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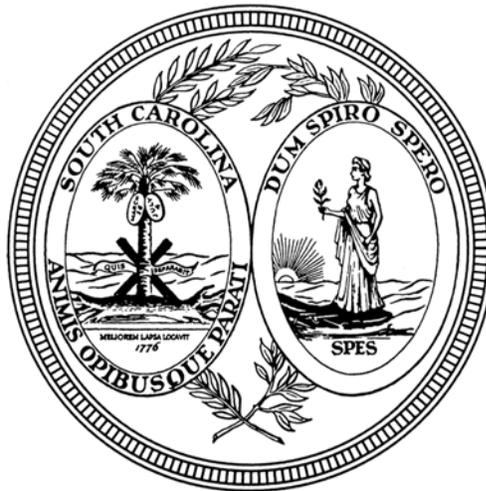
# Legislative Audit Council

# LAC

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April 2021

## A LIMITED REVIEW OF THE S.C. DEPARTMENT OF JUVENILE JUSTICE AND FOLLOW UP TO OUR JANUARY 2017 AUDIT



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# Legislative Audit Council

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# Introduction and Background

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## Audit Objectives

Members of the General Assembly asked the Legislative Audit Council (LAC) to conduct an audit of the S.C. Department of Juvenile Justice (DJJ). The requestors asked us to conduct an audit of the agency as we were following up on our January 2017 audit of the agency. The current requestors were concerned with safety and financial issues and also wanted us to follow up on all 74 recommendations made in the previous audit. Our audit objectives for this audit were:

- Review DJJ's security officer staffing and training and the agency's security policies and internal controls to determine if they are adequate to protect staff and juveniles.
- Identify human resources' issues, including hiring, training, staffing levels, retention, promotions, salaries, and disciplinary actions.
- Determine if juveniles in secure facilities are receiving appropriate and timely medical care.
- Determine if juveniles in secure facilities are receiving the educational and/or instructional opportunities required by state law.
- Identify financial issues, including a review of the use of Title I funds, educational grant funding, and vendor/contractor payments.
- Determine the implementation status of the recommendations made by the LAC in its January 2017 audit report.

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## Scope and Methodology

The period of our review was generally calendar years 2017 through 2019, with consideration of earlier and later periods, when relevant. To conduct this audit, we used a variety of sources of evidence, including the following:

- LAC survey of all DJJ employees.
- DJJ policies, procedures, and directives.
- Interviews with DJJ employees, employees of other state agencies, and officials from other states.
- Federal and state laws and regulations.
- Juvenile case files, medical files, and educational files.
- South Carolina Enterprise Information System (SCEIS)/Statewide Accounting System (SAP®).
- Training documentation from the S.C. Criminal Justice Academy.
- DJJ contracts, financial records, grants' records, human resources' records, training records, and agency reports.
- Audits, reports, and studies conducted by external entities regarding DJJ's operations.
- DJJ's budget requests.
- LAC survey of vendors conducting business with DJJ.

We had started a follow-up review of our January 2017 audit *A Limited Review of the S.C. Department of Juvenile Justice* when the audit request for this audit was received. The requestors asked that we include a follow-up review of the 74 recommendations made in the previous audit as part of this audit.

Criteria used to measure performance included primarily state and federal laws, agency policies, the practices of other states, and principles of good business practices and financial management. We used several statistical samples of human resources' files and agency expenditures. Also, we reviewed several non-statistical samples of juvenile records, event reports, and human resources' files. We reviewed internal controls in several areas, including DJJ's control of security at its facilities, handling of state funds, administration of educational services, and the availability and timeliness of medical care for juveniles. For most samples, we focused on timeframes before the pandemic in March 2020 so we could present an accurate picture of how the agency has functioned under "normal" circumstances since our January 2017 audit. Our findings are detailed in the report.

We also interviewed staff regarding the various information systems used by DJJ to determine how the data was maintained and what levels of control were in place. We reviewed internal controls of the systems of several areas and identified areas of weakness, which are described in the report. We also identified ongoing legal proceedings and considered those in relation to our audit objectives.

We conducted this performance audit in accordance with generally accepted government auditing standards, with one exception (see *Scope Impairment*). Those generally accepted government auditing standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

S.C. Code §2-15-50(b)(2) requires us to review the effectiveness of an agency to determine if it should be continued, revised, or eliminated. We did not conclude from this review that the S.C. Department of Juvenile Justice should be eliminated; however, our audit includes recommendations for improvement in several areas.

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## Scope Impairment

Generally accepted auditing standards require us to report significant constraints imposed upon the audit approach that limit our ability to address audit objectives. Our primary audit objectives involved security, safety of staff and juveniles, management of educational funds, and educational and medical services for the juveniles. When DJJ was made aware that we would be conducting another audit, senior management emailed all agency staff an “LAC protocol” which included the following instructions:

- Notify (a particular staff person) if you are contacted by the LAC within one hour of being contacted.
- Contact (a particular staff person) prior to releasing any requested information.
- Notify (a particular staff person) of all site visits and provide a written summary of the visit within 24 hours.
- Notify (a particular staff person) of all interviews and provide a written summary of the interview within 24 hours.

Our team addressed this email with agency management during the entry conference and asked that the requirements be retracted or explained since staff had already reached out to the LAC saying they had information they wished to share with the auditors, but because of this email, they were concerned about retribution by the agency.

We asked DJJ to send another email to all employees who received the first one notifying staff that we were conducting the audit, that all employees may speak freely to us without having to report what was discussed to management, that we will be contacting employees directly for interviews, and we will be sending a survey through SurveyMonkey® in which their responses will be anonymous. We also suggested that the LAC telephone number be included in the email and asked to be sent a copy of that email when it was sent to staff. DJJ distributed a second email stating staff should “speak truthfully and openly with the LAC auditors,” but the reporting requirements were not removed, employees were not notified that we would be contacting them directly nor that we would be sending them a survey via SurveyMonkey®. Lastly, our telephone number was not included in the email.

After the entry conference and DJJ’s second email, we started conducting unannounced site visits and handing out “DJJ Audit Team” business cards to all we came in contact with to encourage them to talk with us. Several employees at various facilities reiterated that they were scared to talk with us because of possible retaliation by agency management. DJJ’s initial email set the tone and established how DJJ management attempted to “manage” the audit and what information would be shared.

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## Impact of COVID-19 Pandemic

This audit was started prior to the impact of the pandemic in late March 2020. Prior to that date, we conducted a number of unannounced site visits to various facilities to tour, talk to staff, and gain an understanding of how facilities were structured. We were also able to meet face-to-face for interviews and go onsite to review documentation which was not available electronically. When the Governor declared a state of emergency, state agencies were essentially “closed,” staff began telecommuting, and our onsite visits ceased.

Other visits were planned so we could be in contact with staff to explain to them what we were doing and encourage them to talk with us, but this did not happen. When restrictions were somewhat relaxed, we were still stymied by staff on several occasions claiming that staff or juveniles had been diagnosed with the virus. For example, as recent as early November 2020, we had scheduled a visit to one of the evaluation centers. The day before our visit, we were informed that the facility was on “lockdown” due to the virus and we would not be allowed into the facility.

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## LAC Survey of DJJ Employees

We surveyed all DJJ staff in March 2020 using SurveyMonkey®. We emailed a link to the survey to employees at the Broad River Road Complex, the detention center, the evaluation centers, and employees working in the community. Questions were designed to obtain anonymous feedback on issues including safety, security, educational and medical services for juveniles, and job satisfaction. We had a 61% response rate (736 of 1,206). The results of the survey are in *Appendix A*. Also, open-ended responses were summarized and referenced throughout the report.

We conducted a similar survey of all DJJ employees for our 2017 audit and compared those results to the current survey and found:

- The percentage of employees that feel safe at work decreased from 75% to 70%.
- When asked if adding additional correctional officers would make them feel safer, 75% of the current survey respondents answered in the affirmative, as compared to 40% in 2017.
- Both surveys identified the top three reasons for turnover to be: (1) dissatisfaction with pay and benefits, (2) poor management, and (3) safety.

In the current survey, employees responded as follows:

- When asked if Handle with Care (training for de-escalating incidents) was adequate, 74% of responding correctional officers said no.
- In 2017, we recommended adding pressure point control techniques and defensive countermeasures to the Handle with Care program. In this survey, 79% of responding correctional officers indicated that pressure point control techniques could be added and 76% of respondents stated that defensive countermeasures could be added to ensure that juveniles and staff are adequately protected.
- When asked if management listens and understands the work responsibilities of their respective positions, 52% of staff indicated that they do not feel this is true.

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## Issue for Further Review

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Both the 2017 and current audit of DJJ have primarily focused on the secure facilities, as these were our requestors' main concern. As of December 2020, however, only approximately 11% of juveniles served by DJJ were in secure facilities. The overwhelming majority of juveniles are supervised in the community. To capture the full picture of how juveniles under DJJ care are monitored and guided, a performance audit of that part of DJJ may be warranted.

# Safety and Security

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## Staffing at Secure Facilities

The S.C. Department of Juvenile Justice (DJJ) does not maintain sufficient security to ensure safety for staff and juveniles, presenting substantial long-term and short-term hurdles to its ability to effectively provide rehabilitation and other services within secure facilities. We found that:

- DJJ’s secure facilities failed to meet federal and internal standards for supervision of juveniles.
- Hours worked by security staff assigned to DJJ’s secure facilities decreased significantly from January 2017 through December 2019.
- Changes to DJJ’s overtime policy caused dissatisfaction and turnover among security staff.
- DJJ has been forced to temporarily close secure facilities and living units due to lack of staff.
- The use of workers’ compensation among security staff has remained steady despite fewer staff work hours and is prone to spikes.
- Shift reports for security staff are missing and inconsistent, and essential information is not regularly reported to agency management.

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## Failure to Meet National Standards for Staffing Levels

The U.S. Department of Justice (DOJ) has established national standards for juvenile correctional facilities under the Prison Rape Elimination Act (PREA). These standards include minimum juvenile-to-security staff ratios of 8:1 during resident waking hours and 16:1 during resident sleeping hours to protect residents from sexual abuse. Statistical studies conducted by DOJ show that juveniles in custody report far higher rates of sexual victimization than incarcerated adults. Other governmental and private organizations, including the National Institute of Corrections and Juvenile Detention Alternatives Initiative, also adopt similar staff-to-resident ratio standards and recommendations. The National Institute of Corrections emphasizes the staffing ratio’s importance to maintaining safety and necessary rehabilitative programming for juveniles.

PREA audit reports conducted by a certified auditor with experience within the Georgia Department of Juvenile Justice corroborated the insufficient staffing levels at DJJ. Audit reports published in 2019 for Juvenile Detention Center (JDC) and Upstate Evaluation Center (UEC) found that the facilities failed to meet the minimum standards for security staff ratios, and that Coastal Evaluation Center (CEC) improperly included certain staff as part of the staffing ratio. The audit report for UEC noted not only that the facility's security staff ratio regularly failed to meet the standard, but that DJJ did not believe that it could implement corrective action to comply with the standard.

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### Failure to Meet Internal Guidelines for Staffing Levels

DJJ maintains staffing plans for each secure facility pursuant to PREA regulation. The staffing plans set forth both ideal and minimal security staffing patterns according to each facility's population and layout.

Current staffing does not meet even the minimal staffing patterns set forth in the staffing plans. For example, the staffing plan for Broad River Road Complex (BRRC) states that each 12-hour shift requires a minimum of 49 officers; in an average 30-day month, officers should log a minimum of 35,280 hours. However, officers assigned to BRRC did not meet the minimal number of hours from December 2018 through December 2019, averaging only about 26,600 hours per month during this time period. Shift reports at secure facilities in September 2019 showed that the line item "Mandatory Post Coverage Met" was either marked "No" or left blank for each shift at UEC, indicating that DJJ failed to meet minimal staffing requirements.

Our observations during facility tours in November and December 2019 corroborated the lack of staffing levels and its impact on facility security. During our visits to UEC and CEC, we observed that the gatehouses to the facilities were not staffed during daylight hours and displayed signs indicating that trained staff were not regularly present. We also observed that facility management and other non-security staff were regularly required to perform security functions, such as moving youth through the facility. During one visit, facility management was unable to leave the facility's control room, which is typically staffed by a security officer, due to lack of security staff at the facility.

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## Security Officer Staffing Level Decreases, 2017–2019

Hours worked by DJJ’s security staff (Juvenile Corrections Officers (JCOs) and supervising officers) at DJJ’s secure facilities have decreased from 2017 through 2019. Low security staffing levels negatively affect the agency’s ability to maintain safety for staff and juveniles and to implement effective educational and rehabilitative programming.

Table 2.1 illustrates the average daily juvenile population and security staff work hours for each secure facility. At all secure facilities, the average daily juvenile population decreased from 2017 to 2018 by 3.4%. However, throughout 2019, the average daily juvenile population then increased by 1.6% overall, and 10.2% at all secure facilities except for CEC, significantly increasing the need for officers at most facilities.

While the juvenile population at most secure facilities generally increased during that period, the number of work hours logged by security staff assigned to the secure facilities decreased. At BRRC, which accounts for more work hours logged by DJJ security staff than any other secure facility, hours increased from 2017 to 2018 by nearly 12%, then fell dramatically by 38% from 2018 to 2019. At JDC and the evaluation centers, work hours logged by security staff assigned to those facilities decreased each year. DJJ explained that this decrease is likely due to DJJ’s decision to suspend monetary compensation for overtime in September 2018.

An additional concern is that work hours logged by security staff at the secure facilities also include “shadowing” hours by untrained and inexperienced new hires. We found that the number of training hours logged by security staff at the evaluation centers increased each year from 2017 through 2019, likely signaling a similar increase in work hours logged by these untrained and inexperienced staff.

**Table 2.1: Average Daily Juvenile Population and Security Staff Work Hours by Facility, 2017–2019**

		JUVENILE AVERAGE DAILY POPULATION	SECURITY STAFF WORK HOURS
Broad River Road Complex	2017	135	450,912
	2018	134	504,575
	2019	151	312,920
Juvenile Detention Center	2017	168	167,490
	2018	167	136,052
	2019	177	107,600
Midlands Evaluation Center	2017	108	116,593
	2018	103	98,914
	2019	133	100,604
Upstate Evaluation Center	2017	100	102,346
	2018	98	98,760
	2019	91	71,675
Coastal Evaluation Center	2017	114	90,595
	2018	103	82,403
	2019	61	62,811

Sources: DJJ Monthly Reports to the House Legislative Oversight Committee and SCEIS

## Revocation of Overtime Policy

DJJ eliminated paid overtime in September 2018 after identifying potential overuse of overtime during the first two months of FY 18-19. Agency management directed that officers would not receive paid overtime, but instead be awarded only compensatory leave. In interviews, multiple agency officials stated this policy change was the reason for the reduction in security staffing levels as officers separated from the agency in response.

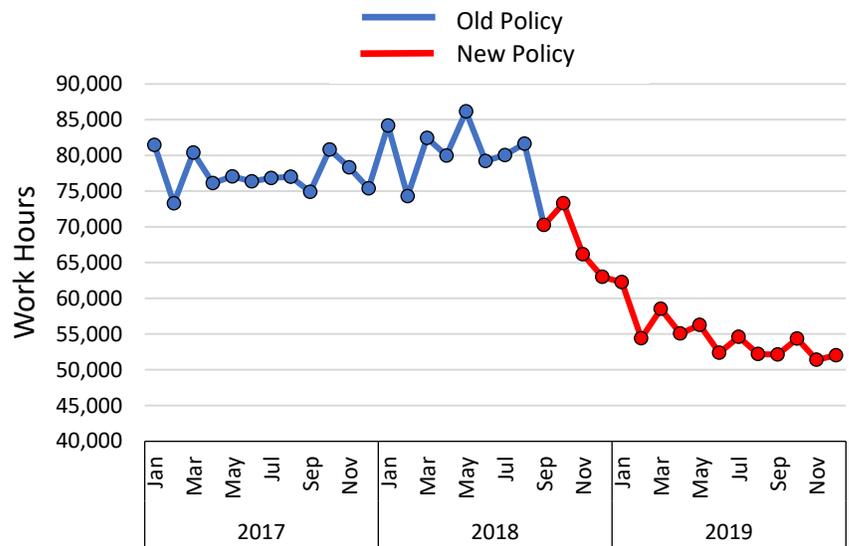
Our analysis of employee roster data also shows that the percentage of front-line officers (JCO I and IIs) hired within the last 60 days increased from 4.8% to 12.1% when comparing October 2016 to September 2019. Chart 2.2 demonstrates the actual decrease of security staff work hours beginning about September 2018, when the new policy was implemented. Agency management reinstated paid overtime on a limited basis in April 2019, acknowledging “the value placed on receiving monetary compensation for the hours worked.”

For each month from October 2018 through August 2019, the remaining security staff used more annual and compensatory leave than the pre-October 2018 average, deepening the deficit of security staff hours worked at facilities. Remaining security staff also experienced increased fatigue and lower morale as they were asked to cover additional shifts.

In our survey of DJJ employees, 71% of respondents who identified themselves as correctional officers indicated that they would leave DJJ if another job offered the same pay and benefits. At the same time, 40% of those respondents indicated that they stay at DJJ, in part, because they find their jobs interesting or have other positive associations with the agency’s mission, indicating that even those who enjoy their work are at risk of leaving the agency due to compensation reasons.

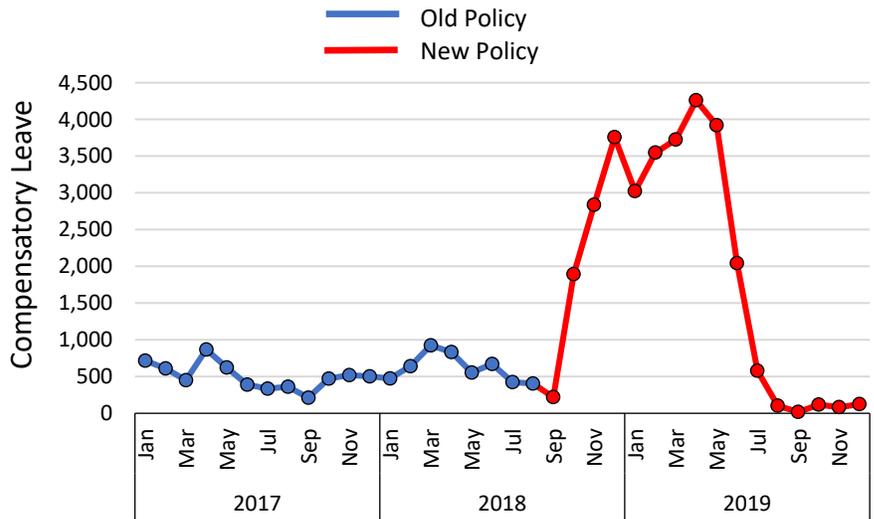
Charts 2.2, 2.3, and 2.4 reflect the change in security staff work hours and use of annual and compensatory leave from 2017 through 2019.

**Chart 2.2: Work Hours by Security Staff, 2017–2019**



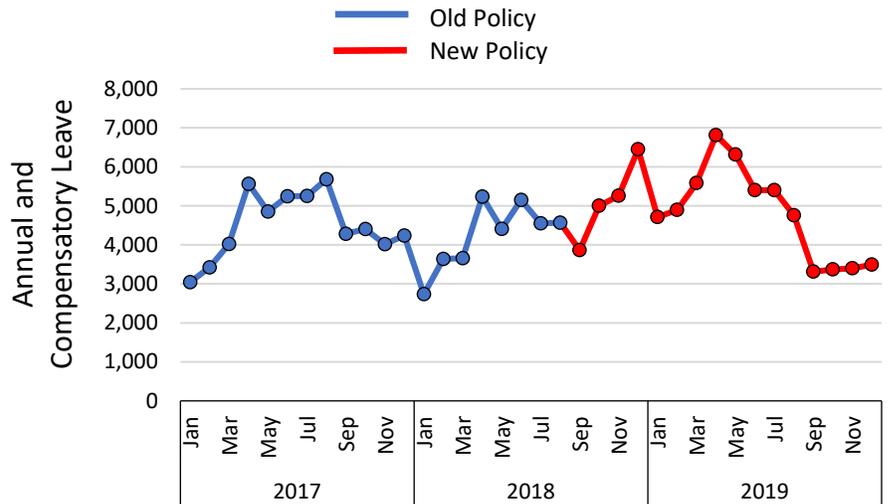
Source: LAC Analysis of SCEIS Data

**Chart 2.3: Compensatory Leave Hours by Security Staff, 2017–2019**



Source: LAC Analysis of SCEIS Data

**Chart 2.4: Annual and Compensatory Leave Hours by Security Staff, 2017–2019**



Source: LAC Analysis of SCEIS Data

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## Temporary Closure of Coastal Evaluation Center and Other Living Units

DJJ has temporarily closed multiple living units at its secure facilities over the past three years, including the entirety of CEC, because of low staffing levels. CEC closed due to lack of security staff from April to June 2019. During that time period, residents at CEC were moved to DJJ facilities in Columbia, and security staff assigned to CEC were required to report to Columbia. A PREA audit for CEC, dated September 23, 2019, stated that agency management told the auditor that CEC reopened in June 2019 with a cap of 30 male and no female residents.

On a tour of CEC in November 2019, we observed that CEC still did not house any female residents and could not accept more than 40 male residents due to a continued lack of staff. We also observed closed living units at UEC due to lack of staff during a tour in November 2019. These closures show that the agency may not be able to provide even minimum essential services on a regular basis due to failure to resolve chronically-low staffing, especially in facilities not located in Columbia. The potential negative consequences of these risks may increase as the agency continues with its regionalization initiative. (Regionalization is DJJ's plan to allow committed youth to be housed in smaller facilities closer to their home communities instead of residing in a centralized state facility. As of the publication of this report, some actions had been taken towards this effort, but it had not been fully implemented.)

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## Workers' Compensation Usage Among Security Staff

The time DJJ security staff was out on workers' compensation has, overall, remained steady despite fewer working hours; however, such leave is prone to spikes that may worsen critical conditions at DJJ secure facilities. The results of our DJJ employee survey also shows that correctional officers continue to report a high likelihood of being injured by a juvenile when compared to responses from our 2017 audit, and that 73% of those reporting injuries in our most recent survey filed for workers' compensation as a result. As incidents, including violent altercations, within DJJ's secure facilities increase, security staff are at higher risk for being injured and missing work, threatening to worsen already critical staffing issues.

For example, of 138 security staff assigned to BRRC in December 2019, 15 were listed by DJJ as out of work on workers' compensation, and 6 were listed as limited to "light duty" only. At MEC, six officers who had been injured from April 2019 through October 2019 were listed as still being out of work on workers' compensation when we requested information in May 2020.

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## Insufficient Staffing Plans and Shift Reports

Our review showed that DJJ's staffing plans are out-of-date and inconsistent. Multiple staffing plans had dates that indicated they had not been fully reviewed within a year, referred to 8-hour shifts for JCOs instead of the 12-hour shifts that DJJ adopted in 2018, and set forth conflicting and unclear numbers of security staff needed for both minimal and full operations. To ensure PREA compliance, juvenile safety, and the usefulness of staffing plans in regular facility operations, the plans should be updated and reflect consistent, clear goals.

We found shift reports were missing and did not contain consistent information. DJJ also uses shift reports to document relevant information, including: the number of juveniles present, post assignments for security staff, and incidents and negative behavior by juveniles for each shift at its secure facilities. Our review of shift reports received from DJJ for each secure facility for a sample of two months, October 2018 and September 2019, revealed a significant number of shift reports were missing. Shift reports did not contain the same information across facilities. We found that DJJ identified false information included in shift reports during an administrative investigation into a serious incident, including alleged sexual assaults, at MEC in December 2019. DJJ has begun to store shift reports electronically within a new Centralized Institutional Operations Center (CIO) as of 2019, but essential information contained in the shift reports, such as the number of staff assigned to duty posts, is not regularly reported to top-level management. DJJ should continue its efforts to standardize the contents of shift reports and make agency management aware of essential operations information.

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## Impacts on Safety and Other Programming

Low staffing levels lead to multiple negative outcomes that prevent the agency from meeting its goals. Agency officials have recognized that officers assigned to supervise a higher number of juveniles experience difficulty in preventing and addressing juvenile behavior constructively and that increased staffing levels assists in reducing incidents. As staffing levels decreased after September 2018, many facilities experienced an increase in the number of incidents and injuries, including serious incidents. For example, an internal administrative investigation into the December 2019 alleged sexual assault incident at MEC found that it was caused, in part, because supervisory security staff were assisting with juvenile transport, had not completed supervisory duties, and were, therefore, unaware of the current locations of other juveniles in the facility. It also found that the presence of additional security staff could have improved the temperament of juveniles before the incident occurred.

We also found that routine security measures, such as keeping doors to secure areas closed, were often not followed in the interest of expediency and convenience. Also, agency reports for UEC in November 2018 and January 2019 noted that volunteer programming in the facility was cancelled throughout those months due to lack of security staff. There are also effects on education due to failure to create a safe environment, transportation, and medical treatment.

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## Recommendations

1. The S.C. Department of Juvenile Justice should ensure that Prison Rape Elimination Act and internal staffing standards are regularly met.
2. The S.C. Department of Juvenile Justice should ensure that security staff remain eligible to earn paid overtime when covering essential shifts at secure facilities.
3. The S.C. Department of Juvenile Justice should standardize facility staffing plans and re-evaluate these plans on an annual basis.
4. The S.C. Department of Juvenile Justice should standardize the contents of shift reports, including the number of juveniles and staff present throughout the shift.
5. The S.C. Department of Juvenile Justice should ensure that these shift reports are disseminated to all levels of management, including the director, on a daily basis.

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## Incidents and Investigations

The average number of recorded incidents per month at secure facilities operated by the S.C. Department of Juvenile Justice (DJJ) has more than doubled since 2017, demonstrating DJJ's inability to manage the behavior of juveniles placed in its facilities so that residential, educational, and other rehabilitative programming are safe and productive for both juveniles and staff. We also found that the agency has failed to record and investigate incidents properly, transparently, and timely. During our review, we found:

- Recorded 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.
- Of staff who work with youth on a daily basis at one of DJJ's secure facilities, 57% do not feel safe at work, an increase from 40% in 2017.
- DJJ's process for categorizing event reports is insufficient and fails to appropriately address incidents.
- Staff feel that management does not understand their responsibilities and overlooks their concerns.
- Standards for assignment of incidents to investigators or other DJJ staff are unclear and inconsistent.
- Administrative investigations can be untimely and not transparent.
- Standards for recommendation of criminal cases to local solicitors are unclear.
- Evidence relevant to incident identification and review is not equally available to all relevant staff within the agency.
- DJJ does not have a comprehensive gang intervention program.

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## Increase in Recorded Incidents at Secure Facilities

The monthly average of recorded incidents at DJJ's secure facilities has more than doubled in recent years. We reviewed DJJ's data maintained according to Performance-based Standards (PbS), a data-based initiative to capture and improve conditions of confinement at secure juvenile facilities, from May 2017 through February 2020.

We analyzed this data and found that the average number of incidents recorded per month increased 124% when comparing 2020 to 2017 data. Recorded incidents more than quadrupled at UEC, and more than doubled at BRRC and CEC over that time period, with the largest annual increases occurring from 2018–2019 and 2019–2020. Incidents categorized as assault on a peer and fights between youth also increased 31% over this time period, with significant increases at MEC, UEC, and BRRC. Chart 2.5 and Chart 2.6 show the changes in average monthly recorded incidents.

The significant increase in the number of recorded incidents demonstrates DJJ's inability to manage the behavior of juveniles placed in its facilities so that residential, educational, and other rehabilitative programming are safe and productive for both juveniles and staff. Our DJJ employee survey data shows that a majority—57%—of staff who identified themselves as working with youth on a daily basis and working at one of DJJ's secure facilities responded that they do not feel safe when at work, compared to 40% in 2017.

In our review of open-ended responses to the question “What obstacles have you observed that would cause youth to not receive appropriate educational services in a secure facility?” included in our survey issued to agency staff, we found 99 different responses that identified juvenile behavior, consequences for misbehavior, or other safety and control issues.

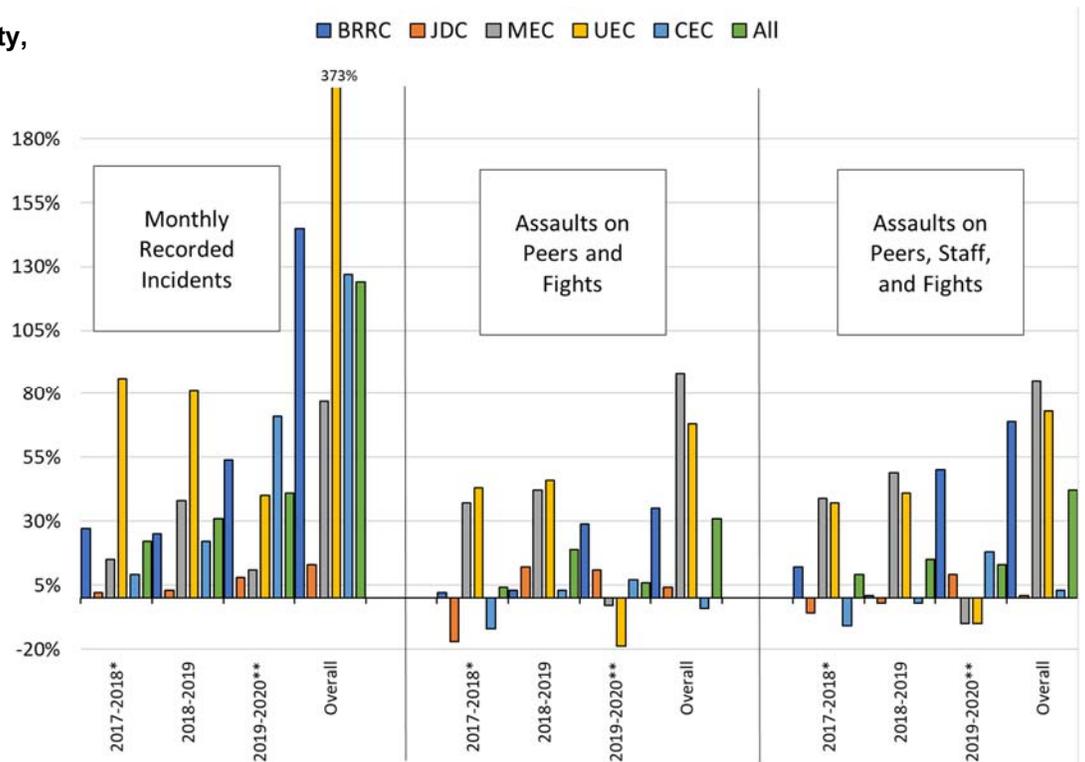
Agency officials have recognized that officers assigned to supervise a greater number of juveniles experience difficulty in preventing and addressing juvenile behavior constructively, and that increased staffing levels assists in reducing incidents. During our review, we became aware of allegations of a serious incident occurring at MEC, including multiple allegations of sexual assault. DJJ's internal investigation into this incident found that it was caused, in part, because supervisory security staff were assisting with regular juvenile transport, and were therefore unaware of the current locations of other juveniles in the facility. At least two lawsuits arising from this incident specifically allege that DJJ was negligent, in part, due to the lack of staff assigned to monitor juveniles.

Our review of event reports regarding a 2019 incident at BRRC showed similar patterns, as misbehavior at a volunteer-run Thanksgiving event escalated to a large, out-of-control brawl that lasted over an hour and resulted in multiple injuries and hospitalizations. The agency placed over a dozen juveniles in isolation because of this incident and a related incident in a residential unit that same evening. Increases in incidents may be driving the excessive and unconstitutional use of isolation in DJJ facilities during this time period, as identified by the U.S. Department of Justice (DOJ).

## Effects on Security Staff

The monthly average of recorded incidents that especially increase the risk of staff injury, either by accident when intervening or by direct assault, has also increased by 42% from 2017 to 2020. Our analysis of DJJ employee survey data also shows that of 68 employees who identified themselves as a correctional officer, 79% said that they also do not feel safe when at work, compared to 54% in 2017. Also, 82% responded that one of the top two reasons for turnover among staff was “[s]afety issues/staff do not feel safe,” a slight increase from 74% in 2017. The agency’s inability to retain and hire security staff has created a “snowball” effect that not only creates conditions that are hazardous to youth and staff at its secure facilities, but limits the agency’s ability to correct those conditions.

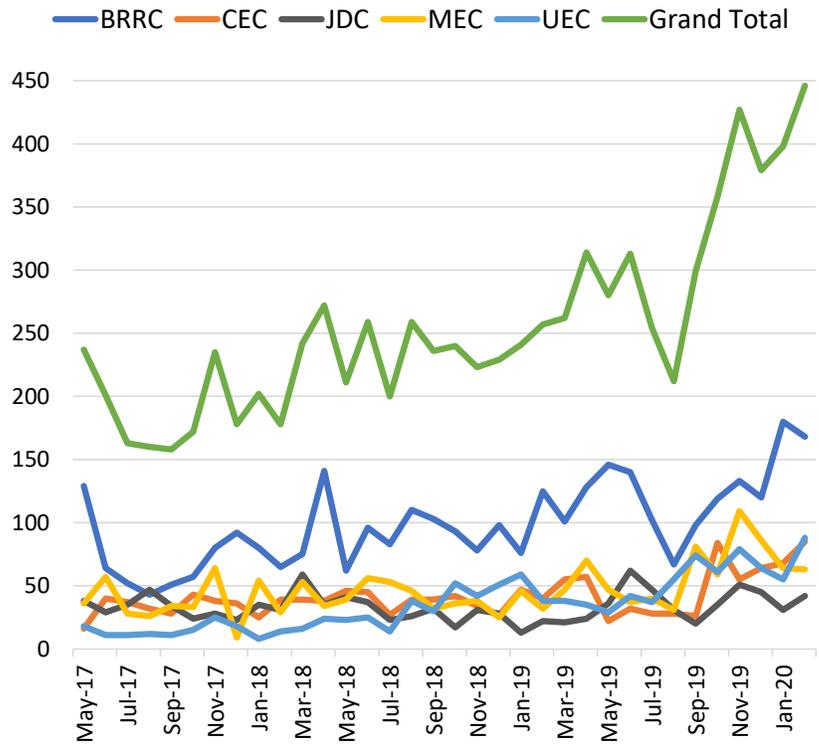
**Chart 2.5: Percentage Change in Average Monthly Recorded Incidents, by Year and Facility, 2017–2020**



\* Data for May through December 2017  
\*\* Data for January through February 2020

Source: LAC analysis of DJJ data

**Chart 2.6: Total Recorded Incidents, by Month and Facility, May 2017–February 2020**



Source: LAC analysis of DJJ data

## Categorization of Event Reports

All event reports regarding incidents at DJJ facilities and other issues related to DJJ operations are entered into DJJ’s Event Reporting System (ERS). DJJ’s Division of Investigative Services categorizes the incident, based on the contents of the report, and assigns it to relevant staff for investigation or handling. Permission to categorize event reports within ERS and assign cases to investigate or otherwise address is limited to only one employee, resulting in backlogs.

We reviewed a sample of event reports from ERS, and found that in numerous instances, reports containing information about incidents including fights and potential gang activity within a facility were categorized as “information only” rather than assigned for investigation or forwarded to responsible management. Our analysis of DJJ survey data shows that, of 221 respondents who worked with DJJ youth on a daily basis at one of DJJ’s secure facilities and submit event reports at least monthly, over one-third (34%) believed that they had reported an incident within the last three months that was not adequately investigated or followed up.

We also reviewed DJJ's log of closed cases that were assigned for criminal investigation, from January 2017 through February 2020. Our analysis of these cases showed that, while the timeliness of both assigning cases for criminal investigation and closing cases increased substantially from 2017 through the beginning of 2019, the timeliness of assigning a case to a criminal investigator after an event occurred reached low points by the last quarter of 2019 and beginning of 2020. Granting only one employee permission to categorize all event reports generated in the course of all agency business creates the potential for backlogs, incomplete reviews, and missed issues, especially as the number of incidents recorded at DJJ secure facilities has increased.

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## Investigation Assignments and Lack of Accountability for Juvenile Behavior

DJJ's procedure for assigning reports for investigation and follow up is unclear, resulting in lack of consistency and accountability. According to DJJ policy, only "allegations serious in nature" are assigned for criminal investigation, whereas any incident with a potential policy violation is assigned for administrative inquiry. Other information relevant to safety can be forwarded to responsible management, such as deputy directors or facility administrators, to take appropriate action.

During our review, numerous 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. In our review of ERS, 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 in ERS.

DJJ also does not have a policy to review the outcomes of reported incidents that are forwarded to management instead of being investigated. Fifteen percent of the open-ended comments written by respondents to our survey stated that staff were overlooked or not listened to by management. Seventy-one percent of correctional officers responding to our survey indicated that "poor management" was one of the top two reasons for staff turnover, up from 59% in 2017. We also directly observed that facility management is required to fill in regular staff roles for extended periods of time at certain understaffed facilities, limiting the amount of time that management should dedicate to other responsibilities. This creates concern that the current system of management follow up does not appropriately address juvenile behavior that is not criminally investigated.

Furthermore, 60% of survey respondents who identified themselves as working with youth on a daily basis at a secure facility believe that the agency lacks “appropriate options to discipline or place youth...after an incident.” The findings in the DOJ’s February 5, 2020 report also suggest that the agency relies excessively on isolation as a consequence for misbehavior, which may increase subsequent incidents as juveniles fail to receive rehabilitative and other essential support while in isolation.

