

# Seeking Justice:

A MICAH TOWN HALL SERIES



# Discussion Guide

NO MORE DISCARDED YOUTH



**Seeking Justice: A MICA Town Hall Series**

**Part I - "No More Discarded Youth"**

**February 25, 2021**

**Discussion Guide**

**During**

**Individual Questions. As you listen, take note:**

What shocks you?

What gives you hope?

What next steps do you hear?

**After**

**Discussion Questions:**

(Note: These are tough questions with which we all must wrestle. While there are no right or wrong answers, these are questions that can not afford to be ignored.)

1. What did you note from the town hall that you want to share?
2. At the MICA Public Meeting 2020, Shelby County District Attorney Amy Weirich and Juvenile Court Judge Dan H. Michael were asked to stop transferring youth who did not themselves directly inflict serious bodily injury or death on others to adult court. They both said they couldn't make such a commitment. What thoughts do you have as to how youth under 18 should be handled:
  - a. If they display defiant behavior, such as knocking over their desk in class?

- b. If they commit property and/or non-violent crimes?
  - c. If they are involved in but do not actually commit a violent crime (i.e., if they were in a car in which another passenger committed a violent crime)?
  - d. If they themselves directly commit a violent crime?
- 3. What does our current system say we believe about children who break the law?
  - a. What does your faith tradition say?
- 4. What has caused the disproportionate minority contact and treatment of the youth in Shelby County and in the legal system in general? How can/do we combat it so that all of our children are treated equally under the law?
- 5. How are families and communities of Memphis affected by the punitive culture of the juvenile justice system in Shelby County towards our children?
- 6. What have you learned about who has a role in the high rate of youth transfers in Shelby County? Who has a role in the disproportionate contact with and treatment of Black and Brown children in the juvenile justice system?
- 7. In what ways did this town hall inform how you will engage with the 2022 election in which both the Juvenile Court Judge and District Attorney General elections will be held?
  - a. What do you want to know before that election?
  - b. What do you think other voters need to know before that election?
- 8. Who else needs to hear about injustices toward children touched by the criminal justice system in Shelby County?
  - a. How can you reach them?
  - b. How can you continue the conversation within your organization?
- 9. What else do you want to hear about in the MICAH town hall series on youth justice? \*Please send your thoughts/questions to MICAH Recorder, Mandy Campbell [amandajcampbell16@gmail.com](mailto:amandajcampbell16@gmail.com)

If you'd like to learn more about youth justice in Shelby County or how to get involved in the work, please register for the *Seeking Justice* campaign at [bit.ly/micahseekingjustice](https://bit.ly/micahseekingjustice)!

## Appendices

### **Appendix I: Tennessee Transfer Laws**

Rule 208 of Juvenile Practice and Procedure: Transfer to Criminal Court:

<https://www.tncourts.gov/rules/rules-juvenile-procedure/208>

Current Transfer Procedures in Tennessee:

Lower Age:     None Specified

Upper Age:     17

#### **Discretionary Waiver**

Tenn. Code Sec. 37-1-134

Following a hearing, a child meeting age/offense criteria may be transferred to adult criminal court if the juvenile court finds that there are reasonable grounds to believe that (1) the child committed the offense alleged, (2) the child is not committable to a mental institution, and (3) the interests of the community require that the child be placed under legal restraint. The law lists various factors to be considered by the court in making these findings. Generally, the juvenile court's decision is not immediately appealable; however, if a nonlawyer makes the decision to transfer the case, a special provision entitles the child to an immediate de novo rehearing at the criminal court level. (See Reverse Waiver.)

<u>Offense Category</u>	<u>Minimum Age</u>	<u>Offense Detail</u>
Any criminal	16	Any offense
Murder Person	None Specified None Specified	First or second degree or the attempt. Rape, aggravated rape, aggravated or especially aggravated robbery, kidnapping, aggravated or especially aggravated kidnapping, or the attempt to commit any of these offenses.

#### **Reverse Waiver**

Tenn. Code Sec. 37-1-159

A child who has been transferred from juvenile court by the decision of a nonlawyer is entitled to an immediate rehearing on the transfer issue at the criminal court level, provided he files a motion for rehearing within 10 days of the transfer order. The rehearing is de novo—the issue, the standards, and the factors to be considered are the same as at the juvenile court level, and the criminal court need not give any weight to the juvenile court's original decision. Following the hearing, the criminal court may either accept jurisdiction or remand the case to the juvenile court. If the court remands, the State may appeal

immediately on the ground of abuse of discretion; otherwise, the appeal of the court's decision must await a final conviction.

