

SC Department of Juvenile Justice
Responses and Actions to the Inspector General Findings and Recommendations

Findings and Recommendations

Finding 1: The BRRC staff worked under a high safety threat level in 2015 through early 2016.

Recommendation 1a: The DJJ should formally report on a periodic basis, such as quarterly, tracking progress on established objectives of DJJ's recent improvement plan, dated 3/9/2016, and should also consider supplemental surveys to employees and juveniles during the implementation phase given the number of stakeholders and the potential impact on a fragile juvenile population.

DJJ Director Murray convenes a daily Action Response Team which is staffed by upper management and divisional heads. Daily reports are provided by staff relating to the BRRC improvement plan and an ongoing list of accomplishments is maintained. The daily reports are submitted to the Governor's office staff for review. In addition, DJJ has recently contracted with a national juvenile justice security expert recommended by the National Institute of Corrections to audit the BRRC facility for safety and security improvements. The audit will take place from 5/24-29 and a comprehensive report will be written with suggested improvements to implement.

Staff and youth currently are surveyed twice a year on a variety of topics through the Performance-based Standards process (a national data-driven improvement model developed by the Council of Juvenile Correctional Administrators and endorsed by the Office of Juvenile Justice and Delinquency Prevention). DJJ has established a workgroup that is meeting on June 2nd to develop a supplemental survey to gauge implementation of the objectives of DJJ's Improvement Plan. This survey will include questions for both staff and for youth. The workgroup will also determine the frequency of the administration of the survey and decide on a delivery method for the survey (electronic is preferred).

Recommendation 1b: The DJJ should consider requiring the therapeutic staff assigned to dorms modify their current 9:00 am - 5:00 pm hours to include early evening hours to increase availability to counsel juveniles outside of school hours ending at 3:00 pm daily.

All clinical staff members at BRRC sign up for and provide late afternoon/early evening coverage at least one time per month. This assists in providing Social Work services to the juveniles on each Social Worker's caseload. Several Social Work staff member's work more than one of these late afternoon/early evening days per month. The Social Worker is available to assist with not only their own caseload but assist in any unit on campus if the need arises. These extended evening clinical hours began on March 1, 2016.

Recommendation 1c: The DJJ should establish minimum dorm shift staffing levels based on a rigorous risk assessment at the BRRC and not on national standards or historical practices, which would then allow executive management to track and be accountable for this important safety factor.

DJJ's current staff-to-juvenile ratio is one officer to ten juveniles, night and day. The Prison Rape Elimination Act (PREA) changes this ratio to 1 to 8 during waking hours and 1 to 16 during sleeping hours. DJJ is currently looking to increase this ratio to 2 officers to 10 juveniles.

Recommendation 1d: The DJJ should consider formally establishing a policy requiring order, safety, and security as required precursors to providing effective rehabilitation and therapeutic programs.

DJJ Policy C-2.0, Scope of Social Work Services, addresses in general terms the requirement of order, safety and security as a required precursor to providing effective rehabilitation and therapeutic programs. This policy currently reads: “A clear perspective must be maintained regarding the duties of clinical services so that the needs of juveniles and the safety of the community are properly balanced. One need should not be met to the exclusion of the other.” DJJ plans to update this policy to include the following additional language to place more specific support for this idea: “If a juvenile has been determined to be a safety and security risk, therapeutic services will be provided in a manner and setting that ensures the safety of staff and juveniles.”

Recommendation 1e: *The DJJ should consider, at least during the implementation phase of the proposed performance improvement plan at BRRC, establishing a single manager responsible for all personnel and assets at the BRRC to focus accountability for results. This provides a single authority to coordinate the existing BRRC leadership fragmented between security (rehabilitative services), clinical, and education, which is currently only fused at the Agency Head level.*

Director Murray has appointed her Senior Deputy Director, Brett Macgargle, as the single authority to coordinate all personnel and assets across all divisions during the implementation of the BRRC Improvement Plan to enhance cohesiveness.