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## Timeliness of Investigations and Discipline

Administrative investigations can be untimely and are not transparent. DJJ’s investigations’ policy also requires that administrative investigations not proceed until any pending criminal investigation is completed. Although intended to prevent any interference with a criminal investigation, the restriction can make both the administrative investigation and the disciplinary outcome untimely, contributing to low morale among staff.

In our review of a sample of human resources’ records for security officers, we found:

- There were 44 cases for which the average time for DJJ to first take disciplinary action other than oral counseling or reprimand after an incident was 40 days.
- There were 8 cases where the first disciplinary action did not occur until over 100 days after the incident.
- One case was pending for 257 days until DJJ took disciplinary action.

Our review of DJJ’s log of closed criminal investigations also showed that while the percentage of criminal investigations that were closed within 30 days increased dramatically from 2017 through 2018, peaking at 81%, the percentage of such cases had decreased to 43% in the last quarter of 2019. Table 2.7 shows the change in the number and percentage of investigations completed within 30 days.

**Table 2.7: Change in Criminal Investigations Closed Within 30 Days, January 2017–February 2020**

CASES CLOSED IN FEWER THAN 30 DAYS*		
	NUMBER OF CASES	% OF TOTAL CASES
<b>2017</b>		
Qtr1	15	38%
Qtr2	25	44%
Qtr3	23	40%
Qtr4	90	53%
<b>TOTAL</b>	<b>153</b>	<b>47%</b>
<b>2018</b>		
Qtr1	92	61%
Qtr2	118	66%
Qtr3	107	71%
Qtr4	96	81%
<b>TOTAL</b>	<b>413</b>	<b>69%</b>
<b>2019</b>		
Qtr1	118	80%
Qtr2	122	73%
Qtr3	125	66%
Qtr4	80	43%
<b>TOTAL</b>	<b>445</b>	<b>64%</b>
<b>2020</b>		
Jan-Feb	49	50%
<b>TOTAL</b>	<b>49</b>	<b>50%</b>

\* We considered 30 days to be a reasonable time frame in which a case could be closed.

Source: LAC analysis of DJJ data

One case that had disciplinary action pending for 134 days actually arose from another incident to which the officer was witness, and was found to have given a false statement about the officer’s field of vision during that incident in an investigative interview. During our interviews, other agency staff also cited instances where they were not offered an opportunity to be interviewed as part of an investigation until months after an incident. They also felt that the process was arbitrary and unfair and details were hard to recall after a long time.

In our DJJ employee survey results, 24% of respondents who identified themselves as a correctional officer believed that they had reported an incident or initiated an event report which they felt had not been adequately investigated or followed up, a slight improvement from 27% in 2017. However, 69% responded that they do not feel that management and administrative staff listen and understand the responsibilities of their positions. DJJ should ensure that all investigations, including administrative investigations, are completed as soon as practicable and that timelines for administrative investigations are transparent.

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## DJJ Gang Intervention Coordinators

DJJ's gang intervention system is not adequate. DJJ's gang investigation coordinators are charged with both investigating gang-related incidents and creating and implementing a gang intervention program within the agency. DOJ's Office of Juvenile Justice and Delinquency Prevention developed a Comprehensive Gang Model (CGM) for youth with strategies that involve criminal justice agencies, schools, and other relevant community groups. The National Gang Center has also identified related best practices for youth gang intervention programming. Although DJJ does offer gang-related training for staff, the agency has not implemented key strategies and best practices identified by the CGM and the National Gang Center, such as an accurate and ongoing assessment of gang involvement among youth in DJJ custody.

Although some agency staff that we interviewed downplayed the severity of gang-related incidents at DJJ's secure facilities, our review of event reports regarding the 2019 Thanksgiving riot at BRRC showed significant gang involvement. This type of assessment is essential to a thorough understanding of the scope and severity of gang activity among youth in the agency's custody, and the design and implementation of effective gang intervention programming.

We also found that staff who lack specialized training or experience in gang identification or gang intelligence are responsible for assigning suspected gang-related incidents for investigation. This increases the risk that gang activity within DJJ's secure facilities will go undetected if an incident is gang-related, but there is no obvious reference to a gang connection in the related event reports, especially in light of the inadequacy of DJJ's gang intervention program. In our survey of DJJ employees, 372 responses indicated that cigarettes, lighters, marijuana, and cell phones were among the most observed forms of contraband. While far from conclusive evidence of organized gang activity, implementation of CGM principals, like a thorough and ongoing assessment of gang involvement and evidence-based interventions, can help identify, resolve, and prevent behavioral and contraband issues within DJJ.

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## Referral of Criminal Cases to Solicitors

DJJ has unclear and insufficient standards for referring criminal cases to local solicitors for prosecution. DJJ considers referring its completed criminal investigations to local solicitors only if a victim agrees that he or she wishes to pursue a case. However, DJJ stated that it advises juveniles that agreeing to pursue charges against other juveniles may result in his or her own adjudication for his or her own misconduct during the incident. This may discourage victims from agreeing to the agency bringing charges, and prevent criminal conduct from reaching solicitors. The agency's lack of a comprehensive gang program also increases the risk that a case may not proceed criminally because a juvenile fears retribution.

The agency's standards for what type of incidents should be reported and the timeframe to notify solicitors of these incidents are also unclear. One solicitor we interviewed indicated that he heard about significant incidents that occurred at a DJJ facility only after a third party informed him of the incident, and that DJJ did not notify him of this major incident. Other solicitors stated that they are not aware of what standards DJJ has for referring incidents to them, or that the standards are inconsistent.

Interviews with South Carolina solicitors also revealed that DJJ requests that solicitors make a probable cause determination for criminal cases before DJJ investigators seek a warrant or petition in family court to begin formal proceedings. Solicitors noted that requests for probable cause determinations are typically made by the State Law Enforcement Division (SLED), and that DJJ is the only other agency that uses this approach. One solicitor raised concerns that issuing a probable cause determination before the agency has initiated proceedings may raise ethics issues regarding legal advice and can be time consuming.

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## Performance-based Standards (PbS) and Event Reporting System Reconciliation

DJJ's PbS and ERS reconciliation process is insufficient. Although DJJ's PbS staff do not manage ERS, they are able to view ERS's log of reports for each facility and use it to identify and record incidents according to PbS standards and event types. DJJ has instituted a reconciliation process that allows PbS and investigative services staff to identify incidents that they have assigned different event types. However, PbS staff do not have access to all relevant information that investigative services has, such as video camera footage. Without equal access to relevant evidence, PbS staff's ability to independently identify and record events according to their standards is hindered.

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## Recommendations

6. The S.C. Department of Juvenile Justice should increase the number of employees with event reporting system categorization responsibilities, including employees with specialized gang training.
7. The S.C. Department of Juvenile Justice should implement clear standards for events that should be assigned for criminal investigation.
8. The S.C. Department of Juvenile Justice should record what action is taken in cases referred to management for follow up, and use that information to monitor whether these cases are addressed appropriately.
9. The S.C. Department of Juvenile Justice should modify its investigations' policy to improve the timeliness and transparency of administrative investigations.
10. The S.C. Department of Juvenile Justice should implement a comprehensive gang intervention program that adopts the strategies of the Office of Juvenile Justice and Delinquency Prevention Comprehensive Gang Model.
11. The S.C. Department of Juvenile Justice should consult with solicitors local to DJJ facilities to establish standards for notification of criminal incidents and recommendation of criminal cases.
12. The S.C. Department of Juvenile Justice should discontinue its policy of requesting probable cause determinations from local solicitors regarding pending criminal investigations.
13. The S.C. Department of Juvenile Justice should allow Performance-based Standards' (*PbS*) staff and other staff who review and handle incidents access to all relevant evidence, including video camera footage.

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## Violations of Security Procedures

DJJ has failed to correct identified deficiencies found during its quality assurance review process. We found that DJJ has not:

- Addressed the non-compliance measures identified in the quality assurance reports for all of its secure facilities.
- Addressed the identified systematic issues of training, policy and procedure, and safety and security.
- Implemented all recommendations made by Correctional Consulting Services, LLC or the Legislative Audit Council.
- Completed yearly quality assurance reports for each of the facilities as required by DJJ policy.

DJJ has a set of quality assurance standards to help ensure the safety and security of its facilities. Each of the standards has identified expectations and is rated based on the level of compliance of meeting the standards. We analyzed quality assurance reviews from 2017 through 2019 of DJJ secure facilities. All reviews identified standards which were in limited compliance or failed compliance.

DJJ's quality assurance plan requires the audited manager to prepare a Corrective Action Plan (CAP) to address standards in limited or failed compliance. We found that CAPs for BRRC and CEC were closed due to each facility's failure to respond, meaning the deficiencies were not corrected within the required time.

Each of the standards has several measurable components. We reviewed the 2018 quality assurance BRRC report with specific attention to officer training, the policies and procedures, and the safety and security standards, given their potential impact on the safety of staff and juveniles.

A review of the remaining facilities and reports, MEC (2017 & 2018), CEC (2017 & 2018), UEC (2018), and JDC (2018 & 2019) showed similar failed quality measures to BRRC. They included standards regarding certification/recertification, use of isolation of juveniles, and having a designated facility inspector. There are systemic problems throughout each of the secure facilities.

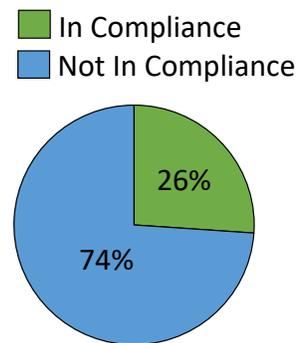
**Table 2.8: Results of the 2018 BRRC Quality Assurance Report**

SECTION	TOTAL NUMBER OF QUALITY MANAGEMENT MEASURES	LIMITED COMPLIANCE	FAILED COMPLIANCE	NOT ASSESSED (N/A)
Training	7	0	2	1
Policy and Procedure	12	3	3	5
Safety and Security	10	3	2	1

Source: DJJ Quality Assurance Report for BRRC (2018)

BRRC failed two of the seven training measures—certification/recertification requirements and on-the-job training. One example of employee recertification training was CPR/First Aid/AED. Security staff are required to be initially certified and recertified annually. Our random, non-statistical sample of basic training records showed 74% (34 of 46) of the security staff were either past due for training recertification or had not been trained.

**Chart 2.9: Employee Recertification for CPR/First Aid/AED**



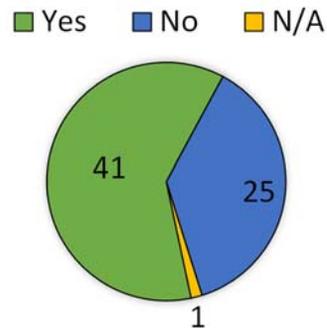
Source: DJJ Quality Assurance Report for BRRC (2018)

New employees are required to spend two weeks of job shadowing (on-the-job training) with a senior officer; however, this was not documented in the agency’s training files. The purpose of this training is to familiarize the new employee to the facility floor plan and facility policies and procedures, which are part of the quality assurance report.

There are 12 measures within the quality assurance standards relevant to policy and procedure. BRRC failed compliance in three of these measures—whether policy and procedures are reflective of current processes, the use of isolation of juveniles, and security procedures and practices. In addition, three measures were found to be in limited compliance—key control, juvenile supervision and control, and front gate. DJJ’s review emphasized that “these concerns present considerable risk to the safety of our juveniles.”

PREA standard §115.342 allows for the use of isolation only as a last resort to keep juveniles safe. DJJ policy states that a daily confinement check form must be completed for juveniles held in isolation for more than four hours. The quality assurance review showed BRRC failed to complete the necessary documentation for isolation room confinement of more than four hours. The use and documentation of isolation is one of the most critical failed measures. DJJ’s review emphasized that the failure to meet isolation requirements is “one particular area of significant concern.” The documentation showed approximately 39% (26 of 67) were not completed in a thorough and accurate manner. In addition, CEC’s (2018) quality assurance review indicated that only 2% of the isolation documents were completed in full.

**Chart 2.10: Confinement Check Measurement, BRRC QA Review 2018**



Note: N/A indicates part of the quality measure was not assessed.

Source: DJJ Quality Assurance Report for BRRC (2018)

The quality assurance standard related to safety and security has ten measures. In 2018, BRRC failed compliance in two—the location of Automated External Defibrillators and staff were not up-to-date with Occupational Safety and Health Administration (OSHA) compliance.

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## Failure to Address Findings and Recommendations

The purpose of the CAP is to list each quality standard measure and identify the needed actions to resolve limited/failed compliance. In 2018, BRRRC management received a memo stating that the CAP template would be available soon but requested immediate management action on several identified critical items with email responses within ten business days. In 2019, facility management received memos, dated two months apart, reminding the facility to submit its CAP to address outstanding findings and to notify the facility the closure date was approaching. The last memo closed the CAP due to the facility's lack of response. Therefore, no formal CAP response was submitted by BRRRC within the required timeframe. In addition, quality assurance provided a CAP template in 2018 to CEC and requested a response. It was also closed due to failure to respond. Senior management was notified of both of these instances.

In our 2017 audit, we noted that BRRRC failed to implement the recommendations found in the May 2016 Correctional Consulting Services, LLC (CCS) report, which the agency had requested to help identify potential safety issues. In addition, we recommended that DJJ review all security-related policies to ensure that they reflect updated current practices and populations. These failures further indicate that DJJ has not implemented all CCS or prior Legislative Audit Council recommendations. Furthermore, the safety and security of juveniles and staff are at risk.

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## Recommendations

14. The S.C. Department of Juvenile Justice should develop a plan to address each limited compliance and failed compliance quality measure to achieve satisfactory compliance levels in a timely manner.
15. The S.C. Department of Juvenile Justice should address systemic problems identified by the quality assurance reports and other external reviews regarding the secure facilities.
16. The S.C. Department of Juvenile Justice should review previous Correctional Consulting Services, LLC and Legislative Audit Council recommendations to ensure they are addressed and implemented.
17. The S.C. Department of Juvenile Justice should hold facility management and relevant management at agency headquarters accountable for the implementation and compliance of all quality assurance corrective action plans.

18. The S.C. Department of Juvenile Justice should ensure that the quality assurance reports are completed annually for each secure facility.
19. The S.C. Department of Juvenile Justice should ensure all security-related policies are maintained and updated at the state and facility levels.

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## **Inadequate Camera Surveillance**

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DJJ's current surveillance camera system may not be adequate. We found:

- There are locations at BRRC that are not covered by cameras or have no cameras (blind spots).
- Video retention procedures do not require sufficient time for the video to be reviewed to complete investigations.
- The U.S. Department of Justice (DOJ) found a number of deficiencies with the video system and retention practices.
- The digital video recorders (DVRs) were last upgraded in 2009 and the cameras were replaced in 2014.

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## **DOJ Report**

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The February 5, 2020 DOJ report stated there were a number of locations at BRRC that were not covered by video cameras (blind spots). This included areas outside the gymnasium, courtyards connecting each housing pod, and buses used to transport juveniles around the campus. The DOJ report stated that video was not always available for investigative reports due to the lapse in retention time. In 2017, only 12 videos were available for 43 incidents. This failure to preserve video hampers an investigator's ability to determine if allegations are unfounded or substantiated. In DJJ's response letter to DOJ, the agency stated it engaged a security engineering firm to assess the existing video surveillance system to improve safety for juveniles and staff.

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## **Incident Reports**

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We reviewed ERMIS (event reporting management and information system) incident reports from July 2016 through August 2018 and found 22 different instances of insufficient camera surveillance at secure facilities. It was determined both juveniles and staff were aware of the blind spots/insufficient camera surveillance and used them for juvenile-on-juvenile, staff-on-juvenile, and staff-on-staff incidents. We found reports of broken or non-working cameras. Many of the incident reports contained requests from both juveniles and staff for access to the videos to support their allegations.

In our March 2020 DJJ employee survey, it was reported there was not a camera on a social worker hall and that anything could happen to a social worker while having a session with a juvenile alone. Another event was reported to SLED that an officer allegedly took a juvenile to an unsupervised cell which was located in a blind spot to “beat him.” The injuries to the juvenile were corroborated by DJJ staff.

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## New Equipment

DJJ requested approximately \$2 million for new equipment as part of phase one of a two-phase project for FY 20-21 to update the surveillance system. The justification for the request stated that the DVR system was last upgraded in 2009 and the cameras were replaced in 2014. The new system should provide better quality, increased storage, and longer footage retention. The new equipment would be under warranty and the software would allow for remote viewing access.

On April 26, 2018, DJJ contracted with an engineering firm to conduct a study of DJJ’s surveillance system. The project scope included a review of the existing systems at DJJ facilities and recommendations for system upgrades and expansion. The firm reported probable costs for system upgrades and additions to be approximately \$5.6 million.

Video is currently stored for 15 to 120 days, depending on the size of the hard drives at each facility, making video retention inconsistent across facilities. The new system should include high-quality video storage of 120 days, 100 additional cameras (currently 830) to provide surveillance for areas prone to incidents, and upgrade viewing stations. DJJ requested almost \$2 million in its FY 19-20 budget request for the complete upgrade of its security camera network. DJJ requested the same amount for these upgrades in its FY 20-21 budget request.

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## Recommendations

20. The S.C. Department of Juvenile Justice should ensure that the surveillance system covers the blind spots at every secure facility.
21. The S.C. Department of Juvenile Justice should, with the upgrade of the system, change its procedures concerning the retention of the videos to ensure their availability for investigations.

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## Raise the Age Implementation

DJJ did not adequately prepare for the increase in juveniles from the Raise the Age (RTA) Act's implementation. We found that DJJ:

- Made little effort to increase recruitment efforts to fill vacant JCO positions.
- Did not develop a formal, written implementation plan for Raise the Age.
- Did not develop a housing plan for the additional older juveniles.
- Did not implement a Youth in Transition program to assist the older juveniles until May 2020.

The Raise the Age Act was signed into law in 2016 and implemented on July 1, 2019. The act extends the definition of "child" or "juvenile" to persons under the age of 18 and extends the period for indeterminate sentences to a juvenile's 22<sup>nd</sup> birthday.

DJJ projected that the Raise the Age Act would result in population increases at all secure facilities. To address the increase in juveniles, DJJ requested 567 additional full-time equivalent (FTE) positions in its FY 18-19 budget request to the General Assembly and 348 additional FTEs in its FY 19-20 budget request. DJJ has also requested funding to build a new detention center and a new evaluation center, and to retrofit existing buildings at BRRC for additional living space in FY 18-19 and FY 19-20. These requests were not funded by the General Assembly.

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## Recruitment Efforts

Although the request for additional FTEs was not approved, DJJ made little effort to increase recruitment for existing unfilled FTE positions in anticipation of the Raise the Age Act's implementation. As of September 2020, DJJ had 159 fewer correctional officer or law enforcement officer positions filled than it did in October 2016. DJJ has only recently increased recruitment efforts, hiring two recruitment coordinators in June 2020 to develop and implement a recruiting plan, despite knowing in 2016 that an increase in juveniles was imminent due to the Raise the Age Act's implementation in July 2019.

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## Implementation Plan

We requested information showing the agency's guidance to staff regarding preparations to accommodate the new juveniles. DJJ provided examples of where RTA changes were incorporated to the agency's existing employee training, but stated that it did not have a formal, written RTA implementation plan. An overview of Raise the Age was not provided to senior management until June 7, 2019. An agencywide memo describing the changes was distributed to staff on the same day. The memo states that DJJ management was working to develop strategies to safely house the new juveniles, a little more than three weeks away from implementation of the Raise the Age Act.

Respondents to our survey of DJJ employees stated that there was no discussion of Raise the Age until days before it went into effect and the respondents felt Raise the Age could have been explained in more detail. Respondents also commented that the agency should ensure all needs are met prior to implementing new laws, citing the lack of appropriate facilities to handle the increase of RTA juveniles as an example.

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## Housing Plan

When we asked further about plans for housing for juveniles 17 years old or older, who are required to be kept separate from younger juveniles under the S.C. Constitution, DJJ stated that it did not have a separate housing plan for older youth. Rather, DJJ relies on a PREA risk tool, as well as a number of other factors, to make housing determinations.

DJJ additionally uses the Youth in Transition (YIT) program to house older juveniles; however, juveniles must meet the YIT admissions criteria. Once approved for admission into the program, a juvenile is moved into a designated pod and unit and begins receiving job readiness training and life skills instruction to help with re-entry into their communities. The YIT program was not implemented until May 30, 2020, almost a year after Raise the Age.

As of January 2021, there were only 22 juveniles in the YIT program. While the YIT program may provide valuable assistance to the juveniles who are eligible, it does not provide support for all RTA juveniles and cannot be relied on as a housing plan to address Raise the Age.

## Effect of Raise the Age

The number of admissions of RTA juveniles (juveniles who committed an offense at the ages of 17–19) has increased by 50% from 2018 to 2020 at all secure facilities, excluding JDC. DJJ does not track age at offense for admissions to JDC.

**Table 2.11: Total Number of Admissions of RTA Juveniles Per Facility, by Year**

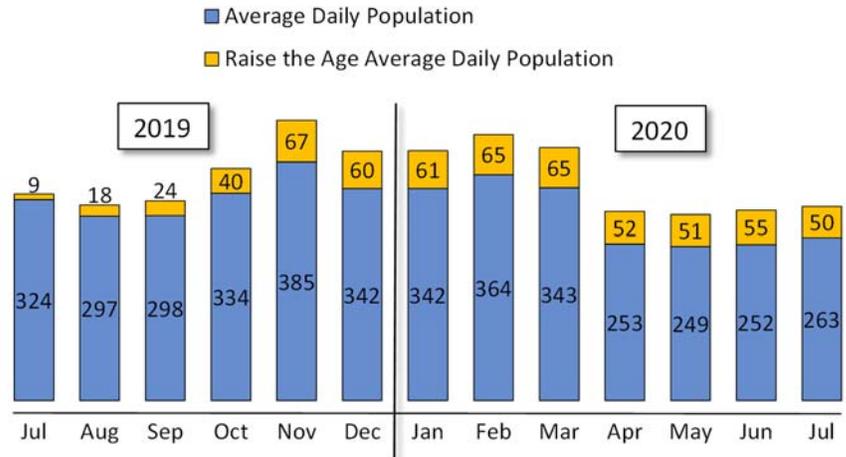
FACILITY	NUMBER OF RTA ADMISSIONS		CHANGE FROM 2018 TO 2020
	2018	2020	
BRRC	78	159	81 (104%)
Coastal	36	35	-1 (-3%)
Upstate	37	44	7 (19%)
Midlands	41	50	9 (22%)
<b>TOTAL</b>	<b>192</b>	<b>288</b>	<b>96</b> <b>(50%)</b>

Note: DJJ's data included duplicates showing juveniles entering a facility more than once on the same day. These duplicates have been removed; however, a juvenile may be admitted to a facility more than once in a year.

Source: LAC analysis of DJJ data

Admissions' data varies from population data in that a juvenile may be admitted more than once to a facility over a given period of time and there may be juveniles already at the facility who are not accounted for in admissions. Graph 2.12 shows the average daily population information for July 2019 through July 2020, as reported by DJJ.

**Graph 2.12: Average Daily Population at All Secure Facilities with Percentage of RTA Juveniles, July 2019–July 2020**



Source: LAC analysis of DJJ data

From July 2019 to July 2020, the percentage of RTA juveniles and the total average daily population increased at all secure facilities. A drop in overall average daily population can be seen beginning April 2020. This is likely the result of the COVID-19 pandemic and efforts to keep the average daily population low at secure facilities to minimize spread of the virus.

DJJ staff stated that adding older juveniles has changed the dynamic of the secure facilities and that there is tension with older juveniles who do not wish to follow the rules. Staff also stated that the older juveniles can be more aggressive. As the average daily population rises and staffing levels fall, security at DJJ’s facilities has also deteriorated. The increase in admissions and average daily population from the addition of older juveniles under Raise the Age, combined with DJJ’s staffing shortages, is likely worsening existing issues at DJJ’s secure facilities.

## Recommendations

22. The S.C. Department of Juvenile Justice should increase recruitment efforts to ensure that there is sufficient staff to address the increase of Raise the Age juveniles.
23. The S.C. Department of Juvenile Justice should develop a formal housing plan for Raise the Age juveniles to ensure the agency complies with the requirements of the state constitution.
24. The S.C. Department of Juvenile Justice should expand its Youth in Transition program to address the needs of all Raise the Age juveniles.



# Human Resources

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## Employee Compensation

DJJ has not appropriately paid essential security staff. We compared agencywide classification and compensation information from October 2016 with information from September 2019 and September 2020 and found:

- The largest job classes, which include juvenile correctional officers (JCOs), human services specialists and coordinators working in the community, and certified teachers, have smaller average increases in salary than several management job classes that have fewer employees.
- 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.
- It is likely that lower pay and fewer raises have contributed to the decrease in the number of employees in these positions and, indirectly, to the decline of security at DJJ's facilities.
- DJJ had fewer employees as of September 1, 2020 than in October 2016; with the most significant decrease in employees in the correctional officer and law enforcement officer job classes.
- Correctional officers and law enforcement officers consistently earn less than the agencywide average salary.

We also found that DJJ cannot verify that dual employees are only working on their secondary job duties during hours outside of their primary work schedules.

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## Average Increases in Salary by Job Class Title

The largest job classes, which include juvenile correctional officers, human services specialists and coordinators working in the community, and certified teachers, have had smaller average increases in salary than several management job classes that have fewer employees. We reviewed agencywide compensation information, by job class title, to determine average percentage increases in salary from October 2016 to September 2020. Table 3.1 shows the job classes with the highest average salary percentage increases agencywide.

**Table 3.1: Job Class Title by Highest Average Salary Increases, October 2016—September 2020**

JOB CLASS TITLE	AVERAGE SALARY		
	OCTOBER 2016	SEPTEMBER 2020	PERCENTAGE INCREASE **
Accounting/Fiscal Manager I	\$62,241	\$80,751	30%
Recreation Specialist III	\$26,988	\$33,042	22%
Vocational Teacher *	\$52,043	\$63,110	21%
Psychologist I	\$78,276	\$89,470	14%
Academic Program Manager	\$77,464	\$87,443	13%
Guidance Counselor *	\$69,371	\$78,283	13%
Training and Development Director II	\$69,275	\$77,726	12%
IT Consultant II	\$55,341	\$62,035	12%
Building/Grounds Specialist II	\$22,866	\$25,234	10%
Records Analyst III	\$34,150	\$37,619	10%

\* Educational staff receive raises according to the mandatory teacher pay scale, but are also eligible for other kinds of salary increases from DJJ. Both categories of salary increases are included here.

\*\* Averages include the FY 19-20 salary increase of 2% for all state employees.

Source: LAC analysis of DJJ data

As of September 2020, there were 39 employees represented by these ten job classes. By comparison, the ten largest job classes by number of employees, which, as of September 2020, represented 825 employees, have seen smaller average salary percentage increases, as detailed in Table 3.2.

**Table 3.2: Job Class Title by Number of Employees, October 2016–September 2020**

JOB CLASS TITLE *	AVERAGE SALARY		
	OCTOBER 2016	SEPTEMBER 2020	PERCENTAGE INCREASE **
Correctional Officer II	\$32,486	\$35,313	9%
Human Services Specialist II	\$31,296	\$32,526	4%
Correctional Officer I	\$28,880	\$30,425	5%
Human Services Coordinator I	\$37,211	\$37,628	1%
Human Services Coordinator II	\$49,972	\$49,962	0%
Administrative Specialist II	\$26,168	\$27,068	3%
Temporary Employees	\$49,649	\$54,637	10%
Program Coordinator II	\$47,861	\$48,598	2%
Certified Teacher***	\$64,196	\$68,826	7%
Program Coordinator I	\$40,899	\$40,518	-1%

\* Arranged in order of the number of employees, by class title.

\*\* Averages include the FY 19-20 salary increase of 2% for all state employees.

\*\*\* Educational staff receive raises according to the mandatory teacher pay scale, but are also eligible for other kinds of salary increases from DJJ. Both categories of salary increases are included here.

Source: LAC analysis of DJJ data

The ten largest job classes listed in Table 3.2 have not received increases in pay at the same rate as the ten job classes in Table 3.1, including several managerial positions. For example, salaries for the Accounting/Fiscal Manager I job class increased by an average of 30% from October 2016 to September 2020, but Correctional Officer II job class salaries increased by an average of only 9%, despite the Correctional Officer II job class being the largest job classification at DJJ and identified as an essential position.

DJJ spent \$494,167 more on salaries for the ten job classes with the highest average percentage increases in September 2020 than in October 2016, even though the number of employees in these job classes had grown by only two additional employees. DJJ spent \$2,994,676 less on the ten largest job classes in September 2020 than in October 2016, and the number of employees in these job classes had decreased by 151 employees.

When asked during our survey of DJJ employees, 75% of respondents stated that an increase in salary or eligibility for bonuses would help retain employees at DJJ. In the accompanying comments, respondents emphasized that the low rate of pay for front-line workers, especially security staff, was contributing to the high turnover and low hiring rates. Further, multiple respondents commented on raises being given only to employees already “at the top” while other employees are told that there is no money for raises, creating an atmosphere of favoritism.

DJJ has requested additional funding in its annual budget to support base salary increases for juvenile correctional officers and community specialists. Budget requests have gone unfunded or partially funded each year, as illustrated in Table 3.3.

**Table 3.3: DJJ Budget Requests for Base Salary Increases for JCOs and Community Specialists**

	FY 17-18	FY 18-19	FY 19-20	FY 20-21
REQUESTED	\$0	\$1,014,958	\$4,031,155	\$4,297,769
RECEIVED	\$502,375	\$0	\$1,014,958	N/A*

\* Due to the COVID-19 pandemic, the FY 20-21 state appropriations bill had not been passed and the General Assembly voted to keep spending at the FY 19-20 levels.

Sources: DJJ, S.C. General Assembly

Despite this, DJJ has provided raises to other job classifications. In fact, assuming that every employee in the Correctional Officer I job classification was earning the average salary for that job classification in September 2020 (\$30,425 per year), the amount of money spent on salary increases for the job classes with the highest percentage salary increase between October 2016 and September 2020 (\$494,167) could have covered an additional 14% raise for all 113 employees listed as Correctional Officer I in September 2020.

The ten largest job classes are crucial to the safe and effective function of DJJ and include correctional officers, human services specialists, and human services coordinators who work with juveniles in the community. Lower pay and fewer, inequitable raises have likely contributed to the decrease in the number of employees in these positions, and, indirectly, to the decline of security at DJJ’s secure facilities.

## Agency Salary Averages and Number of Employees

In October 2016, DJJ had 1,367 employees covering 98 different job classifications. In September 2020, DJJ had 1,229 employees covering 114 different job classifications. Correctional officer and law enforcement officers had significant losses in personnel, with 159 fewer employees listed under any correctional officer or law enforcement officer job classification in September 2020 than in October 2016.

**Table 3.4: Correctional and Law Enforcement Officer Staffing**

JOB CLASS TITLE	NUMBER OF EMPLOYEES			CHANGE FROM 2016 TO 2020
	OCTOBER 2016	SEPTEMBER 2019	SEPTEMBER 2020	
Correctional Officer I	141	85	113	-28
Correctional Officer II	299	211	172	-127
Correctional Officer III	22	21	21	-1
Correctional Officer IV	13	10	7	-6
Law Enforcement Officer I	10	6	11	1
Law Enforcement Officer II	6	6	7	1
Law Enforcement Officer III	0	1	1	1
Law Enforcement Officer IV	1	0	0	-1
Law Enforcement Officer V	0	1	1	1
<b>TOTAL</b>	<b>492</b>	<b>341</b>	<b>333</b>	<b>-159</b>

Source: LAC analysis of DJJ data

The average agencywide salary has increased overall, as illustrated in Table 3.5.

**Table 3.5: Selected DJJ  
Average Salaries**

YEAR	AVERAGE SALARY				
	AGENCYWIDE	CERTIFIED TEACHER	SECURITY STAFF	NURSE	DEPUTY DIRECTOR
2016 (October)	\$39,161	\$58,988	\$32,425	\$55,412	\$105,116
2019 (September)	\$43,552	\$59,688	\$35,429	\$56,431	\$106,530
2020 (September)	\$42,725	\$60,530	\$34,703	\$57,541	\$106,448
Change from 2016–2020	\$3,564	\$1,542	\$2,279	\$2,130	\$1,332

Source: LAC analysis of DJJ data

Notably, the average agencywide salary for security staff, which here includes all correctional officer and law enforcement officer positions, remains lower than the average agencywide salary across all three years. Further, the average security staff salary has decreased in the last year, from \$35,429 to \$34,703.

## Recommendations

25. The S.C. Department of Juvenile Justice should develop and implement a standard operating procedure prioritizing greater salary increases for front-line employees on an annual basis.
26. The S.C. Department of Juvenile Justice should reallocate funds to ensure that front-line, essential employees receive raises at the same rate as the other job classes.

## Dual Employment

DJJ is unable to verify whether its policy on dual employment is being enforced. DJJ policy allows dual employment within the agency as long as the secondary employment does not interfere with the normal working hours of the primary position or create overtime liability. DJJ’s policy requires that employees engaged in dual employment within the agency must complete time sheets for both positions to document time worked. These time sheets are used to process compensation.

According to an employee of the S.C. Department of Administration’s Division of State Human Resources (DSHR), agencies have discretion to enter either specific start and end times for hours worked or net hours worked into SCEIS for dual employment compensation calculations. A review of DJJ’s time sheets show that DJJ tracks net hours worked for a time period to process compensation.

DSHR relies on a series of time and payroll reports to identify overlap of hours of the primary and secondary positions. However, if only net hours are reported, and not specific start and end times, there is no clear way to determine if secondary hours were worked outside of an employee’s primary work schedule.

We reviewed compensation for DJJ employees dually employed within the agency. In calendar year 2019, there were 21 employees dually employed within the agency, the majority of whom were dually employed as tutors. Eighteen of these 21 employees were DJJ teachers, receiving a secondary salary for tutoring DJJ students. DJJ paid a total of \$127,159 in compensation for employees dually employed within the agency in 2019, in addition to their existing salaries. The ten employees earning the greatest amount of dual employment compensation in calendar year 2019 are in Table 3.6, with their names omitted.

**Table 3.6: Ten Employees with the Greatest Amounts of Dual Compensation Paid in Calendar Year 2019**

EMPLOYEE	TOTAL DUAL EMPLOYMENT PAY	PRIMARY POSITION SALARY AS OF SEPTEMBER 30, 2019
1	\$19,346	\$89,135
2	\$17,957	\$72,848
3	\$15,960	\$62,322
4	\$12,548	\$72,359
5	\$11,614	\$87,248
6	\$10,133	\$58,674
7	\$8,786	\$66,137
8	\$7,859	\$64,942
9	\$6,353	\$72,126
10	\$4,298	N/A*

\* Employee 10 was employed by DJJ during 2019; however, Employee 10 was not employed by the agency as of September 30, 2019.

Source: LAC analysis of DJJ data

By requiring information only on net hours worked for employees working two jobs within the agency, DJJ is increasing the risk of employee overlap in hours between their primary jobs and their secondary jobs. With net hours, there is no verification of a start and end time for the employee's work, meaning that an employee could report working a number of secondary job hours that were actually worked when they were responsible for completing their primary job duties. Given the amount of additional income paid by DJJ to employees working two jobs in the agency, as seen in Table 3.6, a risk of overlap exists between an employee's two work schedules in violation of DJJ policy.

The majority of employees dually employed within the agency in 2019 were teachers also working as tutors for DJJ students. The potential is even greater for overlap in schedules for these employees, as it is likely that their secondary job duties are similar, if not identical, to their primary job duties. This risk is further illustrated by our review of time sheets submitted by employees dually employed within DJJ. Using the time sheets provided, we were unable to verify whether any overlap of work schedules actually existed, as hours worked were reported as net hours without identified start and end times. Since we cannot state that no overlap existed between dual employee work schedules using the time sheets provided, it is unlikely that DJJ can either. As a result, DJJ is unable to enforce its own policy on dual employees to ensure that an employee's secondary position does not interfere with the normal working hours of the primary position.

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## Recommendation

27. The S.C. Department of Juvenile Justice should modify agency policy to require that start and end times for dually-employed staff are used to track hours worked, not net hours.

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## DJJ Supervisors

DJJ should improve its management and records of agency supervisors. We reviewed the qualifications and DJJ's human resources (HR) files of a sample of DJJ's supervisors, including the director's executive management team (EMT), and found:

- Supervisors are not receiving consistent annual performance reviews through the Employee Performance Management System (EPMS).
- Supervisor position descriptions are not regularly updated and include inaccurate descriptions of job responsibilities.
- Evidence of educational qualifications are not consistently maintained in supervisor HR files.
- Two members of the EMT were hired from outside the agency into temporary positions and, months after, were moved into full-time equivalent (FTE) positions, bypassing a formal interview and job posting process.

We reviewed a judgmental sample of HR files for supervisors managing one or more employees and making a salary of \$80,000 or more as of September 30, 2019. Of the 37 employees meeting these criteria, we selected a sample of 28 supervisors from multiple divisions of the agency. Within the sample were all eight members of the EMT.

During this audit, HR underwent a change from a paper filing system to the electronic Employee Document Management System (EDMS). At the time of our review, EDMS was still being developed. As a result, the supervisor files reviewed were both paper files stored at DJJ's headquarters and electronic files. One file could not be located even though that person was still employed by DJJ.

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## Employee Performance Management System

DJJ maintains a policy on EPMS reviews in alignment with State Human Resources Regulation 19-715. The policy states that all covered, permanent positions will be given annual appraisals of performance no more than 90 days prior to the employee's annual review date. Covered employees are full-time or part-time employees occupying a full-time equivalent (FTE) position. If a position is exempt from the State Employee Grievance Procedure Act, then the employee in the position is not required to be evaluated by EPMS. Though the policy and the state regulations identify only covered employees as being subject to the EPMS process, annual performance reviews are beneficial to all employees, and the regulations state that employees who are exempt from EPMS may still be given annual performance evaluations.

