



U.S. Department of Justice

Civil Rights Division

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DJ 207-72-3

*Special Litigation Section - PHB  
950 Pennsylvania Ave, NW  
Washington DC 20530*

December 21, 2015

Via Electronic and First Class Mail

Sheriff Bill Oldham  
201 Poplar Ave.  
Suite 902  
Memphis, TN 38103

RE: Assessment of Shelby County's Juvenile Detention Facility

Dear Sheriff Oldham:

We write to provide you with the latest report regarding Shelby County's progress in implementing the Protection from Harm provisions of our December 17, 2012 Memorandum of Agreement ("Agreement"). While the accompanying assessment was the first to be completed under your leadership, it is the sixth since entry of the Agreement. Dr. David Roush, our protection from harm consultant, is charged with determining the detention center's compliance with the Protection from Harm provisions of the Agreement. He completed his assessment after reviewing documents and touring the detention facility during the most recent compliance visit, October 5 - 8, 2015.

The transition in leadership from the court to your office has created a number of opportunities and challenges. The opportunities are reflected in your immediate attention to several issues raised in prior reports. Chief among these issues is your decision to return reading material to the residents' rooms, increasing the youth's access to positive outlets for their energy and educational curiosity. Your decision to improve the food service is also to be lauded, especially given the important cues food provide to detained youth about their worth and the culture of a facility. Other areas of improvement include communications between the detention center and the court and your continued commitment to the call-in program. These improvements and actions hold promise for your future commitment to achieving compliance and increasing the safety of the children in the detention center.

As referenced above, there are challenges evident since the transition in the summer. One challenge is the creation and nurturing of new relationships between you, your management staff, and Dr. Roush. While Dr. Roush's responsibilities require him to assess whether various aspects of the detention center are in compliance with the Agreement, he is also a resource for technical assistance for you and your staff. Utilizing his expertise will undoubtedly speed the detention center's path to full compliance with the Agreement, a goal that we know you are committed to achieving.

As such, Dr. Roush has agreed to make himself available for a meeting in February to discuss Technical Assistance issues. He will respond to any concerns you or Chief Fields may have about improving the conditions at the detention center. He will *not* conduct a compliance assessment during this visit.

Another challenge highlighted by the sixth assessment is the sharp increase in the detention center's daily population. That increase, when paired with the detention center's relatively static staff size may be contributing to a series of Protection from Harm problems that require immediate attention. Increases in the use of disciplinary room confinements, suicidal behaviors, youth on youth assaults, use of physical restraints, and a truly alarming increase in the use of mechanical restraints (303%) can all be attributed, in part, to understaffing. Higher than necessary room confinement rates have been an on-going issue over the course of the Agreement, noted in the last four assessments. The increase in daily population has only exacerbated the problem.

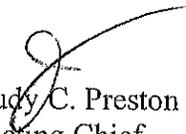
Another major concern is the implementation challenges of the new Positive Behavior Management System (PBMS). Some difficulties identified by Dr. Roush require system adjustments, such as reducing the complexity of the behavioral categories and ensuring swift and certain access to the system's reinforcement rewards. Others difficulties, as noted in our previous letter, require attention to staff engagement and a commitment to culture change among staff to avoid, as Dr. Roush states in the report, the temptation "to revert to old ways when things are not going well or when the new approach does not show immediate results."

Finally, Dr. Roush once again points out the need to ensure the quality of data collected and reported regarding essential information regarding the treatment of the children and adolescents at the facility, including use of force, room confinement, and suicide prevention. Much of Dr. Roush's evaluation is based on the data he receives from detention center management. Confidence in the data will undoubtedly be a prerequisite to findings of substantial compliance for a number of Agreement provisions. Of course, the detention center will also benefit from high quality data through increased operational efficiency and effectiveness. We urge you to arrange for a data integrity audit and utilize your office's resources to create an integrated data collection system that will generate timely, comprehensive reports that track data points related to Protection from Harm.

We know that you are committed to fully implementing the facilities provisions of our Agreement with Shelby County. Dr. Roush stands ready to assist you. We are confident that once fully realized, the Agreement will allow the detention center to serve Shelby County's youth and the community in a constitutional manner that supports public safety and safeguards the youth entrusted to your care.

We will be in touch with your attorney soon to arrange the Technical Assistance meeting with Dr. Roush.

Sincerely,

  
Judy C. Preston  
Acting Chief  
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Enclosure

cc:

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