

**RIVERSIDE COUNTY**  
**JUVENILE JUSTICE COORDINATING COUNCIL MEETING**

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**VIRTUAL MEETING**

November 14, 2022, 2:00 P.M.

**JUVENILE JUSTICE COORDINATING COUNCIL (VOTING MEMBERS)**

**Chief Probation Officer**  
**Ronald Miller II**  
Or Designee

**Public Defender**  
**Steven Harmon**  
Or Designee

**Community Based Organization**  
**Representative, Dan Harris**  
My City Youth

**Director, Department of Public**  
**Social Services**  
**Sayori Baldwin**  
Or Designee

**District Attorney**  
**Michael A. Hestrin**  
Or Designee

**Community Based Organization**  
**Representative, Jitahadi Imara**  
StudentNest Foundation

**Sheriff of Riverside County**  
**Chad Bianco**  
Or Designee

**Presiding Juvenile Court Judge**  
**Mark Petersen**  
Or Designee

**Community Based Organization**  
**Representative, Corey Jackson**  
Sigma Beta Xi

**Director, Riverside University**  
**Health Systems-Behavioral Health**  
**Dr. Matthew Chang**  
Or Designee

**Chair of the Board of Supervisors**  
**Jeff Hewitt**  
Or Designee

**Community Based Organization**  
**Representative, Kevin Kalman**  
Desert Recreation District

**Chairperson, Juvenile Justice**  
**Delinquency Prevention**  
**Christopher Collopy**  
Or Designee

**Community Based Organization**  
**Representative, Norma Biegel**  
Operation Safe House

**Community Based Organization**  
**Representative, Dr. Rodney Kyles**  
Nathanael Foundation

**Superintendent, Riverside County**  
**Office of Education**  
**Dr. Edwin Gomez**  
or Designee

**Community Based Organization**  
**Representative, Dr. Mona Davies**  
Community Outreach Ministry

**Community Based Organization**  
**Representative, Mickey Rubinson**  
Carolyn E. Wylie Center

**Chief, Riverside City Police**  
**Department**  
**Larry V. Gonzalez**  
Or Designee

**Community Based Organization**  
**Representative, Quinton Egson**  
Boys & Girls Clubs of Coachella Valley

**Community Based Organization**  
**Representative, Jesse Vela**  
Equus Workforce Solutions  
or Designee

*In accordance with State Law (the Brown Act):*

- *The meetings of the Juvenile Justice Coordinating Council are open to the public. The public may address the council within the subject matter jurisdiction of this council.*
- *Disabled persons may request disability-related accommodations to address the JJCC. Reasonable accommodations can be made to assist disabled persons if requested 24-hours prior to the meeting by contacting Riverside County Probation Department at (951) 955-2804.*
- *The public may review open session materials at <https://probation.co.riverside.ca.us/jjcc.html> or at Probation Administration, 3960 Orange St., Suite 600, Riverside, CA.92501*
- *Items may be called out of order.*
- *Agenda will be posted 72-hours prior to meeting.*
- *Cancellations will be posted 72-hours prior to meeting.*

**RIVERSIDE COUNTY**  
**JUVENILE JUSTICE COORDINATING COUNCIL MEETING**

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*This JJCC Meeting will be a virtual meeting only due to precautions related to the spread of Coronavirus COVID-19.*

*Any public requests to speak during public comments must first register by completing the form (link below) and submitting at least 24 hours in advance.*

<https://forms.rivco.org/ConstituentSpeakingRequest.aspx#gsc.tab=0>

*Once registered, further information will be provided.*

November 14, 2022, 2:00 P.M.

**AGENDA**

1. Call to Order
2. Roll Call (Voting Members)
3. Adoption of Resolution No. 2022-011 – A Resolution of the JJCC Re-Authorizing Remote Teleconference Meetings for 30 days – Action Item
4. Link to July 18, 2022, Virtual JJCC Meeting – Discussion Item  
<https://imd0mxanj2.execute-api.us-west-2.amazonaws.com/ssr/watch/62d5e725912bcc00097dc3ac>
5. Transfer Oversight of Restorative Justice Program from Probation to Public Defender – Action Item
6. Approval of Fiscal Year 22/23 Budget Adjustment – Action Item
7. Proposed 2023 JJCC Regular Meeting Dates – Action Item  
January 23, 2023  
March 20, 2023  
July 17, 2023  
November 13, 2023
8. Riverside FY 21/22 Monitoring Report – Discussion Item
9. Community-Based Approach for Youth Justice System Services – Discussion Item
10. Council Comments
11. Public Comments
12. Adjournment

Next JJCC Meeting:

Date/Time: TBD

Location: TBD

Board of Supervisors

County of Riverside

**RESOLUTION NO. 2022-011**

**A RESOLUTION OF THE JUVENILE JUSTICE COORDINATING COUNCIL  
RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS  
OF THE LEGISLATIVE BODIES OF JUVENILE JUSTICE COORDINATING COUNCIL  
FOR THE PERIOD NOVEMBER 14, 2022 – DECEMBER 14, 2022  
PURSUANT TO THE RALPH M. BROWN ACT.**

**WHEREAS**, all meetings of Juvenile Justice Coordinating Council and its legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and view the legislative bodies conduct their business; and

**WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions and requirements; and

**WHEREAS**, a required condition of Government Code section 54953(e) is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558(b); and

**WHEREAS**, a further required condition of Government Code section 54953(e) is that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body holds a meeting to determine or has determined by a majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency declaring a state of emergency exists in California due to the threat of COVID-19, pursuant to the California Emergency Services Act (Government Code section 8625); and,

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-07-21, which

1 formally rescinded the Stay-at-Home Order (Executive Order N-33-20), as well as the framework for a  
2 gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020) but did  
3 not rescind the proclaimed state of emergency; and,

4 **WHEREAS**, on June 11, 2021, Governor Newsom also issued Executive Order N-08-21, which set  
5 expiration dates for certain paragraphs of the State of Emergency Proclamation dated March 4, 2020 and  
6 other Executive Orders but did not rescind the proclaimed state of emergency; and,

7 **WHEREAS**, as of the date of this Resolution, neither the Governor nor the state Legislature have  
8 exercised their respective powers pursuant to Government Code section 8629 to lift the state of emergency  
9 either by proclamation or by concurrent resolution the state Legislature; and,

10 **WHEREAS**, the California Department of Industrial Relations has issued regulations related to  
11 COVID-19 Prevention for employees and places of employment. Title 8 of the California Code of  
12 Regulations, Section 3205(5)(D) specifically recommends physical (social) distancing as one of the  
13 measures to decrease the spread of COVID-19 based on the fact that particles containing the virus can travel  
14 more than six feet, especially indoors; and,

15 **WHEREAS**, on November 4, 2021, the Juvenile Justice Coordinating Council previously adopted  
16 Resolution No. 2021-002, finding that the requisite conditions existed for the Juvenile Justice Coordinating  
17 Council and its legislative bodies to conduct remote teleconference meetings without compliance with  
18 Government Code section 54953 (b)(3), as authorized by Section 54953(e); and,

19 **WHEREAS**, as a condition of extending the use of the teleconferencing provisions for another 30  
20 days beyond the Resolution No. 2021-002 adopted on November 4, 2021, pursuant to Government Code  
21 Section 54953(e), the Juvenile Justice Coordinating Council must reconsider the circumstances of the state  
22 of emergency that exists and find that either the state of emergency continues to directly impact the ability  
23 of the members to meet safely in person or state or local officials continue to impose or recommend  
24 measures to promote social distancing; and,

25 **WHEREAS**, the Juvenile Justice Coordinating Council has reconsidered the circumstances of the  
26 state of emergency and finds that state or local officials continue to impose or recommend measures to  
27 promote social distancing, based on the California Department of Industrial Relations regulations related to  
28 COVID-19 Prevention, specifically, Title 8 of the California Code of Regulations, Section 3205(5)(D),

1 continuing to remain in effect; and,

2       **WHEREAS**, as a consequence, the Juvenile Justice Coordinating Council does hereby find that it  
3 and its legislative bodies may continue to conduct their meetings by teleconferencing without compliance  
4 with Government Code section 54953 (b)(3), pursuant to Section 54953(e), and that such legislative bodies  
5 shall comply with the requirements to provide the public with access to the meetings as prescribed by  
6 Government Code section 54953(e)(2).

7       **NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED** by the Board of  
8 Supervisors, County of Riverside, State of California, in regular session assembled on November 14, 2022  
9 does hereby resolve as follows:

10       Section 1. Recitals. All of the above recitals are true and correct and are incorporated into this  
11 Resolution by this reference.

12       Section 2. Reconsideration of the State of Emergency. The Juvenile Justice Coordinating  
13 Council has reconsidered the circumstances of the state of emergency that continues to exist and was  
14 proclaimed by the Governor through a State of Emergency Proclamation on March 4, 2020.

15       Section 3. State or Local Officials Continue to Impose or Recommend Measures to Promote  
16 Social Distancing. The Juvenile Justice Coordinating Council hereby proclaims that state officials continue  
17 to impose or recommend measures to promote social (physical) distancing based on the continuance of  
18 California Department of Industrial Relations regulations related to COVID-19 Prevention through Title 8  
19 of the California Code of Regulations, Section 3205(5)(D).

20       Section 4. Remote Teleconference Meetings. The Juvenile Justice Coordinating Council and  
21 any of its legislative bodies are hereby authorized and directed to take all actions necessary to carry out the  
22 intent and purpose of this Resolution including, conducting open and public meetings in accordance with  
23 Government Code section 54953(e) and other applicable provisions of the Brown Act.

24       Section 5. Effective Date. This Resolution shall take effect immediately upon its adoption and  
25 shall be effective until the earlier of (i) December 14, 2022, or (ii) such time the Juvenile Justice  
26 Coordinating Council adopts a subsequent resolution in accordance with Government Code section  
27 54953(e)(3) to extend the time during which its legislative bodies may continue to teleconference without  
28 compliance with Section 54953(b)(3).

1 ADOPTED this Fourteenth day of November, 2022 by the Juvenile Justice Coordinating Council,  
2 by the following vote:

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4 YES:

5 NO:

6 ABSENT:

7 ABSTAIN:

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## **Submittal to the Juvenile Justice Coordinating Council**

**November 14, 2022**

**Agenda Item #5**

**Subject: FY 2022/23 JJCC Request to Transfer Oversight of Restorative Justice Program**

On March 21, 2022, The Juvenile Justice Coordinating Council (JJCC) agencies were presented with the available funding as well as Probation's proposed program narrative for FY2022/23, which included the Restorative Justice Program.

The Restorative Justice/Victim Mediation Services program is designed for youth who have committed 602 WIC offenses, in which an actual victim exists. Upon voluntary consent of both parties to participation in the program, mentorship and guidance will be provided by Chapman University staff to help the youth "make amends" with the victim, understand how their actions directly impact the victim, and give the victim "a voice." Additionally, the youth will be provided conflict resolution and mediation services by neutral parties in a safe environment.

Probation proposed a budget to fund the contract for Restorative Justice/Victim Mediation Services program in the amount of \$161,117 to reimburse the contracted vendor (Chapman University) for services rendered.

Current legal requirements resulted in a reduction of referrals and overall lack of participation in the Restorative Justice Program. The legal requirements impacted the intake process, affecting how probation intake officers are permitted to discuss an alleged offense with youth and refer youth for services prior to commencement of proceedings. Also, all referrals to services must be completely voluntary and cannot be required to close a case at intake. Once a case has been filed in Court, but outside of a Court Order, if a youth is referred to the Restorative Justice Program, Probation cannot have oversight, adding yet an additional hurdle to referrals and participation. Thus, transfer of oversight to the Office of Public Defender is more appropriate. Under the new oversight, Probation would still be permitted to refer youth to the program during the intake process if youth and the alleged victims voluntarily agree to participate.

In an effort to utilize this funding and increase participation, referrals will be allowed from any 602 WIC attorney, Probation, or District Attorney. The Public Defender is requesting the oversight of the referral process and management of the program be allocated to the Public Defender. If approved by the JJCC, the Public Defender will utilize the Department-wide Contract with Chapman University and create a new Public Defender Contract that will be used for referrals. Once the contract with the Public Defender is fully executed, Probation will terminate the Probation- specific contract

## Submittal to the Juvenile Justice Coordinating Council

November 14, 2022

### Agenda Item #5

(PRARC-96105-002-0421). The Public Defender's Office will take over managing the contract renewals, contract compliance and account payable invoice processes. Probation will continue to work with the Public Defender's office to obtain the necessary information to prepare the Multi Agency Plan and year-end as a separate line item in the budget proposal under agenda item #6 "Other Funded Program, Services and Contracts". If approved by the JJCC, action item #6 will not be impacted, as no additional funding increases are being requested. However, the agency operating the program will shift from Probation to the Public Defender.

Recommended Motion: That the Juvenile Justice Coordinating Council:

1. Approve the program management oversight of the Restorative Justice/Victim Mediation Services to the Public Defender, and
2. Authorize the issuance of the contract under the Public Defender's Office, and
3. Terminate the Probation contract upon completion of the fully executed agreement between the Public Defender's Office and Chapman University.

Respectfully submitted,



Steven Harmon

Public Defender



**Submittal to the Juvenile Justice Coordinating Council  
November 14, 2022**

**Agenda Item #6**

**From: Riverside County Probation Department**  
**Subject: FY 2022/23 Revised Budget Adjustment**

The Juvenile Justice Coordinating Council (JJCC) agencies for Juvenile Justice Crime Prevention Act (JJCPA) annually receive an allocation from the State Realignment Enhancing Law Enforcement Activities Subaccount. Allocation distributions to counties are entirely determined as a percent-to-total of each county's total population based on the most recent estimates published by the Department of Finance (DOF).

On March 7, 2022, the JJCC approved a FY 2022/23 proposed budget of \$10.69M with the assumption that Riverside County would be receiving approximately \$6.66M in JJCPA Operating Funds, as well as utilizing estimated available one-time funds of \$4.03M (FY 2021/22 carryover of \$6.89M, FY 2021/22 Estimated Growth Allocation funding of \$4.51M and FY 2021/22 contingency of \$7.38M). However, based on the final allocation schedule distributed by the DOF, the FY 2022/23 JJCPA allocation has decreased to \$6.66M, a \$3.927 decrease. Additionally, the DOF state growth allocation from FY21/22 estimated at \$4.51M was received in the lower than the estimated amount of \$4.35M, a \$165,954 decrease. The FY 2021/22 carryover was finalized resulting in additional one-time funding of \$4.97M. Overall, the total available FY 2022/23 JJCPA funds have increased from \$18.07M to \$22.91M, a \$4.84M increase.

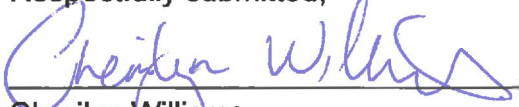
The proposed budget approved by the JJCC on March 7, 2022, was based on funding each agency request at 100% and placing the additional available funds of \$7.38M in the contingency fund. Budget adjustments in the amount of \$1.0M were made to include the JJCC approval of Request for Proposal (RFP) on July 18, 2022, for Strategic Plan Development, GAP Analysis, Program Evaluation/Data Collection services, and Program Recommendations. The funding would allow Probation to finalize the contact between the awarded vendor(s). The total revised proposed operating budget increased from \$10.69M to \$11.69M, which is a \$1.0M increase. As a result of the yearend closing an increase of \$3.85M in additional one-time funds, Riverside County Probation Department proposes the following JJCC budget modification for FY 2022/23:

1. Fund each agency as approved by the JJCC on March 7, 2022, with the budget adjustments of \$1.0M.
2. Increase the contingency fund from \$7.38M to \$11.23M.

**Recommended Motion:** That the Juvenile Justice Coordinating Council:

1. Approve the revised JJCC budget adjustment for FY 2022/23.

Respectfully submitted,



Cherilyn Williams

Chief Deputy Probation Administrator

**RIVERSIDE COUNTY  
JUVENILE JUSTICE COORDINATING COUNCIL MEETING**

All JJCC meetings will be virtual until further notice due to precautions related to the spread of the Coronavirus COVID-19.

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**REGULAR MEETING DATES – 2023**

January 23, 2023 – 2:00 p.m.

March 20, 2023 – 2:00 p.m.

July 17, 2023 – 2:00 p.m.

November 13, 2023 – 2:00 p.m.

