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Legislative Oversight Committee



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Law Enforcement & Criminal Justice Subcommittee Meeting
Wednesday, February 10, 2016
3:00 p.m.
Room 410 - Blatt Building

ARCHIVED VIDEO AVAILABLE

- I. You may access archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and click on "Citizens' Interests," then click on "House Legislative Oversight Committee Postings and Reports." Lastly, click on "Video Archives" for a listing of archived videos for the Legislative Oversight Committee.

ATTENDANCE

- I. The Law Enforcement & Criminal Justice Subcommittee (Subcommittee) meeting was called to order by Chairman Kirkman Finlay III on Wednesday, February 10, 2016, in Room 410 of the Blatt Building, Columbia, South Carolina. The following Subcommittee Members were present: Chairman Finlay, Representative Raye Felder, and Representative Edward R. Tallon Sr. Representatives Wm. Weston J. Newton and Robert Q. Williams also attended the meeting.

MINUTES

- I. House Rule 4.5 requires the standing committees of the House to prepare and make available for public inspection, in compliance with Section 30-4-90, the minutes of full committee meetings. House Rule 4.5 further provides that such minutes need not be verbatim accounts of such meetings. It is the practice of the House Legislative Oversight Committee to provide minutes, which are not verbatim accounts of such meetings, for its Subcommittee meetings.
- II. Representative Felder moved to approve the minutes from the Subcommittee meeting on January 28, 2016. A roll call vote was held, and all present voted in favor of approval.

Rep. Felder’s Motion to Approve the Subcommittee Meeting Minutes from January 28, 2016:	Yea	Nay	Not Voting
Rep. Bowers			Not Present
Rep. Felder	✓		
Rep. Tallon	✓		
Chairman Finlay	✓		

PUBLIC COMMENT TO THE DEPARTMENT OF JUVENILE JUSTICE

- I. Chairman Finlay explained the purpose of the meeting was to provide the Subcommittee and the Department of Juvenile Justice (DJJ) an opportunity to hear comments related to the agency from members of the public.

Chairman Finlay explained the Subcommittee would hear testimony under oath from all of those present who had signed up to speak, and the speakers would each be limited to ten minutes of time. The name and county of each person is given below, and the italicized notation represents the approximate start time for each person’s testimony on the archived video of the meeting. A brief summary of each person’s testimony is given below the person’s name.

Eden Hendrick, Solicitor’s Family Court Attorney for Richland County 4:08

Ms. Hendrick provided information to the Subcommittee about the ways in which the Solicitor’s Office deal with juvenile offenders and related government agencies and departments. She testified that DJJ has done well with diversionary programs in Richland County and with communicating with the Solicitor’s Office. She testified that she believed DJJ does not sufficiently tailor its sentencing recommendations for juvenile offenders to the individual juveniles; rather, Ms. Hendrick suggested, DJJ evaluators have unofficial, near-blanket sentencing policies that control the outcome of the juvenile evaluations, and that they are sometimes unable to explain the policies when asked to do so by a judge. She also suggested that judges sometimes sentence juvenile offenders to an alternative sentence—like wilderness camp—or to juvenile detention if the alternative location is not available, and that the juveniles are frequently sent to the detention centers as a default measure without the judges’ knowledge. Ms. Hendrick recommended DJJ make use of active GPS monitoring of juvenile offenders rather than passive GPS monitoring. Ms. Hendrick responded to questions from Chairman Finlay and Representative Tallon. Chairman Finlay notified Ms. Hendrick that her time had expired, but that it was possible there would be additional time available to her later in the meeting.

Naomi Lett, Friends of Juvenile Justice 27:20

Ms. Lett provided an overview to the Subcommittee of the Friends of Juvenile Justice organization, and explained its relationship to DJJ. She testified that, in her opinion, the agency needs more resources in order to make the most effective investments in juvenile offenders.

