

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).

Seventh Compliance Report – Equal Protection

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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. This is the Equal Protection Monitor's seventh report on movement toward compliance on the items stipulated in the Agreement as pertaining to Equal Protection. The time-frame assessed is December 1, 2015 to April 29, 2016. However, it is important to note that from the time of the Agreement until April 29, 2016, as a whole is also taken into consideration.

The evidentiary basis for his opinions are based on document reviews (policies, data, compliance report by the Settlement Agreement Coordinator, reports provided by the Shelby County Disproportionate Minority Contact Coordinator or DMC Coordinator, meeting notes, emails, etc.), an on-site visit (April 3, 2016 through April 6, 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 sixth previous Equal Protection Monitor reports have also been relied upon to arrive at conclusions concerning compliance with the MoU.

In the determination of racial disparity in JCMSC's 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).

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

### *Areas of Continued Concern*

While reductions in court referrals, detention, and transfer to adult court are evident and positive signs that youth are being diverted away from harsher treatment, 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. More specific:

#### *Court Referrals*

- The relative rate index involving referrals to court 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. Thus, the number of referrals for both Whites and Blacks are down which is good. But, 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 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. More specific, of the 153 youth, 4 were White and 2 Whites were waived to adult court compared to 29 Blacks.

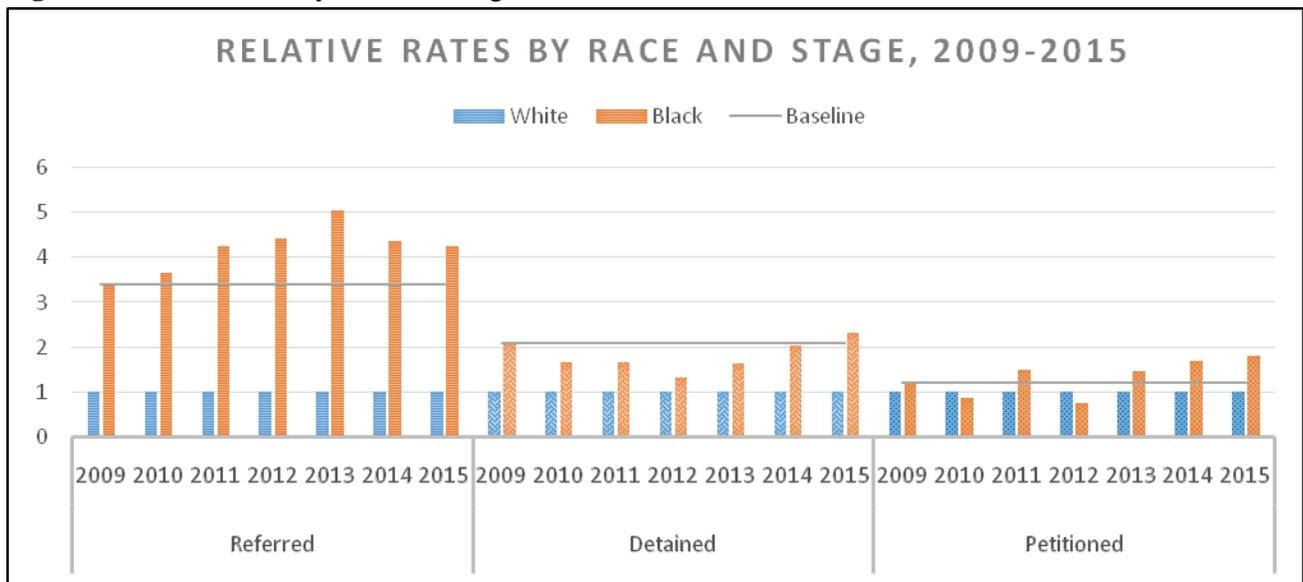
### *The Continued Influence of Race*

Information from relative rates provide a 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 do 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 compared to similar Whites.

