

Department of Corrections Ad Hoc Subcommittee Meeting

Monday, November 25, 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, November 25, 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*

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*Charles L. Appleby, IV
Legal Counsel*

*Kendra H. Wilkerson
Fiscal/Research Analyst*

Department of Corrections Ad Hoc Subcommittee

Wednesday, October 23, 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, October 23, 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 Jefferson moves to approve the minutes from the October 1, 2019, meeting. A roll call vote is held, and the motion passes.

| Rep. Jefferson's motion to approve the minutes from the October 2, 2019, meeting: | Yea | Nay | Not Voting |
|---|-----|-----|-------------------------------|
| Rep. Clary | ✓ | | |
| Rep. Caskey | ✓ | | |
| Rep. Dillard | | | ✓ (absent for vote) |
| Rep. Jefferson | ✓ | | |
| Rep. Johnson | | | ✓ (absent for Oct. 2 meeting) |
| 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 receive public testimony, 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. He reminds agency personnel previously sworn in that they remain under oath. Ad hoc subcommittee Chairman Tallon swears in the following individuals:
 - a. SCDC personnel:
 - i. Ms. Betty Smith, Food Service Director;
 - ii. Ms. Ruthie Bishop, Division Director for Procurement;
 - iii. Ms. Donnette Jeffcoat, Division Director for Human Resources;
 - iv. Mr. Isaiah Gray, Division Director for Transportation;
 - v. Ms. Georganna Martin, Fiscal Manager I;
 - vi. Ms. Debra Long, Program Administrator;
 - vii. Mr. Rick Dorn, Division Director for Agriculture;
 - viii. Dr. James Austin, Consultant;

- b. Members of the public testifying:
 - i. Ms. Christa Williams (SCDC personnel not testifying as part of the agency's presentation);
 - ii. Dr. Pamela Crawford (SCDC personnel not testifying as part of the agency's presentation);
 - iii. Ms. Kathy Martin; and
 - iv. Ms. Beth Franco
- III. Ad hoc subcommittee Chairman Tallon recognizes Ms. Christa Williams to provide public testimony. Ms. Williams provides testimony and members ask questions. Ms. Williams and agency personnel answer member questions.
- IV. Ad hoc subcommittee Chairman Tallon recognizes Dr. Pamela Crawford to provide public testimony. Dr. Crawford provides testimony and members ask questions. Dr. Crawford and agency personnel answer member questions.
- V. Ad hoc subcommittee Chairman Tallon recognizes Ms. Kathy Martin to provide public testimony. Ms. Martin provides testimony and members ask questions. Ms. Martin answers member questions.
- VI. Ad hoc subcommittee Chairman Tallon recognizes Ms. Beth Franco to provide public testimony. Ms. Franco provides testimony and members ask questions. Ms. Franco answers member questions.
- VII. Dr. James Austin, SCDC Classification consultant, provides information on the new inmate classification system and progress related to implementing the new system. Members ask questions which Dr. Austin answers.
- VIII. SCDC Director Bryan Stirling provides information related to the mental health lawsuit, including events prior to the lawsuit, his actions to resolve the lawsuit once he became director, and agency actions to make changes related to mental health since settlement of the lawsuit. Members ask questions which Director Stirling answers.
- IX. Members make a motion during the meeting, which is listed on the next page. A roll call vote is held for the motion, and, among the members present, the motion passes unanimously.

| | | | |
|--|-----|-----|--------------------------|
| Rep. Clary moves that the Subcommittee Study include recommendations that SCDC do the following: (1) Randomly test employee knowledge of agency policies and procedures, Random testing should include both written tests and hands-on strategies to gauge employee knowledge. (2) Use the data from the random tests of employee knowledge of agency policies and procedures to implement a method to determine which of the trainings it offers are effective or may be in need of revision. and (3) Review the current ways in which agency employees may share health, safety, and welfare concerns, including anonymously, and implement any changes necessary to improve these reporting mechanisms. These reporting mechanisms should be communicated to all agency personnel. | Yea | Nay | Not Voting (Not Present) |
| Rep. Clary | ✓ | | |
| Rep. Caskey | ✓ | | |
| Rep. Dillard | ✓ | | |
| Rep. Jefferson | ✓ | | |
| Rep. Johnson | | | ✓ |
| Rep. Tallon | ✓ | | |
| Rep. Williams | | | ✓ |

