



**SOUTH CAROLINA DEPARTMENT OF PUBLIC
SAFETY, OFFICE OF HIGHWAY SAFETY AND
JUSTICE PROGRAMS' JUVENILE JUSTICE
COMPLIANCE MONITORING MANUAL**

Last Updated 04/2025

**Policies and Procedures Manual for
Monitoring Compliance With Core
Requirements of the
Formula Grants Program Authorized
Under Title II, Part B, of the
Juvenile Justice and Delinquency
Prevention Act**

TABLE OF CONTENTS

I. INTRODUCTION/PURPOSE	2
A. Program Introduction	2
B. Purpose of the Compliance Monitoring Manual	2
II. COMPLIANCE WITH THE CORE REQUIREMENTS	3
III. ELEMENTS OF AN EFFECTIVE SYSTEM OF MONITORING	7
A. Summary of Elements.....	7
B. Compliance Monitoring	7
C. Monitoring Authority.....	8
D. Violation Procedures	8
E. Adherence to Federal Definitions	9
F. Identification of the Monitoring Universe	11
G. Classification of the Monitoring Universe.....	12
H. Inspection of Facilities	13
I. Compliance Data Collection and Verification	14
IV. COMPLIANCE MONITORING REPORTING REQUIREMENT.....	19
APPENDIX A – IMPORTANT DOCUMENTS.....	20
APPENDIX B – ONLINE RESOURCES	33

I. INTRODUCTION/PURPOSE

A. Program Introduction

Since 1974, the Juvenile Justice and Delinquency Prevention Act (JJDP) has provided federal support and assistance to state and local governments and the private sector in dealing with juvenile justice and juvenile delinquency problems. The JJDP program is administered at the federal level by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the United States Department of Justice, which awards annual formula grants to the states.

Each state is required to designate a designated state agency or DSA that is responsible for establishing priorities, developing the annual plan, and administering the formula grant funds. The state funding agencies in turn are authorized to award these funds to local governments, state agencies, and other qualified non-government applicants to implement juvenile justice and delinquency prevention programs. The Department of Public Safety (SCDPS) is South Carolina's designated funding agency for these purposes.

Title II, Part B, of the [Juvenile Justice and Delinquency Prevention Act](#) ("JJDP" or the "Act") sets out detailed requirements that a state must satisfy in order to be eligible to receive funding under the Act's Formula Grants Program, including the submission of a state plan that satisfies the requirements set forth at 34 U.S.C. § 11133(a)(1)-(33). Under the Act, "[i]n accordance with regulations which the Administrator shall prescribe, such plan shall," among other things—

...provide for an effective system of monitoring jails, lock-ups, detention facilities, and correctional facilities to ensure that the core requirements are met, and for annual reporting of the results of such monitoring to the Administrator[.] [34 U.S.C. § 11133(a)(14)]

Within the SCDPS, the Office of Highway Safety and Justice Programs (OHSJP) is responsible for the coordination of juvenile justice efforts; compliance monitoring of all jails and lockups for adults, secure detention facilities, and secure correctional facilities, which must be monitored to ensure compliance with the core requirements for purposes of the Formula Grants Program, overseeing the planning process; reviewing and assessing grant applications; administering funded programs; providing technical assistance; and monitoring and evaluating funded programs.

B. Purpose of the Compliance Monitoring Manual

The purpose of the manual is to provide the policies and procedures for monitoring compliance with the core requirements, in order to meet the requirement 34 U.S.C. § 11133(a)(14) discussed above. This manual addresses the core requirements found in 34 U.S.C. §§ 11133(a)(11), (12), and (13). The racial and ethnic disparities core requirement found at 34 U.S.C. § 11133(a)(15), is not discussed in this manual because states do not monitor individual facilities for compliance with racial and ethnic disparities. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides information on the racial and ethnic disparities core requirement on the [CCAS information hub](#). All references made to "core requirements" in this manual pertain to requirements found in §§ 11133(a)(11), (12), and (13).

Monitoring means to watch, observe, or check for a special purpose. In this case, the special purpose is to see that the goals of Formula Grants Program are fulfilled: South Carolina monitors all secure detention facilities, secure correctional facilities, and adult jails and adult lockups in the state to ensure that the core requirements are met, and for annual reporting of the results of such monitoring to the OJJDP. Monitoring also means the evaluation of how well the purposes of the Formula Grants Program are being met, and the taking of remedial action where

necessary. For these monitoring purposes the policy and procedure manual will be utilized in carrying out these tasks.

II. COMPLIANCE WITH THE CORE REQUIREMENTS

This section describes the core requirements at 34 U.S.C. § 11133(a)(11), (12), and (13), and is included in the compliance monitoring manual, to assist Juvenile Justice program staff in understanding the core requirements. In the following pages, you will find direct statutory and regulatory references. **Section III of this manual describes how South Carolina meets the core requirements.**

A. Deinstitutionalization of Status Offenders (DSO)

Pursuant to [34 U.S.C. § 11133\(a\)\(11\)\(A\)](#), juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult (status offenders), or juveniles who are not charged with any offense and are unauthorized immigrants or are alleged to be dependent, neglected or abused (non-offenders), shall not be placed in secure detention facilities or secure correctional facilities. Compliance with the DSO requirement has been achieved when a state can demonstrate that no such juveniles were placed in secure detention and correctional facilities, or when the state's DSO rate falls below the established threshold.

Exceptions to the DSO Requirement

YOUTH HANDGUN SAFETY EXCEPTION – Under [34 U.S.C. § 11133\(a\)\(11\)\(A\)\(i\)\(I\)](#), the DSO requirement does not apply to juveniles charged with or found to have committed a violation of the Youth Handgun Safety Act (18 U.S.C. § 922(x)), or a similar state law, which prohibits a person younger than 18 from possessing a handgun. Such juveniles may be placed in secure detention or secure correctional facilities without resulting in an instance of noncompliance with the DSO requirement.

South Carolina currently uses the Youth Handgun Safety Exception.

VALID COURT ORDER EXCEPTION – The Valid Court Order (VCO) exception at [34 U.S.C. § 11133\(a\)\(11\)\(A\)\(i\)\(II\)](#) provides that accused or adjudicated status offenders, found to have violated a valid court order based on their status as a juvenile, may be placed in a secure juvenile detention or correctional facility. A juvenile who has committed a violation of a court order that is not related to his status as a juvenile (i.e., an offense with which an adult may be charged, such as failure to appear) is neither a status offender nor nonoffender and the DSO requirement does not apply (see Section III.E. Adherence to Federal Definitions for the definition of “valid court order”).

South Carolina currently uses the Valid Court Order Exception.

To demonstrate compliance with the statutory requirements governing the VCO exception, states must have a process in place to verify whether court orders used to place status offenders in juvenile detention centers (including

juveniles who violate valid court orders related to their status as a juvenile), meet the following requirements (as set forth at [34 U.S.C. § 11133\(a\)\(23\)](#)):

- a. An appropriate public agency shall be promptly notified that the status offender is detained or confined in custody for violating a valid court order.
- b. An authorized representative of that agency shall interview within 24 hours, in person, the status offender who is being detained or confined.
- c. Within 48 hours during which the status offender is detained or confined:
 - The agency representative shall submit an assessment to the court that issued the order regarding the immediate needs of the status offender.
 - The court shall conduct a hearing to determine whether (1) there is reasonable cause to believe that the status offender violated the order and (2) the appropriate placement of the status offender pending disposition of the alleged violation.
 - If the court determines that the status offender should be placed in a secure detention facility or correctional facility for violating the court order, (1) the court must issue a written order that:
 1. Identifies the valid court order that has been violated;
 2. Specifies the factual basis for determining that there is reasonable cause to believe that the status offender has violated such order;
 3. Includes 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;
 4. Specifies the length of time, not to exceed 7 days, that the status offender may remain in a secure detention facility or correctional facility, and includes a plan for the status offender's release from such facility; and
 5. May not be renewed or extended; and
 6. The court may not issue a second or subsequent order described [in the first bullet] relating to a status offender unless the status offender violates a valid court order after the date on which the court issued the first court order.
- d. There are procedures in place to ensure that any status offender detained or confined in a secure detention facility or correctional facility pursuant to a [valid] court order [described in this section] does not remain in custody longer than 7 days or the length of time authorized by the court, whichever is shorter.

INTERSTATE COMPACT ON JUVENILES EXCEPTION – Pursuant to the DSO requirement at [34 U.S.C. § 11133\(a\)\(11\)\(A\)\(i\)\(III\)](#), status offenders may be held in accordance with the Interstate Compact on Juveniles, as the state has enacted it. States must verify that all status offenders subject to an out-of-state placement were held pursuant to the Compact. Where the interstate placement of status offenders was not in accordance with the Compact, the state in which the juvenile is placed must report the placement as an instance of noncompliance.

