

SHELBY COUNTY, TENNESSEE COMPLIANCE REPORT

NO. 4

of

BILL POWELL

SETTLEMENT AGREEMENT COORDINATOR

(SEPTEMBER 23, 2014)

Submitted in compliance with December 17, 2012 MOA with U.S. Dept. of Justice

Civil Rights Division

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

TO: Winsome Gayle
Civil Rights Division
Special Litigation Section
US Department of Justice

FROM: Bill Powell *BP*
Settlement Agreement Coordinator

DATE: September 23, 2014

SUBJECT: Compliance Report #4 – September 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 4th 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. This section thus serves as a cumulative record showing the status of each item and referencing prior reports and documentation for those items
3. Appendix of supporting documentation including copies of pertinent policies, memos and other documentation related to each remedial measure and commitment

Narrative Summary

This 4th Compliance Report comes 21 months after the MoA was signed. A great deal has been accomplished in that time. The first 9 months following the signing of the MoA focused on creation/revision of policies and procedures, the collection and reporting of data, and providing a great deal of training. The Court has largely accomplished those things.

The focus at this point is on implementation in the following areas.

- ❖ Are the policies/procedures/plans being followed
- ❖ Is the data being collected used to drive operational decisions
- ❖ Are outcomes improving in the areas of Due Process, Equal Protection/DMC, Protection from Harm and Community Outreach

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

Due Process protections are the foundation of any system of justice. There are a lot of good things to report in this area. Overall the policies and procedures are in good shape. Strides have been made in collecting and using data. The Probation section, in particular, has greatly improved their data collection and analysis. Efforts have begun to collect data on the work of Panel attorneys which should help evaluate what is being done to assess the quality of defense being provided. Excellent training has been coordinated by the Public Defender for the unified defense bar. The Panel attorneys have become more active in communicating specific recommendations they believe will improve the system of juvenile justice. Previously there have been generic complaints from many defense attorneys. This shift in getting the defense attorneys to articulate their concerns is an important one. How the Court responds to their concerns will go far in determining the future relationship of the Court and the defense bar. The Juvenile Defender Unit continues to develop.

Good:

- Samples of cases are routinely reviewed for due process protections. The data shows affidavits are consistently available, rights are being explained, there is a steady decline in cases transferred, and factors related to transfers are consistently documented
- Defense attorneys are contesting Probable Cause 86% of the time
- Data is put into spreadsheets that can be utilized to track performance trends in these monthly reviews.
- Probation has made great strides in reporting performance data on spreadsheets and in analyzing that data

- Probation staff did a good job in developing a training video to use in training staff on protections against self incrimination at Probation conferences.
- The Juvenile Defender Unit of the Public Defender's Office has been appointed to 280 cases, most of them involving youth charged with violent crimes
- Attorney practice standards have been drafted and are being reviewed with the expectation they will be available for DoJ review by December 2014
- The Juvenile Court Clerk has done a good job in insuring the recording of cases and making those recordings available for review by the Monitors
- Work has begun to track data for attorneys working on the Panel so that more information will be available to assess the quality of defense provided in the Court
- The Panel attorneys have shown a willingness to work with the Court to improve the system of justice

Challenges:

- 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
- The role of the Panel needs to be clarified going forward
- Resource and structural issues with the Juvenile Defender Panel need to be resolved
- Resources for the Public Defender's Juvenile Defender Unit need to come through to provide the holistic representation necessary to do that work effectively

DMC and Equal Protection

This area has been a struggle since the MoA was signed. This portion of the MoA essentially addresses the question as to whether all children appearing before the Court receive equal protection under the law. What sounds like a simple question becomes extremely complex when you attempt to document results. Myriad social issues come into play when determining what may happen with a delinquency case. Some things may be under the control of the Court, others may not, yet the Court is charged with insuring equal protection is provided and disparate treatment is addressed. Given those complexities, the RRI shows disparities continue to exist and, in some areas, those disparities have increased in the past six months.

Improvements have been made in the application of objective decision tools. Tools such as the YASI, DAT, and Graduated Sanctions Grid are helpful in insuring consistency of decision making. The DMC and Equal Protection area requires the use of objective decision tools to insure consistency of decisions, requires data collection to determine outcomes and it requires analysis of that data to formulate recommendations for actions to be taken to reduce inequalities and disparities. In short, the Court has dramatically improved the availability of objective decision tools and continues to do a good job collecting data. The Court has fallen short in its analysis of data and formulation of actions to reduce disparities.

Good:

- The YASI has been incorporated as an objective decision tool for Probation and Youth Services Bureau
- The Graduated Sanctions Grid is another tool that has been beneficial in insuring consistency of treatment
- The DAT results in the release of many children pending disposition
- A wealth data has been gathered and is available to staff.
- A Strategic Plan for DMC reduction has been completed and is operational.
- The monthly Point of Contact reports have shown some recent improvement

Challenges:

- RRI data shows disparities have grown in 5 of the 8 Decision Points since the last report was done
- RRI data shows minorities are:
 - Less likely to be Diverted
 - More likely to be Detained
 - More likely to be Petitioned to Court
 - Less likely to be placed on Probation
 - More likely to receive a Secure Placement

It should be noted the RRI shows disparities exist, they do not show why there is a disparity

- The monthly reports from the Points of Contact are still inconsistent. They need to be submitted in a timely fashion, show more thorough analysis being done and submit recommendations designed to reduce DMC. These reports are the key to driving efforts to reduce DMC. DMC has not been reduced and the reports have given little guidance as to how to go about reducing the disparities
- 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

This area has shown a great deal of progress. The Detention Bureau has done a good job in developing a "Report Card" which provides a lot of data on operational activities. Medical and mental health services provided by CCS have been extremely beneficial to the youth in the Detention Center and suicide prevention efforts have been greatly improved. Work is being done with a consultant to develop and implement a PREA policy. As the population increases and changes it is important that Detention staff monitor grievances, use of force, and other indicators that will help them manage the facility and detainees. Given the increasing reliance on data to drive operations it is important to validate the information being recorded on the Report Card to insure its accuracy.

Good:

- 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

- Suicide screening is occurring quickly and the number of youth placed on suicide precautions has declined in recent months
- An activities therapist has been hired by CCS to provide more activities on weekends for children in Detention
- The DAT is being validated by the UofM
- A call in program for MPD is nearing implementation which should reduce the number of children transported to Detention

Challenges:

- The Grievance Policy needs to be revised
- Data validation needs to be done ASAP PREA policies need to be quickly completed, staff trained and performance audited
- More mock suicide and emergency drills should be conducted
- Critical incident reviews should be done on unusual situations to improve staff performance
- Documentation should be kept on focus groups and data sharing meetings to insure results are tracked and trends identified

Community Outreach Program (COP)

The Community Outreach Program has taken a step back since the last report. A Community Engagement Plan was adopted in December that provided structure to the myriad community activities in which the Court is involved and set a timeline for activities. The plan called for increased speaking engagements with schools and more public meetings. Unfortunately that plan has not been followed.

The MoA requires a data dashboard. The Court is working with County IT to develop a dashboard but it has not been completed.

The MoA required the Court to conduct or retain an individual to conduct a community survey by December 2013. The Court has been working with OJJDP to do the survey but, as of this report, it is unknown when the survey will be conducted. Much of this delay is attributable to issues with OJJDP.

The CJJC was formed in early 2013 and the Court has yet to receive any written input from them. The CJJC has recently had a change in leadership. An Assistant County Attorney is assigned to work with the CJJC. There has been turnover in that position as well, with three different attorneys assigned since March 2014.

Good:

- A public meeting was held on June 23rd
- Dr. Laura Harris has been identified to conduct a community survey to assess public perception and satisfaction with the Court. This survey will be funded by OJJDP.
- The CJJC held a public meeting

Challenges:

- The established Community Engagement Plan needs to be followed or amended to reflect what will be done.
- The data dashboard needs to be created. Information is available on websites but that information is not easily accessible nor is it easily understood.
- Feedback from the CJJC to the Court is needed if the Court is expected to be responsive
- The community survey needs to be conducted.

Conclusion

In the 21 months since the MoA was signed there has been a great deal of progress. Policies have been created, a lot of data is routinely collected, massive training efforts have been undertaken and the Court has taken advantage of a lot of technical assistance opportunities.

This is a time of transition. The Court is transitioning with the election of Judge Dan Michael and several new members of his management team. The Court is also transitioning from a focus on policy development to implementation of those policies.

This 4th Compliance Report reflects a lot of progress.

Due Process

This area is in good shape. Policies insuring Due Process protections are in place and data is supporting the fact that there has been improvement in providing those protections. Probation staff has dramatically improved the amount of data available for what is happening with non-judicial dispositions. The Juvenile Defender Unit is active and state of the art training has been provided to public defenders and private attorneys. Panel attorneys are becoming more vocal and provide an opportunity for the Court to work with them in making system improvements. Work on establishing attorney performance standards is ongoing.

Protection from Harm

This area is also in good shape. The Detention Bureau continues to lead the way in gathering and using data to manage their operations. Suicide screening and prevention activities are much improved and an activities therapist has been hired to provide more opportunities on the weekends for youth who are detained.

Community Outreach

This area has taken a step back. Their Community Engagement Plan has not been followed for the past three months. That plan needs to be followed or amended. Other efforts continue to lag behind for a variety of reasons, the community survey, the data dashboard and getting feedback from the CJJC. These things can be improved rather quickly with sufficient attention.

Equal Protection and DMC

This remains the most challenging area. Disparities continue with some evidence they may be increasing. There has been some recent improvement in the Point of Contact reports being submitted but, given the recent RRI data, it is essential more be done in this area. This is not an

area that can be fixed quickly. It will take a concerted, dedicated effort to move forward in this area.

Compliance with the MoA was never seen as an easy task. It is hard work on top of the already hard work of running a court system. There is much to be proud of and, of course there is much to be done. This is a time of transition for the Court but it is also a time of opportunity. Entering into a Settlement Agreement with DoJ was an expression of the Court's interest in not only meeting the letter of the MoA but an expression of the interest in being a model court for the nation. The Settlement Agreement with DoJ provides access to a great deal of national assistance and expertise that can help make that happen. The Court Monitors and Facility Consultant as well as the DoJ attorneys have all taken the posture of not only serving as monitors but serving as experts who can provide guidance as to what is possible. It is hoped that through the open sharing of information and by continuing an open collaborative working relationship with these experts that the Court will continue its record of progress to become the national model everyone is striving to be.

Due Process

1. Policies and Procedures

(a) Probable Cause Determinations

- (i) Within 90 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices to require that prior to detaining any Child, Juvenile Court Magistrates make a determination that there is probable cause that: (1) a delinquent act was committed, (2) the named Child committed the delinquent act alleged, and (3) the alleged delinquent act is one for which Tennessee statutes and JCMSC policy permit the use of detention. **(MoA p. 9)**
- (ii) Within 90 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices to provide Children arrested without a warrant a Probable Cause Determination to detain within 48 hours of the warrantless arrest. **(MoA p. 9)**
- (iii) Within 90 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices to ensure that no Child is detained for more than 48 hours prior to the Detention Hearing if the Court has not made a Probable Cause Determination. **(MoA p. 9)**
- (iv) Within 90 days of the Effective Date, JCMSC shall ensure that every Child has a meaningful opportunity to test the existence of probable cause during his or her Probable Cause Determination by revising its policies practices and procedures to:
 - a. Appoint a defense attorney to represent any indigent Child or Child whose indigence cannot be readily determined in advance of the Probable Cause Determination. Children must be presumed indigent unless information to the contrary is provided to JCMSC;
 - b. Require the government to prove the existence of probable cause with reliable evidence such as a live witness or an Affidavit of Complaint completed and sworn to by a law enforcement officer with firsthand knowledge of the incident leading to the arrest of the Child or by an officer who communicates with a reliable source who has firsthand knowledge of the incident leading to the child's arrest;
 - c. Allow defense attorneys an opportunity to challenge the government's evidence of probable cause, by cross-examining witnesses, presenting alternative testimony, or by any other appropriate means; and
 - d. Require that a record be maintained, reflecting when defense counsel was appointed, the forms of evidence used, and whether the defense attorney challenged such evidence or presented alternative evidence. Such record should be accessible from the information and recording system.

Status

These policies were submitted in the 1st Compliance Report dated April 2, 2013.

Due Process

1. Policies and Procedures

(a) Probable Cause Determinations

- (v) Each month, the Judge, or his or her designee, shall review a sampling of Case Files to determine whether the procedures for Probable Cause Determinations are being followed as required by this Agreement. The review shall include periodic observations of Probable Cause Determinations to ensure that Juvenile Court Magistrates and other staff follow policies, procedures, and practices required by this Agreement. If the review reveals that the procedures regarding Probable Cause Determinations have not been properly followed, the Judge shall take immediate corrective action, including a discussion with the responsible staff, to bring about compliance with the terms and requirements of this Agreement. **(MoA p. 10)**

Status

Forms were created to assist in the review of individual case files, including Probable Cause determinations. A sampling of cases has been routinely reviewed as required. These monthly reviews have been extended to include reviews done by Probation staff to determine protection of due process during Probation conferences. Comments below will discuss reviews by Judicial staff and then reviews by Probation staff.

Comments

Judicial Staff reviews:

Spreadsheets have been developed to aggregate information from a sample of case file reviews in order to track performance trends. The intent has been to use spreadsheets to report data and attach a narrative to discuss and demonstrate an analysis of that data.

Appendix 1 includes a spreadsheet developed to show the aggregated results of case file reviews. It also includes the most recent narrative report analyzing data from May 2014 and from January 2014. The spreadsheet reveals much about the work being done to protect Due Process. For example, from January through July 2014 the spreadsheet shows the following:

At Detention Probable Cause

- Affidavits of Complaint were available 100% of the time
- Affidavits were contested by defense attorneys 86% of the time
- There was a statement of Attorney regarding Notice & advisement of rights 100% of the time
- Rights form by Magistrate 100% of the time
- Defense attorneys contested Probable Cause 86% of the time

Adjudicatory Hearing

- Attorney present 100% of the time
- No amended petitions were filed

- 21% of the cases resulted in a trial with 79% resulting in a waiver or admission
- Plea and rights form completed 100% of the time

Transfer Hearing

- 121 “Notices of Transfer filed” with 47 actually transferred (41%) It is important to note the percentage of cases transferred has shown a steady decline
- Rights form present (protection against self-incrimination) 95% of time (100% for past 7 months)
- Written Rationale for transfer completed 100% of the time
- Nature of past treatment efforts completed 100%
- Child’s suitability for additional treatment completed 100%
- Child social factors considered 100% of the time

The numbers are impressive. With the exception of transfer cases, the data is based on a sample of cases reviewed. The reviews document that protections of due process are consistently present. They also show defense attorneys contesting Probable Cause 86% of the time which demonstrates a more active defense is being presented.

Narratives have not been presented for the Judicial spreadsheets for the past couple of months. Those submitted prior to that tend to be a recitation of numbers rather than an analysis. There is a discussion between the Court as to whether it is appropriate to submit a narrative in light of a pending lawsuit. It should be noted that the narrative is simply an interpretation and assessment of data being reported. The spreadsheet/narrative process was designed to meet the requirements of the MoA to document reviews being done and insure procedures have been followed. If taken seriously, it serves as a sustainable management tool that could be used long after the departure of DoJ to allow the Court to continuously track due process protections and be alert to any issues with those protections that may evolve in the future.

Probation reviews

Probation staff reviews a sampling of 40 cases per month. They do a spreadsheet detailing the results of those reviews and complete a narrative which explains the data and provides an analysis. The spreadsheet from January through August 2014 is included in **Appendix 2**. The narratives from June, July and August 2014 are also included in **Appendix 2**. The spreadsheets and data for Probation have been dramatically improved. The number of cases reviewed has been increased and the data provided is quite helpful. Much more information is now available about what is being done with the Probation conferences. The narratives are also much improved. Important data are being identified and insights are included which help explain what the data means. Care needs to be taken to insure the narratives do not become redundant. If it is not already happening, it would be a good idea to share the spreadsheet data in staff meetings and brainstorm about what they mean and what can be done in response. Nevertheless, this improvement in data and analysis is a notable accomplishment.

Due Process

1. Policies and Procedures

(b) Notice of Charges

- (i) Within 90 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices in accordance with Tenn. Code Ann. § 40-10-101 to ensure that Children and defense counsel receive copies of the Affidavit of Complaint as soon as it is available, but at a minimum before the Detention Hearing. JCMSC shall also ensure that Juvenile Court Magistrates formally arraign Children at all Detention Hearings. **(MoA p. 10)**
- (ii) When changes are made to a Child's charges as set forth in a filed Petition prior to the Adjudicatory Hearing that could increase the penalty, JCMSC shall provide notice of the final charges by providing copies of the amended or new Petition upon the filing of same Petition at least 14 calendar days in advance of the hearing so that the Child and defense counsel have sufficient time to prepare for the hearing, unless the Child and defense counsel waive the advance notice. If defense counsel establishes that he or she has not had sufficient time to prepare for the hearing because of changes to the Child's charges and requests a continuance, JCMSC shall move the date of the Adjudicatory Hearing to provide counsel with a reasonable opportunity to prepare. **(MoA p. 10)**
- (iii) When changes are made to a Child's charges as set forth in a filed Petition prior to the Adjudicatory Hearing that reduce the penalty or drop the charges, JCMSC shall provide notice of the final charges by providing copies of the amended or new Petition to the Child and defense counsel upon the filing of same Petition within 24 hours of the change in charges. **(MoA p. 11)**

Status

These policies were submitted in the 1st Compliance Report dated April 2, 2013.

Due Process

1. Policies and Procedures

(b) Notice of Charges

- (iv) Each month, the Judge, or his or her designee, shall review a sampling of Case Files to determine whether the requirements regarding notice of charges are being followed as required by this Agreement. The review shall include periodic observations of Detention and Adjudicatory Hearings to ensure that Juvenile Court Magistrates and other staff follow policies, procedures, and practices regarding notice of charges required by this Agreement. If the review reveals that the procedures have not been properly followed, the Judge shall take immediate corrective action, including a discussion with the responsible staff, to bring about compliance with the terms and requirements of this Agreement. **(MoA p. 11)**

Status

Forms were created to assist in the review of case files, including Notice of Charge determinations. A sampling of cases has been reviewed as required.

