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October 8, 2019

### VIA EMAIL

Bryan P. Stirling, Director  
South Carolina Department of Corrections  
Post Office Box 21787  
Columbia, South Carolina 29210

RE: Follow-up to August, September, and October Subcommittee meetings

Dear Director Stirling:

The Department of Corrections Ad Hoc Subcommittee appreciates the S.C. Department of Corrections' (SCDC) continued partnership in the oversight process. As follow-up from the meetings over the last couple of months, attached are questions of interest to various members of the ad hoc subcommittee. Please provide this information by Tuesday, October 29, 2019. In SCDC's responses, if the information applies differently to male and female inmates, please indicate any differences. Please do not include information in SCDC's responses which may endanger the safety of inmates or agency staff.

### ***Veterans and Other Federal Programs***

1. In regards to veterans' rights, which, if any, continue while a veteran is incarcerated and post-incarceration? Does SCDC have any recommendations on this topic and, if so, what is the basis for the recommendation?
2. In regards to federal programs (e.g., SNAP, TANF, Medicaid, etc.), which continue while an individual is incarcerated and post-incarceration and which stop? Does SCDC have any recommendations on this topic and, if so, what is the basis for the recommendation?

***Programs and Reentry***

3. Provide timeline (1-2 pages) of how SCDC's re-entry programs have evolved over the last 15 years (e.g., length of program, number of staff, etc.), including related recidivism and any major changes in inmate population.
4. How often are inmates reminded of the advantages of good time and education credits?
5. Please provide the balance for the funds sent to the Department of Public Safety or Attorney General for each month from the last three years to show the source of the money and where money was sent.<sup>1</sup>
6. Please provide a graphic or table which shows the entities SCDC relies on, and for what SCDC relies on each for, to achieve successful inmate reentry (e.g. DMV – state ids, DEHC – birth certificates, SCWorks – job opportunities, etc.).
7. During each of the past three years, how many inmates that needed a birth certificate were unable to pay for one without donations from a non-profit or other organization?
8. In regards to the offender employment preparation program outlined in S.C. Code Section 24-13-2110, et. al, please provide the following: (a) memorandum of understanding (MOU) required by S.C. Code Section 24-13-2120, which establishes the responsibilities of each agency in the program; and (b) annual report about the program to the agencies that are part of the program's MOU required by S.C. Code Section 24-13-2140(6).
9. Please explain how the other agencies that are part of the offender employment preparation program survey "employment trends within the State" and the "proposals to the Department of Corrections regarding potential vocational training activities," each agency has made during the last three years, as required by S.C. Code Section 24-13-2130.
10. Please explain SCDC's involvement in the federal reentry council.
11. Are there any models used in other states for bringing in multiple agencies needed for reentry? Which states have models potentially usable in South Carolina and how do those models work?
12. Is there any "reentry" council involving directors from state agencies in South Carolina?
13. How does SCDC prevent siloes internally (e.g., across correctional institutions and across agency organizational units) as it relates to reentry?
14. Is SCDC able to track the number of programs in which an inmate participates and the number of programs available to the inmate so this information is available to the parole board?
15. What information does the parole board request about inmates?
16. During each of the last three years, how many inmates' parole, or parole hearings, have been postponed due to their inability to go through the sex offender treatment program because it did not have enough capacity?

***Medical Transportation Efficiency***

17. Explain how SCDC attempts to coordinate, if at all, regular inmate medical visits or other transportation to ensure safe transport without an excessive number of guards or vehicles.
18. Please provide information on the number of inmates transported for medical services, total costs, and cost per transport type by year for the last three years.

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<sup>1</sup> Programs, Rehabilitation, and Reentry Services presentation, slides 124-125.

***Medications and Medical Equipment***

19. Approximately how many hours per month or year do nurses spend packing medications for inmates? Considering the salaries and fringe benefits of these employees, approximately what do these hours amount to in annual costs to the agency?
20. Please explain the equipment that may increase the efficiency of packaging medication, including the upfront and maintenance cost of the equipment, available capacity of the equipment, SCDC's capacity need, other state agencies that may be able to benefit from the equipment, and how SCDC may utilize the time of nurses that is no longer needed to package medication.
21. What changes, if any, may allow SCDC to more easily obtain medical equipment through federal surplus? Please provide examples of medical equipment SCDC has seen available through federal surplus that would be beneficial to the agency in terms of effectiveness and efficiency?

