

Third 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 third 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 DYS 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 compliance reviews every six months, with additional reviews as necessary if emergent issues arise. The report below outlines my findings from the compliance review conducted January 3 through 5, 2017. This is the third compliance review since the parties reached a settlement in this matter.

II. Compliance Review Findings

This report includes a summary of compliance findings and a detailed description of the State’s compliance status 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 visit provided an opportunity to assess the progress the State has made over the past six months. In addition, I participated in a working session with a newly constituted work group focused on revising and implementing the State's system of graduated responses for youth on probation. I also had the opportunity to observe the biannual community input meeting required by the settlement agreement. I met with the Youth Services Counselors (YSCs) and regional supervisor assigned to Lauderdale County Youth Court, observed YSC meetings with youth and their family members, interviewed youth and families independently, met with both of the counsel appointed to represent youth in Lauderdale County Youth Court, and met with both the Director of the Division of Youth Services (DYS) and the Community Services Director who is also the Settlement Agreement Coordinator.

The agency has made progress toward compliance during the past six months, although numerous personnel changes slowed the State's efforts. The State completed its corrective action plan, which helps chart future work by noting key tasks that must be completed and identifying the agency staff responsible for developing products and guiding implementation. In addition, the

agency implemented the newly revised contract for youth on probation, which had been the focus of work with a committee of supervisors during my last visit. This fall, the agency arranged for staff training about: due process rights of young people, resources for suspended and expelled youth, and working with people with intellectual and developmental disabilities. In addition, DYS held a community input meeting required by the settlement agreement while I was on site. The agency publicized the event through radio, television and internet, and extended personal invitations to current clients. Officials have been working hard to complete policy refinements as well. The next important steps for the State's compliance activities include: completing revisions of key policies and accompanying tools; developing a training plan (and then implementing training); developing county-specific guidance for Lauderdale County YSCs on topics that are not addressed in state-level policy, and ensuring accuracy in counselors' assessments of youth and reports to the youth court.

As with my prior two visits, significant challenges remain in monitoring implementation of this settlement agreement while the claims against other defendants remain in litigation. The State has provided access to all of its own documentation and employees related to this agreement, and has also been more than helpful in helping me seek access to information under control of others. However, the County and the Youth Court judges have maintained their decision not to allow me to observe Youth Court, review documents or databases generated or controlled by the Court, or interview County employees. These circumstances continue to limit my ability to gain a full picture of YSCs' interactions with judges, court personnel, youth, families and others. I have done my best to develop as full a picture as possible given these limitations.

During this visit I observed all meetings between YSCs and their clients that occurred while I was visiting the Youth Court. After each meeting I interviewed the parent (when one was present) and youth separately as well. Therefore, I was able to observe 4 meetings between YSCs and clients, and conduct interviews with 5 youth and 3 family members. While more meetings than these were scheduled during the week of my visit, some clients did not come as scheduled or asked to reschedule.

I reviewed the documents generated during the past 6 months by YSCs for 13 youth. These documents included YSC case notes, completed SAVRY scoring

forms, social histories, recommendations to the court, and forms that tracked the procedural history of the case. I reviewed these documents for youth on probation and on informal adjustment, including youth who were reported for probation violations since August 2016.

I reviewed the following additional documents while on site:

- Notebook of alternative education resources for youth who have been suspended or expelled;
- Power point slides for training entitled, "Suicide Awareness, Prevention, and Intervention in Persons with IDD;"
- Notice of Public Meeting placed in the lobby of the Youth Court, announcing the Community Forum that took place January 5, 2017;
- Letter to parents and guardians from Lauderdale County YSCs inviting them to the January 5 Community Forum;
- Screen shot of community forum notice on wtok.com;
- Example of letter sent by Lauderdale County YSCs to solicit tangible incentives for youth who meet goals set during probation;
- SAVRY case audits by Regional Supervisor for Lauderdale County; and
- File Folder Setup protocol.

The State submitted other documents for feedback and/or review prior to and immediately following the visit as well, including:

- New drafts of the explanatory handouts for youth about probation and parole
- The State's compliance report;
- Power point slides from two trainings presented December 9 for YSCs from across the state: "Identifying and Working with Youth with Intellectual and Developmental Disabilities," and "Due Process and Constitutional Rights for Detained and Adjudicated Youth;"
- Monthly Probation/Parole Violation Tracking Forms for August 2016 through November 2016;
- Screen shot of DHS website with notice of Community Forum;
- Handouts from training about services available through Families First for Mississippi;
- New drafts of the Graduated Response policy and accompanying tools; and

- New drafts of the Probation and Informal Adjustment policies and the Informal Adjustment Agreement.

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.

