

South Carolina Department of Juvenile Justice Response to “SCDJJ Broad River Campus: Final Report” by Chinn Planning Inc.

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Introduction

As the federal class action lawsuit against SCDJJ drew to a conclusion in 2003, the agency Director indicated to the former Plaintiff’s Counsel, the Guardian Ad Litem, and South Carolina Protection and Advocacy his intent after two years to engage an outside consultant for the purpose of reviewing conditions within agency facilities. Part of the purpose of this review is to confirm for these parties the maintenance of constitutional population levels and living conditions, and to document continuing progress in primary areas of concern during the litigation such as staffing, medical services, classification, and access to treatment. This voluntary action on the part of the SCDJJ administration reflected its commitment to an open and publicly accountable juvenile justice system in South Carolina. Early in 2005 Chinn Planning, Inc. initiated the review. The consultant issued her final report in July 2005. In the following document SCDJJ responds to the recommendations and conclusions of the final report.

Report Recommendations and SCDJJ Responses

In general the final report on conditions within Broad River Road Complex was positive, amply documenting the maintenance of constitutional population levels and living conditions and acknowledging many improvements in SCDJJ facilities since the conclusion of the lawsuit. The following addresses the agency’s response to individual recommendations within the report. The format will be to quote each of the recommendations as to future enhancements from the final report by section title and page number, and offer the SCDJJ response to that recommendation.

Section II. Progress to Date

B., Page 7. Improvements in Access to Programs and Treatment for Committed Female Offenders:

Further enhancements to programming and services for girls should include expansion of educational programs (Community in Schools), outdoor recreation programs, transition housing, life and dietary skill development, and career and vocational programs.

SCDJJ Response:

SCDJJ made a strong commitment, after returning its female incarcerated population to the Broad River Road Complex, to improving not only their physical conditions of

confinement but also to achieving excellence in educational and treatment programs for females. This major endeavor will not occur overnight, but the Department is aggressively forging a process to oversee and facilitate major improvements in the area of female gender-responsive programming:

- SCDJJ received funding from the General Assembly for **fiscal year 2005-2006** to develop behavioral management and treatment programs for females in the Broad River Road Complex.
- SCDJJ secured federal funding to build a transitional housing unit where females nearing their release to the community will be able to practice independent living skills in a home-like setting; design work is complete, and the structure should be ready for occupancy by **2006**.
- SCDJJ recently established a working committee within the context of the DJJ/Clemson Steering Committee to oversee the strengthening of treatment, education, recreational, health, and vocational programming for females in the Broad River Road Complex.
- SCDJJ's Office of Policy and Planning has researched best practice programming for juvenile female offenders across the country and arranged site visits for key staff members to directly observe these programs then apply the same principles in South Carolina.
- Specific DJJ staff members also have been targeted to receive OJJDP-sponsored training in gender responsive services in **2005**.

With these processes in place SCDJJ anticipates major improvements in the area of gender responsive programming for females.

C., Pages 7 and 8. Improvements in the Admissions Processing of Newly Committed Juvenile Offenders:

Recent increases in the average daily population in the Evaluation Centers underscores the importance of keeping the admissions processing time to a minimum as well as reducing length of stay for evaluation purpose.

Further reduction in processing time, as well as expansion of community-based evaluations, will be required in order to reduce population levels at the Evaluation Centers.

SCDJJ Response:

SCDJJ is employing a three-pronged approach to reducing population levels in its evaluation centers, which are subject to seasonal surges. The first step has been a highly successful effort, as recognized in the Chinn Final Report, to reduce the length of stay for finally committed youth undergoing admissions processing. The other population served in these centers, which comprises a larger portion of the average daily population, consists of juveniles temporarily committed for predispositional evaluations. A reduction in the amount of time it now takes for court-ordered evaluations would necessitate the

addition of clinical staff member who perform the interviews, testing, and observations required to complete the evaluation document for the court. A shorter length of stay for evaluation would in turn reduce the average daily population, as long as admissions remain constant or are reduced. Alternatively, the availability and use of non-residential community evaluations is a factor that can help to control/reduce admissions to the evaluation centers. DJJ is working to promote its community evaluation services, where juveniles undergo an equivalent (or superior) evaluation process while remaining at home. Such evaluations are especially desirable for lower risk offenders for whom public safety is not an issue. A goal of DJJ's strategic plan is to perform 40 percent of all court ordered predispositional evaluations in the community. In fiscal year 2004-2005 a record number of community evaluations were performed (876), accounting for 29 percent of all court-ordered evaluations.

