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May 16, 2019

VIA EMAIL

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

RE: Follow-up to May 14, 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 May 14, 2019, we seek additional information from the agency. Please provide this information by Friday, May 24, 2019.

In the agency's responses, please indicate if the information applies the same to male and female inmates, and if not, please indicate any differences.

Classification System

1. Please provide the following information related to the agency contracting for assistance with its classification system:
 - (a) When a request for proposal was issued;
 - (b) Why Dr. Austin was chosen to receive the contract;
 - (c) Copy of the contract with Dr. Austin;
 - (d) List of activities related to the creation and entering of the contract performed by SCDC and those performed by State Procurement Office;
 - (e) Timeline detailing services provided by Dr. Austin, dates Dr. Austin was paid, and payment amount,
 - (f) Work product received from Dr. Austin;
 - (g) Work product or services still owed by Dr. Austin;
 - (h) Current status of contract with Dr. Austin,
 - (i) Agency's plan for finalizing an updated classification system, including the maximum length of time needed to finalize and implement an updated system.
2. Please provide the following information related to aspects of the agency's work that are impacted by a classification system:
 - (a) Does a classification system have an impact safety of inmates and agency staff? If yes, please explain how. If no, please explain why not.
 - (b) Does a classification system have an impact on the rehabilitation of inmates? If yes, please explain how. If no, please explain why not.
 - (c) What else, if anything, does a classification system impact?

Timelines and Average Inmate Day

3. Please update the reception and evaluation process timeline to add the items about which Ms. Richardson testified during the March 21, 2019 meeting (e.g., when SCDC obtains inmate emergency contact information, provide inmate paper and pencil and envelopes).
4. Please update the graphic of the average inmate day in reception and evaluation graphic to add the items about which Ms. Richardson testified during the March 21, 2019 meeting (e.g., removal of "Canteen" in the "2:30pm-next day" block).
5. Please update the graphics of the average inmate day at each security level (e.g., Level I; Level II/III; and Restrictive Housing Unit (RHU)) to indicate the following information, as long as this information does not create a security risk:
 - (a) When the inmate is locked in their cell versus outside their cell;
 - (b) Which events require a guard escort (e.g., escort to academic class or programming, escort to medical services);
 - (c) Other events which occur regularly, but may not occur every day (e.g., meeting with inmate classification worker); and
 - (d) Situations in which RHU applies (e.g., single inmate lock up, dorm/wing/facility lock down);

Data

6. Please provide the cost of processing a single sentencing sheet. Alternatively, provide the number of equivalent full-time employees needed just to process sentencing sheets and the total combined cost of those employees' annual salary and fringe benefits.
7. Please provide a brief summary of the training provided to counties regarding data they provide SCDC, including, but not limited to, why the agency believed the training was needed, types of data the training discussed, entities invited to the training, entities that did not attend the training, number of times in the past in which the training has been held, and the agency's plans for future training, if any.
8. How does the agency transmit data about inmates to the board or director of the Department of Probation, Parole, and Pardon (e.g., database, email, hard copy) and how long has it been done this way?
9. *Please clarify the "source" (e.g., from whom does the agency obtain the sentencing sheet) for each type of information in the agency's April 29, 2019 letter to the Committee, question 27 attachment.

Health

10. In regards to continuity of care forms for inmates, please provide the following information:
 - (a) Which entity within a county is supposed to provide the information?
 - (b) When is supposed to be provided?
 - (c) Are counties providing the form late or not at all?
 - (d) How does not receiving this form impact SCDC operations?
 - (e) Which counties are providing this information timely and which are not?
 - (f) What efforts has the agency made in the past to resolve issues with counties failing to provide the forms?
 - (g) What recommendations does the agency have for how the General Assembly may be able to assist?
11. What information related to an inmate's current or past medical conditions, if any, is utilized when determining where an inmate is housed when initially admitted to SCDC?
12. Please provide a table which includes a list of testing and vaccines/medication which is mandatory for inmates and optional for inmates. For those that are optional, provide a brief explanation as to why it is optional and not mandatory.
13. Please list the type of medical conditions for which SCDC may consider moving an inmate from their current cell/dorm/facility to another location, and, for each, why SCDC may consider moving the inmate (e.g., benefit of the inmate or other inmates housed nearby), and to where SCDC may consider moving the inmate.
14. Do female inmates have access to female hygiene products at no cost or are they required to purchase these items?
15. If a female inmate gives birth while in custody, are there any type of restraints on the female during child birth? If so, please explain.

