

First Report of the Probation
Services Independent Auditor
U.S. v. City of Meridian, et al.
Civil Action No.
3:13-CV-978-HTW-LRA

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I. Introduction

This is the first report of the Probation Services Independent Auditor, prepared pursuant to the settlement agreement between the State of Mississippi and the United States in the matter of *United States v. City of Meridian, et al.*

In June 2015, the State of Mississippi (“the State”) and the United States Department of Justice (“Justice Department”) reached an agreement to resolve the United States’ investigation and litigation regarding the State’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 Meridian Police Department (MPD), and the Mississippi Department of Human Services Division of Youth Services (DYS). While the State of Mississippi and the City of Meridian have reached settlements with the Justice Department, litigation regarding the Youth Court and its two sitting judges continues.

This report addresses the agreement reached between the State of Mississippi and the United States (“the parties”) regarding youth probation services provided by DHS to children facing delinquency charges in the Lauderdale County Youth Court. On November 18, 2015, pursuant to the settlement agreement, the parties jointly selected me, Dana Shoenberg, J.D., LL.M., as the Probation Services Independent Auditor. The agreement requires that the Independent Auditor conduct an initial compliance review within 60 days of appointment. Compliance reviews thereafter are to occur every six months, with additional reviews as necessary if emergent issues arise. The report below outlines my findings from the initial compliance review, which took place from January 5 through 8, 2016.

II. Compliance Review Findings

This report includes a summary of compliance findings and a detailed accounting of compliance in each substantive area of the settlement agreement. The summary of compliance findings in Part A includes a chart listing each provision and the State’s level of compliance. The detailed compliance ratings in Part B include: the full text of each provision, the

compliance rating, a discussion of the Auditor's findings, recommendations for reaching compliance, and a description of the evidentiary basis for the Auditor's findings. The parties agreed upon the following terms to describe levels of compliance:

Non-compliance means that the State has made no notable progress in achieving compliance on any of the key components of the provision.

Beginning compliance means that the State has made notable progress in achieving compliance with a few, but less than half, of the key components of the provision.

Partial compliance means that the State has made notable progress in achieving compliance with the key components of the provision, but substantial work remains.

Substantial compliance means that the State has met or achieved all or nearly all the components of a particular provision.

A. Summary of Compliance Findings

This compliance review was the first opportunity for me to meet the Youth Services Counselors (YSCs) working in Lauderdale County and their regional supervisor who oversees probation services in 12 counties. Everyone at the agency was welcoming, pleasant and easy to work with, and I appreciated their responsiveness to my questions and requests for documents. The visit also provided an opportunity to observe practices of YSCs, learn about the records kept by the agency, and inquire about training opportunities available to staff. The Youth Services Counselors had not previously been provided a copy of the agreement and were not familiar with all of the provisions of the agreement, so this visit also provided an opportunity for staff to learn more about the settlement provisions and how settlement auditing would occur.

The agency has taken some significant steps to address issues identified in the Justice Department's investigation and litigation. These include: no longer requesting or recommending detention for youth school-related

behavior that was the subject of school discipline, adopting and training staff on use of the Structured Assessment of Violence Risk in Youth (SAVRY), and adopting policies on graduated responses to youth behavior while on probation. Now that the agency has entered into an agreement to engage in specific activities, the next steps largely involve fine-tuning policies, communicating with staff about expectations, developing further training, and fully implementing the measures the agency has agreed upon. It will be important for leaders in the agency to communicate with the line staff in Lauderdale County to set the tone for implementation of the agreement: to make clear that the agency endorses the changes; to explain how the settlement agreement will improve circumstances for youth, families and workers; to establish a shared understanding that implementation of the agreed-upon terms are a priority for the agency; and to explain how the agency will support and promote prompt implementation. This leadership will be key to laying the groundwork for effective and lasting reforms.

Three significant challenges affected the breadth of my initial review. These challenges are not indicators of the State's compliance or non-compliance with the settlement agreement. I am not describing them to indicate any failing or fault of either party. Rather, I outline them because they limited my ability to assess compliance with the agreement's provisions in the manner I would have otherwise chosen to approach this assessment.

First, because the County is still in litigation and the auditor's access to Youth Court personnel and documents could not be negotiated through a settlement agreement between the State of Mississippi and the United States, I was not permitted to ask questions of the judges or other County employees in the Youth Court. I was not permitted to observe court on the first day of my visit, as the judge and his counsel had not fully communicated about the scope of my visit. By later in the week once questions had been ironed out, there were no more delinquency matters on the calendar. As a result, I was not able to observe YSCs in their interactions with Youth Court actors, nor could I ask Youth Court employees about the work of the YSCs. I also did not have access to the files on individual youth maintained by the Youth Court.

Second, the State made efforts to accommodate my visit by scheduling several clients for meetings with their YSCs during my visit, which I very much

appreciated. Most of the meetings were scheduled during the same two-hour window between 3:00 and 5:00 on two days, with more than one worker having meetings at the same time. Because the meetings were running at parallel times, I was not able to observe as many meetings or talk with youth and families for as long as I had hoped. This should not be a problem during the summer, when there is a wider window of possible times to schedule meetings without interfering with school.

Third, I asked to make arrangements to interview the two attorneys appointed to represent youth in most delinquency matters in the Youth Court. Because they are County contractors, I was told by the parties that we would need permission from the County's attorney before making such arrangements. I did not receive permission to conduct those interviews, so I did not have the opportunity to learn from youths' counsel about their observations regarding the matters that are the subjects of this review. I am hopeful that by the next visit, this will also be resolved.

Despite these challenges, this first visit was a productive opportunity to develop an understanding of the State's initial extent of compliance with the agreement. During the visit I was able to meet with each YSC, the regional supervisor, the Director of Community Services, and the Youth Services Director. I reviewed 22 youth files maintained by the YSCs (but not the files maintained by the Youth Court). These files included youth on probation and on informal adjustment, and youth the YSCs were able to identify as probation violators. I observed eight meetings between YSCs and youth, six of which included family members, and spoke privately with twelve youth and 6 parents, including youth detained in the Rankin County Detention Center, and youth and families who had just finished in court or YSC meetings. The State provided me with its online policies and appendices and some caseload and scheduling information prior to the visit. During and following the visit, I was able to review the following additional documents:

- Training materials:
 - Case Management for Counselors (power point slides printed)
 - Training handout on reinforcements and sanctions
- Youth Court Docket for Tuesday January 5, 2016
- List of youth in detention from Lauderdale County on January 5, 2016

