



U.S. Department of Justice

Civil Rights Division

JCP:WGG:RCG:JC:mrb  
DJ 207-72-3

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

June 25, 2015

**VIA ELECTRONIC AND FIRST CLASS MAIL**

The Honorable Dan H. Michael  
Juvenile Court of Memphis and Shelby County  
616 Adams Avenue  
Memphis, TN 38105

RE: Assessment of Shelby County's Juvenile Detention Facility

Dear Judge Michael:

We write to provide you with the latest assessment of the Court's progress in implementing the Protection from Harm provisions of our December 17, 2012 Memorandum of Agreement. The accompanying assessment is the fifth since entry of the Agreement.

Dr. David Roush, our protection from harm consultant charged with reviewing compliance with the facility provisions of the Agreement, completed his assessment after reviewing documents and touring the detention facility during the most recent compliance visit, April 27 – 30, 2015. While we have seen improvement in the detention center's capacity to protect from harm the children in its care, there is still much to be done to achieve full compliance with the Agreement. As always, we appreciate your staff's cooperation and assistance during the visit.

The fifth assessment report reflects a number of remaining challenges to reaching full compliance with the Agreement. First, detention center staff has expressed resistance to some new approaches required by the Agreement, giving voice to an out-dated culture of control and punishment. Dr. Roush observes that left unchanged, this culture is and will remain a significant impediment to fully realizing the benefits of the new Positive Behavior Management System (PBMS) and to further reducing the use of locked room confinement. Culture change can also impact staff approaches to providing youth with reading material in their rooms and the difficulties with providing residents with sufficient high-quality food. Only by changing culture, will staff most efficiently and effectively implement PBMS, continue the use of force reform process, and avoid backsliding.

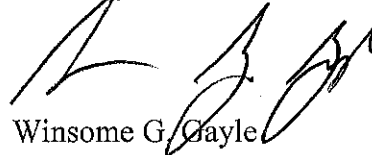
Second, we remain concerned with the high level of room confinement reported by Dr. Roush. Dr. Roush's report continues to rate the detention center's level of compliance as "Partial," the same level that he found in the second, third, and fourth assessments (there was no rating provided in the first assessment). We have also emphasized our concern with the use of room confinement in our last two cover letters. The detention center's continued overuse of

room isolation as a suicide precaution is very troubling and we urge you to eliminate this practice between now and the next compliance tour.

Third, the detention center must pay more attention to the quality of data it collects and reports regarding essential components of the facility, including use of force, room confinement, and suicide prevention. As you know, much of Dr. Roush's evaluation is based on the data he receives from detention center management. Confidence in the data is 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 are confident that once fully realized, the agreement will bring you one step closer to achieving your expressed goal of making Shelby County's juvenile justice system a model for the nation.

Sincerely,



Winsome G. Gayle  
Special Counsel

Enclosure

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