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June 13, 2019

### VIA EMAIL

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

RE: Follow-up to June 4, 2019 Subcommittee meeting

Dear Director Stirling:

The Department of Corrections Ad Hoc Subcommittee appreciates the S.C. Department of Corrections' (SCDC) partnership in the oversight process. As follow-up from the meeting on June 4, 2019, we seek some additional information. Please provide this information by Tuesday, July 2, 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.

### ***Execution of Death Sentences***

1. Please generally explain what information SCDC has learned from other states who are having problems, similar to SCDC, in obtaining the drugs necessary for lethal injections.

### ***Processing Inmates, Sentencing Sheets, and Release***

2. In the April 29, 2019 letter, SCDC indicated five counties need assistance in providing SCDC complete and accurate information necessary to process inmates.
  - (a) In what areas does each county need assistance (e.g., bringing more or less inmates than scheduled, types of incorrect/missing paperwork, inmate property, missing/incomplete medical documentation)?
  - (b) Also, if assistance to any other counties may enable SCDC to more effectively and efficiently process inmates, please list each county, the specific area(s) for assistance, and indicate whether the county attended SCDC's most recent training.

***Processing Inmates, Sentencing Sheets, and Release (cont.)***

3. In the April 29, 2019, letter SCDC stated, "In relation to the costs of the R & E portion of Kirkland Correctional Institution, these are not broken out; however, we are working on a plan to break these costs out via the SCEIS Accounting System." Please provide the following:
  - (a) what SCDC is working on with the South Carolina Enterprise Information System to allow SCDC to break out the different costs involved in processing an inmate, including, but not limited to, transportation to the reception and evaluation center, daily cost to house/feed/clothe, medical examinations, etc.; and
  - (b) an estimated time the agency may know the costs to process an inmate at SCDC reception and evaluation centers.
4. In regards to processing sentencing sheets, please provide the following:
  - (a) lowest cost to process a single sentencing sheet (e.g., one that is both accurate and includes all required information); and
  - (b) highest cost to process a single sentencing sheet (e.g., one in which SCDC personnel must obtain accurate and/or required information)
5. Please list, and briefly explain, the different types of inmate releases.

***Visitation***

6. Does SCDC have a policy requiring incarceration of an inmate for three years before the inmate can have visits from their minor nieces and nephews under the age of eighteen? If so, please provide the following:
  - (a) year it was implemented;
  - (b) basis for it; and
  - (c) whether SCDC has ever considered revising it and, if so,
    - (i) when; and
    - (ii) why SCDC chose not to revise it.
7. Does SCDC have a policy which limits the number of individuals on an inmate's visitation list to fifteen? If so, please provide the following:
  - (a) basis for a fifteen-person limit, as opposed to another number;
  - (b) whether it is more expensive for SCDC to have additional individuals on an inmate's visitation list, or for an inmate to move individuals off and on their list so more than fifteen can visit in total; and
  - (c) whether SCDC opposes increasing the number;
    - (i) if so, why?
    - (ii) if not, what is a reasonable number?

***Use of Force to Maintain Order - Chemical Munitions***

8. Please explain equipment correctional officers carry on their person.
9. Please provide SCDC policies (or list the policies, if they are available on SCDC website) which explain the situations in which SCDC personnel are trained/authorized to utilize chemical munitions.
10. Please provide SCDC policies (or list the policies, if they are available on SCDC website) which explain steps taken after a munition is utilized (e.g., decontamination).
11. Please provide references to any research which indicates use of chemical munitions at other facilities is a best practice.
12. Please list, by SCDC facility, the types of chemical munitions utilized and number of uses during the last six months.

