

Juvenile Court

Open Meeting January 28, 2015

Areas to Discuss

- The DOJ is looking at three main areas for the Court to make improvements:
- Due Process
- Equal Protection
- Protection from Harm/Detention Center

Due Process

- The Constitution says that a person has the right to know what he is charged with and has the right to fight the charges before a Court makes a decision.
- The Constitution also says that a Court must follow legal procedures from start to finish in a case.

Due Process Examples

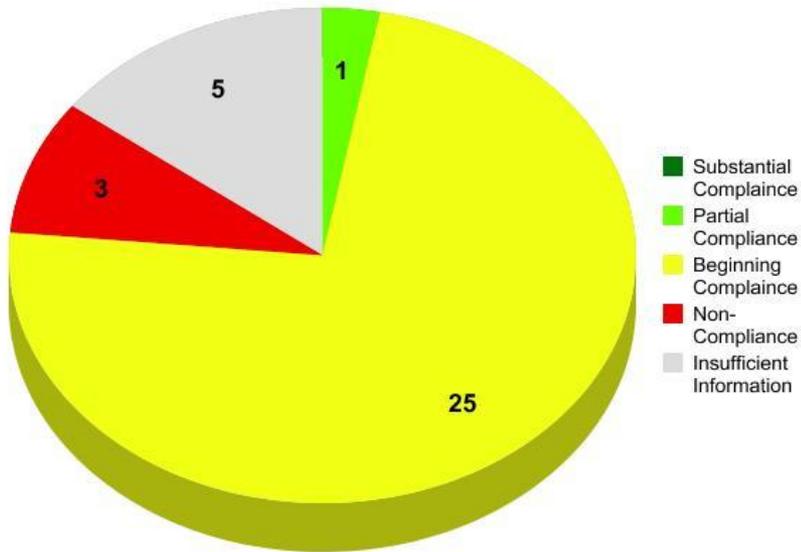
- The right to remain silent (Miranda).
- The right to know charges.
- The right to a hearing if taken to detention.
- The right to an attorney.
- The right to make the State prove their case by “beyond a reasonable doubt.”
- The right to challenge the State’s witnesses.
- The right to appeal.

Due Process Monitor Findings January 2015

- Overall, Juvenile Court is in partial or substantial compliance with 52 standards.

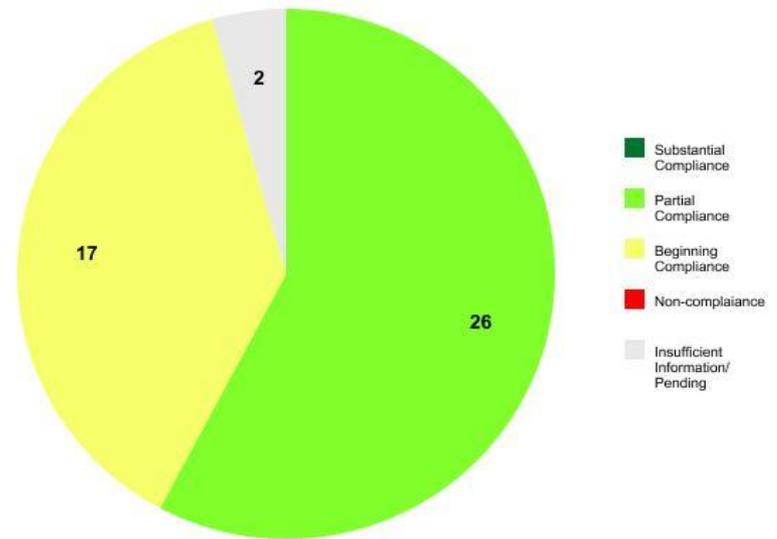
Progress of Due Process Compliance June 2013-Dec. 2013

