

## **APPENDIX 1**

Monthly Review JAN 2016 - DEC 2016

	JAN	FEB	MAR	APR	MAY	JUNE	JUL	AUG	SEP	OCT	NOV	DEC	
<b>Detention Probable Cause (number of cases)</b>	13	10	17	10	11	17	14	18	16	17	17	12	<b>172</b>
Attorney Present	13	10	17	10	11	17	14	18	16	17	17	12	172
Attorney Present %	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	
Affidavit of Complaint	13	10	17	10	11	17	14	18	16	17	17	12	172
Affidavit of Complaint %	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	
Uncontested	3	2	6	1	4	7	11	7	7	8	6	4	66
Uncontested %	23%	20%	35%	10%	36%	41%	79%	39%	44%	47%	35%	33%	37%
Contested	10	8	11	9	7	10	3	11	9	9	11	8	106
Contested %	77%	80%	65%	90%	64%	59%	21%	61%	56%	53%	65%	67%	63%
By Oral Argument	10	8	11	9	7	10	3	11	9	9	11	8	106
By Oral Argument %	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
By Written Documents	0	0	0	0	0	0	0	0	0	0	0	0	0
By Written Documents %	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
By Live Witnesses	0	0	0	1	0	0	0	0	0	0	0	0	1
By Live Witnesses %	0%	0%	0%	11%	0%	0%	0%	0%	0%	0%	0%	0%	1%
By Continuance for Proof	0	0	0	0	0	0	0	0	0	0	0	0	0
By Continuance for Proof %	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Statement of Attorney Regarding Notice and Adversement of Rights	13	10	17	10	11	17	14	17	16	16	17	12	170
Statement of Attorney Regarding Notice and Adversement of Rights %	100%	100%	100%	100%	100%	100%	100%	94%	100%	94%	100%	100%	99%
Rights Form by Magistrate (protection from self-incrimination)	13	10	17	10	11	17	14	18	16	17	17	12	172
Rights Form by Magistrate (protection from self-incrimination) %	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

\* Numbers do not include juveniles given DAT Release or summonses

Monthly Review JAN 2016 - DEC 2016

	JAN	FEB	MAR	APR	MAY	JUNE	JUL	AUG	SEP	OCT	NOV	DEC
<b>Adjudicatory Hearing (number of cases)</b>	16	16	16	17	15	16	19	17	16	16	16	16
Attorney Present	16	16	16	17	15	16	19	17	16	16	16	16
Attorney Present %	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Rights Form (protection from self-incrimination) *excludes nolle pros	14	14	12	14	14	14	18	16	14	16	15	15
Rights Form (protection from self-incrimination) %	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Petition *excludes nolle pros	14	14	12	14	14	14	18	16	14	16	14	15
Petition %	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	93%	100%
Amended Petition *excludes nolle pros	0	0	1	0	0	0	0	0	0	1	1	0
Amended Petition %	0%	0%	8%	0%	0%	0%	0%	0%	0%	6%	7%	0%
Trial	0	1	2	0	2	0	0	0	0	2	1	1
Trial %	0%	6%	13%	0%	13%	0%	0%	0%	0%	13%	6%	6%
Waiver and Admission	14	13	10	14	12	14	18	16	14	14	14	14
Waiver and Admission %	88%	81%	63%	82%	80%	89%	95%	94%	88%	88%	89%	88%
Plea and Rights Form	14	13	10	14	12	14	18	16	14	14	14	14
Plea and Rights Form %	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Order *excludes nolle pros	14	14	12	14	14	14	18	16	14	16	15	15
Order %	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Nolle Pros by State	2	2	4	3	1	2	1	1	2	0	1	1