***Inmate Participation in Programs and Work***

13. In regards to the increase in inmate refusals to attend programs in 2018, please provide the following:
  - (a) potential causes;
  - (b) any lessons learned as a result; and
  - (c) any actions to help decrease those numbers.
14. What does it state in SCDC policy as to whether an inmate is required to work?
15. When assigned to a facility, can an inmate choose not to work without any potential negative consequences? If no, what are the potential consequences?
16. Which policies apply to how an inmate signs up for work and/or requests transfers in assignment?
17. Is it possible for an inmate who will not be released (life sentence) to be assigned a work position in which an inmate, who will be released, could learn/improve upon a skill that may assist the inmate in obtaining employment when released? If so,
  - (a) why; and
  - (b) how is SCDC ensuring inmates, who SCDC anticipates will be released, are assigned to work positions in which they can learn/improve upon skills that will assist them in obtaining employment when released?
18. Do inmates assigned to work positions within SCDC facilities (e.g., food service, maintenance, custodial, etc.) receive pay?
  - (a) If not, why not and has SCDC ever considered providing pay for those positions; and
  - (b) If so, please provide information on the pay rate.
19. Please update the excel chart SCDC provided in response to question 42 in its April 29, 2019 letter (i.e., job descriptions and applicable statutes) by adding the following information beside each work positions:
  - (a) sentence length of prisoners (e.g., 1-5, 10-15, 15+ years) in position; and
  - (b) inmate custody levels which are NOT eligible to work in the position, if any.If the chart does not list all work positions available to inmates, please add any missing positions.

***Inmates transfers***

20. For inmates transferred to Core Civic, please provide the following:
  - (a) offenses for which incarcerated;
  - (b) sentence received; and
  - (c) length of sentence remaining until release.
21. Please update the “entry to release process” graphic to show how the process may differ for those transferred to out-of-state ICC, or non-ICC, institutions. Please include the following:
  - (a) when in the process the transfer may occur;
  - (b) when SCDC may transfer an inmate back to an SCDC facility; and
  - (c) what occurs if the inmate maxes out while at the out-of-state institution.

***Escapes, Assaults, and Other Inmate Disciplinary Offenses***

22. Please explain how SCDC defines “attempted escape.”
23. For each of the last three years, provide information on the following:
  - (a) number of attempted escapes from Level II and III facilities; and
  - (b) length of time the inmate(s) were gone before capture.
24. In regards to the increase in inmate on inmate assaults in 2016-17, please provide the following:
  - (a) potential causes;
  - (b) any lessons learned as a result; and
  - (c) any actions to help decrease those numbers.

***Escapes, Assaults, and Other Inmate Disciplinary Offenses (cont.)***

25. Please provide an Excel table which lists all possible inmate disciplinary offenses. Also, within the table, please include the number substantiated during each of the last three fiscal years by the following:
- (a) SCDC facility; and
  - (b) length of sentence (e.g., 1-5, 10-15, 15+ years).
26. In the booths where correctional officers monitor prison dorms, are there any cameras pointed on the correctional officers to monitor their actions, similar to dash cameras in highway patrol vehicles?
- (a) If yes, are the videos reviewed periodically/randomly to assist in training or for other purposes?

***Police Service Investigations***

27. For each of the last three years, please provide the following information by category of investigation:
- (a) average length of time, from open to close, for investigations of SCDC employees; and
  - (b) average length of time, from open to close, for investigations of inmates.
28. For each of the last three years, please provide the following:
- (a) number of officers whose certification was revoked based on information SCDC provided the Criminal Justice Academy;
  - (b) number of officers who appealed; and
  - (c) number of officers whose certification was reinstated.
29. Please explain the reason for differences in the number of deaths from homicide, which was in a table in the operations unit presentation, and number of homicide investigations, which was in a table in the police services unit presentation.
30. Do inmates have the ability to contact crimestoppers? If yes, please provide the following:
- (a) whether an inmate can make the call toll-free from the phones at SCDC facilities;
  - (b) how inmates are informed they can make those calls for free; and
  - (c) where in the facilities the phone number is posted.

