

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

Second Compliance Report – Equal Protection

Michael Leiber, Ph.D., Equal Protection Monitor
Criminology
University of South Florida
4202 East Fowler Ave, SOC 107
Tampa, Fl 33620-8100
mjleiber@usf.edu
(813) 974-9704

Submitted January 15, 2014

INTRODUCTION

A Memorandum of Agreement regarding the Juvenile Court of Memphis and Shelby County was signed December 17, 2012 by the United States Department of Justice, Civil Rights Division, and the County Mayor and County Attorney, and the Juvenile Court of Memphis and Shelby County (JCMSC) to address the administration of juvenile justice for youth facing delinquency before JCMSC and the conditions of confinement of youth at the detention center operated by JCMSC.

The Parties selected Dr. Michael J. Leiber as the Equal Protection Monitor of the Agreement. The Agreement requires the Monitor to assess the level of compliance by JCMSC every six months and to produce reports. The first Monitor's report was submitted on June 12, 2013 and covered the time frame December 12, 2012 to May 12, 2013 (Appendix 1). This is the Equal Protection Monitor's second report on movement toward compliance on the items stipulated in the Agreement as pertaining to Equal Protection. The time-frame assessed is December 12, 2012 to November 29, 2013. The evidentiary basis for his opinions are based on document reviews (policies, data, compliance report by the Settlement Agreement Coordinator, reports provided by the Disproportionate Minority Contact Coordinator or DMC Coordinator, meeting notes, emails, etc.), an on-site visit (October 13th through October 16th, 2013), interviews and phone-calls with Staff, the DMC Coordinator, the Settlement Agreement Coordinator, and conference calls with Staff and the Office of Juvenile Justice & Delinquency Prevention (OJJDP).

In the determination of racial disparity in JCMSC's administration of juvenile justice, evaluations were conducted of the level of the disproportionate minority contact (DMC) at various stages or points of contact within the juvenile court (referral to court, cases diverted, secure detention, petition, findings of delinquency, probation, placement in secure confinement, waiver to adult court). In addition, a DOJ study was conducted of decision-making at each stage of juvenile justice proceedings. Results from that examination of the extent of DMC and the DOJ study that examined the possible causes of DMC showed the following: minority youth overrepresentation at almost every stage in the proceedings and evidence of discriminatory treatment of Black youth.

The Agreement indicates provisions (or things to do) and within time-lines to reduce the presence of Black youth in the juvenile justice process and to ensure greater equality for all youth. In general, the Agreement focuses on procedural changes as pertains to equal protection (e.g., objective decision making tools), cultural/gender sensitivity training, management of and evaluation of data to observe patterns at points of contact (referral, probation, detention, etc.) and inform possible changes to reduce DMC and the development and use of strategies to divert youth away from court referral and secure detention and transfer to adult court. There is also a requirement to develop linkages with the community for the purpose of informing the general public of the progress toward reform and to improve and further build relations between the community and JCMSC.

OVERALL SUMMARY AND IMPRESSIONS UP TO THIS POINT IN THE AGREEMENT

The summary and impressions discussed reflect activities up to December 1, 2013. As stated in the first Equal Protection Compliance Report, JCMSC had attempted to address DMC prior to and as a result of the Agreement being signed in December of 2012. These efforts included but not limited to: working with the Annie E. Casey Foundation in 2011 to examine juvenile detention practices; participation in the Memphis and Shelby County DMC Task Force, a Juvenile Detention Alternatives Initiative- JDAI; the School House Adjustment Program (SHAPE), a program started as a DMC pilot project in 2007 to provide intervention other than juvenile court referral for students who commit minor offenses; the Memphis Youth Violence Prevention Plan Project in the spring of 2011; the Urban Youth Initiative, a faith-based program designed to address and reduce juvenile crime and violence, and the Detention Assessment Tool (DAT) in 2004-06. Some of these efforts were specifically directed at DMC (e.g., SHAPE) while others indirectly impacted DMC (e.g., JDAI).