The three-pronged approach of reducing length of time spent in evaluation centers for admissions processing, reducing length of stay for residential evaluation, and increasing the proportion of court-ordered predispositional evaluations that are performed in the community should be effective in controlling population levels in SCDJJ's regional evaluation centers. This assumes relatively stable trends in temporary and final commitments of juveniles by the family courts.

D. Pages 8 and 9. Maintenance of Constitutional Population Levels in the Broad River Road Complex:

Replacement of housing units is paramount to improving the living conditions and behavior management programming for youth at the BRR Campus.

Also referenced in Section III (Immediate Future) on page 14:

With the exception of the four housing units that were renovated in 2004, all of the housing units at the BRR Campus need to be replaced. This will have a major impact on improving living conditions for youth committed to state custody.

SCDJJ Response:

SCDJJ concurs that replacement housing is a critical issue within the Broad River Complex with broad implications for juvenile and staff safety, and the ability to fully implement an effective behavior management system. Replacement housing is at the core of SCDJJ's permanent improvement planning process. During the last legislative session SCDJJ was successful in securing funding to build one prototype dormitory unit for males, and one transitional housing unit for females. The transition housing unit has been designed and should ready for occupancy by late fall **2006**. A bidding process for design and construction of the prototype dormitory will be initiated this fall, and the Agency should break ground on this new unit in late spring or summer **2006**. The new unit will serve as the model for an orderly replacement process wherein SCDJJ will request funding for 2 new dormitories annually over an approximately 6-year period until the necessary construction is completed.

E., Pages 9 - 12. Improvements to Safety, Activity Levels, Behavior Management, and Living Conditions in the Broad River Road Complex:

Staffing Levels (Pages 9-11):

With funding from the General Assembly for additional Juvenile Correctional Officers, SCDJJ should strive to achieve the recommended levels shown in Table 3. Further funding for additional JCO's will be required to fully implement the staffing ratios shown in Table 3.

With the addition of new JCO's, the SCDJJ should assign staff to consistently work at the same institution at the BRR Campus.

SCDJJ Response:

Table 3 of the Chinn Planning report (page 10) provides an ideal staffing pattern for a 40-bed dormitory of 4 JCO's on first shift, 4 on second shift, and 3 on third shift. Through funding granted for **fiscal year 05-06**, SCDJJ will be able to implement a pattern of 3 JCO's on first shift, 4 on second shift per the recommendation, and 2 on third shift, with these staff being dedicated or assigned to a dormitory within a facility. During normal working hours these JCO staff are supplemented by 2 social workers whose offices are within the dormitories and 1 psychologist for every 50 juvenile residents. Additionally, a sergeant position has been dedicated to each dormitory for continuity of oversight and leadership of the JCO team. The additional staff needed to implement this improved pattern are now being hired and trained, a process that should be completed by **January 2006**. Consistency in the assignment of officers to individual facilities and dormitories will improve officers' knowledge of the individual juveniles under their care, their ability to manage behavior and their reinforcement of the privileges/sanctions of a robust levels system.

Staff Training and Development (pages 11-12):

Training should be refocused and enhanced for JCO's at the BRR Campus. This is critically important in light of the number of new staff that will be hired next year. Specific training related to risks, needs and profile characteristics of the population housed in the BRR Campus should be developed.

Improved training should focus on the mental health and related treatment needs of the population. Cross training of treatment and custody staff should be enhanced.

SCDJJ Response:

SCDJJ concurs that staff development and training is a key area requiring re-focus and improvement across the agency. In May 2005, the Director announced an increased

emphasis on training **for fiscal year 2006**. In response to this, and in order to coordinate training needs with the agency's increased emphasis on Community Services, the Deputy Director for Administrative Services formed an interdisciplinary task group co-chaired by the Staff Development and Training Administrator and the Administrative Manager of the Community Services Division. The task group also includes high-level representation from Educational Services Division, Rehabilitative Services Division (BRRC), the Office of Policy and Planning, and the Office of the Inspector General, among others. This task group will coordinate their findings and recommendations with ongoing discussions regarding enhanced JCO training within the Facilities Standards Workgroup, a standing committee of the agency that meets monthly.

