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**South Carolina House of Representatives**

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### **Department of Corrections Ad Hoc Subcommittee**

**Wednesday, December 11, 2019  
10:30 a.m.  
Blatt Room 110**

#### **Archived Video Available**

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

#### **Attendance**

- I. The Department of Corrections Ad Hoc Subcommittee meeting is called to order by Chair Edward R. Tallon, Sr. on Wednesday, December 11, 2019, in Room 110 of the Blatt Building. The following other members of the Subcommittee are present for either all or a portion of the meeting: Representative Gary E. Clary; Representative Micajah P. "Micah" Caskey, IV; Representative Chandra E. Dillard; Representative Joseph H. Jefferson, Jr.; Representative Jeffrey E. "Jeff" Johnson; and Representative Robert Q. Williams.

## Minutes

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.
- II. Representative Williams moves to approve the minutes from the November 25, 2019, meeting. A roll call vote is held, and the motion passes.

Rep. Williams' motion to approve the minutes from the November 25, 2019, meeting:	Yea	Nay	Not Voting
Rep. Clary	✓		
Rep. Caskey	✓		
Rep. Dillard			✓ (absent)
Rep. Jefferson	✓		
Rep. Johnson			✓ (absent)
Rep. Tallon	✓		
Rep. Williams	✓		

## Discussion of the S.C. Department of Corrections

- I. Ad hoc subcommittee Chairman Tallon explains the purpose of today's meeting is to continue discussion of the agency's legal and compliance unit, and discuss the agency's administration unit.
- II. Ad hoc subcommittee Chairman Tallon explains that all testimony given to this subcommittee, which is an investigating committee, must be under oath. Ad hoc subcommittee Chairman Tallon places Ms. Tracie Baxley, SCDC Workers Compensation Program Coordinator, under oath. He reminds agency personnel previously sworn in that they remain under oath.
- III. Ms. Sally Elliott, SCDC Deputy Director of Legal and Compliance, continues the divisions presentation, starting on slide 133. Information she presents includes the following:
  - a. Information Security and Privacy
    - Organizational chart
    - Specific deliverables in the law (none)
    - Overview of responsibilities
    - Common misperceptions
    - Division goals and duties
    - Program accomplishments
    - Incident trends line graph

Goals and challenges moving forward

- b. Quality Improvement and Risk Management  
Disclaimer
- c. Occupational Safety and Workers' Compensation  
Organizational chart  
Overview of responsibilities  
Workers compensation claims filed by fiscal year bar graph (PM37)  
Workers compensation premium history by fiscal year bar graph (PM37)

Members ask questions, which Ms. Elliott and other agency personnel answer.

IV. Mr. Thomas M. Osmer, Jr., SCDC Deputy Director of Administration, presents information about his division. Information he presents includes the following:

- a. Deputy Director of Administration  
Overview of responsibilities  
Divisions under Administration  
Organizational chart
- b. Manage agency, including measuring performance and linking expenses  
Manage the agency (D1);  
Director execute bond (D1.1);  
Establish rules for the performance of the agency's functions (D1.2);  
Link program expenditures and performance measures (D1.3);  
Director can request reports from departments as needed (D1.4);  
Director can require other employees to execute bond (D2.3)
- c. Resource and Information Management  
Organizational chart  
General responsibilities  
Responsibilities of the Resource Information Management (RIM) branches  
Administration and user support services  
Management information services  
Health technology and informatics  
Network and infrastructure services  
Applications development and support services  
Video conferencing for legal proceedings, including bond hearings, and parole hearings (D90.0-90.2)
- d. Procurement

Organizational chart  
General responsibilities  
Provide links to websites that include SCDC monthly procurement card statements (D3.995)

e. Support Services

Organizational chart  
Responsibilities of division of support services branches: (a) Canteen branch; (b) Commissary branch; (c) Food service branch; (d) Horticulture services branch; (e) Solid waste management/recycling branch  
Inventory prison property and make report available to public (D3.996-3.997)  
Renovation and capital expenditures  
Purchase or condemn land for buildings, sewer, or water lines necessary for the prison system (D19);  
Use funds generated from the sale of real property to offset renovation and maintenance capital expenditures (D19.1);  
Utilize appropriated funds to construct multi-purpose buildings at SCDC institutions, once all prerequisites are met (D19.2)

