

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).

Eighth Compliance Report – Equal Protection

Michael Leiber, Ph.D., Equal Protection Monitor  
Criminology  
University of South Florida  
4202 East Fowler Ave, SOC 107  
Tampa, FL 33620-8100  
[mjleiber@usf.edu](mailto:mjleiber@usf.edu)  
(813) 974-9704

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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. This is the eighth 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 April 30, 2016 to September 28, 2016. It is important to note that from the time of the Agreement as a whole is also taken into consideration.

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 (September 25, 2016 through September 28, 2016), 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 seven 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 and was also relied upon for this Eighth Equal Protection 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.

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 presented in the Seventh Equal Protection Report which relied upon data from 2009 through 2015, reductions in raw numbers for court referrals, detention, and transfer to adult court have occurred. Furthermore, positive signs also exist that youth are being diverted away from harsher treatment. 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. See discussion below and Figure 1 (next page). More specific:

### *Court Referrals*

- The relative rate index involving referrals to court for 2015 remains high at 4.26. In other words, a little over 4 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 7 years (which includes 2009).

### *Secure Detention*

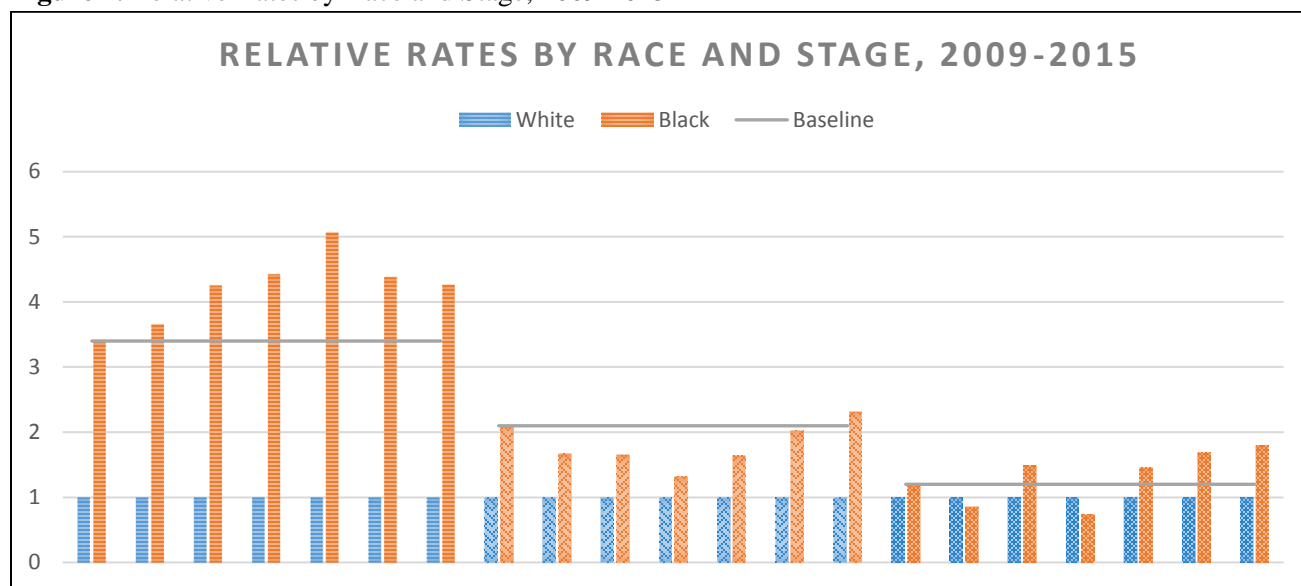
- The relative rate index values pertaining to secure detention initially showed a decline from 2.1 in 2009 to 1.32 in 2012. But starting in 2012 through 2015, an increase in disparities related to secure detention is evident at 2.31. Although the overall number of youth involving secure detention has reduced significantly over the years for both White and Black youth, 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 2015, it is .91.

### *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, and 153 for 2015. Of the 153 youth, 4 were White and 2 Whites were waived to adult court compared to 29 Blacks.