Of the 18 covered employees in the sample who were required to go through an EPMS process in the last year, only one supervisor had a compliant EPMS document in the file.

Members of the EMT are exempt from the State Employee Grievance Procedure Act and therefore not required to undergo an annual EPMS; however, seven deputy directors are new to their positions in the EMT since October 2016. We found no evidence of the EMT members having an EPMS process or performance review from the prior year in their HR files. With a leadership team largely consisting of employees new to their positions, performance reviews are a crucial step to ensuring job duties are understood and adequately performed.

In addition to our review, DJJ's quality assurance division conducted a review of DJJ's HR division from December 2017 to January 2018. Quality assurance released a final report in March of 2018 in which EPMS compliance was found to be a critical area identified as "Failed or Limited Compliance." The EPMS compliance rate for the areas of management accountability and policy and procedures was 0%. The report recommended that HR implement an agencywide EPMS date to ensure compliance.

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## Recommendations

28. The S.C. Department of Juvenile Justice should conduct an Employee Performance Management System process for all employees who are overdue for performance reviews as soon as possible.
29. The S.C. Department of Juvenile Justice should develop policy and implement standard operating procedures for performance reviews of non-covered employees, including its deputy directors.
30. The S.C. Department of Juvenile Justice should follow state regulations and its policy to ensure all covered employees undergo the Employee Performance Management System process annually.
31. The S.C. Department of Juvenile Justice should implement an annual agencywide Employee Performance Management System date to ensure compliance.

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## Position Descriptions

DJJ provided position descriptions for 28 supervisors in our sample. We reviewed position descriptions for alignment with personnel action forms (PAFs) in the supervisors' HR files and found that some supervisors did not have accurate position descriptions and that many position descriptions were unsigned by the employees.

DJJ uses PAFs to document changes to an employee's classification or compensation. PAFs indicating an increase in salary due to additional job duties should correspond with a new position description. However, some of the supervisors reviewed did not have position descriptions representing the changes in job duties that were documented in their PAFs. Further, many position descriptions were unsigned by the employee. Without an employee signature, there is no verification that the employee is aware of documented job duties.

We also reviewed position descriptions for overall accuracy and completeness. During this review, we found that two position descriptions for deputy directors contained nearly identical language for seven of their eight listed major job activities, despite the deputies overseeing different divisions of the agency. Additionally, the position description for another deputy director indicated that the position was responsible for oversight of three areas that, according to the organizational charts provided by the agency, fall under the purview of a different division.

The position descriptions provided by DJJ were also compared with position descriptions provided by the S.C. Department of Administration's Division of State Human Resources (DSHR). State Human Resources Regulation 19-702.04(A) states that position descriptions developed by an agency must be approved by DSHR prior to implementation, and that current position descriptions should be submitted to DSHR. DSHR has granted DJJ the authority to approve all position descriptions for employees in salary bands one through six and for employees in certain job classifications above a salary band six. The highest salary in salary band six is \$75,413. Our sample of supervisors included only employees earning \$80,000 or more annually.

Although DJJ had position descriptions for all 28 supervisors in our sample, DSHR did not have eight accurate, up-to-date position descriptions for positions that DJJ did not have delegated authority to approve without DSHR. The lack of accurate or available position descriptions for these eight supervisors suggests that DJJ failed to submit them to DSHR as required.

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## Recommendations

32. The S.C. Department of Juvenile Justice should ensure that each position description contains a thorough and accurate description of that position's job duties.
33. The S.C. Department of Juvenile Justice should develop and implement standard operating procedures to ensure that all employees have had an opportunity to review and sign their position descriptions.
34. The S.C. Department of Juvenile Justice should annually review all position descriptions to ensure accuracy and completeness.
35. The S.C. Department of Juvenile Justice should develop and implement standard operating procedures to ensure that position descriptions, for positions not subject to the agency's delegated authority, are sent to the S.C. Department of Administration's Division of State Human Resources as the position descriptions are updated.

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## Educational Transcripts

Our sample of 28 supervisor HR files was reviewed to verify educational qualifications. Of the files reviewed, all indicated that the supervisor received an educational credential. However, 17 files were missing one or more transcripts. Without copies of official transcripts, it is difficult to determine whether DJJ verified that the educational qualifications of its supervisors are accurate.

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## Recommendations

36. The S.C. Department of Juvenile Justice should conduct an audit of its human resources files to ensure that all employees claiming a degree have an official transcript demonstrating receipt of the degree in their files.
37. The S.C. Department of Juvenile Justice should ensure that each employee claiming a degree has an official transcript demonstrating receipt of the degree prior to hiring.

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## Deputy Director Hiring

Of the eight deputy directors at DJJ, four were hired first into temporary positions or moved into interim positions before moving into their deputy director positions as FTEs. Two of these individuals were already DJJ employees who were moved into temporary positions before being promoted into new positions. The other two individuals were outside hires who were hired into temporary positions and then moved into FTE positions for which advertisements were never posted. Therefore, it is unlikely that a full hiring process occurred or that other individuals were interviewed or considered for these positions.

State Human Resources Regulation 19-703 governs job vacancy announcements for positions in classified service. However, because temporary positions are not in classified service, state agencies are not required to announce temporary positions on the state jobs website. Agencies do not need approval from DSHR to hire a temporary employee. As a result, temporary positions may be used to hire someone without announcing the vacancy, and then move that person into an FTE position for which they may have otherwise been unqualified or uncompetitive. Deputy director positions are not required to be posted; however, DSHR guidance states that it “always encourages agencies to post any vacant position to maximize recruitment and selection opportunities.”

Employees reported that one member of the EMT “is running this agency” and “.... advising [the director] on critical agency issues.” For a position crucial to the management of the agency, it is imperative that a full job search is conducted to ensure that the most qualified individual is selected. By hiring deputy directors temporarily before moving them into FTE positions, the Director has, in effect, directly selected individuals from the outside with little or no juvenile justice experience to manage the critical operations of the agency.

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## Recommendation

38. The S.C. Department of Juvenile Justice should always conduct a full applicant search to ensure that the most qualified individuals are hired, especially for deputy director positions.

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## Employee Progressive Discipline

DJJ’s employee progressive discipline policy is not enforced by the agency, and does not ensure timely or equitable treatment of employees’ breaches of conduct. We found:

- Offenses in DJJ’s employee progressive discipline policy are not well defined.
- Suspensions pending investigation under the policy were not timely for employees who were ultimately terminated.
- DJJ is relying on officers with multiple disciplinary actions demonstrating a history of reckless or indifferent behavior towards juvenile safety to maintain security at its facilities.

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## Offenses Not Defined

S.C. Regulation 19-717.01(B) states, “Each agency shall develop a progressive discipline policy and establish procedures that will ensure timely and equitable treatment of employees’ behavioral deficiencies and breaches of conduct.”

DJJ’s employee progressive discipline policy provides guidelines for discipline based on a list of 71 offenses. Guidelines exist for the first, second, third, and fourth instance of each enumerated offense. The policy notes that offenses are not restricted to the examples listed.

DJJ’s policy does not include definitions for all listed offenses. Additionally, there are offenses that appear to overlap with each other, but have recommended disciplinary actions that vary in severity. For example:

FIRST OFFENSE: SUSPENSION TO TERMINATION

“Abuse, neglect, and/or exploitation (physical or psychological) of a juvenile resulting in physical or mental injury”

FIRST OFFENSE: TERMINATION

“Assault on juvenile or other employee or person”

While there are differences in the two offenses—the first focuses on juveniles only, the second includes other employees or persons; the first provides for psychological harm, the second does not—the two offenses provide a loophole for some employees who harm a juvenile to be suspended instead of terminated based on the discretion of DJJ management. Without clearer definitions for these offenses, two employees may commit similar infractions, but be disciplined differently.

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## Recommendation

39. The S.C. Department of Juvenile Justice should include clearer definitions in its policy for all offenses for which an employee may be disciplined.

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## Length of Suspensions Pending Investigation

While DJJ's employee progressive discipline policy states that suspensions will last no longer than are necessary, no time limit on a suspension pending investigation is imposed under the policy.

We reviewed a sample of DJJ disciplinary actions and identified files for four employees with suspensions pending investigation. In two instances, the employee was eventually terminated. For the first employee, the time between the start of the suspension pending investigation and eventual termination was 119 days. For the second, the time between the start of the suspension pending investigation and eventual termination was 126 days.

DJJ's employee progressive discipline policy states that employees may be suspended pending an investigation into misconduct. The policy states that suspension of an employee pending investigation "is not in and of itself a disciplinary action." In alignment with S.C. Regulation 19-717.01(E), all suspensions are without pay.

Employees are allowed to file a grievance to protest the suspension pending investigation; however, DJJ's policy dictates that the hearing on the employee's grievance will be deferred until a final decision on what disciplinary action will be taken is made. Employees are, therefore, unable to access any recourse until the investigation is completed.

Although employees who are ultimately cleared of wrongdoing are reimbursed for their salaries during the time they were suspended, the result of this policy is that employees are suspended indefinitely, without pay, and without recourse.

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## Recommendation

40. The S.C. Department of Juvenile Justice should modify its employee progressive discipline policy to include a clear timeframe for adjudication of employee infractions to increase the timeliness of suspensions pending investigation.

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## Disciplinary Actions

We reviewed a sample of employee disciplinary actions and found that DJJ is not enforcing its employee progressive discipline policy. As a result, DJJ is relying on officers with multiple disciplinary actions demonstrating a history of reckless or indifferent behavior towards juvenile safety to maintain security at its facilities.

We reviewed a statistically-valid, random sample of 76 individuals in correctional officer and law enforcement officer job classes as of September 2019. We selected a judgmental sample of four additional employees from the employees involved in a December 15, 2019 incident.

Thirty-four (43%) of the 80 employees reviewed had one or more disciplinary actions included in their human resources' files. Of these employees, nine had three or more instances of the same offense.

In DJJ's employee progressive discipline policy, the following offenses list termination as the disciplinary action after three or more instances:

- Absence without authorized leave.
- Failure to carry out job responsibilities in security or non-security setting.
- Negligence.
- Sleeping on duty.
- Violation of written rules, regulations, policies, and/or local procedural guidelines.
- Insubordination/refusal to carry out written directives or oral instructions from a superior.

Employees with three or more instances of an offense that list termination as the recommended disciplinary action are in Table 3.7.

**Table 3.7: Employees with Three or More Instances of Offenses with Termination as the Recommended Disciplinary Action**

EMPLOYEES WITH 3 OR MORE INSTANCES OF AN OFFENSE	NUMBER OF TIMES	OFFENSE
Employee #1	4	Negligence
	3	Insubordination
Employee #2	10	Failure to Carry Out Job Responsibilities
	6	Sleeping on Duty
Employee #3	6	Absence without Authorized Leave
Employee #4	3	Violation of Written Rules
Employee #5	3	Violation of Written Rules
Employee #6	3	Failure to Carry Out Job Responsibilities
	3	Violation of Written Rules

Source: DJJ

Three employees are included in this list twice, as they have two offenses for which they have faced disciplinary action three or more times. Further, including the offenses in Table 3.7, Employee #2 has 24 separate disciplinary actions in the employee’s file.

With the exception of one employee, the employees listed above were still employed with the agency as of September 1, 2020 in a correctional officer or law enforcement officer position.

## Recommendations

41. The S.C. Department of Juvenile Justice should review employee disciplinary actions to determine whether employees should work for the agency in a security position.
42. The S.C. Department of Juvenile Justice should enforce all disciplinary actions as outlined in its employee progressive discipline policy.

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## Recruitment and Retention

DJJ's efforts to recruit and retain employees, specifically JCOs, could be significantly improved. We found:

- DJJ does not highlight any additional benefits in its job postings beyond insurance, retirement, and annual, sick, and holiday leave.
- The agency recruitment plan and recruitment team goals do not address any retention opportunities.
- DJJ has not taken full advantage of the rapid hire event toolkit developed by the S.C. Department of Administration Division of State Human Resources or the critical employee recruitment proviso.
- The recruitment plan does not require the inclusion of referral, hiring, and promotional bonuses in job postings.
- JCOs leave the agency for other law enforcement/correctional agencies; however, DJJ is not requesting reimbursement for allowable training costs for those officers.

The standard JCO job posting discusses its benefits package for FTE positions that includes:

- Health, dental, vision, long term disability, and life insurance for employee, spouse, and children.
- 15 days of annual (vacation) leave per year.
- 15 days of sick leave per year.
- 13 paid holidays.
- State retirement and deferred compensation programs.

The agency's classification and compensation standard operating procedures address other benefits such as retention increases, salary increases due to additional duties and/or responsibilities, additional skills and knowledge, promotional increases, special assignment increases, and reclassifications.

DJJ has not utilized all of the potential increases to retain its employees. For example, although the agency implemented an advanced degree salary increase for certain critical needs' positions in 2019, this increase was not extended to nurses. Additionally, DJJ's recruitment plan does not require that the agency advertise all of the benefits it offers in job postings.

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## Recruitment Goals

We reviewed DJJ's new recruitment team goals: establishing communication with new potential recruitment outlets, decreasing the time to hire, promoting fluid communications within the agency, and establishing a system to identify hard-to-fill positions. We found no discussion of how bonus benefits could assist in recruitment and retention. Without specificity of recruitment outlets and how to recruit these outlets, DJJ may be missing potential opportunities.

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## Rapid Hire Event Toolkit

DJJ has not taken full advantage of the rapid hire event toolkit developed by the S.C. Department of Administration Division of State Human Resources. The toolkit is specifically intended to assist agencies that are facing hiring challenges due to the economy, location, or the nature of the job. The benefits of the toolkit are to increase the applicant pool, reduce time to fill positions, including same-day conditional job offers to qualified candidates, and lower costs to recruit. By implementing strategies from the toolkit, job seekers benefit from the opportunity to speak with agency representatives and receive same-day conditional job offers. The toolkit also provides guidance for registration and screening processes. For example, standard interview questions and ratings to rank candidates on a standardized scale provide consistency to the hiring process.

The General Assembly amended Proviso 117.65 (Critical Employee Recruitment and Retention) of the FY 18-19 appropriations act to allow state agencies to spend state, federal, and other sources of revenue to provide benefits to aid in recruiting and retaining workers in critical needs' positions that directly impact the health, safety, and welfare of the public. This proviso includes lump-sum bonuses for sign-on and retention.

DJJ was already offering sign-on bonuses and added employee referral bonuses in May 2020. The proviso also authorizes education initiatives such as leave for class, loan repayments, and tuition assistance. For healthcare providers, such as nurses, the agency can pay for practicums and pre-payment for tuition. DJJ has not used this program even though it is particularly needed for JCOs and nurses.

In our DJJ employee survey, we asked respondents to rank six hiring strategies in order of helpfulness. Survey results showed that employees ranked two strategies as most helpful: decreasing the time to approve a hire and offering bonuses for hiring referrals. Offering referral bonuses to agency staff could identify potential applicants from other sources.

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## Training Costs

According to DJJ management, many JCOs leave the agency to go to other law enforcement/correctional organizations shortly after completing training. This places a burden on the agency's staff and causes DJJ to lose money for the cost of training these officers. S.C. Code §23-23-120(C) allows for reimbursement of mandatory training costs, including up to 100% of the salary paid to that officer during the training period if the officer leaves the agency within two years of the training to work for another law enforcement agency. A senior official stated that DJJ stopped requesting reimbursement and DJJ's office of human resources indicated that it does not know to which agencies or other law enforcement entities separated employees transfer.

DJJ's office of fiscal affairs stated that the agency has not discontinued the process, but the office must be notified to bill these training costs. DJJ could bill for a percentage of the training cost based on the amount of time the officer was employed at DJJ. If the officer leaves within one year, DJJ can recoup 100% of the salary paid to that officer during the training period. If the officer leaves in the second year, the agency can charge 50%. The agency researched the statewide accounting system and found no record of billing or reimbursement from another agency or entity for training costs.

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## Salaries

According to DJJ management, current efforts to retain JCOs are to increase starting salaries as provided by the S.C. General Assembly, implement the sign-on and referral bonuses, and involvement of divisional staff in the onboarding of employees hired into their divisions. In our survey of DJJ employees, we asked respondents, "What could DJJ offer as an incentive, which is not currently offered, to retain good employees?" Two of the four areas of concern, with a 15% or higher response rate, were pay and issues of poor management. Respondents' suggestions for pay included an increase in salaries through bonuses, merit increases, and salary matches with the S.C. Department of Corrections. Poor management covered a variety of issues, including the lack of recognition of employees and the lack of involvement with agency programming. Similarly, when asked to select the top two reasons for staff turnover, 71% of respondents who identified themselves as correctional officers selected poor management and 62% selected pay.

DJJ's office of human resources does not track the hiring benefits, such as bonuses, that have been implemented to determine how they impact recruitment and retention. There is a need for reliable information in order to make data-driven decisions.

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## Recommendations

43. The S.C. Department of Juvenile Justice should revise its recruitment and retention plan(s) to include all recruitment and retention benefits.
44. The S.C. Department of Juvenile Justice should immediately implement the rapid hire event toolkit of the Division of State Human Resources and the critical recruitment proviso into the agency's recruitment and retention efforts.
45. The S.C. Department of Juvenile Justice should identify the security staff who leave for another law enforcement/correctional agency, determine the cost of mandatory training that was completed within a two-year period of resignation, and request reimbursement from the receiving organization.
46. The S.C. Department of Juvenile Justice should develop and utilize a tracking system to analyze the results of recruitment and retention efforts and include the results in the recruitment and retention plans using data-based information.

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## Hiring Process

DJJ's hiring process, particularly for juvenile correctional officers (JCOs), needs to be streamlined to eliminate duplicative and unnecessary actions resulting in the loss of time in hiring. We reviewed a sample of human resources' (HR) files for JCOs and found:

- The average time from HR receiving an application to interview is 28 days.
- The average time from interview to hire date is 55 days.
- The posting of an entry-level JCO vacancy requires executive-level approval.
- The number of posting reviews and approvals by senior staff members delays the hiring of a new JCO.
- The approval of salary levels occurs too late in the process.
- Criminal background, driver's license, and prior agency employment reference checks occur late in the hiring process.
- The number of reviews and verifications between DJJ institutional services and HR are excessive given the confirmation of hiring data is the same.

We reviewed the HR files for a judgmental sample of 81 JCOs hired between January 2017 to December of 2019 to review how long it takes to complete the hiring process. Our analysis of human resources data found the following:

- Receipt of the application to the interview date averaged 28 days.
- The executive review to approve hiring averaged approximately three days.
- Interview to hire date averaged 55 days.
- Executive-level approval to hire averaged over 28 of the 55 days.

Using this sample, we also analyzed the data for the JCOs who resigned. We found that the average days from hire to resignation for 52 employees was approximately 231 days.

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## Posting a Vacant Position

Given that the shortage of JCOs has been identified as critical, the posting of vacancies should be quick and efficient. Policy outlines the required steps for initiating and approving a DJJ posting for a vacancy. Some of the time periods between steps in this process seem excessive.

We interviewed key agency personnel involved in the hiring process and identified duplicative reviews of the verification of availability of positions, funding, and correct position information. In addition, approval by multiple executive staff members were part of this process which includes confirmation of positions, funding, and the approval to post the position.

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## Screening Process

HR is responsible for initially screening applications and preparing hiring packets for senior management to review and approve. The packets are then distributed to the hiring officials. DJJ's policy requirements increase the required time between steps in this process, such as up to eight business days between the closing date of the posting to preparation of the packets.

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## Selection Process

Once the hiring official receives the hiring packets, the official may screen applicants and/or conduct interviews. The receipt of the application by HR to the interview date averaged 28 days and from interview to hiring averaged 55 days. We interviewed HR and other DJJ staff and found that criminal background, driver's license, and prior agency employment reference checks were to be conducted between interviews and submission for approval to hire. The negative results of any these checks could result in the applicant being rejected for the position. This could be identified earlier in the hiring process when HR screens applicants.

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## Application Processing Time Issues

Once hiring packets are submitted to HR for final approval, there are reasons the packet would not be accepted and/or returned to the hiring official, such as background documents missing or using the wrong color of ink to complete the packet. According to HR, the purpose of returning the packets is to hold the hiring official accountable.

As with the posting process, the application processing time includes a number of duplicative approval or unnecessary review steps. The approval to hire a JCO I and II position at a salary band four or lower requires senior leadership or director approval. Staff noted instances where hiring packets were referred back and forth to different executive management team members requesting confirmation of financial and position information. For instance, the verification of salary did not occur until the official offer letter was sent to the applicant. With acceptable cases (education/certification), the hiring salary is the same and could be part of the posting process.

By not streamlining the hiring process and allowing it to take an average of almost three months, the agency may be losing suitable applicants to other agencies or businesses that can bring them onboard quickly. For example, one facility lost an experienced officer because the applicant took another job while waiting on DJJ.

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## **Recommendations**

47. The S.C. Department of Juvenile Justice should identify selection and process requirements that can be included in the posting process.
48. The S.C. Department of Juvenile Justice should examine its current practices for posting and hiring vacant juvenile correctional officer positions to eliminate unnecessary reviews.
49. The S.C. Department of Juvenile Justice should change criminal background, driver's license, and prior DJJ employment reference checks to be part of the human resources screening prior to authorizing hiring officials to conduct interviews.
50. The S.C. Department of Juvenile Justice should, in its postings, have the hiring salary and a list of what additional qualifications would make an applicant eligible for a higher salary.
51. The S.C. Department of Juvenile Justice should authorize the human resources and institutional services' divisions to post and hire entry-level juvenile correctional officer pre-approved vacant positions in bands one through four without oversight by senior leadership.

## Minimum Hiring Qualifications and Salaries for DJJ JCOs Compared to Other Entities

DJJ’s current minimum qualifications for entry-level JCO positions are inadequate when compared to similar organizations within South Carolina and with neighboring states. Starting salaries for entry-level DJJ officers are lower than salaries offered by the S.C. Department of Corrections (SCDC); however, when compared to similar law enforcement officer positions in selected counties, DJJ’s salary falls within the range offered. Other states offer similar starting salaries to DJJ, but have minimum hiring ages that are lower than South Carolina’s and these states require more pre-employment testing.

### South Carolina

South Carolina’s minimum hiring age and entry-level security officer salary for DJJ compared to SCDC are illustrated in Table 3.8.

**Table 3.8: Minimum Hiring Age and Entry-Level Salary Comparison to SCDC**

	DJJ JCOs	SCDC COs
Age Requirement	21 years of age	21 years of age
Entry-Level Salary	\$30,271	\$32,908 SCDC’s salaries for security officers are based on a security level system. Salaries increase for higher level (security) institutions.

Source: Agency job postings

Although DJJ’s minimum hiring age for a JCO position is the same as SCDC’s for a correctional officer, SCDC’s minimum salary is over \$2,600 more than DJJ’s. The entry-level salary for a JCO at DJJ has increased only about 8% from 2017 to 2020, as compared to an increase of 18% for SCDC correctional officers over the same time.

Table 3.9 shows hiring salaries at detention/jail facilities at Richland, Lexington, Dorchester, and Union counties (selected based on proximity to DJJ facilities) compared to DJJ’s starting salary for officers at its secure facilities.

**Table 3.9: Entry-Level Salary Comparison to County Officers**

	UNION COUNTY	RICHLAND COUNTY	DJJ	DORCHESTER COUNTY	LEXINGTON COUNTY
2020 Entry-Level Salary	\$24,473	\$28,655	\$30,271	\$32,814	\$36,891

Source: Agency job postings

DJJ offers a higher entry-level salary compared to Richland and Union counties, but is lower than Dorchester or Lexington counties, even though minimum qualifications for all facilities are the same. Additionally, Richland and Dorchester counties offer a higher minimum starting salary to officers with CJA certification. None of the other counties or state agencies reviewed offer higher minimum starting salaries for applicants with CJA certifications.

## Neighboring States

We compared the minimum starting salary, minimum hiring age, employment testing, training, and certification requirements for entry-level security staff of juvenile justice agencies in North Carolina, Georgia, and Florida to those for DJJ JCOs (Table 3.10). We found:

- Minimum hiring ages are lower in other states than in South Carolina.
- Florida’s pre-employment testing provides additional information regarding a candidate’s suitability for working in a juvenile justice environment. North Carolina also uses pre-employment psychological testing and sexual risk screening.
- Florida requires protective action response training within 90 days of employment as part of 240 hours of training to be completed within 180 days.

**Table 3.10: Neighboring States Comparison**

	SOUTH CAROLINA DJJ JCO	NORTH CAROLINA YOUTH COUNSELOR TECHNICIAN	FLORIDA JUVENILE DETENTION OFFICER	GEORGIA JUVENILE CORRECTIONAL OFFICER
Minimum Age	21	20	19	18
Starting Salary	\$30,271	\$31,980	\$28,027	\$27,936
Employment Testing	Drug test, criminal background check, driver's license check, medical examination.	Drug screening test, criminal background check, psychological testing, sexual risk screening test, physical examination.	Drug screening, sex offender check, criminal background check, Ergometric IMPACT assessment and training test.	Drug screening, background check, physical examination, qualifying test score results from Accuplacer, ASSET, COMPASS, SAT, ACT or CPE, and psychological testing.
Basic Training	Complete training required by the Continuing Law Enforcement Education within 6 months of employment.	Completion of four weeks of juvenile justice officer basic training.	Completion of 120 hours of workplace training (to include completion of Protective Action Response) and 120 hours of academy training within 180 days.	Completion of 160 hours of basic juvenile justice correctional officer training.
Certification	Complete Continuing Law Enforcement Education.	Training standards established by the North Carolina Criminal Justice Education and Training Standards Commission.	Meet requirements of the department's direct care training policy within 180 days of employment.	Meet the minimum standards of the Georgia Peace Officer Standards and Training Council (P.O.S.T.).

Source: Agency websites

North Carolina, Florida, and Georgia require more employment testing of applicants than DJJ. Employment tests examine different aspects of a candidate's suitability for working in a juvenile justice environment, allowing the agency to understand the potential strengths and possible weaknesses of each applicant. North Carolina's sexual risk screening test identifies adults who fail to recognize adult-child sexual boundaries or who are at a high risk for having sexually abused a child in the past. Florida's Ergometric's Impact Assessment and Training Test/IMPACT uses a video format to evaluate and screen public safety applicants for suitability in working with youth involved with the juvenile justice system. DJJ does not use any pre-hire tests to determine suitability of an applicant.

Florida requires 120 hours of web-based and instructor-led workplace training. The workplace training requires Protective Action Response certification which includes verbal and physical intervention techniques and application of mechanical restraints within 90 days of hire. This is followed by 120 additional hours of academy training, such as mental health and behavioral management, that must be completed within 180 days of hire for full certification.

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## Recommendations

52. The S.C. Department of Juvenile Justice should review the employment tests used by North Carolina, Florida, and Georgia to determine their feasibility for South Carolina.
53. The S.C. Department of Juvenile Justice should evaluate Florida and Georgia's basic training and certification requirements and implement pertinent aspects into its basic training curriculum and certification requirements.

## Job Fairs

DJJ can improve its recruitment efforts by analyzing results from job fairs in which it participated and/or hosted. DJJ has failed to take advantage of the job fair tracking spreadsheet it developed in response to our 2017 audit. We found that DJJ:

- Hired only 11% of the 879 applicants at job fairs from 2018–2020.
- Failed to use the information it tracked to target venues that most likely attract qualified candidates.
- Has extended recruitment efforts outside the Columbia area, but with marginal results.

DJJ developed a tracking spreadsheet with information recommended in our 2017 audit. Table 3.11 illustrates DJJ’s success rate from attending and holding job fairs in Columbia and outside of Columbia.

**Table 3.11: Job Fairs 2018–2020, Columbia and Outside of Columbia Area**

YEAR	JOB FAIRS			JOB FAIR HIRES			JOB FAIR RESULTS	
	COLUMBIA	OUTSIDE COLUMBIA AREA	TOTAL	COLUMBIA	OUTSIDE COLUMBIA AREA	TOTAL	NUMBER OF APPLICANTS	TOTAL HIRES VERSUS TOTAL APPLICANTS
2018	11	10	21	35	4	39	458	9%
2019	12	12	24	45	13	58	304	19%
2020	4	1	5	3	0	3	117	3%
<b>TOTAL</b>	<b>27</b>	<b>23</b>	<b>50</b>	<b>83</b>	<b>17</b>	<b>100</b>	<b>879</b>	<b>11%</b>

Source: LAC analysis of DJJ data

Although the job fairs held and attended from 2018 through 2020 attracted 879 applicants, the hiring results have been minimal; only 100 new employees (11%). The amount of time, travel, and personnel costs associated with job fairs have not been tracked to assess the return of effort. An analysis of the total cost cannot be determined without this data.

Twenty-two job fairs were held at seven college/university campuses resulting in three new employees. These campus visits are perhaps not generating new JCO hires because JCO qualifications only require a high school diploma or a GED. DJJ’s recruitment plan continues this direction of holding job fairs at college and university campuses, but fails to include other venues with more potential.

DJJ expanded the number of job fairs it held and attended outside the Columbia area. From 2018 through 2020, 46% (23 of 50) were held or attended outside of Columbia. These efforts resulted in 17 of 100 new hires for all job fairs during this time period. DJJ's recruitment coordinators are tasked to work on critical need staffing, including correctional officers at outlying evaluation centers in Union and Dorchester counties. DJJ management indicated that it is difficult to hire due to competition from outside businesses that offer higher pay, such as the S.C. Department of Corrections and Walmart.

In June 2020, DJJ hired two full-time recruiters who report directly to the associate deputy director for human resources. The recruiters developed initial recruitment team goals consisting of four sentences:

- Establish communication with state colleges, Department of Veteran affairs, and all other recruiting outlets.
- Help decrease the Time to Fill and Time to Hire within the agency.
- Create a fluid communication pipeline from applicant-employment services-hiring manager.
- Establish a system to ID hard to fill position(s) and expedite the hiring process for critical needs.

These statements do not address how the agency will recruit new applicants. A second recruitment plan includes continuing to hold job fairs focusing on community colleges and universities, which generated only three hires in as many years.

While the current recruitment plan indicates that attractive benefits such as sign-on bonuses should be included in job postings, the posting we reviewed did not include this information. Current job fair fliers, however, do address the sign-on bonus. Furthermore, there were no outcomes, timelines, or costs in the plan. Without this information, DJJ is unable to determine a rate of return of hires from job fairs compared to cost.

The recruitment plan indicates DJJ will continue to hold its own job fairs (with computer set ups, officers present, and videos). The current environment with pandemic restrictions most likely will not support these types of job fairs. Agencies such as the S.C. Department of Social Services, in conjunction with SCWorks, S.C. Department of Employment and Workforce, and food banks are holding drive-through job fairs across the state. These events distribute information packets containing employer information and job needs. This concept was used in three events in Columbia, Greenville, and Florence and has been successful in distributing employment opportunities. It is expected to be expanded to other parts of the state.

One Harvest Hope job fair ran out of 500 packets before the event ended. DJJ conducted its own drive-through job event that resulted in nine tentative offers to applicants for JCO positions. DJJ should expand its involvement with relevant job fairs.

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## Recommendations

54. The S.C. Department of Juvenile Justice should analyze which job fairs generate the most hires to determine where they should be held.
  55. The S.C. Department of Juvenile Justice should expand the tracking spreadsheets to include the number of staff members involved, the job fair fees, and travel costs to determine a rate on return of hires compared to cost.
  56. The S.C. Department of Juvenile Justice should add outcomes, deadlines, and potential costs to the written recruiting plan.
  57. The S.C. Department of Juvenile Justice should identify, collaborate, and participate with other agencies and workforce partners including the S.C. Department of Social Services, the S.C. Department of Employment and Workforce, and other community organizations (such as food banks) in drive-through job fairs.
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## Retirement System Eligibility

DJJ continues to interpret S.C. Code §24-1-280 to mean the majority of DJJ personnel should be included in the Police Officers Retirement System (PORS) regardless of whether the individuals work directly with juveniles. In fact, since our 2017 audit, DJJ relocated administrative personnel to a leased office building that is “not behind the fence.”

Including employees who do not meet the statutory requirements for PORS increases the cost to the agency due to the higher employer contribution that is required for PORS. It may also result in higher turnover due to the earlier retirement date and inequities within departments regarding employee retirement eligibility. There is an exception for the S.C. Department of Corrections (SCDC), DJJ, and the S.C. Department of Mental Health (DMH) that results in preferential treatment for employees of those agencies as compared to other law enforcement agencies based on how the law is currently being interpreted.

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## State Law

S.C. Code §9-11-10(23)(b) provides that a DJJ employee, after January 1, 2000, who, by terms of his employment, is a peace officer as defined by S.C. Code §24-1-280 is eligible for membership in PORS in accordance with §9-11-40(4).

S.C. Code §24-1-280 includes provisions for employees of DJJ to be given the status of a peace officer if the assigned work location is in one of the correctional facilities and the individual *is performing his officially assigned duty relating to the custody, control, transportation, or recapture of an inmate within the jurisdiction of his department* [emphasis added].

According to S.C. Code §9-11-40(4):

...no person shall become a member on or after July 1, 1963 unless his employer certifies to the system that his service as a police officer requires at least one thousand six hundred hours a year of active duty and that the person's salary for the service is at least two thousand dollars a year. If in any year after this certification the member does not render at least one thousand six hundred hours of active duty as a police officer, or if the member does not receive at least two thousand dollars in salary, his membership ceases and the provisions of Section 9-11-100 apply.

S.C. Code §9-11-100 states:

Should a member cease to render service as a police officer to an employer, except by reason of his death or retirement, he shall be paid the amount of his accumulated contributions within six months after his demand therefor, but not less than ninety days after ceasing to be a police officer.

## Police Officers Retirement System

PORS was established July 1, 1962, to provide retirement allowances and other benefits for police officers. PORS members may retire at an earlier age or with fewer years of service than S.C. Retirement Systems (SCRS) members. Eligibility for PORS includes the following classifications:

- Police officers (including police officers employed and certified by SCDC, DJJ, or DMH)
- Firefighters
- Magistrates
- Probate judges
- Coroners

The Public Employee Benefit Authority (PEBA) requires employers to certify that an employee meets the criteria for PORS membership. Table 3.12 compares full retirement eligibility requirements for PORS and SCRS.

**Table 3.12: Retirement Eligibility Criteria**

FULL RETIREMENT	MEMBERSHIP			
	PORS		SCRS	
	SERVICE OR AGE	YEARS EARNED SERVICE	SERVICE OR AGE	YEARS EARNED SERVICE
Class Two	25 years or age 55 or older	5	28 years or age 65 or older	5
Class Three	27 years or age 55 or older	8	Rule of 90* or age 65	8

\* Employee's age plus years of service credit must add up to 90.

Source: PEBA

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## DJJ PORS Eligibility

In our 2017 LAC audit of DJJ, DJJ employees were considered eligible for membership in PORS based on the following criteria:

### WORK SPECIFICATIONS

Employees in full-time equivalent positions who perform the duties of a police officer or peace officer working at least 1,600 hours per year and earning at least \$2,000 per year.

### SECURE WORK LOCATION

Employees in full-time equivalent positions who do not perform the duties of a police officer or peace officer, but their work location is assigned and located within (or behind the fence) at one of DJJ's secure locations.

According to current agency management, everyone hired into the agency is added to PORS. Management indicated that the agency has talked with the S.C. Department of Corrections (SCDC) and referred to the PORS guidance, which indicates that it is up to the agency to decide who is eligible.

DJJ started adding the following job requirement in permanent, full-time personnel job descriptions:

This position performs job duties relating to the custody, control, transportation, or recapture of juveniles within the jurisdiction of the Department of Juvenile Justice, and the employee may have direct or indirect contact with juveniles within the jurisdiction of the Department of Juvenile Justice. Training applicable to these duties will be provided.

The agency notified PEBA that, beginning July 2018, all permanent full-time personnel would be placed in the PORS retirement system. The listing of job class titles that was submitted to PEBA for review regarding inclusion of the statement above and classification in PORS included positions such as accounting/fiscal staff and human resources staff.

However, DJJ did not inform PEBA that it relocated administrative personnel from the Broad River Road Complex (BRRC/"behind the fence") to an office complex off of Bush River Road.

DJJ's decision that all permanent full-time employees are eligible for PORS is in contrast to the requirement in S.C. Code §24-1-280, which states that an individual's officially-assigned duties must relate to the custody and control of juveniles.

It is unlikely that the accounting and fiscal staff, procurement staff, training staff, and IT staff, for example, would work hands on with juveniles in the context of their assigned duties; therefore, they would not typically qualify for PORS.

According to PEBA officials, the statute modifications in 2000 enabled DJJ, DMH, and SCDC to place essentially any full-time person the agency designates as a peace officer in PORS. However, as the administrator of the retirement plans, PEBA should ensure that employers are enrolling employees in the appropriate retirement plan according to state law.

Automatically enrolling all DJJ employees in PORS also costs the agency more money. For FY 20-21, the required employer contribution for PORS was 17.84% of wages paid and 15.41% for SCRS. If an employee who earns \$35,000 annually is properly enrolled in SCRS, the agency could save approximately \$851 annually per employee. An additional cost to the agency may include staff turnover. Under PORS, employees are eligible to retire at an earlier age or with fewer years of service than under SCRS.

Other law enforcement entities do not have that same option. For example, a city police officer who takes a position as a file clerk for his department would no longer be eligible for PORS; however, a corrections officer at DJJ who transfers to an administrative position would be allowed to remain in PORS. This results in preferential treatment for certain employees based on the employer rather than actual job requirements. Table 3.13 compares DJJ employee positions, by retirement system, from September 2020 with 2017.