- Service Referral Matrix – Lauderdale County
- Probation Contract
- Informal Adjustment Agreement
- SAVRY Case Audit Form
- Evaluation Summary/Recommendations from SAVRY review
- SAVRY Rating Sheet with Needs – Practice Version
- Mississippi State Personnel Board – Performance Development Assessment (Non-management form – blank)
- State of Mississippi – Class Specification Bulletins:
 - Youth Service Counselor Trainee
 - Youth Service Counselor I, II and III
 - Youth Service Counselor, Regional Director
- Oakley Youth Admission Form Packet, including the risk scoring matrix for all charged offenses
- Overview of Institutional Programs and Services
- Parole Agreement, Parole Interview and Parent Interview for parole
- DYS Policy and Procedures Manual: one-page addition of notes on Grievances and Appeals, Discipline and Correction Action, and Performance Appraisals
- List of documents required for admission to Oakley
- List of documents required when paroled from Oakley
- Service Criteria: “The Report Card in the Client’s Head”
- Training Document: Time Flies — But Remember “You are the Navigator”
- Dress Code Policy draft, dated January 17, 2016
- Printout of Miss. Code Ann. 43-14-1, version current through 2011, re: MAP
- MAP Team case referral documents
- Document entitled “MAP Teams” - includes case referral and assessment information
- Mental Health and Alcohol Drug Abuse Commitment Procedures
- One-page Systems of Care MAP Team outline
- 101 Ways to Cope with Stress
- DHS policy AP-6 on Administering Flextime
- DHS policy AP-27 – Code of Ethics
- DHS policy AP-5 – Employee Leave
- DHS policy AP-10, Fair Labor Standards Act Requirements

- DHS policy AP-21 Dress Code
- A-Team referral process
- Training document: Demonstrate Effective Telephone Skills
- Ethics and Professionalism, training handout
- Handling Problem Calls training handout
- How to Get Control of Your Time and Your Life, quotations from book by Alan Lakein
- Core 1 Community Services Cover Page and materials from the orientation training:
 - File Folder Setup
 - Staff training Introduction
 - Key Players in the Juvenile Justice System
 - Legal Terms that May Be Used in Youth Courts
 - DYS Core 1 Orientation Syllabus
 - Syllabus for Core II – Effective Case Work (YASI Training)
 - Table of Contents for Core Training Module 1
 - The Seven Habits of Highly Effective People
 - The Seven Sins of Service
 - Unauthorized Activities
 - Use of Equipment
 - YASI Manual Cover
 - Youth Court Accounts
- MS Desktop Guide to Effective Case Management Practice
- SAVRY Professional Manual and Rating Form
- SAVRY training guide
- Attendance records from DYS Conferences, October 2014 and 2015
- Agenda, presenter bios and other logistics handouts from DYS Conference October 2015
- DYS Organizational Chart

Table I summarizes my compliance findings. Some of the provisions of the settlement agreement include deadlines in the future. I have not indicated a compliance rating for those provisions, noting that the requirements are not yet applicable. The parties remain in disagreement as to whether the community input provisions found in Section IV of the settlement agreement are subject to compliance review by the Independent Auditor. I have indicated that status in the charts below as well.

Table I. Compliance Ratings, by Provision		
Provision number	Description of Provision	Compliance Rating
III.A.1.a	Protections Against Self-incrimination - Notice to youth	Partial compliance
III.A.1.b	Protections Against Self-incrimination - Notice to youths' guardians	Partial compliance
III.A.1.c	Protections Against Self-incrimination – Inquiry about youths' understanding and use of youth-appropriate language	Partial compliance
III.A.1.d	Protections Against Self-incrimination – Fixed meeting schedule, notification of counsel, rescheduling meetings for counsel	Non-compliance
III.A.2.a	Probation Review and Revocation – Probation status review by Youth Services Counselors	The parties have agreed that this section will not be audited.
III.A.2.b	Probation Review and Revocation – Use of graduated responses and risk assessment tool for court recommendations	Partial compliance
III.A.2.c.i	Probation Conditions – Understandable language and prevent arbitrary and discriminatory enforcement	Beginning compliance
III.A.2.c.ii	Probation Contracts – Clear explanation of youth rights, including how to satisfy mandatory school attendance	Non-compliance
III.A.2.c.iii	Limits on recommending incarceration for probation violations	Partial compliance
III.A.3.a	Review of Policies and Procedures – Revise for compliance with settlement agreement	Beginning compliance
III.A.3.b	Reassess effectiveness of policies, procedures and practices annually and revise as necessary	Not yet applicable
III.B.1	Diversion and Treatment Options – Recommend youth for existing diversion where appropriate and monitor future funding opportunities	Substantial compliance (recommend diversion) and not yet applicable (future funding)

		opportunities)
III.C.1	Training – Develop training plans	Not yet applicable
III.C.2	Training – cover topics relevant to responsibilities in delinquency proceedings	Not yet applicable
III.C.3	Training – Begin implementing training plans within 12 months, then annually	Not yet applicable
III.C.4	Training – submit to Auditor and U.S.	Not yet applicable
IV.A	Community Input – Develop program to keep the community informed about progress of reforms	The parties have not agreed whether this provision is subject to Independent Auditor review.
IV.B	Community Input – At least one open meeting every six months, widely publicized	The parties have not agreed whether this provision is subject to Independent Auditor review.
IV.C	Community Input – Summaries of action plan and Compliance Reports available at meetings and on website	The parties have not agreed whether this provision is subject to Independent Auditor review.
V.B	Implementation and Monitoring – Notification to DHS/DYS officials, staff, agents and independent contractors	The parties have not agreed whether this provision is subject to Independent Auditor review.
VIII.A.1	Policies and Procedures – Generate policies and procedures to ensure compliance and submit for review	Beginning compliance
VIII.A.2	Policies and Procedures – Complete Policy and Procedure Review within 6 months	Beginning compliance
VIII.A.4	Policies and Procedures – Adopt and begin implementation within 3 months after finalizing; implement within one year	Not yet applicable
VIII.B.2	Reporting – Biannual compliance report	Not yet applicable

B. Detailed Compliance Ratings

This section provides details about compliance with each substantive provision in the agreement.

Table II. Detailed Compliance Ratings

III.A.1.a

Within 90 days of the Effective Date, DYS shall revise its policies, procedures, and practices to ensure that Youth Services Counselors provide youth at their initial meeting a notice using youth-appropriate language regarding the following:

- i. the youth services process, including the role of the Youth Services Counselor;
- ii. the potential consequences to youth for violating their probation contract, including the range of sanctions the youth may face;
- iii. an explanation of the probation [review and]¹ revocation process, including the youth’s right to challenge allegations of probation violations, and the youth’s right to counsel in revocation hearings.

