



August 4, 2016

The Honorable Kirkman Finlay III
Subcommittee Chairman, Legislative Oversight Committee
South Carolina House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Representative Finlay:

Thank you for your letter of July 13, 2016, requesting “additional information” from the SC Department of Juvenile Justice (Department or DJJ) following the joint meeting of the House Legislative Oversight Committee’s Law Enforcement and Criminal Justice Subcommittee (Committee) and the Senate Special Subcommittee to Study the Department of Juvenile Justice on May 26, 2016. Please allow this letter to serve as responses to the requested items under the headings of Reporting System, Rapid Response and Emergency Situations, Overall Security, Education, Finances, and Organization Structure.

The first request for information asks for updates regarding the Department’s Event Reporting Management Information System, known as ERMIS, including “any substantial improvements made” or “new system(s)... implemented.” Improving the functionality and efficiency of ERMIS has been a priority for the agency, and the Department’s Information Technology Office has completed enhancements in order to address performance issues experienced by ERMIS users. In April 2016, information entered into ERMIS on or before April 5, 2016, was moved into an archive database which was updated from older Access technology to more current Microsoft SQL Server. These enhancements reduced the size of the active database which resulted in increased response time for ERMIS users and enabled database tracking of all changes in the archived database, providing greater security and accountability. The active system is scheduled to be converted from Access to Microsoft SQL Server by August 15, 2016, and will have database tracking as well.

Additional planned updates to ERMIS include two phases. Phase One consists of the development of a “front end” Event Reporting System that will enable users to enter and track events electronically in a web-based application. Phase Two is the development of an updated/replacement application for ERMIS. In Phase One, once an event is entered into the Event Reporting System, it will be routed automatically to the OIG for assessment and assignment. Events that require additional investigation become ERMIS events, and events that

require other types of resolution, for example Human Resources review, are routed to the appropriate area. Phase Two includes an interface between ERMIS and JJMS, the agency's Juvenile Justice Management System, to share juvenile information. This integration will increase accuracy and decrease redundant keying. ERMIS event screens will include drop down lists for incident types, required fields to ensure complete information, and provide additional management reporting capabilities. Additional security will be added via expanded audit capabilities, and once an ERMIS event has been added, it cannot be deleted. A secondary part of Phase Two will be integration between the Event Reporting System and ERMIS, PBS and the Behavior Management system. A .net application developer has been hired by the Department, and begins August 8, 2016. The expected implementation of Phase One is December 1, 2016.

In addition, improvements to the event reporting process itself have been identified. For example, an event reporting general mailbox was created (InspectorGeneralEventReporting@scdjj.net) in April 2016, and is used to submit event reports directly to the Office of the Inspector General (OIG). This method of reporting improved efficiency and accountability, and reduced OIG notification time. By using email, the sender has verification that the Event Report has been sent, and OIG staff receive the Event Report in a timely manner. Under consideration is a change in agency policy which would remove the supervisor approval prior to Event Report submission.

The next inquiry concerns "Rapid Response and Emergency Situations." As previously mentioned to the Committee, the Department's rapid response team was re-instituted in the last several months, and a new policy governing the utilization of this Special Response Team (SRT) was published in May 2016. The purpose of the SRT is "to stabilize and resolve an emergency situation without or prior to the use of force through the use of communication and crisis intervention techniques." The SRT would be activated "to respond to disturbances, crises, and emergency situations at DJJ's Columbia area secure facilities....The team is to respond immediately when called to restore order within the confines of a secure facility, or to a natural disaster, and return that facility to a state of normal orderly operations." Per policy, the persons who are authorized to deploy the Special Response Team are the Agency Director, Deputy Director of Rehabilitative Services, Inspector General, Director of Institutional Management, and Facility Administrator.

Regarding emergency situations, the Department, through the Inspector General's Office, maintains an Emergency Preparedness Plan. This Plan is incorporated into a manual that is provided to Executive Management and impacted Senior Managers or other staff. The Plan/manual exists to "provide procedures to minimize the risk of injuries to juveniles and staff resulting from natural or man-made disasters affecting" DJJ and includes checklists for each type of emergency situation. The types of disasters/emergency situations include: hurricanes, tornadoes, earthquakes, storms (winter and severe weather), floods, fire, release of hazardous materials or gas leaks, terrorist threats/actions, hostage situations, active shooters, and pandemics. Procedures exist to activate and provide emergency shelter, food supplies, water, heat, light, transportation, communications capability, and medical assistance should an emergency situation exist in the Department's facilities, camps, county offices, administrative offices, or contract facilities.

The DJJ Inspector General serves as the Team Leader of the Department's Disaster Control Team and coordinates the Department's Disaster Control Center. The Department's Emergency Preparedness Plan and contact information for members of the Disaster Control Team are updated on a yearly basis (last updated in August 2015). The Plan and related policy and attachments are under review currently by Inspector General Pough.

The Department does have "training in place for storm preparedness and emergency evacuation." During New Employee Orientation, all employees attend the training segment entitled "Fire Safety and Hazardous Communications" which covers emergency preparedness and the Department's Emergency Preparedness Policy. This training segment includes orienting employees to the Department's response to various types of disasters or emergency situations (what to do and information about evacuation procedures). In addition, the Inspector General has provided training to the Disaster Control Team regarding the Emergency Preparedness Plan and regularly sends email notifications to all DJJ employees regarding severe weather advisories and storm preparedness. An example of a recent storm/severe weather-related email from the OIG is enclosed. (Attachment 1)

The next requests for information concern Overall Security. Concerning "changes in security related to Juvenile Correction Officers (JCO) . . . interaction with juveniles," the Department has revised the juvenile behavior management policy to address both the incentive system and the juvenile progressive discipline system (explained more fully below). Relevant policies concerning Juvenile Behavior Management, Disciplinary Hearings, and Isolation of Youth are enclosed for your review. (Attachment 2) These changes now allow JCOs to correct immediately any juvenile misbehavior and to issue sanctions according to that misbehavior. Per policy, correctional "[s]taff will follow a continuum of responses from least restrictive to more restrictive to respond to juvenile misbehavior." The Officers are also able to reward any positive behaviors to help encourage juveniles in making good choices. These changes have provided JCOs and Shift Supervisors with a great deal of involvement in managing juvenile behaviors.

On May 9, 2016, the Department implemented a "new [juvenile progressive discipline and disciplinary hearing] system . . . [which] replace[d] BARJ." The new juvenile discipline system at the Broad River Road Campus (BRRC) utilizes a disciplinary hearing process to respond to Level 3 Rule Violations (serious/maximum). As referenced above, Level 1 (minor) and Level 2 (medium) Rule Violations are handled by security staff in the unit/dorm. The disciplinary hearings process utilizes a three-person panel, led by a Hearings Officer, to evaluate any serious rule violations. The panel evaluates all documentation, hears any witnesses, and views any video footage before rendering a decision that the rule violation is founded or unfounded. If the rule violation is founded, the panel will issue sanctions to the juvenile based on the violation/misconduct, which could include placement in a specialized restricted housing unit. These specialized restricted housing units are separate from the general population and have a rigorous and intensive program to address juvenile misbehaviors which the juvenile must complete successfully in order to return to the general population.

Regarding the inquiry concerning whether "parking of employees [has] been more scrutinized for safety and contraband," through the efforts of Inspector General Pough and his staff, the number of random vehicle searches and K-9 searches for contraband have been increased greatly. Inspector General Pough reports that the depth of all vehicle searches have

also been increased. In addition, DJJ has partnered with the South Carolina Department of Corrections (SCDC) to utilize their K-9 team in conjunction with ours to increase the number of K-9 searches completed at the BRRC gate. DJJ's new Deputy Director for Rehabilitative Services, Mr. Anthony Wynn, also reports that the parking procedures for security personnel at BRRC have changed. Beginning in May 2016, security staff (including supervisors up to the Captain level) were required to park their personal vehicles in a designated parking area at the beginning of their shift. They then report for mandatory briefing and turn their keys into a supervisor, and all keys are placed into a key safe until the shift is complete. Staff are bussed to their designated units and are not permitted to access their personal vehicles during the shift. At the closure of shift, keys are removed from the safe and picked up by staff after they clock out. A supervisor on duty maintains the keys to the safe in case an officer needs to exist BRRC during the shift due to a personal situation/emergency.

Regarding "increased scrutiny and searches of vendors entering agency facilities," the Department updated the Contractor Conduct Agreement notification to specifically inform vendors about agency protocols and security requirements they must adhere to when entering DJJ secure facilities and working on-site. The agreement outlines prohibited activities, protocol regarding interaction with juveniles, and items that are not allowed within the agency's secure facilities. Furthermore, it specifically states that "All contractor's vehicles and persons are subject to search at any time by authorized SCDJJ security personnel."

Traffic Control Officers (TCO) have been instructed by Inspector General Pough to search all vehicles operated by vendors and contractors as they would all other vehicles entering a DJJ secure facility. If prohibited items are encountered, the TCOs are to seize and document the items as well as the owner on a DJJ Event Report. If the items are essential to the reason the vendor is entering the facility, then the vendor will be asked to secure the items per the Contractor Conduct Agreement. Also, DJJ Police have been tasked with being vigilant in monitoring the activities of vendors/contractors as well as their vehicles once they enter the gates of a secure facility. If any unsecured, prohibited item is found by a DJJ Police Officer, they are to seize the item and complete an Event Report. Management will then be notified and proceed accordingly.

The Gang Intervention Specialist position was filled by the Department, effective July 11, 2016. Mr. Joseph Cooper is a certified South Carolina Gang Specialist and joins the DJJ team with over 15 years of law enforcement experience. He most recently served for two years as the Police Chief, for Lake City, SC. Mr. Cooper has additional certifications from the SC Criminal Justice Academy in Criminal Gang Investigations and Gang Graffiti Recognition and has attended many other related training programs on a State and National level that have prepared him for this position.

Your next request is for the Department's current "implementation level statewide" of the Gang Resistance Education and Training (GREAT) program. In fiscal year 2015-16, the Department had DJJ staff in 14 counties across South Carolina who had been trained to provide the GREAT "anti-gang curriculum and anti-gang intervention services" to students in their local communities. The GREAT program is conducted in elementary and middle schools as well as in Teen After School Center (TASC) sites. DJJ staff partner with a school's principal or the TASC director to sign an agreement committing to provide the GREAT program in their school or

TASC site. Each multi-week GREAT session concludes with a Graduation Program, and parents and educators express their pride at the students' accomplishments. DJJ, in cooperation with the national GREAT program, supplies each GREAT graduate with a certificate, medal, backpack, wrist band, and t-shirt. Last fiscal year, approximately 380 students graduated from the GREAT program.

In regards to "juveniles from Richland County's Alvin S. Glenn Detention Center [who] were returned to the population at the Broad River Road Complex," these juveniles are monitored through the Inspector General's Office on pending charges or dismissed charges. Upon the return of any juvenile under these circumstances, the juvenile is assigned to the Crisis Management Unit (CMU) until he can be staffed by the BRRC treatment team for appropriate housing placement. The team can refer the juvenile to a specialized housing unit or staff the juvenile for general population, depending upon the offense and other relevant security and treatment factors. Prior to the release of the juvenile from CMU for general population, the juvenile's assigned social worker will prepare a behavior contract for the juvenile and meet with him regarding his housing assignment.

Regarding the inquiries concerning Education, the DJJ School District meets the standards of "the Profile of the South Carolina Graduate." In the area of *World Class Knowledge*, students are challenged through a blended learning academic platform to aspire to rigorous standards in language arts and math for career and college readiness and to be exposed to science, technology, mathematics, arts and sciences. Qualified students have acquired GEDs, diplomas, and pursued post-secondary instruction through online instructional opportunities. *World Class Skills* that promote creativity, collaboration, teamwork, critical thinking, and problem solving is accomplished through academic and Career and Technology Education offerings, in particular opportunities for students to participate competitively in Skills USA, winning national awards for three consecutive years. Integration and accessibility of clinical and support services within the school day supports *Life and Career Characteristics*, encouraging interpersonal skills, self-direction, and integrity, additionally supported through the PVC Club, which provides intensive support services for the most behaviorally challenging and troubled students.

The "most recent results for the 'Work Keys' testing" is attached for your review (Attachment 3) and is summarized below.

Test Section	Number of students tested in this section	Average Score
Applied Math	92	3.6
Reading for Information	92	4.1
Location of Information	92	3.5

In regards to your question concerning Finances, the Department's "carry over or contingency funds" of state dollars for fiscal year 2015-16 will be \$8.99 million. This figure includes \$2.28 million of the previous years' \$3.77 million carryforward that was not spent and

\$6.71 million of the current year appropriation of \$105.34 million that was not spent. The Department plans to spend approximately \$7.8 million of the current carryforward on several one-time uses. Approximately \$6 million is planned to be spent on infrastructure which will include building replacement and deferred maintenance. In consideration of the recommendations of the recent safety/security audit performed at BRRC, an additional \$1.1 million in one-time projects have been identified to improve the overall safety and security of the staff and youth at the Department's long-term secure facility. Additionally, approximately \$700,000 in multiple smaller one-time projects have been identified in the following categories: Improvements to Administrative Efficiency, Information Technology and Information Security, and Programming for Direct Services.