**Table 3.13: DJJ’s Retirement System Membership by Job Group**

DJJ EMPLOYEE JOB GROUP	PORS		SCRS	
	2020	2017	2020	2017
Accountant/Fiscal	13	13	1	4
Administrative	84	38	11	49
Agency Head	1	1	0	0
Attorney	2	2	0	0
Building/Grounds	21	25	0	0
Chaplain	6	7	0	0
Communications Specialist	7	7	0	0
Correctional Officer	301	465	1	0
Deputy Director	7	6	0	1
Education	30	11	1	3
Food Service Specialist	19	26	0	0
Human Resources	24	12	1	2
Human Services	311	296	5	13
Info Systems/Bus Analyst	2	4	0	0
Investigator	10	7	0	0
IT Personnel	21	15	0	0
S.C. Board of Juvenile Parole	2	2	4	5
Law Enforcement	19	21	0	0
Medical	17	21	0	0
Procurement	5	4	0	0
Program Personnel	106	100	3	10
Psychologist	21	17	0	0
Public Info/Research	8	3	0	1
Recreation Specialist	1	5	0	0
Social Worker	16	22	5	4
Supply	8	8	1	1
Teacher	46	40	4	7
Training	13	9	0	0
<b>TOTAL</b>	<b>1,121</b>	<b>1,187</b>	<b>37</b>	<b>100</b>

Note: Retired SCRS and retired PORS employees are shown as SCRS and PORS, respectively.

Sources: DJJ and S.C. Division of Human Resources

DJJ has 129 fewer employees overall as compared to the 2017 LAC audit.

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## **Recommendations**

58. The General Assembly should consider amending Title 9 of the S.C. Code of Laws: Retirement Systems regarding participation in the Police Officer's Retirement System to better clarify positions considered "peace officers."
59. The General Assembly should amend Title 9 of the S.C. Code of Laws: Retirement Systems to require the S.C. Public Employee Benefit Authority to provide oversight regarding employees entering the state retirement system, including, but not limited to, verification of membership requirements before enrolling an employee into a state retirement plan.



# Medical Care and Educational Services for Juveniles

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## Medical Care for Juveniles

DJJ is not providing timely, appropriate medical care for the juveniles in its custody. We found:

- A lack of transportation for medical appointments is a major cause of juveniles not receiving appropriate and timely medical care.
- 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.
- The agency's Medicat system needs improvement to more easily identify juveniles and allow for information about their medical conditions and history of missed appointments to be included.
- DJJ could benefit from more intensive mental health training for its staff to properly deal with juveniles.

We reviewed a sample of 78 medical events/incidents from the years 2017, 2018, and the last quarter of 2019 (50 events/incidents were selected for 2019 compared to 13 for 2017 and 15 in 2018). The majority of the events/incidents sampled were selected from the last quarter of 2019 to obtain current events/incidents where the juvenile may still be in DJJ's custody and staff would be familiar with the events/incidents.

This sample included juveniles from all DJJ facilities and included both males and females. Our sample included events/incidents that warranted a visit to the infirmary or the medical situation was serious enough for the juvenile to be taken to the local emergency room/outside medical provider or a psychological counselor for medical attention. Also, within this sample are events that were brought to our attention by DJJ staff because they believed medical care was not provided in a timely manner.

**Table 4.1: Sample of Events Where Timely Medical Care Was Not Provided to Juveniles**

Medical appointments routinely missed.
Staff without adequate training to interact with victims of sexual assaults and human trafficking.
Three consecutive dental appointments missed due to lack of transportation.
Continuing mental health issues.
Lack of properly-trained DJJ staff to address mental illness and triggers.
Optometry appointments missed when he/she was having difficulty reading.
Suicide attempts, sometimes multiple times.
Fighting and causing injuries, then denying the fight when questioned by staff.

Source: DJJ event reports and DJJ employees

We selected events/incidents from the Event Reporting Management Information System (ERMIS) log for the time period reviewed and from DJJ staff. If possible, we traced the events to DJJ’s electronic health record system used since 2016, Mediat, to document what and when medical care was provided to ensure timely medical attention was being provided. We also interviewed DJJ health services staff in various DJJ facilities, as well as an advocacy group, to discuss best practices. We also reviewed specific juvenile cases when appropriate.

## Lack of Transportation

We found many instances when outside medical and psychiatric appointments had to be rescheduled, sometimes multiple times, due to lack of transportation staff. Transportation is an ongoing issue throughout DJJ facilities due to staffing shortages.

In all cases discussed, we redacted information such as locations, dates, and sex of juveniles, to avoid the possibility of identifying any of the individual juveniles in our examples.

**Table 4.2: Examples of When Lack of Transportation Negatively Affected Medical Care**

<p>A juvenile was assaulted by multiple juveniles. DJJ's physician authorized the juvenile to go the emergency room, but there was no staff to transport the juvenile. DJJ medical staff reported that, hours later, the juvenile still had not gone to the emergency room.</p>
<p>One juvenile experiencing tooth pain missed several consecutive dental appointments due to a lack of transportation.</p>
<p>A juvenile tried to harm himself and had resulting injuries. In lieu of transporting him to the infirmary or the emergency room, the juvenile was placed in an office because there was no one to take him to either location. The juvenile was taken to the local emergency room hours later that same day.</p>
<p>A juvenile needed to go to an optometrist appointment, but there was no officer to transport the juvenile, so the appointment was missed. The juvenile needed glasses because of poor eyesight, but the juvenile left DJJ custody without ever seeing an optometrist.</p>
<p>A juvenile missed several psychiatric appointments due to lack of transportation staff. This juvenile was known to be volatile and had severe attention-deficit/hyperactivity disorder (ADHD) and depression.</p>
<p>Two juveniles had to miss their medical appointments because the transport team pulled the staff off of transportation duties. This resulted in waiting for the Columbia transport, which took two hours to arrive.</p>
<p>A diabetic juvenile was turned away from a doctor's office due to arriving almost an hour late to the appointment and the appointment had to be rescheduled.</p>
<p>Juveniles are missing psychiatric counseling appointments several times each day/week. Some of these appointments are court ordered. Also, psychiatrists had to spend hours waiting on the juveniles and, at the end of the day, some of the juveniles were not seen.</p>
<p>Two juveniles were not seen by their regular physician because transportation refused to bring them to the medical appointments due to staffing shortage.</p>

Source: DJJ event reports and DJJ employees

Staff at various DJJ secure facilities explained that the staffing shortages for security to transport juveniles for basic medical services, such as optometry and dental care, to the Broad River Road Complex (BRRC) campus need to be addressed. Also, there are transportation issues at the Upstate Evaluation Center (UEC) and the Coastal Evaluation Center (CEC). Transportation staff have to drive from Columbia to UEC or CEC and back to Columbia for medical appointments, wait with the juvenile(s) during the appointments, and then drive back to UEC/CEC. There is a transport team in Columbia to assist UEC or CEC if the evaluation center is unable to call in an employee who is not scheduled to work. DJJ tries to arrange this ahead of time. However, in the case of emergencies at both facilities, the facility administrators, instead of JCOs, have transported juveniles to an emergency room or the BRRC infirmary.

To improve transportation issues, DJJ attempted to provide its security with a routine that is easily manageable, such as medical transports to these regular appointments on Tuesdays and Thursdays; however, that was not helpful since juveniles had to be moved to BRRC where services are provided. Staff also reported that because internal transportation is limited and facilities were asked to reduce movement of juveniles, many basic medical care appointments were cancelled or rescheduled. Medical staff have had to prioritize which surgery should take place on a certain day because no one is available to transport two kids in different directions. In fact, dental clinics have stood empty because there were no staff to bring the juveniles to the clinic.

The lack of communication to DJJ health services regarding transportation is an ongoing issue. Staff have waited on juveniles to come to appointments, but they were “no shows” because the transportation team never arrived. This has been an issue for a number of years. Currently, there is no system at DJJ to properly manage transportation needs, or predict when transportation demands cannot be met with existing resources. Also, the physical layout at BRRC is not conducive to day-to-day correctional operations since the juveniles have to be driven to various buildings around the complex to receive medical and other services. However, we were told that, under former Director Byars’ tenure, juveniles, who were not sick, walked across BRRC from the housing/residential facilities to teaching locations and to medical and other service appointments. It appeared the juveniles were under better control, given responsibilities, and understood consequences for bad behavior.

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## Medicat System

We found that 11 of 78 medical events/incidents in our sample were not adequately documented in the Medicat system. There are issues in how events/incidents are reported in Medicat. For example, when a juvenile is seen by medical staff, an entry goes into Medicat but, most of the time, the underlying history is not included in the Medicat notes. Also, any delays regarding transportation are not noted in Medicat. Therefore, it is difficult to determine what actually transpired or how long a juvenile waited before arriving at medical.

DJJ staff told us about certain incidents; however, we found that Medicat does not include a comprehensive picture. For example, DJJ staff informed us about a juvenile needing an optical appointment, which was delayed multiple times. Medicat shows that the juvenile eventually went to an optical appointment, but the delay and missed appointments were not documented in Medicat. Without all relevant information, there is no clear picture of the juvenile's access to care.

In order to find a juvenile's record in the Medicat system, there must be a first and last name entered or a DJJ Juvenile Justice Management System (JJMS) identification number for the juvenile. We were unable to verify some specific incidents because we did not have the juvenile's complete name, DJJ juvenile number, or date of the event/incident. Without this information, it is difficult to find specific allegations in Medicat since most juveniles have multiple visits to medical for medication administration and various tests. In addition, DJJ archives a juvenile's Medicat information immediately upon the juvenile's release. Also, when a juvenile refused medical care, this was not documented in Medicat.

**Table 4.3: Examples of Inappropriate Medical Care**

<p>A juvenile threatened self-harm and DJJ staff did not take the threats seriously. It was not until the juvenile was found unconscious that DJJ staff transported the juvenile to the hospital emergency room.</p>
<p>A juvenile was injured and was not seen by medical for one week.</p>
<p>A juvenile had an allergic reaction and no Epinephrine Auto-Injector (EpiPen) was available. According to staff, a pen was in the locked medication cart. Staff who had the cart key had left for the day. The juvenile had to be transported by ambulance to the emergency room for treatment.</p>
<p>A juvenile was assaulted and needed surgery. The juvenile waited almost two weeks, but ultimately left DJJ custody without getting the needed surgery.</p>
<p>Two juveniles were complaining of pain, yet were not seen by a medical doctor. They both returned to their respective homes where they were seen by a physician at that time. The juveniles' injuries, at this point, were healing, yet neither juvenile returned from DJJ with the necessary treatments that would have addressed these injuries.</p>
<p>According to DJJ medical staff, an evening group for female juveniles meeting for mental health counseling was cancelled several times a month due to the lack of transportation staff. In fact, some psychiatric counseling was held in a utility/storage room, or sitting on the floor in a corner of common area. The juveniles were not able to receive professional, meaningful counseling in a private, confidential, and neutral environment at that time. However, this situation improved when a clinician was hired in June 2020 and was placed in an office within the female juvenile unit.</p>

Source: DJJ event reports and DJJ employees

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## Juvenile Refusal of Medical Treatment

Juveniles sometimes refuse medical treatment, which may include medications, immunizations, and other procedures. In these cases, DJJ requires the juvenile to sign a refusal of medication and treatment form in the presence of DJJ medical staff documenting this decision. This issue becomes critical when the juvenile informs someone (social worker, parent, guardian, etc.) that he/she was injured and did not go to the medical infirmary because he/she signed the refusal of medication and treatment form. DJJ policy requires juveniles to be counseled to warn them of the potential risks of refusing care and will record refusals within the juvenile's medical record; however, we found one case in our sample that was not documented as required.

It is the responsibility of medical staff, or juvenile correctional staff when medical staff is unavailable, to ensure that documentation of refusals is completed to document that DJJ is offering all appropriate medical services to juveniles and that juveniles have been informed of potential risks related to refusal of care. Unless there is a record of the juvenile's refusal of medical care, a juvenile's failure to receive medical care could be construed by a social worker, parent, or guardian as improper denial of medical care by correctional staff.

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## Nursing Shortage

According to DJJ staff, the agency also has a shortage of permanent nursing staff. To supplement the existing full-time staff, the agency utilizes contract nurses. However, since it takes time to train these contract nurses, there is high turnover, and there is less continuity of care for the juveniles. Many contract nurses leave DJJ for higher salaries or different environments. This shortage of nursing staff is another issue affecting juveniles experiencing delays in the timely dispensing of medications. As of March 2021, DJJ had employment postings for multiple positions for registered nurses and a nurse manager.

Nursing staff are sometimes forced to go to the residential pods instead of the standard practice of juveniles coming to medical stations for medications since there is not sufficient security staff to supervise the juveniles. This is an unsafe medical practice and puts DJJ nursing staff at risk, especially when the DJJ security staff is limited. This unsafe practice may result in a less healthy population, both mentally and physically, and in youth who languish in the poor conditions. Such practices foster opportunities for serious incidents to occur in DJJ facilities. DJJ staff have expressed their concerns for their own safety and have reported experiencing verbal threats and abuse on a daily basis at various DJJ facilities.

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## Additional Mental Health Training for Staff

Currently, DJJ staff receive limited training on how to deal with juveniles with mental health issues. Providing adequate mental health education courses could ensure security staff have an understanding of how to recognize mental health issues, behaviors, and the triggers that cause adverse reactions in juveniles. This enhanced and more detailed mental health training could assist DJJ staff in dealing with juveniles, could reduce fights and bullying, and limit the use of restraints, wet cells, and isolation.

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## DJJ's Intensive Group Home Status

DJJ plans to renovate a facility at BRRC to open an intensive group home for juveniles in desperate need of intensive mental health counseling and services. Interviews with nursing staff at several DJJ locations disclosed that there is a high percentage of juveniles with mental health issues and this facility would be an asset to DJJ and this vulnerable population. DJJ's population is a difficult one to serve and many treatment facilities in the state do not want to accept DJJ juveniles.

During our LAC September 2019 audit, *A Review of Children's Behavioral Health Services at the S.C. Department of Health and Human Services*, DJJ was in the process of issuing a request for proposal (RFP) to open an intensive service group home that would provide step-down placement with psychiatric residential treatment facility-type services and staffing. According to our 2019 report, as of April 2019, the RFP had not been issued, yet DJJ had provided a "go-live" date of September 2018. As of November 2020, DJJ did not have an estimated date for when this group home will open. During the exit process, we verified that the RFP had been awarded and DJJ stated that the anticipated opening date for this facility is the end of March/early April 2021.

According to DJJ psychiatric staff, more juveniles entering the system are victims of human trafficking (both male and female) and these juveniles also have their own issues that have an effect on mental health and their subsequent behavior. If DJJ opens the intensive group home, juveniles who have suffered this trauma may benefit from such a facility. This type of environment could target their human trafficking trauma and mental health issues while providing a "safe" environment for confidentiality and discussion with psychiatric and other DJJ staff. Also, DJJ security staff could learn more about human trafficking and have a better understanding of these juveniles and why they behave in the manner that they do.

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## Recommendations

60. The S.C. Department of Juvenile Justice should review the current capabilities of its Medicaat system and immediately implement changes to better track medical histories of the juveniles, refusal of medical care, and missed medical appointments.
61. The S.C. Department of Juvenile Justice needs to develop a transportation plan by identifying staff and protocols for efficiently transporting juveniles to medical appointments.
62. The S.C. Department of Juvenile Justice should update and implement a policy on transporting juveniles to improve current practices.
63. The S.C. Department of Juvenile Justice should hire more full-time nursing staff instead of relying on contract nurses.
64. The S.C. Department of Juvenile Justice should identify adequate mental health training and require its security staff to complete this training annually.
65. The S.C. Department of Juvenile Justice should expedite its plans to open an intensive group home.

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## Educational Services

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During our review of the administration of DJJ's school district, we found that:

- DJJ has changed the process and standards to enroll students into the GED course of study, and now has fewer students enrolled and GEDs earned. There are more students in credit-bearing classes working towards a high school degree.
- DJJ does not track the educational outcomes of students as they re-enter and engage with the community.
- DJJ does not have a formal process to review or retain its final grade calculations or credit award decisions.
- DJJ does not receive records of students transferring to its school district consistently or in a timely manner, leaving many students at risk of inappropriate placement.
- State regulations allowing 16-year-old students in DJJ's custody to enroll in the GED course of study are outdated.

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## GED Authorization and Participation

DJJ instituted new informal procedures and standards for students to enroll in the GED course of study in school year (SY) 17-18 and SY 18-19. Before these procedures and standards, a GED committee, comprised of various staff located at the Broad River Road Complex (BRRC), reviewed candidates on a monthly basis, considering factors including age, credits earned, assessment results, and perceived maturity and behavior.

The new procedures include limitations on students at the short-term Juvenile Detention Center and evaluation centers, “blackout” periods in the final two weeks of each academic quarter when GED applications are not processed, and scheduled “blitz” periods at the beginning of academic quarters to identify and enroll ideal candidates. DJJ stated these policies were instituted to maximize the credits earned by students, and minimize the number of students who enroll in the GED course of study, but leave DJJ without having earned a GED.

DJJ’s guidance department receives standardized applications to enroll in the GED course of study, and considers numerous relevant factors including:

- The student’s age.
- Number of credits earned towards a high school diploma.
- Expected release date.
- Assessment results.
- Post-GED plans.
- Teacher/counselor recommendations.

S.C. Department of Education indicated that this procedure falls within the guidance department’s key roles.

The new procedures and standards have preceded decreases in the number of students attempting and earning GEDs from SY 17-18 to SY 19-20 (adjusted for a March 1 cutoff date), as seen in Table 4.4. Outside factors, including parental consent and court approval of students with an individualized education plan may also impact the number of students entering into the GED course of study.

Conversely, the number of credits earned by students enrolled at the DJJ school district has increased significantly from SY 17-18 to SY 18-19, as seen in Table 4.5. We did not consider SY 19-20 due to a temporary change in standards for awarding credit. This data is consistent with the agency’s current emphasis on the feasibility of high-school graduation for DJJ students.

Our review of research in this area reveals that although a high school diploma and its equivalents (including the GED) are grouped into the same category by the Bureau of Labor Statistics, a study by the Washington State Statistical Analysis Center found that juvenile offenders involved with the state’s juvenile justice system who graduated with a high school diploma earned higher wages and worked more hours than both juvenile offenders with a GED and those who dropped out of school.

**Table 4.4: GED Attempts and Passes at DJJ School District, SY 17-18 – SY 19-20**

	NUMBER OF GED ATTEMPTS	NUMBER OF GED PASSES	PERCENTAGE OF PASSES
SY 17-18*	74	61	82.4%
SY 18-19*	67	55	82.1%
SY 19-20*	49	38	77.6%

\* Through March 1 of each school year.

Source: LAC analysis of DJJ data

**Table 4.5: Average Monthly Population and Number of Credits Awarded by DJJ School District, SY 17-18 and SY 18-19**

		BIRCHWOOD	JDC & EVALUATION CENTERS	ALL SECURE FACILITIES
SY 17-18	Average Monthly Population	131	501	633
	Credits Awarded	143.5	55	198.5
SY 18-19	Average Monthly Population	144	443	587
	Credits Awarded	304	86.5	390.5
Percentage Change	Average Monthly Population	10.1%	-11.6%	-7.2%
	Credits Awarded	111.8%	57.3%	96.7%

Source: LAC analysis of DJJ data

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## Impediments to Testing

GED testing at DJJ has also been affected by lack of transportation and use of isolation as a consequence for juvenile misbehavior. Our review of records from the DJJ testing center, where practice and GED exams are administered, identified multiple instances where students had testing sessions cancelled due to transportation difficulties. In addition, interviews with agency officials and responses to our survey of DJJ staff indicated that placement of juveniles in isolation interferes with GED testing and educational progress, including seven students who did not attend scheduled testing sessions due to being in isolation over the course of just three months in 2018. An agency official also cited instances in which staff intervened to allow students placed in isolation to attend testing sessions.

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## Review of Educational Outcomes

DJJ does not review the ultimate educational outcomes of students who earn credits while enrolled in its school district and therefore cannot verify whether earning more credits and fewer GEDs at DJJ is ultimately beneficial for its students. Interviews with DJJ staff, as well as review of literature regarding juvenile justice-involved youth nationally and in South Carolina, indicate that many DJJ students placed in secure facilities face obstacles to enrolling in other school districts and completing their education after release. A recently published report by the Council of State Governments found that South Carolina youth who were diverted or placed on probation had worse school attendance outcomes than before their involvement with the juvenile justice system, especially older youth (who are most likely to be eligible for the GED). In addition to concluding that placement of youth in secure facilities is inappropriate for long-term behavioral improvement, the report found that South Carolina schools and school districts often impose punitive sanctions on DJJ youth.

The National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth, funded by the U.S. Department of Education, recommends regular monitoring and tracking of students' post-release educational outcomes and other measures of engagement as a key practice of effective juvenile justice systems. Engagement, which typically includes school enrollment, has a well-documented relationship to recidivism among youth. The recent Council of State Governments report recognized that South Carolina is one of a few states that has an integrated education and juvenile justice database that facilitates education outcome tracking.

DJJ submits data to SDE's consolidated state performance report regarding education and employment outcomes for students within 90 days after they are released. DJJ also has a position whose responsibilities include tracking outcomes periodically, up to one year after a student's release. However, a relevant agency official we interviewed was not aware of any such tracking and these results are not used as part of students' course of study placement decisions.

Although there are many factors beyond DJJ's immediate control that may influence an individual student's educational outcome, DJJ can use this type of outcome data to improve educational services, including better targeting students who may be less likely to ultimately earn a high school diploma, and therefore more suited to earning a GED while in its custody.

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## Final Grade Calculations and Credit Awards

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DJJ's processes for calculating final grades and awarding credits are not properly recorded or reviewed for quality assurance. SDE's statewide student information system, currently PowerSchool, is a web-based program used to manage instruction, learning, grading, attendance, assessment, analytics, state reporting, special education, and student registration. According to agency officials, PowerSchool does not allow for a student's grades to be automatically imported or transferred between school districts within the state, or between schools within the same district. DJJ's student population is highly transient, so DJJ staff manually calculate each student's final grade in each graded course using various records in the final weeks of each academic year, which is 235 days long for the DJJ school district.

As part of this process, DJJ also makes credit unit award and grade level promotion/retention decisions. While some of these decisions and rationale can be recorded in PowerSchool for future reference and review, DJJ admits that its final grade calculations are maintained on paper without organization, in multiple locations. DJJ also does not have a procedure to review its calculations or credit award decisions for calculation or transcription errors. When asked about obstacles to educational services at DJJ in our staff survey, multiple agency staff reported that juveniles did not always receive credit for work completed while enrolled in classes in the DJJ school district.

In our review of final grade and credit award data kept by DJJ and SDE for students enrolled at DJJ's secure facilities, we found two instances in which students improperly received an unsatisfactory final grade below DJJ's credit award threshold, but still received credit. We also noted other instances that, while not necessarily improper, are unusual and highlight the importance of an organized document retention system and quality assurance review to better ensure that all students are awarded proper credits. For example, two students were respectively awarded 11 and 13 academic credits in one year, approximately half of the credits SDE requires for high school graduation. We also found that there were a total of 321 instances where credits were not awarded to a student who received a satisfactory final grade in a credit-bearing course for SY 18-19, a reduction from 1,554 such instances in SY 17-18. The number of credits involved, overall and for individual students, and the importance of credits for DJJ's students seeking their high school diplomas create a great need for a formal quality assurance process.

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## Student Record Transfer

Student records received by DJJ from other South Carolina school districts are not consistent or received in a timely manner. State regulations require that a school sending a student to DJJ is required to furnish "appropriate data" within ten business days after receiving a request. The ten business day limit was first adopted in 2013 in an effort to address an "ongoing problem with the proper and timely transfer of student records." The National Technical Assistance Center recognizes that the efficient transfer of youth records and related information upon entry is crucial to a student's success and agency's ability to evaluate and accommodate youth placed in its custody.

We analyzed DJJ's completed record requests from when DJJ began to keep such records in January 2018 through the beginning of March 2020. We found that, although DJJ issues first requests on average 1.5 days after enrollment of a new student, the average time to receive records after the first request is 11.4 work days. There were 298 cases where a student's records were not transferred within 15 work days, representing 22% of the cases we reviewed. Our analysis also showed that DJJ issued at least one follow-up request for records in over 50% of cases, demonstrating that while the agency is diligent in pursuing records, hundreds of students committed to its care are at risk for improper placement in classes for weeks.

State regulations do not define which data must be provided, except name, age, grade placement, attendance, and additionally “comprehensive transcripts” for high school students. Although DJJ requests a wide range of relevant information, including transcripts, standardized state testing results, current report cards, guidance documents, special education status, and health records, a DJJ official reported that a majority of schools do not send all of what is requested. Although DJJ typically receives information such as grades, transcripts, and available health records, it is not always comprehensive.

Delays in receiving records and incomplete records can have serious impacts on DJJ students’ academic progress and success. Without accurate and complete academic records, students may be enrolled in classes that are inappropriate for the student’s grade or ability, risking missed learning opportunities and disengagement with school. During our tours of DJJ’s evaluation centers, we spoke with one educator who noted that the biggest challenge in providing education is the variation in academic achievement among students and the process of establishing their abilities. Compounding this problem, many students enrolling at DJJ are at risk of having already missed extended amounts of school time before enrollment. For example, they may be expelled or suspended from their prior schools after committing an offense, but not placed into DJJ custody and enrolled in the school district until adjudication or sentencing is complete.

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## Compliance with State Regulations

S.C. Regulation 43-259(1)(A)(3) allow students under the jurisdiction of DJJ to be eligible for the GED course of study at 16 years of age instead of 17, subject to additional criteria. A family court must certify that it is in the 16-year-old juvenile’s best interest to be exempted from the public school compulsory attendance law. Also, it must be determined that it is not feasible for the juvenile to return to school because of need to work or plans to pursue further education. However, DJJ admits that it does not seek outside approval to place students on the GED track, and SDE does not verify that DJJ complies with these criteria. Furthermore, SDE was unable to state the justification for adopting these criteria as part of the regulation, calling their necessity into question.

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## **Recommendations**

66. The S.C. Department of Juvenile Justice should include the procedures and standards for enrolling students into the GED course of study in its policies and/or standard operating procedures.
67. The S.C. Department of Juvenile Justice should implement a formal document retention policy for end-of-year final grade calculations and credit awards.
68. The S.C. Department of Juvenile Justice should adopt quality assurance review procedures for end-of-year final grade calculations and credit awards.
69. The S.C. Department of Juvenile Justice should work with the S.C. Department of Education to modify its student transfer policies, including defining the records to be transferred and shortening the deadline to send records after receiving a request.
70. The S.C. Department of Juvenile Justice should work with the S.C. Department of Education to identify recommendations to make to the General Assembly to amend its adult education regulations to remove the family court certification and re-enrollment feasibility requirements for certain DJJ youth.

# Staff Training

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## Juvenile Detention Center JCO Training

DJJ has not ensured that security staff assigned to its Juvenile Detention Center (JDC) meet state law or agency standards for training. We found:

- 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.
- Only 43% of officers who completed basic training at CJA also met DJJ’s annual recertification training requirements based on our review of officer completion of Handle with Care training.
- CJA typically reserves two seats per training session for DJJ employees. However, DJJ has not always sent officers to fill those seats.
- DJJ’s training curriculum for juvenile correctional officers at JDC does not adequately prepare officers for the environment in which they are working.
- Certified officers assigned to JDC are not allowed to use the defensive techniques taught at CJA.
- One officer identified in our 2017 audit who had not completed CJA training had still not completed CJA training as of the date of this review.

CJA certification is required for juvenile correctional officers assigned to the juvenile detention center. The CJA classes relevant to DJJ are for Class 2-LCO — Juvenile correctional officers assigned to the juvenile detention center. S.C. Code §23-23-80(5) authorizes the Law Enforcement Training Council to promulgate regulations “as may be necessary for the administration of [the Law Enforcement Training Act].” State regulations establish various classes of certified law enforcement officers. “Juvenile correctional officer” is an internal job title used for all DJJ correctional officers, regardless of their assigned work location.

S.C. Regulation 37-005(B)(3) states, “Candidates for basic certification as juvenile correctional officers with the Department of Juvenile Justice shall successfully complete a training program as approved by the Council and will be certified as Class 2-JCO.” JDC JCOs must also attend and successfully complete basic detention training at CJA within one year of hire.

In our January 2017 audit, we found that only 28% (23 of 81) of the JDC JCOs were certified by CJA. As of December 31, 2019, 38% (20 of 52) of JDC JCOs had current CJA certifications. CJA certification is good for three years predicated on the officers meeting DJJ's annual JCO training requirements and completing regular CJA legal training. We reviewed the Handle with Care component of DJJ's annual JCO training requirements and found that only 43% of the officers who had completed basic training at CJA had completed this agency training in the last year.

CJA paused basic training in March 2020, due to the pandemic, but resumed new classes July 6, 2020, operating on a first come, first served basis while maintaining proper social distancing. It resumed reserving two slots for DJJ beginning November 29, 2020, at DJJ's request. However, according to CJA, it was possible slots could have been reserved sooner. As of August 18, 2020, there were 18 JDC JCOs who needed training but were not scheduled to attend training.

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## Handle with Care Behavioral Management Training

Since 2017, DJJ has used Handle with Care as its behavioral management training curriculum, which is part of the agency's basic training for all JCOs. This program describes itself as "safely managing behaviorally-challenged and disruptive behavior." However, respondents to our employee survey stated that Handle With Care is not sufficient to maintain safety in the agency's current environment, as 74% of correctional officers responding answered "No" when asked whether Handle with Care was adequate for de-escalating incidents with or between youth. Officers returning from CJA basic detention training are told by DJJ management to use Handle with Care techniques rather than those taught by CJA.

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## Recommendations

71. The S.C. Department of Juvenile Justice should ensure all officers assigned to work at the Juvenile Detention Center graduate from the three-week basic detention training at the S.C. Criminal Justice Academy within one year of their hire dates.
72. The S.C. Department of Juvenile Justice should immediately schedule the Juvenile Detention Center officers who are not currently certified to complete the required training.
73. The S.C. Department of Juvenile Justice should ensure that training is scheduled to maintain JDC officers' recertification.

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## JCO Training

DJJ has not ensured that security staff assigned to secure facilities are receiving adequate training to maintain a safe environment for juveniles and staff. We reviewed the training for JCOs, other than security staff at the Juvenile Detention Center, and found:

- DJJ has failed to ensure that all officers meet training requirements and standards.
- New officers must successfully complete institutional services' basic training within the first six months of employment to obtain certification; however, this has not always happened.
- Annually, security officers must complete 13 courses for recertification; however, we found that the majority of JCOs in our sample at some facilities had not been recertified.
- Unlike basic training provided at CJA, DJJ's behavioral management curriculum for juvenile correctional officers, Handle with Care, includes defensive countermeasures, but does not include pressure point control, or spontaneous knife defense, which may improve an officer's ability to contain a violent incident. Respondents to the LAC survey of DJJ employees stated that Handle with Care is not sufficient.
- Among respondents to the LAC survey who stated they both work with youth on a daily basis and work at a secure facility (221 respondents), 57% responded that they feel unsafe at work, as compared to 40% in our 2017 employee survey.
- Due to staffing shortages, administrators at secure facilities have periodically filled in for JCO staff. While all but one was trained in Handle with Care; none had attended recertification courses, which are required annually for JCO staff and are highly encouraged for administrators.

## Required Training

To obtain certification, new officers are required to successfully complete institutional services' basic training within the first six months of employment and prior to being assigned security job functions. Each year, officers must complete each of the following 13 courses to maintain certification:

- Contraband control and search procedures.
- Emergency procedures.
- Trauma awareness.
- Handle with Care behavioral management training (Recertification).
- Mechanical restraints.
- Documentation—logbooks and report writing.
- Suicide prevention, intervention, and security.
- Legal update and PREA (Prison Rape Elimination Act).
- First Aid/CPR/AED (Refresher).
- Abuse and neglect.
- OSHA.
- Stress and prevention management.
- Understanding juvenile mental health.

We reviewed a random, judgmental sample of JCO training transcripts, excluding JDC officers, to determine if the JCOs have completed required training and recertification. The results are shown in Table 5.1.

**Table 5.1: Percentage of JCOs Not Meeting Recertification Requirements, by Facility**

FACILITY	PERCENTAGE OF JCOs NOT MEETING RECERTIFICATION REQUIREMENTS
Broad River Road Complex	86% (25 of 29)
Midlands Evaluation Center	62% (5 of 8)
Coastal Evaluation Center	40% (2 of 5)
Upstate Evaluation Center	50% (2 of 4)

Source: LAC analysis of DJJ training records

Administrative staff periodically filled in for JCOs when there was a shortage of officers on shift. We met with one facility administrator during a site visit who was manning the control room due to a shortage of staff. Normally, the control room would be manned by one or two JCOs.

We reviewed the training transcripts for facility administrators and found that four of five had completed Handle with Care. However, the certification of four facility administrators had expired because it had been over one year. This places facility administrators at a disadvantage and could result in injuries to themselves and/or juveniles.

The LAC survey of DJJ employees showed one reason for staff turnover was because of safety issues. Staff stated they did not feel safe. In addition, when asked if Handle with Care was adequate for de-escalating incidents with/between youth, 74% of respondents reported it was not adequate. Agency personnel indicated that the training does not cover real-world scenarios. When officers attempt to intervene to prevent injury, they may get hurt. In addition, according to agency officials, Handle with Care training is insufficient when responding to disruptions, which may lead to injuries to staff and/or juveniles.

The inadequacy of DJJ's basic training curriculum for security staff to properly address juvenile behavior was identified in our 2017 audit and we recommended the agency adopt a program with better defensive countermeasures. We asked DJJ's director about the current program's adequacy to properly address juvenile behavior and he stated that he was reviewing Handle with Care Plus, which includes more pressure point control techniques and tactics. According to agency staff, Handle with Care Plus was discussed in a meeting in early 2020; however, DJJ's legal and training divisions raised concerns regarding the use of pressure point tactics. The meeting ended requiring the training division to review the differences between the two programs to determine whether some parts of Handle with Care Plus could be beneficial for staff. It does not appear that any change to the current program, however, has occurred.

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## Training Venues

Since JCOs working at UEC and CEC have to travel to Columbia for training, this minimizes the time available to attend training. However, we found MEC and BRRC have the highest percentage of non-compliance for their security officers even though these officers are located in Columbia where the trainings are offered. This finding and interviews with agency management indicate that staffing shortages, in general, are likely the primary obstacles that prevent officers from attending annual recertification training. However, interviews with agency management did show that conducting basic JCO training at regional facilities could improve hiring among people with dependents and identify dropouts earlier in the training process. When security officers are not properly trained, the safety of juveniles and staff is compromised.

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## Recommendations

74. The S.C. Department of Juvenile Justice should ensure that all juvenile correctional officers receive the mandated training within the required time for certification (first six months of employment) and annual recertification.
75. The S.C. Department of Juvenile Justice should ensure that officer training is required for anyone acting in a security officer capacity.
76. The S.C. Department of Juvenile Justice should determine what additional defensive countermeasures are needed to properly handle the current population of juveniles.
77. The S.C. Department of Juvenile Justice should implement better defensive countermeasures once identified.

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## Training for 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 training annually; however, in our sample we found:

- 36% (16 of the 45 employees) failed to meet the 15-hour minimum annual training requirement as required by DJJ policy.
- 27% (12 of the 45 employees) had not completed the defensive driving class or the required four-hour refresher course every three years per DJJ policy.
- 7% (3 of the 45 employees) did not complete the required annual Code of Ethics training course, as required by DJJ policy.
- 13% (6 of the 45 employees) had not completed the Prison Rape Elimination Act (PREA) training which is required every two years by federal law.
- 4% (2 of the 45 employees) did not take community services training.

We found that DJJ's non-security employees are required to complete certain training. We reviewed a judgmental sample of training transcripts for 45 non-security staff employed as of March 2020. This sample of employees was chosen to represent the entire DJJ population, including classroom teachers, psychologists, maintenance workers, laundry staff, a deputy director, social workers, and various county directors.

DJJ non-security employees are required to attend the following trainings:

- New employee orientation.
- 15 hours of annual training, that includes basic training, workplace safety, and first aid/CPR/AED for designated employees.
- Supervisory and leadership training, depending on the employee's position.
- Code of Ethics annual training as required by DJJ policy.
- Trauma informed care and community services training, depending on employee position as stated in DJJ policy.
- Prison Rape Elimination Act (PREA) every two years as required by federal law.
- Defensive Driving Course (DDC) required as part of the new employee orientation and every three years per DJJ policy.

In our sample of training transcripts, we found that the SCEIS learning management system (LMS) had duplicated some of the training courses and DJJ stated it was a data entry error. Also, the LMS training system tracks and automatically sends notification reminders prior to the expiration date of the trainings and certification(s). However, training has not been consistently completed. If employees are not trained properly, there is less assurance that duties will be carried out appropriately and there may be a greater chance for staff or juveniles to be injured.

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## **Recommendations**

78. The S.C. Department of Juvenile Justice should ensure that non-security employees complete training, as required by policy.
79. The S.C. Department of Juvenile Justice should ensure the South Carolina Enterprise Information System's learning management system has not duplicated trainings.
80. The S.C. Department of Juvenile Justice should require employees to complete refresher trainings/certifications once notifications are received from the South Carolina Enterprise Information System learning management system.

