



STATE OF SOUTH CAROLINA JUVENILE JUSTICE AND DELINQUENCY PREVENTION PLAN (2024-2026)

**Submitted to the Office of Juvenile Justice and Delinquency Prevention
By the South Carolina Governor's Juvenile Justice Advisory Council
Through the Office of Highway Safety and Justice Programs
South Carolina Department of Public Safety
10311 Wilson Boulevard
PO Box 1993
Blythewood, SC 29016**

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Executive Summary

The South Carolina Department of Public Safety (SCDPS) serves as the sole designated state agency (DSA) responsible for establishing juvenile justice priorities, supervising the preparation and administration of the three-year plan, and administering the Title II Formula Grant Program funds. In 1993, South Carolina statute Section 23-6-20 established the SCDPS as an administrative agency of state government and subsequently, statute Section 23-6-30 defines the duties and powers of the SCDPS, with subsection 8 granting powers to receive and disburse funds and grants, including any donations, contributions, funds, grants, or gifts from private individuals, foundations, agencies, corporations, or the state or federal governments, for the purpose of carrying out the programs and objectives of this chapter. Within the SCDPS, the Office of Highway Safety and Justice Programs (OHSJP) is responsible for the coordination of juvenile justice efforts. The OHSJP employs a Juvenile Justice Specialist (JJS), and a Compliance Monitor who monitors compliance with the core requirements of the Juvenile Justice and Delinquency Prevention Act of 1974, and collaborates with the Governor's Juvenile Justice Advisory Council (GJJAC), which serves as the state advisory group (SAG), and operates as an advisory council to the DSA. The SAG holds quarterly meetings to strategize with the DSA staff and community stakeholders to address the need for effective statewide planning and coordination of activities written in the 3-year plan.

The DSA, under the guidance of the SAG, is responsible for implementing that plan. Throughout the year, the DSA updates the SAG on the priorities and activities, and the SAG makes recommendations for the annual updates required by the OJJDP. The GJJAC was created by South Carolina statute (Section 23-4-210) in 1975 in accordance with the requirements of the JJDP Act of 1974 (Section 223(a)). Its members, appointed by the Governor, are volunteer, private citizens with an abiding interest and training in children's issues as well as representatives from state and

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local government agencies involved in juvenile justice and delinquency prevention. The state affirms that units of local government actively consult and engage in the development of the state's 3-year plan, which takes into account the needs and requests of local government units. South Carolina has regional juvenile justice workgroups and teams that meet throughout the year to provide opportunities for communication between the DSA, units of local government, and other local justice stakeholders. The structure gives localities an opportunity to give input on the state plan and juvenile justice priorities. The SAG's Grant Review Committee is provided a copy of all Title II Formula program grant applications received by the DSA. Committee members review and score all applications. DSA staff meets with the Grant Review Committee to facilitate the discussion and provide any needed guidance. Recommendations for projects to be funded are then presented to the full SAG for review and approval prior to any grant awards being made.

South Carolina affirms that a report and necessary recommendations regarding state compliance with the four core requirements are submitted to the Chief Executive Officer and the legislature at least once every two years. The most recent copy of the report is provided. Local units of government and community stakeholders played a vital role in developing and providing input for this Plan. The SAG's System Improvement Subcommittee collaborates with DSA staff to develop and review the state's 3-year plan prior to submission to the entire SAG for final action. This is done during monthly subcommittee meetings in which members and community stakeholders discuss and members vote on priorities for the plan, and then by subsequent review and approval of the draft plan prior to submission to the Office of Juvenile Justice and Delinquency Prevention (OJJDP). The SAG membership roster, which shows the state met all membership requirements, is included with the state's FY 2024 application.

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State Assurances and Affirmations

South Carolina pledges to support scientific knowledge regarding adolescent development, behavior, providing trauma informed care to those juveniles in need of such services. State funding priorities will reflect this approach. It is the goal of every juvenile justice professional in South Carolina to ensure that the state's youth receive equitable treatment based on gender, race, family income, and disability. South Carolina affirms that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent youth and other youth to prevent juvenile delinquency. Approaches will consist of programs and services that include grandparents and other extended family members when possible and appropriate, and when the provision of family counseling during the incarceration of juvenile family members and coordination of family services is appropriate and feasible.

South Carolina has established procedures to protect the rights of recipients receiving services and to ensure appropriate privacy with regard to records relating to such services provided to any individual under the state plan. South Carolina affirms that contact and regular input is sought from juveniles currently under the jurisdiction of the juvenile justice system. The South Carolina Department of Juvenile Justice (SCDJJ) maintains statutory authority over most juvenile detentions, with assistance from two regional local juvenile detention centers. The Executive Director of SCDJJ, who is a member of the SAG, used to regularly arrange meetings for SAG members to connect with the juveniles under their jurisdiction to gather input before COVID. However, due to unforeseen challenges, there have been difficulties engaging youth during the SAG's scheduled meetings. The SAG affirms that its Emerging Leaders Subcommittee will continue to actively seek out new ways to involve young people and gather their input.