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	Substantial 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	Substantial compliance for risk assessment; Partial compliance for table of graduated responses
III.A.2.c.i	Probation Conditions – Understandable language and prevent arbitrary and discriminatory enforcement	Partial compliance
III.A.2.c.ii	Probation Contracts – Clear explanation of youth rights, including how to satisfy mandatory school attendance	Partial 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

Provision number	Description of Provision	Compliance Rating
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 for dispositional decisions; To Be Determined for earlier detention decisions; Partial compliance for monitoring diversion program opportunities and funding
III.C.1	Training – Develop training plans	Beginning compliance
III.C.2	Training – cover topics relevant to responsibilities in delinquency proceedings	Beginning compliance
III.C.3	Training – Begin implementing training plans within 12 months, then annually	Beginning compliance
III.C.4	Training – submit to Auditor and U.S.	Non-compliance
IV.A-C	Community Input	Substantial compliance
V.B	Implementation and Monitoring – Notification to DHS/DYS officials, staff, agents and independent contractors	Substantial compliance
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	Partial compliance

B. Detailed Compliance Ratings

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

Table II. Detailed Compliance Ratings

<p>Settlement Agreement Provision</p>	<p>III.A.1.a</p> <p>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:</p> <ul style="list-style-type: none"> 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.
<p>Compliance Rating</p>	<p>Partial compliance</p>
<p>Discussion</p>	<p>YSCs, youth and families all report that YSCs continue to review the probation contract with clients when the youth are initially placed on probation. YSCs have begun using the new probation contract developed over the summer. Staff 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 routinely discuss what happens during the revocation process, youths’</p>

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>right to challenge allegations, and youths’ right to counsel for revocation.</p> <p>This incomplete coverage of the required topics is understandable because the documents designed to guide YSCs have been in development since the summer. I provided feedback on the drafts during my visit in July, and the regional supervisor who was responsible for the handouts and accompanying guidance left the agency in October. I next received a new draft of the handouts in December, shortly before my most recent visit, and have worked with the Community Services Director since then to reach a final draft of these documents. The handouts are now being field tested with youth and families by selected staff, and should be finalized once their feedback has been incorporated.</p> <p>As I recommended in my last report, it can be helpful to test draft documents with clients and staff in order to get their insights about whether they are understandable and complete. The agency adopted the revised probation contract without a test period. Two notable things occurred as a result. First, it appears that drafters accidentally removed an important provision from the contract. The missing provision provided notice to families about the need to seek court approval before the youth leaves the state. That provision will be added back into the contract and should also be added to the informal adjustment and parole contracts still being revised, to the extent that this rule applies in those contexts. Also, the drafters included two blank spaces beside each provision in the contract. The intent, as discussed during the committee meeting in which the contract was edited, was for the youth to describe his or her understanding of each provision to the YSC. Once the youth is able to explain a provision in his or her own words, then staff and youth are to initial next to that provision. Staff were unaware of the purpose of the blank lines. Now that staff in Lauderdale County have been informed, they agree that this is a useful addition to the form.</p> <p>Staff will also benefit from a fully revised and adopted Probation policy. The State submitted a new version for review just as my compliance visit was ending. I have since determined that it now meets the requirements of the settlement agreement.</p>
<p>Recommendations for Reaching Compliance</p>	<p>In order to achieve substantial compliance, DYS must ensure that YSCs provide youth with notice of all required topics in youth-appropriate language. Since the agency has chosen to develop and use handouts to</p>

	<p>help explain these concepts, the State must ensure that staff are provided with guidance about appropriate ways to use the handouts in their conversations with youth and their families. If these will only be used in Lauderdale County (as the State has indicated), then in order to comply with section III(A)(iii)(a), the State must develop written county-specific guidance for Lauderdale County staff to guide use of the handouts.</p>
<p>Evidentiary Basis</p>	<p>Conversations with all YSCs in Lauderdale County; reviews of draft probation explanation handouts for youth and families; discussion with Director of Community Services.</p>

<p>Settlement Agreement Provision</p>	<p>III.A.1.b 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>At the beginning of a youth's probation and often during the course of probation, YSCs meet with youth and their parents or guardians together. Therefore, early conversations about what to expect while on probation include both youth and their families. 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 finalize the handouts for families that address the required topics and ensure that staff are informed about the appropriate ways to use the handouts to guide their conversations with families. The State must also create written Lauderdale County-specific guidance if that is the only jurisdiction where the handouts will be in use.</p>

Evidentiary Basis	Conversations with all YSCs in Lauderdale County; review of draft probation explanation handouts for youth and families; discussion with Director of Community Services.
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Settlement Agreement Provision	<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>
Compliance Rating	Partial compliance
Discussion	<p>YSCs have been using the probation contract as a basis for the discussion about expectations for youth on probation. The recent edits to that document along with the approach outlined above to ensure that youth understand the requirements are appropriate steps to fulfill this requirement. The handouts the agency plans to use in order to help explain the concepts required by the agreement are written with small amounts of information and few words in order to aid in understanding. The field testing process should help the State to identify whether further adjustments would be helpful.</p> <p>Youth and families I interviewed did report that they understood the requirements for probation at the time they were explained and that their assigned YSCs had made those requirements clear to them. Some did not understand what might happen or what rights they might have to receive the help of a lawyer if they were charged with violating probation. This is why having a handout for families to keep, along with the revised probation contract, will be helpful.</p> <p>In the past, staff did not receive training about effective communication with youth and families with disabilities, unless they received it during their coursework in college or graduate school. I wrote in my previous reports that 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</p>