X. 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 - (TODAY) 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

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)
- 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

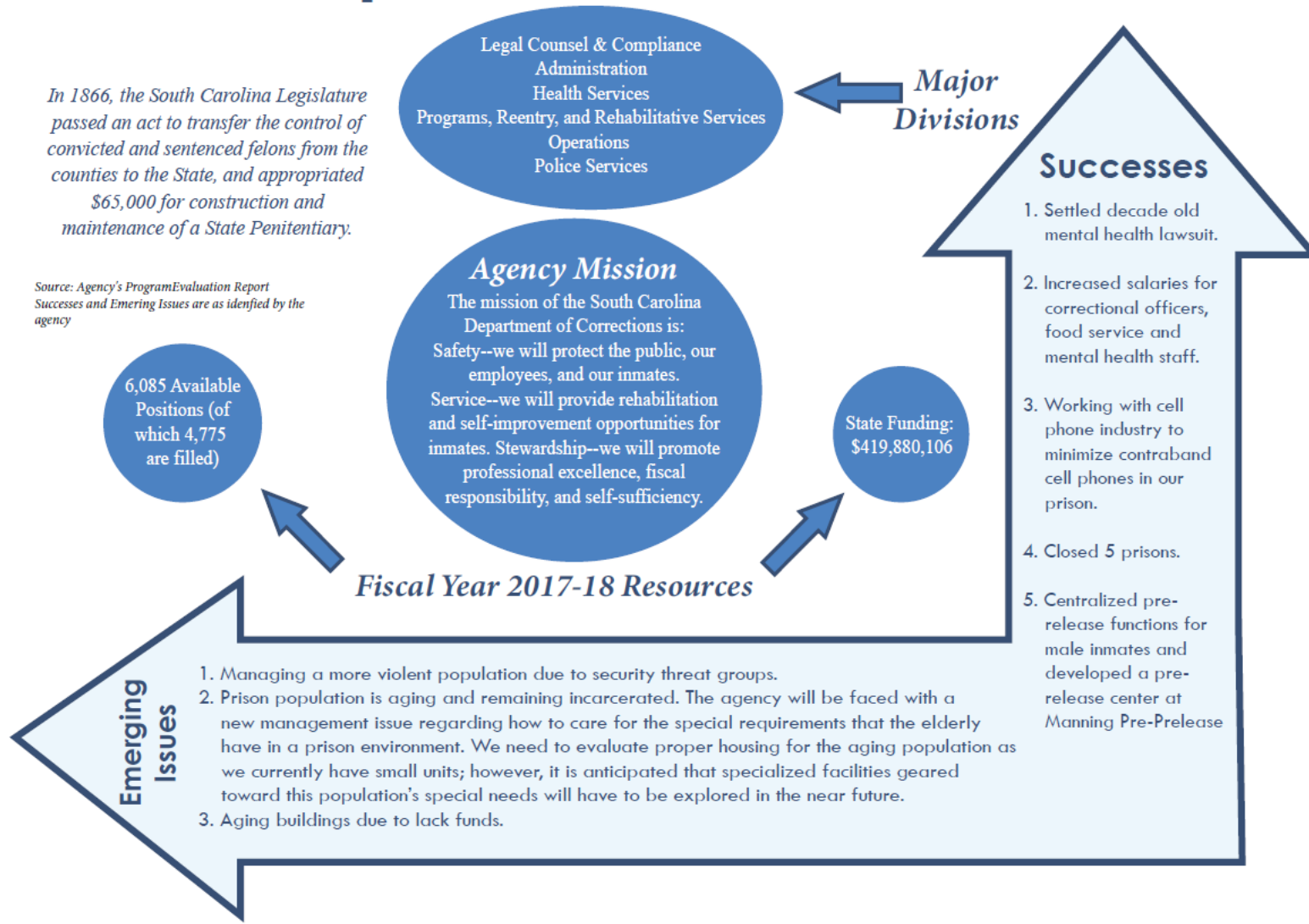


Figure 2. Snapshot of the agency's history, mission, major divisions, fiscal year 2017-18 resources (employees and funding), successes, and emerging issues.¹