June 2013 Compliance with DOJ Due Process Requirements



Sandra Simkins, Due Process Monitor

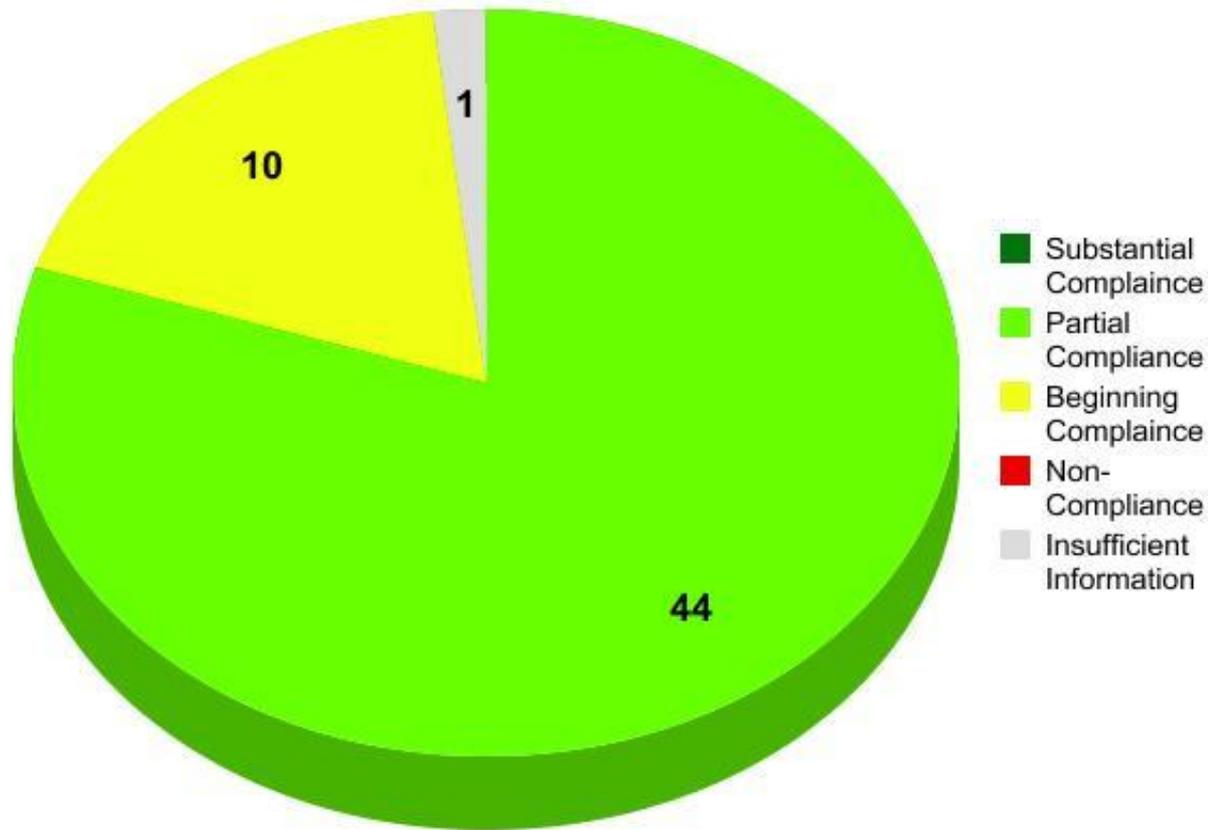
December 2013 Juvenile Court Compliance with Due Process Requirements



Sandra Simkins, DOJ 2nd Due Process Monitor's Report

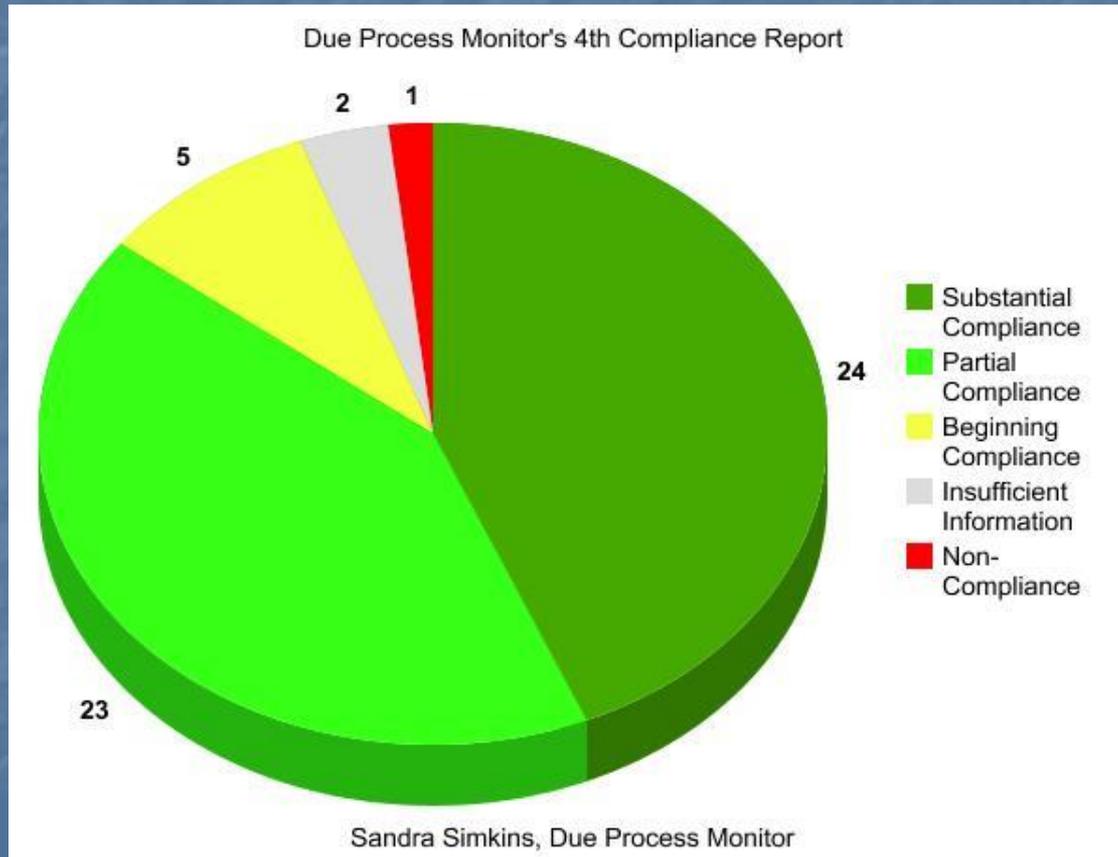
Progress of Due Process Compliance June 2014

