

**PARTNERSHIP AGREEMENT FOR THE LOS ANGELES COUNTY
YOUTH DIVERSION AND DEVELOPMENT PROGRAM: CULVER CITY**

This PARTNERSHIP AGREEMENT (PA) is made and entered on this June 24, 2019 between the following parties:

The Los Angeles County, Office of Youth Development and Diversion:
313 N Figueroa Street Suite 132 Los Angeles, CA 90012;

City of Culver City, Culver City Police Department: 4040 Duquesne Ave, Culver City, CA 90232;

California Non-Profit Organization, New Earth: 6001 Bristol Parkway, Suite 200, Culver City, CA 90230.

I. PURPOSE, COLLABORATION, & GOALS

In January 2017, the Los Angeles County Board of Supervisors unanimously approved a motion to advance a comprehensive countywide approach to equitably improving youth outcomes and community safety by establishing a central coordinating office in the Department of Health Services, the Office of Youth Diversion and Development (YDD), that would support an network of effective, equitable, community-based Diversion services for young people in lieu of arrest or citation through partnerships with local law enforcement agencies in communities throughout the County.

All parties to this PA agree to implement youth Diversion in alignment evidence of effective practices and YDD guidelines. When implemented well, with strong collaborative oversight and a commitment to equity and youth development, youth Diversion can improve health, academic, and social outcomes for youth otherwise at risk for long-term involvement in the justice system. Effective, equitable youth Diversion can also improve public safety and reduce system costs.

All parties agree to the following YDD Program model that was developed collaboratively over the course of a multi-year planning process that included the Los Angeles County Board of Supervisors, the Department of Public Health, community-based providers, youth advocates, law enforcement agencies, the Juvenile Court, and representatives from other youth-serving systems:

1. YDD will provide countywide coordination, assessment, and oversight of the implementation of YDD Programs; funding and program management for community-based organizations providing youth Diversion and development services; and training, technical assistance, and tools for both Community-Based Organizations (CBOs) and Law Enforcement Agencies (LEAs).
2. LEA will refer all eligible and suitable youth to community-based partners for Diversion and development services in lieu of completing or filing an arrest or citation.
3. CBO will conduct outreach to all referred youth and their caretaker(s), conduct strengths-based intake assessments, develop individualized Diversion and development care plans based on the goals of each participating youth, provide care coordination and case management to support the completion of those goals.
4. Upon successful completion of Diversion, determined by the CBO through substantial completion of individualized care plan goals, a young person's case will be closed and the record of referral will be dismissed by the LEA after two years as per the current policy on record retention for young people. The record of arrest will not be logged in a system that would cause it to be discoverable in a background check except in the occasion a young person is booked for identification purposes.
5. All Diversion partners will collect data needed to inform program improvement and assess countywide progress, in alignment with YDD guidelines and protections for youth information.
6. All Diversion partners will communicate as needed to support effective implementation and meet reporting requirements, in alignment with YDD guidelines and protections for youth information.

This PA lays out the agreements necessary to ensure success of the above model.