196

175

99%

2%

5%

167

85%

176

100%

20

Monthly Review JAN 2016 - DEC 2016

	JAN	FEB	MAR	APR	MAY	JUNE	JUL	AUG	SEP	OCT	NOV	DEC	
<b>Transfer Summary (number of cases)</b>													
Notice of Transfer Filed	19	8	11	7	11	16	11	14	3	20	13	16	149
Pre-Transfer Report Denied	1	1*	1	2	0	4	0	2	0	1	0	2	13
Waive Granted	3	4	8	3	5	11	6	8	4	7	9	3	71
<b>Transfer Hearing Review (number of cases)</b>	3	4	7	3	5	11	6	8	4	7	9	3	70
Attorney Present	3	4	7	3	5	11	6	8	4	7	9	3	70
Attorney Present %	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Rights Form (Protection against self-incrimination)	3	4	7	3	5	11	6	8	4	7	9	3	
Rights Form (Protection against self-incrimination) %	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	
Petition	3	4	7	3	5	11	6	8	4	7	9	3	
Petition %	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	
Notice of Intent to Transfer	3	4	7	3	5	11	6	8	4	7	9	3	
Notice of Intent to Transfer %	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	
<b>Transfer (Heard in Major Crimes)</b>													
Granted	1	3	4	2	2	6	1	7	0	5	8	2	41
Granted %	33%	75%	57%	67%	40%	55%	17%	88%	0%	71%	89%	67%	55%
Waived	2	1	3	1	3	5	5	1	4	2	1	1	29
Waived %	67%	25%	43%	33%	60%	45%	83%	13%	100%	29%	11%	33%	45%
Denied	0	0	0	0	0	0	0	0	0	0	0	0	0
Denied %	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>Written Findings, Rationale for Transfer:</b>													
Written Findings, Rationale for Transfer: %	3	4	7	3	5	11	6	8	4	7	9	3	70
100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
<b>The Extent and Nature of the Child's Prior Delinquency</b>													
The Extent and Nature of the Child's Prior Delinquency %	3	4	7	3	5	11	6	8	4	7	9	3	100%
100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
<b>The Nature of Past Treatment Efforts</b>													
The Nature of Past Treatment Efforts %	3	4	7	3	5	11	6	8	4	7	9	3	100%
100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
<b>The Child's Suitability for Additional Treatment</b>													
The Child's Suitability for Additional Treatment %	3	4	7	3	5	11	6	8	4	7	9	3	100%
100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
<b>The Nature of the Delinquent Act Alleged</b>													
The Nature of the Delinquent Act Alleged %	3	4	7	3	5	11	6	8	4	7	9	3	100%
100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Monthly Review JAN 2016 - DEC 2016

	JAN	FEB	MAR	APR	MAY	JUNE	JUL	AUG	SEP	OCT	NOV	DEC	
The Child Social Factors	3	4	7	3	5	11	6	8	4	7	9	3	70
The Child Social Factors % *excludes transfers denied	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
The Alternatives Within the Juvenile Justice System Considered and Rational for Rejecting Them	3	4	7	3	5	11	6	8	4	7	9	3	100%
The Alternatives Within the Juvenile Justice System Considered and Rational for Rejecting Them	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Whether the Juvenile Court and Juvenile Justice System can Provide Rehabilitation of the Juven	3	4	7	3	5	11	6	8	4	7	9	3	100%
Whether the Juvenile Court and Juvenile Justice System Can Provide Rehabilitation of the 100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
<b>Defense Presented Evidence</b>													
Opposing Probable Cause	1	3	4	2	2	6	1	7	0	3	8	0	37
Opposing Probable Cause %	33%	75%	57%	67%	40%	55%	17%	88%	0%	43%	89%	0%	47%
In Support of Continued Juvenile Jurisdiction	1	3	4	2	2	2	1	0	0	2	0	1	18
In Support of Continued Juvenile Jurisdiction %	33%	75%	57%	67%	40%	18%	17%	0%	0%	29%	0%	33%	51%
<b>Defense Waived Evidence</b>													
Opposing Probable Cause	2	1	3	1	3	5	5	1	4	3	1	2	31
Opposing Probable Cause %	67%	25%	43%	33%	60%	45%	83%	13%	100%	43%	11%	67%	49%
In Support of Continued Juvenile Jurisdiction	2	1	3	1	3	5	5	1	4	3	1	2	31
In Support of Continued Juvenile Jurisdiction %	67%	25%	43%	33%	60%	45%	83%	13%	100%	43%	11%	67%	49%

\* Please note that the highlighted portion of these two months report does not match. Normally, it does, however, in reviewing the orders, there was no evidence that the defense presented evidence in support of juvenile jurisdiction in 4 out of the 6 cases for June, in any of the cases in August, in 1 case in October and in any of the cases in November. In December, there was no evidence that the defense presented evidence opposing probable cause in any cases.

Although there were in fact 8 waivers granted this month, only 7 of them were reviewed.

## **APPENDIX 2**

**From:** Johnson, Tucker  
**Sent:** Wednesday, March 08, 2017 5:17 PM  
**To:** Skelton, Pamela  
**Subject:** RE: update from Tucker Johnson

Hi Pam,

My response to Bill would be the below email plus the attached numbers. Please provide me with feedback.

Hello, Bill,

I last reported to you the status of the Office of Clinical Services psychological evaluations in August 2016. Below are several issues relevant to our office from September 2016 to present:

**Staffing:** I have a part-time contract psychologist who completes most of the evaluations. I have another psychologist on purchase order who is available to assist when we have a backlog, and when we employ her services, she is able to complete 1-2 evaluations per month. I have a pre-doctoral clinical psychology intern 3 days per week who is unable to perform evaluations independently, but does so under my supervision. That person rotates every 4 months, and completes 1-2 evaluations per month.