South Carolina currently uses the Valid Court Order Exception.

B. Removal of Juveniles Charged as Adults from Adult Facilities

Under [Section 223\(a\)\(11\)\(B\)](#), on or after December 21, 2021, a juvenile who is charged as an adult cannot be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure adult facility, except as provided below.

A juvenile charged as an adult may be detained in an adult jail or lockup if one of the exceptions at 34 U.S.C. § 11133(a)(13) applies (Six-Hour Exception, Rural Exception, Travel Conditions Exception, and Conditions of Safety Exception). See Section II.D. Removal of Juveniles from Adult Jails and Lockups.

In addition, a court may determine after a hearing, and in writing, that it is in the interest of justice to permit a juvenile to be detained in a jail or lockup for adults or have sight or sound contact with adult inmates in a secure facility. If the court makes an initial determination that it is in the interest of justice to detain a juvenile under those circumstances, the court must hold a hearing at least every 30 days (at least every 45 days in a rural jurisdiction) to review whether it is still in the interest of justice to continue to detain the juvenile in an adult jail or lockup or such that he had contact with adult inmates in a secure facility. In determining whether it is in the interest of justice to detain (or continue to detain) a juvenile, the court must consider:

1. the age of the juvenile;
2. the physical and mental maturity of the juvenile;
3. the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;
4. the nature and circumstances of the alleged offense;
5. the juvenile's history of prior delinquent acts;
6. the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained juveniles; and
7. any other relevant factor(s)

The maximum amount of time that a juvenile charged as an adult may be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure facility is 180 days. Unless the court determines, in writing, that there is good cause for such an extension, or the juvenile expressly waives this 180-day limit.

C. Separation of Juveniles From Adult Inmates

Pursuant to [34 U.S.C. § 11133\(a\)\(12\)](#), juveniles alleged to be or found to be delinquent, status offenders, and juveniles who are not charged with an offense and who are unauthorized immigrants or alleged to be dependent, neglected, or abused may not be detained or confined in any institution in which they have sight or sound contact with adult inmates.

In order to comply with the separation requirement, states must also have in effect a policy that requires individuals who work with both juveniles and adult inmates, including in collocated facilities, to have been trained and certified to work with juveniles.

JUVENILES WHO ARE TRANSFERRED, CERTIFIED, OR WAIVED TO CRIMINAL COURT – Juveniles who have been transferred, certified, or waived to criminal court, and are therefore charged as adults, may not be detained in an adult jail or lockup or have sight or sound contact with adult inmates in a secure facility, unless it is pursuant to one of the exceptions at 34 U.S.C. §11133(a)(13).

However, a court may determine that it would be in the interest of justice to do so consistent with [34 U.S.C. § 11133\(a\)\(11\)\(B\)](#). See Section 223(a)(11)(B), which applies to juveniles charged as adults. If a juvenile who has been charged as an adult has been convicted and sentenced for the criminal offense, however, Section 223(a)(11)(B) no longer applies.

JUVENILES WHO REACH THE AGE OF FULL CRIMINAL RESPONSIBILITY AFTER ARREST OR ADJUDICATION – Individuals who commit an offense while still a juvenile and who have reached the age of full criminal responsibility only after arrest or adjudication, but remain under juvenile court jurisdiction, are not adult inmates and need not be separated from juveniles until they have reached the state's maximum age of extended juvenile jurisdiction. By contrast, individuals who are under juvenile court jurisdiction and who subsequently commit a separate offense after reaching the age of full criminal responsibility, are adult inmates, who must not have sight or sound contact with juvenile detainees.

PROGRAMS IN WHICH JUVENILES HAVE SIGHT OR SOUND CONTACT WITH ADULT INMATES – Programs in which juveniles have sight or sound contact with adult inmates in an attempt to educate juveniles about life in prison and/or deter them from delinquent or criminal behavior (such as Scared Straight or shock incarceration programs) may result in instances of noncompliance with the separation (and possibly DSO and jail removal) requirements. Whether these programs result in instances of noncompliance will depend on the specific manner in which the program operates and the circumstances of the juveniles’ participation in such a program.

Instances of noncompliance with the separation requirement may only occur if a juvenile’s participation in such a program is pursuant to law enforcement or juvenile or criminal court authority. In addition, for violations to occur, the juvenile must not be free to leave or withdraw from participation, even if her/his parent/guardian has not consented to, or wishes to withdraw consent for, the juvenile’s participation.

D. Removal of Juveniles From Adult Jails and Lockups

Pursuant to [34 U.S.C. § 11133\(a\)\(13\)](#), no juvenile shall be detained or confined in any jail or lockup for adults, with exceptions described below. Juveniles who are accused of status offenses, juveniles who are not accused of any offense, and juveniles who have been adjudicated as delinquent may not be detained or confined for any length of time in an adult jail or lockup.

The following four statutory exceptions apply to the jail removal requirement, as long as juveniles accused of non-status offenses do not have sight or sound contact with adult inmates and the state has in effect a policy that requires individuals who work with both juveniles and adult inmates in collocated facilities to have been trained and certified to work with juveniles:

SIX-HOUR EXCEPTION – The jail removal requirement at [34 U.S.C. § 11133\(a\)\(13\)\(A\)](#) allows the detention or confinement in an adult jail or lockup of juveniles accused of delinquent offenses (i.e., offenses that would be a criminal offense if committed by an adult), under the following circumstances:

1. A juvenile accused of a delinquent offense may be detained for no more than 6 hours for the purposes of processing or release, while awaiting transfer to a juvenile facility, or during which period the juvenile makes a court appearance.
2. A juvenile who has been adjudicated as delinquent may not be detained in an adult jail or lockup, for any length of time, without resulting in an instance of noncompliance with the jail removal requirement.

South Carolina currently uses the Six-Hour Exception.

The following three exceptions allow states to detain or confine juveniles accused of non-status offenses in adult jails or lockups for more than 6 hours while awaiting an initial court appearance and so long as the juveniles do not have sight or sound contact with adult inmates, and the state has in effect a policy that requires individuals who work with such juveniles and adult inmates to be trained and certified to work with juveniles.

In South Carolina, in order to become a certified officer and/or detention officer, one must complete training to work with juveniles at the SC Criminal Justice Academy or the Department of Corrections Training Academy and graduate.

RURAL EXCEPTION – The exception found at [34 U.S.C. § 11133\(a\)\(13\)\(B\)\(ii\)\(I\)](#) provides that juveniles accused of non-status offenses may be detained or confined in jails or lockups for adults for as long as 48 hours (excluding Saturdays, Sundays, and legal holidays) while awaiting an initial court appearance, when the jail or lockup is outside a metropolitan statistical area (as defined by the Office of Management and Budget (OMB)), and the state has no existing acceptable alternative placement available.

South Carolina does not currently use the Rural Exception.

TRAVEL CONDITIONS EXCEPTION – Under [34 U.S.C. § 11133\(a\)\(13\)\(B\)\(ii\)\(II\)](#), states may detain a juvenile accused of a delinquent offense in an adult jail or lockup, if the facility is located where conditions of distance to be traveled or the lack of highway, road, or transportation does not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable.

South Carolina does not currently use the Travel Conditions Exception

CONDITIONS OF SAFETY EXCEPTION – Under [34 U.S.C. § 11133\(a\)\(13\)\(B\)\(ii\)\(III\)](#), if the adult jail or lockup is located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), a juvenile accused of a delinquent offense may be detained therein and his or her court appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel.

South Carolina does not currently use the Conditions of Safety Exception

III. ELEMENTS OF AN EFFECTIVE SYSTEM OF MONITORING

A. Summary of Elements

States participating in the Formula Grants Program must provide for an effective system of monitoring jails, lockups, detention facilities, and correctional facilities to ensure that they meet the core requirements, pursuant to the monitoring and reporting requirement at [34 U.S.C. § 11133\(a\)\(14\)](#). The state’s monitoring system, if it is to comply with the statutory and regulatory monitoring requirements, must include all jails, lockups, secure detention facilities, and secure correctional facilities. There are eight elements of an effective system of monitoring. For each of the following elements, South Carolina includes a description of its specific policies and procedures:

1. Compliance Monitoring Policies and Procedures
2. Monitoring Authority
3. Violation Procedures
4. Adherence to Federal Definitions
5. Identification of the Monitoring Universe
6. Classification of the Monitoring Universe
7. Inspection of Facilities
8. Compliance Data Collection and Verification

The following provides a summary of the element followed by the detailed plan to address that element.