Recommendation 1f: *The DJJ should consider developing a policy in determining when pursuing criminal charges against a juvenile’s conduct is warranted in order to have consistent consequences for similar behavior, and discontinue deferring to each staff member’s personal preference when to pursue criminal charges.*

The standard operating procedure for criminal prosecution is consistent. Current DJJ policy I-3.5, Investigations, says that allegations of potential criminal violations will be assigned to the Criminal Investigations Sections of the DJJ Inspector General’s Office. The policy also says that all completed criminal investigations will be forwarded to the appropriate Magistrate or Solicitor to determine if probable cause exists for criminal charges. If charges are authorized, warrants (for adults) or petitions (for juveniles) will be obtained by the criminal investigator. In the experience of DJJ’s Inspector General and criminal investigators, a non-cooperating victim is a barrier to an investigation and/or prosecution of a case. When a case lacks a cooperating victim, or has a victim who does not wish to pursue criminal charges, it is difficult for the State to prosecute the case. DJJ’s Inspector General has developed a COMPLAINT REFUSAL ON VICTIM’S REQUEST (Do Not Prosecute Request) form that can be completed by a victim who declines to participate in the investigation and/or prosecution of a potential criminal violation. Through this form, the victim would request that the complaint be dismissed and decline law enforcement assistance in the matter. In short, all criminal cases are investigated, and when cooperating victims are present and sufficient probable cause exists, the case moves forward to warrant/petition.

Finding 2: The event reporting process was inefficient and ineffective.

Recommendation 2a: *The DJJ should consider automating the event reporting process, which creates one official record with a unique identifier; full text retrieval capabilities; accessible to the many consumers; and audited on a periodic basis for completeness.*

DJJ is currently developing an online Event Reporting System (ERS) to provide the following capabilities:

- Online event entry
- Automatic assignment of an Event ID when the event is saved

- Provide confirmation notification to the employee
- Provide event search capabilities and event status information
- Enable report capability for audit and statistical purposes
- The appropriate resolution source will be determined by the Inspector General's office
- If an event requires further investigation it will be assigned an ERMIS Event ID

The ERMIS database will be updated from Access to SQL, which enables the merging of information from the ERS system into ERMIS. This eliminates re-keying of information which improves performance and security

Schedule:

- Planned release of the Event Reporting System is 9/30/16

Recommendation 2b: *The DJJ should examine the existing separate data bases for classification, discipline, and investigations for potential integration into the proposed automated system containing ERs, which could yield long-term efficiencies if linked with appropriate access/security controls.*

Phase One: Develop, test and release online Event Reporting System

Phase Two: Replace the current ERMIS solution with a web based application available from multiple platforms. Fully integrated with the Event Reporting System developed in Phase One, and include automatic notification of serious events to upper management, and detailed report generation capabilities.

Phase Three: Wholly integrated Event Reporting System to include all areas of the agency that report events and use findings from those events; PBS, ERMIS, and possibly Disciplinary Hearing.

Finding 3: *The PbS bi-annual reports were an effective performance management tool, but appeared under-utilized as a management tool to stimulate positive change.*

Recommendation 3a: *The DJJ should consider establishing a new performance improvement plan (PIP) after each bi-annual report, rather than current practice of multi-year open ended PIPs, to fix accountability for results/timelines and add heightened urgency to particularly address order, safety, and security issues identified.*

According to PbS guidelines, Facility Improvement Plans (FIPs) are developed by the facility PbS team and PbS Coach after reviewing and analyzing the bi-annual PbS reports. The PbS team is led by the DJJ PbS site coordinator and includes representatives from security, treatment, medical, education, recreation, chaplaincy, volunteer services, juvenile relations, etc. The FIPs are established based on a review of the outcomes or areas that are being targeted for improvement. DJJ will work with our PbS Coach to ensure that current FIPs are closed and new FIPs are established bi-annually, understanding that some of the outcomes targeted for improvement may carry over from the previous FIP.

Recommendation 3b: *The DJJ should consider changing its PbS methodology of pre-selecting April and October as data collection months, which creates, at a minimum, a perception of influencing personnel in completing ERs during those months.*

PbS is a national improvement model, implemented in 37 states across the country that holds juvenile justice agencies and facilities to the highest standards for operations, programs and services. DJJ has participated in PbS since 2002, and all seven DJJ secure facilities participate. DJJ collects data on a daily basis, and according to PbS guidelines, reports this data into the PbS web-portal twice a year, along with all other participating sites across the country, in April and October. These two months are selected by PbS, not by DJJ.