Compliance Rating

Partial Compliance

Discussion

Conversations with clients and YSCs indicate that YSCs carefully review the probation contract with clients when the youth are initially placed on probation. They explain what is expected of youth both at the initial meeting and at other times during probation supervision. They discuss what will happen on probation and the YSC role. Staff discuss some of the potential sanctions imposed on youth who commit probation violations, but not the range of consequences contemplated by the DYS graduated response policy. They do not currently discuss the revocation process, youths’ right to challenge allegations, and youth’s right to counsel for revocation.

While YSCs are covering some of the topics contemplated in this provision when they talk with youth and families, they are not providing to youth a written document that provides notice of the topics

¹ The parties have agreed that the words “review and” are extraneous in the above provision, and that the Auditor should not include them in compliance reviews and assessments.

	<p>identified in this provision.</p> <p>Policies do not currently reflect this requirement, nor do orientation training materials or the Mississippi Desktop Guide To Effective Case Management, the YSCs’ practice manual.</p>
<p>Recommendations for Reaching Compliance</p>	<p>In order to achieve substantial compliance, DYS must ensure that YSCs provide youth with notice of the required topics in youth-appropriate language, and that this requirement is reflected in policies and procedures.</p> <p>The State may choose to provide notice solely in writing, just by verbal presentation, or both. If the communication will be handled verbally, DYS must adopt a standard outline for YSCs and train staff about appropriate ways to explain the information to youth and their families. If the communication is to occur in writing, the State must develop a handout of the topics required to be discussed with youth under this agreement, and ensure that it is written in youth-friendly language.</p> <p>If this is a requirement the State chooses to implement across the entire state, then it must incorporate this requirement into DYS policy and the Desktop Guide to Effective Case Management. If the state chooses not to incorporate this requirement into state practice, then it will need to issue a local policy and/or addendum to the case management manual to guide this practice in Lauderdale County.</p>
<p>Evidentiary Basis</p>	<p>Conversations with all YSCs in Lauderdale County; review of 22 youths’ files kept by YSCs; conversations with 12 youth and 6 parents; observations of 8 YSC meetings with youth (six of which included family members); review of DYS policy on Graduated Responses, MS Desktop Guide to Effective Case Management Practice, and staff orientation training materials.</p>
<p>III.A.1.b</p> <p>DYS shall also make diligent efforts to provide the notice described above to the youths’ guardians.</p>	
<p>Compliance Rating</p>	<p>Partial compliance</p>

<p>Discussion</p>	<p>Based on conversations with YSCs and observations of their meetings with probationers, it appears that YSCs mostly meet with youth and their parents at the same time. If youth are brought to the meeting by someone else, if a parent is unavailable, or if the youth asks to meet privately with the counselor, then the counselor may meet privately with just the youth. Otherwise, parents and youth are generally scheduled to meet with YSCs at the same time.</p> <p>As a result, the state’s compliance with the notice requirements is the same for the youths’ guardians as it is for the youth.</p>
<p>Recommendations for Reaching Compliance</p>	<p>As described above, in order to reach substantial compliance, the State will need to provide notice of the required topics, using appropriate language for youth and their families to understand.</p> <p>The State may choose to provide notice solely in writing, just by verbal presentation, or both. If the communication will be handled verbally, DYS must adopt a standard outline for YSCs and train staff about appropriate ways to explain the information to youth and their families. If the communication is to occur in writing, the State must develop a handout of the topics required to be discussed with youths’ guardians under this agreement.</p> <p>The State must decide which policy and procedure documents are appropriate for revision in order to incorporate this requirement, and must make these revisions.</p>
<p>Evidentiary Basis</p>	<p>Conversations with all YSCs in Lauderdale County; review of 22 youths’ files kept by YSCs; conversations with 12 youth and 6 parents; observations of 8 YSC meetings with youth (six of which included family members).</p>
<p>III.A.1.c</p> <p>The DYS shall inquire into the Child’s ability to understand the probation process and ensure that this process is explained in youth-appropriate language.</p>	
<p>Compliance Rating</p>	<p>Partial Compliance</p>
<p>Discussion</p>	<p>Some YSCs reported that when they explain the probation process and</p>

	<p>expectations, they will watch for signs that the client does not understand and will try to explain requirements in different ways if necessary. One YSC described merely reading the probation contract as the main method of explaining. All YSCs use the probation contract as a basis for the discussion. Because the probation contract is not written in youth-appropriate language, it is not an effective tool for ensuring understanding. Therefore, additional steps are needed to make sure that the process is always explained in youth-friendly terms.</p> <p>Youth and families I interviewed did report that they understood the requirements for probation and that their assigned YSCs had made those requirements clear to them. However, not all the topics required under the settlement agreement have been discussed with families, as described above, so work must be done to ensure that all topics are covered, and that staff are using tools that incorporate language easily understood by youth and their families.</p> <p>In addition, staff do not currently receive training about effective communication with youth and families with disabilities, unless they received it during their coursework in college or graduate school. One staff member expressed particular interest in more training in this subject. YSCs would benefit from developing skills to aid in identifying youth and families who may have difficulty processing the information presented, and in alternative strategies for communicating with youth and families who have learning disabilities, intellectual disabilities, and mental health conditions that make processing of information difficult.</p> <p>I provided to the regional supervisor and state Director of Community Services a link to resources from the State of Washington, where courts engaged in a project to revise court colloquies and other materials to incorporate youth-appropriate language. This resource and another cited below from the National Juvenile Defender Center may be helpful starting points in considering how to revise existing materials used to advise youth and families about rights and expectations in Lauderdale County or for use by DYS across Mississippi.</p>
<p>Recommendations for Reaching Compliance</p>	<p>In order to reach substantial compliance, the agency will need to revise the formal probation, informal adjustment, and parole agreements/contracts to incorporate language that youth and families can understand. Any additional handouts developed to explain probation or parole to families and youth also must incorporate youth-appropriate language. Guidance materials and training for staff must aid staff in use of youth-appropriate language and explaining required</p>

