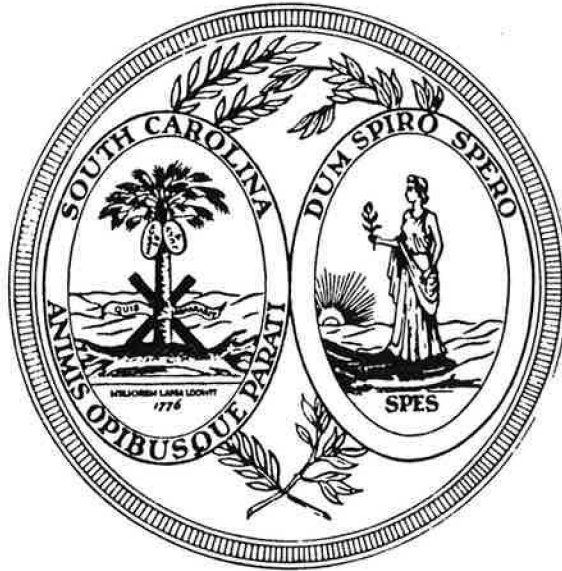


South Carolina General Assembly



Legislative Audit Council



South Carolina General Assembly
Legislative Audit Council
Program and Operational Review
of the South Carolina
Department of Youth Services
February 1, 1978

THE STATE OF SOUTH CAROLINA

GENERAL ASSEMBLY

LEGISLATIVE AUDIT COUNCIL

PROGRAM AND OPERATIONAL REVIEW

OF THE

SOUTH CAROLINA

DEPARTMENT OF YOUTH SERVICES

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INTRODUCTION

SCOPE AND METHODS

In September 1976 the Legislative Audit Council was directed by the General Assembly to conduct a comprehensive audit of the Department of Youth Services (DYS). An examination of the effectiveness, efficiency and economy, and fiscal compliance of the agency was undertaken at that time. Council staff studied current literature on juvenile delinquency, became familiar with pertinent Federal and State laws and regulations, obtained information from other states, examined DYS policy and procedure manuals as well as other agency literature and records, and spoke with people in South Carolina and other states who are knowledgeable about dealing with troubled youth. The Council also conducted two surveys - one to discern the effectiveness of the Youth Bureaus in relation to other juvenile justice agencies in the State; the other to compare juvenile corrections facilities and costs in different states with those in South Carolina.

Youth services is a particularly difficult and sensitive program area to evaluate, because it does not fall neatly into any single category of government. In one respect, youth services is part of the criminal justice system, carrying with this label the problems of rehabilitation, security, due process and parole. On the other hand, youth services is a kind of social service; many of the children it encompasses are in need of personal counseling, special education, job opportunities or foster care rather than incarceration. This dual identity of DYS compelled Council staff to carefully weigh all points of view before making any judgements about agency activities. The report takes a systemic perspective regarding DYS as a single, yet vital, link in the chain of agencies and organizations providing services to youth.

CHAPTER I

NATIONAL TRENDS IN THE JUVENILE JUSTICE FIELD

INTRODUCTION

The field of juvenile justice has experienced an outpouring of studies and experimental projects during the past ten years. The catalyst for this boom was a general recognition in the 1960's that the juvenile reformatories were not reforming. If anything, they were sending children back to the communities more disillusioned and more settled into a habit of criminal behavior. New techniques were sought for dealing with the problem of juvenile delinquency, techniques which would treat the source of the problem as well as the outcome.

Many of these new techniques, trends and experimental projects resulted from federal legislation and grants-in-aid. Among the most notable of them are:

- (1) Diversion of status and juvenile offenders from the reformatories to community-based treatment programs and deinstitutionalization of status offenders already in institutions;
- (2) Increased legal and procedural rights for juveniles; and
- (3) Creation of a separate category for status offenders within the juvenile code.

Diversion of Status Offenders

In 1967, the President's Commission on Law Enforcement and Administration of Justice recommended the establishment of community resource agencies which would keep juvenile offenders out of reformatories. Theoretically, children are to be diverted from

adjudication and incarceration whenever possible, so they might not be labeled as criminal and, by association, fall into a life of crime.

Children most likely to be diverted are status offenders. A status offense is loosely one which would not be a crime if committed by an adult. Truancy, ungovernability, running away, curfew violation and incorrigibility are all status offenses. In South Carolina, as in many other states, the law allows for a child to be adjudicated and institutionalized for a status offense. However, there is a trend toward diverting status offenders from court and into social service programs.

In addition, South Carolina, as well as other states, has received federal funds to remove status offenders from institutions and detention facilities.

Legal and Procedural Rights

The jurisdiction of the courts over status offenders followed from the parens patriae concept embodied in the original juvenile courts. Parens patriae recognized the duty of the State to act as a guardian of child welfare. The parens patriae concept has not been abandoned, but it is being moved aside in favor of a new emphasis on children's rights.

A series of court decisions has influenced the handling of juvenile court cases and has pushed the states into changing the laws and procedures for judicial processing of juveniles. In re Gault, a 1967 U. S. Supreme Court case, ruled that children have a right to legal counsel when brought before the court. In re Winship followed three years later and held that proof beyond a reasonable doubt is required for a finding of delinquency. Those aspects of the juvenile court which

set it apart philosophically from adult court such as the absence of a jury, the non-adversarial nature of the proceedings, and disposition following a review of the child's social history have been kept intact.

Separate Categories for Status Offenders

Many states have created a separate category for status offenders within the juvenile code, with specific instructions regarding placement. Often called CHINS (Children in Need of Supervision) or PINS (Persons in Need of Supervision), these children are to be treated differently from children alleged to be or adjudicated delinquent.

New Mexico, for example, has a CHINS law that prohibits the commitment of any child held to be neglected or in need of supervision to an agency charged with the care and rehabilitation of delinquent children. Florida has gone even further, eliminating its "children in need of supervision" classification and treating status offenders as dependent.*

Alabama's 1975 Judicial Article Implementation Act established a CHINS category including children who are truant, children who are beyond the control of parents, children who have committed an offense which is not classified as criminal or which is applicable only to children, and children who are in need of care or rehabilitation as a result of falling into one of the first three categories. The Act specifies that these children shall not be "committed to or placed in an institution of facility established for the care and rehabilitation of delinquent children unless the court finds upon a further hearing that the child is not amenable to treatment or rehabilitation under any prior disposition."

* Dependent children are those who, through no fault of their own, must depend on the State for food and shelter.

The National Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention has compiled a summary of positions on handling status offenders from recommendations made by eight national standards groups. Five of the eight groups recommend complete elimination of jurisdiction over status offenders.

South Carolina continues to recognize status offenses as part of the delinquency category. One proposal for change is a "Child Unable to Cope" classification which is similar to CHINS. A "Child Unable to Cope" (CUC) means a child who:

- (1) by reason of being wayward or habitually disobedient is uncontrolled by his parent, guardian or custodian; or
- (2) is habitually truant from school or home; or
- (3) habitually so conducts himself as to injure or endanger the morals or health of himself or others; and
- (4) in any of the foregoing instances is in need of care or supervision.

Under this proposal, only a delinquent child (meaning a child who has committed a crime) could be committed to a DYS training school. A child unable to cope could be committed to the Youth Bureau Division of DYS. So far, no action has been taken on this proposal.

Summary

South Carolina is operating within a national framework which increasingly emphasizes alternatives to institutionalization, particularly for status offenders. Community resource agencies, group homes and specialized education are seen as more appropriate placements than the traditional training schools for children posing no immediate danger to society. The legal rights of juvenile are also gaining more respect since

many states are creating special legal categories for judicial processing of status offenders. These trends make a useful backdrop for putting the South Carolina case into perspective.

CHAPTER II

BACKGROUND OF YOUTH SERVICES IN SOUTH CAROLINA

HISTORY

The first institution for juvenile offenders in South Carolina was the Negro Boys Reformatory, established in 1900. Shortly thereafter, schools for white boys and girls were opened in Florence and Columbia. The Industrial School for Negro Girls came much later in 1951. The schools were custodial institutions only; they did not attempt to provide educational, vocational or remedial services to the children incarcerated.

In 1947, a Board of Juvenile Corrections was created to manage these institutions. Each institution had a separate supervisor, and each was administered independently. A Division of Aftercare and Placement also came under the Board in 1954.

The services provided to the children remained minimal until 1968 when Federal court action mandated the integration of the institutions and permitted the Board to obtain Federal funding. For the first time, a State Director was appointed to centralize and coordinate the activities of the schools. A professional staff was hired to implement a modern education program.

1968 was also a landmark year due to the passage of the Federal Omnibus Safe Streets Act. This and other legislation allowed a State law enforcement planning agency to be established with authority to set long-term priorities for both adult and juvenile corrections.

Despite these changes, conditions in the juvenile corrections institutions were poor. As a result of allegations of mistreatment, neglect and sexual deviancy, the General Assembly ordered the Attorney

General to conduct an investigation of the agency in 1969. It was found that the problems of the Department were caused by the failure of the Board to formulate management policy, by the lack of effective management and direction by the central administration, and by the inadequacy of State funding and concern for rehabilitation.

Following the investigation, the Department of Juvenile Corrections underwent rapid growth and modernization. Act 386 of 1969 established a completely new Board on which the State Superintendent of Education serves as an ex-officio member. The Department of Juvenile Placement and Aftercare (JP&A) became a separate agency under its own Board with responsibility for releasing children from the institutions and supervising them after release. The Department of Juvenile Corrections became a school district which led to additional funding and a stronger educational program.

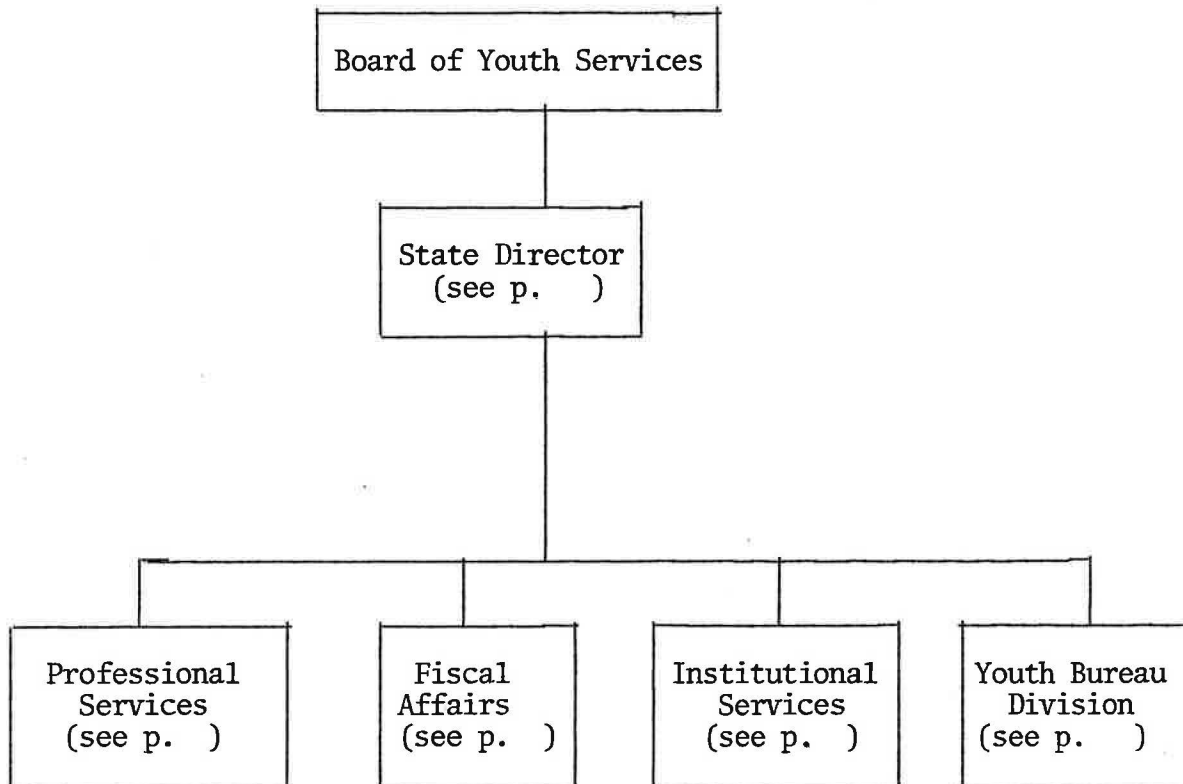
The William J. Goldsmith Reception and Evaluation (R & E) Center was opened to weed out children for whom institutionalization might be inappropriate. A child must be placed there temporarily for diagnostic evaluation before a judge can commit him or her to an institution. Other agencies may also make referrals to R & E in order to obtain a recommendation concerning treatment of a child's particular disorder.

Additional funding from State and Federal sources has made alternatives to institutionalization possible. The Legislature created the Youth Bureau as a separate Division within DYS in 1972. The same Act changed the name of the agency from Juvenile Corrections (which remains as the other Division) to Youth Services. The new name reflects the agency's growing responsibilities in providing a wide range of programs to youth.

ORGANIZATION

CHART I

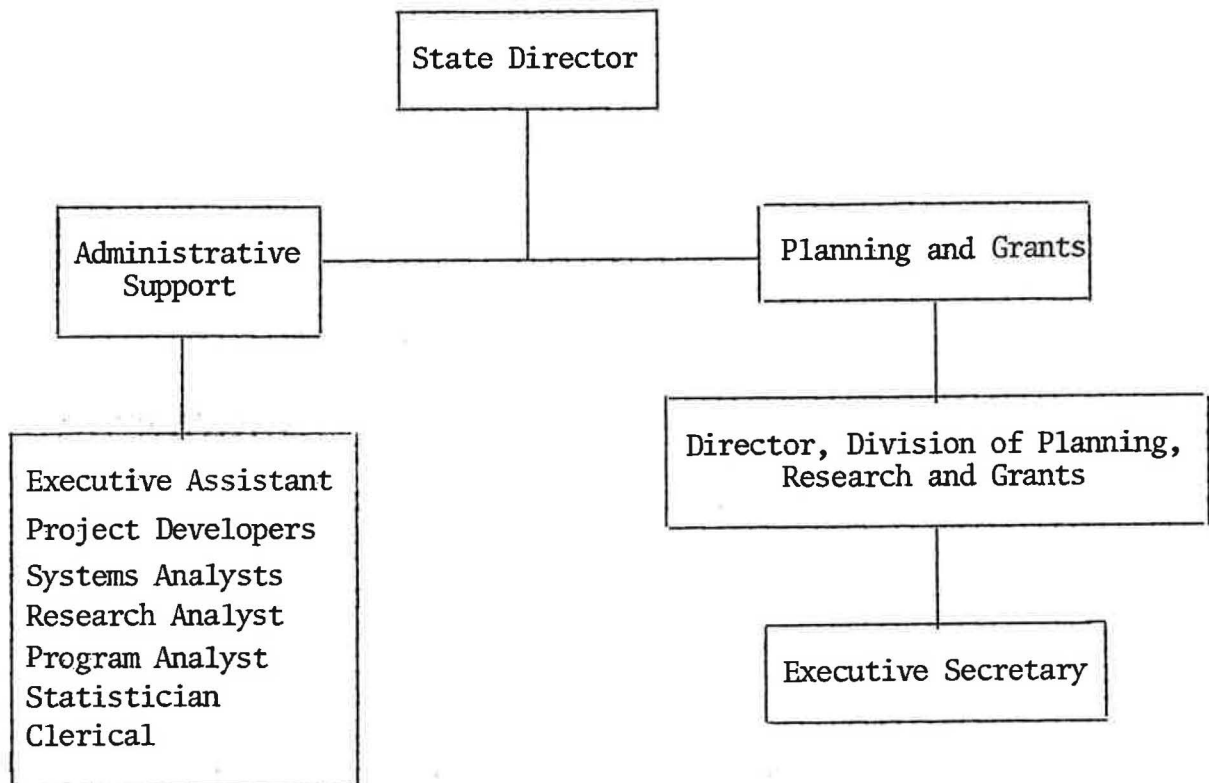
DEPARTMENT OF YOUTH SERVICES



The Department of Youth Services is governed by a Board composed of five members appointed by the Governor with the advice and consent of the Senate. The State Superintendent of Education or his designee serves ex officio as a voting member, and the DYS supervising chaplain serves ex-officio as a non-voting member. The Board appoints a State Director, who is charged with managing the activities of the agency.

