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March 27, 2019

### VIA EMAIL

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

RE: Follow-up to March 21, 2019 Subcommittee meeting

Dear Director Stirling:

The Department of Corrections ad hoc subcommittee appreciates the Department of Corrections' (SCDC) partnership in the oversight process. As follow-up from the meeting on March 21, 2019, we seek additional information from the agency. Please provide information under "Early Release Inmates" as soon as possible. Please provide information under the remaining topics by Monday, April 29, 2019.

### ***Early Release Inmates***

1. Please provide the following information for each of the inmates released early:
  - a. Initial charge;
  - b. Amount of time served;
  - c. Amount of time remaining on sentence; and
  - d. Timeline of events since initial apprehension, including name and judicial decisions.
2. For any judicial decisions which did not result in the inmate returning to SCDC, is the decision appealable and, if so, who has standing to appeal the decision? Does SCDC know if the decision will be appealed and if so, what is SCDC's understanding as to why or why not?
3. Please explain steps SCDC has taken, or is in the process of taking, to ensure inmate release dates are correct. Please provide an estimated date for implementation of each step.

***Sentencing Sheets***

4. On average, approximately how many sentencing sheets does SCDC receive, review, and enter into their database, in a month?
5. Please provide a sample sentencing sheet.
6. For each piece of information SCDC utilizes from a sentencing sheet or court order, please explain what SCDC does with the information (e.g., re-types it into SCDC database) and how the information impacts SCDC actions (e.g., when SCDC releases an inmate, etc.)
7. Please provide a list of information SCDC receives in orders from the court which, in the past, has been unclear and led to additional time and interpretation from SCDC staff, approximately how often each occurs, and photos or screen shot examples of some of these orders.
  - a. Has the agency identified any trends (e.g., handwriting, inaccurate CDR codes)? If yes, please identify these trends.
8. Please provide a summary of SCDC's recommended revisions to the current sentencing sheet and/or process and how each of the revisions would assist in more efficient and effective use of the information by SCDC.

***Inmate Processing***

9. For each state in the southeastern region, please provide information on the length of sentence required for a state correctional institute to house an inmate and any other pertinent differences in correctional operations compared to South Carolina.
10. Please provide a list of each item of information SCDC obtains about an inmate as part of processing and classifying the inmate, along with the following for each item:
  - a. Type of information (e.g., sentence, medical records, criminal background);
  - b. Source of the information (e.g., county facility, court);
  - c. How the information is requested (e.g., SCDC emails or calls the entity to request the information, information is automatically sent when inmate arrives);
  - d. Average amount of time required to receive the information;
  - e. Format in which the information is received (e.g., typed report, handwritten report, phone call), if the information is included on a standard form, the entity responsible for creating the form;
  - f. What SCDC does with the information (e.g., re-types it into SCDC database, makes copy of document for inmate's physical file) to make it usable for SCDC operations;
  - g. If the information impacts the inmate's release date; and
  - h. Average SCDC personnel time required from requesting information to having it in the format and location needed for SCDC operations.
11. Which counties/entities provide information, which SCDC needs to process inmates, in an efficient and effective manner and which entities may need more assistance in this area?
12. Please explain the purpose of the offense code matrix. Also, what is the anticipated implementation date of this project?

13. Please provide a breakdown of each of 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.
14. Please provide a chart which shows, for each of the last three years separated by male and female inmates, the following information related to reception and evaluation centers:
  - a. Number of inmates who enter;
  - b. Number of inmates who enter, max out their sentence and are released before assignment to an SCDC facility;
  - c. Number of inmates who enter, max out their sentence within one month of entering the center, and are released;
  - d. Number of inmates who complete processing and are assigned to an SCDC facility;
  - e. Shortest, longest, and average amount of time to process an inmate; and
  - f. If processing times have shortened, potential reasons the agency has been able to shorten the processing time.

***Inmate Composition***

15. Please provide charts which show, for each of the last three years separated by male and female inmates, the following information:
  - a. Number of individuals admitted to a SCDC reception and evaluation center, grouped by length of sentence;
  - b. Number of individuals admitted to a SCDC reception and evaluation center, with:
    - i. No high school diploma;
    - ii. General Educational Development or high school diploma;
    - iii. Degree from a technical college; and
    - iv. Degree from four-year college or higher degree.
16. Please provide a chart which shows, for each year from 2013-14 through 2017-18, demographic information about inmates, including ethnicity and age.
17. Please provide charts which show, for each of the last three years separated by male and female inmates, the following information:
  - a. Number of illegal aliens housed at SCDC facilities with a state conviction other than a violation of immigration laws;
  - b. State offenses committed;
  - c. Sentence length;
  - d. Projected release date; and
  - e. Number on which U.S. Immigration and Customs Enforcement have detainers.