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## **Ethics/Code of Conduct Training**

Twenty-seven percent of DJJ employees required to complete the annual ethics/code of conduct training course failed to do so. We reviewed training records to identify whether this training is completed by agency staff according to agency policy and training plans.

DJJ's internal review, in March 2018, found that 286 employees were past due for this training. In July 2018, the S.C. Office of the Inspector General found that this was likely due to weak internal controls and recommended to the DJJ director that all employees annually complete the ethics/code of conduct training. New employees initially complete the course as part of new employee orientation.

The S.C. Department of Administration (DOA) provides an online training course, Governing Ethics Issues in S.C. State Government, which is currently utilized by DJJ as ethics/code of conduct training. The training posted as of February 2021 is approximately 30 minutes long. We obtained course completion data from DOA for DJJ employees as of November 3, 2020. Based on the data, 1,159 DJJ employees were to complete the course. Of these, 849 employees completed the course within the last year.

However, 310 (27%) employees had not completed the course, which is more than the number of employees identified in the March 2018 internal review. On average, this training is approximately 394 days overdue for these employees.

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## **Recommendation**

81. The S.C. Department of Juvenile Justice should ensure all employees annually complete the ethics/code of conduct course offered by the S.C. Department of Administration.



# Financial Issues

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## Internal Audit Function

DJJ does not have an independent internal audit function. Prior to July 2020, the internal audit function consisted of an internal auditor reporting directly to the agency’s inspector general (IG). This organizational structure compromised the independence of the internal audit function. In July 2020, the agency reorganized the internal audit function and moved the internal auditor to the quality and compliance division. As a result of the reorganization, the internal auditor position no longer exists and the former internal auditor is now the internal accountability coordinator reporting to the director of quality and compliance, who, in turn, reports to the IG. The agency’s internal audit policy has not been updated to reflect this change.

Quality and compliance is responsible for conducting operational and financial reviews of DJJ divisions, and is now effectively the internal audit function of the agency. When asked, agency sources did not commit to following the standards of the Institute of Internal Auditors (IIA) as the agency did when the internal auditor position existed. This, coupled with the reorganization, means that DJJ does not currently have an independent, professional internal audit function.

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## Internal Audit Function Independence under Current Policy

According to DJJ’s current internal audit policy, the director of internal audits reports directly to the IG. The agency director approves the yearly audit plan; however, the IG approves special audit requests which may come from the director or deputy directors. DJJ’s current internal audit policy states that “Internal audits at DJJ must be performed in accordance with the ‘Standards for the Professional Practice of Internal Auditing’ as published by the Institute of Internal Auditors.” This is not currently the case.

The Institute of Internal Auditors (IIA) independence standard states that the auditor must report to a level within the organization that allows the internal auditor to fulfill its responsibilities. The IIA interprets this standard to mean that organizational independence is effectively achieved when the chief audit executive reports functionally to the board. There is no board or committee governing DJJ; however, the chief authority for the agency is the agency director.

By having the internal auditor report directly to the inspector general, interference with internal audit fieldwork has already occurred. Agency officials, including the IG, have stopped the internal auditor from auditing at least one area.

By reporting directly to the IG under the policy, DJJ's internal audit function lacks the independence needed to conduct effective audits according to the standard set by the IIA and referenced in DJJ's internal audit policy.

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## Internal Audit Function Independence under Agency Reorganization

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As of July 2020, DJJ's quality and compliance division is now responsible for conducting reviews of internal accountability, including reviews of internal accounting and operating controls, asset accounting, reliability of financial information, compliance with applicable policies and procedures, laws, and regulations, and efficiency. When asked, agency officials stated that the reason for the reorganization was to maintain the mission of the quality and compliance division, which is "Promoting a culture of excellence through continuous improvement and accountability."

By bringing the internal audit function under the quality and compliance division, compliance reviews will now be both operational and financial, to provide the agency with "a more complete report." In addition, agency officials stated that the words "audit" and "corrective action plan" were no longer officially used by the agency due to their negative connotations.

When asked if the quality and compliance division would follow any standards set by an external organization like the IIA, agency officials responded that the quality and compliance division will follow the standards set in the agency's policies and standard operating procedures. From this, it is unclear whether the agency intends to follow the IIA standards moving forward. However, it is clear that the quality and compliance division has now become the internal audit function of DJJ, responsible for reviewing operations and finances for internal accountability, despite the changes in name and terminology.

Promoting a culture of excellence through continuous improvement and accountability is unlikely when the internal audit function is not independent of oversight from agency officials like the inspector general. Further, there is little reason why the IIA standards should be abandoned by DJJ due to the reorganization, as the quality and compliance division is effectively the new internal audit function of the agency.

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## Recommendations

82. The S.C. Department of Juvenile Justice should have its internal audit function report directly to the agency director.
83. The S.C. Department of Juvenile Justice should update its policies to require that the internal audit function reports directly to the agency director in order to maintain independence in accordance with the Institute of Internal Auditors standards.
84. The S.C. Department of Juvenile Justice should update its policies and standard operating procedures to align with the reorganization of the internal audit function.
85. The S.C. Department of Juvenile Justice should continue to follow the Institute of Internal Auditors standards, despite the reorganization of the internal audit function.

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## Late Vendor Payments

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Delayed payments may result in the termination of services or the inability to purchase supplies from vendors, potentially impacting DJJ's ability to provide for the youth in its care. 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.

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## State Law

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According to S.C. Code §11-35-45(A):

All vouchers for payment of purchases of services, supplies, or information technology must be delivered to the Comptroller General's office within thirty work days from acceptance of the goods or services and proper invoice. After the thirtieth work day, following acceptance or the postmark on the invoice, the Comptroller General shall levy an amount not to exceed fifteen percent each year from the funds available to the agency, this amount to be applied to the unpaid balance to be remitted to the vendor unless the vendor waives imposition of the interest penalty.

## Vendor Payments Over 180 Days

To assess DJJ’s compliance with state law, we obtained a listing of all payments from FY 16-17 through May 18, 2020. We pulled a random, non-statistically valid sample of 100 vendor transactions where the date the transaction was posted in the statewide accounting system was greater than 180 days past the actual invoice or document date. Based on the data received, we focused on invoices that were paid 180 days past the invoice date in order to focus on those that were obviously past due. This resulted in a pool of over 1,000 payments.

**Table 6.1: Sample of 100 Vendor Transactions**

Transactions keyed into SCEIS with wrong invoice date.	15%
Invoices physically received by various locations throughout the agency other than fiscal affairs.	59%
Transactions for goods or services received in prior fiscal years totaling approximately \$74,000.	55%
Invoice included a \$25 “no-show” fee for a missed medical appointment.	1

Top 3 categories:	
Health services or supplies.	54%
Utility-related services.	18%
Security alarm services (i.e. fire alarm services, inspections, etc.).	8%

Source: LAC analysis of statewide accounting system data.

We also reviewed a smaller judgmental sample of vendor payment histories covering FY 17-18 through mid-September 2020 and found other issues.

For a medical supply vendor that refused to provide services until overdue payments were received:

- 266 of 908 (29%) transactions were paid more than 30 days past the invoice date.
- Two invoices were keyed with the incorrect invoice dates.
- In FY 19-20 (pre-COVID), 99 of 181 (55%) transactions were paid more than 30 days past the invoice date.

We also received information stating payments for translation services are often delayed, causing potential vendors to discontinue providing services. We pulled payment histories for two such vendors and found:

**Vendor 1**

- 14 of 18 (78%) transactions were paid more than 30 days past the invoice date.
- The vendor's payment history stopped with services rendered through October 2018, meaning this vendor has not provided services since that time.

**Vendor 2**

- 23 of 68 (34%) transactions were paid more than 30 days past the invoice date.
- For FY 19-20 (pre-COVID), 3 of 11 (27%) transactions were paid more than 30 days past the invoice date.

A pharmacy vendor received 35 of 38 (92%) payments more than 30 days past the invoice date. A group home had 30 of 270 (11%) payments and a copier service had 703 of 1,464 (48%) payments more than 30 days past the invoice date.

Discussions with DJJ personnel revealed that several vendors have refused to provide services until payments were received. The types of services include medical supplies, bedding supplies, water services, graduation services, doctors' offices, and information technology services.

## Vendor Survey

To obtain direct input from vendors, we conducted a survey of DJJ vendors that have received late payments from the agency. With 26% (32 of 121) vendors responding as of July 2020, we found the following:

**Table 6.2: Survey Results of DJJ Vendors**

8	Vendors noted balances due that were more than 30 days in arrears. The combined amounts total over \$20,000.
1	Vendor indicated it withheld services to ensure payment of outstanding invoices. Payments in 2019 took up to 8 months on invoices due within 30 days of the invoice date. In 2020, five invoices were six months to one year old.
3	Vendors indicated missed medical appointments by DJJ youth. The reasons given indicated a lack of transportation, change in status (youth released or in lock-down), and guards allowed missed appointments.
1	Vendor noted colleagues refuse to provide services because it is known that it takes months to receive payment from DJJ.
One-half of vendors indicated they contacted DJJ's fiscal affairs office for assistance regarding payment issues.	

Source: DJJ vendor survey

When asked what would improve working with DJJ, vendors responded that DJJ needs to improve communication and responsiveness to inquiries, designate a single point of contact for inquiries, and provide resources needed to be more timely and responsive. One vendor stated the only way it would resume providing services to DJJ is if there is a change in administration.

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## Survey of Staff Regarding Payment Processes

We surveyed a judgmental sample of ten DJJ staff to determine their roles in the processing of invoices. We found:

- Five employees indicated that they have not received guidance from fiscal affairs on processing invoices.
- One employee indicated only receiving SCEIS “shopping cart” training.
- Five employees indicated they attempt to submit the invoices to fiscal affairs upon receipt or within 24 hours of the product or invoice being received.
- Four employees noted they have received complaints regarding payment issues from vendors.

Agency staff noted the agency had more payment issues when the process was paper driven. However, DJJ has moved toward more electronic transmission of invoices for approval, which, according to staff, has improved the timeliness of payments.

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## Recommendations

86. The S.C. Department of Juvenile Justice should review its processes and procedures and implement steps to improve the accuracy of the data entered into South Carolina Enterprise Information System.
87. The S.C. Department of Juvenile Justice should continue to streamline its processes and train staff to issue payments in a more timely fashion.
88. The S.C. Department of Juvenile Justice should provide guidance to applicable staff regarding its expectations of timelines for the submission of invoices, goods receipts, and all other aspects of the payment processes.

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## Title I Funds

We were asked to review the agency's use of Title I funds to determine whether funds were used inappropriately. We reviewed a judgmental sample of expenditures for Title I, Parts A and D, for FY 18-19. We did not identify unallowable, direct expenditures in our sample; however, we did identify reclassification journal entries that:

- Charged \$155,299 to the state general fund twice for the same salary expenditures.
- Transferred salary expenditures for FY 18-19 to FY 15-16 and FY 16-17 Title I, Part D grants in the statewide accounting system.

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## Title I Grant Descriptions

DJJ receives the following grant funds to support educational and workforce development programs.

### TITLE I, PART A

The purpose of this grant is to enable schools to provide opportunities for children served to acquire the knowledge and skills contained in the challenging state content standards and to meet the challenging state performance standards. The purpose may be accomplished by providing an enriched and accelerated educational program, increasing the amount and quality of instructional time, upgrading the quality of instruction by providing opportunities for professional development, and providing opportunities for parents to participate in the education of their children at home and at school. DJJ's award for July 1, 2018 through September 30, 2020 was \$216,644.

### TITLE I, PART D

*The Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent or At Risk.* This program has the following goals: to improve educational services to enable the youth to meet challenging state academic content and achievement standards; to provide services to support successful transition from institutionalization to further schooling or employment; to prevent youth who are at-risk from dropping out of school; and to provide a support system for continued education. DJJ's award for July 1, 2018 through September 30, 2020 was \$1,321,550.

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## Reclassification of Costs

We identified two entries that transferred costs from the Title I, Part D grant to the state general fund in order to close out the grant. According to the documentation, the entries moved personal services (salary) and unclassified positions (salary) within the grant fund; however, the documentation was incorrect. Both entries transferred the same costs to the state general fund.

Based on the grant detail in the statewide accounting system, only \$158,895 in personal services expenditures were available to be transferred; however, the duplicate entries transferred \$224,893. In addition, only \$78,383 in unclassified position expenditures were available to be transferred; however, the agency transferred \$85,705. This resulted in an inappropriate transfer of \$155,299 in salary costs to the general fund. The journal entries were both posted on June 28, 2019.

On June 30, 2019, DJJ transferred \$155,299 in temporary personal services (salary) to the grant in order to zero out the grant expenditures rather than correcting the duplicate entry. The credit resulting from the duplicate entry created the opportunity for this entry to be posted. This resulted in an overstatement of unclassified and personal salaries in the general fund.

We also found that DJJ reclassified FY 18-19 Title I, Part D salary expenditures to FY 15-16 (\$8,173 in unclassified positions) and FY 16-17 (\$36,007 in classified positions) grants in order to close out the grants in SAP®. Based on information received from the S.C. Department of Education (SDE), the grants run for a two-year period with the second year of the grant award being the “carryover” year. The guidelines do not indicate that current year expenditures may be charged to past-year grants.

According to agency personnel, current employees have been identifying prior period accounting adjustments that need to be made due to the misstatement of grant reporting that occurred in past years. The agency continued to work on this issue in FY 19-20. With such issues being identified, it would be beneficial for DJJ to have a full, independent audit of its grant activity from FY 16-17 to FY 19-20.

We reviewed DJJ’s procedures to audit and balance grants, dated September 2019. The document primarily includes guidance for how to access information from the statewide accounting system. The document does not include a listing of allowable cost guidance or other resources such as SDE’s funding manual or other guidance. While the agency is aware of the additional guidance, it may be helpful to have a more comprehensive guide for the management and oversight of grants.

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## Recommendations

89. The S.C. Department of Juvenile Justice should work with the S.C. Enterprise Information System to correct grant expenditures for the issues identified in the statewide accounting system.
90. The S.C. Department of Juvenile Justice should develop more comprehensive guidance and procedures for the reconciliation of grants and end-of-year close out.

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## Other Educational Grants

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We reviewed judgmental samples of costs and reimbursements for non-Title I educational grants reporting expenditures in FY 18-19 for the following grants:

- Career and Technical Education Basic Grants to States (CATE).
- Special Education Grants to States (IDEA).
- Improving Teacher Quality State Grants.
- Student Support and Academic Enrichment Program.
- Turning Lives Around Through the Arts—S.C. Arts Commission.
- Arts in Education Grants.

In our review, we found:

- DJJ inappropriately used grant funds for costs that were outside of the periods of performance for the FY 17-18 CATE grant and the FY 17-18 IDEA grant.
- DJJ inappropriately used grant funds from the FY 17-18 and FY 18 -19 CATE grants for categories of costs that were unallowable.
- DJJ misused reimbursed funds for the FY 17-18 CATE grant.

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## Periods of Performance

We reviewed line item reports for non-Title I educational grants reporting expenditures in FY 18-19 and found the FY 17-18 CATE grant and the FY 17-18 IDEA grant included costs that were incurred outside of the grants' periods of performance. These costs are unallowable.

Both the CATE and IDEA grants are federally funded through the S.C. Department of Education (SDE) and subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), 2 C.F.R. 200. The Uniform Guidance requires each federally-funded grant award to include a period of performance—a specified start and end date, during which the recipient of the federal funding may incur new obligations to carry out the work authorized under the federal award. Only allowable costs incurred during the period of performance may be charged to the federal award.

The FY 17-18 CATE grant's period of performance was from July 1, 2017 to September 30, 2018; however, DJJ transferred costs to the grant on June 30, 2020 that originated in March–June of 2020. An additional cost, originating on June 10, 2019, was transferred to the FY 17-18 CATE grant on June 30, 2019. These costs are outside of the FY 17-18 CATE grant's period of performance.

Similarly, the FY 17-18 IDEA grant's period of performance was from July 1, 2017 to September 30, 2019. DJJ transferred costs to the grant on June 30, 2020 that originated after September 30, 2019. These costs are outside of the FY 17-18 IDEA grant's period of performance.

When asked about the inappropriate transfer of funds, a DJJ official responded that the frequent turnover of finance directors and the actions of a former employee left the agency with a number of prior period accounting adjustments needing to be made. The DJJ official emphasized the former employee's governmental accounting skills were "inadequate" and the agency has had to work to "clean up" grant reporting.

The documentation reviewed shows that the costs transferred to the grants were not originally incurred during the grants' periods of performance. Therefore, the costs incurred after the end of the periods of performance for the FY 17-18 CATE and IDEA grants are unallowable in alignment with the Uniform Guidance.

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## Unallowable CATE Grant Cost Categories

SDE provides grantees with guidance regarding the allowability of costs for its grant programs. The guidance for federally-funded CATE grants lists what kinds of costs are required, allowable, and unallowable. The guidance states the following types of expenditures are unallowable for the CATE grants:

- Consumable supplies, which are items that support day-to-day instruction and have a shelf life of less than one year.
- Equipment or materials not used to directly teach skills to students.
- Food and drink.
- Renovation, remodeling, and construction expenses.

In addition to being posted outside of the grant period of performance, some costs transferred to the FY 17-18 CATE grant on June 30, 2019 and June 30, 2020 were also unallowable because of the category into which the costs fall. The June 30, 2019 transfer moved an expenditure for the installation of an acoustical ceiling to use funding from the FY 17-18 CATE grant. This transfer is a renovation cost, and is, therefore, unallowable under the CATE grant guidance.

The June 30, 2020 transfer of costs included expenditures for food, pest control supplies, printing and copying supplies, and janitorial supplies. The food expenses transferred to the FY 17-18 CATE grant are unallowable, per the SDE guidance. Further, the pest control supplies, printing and copying supplies, and janitorial supplies are all consumable supplies, and are, therefore, unallowable under the SDE guidance. The pest control supplies and janitorial supplies are also materials not used to directly teach skills to students and are unallowable.

We found the FY 18-19 CATE grant funding was also used for unallowable costs: the removal and relocation of a range hood and the steam cleaning of an oven and stove. We asked SDE about these two costs, along with the installation cost for the acoustical ceiling under the FY 17-18 CATE grant. SDE responded that the activities were unallowable installation and remodeling costs and were never approved.

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## Reimbursements

We reviewed a judgmental sample of reimbursement documentation for non-Title I educational grants and found that DJJ misused a reimbursement for the FY 17-18 CATE grant.

DJJ submitted a claim for reimbursement under the FY 17-18 CATE grant that covered a period from July 1, 2018 through September 30, 2018. The claim was requested and approved for \$41,432 to reimburse salaries and fringe benefits; the funds for the reimbursement were transferred from SDE to DJJ on October 12, 2018. Three months later, on January 25, 2019, the costs claimed in the reimbursement documents were moved by journal entry from the grant account to the state general fund. This move resulted in the costs ultimately being paid with state funds, and not grant funds. The journal entry used to move the costs to state funds noted the costs were determined to be unallowable under the CATE grant.

The move of the salaries and fringe costs resulted in \$41,432 of unspent funding left behind in the FY 17-18 CATE grant account. To account for the remaining funds, DJJ moved new costs from the state general fund to the FY 17-18 CATE grant. This move was documented by journal entries and posted to the FY 17-18 CATE grant account on June 30, 2019 and June 30, 2020.

When asked about the change in claimed costs under the FY 17-18 CATE grant, DJJ admitted the claim in question was never corrected. When SDE was asked about the change in claimed costs under the FY 17-18 CATE grant, SDE noted it was unable to find any documentation of a refund for the unallowable costs, and the change in activity was not approved by SDE.

DJJ claimed reimbursement for one set of costs, but actually used the reimbursement for different costs without approval. Further, the costs for which the reimbursement was actually used are the same costs moved to the grant on June 30, 2019 and June 30, 2020 and discussed earlier as unallowable. Not only was the funding from SDE used to cover costs of which SDE was unaware, but costs SDE was likely to deny under the CATE guidance. The fact that the costs were unallowable, coupled with DJJ's failure to correct the claim or obtain SDE's approval, constitutes a misuse of grant funding.

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## State Auditor Findings

We reviewed the state auditor's reports from FY 16-17, FY 17-18, and FY 18-19. In FY 18-19, the state auditor found three exceptions during the agreed upon procedure review, one of which applied to a non-Title I educational grant:

The agency incorrectly coded non-federal grant funds from the South Carolina Arts Commission as federal grant funds.

DJJ acknowledged the error and agreed with the finding of the state auditor. In response, DJJ stated additional training would be provided to staff.

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## Recommendations

91. The S.C. Department of Juvenile Justice should only charge a grant for costs incurred during its period of performance.
92. The S.C. Department of Juvenile Justice should only charge a grant for costs that fall within allowable categories under grant guidance.
93. The S.C. Department of Juvenile Justice should have a full, independent audit of grant expenditures and adjustments from FY 16-17 through FY 19-20 for all educational grants.
94. The S.C. Department of Juvenile Justice should reimburse the S.C. Department of Education for any federal funding used for unallowable costs.
95. The S.C. Department of Juvenile Justice should provide training to staff in response to the findings of the state auditor's FY 18-19 report and future findings, if training has not already been provided.

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## Personal Property Damage Caused by Juveniles

We reviewed the S.C. Department of Juvenile Justice's (DJJ's) policies for personal property damage caused by juveniles and claims for reimbursement for damaged, destroyed, or stolen personal property and found:

- DJJ employees received at least \$6,222 in reimbursements for personal property damage by juveniles for incidents occurring in FY 17-18, FY 18-19, and FY 19-20.
- Three of these reimbursements were for damage to employee vehicles by negligently-supervised juveniles, totaling \$5,771.
- Juveniles damaging employee vehicles is a persistent problem.
- DJJ does not adequately mitigate the potential for damaged, destroyed, or stolen property.

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## Reimbursements

DJJ employees may receive reimbursements for uninsured losses suffered when personal property necessary to perform their job duties is damaged, destroyed, or stolen by a juvenile. Employees may be reimbursed directly by the agency or through DJJ's insurance coverage. Under a general provision of the appropriations acts for FY 17-18, FY 18-19, and FY 19-20, DJJ may pay up to only \$250 per item, per incident for claims of personal property damage, destruction, or theft.

DJJ is covered under two separate State Fiscal Accountability Authority (SFAA) policies for property damage or destruction—a tort liability policy and a building and personal property policy. DJJ employees are most commonly reimbursed through the tort liability policy for personal property damage or destruction by a juvenile. In cases where an employee is reimbursed for the loss through DJJ's insurance coverage, a DJJ employee receives a reimbursement from SFAA directly, and DJJ pays a \$250 deductible to SFAA.

We reviewed DJJ's expenditures in the statewide accounting system and determined that, for incidents occurring in FY 17-18, FY 18-19, and FY 19-20, at least \$6,222 has been paid for claims from DJJ employees seeking reimbursement for personal property that was damaged, stolen, or destroyed by juveniles. Three of these reimbursements are for damage to employee vehicles by negligently-supervised juveniles, totaling \$5,771.

**Table 6.3: Reimbursements Received by DJJ Employees for Damage or Destruction of Personal Property by Juveniles in FY 17-18, FY 18-19, and FY 19-20**

DATE OF LOSS	SFAA	DJJ	
	REIMBURSEMENT	REIMBURSEMENT	DEDUCTIBLE
11/16/2017	\$2,765	-	\$250
05/21/2019	\$1,477	-	\$250
08/26/2019	\$1,529	-	\$250
10/08/2019	-	\$213	-
07/09/2019	-	\$238	-
<b>TOTAL</b>	<b>\$5,771</b>	<b>\$451</b>	<b>\$750</b>

Sources: LAC analysis of DJJ data and SCEIS SAP® data

We also requested documentation from DJJ showing all reimbursements for personal property destruction, damage, or theft by a juvenile. DJJ responded that there were only three claims for personal property reimbursement for these same three fiscal years, two for damage to employee eyeglasses and one for vehicle damage. DJJ’s information omits two claims totaling \$4,242 for damage to vehicles by negligently-supervised juveniles.

During a visit to the Broad River Road Complex, we observed unsupervised juveniles standing outside of an open door near a parking lot adjacent to the gym. We did not see DJJ personnel within sight of the juveniles.

We asked DJJ staff if there are frequent incidents in the parking lot adjacent to the gym. Staff described an incident in which another staff member’s car had its windows smashed. Staff stated that, for a period of time, DJJ told them not to park in that lot at all. At the time of the interview, that restriction had been lifted, but employees were still discouraged from parking in the first row of the parking lot closest to the gym. Staff also reported that security staff members are still required to park in a different lot farther from the gym.

SFAA staff confirmed additional reports of vehicle damage and stated that in recent years multiple payments were made to DJJ employees for damage to personal vehicles by a juvenile who was able to get into a car and smash other cars in a parking lot while unsupervised. Review of SFAA payments confirmed that a total of \$22,765 in reimbursements to DJJ employees resulted from an incident in 2016.

Unfortunately, despite this 2016 incident, DJJ employee vehicles are still being damaged by negligently-supervised juveniles. Personal property damage by juveniles could be prevented if the juveniles were properly supervised; however, it is a persistent problem. Rather than ensuring juveniles are adequately supervised by maintaining appropriate levels of staffing or adding additional security measures, DJJ is relying on preventative action by its employees to ensure that personal property damage does not occur at its secure facilities.

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## Recommendation

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96. The S.C. Department of Juvenile Justice should, to help lower insurance premiums, ensure juveniles are supervised at all times and unable to gain access to staff personal property, including staff vehicles.
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## Lack of Segregation of Duties

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DJJ needs to take steps towards ensuring there is proper segregation of duties in the fiscal affairs division. Segregation of duties separates roles and responsibilities to ensure an individual cannot process a transaction from initiation through reporting without the involvement of others. Involving others reduces the risk of fraud or errors.

We reviewed segregation of duties of DJJ's fiscal division and found the following:

- Only one employee is responsible for supervising accounts receivable, accounts payable, and the agency's juvenile and victim restitution trust funds.
- Eight statewide accounting system (SAP®) roles within the agency have segregation of duty risks with available mitigations that DJJ has not implemented.
- One employee is responsible for the receipts and disbursements' activity in the juvenile and victim restitution trust funds, which are managed externally via INTUIT QuickBooks®.

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## Segregation of Duties

Agency management is responsible for ensuring that the appropriate segregation of roles and responsibilities is adhered to in the statewide accounting system (SAP®). Each module in the system has defined roles for specific tasks. If conflicting roles are assigned to the same individual, there is a risk of fraud.

The basic requirement for segregation of duties is that no one person is able to control or perform all key aspects of a business transaction or process. It is an important internal control that helps detect errors in a timely manner and deters improper activities.

According to the S.C. Enterprise Information System's (SCEIS) guidance, an agency should:

- Have at least two people involved with each process/sub-process.
- Have two people involved in certain controls (i.e. splitting a single control into separate activities, such as one person preparing a bank reconciliation and another person reviewing it).

Examples of responsibilities that should be separated (not all inclusive):

- Initiating and approving the same transaction.
- Updating vendor/employee records and approving financial transactions for a vendor/employee.

According to a report generated in May 2020 by SCEIS, the way DJJ is currently organized causes the following segregation of duties conflicts:

- One employee is able to pay for an asset and hide or delete it using asset maintenance.
- One employee is able to create an invoice through goods receipt and hide the asset via depreciation.
- Three employees have the ability to maintain assets and capitalize or add costs to an asset record.
- One employee has the ability to maintain an asset and manipulate the receipt of the asset.
- Four employees have the inventory administrator and inventory adjuster role.
- One employee has the ability to process vendor invoices and create goods receipts to a purchase order, which may result in hiding inventory by not fully receiving an order.
- One employee has the ability to maintain an invoice and enter or change payments against it.

Of the conflicts noted, five apply to the same DJJ employee. In several cases, the person with the conflicting role is considered a backup to ensure fiscal processes continue to function should someone be out for an extended absence. DJJ's justification for the conflicting roles primarily relates to the size of the agency and the fiscal department. In October 2020, the fiscal division had 18 employees and 1 vacancy. DJJ uses a vacancy pool for vacant FTE positions. As of October 2020, the agency had over 70 vacancies. A DJJ official indicated that on six different occasions during 2019, an additional position was requested to separate the accounts payable and accounts receivable supervisory roles. Currently, the roles remain consolidated.

DJJ's procurement director has access to multiple SAP® roles in the purchasing system to provide training and assist staff with creating shopping carts, completing goods receipts, trouble-shooting errors, working on SCEIS help desk tickets, etc. While the agency believes the only use of the procurement director's roles will be to provide training and assist staff, it does provide an opportunity for fraudulent activity to occur.

SCEIS guidelines state that each agency should create and maintain written, internal procedures governing the periodic review of role assignments. According to a DJJ official, the agency does not have these procedures. Each agency's management is responsible for ensuring the appropriate segregation of roles and responsibilities is adhered to in the system.

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## DJJ Trust Funds

In addition to the roles in the statewide accounting system (SAP®), DJJ maintains trust funds on a separate accounting system. DJJ's trust funds include monies held in trust for the youth and the victims of the youthful offenders. Since SAP® does not include the type of trust account module that DJJ says it needs, the trust funds are maintained on INTUIT QuickBooks®. According to DJJ's internal audit report on the agency's juvenile and victim restitution trust funds, one individual enters all of the receipts and disbursements for the trust funds. This individual is supervised by the same individual who is also responsible for oversight of the agency's accounts payable and accounts receivable functions. The risk for collusion and fraudulent activity when only two individuals are involved increases.

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## Recommendations

97. The S.C. Department of Juvenile Justice should develop internal, written procedures governing the periodic review of role assignments in the statewide accounting system and other agency accounting systems.
98. The S.C. Department of Juvenile Justice should continue to review segregation of duties on an annual basis, at a minimum, and when role changes occur for new or current employees to ensure responsibilities are separated as much as possible.
99. The S.C. Department of Juvenile Justice should separate the oversight of the accounts receivable and accounts payable functions to increase segregation of duties.
100. The S.C. Department of Juvenile Justice should separate the trust accounting functions to increase segregation of duties.

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## Carry Forward

DJJ's general and special fund 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 (includes general and special carry forward funds), of which nearly \$8.8 million was unspent general fund appropriations.

Proviso 117.23 of the FY 19-20 appropriations act enables each state agency to carry forward unspent general fund appropriations from the prior fiscal year. Each agency can carry forward up to 10% of its original general fund appropriations, less any appropriation reductions for the current fiscal year. Agencies with separate general fund carry forward authority must exclude the amount carried forward by such separate authority from their bases for purposes of calculating the 10% carry forward. Agencies shall not withhold services in order to carry forward general funds.

DJJ has special carry forward authority, including:

**PROVISO 67.3**

Revenue generated from projects undertaken by children under the supervision of DJJ may be carried forward for the benefit of the children.

**PROVISO 67.5**

Reimbursement of funds for expenditures incurred in a prior fiscal year may be retained for general operating purposes.

**PROVISO 67.6**

Unexpended funds for the Juvenile Arbitration Program may be carried forward for the same purpose.

**PROVISO 117.85**

Revenue received by DJJ for mentoring or alternatives to incarceration programs may be retained and carried forward by DJJ and used for the same purpose.

DJJ's general and special fund carry forward has increased as shown in Table 6.4.

**Table 6.4: Fiscal Year Carry Forward**

STATE FISCAL YEAR	CARRY FORWARD*
10-11	\$294,820
11-12	\$1,436,307
12-13	\$2,678,373
13-14	\$2,689,294
14-15	\$1,770,335
15-16	\$3,964,999
16-17	\$9,291,508
17-18	\$8,564,315
18-19	\$6,453,256
19-20	\$11,415,499

\*Includes general and special carry forwards.

Source: S.C. Comptroller General Year-End Press Releases

According to DJJ management, carry forward funds from FY 16-17 were used to initiate the regionalization efforts. According to agency officials, DJJ intends to utilize FY 19-20 carry forward funds as outlined in Table 6.5.

**Table 6.5: FY 19-20  
Carry Forward**

FY 19-20 CARRY FORWARD*	PURPOSE
\$2,300,000	Security upgrade for four BRRC dorms.
\$1,500,000	New fence detection systems at BRRC and the three evaluation centers.
\$1,100,000	Renovations of MEC's intake and medical facilities.
\$500,000	Center for Children's Law and Policy consulting services to improve the conditions of confinement.

\* Rounded.

Source: DJJ

This leaves a little over \$3 million in general fund carry forward available for use and approximately \$2.6 million in special carry forwards during FY 20-21. DJJ could utilize general fund carry forward funds to upgrade the camera surveillance system, as discussed in *Chapter 2* of this report.

According to the LAC survey of DJJ employees, several individuals indicated problems with hiring or purchasing goods and services due to agency budget issues. Despite the agency ending the year with millions in carry forward funds remaining. For example, respondents to our survey stated:

- DJJ does not have money for GED testing, so the parents or juveniles are required to pay.
- General maintenance is not being completed due to a lack of funding.
- Hiring was denied for a “lack of funding.”
- Being told there is no money for additional pay, but there is money for rebranding.

While it is difficult to determine whether services are being withheld to increase carry forward funds, it does appear that DJJ's annual state appropriated general funds could be better used to carry out its mission and reduce future carry forwards.

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## Recommendation

101. The S.C. Department of Juvenile Justice should utilize existing funds to support the agency's needs, as appropriate and allowable by state law, and minimize its end-of-year carry forward funds.

# Follow Up on 2017 LAC Recommendations

## Status of Prior LAC Recommendations

We reviewed all 74 of the recommendations from our January 2017 report entitled *A Limited Review of the S.C. Department of Juvenile Justice*. In 2018, DJJ reported to members of the General Assembly that it had implemented 97% of the recommendations. As of FY 20-21, we found that 37 (50%) of these recommendations were implemented, 17 (23%) recommendations were partially implemented, 18 (24%) recommendations were not implemented, and 2 (3%) recommendations were no longer applicable. Of the 74 recommendations, 3 were made to the General Assembly.

STATUS OF RECOMMENDATIONS	NUMBER
Implemented	37
Partially Implemented	17
Not Implemented	18
Not Applicable	2
<b>TOTAL</b>	<b>74</b>

### **JANUARY 2017** **Recommendation 1**

The S.C. Department of Juvenile Justice should immediately submit its juvenile correctional officer training curriculum to the S.C. Criminal Justice Academy for approval by the Law Enforcement Training Council.

### **IMPLEMENTED**

DJJ submitted its correctional officer training curriculum to the S.C. Criminal Justice Academy (CJA) for approval in April 2017 and CJA approved it on April 28, 2017. The curriculum must be formally reviewed every two years. DJJ submitted its curriculum again in April 2019 and received CJA approval until April 2021.

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**JANUARY 2017**

**Recommendation 2**

The S.C. Department of Juvenile Justice should work with the S.C. Criminal Justice Academy to incorporate material from the academy's Basic Detention curriculum into its own training program for juvenile correctional officers, particularly in the areas of defensive countermeasures, spontaneous knife defense, tactical handcuffing, and pressure point control.

**PARTIALLY IMPLEMENTED**

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DJJ reported that certain components of CJA training had been incorporated into DJJ training classes that include some defensive countermeasures, but not pressure point controls. Handle with Care is self-described as, "teaches a patented de-escalation and restraint technique that is more effective, safer, and requires fewer staff to safely manage a crisis than any other restraint training program in the world." We requested training documentation to confirm this; however, it was not provided. Handle with Care was initially developed for use in hospitals, not a correctional setting.

According to a CJA official, the agency had no knowledge of DJJ using these defensive countermeasures. Specifically, DJJ has not added pressure point control, tactical handcuffing, or spontaneous knife defense.

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**JANUARY 2017**

**Recommendation 3**

The S.C. Department of Juvenile Justice should ensure that all officers assigned to work at the juvenile detention center attend the three-week Basic Detention training at the S.C. Criminal Justice Academy as soon as the academy can accommodate them.

**NOT IMPLEMENTED**

DJJ has failed to ensure that all of the juvenile correctional officers assigned to the Juvenile Detention Center attend and complete the three-week basic detention training at the S.C. Criminal Justice Academy.

In our January 2017 audit, we found that only 28% (23 of 81 officers) of the JDC JCOs were certified by the Criminal Justice Academy, as required.

As of December 31, 2019, only 38% (20 of 52) of JDC JCOs had current certifications.

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**JANUARY 2017**

**Recommendation 4**

The S.C. Department of Juvenile Justice should enter into memorandums of agreement with the S.C. Law Enforcement Division and the S.C. Department of Corrections to outline coordinated responses to major disturbances at any DJJ facilities and the sharing of resources during these incidents.

**NOT IMPLEMENTED**

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DJJ does not have a MOA addressing coordinating responses to major disturbances with either the S.C. Law Enforcement Division (SLED) or the S.C. Department of Corrections (SCDC). In February 2017, DJJ sent a letter to SCDC requesting an MOA; however, DJJ did not provide any response from SCDC. There is an MOA between DJJ and SLED, but only in regards to the investigation of criminal cases and escapes.

We contacted SLED and SCDC and both agencies said they would be amenable to having a MOA with DJJ, within certain parameters, to outline coordinated responses to major disturbances. SLED stated that it would respond, if requested, without an MOA.

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**JANUARY 2017**

**Recommendation 5**

The S.C. Department of Juvenile Justice should implement a policy to establish clear guidelines to determine at what point outside assistance should be requested.

**IMPLEMENTED**

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DJJ revised its policy entitled Management of Facility Disturbance in July 2017. The revised policy stated that the deputy director of security operations, the inspector general, and the agency director would assess and confer to determine whether to obtain additional assistance from an outside law enforcement agency. The policy seemed to only cover BRRC and does not stipulate whether this outside assistance would be from SLED, SCDC, or a county sheriff's department. We inquired if this policy also covered the Upstate Evaluation Center and the Coastal Evaluation Center since these facilities were not mentioned in the policy. In response, we received a directive dated October 26, 2020 indicating the previous policy had been amended to include UEC and CEC.