**Once an Adult, Always**

Tenn. Code Sec. 37-1-134

A transfer to adult court terminates juvenile court jurisdiction over the child for any subsequent offense, unless the transfer is followed by an acquittal or a dismissal of the charge that resulted in the transfer.

## Appendix II: Juvenile Court Terminology

### **Adjudication** [of Delinquency]

Analogous to an adult “conviction,” it is a formal finding by the juvenile court, after an adjudicatory hearing or the entering of a guilty plea/admission, that the juvenile has committed the act for which he or she is charged.

### **Adjudicatory Hearing**

The fact-finding phase (*i.e.* the trial) of a juvenile case. At this hearing the judge—or in a limited number of jurisdictions, the jury—receives and weighs the evidence to determine whether the facts prove the charges alleged in the delinquency petition beyond a reasonable doubt. If the juvenile is found guilty (or involved) at the adjudicatory hearing this finding is called an “adjudication.”

### **Adolescent Development**

The process through which “biological, cognitive, emotional and social development unfolds and interacts during the second decade of life.”[1] The study of adolescent development is primarily dominated by psychology, although other disciplines such as biology and neuroscience help inform our understanding of adolescence. Increasingly, researchers study the impact of context (*i.e.* families, peers, schools, neighborhoods, culture) on adolescents’s development, and how such contexts contribute to both positive and negative outcomes. Counsel should be knowledgeable about the key aspects of adolescent development that informs specific legal questions regarding competence in legal proceedings, culpability, mitigation, and amenability to treatment and rehabilitation.

### **Adult Prosecution**

Where the juvenile court either loses or gives up jurisdiction over a child alleged to have committed a crime and that child is tried as an adult in a criminal court. The processes allowing for adult prosecution vary by jurisdiction and may include statutes that require children of a certain age or children alleged to have committed a specified crime automatically be tried as an adult (sometimes known as “direct file” case) or may require a hearing in which the court—either adult or juvenile—decides which court should have jurisdiction over a child. See *a/so* Transfer/Waiver; Upper Age of Juvenile Court Jurisdiction.

### **Arraignment**

A portion of the “initial hearing,” interchangeable with the term “presentment,” in which the youth is brought to court and read the formal charges against him or her that are alleged in the petition. This is the stage at which a juvenile must admit or deny the charges. Court-appointed or private counsel for the juvenile must be present at this proceeding.

### **Commitment** (also known as Placement or Incarceration)

At disposition, commitment is one of the options available to the court as a possible sentence. It is the transfer of legal responsibility over the child to the state and often includes placement in a private or state-run facility. In many jurisdictions the court will impose an indeterminate sentence upon transferring custody of the respondent to a state agency, allowing the agency to determine when the youth may be released from incarceration based on good behavior, noted rehabilitation, and the youth’s prior juvenile record. A youth may also be subject to commitment as a sanction resulting from a probation revocation hearing. Commitment occurs only after adjudication, as opposed to “detention,” where a youth may be placed pending an adjudicatory or disposition hearing.

## **Competence to Stand Trial**

Competence, or fitness, to stand trial requires that the client have both “sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding” and a “rational as well as factual understanding of the proceedings against him.”[2] Counsel must be able to recognize when a juvenile client’s ability to participate in his or her own defense or to understand the nature and purpose of proceedings may be compromised due to developmental immaturity, mental health disorders, or disabilities.

## **Collateral Consequences**

Involvement in the juvenile system may have consequences for youth beyond the immediate court case. These secondary consequences may include, but are not limited to, fines, the requirement to register as a sex offender, the loss or restriction of a professional license, eviction from public housing, ineligibility for public funds including welfare benefits and student loans, the loss of voting rights, ineligibility for jury duty, prohibitions against owning a firearm, and immigration consequences.

## **Deferred Adjudication**

This arises when a judge decides not to adjudicate the youth and instead impose conditions that, if met, will result in dismissal of the charges. This is technically not “diversion,” given that the youth is court-involved and the client is petitioned and subject to the court’s jurisdiction. However, if the client meets the court’s requirements, a deferred adjudication results in a non-adjudicatory resolution and the eventual dismissal of the petition. A variation on this is when the court decides to grant a “stay of adjudication,” which suspends the adjudication in situations where the court determines that the circumstances of the case warrant the child being given a “second chance.” If the child satisfies all conditions set forth by the court, the court can dismiss the charge and there will be no record of the adjudication. *See also* Diversion.