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 |
| Infirmary | | | |
| 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

LEGAL AND COMPLIANCE PRESENTATION



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS

Office of Legal and Compliance

Salley W. Elliott

Deputy Director

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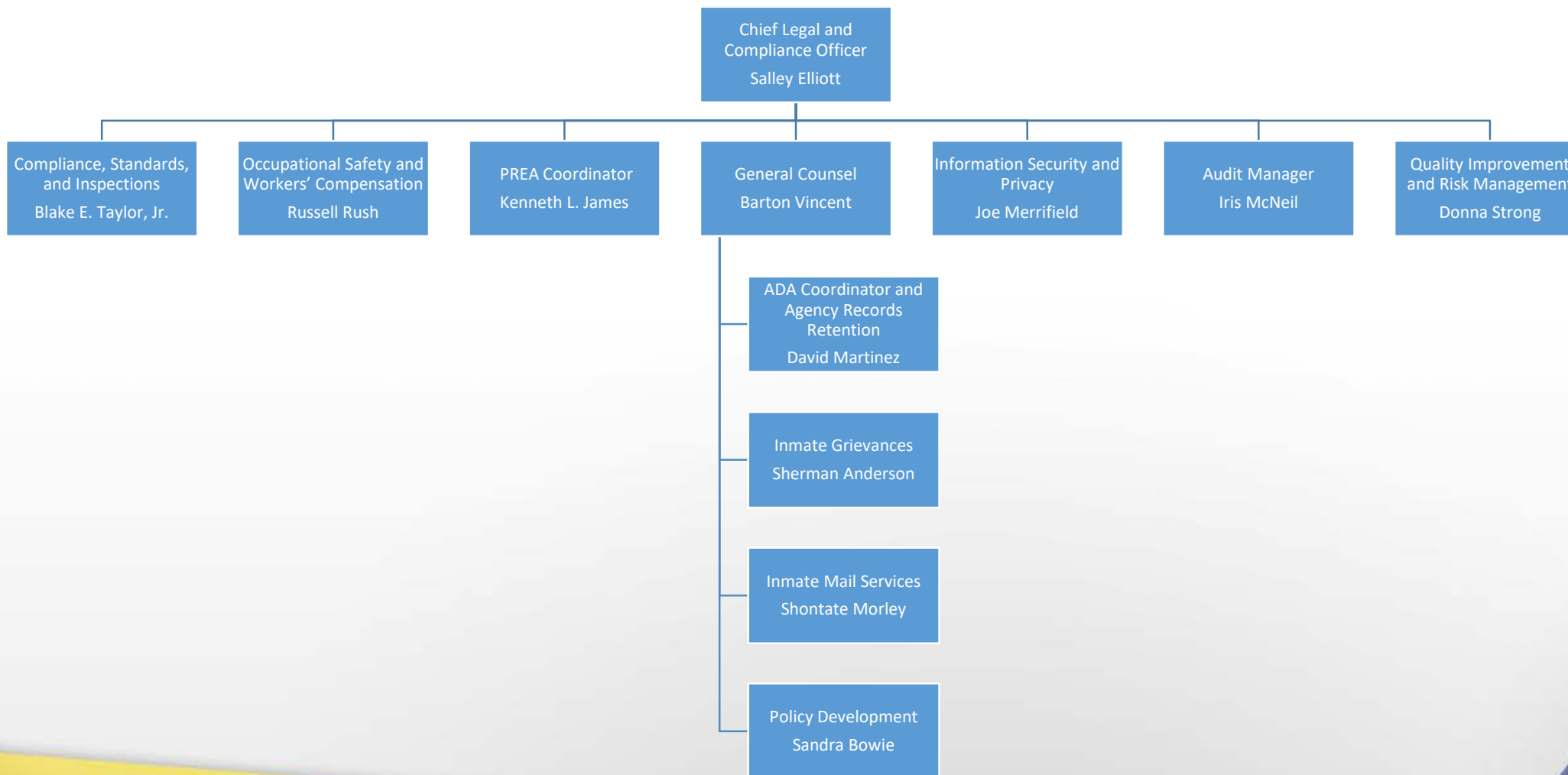
Disclaimer

