identify any training needs and debrief staff on how to avoid similar incidents through de-escalation. The Administrator shall also discuss the wrongful conduct with the staff and the appropriate response that was required in the circumstance. To satisfy the terms of this provision, the Administrator, or his or her designee, shall be fully trained in use of force. **(MOA p. 29)**

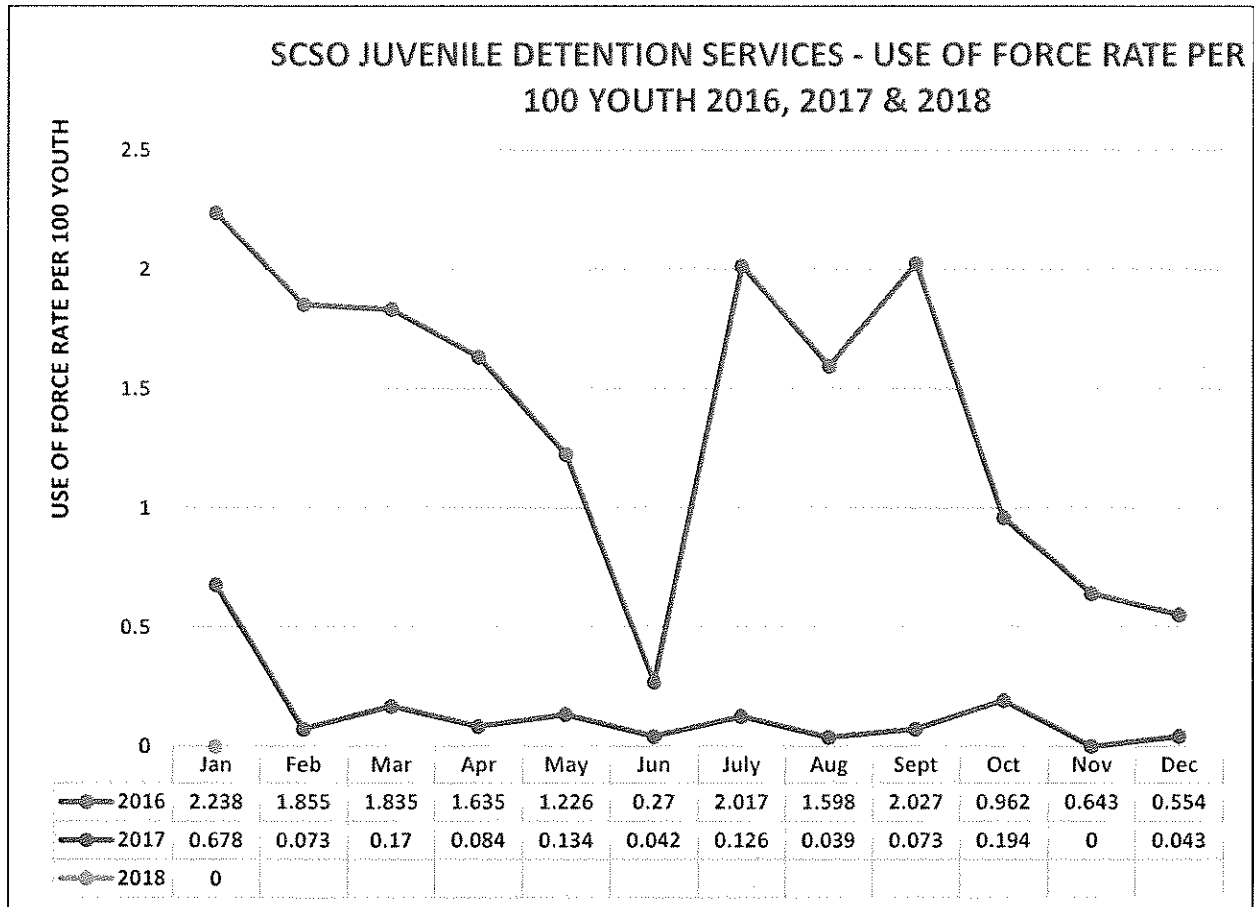
**Status:** This provision is in **Compliance**. JDS staff is fully trained in the use of force appropriate for youth. In addition to the immediate reviews with corrective action as needed, the focus of the multi-disciplinary review team is to ensure compliance, corrective/disciplinary action as needed, identify training needs, and to work with staff to ensure appropriate responses.

**Comments:** Verbal skills are replacing uses of force, as verified by the sustained decline in the number and rates of use of force. Declines also continue in injuries to youth by other youth, the number of assaults, and the use of physical and mechanical restraints. The data reflects significant progress, due to the expansion of PBMS, juvenile focused interactive training, and review meetings. Automation of data collection is complete and has streamlined operations. Captain Weichel continues to work closely with Shannon Caraway of the Court to insure the automation and validation efforts have been implemented.

The charts below reflect the improvements:

<b>TOTAL NUMBER OF USES OF FORCE PER YOUTH</b>				
Sept. 17	Oct. 17	Nov. 17	Dec. 17	Jan. 18
2	5	0	1	0
<b>USE OF FORCE RATE PER 100 YOUTH</b>				
0.073	0.194	0.00	0.043	0.00
<b>Total NUMBER OF QMHP Suicide Precaution Calls/Contacts</b>				
Sept. 17	Oct. 17	Nov. 17	Dec. 17	Jan. 18
5	4	4	5	8
<b>Rate Of QMHP Calls per 100 Youth</b>				
0.183	0.155	0.171	0.214	0.3
<b>Average Time On Suicide Precautions (In Hours)</b>				
5.00	0.00	0.00	10.58	11.57
<b>Use Of Room Confinement</b>				
Sept. 17	Oct. 17	Nov. 17	Dec. 17	Jan. 18
0.04	0.00	0.00	0.00	0.04
<b>Average Duration Of Room Confinement</b>				
35.00	0.00	0.00	0.00	43.24