My administrative assistant went on 6 weeks of medical leave in the fall of last year, and I had part-time administrative assistance from an employee with a primary assignment to Youth Court. Much of my time was spent training her in our procedures (which are fairly complex), and I did many of the clerical duties myself. My administrative assistant returned, and then resigned approximately one month later. I then again had the assistance of the Youth Court employee, and performed the tasks myself that she could not. I currently have a temp assigned to my office full time who is outstanding. The position for my administrative assistant was posted, then closed, and we are waiting for the county to give us a list of eligible candidates. Once we receive that list, the Personnel Director and I will together interview those most qualified and select from among those to fill the position.

With the assigned temp, I consider us to be at regular staffing levels at this time.

**Goals for completion time of evaluations:** Our goal continues to be completion of evaluations in 30 days, or at the first Court re-set past the 30-day mark. For instance, when Court orders are submitted, often the next Court date does not afford us the full 30 days. I notify the attorneys that the evaluation will not be complete by that Court date, and suggest they request a re-set. Our goal for completion then shifts to the re-set date.

**Backlog:** We developed a slight backlog in January and February of this year, with 4 evaluations delayed past the re-set date. In 2017 to date, we have received 23 Court orders. This is approximately one Court order every 3 days. My office is not staffed to handle this volume. The Court has been gracious enough to grant a moratorium on referrals to this office, and evaluations are being diverted to West Tennessee Forensic Services until we can process this backlog. Pam Skelton and I agreed that I waited too long to notify her that we were developing a backlog, and I have agreed to notify her sooner in the future.

**Current situation:** We currently have 15 evaluations in process, and all staff members are working diligently toward clearing the backload so that we can accept more referrals. Please look at the attached numbers. You will see that we completed 9 evaluations in February, our highest number in all the months reported. We completed 6 evaluations in the last 2 weeks alone. We will complete 2 evaluations this week, one by the first re-set past 30 days and the other at the second re-set. We expect that some but not all evaluations this month will be delayed due to the very high number of referrals we have received so far this year.

Please contact me if you have questions.



**Psychological Evaluations Completed  
09-01-2016 to 03-08-2017**

<u>Month</u>	<u># Evals Completed</u>	<u>Average # Days to Completion after Order rc'd</u>
Sept	3	32
Oct	3	43
Nov	3	38
Dec	6	37
Jan	3	64
Feb	9	47
Mar	3	31
Total	30	42

All of these evaluations were completed by the next Court re-set after the 30-day mark, with the exception of several outlier delays:

- 1) An out-of-custody who was a multiple no-show; once the youth was tested the report was complete in 23 days
- 2) Another out-of-custody with multiple no-shows; once the youth was tested, the report was complete in 28 days
- 3) In one case, the attorney delivered voluminous records to the Office of Clinical Services the night before the first Court date beyond 30 days
- 4) Four were delayed because of backlog

Average number of days to completion without outliers 1, 2, and 3 above = 41

Median number of days to completion without outliers 1, 2, and 3 = 36

Mode of days to completion without outliers 1, 2, and 3 = 30 (5 cases)

## **APPENDIX 3**

PROBATION 2016  
Review

	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	AVG YTD
<b># CASES REVIEWED</b>	40	40	40	40	40	40	40	40	40	40	40	40	40
<b>ATTORNEY</b>													
None	39	40	40	38	40	38	39	40	40	40	39	40	
%	98%	100%	100%	95%	100%	95%	98%	100%	100%	100%	98%	100%	
Private	1												
%	3%												
Public Defender				2		2	1	0	0	0	0	0	0
%				5%		5%	3%	0%	0%	0%	0%	0%	0%
Panel											1		0
%											3%		0%
<b>PERSONS PRESENT</b>													
Mother	26	28	28	27	29	30	31	31	25	32	29	30	
%	65%	70%	70%	68%	73%	75%	78%	78%	63%	80%	73%	75%	
Father	5	3	9	2	4	5	4	2	7	2	4	4	
%	13%	8%	23%	5%	10%	13%	10%	5%	18%	5%	10%	10%	
Both	2	5	2	5	2	1	1	2	7	4	3	4	
%	5%	13%	5%	13%	5%	3%	3%	5%	18%	10%	8%	10%	
Guardian	3	2	3	6	3	4	4	2	0	1	2	2	
%	8%	5%	8%	15%	8%	10%	10%	5%	0%	3%	5%	3%	
Other	4	2	1	0	2	0	0	3	1	1	2	1	
%	10%	5%	3%	0%	5%	0%	0%	8%	3%	3%	5%	3%	
<b>DEMOGRAPHICS</b>													
Age													
< 10			1	0	1	1	0	0	3	1	0	0	
%	0%	0%	3%	0%	3%	3%	0%	0%	8%	3%	0%	0%	
10-12	3	2	4	1	2	6	4	3	3	2	2	2	
%	8%	5%	10%	3%	5%	15%	10%	12%	12%	12%	12%	12%	
13 - 15	20	23	15	20	20	15	12	12	14	18	19	19	
%	50%	58%	38%	50%	50%	38%	30%	30%	35%	45%	48%	48%	
16-17	15	13	18	19	17	15	24	23	20	18	18	18	
%	38%	33%	45%	48%	43%	38%	60%	58%	50%	45%	45%	45%	
18	2	2	2	0	0	3	0	2	0	1	1	1	
%	5%	5%	5%	0%	0%	8%	0%	5%	0%	3%	3%	3%	
<b>SEX/RACE</b>													
MB	23	27	22	19	18	22	23	24	21	23	17	19	
%	58%	68%	55%	48%	45%	55%	58%	60%	53%	58%	43%	48%	



