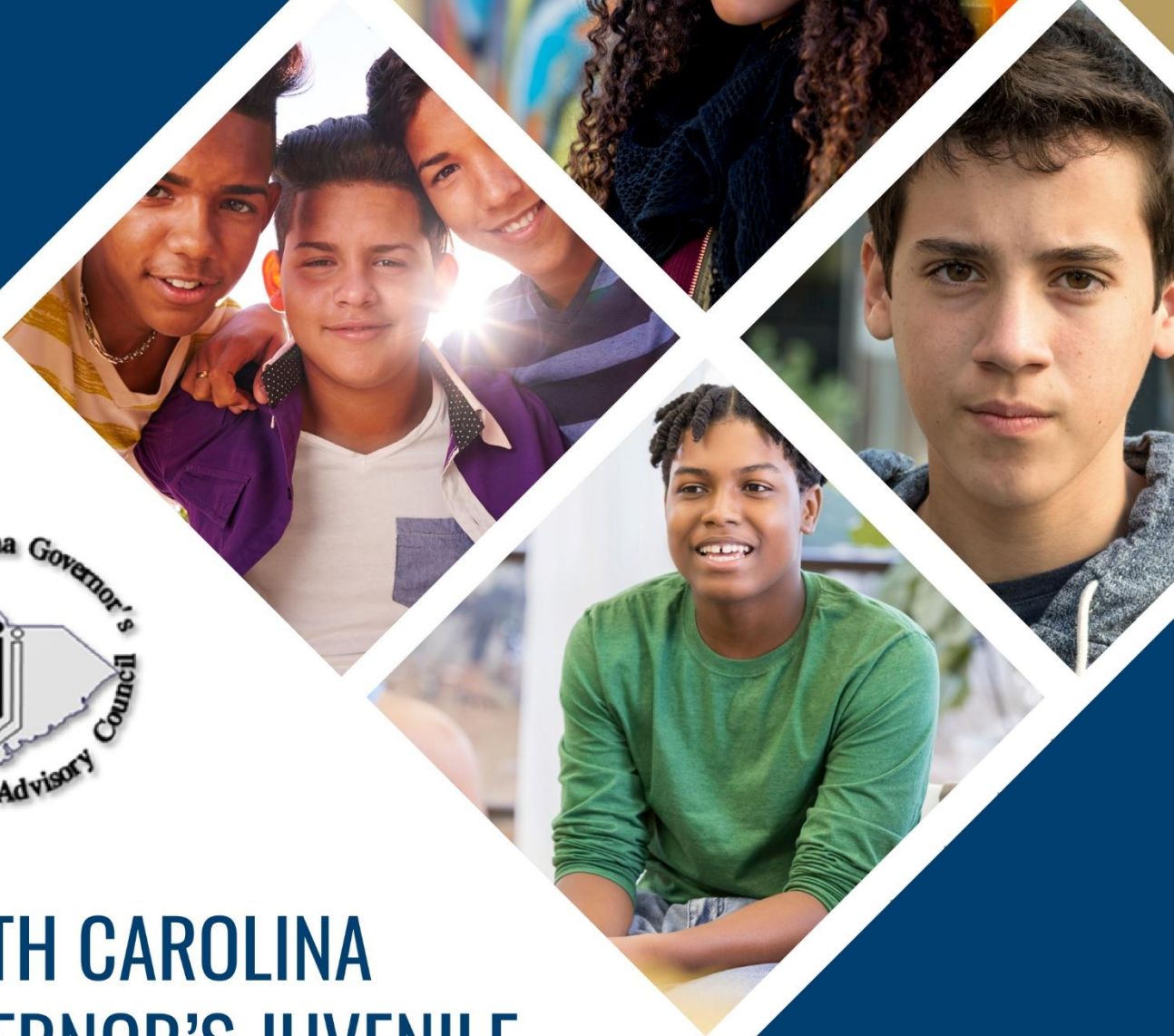


2022-2023
BIENNIAL REPORT



**SOUTH CAROLINA
GOVERNOR'S JUVENILE
JUSTICE ADVISORY COUNCIL
(GJJAC)**



scdps.sc.gov/ohsjp/jjgp/gjjacs

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INTRODUCTION

This report is a summary of the activities conducted by the South Carolina Governor’s Juvenile Justice Advisory Council (2022-2023) in support of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. § 11101 *et seq.*, as amended), last reauthorized by Congress as the Juvenile Justice Reform Act of 2018. Our report responds to the Act’s requirement that the Council submit recommendations to the Governor and the General Assembly regarding the state’s progress toward the goals of the Act and compliance with its core requirements. The information on programs funded represents the FFY 2022 (October 1, 2021 - September 30, 2022) and the FFY 2023 (October 1, 2022 - September 30, 2023) grant cycles.

Special thanks to Council members, staff, and all others involved, who continue to work together to help improve South Carolina’s Juvenile Justice System.

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LETTER FROM THE CHAIR

April 10, 2024

The Honorable Henry McMaster
Governor
South Carolina State House
1100 Gervais Street
Columbia, SC 29201

Dear Governor McMaster,

As Chair of your Juvenile Justice Advisory Council, it is a pleasure to present to you the Council's BI-Annual Report. This letter serves as a general introduction to specific information about your Council, recommendations from the GJJAC, and an introduction to a new Three-Year Plan that will be submitted later in 2024.

A portion of the work of the GJJAC has been devoted to review and reorganization. Since the previous report from this Council, a new director of the juvenile justice system has been appointed and there have been changes in other child and family-serving agencies that impact the work of the council. GJJAC has been assigned new staffing and a different Chair. Covid slowed the progress and effectiveness of the council's work. Reorganizational efforts have included a three-day planning retreat, changes in committee assignments, calendar developments, goal setting, and adjusting the focus of the GJJAC.

South Carolina continues to make positive strides in the area of child and family well-being. The directors of the Department of Juvenile Justice, social services, child advocacy, and representatives from mental health are working in concert as it becomes clearer that working in silos is less effective than working together. Fresh energy and teamwork among our state child-serving agency heads have been highly visible.

The Council has been supportive and encouraging in the movement of South Carolina away from a punitive juvenile justice system and toward a rehabilitative system. One of the Council's efforts has been to support educational efforts that highlight information that demonstrates systems based on rehabilitation are significantly more successful in the long run than systems that are punishment-based. A portion of a continuing need is to demonstrate to the general public that public safety does not need to be compromised in a rehabilitative system.