Comments

See the spreadsheet and narrative in **Appendix 1** and comments in the section Due Process 1. (a) (v) above regarding the spreadsheet and aggregated information on reviews.

Due Process

1. 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. The Assistant District Attorney presents evidence in support of the petition for transfer;
 - b. Children have a right to an attorney whose role is to represent their stated interest;
 - c. Children, through their attorneys, are provided the opportunity to introduce evidence on their own behalf;
 - d. Children, through their attorneys, are provided the opportunity to meaningfully confront evidence presented against them, including cross-examining adverse witnesses;
 - e. Children are protected from self-incrimination;
 - 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
 - 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.

Status

These policies were submitted in the 1st Compliance Report dated April 2, 2013.

Due Process

1. Policies and Procedures

- (ii) Each month, the Judge, or a designee, shall review all files related to Transfer Hearings to determine if Transfer Hearings properly follow the requirements of this Agreement. The review shall include periodic observations of Transfer Hearings to ensure that Juvenile Court Magistrates and other staff follow policies, procedures and practices required by this Agreement. If the review reveals that the Transfer Hearing procedures have not been properly followed, the Judge shall take immediate corrective action, including a discussion with the responsible staff, to bring about compliance with the terms and requirements of this Agreement. **(MoA p. 12)**

Status

Forms were created to assist in the review of case files, including Transfer Hearings. A sampling of cases has been reviewed as required.

Comments

See the spreadsheet and narrative in **Appendix 1** and comments in the section Due Process 1. (a) (v) above regarding the spreadsheet and aggregated information on reviews.

Due Process

1. Policies and Procedures

(d) Protections Against Self-Incrimination

- (i) Within 90 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices to prevent probation officers or any other staff from eliciting information about Children's involvement in the alleged delinquent act or acts in question outside the presence of the Child's defense attorney. **(MoA p. 12)**
- (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) Within 90 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices to ensure that probation officers appropriately advise Children of their Miranda rights. The probation officer's advisement of rights shall include: **(MoA p. 13)**
 - a. A description of the role of a defense lawyer;
 - b. A statement that the Child is entitled to the appointment of a defense attorney and that a defense attorney may be provided at no cost if the Child is eligible;
 - c. A statement that the Child's statements regarding the alleged offense can be included in the probation report; and
 - d. A statement that the Child's statement could be used against him or her by the prosecutor, probation officer, or the Magistrate Judge in further proceedings, including disposition.

Status

These policies were submitted in the 1st Compliance Report dated April 2, 2013.

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

These policies were submitted in the 1st Compliance Report dated April 2, 2013.

Due Process

1. Policies and Procedures

(d) Protections Against Self-Incrimination

- (v) JCMSC shall consider developing a partnership with a non-profit or academic organization to provide advice and support to Children during the probation intake process. Participants in this program shall be trained on the appropriate role of probation officers, the Child's right against self-incrimination, and the policies,

procedures, and practices regarding protections against self-incrimination developed as part of this Agreement. **(MoA p. 13)**

Status

A document from Larry Scroggs providing information on a meeting with the officials from the University of Memphis Law School regarding the possible establishment of a clinic to help address this item was submitted in the 2nd Compliance Report on September 23, 2013.

Comments

There have been no further developments on this item.

Due Process

1. Policies and Procedures

(d) Protections Against Self-Incrimination

- (vi) Within 30 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices in accordance with Tenn. Code Ann. § 37-1-127(b) and(e) to prohibit the adverse use of information obtained from a Child during his or her probation conference. **(MoA p. 14)**

Status

These policies were submitted in the 1st Compliance Report dated April 2, 2013.

Due Process

1. Policies and Procedures

(d) Protections Against Self-Incrimination

- (vii) Within 30 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices in accordance with Tenn. Code Ann. § 37-1-127(b) to ensure that Juvenile Court Magistrates do not permit the government to call Children as witnesses in the Child's own Adjudicatory or Transfer Hearing. **(MoA p. 14)**
- (viii) Within 30 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices in accordance with Tenn. Code Ann. § 37-1-127(b) to require Juvenile Court Magistrates to give an oral advisement of rights against self-incrimination to any Child who wishes to testify at his or her own Adjudicatory or Transfer Hearings. **(MoA p. 14)**

Status

These policies were submitted in the 1st Compliance Report dated April 2, 2013. Due Process Monitor Sandra Simkins expressed concerns about protections against self-incrimination at the Probation

Conference stage. In response to those concerns, internal training was developed and conducted for Probation staff. A video of that training was made to use for routine training of new staff in Probation.

Comments

Creation of a video for this training was an important step. The video was well done and the training should be delivered to all new Probation staff to insure they are adequately trained to protect the due process rights of children against self incrimination in Probation conferences.

Due Process

1. Policies and Procedures

(d) Protections Against Self-Incrimination

- (ix) Each month, the Judge, or his or her designee, shall review a sampling of Case Files to determine whether the requirements of this Agreement regarding protections against self-incrimination of Children are being properly followed. The review shall include periodic observations of probation conferences by appropriate supervisory staff of the Court's Probation Department as well as periodic observations of Adjudicatory and Transfer Hearings by the Judge or his or her designee. If the reviews reveal that the procedures regarding protection against self-incrimination have not been properly followed, the Judge shall take immediate corrective action, including a discussion with the responsible staff, to bring about compliance with the terms and requirements of this Agreement. **(MoA p. 14)**

Status

Forms were created to assist in the review of case files, including protections against self-incrimination. A sampling of cases has been reviewed as required.

Comments

See the spreadsheet and narrative in **Appendix 1** and comments in the section Due Process 1. (a) (v) above regarding the spreadsheet and aggregated information on reviews.

Due Process

1. Policies and Procedures

(d) Protections Against Self-Incrimination

- (x) JCMSC shall immediately cease the practice of providing Visit and Contact forms to Juvenile Court Magistrates prior to Adjudicatory Hearings. **(MoA p. 14)**

Status

This was documented in the 1st Compliance Report dated April 2, 2013.

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;
 - 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
 - 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.

Status

The Juvenile Defender Unit in the Public Defender's Office began accepting cases in February 2014. As of this report, the Juvenile Defender Unit has been appointed in 280 cases, most of them charged with committing a violent crime. Public Defender Stephen Bush set up high quality training for attorneys in this unit as well as members of the private bar through the Juvenile Training Immersion Program (JTIP). Mr. Bush reports training will be ongoing with the next session scheduled for October 14th. Mr. Bush has taken the lead on developing attorney practice standards and that work is ongoing.

Insuring sufficient administrative support, reasonable workloads and sufficient resources for defense is an ongoing challenge. The current staffing level for the Juvenile Defender Unit is;

- 6 Attorneys
- 1 Supervising Attorney
- 1 Special Assistant
- 2 Investigators
- 1 Office Manager
- 1 Legal Assistant

It is anticipated that a team of social workers and client advocates are needed to provide the type holistic representation envisioned for the Juvenile Defender Unit. Recruitment for social work positions is underway and Mr. Bush reports he hopes to have his team completely staffed in the next quarter.

Evaluation of this portion of the MoA is challenging because it requires “zealous advocacy” which is a difficult thing to measure. There is not a management information system available that provides data on case activities for cases handled by private panel attorneys. Work has been done to identify certain data to obtain and track to help determine what work is being done on cases represented by panel attorneys. Data sheets have been developed and work is being done with the County’s Information Technology office to automate those forms which will allow reports to be generated. These data forms (one for transfer cases, the other for remaining cases) are included in **Appendix 3**. Again, this applies only to cases of the Panel attorneys, not Public Defender cases.

Comments

The Juvenile Defender Unit is in place. Much remains to be learned about what cases they will take and how the “reasonable workloads” portion of the MoA will be operationalized. There have been some issues with implementation of a case management system for the Public Defender so management information and caseload information is presenting a challenge. The training has been excellent and well attended by members of the private bar as well as by attorneys in the Public Defender’s Office. The data forms for the Panel were designed to answer questions posed by Due Process Monitor Sandra Simkins. The data is limited and certainly does not address long term questions about caseload activities on behalf of clients nor does it address compliance with practice standards since they have not been developed at this point.

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.

Status

This part of the MoA requires implementation of attorney practice standards and supporting supervision and evaluation of attorneys against these practice standards. Public Defender Stephen Bush has accepted the responsibility of developing these standards which will guide not only the Juvenile Defender Unit, but all attorneys practicing in Juvenile Court. Mr. Bush reports that a draft of the standards has been completed and is being reviewed by national and regional experts. It is expected these standards will be ready to submit to DoJ for review by December 2014.

Comments

As has been noted in the previous two Compliance Reports, the current structure and placement of the Juvenile Defender Coordinator continues to be in limbo. The changing role of the panel and the role of the private bar, given the creation of the Juvenile Defender Unit, remain largely unsettled and a plan for how all of this will mesh has not been made apparent. Duties of the current Juvenile Defender Coordinator, Marilyn Hobbs, have been clarified to reduce some of the confusion associated with that role but that clarification represents a short term solution, not a long term plan. Monthly meetings with the Panel have begun to focus on itemizing concerns of the Panel and providing a written statement of those concerns so Juvenile Court has something in writing to which they can respond. The Panel attorneys who have attended these meetings have been very vocal and appear to want to work with the Court to improve the system. Depending on how the Court responds to this expression of concerns, this could represent a great opportunity for the Court and the defense bar to work together to improve the system of justice. Nevertheless, until a longer range plan is made available, the Panel will continue to be hindered by an uncertain future.

Mr. Bush has taken the lead in promulgating and adopting attorney practice standards. Those standards are an essential component in any effort to measure the quality of defense work being done.

Due Process

1. Policies and Procedures

(f) Plea Colloquies

- (i) Within six months of the Effective Date, JCMSC shall revise its policies, procedures, and practices to establish a procedure for conducting plea colloquies that is age-appropriate and clear to the Child. **(MoA p. 16)**
- (ii) JCMSC shall also ensure that Juvenile Court Magistrates conduct an interactive oral colloquy with the Child that includes: **(MoA p. 16)**
 - a. The nature of the delinquent act charged;

- b. The Child's right to an attorney;
 - c. The Child's right to plead not guilty and to have an Adjudicatory Hearing instead where he or she would have the right to cross-examine adverse witnesses and the right to remain silent;
 - d. The Child's waiver of a right to trial on the merits and an appeal by entering a guilty plea;
- (iii) Within six months of the Effective Date, JCMSC shall revise its policies, procedures, and practices to ensure that Children have a right to counsel whenever entering a plea of guilty. **(MoA p. 16)**

Status

This policy was completed in June 2013 and was submitted to DoJ at that time. The policy was included in the 2nd Compliance Report submitted September 23, 2013.

Due Process

1. Policies and Procedures

(g) Restitution Guidelines

- (i) Within six months of the Effective Date, JCMSC shall revise its policies, procedures, and practices to establish guidelines for assigning restitution to any Child adjudicated delinquent that provides the Child a meaningful opportunity to challenge the evidence of restitution. **(MoA p. 16)**
- (ii) At minimum, the restitution guidelines shall: **(MoA p. 16)**
 - a. Require documentation to support the restitution request;
 - b. Allow Children adequate time to review the restitution request and the opportunity to introduce evidence opposing the restitution amount; and
 - c. Allow Children an opportunity to request an adjustment to the restitution amount by introducing evidence of any family income and/or obligations that would prevent the ability to pay the restitution amount or render the restitution amount an undue hardship.

Status

This policy was completed in June 2013 and was submitted to DoJ at that time. The policy was included in the 2nd Compliance Report submitted September 23, 2013.

Comments

The policies are in place. Future monitoring efforts should verify the proper implementation of the policies.

Due Process

1. Policies and Procedures

(h) Bond-Setting Guidelines

- (i) Within six months of the Effective Date, JCMSC shall revise its policies, procedures, and practices to establish guidelines for the setting of bonds for Children charged with delinquent acts. **(MoA p. 17)**
- (ii) At minimum, the guidelines regarding bonds shall: **(MoA p. 17)**
 - a. Prevent excessive bonds for Children;
 - b. Reasonably assure the Child's appearance for court;
 - c. Take into account the presumptive indigence of Children and recognize that parental income may not be available to the Child; and
 - d. Allow parents to file statements of indigence where appropriate.

Status

This policy was completed in June 2013 and was submitted to DoJ at that time. The policy was included in the 2nd Compliance Report submitted September 23, 2013.

Comments

The policies are in place. Future monitoring efforts should verify the proper implementation of the policies.

Due Process

1. Policies and Procedures

(i) Confidentiality of Juvenile Delinquency Proceedings

- (i) Within 30 days of the Effective Date, JCMSC shall revise its policies, procedures, and practices to protect the Children's confidentiality in delinquency proceedings. **(MoA p. 17)**
- (ii) The Court shall ensure, in accordance with Tenn. R. Juv. P. 27 and Tenn. Supreme Court Rule 30. C. (5) that only persons who are properly concerned in a Child's case or in the Court's discretion, only persons with a direct interest in the case, are admitted into any delinquency proceeding. **(MoA p. 17)**

Status

These policies were submitted in the 1st Compliance Report dated April 2, 2013.

Due Process

1. Policies and Procedures

(j) Language Access Plan

- (i) Within six months of the Effective Date, JCMSC shall develop a language access plan that complies with Title VI of the Civil Rights Act of 1964, as amended, (42 U.S.C. § 2000d et seq.) to ensure that persons with limited English proficiency have a meaningful access to Court proceedings. JCMSC shall assess the language needs of the Shelby County population and make summonses and other crucial court documents available in appropriate languages. (MoA p. 17)
- (ii) JCMSC shall implement the language access plan within one year of the Effective Date. (MoA p. 17)

Status

This plan is outlined in a memo from Dini Malone on April 15, 2013. Policies involving language access are included in a Detention Policy and a Volunteer Services Bureau policy.

Comments

The above documents were included in the 2nd Compliance Report submitted September 23, 2013.

Due Process

1. Policies and Procedures

(k) Treatment of Witnesses

- (i) Within six months of the Effective Date, JCMSC shall revise its policies, practices, and procedures on treatment of witnesses to ensure that the integrity of witness testimony is preserved. The policy shall, at minimum, require that prior to testifying at any delinquency proceeding: (MoA p. 17)
 - a. All witnesses are placed under oath; and
 - b. All witnesses are appropriately sequestered.

Status

This policy was completed in June 2013 and was submitted to DoJ at that time. The policy was included in the 2nd Compliance Report submitted September 23, 2013.

Due Process

1. Policies and Procedures

(l) Judicial Bench Cards

- (i) Within six months of the Effective Date, JCMSC shall develop bench cards containing specific guidelines to inform Juvenile Court Magistrates about the substantive issues they need to cover during hearings in order to comply with due process requirements of the United States Constitution. **(MoA p. 18)**
- (ii) The bench cards shall be readily accessible documents that contain due process requirements, relevant case law and statutory references, and written findings Juvenile Court Magistrates shall make at the culmination of each hearing. The bench card should be made available to counsel upon request. **(MoA p. 18)**
- (iii) JCMSC shall produce bench cards for the following type of hearings and proceedings: **(MoA p. 18)**
 - a. Detention Hearing, Probable Cause Determinations, and bond-settings;
 - b. Adjudicatory Hearings;
 - c. Plea Colloquies;
 - d. Transfer Hearings;
 - e. Disposition Hearings, including procedures for setting restitution; and
 - f. Post-dispositional Hearings;

Status

A policy regarding bench cards was created 6-17-13. Submissions for bench cards in accordance with this item were included in the 2nd Compliance Report submitted September 23, 2013.

Due Process

1. Policies and Procedures

(m) Written Findings

- (i) Within six months of the Effective Date, JCMSC shall revise its policies, procedures, and practices to require Juvenile Court Magistrates to produce court orders containing written findings of fact for each judicial decision made. **(MoA p. 18)**

- (ii) The written findings of fact shall include the relevant statutory requirements, the legal reasoning that formed the basis for the court’s decision, and a narrative of the facts that the Juvenile Court Magistrate considered in reaching its conclusion. **(MoA p. 18)**

Status

This policy was complete in June 2013 and was submitted to DoJ at that time. The policy was included in the 2nd Compliance Report submitted September 23, 2013.

Due Process

1. Policies and Procedures

- (n) Recordings of Juvenile Delinquency Hearings
 - (i) Within six months of the Effective Date, JCMSC shall have all delinquency hearings, including initial Detention Hearings, Adjudicatory Hearings, Transfer Hearings, and probation revocation hearings recorded by electronic means. Privately engaged court reporters may provide written transcripts. **(MoA p. 19)**
 - (ii) JCMSC shall ensure that the recordings are complete and of sufficient quality to ensure a meaningful review. **(MoA p. 19)**
 - (iii) JCMSC shall make recordings accessible at no cost to defense counsel representing indigent Children. **(MoA p. 19)**
 - (iv) JCMSC shall make arrangements to store each recording for two years. **(MoA p. 19)**

Status

The Juvenile Court Clerk has the responsibility of recording hearings.

Comments

The memo from Ms. Touliatos describes the recording, the storage of those recordings and the quality checks of those recordings. That memo was included in the 2nd Compliance Report submitted September 23, 2013. Since that period, Due Process Monitor Sandra Simkins has occasionally requested recordings of proceedings to assist her evaluation of due process protections. Those recordings have been made readily available by Ms. Touliatos and there have been no quality issues with the recordings.

