



**U.S. Department of Justice**

**Civil Rights Division**

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DJ 207-72-3

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

December 8, 2014

**Via Electronic and First Class Mail**

The Honorable Dan H. Michael  
Juvenile Court of Memphis and Shelby County  
616 Adams Avenue  
Memphis, TN 38105

RE: Assessment of Juvenile Court's Detention Facility

Dear Judge Michael:

Congratulations on your election as Judge of the Juvenile Court of Memphis and Shelby County (Juvenile Court). We appreciate your stated commitment to continuing the reform efforts and implementation of our Memorandum of Agreement ("Agreement"). We write now to provide you with the latest assessment of the Court's progress in implementing the Protection from Harm provisions of the Agreement.

Since the Agreement's inception in 2012, we have seen great strides in Juvenile Court's capacity to protect from harm the children in its care. Dr. David Roush, our protection from harm consultant, completed his most recent assessment after reviewing documents and touring the detention facility on October 8-10, 2014. As always, we appreciate your staff's cooperation and assistance during our visit.

Our October visit marked the fourth facility review since we entered into the Agreement. We continue to observe progress toward reforming the conditions and increasing the children's safety at the detention facility. However, the pace of the reforms efforts has slowed recently, likely due in part to two major factors: (1) the uncertainty created by the election; and (2) the increase during this review period of the detention facility's average daily population (population), an on-going and troubling trend that will continue to undermine progress unless reversed or until significant new detention center staff are employed and trained to maintain appropriate staff to youth ratios. Indeed, should the population continue to rise without a concomitant rise in the number and quality of staff, much of the progress shown over the past two years in the reduced use of unnecessary force and improved suicide prevention measures could begin to unravel.

An area of continuing concern, as noted in our June report, is the facility staff's reliance on room confinement as a method of controlling the youth in their care. In his current report,

Dr. Roush notes evidence of excessive routine uses of isolation of youth on suicide precautions. Prolonged periods of isolation and room confinement have been shown to be damaging and counterproductive to residents' well-being and safety.<sup>1</sup> Dr. Roush recommends, and we support, the implementation of an effective positive behavior management system and increased activities for the youth. Such actions would alleviate staff's reliance on room confinement.

Finally, Dr. Roush has noted the continuing need to improve data-collection systems. The facility's management team is ahead of the rest of the Juvenile Court in the collection and use of data for management purposes. While commendable, it is important that Dr. Roush and your management team be able to confidently rely on the data. More effort should be made to ensure the accuracy of the data. We are confident that once improvements in collecting and verifying accurate data are in place, it will lead to increased efficiency and effectiveness in other areas of Agreement compliance.

We wish you the best in your new leadership role and look forward to continuing to work with you and your team toward implementing the Agreement. We are confident that once fully realized, the Agreement will bring you one step closer to achieving your expressed goal of making Shelby County's juvenile justice system a model for the nation.

Sincerely,

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|s|  
Jonathan M. Smith  
Chief  
Special Litigation Section

Enclosure

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<sup>1</sup> As you may be aware, the recent Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) Standards prohibit the use of room confinement for "discipline, punishment, administrative convenience, retaliation, staffing shortages, or reasons other than as temporary response to behavior that threatens immediate harm to a youth or others." Juvenile Detention Facility Assessment (2014 Update) at 6. Juvenile Court and Shelby County are participants in JDAI.

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