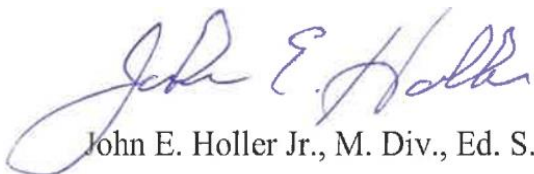
There is positive news in the fact that the move toward early intervention in juvenile justice, as well as in other child and youth-serving arenas, is increasing rapidly. The realization that the cost, both financially and socially, is much less with early intervention methodology than there is with devoting funds primarily to remediation.

The GJJAC is charged with assisting South Carolina to comply with four “Core Requirements”. South Carolina meets the minimum standards for three of the four “Core Requirements”. These requirements are Racial and Ethnic Disparities, Adult Jail and Lock-up Removal, and Sight and Sound Separation. The fourth requirement, Deinstitutionalization of Status Offenses, has not yet been met. It is important to not only meet these minimum standards but to exceed them. Part of the solution is to discover what is behind the statistical data related to the “Core Protections”. Many factors may influence “Core Protections” outcomes data such as economics, educational and employment opportunities, family structure, racial prejudice and stereotypes, regional and county facilities and resources. Listed above are a few of the elements that can affect “Core Protection” data and positive outcomes for individuals who interact or potentially interact with child and family service systems.

Statistical and antidotal data continue to demonstrate that emotional health plays a significant role in both problematic behavior and with successful interventions. It is imperative that South Carolina continues to develop a robust mental health system that is accessible to all residents in our state in order for significant progress to be made to reduce the number of clients who interact with the Department of Juvenile Justice as well as the Department of Social Services. The Council continues to encourage early intervention models, and effective treatment options through state and community organizations that promote emotional well-being.

It is an honor to serve as Chair of a group of dedicated individuals who give freely of their time and intellect in order to make life better for others who may be experiencing difficult times. The challenges are great, yet the resources we have in South Carolina are greater.

Sincerely,

A handwritten signature in blue ink that reads "John E. Holler Jr." in a cursive script.

John E. Holler Jr., M. Div., Ed. S.

Chair, GJJAC

JUVENILE JUSTICE AND DELINQUENCY PREVENTION (JJDP) ACT

The United States Congress passed the Juvenile Justice and Delinquency Prevention Act in 1974. Since its inception, the Act has been the subject of several amendments and reauthorizations over the years. The most recent reauthorization occurred after bipartisan legislation in 2018, which created the Juvenile Justice Reform Act of 2018, 34 U.S.C. § 11101 *et seq.*, as amended. The Act serves as a major juvenile justice reform measure in the United States and directs resources toward innovative approaches emphasizing prevention and early intervention rather than detention of juvenile delinquents. The four core requirements of the Act are the deinstitutionalization of status offenders (known by its acronym DSO), removal of youth from adult jails and lock-ups (Jail Removal), separation of youth in detention from adults by sight and sound (Separation), and reduction of racial and ethnic disparities in the juvenile justice system (R/ED).

The Juvenile Justice and Delinquency Prevention Act provides for:

- A nationwide juvenile justice planning and advisory system spanning all states, territories, and the District of Columbia;
- Federal funding for delinquency prevention and improvements in state and local juvenile justice programs and practices; and
- The operation of a federal agency, the Office of Juvenile Justice and Delinquency Prevention, or OJJDP, which is dedicated to training, technical assistance, model programs, and research and evaluation, to support state and local efforts.

The core requirements of the Act seek to:

- (1) Avoid the secure detention or incarceration of status offenders (youth who commit or are alleged to have committed offenses that would not be criminal if they were adults, such as running away from home, truancy, incorrigible behavior, or violations of curfew)
- (2) Separate juveniles from adult offenders in all placements, whether being treated as juveniles or as adults if transferred to the criminal courts
- (3) Remove all juveniles from adult detention facilities
- (4) Reduce or eliminate disparities in the juvenile justice system for racial and ethnic minorities.

To be eligible for grant funding under the Juvenile Justice Reform Act, South Carolina must establish and maintain an effective system of monitoring and compliance with each of the four core requirements of the Act. The Formula Grant Program under the Act is authorized pursuant to Title II, Part B, Section 222 of the JJDP Act (34 U.S.C. §§ 11131–11133), amended by the Juvenile Justice Reform Act (JJRA), *Public Law No. 115-385*, signed into law on December 21, 2018.

The new Act maintains the requirement that each participating state assemble a state advisory group to establish priorities for funding under the Act, and for other juvenile justice purposes. The Governor's Juvenile Justice Advisory Council serves as the state advisory group for South Carolina. The Coalition for Juvenile Justice assembles 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. Members of South Carolina's Council have been active and engaged with the Coalition of Juvenile Justice for many years.

THE GOVERNOR'S JUVENILE JUSTICE ADVISORY COUNCIL SUMMARY

Created by the South Carolina General Assembly in 1975, the South Carolina Governor's Juvenile Justice Advisory Council (GJJAC) is responsible for advising policymakers 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, and representatives from state and local governmental agencies involved in juvenile justice and delinquency prevention, as well as system-involved youth and young adults. The Juvenile Justice Reform Act defines *System-Involved Youth* as members under the age of twenty-eight, who have been or are currently under the jurisdiction of the juvenile justice system, encouraging their participation in GJJAC activities. In the past, the GJJAC has faced challenges in meeting the membership requirement. However, with help from the Governor's Office, South Carolina has now fulfilled the required membership and is now in compliance with the Juvenile Justice Reform Act (JJRA) of 2018 state advisory group membership requirement.

The GJJAC promotes the welfare of all youth by supporting efforts to build safe communities, recommending improvements in juvenile justice services, and offering technical assistance to state and local agencies for planning and implementing 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 programs that educate all stakeholders involved in key juvenile justice decision points while eliminating racial inequities within the juvenile justice system. The GJJAC specifically supports direct service programs, which require youth to recognize and accept the consequences of their actions, including any sanctions imposed upon them, and obey the law. The GJJAC sustains collaboration with all statewide partners and attempts to marshal all available resources to ensure that the youth in South Carolina maintain a high level of accountability while equipping them to live crime-free, productive lives.

The updated requirements of the federal Juvenile Justice Act, coupled with our state's systemic inability to comply with its previous version, pose pressing challenges for South Carolina's juvenile justice system. Members of the GJJAC strive to address these challenges by promoting evidence-based programs, policies for reform, and national best practices, in addition to information for state and local policymakers. By increasing public awareness of prominent issues in juvenile justice through its communications and publications, the GJJAC seeks to develop and implement innovative strategies to prevent and reduce delinquency.