Due Process

2. Training

- (a) Within six months of the Effective Date, JCMSC shall develop a training plan for all employees involved with its delinquency docket and submit the training plan to the Monitor and the United States for review and approval. **(MoA p. 19)**

- (b) JCMSC's training plan shall ensure that appropriate staff are trained on topics relevant to their role and responsibilities in juvenile delinquency proceedings including: **(MoA p. 19)**
 - (i) Trial advocacy;
 - (ii) Constitutional due process requirements;
 - (iii) Adolescent development;
 - (iv) Disposition planning;
 - (v) Best practices in social service and therapeutic options for Children and families, including evidence-based practices;
 - (vi) The functional and practical purposes of the juvenile court, including the Court's ability to handle cases involving Children charged with serious or violent delinquent acts; and
 - (vii) The appropriate professional role of different players within juvenile proceedings.
- (c) JCMSC shall implement its first training plan within 12 months of the Effective Date and shall create subsequent training plans on an annual basis thereafter. **(MoA p. 19)**

Status

An updated training schedule is maintained by Ms. Brenda Johnson, HR Manager. That schedule is included in **Appendix 4**.

Comments

There has been a tremendous amount of training done since the release of the Findings by DoJ in April 2012. Efforts continue to be made to coordinate training initiatives with JDAI, OJJDP and others.

DMC and Equal Protection

1. **DMC Assessment**

- (a) 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 of the stages of juvenile justice. **(MoA p. 21)**

Status

Data is available at each decision point.

Comments

As the Points of Contact work on DMC issues they should be involved in identifying other data collection needs that may be helpful in informing their work.

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

The 2nd Compliance Report submitted September 23, 2013 included memos and charts that covered sections (v) and (vi) of this section.

Appendix 5 includes a report of the RRI (Relative Rate Index) results for the period January – June 2014 and also for the period July-December 2013. These reports were submitted by Debra Monroe.

Comments

Below are comparisons of the RRI from 2009, 2013(Jan-June) and 2013 (July-Dec) for the 8 Decision Points.

<u>Decision Point</u>	<u>2013 (July - Dec)</u>	<u>2014 (Jan - June)</u>
Referral to Juv Ct	4.33	3.95
Cases Diverted	0.86	0.89
Cases -- Secure Detention	1.37	1.96
Petitioned	1.23	1.51
Delinquent Findings	1.09	1.09
Probation Placement	0.99	0.93
Secure Placement	0.96	1.77
Transfer	* (insufficient #s)	* (insufficient #s)

The data in **Appendix 5** shows disparities have grown (as measured by RRI) in 5 of the 8 Decision Points. The data show that in the first half of 2014 minorities are:

- less likely to be diverted,
- more likely to be Detained,
- more likely to be Petitioned to Court,
- less likely to be placed on Probation and
- more likely to receive a Secure Placement

It should be kept in mind that the RRI does not show reasons for the disparities, simply that a disparity exists. Monitor Dr. Mike Leiber is conducting more in-depth statistical analyses of all of these areas which should help inform future reduction efforts. These statistics show the largest disparity remains with law enforcement but it also shows that disparities in other areas have grown slightly in the past year. It is clear that greater action must be taken in response to this data.

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

A memo describing the staffing for data collection and reporting for Corrective Services was included in the 2nd Compliance Report submitted September 23, 2013.

Comments

There have been no staffing issues regarding data collection; however there may be one now. Debra Monroe has done the bulk of the statistical reporting on RRI rates. Ms. Monroe resigned in August 2014 and her position has not been filled. She may continue to work on a contract basis to produce these reports. Data collection has been a strong point for the Court in this area and this situation should be monitored to insure proper data collection and analysis continues.

DMC and Equal Protection

1. DMC Assessment

- (d) Within six months of the Effective Date, the Shelby County Mayor shall appoint a coordinator responsible for oversight of the progress on reducing DMC on the part of JCMSC and other departments and agencies of Shelby County Government that he may select in the exercise of his sound discretion. **(MoA p. 22)**

Status

This item is complete. Lisa Hill was appointed by Mayor Luttrell effective February 18, 2013 as was reported in the first Compliance report.

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

Points of contact (POC) were designated. An email confirming those designations was attached to the first Compliance Report dated April 2, 2013. There have been some changes in those designations.

Comments

Points of Contact have been designated and have submitted reports but have yet to play an active role in DMC reduction.

DMC and Equal Protection

1. DMC Assessment

- (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

Several reports were included in the 2nd Compliance Report submitted September 23, 2013. Those reports were in draft form. This portion of the MoA requires the Court to determine the specific

Decision Points where DMC occurs. That information is available as shown in **Appendix 5** and that information has been shared with the Points of Contact (PoCs).

Comments

Data collection has not been an issue. Requested information has been provided by Debra Monroe and Shannon Caraway. The RRI information points to Decision Points where DMC occurs and the more extensive analysis done by Dr. Leiber has also helped pinpoint areas of DMC concern. Analysis of this information by the designated Points of Contact has been limited.

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. A host of documents were submitted and included in the 2nd Compliance Report dated September 23, 2013.

Comments

Below are the comments made in the last Compliance Report submitted in March 2014. There has been no significant progress made since that time.

“Although a number of documents were previously submitted containing a wealth of information, those documents did not constitute an assessment of impact of current policies, procedures and programs. Efforts have been made to meld this assessment with work done by the monthly Points of Contact reports but those reports have not sufficiently accomplished this depth of analysis. OJJDP has provided Technical Assistance relevant to the program inventory with additional assistance scheduled in April 2014. Much work remains if the Points of Contact are going to adequately assess impact of policies, programs and procedures in these areas. Putting the service inventory into a useable format to help assess DMC and increase diversion options also remains a considerable hurdle.”

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, DMC Coordinator submitted a Strategic Plan to Reduce DMC on December 16, 2013. The 3rd Compliance Report dated March 21, 2014 included a list of the members of the committee formed to oversee the execution of the strategic plan. 3 of those members have since resigned or retired.

Comments

The following comment was made in the last Compliance Report.

“It will be important to closely track the efforts and timelines in the Strategic Plan. The DMC area, more than any other, has been struggling with finding a structured, cohesive way to address the problem. The Strategic Plan along with the efforts and reports of the Points of Contact is the best hope of organizing these efforts and making progress in reducing DMC.”

It still applies.

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

Progress has been made in the utilization of objective decision making tools. The biggest development since the last Compliance Report has been in the use of the YASI to assist with decisions in Probation and the Youth Services Bureau. The YASI is in place and is being piloted. Additional training is scheduled for the end of September with full implementation to follow.

In addition to the YASI, the Court has used the Detention Assessment Tool (DAT) and Probation has adopted a Graduated Sanctions Grid which has been very helpful in guiding consistent decisions. Evaluation and Referral (E&R) and the Youth Services Bureau (YSB) also use objective scales to aid decision making although these tools are not validated.

Comments

This is becoming an area of strength. The increased use of objective decision tools has been noteworthy. As these instruments are used it will be important to assess their impact, if any, on DMC. Plans should also be made to validate all instruments being used by the Court.

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

This commitment is for an annual assessment that would likely begin in 2014.

Comments

There is no indication this reassessment has begun. The last Compliance Report suggested a planned schedule for reassessing policies, procedures, practices and existing agreements be established to insure this is done on a comprehensive basis. I would again suggest Technical Assistance will likely be needed to meet this commitment.

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

See the status and comments above under: DMC and Equal Protection 2. Policies and Procedures (a) and (b)

Comments

See above

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 the status and comments above under: DMC and Equal Protection 2. Policies and Procedures (a) and (b)

Comments

See above

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

A document describing the pilot program and a copy of the Memorandum of Understanding (MoU) between Juvenile Court and the Sheriff's Department was included in the 2nd Compliance Report submitted September 23, 2013. A MoU has been signed with the Memphis Police Department (MPD) which would greatly expand this program. MPD has developed a policy for the program which is included in **Appendix 6** is currently working on an implementation plan.

Comments

In the last Compliance Report a recommendation was made to plan for an evaluation of the call in program. No formal evaluation was done of the pilot project with the Sheriff's Office so it is unknown what the expected impact will be of the expanded program. Obviously, it is hoped that expansion of this program to include MPD will have a substantial impact on reducing the number of youth physically transported to the Juvenile Detention Center. Outcomes of the program should be monitored for that result as well as for any possible effects on DMC.

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 2nd Compliance Report submitted September 23, 2013 included a memo that discussed assessment tools, upcoming technical assistance and some existing and planned community partnerships. This appendix also included copies of some current assessment tools used by the Court.

Comments

The comment below was included in the last Compliance Report. It still applies.

“While a considerable amount of information has been submitted in this area, the challenge remains to use this information to formulate a structured, cohesive plan to inform decision making.”

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

The 3rd Compliance Report, dated March 21, 2014 included an email sent from Herb Lane, Chief Legal Officer of the Court which outlined the procedure for conducting a statistical review of transfers as required in the MoA p. 25 B. 3 (e).

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

As has been discussed elsewhere in this report, data collection efforts are extensive and ongoing. There have not been any situations identified in which data or information has been unattainable.

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

Lisa Hill, DMC Coordinator, has been working with the Points of Contact on these management reports. The most recent monthly reports (covering July 2014) from the Points of Contact (PoCs) are attached in **Appendix 7**.

Comments

Slow progress is being made with the PoC reports. They are beginning to include recommendations in the reports. The challenge remains to gain action on the recommendations and to analyze whether those actions move the needle on DMC. The reports are beginning to reference objective tools (YASI, Graduated Sanctions Grid and the DAT. This is a good thing and it will be important to analyze the effect of those tools on DMC.

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. Some of the tools used have not been validated.

Comments

As discussed in the last Compliance Report, once tools are in place a mechanism will need to be set up to evaluate them on an annual basis as required by this commitment in the MoA. It is likely technical assistance will be necessary for that evaluation as well. Plans should begin to be made for this purpose.

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 bi-annually. 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

A number of training efforts have been undertaken. A spreadsheet detailing training is attached in **Appendix 4**.

Comments

Development of training plans is ongoing. Attempts have been made to coordinate training efforts with JDAI and OJJDP. There have been a number of delays with OJJDP provided training recently as well as some confusion about exactly what is being requested and what is to be provided. These delays have set the Court back in some areas. That being said, the Court is fortunate that OJJDP has provided such a wealth of Technical Assistance throughout the duration of this MoA.

Protection from Harm: Detention Facility

1. Use of Force

- (a) No later than the Effective Date, the Facility shall continue to prohibit all use of a restraint chair and pressure point control tactics. **(MoA p. 28)**

Status

The restraint chairs were removed from the Detention Center on April 26, 2012 upon the direction of Judge Person. Documentation was submitted in the 1st Compliance Report dated April 2, 2013.

Protection from Harm: Detention Facility

1. Use of Force

- (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)**
- (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)**
 - (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.

Status

The Use of Force policy was revised on November 5, 2013 to incorporate feedback received from Facilities Consultant David Roush. That policy was included in the 3rd Compliance Report dated March 21, 2014.

Comments

The Detention Bureau has not had a functional PREA policy. This is a critical deficiency. Consultant Steve Jett has been brought in to provide Technical Assistance in writing and implementing an effective PREA policy. Staff should act quickly to utilize this assistance and get a workable policy in place and insure staff is trained in its implementation.

Protection from Harm: Detention Facility

1. Use of Force

- (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

Appendix 8 includes two documents. The first is the Detention Report Card for 2014 which includes spreadsheets of information, including use of force. The second document is an analysis done of use of force events for August 2014. **Appendix 9** includes a plan for data validation.

Comments

Use of force incidents are reviewed, data is compiled on use of force events, and that data is analyzed to identify issues associated with uses of force. Discussions have been held about data validation, data integrity and data sharing with staff. Plans have been submitted for validating the data on use of force and other areas. It is important to insure these plans are implemented so that there is confidence in the numbers being reported. The Detention Bureau is far ahead of the rest of the Court in collecting and using data for management purposes. This is commendable but it is imperative that there is a high level of confidence in the data being reported for this management to be effective.

Protection from Harm: Detention Facility

2. Suicide Prevention

- (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)**
- (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.
 - (ii) Procedures for initiating and terminating precautions;
 - (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;
 - (iv) Suicide risk assessment by the QMHP;
 - (v) Housing and supervision requirements, including minimal intervals of supervision and documentation;
 - (vi) Interdisciplinary reviews of all serious suicide attempts or completed suicides;
 - (vii) Multiple levels of precautions, each with increasing levels of protection;
 - (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;
 - (ix) Requirements for mortality and morbidity review; and
 - (x) Requirements for regular assessment of the physical plant to determine and address any potential suicide risks.

Status

Suicide policies were revised and those policies were attached in the 2nd Compliance Report which was submitted September 23, 2013. There are actually two policies: the first is the Suicide Prevention policy, the second is a policy addressing Suicide Crisis which describes what should be done in the event of an actual or attempted suicide.

On August 1, 2013 Correct Care Solutions (CCS) was retained as the contract medical provider. CCS provides mental health staff that plays a critical role in suicide prevention. The second Compliance

Report also included a copy of the suicide prevention policy for CCS as well as a copy of the medical assessment and receiving screening instruments used by CCS.

Comments

Staff was trained on a new suicide prevention curriculum developed by Lindsay Hayes, a nationally recognized expert in suicide prevention. This training took place in March and April 2014 and is documented in **Appendix 4**. Mock drills and critical incident reviews should be regularly conducted and documented with the aim of improving performance and insuring understanding and adherence to policies.

Protection from Harm: Detention Facility

2. Suicide Prevention

- (b) Within 60 days of the Effective Date, JCMSC shall ensure security staff posts are equipped with readily available, safely secured, suicide cut-down tools. **(MoA p. 30)**

Status

These policies were submitted in the 1st Compliance Report dated April 2, 2013.

Protection from Harm: Detention Facility

2. Suicide Prevention

- (c) After intake and admission, JCMSC shall ensure that, within 24 hours, any Child expressing suicidal intent or otherwise showing symptoms of suicide is assessed by a QMHP using an appropriate, formalized suicide risk assessment instrument. **(MoA p. 30)**
- (d) JCMSC shall require direct care staff to immediately notify a QMHP any time a Child is placed on suicide precautions. Direct care staff shall provide the mental health professional with all relevant information related to the Child's placement on suicide precautions. **(MoA p. 30)**
- (e) JCMSC shall prohibit the routine use of 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)**
- (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.
 - (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.

- (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.
- (iv) Only a QMHP may raise, lower, or terminate a Child's suicide precaution level or status.
- (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 staff's 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.
- (g) JCMSC shall ensure that Children who are removed from suicide precautions receive a follow up assessment by a QMHP while housed in the Facility. **(MoA p. 31)**
- (h) All staff, including administrative, medical, and direct care staff or contractors, shall report all incidents of self-harm to the Administrator, or his or her designee, immediately upon discovery. **(MoA p. 31)**
- (i) All suicide attempts shall be recorded in the classification system to ensure that intake staff is aware of past suicide attempts if a Child with a history of suicidal ideations or attempts is readmitted to the Facility.

Status

The suicide policies address these areas.

Comments

A contract monitor has been hired to oversee performance by CCS. Audit items developed by that monitor should be incorporated in the Detention Report Card.

Protection from Harm: Detention Facility

2. Suicide Prevention

- (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

Appendix 8 includes the Detention Report Card mentioned earlier that includes a wealth of data, including information on self-harm.

Appendix 10 includes narrative reports analyzing suicide prevention and suicide prevention screening time data.

Comments

CCS and Detention staff seems to be working well together to quickly screen and respond to issues faced by the youth in Detention.

Protection from Harm: Detention Facility

3. Training

- (a) Within one year of the Effective Date, JCMSC shall ensure that all members of detention staff receive a minimum of eight hours of competency-based training in each of the categories listed below, and two hours of annual refresher training on that same content. The training shall include an interactive component with sample cases, responses, feedback, and testing to ensure retention. Training for all new detention staff shall be provided bi-annually. (**MoA p. 31**)
 - (i) Use of force: Approved use of force curriculum, including the use of verbal de-escalation and prohibition on use of the restraint chair and pressure point control tactics.
 - (ii) Suicide prevention: The training on suicide prevention shall include the following:
 - a. A description of the environmental risk factors for suicide, individually predisposing factors, high risk periods for incarcerated Children, warning signs and symptoms, known sources of stress to potentially suicidal Children, the specific risks posed, and coping mechanisms or activities that may help to mitigate the risk of harm.
 - b. A discussion of the Facility's suicide prevention procedures, liability issues, recent suicide attempts at the Facility, searches of Children who are placed on suicide precautions, the proper evaluation of intake screening forms for signs of suicidal ideation, and any institutional barrier that might render suicide prevention ineffective.
 - c. Mock demonstrations regarding the proper response to a suicide attempt and the use of suicide rescue tools.
 - d. All detention staff shall be certified in CPR and first aid.

The Administrator shall review and, if necessary, revise the suicide prevention training curriculum to incorporate the requirements of this paragraph.

Status

Staff has been trained. Documentation is available in the training grid attached in **Appendix 4**.

Comments

Detention Administrators have generally been quick to incorporate recommendations from Facility Consultant David Roush in developing training and revising policies.

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. JCMSC shall publish on its website annual reports outlining its reform efforts in accordance with this Agreement. The annual report shall include a description of the measures taken to address the due process and detention reforms and to reduce the level of DMC at different Decision Points. **(MoA p. 33)**
- 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

A Community Engagement Plan was included in the 3rd Compliance Report submitted March 21, 2014. The Court has been working with Shelby County IT on a data dashboard.

Comments

The Community Engagement Plan was good in that it specified target audiences, stakeholders and outreach methods. Unfortunately the plan has not been consistently followed. For example, the plan stated the following activities would be done:

July	Community Meeting
August	Speak at Alternative School and hold a Community Meeting
September	Contact the Memphis Flyer re: an article, speak at a targeted high school and host a Community Meeting

None of those activities were done. By way of explanation, the Juvenile Court judgeship was up for election in August and the Court has been undergoing some transition following that election. Nevertheless, the submitted plan has not been followed nor has an amended plan been submitted.

The data dashboard is another Community Engagement piece that has been slow in developing. The last Compliance Report noted that this effort was lagging behind. There have been talks and discussions but little to show for it thus far.

