

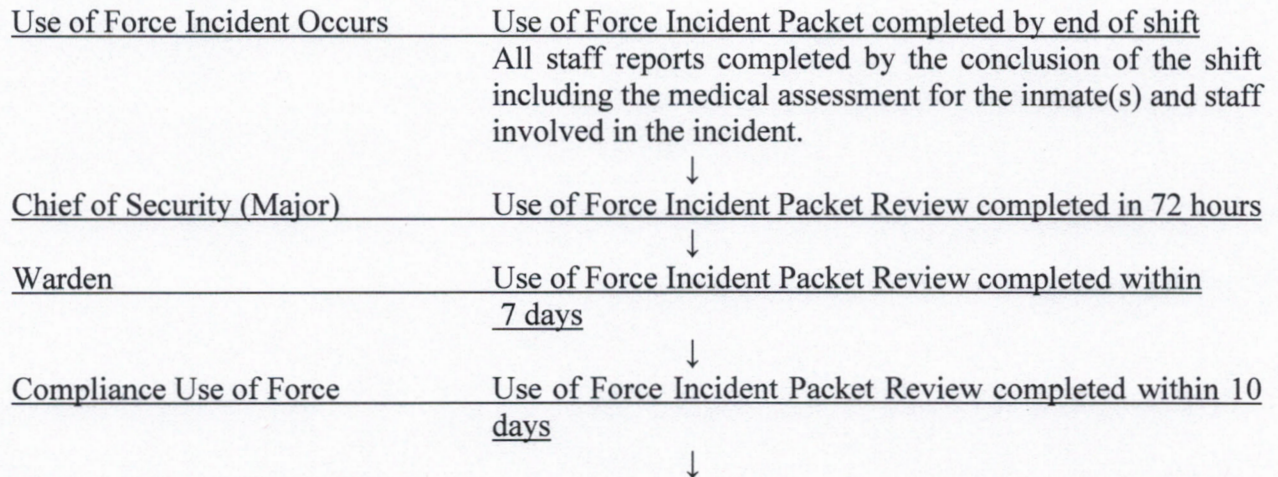
South Carolina Department of Corrections
Site Visit Summary
08.01.16 and 08.02.16
Emmitt L. Sparkman
Implementation Panel Member

Introduction

A site visit was conducted on August 1-2, 2016, to provide the South Carolina Department of Corrections (SCDC) technical assistance in the areas of Use of Force, Restrictive Housing Units and Offender Disciplinary. Meetings were held with the SCDC Compliance Department officials on August 1, 2016 and SCDC Operations officials on August 2, 2016. A joint meeting between SCDC Operations and Compliance officials was held on August 2, 2016, to review technical assistance and establish objectives to be accomplished prior to the scheduled October 31-November 4, 2016, Implementation Panel Site Visit.

Compliance Department August 1, 2016

Meetings were held with the SCDC Compliance Division; Chief Legal & Compliance Officer Salley Elliott and her staff on August 1, 2016. The Use of Force Policy and checklist were reviewed and areas needing revision were discussed in depth. It was determined the Use of Force Policy Review Section was insufficient to support necessary use of force reforms. Decisions were made to strengthen the use of force review section by establishing review time frames, identifying reviewer responsibilities, and ensuring necessary information was available for each reviewer to conduct a thorough and quality review. Use of Force Review Forms will be electronic with the capability to attach all applicable documents/videos. A Use of Force Review Flow Chart was developed with recommendations as follows:



<u>Operations Regional Director</u>	<u>Use of Force Incident Packet Review completed within 10 days</u> The Regional Director closes the Use of Force Packet if there are no issues. If issues are identified at any level of the review, the packet is forwarded to the Operations Assistant Deputy Director for review. All closed reviews are forwarded to the Operations Assistant Deputy Director with a copy to the Compliance Department.
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<u>Operations Asst. Deputy Director</u>	<u>Responsible for Use of Force Packet with Issues Review</u> The Assistant Deputy Director reviews Use of Force Packets with any issues and implements actions based on findings and conclusions. He will be responsible for closing investigations with issues and forwarding a copy to the Compliance Department.

The time frames for the use of force review will not begin until the use of force incident packet is received by the reviewer. Times delays for exigent circumstances require written justification from the reviewer. Any reviewer that has a use of force incident packet returned for additional information at any stage in the review process will have the following time requirements:

Shift	Completed and returned the next work day
Chief of Security (Major)	3 days
Warden	3 days
Compliance Use of Force	3 days

SCDC will explore if their Information Technology (IT) Department can develop a program to prompt Management and the employee with a report and/or email when a use of force review is not completed within the required time frame. This will ensure employee accountability in reviewing use of force incidents. The Use of Force Incident Reviewer plans to work with IT to develop a system to utilize the Use of Force Incident Checklist to monitor the quality of the Use of Force reviews at each level and generate reports that can be shared with SCDC officials and the Implementation Panel.

The SCDC does not have a procedure for action if a use of force violation is identified during any of the reviews. The recommendation is to designate the SCDC Inspector General Division and his staff to investigate use of force violations. Referrals to the Inspector General Division during the review process can be made by the Warden, Compliance Use of Force Reviewer, Operations Regional Director or Operations Assistant Deputy Director. A referral to the Inspector General Division will require notification to the Operation Assistant Deputy Director and the Chief Compliance & Legal Officer. The Inspector General's Division would not have a time frame to complete an investigation but will be required to provide the Compliance Department with a 30 day status report for each open investigation.