1. DEFINITIONS RELATED TO YOUTH DIVERSION REFERRALS BY LAW ENFORCEMENT

- 1.1. **Arrest**: The physical and legal custody of a person who has been suspected of committing or planning a crime with probable cause by a law enforcement officer in response to a delinquent or criminal charge. The process of arrest may include being detained or taken into custody for a period of time in a manner authorized by law before booking in a statewide criminal database or filing a charge for further justice system processing.
- 1.2. **Booking**: The processing (e.g., fingerprinting, photographing, creating a criminal record identification number in a statewide criminal database discoverable in a background check) of an arrest by a law enforcement agency.
- 1.3. **Citation**: A written order to appear before a magistrate or probation officer at a later date in lieu of being arrested and delivered to juvenile authorities for a violation of law. A person may be given a citation in the field which is then held in abeyance, reviewed, and referred to Pre-Filing Diversion.
- 1.4. **Counsel and Release**: An informal warning, information about existing resources, or connection to family, school- or community-based resources by a law enforcement officer instead of writing a citation or taking a person into custody. To better meet the developmental needs of youth, an officer is encouraged to use their authority to Counsel and Release in suitable infraction and misdemeanor cases unless a referral to Diversion programming is deemed appropriate.
- 1.5. **Detention**: A brief and cursory holding and/or questioning of a person, which may include transporting the person to the law enforcement site for further questioning and information gathering.
- 1.6. **Diversion**: An intervention that redirects a system response to law enforcement contact in order to prevent a young person's involvement or further involvement with the justice system and to better align the response to youth development and underlying needs. Diversion is possible at various stages in justice system (e.g., pre-booking, post-booking but pre-filing, or post-filing but pre-adjudication) but is always designed to prevent the next legal step in the justice system.
- 1.7. **Filing**: The act of submitting a charge for further justice system processing.
- 1.8. **Mandated Reporter**: According to California law, a person who, because of their profession, has the legal requirement to report any known or suspected abuse or neglect relating to children, elders, or dependent adults to the relevant authorities. Organizations may also have additional protocol or agreements for mandated reporting (See Section 8).
- 1.9. **Taking Into Custody**: The act of physically holding a person in a criminal or juvenile justice facility by a law enforcement officer beyond a short period of time for the purpose of inspection, preservation or security.

2. RESEARCH AND LEGAL FOUNDATION FOR YDD PROGRAM MODEL

- 2.1. Diversion is most effective and equitable when it is implemented with strong oversight, clear standards, and shared goals.
- 2.2. Diversion is most effective and equitable when referrals reach all youth who are legally eligible for referral in lieu of arrest or citation.
 - 2.2.1. Pursuant to California Welfare and Institutions Code (WIC) Sections 625 and 626, a law enforcement officer has broad discretion to use informal, non-justice system responses to divert youth that include: a) releasing the youth (i.e., Counsel and Release) or b) delivering or referring the youth to a public or private agency with which the city or county has an agreement or plan to provide shelter, counseling, or Diversion services.
 - 2.2.2. In determining which disposition to make, the officer shall prefer the alternative which least restricts the youth's freedom of movement, provided that alternative is compatible with the best interests of the youth and the community.
 - 2.2.3. In accordance with WIC 625.3, youth are eligible for Diversion unless they are 14 years of age or older and have been taken into custody by an officer for the personal use of a firearm in the commission or attempted commission of a felony or for any offense listed in subdivision (b) of Section 707. Underlying circumstances that would be better addressed by school administration, family/caregivers, or other youth-serving systems should also be considered.
- 2.3. Diversion is most effective and equitable when community-based organizations are empowered as providers of individualized case management youth development and restorative justice services.

3. AGREEMENTS ON ELIGIBILITY AND SUITABILITY FOR YDD REFERRALS

- 3.1. Diversion referrals funded by YDD should occur pre-filing unless otherwise specified. For Culver City Police Department (CCPD), Diversion Referrals may occur before a young person's information has been entered into a statewide criminal database (Pre-Booking) or before the youth's information is filed for further processing with the Probation Department, District Attorney's Office, or Court (Pre-Filing). Any report of arrest or citation should be held in abeyance pending completion of Diversion requirements, with a record of the Diversion referral submitted and retained by the designated County authority.
- 3.2. Youth eligible for Diversion Referrals funded by YDD include all youth who would otherwise have been arrested or cited for any alleged misdemeanor or felony offense excluding those enumerated in WIC 707(b).
- 3.3. CCPD, New Earth, and YDD agree to use the following Eligibility Criteria as the foundation for determining that any young person is suitable for Counsel and Release, Diversion Referral, or Arrest:

