

**SENATE SPECIAL STUDY COMMITTEE
ON THE
DEPARTMENT OF JUVENILE JUSTICE**

Questions asked at April 26, 2016 meeting requiring follow-up from DJJ

1. **Sen. Lourie:** Have there been more juveniles transferred to adult facilities than normal during the last 120 days? Why?

Since January of 2016, the Office of Inspector General has obtained arrest warrants for nineteen (19) juveniles that were charged as adults. Of those nineteen (19), twelve (12) were booked into Alvin S. Glenn Detention Center. Ten (10) were booked as adults, two (2) were booked as juveniles charged as adults and placed on the juvenile wing. The remaining seven (7) juveniles who were age sixteen (16) and were charged as adults, were brought back to DJJ. The crimes these juveniles were committing, along with the negative effects their actions were having on the other juveniles at DJJ; supported the decision to charge these juveniles as adults and transfer them to an adult facility.

2. **Sen. Young:** How many kids total are detained in the various DJJ facilities, and what is the total number of kids in county detention centers?

In the month of March 2016 the DJJ operated Detention Center served 210 juveniles. The Greenville County operated Detention Center served 71 juveniles, the Charleston County operated Detention Center served 69 juveniles and the Richland County operated Alvin S. Glenn Detention Center served 33 juveniles. The previous four listed facilities are certified to hold juvenile offenders long-term, although the numbers served may represent juveniles held from one day to thirty-one days. There are twenty seven (27) short-term (48-hour or less juvenile holding cells) in detention centers (local jails) in the State of South Carolina that are certified to hold juvenile offenders. In eight (8) other local jails a total of 18 juveniles were served state-wide in March 2016.

3. **Sen. Nicholson:** What kind of training do DJJ correctional officers receive, and is tolerance taught?

Training Description:

The Department of Juvenile Justice defines training as an organized, planned, and evaluated process by which employees acquire specific knowledge and skills needed to perform their job duties. Training programs at the Department of Juvenile Justice are diversified and are designed to meet the current developmental needs of DJJ employees and other service providers of youth in the State of South Carolina. By providing an array of training opportunities, the Department of Juvenile Justice seeks to maintain a professional and diversified workforce that is prepared to support the agency's mission. The Office of Staff Development and Training supports the agency's mission by "facilitating progressive training and development opportunities that will enhance the knowledge and skills of those who serve".

Training for New Juvenile Correctional Officers and Juvenile Specialists

In addition to attending the agency's onboarding program (New Employee Orientation), where officers become more knowledgeable about the organization and its mission, new correctional officers attend a 4-week Basic Training Program with more than 100 hours of training. The Rehabilitative Services Basic Training program falls under the guidelines of the SC Criminal Justice Academy, which is governed by the SC Law Enforcement Training Council. Upon successful completion of DJJ's Basic Training, officers become Class II Certified Juvenile Correctional Officers.

Personnel classified in the Juvenile Correctional Officer (JCO) or Juvenile Specialists (JS) series and facility administrators, must complete DJJ's Rehabilitative Services Basic Training prior to being assigned security job functions. This training is provided monthly based on the division's training plan.

Below is a listing of all courses currently conducted as part of the Rehabilitative Services Basic Training Program. Tolerance, patience and other types of similar behavioral related skills are covered in various training courses. Those specific courses with the skills referenced are indicated below in **bold and underlined**.

Module 1 - Foundations: Working at SCDJJ

- Juvenile Justice System Overview
- **Fundamentals of Making Key Decisions**
- Professionalism and Workplace Success
- Abuse and Neglect Reporting
- Cultural Awareness
- Stress Prevention and Management
- **Essentials of Effective Communication**
- Legal 101 for Juvenile Correctional Officers

Module 2 – Working with Juveniles in Rehabilitative Services

- Fire Safety
- Medical Services
- First Aid/CPR/AED
- **Adolescence and Delinquency**
- **Crisis Intervention**
- Juvenile Movements: Formations, Rest Positions, Steps & Marching, Facing & Movements
- Juvenile Counts
- **Suicide Prevention and Intervention in a Juvenile Correctional Facility**
- Adolescent Mental Health
- Adolescent Substance Abuse

Module 3 – Safety and Security at SCDJJ

- Youth Violence and Gang Prevention
- Safety, Security and You
- **Prevention of Aggressive Behaviors**
- **Nonviolent Crisis Intervention**
- SCDJJ Juvenile Disciplinary System Training
- Inspections and Grooming
- **Trauma Awareness**
- Documentation: Logbook and Report Writing
- Radio Procedures
- Transportation Procedures w/Use of Mechanical Restraints
- Contraband control and Search Procedure

4. **Sen. Lourie:** Was there a special emergency response team in place at the time of the February 26, 2016 incident?