## **Delinquent**

A person who is adjudicated underage violator of the law that if committed by an adult would be a crime; as in juvenile delinquent.

## **Delinquent Act**

An offense committed by a juvenile that would be classified as a crime if committed by an adult.

## **Detention**

Juveniles charged with delinquent acts may be detained by court order pending an adjudicatory and/or disposition hearing. A youth may be placed in a detention center at different points throughout the juvenile case. At times, an adjudicated juvenile may be held in detention during a period of their commitment. There are different levels of detention for juveniles. “Secure detention” involves holding the child at a locked detention facility. “Shelter homes,” sometimes referred to as “non-secure detention,” are also a level of detention where the child may only leave the premises for school or other pre-approved appointments. “Home detention,” where the child may only leave home for school or appointments, is an option in some jurisdictions. In jurisdictions where there is no juvenile detention facility, children may be detained pre-trial in adult facilities. *See also* Commitment.

## **Detention Hearing**

A hearing in which the judge decides whether to detain the child pending an adjudicatory hearing in a delinquency matter. Most jurisdictions require a detention hearing to be held within forty-eight (48) to seventy-two (72) hours after the detention commences to determine whether continued detention is necessary. There must be a finding of probable cause that the child committed the alleged delinquent act before pre-adjudicatory detention is permitted. If probable cause is found, in most jurisdictions there must

also be a showing that the child is a flight risk or that the child is a danger to his or herself or others such that continued detention is required pending an adjudicatory hearing.

### **Developmental Immaturity**

Within the study of adolescent development, developmental immaturity is a term used to refer to deficits in adolescents' thinking, reasoning, and/or decision-making that are a result of normative developmental processes. As adolescents mature, their thinking, reasoning, and decision-making begins to resemble that of adults.

### **Developmentally Appropriate Language**

An approach for adult communication with children and adolescents which takes into account the cognitive limitations particular to different developmental stages. While adolescents may demonstrate the ability to understand and reason better than younger children, adolescents's abilities to understand and reason do not generally begin to resemble adults until approximately age 16. As a result, juvenile court practitioners should carefully consider the language used and the structure of questions asked when communicating with adolescents.

### **Discovery**

*A category of procedural devices employed by a party to a civil or criminal action, prior to trial, to require the adverse party to disclose information that is essential for the preparation of the requesting party's case and that the other party alone knows or possesses. [3]*

### **Disposition**

The juvenile equivalent of an adult sentence, disposition is a final decision as to how a juvenile's case is handled after an adjudication. Because juvenile courts expressly focus on rehabilitating children who are adjudicated as delinquent, dispositions typically include a treatment plan aimed at addressing perceived deficiencies in the child's current living environment and behavior. To determine an appropriate disposition, the judge should consider evidence about the juvenile's needs, available resources, and other relevant factors so as to design a plan to meet the juvenile's rehabilitation and the interests of the state. Disposition outcomes vary and may include but are not limited to, fines, restitution, community service, in-home placement under supervision or probation, and out-of-home placement in commitment facilities. See *also* Disposition Hearing; Dispositional Order; Disposition Plan.

### **Disposition Hearing**

Akin to a sentencing hearing in criminal court, this hearing is held after a juvenile has been adjudicated. At the hearing, the judge decides the appropriate sanctions and treatment for an adjudicated juvenile after hearing recommendations from the prosecution, probation staff, the defense, the child's parents and/or other potential stakeholders. After considering the disposition plans and recommendations, the judge will give the court's official disposition order, (e.g. probation, commitment, community-based sanctions, etc.). See *also* Disposition; Disposition Order; Disposition Plan.

### **Disposition Order**

A written, signed document handed down by the court that states the disposition chosen for the youth and any conditions of that disposition. See *also* Disposition.

### **Disposition Plan/Report**

In preparation for a disposition hearing, various stakeholders will prepare plans or reports outlining the care and types of rehabilitative services the party believes the child needs as a result of the adjudication. These proposed plans are most typically prepared by the probation department and the defense, while other stakeholders, such as the prosecution or services providers, may also provide reports or

recommendations. In preparation of anticipated plans, the court may order psychological evaluations, diagnostic tests, or a period of confinement in a diagnostic facility to aid in the determination of an appropriate disposition. See *also* Disposition; Disposition Hearing; Disposition Order.