***In accordance with State Law (Brown Act):***

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- ***Agenda will be posted 72 hours prior to meeting.***
- ***The public may review open session materials at [www.probation.co.riverside.ca.us](http://www.probation.co.riverside.ca.us) under Related Links tab or at Probation Administration, 3960 Orange St., 6<sup>th</sup> Floor, Riverside, CA.***
- ***Cancellations will be posted 72-hours prior to meeting.***
- ***Agenda items may be called out of order.***

Second Annual Progress and Compliance Review of Youth Accountability Team  
Program Class Action Settlement Agreement

Date of Report: October 31, 2022

Reporting Period: Fiscal Year 2 (July 1, 2021-June 30, 2022)

Report Prepared By: Scott MacDonald and Naomi E. Goldstein, Ph.D.

The following report is a review of progress toward and compliance with the class action settlement agreement between plaintiffs and the County of Riverside by the United States District Court, Central District of California, Eastern Division, case number 5:18-cv-01399-JGB-JEM (hereafter, referred to as “settlement agreement”); final approval of the settlement agreement was granted on June 22, 2020, and an addendum was accepted and agreed to on August 20, 2020. This is the second annual report, covering the time period from July 1, 2021 through June 30, 2022 and building upon the first report that reviewed activities that took place during the period leading up to the final agreement (i.e., prior to June 22, 2020) and during the period from the settlement agreement date through the end of the first full fiscal year of the settlement agreement (i.e., June 22, 2020-June 30, 2021).

During the first monitoring period Riverside County focused on ensuring that policies, protocols, and forms were consistent with the requirements of the settlement agreement. This second report evaluates ongoing implementation of the settlement agreement requirements, focuses on refining policies and practices and supporting organizational culture to better align with adolescent development principles and related best practices, and offers direction on establishing ongoing mechanisms for quality assurance monitoring.

### **Background**

The class action lawsuit, *Sigma Beta Xi, Inc. v. County of Riverside*, was filed July 1, 2018, by three youth and Sigma Beta Xi, a youth-mentoring organization in Riverside. The lawsuit challenged the constitutionality of the Youth Accountability Team (“YAT”), a youth diversion program.

As stated in the document, “Notice of Class Action Settlement About the Rights of Youth Involved in the Riverside County Youth Accountability Team,” posted on the Riverside County website per a requirement of the settlement agreement:

The lawsuit raised numerous concerns over the harsh penalties imposed on children accused of only minor school misbehavior. The lawsuit alleged that the YAT program had placed thousands of children on onerous YAT probation contracts on the basis of common teenage behavior, including for children’s

“persistent or habitual refusal to obey the reasonable and proper orders or directions of school authorities” under California Welfare & Institutions Code section 601(b). The lawsuit further alleged that the YAT program violated children’s due process rights by failing to give them adequate notice of their rights and failing to provide them with counsel. The lawsuit further alleged that the program imposed intrusive and unconstitutional contract terms that allowed officers to search children, in violation of their rights to be free from unreasonable search and seizure and imposed supervision conditions that restricted their expressive and associational rights. The lawsuit also alleged that the YAT program’s referral practices led to racial disparities.

Riverside County denied any and all allegations of wrongdoing and after conducting a series of settlement conferences, parties agreed to terms of the settlement.

On August 26, 2019, the Court preliminarily approved the class settlement of this case pending notice to all class members and an opportunity for class members to formally object to the settlement. Notice of the proposed class settlement agreement was mailed to all known class members, posted on several websites, and posted in locations where Riverside County YAT probation officers were regularly stationed.

The settlement agreement requires that two individuals monitor the YAT program and compliance with conditions of the settlement agreement for five years (through fiscal year 2024-25) and prepare an annual report summarizing yearly progress toward and compliance with the settlement agreement. This report reflects information obtained via monitoring that is relevant to the settlement agreement requirements.

### **Monitoring Methodology and Approach**

Monitors’ Appointment and Role: The parties to the settlement agreement jointly requested the appointment of us, Mr. Scott MacDonald and Dr. Naomi Goldstein, as qualified joint third-party monitors. Per the agreement, we are to complete annual reports to advise on compliance, or non-compliance, with the terms set forth in the agreement and provide these reports to the parties and the court for the duration of the agreement. The agreement requires that we are provided with reasonable access to any persons, information, and documents maintained by the County of Riverside concerning the YAT program or any other non-court-ordered supervision program (NCOSP) to ensure compliance.

Monitoring Methods: To evaluate compliance or non-compliance with the terms set forth in agreement, we used the following methods: on-site visit, video calls, phone calls, emails, and record review/record exchange.

Due to the COVID pandemic, most of the monitoring activities were conducted by remote video meetings with Riverside County Probation Department personnel, primarily with those Riverside County Probation Department personnel designated to oversee and manage the settlement agreement (i.e., hereafter referred to as “agreement managers”). Additionally, we held individual calls with key justice stakeholders, remotely attended scheduled Juvenile Justice Coordinating Council (JJCC) meetings, and facilitated other web-based meetings to oversee the settlement agreement. In our role as monitors, we conducted a site visit to the Riverside Probation Department from April 19-22, 2022. During that visit, we provided a day-long staff training and had a series of meetings with agreement managers, WestEd evaluators, and other stakeholders, including the chair of the Juvenile Justice Coordinating Council Community-Based Organizations Review and Feedback subcommittee. We prepared a summary memo of our visit, describing our observations and recommendations, and emailed this memo to Chief Ron Miller following the site visit. Additionally, as monitors, we conducted periodic calls with Chief Ron Miller and Assistant Chief Christopher Wright to obtain and provide updates, information, and recommendations relevant to the settlement agreement.

Throughout the review period, we communicated with the agreement managers regularly via email to schedule meetings and request information and updates on progress toward and ongoing compliance with the settlement requirements. Lastly, the agreement managers regularly provided documents to us via email and shared online folders to inform our evaluation of compliance with the requirements of the settlement agreement, and they responded to our questions/comments regarding these documents.

Monitoring Approach: In coordination with the Probation Departments agreement managers, we used a settlement agreement tracking form developed in the first year of monitoring to: 1) guide our discussions with the agreement managers and other relevant parties; 2) track our review of compliance with each requirement; 3) record the mechanisms or documents we reviewed to evaluate compliance or non-compliance with each requirement; 4) communicate questions to and receive answers from the agreement managers between meetings regarding documentation and progress/compliance with requirements; 5) identify specific actions needed; and 6) record level of compliance and indicate whether the actions taken to comply represent a one-time requirement or must be performed on an ongoing basis. During this monitoring period, we recognized that quality assurance mechanisms needed to be created and implemented for ongoing review to ensure that written policies and procedures are followed, used consistently in practice, and reflected in casefile documentation. We used the tracking form to note areas for which quality assurance monitoring

mechanisms should be developed for internal (e.g., by probation intake supervisors, departmental leadership, agreement managers) and external (i.e., us, as monitors) review.

### **Monitoring Report Overview**

This report represents a summary of the progress toward and compliance with the requirements of the settlement agreement, as determined using the monitoring methods and approach described. This report first provides an overview of the categories of requirements in the settlement agreement. Then, for each category, the report includes: 1) a summary of requirements and reference to progress made in year one; 2) a summary of compliance with and progress toward those requirements in year two, including refinements made based on year one recommendations from us, as monitors; 3) an overall status designation (i.e., in compliance, in partial compliance, not in compliance); and 4) recommendations for ongoing quality assurance within each category. This report concludes with a conclusion summary and recommendations for year three and beyond.

### **Requirements in the Settlement Agreement: An Overview**

The final settlement agreement includes multiple categories of requirements for Riverside County that pertain predominantly to the Youth Accountability Team (YAT). Several settlement requirements are also relevant to other NCOSPs under Welfare & Institutions (W&I) Code section 654. Additionally, use or non-use of YAT and other NCOSPs could result in broader case processing changes—such as increased use of less restrictive diversion options without probation supervision or increased frequency of formal court filings. Thus, to better understand how YAT and other NCOSP’s utilization impacted juvenile case processing outcomes, we requested system data on all referrals that led to diversion and all cases filed with the court from fiscal year 2018-19 through fiscal year 2021-22 and for the duration of the settlement agreement. Monitoring of this settlement agreement involved review of requirements within the following categories:

- Probation referrals;
- Defense counsel;
- Probation notice to youth;
- Risk assessments;
- Contracts under the YAT Program or any NCOSP;
- Record collection, creation, and retention;
- Data tracking;
- Modification of existing Probation Department policies, processes, and/or procedures and other public information regarding the YAT Program and any other NCOSP; and training;

- Composition of the Juvenile Justice Coordinating Committee (JJCC)
- Increased allocation of Juvenile Justice Crime Prevention Act (JJCPA) funding to community representatives; and
- Sealing and destruction of YAT records for all class members.

## **Summary of Agreement and Progress**

### **I. Probation referrals**

#### Summary of requirements

Prior to the preliminary settlement agreement, the YAT program included youth referred under W&I Code section 601, commonly known as status offense charges, or charges only applying to youth. The YAT program also included youth referred under W&I Code section 602—law violations not defined solely by age.

The settlement agreement prohibits Riverside County from seeking or accepting referrals to or placing youth in the YAT program or to any other NCOSP for youth under the age of 18, if the youth is alleged to have committed an offense under W&I Code section 601 or alleged to have engaged in non-criminal behavior, including non-criminal violations of school rules. This does not prohibit the Riverside Probation Department from responding to inquiries and providing information about programming that exists in the community and is open to the public.

As noted in the settlement agreement, based on substantial research indicating that contact with the justice system leads to worse outcomes for youth, the Probation Department committed to minimizing contact between youth and the juvenile justice system to the extent possible, consistent with public safety and evidence-based practices. For youth alleged to have committed a law violation under W&I Code section 602 and where the Probation Department has statutory discretion, the department may contact a youth or their parent/guardian to determine whether to close at intake, counsel and close with referral to community-based services, or refer the youth to the YAT or other NCOSP program. Information obtained from the parent/guardian cannot be shared with the District Attorney or be used against a youth in any court proceeding. For specific offenses (see settlement agreement for list), there must be a presumption upon application for a petition that the Probation Department counsel and close the matter or refer youth to a community-based organization.

#### Summary of compliance/progress with requirements in this category

The Riverside County Probation Department stopped accepting referrals of youth referred under W&I Code section 601 for status offenses on July 1, 2019. The Department created a “Standard Work” document, which delineates intake procedures

for staff to follow. These intake procedures outline appropriate contact for the purpose of making an intake assessment and referrals to the YAT program of youth alleged to have committed a W&I Code section 602 violation. The Standard Work document also includes the directive that information obtained as part of the intake assessments will not be shared with the District Attorney or at any subsequent court proceeding. Additionally, as documented in training materials in the form of a PowerPoint presentation and referenced in the Out of Custody Standard Work document, the formal intake orientation procedures for new staff include information about not accepting W&I Code section 601 referrals. And lastly, the Out of Custody Intake Standard Work document specifies that the Department must presume that they will counsel and close cases with applications for a petition for any of the offenses specified in the agreement.

In our review of fiscal year 2021-22, we determined that the Probation Department is continuing the practice of not accepting referrals of youth referred under W&I Code section 601. Based on training documentation and reports received from the agreement managers, the Department reviews the practice of not accepting 601 W&I referrals—along with review of other requirements specified in the settlement agreement—during staff orientations and booster trainings on intake protocols. The Department documented related policies and protocols in the Standard Work.

As previously noted, to the extent possible based on available data, we will review later in this report whether frequency of referrals for diversion and formal processing (i.e., going through the formal court process) changed with the substantial reduction in use of YAT and NCOSP utilization. Research supports utilization of diversion to minimize formal justice system involvement, and, as noted in the settlement agreement, “Substantial research shows that contact with the juvenile justice system leads to worse outcomes for youth. The Probation Department is committed to minimizing contact between the youth and the juvenile justice system to the extent possible consistent with public safety and evidence-based practices.”

***Status: In compliance.***

## **II. Defense counsel**

### **Summary of requirements**

The settlement requires inclusion of defense counsel in the YAT team or in any other NCOSP team. The County Probation Department must provide legal counsel to advocate for and protect the rights of the youth client, including ensuring that the youth understands their legal rights and the potential consequences and benefits of entering into the YAT program, entering into another NCOSP, or proceeding to court. Defense



counsel is also responsible for ensuring that the youth is able to consent to participating in the YAT or other NCOSP knowingly, intelligently, and voluntarily.

After determining that a youth is suitable for the YAT program or other NCOSP, the Probation Department must provide a copy of the petition and accompanying documents to defense counsel, initiating appointment of counsel. Counsel is provided to youth at no cost to the client. Youth referred to the YAT program or other NCOSP must consult with counsel prior to meeting with the Probation Department and prior to deciding whether to participate in the program. If the youth decides to participate in the YAT program or any NCOSP, counsel must continue throughout the program, and ensure, as permitted or required by law, that the youth's records and files are timely sealed and/or destroyed. If a youth decides not to participate in the program, counsel's obligations are terminated.

*Summary of compliance/progress with requirements in this category*

The County of Riverside Probation Department executed contracts with the Oblachinski and Burns defense firm and with defense attorney Barbara Brand to provide legal representation to youth from the time of referral to the YAT program, or to any other NCOSP, throughout the duration of the program, and until their records are sealed and/or destroyed. The terms of these contracts are consistent with the settlement requirements. Standard Work documents specify the order of operations, including the requirement to refer a youth's case to defense counsel (i.e., to initiate contact with the youth and parent/guardian) prior to any Probation Department personnel meeting with the youth and/or family. The Probation Department developed an informational YAT Program notice for youth and parent/guardian about setting up an appointment with defense counsel, and this notice specifies that legal counsel is provided free of charge.

During this reporting period (fiscal year 2021-22), no active YAT cases were continued from the prior fiscal year (2020-21), although two cases had been referred to YAT and were pending enrollment at the close of that fiscal year (2020-21). In addition to those two cases pending enrollment, 10 new cases were referred to YAT in fiscal year 2021-22. Based on casefile document review and the established intake process, we, as monitors, determined the Probation Department referred all 12 youth to free counsel and provided them with information about the YAT program or other NCOSP. Four youth agreed to participate in YAT and were accepted into the program, seven youth did not participate in the program, and one youth's case was pending the decision to participate at the end of the fiscal year. Of the seven youth who did not participate, three were closed without further action, one could not be contacted, and the families of three youth declined program participation. Of the four youth enrolled in YAT during this fiscal

year, three completed successfully and one continued services into the following fiscal year). Another youth was pending enrollment at the end of this monitoring period.

Based on these data regarding rates at which youth decline and accept services when referred to YAT, it appears that youth and families are making autonomous decisions about program enrollment and not being coerced to enroll. Beyond referral to counsel at the time of YAT referral, our review of cases revealed instances in which counsel was provided *during* program participation and times when the Probation Department sought input from counsel, in collaboration with youth and families.

***Status and recommendations: In compliance.*** *We recommend for the coming fiscal year 2022-23 that agreement managers, coordinating with us as monitors, conduct a structured review, in consultation with contracted defense counsel, to determine that representation is provided to each youth throughout the duration of participation in the YAT program or any other NCOSP.*

### **III. Probation notice to youth**

#### Summary of requirements

Youth must be afforded due process in all contacts related to YAT or any other NCOSP. Prior to assigning a youth to one of these programs, the Probation Department must determine that there is probable cause to believe that the youth committed the alleged offense. The Department is required to provide information about the program to the youth to inform the youth's decision about participating in YAT or one of the other NCOSPs, including: written information about the charges or allegation; a detailed description of the relevant program and expectation of the youth if the youth chooses to participate; notice that information obtained during the course of the program may be disclosed in future juvenile court proceedings; a statement regarding the use and retention of records unless or until the record is destroyed or sealed; a description of how the Probation Department will determine successful completion by the youth; and the right to have certified interpretation, provided by the county, at all meetings with the Department if the youth or parent/guardian does not speak English as a first language. All notices and any written information required by the settlement agreement must be in a language easy to understand, at no more than a fifth-grade reading level.

For any youth or parent/guardian with a disability, the Probation Department must provide reasonable accommodations to ensure effective communication from initial contact through exit interview, ensuring that they are able to participate fully and understand all critical components of the YAT program or other NCOSP. The Probation Department is required to make its best efforts to work with each youth and parent/guardian to schedule meetings to avoid conflicts with school, scheduled

activities, or other appointments and to ensure that individuals who play a supportive role in the youth's life can attend. The Probation Department must provide notice at least 48 hours ahead of any home visit unless the parent/guardian agrees otherwise.

