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PRESS RELEASE

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Settlement Reached with the County of Fresno, Enhancing Community Participation in Local Juvenile Justice Planning

Fresno, CA – A settlement has been reached between the County of Fresno and the Center for Leadership, Equity, and Research (CLEAR) that will strengthen the public's ability to participate in local juvenile justice planning. The settlement resolves the [lawsuit](#) filed by the law firm Baker McKenzie and the Youth Law Center on behalf of CLEAR, a Fresno-based non-profit that supports the participation of community members in local policy, in October 2021. The lawsuit alleged that two local bodies responsible for juvenile justice planning in Fresno County—the Juvenile Justice Coordinating Council and the Realignment Subcommittee—were conducting their business in violation of the Brown Act, California's open meeting laws.

Under the [settlement agreement](#), both of Fresno County's juvenile justice planning bodies will comply with the Brown Act's public meeting laws going forward. Additionally, Fresno County has agreed to further terms that will expand the public's ability to meaningfully participate in local juvenile justice planning. For example, Fresno will maintain at least 9 community member seats on its Realignment Subcommittee, and at least half of the community members must be present before the Subcommittee can take any official action.

"When government processes are inclusive and transparent, they result in higher quality decisions that better serve our diverse communities," says Ken Magdaleno, Founder/Executive Director of plaintiff CLEAR. "This settlement represents an important step for Fresno County, and we look forward to continuing to build towards a better future for Fresno's young people."

Fresno County, like all counties across the state, is currently engaging in a local juvenile justice planning process required by the "Juvenile Justice Realignment Act," enacted by the Legislature in 2020 through [Senate Bill 823](#). Under this law, California is closing its state juvenile facilities and realigning juvenile justice responsibilities to the jurisdiction of the counties.

The Juvenile Justice Realignment Act marked a transformative shift in California's juvenile justice system. Along with the closure of the state's juvenile facilities, the Act established a state fund for the counties to implement a public health approach to juvenile justice that supports positive youth development, builds the capacity of a continuum of community-based interventions, and reduces crime by youth. ([S.B. 823, § 1\(c\)](#).) This new state funding stream, the Juvenile Justice Realignment Block Grant, requires counties to engage in a local planning process to guide how the funds will be invested within the county. ([Welf. & Inst. Code §§ 1990-1995](#).)

The state funding to be distributed to the counties in the Realignment process is substantial—almost \$40 million in the first year alone, increasing to over \$200 million by 2024. In the first three



years of funding, it is anticipated that Fresno County will receive nearly \$14 million. The county planning process is critically important to developing a local plan that implements the public health approach called for under state law.

"We are pleased with the response from Fresno and swift resolution of this case," says Erin Palacios, Youth Law Center staff attorney. "The County not only committed to having both of its planning bodies comply with the Brown Act, it also guaranteed to triple the number of required community member seats on its Realignment Subcommittee, to convene the Subcommittee annually rather than every three years to address plan revisions, and to post all meeting documents on its website to ease public access. These policies will ultimately serve the County well as it works to design a plan that is responsive to children's needs."

Over the coming months, the newly established state Office of Youth and Community Restoration (OYCR) will be reviewing county Realignment plans for compliance with statutory requirements. If OYCR requests changes to a plan prior to final acceptance, the county's Realignment Subcommittee will reconvene to address it. In addition, both the Juvenile Justice Coordinating Councils and the Realignment Subcommittees have ongoing juvenile justice planning responsibilities. To meet the goals of Realignment, it is critical that these county bodies have the required community representation and engage the public's participation.

Today, Juvenile Justice Coordinating Councils and Realignment Subcommittees in many counties are complying with the Brown Act. Others, however, continue to meet and make decisions in violation of these basic requirements. Holding closed-door meetings excludes the public from viewing and participating in their business. It also prevents impacted community members from addressing decision makers, posing questions, and offering input. The purpose of the Brown Act is to protect the public's most basic rights to address their representatives and to know how and why decisions are made. Juvenile justice planning bodies that are not in compliance with the Brown Act should correct their processes so that communities can participate in decisions about their children.

"It is not often that a settlement exceeds what was requested in the lawsuit," says Meredith Desautels, Youth Law Center staff attorney, "but in this case, the parties reached a comprehensive agreement that is highly inclusive of the community it serves. We appreciate Fresno County's efforts and hope that other counties will follow their lead."

[Center for Leadership, Equity, and Research v. County of Fresno et al., Case # 21CECG03154, Oct. 21, 2021. Complaint available [here](#). Settlement available [here](#), with attachments [here](#).]

About Us:

The **Youth Law Center** advocates to transform foster care and juvenile justice systems across the nation so every child and youth can thrive. www.ylc.org

The **Center for Leadership, Equity, and Research** develops social justice leaders who are committed to oppose all forms of inequities, institutional racism and systemic oppression in order to empower change agents to serve and act on behalf of a diverse society. <http://clearvoz.com/>