Positives

Since the Agreement, the JCMSC and the County have been cooperative with DOJ, the Monitor and the adoption of the MOA and have taken a number of steps toward attempting to comply with the Agreement:

- (1) the appointment of a DMC Coordinator;
- (2) the use of the Summons program;
- (3) further use of the Schoolhouse Adjustment Program Enterprise (SHAPE);
- (4) the continuation of working with JDAI and the attempt to reform the detention process;
- (5) the establishment of the Community Consortium and other efforts involving community outreach (i.e., a Twitter account, Facebook, speaking engagements);
- (6) the development of a pilot program with the Sheriff's Department designed to reduce transports;
- (7) working with OJJDP and JDAI in the areas of training and technical assistance;
- (8) gathering data and generating internal reports to highlight and monitor the extent of DMC at stages within the juvenile justice system;
- (9) the formation of a committee comprised of Points of Contact- specific individuals and positions named within each department responsible for delinquency matters including but not limited to probation, detention, and the Juvenile Court Magistrates;
- (10) gathering information on available services and diversion options and differentiated by the race/ethnicity of the youth placed in these services and geographic region, including zip code;.
- (11) a draft strategic plan to address DMC within JCMSC has been developed;
- (12) discussions on policies and procedures in particular, detention, a graduated sanction grid for correctional services -using Technical Assistance from OJJDP; and
- (13) discussions with law enforcement agencies including the Memphis Police Department to develop day/evening reporting centers.
- (14) community out-reach – the distributions of pamphlets, town-hall meetings, speaking engagements, etc.

Need For Improvement

JCMSC and the County are to be commended for the activity that has occurred. But as stated in the first Equal Protection Compliance Report and reiterated here again in this second Equal Protection Report, the following areas are in need of improvement:

- (1) Programs need to be used with a larger number and range of youth, such as SHAPE, Porter Leath and/or more effectively (e.g., DMC Coordinator, Community Consortium). Currently, both the DMC Coordinator and the Community Consortium have been under-utilized.
- (2) Furthermore, while the Summons program and the pilot program with the Sherriff's Department are initiatives which may reduce entry to secure detention, JCMSC needs to develop policies and programs to reduce delinquent referrals in general (e.g., do not take youth from police involved in minor activity, establish alternatives to court referral, etc.). JCMSC and the Memphis Police Department need to come together to address this issue with action, not simply discussion. There is a need to develop and implement a policy(s) to reduce the number of youth overall referred to juvenile court and in particular, Black youth.
- (3) While information has been gathered, there is a need to interpret the data; determine what it means for DMC, what can be done to reduce DMC, what barriers or challenges exist and how can be addressed. The need for this has to occur at all levels – the DMC Coordinator, Staff and in particular, those involved as the Points of Contact, and Administrators. JCMSC must develop a capacity to interpret data, turn it into actions, and develop routine monitoring systems to track the implementation of those actions.
- (4) There is a need to reconsider the Points of Contacts and their role and interactions with the DMC Coordinator and Administration. Persons of authority need to take a more active role in terms of listening, encouraging feedback, and making the Points of Contact feel that their insights are being heard and attempted to be addressed in the context of DMC.
- (5) While technical assistance has been requested and used (visited) for various training, JCMSC needs to move on the following: the strategic plan, a community out-reach plan, objective tools to structure decision making at detention and at what is referred to non-judicial outcomes (often referred to as intake), and continued improvement of a graduate sanction grid.
- (6) As noted in point 2, efforts are being made to reform detention decision making and especially by the working relationship with JDAI. It is important to develop alternatives to detention and in particular for youth charged with domestic disputes. Data shows that a significant number of Black youth are coming to detention with a charge of domestic dispute; thus contributing to DMC.

The need for the continuation of the positive things that have occurred as well as improvement the areas cited above is accentuated by a review of the Relative Rate Index (RRI) and the assessment study conducted by the Equal Protection Monitor. A summary of these findings is provided below. See Appendix 2 for the full report.