Your final request for information concerns Organization Structure. Based on clarification provided by Charles Appleby, the responses to this request reflect the agency's top three organizational levels. Enclosed you will find a current "organization chart." (Attachment 4). This hierarchy consists of my position as Agency Director, the members of Executive Management who report directly to me, and the Senior Managers who report directly to an Executive Manager (Administrative Assistants who report directly to an Executive Manager are also represented). Also enclosed is a chart containing information regarding any of these "positions in which there has been a termination or resignation during the last 12 months as well as whether the person currently serving in the position is an interim or permanent replacement...[and] any searches the agency is currently performing" for these positions. (Attachment 5)

Thank you again to members of the Committee and to Committee staff for your time and attention. Your interest in serving the youth of South Carolina in the safest and least restrictive environment is shared by all of us at the South Carolina Department of Juvenile Justice. Please let me know if I or my staff can provide you with additional information or answer any questions you may have.

Sincerely,

Signature Redacted

Sylvia Murray
Director

cc: The Hon. William Weston J. Newton
The Hon. Raye Felder
The Hon. William K. Bowers
The Hon. Edward R. Tallon, Sr.
Mr. Charles L. Appleby IV
Ms. Carmen McCutcheon

ATTACHMENT 1

Elizabeth A. Hill

From: Freddie B. Pough
Sent: Tuesday, July 05, 2016 5:21 PM
To: SCDJJ
Subject: Severe Weather Advisory

...A SEVERE THUNDERSTORM WARNING REMAINS IN EFFECT UNTIL 600 PM EDT FOR KERSHAW...NORTHWESTERN ORANGEBURG...LANCASTER...NORTHWESTERN CALHOUN...RICHLAND...NORTHWESTERN CHESTERFIELD...EASTERN FAIRFIELD...SOUTHEASTERN LEXINGTON...EAST CENTRAL AIKEN AND NORTHWESTERN SUMTER COUNTIES...

AT 515 PM EDT...A LINE OF THUNDERSTORMS EXTENDED FROM LANCASTER COUNTY SOUTHWARD THROUGH COLUMBIA AND SWANSEA. MOVEMENT WAS EAST NORTHEASTWARD NEAR 35 MPH. SOME OF THE STORMS LIKELY CONTAINED WIND GUSTS OF 40 TO 60 MPH.

HAZARD...60 MPH WIND GUSTS.

SOURCE...RADAR INDICATED.

IMPACT...EXPECT DAMAGE TO ROOFS...SIDING...AND TREES.

LOCATIONS IMPACTED INCLUDE...
COLUMBIA...ORANGEBURG...CAYCE...FOREST ACRES...LANCASTER...
CAMDEN...SPRINGDALE...ST. ANDREWS...DENTSVILLE...OAK GROVE...WOODFIELDS...
BROOKDALE...PAGELAND...SOUTH CONGAREE...PINE RIDGE...ST. MATTHEWS...
KERSHAW...GASTON AND ELGIN.

PRECAUTIONARY/PREPAREDNESS ACTIONS...

FOR YOUR PROTECTION MOVE TO AN INTERIOR ROOM ON THE LOWEST FLOOR OF A BUILDING.

&&

LAT...LON 3478 8019 3347 8086 3362 8136 3444 8091
3455 8087 3460 8089 3469 8086 3475 8088
TIME...MOT...LOC 2115Z 270DEG 66KT 3446 8088 3374 8134

HAIL...<.75IN
WIND...60MPH

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ATTACHMENT 2

STATE OF SOUTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE
POLICY AND PROCEDURES

Title:	Juvenile Behavior Management – Incentive System and Progressive Discipline	Policy No.:	G-9.19	Page(s):	1 of 11
Authority:	Division of Rehabilitative Services				
Juvenile Justice Code:	n/a				
PbS Related Standard(s):	Order Goal: OS3; and, Programming Goal: PS2				
May 09, 2016 Effective Date		SIGNED/ <i>Sylvia Murray</i> Sylvia Murray Director			

POLICY: The Department of Juvenile Justice (DJJ) will use a formal system of rewards and incentives in juvenile residential facilities that provides for planned therapeutic interventions to reward responsible juvenile behavior, and to discourage negative juvenile behavior. The DJJ philosophy is that adolescents favorably respond to developmentally appropriate rewards and sanctions and DJJ will reinforce responses by rewarding appropriate behavior while giving sanctions for inappropriate behavior. The Department of Juvenile Justice (DJJ) will impose appropriate sanctions to juveniles for conduct and rule violation(s) with the intent and purpose of juveniles changing/improving their behavior and not for the purpose of punishment. Staff will follow a continuum of responses from least restrictive to more restrictive to respond to juvenile misbehavior, as set forth in and consistent with the Juvenile Progressive Discipline Chart (Exhibit G-9.19A). Each juvenile residential facility will implement a juvenile behavior management system that includes components for rewarding positive behavior and discouraging negative behavior. The behavior management systems will be applied fairly and equitably for both rewards and sanctions. The focus will be to acknowledge and support positive behavior and to assist the juvenile to change negative behavior. DJJ will not use isolation or restrictive housing or any other sanctions for purposes of retribution or punishment, but may utilize placement in, or transfers to, more restrictive housing units, where specialized programming, education, and treatment exists in those units, which would benefit the juvenile and ensure a greater degree of safety for other juveniles and/or staff.

INTRODUCTION:

There are eight (8) DJJ systems that include authorized methods used to manage juvenile behavior. They are: (1) rewarding positive behavior, (2) juvenile progressive discipline, (3) Calm/Cooperative/Safe (CCS) Compliance Assessments, (4) determinate sentence good behavior credit, (5) the behavior management level systems, (6) Disciplinary Hearings/Review Board, (7) placement in/reassignment to specialized program housing (to include intensive treatment, resocialization and reorientation units) and (8) isolation/room confinement.

Definitions

1. CCS Compliance (“Calm, Cooperative, Safe”) is a set of standards that will guide DJJ staff to respond appropriately to a juvenile’s behavior and make assessments during or shortly after an offense. CCS Assessment: the process of listening for

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and observing characteristics in a juvenile's behavior. In accordance with Policy G-3.4, Isolation of Youth.

2. Isolation means being confined alone in a room or cell, other than the room or cell in which the juvenile usually sleeps, for cause for 15 minutes or more. In accordance with Policy G-3.4, Isolation of Youth.
3. Room Confinement means being confined alone in a room or cell, in which the juvenile usually sleeps, for cause for 15 minutes or more. In accordance with Policy G-3.4, Isolation of Youth.
4. Progressive Discipline is a continuum of responses from least restrictive to more restrictive to juvenile misbehavior in an effort to change that behavior per this policy.
5. Determinate Sentence Good Behavior Credit is a sentence reduction given to eligible juveniles who received a determinate sentence from the family court and who have maintained favorable behavior. In accordance with Policy G-9.17, Determinate Sentence Good Behavior Credit.
6. Behavior Management Level Systems is the process that the facilities utilize to reward good behavior and discourage negative behavior per this policy.
7. Disciplinary Hearing/Review Board is the process used to determine whether a Level 3 rule violation committed by a juvenile in DJJ's secure residential facilities has occurred and if so, the appropriate sanctions to impose to correct and prevent a reoccurrence of the misbehavior. In accordance with Policy E-1.14, Disciplinary Hearing/Review Board Process.

PROCEDURAL GUIDELINES:

A. Behavior Incentive System

The Behavior Incentive System (BIS) will be based on behavior and treatment goals and will determine the rewards and incentives associated with behavior. Although behavior is a component of the DJJ classification system, the Behavior Incentive System does not determine a juvenile's custody level, supervision level, or placement. Each residential facility will have a written behavior level system that will allow a juvenile to earn an increase in incentives for positive behaviors and a loss of incentives for negative behaviors.

1. The incentive system will be simple to understand and will be explained to juveniles during orientation. It is expected that juveniles understand that behaving appropriately will result in incentives and behaving inappropriately will result in

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losing them. It is important that this system be objective and not subjective and that each juvenile understands that they control their incentives by controlling their actions.

2. Incentives will be in writing and applied fairly. Juveniles residing in different units that are on the same level will receive the same rewards and incentives.
3. The Unit Manager/Captain of Security, Program Manager, and Level System Coordinator will ensure that rewards and incentives described in the written incentive system are actually provided. Earned rewards must be provided to the juveniles in a timely manner.
4. The incentive system will include:
 - a. The minimum requirements necessary for advancement in the system.
 - b. Actions and behavior that will earn increases in incentives.
 - c. Actions and behavior that will result in reduction of incentives.
 - d. A description of specific incentives, including recreation [in addition to the minimum requirement of one (1) hour per weekday and up to two (2) hours per weekend day large muscle development], personal property, juvenile paid jobs, and supervised trips.
5. Only documented behavior will be acknowledged in the incentive system. Event Reports, and Behavior Reports are examples of documented behavior.
6. Juvenile behavior while participating in recreational, religious, and volunteer activities will be considered in the incentive system. Behavior and progress during clinical treatment programs, educational classes, and any other appropriate programs will be considered in the incentive system. Any staff working with juveniles will report behavior and progress in treatment, education and other programs using a method approved by the Level System Coordinator.
7. Other factors that can influence earned incentives include:
 - a. Volunteerism and community services project participation.
 - b. Special Services (e.g., Student Council, Peer Mediation, JROTC Command, Leadership Roles).
 - c. Behavior while participating in activities and groups (e.g., Work Programs, organized sports, religious activities, etc.).

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- d. The type and number of positive and negative Behavior Reports (Level 1 or 2 Rule Violations) received during the level system evaluation period.
 - e. The type and number of documented (Level 3 and founded) Rule Violations.
8. A staff member will be designated at each facility to be responsible to calculate and monitor juveniles' earned incentives.
 9. The Level System Coordinator will ensure that appropriate staff members are notified of the status of juveniles to ensure that the incentives are appropriately awarded.

B. Juvenile Behavior Systems

1. Rewarding positive behavior
 - a. Rewarding positive behavior is looking for opportunities to immediately reinforce positive behaviors as a juvenile demonstrates them. These reinforcements should be documented by the staff person who witnesses the positive behavior through a Juvenile Positive Behavior Report (Form G-9.19B) and submitted to the appropriate personnel by the end of the shift. The Shift Supervisor will document the approved reward(s) on the Behavior System Log (Form G-9.19D) immediately. Some reinforcements will need to have prior approval from the Unit Team or Shift Supervisor before being rewarded.
 - b. These positive behaviors may be something as small as cleaning up a dirty living area without being directed or as large as a juvenile expressing empathy to another juvenile's distress. Positive behaviors will change as the juvenile progresses through their treatment and the facilities' incentive system.
 - c. Examples of reinforcements for positive behavior:
 - Positive Behavior Reports
 - Youth of the Week
 - Written recognition
 - Written peer recognition
 - Posted recognitions on bulletin board
 - Certificates
 - Phone time as approved by Social Worker
 - Freebies (such as greeting cards, sample shampoos, art supplies,

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- paperbacks, etc.)
- Access to video games, TV, musical instruments
- Choice of seating during meals
- Choice of unit chores
- Watching special videos or shows
- Courtyard time
- Access to multipurpose rooms
- Longer showers
- Excuse from chores
- Later bedtime

2. Progressive discipline addresses minor (Level 1), medium (Level 2), and maximum (Level 3) Rule Violation(s) and sanctions for those rule violations outlined in the Juvenile Progressive Discipline Chart (Exhibit G-9.19A). The sanctions imposed are to be directly targeted to address the juvenile's specific inappropriate behavior with the intent and purpose of prompting the juvenile to comply with rules. Sanction(s) will be imposed fairly and equitably, and staff will practice imposing the same level of sanction(s) for the same types of violation(s). Multiple sanctions may be given when appropriate to the situation (e.g., loss of privilege, written letter of apology, referral to clinician, and work/chore assignment). The following list is to be used as a guide.
 - a. Level 1 Rule Violation(s): All staff are authorized to apply sanctions for minor misbehavior:
 - 1) Staff will exercise discretion in deciding whether or not to document Level 1 Rule Violation(s). Minor behavior can be addressed within the unit/facility and does not require documentation. All staff may choose and impose one or more of the sanctions listed for Level 1 Rule Violation(s) in the Juvenile Progressive Discipline Chart (Exhibit G-9.19A) and will be responsible for carrying out those sanctions.
 - 2) Minor behavior of a more significant level can be documented on a Juvenile Negative Behavior Report (Form G-9.19C). The form must be fully completed and submitted to the appropriate personnel by the end of shift. The Shift Supervisor will document the approved sanction(s) on the Behavior System Log (Form G-9.19D) immediately. These reports will be considered for classification, parole, and treatment planning decisions.
 - b. Level 2 Rule Violation(s): Level 2 Rule Violation(s) are behavior that has increased in severity or repetitiveness. The Unit and/or Shift Supervisor may address the matter with the juvenile without imposing sanctions or,

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after determining that a Level 2 Rule Violation has occurred, issue and enforce sanctions consistent with those allowed in the Juvenile Progressive Discipline Chart (Exhibit G-9.19A). Level 2 Rule Violation(s) must be documented on a Juvenile Negative Behavior Report (G-9.19C). The form must be fully completed and submitted to the appropriate personnel by the end of the shift. The Shift Supervisor will document the approved sanction(s) on the Behavior System Log (Form G-9.19D) immediately. The Unit Manager/Captain of Security will review the Juvenile Negative Behavior Report (G-9.19C) and talk with the juvenile about the rule violation(s) by the next business day, at which time the juvenile will be given the opportunity to explain/speak about the incident from his/her perspective. These reports will be considered for classification, parole, and treatment planning decisions.

