

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

Ninth Compliance Report – Equal Protection

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INTRODUCTION

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

The Parties selected Dr. Michael J. Leiber as the Equal Protection Monitor of the Agreement. The Agreement requires the Monitor to assess the level of compliance by the juvenile court every six months and to produce reports. The first Monitor's report was submitted on June 12, 2013; the second Equal Protection Monitor Report was submitted on January 16, 2014, the third was submitted on June 17, 2014, the fourth on January 12, 2015 and the fifth Equal Protection Monitor Report was submitted July 3, 2015. The sixth report was submitted on December 15, 2015. The seventh report was submitted on June 17, 2016. The Eighth Equal Protection Report was November 22, 2016. This is the ninth Equal Protection Monitor's Report on movement toward compliance on the items stipulated in the Agreement as pertaining to Equal Protection. The time-frame assessed is November 23, 2016 to April 26, 2017.

The evidentiary basis for my opinions are based on document reviews (policies, data, compliance report by the Settlement Agreement Coordinator, reports provided by the Pam Skelton (Juvenile Court) in-conjunction with the Equal Protection Strategic Planning Committee, the Shelby County Disproportionate Minority Contact Coordinator or DMC Coordinator, meeting notes, emails, etc.), an on-site visit (April 2, 2017 through April 4, 2017), interviews and phone-calls with Staff, the Shelby County DMC Coordinator, the Settlement Agreement Coordinator, and conference calls with Staff and the Department of Justice (DOJ). Each of the eight previous Equal Protection Monitor reports have also been relied upon to arrive at conclusions concerning compliance with the MoU.

Although the above was relied upon, an on-site visit that took place on July 21 and July 22, 2016, yielded discussion and specific strategies for the Court to follow. This on-site visit was a two day working meeting and what was produced from those interactions framed my on-site visit in late September of 2016 and in April of 2017 and was also relied upon for the Eighth Equal Protection Report and the current – Ninth Equal Protection Monitor Report- to assess the status of the juvenile court in terms of complying with the MoU.

In the determination of racial disparity in the administration of juvenile justice, evaluations were conducted of the level of the disproportionate minority contact (DMC) at various stages or points of contact within the juvenile court (referral to court, cases diverted, secure detention, petition, findings of delinquency, probation, placement in secure confinement, waiver to adult court). In addition, a DOJ study was conducted of decision-making at each stage of juvenile justice

proceedings. Results from that examination of the extent of DMC and the DOJ study that examined the possible causes of DMC showed the following: minority youth overrepresentation at almost every stage in the proceedings and evidence of discriminatory treatment of Black youth (see Appendix 1).

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

THE CONTINUED INFLUENCE OF RACE IN JUVENILE COURT PROCEEDINGS

As recently as the summer of 2016, the Juvenile Court began to show more of a commitment and activity to address DMC. This ownership and efforts on the part of the Juvenile Court have yet to yield significant changes in DMC and greater equity in the handling of youth and in particular, Black youth. Using data from 2009 (not shown) through 2016, reductions in raw numbers for court referrals, detention, and transfer to adult court have occurred. Youth, to some degree, are also being diverted away from harsher treatment. These results are positive and appear to suggest fewer youth are coming to the Juvenile Court and penetrating into the system. Still, the relative rates or gap in the racial disparity at each stage has not closed but rather has either stayed the same or has increased over time. The most troubling and problematic stages are: referral, secure detention and petition or the non-judicial outcome. More specific (see Figure 1):

Court Referrals

- The relative rate index involving referrals to court for 2016 remains high at 4.45. In other words, almost 4 and a half Black youth per 100 youth are referred relative to 1 White youth per 100 youth. While the number of referrals for both Whites and Blacks are down, which is good, the relative overrepresentation of Black youth to White youth in court referrals continues to be an issue that has shown relatively no change over the last 8 years.