CHART II

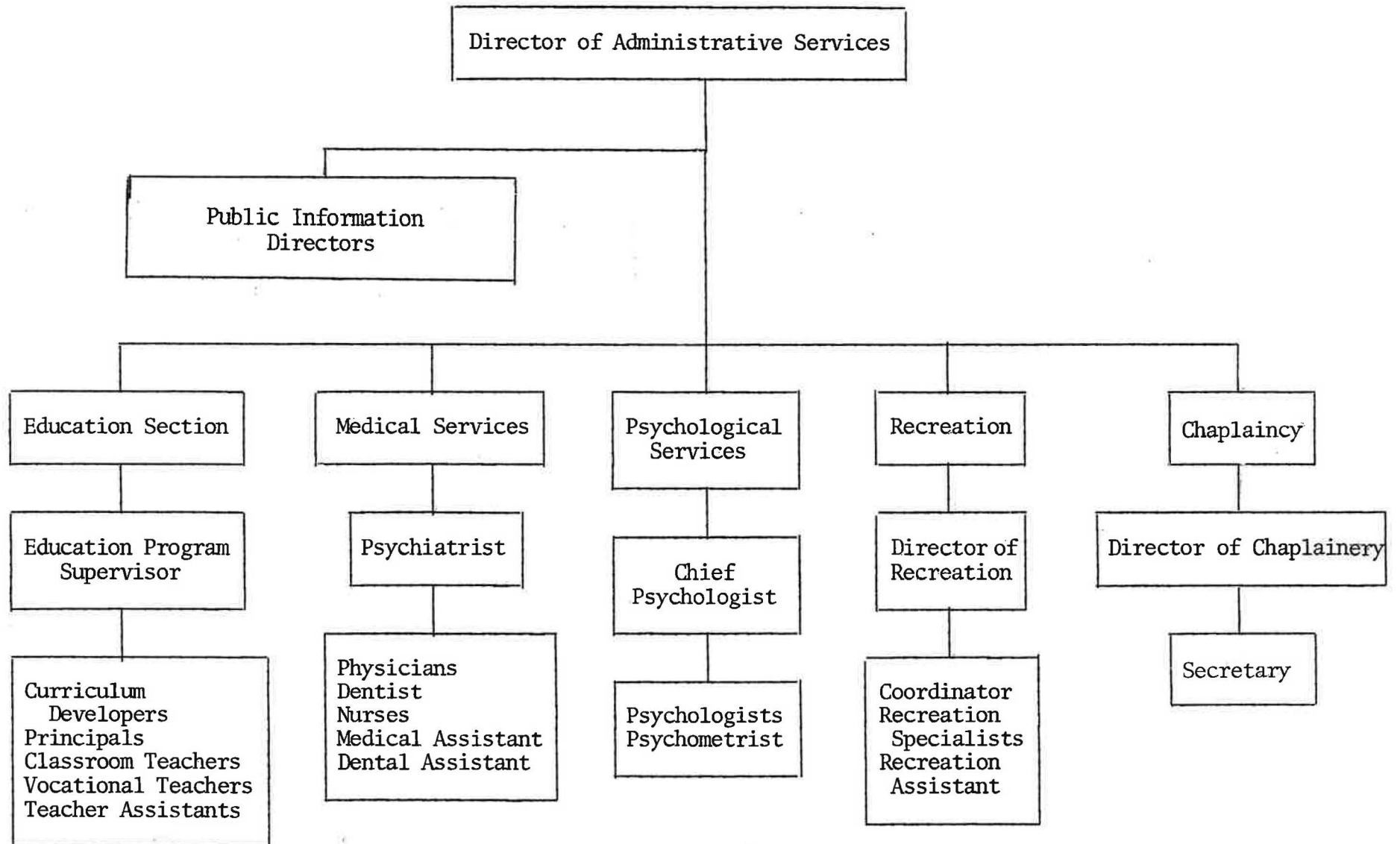
ADMINISTRATION



Administration

The Administration section of DYS includes administrative support and planning and grants. It is responsible for research concerning treatment techniques, short and long-range planning, collection and dissemination of data for Federal grant reporting and agency use, development of funding alternatives, evaluation of existing programs, and development of data processing capabilities.

CHART III
PROFESSIONAL SERVICES



Professional Services

Professional Services includes the Education, Medical, Psychological, Recreation and Chaplaincy sections. These sections serve the four institutional campuses, all located in Columbia. Each campus is set up to meet the need of a particular clientele. The R & E Center receives temporary commitments and referrals for observation and diagnosis, not to exceed forty-five days. The Willow Lane campus handles all the girls and the younger boys committed to the agency. Older boys go to the John G. Richards School. The new Birchwood campus houses the Intensive Care Units which were formerly spread out among the other campuses.

Children who have demonstrated an inability to get along on an open campus by expressing hostility to themselves or others or by running away or who have committed an offense punishable by a determinate sentence are assigned to Birchwood. The facility operates on a phase system. Each child starts out in the maximum security Santee Cottage and progresses to the less restricted cottages by successfully completing a series of behavioral achievement tasks, each of which is tied to a specific reward.

In the Educational section, teachers at the R & E campus concentrate on testing and observing behavior in the areas of language arts, mathematics, social studies, art and physical education. A recommendation is then submitted to the court or referral agency on proper placement. The Willow Lane School handles the younger children. Since most of them will be returning to school in their communities, the emphasis is on academic subjects as well as personal development. The Birchwood High School offers vocational as well as academic instruction and attempts to prepare the students for coping with the stresses of modern life. The John G. Richards campus has no school. Children on this campus attend the other

DYS schools. DYS is a special school district supervised by the State Board of Education.

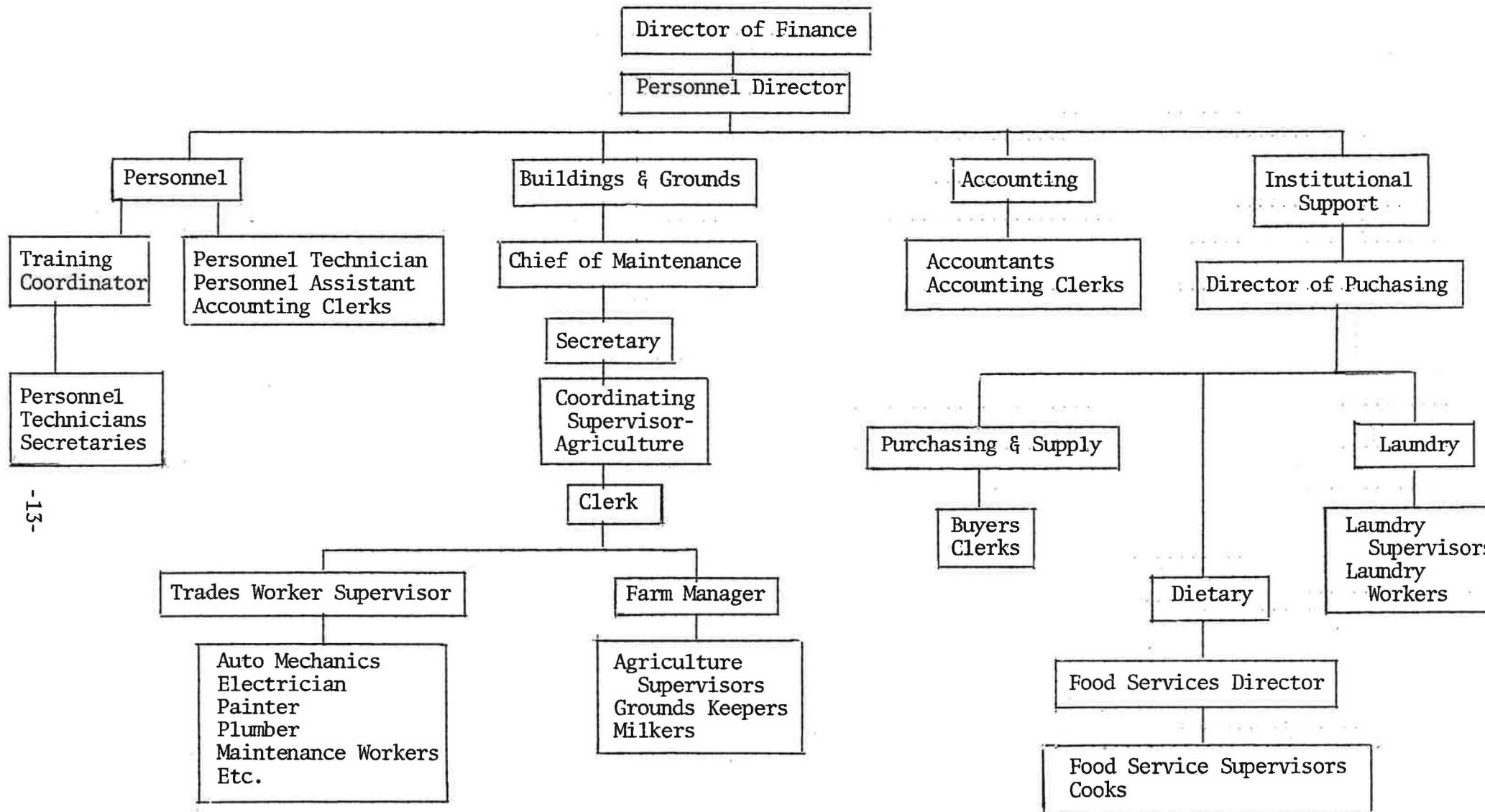
Psychological Services provides counseling and testing to children with special behavioral problems or emotional disturbances. The six psychologists serve on the treatment teams assigned to each child, watching over and directing the child's progress until release.

The agency psychiatrist heads the Medical Services section. Its infirmary averages 3,476 sick calls per month (including many children who receive medication up to four times daily as prescribed by a DYS physician). Two part-time physicians do physical examinations of all children committed to the agency's care. Several nurses provide first aid and send children to the hospital for emergency treatment when needed.

The Recreation and Chaplaincy sections are divided among the four campuses to meet the children's needs for supervised play and religious guidance. The Chaplaincy section also administers the volunteer program.

CHART IV

FISCAL AFFAIRS



Fiscal Affairs

Fiscal Affairs is comprised of the Personnel, Buildings and Grounds, Accounting, and Institutional Support sections. Personnel has two basic functions: classification - compensation and training.

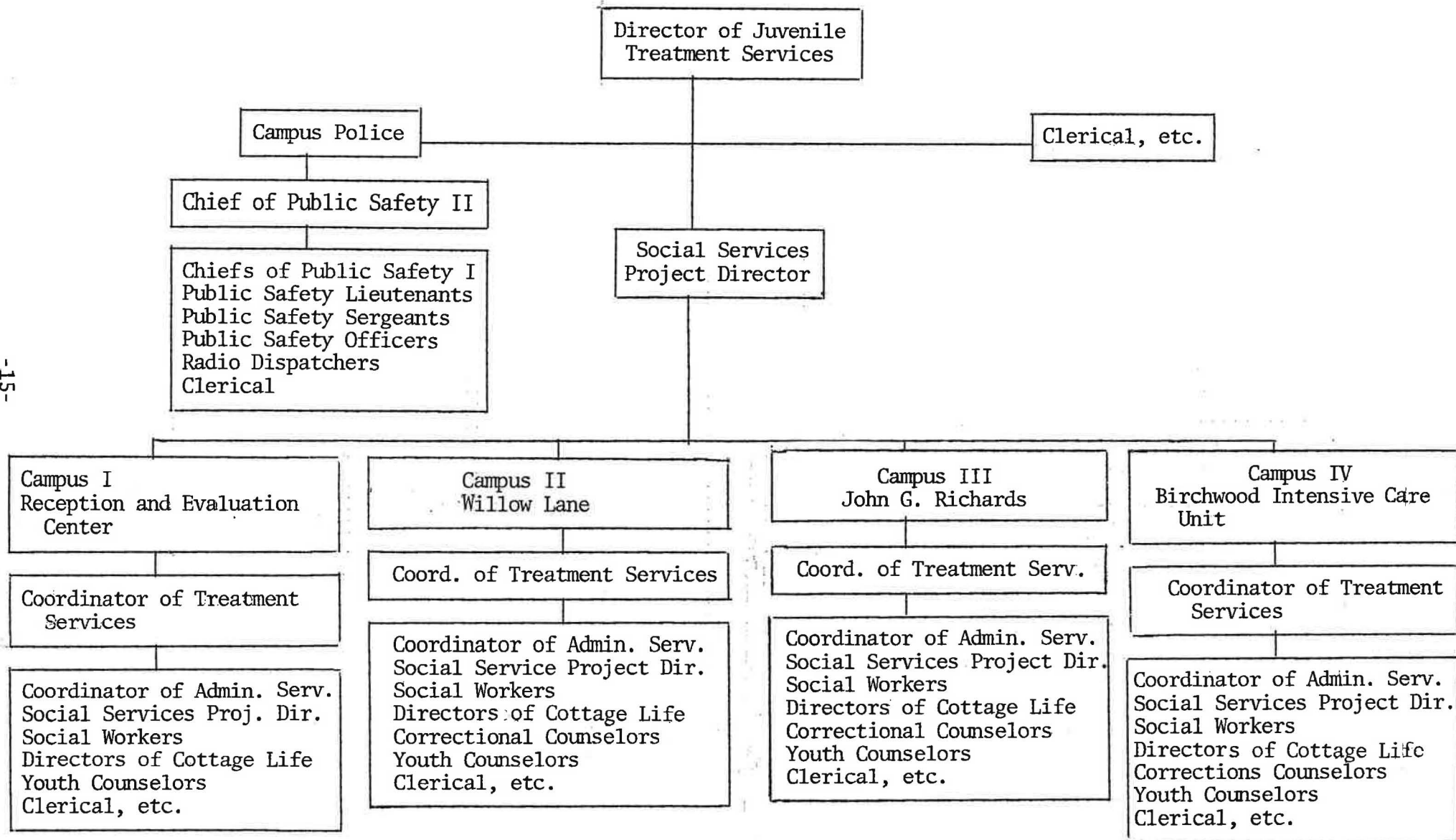
Buildings and Grounds is responsible for a wide range of activities, not only at the institutional campuses but also at the Youth Bureau facilities. DYS has over 100 vehicles, all of which are serviced at the Broad River Road location. Maintenance personnel take care of most repairs and some renovations on the buildings. The farm manager supervises a complete dairy and livestock operation and coordinates all groundskeeping activities. Almost all of what is produced is consumed in the institutional cafeterias. Consumption per month averages 5-8 cattle, 26-30 swine, and 8,000 gallons of milk.

The Accounting section keeps track of all expenditures incurred by the agency. State appropriations, Title I (education) Federal allocations, Title XX funds and Consolidated Federal Grants are recorded separately.

The Accounting section works with the Institutional Support section in maintaining a system for purchase and use of equipment and supplies. The laundry and food service operations also come under the Institutional Support section. This section maintains a central warehouse for certain non-perishable items which can be bought in quantity.

CHART V

INSTITUTIONAL SERVICES



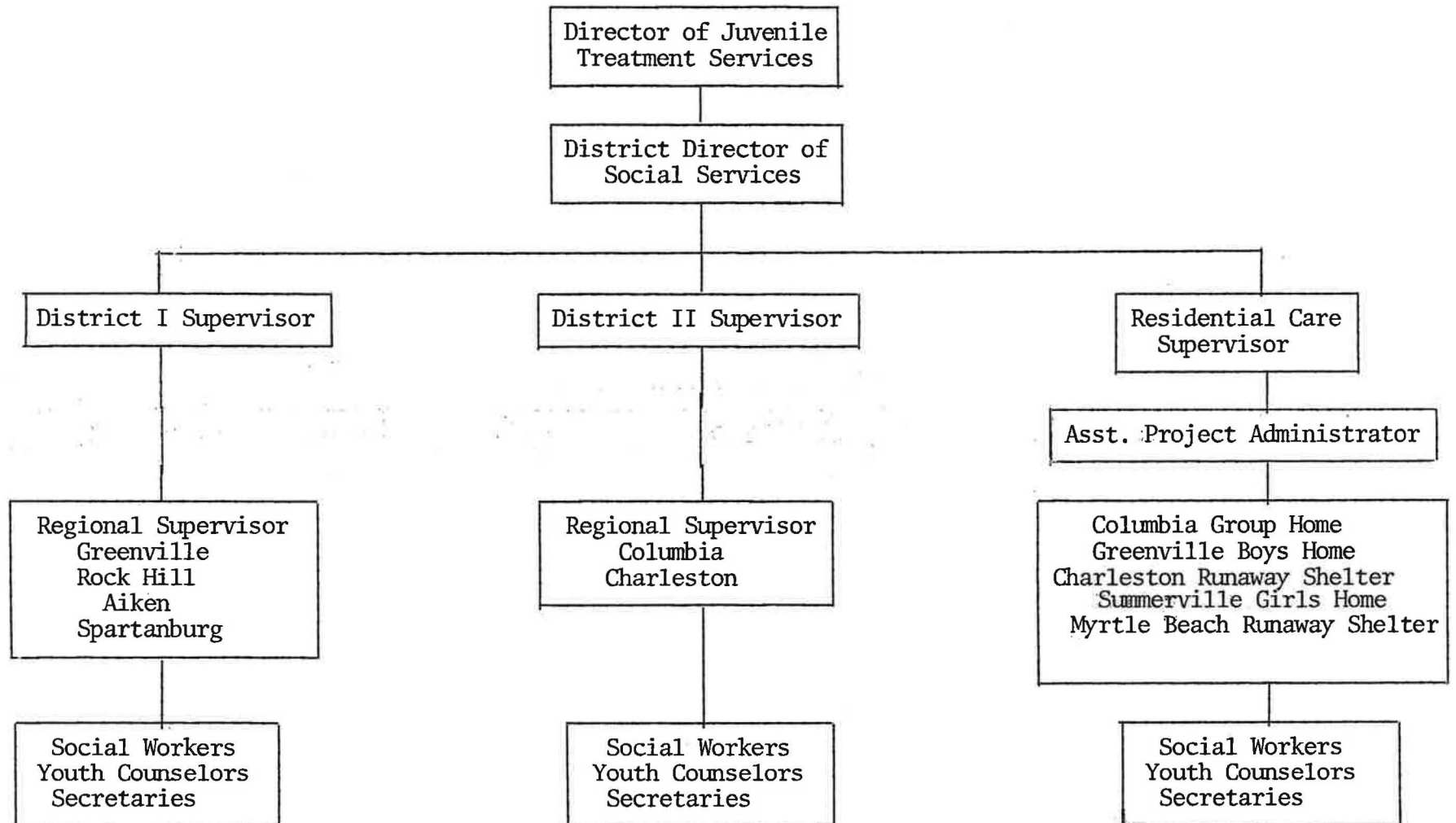
Institutional Services

Institutional Services is the largest unit, with 293 employees. Sixty percent of these employees are youth counselors, who spend the most time with the students. Youth counselors are assigned to a specific cottage and supervise the children during the hours when they are not in school. They work with the directors of cottage life to develop activities for the students. Each campus also has a contingent of social workers and correctional counselors, who head up the treatment teams staffing each child.