Table 1. Eligibility Criteria

Eligibility Categories	Action Taken ¹ (unless deemed unsuitable by supervisor)	Example Offense Types Eligible for Referral from CCPD to New Earth
Status offense cases	<p><u>Eligible for Counsel and Release:</u> Officer may, within his or her discretion, provide youth with informal warning, information about existing resources, or connection to school- or community-based services without any arrest or citation, generation of crime report, or introduction of consequences for failure to complete services.</p>	<ul style="list-style-type: none"> - School-Related Offenses - Fighting - Possession of marijuana on school grounds - Truancy - Possession or under the influence of alcohol
Suitable low-level misdemeanor or infraction cases with no DMV follow-up required		
Incidents where underlying circumstances are better addressed by school administration, family/caregivers, or other youth-serving systems		
Misdemeanor cases not deemed suitable for Counsel and Release	<p><u>Eligible for Diversion:</u> Officer or detective may provide youth with referral to diversion for risk and needs assessment and individualized services as an alternative to arrest or citation and further justice system involvement.</p>	<ul style="list-style-type: none"> - Vandalism - Theft - Graffiti - Battery - Driving Under the Influence (DUI) with consent to submit to a test
Non-WIC 707(b) felony cases		
Citations where DMV follow-up is required	<p><u>Cases Diverted through Probation Department Citation Diversion Program</u></p>	<ul style="list-style-type: none"> - DUI with refusal to submit to a test
Incidents with youth 14 years of age or older where custody triggers mandatory referral to Probation pursuant to WIC 625.3 ²	<p><u>Cases Sent to Probation:</u> Officer or detective completes a citation or booking process and refers youth to Probation. This does not preclude youth from opportunities for diversion at a later stage, either through the Probation Department, the Office of the District Attorney, or the Court.</p>	<ul style="list-style-type: none"> - Violation of probation - Estes Robbery

3.4. If additional review is deemed necessary, CCPD, New Earth, and YDD agree to use the following Suitability Considerations to determine whether any eligible youth is suitable for Diversion Referral:

Table 2. Suitability Considerations

Culver City Police Department: Considerations for Determining Unsuitability for Submitting Youth Diversion Referral to New Earth	New Earth: Considerations for Determining Unsuitability for Accepting Youth Diversion Referral from CCPD
<ul style="list-style-type: none"> - Age - Criminal History - Previous Referrals - Consultation with New Earth - Seriousness of crime 	<p>New Earth will work with all youth regardless of their age or criminal history, including whether they were previously referred to Diversion or the type of offense for which they are being cited, with the exception of 707(b) offenses.</p>

3.5. CCPD will determine eligibility and suitability based only on the facts known to them at the time of initial contact with the minor as well as what is available to the officer from their agency's

¹ While eligibility and suitability for diversion shall be determined by law enforcement agencies; the appropriate level and type of intervention shall be determined by assessment of risk, needs, and strengths during diversion program intake.

² Pursuant to WIC 625.3, a youth who is 14 years of age or older and is taken into custody by an officer for the personal use of a firearm in the commission or attempted commission of a felony or for any offense listed in subdivision (b) of Section 707 shall not be released until brought before a judicial officer.

database. No admission of guilt is required for referral to Diversion. Generally, a young person's attitude or other personal characteristics should not be considered when determining eligibility or suitability. CCPD will agree not to use a young person's drug and alcohol use, gang affiliation, immigration status, or other subjects that do not pertain to the eligibility and suitability criteria outlined above as a determining factor for whether a young person is eligible for referral to diversion.

3.6. Youth who have an open dependency case are eligible for Diversion. CCPD will agree not to use an open dependency case as a determining factor for whether a young person is eligible for referral to diversion.

3.7. Youth who are currently on probation are not automatically ineligible for Diversion. CCPD and New Earth will work with an eligible and suitable youth's Deputy Probation Officer (DPO) to provide notification and identify ways a referral to Diversion can prevent the young person's further involvement in the justice system (e.g., violation of terms of probation).

Table 3. CCPD and New Earth will employ the following protocol for youth with current justice system involvement who are determined to be eligible and suitable for Diversion.

Referral Protocol for Youth with Current Justice System Involvement
If a young person is currently on Probation Supervision but is picked up for an alleged offense eligible for new Diversion Referral, CCPD may contact the Probation Department or assigned Deputy Probation Officer to discuss suitability for Diversion Referral in lieu of violation, citation, or arrest.

3.8. Youth with prior justice system contact or prior referrals to Diversion are eligible Diversion. CCPD will permit youth with prior referral(s) to Diversion to participate in a new referral to Diversion based on the eligibility criteria and suitability considerations outlined in Tables 1 and 2. For youth with prior referral to Diversion, CCPD will consult with New Earth and/or YDD as needed.