Secure Detention

- The relative rate index values pertaining to secure detention initially showed a decline from 2.1 in 2009 to 1.32 in 2012. But starting in 2012 through 2016, an increase in disparities related to secure detention is evident at 1.89. Although the overall number of youth involving secure detention has reduced significantly over the years for both White and Black youth, almost 2 Blacks are still being detained to every 1 White.

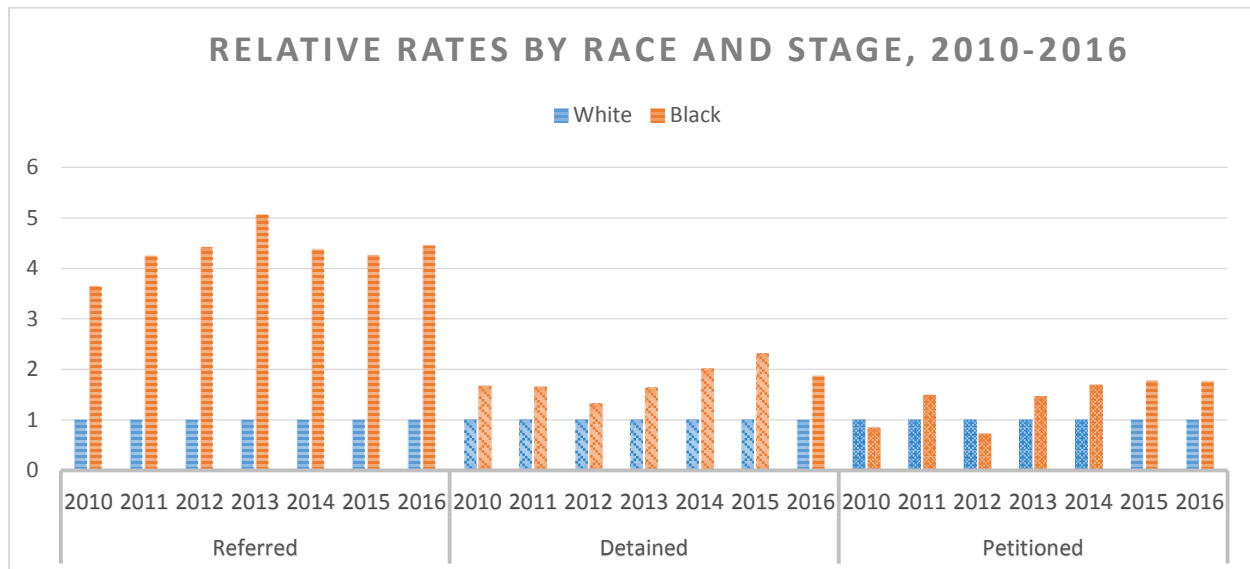
Non-Judicial Outcomes

- Black youth continue to be underrepresented for cases diverted. In 2009, the relative rate index was .90, in 2016, it is .95. The relative rate involving a petition or the non-judicial outcome in 2016 is 1.78.

Notice/Transfer to Adult Court

- While the number of youth given a notice of transfer and actually waived has declined, it is important to point out the number of youth recommended for a waiver or given notice is still high at 256 in 2013, 190 in 2014, 153 for 2015, and 128 in 2016. Of the 128 youth, 10 were White and 3 Whites were waived to adult court compared to 42 Blacks.

Figure 1. Relative Rates by Race and Stage, 2010-2016



Note: How to read relative rate index (RRI), for example in 2010, referred to juvenile court 3.65 Blacks to 1 White. The stage of Petition is treated the same as non-judicial.