	<p>topics in ways that maximize understanding. Training for staff must include information about common disabilities among youth in the juvenile justice system and their families, and skill development for staff in communicating with people with such disabilities.</p> <p>This requirement must be reflected in policy, practice manual, and other appropriate agency documents.</p> <p>I recommend that the agency review the materials from the Washington Judicial Colloquies Project, including <i>Washington Judicial Colloquies Project: A Guide for Improving Communication and Understanding in Juvenile Court</i> as a resource. While that project focused on what judges would say in court and handouts for youth to take with them after hearings, the approach to the revisions and reasons for doing so are applicable in Lauderdale County as well. The publication may be found here: http://www.teamchild.org/docs/uploads/JIDAN Judicial Colloquies Final.pdf</p> <p>In addition, this publication from the National Juvenile Defender Center describes other court communication projects and resources: http://njdc.info/wp-content/uploads/2014/10/Language-HR-10.8.14.pdf</p>
<p>Evidentiary Basis</p>	<p>Conversations with all YSCs in Meridian; review of 22 youths' files kept by YSCs; review of standard contracts/agreements for probation, informal adjustment, and parole; conversations with 12 youth and 6 parents; observations of 8 YSC meetings with youth (six of which included family members); review of training materials and MS Desktop Guide to Effective Case Management Practice.</p>
<p>III.A.1.d</p> <p>Lauderdale County Youth Services Counselors will set a fixed meeting schedule at the youth's initial meeting for all subsequent probation meetings, notify the youth's counsel of the meeting schedule and make best efforts to reschedule a probation meeting should the youth request the presence of counsel who is unavailable at the time of the previously scheduled meeting. Lauderdale County Youth Services Counselors will document their efforts to reschedule a probation meeting should the youth request the presence of counsel who is unavailable at the time of the previously scheduled meeting.</p>	
<p>Compliance Rating</p>	<p>Non-compliance</p>

<p>Discussion</p>	<p>Not all YSCs are setting fixed meeting schedules with their clients, and there is no documented notice to counsel or documentation of efforts to reschedule for counsel. The agreement requires a “fixed meeting schedule,” which I interpret to mean a set day and time at regular intervals. The State’s comments on my draft report state that “MDYS Youth Service Counselors have been and continue to set fixed meeting schedules for youth during the probationary period.” However, I observed some YSCs at the end of a meeting ask the client when they would like to set the next meeting, and then setting a date and time accordingly. The approach of setting one meeting at a time is a reasonable one in order to respond to families’ changing needs; however, it does not appear to meet the stated requirements of the agreement as I currently interpret it. If the parties have a different understanding of the meaning of the term “fixed meeting schedule,” I invite them to share their interpretations of the term with me.</p> <p>Staff were not yet aware of the new scheduling requirement or the counsel notice and documentation requirements at the time of the compliance visit. The agency will need to work with counsel who represent youth in Youth Court in order to develop an effective notice and rescheduling policy and practice.</p> <p>In addition, it will be important to help staff understand the due process reasons for the changed scheduling approach. This requirement presents a change in practice to which workers and clients will need to adapt. Staff should be informed that after they agree on a pre-set schedule, they may continue to be flexible about rescheduling meetings where they agree with youth and families that a change would be helpful, so long as they notify counsel. It would be a shame if staff became inflexible about scheduling because they believed that they could only change pre-set schedules to allow for counsel to be present.</p>
<p>Recommendations for Reaching Compliance</p>	<p>In order to achieve substantial compliance, the State will need to adopt a policy and/or practice guidance about scheduling, notice to counsel, and documentation in Lauderdale County. Developers of the policy or other practice guidance must reach out to counsel who regularly represent youth in Youth Court to ensure that the approach adopted is effective and workable. Staff then must be trained on the new approach and provided with any forms, logs, and other resources needed for compliance with the requirements of this provision.</p>

<p>Evidentiary Basis</p>	<p>Conversations with all YSCs in Meridian; review of 22 youths' files kept by YSCs; observations of 8 YSC meetings with youth (six of which included family members).</p>
<p>III.A.2.b.</p> <p>The DYS shall develop, at a minimum, a table of graduated responses and a risk assessment tool, which the Youth Services Counselors shall use when making recommendations to the Youth Court Judges regarding the appropriate response to youth conduct.</p>	
<p>Compliance Rating</p>	<p>Partial Compliance</p>
<p>Discussion</p>	<p>The DYS worked hard to choose a risk assessment tool, train workers in its use, and adopt policies regarding Graduated Responses and Risk Assessment during 2014 and 2015. The implementation of those policies and practices is still in process. YSCs have all participated in training, supplemental booster trainings, and practice sessions on use of the Structured Assessment of Violence Risk in Youth (SAVRY), the objective, validated tool adopted by the agency. One of the workers in Lauderdale County is a regional trainer in use of the SAVRY, and the regional supervisor is doing file reviews to assess staff completion of the tool.</p> <p>However, use of the tool is not yet consistent for all cases before the Youth Court, as workers are incorporating the assessment into their practice gradually. The settlement agreement requires: "The DYS shall develop ... a risk assessment tool, which the Youth Services Counselors shall use when making recommendations to the Youth Court Judges regarding the appropriate response to youth conduct." Therefore, for compliance with the agreement, the SAVRY or another risk assessment tool must be used for any matter in which YSCs are providing a recommendation to a Youth Court judge.</p> <p>The supervisor explained that staff are currently being asked to complete two SAVRY assessments per month, so some youth on formal probation do not yet have a completed SAVRY. Review of youth files confirmed that the practice is not yet fully implemented.</p>

	<p>The State has commented that use of the SAVRY is not indicated in all cases. If the State believes that there are some cases that come before Youth Court judges for recommendations by YSCs in which the SAVRY should not be used, this may require modification of the agreement. The State will need to identify those circumstances where it believes that it would be inappropriate to comply with this requirement so that the parties and auditor can determine an appropriate resolution.</p> <p>For Graduated Responses, the agency developed a policy that included sample incentives and sanctions grids. One regional training with concrete suggestions and approaches was provided to staff in 2015. Following the training, the agency expected that the localities would develop their own incentives and sanctions grids and seek out their own incentives resources. However, development of local graduated response systems requires that someone be assigned to be responsible for the development, and that there be support for the work. The YSCs in Lauderdale County do not have jurisdiction-specific incentives or sanctions grids. While they are open to using incentives creatively, and sometimes do so with resources already available to them, the system as envisioned in DYS policy is not fully developed or implemented.</p> <p>I have provided initial written feedback to the agency regarding the graduated responses policy. The policy endorses adopting a range of incentives and sanctions that can be implemented by YSCs, but in other parts of the policy suggests that graduated responses only include measures that must be ordered by the court. It has the makings of an effective strategy to implement graduated responses, but some internal inconsistencies must be straightened out, and other matters need clarification in the policy. The Director of Community Services recently requested that I provide examples of graduated incentives and sanctions grids from other jurisdictions, and I have provided several examples, as well as some additional resource materials. I would be happy to provide sample training materials and other resources if the agency requests them.</p> <p>Finally, the Mississippi Desktop Guide to Effective Case Management Practice (“Desktop Guide”), the YSCs’ practice manual, does not reflect the recent adoption of the SAVRY and Graduated Responses policies or practices. The Desktop Guide, orientation training, and any other materials guiding staff practice should be updated to incorporate these relatively new policies and expectations.</p>