June 2014 Compliance with DOJ Due Process Requirements



Sandra Simkins, Due Process Monitor

Due Process Compliance January 2015



Positive notes from the Due Process Monitor

- The Public Defender's Specialized Juvenile Unit is in place.
- Constitutional and procedural safeguards are in place.
- Probation Counselors are making sure children's Miranda rights are being explained at conferences.
- The Probation Department has a helpful chart that makes decisions in a race and gender neutral way.
- Clinical Services' new leadership is practicing best standards in treating children.
- The Court has done a good job of collecting important data, sharing the data and using the data to identify issues.

Areas that need improvement

- The independence of the Panel Coordinator is still unclear.
- Administrative obstacles for defense attorneys.
- The number of children transferred, while declining, is still higher than the state average.
- Affidavits of Complaint need to be more thorough.

Equal Protection

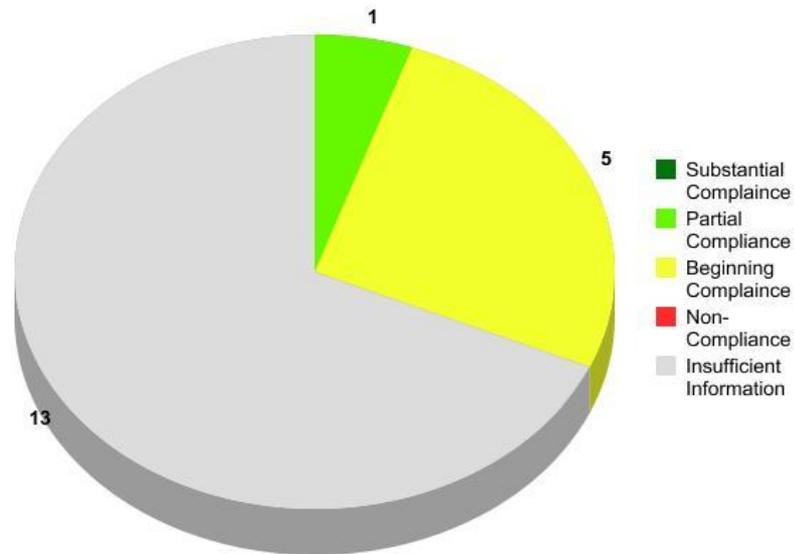
- The Constitutional right that the government can't treat a person or group differently from any other person or group.

Equal Protection Monitor's Findings January 2015

- Overall, Juvenile Court is in substantial, partial or beginning compliance with 27 standards up from 19 in June 2014.
- 12 standards still have “insufficient information.”

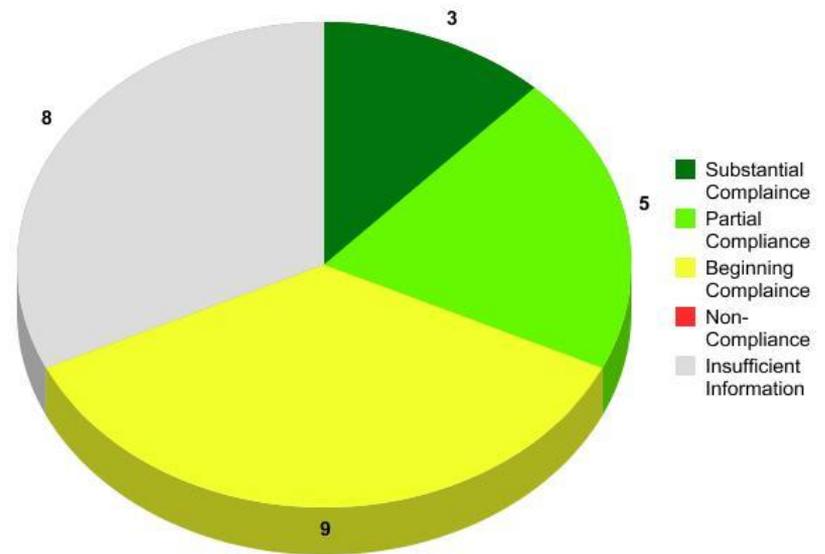
Progress of Equal Protection Compliance June 2013-Dec. 2013

