

## Responses to HLOC 02/03/17 Correspondence

### “Grants” Section

- Please provide a list of state agencies that during the last five years have been subgrantees of grant money DPS received, on behalf of South Carolina, from DOJ.

**Response:** Please see attachments

#### Money from DOJ to DPS

- What processes are in place to ensure those in OHSJ can, at any time, see the following information:

- Amount of federal grant money that has and has not been spent;

**Response:** This information is housed within the Accounting Division (specifically, Accounting Grants section) of SCDPS. Periodic requests are made from SCDPS’s Office of Highway Safety and Justice Programs (OHSJP) to Accounting Grants for this information throughout the year.

- Dates by which South Carolina must spend the federal money; and

**Response:** The federal grant awards are sent to OHSJP from the appropriate federal entity. Most federal grants are for multi-year periods, mostly for 4 year periods. The federal grant period beginning and ending dates are on the grant award documents. Additionally, the US Department of Justice (USDOJ) sends e-mails to appropriate staff 60 days, and then 30 days, before the grant period ends notifying them of the grant ending date. Lastly, each grant Program Manager within OHSJP has her own internal system for maintaining pertinent information for each grant funding stream, including deadlines for expending the funds.

- Dates by which the local entities must request payment/reimbursement from DPS to ensure those requests are processed before the date by which South Carolina must spend the federal money.

**Response:** Requests for Payment (RFP) are due from subgrantees at least quarterly, but RFPs may be submitted as often as monthly. The quarter ending dates and due dates of RFPs for those quarters are listed on the instructions for completing RFP documents, which are provided to the subgrantees through various means. The quarters are broken down by the standard quarters of a year, so these dates do not change from grant to grant. The Accounting Grants section houses the information on RFP submittals and is responsible for apprising OHSJP staff if delays occur.

- On what type of regular schedule does OHSJ check with accounting to obtain updates on the information listed in the question above?

**Response:** Discussions on grants administration matters are held on a regular basis among OHSJP and Accounting Grants staff. Informal meetings are also held among these individuals to discuss both programmatic and financial issues in regards to the various grant programs. Meetings with various OHSJP and Accounting Grants management staff have been held in the past to discuss grants administration matters as well. These meetings have not been held on a regularly scheduled basis, but rather as the need arises. Beginning in January 2017, staff began having regular meetings to discuss the processing of RFPs, and these type meetings will continue on a monthly basis in the future.

- Are there any processes in place which provide alerts to certain OHSJ personnel when deadlines by which South Carolina must spend federal money are approaching? If so, please explain the processes.

**Response:** As referenced above, the federal grant awards are sent to OHSJP from the appropriate federal entity. The federal grant period beginning and ending dates are on the grant award documents. Additionally, USDOJ sends e-mails to appropriate staff 60 days, and then 30 days, before the grant period ends notifying them of the grant ending date. Lastly, each grant Program Manager within OHSJP has her own internal system for maintaining pertinent information for each grant funding stream, including deadlines for expending the funds.

- In the last five years, has South Carolina ever not received all potential funds available from the USDOJ? If so, please explain why, including any applicable steps, documents, or information that may have allowed South Carolina to receive all potential funds.

**Response:** Due to South Carolina not being in full compliance with the Prison Rape Elimination Act (PREA), the Justice Assistance Grant (JAG) and Juvenile Justice Title II Formula (Formula) grant have been sanctioned in 2014, 2015, and 2016. However, these sanctions have not resulted in the loss of any funding. Instead, the federal funding agency has issued a separate PREA solicitation for the sanctioned funds each year. OHSJP applies for those funds for specific projects that will assist the state to come into compliance with PREA. These projects are developed by the SC Department of Corrections (SCDC) and the SC Department of Juvenile Justice (SCDJJ) prior to submission of the application to Washington, and then a subgrant for the funds is awarded to one (or both) of those two State agencies to implement the project once the Federal award has been received. The SCDC and SCDJJ will have to come into full compliance with PREA to eliminate South Carolina's risk of future sanctions.

South Carolina has not received all potential funds available from USDOJ for the Juvenile Justice Title II Formula grant program in four of the past five years. The Juvenile Justice and Delinquency Prevention (JJDP) Act was passed by the United States Congress in 1974. It has been amended on several occasions and was reauthorized in 2002. The act has served as a major reform measure for juvenile justice in the United States and has redirected resources toward more innovative approaches to juvenile justice, emphasizing prevention and early intervention rather than simply focusing on the handling of juvenile delinquents. The core requirements of the Act seek to 1) remove status offenders (runaways, violations of curfew, truants and

incurables, etc.) from secure facilities (referred to as “Deinstitutionalization of Status Offenders” [DSO]); 2) separate juveniles from adult offenders in all placements (referred to as “Sight and Sound Separation”); 3) remove all juveniles from adult detention facilities (referred to as “Jail Removal”); and 4) reduce the disproportionate representation of minorities throughout the juvenile justice system (referred to as “Disproportionate Minority Contact” [DMC]).

In 1996, the State enacted legislation that would allow secure confinement of status offenders, status delinquents, and status probation violators to be committed to the custody of the SC Department of Juvenile Justice (SCDJJ) or to a secure evaluation center operated by SCDJJ for a determinate period not to exceed 90 days. The State of South Carolina has lost Federal funding during the past five years and will continue to do so unless status offenders can be removed from secure facilities. The USDOJ’s Office of Juvenile Justice and Delinquency Prevention (OJJDP) withholds 20 percent of the annual Formula Grant award for non-compliance with this core requirement.