***Medical Wait Time***

22. Does the agency track, by type or category of medical request, the length of time it takes from inmate request to inmate treatment? If so, how does this compare to the average length of time it would take someone like you or I to receive care (as we know the rest of us sometimes have to get an appointment and/or several hours at the doctor's office)? If not, would this be possible to track going forward?

***Births in Prison***

23. During the last ten years, how many inmates have given birth while incarcerated? How many of these individuals were pregnant upon admission to SCDC?
24. What opportunities exist for a mother and infant to visit if the infant is born while the mother is in prison?

***Mental Health***

25. Please provide a breakdown of mental health workers by type: (a) contract, (b) full-time, and (c) part-time (employed by SCDC).
26. What percent of each type of officer (mental health and correctional) have completed each type of mental health training (e.g. mental health first aid, crisis intervention team)?
27. Please provide the written protocol for determining where inmates are placed during mental health crises.
28. Has the agency done any research on whether the ability of an individual to see sunlight, while confined indoors, has an impact on the individual's mental health?
29. What is the recidivism rate for inmates diagnosed with a mental health disorder?

### ***Addiction Treatment***

30. Please explain the reason why the number of inmates admitted to addiction treatment units (ATU) dropped almost 50% from 2014 and 2015 to 2017 and 2018. If it was caused by a decrease in the number of staff, please provide the number of applicable staff in each year 2014 through 2018 and the number of additional inmates that may be treated per additional staff member, if the agency received funding for additional staff positions.
31. What is the recidivism rates for the following type of inmates:
  - a. Need assessment/court-ordered treatment, admitted to ATU, and graduate from ATU;
  - b. Need assessment/court-ordered treatment, admitted to ATU, and don't graduate from ATU; and
  - c. Need assessment/court-ordered treatment and not admitted to ATU.
32. While SCDC representatives testified the General Assembly has not appropriated funds for construction of new buildings, does SCDC consider its addiction treatment units are the "centers for alcohol and drug rehabilitation," as outlined in Title 24, Chapter 13, Article 19? If not, please explain whether SCDC recommends elimination of Sections 24-13-1910 through 24-13-1950. If so, does the Department of Alcohol and Other Drug Abuse Services provide staff and support necessary to administer the ATUs?
33. Why has SCDC chosen to privately contract alcohol treatment programs instead of utilizing the Department of Alcohol and Other Drug Abuse Services to operationalize the programs?<sup>2</sup>
34. Please explain what the 90 day follow up peer support individuals are to perform with mental health and/ substance abuse inmates. Also, since SCDC representatives testified the agency does not currently audit whether this occurs, please explain how, going forward, the agency intends to ensure the follow-up occurs.

### ***Health Services – In General***

35. In light of an SCDC representative's testimony regarding her prior experience in other states in working with universities to track health services outcomes, has SCDC communicated with any higher education institutions in South Carolina to gauge the feasibility of a similar partnership? If so, what is the status? If not, why not?
36. Please provide a chart, with information similar to slide 29 of the health services presentation, with separate and distinct statistics on medical furlough versus medical paroles, as well as definitions of each. Please coordinate, as needed, with the Department of Probation, Parole, and Pardon, to obtain all applicable information.
37. Are medical services provided by SCDC regulated by the state and regularly inspected? Are they inspected by DHEC or anyone outside of SCDC?
38. Are there any independent reviews of inmate health records to ensure inmates are receiving adequate healthcare? (like a financial audit, but for medical services)

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<sup>2</sup> S.C. Code Section 24-13-1920 and -1940 require the Department of Alcohol and Other Drug Abuse to establish a program to provide alcohol and other drug abuse intervention, prevention, and treatment services for offenders within the S.C. Department of Corrections (SCDC); provision of staff and support necessary to administer the program; and consultation with the director of SCDC on policies and procedures for the program. Department of Alcohol and Other Drug Abuse Services Program Evaluation Report, Deliverables Chart, Deliverable Item Number Seven state: "DAODAS collaborates with the S.C. Department of Corrections (SCDC) on a range of criminal justice issues and has in place two overarching programs that work to address the re-integration of addicted inmates back into the community. *SCDC has full authority to operate the alcohol treatment program and has opted to privately contract for these services, rather than utilize DAODAS to operationalize these programs.*" (emphasis added)

***Health Services – In General (cont.)***

39. Does the agency have any internal employees, similar to regional police services that are independent from a particular facility, that check general conditions of the facilities to ensure inmates receive adequate sunlight, temperature, etc.?
40. When is the data in slide 38 of the health services presentation, comparison of annual salaries for SCDC and community resources, accurate as of?

