CITY OF MERIDIAN
THIRD COMPLIANCE REPORT
I. Introduction

This is the third compliance report and Action Plan of the City of Meridian, prepared pursuant to the settlement agreement between the City of Meridian and the United States in the matter of United States v. City of Meridian, et al. (Civil Action No. 3:13-CV-978-HTW-LRA).

In June 2015, the City of Meridian ("the City") and the United States Department of Justice ("Justice Department") reached an agreement to resolve the United States' investigation and litigation regarding the City's handling of youth referred for law enforcement by public schools. The investigation and subsequent litigation included the Lauderdale County Youth Court ("Youth Court"), the State of Mississippi ("the State"), and the Mississippi Department of Human Services Division of Youth Services (DYS). While City and the State have reached settlements with the Justice Department, litigation regarding the Youth Court and its two judges was dismissed by the Court. The dismissal of the Youth Court and its two Judges was recently affirmed by the Fifth Circuit Court of Appeals.

In March 2016, the Court selected Rodney Monroe and the Police Foundation as the Independent Auditor(s) for the Meridian Police Department (MPD) in Civil Action No. 3:13-CV-978-HTW-LRA. The Auditor was tasked with working with the Meridian Police Department to ensure compliance with provisions outlined in the Settlement Agreement associated with the case. Chief (ret.) Monroe and the Police Foundation held conference calls, made materials requests, and reviewed MPD documentation to begin to better understand the current level of compliance with Settlement Agreement provisions. In July 2016, the Independent Auditor and members of the U.S. Department of Justice made the first compliance review site visit to Meridian, Mississippi and the Meridian Police Department. The Independent Auditor and the Justice Department conducted its second and third compliance review site visits in December 2016 and October 2017, respectively. In January 2018, the Independent Auditor issued his final compliance report, which found that the City of Meridian was in substantial compliance with all Settlement Agreement provisions. Pursuant to the Settlement Agreement and by agreement of the Independent Auditor and the parties, compliance monitoring was transferred from the Independent Auditor to the Justice Department.

1. This report contains the City’s evaluation of its compliance with the agreement reached between the City of Meridian and the United States (“the parties”) regarding referral of juveniles to the Meridian Police Department and School-Based arrests.

2. The agreement requires the City to develop reports regarding compliance with this Agreement and providing such reports to the United States and the Independent Auditor every six months. The City shall submit a bi-annual compliance report to the United States and the Independent Auditor. Each bi-annual compliance report submitted by the City shall describe the actions it has taken during the reporting. To the extent any provision of this Agreement is not being implemented, the compliance report shall also describe what actions, including any additional revisions to policies, procedures and practices, the City
II. Compliance Report

Policies and Procedures

1. Within 90 days of the effective date, Meridian Police Department shall have adopted practices, policies, procedures and training consistent with the principles below:

   a. Officers shall only conduct school-based arrests of juveniles under the following circumstances:

      (i) Officers have probable cause, to the extent required by law, to believe that a juvenile has committed a felony; or

      (ii) A criminal offense that involves a real and immediate threat to students, teachers, or public safety; or

      (iii) A misdemeanor or other indictable offense occurs in the officer’s presence, except for offenses identified in (iii)(a); or

      (iv) A judicial warrant or custody order specifically directs the arrest of a student in a school.

   b. Officers shall avoid executing a judicial warrant at a school. A felony warrant may be executed at a school when it is not practical to conduct the arrest at alternative locations.

   c. Officers shall not respond to requests for school-based arrests for behavior that is appropriately addressed as a school discipline issue, including incidents involving:

      (i) Public order offenses including disorderly conduct, disruption of schools or public assembly, trespass, loitering, profanity, dress code violations, and fighting that does not involve serious physical injury or a weapon.

      (ii) Officers must document in sufficient detail the basis for any school-based arrest, including any factors that justify arresting the youth at school and factors that support a determination of probable cause:

         1. Officers must provide Miranda warning as soon as a juvenile is placed in a situation where a youth, based on the youth’s mental and psychological maturity, would reasonably believe they are free to leave.
2. Officers must notify the juvenile’s guardian of the arrest as soon as practicable, generally no more than three hours after the arrest. If a parent is not notified within three hours, the arresting officers must document, in writing, the reason for the delay.

