

## **Governor's Juvenile Justice Advisory Council 2018 Annual Report**

The Juvenile Justice and Delinquency Prevention (JJDP) Act was passed by the United States Congress in 1974. It has been amended on several occasions, was reauthorized in 2002, and just recently reauthorized in December 2018. 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 JJDP Act has strict requirements for the membership of the state advisory group.

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.

Created by South Carolina statute (Section 23-4-210) in 1975, the South Carolina Governor's Juvenile Justice Advisory Council (GJJAC) is charged with the responsibility of advising policy makers on the state level about the needs of children and the juvenile justice system. The GJJAC consists of volunteer private citizens with an abiding interest and training in children's issues, representatives from state and local governmental agencies involved in juvenile justice and delinquency prevention, as well as system-involved youth and young adults. *System-Involved Youth* are defined by the JJDP Act as members under age twenty-eight who have been or are currently under the jurisdiction of the juvenile justice system. This year, with the assistance of the Governor's Office, the GJJAC has achieved compliance with this membership requirement, and is confident that the requirement will not become problematic again in the near future. States with advisory groups that are found to be out of compliance with membership requirements are ineligible to receive Federal Funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

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 continues to support 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. This strategy recognizes the importance of early intervention as a component of both prevention and graduated sanctions, 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 and practices, and educating state and local policy makers on juvenile justice issues. The Council increases 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 JJDP Act as reauthorized in 2002 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.

For FFY 2018, South Carolina was found in compliance with all four core requirements of the JJDP Act as determined by FFY 2017 data. As a result, South Carolina received 100% of its FFY 2018 Formula Grant award. Changes in the 2018 reauthorization of the JJDP Act will affect the above core principles, and other areas of the Act that will impact the juvenile justice system in South Carolina beginning in FFY 2019. The GJJAC will be vigilant in obtaining a complete explanation of the changes to the Act, and how they will affect South Carolina, from the OJJDP. The GJJAC anticipates updating the State Three Year Plan, submitted to the OJJDP, and making additional recommendations for system improvement as information is disseminated to the states from the OJJDP.

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. Efforts to deinstitutionalize status offenders have been and continue to be made by the South Carolina Department of Juvenile Justice and include implementing non-secure alternative programs throughout the state and providing a risk and needs assessment instrument to judges, solicitors, public defenders, and SCDJJ staff for use at the pre-adjudicatory detention, intake disposition, and commitment stages of the juvenile justice system. In FFY 2018 South Carolina was deemed as in compliance with Section 223 (a)(11) of the JJDP Act (the “deinstitutionalization of status offenders” or “DSO” requirement).

South Carolina has achieved full compliance with the sight and sound separation requirement of Section 223(a)(12) of the JJDP Act for FFY 2018, 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.

For FFY 2018, South Carolina is in compliance with the Jail and Lockup Removal requirement of Section 223(a)(13) of the JJDP Act. As of September 30, 2013, the Greenville County Juvenile Detention Center, which used juvenile justice grant funding for equipment purchases during renovation, began its official operation of detaining juveniles. All juveniles, juvenile files, and juvenile officers have been removed from the Greenville County Adult Detention Center. The Compliance Monitor completed a site monitoring visit on August 4, 2016, and determined that the facility was in compliance. South Carolina has no jail removal violations and remains in compliance with this core requirement.

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 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 non-arrest or non-citation traffic stop. South Carolina received technical assistance for the Effective Police Interactions with Youth training. In June 2015, SC Law Enforcement Officers from across the State participated in the training. In August 2015, training officers participated in Training-of-Trainers for the Effective Police Interactions with Youth training. In 2016 SCDJJ hired a part-time DMC Coordinator. Additionally, the DMC committee of the GJJAC was reenergized and now meets on a regular basis. In the fall of 2018, with assistance from the South Carolina Department of Public Safety (SCDPS), the DMC committee completed a revision of the DMC informational brochure, and four members of the committee attended the CJJ DMC National Training Conference. This committee reports its ongoing efforts to the full GJJAC which continues to look for viable solutions to address the DMC issue in South Carolina.

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 2018 the GJJAC recommended and received approval to fund five Title II Formula grant applications. Three projects were awarded to state agencies (SCDJJ, and the University of South Carolina received two awards), one to the Fifteenth Circuit Solicitor's Office, and one to the Eleventh Circuit Solicitor's Office. The 2018 Title II Formula projects address the deinstitutionalization of status offenders (DSO core requirement), alternatives to detention, DMC, and the Prison Rape Elimination Act.