<b>July 2017 – January 2018 Monthly Averages for Key Indicators</b>	
Total# Youth Admitted to Detention	600
<b>USE OF FORCE</b>	
Number of Bed Days (average per month)	2513
Total# of Use of Force (per month)	1.714
Use of Force rate per 100 youth	0.068
% of Times Hierarchy of Non-physical alternatives used	50.47%
<b>SAFETY AND ORDER</b>	
Sick/Injured/Care For youth per 100 days of confinement (non-assaultive)	0.034
Injuries to youths by other youth per 100 days	0.011
Assaults on youth per 100 days	0.450
Physical restraint use per 100 person days	0.068
Mechanical restraint use per 100 days	0.039
Use of room confinement per 100 days	0.011
Average duration of room confinement in hours	11.18



**Population:** The decreases are even more significant when the Average Daily Population has been rising. The staffing analysis is an invaluable resource for long-term and immediate planning. PBMS, coupled with daily, focused staff time with youth, additional counseling and educational opportunities, and a vibrant corps of volunteers have created a safe environment for youth and staff. Allowing youth to have seconds at meals, daily healthy snacks, and more access to books and art supplies have also contributed to their feeling of well-being. The Mayor, Juvenile Court Judge Michael, and Sheriff Oldham have been exploring a variety of options for an expanded detention facility. The Shelby County Commission’s facilities committee has been briefed publicly about the progress. The facility assessment provides guidance as all factors are weighed.

<b>AVERAGE DAILY POPULATION IN DETENTION</b>			
	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>JAN</b>	<b>80</b>	<b>95</b>	<b>85</b>
<b>FEB</b>	<b>84</b>	<b>97</b>	
<b>MAR</b>	<b>72</b>	<b>94</b>	
<b>APR</b>	<b>52</b>	<b>79</b>	
<b>MAY</b>	<b>60</b>	<b>72</b>	
<b>JUN</b>	<b>48</b>	<b>79</b>	



<b>JUL</b>	<b>44</b>	<b>77</b>	
<b>AUG</b>	<b>47</b>	<b>82</b>	
<b>SEP</b>	<b>60</b>	<b>91</b>	
<b>OCT</b>	<b>64</b>	<b>83</b>	
<b>NOV</b>	<b>72</b>	<b>77</b>	
<b>DEC</b>	<b>82</b>	<b>75</b>	
<b>AVERAGE DAILY POPULATION FOR THE YEAR</b>	<b>63.75</b>	<b>83.42</b>	

### SUICIDE PREVENTION

2. (a) Suicide Prevention. All 10 subparts are **\*PENDING REMOVAL.\*** There is a Termination request pending. Dr. Roush had found all 10 elements had been in Compliance from December 2014 through December 2016 (reports). Dr. Gloss lowered vii “levels of precautions” to Partial in his first report in June 2018 and reinstated it to Compliance in November 2018. In November 2018, he lowered screening (i) to Partial.

(a) Within 60 days of the Effective Date, JCMSC shall develop and implement comprehensive policies and procedures regarding suicide prevention and the appropriate management of suicidal Children. The policies and procedures shall incorporate the input from the Division of Clinical Services. The policies and procedures shall address, at minimum: **(MOA p. 29)**  
**\*PENDING REMOVAL\***

(i) Intake screening for suicide risk and other mental health concerns in a confidential environment by a qualified individual for the following: past or current suicidal ideation and/or attempts; prior mental health treatment; recent significant loss, such as the death of a family member or a close friend; history of mental health diagnosis or suicidal behavior by family members and/or close friends; and suicidal issues or mental health diagnosis during any prior confinement. **\*PENDING REMOVAL\***

(ii) Procedures for initiating and terminating precautions; **\*PENDING REMOVAL\***

(iii) Communication between direct care and mental health staff regarding Children on precautions, including a requirement that direct care staff notify mental health staff of any incident involving self-harm; **\*PENDING REMOVAL\***

(iv) Suicide risk assessment by the QMHP; **\*PENDING REMOVAL\***

(v) Housing and supervision requirements, including minimal intervals of supervision and

documentation; **\*PENDING REMOVAL\***

(vi) Interdisciplinary reviews of all serious suicide attempts or completed suicides; **\*PENDING REMOVAL\***

(vii) Multiple levels of precautions, each with increasing level of protection; **\*PENDING REMOVAL\***

(viii) Requirements for all annual in-service training, including annual mock drills for suicide attempts and competency-based instruction in the use of emergency equipment; **\*PENDING REMOVAL\***

(ix) Requirements for mortality and morbidity review; and **\*PENDING REMOVAL\***

(x) Requirements for regular assessment of the physical plant to determine and address any potential suicide risks. **\*PENDING REMOVAL\***

**Status: Pending removal.**

**Comments:** No child has ever committed suicide at the facility. JDS, CCS, and the Court continue to be proactive in this area, as evidenced by the entire group completing Jason Foundation suicide prevention training in December 2017. Before the MOA was signed in 2012, the Court had engaged national juvenile suicide expert Lindsay Hayes to assess the facility and had committed to ensure 24/7 medical care, including qualified mental health professionals. CCS began work in August 2013. Mr. Hays' recommendations have been implemented by the facility and CCS. Improvements have been made with guidance from health professionals in the Health Department, which provides oversight of the CCS contract. The Health Department conducts a monthly review of CCS contract compliance.