The DSA staff agrees to safeguard all confidential and restricted data/information, including juvenile records, in accordance with all South Carolina Department of Administration

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security regulations, and internal SCDPS policies related to data sharing, collection, storage, and disposal. South Carolina affirms that any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in hours of non-overtime work, wages, or employment benefits) of any currently employed employee; activities assisted under this Act will not impair existing collective bargaining relationship, contract for services, or collective bargaining agreement; and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved. The state has a plan to satisfy part A of the Title I Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) through collaborations with the SCDJJ, the state education agency South Carolina Department of Education, the SAG, and the OHSJP. The SCDJJ has policies and procedures in place to support adjudicated juveniles' educational progress that ensures successful navigation across child-serving systems and smooth reentry into communities.

In South Carolina, a juvenile's public child welfare records are available to the court if a juvenile is before that court in the juvenile justice system. South Carolina state statutes allow judges access to juvenile records and information. Currently, interagency coordination and collaboration between child-serving agencies is taking place to identify appropriate intervention strategies to meet the needs of youth, to ensure that gaps in services are filled, and to enhance the quality of existing services available to youth. These agencies include, but are not limited to, the South Carolina Department of Mental Health (SCDMH), the SCDJJ, and the South Carolina Department of Social Services (SCDSS).

Other child-serving partners regularly provide information to assist with treatment and intervention plans as the needs of the child are identified. South Carolina assures that the state has

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policies and systems to incorporate relevant child protective services records into juvenile justice records for the purposes of establishing and implementing treatment plans for juvenile offenders. The state also assures through Section 63-19-2020 of the Children's Code that all information obtained and records are confidential. Additional training, programs, and services are needed to eliminate gender-related disparities and address better outcomes for females in the juvenile justice system. The state engages in efforts outside the Title II grant to meet the needs of juveniles through gender-specific services. The state will fund gender-specific programs for girls in or at risk of entering the juvenile justice system, including pregnant girls, young mothers, survivors of commercial sexual exploitation or domestic child sex trafficking, girls with disabilities, and girls of color, including girls who are members of a Native American tribe.

Pass-through Requirement Statement

The FY 2023 Budget and Narrative (*listed as Appendix A*) illustrates that South Carolina complies with the 75% requirement to allocate funds to designated Program Areas for which Title II Formula Grants may support. Based on South Carolina's juvenile justice needs, the SAG established the following funding priority areas: Programs and services that increase community-based alternatives to detention, comprehensive juvenile justice and delinquency prevention collaborative programs that assist in the deinstitutionalization of status offenders, and initiatives designed primarily to address the racial and ethnic disparities (R/ED) within the juvenile justice system. South Carolina does not use funds from the Social Security Act for placement of juvenile offenders in the juvenile justice system. All funds are managed in compliance with government accounting standards and are subject to an annual audit.

No juveniles are placed using funding from section 672 of Title 42, therefore, the plans found in section 675 of Title 42 are not applicable to South Carolina. Any funding that becomes available under section 222 [42 USC § 5632] will be equitably distributed within the state. South Carolina

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is requesting a waiver to the 66 2/3 pass-through requirement to cover sections A, B, and C of Section 11132. The state bears the burden of the centralized juvenile justice system and has received a waiver for numerous consecutive years. South Carolina provides an equitable distribution of the assistance received within the state, including rural areas. This occurs through the SAG and the DSA collaborating to ensure all communities receive notices of Title II Formula Grant funds and through DSA staff visiting rural communities to discuss their juvenile justice needs and challenges. This information in conjunction with the youth crime analysis data helps determine funding decisions.

Financial Management and Internal Controls

South Carolina has strong internal fiscal controls and sound accounting procedures necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this title. The state affirms federal funds made available under this part for any period will be used to supplement and increase, but not supplant, the level of local, state, tribal, and other non-federal funds that would in the absence of such federal funds be made available for the programs described in this part, and will in no event replace such local, state, tribal, and other non-federal funds. Furthermore, South Carolina affirms it has processes and systems in place that coordinate the use of funds provided under this title with other federal and state funds directed at juvenile delinquency prevention and intervention programs. The Financial Management and Internal Controls questionnaire is complete, signed by the financial point of contact, and is submitted with the application materials. To the extent practicable, South Carolina will prioritize funding for programs and activities based on rigorous, systematic, and objective research that is scientifically based. South Carolina pledges to support scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice

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interventions on adolescents through its funding priorities in addition to its selection of programs and services.

The OHSJP staff will review the effectiveness of funded programs through grant management and at least once annually, a review will occur by the SAG. The OHSJP staff and the SAG members will utilize these reviews of funded programs to determine funding continuation. The annual progress report and Just Grants system reporting also address the effectiveness of each program. South Carolina does not guarantee that funds will be provided to any program if the recipient of funds has failed to demonstrate, before the expiration of the performance period, that the program achieved success in achieving the specified goals. Subgrantees will either submit quarterly to the OHSJP. When subgrantee applications are reviewed, prior performance is considered as one of the factors before awards are made.