Please note that some of the information in this presentation is different than provided in the Agency's original Program Evaluation Report (PER) submission.

The South Carolina Department of Corrections (SCDC) plans to provide the Committee an updated PER submission in the near future.



Organizational Chart



Overview of the Office of Legal and Compliance

Oversees the following legal and compliance related functions and offices:

- General Counsel's Office, which includes: Attorneys, Agency Records Retention/ Americans with Disabilities Act (ADA) Coordinator, Inmate Grievance Branch, Inmate Mail Services, and Policy Development
- Compliance, Standards, and Inspections
- Prison Rape Elimination Act (PREA) Coordinator
- Internal Audit Manager
- Information Security and Privacy
- Quality Improvement and Risk Management
- Occupational Safety and Workers' Compensation

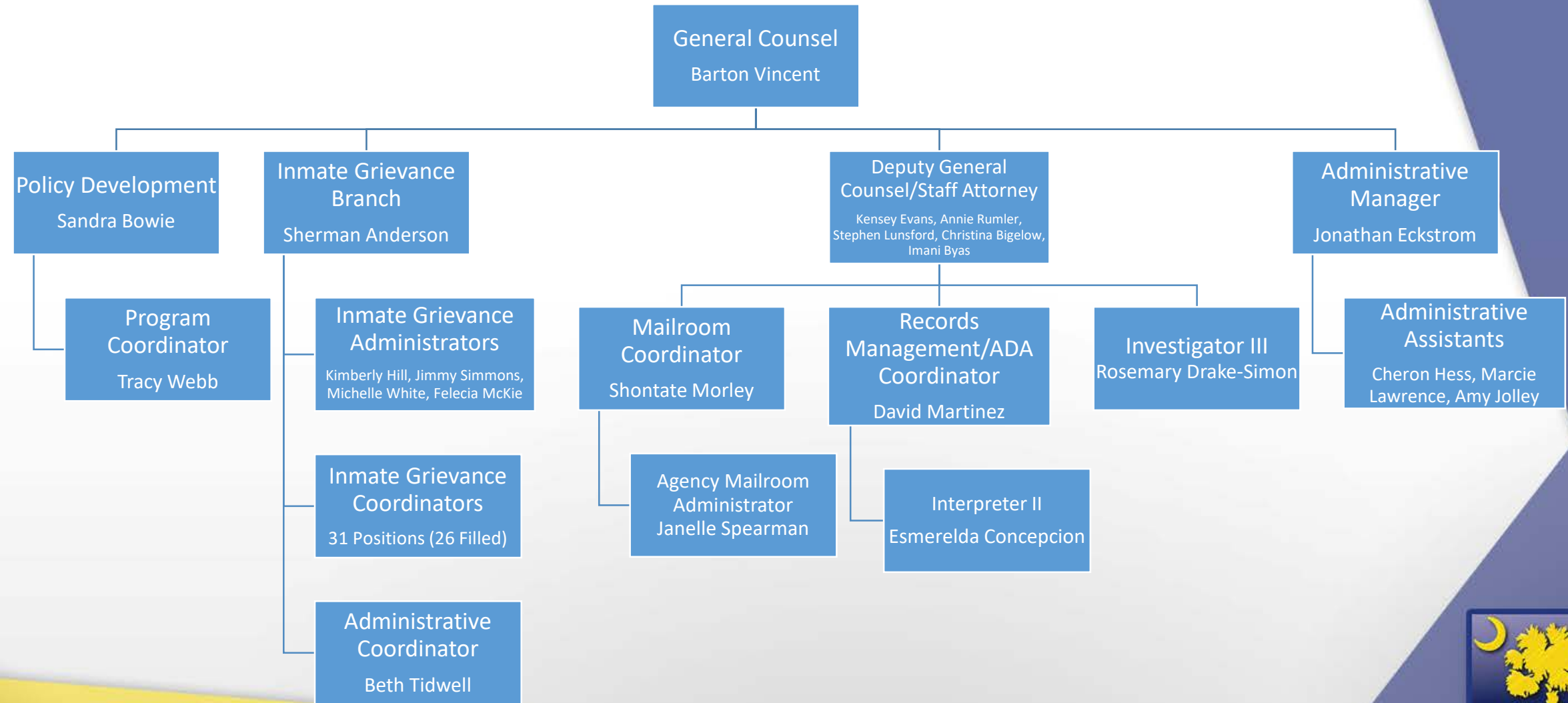


General Counsel



General Counsel Organizational Chart

General Counsel



Office of General Counsel

- The Office of General Counsel (OGC) provides a variety of services in representing the legal interests of the Agency
 - Advises the Director, executive staff, and other employees of the legal rights and responsibilities in the development and implementation of agency policy and procedure
 - Represents the Department's interests in civil litigation and administrative appeals, as well as with employee corrective action and grievances
 - Manages the Department's contracting needs
- Responds or assists with responses to South Carolina Freedom of Information Act (FOIA) requests
- Manages the Administrative Law Court docket
- Manages a civil litigation caseload
- Receives and addresses sentencing questions