- c. Level 3 Rule Violation(s): A juvenile will be referred for a Disciplinary Hearing/Review Board when a serious offense as defined by the Juvenile Progressive Discipline Chart (Exhibit G-9.19A) occurs. This will be documented on a Juvenile Negative Behavior Report (G-9.19C). It must be fully completed and submitted to the appropriate personnel by the end of the shift. The process will proceed as directed by the Disciplinary Hearing/Review Board Process Policy, E-1.14. In accordance with the CCS Compliance principles, the Shift Supervisor may place a juvenile in restrictive room confinement or temporarily place in isolation, according to Isolation of Youth Policy, G-3.4 or the Shift Supervisor may determine to leave the juvenile in his/her assigned area/living unit, and refer the matter for a Disciplinary Hearing/Review Board. The Shift Supervisor can also issue Level 1 and 2 sanctions at this time consistent with the Juvenile Progressive Discipline Chart (Exhibit G-9.19A). The sanctions given must be documented on the Juvenile Negative Behavior Report form (G-9.19C). The Shift Supervisor will document any approved Level 1 or Level 2 sanction(s) on the Behavior System Log (Form G-9.19D) immediately. Sanctions by the Shift Supervisor will be taken into consideration by the Disciplinary Hearing Officer/Review Board following a Disciplinary Hearing/Review Board when additional sanctions may be imposed. Any sanction(s) issued by the Disciplinary Hearing Panel/Review Board shall be documented by the Shift Supervisor on the Behavior System Log (Form G-9.19D).

C. Behavior principles

Management of negative behavior will be administered quickly, fairly, and consistently. Specific consequences consistent with the Juvenile Progressive Discipline Chart (Exhibit G-9.19A) will be individualized, considering developmental and emotional differences in

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adolescents, and will target the juvenile's specific behavior. Any disciplinary actions addressing behavioral management will include these principles:

1. The negative behavior is immediately addressed by the witnessing staff member, or otherwise addressed as soon as possible.
2. Clinical staff will counsel with the juvenile to discuss the choices the juvenile made and the alternate appropriate choices the juvenile could have made in the situation. The juvenile's assigned Social Worker will meet with the juvenile as soon as possible, but no later than two (2) business days following notification of a behavioral incident. Among other things, Clinical staff should guide the juvenile to accept responsibility for his/her actions, develop empathy, and show remorse. The treatment plan will be updated as needed to assist the juvenile to prevent repeating the negative behavior.
3. The juvenile should be required to make appropriate reparations through the disciplinary process.
4. DJJ will practice behavior strategies and interventions utilizing the least restrictive intervention necessary for the juvenile to change his/her behavior, before progressing to more restrictive alternate sanctions. Staff will use progressive discipline to informally resolve minor juvenile inappropriate behavior and as an alternative to placement in restrictive room/unit reassignment. DJJ supports the following types of behavior management techniques:
 - a. Active Listening is a structured form of listening and responding that focuses the attention on the speaker.
 - 1) Purpose: The proper use of active listening results in getting the juvenile to de-escalate, open up, avoid misunderstanding, resolve conflict, and build rapport and trust.
 - 2) The listener must take care to attend to the speaker fully, and then repeat, in the listener's own words, what he or she thinks the speaker has said. The listener does not have to agree with the speaker. He or she must simply state what they think the speaker said. This enables the speaker to find out whether the listener really understood. If the listener did not, the speaker can explain some more.
 - 3) The listener is encouraged to interpret the speaker's words in terms of feelings. Thus, instead of just repeating what happened, the active listener might gather that the speaker felt angry or frustrated or confused when a particular event happened. Then the speaker

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can go beyond confirming that the listener understood what happened, but can indicate that he or she also understood the speaker's response to it. Active listening involves listening with all senses.

- 4) Active listening not only means focusing fully on the speaker but also actively showing verbal and non-verbal signs of listening.
- b. Redirection is when staff uses verbal instruction and minimal physical contact to relocate a juvenile that is not behaviorally or emotionally out of control.
- 1) Purpose: Staff may use redirection to assist, guide, and redirect a juvenile from a negative and/or escalating situation.
 - 2) If it becomes evident that staff's use of verbal redirection and/or physical contact to assist, guide, or redirect him/her is aversive or the juvenile is physically resisting, staff will refrain from further redirection efforts. If a juvenile appears to be further agitated from verbal redirection and/or physical contact to assist, guide, or redirect him/her, staff will refrain from further redirection efforts. In such instances, staff will employ efforts to de-escalate and calm the juvenile. An alternate behavior management method will be attempted, or the staff member will seek assistance from another staff member to talk with the juvenile and try to get compliance.
 - 3) Procedures
 - A) Methods taught in DJJ Training to properly direct and escort a juvenile's movement will be used.
 - B) The juvenile's freedom of movement or access to his/her own body is not restricted.
- c. Separation is when staff takes a juvenile away from his/her peers in a quiet area/location for no more than 15 minutes to provide the juvenile the opportunity to regain self-control. The juvenile must be placed in an area where a staff member can hear or see the juvenile, e.g., in a staff member's office, in a chair in the hallway close to a staff member/staff member's office. Separation is not placing a juvenile in isolation/seclusion in a locked or unlocked room or area without supervision. Younger adolescents and those with diagnosed behavior disorders (attention deficit,

Title: Juvenile Behavior Management – Incentive System and Progressive Discipline	Authority:	Rehabilitative Services	DJJ Policy No.:	G-9.19	Page: 9 of 11
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hyperactive) may not be able to successfully complete separation. A work detail may be more appropriate for these type juveniles.

- 1) Purpose: Staff may use separation if staff deems that a period of time away from others will assist a juvenile in the management of his/her anger. This period of time is intended to provide a short cooling off period to enable the juvenile to regain his/her composure.
- 2) Contraindications: Separation will not be used to manage a juvenile's behavior if the juvenile is known to have a physical or mental health condition that must be closely monitored.
- 3) Procedures
 - A) Separation periods may be initiated by staff or upon the juvenile's request for separation.
 - B) A juvenile that is disrupting will be asked to accompany staff to an area away from his/her peers to allow him/her the opportunity to regain his/her composure and to avoid further incident.
 - C) A juvenile that feels that he/she is becoming agitated and/or angry may request a separation period to assist him/her in managing problematic behavior. However, juveniles will not be able to utilize separation periods to avoid completing daily tasks or other therapeutic activities. When a juvenile requests a separation, staff will allow the juvenile separation as soon as possible after the request is made.
 - D) When the juvenile is calm, staff will discuss the circumstances leading up to the use of separation with the juvenile to determine the source of the juvenile's behavior. Appropriate action will be taken to address the juvenile's concerns.
 - E) In the event the juvenile is unable to calm down after the 15 minute period of time, the Shift Supervisor may be requested to assist in the matter.
- D. All juveniles will be informed of the facility's incentive systems and progressive discipline during juvenile orientation. Determinate Sentence Good Behavior Credit System (DJJ Policy G-9.17) and Disciplinary Hearing/Review Board Process (DJJ Policy

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E-1.14), are processes used in conjunction with progressive discipline. DJJ staff will be trained in behavior management and progressive discipline as part of the facility's on-the-job training.

- E. Behavior management encompasses the juvenile, security staff, health services staff, education staff, clinical staff (social workers, psychologists, psychiatrists and chaplains), activity therapists, parents, volunteers, and any other persons that can affect a juvenile's behavior. It is everyone's responsibility to set the standards and expectations for behavior and take appropriate action to assist a juvenile in managing his/her own behavior.
- F. The following practices will NOT BE DONE for the purpose of punishment or retribution:
1. Taking foods, snacks or drinks from a juvenile provided by food service.
 2. Mechanical, physical, or medication restraint.
 3. Forced administration of medication.
 4. Physical force.
 5. Isolating, secluding, or otherwise confining a juvenile to any locked, unlocked, or enclosed area and/or leaving the juvenile unsupervised in any locked room, holding cell or area not designed and equipped to be used for extended or overnight confinement.
 6. Mass punishment (group punishment for an offense by one juvenile).
 7. Placement of a juvenile in a physical position (standing, placed on knees/stomach, arms behind head).
 8. Taking juvenile's property (other than privilege/earned property that may be temporarily taken for behavior management purposes).
 9. Taking juvenile's visitation privileges.
 10. Depriving the juvenile of receiving educational services.
 11. Administration of consequences by a peer.
 12. Corporal punishment.
 13. Verbal abuse.

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14. Denial of elements of the juvenile's treatment plan.
15. Assignment of excessive exercise or excessive work.
16. Deprivation of meals, sleep, bedding, clothing, medical attention, or minimum required recreation.
17. Taking a juvenile out of doors in extreme weather or at night or without appropriate clothing for weather conditions.
18. Changing of indoor environmental factors (heat/cold).
19. Denial of shelter.

RELATED FORMS AND ATTACHMENTS:

Exhibit G-9.19A, Juvenile Progressive Discipline Chart
Form G-9.19B, Juvenile Positive Behavior Report
Form G-9.19C, Juvenile Negative Behavior Report
Form G-9.19D, Behavior System Log

REFERENCED POLICIES:

G-3.4, Isolation of Youth
G-9.17, Determinate Sentence Good Behavior Credit System
E-1.14, Disciplinary Hearing/Review Board Process

SCOPE:

This policy applies to all direct service staff in juvenile residential facilities.

LOCAL PROCEDURAL GUIDE:

Not required.

TRAINING REQUIREMENT:

Employees providing direct service to juveniles are required to review this policy within 30 calendar days of its publication.

STATE OF SOUTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE
POLICY AND PROCEDURES

Title:	Disciplinary Hearing/Review Board Process	Policy No.:	E-1.14	Page(s):	1 of 9
Authority:	Classification, Division of Treatment and Intervention Services, and Division of Rehabilitative Services				
Juvenile Justice Code:	n/a				
PbS Related Standard(s):	Justice Goal				
May 09, 2016 Effective Date		<u>SIGNED/ Sylvia Murray</u> Sylvia Murray Director			

POLICY: Juveniles housed in the Broad River Road Complex will be referred for a Disciplinary Hearing (DH) when it is alleged that they committed a Level 3 Rule Violation. Juveniles in the Detention Center and Evaluation Centers who are accused of committing a Level 3 Rule Violation will be referred to a Review Board. The Disciplinary Hearing/Review Board is designed to be an informal process whereby relevant documentation and testimony concerning the rule violation is evaluated by a DH Panel/Review Board. If the rule violation is found to have occurred, the process by which sanctions are imposed by the DH Panel/Review Board will be consistent with DJJ's Juvenile Behavior Management – Incentive System and Progressive Discipline Policy (G-9.19) and the Juvenile Progressive Discipline Chart (Exhibit G-9.19A).

PROCEDURAL GUIDELINES:

A. Disciplinary Hearings:

1. Definitions:

- a. Appeal: A juvenile's right to request that DJJ's Legal Office review founded violations and sanctions imposed.
- b. Disciplinary Hearing/Review Board: An administrative hearing that is conducted to determine if evidence provided to the hearing officer/panel, or the evidence found to exist by the hearing officer/panel, substantiates, by a preponderance of the evidence, that a juvenile charged with a Level 3 Rule Violation has committed that rule violation. Disciplinary/Review Board hearings are to be informal in nature, where information/documents and testimony relevant to the alleged Level 3 Rule Violation are provided to the Hearings Officer/Review Board or, gathered by the Hearings Officer/Review Board. Disciplinary/Review Board hearings are conducted only for Level 3 violations, which are the rule violations deemed most serious by the Juvenile Progressive Discipline Chart (Exhibit G-9.19A). During this administrative hearing, no person, including the juvenile, is allowed (unless granted the right by the hearing officer/panel) to be present for the presentation of any testimony or information other than their own. Attendance/participation by staff is mandatory if the hearing

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officer/panel determines their testimony/information to be necessary for a fair, just and complete resolution of the hearing.