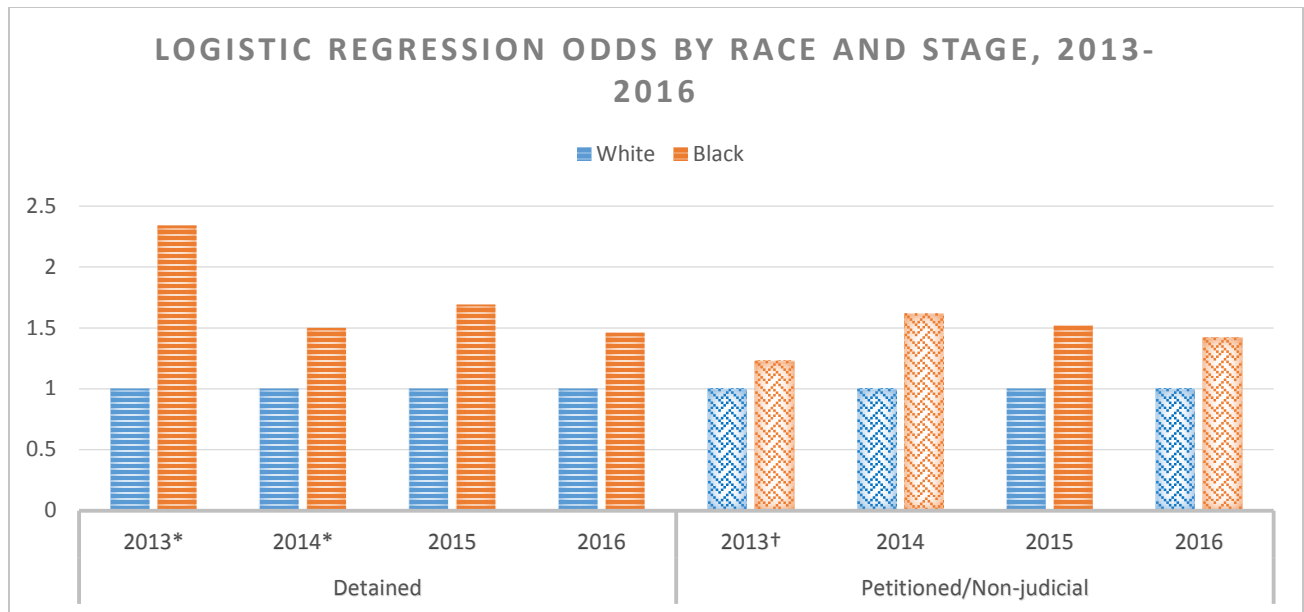
Information from relative rates provides a descriptive picture of the extent of DMC or a count, while assessment studies produce findings that take into consideration alike cases and attempt to examine what outcomes youth receive. A total of six assessment studies have been conducted (one that led in part to the MoU and five since). For the most part, all six assessment studies show that race continues to explain case outcomes even after taking into consideration relevant legal factors, such as crime severity, crime type, etc.

More specific:

- Being Black increases the chances of being detained compared to similar Whites.
- Being Black decreases the chances of receiving a non-judicial outcome (petitioned) compared to similar Whites.

In short, little has changed since the MoU in terms of DMC and the relationship of race to decision-making at the stages of court referral, detention, and non-judicial decision-making. To further illustrate the lack of change, Figure 2 provides the odds derived from the logistic multivariate analysis as part of the assessment of decision making at detention and receiving a non-judicial outcome for Whites and Blacks once factors such as crime severity, prior record, etc. are taken into account.

Figure 2. Logistic Regression Odds by Race and Stage, 2013-2016



* Logistic regression represents interaction between race and person offense; Main race effect not significant

† Logistic regression coefficient not significant

Note: How to read regression odds, for example in 2013, detained 2.34 Blacks to 1 White.

The racial gap decreases after controlling or taking into consideration legal factors (compare to Figure 1). But, Blacks are still more likely to be detained and petitioned than similar Whites (Figure 2). For example, in 2016, Blacks are almost one and a half times more likely to be detained than Whites once legal and extra-legal factors are considered. Likewise, the odds of a Black youth being petitioned is 1.42 than Whites. These relative relationships, for the most part, between race and detention and non-judicial outcomes have remained steady between 2013 through 2016 (meaning race is a statistically significant).