- Speaks at conferences and CLEs as requested
- Oversees the legal resources available in the law libraries and provides guidance to staff regarding applicable law and policy
- Manages the Request to Staff system
- Oversees the following offices and positions within the division: Deputy General Counsels and Staff Attorneys, Administrative Manager, Inmate Grievance, Inmate Mail Services, Policy Development, ADA, and Records Retention



Automated Requests to Staff Member (ARTSM)

- The request to staff member process provides inmates with an opportunity to seek an informal resolution prior to starting the grievance process
- The process was automated March 31, 2014 in an effort to ensure inmate requests are answered in a timely and more efficient manner
- The automation also extends to the record-keeping of requests
- Inmates can access the ARTSM system through the kiosks and tablets*, as well as many other features
- Inmate Representative Committee members were trained at each institution to ensure that inmates who entered SCDC after March 31, 2014 are also trained on how to use the kiosks
- 2,391,432 automated requests have been generated since the process was automated and 99.39% of these have been answered (as of September 27, 2019)

• Tablets are currently being distributed state-wide and are not at all institutions as of September 17, 2019



ARTSM Request Types

- There are 37 request types in the system for an inmate to choose from when entering a request
- Employees can change the request type if it is necessary (i.e. the request was originally entered in the incorrect request type by the inmate)
- SCDC is able to run a myriad of reports including overall, or by inmate, location, or date