	<p>disabilities, and mental health conditions that make processing of information difficult.</p> <p>DYS began providing training for staff in this area by offering two presentations on working with individuals with intellectual or developmental disabilities (IDD). One training was focused on suicide awareness, prevention and intervention for this population, while the other was intended to provide information on identifying and working with youth with IDD. DYS should be commended for identifying available experts and existing trainings to help fulfill this training need. However, staff reported (and the materials reflected) that the presentation entitled “Identifying and Working with Youth With Intellectual and Developmental Disabilities” was much more focused on the adult inmate population than on delinquent youth. Staff also mentioned that they rarely have clients with significant IDD, because those youth are often diverted to other agencies, so this training mismatch is not critical. However, in planning future trainings on working with youth and families with other learning disabilities and mental illness, the agency should work closely with presenters to ensure that trainings are targeted for staff working with teenage clients involved in the juvenile justice system in particular.</p>
<p>Recommendations for Reaching Compliance</p>	<p>In order to reach substantial compliance, the agency will need to finish revising the informational handouts and the informal adjustment and parole agreements/contracts, to complete the incorporation of youth friendly language. Guidance materials and training for staff must aid staff in use of youth-appropriate language and explaining required 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>Pursuant to section III(A)(iii)(a), this requirement must be reflected in policy, the practice manual, and other appropriate agency documents.</p>
<p>Evidentiary Basis</p>	<p>Training materials from past six months; conversations with staff, regional supervisor and Community Services Director.</p>

Settlement Agreement Provision	<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>
Compliance Rating	Substantial compliance
Discussion	<p>The Lauderdale County YSCs have instituted a process for setting meeting schedules with clients and communicating them to appointed counsel. As they meet with new clients, they are filling out a form listing the dates of meetings for the remainder of the probation period. Copies of that list are provided to the youth and turned over to the office secretary, who emails the information to counsel and places a copy of the form in a notebook in the courtroom.</p> <p>I saw consistent evidence in files that the meeting schedules are set, and that staff are appropriately flexible if youth and families need to change the dates. Counsel reported that they are receiving the notices, and youth and families reported that they are given set meeting schedules but know how to change them as needed. Youth have not requested counsel presence, and counsel have not attended any probation meetings between YSCs and youth since this new process was instituted.</p>
Recommendations for Reaching Compliance	<p>The State has achieved substantial compliance with the practice requirement, but section III(A)(iii)(a) of the settlement agreement requires revision of policies in order to be compliant. Thus, while I find the State in compliance with this section in practice, the State will need to put the meeting notice and recordkeeping requirements in writing in a form that guides Lauderdale County staff, in order to comply with the policy requirement of section III(A)(iii)(a) as it relates to this topic. The State should continue to keep records of its implementation of this provision.</p>

Evidentiary Basis	Reviews of files; conversations with staff, youth and families.

Settlement Agreement Provision	<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>
Compliance Rating	Substantial compliance with regard to risk assessment; Partial compliance with regard to table of graduated responses
Discussion	<p>DYS chose a risk assessment tool (the Structured Assessment of Violence Risk in Youth, or SAVRY), trained workers in its use, and adopted policies regarding Graduated Responses and Risk Assessment during 2014 and 2015. Two of the four YSCs in Lauderdale County are new to the department this year. One began in April and the other in August. They both received training in the SAVRY during the autumn. One experienced staff member reported that she filled in during summer and fall to complete SAVRYs for the staff who had not yet completed training.</p> <p>In my document reviews during this visit, I saw SAVRY reports completed in all the formal probation files I reviewed. The risk levels staff determined after conducting a SAVRY assessment were reported in the social summaries and dispositional recommendations to the court. I saw one example where the SAVRY finding was reported inaccurately in the social summary, but the problem did not appear widespread. Because the State adopted a risk assessment instrument and has it actively in use in Lauderdale County, I find the State in substantial compliance with the risk assessment requirement of this provision, but note that there is still work to be done on quality assurance, policy alignment and documentation of detention recommendations in order to be in substantial compliance with the policy, procedure and practice requirements of provisions III(A)(3)(a) and III(A)(2)(c)(iii), as they pertain to this provision.</p>

While I did not identify the same degree of inconsistency between the case notes, social summary, SAVRY and court recommendations as I did during my previous visit, I note that the State still needs to take additional steps toward quality assurance as a component of implementing the SAVRY effectively. This means that there must be meaningful supervisor review that identifies discrepancies between information collected, SAVRY scoring, and recommendations to the court, with feedback provided to line staff. The new regional supervisor, who is also a SAVRY trainer, began her new position in mid-December, just before my visit. She conducted an initial review of SAVRY assessments and recommendations completed by each of the staff in Lauderdale County, and she began to identify where improvements were needed. During my visit, we worked on revisions to the supervisors' file review form. The revisions will allow supervisors to record concerns and provide written feedback to staff as they review files.

