

**SHELBY COUNTY GOVERNMENT  
OFFICE OF CRIMINAL JUSTICE COORDINATOR**

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**TO:** Winsome Gayle  
Civil Rights Division  
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US Department of Justice

**FROM:** Bill Powell *BP*  
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**DATE:** March 21, 2014

**SUBJECT:** Compliance Report #3 – March 2014

The Memorandum of Agreement (MoA) between Shelby County and the US Department of Justice (DoJ) was entered into December 17, 2012. Page 37 of the MoA requires the Settlement Agreement Coordinator to develop and submit a report regarding compliance with the Agreement every six months until the Agreement is terminated. This is the 3<sup>rd</sup> Compliance Report. It should be clear this report comprises my opinion and assessment of the work in my role as the Settlement Agreement Coordinator. As with previous reports, this report is comprised of three sections in the format below:

**Format**

1. Narrative summary providing an assessment of compliance with the commitments in the MoA during the period covered by the Report
2. Synopsis of each Substantive Remedial Measure, including page # from the MoA on which the commitment is found. This section will include a summary of each individual commitment in the MoA, a status update on that commitment and comments related to compliance. If documentation has been previously submitted for that item, that will be noted and the prior report can be referred to as needed
3. Appendix of supporting documentation including copies of pertinent policies, memos and other documentation related to each remedial measure and commitment

**Narrative Summary**

This Report comes at a time of transition in the compliance process. The 1<sup>st</sup> two Compliance Reports focused on gauging compliance with deadlines established in the MoA. There were a number of policies that had to be created, procedures that needed to be established and data that needed to be gathered. There was also an enormous amount of training that had to be done. These tasks were time consuming and cumbersome on staff who had to find time to complete

those tasks while still attending to the daily work necessary to operate the Court. Those tasks have largely been completed. This has brought the Court to a new step in its development.

The challenge at this point in the process is to insure those policies and procedures have been implemented and the data is being used to drive operational decisions. In many ways this work is tougher. It requires more supervision and management oversight to insure policies and procedures are implemented and followed. It requires more analysis of data that has been gathered and more imagination to tie the data with operational changes necessary to foster improvement.

This great depth of organizational change has begun. Spreadsheets have been created to organize data. Narrative reports are being completed to articulate the meaning of the data and some recommendations are beginning to surface about how to best respond to the data. These things are the foundation of sustainable change and continuous improvement. In short, there are many reasons to be encouraged.

The MoA includes commitments in Due Process, DMC and Equal Protection, Protection from Harm: Detention Facility and Community Outreach. Below is a short summary of progress in each major area. This brief summary includes identification of good things that have occurred and identification of the main challenges in each area. More detailed comments on each item can be found in the following section – Synopsis of Substantive Remedial Measures.

### **Due Process**

A great deal of progress has been made in insuring Due Process protections. The Due Process area can generally be divided into two broad aims. The first involves revision and creation of policies for the Court. The second involves revision of the Juvenile Defense function to include the establishment of a Juvenile Defender Unit with the County's Public Defender Office and improvements with the Juvenile Defender Panel.

#### **Good:**

- Samples of cases are routinely reviewed for due process protections.
- Data is put into spreadsheets that can be utilized to track performance trends in these monthly reviews.
- A narrative report is done to show what is gleaned from the data.
- A training video was developed by Probation staff to use in training staff on protections against self incrimination at Probation conferences.
- The Juvenile Defender Unit of the Public Defender's Office is operational.
- Excellent training with nationally recognized faculty has been brought in to provide the Juvenile Training Immersion Program (JTIP) for Public Defender staff and members of the private Bar.

#### **Challenges:**

- Develop more thorough reviews of activities occurring in Probation conferences.
- Develop and utilize data spreadsheets to capture actions in Probation conferences and track changes in performance.

- Insure all the policies are consistently followed by staff and analyze the data captured in the reviews and spreadsheets on due process performance.
- Develop data for defense function, both Public Defender and the Panel to help assess workload and performance.
- Promulgate and adopt attorney practice standards for juvenile defenders (both Public Defender and Panel attorneys).
- Clarify the role of the Panel going forward given the presence of the Juvenile Defender Unit.
- Resource and structural issues with the Juvenile Defender Panel need to be resolved.