Award Process

In South Carolina, Title II Formula Grant awards may be made to state agencies, units of general local government, or private nonprofit agencies (only if such private agency requests funding after it has applied for and been denied funding by any unit of general local government). Funds from the Title II Formula Grant Program cannot supplant existing funding, nor will they displace paid employees. The SAG designated a Grants Review Subcommittee, which is responsible for reviewing, commenting, and scoring Title II Formula Grant applications annually. The Grants subcommittee employs an objective and transparent scoring process, which takes into account among other factors, the priorities established by the SAG and the quality of the applications. South Carolina compared the amount received in FY 2000 (\$957,000) with the amount received in FY 2020 was (\$669,871), which did not exceed 105 percent of the amount

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received under this section in FY 2000. Although an allowance of up to 5% is permissible, South Carolina will use 0% of Title II funds to reduce probation officer caseloads.

The SAG will consider this allocation, should the need exist to reduce probation officer caseloads. The SAG is afforded the opportunity to review and comment, within 45 days after their submission to the SAG Grants Review Subcommittee, on all juvenile justice and delinquency prevention grant applications submitted to the OHSJP. The SAG's Grants Review Subcommittee reviews and scores the grant applications and provides funding recommendations that are made to the full SAG within 45 days of receiving the applications. The full SAG votes for approval of the subcommittee's recommendations before passing the recommendations on to the South Carolina Public Safety Coordinating Council (PSCC) for the final vote on all awards made by the DSA.

Proposal Narrative

South Carolina's Juvenile Justice Process

South Carolina has a centralized juvenile justice system, where the South Carolina Department of Juvenile Justice (SCDJJ) serves youth and their families. According to SCDJJ, youthful offenders usually enter the juvenile justice system when they are taken into custody by law enforcement or when a solicitor or a school refers them to SCDJJ. Law enforcement may elect to transport the juvenile to a juvenile detention center, pending a hearing. After county office or detention center personnel have interviewed a youthful offender, the SCDJJ makes recommendations to the solicitor's office regarding the case. The solicitor has a number of options available when deciding how to pursue a case. A solicitor may choose to divert youth to a community program, such as Juvenile Arbitration, or require the juvenile to make restitution for the offense. Solicitors can choose to proceed with prosecution or dismiss a case entirely. If the solicitor chooses to prosecute, the next stage of the process involves the family court. A family

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court judge determines the guilt or innocence of the juvenile and sentences those adjudicated delinquent (found guilty). *Appendix B explains South Carolina's Juvenile Justice Process.*

Statement of the Problem

South Carolina's juvenile justice issues surround alternatives to secure detention, problems handling status offenders, challenges with compliance monitoring, as well as racial and ethnic disparities. The lack of statewide community-based alternatives to detention initiatives as well as suitable short-term alternative placements are major barriers that hinder compliance in South Carolina. Without statewide alternatives to detention programs, status offense referrals go directly to family court instead of more appropriate community-based diversionary programs aimed at preventing further system involvement. South Carolina has a very small number of suitable short-term alternative placements to avoid secure detention of status offenders, leaving family court judges very few options outside of ordering status offenders to secure confinement. While some judges may believe that detaining status offenders in a secure facility is for the child's safety, research would argue otherwise. From a legislative perspective, South Carolina's Code of Laws for Children has not received major reforms since 1976, which inhibits many systematic improvements.

A barrier that contributes to Deinstitutionalization of Status Offenders (DSO) noncompliance is not having clear processes to determine the root of status offense detentions, specifically for delinquency cases where the Valid Court Order (VCO) exception may apply. The majority of DSO violations are juveniles held in violation of a VCO for contempt of court, runaway, truancy, incorrigible/ungovernable, or probation violations. An exhaustive process is in place to scan monthly logs for potential violations, but the state is creating a more effective process of verifying Valid Court Orders (VCO), to prevent automatic violations. Each jurisdiction in the

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state differs in regards to diversionary programs for nonviolent offenses. While some counties have Arbitration programs or other community-based programs that avoid system involvement for status offenses, other counties lack the resources to sustain diversion programs. As a result, youth accused of status offenses may be held past the 24-hour mandate in secure detention facilities, which also constitutes compliance violations. The state is implementing the final phase of action items from its 2019 DSO Compliance Plan, which is available upon request.

In past years, our SAG identified three counties to track and monitor disproportionate minority contact (DMC), with the goal of reducing minority contacts to maintain compliance with the core requirement. South Carolina claimed success in reducing DMC by observing measurable reductions in the disproportionality at arrest and other key contact points in those three counties. As DMC transitioned to racial and ethnic disparities (R/ED), it is clear that additional steps are needed to maintain compliance with the core requirement by evaluating statewide R/ED and disproportionality levels. A primary challenge is ensuring all stakeholders are aware and informed of the R/ED core requirement and the state's reduction efforts. The SAG is working with DSA staff and community partners to create plans that provide needed services for youth in rural areas by identifying those rural areas, and determining the needs of those residents.

