

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

Draft submitted: February 18, 2018

Final submitted: March 30, 2018

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## **I. Introduction**

This is the fifth 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). The State of Mississippi and the City of Meridian reached settlements with the Justice Department, and on September 30, 2017, the United States District Court dismissed the Justice Department’s claims against Lauderdale County and its two sitting juvenile court judges. An appeal of the dismissal remains in litigation.

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 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 16 through 19, 2018, as well as a rescheduled community input forum held on March 22, 2018. This is the fifth 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 since July 2017. I also worked with the DYS Director, the Community Services Director and the Regional Director who oversees Lauderdale County, to reach a nearly final version of the policy that governs use of the state’s adopted risk and needs assessment instrument, the Structured Assessment of Violence Risk in Youth (SAVRY). I met with the Youth Services Counselors (YSCs) and the Regional Director assigned to Lauderdale County Youth Court, checked the implementation of policies that have been adopted in the past year, and met with a youth from Lauderdale County detained in the Rankin County Juvenile Detention Center. Unfortunately, several planned activities had to be canceled when the court was closed due to inclement weather two of the three days I was in Meridian. The community forum scheduled for January 16 was rescheduled for March 22, and I joined by telephone. The only youth I was able to meet with during the visit was the one I could visit in the detention center on one of the days the courthouse was closed. I was able to meet with one parent who was

awaiting her child's court hearing on the day the courthouse was open. All meetings between Youth Services Counselors and their clients were canceled on the days I was in Meridian. Staff obligingly photocopied youth files so that I could review them after the visit due to limited time for file review during the visit. I followed up with several DYS personnel and with the attorneys who serve as appointed counsel for youth in Luaderdale County by telephone and email after reviewing files.

The agency has made progress toward compliance in a number of areas during the past six months. The State incorporated staff input to improve the informational handouts provided to families. DYS ensured consistent use of the new probation and informal adjustment contracts and implemented new quality assurance provisions to ensure that it was notifying counsel for youth about meeting dates as required by the settlement agreement. Staff are consistently completing risk and needs assessments in formal probation cases, and the Regional Director is doing regular file reviews to ensure quality and accuracy of assessments. The State adopted a finalized policy on graduated responses during this time period, as well as several local directives to implement the agreement in Lauderdale County. It also updated its policy for risk and needs assessment, and drafted a training plan. The first anniversary of a policy revision occurred this month, and the State sought staff input and submitted proposed revisions to the policy in a timely manner.

In several areas, the state has now reached substantial compliance and sustained it for one year. The areas include establishment of fixed meeting schedules and notification of counsel (Section III(A)(1)(d)); adoption of a risk and needs assessment (part of Section III(A)(2)(b)); recommending diversion where appropriate at the disposition decision point (part of Section III(B)(1)); notice to staff, agents and others of the settlement agreement (Section V(B)); and community input (Sections IV(A-C)).

The next important steps for the State's compliance activities include: revising the training plan (and then implementing the rest of the required trainings); developing local grids and implementing a graduated response system in Lauderdale County now that the policy has been adopted; finalizing forms and training staff on the updates to the risk and needs assessment policy; establishing a policy and system for annual reviews of policies; and updating remaining

documents to reflect the requirements of the settlement agreement. A key component to completing these final steps will be identifying effective training resources within or outside of the Department.

As with my prior visits, significant challenges remain in monitoring implementation of this settlement agreement while the appeal of the District Court's dismissal of some defendants from the lawsuit continues. 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.

I reviewed 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 who were reported for probation violations since July 2017.

I reviewed the following additional documents while on site:

- SAVRY case audits by Regional Supervisor for Lauderdale County;
- Sampling of emails sent to counsel for youth on the YSCs caseloads informing them of meeting schedules;
- Lauderdale County updated Service Referral Matrix;
- Confirmations of staff training;
- Monthly Probation/Parole Violation Tracking Forms for August 2017 through December 2017; and
- Handouts, informal adjustment agreements and probation contracts in use.

