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Justice Department Reaches Settlement Agreements to Address Unconstitutional Youth Arrest and Probation Practices in Meridian, Mississippi

The Justice Department announced today that, jointly with the state of Mississippi and city of Meridian, Mississippi, it has reached settlement agreements to prevent and address unconstitutional youth arrests and probation practices by the Meridian Police Department and the Mississippi Division of Youth Services, and submitted them to the court for approval.

In 2012, the department filed a lawsuit against the city of Meridian, the state of Mississippi, the Lauderdale County, Mississippi, Youth Court and the Youth Court Judges, alleging systematic violations of youths' due process rights, in the matter of *United States v. City of Meridian, et al.* If approved by the U.S. District Court in Jackson, Mississippi, the proposed agreements will resolve the department's claims against the city of Meridian and state of Mississippi. The agreements incorporate and build on reforms the city and state began during the United States' investigation and subsequent litigation.

The department's allegations that defendants Lauderdale County and the Lauderdale County Youth Court Judges failed to provide basic due process protections for children have not been resolved, and remain in litigation.

The agreement with the city of Meridian addresses the Meridian Police Department's prior practice of arresting students referred by the school district without assessing whether there was sufficient probable cause to justify the arrest. The settlement agreement prohibits the city police department from arresting youth for behavior that is appropriately addressed as a school discipline issue, and requires documented probable cause determinations for any youth arrested for criminal offenses. The agreement also requires the city police department to uphold constitutional protections following a youth's arrest, mandating *Miranda* warnings as soon as a youth reasonably believes he or she is not free to leave and prohibiting officers from interviewing detained youth unless a guardian or attorney is present.

The agreement with the state of Mississippi addresses the department's claims of unconstitutional youth probation practices by the Mississippi Division of Youth Services. The settlement agreement



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requires state probation officers to implement measures to protect youths' privilege against self-incrimination, including providing youths with age-appropriate explanations of their rights and the probationary process. The agreement also includes requirements for the contracts that establish the restrictions and rules that youth on probation must comply with. These contracts must be written in terms that are easily understandable to youths and that prevent arbitrary and discriminatory enforcement, and include a clear explanation of the youth's rights. The agreement prohibits probation officers from recommending incarcerating youths for violations of their probation contracts that would not otherwise amount to detainable offenses, unless and until all other reasonable alternatives to incarceration have been exhausted.

"We commend the city of Meridian and the state of Mississippi's Department of Human Services and Division of Youth Services for taking these important steps toward ensuring that school disciplinary issues are not inappropriately criminalized," said Principal Deputy Assistant Attorney General Vanita Gupta of the Civil Rights Division. "Going forward, the Department of Justice expects to work with Meridian and the state of Mississippi to ensure that children's constitutional rights are protected in police and probation practices."

"These agreements will help protect the children of Meridian from deprivations of educational opportunity as well as due process," said U.S. Attorney Gregory K. Davis of the Southern District of Mississippi.

Each agreement will be monitored by an independent auditor who will report publicly to the federal court.

Under the agreements, the city and state will work with the United States and independent auditors to establish community input programs. These programs shall include semiannual open meetings, to be held in a publicly-accessible location, where the state and city will inform the public about progress in implementing the agreements and address community concerns related to the substantive areas covered by the agreements.

These agreements also build on reforms that the department's Educational Opportunities Section obtained in a 2013 settlement with the Meridian Public School District to address school discipline claims in a long-standing desegregation case. To see the consent order, visit <http://www.justice.gov/crt/about/edu/documents/classlist.php#race>.

The department filed this complaint under the Violent Crime Control and Law Enforcement Act of 1994, which gives the department the authority to seek a remedy for a pattern or practice of conduct that violates the constitutional or federal statutory rights of youths in the administration of juvenile justice. Additional information about the Civil Rights Division is available on its website at www.justice.gov/crt.

The Justice Department will be hosting a telephonic community conference call open to members of the public on Monday, June 22, 2015, at 6:30 p.m., CDT. The purpose of this call is to provide community members with information about the investigation and complaint. To participate in the call, dial the following toll-free number: 877-675-0879. When prompted by the operator, provide your name and the pass code: 4611051.

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