Examination of the Level and Causes of DMC

The Relative Rate Index (RRI) provides an indication of the extent of over-representation of youth of color in the juvenile justice system during a specified time-frame and at stages in the system. For JCMSC, the RRI was used to measure the level of DMC at stages for Black youth as compared to White youth. While valuable, the relative rate index can only provide insight on the level of DMC at stages and cannot tell us WHY DMC is occurring. Instead, an assessment study using multivariate statistics in the form of logistic regression permits such an inquiry. Logistic regression is a statistical technique that takes into consideration a variety of factors to predict the likelihood of a case outcome. In essence, there is an attempt to model what legal (e.g., crime severity, prior record) and extra-legal (e.g., age, school performance) considerations used by decision-makers to arrive at an outcome. Legal factors and to some extent extra-legal factors can be relied upon to make a juvenile justice outcome due to its *parens patriae* foundation. Race, an extralegal factor, however, should not be predictive of a stage outcome once all legal and other extralegal factors are considered. If race does not have a statistically significant presence, then DMC is explained by differences, for example, in legal characteristics – crime seriousness. If race is a statistically significant indicator, then something else in addition to legal and other extra-legal factors account for DMC, for example, possibly bias.

Relative rate indexes were examined for the years 2009 through 2013. Data for 2009 was taken from the Investigation of the Shelby County Juvenile Court (2012) which was based on data submitted by Shelby to the state of Tennessee. Data for 2010 through 2013 was provided by the Juvenile Court of Memphis and Shelby County (JCMSC). Data for 2013 was based on data through October 31st. Rates for 2013 are based on the first ten months of the year, the data available when this analysis was taken. As a result, final results for 2013 may be slightly different, but since materials presented here are based on 10/12 (83 percent) of the year, major changes are unlikely.

In short, Black youth are disproportionately represented in most stages and in particular, at referral to the juvenile court, secure detention, and delinquent findings. Black youth continue to be underrepresented in diversion. Declines in the RRI exist at secure detention, petition, delinquent findings, and confinement in secure facilities. An increase in an outcome in probation for Black youth is evident.

More specific, the relative rate index involving referrals to court, for example, have increased every year since 2009. In 2012, the RRI for referral is 4.42 and in 2013, 4.72. However, declines in the RRI at some stages exist. Rates pertaining to secure detention have declined from 2.1 in 2009 to 1.32 in 2012 and 1.30 in 2013. Likewise, so too have the rates for cases resulting in confinement in secure juvenile facilities, from 1.7 in 2009 to 1.30 in 2012 and 0.79 in 2013. Youth waived to adult court has remained relatively the same from 2009 to 2012 (2.3 in 2009, 2.23 in 2012). RRI analyses for this decision stage were not conducted for the year 2013 as the number of cases was insufficient. Recall that a relative rate index of 1 is neutral or 1 White to 1 Black. Anything above indicates overrepresentation; anything below, underrepresentation.

Recall that the RRI provides information concerning the extent of DMC and does not inform us of the causes of DMC. Next, following the pattern used in the DOJ findings report, multivariate analysis, in the form of logistic regression, was used to give added insight into the predictors of case outcomes or the underlying causes of DMC.

Data for the assessment study was obtained directly from JCMSC and cleaned for the objective of conducting the research. More specific, raw data of all delinquent referrals in Shelby County from July 1st, 2012 through June 30th, 2013 (N= 57,215) were provided. The dataset was converted from Excel to SPSS format and all analyses were conducted using the SPSS statistical software. The final data consisted of 8,507 distinct referrals for the one year period consisting of Whites (n= 1,052 and Blacks n=7,455).

Detention. The DOJ findings report, based on data from 2005-2010, reported a strong relationship between race and detention – Black youth were almost 2¾ times more likely to be detained than similarly situated White youth. In the present study based on data since the agreement took place, for the fiscal year 2012-2013, race is not a statistically significant predictor of the detention decision once all legal and extralegal factors are taken into account. Most of the legal and extralegal variables predict detention as one would expect. For example, the more severe the crime, the greater the chances of being held in detention.

Non-judicial. In the DOJ findings report, Blacks were found to be less likely than similarly situated Whites to receive a warning and a fine, restitution or public service sanction. Or, in other words, Blacks were more likely than Whites to be referred for further juvenile court proceedings. The results from the present study show this effect remains. Blacks are 1 and half times more likely than Whites to be referred to a court hearing net controls. Thus, while the RRI information shows a decline in the rate comparing Blacks to Whites, once multivariate analyses were performed, Blacks are treated differently relative to similarly situated Whites.

