

DEPARTMENT OF JUSTICE CIVIL RIGHTS REFORMS IN THE ADMINISTRATION OF JUVENILE JUSTICE: 2012 – PRESENT

In just three years, the Department of Justice's Civil Rights Division has undertaken significant efforts to address disparities and overreliance on juvenile justice and incarceration in America by focusing more intensively on the pathways into and early interactions with the criminal justice system; examining fairness and equity in juvenile arrests, court processes and probation; and working to eliminate the detention practices that are most harmful to youth. This work is grounded in the Attorney General's authority to bring lawsuits to remedy a pattern or practice of constitutional or federal law violations by any official or employee of a government agency responsible for the administration of juvenile justice.

The department has opened or released findings in four juvenile justice administration cases. The department has also articulated the standards for constitutionally adequate juvenile indigent defense, amplifying principles set out nearly 50 years ago by the U.S. Supreme Court.

Resolved Through Settlement: Juvenile Court of Shelby County, Memphis, Tennessee

- On April 26, 2012, the department released findings that Shelby County's juvenile justice system was failing to provide constitutionally required due process for children accused of being delinquent and equal protection under law for accused African-American children. The department also found that the court violated the substantive due process rights of detained youth by not providing them with reasonably safe conditions of confinement.
- On Dec. 17, 2012, the department announced an agreement with the county and juvenile court that spelled out the corrective measures necessary to eradicate the constitutional violations. The agreement's includes measures on (1) substantive reforms of the due process, equal protection, and facility issues; (2) community engagement; and (3) independent review by subject matter experts.
- Implementation of the agreement's requirements is making a difference in the lives of children in Shelby County. For example:
 - Funding and support for juvenile indigent defense has increased.
 - Data shows consistent improvement in the court's providing youth with key tenets of due process, including notice of charges and their rights, and timely hearings.
 - Fewer children are being detained unnecessarily at the court's detention facility.
 - Efforts are underway to reduce the unnecessary involvement of African-American children in the juvenile justice system.
 - Use of force at the detention center has significantly decreased.

Partial Settlement and Ongoing Litigation: U.S. v. City of Meridian, et al.

- On Oct. 24, 2012, the department filed its first lawsuit using its juvenile justice administration authority. The lawsuit:
 - Challenged the Meridian, MS, Police Department's prior practice of arresting youth for often minor school-based offenses without probable cause.

- Alleged that Lauderdale County, MS and the County Youth Court Judges engaged in a pattern or practice of due process violations in court proceedings.
 - Alleged that Lauderdale County, the Youth Court judges and the state of Mississippi unlawfully incarcerated youth for school suspensions and expulsions.
- On June 19, 2015, the department announced the settlement of its police and youth probation claims through court-enforceable agreements with the city of Meridian and the state of Mississippi.
- If approved by the Federal Court:
- Police reforms will include prohibiting city of Meridian police officers from arresting youth for behavior that is appropriately addressed as a school discipline issue, and requiring documented probable cause determinations for any youth arrested for criminal offenses.
 - Probation reforms will include requiring state of Mississippi probation officers to implement measures to protect young people's privilege against self-incrimination, providing them with age-appropriate explanations of their rights and the probation process, revising probation contracts so that they are easily understandable to youth, and limiting when the state can recommend incarceration for violations of young people's probation contracts that would not otherwise be detainable offenses.
 - The city and state will participate in programs to inform the community about the progress in implementing reforms and to hear community questions and concerns.
 - Each agreement will be monitored by an independent auditor who will report publicly to the Federal Court.
- The June 2015 agreements do not resolve the department's claims that Lauderdale County and the Lauderdale County Youth Court Judges deprive children of basic due process. The department intends to continue pursuing these claims in litigation.

Ongoing Investigations:

- **St. Louis County, Missouri Family Court:** Ongoing investigation into of due process and equal protection in juvenile delinquency proceedings, announced November 18, 2013.
- **Dallas County, Texas Truancy Court and Juvenile District Courts:** Ongoing investigation into due process and disability discrimination issues, announced March 31, 2015.

Statement of Interest on Indigent Juvenile Defense: N.P., et al. v. State of Georgia, et al.

- On March 13, 2015, the department filed a statement of interest in this state court proceeding challenging the alleged inadequacies of a local public defense system. The department asserted that children are denied their right to counsel not only when an attorney is entirely absent, but also when an attorney is available in name only. The department provided the court with a framework to assess the plaintiffs' claim that young people accused of delinquency were denied their right to counsel.
- On April 22, 2015, less than six weeks after the department filed its statement of interest, the court approved a settlement that is consistent with the principles we articulated, including enhanced resources, and support for defenders, prompt access to a lawyer after arrest and detention, and protections against uninformed waiver of counsel.