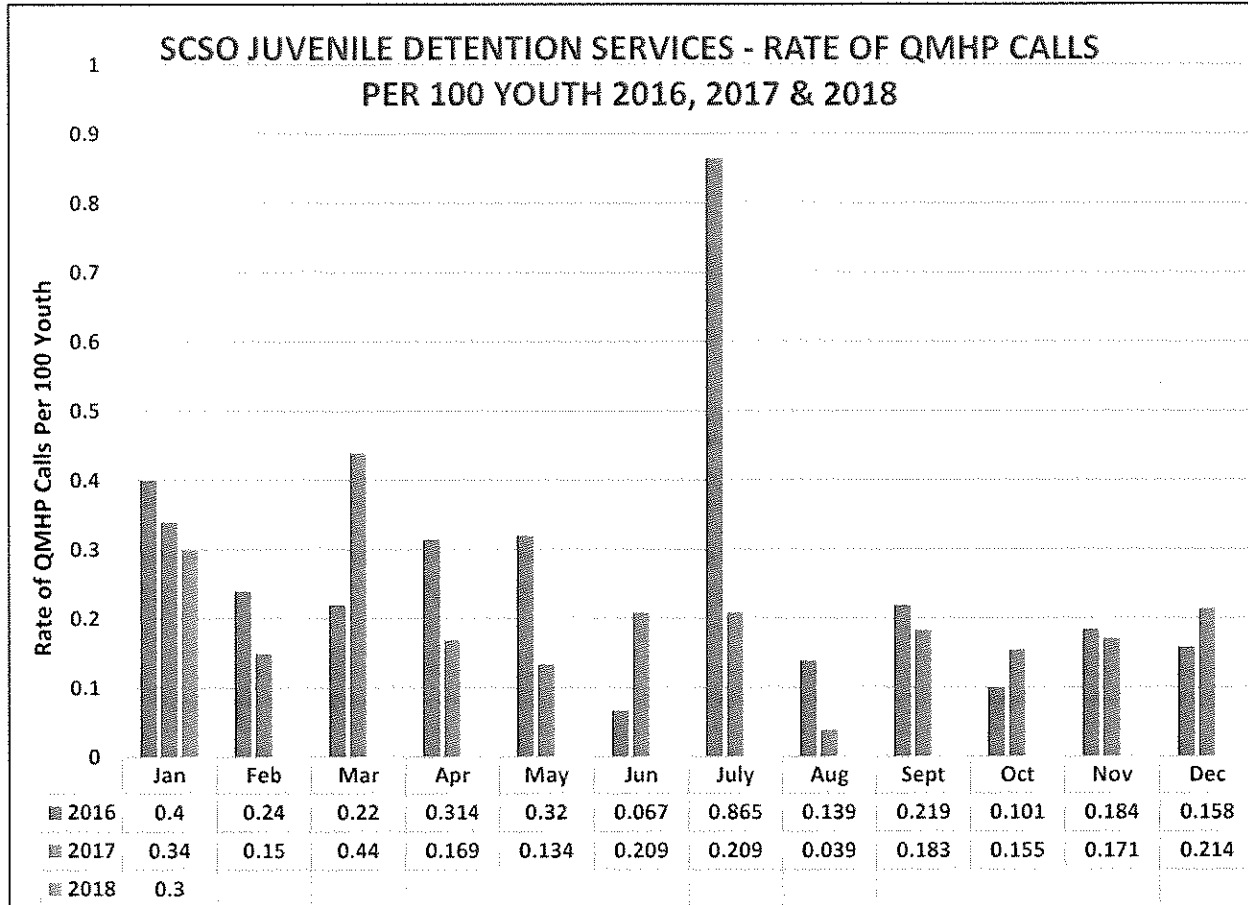
It is important to recognize that the vast majority of the youth who are in detention have been detained on allegations that could result in serious consequences. It is also very likely that many of these youth are suffering from childhood trauma and come from impoverished and possibly unstable families.

All provisions of Section 2 (a) of the MOA are now in Substantial Compliance, and with the exception of (i), which was lowered to partial compliance in the November 2017 report. That reduction was based on an unnamed/unknown "staff" "indicating" that the screening instrument was administered in a non-confidential environment. Detention and CCS leadership have given assurances that suicide risk screenings are **never** administered while youth are "standing against the wall by the elevator in the intake area" and the particular staff member was never identified by DOJ monitor Dr. Gloss who gave this information.

The multi-disciplinary review team (consisting of a CCS mental health provider, detention staff's top management team, and the Policy and Statutory Compliance Officer(s) and now a Health Department supervisory contract compliance officer) is committed to holding monthly meetings to 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.

The charts that follow reflect the improvements:

June 2017 - January 2018 Monthly Averages for Key Indicators	
Suicide Prevention	
Total# Youth Admitted to Detention	600
Rate of QMHP calls per 100 youth	0.182
Rate of youth on Suicide Precautions per 100 youth	0.176
Average Time on Suicide Precaution (in hours)	14.15



2. Suicide Prevention- (b) Suicide cut-down tools available

**Status: Terminated**

2. Suicide Prevention- (c) QMPH assessment within 24 hours of admission.

**Status: Terminated**

2. Suicide Prevention (d) QMPH Notification/information re: suicide precautions

**Status: Terminated**

- (e) JCMSC shall prohibit the routine isolation for Children on suicide precautions. Children on suicide precautions shall not be isolated unless specifically authorized by a QMHP. Any such isolation and its justification shall be thoroughly documented in the accompanying incident report, a copy of which shall be maintained in the Child's file. (MOA p. 30)

**Status**

This provision is in **Substantial Compliance**. Isolation on suicide precautions is rare.