- c. Disciplinary Hearing Panel Member (DHPM): An employee that does not work in, and is not supervised by, the Division of Rehabilitative Services. DHPMs are referred by the Associate Deputy Director (ADD) for Treatment and Intervention Services and appointed by the DJJ Director. DHPMs will receive specific training on how to conduct juvenile disciplinary hearings and impose sanctions when rule violations are found to have occurred, consistent with DJJ's Juvenile Behavior Management – Incentive System and Progressive Discipline Policy (G-9.19).
- d. Disciplinary Hearing Officer (DHO): An employee who reports to the Classification Director. The DHO is responsible for administering the DH process to include coordinating disciplinary hearings, gathering records for the Disciplinary Hearing Panel, and maintaining data on the DH process. The DHO will serve as a member of the DH panel. DHOs will receive specific training on how to conduct juvenile disciplinary hearings and impose sanctions when rule violations are found to have occurred, consistent with DJJ's Juvenile Behavior Management – Incentive System and Progressive Discipline Policy (G-9.19).
- e. Due Process: The practice of ensuring that a juvenile has the basic rights of having notice of the rule violation, a neutral Hearing Officer/Review Board, the opportunity to be heard, having their witnesses heard as well as the opportunity to refute the evidence and testimony presented by others.
- f. Juvenile Hearing Representative (JHR): An employee of Juvenile Family Relations who has received specific training to represent juveniles at disciplinary hearings at BRRC. All juveniles will be assigned a JHR which will be documented on Form E-1.14C, Disciplinary Hearing/Review Board.
- g. Notice of Rights: Notification to a juvenile accused of a rule violation of his/her rights concerning the disciplinary hearing.
- h. Preponderance of Evidence: The greater weight of the evidence presented. Evidence that is more convincing or worthy of belief than that which is offered by the opposing side.

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2. Disciplinary Hearing Process

- a. When a juvenile is alleged to have committed a Level 3 Rule Violation, the Juvenile Negative Behavior Report (G-9.19C) will be completed no later than the end of the work shift in which the incident occurred. The Shift Supervisor will attach all pertinent documents (Event Report, Witness Statements, Medical Report, Drug Screen, Statement of Charges, Use of Force Reports, etc.) to the Juvenile Negative Behavior Report form and forward them to the appropriate parties according to Policy G-9.19, to include the Chief Hearing Officer.
- b. The Shift Supervisor will obtain pertinent witness statements from victim(s), staff and/or juveniles having first-hand knowledge of (or who were witnesses to) the alleged incident. Each statement will be documented on the Witness Statement (Form E-1.14A). When completed, the Witness Statement will be forwarded to the Chief Hearing Officer with the documents referenced above.
- c. The Shift Supervisor will refer to Policy G-3.4, Isolation of Youth, to determine if the juvenile should be isolated.
- d. The DHO will notify accusers, witnesses, and victims of the date and time the juvenile's hearing is scheduled using the Hearing Notification form (E-1.14B).
- e. Disciplinary Hearing Panel
 - 1) The DH Panel will review relevant documentation and testimony concerning a Level 3 Rule Violation.
 - 2) The DH Panel members will be recommended by the Associate Deputy Director of Treatment and Intervention Services and appointed by the DJJ Director to serve a 2-year term. The DJJ Director may renew the term of any panel member. The DJJ Director will appoint up to 20 employees who are not supervised by the Rehabilitative Services Division to serve as panel members. Panel vacancies occurring for any reason will be filled at the discretion of the DJJ Director or designated official.
 - 3) A DH Panel consisting of two (2) members of the DH panel as well as a DHO will be assigned to review each referred Level 3 Rule Violation. The DHO will be designated as chair and serve as presiding officer.

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4) Decisions will be based on a majority vote.

3. It is the responsibility of the Disciplinary Hearing Officer to:

- a. Designate the disciplinary hearing dates, times and locations, and notify the DH Panel members and all parties accordingly.
- b. Ensure the hearing is held within the five (5) day required time limit, and that any delays are justifiable and all parties are notified of delays through the use of Disciplinary Hearing Notification form (E-1.14B).
- c. Ensure the juvenile has been properly notified and has signed the Juvenile Negative Behavior Report form (G-9.19C) and the Disciplinary Hearing/Review Board form (E-1.14C), or waived the same, and that this waiver is properly witnessed and signed.
- d. Ensure that juveniles are represented by a JHR.
- e. Notify the Facility Administrator/employee's Deputy Director of missing documents, non-attendance of essential witness at disciplinary hearings, and compel the attendance of the witness/locate the missing documents. Notify all parties of rule violation(s) reduced or dismissed by the Unit Manager/Security Captain or designee.
- f. Conduct the hearing in an informal, yet orderly manner and in a setting that recognizes the importance of the process.
- g. Ensure that hearings are conducted fairly and impartially.
- h. Serve as the Chair of the DH Panel and determine the evidence presented is relevant and exclude testimony or evidence that is not considered relevant or unnecessarily redundant.
- i. Determine and document the findings, decisions, and sanctions of all disciplinary hearings, and distribute to the appropriate parties.

4. Guidelines for Hearings

- a. Disciplinary Hearings will be held within five (5) business days (excludes weekends and holidays) from the date the Level 3 Rule Violation is alleged to have occurred.
- b. No DHO/or DH panel member, or JHR, shall have been involved in the events leading up to or involving the rule violation.

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- c. If the greater weight of the evidence presented/gathered (51% or more) indicates that a rule violation has occurred, the DHO will find that the juvenile has committed the rule violation. If the greater weight of the evidence presented/gathered (50% or less) does not indicate that the rule violation has occurred, the rule violation shall be dismissed and no sanctions imposed.
- d. Any staff representative from the charging facility/school, all witnesses, and the juvenile will be provided the opportunity to make a statement, or to read to the hearing officer/panel a prepared statement. They shall then answer to the best of their ability any questions posed to them by the hearing officer/panel.
- e. Any party to the action may request that any individual (staff, volunteer, juvenile) having direct knowledge of the incident be allowed to present testimony to the DH panel on their respective behalf. The DHO will review all statements prior to the disciplinary hearing to determine if the statements are sufficient evidence, or whether the person giving the statement must attend the disciplinary hearing to testify in person and respond to questions posed to them by the hearing officer. Testimony can be received by the DHO/Panel either by individuals, staff, volunteers or juveniles who attend the hearing or, if deemed preferable by the hearing officer/panel, through written statements and/or telephone interviews of the individual who wishes to testify or from whom the DHO/Panel desires to hear.
- f. If the incident occurred in an area monitored by cameras, the camera footage may also be viewed by the DHO/Panel and used by the DHO/Panel to help determine whether a rule violation has occurred. Additionally, the camera monitor can summarize the incident on a witness statement and that summary can also be considered.
- g. Copies of non-confidential written reports and statements may be presented as evidence by either party, reviewed by any party or witness, and refuted by any party or witness. If there are confidential reports (e.g., medical assessments, statements by other juveniles/employees) that the DHO feels may cause possible threat, or harm or embarrassment to an individual, the reports will be clearly marked confidential, and if the DHO so finds, not made available to anyone during or after the hearing other than as part of the record if an appeal is requested. No party or witness will be told of confidential information or reports presented by another party or witness, and no staff member will discuss these reports out of the context of the disciplinary hearing.

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- h. Any party may request that the Hearing Officer call certain witnesses, examine certain documents, including video footage of the incident, and suggest certain questions for the Hearing Officer to ask other witnesses. The Hearing Officer/Panel can ask questions of witnesses. Neither party has the right to confront (cross examine) other witnesses but can suggest to the Hearing Officer/Panel questions to ask other witnesses.
- i. The Juvenile Progressive Discipline Chart (Exhibit G-9.19A) will be utilized to determine if the evidence presented/gathered for a disciplinary hearing supports the rule violation alleged. If not, or if the evidence presented supports a lesser level rule violation, the DHO/Panel may dismiss the more serious/not proven rule violation and find that another or less serious rule violation has occurred. The DHO/Panel may dismiss the matter entirely if he or she determines that no rule violation has occurred.
- j. All parties will be allowed a reasonable opportunity to present or have presented whatever testimony/evidence they wish to present, but testimony/evidence may be limited by the DHO due to relevancy or redundancy.
- k. Either party may request, or the hearing officer/panel may do so on their own, hearings to be recessed and reconvened at a later time for unusual occurrences (e.g., juvenile absent from the facility, staff on extended leave, testimony cannot be given due to serious illness or injury of a crucial witness), to have additional statements obtained from witnesses not present and/or to have witnesses interviewed by phone. The DHO will approve/disapprove the requests. If the DHO determines that exceptional circumstances warrant leaving the case pending for up to 30 days they may do so. If this is done, the disciplinary hearing will be held when all persons and all information are available at any point during that 30 day period. If the hearing is not concluded within 30 days, the case will be dismissed.
- l. The DHO/Panel will base their final decision on the merits of information/documents provided/gathered using the preponderance of evidence standard. The final decision will be based on a majority vote. If the rule violation is founded utilizing this standard, the Hearing Officer/Panel will then determine the sanctions to be imposed. The Hearing Officer will, within two (2) business days, document in writing the reasons for the final decision and the sanctions imposed on the Disciplinary Hearing/Review Board form (E-1.14C). The form will be distributed to the appropriate personnel. The Unit Manager will ensure that sanctions are documented on the Behavior System Log (Form G-9.19D) within one (1) business day.

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B. Review Board in the Evaluation Centers and Juvenile Detention Center

1. Investigation

- a. Upon receipt of a Juvenile Negative Behavior Report form (G-9.19C) and accompanying documents, the Facility Captain will review all information relating to the offense, including but not limited to: interviewing the reporting officer, offender, victim, staff, and any witnesses; reviewing any related reports, including surveillance camera footage of the incident (if available); and reviewing Event Reports (I-3.2A).
- b. Once the Facility Captain has determined the alleged offense is valid, the paperwork will be forwarded to the Review Board.
- c. If the Facility Captain determines that the validity of the alleged offense is in question, he or she will consult with the Facility Administrator to determine the next step (reduction in offense, dismissal of offense, action against officer, etc.).

2. Review Board

- a. Once the offense is determined to be valid, a Review Board will convene to decide the sanctions and re-evaluate the validity of the offense.
- b. The Review Board will be comprised of the Facility Administrator, or his/her designee, the assigned Social Worker and/or Psychologist. Others may be invited to attend as needed. The Facility Administrator is the acting Chair of the Board.
- c. The Review Board will meet with the accused juvenile and reporting officer within three (3) business days. If the reporting officer is not available, a written statement, phone call, or reporting officer's supervisor/designee may be substituted.
- d. The Review Board will ask questions of the participants as needed. The participants will be allowed to make statements and suggest questions for the Review Board to ask to other participants.
- e. Once the Board has completed their discussion, the juvenile and reporting officer, if attending, will leave the room while the board discusses their decision.
- f. Once a decision is reached, the juvenile and reporting officer will return and the Board will inform the participants of their decision.

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- g. The Review Board Chair will ensure that a Disciplinary Hearing/Review Board form (E-1.14C) is completed and distributed as necessary.
- h. The Captain of Security or designee will ensure that sanctions are documented on the Behavior System Log (Form G-9.19D) within one (1) business day and that the sanction(s) issued is/are completed by the juvenile.
- i. If the juvenile fails to comply with agreed-upon sanction(s), this will be reflected in the facility's response via their existing behavioral system and the Review Board will determine the length of time and number of items and activities involved in any suspension.

C. Juvenile Appeal Process for Disciplinary Hearing/Review Board decisions in all DJJ Facilities

- 1. If a juvenile chooses to appeal the Disciplinary Hearing/Review Board decision, the assigned Clinician will provide the juvenile any needed assistance with the appeals process. The Juvenile Appeal of Disciplinary Decision (Form E-1.14D) will be submitted to the Legal Office within 5 days of the juvenile's disciplinary process. The Legal Office will review the facts and determine whether to grant or deny the juvenile's appeal.
- 2. The Legal Office will have 10 business days from the date that the appeal was received to respond to the juvenile's appeal.
- 3. In responding to appeals, the following criteria will be used to grant or deny an appeal:
 - a. Whether there was substantial compliance with facility guidelines and rules in handling juvenile discipline.
 - b. Whether the decision was based on the greater weight/or most credible information.
 - c. Whether the sanction imposed was proportionate to the rule violated.
 - d. Other factors that were not originally known/considered that may have merit to the juvenile's case and/or benefit the juvenile's case.
- 4. If the appeal is granted, the Legal Office will inform the Facility Administrator of the decision and he/she will impose final outcome consistent with that decision.

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5. The disposition will be forwarded to the juvenile with copies to the Unit Manager, Program Manager, Classification, assigned Clinician, and PbS.

