



## SUMMARY



# A Limited Review of the S.C. Department of Juvenile Justice and Follow Up to Our January 2017 Audit

## SAFETY AND SECURITY

### BACKGROUND

We conducted an audit of the S.C. Department of Juvenile Justice in January 2017 and started a follow-up review of that audit in 2019.

In September 2019, we received an audit request from the General Assembly asking us to review areas not originally covered in our 2017 audit and to give the status of all 74 recommendations made in that audit.

In March 2020, we surveyed all 1,206 DJJ employees to obtain their views on job satisfaction, security, education and medical services for juveniles, and other safety issues.

We had a 61% response rate. We included the results of this survey in Appendix A of the report and we also included various responses to our open-ended questions throughout the report.

APRIL 2021

### STAFFING AT SECURE FACILITIES

DJJ does not maintain sufficient security staff to ensure safety for staff and juveniles. DJJ's secure facilities failed to meet federal and internal standards for supervision of juveniles. Also, hours worked by security staff have decreased significantly from January 2017 through December 2019. In addition to lower staff levels, the percentage of front-line officers [juvenile correctional officers I and II (JCOs)] hired within the last 60 days increased from 4.8% to 12.1% when comparing October 2016 to September 2019, meaning that there were fewer security employees and more of them have little experience. As staffing levels decreased after September 2018, many facilities experienced an increase in the number of incidents and injuries, including serious injuries.

### INCIDENTS AND INVESTIGATIONS

Incidents at DJJ secure facilities have more than doubled since 2017, including a 42% increase in incidents involving juvenile-on-juvenile or juvenile-on-staff violence. This significant increase demonstrates DJJ's inability to manage the behavior of juveniles so that residential, educational, and other rehabilitative programming are safe and productive. Increases in incidents may also be driving the excessive use of isolation, as identified by the U.S. Department of Justice.

During our review, staff expressed concern during in-person interviews and in our staff survey that DJJ's procedures result in little accountability for juvenile behavior, but often result in consequences for staff if they violate policy when attempting to respond to incidents. We noted event reports that documented significant juvenile misbehavior, such as assaulting staff, that were designated for management follow up, but not for criminal investigation. Our survey noted that 69% of correctional officers responding said that they do not feel management listens and understands the responsibilities of their positions.

### VIOLATIONS OF SECURITY PROCEDURES

DJJ failed to correct deficiencies during its quality assurance review process. We found measures which were in limited compliance or failed compliance that were not corrected. We also reviewed incident reports from July 2016 to August 2018 and found 22 incidents of insufficient camera surveillance at secure facilities. In addition to having "blind spots," the video retention procedures do not allow sufficient time for them to be reviewed during investigations.

### RAISE THE AGE IMPLEMENTATION

Although the Raise the Age Act was signed into law in 2016 and implemented in July 2019, DJJ did not adequately prepare for the increase in juveniles. The agency made little effort to increase recruitment to fill vacant JCO positions and did not develop a formal, written implementation plan or a housing plan. Also, DJJ did not implement its Youth in Transition program to assist the older juveniles it would be serving until May 2020.

## EMPLOYEE COMPENSATION

DJJ has not appropriately paid essential security staff. We compared agencywide classification and compensation information from September 2020 with information from September 2019 and October 2016. We found that the largest job classes, which include JCOs, human services' specialists and coordinators in the community, and certified teachers, have smaller average increases than several management job classes with fewer employees. In fact, the additional funding spent on the ten job classes receiving the highest average salary increases was enough to give all 113 entry-level correctional officers a 14% raise as of September 2020.

## DJJ SUPERVISORS

We reviewed the qualifications and human resources' files of a sample of DJJ supervisors, including the director's executive management team, and found that supervisors are not receiving consistent annual evaluations, position descriptions are not regularly updated, and the position descriptions include inaccurate descriptions of job responsibilities. Also, evidence of educational qualifications is not consistently maintained. In addition, two members of the executive management team were hired from outside the agency into temporary positions and, months after, were moved into full-time positions; bypassing a formal interview and job posting process.

## PROGRESSIVE DISCIPLINE POLICY

DJJ's employee progressive discipline policy is not enforced by the agency and does not ensure timely and equitable treatment of employees' breaches of conduct. Our review of employee disciplinary actions found that DJJ is relying on officers with multiple disciplinary actions demonstrating a history of reckless or indifferent behavior towards juvenile safety. One employee in our sample had 10 disciplinary actions for failure to carry out job responsibilities, an offense which, under DJJ's discipline policy, should have resulted in termination after three disciplinary actions.

## RECRUITMENT, HIRING, AND RETENTION

DJJ's efforts to recruit and retain employees, specifically JCOs, could be improved by highlighting all benefits of the job, aligning recruitment goals to address retention, and by taking full advantage of the rapid hire event toolkit developed by the S.C. Department of Administration and the critical employee recruitment proviso.

When compared to neighboring states, we found that JCO salaries are comparable, but DJJ may benefit from better pre-employment testing used by other states to determine suitability of an applicant. Also, we found that DJJ's hiring process, particularly for JCOs, needs to be streamlined to eliminate duplicative and unnecessary actions. We found that the average time from interview to hire date was 55 days.

## RETIREMENT SYSTEM ELIGIBILITY

DJJ continues to interpret state law to mean that the majority of its personnel should be included in the Police Officers Retirement System whether or not the individuals work directly with juveniles. Other law enforcement entities do not have this option, resulting in preferential treatment for certain employees based on employer rather than actual job requirements.

# MEDICAL CARE AND EDUCATIONAL SERVICES FOR JUVENILES

## MEDICAL CARE FOR JUVENILES

DJJ is not providing timely, appropriate medical care for the juveniles in its custody. We found numerous incidences where juveniles were in need of medical care, but it was not provided due to lack of security staff or lack of transportation. In our sample of incidents in 2017, 2018, and 2019, we found that immediate needs, such as transportation to the emergency room, and ongoing needs, such as visits to doctors outside of the facilities, were significantly delayed.