In 1996, the state enacted legislation that allows secure confinement of status offenders, status contemnors, and status probation violators and for them to be committed to the custody of the South

Carolina Department of Juvenile Justice (SCDJJ) or to a secure evaluation center operated by the SCDJJ for a determinate period not to exceed 90 days. Efforts to deinstitutionalize status offenders have been and continue to be made by the SCDJJ 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. The pre-trial detention of status offenders is one of several practices permitted by state statutes, which conflict with the JJDP Act reauthorization of 2018.

The JJRA imposed additional requirements for the use of the valid court order (VCO) exception to the DSO requirement. Specifically, within 48 hours of the juvenile being taken into custody for violation of the VCO exception, if the court determines that placement in a secure detention or secure correctional facility is warranted, the court must issue a written order setting out the specific factual circumstances surrounding the violation of the VCO exception. The written order also must include findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the status offender in such a facility, with due consideration to the best interest of the juvenile.

Placement may not exceed seven days and the court's order may not be renewed or extended. A second or subsequent order is not permitted with respect to violation of a particular VCO. The JJRA also added a requirement that there must be procedures in place to ensure that a status offender is not detained longer than seven days or the length of time directed by the court (whichever is shorter). (Section 223(a)(23))

Additionally, the JJRA includes an amendment that enhances protections for youth awaiting trial as adults. This protection previously applied only to youth being held on juvenile court charges. An exception continues to exist for cases where a court finds, after a hearing and in writing, that it is in the interest of justice. On December 31, 2021, the JJRA mandated, unless found by a court to be in the interest of justice, juveniles who are being charged and tried as adults (1) may not have sight or sound contact with adults and (2) may not be detained in a jail or lockup for adults (except as provided under the jail removal requirement). The determination of whether such detention would be in the interest of justice must (1) be after a hearing, (2) be in writing, and (3) take into consideration several criteria (e.g., the juvenile's age, physical and mental maturity, present mental state, history of delinquency). When the court finds such detention to be in the interest of justice, additional requirements must be met. This requirement was added to Section 223(a)(11), which is one of the core requirements with which failure to comply will result in a reduction in funding. (Section 223(a)(11)(B)) The GJJAC is urging state and local officials to lend their support to the Designated State Agency (DSA) in the monitoring of local courts and detention facilities for compliance data. This will help ensure that the requirements are met. One way to achieve this is by encouraging local court and jail administrators to work with the DSA in compliance with JJDP's requirements.

Unless covered under the exception, the JJRA now calls for the removal of all juveniles from adult facilities. Compliance with the JJRA's separation and removal core requirements would alleviate overcrowding in detention facilities across South Carolina, protect juveniles from the dangers of interacting with adult inmates, and allow adequate space for essential detentions. The GJJAC's recommendations (starting on page 35) align with the JJRA's mandate to seek additional community-based alternative options in lieu of pre-trial detention for juveniles. Failure to comply with the JJRA Act core requirements will result in a reduction or a determination of ineligibility for Title II Formula Grant funding.

GJJAC MEMBERSHIP ROSTER

John Holler, Chairman

Dr. Markesha Miller, Vice Chair

Jerry Allred

Dionne Carroll, Esq.

Amanda Whittle, Director (SCDCA)

Eden Hendrick, Director (SCDJJ)

The Honorable David Guyton

Christopher Ross

Michael Leach, Director (SCDSS)

Kathryn Moorhead, Director (VAWA)

Roderick Pam

Sara Goldsby, Director (DAODAS)

The Honorable Cornelius Huff

Delores Robinson

***Charles Jackson Jr.**

Rev. Robert Reid

Antiwan Tate

Blake E. Taylor, Jr.

Oakley Dickson

Oscar Douglas

***Kenneth Rogers**

***Richard Von Hollen**

Kerryn (Youth)

Rachel (Youth)

Samantha (Youth)

Gordan (Youth)

Zaria (Youth)

***Denotes an inactive member**

<https://search.scsos.com/boardsandcommissions>

GJJAC MEMBERSHIP COMMITTEES

Executive Committee

The Executive Committee functions as the planning committee for the Governor's Juvenile Justice Advisory Council (the Council). The committee oversees and monitors the Council's activities and budget, acts on behalf of the Council in a management capacity, and performs other duties and responsibilities, as the Council deems proper.

Subcommittees

Emerging Leaders Subcommittee

The Emerging Leaders Subcommittee allows youth members and other system-involved youth the opportunity to advise the Council on juvenile justice from their various personal experiences. These members offer invaluable perspectives on juvenile justice to the Council on the state level and partner with their counterpart committee of youth leaders empaneled by Coalition of Juvenile Justice on the national level. The Council's youth members shape the overall program and policy agenda for juvenile justice through the viewpoint of youth affected by the juvenile justice system. Our young members collaborate to articulate ideas, issues and initiatives influencing juvenile justice reforms and system enhancement for all youth locally and nationally.

Grants Review Subcommittee

The Grants Review Subcommittee is responsible for reviewing, commenting, and scoring federal juvenile justice formula grant applications annually. Upon receipt of those applications, staff from the South Carolina Department of Public Safety's Office of Highway Safety and Justice Programs collate and forward the grant applications to the members of the committee. The committee employs an objective and transparent scoring process, which takes into account among other factors, the priorities established by Council and the quality of the applications. Together with the program staff, the grants review subcommittee provides recommendations to the Council for those grants, which best serve the Council's priorities for consideration and approval by the entire Council. The GJJAC-approved grant recommendations are then forwarded by the program coordinator to the SC Public Safety Coordinating Council for final approval.

Government Relations Subcommittee

The Government Relations Subcommittee ensures the Council is informed of current legislation, the status of proposed legislation, and developing ideas for engaging with state and local government officials on juvenile justice system matters. Additionally, this group should grow to understand the implications of the Juvenile Justice Reform Act of 2018 (JJRA) and Raise the Age (RTA) on SC systems and propose legislation to be supported by the Council.

Racial and Ethnic Disparities (R/ED) and Deinstitutionalization of Status Offenders (DSO) Subcommittee

This Subcommittee shall collect, analyze, and monitor R/ED and DSO data for South Carolina, promote awareness of all related issues, identify innovative programs and approaches to addressing these two requirements, and assist with related program and project activities. Members of this subcommittee will work with the Compliance Monitor to ensure the state addresses and maintains compliance with the R/ED and DSO core requirements of the Juvenile Justice and Delinquency Prevention (JJDP) Act as reauthorized by the JJRA.

Tribal Affairs Subcommittee

Because South Carolina has a federally recognized tribe, the state must maintain a committee to ensure its tribal jurisdictions develop and implement effective programs and services for youth.