2. Suicide Prevention (f) Within nine months of the Effective Date, the following measures shall be taken when placing a Child on suicide precautions: (MOA p. 30)

(i) Any Child placed on suicide precautions shall be evaluated by a QMHP within two hours after being placed on suicide precautions. In the interim period, the Child shall remain on constant observation until the QMHP has assessed the Child. **\*PENDING REMOVAL\***

(ii) In this evaluation, the QMHP shall determine the extent of the risk of suicide, write any appropriate orders, and ensure that the Child is regularly monitored. **\*PENDING REMOVAL\***

(iii) A QMHP shall regularly, but no less than daily, reassess Children on suicide precautions to determine whether the level of precaution or supervision shall be raised or lowered, and shall record these reassessments in the Child's medical chart. **\*PENDING REMOVAL\***

(iv) Only a QMHP may raise, lower, or terminate a Child's suicide precaution level or status. **\*PENDING REMOVAL\***

(v) Following each daily assessment, a QMHP shall provide direct care staff with relevant information regarding a Child on suicide precautions that affects the direct care staffs duties and responsibilities for supervising Children, including at least: known sources of stress for the potentially suicidal Children; the specific risks posed; and coping mechanisms or activities that may mitigate the risk of harm. **\*PENDING REMOVAL\***

**Status:** All areas had been in Compliance since December 2014 and are now in **Compliance/ Substantial Compliance**. Following the change in consultants, Subsection (ii) was reduced to partial compliance in June 2017 and then upgraded following the October 2017 visit.

2. Suicide Prevention (g) Review of charts

**Status: Terminated**

2. Suicide Prevention (h) Report all incidents of self-harm

**Status: Terminated**

2. Suicide Prevention (i) Record all incidents in classification to ensure history is known to all

**Status: Terminated**

2. Suicide Prevention- **\*PENDING REMOVAL\***

(j) Each month, the Administrator, or his or her designee, shall aggregate and analyze the data regarding self-harm, suicide attempts, and successful suicides. Monthly statistics shall be assembled to allow assessment of changes over time. The Administrator, or his or her designee, shall review all data regarding self-harm within 24 hours after it is reported and shall ensure that the provisions of this Agreement, and policies and procedures, are followed during every incident. (MOA p. 31)

**Status:** This area has been in Compliance since December 2016 and is pending removal.

**TRAINING**

3. Training (a) (i) (ii) (a) (b) (c) (d)

**Status: Terminated**

**PERFORMANCE METRICS FOR PROTECTION FROM HARM**

4. Performance Metrics

(a) In order to ensure that JCMSC's protection from harm reforms are conducted in accordance with the Constitution, JCMSC's progress in implementing these provisions and the effectiveness of these reforms shall be assessed by the Facility Consultant on a semi-annual basis during the term of his Agreement. In addition to assessing the JCMSC's procedures, practices, and training, the Facility Consultant shall analyze the following metrics related to protection from harm reforms:

(i) Review of the monthly reviews of force reports and the steps taken to address any wrongful conduct uncovered in the reports.

**Status: Substantial Compliance.**

(ii) Review the effectiveness of the suicide prevention plan. This includes a review of the number of Children placed on suicide precautions, a representative sample of the files maintained to reflect those placed on suicide precautions, the basis for such placement, the type of precautions taken, whether the Child was evaluated by a QMHP, and the length of time the Child remained on the precaution; and

**Status: Partial compliance.** The November 2017 report stated, "The effectiveness review has shown significant improvement" yet wanted additional work to clarify risk levels, responses, and community

standard of practice is followed.

**Comments:** The reports are reviewed monthly in various settings by peers, the Health Department, and the multi-disciplinary review committee. The suicide prevention plan is based on guidance by national expert Lindsey Hayes, including the annual in-service training received by CCS. No child has committed suicide and all aspects of the precautions are monitored and documented.

#### 4. Performance Metrics

(b) **Maintain reports.**

**Status: Terminated**

**\*\*The following items should be removed after a successful April 2018 visit\*\***

#### *Protection from Harm-Detention Facility*

1- *Use of force (b)*

2- *Suicide Prevention (e)*

*Appendix will consist of 2017 Report Card.*

**DELINQUENT COMPLAINTS WITH A JUVENILE DEFENDER OR PUBLIC DEFENDER ASSIGNED  
 BASED ON COMPLAINT DATE - COUNTING DISTINCT COMPLAINTS  
 Accepted and Reassigned Cases Only and Omit Inactive Assignments**

		2017
JUVENILE DEFENDER	JAN	79
	FEB	71
	MAR	48
	APR	53
	MAY	49
	JUN	57
	JUL	58
	AUG	53
	SEP	39
	OCT	53
	NOV	51
	DEC	33
	<b>Total</b>	<b>644</b>
PUBLIC DEFENDER	JAN	88
	FEB	94
	MAR	96
	APR	86
	MAY	92
	JUN	97
	JUL	89
	AUG	89
	SEP	76
	OCT	88
	NOV	88
	DEC	50
	<b>Total</b>	<b>1,033</b>
<b>Total</b>	<b>1,674</b>	

		2017
JUVENILE DEFENDER	<b>644</b>	<b>38%</b>
PUBLIC DEFENDER	<b>1,033</b>	<b>62%</b>
<b>Total Distinct Complaints</b>	<b>1,674</b>	<b>100%</b>

NOTE: This report is counting distinct complaints based on attorney assignments. If a juvenile is assigned more than one attorney on the same complaint the attorney assignment will be counted once in each category (attorney type and month) but only one time in the overall total.

		2017
JUVENILE DEFENDER	NANCE, LARRY	66
	JONES, SAMUEL	63
	KREHER, DAVID	61
	RENFROE, SHEILA	53
	WILLIAMS, EVAN	50
	KHUMALO, LINDA PARSON	48
	FRANKLIN, JAMES EDWARD	40
	WASHINGTON, ALICIA	38
	BYNUM, RANDLE B.	36
	CHASTAIN, AUTUMN B.	36
	MELONI, KIM	33
	GURKIN, J WHITTEN	31
	GILLARD, VICTORIA W.	29
	ALEXANDER, CONSTANCE WOOD	23
	SHELTON, REGINALD E.	20
	CORMAN, JOSHUA	10
	PERKINS, SAMUEL	4
	SETTLE, DEWUN R.	2
	JOHN, MATTHEW IAN	1
	MILLER, DOROTHY INGRAM	1
	<b>Total</b>	<b>644</b>
PUBLIC DEFENDER	RARDIN, KEVIN	158
	MCKEITHEN, CARNITA	152
	RATTON, KATIE	151
	RUSSELL, STEPHANIE	101
	DERNOCOEUR, MELODY	84
	HALL, JACINTA	82
	MARTIN, CHRISTOPHER	71
	DEANS, BARBARA	51
	HALE, JAMES	44

NOTE: This report is counting distinct complaints based on attorney assignments. If a juvenile is assigned more than one attorney on the same complaint the attorney assignment will be counted once in each category (attorney type and month) but only one time in the overall total.