In FFYs 2012, 2013, 2014, and 2016, South Carolina was found to be out of compliance with the Jail Removal core requirement. South Carolina developed a Jail Removal issue due to increasing population densities and the certification of facilities as 48-hour secure juvenile holdovers with violations occurring in a single county (Greenville). The OJJDP withholds 20 percent of the annual Formula Grant award for non-compliance with this core requirement. As of September 30, 2013, the Greenville County Juvenile Detention Center, which used juvenile justice grant funding for equipment purchases during renovation, began its official operation of detaining juveniles. All juveniles, juvenile files, and juvenile officers have been removed from the Greenville County Adult Detention Center.

South Carolina was in compliance with all four core requirements of the JJDP Act for FFY 2015 as determined by FFY 2014 data. In the summer of 2015, OJJDP informed South Carolina that 2013 data were being used to determine its FFY 2016 compliance. This is in direct contradiction to the JJDP Act itself, which states that the previous year’s data are to be used to determine the subsequent fiscal year’s compliance. South Carolina submitted an appeal in response to the decision by the OJJDP to use FFY 2013 data to make the compliance determination. Negotiations between South Carolina and OJJDP were unsuccessful to resolve this problematic issue, and OJJDP denied the appeal. As a result, OJJDP withheld 40 percent of the State’s annual Formula Grant award for FFY 2016 for non-compliance with the DSO and the Jail Removal requirements of the JJDP Act. No determination has been made by OJJDP regarding compliance for FFY 2017.

#### Money from DPS to other state or local entities

- Does the agency monitor/track how long it takes to provide payment/reimbursement to local entities that were awarded grants? If so:

**Response:** Starting in January 2017, Accounting Grants and OHSJP have started meeting on a monthly basis to discuss all grant related issues which would include payments/reimbursements to subgrantees. These meeting have resulted in new tracking system being put in place. These meetings have allowed the agency to reduce its backlog through the cooperative staff effort.

○ How long does it take on average?

**Response:** Prior to the first of the year, it was taking an average of 60 days to issue reimbursements (in certain cases, some took just over 90 days to process). Currently, our system is reimbursing subgrantees within 30 days.

○ What is the target for the amount of time within which it strives to provide payment/reimbursement?

**Response:** Our target is to pay subgrantees within 30 days of receiving the RFP.

○ What is the range for the acceptable amount of time within which to provide payment/reimbursement?

**Response:** If all the information is complete and accurate on the RFP then 30 days is an acceptable amount of time.

○ What information is provided to state and local entities about the amount of time within which payment/reimbursement will be provided so the entity may have a reasonable expectation of when funds will be received?

**Response:** Our policy is to reimburse requests for payments within 30 days of receipt of RFP. We will inform all subgrantees who attend Grant Award Workshops of this policy.

#### Justice Assistance Grants

· In the last five years, has South Carolina been at risk of being required to return funds awarded to South Carolina as part of Justice Assistance Grants (JAG) Program? If so:

○ Please provide the exact amount at issue.

**Response:** Over the multi-year period of the grants program, it requires constant management of the subgrantee awards. During the life cycle of the award, some subgrantees spend their entire award while others do not. The amount that is not spent is deobligated and reverted back to SCDPS. These amounts can often be reawarded unless the grant is in the final year and is about to expire.

In late December 2016, it was determined that SCDPS had not spent \$346,633.24 in FY12 and \$289,638.62 FY13 JAG grants. Upon analysis of the final reconciliation, it was determined that the numbers reported at 12/29/2016 did not reflect a journal entry to reassign grant awards to

grant years 2012 and 2013. This reassignment had previously been discussed with the US Department of Justice in early 2016. We received approval to reopen 2012 and 2013 grant years, and we then journalized \$636,271.86 in expenditures from FY14 and FY15 back to FY12 and 13 on January 27, 2017.

○ When did the agency know this risk existed?

**Response:** This situation was discussed in email communications dating back to May 2015.

○ When did it request an extension from the Federal Bureau of Justice to try to utilize this money?

**Response:** We requested from the US Department of Justice, 2 extensions for JAG11, on 3/18/2014 and 8/10/2015. We requested 1 extension for JAG12, on 6/1/2015. We did not request any extensions on JAG13.

○ Was this money from the Justice Assistance Grants (JAG) the Federal Government initially awarded to the State during Federal Fiscal Year '12 and Federal Fiscal Year '13? If not, during what Federal Fiscal Years was it awarded?

**Response:** JAG12 was initially awarded in federal fiscal year 12 and JAG13 was awarded on federal fiscal 13.

○ Please explain what part of the process did not operate as intended to ensure the JAG grant money was spent without the need to request an extension or waiver?

**Response:** The part of the process that did not operate correctly was that the correcting journal entries were not made in December, but rather were made in January. This was due to a change in personnel and the added emphasis of VOCA payments.

#### In General

• Are there any recommendations the agency would suggest this Subcommittee make to help the agency ensure the grants process results in maximal receipt of funds by South Carolina, efficient distribution of funds by DPS, and effective reporting about the use of funds?

**Response:** We would recommend the agency continue regular meetings to discuss JAG grants balances and possible grant adjustments.