In accordance with the Office of Juvenile Justice and Delinquency Prevention's (OJJDP) Tribal Youth Program (TYP), the Tribal Subcommittee seeks to support and enhance Tribal efforts to prevent and reduce juvenile delinquency. Members of this subcommittee will focus on strengthening a fair and beneficial juvenile justice system response for American Indian/Alaska Native Youth.

COMPLIANCE WITH THE JUVENILE JUSTICE REFORM ACT (CORE REQUIREMENTS)

Each year the U.S. Office of Juvenile Justice and Delinquency Prevention sets quantitative standards to determine compliance with the four core requirements of the Act. These standards were applied to compliance monitoring reports submitted by each participating state for the FY 2021 reporting period and used to calculate determinations of state compliance with Section 223(a)(11), (12), and (13) of the JJDP Act, as amended, to provide the following:

JJDP Act Core Requirements

Deinstitutionalization of Status Offenders: Status offenses are offenses that only apply to minors whose actions would not be considered offenses if they were adults. The most common status offenses are skipping school/truancy, running away, breaking curfew, and possession or use of alcohol. Under the JJDP Act, status offenders may not be held in secure detention or confinement.

There are, however, several exceptions to this rule, including allowing some status offenders to be detained for up to 24 hours. The DSO provision seeks to ensure that status offenders who have not committed a criminal offense are not held in secure juvenile facilities for extended periods of time or in secure adult facilities for any length of time. These children, instead, should receive community-based services, such as day treatment or residential home treatment, counseling, mentoring, family support, and alternative education.

Adult Jail and Lock-up Jail Removal: Under the JJDP Act, youth may not be detained in adult jails and lock-ups except for limited times before or after a court hearing (six hours), in rural areas (24 hours plus weekends and holidays), or in unsafe travel conditions. This provision is designed to protect children from psychological abuse, physical assault, and isolation. Children housed in adult jails and lock-ups have been found to be eight times more likely to commit suicide, two times more likely to be assaulted by staff, and 50 percent more likely to be attacked with a weapon than children housed in juvenile facilities.

Sight and Sound Separation: When children are placed in an adult jail or lock-up, "sight and sound" contact with adults is prohibited under the JJDP Act. This provision seeks to prevent children from threats, intimidation, or other forms of psychological abuse and physical assault. Under "sight and sound," children cannot be housed next to adult cells, share dining halls, recreation areas, or any other common spaces with adults, or be placed in any circumstance that could expose them to threats or abuse from adult offenders.

Racial and Ethnic Disparities: Under the JJDP Act, states are required to assess and address racial and ethnic disparities at key points in the juvenile justice system – from arrest to detention to

confinement. Studies indicate that youth of color receive tougher sentences and are more likely to be incarcerated than white youth for the same offenses. With youth of color comprising one-third of the youth population but two-thirds of youth in contact with the juvenile justice system, this provision requires states and local jurisdictions to create action plans to address disparities within their systems.

The following link provides more information regarding the JJDP Act core requirements: <https://www.juvjustice.org/juvenile-justice-and-delinquency-prevention-act/core-requirements>

Each year, the OJJDP creates a Determination of State Compliance report for each participating state and territory. The OJJDP formulates this report by compiling data submitted from each participating state and territory to create uniform compliance determination standards for all participating states and territories. The compliance standards from the previous reporting year are used, in part, to establish formula grant program funding level allocations for each state and territory for the upcoming funding year.

Pursuant to 28 C.F.R. § 31.303(f)(6), the OJJDP calculated FY 2021 compliance standards by taking the average of States' FY 2019 and FY 2020 compliance monitoring rates for the Deinstitutionalization of Status Offenders (DSO), separation, and jail removal core requirements (removing, when applicable, one negative outlier^[1] for each requirement) and applying a standard deviation factor of not less than one. The process of establishing the compliance determination standards rests solely with the OJJDP.

Based on the data reported for both FY 2021 and FY 2022, the OJJDP determined South Carolina was not in compliance with the Deinstitutionalization of Status Offenders (DSO) core requirement, thus South Carolina had a 20% reduction for each fiscal year allocation. States must comply with all core requirements for full eligibility in the Title II Formula Grant program.

The following link provides more information regarding OJJDP's State Compliance Determinations: <https://ojjdp.ojp.gov/states/state-compliance-jjdp-act-core-requirements>

^[1] In calculating standards for the FY2021 data collection period, excluded outlier rates were as follows: Idaho (9.90) for DSO; Massachusetts (105.43) for separation; and New Jersey (5037) for jail removal.

TITLE II FORMULA GRANT PROGRAM

The Office of Juvenile Justice and Delinquency Prevention, headquartered in the U.S. Department of Justice, provides federal funding to the states through formula funding under Title II of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as reauthorized by the Juvenile Justice Reform Act (JJRA) of 2018. Congress allocates funds annually to support states and communities in their efforts to develop and implement effective and coordinated prevention and intervention programs and to improve juvenile justice systems that protect public safety, hold offenders accountable, and provide treatment and rehabilitative services to meet the needs of juveniles and their families.

Grant recipients may include private not-for-profit agencies, units of local government, tribal governments, and state agencies. The Title II Formula Grant program supports projects involved with alternatives to secure confinement, the deinstitutionalization of status offenders, and reduction in racial and ethnic disparities in the state's juvenile justice system. Funds from the Title II Formula Grant Program also support the administration of subgrants, the Governor's Juvenile Justice Advisory Council, and monitoring of South Carolina's compliance with the federal core requirements of the JJRA of 2018.

The JJDP Act of 1974 as reauthorized by the JJRA of 2018 establishes Program and Budget Areas to provide specific governance of how states must expend Title II funds. The OJJDP sets Program and Budget Areas annually, but the priority areas may change periodically to reflect the OJJDP's juvenile justice and delinquency prevention mission. Currently, there are 34 priority areas for states to expend Title II funds. Each state must list its Program and Budget areas in its Three-Year State Plan to receive a Title II allocation. States can only expend Title II funds on Program and Budget Areas as designated by the OJJDP. The Council sets the Program and Budget Areas for South Carolina, based on the juvenile justice needs of the state.

South Carolina’s Program and Budget Areas (as identified by the Council for the new Three-Year State Plan covering FY 2024– FY 2026):

- ✚ Community-based alternatives to detention
- ✚ Deinstitutionalization of Status Offenders
- ✚ Community-based programs and services
- ✚ Compliance Monitoring
- ✚ Racial and Ethnic Disparities
- ✚ Indian Tribe Programs

The Council is currently working to create the new Three-Year State Plan covering FY 2024 – FY 2026. The new plan will update the state’s existing priority areas to ensure South Carolina meets the requirements of the JJDP Act and to guarantee the state provides funding for programs that effectively address its current juvenile justice challenges. The new priority areas will emphasize community-based services for youth and their families, community-based alternatives to secure detention, supporting Indian Tribe programs, and reducing racial and ethnic disparities, in addition to maintaining compliance with the JJDP Act core requirements.

