



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*

June 22, 2016

Via Electronic and First Class Mail

Sheriff Bill Oldham
201 Poplar Ave.
Suite 902
Memphis, TN 38103

RE: Shelby County's Juvenile Detention Facility

Dear Sheriff Oldham:

We write to provide you with the latest report regarding Shelby County's progress in implementing the Protection from Harm provisions of our December 17, 2012 Memorandum of Agreement ("Agreement"), which was prepared by David Roush, PhD, after reviewing documents and touring the detention facility from April 4 - 8, 2016.

As you are aware, last week Dr. Roush provided technical assistance to your leadership team on a number of the issues highlighted in his report and discussed below. We appreciate your team's receptivity to the guidance and information offered by Dr. Roush. We understand that this will require further commitment of resources by your office, including your team's time, in order to meet the requirements of our Agreement. We have been assured that your team will continue to address the key areas of concern outlined below.

The enclosed report highlights a number of accomplishments. Your leadership team's ongoing communications with the Juvenile Court's leadership team to reduce unnecessary detention of youth is commendable and has begun to show reductions to the average daily population. We urge you to continue and build upon this practice. The implementation of the Positive Behavior Management System has improved the environment for both youth and staff, as has the improved food quality and the return of reading materials to residents' rooms. Additionally, your expansion of the Hope Academy holds the promise of educational services for all detained youth. Finally, a less tangible, but no less important change has been the recognition by your leadership team that the strategies and tactics used to effectively and safely manage a juvenile detention facility are significantly different than those used to successfully run an adult jail. The need to manage the facility based on an appreciation of the needs and developmental challenges of youthful residents is central to successfully complying with the requirements of the Agreement.

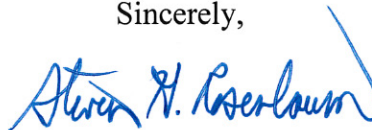
You will see in the enclosed report a number of serious challenges to youth safety that require timely attention and resources. Chief among them is the use of isolation, primarily on the weekends and most seriously, in cases where youth who may be in danger of self-harm are not being properly observed and treated. The Agreement restricts the use of isolation to those instances “where the child poses *an immediate danger* to self or others and when *less restrictive means have been properly, but unsuccessfully, attempted.*” Nationally, the trend in juvenile detention is for the elimination of isolation, except in the narrowest circumstances and only then, for the briefest time possible. We understand that you are working to reduce this practice overall and to eliminating it as a default practice on the weekends.

Dr. Roush notes that curbing staff turnover is a continuing problem. An over-reliance on new staff combined with the need to enhance and upgrade training are two challenges that, when combined with high daily populations and the long average length of stay decreases the safety of the detention center.

Dr. Roush once again points out the need to ensure the quality of data collected and reported regarding essential information about the treatment of the children and adolescents at the facility, including use of force, room confinement, and suicide prevention. Since the last monitor’s report, there have been efforts to improve data integrity. But because much of Dr. Roush’s evaluation is based on the data he receives from detention center management, it is critically important for there to be accurate and reliable data that has been independently validated. We urge you to arrange for a data integrity audit and continue to work toward creating an integrated data collection system that will generate timely, comprehensive reports that track data points related to Protection from Harm.

We have been encouraged by Dr. Roush’s most recent report and his note of leadership’s new understanding of the youth-oriented mission of the detention center. We look forward to continuing to work with you and your staff to fully implement the Agreement.

Sincerely,



Steven H. Rosenbaum
Chief
Special Litigation Section

Enclosure

cc: Edward L. Stanton, III
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for the Western District of Tennessee

Mark H. Luttrell Jr.
Mayor of Shelby County

The Honorable Dan H. Michael
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