3. Officers shall only interview a detained youth in the presence of the juvenile's guardian or attorney.

**Progress:** Compliance in this area is substantially complete. The City has memorialized changes to MPD policies and procedures related to School-Based arrests.

The City has drafted and adopted a Revised School-Based arrest policy (GO-98-022). The revised policy was adopted by the City Counsel and implemented by the MPD. The MPD has conducted training on the revised policy between October 30, 2016 and January 25, 2017. Training on revised policy will continue. There have been no School-Based arrests since the implementation of the settlement agreement or the amended policies.

**Action Plan:** Compliance Substantially Complete. Continue training to maintain compliance.

**Training**

2. Meridian Police Department shall provide officers with pre-service and annual in-service training regarding interactions with juveniles while on Meridian Public School District premises, including de-escalation techniques, conflict resolution, child and adolescent development, and age appropriate responses and bias-free policing.

   a. This training shall be conducted by qualified instructors.
   b. MPD shall provide roll call trainings regarding these policies as needed.
   c. MPD shall document that all officers have received the required training.

**Progress:** The City has substantially complied with the training requirements set out in the settlement agreement. The City retained qualified and affordable trainers to conduct training in the areas delineated in the settlement agreement.

The MPD conducted De-escalation and Child/Adolescent Development Training with Dr. Lee Marlow of Weems Mental Health on June 13-14 of 2017. All MPD officers were present and underwent 4 hours of training in the above mentioned areas. In April and May of 2018, the MPD participated in juvenile justice online training.

The MPD conducted Bias-Free Policing training on October 24-25 of 2017 with Jennifer P. Davis and Associates, LLC. All MPD officers were present and underwent 4 hours of training in the above mentioned areas. In October and November of 2018, the MPD participated in online Bias-Free policing training and de-escalation training.

The MPD will continue juvenile training on an annual basis to maintain compliance with the
settlement agreement.

**Action Plan:** Continue training on an annual basis to maintain compliance.

**Citizens’ Complaints**

3. Within six months of the effective date, MPD shall ensure that an effective process is in place to consider complaints regarding MPD conduct in the schools, including school-based arrests. MPD shall ensure that community members, including students, parents and guardians, have access to complaint forms to express concerns about MPD. To achieve this outcome, MPD shall ensure that complaint forms are available from the MPD and at City Hall, public libraries, and police stations. MPD shall also make the complaint form available on its website and work with MPSD to make forms available in schools.

   a. MPD shall specifically track complaints arising from school-based arrests.
   b. MPD shall routinely assess the need for improvements to its training based on these complaints.
   c. Officers who violate MPD’s juvenile arrest policies shall be held accountable through the department’s disciplinary system.

**Progress:** The City has substantially complied with the requirements regarding citizens’ complaints set out in the settlement agreement. The City revised its civilian complaint form and created a system for tracking information received from Citizens regarding school-based arrests.

The City has created a new citizens’ complaint form which specifically pertains to school-based arrests. The Office of Internal Affairs has been briefed on the new complaint form and is able to track information received from the forms for future reporting. The MPD Internal affairs policy (GO-989-033) was revised to address the new complaint process with regard to School-Based arrests. The City has made the complaint forms available to the public by placing copies of the forms at City Hall, the Meridian Police Department and the Meridian Public Library. Additionally, citizens are able to access the complaint forms and file complaints on the City of Meridian and Meridian Police Department websites. Lastly, officers and other MPD personnel have received training on the revised policy and will continue to receive training to maintain compliance.

The City has yet to receive any complaint regarding School-Based arrests since the implementation of the new complaint forms. The City will continue to monitor complaints relevant to school-based arrests.

**Action Plan:** Compliance Substantially Complete. Continue to make complaint forms available to the public and monitor feedback for future reporting.

**Data Collection**

4. MPD shall collect statistical data on the number of juveniles referred to the MPD by the MPSD and the number of arrests that arise out of behavior allegedly occurring in the
Meridian public schools or at school events, including age, race, gender, and alleged misconduct.

   a. This data shall be made public on the City’s website on a semi-annual basis.

**Progress:** The City has substantially complied with the requirements regarding data collection set out in the settlement agreement.

The City has supplied quarterly reports and other information to the Justice Department related to School-Based arrests and referrals. MPD has not conducted any actions in violation of the settlement agreement or the newly adopted School-Based arrest policy.