June 2013 Compliance with DOJ Equal Protection Requirements



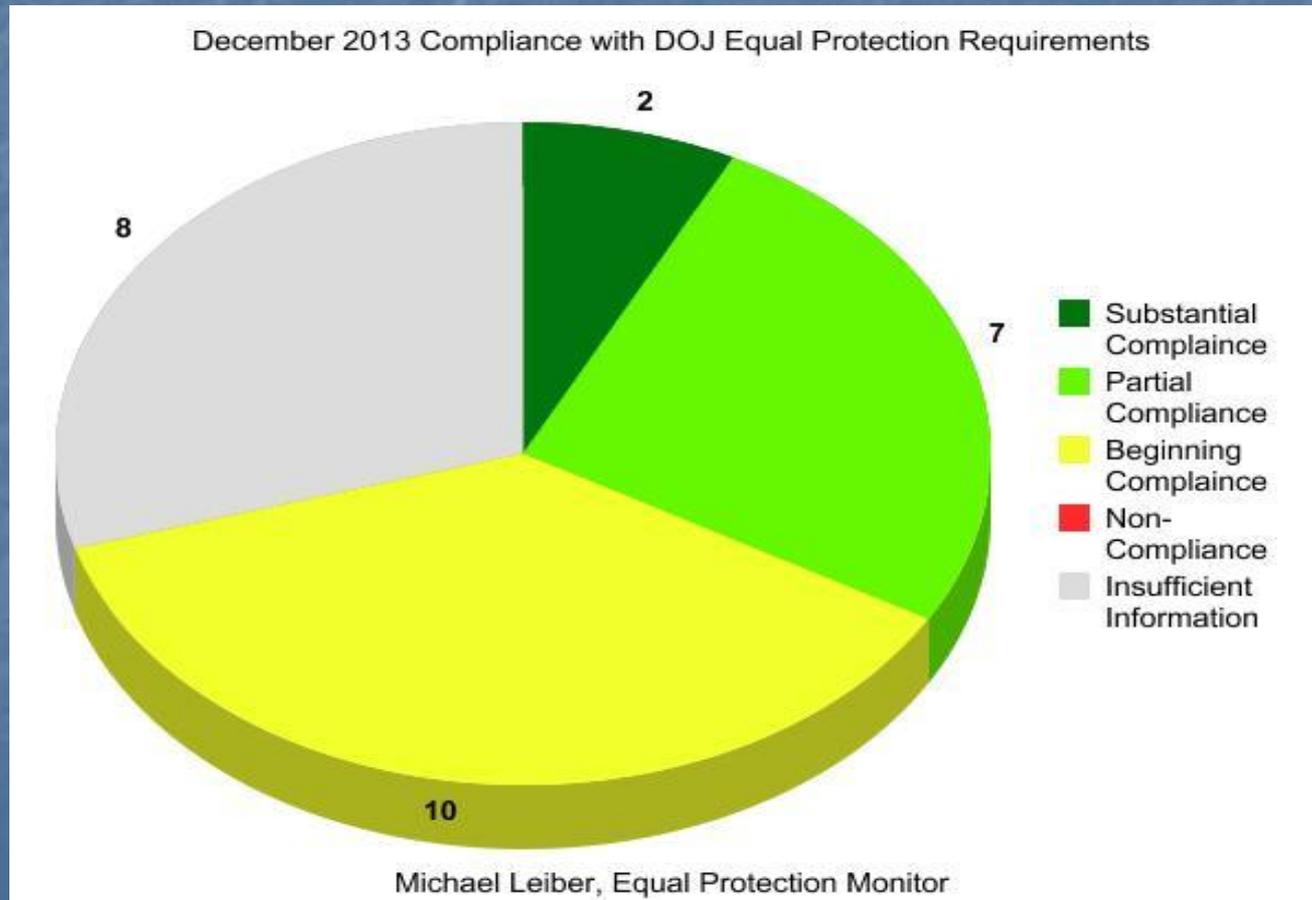
Michael Leiber, Equal Protection Monitor