The other component of institutional services is the campus police, to whom the security of the institutions is entrusted. Public safety officers patrol the campuses twenty-four hours a day.

CHART VI

YOUTH BUREAU DIVISION



Youth Bureaus

The Youth Bureau Division is the agency's community-based program. Since its inception five years ago, the Youth Bureau has been funded primarily with Federal and "earned funds."

The main Youth Bureau offices are located in Columbia, Charleston, Spartanburg, Greenville, Aiken and Rock Hill, with satellites scattered around the State. The two district supervisors work out of the State office in Columbia. Each regional office has a supervisor and a staff consisting of social workers, youth counselors and secretaries. The Columbia Youth Bureau includes recreation counselors, while Charleston has psychologists and psychometrists. Not all treatment is provided directly by the Youth Bureau staff, however. Depending on a child's particular problem, the social worker may arrange for psychiatric or medical treatment, family or individual counseling, special tutoring or summer camp. Agencies and organizations working with the Youth Bureau include DSS, Mental Health, Vocational Rehabilitation, Alcohol and Drug Abuse, the Family Courts, law enforcement, Mental Retardation, the schools and Scouts.

The Youth Bureau also includes a residential care component. The agency operates three group homes and purchases services from seven others. The group homes offer an alternative to institutions for children who may be status offenders or first offenders but who cannot, for a variety of reasons, live at home. The group homes usually offer a very structured lifestyle, while allowing the residents to attend regular schools.

FUNDING

The Department of Youth Services receives funding from a variety of sources. In addition to its regular State appropriations, DYS receives Federal grants. The agency also receives State aid from the State Department of Education and derives some revenue from the sale of farm products (\$228,874 in FY 1976-77).

Actual Total Funding Reported by DYS

The Council analyzed total funding for a four-year period and found that agency increases were generally larger than those indicated by State funding alone and that the Youth Bureau Division has experienced tremendous growth. In addition, where the Appropriation Act shows no State appropriations for Youth Bureaus in FY 73-74, the actual figures in the FY 74-75 budget request show an appropriation of \$199,663 for that year. Of the other divisions, Administration has had the largest percentage increase in funding.

TABLE I

DYS - ACTUAL TOTAL FUNDS - FY 73-74 THROUGH FY 76-77⁽¹⁾

	FY 73-74	FY 74-75	FY 75-76	FY 76-77 ⁽²⁾	% Increase ⁽³⁾
Administration	\$ 871,407	\$1,033,430	\$1,171,103	\$1,274,117	
% Increase ⁽⁴⁾		18.6%	13.3%	8.8%	46.2%
Treatment Services	\$2,817,704	\$3,269,681	\$3,607,295	\$3,730,780	
% Increase ⁽⁴⁾		16.0%	10.3%	3.4%	32.4%
Supportive Services	\$1,519,792	\$1,801,853	\$1,930,057	\$2,098,057	
% Increase ⁽⁴⁾		18.6%	7.1%	8.7%	38.0%
Youth Bureau	\$ 596,809	\$1,047,357	\$1,548,162	\$2,285,992	
% Increase ⁽⁴⁾		75.5%	47.8%	47.7%	283.0%
Agency Total	\$5,805,712	\$7,152,321	\$8,256,617 ⁽⁵⁾	\$9,388,946 ⁽⁶⁾	
% Increase ⁽⁴⁾		23.2%	15.4%	13.7%	61.7%

(Source: Budget Requests)

(1) FY 77-78 was not analyzed because estimates of Federal and other funds were not considered reliable by the Legislative Audit Council (see LAC report on the Impact of Federal Funds p. 32 Underestimation of Federal Funds).

(2) 1978-79 Budget Request.

(3) Total % increase, four-year period FY 73-74 through FY 76-77.

(4) % increase over previous fiscal year.

(5) For comparison purposes, this amount does not include fringe benefits paid by agency during this fiscal year. Total including fringe benefits (\$139,519) is \$8,396,136.

(6) For comparison purposes, this amount does not include fringe benefits paid by agency during this fiscal year. Total including fringe benefits (\$202,887) is \$9,591,833.

HOW A CHILD GETS INTO AND OUT OF DYS (See chart, p. 23)

A child usually runs afoul of the law to come into contact with DYS but can also be referred by a parent or other relative, by school authorities or by another service agency. If the offense is a minor one or the child's first, he or she will probably be referred to a Youth Bureau rather than committed to an institution. Referral can take place at intake, upon adjudication or as a condition of probation. The Charleston Youth Bureau has a formal arrangement with the Family Court to operate a First Offender Diversionary Project. In most other circumstances, Youth Bureau placement is voluntary. The Youth Bureau social worker assigned to the case will report the child's progress to the court or other referral agency. Treatment may last from a few months to over a year.

For a child to be institutionalized, a judge must make a formal commitment. The child is first committed for a diagnostic evaluation of up to 45 days. (The average is about 35 days.) He or she is then returned, with DYS' recommendation, to the court for final disposition. The judge may decide to drop the case, put the child on probation, refer the child to the Youth Bureau or other agency, or commit the child to the Board of Youth Services. Commitment usually occurs only in the event of repeated criminal behavior or a single serious criminal offense. As a condition of the DSO grant, DYS will no longer accept status offenders in the institutions. Only a child between the ages of 10 and 17 may be committed. Although the sentence is indeterminate, it cannot extend beyond the child's twenty-first birthday, except if the child has committed a crime which would carry a maximum sentence of thirty years or more if committed by an adult.

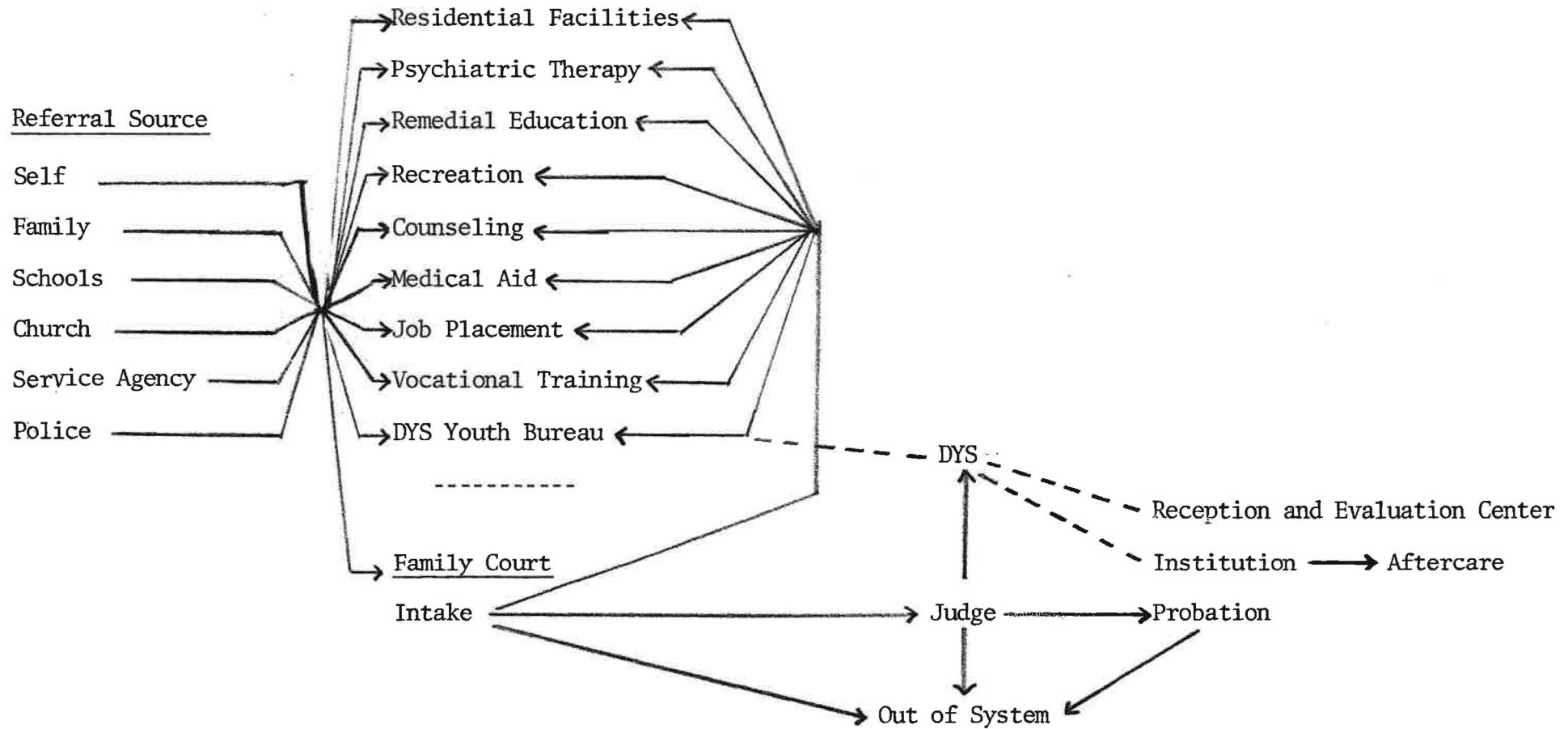
Upon commitment the child returns to the R & E Center for placement in one of the three training schools. The child is assigned to a treatment

team and placed in a school program, based on the R & E recommendation. At least one campus, Birchwood, makes a contract with the child, so he or she will have some means by which to measure progress toward release.

Each child serving an indeterminate sentence is also assigned a Placement and Aftercare (JP&A) counselor. The counselor is to be available to the child both in the institution and during the conditional release period. Every three months the child's name comes before the Board of Juvenile Placement and Aftercare for parole. The Board meets once a month, and a child's case can come up whenever the counselor or DYS requests it. Release is generally conditional and may be revoked by the JP&A counselor at any time. Some children have had their parole revoked three or four times, sending them back to DYS. A child may also be recommitted by a judge and may bypass the R&E stage if evaluated during the previous year. Children over the age of 17 who are institutionalized may be transferred to the Department of Corrections if the commitment order so states or if the court is so petitioned in the case of a child not responding to DYS treatment.

JUVENILE JUSTICE SYSTEM

ALTERNATIVES



CHAPTER III

AGENCY MANAGEMENT

INTRODUCTION

The Legislative Audit Council examined the management of the Department of Youth Services to determine whether the agency is administered effectively and efficiently. The Council also determined whether agency procedures and activities provide adequate control over the expenditure of public funds and ensure compliance with applicable statutes and regulations.

For the most part, the Legislative Audit Council found DYS staff to be competent, concerned with the welfare of the children committed to their care and conscious of the necessity of providing services as efficiently and effectively as possible. The Council also found the staff to be cooperative and helpful during the audit process.

CHAPTER SUMMARY

This chapter contains findings concerning weaknesses in agency management. The Council found numerous examples of poor management, lack of control, questionable organizational priorities and non-compliance with laws and regulations. The Council found that agency goals were inadequate to implement its statutory mandate and that agency planning and evaluation are insufficient for good management. In addition, the Council found inadequate control over agency travel, Board member per diem payments, the use of State-owned automobiles, and agency property. The Council also found that DYS had been providing inappropriate salary supplements to certain agency personnel and that agency management had made

unauthorized commitments of State funds in requests for Federal grants. This chapter presents details of the major findings in these areas.

Inadequate Agency Goals

According to law, DYS has two principal functions (24-15-50 S. C. Code of Laws, 1976).

The Juvenile Corrections Division shall perform the custodial treatment functions of the Department as prescribed by the Board.

The Youth Bureau Division shall in coordination with other State and local government agencies and the courts develop plans and facilities as may be necessary to implement an effective program of youth delinquency prevention throughout the State.

The Council found that the goals promulgated by DYS to accomplish these broad functional areas are incomplete. The agency goals promulgated by DYS are:

- (1) Divert from the juvenile justice system.
- (2) Minimize penetration into the juvenile justice system.
- (3) Maximize capacity for differential care, treatment and custody.
- (4) Normalize correctional experience.
- (5) Maximize the involvement of the volunteer and the child as agents of change.
- (6) Minimize time in the juvenile justice system.
- (7) Maximize research and evaluation for feedback and organizational change.

The seven DYS goals were found to address aspects of the agency's custodial functions, but they fail to address its duty to "implement an effective program of youth delinquency prevention."

Another significant shortcoming of this list of goals is an absence of any changes in outcomes. The goals all revolve around treatment methods instead of their effects on children. Therefore, South Carolinians are given no reason to expect improved behavior among juveniles. Moreover, the list appears to be taken from an LEAA study entitled New Approaches to Diversion and Treatment of Juvenile Offenders. It is not even tailored to South Carolina's specific needs, governmental structure or the statutory mandates of the agency. Evaluating successes and failures is impossible because there is no yard stick against which to measure them.

For example, the first goal listed by DYS is "divert from the juvenile justice system." Even if this goal was accepted, there is no indication of how it would reduce juvenile delinquency. DYS has operationalized this goal in its Youth Bureau program by working with status offenders in the community. The approach is child-oriented with social workers spending about 60% of their time providing direct services to clients. This emphasis on diversion prevents DYS from concentrating on its legal duty to prevent youth delinquency. The law is system-oriented with a view toward improving community efforts for children. One might expect a drop in the delinquency rates from programs aimed at fulfilling this mandate.

Without complete, meaningful and measurable goals the agency cannot plan or evaluate its activities. Requests for funding cannot be based on information as to which agency programs are the most successful. Thus, the General Assembly must often make appropriations decisions based on the agency's contention that failure to fund any program will result in harm to the children involved. However, no concrete evidence of that dire consequence is presented.

RECOMMENDATIONS

- (1) DYS SHOULD TAILOR GOALS TO THE NEEDS AND RESOURCES OF SOUTH CAROLINA AND THE STATUTORY MANDATES OF THE AGENCY.
- (2) DYS SHOULD SUBSTANTIATE ITS STATED GOALS WITH SHORT-TERM OBJECTIVES AND MILESTONES MEASURING PROGRESS TOWARD THOSE GOALS AND OBJECTIVES.

While DYS should have the primary responsibility for formulating goals and objectives, the General Assembly may wish to provide the agency with guidance concerning its priorities. During its examination of juvenile justice systems in other states, the Council found that there was no single best approach to this problem. However, the Council was impressed by several proposals and presents the following list of priorities as a possible beginning point:

1. Coordination of and responsibility for delinquent children and status offenders at the State and local level.
2. Development of plans and programs for delinquency prevention.
3. Encouragement of local and private efforts to curb delinquency and provide opportunities for youth.
4. Formulation of a statewide policy for identification and treatment of anti-social behavior in alternative and existing education programs.

Weak Planning

At DYS the planning process has failed to foresee many new demands on the agency. For the most part, planning has been confined to tailoring agency programs to available Federal grant money.

There are several apparent causes for this situation. First, the agency's goals do not provide adequate direction for planning, especially in the area of delinquency prevention. Second, the agency's emphasis on attracting Federal grant money has tied up planning resources which might otherwise have been available for agency planning. Finally, DYS has no effective planning mechanism. DYS used to have a Division of Planning, Research and Grants. Research is now a separate section, while the Planning and Grants section now consists of a director and a secretary. The director is, in fact, a grants manager who does little, if any, overall agency planning.