RELATED FORMS AND ATTACHMENTS:

Form E-1.14A, Witness Statement
Form E-1.14B, Disciplinary Hearing Notification
Form E-1.14C, Disciplinary Hearing/Review Board
Form E-1.14D, Juvenile Appeal of Disciplinary Decision
Exhibit G-9.19A, Juvenile Progressive Discipline Chart
Form G-9.19C, Juvenile Negative Behavior Report
Form G-9.19D, Behavior System Log
Form I-3.2A, DJJ Event Report

REFERENCED POLICIES:

G-9.19, Juvenile Behavior Management – Incentive system and Progressive Discipline
G-3.4, Isolation of Youth

RELATED PERFORMANCE-BASED STANDARDS (PbS)

Justice Goal: To operate the facility in a manner consistent with principles of fairness and that provide the means of ensuring and protecting each youth's legal rights.

SCOPE:

This policy applies to all staff working in the Detention Center, Evaluation Centers, and long-term juvenile residential facilities.

LOCAL PROCEDURAL GUIDE:

Not required.

TRAINING REQUIREMENT:

Employees in the Detention Center, Evaluation Centers, and long-term residential facilities are required to review this policy within 30 calendar days of its publication.

STATE OF SOUTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE
POLICY AND PROCEDURES

Title:	Isolation of Youth	Policy No.:	G-3.4	Page(s):	1 of 10
Authority:	Division of Rehabilitative Services				
Juvenile Justice Code:	n/a				
PbS Related Standard(s):	Order Standard #2, O8-011				
May 09, 2016 Effective Date		<u>SIGNED/ <i>Sylvia Murray</i></u> Sylvia Murray Director			

The Department of Juvenile Justice (DJJ) may temporarily remove juveniles from the general population and place them in an isolation cell or room under strict supervision. This option is to be used for the sole purposes of neutralizing out-of-control, unsafe behavior and to provide a safe environment for juveniles and staff. Isolation will never be used as punishment.

PROCEDURAL GUIDELINES:

A. Introduction:

1. CCS Compliance (“Calm, Cooperative, Safe”) is a set of standards that will guide DJJ staff to respond appropriately to a juvenile’s Level 3 Rule Violation(s) (in accordance with Policy E-1.14) and make assessments during or shortly after the rule violation(s). This set of standards will consist of three criteria: Calm, the juvenile demonstrates his/her ability to communicate clearly and is not verbally or physically aggressive; Cooperative, the juvenile responds to directives given by staff in a compliant manner; and Safe, the juvenile is safe from harming his/her self, staff, or other juveniles, as well as safe from being harmed by staff, juveniles, or outside sources. The CCS Compliance criteria will determine whether the juvenile will remain in the area where the offense occurred or be removed to isolation/room confinement. A juvenile will only be removed to isolation/room confinement when the compliance criteria of safe cannot be met. If the juvenile is safe, but is not calm and/or cooperative, the juvenile will remain in his/her assigned area and receive encouragement and support, as outlined below, in order to become fully CCS compliant.
 - a. DJJ Evaluation Centers have designated wings with cells for isolating unsafe juveniles.
 - b. The Juvenile Detention Center utilizes room confinement to isolate unsafe juveniles.
 - c. The Broad River Road Complex maintains a Crisis Management Unit to separate unsafe juveniles.

Title: Isolation of Youth	Authority: Division of Rehabilitative Services	DJJ Policy G-3.4 No.:	Page: 2 of 10
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2. Definitions

- a. CCS Assessment: the process of listening for and observing characteristics in a juvenile's behavior.
- b. Isolation: being confined alone in a room or cell, other than the room or cell in which the juvenile usually sleeps, for cause for 15 minutes or more.
- c. Room Confinement: being confined alone in a room or cell, in which the juvenile usually sleeps, for cause for 15 minutes or more.

B. CCS Assessment and Compliance

1. CCS Assessment

- a. When determining if a juvenile is Calm, the assessor will ask open-ended questions meaning the questions cannot be answered with yes or no. This allows for a wide range of responses, and staff will observe if the juvenile is able to talk to staff in a reasonable (not extreme or excessive) tone of voice without cursing. If staff determines the juvenile is not Calm, then the following techniques should be utilized (see 2 below).
- b. When determining if a juvenile is Cooperative, the assessor will state simple commands and rules and observe if the juvenile physically responds. The juvenile should follow reasonable instructions from staff. If staff determines the juvenile is not Cooperative, then the following techniques should be utilized (see 2. below).
- c. When determining if a juvenile is Safe, the staff will observe the juvenile's present behavior to determine if the juvenile demonstrates threat of self-harm, harming others, and/or harming property, and/or assaults staff or juvenile. The assessor should ask open-ended questions to discover present thoughts, feelings and urges. If the juvenile expresses fear of others or demonstrates any of the above behaviors, the juvenile will be placed temporarily in restrictive room confinement or in isolation (see 2. below).

2. Techniques used to Gain CCS Compliance (Calm and Cooperative)

- a. Active Listening is a structured form of listening and responding that focuses the attention on the speaker.
 - 1) Purpose: The proper use of active listening results in getting the juvenile to de-escalate, open up, avoid misunderstanding, resolve conflict, and build rapport and trust.

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- 2) The listener must take care to attend to the speaker fully, and then repeat, in the listener's own words, what he or she thinks the speaker has said. The listener does not have to agree with the speaker. He or she must simply state what they think the speaker said. This enables the speaker to find out whether the listener really understood. If the listener did not, the speaker can explain some more.
 - 3) The listener is encouraged to interpret the speaker's words in terms of feelings. Thus, instead of just repeating what happened, the active listener might gather that the speaker felt angry or frustrated or confused when a particular event happened. Then the speaker can go beyond confirming that the listener understood what happened, but can indicate that he or she also understood the speaker's response to it. Active listening involves listening with all senses.
 - 4) Active listening not only means focusing fully on the speaker but also actively showing verbal and non-verbal signs of listening.
- b. Redirection is when staff uses verbal instruction and minimal physical contact to relocate a juvenile that is not behaviorally or emotionally out of control.
- 1) Purpose: Staff may use redirection to assist, guide, and redirect a juvenile from a negative and/or escalating situation.
 - 2) If it becomes evident that staff's use of verbal redirection and/or physical contact to assist, guide, or redirect him/her is aversive or the juvenile is physically resisting, staff will refrain from further redirection efforts. If a juvenile appears to be further agitated from verbal redirection and/or physical contact to assist, guide, or redirect him/her, staff will refrain from further redirection efforts. In such instances, staff will employ efforts to de-escalate and calm the juvenile. An alternate behavior management method will be attempted, or the staff member will seek assistance from another staff member to talk with the juvenile and try to get compliance.
 - 3) Procedures
 - A) Methods taught in DJJ Training to properly direct and escort a juvenile's movement will be used.
 - B) The juvenile's freedom of movement or access to his/her own body is not restricted.

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- c. Separation is when staff takes a juvenile away from his/her peers in a quiet area/location for no more than 15 minutes to provide the juvenile the opportunity to regain self-control. The juvenile must be placed in an area where a staff member can hear or see the juvenile, e.g., in a staff member's office, in a chair in the hallway close to a staff member/staff member's office. Separation is not placing a juvenile in isolation/seclusion in a locked or unlocked room or area without supervision. Younger adolescents and those with diagnosed behavior disorders (attention deficit, hyperactive) may not be able to successfully complete separation. A work detail may be more appropriate for these type juveniles.
- 1) Purpose: Staff may use separation if staff deems that a period of time away from others will assist a juvenile in the management of his/her anger. This period of time is intended to provide a short cooling off period to enable the juvenile to regain his/her composure.
 - 2) Contraindications: Separation will not be used to manage a juvenile's behavior if the juvenile is known to have a physical or mental health condition that must be closely monitored.
 - 3) Procedures
 - A) Separation periods may be initiated by staff or upon the juvenile's request for separation.
 - B) A juvenile that is disrupting will be asked to accompany staff to an area away from his/her peers to allow him/her the opportunity to regain his/her composure and to avoid further incident.
 - C) A juvenile that feels that he/she is becoming agitated and/or angry may request a separation period to assist him/her in managing problematic behavior. However, juveniles will not be able to utilize separation periods to avoid completing daily tasks or other therapeutic activities. When a juvenile requests a separation, staff will allow the juvenile separation as soon as possible after the request is made.
 - D) When the juvenile is calm, staff will discuss the circumstances leading up to the use of separation with the juvenile to determine the source of the juvenile's behavior. Appropriate action will be taken to address the juveniles' concerns.

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- E) In the event the juvenile is unable to calm down after the 15 minute period of time, the Shift Supervisor may be requested to assist in the matter.

3. CCS Compliance

- a. When a Level 3 Rule Violation(s) occurs, the Reporting Officer will contact the Shift Supervisor immediately. In addition, the staff will submit a DJJ Event Report form (I-3.2A) and a Juvenile Negative Behavior Report form (G-9.19C) to the Shift Supervisor as soon as possible, but no later than the end of the shift. The Shift Supervisor will consult with the Reporting Officer to determine whether CCS Compliance criteria can be met within the juvenile's assigned area.
- b. If all CCS Compliance criteria can be met, the Shift Supervisor shall allow the juvenile to remain in the assigned area under strict monitoring by staff, with support from the staff, where the juvenile will receive progressive discipline from unit staff/Shift Supervisors and await a Disciplinary Hearing/Review Board. The Shift Supervisor will document on the Juvenile Negative Behavior Report form (G-9.19C) the compliant behavior demonstrated by the juvenile. The Shift Supervisor will submit the completed Event Report (Form I-3.2A) and Juvenile Negative Behavior Report form (G-9.19C) to the Classification Case Manager, Social Worker, Unit Manager/Captain of Security, PbS, and Chief Disciplinary Hearing Officer/Review Board by the end of the shift.
- c. If CCS Compliance criteria of Safe cannot be met, the juvenile will be placed in restrictive room confinement or temporarily placed in isolation.
- d. The Shift Supervisor will document on the Juvenile Negative Behavior Report form (G-9.19C) the noncompliant behavior demonstrated by the juvenile and all training techniques used to encourage the juvenile to become CCS compliant prior to placing the juvenile in isolation/room confinement. The Juvenile Negative Behavior Report form (G-9.19C) authorizing isolation must be completed and submitted by the Shift Supervisor to the Crisis Management Unit within two (2) hours of when the juvenile was placed in isolation.
- e. The Shift Supervisor will submit a copy of the completed Event Report (I-3.2A) and Juvenile Negative Behavior Report form (G-9.19C) to all other appropriate personnel by the end of the shift.
- f. The Shift Supervisor may contact the juvenile's assigned Clinician to assist in helping the juvenile become CCS compliant. If the juvenile's assigned Clinician is unavailable, a designated clinical staff member can be called on to replace the assigned Clinician. During holidays, weekends,

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or after business hours, the Shift Supervisor should refer to the juvenile's Individual De-escalation Plan and may also contact the Clinician on-call. If the situation becomes a crisis, then normal crisis protocols will be followed.

C. Isolation/Room Confinement

Juveniles placed in isolation or room confinement must be closely monitored. Staff on duty must conduct visual checks at staggered intervals not to exceed every 15 minutes. The visual checks will be documented on the Juvenile Room Confinement/Isolation Record Sheet and Cell Check Log form (G-3.4B). If juvenile is on suicide watch, the suicide protocol must be followed (Policy C-2.8).

1. When a juvenile is placed in isolation / room confinement, he/she will receive encouragement and support from the staff in an effort to become CCS compliant. The juvenile will be assessed by a staff member at least every 15 minutes until all CCS Compliance criteria are met. This will be documented on the Juvenile Room Confinement/Isolation Record Sheet and Cell Check Log (G-3.4B). The CCS assessments every 15 minutes will cease at 9 p.m. each evening (lights out time) and will resume when the juveniles are awoken the following morning (wake-up time). Staff will follow standard operating procedures for unit observation between lights out and wake-up times.
2. If the juvenile remains in isolation/room confinement for more than four (4) hours, required staff will complete the Daily Confinement Checks form, (G-3.4A), each day. This form will be collected and secured with copies being distributed daily to the Unit Manager/Captain of Security, Clinical Manager, Classification Manager, Facility Administrator, Deputy Director of Rehabilitative Services, Associate Deputy Director for Treatment and Intervention Services, and the Deputy Director for Education.
3. CCS Compliance assessment may cease in isolation/room confinement if the juvenile is able to maintain CCS compliance for a period of two (2) consecutive hours. If the juvenile is CCS compliant, he/she can then return to the assigned area. The Shift Supervisor from the juvenile's assigned area will be consulted to determine whether CCS Compliance criteria can be met within the juvenile's assigned area. This contact will be documented on the Juvenile Room Confinement/Isolation Record Sheet and Cell Check Log (G-3.4B). If CCS compliance criteria can be met in the assigned living unit, the juvenile will return to the unit immediately.
4. If the decision is made that CCS Compliance criteria of safe cannot be met if the juvenile were to return to his/her assigned area, the Shift Supervisor on duty will make necessary arrangements to make the area safe. The Shift Supervisor may make temporary moves of staff or juveniles to ensure a safe environment. Any juvenile movement will be reported to School Officials, Clinical, and

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Classification immediately during the business day and/or on the next business day if done after hours. The Shift Supervisor will then release the juvenile from isolation under strict monitoring and with support from the staff.