The SAG's R/ED subcommittee determined the state's R/ED challenges are identifying the role of each child-serving agency in reducing R/ED, accurately gathering arrest data, analyzing the state's pre-trial detention process, and reviewing how delinquency cases are handled (Probation Violations and Contempt of Court Orders). Additional challenges to reducing disparities in South Carolina include monitoring minority youth contact with law enforcement, in addition to collaborating with the Law Enforcement Training Council and the South Carolina Criminal Justice

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Academy to ensure all officers receive appropriate training (Adverse Childhood Experiences, Trauma-informed Care, Implicit Bias, Cultural Awareness and Sensitivity, etc.).

Analysis of Juvenile Delinquency Problems and Needs

The following sections provide statistical summaries of several key decision points of South Carolina's juvenile justice process. The data presented analyzes the following categories: Juvenile referral data, juvenile arrest data, juvenile detention data, juvenile commitment data, and juvenile transfer data for FY 2021-2022. The data analyzed tells the story of South Carolina's juvenile justice system. A system that, according to the SCDJJ data, showed a steady decline in overall referrals over the past 20 years; however, recent upticks in referrals are attributed to the Raise the Age legislation and an increase in violent offenses committed by youth. The historical South Carolina Incident-Based Reporting System (SCIBRS) managed by the South Carolina State Law Enforcement Division (SLED) reports an increase in juvenile arrests in FY 21-22 at 13,309. This is an increase from FY 20-21 at 9,099.

The SCDJJ lists violent/serious cases as murder, criminal sexual conduct 1st & 2nd degree, assault & battery with intent to kill, kidnapping, voluntary manslaughter, armed robbery, arson 1st & 2nd degree, burglary 1st & 2nd degree, drug trafficking, and all offenses categorized in the South Carolina Code of Laws as acts against persons, except for non-aggravated assaults such as assault and battery 3rd degree. Additionally, the SCDJJ data shows Truancy case statistics remain steady since FY 2010-2011, confirming we still have work to do to address status offender cases.

Refer to Appendix C and D for additional data and trends that contribute to this analysis.

i. Juvenile referral data (includes race, gender, and age)

In FY 2021-22, 13,309 cases funneled through South Carolina's juvenile justice system. Appendix E provides the ten most referred offenses, which accounted for 51% of all juvenile referrals in FY

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2021-2022, according to *the 2021-2011 SCDJJ Data Resource Guide*. The top ten most referred offenses includes three status offenses, which were Truancy, Contempt of Court, and Runaway. Status offenses are offenses that can be charged only against juveniles. Of all referrals for FY 2021-2022, 60% were Black, 34% White, 4% Hispanic, and 2% Other race. In regards to gender, 67% of referrals were Male and 33% were Female. In FY 2021-2022, 80% of youth referrals were 16 years old or younger and approximately two-thirds of referrals were first-time cases.

ii. Juvenile diversion data

In FY 2023, 5,966 cases received a diversion decision. Of all diversions for FY 2023, 58% were Black, 37% White, 3% Hispanic, and 2% Other race. At the time of this submission, the gender and age of each diversion case was not available. The OHSJP staff will work with the SCDJJ to ensure future plans include these statistics. Appendix F provides diversion data for FY 2023, according to the *SCDJJ Racial and Ethnic Disparities Statistics by County Report for FY 2023*.

iii. Juvenile arrest data (includes race, gender, and age)

South Carolina Incident-Based Reporting System (SCIBRS) data from the 2022 calendar year indicated 7,878 total arrests of individuals under the age of 18. Of those total arrests, 66% were Black, 32% percent White, 2% Other race. There were 73% Males and 27% Female juveniles arrested during the 2022 calendar year. Appendix G lists SCIBRS arrest data for FY 2023 according to the South Carolina State Law Enforcement Division.

iv. Juvenile detention data (includes race, gender, and age)

Appendix H lists the ten most frequent offenses for detention, which accounted for 45% of all juvenile detentions in FY 2021-2022, according to *the 2021-2022 SCDJJ Data Resource Guide*. Runaway is the only status offense among the top ten most frequent offenses that led to detention. Of all detentions for FY 2021-2022, 74% were Black, 19% White, 5% Hispanic, and 2% Other

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race. In regards to gender, 83% of referrals for detention were Male and 17% were Female. In FY 2021-2022, 71% of detentions in were 16 years old or younger.

v. Juvenile commitment data (includes race, gender, and age)

Appendix I lists the ten most frequent offenses for commitments in FY 2021-2022, which accounted for 52% of all juvenile commitments, according to *the 2021-2022 SCDJJ Data Resource Guide*. Contempt of Court is the only status offense among the top ten most frequent offenses. Of all commitments for FY 2021-2022, 73% were Black, 21% White, 4% Hispanic, and 2% Other race. In regards to gender, 87% of commitments were Male and 13% were Female. In FY 2021-2022, 57% of commitments were 16 years old or younger.

vi. Juvenile transfer data (includes race, gender, and age)

Appendix J lists transfer cases for FY 2022 and FY 2023, according to SCDJJ. In FY 2022, 16 cases received a waiver from juvenile jurisdiction to adult court. In FY2023, 15 cases were transferred to adult court. In FY 2022, 14 were Black, one White and one Hispanic. In FY2023, 12 were Black, 2 were White and 1 Hispanic.

b. Project Goals and Objectives

Planning and Administration: Planning and Administration efforts go towards accomplishing the goals set forth by this plan.