Youth in YAT or another NCOSP cannot be required to admit culpability as a condition of program participation. There must be a presumption against assigning drug or alcohol testing as a condition of any contract under one of these programs. The Probation Department will not assign drug or alcohol testing unless there is a direct nexus between the condition and the alleged offense, or where subsequent incidents of drug or alcohol usage have been identified. The Department must provide written notice to the youth, parent/guardian, and legal counsel of any drug or alcohol testing condition it seeks. No testing may be assigned without a referral to drug and alcohol testing. The Department cannot terminate a contract due to a youth or family's inability to pay for drug and alcohol counseling and must make best efforts to refer the youth to the best low- or no-cost resources available.

The Probation Department will provide youth with written notice within 72 hours of successful completion of YAT or any other NCOSP. If a youth is in danger of not successfully completing the program, the Department must provide the youth with every opportunity for additional services and supports to help the youth progress toward successful completion. Written notice must be provided to the youth, parent/guardian, and the youth's attorney and mailed to the youth's home address at least one week prior to any meeting at a critical stage (i.e., initial interview, exit interview, proposal of a new condition, and any time a youth may be in jeopardy of termination from the program).

*Summary of compliance/progress with this category of requirements*

During the first monitoring year, the Standard Work document (referenced above) was created to guide staff on all processes for the programs at issue—from assessment intake through sealing or destruction of records. This includes intake probation officers determining sufficient probable cause for alleged offenses. The Probation Department created notices to send to parents/guardians of youth referred to the YAT program or other NCOSP. These forms are available in English and Spanish and, in the event of another primary language, the Standard Work calls for use of interpreter services through the Probation Department. These forms contain all information and advisements required by the settlement agreement.

Both the Standard Work and Roles and Responsibilities for YAT Probation Officers documents incorporate settlement requirements, including indication that youth are not required to accept culpability for the alleged offense in order to participate in the

program, and instructions to staff that they must make their best efforts to be flexible in scheduling meetings to accommodate the needs of youth, families, and other individuals with supportive roles in the youth's life. Additionally, staff are trained to routinely ask youth and families how they can accommodate them with location and timing of scheduled appointments. Meetings have been held in the evening and offered on weekends during this reporting period accordingly.

The Standard Work includes requirements related to drug and alcohol testing, as specified in the settlement agreement, including the presumption against assigned drug testing and assigning drug testing only in cases in which there is a nexus to the alleged offense. The Standard Work also specifies the required provision of notice of successful program completion within 72 hours and of written notice mailed to the youth's residence at least one week prior to a meeting at any critical stage or at any time a youth is in jeopardy of program termination. The Department created a "Jeopardy Letter" for this latter purpose.

During this fiscal year 2021-22 reporting period, no youth in YAT had drug or alcohol requirements or were subject to drug testing. The YAT program processed 12 referrals during this fiscal year (two referrals received in fiscal year 2020-21 and 10 received during 2021-22); seven youth did not enroll in the program, with six of them declining, and the other unable to be located. Four youth enrolled in the program during the fiscal year (three completed successfully and one youth continued services into the following fiscal year). Another youth was pending enrollment at the end of this monitoring period.

The Probation Department considered this latter youth at-risk of being unsuccessful in completing YAT and provided a Jeopardy Letter to the youth and parent/guardian, resulting in a meeting with counsel, the youth, the family, and probation staff; it was determined this youth was on track and no longer in need of services, leading to withdrawal from the program. Notice of YAT completion was documented in case notes within 72 hours and reviewed by an agreement manager.

Additionally, during this monitoring period, an additional 15 youth enrolled in a state mandated diversion program, which is considered an NCOSP; all 15 youth were referred to this program, not to exceed six months, due to allegedly having driven under the influence, pursuant to 654.1 WIC. Following referral to this NCOSP, youth voluntarily participate in a drug/alcohol awareness program and agree to having their case heard and dismissed by a juvenile court judge upon successful completion of the program. During fiscal year 2021-22, eight of the 15 youth successfully completed the program, and the remaining seven were still enrolled at the end of the fiscal year.

The Probation Department provided clear documentation of compliance with the objective requirements (e.g., notice of successful completion within 72 hours) of the settlement agreement, and based on documentation of appointment times, it appears the Department is working to accommodate youth and families' schedules and conflicts, per agreement requirements. However, to truly evaluate fulfillment of these subjective settlement agreement requirements (e.g., flexibility in scheduling and accommodating families), feedback must be obtained from youth and families.

**Status: In compliance.** *We recommend for the coming fiscal year 2022-23 that the Probation Department and agreement managers, in consultation with us as monitors, expand compliance review to include the more subjective aspects of the agreement (e.g., flexibility in scheduling and accommodating families) by soliciting feedback directly from youth and parents/guardians, in collaboration with the Juvenile Justice Coordinating Counsel, regarding fulfillment of these more subjective agreement components throughout the YAT and NCOPS process.*

#### **IV. The use of risk assessments**

##### Summary of requirements

The Probation Department currently uses the Ohio Youth Assessment System (OYAS) - Diversion tool (OYAS-DIV) to determine if youth at diversion intake have their cases closed, receive a counsel-and-close decision, or receive a contract of up to six months of supervision via YAT or other NCOSP.

To maintain consistency of scoring/results of the OYAS-DIV (or other assessment tool used in the future), the Probation Department is required to provide 14 hours of introductory training to staff newly assigned to use the OYAS-DIV and to provide ongoing annual training on the correct use of the OYAS-DIV to all staff members conducting assessments for the YAT or other NCOSPs. OYAS-DIV scores may only be used to determine the level of diversion intervention; they may not be used for any other purpose. The Department also must provide supervisors who approve override (i.e., deviations from the level of intervention indicated by the OYAS-DIV score) with annual training to help them consistently make appropriate override approval decisions. The Department was also required to develop guidelines for the appropriate use of overrides, including at least a written explanation of the reason for any override.

If the Probation Department chooses another risk instrument other than the OYAS-DIV, the Department must provide the number of training hours recommended by the instrument's creator to staff prior to use of the tool and annual training on appropriate tool use for all staff using the tool and all staff who approve overrides. If the instrument can be overridden, the Department must require supervisor approval for any override

and the written documentation of the reasons for the override. The instrument may only be used for the purpose for which it was intended.

*Summary of compliance/progress with this category of requirements*

The Ohio Youth Assessment System (OYAS) is a dynamic risk and needs assessment system that contains five tools to support case planning in diversion, detention, disposition, residential treatment, and reentry. Riverside County uses the OYAS Diversion (OYAS-DIV) tool. The OYAS-DIV tool categorizes youth at low, medium, or high risk of rearrest for any type of offense within 12 months and to use this information to determine the level of diversion intervention. The OYAS-DIV tool includes six items that address: prior offenses, previous probation, current offense, age at first contact, family criminality, and caregiver's ability to supervise.

The OYAS-DIV tool was structured locally to help inform the level of diversion. OYAS-DIV scores are currently used to determine three levels of intervention: low-risk scores result in closing the case at intake, moderate-risk scores result in a determination of counsel and close, and high-risk scores result in a referral to YAT or another NCOSP. OYAS-DIV scores may not be used for any purpose other than the one intended—to guide the decision regarding level of diversion. An OYAS-DIV score that categorizes a youth as at high-risk for rearrest cannot, for example, be used as the basis for a referral to the District Attorney's Office for formal processing; this is not the intended use of this tool, and in fact, less than half of all youth (48% of boys and 44% of girls) identified as high risk in the normative research sample were rearrested within 12 months of assessment.

An override of an assessment tool is traditionally defined as a deviation of an outcome/decision from the outcome/decision indicated by an assessment tool's score. A downward override—or override down—involves a decision that results in a lower level (i.e., less serious) outcome than the assessment tool's score indicated. For example, a staff member's decision to close at intake would represent a downward override if the OYAS-DIV score were in the moderate-range, which would indicate that the case should be counseled and closed. In contrast, an upward override—or override up—involves a decision that results a higher level (i.e., more serious) outcome than the assessment tool's score indicated, such as if a youth is referred to YAT when the OYAS-DIV score is in the moderate-risk range, which indicates counsel and close. An upward override would also include the Probation Department referring a youth's case to the District Attorney's Office for formal filing if the matter was eligible for diversion at the discretion of the probation officer per section 653.5 of the California Welfare and Institutions Code; this type of upward override will be referred to a "non-mandatory" referral throughout this report.

Data were not available for this report on all overrides; however, we, as monitors, have requested this comprehensive information for fiscal year 2022-23 and beyond, and, ideally, retrospectively to fiscal years 2019-20, 2020-21, and 20221-22. We did receive data on a subset of override cases—only those non-mandatory referrals that resulted in referral to the prosecutor for formal filing (i.e., no downward overrides of any type, and no upward overrides within the three diversion decisions of case closure, counsel and close, refer to YAT or other NCOSP for a supervision contract). Consequently, in this report that covers fiscal year 2021-22, all references to overrides refer to non-mandatory diversion eligible cases that the Probation Department did not divert (at least initially) and, instead, referred to the District Attorney’s Office for filing. Overrides are based on intake staff members’ decisions, relying on criteria of the Rules of Court and other policy criteria, such as having other matters pending in court or multiple prior diversions. The California Rules of Court intake guidelines (Rule 5.514) require probation to assess matters that are suitable to a non-judicial agency or program available in the community and call for the commencement of formal juvenile court proceedings only when necessary for the protection of the public. The goal is to establish and maintain a fair and efficient intake program to establish fair and swift evaluation and referral to appropriate actions and or services.

There were 784 cases with diversion-eligible referrals during this reporting period, and based on data we received, probation intake staff overrode the decision in 83 of these cases (10.6%), referring the case to the prosecutor for formal filing; 41 of these cases were filed during this fiscal year, and 42 were pending at the end of the fiscal year. It is unknown how many of the 42 pending override cases have resulted or will result in filing. Of the 83 cases with identified overrides, 87% were of youth of color; this compares to 82% youth of color in all diversion eligible referrals (non-mandatory referrals). If diversion use could be maximized in diversion-eligible cases in the future, the iatrogenic effects of formal system involvement could be avoided, and a swifter response could be established to connect youth to services to address their needs and prevent use of future system involvement. The Probation Department may need to work closely with other juvenile justice agencies (e.g., District Attorney’s Office, public defenders’ office) to refine processes to increase use of diversion in these types of non-mandatory cases.

Among other criteria, Probation is to take into account the age and maturity of the child and whether services to the family and youth can resolve matters leading to the alleged charges. Given the increasingly strong research base on the greater effectiveness of diversion than formal processing—including of cases involving felonies and aggression that can be safely and appropriately addressed using services and restorative

practices—we, as monitors, have asked the Probation Department to: 1) take an in-depth look at its use of overrides (i.e., *all* types of downward and upward overrides) and 2) review and revisit the criteria established to refer youth for formal processing to maximize use of diversion and connect youth with community-based services when indicated to swiftly address conflict, reduce system involvement, and promote community safety. This second request involves two steps. First, it involves a review of rules, policies, and other documentation to determine the types of non-mandatory cases for which the Probation Department has processing discretion but, currently, automatically refers to the District Attorney’s Office for filings. Second, the latter request involves examining the effectiveness of the counsel-and-close diversion process to determine the Probation Department’s effectiveness in connecting youth with appropriate community-based services to address each youth’s individualized needs and reduce risk of future system-involvement. As we understand it, when the OYAS-DIV-informed decision is to counsel and close a case, the Probation Department provides the youth and parent/guardian with a list of services available in the community—it is unclear how effective this process is in supporting service uptake and enrollment by youth, and it is unclear whether the services to which they are referred are well designed to meet their individualized needs. Over the past fiscal year, the Probation Intake Unit successfully diverted approximately 90% of youth with non-mandatory referrals away from formal processing; the process of connecting youth and families to services should be examined and improved where needed.

Seventeen probation staff members were assigned to intake or YAT throughout this reporting period, and 13 staff members were assigned at the conclusion of this period. The Probation Department has been maintaining logs with the dates staff were assigned to the program, the dates of the initial 14 hours of OYAS trainings and the related booster trainings, and names of attendees at these training; we reviewed these logs and concluded the requisite trainings were provided within the specified timeframes. The Department also provided relevant supervisors with the required trainings on appropriate and consistent decision making regarding their approval of overrides. The Department developed guidelines for appropriate use of overrides, which includes the requisite details. These guidelines are covered in the OYAS training and are incorporated into the Standard Work documents.

***Status and recommendations: In Compliance.*** *Probation Intake is technically in compliance with the settlement agreement; however, we recommend a more robust identification and analysis of all overrides based on departures from those indicated by OYAS-DIV scores, in addition to the non-mandatory referrals of a youth’s case to the District Attorney’s Office for formal filing that are currently captured. As part of this override review process, we also recommend particular attention to racial and ethnic*



*disparities in override decisions of all types. The Probation Department also should review the process of individualizing and connecting youth to community-based services. We make the recommendations in this section with an eye toward minimizing unnecessary formal filing of youth cases, maximizing appropriate use of community-led diversion options (per specified intent of the Rules of Court), and promoting equity in decision making.*

## **V. Contracts for YAT or other non-court-ordered supervision programs**

### Summary of requirements

For any youth participating in the YAT program or any other NCOSP, the Probation Department, the youth, and the youth's parent/guardian must sign a written contract that explains the basis for the contract and each party's program-related responsibilities. The contract must be developed between the youth, parent/guardian, defense counsel, and probation officer using a contract template included in the settlement agreement to ensure all items are developmentally appropriate and designed to meet the specific needs of the youth to promote positive behavioral change.

The settlement agreement mandates information that must be included in the contract, including charges/allegations, offense code, and relevant text of the law. The contract must identify the jointly created list of positive development opportunities, goals, incentives, terms, and resources designed to build upon the youth's strengths and to meet the specific needs of the youth. These should include: 1) the youth's needs to be addressed by the contract and an identification of the youth's strengths; 2) the resources the Probation Department will provide to the youth (e.g., the provision of bus cards to travel to courses or meetings); 3) the goals the youth agrees to work toward, including short-term goals and targeted incentives; 4) terms the youth agrees to comply with; and 5) information about any Community Representatives that may work with the youth.

For any youth or parent/guardian for whom English is not a first language, the Probation Department will provide a copy of the contract in a language that the youth and parent/guardian understand. The Probation Department will make accommodations as needed to ensure that it is accessible to any youth or parent/guardian with a disability.

The settlement agreement prohibits contracts from including any term related to: touring a correctional facility; prohibiting associations (with the possible exception of co-participants, victims, or witnesses related to the alleged offense); or searches of the youth's person, vehicle, premises, cell phone, or personal possessions.

Contracts may include terms to address drug or alcohol use, consistent with the aforementioned settlement agreement requirements. Completion of goals related to

drug and alcohol use should emphasize a youth's efforts towards meeting those goals, rather than the outcome of any particular drug or alcohol test.

Contracts may be amended to reflect youth progress or adjusted to respond to youth needs. In no circumstance will new conditions be added to a contract absent notice to appointed counsel and consent from the youth and parent or guardian. Contracts will remain in place for no more than six months and may be closed sooner if the Probation Department believes the youth has successfully cooperated and met the goals and objectives set out in the contract.

*Summary of compliance/progress with requirements in this category*

The Probation Department developed a YAT contract that includes all of the information outlined in the settlement agreement. The Standard Work includes protocols for ensuring that the Department provides contracts to youth and their parent/guardian in their first language. During this monitoring period, one mother of a YAT participant was provided translation services; translation services were provided to three mothers, one father, and one youth in the NCOSP cases for driving under the influence.

The Standard Work also includes prohibition of the terms identified in the settlement agreement, instructions on the appropriate use of drug and alcohol testing, and specification of the six-month limit on program duration.

During the monitoring site visit in April 2022, we, as monitors, reviewed completed YAT contracts for participating youth. Although the Probation Department fulfilled the requirement of creating a contract that includes the requisite information, it did not appear that the structure of the contract—or its implementation—was meeting the intent of this section of the settlement agreement: to jointly create an actionable and attainable set of goals with the youth and to use this contract in a developmentally informed way to enhance a youth's strengths and help address the youth's needs. Although the contract identified each youth's strengths and needs—and the Probation Department incorporated use of SMART (Specific, Measurable, Achievable, Relevant, and Time-bound) goals into the Standard Work—implementation of the contract did not appear to factor a youth's strengths into the identified goals nor did the goals appear to directly address the youth's needs. It was also unclear whether the contracts were amended over time to address a youth's evolving strengths and needs during a supervisory period.