Another aspect of Community Engagement involves the role of the Countywide Juvenile Justice Consortium (CJJC). The CJJC is a group of concerned citizens appointed to help keep the public informed about what the Court is doing and also to give feedback to the Court about what concerns the community might have with the Court. **Appendix 11** includes a letter from Assistant County Attorney Kathy Kirk Johnson reporting the progress of the CJJC. The CJJC has met regularly and has some dedicated members. They have recently elected new leadership and revised some by-laws. Kathy Kirk-Johnson assumed the role of liaison with the CJJC in March 2014 and recently resigned from the County. Marlinee Iverson is her replacement and will be the 3rd Assistant County Attorney to work with this group. The CJJC recently held a public meeting July that was sparsely attended. The CJJC was appointed to receive feedback from the community and provide input to the Court. The CJJC was formed in early 2013 and have gone a year and a half without providing any type of written report to which the Court can respond.

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

An outline of a proposal from Dr. Laura Harris to conduct a community survey was included in the 3rd Compliance Report submitted March 21, 2014. Dr. Harris is working with the Court and OJJDP to develop the research questions, methods and parameters for the project. There have been a number of delays in getting this survey off the ground. Most of the delays seem to be related to scheduling issues with OJJDP.

Comments

This proposal will establish an initial baseline of public satisfaction with the Court. At this point it is unknown when the survey will commence much less when it will be completed.

Implementation and Monitoring

- E. Settlement Agreement Coordinator. JCMSC or the County shall appoint an official or employee to serve as the Settlement Agreement Coordinator, whose duties shall include: **(MoA p. 37)**
 1. Developing reports regarding compliance with this Agreement and providing such reports to the United States, the Monitors, and the Facility Consultant every six months until this Agreement is terminated. The first report shall be provided four months after the Effective Date.
 2. Providing to the United States, the Monitors, and the Facility Consultant the raw data upon which each compliance report is based upon request and any reports prepared by JCMSC's technical consultants regarding compliance with this Agreement, and any other reports routinely submitted to the Settlement Agreement Coordinator regarding compliance with this Agreement.

Status

This item is complete. Bill Powell was appointed as Settlement Agreement Coordinator by Judge Person and Mayor Luttrell.

Comments

Documentation of this appointment was included in the Compliance Report dated April 2, 2013.

General Provisions

A. Policies and Procedures

1. **Policy and Procedure Review.** All existing Policies and Procedures shall be reviewed and/or revised to ensure compliance with the substantive terms of this Agreement. Where JCMSC does not have a policy in place to comply with a substantive term, JCMSC shall generate such policy. The initial policy and procedures review shall be initiated by JCMSC officials and shall be subject to review by the United States and the Monitor. **(MoA p. 39)**
2. **Schedule for Policy and Procedure Review.** Unless otherwise stated in Section III of this Agreement, JCMSC shall complete its policy review and revision within six months of the Effective Date. To accomplish this goal, JCMSC shall adhere to the Agreement regarding each substantive provision. After JCMSC completes its initial revision, JCMSC shall immediately submit the revised policies to the Monitor for review and approval. The Monitor shall, as soon as practicable but in no event more than sixty (60) days submit to JCMSC any suggested revisions to the proposed policies. Within thirty (30) days after receiving the Monitor's revisions, JCMSC shall revise the policies to incorporate the Monitor's revisions and shall resubmit the procedures to the Monitor for review and approval. The Monitor, or Facility Consultant, shall submit to JCMSC any suggested revisions to the proposed policies and procedures within thirty (30) days. This review process shall continue until the Monitor, or Facility Consultant, has approved of all policies and procedures.

JCMSC shall provide all such documents to the United States for its review within thirty (30) days of the review and approval by the Monitors. Within forty-five (45) days of its receipt of the policies, procedures, and other written documents, the United States shall provide either written approval of each document, or written concerns or objections it has to the documents that include proposed revisions. Such approval shall not be unreasonably withheld. In the event that the United States asserts that policies, procedures, or other written documents are not in compliance with the terms of this Agreement, the Parties will confer on the matter for up to thirty (30) days. **(MoA p. 39)**

3. The final policies and procedures shall be subject to further revision if, after review of the Internal Oversight documents, the Monitors or Facility Consultant, the United States, or JCMSC determines that the policies or procedures are not successfully solving the deficiency identified in the Report of Findings. Suggested changes made by JCMSC shall be reviewed and approved by the Monitors or Facility Consultant and the United States. **(MoA p. 40)**
4. **Policy Implementation.** No later than three months after the Monitor's final approval of each policy or procedure, JCMSC shall formally adopt and begin implementing the policies and modify all orders, job descriptions, training materials, and performance evaluation instruments in a manner consistent with the revised policies and procedures. Following adoption and implementation, JCMSC shall annually review each policy and procedure and revise as necessary. Any revisions to the policies and procedures shall be submitted to the Monitor for review and approval. Unless otherwise stated, all policies

and procedures shall be implemented within one year of the Effective Date. (MoA p. 40)

Status

This was done and policies submitted to DoJ previously.

General Provisions

B. Reporting Requirements

1. Comprehensive Action Plan. Within four months of the Effective Date, JCMSC shall submit to the United States a comprehensive action plan specifying the measures it intends to take in order to bring JCMSC into compliance with the substantive requirements of the Agreement, including anticipated timeframes for completion of each measure. (MoA p. 40)

Status

This plan was submitted April 12, 2013 and was included in the 2nd Compliance Plan submitted September 23, 2013.

General Provisions

B. Reporting Requirements

2. Compliance Report. JCMSC shall submit a bi-annual compliance report to the United States, the first of which shall be filed within six months of the Effective Date. Thereafter, the bi-annual reports shall be filed 30 days prior to the Monitors' and Facility Consultant's bi-annual compliance tour until the Agreement is terminated. Each bi-annual compliance report submitted by JCMSC shall describe the actions JCMSC has taken during the reporting period to implement this Agreement and shall make specific reference to the Agreement provisions being implemented. To the extent any provision of this Agreement is not being implemented, the compliance report shall also describe what actions, including any additional revisions to policies, procedures and practices, JCMSC will take to ensure implementation, and the date(s) by which those actions will be taken. (MoA p. 41)

Status

This report constitutes the 4th of the semi-annual Compliance Reports.

General Provisions

B. Reporting Requirements

3. Records. JCMSC shall maintain sufficient records to document that the requirements of this Agreement are being properly implemented and shall make such records available to the United States at all reasonable times for inspection and copying. These records shall be maintained for three years. In addition, JCMSC shall maintain and submit upon request records or other documents to verify that it has taken such actions as described in the compliance reports (e.g., census summaries, policies, procedures, protocols, training materials and incident reports) and shall also provide all additional documents reasonably requested. **(MoA p. 41)**

Status

Records are being maintained.

APPENDIX 1

[illegible]

Adjudicatory Hearing (number of cases)		JAN	FEB	MAR	APR	MAY	JUNE	JULY	YTD
Attorney Present	Attorney Present	17	16	16	16	16	16	16	113
	Attorney Present %	100%	100%	100%	100%	100%	100%	100%	100%
Rights Form (protection from self-incrimination)	Rights Form (protection from self-incrimination)	17	14	14	15	13	14	16	103
	Rights Form (protection from self-incrimination) %	100%	100%	100%	100%	100%	100%	100%	100%
Petition	Petition	17	14	14	15	13	14	16	103
	Petition %	100%	100%	100%	100%	100%	100%	100%	100%
Amended Petition	Amended Petition	0	1	0	0	0	0	0	1
	Amended Petition %	0%	7%	0%	0%	0%	0%	0%	1%
Trial	Trial	4	3	2	4	4	1	4	22
	Trial %	24%	21%	14%	27%	31%	7%	25%	21%
Waiver and Admission	Waiver and Admission	13	11	12	11	9	13	12	81
	Waiver and Admission %	76%	79%	86%	73%	69%	93%	75%	79%
Plea and Rights Form	Plea and Rights Form	13	11	12	11	9	13	12	81
	Plea and Rights Form %	100%	100%	100%	100%	100%	100%	100%	100%
Order	Order	17	14	14	15	13	14	16	103
	Order %	100%	100%	100%	100%	100%	100%	100%	100%
Nolle Pros by State		0	2	2	1	3	2	0	10

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	YTD
The Child Social Factors	9	9	10	5	6	4	4	47
The Child Social Factors %	100%	100%	100%	100%	100%	100%	100%	100%
The Alternatives Within the Juvenile Justice System Considered and Rational for	9	9	10	5	6	4	4	47
The Alternatives Within the Juvenile Justice System Considered and Ratic	100%	100%	100%	100%	100%	100%	100%	100%
Whether the juvenile court and juvenile justice system can provide rehabilitation	9	9	10	5	6	4	4	47
Whether the Juvenile Court and Juvenile Justice System Can Provide Ref	100%	100%	100%	100%	100%	100%	100%	100%
Defense Presented Evidence								
Opposing Probable Cause	3	6	4	3	1	3	2	22
Opposing Probable Cause %	33%	67%	40%	60%	17%	75%	50%	49%
In Support of Continued Juvenile Jurisdiction	3	6	4	3	1	3	2	22
In Support of Continued Juvenile Jurisdiction %	33%	67%	40%	60%	17%	75%	50%	49%
Defense Waived Evidence								
Opposing Probable Cause	6	3	6	2	5	1	2	25
Opposing Probable Cause %	67%	33%	60%	40%	83%	25%	50%	51%
In Support of Continued Juvenile Jurisdiction	6	3	6	2	5	1	2	25
In Support of Continued Juvenile Jurisdiction %	67%	33%	60%	40%	83%	25%	50%	51%

JUDICIAL REVIEW

APRIL 2014 CASES

DETENTION/PROBABLE CAUSE

Every juvenile who appeared for a detention hearing during April 2014 was represented by counsel. The Public Defender is now present along with the Juvenile Panel and members of the private bar.

Of the 21 cases reviewed, 5 appeared by way of juvenile summons instead of physical arrest. Use of the summons by law enforcement and release from Intake based upon a low "DAT" score continue to lower the detention population and indicate that JDAI efforts are on-going.

All other Due Process metrics continue at 100%.

ADJUDICATORY HEARINGS

The goals of the MOA continue at 100% as evidenced by the attached spreadsheet.

It appears that waivers and admissions accounted for 73% of the cases and that the State dismissed 1 case before trial.

TRANSFER HEARINGS

Transfer cases were conducted pursuant to TCA 37-1-134. Every juvenile appeared with counsel and signed a rights form acknowledging explanation of due process.

Additionally, the legal jacket contained a petition, notice of intent to transfer and written findings. All due process and procedural safeguards continue at 100%.

There were 5 juveniles transferred during this period. Of those transferred, defense waived the finding of probable cause and amenability of rehabilitation in 2 cases. All cases were thoroughly reviewed and no preclusions to transfer were found.

JUDICIAL REVIEW

MAY 2014 CASES

DETENTION/PROBABLE CAUSE

All due process and procedural safeguards continue at 100%.

The Court's commitment to JDAI is reflected in the May detention numbers. A review of 22 cases found that only 8 juveniles were detained pending trial. Law enforcement issued summons in lieu of arrest to 7 juveniles and the remaining 7 were released from Juvenile Court's intake after application of the DAT.

Average daily detention population for the month was 53.

ADJUDICATORY HEARINGS

Due process safeguards evidenced by written documentation in the legal file continued at 100%.

A random review of adjudicatory cases showed defense counsel entered admissions in 9 cases, trial was requested in 4 and the state entered a nolle pros in 3.

TRANSFER HEARINGS

There were 21 notices of transfer filed during May, but only 6 transfers were granted. The Court denied 3 after hearing and the state withdrew the request in 3 others.

The juveniles were over the age of 18 in 5 of 6 cases and the remaining juvenile was 18 days from reaching majority.

Hearings were waived in 5 of 6 cases.

A review of the transfer cases showed that all due process safeguards were observed and the Special Judge followed applicable statutory law.

APPENDIX 2

PROBATION CONFERENCE REVIEWS

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	AVG YTD
# CASES REVIEWED			7	40	40	40	40	40					34.5
ATTORNEY													
None			6	36	39	40	38	39					
%			86%	90%	98%	100%	95%	98%					
Private				3									
%				8%									
Public Defender							1						
%							3%						
Panel			1	1	1		1	1					
%			14%	3%	3%		3%	3%					
PERSONS PRESENT													
PARENT													
Mother			7	27	27	29	27	30					
%			100%	68%	68%	73%	68%	75%					
Father				5	3	6	3	5					
%				13%	8%	15%	8%	13%					
Both				5	6	1	2						
%				13%	15%	3%	5%						
Guardian				2	3	3	6	3					
%				5%	8%	8%	15%	8%					
Other			1	1	3	2	3	2					
%			14%	3%	8%	5%	8%	5%					
DEMOGRAPHICS													
Age													
< 10							1						
%							3%						
10-12				1	3	1		4					
%				3%	8%	3%		10%					
13 - 15			4	14	14	18	16	19					
%			57%	35%	35%	45%	40%	48%					
16-17			3	22	22	21	22	17					
%			43%	55%	55%	53%	55%	43%					
18				3	1		1						
%				8%	3%		3%						

SEX/RACE

MB	4	21	24	24	17	27
%	57%	53%	60%	60%	43%	68%
MMW	1	8	4	2	4	2
%	14%	20%	10%	5%	10%	5%
M Other			1			
%			3%			
FB	1	10	9	11	18	10
%	14%	25%	23%	28%	45%	25%
FW	1	1	2	3		1
%	14%	3%	5%	8%		3%
F Other					1	
%					3%	

SPECIAL EDUCATION

Yes	1	4	3	4	2	2
%	14%	10%	8%	10%	5%	5%
No	6	36	37	36	38	38
%	86%	90%	93%	90%	95%	95%

OFFENSE

Offense Level on Grid						
Level I	6	31	35	34	31	38
%	86%	78%	88%	85%	78%	95%
Level II	1	8	4	6	9	2
%	14%	20%	10%	15%	23%	5%
Level III			1			
%			3%			
Level IV						
%						

CONFERENCE

Right to Remain Silent Understood

Yes	7	40	40	40	40	40
-----	---	----	----	----	----	----

	100%	100%	100%	100%	100%
%	100%	100%	100%	100%	100%

No

Self Incrimination Understood

Yes	7	40	40	40	40
-----	---	----	----	----	----

	100%	100%	100%	100%	100%
%	100%	100%	100%	100%	100%

No

Right to a lawyer Understood

Yes	7	40	40	40	40	40
-----	---	----	----	----	----	----

	100%	100%	100%	100%	100%
%					

No

Collateral Consequences Understood

Yes	7	40	40	40	40	40
-----	---	----	----	----	----	----

	100%	100%	100%	100%	100%
%					

$$\mathbb{Z}_0$$

Was a Lawyer Requested

Yes	1	1	1	2	1
-----	---	---	---	---	---

	14%	3%	3%	5%	3%
%					

No

Process to obtain Lawyer Understood

Yes	7	40	40	40	40	40
-----	---	----	----	----	----	----

	100%	100%	100%	100%	100%
%					

 $\frac{Z}{O}$

DISPOSITION

Admitted Charge

Yes	6	37	37	37	33	31
%	86%	93%	93%	93%	83%	78%
No	1	3	3	3	7	9
%	14%	8%	8%	8%	18%	23%

Disposition

NPF	1			1	1	2
%	14%			3%	3%	5%
Verbal Warning		3	3	3	6	7
%		8%	8%	8%	15%	18%
Warning Letter						
%						
Warn/Counsel only	6	26	27	33	29	29
%	86%	65%	68%	83%	73%	73%
Non-custodial Diversion		5	5	4	4	2
%		13%	13%	10%	10%	5%
BYPASS	1	1				
%	14%	3%				
JC-180 (continue probation)						
%						
Evaluation & Referral (E&R)		4	6		4	2
%		10%	15%		10%	5%
Forfeiture		1		1		
%		3%		3%		

Sanction Level on Grid

Level I	6	33	39	36	34	39
%	86%	83%	98%	90%	85%	98%
Level II	1	6	2	4	6	1
%	14%	15%	5%	10%	15%	3%
Level III		1				
%		3%				
Level IV						
%						

Sanction Consistent with Grid

Yes	7	34	36	38	34	37
%	100%	85%	90%	95%	85%	93%
No		6	4	2	6	3
%		15%	10%	5%	15%	8%
Override w/ approval		6	4	2	6	3
%	100%	100%	100%	100%	100%	100%

SERVICES RECOMMENDED

No Services Provided	6	36	34	40	36	16
%	86%	90%	85%	100%	90%	40%
Services Provided						14
%						35%
Services Declined						22
%						55%

Services Recommended						
Substance Abuse		2	1			
%		5%	3%			
Mental Health		1	1		1	
%		3%	3%		3%	
Family Counseling					1	
%					3%	
Anger Management	1	1	3		3	3
%	14%	3%	8%		8%	8%
Domestic Violence Program		1	1			
%		3%	3%			



Juvenile Court of Memphis and Shelby County

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

MEMORANDUM

TO: Bill Powell

FROM: Barry Mitchell, Chief Probation Officer

DATE: July 10, 2014

SUBJECT: June Case Review

June was the first month since we have been doing reviews that no attorneys were secured for the initial conference. The conference letter does include information that an attorney may be requested.

The mother of the juvenile is still the most consistent family member at the conference. The majority of juveniles conferenced are between the ages of 13 to 17 years old. Male and female blacks represent 88% of those coming to meet with the probation counselor. Most of the juveniles are not enrolled in special education classes.

A positive item is that 85% of all cases are handled at Level I of the graduated sanctions grid (gsr). Most cases are sanctioned on Level I of the gsr. Juveniles are not only being read their Miranda rights, but the counselors are ensuring that these rights are understood by all parties.

During the conference, over 90% admit to the allegation. The most frequent disposition is that the child is warned and counseled.

Very few services are offered during the conference. The only service provider is through the Evaluation and Referral Department. The primary reason for this low response is that most of the cases reviewed are misdemeanor offenses where E&R services are not requested nor warranted.

Most of the cases continue to be Level I on the Graduated Sanctions Grid (GSR). The GSR appears to be effective as evidenced by very infrequent overrides. As mentioned previously, most of the cases are misdemeanor charges and minor in nature. We still continue to divert the majority of cases.