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

- The State’s compliance report;
- Letters to community members regarding the Community Forum;
- Web postings regarding the Community Forum;
- Drafts and final version of Graduated Response policy and accompanying tools;
- Final version of a guidance memo for staff in Lauderdale County to implement the provision requiring that counsel be notified of probation meeting schedules;
- Final version of a DYS memo providing guidance on YSCs’ detention recommendations;
- DYS memo implementing use of explanatory handouts for youth and families;
- Drafts and final version of risk and needs assessment policy revisions and accompanying forms;
- Drafts and final version of the case plan form;
- Annual revisions of the Probation policy and contract;
- Handouts from Families First of Mississippi; and
- Sign-in sheets from the March 22 Community Forum.

Table I summarizes my compliance findings.

**Table I. Compliance Ratings, by Provision**

<b>Provision number</b>	<b>Description of Provision</b>	<b>Compliance Rating</b>
<b>III.A.1.a</b>	Protections Against Self-incrimination - Notice to youth	Substantial compliance
<b>III.A.1.b</b>	Protections Against Self-incrimination - Notice to youths’ guardians	Substantial compliance
<b>III.A.1.c</b>	Protections Against Self-incrimination – Inquiry about youths’ understanding and use of youth-appropriate language	Substantial compliance
<b>III.A.1.d</b>	Protections Against Self-incrimination – Fixed meeting schedule, notification of counsel, rescheduling meetings for counsel	Substantial compliance
<b>III.A.2.a</b>	Probation Review and Revocation – Probation status review by Youth Services Counselors	The parties have agreed that this section will not be audited.

<b>Provision number</b>	<b>Description of Provision</b>	<b>Compliance Rating</b>
<b>III.A.2.b</b>	Probation Review and Revocation – Use of graduated responses and risk assessment tool for court recommendations	Substantial compliance for risk assessment and partial compliance for graduated responses.
<b>III.A.2.c.i</b>	Probation Conditions – Understandable language and prevent arbitrary and discriminatory enforcement	Substantial compliance
<b>III.A.2.c.ii</b>	Probation Contracts – Clear explanation of youth rights, including how to satisfy mandatory school attendance	Substantial compliance
<b>III.A.2.c.iii</b>	Limits on recommending incarceration for probation violations	Substantial compliance
<b>III.A.3.a</b>	Review of Policies and Procedures – Revise for compliance with settlement agreement	Partial compliance
<b>III.A.3.b</b>	Reassess effectiveness of policies, procedures and practices annually and revise as necessary	Substantial Compliance
<b>III.B.1</b>	Diversions and Treatment Options – Recommend youth for existing diversion where appropriate and monitor future funding opportunities	Substantial Compliance
<b>III.C.1</b>	Training – Develop training plans	Partial compliance
<b>III.C.2</b>	Training – cover topics relevant to responsibilities in delinquency proceedings	Partial compliance
<b>III.C.3</b>	Training – Begin implementing training plans within 12 months, then annually	Partial compliance
<b>III.C.4</b>	Training – submit to Auditor and U.S.	Partial compliance
<b>IV.A-C</b>	Community Input	Substantial compliance
<b>V.B</b>	Implementation and Monitoring – Notification to DHS/DYS officials, staff, agents and independent contractors	Substantial compliance
<b>VIII.A.1</b>	Policies and Procedures – Generate policies and procedures to ensure compliance and submit for review	Partial compliance
<b>VIII.A.2</b>	Policies and Procedures – Complete Policy and Procedure Review within 6 months	Substantial compliance
<b>VIII.A.4</b>	Policies and Procedures – Adopt and begin implementation within 3 months after finalizing; implement within one year	Substantial compliance
<b>VIII.B.2</b>	Reporting – Biannual compliance report	Substantial compliance

## B. Detailed Compliance Ratings

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

**Table II. Detailed Compliance Ratings**

Settlement Agreement Provision	<p><b>III.A.1.a</b></p> <p><b>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:</b></p> <ul style="list-style-type: none"> <li><b>i. the youth services process, including the role of the Youth Services Counselor;</b></li> <li><b>ii. the potential consequences to youth for violating their probation contract, including the range of sanctions the youth may face;</b></li> <li><b>iii. an explanation of the probation [review and]<sup>1</sup> revocation process, including the youth’s right to challenge allegations of probation violations, and the youth’s right to counsel in revocation hearings.</b></li> </ul>
Compliance Rating	Substantial compliance
Discussion	During this period, DYS further adjusted its handouts to incorporate suggestions from staff, and also issued written guidance for using the handouts. Staff continued to use the revised probation and informal adjustment contracts as well.
	As explained above, the State sustained substantial compliance with this provision during this reporting period. In addition, as required by

<sup>1</sup> 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.