In the DOJ findings report, differentiating among the non-judicial case options with warning as one variable and diversion as another variable with release as the reference group race effect were reported. In the present study, no evidence was found involving a race main or interaction effects with the dependent variable.

Adjudication. Race is not by itself a statistically significant predictor of decision making at this stage once controls are considered. However, Black youth with a greater number of charges increases the likelihood of adjudication by 2.15 relative to other similar situated youth. In fact, for Whites with more charges, the relationship is inverse and not significant.

Judicial Disposition. Race has no main relationship with the dependent variable. However, older Whites have a reduced probability of receiving an out-of-home placement than older Blacks who have an increased odds of receiving such an outcome. In addition, Blacks held in detention have an increased likelihood of receiving the more severe judicial outcomes than similarly situated White youth once controls are taken into account.

Transfer/Waiver to Adult Court. In the DOJ findings report, Blacks were reported to be more likely to be recommended for Transfer Hearing than Whites. In the present study, due to the lack of variability-not enough Whites- the waiver hearing was not examined but are expected to be included in the next assessment (6 months).

Summary of Multivariate Results

- The overall findings indicate that at the front-end of the system, police and school referrals contribute significantly to the presence of Blacks in the juvenile justice system
- Disparities in the referrals to the juvenile court have remained high (indeed they appear to be increasing) and efforts need to be made to divert youth and in particular, Blacks, away from coming into contact with the court.
- Signs of declines in the RRI in detention appear to be evident and may be the result of initiatives taken by JCMSC and the County to reduce DMC at this stage in the proceedings.
- Blacks were also found to be 1 and half times more likely than Whites to be referred to a court hearing net controls.
- The race findings at referral, court referral involving non-judicial decision outcomes are consistent with those reported by the DOJ report.
- Blacks with a greater number of charges are likely to be adjudicated than similarly situated Whites
- Older Blacks and Blacks held in detention have an increased odds of receiving an out-of-home placement than other youth
- Due to the lack of variability-not enough Whites- the waiver hearing was not examined but are expected to be included in the next assessment (6 months).

Overall summary of RRI data and Multivariate Results

	RRI	Multivariate Results
Referral to Court	Overrep. increase	
Secure Detention	Overrep. decline	No race effect
Diversion	Underrep. steady	No race effect
Petition	Underrep. decline	Blacks more likely referred
Adjudication	Overrep. decline	Blacks/#charges adjudicated
Confinement in secure facilities	Underrep. decline	
Out-of-Home Placement		Blacks/older out-of-home Blacks/detained out-of-home

In short, while positive steps have been taken, these findings support the points raised above (page 4) that improvement on the part of JCMSC is needed. Furthermore and as stated

previously in the first report, it is acknowledged that efforts on the part of JCMSC have been made there is still a need for greater leadership or ownership of the DMC issues facing JCMSC to ensure equality for all youth.

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

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

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

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

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

Compliance Level to Be Determined (CLTBD) means that a decision on the compliance level is pending in light of deadlines of specific reforms as stated in the Agreement have not yet come or arrived – Nine-Months, One- Year-. For example, for the nine-month deadline the date for the determination of an achievement/objective is June 17, 2013.

Table 1 Compliance Rating by Provision

Identifier	Provision	Compliance Rating
1a	Identify all data collection needs at each major Decision Point	PC
1c	Identify staffing needs to collect, evaluate & report data	PC
1e	JCMSC shall identify and designate a point of contact within each department to reduce DMC	BC
1f	Collect data and information required to determine where DMC occurs	PC
1d	Shelby County Mayor shall appoint a coordinator responsible for oversight of the progress on reducing DMC	SC
1b (9 months) i-vi	JCMSC shall augment the appropriate data collection method to assist in its evaluation of its DMC levels, causes, and reduction.... This includes information on points of contact, the RRIs, and available diversion options for youth appearing before JCMSC	PC – Assessment – Leiber PC – Staff reports
1g (9 months)	Assess impact policies/procedures/programs on DMC levels at each decision point and conduct inventory of services and options...	BC
1h (9 months)	Complete and implement strategic plan to reduce DMC	BC