No, there was not a special emergency response team in place at the time of the February 26, 2016 incident. In early Fall of 2015 after incidents that occurred in August and September of 2015, Director

Murray instructed the Deputy for Rehabilitative Services to re-institute an internal rapid response team as part of a corrective action plan. The Rapid Response Team had not been implemented at the time of the February 26, 2016 incident. This team has since been developed using existing staff with an implementation date of March 16, 2016. The Broad River Road Campus Rapid Response team is made up of 15 current employees who receive “special assignment pay” and additional training for their time and commitment (similar to how SCDC staff are paid for a similar function). There are an additional 10 positions on the Rapid Response Team that are located in other facilities for the same purpose. The costs associated with this team will total approximately \$36,000 per year and include the purchase of protective uniforms, protective gear and equipment, and the special assignment pay. The team will be funded with existing agency resources and will not be an additional cost to the State.

5. **Sen. Lourie/Sen. Nicholson:** Does DJJ have an adequate ratio of officers to kids?

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

6. **Sen. Lourie:** How many officer vacancies does DJJ have?

As of May 25, 2016, the Broad River Road Complex (BRRC) has approximately 29 security officer type vacancies. The recruiting and hiring process is in place to extend job offers to 15 individuals to begin work during June, 2016. Thus, we now have approximately 14 vacancies at the BRRC campus in the recruiting stage.

There are 56 officer/security vacancies between the other agency facilities; to include the Juvenile Detention Center, Midlands Evaluation Center, Coastal Evaluation Center and Upstate Evaluation Center.

7. **Sen. Young:** Is DJJ taking steps to try fill these vacancies?

The Department has implemented a number of initiatives to recruit and fill vacancies. These include collaborating with military veterans’ job placement organizations, the Department of Employment and Workforce (DEW), updating the job posting to attract applicants with a continuous vacancy announcement that allows applicants to apply one time and be considered for multiple vacancies, continuous interviewing, reduced administrative processing to hire these critical employees, and attending more job fairs.

8. **Sen. Lourie:** Why did neither DJJ nor the Governor make a request for the FY 17 budget for a pay increase for its officers? (Referring to the funding put in the FY 17 appropriations bill by the House and Senate for DJJ correctional officer pay increases without a request from DJJ.)

DJJ did not make a request for a pay increase for correctional officers in FY 17. DJJ had recently made changes to the working schedules for staff consolidating correctional officer positions to a 12-hour shift and was in the process of developing a plan for shift-differential pay and reinstating a career ladder with multiple levels of career advancement and training that could be attained without requesting reoccurring dollars in the DJJ budget. Additionally, a pay band increase took effect across all correctional positions July 17, 2015.

9. **Sen. Young:** How many DJJ officers and staff have resigned or have been dismissed by DJJ as a result of the recent incidents and why? Have these staffers and officers been replaced or are they being replaced?

Exit Interview forms are forwarded to departing employees for voluntary completion. Based on the limited responses, it is not clear if some employees resigned as a result of incidents. However, a review of resignation letters with resignation dates 10 days after each incident revealed that one employee cited an incident as the resignation reason. We are aware of one other employee that resigned to pursue other career options. A job offer has been extended for one position, and the other position is in process of being filled.

10. **Sen. Young:** DJJ had no carry forward funds between fiscal years 2006 and 2011, since then the agency has had between \$1 M and \$3.5 M in carry forward each year, with \$3.5 Million from the most recent year, FY 15. Why has DJJ carried this amount of carry forward in recent years instead of using the money for agency needs, and what does DJJ plan to use the most recent carry forward balances for, understanding the \$450,000 of the FY 15 carry forward has been used for campus renovations since the February 16, 2016 incident?

Plans for the use of carryforward funds include funding of PIPs to address facility needs due to aging buildings and the need to replace an inefficient power-grid; these projects are not recurring and would need to be funded using non-recurring fund allocations. In addition to the campus renovations, there have been several expenditures using the carry forward funds that include information system updates to comply with security requirements for cabinet agencies, purchasing vehicles, and grounds maintenance equipment purchase. The Department intends to continue using this funding source towards facility, other security improvements, and unanticipated cost that may be determined or encountered.

11. **Sen. Shealy:** How many officers does DJJ have agency-wide?