Recommendations for Reaching Compliance	section III(A)(3)(a), the State developed written county-specific guidance for Lauderdale County staff to guide use of the handouts.
Evidentiary Basis	Conversations with YSCs; reviews of probation explanation handouts for youth and families and guidance for their use; review of youth files; discussion with Director of Community Services.

Settlement Agreement Provision	<b>III.A.1.b</b> <b>DYS shall also make diligent efforts to provide the notice described above to the youths' guardians.</b>
Compliance Rating	Substantial compliance
Discussion	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.
Recommendations for Reaching Compliance	As described above, the State has reached substantial compliance with this provision and has issued written guidance for staff, in compliance with section III(A)(3)(a).
Evidentiary Basis	Conversations with YSCs; reviews of probation explanation handouts for youth and families and guidance for their use; review of youth files; discussion with Director of Community Services.

Settlement Agreement Provision	<p><b>III.A.1.c</b></p> <p><b>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.</b></p>
Compliance Rating	Substantial compliance
Discussion	<p>I confirmed in my review of files and in conversations with staff that they are consistently using the new process of reviewing each contract provision and having youth initial once they understand, and are also initialing the document themselves after confirming that youth understand. They reflected an understanding of how to adjust the conversation for youth or parents who have disabilities or other circumstances that make it harder for them to understand what is communicated.</p>
Recommendations for Reaching Compliance	<p>The State is in substantial compliance because YSCs are using the revised written tools, and youth and families seem to understand what has been explained to them. The State has revised its policies to reflect use of the new contracts.</p> <p>Pursuant to section III(A)(3)(a), this requirement must be reflected in the practice manual, orientation/training materials, and other appropriate agency documents.</p>
Evidentiary Basis	Review of youth files; conversations with staff and Community Services Director.

Settlement Agreement Provision	<p><b>III.A.1.d</b></p> <p><b>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.</b></p>
Compliance Rating	Substantial compliance
Discussion	<p>I saw consistent evidence in files that the meeting schedules are set for those youth who are expected to participate in regular meetings at the Youth Court. (Youth in some programs such as TOP are not required to meet regularly with their Youth Services Counselors and therefore do not have fixed meeting schedules in their files.) Counsel are not assigned to youth who have informal adjustment agreements, so no notice to counsel is required for youth meeting with YSCs on informal adjustment matters. 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> <p>During my last visit we established some additional quality assurance steps to ensure that the notices were consistently sent to counsel. I confirmed that the State has implemented the new steps and that notices are being sent for cases where counsel have been assigned and appointments have been scheduled.</p>
Recommendations for Reaching Compliance	The State achieved substantial compliance with the practice requirement and section III(A)(3)(a) of the settlement agreement requiring revision of policies during the last reporting period. The State sustained substantial compliance with this section, III(A)(1)(d), during this period.
Evidentiary Basis	Reviews of files; conversations with staff.

Settlement Agreement Provision	<p><b>III.A.2.b.</b></p> <p><b>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.</b></p>
Compliance Rating	Substantial compliance for risk assessment tool; partial compliance for graduated responses.
Discussion	<p><b>Risk assessment</b></p> <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. During the past several months, the agency revised both policies and many accompanying forms.</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. The Regional Director continues to engage in review of the SAVRY along with other aspects of file reviews, and from the documents I had access to, the scoring and reporting of the scores appeared consistent with the information available. She is giving feedback to staff when she identifies need for improvement.</p> <p>Now that the agency has completed revision of the SAVRY policy and is nearly done with revising the forms, the State is in substantial compliance with the agreement’s policy revision requirements in III(A)(3)(a). The staff must now be trained about the updates to the policy. I recommend that the State adopt a clearer way of documenting staff review of the SAVRY scoring at required times and upon key events. The current documentation reflects the dates of review, but it is not clear whether the counselor has updated the scoring and whether ratings have changed. The State has decided to create a separate case plan policy and the parties have agreed that the new policy is not subject to review under this settlement agreement.</p>

I want to note that during our interviews, one of the staff expressed that she did not see a reason to complete the SAVRY, and felt it was just another form to be completed. Structured risk and needs assessments are considered best practice in the field, as they help to ensure that decisions about levels of supervision and services provided to youth are guided by objective factors, rather than intuition and discretion, which can lead to disparities. The staff member's comments suggest that training in the use of the SAVRY has not incorporated information about why risk and needs assessments are valuable, or the message did not come across. I encourage the State to include an element in the SAVRY training or in the training about best practices in social service delivery that explains the reason behind use of structured decision making tools.

