

Department of Corrections Ad Hoc Subcommittee Meeting

Monday, December 16, 2019

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AGENDA

South Carolina
House of Representatives



Legislative Oversight Committee

DEPARTMENT OF CORRECTIONS AD HOC SUBCOMMITTEE

Chairman Edward R. Tallon Sr.

The Honorable Micajah P. "Micah" Caskey, IV

The Honorable Gary E. Clary

The Honorable Chandra E. Dillard

The Honorable Joseph H. Jefferson, Jr.

The Honorable Jeffrey E. "Jeff" Johnson

The Honorable Robert Q. Williams

Monday, December 16, 2019

10:30 a.m.

Room 110 - Blatt Building

Pursuant to Committee Rule 6.8, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.

AGENDA

- I. Approval of Meeting Minutes**
- II. Discussion of the study of the Department of Corrections**
- III. Adjournment**

MEETING MINUTES

Chair Wm. Weston J. Newton

*First Vice-Chair:
Laurie Slade Funderburk*

Legislative Oversight Committee

*Micajah P. (Micah) Caskey, IV
Neal A. Collins
Patricia Moore (Pat) Henegan
William M. (Bill) Hixon
Jeffrey E. (Jeff) Johnson
Marvin R. Pendarvis
Tommy M. Stringer
Bill Taylor
Robert Q. Williams*



South Carolina House of Representatives

*Gary E. Clary
Chandra E. Dillard
Lee Hewitt
Joseph H. Jefferson, Jr.
Mandy Powers Norrell
Robert L. Ridgeway, III
Edward R. Tallon, Sr.
John Taliaferro (Jay) West, IV
Chris Wooten*

*Jennifer L. Dobson
Research Director*

*Cathy A. Greer
Administration Coordinator*

**Post Office Box 11867
Columbia, South Carolina 29211
Telephone: (803) 212-6810 • Fax: (803) 212-6811
Room 228 Blatt Building**

*Charles L. Appleby, IV
Legal Counsel*

*Lewis Carter
Research Analyst/Auditor*

*Kendra H. Wilkerson
Fiscal/Research Analyst*

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.

STUDY TIMELINE

The House Legislative Oversight Committee's (Committee) process for studying the S.C. Department of Corrections (agency, Department, or SCDC) includes actions by the full Committee; Department of Corrections Ad Hoc Subcommittee (Subcommittee); the agency; and the public. Key dates and actions are listed below.

Legislative Oversight Committee Actions

- May 3, 2018 - Holds **Meeting #1** to prioritize the agency for study
- May 9, 2018 - Provides the agency notice about the oversight process
- July 17 - August 20, 2018 - Solicits input about the agency in the form of an online public survey
- January 28, 2019 - Holds **Meeting #2** to obtain public input about the agency

Department of Corrections Ad Hoc Subcommittee Actions

- February 21, 2019 - Holds **Meeting #3** to discuss the agency's history; legal directives; mission; vision; general information about finances and employees; and agency organization
- March 21, 2019 - Holds **Meeting #4** to discuss the agency's operations unit
- May 14, 2019 - Holds **Meeting #5** to continue discussion of the agency's operations unit
- May 29, 2019 - Holds **Meeting #6** to continue discussion of the agency's operations unit
- June 4, 2019 - Holds **Meeting #7** to continue discussion of the agency's operations unit and to discuss the agency's police services unit
- June 18, 2019 - Holds **Meeting #8** to discuss the agency's programs, reentry, and rehabilitative services unit
- July 24, 2019 - Holds **Meeting #9** to continue discussion of the agency's programs, reentry, and rehabilitative services unit
- August 12, 2019 - Holds **Meeting #10** to continue discussion of the agency's programs, reentry, and rehabilitative services unit
- August 26, 2019 - Holds **Meeting #11** to receive presentation of the Legislative Audit Council audit requested by the Committee
- August 27, 2019 - Holds **Meeting #12** to discuss the agency's health services unit
- September 16, 2019 - Holds **Meeting #13** to continue discussion of the agency's health services unit and meet with the Department of Mental Health
- October 1, 2019 - Holds **Meeting #14** to discuss the N.C. Statewide Misdemeanant Confinement program, continue discussion of the agency's health services unit, and discuss the agency's legal and compliance unit
- October 2, 2019 - Holds **Meeting #15** to continue discussion of the agency's legal and compliance unit
- October 23, 2019 - Holds **Meeting #16** to hear testimony from members of the public who requested to testify, continue discussion of the agency's legal and compliance unit, and discuss the agency's administration unit

- November 25, 2019 - Holds **Meeting #17** to hear testimony from members of the public who requested to testify, continue discussion of the agency's legal and compliance unit, and discuss the agency's administration unit
- December 11, 2019 - Holds **Meeting #18** to continue discussion of the agency's legal and compliance unit, and discuss the agency's administration unit
- December 16, 2019 - (TODAY) Holds **Meeting #19** to receive input from individuals in the public who requested to testify and discuss the agency's law recommendations