Transfers

16. Please provide a brief summary of the following as it relates to the Interstate Corrections Compact (ICC):
- (a) States participating;
 - (b) Amount SCDC pays for an inmate transferred to an out-of-state facility;
 - (c) Amount SCDC receives to house an inmate from another state;
 - (d) Average amount of time to make the transfer, once SCDC determines an inmate at an SCDC facility needs to be transferred out of state;
 - (e) Reasons for which an SCDC inmate can be transferred, including any limitations (i.e., conditions in which a state will not accept an inmate); and
 - (f) Reasons for which an inmate can be transferred to SCDC, including any limitations (i.e., conditions in which SCDC will not accept an inmate).
17. Please provide a brief summary of any inmate transfer options, outside of the ICC, the agency has considered or utilized in the last three years. In the summary of each option, include why they agency has considered/used that option instead of ICC as well as differences in the option and ICC (e.g., per day costs of inmates, inmate work/education/programming tracked, speed in which inmates can be transferred).
18. For inmates SCDC involuntarily transferred out-of-state during each of the last three years as a result of issues they were creating (as opposed to for the inmate's protection), through ICC or otherwise, please provide information on whether the inmates, while at SCDC, qualified to participate in work, education, or other programs, and, if so, the work, education, or other programs in which they participated, if any. When providing this information, please do not include the inmates' names or any other identifying information.

Admissions and Release

19. Please provide, for all states, the sentence length requirement for admission to a state correctional institute.
20. Please provide a table which includes the number of individuals incarcerated per capita in South Carolina compared to other states.
21. Please obtain the average per day cost to house an inmate from each county in the state in which SCDC receives inmates.
22. Please provide, by county for each of the last three years, the number of inmates that would have remained in local facilities and total number of days they would have remained, if state law only allowed admission of inmates to SCDC who had each of the following:
- (a) At least 90 days remaining on their sentence;
 - (b) Sentence length of six months; and
 - (c) Sentence lengths of twelve months.
23. Please briefly explain the 85% rule and provide a list of offenses that are and are not within the rule.

24. Would the agency be in favor of mandating remote release of inmates who have satisfied their sentence as opposed to a county transporting the inmate to SCDC for release? If so, what does the agency view as pros and cons of a mandate and what are reasons the agency has heard for why some counties prefer not to do remote release?

Information provided to inmates

25. Please explain what occurs during inmate orientation.
26. Please explain how inmate classification workers interact with inmates including, any specified times in which they meet with an inmate (e.g., when admitted and then once a month during incarceration, etc.) and the type of information they provide an inmate.
27. Please list other ways in which inmates receive information while in custody and the type of information received.

Housing

28. Does the housing of inmates at Allendale Correctional Institute, or any other SCDC facilities, violate American Correctional Association standards?
29. Please provide a summary of the agency's plan for eliminating triple beds in Allendale Correctional Institute.
30. Please describe different types of housing units within SCDC that incorporate programs into the day to day living, including the requirements for an inmate to qualify for placement in the unit.

Safety and Staffing

31. What options does an inmate have for reporting that they feel they are in danger?
32. Once an inmate reports that they feel they are in danger, what is the process and different options for addressing it?
33. Are inmates who attempt to escape, or involved in assaults, required to participate in any type of programming (e.g. anger management, peer to peer counseling)? If so, please explain.
34. How does the agency determine whether it has enough staff on duty at any part of the day to ensure all cell doors can be unlocked in case of a fire?
35. Does the agency have a cost comparison for systems that would electronically lock cell doors and guard time spent manually locking doors to allow for determination of when the electronic system may pay for itself?
36. Please provide information on the number of guards per inmate in 1990, 1995, 2000, 2005, 2010, 2015, and 2019.

37. Please provide a table which includes the average salaries of officers in prisons and officers in other law enforcement entities around the state. If this information is not already available, please work with applicable impacted parties to obtain it.

Work

38. Please explain the following terms, which were included in the list of inmate job descriptions the agency provided in its April 29, 2019 letter:
- (a) labor crew/work program; and
 - (b) designated facility.
39. Please provide the following information in an Excel chart for each of the last three years and for each inmate work category (e.g., work credits, paid employment in the community, public improvement or development, statehouse landscaping, prison industries enhancement, etc.), unless the agency already has this information in another format, in which case use that format:
- (a) Prerequisites for an inmate to qualify for the work;
 - (b) Number of inmates qualified for the work;
 - (c) Number of qualified inmates working;
 - (d) Number of qualified inmates not working;
 - (e) Whether an inmate working is in a SCDC uniform or employer uniform;
 - (f) Whether an inmate is paid for the work;
 - (g) Whether SCDC supervision is required when an inmate is working;
 - (h) Amount SCDC collects for the work; and
 - (i) Amount SCDC spends to provide the work opportunity.
40. Please provide a summary of amounts the agency or inmates can earn through different types of work and include who receives any portions of those amounts (e.g., agency, child support, inmate trust account, etc.)
41. Please provide, for each of the last three years, a list of entities for which inmates in custody can work in an Excel chart, separated by inmate work category (e.g., work credits, paid employment in the community, public improvement or development, statehouse landscaping, prison industries enhancement, etc.). If the entity is the state or a county or local municipality, please indicate the department/division in which inmates can work. If the agency already has this information in a format other than Excel, please use that format.
42. Please provide, for each of the last three years, the number, and percentage, of inmates that could have participated (e.g., eligible, sufficient staff to escort them) in work, education, or other programs, and chose, for three months of the year or more, not to participate in any.
43. Please provide, for each of the last three years, information on the number of inmates, and number of days, in which inmates were unable to participate in work, education, or other programs due to a lockdown that was not a result of the inmate's actions. Also, include the reason for the lockdown. Please do not include information that may cause security concerns, such as information that would allow someone to determine the location, security level, or specific dates during the year.

