



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

APR 25 2012

The Honorable Curtis S. Person
Juvenile Court of Memphis and Shelby County
616 Adams Avenue
Memphis, TN 38105

Re: Investigation of the Shelby County Juvenile Court

Dear Judge Person:

The U.S. Department of Justice's Civil Rights Division has completed its investigation of the administration of juvenile justice for children facing delinquency charges before the Juvenile Court of Memphis and Shelby County ("JCMSC" or "Juvenile Court") and the conditions of confinement and treatment of children at the detention center operated by JCMSC. Our investigation was conducted pursuant to the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141 ("Section 14141"). In the course of our investigation, we also considered the Juvenile Court's compliance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7 ("Title VI").

Section 14141 authorizes the Department of Justice ("DOJ") to seek remedies for a pattern or practice of conduct that violates the constitutional or federal statutory rights of children in the administration of juvenile justice and in juvenile justice institutions. We have concluded that we have reasonable cause to believe that JCMSC fails to protect the rights of children appearing before it on delinquency matters by failing to (1) provide constitutionally required due process, (2) administer justice in a non-discriminatory manner, and (3) provide reasonably safe conditions of confinement. Our findings are detailed in the accompanying Report.

Thank you for meeting with us last week to discuss these findings. We would like to express our appreciation for your cooperation and assistance throughout this investigation. You graciously met with us on several occasions and encouraged court personnel to provide us with full access to the information necessary for our review. The staff and administrators of JCMSC, including the Magistrates, were consistently helpful, courteous, and professional throughout our investigation. We hope to continue working with you in the future in the same cooperative and collaborative manner to remedy the deficiencies within JCMSC.

Based in part on information we received from members of the Shelby County community concerning due process, equal protection, and detention issues at JCMSC, we announced this investigation on August 11, 2009. Our investigation included a comprehensive review of JCMSC's practices, including observing delinquency hearings; reviewing documents, case files, and statistical data; and interviewing court personnel and attorneys. Our review was conducted with the assistance of experts in juvenile representation and juvenile protection from harm. We also consulted with the DOJ's Office of Juvenile Justice and Delinquency Prevention on issues of disproportionate minority contacts in the juvenile justice system. We received assistance in assessing the equal protection issues from a leading statistician with extensive experience in evaluating juvenile justice systems. This work was reviewed further by statisticians in other components of the Department of Justice, including the Office of Justice Programs' Bureau of Justice Statistics and National Institute of Justice. In addition, the findings were discussed with United States Attorney Edward Stanton and Assistant U.S. Attorneys from the Western District of Tennessee.

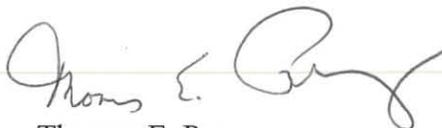
We recognize that, over the course of our lengthy investigation, JCMSC has taken steps to reform its administration of juvenile justice and the detention center. These steps include efforts such as: (1) becoming a designated Juvenile Detention Alternatives Initiatives site through the Annie E. Casey Foundation; (2) working with the Memphis City Schools and Police Department to implement a summons in lieu of arrest program for a limited number of offenses; and (3) contracting with the National Council of Juvenile and Family Court Judges to participate in its Juvenile Justice Model Courts Project. We recognize and commend these efforts and encourage you to continue this important work. While we look forward to assessing the results of these reforms, these efforts do not appear to fully address our findings concerning the constitutional rights of the children appearing before JCMSC.

We look forward to working with you and the wider Shelby County community to develop solutions to these issues. We have a shared interest in ensuring that the children appearing before JCMSC receive their constitutionally guaranteed rights to due process, equal protection, and protection from harm. The measures you have recently taken illustrate your commitment to addressing these issues, and our aim is to build upon the reforms you have implemented. We hope that this report will provide the framework for the development and implementation of a comprehensive blueprint for sustainable reform. You have already engaged national experts in this reform effort. We applaud these efforts, and know you will continue them. At the same time, we believe it is important to ensure as well that community stakeholders as well as other national experts on juvenile justice reforms are engaged. As a result, we will reach out to community stakeholders, other national experts on juvenile justice reform, and the organizations currently working with the Court, to discuss our findings and brainstorm about solutions. The attorneys assigned to this investigation will be contacting you to discuss this matter in further detail.

Please note that this letter and the Report are public documents and will be posted on the Civil Rights Division's website.

If you have any questions regarding this matter, please call Jonathan M. Smith, Chief of the Civil Rights Division's Special Litigation Section, at (202) 514-6255.

Sincerely,



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