### **DMC and Equal Protection**

This continues to be the area in need of the most work. The DMC and Equal Protection area can also generally be divided into two areas. The first is Data collection and Analysis. The second involves responding to that analysis by employing of objective decision tools and using the data to inform changes in policy and practice. The data collection is in good shape. The follow up in determining what to do with that data remains somewhat chaotic as it relates to DMC.

#### **Good:**

- A wealth data has been gathered and is available to staff.
- The RRI for 5 of 8 Decision Points showed reduced disparities compared to the findings in the DoJ report issues in April 2012.
- A Strategic Plan for DMC reduction has been completed and is operational.
- There has been a great deal of cooperation with OJJDP in providing training and technical assistance.

#### **Challenges:**

- The monthly reports from the Points of Contact have been of little use. The last Compliance Report indicated there was a great deal of confusion regarding the role of the Points of Contact and their level of engagement in reducing DMC. That concern continues.
- There have not been many indications of analyzing and using data to reduce DMC.
- Technical assistance has been requested to help with objective decision making tools but thus far has not been delivered. This is critically important to insure there is a valid basis for decisions made by staff. Although some tools are being used, they have not been validated.
- Now that the Graduated Sanctions Grid is being used it will be important to monitor it to insure it is implemented properly and to evaluate whether it impacts DMC.
- Since no evaluation was done of the pilot call in program for law enforcement we have no idea if it works. There appears to be a lot of hope that if MPD joins the program it will make a difference. That may be true but there is no evidence that it will make a difference.
- The MoA requires that objective decision tools be evaluated and revised on an annual basis. The evaluation of existing tools (DAT, Graduated Sanctions Grid, and scales used by YSB and E&R need to be planned

### **Protection from Harm: Detention Facility**

Tremendous progress has been made in the area of Protection from Harm. Staff is better trained and a wealth of data is available to help analyze work performance and medical and mental health are available and vastly superior to what was available prior to the MoA. Detention staff has made good progress in producing reports utilizing data. They have been quick to adopt new and innovative training for staff including training on Use of force, Suicide Prevention and HIPPA. Key areas for improvement are validating data and using that data to improve daily operations. Turnover in some key positions with CCS is a cause of concern as it relates to continuity of care.

#### **Good:**

- The Use of Force policy was finalized. It is a good policy which provides appropriate guidance to staff.
- The Detention Report Card is a compilation of data into spreadsheets which allow quick access to important information that can be used to track performance trends
- CCS is on board and providing medical and mental health services. They are working well with Detention staff. CCS has been quick to offer assistance with training in areas such as HIPPA compliance and suicide prevention.
- A contract monitor is in place to help insure provision of quality medical and mental health services
- A suicide screening instrument has been proposed to help Detention staff do an immediate screening of youth entering the Detention Center
- A Critical Incident Review policy was created to provide guidance in reviews and insure “lessons learned” are incorporated into training and practice
- Detention staff will be trained in March and April on a new suicide prevention training curriculum developed by Lindsay Hayes.
- Training will also be provided to staff on the Crisis Prevention Intervention Program (CPI)

#### **Challenges:**

- There was a disruption in provision and analysis of data following staff turnover. Policies must be in place guiding data collection and analysis so it is not dependent on one individual and can be continuously done in times of staff transition.
- Review processes should be established to monitor and review performance to insure proper implementation of policies and procedures.
- Plans for validating data, insuring suicide prevention activities are effective and data sharing with staff should be completed
- PREA policies need to be quickly completed, staff trained and performance audited
- Turnover at CCS is a concern

### **Community Outreach Program (COP)**

Much progress has been made in better structuring community outreach efforts. A Community Engagement Plan has been adopted which provides structure to the myriad community activities in which the Court is involved. The CJJC continues to meet regularly and DMC Coordinator Lisa Hill is also involved in community outreach. Public meetings have been held and an increased number of public meetings focusing on particular neighborhoods are a part of the Community Engagement Plan.