### **Graduated responses**

The agency has completed its revision of the graduated response policy and accompanying grid templates. The policy requires that YSCs work with judges and referees in their jurisdictions to develop locally-applicable incentives and sanctions grids based on templates included in the policy, as well as standards for when youth should be brought back to court. While the agency conducted training for YSCs in Lauderdale County by reviewing the policy with them, staff did not come away with an understanding of what they would need to do in order to develop and adopt local graduated sanctions and incentives grids. While staff did revise their dispositional service matrix with current services available for case planning, they have not created graduated response grids and did not realize that they were different things.

I was pleased to observe in the case files and interviews with staff that they clearly understand the concepts of graduated incentives and sanctions and are incorporating them into their practice, even if the documents have not been produced. They identified use of a variety of incentives and sanctions with youth, even though the County does not have tangible rewards or new intermediate sanctions available. The next step is for there to be a local system agreed upon between the court and the YSCs, and for it to be written in the form of the templates established in policy.

The Community Services Director and Regional Director reported that they had met with one of the two juvenile court judges in Lauderdale County to discuss graduated responses. However, the line staff did not know about that meeting or anything that was discussed. I encourage management to communicate about such meetings with the line staff

	<p>who work regularly with these judges, especially if the line staff are expected to carry out development of graduated response grids. I also encourage the State to provide training to staff about how to work with judges and develop the grids, how to explain the reasons behind use of graduated responses, and the principles of effective graduated response grids. I have provided sample materials to assist with this effort. I encourage the State to provide me and the Justice Department with training plans and documents prior to the training in order to avoid the need to redo it.</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, and the Regional Director must continue to review files and provide feedback to staff on completed SAVRY assessments. In accordance with section III(A)(3)(a) of the settlement agreement, the State must implement the revised policy, and ensure that other agency documents reflect any changes.</p> <p>To reach substantial compliance with regard to graduated responses, DYS staff in Lauderdale County must develop county-specific incentives and sanctions grids and make use of them. The State must provide adequate training for them to carry out this activity.</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. While not required to reach substantial compliance, training should reflect the reasons why a structured decision making tool such as the SAVRY is used in probation practice.</p>
<p>Evidentiary Basis</p>	<p>Review of YSC-generated documents about individual youth; review of Regional Director evaluation of recently conducted SAVRYs; Graduated Responses and SAVRY policies and appendices; revised Service Matrix; interviews with DYS staff and management.</p>

Settlement Agreement Provision	<p><b>III.A.2.c.i.</b></p> <p><b>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.</b></p>
Compliance Rating	Substantial compliance
Discussion	The agency has revised the agreements and contracts used to explain conditions of informal adjustment, probation and parole to youth and their families, and has issued new versions of the policies that include these documents. In reviewing files, I did not see any provisions written into the contracts that included overly broad language or requirements that were hard to understand.
Recommendations for Reaching Compliance	In order to sustain substantial compliance, the agency will need to continue to use the contracts. Pursuant to section III(A)(3)(a) of the agreement, the agency must consider whether adjustments to the Desktop Guide, orientation, and/or other documents are necessary to give staff sufficient guidance.
Evidentiary Basis	Review of probation contracts and youth files; discussion with YSCs and other agency officials.