<p>Recommendations for Reaching Compliance</p>	<p>To achieve substantial compliance, the State must align the SAVRY policy with the requirements of the agreement. Staff then need to use the SAVRY in all situations anticipated by the agency’s policy, and the findings from the SAVRY must inform the recommendations YSCs are making to judges. If the State contends that there are circumstances where YSCs make recommendations to Youth Court judges for which it is not appropriate to have completed the SAVRY, the State must identify those circumstances so that the parties and the auditor can discuss an appropriate resolution.</p> <p>The agency will also need to revise the graduated responses policy to provide clearer and more consistent guidance to staff. DYS must provide support for YSC staff in Lauderdale County to develop incentives and sanctions grids, and to establish a range of incentives for youth to comply with probation requirements.</p> <p>While not a requirement for compliance, this work to establish a system of graduated responses is most effectively done in coordination with other court stakeholders where possible.</p> <p>Other documents such as the Desktop Guide and orientation materials must be updated to incorporate the practice, approach and philosophy embodied in the new policies and use of the SAVRY. The agency should also consider whether it would be appropriate to include mention of these and other key functions in job descriptions and periodic evaluations. If the information is too specific to be incorporated into these documents, then the agency must explore other ways to encourage and support full implementation of these new initiatives, and explain in future compliance reports how it determined which documents were appropriate to modify and how it is ensuring full implementation of these policy and practice changes.</p>
<p>Evidentiary Basis</p>	<p>Review of files; Graduated Responses, Probation, and SAVRY policies and appendices; Mississippi Desktop Guide to Effective Case Management Practice; interviews with DYS staff and management; review of training materials; SAVRY Case Audit Form.</p>
<p>III.A.2.c.i.</p> <p>Within 90 days of the Effective Date, the DYS shall, to the extent necessary, adopt or revise policies, procedures, and practices to ensure that conditions of youths’ probation are written in simple terms that are easily understandable to youths and prevent arbitrary and</p>	

discriminatory enforcement.	
Compliance Rating	Beginning compliance
Discussion	<p>The agency has revised the informal adjustment, probation and parole contracts in recent years to make them more understandable. However, there is more to be done.</p> <p>For example, the probation contract begins with the following phrase:</p> <p>“WE, THE UNDERSIGNED CHILD AND PARENT(S), GUARDIAN(S), OR CUSTODIAN(S), do hereby acknowledge that said child has been placed on probation by the Lauderdale County Youth Court and as a condition of such probation said child must abide by certain restrictions and rules as more fully set forth herein, as well as the provisions of the Court’s orders, and that said child, therefore must:”</p> <p>Numerous words in the above phrase are difficult for any non-lawyer adult to understand, and that much more difficult for many youth in the juvenile justice system. Other parts of the contract include words such as “hereinabove,” “contempt proceedings,” “designated,” and other words beyond the average reading level of an at-risk teenager. As explained above, the agency should review and revise its informal adjustment, probation and parole contracts and agreements. In addition, I recommend that the agency review its policies to determine where it can make adjustments that could promote use of youth-appropriate language across the agency’s communications with youth and families.</p> <p>In addition, the contracts include terms that could lead to arbitrary enforcement, and some terms make it difficult for families to understand how to comply. For example, paragraph 4 requires youth to “Stay away from all undesirable places including:_____” “All undesirable places” is insufficiently descriptive to provide meaningful guidance to youth, families, or even YSCs. In my review of files I saw the blank in the provision above filled in with phrases such as, “any place that can contribute to the delinquency of a minor.” Such a requirement is overly broad and hard for a youth to know how to comply.</p> <p>Similarly, it is common in probation contracts to require youth to stay away from the locations where they committed crimes. However, another example from the file review illustrates a provision that is</p>

	<p>difficult for youth to know how to follow. A youth was required to stay away from “Any properties of” the victim. Without addresses, the youth would not have enough information to know whether he was staying away from the victim’s properties or not. Such a provision does not provide sufficient notice to the youth and family, and can lead to arbitrary enforcement.</p> <p>Helping staff understand more about youths’ due process rights and the importance of fair notice may help them craft more appropriate requirements in the future.</p>
<p>Recommendations for Reaching Compliance</p>	<p>In order to achieve substantial compliance, the agency will need to revise the formal probation, informal adjustment, and parole contracts to incorporate language that youth and families can understand. In addition, staff must be trained so that they fill in the blanks with appropriate provisions that are not overly broad or difficult to understand the scope of the requirement. The agency must consider whether adjustments to policy, the Desktop Guide, orientation, or other resources are necessary to give staff sufficient guidance, and should explain in a future compliance report how it decided where to incorporate guidance about this provision.</p>
<p>Evidentiary Basis</p>	<p>Review of probation contract, informal adjustment agreement, and parole agreement; review of youth files; training materials; Desktop Guide.</p>
<p>III.A.2.c.ii.</p> <p>Probation contracts shall:</p> <ol style="list-style-type: none"> 1. Include a clear explanation of the youth’s rights in the contract; and 2. Specify how Children can satisfy the mandatory school attendance requirement while on probation. 	
<p>Compliance Rating</p>	<p>Non-Compliance</p>
<p>Discussion</p>	<p>The Probation Contract, Informal Adjustment Agreement, and Parole Agreement do not include these concepts. The Probation and Informal</p>

	Adjustment documents include language that states: "My failure to attend school or work is not excusable solely on the grounds that I was suspended or expelled there from." DYS will need to develop a plan for youth to satisfy the mandatory school attendance policy while on probation and to explain it to youth.
Recommendations for Reaching Compliance	In order to achieve substantial compliance with this provision, the State will need to incorporate more discussion of rights that are appropriate to cover in a probation or parole contract. Recently the State requested technical assistance in identifying those rights and revising the contract, so I will work with the State further to provide recommendations for these documents. The State also will need to decide how youth are expected to satisfy the mandatory school attendance policy while on probation if they are disciplined, and what is the appropriate response of a YSC in such circumstances. The State has indicated that it will develop a list of currently available alternatives. Once it identifies these alternatives, it will need to make sure that staff are aware of them and using them as appropriate. Then it will need to determine how to explain these concepts to youth, and incorporate both pieces of information into the probation, informal adjustment and parole contracts/agreements.
Evidentiary Basis	Probation contract, informal adjustment agreement, and parole agreement.
<p>III.A.2.c.iii.</p> <p>Youth Services Counselors shall not recommend incarcerating a youth for violations of their probation contract that would not otherwise amount to a detainable offense, unless and until all other reasonable alternatives to incarceration have been exhausted.</p>	
Compliance Rating	Partial compliance.
Discussion	In most of the files I reviewed, probation officers recommended returning youth to probation with services rather than recommending incarceration when youth violated probation. They show a lot of flexibility and willingness to keep working with youth. In addition, YSCs reported, and it was reflected in the files, that they are no longer seeking separate sanctions for youth when they are disciplined in

school. This is a significant change in practice.