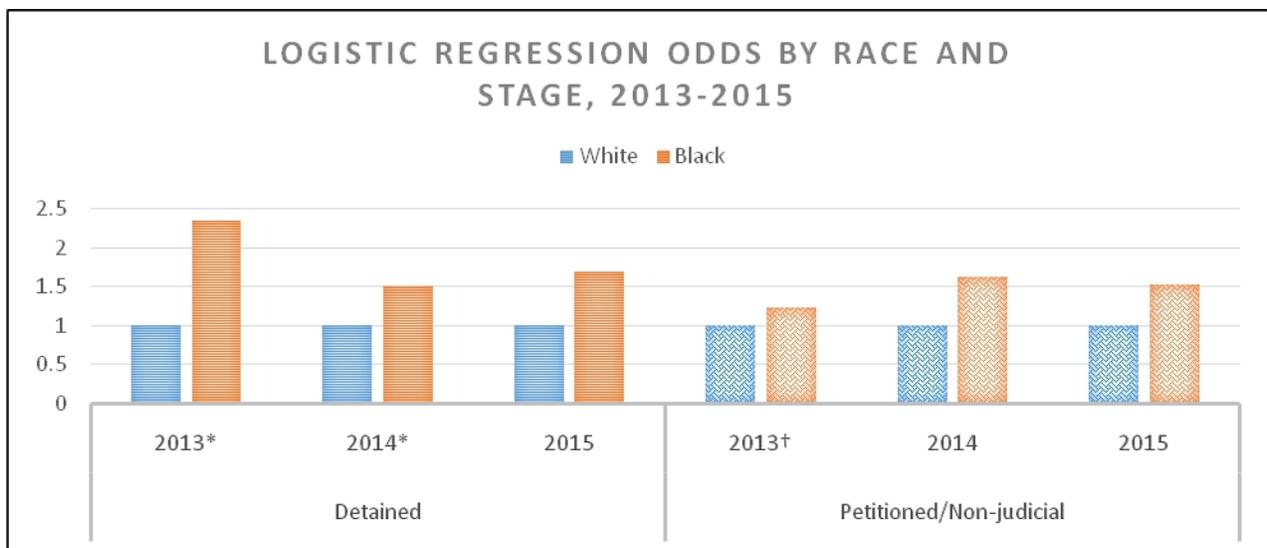
In short, little has changed since the MoU in terms of DMC and the relationship of race to decision-making at the stages of court referral, detention, non-judicial decision-making, notice of waiver and actual transfer to adult court. To illustrate the lack of change, Figure 1 presents the relative rates by referral, detention and non-judicial or what will be referred to as petition. Figure 2 provides the odds for Whites and Blacks once factors such as crime severity, prior record, etc. are taken into account.

**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.

**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

Note: How to read relative rate index (RRI), for example in 2013, detained 2.34 Blacks to 1 White.

As can be seen in Figure 1, 1 White to 4.26 Black youth are referred to court in 2015 compared to 1 White to 3.4 Black youth in 2009. Similar trends exist for detention and petition. In fact, since 2013 the racial gap or racial inequality between Whites and Blacks concerning these outcomes continues to grow! While the racial gap decreases after controlling or taking into consideration legal factors, Blacks are still more likely to be detained and petitioned than similar Whites (Figure 2). Despite the consistent presence of DMC and evidence of decision-making involving inequitable treatment, some the Court has made some progress.

### *Positives*

Some level of progress on certain items has occurred. Examples of these positive efforts include:

- the hiring of a Court DMC Coordinator
- increased community presence by the Court
- the dissemination of information on DMC to the community
- the undertaking of a community survey concerning DMC
- the maintenance of a dashboard on the Court Website
- a plan for community outreach
- the continuation and expansion of the SHAPE Program (a diversion from juvenile court)
- the Law Enforcement Assessment Program (LEAP) (a program to use summons instead of custody)
- the School Based Probation (SBPL)
- the Juvenile Court Precinct Liaison Initiative (JCPL) (probation officer conducts station in-house adjustment as a means to divert youth away from court)
- the development and implementation of an Expeditor Team (meet weekly to expedite low level severity cases which might qualify to alternative placements)
- continuation of participation in the juvenile detention reform initiative
- continuation of the implementation of structured decision-making tools (DAT, the Graduated Sanctions Grid, the YASI, etc.)
- Appointments to the Points of Contact (POC) and assignment of subcommittees representing the data workgroup, the resource networking workgroup, and the policy workgroup
- The development of a 30-60-90 Day Task Plan

Specific changes in outcomes have also occurred that have positive implications for youth. These are:

- a reduction in court referrals
- a reduction in detentions
- a reduction in transfer of youth to adult court
- an increase in the use of probation as an outcome at judicial disposition

As will be discussed below, of the four points detailed above, only the increased use of probation by the judiciary has had a direct impact on Black youth in terms of relative rates or comparisons of Whites to Blacks.