Rehabilitative Services agency-wide has the following number of officers:
526 Total Positions
441 Filled Positions
85 Vacancies

12. **Sen. Shealy:** Has DJJ considered a hiring bonus for its correctional officers?

The Department has not considered a hiring bonus, because the current state bonus guidelines only allow hiring bonuses for select healthcare positions under the Healthcare Employee Recruitment and Retention Proviso. A similar proviso would be required for correctional and law enforcement recruitment. DJJ has given hiring bonuses in the past to teachers through Department of Education initiatives available only for teachers, but not to correctional officers.

13. **Sen. Nicholson:** What additional services/resources does DJJ need to rehabilitate its youth?

Additional and extended clinical and therapeutic services to include the following:

Staffing needs: Additional Community Social Workers to provide community based services and interventions. Additional Community Psychologists to provide increased community evaluations, thus reducing the number of secure evaluations. Additional activity therapists at BBRC.

Training needs: Training for staff in Functional Family Therapy (FFT). FFT is a well-established, evidenced-based family therapy intervention for treatment of violent, criminal, behavioral, school and conduct problems with youth and their families.

Training for Dialectical Behavior Therapy (DBT). DBT is a therapy designed to help people change patterns of behavior that are not helpful, such as self-harm, suicidal ideation, and substance abuse.

This approach helps people increase their emotional and cognitive regulation by learning about triggers and helps them to apply coping skills.

Funding needs: Additional funding for more collaboration with the Department of Mental Health to support more Multi Systemic Therapy (MST) teams. MST is a home and community based intervention for families of youth with severe psychosocial and behavioral problems that assembles practices from strategic family therapy, structural family therapy and cognitive behavioral therapy in intensive interventions over four to six months.

14. **Sen. Lourie:** Why does DJJ think SC has a high recidivism rate among juveniles compared to other states and the nationwide recidivism rate?

As background to the referenced “high recidivism rate” among SC juveniles compared to other states we offer the following as further explanation.

DJJ does not have a published recidivism rate, as no comprehensive recidivism study has been conducted at DJJ since 1995 when one was published by Ms. Trudie Trotti.

This study looked at youth born in 1967 who aged out of the juvenile justice system by 1983. The 5 year follow-up period was from 1983 to 1988 when the juvenile crime rates were much higher, as were referrals to DJJ. Missouri DJJ has quoted this rate with respect to SC; however, the findings in that 1995 study are invalid today and should not be used for comparison or any other purpose. Furthermore, the study gives a 5 year recidivism rate which is unheard of by current standards. Most states report recidivism at 12 months, 24 months and possibly 36 months. A 5 year recidivism rate cannot be compared to a 12 month rate; which is the average reporting timeframe.

There is no actual “national recidivism rate” as there is no clear national definition of what constitutes juvenile recidivism. Currently states report their recidivism rates based on a definition of their choosing to define recidivism. For example, the state of Missouri does not include adult offenses in their recidivism rates, most other states do; this causes concern in making comparisons. It is not possible to accurately compare one state’s recidivism rates to another state’s unless it can be determined that both states define recidivism in exactly the same way.

DJJ is participating in The National Center for Juvenile Justice/PEW Recidivism study which is attempting to develop a more universal definition of juvenile recidivism. DJJ is actively involved in this comprehensive recidivism study with the National Center for Juvenile Justice that is funded by the PEW Foundation and we are expecting some initial recidivism information in the summer of 2016. Based on the information we receive (which includes adult arrests) we will be able to calculate 1 year, 2 year, and 3 year recidivism rates for committed juveniles (BRRC, Wilderness Camps and other alternative placements).

15. **Sen. Young:** Does DJJ need an additional dormitory to allow DJJ to implement a ratio of 1 officers to 8 juveniles (or other ratio DJJ wants implemented)? What is the estimated cost of constructing an additional dorm, if this is a possibility and needed?

DJJ has not made a determination that there is a need for an additional dormitory. The last dorm the agency built (living unit) was \$3,482,475 and based on an inflation factor of 32% to get the cost equal to an approximate 2016 dollar impact, the estimated cost would be \$4,596,867.

16. **Sen. Lourie:** What role does SLED or local law enforcement have in incidents that occur at DJJ?