To increase services recommended, our counselors will regularly offer Evaluation and Referral services. Also, they will give the parent a list of services that they may seek on their own.



Juvenile Court of Memphis and Shelby County

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

MEMORANDUM

TO: Bill Powell

FROM: Barry Mitchell, Chief Probation Officer

DATE: August 19, 2014

SUBJECT: July 2014 Monthly Review

The following information relates to the eight items being followed in a monthly sampling of 40 cases that were handled nonjudicially.

Juveniles do not regularly request an attorney during the conference. We still continue to notify the child and his parent of the right to have an attorney on the conference letter that is mailed to the parties. Also, the child is informed of his right to have an attorney present during the conference. The cases are misdemeanor charges and frequently minor in nature. Many of the juveniles and their parents have been to the Court and are familiar with the process. Our counselors do a thorough job of explaining Miranda rights which helps the juvenile and his parent make an informed decision. There is a \$50 charge for the attorney along with a \$42 bill of cost fee. This may or may not be an inhibiting factor.

The mother still continues to be the most consistent adult at the conference. Many are single parents and want the case handled in one setting. It is difficult for them to have to make multiple trips to the Court.

Most of the juveniles are 13-17 years old and are African American. When juveniles re-offend, the case is assigned to the same counselor.



Juvenile Court of Memphis and Shelby County

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

MEMORANDUM

TO: Bill Powell

FROM: Barry Mitchell, Chief Probation Officer

DATE: September 11, 2014

SUBJECT: August 2014 Monthly Review

The following information relates to the eight items being followed in a monthly sampling of 40 cases that were handled nonjudicially.

Most juveniles who attend the conference with their mother do not request an attorney. Frequently, the child has had a prior case with the counselor and the child and parent may feel comfortable with the process. However, all parties are still informed several times of the right to have an attorney present at the conference.

The mother still continues to be the most consistent adult at the conference. Many are single parents and want the case handled in one setting. It is difficult for them to have to make multiple trips to the Court.

Most of the juveniles are 13-17 years old and are African American. When juveniles re-offend, the case is assigned to the same counselor.

The majority of the cases handled are misdemeanors. These cases are represented at Level 1 of the Graduated Sanctions Grid (GSR). Overrides are infrequent. Most cases are still diverted from the system.

Although most juveniles and their parent refuse services, there was a significant increase in services provided. The counselors provide a services referral sheet for the parent's convenience.

The overall conference process appears to operate smoothly. As mentioned previously, both the child and parent appear relaxed and comfortable during the conference.

APPENDIX 3

**Juvenile Court
Panel Attorney
Transfer Hearing Data Form**

Date: _____

Docket # _____

Defendant: _____

Defense Attorney: _____

Prosecutor _____

Was client transferred?

_____ No
_____ Yes

Information about the Juvenile

Sex
_____ Male
_____ Female

Race
_____ Black
_____ White
_____ Other

Age at incident:
_____ 17 years old
_____ 16 years old
_____ 15 years old
_____ 14 years old

Prior Adjudications of Delinquency

_____ No
_____ Yes

If Yes:

_____ 1 prior delinquency adjudications
_____ 2-4 prior delinquency adjudications
_____ 5 or more prior delinquency adjudications

Prior Placements with DCS

☐ No

☐ Yes

If Yes:

☐ 1 prior placement

☐ More than one prior placement

Information regarding the Charges

Lead charge:

☐ 1st degree murder

☐ 2nd degree murder

☐ Rape

☐ Agg rape

☐ Rape of a child

☐ Agg Rape of child

☐ Agg robbery

☐ Esp Agg robbery

☐ Kidnapping

☐ Agg Kidnapping

☐ Esp. Agg Kidnapping

☐ Other

Serious Injury Inflicted (Hospitalization):

☐ No

☐ Yes

Weapon Used:

☐ No

☐ Yes

If yes:

☐ Firearm

☐ Other

Did the Juvenile Act Alone

☐ No

☐ Yes

If No:

Was the juvenile the youngest person in the group?

☐ No

☐ Yes

Did the juvenile use a weapon?

☐ No

☐ Yes

Information Regarding the Attorney

Did the attorney complete the Juvenile Training Immersion Program (JTIP)?

☐ No
☐ Yes

Was a psychological evaluation requested?

☐ No
☐ Yes

If Yes:

Who was it requested from?

☐ Juvenile Court Office of Clinical Services
☐ West Tennessee Forensics
☐ Other

When was it received?

☐ Within 2 weeks
☐ 2 weeks to 30 days
☐ Longer than 30 days

Results of Psychological Evaluation

Did the Juvenile have an IQ under 70?

☐ No
☐ Yes
☐ Unknown

Was the Juvenile eligible for Special Education?

☐ No
☐ Yes
☐ Unknown

Did the Juvenile have a history of Trauma?

☐ No
☐ Yes
☐ Unknown

Was any of the above information presented as evidence in the Transfer Hearing?

☐ No
☐ Yes

Records Reviewed by Attorney:

Pre Transfer Report

_____ No

_____ Yes

School Records

_____ No

_____ Yes

Interviews Conducted by Attorney prior to Transfer Hearing Date

Client

_____ No

_____ Yes

If Yes, # of Times:

_____ One time

_____ Two times

_____ 3-4 times

_____ 5 times or more

Family or Guardian

_____ No

_____ Yes

If Yes, # of times:

_____ One time

_____ Two times

_____ 3-4 times

_____ 5 times or more

Other Supports in Child's Life?

_____ No

_____ Yes

Probation Officer?

_____ No

_____ Yes

Investigation Requested

_____ No
_____ Yes

If Yes, Type:

_____ Field Investigation
_____ Administrative Records
_____ Subpoena
_____ Video
_____ Photo
_____ Other

Probable Cause Contested:

_____ No
_____ Yes

If Yes, how?

_____ Oral Argument
_____ Written Documents

_____ Affidavit of Complaint/Arrest Report
_____ Medical Records/Psychological Reports
_____ Audio/Video
_____ School Records

_____ Live Witnesses
_____ Cross Examination of State's Witnesses
_____ Presented Defense Witnesses
_____ Requested Continuance to submit evidence against Probable Cause
_____ Negotiated Pleas
_____ Other _____

Were any Motions Filed (excluding motion for psychological evaluation)

_____ No
_____ Yes

If Yes, was it Litigated?

_____ No
_____ Yes

Information Regarding the Hearing

Was a Hearing Held?

_____ No
_____ Yes

If Yes:

Who was the Magistrate?

_____ Herbert Lane
_____ Dan Michael
_____ Other (Name _____)

What Evidence did the Defense Present?

Records?

_____ No
_____ Yes

Evaluation?

_____ No
_____ Yes

Witnesses?

_____ No
_____ Yes

If Yes, for what purpose:

Fact?

_____ No
_____ Yes

Character?

_____ No
_____ Yes

Amenability to Treatment?

_____ No
_____ Yes

If a Hearing was not Held, Why Not?

_____ Negotiated with prosecutor to remain in Juvenile Court?

_____ Prosecutor withdrew petition to transfer

_____ Juvenile requested transfer

If transfer requested, was it done against attorney advice?

_____ No

_____ Yes

Other comments/observations by Attorney:

**Juvenile Court
Panel Attorney
Data Form**

Date: _____

Docket # _____

Defendant: _____

Juvenile Defender: _____

Type of Proceeding:

_____ Detention Hearing

_____ Adjudicatory Hearing

Client Interviewed prior to Court Setting

_____ No

_____ Yes

Date of Interview _____

Investigation Requested

_____ No

_____ Yes

Type:

_____ Field Investigation

_____ Administrative Records

_____ Subpoena

_____ Video

_____ Photo

_____ Other

Docket # _____

Negotiation meeting with District Attorney prior to Court date

_____ No

_____ Yes

Probable Cause Contested:

_____ No

_____ Yes

_____ Oral Argument

_____ Written Documents

_____ Affidavit of Complaint/Arrest Report

_____ Medical Records/Psychological Reports

_____ Audio/Video

_____ School Records

_____ Live Witnesses

_____ Cross Examination of State's Witnesses

_____ Presented Defense Witnesses

_____ Requested Continuance to submit evidence against Probable Cause

_____ Negotiated Pleas

_____ Other _____

Motion Filed

_____ No

_____ Yes

_____ Litigated

_____ No

_____ Yes

Psychological Evaluation Requested

_____ No

_____ Yes

APPENDIX 4

DOJ Mandated Training 2012 - 2014

Training	Training Hours	Dates	Presenters	Classifications A
DMC 101	16	Sept. 10-11, 2012 Sept. 13-14, 2012	Andrea Coleman, DMC Coordinator, OJJDP & Team	Magistrates, Management Staff, P Custodial, and Facilities Staff
JDAI Fundamentals	16	October 9-10, 2012	Frenando Giraldo, Rick Quinn, Brian Smith, Valerie Thompson	Cross Section of Juvenile Court ei stakeholders
National DMC Webinar Part II	2	Oct. 24, 2012	Andrea Coleman	Cross Section of Juvenile Court ei
Cultural Diversity Training	16	Jan. 9-10, 2013 Feb. 13-14, 2013	Dr. Rita Cameron-Wedding & Team	Magistrates, Management Staff, P Custodial, and Facilities Staff
Defense Panel Training	4.75	March 25, 2013	Sandra Simkins & Team	Juvenile Defense Panel (earned C
Racial/Ethnic Disparities Reduction Training	12	March 27-28, 2013	Mike Finley - W. Haywood Burns Institute (JDAI)	JC Staff (8), Community Represe
Detention Training Use of Force Suicide Prevention CPR/First Aid	8 8 8 8	March 21, 28, April 4, 11, 17, 2013 March 19, 26, April 2, 9, 16, 2013 March 22, 29, April 5, 12, 19, 2013	Crisis Prevention Institute TN Dept of Mental Health American Heart Association	Detention Management, Probator Officers, Cooks, Facilities Staff
Strategies for Monitoring Conditions of Youth Confinement	1.5	May 22, 2013	Office of Juvenile Justice and Delinquency Prevention (Webinar)	DMC members, Detention manag Management, YSB Management
Miranda	1	May 28, June 4, 11, 2013	Chief Magistrate Dan Michael	Probation Counselors; Probation t
Basics of Performance Measurement & Evaluation	1.5	June 25 & 27, 2013	National Training & Technical Assistance Center (Webinar)	DMC Coordinator; DMC Points o Director of Court Services
Advanced Program Logic	1.5	July 9, 2013 July 18, 2013	National Training & Technical Assistance Center (Webinar)	DMC Coordinator, DMC Points o JDAI Rep; Director of Court Serv management
Implementing DMC Assessment Plans	1.5	July 23, 2013 July 25, 2013 (AM/PM)	National Training & Technical Assistance Center (Webinar)	DMC Coordinator, DMC Points o JDAI Rep; Director of Court Serv management

Promising DMC Delinquency Prevention and Systems Improvement Strategies	1.5	July 30, 2013; August 7, 2013; August 8, 2013 (AM/PM)	National Training & Technical Assistance Center (Webinar)	Committee A, DMC Coordinator, employees; Director of Court Services management
Bricks and Mortar of Restorative Justice: Build to Withstand the Winds of Change	1.5	August 13, 2013 August 22, 2013 August 28, 2013	National Training and Technical Assistance Center (Webinar)	Judicial Staff, Committee A, DMC Points of Contact employees; Direct Counseling management
Understanding the Importance of Implementing an Effective Justice System Response for Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex Youth in Custody	1.5	September 5, 2013 (AM/PM)	National Training and Technical Assistance Center (Webinar)	Judicial Staff, Points of Contact employees; Court Services; Counseling Management
Effective Strategies to Help Sustain Your Quality Programs	1.5	September 10, 2013	National Training and Technical Assistance Center (Webinar)	Judicial Staff, Committee A; Direct Counseling Management; Detention
Strategies for Effective Facility-Based Behavior Management	1.5	September 17, 2013 (AM/PM)	National Training and Technical Assistance Center (Webinar)	All Court Management
DMC 201	4	November 13 & 14, 2013	Andrea Coleman	Magistrates, Management Staff, and Counseling Line Staff and Managers
New/Revised Court Policies/Procedures		November 2013	Mamie Jones	
Detention Training				
Use of Force	8	March 18, 25, April 1, 8, 15, 2014	Crisis Prevention Institute	Detention Management, Probation Officers and Food Services
Suicide Prevention	8	March 19, 26, April 2, 9, 16, 2014	Correct Care Solutions	
CPR/First Aid	8	March 20, 27, April 3, 10, 17, 2014	American Heart Association	
Adolescent Development	4	April 25 & May 2, 2014	Dustin Keller, Director – Council on Children’s Mental Health - TCCY Melissa McGee, Family and Youth Engagement Coordinator AND Susan “Sukey” Steckel, LMSW, Director - Statewide	Probation Counselors, and Probation (2014 Counselors’ In-Service)

			Systems of Care Initiative TN Dept of Mental Health and Substance Abuse Services	
DMC 101 & 201	16	June 3 & 4, 2014	Andrea Coleman	Detention Officers and New Hire
YASI (Youth Assessment and Screening Instrument)	16	June 2 & 3 2014	Diana Wavra, ORBIS Partners	Juvenile Services Counselors, JC Defender
YASI (Youth Assessment and Screening Instrument)	16	September 29 & 30	Diana Wavra, ORBIS Partners	Juvenile Services Counselors, JC Defender
DMC 101 & 201	16	Week of December 8, 2014	Andrea Coleman	Detention Officers, School Resou Hire Staff

APPENDIX 5

Juvenile Justice Rates								
	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/Mixed	All Minorities
2. Juvenile Arrests								
3. Refer to Juvenile Court	26.7	105.6						105.6
4. Cases Diverted	101.6	90.8						90.8
5. Cases Involving Secure Detention	8.6	16.8						16.8
6. Cases Petitioned	16.7	25.2						25.2
7. Cases Resulting in Delinquent Findings	64.9	71.0						71.0
8. Cases resulting in Probation Placement	72.9	67.6						67.6
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	12.5	22.1						22.1
10. Cases Transferred to Adult Court	2.7	5.9						5.9

Relative Rate Index Compared with :	White							
	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests	**	**	*	*	*	*	*	**
3. Refer to Juvenile Court	1.00	3.95	*	*	*	*	*	3.95
4. Cases Diverted	1.00	0.89	*	*	*	*	*	0.89
5. Cases Involving Secure Detention	1.00	1.96	*	*	*	*	*	1.96
6. Cases Petitioned	1.00	1.51	*	*	*	*	*	1.51
7. Cases Resulting in Delinquent Findings	1.00	1.09	*	*	*	*	*	1.09
8. Cases resulting in Probation Placement	1.00	0.93	*	*	*	*	*	0.93
9. Cases Resulting in Confinement in Secure	1.00	1.77	*	*	*	*	*	1.77
10. Cases Transferred to Adult Court	**	**	*	*	*	*	*	**
Group meets 1% threshold?	Yes	Yes	No	No	No	No	No	

Key:

Statistically significant results:

Results that are not statistically significant

Group is less than 1% of the youth population

Insufficient number of cases for analysis

Missing data for some element of calculation

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Regular font

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www.elsevier.com/locate/jmb

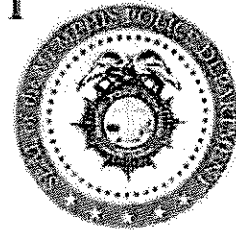
What Would it Take?								White
Assuming all else remained constant, what changes in volume for minority youth required to achieve statistical parity with								White
Note: results are only displayed if the corresponding RRI value is statistically significant	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests								
3. Refer to Juvenile Court								
4. Cases Diverted								
5. Cases Involving Secure Detention								
6. Cases Petitioned								
7. Cases Resulting in Delinquent Findings								
8. Cases resulting in Probation Placement								
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities								
10. Cases Transferred to Adult Court								
release date: August 2014								

release date: February 2014

APPENDIX 6



MEMPHIS POLICE DEPARTMENT
201 POPLAR
MEMPHIS TENNESSEE 38103



Policy and Procedure
Information and Updates

SERIAL: 19-14 *[Signature]* **DATE:** August 21, 2014
FROM: Director T. Armstrong **TO:** All Personnel
SUBJECT: Juvenile Arrest Status/Protective Custody

PURPOSE:

To revise MPD Policy and Procedures Manual Chapter VII Section 4 and 5. These sections have been combined to create the new Section 4: Juvenile Arrest/Protective Custody.

ACTION:

When dealing with a juvenile offender, officers should use the least coercive reasonable alternatives. Officers shall ensure that the constitutional rights of all juveniles are protected as to an arrest (44.2.2c). Officers should consider the following guidelines in making a decision on an alternative to **charging a juvenile with an offense.**

1. Nature of offense- The character of an incident or condition surrounding the juvenile's involvement. **Is the situation one where the officer has discretion or is it a mandatory charging situation? (44.2.2.a)**
NOTE: There may be a mandatory charging situation which still does not meet Juvenile Court's detention/arrest-transport guidelines (determined by Juvenile Court's Detention Assessment Tool). In such situations, a juvenile summons will be issued.
2. Is the juvenile alleged to have been harmed or to be in danger of harm?(44.2.2b)
3. Age of the juvenile- Involvement may have been precipitated by an older juvenile's influence or other factors.
4. Attitude (or mental position) of the juvenile with regard to the situation.
5. Officer's access to parent/guardian.
6. Knowledge of previous records may be indicative of the juvenile's attitude causing the officer to be less lenient in his discretion.
7. Known gang affiliation may alter and accelerate the normal handling of a juvenile.