However, I noted one significant exception in one youth's file from July 2015. This youth was charged with theft of an item under \$200 in value. He was expelled from school at the time. The YSC requested detention and as part of the rationale for putting the youth in detention, the YSC explained that the youth would have nothing to do while expelled. There was no indication that all other reasonable alternatives to incarceration had been exhausted. A low-level theft would not normally be a detainable offense, and not having enough to do while expelled is not an appropriate reason to detain a youth.

The means for tracking compliance with this provision were not readily available during this first visit. The agency has not maintained a separate list of youth returned to court for probation violations. As a result, I had to rely on staff members' memories of individual youth who might have had probation violations in the recent past. While I was able to see eight files of youth returned to court for probation violations, it was not a random sample since they were hand-picked by staff.

I have recommended that the agency maintain a separate list of youth returned to court for probation violations, so that I can review a representative sample chosen at random during the next compliance visit. In addition, it would be helpful for the agency to maintain a list of youth who are alleged to have violated probation through failure to attend school or other educational programming, or suspension or expulsion. The settlement agreement lists metrics to be reviewed by the Independent Auditor, and they include review of YSCs' recommendations about these groups in particular.

To address the need to keep youth busy while they are suspended or expelled from school, the State may wish to collaborate with other local stakeholders to seek options for youth on probation to be engaged during the day if they are suspended or expelled and are not engaged in alternative educational programs. There may be other programs that could be developed or augmented as reasonable options.

It appears that County staff, parents, police or others often provide the affidavits that are the basis for initial detention due to a probation violation. As a result, in most cases YSCs are not recommending detention at the time the youth is charged with the probation violation. Intake staff who are Lauderdale County employees handle the processing of the charges, so YSCs do not generally have formal

involvement at the charging stage. For the hearings on probation violation charges, YSCs seem to make significant efforts to recommend responses to violations that allow youth to remain in the community. They appear willing to give youth additional chances, and I also saw evidence in the files of staff advocating to avoid in-patient placement for youth with mental health disorders where they felt that out-patient services had not yet been exhausted.

In many circumstances, YSCs are helping families resolve low-level violations without the need to file new charges, but other situations are not resolved informally. Sometimes when families are particularly frustrated with their children's behavior, YSCs may suggest that the parent or guardian file the affidavit for probation violation. While this does not represent a direct recommendation of incarceration by the YSC, these interactions can contribute to incarceration of some youth.

Files reflected significant willingness of County intake workers to process intrafamilial problems as formal charges when asked to do so. For instance, files included charges of theft against a youth for stealing \$20 and a snack cake from his or her sister. In another case, the youth was charged for cursing and threatening to hit his mother and father, but never actually doing so. While YSCs do not have control over these decisions, this reflects the ease with which misbehavior at home is making its way into the courtroom.

In order to promote the goals of this provision, the State could work with YSCs to increase the range of non-incarceration responses they can offer families in these circumstances. Completion of a robust graduated response system will help, but staff would benefit from additional support to develop options for responding to families experiencing disciplinary and other challenges. Also, to the extent that other court actors are supporting use of detention of youth charged with probation violations while they await their hearings, DYS may be able to collaborate with system stakeholders to explore establishing alternative programming and services.

Lauderdale County is not among the jurisdictions in Mississippi that currently participate in the Juvenile Detention Alternatives Initiative (JDAI). State officials involved in JDAI may wish to consider Lauderdale County when deciding where to expand JDAI work next. In the meantime, JDAI resources on alternatives to detention might be helpful. They may be found at <http://www.jdaihelpdesk.org/SitePages/alternativestodetention.aspx>.

<p>Recommendations for Reaching Compliance</p>	<p>To achieve substantial compliance, DYS will need to maintain a list of youth returned to court for probation violations so that a representative sample of files can be accessed. In addition, it will need to maintain a list of youth charged with probation violations for school-related behavior, suspensions and expulsions. The agency also must train YSCs to avoid use of detention for youth who have been suspended or expelled.</p> <p>Although it is not required for substantial compliance, I recommend that DYS work with other community entities to create alternatives to detention that can offer programming for youth who have been suspended or expelled, so that courts do not need to rely on detention to occupy such youth when they do not represent a danger to themselves or the public.</p> <p>The State must adjust documents such as the Desktop Guide and other training resources to more clearly articulate the philosophy and expectation that staff recommend incarceration for probation violations only where the behavior is otherwise detainable and all reasonable alternatives to incarceration have been exhausted.</p> <p>DYS must help YSCs enhance skills and identify programmatic resources for families experiencing disciplinary challenges with their court-involved youth.</p>
<p>Evidentiary Basis</p>	<p>Review of files; discussions with YSCs.</p>
<p>III.A.3.a.</p> <p>Within 90 days of the Effective Date, the DHS/DYS shall revise its policies, procedures, practices, and existing agreements to ensure compliance with this Settlement Agreement.</p>	
<p>Compliance Rating</p>	<p>Beginning compliance.</p>
<p>Discussion</p>	<p>DYS has developed new policies on Graduated Responses and the SAVRY. I have provided some initial feedback on those policies. The policies should be revised to address issues identified in this report. In addition, other policies such as Policy #40 on Probation will need to be aligned with the requirements of the settlement agreement. I provided</p>