3.9. If a young person is currently enrolled in a Diversion program through another source of referral and CCPD comes into contact with them, CCPD will consider the completion of a new referral and coordinate with YDD and New Earth to ensure the young person is given the opportunity to continue or adjust participation without duplication of services. CCPD agrees to contact and consult with New Earth to assess for eligibility to Diversion for the young person.

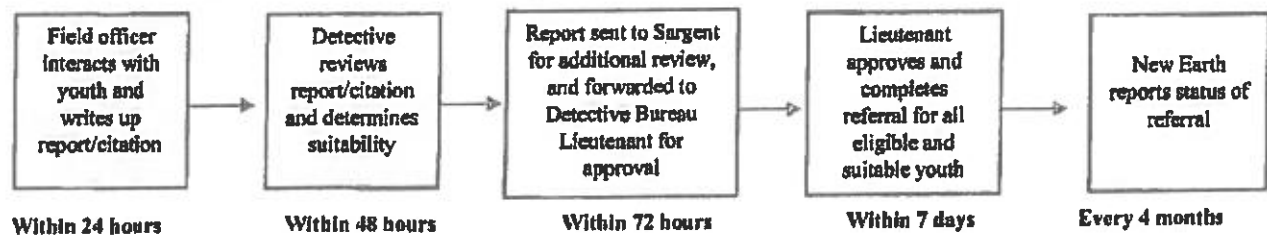
4. RESPONSIBILITIES OF CULVER CITY POLICE DEPARTMENT (CCPD)

4.1. CCPD will ensure all detectives determining a youth's eligibility to Diversion receive training provided by YDD, including at least the following: YDD Referral Protocol, Trauma-Responsive Interactions with Youth, and Implicit Bias.

4.2. CCPD has ensured all detectives determining a youth's eligibility to Diversion are currently receiving the following training: Diversion Program Eligibility training, Special Victims Trainings (youth-focused, including issues of rape, domestic violence, gang influences).

4.3. CCPD will employ the following steps with the timeline based on business hours/days to refer youth to New Earth for Diversion:

Figure 1. Summary of CCPD Referral Process:



4.3.1. When an Officer comes into contact with a young person for an incident that might result in an arrest or citation, they will employ current agency protocol. CCPD Detectives will assess the incident and review the report/citation and identify the young person for Diversion suitability.

4.3.2. If the Officer can confirm the identity of the young person, they may Counsel and Release or cite the young person in alignment with the Eligibility Guidelines outlined in Table 1.

4.3.3. If the officer cannot positively confirm the identity of the young person, the officer may transport the young person to the law enforcement department and make additional attempts to contact a parent or guardian prior to booking the young person. If contact with a parent or guardian is not established within 6 hours, the officer may book the young person in order to verify their identity.

4.3.4. Officers will provide a verbal description of the review process for Diversion to a young person and/or their parent or guardian but will not be tasked with determining if a young person is eligible or suitable for Diversion. The determination for Diversion will be made by CCPD Detectives and the Detective Bureau Lieutenant.

4.3.5. CCPD's Investigations Detectives will review all eligible youth Citations or Arrests determine suitability for Diversion Referral within 7 business days of the initial incident in alignment with the Suitability Considerations outlined in Table 2.

4.3.6. If CCPD Detectives determine an eligible youth is suitable for Diversion Referral, a Diversion referral form including all information outlined in Table 5 below will be completed by the Detective Lieutenant, securely uploaded on the New Earth online portal, and communicated to the New Earth Clinical Program Director within 7 business days of the initial incident.

4.3.7. The Detective who determines eligibility for Diversion will contact the young person and their parent or guardian by phone to inform them of their options, including referral to New Earth for Diversion. The Detective will describe the benefits of Diversion, the consequences for not participating in Diversion, and share that New Earth will attempt contact the referred youth and guardian within 72 business hours to 2 weeks.

4.4. CCPD will share data on youth diversion referrals as well as de-identified data on youth arrests and youth citations with YDD, every four months with a minimum of at least twice a year.

4.4.1. If a young person has been Counselled and Released, the Officer will provide the youth a verbal description of the decision or information about local resources and will indicate the decision to counsel and release in data shared with YDD.