FFY 2022 TITLE II FORMULA GRANTS

The South Carolina Department of Public Safety's Office of Highway Safety and Justice Programs (OHSJP) administers the formula funds under the Juvenile Justice Reform Act. In December 2020, the OHSJP announced the availability of federal funding for juvenile justice grant projects in FFY 2022 (October 1, 2021 – September 30, 2022). The OHSJP convened a virtual statewide grant solicitation workshop in January 2021 inviting interested applicants to attend and learn about the availability of juvenile justice formula grants and their criteria. The OHSJP then opened its Grants Management Information System for the receipt of applications and received twelve applications before the solicitation closed on April 16, 2021. The twelve applications collectively requested \$1,542,386 in federal funds. The OHSJP staff collated and forwarded all applications to the Council's Grants Review Subcommittee. The subcommittee scored the applications and made recommendations to the Council. The full Council approved the recommendations during its August 13, 2021, quarterly meeting.

The South Carolina Public Safety Coordinating Council must approve all criminal and juvenile justice grant funds. The Coordinating Council met on September 27, 2021, to vote on the GJJAC recommendations. The Coordinating Council approved \$350,748 in grants recommended by the GJJAC for four formula awards: one to the Department of Children's Advocacy, one to the University of South Carolina's Children's Law Center, one to the City of Lake City, and one to AMI Kids. Those projects addressed the DSO core requirement, alternatives to detention, and reduction in racial and ethnic disparities or R/ED. It should be noted that there was a 20% reduction in the state's award amount from OJJDP due to the state's non-compliance with the DSP core requirement.

FFY 2023 TITLE II FORMULA GRANTS

The OHSJP issued an announcement regarding the availability of federal funding for juvenile justice grant projects for FFY 2023(October 1, 2022 – September 30, 2023) in December 2021 and convened a statewide virtual grant solicitation workshop for interested applicants in January 2022. The OHSJP then opened its Grants Management System for the receipt of applications and received twelve applications before the solicitation closed on April 15, 2022. The twelve applications collectively requested \$1,510,994 in federal funds. The staff forwarded the applications to the Council’s Grants Review Subcommittee. The subcommittee scored the applications and made recommendations to the Council. The full Council approved the recommendations during its September 26, 2022, quarterly meeting.

The South Carolina Public Safety Coordinating Council met on September 26, 2022, to vote on the GJJAC recommendations and approved applications for a total of \$801,372. These included seven awards – one for the Department of Juvenile Justice, two for the University of South Carolina Children’s Law Center, one to the Fifth Circuit Solicitor’s Office, one to the Fifteenth Circuit Solicitor’s Office, one to Columbia Urban League and one to the City of Lake City. Those projects address the DSO core requirement, alternatives to detention, racial and ethnic disparities, aftercare, and reentry of youth released from confinement, in addition to other priority program areas. It should be noted that South Carolina was deemed non-compliant in DSO again this year and received a 20% reduction in the state’s award.

SOUTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE (DJJ)

*From L. Eden Hendrick,
Agency Executive Director*

Via email

Dear Mr. Holler:

Thank you for the opportunity to provide feedback on the juvenile justice system in South Carolina. Under my leadership as Executive Director of the South Carolina Department of Juvenile Justice (SCDJJ), we have implemented many changes with the goal of improving the lives of young people and their families. I am very appreciative of the opportunity to serve the citizens of South Carolina in this capacity.

SCDJJ is much more than just the campus on Broad River Road. The Broad River Road Campus (BRRC) is only one of five secure facilities. SCDJJ also has nine alternative placements and 43 county offices. Our jurisdiction encompasses the entire juvenile justice system from prevention and diversion efforts, the court process and sentencing, to reintegration and parole. At any given time, there can be up to 500 youth in SCDJJ secure facilities and/or community placements, along with the thousands we serve in the community with preventive, intake, probation, and parole services. We are charged with an immense responsibility.

One of the significant challenges facing youth today is the lack of effective community and inpatient mental health care. In 2020, through federal funding allocated by the Governor's Office, the agency established the Leveraging Effective Alternatives to Placement (LEAP) program, which provides robust, family-centered, and evidence-based intervention programs to reduce the number of youth entering secure facilities. Through Project LEAP, the agency has filled a major void in community based mental health care for justice involved youth. Initial funding has ceased, but the agency is able to sustain this program because the General Assembly graciously allocated \$5 million recurring funds for this program. This is an unprecedented investment in community-based mental health services for justice involved youth.

As with all child-serving agencies, SCDJJ is serving more youth with complicated mental health needs. In Fiscal Year 2022, the agency was able to secure \$20 million for the Department of Mental Health (DMH) to build a public psychiatric residential treatment facility (PRTF) for justice involved youth. Although such a facility will provide much needed inpatient care for our youth, it takes years to procure, design, build and staff such a facility. In the interim, SCDJJ is still serving youth with both acute and long-term mental health needs. SCDJJ has collaborated with the Department of Children's Advocacy, Department of Mental Health, Department of Health and Human Services, Department of Social Services, the Governor's Office, Senator Katrina Shealy and the Department of Administration to

develop creative interim solutions. Through these efforts, more private PRTFs are accepting justice involved youth and there is open communication at the highest level to find appropriate placement for youth involved in multiple systems. This is a good first step, but there is room for great improvement to prevent families from resorting to the juvenile justice system as the only means to receive mental health care for youth.

The agency is still facing the dramatic impacts of the unfunded implementation of the Raise the Age legislation in July 2019. Even before the pandemic, the agency was rapidly losing qualified employees to better paying jobs. The pandemic and resulting workforce reduction only exacerbated the staffing crisis. After the pandemic ended there was an uptick in violent and weapon offenses. The agency is serving older, more violent youth for longer. SCDJJ facilities are in disrepair due to lack of routine maintenance, deferred maintenance, neglect, age, overcrowding, and consistent damage caused by youth. Furthermore, these facilities are not designed to house the current youth population. The majority of SCDJJ's facilities are open bay, and the facilities with wet cells are outdated and not conducive to rehabilitation.

We are in the process of renovating four dorms on at BRRC and the Midlands Evaluation Center to install correctional grade electronically controlled doors for youth rooms. At BRRC there are plans to add more security measures to implement controlled movement, install over 170 lights, fix drainage, plumbing and turn unused buildings into office space. In addition, the agency replaced a very antiquated camera surveillance system with a state-of-the-art system, allowing for more in-depth coverage of our facilities and improving the ability to store and retain footage. These capital projects are focused on increasing safety and security, youth well-being, and employee morale.