WHY HAVE DMC AND THE INFLUENCE OF RACE ON COURT PROCEEDINGS NOT CHANGED?

Again, it needs to be pointed out that the Juvenile Court has attempted to make change in how it is addressing DMC (i.e., in the form of procedures, implementation of initiatives, etc.). While these efforts are to be acknowledged, the Juvenile Court is encouraged to continue these efforts as well as continue to monitor and evaluate procedures and initiatives. Change is a process and

often needs to time before the factors that contribute to DMC and inequitable treatment can be removed and/or altered.

The failure to reduce DMC and the influence of race on court proceedings, especially at detention and the non-judicial stages, can be linked to several factors that have been continuously highlighted and discussed by the previous Compliance Reports written by the Settlement Agreement Coordinator and those by the Equal Protection Monitor. These factors provided insights as to why the intended changes in terms of DMC and greater equitable treatment of Black youth in the Court has not occurred. As listed in the Seventh and Eighth Equal Protection Monitor Reports (June 17, 2016 and November 22, 2016, respectfully), these were: (1) A Lack of Ownership or Leadership concerning DMC; (2) A Lack of the Use of Findings from the Assessment Studies to Drive Strategies, Procedures, and Policy; (3) A Lack of the Examination of and Changes in Existing Procedures and Policies, especially at Referral, Detention and the Non-Judicial Stage; (4) A Lack of Use of Diversion Programs; and (5) The Lack of Movement to Address Notice of and Actual Transfer to Adult Court as Pertains to DMC.

(1) To address the lack of ownership: Pam Skelton (Juvenile Court), Chief Administrative Officer, along with the Equal Protection Strategic Planning Committee, for the most part, assumed the lead on addressing DMC. This occurrence became most evident starting in July of 2016. Since then, Ms. Skelton has shown leadership by among other things organizing meetings, assigning personnel to committees, reaching out to entities in the community (e.g., police), setting up deadlines, etc. with the intent to take on areas of concern and the recommendations detailed in previous Compliance Reports and in particular, those cited in the Seventh and Eighth Equal Protection Monitor Compliance Reports.

Comment: It is very apparent that the Juvenile Court has answered the call for taking an active leadership role. While this is good, it is important that this effort continue to strive for and achieve meaningful results in a timely fashion (more on this will be covered in the recommendations section).

(2) To address the lack of the use of findings from the assessment studies to drive strategies, procedures, and policy:

AND

(3) A lack of the examination of and changes in existing procedures and policies, especially at referral, detention and the non-judicial Stage: It was recommended to, and the Juvenile Court responded, by collecting additional data tied to “drilling down” further to understand the results from the assessment studies. In addition, results from the assessment studies and data collected by the Juvenile Court have been relied upon to enact changes in strategies, procedures and policies. These efforts have centered on police referrals, secure detention, and non-judicial decision-making within the context of strategies, procedures and policies.

Comment: Led by Ms. Skelton and the Equal Protection Strategic Planning Committee discussions and an array of activities have occurred that focus on referral, detention and decision-making at the non-judicial stage. Among these is the focus on summons, the revising

both the DAT (used at the detention stage) and the Graduated Response Grid (used at non-judicial stage).

In partnership with law enforcement, the Juvenile Court has had a Summons program since 2010. The program was implemented as a means for law enforcement to issue summons instead of arrest involving minor offenses, such as simple assault and trespassing. Until recently, however, the Juvenile Court conducted no thorough analysis of the effectiveness of the program as relates to DMC. One problematic practice could have been the inclusion of too many youth through the program (i.e., net widening). In a new initiative, the Summons Review Team (SRT), the Juvenile Court is now tracking information to assess which youth are receiving summons, for what offenses, whether the summons is appropriately being issued, and whether trends exist that need to be addressed with law enforcement. The SRT initiative was fully implemented in the fall of 2016.