Program Goal:

The goal of Planning and Administration is to provide funding to enable the designated state agency, the South Carolina Department of Public Safety (SCDPS) Office of Highway Safety and Justice Programs (OHSJP) staff to effectively administer the Formula Grant program.

Program Objectives:

1) Provide technical assistance and training to sub grantees and potential grant applicants.

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- 2) Ensure that sub grants are operating in accordance with state and federal regulations and effectively implementing juvenile delinquency prevention programs.
- 3) Provide staff support to the SAG.
- 4) Annually review the Three-Year State Plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of state and local needs, that it considers necessary.

Planning and Administration Budget:

Fiscal Year	Formula Grant Funds	State/Local Private Funds	Total
2024	\$55,986	\$55,986	\$111,972
2025	\$55,986	\$55,986	\$111,972
2026	\$55,986	\$55,986	\$111,972

State Advisory Group (SAG) Allocation– The SAG will recommend funding to programs and services that will be implemented to meet the goals of this plan.

Program Goal:

The goal of the SAG allocation is to ensure the GJJAC establishes funding priorities, reviews and scores grant applications, and makes recommendations to the Governor and to state agencies regarding juvenile justice issues.

Program Objectives:

- 1) Members will serve as resources to guide state juvenile justice policy and practice.
- 2) Members will be knowledgeable about juvenile justice issues on the state and national levels.

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SAG Allocation Budget:

Fiscal Year	Formula Grant Funds	State/Local Private Funds	Total
2024	\$20,000	\$0	\$20,000
2025	\$20,000	\$0	\$20,000
2026	\$20,000	\$0	\$20,000

Compliance Monitoring:

Program Goal:

The goal of Compliance Monitoring is to maintain compliance with DSO, Separation, Jail Removal, and R/ED core requirements.

Program Objectives:

- 1) Maintain compliance with the Deinstitutionalization of Status Offenders requirement:
 - The OHSJP will continue to monitor the jurisdictions and family court judges that are detaining status offenders and forward information to the SAG.
 - The OHSJP staff will collaborate with the SAG members to make contact with family court judges to educate/train them on the importance of utilizing alternatives to detentions.
 - The SCDJJ issued a statewide mandate for all of the SCDJJ county offices which indicates that no SCDJJ staff personnel should recommend detention or commitment of a status offender. Consequently, any status offender detentions or commitments are the result of a judicial order.

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- The South Carolina Department of Corrections Division of Compliance, Standards, and Inspections and the OHSJP staff will continue to monitor and train detention facility staff and law enforcement to ensure they are aware of state laws concerning status offender detentions. Each secure facility will receive an onsite monitoring visit at least once per year, with additional training and monitoring to be provided as needed.

2) Maintain compliance with the Separation requirement

3) Maintain compliance with the Jail Removal requirement

4) Maintain compliance with the Racial and Ethnic Disparities requirement

Compliance Monitoring Budget: *Amount subject to change to enhance monitoring efforts*

Fiscal Year	Formula Grant Funds	State/Local Private Funds	Total
2024	\$150,573	\$0	\$150,573
2025	\$150,573	\$0	\$150,573
2026	\$150,573	\$0	\$150,573

Community-based Alternatives to Detention/Institutionalization

Program Goals:

The goal of Community-based Alternatives to Incarceration and Institutionalization is to develop uniform procedures for handling status offenders by:

- Conducting regional trainings for family court judges, solicitors, defense attorneys, the SCDJJ and the South Carolina Department of Education staff on the Juvenile Justice

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and Delinquency Prevention (JJDP) Act as it relates to status offenses, and other salient issues facing the juvenile population (i.e. racial and ethnic disparities).

- Promoting options for local communities to deal with status offenders in a manner other than institutional placement, and educating judges and court staff about these options.
- Preventing or eliminating the placement of accused or adjudicated status offenders and non-offenders in secure facilities.
- Maintaining compliance with the DSO core requirement of the JJDP Act, specifically the VCO Exception.

Program Objectives:

Promote the use of community-based programs that serve as alternatives to incarceration and institutionalization, which serve:

- Status offenders and other youth who need temporary placement: Crisis intervention, shelter, and after-care.
- Youth who need residential placement: Continuum of foster care or group home alternatives that provide access to a comprehensive array of services.
- Youth who need specialized intensive and comprehensive services that address the unique issues encountered by youth when they become involved with gangs.

Community-based Alternatives to Incarceration/Institutionalization Budget:

Fiscal Year	Formula Grant	State/Local Private Funds	Total
2024	\$133,966	\$0	\$133,966
2025	\$133,966	\$0	\$133,966
2026	\$133,966	\$0	\$133,966

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Racial and Ethnic Disparities (R/ED)

Program Goal:

The goal of the R/ED core requirement is to fund programs, research, or other initiatives primarily to address the disproportionate number of youth members of minority groups who come into contact with the juvenile justice system, pursuant to the requirement at 34 U.S.C. § 11133(a)(15).