The officer has the following procedures in which to handle and resolve incidents involving juveniles:

1. Warn and inform the juvenile of their wrongful action and take no further steps. (44.2.1.a)
2. Consult with the juvenile's parents.
3. Complete a juvenile summons (44.2.1.b)
4. Arrest and transport the juvenile without delay to Juvenile Court for processing and detention, notification of parents (if necessary), and/or referral for diversion alternatives. (44.2.1 c, 42.2.2.d,e)

I. Juvenile Detention

Juvenile detention ensures public safety and protection of the community while providing a safe and secure environment for juveniles prior to release or adjudication. Pretrial detention is reserved for the most serious offenders while less serious offenders are immediately released to their parents or guardians or diverted to community programs to avoid contact with the more serious elements of juvenile delinquency. **The least restrictive placement of a juvenile which insures the safety of the community is always preferred.**

Juveniles who commit offenses must meet certain criteria before they can be transported to Juvenile Court. In many cases, juveniles may be issued a Juvenile Summons in lieu of transport. **Officers will contact Juvenile Court's Central Detention Control by phone twenty-four (24) hours a day, seven days a week at 901-405-8536 to determine if a juvenile meets criteria for transport.** This will result with more juveniles being released with a summons or non-custodial diversion and fewer transports to Juvenile Court. The list below provides examples of mandatory and discretionary transports.

Mandatory Transports

1. Possession/use of a firearm
2. Open Attachment Pro Corpus (APC)/ warrant from JC
3. Court-Ordered
4. Escape from a juvenile facility, institution, or other court ordered placement

Discretionary Transports (Juvenile Summons)

1. Whether a youth is eligible for secure detention based on risk assessment
2. The youth's prior history of delinquent offenses
3. Whether the youth qualifies for the detention alternative Electronic Monitoring Program

A child shall be detained for the mandatory transport reasons and for committing a crime against a person resulting in serious injury or death; or involving the likelihood of serious injury or death to the victim.

A child shall not be detained for:

1. Punishment; or
2. Treatment; or
3. To arrange for services; or
4. To meet the demands of the community, police, victim or school administrators; or
5. To provide convenient access to the child; or
6. To satisfy the demands of the child's parent(s) or guardian(s); or
7. To facilitate the interrogation of the child or investigation of the offense; or
8. To "teach the youth a lesson".

The two (2) page Detention Assessment Tool (see Attachment A on pages 4-5) is utilized by Juvenile Court to determine if a juvenile meets the criteria to be transported to Juvenile Court. MPD officers should review the form and have the necessary information available to answer questions from the Detention Control Officer. If the juvenile does not meet detention criteria, the officer has the option to issue a juvenile summons and release the juvenile. Juvenile Court will provide assistance as needed.

This policy section is not meant to inhibit or prevent an investigator from completing any necessary steps needed in order to conduct an investigation. This policy section only determines whether a juvenile will be transported to Juvenile Court for an offense.

II. Juvenile Arrest Procedures

- A. For transport situations (mandatory and discretionary transports that meet Juvenile Court criteria for detention), the arresting officer will transport the prisoner directly to Juvenile Court, except in cases where medical attention is necessary or when directed by investigators to transport to the appropriate investigative bureau. Upon arrival at Juvenile Court, the transporting officer will give the original arrest ticket to the Juvenile Court Intake Officer, who will then make a copy and return the original arrest ticket to the transporting officer.
- B. Routing: The Officer proceeds to the Arrest Data Entry/ADE Office at 201 Poplar Criminal Justice Complex (CJC), Room 156A, phone number 636-3565, and gives the original copy to the ADE officer. It is the responsibility of the ADE office to make a copy for their records.

NOTE: The transporting officer will call Juvenile Court Intake back with any necessary property receipt numbers etc. The original is forwarded to the CompStat Office and disseminated to the appropriate Bureau's box and retrieved by the designated office personnel.
- C. If the juvenile is an active gang member who has committed a crime involving gang activity, the supervisor should contact communications, which will contact the on-duty Multi-Agency Gang Unit Supervisor.

III. Juvenile Arrest Tickets

When a juvenile is arrested, the Arrest Ticket will contain a narrative completely describing the crime, witnesses, and all pertinent data.

Only two (2) officer's names will be listed on the arrest ticket as arresting officers. All other officers who participate in an arrest will be named in the arrest ticket narrative. The two officers who are listed are to be the ones who handled the primary arrest situation and are capable of testifying against the defendants at trial. If other officers are involved in the arrest, scene investigation, or recovery of property, this information is to be accurately noted in the narrative so that the prosecutor can determine these officers need to be subpoenaed for trial.

NOTE: When an officer is required to testify in a Juvenile Court hearing, the officer will check out the necessary evidence and take it to Juvenile Court. If the evidence is bulky, large, etc., a picture of the evidence will be taken to court.

IV. Protective Custody

When a child is in immediate danger from his surroundings (i.e. a six-year-old left home alone all day) officers with supervisory approval will contact Station B and request that the Department of Children's Services (DCS) be contacted. The officer will stand by until DCS makes the scene and takes custody of the child. Officers will ask the DCS worker for identification and a contact number, both of which will be documented on the Officer's log sheet. Officers will not transport children who are in Protective Custody for neglect, abuse or abandonment to Juvenile Court.

ATTACHMENT A



Juvenile Court of Memphis and Shelby County Detention Assessment Tool

Child's Name: _____ Assessor: _____
 Birth Date: _____ Age: _____ Assessment Date: _____
 Gender: _____ Race: _____ Transporting Agency: _____
 Court File #: _____
 Presenting Offense: _____

	Points	Score
1. Most Serious Alleged Offense (choose only most serious charge)		
Class A: Felony	19	
Class B: Felony	15	
Class C: Felony	13	
Class D: Felony	11	
Class E: Felony	9	
Misdemeanor	5	
Traffic Offense	3	
Unruly/Status Offense	0	
Add if applies:		
Possession of a firearm	19	
Escape from a hardware secure facility	19	
Attachment (sometimes referred to as a warrant or capias or arrest order)	19	
Crime Against a Person involving violence, bodily harm or imminent threat of bodily harm	5	
2. Additional Charges in this Referral		
Two or more additional current felony offenses	5	
One additional current felony offense	2	
One or more additional misdemeanor or traffic offense	1	
3. Prior Adjudications		
Two or more prior adjudications of delinquency for felony offenses	5	
One prior adjudication of delinquency for a felony offense	2	
Two or more prior adjudications of delinquency for misdemeanor offenses	2	
One prior adjudication of delinquency for any misdemeanor offense	2	
One prior adjudication for any unruly/status offense or traffic offense	1	
4. Complaints/Petitions Pending Adjudication (exclude deferred adjudications)		
One or more pending petitions for a felony offense	10	
Two or more pending petitions for misdemeanor offenses	3	
One pending petition for other misdemeanor offense	2	
One or more pending petitions for unruly/status offense or traffic offense	1	
5. Current Status (Choose only one)		
Probation based on a Felony	3	
Probation based on a Misdemeanor	2	
Deferred disposition with conditions i.e. Advisement	1	
Court Pre-Trial Diversion	1	
6. History of Failure to Appear (FTA) (within past 12 months) (Choose only one)		
Two or more petitions/attachment/warrants for arrest/detention orders for FTA in past 12 months	8	
One petition/attachment/warrant for arrest/detention order for FTA in past 12 month	4	
7. History of Escape/Runaways (within past 12 months) (Choose only one)		
One or more instances of absconding from non-secure, court-ordered placements	4	
One or more runaways from home	2	
8. Violation of Probation (Choose only one)		
Violation by commission of a felony	5	
Violation with a misdemeanor	2	
Technical violation (Terms of Probation)	1	

9. Mitigating Factors	
Currently enrolled and attending school	-2
Currently Employed	-3
Successfully completed Court Ordered Program previously	-2
No Court contact in the last 24 months/First Delinquent Offense	-3
10. TOTAL SCORE	

Indicated Decision: 0 – 9 Eligible for Release Detention Alternative Used (if applicable)
 10 – 18 Eligible for Detention Alternative
 19 or above Eligible for Secure Detention

Complete if Discretionary Override:

1. Aggravating factors (override to more restrictive placement than indicated by guidelines)

(specify) _____

2. Mitigating factors (override to less restrictive placement than indicated by guidelines)

(specify) _____

3. Special Circumstances per TCA 37-1-114(c)(4) (specify) _____

If override, check any applicable factors used in the decision.

1	Age (specify)	5	Mental Health Status	9	Medical Status
2	1 st Offense at age 16 or older	6	No offenses/violations within past year	10	Threats of Bodily Harm
3	Developmental Disability/Mental Retardation	7	Responsible adult to assure supervision and return to court	11	Successful completion of prior court supervision/order
4	Parent/custodian unavailable: explain	8	Parent/custodian unwilling to care for child: explain	12	Parent/custodian unable to care for child: explain

Supervisor Override (Optional): _____

Actual: Release Alternative Secure Detention
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Post Detention Release: Date: _____ Check reason for post-detention release; if "Other" please specify.

Charge(s) dropped	After detention hearing	After posting bond
By later staff decision	After adjudication	Other:

Revised 3/15/10

This policy has been reviewed by the Accreditation team and does not conflict with any CALEA Standards.

Distribution "A"

APPENDIX 7

Juvenile Court of Memphis and Shelby County

Monthly Management Reports Synopsis

Reporting Period: July, 2014

Raw data were extracted by Shannon Caraway and submitted to Lisa Hill (DMC Coordinator) to distribute amongst the points of contacts (POC) in order for Juvenile Court to identify conduct or decision-making that increases DMC or frustrates effort to reduce DMC. The data collected specifically addresses the following eight critical decision points:

- **Referral**
- **Non Judicial Case Actions**
- **Juveniles Admitted in Detention**
- **Juveniles Petitioned**
- **Juveniles Found Delinquent**
- **Probation to YSB/APS & Probation to Parents**
- **DCS Corrective**
- **Juveniles Transferred to Adult Court**

The data that were provided to Juvenile Court by the DMC Coordinator includes a progression spreadsheet which is broken down by race (black vs. white youth) and reflects activities for all eight critical decision points covering the time period beginning December, 2012 and ending July, 2014. Also, "overall data" reports were provided which reflects the actual raw data count for black and white youth for each of the eight critical decision points. Lastly, the points of contacts were also given visual charts in the form of bar graphs to better depict the manner in which both black and white youth travel through the Juvenile Justice System beginning December, 2012 and ending July, 2014.

Reports were received from the following sections within Juvenile Court: ***Judicial, Youth Services Bureau, Detention Services Bureau and Corrective Services Bureau***. As per recent changes to the POC reporting structure, Debra Monroe is assisting Judicial and Corrective Services in preparing and analyzing their monthly data reports. The information pertained in the current reports were analyzed with Debra's assistance.

Synopsis of Reports Received:

Judicial: Three critical decision points were reported on by Judicial (Auxiliary Probation Services (APS), Youth Services Bureau (YSB), and Tennessee Department of Corrective Services (DCS). The report concentrates on only four instances of presumptive disparate treatment, and concluded that no disparate treatment took place. The recommendations that were made are still somewhat generic and continue to follow the same path as previous recommendations. Additionally, it would be helpful if this report contained information on the number of cases that were evaluated and then proceed with the cases where presumptive disparate treatment is suspected. Also, the only deviation from previous recommendations is a comment that Judicial is currently considering instituting changes in its Delinquency proceedings to a process whereby after adjudication, the case is mandatorily continued for a week or two for dispositional hearing. A follow up is expected in next month's reports on what, if any, efforts have been made to achieve this new process.

Detention Services Bureau: Two critical decision points (referrals and juveniles admitted) were reported on by Detention Services Bureau. This report contained good information for both critical decision points and offered a clear breakdown of the number of African American and white youth who were evaluated for this reporting period. The recommendations that were made will require further follow up on future reports. .

Corrective Services Bureau: Two critical decision points (non - judicial case actions and juveniles petitioned) were reported on by Corrective Services Bureau. The report has improved in the sense that it includes the number of cases evaluated and a narrative of the cases that were reviewed for disparate treatment; however, more information is needed in the recommendations section of the report and a follow up to what has currently been recommended.

Youth Services Bureau: One critical decision point (probation to YSB) was reported on by Youth Services Bureau. This report contained good data and equally good assessment of the data. The YASI should be used more for all YSB referrals, and the recommendation section mentions this. Next reporting period should reflect more use of this particular screening tool.

JUVENILE COURT OF MEMPHIS AND SHELBY COUNTY
616 Adams Avenue, Memphis, TN 38105

Reporting Department: Judicial

Reporting Point of Contact: Felicia Hogan

Report submitted: August 20, 2014

Reporting Period: July, 2014

Department Manager: H. Lane

This report is in response to the Office of Outcome Evaluation and Performance Improvement's (OEPI) report (attached), requesting a review and interpretation of four instances of presumptive disparate treatment in the month of July 2014.

The raw data for cases brought before the court in July 2014 indicate that there were two instances in which children found to have committed the same infractions were nevertheless given different dispositions. In the first instance I was asked to explain and differentiate why a young man adjudicated as delinquent for **DOMESTIC ASSAULT** was ordered to APS probation in contrast to one other young man adjudicated for the same delinquent act but the court ordered a more restrictive disposition, in particular, he was placed on YSB probation.

The second instance involved a juvenile who was adjudicated delinquent for **SIM POSS/CASUAL EXCH-MARJ** and was ordered to YSB probation in contrast to one other young man who was adjudicated for the same infraction yet, the court ordered a more restrictive disposition, DCS corrective.

FIRST INSTANCE – DOMESTIC ASSAULT:

APS Probation:

The court placed Juvenile #1 on APS probation after he was adjudicated delinquent for Domestic Assault in addition to Simple Possession of Marijuana. This was the juvenile's second contact with the court. He was previously adjudicated for Domestic Assault and Simple Possession; Marijuana, for which he was placed on unsupervised probation.

YSB Probation:

The court placed juvenile #2 on YSB probation after he was adjudicated delinquent for Domestic Assault in addition to Disorderly Conduct and resisting arrest. This juvenile

had one prior contact with the court whereby he was adjudicated delinquent for Disorderly Conduct, Aggravated Assault and Assault. He was placed on YSB probation.

SECOND INSTANCE – SIM POSS/CASUAL EXCH- MARJ:

YSB Probation:

The court placed Juvenile #1 on YSB probation after he was adjudicated delinquent for Simple Possession of Marijuana in addition to possession of Drug Paraphernalia. This was the juvenile's third contact with the court. His first contact resulted in adjudication for Assault and Possession with Intent to Sell, to wit: Marijuana. He was placed on YSB probation. His second contact resulted in adjudication from Fayette County, for Possession of Legend Drug and Simple Possession Sched. II

DCS Commitment:

Young man #2 was adjudicated delinquent for Simple Possession of Marijuana in addition to two counts of Disorderly Conduct. The instant case was the juvenile's sixth contact with the court. He was previously adjudicated delinquent for Disorderly Conduct for which he was placed on YSB probation, Theft of Property less than \$500.00 for which he was placed on YSB probation, Robbery for which the court again allowed him to participate in rehabilitative programs while under YSB probation, Criminal Attempt, to wit: Robbery (three counts). He was allowed to remain on YSB probation. Finally, Aggravated Burglary, child remained under the supervision of YSB probation.

Conclusion:

After reviewing the cases within the two instances of presumptive disparate treatment I conclude that there was no disparate treatment. In each case where the court ordered a less restrictive disposition, the juveniles in question had fewer contacts with the court/and or their infractions were less severe than those of the juveniles to whom they were compared. The magistrates consistently applied the appropriate sanctions for those juveniles who, at first glance, seemed similarly situated. I also find that the Magistrates properly applied the least restrictive appropriate graduated sanction in each case to achieve rehabilitation.

Recommendations:

1. The Magistrates continue to meet monthly to ensure adherence to all directives and procedures which established objective dispositional tools and criteria.
2. The magistrates should continue to grant continuances to defense counsel, when requested and appropriate, for purpose of preparing for dispositional hearings.

3. Magistrates should also continue to apply the alternatives of the graduated sanctions in an effort to achieve rehabilitation in the least restricted environment.
4. Magistrates should ensure that all of their orders include detail findings of the criteria he/she used as a basis for the decision.
5. The Court's current administration is continuing to evaluate the following DMC Committee's recommendation: that the Court institute changes in its Delinquency proceedings to a process whereby after adjudication, the case is mandatorily continued for a week or two for a dispositional hearing.

Juvenile Court of Memphis and Shelby County
616 Adams Avenue, Memphis, TN 38105

Reporting Department: Court Services Division: Office of Outcome Evaluation and Performance Improvement (OEPI), Debra Monroe-Lax

DMC Point of Contact: Donna Gray, Corrective Service: To review, interpret, and provide recommendations based on summary of findings (see below) that was conducted OEPI.

DMC Decision Points for Judicial (N=2) Cases Petitioned (charges filed) and Non-Judicial/Diversion Cases

Reporting Date: July 2014

Court Services Division Director: Jerry Maness

**JUVENILE COURT MONTHLY MANAGEMENT REPORT IDENTIFYING
CONDUCT OR DECISION-MAKING THAT INCREASES DMC OR FRUSTRATES
EFFORTS TO REDUCE DMC**

Summary of Findings: Non-Judicial/Diversion Cases

There were a total of 382 African American (n=337, 88%) and White juvenile offenders (n=45, 12%) during the month of July¹ whose cases resulted in non-judicial hearings. Of the 382 juvenile offenders, 337 were African American (88%) males (n=218, 57%) and females (n=119, 31%), while 45 were White (12%) males (n=33, 9%) and females (n=12, 3%).

According to the findings for non-judicial hearings, 45 (12%) of the juvenile offenders cases were overridden-down (41 African Americans and 4 Whites). There was only 1 (.3%; African American) non-judicial override-up for the month of July. It should be noted that only 16 of the 40 overrides-down for African American juvenile offenders' case type and offenses were sufficient enough to be analyzed for similarities to that of their White counterparts (n=27); whose cases did not warrant an override-down for having committed the same offense. Among the 18 African American offenders, there were 4 misdemeanor charges (i.e., Assault, Domestic Assault, SIM/POSS/Casual EXCH/MARJ, and Theft of Property < \$500), where an override-down could have possibly contributed to the ineffectiveness of the graduated sanction grid (GSG) based on race and most severe offense committed by juvenile offenders with the same offense and case type.