**Figure 1.** Relative Rates by Race and Stage, 2009-2015

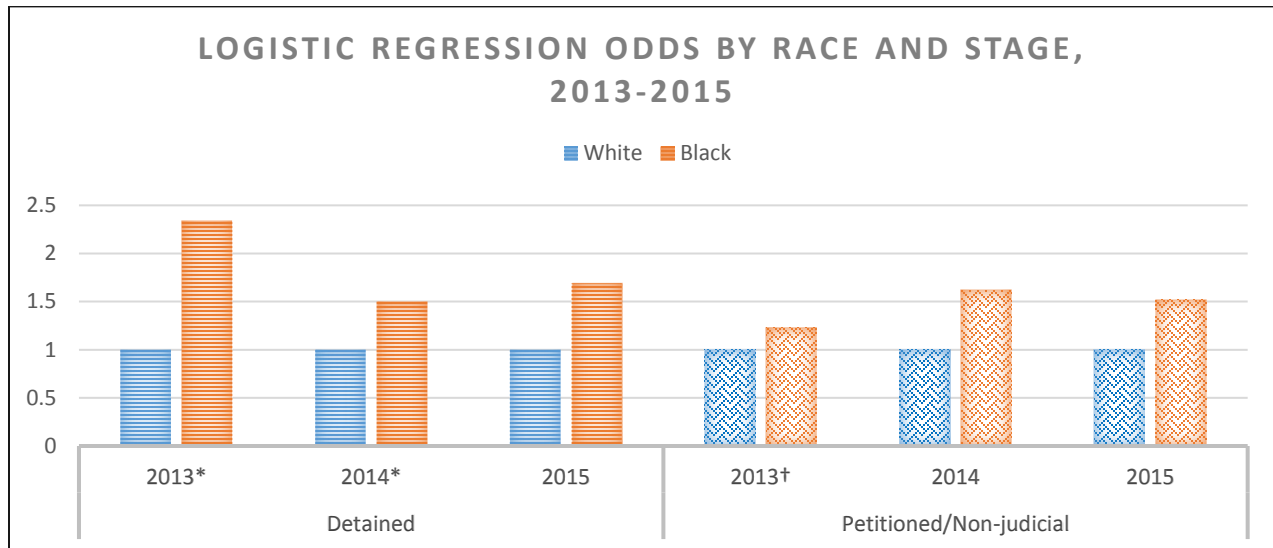
Note: How to read relative rate index (RRI), for example in 2009, referred to juvenile court 3.65 Blacks to 1 White. The stage of Petition is treated the same as non-judicial.

Information from relative rates provide a descriptive picture of the extent of DMC or a count, assessment studies produce findings that take into consideration alike cases and attempt to examine what outcomes youth receive. A total of five assessment studies have been conducted (one that led in part to the MoU and four since). For the most part, all five 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, 2009-2015

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

† Logistic regression coefficient not significant

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). More specific, in 2015, the odds of a Black youth being detained is 1.69 greater than a similar White youth. Likewise, Blacks are one and a half more times to be petitioned (or not receive a non-judicial diversionary outcome) than Whites once legal and extra-legal factors are considered. These relative relationships, for the most part, between race and detention and non-judicial outcomes have remained steady between 2013 through 2015.

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

The failure to reduce DMC and the influence of race on court proceedings 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 provide 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 Equal Protection Monitor Report, these are:

- *A Lack of Ownership or Leadership concerning DMC*
- *A Lack of the Use of Findings from the Assessment Studies to Drive Strategies, Procedures, and Policy*

- *A Lack of the Examination of and Changes in Existing Procedures and Policies, especially at Detention and the Non-Judicial Stage*
- *A Lack of Use of Diversion Programs*
- *The Lack of Movement to Address Notice of and Actual Transfer to Adult Court as Pertains to DMC*

The Compliance Report 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, face-book), reaching out to the community including the Consortium and working with other entities, persons and agencies in the community that deal with DMC issues.

Building off of these points, recommendations were provided. The forthcoming section and discussion is framed around these recommendations and what the juvenile court has attempted to do to address DMC since the Seventh Equal Protection Monitor Report and in particular, the on-site visit by this monitor in late July of 2016.

#### OVERALL SUMMARY AND IMPRESSIONS UP TO THIS POINT IN THE AGREEMENT

→ ***To address the lack of ownership:*** It was recommended that either Judge Michael or someone from the Court Leadership Team and/or the Court DMC Coordinator take a stronger lead on the DMC issue and work collaboratively with Court personnel, the police, and the community to comply with the MoU as pertains to DMC.

**Juvenile Court Response:** Pam Skelton (Juvenile Court) along with the Equal Protection Strategic Planning Committee has assumed the lead on addressing this recommendation. 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 Equal Protection Monitor Compliance Report. The revised/updated Strategic Planning Committee now is comprised of Mr. Bill Powell and Attorney Marlinee Iverson as advisors, and team/committee members Bridgette Bowman, Kimbrell Owens, Matthew Ian John, Aimee Burgdorf, Lisa Hill, Avis Allen, and Pam Skelton.