The revised DAT or DAT3 was implemented February 1, 2017. The Graduated Response Grid was implemented November 1, 2016. In addition, the Juvenile Court has posted a call for someone to aid them in the further evaluation of the Graduated Response Grid (posted in April of 2017). The use of the STR and the revising and monitoring each of these tools should result in reducing both the number of Black youth in the system and decreasing the racial disparities found at detention and petition (non-judicial).

Change in the context of reducing DMC has not occurred yet since the data examined for the relative rates and the assessment study cover cases and decision-making for the entire year of 2016. Recall that the SRT was fully implemented in the Fall of 2016, and revised instruments were not implemented until November of 2016 and February of 2017, respectfully. Thus, not enough time has passed since their implementation to effectively alter the overall DMC trends reported in 2016.

(4) To address a lack of use of diversion programs: The Juvenile Court has responded to this concern/recommendation by identifying programs and assessing how often used, eligibility, etc. One such program that emerged from this investigation is the By-Pass program. The By-Pass program is an alternative to placing a youth on probation. It is a 90-day program for age 14 and younger. In addition, summons are being reviewed involving minor misdemeanor offenses as a means to reduce referrals and non-judicial handling – one purpose is to see if the case can be handled with no contact or minimal contact. The Juvenile Court is also looking into greater use of electronic monitoring as an alternative to secure detention. Last, the Parent Orientation program is being used. The Parent Orientation program is for parents where they can ask court personnel questions about juvenile court proceedings. Parents will be also informed as to the importance of what it means to reject an offer to participate in diversion. See also the above discussion of the SRT as a diversionary initiative. Additional efforts include: SHAPE, Porter Leath and Cease Fire.

Comment: Strides have been made by the Juvenile Court to address the lack of use of diversion programs and the presence of diversion programs. The implementation of diversion programs is somewhat dependent on the availability of funds. Still, the development and use of existing

diversionary options is imperative and should continue to be a focus by the Juvenile Court. The programs and initiatives and in particular, the SRT effort, need to be available and used to bring about change in DMC and in particular, having Black youth participate in such programs.

(5) To address the lack of movement to address notice of and actual transfer to adult Court as Pertains to DMC: The Juvenile Court needs to figure out a way to address this issue. Admittedly, most of decision-making rests with the prosecutor.

Comment: There is a continued need for a dialogue with the District Attorney and the Juvenile Court to assess the overrepresentation of Black youth at these stages. Until this is done, DMC will continue to exist at this stage in the proceedings.

The Compliance Reports also centered on the improvement of community out-reach of the juvenile court. This included, but was not limited to, improving the Webpage and other electronic methods (i.e., twitter, Facebook), reaching out to the community including the Consortium and working with other entities, persons and agencies in the community that deal with DMC issues and the hiring of person to do out-reach. The Juvenile Court has done a good job in the varied forms of community out-reach.

In summary, the Juvenile Court is laying the foundation to reduce the presence of DMC (as measured by counts and the relative rates) that may also result in equitable treatment of all youth (as measured by the results from assessment studies). **If the Juvenile Court continues to be an active participant and continues to enact changes in policies and procedures, it is anticipated that reductions (numbers, racial gap) and greater equity in the treatment of all youth will occur in court referrals, secure detention, and non-judicial outcomes.**

It is important to note, however, that it will take time for these changes in reductions and equitable treatment to occur and to be formally documented as time is needed to allow these efforts to unfold. Assessments involving data for 2017 will be paramount in determining how effective these initiatives are in reaching their objectives. Thus, it is important that the Juvenile Court be aggressive in the pursuit of the many strategies involving referral, secure detention and non-judicial handling. A top priority should be monitoring and evaluation of each in terms of achieving a reduction in DMC and increased equity in the treatment of all youth.