Program Objectives:

- 1) Seek local community resources to implement alternatives to secure detention.
- 2) Increase the number of detention alternatives statewide to decrease overrepresentation of minority youth.
- 3) Continue to promote the use of a pre-trial detention risk assessments by local law enforcement.
- 4) Increase the number of diversion programs, particularly in those counties that have higher R/ED and disproportionality rates.

R/ED Budget:

Fiscal Year	Formula Funds	Grant	State/Local Private Funds	Total
2021	\$10,000		\$0	\$10,000
2022	\$10,000		\$0	\$10,000
2023	\$10,000		\$0	\$10,000

Indian Tribe Programs

Program Goals:

The goal of Indian Tribe Programs is to address youth justice and delinquency prevention issues for American Indian tribes and Alaska Natives.

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Program Objectives

1) To promote collaborations among the OHSJP, the SAG, and Tribal jurisdictions to fund programs to address youth justice and delinquency prevention issues for Indian Tribes and Alaska Natives.

Indian Tribes Budget:

Fiscal Year	Formula Grant	State/Local Private Funds	Total
2021	\$101	\$0	\$101
2022	\$101	\$0	\$101
2023	\$101	\$0	\$101

Community-based Programs & Services:

Program Goal:

The goal of the Community-based Programs and Services is to work with youth and their families by providing service to them in community-based settings.

Program Objectives

- 1) Promote the use of programs that allow youth to remain at home and to strengthen families.
- 2) Seek local community-based resources to implement alternatives to secure detention.
- 3) Promote the use of alternative programs to address youth and families with limited English-speaking ability.

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Community-based Programs and Services Budget:

Fiscal Year	Formula Grant Funds	State/Local Private Funds	Total
2021	\$139,966	\$0	\$139,966
2022	\$139,966	\$0	\$139,966
2023	\$139,966	\$0	\$139,966

c. Project Design and Implementation (activities and services)

Planning and Administration: SCDPS staff who administer the Formula Grant program require adequate funding support.

- Hold an annual application workshop to explain program funding priorities and application requirements
- Review applications and prepare funding recommendations with the SAG's Grants Subcommittee input
- Monitor each sub grantee a minimum of once per funding cycle
- Reimburse sub grant requests for payment
- Provide training and technical assistance upon request to local jurisdictions, state agencies, and private organizations
- Prepare federal reports and applications
- Review plans and submit an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan through the submission of Progress Reports and the Data Collection and Technical Assistance Tool (DCTAT), and include any necessary modifications in the plan

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State Advisory Group Allocation (SAG): Provide funding to support the South Carolina's SAG, the Governor's Juvenile Justice Advisory Council (GJJAC).

- Meet at least four times per year
- Grants Review Subcommittee will review and score grant applications
- GJJAC will review Grants Review Subcommittee scores and resulting recommendations
- Attend training conferences to enhance their knowledge of juvenile programs, research, and best practices
- Participate in the development and review of the State Plan
- Provide information, coordination, and technical assistance at the national, state, and local levels

Compliance Monitoring: Maintain compliance with the four core requirements of the JJDP Act: DSO, Jail Removal, Separation, and R/ED.

- On-site monitoring of secure facilities statewide
- Provide training, technical assistance, and resource materials to detention staff statewide
- Complete required federal reports accurately and efficiently
- Maintain GJJAC member involvement in compliance monitoring site visits and data collection
- Review detention logs monthly to determine JJDP Act violations

Community-based alternatives to Incarceration and Institutionalization: Because of the nature of the detention situation in South Carolina, the goals, objectives, activities, performance measures, and budget of the community-based alternatives area will also address Program Area A:

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Alternatives to Detention, Program Area B: Community-based Program and Services and other program areas R/ED, Native American Tribe Programs and Compliance Monitoring.

- Grant funds support the development of community alternatives to incarceration
- OHSJP – Continue to provide training for potential applicants explaining the concepts of DSO and detention reform and outlining the state strategy at the annual Grant Application Workshop

In the past, the state funded Truancy Alternative Programs and other programs that sought to divert status offenders away from incarceration and serve them in community settings. Currently, OHSJP is utilizing Formula funds for two programs that focus on DSO.

Racial and Ethnic Disparities: Through the selection of R/ED as a priority, the state will work to fund programs, research, or other initiatives primarily to address the disproportionate number of youth members of minority groups who come into contact with the juvenile justice system, pursuant to the requirement at 34 U.S.C. § 11133(a)(15). The goals, objectives, activities, performance measures, and budget of the R/ED area will also address Alternatives to Detention, Diversion, Gangs, and Jail Removal. Currently, OHSJP is utilizing Formula funds for four programs that focus on reducing R/ED. The funds budgeted in the R/ED line will be adjusted to compensate a R/ED Coordinator to collaborate with the SAG's R/ED subcommittee. The R/ED Coordinator will be responsible for all aspects related to reducing racial and ethnic disparities and disproportionality in South Carolina.

Indian Tribe Programs: These funds will be used to fund programs to address youth justice and delinquency prevention issues for American Indian tribal governments and Alaska Natives in South Carolina. The SAG created a Tribal Affairs committee to work with the federally recognized

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tribal jurisdictions in South Carolina to ensure tribal youth receive equitable juvenile justice treatment.

