

JUSTICE DEPARTMENT'S JUVENILE JUSTICE REFORMS: 2012 – PRESENT

The Justice Department's Civil Rights Division works to address the disparities in America's juvenile justice system by addressing the early interactions of youth with the criminal justice system; examining fairness and equity in juvenile arrests, court processes and probation; and eliminating detention practices harm youth the most. The department has opened or released findings in four juvenile justice administration cases.

St. Louis County, Missouri, Family Court:

- On July 31, 2015, the department released findings that the St. Louis County Family Court violates the 14th Amendment of the by failing to ensure that juveniles facing delinquency charges receive adequate due process protections and failing to provide African-American youth in the juvenile justice system with equal protection under the law.
- On Dec. 14, 2016, the department announced an agreement with the St. Louis Family Court that will reform the court's handling of juvenile delinquency matters. The agreement includes several measures to address the court's due process and equal protection deficiencies.
- The agreement will protect the constitutional rights of juveniles in St. Louis County by requiring additional juvenile defense counsel; appointing qualified defense counsel; protecting juveniles' privilege against self-incrimination; incorporating probable cause determinations into detention hearings and adopting a standardized format for acceptance of a juvenile's plea to charges of delinquency to ensure that pleas are knowing and voluntary.
- The agreement will also address the constitutional guarantee of equal protection under the law. Reforms will address the disproportionate number of black children subjected to harsher treatment because of their race.

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 includes measures on substantive reforms of the due process, equal protection and facility issues; community engagement and independent review by subject matter experts.
- Implementation of the agreement's requirements is making a difference in the lives of children in Shelby County:
 - 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 as well as 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 decreased.

Meridian, Mississippi:

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

- Alleged that Lauderdale County, Mississippi, and the County Youth Court Judges engaged in a pattern or practice of due process violations in court proceedings; and
 - Alleged that Lauderdale County, the Youth Court Judges and the state of Mississippi unlawfully incarcerated youth on probation for school suspensions and expulsions.
- On Sept. 18, 2015, the U.S. District Court in Jackson, Mississippi, approved the settlement of the department's police and youth probation claims through court-enforceable agreements with the city of Meridian and the state of Mississippi.
- Under the agreements:
- 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.
- The police and probation 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.

Dallas County, Texas, Truancy Court and Juvenile District Courts

- The department has an ongoing investigation into due process and disability discrimination issues, announced March 31, 2015.

Statements of Interest

- In statements of interest (SOI), the department has articulated the standards for constitutionally adequate juvenile indigent defense and addressed the application of the Constitution and the Americans with Disabilities Act (ADA) to the conduct of school resource officers (SROs).

N.P., et al. v. The State of Georgia, et al. – Indigent Juvenile Defense (March 2015): SOI challenges the alleged inadequacies of a local public defense system, asserting 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.

S.R., et al. v. Kenton County, et al. – School Resource Office Conduct (October 2015): SOI confirms the department's position that the Constitution's guarantee of due process and the ADA apply to SROs' interactions with children with disabilities.

Kenny, et al. v. Wilson, et al. – Enforcing Vague Statutes in Schools (November 2016): SOI articulates that laws invoked to charge juveniles must include clear standards to ensure that they are enforced consistently and free from discrimination.