



South Carolina Governor's Juvenile Justice Advisory Council

August 23, 2013

Governor Nikki R. Haley
Office of the Governor
1205 Pendleton Street
Columbia, SC 29201

Re: REPORT TO THE GOVERNOR

Dear Governor Haley:

The Juvenile Justice and Delinquency Prevention (JJDP) Act was passed by the United States Congress in 1974. It has been amended on several occasions and was reauthorized in 2002. The act has served as a major reform measure for juvenile justice in the United States and has redirected resources toward more innovative approaches to juvenile justice, emphasizing prevention and early intervention rather than simply focusing on the handling of juvenile delinquents.

The core principles of the Act seek to remove status offenders (runaways, violations of curfew, truants and incorrigibles, etc.) from secure facilities, separate juveniles from adult offenders in all placements, remove all juveniles from adult detention facilities, and reduce the disproportionate representation of minorities throughout the juvenile justice system. In each participating state, the JJDP Act requires the creation of an advisory group to inform the Governor and other elected officials of issues concerning juvenile justice and other related matters.

The advisory groups in each state and territory assist and guide elected officials in addressing juvenile related issues. The Coalition for Juvenile Justice (CJJ) gathers together the state advisory groups in a national cooperative effort to exchange knowledge, innovations and data, develop consensus for national juvenile justice policy, and promote advocacy for youth in the juvenile justice system.

In South Carolina, the Governor's Juvenile Justice Advisory Council (GJJAC) consists of volunteer private citizens with an abiding interest and training in children's issues as well representatives from state and local governmental agencies involved in juvenile justice and delinquency prevention. Created by South Carolina statute (Section 23-4-210) in 1975, the GJJAC is charged with the responsibility of advising policy makers on the state level about the needs of children and the juvenile justice system.

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The GJJAC works toward the welfare of all youth, supports community efforts to build safe communities, recommends improvements in juvenile justice services, and offers technical assistance to state and local agencies in the planning and implementing of programs to improve the juvenile justice system. The GJJAC believes that keeping children out of the juvenile justice system through delinquency prevention and early intervention programs is critical to improving both the juvenile justice system and the quality of life for all of South Carolina's citizens.

The GJJAC also supports Balanced and Restorative Justice. This concept incorporates concern for public safety, accountability of the offenders to the victim(s) and the community, and the need to build skills in the juvenile offender. The location where this should take place and the severity of the sanctions depend upon the severity of the crime and the risk to the community of having this juvenile in the community while restoration is taking place. This strategy recognizes the importance of early intervention as a component of both prevention and graduated sanctions and the need to increase alternatives to detention, improve youth education, and increase employment opportunities.

The GJJAC has been actively involved in keeping youth charged with non-criminal misbehavior from being detained with violent juvenile offenders, and has proposed a variety of successful programs (through grant programs), which hold juvenile offenders accountable for their behavior.

GJJAC members strive to increase the effectiveness of the Council by delivering information on proven programs, policies, practices and educating state and local policy makers on juvenile justice issues. The committee feels it should increase public awareness of prominent issues in juvenile justice through communications and publications as well as developing and implementing innovative strategies to prevent and reduce delinquency.

The Juvenile Justice and Delinquency Prevention Act requires compliance with the following federal core principles:

- a. That status offenders (juveniles who commit acts which would not be offenses if committed by adults, i.e. runaways, truants, violations of curfew) shall not be placed in secure detention facilities or secure correctional facilities;
- b. That neither juveniles alleged to be or found to be delinquent, nor status offenders, shall be detained or confined in any institution in which they have contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges (sight and sound separation);
- c. That juveniles not be detained or confined in any jail or lockup for adults for a period not to exceed six hours for processing or release, while awaiting transfer to a juvenile facility, or in which period such juveniles make a court appearance, and only if such juveniles do not have contact with adult inmates; and

- d. That disproportionate representation of minority children in the juvenile justice system be addressed in juvenile detention facilities, secure correctional facilities, adult detention correctional facilities, and any other staff secured programs. Effective October 1, 2003, this core principle changed to Disproportionate Minority Contact (DMC) and states will be required to assess DMC in all phases of the juvenile justice system.

In 1996, the state enacted legislation that would allow secure confinement of status offenders, status contemnors and status probation violators to be committed to the custody of the Department of Juvenile Justice (DJJ) or to a secure evaluation center operated by DJJ for a determinate period not to exceed ninety days. The State of South Carolina has lost federal funding for the past two consecutive years and will continue to do so unless status offenders can be removed from secure facilities. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) withholds 20 percent of the annual Formula Grant award for non-compliance with this core requirement.