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**JANUARY 2017**

**Recommendation 6**

The S.C. Department of Juvenile Justice Office of Inspector General should ensure that its communications division employees record all details of communications and responses during major disturbances at any DJJ facilities.

**IMPLEMENTED**

During our previous audit, agency policy noted two forms that were to be completed during major disturbances. It was conceded by DJJ that these forms had never been used. We were told that unfolding events would be recorded in the ledger. DJJ provided a February 2017 directive stating that telecommunications operators should follow proper procedure and document all necessary information during disturbances that occur on the DJJ-BRRC campus. This directive did not address procedures for the Upstate and Coastal Evaluation Centers and no other directive was provided. We received a directive dated October 26, 2020 stating that the evaluation centers were now included regarding the disturbances on DJJ premises.

When asked how the details of communications and responses during major disturbances are recorded now, we were told that actions during incidents were recorded in a ledger. We requested these records for two major incidents occurring in late 2019 and found that the police blotters indicated at what time assistance was called and if juveniles or staff needed transport for medical attention; however, there was no indication as to when the incident had been cleared and normal operations resumed.

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**JANUARY 2017**

**Recommendation 7**

The S.C. Department of Juvenile Justice Office of Inspector General should fully cooperate with, and actively assist, local and state law enforcement agencies investigating the death of a juvenile in the custody of the agency.

**NOT APPLICABLE**

Since January 2017, the publication date of our previous audit, we could not verify that there had been any juvenile deaths at any of the secure facilities, camps, or other DJJ locations.

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**JANUARY 2017**  
**Recommendation 8**

The S.C. Department of Juvenile Justice should revise its policy to include the death of juveniles in agency custody who are placed in contracted, residential facilities.

**IMPLEMENTED**

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On November 30, 2017, DJJ replaced its old policy with a new policy, which includes guidelines for handling the death of any juvenile in DJJ custody, including those placed in community-based residential facilities.

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**JANUARY 2017**  
**Recommendation 9**

The S.C. Department of Juvenile Justice should revise its policy to apply to the death of any juvenile in agency custody regardless of whether declarations of death or signs of life occur on or off DJJ property.

**IMPLEMENTED**

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The November 30, 2017 policy mentioned in Recommendation 8 addresses “death of a juvenile in agency custody and ... placed in community-based facilities” in addition to juveniles in secure facilities.

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**JANUARY 2017**  
**Recommendation 10**

The S.C. Department of Juvenile Justice should disband its police department and consider reassigning police officers to supervisory juvenile correctional officer positions based on their training and experience.

**NOT IMPLEMENTED**

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DJJ has renamed the police department to the Department of Public Safety. According to the position descriptions provided during our follow-up review, the officers are performing the same or similar duties as they did during our previous audit.

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**JANUARY 2017**  
**Recommendation 11**

The S.C. Department of Juvenile Justice should enter into memorandums of agreement with state and local law enforcement agencies to establish that these law enforcement agencies are the first responders to incidents that cannot be handled by juvenile correctional officers.

**NOT IMPLEMENTED**

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DJJ did not provide any MOAs with any state or local law enforcement agencies, excepting the MOA with SLED for it to investigate criminal cases and escapes.

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**JANUARY 2017**  
**Recommendation 12**

The S.C. Department of Juvenile Justice should seek assistance from the National PREA Resource Center and/or other states that have achieved full PREA compliance in order to develop staffing plans for all of its facilities.

**IMPLEMENTED**

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DJJ requested assistance from the National PREA Resource Center and several states that had certified full PREA compliance for the prior year. DJJ received assistance including a staffing plan white paper and sample staffing plans. DJJ also requested and received assistance from the National PREA Resource Center regarding policies relevant to PREA compliance and best practices.

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**JANUARY 2017**  
**Recommendation 13**

The S.C. Department of Juvenile Justice should ensure that any requests for funding for additional officers needed to be in compliance with the staff-to-juvenile ratios prescribed in the juvenile facility standards are accurate and based on actual needs.

**NOT APPLICABLE**

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DJJ has not requested funding for additional officers for the specific purpose of PREA compliance in its budget requests for FYs 17-18, 18-19, 19-20, or 20-21. However, DJJ did request funding for hundreds of additional officer and direct care staff positions in FY 18-19 and FY 19-20 in anticipation of Raise the Age law implementation. Because DJJ has 159 fewer officer positions filled than in 2017, we believe this recommendation is currently not applicable.

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**JANUARY 2017**  
**Recommendation 14**

The S.C. Department of Juvenile Justice should provide annual reports to the General Assembly detailing its efforts to become PREA-compliant and provide timelines for meeting all of the standards for juvenile facilities.

**NOT IMPLEMENTED**

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DJJ has not provided annual reports to the General Assembly regarding its efforts to become PREA-compliant or timelines for meeting PREA standards for juvenile facilities.

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**JANUARY 2017**  
**Recommendation 15**

The S.C. Department of Juvenile Justice should implement all of the recommendations made by the auditors from Correctional Consulting Services, LLC by June 30, 2017, and provide written justification to the General Assembly for any recommendations that have not been implemented by this date.

**NOT IMPLEMENTED**

DJJ provided us with its responses to the recommendations of the Correctional Consulting Services, LLC (CCS) audit; however, based on documentation received during this audit, as well as auditor observation, some aspects of the CCS audit have not been implemented.

For example, the CCS audit recommended that a qualified tool control officer be selected to centralize the tool control function and that all items such as hoses, drip lines, and other items that could be used for escape are removed or secured away from juvenile access. In response, DJJ stated that a qualified tool control officer was identified to conduct quarterly audits and that DJJ had complied with the recommendation to ensure hoses, drip lines, and other escape tools are secure.

Though the agency did identify an employee to serve as tool control officer, the employee's primary responsibility is as a video surveillance officer. Further, the current control and management of tools policy does not address the tool control officer or the tool control officer's responsibilities, despite being enacted in October 2017, after the CCS audit.

We requested all tool control audits from 2018 to 2020. DJJ stated that the tool control officer conducts monthly, random tool control audits; however, the documents provided by DJJ did not support the claim that monthly or quarterly tool control audits were being conducted.

The documents provided by DJJ did show, however, a persistent problem with hoses being left unsecured. We are not specifying the area where the hoses are unsecured due to security concerns, but it is the same area where hoses were observed unsecured during the 2017 audit of DJJ, and where we observed unsecured hoses during an auditor visit on December 5, 2019.

The CCS audit also recommended that DJJ update several policies to add additional security measures. We reviewed three CCS recommendations where DJJ responded that policies had been updated or created, but we found no evidence to support DJJ's response. There were two changes to DJJ's juvenile count policy that were recommended by CCS but were not included in the current version. Additionally, one policy that needed to be created to address construction on DJJ property does not exist. Specific recommended changes and additions cannot be discussed further due to security concerns.

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**JANUARY 2017**  
**Recommendation 16**

The S.C. Department of Juvenile Justice should relocate the perimeter fence at the Broad River Road Complex to isolate the administrative areas from the rest of the campus and reduce the number of staff who must drive onto the secured complex.

**PARTIALLY IMPLEMENTED**

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DJJ opted to move administrative staff to 220 Executive Center Drive rather than relocate the perimeter fence at BRRC. The estimate of the cost to relocate the perimeter fence at BRRC was a little over \$1 million. Instead, DJJ opted to lease a facility with rental costs ranging from \$768,000 in the second year to \$973,000 in year ten. The total cost over a ten-year period will be over \$8 million.

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**JANUARY 2017**  
**Recommendation 17**

The S.C. Department of Juvenile Justice should abandon its practice of maintaining three separate “campuses” at the Broad River Road Complex and recognize the entire facility as one campus.

**IMPLEMENTED**

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According to the documentation received and discussions with agency staff, the agency has changed so it now recognizes BRRC as one campus.

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**JANUARY 2017**  
**Recommendation 18**

The S.C. Department of Juvenile Justice should consider selling underutilized property on Shivers Road to the S.C. Department of Corrections or another entity.

**NOT IMPLEMENTED**

While DJJ claimed that it would forward the recommendation to the S.C. Department of Administration (DOA), no supporting documentation was provided. The agency does submit the annual reporting of residential and surplus property to DOA; however, the agency has not identified the property on Shivers Road as being underutilized since it is shown as being leased property. According to DOA, an agency may request the transfer or sale of property. The property may not be sold without the approval of DOA and/or the State Fiscal Accountability Authority. According to Proviso 93.15 of the FY 19-20 appropriations act, the proceeds, if sold, would be split between DOA for deferred maintenance of state-owned buildings and DJJ.

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**JANUARY 2017**  
**Recommendation 19**

The S.C. Department of Juvenile Justice should review all security-related policies related to the Broad River Road Complex and ensure that they are updated to reflect current practices and the current population of the facility.

**NOT IMPLEMENTED**

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DJJ conducted a quality assurance review of the Broad River Road Complex (BRRC) in 2018. BRRC failed compliance regarding whether policies and procedures were reflective of current practices, use of isolation, and security procedures and practices. BRRC failed to initiate any actions to resolve the identified problems.

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**JANUARY 2017**  
**Recommendation 20**

The S.C. Department of Juvenile Justice should review all security policies and procedures for its three regional evaluation centers and the juvenile detention center and make necessary revisions to reflect current practices and populations.

**NOT IMPLEMENTED**

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DJJ conducted a total of eight quality assurance reviews of its regional evaluation centers and the juvenile detention center from 2017 through 2019. The reviews found that all facilities had areas of failed or limited compliance in the area of policy and procedures, including three reviews that found failed compliance regarding whether policies and procedures were reflective of current practices. We found that the Coastal Evaluation Center failed to address these findings during the agency's corrective action process within the allotted time.

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**JANUARY 2017**  
**Recommendation 21**

The S.C. Department of Juvenile Justice Office of Inspector General or Division of Rehabilitative Services should test compliance with security policies and procedures at local facilities at least annually.

**PARTIALLY IMPLEMENTED**

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DJJ's quality assurance team, under the office of professional standards, conducted a total of eight quality assurance reviews of its regional evaluation centers and the juvenile detention center from 2017 through 2019, including a review of the security policies and procedures. However, DJJ did not conduct these reviews annually for all of these facilities. Additionally, the agency's division of institutional services (formerly rehabilitative services) conducts monthly vulnerability tests to determine whether officers can find hidden contraband at all secure facilities. Officers at DJJ's three evaluation centers found 89% of items placed during these checks in 2018 and 88% in 2019.

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**JANUARY 2017**  
**Recommendation 22**

The S.C. Department of Juvenile Justice should track the results of its participation in job fairs and other recruitment efforts to include, at a minimum, the sponsor, event date, targeted occupational group, number of contacts, number of applicants, and number of successful new hires.

**IMPLEMENTED**

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DJJ has tracked its participation in job fairs and other recruitment events since February 2017, including collecting data on all recommended characteristics and results.

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**JANUARY 2017**  
**Recommendation 23**

The S.C. Department of Juvenile Justice should use those results to target recruitment venues that are most likely to attract qualified candidates.

**NOT IMPLEMENTED**

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DJJ does not analyze the information it collects to target recruitment venues that are most likely to attract qualified candidates. We reviewed DJJ's recruitment plan and recruitment team goals and found that the agency continues to target venues that are less likely to result in successful hires.

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**JANUARY 2017**  
**Recommendation 24**

The S.C. Department of Juvenile Justice should ensure that its recruitment efforts extend beyond the Columbia metropolitan area.

**IMPLEMENTED**

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Our analysis of DJJ's job fair tracking data for the period 2018 through March 2020 showed that 23 of 50 job fairs occurred outside of the Columbia area. This resulted in 17 of 100 successful hires from all job fairs during this time period.

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**JANUARY 2017**  
**Recommendation 25**

The S.C. Department of Juvenile Justice should review its staff listing to ensure that job class codes are consistent with internal position titles.

**IMPLEMENTED**

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In response to this recommendation, DJJ conducted an internal title data review in April of 2017; however, there is no indication that any additional reviews have been completed since 2017. DJJ should continue to conduct reviews of its staff listing to ensure job class codes are consistent with internal position titles.

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**JANUARY 2017**  
**Recommendation 26**

The S.C. Department of Juvenile Justice should implement internal controls to ensure that DJJ staff update classification codes whenever positions are reclassified.

**PARTIALLY IMPLEMENTED**

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See Recommendation 27.

DJJ provided us with an email from its 2017 internal title data review that listed suggestions to improve employee classification codes. It is unclear whether these suggestions were implemented, as no formal internal controls specific to classification code updates were identified in agency policy or standard operating procedures.

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**JANUARY 2017**  
**Recommendation 27**

The S.C. Department of Juvenile Justice should take steps to ensure that all data related to current and former employees are accurate.

**PARTIALLY IMPLEMENTED**

We asked what internal controls are used by DJJ to ensure employee data are accurate. DJJ responded it relies on a series of internal employee reviews, as well as the South Carolina Enterprise Information System (SCEIS) monthly batch reports and reports sent by the Comptroller General's office to ensure that employee data are correct.

During this audit, DJJ implemented a new electronic document management system and employment portal for HR developed by TEAMia. In conjunction with the electronic system, new workflow process guides and training were made available to DJJ HR employees. The workflow process guides provide step-by-step instruction for HR actions based on the employee's role in HR. The guides also indicate where approval is needed by HR managerial staff, but do not show any steps to produce reports that could be used to verify whether employee data are correct.

Despite these internal controls, we received employee rosters containing inaccurate employee information over the course of our audit. For example, one employee roster incorrectly listed three employees as making an annual salary of \$0.00. An employee contact list showed employees as police officers. If DJJ has followed Recommendation 10, the police officer classification should no longer exist.

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**JANUARY 2017**  
**Recommendation 28**

See Recommendation 27.

The S.C. Department of Juvenile Justice should establish internal controls in its human resources division in order to minimize the risk of inaccurate employee data.

**PARTIALLY IMPLEMENTED**

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**JANUARY 2017**  
**Recommendation 29**

DJJ has calculated and tracked quarterly and annual turnover rates for the agency as a whole since 2018, and performed retroactive calculations to FY 16-17. However, these calculations did not use the formula we recommended, which would result in a more accurate calculation of turnover.

The S.C. Department of Juvenile Justice should, annually, calculate a turnover rate that is based on average staff size at the beginning and end of the period for which a rate is being computed.

**PARTIALLY IMPLEMENTED**

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**JANUARY 2017**  
**Recommendation 30**

The S.C. Department of Juvenile Justice should annually recalculate and monitor its turnover rates for correctional officers and other occupational groups for which retention is a problem.

**NOT IMPLEMENTED**

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DJJ calculated turnover rates among various position groups for FY 17-18 and FY 18-19 using the formula used by the Division of State Human Resources (DSHR), which is different than the one specified in Recommendation 29. However, these calculations were completed for the purpose of responding to our document requests as part of this follow-up audit, and DJJ does not calculate these rates in the regular course of agency business.

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**JANUARY 2017**  
**Recommendation 31**

The S.C. Department of Juvenile Justice should annually analyze turnover rates to identify problem areas and use that information to focus its recruitment and retention efforts.

**NOT IMPLEMENTED**

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DJJ has considered and implemented various recruitment and retention efforts, particularly for JCOs, who had the highest turnover rates among position groups that the agency analyzed in FY 17-18 and FY 18-19. However, it is not clear that annual turnover analyses were used in these efforts because they were not conducted for position groups in the regular course of business.

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**January 2017**  
**Recommendation 32**

The S.C. Department of Juvenile Justice should identify all information it will need to evaluate its strategy for reducing employee turnover, such as age, years of service, education background, work experience, and salary.

**IMPLEMENTED**

DJJ stated that it would consider the factors relevant to turnover that are listed in the recommendation. DJJ tracks relevant separations and demographics data, including education, years of agency and state service, and other data in SCEIS.

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**January 2017  
Recommendation 33**

The S.C. Department of Juvenile Justice should audit its employee records to ensure that its human resources staff have an employee roster that is accurate, current, and complete.

**PARTIALLY IMPLEMENTED**

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An audit of employee records was conducted internally by DJJ in December 2017. However, employee rosters we received from DJJ over the course of the audit included inaccurate data. For example, on an employee roster received during the audit, three employees were incorrectly listed as making an annual salary of \$0.00. Another employee list showed an employee as a police officer. If DJJ has followed Recommendation 10, the police officer classification should no longer exist.

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**January 2017  
Recommendation 34**

The S.C. Department of Juvenile Justice should assume the responsibility to ensure that the human resources data it uses in any analysis, derived from any source including South Carolina Enterprise Information System (SCEIS/SAP®), is complete and accurate.

**PARTIALLY IMPLEMENTED**

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See Recommendation 33.

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**January 2017  
Recommendation 35**

The S.C. Department of Juvenile Justice should track the disciplines of study in which degrees are earned to determine, over time, whether employees who earn degrees in certain fields are more likely to stay with the agency than those receiving degrees in other fields of study.

**IMPLEMENTED**

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In February 2019, DJJ issued a notice to employees modifying the use of additional skills and knowledge salary increases to require that the degree obtained aligns with the employee's current job duties. In April 2019, DJJ Policy 231—Employee Salary Levels—was enacted, including a requirement that additional skills or knowledge gained must be directly related to the employee's job. A review of a statistically-valid sample of 2019 salary increases given for additional skills or knowledge shows that DJJ is requiring and maintaining copies of transcripts for salary increases based on employees earning degrees.

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**January 2017  
Recommendation 36**

The S.C. Department of Juvenile Justice should properly dispose of surplus law enforcement equipment.

**IMPLEMENTED**

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Based on the documentation provided by DJJ, in February 2017, the agency disposed of OC spray and transferred the grenade launcher, guns, ammunition, and tear gas canisters to SLED. DJJ also provided a standard operating procedure, effective October 2019, regarding the disposal of OC spray.

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**January 2017  
Recommendation 37**

The S.C. Department of Juvenile Justice should be more consistent in recording financial transactions in order to improve the agency's ability to manage costs.

**NOT IMPLEMENTED**

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While DJJ provided documentation of actions that have been taken in an effort to provide more consistency in recording financial transactions, we continued to find data issues during this audit. In our sample of 100 vendor payments, covering FY 16-17 through May 18, 2020, 15 were keyed with the wrong invoice date. Journal entry errors were identified in our review of grant activity. In addition, the S.C. State Auditor's Office identified the incorrect classification of non-federal grant revenue in a federal grant revenue account and an \$8,500 expenditure classified incorrectly as educational cost during the FY 18-19 agreed-upon procedures engagement. Furthermore, \$466,000 of FY 18-19 salary expenditures for unclassified positions were miscoded as classified positions. The agency needs to continue to assess the fiscal functions and staffing levels in order to minimize data errors.

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**January 2017  
Recommendation 38**

The S.C. Department of Juvenile Justice should have an independent audit of the agency's fixed assets.

**PARTIALLY IMPLEMENTED**

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The documentation provided by the agency reflects partial steps in completing an independent audit of the agency's fixed assets; however, a full independent audit has not been completed. The state auditor found various issues, as reported in its agreed-upon procedures reports for FY 16-17, FY 17-18, and FY 18-19, such as: assets that were improperly valued, assets that could not be located, missing inventory tags, and insufficient documentation for disposals. In addition, DJJ's internal auditor found asset corrections for land, buildings, and lease hold improvements in FY 17-18. DJJ personnel stated the agency has initiated an internal review of fixed assets; however, the review had not been completed. An internal review by the agency should still be audited appropriately.

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**January 2017  
Recommendation 39**

The S.C. Department of Juvenile Justice should enforce its capital assets policy to include the appropriate signature and dating of forms, as well as unannounced, random audits by the internal auditor and/or the Office of the State Auditor.

**IMPLEMENTED**

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DJJ provided documentation regarding various reviews of fixed assets by the Department of Administration's State Real Property Services Unit, the S.C. State Auditor's Office, and DJJ's internal auditor. Issues were identified that resulted in corrections to land and building and asset valuation errors. The state auditor included additional testing of supporting documentation for asset inventories and asset retirements in FY 17-18 and FY 18-19, which resulted in asset valuation findings. No issues were reported regarding the signature and dating of forms.

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**January 2017  
Recommendation 40**

The S.C. Department of Juvenile Justice should continue to work with the South Carolina Enterprise Information System to resolve the outstanding construction-in-progress assets.

**IMPLEMENTED**

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Based on documentation received from DJJ and SCEIS, the construction-in-progress issues have been resolved.

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**JANUARY 2017  
Recommendation 41**

The S.C. Department of Juvenile Justice should forego any employee separation program(s) involving correctional officers and other employee groups difficult to recruit.

**IMPLEMENTED**

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As of August 2020, we received documentation from DJJ and the Division of State Human Resources indicating that DJJ has not implemented any voluntary separation or retirement incentive programs since January 2017.

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**JANUARY 2017**  
**Recommendation 42**

The General Assembly should consider amending S.C. Code of Laws Title 9: Retirement Systems regarding participation in the Police Officer's Retirement System to clarify positions considered "peace officers."

**NOT IMPLEMENTED**

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The General Assembly has not proposed or amended state law Title 9 to clarify the positions considered to be "peace officers."

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**JANUARY 2017**  
**Recommendation 43**

The General Assembly should amend S.C. Code of Laws Title 9: Retirement Systems to require the S.C. Public Employee Benefit Authority to provide oversight regarding employees entering the state retirement system, including, but not limited to, verification of membership requirements before enrolling an employee into a state retirement plan.

**NOT IMPLEMENTED**

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State law regarding retirement systems has not been amended to include the requirement that PEBA provide oversight regarding employees entering the state retirement system, including, but not limited to, verification of membership requirements before enrolling an employee into a state retirement plan.

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**JANUARY 2017**

**Recommendation 44**

The General Assembly should consider whether the S.C. Board of Juvenile Parole should be included with S.C. Department of Mental Health, S.C. Department of Corrections, and the S.C. Department of Juvenile Justice in considering whether any of its employees qualify as being eligible for the Police Officer's Retirement System.

**NOT IMPLEMENTED**

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The General Assembly has not proposed or amended state law Title 9 to clarify the positions considered to be "peace officers," which currently includes employees of DMH, DJJ, and SCDC but does not include the S.C. Board of Juvenile Parole.

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**JANUARY 2017**

**Recommendation 45**

The S.C. Department of Juvenile Justice should complete a comprehensive review of all staff, including the S.C. Board of Juvenile Parole personnel, regarding retirement system eligibility based on the requirements of state law.

**PARTIALLY IMPLEMENTED**

In our 2017 audit, DJJ indicated that its interpretation of the membership requirements included assignment to a secure work location, employees in full-time equivalent positions who do not perform the duties of police officer, fire fighter, peace officer, coroner, magistrate, and probate judge, but their work locations are assigned and located behind one of DJJ's secure locations, would be able to enroll in PORS.

DJJ reviewed its handling of employee eligibility and determined that it would place all full-time, permanent employees in PORS effective July 2018. In October 2019, DJJ requested an eligibility review for certain positions from PEBA and noted its intent to classify all permanent, full-time personnel to PORS effective July 2018. DJJ did not acknowledge the relocation of administrative staff to a non-secure office location at Synergy Office Park in the letter sent to PEBA.

While DJJ reviewed its classification of employees in PORS, it does not appear that staff of the S.C. Board of Juvenile Parole (parole board) were reviewed. In this instance, those individuals are not listed as one of the "exception" agencies in state law that can be classified as a peace officer. Based upon our review in 2017, some personnel of that agency were in PORS and others were not. DJJ provides administrative support to the parole board and would need to review any necessary changes to the retirement status of those employees based on this recommendation.

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**JANUARY 2017**  
**Recommendation 46**

The S.C. Department of Juvenile Justice should implement a policy that defines a procedure for periodic monitoring of the instruction of juveniles at the wilderness camps to ensure that juveniles are being taught by staff who possess certifications required by state law.

**IMPLEMENTED**

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DJJ adopted a policy in February 2017 defining a procedure for regular monitoring of the instruction of juveniles at alternative program sites, which includes a review of teacher certifications during site visits.

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**JANUARY 2017**  
**Recommendation 47**

The S.C. Department of Juvenile Justice should develop a system, based on policy, for monitoring the instruction of juveniles placed at the camps that includes random visits, a checklist for items to monitor, and a review of the documentation of the qualifications of instructional staff.

**IMPLEMENTED**

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In February 2017, DJJ adopted a policy defining a procedure for regular monitoring of the instruction of juveniles at alternative program sites, which includes regular announced and unannounced visits, a checklist to be completed by the monitor, and a review of teacher certifications during site visits.

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**JANUARY 2017**

**Recommendation 48**

The S.C. Department of Juvenile Justice should ensure that the information from all site visits are stored in a way that is accessible and secure for the purpose of conducting follow-up and detecting trends that could necessitate the need for DJJ to take corrective action.

**IMPLEMENTED**

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DJJ's alternative site monitoring policy includes a requirement that information gathered during site visits be reported to DJJ and site management, and retained for three years. Documents are retained on an internal, shared network organized by school year and site.

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**JANUARY 2017**

**Recommendation 49**

The S.C. Department of Juvenile Justice should develop and maintain a roster of certified teachers that includes name, teacher certification number, date of certification, state where certification was last issued, area of certification, and any other information necessary to document qualifications required by state law.

**PARTIALLY IMPLEMENTED**

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DJJ does maintain a roster of certified teachers; however, the roster is lacking data for two of the categories listed in the recommendation (date of certification and state where certification was last issued). Additionally, based on a review of a statistically-valid sample of teachers, the roster includes inaccurate data. Discrepancies observed include incomplete areas of certification, conflicting class data, and incorrect expiration date data. Further, we were unable to locate several teachers in the State Department of Education's certification search feature using the certification numbers provided by DJJ in its teacher roster. During our exit process, DJJ provided a new copy of the roster of certified teachers that included the date of certification and state where certification was last issued.

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**JANUARY 2017**

**Recommendation 50**

The S.C. Department of Juvenile Justice should audit its staffing data to ensure that the information stored by the South Carolina Enterprise Information System (SCEIS) is correct.

**IMPLEMENTED**

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In response to our recommendation, DJJ's Office of Human Resources and district office personnel conducted a SCEIS internal audit on February 8, 2017. DJJ has not conducted a similar audit since; however, DJJ has indicated that internal controls are in place to review district office staff data on a regular basis. DJJ should continue to conduct reviews of its staffing data for district office personnel to ensure information in SCEIS is correct.

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**JANUARY 2017**

**Recommendation 51**

The S.C. Department of Juvenile Justice should schedule and conduct unannounced visits to the wilderness camps specifically to monitor the instruction of juveniles.

**PARTIALLY IMPLEMENTED**

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In 2017, DJJ conducted seven unannounced visits to five wilderness camps pursuant to its alternative site monitoring policy. In 2018, DJJ conducted a total of 18 unannounced visits to all nine wilderness camps. In 2019, DJJ conducted a total of nine visits to seven wilderness camps.

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**JANUARY 2017**

**Recommendation 52**

The S.C. Department of Juvenile Justice should arrange to receive, from schools attended by juveniles placed in group homes, reports of educational progress.

**IMPLEMENTED**

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DJJ receives student growth results, which include skills assessment results, from camps on a monthly basis.

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**JANUARY 2017**

**Recommendation 53**

The S.C. Department of Juvenile Justice should develop a system to identify those juveniles in alternative placements who are not making adequate progress.

**IMPLEMENTED**

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DJJ adopted a standard operating procedure that identifies juveniles placed in camps who are below grade level, develops interventions for those students, and tests progress. DJJ staff also are able to review grades for students placed at camps on a regular basis.

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**JANUARY 2017**  
**Recommendation 54**

The S.C. Department of Juvenile Justice should require, as part of its contracts with wilderness camp service providers, that the department will have access to student growth test results.

**IMPLEMENTED**

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DJJ's contract with camps requires that camps comply with DJJ's education standards, including sharing achievement and grade information.

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**JANUARY 2017**  
**Recommendation 55**

The S.C. Department of Juvenile Justice should allocate sufficient resources to more thoroughly review the contacts recorded in the Juvenile Justice Management System (JJMS) in order to determine whether, in fact, a problem exists in failing to document, and whether that failure is merely a clerical failure or indicative of more systemic problems of oversight within the community.

**PARTIALLY IMPLEMENTED**

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From 2017 through 2018, DJJ implemented a regular case file review process for county offices that included a review of contacts. DJJ also conducted case file audits for each county office between April 2018 and May 2019, which included a review of contacts. However, neither process identified whether contact issues, if any, were substantive in nature or mere clerical errors.

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**JANUARY 2017**  
**Recommendation 56**

The S.C. Department of Juvenile Justice's director, deputy director for community services, and regional administrators should be notified of the results of all reviews of county office compliance with agency policy.

**PARTIALLY IMPLEMENTED**

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DJJ notified the deputy director for community services and regional and county office administrators of the results of all case file reviews via email, but did not include or notify the agency's director.

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**JANUARY 2017**  
**Recommendation 57**

The S.C. Department of Juvenile Justice should incorporate the results of a review of a county office's compliance with DJJ policy into an improvement plan for the county, when deficiencies are identified, complete with a description of the problem, strategies aimed at improving performance, and a timetable for corrective action and follow-up.

**PARTIALLY IMPLEMENTED**

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DJJ created improvement plans to be completed by county office management following the completion of case file reviews at county offices. However, not all plans satisfactorily addressed the recommended elements of our recommendation, and plans did not include a timetable for follow-up review, although the frequency of subsequent reviews depends on the results of each county office's last case file review.

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**JANUARY 2017**  
**Recommendation 58**

The S.C. Department of Juvenile Justice should increase the use of video conferencing for juvenile parole hearings.

**IMPLEMENTED**

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According to communications with DJJ and the S.C. Board of Juvenile Parole (board), video conferencing began being used for parole hearings in March of 2017. The board should continue to use video conferencing.

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**JANUARY 2017**  
**Recommendation 59**

The S.C. Department of Juvenile Justice should adhere to its policy requiring nine members on the Release Authority.

**IMPLEMENTED**

According to the documentation received from DJJ in April 2019, the Release Authority had nine members. Three seats were vacated in January 2020; however, updated information provided by DJJ as of August 2020 indicates that the Release Authority had all nine seats filled.

However, during this review, we found that the Release Authority manager position, which is not a board member position, has been vacant since July 31, 2020. Two individuals are sharing the manager responsibilities in the interim. We encourage the appointment of a Release Authority manager as soon as possible.

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**JANUARY 2017**  
**Recommendation 60**

The S.C. Department of Juvenile Justice should consider upgrading community equipment that would improve staff safety, including, but not limited to, cellular phones.

**IMPLEMENTED**

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Based on documentation received from DJJ, the community division has replaced flip phones with data phones for staff. The upgraded phones (iPhone 7 and newer) provide for added security with a built-in 911 functionality. The phones are also equipped with an app for GPS tracking. In addition, laptops include Microsoft Office 365 products and enable virtual team meetings and case management flexibility. We encourage the community division to continue to evaluate and modify equipment with a focus on improving staff security as appropriate.

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**JANUARY 2017**  
**Recommendation 61**

The S.C. Department of Juvenile Justice should complete a manual audit of the Juvenile Justice Management System caseload data.

**IMPLEMENTED**

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DJJ conducted a comprehensive case file review, by county office, in 2018, and regular caseload reviews in 2018 and 2019.

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**JANUARY 2017**  
**Recommendation 62**

The S.C. Department of Juvenile Justice should monitor juvenile cases and work with county solicitors to ensure that juveniles do not languish in the system without receiving rehabilitative support services when needed.

**NOT IMPLEMENTED**

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DJJ reviewed data regarding juvenile referrals that were pending solicitor decisions in February and March 2017, including how long they were pending decisions, but did not continue the practice. Data from September 2019 showed only that the total number of juveniles who were pending solicitor decisions had decreased.

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**JANUARY 2017**  
**Recommendation 63**

The S.C. Department of Juvenile Justice should determine whether the data collected through Performance-based Standards are consistent with what DJJ needs to collect to identify problems and make improvements in its secured facilities.

**IMPLEMENTED**

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DJJ has determined that the data collected through *PbS* are consistent with the agency's needs to identify problems and make improvements in its secure facilities.

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**JANUARY 2017**  
**Recommendation 64**

The S.C. Department of Juvenile Justice should use the data collected through Performance-based Standards to analyze trends, alter operational strategies, and determine areas of improvement in staff training.

**PARTIALLY IMPLEMENTED**

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DJJ has continued to use the data collected through *PbS* to analyze trends and recommend changes in facility operations. However, we found in interviews with agency staff that *PbS* recommendations may not be considered constructively or implemented effectively at the facility level.

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**JANUARY 2017**  
**Recommendation 65**

The S.C. Department of Juvenile Justice should reduce the number of site coordinators at BRRC to one for the entire Broad River Road Complex.

**IMPLEMENTED**

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DJJ has reduced the number of site coordinators at BRRC to one. However, given the size of BRRC relative to other secured facilities, it may be beneficial for DJJ to hire additional *PbS* staff (such as an assistant) to best implement *PbS* at BRRC.

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**JANUARY 2017**  
**Recommendation 66**

The S.C. Department of Juvenile Justice should continue to cross-check event reports with daily shift reports to ensure that critical information affecting security is not overlooked.

**IMPLEMENTED**

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*PbS* staff continue to reconcile event reports with shift reports to ensure completeness and accuracy.

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**JANUARY 2017**  
**Recommendation 67**

The S.C. Department of Juvenile Justice should develop an objective tool to measure outcomes of juveniles placed in the camps.

**IMPLEMENTED**

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DJJ developed a spreadsheet-based tool that has tracked five outcome measures for juveniles placed in camps since September 2017.

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**JANUARY 2017**  
**Recommendation 68**

The S.C. Department of Juvenile Justice should include outcome measures expected of all contracted camps and programs in its contracts.

**IMPLEMENTED**

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DJJ provided signed change orders, dated March 2017, that reflected the inclusion of outcome and output measures.

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**JANUARY 2017**  
**Recommendation 69**

The S.C. Department of Juvenile Justice should include penalties for camps and programs which do not meet the established outcome measures in its contracts.

**IMPLEMENTED**

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While DJJ did implement outcome measures, the agency indicated that it will not implement penalties for not meeting those outcome measures until new contracts are established.

During our exit process, however, DJJ provided the RFP for camp contracts awarded in August 2020. DJJ added language imposing penalties for any contractual requirement not corrected according to an approved action plan within specific timelines.

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**JANUARY 2017**  
**Recommendation 70**

The S.C. Department of Juvenile Justice should implement a written policy to require the camps check the complaint boxes weekly and relay significant issues to DJJ.

**NOT IMPLEMENTED**

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DJJ has not implemented a policy to either prohibit informal complaint boxes or have submissions to such boxes forwarded to DJJ.

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**JANUARY 2017**  
**Recommendation 71**

The S.C. Department of Juvenile Justice needs to clarify, in written procedures, protocol to follow in the event of an escape and clearly communicate them to camp staff.

**IMPLEMENTED**

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DJJ created written protocols for responding to escapes in February 2017 and May 2018 and communicated them to camp management.

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**JANUARY 2017**  
**Recommendation 72**

The S.C. Department of Juvenile Justice needs to formalize its monitoring process and have camp management acknowledge its understanding of a juvenile escape protocol.

**IMPLEMENTED**

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Camp management signed and returned a memorandum from DJJ communicating juvenile escape protocol in May 2018.

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**JANUARY 2017**  
**Recommendation 73**

The S.C. Department of Juvenile Justice should include penalties in its contracts for failure to follow established escape protocol.

**IMPLEMENTED**

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DJJ had not provided documentation showing that it added penalties to its contracts for failure to follow escape protocol.

During our exit process, however, DJJ provided the RFP for camp contracts awarded in August 2020. DJJ added language imposing penalties for any contractual requirement, which includes failure to follow established escape protocol.

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**JANUARY 2017**  
**Recommendation 74**

The S.C. Department of Juvenile Justice needs to capture statistical data such as the number of escapes and sexual assaults at all DJJ facilities.

**IMPLEMENTED**

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DJJ's Event Reporting System records event reports for all event categories, including escapes and sexual assaults. Pbs also captures and reports escape and sexual assault data.



# LAC Survey Results

The LAC survey of DJJ employees was conducted between March 18, 2020 and April 8, 2020 using SurveyMonkey®. We sent a total of 1,206 survey invitations. We received 657 complete responses and 79 partial responses, for a total of 736 responses (61%). The survey was conducted anonymously, and the open-ended responses have been omitted in order to preserve anonymity for the DJJ employees who participated.

The survey was designed using question logic to direct respondents to specific questions based on their selected positions and work locations. This resulted in some questions with low response counts as they only applied to a limited number of employees.