B. Compliance Monitoring Policies and Procedures

Pursuant to [28 C.F.R. § 31.303\(f\)\(1\)\(i\)](#), one of the required elements of an effective system of monitoring is that states must describe their policies and procedures for monitoring for compliance with the core requirements.

The purpose of this manual is to satisfy the policies and procedures element, as well as describe how South Carolina satisfies the following additional elements required for an effective system of compliance monitoring.

Date of Last Update: 12/2024

C. Monitoring Authority

States are required under [34 U.S.C. § 11133\(a\)\(1\) and \(2\)](#) to designate an agency (referred to as the Designated State Agency, or the DSA) and provide satisfactory evidence that the DSA has authority, by legislation, if necessary, to administer the Title II Formula Grants Program, including monitoring for compliance with the deinstitutionalization of status offenders (DSO), Section 223(a)(11)(B), separation, and jail removal requirements.

In accordance with South Carolina Code of Laws § 24-9-20, officials from the Department of Public Safety are authorized to inspect jails and prisons for compliance with the core requirements of the Juvenile Justice and Delinquency Prevention Act. Monitoring officials employed by the Department of Public Safety (SCDPS) shall monitor all adult jails, adult lockups, secure detention facilities, and secure correctional facilities within the State of South Carolina where juveniles are or may be detained or confined. Visits will deal with federal and state juvenile justice compliance monitoring prescribed by the JJDA and the Formula Grants Program, but they will not involve investigations of any criminal activities. As a professional courtesy, monitoring authorities shall notify the Facility Manager or senior official available at least one (1) day prior to a monitoring visit. Monitoring authorities may make additional visits to provide technical assistance when requested. Additionally, the SCDPS monitoring authorities also work with the South Carolina Department of Corrections' (SCDC) Division of Compliance, Standards & Inspections to ensure that all secure institutions and facilities in South Carolina are monitored for compliance with the deinstitutionalization of status offenders (DSO), Section 223(a)(11)(B), separation, and jail removal requirements.

Date of Last Update: 12/2024

D. Violation Procedures

Pursuant to [28 C.F.R. § 31.303\(f\)\(1\)\(iii\)](#), the state must specify how it receives, investigates, and reports complaints of instances of noncompliance with the DSO, Section 223(a)(11)(B), separation, and jail removal requirements.

SCDPS' written violation policies and procedures permit the Juvenile Justice Specialist/Compliance Monitor (JJS/CM) to address alleged violations at the time of discovery. After reviewing monthly detention logs, which contain juvenile system identification number, Last Name, First Name, Detaining Agency, Date & Time juvenile was detained or confined and released, County location, and Offense, if the JJS/CM believes an alleged violation exists, the JJS/CM will follow the investigative process described below:

1. The JJS/CM will cross-reference SCDJJ's Juvenile Justice Management System (JJMS) or Juvenile On-Demand Access (JODA) system to determine the root cause of the detention. If JJS/CM cannot get the information from JJMS or JODA, additional steps may be required to address the alleged violation. If the JJMS or JODA system's information is sufficient, the JJS/CM will clear the record as "no violation."
2. If the information contained in the JJMS or JODA system is not sufficient for the JJS/CM to make a determination, the JJS/CM will send a formal request to the SCDJJ's point of contact. The request will seek supporting documents (Form 5, charging documents, valid court orders, and other court documents related to the root of the detention) to address the alleged violation. Once the JJS/CM receives the supporting documents from the SCDJJ, the JJS/CM will either clear or confirm the alleged violation.

Confirming Violations

If the JJS/CM confirms a violation, the following process will occur:

1. The JJS/CM will notify the point of contact at the SCDJJ of the violation.
2. The JJS/CM will complete a violation letter that corresponds to the appropriate violation within 30 days from the confirmation of the violation. The JJS/CM will send copies of the violation letter to the Facility Administrator, SCDJJ Executive Director (if the facility is a juvenile facility), and SCDC Division of Compliance Standards and Inspections (if the facility is an adult facility). The violation letter specifically states what the violation was, when it occurred, cites the state law or core requirement that is violated, and recommends appropriate corrective measure. The SCDPS will make every effort possible to assist all agencies involved to address JJDPA Act violations. The JJS/CM will offer all agencies involved with the violation technical assistance and/or training.
3. If the JJS/CM discovers a violation while conducting an onsite compliance visit, the JJS/CM will notify the SCDCA, and follow-up with the detention facility to schedule a follow-up visit within 60 days.
4. The JJS/CM will provide at least one compliance report to the GJJAC annually for their recommendations regarding programs and services to combat additional core requirement violations.
5. Monthly Jail and Violation records are kept electronically for a minimum of two monitoring cycles and no more than ten years.

Date of Last Update: 4/2025

E. Adherence to Federal Definitions

Definitions that states use for key juvenile and criminal justice terms sometimes differ from the “federal” definitions. The federal definitions, for purposes of compliance monitoring, are only those provided in the JJDPA at [34 U.S.C. § 11103](#) the Formula Grants Program Regulation at [28 C.F.R. § 31.304](#) and [An Overview of Statutory and Regulatory Requirements for Monitoring Facilities for Compliance With the Deinstitutionalization of Status Offenders, Separation, and Jail Removal Provisions of the Juvenile Justice and Delinquency Prevention Act.](#)

When monitoring for compliance with the core requirements, South Carolina applies the federal definition of any term related to compliance monitoring where the state definitions of the term differ from the federal definition. Where there is a difference in the definitions, South Carolina acknowledges that the federal definition must be used.

All the relevant federal definitions applicable to the Formula Grants Program in South Carolina are included below:

ADULT INMATE | [34 U.S.C. § 11103 \(26\)](#) – means an individual who has reached the age of full criminal responsibility under applicable state law and has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense, and does not include an individual who (1) at the time of the offense, was younger than the maximum age at which a juvenile can be detained or confined in a juvenile facility under applicable state law; and (2) was committed to the care and custody or supervision, including post-placement or parole supervision, of a juvenile correctional agency by a court of competent jurisdiction or by operation of applicable state law.

ASSESSMENT | [34 U.S.C. 11103\(38\)](#) – includes, at a minimum, an interview and review of available records and other pertinent information – (A) by an appropriately trained professional who is licensed or certified by the applicable state in the mental health, behavioral health, or substance abuse fields; and (B) which is designed to identify significant mental health, behavioral health, or substance abuse treatment needs to be addressed during a youth’s confinement.

COLLOCATED FACILITIES | [34 U.S.C. § 11103 \(28\)](#) – means facilities that are located in the same building or are part of a related complex of buildings located on the same grounds.

CORE REQUIREMENTS | [34 U.S.C. § 11103 \(30\)](#) – means the requirements described at [34 U.S.C. § 11133\(11\), \(12\), \(13\), and \(15\)](#).

CRIMINAL-TYPE OFFENDER | [28 C.F.R. § 31.304\(a\)](#) – means a juvenile offender who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime, if committed by an adult.

DETAIN OR CONFINE | [28 C.F.R. § 31.304 \(b\)](#) – means to hold, keep, or restrain a person such that he or she is not free to leave or that a reasonable person would believe that he is not free to leave. The exception is a juvenile that law enforcement holds solely to return him to his parent or guardian or pending his transfer to the custody of a child welfare or social service agency. In this case, the youth is not detained or confined within the meaning of this definition.

INSTITUTION | [Compliance Monitoring TA Tool](#) means “a secure facility that law enforcement or a juvenile or criminal court authority uses to detain or confine juveniles or adults (1) accused of having committed a delinquent or criminal offense, (2) awaiting adjudication or trial for the delinquent or criminal offense, or (3) found to have committed the delinquent or criminal offense.”

JAIL OR LOCKUP FOR ADULTS | [34 U.S.C. § 11103 \(22\)](#) – means a secure facility that a state, unit of local government, or any law enforcement authority uses to detain or confine adult inmates.

JUVENILE OFFENDER | [28 C.F.R. § 31.304 \(d\)](#) – means an individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by state law (i.e., a criminal-type offender or a status offender).

MAXIMUM AGE OF EXTENDED JUVENILE COURT JURISDICTION | [Compliance Monitoring TA Tool](#) by OJJDP – means the age above which a juvenile court may no longer exercise jurisdiction under state law. In South Carolina this age is 17.

MONITORING UNIVERSE | [Compliance Monitoring TA Tool](#) – means all public and private facilities in which law enforcement or criminal or juvenile court authority detain juveniles and/or adult inmates.

NONOFFENDER | [28 C.F.R. § 31.304 \(i\)](#) – means a juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.