RATINGS TOWARD COMPLIANCE

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

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

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

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

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

Compliance Level to Be Determined (CLTBD) means that a decision on the compliance level is pending in light of deadlines of specific reforms as stated in the Agreement have not yet come or arrived – Nine-Months, One- Year- or have been given an extension.

Table 1. Compliance Rating by Provision

Identifier	Provision	Compliance Rating
1a	Identify all data collection needs at each major Decision Point	PC
1c	Identify staffing needs to collect, evaluate & report data	SC
1e	JCMSC shall identify and designate a point of contact within each department to reduce DMC	PC
1f	Collect data and information required to determine where DMC occurs	PC
1d	Shelby County Mayor shall appoint a coordinator responsible for oversight of the progress on reducing DMC	SC
1b (9 months) i-vi	JCMSC shall augment the appropriate data collection method to assist in its evaluation of its DMC levels, causes, and reduction.... This includes information on points of contact, the RRI's, and available diversion options for youth appearing before JCMSC	PC – Assessment – Leiber PC – Staff reports
1g (9 months)	Assess impact policies/procedures/programs on DMC levels at each decision point and conduct inventory of services and options...	PC
1h (9 months)	Complete and implement strategic plan to reduce DMC; Court DMC Coordinator is working on this and has developed 30-60-90 work plan	PC
2a	Revise policies, procedures, practices, and existing agreements to reduce DMC at each Decision Point and encourage objective decision making in all departments	PC PC

2b	<p>relating to its delinquency docket</p> <p>(i) Collection of sufficient data</p> <p>(ii) Provision requiring least restrictive options and alternatives to a detention setting</p> <p>(iii.) Guidelines identifying a list of infractions for which a child shall NOT be detained</p> <p>(iv.) Guidelines identifying a list of infractions for which a child may be detained</p> <p>(v.) Training and guidance on the use of existing and new objective decision making tools</p> <p>(vi.) Requirement that a supervisory authority review all overrides within each department on, at minimum, a monthly basis</p>	<p>PC</p> <p>PC</p> <p>PC</p> <p>PC</p> <p>PC</p> <p>PC</p>
2c	Reassess the effectiveness of its policies, procedures, practices and existing agreements annually and make necessary revisions to increase DMC reduction	PC
3a-h (9 months)	<p>Use of objective decision-making tools, etc.</p> <p>Refine decision-making tools, etc.</p> <p>Pilot program – Sheriff’s department – transport</p> <p>Pilot program – Memphis Police Department – day/evening report center</p> <p>Program</p> <p>Ceasefire</p> <p>Electronic monitoring expansion</p> <p>Monitor Transfer</p> <p>Annual review of objective tools</p>	<p>PC</p> <p>PC</p> <p>BC</p> <p>BC</p> <p>BC</p>
4	Training on a number of pts (i-vii)	SC

	Staff involved with the delinquency docket should receive training of at least 4 hours.	PC
5	<p>Develop and implement a community outreach program to inform community of progress toward reforms.</p> <p>This should include a county-wide consortium that includes but is not limited to six to nine citizens selected by the Mayor and approved by the County Commission.</p> <p>Open meeting every six months</p> <p>There is a need for summaries of reports to be posted</p> <p>JCMSC shall publish on its website annual reports in accordance with the Agreement. Terminated, no longer being monitored.</p> <p>The Community Outreach program should include a data dashboard that communicates compliance on the part of JCMSC with the Agreement.</p> <p>A community survey shall be conducted (one year)</p>	<p>PC</p> <p>PC</p> <p>SC</p> <p>SC</p> <p>SC</p> <p>SC</p> <p>BC/CLTBD</p>