Following the site visit, we worked with a YAT supervisor, who is also an agreement manager, to revise the contract and its implementation strategy to meet the goals of this section of the settlement agreement—that is, to establish a contract that also functions

as a meaningful case plan, one that: 1) involves a dynamic and shared development and reflection process with youth and families; 2) includes user-friendly content and language that is easily understood by all relevant parties; 3) includes short- and long-term SMART goals and action steps that address each youth's unique strengths and needs; 4) incorporates developmentally appropriate strategies to help a youth make progress toward their short- and long-term goals; and 5) can be modified easily to recognize a youth's progress toward goals and provide support and resources to help the youth address needs or challenges in achieving goals. Importantly, although contracts may be amended to reflect youth progress or adjusted to respond to youth needs, the revised contract, if structured as an evolving case plan, must address only *established* conditions—per the settlement agreement, no new conditions may be added to a contract absent notice to appointed counsel and consent from the youth and parent/guardian. The YAT supervisor/agreement managers drafted and recently provided us, as monitors, with a revision of the contract to meet these goals, and recently provided it to, and we will confirm that 1) the settlement requirements continue to be fulfilled in the revised contract document and 2) the intent of this section of the settlement agreement (as described in this section) is met. We will continue to work with the agreement managers during fiscal year 2022-23 to finalize the revised the contract and its implementation strategy.

***Status: In partial compliance.*** *As stated previously, during the first fiscal year of this agreement, we focused on ensuring that written policies and procedures (e.g., Standard Work documents) addressed the settlement agreement requirements. During that period, there were no YAT or other NCOSP referrals and, therefore, we had no opportunity to monitor implementation of many settlement agreement requirements in practice. During the current monitoring period, we examined case files of youth enrolled in YAT and determined that the case planning process fell short of achieving the intent of the settlement agreement requirements, as described above. The agreement manager/YAT supervisor is currently worked with Dr. Goldstein, as monitor, to enhance the existing YAT contract and case planning process. We recommend that the agreement managers also conduct real-time (i.e., while youth are participating) review of YAT cases, review case files after closing, and provide coaching to YAT staff in this revised, developmentally informed case planning process.*

## **VI. Record collection, creation, and retention**

### **Summary of requirements**

The Probation Department may not collect or maintain any information on youth who do not fall under W&I Code section 601 or 602. For youth referred under section 601, the Probation Department may not retain information beyond what is obtained in the application for a petition, including in its Juvenile and Adult Management System

(JAMS) database, and this application may be retained only for records management purposes for the time period specified in the Department's record retention policy. The Department may not collect or maintain information about youth who do not fall under section 602 in any database intended to track gang-related information, and the Probation Department will not enter any information discovered during the YAT or other NCOSP into any external gang-related database.

The Probation Department will not seek to obtain any documentation of a youth or parent/guardian regarding immigration status.

For any youth referred for petition under section 602 and involved with the YAT or other NCOSP, the Probation Department may receive, solicit, and maintain records pertaining to the youth and store them in the JAMS database and/or in hard copy with the following provisions: records must be obtained for the purpose of preparing the contract and providing services to the youth; the Department must seek to minimize the amount of information solicited and incorporated into the file and provide notice to any youth, parent/guardian, and legal counsel; the Department must obtain authorization prior to requesting medical records, mental health records, or Individualized Education Plans; consistent with W&I Code section 827, the Department must maintain confidentiality of youth records and a youth and parent/guardian have the right to inspect the information in the youth's JAMS file; the Department may be obligated to provide information (e.g., whether the youth declined participation) from a youth's participation in the YAT or other NCOSP in subsequent juvenile proceedings should they arise.

*Summary of compliance/progress with requirements in this category*

The Probation Department officially stopped accepting referrals for cases under W&I Code section 601 on July 1, 2019. By March 2020, all W&I Code section 601 cases had been destroyed. Consistent with the policy to end the acceptance of cases referred for section 601 violations, the JAMS does not provide the option to capture information for youth under W&I Code section 601. Additionally, the non-acceptance of 601 W&I cases is covered in the intake orientation training provided to all intake staff. The Probation Department's Standard Work specifies, as outlined in the settlement agreement, the appropriate use of information and records for probation officers assigned to conduct intakes to the YAT program or other NCOSP. Based on information provided by the agreement managers, during this monitoring period, the Probation Department has not requested medical, mental health records or Individualized Education Plans for any youth with a YAT or NCOSP referral.

***Status and recommendations: In compliance. We, as monitors, recommend the Probation Department track and document, thorough quality assurance audits,***

*compliance with the requirements in this section (e.g., nature and use of records requested, maintenance of records received, youth and parent/guardian awareness of right to inspect records).*

## **VII. Data tracking**

### Summary of requirements

Within 180 days of the signed agreement and on a quarterly basis, the Probation Department must collect and analyze data regarding youth placed into the YAT program or any other NCOSP. Analyses must disaggregate data by race/ethnicity, gender, age at time of alleged offense, and foster youth status. A full listing of the youth data required by the settlement is included in the settlement agreement.

The Probation Department must provide the analysis in a written report to the Juvenile Justice Coordinating Council (JJCC) in open session, and to the County Executive officer, on an annual basis in a format that will protect confidentiality of youth and personnel. Written reports must be published and maintained on the Probation Department website, and a hyperlink to the Department's website must be maintained on the county's primary website and all relevant county departmental websites, directing the reader to the reports and associated materials. The Probation Department's report to the JJCC must include information on referrals, participation, and outcomes of the youth participating in the YAT or NCOSP. Annual reports must include findings from three sets of analyses: participant, assessment, and community-level analyses. A full listing of the analytic information required in each annual report is included in the settlement agreement.

### Summary of compliance/progress with requirements in this category

The Probation Department executed a contract with WestEd to conduct research and evaluation of the YAT program and other NCOSPs. The Probation Department worked with WestEd to ensure that the Department's case management system captured all data elements required in the settlement agreement, and that these data elements could be extracted via Structured Query Language (SQL) reports for the purpose of quarterly and annual data collection. Although data collection mechanisms were established, the YAT program received only 12 referrals (two carried over from fiscal year 2020-21 and 10 from fiscal year 2021-22) and all other NCOSPs received only 15 referrals between July 1, 2021 and June 30, 2022, preventing detailed reporting of cases in this report (i.e., publicly) to protect the confidentiality of referred youth.

Given the continuing small numbers during this reporting period (fiscal year 2021-22), with only four youth enrolled in YAT (and one pending enrollment at the end of the fiscal year) and 15 enrolled in another NCOSP, data analysis and reporting requirements are

not applicable to this period. If additional youth are referred to at least one of these programs in the future, the Department and WestEd are prepared to analyze required data, and WestEd is prepared to incorporate required findings into the annual reports. Importantly, to protect youths' confidentiality, we, as monitors, recommend that results of these analyses only be made publicly available if at least 25 youth have been referred to and participated in YAT or another NCOSP; further, disaggregated data should only be made publicly available if there are more than 10 youth per data category (data categories may be combined to meet this minimum threshold). In the case of a small number of referrals and/or participants, we, as monitors, will work with the Probation Department and West Ed to review the data to ensure compliance with the settlement agreement and to identify areas in need of improvement.

Although data and analytic results are not public given the small number of participants, we, as monitors, have reviewed the available data on referrals to the YAT program and other NCOSPs, including but not limited to the number of youth and families that accepted and declined program participation and youth engagement in the program (e.g., length of participation; race, ethnicity, and gender identity of youth). This information informed our review and analysis of compliance with the settlement agreement and provided insight into whether the program functions as an individualized, voluntary, and youth centered program, as intended. For example, we learned from this data review that all three youth for whom YAT program participation ended during this past fiscal year were deemed to have completed the program successfully. We observed that the length of program participation was individualized and under six months in all cases. All but one of the 12 referrals to YAT were youth of color, exceeding the percentage of youth of color among those with non-mandatory diversion-eligible referrals. The disproportionately high number of youth of color in YAT referrals does not, alone, indicate inequities in the use of the program, especially with analysis of only the small number of referrals. A deeper, ongoing analysis of referrals, use of OYAS-DIV, and the potential impacts of subjective decision making with overrides, would help assess whether inequities exist. To dig into these issues, the Probation Department must work with other system partners (e.g., District Attorney's Office) to capture data, disaggregated by race/ethnicity and gender, on all juvenile justice referrals, non-mandatory and mandatory referrals diverted, and referrals formally filed.

We have requested the Probation Department provide fiscal year data on all juvenile referrals, disaggregated by race/ethnicity and gender; these data are essential to more fully understanding the use of diversion and formal processing. The agreement managers provided us with the referral data for fiscal year 2021-2022, and we will review these data later in this report.

**Status and recommendations: In compliance.** *The Probation Department is in compliance, having provided data to WestEd for analysis on a quarterly basis. We, as monitors, received total referral data (mandatory plus non-mandatory referrals) for fiscal year 2021-2022 and request that the Probation Department provide us with mandatory referrals, disaggregated by race, ethnicity, and gender for the year prior to the implementation of the settlement agreement (FY 2018-19, which serves as the baseline year, prior to any changes related to the settlement agreement) and for each subsequent year through the end of the settlement (i.e., through FY 2024-25) in order to identify changes and observe trends in diversion and formally processed cases.*

**VIII. Modification of existing Probation Department policies, processing and/or procedures and other public information regarding the YAT program and any other non-court-ordered supervision program; and training**

Summary of requirements

The Probation Department was required to modify all formal and informal policies, processes, and operating procedures and related training materials in accordance with the settlement agreement. Within 180 days of the settlement agreement, the Department was required to train all personnel assigned to administer the YAT program and personnel assigned to juvenile intake on the policies and procedures reflected in the agreement.

The Probation Department was required to review and revise any and all public information, including awareness, educational, and outreach information created, drafted, or released by Riverside County Departments to reflect the agreed upon settlement terms.

Within 180 days of the effective date of the settlement, the Probation Department was required to create a mandatory training plan reflecting the mandate that all personnel assigned to administer the YAT Program or any NCOSP, and all personnel assigned to juvenile intake functions, receive training in the areas of “Engaging Youth for Better Probation Outcomes” and “Advancing Probation Practice” as outlined and identified by us, the monitors of the settlement agreement. Additionally, we, the monitors, must coordinate and lead the training annually, beginning in fiscal year 2020-21 with two 8-hour blocks for STC certified trainings. A four-hour refresher training for each course will be held annually through the end of fiscal year 2024-25.

Summary of compliance/progress with requirements in this category

During the first year of the settlement agreement, the Probation Department created detailed Standard Work documents incorporating all settlement agreement

requirements into written policy. As referenced earlier in this report, an auditing process was created as well, but not yet implemented. Given the small number of youth YAT, we, as monitors, were able to conduct full case file reviews during this fiscal year 2021-22 monitoring period. In the future, the Probation Department should incorporate ongoing tracking mechanisms to continuously conduct internal audits.

The Probation Department developed the required internal trainings for all required personnel, which we, as monitors, reviewed during the first year of the settlement agreement to confirm inclusion of required content. The Probation Department maintains rosters of all trainings attended by individuals assigned to conduct intakes and those assigned to operate the YAT program or other NCOSPs. These include 14 hours of OYAS trainings and booster OYAS trainings, intake orientation trainings, and trainings offered by monitors. This documentation confirms that the required 14-hours of OYAS trainings and the booster trainings were provided as required and according to the timeline specified in the agreement.

Per the requirements, we, as monitors, trained approximately 15 staff, including all staff assigned to juvenile intake and diversion, on April 21, 2022. We informed the group of trainees that we understood that probation staff often rotate unit assignments (e.g., to and from diversion and probation supervision units). We stressed that our training curricula applied to staff in both the diversion and probation units and asked individuals to think about and apply training information and skills when working with youth in their current unit, as well as in their past and future departmental assignments.

The intent of training in the settlement agreement was to support organizational change within the Probation Department and to advance the establishment, implementation, and sustainability of strength-based, developmentally appropriate, youth- and family-centered practices that emphasize positive youth development—with the goal of promoting better outcomes for youth while on diversion and probation, and beyond. With this intent in mind, we designed a curriculum that encourages ongoing system improvement and use of evolving best-practices to better serve youth and families, promote positive youth outcomes, and enhance public safety. We found the staff and supervisors who attended the training to be highly engaged and active contributors who provided input on system improvements they would like to see. The list that follows summarizes the list of system needs identified and changes recommended by attendees of the trainings we facilitated during the first two years of this settlement agreement:



## Year 2 (April 2022):

- Need to individualize probation terms and conditions and need to reduce use of standardized terms and conditions.
- Need to limit the number of terms and conditions to a very small number.
- Need to create more time for POs to engage in positive youth development with youth in the community, as well as in the office, and to streamline other paperwork demands to do so.
- Need to deemphasize the “control and compliance” aspect of the job and to spend more time on “assistance”; high risk youth should receive more assistance rather than compliance-based contact.
- Need to recognize that youth behavior change takes time, and efforts to improve behavior often involve backsliding; probation officers and the court should focus on efforts to change and improve behavior rather than on perfect compliance.
- Need to heavily incorporate short-term positive feedback to encourage positive behaviors rather than emphasizing the threat of long-term negative consequences.
- Need to increase and refine probation practices to ensure that family input is included in the case planning process.
- Need to ensure that youth have input into what incentives and rewards are meaningful to them in order to promote youth development during supervision.
- Probation officers should spend more time to improve their connections with local community centers, support groups, faith-based organizations, and services in the neighborhoods in which the Department’s youth live.
- Probation officers should participate directly in positive youth recreational, arts, and/or skill building activities.
- The department should re-examine/refine the image it conveys to the community; deemphasize a law-enforcement image that can produce stigma for youth on probation.

## Year 1 (September 2021):

- Need to set short- and long-term achievable goals that represent a youth’s priorities.
- Need more rewards and incentives as part of casework; need a more incentive- and reward-based system to help reduce recidivism and promote positive growth.
- Need to focus on a youth’s *efforts* to meet identified goals, rather than striving for perfect compliance.
- Need to emphasize problem solving rather than sanctions when youth struggle to achieve goals, particularly if the youth’s behaviors do not present a serious and immediate risk to community safety.

- Need to support youth in forming and maintaining positive relationships with adults.
- Probation should not be used with low risk/high needs youth as a method of accessing services.
- The use of drug testing should be re-examined.
- The agency and supervisors should coach and support staff in using incentives and reinforcing positive youth development outcomes.
- Probation should be viewed as an asset by emphasizing assistance provided to youth as opposed to a control orientation.
- Increase family work to promote individualized, family-driven casework.

We recognize that, while falling within the intent of the settlement agreement, this list of needs and recommendations generated by probation staff exceed many of the requirements of the settlement agreement. Nevertheless, given that the changes needed to address these identified needs and recommendation are supported by research and rooted in established and evolving best practices, we, as monitors, strongly recommend they be actively pursued.

To fulfill the intent of the trainings required by the settlement agreement (i.e., to support organizational change within the Probation Department and to advance the establishment, implementation, and sustainability of strength-based, developmentally appropriate, youth- and family-centered practices that emphasize positive youth development—with the goal of promoting better outcomes for youth while on diversion and probation, and beyond), the training material must be incorporate into departmental policies, procedures, and practices. Thus, we strongly recommend that the Probation Department leadership follow these trainings—and other trainings—with actionable steps to bridge the gap between training and practice. During the September 2020 training, we asked staff what actions would be needed to make some of the recommended changes in the list above. They indicated that the Department would need to revise policies, provide a specific set of trainings they identified, establish appropriate caseload sizes, and appropriate budgets for incentives.

Many staff members in these trainings recommended changes that would require management or supervisor initiation and/or approval. We understand that the Probation Department has initiated several changes in response to staff recommendations provided at these trainings, including: regional, collaborative presentations in which community-based organizations present their programs/services to judges, court personnel, and probation staff; reconvening organized field trips for youth to broaden their exposure to positive leisure/developmental activities; encouraging use of incentives to support youths' focus on positive change; and acknowledging department-

wide accomplishments of staff who provide assistance (e.g., food delivery, transportation to treatment, connection with services). To continue addressing the identified needs and recommendations generated by staff, we recommend the Probation Department create workgroups of individuals who participated in these trainings to ensure that staff recommendations are prioritized and continue lead to positive changes within the organization.