RESIDENTIAL | [Compliance Monitoring TA Tool](#) – means equipped with beds, cots, or other sleeping quarters and has the capacity to provide for overnight accommodations for juveniles or adults who are accused of committing or who have committed an offense.

SECURE as defined under [28 C.F.R. § 31.304 \(m\)](#) and used to define a detention or correctional facility – includes residential facilities that include construction features designed to physically restrict the movements and activities of persons in custody, such as locked rooms and buildings, fences, or other physical structures. It does not include facilities where physical restriction of movement or activity is provided solely through facility staff.

SECURE CORRECTIONAL FACILITY | [34 U.S.C. § 11103 \(13\)](#) – means any public or private residential facility which— (1) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and (2) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense.

SECURE DETENTION FACILITY | [34 U.S.C. § 11103 \(12\)](#) – means any public or private residential facility which— (1) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and (2) is used for the temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense.

SIGHT OR SOUND CONTACT | [34 U.S.C. § 11103 \(25\)](#) – means any physical, clear visual, or verbal contact that is not brief and inadvertent.

STATE | [34 U.S.C. § 11103\(7\)](#)– means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

STATUS OFFENDER | [34 U.S.C. § 11103\(42\)](#) – means a juvenile who is charged with or has committed an offense that would not be criminal if committed by an adult.

TWENTY-FOUR HOURS [Compliance Monitoring TA Tool](#) – means a consecutive 24-hour period, exclusive of any hours on Saturdays, Sundays, public holidays, or days on which the courts in a jurisdiction otherwise are closed.

VALID COURT ORDER | [34 U.S.C. § 11103\(16\)](#) – means a court order that a juvenile court judge gives to a juvenile who was brought before the court and made subject to the order and who received, before the issuance of the order, the full due process rights that the U.S. Constitution guarantees to the juvenile.

Date of Last Update: 11/2023

F. Identification of the Monitoring Universe

The reporting of instances of noncompliance with the core requirements is facility-based and therefore the “monitoring universe” includes all facilities within the state (public and private) that are jails and lockups for adults (including court holding facilities), secure detention facilities, and secure correctional facilities (including adult prisons), as listed at [34 U.S.C. § 11133\(a\)\(14\)](#). These are the facilities in which instances of noncompliance with the core requirements may occur. States must ensure that they identify and include all of these facilities as part of the monitoring universe.

The JJS/CM will maintain the South Carolina Compliance Monitoring Universe, which will contain listings of all secure facilities, public and private, juvenile and adult, in the state that might detain and confine juveniles. The Compliance Monitoring Universe will be located in the compliance monitor’s office and shall be continuously updated throughout the year.

The monitoring universe includes both residential and nonresidential facilities, as the monitoring requirement under [34 U.S.C. § 11133\(a\)\(14\)](#) is not limited to residential facilities. Mental health and substance abuse treatment facilities are not included in the monitoring universe unless they meet the definition of “secure detention facility” at [34 U.S.C. § 11103\(12\)](#) or “secure correctional facility” at [34 U.S.C. § 11103\(13\)](#). States are not required to monitor nonsecure facilities, but in order to ensure that the monitoring universe includes all facilities that meet the statutory definition of “jail or lockup for adults,” ([34 U.S.C. § 11103\(22\)](#)) “secure detention facility,” , and “secure correctional facility,” South Carolina has, in its identification procedure, a process for identifying facilities that have changed secure/non-secure status.

Procedures for Identification:

1. In January of each year the JJS/CM will query county administrators, detention facilities, and local/state law enforcement leadership requesting identification information.
2. The query will request identification information on the agencies: current facilities, planned facilities, and contracts they have with private facilities. Additionally, information will be collected on the established minimum standards, licensing, and inspection procedures used by South Carolina Departments of Juvenile Justice (SCDJJ), Social Services (SCDSS), Mental Health (SCDMH) and SCDC as appropriate. The information collected will be kept in the Compliance Monitoring Universe.

3. The query will request information on their current and future facility/program needs, and if their facility has changed from secure to nonsecure, or nonsecure to secure.
4. The updated Compliance Monitoring Universe is submitted annually to the OJJDP with the Title II Formula Grant application and Compliance Data submission, and will be available during any OJJDP compliance monitoring audit.
5. The identification of the monitoring universe is an on-going process. During onsite visits to facilities, the JJS/CM shall ask questions during the interview with the administrator or contact regarding new construction, remodeling of current facilities, and proposed construction. In addition, when monitoring a Sheriff's Department, the JJS asks what police departments are currently operational within the county. If a police department or other facility has recently become operational, or is being proposed in the county, it is placed on the list of facilities within the respective section of the Compliance Monitoring Universe and is subject to the classification, inspection, and data collection/data verification tasks.

G. Classification of the Monitoring Universe

States are required under [28 C.F.R. § 31.303\(f\)\(1\)\(i\)\(B\)](#) to classify each facility in the monitoring universe to specify whether it is a (1) a jail or lockup for adults (2) secure detention facility or (3) secure correctional facility.

South Carolina Classification Procedures:

1. All facilities listed in the Compliance Monitoring Universe must be classified pursuant to the above.
2. Based upon the classification, the list of facilities requiring an onsite inspection by SCDPS during the monitoring year will be generated.
3. The classification of current facilities will/or may have occurred during the previous monitoring year. For example, while conducting an onsite visit to a Sheriff's Department the JJS/CM may learn of a new court holding (jail or lockup for adults) facility that was recently constructed. That is added to the Compliance Monitoring Universe and is subject to inspection. Or, the JJS/CM may learn of a police department that has just become operational during the previous year. Again, the new police department is subject to classification and inspection.
4. The classification of facilities is not a one-time occurrence at a specified time during the course of the year. Rather, it is an on-going process. The classification is verified through onsite inspections as required.
6. When an existing facility is re-classified, it is noted in the Monitoring Universe and in the facility's file.
7. The JJS/CM will annually classify all facilities in the Monitoring Universe, indicating the facility type (i.e., adult jail, adult lockup, secure detention facility, or secure correctional facility); whether it is residential or nonresidential; and whether the facility is juveniles-only, adults-only, or juveniles and adults. (Note that some of these categories may overlap: e.g., all or part of a jail or lockup may also meet the definition of a secure detention or correctional facility). All facilities will be subject to an annual onsite inspection and data collection/data verification.
8. The classification of facilities, when completed, is placed in the Compliance Monitoring Universe. Based on the classification chart, the JJS/CM will be ready to compile their list of facilities requiring an annual inspection.
9. South Carolina will require annual onsite inspections of 100% of Collocated facilities, juvenile detention and correctional facilities, and adult jails or lockups that could detain juveniles for up to six hours. The state will inspect 100% of all adult jails, adult lockups, secure detention facilities, or secure correctional facilities in the monitoring universe within three fiscal years.
10. South Carolina State Statutes regulating admissions to adult correctional facilities and juvenile correctional facilities are located in the Compliance Monitoring Universe Notebook.

Date of Last Update: 04/2025

H. Inspection of Facilities

Pursuant to [28 C.F.R. § 31.303\(f\)\(1\)\(i\)\(C\)](#), inspection of facilities is necessary to ensure an accurate assessment of each facility's classification and record keeping.

The JJS/CM will conduct inspections of all facilities listed in the South Carolina Monitoring Universe Spreadsheet. The SCDC inspects all state, local, private or public adult jails, adult lockups, secure detention facilities, and secure correctional facilities according to state law and to ensure compliance with the DSO, Section 223(a)(11)(B), separation, and jail removal requirements of the JJDP. Prior to 2024, an MOA was in development to formalize the relationship between the DSA and SCDC. That MOA was not produced; therefore, the DSA has reassumed the responsibility of monitoring all adult lockups, adult detention facilities, and secure correctional facilities.

For inspection and monitoring purposes, each facility will have an individual file, located at the JJS/CM office called a Facility File that should contain the following (Documents referenced can be found in the appendix of this manual):

1. Facility Information Form
2. A Summary of Juveniles Detained or confined by Month based on information from the Juvenile Holding Cell Logs (number of juveniles detained or confined, race/ethnicity, sex, violations)
3. Correspondence with the facility
4. Copy of the facility layout indicating areas where juveniles are detained or confined and indicating areas of the facility that may be nonsecure.
5. A copy of the log being used or a summary of the record keeping status
6. Follow-up letter from last inspection

The inspections process will include:

1. A review of the physical accommodations to ensure the accuracy of the facility classification.
2. A complete tour of the facility, and an "admissions walk-through" of the facility as if the compliance monitor was a juvenile detainee to determine the level of architectural sight and sound separation between juveniles and incarcerated adults.
3. A review of facility policy and procedure manual/s to determine how sight and sound separation is achieved in normal operations.
4. A review of the record keeping system to determine whether sufficient data are maintained to determine compliance with the DSO, Section 223(a)(11)(B), separation, and jail removal requirements.
5. An exit interview with the facility administrator or contact to share onsite findings and concerns to discuss methods to realize compliance if issues are present, to provide TTA materials, and to discuss other concerns that the facility administrator or point of contact may have.