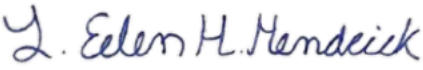
In Fiscal Year 2023, the General Assembly allocated the agency \$64 million of non-recurring funds to begin major renovations agency wide. Before those renovations begin, the agency is working with a consulting firm to develop a master plan to best use our current buildings along with adding new construction. I am excited to share those plans with the GJJAC and optimistic the committee will support the agency's funding request to make those plans a reality.

In December 2023, the agency planned to begin cosmetic and safety focused renovations at the Juvenile Detention Facility (JDC) but have been unable to begin construction because of the high census. The overcrowding at JDC has created a perilous situation. JDC was built in 2001, with a rated capacity of 72 youth with 12 individual rooms on 6 wings. There are 4 classrooms, two outdoor basketball courts, a cafeteria with 48 seats, several small offices, a minimal intake area for new admissions, medical spaces, and two small conference rooms. There is no gym, no programming space, no therapeutic space, no green space, and inadequate classroom space. This facility was designed consistent with an adult detention center and not meant to hold youth beyond 90 days. Due to Raise the Age and the increase in juvenile crime, JDC averaged 115 youth in 2023, more than 43 over capacity, with some youth remaining in detention for years.

Although we are optimistic that, with funding, the agency will be able to implement the master plan to construct facilities based on the tenants of juvenile justice best practices. However, we must still work to decrease the detention of youth that do not pose a threat to public safety and are best served in the

community. We recognize that the agency continues to face many challenges. It will take several years for us to further improve rehabilitation services and increase positive outcomes for the youth we serve. Thank you for the opportunity to be a part of this important report. Please do not hesitate to reach out if you need additional information.

Sincerely,

A handwritten signature in blue ink that reads "L. Eden H. Hendrick". The signature is written in a cursive style with a large initial "L".

L. Eden Hendrick
Executive Director

SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES (DSS)

*From Michael Leach
Director*

Sent Via email

Everyone engaged with South Carolina's child welfare system recognizes that we are currently in the midst of a severe crisis concerning teen mental health. Our adolescents are facing a range of challenges that are taking a toll on their mental well-being. Factors such as academic pressure, social expectations, the pervasive influence of social media, and more generalized ongoing uncertainty in the world since the pandemic have contributed to a surge in mental health issues among our youth.

Unfortunately, our current mental health services are insufficient to meet the escalating needs of teenagers. There is a noticeable gap between the demand for mental health support and the available resources. Long waiting times for appointments, limited access to specialized care, and the shortage of trained professionals have left many vulnerable adolescents without the necessary help they desperately require. Without the proper service array, many teenagers are coming into contact with DJJ or DSS simply because their families have not been able to access appropriate behavioral health and mental health services within their own communities.

As a result of the unavailability of sufficient resources both in the community and in residential settings, child welfare agencies have struggled with appropriate placements for teens. Most of our teens in DSS care have behavioral/emotional needs and many risk behaviors. Thirty-four percent (34%) of our total foster care population are teens. The current supports and services do not meet the need from in-home treatment to enough quality residential facilities to address the needs of our youth.

To address this crisis, DSS has been focused on promoting and developing a diverse service array to be available to children and families involved with the child welfare system. DSS has worked collaboratively with private providers and other agencies to catalog available services that are offered in each geographic area of the state, determine the current capacity of providers, and identify where service gaps exist. The DSS Office of Family and Community Services created and leads a Service Array Provider Workgroup that has focused on provider readiness, current services, staff qualifications, and needs of children and families with open DSS cases.

DSS developed and released capacity-building grants to fund a range of programs and services throughout South Carolina over the past two years, including Intensive In-Home Services and Family-Centered Treatment services. Additionally, we have worked with provider partners to implement seven (7) other services throughout the state, to include Parents as Teachers, Healthy Families America, Thompson Placement Stabilization Services, Homebuilders, Brief Strategic Family Therapy, Intercept,

and the Strengthening Families Program. A brief description of Intensive In-Home Services and Family-Centered Treatment grant programs is found below.

Intensive In-Home Services

In September 2022, the Intensive In-Home Services grant was awarded to two providers, one in the Upstate and one in the Midlands. The Intensive In-Home Services program takes a strengths-based, family-centered, trauma-informed, and individualized approach. It incorporates an array of interventions aimed at assessing individual and family needs, equipping families with effective parenting skills, identifying resources to meet concrete needs, psychosocial and family supports, crisis intervention, and behavior modification interventions. Both custodial and non-custodial cases are eligible to receive this service.

In December 2022, the Intensive In-Home Services (IIHS) program in the Upstate and the Midlands began accepting referrals from Greenville and Richland counties. In July 2023, 14 families were actively engaged in the IIHS program in the Midlands and 27 families were actively engaged in the Upstate. As of November 2023, 11 families are actively engaged in the IIHS program in the Midlands and 21 families are actively engaged in the Upstate IIHS program. In total, eleven families have successfully completed services in the Midlands and fourteen families have successfully completed services in the Upstate. The Office of Family and Community Services has provided implementation support including weekly implementation calls, online referral link, data collection and office visits with providers. DSS intends to promote further expansion of this program going forward through service array funding.

Family Centered Treatment

In September 2022, the Department released a grant for Family Centered Treatment. Family Centered Treatment (FCT) is an in-home trauma-focused family therapy model designed to find simple, practical, and holistic solutions for families faced with disruption or dissolution of their family. This may be due to external and/or internal stressors, circumstances, or forced removal of their children from the home due to youths' delinquent behaviors or parents' harmful behaviors. The focus of FCT is to either strengthen and preserve children within their home or to bridge by successful reunification back into the home. Two grants were released, one for the Upstate and one for the Midlands. On November 8, 2022, the Family Centered Treatment capacity building grant was awarded to one provider with locations in the Midlands and Upstate Regions after a competitive procurement process including a panel.

DSS continues to work closely with the FCT purveyor and the provider regarding implementation support and capacity building. The first referral was accepted on May 1, 2023. The Office of Family and Community Services has provided implementation support including weekly implementation calls, online referral link, data collection and office visits with the provider. As of July 2023, 58 referrals had been made to Family Centered Treatment – 36 from Greenville County and 22 from Richland County. As of November 2023, 129 referrals had been made to Family Centered Treatment – 64 from Greenville County and 42 from Richland County. Currently, 16 families are actively engaged in FCT in Greenville County and 9 families are actively engaged in FCT in Richland County. Although referrals have increased

dramatically from Richland County, members of the Family and Community Services staff are actively working with the FCT provider and Richland County staff to determine barriers to families actively engaging in services.