## Why have DMC and the Influence of Race on Court Proceedings NOT Changed

Despite the efforts by the Court, (listed above under the section on Positives), 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 seven Compliance Reports written by the Settlement Agreement Coordinator and the seven 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. Once again, these are detailed below.

### *A Lack of Ownership*

- While some efforts are being developed and implemented (for example refer to section on positive efforts), lacking is a commitment on the part of the Court to the DMC issues reported leading up to and since the MoU. The hiring of a Court DMC Coordinator was initially done for this purpose. A person was hired but the responsibilities of that position have been evolving and consequently what can come from the DMC Coordinator cannot yet be assessed. Underlying the hiring of the DMC Coordinator and as stated in the previous Compliance Reports and onsite visits (May 2015, October 2015) was that the Court DMC Coordinator would have direct access to Judge Michael and his backing to carry out tasks and responsibilities, and allow for an up and down flow of communication and information from administration to Court personnel and the community. It does not appear that this has occurred. Therefore, a void in leadership on the DMC issue still exists.

**It is 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 pertainsto DMC.**

### *A Lack of the Use of Findings from the Assessment Studies to Drive Strategies, Procedures, and Policy*

- While some of the efforts put forth by the Court were based on the findings reported from the DOJ assessment study and the results from the research conducted by the Equal Protection Monitor, overall reliance on these reported results has been neglected as a basis to foster discussion and the implementation of responses to enact change. Data, for the most part, have been continuously collected especially by those in detention and the Points of Contact (POC) as well as others in the Court (e.g., the Intra-agency Resource Report). What is lacking is a connection to this collection of data to the findings from the assessment studies. That is, the results from the five assessment studies continuously show that DMC exists at the court referral, detention, non-judicial outcomes, and the notice of transfer and the actual waiver of youth to adult court. Furthermore, Black youth are more likely to be detained and less likely to receive non-judicial outcomes after consideration of crime severity and other factors. Thus, moving forward the collection of additional data should be tied to “drilling down” for the purpose of understanding the results from the assessment studies. In addition, results from the assessment studies and data collected by the Court should be used to enact changes in strategies, procedures and policies. This recommendation applies to the POC and the Court in general.

**It is 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.**

*A Lack of the Examination of and Changes in Existing Procedures and Policies, especially at Detention and the Non-Judicial Stage*

- Despite the use of standardized structure decision-making tools, findings are consistent of DMC problems in the use of secure detention and non-judicial decision-making. There is a need for greater discussion and concerted efforts to examine WHY DMC and race relationships still persist. As stated numerous times in past Compliance Reports, there is a need to assess the instruments being used, the use of overrides, etc. Further, if the instruments are valid and implemented appropriately, what can then be done to address DMC. A related concern rests with the LEAP pilot program. Is the program working as intended? LEAP needs to be evaluated. Until each of these concerns is addressed, most likely DMC and race issues will continue to persist at these two stages.

**It is recommended that the Court examine what is it at detention and the non-judicial stages that DMC and race relationships with severe outcomes continue to exist.**

*A Lack of Use of Diversion Programs*

- As stated a number of times in past Compliance Reports, existing programs have been underutilized as a means to reduce DMC. While SHAPE, Porter Leath, JIFF, Operation Safe Community and the Defending Childhood Initiative grant represent good efforts, relatively they serve a small number of youth. In addition, while a survey of existing contracts and services is provided what is missing an examination of how such relationships could be better used to address DMC. Alternatives such as house arrest, and the use of day/evening treatment centers may be fruitful methods to divert youth, especially Black youth, away from detention and possibly court referral. The Juvenile Court Precinct Liaison Program has the potential to address DMC in terms of preventing court referrals. The problem is that it is only implemented one day a week. The program needs to be evaluated to assess if it is having an impact on reducing secure detention and court referrals by the way of station in-house adjustment and if so needs to be expanded. The implementation of the Expeditor Team is also a promising approach for removing youth from the Court and into alternative placements and/or diversionary options. This effort should be evaluated to assess who (in terms of race), offense types, etc. are the recipients of such an effort.

**It is recommended that the Court implement, expand and evaluate diversionary efforts to reduce DMC, especially for minor offenses and domestic assaults.**

*The Lack of Movement to Address Notice of and Actual Transfer to Adult Court as Pertains to DM.*

- It is acknowledged that the District Attorney's Office is the main actor in filing a notice to transfer to adult court. In addition, the number of notices and waivers have declined. Still, in 2015, of the 153 youth receiving a notice of transfer, just 4 were White and 2 of the Whites were waived to adult court compared to 29 Blacks. DMC continues to exist in Notice of transfer and waiver to adult court. There is a need for a continued dialogue to work with the District Attorney to assess the overrepresentation of Black youth at these stages.