	<p>some policy revision suggestions to DYS while on site.</p> <p>The agency should review each recommendation in this report and determine which written documents are most appropriate to reflect and accomplish implementation of the requirements of this agreement. In some cases the agency may only plan to implement changes to practice in Lauderdale County, while in others it may determine that statewide implementation is appropriate. Adjustment of the documents must follow these decisions.</p>
<p>Recommendations for Reaching Compliance</p>	<p>To achieve substantial compliance, the agency will need to review its written materials, including the policy manual, Desktop Guide, orientation training materials, and other documents that guide staff practice. The agency must ensure that each provision in the settlement agreement is incorporated appropriately in key documents.</p> <p>In a future compliance report, the State will need to identify where in policy and procedure each provision of the agreement has been incorporated. Either in writing or conversation, I would like to have someone explain how officials determined which policies and other documents were the appropriate places to incorporate the revisions.</p>
<p>Evidentiary Basis</p>	<p>Review of agency policies, Desktop Guide, orientation materials, and other guidance documents.</p>
<p>III.A.3.b.</p> <p>The DHS/DYS shall reassess the effectiveness of its policies, procedures, practices, and existing agreements annually and make necessary revisions to increase the effectiveness of its efforts to prevent violations of youth’s constitutional rights with regard to the subject matter of this Agreement.</p>	
<p>Compliance Rating</p>	<p>Not applicable until one year from initial revision of policies.</p>
<p>III.B.1.</p> <p>Lauderdale County Youth Services Counselors shall continue to recommend youth to existing diversion programs, where appropriate, and to monitor future opportunities and sources of funding for additional diversion programs should such programs become available.</p>	

Compliance Rating	Substantial Compliance and Not Yet Applicable
Discussion	The parties advised me that they intended this provision to refer to diversion from detention and out of home placement for probation violators. As explained above, YSCs are generally recommending alternatives to detention and placement where appropriate. It is too soon to know whether they are continuing to monitor future funding opportunities, but I will review this matter for compliance in future visits.
Recommendations for Reaching Compliance	In order to achieve substantial compliance, the State must continue to recommend options that do not involve detention or out of home placement for probation violators where appropriate, and must provide documentation of its search for additional funding for alternatives.
Evidentiary Basis	Review of files; conversations with DYS personnel.
<p>III.C.1.</p> <p>Within six months of the Effective Date, the DYS shall develop training plans for all Youth Court Counselors involved in providing delinquency and probation services in the Youth Court and shall submit the training plan to the Probation Services Independent Auditor and the United States for review and input. ☐</p>	
Compliance Rating	Not applicable until six months from the effective date of the agreement.
<p>III.C.2.</p> <p>The training plans shall ensure that appropriate staff are trained on topics relevant to their role and responsibilities in juvenile delinquency proceedings including:</p> <ul style="list-style-type: none"> a. Constitutional due process requirements; b. Disposition planning; c. Best practices in social service and therapeutic options for Children and families, including evidence-based practices; d. The appropriate professional role of different players within juvenile proceedings; <p>and</p>	

<p>e. Any of the policies, procedures or practices that are created or revised pursuant to this Agreement.</p>	
<p>Compliance Rating</p>	<p>Not applicable until six months from the effective date of the agreement.</p>
<p>Discussion</p>	<p>While the time has not come for the agency to comply with this provision, it may be useful for this report to comment and recommend some areas for additional training. In addition to the training recommendations already mentioned elsewhere in this report, I note the following.</p> <p>There has not been training in constitutional due process requirements. This will be new.</p> <p>I recommend that the agency devote attention to improving case supervision/disposition planning. The new SAVRY policy already contemplates careful case planning, and the Desktop Guide contains a case supervision plan template as well. However, YSCs are using both the SAVRY Case Supervision Plan and the older Desktop Guide version inconsistently and not in conformance with best practice. I saw few completed case plans in files. Where case plan forms were there, they sometimes merely restated the youth’s charges where they were supposed to identify problem areas, rather than listing individual criminogenic needs on which to focus. Instead of stating objective goals, they were sometimes left blank or included vague concepts such as “anger management” or “avoid temptation.” The section entitled “Counselor plans” included equally vague concepts such as “enforce goals” or “encourage to focus.” Best practices in this area are for probation officers to work with youth and families to establishing short, measurable, attainable goals that youth can meet, incorporating incentives to encourage achievement, and targeting identified criminogenic needs as priorities.</p> <p>I have provided to the agency a resource from the Commonwealth of Pennsylvania that may be of assistance in reimagining what training toward effective case planning could entail. It may be found here: http://www.pachiefprobationofficers.org/docs/Case_Planning_Handbook.pdf</p> <p>In addition, the results of the SAVRY are not consistently informing workers’ case supervision plans, despite policy requirements that SAVRY</p>

results be used to develop the case plan. In some cases, staff were still using an old version of case supervision plans in cases where a new SAVRY case plan is expected under the policy. While the materials for one training I reviewed said that case supervision plans must be updated every 90 days and that they should correspond with the SAVRY, I did not see evidence of that practice consistently in the files I reviewed.

In order to ensure that youth and families have a clear understanding of what is expected of them under a case supervision plan, staff should review the case supervision plan with them and provide a copy as well. The new case supervision plan version developed for the SAVRY is helpful to ensure that staff review important data that should contribute to decision making, but it is too cumbersome to review with families. The agency may wish to develop a service plan form or other short document to review with youth and families what the goals and objectives are for the probation. Staff should be trained to complete the supervision plan or summary document with positive goals and measurable objectives, to incorporate youth and families' ideas about useful supervision goals along with SAVRY results, and to share the completed document with youth and families. This will allow for a common understanding about the goals of supervision.

The SAVRY Case Audit conducted by supervisors could also be expanded to examine development of case plans and check for completion of a case plan as part of the review.

While some staff may have received training at DYS conferences regarding best practices in social services and therapeutic options, the attendance is not kept in a way that allows me to determine which staff attended which breakout sessions. In addition, the agency provided the agendas to me but not the substantive materials covered. If the agency would like to have me consider DYS conference sessions as training for staff in the future, it will need to provide more information about the content presented and which staff were in attendance at each session.