A lack of security staff has affected medical care by not allowing for daily medications to be dispensed properly, preventing group psychological counseling, and transporting juveniles to appointments. DJJ has not incorporated sufficient mental health training for its staff to help them better deal with juveniles with these issues.

DJJ is not consistently documenting information about missing appointments or delays in treatment in its electronic records system, Mediat. This lack of information may make it difficult to determine what actually transpired and how long the juvenile waited for proper medical care.

## EDUCATIONAL SERVICES

DJJ has changed the process and standards to enroll students into the GED course of study, resulting in fewer students enrolled and GEDs earned, and more students in credit-bearing classes working towards a high school diploma. However, DJJ does not adequately review or track its final grade calculations or credit award decisions.

We found that DJJ is diligent in pursuing records from juveniles' school districts; however, the agency often does not receive these records in a timely manner.

## STAFF TRAINING

### SECURITY STAFF

Of officers who graduated from the Criminal Justice Academy (CJA), approximately 63% did not complete this training within one year of their hire dates, as required by state law to work as a detention officer. Of officers who graduated, only 43% met DJJ's annual recertification requirements. CJA resumed reserving two seats per training session for DJJ in November 2020, however, these seats have not always been filled. In our 2017 audit, we found that only 28% of detention center security staff were certified. One officer identified in our 2017 audit who had not completed CJA training had still not completed CJA training as of the date of our review. This is an ongoing problem.

DJJ has not ensured that security staff assigned to the secure facilities (other than the detention center) are receiving adequate training to maintain a safe environment for juveniles and staff. DJJ has failed to ensure that all officers are meeting training requirements and standards. The majority of JCOs in our sample at some facilities had not been recertified, as required.

Handle with Care is the behavioral management training program used by DJJ. It includes some defensive countermeasures, but no pressure point controls or spontaneous knife defense, which may improve officers' ability to contain a violent incident. Respondents to the LAC employee survey stated that Handle with Care is not sufficient and many employees reported not feeling safe at work.

### NON-SECURITY STAFF

DJJ's non-security employees have not consistently completed training required by federal law or agency policy. Staff is required to complete at least 15 hours of annual training; however, we found 36% of staff in our sample failed to meet that minimum and 13% of employees had not completed the federally-mandated Prison Rape Elimination Act training.

DJJ's training plan requires all employees to complete an ethics/code of conduct course annually. We found that approximately 70% of employees have completed this course as required.

## FINANCIAL ISSUES

### LATE VENDOR PAYMENTS

We reviewed DJJ vendor payments from FY 16-17 through May 18, 2020 and found that 26% of over 55,000 payments were paid more than 30 days past the invoice date.

In our discussions with DJJ personnel, we found that several vendors, including those providing medical supplies, bedding supplies, and information technology services, have refused to provide services to DJJ until payments are received.

Vendors stated that DJJ needs to improve communication and responsiveness to inquiries, designate a single point of contact for inquiries, and provide resources in a more timely and responsive manner.

### INTERNAL AUDIT FUNCTION

DJJ does not have an independent internal audit function. Currently, there is no director of internal audits, as outlined in the DJJ internal audit policy, and it's unclear whether the agency intends to follow the Institute of Internal Auditors standards moving forward.

### TITLE I FUNDS

We reviewed a judgmental sample of expenditures for Title I funds to determine if funds were used appropriately. We did not identify unallowable, direct expenditures in our sample; however, we did identify reclassification journal entries that double charged the general fund for salary expenditures and reclassified costs between fiscal years.

### OTHER EDUCATIONAL GRANTS

We also reviewed a judgmental sample of costs and reimbursements for non-Title I educational grants for FY 18-19 and found that DJJ inappropriately used grant funds for costs that were outside of the periods of performance for the CATE and IDEA grants and/or were unallowable.

FOR MORE  
INFORMATION

Our full report, including comments from relevant agencies, is published on our website. Copies can also be obtained by contacting our office.

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### PERSONAL PROPERTY DAMAGE CAUSED BY JUVENILES

DJJ employees received at least \$6,222 in total reimbursements for personal property damage by juveniles for incidents in FY 17-18, FY 18-19, and FY 19-20. We found that negligently-supervised juveniles damaging employees' vehicles is a persistent problem.

### LACK OF SEGREGATION OF DUTIES

DJJ needs to take steps towards ensuring there are proper segregation of duties in its fiscal affairs division. SCEIS guidelines state that each agency should create and maintain written, internal procedures governing the periodic review of role assignments, but the agency does not have these procedures.

### CARRY FORWARD FUNDS

DJJ's general and special carry forward balances continue to increase. In FY 19-20, the agency had an increase of almost \$5 million over the prior year for a total of approximately \$11.4 million, of which nearly \$8.8 million was unspent general fund appropriations. While it is difficult to determine whether services are being withheld to increase carry forward funds, it appears that DJJ's annual state appropriated general funds could be better used to carry out the agency's mission, such as upgrading the camera surveillance system to improve security.

## FOLLOW UP TO 2017 AUDIT RECOMMENDATIONS

In 2018, DJJ reported to members of the General Assembly that it had implemented 97% of our 74 recommendations. However, we followed up on all recommendations and found that only 50% have actually been fully implemented.

STATUS OF RECOMMENDATIONS	NUMBER
Implemented	37 (50%)
Partially Implemented	17 (23%)
Not Implemented	18 * (24%)
Not Applicable	2 (3%)
<b>TOTAL</b>	<b>74</b>

\* Three of these recommendations were made to the General Assembly, not to DJJ.