Other notes about the inspection procedure:

1. The JJS/CM should, at least 5 days prior to an onsite inspection, notify the facility administrator or point of contact of the date and time of inspection. If the date and time is inconvenient, another time will be scheduled. The JJS/CM will be responsible for maintaining records of when facilities were visited. The dates should be recorded on the Monitoring Universe. At all inspections a Facility Information Form will be completed and should be retained in the individual Facility File maintained by the JJS/CM.
2. Once onsite the JJS/CM will observe how records are kept at the facility on juveniles detained or confined, verify that monthly compliance data reported are accurate, and determine whether sufficient data is maintained to determine compliance with the DSO, Section 223(a)(11)(B), separation, and jail removal requirements. OJJDP requires data verification which is unique to each facility; however, the compliance monitor is always able to verify data by reviewing a juvenile's arrest jacket or custody sheet. A thorough record keeping review should be conducted to ensure all facilities keep records consistent with statutory and regulatory requirements and should, at a minimum, include:

- a. Name or ID number
 - b. Date of Birth/Sex/Race/Ethnicity
 - c. Most serious offense committed (to determine compliance with DSO).
 - d. Date and time of admission (to determine compliance with Jail Removal and DSO).
 - e. Date and time of release (to determine compliance with Jail Removal and DSO).
 - f. Name and relationship of person or facility to which juvenile was released.
 - g. Times removed for and returned from Court (if applicable to determine compliance with Jail Removal, Section 223(a)(11)(B), and DSO).
 - h. Whether the juvenile came into contact with an adult inmate at any time to determine if a sight and sound separation violation occurred. (May need to compare admission records for juveniles and adults to determine if times overlap)
3. At all inspections of facilities that detain or confine adult inmates and juveniles, a Sight and Sound Separation Inspection checklist will be completed and retained in the facility's file. Separation questions will be asked at all types of facilities, including those that only detain or confine juveniles. For example, a juvenile detention center may be located near an adult jail. Inmates may be asked to perform grounds work at the juvenile detention center in which case sight and sound separation would be an issue. The JJS/CM should obtain policies and procedures on how the facility ensures sight and sound separation

The types of questions most helpful in determining whether there is adequate sight and sound separation between juvenile offenders and adult inmates could include:

- Where are adult inmates when juveniles are in the facility?
 - Are adult inmate trustees used in the facility and if so for what (if so, there is a separation issue)?
 - What areas are dedicated for juvenile use?
 - How is the juvenile brought into the facility and how are they processed through the facility?
 - Is time-phasing used (using the same area for juveniles and adults, just not at the same time)?
 - Are policies in place to prohibit sight and sound contact (obtain copies of all juvenile policies)?
 - Are support services provided and is sight and sound separation between juveniles and adult inmates ensured in recreation, education, counseling, medical and dental aid?
 - How are special population needs served? (Mental health, pregnancy)
4. The JJS/CM will provide technical assistance to facilities to ensure compliance with record keeping, DSO, Section 223(a)(11)(B), and/or with sight and sound separation requirements.

Date of Last Update: 12/2024

I. Compliance Data Collection and Verification

Pursuant to [28 C.F.R. § 31.303\(f\)\(1\)\(i\)\(D\)](#) and [\(5\)](#), the state must collect and verify data from all adult jails, adult lockups, secure detention facilities, and secure correctional facilities for the 12-month federal fiscal year (FY) reporting period, to determine whether the facilities are in compliance with the applicable requirements of DSO, Section 223(a)(11)(B), separation, and jail removal. The federal fiscal year is [October 1 to September 30](#). States that are unable to report data for 100% of facilities must report data for at least 85% of facilities within the state that are required to report.

Data Collection Process Description

The JJS/CM will be responsible for collecting and verifying compliance data on every juvenile detained or confined in those facilities subject to monitoring and inspection following the JJDPa and Formula Grants Program requirements with respect to data collection. Monthly, adult jails, adult lockups, secure detention facilities, and secure correctional facilities in the monitoring universe either mail or email the JJS/CM the Secure Juvenile Detention

Log or electronic detention records of all juveniles detained or confined at the facility. The Log and/or records contain, at minimum, the information listed in the previous section of this manual. If no juveniles were detained or confined, the facility or agency sends a log stating no juveniles were detained or confined.

The JJS/CM reviews monthly logs and detention records to input the data collected into the MONTHLY SUMMARY OF JUVENILES DETAINED OR CONFINED document (Page 25) to:

- determine compliance with each of the core requirements
- document if violations of DSO, Section 223(a)(11)(B), separation, or jail removal have occurred
- document detention reports where exceptions were applied to determine if they meet all of the statutory requirements

Data is verified in two ways:

Prior to a site visit, and when possible, the JJS/CM will access electronic detention records or daily admission logs to verify the compliance data submitted; And, during the Records Review portion of onsite visits, explained in the previous section, the JJS/CM will visually audit a predetermined number of juvenile detention records and available admission logs to verify that data previously reported to the SCDPS was accurate.

The JJS/CM will also examine the facility Policy and Procedure Manual to determine if facility has policy involving the detention of adult inmates or adult inmate trustees and how, if applicable, sight and sound separation is maintained throughout. Additionally, **(Jail Removal Exception)** the policy and procedure manual must also contain policy that a juvenile would not be detained, in an adult facility, for any length of time, for a reason other than those enumerated in the six-hour exception. This is the only way that this Removal exception could be applied. A sample of admission logs are collected as supporting documentation to this facility policy.

Data on all juveniles detained or confined will be obtained monthly. To ensure accurate verification, the JJS/CM will evaluate the data the month it is received. If it is not reviewed within the month received, it will be reviewed within six months. The federal fiscal year, October 1 through September 30, will be used for each annual monitoring cycle. The Compliance Monitoring Report is due to OJJDP by the designated date each year. The following data sets will be obtained during monthly reporting and analyzed by the JJS/CM:

A. Secure Juvenile Detention and Correctional Facilities

1. **Accused status offenders detained or confined for more than 24 hours** (excluding weekends and holidays), prior to an initial court appearance, excluding those detained or confined pursuant to a Valid Court Order, out of state runaways detained or confined pursuant to the Interstate Compact and those detained or confined pursuant to the Youth Handgun Safety Act or a similar state law. (These juveniles are violations of the DSO core requirement).
2. **Accused status offenders detained or confined for more than 24 hours** (excluding weekends and holidays), immediately following an initial court appearance excluding those detained or confined pursuant to a Valid Court Order, out of state runaways detained or confined pursuant to the Interstate Compact and those detained or confined pursuant to the Youth Handgun Safety Act. (These juveniles are violations of the DSO core requirement).
3. **Adjudicated status and non-offenders detained or confined for any length of time.** (Any non-offender placed in a secure detention or correctional facility to detention, or any adjudicated status offender detained or confined without benefit of the Valid Court Order, are DSO violations).
4. **Status offenders detained or confined pursuant to a violation of a Valid Court Orders** including length of time detained or confined and origin of the court order violated.
5. **Out-of-State runaways detained or confined over the 24-hours.** (If detained or confined pursuant to the Interstate Compact rules and regulations they do not count as DSO violations)

6. **Total number of juvenile offenders detained or confined pursuant to the Youth Handgun Safety Act or similar state law.** (Would be an exception and not count as a DSO violation)

B. Adult Jails and Adult Lockups

1. **Accused status, non-offenders, and juveniles who were adjudicated of delinquent offenses and were detained in an adult jail or lockup for any amount of time.** (They are violations of the Jail Removal core requirement; if a status offender or non-offender is detained or confined for any period of time they count as both Jail Removal and DSO violations).
2. **Adjudicated status and non-offenders detained or confined for any length of time including VCO's.** (Are violations of the DSO and Jail Removal core requirements and are counted as two violations).
3. **Separation violations.** (Any instance in which a juvenile accused or adjudicated of a status offense, juvenile accused or adjudicated of a delinquent offense, or a nonoffender has sight or sound contact with an adult inmate).
4. **Accused of a delinquent offense detained in excess of six hours:** (for a reason other than those enumerated in the six-hour exception, or those detained for up to six hours for a reason other than those enumerated in the six-hour exception are Jail Removal violations).
5. **Accused juvenile offenders charged as adults** (Waived/Transferred) detained or confined in excess of six hours. (They are counted as a violation of the section 223(a)(11)(B) requirement unless a court has determined, consistent with the 223(a)(11)(B) requirements, that it is in the interest of justice to detain a juvenile in a secure adult facility). *The time during which a juvenile is detained in a courtroom does not count toward the 6-hour limit, because a courtroom is not a jail or lockup for adults.*
6. **Juvenile offenders charged as adults detained or confined for less than 6 hours** for purposes other than identification, investigation, processing, release to parent(s), transfer to court, or transfer to a juvenile facility following initial custody. (These are violations of the a violation of the section 223(a)(11)(B) requirement unless a court has determined, consistent with the 223(a)(11)(B) requirements, that it is in the interest of justice to detain a juvenile in a secure adult facility).
7. **Juveniles involuntarily detained or confined in an adult jail or lockup** as a disposition or as a means of correcting their behavior and in sight and sound contact with incarcerated adults. Commonly referred to as Shape Up or Scared Straight. (Violation of Separation and Removal). The SCDPS discourages the use of this type of program and the JJS/CM will contact agencies that operate these programs to monitor for violations.