f. Prison Industries

Organizational charts  
Inmate workforce by type pie chart  
Inmate employment in private sector (non-traditional prison industries)  
Establish non-traditional prison industries program (D34);  
Develop marketing plan to attract private sector service businesses (D34.1);  
Negotiate new contracts and renewals with private sector entities (D34.2);  
Provide required notice, and obtain necessary certification prior to entering or renewing contracts with private sector service entities (D34.3);  
Determine wages for inmate labor for private sector entities (D34.5);  
Make inmate wage deductions and distribute accordingly (D34.6);  
Report on prison industries program to Senate and House committee (D34.7)  
Distribution of inmate wages pie chart  
Inmate production of items at SCDC (traditional prison industries):  
(a) Purchase equipment for production of items by inmates (D44.3);  
(b) Ensure inmates produce items ordered by state agencies first, then items ordered by political subdivisions (D44.4); (c) Require state agencies to purchase items made by inmates (D44.5);  
(d) Remain under the supervision of MMO (D44.6); (e) Allow political subdivisions to purchase items made by inmates (D44.7);  
Consider if service/good is obtainable through the prison industry

program, before obtaining the service or good from outside the prison (D44.8); (f) Prohibit sale of items produced by inmates to private sector parties, with certain exceptions (D44.9);

Sale of items inmates produced at SCDC (traditional prison industries): (a) Prepare annual catalogue of items inmates make in prison (D45.0); (b) Develop catalog of prison-made products for national distribution (D45.1); (c) Price prison-made products at or below industry prices (D45.2); (d) Price prison-made products as close to market price as practicable (D45.3); (e) Send catalogue of prison-made products to state agencies (D45.4); (f) Distribute prison-made product and services catalogue to a state agency, when requested by the state agency (D45.5); (g) Require state agencies to report estimates of the kind and amount of prison-made items reasonably required for the upcoming fiscal year (D45.6); (h) Deposit prison-made revenue in accounts designated in law (D45.7); (i) Disburse prison-made revenues to appropriate accounts (D45.8); (j) Utilize prison-made funds for inmates or operational costs (D45.9); (k) Carry forward any prison industry funds remaining at year-end (D45.91);

Inmate employment for non-profit projects: (a) Allow inmates to participate in nonprofit projects (D46.0); (b) Allow voluntary inmate participation in the nonprofit projects (D46.1); (c) Ensure inmate participation in nonprofit projects does not displace employed workers nor impair existing contracts for services; (D46.2); (d) Establish contracts for inmate labor for nonprofits (D46.3); (e) Determine appropriate inmate wages for nonprofit projects (D46.4); (f) Collect inmate earnings for nonprofit projects (D46.5)

License plates, road signs, dry-cleaning, and tire retreading:

(a) Produce and sell license plates DMV and road signs to DOT (D47); (b) Install dry-cleaning facilities to clean SCDC security uniforms (D48); (c) Establish tire retreading program (D49); (d) Only sell retreaded tires to state agencies (D49.1)

Inmate uniforms at SCDC and local detention facilities:

(a) Manufacture prison uniforms statewide (D57.0); (b) Clothe inmates (D57.1); (c) Make uniforms available for sale to local detention facilities (D57.2)

g. Agriculture

Organizational chart

General responsibilities

Agriculture, Horticulture, and Farm Program: (a) Establish agriculture program for inmates (D52); (b) Sell timber on SCDC property, after consulting state forester (D52.1); (c) Use timber sales for inmate agriculture or general welfare of inmates (D52.2); (d) Sell items produced in SCDC's horticulture (garden/farm) program (D53.1); (e) Use horticulture sales for general welfare of inmates (D53.2); (f) Establish farm program for inmates (D54.0); (g) Sell

surplus items produced by SCDC's farm program (D54.1); (h) Use surplus farm sales for farm program or benefit of inmates (D54.2)

h. Facilities Management

Organizational chart

General responsibilities and areas of responsibility: (a) Architectural and engineering services; (b) Detention services; (c) Roofing and asbestos abatement services; (d) Asset control/central tool room; Sheet metal services; (e) Electrical services; HVAC/kitchen equipment services; (f) Plumbing services; Construction services; (g) Facilities support services

Maintenance and construction: (a) Utilize inmates for maintenance/construction on SCDC grounds (D58); (b) Utilize inmate labor for construction of an addition to the Edisto Unit at the Broad River Correctional Institution, which houses the Department of Mental Health's Sexually Violent Predator Treatment Program, such addition to be used for additional treatment space and staff offices (D58.1)

i. Transportation

Organizational chart

General responsibilities

Private vehicle cleaning and waxing by inmates: (a) Allow inmates to clean and wax private vehicles (D55); (b) Place funds generated in a special account for the benefit of inmates (D55.1)

j. Human Resources Management

Organizational chart

General responsibilities and branch responsibilities

Employee random drug testing, student loans, arrests, and wellness:

(a) Employee classification, compensation, and records branch;  
(b) Payroll and leave branch; (c) Employee relations and benefits branch; (d) Recruiting, employment, and retention services branch  
Employee drug testing results (negative, positive, and refused) bar graph

Employee grievances: (a) Grievable and non-grievable actions;

(b) Number of employee grievances received by SCDC bar graph;

(c) Number of employee grievances appealed to state HR bar graph;

(d) Number of equal employment opportunity claims filed bar graph

Employee critical incident stress management program participation

Overtime

k. Recruiting, employment, and retention services branch

Organizational chart;

Challenges;

State workforce, % change in job postings v. job applicants

Recruitment (internally, externally, and thinking outside the box)

Turnovers for fiscal years 2015-2018 bar graph

Potential reasons for vacancies

Overcoming the challenges

Hire/manage/pay employees; replace property inmates destroy:

(a) Hire and manage employees (D2); (b) Prohibit employee from holding two elected positions (D2.1); (c) Special assignment pay (D2.7 and 2.8); (d) Replace applicable employee property if destroyed by an inmate (D2.9); (e) Establish guidelines for replacing employee property damaged (D2.91)

LAC Report – Deficiency, recommendations, SCDC response:

(a) Recruitment; (b) Background checks; (c) Correctional officer staffing and salaries; (d) Staff retention; (e) Retirees, why employees are leaving, allocation of security positions

Training and staff development division: (a) Organizational chart; (b) General responsibilities; (c) Types of training and number of employees trained in each

1. Budget and Finance

Organizational chart

General responsibilities and departments within the division

Depositing and spending funds: (a) Deposit, utilize, and record financial information as required (D3.0); (b) Provide Governor budget submission (D3.1); (c) Deposit donations or contributions in special accounts in state treasury (D3.2); (d) Deposit federal funds in state treasury (D3.3); (e) Spend, for the benefit of the inmate population, funds received from private entities for processing electronic transfers into EH Cooper Trust Fund (D3.4); (f) Retain purchase card program rebates to support operations (D3.5)

Limitations on spending and charging: (a) Limitations on spending donations or contributions (D3.6); (b) Limitations on spending federal funds (D3.7); (c) Indirect costs SCDC may charge on federal grants and contracts (D3.8); (d) Notify EBO/CG before transferring funds between agency programs (D3.9)

Transferring funds, deficit, carryforward, return/retain, and keeping records: (a) Transfer of funds between agency programs limited to 20% (D3.91); (b) Provide details of fund transfer between programs, when requested (D3.92); (c) Utilize appropriated funds to avoid a deficit (D3.93); (d) If deficit is likely, notify General Assembly and develop plan with EBO to avoid year-end deficit (D3.94); (e) Do not withhold services to carry forward general funds (D3.95); (f) General fund carryforward limited to 10% per year (D3.96); (g) Carry forward not considered part of base appropriations (D3.97); (h) Transfer \$20,500/month to AG for state victim's assistance program (D3.98); (i) Return to the general fund, state appropriations provided to match federal funds if the federal funds are not available to be used for the project for which state appropriations were provided, unless written approval from the State Fiscal Accountability Authority to do

otherwise (D3.99); (j) Retain expense reimbursements for general operating purposes (D3.991); (k) Appropriate year-end funds (D3.992); (l) Maintain complete and accurate financial records (D3.993); (m) Submit year-end financials to Comptroller General (D3.994)

Restitution program: (a) Regulate and administer restitution program (D42.1); (b) Develop policies and procedures to (1) ensure payment of fines and restitution and (2) report to the court failures to pay in situations when a judge suspends a sentence and imposes a fine or restitution (D42.2)

Inmate accounts – rules, deductions, unclaimed funds and civil actions: (a) Establish rules for inmate accounts (D76.0); (b) Establish rules for monetary deductions from inmate's accounts (D76.1); (c) Contact owner of unclaimed funds remaining in inmate account (D76.2); (d) If rightful owner doesn't claim, deposit in Inmate Welfare Fund (D76.3); (e) Use insurance reimbursements to cover claim expenses (D85.9); (f) Reimburse money deducted from inmate's account for medical treatment, if inmate is exonerated of all charges and requests reimbursement (D85.92); (g) Withdraw inmate account funds to pay inmate civil action filing fees (D91.1); (h) Send inmate civil action filing fees to appropriate clerk of court (D91.2); (i) Withdraw inmate account funds to pay inmate civil action court costs (D91.3); (j) Send inmate civil action court costs to appropriate clerk of court (D91.4)

Members ask questions, which Mr. Osmer and other agency personnel answer.

V. There being no further business, the meeting is adjourned.