Department of Corrections

- March 31, 2015 - Submits its **Annual Restructuring and Seven-Year Plan Report**
- January 12, 2016 - Submits its **2016 Annual Restructuring Report**
- September 2016 - Submits its **2015-16 Accountability Report**
- September 2017 - Submits its **2016-17 Accountability Report**
- September 2018 - Submits its **2017-18 Accountability Report**
- September 28, 2018 - Submits its **Program Evaluation Report**

Public's Actions

- July 17-August 20, 2018 - Provides input about the agency via an **online public survey**
- January 28, 2019 - Provide testimony during full committee meeting (20 individuals)
- March 21, 2019 - Provide testimony during ad hoc subcommittee meeting (1 individual)
- July 24, 2019 - Provide testimony during ad hoc subcommittee meeting (1 individual)
- October 23, 2019 - Provide testimony during ad hoc subcommittee meeting (4 individuals)
- November 25, 2019 - Provide testimony during ad hoc subcommittee meeting (4 individuals)
- Ongoing - Submits written comments on the Committee's webpage on the General Assembly's website (www.scstatehouse.gov) (48 comments)

Figure 1. Key dates in the study process, May 2018 to present.

SCDC - AGENCY SNAPSHOT

S.C. Department of Corrections

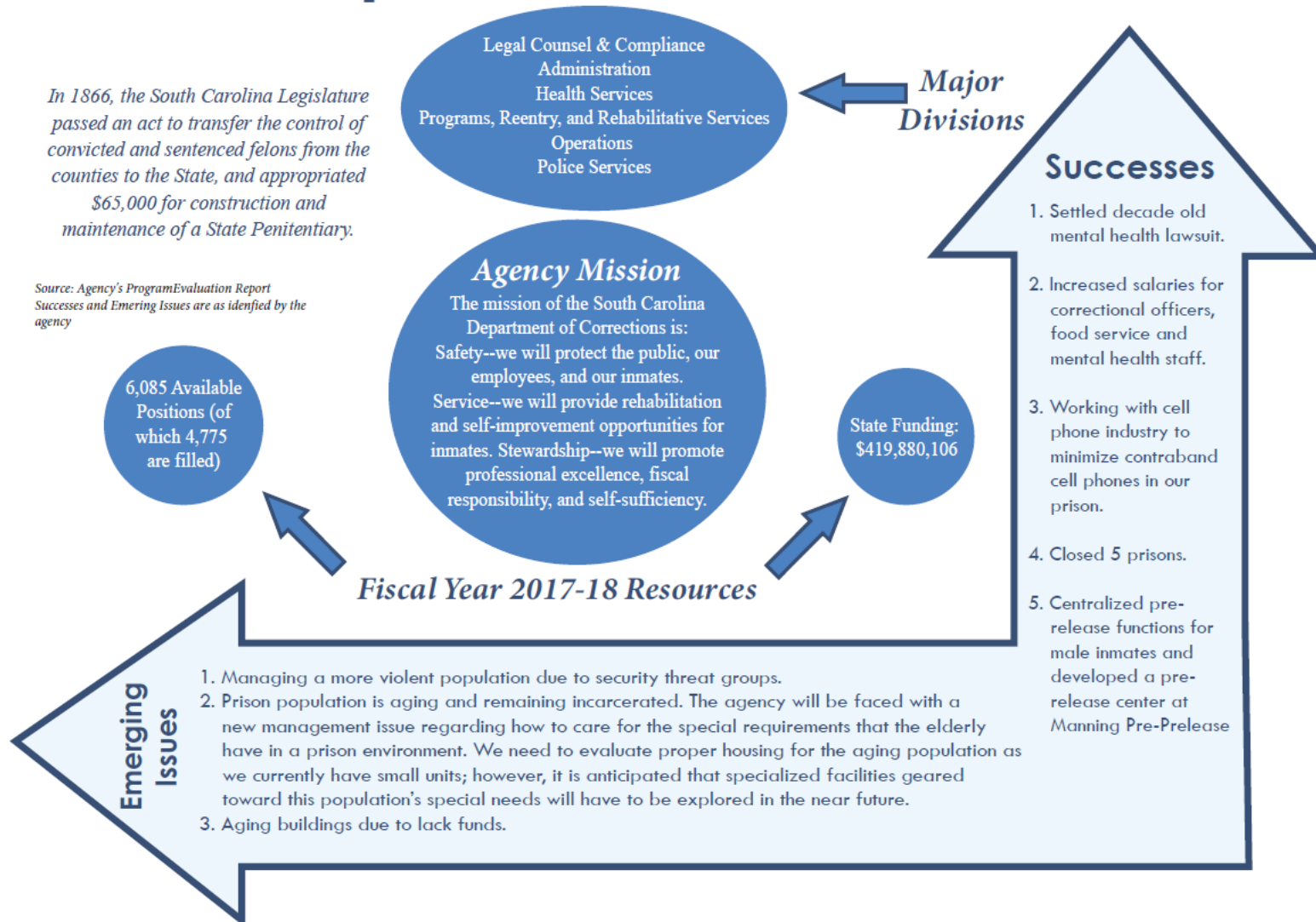


Figure 2. Snapshot of the agency's history, mission, major divisions, fiscal year 2017-18 resources (employees and funding), successes, and emerging issues.¹