### **Diversion**

This is an alternative to the filing of a court petition and which keeps the youth from entering the juvenile court system. Diversion is designed to enable youth to avoid a formal charge through the filing of a petition, which could result in adverse collateral consequences and, ultimately, a juvenile delinquency record. Shelby County adjudicates the youth and if the youth successfully completes his/her case will be formally dismissed by order of the Court.

Shelby County's Diversion program is one where the youth is still adjudicated. Although the hope is that true diversion programs are those that divert the child from any formal charge in the juvenile system, many practitioners and jurisdictions use the term diversion to include programs that are initiated after the client is petitioned, but which result in a non-adjudicatory resolution and the eventual dismissal of the petition. Informal adjustment is a form of diversion. See *also* Informal Adjustment; Deferred Adjudication.

### **Guardian *ad litem* (GAL)**

An attorney or advocate appointed by a court to represent the best interests of a child in court proceedings, including juvenile delinquency cases. The role of GAL is different from defense counsel's role to represent the expressed interest of the child in delinquency cases.

### **Initial Hearing**

This is the first hearing a child accused of a delinquent act will have in front of a judge. The structure of this hearing varies by jurisdiction, but typically includes assignment of counsel, arraignment, a detention determination, and the scheduling of further hearing dates. See *also* Arraignment.

### **Intake**

The screening and assessment process children who are arrested undergo prior to seeing a judge. Intake procedures vary between jurisdictions but are typically conducted by intake officers, probation staff, case and social workers, or police. At the intake screening, each youth is evaluated to determine his or her appropriateness for release or referral to a diversionary program, or whether the matter should be referred for prosecution.

### **Petition**

The charging document filed in juvenile court by the state. The petition formally initiates a juvenile proceeding alleging that a juvenile is delinquent and describing the alleged offenses committed by that child.

### **Post-disposition**

Post-disposition refers to the period following the court's entry of a disposition order and lasting until the youth is no longer under the supervision of the juvenile court or any state agency to which he or she was transferred as a result of a commitment. During post-disposition, a variety of procedures or hearings regarding the client can require the assistance of counsel. These include, but are not limited to, conducting an appeal or helping the client obtain new appellate counsel; representing the youth in probation and parole violation hearings, at commitment review hearings, or at extension of incarceration hearings; challenging condition of confinement that violate the client's state and constitutional rights or circumvent services ordered by the court; and any other legal counseling required until the youth is no longer supervised in the case.

## Pre-disposition Report

Sometimes called a “social history” or “social study,” it is a report to the court, prepared by probation staff, that outlines the child’s background and recommends a disposition plan. It is a compilation of information on the circumstances of the current offense, the youth’s past offense(s), family history, educational progress, and community involvement. Based on these factors, the agency will often make recommendations for disposition. See *also* Disposition Plan; Social History.

## Probation

A disposition option available to the court as an alternative to commitment, in which an adjudicated juvenile may be released back into the community under certain conditions and under the supervision of a probation officer for a specified period of time.