| Request Type | % of Overall | Total | Complete | Pending | % Complete |
|----------------------------------|--------------|--------|----------|---------|------------|
| Commissary | 16.95% | 403133 | 402397 | 736 | 99.82% |
| Classification | 16.51% | 392766 | 388376 | 4390 | 98.88% |
| Religion | 8.95% | 212822 | 212018 | 804 | 99.62% |
| Inmate Financial | 7.23% | 172000 | 171334 | 666 | 99.61% |
| Security | 4.28% | 101739 | 100617 | 1122 | 98.90% |
| Education | 4.25% | 101196 | 100628 | 568 | 99.44% |
| Visitation | 3.87% | 92035 | 91803 | 232 | 99.75% |
| Personal Property | 3.70% | 88025 | 87298 | 727 | 99.17% |
| Programs | 3.50% | 83309 | 82189 | 1120 | 98.66% |
| Mail | 3.44% | 81867 | 81643 | 224 | 99.73% |
| Food (Cafeteria and Food) | 2.84% | 67549 | 67249 | 300 | 99.56% |
| Canteen | 2.69% | 64071 | 63876 | 195 | 99.70% |
| Law Library | 2.33% | 55470 | 55310 | 160 | 99.71% |
| Grievance | 2.10% | 49854 | 49734 | 120 | 99.76% |
| Telephone / Kiosk (Trouble Form) | 1.82% | 43396 | 43299 | 97 | 99.78% |
| Maintenance | 1.69% | 40304 | 40006 | 298 | 99.26% |
| Bed Assignments | 1.67% | 39807 | 39582 | 225 | 99.43% |
| Designated Facilities | 1.54% | 36688 | 36569 | 119 | 99.68% |
| Job Assignments | 1.39% | 33071 | 32390 | 681 | 97.94% |
| Inmate Records | 1.12% | 26702 | 26393 | 309 | 98.84% |
| Disciplinary | 1.12% | 26699 | 26590 | 109 | 99.59% |
| Young Offender Parole & Re-Entry | 0.89% | 21108 | 21019 | 89 | 99.58% |
| Privilege Reinstatement | 0.88% | 20907 | 20739 | 168 | 99.20% |
| Inmate-to-Inmate Correspondence | 0.75% | 17909 | 17840 | 69 | 99.61% |
| Contraband | 0.72% | 17203 | 16959 | 244 | 98.58% |
| Recreation | 0.67% | 15850 | 15721 | 129 | 99.19% |
| Transfers | 0.62% | 14727 | 14551 | 176 | 98.80% |
| Legal | 0.46% | 11046 | 10936 | 110 | 99.00% |
| Policy | 0.46% | 11003 | 10900 | 103 | 99.06% |
| American Disabilities Act (ADA) | 0.36% | 8652 | 8638 | 14 | 99.84% |
| Legal Materials | 0.36% | 8552 | 8494 | 58 | 99.32% |
| Notary Services | 0.32% | 7686 | 7676 | 10 | 99.87% |
| Investigations | 0.25% | 5956 | 5853 | 103 | 98.27% |
| EHSO * | 0.22% | 5230 | 5187 | 43 | 99.18% |
| Test | 0.01% | 223 | 197 | 26 | 88.34% |
| ARCHIVED | 0.01% | 217 | 217 | 0 | 100.00% |
| ICH - Transfer ** | 0.00% | 0 | 0 | 0 | 0.00% |