Table 1 continued

Identifier	Provision	Compliance Rating
2a	Revise policies, procedures, practices, and existing agreements to reduce DMC at each Decision Point and encourage objective decision making in all departments relating to its delinquency docket	BC/CLTBD
2b	(i) Collection of sufficient data (ii) Provision requiring least restrictive options and alternatives to a detention setting (iii.) Guidelines identifying a list of infractions for which a child shall NOT be detained (iv.) Guidelines identifying a list of infractions for which a child may be detained (v.) Training and guidance on the use of existing and new objective decision making tools (vi.) Requirement that a supervisory authority review all overrides within each department on, at minimum, a monthly basis	BC/CLTBD
2c	Reassess the effectiveness of its policies, procedures, practices and existing agreements annually and make necessary revisions to increase DMC reduction	CLTBD
3a-h (9 months)	Use of objective decision-making tools,...etc. Refine decision-making tools, ...etc. Pilot program – Sheriff’s department – transport Pilot program – Memphis Police Department – day/evening report center	CLTBD CLTBD BC CLTBD

Table 1 continued

Identifier	Provision	Compliance Rating
4. Training	<p>Training on a number of pts (i-vii)</p> <p>Staff involved with the delinquency docket should receive training of at least 4 hours.</p>	SC
5. Community Outreach	<p>Develop and implement a community outreach program to inform community of progress toward reforms. This should include a county-wide consortium that includes but is not limited to six to nine citizens selected by the Mayor and approved by the County Commission.</p> <p>Open meeting every six months</p> <p>There is a need for summaries of reports to be posted</p> <p>JCMSC shall publish on its website annual reports in accordance with the Agreement.</p> <p>The Community Outreach program should include a data dashboard that communicates compliance on the part of JCMSC with the Agreement.</p> <p>A community survey shall be conducted (one year)</p>	<p>BC</p> <p>BC</p> <p>BC</p> <p>SC</p> <p>CLTBD</p> <p>CLTBD</p>

1. DMC Assessment (6 Months- June 17, 2013)

- (a) Identify all data collection needs at each major Decision Point (p. 21)
STATUS- PARTIAL COMPLIANCE
DISCUSSION- collection needs have been identified for each data point
But more needs to be done with the data
- (c) Identify staffing needs to collect, evaluate & report data (p. 22)
STATUS- PARTIAL COMPLIANCE
DISCUSSION-listing of staffing and no issues have been identified concerning data collection but work needs to be done to make data useable for management purposes of DMC
- (e) JCMSC shall identify and designate a point of contact within each department to reduce DMC (p. 22).
- (f) **STATUS- BEGINNING COMPLIANCE**
DISCUSSION-points of contact have been identified. Although monthly meetings have taken place, problems exist with understanding purpose and assuming an active role. Points of contact needs to be reconsidered and Administration needs to play a more active part in taking charge of the Points of Contact in terms of objectives and use of data and information to address DMC
- (g) Collect data and information required to determine where DMC occurs (p. 22)
STATUS-PARTIAL COMPLIANCE
DISCUSSION-information has been collected and examined in general and by zip code among other things (e.g., referring agency, schools, etc.). Specific information on detention, alternatives to detention, and transfer recommendations has been collected and analyzed. While data has been collected, lacking is a discussion of what the data means and what can be done to address DMC.
- (d) Shelby County Mayor shall appoint a coordinator responsible for oversight of the progress on reducing DMC (p. 22).
STATUS-SUBSTANTIAL COMPLIANCE
DISCUSSION- the DMC Coordinator was hired in February of 2013. Work has been done with Staff, the Points of Contact, development of reports and to some degree has been involved in community outreach. As stated in the first report, the DMC Coordinator and the Court Community Liaison need to work together more often as part of the community outreach stipulation.

1.DMC Assessment (9 Months- September17, 2013)

- (b) Within nine months, JCMSC shall augment the appropriate data collection method to assist in its evaluation of its DMC levels, causes, and reduction.... This includes information on points of contact, the RRI, and available diversion options for youth appearing before JCMSC... (p. 22)

**STATUS-PARTIAL COMPLIANCE FOR EQUAL PROTECTION MONITOR,
PARTIAL COMPLIANCE FOR STAFF**

DISCUSSION-assessment study was conducted by Leiber, process will continue with working relationship with Court to improve data examined. Staff has produced many documents using data and RRI. Listing of diversion programs has occurred. Interpretation and action with the data is needed.