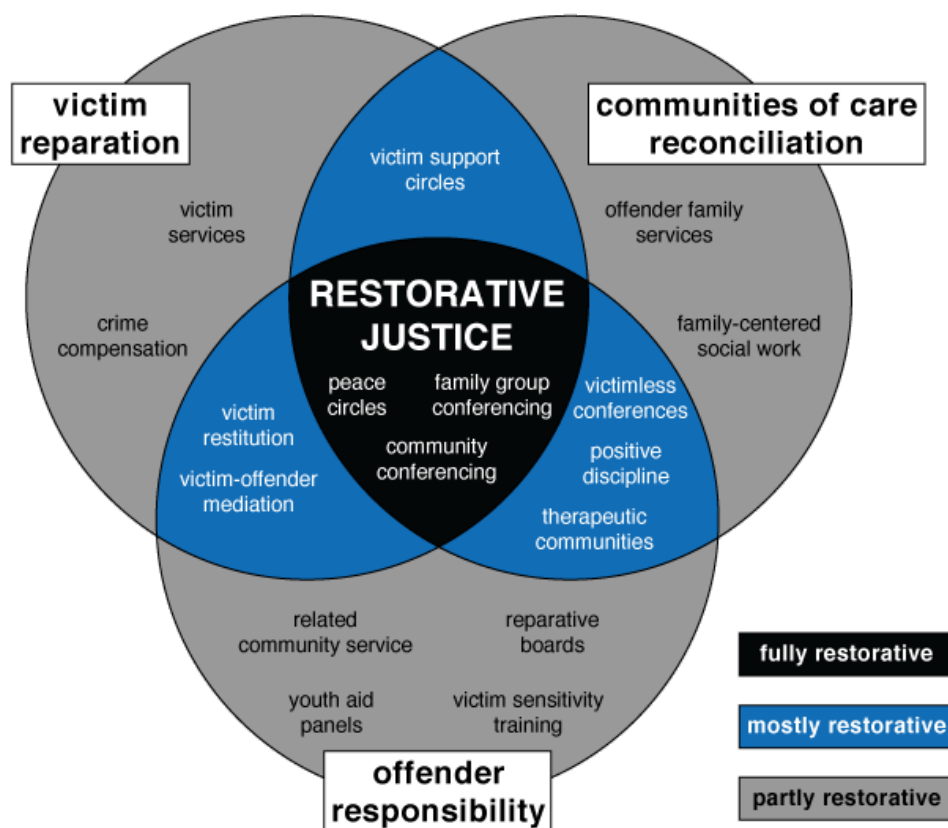
## Probable Cause

A burden of proof standard used in criminal and juvenile delinquency proceedings sufficient reason based upon known facts to believe a crime has been committed. More than a mere suspicion. [4]

## Restorative Justice

A system of criminal justice which focuses on the rehabilitation of offenders through reconciliation with victims and the community at large. Restorative Justice is a theory of justice that emphasizes repairing the harm caused by criminal behavior.

### Types and Degrees of Restorative Justice Practice



## **Revocation Hearings/Violation Hearings**

A review hearing at which the state or supervisory agency is alleging that the juvenile has not fulfilled his or her conditions of parole, probation, or pre-trial release. If the court revokes the child's parole, probation, or pre-trial release, it may move the juvenile to some form of out-of home placement.

## **Risk Assessment Instrument**

A tool used to assess a youth's likelihood (or risk) of future re-offending. Items on these instruments can reflect both life circumstances (e.g. history of child abuse) and personal characteristics (e.g. attitudes and past behaviors) that have been found to predict future problem behavior. Within the context of the juvenile justice system, risk assessment instruments can be used at different decision-making points (e.g. diversion, detention, or disposition). The briefer screening instruments, such as those often used to determine whether or not to detain a youth, generally consider more basic characteristics that are unchanging, such as the current alleged offense or prior arrest history. More comprehensive risk assessment instruments generally consider a broader range of risk factors, and can be used to guide treatment planning.

## **Status Offense**

An offense that would not be a crime if it were committed by an adult. Examples of these non-criminal offenses that are only applicable to children include: truancy, curfew violations, running away from home, incorrigibility, and ungovernability.

## **Transfer/Waiver of Jurisdiction**

The legal procedure for determining whether the juvenile court will retain jurisdiction over a juvenile case or whether the matter will be sent to adult criminal court. A reverse waiver occurs where a child is originally charged in adult court, but is sent back to juvenile court for trial or disposition. Please see the introduction to part VI of the Standards for a more detailed description of the various forms of transfer available in the United States. See Adult Prosecution.

[1] Richard Lerner & Laurence D. Steinberg, *Handbook of Adolescent Psychology* x (2nd ed. 2004)

[2] *Dusky v. United States*, 362 U.S. 402, 402 (1960).

[3] <https://legal-dictionary.thefreedictionary.com/discovery>

[4] <https://dictionary.law.com/Default.aspx?selected=1618>

Appendix III: Statistics and Slides  
General Youth Justice Statistics and Information

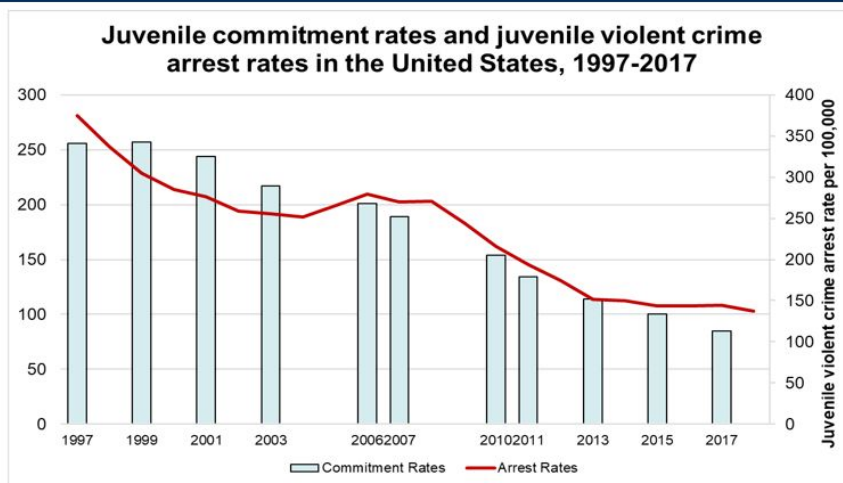
## Crime and Justice Institute

- The **Crime and Justice Institute (CJI)**, a division of Community Resources for Justice, works with local, state and national criminal and juvenile justice organizations to **improve public safety** and the **delivery of justice throughout the country**
- **CJI provides nonpartisan policy analysis** and practice assessment, capacity and **sustainability-building technical assistance**, research and program evaluation, and educational activities throughout the country