**Action Plan:** Compliance Substantially Complete. MPD and City will continue to supply statistical information and other data as required under the settlement agreement.

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### Memorandum of Understanding

5. **Within 90 days of the effective date, the City shall seek a Memorandum of Understanding (MOU) between the MPSDPD and the MPD that delineates authority and specifies procedures for effectuating arrests of students while on school grounds.**

**Progress:** The City has substantially complied with the requirement of entering into a Memorandum of Understanding (MOU) with the Meridian Public School District Police Department.

A MOU was created and ultimately adopted by the Meridian City Council and the MPSD School Board.

The MPD has circulated copies of the MOU to all officers and in-service training has been conducted further educate officers on the parameters from the MOU. The MOU parameters have been incorporated in GO-989-033 and GO-98-022.

**Action Plan:** Compliance Substantially Complete. MPD and City will continue to educate and train its officers in accordance with the parameters of the MOU.

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### Community Input Meeting

6. **Within six months of the effective date, the City, in consultation with the Police Independent Auditor and the United States, shall develop and implement a community input program to keep the community informed about the progress of its reforms as outlined herein and to hear ongoing community questions and concerns regarding the implementation of this consent decree. The community input program shall include a process for receiving and responding to input from interested members of the community.**

   a. The community input program shall require at least one open community meeting
every six months for the duration of this Agreement. A representative for the City shall be required to attend the open meeting so long as this Agreement is in place. A representative for the US will also attend. The open meetings shall inform the public about the requirements of this Agreement, the City’s progress in each substantive area of the Agreement, and address community concerns related to the implementation of this agreement. The meetings shall be held in a location that is accessible to the public. At least one week before the open meetings, the City shall widely publicize the meetings using print media, radio, and the Internet.

b. The community meetings shall include summaries of the Action Plan and Compliance Reports required by this Agreement during the period prior to the meeting and any policy changes or other significant actions taken as a result of this Agreement. The City shall make any written summary of policy changes or other significant actions taken as a result of this Agreement publicly available on a public website they create or maintain.

Progress: The City has substantially complied with the requirement of Conducting Community Input Meeting with the Citizens of the Meridian in regard to the MPD’s role in the effectuation of School-Based arrests.

In November of 2016, the City developed a Community Input Plan. On December 8, 2016, the City conducted its first community input meeting at Mount Olive Baptist Church. Prior to the meeting, the City provided notice in the newspaper, on the radio and through flyers. Approximately 42 citizens appeared and participated in the meeting.

The City conducted its second Community Input Meeting on October 26, 2017. Approximately 19 people appeared and participated in the meeting. Concepts in the Settlement Agreement and the City’s progress toward compliance were discussed at the meeting. Citizens were allowed to fill out a survey and provide anonymous comment. All surveys were documented and provided to the Independent Auditor.

The City conducted its third Community Input Meeting on May 17, 2018. Approximately 5 people appeared and participated in the meeting. Concepts in the Settlement Agreement and the City’s progress toward compliance were discussed at the meeting. Citizens were allowed to fill out a survey and provide anonymous comment. All surveys were documented and provided to the Independent Auditor.

The City conducted its fourth Community Input Meeting on February 21, 2019. Due to the low attendance at the previous two meetings, the location was changed from Mount Olive Baptist Church to the City Hall Auditorium. The change in location appeared to have helped attendance as there were approximately 25 people in attendance, a significant increase over the previous two meetings. There were several attendees who had not attended a prior community input meeting. City Attorney Ronnie Walton and Chief of Police Benny Dubose presented the historical background for the Settlement Agreement and the City’s progress toward compliance. The Mayor and three members of the City Council were present. There was spirited discussion by those in attendance with many expressions of concern that there has been a detrimental decline in school discipline due to
restrictions placed upon teachers in their ability to adequately discipline their students. Much of this discussion was not applicable to the role that the City of Meridian Police Department plays in dealing with juveniles, but the moderator of the meeting nonetheless allowed those wishing to express their feelings to do so. Citizens were allowed to fill out a survey and provide anonymous comments, but no surveys or anonymous comments were turned in.

**Action Plan:** Compliance substantially Complete. The City will continue to monitor community input in the future.

**III. Conclusion**

The City continues to be substantially compliant with all of the requirements set forth in the Settlement Agreement.
Appendix A