		2017
PUBLIC DEFENDER	TURNER, KAMILAH ELAINE	43
	RAYFORD, JAMES	39
	SHELTON, REGINALD E.	25
	EDWARDS, ELBERT	23
	CASE, JENNIFER	15
	ARMSTARD, DONNA	14
	SANSBURY, LAURIE	3
	<b>Total</b>	<b>1,033</b>
<b>Total</b>		<b>1,674</b>

NOTE: This report is counting distinct complaints based on attorney assignments. If a juvenile is assigned more than one attorney on the same complaint the attorney assignment will be counted once in each category (attorney type and month) but only one time in the overall total.



# *Juvenile Court of Memphis and Shelby County*

616 ADAMS AVENUE MEMPHIS, TENNESSEE 38105  
P. O. BOX 310 MEMPHIS, TENNESSEE 38101

## **MEMORANDUM:**

To: Dr. Michael Leiber

From: Pam Skelton

Date: January 31, 2018

Subject: Update from Strategic Planning Committee meeting held on January 25, 2018

The purpose of this memorandum is twofold: the first is to provide an update from the Strategic Planning Committee meeting held on December 13, 2017. Those in attendance were Judge Paul Summers, Tom Coupe, Aimee Burgdorf, Kimbrell Owens, and Bernard Williams. The second is to provide you with updates on the work being done by many at the Court to reduce DMC. I hope that you will find that we have taken your recommendations seriously and that we are working hard toward this goal. We very much appreciate the time and work that you have put towards assisting us in being successful in this goal.

## **DMC and Equal Protection**

### **1. DMC Assessment**

Aimee is continuing to keep the items on the Court's dashboard current and updating as needed.

- Dashboard has been updated w/final monitor reports and responses
- **Data collection, POC/Strategic Planning Status**  
Data needs have been identified and Bridgette and Aimee continue to prepare, digest, discuss and work through all of the data to determine where we are and what we need to do to reduce DMC.

### **2. Policies and Procedures**

Policy reviews are continuing and ongoing, and these are discussed with all staff at each decision point. I can honestly say that for the past 12 months, we are digging deeper into each decision point to determine who makes each decision and why, and we constantly look at how race affects these decision makers and decision points. The DAT has been revised based upon your recommendations, and the GRID is being validated and reviewed by Dr. Laura Harris with an outside vendor, Data for Good.

- a. The Graduated Response Grid validation has begun under the direction of Dr. Laura Harris with Data for Good, and we anticipate work will continue for several months.

- Continued evaluation of DAT and will tweak as needed
- Matthew, Aimee, Bridgette, and Dr. Harris most recent meeting went very well. They established a written working plan, purpose memo of expectations and effectiveness.
- Main Decisions Points have been established which shows going to court vs not going to court (See Attached)
- Working on Flow Chart started on 11/17/17
- Upcoming Focus Group with Frontline staff to discuss what would help them w/ regards to the Grid.
- Upcoming TA visit will assist with updating with Overrides and implementing an Override button.

**b. Policy work is still being done in a variety of areas:**

- Bridgette and Jason Tate met to discuss informal adjustments, SRT, GRID, Instructions for DAT use.- Discussion Ongoing
- Logic Models participation has been good departmentally, and work is currently being done to go back and add qualifiers
  1. Quantifiers will set 2018 goals for 9 court programs.
- Written policies will be complete Mid-January to reflect changes w/ SRT; GRID; and other programs.

**c. The Summons Review Team continues on its DMC operational policy work which is updated as needed (and we continue to incorporate and work on your recommendations and suggestions). We are reviewing the procedures to ensure that children and families are given referral information or assistance as well as having the point of contact diverted and not entered as a kind of juvenile record. In addition, the SRT Program is being evaluated, assessed and monitored by Bridgette Bowman and Aimee Burgdorf consistently and the data is being collected and tracked in a non-JCS data file. The SRT program will be evaluated once per quarter.**

- Aimee will travel to Tampa to continue evaluation November 29<sup>th</sup> - Dec. 1<sup>st</sup>
- Data shows significant decrease (-1 point) in the RRI #s in the past year.
- Data will show why youth is disqualified from the SRT
- There is a plan to rework the SRT \*\*will discuss further during the February TA visit\*\*

**3. DMC Reduction: Evaluation and Tools**

Probation Counselors are continuing to use the revised “mapped” resource guide as a daily and are confident in its effectiveness in getting clients to quality service providers. We will continue to update as needed.

**4. DMC Reduction: Evaluation and Tools**

LEAP training was ongoing all year at the MPD training academy through the end of October, 2017, and monthly reviews of LEAP and DAT data are being done and sent to MPD Director Rallings, and detention is looked at daily by a variety of folks including our expeditor.

#### **A. Precinct Liaison program**

##### **Old Allen:**

Continued work is being done and this Precinct is continuing to show significant progress.

##### **Tillman:**

Debbie Holman is our second precinct liaison officer in the field and is up and going at the Tillman location.

