



U.S. Department of Justice

Civil Rights Division

JMS:JCP:WG:AG:pjc
DJ 207-72-3

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

June 13, 2013

Via Electronic and U.S. Mail

The Honorable Curtis S. Person
Juvenile Court of Memphis and Shelby County
616 Adams Avenue
Memphis, TN 38105

RE: Assessment of Shelby County's Juvenile Detention Facility

Dear Judge Person:

We write to provide you with an assessment of the Juvenile Court's compliance with the Protection from Harm provisions of our Memorandum of Agreement ("Agreement"). The assessment was completed by Dr. David Roush, our protection from harm consultant, who toured the detention facility on April 9-10, 2013. As always, you and your staff were cooperative and helpful during the tour, and we thank everyone for their efforts on our behalf.

This was the first visit to the detention facility since we issued our findings regarding the Juvenile Court on April 26, 2012. We were pleased to confirm that some of the initial concerns we raised about the safety of children at the detention center have been addressed. Most notably, as Dr. Roush's report indicates, the facility appears to be in compliance with the requirements to prohibit use of all restraint chairs and pressure point control tactics. We also found that the facility is in compliance with the Agreement's requirement that secured suicide cut-down tools be readily available to staff. We commend the Juvenile Court for taking these steps toward compliance in these areas.

Even as we recognize the Juvenile Court's progress, we must emphasize that there are several other areas that have emerged as problems at this early stage. The Suicide Prevention Policy needs considerable work, particularly the requirement that a qualified mental health professional be available to assess any child expressing suicidal intent or other symptoms of suicidal behavior. We understand that you and your staff are working to resolve this shortcoming, but we stress that the safety of children at the detention center will be at risk until the Juvenile Court meets its obligations under the Agreement.

We realize that we are at an early phase of the compliance process. We look forward to receiving future reports containing revised policies and procedures later this month. We also look forward to continuing our productive work with you and your staff.

Sincerely,



Jonathan M. Smith
Chief, Special Litigation Section
Civil Rights Division

Cc: Edward L. Stanton, III
United States Attorney
For the Western District of Tennessee
167 North Main Street
Suite 800
Memphis, TN 38103

Kelly Rayne
County Attorney
160 N. Main
Suite 660
Memphis, TN 38103

Mike Ritz
Chairman
Shelby County Board of Commissioners
160 N. Main Street
Suite 450
Memphis, TN 38103

Amy P. Weirich
Shelby County District Attorney's Office
201 Poplar Avenue, Third Floor
Memphis, TN 38103

Mark H. Luttrell Jr.
Mayor of Shelby County
Vasco A. Smith, Jr. County Administration Building
160 North Main Street
Memphis, TN 38103