

**SUMMARY OF THE AGREEMENT TO REFORM THE JUVENILE COURT OF
MEMPHIS AND SHELBY COUNTY, TENNESSEE**

United States Department of Justice, Civil Rights Division

In April, 2012, the Department of Justice (DOJ) issued an Investigation Report regarding its findings that the Juvenile and Family Court of Shelby County, Tennessee, has violated the due process and equal protection rights of youth. In December, 2012, the DOJ and the Court entered into a Memorandum of Agreement to address the allegations. Below is a summary of that agreement.

The Agreement provides for *Due Process reforms*, 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.

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 Agreement provides for *Equal Protection reforms*, including requirements that the court:

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.

The Agreement provides for comprehensive *community engagement and accountability reforms*, 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.

Provide bi-annual community updates and publish progress reports on its website, including a data dashboard of its progress with the agreement.

If you have questions about this Agreement or questions about how to use it to strengthen work in your community, please contact NJDC at 202.452.0010.