C. Adult Secure Detention and Correctional Facilities

1. **Separation violations.** (Any instance in which a juvenile accused or adjudicated of a status offense, accused or adjudicated of a delinquent offense, charged as an adult, or a nonoffender has sight or sound contact with an adult inmate).
2. **Accused status, non-offenders, those charged as an adult, and juveniles who were adjudicated of delinquent offenses detained in an adult facility for any amount of time.** (They are violations of the Jail Removal core requirement, and if a status offender or non-offender is detained or confined for any period of time they count as two violations, Removal and DSO).
3. **Adjudicated status and non-offenders detained or confined for any length of time including VCO's.** (Are violations of the DSO and Jail Removal core requirements and are counted as two violations).
4. **Accused of a delinquent offense detained in excess of six hours:** (for a reason other than those enumerated in the six-hour exception, or those detained for up to six hours for a reason other than those enumerated in the six-hour exception are Jail Removal violations).
5. **Accused juvenile offenders charged as adults* detained or confined in excess of six hours.** (They

are counted as a violation of the section 223(a)(11)(B) requirement unless a court has determined, consistent with the 223(a)(11)(B) requirements, that it is in the interest of justice to detain a juvenile in an adult facility). *The time during which a juvenile is detained in a courtroom does not count toward the 6-hour limit, because a courtroom is not a jail or lockup for adults.*

6. **Juvenile offenders charged as adults detained or confined for less than 6 hours for purposes other than identification, investigation, processing, release to parent(s), transfer to court, or transfer to a juvenile facility following initial custody.** (This is a violation of the section 223(a)(11)(B) requirement unless a court has determined, consistent with the 223(a)(11)(B) requirements, that it is in the interest of justice to detain a juvenile in a secure adult facility).
7. **Juveniles involuntarily detained or confined in an adult jail or lockup as a disposition or as a means of correcting their behavior and in sight and sound contact with incarcerated adults.** Commonly referred to as Shape Up or Scared Straight. (Violation of Separation and Removal). The SCDPS discourages the use of this type of program and the JJS/CM will contact agencies that operate these programs to monitor for violations.

Jail Removal violations for juveniles charged as adults would not apply if a court has determined, consistent with the 223(a)(11)(B) requirements, that it is in the interest of justice to detain a juvenile in a secure adult facility.

Removal of Juveniles Charged as Adults from Adult Facilities Section 223(a)(11)(B)

South Carolina currently has proposed policy before the legislature that would prevent juveniles under the age of full criminal responsibility from being detained or confined in adult facilities. If passed, the new law would set forth processes to ensure that juveniles charged as adults are detained and confined in juvenile facilities until convicted and sentenced.

The number of Juveniles charged as adults, detained or confined, is collected during the SCDPS monthly data collection process described above in this section. Additionally, the DSA is collecting data from the DJJ, court officials, and state and local adult system stakeholders to determine the number of juveniles charged as adults that have been detained or confined in adult facilities as of December 2021, and that may continue to be in adult facilities.

The JJS/CM currently must use the monthly data collected to identify juveniles charged as adults that are detained in an adult facility, and which county circuit court holds jurisdiction. The JJS/CM must contact the court and DJJ points of contact to advise whether all of the Section 223(a)(11)(B) requirements have been met, and collect supporting documentation. The DSA is also working with SCDJJ and the court system stakeholders to develop an effective process to ensure that the requirements are met through the court system, electronically documented and shared with the DSA to verify that all of the Section 223(a)(11)(B) requirements have been met.

Secure Detention and Correctional Facilities typically maintain a computer program which documents all juveniles entering and exiting their facilities. The JJS/CM receives this report monthly instead of the Jail Log. The JJS/CM will collect data as outlined under the “data sets” of this section for those facilities that qualify as a secure detention or correctional facility. One hundred percent of these facilities that detain or confine juveniles will receive inspections for data verification annually. Once the data is collected, the compliance monitor will schedule onsite visits to verify the data. Individual case files are pulled from on-site records. In the case of a status offender who has been sentenced to detention, the court docket number and Judge/Magistrate’s name will be recorded so that VCO’s may be verified with the court records.

Verifying the Valid Court Order

Individual case files are reviewed to ensure that Valid Court Orders meet all of the statutory requirements, set forth above in the “Valid Court Order Exception” section on pages 3-4 of this manual. During the regular review of juvenile detention data, and/or annual DSO violation audit coordinated by the JJS/CM, juvenile program staff will review

individual case files of 50% or more reported VCO detentions. SCDJJ electronic files should contain documentation that would complete the VCO checklist.

- The JJS/CM will cross-reference SCDJJ's Juvenile Justice Management System (JJMS) or Juvenile On-Demand Access (JODA) system to determine the root cause of the detention. If JJS/CM cannot get the information from JJMS or JODA, additional steps may be required to verify the VCO. If the JJMS or JODA system's information is sufficient, the JJS/CM will clear the record as "no violation."
- If the information contained in the JJMS or JODA system is not sufficient for the JJS/CM to make a determination, the JJS/CM will send a formal request to the SCDJJ's point of contact. The request will seek supporting documents (Form 5, charging documents, valid court orders, and other court documents related to the root of the detention) concerning the VCO. Once the JJS/CM receives the supporting documents from the SCDJJ, the JJS/CM will either clear or confirm that the "Valid Court Order Exception" can be applied.

Date of Last Update: 04/2025

INTERSTATE COMPACT ON JUVENILES EXCEPTION

The South Carolina Department of Juvenile Justice (SCDJJ) administers the Interstate Compact for Juveniles (ICJ) according to state and federal statute. The ICJ procedure for status offenders is outlined in section 600 of the ICJ Rules, RULE 6-103: Non-Voluntary Return of Runaways and/or Accused Status Offenders. The JJS/CM contacts the SCDJJ Interstate Compact Coordinator to verify compliance data involving an out-of-state juvenile.

The SCDPS applies continuous improvement efforts to its processes and procedures to operate in the most efficient manner possible. The current process (noted above) for verifying the VCO can be difficult. The JJS/CM must take an additional step to review court documents. Care must be taken when reviewing court documents from case to case as some documents are organized differently from county to county. Locating the relevant detention information and court instructions within the court order to either clear or confirm that the "Valid Court Order Exception" can be applied has been time consuming. The SCDPS is currently working with SCDJJ and other related system stakeholders to update the current system to verify the VCO exception, and reduce violations applied erroneously.

Date of Last Update: 04/2025

IV. COMPLIANCE MONITORING REPORTING REQUIREMENT

COMPLIANCE REPORTING – Under [28 C.F.R. § 31.303\(f\)\(5\)](#), annual compliance monitoring reports must cover the previous federal fiscal year (October 1- September 30), except that the OJJDP Administrator may grant an extension of the reporting deadline, for good cause, upon a state’s request.

COMPLIANCE DATA AND SUPPORTING DOCUMENTATION – Compliance data and supporting documentation is submitted annually through OJJDP’s [Compliance Reporting Tool](#)

It is the responsibility of the JJS/CM to collect, verify, and compile the data each year. The JJS/CM retains the primary responsibility for the report.

Procedures:

1. On or before December 31 of each year the JJS/CM will have collected and verified the data as listed under data sets.
2. A full internal audit of suspected violations is then performed by the JJS/CM and JJ Program manager to determine the final number of confirmed violations.
3. After the audit has been completed, the JJS/CM will extract the data and supporting documentation that relates to the annual Monitoring Report and upload the information to the OJJDP’s Compliance Monitoring Tool on or before the required submission date.
4. The report will be made available to the SAG and other interested parties.