Settlement Agreement Provision	<p><b>III.A.2.c.ii.</b></p> <p><b>Probation contracts shall:</b></p> <ol style="list-style-type: none"> <li><b>1. Include a clear explanation of the youth's rights in the contract; and</b></li> <li><b>2. Specify how children can satisfy the mandatory school attendance requirement while on probation.</b></li> </ol>
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Compliance Rating	Substantial compliance
Discussion	As explained above, the agency has revised and implemented use of the new informal adjustment, probation and parole contracts and policies. Staff were trained last year on options for education for suspended and expelled youth, and they continue to use the contracts.
Recommendations for Reaching Compliance	In order to comply with the policy and practice requirements of section III(A)(3)(a) of the agreement, the agency must adjust other documents such as the Desktop Guide, orientation materials, training, and other resources in order to give staff sufficient guidance about use of the contracts and options for school attendance compliance, and should explain in a future compliance report how it decided where to incorporate guidance about this provision.
Evidentiary Basis	Review of informal adjustment, probation and parole contracts; discussion with YSCs and other agency officials.

Settlement Agreement Provision	<b>III.A.2.c.iii.</b> <b>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.</b>
Compliance Rating	Substantial compliance
Discussion	Staff in Lauderdale County do not make recommendations about whether to detain youth at the time of arrest. Those decisions are made by designees, often outside of work hours. YSCs generally are not the ones to sign the affidavit that forms the basis for the probation



violation; witnesses to the violations, including parents, program directors, and the County employee responsible for electronic monitoring, are usually the ones to sign the affidavits.

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 will only make a recommendation regarding detention if the judge asks. Staff reported that they did not recommend detention at any detention hearings for youth awaiting adjudication for probation violations. Counsel for youth reported that they did not recall any cases where YSCs advocated for detention of a youth. Some youth were detained pre-hearing, but reportedly without a recommendation from YSCs.

I noted and appreciated the increase in detail in case notes about what happened during court hearings, in accordance with newly issued DYS guidance. Staff reported that they were trained to record what happened in court, including recording any time they made a detention recommendation. They were not trained to record if they made no recommendation. I suggest that staff incorporate one additional sentence in notes about court hearings to make the report clearer: "The judge [asked/did not ask] my opinion about whether the youth should be detained, and I [recommended/did not recommend] detention at this hearing." If detention was recommended, staff should explain why they recommended detention.

The third stage at which YSCs may recommend incarceration or alternatives is in conjunction with the formal hearing on a probation violation. None of the files I reviewed included a recommendation of incarceration. The DYS director reported that Lauderdale County did not send any youth to the state secure placement facility during 2017. Two staff did recommend mental health treatment in an in-patient facility for clients. These recommendations occurred after violent and/or erratic behavior by the young people, and reflected an appropriate exhaustion of other options. One recommendation I have for documents I reviewed is that some social summaries and dispositional recommendations in the files do not contain dates, making it difficult to know when they were last revised. I recommend that staff always include dates on social summaries and court recommendations.

I discussed the rules on detention with staff, and they all were able to give illustrative examples of when detention may and may not be used for youth.

<p>Recommendations for Reaching Compliance</p>	<p>The agency has achieved substantial compliance with this provision. In order to sustain substantial compliance and provide clearer documentation, I recommend that staff add the additional phrases I outlined above.</p> <p>As I noted in my last report, as it implements training, DYS must 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 logs, written recommendations and case notes; discussions with YSCs and other agency officials.</p>

<p>Settlement Agreement Provision</p>	<p><b>III.A.3.a.</b></p> <p><b>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.</b></p>
<p>Compliance Rating</p>	<p>Partial compliance</p>
<p>Discussion</p>	<p>The agency has nearly finished its policy revisions. It has revised handouts to provide clear explanations about topics not covered in the contracts but required by this agreement. The State completed the graduated response policy and tools and trained staff in them as well. The agency has issued local policies for Lauderdale County to guide notifying counsel of probation meeting dates, to make clear YSCs' role in detention decisions, and to require use of the informative handouts. The agency has completed revision of the SAVRY policy and nearly completed revision of the accompanying forms.</p> <p>We have agreed that the only remaining policy work required under the agreement is revision of the training policy and a policy documenting the requirement for annual revision of policies. The agency will determine where is the appropriate place in the policy manual to incorporate an annual policy revision provision. The agency also wisely</p>