Community-Based Programs and Services: With the state's DSO noncompliance determination in FY 2019, these funds will be directed towards projects and initiatives that promote youth diversion away from incarceration to community-based alternatives. These youth and their families would participate in-home or community programs and services. Community-based programs and services are those that provide community-based solutions to solving juvenile delinquency challenges. The OHSJP and the SAG will continue to prioritize community-based programs and services to combat DSO, such as Truancy Alternative Programs, Juvenile Arbitration Programs, in addition to other community-based diversionary programs to resolve juvenile cases without further system involvement.

Delinquency Prevention: The SAG will utilize these funds for community-based programs that seek to prevent juvenile delinquency, as well as for programs that provide intervention services for juvenile delinquents. These funds will cover informational campaigns, prevention and intervention resources and materials, in addition to grants for education, law enforcement, and our social services partners. The state will fund gender-specific programs that address the needs of girls in or at risk of entering the juvenile justice system, including pregnant girls, young mothers, survivors of commercial sexual exploitation or domestic child sex trafficking, girls with disabilities, and girls of color, including girls who are members of a Native American tribe.

Compliance Monitoring

Based on the OJJDP's review and analysis of the 2019 Compliance Monitoring Report and the 2020 RED Plan for FY 2020 eligibility, the OJJDP determined: South Carolina was in compliance with Section 223(a)(11) of the Act (the deinstitutionalization of status offenders or

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DSO requirement), South Carolina was in compliance with Section 223(a)(12) of the Act (the separation requirement), South Carolina was in compliance with Section 223(a)(13) of the Act (the adult jail and lockup removal requirement), and South Carolina submitted its RED Plan for compliance with Section 223(a)(15) of the Act (the racial and ethnic disparities or RED requirement).

In accordance with the JJDP Act, South Carolina maintains written plans and an effective system of monitoring jails, detention facilities, correctional facilities, and other applicable facilities to ensure the core requirements are met, and for annual reporting of the results of such monitoring to the OJJDP Administrator. Currently, SCDPS monitors and receives monthly detention logs from thirteen secure facilities that house accused and adjudicated juveniles. For monitoring purposes, South Carolina maintains a Compliance Monitor Policy and Procedure manual in addition to written policies to carry out these tasks. The OJJDP requires that participating states maintain an effective compliance monitoring system that includes the following elements (*Updated to reflect JJRA changes*):

- 1) Policy and Procedures Manual
- 2) Monitoring Authority
- 3) Violation Procedures
- 4) Definition of Terms
- 5) Identification of the Monitoring Universe
- 6) Classification of the Monitoring Universe
- 7) Inspection of Facilities
- 8) Data Collection and Data Verification

South Carolina's Compliance Monitoring Manual and the Monitoring Universe are included with the state's application.

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Interest of Justice Cases

The state of South Carolina is working on plans to ensure implementation of the “Interest of Justice” data collection requirements under the Title II Formula Grants Program (34 U.S.C. § 11133(a)(11)(B)) occur by the December 21, 2021 deadline. These plans include educating family court judges and detention officials of the new changes, in addition to updating the duties of the Compliance Monitor on tracking, reporting, and determining Interest of Justice violations. The Compliance Monitor will attend the OJJDP trainings and follow all OJJDP guidance regarding information related to the “Interest of Justice” statutory provision.

Valid Court Order Exception

The state of South Carolina does use the Valid Court Order (VCO) exception, and the state is currently working to improve the process to maintain compliance for documentation purposes. The SCDPS and the SCDJJ have a mutual interest in reducing the incarceration rate of status offenders and have entered into a Memorandum of Understanding (MOU) to enable SCDPS to access the SCDJJ’s Juvenile on Demand Access (JODA) system to review juvenile intake or detention records. An updated process for reviewing and verifying VCO violations is in the Compliance Manual, attached in the CMT.

Describe policies, procedures, and training in effect, if any, for the staff of juvenile state correctional facilities to eliminate the use of dangerous practices, unreasonable restraints, and unreasonable isolation, including by developing effective behavior management techniques; 34 U.S.C. § 11133(a)(29)

South Carolina does have policies, procedures and training in effect to eliminate the use of dangerous practices, unreasonable restraints, and unreasonable isolation, including developing effective behavior management techniques. At the SCDJJ, the philosophy is that adolescents favorably respond to developmentally appropriate rewards and sanctions and SCDJJ will reinforce responses by rewarding appropriate behavior while giving sanctions for inappropriate behavior.

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SCDJJ policy 924, Juvenile Behavior Management – Incentive System and Progressive Discipline describes the formal system of rewards and incentives in secure juvenile residential facilities that provides for planned therapeutic interventions to reward responsible juvenile behavior, and to discourage negative juvenile behavior. Correctional staff are continuously trained on Progressive Discipline, which is a continuum of responses from least restrictive to more restrictive in an effort to change that behavior. The SCDPS will work with all detention facilities to ensure the state complies with 34 U.S.C. § 11133(a)(29).