\*\*Data is continuing to be collected and reviewed for the newest location\*\*

#### **B. Parent Orientation**

##### ***CJJC/Consortium request implemented by the Court***

- Update to Website Coming soon
- 2018 Parent Orientation schedule has been set & uploaded to the dashboard (See Attached)

#### **C. JDAI**

- Continued collaborative work with the DMC team to assist in the development of training materials for upcoming Implicit Bias training.

#### **Upcoming JDAI Efforts**

- 1<sup>st</sup> Parent Forums set for February 8, 2018 at Lester Community Center – Flyer for the forum will be posted to the Dashboard, Website, and all Court Social Media pages

#### **D. Shelby County DMC Coordinator efforts** *(updates from Ms. Lisa Hill)*

No New Updates at 1/25/2018 meeting

**E. Electronic Monitoring services-** have been expanded for pre-adjudicatory youth who don't pose an immediate danger to themselves, others, or the community. Electronic Monitoring serves as an alternative to secure detention and helps to direct, re-direct, educate and rehabilitate the youth.

All Counselors have been handling Electronic Monitoring as a part of their caseloads. Pre-adjudicatory is monitored by Children's Bureau.

**F. The Ceasefire Gun program**- continues to be held on the fourth Tuesday of each month and continues to educate youth who have come in contact with the Court charged with a first-time misdemeanor gun offense. This has directly contributed in a decrease in DMC and the number of youth held in secure detention.

- On January 23<sup>rd</sup> there were 18 youth in attendance; along with their parents. There was also a 32 year old male that was referred from downtown. (16 boys -2 girls)
- US Attorney Mike Dunavant and Kevin Whitmore(The Eraser) US District Attorney's office attended

**G. CJJC/Consortium** – The Consortium continues its meetings and surveys of parents and others, and the juvenile court liaison, Mr. Gary Cummings, attends these meetings as well as meets with individual members to discuss issues and any recommendations to the Court.

**H. Expeditor** – Our expeditor reviews the daily detention report and reviews each and every child in detention at least weekly. She also reviews children who are in the electronic monitoring alternative program to determine when a child may be removed from monitoring. A multi-disciplinary meeting is held each Tuesday afternoon for the purpose of discussing youth who may qualify to be expedited out of detention due to new or updated circumstances. Debra works with Aimee for case processing outcomes to evaluate the time that it takes for children's cases to be heard and disposed of in a timely manner. Debra attends detention hearings daily to ensure a timely court date within 7 days and to provide background and other helpful information to the judge, prosecutor, and defense attorney for consideration of detention alternatives.

**I.** Expedite numbers for November are as follows:

**January 2018: 66 Detainees screened**

6 Expedited youth reviewed

6 Released; (1 youth Alfred Hill was re-arrested (1/25) on agg. robbery that was not presented at time of Detention hearing. The date of offense took place prior to child's detention hearing and all facts were not before the Court on 1/22/18)

6 Recidivated/EM; The longest length of stay 7.27 days

**EARLY REVIEW OF ELECTRIC MONITORING RELEASE**

3 were presented and advised to wait for court

**5. DMC Reduction: Evaluation and Tools**

Aimee has Case processing web calls through the JDAI Connect with Mark Soler every 4<sup>th</sup> Tuesday which began on October 24<sup>th</sup>

## 6. Training

- The Court staff continues to utilize individualized training on youth suicide prevention thru the Jason Foundation online training course.
- DMC training continues for Court staff with classes on January 30, 2018 and again on February 28, 2018.
- Dr. Leiber will be here on February 21<sup>st</sup> for Technical Assistance and plans to attend the next Ceasefire Program.
- University of Memphis has given the court an intern that starts January 31st and will work with Bernard and Aimee on the DAT and other matters.

## 7. Community Outreach

The Court's Community Outreach Program is now handled by Mr. Leon Gray. He has developed a program that is posted on our dashboard, social media sites, and sent to his media contacts to inform the community of progress toward reforms. The Court continues to work closely with the Consortium and good ideas (such as parent orientation, brochures available at the front desk, etc.) continue to come to the Court from them. The Consortium continues to hold meetings and continues work with the Court and Mr. Gary Cummings, Director of Court Services, in particular.

The Court's Community Outreach Program has yielded a wonderful assortment of professionals, both working and retired, who take time to address the kids detained and attending HOPE Academy with words of wisdom and inspiration. These volunteers often offer to mentor our kids when they released back into the community. The Faith-Based Community has become a tremendous resource.

Events to note:

- Social Media communications, such as Facebook and Twitter, post information to the public on a regular basis.

The next meeting has been scheduled for February 22<sup>nd</sup> at 2 pm in Room 307.