Table 4. Counsel and Release data shared with YDD will include the following fields:

Counsel and Release Data Fields
- Referral Date
- Referring Officer
- Referring Agency
- Type of Referral
- Date of Alleged Offense
- Type of Alleged Offense
- Demographic Data in alignment with Racial Identity Profiling Act (RIPA) Requirements

4.4.2. If a young person is referred to Diversion, the Detective will provide youth and guardian a verbal description of the decision and information about Diversion and will indicate the decision to refer in data shared with YDD.

Table 5. Referral data shared with YDD will include the following fields:

Diversion Referral Data Fields
- Referral Date
- Referring Officer
- Referring Agency
- Type of Referral
- Date of Alleged Offense
- Type of Alleged Offense
- Demographic Data in alignment with Racial Identity Profiling Act (RIPA) Requirements
- Youth Contact Information
- Guardian Contact Information

4.4.3. If the Detective decides not to divert a legally eligible youth, the Detective will indicate the reason for their decision to not complete the referral in the data shared with YDD.

Table 6. Data on youth determined unsuitable for Diversion will include the following fields:

Determination of Unsuitability Data Fields
- Date of Alleged Offense
- Type of Alleged Offense
- Date Determined Unsuitable
- Reason Determined Unsuitable
- Demographic Data in alignment with Racial Identity Profiling Act (RIPA) Requirements

4.5. All decisions not to refer legally eligible youth to Diversion will be reviewed by Detective Bureau Lieutenant within 7 business days and the ultimate decision in Diversion after review by the supervisor will be recorded in the in the data shared with YDD.

4.6. CCPD will meet with New Earth and YDD at least quarterly to discuss opportunities to improve Diversion program coordination.

4.7. CCPD will meet with New Earth monthly to discuss opportunities to improve Diversion program communication or implementation. The meetings will be set up by Adam Roberts from New Earth and the location will alternate between CCPD and New Earth.

4.8. CCPD will set the following short and long-term objectives to support continued program improvement and expansion:

4.8.1. Short-term Objectives:

- Refer all eligible and suitable youth to Diversion.
- Work with New Earth to support referred youth's successful completion of Diversion as needed.
- Equitably reduce the number of filed citations and arrests for eligible cases.

4.8.2. Long-term Objectives:

- Improve the trust and relationship between CCPD, youth, and New Earth.
- See reduction in new citations and arrests for youth who participate in Diversion.
- See improvement in community safety.

5. RESPONSIBILITIES OF NEW EARTH

5.1. New Earth will ensure all staff receive training provided by YDD, including at least the following: YDD Assessment Protocol, Trauma-Responsive Interactions with Youth, Implicit Bias, Youth Development, and Restorative Justice.

5.2. New Earth has ensured all staff interacting with youth in Diversion are currently receiving the following training: Crisis Intervention, Conflict Resolution, Mentoring, Interview Techniques, Restorative Justice, and Mediation.

5.3. New Earth's Clinical Program Director will receive referrals from CCPD and report receipt of referral to CCPD within 48 business hours of receipt.

5.4. New Earth's Clinical Program Director will assign a Case Manager to the referral, who will attempt make contact with youth and caretaker to provide orientation within 72 business hours of receiving the referral to set up an intake meeting.

5.5. If New Earth cannot make contact with the youth and caretaker within 2 weeks, the assigned Case Manager will contact CCPD to identify next steps.

5.6. New Earth's Clinical Program Director will assign a Case Manager to obtain all required informed consent for participation in Diversion services, conduct a strengths-based intake assessment, develop individualized goals for the young person's Diversion completion plan, and support the young person's connection to supportive services and youth development activities including but not limited to educational and vocational support, mentorship, civic engagement and leadership opportunities, arts and recreation, physical and mental health care, family engagement, and restorative or transformative justice to repair any harm caused.

5.6.1. New Earth may work with CCPD to determine a victim's willingness to engage in restorative justice.

5.7. New Earth's Case Managers will connect participants to the level and type of individualized support services indicated by their intake assessment and completion plan goals.