An initial customer satisfaction survey currently in progress should focus the discussions on training needs over a cross section of agency staff and allow some early planning and implementation. There is an early commitment by the Executive Management Team to provide enhanced resources in the areas of training and career development. Some of the improvements listed in the Chinn report on the Broad River Road Complex are already well developed and very near implementation. These include career development paths for security staff and use of internal experts as adjunct trainers to broaden security staff's understanding of the treatment needs and behavioral patterns of some of the agency's more troubled and difficult to manage youth.

SCDJJ also will seek outside expertise to introduce training curriculums that more thoroughly address the mental health needs of juvenile offenders, gender-responsive programming and other key topics for the DJJ population. These external expert training resources had been greatly restricted during recent years of declining budgets. External resources will be secured through grants, appropriated funds, and agency partnerships with the higher education community. A recent example was a one-day training session on post-traumatic stress disorder in juvenile offender populations provided to a cross section of more than 100 DJJ employees by experts from the Department of Mental Health.

As it is able, SCDJJ will continue the process of enabling key clinical, education, and security staff to make site visits to states and jurisdictions that have achieved "best practice" status in key areas such as gender responsive programming and robust levels systems of behavior management. These highly structured visits empower staff through the observation of effective programs in action and the collection of written materials, policies and procedures, or curriculums that can be introduced as is or modified to fit South Carolina's juvenile justice system.

Level System (page 12):

Full implementation of a level system will require increases in staffing, dedicated staffing assignments, and replacement of the living units on the campus. The Department is aware of the need to increase staff and provide consistent staffing

patterns within each institution. Once this is accomplished, the level system that is now in place can be fully implemented.

DJJ Response:

As indicated in the Chinn Report DJJ's advances in hiring additional staff, a process that is underway, will support an effective levels system by allowing staff to be dedicated or assigned to specific facilities and living units within facilities. JCO staff will then be supervising and observing the same juveniles each day with the result that a behavior-based system of privileges and sanctions can be applied with consistency and fairness. This system will be enhanced as DJJ is able to modernize its physical plant to create safe, visible, and self-contained living spaces for the offender population that can be subdivided into pods for management purposes.

F. Improvements in Treatment Services and Programming (page 12):

Other improvements that are needed to enhance treatment programming include:

- *Development of high management residential capacity*
- *Redefining youth profile and treatment program at the Youth Development Camp*
- *Strengthening the level system of behavior management*
- *Cross training of custody and treatment staff*
- *Training for JCO's on behavioral characteristics and processing capabilities of youth*

SCDJJ Response:

SCDJJ continuously reassesses the need for residential capacity of various kinds depending upon the characteristics of its commitment population. The agency concurs that high management beds for males in a staff secure setting are needed.

SCDJJ is working to refine the youth profile for the committed population served at the Youth Development Center in the wake of decreases on status offender commitments. The program continues to serve minor criminal offenders, contemnors, and probation violators who are committed to DJJ on sentences of up to 90 days. The Youth Learning Institute at Clemson University, which operates the program, and SCDJJ also are exploring the possibility of adding a day treatment component for surrounding counties that could be used in lieu of commitment to SCDJJ by the family court judges. SCDJJ and Clemson also are examining the possibility of expanding the target population for the residential Youth Development Program to include appropriate indeterminately sentenced juveniles with parole guidelines.

Staff development and levels system recommendations have been addressed previously in this response (see pages 4-5).

G. Improvements with the DJJ School District (pages 12-13):

As the Department continues to divert low-level offenders and the short-term sentenced population from the Broad River Road Campus, youth housed at the BRR Campus could benefit from continued expansion of vocational and career programs.

As more youth are placed in community based programs, the Department may want to consider directing and/or coordinating the educational service component with contract providers. In addition, implementation of the “No Child Left Behind” legislation in 2006 will result in increased accountability and costs associated with providing educational services to youth committed to SCDJJ custody.

