

**Third Report of the United States Regarding Probation Services
Settlement Agreement Compliance
*U.S. v. City of Meridian, et al., C.A. No. 3:13-CV-978***

This is the United States' third report as monitor of the State of Mississippi's Department of Human Services, Division of Youth Services' compliance with the Settlement Agreement in this case. On April 15, 2019, the parties informed the Court that the United States would begin monitoring the state's compliance with the Settlement Agreement, pursuant to the Agreement's terms at Section V.F. Joint Notice of Filing, ECF No. 130 (April 15, 2019). For context, this report includes some references to the compliance ratings of the United States' earlier reports and to prior compliance ratings of the Probation Services Independent Auditor, who monitored compliance with the Agreement from December 2015 to April 15, 2019. ECF Nos. 132, 132-1 (07/17/19).

This report covers compliance monitoring that took place remotely using online video and telephone as well as document review, between September 2020 and April 2021. The extended time period was due to various challenges presented by remote assessment. After we requested records, the state had to upload them to a secure site. Once we completed document review, we conducted video interviews over two days, October 28 and 30, 2020. One staff member was on extended leave at that time; we were not able to interview her until January 29, 2021, after she had returned. We also worked with the state to create a remote process for interviewing youth and families. Ultimately, we were able to interview 11 family members and 5 young people. On April 14, 2021 we notified the State of Mississippi that we had concluded our interviews and thus our monitoring compliance "tour" was complete. Therefore, the findings in this report are current through April 14, 2021.

As of this report, the State of Mississippi has sustained substantial compliance of the last remaining agreement provisions for twelve consecutive months. Therefore, pursuant to Settlement Agreement paragraph VII.B.1, the Agreement is ripe for termination.

As used in the tables below, the compliance ratings indicate the following:

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.

Table I. Summary Compliance Ratings and Status, by Provision

Provision number	Description of Provision	Compliance Rating	Monitoring Completed?
III.A.1.a	Protections Against Self-incrimination - Notice to youth	Substantial compliance Sustained 1 year	Yes
III.A.1.b	Protections Against Self-incrimination - Notice to youths' guardians	Substantial compliance Sustained 1 year	Yes
III.A.1.c	Protections Against Self-incrimination – Inquiry about youths' understanding and use of youth-appropriate language	Substantial compliance Sustained 1 year	Yes
III.A.1.d	Protections Against Self-incrimination – Fixed meeting schedule, notification of counsel, rescheduling meetings for counsel	Substantial compliance Sustained 1 year	Yes
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.	Yes
III.A.2.b	Probation Review and Revocation – Use of graduated responses and risk assessment tool for court recommendations	Substantial compliance Sustained one year	Yes
III.A.2.c.i	Probation Conditions – Understandable language and prevent arbitrary and discriminatory enforcement	Substantial compliance Sustained 1 year	Yes
III.A.2.c.ii	Probation Contracts – Clear explanation of youth rights, including how to satisfy mandatory school attendance	Substantial compliance Sustained 1 year	Yes
III.A.2.c.iii	Limits on recommending incarceration for probation violations	Substantial compliance Sustained 1 year	Yes
III.A.3.a	Review of Policies and Procedures – Revise for compliance with settlement agreement	Substantial compliance Sustained 1 year	Yes
III.A.3.b	Reassess effectiveness of policies, procedures and practices annually and revise as necessary	Substantial compliance Sustained 1 year	Yes
III.B.1	Diversion and Treatment Options – Recommend youth for existing diversion where appropriate and	Substantial compliance Sustained 1 year	Yes

Provision number	Description of Provision	Compliance Rating	Monitoring Completed?
	monitor future funding opportunities		
III.C.1	Training – Develop training plans	Substantial compliance Sustained 1 year	Yes
III.C.2	Training – cover topics relevant to responsibilities in delinquency proceedings	Substantial compliance Sustained 1 year	Yes
III.C.3	Training – Begin implementing training plans within 12 months, then annually	Substantial compliance Sustained 1 year	Yes
III.C.4	Training – submit to Auditor and U.S.	Substantial compliance Sustained 1 year	Yes
IV.A-C	Community Input	Substantial compliance Sustained 1 year	Yes
V.B	Implementation and Monitoring – Notification to DHS/DYS officials, staff, agents and independent contractors	Substantial compliance Sustained 1 year	Yes
VIII.A.1	Policies and Procedures – Generate policies and procedures to ensure compliance and submit for review	Substantial compliance Sustained 1 year	Yes
VIII.A.2	Policies and Procedures – Complete Policy and Procedure Review within 6 months	Substantial compliance Sustained 1 year.	Yes
VIII.A.4	Policies and Procedures – Adopt and begin implementation within 3 months after finalizing; implement within one year	Substantial compliance Sustained 1 year	Yes
VIII.B.2	Reporting – Biannual compliance report	Substantial compliance Sustained 1 year	Yes

This table provides details about compliance with each substantive provision in the agreement still subject to monitoring.