**Recommendation:** 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.

→ ***To address the lack of the use of findings from the assessment studies to drive strategies, procedures, and policy:*** It was recommended that the collection of additional data should be 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 Court should be relied on to enact changes in strategies, procedures and policies. Relatedly, it was also recommended that the Juvenile Court look specifically at police referrals, secure detention, and non-judicial decision-making within the context of strategies, procedures and policies.

**Juvenile Court Response:** The Juvenile Court has targeted police referrals, secure detention and non-judicial decision-making.

*Referrals* – activities that have occurred (committee- Pam Skelton/ Kimbrell Owens/Bridgette Bowman/Matthew John)

1. Meeting with Memphis Police Department (MPD) top management to discuss the Law Enforcement Assessment Phone In (LEAP) Program in terms of numbers/evaluations and to discuss alternatives to transport and detention for youth charged with Domestic Violence. Greater use of summons rather than the use transports is key to this program as well as a decline in general of referrals.
  - Quarterly meetings with MPD top management are planned. LEAP numbers/evaluations were discussed with the focus on alternatives to detention for youth charged with Domestic Violence. All agreed that the topic would require more conversations as we commit to finding alternatives collaboratively.
2. Court was awarded \$25K for Porter Leath beds and an additional \$20k+ has been requested under the federal to county Defending Children’s Initiative grant (DCI) for the 2016-2017 Fiscal year. The draft budget request has been approved by DCI and final approval is anticipated. Porter Leath is an alternative to referrals and detention, especially for domestic violent offenses.
3. The Sheriff’s office conducts a review meeting every morning at 8:30am and communicates with Court staff (Kimbrell Owens, Magistrate Erguden and Pam Skelton) as to any children who may be eligible for release.
4. The Court staff discusses internally these communications from the Sheriff’s office each day to determine release eligibility, as well as conducts a weekly **expedite meeting with** Court staff, defense attorneys, Public Defenders, and the District Attorney General’s office. This meeting is scheduled each Tuesday at 2:30 p.m., and monthly reports will be submitted.
  - A plan to review summons for the charges viewed as minor misdemeanor offenses (particularly those included in the SHAPE program. Schools handle cases or offenses during school hours rather than police and the juvenile court). This effort is for Referral numbers and for Non-judicial handling to determine if some of the summons can be handled with no contact or minimal contact/lowest diversion sanctions. Effort titled-**Preventative Contact Approach PILOT (Matthew John/Aimee Burgdorf) which has focus on offenses occurring after school hours.**

5. The outside CAPSTONE project may be revisited. This is an effort independent of the Juvenile Court and the MoU but a partnership may occur if the project takes off. CAPSTONE is modeled after the Georgetown Initiative as an alternative for domestic violence cases (treatment, counseling, non-secure temporary place to stay) rather than referral to juvenile court.

*Secure Detention* – activities that have occurred (committee Pam Skelton/Bridgette Bowman/Lisa Hill)

1. Previously addressed in Referral section - Meeting with MPD top management to discuss LEAP numbers/evaluations and to discuss alternatives to detention for youth charged with Domestic Violence.
2. Meetings held on potential changes to the Detention Assessment Tool (DAT). This is a structured risk assessment tool to guide the use of detention. It was decided that all DAT's would be reviewed for those detained in the month of August to determine what new changes implemented may have the most effect. Reviews to occur during the month of August as a Short Term goal, to then determine implementation as a Long Term goal. Focus areas will be history of prior offenses, certainty of appearance, and threat of danger to self or others.
3. Previously addressed in Referral section- Expedite review.
4. A conference call with the new provider for **GPS tracking** was held to work towards negotiation and approval of a new contract. Unlike the current vendor, charges for units kept "on the shelf" for use will not cost money. County Commission approved the contract for the GPS tracking.
5. Previously discussed in Referral section – CAPSTONE.

*Non-Judicial* – activities that have occurred (led by Matthew John)

1. Review of the Response Grid, formerly the Graduated Sanction Grid, is underway to re-evaluate the criteria factors. The file review of a sample number of files by 5 Probation officers will be conducted. Two separate issues are being examined: (1) if the decision making process by each PO reaches the same or similar conclusion and (2) whether or not the supervisor and/or DA moves cases from non-judicial to petition (court). This review may affect the criteria options on the GRID.



