



Shelby County Government

MARK H. LUTTRELL, JR.
MAYOR

KATHRYN W. PASCOVER
COUNTY ATTORNEY

December 15, 2017

VIA EMAIL & U.S. MAIL

Michael Leiber, Ph.D.
Equal Protection Monitor
University of South Florida
4202 East Fowler Avenue, SOC 107
Tampa, FL 33620-8100

Re: *Memorandum of Agreement Regarding the Juvenile Court of Memphis and Shelby County, December 17, 2012*

Dear Dr. Leiber:

Pursuant to the Memorandum of Agreement, this letter sets forth the comments of Shelby County, Tennessee and the Juvenile Court of Memphis and Shelby County to the Draft Tenth Compliance Report – Equal Protection, dated November 27, 2017, and the Appendices thereto.

Overall, we are pleased that the drafts recognize significant progress by the Court in a number of Equal Protection areas governed by the MOA. Shelby County responds to the following matters related to the Court, as discussed in the Draft Compliance Report:

(1)

On Page 16, in section 5 of Table 1, the Report reflects a rating of Substantial Compliance for the provision “Develop and implement a community outreach program to inform community of progress toward reforms.” However, at the bottom of Page 20, the first item in section 5(a) shows a Partial Compliance rating. We respectfully ask that the rating on Page 20 be revised to reflect the Substantial Compliance rating shown on Page 16.

(2)

Based on the feedback you gave on the County-Wide Juvenile Justice Consortium during the October 2017 visit, the County and the Court respectfully request that you consider increasing to Substantial Compliance the rating assigned on the second item in section 5(a), top of Page 21.

(3)

The County and the Court appreciate the recognition in section 5(f), Pages 21-22, that the “survey of the community was taking place after many delays that were not the fault of the Court[,]” and that “[a]s of June 15th, 2017, the survey has been suspended by parties outside that of the Juvenile Court.”

The County and the Court respectfully ask you to consider increasing the rating for this provision to Substantial Compliance. The survey was funded by the Office of Juvenile Justice and Delinquency Provision (“OJJDP,” a component of the DOJ’s Office of Justice Programs). OJJDP prepared the scope of work, issued the RFP, and selected the vendor. The surveyors worked at the Court for approximately a year, utilizing two offices there. The Court understands most of the work was completed, but the survey was abruptly suspended with minimal notice to the Court, as reflected in the June 16, 2017 email from Dr. Laura Harris of Data for Good LLC (copy attached as Exhibit 1). All parties recognize that the termination of the survey had nothing to do with the County or the Court; therefore, we respectfully request, under the circumstances, that you consider increasing the compliance rating on that provision to Substantial Compliance.

(4)

On Page 6 of the Draft Compliance Report, the paragraph titled “Summons Review Team (SRT)” states that the Court has had a Summons Review Team since 2010. As correctly stated on Page 7 later in the same paragraph, the Summons Review Team is a relatively new pilot program (started in late 2016). The program described at the bottom of Page 6 was put in place in early 2010. That program supplemented the SHAPE program with the school systems, involved law enforcement, and allowed summonses to be issued in lieu of arrests during school hours for minor offenses occurring at school. The Draft Compliance Report correctly states that there was no thorough analysis of the effectiveness of that program as it related to DMC; the present SRT program was begun in 2016 to review all summons (not just summonses issued for limited minor offenses occurring at school).

(5)

We understand, per your discussion with Dr. Burgdorf, that the “Key findings from the evaluation” (middle of Page 7) and Appendix 1 will be reworked.

(6)

At the bottom of Page 7, the Draft Compliance Report includes several recommendations relating to the SRT program. Based on your recommendations during the first few months of the program, the Court has or is currently implementing those recommendations. The Court has implemented qualifiers and disqualifiers in an effort to demonstrate whether there are race-neutral reasons that a child is declined review by the SRT. The Court appreciates your time, evaluation, and recommendations as it continues to work on this pilot program.