***Inmate Deaths***

31. Please explain SCDC's policy regarding the publication of information about the death of an inmate.
32. Please explain SCDC's policy relating to investigations when an SCDC inmate dies in an out-of-state institution.
- (a) Is the policy different when an inmate dies at a SCDC institution?
  - (b) If yes, please explain the differences.
33. Does SCDC track any data related to the death of SCDC inmates in out-of-state Interstate Corrections Compact (ICC) institutions?
- (a) If no, why not.
  - (b) If yes, please explain if and how this data is used in making any transfer decisions (i.e., is transfer necessary, when it will occur, where it will occur, is return to SCDC warranted, etc.).
34. Does SCDC track any data related to the death of SCDC inmates in out-of-state non-ICC institutions?
- (a) If no, why not.
  - (b) If yes, please explain if and how this data is used in making any transfer decisions (i.e., is transfer necessary, when it will occur, where it will occur, is return to SCDC warranted, etc.).
35. Please provide information known to SCDC about the death of the inmate at Core Civic, including the source(s) of the information, redacting any portions that may violate the Health Information Privacy Protection Act.

***Inmate Deaths (cont.)***

36. Please provide all communication between SCDC and Core Civic which relates to the inmate who recently passed away, redacting any portions that may violate the Health Information Privacy Protection Act.

***Potential Law Recommendations***

37. In regards to the offender management system in S.C. Code of Laws Title 24, Chapter 22, please provide the following:
- (a) amount of funding needed for the program to be "appropriately funded" as stated in S.C. Code of Laws Section 24-22-150;
  - (b) whether SCDC has ever utilized the program since passage of the statutes over a quarter century ago and
    - (i) If yes, during what time periods and what results were obtained from the program?
    - (ii) If no, does SCDC plan to provide the subcommittee recommendations for revision or repeal of Title 24, Chapter 22?
38. Please explain SCDC's involvement, if at all, with home detention programs.
- (a) Please explain circumstances in which it may be added to the end of an individual's sentence.
  - (b) Does SCDC plan to provide the subcommittee recommendations for revision or repeal of the Home Detention Act in S.C. Code of Laws Title 24, Chapter 13, Article 15?
39. Since agency representatives testified SCDC does not utilize day reporting centers, does SCDC have any recommendations for revision of statutes which included SCDC in S.C. Code of Laws Title 24, Chapter 21, Article 13?
40. For each of the law recommendations included in the last slide of the police services presentation, please provide the information included in the table attached to this letter.

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,



Edward R. Tallon Sr.  
Subcommittee Chair

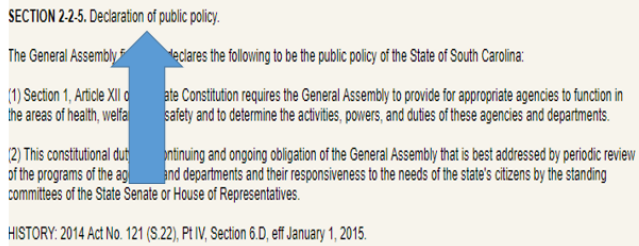
cc: Department of Corrects Ad Hoc Subcommittee Members

## **Attachment - Law Change Recommendations**

## Law Change Charts Explained

### Law

- Provide the citation and its brief summary (i.e., one or two sentence description listed in the code beside the citation).



SECTION 2-2-5. Declaration of public policy.

The General Assembly declares the following to be the public policy of the State of South Carolina:

(1) Section 1, Article XII of the State Constitution requires the General Assembly to provide for appropriate agencies to function in the areas of health, welfare, safety and to determine the activities, powers, and duties of these agencies and departments.

(2) This constitutional duty is a continuing and ongoing obligation of the General Assembly that is best addressed by periodic review of the programs of the agencies and departments and their responsiveness to the needs of the state's citizens by the standing committees of the State Senate or House of Representatives.

HISTORY: 2014 Act No. 121 (S.22), Pt IV, Section 6.D, eff January 1, 2015.

- If SCDC is recommending the addition of a new law  
→ Enter "Recommending new law."
- If there is no current applicable law  
→ Enter "No current law is applicable."