I did note some inconsistencies between information gathered or available and information reported to the court in the files I reviewed. The following are some examples: In one case, a worker reported to the court that the youth "does not have any reported or apparent mental, medical or developmental problems," despite the fact that the file included a discharge summary report from the second of two in-patient hospital admissions the child had undergone for mental health reasons. The summary included three Axis I diagnoses. A report to the court in another case stated that the youth had "a mental issue" and was diagnosed with "ADDHD and anger issues" but provided no more specific information. Such information was surely available, as the youth had received in-patient treatment on three separate occasions, one of which was for 30 days. In another file, the social summary for the court said the youth had "passing grades" but the YSC's notes indicate that the youth was earning mostly A's. This youth's SAVRY reflected a determination that the youth was at a moderate risk level, but the social summary submitted to the court reported that this youth was at high risk for serious re-offending. As noted previously, recommendations to the court should accurately reflect information gathered.

The SAVRY policy has not yet been revised to align with the settlement agreement, so this task should be addressed in the upcoming months as well in order to comply with the agreement's policy revision requirements in III(A)(3)(a). Furthermore, as I outline in my comments regarding provision III(A)(2)(c)(iii), in order for me to assess whether the

	<p>state is recommending detention in appropriate cases, the State still needs to implement further documentation.</p> <p>For Graduated Responses, the agency has done further work to evolve its policy, accompanying forms, and sample incentives and sanctions grids. I received a new draft of the materials just prior to my visit and was able to work with a newly reconstituted committee during my visit. Sadly, the experienced supervisor who chaired this committee died suddenly in December. Two other members of the committee left the agency this autumn as well. However, the new members of the committee are committed to the work and to the shared decision making that the project involves. They have been receptive to examples, recommendations and exchange of ideas.</p> <p>During my meeting with the committee during this visit, we discussed my recommendations for revisions to the latest drafts of the graduated responses tools and forms. Since then, the group has submitted another draft of the tools and policy for feedback, and we met for another two hours by telephone. Revisions of the tools are nearly completed, and the group has turned to refining the policy.</p> <p>I was pleased to learn that the YSCs and administrative assistant in Lauderdale County had been working to collect tangible rewards to use as incentives for youth on probation. They have received a few donations and have written letters to solicit donations from more entities. They indicated that they intend to follow up with telephone calls where letters alone have been unsuccessful. I do not believe that a substantial compliance finding is appropriate at this time for the graduated response part of this provision, because Lauderdale County does not yet have county-specific graduated response grids actively in use.</p>
<p>Recommendations for Reaching Compliance</p>	<p>To sustain substantial compliance with regard to risk assessment, the State must continue to use the SAVRY to inform its recommendations to the court. To reach substantial compliance in the policy, practice and procedure requirements that apply to this provision, the State must ensure that court recommendations, including those embodied in the social summaries submitted by YSCs, reflect consistency with the YSC's case notes, SAVRY and other documents collected. In order to ensure that workers are providing the court with consistently accurate and appropriate recommendations, the State must ensure that supervisor oversight is rigorous and that it provides sufficient feedback to staff. In accordance with section III(A)(3)(a) of the settlement agreement, the</p>

	<p>State must also align the SAVRY policy with the requirements of the agreement, and in accordance with III(A)(2)(c)(iii), it must increase documentation of court recommendations so that I can determine whether they are appropriate pursuant to the agreement.</p> <p>The agency will also need to finish revisions to the graduated responses tools and policy. Once the policy and tools are complete, YSC staff in Lauderdale County must develop county-specific incentives and sanctions grids, including establishing 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 at the local level is most effectively done in coordination with other court stakeholders where possible. We have discussed the importance of communication with the court and other entities in the Graduated Responses work group. Because judges have such influence over processes in individual county courts, supervisors have expressed that this collaboration will be especially necessary in Mississippi.</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 graduated response and SAVRY policies, as well as the quality assurance efforts necessary to ensure accurate, reliable incorporation of the SAVRY into court recommendations and reports such as the social summary.</p>
Evidentiary Basis	<p>Review of YSC-generated documents about individual youth; Graduated Responses, Probation, and SAVRY policies and appendices; participation in meeting of graduated responses committee; interviews with DYS staff and management.</p>