(7)

With respect to the section titled “Detention Assessment Tool version 3 (DAT3)” beginning in the middle of Page 8, the Court implemented DAT3 with your suggested changes in February 2017, with the understanding that you would need approximately 6 months of data before evaluating the DAT3. The Court did not realize you wanted it to monitor and make changes before your first evaluation; therefore, the Court is beginning to do so this month. The Court will continue to work with you on this matter, and looks forward to having you visit Memphis in early 2018 to engage in technical assistance, your generous offer of which is greatly appreciated.

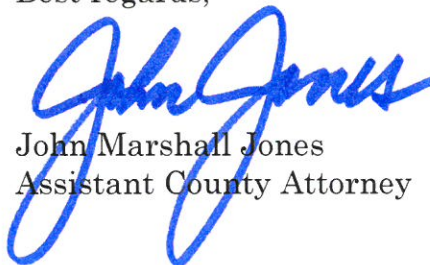
(8)

Beginning just past the middle of Page 9 of the Draft Compliance Report, several “recommendations are provided” regarding the DAT3. The Report mentions that 31% of all cases that result in detention occur because of an override of the DAT3. The Court requests guidance on this subject. Tennessee law requires detention when a weapon is involved, when the child is out on a warrant or has escaped from a secure facility, or when domestic violence is involved. The DAT3 includes those mandatory detainable offenses in the Override section, which otherwise is discretionary. The Court agrees that the discretionary reasons need to be re-evaluated and training needs to continue, and looks forward to your advice on this important tool.

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On behalf of Shelby County, Tennessee and the Juvenile Court of Memphis and Shelby County, we respectfully submit these comments and requests in response to the Draft Tenth Compliance Report – Equal Protection, dated November 27, 2017, and the Appendices thereto. We appreciate your consideration, and look forward to receiving the final versions of the documents.

Best regards,



John Marshall Jones
Assistant County Attorney

cc: Winsome G. Gayle, Esq. (VIA EMAIL)
Richard C. Goemann, Esq. (VIA EMAIL)
Emily Keller, Esq. (VIA EMAIL)
Judge Paul Summers, Settlement Agreement Coordinator (VIA EMAIL)
Mark H. Luttrell, Jr., Mayor, Shelby County (VIA EMAIL)
Harvey Kennedy, CAO, Shelby County (VIA EMAIL)
Judge Dan H. Michael, Juvenile Court (VIA EMAIL)
Pamela Skelton, Esq., CAO, Juvenile Court (VIA EMAIL)
Magistrate Garland Erguden, Juvenile Court (VIA EMAIL)

From: Laura Harris [<mailto:dataforgoodllc@gmail.com>]
Sent: Friday, June 16, 2017 2:17 PM
To: Pamela Skelton; Mamie Jones; Matthew Ian John
Subject: Survey update

Greetings all -

I have a bit of surprise news: I just found out yesterday that DOJ has talked with Development Services Group and decided to put this survey on hold. I have been instructed to terminate our work as of today. There is a possibility that the work might continue/restart in October with the new fiscal year.

To that end, I will need to come pick up the materials from the office, and we will not need space for the near future. (I will do so Monday afternoon.) As I learn anything new about the survey restarting in the fall, I will be in touch to determine space needs at that time.

I greatly appreciate all of the work the staff has done to accommodate our needs for this project. From getting IDs and keys, arranging space, and sending updated conference calendars, the staff has always been professional and worked quickly to get us what we have needed. Please pass along my gratitude to everyone that has been part of this work. The students who have worked on this project have learned a lot about how the Court works, the issues the youth and their families face, and a bit about research methods. I am grateful we've had such a positive experience to share with them.

Please let me know if you have any other questions.

Laura

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Data for Good LLC

Laura E. Harris, Ph.D.
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dataforgoodllc@gmail.com

*Consulting with public and nonprofit organizations
to measure and evaluate program impacts.*

Exhibit 1