Please see the service array map to learn more about each of the nine services the Department has been working to implement and to see where these services are available across the state.

In addition to the current mental health crisis, we believe it is important to understand the disproportionate representation of children and youth of color within the child welfare system and take action. A key pathway to resolving this disproportionality is simple awareness on a daily basis of unintentional, implicit bias, which may be borne out by participants within the child welfare system and witnesses in the court room. Whether by law enforcement personnel, front-line child welfare and juvenile justice professionals or those in prosecutorial and judicial roles, making good systemic decisions, day in and day out, contributes to the overall positive function of our child welfare system. We hope that our encouragement to stakeholders to remain mindful of this disproportionality will result in personal commitments to confront implicit biases and reduce unfair systemic impact on Black/African American families and races other than White. The National Council of Juvenile and Family Court Judges has published a bench card entitled *Addressing Bias in Delinquency and Child Welfare Systems* that can be accessed here: <https://www.ncjfcj.org/wp-content/uploads/2019/07/Addressing-Bias-Bench-Card-1-1.pdf>

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Leach', with a long, sweeping horizontal line extending to the right.

Michael Leach, State Director

SOUTH CAROLINA DEPARTMENT OF CHILDREN'S ADVOCACY (DCA)

*From Amanda F. Whittle, J.D., CWLS, C.G.S.-Psych.Reh.
State Child Advocate and State Director*

Sent Via email

Dear Chairman Holler,

Thank you for providing me with the opportunity to submit a written report regarding the Department of Children's Advocacy. 2023 was a year of progress with more work ahead, and these are some of the agency's year-end highlights:

The Department of Children's Advocacy (DCA) partnered with the Department of Mental Health (DMH) and the American Foundation for Suicide Prevention to launch the nation's first online, interactive mental health screener for children under the age of 18, Hope Connects SC Kids, located at <https://hope.connectssckids.org>

We added a Critical Investigations Unit in response to a 542% increase in critical incident notifications in FY22 and an additional 364% increase during FY23. Two Investigators and an Intake Specialist were onboarded for the positions which were created in 2023. An additional Investigator will be hired in the first months of 2024.

Continuum of Care (COC) provides intensive care coordination to support youth safely remaining in their homes, schools, and communities to avoid detention with DJJ, foster care with DSS, and acute-psychiatric hospitalization. During 2023, COC Division Director Greg Wright co-created and implemented a salary structure to address the division's 40% vacancy rate. In the last three months of 2023, the vacancy rate decreased by 8%. Hiring additional staff will increase the number of youth and families with whom COC can partner to deliver High Fidelity Wraparound.

Guardian ad Litem Program (GAL) Division Director LaDara Depugh led the process to procure the division's new case management system which went "live" in 2023. The new system, CasaManager, is well-designed with a support staff and support for the GAL Program's child-focused mission and data needs.

The Foster Care Review Division (FCRD)'s new Child Advocacy Management System (CAMS) went "live" in 2023. With funding allocated by the General Assembly, CAMS replaced a 16-year old database system which had become increasingly slow and unreliable. The new case management system will streamline processes for the review of and advocacy for children in foster care.

The Department of Children's Advocacy's Foster Care Review Division was recognized with Hyland's 2023 Customer Innovation Award for Environmental and Social Impact in recognition of the new case

management system. Division Director Lindsey Taylor accepted the award on behalf of the agency and was interviewed at the awards ceremony with a live audience of more than 1500 people.

Through the work and coordination of Communications Director Rob Schaller, new websites were launched for each division of the agency. The new websites include updates such as Foster Care Review Division's information section to inform the public about Foster Care Review Board vacancies, new logos for each division, and makeovers for the agency's and Foster Care Review Division's Annual Reports which were published in 2023.

Emilie Wheatley joined our team in November as the Director of Planning and Research. She has experience with Go Lean Sigma Six Training, quality improvement, and workforce recruitment, and she is now the point person for the agency's Annual Accountability Report. She will lead our agency's analysis of data, trends, and strategic planning with a focus on internal and external system improvements.

We welcomed many new employees and volunteers who have been instrumental in supporting staff and serving children and families. These team additions have been highlighted throughout the year in the agency newsletters that are distributed electronically each month and are available online through our website.

During 2023, the agency launched its first billboard ads focused on fatality prevention to raise awareness about 988 and to encourage safe sleep, seatbelt use, and car safety.

The Guardian ad Litem Program provided best-interest advocacy for 12,058 children in FY23 with an average of 6,872 children per month with approximately 1300 active volunteers and 133 FTEs. The GAL Program created 647 media or in-person forums in FY23 to highlight the work and accomplishments of volunteers and host volunteer recruitment events through four regional recruiters and a state recruiter.

In FY2023, the Critical Investigations Unit and Investigations Unit responded to a combined 4,474 intakes through the Investigations Unit led by Investigations Unit Director Laurie Davidson and the Critical Investigations Unit led by Deputy Child Advocate Kayla Capps. This is compared to the approximately 500 complaints which were received from July through December of 2019.

Agency leadership worked diligently to address vacancy rates, job expectations, salary, and professional and personal fulfillment. We know we have more work to do, but we are excited that:

- We ended 2023 fully staffed with no vacancies in the Foster Care Review Division, Critical Investigations Unit, and Investigations Unit
- The Guardian ad Litem Program maintained a low vacancy rate of 11% at the end of FY23 and created 20 additional time-limited positions to address GAL staff workloads
- Continuum of Care's vacancy rate has been improved by 8% with a goal to further improve in 2024
- We celebrate a 21.27% turnover rate at the end of FY23 compared to 33.18% for FY22.

- Our agency's 5th budget was submitted in September of 2023 and includes requests for 33 new FTEs to support our work to improve outcomes for children.

During 2023, I was appointed by the S.C. Bar President as the Chair of the S.C. Bar's Children's Law Committee which provided me the opportunity to arrange a CLE during the S.C. Bar Convention with legal training for issues specific to children including education, representation, and legislation. A change in the law during 2023 added the State Child Advocate as an ex officio member of the Joint Citizens and Legislative Committee on Children. Beginning in 2022 and continuing through 2024, I serve as Chair of the State Child Fatality Advisory Committee and also serve on approximately 14 additional committees or associations.

Also during 2023, I graduated from the University of South Carolina School of Medicine with a Certificate of Graduate Studies in the area of Psychiatric Rehabilitation. This course of study has strengthened my advocacy to improve services and outcomes for children, particularly youth involved with DJJ, DSS, DDSN and DMH with serious mental illness, substance use disorder, and intellectual disabilities. During the past year, I was admitted to the United States Supreme Court and was re-certified as a Child Welfare Law Specialist through the National Association of Counsel for Children.