	<p>intends to develop a case planning policy, but the parties have agreed that it is not required under the agreement.</p> <p>As described above, there is still work to be done on implementation of the graduated response policy, and work is still necessary to complete the training requirements and posting of required documents. Following revision of the SAVRY policy and forms, some training will be necessary to ensure compliance with the changes. In addition, there are other agency written documents such as the core training manual that need to reflect the provisions of the agreement.</p>
Recommendations for Reaching Compliance	<p>To achieve substantial compliance, the agency will need to complete its review of its written materials, including the 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. Staff must fully incorporate new and revised policies into their practice as well.</p>
Evidentiary Basis	<p>Review of agency policies and other guidance documents.</p>

Settlement Agreement Provision	<p><b>III.A.3.b.</b></p> <p><b>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.</b></p>
Compliance Rating	<p>Substantial compliance.</p>
Discussion	<p>In March, the first anniversary of the State's revision of the Probation policy and probation contract arrived. DYS asked staff from various parts of the state to provide feedback, notified me and the Justice</p>

	Department about contemplated revisions, incorporated some of my suggestions, and reissued the policy.
Recommendations for Reaching Compliance	In order to sustain substantial compliance, the State must continue to review and revise, as appropriate, the policies adopted or rewritten pursuant to the settlement agreement. In order to achieve compliance with the policy adoption provisions of Section III.A.3.a., the state must adopt a policy governing annual policy review and revision.
Evidentiary Basis	Probation policy and contract, communications from Community Services Director.

Settlement Agreement Provision	<b>III.B.1.</b> <b>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.</b>
Compliance Rating	Substantial compliance
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 recommending alternatives to detention and placement and exhausting other options before recommending incarceration.</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 previously sent me an email when he considered or applied for a grant source for potential funding. During this compliance period I did not receive any such emails. However, upon inquiry, he did describe that a statewide group that works to promote juvenile justice system reform is planning to seek grant funds to support efforts. In addition, a new program, Families</p>

	First, has come to Lauderdale County. This program is funded by a grant to the Department of Human Services, and can serve youth diverted from the juvenile justice system and their families as well as family members of youth who are clients of DYS.
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. DYS will also need to continue 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	<p><b>III.C.1.</b></p> <p><b>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.</b></p>
Compliance Rating	Partial compliance
Discussion	The State recently submitted a written training plan. It includes plans to complete most trainings for Lauderdale County staff prior to my next visit. I have communicated that I believe that more work is necessary to plan for one of the areas of the training, so the plan is still being revised, and the Justice Department is still reviewing it. DYS has also drafted, received feedback from me and the United States, but not yet finalized a policy governing training. Appended to the policy is a draft of the topics to be covered in new staff orientation, called Core Training.

Recommendations for Reaching Compliance	In order to reach substantial compliance with this provision, the State must incorporate reasonable recommended revisions to the plan.
Evidentiary Basis	Review of draft training plan and policy; conversations with staff.

Settlement Agreement Provision	<p><b>III.C.2.</b></p> <p><b>The training plans shall ensure that appropriate staff are trained on topics relevant to their role and responsibilities in juvenile delinquency proceedings including:</b></p> <ul style="list-style-type: none"> <li><b>a. Constitutional due process requirements;</b></li> <li><b>b. Disposition planning;</b></li> <li><b>c. Best practices in social service and therapeutic options for Children and families, including evidence-based practices;</b></li> <li><b>d. The appropriate professional role of different players within juvenile proceedings; and</b></li> <li><b>e. Any of the policies, procedures or practices that are created or revised pursuant to this Agreement.</b></li> </ul>
Compliance Rating	Partial compliance
Discussion	<p>I have commented elsewhere in this report about training. In addition to the training recommendations already mentioned elsewhere in this report, I note the following:</p> <p><b>Constitutional due process requirements:</b></p> <p>As described in my last report, staff received a training that addressed this topic well.</p> <p><b>Disposition planning:</b></p> <p>The state has adopted a new case planning document and revised its policy governing risk and needs assessment. It also plans to develop a policy on case planning. Now the agency must ensure that staff are</p>

trained in effective development of a disposition 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, writing measurable and achievable goals, and proper use of the form. The draft training plan indicates that a disposition planning training is scheduled for Lauderdale County staff, to occur in March.

**Best practices in social services and therapeutic options:**

During the past six months, the agency required that staff participate in online courses including Interstate Compact, Community Services for Trafficking Victims, Family Engagement in Youth-Family Teams, Motivational Interviewing, and Commercial Sexual Exploitation. There have not been any other 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. The draft training plan indicated that a training about this topic is scheduled for April.