December 2013 Compliance with DOJ Equal Protection Requirements



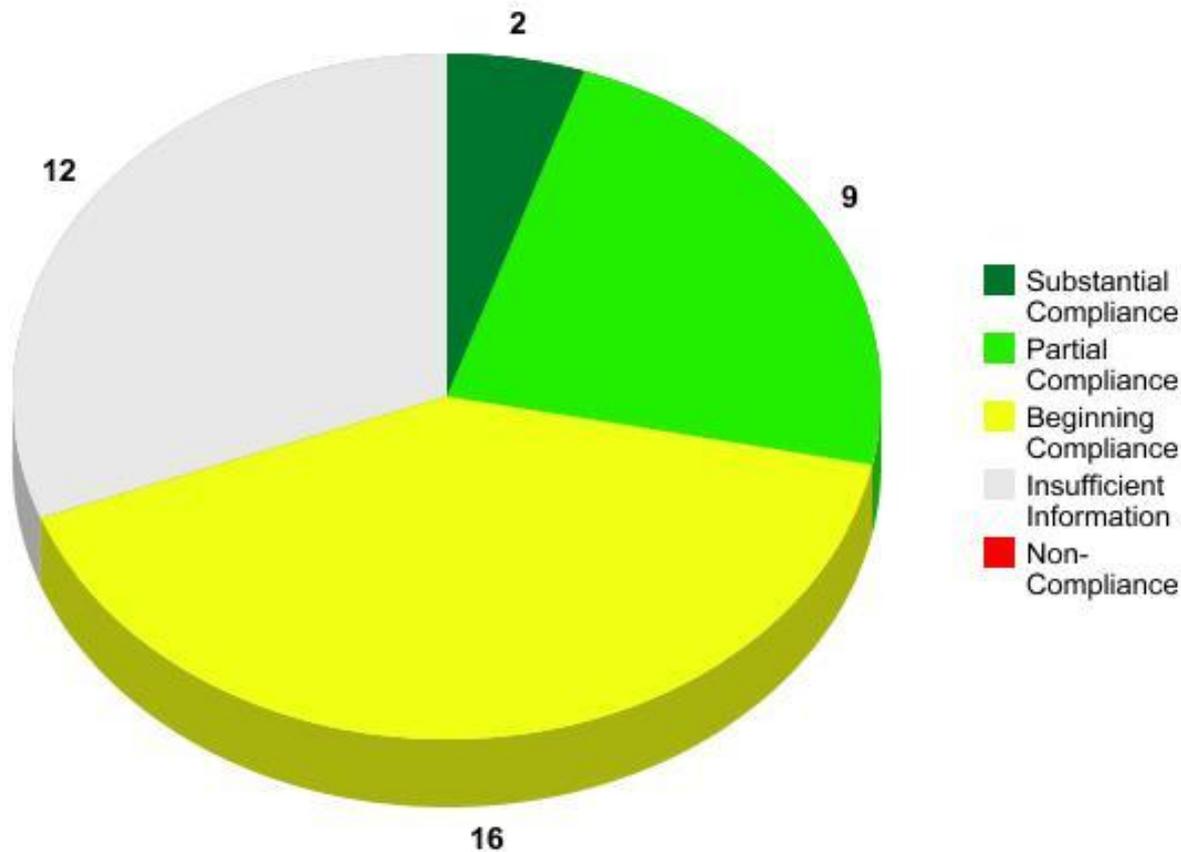
Michael Leiber, Equal Protection Monitor

Progress of Equal Protection Compliance June 2014



Progress of Equal Protection Compliance January 2015

December 2014 Compliance with DOJ Equal Protection Requirements



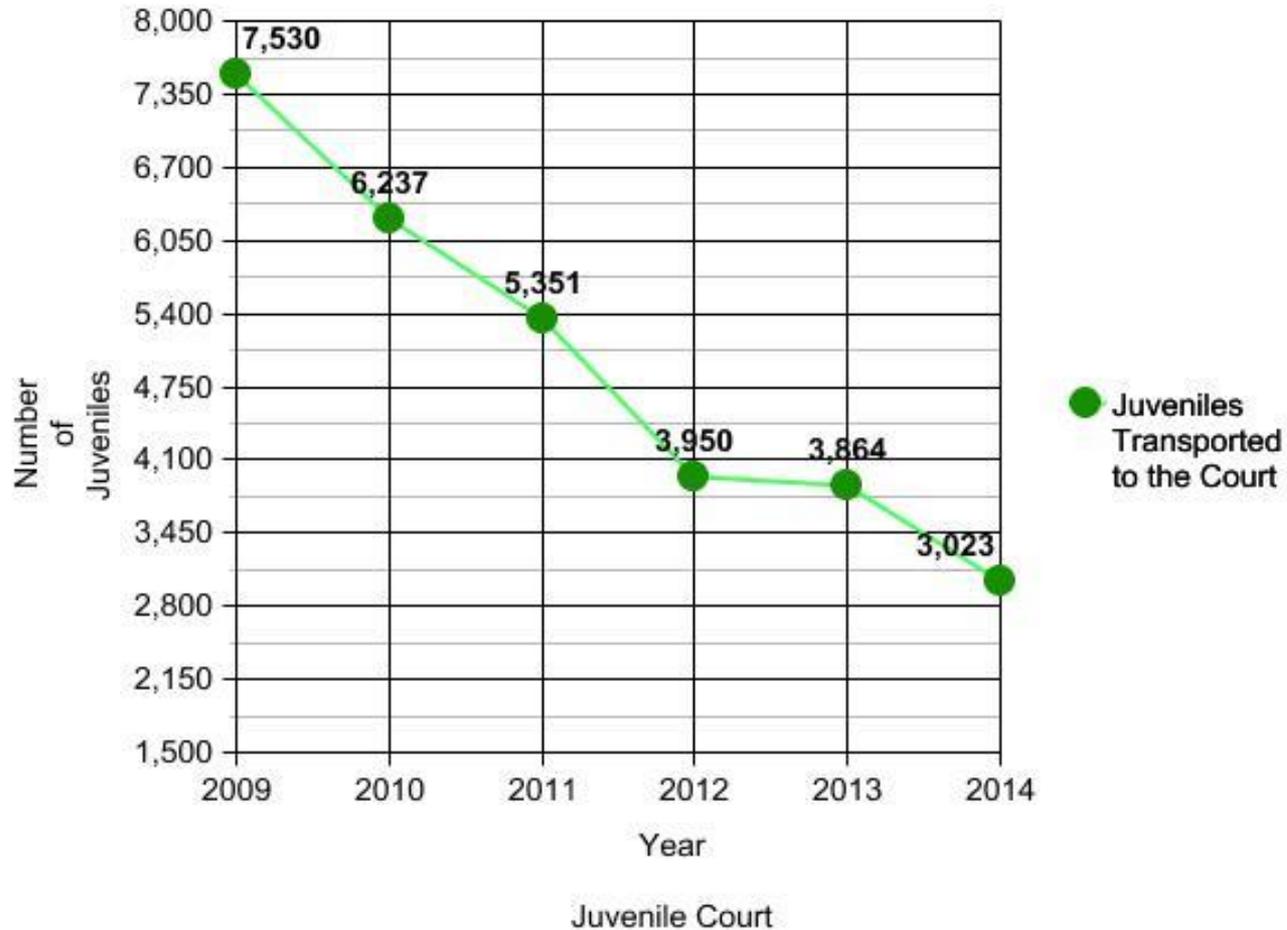
Dr. Michael Leiber, Equal Protection Monitor

