

PRESS RELEASE

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Contact: Selina Weiss, sweiss@ylc.org, (415) 710-0917

Lawsuit: Youth and Community Groups Demand Transparency from County Officials Operating a Nonprofit They Created and Funded with Taxpayer Dollars to Coordinate Incarceration of Youth

The Plaintiff, California Alliance for Youth and Community Justice, sues under California public meetings and records laws

Sacramento, CA – [The California Alliance for Youth and Community Justice](#) (CAYCJ) has filed a [lawsuit](#) against a newly formed nonprofit, created and run by [55 California counties](#), asking the court to stop the nonprofit's secret data collection and closed-door decision-making, which impact youth in the juvenile justice system across the state.

The [lawsuit](#) seeks a court order requiring the government-created, publicly-funded nonprofit, [County Probation Consortium Partnering for Youth Realignment](#), to comply with California's public meetings and records laws. The California Alliance for Youth and Community Justice is represented by the law firm [Baker McKenzie](#) and the [Youth Law Center](#), based in San Francisco.

"Fifty-five counties formed the County Probation Consortium to coordinate the incarceration of youth in local facilities statewide. It's a government collaboration, run by county officials, with taxpayer dollars, but they refuse to allow the public to see what they're doing," says Abraham Medina, director of Plaintiff California Alliance for Youth and Community Justice. "California's public access laws are designed to protect the most fundamental principles of our democracy. County officials can't create and fund a private organization, then hide their policy decisions—especially when it comes to decisions affecting our young people," Medina added.

According to their own internal documents, the County Probation Consortium was created through a coordinated effort by county supervisors, county executives, and county probation chiefs to develop plans for local secure confinement of youth. The law says that entities like this one -- created by elected officials and funded with taxpayer dollars to perform government functions -- must comply with public meetings and records requirements. Otherwise, officials could easily evade public oversight of government business.

On behalf of its members, the California Alliance for Youth and Community Justice has asked the County Probation Consortium to open their meetings and records to the public. But the Consortium has refused, asserting that because it is a private entity, it is not bound by California's public transparency laws.

“Public officials cannot circumvent California’s transparency laws simply by moving their activities behind the screen of a private entity that they created and fund using taxpayer dollars,” says Erin Palacios, attorney with the Youth Law Center. “The County Probation Consortium is performing crucial government duties related to youth confinement, and it must conduct its work openly and be available for the public to review,” Palacios explained.

“The member organizations of the California Alliance for Youth and Community Justice are made up youth and families directly impacted by the justice system. Without their expertise, California will never move beyond its racist youth carceral system that has perpetuated deep harms against young people of color,” says Cesar Lara, Programs and Policy Director at [MILPA Collective](#), a youth advocacy organization and CAYCJ member based in the Monterey Bay Area. “By setting up their own private entity using taxpayers’ money, the counties are silencing the community’s voice and binding themselves to repeating past mistakes,” Lara noted.

In Contra Costa County, for example, CAYCJ members, the [Young Women’s Freedom Center](#) and [The Safe Return Project](#), have been working together with community members to [advocate for greater investment in community programs](#) to keep youth out of locked facilities. Without accountability to the public, these groups are concerned that the County Probation Consortium will drain county resources that could otherwise be directed to community-based services.

“So far, we estimate that Contra Costa has paid the County Probation Consortium almost \$30,000 in public funds, but what has the Consortium done to benefit the county’s young people?” asks Tumani Drew, organizer at the Young Women’s Freedom Center. “Instead of funneling money into probation’s nonprofit, Contra Costa should be investing in positive supports, providing economic opportunities, and helping youth heal from trauma. Youth need resources to create their own self-determined lives,” Drew emphasized.

Contra Costa County’s Probation Chief, Esa Ehmen-Krause, is on the County Probation Consortium’s Board of Directors and serves as its Vice President.

“Young people who are locked in county facilities are among the very most vulnerable in our state,” says Meredith Desautels, attorney with the Youth Law Center. “With this lawsuit, we’re seeking to ensure that the County Probation Consortium and the probation officials who run it remain accountable to the youth and communities that they serve,” Desautels explained.

[*California Alliance for Youth and Community Justice v. County Probation Consortium Partnering for Youth Realignment, Sacramento County Superior Court, Case # 34-2022-00331508.*
Amended Complaint available [here](#).]

Additional Background:

The County Probation Consortium came about following the decision in 2020 by the Governor and Legislature to [close California’s youth prisons and realign juvenile justice jurisdiction](#) to the counties. Fifty-five counties agreed to work together and paid into a fund to establish a new

nonprofit, incorporated in December 2021. The only counties that declined to participate appear to be Los Angeles, Shasta, and Tulare counties.

The probation chiefs of the fifty-five participating counties now serve on the nonprofit's board of directors, and together they determine the annual "membership fee" that counties must pay to participate in the nonprofit. The payment of taxpayer funds for the "membership fee" is then approved by each county, often by the very same probation chiefs acting in their official capacities as department heads. Unlike a government grant contract, this "membership fee" structure allows the County Probation Consortium to receive government funds without agreeing to accomplish any deliverables in return.

The County Probation Consortium's work focuses on coordinating incarceration of youth in secure county facilities around the state. Their activities include developing agreements for cross-county incarceration, such as procedures, pay rates, and template contracts. The County Probation Consortium is also developing a database related to youth confinement in secure county facilities around the state.

This work of the County Probation Consortium directly impacts the member organizations of the California Alliance of Youth and Community Justice (CAYCJ), which are dedicated to improving outcomes for system-involved youth in California. Together, CAYCJ members work to reduce youth incarceration by helping young people build strong connections in their families and communities, and by ensuring that they can access the support they need to grow into thriving adults. Because the County Probation Consortium has refused to open its meetings and records to the public, CACYJ now brings this lawsuit on behalf of its members to require that the County Probation Consortium comply with the law.

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.

The [California Alliance for Youth and Community Justice](#) is an alliance of youth organizations seeking to drastically reduce incarceration and improve outcomes for system-involved youth.

[MILPA Collective's](#) mission is to cultivate Change Makers for the Next Seven Generations by creating opportunities for cultural healing, intergenerational leadership, and empowerment through community-driven decision making for healthier communities.

The [Young Women's Freedom Center](#) builds the power and leadership of directly impacted young people and inspire them to create positive change in their lives and communities.