Report Card  
2017

Detention Assessment Tool	Average Year to Date													
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec		
1 Total Number of DATs Completed	197	185	141	140	153	153	142	135	118	141	162	133	150.0	1800
2 Number of DATs Release Eligible	142	148	120	121	124	118	108	101	96	120	121	110	119.1	1429
3 Total Number of DATs Overridden	16	10	14	10	13	14	8	20	9	13	14	12	12.8	153
4 Percentage of Release Eligible DATs Overridden	11.3%	6.8%	11.7%	8.3%	10.5%	11.9%	7.4%	19.8%	9.4%	10.8%	11.6%	10.9%	10.9%	10.7%
5 Percentage of Total DATs Overridden	8.1%	5.4%	9.9%	7.1%	8.5%	9.2%	5.6%	14.8%	7.6%	9.2%	8.6%	9.0%	8.6%	8.5%
6 Number of Overrides that were for Youth of Color	16	10	14	9	12	12	7	18	8	11	13	11	11.75	141
7 Number of Overrides that were for White Youth	0	0	0	1	1	2	1	2	1	2	1	1	1.00	12
8 Percentage of Overrides that were for Youth of Color	100.0%	100%	100%	90.0%	92.3%	85.7%	87.5%	90.0%	88.9%	84.6%	92.9%	91.7%	92.0%	92.2%
9 % of Total Youth of Color Admitted who were overridden	18.0%	15.2%	25.5%	16.4%	18.8%	17.1%	11.5%	26.9%	12.7%	15.5%	14.1%	16.7%	17.3%	17.2%
10 Percentage of Overrides that were for White Youth	0.0%	0.0%	0.0%	10.0%	7.7%	14.3%	12.5%	10.0%	11.1%	15.4%	7.1%	8.3%	8.0%	7.8%
11 % of Total White Youth Admitted who were overridden	0.0%	0.0%	0.0%	16.7%	50.0%	50.0%	25.0%	50.0%	33.3%	33.3%	16.7%	33.3%	25.7%	23.5%
12 Number of Overrides that were for Males	11	7	13	7	10	10	4	14	7	9	9	7	9.00	108
13 Number of Overrides that were for Females	5	3	1	3	3	4	4	6	2	4	5	5	3.75	45
14 Percentage of Overrides that were for Males	68.8%	70.0%	92.9%	70.0%	76.9%	71.4%	50.0%	70.0%	77.8%	69.2%	64.3%	58.3%	70.0%	70.6%
15 % of Total Male Youth Admitted who were overridden	13.3%	10.9%	25.0%	12.7%	16.4%	15.2%	6.8%	22.6%	12.7%	12.7%	10.5%	13.2%	14.3%	14.1%
16 Percentage of overrides that were for Females	31.3%	30.0%	7.1%	30.0%	23.1%	28.6%	50.0%	30.0%	22.2%	30.8%	35.7%	41.7%	30.0%	29.4%
17 % of Total Female Youth Admitted who were overridden	62.5%	33.3%	14.3%	50.0%	60.0%	50.0%	66.7%	66.7%	18.2%	66.7%	41.7%	31.3%	46.8%	43.7%

Report Card  
2017

	Reasons for Overrides												Monthly Average	Year to Date													
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec															
18	DATs overridden for Danger to Community % of DATS overridden for Danger to Community												12	7	6	5	3	6	6	5	11	4	6	6	3	6.17	74
19	% of DATS overridden for Danger to Community Community for Youth of Color												75.0%	70.0%	42.9%	50.0%	23.1%	42.9%	62.5%	55.0%	44.4%	46.2%	42.9%	25.0%	48.3%	48.4%	
20	% of DATS overridden for Danger to Community for Youth of Color												100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	80.0%	100.0%	100.0%	100.0%	100.0%	100.0%	66.7%	95.6%	
21	% of DATS overridden for Danger to Community for White Youth												0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	20.0%	0.0%	0.0%	0.0%	0.0%	0.0%	33.3%	4.4%	
22	% of DATS overridden for Danger to Community for Males												83.3%	71.4%	83.3%	80.0%	66.7%	83.3%	60.0%	54.5%	75.0%	83.3%	83.3%	100.0%	77.0%		
23	% of DATS overridden for Danger to Community for Females												16.7%	28.6%	16.7%	20.0%	33.3%	16.7%	40.0%	45.5%	25.0%	16.7%	16.7%	0.0%	23.0%		
24	DATS overridden for Threat of Bodily Harm												2	2	5	3	7	6	1	4	3	5	2	3	3.58	43	
25	% of DATS overridden for Threat of Bodily Harm												12.5%	20.0%	35.7%	30.0%	53.8%	42.9%	12.5%	20.0%	33.3%	38.5%	14.3%	25.0%	28.2%	28.1%	
26	% of DATS overridden for Threat of Bodily Harm for Youth of Color												100.0%	100.0%	100.0%	100.0%	100.0%	66.7%	100.0%	75.0%	66.7%	80.0%	100.0%	100.0%	90.7%		
27	% of DATS overridden for Threat of Bodily Harm for White Youth												0.0%	0.0%	0.0%	0.0%	0.0%	33.3%	0.0%	25.0%	33.3%	20.0%	0.0%	0.0%	9.3%		
28	% of DATS overridden for Threat of Bodily Harm for Males												0.0%	100.0%	100.0%	66.7%	85.7%	83.3%	100.0%	75.0%	66.7%	80.0%	50.0%	33.3%	70.1%		
29	% of DATS overridden for Threat of Bodily Harm for Females												100.0%	0.0%	0.0%	33.3%	14.3%	16.7%	0.0%	25.0%	33.3%	20.0%	50.0%	66.7%	29.9%		
30	DATs overridden for Parent Refused to pick up												2	1	1	1	2	2	2	2	1	2	4	6	2.1667	26	
31	% of DATS overridden for Parent Refused to Pick up												12.5%	10.0%	7.1%	10.0%	15.4%	14.3%	25.0%	10.0%	11.1%	15.4%	28.6%	50.0%	17.4%	17.0%	
32	% of DATS overridden for Parent Refused to Pick Up for Youth of Color												100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	50.0%	100.0%	50.0%	100.0%	100.0%	89.6%		
33	% of DATS overridden for Parent Refused to Pick Up for White Youth												0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	50.0%	0.0%	50.0%	25.0%	0.0%	10.4%		
34	% of DATS overridden for Parent Refused to Pick Up for Males												50.0%	0.0%	100.0%	100.0%	50.0%	0.0%	0.0%	100.0%	100.0%	0.0%	50.0%	50.0%	50.0%		
35	% of DATS overridden for Parent Refused to Pick Up for Females												50.0%	100.0%	0.0%	0.0%	50.0%	100.0%	100.0%	0.0%	0.0%	100.0%	50.0%	50.0%	50.0%		