%		Collateral Consequences Understood									
Yes	40	40	40	40	40	40	40	40	40	40	40
No	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Was a Lawyer Requested											
Yes	1	0	0	2	0	2	1	0	0	0	1
No	3%	0%	0%	5%	0%	5%	3%	0%	0%	0%	3%
Process to obtain Lawyer Understood											
Yes	40	40	40	40	40	40	40	40	40	40	40
No	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

**DISPOSITION**

Admitted Charge												
Yes	24	24	27	25	26	29	32	26	23	28	18	23
No	60%	60%	68%	63%	65%	73%	80%	65%	58%	70%	45%	58%
Disposition												
NPF	1	0	2	1	4	2	0	2	5	3	2	4
Verbal Warning	3%	0%	5%	3%	10%	5%	0%	5%	13%	8%	5%	10%
Advise/Counsel only	18	15	11	14	11	12	12	17	12	14	23	12
Non-custodial Diversion	45%	38%	28%	35%	28%	30%	30%	43%	30%	35%	58%	30%
BYPASS	17	19	22	25	15	19	22	19	11	19	10	15
JC-180 (continue probation)	43%	48%	55%	63%	38%	48%	55%	48%	28%	48%	25%	38%
Evaluation & Referral (	1	2	0	0	0	0	0	1	0	1	1	0
Forfeiture	3%	5%	0%	0%	0%	0%	0%	3%	0%	3%	3%	0%
Sanction Level on Grid												
Level I	37	33	34	36	35	32	35	30	29	39	31	34
%	93%	83%	85%	90%	88%	80%	88%	75%	73%	98%	78%	85%

Level II	2	6	5	4	5	5	5	10	10	1	9	6
%	5%	15%	13%	10%	13%	13%	25%	25%	3%	23%	15%	0
Level III	1	1	1	0	0	3	0	0	1	0	0	0
%	3%	3%	3%	0%	0%	8%	0%	0%	3%	0%	0%	0%
Level IV												
%												

**Sanction Consistent with Grid**

Yes	40	39	39	40	40	39	40	40	39	40	40	40
%	100%	98%	98%	100%	100%	98%	100%	100%	98%	100%	100%	100%
No		1	1	0	0	0	0	0	0	0	0	0
%	0%	3%	3%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Override w/ approval				1	0	0	0	0	0	1	0	0
%				2%	0%	0%	0%	0%	0%	3%	0%	0%

**SERVICES RECOMMENDED**

<b>Resource Directory</b>												
Provided	8	6	6	5	9	7	5	8	5	4	8	7
%	20%	15%	15%	13%	23%	18%	13%	20%	13%	10%	20%	18%
Declined	32	34	34	35	31	33	35	32	35	36	32	33
%	80%	85%	85%	88%	78%	83%	88%	80%	88%	90%	80%	83%
<b>E&amp;R Referral</b>												
Referred	2	5	5	2	9	7	4	1	5	3	5	9
%	5%	13%	13%	5%	23%	18%	10%	3%	13%	8%	13%	23%
Declined	34	35	35	38	31	33	36	39	35	37	35	31
%	85%	88%	88%	95%	78%	83%	90%	98%	88%	93%	88%	78%