1

## Less crime, less commitment



Note: Violent crime arrests include those for murder, robbery, and aggravated assault



Sources: OJJDP Census of Juveniles in Residential Placement 1997-2018; OJJDP Statistical Briefing Book, Juvenile Arrest Rates

2

## States facing high annual costs



Source: Pew Charitable Trusts

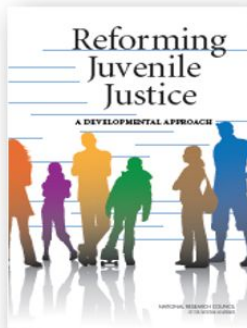


3

## Research: residential placement generally less effective than community programs

### National Academies of Science

#### *Reforming Juvenile Justice: A Developmental Approach*



#### Two Key Findings:

*"In general, multifaceted **community-based interventions** show greater reductions in rearrests than institutional programs."*

*"There is no convincing evidence ... that **confinement of juvenile offenders beyond the minimum amount** needed for [providing sufficiently intense services], **either in adult prisons or juvenile correctional institutions, appreciably reduces the likelihood of subsequent offending.**"*

Source: Pew Charitable Trusts



4

## Benefits of community-based programs

- More cost-effective
- Decrease likelihood to reoffend
- Reduce stigma associated with formal system involvement
- More opportunities to increase family engagement
- More appropriate treatment options for youth
- Maintain attachment to school and community supports

Crossroads in Juvenile Justice: The Impact of Initial Processing Decision on Youth Five Years after First Arrest by Dr. Beth Cauffman

*"formally processing youth not only is costly, but it can reduce public safety and reduce the adolescent's later potential contributions to society."*



5

## Practice changes based in evidence

- Create more opportunities for diversion for lower-level youth
- Use structured decision-making tools (i.e. risk and needs assessments)
- System responses address the youth's risk and needs
- Expand evidence-based community-based services
- Ongoing assessment of program model fidelity



6

## Practice changes based in evidence

- Focus the use of secure detention on youth who pose a risk to the community
- Limit youth being tried as adults
- Regular data collection and review of performance measures
- Address race and ethnic disproportionality at every contact point
- Expand staff training on evidence-based practices



7

---

Black youth were more than five times as likely to be detained or committed compared to white youth, according to data from the Department of Justice collected in October 2015.

–The Sentencing Project, 2017

---

The State of Tennessee spends an average of \$630.14 per day for the confinement of a young person, or about \$230,000 a year per incarcerated/detained youth

–Justice Policy Institute, “Sticker Shock 2020”

What that buys us:

Incarceration as a juvenile increases the probability of recidivism as an adult by between 22 and 26 percent.

– Ann Aizer and Joseph Doyle. “Juvenile Confinement, Human Capital, and Future Crime: Evidence from Randomly Assigned Judges,” *The Quarterly Journal of Economics* (April 2015).

Confined youth are up to four times less likely to complete high school and 96% less likely to complete college.

– Shelley Schaefer and Gina Erickson, *The Impact of Juvenile Correctional Confinement on the Transition to Adulthood* (Washington, DC: National Institute of Justice, June 2016)

---

Children in adult jails are more likely to suffer permanent trauma and are five times more likely to die by suicide than children held in juvenile detention centers.

–Campaign for Youth Justice 2018

---

1,995 children are arrested each day in the U.S.

–Children’s Defense Fund

---

Youth 15 and under represented approximately 51% of the juvenile arrests in the United States in 2019.

–Office of Juvenile Justice and Delinquency Prevention

---

In its 2020 State Ratings Report, Human Rights for Kids rated Tennessee as one of six states who were “The Worst Human Rights Offenders” based on the states’ lack of protections for the rights of children involved in the justice system.

---

In 2017, Shelby County transferred **92** youth to adult court. In that same year, Davidson County transferred **4**.