1. DMC Assessment

- (a) Identify all data collection needs at each major Decision Point (p. 21)
STATUS-PARTIAL COMPLIANCE (PC)
 DISCUSSION: Collection needs have been identified for each data point.
 Committees have begun to interpret and develop action steps
- (c) Identify staffing needs to collect, evaluate & report data (p. 22)
STATUS-SUBSTANTIAL COMPLIANCE (SC)
 DISCUSSION: This has been done.
- (e) JCMSC shall identify and designate a point of contact within each department to reduce DMC (p. 22).
STATUS-PARTIAL COMPLIANCE (PC)
 DISCUSSION: The Strategic Planning Committee has been developed and has been meeting to address DMC with a focus on referrals, secure detention, non-judicial decision-making and the use of diversion.
- (f) Collect data and information required to determine where DMC occurs (p. 22)
STATUS-PARTIAL COMPLIANCE (PC)
 DISCUSSION: Information has been collected and examined in general and by zip code among other things (e.g., referring agency, schools, etc.). Specific information on detention, alternatives to detention, and to some degree, transfer recommendations, has been collected and analyzed. While data has been collected, continue discussion is needed as to what the data means and what can be done to address DMC.
- (d) Shelby County Mayor shall appoint a coordinator responsible for oversight of the progress on reducing DMC (p. 22).
STATUS-SUBSTANTIAL COMPLIANCE (SC)
 DISCUSSION: The County DMC Coordinator was hired in February of 2013. Work had been done with Staff, the Points of Contact, development of reports and to some degree has been involved in community outreach. As stated previously, the Court DMC Coordinator and the County DMC Coordinator should collaborate to some degree on tasks, such as community out-reach and the strategic plan. The County DMC Coordinator has also acted as an independent overseer of the activities of the Court.

1. DMC Assessment

- (b) Within nine months, Juvenile Court shall augment the appropriate data collection method to assist in its evaluation of its DMC levels, causes, and reduction. This includes information on points of contact, the RRIs, and available diversion options for youth appearing before JCMSC... (p. 22)
STATUS-PARTIAL COMPLIANCE FOR EQUAL PROTECTION MONITOR (PC), PARTIAL COMPLIANCE FOR STAFF (PC)

DISCUSSION: The 6th assessment study was conducted by Leiber, process will continue with working relationship with Court to improve data examined. Staff has produced many documents using data and RRI. Listing of diversion programs has occurred. Mapping and interpretation and action with the needs to be done.

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

STATUS-PARTIAL COMPLIANCE (PC)

DISCUSSION: The Juvenile Court and the various committees have begun to collect data, examine the data and have had discussions and meetings as to what to do to address DMC and issues pertaining to the results from the assessment studies. These are good first steps; efforts need to continue to make change in policies and procedures, implementation of programs and altering of structured decision-making tools – DAT, RESPONSE GRID.

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

STATUS-PARTIAL COMPLIANCE (PC)

DISCUSSION: Already discussed. Juvenile Court is now using framework used to guide this compliance report as their strategic plan. The Juvenile Court has shown a much stronger commitment to address DMC than in the past.

2. DMC Policies and Procedures

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

STATUS-PARTIAL COMPLIANCE (PC)

DISCUSSION: Already discussed.

STATUS-PARTIAL COMPLIANCE (PC)

DISCUSSION: Structured decision-making tools have been adopted, revised, and implemented. However, efforts to revise need to continue.

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

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

STATUS-PARTIAL COMPLIANCE (PC)

DISCUSSION: Already discussed, training, adoption, and implementation of objective tools has occurred. Issues already discussed.

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

STATUS-PARTIAL COMPLIANCE (PC)

DISCUSSION: Already discussed. But, for the purpose of record, the RESPONSE GRID (formerly the Graduated Sanction Grid) and the DAT are being reviewed from the perspective of DMC implications. A Preventative Contact Approach – Summons Alternative Strategy – Graduated Response Grid -proposes to reduce the number of referrals to the Court and decrease further processing through the system. The SRT is part of this process. Also includes a proposed GSG that would decrease cases moving further through the juvenile justice system. These proposals represent creative approaches that have great potential to reduce DMC. It is very encouraging to see this type of approach being brought forward. In addition, the Juvenile Court has been meeting with the Memphis Police Department in an attempt to reduce referrals in general and referral to secure detention.