**SERVICES RECOMMENDED**

Substance Abuse	4	5	4	3	3	1	2	1	0	2	2	2
%	10%	13%	10%	8%	8%	3%	5%	3%	0%	5%	5%	5%
Mental Health	2	1	2	2	0	0	0	1	2	3	1	4
%	5%	3%	5%	5%	0%	0%	0%	3%	5%	8%	3%	10%
Family Counseling	4	3	4	3	3	3	0	4	3	3	1	8
%	10%	8%	10%	8%	8%	8%	0%	10%	8%	8%	3%	20%
Anger Management	4	5	4	7	7	6	3	6	3	5	4	8
%	10%	13%	10%	18%	18%	15%	8%	15%	8%	13%	10%	20%
Domestic Violence Prc	1	1	1	1	0	0	0	0	0	2	1	0
%	3%	3%	3%	3%	0%	0%	0%	0%	0%	5%	3%	0%
Mentoring			1	0	0	0	0	1	0	0	0	0
%			3%	0%	0%	0%	0%	3%	0%	0%	0%	0%







Collateral Consequences Understood									
Yes	40	40	0%	0%	0%	0%	0%	0%	0%
No	100%	100%	0%	0%	0%	0%	0%	0%	0%
Was a Lawyer Requested									
Yes	1	0	0%	0%	0%	0%	0%	0%	0%
No	39	40	0%	0%	0%	0%	0%	0%	0%
Process to obtain Lawyer Understood									
Yes	40	40	0%	0%	0%	0%	0%	0%	0%
No	100%	100%	0%	0%	0%	0%	0%	0%	0%

**DISPOSITION**

Admitted Charge									
Yes	23	33	0%	0%	0%	0%	0%	0%	0%
No	58%	83%	0%	0%	0%	0%	0%	0%	0%
Disposition									
NPF	2	2	0%	0%	0%	0%	0%	0%	0%
Verbal Warning	16	12	0%	0%	0%	0%	0%	0%	0%
Advise/Counsel only	40%	30%	0%	0%	0%	0%	0%	0%	0%
Non-custodial Diversio	13	22	0%	0%	0%	0%	0%	0%	0%
BYPASS	33%	55%	0%	0%	0%	0%	0%	0%	0%
JC-180 (continue probation)	2	3	0%	0%	0%	0%	0%	0%	0%
Evaluation & Referral (	6	1	0%	0%	0%	0%	0%	0%	0%
Forfeiture	15%	3%	0%	0%	0%	0%	0%	0%	0%
Sanction Level on Grid	33	25	0%	0%	0%	0%	0%	0%	0%
Level I	83%	63%	0%	0%	0%	0%	0%	0%	0%



## **APPENDIX 4**

**DELINQUENT COMPLAINTS WITH A JUVENILE DEFENDER OR PUBLIC DEFENDER ASSIGNED  
 BASED ON COMPLAINT DATE - COUNTING DISTINCT COMPLAINTS  
 Accepted and Reassigned Cases Only and Omit Inactive Assignments**

		2016
JUVENILE DEFENDER	JAN	86
	FEB	109
	MAR	81
	APR	79
	MAY	65
	JUN	56
	JUL	48
	AUG	52
	SEP	63
	OCT	55
	NOV	56
	DEC	34
	<b>Total</b>	<b>784</b>
PUBLIC DEFENDER	JAN	49
	FEB	77
	MAR	85
	APR	74
	MAY	97
	JUN	76
	JUL	73
	AUG	75
	SEP	80
	OCT	85
	NOV	80
	DEC	54
	<b>Total</b>	<b>905</b>
<b>Total</b>	<b>1,686</b>	

	2016
JUVENILE DEFENDER	<b>784</b> <b>46%</b>
PUBLIC DEFENDER	<b>905</b> <b>53%</b>
<b>Total Distinct Complaints</b>	<b>1,686</b> <b>100%</b>

**NOTE: This report is counting distinct complaints based on attorney assignments. If a juvenile is assigned more than one attorney on the same complaint the attorney assignment will be counted once in each category (attorney type and month) but only one time in the overall total.**

		2016
JUVENILE DEFENDER	JONES, SAMUEL	69
	RENFROE, SHEILA	54
	NANCE, LARRY	53
	GURKIN, J WHITTEN	50
	KREHER, DAVID	50
	WILLIAMS, EVAN	49
	BYNUM, RANDLE B.	48
	KHUMALO, LINDA PARSON	48
	CHASTAIN, AUTUMN B.	40
	FRANKLIN, JAMES EDWARD	38
	WASHINGTON, ALICIA	34
	ALEXANDER, CONSTANCE	32
	SHELTON, REGINALD E.	31
	MILLER, DOROTHY INGRAM	30
	MELONI, KIM	29
	GILLARD, VICTORIA W.	28
	SETTLE, DEWUN R.	27
	BALL, KATHLEEN ANN	23
	PERKINS, SAMUEL	18
	SANDERS, ARCHIE	15
	WILLIAMS, JUAN	6
	GATEWOOD, ERICA	5
	JOHN, MATTHEW IAN	4
	EDWARDS, ELBERT	3
ROSS, MOZELLA	3	
	<b>Total</b>	<b>784</b>
PUBLIC DEFENDER	MARTIN, CHRISTOPHER	174
	RATTON, KATIE	147
	DEANS, BARBARA	145
	RUSSELL, STEPHANIE	133