In 2017, Shelby County cases made up nearly half of all youth cases transferred to adult court in the State of Tennessee.

–Tennessee Council of Juvenile and Family Court Judges, Administrative Office of the Courts

---

... Black children are treated significantly worse than White children even after accounting for the other social and legal factors.

...

The disparity in transfer rates for Black children is especially problematic because the consequences of transferring a juvenile to the adult court are significant. Transfer removes the child from the rehabilitative juvenile system and subjects the child to the adult criminal system.

– Investigation of the Shelby County Juvenile Court, United States Department of Justice, Findings Report, 4/26/2012

---

In the past three years Shelby County has transferred seven times as many juveniles to the adult courts as Davidson County, 260 from Shelby County compared to 37 for Davidson County, where Nashville is located.

...

Black youth facing the same charges and with a similar criminal history as white youth were four times as likely to be brought to the court by law enforcement, twice as likely to be detained, twice as likely to have petitions filed by the court and less likely to be diverted from the court. Black youth received different and more onerous treatment at every step.

—Bill Powell, "Shelby County's juvenile justice system limits our youth, our community," *Daily Memphian*, 1/15/2020

---

Here's the thing: prosecutors also hold the key to change. They can protect against convicting the innocent. They can guard against racial bias. They can curtail mass incarceration.

—Emily Bazelon, *Charged: The New Movement to Transform American Prosecution and End Mass Incarceration*

---

The combination of prosecutorial gamesmanship and the prosecutor's refusal to provide discovery (in contrast to all other Tennessee Counties), is a toxic combination for African-American youth.

—Final Report of Sue Simkins, Due Process Monitor of the Juvenile Court of Memphis-Shelby County, December 2018

### **Quotes Used in the Slides:**

There is no keener revelation of a society's soul than the way in which it treats its children.

- Nelson Mandela, Former President of South Africa

If we don't stand for children, then we don't stand for much.

-Marian Wright Edelman, Founder of the Children's Defense Fund

In a free society where terrible wrongs exist, some are guilty but all are responsible.

-Rabbi Abraham Joshua Heschel

Justice is better than courage, as if everyone is fair to others, then there will be no need for courage.

-Imam Hazrat Ali

The wrong idea has taken root in the world. And the idea is this: there just might be lives out there that matter less than other lives.

-Father Greg Boyle

We must not allow this generation to produce record numbers for the juvenile justice, runaway, homeless youth, or foster care systems.

-The Honorable Ruben Hinojosa, Former U.S. Representative

Rehabilitate instead of incarcerate.

-Bert McCoy, Author and Educator

Each of us is more than the worst thing we've ever done.

- Attorney Bryan Stevenson, Equal Justice Initiative, author of *Just Mercy*

We are willing to spend the least amount of money to keep a kid at home, more to put him in a foster home and the most to institutionalize him.

-Marian Wright Edelman, Founder of the Children's Defense Fund

We've allowed our most vulnerable children to be thrown away, to be traumatized and to be locked up in these jails and prisons, and we've got to change this narrative that some children aren't children.

—Attorney Bryan Stevenson, Equal Justice Initiative, author of *Just Mercy*

I think it's important for us as a society to remember that the youth within juvenile justice systems are, most of the time, youths who simply haven't had the right mentors and supporters around them— because of circumstances beyond their control.

-Q'orianka Kilcher, Actress and Activist

## Appendix IV: Panelists & Town Hall Contributors



Jasmine Jackson leads efforts for states implementing system-wide juvenile justice improvement as part of the Crime and Justice Institute's Office of Juvenile Justice and Delinquency Prevention. Jasmine holds a Bachelor of Science in Criminal Justice from Benedict College and a Master of Science in Criminal Justice from the University of Cincinnati.



Sheila Calloway is a Louisville native and graduate of Vanderbilt Law School. In 2004, she was appointed Juvenile Court Magistrate and served in that position for nearly ten years, until she was elected Juvenile Court Judge for Davidson County in 2014. Judge Calloway is an adjunct professor at Vanderbilt Law School. She combines humor, passion, and judicial wisdom to change the way we look at justice.



Kathy Sinback has served as the Juvenile Court Administrator in Davidson County, Tennessee since 2014, where she helps ensure that Juvenile Court procedures are aligned with evidence-based practices. She has previously worked in the Metropolitan Public Defender's Office and served as senior legal advisor to the Metropolitan Nashville Public Schools.