Nancy McCormick, Protection and Advocacy for People with Disabilities 36:51

Ms. McCormick testified the majority of the juvenile offenders under DJJ’s care have some type of disability, whether it be physical, emotional, mental, or otherwise. She testified about the changes that DJJ made following the finding by District Judge Joseph Anderson that DJJ’s practices were unconstitutional as they related to the rights of juvenile offenders, and how DJJ’s reforms have recently

begun to revert to their inferior states. Ms. McCormick testified about the physical conditions at DJJ's facilities, and how those deteriorating conditions have caused disruptions in the lives of the incarcerated juvenile offenders. Ms. McCormick testified that, in her opinion, DJJ does not have its facilities under control because the facilities are frequently understaffed, the staff are intimidated by the incarcerated juveniles, and the staff are underpaid. She testified that the 12-hour work shifts have contributed to the problem by lowering staff morale. Chairman Finlay, and Representatives Felder and Tallon asked questions of Ms. McCormick. Chairman Finlay notified Ms. McCormick that her time had expired, but it was possible there would be additional time available to her later in the meeting. Ms. McCormick also stated that she intended to submit written comments to the Subcommittee on a later date.

Aleksandra Chauhan, Richland County Public Defender's Office 53:28

Ms. Chauhan provided testimony that addressed questions members of the Subcommittee had asked of DJJ in past meetings. She testified that DJJ uses solitary confinement as a punishment in excess of the maximum allowed by the agency's own policies. She testified that, while DJJ had received high marks from a performance-based standards organization four years ago, it was likely that DJJ no longer performed at that same level. She alleged that one of her clients had been placed in solitary confinement for six to eight weeks. Ms. Chauhan read excerpts from a letter written by one of her clients while he was in isolation.

Joan Faust, Parent of Juvenile Offender 1:05:23

Ms. Faust expressed concern that her son has changed for the worse while he has been confined at the DJJ. She testified that he had been in solitary confinement for excessive amounts of time. She testified that her son's education had suffered on account of being confined at DJJ. Chairman Finlay and Representative Williams asked questions of Ms. Faust.

Suzanne Dunn, American Civil Liberties Union 1:10:04

Ms. Dunn testified that a significant number of juvenile referrals to DJJ are dismissed, suggesting that resources are being wasted in making baseless referrals. Ms. Dunn suggested that schools too frequently use law enforcement officers to discipline children at schools, where the discipline should have been a purely school matter. Ms. Dunn testified that she believed too many juvenile offenders were being incarcerated, and that the juveniles would be better served by home incarceration. Ms. Dunn suggested other reforms that she believed would make DJJ more effective. Ms. Dunn stated that she intended to provide written comments to the Subcommittee at a later time. Chairman Finlay and Representative Felder asked questions of Ms. Dunn.

- II. There were no additional members of the public who wished to testify before the Subcommittee, so Chairman Finlay asked the members of the Subcommittee if they had any questions to ask of the people who had testified at the meeting.

Representative Newton expressed concern to Chairman Finlay that DJJ's official reply to a letter from the Subcommittee, sent on a previous occasion, asking for any information regarding disturbances—like security threats or similar events—that had occurred at the DJJ's facilities in the past three years did not mention the August 2015 fire, which was brought to the Subcommittee's attention when the fire was referenced by a member of the public at the meeting, and which supposedly rendered one of the DJJ's dormitories uninhabitable for a period of time.

Chairman Finlay invited representatives from DJJ to address the specific concern of Representative Newton, and warned the representatives that any testimony would have to be under oath, subject to criminal punishment for false testimony. Katherine Pearson stated that DJJ would submit an answer to Representative Newton’s question in writing.

Representative Felder asked that copies of DJJ’s documentation of the incidents referenced by Representative Newton be submitted to the Subcommittee before its next meeting.

III. Representative Tallon moved that the Subcommittee discuss written questions to submit to the Department of Public Safety at the Subcommittee’s next meeting. A roll call vote was held, and all present voted in favor of the motion.

Rep. Tallon’s Motion to Seek Written Comments from the Department of Public Safety:	Yea	Nay	Not Voting
Rep. Bowers			Not Present
Rep. Felder	✓		
Rep. Tallon	✓		
Chairman Finlay	✓		

IV. There being no further business, the meeting was adjourned.