Positive Notes from the Equal Protection Monitor

- The continued use of summons program and the expansion of the SHAPE Program to reduce detention admissions.
- The appointment of a DMC coordinator to provide independent analysis.
- Use of “points of contact” to look into where and why DMC issues are happening.
- Cooperation with nationally recognized experts (OJJDP and DOJ) to improve outcomes for children.
- Community Outreach has become more involved and accessible.

Transports on the Decline

Juveniles Transported to Detention by Law Enforcement



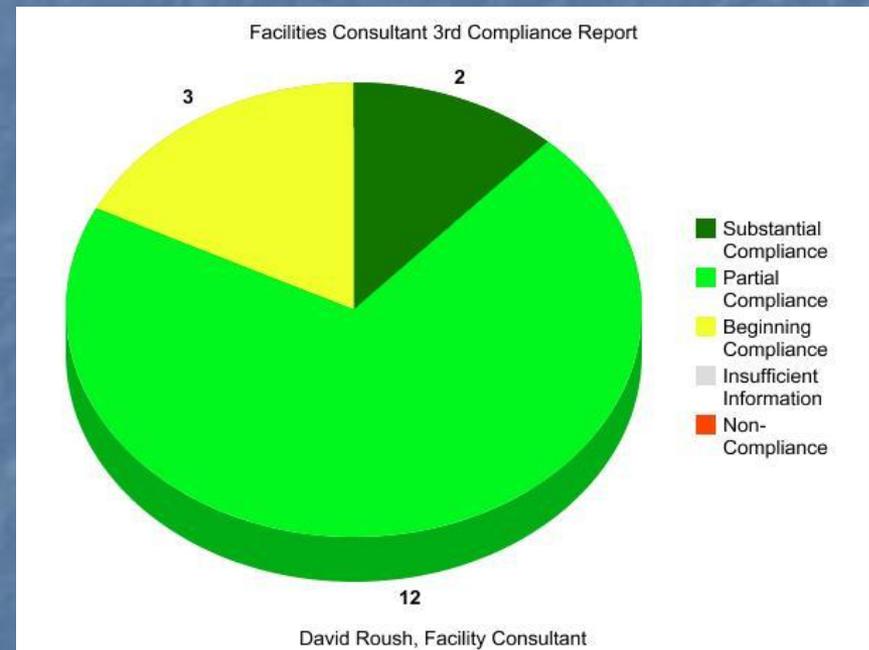
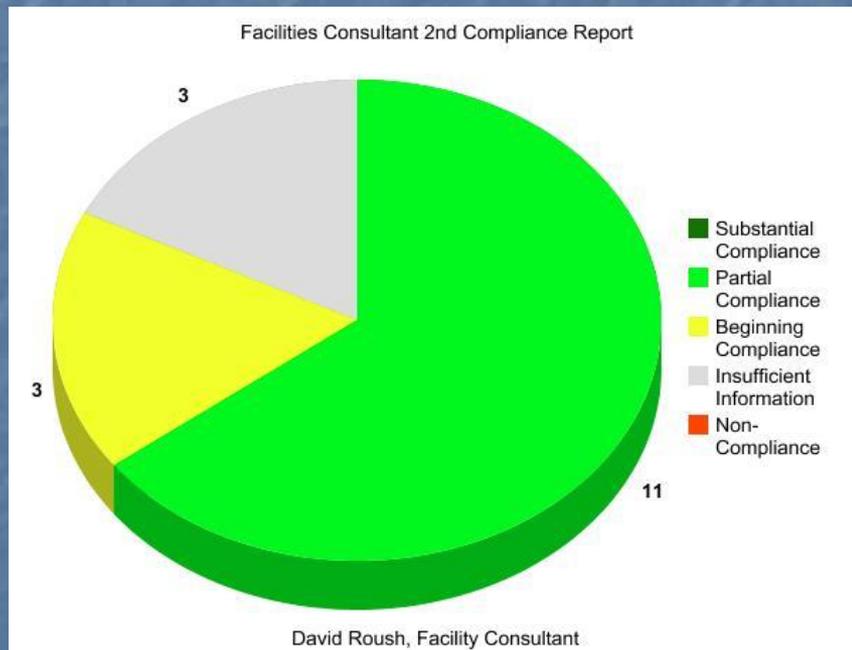
Areas that need improvement