1. How long have you been employed with DJJ? Please select the closest option.		
Answer Options	Response Percent	Response Count
Less than 1 year	9.38%	69
1 to 3 years	22.01%	162
4 to 6 years	16.58%	122
7 to 10 years	11.82%	87
More than 10 years	40.22%	296
<b>answered question</b>		<b>736</b>
<b>skipped question</b>		<b>0</b>

2. Do you work with DJJ juveniles on a daily basis?		
Answer Options	Response Percent	Response Count
Yes	64.67%	476
No	35.33%	260
<b>answered question</b>		<b>736</b>
<b>skipped question</b>		<b>0</b>

3. Why did you choose to work at DJJ? Please select all that apply.		
Answer Options	Response Percent	Response Count
School prepared me for this career	32.23%	225
Found the agency's mission interesting or important	40.97%	286
State job security and benefits	48.57%	339
Unable to find another job in my field	5.30%	37
Other (please specify)	28.80%	201
<b>answered question</b>		<b>698</b>
<b>skipped question</b>		<b>38</b>

<b>4. Why do you continue to work at DJJ? Please select all that apply.</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Gain job experience	26.22%	183
Find my job interesting	53.44%	373
State job security and benefits	53.58%	374
Difficult to find another job in my field	11.46%	80
Other (please specify)	27.22%	190
<b><i>answered question</i></b>		<b>698</b>
<b><i>skipped question</i></b>		<b>38</b>

<b>5. Would you continue to work at DJJ if another job offered you the same pay and benefits?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Yes	56.88%	397
No	43.12%	301
<b><i>answered question</i></b>		<b>698</b>
<b><i>skipped question</i></b>		<b>38</b>

<b>6. What could DJJ offer as an incentive, which is not currently offered, to retain good employees?</b>	
<b>Answer Options</b>	<b>Response Count</b>
Open-Ended Responses Only	655
<b><i>answered question</i></b>	
<b>655</b>	
<b><i>skipped question</i></b>	
<b>81</b>	

7. What should DJJ do to improve hiring? Please rank from 1 (most helpful) to 6 (not helpful).						
Answer Options	1	2	3	4	5	6
On-the-spot offers at job fairs	8.60% 60	13.04% 91	16.91% 118	16.33% 114	14.76% 103	30.37% 212
Decrease the time it takes to approve a hire	46.70% 326	21.06% 147	10.32% 72	11.03% 77	6.16% 43	4.73% 33
Advertise more	7.16% 50	14.04% 98	19.05% 133	20.77% 145	21.92% 153	17.05% 119
Conduct on-campus recruiting at colleges and/or high schools	4.15% 29	12.75% 89	19.20% 134	24.64% 172	22.35% 156	16.91% 118
Bonus incentive for hiring referrals	21.06% 147	26.79% 187	14.76% 103	12.46% 87	14.90% 104	10.03% 70
Target certain groups such as retired military or law enforcement	12.32% 86	12.32% 86	19.77% 138	14.76% 103	19.91% 139	20.92% 146
					<b>answered question</b>	<b>698</b>
					<b>skipped question</b>	<b>38</b>

8. What additional suggestions would improve the DJJ hiring process?	
Answer Options	Response Count
Open-Ended Responses Only	513
<b>answered question</b>	
<b>513</b>	
<b>skipped question</b>	
<b>223</b>	

9. Generally, do you feel safe when you are at work?		
Answer Options	Response Percent	Response Count
Yes	69.91%	488
No	30.09%	210
<b>answered question</b>		<b>698</b>
<b>skipped question</b>		<b>38</b>

<b>10. What would make you feel safer? Please select two answers.</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Add more Correctional Officers	75.71%	159
Add more Public Safety Officers	38.57%	81
Intermediate Weapons (i.e. OC [Pepper] Spray, Taser, etc.) for Correctional Officers, whether it be on their person or accessible.	44.29%	93
Improvements to facilities	52.38%	110
More frequent or better training regarding security policies and procedures	37.14%	78
Training on dealing directly with youth who have mental health issues	47.14%	99
	<b><i>answered question</i></b>	<b>210</b>
	<b><i>skipped question</i></b>	<b>526</b>

<b>11. Youth at DJJ's secured facilities receive adequate educational and instructional time.</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Strongly agree	10.09%	70
Agree	31.56%	219
Neither agree nor disagree	16.28%	113
Disagree	12.25%	85
Strongly disagree	7.93%	55
N/A – I am not familiar with the educational and instructional time at the secured facilities	21.90%	152
	<b><i>answered question</i></b>	<b>694</b>
	<b><i>skipped question</i></b>	<b>42</b>

<b>12. Does DJJ restrict youth access to pursuing a GED?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Yes	10.81%	75
No	63.98%	444
N/A – I am not familiar with the agency's GED program	25.22%	175
	<b><i>answered question</i></b>	<b>694</b>
	<b><i>skipped question</i></b>	<b>42</b>

<b>13. DJJ's GED-prep is available and provided to all eligible youth at DJJ secure facilities.</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Strongly agree	21.18%	147
Agree	36.74%	255
Neither agree nor disagree	6.92%	48
Disagree	5.33%	37
Strongly disagree	2.88%	20
N/A – I am not familiar with the agency's GED program	26.95%	187
<b><i>answered question</i></b>		<b>694</b>
<b><i>skipped question</i></b>		<b>42</b>

<b>14. DJJ's GED program effectively prepares youth for the GED exam.</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Strongly agree	16.14%	112
Agree	34.87%	242
Neither agree nor disagree	14.99%	104
Disagree	3.03%	21
Strongly disagree	0.86%	6
N/A – I am not familiar with the agency's GED program	30.12%	209
<b><i>answered question</i></b>		<b>694</b>
<b><i>skipped question</i></b>		<b>42</b>

<b>15. Are you aware of any incidents where a lack of transportation resulted in youth missing school or CATE classes?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Yes	13.83%	96
No	37.75%	262
N/A – I am not familiar	48.41%	336
<b><i>answered question</i></b>		<b>694</b>
<b><i>skipped question</i></b>		<b>42</b>

16. What obstacles have you observed that would cause youth to not receive appropriate educational services in a secure facility?	
Answer Options	Response Count
Open-Ended Responses Only	530
	<b>answered question</b> 530
	<b>skipped question</b> 206

17. What would improve the educational and instructional opportunities provided in secure facilities?	
Answer Options	Response Count
Open-Ended Responses Only	496
	<b>answered question</b> 496
	<b>skipped question</b> 240

18. What types of contraband do you observe most frequently? Please select all that apply.		
Answer Options	Response Percent	Response Count
Cell phones	25.36%	176
Cigarettes/Lighters	19.88%	138
Marijuana	8.36%	58
Other Controlled Substances	6.77%	47
Beer	0.43%	3
Liquor	0.58%	4
Tools	7.49%	52
Knives/Sharps	11.96%	83
None	41.93%	291
Other (please specify)	31.70%	220
	<b>answered question</b>	<b>694</b>
	<b>skipped question</b>	<b>42</b>

19. Are you aware of any incidents where youth have not received timely medical care?		
Answer Options	Response Percent	Response Count
Yes	16.14%	112
No	83.86%	582
	<b>answered question</b>	<b>694</b>
	<b>skipped question</b>	<b>42</b>

20. Please provide details regarding the cause(s) of the delay in medical care. (The Legislative Audit Council has access to review all juvenile records. Please include dates, names, type of care, and any other relevant information.)	
Answer Options	Response Count
Open-Ended Responses Only	112
	<i>answered question</i> <b>112</b>
	<i>skipped question</i> <b>624</b>

21. Is transportation of youth to medical appointments an issue, such as delayed or no medical treatment? *		
Answer Options	Response Percent	Response Count
Yes	19.16%	133
No	80.84%	561
	<i>answered question</i>	<b>694</b>
	<i>skipped question</i>	<b>42</b>

22. If yes, please explain how transportation is a factor. (The Legislative Audit Council has access to review all juvenile records. Please include dates, names, type of care, and any other relevant information.) *	
Answer Options	Response Count
Open-Ended Responses Only	142
	<i>answered question</i> <b>142</b>
	<i>skipped question</i> <b>594</b>

23. Have you suffered from any injuries at the hands of a juvenile while at work? *		
Answer Options	Response Percent	Response Count
Yes	11.87%	82
No	88.13%	609
	<i>answered question</i>	<b>691</b>
	<i>skipped question</i>	<b>45</b>

24. Did the injury cause you to file a workers' compensation claim? *		
Answer Options	Response Percent	Response Count
Yes	61.80%	55
No	38.20%	34
<b>answered question</b>		<b>89</b>
<b>skipped question</b>		<b>647</b>

25. If your treatment required medical attention, where did you receive medical care? Please select all that apply. *		
Answer Options	Response Percent	Response Count
BRRC Infirmary	2.25%	2
Hospital	17.98%	16
Doctor's Office/Specialist's Office	64.04%	57
Chose not to receive medical care	14.61%	13
Prefer not to answer	12.36%	11
<b>answered question</b>		<b>89</b>
<b>skipped question</b>		<b>647</b>

26. How would you categorize the injury/injuries received? *		
Answer Options	Response Percent	Response Count
Mild (scrape, bruise, etc.)	16.85%	15
Moderate (laceration, sprain, etc.)	39.33%	35
Severe (broken bone, brain injury, etc.)	13.48%	12
Prefer not to answer	12.36%	11
Other (please specify)	17.98%	16
<b>answered question</b>		<b>89</b>
<b>skipped question</b>		<b>647</b>

27. What, if anything, could have been done to possibly prevent the incident?	
Answer Options	Response Count
<b>Open-Ended Responses Only</b>	<b>78</b>
<b>answered question</b>	<b>78</b>
<b>skipped question</b>	<b>658</b>

<b>28. In the past 3 years, have you been unable to work and received workers' compensation benefits for any of the following reasons? (Please check all that apply.)</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Injury due to an incident with a DJJ youth	23.60%	21
Injury due to an incident with DJJ staff	1.12%	1
On-the-job injury not related to an incident with any individual (i.e. equipment, etc.)	3.37%	3
N/A - I did not receive workers' compensation benefits.	64.04%	57
Other (please specify)	11.24%	10
<b><i>answered question</i></b>		<b>89</b>
<b><i>skipped question</i></b>		<b>647</b>

<b>29. In the last three months, have you reported an incident or initiated an event report which you feel has not been adequately investigated or followed up?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Yes	12.10%	83
No	87.90%	603
<b><i>answered question</i></b>		<b>686</b>
<b><i>skipped question</i></b>		<b>50</b>

<b>30. On average, how frequently do you report incidents or initiate event reports?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Never	36.88%	253
Daily	4.96%	34
Weekly	6.56%	45
Monthly	11.22%	77
Yearly	11.52%	79
Other (please specify)	28.86%	198
<b><i>answered question</i></b>		<b>686</b>
<b><i>skipped question</i></b>		<b>50</b>

<b>31. Have you ever been asked or told not to file an event report involving an incident with a youth?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Yes	5.10%	35
No	94.90%	651
<b><i>answered question</i></b>		<b>686</b>
<b><i>skipped question</i></b>		<b>50</b>

<b>32. Have you ever been asked or told not to file an event report involving an incident with a staff member?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Yes	3.50%	24
No	96.50%	662
<b><i>answered question</i></b>		<b>686</b>
<b><i>skipped question</i></b>		<b>50</b>

<b>33. Have you observed or know of anyone using the same exact wording as another employee when completing an event report?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Yes	6.12%	42
No	93.88%	644
<b><i>answered question</i></b>		<b>686</b>
<b><i>skipped question</i></b>		<b>50</b>

<b>34. Are you aware of any instances where youth have been denied the opportunity to complete an event report?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Yes	4.23%	29
No	95.77%	657
<b><i>answered question</i></b>		<b>686</b>
<b><i>skipped question</i></b>		<b>50</b>

35. Please provide detailed information regarding a youth being denied access to completing an event report. (The Legislative Audit Council has access to review all juvenile records. Please include dates, names, and any relevant information.)	
Answer Options	Response Count
Open-Ended Responses Only	240
	<b><i>answered question</i></b> <b>240</b>
	<b><i>skipped question</i></b> <b>496</b>

36. Does the agency have appropriate options to discipline or place youth in another dorm or facility after an incident?		
Answer Options	Response Percent	Response Count
Yes	54.81%	376
No	45.19%	310
	<b><i>answered question</i></b>	<b>686</b>
	<b><i>skipped question</i></b>	<b>50</b>

37. What would improve the disciplinary or youth placement options following an event?	
Answer Options	Response Count
Open-Ended Responses Only	453
	<b><i>answered question</i></b> <b>453</b>
	<b><i>skipped question</i></b> <b>283</b>

38. In general, are you aware of any unusual or inappropriate spending of DJJ funds? *		
Answer Options	Response Percent	Response Count
Yes	14.14%	97
No	85.86%	589
	<b><i>answered question</i></b>	<b>686</b>
	<b><i>skipped question</i></b>	<b>50</b>

39. Please provide information regarding the unusual or inappropriate spending. (Please include the date, purpose, vendor, and amount spent, if possible, and any other relevant information.) *	
Answer Options	Response Count
Open-Ended Responses Only	107
	<b>answered question</b> 107
	<b>skipped question</b> 629

40. Are you aware of unusual or inappropriate spending of Title I (Education) funds or grant funds? *		
Answer Options	Response Percent	Response Count
Yes	0.88%	6
No	99.12%	679
	<b>answered question</b>	<b>685</b>
	<b>skipped question</b>	<b>51</b>

41. Please provide information regarding the unusual or inappropriate spending. (Please include the date, purpose, vendor, and amount spent, if possible, and any other relevant information.) *	
Answer Options	Response Count
Open-Ended Responses Only	13
	<b>answered question</b> 13
	<b>skipped question</b> 723

42. Are you aware of any violations by DJJ of the State procurement code? *		
Answer Options	Response Percent	Response Count
Yes	2.19%	15
No	97.81%	670
	<b>answered question</b>	<b>685</b>
	<b>skipped question</b>	<b>51</b>

43. Please provide details regarding violations of State procurement code by DJJ. *	
Answer Options	Response Count
Open-Ended Responses Only	25
	<b>answered question</b> 25
	<b>skipped question</b> 711

44. Are you aware of any unusual or inappropriate usage of agency credit cards (P-cards)? *		
Answer Options	Response Percent	Response Count
Yes	0.29%	2
No	99.71%	682
	<b>answered question</b>	<b>684</b>
	<b>skipped question</b>	<b>52</b>

45. Please provide details regarding unusual or inappropriate credit card (P-card) purchases. *	
Answer Options	Response Count
Open-Ended Responses Only	15
	<b>answered question</b> 15
	<b>skipped question</b> 721

46. Are you aware of any vendors/suppliers that no longer conduct business with DJJ due to late or missed payments? *		
Answer Options	Response Percent	Response Count
Yes	4.09%	28
No	95.91%	656
	<b>answered question</b>	<b>684</b>
	<b>skipped question</b>	<b>52</b>

47. Please provide details regarding vendors/suppliers that no longer conduct business with DJJ. (Please include the time period, vendor name, type of vendor, etc.) *	
Answer Options	Response Count
Open-Ended Responses Only	40
	<b>answered question</b> 40
	<b>skipped question</b> 696

48. If you use the SCEIS SAP® accounting system, did the substantial data structure change (functional/program area structure, etc.) in January 2019 impact your work?		
Answer Options	Response Percent	Response Count
N/A – I do not utilize the SCEIS SAP® system	42.38%	289
Yes, it has significantly impacted my work (better or worse)	7.04%	48
No, it has not significantly impacted my work	50.59%	345
<b>answered question</b>		<b>682</b>
<b>skipped question</b>		<b>54</b>

49. Please explain how the data structure change has significantly impacted your work, either positively or negatively.	
Answer Options	Response Count
Open-Ended Responses Only	55
<b>answered question</b>	
<b>55</b>	
<b>skipped question</b>	
<b>681</b>	

50. Are updates or changes to DJJ policies and state law effectively communicated to officers and staff?		
Answer Options	Response Percent	Response Count
Always	34.81%	236
Most of the time	40.86%	277
Occasionally	21.24%	144
Never	3.10%	21
<b>answered question</b>		<b>678</b>
<b>skipped question</b>		<b>58</b>

51. Does DJJ have clearly-defined policies, procedures, directives, etc. to guide your decision-making?		
Answer Options	Response Percent	Response Count
Yes	75.37%	511
No	24.63%	167
<b>answered question</b>		<b>678</b>
<b>skipped question</b>		<b>58</b>

52. Does DJJ effectively train you on Federal and State law, policies, and procedures needed for the performance of your duties?		
Answer Options	Response Percent	Response Count
Yes	61.80%	419
No	38.20%	259
<b>answered question</b>		<b>678</b>
<b>skipped question</b>		<b>58</b>

53. How can communication of policy or law be improved or changed between management and staff? Please explain.	
Answer Options	Response Count
Open-Ended Responses Only	445
<b>answered question</b>	
<b>445</b>	
<b>skipped question</b>	
<b>291</b>	

54. What do you think is the main reason for turnover among staff members? Please select the top two reasons.		
Answer Options	Response Percent	Response Count
Safety issues/staff do not feel safe	52.06%	353
Dissatisfied with pay and benefits	77.58%	526
Work hours	26.70%	181
Poor management	57.96%	393
Insufficient training	20.21%	137
Other (please specify)	22.27%	151
<b>answered question</b>		<b>678</b>
<b>skipped question</b>		<b>58</b>

55. What is your current position at DJJ?		
Answer Options	Response Percent	Response Count
Correctional Officer	10.03%	68
Public Safety / Investigator	3.24%	22
All Others	86.73%	588
<b>answered question</b>		<b>678</b>
<b>skipped question</b>		<b>58</b>

<b>56. How long have you been a full-time correctional officer?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Less than 6 months	5.06%	4
6 months to less than 1 year	6.33%	5
1 year	8.86%	7
2 years	6.33%	5
3 - 4 years	10.13%	8
5 - 6 years	3.80%	3
7 - 8 years	7.59%	6
More than 9 years	44.30%	35
N/A - I am a part-time correctional officer	7.59%	6
<b>answered question</b>		<b>79</b>
<b>skipped question</b>		<b>657</b>

<b>57. How long did it take from the point you were interviewed for the correctional officer position to the day you accepted the official job offer from DJJ?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Less than 2 weeks	20.25%	16
2 - 4 weeks	26.58%	21
5 - 6 weeks	17.72%	14
7 - 8 weeks	7.59%	6
3 months	6.33%	5
4 months	2.53%	2
More than 4 months	1.27%	1
Unsure or do not remember	17.72%	14
<b>answered question</b>		<b>79</b>
<b>skipped question</b>		<b>657</b>

<b>58. What shift do you currently work?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
8-hour shift	27.85%	22
12-hour shift	59.49%	47
Other (please specify)	12.66%	10
<b>answered question</b>		<b>79</b>
<b>skipped question</b>		<b>657</b>

59. What are the advantages of the 8-hour shift? Please select all that apply.		
Answer Options	Response Percent	Response Count
Less stress and fatigue	67.95%	53
More flexibility and freedom outside of work (more time with family, etc.)	70.51%	55
Easier to cover someone who calls in sick	48.72%	38
Other (please specify)	20.51%	16
<b>answered question</b>		<b>78</b>
<b>skipped question</b>		<b>658</b>

60. What are the disadvantages of the 8-hour shift? Please select all that apply.		
Answer Options	Response Percent	Response Count
Increased turnover rates	15.79%	12
Lower morale among employees	18.42%	14
Complication and disruption because of the number of shift changes	25.00%	19
Fewer days off	69.74%	53
Other (please specify)	23.68%	18
<b>answered question</b>		<b>76</b>
<b>skipped question</b>		<b>660</b>

61. What are the advantages of the 12-hour shift? Please select all that apply.		
Answer Options	Response Percent	Response Count
Increased productivity and reduction in the number of errors due to fewer shift changes.	10.26%	8
Fewer miscommunication and production issues	6.41%	5
Greater accountability	10.26%	8
Fewer absentee issues	7.69%	6
More days off	83.33%	65
Other (please specify)	15.38%	12
<b>answered question</b>		<b>78</b>
<b>skipped question</b>		<b>658</b>

62. What are the disadvantages of the 12-hour shift? Please select all that apply.		
Answer Options	Response Percent	Response Count
Increased work-related stress and fatigue	79.49%	62
More difficult to find someone to cover your entire shift	65.38%	51
My patience runs out	58.97%	46
Other (please specify)	25.64%	20
<b>answered question</b>		<b>78</b>
<b>skipped question</b>		<b>658</b>

63. If time off were not an issue, would you prefer to work an 8-hour shift or 12-hour shift?		
Answer Options	Response Percent	Response Count
8-hour shift	75.64%	59
12-hour shift	24.36%	19
<b>answered question</b>		<b>78</b>
<b>skipped question</b>		<b>658</b>

64. What intermediate weapons, such as OC (pepper) spray, tasers, etc. do you have access to while at work?		
Answer Options	Response Percent	Response Count
OC (pepper) spray	9.21%	7
Tasers	2.63%	2
Other (please specify)	88.16%	67
<b>answered question</b>		<b>76</b>
<b>skipped question</b>		<b>660</b>

65. Is Handle with Care adequate training for de-escalating incidents with/between youth?		
Answer Options	Response Percent	Response Count
Yes	26.32%	20
No	73.68%	56
<b>answered question</b>		<b>76</b>
<b>skipped question</b>		<b>660</b>

<b>66. What type of techniques could be added to ensure youth and staff are adequately protected? Please select all that apply.</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Pressure Point Control	78.95%	60
Defensive Countermeasures	76.32%	58
Spontaneous Knife Defense	21.05%	16
Tactical Handcuffing	50.00%	38
<i>answered question</i>		<b>76</b>
<i>skipped question</i>		<b>660</b>

<b>67. Should correctional officers (JCOs) have access to intermediate weapons, such as OC (pepper) spray, tasers, etc.?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Yes	67.02%	447
No	32.98%	220
<i>answered question</i>		<b>667</b>
<i>skipped question</i>		<b>69</b>

<b>68. What weapons would be appropriate for correctional officers (JCOs)? Please select all that apply.</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
OC (pepper) spray	92.17%	412
Tasers	51.01%	228
Other (please specify)	10.74%	48
<i>answered question</i>		<b>447</b>
<i>skipped question</i>		<b>289</b>

<b>69. What levels of security personnel should have access to intermediate weapons such as OC (pepper) spray, tasers, etc.? Please select all that apply.</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
All JCOs	49.44%	221
Shift supervisors	74.27%	332
Facility Administrators	49.22%	220
None	0.67%	3
Other (please specify)	14.54%	65
<i>answered question</i>		<b>447</b>
<i>skipped question</i>		<b>289</b>

<b>70. Where do you work?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Central Office – Executive Center Drive	21.95%	146
Juvenile Detention Center	5.41%	36
Regional Evaluation Centers	13.53%	90
Community-Based / County Office	35.34%	235
Broad River Road Complex (BRRC)	23.76%	158
<b><i>answered question</i></b>		<b>665</b>
<b><i>skipped question</i></b>		<b>71</b>

<b>71. When recommending a juvenile's disposition (sentence) in court, have you been influenced by DJJ management to make a specific recommendation?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Yes	53.28%	130
No	22.95%	56
N/A - Not a responsibility of my position	23.77%	58
<b><i>answered question</i></b>		<b>244</b>
<b><i>skipped question</i></b>		<b>492</b>

<b>72. Have you been directed to not recommend an indeterminate disposition (sentence) for a juvenile? *</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Yes	41.80%	102
No	35.25%	86
N/A - Not a responsibility of my position	22.95%	56
<b><i>answered question</i></b>		<b>244</b>
<b><i>skipped question</i></b>		<b>492</b>

<b>73. Who directed you to not recommend an indeterminate disposition (sentence)? *</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Management (i.e. supervisor, division director, deputy director)	60.95%	64
It is "unwritten" agency policy/practice	20.00%	21
Other (please specify)	19.05%	20
<b><i>answered question</i></b>		<b>105</b>
<b><i>skipped question</i></b>		<b>631</b>

74. Do you consider the relocation of administrative staff from the BRRC campus to a central location to be an improvement?		
Answer Options	Response Percent	Response Count
Yes	46.15%	306
No	53.85%	357
<i>answered question</i>		<b>663</b>
<i>skipped question</i>		<b>73</b>

75. Has it improved work flow?		
Answer Options	Response Percent	Response Count
Yes	15.99%	106
No	37.10%	246
Do not know/No opinion	46.91%	311
<i>answered question</i>		<b>663</b>
<i>skipped question</i>		<b>73</b>

76. Has the relocation caused any issues?		
Answer Options	Response Percent	Response Count
Yes	29.26%	194
No	70.74%	469
<i>answered question</i>		<b>663</b>
<i>skipped question</i>		<b>73</b>

77. What other changes would you recommend to improve administrative functions? (such as hiring, procurement, etc.)		
Answer Options	Response Count	
Open-Ended Responses Only	663	
<i>answered question</i>		<b>663</b>
<i>skipped question</i>		<b>73</b>

<b>78. In general, how well would you say your job "measures up" to the sort of job you wanted when you accepted it?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Not very much like the job I wanted	15.56%	103
Somewhat like the job I wanted	49.70%	329
Very much like the job I wanted	34.74%	230
<i>answered question</i>		<b>662</b>
<i>skipped question</i>		<b>74</b>

<b>79. Do you feel that management and administrative staff listen and understand the work responsibilities of your position?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Yes	48.04%	318
No	51.96%	344
<i>answered question</i>		<b>662</b>
<i>skipped question</i>		<b>74</b>

<b>80. If a good friend of yours told you that he or she was interested in working in a job like yours for this agency, what would you tell him or her?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Tell my friend not to work at DJJ	20.39%	135
Have doubts about recommending the job	43.05%	285
Strongly recommend the job	36.56%	242
<i>answered question</i>		<b>662</b>
<i>skipped question</i>		<b>74</b>

<b>81. Knowing what you know now, if you had to decide all over again whether to take the job you now have, what would you decide?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Definitely decide not to take the same job	10.57%	70
Have second thoughts about taking my job	42.60%	282
Decide without hesitation to take the same job	46.83%	310
<i>answered question</i>		<b>662</b>
<i>skipped question</i>		<b>74</b>

<b>82. All in all, how satisfied are you with your job?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Not satisfied at all	12.69%	84
Somewhat satisfied	58.76%	389
Very satisfied	28.55%	189
<b><i>answered question</i></b>		<b>662</b>
<b><i>skipped question</i></b>		<b>74</b>

<b>83. Please provide any other concerns, comments, or suggestions that you think might be useful to our review of DJJ. Please remember that all of your responses are anonymous.</b>	
<b>Answer Options</b>	<b>Response Count</b>
Open-Ended Responses Only	448
<b><i>answered question</i></b>	
<b><i>skipped question</i></b>	
	<b>288</b>

\* According to SurveyMonkey®, page logic errors occurred which allowed individuals to change answers.

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Appendix A  
LAC Survey Results

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# Agency Comments

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Appendix B  
Agency Comments

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**Freddie B. Pough**  
Executive Director

P.O. Box 21069  
Columbia, SC 29221-1069

djj.sc.gov

**Henry McMaster**  
Governor



April 1, 2021

Mr. K. Earle Powell, Director  
Legislative Audit Council  
1331 Elmwood Avenue, Suite 315  
Columbia, South Carolina 29201

Dear Mr. Powell:

Thank you for providing the South Carolina Department of Juvenile Justice (DJJ) the opportunity to submit written comments regarding the Legislative Audit Council’s (LAC) final draft report. I would like to thank you and your staff for the time dedicated to this audit. The audit process verified areas of improvement DJJ previously identified and reinforces the need for requests to be addressed through the budget process. I was encouraged to note that many of the recommendations in the report were items already identified by DJJ that have been or are in the process of being corrected. My administration has been founded on continuous constructive analysis and embracing improvements in processes and practices so that we can more effectively empower youth for their future. To that end, as shared with LAC (though no reference was included in the report), DJJ has partnered with the Center for Children’s Law and Policy (CCLP) to provide technical assistance to DJJ in analyzing data on justice-involved youth, revising policies in critical areas such as use of isolation, facilitating culture change, improving recruitment and retention of DJJ staff, enhancing training for staff in critical areas, enhancing DJJ’s incentive-based behavior management system, improving delivery of clinical services, increasing programming for committed youth, and tracking implementation of all reforms. In addition, DJJ was one of five agencies in the country recently awarded a Reducing Isolation Grant (\$748,059) from the US Department of Justice’s Office of Juvenile Justice and Delinquency Prevention (OJJDP).

With these partnerships in place (and others that will be announced in coming weeks), DJJ is committed to working collaboratively with national experts to update protocols, practices, policies, and training programs to bring organizational change that will positively impact the culture of DJJ, both for youth served by DJJ and for DJJ staff. Serving committed youth in a more restorative manner and developing more robust community-based alternatives aligns directly with our agency’s mission. When a youth is rehabilitated, communities are safer. This culture shift will have a significant positive impact on a challenge that our secure facilities have faced for over a decade: officer recruitment and retention. As I have shared with members of the General Assembly and DJJ stakeholders at every opportunity I have had since becoming Director, DJJ’s inability to pay correctional officers a competitive salary (in comparison to other state/local law enforcement agencies) means that many DJJ correctional positions remain unfilled and that we experience an unacceptably high turn-over rate. With the increased vibrancy and strength of the Palmetto State’s economy over the last several years, state entry-level salaries for correctional staff have failed to keep pace with the private sector (manufacturing and fast-food employers pay several dollars more per hour than state positions). Unfilled correctional and other critical-needs positions have a significant impact on the ability of our secure facilities to function at optimal effectiveness and efficiency. And that is an area where I continue to need the assistance of the General Assembly.

Another area where DJJ needs the assistance of the General Assembly is with overall reform to the juvenile justice system. Data shows that although only 10% of cases referred to DJJ in FY17 involved violent or serious offenses, over two-thirds of DJJ’s budget was spent on out-of-home placements for youth. Of the 743 youth who were housed in a secure residential facility or alternative placement setting on any given day in FY17, the majority of these youth were charged with or adjudicated delinquent for a low-level offense.<sup>1</sup> Further, data shows that recidivism outcomes for youth served in an out-of-home placement are poor when compared to youth served in the community.<sup>2</sup> Overall, this data suggests an over-reliance in South Carolina on residential, out-of-home placements for youth who do not pose a risk to public safety – a practice that comes at a high cost to taxpayers, both in terms of dollars and in increased recidivism rates. To that end, DJJ encourages legislators to give strong consideration to passage of S. 53,

<sup>1</sup> Specifically, only 37% of youth housed in a secure pre-trial detention center were charged with a felony offense, only 38% of all youth committed for a residential evaluation were adjudicated delinquent for a felony offense, and only 28% of youth committed for a determinate or indeterminate sentence were adjudicated delinquent for a felony offense. In fact, 7 of the top 10 commitment “offenses” are a technical violation of probation, youth misconduct that does not rise to the level of a criminal offense.

<sup>2</sup> A 2015 recidivism study conducted by the Pew Charitable Trusts revealed that South Carolina youth had a re-adjudication/conviction rate of nearly 50% within three years of release from commitment compared with a re-adjudication/conviction rate of 35% within 3 years of release from probation supervision and a 14% adjudication/conviction rate within 3 years of completion of a diversion program.

a bill containing reforms to South Carolina's juvenile justice code that are designed to improve public safety, reduce recidivism, and provide better outcomes for youth and families. The reforms focus mostly on out-of-home secure confinement on the most serious and high-risk offenders, strengthen community supervision to hold youth accountable, and increase access to effective front-end prevention and intervention services provided to youth and families in their home communities. If we as a state can implement these proven juvenile justice system reform measures, we can make great strides to correct the understaffing problems DJJ faces, save taxpayer dollars, reduce recidivism, and create safer communities.

While DJJ agrees with some conclusions and recommendations of LAC and had already begun to implement improvements independent of LAC, given the 10-page limit imposed by LAC for DJJ to respond to this 178-page report, the remainder of this response will highlight significant areas of disagreement. As part of the draft report process, DJJ provided LAC with over 700 pages of written responses and supporting documentation that identified incorrect factual assertions, failures to consider pertinent information, and faulty and speculative conclusions contained in the report. Despite this, LAC failed to correct the final version of the report accordingly, as more specifically outlined below, which calls into question a number of LAC's findings and recommendations. Unfortunately, the audit still contains numerous instances where LAC simply failed to understand fundamental aspects of DJJ's operations, misstated facts, dismissed the conclusions of trained professionals within their specific areas of expertise in favor of LAC's, and failed to consider information provided by DJJ.

Chapter 2 – Safety and Security: Overall, DJJ notes that many of LAC's criticisms of DJJ's secure facilities are grounded in correctional positions remaining unfilled. DJJ appreciates that LAC acknowledges that DJJ has submitted multiple budget requests asking for increases for front-line correctional officers. While DJJ has been able to maintain minimum coverage in our secure facilities, having officers work extra hours and extra shifts is not sustainable long-term and leads to poor morale and officer burn-out. It also means that correctional staff must remain in coverage throughout their shift with limited time to attend training or assist with tasks outside of direct supervision of youth. Without the ability to offer a competitive salary, DJJ continues to struggle to hire and retain qualified staff which has a domino effect on overall operations.

Regarding national standards, DJJ advised LAC that as of January 17, 2021, the Broad River Road Complex (BRRC) is compliant with the Prison Rape Elimination Act (PREA). In 2019, the Upstate Evaluation Center (UEC) was deemed to be compliant with all PREA standards except for the juvenile/staff ratio. In 2018, the Midlands Evaluation Center (MEC) and Juvenile Detention Center (JDC) missed meeting compliance by two PREA standards related to screening of risk. Since that time, DJJ has implemented in all DJJ facilities the Vulnerability to Victimization and Sexual Aggression Screener, a collaborative tool utilized by clinical, classification, and institutional staff to determine a total risk score for vulnerability and provide a risk score associated with propensity for aggression. Because BRRC met PREA standards utilizing this new risk tool, DJJ is confident that MEC and JDC will meet PREA standards during the next PREA audit. None of this information was included by LAC in the final report.

DJJ explained to LAC that although staffing is a struggle for the reasons noted above, DJJ does meet its internal staffing minimums. When an officer calls in sick or otherwise does not come to work for their scheduled shift, DJJ cannot "force" another employee to come in on his/her day off which may result in management going into coverage. DJJ also informed LAC that non-security staff are not trained to perform security functions and would not be asked to do so. Although, for example, a teacher may escort a youth to another classroom or a social worker may escort a youth to his/her office, this is not considered a "security" function as the youth would not be in mechanical restraints, and the employee is merely walking with the youth. DJJ also advised LAC that the temporary closure of CEC was not solely because of low staffing levels. While staffing was one factor, other factors included: staff recruitment, retraining staff, facility repairs and other improvements to the facility. This temporary closure did not interrupt the youths' clinical, medical, or educational services. When CEC reopened, the capacity was temporarily limited to thirty youth to comply with required staffing ratios. Regarding staffing plans and shift reports, DJJ notified LAC that staffing plans are updated and reviewed yearly by management and the PREA coordinator. Although only paper copies of the shift reports were kept previously, all facility shift reports now are uploaded daily onto a One Drive and are immediately available electronically to upper management and relevant staff. None of this information was included by LAC in the final report.

Regarding Incidents and Investigations, DJJ provided LAC with information and supporting documentation showing that the statement that "incidents at DJJ's secure facilities has more than doubled in recent years" and the related charts created by LAC are factually incorrect. While LAC auditors may have used PbS data supplied by DJJ, PbS does not define reportable events as "incidents." PbS uses categories to define an event, and a reportable event can be categorized into more than one category. Totaling unrelated categories and referring to them collectively as 'recorded incidents,' is a gross misrepresentation of the factual data as single incidents are then counted more than one time. LAC's charts are inaccurate and form the basis of unsupported and faulty conclusions. DJJ advised LAC that the auditors were factually incorrect in reporting that one employee categorizes events, as there are three Division of Investigative Services' employees who categorize Event Reports. The electronic Event Reporting System

reduces delays in Investigative Services receiving event reports, thereby reducing delays in assigning and investigating incidents. LAC also misunderstands the investigative process. All Event Reports alleging negative juvenile behavior are reviewed by Investigative Services and either referred for criminal investigation or returned to management to be handled under the juvenile disciplinary process. The decision to criminally investigate a case is based upon the totality of the circumstances. Just as youth who are not under DJJ's care are not prosecuted criminally for every instance of negative behavior, neither are committed youth. While LAC reports that staff "expressed concern" that DJJ's procedures result in little accountability for juvenile behavior, as the auditors are aware from the recent DOJ report, many security staff improperly utilized isolation in the past. DJJ is implementing measures to reduce both the use and duration of isolation, and it is not uncommon for jurisdictions that embark on reducing isolation initiatives to have staff initially perceive such as a lack of accountability for youth misconduct. Although all of this information and related documentation was provided to LAC, the final report was not corrected.

Regarding the Timeliness of Investigations and Discipline, LAC fails to understand that a criminal investigation and a management review investigation are different and have different standards of proof. DJJ advised LAC that in a criminal investigation, the employee-subject of the investigation cannot constitutionally be compelled to make a statement to the investigator; by contrast, the employee-subject of an administrative inquiry can legally be compelled to make a statement to the investigator. Therefore, if an incident contains a mix of criminal and administrative issues, the criminal investigation must occur first. The Office of Human Resources (OHR) does not recommend disciplinary actions until the investigation is complete, except in exceptional circumstances when an employee has been arrested for criminal conduct on the job. All covered state employees are afforded grievance rights by law, and DJJ must ensure that any disciplinary action taken is administered per policy and in compliance with state and federal regulation/law. There is no nationally accepted timeframe for completion of employment-related investigations, especially when cases could potentially go through both criminal and administrative investigations. DJJ further advised LAC that since 2016, DJJ has hired four Gang Intervention Coordinators, who are responsible to respond to and investigate incidents of gang activity and implement gang intervention programming which target youths who are identified as at-risk of gang involvement. While other programs were explored initially, DJJ recently applied for and received grant funding through OJJDP to acquire and implement a nationally recognized gang resistance evidence-based program through Phoenix/New Freedom program which is currently in process of being purchased for agency-wide implementation. Regarding Referral of Criminal Cases to Solicitors, DJJ informed the LAC that, as of October 2020, DJJ no longer refers criminal cases to solicitors for recommendation of probable cause or opinions as to criminal charges. The Criminal Investigations Administrator makes the determination, based upon probable cause and the youth's age, if the case should result in a warrant for adult charges or a petition in family court. DJJ clarified for LAC that even if a youth indicates to investigators that the youth does not wish to move forward with prosecution, DJJ will still move forward with the investigation and refer the case for prosecution, as appropriate. Despite all this information being provided to LAC, the final report was not corrected.