Report Card  
2017

36	DATs overridden for Unable to Locate Parent	0	0	2	1	1	0	0	3	1	0	2	0	0.83	10
37	% of DATS overridden for Unable to Locate Parent	0.0%	0.0%	14.3%	10.0%	7.7%	0.0%	0.0%	15.0%	11.1%	0.0%	14.3%	0.0%	6.0%	6.5%
38	% of DATS overridden for Unable to Locate Parent for Youth of Color	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%	0.0%	100.0%	0.0%	33.3%	
39	% of DATS overridden for Unable to Locate Parent for White Youth	0.0%	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	16.7%	
40	% of DATS overridden for Unable to Locate Parent for Males	0.0%	0.0%	100.0%	0.0%	100.0%	0.0%	0.0%	100.0%	100.0%	0.0%	50.0%	0.0%	37.5%	
41	% of DATS overridden for Unable to Locate Parent for Females	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	50.0%	0.0%	12.5%	



SUICIDE PREVENTION		Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Monthly Average	Year to Date
1	Total Number of Youth Admitted to Detention	91	73	59	61	66	74	65	71	66	77	98	69		870
2	Total Number of QMHP Calls/Contacts	10	4	13	4	3	5	5	1	5	4	4	5		63
3	Rate of QMHP calls per 100 youth	0.34	0.15	0.44	0.169	0.134	0.209	0.209	0.039	0.183	0.155	0.171	0.214		0.206
4	Number of Youth Cleared without Restrictions	0	0	0	0	0	0	0	0	0	0	0	0		0
5	Number of Youth Cleared with Restrictions	10	4	13	4	3	5	5	1	5	4	4	5		63
6	Number of Youth Transported for Psychiatric Care	0	0	0	0	0	0	0	0	0	0	0	0		0
7	Percentage Change in Number of Calls	150.0%	-60.0%	225%	-69.2%	-25.0%	66.7%	0.0%	-80.0%	400.0%	-20.0%	0.0%	25.0%		51.0%
8	Rate of youth on Suicide Precautions per 100 youth	0.34	0.15	0.44	0.169	0.134	0.209	0.209	0.039	0.183	0.155	0.171	0.214		0.201
9	Number of Youth Placed Suicide Precautions	10	4	13	4	3	5	5	1	5	4	4	5		63
10	Average Time on Suicide Precaution (in hours)	71.1	142.01	93.11	44.42	64.68	80.23	42.9	29.00	5.00	0.00	0.00	10.58		48,587
11	Percentage Change in Average Time on Precaution	1.6%	99.7%	-34.4%	-52.3%	45.6%	24.0%	-46.5%	-32.4%	-82.8%			#DIV/0!		#DIV/0!
12	Average Time between Admittance and Suicide Screening (in hours)	0.05	0.06	0.06	0.05	0.06	0.04	0.05	0.06	0.05	0.04	0.05	0.03		0.05
13	Average wait time for the QMHP (in hours)	1.33	0.00	1.25	0.40	1.87	0.84	1.37	0.00	3.10	4.42	2.13	11.30		2.33

\* CCS replaced Mobile Crisis in August of 2013 as the QMHP for the Detention Services Bureau, now SCSO Juvenile Detention Services.



Report Card  
2017

SAFETY AND ORDER		SAFETY AND ORDER												Monthly Average	Year to Date	
		Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec			
1	Sick/Injured/Care For youth per 100 person-days of youth confinement	0.00	0.04	0.20	0.08	0.09	0.08	0.08	0.00	0.00	0.04	0.00	0.04	0.00	0.052	0.040
2	Injuries to youths by other youths per 100 person-days of youth confinement	0.00	0.00	0.00	0.00	0.05	0.00	0.00	0.04	0.00	0.00	0.00	0.00	0.007	0.040	
3	Suicidal behavior with injury by youths per 100 person--days of youth confinement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.003	0.000	
4	Suicidal behavior without injury by youths per 100 person--days of youth confinement	0.34	0.15	0.44	0.17	0.13	0.21	0.21	0.39	0.18	0.12	0.17	0.21	0.227	0.400	
5	Assaults on youth per 100 person-days of youth confinement	0.58	0.44	0.44	0.51	0.49	0.42	0.38	0.51	0.33	0.47	0.64	0.30	0.458	1.000	
6	Assaults on staff per 100 person-days of youth confinement	0.00	0.04	0.034	0.00	0.00	0.00	0.04	0.00	0.07	0.04	0.00	0.00	0.019	0.000	
7	~Percent of interviewed youths who report that they fear for their safety	15.38	11.1%	7.7%	0.0%	4.0%	0.0%	17.9%	20.7%	19.4%	20.3%	11.1%	0.0%	1.375	100.00%	
8	~Percent of staff who report that they fear for their safety	24.24	13.3%	11.8%	11.1%	6.3%	0.0%	0.0%	0.0%	35.5%	19.1%	15.8%	16.7%	2.128	14.00%	
9	Physical restraint use per 100 person-days of youth confinement	0.68	0.07	0.17	0.08	0.13	0.04	0.13	0.04	0.07	0.19	0.00	0.04	0.138	2.240	
10	Mechanical restraint (use of force) use per 100 person-days of youth confinement	0.00	0.04	0.07	0.00	0.09	0.00	0.08	0.00	0.07	0.12	0.00	0.00	0.039	0.240	
	Mechanical restraint (transports) use per 100 person-days of youth confinement	1.59	1.36	1.64	1.10	2.01	1.80	1.51	2.07	1.06	1.44	0.98	0.94	1.458		
11	Use of room confinement and segregation /special management unit use per 100 person days of youth confinement	0.31	0.22	0.10	0.08	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.00	0.062	1.960	
12	Average duration of room confinement and segregation/special management unit in hours	27.88	54.2	37.5	25.0	0.00	0.00	0.00	0.00	35.0	0.0	0.0	0.0	14.96	36.7	
13	Percent of youths presented for admission that had a suicide prevention screening completed by trained or qualified staff in one hour or less	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	#####		

JDS Management met on January 12, 2017, to discuss the monthly report card data and analysis to ensure the integrity of the data reported.