- Alternative to detention programs need to be expanded.
- Work on reducing the number of referrals to Juvenile Court.
- While the Points of Contact are in place, their role needs to be better spelled out.
- Data needs to be looked at more closely to find out where issues can be fixed.
- The Community Consortium needs to be more active.

Protection from Harm/Detention Facility

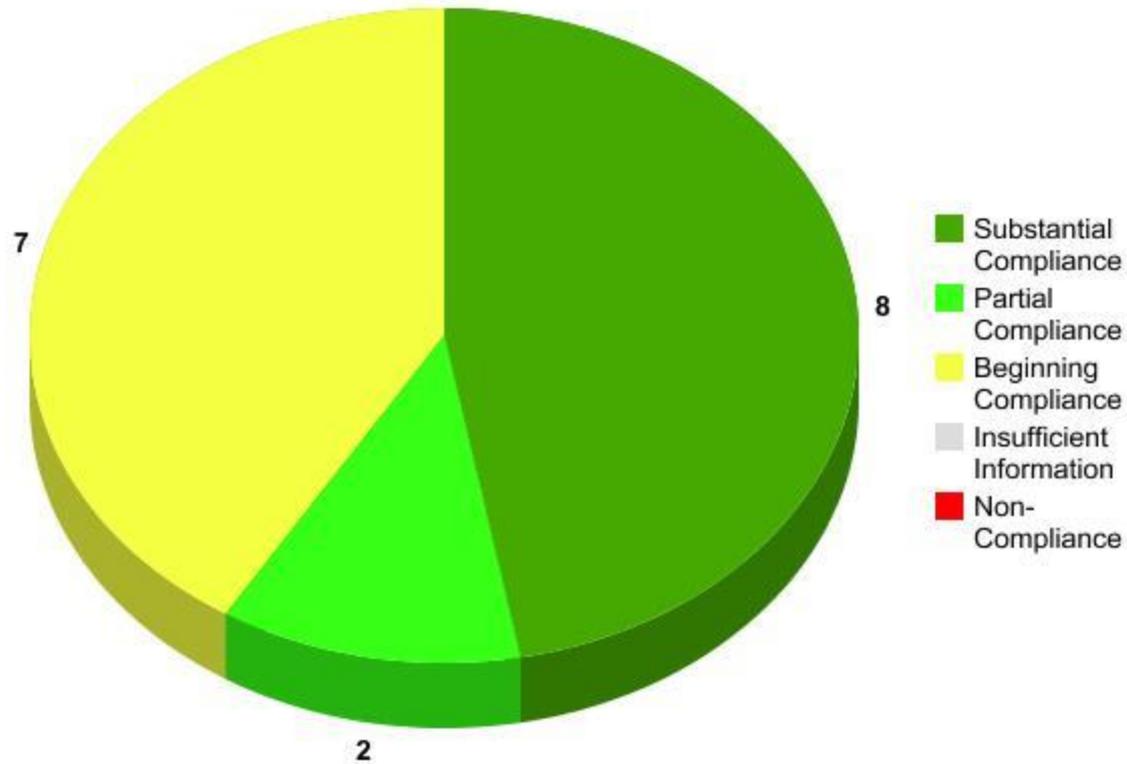
- The Juvenile Court is in substantial or partial compliance with all 17 standards.

Protection form Harm/Detention Facility



Facilities January 2015

Facilities Consultant 4th Compliance Report



David Roush, Facility Consultant

Positive Notes from the Facility Consultant

- Leadership in Detention has a good combination of skills and abilities.
- Detention's "Revised Use of Force Policy" is a good policy.
- Detention now has 24/7 medical professional presence.
- Detention is ensuring that children with suicidal symptoms are being seen by a mental health professional within 24 hours.
- Management is doing a better job of measuring performance with new policies and procedures.

Areas that Need Improvement

- Keeping staff is an issue. High turnover.
- Make policies and standards with respect to likelihood of employee turnover.
- Detention needs to continue improvement in monitoring and reviewing serious incidents.
- Prepare for increased review of issues since data collection is getting better.

What Does This All Mean?