**Policies, procedures and practices addressed in the Agreement:**

The agency has been providing training in Lauderdale County as new policies have been adopted. As I explained above, there is some more training to be done to fully implement the graduated response policy, and once the SAVRY policy revisions are completed, staff will need to be informed about changes to the policy.

I do wish to note that the approach to training under this agreement over the past few months has not been ideal. It appears that training has mostly involved reading policies or notes to staff, without discussion of how the concepts might apply to their work, or other methods of effective training. For training of professional adults to be effective, it should take into account principles of adult learning. These include involving a variety of teaching methods (visual, auditory, tactile, experiential) to respond to different learning styles of participants, ensuring that they understand why the principles are important, recognizing and incorporating the experience of the participants, and being positive and encouraging. DYS will need to find ways to ensure that it provides engaging and effective training on the required topics in

	<p>the coming months in order to maximize the likelihood that staff will learn and incorporate the concepts into their practice as required for compliance.</p> <p>For training planning to be complete, the agency will also need to plan for assessment of staff comprehension of and competency in topics covered in training. The agency should also identify steps it will take where it determines that staff lack comprehension or competency following training.</p>
Recommendations for Reaching Compliance	<p>In order to achieve substantial compliance, the agency must finish revising its training plan to include the subjects required under the settlement agreement. The plans for each training must include means of assessment of staff comprehension of and competency in topics trained. The agency must also explain what remedial steps it will take if these assessments indicate a lack of staff comprehension or competency. The agency must incorporate appropriate recommendations from the Justice Department and Independent Auditor.</p>
Evidentiary Basis	<p>Review of youth files, discussions with DYS personnel, review of training confirmations, draft training plan.</p>

Settlement Agreement Provision	<p><b>III.C.3.</b></p> <p><b>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.</b></p>
Compliance Rating	<p>Partial compliance</p>
Discussion	<p>The agency has begun to provide trainings in some topics required by the agreement, as described above.</p>
	<p>The agency will need to complete revising its training plan and begin providing additional trainings in accordance with the agreement.</p>



Recommendations for Reaching Compliance	
Evidentiary Basis	Records of recent trainings and discussions with staff.

Settlement Agreement Provision	<b>III.C.4.</b> <b>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.</b>
Compliance Rating	Partial compliance
Discussion	The State submitted a training plan for review.
Recommendations for Reaching Compliance	In order to achieve substantial compliance, the State will need to revise its training plans, incorporating feedback from me and from the Justice Department as appropriate.
Evidentiary Basis	Draft training plan.

Settlement Agreement Provision	<b>IV.A.</b> <b>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</b>
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	<p><b>input from interested members of the community.</b></p> <p><b>IV.B.</b></p> <p><b>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.</b></p> <p><b>IV.C.</b></p> <p><b>The community meetings shall include summaries of the Action Plan and Compliance Reports required by this Agreement during the period prior to the meeting and any policy changes or other significant actions taken as a result of this Agreement. The 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.</b></p>
Compliance Rating	Substantial compliance
Discussion	<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"> <li>• Did DHS/DYS hold an open community meeting once every six months?</li> <li>• Was the meeting room accessible to the public?</li> <li>• Did DHS/DYS publicize the meeting at least one week in</li> </ul>

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 receiving input from interested members of the community?
- Did DHS/DYS' community meeting include a process for responding to input from interested members of the community?

The agency scheduled and publicized an event for the night of January 16, 2018. However, the event was canceled due to snow and ice. The meeting was rescheduled for March 22. Upon the agreement of the parties, I joined the meeting by telephone.

The State publicized the rescheduled event more than one week in advance, posting information on its website, sending letters to families of youth involved in the courts, and requesting media coverage. Approximately 15 people attended the event in addition to DHS and U.S. Department of Justice staff. An article about the meeting appeared in the Meridian Star online on March 23, 2017, the day after the event.

The State held the meeting in a church accessible to the public, which provided a welcoming environment. The DHS Director and Community Services Director, as well as staff from Lauderdale County and the Regional Director, all attended. The DHS Director presented a clear and informative summary of the efforts the agency has made and the accomplishments over the past several months. He answered all questions asked in a transparent and responsive manner, and invited feedback. One of the attendees expressed his appreciation for the straightforward way in which the Director explained developments and answered questions.