We also recommend that we schedule time with departmental administrators, managers, and supervisors to share the training content we provided to line staff so that leadership understands and supports associated policy and practice changes going forward. The information provided is not merely informative—it is designed to guide departmental policy, practice, and culture changes to reflect best practices. For these efforts to be successful, all departmental leadership, managers, and supervisors must be aware of the information shared with staff during the trainings and must lead efforts to generate actionable change. We recommend meeting for 4-6 hours in a retreat-like setting (i.e., away from pressing distractions), with time designated for discussion on how to operationalize constructs in specific policies, procedures, and practices to achieve the changes intended in the settlement agreement.

***Status and recommendations: In compliance.*** We recommend 1) a strategic, action-oriented process to address the needs and implement the recommendations identified by staff and 2) we, as monitors and trainers, provide a 4- to 6-hour training to probation leaderships, managers, and supervisors in fiscal year 2022-23 to maximize their role in addressing the needs and implementing the recommendations identified by staff.

## **IX. Composition [and role] of the Juvenile Justice Coordinating Committee (JJCC)**

### **Summary of requirements**

The agreement required that, within 180 days of the effective date of the settlement, five additional Community Representatives were to be added to the JJCC, appointed by the Board of Supervisors. The agreement prohibited Community Representatives from being an arm of a law enforcement entity and required that Community Representatives make up at least 45% of the JJCC membership. In addition, the agreement required that Sigma Beta Xi, Inc., have a temporary seat on the JJCC for two years. The agreement indicated that, in addition to its statutorily-defined duties, the JJCC should also: develop a process for soliciting community review of and feedback on the operations of at-risk youth programs and services available in Riverside County and incorporate that feedback into their quarterly meetings; review data reports described above and develop action plans and strategies to reduce disproportionalities in referrals and enrollment of youth in the YAT or other NCOSPs to ensure they are centered on youth development, needs, and success; identify potential improvements or modifications to

Probation Department policies and/or practices; and review and comment on at-risk youth programs and services available in Riverside County.

Summary of compliance/progress with requirements in this category

Within the first 180 days of the settlement agreement, four of the five additional community representatives were appointed to the Juvenile Justice Coordinating Council. The fifth member was appointed on May 3, 2021. There have been no changes since that time. The current representatives include:

Dr. Mono Davies, Program Director of Community Outreach Ministries, 11/16/20, representing County District 1 (appointed 11/16/2020);

Kevin Kalman, General Manager of Desert Recreation District, representing County District 2 (appointed 11/16/2020);

Dan Harris, Executive Director of My City Youth, representing County District 3 (appointed 11/16/2020); and

Dr. Rodney Kyles, Pastor of Nathanael Foundation, representing County District 4 (appointed 11/16/2020).

Jesse Vela, Operations Supervisor of Equus Workforce Solutions, representing County District 5 (appointed on 5/3/2021).

As of the July 18, 2022 JJCC meeting, 21 members were serving on the council, including the Sigma Beta Xi representative. Of those 21 members, 10 members—or 48% of the membership—were community representatives, consistent with the requirement of at least 45%.

In fiscal year 2020-21, we noted that although JJCC meetings are open to the public and provide opportunity for community feedback, and WestEd reports provide useful information about programs for at-risk youth, no formal or structured process had been established within the JJCC for soliciting community review and feedback regarding operations of at-risk youth programs and services available in Riverside County. We recommended that the JJCC Chair work with JJCC members to develop, document, and execute a process for soliciting feedback from youth, families, community members, and individuals with lived juvenile justice experiences regarding the availability and quality of current programs/services, as well as gaps in services and areas for improving the quality and quantity of programs/services available. We also recommended the JJCC establish and follow a procedure, based on solicited feedback

and future data analysis, to identify potential improvements to policies and practices and commentary regarding at-risk programs and services.

During this fiscal year 2021-2022 monitoring period, the Juvenile Justice Coordinating Committee voted to establish a Community-Based Organizations Review and Feedback subcommittee to establish a formal process to meet the settlement agreement requirement to solicit review and feedback of community-based programs for at-risk youth and services available to youth and families in Riverside County. The subcommittee recognized that it would need support and resources to fulfill this agreement, and the JJCC voted to solicit, through a request for proposals (RFP), the development of a strategic plan to comprehensively assess needs for the county. As of the time this report was prepared in October 2022, the RFP had not yet been released.

The solicitation of feedback from youth and families receiving diversion services, including YAT, is important to the ongoing development of YAT and all other diversion programs. Although a strategic plan is important, it is also important to develop mechanisms—implemented by trusted and neutral parties—for continuous feedback to inform and effectuate ongoing system improvement.

***Status and recommendations: In partial compliance.*** *We recommend the work of the JJCC subcommittee continue and that the JJCC prioritize efforts to oversee the solicitation of feedback from youth and families and to use that feedback to identify potential improvements to policies and practices and commentary regarding at-risk programs and services. We recommend the JJCC committee work with us, as monitors, to confirm the process for soliciting feedback is consistent with the requirements and intent of the settlement agreement.*

## **X. Increase Allocation of JJCPA Funding to Community Representatives**

### **Summary of requirements**

The agreement required that, beginning in the year fiscal year 2020-21, the Probation Department must direct a minimum of \$1.4 million annually for five years to Community Representatives, with funds available through a Request For Proposal process. The agreement also required that JJCC members or their designees review and vote on proposals (except those they may submit).

### **Summary of compliance/progress with requirements in this category**

During the fiscal year 2021-22, \$1,644,151.44 was allocated to community-based organizations to provide services to youth, exceeding the minimum requirement.

***Status: In compliance.***

## **XI. Sealing and destruction of YAT records for all class members**

### Summary of requirements

The settlement agreement and its addendum specified that, within 180 days of the effective date of the settlement, the Probation Department was required to:

- 1) Identify, seal, and destroy the YAT case files for all youth referred to and/or placed on a YAT contract without an application for a petition.
- 2) Identify all youth who were referred to and/or placed on a YAT contract through an application for a petition under W&I Code section 601, and maintain or destroy these youths' YAT case files in accordance with the Department's two-year records retention policy.
- 3) Identify all youth who were referred to and/or placed on a YAT contract under the jurisdiction of W&I Code section 602. YAT case files for such youth were required to be maintained or sealed in accordance with W&I Code sections 781 and 786.5.

More specifically, quoting the settlement agreement:

Within 7 days of executing the agreement, the parties shall file a joint application to the Presiding Judge of the Riverside Juvenile Court, requesting that the court seal all juvenile case files that would be eligible for sealing in accordance with W&I Code section 781 and section 786.5.

For the 23,717 youth the Riverside County Probation Departments deemed to have "successfully completed" the YAT program, pursuant to W&I Code 786.5, the Department shall seal the YAT Program case file records in its custody relating to all of these 23,717 youth referred to the YAT program and/or who participated in the YAT Program.

The Riverside County Probation Department shall also notify all public or private agencies involved in operating the YAT Program to seal the YAT Program case file records in the custody of those agencies relating to all of the 23,717 youth's referral and participation in the YAT Program in accordance with W&I Code 786.5. These agencies shall promptly seal all such records in accordance thereto.

Pursuant to W&I Code 786.5, upon the sealing of any records of these 23,717 youth, the arrest or offense giving rise to the youth's participation in the program shall be deemed not to have occurred and the youth may respond accordingly to any inquiry, application, or process in which disclosure of their information is requested or sought.

For the approximately 2,600 records related to youth who were unsuccessful or withdrew from the YAT program, some of these youth may be eligible for record sealing under W&I Code section 781, after the filing of a petition, assessment by the District Attorney, and a possible Court hearing has occurred.

A process has been established whereby the names and information related to each of the approximately 2,600 petitions have been provided to Burns & Oblachinski, counsel retained by the County to represent the approximately 2,600 youth who were unsuccessful or withdrew from the YAT program for the purpose of possibly sealing the YAT records under W&I Code section 781. Burns and Oblachinski will review each matter and will file a petition for sealing of YAT records under W&I Code section 781 where appropriate. The petition will be reviewed by the District Attorney's Office and potentially objected to. If no objection is filed, the court may approve the sealing of the youth's specific YAT program file for which the petition was filed. If an objection is filed, the Court will set the matter for a hearing.

- 4) Notify all youth who were referred to and/or placed on a YAT contract under the jurisdiction of W&I Code section 601 and their parent/guardian that the youth continues to be eligible for diversion under section 654. The agreement specified that this notification must be done by: 1) Amending the Final Notice of Class Settlement to include one sentence indicating that "All youth who were referred to and/or placed on a YAT contract under the jurisdiction of Welfare & Institutions Code section 601 continue to be eligible for diversion under Welfare and Institutions Code section 654"; 2) including the aforementioned provision in the Addendum to Class Action Settlement Agreement as set forth herein; 3) posting the Final Notice and Addendum to Class Action Settlement Agreement on the County, Probation, and Class Counsels' website within 7 days of the Court's approval of the Addendum to Class Action Settlement Agreement; and 4) distributing copies of the Final Notice and Addendum to Class Action Settlement Agreement to the Juvenile Defense Panel and the District Attorney's Office within 7 days of the Court's approval of the Addendum to Class Action Settlement Agreement.

*Summary of compliance/progress with requirements in this category*

The status of compliance with regard to the sealing and destruction of records is indicated below for each specific area of the agreement (noted in italics).

Compliance/progress with requirements 1 and 2:

*Identify, seal, and destroy the YAT case files for all youth referred to and/or placed on a YAT contract without an application for a petition.*

*Identify all youth who were referred to and/or placed on a YAT contract through an application for a petition under W&I Code section 601, and maintain or destroy these youths' YAT case files in accordance with the Department's two-year records retention policy.*

According to the Probation Department, all referrals for W&I Code section 601 cases were made without a petition and were filed primarily by schools. According to the Probation Department's settlement agreement managers, within 180 days of the settlement agreement, the Probation Department destroyed all 19,617 alleged W&I Code section 601 violations. The Department destroyed the remaining 571 case files after the 180-day period but by June 22, 2021 (i.e., during the first year of the settlement agreement).

Compliance/progress with requirement 3:

*Identify all youth who were referred to and/or placed on a YAT contract under the jurisdiction of W&I Code section 602. YAT case files for such youth were required to be maintained or sealed in accordance with W&I Code sections 781 and 786.5.*

*Within 7 days of executing the agreement, the parties shall file a joint application to the Presiding Judge of the Riverside Juvenile Court, requesting that the court seal all juvenile case files that would be eligible for sealing in accordance with W&I Code section 781 and section 786.5.*

The Probation Department Standard Work includes information on the sealing process, consistent with W&I Code sections 781 and 786.5, upon a youth's completion of the YAT program or other NCOSP, for past and future cases.

*For the 23,717 youth the Riverside County Probation Departments deemed to have "successfully completed" the YAT program, pursuant to W&I Code 786.5, the Department shall seal the YAT Program case file records in its custody relating to all of these 23,717 youth referred to the YAT program and/or who participated in the YAT Program.*

Although the settlement agreement specified that 23,717 youth with W&I Code section 602 petitions successfully completed the YAT program, the Probation Department's review and cleaning of data revealed that 897 were duplicate cases or data entry errors,



leaving 22,820 total cases for sealing. Of these 22,820 cases, the Probation Department identified only 16,990 as successful YAT completions, and the Department documented that all of those cases have been sealed and closed. The remaining 5,830 cases included 4,778 cases that had not been YAT referrals, 485 cases for which the files had already been sealed, four cases that were still active, and 563 cases in which the youth did not successfully complete the program. These 563 “unsuccessful” cases were added to the cases that would be eligible for sealing by the court.

*The Riverside County Probation Department shall also notify all public or private agencies involved in operating the YAT Program to seal the YAT Program case file records in the custody of those agencies relating to all of the 23,717 youth’s referral and participation in the YAT Program in accordance with W&I Code 786.5. These agencies shall promptly seal all such records in accordance thereto.*

In March 2021, the Probation Department sent and maintained copies of notices sent to all agencies involved in operating the YAT program to seal the YAT program case file records as stipulated in the agreement.

*Pursuant to W&I Code 786.5, upon the sealing of any records of these 23,717 youth, the arrest or offense giving rise to the youth’s participation in the program shall be deemed not to have occurred and the youth may respond accordingly to any inquiry, application, or process in which disclosure of their information is requested or sought.*

Upon sealing of these successfully completed cases, notice was provided to youth of this requisite information—that the arrest that led to program participation is deemed to never have occurred and that the youth may respond accordingly to an inquiry, application, or process in which disclosure of their information is requested or sought.

*For the approximately 2,600 records related to youth who were unsuccessful or withdrew from the YAT program, some of these youth may be eligible for record sealing under W&I Code section 781, after the filing of a petition, assessment by the District Attorney, and a possible Court hearing has occurred.*

Although the settlement agreement specified that approximately 2,600 youth with W&I Code section 602 petitions were unsuccessful or withdrew from the YAT program, the Probation Department’s review and cleaning of data revealed duplicate cases or other data entry errors, leaving only 2,194 cases. However, as indicated above, the Department identified 563 additional unsuccessful cases while reviewing and cleaning the cases originally deemed successful completions. Thus, a total of 2,757 cases were

identified as eligible for sealing, pending the specified filing, assessment, and possible hearing process .

*A process has been established whereby the names and information related to each of the approximately 2,600 petitions have been provided to Burns & Oblachinski, counsel retained by the County to represent the approximately 2,600 youth who were unsuccessful or withdrew from the YAT program for the purpose of possibly sealing the YAT records under W&I Code section 781. Burns and Oblachinski will review each matter and will file a petition for sealing of YAT records under W&I Code section 781 where appropriate. The petition will be reviewed by the District Attorney's Office and potentially objected to. If no objection is filed, the court may approve the sealing of the youth's specific YAT program file for which the petition was filed. If an objection is filed, the Court will set the matter for a hearing.*

The Probation Department provided the youth names and identifying information for the 2,757 unsuccessful YAT program cases to the Burns and Oblachinski firm. The court reviewed approximately five cases per day, beginning December 7, 2020 for sealing determinations. It was noted at the time of the first monitoring report (prepared in September 2021) that 1,716 cases were pending at that time. The court continued to approve the sealing of records throughout this monitoring period, and by June 31, 2022, all but 19 of the 2,757 unsuccessful YAT program cases had been sealed. By October 6, 2022, the remaining cases were sealed by the court. The Probation Department plans to continue sealing and destroying records of successful diversion cases and will track any cases closed as "unsuccessful" for court review and potential sealing when eligible.

Compliance/progress with requirement 4:

*Notify all youth who were referred to and/or placed on a YAT contract under the jurisdiction of W&I Code section 601 and their parent/guardian that the youth continues to be eligible for diversion under section 654. The agreement specified that this notification must be done by: 1) Amending the Final Notice of Class Settlement to include one sentence indicating that "All youth who were referred to and/or placed on a YAT contract under the jurisdiction of Welfare & Institutions Code section 601 continue to be eligible for diversion under Welfare and Institutions Code section 654"; 2) including the aforementioned provision in the Addendum to Class Action Settlement Agreement as set forth herein; 3) posting the Final Notice and Addendum to Class Action Settlement Agreement on the County, Probation, and Class Counsels' website within 7 days of the Court's approval of the Addendum to Class Action Settlement Agreement; and 4) distributing copies of the Final Notice and Addendum to Class Action Settlement*

*Agreement to the Juvenile Defense Panel and the District Attorney's Office within 7 days of the Court's approval of the Addendum to Class Action Settlement Agreement.*

On September 15, 2020, counsel provided the Probation Department with an updated Final Notice of the Class Settlement to be posted on all applicable sites. The updated version added the language, "all youth who were referred to and/or placed on a YAT contract under the jurisdiction of Welfare & Institutions Code section 601 continue to be eligible for diversion under Welfare and Institution Code section 654." Both the Probation Department and County posted the updated Final Notice and Addendum to the Class Action Settlement on their websites by October 1, 2020. Counsel also provided the Final Notices to the Juvenile Defense Panel and District Attorney's Office. Links to the final notice were posted and remain on the American Civil Liberties Union, National Center for Youth Law, and Sheppard, Richter, Mullin, & Hampton LLP websites within seven days of the settlement agreement.