### Summary of Current Law(s) and Recommended Change(s)

#### Current Law:

- Provide a brief summary of current requirement/provisions.
- If SCDC is recommending the addition of a new law  
→ Enter "Recommending new law."
- If there is no current applicable law  
→ Enter "No current law is applicable."

#### Recommendation:

- Type whichever applies: (1) Repeal, (2) Modify, (3) Add new law, (4) Concept recommendation, or (5) Issue on which agency takes no position.
- If the recommendation is anything other than "Repeal," explain the recommendation.

### Basis for Recommendation

- Explain the rationale for SCDC's recommendation.
  - If a conflict or issue with current law is identified, but there is not a specific recommendation for how to address the issue, then explain the issue and the potential problems it poses.
-

## Approval and Others Impacted

- Presented and approved by agency's governing body: State whether the law recommendation has been presented to and approved by SCDC's governing body.
- Other entities potentially impacted: List any other entities that may be impacted by the law recommendation. The Committee may reach out to these entities to obtain their input as part of the study process.

### If the law is a regulation, where agency is in this process:

- If the law is a regulation
  - Describe where SCDC is in the regulation process. SCDC may utilize terminology from the regulatory process flow chart on the General Assembly website, which is available here: <https://www.scstatehouse.gov/register/2014FlowChartCombined.pdf>.
- If the law is not a regulation
  - Enter "Not applicable."

## Current Law Wording

- Copy and paste the current wording of the law(s) at issue.
- If there is no current applicable law
  - Enter "No current law is applicable."

## Proposed Revisions to Law Wording

- If SCDC does not have a recommendation for specific wording
    - Enter "SCDC does not have a recommendation for specific wording."
  - If SCDC is identifying issues with current laws, on which it takes no position
    - Enter "SCDC does not have a recommendation for specific wording."
  - If the recommendation is to add, repeal, or revise specific wording
    - Repeal current law
      - Enter "Repeal entire statute," OR
      - If the recommendation is to repeal a law because the requirements or authority are already included in another law
        - Enter "Repeal because requirements/authority already included in laws below:  
*Insert wording of other laws.*"
    - Modify current law
      - Strike through words SCDC wants deleted, and underline words SCDC wants to add.
    - Add new law
      - Enter the wording of the new law and underline all of it.
-



### Example #1 – Repeal Law

LAW CHANGE #1			
Law	Summary of Current Law(s) and Recommended Change(s)	Basis for Recommendation	Approval and Others Impacted
<p>Section 50-19-1710. Creation of Catawba-Wateree Fish and Game Commission; membership.</p> <p>Section 50-19-1720. Meetings of Commission; compensation of members; records.</p>	<p><u>Current Law</u></p> <ul style="list-style-type: none"> <li>Created Catawba Wateree Fish and Game Commission</li> <li>Provide specifics about how it would operate.</li> </ul> <p><u>Recommendation</u> Repeal</p>	<p>The Commission no longer exists.</p>	<p><u>Presented and approved by agency's governing body:</u> Presented and waiting approval</p> <p><u>Other entities potentially impacted</u> (1) Department of Natural Resources (2) Chester, Fairfield, Kershaw, and Lancaster County Delegations</p> <p><u>If the law is a regulation, where agency is in the process of finalizing it and providing it to the General Assembly:</u> Not applicable</p>
Current Law Wording		Proposed Revisions to Law Wording	
<p>SECTION 50-19-1710. Creation of Catawba-Wateree Fish and Game Commission; membership.</p> <p>There is hereby created the Catawba-Wateree Fish and Game Commission which shall be composed of four members, one of whom shall be appointed by each of the respective county legislative delegations of Chester, Fairfield, Kershaw and Lancaster Counties. The members shall serve at the will of the respective county legislative delegations.</p> <p>HISTORY: 1962 Code Section 28-1011; 1952 Code Section 28-1011; 1949 (46) 335; 1993 Act No. 181, Section 1267.</p> <p>SECTION 50-19-1720. Meetings of Commission; compensation of members; records.</p> <p>The Commission shall meet once each month if necessary, and each member in attendance shall be paid the sum of ten dollars per day, plus mileage at the rate of five cents per mile. The Commission shall keep records of all business transacted at such meetings and designate the time and place of meetings.</p> <p>HISTORY: 1962 Code Section 28-1012; 1952 Code Section 28-1012; 1949 (46) 335; 1993 Act No. 181, Section 1267.</p>		<p>Repeal entire statute</p> <p>Repeal entire statute</p>	