**It is recommended that a continued dialogue with the District Attorney occurs to assess the overrepresentation of Black youth involving notice to transfer and waiver to adult court.**

Overall, it is believed the Court must: (1) exercise greater ownership of the DMC issue(s), (2) engage in a critical examination of existing data and results from the assessment studies to inform strategies and change existing procedures and policies, especially involving the use of secure detention and decision-making at the non-judicial stage, as well as (3) use and expand programs to divert youth not only from secure detention but court referral. If these recommendations are followed, it is anticipated that changes will be more likely to occur in terms of reducing DMC and increased equitable treatment of Black youth.

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 RRI's, and available diversion options for youth appearing before JCMSC	<b>PC – Assessment – Leiber</b> <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>NC</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>NC</b>  <b>PC</b>

	<p>relating to its delinquency docket</p> <p>(i) Collection of sufficient data</p> <p>(ii) Provision requiring least restrictive options and alternatives to a detention setting</p> <p>(iii.) Guidelines identifying a list of infractions for which a child shall NOT be detained</p> <p>(iv.) Guidelines identifying a list of infractions for which a child may be detained</p> <p>(v.) Training and guidance on the use of existing and new objective decision making tools</p> <p>(vi.) Requirement that a supervisory authority review all overrides within each department on, at minimum, a monthly basis</p>	<p><b>BC</b></p> <p><b>BC/CLTBD</b></p> <p><b>BC/CLTBD</b></p> <p><b>BC/CLTBD</b></p> <p><b>BC/CLTBD</b></p> <p><b>PC</b></p> <p><b>BC/CLTBD</b></p>
2c	Reassess the effectiveness of its policies, procedures, practices and existing agreements annually and make necessary revisions to increase DMC reduction	<b>NC</b>
3a-h (9 months)	<p>Use of objective decision-making tools, etc.</p> <p>Refine decision-making tools, etc.</p> <p>Pilot program – Sheriff’s department – transport</p> <p>Pilot program – Memphis Police Department – day/evening report center</p> <p>The Precinct Based Juvenile Court Liaison Program.</p> <p>Monitor Transfer</p> <p>Annual review of objective tools</p>	<p><b>PC</b></p> <p><b>NC</b></p> <p><b>BC</b></p> <p><b>BC</b></p> <p><b>BC</b></p>
4	<p>Training on a number of pts (i-vii)</p> <p>Staff involved with the</p>	<p><b>PC</b></p> <p><b>PC</b></p>

	delinquency docket should receive training of at least 4 hours.	
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>BC</b></p> <p><b>PC</b></p> <p><b>PC</b></p> <p><b>PC</b></p> <p><b>SC</b></p> <p><b>PC</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  
 But more needs to be done with the data, interpretation, action
- (c) Identify staffing needs to collect, evaluate & report data (p. 22)  
**STATUS-PARTIAL COMPLIANCE (PC)**  
 DISCUSSION-listing of staffing; issues concerning data have been resolved with  
 the hire of a new data analyst but work needs to be done to make  
 data useable for purposes to address DMC. Likewise, the Court  
 DMC Coordinator can help in this regard.
- (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. Although monthly meetings  
 have taken place, problems continue to exist with understanding  
 purpose and assuming an active role. Administration has indicated  
 once again that it will take an active part in taking charge of the  
 Points of Contact in terms of objectives and use of data and  
 information to address DMC, including results from assessment  
 studies and information contained in compliance reports. The  
 Court DMC Coordinator has been working with the Points of  
 Contact. Three workgroups have been identified and used to  
 provide direction to the Points of Contact.
- (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 RRIs, 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 5thassessment 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 diversionprograms has occurred. Interpretation and action with the data is lacking.

- (g) Assess impact of policies/procedures/programson DMC levels at each decision point and conduct inventory of services and options...(p. 22-23)

**STATUS-NON-COMPLIANCE (NC)**

DISCUSSION-Listing of diversion alternatives, intra-agency agreements, and collection of data, especially from The Points of Contact, the DMC Coordinator and the Court have occurred. HOWEVER, linkage, interpretation and steps taken to use this data as well as from the Assessment Studies has not occurred even though informed numerous to times to do so (e.g., Compliance Reports).

