

INTERNAL STAFF UPDATE*

Thursday, March 17, 2016

*****DJJ Daily Facility Report is ATTACHED*****

Legal – Donaldson v. Haley (Housing Authority lawsuit):

The Governor and Valarie Williams, Executive Director of the SC Housing Authority, as well as three employees at the Authority were named in a lawsuit alleging civil rights violations based on race. The three plaintiffs make repairs to low-income houses as contract work for the Authority, and they claim that they are paid less than white counterparts and have been the target of racial slurs.

Similar to other lawsuits where the Governor is named, we will file a motion to dismiss on the basis that she has no connection to the allegedly wrongful act – which will likely be granted.

DSS – Senator Shealy:

Today, Senator Shealy contacted DSS about allegations that the agency is missing \$9 million. Senator Shealy would not provide additional information about the source of her inquiry. The agency is trying to determine the origin of the rumor, but they don't have any indication that money is unaccounted for and their finances appear to be in order according to their Deputy Director for Administration.

Corrections / DJJ – Prison Rape Elimination Act:

Over the past two years (2014 and 2015), we have provided assurances to DOJ that we would like to participate in the federal Prison Rape Elimination Act (PREA), and that we would use at least 5% of certain grant monies to work towards complete compliance with PREA. If we decide to continue to participate in the PREA, **by March 31st, our office must submit either a certification or an assurance to the DOJ** that we are in compliance with, or using 5% of certain grant monies towards becoming compliant with, PREA.

On the state level, PREA covers the Departments of Corrections (SCDC) and Juvenile Justice (DJJ). **At this time, neither of the affected agencies are PREA compliant and therefore we would need to pursue an assurance.**

- SCDC is very close to compliance and has informed us they should be in compliance by October 2016 (the next time we need to certify with DOJ).
- DJJ, on the other hand, is not as close to compliance and will not be there by October. The two biggest PREA compliance issues at DJJ are (1) staff to juvenile ratios, and (2) female staff patting down male juveniles. DJJ projects that to become compliant they would need to hire 126 additional officers at the cost of \$4,783,474. We are working with DJJ to determine exactly how they came to this number, and if there are other solutions to address these issues.

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Failure to submit an assurance, or failure to continue to participate in PREA, will result in a penalty of 5% reduction of three designated federal grant funding sources. All three of these federal grant programs are administered by the DPS and, based on last years awards, would result in approximately \$187,000 per year (the number would vary year to year depending on grant amounts).

Corrections – Pell Second Chance Program:

As part of the U.S. Department of Education’s Experimental Sites Initiative, today, Director Stirling entered into a Memorandum of Understanding (MOU) with Northeastern Technical College to allow them to offer postsecondary education opportunities in Evans Correctional Institution (Bennettsville, SC) as part of a second chance program for inmates. As part of the MOU, SCDC will have complete control over determining the pool of participants. Before the program will become active, the U.S. Department of Education still has to approve the application and MOU.

DHEC – House Oversight:

The House Legislative Oversight Committee (LOC) has requested that DHEC provide technical support in developing a draft bill based on the report adopted by the LOC ad hoc committee on abortion providers. The recommendations by the LOC were as follows:

1. Add a provision in statute that makes it illegal to sell products of conception, but allows for the donation of such products for medical research without compensation and with the mother’s written consent.
2. Require (1) abortion clinics and hospitals, including emergency rooms, to report to the agency post-operative complications arising as a result of an abortion procedure regardless of where the abortion was performed; (2) if the patient is willing to provide the information, the name of the abortion clinic or hospital which performed the initial abortion, and (3) the agency to use that reporting to collect and provide, by facility which performs the abortion, statistics on the number of post-operative complications reported.
3. Add a provision in statute to require that an ultrasound be performed prior to an abortion procedure to determine the gestational age of the fetus.
4. Require physicians performing any abortion to comply with requirements of the “Woman’s Right to Know Act.”
5. Add a requirement for some identifying information to be included in the abortion reports, which would allow the agency to utilize these reports, as necessary, to assist in investigating potential violations.
6. Add sanctions for failure to report this identifying information in a timely manner.
7. Add a provision in statute, which is already in regulation, limiting abortions that can be performed in an abortion clinic to those within 18 weeks of gestational age. Abortion clinics that are also licensed as ambulatory surgical facilities may perform abortion procedures on patients within 26 weeks of gestational age.

DHEC - SRS Salt Waste Processing Facility:

DOE is in default of their Salt Waste Processing Facility permit processing goals. According to DHEC, this is the number one environmental threat to SC. According to the terms of the permit, they now owe DHEC \$150 million in penalties. DHEC's primary goal is to accelerate the processing, not collect the penalties, so they are offering a consent order to DOE today. The major terms of the consent order are as follows:

- By FY2021, DOE will have processed 28 million gallons of waste, bringing them more in line with the original processing goal. They will accomplish this processing goal by adding several new processing tanks while they complete construction of the plant (80% complete at this point).
- Payment of 10% of penalties currently due, holding the rest in abeyance and the balance whittled away as they meet their processing goal
- Consent to federal court jurisdiction to enforce terms of consent order
- DOE must show DHEC their budget request related to the facility before its submitted and must show how its tied to their processing goals

Appointments – State Accident Fund:

The State Accident Fund is a state agency that manages Workers' Compensation claims made by employees against the State. The fund is administered by a director appointed by the Governor for a term of six years with the advice and consent of the Senate. The current director is Harry Gregory. His term expires June 11, 2016.