***Status: In partial compliance.*** *Although not all cases were sealed and destroyed in the required time frames, as noted in the first monitoring report (i.e., sealing and destroying of about 5% of successful YAT program records occurred beyond the requisite 180-day window and more than 50% of unsuccessful YAT program cases remained pending after the first year of the settlement agreement), all cases have now been sealed and/or destroyed. We request that the Probation Department monitor and report in an ongoing manner, throughout this settlement agreement, the number of completed YAT and NCOSP cases that are eligible for sealing, the number of eligible cases sealed, the number of eligible cases for which the determination is that the records should not be sealed, the number of cases pending, and the actions taken to timely assess unsuccessful cases for sealing.*

### **Contextualizing Agreement Compliance: A Review of Diversion Utilization**

An extensive body of research has documented the long-term benefits of youth diversion over formal case processing, such as lower risk of recidivism, greater educational attainment, higher rates of future employment, and better mental health outcomes (e.g., Barrett & Janoaul-Naylor, 2016; Raffaele Mendez, 2003; Wilson et al., 2013). A recent Sentencing Project report summarized research on diversion and concluded that diverting youth from juvenile court processing should be a central focus of efforts to promote better outcomes for youth, enhance public safety, and address racial disparities in court processing:

Clear evidence shows that getting arrested in adolescence or having a delinquency case filed in juvenile court damages young people's futures and increases their subsequent involvement in the justice system. Compared with youth who are diverted, youth who are arrested and formally petitioned in court have far higher

likelihood of subsequent arrests and school failure. Pre-arrest and pre-court diversion can avert these bad outcomes.

Research shows that Black youth are far more likely to be arrested than their white peers and far less likely to be diverted from court following arrest. Other youth of color – including Latinx youth, Tribal youth, and Asian/Pacific Islander youth – are also less likely than their white peers to be diverted. The lack of diversion opportunities for youth of color is pivotal, because greater likelihood of formal processing in court means that youth of color accumulate longer court histories, leading to harsher consequences for any subsequent arrest.

Expanding diversion opportunities for youth of color therefore represents a crucial, untapped opportunity to address continuing disproportionality in the juvenile justice system. (Mendel, 2022, p. 1)

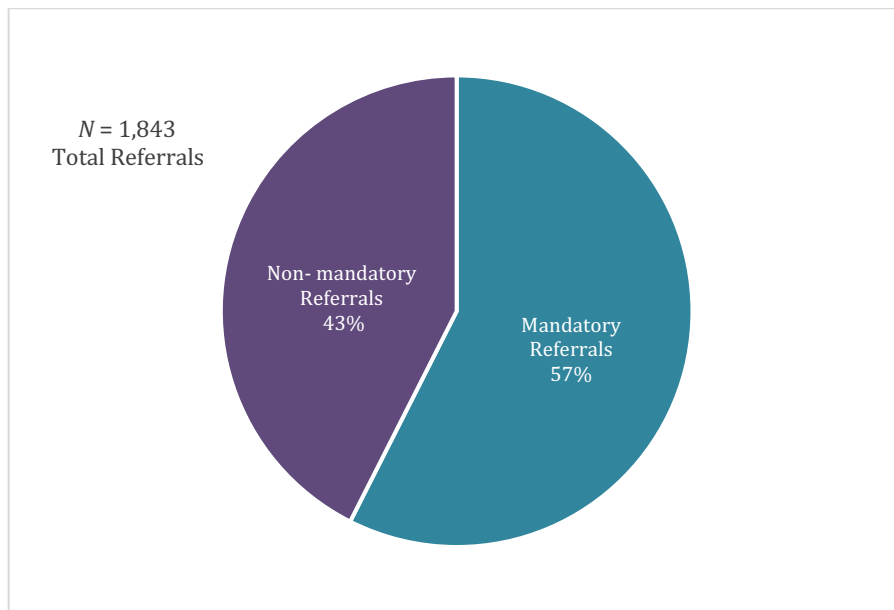
With the continuing small number of referrals to YAT and other NCOSPs, we believed it critical to examine the broader context surrounding diversion from formal processing to help assess whether rates of formal processing increased with the substantial decrease in the numbers of youth referred to YAT and other NCOSPs—an outcome that would suggest that the Department’s changes to policies, processes, and practices resulted in net-widening of Riverside County’s juvenile justice system, and, ultimately, would be inconsistent with the goals embedded in the settlement agreement. On the other hand, if the significant reductions in use of YAT and other NCOSPs resulted from an increase in cases closed at intake or cases that were counselled and closed, based on OYAS-DIV scoring, Riverside County would be adhering to best practice by adopting an approach that research indicates, generally, leads to less future system involvement, with young people typically “aging out” of delinquent behavior on their own or with minimal support (e.g., Mulvey, 2012; Piquero, 2008; Sampson & Laub, 2005).

To provide a fuller context surrounding diversion, the Probation Department provided the following data, disaggregated by race, ethnicity and gender for fiscal year 2021-22: total juvenile referrals; data on diversion-eligible referrals (i.e., “non-mandatory” referrals not requiring prosecutorial review); referrals to the YAT program; referrals diverted through closure at intake or through “counsel and close”; and non-mandatory cases that were formally filed, based on overrides to OYAS-DIV scores. Additionally, the Probation Department reported that it will pursue acquisition of data for these variables for fiscal years 2018-19, 2019-20, and 2020-21 and will continue to collect and provide us with these data throughout the period of the settlement agreement.

Of the 1,843 referrals made to the juvenile justice system during this past fiscal year (2021-22), 784 (43%) were non-mandatory referrals, as shown in Figure 1 below. Given that we do not yet have data from prior years—most importantly, from the pre-

settlement period—we are unable to determine at this time whether the proportion of non-mandatory cases among those referred to the juvenile justice system has changed over time.

Figure 1. Total Referrals to the Juvenile Justice System: Percent Mandatory and Non-mandatory (Fiscal Year 2021-22).



The number of non-mandatory referrals declined significantly since fiscal year 2018-19, as seen in Figure 2 below. On July 1, 2019 (i.e., start of fiscal year 2019-20), the Probation Department stopped accepting referrals for status offense cases (i.e., W&I Code section 601), which explains a substantial proportion of the reduction from the baseline 2018-19 fiscal year. COVID-19-related lockdowns, school closures, and changes to police or justice system practices from March through June 2020 may also explain some decrease in the number of referrals; the additional drop in fiscal year 2020-21 also may be explained, in part, by ongoing COVID-related considerations. Although not necessarily presenting a causal relationship, with COVID-19 impacts reduced in fiscal year 2021-22, the figure below illustrates a 70% increase in referrals from the year prior, but still less than a third of the number of referrals from the 2018-19 baseline fiscal year.

Figure 2. Total Non-mandatory Referrals to the Juvenile Justice System by Fiscal Year.

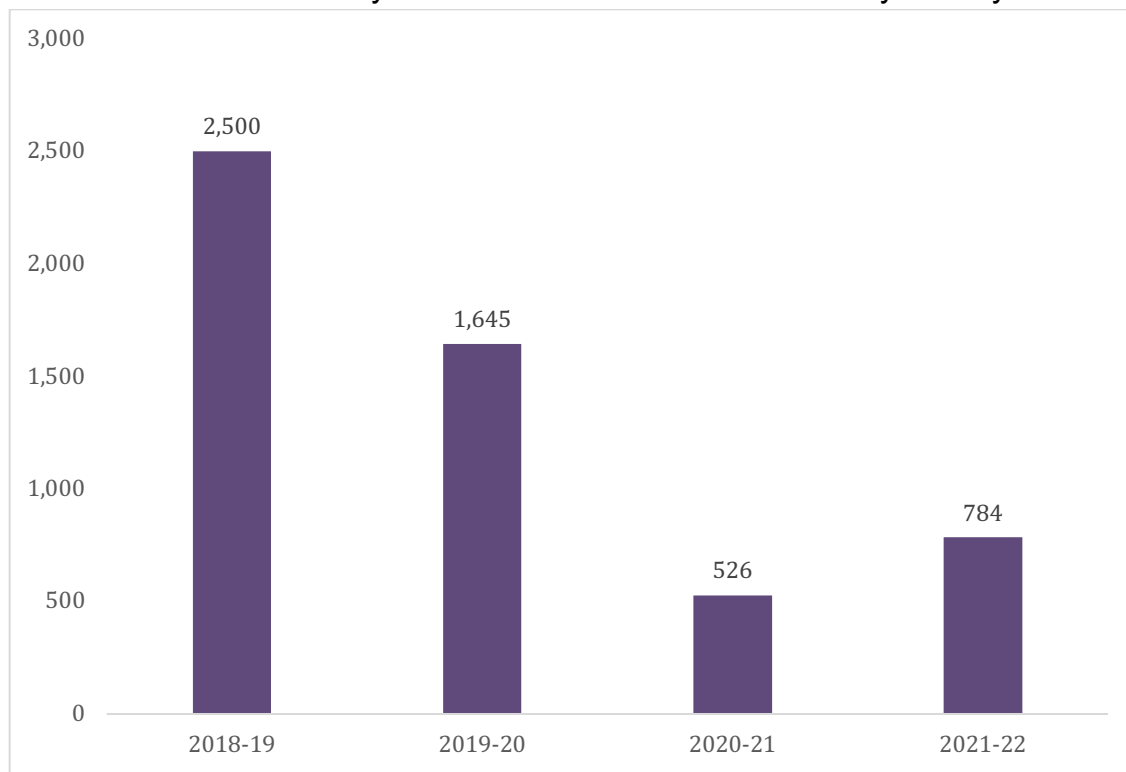


Figure 3 shows the Probation Department’s handling and known outcomes of all non-mandatory referrals under its jurisdiction for each of the four fiscal years examined, including: referred to YAT or another NCOSP, diverted without probation supervision (counselled and closed or closed at intake), filed by the District Attorney’s Office, and unknown/pending at the end of each fiscal year. As reflected in the figure, there has been a substantial reduction in the number of non-mandatory referrals since fiscal year 2018-19, along with substantial reductions in use of YAT or other NCOSPs and in the number of non-mandatory cases filed by the District Attorney’s Office.

The number of diverted cases more than doubled from fiscal year 2020-21 to fiscal year 2021-22. We suspect this increase is, at least in part, attributable to the lifting of many pandemic restrictions. Without information on total referrals for fiscal year 2020-21, we cannot evaluate the change in the *proportion* of total referrals that was diverted from year to year, and we request that probation capture this information moving forward and acquire the data, if at all possible, for previous fiscal years dating back to 2018-29.

In fiscal year 2021-2022, only about 2% of all non-mandatory referrals were placed on YAT or another NCOSP. This includes a total of 19 enrollments, with four referrals enrolled in YAT and 15 youth cases diverted to a state-mandated program for allegedly

driving under the influence. Essentially, only one-half of 1% of all non-mandatory referrals resulted in youth participating in the YAT program in FY 2021-2022.

Figure 3. Outcomes of Non-mandatory Referrals by Fiscal Year.

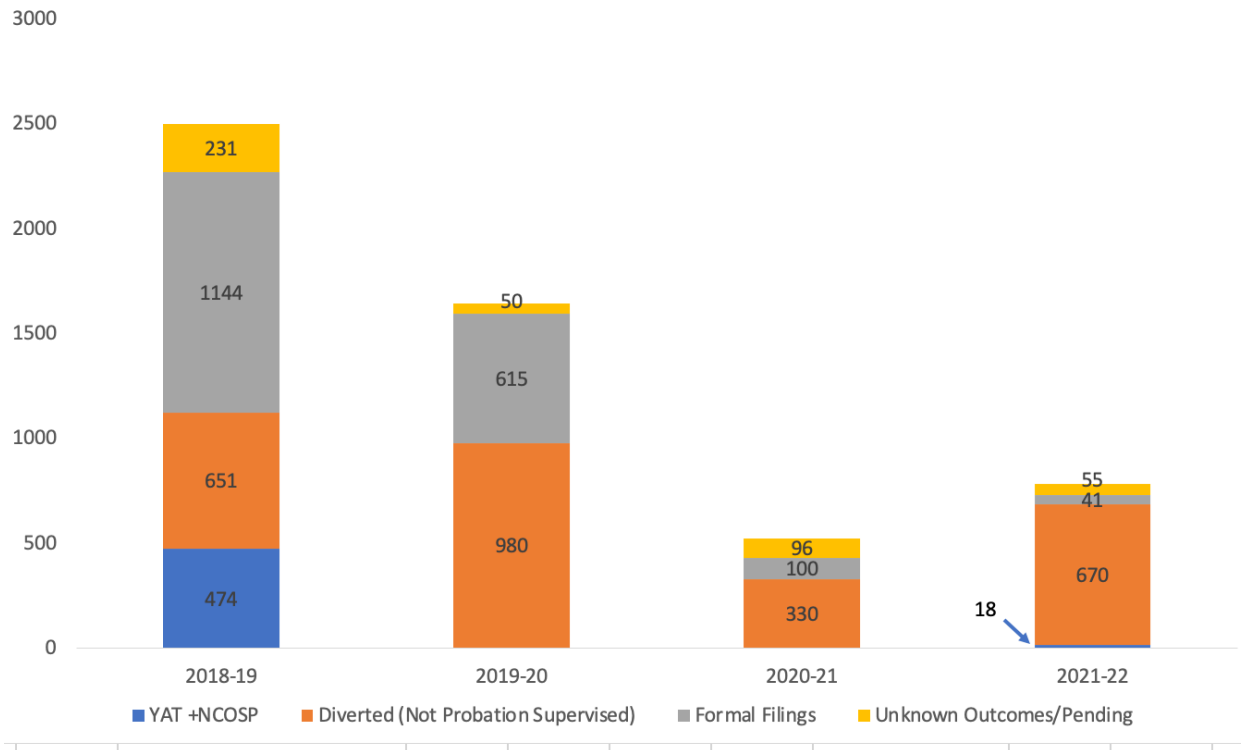
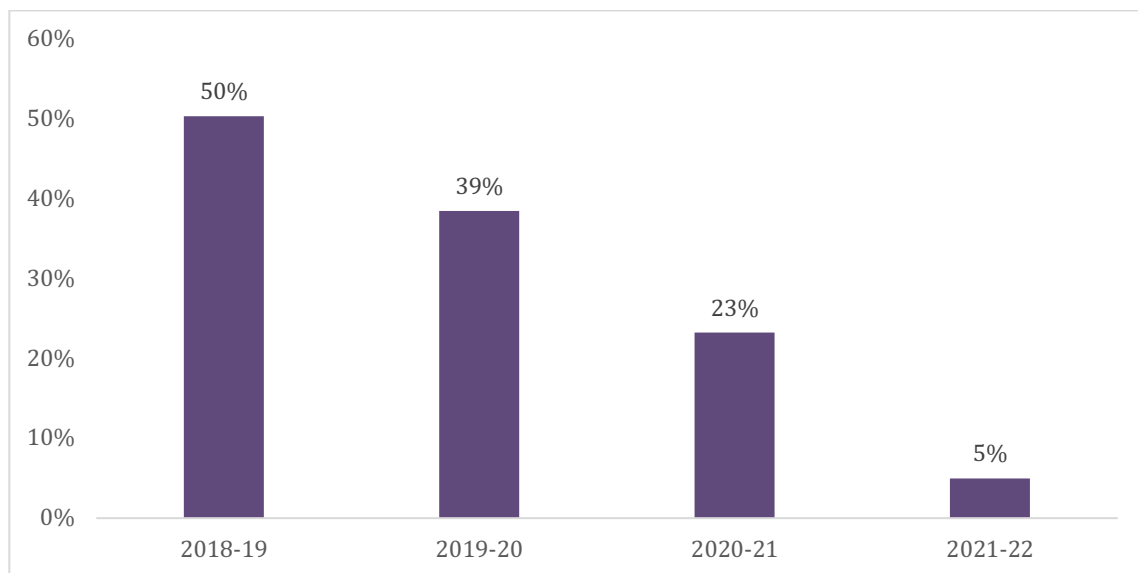


Figure 4 provides an alternative view of these data to highlight the *proportion* of non-mandatory referral cases the Probation Department received in each fiscal year that the Department overrode with formal filing *and* which the District Attorney’s Office filed within that fiscal year. Missing from these filing data are those cases with overrides and referral to the District Attorney’s Office for filing, but which were still pending review for filing at the end of the fiscal year. For example, we received data indicating the District Attorney’s Office filed 41 non-mandatory referrals in fiscal year 2021-22, and we are aware of 42 additional overrides in which the Probation Department referred non-mandatory cases to the District Attorney’s Office for filing, but these filing decisions were still pending at the end of the fiscal year. Hence, we are aware of 83 referrals of non-mandatory cases to the District Attorney’s Office for filing consideration in fiscal year 2021-22, which is an override rate of 11%, exceeding the 5% indicated in the Figure 4 based on data officially reported.