Settlement Agreement Provision	<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 discriminatory enforcement.</p>
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Compliance Rating	Partial compliance
Discussion	<p>The agency has revised the contract used to explain conditions of probation to youth and their families. As explained above, I recommended that staff in several regions test the contract out with existing clients to see whether the youth and families felt it was understandable and effective prior to full implementation. The agency chose to roll the document out to all staff without taking this additional step. Staff discovered after implementation that a necessary provision had been accidentally eliminated and the agency has added it back into the document. Before finalizing this revision, the agency must seek and incorporate feedback from staff and clients who have been using the form to determine whether any other changes might be appropriate, and share that feedback with me and the Justice Department.</p> <p>The informal adjustment and parole contracts are still in the process of final revisions. Going forward, once the agency has a version of the informal adjustment and parole contracts that have been through edits from me and the Justice Department, the State must pilot them, share the feedback with me and the Justice Department, and consider feedback from the pilot before statewide adoption in policy. Staff planning the field test should make sure that these contracts are tested with a selection of clients that includes a variety of ages, races and ethnicities, regions of the state, and reading/comprehension abilities. Once the contracts are finalized, requirements must be reflected in policy, training, and other appropriate agency documents.</p>
Recommendations for Reaching Compliance	<p>In order to achieve substantial compliance, the agency will need to complete revisions of the formal probation, informal adjustment, and parole contracts. This process must include testing them with clients and staff, and incorporating appropriate revisions following the tests. (In the case of the probation contract, which has already been in use, seeking feedback from staff and clients who have already used it will be sufficient.) 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. Pursuant to section III(A)(3)(a) of the agreement, the agency must incorporate these changes in policy and consider whether adjustments to the Desktop Guide, orientation, and/or other documents are necessary to give staff sufficient guidance.</p>

Evidentiary Basis	Review of probation contract drafts; discussion with YSCs and other agency officials.

Settlement Agreement Provision	<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.
Compliance Rating	Partial compliance
Discussion	<p>The agency revised and implemented a new probation contract. As explained above, the informal adjustment and parole agreements are still undergoing revisions. The probation contract does include the two elements required by this provision.</p> <p>Because youth can only fulfill the mandatory school attendance requirement during a suspension or expulsion if they attend a program approved by the Mississippi Department of Education or an alternative approved by the court, it was important for staff to be knowledgeable about the options available to clients. During the autumn, the Community Services Director prepared a notebook with resources identifying the available options and provided training to staff in Lauderdale County about those options and the resource guide.</p>
Recommendations for Reaching Compliance	In order to achieve substantial compliance with this provision, the State will need to finalize revisions to the probation, informal adjustment and parole contracts, incorporating feedback from staff, youth and families and appropriate recommendations from the Independent Auditor and Department of Justice. The agency must adjust policy and other

	documents such as the Desktop Guide, orientation materials, training, and other resources in order to give staff sufficient guidance regarding these topics, and should explain in a future compliance report how it decided where to incorporate guidance about this provision.
Evidentiary Basis	Review of probation contract drafts; discussion with YSCs and other agency officials.

Settlement Agreement Provision	<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	<p>As I explained in my previous report, there are three times in the course of processing a probation violation where YSCs have the opportunity to make recommendations to judges or designees about a detention decision. The first of these occurs after someone with knowledge of the probation violation files an affidavit describing the probation violation. While the designee makes the detention decision (and YSCs are not legally permitted to serve as Youth Court Designees), staff sometimes do communicate with the designee about the circumstances of the case. This is an informal opportunity to influence the detention decision. Without more detailed case notes, I cannot tell what YSCs are communicating to designees, whether they are recommending detention in some cases, or what their recommendations for or against detention are based upon. I had requested that staff take more detailed notes in situations where they discuss a possible detention of an alleged probation violator with a designee. However, I did not encounter such notes in the files I reviewed.</p>

	<p>The second detention decision point is at the detention hearing, which may be the same day as a youth is arrested, or up to two business days later in Mississippi. A YSC attends the hearing, and in the past some YSCs provided recommendations about detention. Somehow, there was a misunderstanding, and a senior official told staff that they were not allowed to make such detention recommendations. However, the settlement agreement does not suggest that YSCs must remove themselves from the detention decision process, and I did not recommend restricting the YSCs' role.</p> <p>What I did request was that the YSCs record notes in their files to report when they are making a recommendation regarding detention, what they are asked in court, and what they say in response, so that I can review their recommendations for compliance with this provision. This is especially necessary at present since I am not permitted to observe court hearings. I hope that there will be more complete documentation of these hearings going forward. Of course, DYS is welcome to institute a different method of recordkeeping in order to accomplish the same goals. The agency is also free to restrict YSCs' role to the extent that it is within the purview of the agency to set forth the YSCs' responsibilities, but officials should not suggest that the restriction is due to any requirement of the settlement agreement or the Independent Auditor.</p> <p>The third stage at which YSCs may recommend incarceration or alternatives is in conjunction with the formal hearing on a probation violation. In preparation for a possible adjudication, the YSCs prepare written social summaries and dispositional recommendations. For this stage I was able to identify whether YSCs made a recommendation of incarceration, and could see from the case history what services and detention alternatives had been attempted previously with a youth. I did not see any recommendations for incarceration among the files I reviewed, and believe that for the formal hearing decision point only, the agency remains in substantial compliance with the practice required in this provision.</p> <p>As I noted in my previous report, DYS staff must be trained in the law governing detention in order to ensure that they understand the bounds of what designees and judges may order if they are to make appropriate recommendations. This is not training they have received, and staff were not aware of the law in this area.</p>