44. Please provide a list of products the House of Representatives utilize, of which the agency is aware (e.g., frames for resolutions), which could be, but is not currently, obtained from inmates at SCDC.
45. Since agency representatives testified there are currently more jobs available than inmates, what does the agency consider when determining where to place inmates for work (e.g., highest paying option available).
46. Would the agency recommend revisions to the wording of S.C. Code Section 24-3-130(C), which is below, based on the testimony of agency representatives that “work camps” are no longer utilized? If so, what revisions would the agency recommend?

Section 24-3-130. Use of inmate labor on State highways or other public projects.
(C) Notwithstanding any other provisions of this chapter, inmates constructing work camps on county property must be supervised and controlled by armed officers and must be drawn exclusively from minimum security facilities. A work camp constructed or operated by the Department of Corrections must house only offenders classified as nonviolent. The contracting officials for the county utilizing prison inmate labor must be provided by the Department of Corrections with the most recent information concerning the composition of all work crews including the respective offenses for which the inmates have been sentenced and their custody levels.

47. Please explain the information SCDC maintains about the skills of each inmate and how the agency utilizes this information.
48. Does the agency have any data to compare the types of work inmates performed prior to incarceration and types of work obtained by the inmates upon release? If so, please explain.
49. Please provide, for each of the last three years, the number of inmates who have walked away from work places, separated by type of work category. Please indicate whether any of these inmates were not apprehended.

Recidivism rates

50. What factors can the agency utilize to track recidivism (e.g., inmates who enter SCDC with college education, inmates who participate in a particular pre-release program)?
51. Since “work credit” jobs and “paid employment in the community” jobs are included in both the “work program” category and the “labor crew” category, is an inmate who works in those jobs counted in the recidivism rates for both categories (i.e., Recidivism rate for work program inmates; and Recidivism rate for labor crew inmates)? Please explain.
52. Similar to the question above, if an inmate earns a General Educational Development (GED) and is involved in a pre-release program, is the inmate counted in both the “Recidivism rate for inmates who earn GED in SCDC,” and “Recidivism rate for inmates involved in a pre-release program”?

53. Does the agency provide any information on inmates to the Department of Juvenile Justice (DJJ) to assist DJJ in tracking recidivism of individuals who were incarcerated as juveniles?
54. Please explain the differences, if any, in how SCDC tracks recidivism and how DJJ tracks recidivism.

Education

55. Does the agency have information on the number of inmates released each year that do not have a high school diploma, GED, or other vocational skill? If so, please provide that information for each of the last three years.
56. Can the agency provide data on the number of inmates earning a GED/High School Diploma as a percentage of the number of inmates admitted to SCDC without a GED/High School Diploma? If so, please provide that information for 2013-14 through 2018-19.
57. In each of the last three years, how many inmates earned an associate or bachelors degree while at SCDC?

Earned Credits and Outcomes

58. Please provide a brief summary of the ways in which the agency categorizes inmates (e.g., inmates with anticipated release of 5 years, 25 years, life sentences) and, for each, the outcome the agency seeks for the inmate, and agency's strategy for assisting the inmate in reaching that outcome.
59. Do current statutes and agency policies that relate to which inmates are and are not eligible for work, programming, or other services, assisting inmates in obtaining the outcomes sought by the agency, or could revisions potentially allow the agency to more effectively or efficiently assist the inmates in reaching the intended outcomes?
60. Does the agency regularly review how its current system of earned credits are impacting prisoners progress toward the outcomes sought for those prisoners? If so, how often do are they reviewed and when were they last updated?
61. Is there a limit on the amount of work, education, or good conduct credit an inmate can earn? If so, what are the limits and what is the rationale behind having a limit?

Director Stirling
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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 the agency 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: The Honorable Wm. Weston J. Newton
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