3. DMC Reduction: Evaluation and Tools (pg. 24-26)

- (a) Use of objective decision-making tools, etc.
STATUS-PARTIAL COMPLIANCE (PC)
DISCUSSION: Already discussed
- (b) Refine decision-making tools, etc.
STATUS-BEGINNING COMPLIANCE (PC)
DISCUSSION: Already discussed.
- (c) Implementation of a pilot program involving sheriff, police and the summons program
STATUS-BEGINNING COMPLIANCE (BC)
DISCUSSION: Agreement in place and implementation, training and evaluation needs to be part of effort
- (d) Use of alternatives, including a pilot diversion program to secure detention, day/evening reporting center, the Law Enforcement Assistance Program, expansion of SHAPE, expansion of Electronic Monitoring, CEASE FIRE, etc.
STATUS-BEGINNING COMPLIANCE (BC)
DISCUSSION: Already discussed. It is important to note planned expansion of

use of electronic monitoring. As stated in previous Compliance Reports, all of these strategies and programs need to be critically examined to assess/evaluate if address DMC.

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

STATUS-BEGINNING COMPLIANCE (BC)

DISCUSSION: These items have been discussed previously. Positive steps have been taken. Need to continuously review and revise if need be. Discussions with Prosecutor need to continue to address Notice to Transfer to adult court.

4. Training (p. 26-27)

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

STATUS-SUBSTANTIAL COMPLIANCE (SC)

DISCUSSION: Several training sessions have occurred and training on certain programs is still in progress. Overall, the Court is commended for their effort in this regard.

5. Community Outreach as stated in Agreement

- (a) Develop and implement a community outreach program to inform community of progress toward reforms.

STATUS-PARTIAL COMPLIANCE (PC)

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

STATUS-PARTIAL COMPLIANCE (PC)

DISCUSSION: A county-wide Consortium has been formed and appears to be representative of the community. Efforts have been made to reach out to the community and the Juvenile Court. Likewise, efforts have been made to diversify the Consortium. It appears that the Consortium is on the right track. The Consortium established the parent orientation program.

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

STATUS-SUBSTANTIAL COMPLIANCE (SC)

DISCUSSION: Public meetings have been held. Further, the Juvenile Court is making efforts to be engaged with the community.

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

STATUS-SUBSTANTIAL COMPLIANCE (SC)

DISCUSSION: This appears to have occurred

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

STATUS-SUBSTANTIAL COMPLIANCE (SC)

DISCUSSION: These activities have occurred. Terminated. No longer being monitored.

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

STATUS-SUBSTANTIAL COMPLIANCE (SC)

DISCUSSION: A dashboard has been developed and placed on the Court website. Much work on this has occurred over the last 5 months. Links, compliance reports, figures and the Settlement Agreement are just a few examples of what has been placed on the dashboard. Both the County DMC Coordinator and the Court DMC Coordinator as well as the JDAI contact person have been very active in the community in terms of presentations, sitting on committees, and seeking out working relationships with community agencies and programs with the police. A Calendar of Quarterly Community Meetings for 2016 – 2017 has been established.

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

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

STATUS-BEGINNING COMPLIANCE (BC)/COMPLIANCE LEVEL TO BE DETERMINED (CLTBD)

DISCUSSION: A survey of the community is taking place after many delays that were not the fault of the Court. A contract has been awarded to Dr. Laura Harris and she is working with a group contracted by OJJDP and in particular, Tom Harig. Although falling outside the time-frame of this compliance report (as stated at the beginning of this report, the time-frame assessed is November 23, 2016 to April 26, 2017), as of June 15, 2017, the survey has been suspended by parties outside that of the Juvenile Court.