Nevertheless, based on analysis of differences in available referral data within each fiscal, we see a substantial reduction over the past four years. We know that the cases filed are likely an underrepresentation of actual overrides with referrals to (and

ultimately filings by) the District Attorney’s Office in each fiscal year, but it appears that the reduction in YAT program enrollment produced the positive and desired impact of the Probation Department: diverting, rather than formally filing, non-mandatory cases. This result reduces concern about potential net-widening of formal case processing through the justice system with the near-elimination of YAT referrals and program enrollment. We do, however, strongly recommend the Probation Department collect and provide us, as monitors, with more robust override, referral, and filing data for the remaining years of this settlement agreement and acquire this data, if at all possible, for previous fiscal years dating back to 2018-19.

Figure 4. Percent of Non-mandatory Referrals the Probation Department Referred to the District Attorney’s Office and that the District Attorney’s Office Filed within the Same Fiscal Year.



As stated earlier in this report, overrides can be based on policies or on discretionary decisions of an intake officer. The Probation Department requires that a probation officer apply the Rules of Court intake guidelines when overriding the OYAS-DIV tool. Whenever overrides occur, it is critical to examine the data associated with the override decisions to ensure that 1) these cases truly needed to be formally processed and could not have been safely diverted and 2) bias is not influencing case processing decisions and contributing to system disparities by race/ethnicity, gender, or other extra-legal factors.

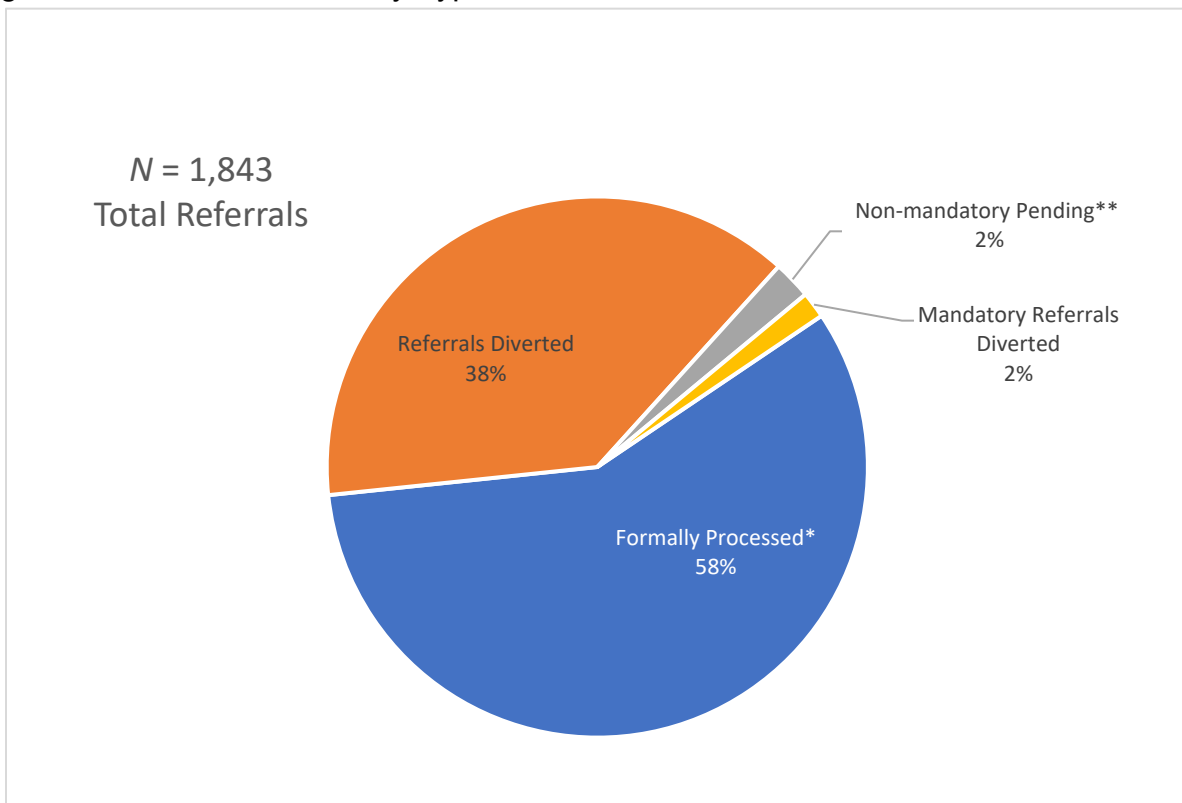
Fifty-two percent of the Probation Department’s overrides referred to the District Attorney for filing in the most recent fiscal year (2021-22) were based on local policies and practices, such as having two or more non-mandatory referrals or having multiple



pending matters, including in-custody cases. The other 48% of the Probation Department's overrides referred to the District Attorney for filing in this fiscal year were discretionary, based on the California Rules of Court (Rule 5.514). Reasons cited for these discretionary overrides included: cases based on harm or threat of harm to person or property; cases in which youth were considered to have serious issues at home, in school or in the community; and cases in which it was presumed that formal handling was necessary for the welfare of the child or protection of the community. Given that non-mandatory cases reviewed by the Probation Department intake unit are of limited severity (i.e., charges eligible for diversion without prosecutorial review, misdemeanor level cases or below), viable community-based diversion options should be prioritized in lieu of referral to the District Attorney's office for formal handling. Thus, as stated earlier in this report, we request the Probation Department work with us, as monitors, to conduct a careful case level analysis of overrides based on interpretation of the Rules of Court and determine how community-based diversion services can be safely utilized to maximize use of diversion.

It should be noted that, according to settlement managers, prior to the settlement agreement, youth in some mandatory referral cases enrolled in YAT, although data on how often that occurred is unavailable. During fiscal year 2021-22, no youth with mandatory referrals enrolled in YAT, although 29 mandatory referral cases during the current monitoring year were returned to the Probation Department by the District Attorney's Office for diversion consideration, in lieu of filing. Based on OYAS-DIV scores, all of those cases were closed at intake or counselled and closed by the Probation Department (i.e., none were referred to or enrolled in YAT). We recommend that the District Attorney's Office systematically examine all mandatory referrals it receives to increase potential candidates for diversion given the empirically supported benefits of diversion over formal case processing to reduce recidivism and promote long-term positive outcomes (e.g., Bergseth & Bouffard, 2007; Petrosino, Turpin-Petrosino, & Guckenburge, 2010). Figure 5 below shows the percentage of cases diverted and those formally processed during fiscal year 2021-22.

Figure 5. Juvenile Referrals by Type and Outcome in Fiscal Year 2021-22.

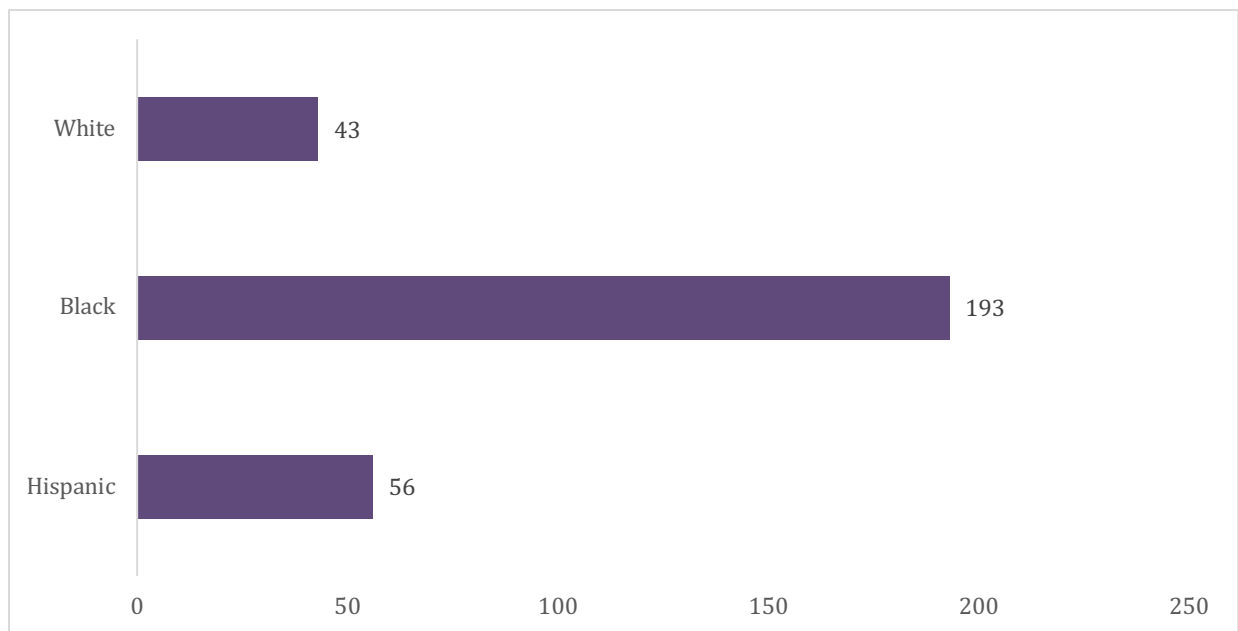


\* Due to the nature of the data we received, “Formally Processed” reflects all non-mandatory referrals filed by the District Attorney’s Office and those mandatory referrals reviewed by the District Attorney’s Office; it does NOT include non-mandatory cases declined by the District Attorney’s Office for filing; it does include mandatory cases that may not have been filed by the District Attorney’s Office (e.g., cases dismissed for insufficient evidence).

\*\* “Non-mandatory Pending” includes non-mandatory cases referred by the Probation Department to the District Attorney’s Office that were awaiting filing decisions at the end of the 2021-22 fiscal year.

The trends and practices of the Probation Department reflect substantial progress from the pre-settlement baseline in both number and percent of youth receiving formal filings. However, we should note that, based on the data provided, Hispanic and Black youth had higher rates of referrals than White youth to the juvenile justice system in fiscal year 2021-22 (see Figure 6), and this was particularly the case for Black youth who were referred to the juvenile justice system at 4.5 times the rates as their White peers. These data present concerns about exacerbating racial and ethnic disparities in the system, a finding consistent with research revealing that diversion efforts across the United States tend to disproportionately benefit White youth (Ericson & Eckberg, 2016; Schlesinger, 2018). It is to the credit of the Probation Department that they are collecting and actively examining outcomes based on race and ethnicity in an effort to identify issues.

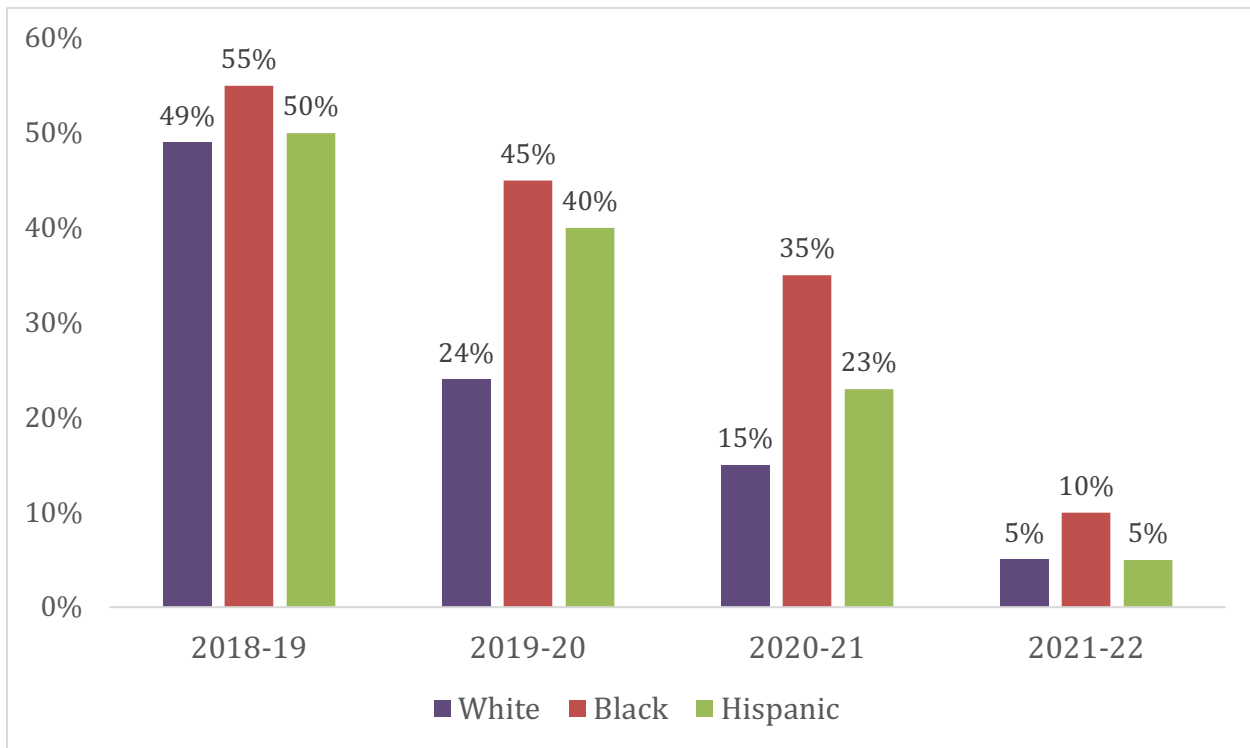
Figure 6. Referral Rates (per 10,000 youth) to the Juvenile Justice System by Race and Ethnicity During Fiscal Year 2021-2022.



*\*Note: Data are only reported for White, Black, and Hispanic youth, as they represent most youth referred to the Probation Department; numbers from other groups are too small for analysis.*

Figure 7 demonstrates a reduction in the proportion of non-mandatory referrals filed by the District Attorney’s Office during each fiscal year since 2018-19. Prior to the settlement agreement (i.e., in fiscal year 2018-19) approximately half of all White youth and half of all Hispanic youth with non-mandatory referrals had their cases filed; rates were slightly higher among Black youth. Although the proportion of non-mandatory referrals filed was substantially lower in fiscal year 2021-22, reflecting progress in expanding diversion for youth in all three racial/ethnic groups, the disparities in formal filing have increased since 2018-19 for Black youth, who were twice as likely as White youth and Hispanic youth to have their case filed. Although deeper analysis should be conducted with collection/acquisition of the more detailed referral data requested, these data present concerns about racial and ethnic disparities in the system, a finding consistent with research revealing that diversion efforts across the United States tend to disproportionately benefit White youth (Ericson & Eckberg, 2016; Schlesinger, 2018). It is to the credit of the Probation Department that they are collecting and actively examining outcomes based on race and ethnicity in an effort to identify issues.

Figure 7. Percent of White, Black, and Hispanic Youth with Non-mandatory Referrals to the Probation Department Formally Filed by the District Attorney’s Office in Fiscal Year 2021-22.



The number of youths in YAT or other NCOSPs in the previous fiscal year was very small, and most of the youth in those cases enrolled in a statutorily mandated program for youth who allegedly drove under the influence. If the Probation Department intends to keep YAT as a viable program, we repeat our recommendation from last year’s report that the Department work with the District Attorney’s Office to repurpose YAT for youth with mandatory cases requiring prosecutorial review, including felony matters that can safely be handled through community programming. This will reserve probation-supervised diversion programs for mandatory referrals in lieu of formal processing, while limiting referrals of non-mandatory cases to two options: 1) counseled and closed by probation and 2) closure at intake.

We recommend that the Probation Department continue to collect and analyze the data reviewed in this section to determine opportunities to further expand policies and practices that would safely allow for even greater use of diversion in lieu of formal filing, particularly in cases with overrides that results in referral of non-mandatory cases to the District Attorney’s Office for formal filings and in cases requiring prosecutorial review. We also encourage the Probation Department to closely examine charges filed to determine if overcharging occurs, resulting in mandatory referrals of cases that could qualify as non-mandatory.

Additionally, as stated previously in this report, we strongly recommend the Probation Department collaborate with community-based service providers to evaluate the current utilization of services in cases that were counselled and closed and, if needed, work together to improve the process of meaningfully and effectively connecting youth and families with appropriate community supports that address youths' needs to prevent future system involvement.

## **Conclusions and Recommendations**

We, as monitors of this settlement agreement, continued to work closely with designated agreement managers within the Riverside County Probation Department to obtain a detailed understanding of the status of progress throughout the period covered in this report (i.e., July 1, 2021-June 30, 2022). The managers have been organized, available, and responsive to our requests and have demonstrated motivation to adhere to the large number of requirements reviewed in this document and to ensure that the rights and welfare of youth are protected and that diversion practices are optimized.