Stacy L. Miller is a Team Leader for the Office of The District Attorney in Davidson County, Tennessee. She is certified as a Specialist in Juvenile/Child Welfare Law. She has previously worked for the Administrative Office of the Courts, the Department of Children's Services, and served as an Adjunct Professor at Middle Tennessee State University for 20 years.



Rob Robinson is the Department Head for the juvenile division of the Nashville Metro Public Defender's Office. He graduated from the University of Kentucky's law school in 1984 and has been practicing criminal law since that time, both in Kentucky and Tennessee. He has been focused on juvenile law since the early 1990s.



Joia Erin Thornton is an avid civil rights activist, writer, historian, and policy leader. She holds a Master of Public Administration-Policy & Legal Studies from the University of Memphis. Previously a program manager at Just City in Memphis, Ms. Thornton recently joined Southern Center for Human Rights as the National Policy Strategist in Capital Litigation and Smart Justice.



Alvin Gray, III, is a youth advocate and entrepreneur working diligently to change the lives of adjudicated young people. He speaks nationally about his experience in the criminal justice system and provides solutions related to deterring young people from getting entangled in America's prison-industrial complex.



Carnita McKeithen earned her Juris Doctorate in 2006 from the University of Tennessee. She has represented the children of Shelby County as a Public Defender since 2016. Ms. McKeithen is a member of the Central Juvenile Defender Center Advisory Council, which is one of the nine Regional Centers of the National Juvenile Defender Center, "NJDC." She is also a certified Juvenile Training Immersion Program "JTIP" trainer through NJDC.



Rev. Dr. K. Andre Brooks, pastor, educator, and community organizer is redefining the role of the urban Church and its impact on community revitalization in the 21st century.



Cheryl J. Beard is an ordained minister and non-profit leader whose life's work has been dedicated to youth and community development. She began her career as a city planner with Memphis & Shelby County government. As former executive director of the Urban Youth Initiative, Inc., she worked with the Shelby County Juvenile Court, JIFF, and other youth organizations. She now leads a non-profit in her hometown of Augusta, GA.



Ernie Hilliard is the MICAHA Task Force Leader, Acting Co-Chair Race and Class Equity in the Justice System, and Co-chair Reentry Subgroup.

## Appendix V: Continuing Education

Bazelon, Emily. *Charged: The New Movement to Transform American Prosecution and End Mass Incarceration*. New York: Random House, 2019.

[Library copy here](#)

Final Report from Sandra Simkins, Due Process Monitor for Shelby County Juvenile Court, December 2018:

<https://www.scribd.com/document/395400277/Final-report-from-a-Department-of-Justice-monitor-on-Shelby-County-Juvenile-Court>

A report from Sandra Simkins, Due Process Monitor for Shelby County Juvenile Court, 2017: <https://www.justice.gov/crt/case-document/file/974636/download>

Yusuf, Omer. “Shelby County Juvenile Court Juvenile Court Changes Defense Procedure After DOJ Report.” *The Daily Memphian*. January 8, 2019.

<https://dailyMemphian.com/section/metrocriminal-justice/article/2301/Shelby-County-Juvenile-Court-changes-defense-procedure-after-DOJ-report>.

Macaraeg, Sarah. “Final DOJ report: 'Blatantly unfair' practices persist at Shelby County juvenile court.” *The Commercial Appeal*. December 10, 2018.

<https://www.commercialappeal.com/story/news/2018/12/10/shelby-county-juvenile-court-federal-oversight-doj-report/2266028002/>.

Crime and Justice Institute Reports: <https://www.cjInstitute.org/resources/publications/>.

Memphis Public Library, Informed Voter page:

<https://www.memphislibrary.org/informed-voter/meet-the-candidates-2020-11-03/>.

The Sentencing Project: <https://www.sentencingproject.org/issues/juvenile-justice/>

Investigation of the Shelby County Juvenile Court by the United States Department of Justice, Findings Report, April 2012:

[https://www.justice.gov/sites/default/files/crt/legacy/2012/04/26/shelbycountyjuv\\_findingsrpt\\_4-26-12.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2012/04/26/shelbycountyjuv_findingsrpt_4-26-12.pdf)

Memphis Interfaith Coalition for Action and Hope: <https://www.micahmemphis.org/>

## **Appendix VI: Acknowledgements**

Memphis Interfaith Coalition for Action and Hope (MICAHA) would like to extend a special thank you to all of our panelists for sharing their time and insights. We are especially grateful to Jasmine Jackson of CJI for allowing us to share her outstanding slides and to Carnita McKeithen of the Shelby County Public Defender's Office for providing us with the Juvenile Court Terminology.