SCDJJ Response:

Vocational and career programs for youth housed within the Broad River Road Complex are areas that were identified for improvement in **2004-2005**. The SCDJJ school district’s Apprenticeship and Resource Development Program Coordinator has negotiated agreements with private companies in the Columbia area to interview GED graduates for positions either as a work release or post-release option. The types of positions and apprenticeships available as a result of these private sector partnerships include auto technician, granite and marble countertop fabricator, rough carpenter for house construction, welder, diesel and heavy equipment mechanic, and industrial maintenance technician. Other companies are supporting the products of SCDJJ’s internal youth industries program, including, for example, the purchase of wooden bathtub covers manufactured within the Broad River Road Complex for use in new home construction. The donation of a greenhouse to the Willow Lane School by a local Rotary Club will allow the horticulture program for females to expand its operation. Internally, SCDJJ recently trained its dormitory supervisors on the facility work program, and trained juveniles to work in Youth Industries production and carpentry. The carpentry trainees are earning certification from the National Center for Construction Education and Research. Vocational and career programs will continue to receive emphasis as a means of improving the employability of youth returning to their home communities from the Broad River Road Complex.

SCDJJ is utilizing its own school district infrastructure to monitor the quality of education programs offered by its contractual providers in key areas such as teacher certification and curriculum offerings. As this process continues the agency will weigh its options, including more direct oversight and supervision, if necessitated by circumstances or new requirements such as those included in the federal “No Child Left Behind” legislation. There will be a need to balance the independence of private providers in selecting their own staff and integrating education into their overall treatment approach with the need for SCDJJ students to receive an education that meets all basic state and federal requirements.

H. Improvements to Health Services (page 13):

The plan for future improvements to the BRR Campus developed by the Department calls for renovation and expansion of the infirmary. On-site dental services should be incorporated into the expansion of the infirmary.

SCDJJ Response:

In fiscal year 2002-2003 SCDJJ and the South Carolina Department of Corrections, with the encouragement of the Governor's Office negotiated an agreement to share dental services. As a result juveniles needing dental services are transported under supervision to a modern clinical site located on DOC grounds, which are immediately adjacent to the Broad River Road Complex. This arrangement has improved residents' access to quality dental care, including specialists, while at the same time reducing the overall cost. In view of pressing housing and other needs the Department believes it would be better served to continue this strategic arrangement with the Department of Corrections than to spend nearly one-half million dollars on part time in-house dental care for its residents.

Section III, Pages 13-14, The Immediate Future:

Further, in order to fulfill the vision of providing services to youth and families that are least restrictive, the Department must continue to expand programs and services that are community-based. For youth that do require institutional placement, programs and facilities must be expanded and improved in order to deliver services that meet the high levels of treatment and behavior management requirements.

SCDJJ Response:

Understanding that component parts of the juvenile justice system are interactive, and that these interactions impact its overall effectiveness, SCDJJ has embarked on a mission to rethink and expand its front-end and community based programs even as it has worked to maintain constitutional conditions and upgrade programmatic offerings in facilities. Indeed, the next major focus of resource development in **fiscal year 2006-2007** will be probation and parole, statuses that affect 5,000 or more juveniles on any given day of the year. The agency will endeavor to improve community protection and reduce recidivism over time by reducing caseloads, establishing an intensive supervision capacity for the highest risk youth, and adding enhancements ranging from electronic surveillance to day reporting and the expansion of after-school/summer employment programs. Established partnerships including Clemson University, local Workforce Investment Boards, and a host of faith-based organizations will be instrumental in making this vision a reality.

SCDJJ also is working closely with the Children's Law Office of the University of South Carolina and grant administrators and monitors within the South Carolina Department of Public Safety on the complex issue of detention reform. Pilot sites in two judicial circuits are being selected as areas to introduce risk-based admission criteria into the detention

decision-making process and to develop a continuum of home- and community-based detention alternatives for lower risk offenders.

Concluding Remarks

SCDJJ commissioned this external review of conditions within its facilities voluntarily to underscore its commitment to a public and open process of reform and capacity building within the state's juvenile justice system. While the Chinn report chronicles many of SCDJJ's accomplishments since the conclusion of the lawsuit, the agency recognizes that it is only at the beginning of a long journey to improve our state's juvenile justice system. The conditions that prompted class action litigation in 1990 evolved over generations of neglect, and are not correctable within a two-year time frame. As the report noted in its conclusion, completion of this journey will require "a continuation of strong leadership within the Department, community support, and sustained funding over a multi-year period" in order to fully implement a sound plan for future development." This journey has only begun.