The LAC incorrectly reports that DJJ did not "adequately prepare for the increase in juveniles from the Raise the Age (RTA)" implementation. DJJ informed LAC that DJJ was well aware of RTA and worked with the General Assembly and juvenile justice stakeholders for years before its implementation. After passage of RTA in 2016, DJJ trained staff throughout the Agency (as well as other juvenile justice stakeholders) on the provisions of the bill and then began intensive recruitment efforts in 2018. RTA was passed in 2016 and provided that the provisions would be implemented in 2019, contingent upon funding. As LAC notes, DJJ submitted budget requests outlining implementation needs associated with RTA, but "[t]hese requests were not funded by the General Assembly." When informed at the last minute that RTA would be implemented without funding, DJJ had no choice but to incorporate the increased number of youth who enter the system into existing services and serve them with available staff. During their audit investigation, LAC did not inquire about DJJ's early efforts regarding RTA; they only asked about implementation, which did not occur until 2019. To suggest that DJJ did nothing regarding RTA prior to June 2019, when that is the only information LAC requested, is disingenuous and inaccurate. Further, a "formal written implementation plan" and intensive re-training for staff was not needed as RTA is a simple concept – it raised the age of youth subject to the Family Court's jurisdiction from 17 to 18. RTA did not change DJJ operations; DJJ served/housed youth aged 17-19 before RTA, so it did not change how security staff operated. Also, DJJ pointed out that the LAC confused the SC Constitutional requirement that juvenile offenders be separated from adult offenders with RTA<sup>3</sup> which merely expanded the jurisdiction of the Family Court. DJJ's housing plan has always been, and continues to be, compliant with the SC Constitution as DJJ houses juveniles, not adults. The current process for classifying and housing youth encompasses all youth committed to DJJ under Family Court orders, regardless of age. DJJ further informed LAC that DJJ does not "rely on" the Youth in Transition (YIT) program to address RTA youth. The YIT program is an enhancement of the New Beginnings program which was implemented in 2018 to serve older youth who had already obtained their diploma or GED, but who were not eligible for parole, so that these older youth had targeted and structured daily activities and programming since they were no longer in an educational setting. DJJ also informed LAC that the auditors misinterpreted the data provided by DJJ

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<sup>3</sup> It is also noted that the SC Constitutional provision referenced by LAC mandates action by the General Assembly, not DJJ.

regarding the impact of RTA. Graph 2.12 is misleading and should not be relied upon without the data source, actual context, and a true comparison. At face value, these numbers may suggest there has been an increase in admissions youth in long term commitment, however, the impact of RTA has occurred thus far primarily on the front end of the system, i.e., when a juvenile is charged. The auditors over-identify RTA youth because they only looked at the age of the youth and did not take into account that many of the youth would have entered the juvenile justice system prior to the implementation of RTA.<sup>4</sup> Said simply, not every youth who is 17 years old or older came to DJJ as a result of RTA. Further, the auditors acknowledge in the report that youth can be admitted more than once to a facility, or to more than one facility, over a given period of time, which DJJ pointed out means that the chart counts one juvenile for multiple commitments as that juvenile proceeded through the system. Despite all of this information being provided to LAC, corrections were not made to the final report.

**Chapter 3 – Human Resources:** Regarding Employee Compensation, DJJ appreciates LAC acknowledging that “DJJ has requested additional funding in its annual budget each year since FY 17-18 to support base salary increases for juvenile correctional officers and community specialists” and that these “requests have gone unfunded or partially funded each year.” However, just because the General Assembly has not funded increases for these large job classes does not mean that DJJ should deny appropriate salary increases to other job classes when such can be funded within DJJ’s existing budget. In particular, LAC’s suggestion that DJJ should have used the \$494,167 in increases to provide JCOI’s with a 14% increase is fundamentally flawed. LAC provides no evidence to show that the increases as provided were unwarranted and fails to consider the practical implications that doing so would mean entry-level JCOs would have a higher salary than correctional officers higher in their chain-of-command. Additionally, DJJ shared with LAC that an agency-wide salary study was completed in 2019 that showed DJJ had 39 job class codes that were underpaid when compared to the statewide average salaries for those job class codes, with a number of the job classes that were underpaid being managers who were more underpaid compared to their counterparts than JCOs and Community Specialists. DJJ also requested that LAC remove the statement that DJJ “should...prioritize[e] salary increases for front-line employees” as it implies incorrectly that DJJ does not do so already, as clearly demonstrated by repeated budget requests for increases for these front-line employees, not other job classifications, even though some of these other non-front-line job classifications are arguably more underpaid. With special assignment pay, education-related increases, and sign-on and referral bonuses, DJJ has done what it can within existing funding streams to increase compensation for JCOs. As to dual employment, LAC is incorrect in saying that “DJJ is unable to verify whether its policy on dual employment is being enforced” and that DJJ “require[s] information only on net hours worked” for dual employees. The Education Division requires dual employees performing tutoring services to complete time sheets indicating specific dates/times worked, youth tutored, and subject(s) covered, and these time sheets are reviewed by my management to verify that hours worked do not overlap with regular working hours. Despite all this information and related documentation being provided to LAC, the final report was not corrected.

As to DJJ Supervisors, prior to LAC involvement, DJJ identified the EPMS process as an opportunity for improvement, and a revised EPMS policy was drafted that identifies a universal EPMS review date for agency employees of March 2nd of each year. This revised policy was submitted to the Department of Administration’s Division of State Human Resources (DSHR) for review and is currently in DJJ’s internal policy review/approval process. Until such time as the universal date is implemented, DJJ’s Office of Human Resources (OHR) will be providing oversight to compliance with EPMS review dates and providing reminder information to managers quarterly. Further, it is not clear to DJJ why LAC would expect to find a formal EPMS document in an EMT member’s file when, as LAC acknowledges, such is not required by state law/regulation/agency policy. DJJ also pointed out that an EPMS is not the only method available to the Director to assess performance. DJJ’s Director meets regularly with Deputy Directors (e.g. weekly EMT meetings and monthly one-on-one meetings as well as additional topic-specific meetings as needed) to assess progress and performance and provide feedback and expectations. In addition, LAC has incorrect information regarding Deputy Directors. DJJ did not have two Deputies who “were already DJJ employees who moved into temporary positions before being promoted into new positions.” According to DOA guidance and state regulations, an Agency Director has broad discretion in hiring Deputy Directors, who occupy at-will, non-covered positions. As contemplated by DOA’s guidance, there are some situations where recruiting for a Deputy position may be needed, but that is “not normally” the case. DJJ asserts that observing a person performing duties on a temporary or interim basis is a valid and effective indicator/predictor of ability to perform the duties in a more permanent capacity. Despite all this information and related documentation being provided to LAC, the final report was not corrected.

DJJ disagrees with LAC’s conclusions regarding the Employee Progressive Discipline Policy. This policy has been reviewed and approved by DSHR. LAC’s suggestion to dismiss the expertise of the professionals at DSHR who have years of experience in reviewing agency progressive discipline policies in favor of LAC’s opinion is flawed. The report shows that LAC fails to understand

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<sup>4</sup> The majority of youth ages 17-19 currently committed to DJJ would still represent those whose case dispositions were handled prior to implementation of RTA. This means that some of those juveniles were 15-16 years old when they were charged but were 17 (or turned 17) when they were committed to DJJ (after they went to court and were sentenced).

that two employees may be disciplined differently for similar infractions based on a proper exercise of management discretion and evaluation of the employees' history of prior discipline, years of service, and other relevant factors. DJJ also advised LAC that it is factually incorrect to state that employees who are suspended pending investigation are "unable to access any recourse until the investigation is completed." Pursuant to state regulation and agency policy, employees can appeal to DSHR independent of receiving a final agency decision. Again, DJJ's Discipline and Grievance policies were reviewed and approved by DSHR, and it would be inappropriate for the opinion of LAC regarding policy provisions to be substituted for the sound judgment of the experts in this field. Although this information and related documentation was provided, LAC did not correct the final report.

The LAC report does not paint an accurate picture of DJJ's Recruitment and Retention efforts.<sup>5</sup> LAC also is factually incorrect in stating that "DJJ has not taken full advantage of the rapid hire event toolkit developed by [DSHR]." To the contrary, DSHR has congratulated DJJ's recruitment efforts and encouraged other agencies to follow our example. Regarding Proviso 117.65, LAC fails to realize, or at least acknowledge, that additional funding was not tied to adoption of this Proviso. DJJ has been able to implement lump-sum sign-on bonuses and employee referral bonuses within existing funding but does not have current budget to offer loan repayments or tuition assistance. Regarding Training Costs, DJJ explained to LAC that this statute is of limited benefit to DJJ because it does not apply to the standard Class II JCO, which is the majority of DJJ's security workforce. And while the Proviso may apply to a certified Class I LEO (Public Safety Officer or Criminal Investigator), DJJ often is not made aware of what job an employee is taking when he/she resigns. DJJ advised that LAC's review of the Hiring Process is not timely so is no longer valid. DJJ informed LAC that OHR transitioned from a paper-based hiring process to an automated system (DJJ Employment Center Portal), effective September 1, 2020, which has streamlined the hiring process. DJJ also disagrees with LAC's assertion that background checks should take place "when HR screens applicants."<sup>6</sup> Despite being provided with this information and supporting documentation, LAC did not correct the final report.

DJJ realizes that JCOs are paid less on an entry-level than SCDC's COs and most neighboring states; hence, DJJ's repeated requests to the General Assembly for security staff salary increases and for salary equity across agencies for similar positions. It is not clear why LAC believes that DJJ's training program for new hires is deficient in comparison to neighboring states as LAC offers no support for this assertion and lacks the expertise to make such a conclusion. DJJ's current training curriculum for correctional staff (138.5 hours of training completed within 6 months of hire) was developed after years of research, which included a review of training content offered at comparable agencies in other jurisdictions, and underwent a rigorous review as part of the approval process by the Criminal Justice Academy. DJJ's curriculum developers also monitor best practices in juvenile justice and update curriculum accordingly. One example provided to LAC was that DJJ recently expanded its mental health training components. Several DJJ staff completed facilitator training in the 'Mental Health Training for Juvenile Justice' program with the National Center for Youth Opportunity and Justice.<sup>7</sup> None of this information was included/corrected in LAC's final report.

The data provided to LAC concerning Job Fairs from 2017-2020 shows that DJJ has been vigilant in its attempts to recruit for existing unfilled FTEs in all critical-needs positions. While the LAC seems focused on the number/percentage hired versus the number of applicants ("only 100 new employees" out of 879 applicants), the auditors fail to account for the number of available positions. The point of a job fair is to develop a diverse pool of applicants for each position so that the hiring manager can select the most qualified person for the job. If the LAC's expectation is that 100% of applicants will be hired, they fail to understand the realities of recruitment and hiring. An analysis of NEOGOV data shows that the percentage of applicants who failed to get hired was greater for persons who applied only on NEOGOV than those who attended a job fair during the same time period. LAC also appears to misunderstand the data for hiring events hosted by DJJ versus hiring events DJJ attended hosted by other entities. Further, LAC is unfairly critical of DJJ holding job fairs at colleges/universities as this conclusion is based on the false assumption that DJJ only recruits for JCO positions at job fairs. Rather, DJJ recruits for all critical-needs positions, to include nursing, clinical, and

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<sup>5</sup> DJJ shared with LAC that new functionality was added to the agency website to increase the ease of looking for jobs and applying, a series of eight recruitment videos were created, newly designed recruitment fair items were provided, hiring and referral bonus were implemented, drive-thru job fairs were hosted at multiple locations, use of contingent offer letters were implemented, partnerships with Goodwill Job Connection Centers and SCWorks were established, social media recruitment efforts were intensified, and DSHR was consulted to review posting authorizations to enhance the wording and how postings were categorized to attract individuals.

<sup>6</sup> The cost of the DSS Central Registry check is \$8 per application, so it would be fiscally irresponsible for DJJ to process all applicants on the eligibility list that was provided to the hiring manager prior to selection. The best practice is for Hiring Managers to request background checks on the top 2-3 candidates from the interview process so that if there was a negative result as to the top candidate, the Hiring Manager could consider moving forward to hire one of the other top candidates, as appropriate.

<sup>7</sup> This curriculum provides juvenile probation, detention, and corrections staff with critical information to improve their knowledge and skills related to working with and supervising youth and is designed to increase knowledge of behavior health and trauma needs of youth, while increasing skills and capacity to use trauma-informed and therapeutic approaches in their daily interactions with youth. The use of these skills will help to prevent crisis situations and effectively intervene and de-escalate youth when these situations do occur.

community specialists, positions that require advanced degrees. Regarding Retirement System Eligibility, DJJ has appropriately, and consistent with state law, classified all employees in a full time FTE position in the Police Officers Retirement System (PORS). Having all DJJ employees in PORS provides consistency because at any time, any employee may go behind the fence at one of DJJ's secure facilities to train, attend meetings, serve on boards and panels, or perform other job-related tasks which may result in being in direct contact with juveniles. DJJ has consulted with PEBA Retirement to discuss PORS eligibility regarding DJJ exclusively, since the unique nature of DJJ's operations cannot be compared to other agencies. Despite clarification and supporting documentation being provided, LAC did not correct the final report.

Chapter 4 – Medical Care and Educational Services for Juveniles: DJJ disagrees with LAC's conclusion that youth are not provided timely, appropriate medical care. It appears that the auditors who reviewed these documents made overall assumptions not grounded in knowledge of the juvenile justice, mental health, or medical field. It is questionable as to how conclusions can be drawn about what is considered an "appropriate timeframe" for medical attention without the auditor having the education and training of a medical professional in order to do so knowledgeably. While DJJ acknowledges that staffing issues can lead to transportation issues, LAC was provided with extensive information and documentation regarding timely, appropriate medical care. DJJ also clarified for LAC that rescheduling a routine medical appointment does not mean that the medical care provided was not appropriate. If a medical emergency arises to the level that a youth must immediately be sent to the emergency room, an ambulance is called for transport. Most of the incidents pointed out in the LAC report were isolated incidents which may or may not have been related to transportation. Additionally, DJJ youth, like all private citizens, have the option to refuse medical care that is not for a life-threatening issue. DJJ cannot force medical treatment as youth have the right to self-determination in their medical care. Further, youth medical appointments are not "routinely" missed. Clearly, circumstances happen beyond the control of DJJ staff that may affect a youth's ability to make an appointment, such as: youth who went to court and were released or alternatively placed which changed their appointment for medical care; youth refusal of medical care; outside doctors rescheduling appointments as a result of the doctor's own schedules; rearranged appointments due to campus events or a need for a youth to be present for such as GED testing. Any reason why someone in the community might cancel and reschedule an appointment applies to DJJ youth as well. DJJ requested that event numbers of these supposed missed appointments be provided so that the reason for a missed appointment could be confirmed, rather than LAC attributing an unconfirmed reason, but such was not provided. For reasons unknown to DJJ, none of this information was corrected by LAC in the final version of the report.

In response to LAC's implication that DJJ staff was inadequately trained in certain areas, DJJ provided detailed documentation to LAC regarding staff training on human trafficking, mental health issues, and prevention of sexual assaults. All DJJ staff receive training on the impact of trauma during New Employee Orientation and in other capacities facilitated by DJJ. In addition, security staff, because they work with youth on a day to day basis, participate in mental health training as a part of basic training. As mentioned above, DJJ has enhanced this training over the past year by implementing Mental Health Training--Juvenile Justice Certification through the National Center for Youth Opportunity and Justice. Further, DJJ Policy related to mental health emergencies has been revised, strengthened, and expanded in recent years, resulting in the use of evidence-based screening for suicidality, heightened protocols for consistent monitoring, and enhanced training for both clinical and security staff in evidence-based and best practice suicide prevention curricula. DJJ has highly trained clinical staff to address "mental illness and triggers," employing eighty-nine Clinicians and six board certified child Psychiatrists across the State. Despite this information and supporting documentation being provided, LAC failed to correct the final report.

DJJ explained to LAC that the Mediat system is an electronic health record and that its purpose is to record confidential patient and medical care information. It is inappropriate for non-medical information such as transportation issues to be documented in this electronic medical record. DJJ further explained that Mediat can identify youth by their Last Name, Juvenile Identification Number (JID) from JJMS, date of birth, or a unique Mediat account number, and that any difficulty in identifying youth from reports was not a system shortcoming but user error. DJJ provided LAC with a copy of Policy 604 which states that a youth must refuse medical care within the presence of medical staff. A copy of the refusal form is uploaded into Mediat. DJJ clarified that nursing staff is not "forced" to go to the living units to administer medications. The requirement for nurses to travel to living units to administer medications is not a function of staffing shortages but is the result of the layout of the Broad River Road Complex. Since living units are spread out, it is not logistically possible for all youth to be brought to the Willow Lane Infirmary for medication. Regarding human trafficking, DJJ provided training records to LAC demonstrating the variety and scope of human trafficking awareness training opportunities available to DJJ staff. DJJ also explained to LAC that the General Assembly, through legislative changes to the definition of abuse and neglect, has tasked the SC Department of Social Services with serving minor victims of trafficking and that state law further mandates the decriminalization of human trafficking victims. DJJ advised LAC that while some of the youth served by DJJ are victims of trafficking, it would be inappropriate for the new group home for seriously mentally ill youth to also serve trafficking victims as these are two distinct populations of youth with significantly differing treatment needs. Despite all of this information being provided to LAC, the final report was not corrected.

Regarding Educational Services, DJJ provided the LAC with information that shows that, although the number of GED candidates are down, more youth are on track towards a diploma, which is a positive outcome. DJJ also pointed out to LAC that DJJ does everything within our power to timely request records on new students, but that DJJ does not have control over other district's response time to records requests. Regarding transportation issues and youth being in isolation being occasional impediments to GED testing, DJJ shared that the calendar for testing was adjusted to reduce transportation issues that may arise and that agency-wide initiatives to reduce use of isolation will positively impact youth availability for testing. DJJ further shared with LAC that it does review the educational outcomes of youth and report such to the State Department of Education.<sup>8</sup> Although one person LAC spoke with was not aware of this tracking, that does not mean it does not happen. Again, LAC declined to correct the final report.

**Chapter 5 – Staff Training:** The LAC's calculation of how many JDC officers did not complete the CJA training within one year of hire is flawed in that it includes data prior to the 2017 LAC audit. DJJ began sending JDC officers to CJA in 2015. Since most staff at JDC in 2015 had been working for DJJ for over a year, it is understandable that a large number of officers would have completed their CJA Basic Training beyond their one-year hire date because they were not required to attend CJA at the time they were originally hired. According to Agency records, as of March 31, 2021, there are nine JDC officers who have not met their one-year CJA certification requirement. Of these, some are not able to attend CJA training because of medical reasons (pregnancy, workers compensation, etc.). DJJ provided LAC with documentation regarding CJA attendance of the fifty-seven JDC staff hired 2017 through December 31, 2019.<sup>9</sup> Of those 57 officers, 22 separated or transferred from JDC before their one-year date of hire. Therefore, those 22 officers should not be included in the calculation of determining CJA compliance. Of the remaining 35 officers still employed at one year from the date of hire, 8 (22.8%) came to DJJ already with a CJA Class II certification, and 17 (48.5%) were certified by their one-year date of hire. This results in a 71.3% rate of compliance. There are various reasons, not under the control of DJJ, why the remaining 10 (28.2%) were not certified during that timeframe, such as military leave, medical reasons, and COVID-related cancellations/limitations of training classes imposed by CJA. DJJ provided LAC with information and documentation which evidences that its training curriculum for officers at JDC does adequately prepare officers for the environment. JDC officers specifically attend both CJA and internal training and while JDC officers are not permitted to use techniques taught at CJA that are intended for use on adults,<sup>10</sup> they are authorized to use techniques taught through the Handle With Care (HWC)<sup>11</sup> program which is tailored to youth. All other officers attend internal basic training and are taught HWC techniques. Further, DJJ provided documentation to LAC regarding the newly implemented Field Training Officer (FTO) program which was implemented in response to the challenges of security staff having to travel to Columbia for training. FTOs provide a variety of trainings on-site at facilities. DJJ also offers a variety of its training on a web-based platform. Despite being provided with this information and supporting documentation, LAC failed to correct the final report.

**Chapter 6 – Financial Issues:** DJJ pointed out to LAC that although state law does not mandate that DJJ have an "internal audit" function, DJJ has created a team of Quality and Compliance (QC) professionals to perform internal audit functions. The structural organization of the QC team is to report to the Inspector General, who leads the Division of Investigative Services and reports directly to DJJ's Executive Director. DJJ explained to LAC that DJJ adheres to the Institute of Internal Auditors (IIA) Professional Practice Standards which state that "[t]he chief audit executive must report to a level within the organization that allows the internal audit activity to fulfill its responsibilities." The LAC mistakenly interprets this to mean direct supervision even though the IIA Standards specifically describe the internal auditor "functionally" not directly reporting to the Board (or in DJJ's case, the Executive Director). DJJ has not stated to LAC that it intends to "abandon" the IIA Standards. DJJ officials told LAC they intend to follow agency policy, which as LAC is aware, includes adherence to IIA Standards. Despite being provided with this information and supporting documentation, LAC did not correct the final report.

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<sup>8</sup> DJJ provided LAC with information regarding two DJJ positions that are tasked with tracking the outcomes of youth. DJJ also shared challenges associated with the legal limitations of getting educational records when youth are no longer subject to DJJ parole supervision. In addition, DJJ pointed out that the Council of State Governments report that LAC references is of limited value since the report itself states "we cannot conclude from this data that system involvement caused a decline in youth attendance given the myriad factors that impact school attendance overall and from one year to the next."

<sup>9</sup> DJJ informed LAC that it may not always have two officers to send to CJA every month, for scheduling reasons such as all applicable officers were already scheduled for following months. This is a matter of scheduling, not any kind of failure on DJJ's part. In addition, DJJ informed LAC that its records do not reflect that there is an employee who has not completed training as alleged in bullet point 6 on page 91. LAC did not provide DJJ with further detail so that DJJ could confirm that employee's status.

<sup>10</sup> While Pressure Point Control Tactics (PPCT) taught at CJA may be appropriate when used on adults or in certain circumstances in the community when law enforcement interacts with a youth, these techniques are not appropriate for JCOs to use with the youth population in secure confinement. These techniques are not a best-practice in youth correctional facilities, and implementation of such at DJJ would be contrary to the guidance DJJ has received from the Department of Justice.

<sup>11</sup> HWC is a crisis intervention and behavior management training program that specializes in safely managing disruptive youth behavior.

As to late vendor payments, DJJ has identified that many of the keying errors (transactions keyed with wrong invoice date) were entered by former Accounts Payable employees. The Accounts Payable staff are under new supervision, and management continues to make every effort to ensure dates are entered into the SCEIS accounting system correctly. The LAC analysis fails to acknowledge that many late vendor payments are not due to DJJ error/delay but are the result of vendors submitting incomplete or duplicate invoices, invoices for work that was beyond the scope of their authorization, invoices with an incorrect billing rate, and/or invoices referencing incorrect or expired purchase orders. DJJ appreciates LAC acknowledging that LAC “did not identify unallowable, direct expenditures” when reviewing DJJ’s use of Title I funds. DJJ acknowledges that an employee inadvertently made an incorrect entry, realized the error and thought she had reversed the document, but instead entered it a second time. DJJ receives multiple audits throughout the year (e.g., the SC State Auditor’s Office and SC Department of Education) and adheres to the Comptroller General’s Office year end process. This is the kind of accidental entry that would be identified in one of these regular audits. Regarding Other Educational Grants, DJJ will work with SDE to reimburse for the unintentional duplicate entry. These human errors were identified by DJJ staff and represent an accounting mistake, not a “misuse” of grant funds. These issues, with supporting documentation, were shared with LAC, but none of this information is contained in the final report.

DJJ disputes LAC’s conclusions that “[j]uveniles damaging employee vehicles is a persistent problem” and that “DJJ does not adequately mitigate the potential for damaged, destroyed, or stolen property.” According to LAC’s own analysis, there were five incidents of property damage (three vehicles and two eyeglasses) over the last three fiscal years. DJJ asserts that having five incidents of property damage within a three-year period, when youth have potential to come into contact with approximately 1,300 employees’ personal property at 48 separate DJJ facility/office locations, clearly demonstrates that property damage is not a frequent occurrence and that DJJ’s mitigation strategies are effective. DJJ also pointed out to LAC that when LAC requested a “List of claims made on insurance policies relating to damage of personal property owned by DJJ staff,” there was no date range specified, so DJJ provided information for claims for FY 19-20. The other two claims LAC references are from prior FYs. It is not that “DJJ’s information omits two claims” – it is that LAC never asked for this information. The misplaced comparison to 2016 disproves the point LAC is trying to make regarding mitigation strategies. Clearly, having over \$22,000 dollars in damage to multiple employee vehicles in just one incident in 2016 compared to less than \$6,000 in damage to employee vehicles over the following three-year period is a significant improvement. Rather than demonstrating that “it is a persistent problem” caused by “negligently-supervised juveniles,” this comparison shows that DJJ’s supervision of youth is appropriate and that mitigation strategies are working. Despite being provided with this information and supporting documentation, LAC failed to make corrections to these flawed conclusions in the final report.

LAC overstates the level of risk represented by the segregation of duties in DJJ’s Office of Fiscal Affairs (OFA). DJJ informed LAC that the report was factually incorrect in describing the number of Mitigating Controls acknowledged by SCEIS (there are five, not eight). DJJ also pointed out that the employees with the risk are 3rd and 4th in line to perform the task and only assigned these roles in order to have a back-up in the event of an extended absence of the primary person to perform the task, a practice recommended by SCEIS and LAC. In the ordinary course of business, the risk is not present. DJJ provided LAC with the perspective that the person with 2 of these mitigating risks have performed the task once each in a span of 3 years. DJJ provided documentation to LAC showing reorganization within OFA that realigned duties of staff as well as written procedures to review and audit SCEIS role assignments. However, none of this information was corrected by LAC in the final report.

Regarding carry forward funds, DJJ brought to LAC’s attention that the report inappropriately combines unspent agency general funds, agency carry forward funds, and legislatively-restricted “special” funds into one lump sum, and that the report incorrectly states that DJJ had “\$8.8 million [of] unspent general fund appropriations” in FY 19-20. DJJ provided LAC with documentation showing that DJJ had \$2,640,212.30 in “unspent general fund appropriations” with the remainder being carry forward funding from FY 18-19 that was not able to be spent in FY 19-20 due to complications associated with the COVID-19 pandemic. DJJ does utilize existing funds to support the agency needs, as appropriate and allowable by state law, and minimizes its end-of-year carry forward funds. Plans were in progress during FY 19-20 to utilize the FY 18-19 carry-forward funds as authorized. However, the global pandemic brought many of these projects to a halt. DJJ also advised LAC that I instructed my management team to be conservative in spending after agencies were advised by state officials to prepare for up to 10% budget cuts for FY 2021. By Executive Memorandum dated August 14, 2020, I took proactive measures and put a temporary hiring moratorium in place for non-critical needs positions, which was lifted in October 2020 after the Continuing Resolution was approved and returned agencies to FY 2020 spending levels. DJJ also informed LAC that Table 6.4 inappropriately combines multiple types of legislatively allowable/restricted carry forward and that it was misleading to imply that DJJ has the unrestricted ability to utilize these funds. Further, DJJ shared with LAC that Table 6.5 references the wrong FY and is an incomplete listing of carry-forward utilization plans. Finally, DJJ questioned the appropriateness of LAC suggesting that DJJ pay for salary increases or hire staff with carry forward funds. DJJ

pointed out that it would be fiscally irresponsible for DJJ to fund such with carry-forward dollars as those funds are not guaranteed or reoccurring. LAC failed to correct any of this information in the final report.

Chapter 7 – Follow Up on 2017 LAC Recommendations: DJJ provided documentation and information regarding the status of the LAC’s 2017 recommendations which indicates that the Agency has worked diligently, from the onset, to operationalize and incorporate all accepted recommendations into practice and that DJJ has implemented 96% of the 68 accepted recommendations. For reasons unknown to DJJ, the LAC is holding the Agency responsible for implementing recommendations that it assigned to other entities. Specifically, recommendations 14, 18, 42, 43, 44 and 58, were directed to other entities, or determined to be better suited to other agencies. These recommendations were not accepted by DJJ and are beyond DJJ’s ability to implement. Accordingly, these recommendations are improperly reflected by LAC in the implementation percentage rate, resulting in inaccurate calculations and conclusions. DJJ also pointed out to LAC that because these recommendations were issued nearly four years ago and under a different administration, some of the processes have evolved over time to better align with present-day operations. In Spring 2019, DJJ’s Quality Assurance (QA) team was tasked with reviewing the status of the recommendations. QA found that 96% of the recommendations were complete and that only two recommendations, 15 and 38, were pending completion. The below chart offers a few examples of the LAC’s failure to demonstrate an unbiased, reasonable assessment of the implementation status of its 2017 Recommendations. As previously indicated, the LAC has failed to correct inaccuracies within its findings. Even though supporting documents and/or explanations have been provided contradicting its claims, for reasons unknown to DJJ, the LAC remains committed to its false narrative.

Rec #	DJJ Response
2	DJJ has incorporated numerous components of CJA trainings into the JCO training curriculum and has deemed this item fully implemented. As previously indicated, DJJ utilizes the HWC training program, which CJA has approved as part of the curriculum for juvenile correctional officers. While this training does not utilize pressure point control, it does contain defensive countermeasures (personal defense techniques), primary restraint techniques and take downs, use of handcuffs and other mechanical restraints, and techniques for protection against use of various weapons.
3	The LAC inaccurately included JDC officers who were already hired and working when the requirement to attend CJA was implemented in the total of JDC officers who had not attended CJA training within their one year of hire. As indicated above, JDC officers were not required to attend CJA training until 2015; therefore, there are numerous officers who were already hired and working well before 2015 so were already beyond their one-year date of hire when that requirement was implemented. According to DJJ records, as of March 31, 2021, there are nine JDC officers who have not met there one-year CJA certification requirement. Some who not able to attend CJA training because of medical reasons (pregnancy, workers compensation, etc.). To include these officers in a count of staff who are delinquent in attending training is inaccurate and misleading.
4 & 11	Both recommendations pertain to MOAs with various law enforcement entities. A MOA with SLED is not necessary for the response to an incident at a facility as SLED would respond as necessary to a call for assistance by DJJ Public Safety, just as SLED does to any other law enforcement agency in South Carolina. A MOA with SCDC also would be inappropriate and could create potential liability for DJJ to allow adult correctional officers who are not trained in dealing with minors to handle such incidents. SCDC officers, experienced in dealing with adults and untrained in dealing with youth, may respond with greater force and tactics than would be acceptable in a juvenile justice environment.
10	The DJJ Police Department was, in fact, disbanded and reclassified as DJJ Public Safety in 2017. Careful consideration was given to the second part of this recommendation which suggested that the former police officers be reclassified as supervisory juvenile correctional officers. However, the Agency opted to reclassify this staff as Public Safety Officers as they provide, among other functions, an extra layer of support to all secure hardware facilities, assistance with secured transports of JDC youth, and supervision for interstate compact transports.
14	DJJ did not accept this recommendation given that PREA documentation, as required by the U.S. Department of Justice, is submitted to the Governor’s Office and is published on the Agency’s public website.
15	DJJ clarified that the 2016 Security Audit yielded 112 recommendations, of which, the Agency did not accept 15 of the recommendations. As stated above, the agency has worked diligently, from the onset, to operationalize and incorporate all accepted recommendations into practice, and while not fully implemented, most of the accepted recommendations have been implemented.
16	DJJ deemed this recommendation unfeasible, and although not accepted, the objective was obtained with the approval of DOA.
18	DJJ did not accept this recommendation. While the Agency has considered selling the underutilized property on Shivers Road as recommended, the Department of Administration is responsible for the property of cabinet agencies, so this recommendation is more appropriate for DOA.
19&20	All security related policies are reviewed and updated every two years. Liaisons from the Institutional Services Division work with DJJ’s Policy Management team to ensure that policies are tracked and updated. Moreover, DJJ established a uniform standard operating procedures process that is monitored by Quality Assurance. All facility standard operating procedures are analyzed and evaluated based on this process.
21	Security policies and procedures are tested annually. DJJ employs a full-time Safety and Compliance Specialist who is responsible for the reviewing, facilitating and testing of all security practices within each secure facility, scheduling and conducting safety training, participating in the safety and environmental orientation for new hires, developing and maintaining accident prevention systems, acting as liaison with outside organizations, devising methods to evaluate safety programs, and conducting evaluations of DJJ buildings.
24	The Office of Human Resources (OHR) analyzes job fairs to determine which locations are likely to generate the most hires. This strategy, in addition to the hiring of two recruitment counselors, is used to attract applicants for specific critical needs positions.

26, 27, 28, 33, & 34	Processes are in place to address the LAC's finding as evidenced by OHR's Standard Operating Procedures (SOP), which were developed in 2019, and by the Classification and Compensation SOP. The roster containing employees with a salary of \$0.00 is a timing anomaly, not a DJJ issue, relating to employees who had transferred from another state agency and their files had not been transferred in SCEIS to DJJ as of the date the roster was run. OHR could have clarified this with the LAC auditors had they inquired.
29, 30, & 31	Since 2018, DJJ does calculate and use the turnover rate. However, the formula the LAC recommended to determine the turnover rate is flawed and would not provide an accurate turnover rate. DJJ utilizes a more accurate turnover rate calculation provided by the Society for Human Resources Management. DJJ uses turnover information to target critical needs areas, and additionally uses healthcare employee recruitment and retention program guidelines, advanced degree increases, sign-on bonuses, and referral bonuses to attract candidates and reduce the turnover. OHR utilizes the Monthly Batch reporting to ensure employee data is accurate. DJJ managers are provided reports generated from SCEIS as needed to ensure that their employee data is accurate.
37	DJJ is committed to accuracy in the recording of financial transactions. While every effort is made to ensure that accounting data is entered into the SCEIS accounting system accurately, keying or transactional errors are not completely preventable as human errors occur. Staff spend 99%-100% of their day performing data entry. On average, the team enters 15,000-20,000 transactions in a given year. Given this level of volume, errors will occur. To find 15 errors in a specific set of data is less than 2 tenths of 1% of all data entered.
38	All issues that were outlined in the previous audits (LAC, IT, SAO) have been corrected. DJJ considers the Office of the State Auditor (SAO) as independent. The Fiscal Affairs team audits one cost center per month by physically traveling to the facility and documenting every asset, beginning September of 2019. The Assets team also has worked with SCEIS to clean up decades old incorrect data, and the asset data is correct on our books (i.e. SCEIS). DJJ continues to follow up with DOA's Real Property Services Division regarding their completion of the load of the reconciled assets into their system.
42, 43, & 44	DJJ did not accept these recommendations as they are more appropriately addressed to the General Assembly. DJJ cannot be held accountable for implementing a recommendation that is beyond its control and better directed towards an external entity.
45	The South Carolina Board of Juvenile Board is its own state entity with a separate organizational unit from DJJ
49	DJJ provided the LAC with an updated teacher certification roster which reflects both the date and state of teachers' certification. However, the LAC refuses to consider the recommendation fully implemented.
51	The LAC's own report states that the practice of conducting unannounced visits has been implemented; therefore, it is inexplicable as to why the LAC is still deeming this recommendation as only partially implemented.
55	DJJ has taken the necessary steps to address this recommendation by hiring four Case Management Monitors in May 2020 to assist with oversight of case management and the statewide audit function. The audit team is currently being trained to identify policy violations and to specifically identify if the problem is a contact issue or clerical issue.
56	The Agency Director has access to data referred to in this recommendation at any time through the Agency's Information and Data Hub which went live in February 2019. Therefore, emailing the Director is unnecessary.
57	DJJ has taken the necessary steps to address the issues that necessitated this recommendation. All the county offices determined to have severe deficiencies were issued corrective action plans and were given sixty-days to address deficiencies.
62	The current Interim Deputy Director for the Division of Community Services is committed to establishing a uniform approach to addressing the issue of languishing cases. While the scheduling cases for court is the sole responsibility of the Solicitor's Office, each county has a different process for following up on "languishing" cases. DJJ is working to create a statewide process to address this issue.
64	This has been fully implemented. PbS continues to work in partnership with all facilities and leadership teams across DJJ to implement data-driven continuous improvement processes by conducting weekly meetings with facility administrators and monthly multi-disciplinary team meetings where incidents are discussed, by developing plans of actions, and by presenting to the Executive Management Team on a monthly basis. DJJ utilizes PbS data to not only analyze trends but make programmatic changes to include staff training enhancements.
70	This has been fully implemented. On September 24, 2019, and more recently on March 4, 2021, DJJ provided the LAC with a copy of the Juvenile Grievance Process Policy, which mandates that the community-based facilities and programs fax or email Juvenile Grievance Forms.

DJJ is empowering our youth for the future, and I would like to thank the LAC again for your effort to identify areas where DJJ can improve as we continue to enhance services provided to youth and communities across South Carolina. While there are several areas of disagreement with respect to information presented in this report, DJJ certainly can agree that self-review and analysis are beneficial endeavors. We have implemented, or are in the process of implementing, many improvements that will positively impact the juvenile justice system in South Carolina for many years to come. DJJ is committed to continuing these improvements, including a number of those recommended by LAC, and will defer to the General Assembly for guidance with regard to recommendations that may require additional funding or legislative authorization.

Sincerely,



Freddie B. Pough  
Executive Director

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