Planning is necessary if DYS is to provide goal-oriented management for agency programs. In addition, it provides a source of information for management and legislative decision-making.

Planning ought to anticipate demands on the system, identify long-term goals to meet those demands, formulate short-term objectives which would collectively attain the goals and specify milestones which could measure progress toward reaching objectives. This kind of process gives legislators a road map, pointing out where money will be spent and facilitating judgments on the worthiness of programs.

DYS has not developed an effective plan for delinquency prevention; yet the agency is required by law to develop such a plan. Failure to plan carefully has allowed the agency to overcommit itself regarding programs and facilities. DYS overcommitments stem from its \$1.5 million grant to deinstitutionalize status offenders. This grant requires DYS to empty its institutions and local jails of status offenders by February 1978. Judges have been asked to stop committing status offenders to the institutions and to send them instead to the Youth Bureau. There has been general compliance with this request, but some judges have ordered the Youth Bureau to place the child in a group home as an alternative. As a result, the demand for group home care has exceeded DYS's ability to supply it.

DYS has opened its own group homes and contracted with private group homes with money from its DSO grant. DYS is currently seeking \$100,000 in additional LEAA funds to continue these contracts. Federal money is running out for the homes DYS operates, and the agency is trying to obtain Title XX funds to keep them open.

Before extending its Youth Bureau program across the State, DYS should have considered the possibility that Federal funding would not be continued. Various options should have been prepared in advance so that the Youth Bureau would not be in its present unstable financial position.

RECOMMENDATION

DYS SHOULD ESTABLISH A PLANNING OFFICE UNDER THE AUTHORITY OF AN EXPERIENCED PLANNER. ITS CHIEF FUNCTION SHOULD BE TO DEVELOP A MULTI-YEAR PLAN IN COORDINATION WITH ALL BRANCHES OF THE AGENCY. THE PLAN SHOULD INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING ELEMENTS:

- (1) STATUTORY AUTHORITY
- (2) FUTURE DEMANDS ON THE AGENCY AND ON THE
JUVENILE JUSTICE SYSTEM.
- (3) LONG-RANGE GOALS IN RANK ORDER.
- (4) SHORT-TERM OBJECTIVES WHICH TOGETHER WOULD
MEET LONG-RANGE GOALS.
- (5) PROGRAMS AND ACTIVITIES WHICH WOULD FIT UNDER
EACH OBJECTIVE.
- (6) PROGRAM INDICATORS AND EVALUATION CRITERIA
WHICH WOULD ACT AS MILESTONES IN REACHING
OBJECTIVES AND GOALS.

Insufficient Evaluation Effort

Although DYS operates a number of experimental and innovative programs, the agency makes little attempt to evaluate their effectiveness. Despite large increases in agency personnel and budget, DYS has not directed resources toward measuring the effects and comparing the results of its various programs.

Part of the failure to evaluate is caused by the newness and nature of some of DYS' programs:

- (1) The Youth Bureau concept is just beginning to be put into action in various guises across the nation, and there has been little hard evaluation data anywhere.
- (2) Many of the Youth Bureau facilities in South Carolina have been established within the last year, and the tendency is to get many activities underway as soon as possible.
- (3) There is little agreement among experts on how to measure effectiveness of programs whose impact is primarily on human behavior.
- (4) DYS is reluctant to use comparative studies which might prevent a child from receiving the full range of services available.
- (5) It is often difficult to follow up on children after they leave DYS.

In addition, DYS has not provided adequate resources for evaluation. Such resources as are available are directed toward obtaining Federal grants.

These reasons do not justify the agency's failure to take a hard look at itself. In order for the Legislature to allocate funds among competing programs, it must have information on which programs produce the most effective results per dollar spent. This is especially important when a program is initiated with Federal money on an experimental basis, and then must be continued with State appropriations.

Unless DYS can provide evidence demonstrating the effectiveness of its new programs, there is a danger that worthwhile ones will be cut when Federal funds run out. The General Assembly must decide the future of a multitude of programs each year as a part of its responsibility to ensure that the citizens of South Carolina receive effective programs in exchange for their tax dollars. An agency which routinely keeps programs in operation without making an adequate effort to evaluate them is reducing the Legislature's ability to provide the State with high quality services.

The General Assembly has also mandated that the State will bear a significant portion of the responsibility for the custody, care and treatment of children who do not receive adequate care or who require treatment or protection. In the case of DYS, whether a program works or not may affect the lives of thousands of these children.

RECOMMENDATIONS

- (1) DYS SHOULD EVALUATE THE EFFECTIVENESS OF ALL AGENCY PROGRAMS. THE RESEARCH AND EVALUATION SECTION SHOULD SET UP PERFORMANCE INDICATORS AND COLLECT AND REPORT ALL INFORMATION NECESSARY FOR EVALUATION. THESE EVALUATIONS SHOULD

BE CONDUCTED BY USING METHODOLOGIES WHICH COMPARE INDIVIDUALS RECEIVING SERVICES TO THOSE NOT RECEIVING SERVICES AND BY USING ANY OTHER TECHNIQUE WHICH MAY BE NECESSARY TO DEMONSTRATE PROGRAM EFFECTIVENESS CONVINCINGLY.

- (2) EXPANSION OF CURRENT PROGRAMS SHOULD BE RESTRICTED UNTIL THEIR EFFECTIVENESS IS PROVEN TO THE SATISFACTION OF THE GENERAL ASSEMBLY.

MANAGEMENT CONTROLS

The Council found that DYS did not have complete control over several specific management functions. The apparent cause of this situation is insufficient enforcement and use of State regulations and accepted management practices designed to provide these controls. As a result, public funds have been expended without adequate accountability.

Inadequate Control Over Travel and Per Diem

The Council found that the overall system used by DYS to control and account for travel and per diem expenditures is inadequate. Staff travel, both in and out of the State, is poorly documented by the Department of Youth Services. Council staff examined vouchers for 42% of all travel expenditures from July through November 1976. Prior written authorizations, for the most part, are not required, and the purpose of travel is not documented. The mode of transportation is not always specified, nor are employees traveling together identified.

The agency's method of accounting for airline travel was found to be insufficient. Although documentation is maintained for air travel, such documentation is not specifically reconciled to each individual's

actual travel expense voucher. Such a system does not ensure that all airline tickets are used for agency business.

In addition, travel and per diem expenditures of DYS board members are uncontrolled and not sufficiently documented. For the most part, individual board members decide about their own travel. There is no system for maintaining accountability and justifying travel in advance. Monitoring is limited to ensuring that vouchers are not paid for expenses exceeding the limits stipulated by State laws and regulations.

DYS officials stated that they had considered establishing more stringent travel procedures, but that the prevailing attitude was that the State should take the lead in requiring more documentation from all agencies. This attitude, however, does not provide an excuse for avoiding basic management responsibilities to ensure the proper use of public funds.

The Budget and Control Board policy on travel reimbursement states, "travel and transportation on State expense will be authorized only when officially justified and by those means which meet State Government requirements consistent with good management practices." (Emphasis added) In no way can this policy be construed as limiting the amounts or types of documentation required by agencies. On the contrary, it specifically states that good management practices should be employed.

The effects of inadequate management of travel by DYS cannot be readily measured in monetary terms. This is due, in part, to the lack of documentation with which to perform the necessary calculations. However, the examples below may be indicative of the potential waste involved when an agency does not have any adequate system for controlling travel and per diem expenditures.

In one case DYS paid reimbursements for expenses that had already been paid by the agency in advance. Travel regulations state that subsistence expenses prepaid in registration fees "should be deducted from the allowable subsistence allotment for that day." This provision was violated.

In another instance, State funds were expended for "visiting Correctional Schools" in such places as Las Vegas, San Francisco and Chicago. These expenditures were not documented to the extent necessary to determine if they were official State business or of value to the agency. The Legislative Audit Council recognizes the fact that Board members need to keep up with the changing situation at the various Youth Services facilities around the State as well as trends within the juvenile justice field and that some travel is necessary for these purposes. It is important, however, that the expenditure of public funds for all purposes be controlled and documented. The fact that these visits occurred during travel which was otherwise not official State business makes it even more vital that their purpose and value be fully documented.

In addition to the above examples, the Audit Council found instances when DYS administrators spent State funds on meals for various State officials and other identified and unidentified person. Although State agencies are not prohibited from supporting or opposing legislation directly related to their official duties and State employees can purchase meals for other State employees at their own expense, these practices become highly questionable when public funds are expended on meals for non-agency personnel.

Examination of statutes and regulations covering travel indicates that it is not the intent of the General Assembly to provide expense accounts for agency officials when it appropriates travel funds for use by State agencies. These funds are to be used to reimburse the personal expenses of State employees traveling on official State business.

This general lack of control is further indicated by an examination of total agency expenditures on Board per diem and travel. DYS internal records show \$3,200 budgeted for per diem in FY 75-76; yet about \$5,000 was actually spent for this purpose. In many cases, documentation was insufficient to determine whether these expenditures were justified.

The overall effect of this lack of control is difficult to ascertain due to the lack of documentation concerning the purposes of the expenditures. However, it is apparent that DYS designations of expenditure levels do not provide the controls necessary to ensure that public funds are expended in the most effective manner.

RECOMMENDATIONS

- (1) DYS SHOULD IMMEDIATELY INSTITUTE TRAVEL PROCEDURES REQUIRING FULL DOCUMENTATION OF:
 - (a) AUTHORIZATIONS FOR ALL TRAVEL
 - (b) PURPOSE FOR ALL TRAVEL
 - (c) PERSONS TRAVELING TOGETHER
 - (d) MODE OF TRANSPORTATION
- (2) ALL TRAVEL EXPENSES SHOULD BE RECONCILED TO INDIVIDUAL TRAVEL VOUCHERS.
- (3) DYS SHOULD IMMEDIATELY RECOVER (a) ALL DUPLICATED SUBSISTENCE REIMBURSEMENTS AND (b) ALL REIMBURSEMENTS OF FUNDS USED TO PURCHASE MEALS FOR NON-AGENCY PERSONNEL FROM THE PERSONS RECEIVING THOSE REIMBURSEMENTS. THESE RECOVERED FUNDS SHOULD BE REMITTED TO THE GENERAL FUND OF THE STATE.
- (4) THE BOARD OF YOUTH SERVICES SHOULD PROMULGATE SPECIFIC POLICIES CONCERNING BOARD TRAVEL. ALL BOARD TRAVEL SHOULD BE APPROVED IN WRITING BY THE ENTIRE BOARD, AND COMPLETE DOCUMENTATION SHOULD BE REQUIRED PRIOR TO THE APPROVAL OF ANY REIMBURSEMENT.
- (5) FOLLOWING ALL TRAVEL, PARTICIPANTS SHOULD REPORT IN WRITING ON THE TRAVEL'S VALUE TO THE AGENCY.

Uncontrolled and Inappropriate Use of State Vehicles

The use of State-owned vehicles by DYS personnel is not controlled, and these vehicles are assigned for personal use without adequate justification. While records of mileage, gasoline usage and repairs are kept by maintenance personnel, the agency has no effective method for determining the actual use of these vehicles. In addition, vehicles are not assigned on a need basis.

Thirty agency personnel are authorized by the agency director to drive State vehicles to and from home and work (portal-to-portal). Of the twenty-nine justification forms on file (the agency director is not required to have a justification form) with the Division of Motor Vehicle Management (DMVM), only twelve contain reasons for permanent assignment. Each of these justifications states, essentially, that the employee is "on-call"; thus a State vehicle must be available for his or her personal use. This practice and the justification for it were found to be questionable in a number of cases.

Agency officials maintain that these personnel are required to make frequent trips to DYS institutions during other than normal working hours. In some cases, especially for maintenance and security personnel, this is true. However, agency records of such visits indicate that most personnel designated as "on call" make infrequent trips to the institution.

The Audit Council examined the Campus Police Blotter for a 14-month period (11/75 - 12/76) to determine the number of times DYS personnel with personally assigned vehicles were called in after hours or on holidays. (The analysis did not include security personnel or maintenance personnel performing tasks within their assigned job descriptions.) Based on DYS records, the Council found that 12 persons came in less than once a month and no one came in more than 3 times a month during non-working hours.

DYS officials further stated that in order to keep good employees and have them come in after hours, some incentive must be offered. They remarked on the low turnover among such employees; yet these same officials stated that availability for duty during non-working hours is a stipulated condition of employment. If this stipulation is based on the promise of a State car or mileage reimbursement, DYS officials have placed the State in the position of providing salary supplements. This practice has been specifically prohibited by the General Assembly in Appropriations Acts (Section 129, 1977-78). In addition, according to the State Auditor's office, mileage reimbursements for travel to work during non-working hours are not required.

It is the responsibility of the agency director to ensure that State vehicles are used properly. The South Carolina Motor Vehicle Management manual explicitly states that the fact that an employee is "on-call" does not in itself justify the use of a vehicle between home and office. In the case of DYS, "on-call" status was found to have little relationship to actual practices as documented by the agency. In addition, DYS has no method of ensuring that State-owned vehicles are not used for personal business. The personal assignment of motor vehicles for home to work travel precludes any meaningful attempt to develop such a system.

The Council examined DYS responses to 28 citizen complaints filed with the Division of Motor Vehicle Management concerning alleged misuse of State vehicles (September 1975 - August 1977). The following examples illustrate the overall problem.

TABLE II

<u>Citizen Observation</u>	<u>Location/Time/Date</u>	<u>DYS Response</u>
-Driver of State automobile playing golf	Fort Jackson Golf Course/ 10:00 A.M.-2:00 P.M./ September 17, 1975	Person no longer assigned State vehicle for personal use
-Driver of state-owned vehicle playing golf	Lexington County Golf Course/October 8, 1975	No response required because complainant was not identified.
-Driver of State vehicle picked up small girl at dancing school	Boozier Shopping Center, Columbia/5:50 P.M./ November 19, 1975	Driver was picking up student at off-campus work assignment.
-3 Persons, apparently intoxicated, staggering, etc.	Oliver's Lounge, Columbia/ 5:20 P.M./March 10, 1976	Personnel had only a few beers after attending meeting. All denied being intoxicated. Verbal warning to be "more discrete while representing this agency."
-Person using state automobile to do laundry	Laundromat in Irmo/ 2:30 P.M./May 23, 1976	Staff member stopped to dry clothes on way to DYS campus on Sunday. Practice had "consent and support" of agency.
-Man and woman using state automobile for personal reasons	Knocky's Restaurant, Chapin/7:45 P.M./ September 19, 1976	Male employee searching for escapee and stopped for dinner. Wife was with him on chase.
-State vehicle being used for personal business	K-Mart Store, Columbia/ 8:15 P.M./November 19, 1976	Driver was "on-call" and uses vehicle for personal business less than 10% of the time.
-Man, woman and small child using state vehicle for personal reasons	Shakey's Pizza Parlor, 7:00-8:00 P.M./ April 15, 1977	Driver was "on-call" and had to be able to respond quickly.
-Male, female and child at dance recital in state-owned vehicle	Dreher High School, Columbia/11:00 P.M./ May 28, 1977	Driver was "on-call".
-State vehicle being used to conduct personal business	Sambo's Restaurant, Columbia/8:00 P.M./ July 21, 1977	Staff was on dinner break and using State vehicle

Table II Continued

<u>Citizens Observation</u>	<u>Location/Time/Date</u>	<u>DYS Response</u>
-State vehicle being used for personal reasons	Winn-Dixie, Irmo/ 5:30 P.M./August 18, 1977	Person was "on-call"

The Council believes that DYS has little, if any, effective control over the use of state-owned motor vehicles and personal assignment of these vehicles hinders any effort to gain control. It is obvious from the sample of complaints summarized above that personal assignment of state-owned vehicles provides the opportunity to abuse the privilege. Even in those instances when DYS elaborated on the "on call" justifications by stating that employees had mobile pagers, radios and State cars available for immediate response, the justification has no real significance. The use of a mobile pager, a telephone call and driving to DYS offices in a private vehicle is just as effective and far more economical for the State.

