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March 3, 2016

State Inspector General Patrick J. Maley
111 Executive Center Drive, Suite 204
Synergy Business Park Enoree Building
Columbia, South Carolina 29210 - 8416

Dear Inspector General Maley:

As you are aware, the House Legislative Oversight Committee is conducting an oversight study of the Department of Juvenile Justice pursuant to S.C. Code Section 2-2-5, et. seq. The purpose of this letter is to share information obtained from the public as a part of this study. This information questions the life, health, and safety of juveniles and employees at the Department of Juvenile Justice and may be viewed as potential fraud, waste, abuse, mismanagement, misconduct and wrongdoing at the agency. While unsubstantiated, nevertheless, these are serious allegations. Given the serious nature of these allegations, the purpose of this letter is to share these concerns for consideration as to whether they rise to the level of necessitating an investigation by the State Inspector General's Office.

The House Oversight Committee seeks input from the public as a part of its legislative process. Public input is solicited in a variety of ways, including sworn testimony at meetings, interactions with constituents, and online surveys allowing for anonymous comments. Online surveys and interactions with constituents that wish to remain anonymous, pursuant to Committee Standard Practice 10.4, are not considered testimony or offered for the truth of the matter asserted but may nevertheless serve the purpose of directing the Committee to potential issues with an agency.

The concerns shared by constituents, wishing to remain anonymous, focus on these areas: destruction/intentional loss of reports about violent and nonviolent incidents at the agency; mislabeling situations in reports or failing to file reports at all; pressure not to report criminal activity to the Solicitor's Office for prosecution; and mismanagement in scheduling adequate guard staff.

Employees at the Department of Juvenile Justice are required to submit reports when certain types of incidents occur, including but not limited to incidents where juveniles are violent toward one another and when juveniles are violent toward agency staff (e.g. guards, teachers, etc.). More than one constituent has expressed concerns that completed reports are getting lost or destroyed before reaching all the proper channels at the agency. When reports do not go through all the proper channels, the agency is unable to accurately assess the serious nature of the behavior of juveniles. The most concerning aspect of this type of activity is that more than one constituent has expressed concerns that it could ultimately lead to either a guard or juvenile being seriously injured or killed.

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There has been an allegation by constituents that some very serious incidents, such as juveniles raping other juveniles, being labeled not as rape, but only as "inappropriate touching." In addition, there are allegations that during certain months of the year when the agency collects data on the number of incidents for reporting to a Performance Based Standards entity, staff are encouraged not to report incidents as a way to keep the number of incidents low. The allegations state these months of the year are referred to as "PbS Months."

The juveniles are at the Department of Juvenile Justice facilities as a result of committing offenses outside the facility. Unfortunately, some juveniles commit further offenses while in the facility. The allegations claim that in order for juveniles to truly be held responsible for their actions, they should be prosecuted for any additional offenses, such as assault, possession of narcotics, etc., they commit while in a Department of Juvenile Justice facility. It has been further alleged that Department of Juvenile Justice guards are pressured not to file charges with the Solicitors Office when they are assaulted by juveniles or when they witness the juveniles committing other offenses.

The Committee has received an allegation that in the last six months, four units have become uninhabitable as a result of destruction of a violent nature by juveniles. It is further alleged that juveniles have escaped from at least four different units, with one juvenile able to completely leave the grounds of the Broad River Road Complex. Some of the allegations state these types of activities have occurred as a result of the agency failing to schedule enough guards during the night time hours, when the majority of these incidents have occurred. Another allegation is that juveniles know when the agency is short staffed, by the presence of a supervisor on duty, and violence is more likely to occur during those times.

The House Oversight Committee will continue its study of the agency. If the Committee may be of assistance to the Office of the Inspector General with regards to these concerns, please do not hesitate to contact me. Thank you for your dedication to the important issues facing the people of this State.

Sincerely,

A black rectangular redaction box covers the signature of the sender. A blue pen nib is visible at the bottom left corner of the redaction.

The Honorable Wm. Weston J. Newton
Committee Chair

cc: The Honorable Jay Lucas, Speaker of the House
The Honorable Kirkman Finlay III, Law Enforcement and Criminal Justice Subcommittee Chair
The Honorable William K. Bowers, Law Enforcement and Criminal Justice Subcommittee Member
The Honorable Raye Felder, Law Enforcement and Criminal Justice Subcommittee Member
The Honorable Edward R. Tallon Sr., Law Enforcement and Criminal Justice Subcommittee Member
The Honorable Nikki R. Haley, Governor