2. The parent orientation program is being used and will be incorporated. 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.
3. Looking at the By-Pass program numbers to determine if it is under-utilized or should be removed as an option to the GRID. The By-Pass program is an alternative to placing a youth on probation. It is a 90-day program for age 14 and younger.
4. The gathering of BY-PASS data has been initiated. 2015 data shows that there were over 1,100 youth below the age of 14 that made contact with the court. More data will be collected and analyzed to determine if the program is being under-utilized.

*Policy Review* – activities (led by Bridgette Bowman)

1. Develop a plan to begin and complete a policy review of those policies which are “decision points”, including the Response Grid, and to develop a report card form to use on each policy reviewed.

*Juvenile Court Webpage* (led by Aimee Burgdorf)

1. Meetings were held to discuss dashboard, calendars, etc. to work on desired design. Meetings are being scheduled with IT people in charge of websites to obtain access and plan changes that model a satellite/link-back website relationship that funnels most traffic to the Data Dashboard to access documents, DOJ reports, settlement coordinator reports, calendar, community outreach notices/reports, and so forth.

*Community Outreach* – activities that have occurred (committee Pam Skelton/Kimbrell Owens/Bridgette Bowman/Matthew John/Tom Coupe)

1. **Cease Fire** schedule will be distributed and posted on social media sites. Cease Fire program is scheduled on the 4<sup>th</sup> Tuesday of each month. Schedule posted to Dashboard.
2. **Parent Orientation class** schedule will be distributed and posted on social media sites. Parent Orientation class is scheduled on the 2<sup>nd</sup> Tuesday of each month. Schedule posted to Dashboard.
3. Internal meeting will be held with Community Outreach team (Gary, Bridgette, Tom and Pam) to produce a schedule for quarterly community meetings along with topics to be discussed at each meeting. Schedule posted to Dashboard.
4. Community meetings are being held.

- First community meeting was held on September 8, 2016 in the Hickory Hill (38115) community, it was very well attended.
5. Citizens Police Academy is held one day a week, 9 week course for three hours a week at various precincts throughout the city. A representative for Juvenile Court attends each session to speak with the group.

**The Juvenile Court has also developed long-term objectives** (defined as underway by the April, 2017 on-site-visit):

#### *Referral*

1. Create a cheat sheet/information card for MPD once meetings are held (regarding LEAP and when to transport).
2. Other means to educate police which include training, webpage, speaker series, etc.
3. Discuss possibility of a Juvenile Specialist officer (similar to Crisis Intervention/Mental Health officer) on MPD to be called to give direction on domestic violence (DV) cases and other juvenile issues prior to transfer and in an effort to avoid transfer to Juvenile Court
4. Create a new pilot plan for the Precinct Liaison program at the New Allen precinct, to include different or expanded days and hours (outcome should reflect warn and counsel vs. summons or transport).
5. Any project that may be performed by Capstone (which is not a part of the Court) will be long term in nature; purpose of which is to divert youth involved in DV cases and avoid transport to Detention.

#### *Secure Detention*

1. Changes to the DAT will be made once our DAT reviews are completed (see our Short Term goal) and a determination made as to what will have a positive effect; implementation of those changes will be our Long Term goal.
2. Greater use of electronic monitoring as an alternative to detention (not release) once a contract with the new vendor is negotiated and approved.
3. Previously discussed in Referral section - education of law enforcement and use of LEAP.

*Non-Judicial*

1. Implement Summons review/override plan
2. Implement greater use of By-Pass program should review of data reflect better outcomes
3. Implement Policy review using plan and “report card”

*Community Outreach*

1. Quarterly community meetings with particular topics to be discussed at each meeting

**Recommendation:** The Juvenile Court is to be commended for taking a very active stance in addressing these areas of concerns and recommendations. It is imperative that these activities continue and that **specific changes also occur and be implemented in the DAT and the Response Grid** by the next on-site visit in April. Furthermore, in addition to discussion, actual **strategies need to be in place to reduce referrals** to juvenile court by means of both summons and transports (secure detention). As discussed at the last on-site visit, I encourage the Juvenile Court to invite Kimbrill Owens to be part of the committee working on the DAT – as she is the representative for the JDAI initiative. Also and as discussed at the last on-site visit, the Juvenile Court should continue to look at the usage of diversionary services that includes the **mapping of services, types of services, and referral residency** to be sure what services exist, how often used, and if a mismatch exists between clients (youth) and the existence and delivery of services. Last, it must be noted that although the District Attorney’s Office is the main actor in filing a notice to transfer to adult court, DMC continues to exist in Notice of transfer and waiver to adult court. 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.