5.8. New Earth's Case Managers will work with participants to adjust care plan goals as needed to support successful program completion and report status of completion to CCPD within 6 months for an alleged misdemeanor referral and 12 months for an alleged felony referral, identifying any needs for additional time based on the young person's individualized care plan.

5.9. New Earth's Clinical Program Manager will provide aggregate status updates to CCPD every three months using the following data fields to protect youth confidentiality:

Table 7. Data on Status of Referrals shared with CCPD and YDD will include the following fields:

Time 1: Referral Status	Time 2: Enrollment Status	Time 3: Completion Status
<ul style="list-style-type: none"> - Pending - Received by CBO - Returned to LEA 	<ul style="list-style-type: none"> - Pending (<i>show referral status</i>) - Enrolled <ul style="list-style-type: none"> ▪ Participating in New Program ▪ Continuing Existing Program - Not Enrolled <ul style="list-style-type: none"> • Youth Declined ▪ Guardian Declined • CBO Unable to Make Contact ▪ Youth Unable to Travel to CBO ▪ Other: _____ - Referral Not Sustained <ul style="list-style-type: none"> ▪ Charges Disputed ▪ Charges Cleared ▪ Services Provided Elsewhere 	<ul style="list-style-type: none"> - Pending (<i>show enrollment status</i>) - Substantial Completion of Diversion Goals - Terminated Without Completion of Diversion Goals <ul style="list-style-type: none"> • Youth Withdrew ▪ Guardian Withdrew • CBO Unable to Make Contact ▪ Youth Unable to Travel to CBO ▪ Other: _____ - Change in Eligibility Status Authorized by YDD <ul style="list-style-type: none"> ▪ New Ineligible Offense ▪ Aged Out of Program • No Longer Los Angeles County Resident ▪ Other: _____

5.10. New Earth will participate in YDD's evaluation and contract monitoring activities.

5.11. New Earth will meet with YDD at least quarterly to discuss opportunities to improve Diversion program coordination.

5.12. New Earth will meet with CCPD monthly to discuss opportunities to improve Diversion program communication or implementation

5.13. New Earth will set short and long-term objectives to help support continued program improvement:

5.13.1. Short Term Objectives:

- Inform the Culver City community of the Diversion program and its benefits.
- Support successful completion of Diversion goals for all youth referred from CCPD.
- Create sustainable career pathways for youth upon completing the Diversion program.

5.13.2. Long-Term Objectives:

- Improve the trust and relationship between New Earth, youth, and CCPD.
- Reduce the disparities in youth who are not enrolled or do not successfully complete the program.

6. RESPONSIBILITIES OF THE DIVISION OF YOUTH DIVERSION AND DEVELOPMENT

6.1. YDD will provide central coordination and oversight for Los Angeles County’s YDD initiative.

6.2. YDD will provide funding and contract management for community-based organizations providing Diversion services.

6.3. YDD will provide training, technical assistance, and capacity-building for Diversion partners.

6.4. YDD will provide tools and guidelines to support Diversion practice, including template partnership agreements, template referral forms for LEAs, and template data collection forms for LEAs and CBOs.

6.5. YDD will not share individualized service-utilization data with the Probation Department, District Attorney’s Office, or the Court. Instead, these agencies will be able to develop informed decisions about a young person’s case through existing practices with appropriate due process protections.

6.6. YDD will conduct regular assessment and publish de-identified evaluation results to hold providers accountable to standards of quality, providing capacity-building and support as needed to improve program effectiveness and equitable implementation.

7. AGREEMENTS ON COMMUNICATION AND REPORTING

7.1. YDD will coordinate communication among Diversion partners according to the following communication guidelines:

Table 8. Primary Methods of Communication Between Partners

Method of Communication	Timing	Purpose of Communication
Partner Meetings	Monthly	Identify opportunities to improve program coordination, communication, or implementation; provide referral updates as needed every three months
Fax or email to CCPD to confirm New Earth’s receipt of initial referral	Within 48 hours of receipt	Confirm receipt of referral
Call to CCPD if New Earth is unable to make contact with youth and guardian	After 2 weeks if no contact made	Identify next steps for outreach to youth and parent or guardian
Program Management meetings between YDD and New Earth	At least quarterly	Discuss opportunities for technical assistance or support for service-delivery
Call to New Earth or YDD to discuss previous diversion referrals or current participation in diversion programming	As needed	Identify appropriate connection to services