<p>Recommendations for Reaching Compliance</p>	<p>To achieve substantial compliance, the agency will need to institute additional documentation of detention recommendations at the designee and detention hearing decision points. Also, the agency will need to develop some guidance in writing and also in training for staff to understand how to comply with this provision of the agreement, and then ensure that staff are not recommending detention in cases where they are not permitted to do so under the agreement. This training must include explanation of Mississippi’s laws governing custody and detention of youth. In order to comply with the policy and procedures requirements of section III(A)(3)(a) of the agreement, if the agency decides that it will only implement this provision in Lauderdale County, it will need to determine the appropriate means to provide written policy and practice guidance to YSCs in Lauderdale County only.</p> <p>As I noted in my last report, DYS must also help YSCs enhance skills and identify programmatic resources to help families experiencing disciplinary challenges and lack of probation compliance with their court-involved youth.</p>
<p>Evidentiary Basis</p>	<p>Review of YSC written recommendations and case notes; discussions with YSCs and other agency officials.</p>

<p>Settlement Agreement Provision</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>Since my last visit, the agency has revised the probation contract and policy. As described above, although the contract has been put in use, the agency revised it again to replace an accidentally removed provision. The agency has revised drafts of the informal adjustment contract and policy as well as the parole contract and policy, and is nearing completion of those documents. A team has also been working</p>

	<p>on the graduated responses policy and tools. I have provided recommendations on these both in writing and in meetings on site. I recognize that the multiple steps required to complete each revision are time consuming and am pleased to see progress toward finalizing a number of these projects.</p> <p>The agency should review each recommendation in this report and also review the settlement agreement to 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, staff evaluation materials, and other documents that guide staff practice. The agency must ensure that each provision in the settlement agreement is incorporated in key documents in sufficient detail to support full implementation of the settlement agreement’s requirements.</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 or will be incorporated. Either in writing or conversation, it will be helpful for an agency official to explain how the agency determined which policies and other documents were the appropriate places to incorporate the revisions. We have discussed some of these decisions as they have arisen in exit conferences and the policy committee.</p>
<p>Evidentiary Basis</p>	<p>Review of agency policies, Desktop Guide, orientation materials, and other guidance documents.</p>

<p>Settlement Agreement Provision</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</p>
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	prevent violations of youth’s constitutional rights with regard to the subject matter of this Agreement.
Compliance Rating	Not applicable until one year from initial revision of policies.

Settlement Agreement Provision	<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 for dispositional decisions; To Be Determined for earlier detention decisions; Partial compliance for monitoring diversion program opportunities and funding.
Discussion	<p>The parties have advised that they intended this provision to require 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 in written dispositional recommendations. During my next visit, once clearer documentation is available, I will confirm whether this holds true for earlier detention decisions as well.</p> <p>For the part of this provision that requires the agency to monitor opportunities and sources of funding for additional diversion programs, the Community Services Director has sent me an email when he considered a grant source for potential funding. The agency has not found any new grant sources to meet this need, and has mainly been relying on the notices that come by email from the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) as the source for information about new grant possibilities. In the weeks ahead, I will attempt to help the agency identify other sources of information about grants for at-risk youth.</p>

	For future reports, it will be helpful if the agency keeps a log or other documentation of efforts staff make to monitor and identify grant opportunities.
Recommendations for Reaching Compliance	In order to sustain substantial compliance, the State must continue to recommend options that do not involve detention or out of home placement for probation violators where appropriate. The State must also expand YSC case notes or other means of recordkeeping for earlier detention decisions so that I can assess compliance at the earlier detention decision points. DYS will also need to monitor and seek future funding opportunities for diversion programs and provide documentation of its efforts.
Evidentiary Basis	Review of YSC recommendations; conversations with DYS personnel; emails from Community Services Director.

Settlement Agreement Provision	III.C.1. 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.
Compliance Rating	Beginning compliance
Discussion	While the agency has not yet submitted a written training plan, it has identified and planned training opportunities for staff. For example, two of the three training topics at a statewide YSC training day addressed topics required by the settlement agreement.
Recommendations for Reaching Compliance	The agency must draft a training plan and submit it for review in order to reach compliance with this requirement.

Evidentiary Basis	Review of training materials from recent trainings, conversations with staff.
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Settlement Agreement Provision	<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; [L] [SEP] b. Disposition planning; [L] [SEP] c. Best practices in social service and therapeutic options for Children and families, including evidence-based practices; [L] [SEP] d. The appropriate professional role of different players within juvenile proceedings; and e. Any of the policies, procedures or practices that are created or revised pursuant to this Agreement.
Compliance Rating	Beginning compliance
Discussion	<p>As described above, the agency has not yet submitted a training plan. In addition to the training recommendations already mentioned elsewhere in this report, I note the following:</p> <p>Constitutional due process requirements:</p> <p>Staff attended a training entitled, Due Process and Constitutional Rights for Detained and Adjudicated Youth. This training explained where due process protections are embodied in federal and state law, and it outlined some key substantive and procedural due process protections. The training also explained how due process rights apply to youth in the juvenile justice system, both in facilities and when on community-based supervision. This training appears to have provided an excellent basis</p>

for staff to understand their roles in helping protect due process rights of youth, and the staff found it engaging and informative.