RECOMMENDATION

- (1) DYS SHOULD IMMEDIATELY TERMINATE PERSONAL ASSIGNMENT OF STATE VEHICLES TO ALL AGENCY PERSONNEL AND SHOULD IMMEDIATELY REVOKE ALL AUTHORIZATIONS TO UTILIZE STATE-OWNED VEHICLES FOR PORTAL-TO-PORTAL TRAVEL.
- (2) THE DYS BOARD SHOULD EXTENSIVELY EVALUATE THE NECESSITY FOR PERSONAL ASSIGNMENT OF STATE-OWNED VEHICLES TO, AND AUTHORIZATION FOR PORTAL-TO-PORTAL TRAVEL FOR, MAINTENANCE AND SECURITY PERSONNEL. IF THE BOARD DETERMINES THAT THE WELFARE OF DYS

STUDENTS AND THE INTERESTS OF THE CITIZENS OF SOUTH CAROLINA WOULD BE SERVED IF MAINTENANCE AND SECURITY PERSONNEL WERE ASSIGNED STATE-OWNED VEHICLES FOR PORTAL-TO-PORTAL TRAVEL, THE BOARD SHOULD SUBMIT COMPLETE AND DETAILED WRITTEN JUSTIFICATION TO THE DEPARTMENT OF MOTOR VEHICLE MANAGEMENT FOR APPROVAL.

Inefficient Assignment of State-Owned Vehicles

DYS vehicles are not assigned on a need basis. The Council found that many DYS field personnel with a demonstrable need for a State vehicle do not have vehicles available to them and instead are reimbursed at a rate of 14¢ per mile for using their own cars for official agency business.

This condition appears to result from personal assignment of State-owned vehicles to agency administrators and other personnel who have not demonstrated a pressing need for them. In addition, it has been agency policy to retain State vehicles at DYS headquarters and institutions in Columbia rather than distributing a significant portion of them to field personnel around the State.

The Council examined travel vouchers and determined that agency field personnel generally travel extensively as part of their official duties. The Council sampled Youth Bureau travel vouchers for August-November 1976 and found 12 vouchers with between 1000 and 1275 miles recorded in one month. Thirty-one others were for 500-1000 miles (71 vouchers, or 34% of the total were sampled).

The Council also examined the available records concerning State car utilization. Although analysis was possible with only 33 of the agency's

45 or so cars, the Council found that 14 of these traveled less than 1500 miles per month last year. On-site observation by the Audit Council staff indicated that a number of DYS cars sit idle much of the day. Even when they were in use, it was difficult to determine whether or not they were being used for official State business since in most cases, no usage logs are kept by the agency.

RECOMMENDATION

DYS SHOULD ENSURE OPTIMUM USE OF STATE-OWNED VEHICLES BY UTILIZING AGENCY AND FIELD UNIT VEHICLE POOLS. USE OF STATE VEHICLES SHOULD BE STRICTLY CONTROLLED AND ALL TRIPS RECORDED IN VEHICLE LOG BOOKS.

Unnecessary Possession of Unmarked Vehicles

DYS owns six vehicles which do not have State license tags or decals. Agency officials claim that these "unmarked" cars are necessary for law enforcement purposes and that "unmarked" cars are used in apprehending runaways. The Council found, however, that neither of these justifications is valid.

While the campus police have a law enforcement function, only one unmarked car is assigned to that unit. The other five are assigned to the State Director and other top agency officials.

LAC examined campus police records over a fourteen-month period. In every instance when chase teams were called out, marked vehicles were used. Four of the five agency administrators possessing unmarked cars were rarely involved in apprehending escapees.

DYS records do not show any benefit accruing to the citizens of the State or to the children incarcerated at DYS through the possession of unmarked cars assigned to agency administrators. On the contrary, this situation results in less accountability because State officials are shielded from public scrutiny by their anonymity. As a result, State vehicles can be misused, and public funds wasted.

RECOMMENDATION

ALL DYS STATE CARS SHOULD BE MARKED WITH STATE
LICENSE TAGS AND AGENCY DECALS IMMEDIATELY.

Inappropriate Salary Supplements Provided to DYS Personnel

DYS provides housing for eight agency employees at a rental fee of \$15 per month. Electricity, heat, water, telephone, yard maintenance and pest control are provided to these employees at the taxpayers' expense.

In the past, these supplements were provided because salaries were low. However, this situation no longer exists and the General Assembly has forbidden the practice.

The Appropriation Act specifically states:

Salaries paid to officers and employees of the State, including its several boards, commissions, and institutions shall be in full for all services rendered, and no perquisites of office or of employment shall be allowed in addition thereto, but such perquisites, commodities, services or other benefits shall be charged for at the prevailing local value and without the purpose or effect of increasing the compensation of said officer or employee.

(1977-78, Section 129)

By providing salary supplements to agency personnel, DYS is violating this act.

The Legislative Audit Council also requested an opinion from the United States Department of Treasury's Internal Revenue Service on the tax status of these supplements. The IRS responded that Section 119 of the Tax Code as interpreted in Section 1.119-1 (b) of the regulations states that the value of lodging furnished to an employee is included in gross income unless the following three tests are met:

- (1) The lodging is furnished on the business premises of the employer;
- (2) The lodging is funded for the convenience of the employer, and
- (3) The employee is required to accept such lodging as a condition of employment. (Emphasis Added)

The DYS houses are on the agency's property and the "on call" status of the employee can be interpreted as fulfilling the second requirement. However, examination of position questionnaires for the personnel involved and the policies of the agency indicates that no agency employee is required to live in these houses as a condition of employment. Thus, it would appear that these payments are taxable salary supplements according to Federal Tax laws.

The cost of this practice is considerable. The following table illustrates the benefits accruing to only one DYS employee and the cost of these benefits to the State.

TABLE III

<u>Service Provided By The State</u>	<u>Value</u>	<u>Amount Paid By Employee</u>	<u>Net Salary Supplement</u>
Rent	\$2400/year (\$200/month)	\$180/year (\$15/month)	\$2220/year
Phone (1976)	\$369	0	\$369
Water (1976)	\$ 42	0	\$ 42
Gas (1976)	\$389	0	\$389
Totals	\$3200	\$180	\$3020

The total cost to the taxpayers in subsidized rents alone is \$18,060 per year based on 1975 valuations of rent and utilities costs. During a two-and-a-half year period (July 1974 - January 1977) telephone bills paid by the State amounted to nearly \$5000 for six of the houses. If a yearly average of those telephone costs is computed, the total amount lost to the State in rent, utilities and telephone costs is \$20,000 per year.

RECOMMENDATION

UNLESS EXCEPTIONS ARE RECOMMENDED BY THE BUDGET
AND CONTROL BOARD AND SPECIFICALLY MANDATED BY
THE GENERAL ASSEMBLY, DYS SHOULD CHARGE FAIR
MARKET RENTALS BASED ON CURRENT APPRAISALS FOR
ALL HOUSING, AND ALL UTILITIES, ETC., SHOULD BE
PAID BY THE OCCUPANT.

Unauthorized Commitment of State Funds

In its proposal for a \$1.5 million LEAA grant to deinstitutionalize status offenders, DYS made financial commitments which did not correspond with its actual intentions or with its ability to make those commitments.

Violation of Federal Regulations

DYS needed \$166,666 in State matching funds for this grant in 1976 and 1977.

The DYS grant proposal to LEAA states:

The Department of Youth Services has a sufficient amount of non-appropriated, non-allocated funds deposited in the State Treasurer's Office to be used for matching purposes. These funds are available at any given time during the two year period of the grant. Funds were secured by reimbursements for State funds used with a contract with the Department of Social Services. There are absolutely no Federal or State limitations or restrictions on the use of these funds since they came from a reimbursement source. (Emphasis Added)

The use of so-called "earned funds" to provide the State matching money is a violation of Federal Regulations. LEAA requires that "the non-federal share of the cost...shall be of new money appropriated in the aggregate."

Unauthorized Obligation of State Resources

In its strategy for continued funding, DYS asserted in the grant proposal that it would have no difficulty in obtaining a State appropriation to take over funding of programs initiated under the grant. This includes the addition of 83 new personnel who are being phased in over the two years of the grant at a total cost of \$801,574. Obligations of this sort must be made by the General Assembly. DYS has no authority to do so. By making such a statement, DYS placed the General Assembly, the Budget and Control Board and the Governor in the difficult position of either having to continue a program they did not initiate or having to terminate an existing program and its employees and reduce services.

Until November 1976, DYS was not required to inform the Budget and Control Board about new programs it was initiating with LEAA money.

However, sound fiscal management policies should have deterred the agency from obligating the State to pick up 83 new positions in a period of economic adversity, particularly when the Legislature had no prior knowledge it would be asked to do so.

Misleading Commitment to Transfer Funds

Also as part of the permanent funding strategy, DYS states in the grant proposal: "It is the intent of the Department of Youth Services to transfer approximately 23% of the resources now allocated in terms of jobs and in supportive services from the institutions to the community Youth Bureau program," and, "This is an administrative decision and can be carried out by the State Director with the approval of the Board of Youth Services."

This process is prohibited by the State. Any reallocations of money that do not show up in the budget at the beginning of each fiscal year must occur as transfers from one account to another. Each transfer must be approved by the Budget and Control Board before it is made. The agency director and Board of Youth Services cannot make any transfers on their own.

This reallocation is not taking place, and according to the Deputy Director for Fiscal Affairs, it will not take place. The grants manager later stated that the 23% reallocation was only one of several possible alternatives considered.

Unauthorized Use of "Earned Funds"

Under "Agency Contributions" the grant specifically states, "The total personnel cost, as paid for by the State and allocated to this project in a two year period, is \$2,155,837." This amount is

over \$1 million higher than the amounts shown in the agency State budgets for the two years covered by the grant.

DYS could only have arrived at the \$2.1 million figure for State-paid personnel costs by committing its earned funds. While these earned funds are State monies, they are not funds that have been appropriated by the Legislature to hire new personnel.

Conclusion

DYS' presentation of its finances calls into question the effectiveness of the mechanism controlling how State agencies spend their money. Heedless of whether or not the General Assembly would approve the deinstitutionalization approach toward treatment of juvenile delinquency, DYS used its own discretion in committing State money for this purpose. By the time the program comes under the General Assembly's scrutiny, it will have expanded into every county of the State, will have employed over 100 people and will have affected the lives of thousands of children. Should the General Assembly decide not to continue funding at the same level, the impact will be immediate in terms of jobs and services. Should it pick up funding, the agency will be encouraged to continue in the same vein whenever it seeks to expand.

In November 1976 the Office of Criminal Justice Programs issued a memorandum requiring agencies to obtain Budget and Control Board approval of any new personnel project funded by LEAA. Henceforth, an agency must submit information disclosing source of funds, impact of new positions on overall agency budget and number of personnel, analysis of future Federal funding for positions and schedule of State funds over a four-year period. The State has also passed legislation concerning the use of State, Federal and "earned" funds.

RECOMMENDATIONS

DYS SHOULD ENSURE THAT ALL FUTURE GRANT PROPOSALS PRESENT AN ACCURATE STATEMENT OF THE AGENCY'S INTENT AND CAPABILITIES.

DYS SHOULD ADHERE TO ALL STATE AND FEDERAL REGULATIONS CONCERNING USE OF FUNDS AND SHOULD ENSURE THAT THE GENERAL ASSEMBLY AND ALL OTHER APPROPRIATE PERSONS OR BODIES ARE FULLY AWARE OF ALL FUTURE COMMITMENTS OF FUNDS.

DYS SHOULD REFRAIN FROM COMMITTING THE STATE TO ANY FUNDING LEVEL WITHOUT THE APPROVAL OF THE GENERAL ASSEMBLY.

Inadequate Property Control

DYS has no adequate inventory of its property and equipment. In August the Legislative Audit Council received a copy of an inventory just completed by DYS, but analysis showed it to be inadequate for property control purposes.

The current DYS inventory is simply a list of the equipment and property located by DYS personnel during the inventory period. In most cases, voucher numbers are not present. In effect, the agency knows what it has, not what it should have.

This problem is not new to DYS. In 1973 the State Auditor's report on DYS recommended improvements in inventory procedures for equipment and supplies. Since that time the situation has not been adequately resolved.

Without adequate controls, it is possible for property to be lost, misused or stolen without the agency being aware of it. Proper controls are especially important for agencies such as DYS that purchase considerable amounts of equipment that is both expensive and portable. DYS has instituted a card system which may serve to alleviate this problem in the future, but it is as yet too early to test its effectiveness.

RECOMMENDATION

DYS SHOULD CONTINUE TO DEVELOP INVENTORY METHODS IN ORDER TO BETTER ACCOUNT FOR ITS PROPERTY. THE CURRENT INVENTORY SHOULD BE RECONCILED TO PURCHASING RECORDS AND EXPENDITURE VOUCHERS AND ANY UNRESOLVED DISCREPANCIES REPORTED TO THE APPROPRIATE AUTHORITY.

CHAPTER IV

AGENCY EFFECTIVENESS

INTRODUCTION

This chapter presents the Legislative Audit Council's assessment of DYS' effectiveness in fulfilling its public role. Crucial to this assessment is an evaluation of how well the agency lives up to its statutory mandate.

According to law, DYS has two principal functions (24-15-50 S. C. Code of Laws, 1976).

The Juvenile Corrections Division shall perform the custodial treatment functions of the Department as prescribed by the Board.

The Youth Bureau Division shall in coordination with other State and local government agencies and the courts develop plans and facilities as may be necessary to implement an effective program of youth delinquency prevention throughout the State.

Each year DYS requests money from the General Assembly so that the agency might fulfill its mandate. In return the General Assembly expects that the funds it appropriates will be used to fulfill that mandate effectively. It is the responsibility of the agency to demonstrate that it has been effective.

The two sections of this chapter, the first concerning delinquency prevention and the second concerning custody, will show that the General Assembly's expectations, in large part, have not been realized.

CHAPTER SUMMARY

The Council found that DYS has been unable to demonstrate its effectiveness in preventing juvenile delinquency and has not made sufficient

efforts to develop and mobilize community resources. In fact, DYS Youth Bureaus were found to be bringing more children into the juvenile justice system rather than diverting them from that system.

As concerns custody and treatment, the Council found DYS to be more effective. The agency has removed all but four status offenders from institutions under the terms of a Federal Deinstitutionalization of Status Offenders grant. However, there is a need for more specialized education.

DELINQUENCY PREVENTION

INTRODUCTION

The importance of delinquency prevention is stated forcefully and concisely in Lois P. Carney's Corrections and the Community.

The most effective countermeasure for juvenile delinquency, like that for adult criminality, is prevention. No matter what type of ex post facto program we develop, it will always be a question of closing the barn door after the horse has gone. Measures must be energetically taken to forestall delinquent behavior wherever and however possible. (p. 180)

DYS made several statements concerning delinquency prevention in its FY 77-78 budget request. First, on page 1769 of the State budget:

It is the responsibility of the Youth Bureau Division to coordinate and mobilize services from all other private and public facilities including the courts and units of local government in order to develop such strategies and facilities as necessary to implement an effective program of delinquency prevention throughout the State of South Carolina.

The agency was more specific on page 1771:

In order to carry out statutory responsibility for delinquency prevention the agency has promulgated a

network of Youth Bureau regional and field offices throughout the State. Additional community services include the establishment of specialized group living homes, runaway shelters, alternative educational services, neighborhood recreational delinquency preventive programs, youth employment projects and nonresidential diagnostic programs.

There is no question that DYS has "promulgated a network of Youth Bureau regional and field offices throughout the State." In FY 72-73, total expenditures for Youth Bureau operations were \$345,495. The agency expects to expend \$2,467,826 in the Youth Bureau in FY 77-78, more than a seven-fold increase over five years ago. Because this program has been an experimental one in which new techniques have been attempted, DYS has used Federal money to get it off the ground. State funding for FY 74-75 through FY 76-77 remained at slightly over one-half million dollars for each year despite DYS efforts to get the State to supplement expiring Federal grants. The agency used "earned funds" - Titles IV-A, VI and XX reimbursements - to make up for the lack of new State money. In 1977 the Legislature followed the recommendation of the Budget and Control Board in taking approximately \$900,000 of those earned funds and placing them in State appropriations. The Youth Bureau will get \$1.3 million in State funds in FY 77-78, more than half its expected total.

Federal dollars used to support the Youth Bureau program have come primarily from HEW and LEAA in the form of small grants aimed at special projects. The major exception is a \$1.5 million LEAA discretionary grant for the deinstitutionalization of status offenders (DSO). Largely as a result of this grant, DYS has established Youth Bureau coverage in all areas of the State except the Florence region.* The grant requires that by December 1977:

- (1) All status offenders be removed from DYS institutions

*A dispute between DYS and the State law enforcement planning agency over evaluation of the program has blocked LEAA funding for the Florence region for over a year.

(2) No petitions for incarceration of status offenders be adjudicated

(3) No status offenders be detained in jail

DYS has promised to meet these goals by deinstitutionalization or preventing institutionalization of 2,170 status offenders in a two-year period.* Status offenders already institutionalized would be released upon obtaining a suitable placement. Status offenders coming into the courts would be diverted, preferably at intake, to a Youth Bureau program. Temporary commitments of status offenders for evaluation would be handled at one of the regional diagnostic centers. To prevent runaways and other status offenders from being detained in jail, shelter facilities and foster care programs would be established.