#### **Good:**

- A Community Engagement Plan was submitted December 12, 2013. This plan includes a proposed timeline for specific activities including 5 community meetings at various locations.
- Dr. Laura Harris has been engaged to conduct a community survey to assess public perception and satisfaction with the Court. This survey will be funded by OJJDP.
- The Countywide Juvenile Justice Consortium (CJJC) continues to meet on a regular basis. The members recommitted their eagerness to participate to Mayor Luttrell.
- DMC Coordinator Lisa Hill has been involved in community activities and is working with the CJJC.

#### **Challenges:**

- Efforts to create a data dashboard are lagging. Information is available on websites but that information is not easily accessible nor is it easily understood.
- More feedback from the CJJC to the Court is desirable.
- Future funding may need to be provided by the County to insure proper follow up of the community survey which is being initially funded by OJJDP.

### **Conclusion**

Initial Compliance Reports focused on writing or changing policies/practices, developing data and providing training. Those things have been done. The focus now shifts to performance. This involves questions such as:

- Is Court staff following the new policies?
- Do they understand the data and are they responding to what the data tells them?
- Are they improving outcomes?

In many ways, this is the more difficult work. These are the things that must be done, not only to fully comply with the MoA but to institutionalize the changes and insure improvements are sustained after DoJ is gone from the picture.

This 3<sup>rd</sup> Compliance Report reflects a great deal of progress.

Due Process is in good shape. Due process protections are in place and verified, data is available and state of the art training is being offered public defenders and private attorneys as well. The Juvenile Defender Unit is operational and offering quality representation.

Protection from Harm is also in good shape. Quality medical services are available 24/7 and a wealth of data is present and being used. Detention administrators have embraced suggestions for improvement and have provided valuable training using innovative suicide prevention and crisis intervention curricula.

Community Engagement is improving. Activities are occurring within a planned structure that is including both neighborhoods and schools.

The Equal Protection area remains the most challenging. There are positive changes present in the Relative Rate Index in many critical areas. A tremendous amount of data is available for staff to examine the DMC issue. A Strategic Plan is in place and the DMC Coordinator is working with Court staff to implement the plan.

Of course challenges remain. Some of those main challenges include:

1. Develop more data of activities related to Probation Conferences and develop a spreadsheet to track performance trends
2. Develop data to monitor and evaluate the defense function
3. Promulgate and adopt attorney practice standards
4. Improve the monthly Points of Contact reports to insure data is analyzed relevant to DMC impact and recommendations are made to reduce DMC.
5. Development of objective decision making tools to insure consistency of treatment for youth involved with the Court
6. Establish plans for validation of data
7. PREA policies and training need to be developed
8. Create a data dashboard to help the public get a quick view of Court activities and progress relevant to the MoA

There are also several positive accomplishments that merit attention:

1. A wealth data has been gathered and is available to staff.
2. The RRI is showing overall improvement in reducing disparate outcomes in many areas
3. Strategic Plan and Community Engagement plans are offering more structure for those activities.
4. There has been a great deal of cooperation with OJJDP in providing training and technical assistance.
5. Good policies related to Use of Force and Suicide Prevention are in place.
6. CCS is on board and providing medical and mental health services.
7. A suicide screening instrument has been proposed to help Detention staff do an immediate screening of youth entering the Detention Center
8. Quality training for Detention staff is being provided for suicide prevention and crisis prevention and intervention.
9. Dr. Laura Harris has been engaged to conduct a community survey to assess public perception and satisfaction with the Court. This survey will be funded by OJJDP.

A lot of progress has been made since the last Compliance Report was submitted six months ago. The Court has developed a number of new and improved policies and practices in several areas. They are in the process of implementing those policies and getting accustomed to using data to help track and improve the quality of their work. It is a huge task to make these type changes and still complete the daily activities necessary to keep such a large Court operating. Judge Person and his team remain committed to making the improvements outlined in the MoA and in making the Juvenile Court of Memphis and Shelby County an exemplary Court. While much remains a work in progress, this report reflects the great improvement that has been made.