- The Juvenile Court is making steady progress in becoming one of the best Courts in the nation.
- Changes that can be seen already:
- Fewer children are being transported to detention by law enforcement.
- The Detention Center is admitting fewer kids into the center.
- Children who come in on weekends and holidays are having a review of detention to see if they can go home.
- Children detained are getting attorneys appointed at 1st hearing.

What Does This All Mean (cont.)

- The Public Defender has recognized that juvenile law is distinct from adult criminal law, and has created a specialized juvenile unit to make sure kids are getting the kind of defense they deserve.
- Private attorneys continue to get more training.
- The Court has created several internal and external groups to look at ways to reduce minority contact or find the reasons it is still happening.
- Documenting and policy making is important.

What Does This All Mean (cont.)

- Children that make it into detention are now getting mental health screenings.
- The Detention Center is using newest ways to prevent officer-youth contact.
- Chair restraint and extreme physical contact continue to be prohibited.
- Employees are being trained in best ways to understand youth and to avoid physical interaction.
- The Court has continued to work towards fulfilling all the objectives of the Agreement.

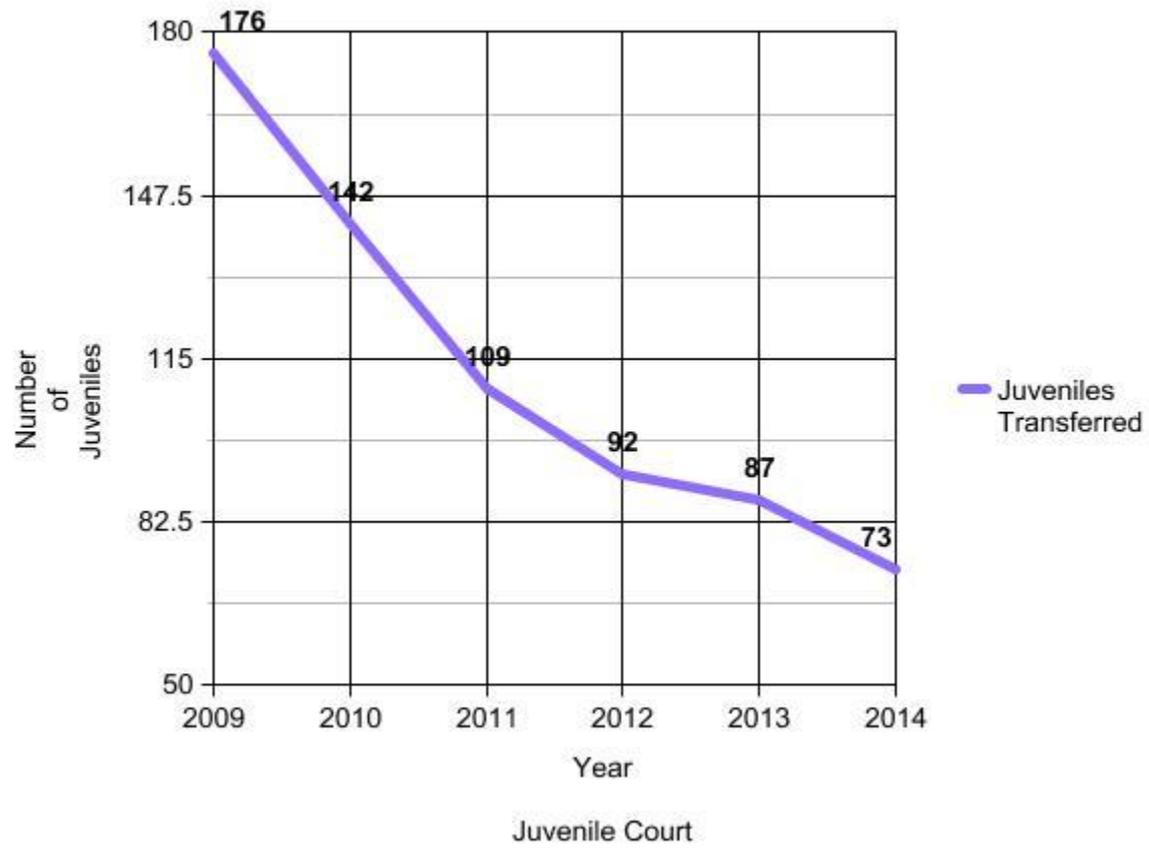
Ending on a positive note

- A VAST majority of children in Memphis and Shelby County never have contact with the juvenile delinquency system.
- The perception that “kids are running wild” isn’t backed up by numbers.

Transfers

- Despite some public perception that a great number of children are transferred to adult court, the fact is that a small percentage of juveniles are actually transferred to adult court.

African American Children Transferred to Criminal Court



Transfers Cont.

- The Court also respects the national trend of understanding adolescent brain development with balancing punishment and rehabilitation.
- Of the 77 children transferred in 2014, only five were under the age of 17.
- Two of the juveniles were charged with murder and the other three with multiple charges including aggravated robbery.

For more information

- Follow the Court on Twitter:
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