DJJ considered the need for SLED involvement to be important in responding to incidents on two occasions. These incidents occurred in September and December of 2015. In the first incident, multiple youth were involved in property destruction at the Magnolia dorm and then ran from officers as they were being transported/relocated to the Crisis Management Unit. The juveniles were contained within the perimeter fence at BRRC, but due to the cover of darkness present at the time of the incident, it was appropriate to locate the youth as quickly as possible and request the assistance and expertise of SLED, in particular their search helicopter with heat sensors. The situation was much the same in December (the second incident) when it was decided to enlist the assistance of SLED and their search helicopter to locate, as quickly as possible, several youth who were at-large on the campus of BRRC after dark. The use of SLED and local law enforcement is a last resort, and they are only called if DJJ cannot handle the incident. SLED was never called on the night of February 26, 2016. DJJ has now entered into a memorandum of understanding with SLED. This was added to DJJ's improvement plan the week of April 18, 2016.

17. What does the MOU with SLED consist of? Does the MOU speak to the type of incidents DJJ will call SLED to respond to?

The MOU between SCDJJ and SLED is being routed currently for approval and signatures. This MOU outlines the type of criminal investigations SLED will maintain primary investigative authority over and the criminal investigations over which SCDJJ will retain primary investigative authority. The MOU provides that SCDJJ will notify SLED immediately when an incident occurs on property controlled by SCDJJ that involves one of the crimes over which SLED maintains primary jurisdiction and also that SCDJJ will notify immediately the SLED Fusion Center of any case involving the escape of a juvenile from SCDJJ custody.

18. **Sen. Lourie:** Why would the incident on February 26, 2016 not qualify as one to call for back-up on? When would DJJ call in SLED?

The incident of February 26, 2016 would qualify as an incident in which SLED would be called for back-up in the future. As the incident was in progress and was in the process of being resolved a new incident would emerge that required immediate attention and direction on the night of February 26, 2016. Each new incident was swiftly handled and the juveniles quickly apprehended until all juveniles were back in secure custody. With each incident reaching resolution it seemed less necessary to seek additional outside assistance. Had SLED been called, the incident may or may not have resolved in a shorter period of time, however, our correctional officers and police officers are experts on the grounds and buildings of our large campus and immediately organized into teams to bring each juvenile back into secure custody.

19. **Sen. Young:** Why were correctional officers not provided with pepper spray prior to the February 26, 2016 incident?

The use of Oleoresin Capsicum (OC or "pepper spray") has been a source of study and contradiction in corrections and law enforcement. Studies show both evidence of a small percentage of potential harm to persons and juveniles who have a negative physical reaction to the spray and the need to balance this with the need for self-defense and the defense of others as the last graduated sanction available. In 2000 DJJ eliminated the use of OC spray by Juvenile Correctional Officers and limited its use to only trained and certified Class I law enforcement officers who are part of the DJJ police force. This was in conjunction with the Motion to Dismiss DJJ's Class Action Lawsuit in 2003. In May 2014 then Director Margaret Barber signed an amended policy regarding the Use of Physical Force in which it is stated in section A, 1., a ; that "Allowable non-lethal physical force does not include any type of spray or gas." This policy was in effect during the time of the February 26, 2016 incident.

20. **Sen. Young:** What are the nationwide best practices for juvenile detention, especially regarding weapons for officers, and what does DJJ need in order to come into compliance with these best practices?

Nationwide best practices provide clear direction that weapons; to include guns, Tasers, batons and the like have no place in a juvenile correctional setting and in fact tend to cause lasting harm or death to the juveniles that these weapons are used upon. The most effective approaches involve short-term physical restraint when necessary combined with verbal directives followed by therapeutic redress of the negative behaviors.

21. **Sen. Lourie:** What is DJJ's plan for filling vacancies? Please provide an update on filling these vacancies at the next meeting.

The Department has implemented a number of initiatives to recruit and fill vacancies. These include collaborating with military veterans' job placement organizations, the Department of Employment and Workforce (DEW), updating the job posting to attract applicants with a continuous vacancy announcement that allows applicants to apply one time and be considered for multiple vacancies, continuous interviewing, reduced administrative processing to hire these critical employees, and attending more job fairs.

22. **Sen. Young:** Please provide a report to the committee on the staffing study currently being conducted by DJJ.

DJJ is looking at how to meet both PREA standards and enhance safety levels for staff and juveniles in secure correctional settings. The study has determined that a 2:10 ratio of staff to juveniles is optimal and it would require DJJ to hire an additional 25 officers above those positions currently allocated to the agency.

23. **Sen. Lourie:** Regarding DJJ's March 31, 2015 Restructuring & Seven Year Plan, page 18 states: "Legislative action was a prerequisite to implementation." What legislative action was taken, and when?

This was an error of omission. The sentence should have read "Legislative action was *not* a prerequisite to implementation." This error has been brought to the attention of staff to the House Legislative Oversight Committee, and the committee has agreed to allow and update the report with this correction.