**NOTE: This report is counting distinct complaints based on attorney assignments. If a juvenile is assigned more than one attorney on the same complaint the attorney assignment will be counted once in each category (attorney type and month) but only one time in the overall total.**

		2016
PUBLIC DEFENDER	RAYFORD, JAMES	114
	MCKEITHEN, CARNITA	75
	THACKERY, DIANNE	39
	HALE, JAMES	25
	EDWARDS, ELBERT	24
	RARDIN, KEVIN	15
	CASE, JENNIFER	10
	SANSBURY, LAURIE	10
	ARMSTARD, DONNA	5
	HARRIS, JAYNIECE	4
	HYMAN, BROOKE	2
		<b>Total</b>
<b>Total</b>		<b>1,686</b>

**NOTE: This report is counting distinct complaints based on attorney assignments. If a juvenile is assigned more than one attorney on the same complaint the attorney assignment will be counted once in each category (attorney type and month) but only one time in the overall total.**

**DELINQUENT COMPLAINTS WITH A JUVENILE DEFENDER OR PUBLIC DEFENDER ASSIGNED  
 BASED ON COMPLAINT DATE - COUNTING DISTINCT COMPLAINTS  
 Accepted and Reassigned Cases Only and Omit Inactive Assignments**

		2017
JUVENILE DEFENDER	JAN	59
	FEB	38
	<b>Total</b>	<b>97</b>
PUBLIC DEFENDER	JAN	71
	FEB	56
	<b>Total</b>	<b>127</b>
<b>Total</b>		<b>224</b>

		2017
JUVENILE DEFENDER		<b>97 43%</b>
PUBLIC DEFENDER		<b>127 57%</b>
<b>Total Distinct Complaints</b>		<b>224 100%</b>

		2017
JUVENILE DEFENDER	KHUMALO, LINDA PARSON	12
	RENFROE, SHEILA	10
	FRANKLIN, JAMES EDWARD	9
	WILLIAMS, EVAN	9
	BYNUM, RANDLE B.	8
	JONES, SAMUEL	8
	ALEXANDER, CONSTANCE WOOD	7
	NANCE, LARRY	7
	CHASTAIN, AUTUMN B.	6
	MELONI, KIM	5
	KREHER, DAVID	4
	GILLARD, VICTORIA W.	3
	GURKIN, J WHITTEN	3
	SHELTON, REGINALD E.	2
	WASHINGTON, ALICIA	2
	MILLER, DOROTHY INGRAM	1
	SETTLE, DEWUN R.	1
	<b>Total</b>	<b>97</b>
PUBLIC DEFENDER	DEANS, BARBARA	24
	MARTIN, CHRISTOPHER	23

**NOTE: This report is counting distinct complaints based on attorney assignments. If a juvenile is assigned more than one attorney on the same complaint the attorney assignment will be counted once in each category (attorney type and month) but only one time in the overall total.**

		2017
PUBLIC DEFENDER	RATTON, KATIE	19
	MCKEITHEN, CARNITA	18
	RUSSELL, STEPHANIE	15
	RARDIN, KEVIN	14
	RAYFORD, JAMES	6
	HALE, JAMES	3
	TURNER, KAMILAH ELAINE	3
	EDWARDS, ELBERT	2
	ARMSTARD, DONNA	1
	<b>Total</b>	<b>127</b>
<b>Total</b>		<b>224</b>

**NOTE: This report is counting distinct complaints based on attorney assignments. If a juvenile is assigned more than one attorney on the same complaint the attorney assignment will be counted once in each category (attorney type and month) but only one time in the overall total.**



## **APPENDIX 5**

**DRAFT**

**EXECUTIVE ORDER  
BY THE MAYOR OF SHELBY COUNTY, TENNESSEE**

**NO. XX-2017**

**AN ORDER RECOGNIZING, APPROVING, AND AFFIRMING  
THE OFFICE OF THE PUBLIC DEFENDER  
FOR SHELBY COUNTY, TENNESSEE  
AS AN INDEPENDENT, ETHICAL, AND ZEALOUS PROVIDER OF  
DEFENDER SERVICES IN SHELBY COUNTY**

**WHEREAS, the United States Constitution and the Constitution of the State of Tennessee guarantee to every accused person the right to defense representation; and**

