

FOR IMMEDIATE RELEASE

Tuesday, December 18, 2012

Department of Justice Enters into Agreement to Reform the Juvenile Court of Memphis and Shelby County, Tennessee

The Department of Justice today announced that it has entered into a comprehensive memorandum of agreement with the Juvenile Court of Memphis and Shelby County, Tenn., to resolve findings of serious and systemic failures in the juvenile court that violate children's due process and equal protection rights. This agreement is the first time that the department has used its authority under the Violent Crime Control and Law Enforcement Act of 1994 to address constitutional violations within a juvenile justice system.

The agreement is designed to ensure that the juvenile court protects constitutional rights of children throughout their court proceedings. The agreement also requires the juvenile court to take steps to reduce racial disparities among similarly situated juveniles in different stages of the juvenile justice process.

"We commend the court, led by Juvenile Court Judge Curtis Person, for taking this bold step toward reform," said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. "This first of its kind agreement reflects a powerful commitment to upholding constitutional rights of all children appearing before the Juvenile Court. We hope that juvenile courts around the country review this agreement to ensure that they are protecting the constitutional rights of children."

"This unprecedented agreement represents a collaborative effort to ensure that all children in Shelby County, Tennessee receive the full protections provided under our constitution," said Edward L. Stanton III, U.S. Attorney for the Western District of Tennessee. "These reforms are designed to establish a pre-eminent juvenile court for Shelby County and will ultimately serve as a model for juvenile courts systems across the country."

The agreement provides for comprehensive reforms in the areas of due process, equal protection, and other areas of court operations. Due process reforms provide procedural safeguards for children at critical phases of their cases, including requirements that the court:

- Establish a dedicated juvenile defender unit in the public defender's office that will be independent of the court and have the structure and resources to provide independent, ethical, and zealous representation for children.

<http://www.justice.gov/opa/pr/2012/December/12-crt-1511.html>

- Require procedural safeguards against self-incrimination, to provide notice of charges, and to hold transfer hearings.
- Appoint counsel before children appear before a magistrate judge for a probable cause determination and provide the probable cause determination within 48 hours for all warrantless arrests.
- Make written findings for key judicial decisions, including transfer hearings.
- Implement policies in the court's detention facility that will prohibit use of restraints, ensure a suicide prevention plan and require staff to receive training on adolescent development.

The equal protection reforms in the agreement require that the court administer juvenile justice in a manner that is consistent with the Equal Protection Clause of the Fourteenth Amendment of the Constitution. These reforms require the juvenile court to:

- Assess where and why disproportionate minority contact (DMC) in the juvenile justice system occurs, including analysis of referrals and the court's decisions at key stages of a child's court case.
- Prohibit pre-adjudication detention for reasons that are not related to public safety or future appearance in court.
- Hire a DMC coordinator, who will be charged with gathering data, working with the court and other county agencies to develop alternatives to detention, and ensuring that children are not referred to juvenile court based on their race.
- Establish a pilot program allowing law enforcement to phone in information about a recently arrested youth and get guidance on whether the child should be immediately released and provided with an appearance summons or transported to juvenile court.

Additional reforms will provide for strengthening the juvenile court's community engagement and accountability, including requirements that the court:

- Create a community oversight group comprised of juvenile justice stakeholders and six to nine citizens selected by the mayor and approved by the county commission. This group will include two parents of children who have had delinquency matters before Juvenile Court and a person under the age of 21 who has had direct contact with the juvenile justice system. Juvenile court officials will update this group and be required to answer its questions about any reform efforts.
- Provide bi-annual community updates and publish progress reports on its website and include a data dashboard of its progress with the agreement.

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The investigation, opened in August 2009, was conducted by the Special Litigation Section of the Civil Rights Division under provisions of the Violent Crime Control and Law Enforcement Act of 1994. In April 2012, the department announced findings that the juvenile court failed to provide constitutionally required due process and equal protection to children appearing for delinquency proceedings. The department also found constitutional violations in the detention facility.

The department's Civil Rights Division will host a conference call for local community members to hear directly from Assistant Attorney General Thomas E. Perez. The conference call will take place on Tuesday, Dec. 18, 2012, at 7:00 p.m. EST (6:00 p.m. CST). To participate in the call, please call (866) 843-0890 and use the entry number 3447017. For more information on the Justice Department's Civil Rights Division, please visit www.justice.gov/crt.

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Civil Rights Division