5. A Juvenile Behavior Contract (Form G-3.4D) may be developed to assist in gaining and maintaining CCS compliance.
6. In the Evaluation Centers, admissions status juveniles that continue to demonstrate serious unsafe behaviors may be transferred to the Crisis Management Unit at BRRC by the Deputy Director of Rehabilitative Services. Classification will arrange transportation and inform the Deputy Director of Rehabilitative Services, Deputy Director of Educational Services, and the Associate Deputy Director for Treatment and Intervention Services when the transport is scheduled and completed.
7. When a juvenile is placed in isolation/room confinement, within four (4) hours the Unit Manager/Captain of Security or designee will review all pertinent documents, speak with the juvenile, and give him/her opportunity to explain/speak about the incident from his/her perspective. The Unit Manager/Captain of Security or designee will do one (1) of the following:
 - a. Dismiss the Level 3 Rule Violation(s), return the juvenile to the unit, and notify the Chief disciplinary hearing officer/review board of the dismissal;
 - b. Return the juvenile to the unit and continue with referral for a Disciplinary Hearing or Review Board;
 - c. Return the juvenile to the unit and handle the matter through the Juvenile Progressive Discipline process and document as a Level 1 or Level 2 offense on a Juvenile Negative Behavior Report (G-9.19C) and notify the Chief disciplinary hearing officer/review board of the reduction to a Level 1 or 2 offense; or
 - d. Determine that the juvenile will remain in isolation/room confinement and continue with referral for a Review Board or Disciplinary Hearing. The Unit Manager/Captain of Security or designee will contact the Facility Administrator immediately and inform him/her of this decision.
8. After contacting the Facility Administrator, the Unit Manager/Captain or designee will complete the Recommendation for Extended Use of Isolation form (G-3.4C) with all required supporting documentation and forward it to the Deputy Director of Rehabilitative Services through the Facility Administrator for approval or disapproval within twenty-four (24) hours or the next business day. This approval must be submitted when the safety concern is recognized. Once the recommendation form is completed by the Deputy Director for Rehabilitative Services, a copy will be forwarded immediately to both the Associate Deputy

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Director of Treatment and Intervention Services and the Deputy Director for Education.

9. If approved for extended isolation, the juvenile must be reviewed weekly in the BRRC Multidisciplinary Treatment Team staffing until a resolution for the unsafe situation is achieved.

D. Other Uses of Isolation

1. Protective Custody

- a. Juveniles known to be seriously victimized by evidence of physical injury or serious threat may be placed by the Unit Manager/Captain/Assistant Unit Manager (or higher authority) in temporary protective custody. If the juvenile must be held for more than four (4) hours, the Unit Manager/Captain will follow protocols established in section C.9. above. The authority placing the juvenile in temporary protective custody status will notify the Classification Case Manager (CCM) and assigned SW immediately or by 10 a.m. the next business day if after business hours. The CCM will convene the Unit Multidisciplinary Team (MDT) to review the placement as soon as possible but no later than one (1) business day of the juvenile's placement in confinement. The Unit MDT will, by majority vote, recommend that the juvenile either be released from or remain in protective custody status. There must be substantial, validated, documented information that protective custody is warranted and that no other reasonable alternative is available.

- 1) If release is recommended, the Unit MDT will provide recommendations to the Facility Administrator and the Supervising Social Worker to address the issues surrounding the temporary placement in isolation. If release is not recommended, a safety plan will be developed by the Unit MDT. The safety plan will be sent immediately to the Facility Administrator and the Supervising Social Worker.
- 2) If the decision is made for the juvenile to remain in isolation, the juvenile's safety plan developed by the Unit MDT plan will be implemented. The Unit MDT will provide a status report to the Facility Administrator and Supervising Social Worker between the 7th and 10th day of the juvenile's confinement. This status report will include the specific goals and objectives met or not met and any other significant information concerning the juvenile's safety.
- 3) If the juvenile has not been approved for release by the 14th day, the case will be referred to the Facility MDT, who will modify the juvenile's placement plan and recommend to the Facility

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Administrator appropriate placement for the juvenile out of isolation.

- 4) In the event the Facility Administrator disapproves a juvenile's release by the 14th day, the Facility Administrator will provide a written summary report to the Deputy Director for Rehabilitative Services and the Associate Deputy Director for Treatment and Intervention Services for information. The Unit MDT will continue monitoring the safety plan and providing status reports to the Facility Administrator, who will continue the 7-day review process and recommendations until the juvenile is released from isolation. The Facility Administrator will continue to provide written summary reports to the Deputy Director and Associate Deputy Director.

2. Mental Health Reason

- a. A juvenile that presents a risk of self-harm, threatens suicide, or gestures suicide will be placed in a room equipped with a camera in the Crisis Management Unit, consistent with DJJ Policy C-2.6, Clinical Crisis Intervention and C-2.8, Suicide Prevention and Intervention.
- b. A juvenile will be temporarily placed in a room equipped with a camera in the Crisis Management Unit when the Psychologist or Social Worker believes the juvenile needs close supervision for mental health observation/evaluation.
- c. The Shift Supervisor may temporarily place a juvenile in a room equipped with a camera in the Crisis Management Unit when he/she demonstrates self-harm, threatens suicide, or gestures suicide. The Shift Supervisor will immediately contact the assigned clinician or clinician-on-call. The clinician will take immediate steps to stabilize the juvenile or have him/her transferred to an appropriate mental health facility when the situation requires such action.

RELATED FORMS AND ATTACHMENTS:

Form G-3.4A, Daily Confinement Checks

Form G-3.4B, Juvenile Room Confinement /Isolation Record Sheet and Cell Check Log

Form G-3.4C, Recommendation for Extended Use of Isolation

Form G-3.4D, Juvenile Behavior Contract

Form I-3.2A, DJJ Event Report

Form G-9.19C, Juvenile Negative Behavior Report

REFERENCED POLICIES:

G-9.19, Juvenile Behavior Management – Incentive System and Progressive Discipline

C-2.6, Clinical Crisis Intervention

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C-2.8, Suicide Prevention and Intervention

SCOPE:

This policy applies to all of DJJ's hardware secure facilities.

LOCAL PROCEDURAL GUIDE:

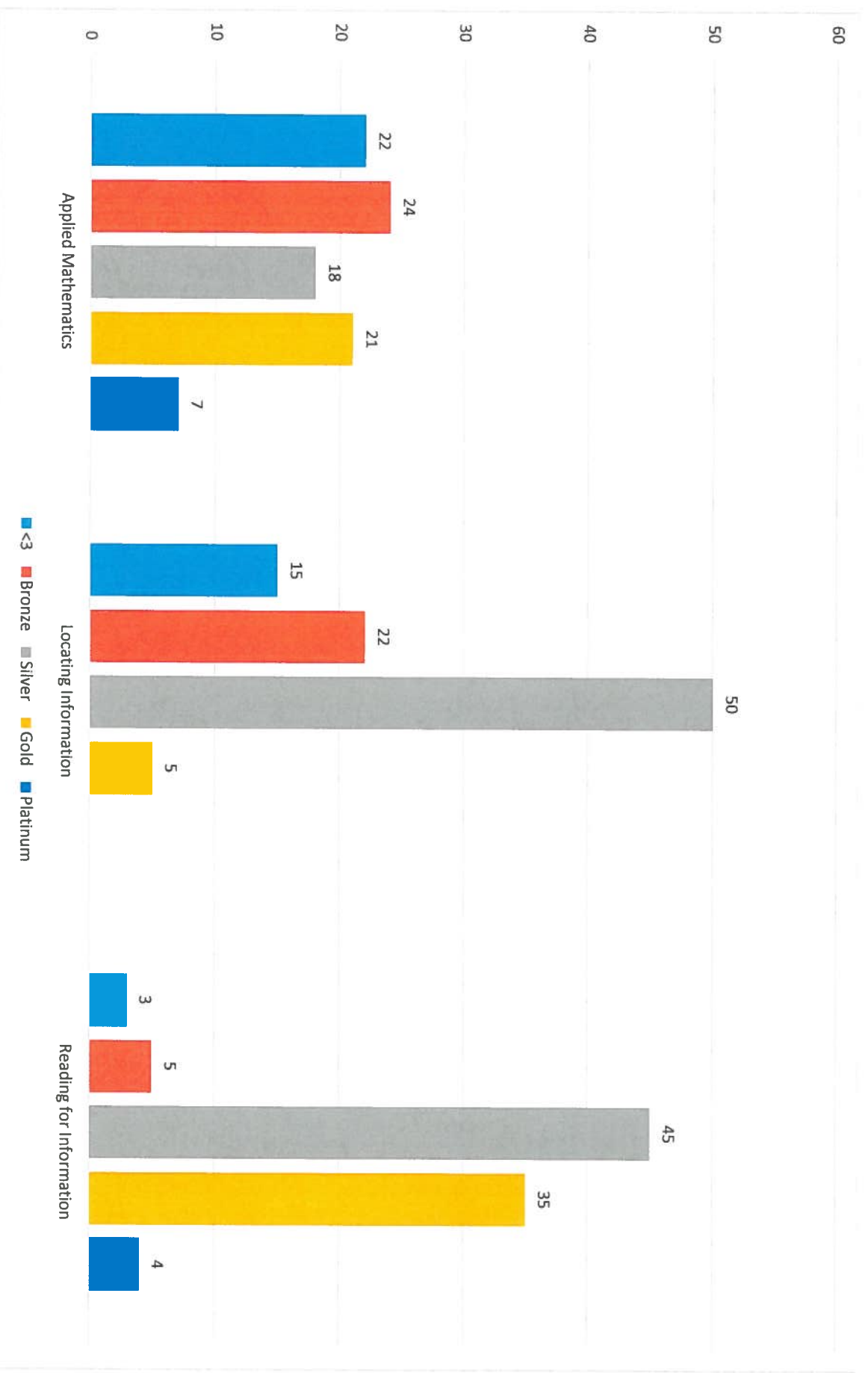
Not required.

TRAINING REQUIREMENT:

All rehabilitative services employees are required to review this policy within 30 calendar days of its publication.