The bulk of requirements in the settlement agreement apply to YAT and other NCOSPs. However, in fiscal year 2021-22, there were only 12 referrals to YAT, and less than one percent ( $n = 4$ ) of youth with non-mandatory referrals enrolled in this program. Similarly, there were only 15 diversions to one NCOSP based on a newly implemented state-mandated program for cases in which youth allegedly drove under the influence; in these cases, diversion eligibility was determined by the charge (i.e., not by the OYAS-DIV instrument score), rendering most of the diversion requirements in this settlement agreement not applicable to those cases. Thus, the scope of our review and analysis was narrowed substantially.

Compliance with requirements was exhibited in nearly all areas of the settlement agreement, including in the following:

- Probation referrals;
- Defense counsel;
- Probation notice to youth;
- Risk assessments;
- Record collection, creation, and retention;
- Data tracking;
- Modification of existing Probation Department policies, processes, and/or procedures and other public information regarding the YAT Program and any other NCOSP; and training; and

- Increased allocation of Juvenile Justice Crime Prevention Act (JJCPA) funding to community representatives.

Partial compliance with requirements was noted in the following three following areas:

- Contracts under the YAT Program or any NCOSPs;
- Composition [and role] of the Juvenile Justice Coordinating Committee (JJCC), most notably related to obtaining community feedback regarding operations of at-risk youth programs and services available in Riverside County; and
- Sealing and destruction of YAT records for all class members.

We strongly recommend the Probation Department, the JJCC, and other juvenile justice agencies carefully review recommendations provided throughout this report related to *all* areas of the settlement.

- We request, from the Probation Department (by January 14, 2023), a written plan for addressing the recommendations provided in this report.
- We request, from the JJCC (within 30 days following the first JJCC meeting in 2023) a written plan for addressing the recommendations provided in this report related to the Composition [and role] of the Juvenile Justice Coordinating Committee (JJCC).

In sum, we found the defendants to be **in substantial compliance** with the settlement agreement during this 2021-22 fiscal year monitoring period. Although there are some notable areas for improvement, we believe the defendants have demonstrated a strong commitment to achieving full compliance, and we anticipate actionable plans with related follow through that reflect their commitment to improving services and implementing best practices to better serve youth and families.

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### **A Community-based Approach for Youth Justice System Services**

Riverside County's Juvenile Justice Coordinating Council (JJCC) is tasked with approving and overseeing Juvenile Justice Crime Prevention Act (JJCPA) funding and programs as well as county and other funding sources. To achieve and accomplish its stated intentions, the JJCC must be data and outcome-driven and adhere to the research on "What Works" to reduce youth system-involvement, recidivism, and improve community safety. Accordingly, with respect to the legislative intent and requirements of the JJCPA, the JJCC is obligated to fund programs that have been effective in reducing system-involvement. Further, the JJCPA process and criteria for funding programs are intended to examine program outcomes (funding only those that show promise or are effective) and align funding and programs with the County's Local Action Plan. The JJCC has continued to fund programs, in particular at the county agency level, irrespective of need or outcomes, and since there has not been a robust analysis with community input of the County's Local Action Plan, the JJCC appears to have drifted from the legislative intent of the JJCPA and its program funding requirements.

Given the above, we have outlined recommendations consistent with the Ventura model we intend to follow, based on our analysis of the current funding allocations, data collection mechanism, decision-making process, and priority areas. The funding and priority areas outlined below provide a critical and necessary step in Riverside County's JJCC achieving and making good on its stated intentions to support a multi-sector, multi-agency, and community-based approach to assess and reimagine youth justice in Riverside County; and to also support restructuring Riverside County's youth justice system by using a public health approach to address the underlying conditions that create violence.

#### **A. Implement a new funding formula to increase investments in community-based organizations (CBOs).**

JJCPA funding is intended for "programs and approaches that have been demonstrated to be effective in reducing delinquency and addressing juvenile crime."<sup>1</sup> Riverside County's JJCPA funding allocation for 2021 was as follows:

- Riverside County Probation – \$3.58m
- District Attorney – \$2.75m
- Public Defender – \$1.28m
- Riverside County Office of Education – \$42,234
- CBO's – \$1.76m for 13 CBOs (ranges from \$18,800 to \$401,400)

JJCPA funding for CBOs ranges from \$18,800 to \$401,400, averaging roughly \$100,000 per CBO, per year. The county's JJCPA budget is overwhelmingly invested in county agency-led programs. These agencies receive 81.3% of the budget, leaving only 18.7% for CBO's.

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<sup>1</sup> JJCPA-YOBG Program, [https://www.bscc.ca.gov/s\\_jjcpayobgiuviuscrimeprevact/](https://www.bscc.ca.gov/s_jjcpayobgiuviuscrimeprevact/) (last visited Nov. 3, 2022).



Furthermore, the distribution of JJCPA funds is not equitable across all communities in Riverside County. For example, in 2021, 0% of youth were served in roughly seven towns in the Coachella Valley.<sup>2</sup> The Coachella Valley, particularly the Eastern region, has suffered from decades of disinvestment and dire need of funding and resources for youth. Layers of disparities and inequities prevalent in these communities directly impact the children and youth that live in them, placing them at risk of system-involvement.

This year, the *National Council of Juvenile and Family Court Judges* issued a publication with justifications about why and how to prioritize community-based alternatives to incarceration and system-involvement. The publication states, “Dispositional alternatives, especially community-based and family-centered programs, have proven to be successful for young people who have serious problems. These programs meet the needs of justice-involved youth and should be greatly expanded.”<sup>3</sup>

**Recommendation I:** Riverside County should increase JJCPA funding of CBO programs to support the recommendations set forth and increase the availability and capacity of community-based approaches. A dedicated amount of at least 50% for CBO-led programs will help ensure that children and youth benefit from accessible, community-led, and culturally-responsive programs that are effective as proven by extensive research.

**B. Implement a consistent data collection mechanism to report program outcomes.**

WestEd, the county’s evaluator for JJCPA programs, in partnership with each CBO that received JJCPA funding, developed a data collection tool known as Client Data Tracker.<sup>4</sup> CBOs tracked and reported extensive data pertaining to the outcomes of youth who were served by JJCPA funding.<sup>5</sup> This data included the type of services provided, number of youth served, youth demographics, program completion rates, and outcomes of youth.

The evaluation report does not describe the creation of a data collection tool to track and report the number of youth served, youth demographics, and outcomes of youth served by county agencies who received JJCPA funding. The lack of consistent oversight through data collection across all groups funded by JJCPA has created gaps in tracking and understanding the outcomes of youth who were served by some county agency-led programs.<sup>6</sup>

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<sup>2</sup> Pedroza, V., Lam, A., Carter, C., Russo, S., & Tran, J. (2022). *Evaluation of Riverside County Probation Department’s Juvenile Justice Crime Prevention Act programs: 2021 evaluation report*. WestEd.

<sup>3</sup> National Council of Juvenile and Family Court Judges, *Judicial Leadership for Community-Based Alternatives to Juvenile Secure Confinement* (June 2022), <https://www.ncjfcj.org/publications/judicial-leadership-for-community-based-alternatives-to-juvenile-secure-confinement/>.

<sup>4</sup> Pedroza, *supra* note 2, at 24.

<sup>5</sup> *Id.* at 33-73.

<sup>6</sup> *Id.* at 4-24.

State law requires each county to submit an annual report to the state describing the JJCPA expenditures, program descriptions, strategies, and system enhancements in order to assess their effectiveness.<sup>7</sup> Counties must also analyze and explain how these programs, strategies, and enhancements contributed to the county's juvenile justice trends.<sup>8</sup> The *California State Auditor* reinforced this requirement in a 2020 state audit of five counties that did not meet this requirement, noting that the state reporting template asks this question directly.<sup>9</sup> An equitable, robust evaluation system that tracks each JJCPA funded program, the demographics of youth served by each program, and outcomes that each program produces is necessary to meet the state-mandated reporting requirement regarding juvenile justice trends. Not only is this essential to meeting the law's mandates, it is also essential to the community's understanding of these trends and overall effectiveness of the county's JJCPA investments.

**Recommendation II:** The JJCC should implement a consistent and equitable mechanism for data tracking, accountability, and oversight of all programs funded by JJCPA. Data produced and reported should clearly describe the outcomes of youth served by JJCPA programs and how programs are achieving the JJCPA's intent to reduce system-involvement of youth and improve community safety.

C. Establish workgroups or subcommittees for transparency, accountability, and inclusivity.

**Recommendation III:** The JJCC should establish workgroups that are accessible to the public to attend and schedules should be shared with all JJCC members. The groups should also provide updates during the regularly scheduled JJCC meetings for feedback. To increase the involvement of JJCC members and support collaboration, JJCC meetings should occur more frequently and be scheduled every other month rather than quarterly, as is now. Lastly, the JJCC should open access and welcome the input and leadership of individuals with direct lived experience, including justice-involved youth.

D. Adopt and invest in the following priority areas to ensure youth and families are fully supported and have their needs met.

**Recommendation IV:** To move forward in the right direction, we suggest that the JJCC establish a strategic framework with priority areas of funding and attention as follows:

Priority Area 1: Youth, Family, and Community Wellness

Riverside County JJCC should make the holistic wellness of youth and families a priority by investing in programs that are community and health-based.

- The community/family system is the foundational support system for preventing and reducing the occurrence of youth involvement with law enforcement, and creating high-achieving young people.

<sup>7</sup> Government Code Section §§ 30061(b)(4)(C)

<sup>8</sup> Government Code Section §§ 30061(b)(4)(C)(iv)

<sup>9</sup> *Juvenile Justice Crime Prevention Act, Weak Oversight Has Hindered Its Meaningful Implementation*, Auditor of the State of California (May 2020), <https://www.auditor.ca.gov/reports/2019-116/summary.html>.

- Wellness is an active concept that describes living a healthy lifestyle and supports youth in reaching their full potential. Youth learn that maintaining an optimal level of wellness is crucial to living a higher quality of life. In turn, their well-being directly affects their actions and emotions.

#### Priority Area 2: Prevention and Early Intervention

Riverside County JJCC should identify and fund promising practices for prevention and community-based intervention as a top priority for Riverside County youth with two focus areas:

- Diversion Programs: Funding to build well-established and effective community-based diversion programs will be a well-worth investment toward long-term, positive impacts for youth in Riverside County and communities as a whole. Youth who are placed in pre-arrest and pre-petition diversion programs offered in the community have better recidivism rates than youth who are formally involved in the court system.<sup>10</sup> Also, diversion programs that are designed with a focus on diverting youth who are disproportionately impacted by the juvenile justice system, such as Black and Brown youth, are effective at reducing racial and ethnic disparities in the juvenile justice system.<sup>11</sup> Lastly, diversion programs are less costly than formal court involvement and will save significant taxpayer dollars.<sup>12</sup>
- Community-based Youth Centers: JJCPA funds should be invested toward long-term strategies and plans that will build community-based alternatives to detention and incarceration. For example, in Los Angeles County, the Youth Justice Work Group (YJWG) composed of juvenile justice stakeholders such as the Juvenile Court, District Attorneys, Defense Offices, and Probation, are planning “Home-like, Community-Based Therapeutic Housing and Reentry.”<sup>13</sup> These centers will offer youth a home-like environment to live in while receiving holistic, restorative, and healing support as well as re-entry services.

#### Priority Area 3: An Integrated and Coordinated Systems Approach

Riverside County JJCC should improve the coordination of programs, services, and funding for a more equitable distribution across communities and to ensure priority areas are met.

- Continuity of services after release/re-entry: An increased investment in CBOs should support an expansion of community-based programming and services to prevent recidivism and as a result, increase community safety.
- Structured family and youth-serving agency budgets: Family and youth-serving agencies should establish multi-disciplinary service teams to treat families and youth, avoiding duplication of services while leveraging resources and funding. Research affirms that the youth and families we serve have multiple risks and needs across multiple domains. Therefore, no single program, agency, or system can adequately address the multiple risks and needs of families and youth.

<sup>10</sup> The Sentencing Project, *Diversion: A Hidden Key to Combating Racial and Ethnic Disparities* (Aug. 2022).

<sup>11</sup> *Id.* at 4.

<sup>12</sup> Office of Juvenile Justice and Delinquency Prevention (OJJDP), *Diversion From Formal Juvenile Court Processing* (Feb. 2017).

<sup>13</sup> W. Haywood Burns Institute, *Los Angeles County: Youth Justice Reimagined* (Oct. 2020).

#### Priority Area 4: Family Support and Community Capacity Building

Riverside County JJCC should ensure a prioritization of the capacity-building needs of youth, families, and CBOs to become active leaders that will meaningfully inform the county's direction on youth justice.

- Parents/guardians and supportive adults are key change agents: Parents/guardians and supportive adults are in the ideal position to influence youth's positive adjustment powerfully and should be supported to increase their capacity and tools to do so.
- Community capacity-building: Investments to build the capacity of youth, community members, and CBOs organized around a set of objectives aimed at establishing community protective factors and reducing risk factors that contribute to justice-involvement is fundamental and a more productive way to sustain service intervention. It aims to bring about change by bringing resources into the neighborhood and mobilizing or reorganizing existing resources and assets. Community capacity building places a premium and priority on involving youth, in particular justice-involved youth, in the mobilization effort. Rather than serving as "objects" of research and intervention, these youths are "subjects" and "initiators" of their own research and intervention. Thus, they serve to enhance their neighborhood's capacity to establish new norms and values that increase the likelihood of the neighborhood achieving its overall aim of increasing protective factors and decreasing risk factors.

#### Priority Area 5: Prosocial and Skill-Building Opportunities

Riverside County JJCC should support the prioritization of community-based services and programs that teach youth tools and skills to exit the system successfully and support them to grow into self-sustaining, thriving young adults.

- Life and vocational skills training for youth: Social training and skill-development help youth learn skills necessary for successful social interaction, which are expected in turn to increase adaptive and prosocial behavior, helping them become better at controlling social situations resulting in positive outcomes by teaching the participants what to do, allowing them to replace problematic behaviors with positive alternatives.
- Mentors/coaches/credible messengers: A mentor or credible messenger can serve as a positive role model for youth, provide reassurance to the youth's new prosocial identity, and expose the youth to positive experiences outside of the youth's immediate social environment. Credible messengers are individuals who have directly experienced similar situations that justice-involved youth have experienced, such as navigating the juvenile justice system earlier in their lives. The *Office of Juvenile Justice and Delinquency Prevention (OJJDP)* has defined them as "Mentors who have passed through the justice system and sustainably transformed their lives... [who] are able to break through to younger, justice-involved people and form powerful, transformative, personal relationships."<sup>14</sup> Credible messengers have been proven to be effective at connecting

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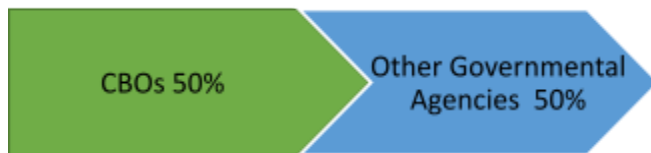
<sup>14</sup> Office of Juvenile Justice and Delinquency Prevention (OJJDP), *What Does It Mean To Be Credible? | Interrupting the Cycle of Youth Violence* (Nov. 2022), <https://ojjdp.ojp.gov/media/video/33471> (last visited Nov. 3, 2022).

with youth, building trusting relationships, and preventing violence.<sup>15</sup> To be effective and true to the intent behind credible messengers, these mentors should be available to youth in their community. CBOs should be funded to hire and build the capacity of credible messengers.

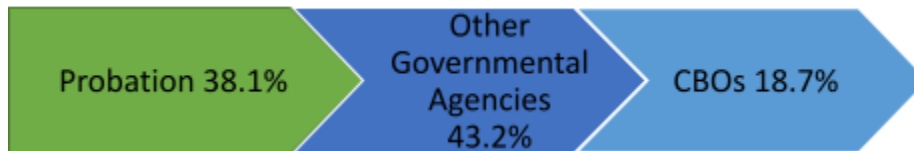
**Conclusion: The Means to Reaching the Priority Areas - JJCPA Funding Allocation**

Riverside County JJCC should rethink its JJCPA funding allocation. Consistent with targeting the priorities outlined in this letter, expanding and implementing community-level interventions and solutions will require a different funding approach similar to the Ventura model. Moreover, county agencies are already funded through other funding streams. JJCPA funding should primarily be directed at CBOs.

Recommended JJCPA budget allocation:



Current (from 2022/23 approved budget):



Respectfully,

Community-based organization representatives:

Jessica Aparicio, Sigma Beta Xi, Inc.

Jitahadi Imara, Student Nest

Rebecca Acevedo, Neighborhood College

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<sup>15</sup> *Id.*