The SCDC does not have a reliable mechanism to resolve use of force allegations. The SCDC MINS Policy should be revised to include a reporting requirement for use of force allegations. A decision was made to revise the existing Use of Force Policy and develop a section addressing Use of Force allegations. Currently, the Inspector General Division receives grievances regarding use of force allegations and the practice should continue; however, the Inspector General Division should be required to report use of force allegations via MINS and the allegation outcome to the SCDC Compliance Department.

Other proposed enhancements for the Use of Force Policy were;

- Develop Use of Force categories based on severity of injuries; A Category-Injury required off site medical treatment, B Category- Injury required treatment beyond 1st Aid but on-site, C Category-1st Aid only or no injury;
- Develop a severity rating for use of force injuries;
- Photograph all inmates and staff injured for a use of force incident;
- Revise the Use of Force Restraint Form to capture additional information;
- Designate a 2nd Response Security Staff Member to obtain the handheld video camera from Main Control and respond to spontaneous use of force incidents
- Revise the Use of Force Incident Review Form to include: Did you review video? If no, why? If yes, was the video consistent with written reports?

Reports to be requested from the SCDC IT for Operations, Compliance and the Implementation Panel are;

- Use of Force Incident MINS Report on Use of Force Incidents
- Use of Force Incident MINS Report for all Use of Force Allegations
- Use of Force Incident Recommendations for Corrective Action Report
- Use of Force Incident Review Checklist Assessment Report
- Use of Force Incident Closed Report
- Use of Force Incident Open Report
- Use of Force Incident Closed No Action Report
- Use of Force Incident Closed Corrective Action Report
- Use of Force Incident Inspector General Division Referral Report
- Use of Force Allegations Grievance Report
- Use of Force Incident Review Time Frame Exceptions Report

Operations Division August 2, 2016

Meetings were held with the Operations Deputy Director Michael McCall, Assistant Deputy Director Dennis Patterson and the three (3) Operations Regional Directors on August 2, 2016. A discussion was held with Operations Management on the continued issue of inmates being held in Restrictive Housing Unit (RHU) Disciplinary Detention and Short Term status over sixty (60) days in violation of the SCDC RHU Policy. Operations Management recognized the seriousness and made commitments to immediately resolve the issue. SCDC Assaultive MINS, Use of Force and Assaultive Disciplinary Reports were reviewed in detail. Operations Management was complimented on their continued success maintaining the overall RHU population at less than 900 inmates with the long term Security Detention (SD) and Substantial Security Risk (SSR) population at less than 300 inmates. A discussion was held on the importance of continuing to lower the current number of mentally ill inmates in RHU SD status (53 inmates) and SSR (28 inmates).

The American Correctional Association (ACA) is proposing RHU standards that identify confinement over thirty (30) days as long term isolation. The potential ACA standard change and the National Commission on Correctional Healthcare (NCCHC) position that 15 days or more is long term isolation will impact the existing SCDC RHU Policy that 60 days or more is defined long term.

Operations is establishing a Mental Health Step Down Program (48 beds) at Allendale Correctional Institution to remove mentally ill inmates out of RHU while the Mental Health Behavior Modification Unit (BMU) is being developed and implemented. Allendale Correctional Institution was selected because the correctional facility is one of the few in SCDC that has full staffing. The Allendale Correctional Institution Mental Health Step Down Unit will be operate with general population procedures.

It was emphasized to Operations staff that the SCDC RHU Units Security Detention Step Down Programs and their implementation will be assessed during the next Implementation Panel Site Visit scheduled for October 31-November 4, 2016. Minimal progress has been made moving forward with RHU Step Down Program Implementation. The current SCDC IT RHU Report needs revision to identify the behavior level of each inmate in RHU SD status. Issues continue with providing and documenting the RHU inmate activities and services.

Operations has implemented Inmate Disciplinary procedures establishing inmates cannot accumulate in excess of 360 days loss of privileges. The IT Department provided a *SCDC Disciplinary Sanction Report Inmates with over 60 days* with no inmates identified having loss of privileges over 360 days and the inmate with the highest accumulated loss of privileges was 313 days.

Use of Force recommendations from the Compliance Department meetings were discussed and the Operations Department agreed to review and consider the recommended revisions and changes.

The following IT Reports were requested from the Operations Division to be provided the designated Implementation Panel Member on a monthly basis:

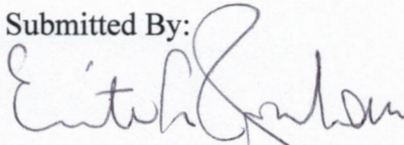
- SCDC Inmate Disciplinary Loss of Privileges Over 60 days Report
- SCDC Average Correctional Facility Population Report (to calculate use of force rates)

Close Out Meeting

A close out meeting was held with Operations Deputy Director McCall and Chief of Legal & Compliance Salley Elliott the afternoon of August 2, 2016. The information from meetings with Compliance and Operations were discussed and reviewed. Operations and Compliance will strive to continue progress and address the identified areas prior to the Implementation Panel Site Visit October 31 through November 4, 2016.

Feel free to contact me if additional information is required or needed.

Submitted By:

A handwritten signature in dark ink, appearing to read "Emmitt L. Sparkman", written over a horizontal line.

Emmitt L. Sparkman
Implementation Panel Member

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