***Classification System***

18. Please explain the current classification system utilized by the agency and provide copies of any relevant policies.
19. Please discuss why the agency believes the current classification system should be updated, including pros and cons of the current system.

20. Please further explain why the agency wants the classification system to be more “behavioral” based, as opposed to only based on length of sentence including: (a) what would be needed to make it more “behavioral” based and (b) what are the pros and cons of making it more “behavioral” based.
21. When did the agency begin its current efforts to update the classification system which was created in 1996? Is the agency aware of any prior attempts to update the system?
22. Please explain the steps necessary for updating the classification system. In this explanation, please indicate any necessary approvals and the entity from whom the approval is needed. Also, please identify which step the agency is at in the update process.
23. Under the current classification system, how could an inmate’s classification change while the individual is incarcerated? What would serve as the basis for it changing? What does a change in the classification mean for the inmate (e.g., where housed, privileges available, etc.)?
24. Please provide any internal or external reports, from the last five years, which evaluate SCDC’s classification system.

***Inmate Release Date, Actions Impacting***

25. Please list what can reduce or increase (i.e., impact) an inmate’s release date and include the following with each item:
  - a. Amount it can impact an inmate’s release date (e.g., number of days reduced or increased);
  - b. Source of authority for the impact (e.g., law, policy, etc.)
  - c. Whether the amount of impact is objective (i.e., required by law or policy) or subjective (e.g., based on agency personnel’s discretion);
    - i. If subjective, who makes the determination;
  - d. Who enters the information in the SCDC system tracking inmate release dates; and
  - e. Where, or from whom, the personnel who enter the information, receive the information.
26. Are there different types of early release or discharge? If so, should S.C. Code Section 24-13-150(A) be more specific as to which types of those it applies?

***Data Entry***

27. Please provide a list of the types of data SCDC maintains on each inmate (e.g., programs participated in, disciplinary action, etc.), and for each: (a) when the data is initially obtained/entered, (b) source of the data, and (c) on average, how often the data is updated after initial entry, if updated.
28. Does SCDC have a way to track the error rate in data entry at the agency? If so, would SCDC oppose tracking this information as a performance measure?

***Facilities and Overtime***

29. What is the inmate capacity of each SCDC facility?
30. Please indicate the total amount of correctional staff overtime, sick time, or vacation time, not utilized, for each of the last five years, overall and by institution.

***Lockdown***

31. Please provide a timeline of the process that occurs from the time the agency decides a unit, or entire facility, is on lockdown to the time the unit or facility lockdown is lifted. Please include one timeline for males and another timeline for females, if the timelines are different.

In each timeline, please include as many details as possible and the following for each step:

- a. During the last five years, the longest length of time to complete, shortest length of time to complete, and average amount of time to complete;
  - b. SCDC organizational unit(s) responsible; and
  - c. External entities involved and how they are involved.
32. Please provide a timeline of a day for inmates in a unit or facility that is on lockdown. Please provide the same for an inmate that is in lockup. Please include one timeline for males and another timeline for females, if the timelines are different.
33. Please provide a list of all agency facilities that, at any time during the last three years, were on lockdown as an entire facility, or had a unit or other subgroup of the facility on lockdown, and the following information for each lockdown:
- a. Facility name;
  - b. Unit or subgroup of facility, if entire facility not on lockdown;
  - c. Basis for lockdown;
  - d. Lockdown start date;
  - e. Lockdown end date; and
  - f. Number of inmates impacted.
34. Are there any studies or evaluations, performed internally or externally, which include information on the impacts of a lock-down on inmates and/or operations? If so, please provide copies.

***Performance***

35. Are there any metrics which national or regional correctional associations recommend correctional facilities track? If so, please list the metrics, indicate which ones SCDC tracks, and of those SCDC tracks, indicate how SCDC compares to other comparable states.
36. In SCDC's metrics related to inmate on inmate assaults and inmate on staff assaults, SCDC indicates "serious injuries" are tracked. How does SCDC define "serious injury"?
37. In SCDC's metric on number of escapes, what does SCDC consider an "escape" (e.g., out of custody for at least twenty-four hours, etc.)?

38. Please explain what falls within “academic programs,” in terms of SCDC’s metric on number of inmates enrolled in academic programs.
39. Please list all costs included in SCDC’s metric on total cost per inmate per year.
40. Please explain what falls within “pre-release program,” in terms of SCDC’s metric on the recidivism rate of inmates involved in a pre-release program.