Contain a plan that shall be implemented not later than December 21, 2020, to—

A. eliminate the use of restraints of known pregnant juveniles housed in secure juvenile detention and correction facilities during labor, delivery, and post-partum recovery, unless credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others.

B. eliminate the use of abdominal restraints, leg and ankle restraints, wrist restraints behind the back, and four-point restraints on known pregnant juveniles, unless— (a) credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; or (b) reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method; 34 U.S.C. § 11133(a)(7)(B)(ix):

At SCDJJ, within Rehabilitative Services, Health Services has policy 616, Pregnant Juveniles, which addresses the identification and care of youth who are pregnant and in custody. If in detention or an evaluation center, that community should work to establish the home as an alternative placement through the court, where possible. Once identified as pregnant, the facility Multidisciplinary Team (MDT) will schedule a staffing within 72 hours to develop a pregnancy plan. The Department of Social Services is to be notified of the pregnancy by the community case manager. There are also accommodations for if the pregnant youth wants to place the infant for adoption or if she wishes to obtain a first trimester pregnancy termination. All prenatal care will be provided by Health Services and the youth's local OBGYN. The SCDJJ's policy 310,

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Mechanical Restraints, discusses how and when restraints are to be utilized. The SCDPS will work with all detention facilities to ensure the state complies with 34 U.S.C. § 11133(a)(7)(B)(ix).

Description of evidence-based methods that will be used to conduct mental health and substance abuse screening, assessment, referral, and treatment for juveniles who—

- (i) request a screening;**
- (ii) show signs of needing a screening; or**
- (iii) are held for a period of more than 24 hours in a secure facility that provides for an initial screening; and**

B) How the state will seek, to the extent practicable, to provide or arrange for mental health and substance abuse disorder treatment for juveniles determined to be in need of such treatment; 34 U.S.C. § 11133(a)(30)

The SCDJJ has several policies that require a youth must be screened using the Vulnerability to Victimization or Sexual Aggression Screener. Additionally, a youth is provided an intake upon arrival that screens for any mental health, substance use, or physical limitations. Health Services provides a medical screening within 72 hours of admission to the SCDJJ. Comprehensive recommendations for treatment needs are provided at each evaluation point. The OHSJP will work with all detention facilities to ensure the state complies with 34 U.S.C. § 11133(a)(30). The SAG and the OHSJP will continue to promote programs that provide mental health services for the prevention and treatment of youth delinquency in South Carolina.

IX. Describe how reentry planning by the state for juveniles will include—

- (A) A written case plan based on an assessment of needs that includes—**
 - (i) the pre-release and post-release plans for the juveniles;**
 - (ii) the living arrangement to which the juveniles are to be discharged; and**
 - (iii) any other plans developed for the juveniles based on an individualized assessment; and**
- (B) Review processes; 34 U.S.C. § 11133(a)(31):**

Describe policies and procedures, if any, to—

- (A) Screen for, identify, and document in records of the state the identification of victims of domestic human trafficking, or those at risk of such trafficking, upon intake; and**
- (B) Divert youth described in subparagraph (A) to appropriate programs or services, to the extent practicable; 34 U.S.C. § 11133(a)(33):**

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The SCDJJ provides (MST) and Functional Family Therapy (FFT); these programs would serve as diversionary efforts to prevent further penetration of the juvenile justice system. Additionally, efforts are underway to revamp the ISO program, and institute a standard plan for each youth with focus on re-integration that the ISO drives throughout the youth's stay in a SCDJJ facility. The SCDJJ Community Service Division has a Reintegration Protocol in place to prepare juveniles committed to the SCDJJ or in alternative placement to return safely to their home community and live as a law-abiding citizen. Effective community reintegration planning fosters family connections and strengthening, increases access to community resources, improves the juvenile's transition into school/vocation or workforce, reduces potential for problematic behaviors, and seeks to restore the community by addressing victim related concerns.

Preparation for reentry begins the day the juvenile is committed to SCDJJ or goes into alternative placement. Within 30 calendar days of the date the juvenile is committed or enters alternative placement, the County Case Manager (CM) will initiate plans for community reintegration to prepare both the juvenile and family for the juvenile's return to the community. The CM will complete a reintegration assessment case note upon receipt of the case for primary supervision. Initial community reintegration planning will consider the current home situation, the juvenile's identified treatment needs, services the family may need to prepare for the juvenile's return to community, community services/resources the juvenile may need upon return, and any victim related concerns. *The SCDJJ Reintegration protocols are outlined in Appendix K.*

South Carolina affirms the state has established partnerships and plans to develop adequate research, training, and evaluation capacities. The DSA collaborates with the University of South Carolina Children's Law Center for research projects. South Carolina has developed an adequate research, training, and evaluation capacity within the state through partnerships with the University

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of South Carolina, which is dedicated to providing high quality data, research and evaluation services to an array of entities including federal, state and local governments. In addition, the SAG has supported an evaluation of a state-funded juvenile diversion program with several local governments and juvenile justice agencies; this evaluation has yielded useful information leading to improvements in the operations of diversion programs and other programs related to the core requirements of the JJDP Act, including training for staff involved with those programs.