ATTACHMENT 3

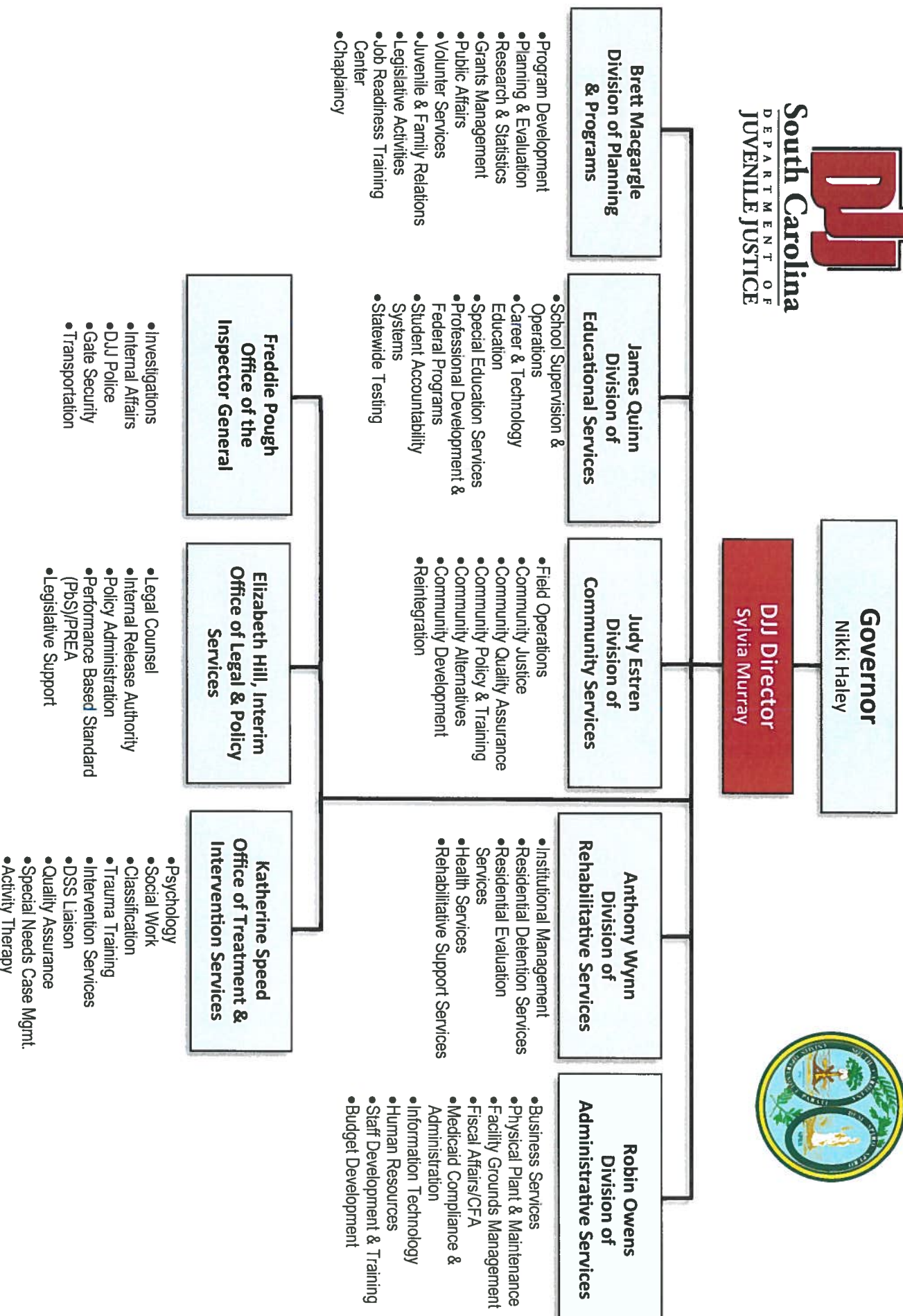
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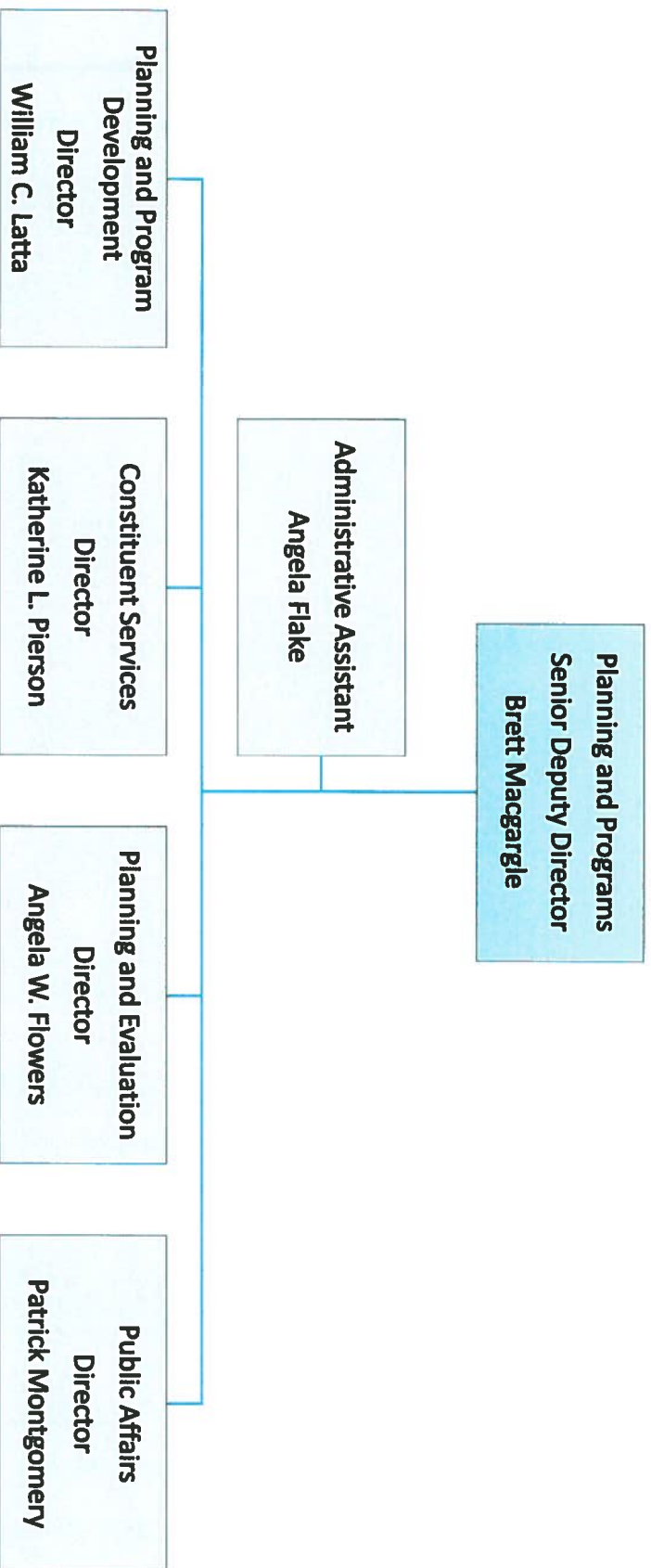
Explanation- Numbers on the left axis are number of students, (also represented above each bar in the graph). The legend for how the students scored on each section tested is at the bottom (Dark blue- students scoring 7/Platinum, Gold- students scoring 6/gold, Silver- students scoring 5/silver, Orange- students scoring bronze, Light blue- students below a score of 3). Information listed along the bottom of the bars indicates the tested categories (i.e., Applied Mathematics, Locating Information, and Reading for Information).

ATTACHMENT 4

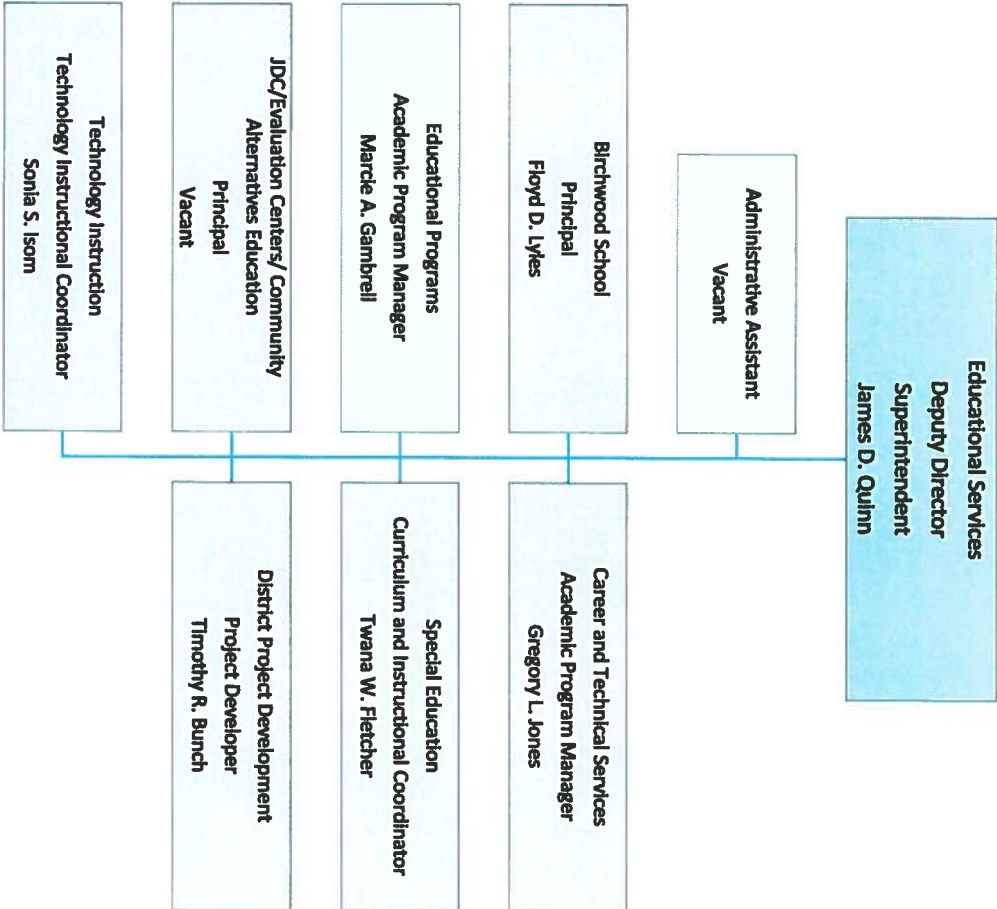
SOUTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE
Agency Functional Organizational Chart



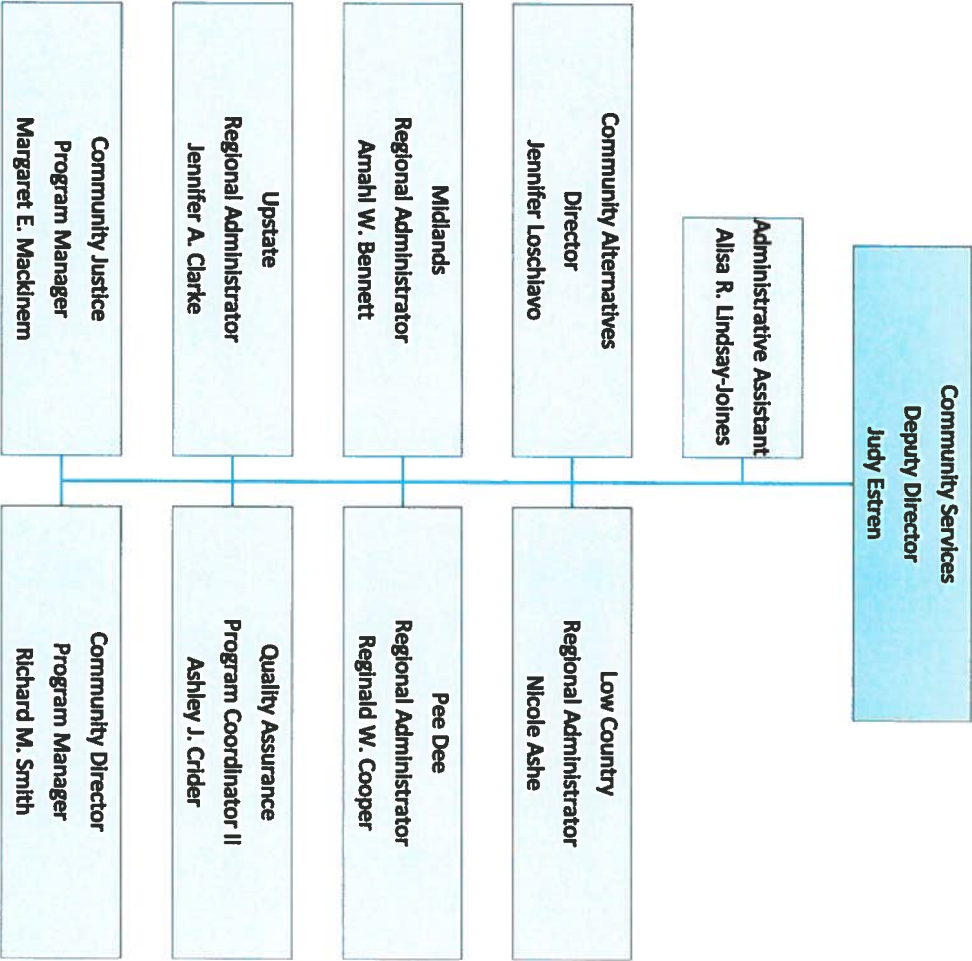
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Planning and Programs
August, 2016



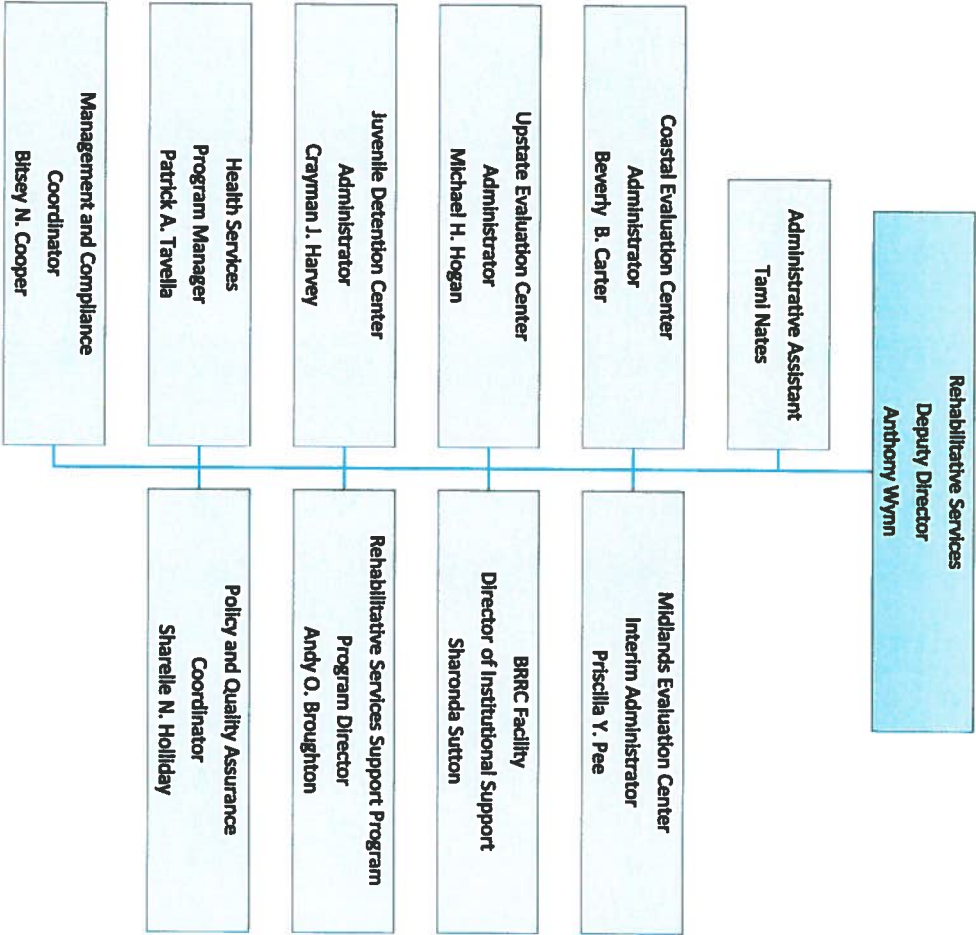
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Educational Services
August, 2016