- (h) Complete and implement strategic plan to reduce DMC... (p. 23)

**STATUS-PARTIAL COMPLIANCE (PC)**

DISCUSSION-a strategic plan has been developed. Technical assistance was requestedand provided as to how to proceed in November of 2013 and March, 2014. Implementation shouldcontinue.The strategic plan has been pretty much neglected and is in need of revision. The County DMC Coordinator is currently working on this.

### 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-NON COMPLIANCE (NC)**

DISCUSSION-Discussion and revision of policies, practices and existing agreements to reduce DMC at each stage has not been sufficient.

**STATUS-PARTIAL COMPLIANCE (PC)**

DISCUSSION-Structured decision-making tools have been adopted and implemented.

- (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)/Compliance Level To Be Determined (CLTBD)**

DISCUSSION-information has been collected; adoption of objective instruments has occurred. DAT is being validated a second time, the Sanction Grid has been implemented and tinkered with; and training occurred for the adoption of YASI and is being implemented. It is important that all 3 instruments be validated. This will ensure that the tools are capturing accurate data, encouraging race-neutral decision-making, and improving overall fairness in court proceedings. Efforts are still needed to make changes to be sure stated objective of fairness is attained, especially in light of the Relative Rate information and results from the Assessment studies.

- (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.

- (c) Reassess the effectiveness of its policies, procedures, practices and existing agreements annually and make necessary revisions to increase DMC reduction. (p. 24)

**STATUS-NON COMPLIANCE (NC)**

DISCUSSION-already discussed -see above – 2(a).

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-NON COMPLIANCE (NC)**

DISCUSSION-little movement has been done in the regard – see 2(a).

- (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. etc.

**STATUS-BEGINNING COMPLIANCE (BC)**

DISCUSSION-discussions with MemphisPoliceDepartment to implement day/evening reporting centers hastaken place. The Court and the Memphis Police Department have establish the Precinct Based Juvenile Court LiaisonProgram. Has the potential to be a program to divert youth away from court referral and possibly reduce the overrepresentation of Black youth to juvenile court. The program needs to be expanded beyond just once a week. Other alternatives have beendiscussed. Thesearrangements could helpreduce the number of referrals tojuvenile court and detention if done correctly.Continued discussions need tottranslate into action – programs, alternatives, policies.Use of SHAPE, JIFF and theagreement with Georgetown University may help in this regard.Expansion of SHAPE has occurred. All of these programs need to be assessed and validated once sufficient data exists to do so.

- (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....

DISCUSSION-these items have 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-BEGINNING COMPLIANCE (BC)**

DISCUSSION- over the 2-3 years so since the MoU and in particular in the last year while some activity has occurred, including the talks, appearances and radio exposure, the developmentof a Community Out-Reach Plan has been developed but could continue to be fined tuned. Over the last year or so, the Court was informed of the need for someone to lead this effort. The hiring of the Court DMC Coordinator has help in this regard to some degree. Originally, the Court DMC Coordinator was going to be charged with this responsibility but it appears that Judge Michael

wants another person in this position. Funds for this position are being sought.

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. However, there is a need for youth who has had contact with the system to be on The Consortium. Overall, it appears that the Consortium is going in the right direction. Originally, it was believed that the County DMCCoordinator and the Court DMC Coordinator be representatives on the Consortium. Instead, a Court administrator is providing information to the Consortium and is responding to requests from the Consortium.

- (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. The last public meeting was held at the end of March, 2016. The meeting was well attended and seems to have been successful. Meetings need to be held every 6 months or so.

- (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-PARTIAL COMPLIANCE (PC)**

DISCUSSION-a dashboard has been developed and placed on the Court website.

Postings exist as well as the agreement and reports. Additional data is also presented. But, the Juvenile Court Dashboard invites people to attend a community meeting but have the following statement

posted "check back here for upcoming meeting dates, times, and locations". In addition, a proposed timeline for meetings to be scheduled in 2015 in the 2015 community engagement plan but do not see the final outcome or listings for 2016. On Facebook, some information is there but the page has not been updated since October 2015. This seems to be an issue – either not posting the information on the site or perhaps not posting in the appropriate place. I am unable to find. Postings should occur at least monthly, if not sooner, following after an event, activity, etc. The new data person is now overseeing the webpage and other media outlets to keep the public informed, such as a Facebook page and other social mechanisms have been created – pamphlet, Twitter account. Presentations have also occurred within the community. 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.

- (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.