Disposition planning:

The agency has been developing a new case planning document, which was further edited by the Graduated Responses work group this month. Once the agency completes redevelopment of the form, it should ensure that staff are trained in effective development of a case plan, appropriate ways to work with families as part of effective disposition planning, incorporation of the SAVRY and social history in development of the case plan, use of incentives to promote progress toward goals and objectives, and proper use of the form.

Also, as discussed above, I identified some inconsistencies in the file between information collected and reports made to the court, and the new regional supervisor has been working on enhancing quality assurance in this area. As training needs are further identified through those reviews, future trainings should address the needs identified through quality assurance activities.

Best practices in social services and therapeutic options:

There have not been any trainings about effective probation practice, helping youth develop new skills, therapeutic options, evidence-based practices, or other best practices since my last review.

Appropriate professional role of different players within juvenile proceedings:

There have not been any trainings about this topic since my last visit.

Policies, procedures and practices addressed in the Agreement:

In the coming months, several of the policies currently being finalized will be ready for implementation. Implementation should include training on the new policies, the underlying reasons for the policy changes, and any new tools that accompany the policies. The agency should review the agreement comprehensively to identify all places where implementation of the agreement will require new training.

For the training plan to be complete, the agency will need to include plans for assessment of staff comprehension of and competency in topics covered in training. It should also identify steps the agency will

	take where it determines that staff lack comprehension or competency following training.
Recommendations for Reaching Compliance	In order to achieve substantial compliance, the agency must develop training plans to include the subjects required under the settlement agreement. The plans must include means of assessment of staff comprehension of and competency in topics trained. Plans must also explain what remedial steps the agency will take if these assessments indicate a lack of staff comprehension or competency. The agency must submit the plans for review and incorporate appropriate recommendations from the Justice Department and Independent Auditor.
Evidentiary Basis	Observations of YSC meetings with clients; review of SAVRY assessments, social histories and dispositional recommendations.

Settlement Agreement Provision	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	Beginning compliance
Discussion	While DYS has not completed a written training plan, the agency has begun to provide trainings in some topics required by the agreement, as described above.
Recommendations for Reaching Compliance	The agency will need to complete its training plan and begin providing additional training in accordance with the agreement.
Evidentiary Basis	Records of recent trainings.

Settlement Agreement Provision	<p>III.C.4.</p> <p>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.</p>
Compliance Rating	Non-compliance
Discussion	I have not yet received a training plan to review.
Recommendations for Reaching Compliance	The agency must draft a training plan and submit it for review in order to reach compliance with this requirement.
Evidentiary Basis	No training plan provided.

Settlement Agreement Provision	<p>IV.A.</p> <p>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. [SEP]</p> <p>IV.B.</p> <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</p>
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	<p>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. [REDACTED] 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> <p>IV.C.</p> <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>
<p>Compliance Rating</p>	<p>Substantial compliance</p>
<p>Discussion</p>	<p>The parties jointly identified the measures they wish the Independent Auditor to use to assess compliance with the community input provisions. Because the questions apply to the community input meeting as a whole, the discussion of the parts A, B, and C has been combined. The questions to be used to evaluate compliance are as follows:</p> <ul style="list-style-type: none"> • Did DHS/DYS hold an open community meeting once every six months? • Was the meeting room accessible to the public? • Did DHS/DYS publicize the meeting at least one week in advance? • Did DHS/DYS have a representative in attendance? • Did DHS/DYS provide to the public summaries of its action plan and most recent compliance report? • Had DHS/DYS posted summaries of policy changes made as a result of this agreement on its website? • Did DHS/DYS' community meeting include a process for