These DSO objectives, not delinquency prevention, have become the primary Youth Bureau mission. Youth Bureau personnel consider any child who is referred to them for treatment to have been diverted from institutionalization. They concentrate their efforts on helping status offenders because criminal offenders are often impossible to turn around. Youth Bureau goals are preventative and advocative in nature. The Youth Bureau attempts to intervene in the pattern of events disrupting a child's life. By bringing together all possible resources which might help a child and by stimulating community awareness of the problem, the needs of these children hopefully will be met.

Youth Bureaus Have Not Demonstrated Their Effectiveness

DYS has been unable to demonstrate the effectiveness of Youth Bureau treatment methods. Although the Youth Bureau operates a number of programs aimed at improving the behavior of delinquent and

*The original number was 3,300, revised in February 1977.

pre-delinquent youth, it has not presented evidence that Youth Bureaus are a more effective form of treatment than institutions or no treatment at all.

When questioned about the objectives of their programs, Youth Bureau administrators stated that their primary focus is on diversion of children from jails, courts and institutions. Management by objective plans formulated for each region are being subordinated to the objectives of the Deinstitutionalization of Status Offender (DSO) grant.

The Council recognizes the importance of complying with the requirements of the DSO grant. Nevertheless, deinstitutionalization should not be regarded as an end in itself. Hopefully, it is a treatment method which will result in a reduction in juvenile crime.

In a study for the Office of Criminal Justice Programs, Jack Leib and Associates found that the Youth Bureaus did not reduce the number of children processed through the juvenile justice system in 1975 and 1976. The Youth Bureaus failed to reduce arrest rates, petition rates, adjudication rates, probation rates, R & E commitments or training school commitments in the counties studied. The rate of petitions and training school commitments did slow down from 1975 to 1976, and although the Youth Bureaus may have been responsible for the decline, the overall data do not show a significant drop in numbers of children being processed by the system. In effect, delinquency was not being prevented by Youth Bureaus.

DYS has vigorously contested the use of these data to demonstrate the ineffectiveness of Youth Bureaus. It is undoubtedly true that factors beyond DYS' control have some impact on the indicators examined by Leib and Associates. DYS has come up with an impact study of its own to measure the success of Youth Bureau clients. Using three

criteria - (1) adjudicated delinquents, (2) self-reported acts of delinquency, and (3) subjective judgments of improvement in behavior - DYS found an 89% success rate for the clients followed up after twelve months. Without any basis for comparison, however, it is difficult to assess the significance of these results. The evaluation does not show what the success rates would be if the children receive other types of treatment or no treatment at all. In addition, the impact study deals only with adjudication as a measure of juvenile delinquency. Other rates, such as the incidence of juvenile crime, are not addressed.

A source often used by DYS to support its Youth Bureau programs. (Sherwood Norman, The Youth Service Bureau: A Key to Delinquency Prevention) specifies the delinquency rate as part of the baseline data which should be used to evaluate Youth Bureaus: "The delinquency rate is determined by an analysis of the number of youngsters arrested; the number of youngsters referred to court intake by police, agencies and citizens; and the number of youngsters adjudicated delinquent" (pp. 143, 144). By using an incomplete definition of juvenile delinquency (adjudication only), DYS evaluation of its programs only determines whether they reduce the number of juvenile delinquents, not the rate of juvenile delinquency as would be expected.

At best, the results of these evaluative efforts are inconclusive. DYS questions the Leib data, and the subjectivity of DYS criteria certainly detracts from the validity of its own evaluation. As a result, the General Assembly must make funding decisions with limited knowledge as to the impact of the programs it is funding.

Insufficient Efforts to Develop and Mobilize Community Resources

Youth Bureaus have not devoted sufficient effort to developing and mobilizing community resources in order to change delinquency-breeding conditions. Although they have organized activities for youth such as scout troops and job services, Youth Bureaus have not taken the lead in formulating a community-wide plan which would identify service gaps and set priorities for developing needed resources.

DYS officials have apparently recognized the advantages of community-based and private service providers. DYS provided documents to the Council describing "a lot of things that need to be said and understood by all of us who are involved in trying to provide a relevant program of delinquency prevention in South Carolina." Included was material published by the Office of Juvenile Justice and Delinquency Prevention and the National Institute for Juvenile Justice and Delinquency Prevention which states as one of its key considerations, "Adequate potential for adopting a positive orientation, for mobilizing human resources, for providing basic youth-development services, and for producing multiplier effects for the Federal effort all exist in the form of an extensive, active set of private family and youth service agencies."

Private agencies obviously have certain problems. Many are not active in high crime areas, and their organization and financing can be precarious. However, they also have certain advantages. They are naturally involved at the community level; they use volunteers extensively; and their organization structures allows for "rapid and inexpensive expansion of services and mobilization of resources. Few of these agencies are burdened either financially or operationally with the elaborate bureaucracies often associated with public agencies."

The Youth Bureau has chosen a child-oriented approach, instead of a more comprehensive systems approach the statutes direct. Rather than encouraging the community to provide a service for children, the Youth Bureau will more often perform that service on its own. For instance, Youth Bureau social workers spend a great deal of time transporting clients to and from appointments. It is not unusual for them to average 1000 to 1500 miles each month in job-related travel. Social workers also do a great deal of direct counseling, either in individual or group sessions, instead of taking advantage of resources already available in the community or urging the community to develop more resources.

The Legislative Audit Council surveyed service agencies interacting with the Youth Bureau to determine the extent of their contacts. Sixteen of thirty-three agencies which received referrals from Youth Bureau indicated receiving five or fewer referrals in a year's time. Twenty-five indicated less than 15 referrals. The other eight received from 16 to 150 referrals. Most of the agencies indicated that the Youth Bureau had not made an impact on them.

The Youth Bureau focus on providing direct services detracts from its duty to act as a catalyst for community change. Although services have proliferated in the last several years and agency personnel often get together to discuss their activities, Youth Bureaus have not come forward with a comprehensive plan for a coordinated system of services to youth.

Youth Bureaus Bring More Children Into the Juvenile Justice System

Youth Bureaus are bringing many children into the juvenile justice system who otherwise would not have been there. Sixty-two percent of its referrals in FY 76-77 came from the courts and police while the rest came from schools, families or other agencies. Of the 2909 referrals accepted for treatment, 1106 (38%) were petitioned or committed cases. A petition is required before a judge will hear a case; a commitment is a judicial action. Thus, only 38% of all Youth Bureau clients represent children who could have been adjudicated and committed to a training school. The other 1803 (62%) would most likely never have gone beyond court intake.

YOUTH BUREAU SOURCES OF ACCEPTED CLIENTS

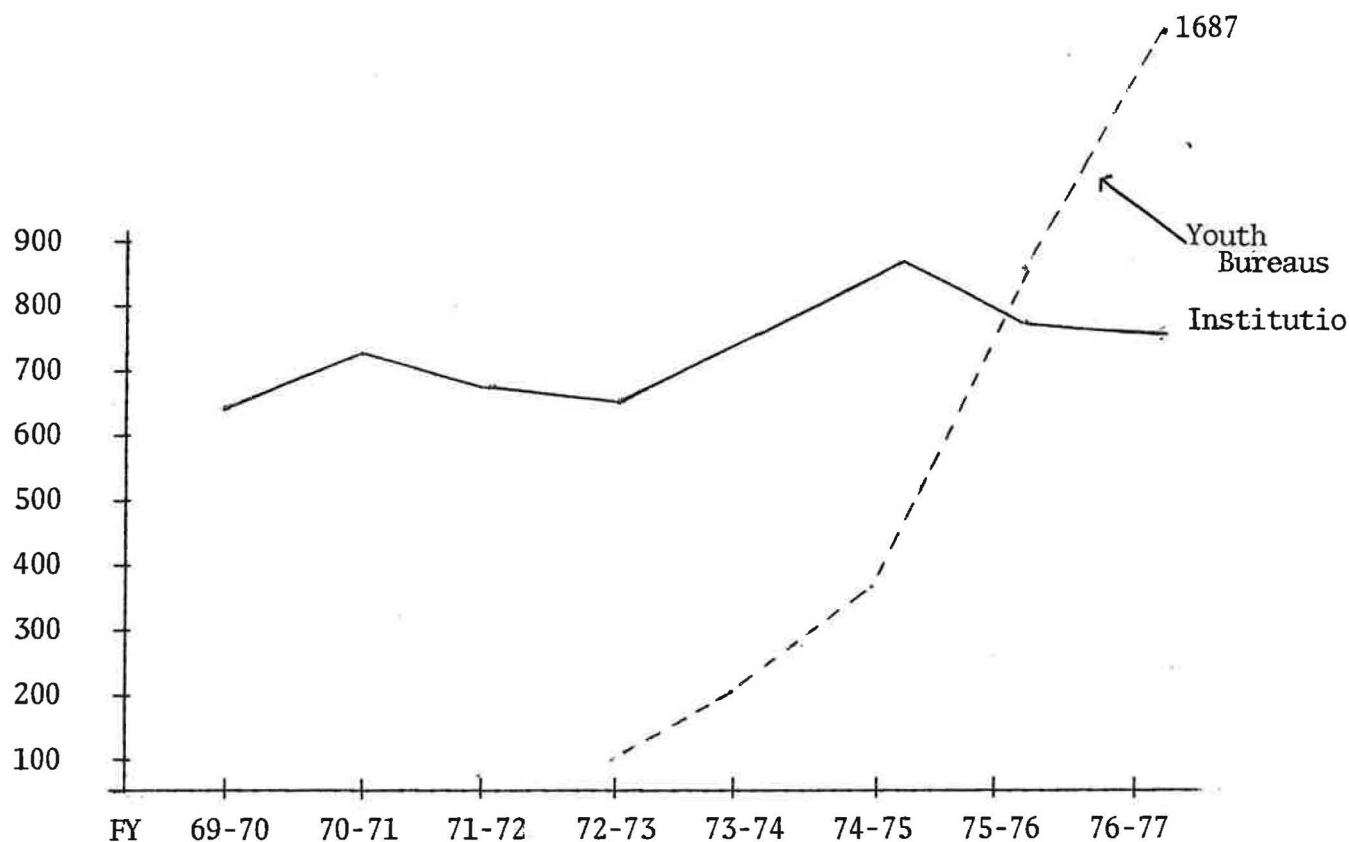
FY 76-77

<u>Source of Referral</u>	<u>No. of Clients Referred</u>	<u>No. of Clients Accepted</u>	<u>% of Total Accepted</u>	
Family Court - Petitioned	1,069	861	29.60	} 38%
Family Court - Commitment	273	245	8.44	
Family Court - Non-Petitioned	549	462	15.92	
Probate Courts	79	68	2.34	} 62%
Police Department	309	216	7.44	
Public Schools	487	350	12.06	
Family	410	308	10.61	
Other	536	393	13.53	
TOTAL	3,712	2,909	100.00%	

SOURCE: DYS Statistics

This practice has had an appreciable effect on overall agency population also. As the graph below demonstrates, the average population of DYS institutions has remained fairly stable for the past four years, fluctuating between about 750 and 850. However, overall agency population has risen tremendously during that period. Clearly, the Youth Bureaus are responsible for the increase.

GRAPH II



DYS Average Daily Population

SOURCE: DYS Statistics.

This situation is caused by Youth Bureau's emphasis on providing services rather than on preventing delinquency. DYS has not demonstrated that bringing thousands of children into the juvenile justice system has reduced on delinquency rates. On the contrary, many authorities on delinquency have stated that this contact with the system and the resultant "labeling" of the child as a delinquent or troublemaker increases delinquent behavior.

As a result, DYS has used increases in the number of children served by Youth Bureaus to justify funding increases without showing fulfillment of the statutory mandate to reduce delinquency. DYS estimates that it costs \$862.56 to treat a child in a Youth Bureau program (for an unspecified time period) while a year in an institution costs \$9,600 per child. By serving about 1800 children who probably would never have gone beyond court intake, DYS spent over \$1.5 million in FY 76-77 on a program that has little or no apparent effect on delinquency rates (1800 children x \$862.56 per child).

RECOMMENDATIONS

- (1) DYS SHOULD FULFILL ITS STATUTORY MANDATE CONCERNING DELINQUENCY PREVENTION. ALL YOUTH BUREAU ACTIVITIES WHICH CANNOT BE DIRECTLY RELATED TO THIS STATUTORY MANDATE SHOULD BE DISCONTINUED OR TRANSFERRED TO COMMUNITY, SOCIAL SERVICE OR JUDICIAL AGENCIES DESIGNED TO PERFORM SUCH ACTIVITIES.
- (2) ALL YOUTH BUREAU FUNDING REQUESTS SHOULD BE ACCOMPANIED BY STATEMENTS SPECIFYING THE WAYS IN WHICH FUNDS WILL BE USED TO REDUCE OR PREVENT JUVENILE DELINQUENCY IN SOUTH CAROLINA, AND PERFORMANCE INDICATORS SHOULD BE DEVELOPED TO MEASURE

THE IMPACT OF YOUTH BUREAU PROGRAMS ON DELINQUENCY
RATES.

- (3) AS PART OF ITS RESPONSIBILITY TO PREVENT DELINQUENCY,
DYS SHOULD ADOPT A SYSTEMIC APPROACH TO COMMUNITY
YOUTH SERVICES. DYS SHOULD DEVELOP - WITH THE
COURTS, LAW ENFORCEMENT AND OTHER AGENCIES - A PLAN
FOR A COMPREHENSIVE SYSTEM OF DELIVERING SERVICES
TO YOUTHS AND THEIR FAMILIES. THE PLAN SHOULD
IDENTIFY A TARGET POPULATION, NEEDS ALREADY BEING
MET AND NOT BEING MET, AVAILABLE RESOURCES TO MEET
THE NEEDS, AND A RANK ORDER OF PRIORITIES. DYS
SHOULD MAKE USE OF SERVICES PROVIDED BY OTHER
AGENCIES RATHER THAN ATTEMPTING TO PROVIDE THEM.
ITSELF.

CUSTODY AND TREATMENT

INTRODUCTION

DYS has done somewhat better in its custodial role than in its delinquency prevention role. The Council found that, for the most part, the training schools address the problems of the children committed to their custody. This is not to say that they are effective in turning children away from crime or in permanently improving their social behavior. It means only that professional treatment is applied toward changing behavior and improving life skills.

During the past seven years there has been an effort away from simple custody of delinquent youth and toward treatment of behavioral disorders. About two-thirds of the agency's budget goes into institutional treatment and support.

The three institutional campuses (Birchwood, John G. Richards and Willow Lane) handle different types of children. Treatment teams designed for individualized care monitor the child's progress through the system. The educational section allows the children to proceed at their own pace with opportunities for choice in the curriculum. There is professional supervision in all except the evening hours when youth counselors are in charge.

The effects of DYS care have been shown only for the short time (about eight months) a child spends in the training schools. Long-term effects have not been measured. Thus, while custody and treatment may be observed directly, there is no indication that rehabilitation takes place. In addition, improvements in custodial and treatment functions are necessary if DYS is to fulfill this statutory mandate completely.

Need for More Specialized Education

The special needs of many students are not being met because the staff is not trained to recognize their problems. DYS, like most correctional schools, has a high percentage of children with learning disabilities -- at least 50%. Children do receive individualized instruction and proceed at their own pace, regardless of grade level. Classes are small and unstructured. Despite this attention to providing children with basic academic and vocational skills, only three teachers out of 86 at DYS are certified in special education. Rather, teachers trained in math, English, science or social studies must learn on the job to deal with and provide individualized instruction for children who have already proven an inability to function in a regular classroom.

According to the supervisor of instruction at DYS, there is no agreed-upon definition of a learning disability. The Education section has tried to keep up with current developments in the field but has found that the standards for various categories of ability are constantly changing. They did try to separate children according to ability but found that the children reacted with taunting and resentment.

A recent U. S. General Accounting Office study on learning disabilities suggests a strong link between learning disabilities and juvenile delinquency, yet points out that little effort has gone into correction of these disabilities or even in determining their prevalence among school-aged children. Correctional schools emphasize rehabilitation programs with no evidence that they work. At DYS, for instance, 70-80% of the children receive vocational rehabilitation treatment; very few receive instruction aimed at correcting learning disabilities.

Since follow-up studies are not done on children after release, it is impossible to tell whether progress made at DYS is carried over into the community. The principal at Birchwood estimates that about 70% of the children return to a regular classroom situation in elementary or high school. Unless school-related problems such as learning disabilities are treated at DYS and at home, children easily revert to the same behavior patterns that put them at DYS to begin with.

RECOMMENDATIONS

DYS SHOULD ATTEMPT TO DETERMINE THE PREVALENCE OF LEARNING DISABILITIES IN THE INSTITUTIONS. TEACHERS CERTIFIED IN SPECIAL EDUCATION AND LEARNING DISABILITIES SHOULD BE SOUGHT WHEN VACANCIES DEVELOP. ALL SPECIAL EDUCATION PROGRAMS SHOULD BE EVALUATED USING CONTROL GROUPS. FOLLOW-UP STUDIES OF RELEASED CHILDREN SHOULD BE PERFORMED.