Of the 4 offenses, findings revealed that African American offenders (n=2) with overrides-down for SIM/POSS/Casual EXCH/MARJ had dispositions that were equivalent to their White counterpart (n=12);

¹ For purposes of this Monthly Management Point of Contact Report only African American and White juvenile offenders' cases were included in an attempt to assess possible Disproportionate Minority Contact (DMC), if any, in the handling of African American juvenile offenders' cases. Other races (Mixed Race and Asian) have been excluded from this analysis, which represented 2% (n=10) of the cases.

even though the White offenders dispositions were not overridden-down. For Theft of Property under \$500, African American offenders (n=9) dispositions were equal to or less than their White counterpart (n=12). For Domestic Violence charges, African American offenders (n=3) dispositions were more severe than their White counterpart (n=1). Lastly, for Assault charges, African American offenders (n=3) dispositions were more severe or equal to that of their White counterpart (n=2); even though the White offenders dispositions were not overridden-down, but the offense and case type was the same.

Summary of Findings: Cases Petitioned (charges filed)

There were a total of 136 African American (n=121, 89%) and White juvenile offenders (n=15, 11%) during the month of July whose cases were petitioned for court hearings. Of the 136 juvenile offenders, 121 were African American (89%) males (n=100, 74%) and females (n=21, 15%), while 15 were White (11%) males (n=13, 10%) and females (n=2, 1%).

According to the findings for cases petitioned for court, there were 6 (4%) juvenile offenders whose cases were overridden-up. No petitioned cases were overridden-down for the month of July. Findings further reveal that each of the overrides-up were for African American juvenile offenders. Of the 6 African American juvenile offenders with overrides-up, only 1 offense and case type (Assault; A-Misdemeanor) committed by 4 of the 6 offenders was similar to that of 1 White offender; henceforth, 2 of the 6 cases with overrides-up cannot be analyzed for disparity. The 1 offense involving overrides-up for the 4 African American juvenile offenders, resulted in 2 of the cases being dismissed while the remaining 2 were taken under advisement. Findings further revealed that the 1 White offender with this same case type and offense (Assault), disposition resulted in the juvenile being transferred to another juvenile court, since the offender did not reside in Shelby County. Based on the findings in this report no possible disproportionality can be concluded for this particular incident.

SUMMARY OF GRADUATED SANCTIONS GRID

For the month of July, 2014, the Graduated Sanctions Grid (GSG) was followed without deviation 89% of the time, with 9% deviation down for a lesser non-judicial sanction and 2% deviation up for a more severe sanction. In the Non-judicial/Diversion findings, the analysis refers to 1 White juvenile charged with domestic assault who appears to have a lesser sanction than the 3 African American juveniles. The 1 White juvenile had an existing domestic assault charge that was set for a court hearing; therefore the remaining domestic assault charge was handled non-judicially with no petition filed. The analysis also addresses 3 African American juveniles whose disposition was more severe or equal to the 2 White counterparts. 1 African American was originally charged with aggravated assault and the charge was amended to simple assault, which allowed for the charge to be handled non-judicially; the remaining 2 African Americans were level II offenders with a prior history that included a felony but their cases were handled with a level I non-judicial sanction. The 1 White juvenile charged with assault handled with a less severe sanction was able to provide proof that he was not involved in the assault charge and was subsequently exonerated and no petition was filed. The remaining White juvenile was an equal disposition of warn and counsel. Based upon the analysis provided for the Cases Petitioned, there was no disproportionality that required explanation.

RECOMMENDATION

Last month I recommended a request for technical assistance from OJJDP to review the Graduated Sanctions Grid. I have since e-mailed Andrea Coleman with this request, as well as Kimbrell Owens, the JDAI Coordinator in case JDAI has any available resources for technical assistance.

GRADUATED SANCTIONS GRID RESULTS

Level Offense * Level Sanction Crosstabulation							
			Level Sanction				Total
			I	II	III	IV	
Level Offense	I	Count	299	13	0	0	312
		% of Total	57.7%	2.5%	0.0%	0.0%	60.2%
	II	Count	42	107	0	0	149
		% of Total	8.1%	20.7%	0.0%	0.0%	28.8%
	III	Count	2	1	38	0	41
		% of Total	0.4%	0.2%	7.3%	0.0%	7.9%
	IV	Count	0	0	0	16	16
		% of Total	0.0%	0.0%	0.0%	3.1%	3.1%
Total		Count	343	121	38	16	518
		% of Total	66.2%	23.4%	7.3%	3.1%	100.0%

Point Of Contact Report
Referrals
July 2014

DATA

In July, five hundred forty-one (541) delinquent referrals were made to the Court via transport by law enforcement (180) and juvenile summons (361). Four hundred seventy (470) black youth were referred to the Court and seventy-one (71) white youth were referred to the Court.

Summonses:

304 were issued to black youth
57 were issued to white youth

Transports:

166 black youth were transported
14 white youth were transported.

ANALYSIS

A review of the delinquent referral data reveals that black youths are overrepresented. Eighty-seven percent (87%) of delinquent referrals to the Court were for black youth. Juvenile summonses accounted for sixty-eight percent (68%) of delinquent referrals.

RECOMMENDATIONS

The DMC Coordinator, Larry Scroggs and Chief Bill Cash with the SCSO met to discuss the issue of probable cause being addressed prior to a youth being transported to the Court. The group plans to reach out to the Memphis Police Department to discuss further.

Mark Soler with JDAI will be training the Memphis Police Department (MPD) September 26, 2014. The training will cover the juvenile justice system in Memphis, policies and strategies for reducing unnecessary juvenile arrests and detentions in Memphis and Shelby County, the Memorandum of Agreement (MOA) between the Department of Justice and Juvenile Court, and understanding how issues raised in the MOA are relevant to the day-to-day work of MPD.

The trip to Kentucky to learn more about the Court Designated Worker (CDW) program has been canceled but will be rescheduled at a later date.

Point Of Contact Report
Admits to Secure Detention
July 2014

DATA

In July, one hundred three (103) youth were admitted to secure detention. Ninety (90) of the admissions were black youths and thirteen (13) were for white youths. Twenty-six (26) youth were admitted to secure detention for the following misdemeanor offenses: domestic assault, simple assault, disorderly conduct, criminal impersonation, inciting to riot, no state driver's license, theft of property < \$500 and vandalism < \$500. Twelve (12) of the misdemeanor admissions were for domestic assault. There were twenty-seven (27) overrides of the DAT with eighteen (18) overrides for domestic assault. Twenty-six (26) of those overrides were for black youth.

ANALYSIS

Data reveals that black youth are overrepresented in admissions to secure detention. Eighty-seven percent (87%) of admissions were for black youth. Domestic assault remains the top charge for admission and remains the top charge for DAT overrides. Twenty-five percent (25%) of admissions were for misdemeanor offenses.

RECOMMENDATIONS

Some members of the JDAI Governing Committee visited Boston's KROC center to learn more about the "Bridging the Gap" Program which assists court-involved, at-risk and high-risk youth. The members are discussing the program with the Memphis KROC center to discuss their involvement as an alternative for law enforcement for youth charged with domestic violence.

Detention Services Bureau continues to reach out to parents who refuse to pick up their child from Central Detention Control (CDC). Parents are advised that their child will be referred to the Department of Children's Services as abandoned in detention and the possible assessment of a detention fee if admitted. CDC staff continued to locate parents through police notifications if the parent cannot be reached by phone. All efforts are tracked in the youth's electronic file.

Mark Soler with JDAI will be training the Memphis Police Department (MPD) September 26, 2014. The training will cover the juvenile justice system in Memphis, policies and strategies for reducing unnecessary juvenile arrests and detentions in Memphis and Shelby County, the Memorandum of Agreement (MOA) between the Department of Justice and Juvenile Court, and understanding how issues raised in the MOA are relevant to the day-to-day work of MPD.

MPD signed the Call-In Program Memorandum of Understanding (MOU). The Call-In Program will allow MPD officers to call CDC before transporting a youth the Court. The

CDC staff will administer the DAT for the youth and advise the officers if a child meets the criteria for secure detention. MPD and detention staff met in July to discuss MPD policy and procedure for the program. MPD is working on a training program for officers.

**1JUVENILE COURT OF MEMPHIS AND SHELBY COUNTY
616 Adams Avenue, Memphis, TN. 38105**

Reporting Department: YSB

Reporting Point of Contact: Wain Rubenstein

Reporting Date: August 8, 2014

Department Manager: Jerry Maness

**JUVENILE COURT MONTHLY MANAGEMENT REPORT IDENTIFYING
CONDUCT OR DECISION-MAKING THAT INCREASES DMC OR
FRUSTRATES EFFORTS TO REDUCE DMC**

Summarizing Data (What Does the Data Show)?

During July 2014, YSB received a total of 26 new cases. 96.15% were black and 3.85% were white.

Percent of black youth referred to Case Management	88.00% (N=22)
Percent of black youth referred to Intensive Case Management	12.00% (N=3)
Average Risk Assessment Score	5.42
Average Risk Assessment Score For Previous Month	5.87

Percent of white youth referred to Case Management	100.00% (N=1)
Percent of white youth referred to Intensive Case Management	0.00% (N=0)
Average Risk Assessment Score	The YASI was done on this one case.

Average Risk Assessment Score For Previous Month.	5.00
---	------

During this reporting period there were two (2) overrides. There were a far lesser number of overrides this month than the previous month, and the percentage of overrides decreased from 20% to 7.69%.

JUVENILE COURT OF MEMPHIS AND SHELBY COUNTY
616 Adams Avenue, Memphis, TN. 38105

Analyzing and Interpreting the Data (What Does the Data Mean)?

As has been previously noted those youth placed on Intensive Case Management are deemed to need a higher level of supervision. Based on the above data it appears a lesser percentage of black youth were placed on Intensive Case Management during July 2014 compared to the previous month. This decrease is matched by a corresponding increase in the percentage of black youth placed on Case Management.

The average Risk Assessment score for black youth was also decreased from 5.87 from the previous month to 5.42 for the current month. The instrument being used to obtain a Risk Assessment Score is the Community Risk Assessment Scale (Basic Scale). That score is then transferred to an assessment tool with other risk factors, and a final score is arrived at. Scores between 1-11 are assigned to Case Management and those 12 and above are assigned to Intensive Case Management. During July seven (7) youth were administered the Youth Assessment and Screening Instrument (YASI) instead of the scale mentioned above. There were six black youth and one white youth, and all were placed on Case Management

It should also be noted that there was only one white youth referred to YSB in July and 25 black youth. From October 2013 thru July 2014 there have been 273 youth referred to YSB. Sixteen (16) or 5.86% were white and 257 were black or 94.14%. While the vast majority of youth were black only 17.90% (N=46) were placed in ICM compared to 31.253% (N=5) of the white youth. The average Risk Assessment score for black youth was 4.80 compared to 5.5 for white youth.

As mentioned above, there were two (2) overrides in July. This compared to nine (9) the previous month. All were black males, and were all placed on ICM. Both were for a youth who had been on Case Management within the past year. During the ten months mentioned above there were 44 overrides with 3 (6.82%) white and 41 (93.18%) black. The most frequent reason for the override was a previous placement in YSB, twenty seven (27) (61.36%).

Recommendations

As can be seen from the data mention above the vast majority of youth being referred to YSB are black. However, they are less likely to be referred to ICM as can be seen from the difference in their Risk Assessment scores. It is not surprising that most of the overrides are for black youth, since they make up the majority of the referrals. In August 2013, the first month reported on, 26.68% of black youth were placed in ICM compared to ten-month average of 17.90%. It appears some progress has been made, but the trend appears to continue to fluctuate up and down. It is recommended that YSB continue on its present course, and make greater use of the YASI as a screening instrument as was demonstrated in July with seven (7) being administrated. The YASI will continue to play a greater roll in determining the supervision level of youth placed in YSB. The goal is to have all YSB referrals administered the YASI.

APPENDIX 8

Report Card
2014

DETENTION ASSESSMENT TOOL

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Monthly Average
Total Number of DATs Completed	176	198	247	238	304	192	193	246					224.3
Number of DATs Release Eligible	133	143	168	189	215	130	129	169					159.5
Total Number of DATs Overridden	11	16	19	27	32	21	20	35					22.6
Percentage of Release Eligible DATs Overridden	8.3%	11.2%	11.3%	14.3%	14.9%	16.2%	15.5%	20.7%					14.0%
Percentage of Total DATs Overridden	6.3%	8.1%	7.7%	11.3%	10.5%	10.9%	10.4%	14.2%					9.9%
Number of Overrides that were for Youth of Color	9	16	19	26	32	18	18	33					21.375
Number of Overrides that were for White Youth	2	0	0	1	0	3	2	2					1.25
Percentage of Overrides that were for Youth of Color	81.8%	100%	100%	96.3%	100.0%	85.7%	90.0%	94.3%					93.5%
% of Total Youth of Color Admitted who were overridden	13.2%	17.4%	16.5%	26.8%	25.0%	20.0%	20.0%	27.0%	0.0%	0.0%	0.0%	0.0%	13.8%
Percentage of Overrides that were for White Youth	18.2%	0.0%	0.0%	3.7%	0.0%	14.3%	10.0%	5.7%					6.5%
% of Total White Youth Admitted who were overridden	33.3%	0.0%	0.0%	25.0%	0.0%	33.3%	15.4%	40.0%	0.0%	0.0%	0.0%	0.0%	12.3%
Number of Overrides that were for Males	8	13	16	17	17	12	12	26					15.13
Number of Overrides that were for Females	3	3	3	10	15	9	8	9					7.5
Percentage of Overrides that were for Males	72.7%	81.3%	84.2%	63.0%	53.1%	57.1%	60.0%	74.3%					68.2%
% of Total Male Youth Admitted who were overridden	13.3%	15.7%	15.7%	20.7%	14.9%	16.2%	13.5%	24.8%	0.0%	0.0%	0.0%	0.0%	11.2%
Percentage of overrides that were for Females	27.3%	18.8%	15.8%	37.0%	46.9%	42.9%	40.0%	25.7%					31.8%
% of Total Female Youth Admitted who were overridden	21.4%	17.6%	18.8%	52.6%	62.5%	36.0%	57.1%	40.9%	0.0%	0.0%	0.0%	0.0%	25.6%

Report Card
2014

Reasons for Overrides

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Monthly Average
DATS overridden for Danger to Community	1	1	1	0	3	4	2	0					1.50
% of DATS overridden for Danger to Community	9.1%	6.7%	5.3%	0.0%	9.4%	21.1%	10.0%	0.0%					7.7%
% of DATS overridden for Danger to Community for Youth of Color	100%	100%	100%	0.0%	100.0%	75.0%	50.0%	0.0%					65.6%
% of DATS overridden for Danger to Community for White Youth	0.0%	0.0%	0.0%	0.0%	0.0%	25.0%	50.0%	0.0%					9.4%
% of DATS overridden for Danger to Community for Males	100.0%	100.0%	100%	0.0%	66.0%	50.0%	100%	0.0%					64.5%
% of DATS overridden for Danger to Community for Females	0.0%	0.0%	0.0%	0.0%	33.0%	50.0%	0.0%	0.0%					10.4%
DATS overridden for Threat of Bodily Harm	1	1	1	2	4	1	0	1					1.38
% of DATS overridden for Threat of Bodily Harm	9.1%	6.7%	5.3%	7.4%	12.5%	5.3%	0.0%	2.9%					6.1%
% of DATS overridden for Threat of Bodily Harm for Youth of Color	100%	100%	100%	100%	100.0%	0.0%	0.0%	100%					75.0%
% of DATS overridden for Threat of Bodily Harm for White Youth	0.0%	0.0%	0.0%	0.0%	0.0%	100%	0.0%	0.0%					12.5%
% of DATS overridden for Threat of Bodily Harm for Males	100%	0%	100%	100%	75.0%	0.0%	0.0%	0.0%					46.9%
% of DATS overridden for Threat of Bodily Harm for Females	0%	100%	0%	0.0%	33.0%	100%	0.0%	100%					41.6%
DATS overridden for Parent Refused to pick up	5	10	13	18	12	13	8	18					12.125
% of DATS overridden for Parent Refused to Pick up	54.5%	66.7%	68.4%	66.7%	37.5%	68.4%	40.0%	52.9%					56.9%
% of DATS overridden for Parent Refused to Pick Up for Youth of Color	100%	91%	100%	94.4%	100.0%	92.3%	87.5%	89.0%					94.3%
% of DATS overridden for Parent Refused to Pick Up for White Youth	0.0%	0.0%	0.0%	5.0%	0.0%	7.7%	12.5%	11.1%					4.5%
% of DATS overridden for Parent Refused to Pick Up for Males	60.0%	90.0%	76.9%	66.6%	33.0%	38.5%	37.5%	72.2%					59.3%
% of DATS overridden for Parent Refused to Pick Up for Females	40.0%	20.0%	23.1%	33.3%	66.0%	61.5%	62.5%	27.8%					41.8%

[illegible]

Report Card
2014

DATS Mitigated		Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Monthly Average
Number of DATS Mitigated		0	0	0	0	0	2	0	0.00%					0.25
Number of DATS Mitigated for Youth of Color		0	0	0	0	0	2	0	0.00%					0.25
Number of DATS Mitigated for White Youth		0	0	0	0	0	0	0	0.00%					0.00
Percentage of DATs Mitigated for Youth of Color		0.0%	0.0%	0.0%	0.00%	0.00%	100%	0.00%	0.00%					0.0%
% of Total Youth of Color Admitted who were Mitigated		0.0%	0.0%	0.0%	0.00%	0.00%	2.22%	0.00%	0.00%					0.0%
Percentage of DATS Mitigated for White Youth		0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%					0.0%
% of Total White Youth Admitted who were Mitigated		0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%					0.0%
Number of DATS Mitigated for Males		0	0	0	0	0	2	0	0.00%					0.25
Number of DATS Mitigated for Females		0	0	0	0	0	0	0	0.00%					0.00
Percentage of DATS Mitigated for Males		0.0%	0.0%	0.0%	0.0%	0.0%	100%	0.0%	0.0%					12.5%
% of Total Male Youth Admitted who were Mitigated		0.0%	0.0%	0.0%	0.0%	0.0%	2.7%	0.0%	0.0%					0.3%
Percentage of DATS Mitigated for Females		0.0%	0.0%	0.0%	0.0%	0.00%	0.00%	0	0					0.0%
% of Total Female Youth Admitted who were Mitigated		0.0%	0.0%	0.0%	0.0%	0.00%	0.00%	0	0					0.0%