	<p>receiving input from interested members of the community?</p> <ul style="list-style-type: none"> • Did DHS/DYS' community meeting include a process for responding to input from interested members of the community? <p>Measured by the questions above, the agency has reached substantial compliance because, in accordance with the parties' definition of substantial compliance, it has "achieved nearly all the requirements" as outlined by the parties. The initial meeting took place on July 25, 2016, and a subsequent meeting occurred on January 5, 2017. The meeting on January 5 was held at the Historic First Union Missionary Baptist Church, in Meridian. It was well attended and full of lively dialogue, reflecting the commitment of the community to improving opportunities for its young people and remedying the past experiences that formed the basis for this lawsuit. The willingness of DHS officials to participate in free-flowing dialogue with participants reflected their commitment to engaging productively with the community and being transparent as it works to comply with this settlement agreement.</p> <p>The meeting was accessible to the public, with available parking, plenty of space in the church for the meeting, and ease of access for news media. More than 50 people attended. Representatives of DHS attending the meeting included the DHS Director, DHS Community Services Director, DHS regional supervisor and Lauderdale County-based DHS staff.</p> <p>Once agency personnel had identified a location, they publicized the meeting on the DHS website, in letters to current clients and their families, on flyers placed in the lobby of the Youth Court, and by arranging for public service announcements on the radio, television, and in other media. As several participants pointed out, starting with publicity earlier will provide more opportunity for people to plan to attend in the future. The reason for delay was because the agency was trying to work with community leaders to identify a church to host the event, and this took longer than expected. Perhaps this process will be easier next time, as relationships are gradually formed.</p> <p>The DHS Director welcomed participants, provided a description of the litigation and settlement, and gave a brief update about developments. The remainder of the meeting was devoted to allowing the public to ask questions and offer comments, and for DHS to respond with answers where appropriate.</p>
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	<p>The agency met all of the requirements fully except for two, and met the other two listed below to some extent:</p> <ul style="list-style-type: none"> • Did DHS/DYS provide to the public summaries of its action plan and most recent compliance report? • Had DHS/DYS posted summaries of policy changes made as a result of this agreement on its website? <p>The State handed out copies of its action plan and provided examples of its recent activities, which is close to meeting the requirement. The agency has not yet posted summaries of policy changes on its website because none of the revised policies were actually at the point of full approval and adoption. By the time of the next meeting DYS will have more opportunity to put these remaining elements in place, but these activities in conjunction with the rest of the work on community input are close enough altogether to qualify as substantial compliance.</p>
<p>Recommendations for Reaching Compliance</p>	<p>In order to sustain substantial compliance, the agency will need to provide a written or verbal summary of its action plan and most recent compliance report to participants at the next community input meeting. In addition, it will need to post on its website summaries of policy changes made in compliance with the agreement. Furthermore, the State will need to continue conducting community input meetings every six months for the duration of the agreement.</p>
<p>Evidentiary Basis</p>	<p>Observation of first and second community input meetings, examination of handouts provided to participants, review of agency website notice, notice in Youth Court, letters to clients.</p>



<p>Settlement Agreement Provision</p>	<p>V.B.</p> <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	Substantial compliance
Discussion	While YSCs in Lauderdale County had not yet received copies of the settlement or details of the requirements by the time of my initial visit, they had certainly been informed of the settlement agreement. At this point, officials and staff have been fully informed, and I have not encountered any agents or independent contractors needed to implement the agreement. If the agency hires contractors to assist in any aspect of implementation such as training, it will be important to share the details of the agreement and the agency’s plans for compliance so that the contractors or agents provide services in accordance with the agreement’s requirements.
Recommendations for Reaching Compliance	To sustain substantial compliance, the agency will need to communicate the provisions of the agreement to any future employees, agents or contractors who become involved in aspects of DYS activities impacted by the agreement.
Evidentiary Basis	Conversations with DYS officials and YSCs.

Settlement Agreement Provision	VIII.A.1. 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. 
Compliance Rating	Beginning compliance
Discussion	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, my findings on compliance may be found in Part III.C.
Recommendations for Reaching Compliance	Recommendations for reaching compliance may be found in the section of this report addressing Parts III.A.3.a and III.C.

Settlement Agreement Provision	<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
Discussion	<p>As explained above, the State has begun to incorporate the feedback the Justice Department and I provided on several policies and has completed or is nearing completion of several policies and accompanying documents.</p> <p>Now that the State has revised several of its policies and is nearing final versions, officials should conduct a comprehensive review of DYS policies and procedures in order to determine what changes need to be made in order to facilitate compliance with the agreement. The 90-day</p>

	deadline set in Part III has passed. The 6-month deadlines for items not covered in Part III and for training plans have passed as well.
Recommendations for Reaching Compliance	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.

Settlement Agreement Provision	<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>
Compliance Rating	Not applicable until three months after each policy or procedure is finalized.

Settlement Agreement Provision	<p>VIII.B.2.</p> <p>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</p>
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	<p>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. [SEP]</p>
Compliance Rating	Partial compliance
Discussion	<p>The parties have clarified expectations in several provisions. 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. The parties have further agreed that the State need not file a separate action plan, provided that the plans for compliance and timelines for completing activities are included in a compliance report.</p> <p>The state submitted its first complete compliance report in December 2016. It did address each area and describe actions that had been taken. It did not uniformly describe the actions the state intends to take to reach substantial compliance, and did not offer dates by which it planned to do so.</p>
Recommendations for Reaching Compliance	<p>In order to achieve substantial compliance with this provision, the State will need to submit compliance reports that outline its plans for compliance with remaining requirements in the agreement, including dates by which those actions will be taken. Further, the State will need to prepare, submit and distribute timely compliance reports until the agreement is terminated.</p>