APPENDIX A – IMPORTANT DOCUMENTS

Facility Information Form.....	21
Sight and Sound Inspection Checklist.....	22
Law Enforcement Certification of Non-Secure Classification.....	23
Monthly Log of Juveniles Detained or confined.....	24
Compliance Monitoring Onsite Summary Results.....	25
State of South Carolina Monitoring Report Form.....	26-27
Sample Violation Letter.....	28-29
Sample Follow up Letter.....	30-32

FACILITY INFORMATION FORM - COMPLIANCE MONITORING SURVEY FOR FACILITIES

(Complete New Form if ANY of the Items Below Change)

FACILITY INFORMATION

Onsite Visit Dates: _____; _____; _____; _____; Judicial Circuit: _____ County: _____ Monitor: _____
Name of Facility: _____
Mailing Address: _____
Physical Address and Directions: _____
Name of Sheriff, Chief or Administrator: _____
Contact Name: _____
Contact Phone: _____ Contact Fax: _____ Contact E-Mail: _____

CLASSIFICATION INFORMATION

Type of Facility (Circle One): adult jail, adult lockup, secure detention facility, secure correctional facility
Sub Type: Sheriff ; Police ; Detention Center ; Temp Holding ; Collocated ; Airport ;

Classification:

- Secure holds juveniles in cell or secure area of a facility, i.e., one that has “construction features designed to physically restrict the movement and activities of persons in custody, such as locked rooms and buildings, fences, or other physical structures - describe the stationary object in narrative
- Secure, but does not usually detain juveniles but would in extreme circumstances - describe in narrative
- Secure, but is never used to detain juveniles per either formal or informal policies and procedures - describe in narrative
- Other? (Use another jail/lockup or have temporary holding to detain juveniles?) Describe: _____

SIGHT AND SOUND INFORMATION (Use Sight and Sound Separation Inspection Checklist)

RECORDS INFORMATION (if juveniles are detained or confined, their records must contain the following)

- Name or ID number DOB or age Gender Race/Ethnicity Most Serious Charge/Offense County of Residence Date/Time of Admission Date/Time of Release Release Placement
- Time to/returned from court (if applicable)

MONITORING CHECKLIST

- Obtain Facility Layout Showing Locations for Secure and Non-Secure Holding; Obtain Policies and Procedures; Obtain Records Sample; Give Contact a Manual

INTERVIEW INFORMATION (If more space needed, use back of form. If other compliance issues arise, document)

Who is collecting juvenile holding cell logs? _____
Location of Secure Areas: _____
Location of Non-Secure Areas: _____
Where are Juveniles accused of delinquent offenses detained or confined? _____
Where are status and non-offenders detained or confined? _____
Where are returns for Court detained or confined? _____
Is there a separate Court Holding? YES NO
If so, where? _____
Who does intake screening? _____
What detention alternative programs are available and who provides? _____
Is temporary holding available, if so where, and under what conditions? _____
Any compliance issues, problems, concerns? _____
Their Needs: _____
Other P.D.s in County? (List secure and non-secure) _____
Any DPS/OHSJP Grants? _____
Other information? New correctional facilities planned for this area? (Use back of form) YES NO

Sight and Sound Separation Inspection Checklist

(Provide a Copy to Facility Contact)

Name of Facility: _____ Date of Inspection: _____
 Mailing Address: _____
 Facility Administrator: _____
 Assistant Facility Administrator: _____
 Phone: _____ Fax: _____
 What type of facility is it? _____

Use the following codes to describe the level of separation.

1. Adult inmates and juveniles can have physical, visual and aural contact with each other (NO SEPARATION)
2. Adult inmates and juveniles cannot have physical contact with each other, but they can see or hear each other (PHYSICAL SEPARATION)
3. Conversation possible between adult inmates and juveniles although they cannot see each other or have physical contact with each other (SIGHT SEPARATION)
4. Adult inmates can see each other but no conversation is possible and they cannot have physical contact with each other (SOUND SEPARATION)
5. Adult inmates and juveniles within the same facility cannot see each other, cannot have physical contact with each other and no conversation is possible (SIGHT AND SOUND SEPARATION)
6. Adult inmates and juveniles are not placed in the same facility (ENVIRONMENTAL SEPARATION)
7. Juveniles are not detained or confined in the facility (DO NOT HOLD)

Facility Area	Level Separation (From codes above)	Narrative (Describe why you have coded it as such)
Booking/Admission		
Housing		
Dining		
Recreation		
Vocation/Work		
Visiting		
Transportation		
Medical/Dental		
Segregation		
Hallways		

Does the facility utilize adult inmate trustees for any juvenile services? (Ex., serving meals) YES NO
 If so, please describe how sight and sound separation is met: _____

Does the facility participate in any Shape Up or Scared Straight program? YES NO
 If so, please describe how sight and sound separation is met: _____

MONTHLY SUMMARY OF JUVENILES DETAINED OR CONFINED

Facility _____ Monitoring Year _____

	Onsite visit Dates	# Detained or Confined	Accused Status	Adjudicated Status	Acc. Del. Over 6 hours	Adj. Delinquents	Sight or Sound	Handgun Sole Charge	Waived/Transferred	Sex		Race / Ethnicity								
										Male	Female	White	Black	Hispanic	Asian	Pac. Isl.	N.A.	Other		
January																				
February																				
March																				
April																				
May																				
June																				
July																				
August																				
September																				
October																				
November																				
December																				
TOTAL																				

VIOLATIONS

Name	Age	Race	Sex	Offense	Date and Time IN	Date and Time OUT	Reason for Violation	SCDC Notified	SCDC Response

**South Carolina Department of Public Safety
Office of Highway Safety and Justice Programs / Juvenile Justice
Juvenile Justice and Delinquency Prevention Act
Compliance Monitoring Onsite Summary Results**

Name of Agency: _____ Onsite Visit Date: _____

Agency Address: _____

Agency Contact Person: _____ Contact Phone: _____

Contact E-Mail Address: _____

ONSITE SUMMARY RESULTS

Classification:

Adult Jail

Adult Lockup

Detention or Correctional Facility: Juvenile or Adult (circle one): _____

Sight and Sound Separation Levels:

Secure Area	Separation Level	Comments
Booking/Admission		
Housing		
Hallways		
Do adult inmate trustees or other Adult Inmates have access to/or are allowed into the juvenile area: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Do juveniles enter the jail as part of a Scared Straight or similar program, and if so, is program participation voluntary or mandatory and is the juvenile free to leave? <input type="checkbox"/> Yes <input type="checkbox"/> No		

Location of Secure and Non-Secure Areas:

Area	Security Level	To Be Used for the Following Types of Juveniles
	Secure	
	Non-Secure	

Record Keeping: Very Good Suggest New System _____
 Suggest Revisions _____

Violations:

Monitoring Year	Violation	Comments

**My sincere thanks for your time during my onsite visit. Please direct questions or comments to
Aloysius Anderson, OHSJP Program Manager, at 803/896-8711 or to AloysiusAnderson@scdps.gov**

Aloysius Anderson

Date

STATE OF SOUTH CAROLINA MONITORING REPORT FORM

Date: _____ Facility: _____
Address: _____
County: _____ Phone: _____
Facility Administrator: _____
Assistant Facility Administrator: _____
Location of juvenile records and documentation: _____

Capacity: _____
Count on the day of the visit: _____

If an Adult facility, does it meet sight and sound separation? YES NO N/A

Does the facility have policies and procedures for the JJDP Act core requirements?

- 1. Sight and Sound Separation? YES NO
- 2. Jail Removal? YES NO
- 3. Deinstitutionalization of Status Offenders? YES NO

Are special conditions met for the requirements of South Carolina state law and Office of Juvenile Justice and Delinquency Prevention Program mandates? YES NO

If not, indicate why: _____

ARCHITECTURAL SEPARATION OF FACILITY

- ____ Sight and sound separation
- ____ Time-phasing separation
- ____ Sight separation only
- ____ No separation

Describe general layout of facility: _____

Does your facility detain/house status offenders for any length of time? YES NO

If so, describe the procedures for status offender detentions: _____

Does your facility still use race/sex for reporting? YES NO

Does your facility track pregnant juveniles? YES NO

If so, how? _____

Does your facility have a policy for the use of restraints on pregnant juveniles? YES NO

Please provide the policy number: _____

Does your facility track racial and ethnic disparities? YES NO

If so, how? _____

Is your facility used for "Scared Straight" or other programs? YES NO

Does your facility utilize Trustees? YES NO

If so, how does the facility maintain JJDPa sight and sound contact?