## Example #2 – Revise Subpart of Current Law

LAW CHANGE #2			
Law	Summary of Current Law(s) and Recommended Change(s)	Basis for Recommendation	Approval and Others Impacted
Section 50-19-1710. Creation of Catawba-Wateree Fish and Game Commission; membership.	<p><u>Current Law:</u> Created Catawba Wateree Fish and Game Commission</p> <p><u>Recommendation</u> Modify to update the number of members and allow the Governor to appoint one of the members.</p>	The Commission has expressed a desire to have an additional member to break tie votes and provide outside input.	<p><u>Presented and approved by agency's governing body:</u> Presented and awaiting approval</p> <p><u>Other entities potentially impacted</u> (1) Department of Natural Resources (2) Chester, Fairfield, Kershaw, and Lancaster County Delegations</p> <p><u>If the law is a regulation, where agency is in the process of finalizing it and providing it to the General Assembly:</u> Not applicable</p>
Current Law Wording		Proposed Revisions to Law Wording	
<p>SECTION 50-19-1710. Creation of Catawba-Wateree Fish and Game Commission; membership.</p> <p>There is hereby created the Catawba-Wateree Fish and Game Commission which shall be composed of four members, one of whom shall be appointed by each of the respective county legislative delegations of Chester, Fairfield, Kershaw and Lancaster Counties. The members shall serve at the will of the respective county legislative delegations.</p> <p>HISTORY: 1962 Code Section 28-1011; 1952 Code Section 28-1011; 1949 (46) 335; 1993 Act No. 181, Section 1267.</p>		<p>SECTION 50-19-1710. Creation of Catawba-Wateree Fish and Game Commission; membership.</p> <p>There is hereby created the Catawba-Wateree Fish and Game Commission which shall be composed of <del>four</del> <u>five</u> members, one of whom shall be appointed by each of the respective county legislative delegations of Chester, Fairfield, Kershaw and Lancaster Counties. The members shall serve at the will of the respective county legislative delegations. <u>One member shall be appointed by the Governor and serve at the will of the Governor.</u></p> <p>HISTORY: 1962 Code Section 28-1011; 1952 Code Section 28-1011; 1949 (46) 335; 1993 Act No. 181, Section 1267.</p>	