**WHEREAS, when an accused person in Shelby County cannot afford to retain counsel, the State of Tennessee and Shelby County share in an obligation to provide that person with government-funded public defense services; and**

**WHEREAS, "Public defense services" means independent, ethical, and zealous legal defense advocacy, at the pretrial, trial, appellate, and post-conviction stages, on behalf of all people who cannot afford counsel and who are accused of municipal, criminal and/or delinquency offenses in Shelby County; and**

**WHEREAS, the people of Shelby County and its Government deeply value the fundamental fairness that is embodied in the guarantee of counsel to all accused people, as is evidenced by Shelby County's early creation of a public defender office that is one of the oldest in the nation; and**

**WHEREAS, the Shelby County Public Defender is the official charged by state law with providing, supervising, overseeing, and administering public defense services in Shelby County;**

**WHEREAS, the office of the Shelby County Public Defender operates independently as a special office of Shelby County Government to fulfill essential public defense services as required by the United States Constitution, the Tennessee Constitution, and federal and state law; and**

**WHEREAS, the State provides statutorily-mandated funds for the Shelby County Public Defender, and it is critical that Shelby County comply with state law ensuring that state-mandated funds are expended exclusively for the purposes for which they are allocated; and**

**WHEREAS, state law requires that Shelby County provide, at a minimum, a specific allocation of funds each year for public defense services in Shelby County, and compliance with state law requires that Shelby County ensure that all such funds are allocated to, and spent exclusively for public defense services; and**

**WHEREAS, Shelby County has agreed, in a Memorandum of Agreement with the federal government, to ensure that the Shelby County Public Defender provide independent, ethical, and zealous representation to the Public Defender Office clients; and**

**WHEREAS, the office of the Shelby County Public Defender, in order to comply with constitutional, statutory, and ethical rules, must be able to provide every client with representation that meets the highest standards for independence, ethics and zeal; and**

**WHEREAS, independence of public defense services means that the selection, funding, payment, operation, and supervision of defense counsel for people who cannot afford counsel is not subject to political or judicial influence any more than for people who have retained counsel; and**

**WHEREAS, ethical public defense services can be provided only by a public defender office that is free to manage its operations in a way that complies with all of the ethical, professional responsibility, and legal mandates that are incumbent upon attorneys rendering defense services in the state of Tennessee; and**

**WHEREAS, the Mayor of Shelby County is empowered, under Section 3.06 of the Shelby County Charter, to assign "any function or duty" to any major division of county government, including the office of the Shelby County Public Defender, except as otherwise set forth; and**

**WHEREAS, the Public Defender is the official who is best-positioned to exercise ethical and professional judgment to determine the most effective and efficient structure and operations for public defense in Shelby County;**

**NOW THEREFORE, I, Mark H. Luttrell, Jr., by virtue of the authority granted to me by the Charter and ordinances of Shelby County and by the laws of the State of Tennessee, do hereby declare, direct, and order the following:**

1. It shall be, and hereby is, the policy of Shelby County to take all necessary and appropriate steps, within the law and the County Charter, to establish, affirm and equip the office of the Shelby County Public Defender to provide independent, ethical, and zealous representation to all accused people in Shelby County who cannot afford counsel in their own defense.
2. It shall be, and hereby is, the policy of Shelby County to take all necessary and appropriate steps, within the law and the County Charter, to ensure that the office of the Shelby County Public Defender is independent of, and not subject to undue political or judicial influence, including that office's selection, funding, payment, operation, and supervision of defense counsel.
3. It is the intention of this Administration to provide the Shelby County Public Defender with adequate assurances to ensure the management, supervision, and organization of public defense services is independent of undue political influence.
4. As permitted by law and the Shelby County Charter, the Public Defender is hereby permitted to take all actions necessary for providing independent defense services with the understanding that no powers reserved to the County Commission or the Mayor are hereby abridged by this provision. The authority to act as contemplated by this provision includes:
  - a. The obligation and prerogative to advocate for funding, and to participate fully in State and Shelby County budget proceedings, independently of undue political or judicial controls, and to seek, solicit, and advocate for funds for the operation of public defense services from any legal source whatsoever, public or private;
  - b. At the Public Defender's discretion, subject to any applicable local, state, or federal law, to recruit, retain, employ, supervise, evaluate, and if necessary to remove staff who deliver public defense services in Shelby County, as appropriate;
  - c. The power, authority, and prerogative to determine the structures and systems of delivery for public defense services in Shelby County;
  - d. The power, authority, and prerogative to develop, promulgate, and ensure compliance with guidelines, policies, and standards of practice for the administration of public defense services;
  - e. The power, authority, and prerogative to engage necessary services within the limits of budget resources, subject to applicable local, state, and federal law, as necessary for fulfilling the Public Defender's

obligation to comply with all constitutional imperatives, state statutes, and ethical rules governing the practice of law in Tennessee.