Efforts to deinstitutionalize status offenders are being made by the Department of Juvenile Justice and include implementing nonsecure alternative programs throughout the state and providing a risk and needs assessment instrument to judges, solicitors, public defenders, and DJJ staff for use at the pre-adjudicatory detention, intake disposition, and commitment stages of the juvenile justice system.

South Carolina has achieved full compliance with the site and sound separation requirements of Section 223(a)(12) of the JJDP Act, and assures that adequate plans and resources are available to maintain full compliance. South Carolina further assures that offenders are not reclassified administratively and transferred to a correctional authority to avoid the intent of segregating adults and juveniles in correctional facilities. Separation of juveniles from adult offenders is a matter not only of state law, but is included in the South Carolina Constitution.

Currently, South Carolina is out of compliance with the Jail and Lockup Removal requirement of Section 223(a)(13) of the JJDP Act. South Carolina's jail removal de minimis rate of 83.00 is well above the minimum acceptable rate of 9 per 100,000. South Carolina has developed a Jail Removal issue due to increasing population densities and the certification of facilities as 48-hour secure juvenile holdovers with violations occurring in a single county, Greenville. The OJJDP withholds 20 percent of the annual Formula Grant award for non-compliance with this core requirement. Greenville County has announced its intention to open a fully-certified juvenile detention facility in an available stand-alone building on its public safety campus. Establishment of this new center would include the closure of the existing non-compliant juvenile holdover facility which is adjoined to the adult detention complex. A grant was awarded to Greenville County to purchase equipment for the Juvenile Detention Facility once it is completed. The start date for this award was October 1, 2012. The South Carolina Department of Public Safety, Office of Highway Safety and Justice Programs (OHSJP) staff monitored the Greenville County Detention Center in December 2012 and again April 2013 to verify the renovation process taking place for the juvenile detention facility. It is estimated that the facility will open during the fall of 2013. Once established, this initiative would

bring the state back into compliance with this core requirement of the JJDP Act.

South Carolina has completed Phases I (Identification) and II (Assessment) of the DMC plan as required by the JJDP Act and Regulation and is in full compliance with this principle. Efforts continue in Phases III (Intervention), IV (Evaluation), and V (Monitoring). Although there is no state law that specifically addresses this core principle, legislation passed in the summer of 2006 requires law enforcement agencies to electronically report data to the South Carolina Department of Public Safety (SCDPS) including race, age, and gender for each traffic stop. These data will enable the state to track and assess any degree of disproportionality at the contact phase and to better comply with federal reporting requirements.

DMC is defined as a *rate* of contact with the juvenile justice system among juveniles of a specific minority group that is significantly different than the *rate* of contact for Whites (i.e., non-Hispanic Caucasians) or for other minority groups. The Relative Rate Index (RRI) is the tool used to measure DMC and involves comparing the relative volume (rate) of activity for each major stage of the juvenile justice system for minority youth with the volume of that activity for White (majority) youth. This method of comparison provides a single index number which indicates the extent to which the volume of that form of contact or activity is different for minority youth from that of white youth. If the number is 1.0, there is no disproportionality. A number greater than one indicates that a minority group is represented more often than Whites at that stage of the juvenile justice system, while a number below 1.0 indicates the minority group is less frequently represented.

A portion of JJDP funds allocated to the states by the federal Office of Juvenile Justice and Delinquency Prevention is used to provide administrative support, compliance monitoring and program grant administration for the State Advisory Groups. In South Carolina, this support is provided by the South Carolina Department of Public Safety, Office of Highway Safety and Justice Programs.

The GJJAC also recommends juvenile justice grant applications to the South Carolina Public Safety Coordinating Council for award or denial. In FFY 2012 the GJJAC recommended and received approval for several grant projects utilizing OJJDP funds. Projects using Title II Formula funds were awarded to Greenville County to procure equipment for the juvenile detention facility that will open Fall 2013, DJJ for a detention expeditor in Greenville County, and the South Carolina Department of Mental Health to prevent Horry County youth with severe emotional disturbances who are charged with non-violent offenses from being detained at the detention center. Projects using Juvenile Accountability Block Grant funds were awarded to the City of Spartanburg for a graduated sanctions program for youth, Richland County for a status offender intervention project, the Midland's Community Development Corporation for a graduated response intervention to keep Richland County juveniles under DJJ's supervision from further penetrating the juvenile justice system, the University of South Carolina's Children's Law Center for a Multi-Agency Team project to improve the effectiveness of services to youth involved in the juvenile justice system and to reduce

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recidivism, and DJJ to assist with the development of a fourth generation risk and needs assessment to replace the second generation tool currently in use.

I would like to thank you for your continued support of the Council and the work we do. If you ever have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Claire Nettles". The signature is written in black ink and is positioned above the typed name and title.

Claire Nettles, Chair
South Carolina Governor's Juvenile Justice Advisory Council