***Crimes in SCDC***

41. For each of last three years, please provide the number of cases sent to solicitors' offices and the number prosecuted, by type of person arrested (e.g., employee, civilian, or inmate) type of case (e.g., dashing, etc.), and solicitors office.
42. How does SCDC document contraband it discovers (e.g., photos, etc.) and dispose of it so it does not re-enter the prison system?
43. Please provide the amount and location (e.g., in-person visitor, via mail to inmate, via mail/supplies to agency, etc.) of any contraband discovered inside (or attempting to go inside) an SCDC correctional facility within the last three years, by type of contraband.
44. Since police services is no longer conducting unannounced inspections of contraband control operations areas, how does SCDC ensure employees are following all policies related to contraband (e.g., storage, tracking, disposal, etc.)?<sup>3</sup>
45. What penalties (per policy and per regulation or statute) exist in other states for individuals who bring cell phones into prisons and for inmates who utilize cell phones?<sup>4</sup>
46. Does state law prohibit consensual sexual activity between prison or detention staff and inmates? If so, what are the penalties? If not, does SCDC have any recommendations on the issue?

***Detention Center Inspections***

47. What does SCDC inspect when performing statutorily required inspections of detention and other facilities?<sup>5</sup>
48. What are the pros and cons of requiring SCDC to inspect detention facilities and other facilities not maintained by SCDC? Does SCDC have any recommendations about this requirement in S.C. Code Section 24-9-20 should continue or be revised, in light of inspections performed by other entities like the Department of Health and Environmental Control?
49. How many additional personnel, and how much funding, is needed to ensure all local and state facilities, including holding cells, receive the required inspections?<sup>6</sup>

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<sup>3</sup> "SCDC policy requires the contraband control operations areas of every facility to be inspected annually, and requires police services to conduct unannounced inspections of these areas at least once every three years. However, police services does not regularly conduct these inspections, and in 2017 requested that these requirements be removed." *A Limited Review of the S.C. Department of Corrections*, page 150, S.C. Legislative Audit Council (August 2019)

<sup>4</sup> Programs, Rehabilitation, and Reentry Services presentation, slide 135.

<sup>5</sup> "According to SCDC, the number and types of facilities it is required to inspect include: 44 county detention centers (jails), 6 county prison camps, 3 county juvenile detention centers, 10 municipal jails, 21 SCDC prisons, 21 other SCDC work sites, 15 Department of Juvenile Justice facilities and 'various other related sites at that Agency,' and 1 private facility." *A Limited Review of the S.C. Department of Corrections*, page 48, S.C. Legislative Audit Council (August 2019)

<sup>6</sup> In response to the Legislative Audit Council audit SCDC states it is in the "process of identifying all the holding cells statewide and inspecting them, as well as ensuring that all other local and state facilities receive the required inspections, will be implemented promptly after enough additional personnel are approved and funded." Legal and Compliance presentation, slide 106.

***Audits***

50. Please provide a list of the general categories which encompass the 525 items reviewed during regular security audits of an SCDC institution are included.

***Agency Policies***

51. What aspects of the management review program are not in operation? How many additional personnel, and how much funding, is needed to place the management review program in full operation?<sup>7</sup>
52. Who within SCDC is responsible for tracking whether employees, from wardens to cadets, are following agency policies?
53. Please provide a list of all agency policies and forms, with a brief summary of what each covers and the date it was last revised. If there are any policies or forms the agency anticipates revising in the near future (e.g., policies or forms related to classification system, etc.), please indicate the agency anticipates revising it and reason for impending revisions.
54. Other than sending an email with the list of policies for a division to review each month, and reviewing suggested changes it receives in response, what else, if anything, does the agency do to review policies? Does the Office of Policy Development meet with those implementing the policy to explain what the Office of Policy Development's interpretation of the policy is to ensure that is how it is being interpreted by those implementing it, and, if not, make changes to ensure interpretation and implementation match?

***North Carolina Programs***

55. Please explain if South Carolina has an inmate medical cost management plan, similar to the North Carolina Sheriffs' Association Inmate Medical Cost Management Plan and, if not, why not and whether it would be beneficial.
56. Please communicate with the North Carolina Sheriffs' Association to determine the type of data needed, to determine if South Carolina could gain the potential benefits North Carolina has seen from its Statewide Misdemeanor Confinement Program. Please state how long it would take to gather that data in South Carolina.