5. As permitted by the Shelby County Charter, the Public Defender is authorized to develop operating rules and procedures including procedures governing the financial operations of the office of the Shelby County Public Defender, with the assistance of the Administrator of the Shelby County Finance Department, that clarify:
  - a. The independence of the Public Defender to seek, solicit, and advocate independently for funds for the operation of the office of the Shelby County Public Defender from any legal source, public or private, including the Shelby County Commission and the Tennessee Legislature;
  - b. The process by which the Public Defender may develop independently the budget for the office of the Shelby County Public Defender and may submit that budget to the Mayor for inclusion in the consolidated Countywide Budget that is presented annually to the Shelby County Commission for approval;
  - c. The process by which Shelby County assures adherence with state law mandating state and local funding for public defense services.
6. In the event the Public Defender is removed from the position, he or she has the right to fall back to any open and vacant appointed position for which he or she qualifies.
7. All directors of all divisions of Shelby County Government and all applicable government staff are hereby directed to assist the Public Defender in affecting any administrative and operational changes appropriate to the fulfillment of the letter and spirit of this Order to the extent that it is within their capacity and authority to do so.

## **APPENDIX 6**

## SHELBY COUNTY GOVERNMENT

**To:** Sandra Simkins  
Due Process Monitor

**From:** Bill Powell  
Settlement Agreement Coordinator

**Date:** March 14, 2017

**Subject:** Follow Up on Motions, Orders and Docket #s

In your 8<sup>th</sup> Compliance Report issued December 22, 2016 you expressed concerns about “Obstacles to Defense Practice: Motions, Orders, Docket Numbers. You requested that I provide assistance in addressing these issues.

Pursuant to that request, I spoke with defense attorneys, representatives of the Juvenile Court Clerk’s Office and with representatives of Juvenile Court. After a number of discussions, the main concerns articulated included:

**1. Copies of Orders Not Received or Not Accessible**

Attorneys indicated copies of Court orders were often not available for extended periods of time.

Findings:

There is a program called OnBase that is available to County employees (including Public Defenders). The Juvenile Court Clerk’s Office scans documents, including Court orders into this system within a day or so after filing. There were some concerns expressed that it took up to 6 weeks after the Court date for Orders to be prepared, a review indicated the average time was 12.8 calendar days. Additionally, data showed that, on average the documents were scanned into OnBase the same day they were received. This means the Orders will typically be available and accessible through the OnBase system 13 days after verbally issued in Court.

Resolution:

Instruction sheets will be prepared to inform Attorneys how to access OnBase which will give them the ability to view and print Orders related to their case. As County employees, Public Defenders will routinely have access to OnBase. Members of the Public Defender’s staff have tested this system and have found it helpful in obtaining copies of orders. For other attorneys not employed by the County, the Panel Coordinator, Scot Bearup, is available to pull up scanned orders and print them at any time.

## **2. Docket #s not available**

Attorneys indicated docket #s are often not available and defense practice is inhibited because the Clerk's Office will not accept filings without a docket #. Generation of a docket # begins with preparation of paperwork by the Juvenile Court Probation Department. This paperwork is taken to the Juvenile Court Clerk's Office who then generates the docket #.

### Findings:

This lack of a docket # appears to be limited to those youth experiencing their first encounter at Juvenile Court. Docket #s are available at Detention Hearings for youth with prior contact with Juvenile Court.

### Resolution:

Docket #s can be obtained following a Detention Hearing by requesting it through the Probation Department. If a docket # is needed the defense attorney can go the 2<sup>nd</sup> floor and ask the assigned Probation Counselor to expedite the docket #. The Probation Counselor will then walk through the necessary paperwork to the Clerk's Office and email the attorney the docket # as soon as it is received. This should happen on the day requested or the next day.

## **3. Next Court date following a Detention Hearing not available**

There is a lag time between the Detention Hearing and when the attorney is notified of the next Court date.

### Findings:

The Probation Department assigns the next Court date. There may be delays in the assignment of the Court date if the Probation Counselor determines the case may be Adjusted Non-Judicially without the need for a Petition. In these cases, no Court date may be needed.

### Resolution:

Probation will have a Counselor assigned to Detention every day to assign Court dates in Court. This will allow the attorney to immediately know the next Court date. An exception may be that, if the youth does not have a docket #, the process to obtain a docket # must occur before the Court date can be assigned.

Cc Pam Skelton, Juvenile Court  
Stephen Bush, Public Defender  
Winsome Gayle, DoJ  
Richard Goemann, DoJ