Please provide the policy number: _____

Does your facility utilize restraints and isolation on juveniles? YES NO

Please provide the policy number: _____

Any renovations or new construction planned within the next year? YES NO

Please explain the renovations or new constructions planned: _____

(LETTERHEAD)

TO:

DATE:

RE: JJDP Act Violation

Please find enclosed a chart showing the number of juveniles detained or confined at your facility and the number of violations of the Juvenile Justice and Delinquency Prevention Act. This data covers the 20XX monitoring year, spanning October 1, 20XX – September 30, 20XX. This information is the basis for our mandatory annual report to the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

As you know, our annual funding from OJJDP is contingent upon compliance with the core requirements of the JJDP Act. At this time, preliminary indicators show South Carolina is compliant with all of the JJDP Act core requirements for the reporting period.

On behalf of the South Carolina Department of Public Safety (SCDPS) and Governor's Juvenile Justice Advisory Council (GJJAC), our sincere thanks for your willingness to work within the parameters of the JJDP Act, to ensure our state maintains high standards for compliance. If you have questions or comments, you may reach me at the telephone number or e-mail address located below my signature.

Sincerely,

Brittany Cain
Compliance Monitor
South Carolina Department of Public Safety
BrittanyCain@scdps.gov
(803) 896-0985
10311 Wilson Boulevard
PO Box 1993
Blythewood, SC 29016

Reporting Period: 2019 (October 1, 2018 – September 30, 2019)

FACILITY INFORMATION

Facility Name: _____ Type: _____

Address: _____

Telephone: _____ Facility Administrator: _____

Jurisdiction: (County), (Law Enforcement), (Judicial Circuit)

Compliance Monitoring Visits: _____

VIOLATION SUMMARY

During our review, we discovered the following violations at your facility:

- Deinstitutionalization of Status Offenders
- Jail Removal
- Sight and Sound Separation
- Section 223(a)(11)(B)

Description of Violation(s):

Total # of violations include details of date, why/how it is a violation), how it was confirmed a violation

Recommendation for Corrective Action:

Provide information regarding best practices, technical assistance, and training opportunities, resources, etc.

(LETTERHEAD)
December XX, 20XX

James Bond Jr.
Acting Executive Director
Office of the Director
South Carolina Department of Juvenile Justice
220 Executive Center Drive
Columbia, SC 29210

RE: Coastal Evaluation Center Compliance Monitoring Follow-up

Dear Director Anderson,

On November 29, 20XX, I conducted our annual compliance visit to the Juvenile Detention Center. Each member of your staff was very professional, courteous, and helpful in assisting with my visit. Ms. Priscilla, Ms. Michelle, Captain Jack, and Dr. Dolittle were extraordinarily resourceful in answering my questions and providing a tour of the facility. I appreciate the opportunity to verify detention records and to discuss operations related to the core requirements of the Juvenile Justice and Delinquency Prevention (JJDP) Act. An important goal of the JJDP Act is to protect juveniles in the justice system from inappropriate placements, and from the physical and psychological harm that can occur because of detention.

South Carolina elects to participate in the Title II Formula Grants Program, which is authorized under the JJDP Act, as amended. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) Formula Grants Program supports state and local delinquency prevention and intervention efforts and juvenile justice system improvements. Within the program purpose areas, states can provide job training, mental health and substance abuse treatment, community-based programs and services, reentry/aftercare services, and school programs to prevent truancy. The OJJDP provides funds directly to states to help implement comprehensive juvenile justice plans based on the needs in their jurisdictions. Feel free to contact our office to discuss Title II Formula Grants Program project development for you agency.

While conducting my onsite verification, I did confirm Deinstitutionalization of Status Offenders (DSO) core requirement violations for juveniles detained at this facility over 24 hours, for committing status offenses only. Our office will contact you regarding a follow-up meeting within 60-days from the date of this letter to discuss the violations and create a resolution plan. To avoid future violations, please refer to the state statutes and federal regulations related to the detention of status offenders:

- ✚ Your facility's federal classification is a Juvenile Detention Center, which the *Minimum Standards for Local Juvenile Detention Facilities* in South Carolina classifies as a Type VII facility. Please ensure your policies and procedures reflect the

guidance stated in the *Minimum Standards* regarding the detention of status offenders at your facility. You can access the State Minimum Standards here: <https://www.sccounties.org/scac-publications/jail-standards> (the *Minimum Standards for Local Juvenile Detention Facilities* is most applicable).

- ✚ Information regarding secure detention or removal of juveniles at your facility is covered under *Section 223(a)(13) [34 U.S.C. 11133(a)(13)]* of the JJDP Act. You can find information regarding the JJDP Act here: <https://ojjdp.ojp.gov/about/legislation> (pages 25-28 are most applicable)

Additionally, our office recommends the following to ensure the state maintains compliance with the JJDP Act:

1. Ensure information is either requested from the transporting agency's officer or the juvenile to determine if a known pregnant juvenile is entering the facility. As a Title II participant, the state must track and report the number of known juveniles detained to the OJJDP annually.
2. Ensure the facility has written policies and procedures to govern the use of mechanical restraints on pregnant juveniles. As a Title II Formula Grants Program participant, the state must track and report data regarding the use of mechanical restraints on pregnant juveniles to the OJJDP annually.
3. Ensure the facility has written policies and procedures to prevent the placement of status offenders in secure detention facilities and secure correctional facilities, in accordance with the JJDP Act, Deinstitutionalization of Status Offenders (DSO) core requirement. To receive our annual compliance eligibility determination for Title II Formula Grants Program funding, the state must track and report DSO violations to the OJJDP.
4. Update all internal forms to align with the federal demographic terms that use race/ethnicity and gender instead of race and sex. The state must use these demographic terms for reporting, as a Title II Formula Grants Program participant.
5. Continue to track demographic information such as race/ethnicity and gender for juveniles that enter the facility, to assist the state in reducing racial and ethnic disparities. To receive our annual compliance eligibility determination for Title II Formula Grants Program funding, the state must track and report racial and ethnic disparities to the OJJDP.
6. Ensure juvenile detention records are maintained and updated when juveniles are detained within a secure facility a facility or moved from one facility to another. As a Title II Formula Grants Program participant, the state must conduct an onsite verification of records and report to the OJJDP annually.

Director Bond
December X, 20XX
Page 3

The South Carolina Department of Public Safety, Office of Highway Safety and Justice Programs, appreciates your efforts in assisting the state in maintaining compliance with the federal JJDP Act. If you have any questions regarding our recommendations or need staff training or technical assistance related to JJDP Act compliance, please feel free to contact me at 803-896-0985 or BrittanyCain@scdps.gov. I look forward to our continued partnership with the South Carolina Department of Juvenile Justice Juvenile!

Sincerely,

Brittany Cain
Compliance Monitor
Office of Highway Safety and Justice Programs

cc: John Paul, Program Manager
File

APPENDIX B – ONLINE RESOURCES

Title	Description	
Office of Juvenile Justice and Delinquency Prevention (OJJDP) Webpage	A component of the Office of Justice Programs within the U.S. Department of Justice , OJJDP works to prevent and respond to youth delinquency and protect children. Through its divisions, OJJDP sponsors research, program, and training initiatives; develops priorities and goals and sets policies to guide federal juvenile justice issues; disseminates information about juvenile justice issues; and awards funds to states to support local programming.	Link
Authorizing Legislation	This OJJDP webpage reviews the authorizing Legislation that Congress enacted in regards to the Juvenile Justice and Delinquency Prevention (JJDP) Act (Pub. L. No. 93-415, 34 U.S.C. § 11101 et seq.) in 1974. This landmark legislation established OJJDP to support local and state efforts to prevent delinquency and improve the juvenile justice system.	Link
Juvenile Justice and Delinquency Prevention Act	This is the text of the Juvenile Justice and Delinquency Prevention Act of 1974 as amended.	Link
Redline Version Juvenile Justice and Delinquency Prevention Act as Amended by the Juvenile Justice Reform Act of 2018	This version of the Juvenile Justice and Delinquency Prevention Act (JJDP), includes the amendments made by the Juvenile Justice Reform Act of 2018 (in red).	Link
OJJDP Core Requirements Webpage	The information on this page assists states in monitoring and achieving compliance with the core requirements of the Formula Grants Program, including information on the background of the JJDP, supporting regulations, state compliance with JJDP core requirements, reporting requirements, guidance and resources, and staff contact information.	Link
OJJDP Fact Sheet: Key Amendments to the Juvenile Justice and Delinquency Prevention Act Made by the Juvenile Justice Reform Act of 2018	This fact sheet describes several significant amendments to the JJDP made by the JJRA.	Link
National Archives: Code of Federal Regulations for Part 31 – OJJDP Grant Programs	This is the existing regulation implementing the Formula Grants Program authorized under the JJDP.	Link