Handouts available to the attendees included the state's most recent compliance report and the Independent Auditor's most recent report, which I had shared in near final form pending findings about this meeting. A representative from Families First of Mississippi also provided written information and a presentation about the services available through its program, which is funded by DHS.

	<p>The parties and I agreed that the State could comply with the requirement to post summaries of policy changes by posting its compliance reports, since the State also posts all of its policies online. The State has been promptly posting new versions of policies but has yet to post the compliance reports or my reports on its website. However, because the State has complied with all other aspects of the requirements regarding community input, I find it in substantial compliance with these community input provisions.</p>
<p>Recommendations for Reaching Compliance</p>	<p>The State has reached substantial compliance and sustained it for one year. To sustain substantial compliance, it must continue to hold community input forums every six months and must post the compliance reports and my reports on its website.</p>
<p>Evidentiary Basis</p>	<p>Review of agency website notice, emails from Community Services Director, letters to clients, notes in case files indicating when invitations to the community meeting were sent to clients.</p>

<p>Settlement Agreement Provision</p>	<p><b>V.B.</b></p> <p><b>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.</b></p>
<p>Compliance Rating</p>	<p>Substantial compliance</p>
<p>Discussion</p>	<p>Officials and staff have been fully informed about the agreement, and I have not encountered any agents or independent contractors needed to implement the agreement.</p>
<p>Recommendations for Reaching Compliance</p>	<p>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.</p>

Evidentiary Basis	Conversations with DYS officials and YSCs.
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Settlement Agreement Provision	<p><b>VIII.A.1.</b></p> <p><b>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.</b></p>
Compliance Rating	Partial compliance
Discussion	<p>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.</p>
Recommendations for Reaching Compliance and Evidentiary Basis	<p>Recommendations and evidentiary basis for reaching compliance may be found in the sections of this report addressing Parts III.A.3.a and III.C.</p>

Settlement Agreement Provision	<p><b>VIII.A.2.</b></p> <p><b>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</b></p>
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	<p>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	Substantial compliance
Discussion	<p>The agency is almost done with its policy and procedure development. As identified in this report, the following are still outstanding:</p> <ul style="list-style-type: none"> <li>• Final revisions of the training policy.</li> <li>• Incorporation of the requirement of annual policy revision somewhere in the agency’s policies.</li> </ul> <p>As a result, the state has complied with “nearly all” the requirements of this section because it has completed all but the two items above.</p>
Recommendations for Reaching Compliance	The State must create and/or finalize the remaining items on the list above.
Evidentiary Basis	Draft and final policies and local Lauderdale County implementation memos.

Settlement Agreement Provision	<p><b>VIII.A.4.</b></p> <p><b>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</b></p>
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	<p>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	Substantial compliance for all finalized policies.
Discussion	The State has adopted and begun implementing each policy as it has been finalized. With the exception of the graduated response policy and recent revisions to the SAVRY policy, all newly adopted or revised policies have been implemented.
Recommendations for Reaching Compliance	The State must continue to train staff and ensure ongoing use of new tools and policies as each one is issued.
Evidentiary Basis	See discussions above for each section.

Settlement Agreement Provision	<p><b>VIII.B.2.</b></p> <p><b>Compliance Report.</b> 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</p>
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	<b>will take to ensure implementation, and the date(s) by which those actions will be taken.</b>
Compliance Rating	Substantial compliance
Discussion	The state submitted a timely compliance report prior to the January 2018 compliance visit. It did address each area and describe actions that had been taken, as well as the actions the state intends to take to reach substantial compliance, and challenges it is facing. The report did not offer dates by which it planned to do so. Because the State submitted a substantive report that addressed each provision and its accomplishments and next steps, I find that this is substantially compliant.
Recommendations for Reaching Compliance	In order to sustain substantial compliance with this provision, the State will need to include target dates for compliance activities in its next compliance report and continue including the other elements it included in the June report. Further, the State will need to prepare, submit and distribute timely compliance reports until the agreement is terminated.
Evidentiary Basis	Compliance reports.