Table 9. Points of Contact

Representative	Name	Phone Number	Email Address
YDD	Ektha Aggarwal	(213) 346-9061	Eaggarwal@dhs.lacounty.gov
New Earth	Marni Baim	(310) 455-2847 x1007	Mbaim@newearthlife.org
CCPD	Randy Vickrey	(310) 253-6302	Randy.vickrey@culvercity.org
Mandated Reporting	Child Protection Hotline	(800) 540-4000	https://reportChildAbuseLA.org
5150 LPS Reporting	Centralized Assessment Team	(866) 830-6011	

8. CONFIDENTIALITY FOR YOUTH PARTICIPATING IN DIVERSION

- 8.1. Pursuant to WIC 5328(a), when a minor receives mental health treatment and services or services funded by the Mental Health Services Act Fund (i.e., YDD Programs), their records and all information regarding the treatment or services is confidential and protected by state law.
- 8.2. New Earth will keep information about each youth private and cannot disclose any information outside of what is required of them as mandated reporters under the guidelines of Penal Code 11165.7 for Mandated Reporting and under the Welfare and Institutions Code Section 5150, also known as the Lanterman-Petris-Short Act, which provides guidelines for handling involuntary civil commitment of individuals to mental health institutions in the State of California.
- 8.3. CCPD will not use any statements made by youth in the course of the Diversion process (i.e., information gathered by New Earth or disclosed to service providers in the course of receiving Diversion services) in further criminal proceedings.
- 8.4. CCPD will not interview or investigate any employee of New Earth, other Diversion service providers, family and community members who participate in Diversion, nor any other participant in the youth’s Diversion care plan to testify about any information learned in the course of Diversion, unless it is deemed necessary under the mandated reporting.
- 8.5. A young person’s agreement to participate in Diversion, or the fact that a young person did not complete Diversion, will not be introduced into any juvenile or criminal proceedings for any purpose including for impeachment purposes.
- 8.6. In cases where multiple youth are arrested for the same or related offenses and would be considered “co-defendants” in court, if all youth are otherwise eligible, they should all be referred to Diversion. In the case that not all youth can be referred, the fact that the youth is participating in Diversion cannot be mentioned in any of the “co-defendant’s” pleadings, probation reports, court proceedings or plea negotiations.

9. CONFIDENTIALITY AND IMMUNITY FOR OTHER PARTICIPANTS

- 9.1. If a young person brings adults and/or other youth to participate in Diversion services with them (e.g., in Restorative Justice processes), CCPD agrees that information, including those of adults and/or youth who participate in the Diversion program with the youth, will not be used for any purpose in any related or unrelated court proceedings.

10. CONFIDENTIALITY WITH REGARDS TO IMMIGRATION STATUS

- 10.1. CCPD agrees not to ask anyone referred for Diversion, nor their parents, caretakers, guardians or community members who participate in Diversion with the youth, about their immigration status.
- 10.2. CCPD agrees that all new information learned throughout the Diversion process regarding the immigration or documentation status of the diverted youth, their families and caregivers, and any others participating in the Diversion process shall not be shared with any federal law enforcement or immigration agencies or authorities, or anyone outside of the Diversion process as per the Immigration Policy 438 in the Culver City Police Department Policy Manual and the SB 54 California Values Act.
- 10.3. CCPD agrees to oppose any federal or other requests for information regarding the immigration status of any Diversion participant.

11. YOUTH RIGHTS

- 11.1. New Earth shall inform the youth and his/her parent, guardian, or custodian that participation in Diversion is voluntary.
- 11.2. New Earth shall inform the youth and their parent, guardian, or custodian that if the Diversion process is not successful, the youth will be referred back to CCPD, which could result in their case being processed through the juvenile or criminal court.
- 11.3. A referral to Diversion by CCPD and a voluntary acceptance of Diversion by the youth does not constitute a waiver of the statute of limitations.