Another aspect that was evident during my observations of meetings between YSCs and families was the limited range of activity that the YSCs conduct with the youth. The focus of the brief meetings was mostly reporting how things had been in the past month and discussing any problems that had arisen. The inclusion of family members in most sessions limits the activities that YSCs can engage in with youth and also limits the relationships they can build. Today there are resources to help probation officers engage in evidence-based practices with their

	clients in ways that help youth develop skills focused on addressing criminogenic needs. A number of these are described in the Case Planning Handbook from Pennsylvania described above. The agency has an opportunity to train staff in using probation meetings in more effective ways.
Recommendations for Reaching Compliance	In order to achieve substantial compliance, the agency must review current opportunities for training and revise plans to include the subjects required under the settlement agreement. The agency must submit the plans for review in accordance with the timeline established in the agreement.
Evidentiary Basis	Observations of YSC meetings with clients; file reviews; review of training materials.
III.C.3.	
The DYS shall begin implementing its first training plans within twelve months of the Effective Date and shall create subsequent training plans on an annual basis thereafter.	
Compliance Rating	Not applicable until one year from the effective date of the agreement.
III.C.4.	
Training plans developed pursuant to this subsection shall be submitted to the Probation Services Independent Auditor and the United States subject to the review process set forth below in subsection VIII.A.	
Compliance Rating	Not applicable until six months from the effective date of the agreement.
IV.A.	
Within six months of the Effective Date, the DHS/DYS, in consultation with the Probation Services 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 and to hear ongoing community questions and concerns. The community input program shall include a process for receiving and responding to input from interested members of the	

community.	
Compliance Rating	The parties have not agreed whether this provision is subject to Independent Auditor review.
IV.B.	
<p>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 DHS/DYS shall be required to attend the open meeting so long as this Agreement is in effect. Counsel for the State, or any other person chosen by the DHS/DYS, may serve as its representative. A representative for the United States will also attend. The open meetings shall inform the public about the requirements of this Agreement and the DHS/DYS' progress in each substantive area of the Agreement, and address community concerns regarding 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 DHS/DYS shall widely publicize the meetings using print media, radio, and the internet.</p>	
Compliance Rating	The parties have not agreed whether this provision is subject to Independent Auditor review.
IV.C.	
<p>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 DHS/DYS 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 it creates or maintains.</p>	
Compliance Rating	The parties have not agreed whether this provision is subject to Independent Auditor review.
V.B.	
<p>Notification. Within two weeks of the Effective Date, the DHS/DYS shall communicate the provisions set forth in this Agreement to DHS/DYS officials, staff, agents, and independent contractors who are involved in the implementation of this Agreement.</p>	
Compliance Rating	The parties have not agreed whether this provision is subject to Independent Auditor review.

<p>VIII.A.1.</p> <p>The DHS/DYS shall generate such policies and procedures to ensure compliance with the substantive terms of this Agreement. The policies and procedures developed pursuant to this Agreement shall be subject to the review process described below in paragraphs VIII.A.2 and VIII.A.3.</p>	
Compliance Rating	Beginning Compliance
Discussion	I believe that this provision creates the same requirement as that found in provision III.A.3.a., except that III.A.3.a. contains a time requirement not found in VIII.A.1., and VIII.A.1. refers to the review process described below. In addition, the review process set forth in part VIII.A. is incorporated by reference in Part III.C., which addresses training. With regard to policies and procedures, my findings on compliance may be found in the section of this report addressing III.A.3.a. With regard to training, the deadline for submission of training plans falls later this month.
Recommendations for Reaching Compliance	Recommendations for reaching compliance may be found in the section of this report addressing III.A.3.a.
<p>VIII.A.2.</p> <p>Schedule for Policy and Procedure Review. Unless otherwise stated in Section III of this Agreement, the DHS/DYS shall complete its policy review and revision within six months of the Effective Date. To accomplish this goal, the DHS/DYS shall adhere to the Agreement regarding each substantive provision. After the DHS/DYS completes its initial revision, it shall immediately submit the revised policies to the Probation Services Independent Auditor for review and input and to the United States for its review and input. Both the Independent Auditor and the United States shall submit to the DHS/DYS any suggested revisions to the proposed policies within thirty (30) days. Within thirty (30) days after receiving the Independent Auditor’s and the United States’ suggested revisions, the DHS/DYS shall revise the policies to incorporate the revisions, where deemed appropriate by DHS/DYS.</p>	
Compliance Rating	Beginning Compliance

<p>Discussion</p>	<p>As explained above, the State completed some policy revisions prior to entering the settlement agreement, but did not complete additional policy review activity once the agreement was in place. Officials seem to have been awaiting guidance from the independent auditor prior to moving forward with further revisions.</p> <p>Now that the State has received some initial guidance about what it will need to do to comply with the agreement, as well as some initial suggestions from me about changes to its existing policies, it now needs to conduct a comprehensive review of its policies and procedures in order to determine what changes need to be made in order to facilitate compliance with the agreement. The 90-day deadline set in Part III has passed. The 6-month deadline for items not covered in Part III falls later this month.</p> <p>For training, the deadline for submission of initial training plans falls later this month.</p>
<p>Recommendations for Reaching Compliance</p>	<p>The State must conduct its review of policies and procedures to determine which require revision in order to comply with the agreement, and must submit revisions promptly for review. Further, the state must prepare the training plans outlined in III.C. and submit them for review in accordance with the timeline established in the agreement.</p>
<p>VIII.A.4.</p> <p>Policy Implementation. No later than three months after each policy or procedure is finalized consistent with Paragraph III.A.2, the State shall formally adopt and begin implementing the policies and modify all orders, job descriptions, training materials, and performance evaluation instruments in a manner consistent with the revised policies and procedures. Following adoption and implementation, the DHS/DYS shall annually review each policy and procedure and revise as necessary. Any revisions to the policies and procedures shall be submitted to the Independent Auditor for review and input and to the United States for its review and input. Unless otherwise stated, all policies and procedures shall be implemented within one year of the Effective Date.</p>	
<p>Compliance Rating</p>	<p>Not applicable until three months after each policy or procedure is finalized.</p>

VIII.B.2.

Compliance Report. The DHS/DYS shall submit a bi-annual compliance report to the United States and the Probation Services Independent Auditor, the first of which shall be filed within six months of the Effective Date. Thereafter, the bi-annual reports shall be filed 30 days prior to the Independent Auditor's bi-annual compliance tour until the Agreement is terminated. Each bi-annual compliance report submitted by the DHS/DYS shall describe the actions it has taken during the reporting period to implement this Agreement and shall make specific reference to the Agreement provisions being implemented. 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 State will take to ensure implementation, and the date(s) by which those actions will be taken.

Compliance Rating	Not applicable until six months from the effective date of the agreement.
Discussion	I asked the parties to clarify the relationship between provisions that seemed to suggest different deadlines for the State to produce action plans and compliance reports. DOJ and DHS/DYS have agreed to treat the four-month deadline for the first comprehensive action plan in VIII.B.1 as moot, and, in lieu, DHS/DYS agreed to satisfy the deadline in VIII.B.2. by submitting the first compliance report six months after the agreement's effective date. The parties also agreed that the reference in V.G.1. to the first compliance report being four months after the effective date would be moot.
Recommendations for Reaching Compliance	In order to achieve substantial compliance with this provision, the State will need to submit a compliance report prior to the deadline later this month, and then file the next one in June 2016, 30 days prior to my visit in late July 2016.