* EHSO: Environmental Health and Safety Officer

**ICH: Institutional Clearing House

General Counsel

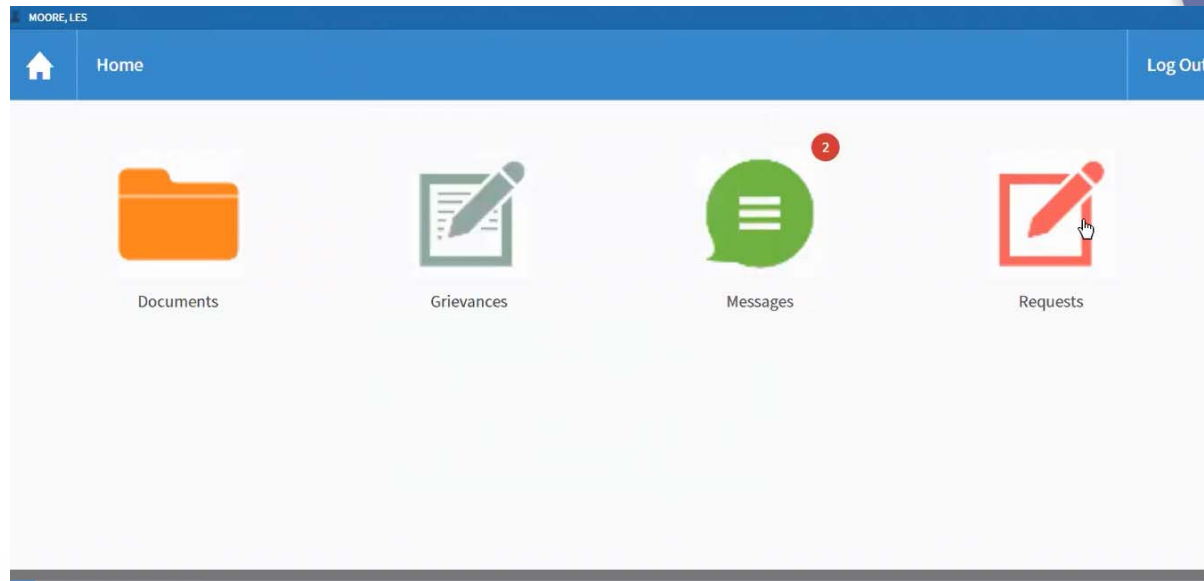


ARTSM Process

Inmate View

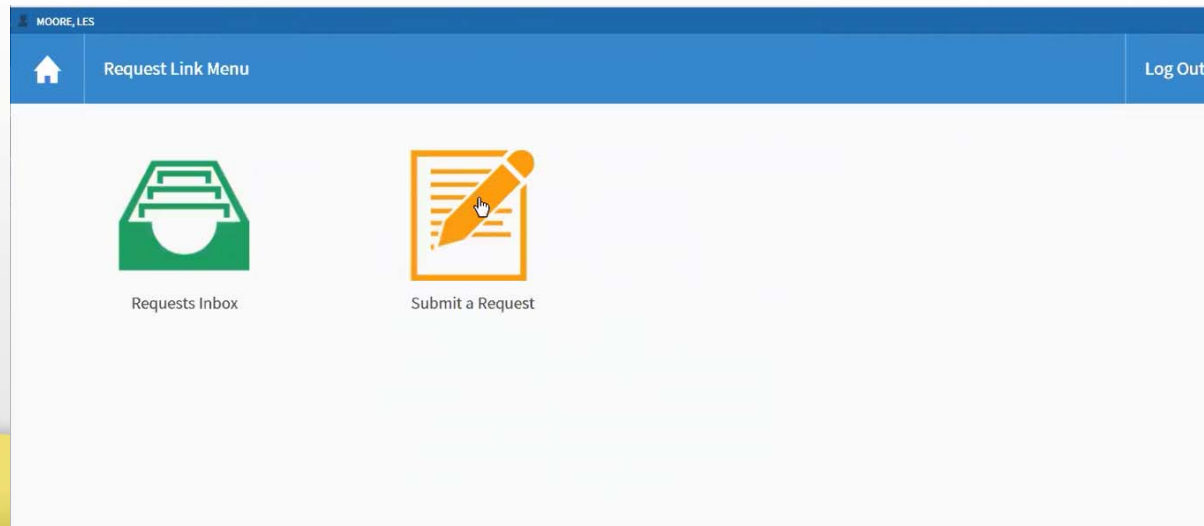
Step 1

This is the home screen on the kiosks and tablets from which an inmate enters the request