**Example #3 – Pointing out Issue, the solution for which SCDC takes no position on**

LAW CHANGE #3			
Law	Summary of Current Law(s) and Recommended Change(s)	Basis for Recommendation	Approval and Others Impacted
Act No. 930 (1970). An Act to provide for the School Trustees for Kershaw County; to provide for their powers and duties; to provide for advisory trustees and to repeal section 21-3151 through 21-3157, Code of Laws of South Carolina, 1962, relating to the school system of Kershaw County.	<p><u>Current Law</u> The Kershaw County public education system shall be a board of trustees composed of nine members, elected for terms of four years. All candidates for the office of the board of trustees shall run in a non-partisan primary to be conducted at the same time of the other county primary elections are held.</p> <p><u>Recommendation</u> Issue on which agency takes no position. SCDC offers two potential solution: (1) The election of trustees not require a primary which is the majority method of the election of trustees for a Board of Education in South Carolina. Most elections of School District Trustees include a non-partisan filing period with candidate placement on the general election ballot. (2) If a primary is still to be conducted, SCDC recommends the non-partisan primary be held during odd calendar years.</p>	To provide uniformity in the election of the school board trustees and to avoid voter confusion on primary day for the general election as all other ballots issued to voters are based upon party preference expressed by the voter at the polls.	<p><u>Presented and approved by agency's governing body:</u> Approved</p> <p><u>Other entities potentially impacted</u> Kershaw County Delegation</p> <p><u>If the law is a regulation, where agency is in the process of finalizing it and providing it to the General Assembly:</u> Not applicable</p>
Current Law Wording		Proposed Revisions to Law Wording	
<p>Act No. 930</p> <p><b>Section 1. School trustees for Kershaw County.</b>-The central authority of Kershaw County's public educational system shall be a board of trustees composed of nine members, to be elected for terms of four years from the county at large, but who shall be residents of the respective townships and have their offices numbered as follow: one member from Flat Rock, Seat No. 1; two members from Buffalo, Seats Nos. 2 and 3; two members from West Wateree, Seats Nos. 4 and 5; and four members from DeKalb, Seats Nos. 6, 7, 8 and 9. Full terms shall commence on the first Tuesday in January following the election. Each candidate shall run for a specified numbered office and shall be a resident of the township to which such number is assigned. All candidates for the office of the board of trustees shall run in a non-</p>		<p>SCDC does not have a recommendation for specific wording since there are two potential revisions that would address the issue. If the Committee votes to make one of the proposed solutions a recommendation in its study report, SCDC can provide draft statutory language.</p>	

partisan primary to be conducted by the county election commission at the same time as other county primary elections are held. The expenses of such election shall be borne by the county. Each candidate in the primary shall be required to pay a filing fee to the election commission in such sum as it may determine, but not to exceed one hundred dollars. All of such fees shall be deposited to the general fund of the county. The two candidates receiving the most votes for each seat who did not withdraw shall have their names placed on the general election ballot and the person receiving the highest number of votes for each seat in that election shall be declared elected. *Provided*, that in the event a candidate receives a majority of the votes cast in the primary, only his name shall be placed on the general election ballot. There shall be no petition candidate for any of these offices in the general election, and no person shall be a candidate for more than one such office at any one election; but nothing herein shall be construed to prohibit a qualified individual from running as a "write-in" candidate in the general election.

In the event the person receiving the most votes in the primary ceases to be a candidate for any reason, another primary shall be ordered if as much as forty-five days remain between such cessation and the general election. In the event such time does not exist, no election for such office shall be held at the time of the general election. Another election for such office shall be held on the first Tuesday of the month following the general election. Any person wishing to be a candidate for such office may qualify with the county election commission not later than April fifteenth. In the event no candidate in this election receives a majority of the votes cast, and additional election shall be conducted two weeks thereafter between the two candidates receiving the most votes who do not withdraw.

All members of the board of trustees shall be commissioned by the Governor.

All vacancies on the board of trustees shall be filled by a majority vote of the county council for the unexpired portion of their terms. If a seat is unfilled as a result of no one offering for such seat it shall be filled by a majority vote of the county council.

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### Example #4 – Concept Recommendation

LAW CHANGE #4			
Law	Summary of Current Law(s) and Recommended Change(s)	Basis for Recommendation	Approval and Others Impacted
No current law is applicable	<p><u>Current Law</u> No current law is applicable</p> <p><u>Recommendation</u> Concept recommendation. Establish knowledge and expertise criteria for membership on the Commission on Disabilities and Special Needs.</p>	From structure to payment systems, the Department of Disabilities and Special Needs is very complex and the current Commission chair believes there needs to be knowledge criteria for Commissioners.	<p><u>Presented and approved by agency's governing body:</u> Approved</p> <p><u>Other entities potentially impacted</u> Governor's Office, since the Governor appoints Commissioners</p> <p><u>If the law is a regulation, where agency is in the process of finalizing it and providing it to the General Assembly:</u> Not applicable</p>
Current Law Wording		Proposed Revisions to Law Wording	
No current law is applicable		SCDC does not have a recommendation for specific wording.	