***Inmate Work***

41. Please provide a list of all ways in which inmates can earn income while incarcerated.
42. Please provide a chart summarizing the different ways in which SCDC categories “work,” and note the applicable statutory authority. Also, please compare and contrast these categories with the categories SCDC uses for its performance measures. Below are some examples of terms and categories in statutes and SCDC performance measures.

SCDC Performance Measures

- Percentage of inmates participating in “work program” or “earned work credit jobs;”
- Recidivism rate of inmates who participate in a “work program;”
- Recidivism rate of inmates who participate on a “labor crew;” and
- Recidivism rate of inmates who participate in “prison industries.”

South Carolina Statutes

- **Work release:** S.C. Code Sections 24-3-20(B) and (C); 24-3-40(A) and (B); 24-13-60; 24-13-640; 24-13-125(A); 2018-19 Proviso 65.17
- **Work camp:** S.C. Code Sections 24-13-130(C)
- **Offender employment preparation program:** S.C. Code Section 24-13-2110
- **Paid employment in the community:** S.C. Code Section 24-3-20(B)
- **Work at paid employment in the community:** S.C. Code Sections 24-3-40(A)
- **Prison industries – Private sector service businesses:** S.C. Code Sections 24-1-290; 24-1-295
- **Prison industry program (traditional):** S.C. Code Sections 24-3-315 through 24-3-380; 24-3-400; 24-3-410; 2018-19 Proviso 56.9; 2018-19 Proviso 117.25
- **Labor on public improvement or development project:** S.C. Code Sections 24-3-130; 24-3-131; 24-3-210
- **Labor for public service work or related activities:** S.C. Code Section 24-13-660
- **Labor on public works and ways:** S.C. Code Sections 24-13-235; 24-13-910; 24-13-940; 24-13-950
- **Litter control program:** S.C. Code Sections 24-3-20(C); 24-13-65
- **Statehouse landscaping:** S.C. Code Section 24-3-140
- **State institutions utilizing inmate labor:** S.C. Code Sections 24-3-160; 24-3-170
- **Work credits:** S.C. Code Sections 24-13-125(B); 24-13-150;(B); 24-13-230; 24-13-730; 24-27-220

- **Nonprofit projects:** S.C. Code Sections 24-3-430
- **Produce metal license plates and road signs:** S.C. Code Sections 24-3-110
- **Dry-cleaning:** S.C. Code Sections 24-3-350
- **Tire retreading:** S.C. Code Sections 2018-19 Proviso 65.6
- **Barbering:** S.C. Code Sections 2018-19 Proviso 65.21
- **Pastoral activities:** S.C. Code Sections 24-1-260
- **Agriculture:** S.C. Code Sections 24-1-250
- **Horticulture:** S.C. Code Sections 24-1-250
- **Farm:** S.C. Code Sections 24-1-252
- **Clean and wax private vehicles:** S.C. Code Sections 2018-19 Proviso 65.12
- **Adult work activity center:** S.C. Code Sections 2018-19 Proviso 65.12
- **Maintenance and construction projects on SCDC grounds and facilities:** S.C. Code Sections 2018-19 Proviso 65.26; 2018-19 Proviso 117.67

### *Statutes*

43. Please provide a recommendation for revision or repeal of S.C. Code Section 24-23-10 (*Plans to be developed for statewide case classification system and community-based correctional programs*), which references a "board" the agency testified no longer exists.
44. Please review S.C. Code Sections 24-13-710 (*Implementation of supervised furlough program; search and seizure; fee; guidelines; eligibility criteria*) and 24-13-720 (*Inmates who may be placed with program; search and seizure*) and explain the agency's interpretation of the differences in the two statutes, if any. If the statutes are duplicative, please provide a recommendation for revision or repeal.
45. Please review S.C. Code Sections 24-19-110(D) (*Procedure for conditional release of youthful offenders; search and seizure; fee; victim notification*) and 24-19-120(B) (*Time for release of youthful offenders*) and explain the agency's interpretation of the differences in the two statutes, if any. If the statutes are duplicative, please provide a recommendation for revision or repeal.
46. Please review S.C. Code Sections 24-13-30 (*Use of force to maintain internal order and discipline and to prevent escape of inmates*) and 24-3-710 (*Conduct in state prison system*) and explain the agency's interpretation of the differences in the two statutes, if any. If the statutes are duplicative, please provide a recommendation for revision or repeal.
47. What is the agency's interpretation of the difference in the phrase "remain at liberty under supervision" in S.C. Code Section 24-19-140 (*Supervisory agents*) and the phrase "conditionally released under supervision" used in S.C. Code Section 24-19-120(A) (*Time for release of youthful offenders*)?
48. What type of information falls within the terms "industry," "habits," and "deportment" in S.C. Code Section 24-21-70 (*Records of prisoners*)?

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