The State Accident Fund director is essentially the president of an insurance company. The fund acts just like an insurance company, performing the same functions including the determination of the amount of and the collection of annual charges, the investigation of claims, the adjustment and payment of claims and awards, the inspection of risks, study and investigation with respect to safety provisions with recommendations to employers as to means of preventing injuries, medical examination of employees, and the prosecution of subrogation rights against any third party. The director may also inspect and audit records of employers for the purpose of determining or verifying the amount of annual charges against such employers.

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HAPPY ST. PATRICK'S DAY!

DJJ BRRC Facility Daily Status Report
3/16/2016

Administrative Services Division

- Razor wire removed to re-purpose
- New posts ordered today
- Public Utilities Protection (PUP) review for new fence line in process
- Department of Corrections scheduled to dismantle the fence tomorrow
- Purchase Order placed to hire electrician for underground cable for gate control system
- Camera replaced on back porch of the Girls Transition Home
- Electrical outlets and circuits removed in all 3 pods in Cypress dormitory.
- Control room secured in Cypress
- Drain covers reinforced at the Broad River Road Complex
- Human Resources attended Job Fair on 3/9/2016 and focused on recruiting veterans

Educational Services Division

- Continue the specialized units—Educational service provisions. Generated the final draft version
- Participated in the Title I audit from the Department of Education.
- Met with Inspector General investigator about document and incident reporting
- Had education staff members evaluate and list resources needed for the classroom at the multi-tiered unit
- Met with the Executive Management Team to continue final preparations for moving the kids back from the Juvenile Detention Center (JDC). Selected groups to be returned and the dates of their return.

Rehabilitative Services Division

- The Special Response Team went live
- Crisis Management Unit (CMU) staff meeting held to review juveniles assigned to JDC
- Held a multi-tiered restrictive housing treatment and education meeting. The Intensive treatment unit juveniles were identified and they are tentatively scheduled to be transferred to CMU on 3/22/16 from the Juvenile Detention Center (JDC).

Planning & Programs Division

- Providing cross-divisional direction for three Broad River Road Complex (BRRC) facility initiatives related to juvenile discipline, security, and improved treatment:
- Multi-tiered housing for the new phase system (Intensive Treatment, Reorientation and Resocialization Units, step down and honor dorms)
- The new juvenile disciplinary policy measures
- Exploring the potential to fence in every living unit to prevent youth from leaving their dorms without authorization

Office of Legal, Legislative, & Policy Coordination

- Participated in a meeting with Treatment Services, Rehabilitative Services, and Educational Services staff on plans for the opening of the Intensive Treatment and Resocialization Units.
- Reviewed and approved final drafts of Disciplinary Hearings, Isolation and Progressive Discipline policies.

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- Provided and reviewed with Interim Inspector General the OC (pepper) Spray Policy
- Continue to coordinate arrests/housing youth with the Richland Detention Center .
- Possible need for coordinated response to juveniles identified as belonging to a gang due to an inquiry from the Juvenile Parole Board Director—Legal discussed with treatment and community staff the possibility that treatment staff could coordinate with the soon-to-be-hired Gang Intervention Specialist to provide services to youth who indicate a past history of gang involvement
- Worked on gathering responses to the House Oversight Committee’s inquiries from last week’s meeting—to include PbS information/data, status of criminal investigations/charges since August 2015, and front-line security staff not being notified of juveniles committing offenses.
- State Performance-based Standards (PbS) Coordinator Velvet McGowan spent one day last week and the greater portion of yesterday and today working with State Inspector General staff to provide them with requested information and documentation concerning PbS.

Inspector General’s Office

- Conducted 8 random vehicle inspections.
- Conducted K-9 sweeps on 18 vehicles.
- The Inspector General reviewed the way cases are being assigned and managed. In the near future the method for assigning cases and the way they are supervised will be revamped to ensure transparency, quality of work and thoroughness by the utilization of electronic case management.
- The policy for the usage of OC (pepper) Spray was received and is under review.
- A review of the current Inspector General’s Office vehicle inventory and condition of those vehicles was also reviewed.

Office of Treatment & Intervention Services

- Met with Broad River Road Complex (BRRC) management to develop a juvenile movement plan and timetable to return juveniles from the Juvenile Detention Center to the Crisis Management Unit.
- Completed the position description for the Clinical Coordinator for the Intensive Treatment Unit.
- Met with the Director of Social Work and the BRRC Social Work Manager to outline the implementation of the Aggression Replacement Training (AGT).
- Worked on the position description for the Disciplinary Hearings Officer.
- Directed the Special Needs Coordinator to submit a daily log of all Seriously Mentally Ill (SMI) juveniles that will include 90th day, dates left to placement, and the Department of Mental Health identified facility.
- Confirmed transfer of juvenile NSC to Devereux in Atlanta on March 17, 2016. This juvenile has been denied placement at all South Carolina Psychiatric Residential Treatment Facilities. DJJ has agreed to cost-share this placement. It is not reimbursable by SC Medicaid.

Quality Assurance

- Obtained copies of the Broad River Road Complex (BRRC) Standard Operating Procedures (SOPs) from the Rehabilitative Services Division, as well as the Birchwood School Security SOPs, to begin a review.
- Created a new Quality Assurance (QA) Report that will be used to report to management on observations at specific locations and on security and safety recommendations.

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- Conducted security and safety QA observations of both the Temporary Community Center (TCC) exterior grounds and inside Poplar dormitory and its pods.
- Completed a QA Observation Report of #3 and sent it to security staff along with a copy to the Interim Deputy Director of Rehabilitative Services.