




Chief Policy and Statutory Compliance Officer

Memorandum

To: Pamela Clark, Facility Consultant Via e-mail
From: Debra L. Fessenden, Chief Policy and Statutory Officer 
Date: July 17, 2018
Subject: Response to Facility Consultant Report

We were very pleased that 38 of the 41 parts/subparts of the MOA pertaining to Protection from Harm/Detention are either terminated or in substantial compliance. We are grateful that you provided specific guidance as to the steps that should be taken to move forward on subparts that were in partial compliance. As a result, we have taken immediate action as set forth below and in the accompanying photographs:

Two (2) subparts in Suicide Prevention 2(a) dropped from substantial compliance to partial compliance for the first time since June 2014:

- (vi)—Interdisciplinary reviews of all serious suicide attempts or completed suicides; and
- (ix)—Requirements for mortality and morbidity review.

Response: We immediately began discussion and review with our medical provider, Correct Care Solutions (“CCS”) and the Shelby County Health Department. Changes have been made to the suicide prevention, use of force and isolation policies.

The subpart of Performance Metrics for Protection from Harm 4(a)(ii), review of the effectiveness of the suicide prevention plan, was also in partial compliance.

Response: We clarified policies to ensure that only the necessary restrictions are applied to youth on precautions with more attention to documenting the actual restrictions recommended by the QMHP and applied by detention staff. CCS is also committed to following the recommendations.

With regard to your summaries, which included general recommendations, the following actions are being taken:

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1 and 2. Inconsistencies in CCS and JDS policy and practice related to suicide precautions.

Response: See Responses above.

3. Inappropriate threat by a staff member to youth that would violate the Room Confinement policy.

Response: The immediate investigation revealed that the policy was not violated nor was force being utilized as the youth had alleged. However, during the on-going questioning of individuals and focus groups of youth and staff, it was discovered that a lower-level supervisor had, in fact, made the inappropriate threat. That employee has been counseled and disciplined and all staff has been made aware that such threats are inappropriate.

4. You had questions about the effectiveness of the Positive Behavior Management System (PBMS) and were seeking information about the latest piece to be added to the program.

Response: PBMS has been growing exponentially over the past 3 years. Leadership has conferred with youth, staff, and national leaders, received national training, visited the Amarillo, Texas facility, and relied on studies/publications in developing and moving PBMS forward. Sgt. Hunt's full-time job is to lead the PBMS progress. The latest development is a coupon plan that began in May 2018 with the girls. The youth and staff were presented with written material setting out goals, definitions, and guidelines for this latest phase which allows youth to collect coupons and "shop" with them. The 1st 6 weeks were deemed successful and the program is being expanded to a boys' unit.

5. PBMS expectations were framed negatively, rather than positively.

Response: 12 new signs have been created using positive expressions of expectations and have been placed in numerous locations.

6. The policy on Mortality and Morbidity Review, Policy 360.14, should be expanded.

Response: This is complete. In addition, each suicide precaution has been reviewed since September 2017 as part of the monthly Multidisciplinary Review.

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7. Inconsistencies in documentation of UOF incidents between supervising office and the officers conducting reviews of these incidents should be identified addressed and corrected as part of the document and video review process.

Response: This has been addressed with a new form requiring signatures at each level of review and a reconciliation of discrepancies between reviews to allow for identification of areas in which additional training or coaching is needed.

8. CPR training should be added to policy 360.05(D).

Response: Completed.

9. Grievance Forms need to be located where they are easily visible to youth.

Response: The boxes containing the forms and the boxes where they are to be submitted have been painted bright orange and are being conspicuously placed throughout the facility.

10. A Prison Rape Elimination Act (PREA) audit has yet to be completed.

Response: Three (3) PREA auditors have been asked to submit bids.

11. Youth complain of the quality and quantity of food.

Response: The youth are provided double portions of entrees at every meal in addition to daily snacks of sandwiches, milk and fruit or cookies before bedtime. While the youth prefer meals that include hot dogs/corn dogs over more traditionally nutritious meals, national standards would not permit that. There is little wasted food, which indicates that they are eating it even when it is not a preferred meal.

All meals are approved by a nutritionist. The food contract has been renewed and there is more oversight to ensure the meals are appropriate.


Thank you again for providing constructive criticism that has enabled us to directly address your concerns.

cc: Richard C. Goemann, DOJ/Senior Trial Attorney, Juvenile Rights
Winsome Gayle, DOJ/Special Litigation Counsel, Juvenile Rights
Emily Keller, DOJ/Special Litigation Counsel, Juvenile Rights
Kathryn W. Pascover, County Attorney
John Marshall Jones, Assistant County Attorney

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201 Poplar Avenue -- Room 9-15 -- Memphis, TN 38103 -- (901) 222-2116




Detention Rules
Hallway / Movement



- W - Walk silently**
- A - Allow for personal space**
- L - Look forward**
- K - Keep your hands to yourself**
- S - Straight line**



Detention Rules Classroom

- ★ Listen while others are talking.
- ★ Follow directions.
- ★ Keep hands, feet and objects to yourself
- ★ Work quietly and do not disturb others.
- ★ Be respectful and kind to others.
(please, thank you, excuse me)
- ★ Raise your hand when you need to ask a question or make a comment.
- ★ Do YOUR best! Be YOUR best!





Detention Rules Cafeteria

- ★ **Sit down**
- ★ **Eat your own food.**
- ★ **Sharing and trading of food is not allowed.**
- ★ **Use soft voices.**
- ★ **Clean up your area/table.**
- ★ **All food and drinks stay in the eating areas.**
- ★ **Wait to be excused from your table.**
- ★ **Eat balanced meal.**





Detention Rules **Dayroom**



- ★ Follow directions the first time. Arguing, whining, sassiness is not allowed.
- ★ Be respectful and kind to others and yourself (please, thank you, excuse me)
- ★ Be honest. Lying and manipulating to get your way is wrong and hurtful.
- ★ Think before you act. Ask yourself am I being helpful or hurtful? (self-control)
- ★ Listen when others are speaking. Eye contact, do not interrupt and use appropriate volume.
- ★ Follow game and activity rules
- ★ Enjoy Your Day!