CHAPTER V

CONCLUSION AND COMMENT

This report contains findings and recommendations related to many DYS functions and responsibilities. A large number of them addressed the agency as a single entity of State Government. Others, however, are systemic in nature and point to the need for coordinated systems for providing services to youths in South Carolina.

DYS can and should take steps to improve its own performance, management and accountability. On the other hand, there are areas of DYS effectiveness that cannot be controlled by that agency alone. The Council recognized early in this audit, that services provided to children and youths in South Carolina are fragmented among many State agencies with little general coordination to ensure that each and every client receives adequate and appropriate services.

While these aspects are beyond the scope of this audit, their importance led the Council to examine the need for further evaluation of all service provider agencies involved. The following comment is the result of that examination.

Comment - Need for Study of Service Delivery System in South Carolina

During its audit of the Department of Youth Services, the Council found that DYS could not treat the problems of some children by itself. For example, a large proportion of juvenile offenders in South Carolina are abused or neglected early in life. According to the Office of Child Advocacy, "Over 50% of the children in the correctional system have been continually abused or neglected by the parents, and in most cases, an agency or court was aware of the abuse/neglect when the child was younger but did not intervene." In other words, early intervention could possibly

have helped the child before a pattern of delinquent behavior developed.

Another type of child who is inadequately served under the present system is the mentally handicapped juvenile offender. No agency at present has the facilities to provide comprehensive care for children with multiple behavior disorders.

Children who cannot be neatly categorized within the jurisdiction of any single State agency have a tendency to "fall through the cracks." Since they are often ignorant of the law and do not know how to get the services they need, they may receive improper care or none at all. If they create enough disturbance to be noticed, they often go to DYS.

Juvenile delinquency is not caused by one factor or another but by a combination of complex social, familial, emotional, educational and economic factors. Since there is no simple cause, there is rarely a simple solution to the problems these children have.

Many states recognize these facts and have made efforts to find solutions. Some of their efforts are described in a Council of State Governments (CSG) report entitled Reorganization of State Corrections Agencies: A Decade of Experience (February 1977). This report describes the changes that have been made and the reasons for these changes. CSG mentioned four basic types of organizations in use:

- (1) The Department of Corrections Model which emphasizes the uniqueness of corrections services
- (2) The Department of Human Resources Model which attempts to consolidate human services into a centralized system
- (3) The Adult-Juvenile Model which separates adult corrections from juvenile corrections

- (4) The Adult Corrections/Juvenile Corrections/Adult Parole Probation Model which is characterized by separate administration of parole services.

In addition, several states have systems which are fragmented among three or more agencies. CSG found that the largest number of states used the Department of Human Resources model.

The Legislative Audit Council surveyed other states and examined legislation, organization manuals and other information concerning state corrections and social services agencies across the country. This research and analysis further reinforced the fact that coordination and uniformity are widely recognized as being of primary importance in providing comprehensive services and that many other states have been actively pursuing these goals.

For example, in North Carolina the Department of Human Resources (DHR) is the umbrella agency which coordinates service delivery. DHR's duties are:

. . . to provide the necessary management, development of policy, and establishment and enforcement of standards for the provision of services in the fields of general and mental health and rehabilitation with the basic goal being to assist all citizens - as individuals, families, and communities - to achieve and maintain an adequate level of health, social and economic well-being, and dignity. (N.C. General Statutes 143-137)

This umbrella agency is organized to incorporate the Office for Children, Office for Aging and the Division of Social Services, Facility Services, Health Services, Mental Health, Services for the Blind, Vocational Rehabilitation and Youth Services. The N. C. Division of Youth Services is responsible, as is DYS in South Carolina, for administering the juvenile corrections system and alternative facilities and programs, but its activities are coordinated with those of other service providing agencies.

In Florida the Department of Health and Rehabilitation was created as an umbrella over such Divisions as Aging, Children's Medical Services,

Corrections, Youth Services, Mental Health, Retardation, Vocational Rehabilitation, Family Services and Health. The purpose of the Florida legislature in centralizing these responsibilities was to ensure coordination, efficiency and uniformity.

The following states also incorporate Youth Services within agencies providing other types of social services. These states and the responsible agencies and divisions are:

- | | |
|---------------------|--|
| <u>Alaska</u> | - Department of Health and Social Services, Division of Corrections |
| <u>Arkansas</u> | - Department of Social and Rehabilitation Services, Division of Rehabilitation Services (Juvenile Training School Section) |
| <u>California</u> | - Health and Welfare Agency, Department of Youth Authorities |
| <u>Georgia</u> | - Department of Human Resources, Department of Youth Services |
| <u>Hawaii</u> | - Department of Social Services and Housing, Corrections Division |
| <u>Idaho</u> | - Department of Health and Welfare |
| <u>Iowa</u> | - Department of Social Services, Bureau of Youth Services |
| <u>Kansas</u> | - Department of Social and Rehabilitation Services, Division of Children and Youth |
| <u>Kentucky</u> | - Department of Human Resources, Bureau for Social Services |
| <u>Louisiana</u> | - Health and Human Resources Administration, Division of Juvenile Services |
| <u>Maryland</u> | - Department of Health and Mental Hygiene, Juvenile Services Administration |
| <u>Michigan</u> | - Department of Social Services, Office of Youth Services |
| <u>Missouri</u> | - Department of Social Services, Division of Youth Services |
| <u>Nevada</u> | - Department of Human Resources, Youth Services Agency |
| <u>Pennsylvania</u> | - Department of Public Welfare, Office of Children and Youth |

<u>South Dakota</u>	- Department of Social Service, Office of Youth Services
<u>Utah</u>	- Department of Social Services, Division of Family Services
<u>Washington</u>	- Department of Social and Health Services, Bureau of Juvenile Rehabilitation
<u>Wisconsin</u>	- Department of Health and Social Services, Division of Corrections

(SOURCES: LAC Surveys; American Correctional Association (ACA) Directory, 1977.)

Other states, in addition to those mentioned above, use systems with various combinations of adult corrections, juvenile corrections, probation, parole and other such activities.

These systems are not necessarily the same as one another but they all exhibit one or more of the following objectives or characteristics:

1. Coordination of social services to youths, and, in most cases, to adults
2. Centralized authority and responsibility for various social service activities
3. Recognition of the myriad causes of behaviors defined as socially unacceptable
4. Recognition of the fact that simple solutions do not exist
5. Concern for providing continuous, uniform services.

While reorganization of corrections and social services agencies has been an important trend in State Government, there is little information available concerning the effectiveness of these new configurations. In many cases, these agencies have not been in existence long enough to have had significant impact.

Comprehensive evaluation of corrections and social services agencies in other states was not within the scope of this audit. The Council also

recognizes the fact that reorganization is costly, that it is often politically and administratively difficult and that it rarely, if ever, results in a total cure for the problems faced by social and correctional agencies.

For these reasons the Council feels that a thoughtful and comprehensive analysis of the various alternatives available to the General Assembly should be conducted, considering the costs of these alternatives and the needs of the citizens of South Carolina.

RECOMMENDATION

THE GENERAL ASSEMBLY SHOULD STUDY AND EVALUATE THE PROVISION OF SOCIAL SERVICES IN SOUTH CAROLINA TO DETERMINE WHETHER THERE IS A NEED TO RESTRUCTURE THESE SYSTEMS, ESPECIALLY AS THEY PERTAIN TO YOUTH.

GLOSSARY

Adjudicate: to decide judicially
e.g. When a child is brought before a judge and the judge has made a decision in the case brought against the child, the child has been adjudicated.

Commit: to place in an institution judicially
e.g. When a child is sent to a Department of Youth Services institution by a judge, the child has been committed to DYS.

Commitment Order: the document prepared by the court in order to commit a child to an institution

Dependent: relying on another person or on the State for support

Detention: a period of temporary custody of a child prior to disposition by a court or prior to release by parental request, court process or administrative process

Determinate Sentence: incarceration for a specific period of time, resulting from being tried and found guilty in an adult, rather than juvenile, court

Divert: to turn from one course to another
e.g. A child who is returned to his home rather than sent to an institution has been diverted. When a child is diverted from an institution, that act is known as a diversion.

Foster Care: Affording, receiving or sharing nurture or parental care though not related by blood or legal ties

Foster Home: a home in which foster care is provided

Incarcerate: to put in a jail or prison, or to subject to confinement

e.g. A child who is being held or confined in a jail or institution has been incarcerated.

Intake: to bring or take into something or, as used in this report, a procedure used to bring children into a court or DYS institution or program

Intake Worker: a person responsible for performing the tasks required in order to bring a person into a court or DYS institution or program

Juvenile Delinquency: an act defined by law as illegal and committed by a person defined by law as a juvenile

Parole: the conditional release of a child committed to a DYS institution prior to the end of the time period for which the child was committed

Petition: a formal, written request for court action in a case involving a juvenile (A child who has been petitioned must receive a court hearing unless the petition is withdrawn by the petitioning party, the prosecutor chooses not to prosecute the case or the judge dismisses the case)

Probation: an alternative to commitment in which the child is allowed to retain his or her freedom during good behavior and under the supervision of a probation counselor

Psychometrist: a person whose function it is to test and measure mental attributes

Recidivism: a tendency to relapse into a previous condition or mode of behavior

e.g. A child who has committed criminal acts, been committed to an institution or received treatment and subsequently committed an additional criminal act is a recidivist.

Refer: to send or direct for treatment

Referral: the act, action, or an instance of referring; a child who is referred

Runaway Shelter: a temporary home for children who have left their usual residence

Status Offender: a child who has committed an offense that would not be a crime if committed by an adult

CHAPTER VII
AGENCY RESPONSE

INTRODUCTION

The following section is the response of the Department of Youth Services to this audit report. The Legislative Audit Council has reprinted the response exactly as it was presented by the agency. No changes were made except as requested by DYS.

The Audit Council has added notes to clarify certain aspects of the response but it must be emphasized that the absence of such a note does not signify Audit Council concurrence with the comment. The Council has made no attempt to verify the overall accuracy of the response. The Audit Council has also added page references to better enable the reader to relate the DYS response to the findings in the audit.

S. C. DEPARTMENT OF YOUTH SERVICES
RESPONSE
TO
THE LEGISLATIVE AUDIT COUNCIL REPORT
January 20, 1978

The Legislative Audit Council has spent many months with the Department of Youth Services, and we are appreciative of the criticisms made - positive and negative, and whether we agree with them or not - in that they have made us more aware of the legislative interest in and desire for agency accountability. There are many excellent recommendations and suggestions in this Legislative Audit Council Report, and we have already instituted some of their recommendations; we look forward to implementing other recommendations by the Council as the management deems advisable. There are areas of honest disagreement by managers themselves and certainly some of the statements made in the Audit Council Report appear to us to be inaccurate or opinionated in their descriptions of the programs and mandates of the Department of Youth Services. The

Council's mandate is to identify agency management weaknesses and not their strengths. In making this response, the Department of Youth Services has developed a volume of supplementary data which has been furnished to the Council and is referred to in this response by appendices.

(p. 24) MANAGEMENT AND PRIORITIES: We cannot see that there have been numerous examples of poor management found nor has there been shown any lack of control in that state policies and procedures have been followed. Where a broad statement is made with reference to "questionable organizational priorities", we have a very difficult time dealing with this in that recommendations for agency organizational priorities are made by management to the Board of the South Carolina Department of Youth Services and then their priorities are set and followed. These priorities are presented in our budgetary process and approved by the Budget and Control Board as well as the legislature.

(p. 46) LAWS AND REGULATIONS: Where the Council suggests that the agency is in noncompliance with laws and regulations, this becomes a statement of opinion. This refers to our utilization of so-called and now non-existent earned funds to match federal funding to provide services. Since it is the opinion of the Council that this did not comply with federal regulations but not the opinion of the agencies concerned, then we would feel that such is a source of honest disagreement, but certainly not "noncompliance with laws and regulations". (See Appendix A.)

LAC COMMENT

While this finding does not relate only to the use of earned funds, Federal Regulations, as quoted in the text, preclude the practice used by DYS.

(p. 25) AGENCY GOALS: The written goals of the Department of Youth Services are adequate for the agency to implement its statutory mandate. The Council's reference is to developing plans and facilities for a program of delinquency prevention throughout the State. The fourth goal as shown in the Agency's Annual Report to the legislature for fiscal year 1975-76, is for the Youth Bureau "to deinstitutionalize all status offenders". Primary emphasis was placed on

this goal due to the projected impact that the deinstitutionalization program would have in preventing status offenders from becoming institutionalized. This goal was in accordance to the federal mandate of the JJDP Act of 1975. The authors of the Audit Council Report and most practitioners in the juvenile delinquency field obviously have a difference of agreement about what diversion is and its relationship to prevention. The diversionary process, at the point of diversion, becomes prevention by definition and this has to be understood. It appears to us that the Council staff avoided this issue by failing to define delinquency prevention in their glossary of terms. We would like for the Council to understand that juvenile delinquency is a legal status and that any child whom we can prevent from obtaining this legal status should be counted as one prevented from becoming delinquent, or has been prevented from becoming delinquent again. Diversion at any level then becomes prevention. This has been accepted by most all of the national studies made in the last ten years. Literature in the delinquency prevention area refers to three kinds of target populations for prevention service: primary, secondary, and tertiary (Juvenile Justice and Delinquency Prevention, National Advisory Committee in Criminal Justice Standards and Goals, December, 1976, p. 25-28). Primary prevention refers to a service delivery strategy that includes the broadest possible number of clients within a service area. Primary prevention rests upon the logic that the most effective prevention is to insulate the entire population at risk from predisposing conditions. An example is giving school children inoculations or our public relations campaigns, one of which included the very popular, "Have You Hugged Your Kid Today?". In secondary prevention, selection for inclusion in prevention programs is made upon the determination that a particular group of potential clients is in greater danger than the rest of the population, thus requiring specific services. An example is our St. Luke's Center. Tertiary prevention involves those youngsters who have already begun to have difficulty with the law. The object of the tertiary programs is to limit the involvement of the child with the formal system. An example is our deinstitutionalization program which is a national

goal for delinquency prevention. Commitment rates to the correctional institutions have decreased by over 18 percent as a result of our deinstitutionalization efforts - a preventive program. There has been past misunderstanding concerning the alleged switch of Youth Bureau goals to deinstitutionalization. Our goal always has been and still is delinquency prevention. Our delinquency prevention program can carry out the mandate of deinstitutionalization which is also prevention. The role of this agency as it relates to its Youth Bureau Division is in accordance to the Report of the Task Force on Juvenile Justice and Delinquency Prevention of the National Council Advisory Committee on Criminal Justice Standards and Goals, Washington, 1976. In accordance to Standard 2.3, the State's role in delinquency prevention is that a "State should create a single agency to coordinate delinquency prevention programs." It further states, "Where a statewide Juvenile Services Department exists, and it is to perform the function required by this standard, the Department should also be authorized to provide direct services to children and youth." This provision is given to the Department of Youth Services and its Board in accordance to its legislative mandate. Any agency should constantly reassess and redefine its goals and objectives, and we are in the process of doing this, as per the recommendations of the Council. (See Appendix B.)

LAC COMMENT

Juvenile delinquency prevention is defined in the text of the report. It should be noted that neither all practitioners in the field nor all recent studies espouse the opinions DYS has used in this section of the response. It is, of course, the prerogative of the General Assembly to determine if they will accept deinstitutionalization and diversion rather than reduction of delinquency rates as juvenile delinquency prevention.

(p. 28) PLANNING: The chief problem in the Department of Youth Services' planning has been that the agency has had to plan for only one portion of a fragmented and disjointed system. In addition to this, state funding has not been adequate to allow for pursuit of the agency's goals. Where it has been said that within this agency, planning has been confined to tailoring the programs to available federal grant money, this cannot be denied. If the agency didn't

do this, then it would be derelict in its duty to provide these services with federal funds when state funds are not sufficient to enable the agency to reach its goals. We have never sought federal funds that did not fit within our statutory authority. This approach has been economical in that it allowed the agency to experiment with programs to determine if they were valid and effective and then make an appropriate request to the State legislature to continue these programs that were started without any obligation of state funding. This agency has terminated programs which were funded by the federal government when it was found that they could best be provided by other sources. (See Appendix B.) The criticism of the agency planning process by the Audit Council has some validity, but our entire agency is involved in the planning process right down to the line level and the agency planner as such is a synthesizer. The Council should be advised of the fact that the agency is working on a five-year plan for the State, the third effort of this kind in seven years. The Council's recommendations on planning are excellent. (See Appendix A.) The agency disagrees with the statement that "failure to plan carefully has allowed the agency to overcommit itself regarding programs and facilities and that before extending its Youth Bureau Program across the State, DYS should have considered the possibility that federal funding would not be continued. Various options should have been prepared in advance so that the Youth Bureau would not be in its present unstable financial condition." This agency made its plans on the premise that federal funding would not be able to continue to support the Youth Bureau operation. To reemphasize - continuous support for the Youth Bureau was predicated on increased State appropriations, reallocation of existing resources, and the use of Title XX funds. (See Appendix A.) If the Youth Bureau operation continues to make a material impact in terms of numbers of children in the institutions, then a viable option will be the reallocation of resources from the institutions to the Youth Bureau. (See Appendix B.) DYS did develop an effective plan for delinquency prevention when it began to implement the deinstitutionalization program through the State - an agency goal. (See Appendix G, Section 3.) Research data was utilized, contacts made, commitments

received, and numerous meetings held with the courts and various agencies, and relationships were developed on a statewide basis prior to commencing implementation of the preventive program of deinstitutionalization. (See Appendix G, Sections 3 and 6.)