Report Card
2014**SUICIDE PREVENTION**Monthly
Average

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	
Total Number of Youth Admitted to Detention	74	100	118	101	138	99	103	129					107.75
Total Number of QMHP Calls/Contacts	3	6	3	29	34	28	7	8					14.75
Rate of QMHP calls per 100 youth	0.247	0.571	0.220	2.236	2.061	2.082	0.556	0.460					
Number of Youth Cleared	3	6	3	13	8	4	4	1					5.25
Number of Youth Cleared with Restrictions	1	2	1	14	23	23	3	7					9.25
Number of Youth Transported for Psychiatric Care	0	0	0	1	3	0		0					0.57
Percentage Change in Number of Calls	-40.0%	100.0%	-50%	866.7%	17.2%	-17.6%	-75.0%	14.3%					101.9%
Rate of youth on Suicide Precautions per 100 youth	0.082	0.190	0.220	1.696	2.000	2.082	0.556	0.460					0.911
Number of Youth Placed Suicide Precautions	1	2	3	22	33	28	7	8					13.00
Average Time on Suicide Precaution (in hours)	27.13	27.18	33.24	45.7	117.00	132.30	114.0	65.20					8.15
Percentage Change in Average Time on Precaution	-48.0%	0.2%	22.3%	37.5%	156.0%	13.1%	-13.8%	-42.8%					15.6%
Average Time between Admittance and Suicide Screening (in hours)	2.1	2.41	2.41	0.09	0.04	0.01	0.02	0.04					0.89
Average wait time for the QMHP (in hours)	1.42	0.47	0.57	0.24	0.22	1.19	1.25	0.24					0.70

* CCS replaced Mobile Crisis in August of 2013 as the QMHP for the Detention Services Bureau. QMHP Calls changed to contacts

Report Card
2014

USE OF FORCE

Monthly
Average

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	
Number of Bed Days	1217	1050	1363	1297	1650	1345	1260	1739					1365.1
Total Number of Use of Force	6	2	11	21	33	54	48	28					25.38
Use of Force Rate per 100 youth	0.493	0.190	0.807	1.619	2.000	4.015	3.810	1.610					1.818
(2) Appropriate Force	6	2	11	21	33	54	48	28					25.375
% of Appropriate Force per Number of Use of Force	100.0%	100.0%	100.0%	100.0%	100.0%	100%	100%	100%					100.0%
(3) Number of Restraint and Seclusion	6	2	10	21	24	54	48	28					24.125
% of Restraint and Seclusion per Number of Use of Force	100.0%	100.0%	90.9%	100.0%	72.7%	100%	100%	100%					95.5%
(4) Number of Documentation and Reporting	6	2	11	21	33	54	48	28					25.375
% of Documentation and Reporting per Number of Use of Force	100.0%	100.0%	100.0%	100.0%	100.0%	100%	100%	100%					100.0%
(5) Hierarchy of Non-Physical Alternatives Used	2	0	2	2	11	25	9	10					7.625
Heirarcy of Non-Physical Alternatives Waived due to Active Physical Aggression	4	2	9	19	19	29	39	18					17.375
% of Times Heirarchy of Non-Physical Alternatives Used	33.3%	0.0%	18.2%	9.5%	33.3%	46.3%	18.8%	35.7%					24.4%
(6) Non-Physical Alternatives Documented	2	0	2	2	11	25	9	10					7.625
% of Times Non-Physical Alternatives Documented when required	33.3%	0.0%	100.0%	100.0%	100.0%	100%	100%	100%					79.2%
(7) Medical Evaluations Completed	6	2	11	21	30	54	48	28					25
% of Time Medical Evaluations Completed	100.0%	100.0%	100.0%	100.0%	100.0%	100%	100%	100%					100.0%
(8) Wrongful conduct uncovered	0	0	0	4	0	2	1	0					0.875
% of Wrongful Conduct	0.0%	0.0%	0.0%	19.0%	0.0%	3.7%	2.1%	0.0%					3.1%
(9) Violations of Policy or Protocol	0	0	0	4	0	0	0	1					0.71429
% of Violations of Policy or Protocol	0.0%	0.0%	0.0%	19.0%	0.0%	0.0%	0.0%	3.6%					2.8%
(10) Were steps taken to address Violations	N/A	N/A	N/A	yes	N/A	N/A	yes	yes					

Report Card
2014**SAFETY AND ORDER**

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Monthly Average
Injuries to youth per 100 person-days of youth confinement	0.08	0.19	0.37	0.07	0.12	0.07	0.32	0.35					0.196
Injuries to youths by other youths per 100 person-days of youth confinement	0.164	0.19	0.29	0.07	0.36	0.30	0.63	0.12					0.266
Suicidal behavior with injury by youths per 100 person--days of youth confinement	0	0	0	0.31	0.00	0.00	0.00	0.00					0.039
Suicidal behavior without injury by youths per 100 person--days of youth confinement	0	0.57	0.15	0.85	2.18	1.86	0.40	0.46					0.809
Assaults on youth per 100 person-days of youth confinement	0.246	0.29	0.59	0.54	0.60	0.82	1.43	0.75					0.657
Assaults on staff per 100 person-days of youth confinement	0	0	0	0.07	0.18	0.07	0.24	0.00					0.070
~Percent of interviewed youths who report that they fear for their safety	50.7%	39.3%	48.8%	31.3%	42.1%	30.9%	34.4%	37.3%					0.393
~Percent of staff who report that they fear for their safety	9.1%	42.9%	21.1%	10.4%	20.4%	43.9%	57.1%	33.3%					0.298
Physical restraint use per 100 person-days of youth confinement	0.74	0.67	1.17	1.39	2.00	4.00	3.65	1.61					1.904
Mechanical restraint use per 100 person-days of youth confinement	0.08	0	0.07	0.31	0.54	0.37	0.63	0.00					0.250
Use of isolation and room confinement and segregation /special management unit use per 100 person days of youth confinement	6.57	5.14	3.23	3.70	3.15	2.68	4.37	3.22					4.007
Average duration of isolation and room confinement and segregation/special management unit in hours	5.4	4.4	11.3	11.1	12.1	22.2	17.3	10.9					11.84
Percent of youths presented for admission that had a suicide prevention screening completed by trained or qualified staff in one hour or less	21.5%	20.0%	15.0%	96.6%	99.4%	100%	100%	100%					20.77%

Detention Services Bureau
The Juvenile Court of Memphis and Shelby County
Analysis of Use of Force Review
August 2014

Data

During August, there were twenty-eight (28) use of force contacts with youth. The use of force reviews were completed by reading Detention Services Bureau (DSB) incident reports submitted by DSB supervisors for each event and by viewing available video footage for each event.

The review indicated that the rate of Use of Force per 100 youth decreased from 3.8 to 1.6. The review indicated that appropriate force was used twenty-eight (28) times during the event. The review indicated that a hierarchy of non-physical alternatives was used in ten (10) use of force contacts. The hierarchy of non-physical alternatives was waived for eighteen (18) contacts due to youth actively engaged in a physical altercation.

Analysis

There was a decrease in the number of use of force contacts and the rate of use of force. Two (2) use of force incidents are currently under investigation.

Recommendations

DSB began a three-tier review of all use of force events May 1, 2014. All use of force incidents are reviewed by the assigned shift supervisor and the incoming shift supervisor to ensure that the incident report documents all use of force and that force was used appropriately. The incoming shift supervisor, lead officer, detention officer and an intake officer are conducting a second review. DSB management conducts a third review prior to reporting the monthly use of force data. Video reviews are being conducted approximately 5-10 minutes prior to “spontaneous” use of force events.

APPENDIX 9

Detention Services Bureau (DSB) Data Integrity Improvement Plan
9/5/14

I. Introduction

The data validation plan is a response to recommendations made by Dr. David Roush, Protection from Harm Consultant, in his 3rd Findings and Recommendations Letter submitted on 6/9/14. Dr. Roush expressed an ongoing concern regarding the integrity of the DSB monthly data. Dr. Roush recommended two methods to improve data integrity. First, DSB should validate its numbers by sharing the data with multiple staff from varying perspectives. Second, a validation study should be conducted. The study would require an individual to look at one or more of the data categories and then search/review files, logs, incident reports, youth and staff interviews, and other agency documentation to verify that the number of events in the documentation and inquiry equal the number reported in the data.

II. Data

The three areas for data sharing and data validation include: *Use of Force (UOF)*, *Suicide Prevention (SP)*, *Suicide Prevention Screening (SPS)* and *Safety & Order (SO)*.

III. Data Sharing

- All data reported for the previous month on UOF, SP, SPS and SO will be shared/discussed with staff at the last Supervisor meeting of the month. This meeting occurs every 3rd Wednesday of the month. Due to the time constraints, key areas of each data category will be highlighted during the meeting.
- The purpose of sharing the data is to get input from staff on the application of current policy and procedure, identification of areas for improvement and/or areas of concern (i.e., trends), and on the need for policy updates/revisions.
- The data sharing will include all levels of DSB staff (Administrators, Managers, Supervisors, Lead Detention Officers, Detention Officers and Intake staff. DSB Detention Officers and Intake staff will rotate meeting attendance in order to include as many possible from each three (3) shifts.
- Data to be highlighted in the discussion of UOF: the number of UOF contacts with youth for the month, non-physical alternatives documentation and spontaneous designation of use of force contacts with youth.
- Data to be highlighted in the discussion of SP: number of children on suicide precaution, the mean and median numbers of hours youths remained on precaution, suicidal behaviors/gestures and/or ideations or threats of suicide.
- Data to be highlighted in the discussion of SPS: screening times in intake.
- Data to be highlighted in the discussion of SO: injuries to youth related and not related to assault, assaults on youth, assaults on staff, mechanical restraints

and staff and youth surveys/ questionnaires regarding safety concerns in the detention center.

IV. Data Validation

- Four data categories will be validated semi-annually covering six months of data per category. All Excel spreadsheets and data analysis/narratives will be available for reference.
- The four (4) data categories include: UOF, SP, SPS and SO.
- The purpose of the validation study is to see if the “numbers” in the four data categories reported to Dr. Roush are discoverable in the documentation.
- Document searches/reviews for UOF validation will include: “Force” Incident Reports, DSB Data Collection Sheets, UOF Video Footage
- Document searches/reviews for SP validation will include: “Crisis Assessment” Incident Reports, Suicide Precaution Reports, Initial and Release Suicide Precaution Order Forms, QMHP Precaution Logs
- Document searches/reviews for SPS validation will include: Columbia Suicide Severity Rating Scale forms, Intake/DAT Report
- Document searches/reviews for SO validation will include: Room Confinement Logs, DSB Data Collection Sheets, “Force” and “Crisis Assessment” Incident Reports, Employee Survey and Detainee Questionnaire forms.
- The DSB Administrator plans to use the ACA/PREA Coordinator to conduct the validation study.

APPENDIX 10

Detention Services Bureau
The Juvenile Court of Memphis and Shelby County
Analysis of Suicide Prevention
August 2014

Data

During August, there were eight (8) calls/contacts for the Qualified Mental Health Professional (QMHP) for youth in need. The reviews consisted of an examination of the Incident Report and the QMHP's Monthly Precautions Report.

There were seven (7) calls for suicide ideations and one (1) for suicide gestures/attempt. All eight (8) youth were assessed for risk. One (1) youth was cleared to remain in the facility and seven (7) youth were cleared with conditions (e.g., removal of bedding, removal of sweatshirt, etc.). No youth were transported from the detention center for hospitalization.

Analysis

There was a slight increase in the total number of calls/contacts for a QMHP with a decrease in the average length of time a youth remained on precaution. There were no events of suicidal behavior that resulted in injury. The average time for youth to be on suicide precaution was 65 hours (Median=64 hours).

Recommendations

As stated last month, Juvenile Court Administration and DSB management continue to meet monthly with Correct Care Solutions (CCS) to address issues that may arise. There are no remaining documentation issues between CCS and DSB suicide precaution statistics. The QMHP provides a monthly precaution report and precaution order forms that are reconciled with the DSB incident reports. The QMHP report also includes any youths who were assessed by the QMHP and placed on precaution outside a recorded DSB incident.

Detention Services Bureau
The Juvenile Court of Memphis and Shelby County
Analysis of Suicide Prevention Screening Time
August 2014

Data

The screening data was collected by administering the Columbia Suicide Severity Rating Scale (CSSRS) to each youth transported to Central Detention Control (CDC). Noted on the form is the time the youth arrived in CDC, the screening start time and end times.

During August, two hundred thirty-one (231) youths were transported via law enforcement to CDC. All of the youths were screened using the CSSRS upon arrival to CDC.

Analysis

One hundred percent (100%) of youth were screened within an hour of arrival to CDC. The average screening time was .04 hours. The median screening time was also .02 hours.

Recommendations

As stated last month, CDC staff began using the Columbia Suicide Severity Rating Scale on April 4, 2014. Youth are screened upon arrival prior to intake. If the results of the screening require that a child receive a mental health clearance, CDC does not accept the child. At that point, law enforcement is advised that the youth will have to be cleared by a medical/mental health facility before returning to CDC.

APPENDIX 11



Shelby County Government

MARK H. LUTTRELL, JR.
MAYOR

MARCY INGRAM
COUNTY ATTORNEY

September 11, 2014

VIA HAND DELIVERY

Honorable Mark H. Luttrell, Jr.
Shelby County Mayor
160 N. Main Street, 11th Floor
Memphis, Tennessee 38103

VIA U.S. MAIL AND EMAIL TRANSMISSION

Chief Gerald Darling, Chairman
Memphis and Shelby County Juvenile Justice Board
2597 Avery
Memphis, Tennessee 38112

Re: 1st Quarterly Report of Countywide Juvenile Justice Consortium

Dear Mayor Luttrell and Chief Darling:

The following report outlines the progress of the Countywide Juvenile Justice Consortium (hereinafter "CJJC"):

Membership and Leadership

The Memorandum of Agreement (MOA) with the U.S. Department of Justice¹ pertaining to Juvenile Court requires that the Countywide Juvenile Justice Consortium (CJJC) be comprised of representatives of the Memphis and Shelby Juvenile Justice Board and six to nine citizens selected by the Mayor and approved by the Commission. The selected citizens must be reflective of the cultural and ethnic diversity of Shelby County, and include no less than two parents of children who have had delinquency matters before Juvenile Court, a person under the age of twenty-one (21) who has had direct contact with the juvenile justice system, community advocates and other key stakeholders. Any absence of required representation of the CJJC membership could be considered non-compliance with the MOA.

The following members are actively engaged as participating members of the CJJC for 2014:

Mayoral Appointments

Thurston Smith
Rev. Audrey Gonzalez (resigned)

Juvenile Justice Bd. Representatives

Lt. Col. Mickey Williams
Quincy Hughes

¹ Available at: <http://www.shelbycountyttn.gov/DocumentCenter/Home/View/5759>

Jeremy Calhoun
Dr. Dorothy Thomas
Dr. Freda Garner-Williams
Tony Sarwar
Jhukuruin Corley
Pastor Eddie Williams
Latonya Farmer

Ronald V. Pope
Gwendolyn Wright
Michelle Fowlkes
Bishop C. Mays
Harold Collins

Since one (1) mayoral appointee to the CJJC has resigned, it is my recommendation that the Shelby County Mayor declare a vacancy on the Countywide Juvenile Justice Consortium to be filled in accordance with Part IV the MOA. Moreover, since the current membership of the CJJC includes only one (1) parent of a child who has had delinquency matters before juvenile court, the members of the board suggest filling the above-referenced vacancy with another parent to comply with the terms of the MOA.

In response to Dr. Leiber's report with regard to leadership, the CJJC elected new officers at the annual meeting held on June 19, 2014. The newly elected officers are: Bishop C. Mays, Chairman; Dr. Freda Williams, Vice-Chairman; Lt. Col. Mickey Williams, Secretary; and LaTonya Farmer, Sargent-at-Arms.

Public Meetings

The CJJC will host several public meetings throughout the year to obtain feedback from the public on current Juvenile Court reforms. The CJJC held its second public meeting on July 28, 2014. In an effort to involve the public and increase attendance at CJJC public meetings, the consortium has created social media pages and engaged several grassroots community and neighborhood organizations. Additionally, the Chairman is in the process of setting up appearances at the monthly meetings of the above-referenced organizations in an effort to obtain feedback from readily available public audiences.

Technical Assistance

The CJJC made an independent request for technical assistance in the following areas: corrections and detention facilities and compliance monitoring; disproportionate minority contact; juvenile justice system improvement; strategic planning; partnership development, team building and community collaboration; delinquency prevention, adjudication and court management; and information sharing and communication enhancement. The chairman formed the following four committees: 1) Due Process Committee; 2) Equal Protection Committee; 3) Safety from Harm/Detention Committee; and 4) Community Outreach Action Committee. The Chairman tasked each member with the responsibility of honing technical expertise in the commensurate committee's area of focus relating to the MOA. Each committee will also gather public opinion and feedback as it relates to reforms in the aforementioned subject areas.

Letter to Mayor Luttrell, et al.

Re: 1st Quarterly Report of the Countywide Juvenile Justice Consortium
September 11, 2014

Bylaws

The consortium is in the process of amending its bylaws to encourage active member participation by adding penalties for non-participation, up to and including dismissal from the board. Additional amendments to the bylaws will include clarification of the CJJC's purpose derived from the DOJ monitors' reports, in lieu of verbatim resuscitation of the MOA language.

Please let me know if you have any questions or need any further information. Thank you.

Respectfully submitted,


Kathy Kirk Johnson
Assistant County Attorney

/Attachment

cc: Bill Powell, MOA Settlement Agreement Coordinator
Marcy Ingram, Interim County Attorney

(CFS # A7100-12)