



U.S. Department of Justice

Civil Rights Division

Washington, D.C. 20530

Marlinee Clark Iverson
Shelby County Attorney
160 North Main Street, Suite 950
Memphis, TN 38103

October 19, 2018

Dear Ms. Iverson:

I write in response to Shelby County's June 29, 2018 letter and the series of recent meetings between Department of Justice and County officials regarding the Memorandum of Agreement Regarding the Juvenile Court of Memphis and Shelby County. The United States, the County, and the Juvenile Court of Memphis and Shelby County entered the Memorandum of Agreement in December 2012. Over the nearly six years that the Memorandum of Agreement has been in place, the County has worked diligently and effectively to implement its provisions and to address the alleged deficiencies in the County's juvenile justice system and Detention Center. Through these efforts, the County has transformed its system to uphold juveniles' constitutional rights in the areas of Due Process, Equal Protection, and juvenile detention.

First, over the last six years, the County has adopted measures to uphold the Due Process rights of juveniles in its system, including:

- Establishing a new juvenile unit in the Public Defender's Office and increasing the Public Defender's Office's independence;
- Providing counsel to juveniles at both probation conferences and transfer hearings;
- Implementing a procedure to provide written notice to counsel of probation conferences and transfer hearings;
- Creating, implementing, and following procedures to ensure that juveniles are provided notice of the charges against them;
- Establishing and following procedures to ensure that the Court makes timely and appropriate probable cause determinations; and
- Implementing procedures to make timely disclosure of *Brady* and *Giglio* materials.

Second, over the last six years, the County has implemented numerous procedures and safeguards designed to ensure that it complies with the Equal Protection Clause, including:

- Establishing procedures to collect and analyze data at various points in the juvenile justice system;
- Revising court policies and procedures;
- Developing, assessing, revising, and refining objective decision-making tools such as the Detention Assessment Tool and the Graduated Response Grid;

- Developing a Precinct Liaison program with the Memphis Police Department to divert rather than detain juveniles in appropriate cases; and
- Developing and training a Summons Review Team, an effort that the Equal Protection Monitor recently applauded for its potential to reduce the number of juveniles entering the juvenile justice system by way of summons.

Finally, over the last six years, the County has significantly improved the Shelby County Detention Center and turned it into a place where juveniles in detention are provided reasonably safe conditions of confinement. In particular, the Detention Center has:

- Revised its policies and procedures regarding use of force and trained its staff on those new policies and procedures;
- Implemented procedures to ensure that incidents involving use of force are appropriately reviewed;
- Prohibited use of the restraint chair and pressure point control tactics; and
- Taken multiple measures to prevent juveniles in detention from committing suicide and, during the pendency of the Memorandum of Agreement, has not seen a single juvenile in detention commit suicide.

I am pleased to inform you that the United States has determined that, through these and other efforts, the County has achieved and appropriately maintained substantial compliance with the Memorandum of Agreement. Accordingly, effective the date of this letter, the United States is terminating the Memorandum of Agreement and closing this matter. *See* Memorandum of Agreement VII.B.

We appreciate the productive partnership that the Department of Justice has enjoyed with the County over the last six years. We also understand that the County and its elected officials, including the new mayor and Board of Commissioners, have committed to maintain and build upon these laudable reforms in the County's juvenile justice system. We commend the County and its officials for that commitment. The United States' termination of the Memorandum of Agreement and of the Department of Justice's oversight in this matter will facilitate the County's fulfillment of that commitment. Indeed, the United States' action restores control over the juvenile justice system to duly elected local officials, who answer to the public and bear primary responsibility for protecting and securing the constitutional and civil rights of all members of the community. The County's remarkable progress over the last six years and the renewed commitment to protecting the civil rights of juveniles give us every confidence of the County's continuing success.

Sincerely,



John M. Gore
Acting Assistant Attorney General
Civil Rights Division