There is no denying the success of this planning in that within two years only four status offenders remain in institutions where there were originally over 200. The implementation of this plan on a statewide basis was done with total cooperation of agencies both public and private without passage of state legislation.

(p. 31) EVALUATION: With reference to the Council's comment that our programs are new and that experts disagree on how to measure the effectiveness of the programs, we are in complete agreement. Nevertheless, some evaluation should be tried and as a matter of fact over a quarter of a million dollars has been approved by the federal government to evaluate the effectiveness of our Youth Bureau programs and our deinstitutionalization process. This in addition to our own internal evaluation and evaluations performed by the Law Enforcement Administration. (See Appendix G, Section 5.) The criticisms of the Youth Bureau program is that it has been unable to demonstrate its effectiveness in a quantitative manner. Prior to the year 1977, evaluation of Division operated programs was limited to reporting of numbers of children served, a general activities statement, and an audit of monies spent in the program. It is significant that questions of effectiveness of the Youth Bureau program were not previously asked or examined by its major funding source. The Youth Bureau programs now find themselves betwix and between on the issue of effectiveness evaluation. They are required by their funding sources to prove on the basis of past action (ex - post facto research) that their programs served a cost justifiable purpose. Yet, the system was evolving and the statistical data of the entire juvenile justice system was of such poor quality that it will not be a valid measurement of effectiveness. Further complicating the issue of effectiveness measurement is that the state of the art of such measurement of social service delivery systems is best described as being in its infancy state. One of the best evaluations we

have received was from the Law Enforcement agencies in the communities which we serve. The Council has in its possession many documents received from Law Enforcement agencies throughout the State which affirm that our services have been effective and valuable to them. (See Appendix C, letters attached, and Appendix H.) All expenditures of public funds by DYS are accounted for in accordance with state auditing regulations and procedures. We are lacking in a continuous evaluation process of our institutional programs in that we do not have control of the children after they are released from our institutions and the only way that we can do this systematically is to have the aftercare function placed within the confines of this agency.

LAC COMMENT

As stated in the finding, no evaluation concerning delinquency prevention has been performed using reduction in delinquency rates as a criteria. Some data concerning diversion is available but it is conflicting. The Legislative Audit Council does not recommend any combination of aftercare functions and custodial functions under the administration of DYS.

(p. 33) TRAVEL: For over a year, it has been the policy of the Department of Youth Services' Board that no member may travel or receive per diem at anytime unless it has been approved by the Chairman of the Board. Documentation for all agency travel is required in accordance with the regulations set forth by the Budget and Control Board. Reimbursement of funds used for the purchase of meals by administrators for non-agency personnel will be regarded carefully. Those receiving reimbursement for State agency personnel will be required to remit their payment into the State's general fund. (See Appendix D.)

(p. 38) STATE AUTOMOBILES: Children who are committed to institutions, mainly for felonies, are volative and unpredictable and many incidences have been known to occur where there were mass escapes, riots, and institutional fires. These kinds of emergencies demand an immediate response. Our Public Safety Division and 25 para-security personnel in the form of administrators provide our correctional community with 24-hour per day protection and safety. There are four apprehension teams and each member of a team is on a rotating call 24-hours a day = seven days a week.

No compensation is given to any of these individuals for the hours they spend on any emergency effort. They are required to respond to the call and the agency director demands that they be available for any emergency. With this capability of having administrative staff mobile, it serves not only as a practical and necessary extension of security, but also affords these individuals the capability of performing their duties in a more efficient and effective manner. Since this program has been implemented some five years ago, we have not had one major incident to occur in the St. Andrews community because of the behavior of an escapee, and we have only had one complaint from a local citizen about escapees vandalizing his property. We do have a pool car system which is available to approximately 96 percent of our employees. Only 4 percent of our employees have cars assigned with the additional security duties attached to them. Without this capability we would be faced with a choice of paying overtime, mileage, meals, and not having the capability of an immediate response in an emergency. (See Appendix E.)

LAC COMMENT

DYS has offered no convincing evidence that personal assignment of vehicles to para-security personnel is more effective in apprehending runaways than a central motor pool. In fact, as stated in the report, DYS security data show that many of these "para-security" personnel are seldom called out on the chase. The existence of a pool car system is questionable as 30-35 of DYS' 45 cars are permanently assigned to 4% of DYS' employees leaving 10-15 to be used by over 700 other employees (96%). While pool cars may be available to institutional personnel, Youth Bureau employees, who sometimes drive 1500 miles per month, rarely have access to a State car. Paying overtime, meals, etc. is not required.

(p. 44) INAPPROPRIATE SALARY SUPPLEMENTS: Housing and utilities provided a few staff members at minimal cost are not considered as salary supplements. Seven years ago when the current administration came into being, there were 27 families living in staff housing in the Department of Youth Services. Presently there are only eight families living in staff housing and this number will be

reduced to six within this fiscal year. The only persons who are furnished housing at minimal costs are those persons who, as a part of their job responsibilities, are required to live in staff housing. The Board of the Department of Youth Services has approved the policy for the utilization of staff housing, rent, etc., and unless there is a state regulation or law which would rule otherwise, then this responsibility should remain with the Board.

LAC COMMENT

As of the end of the audit period DYS personnel were not required to live in this housing as a condition of employment. If DYS has officially changed agency policy since that time it only affects the tax question, not the fact that the salary supplements exist. The law, as quoted in the report, precludes salary supplements of all kinds and the Board of Youth Services is not empowered to alter this law.

(p. 46) UNAUTHORIZED COMMITMENT OF STATE FUNDS: This agency has never made financial commitments which did not correspond with its actual intentions or with its ability to make these commitments, subject to the approval of the Board and the Budget and Control Board. We have pursued federal grants with the encouragement of the legislative and executive branches of government and all federal funds have been identified in our State budgets for all to see. (See Appendix A.)

(p. 50) INADEQUATE PROPERTY CONTROL: Strong measures have been taken to correct inadequacies in this agency's inventory control system. One person has been assigned the responsibility for an agency-wide inventory control system which includes a card file and computerized recording and locating ability. Inventory and purchasing personnel will be closely involved for accountability purposes. (See Appendix F.)

CHAPTER FOUR

(p. 55) YOUTH BUREAUS HAVE NOT DEMONSTRATED THEIR EFFECTIVENESS: The Youth Bureau has evaluated its programs for several years. The evaluation of our programs consists of process analysis of

clients served, interviews with key community agencies and individuals, internal fiscal and personnel audits and random sample interviews with clients and parents or guardians. This doesn't include the day to day monitoring of cases and records. Our record and data processing system is becoming very good. (See Appendix G, Section 5.) Mr. John Parton, Director of OCJP, said that we don't know if crime has increased or our reporting system has improved. The measurement of general rates remains virtually impossible. However, we do need better reporting and evaluation methods to adequately assess our programs. This is a criticism of the entire juvenile justice system. The several attempts at assessment, including our attempts, fall short. The success of the deinstitutionalization project is clear. The impact on jail detention, institutional commitments, and care for status offender children has been significant. This was an impact project with success easily measurable. This is one of the Youth Bureau's major goals, and it is successful. In addition, over a million dollars are being spent on an evaluation of the deinstitutionalization project by the federal government. The results have not been finalized, but feedback from our regional evaluators seem promising. The financial impact of our programs is favorable. Our costs are less than residential care programs in other states and institutional care. We have a good accounting and inventory system in the Youth Bureau that is localized. Because of the complex nature of treatment goals and the people involved, the exact cause and effect relationship is difficult to assess. The basic problem of stating that services are not more effective than institutionalization, or no treatment at all, doesn't completely describe the present state of affairs. The reverse applies in that no one can prove we aren't more effective. Demonstrating that an event has not occurred but would have occurred in the absence of a program is a difficult technical problem. Developing accurate measures and data collection procedures for assessing delinquent behavior is equally difficult, as is the task of isolating the effects of any social action programs from the many sources of variance. (Programs to Prevent Juvenile Delinquency, November 1976.) For us to take

the blame for the entire system's poor reporting and poor state of the art of evaluation techniques is definitely unfair. The risk of no treatment as well as the impossibility of achieving this seems to negate this as criticism. No judge, no school, no physician, etc., will ever refuse to be involved with a child just to find out if they turn out to be successful. To address the issue of no treatment at all would be a denial of a child's right to treatment as ruled by the U. S. Supreme Court. The commonly agreed upon treatment axiom is treatment which is provided in the most realistic and natural setting as well as being voluntary will have a greater chance of success at a lower cost. The agency's Impact Study did indicate that community treatment was successful. The Lieb Study, which cost \$50,000.00 has been sufficiently discredited and does not merit any further discussion. The General Assembly can have the knowledge that our programs are accepted and respected. We have demonstrated a reduction of over 18 percent (144 children) in our institutional population during fiscal year 1976-1977. (See Appendix G, Section 4.) Two of the State's Family Courts have stated that without the services of the Youth Bureaus, they would probably have had no alternative but to commit children to our correctional institutions. (See Appendix C, Letters of Support from Greenville and Spartanburg Counties.) Our program costs are (1) in line or less than similar programs, (2) serve children in a variety of settings that respond to individual and community needs, (3) refer to other agencies (over 2000 last fiscal year (See Appendix G, Section 4.), (4) are basically only a few years old (See Appendix C.), (5) have significantly influenced public knowledge of the plight of troubled children (See Appendix G, Section 6.), and (6) if not funded will result in a denial of needed services to children.

LAC COMMENT

As stated in the report, DYS has shown some success in deinstitutionalization but not in prevention as defined by Youth Bureau developers (e.g. Sherwood Norman). DYS' opinion as to the quality or validity of other evaluations is not necessarily shared by other authorities.

The Council recognizes that DYS reduced admissions to the training schools by 144 last year. However, it is questionable whether DYS needed to treat 2,909 children in its Youth Bureaus in order to accomplish this reduction. At least 62% of the children so treated were in no danger of institutionalization.

(p. 58) INSUFFICIENT EFFORTS TO DEVELOP AND MOBILIZE COMMUNITY RESOURCES: Again, the Council has projected its own interpretation of this agency's legislative mandate. It is not the Council's prerogative as they are not a judicial branch of government to interpret mandates, especially if they are being implemented in accordance to the agency's intent and with the approval of its Board. There is basic agreement with the Council on a lack of a total community comprehensive plan for the juvenile justice system. Our programs do focus mainly on service provision, local service coordination and influencing other local professionals because so many service needs were lacking. We have to remember that the present day awareness of problems of troubled children and services did not exist three years ago. Our legislative mandate does allow for direct services as well as planning and coordination. A state-wide comprehensive plan has been done, and we need improvement in this area. (See Appendix G, Section 3.) The Council's comment concerning agency referrals appears to be unfair since over 2,000 referrals have been made to other agencies. For example, if 16 of the 33 agencies received five or fewer referrals, then it should be said that other agencies received 1,920 referrals. Even so, if the 16 included small isolated programs, or programs that didn't traditionally serve troubled children, it would be a breakthrough. The documented efforts to develop and mobilize community resources are available in one of the appendices attached to this report, and we would ask the Council to carefully review this matter before stating that sufficient efforts have not been made. (See Appendix G, Section 1.) As administrators, we may never agree that any effort is sufficient, but great strides have been made to mobilize and coordinate community resources where Youth Bureaus exist. During fiscal years 1976 through 1977, the Youth Bureaus coordinated with other agencies in excess of over 400 community service projects for children. (See Appendix G, Section 1.) In addition, through the assistance of Alston Wilkes Society, 108 statewide active emergency foster placements were made and seven jail service committees were formed. (See Appendix G.)

(p. 60) YOUTH BUREAUS BRING MORE CHILDREN INTO THE SYSTEM: In order to clarify the concern by the Legislative Audit Council about the expanded population of DYS, an important issue must first be addressed. Is the fact that more children served by the South Carolina Department of Youth Services with the addition of the Youth Bureau good or bad? If the statement about bringing more children into the juvenile justice system by the Youth Bureau is left alone, it can lead to misunderstanding. If an agency role expands, generally its services and clients expand. Many troubled children and families who always needed and requested help are now beginning to receive such help. In fact, most of our clients are received on a voluntary basis. However, our role is closely intermingled with all parts of the juvenile justice system. (See Appendix B.) There is a contradiction to the Council's own assessment where they acknowledge that 38 percent of the children referred to Youth Bureaus, or 1,106, were referred to the Youth Bureaus after petitions have been taken and that all of the children could have been committed, but weren't. This is impact and does show effectiveness. The children not petitioned to the Family Court and referred to the Youth Bureau usually came on a voluntary basis in that they need help. (See Appendix G, Section 4.) We don't work with everyone who comes to the Court because not everyone requires our services. Over 10,000 children come to the courts each year and most aren't processed or referred. The fact that the institutional population has decreased over 18 percent and admissions to correctional facilities decreased by 144 over the past fiscal year and continues to show a decrease demonstrates a great impact in incarceration rates and that was not acknowledged in the study. The Council states that the DYS correctional institutional population has remained fairly stable over the past four years, fluctuating between approximately 750 to 850. This is indicated in their graph which reflects only average daily population and does not take into account the total number of commitments per year or releases per year. It can

only possibly indicate that children once committed to our correctional institutions are remaining longer. In order to receive an impact of community programs and their impact on correctional institutions, total commitments must be taken into account. To receive an adequate perspective of the Youth Bureau's impact upon the correctional institutions, one must review the figures below denoting a significant decrease in correctional institutional commitments. (See Appendix G, Section 4.)

Fiscal Year	Admissions
73-74	804
74-75	791
75-76	802
76-77	658

It was anticipated and projected by the agency that our Youth Bureaus would begin showing a significant impact on commitment rates during the fiscal year 1976-77. From all indications for this fiscal year 1977-78, there continues to be a further decline in commitments to our correctional institutions during the first five months. However, our sister agency (the adult Department of Corrections) has shown a tremendous increase in its correctional population.

LAC COMMENT

As stated above, a reduction in incarceration does not demonstrate a reduction in juvenile delinquency. If the General Assembly recognizes a reduction in institutional population as desirable then some effectiveness in that limited area has been shown. No contradiction exists because the Council questions the treatment of over 1800 children who were in no danger of being institutionalized.

(p. 65) NEED FOR MORE SPECIALIZED EDUCATION: With reference to the discussion on learning disabilities and the recommendation that teachers certified in special education and learning disabilities should be sought when vacancies develop, we have this comment. By law, the State Department of Education annually evaluates and sets

standards for the educational programs of the Department of Youth Services, and DYS is presently negotiating with the State Department of Education (as a singularly special school district) to develop staff training and staff certification to meet the tailored needs of the concepts and practices of learning disabilities and special education.

(p. 67) CHAPTER IV: The Council states, "DYS can, and should, take steps to improve its own performance, management, and accountability. On the other hand, there are areas of DYS effectiveness that cannot be controlled by that agency alone. The Council recognized, early in this audit, that services provided to children and youths in S. C. are fragmented among many State agencies with little general coordination to ensure that each and every client receives adequate and appropriate services." It would appear to us that this Council report is suggesting that we should have a single-service delivery system for children in S. C. in that they cite those that do. We have long sought this and think that this ought to be and it would follow the Council's objectives as suggested and that is (1) coordination of social services to youths and in most cases, adults, (2) centralize authority and responsibility for various social service needs and activities, (3) recognition of the myriad causes of behaviors defined as socially unacceptable, (4) recognition of the fact that simple solutions do not exist, and (5) concern for providing continuous and unified services. This is exactly the position that the South Carolina Department of Youth Services has taken and we are certainly in complete accordance with the last recommendation which says, "the General Assembly should study and evaluate the provision of social services in South Carolina to determine whether there is a need to restructure these systems, especially as they pertain to youth."

LAC COMMENT

The Council's recommendation is for a study of this situation. The Council has not recommended any single service delivery system under DYS administration.