In addition to our internal operational efforts, we will continue to advocate for system improvement through:

- Development of a state-operated Psychiatric Residential Treatment Facility (PRTF) with interim measures to serve justice-involved seriously mentally ill youth
- Funding for residential intensive treatment step-down placements
- Availability of crisis stabilization services for children
- Child abuse prevention and child fatality prevention
- A robust array of placement and services for children and youth with a goal of maintaining children and youth in their homes, schools and communities based on their safety and needs
- The creation of a behavioral health system of care for children in South Carolina that provides seamless access along a continuum of quality placement, services, and supports for children and youth with unimpaired as well as co-occurring mental illness diagnoses, substance use disorder, intellectual disabilities, autism diagnoses, and behavioral challenges

I am grateful for our staff and volunteers with the Department of Children's Advocacy and the collaboration among agencies and organizations through the Governor's Juvenile Justice Advisory Council to improve outcomes for children and adolescents in our state.

Respectfully submitted,



Amanda F. Whittle, J.D., CWLS, C.G.S.-Psych.Reh.
State Child Advocate and State Director

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1205 Pendleton Street, Suite 471A Columbia, South Carolina 29201
Amanda.Whittle@childadvocate.sc.gov

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH (DMH)

*From Robert Bank, M.D.
Acting State Director*

Sent Via email

Dear Mr. John Holler:

Throughout the state there are young people with challenging mental health as well as behavioral health needs. The Department appreciates the opportunity to serve on the Governor's Juvenile Justice Advisory Council aimed at improving the trajectory of South Carolina's youth interfacing with the justice system. The Department of Mental Health is committed to improving early access to care, as well as participating and initiating opportunities to divert youth from the complex systems through the provision of timely, age appropriate and culturally relevant services and supports.

SCDMH is of the belief that young people thrive when given the opportunity to remain in their homes, schools, and communities. The department continues to participate in efforts to offer options to increase access to care for families in a non-stigmatizing environment, and to prevent unnecessary encounters with law enforcement, child welfare, as well as hospital emergency rooms.

The Department applied for several initiatives designed to integrate services and support to improve the negative outcomes experienced by our youth. The department's Roads of Independence Initiative serves as a resource for young people ages 16-25 in need of treatment, life skills and support in reaching adulthood. As a part of this initiative in the Sumter area the department partnered with the Solicitor's office with the goal of diverting from traditional evaluation processes and referring the youth to ROI to address the complex needs that has brought them into the justice system. The drop-in center, fully staffed with clinical as well as peer support specialists, stands ready to intervene in support of the youth in Sumter, Kershaw as well as Lee Counties. The Department continues to build on this initiative, expanding to Clarendon County with support of the Blue Cross Blue Shield Foundation. A partnership was also formed with the alternative school in the area, providing a clinician on-site as well as training for the entire staff on an evidenced-based model called trauma-informed care for educators. The latest award, the department hopes to expand an initiative which would provide rapid access to care for the school district. When young people are dismissed from the educational environment, often with encouragement to take the youth to the emergency room for suicidal ideation's, parents struggle with alternatives for a youth that does not have the ability to return to school and subjected to falling behind in their studies. This initiative is based on another grant the department applied for on behalf of the state, to improve the array of services, increasing partnerships and diverting young people experiencing a mental or behavioral health crisis from the only hospital in the area.

The department has also entered a partnership/pilot with the South Carolina after-school Alliance on behalf of the 124 programs and families in Florence, Darlington, and Marion Counties. This partnership will provide a jointly funded position to provide consultation, link to services when appropriate, as well as work with teens to become Peer Support Specialists.

Given the many complex challenges families are facing, the department is assuming a leadership role in the opening of state-operated Psychiatric Residential Facility, (PRTF). This PRTF will be designed to meet the severity of needs presenting at the juvenile justice facilities.

The department also assumes a leadership role on the state's Joint Council on Children and Adolescents. The goal being to bring agencies and organizations together to improve collaborative efforts and integrate care in a way that is beneficial to the children, adolescents, and families in South Carolina.

Thank you for including the department in efforts to improve the state's system of care for juveniles and families with mental and behavioral health challenges.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Bank", written in a cursive style.

Robert Bank, MD

Acting Director

GOVERNOR'S JUVENILE JUSTICE ADVISORY COUNCIL

RECOMMENDATIONS FOR 2024

The South Carolina Juvenile Justice Advisory Council supports the proposed amendment to Senate Bill 0266, along with any subsequent legislation that enhances programs and services for system-involved youth and their families. If such legislation is passed, it will address several critical problems that the juvenile justice system faces and assist South Carolina in fulfilling the Deinstitutionalization of Status Offenders (DSO) requirement, which is a core requirement of the JJDP Act. This will be achieved while simultaneously ensuring compliance with the other three requirements. In addition, the council also supports the following recommendations:

1. The Council recommends a thorough examination of the GJJAC membership roster to ensure the state maintains compliance with the JJDP Act requirements. Also, update the membership roster to include professionals with expertise beyond juvenile justice, but spanning community-based services and resources (Recreation and Youth Services, Education, Prosecutor, and other community partners, etc.).
2. The Council recommends the state continues to allocate adequate funding to child-serving agencies to provide community-based prevention programs, services, and resources for youth and their families to prevent system involvement. This Council is committed to community-based programs and services that divert youth away from further system involvement and incorporate their families as partners in the justice process.
3. The Council recommends the state adopt and promote proactive agenda items that seek to reduce racial and ethnic disparities statewide. Racial and ethnic disparities are not unique to the juvenile justice arena, as inequities are present in social services and child welfare, mental health, education, and other vital areas that intersect with juvenile justice.
4. The Council recommends that the state should continue to examine its Human Resource functions to guarantee that child-serving agencies in South Carolina can attract and retain highly skilled employees to ensure public safety, provide treatment services, and maintain high juvenile justice standards. It will be very beneficial to offer competitive compensation to employees, especially those in critical need areas such as security and clinicians, to ensure that our youth receive proper care.
5. The Council recommends the state continues to increase the availability of wrap-around services to system-involved youth and their families. These services include Behavior Modification, Family and Peer Support Services, Psychiatric Rehabilitation, and Respite Care.

SOUTH CAROLINA GOVERNOR'S JUVENILE JUSTICE ADVISORY COUNCIL



Staff Contact:

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GJJAC Webpage:

<https://scdps.sc.gov/ohsjp/iigp/gjjac>