Table II. Detailed Compliance Ratings

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	<p>For the risk assessment tool, the State reached substantial compliance in January 2017 and sustained it for one year, so the risk assessment part of this provision is no longer subject to monitoring.</p> <p>For graduated responses, the State reached substantial compliance during the May 2019 compliance visit and sustained it during this compliance period.</p>
Discussion	<p>Graduated responses</p> <p>The state sustained substantial compliance during this period. Staff in Lauderdale County clearly understand the use and value of graduated responses, and described using them when possible and appropriate. Use of graduated responses was evident in progress notes and case plans of the two counselors who remain with the agency.</p> <p>Notations of incentives included verbal praise, wrist bands with encouraging messages, snacks, shortened electronic monitoring period, and adjusted curfew. Counselors also encouraged parents and mentors to provide positive incentives like going out to dinner or provide gift cards., and they allowed families to have monthly meetings by telephone instead of having to report in person. Sanctions included recommendations of short electronic monitoring periods for probation violations, early curfew, requiring in-person visits at the courthouse even during the pandemic, and encouraging parents to take away electronics. A number of parents and youth with whom I spoke described discussions about or use of graduated responses, including curfew changes in both directions as sanctions and incentives, verbal praise, increasing frequency of reporting as a sanction or coming to the courthouse to do homework if suspended from school, and some use of tangible rewards like a treat basket with options to choose from.</p>

	We were told that the state has identified funds to be used for incentives so that staff do not have to solicit donations. This is welcome news as it reflects a commitment to incorporating graduated responses more fully into practice.
Recommendations for Reaching or Sustaining Compliance	The state has sustained substantial compliance with this provision for more than one year.
Evidentiary Basis	Review of YSC-generated documents about individual youth including case supervision plans; interviews with DYS staff and management; review of dispositional planning and graduated response training materials; interviews of youth and families.

Settlement Agreement Provision	<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>
Compliance Rating	Substantial compliance sustained during this compliance period.
Discussion	<p>No new policies were needed during this time period. The state did update the case plan policy and the informal supervision policy, adjusting the case plan for formal probation cases and creating a simplified case plan and social history form for informal probation cases. The state trained staff in those policy updates as well.</p> <p>The state has indicated that it plans to continue annual review and updates of its policies, with training on all revisions.</p> <p>Because this compliance period included a number of months when the COVID-19 pandemic disrupted courts, services and many work settings across the country, our compliance review included inquiry about how the pandemic had affected activities related to this agreement. We found that staff in Lauderdale County worked hard with courts, youth and families to continue court functioning and services throughout the pandemic. The court ensured that staff had computers and printers in</p>

	<p>their homes, and staff worked hard with families to help them access the internet and understand how to attend zoom hearings. When meetings inside the courthouse were not possible, they checked in with youth and families by telephone or in parking lots and other outdoor locations. Other than during periods when staff were on leave, families reported that they did not have trouble being in touch with youth services counselors. This flexibility and perseverance was impressive and commendable.</p>
Recommendations for Reaching or Sustaining Compliance	The state has sustained substantial compliance for more than one year.
Evidentiary Basis	Review of agency policies and training materials.

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; b. Disposition planning; c. Best practices in social service and therapeutic options for Children and families, including evidence-based practices; d. The appropriate professional role of different players within juvenile proceedings; and e. Any of the policies, procedures or practices that are created or revised pursuant to this Agreement.
Compliance Rating	Substantial compliance sustained during this period.
Discussion	<p>During our last compliance visit, the new training director had just taken on her new role and was beginning to identify opportunities to improve new staff orientation and experienced staff in-service trainings. During this compliance period, she embraced these responsibilities and has translated the new policies adopted under the settlement agreement into effective trainings. The materials we reviewed were clear and engaging,</p>

	<p>and staff reflected clear understanding of the content they are expected to incorporate into their practice. She adjusted to deliver a great deal of content online due to the pandemic, and was able to keep staff in-service trainings going virtually. We congratulate the state on the choice to establish this position.</p> <p>The content required under the settlement agreement has been incorporated into new employee training and is updated with experienced employees as appropriate. Both remaining staff in Lauderdale County are experienced and skilled, and have received all required trainings.</p> <p>The State also engaged in a variety of initiatives to reinforce the stature of training within the agency and allow for continuous quality improvement. These include establishing opportunities to assess the use of training once staff have been in place for a year, a regular schedule for in-service remote trainings, and an advisory board of counselors from each region to help guide training plans and improvements. The new director of DYS also indicated an interest in increasing trauma-informed programming for staff and having in-service training throughout the year, a vision that the training director appears to be putting into practice. These changes are exciting and reflect commitment to ongoing expansion of staff skills.</p>
Recommendations for Reaching or Sustaining Compliance	The state has now sustained compliance for more than one year.
Evidentiary Basis	Review of youth files, discussions with DYS personnel, review of training materials.

Settlement Agreement Provision	<p>VIII.A.1.</p> <p>The DHS/DYS shall generate such policies and procedures to ensure compliance with the substantive terms of this Agreement. The policies and procedures developed pursuant to this Agreement shall be subject to the review process described below in paragraphs VIII.A.2 and VIII.A.3.</p>
Compliance Rating	Substantial compliance sustained during compliance period

Discussion	All policies necessary to implement the settlement agreement have been developed and reviewed in accordance with the agreement.
Recommendations for Reaching or Sustaining Compliance and Evidentiary Basis	The state has sustained substantial compliance for more than one year.