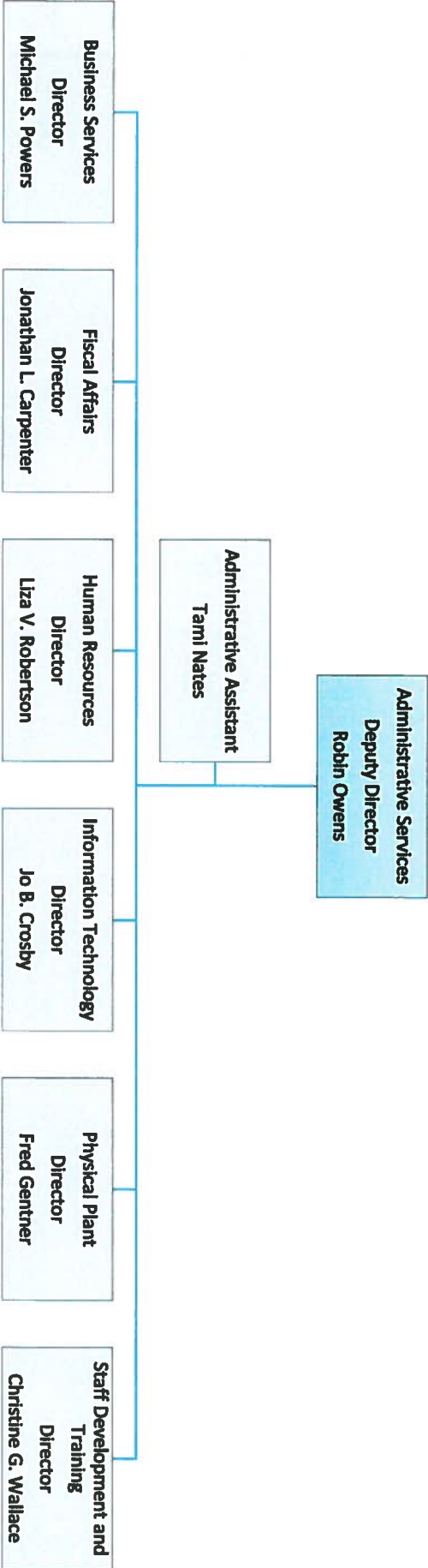
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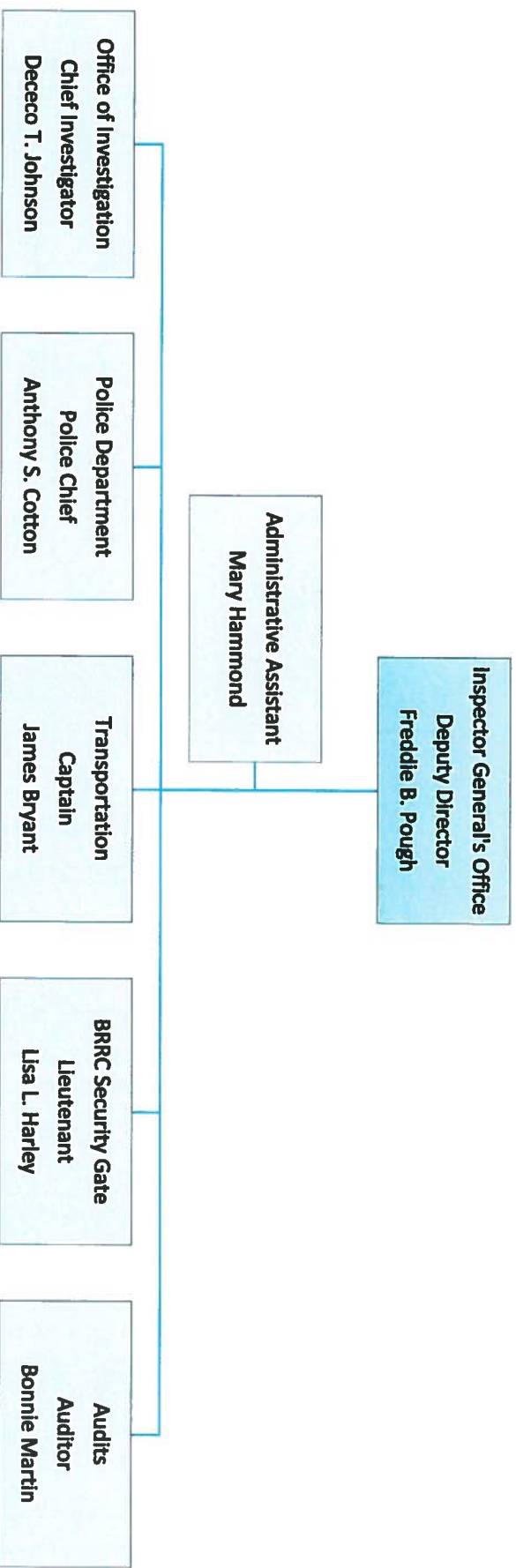
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Rehabilitative Services
August, 2016



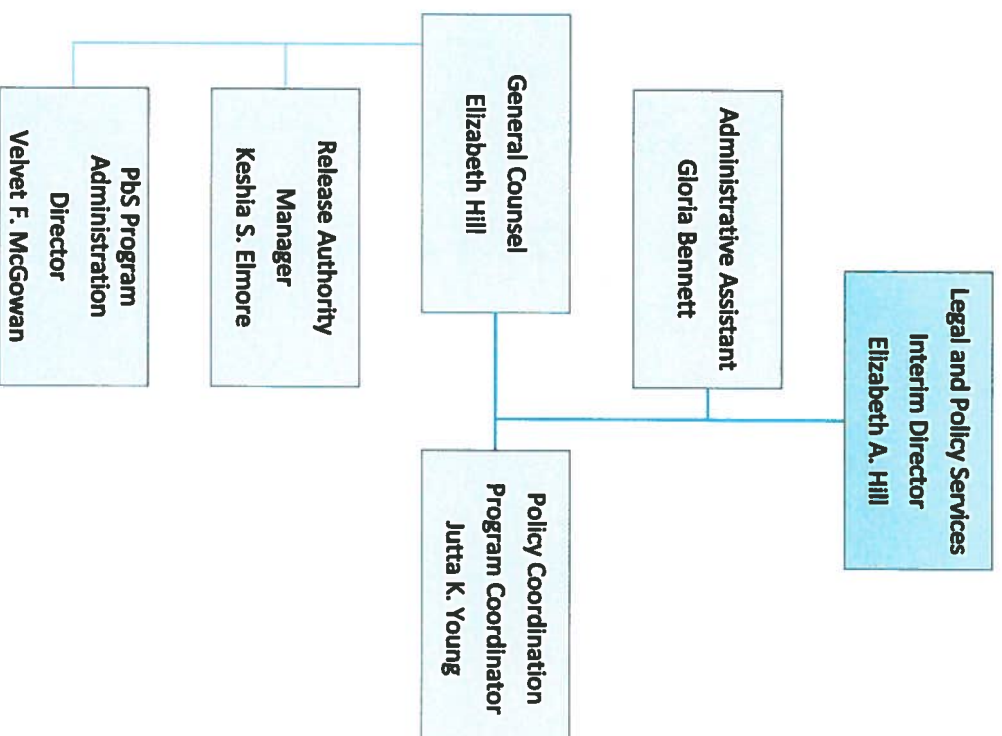
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Administrative Services
August, 2016



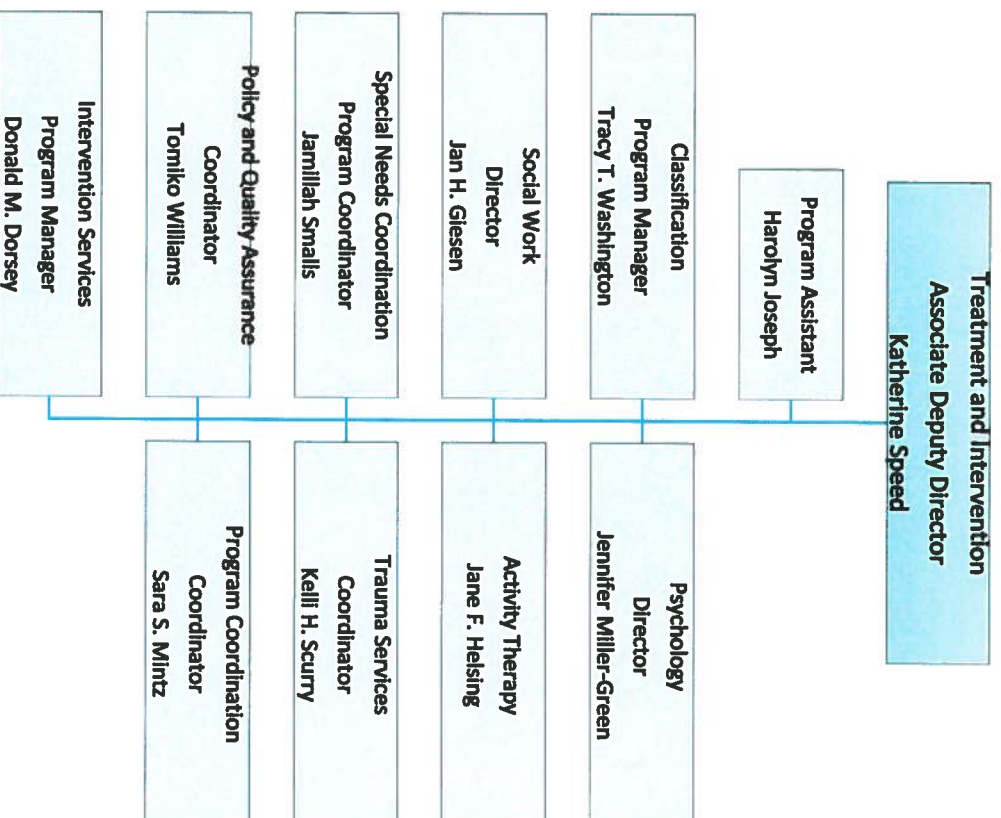
SC DEPARTMENT OF JUVENILE JUSTICE
Inspector General's Office
August, 2016



SC DEPARTMENT OF JUVENILE JUSTICE
Legal and Policy Services
August, 2016



SC DEPARTMENT OF JUVENILE JUSTICE
Treatment and Intervention
July, 2016



ATTACHMENT 5

DJJ EXECUTIVE AND SENIOR LEVEL VACANCIES AND STATUS
JULY 1, 2015 TO AUGUST 2, 2016

State Class	Position Vacated - Agency Title	Vacancy Status	Recruiting and Search Status
UA03	DEPUTY DIR FOR REHAB SERVICES	FTE Filled - Not Interim Replacement	
UA03	DEPUTY DIR FOR INSPECTOR GENERAL OFFICE	FTE Filled - Not Interim Replacement	
UA03	DEPUTY DIR FOR COMMUNITY SERVICES	FTE Filled - Not Interim Replacement	
UB07	PRINCIPAL	FTE Filled - Not Interim Replacement	
UE07	SPECIAL EDUCATION COORDINATOR	FTE Filled - Not Interim Replacement	
AG25	HUMAN RESOURCES DIRECTOR	FTE Filled - Not Interim Replacement	
AH45	COMMUNITY ALTERNATIVES COORDINATOR	FTE Filled - Not Interim Replacement	
AM56	IT MANAGER II	FTE Filled - Not Interim Replacement	
BC40	PUBLIC AFFAIRS DIRECTOR	FTE Filled - Not Interim Replacement	
JC36	REGIONAL ADMINISTRATOR	FTE Filled - Not Interim Replacement	
AA75	ADMINISTRATIVE ASSISTANT II	Interim Assistant	Position was posted and hiring manager in process of reviewing applications for interview considerations.
AH50	ASSOCIATE DEPUTY FOR LEGAL AND POLICY SERVICES	Interim Director	Position reclassified to Deputy Director for Legal and Policy Services (UA03 State Class Code) and is posted continuously until filled. Interviews have taken place and potential final candidates selected.
UB07	PRINCIPAL	Vacant	Position will be posted continuously until filled for recruiting.