12. MISCELLANEOUS

- 12.1. New Earth shall comply with The County of Los Angeles Division of Youth Diversion and Development's Master Agreement, which outlines responsibilities for Independent Contracting in Section 8.26, Indemnification in Section 8.27 and Provisions for Insurance Coverages in Section 8.28 and 8.29.
- 12.2. **INDEPENDENT CONTRACTOR STATUS.** City, County and New Earth agree that New Earth, in performing the services herein specified, shall act as an independent contractor and shall have control of all work and the manner in which it is performed. Contractor shall be free to contract for similar service to be performed for other employers while under contract with City and County. New Earth is not an agent or employee of City or County, and is not entitled to participate in any pension plan, insurance, bonus, worker's compensation or similar benefits City or County provide for their employees.
- 12.3. **INDEMNIFICATION.** New Earth shall indemnify, defend (at New Earth's sole expense, with legal counsel reasonably approved by the City and County) and hold harmless the County of Los Angeles, the City of Culver City, members of their respective boards and commissions,

officers, agents, and employees (hereinafter, "Indemnitees"), from and against all loss, damage, cost, expense, liability, claims, demands, suits, attorneys' fees and judgments arising out of or related to New Earth's responsibilities under this Agreement. This indemnification includes, but is not limited to, tort liability to a third person for bodily injury and property damage. Notwithstanding the foregoing, nothing herein shall be construed to require New Earth to indemnify or defend an Indemnitee from any claim arising from the sole negligence or willful misconduct of that Indemnitee. The duty to defend referenced herein is wholly independent from the duty to indemnify, arises upon written notice by County or City to New Earth of a claim within the potential scope of this indemnification provision, and exists regardless of any determination of the ultimate liability of New Earth, City, County or any Indemnitee.

- 12.4. **INSURANCE.** Without limiting its obligations pursuant to Section 12.1 of this Agreement, New Earth shall procure and maintain, at its own cost and expense and for the duration of this Agreement, insurance coverage as set forth in Sections 8.28 and 8.29, Insurance Coverage in the Master Agreement with the YDD under the County of Los Angeles, Department of Health Services, which are incorporated herein by reference. In addition, New Earth shall name the City of Culver City, members of City Council, and the respective boards and commissions, officers, agents, and employees of the City and County, as an additional insured in an endorsement to the policy, which shall be provided to the City and approved by the City Attorney.


[signatures on following page]

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE ENTERED INTO THIS PARTNERSHIP AGREEMENT:


John Nachbar
City Manager
City of Culver City


Dated: 6/25/19


Harry Grammar
Founder and President
New Earth


Dated: 6/26/19

Chief Scott Bixby
Police Chief
Culver City Police Department



Dated: 6-25-19

Peter Espinoza
Director, Office of Diversion and Reentry
Los Angeles County Department of Health
Services


Dated: 6/24/19

APPROVED AS TO FORM BY:

Carol Schwab
City Attorney
City of Culver City


Dated: 6-25-19



Juvenile Diversion Referral Sheet



CCPD DR#

JAI#

Name:

Crime Arrested For:

Crime Against Persons: YES NO Property Crime Only: YES NO

Victims Injured: YES NO Weapon Used: YES NO

If Yes, What Type Of Weapon:

Gender Identity: Male Female Transgender-Female Transgender-Male

Race/Ethnicity: White Black Hispanic/Latino Asian Other

Suspect On Probation: YES NO

If On Probation, For What Crime:

Probation Officer's Name:

Office:

P.O. Contacted: YES NO

If Not Contacted, Why:

P.O.'s Diversion Recommendation:

Eligible For Diversion: YES NO

If No, The Reason Why:

Parent/Guardian Contacted Regarding Diversion: YES NO Date:

Parent/Guardian Name:

Parent/ Guardian And Suspect Agree to Diversion Program: YES NO

New Earth Contacted: YES NO

Date:

Detective Signature

Detective Lt. Signature



Juvenile Diversion Referral Sheet



CCPD DR #

Name:

Crime Arrested For:

Date Juvenile Referred to New Earth:

Date Juvenile Completed/ Dropped out of Program:

New Earth Signature

Printed Name