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

STATUS-BEGINNING COMPLIANCE

DISCUSSION-Listing of diversion alternatives has occurred. Technical assistance is requested as to how to proceed.

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

STATUS-BEGINNING COMPLIANCE

DISCUSSION-a draft strategic plan has been developed. Technical assistance has been sought as to how to proceed.

2.DMC Policies and Procedures (6 Months- June 17, 2013)

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

- (b) Revision of the above to include: (p. 23)

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

STATUS-BEGINNING COMPLIANCE/COMPLIANCE LEVEL TO BE DETERMINED

DISCUSSION-information has been collected; adoption of objective instruments has been discussed and technical assistance has been requested.

2.DMC Policies and Procedures (6 Months- June 17, 2013)

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

STATUS-COMPLIANCE LEVEL TO BE DETERMINED

DISCUSSION-annual assessment should be coming in 2014

3.DMC Reduction: Evaluation and Tools (9 Months- September 17, 2013) (p. 24-26)

- (a) Use of objective decision-making tools,....etc.
- (b) Refine decision-making tools, ...etc.

STATUS-DCLTBD

DISCUSSION- already discussed, technical assistance sought

- (c) Implementation of a pilot program involving police and the summons program

STATUS-BEGINNING COMPLIANCE

DISCUSSION-discussion and paperwork in place; evaluation needs to be part of effort

- (d) Use of alternatives, including a pilot diversion program, to secure detention...etc.

STATUS-COMPLIANCE LEVEL TO BE DETERMINED

DISCUSSION-of tools/objective instruments has occurred; discussions with Memphis Police Department to implement day/evening reporting centers has taken place. This arrangement could help reduce the number of referrals to juvenile court if done correctly.

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

STATUS-these items have been discussed elsewhere

DISCUSSION-these items have discussed previously

4. Training (One year) (p. 26-27)

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

STATUS-SUBSTANTIAL COMPLIANCE

DISCUSSION-many training sessions has occurred and is ongoing

5. Community Outreach as stated in Agreement (6 months, June 17, 2013)

- (a) Develop and implement a community outreach program to inform community of progress toward reforms. This should include a county-wide consortium that includes but is not limited to six to nine citizens selected by the Mayor and approved by the County Commission who are reflective of the cultural and ethnic diversity of the County. The consortium should also include at least two parents of children who have had children before the Court for a delinquency matter; a person under age 21 who had direct contact with the juvenile justice system and community advocates. (p. 33)

STATUS-BEGINNING COMPLIANCE

DISCUSSION-a county-wide Consortium has been formed and appears to be representative of the community; the Consortium appears to need direction and technical assistance is needed to do this; the DMC Coordinator and the Court need to play an active role but not control the Consortium. Members should be removed and/or added based on willingness to be an active participant.

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

STATUS-BEGINNING COMPLIANCE

DISCUSSION- One public meeting was held with mixed success. Another is planned sometime in January.

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

BEGINNING COMPLIANCE

DISCUSSION- This appears to have occurred

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

STATUS-SUBSTANTIAL COMPLIANCE

DISCUSSION-these activities have occurred

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

STATUS-COMPLIANCE LEVEL TO BE DETERMINED

DISCUSSION-these activities have not yet occurred

- (f) A community survey shall be conducted (**one year**) (p. 34)

The survey should measure public satisfaction, attitudes among court personnel and community members both within Memphis and the County and should be representative of gender, race/ethnicity.

STATUS-COMPLIANCE LEVEL TO BE DETERMINED

DISCUSSION-A Community Outreach policy has been developed and a number of activities in the community have taken place. Missing is a strategic plan to reduce DMC. The latter needs to be done as soon as possible. Technical assistance has been sought. A survey of the community was to have taken place but has not occurred and technical assistance is sought as to how to proceed and where funds will come from to conduct the survey. This survey needs to be developed and administered and analyzed in the next 4 months.