***Automated Request to Staff Member System (ARTSM)***

57. Please provide the complete terms and conditions to which an inmate must agree before the inmate can submit a request in the automated request to staff member (ARTSM) kiosk.
58. Please provide reports that include the ARTSM information below, as well as the most recent version of any other reports related to ARTSM that the agency regularly reviews.
- Division and position responsible for responding to requests, by request type;
  - Average response time for each month during the last 12 months, by request type;
  - Number of requests responded to within 45 days during the last 12 months, by request type;
  - Number of requests over 45 days old that are not yet responded to during the last 12 months, by request type;

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<sup>7</sup> In response to the Legislative Audit Council audit finding related to SCDC not having adequate internal controls to detect contraband before it enters its institutions, SCDC states it is "anticipated that the full Management Review Program can be underway again by this time next year if funding for the necessary employees is forthcoming." Legal and Compliance presentation, slide 107.

***Formal Grievances***

59. Please provide the number of grievances for each of the last three fiscal years, by type of grievance.
60. Please provide the timeline of events, and number of days between each, once an inmate files an appeal with the administrative law court.

***Inmate Mail***

61. How much did SCDC spend on pre-stamped envelopes (separate from postage on indigent inmate's legal mail) for inmates in each fiscal year 2016 through 2019.

***Freedom of Information Act (FOIA) Requests and Records Management***

62. For each fiscal year 2016 through 2019, please provide the following related to FOIA requests: (a) amount SCDC spent (material and employee time) to process and respond; (b) amount SCDC received (e.g., per hour research, copy costs, etc.); and (c) number of requests.
63. Is the agency current with sending all applicable files from its facilities to the Department of Archives and History for archiving?

***Law Recommendations***

64. Please provide specific wording SCDC would suggest for law recommendations included in the legal and compliance presentation (e.g., slide 36-amend S.C. Code Section 24-27-200, etc. seq.; slide 57-amend FOIA; slide 116-provisions in state law related to federal prison rape elimination act), if SCDC did not provide this information in its Program Evaluation Report. Also, please be prepared to present, and discuss in further details, these and other SCDC law recommendations, after SCDC presents information on its administration unit.
65. How many copies of an inmate's brief would SCDC recommend be required in the Court of Appeals? How much would SCDC have saved (e.g., materials and employee time) over the last three years if inmates were only required to file the number of briefs SCDC recommends?
66. Are there changes to any other court rules that, if made only for inmates, would save SCDC money? If so, please explain and include the potential savings for SCDC.

***Administration Unit Presentation***

*Please include the information below in the agency's Administration unit presentation.*

- The number of employees that have participated in the critical incident stress management program, by year and facility, for each of the last three years.
- Explanation of the role of the Office of Employee Relations.
- The following in an Excel chart that includes organizational unit (e.g., health services), division within the unit (e.g., nursing services management, primary care clinical providers, pharmacy, dental, etc.), facility, and position, and prioritize the order by immediacy of need:
  - a. brief summary of responsibilities;
  - b. historical data including the following for each of the last three years:
    - i. number of full time equivalent positions available;
    - ii. number filled

***Administration Unit Presentation (cont.)***

- iii. funding available for personnel;
- iv. funding spent;
- v. turnover rate;
- vi. potential risks if all positions are not filled, including, but not limited to safety of inmates, safety of staff, impact on recidivism, and lawsuits;
- vii. potential reasons all positions were not filled, if applicable;
- c. future data including:
  - i. number of additional personnel needed;
  - ii. number of additional full time equivalent position authorizations needed;
  - iii. funding needed to fill one position;
  - iv. funding needed to fill all needed positions;
  - v. potential risks if all positions are not filled, including, but not limited to safety of inmates, safety of staff, impact on recidivism, and lawsuits;
- The following information for the Lee, Evans, and Lieber Correctional Institutions:
  - a. current number of staff by position category and number needed to be at full capacity;
  - b. for each of the last twelve months, by position category and month, number of employees at the start of the month, at the end of the month, and that left during the month;
  - c. explanation of whether overtime is mandatory for any positions;
  - d. explanation of whether there are any parameters on the amount of overtime employees are allowed to work as a means of helping ensure employees do not work too many consecutive hours and have sufficient rest between shifts; and
  - e. explanation of any agency efforts to retain employees.

In responding to these questions, please remember the Committee's expectations, which are provided in the Committee's Standard Practice 9. The Subcommittee looks forward to working collaboratively with SCDC during the oversight process. Thank you and your team for your service to the citizens of South Carolina.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward R. Tallon Sr." with a stylized flourish at the end.

Edward R. Tallon Sr.  
Subcommittee Chair

cc: Department of Corrections Ad Hoc Subcommittee