SECURITY LEVELS AND HOUSING TYPES

Housing Types

General - Beds for inmates not designated/requiring "special" supervision and/or service

Restrictive - Beds for inmates designated/requiring "special" supervision such as crisis intervention, deathrow, hospital, maximum custody, mental health, protective custody, pre-hearing detention, security detention, safekeeper, and temporary holding (transient)

Program - Beds for inmates specific locations for program participation such as assisted living, addictions treatment, Educational Finance Act eligible inmates, habilitation, handicap, Youthful Offender Act programs, reception/evaluation, shock incarceration, transitional care, HIV therapeutic, and sex offender treatment.

Table 1. Agency facilities, security levels, location, and warden.

Facility	Security Level	Location	Warden
Region 1 - Joseph "Tony" Stines, Director			
Palmer PRC	1A	Florence	Joseph McFadden
Allendale CI [^]	2	Fairfax	McKendley Newton
MacDougall CI	2	Ridgeville	Edsel Taylor
Ridgeland CI	2	Ridgeland	Levern Cohen
Turbeville CI	2	Turbeville	Richard Cothran
Lee CI	3	Bishopville	Aaron Joyner
Lieber CI	3	Ridgeville	Randall Williams

Region 2 - Joel Anderson, Director			
Livesay PRC	1A&B	Spartanburg	George Dodkin
Evans CI [^]	2	Bennettsville	Donnie Stonebreaker
Tyger River CI	2	Enoree	Barry Tucker
McCormick CI	3	McCormick	Charles Williams, Jr.
Perry CI	3	Pelzer	Scott Lewis
Leath CI (Female)	3	Greenwood	Patricia Yeldell
Camille Graham CI (Female)	3	Columbia	Marian Boulware
R&E (Female)			

Region 3 - Wayne McCabe, Director			
Goodman CI	1B	Columbia	Jannita Gaston
Manning Reentry/Work Release Center	1B	Columbia	Lisa Engram
Kershaw CI [^]	2	Kershaw	Kenneth Nelsen
Trenton CI	2	Trenton	Terrie Wallace
Wateree River CI	2	Rembert	Donald Beckwith
Broad River CI	3	Columbia	Michael Stephan
Kirkland R&E	3	Columbia	Willie D. Davis
Infirmery			
CI - Max			
Gilliam Psychiatric Hospital			

Security Levels

Level 1 (Minimum) – *Level 1A* - For non-violent inmates within 36 months of release. Housing is mainly open areas with bunk beds (no partitions or cubicles). Perimeters are unfenced. These units are work and program oriented, providing intensive specialized programs that prepare the inmates for release to the community. *Level 1B* - For inmates with relatively short sentences or time to serve. Housing is mainly cubicles with two bunk beds/cubicle. Perimeters are unfenced. Operational procedures at Level 1-B facilities impart a higher level of security compared to level 1-A facilities.

Level 2 (Medium) - Housing is primarily double bunk, cell type with some institutions having double-bunk cubicles. Perimeters are single fenced with electronic surveillance. Level 2 institutions provide a higher level of security than level 1 facilities.

Level 3 (Max) - For violent offenders with longer sentences, and inmates who exhibit behavioral problems. Housing is single and double cells. Perimeters are double-fenced with extensive electronic surveillance. Inmates are closely supervised with their activities and movement highly restricted

Table Notes: (1) CI means Correctional Institution; (2) PRC means Pre-Release Center; (3) R&E means Reception and Evaluation Center; and (4) A carat (^) indicates institutions converted from Level 3 to Level 2 – Evans CI on June 1, 2005; Kershaw CI on February 28, 2003; Allendale CI on April 9, 2003

COMMITTEE CONTACT INFORMATION AND UPCOMING MEETINGS

Legislative Oversight Committee



South Carolina House of Representatives

Committee Mission

Determine if agency laws and programs are being implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed or eliminated. Inform the public about state agencies.

Website: <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>

Phone Number: 803-212-6810

Email Address: HCommLegOv@schouse.gov

Location: Blatt Building, Room 228

UPCOMING MEETINGS

SCDC Ad Hoc

All at 10:30 a.m. in Blatt 110

Tuesday, January 7th

END NOTES

¹ Visual Summary Figure 1 provided by the agency in its Program Evaluation report available online under “Citizens’ Interest,” under “House Legislative Oversight Committee Postings and Reports,” under “Corrections, Department of,” under “Other Reports, Reviews, and Audits,” and under “Oversight Reports,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/PER%20Sub mission%2012819.pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/PER%20Sub%20mission%2012819.pdf) (accessed February 13, 2019).