Overall, 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.

## 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  | <b>PC</b>  |
| 1c                 | Identify staffing needs to collect, evaluate & report data   | <b>PC</b>  |
| 1e                 | JCMSC shall identify and designate a point of contact within each department to reduce DMC   | <b>PC</b>  |
| 1f                 | Collect data and information required to determine where DMC occurs  | <b>PC</b>  |
| 1d                 | Shelby County Mayor shall appoint a coordinator responsible for oversight of the progress on reducing DMC  | <b>SC</b>  |
| 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 RRIs, and available diversion options for youth appearing before JCMSC | <b>PC – Assessment – Leiber</b><br><b>PC – Staff reports</b> |
| 1g (9 months)      | Assess impact policies/procedures/programs on DMC levels at each decision point and conduct inventory of services and options...   | <b>BC</b>  |
| 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   | <b>PC</b>  |
| 2a                 | Revise policies, procedures, practices, and existing agreements to reduce DMC at each Decision Point and encourage objective decision making in all departments  | <b>BC</b><br><br><b>PC</b>                                   |



|   |   |  |
|---|---|--|
| 4 | <p>Training on a number of pts (i-vii)</p> <p>Staff involved with the delinquency docket should receive training of at least 4 hours.</p>   | <p><b>PC</b></p> <p><b>PC</b></p>  |
| 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.</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 (<b>one year</b>)</p> | <p><b>PC</b></p> <p><b>PC</b></p> <p><b>PC</b></p> <p><b>PC</b></p> <p><b>SC</b></p> <p><b>SC</b></p> <p><b>BC/CLTBD</b></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-PARTIAL COMPLIANCE (PC)**  
 DISCUSSION-new data analyst has been hired; as already stated work needs to continue to make data useable for purposes to address DMC.
- (e) JCMSC shall identify and designate a point of contact within each department to reduce DMC (p. 22).  
**STATUS-PARTIAL COMPLIANCE (PC)**  
 DISCUSSION-points of contact have been identified. But, given the emergence of the various committees and in particular, the Equal Protection Strategic Planning Committee, I am recommending that the Points of Contact be subsumed within these committees. Thus, no need for this group (POC) to meet monthly or to generate monthly reports. However, it is important that key decision-makers at all levels be involved in the DMC effort AND that data is collected, interpreted and used to inform action steps and policy as well as for the purpose of monitoring. The revised/updated Strategic Plan has been developed by the strategic planning committee that consists of Bill Powell, Marlinee Iverson as advisors, and team/committee members Bridgette Bowman, Kimbrell Owens, Matthew Ian John, Aimee Burgdorf, Lisa Hill, Avis Allen, and Pam Skelton. Items to be addressed include Resource mapping (which is already underway with a group that includes the court, the University of Memphis, the University of TN Health Sciences Center, and the Urban Child Institute), and goals for use of certain programs (which is part of the Juvenile Court's long-term strategy).
- (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, lacking is a discussion of what the data means and what can be done to address DMC. Notice of transfer and actual transfers need to be studied in greater detail, especially the former.
- (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 RRI, 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 5th 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-BEGINNING COMPLIANCE (BC)**  
 DISCUSSION-the Juvenile Court and the various committees have begun to collect data, examine the data and have had discussions and meetings has to what 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-BEGINNING COMPLIANCE (BC)**  
 DISCUSSION- already discussed.  
**STATUS-PARTIAL COMPLIANCE (PC)**  
 DISCUSSION-Structured decision-making tools have been adopted and implemented. However, efforts are being made to modify these tools.

- (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
  - (vi.) Requirement that a supervisory authority review all overrides within each department on, at minimum, a monthly basis.

**STATUS-BEGINNING COMPLIANCE (BC)**

DISCUSSION-already discussed.

- (v.) Training and guidance on the use of existing and new objective decision making tools

**STATUS-PARTIAL COMPLIANCE (PC)**

DISCUSSION- 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-BEGINNING COMPLIANCE (BC)**

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. 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 (BC)**  
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 establishment of the Precinct Based Juvenile Court Liaison Program, the Law Enforcement Assistance Program, expansion of SHAPE, expansion of Electronic Monitoring, 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 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

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-PARTIAL COMPLIANCE (PC)**

DISCUSSION-several training sessions have occurred, 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-PARTIAL COMPLIANCE (PC)**

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-PARTIAL COMPLIANCE (PC)**

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

- (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 and the webpage looks good. 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.