Step 2

The inmate then clicks on "Submit a Request" to enter a new request



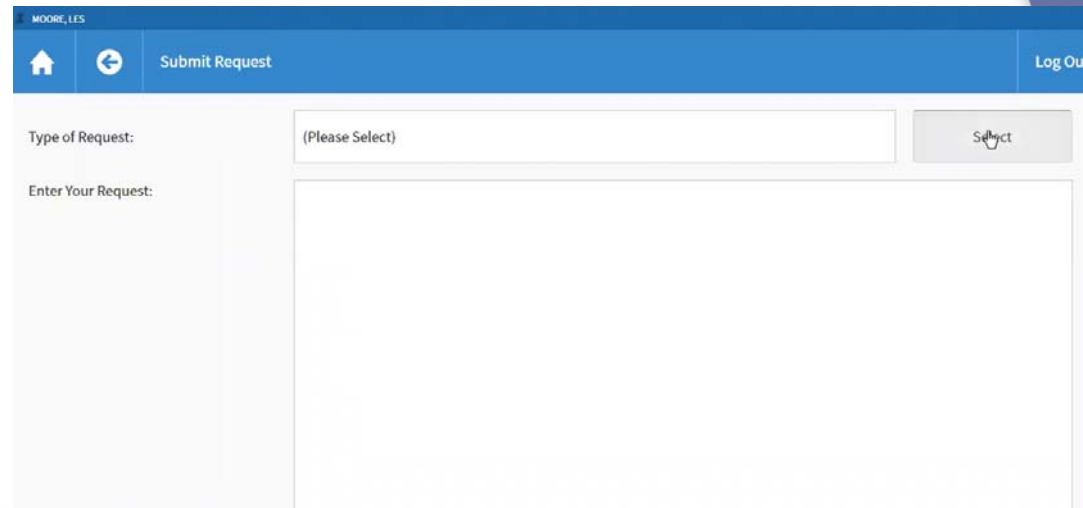
General Counsel



ARTSM Process Inmate View (continued)

Step 3

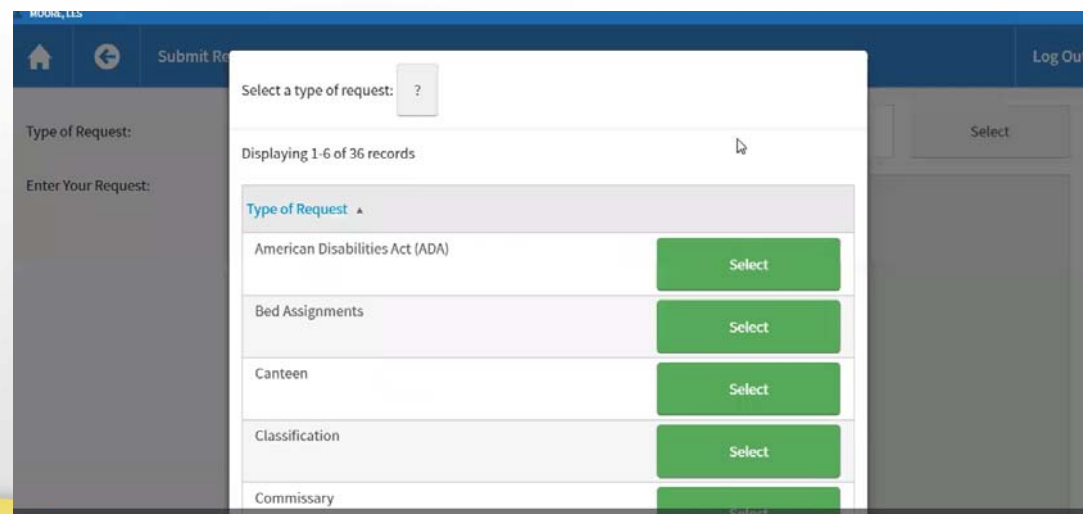
Then the inmate clicks the “Select” button to the right of the Type of Request field



This screenshot shows the 'Submit Request' page in the ARTSM system. The user is logged in as 'MOORE, LES'. The page has a blue header with a home icon, a back arrow, and the text 'Submit Request' and 'Log Out'. The main content area has two sections: 'Type of Request:' with a dropdown menu showing '(Please Select)' and a 'Select' button to its right, and 'Enter Your Request:' with a large text input area below it.

Step 4

A menu including the 37 request types will appear and the inmate selects the most appropriate request type



This screenshot shows the same 'Submit Request' page as in Step 3, but with a dropdown menu open for the 'Type of Request' field. The menu title is 'Select a type of request: ?' and it shows 'Displaying 1-6 of 36 records'. The menu lists several request types, each with a green 'Select' button to its right:

| Type of Request | Select |
|---------------------------------|--------|
| American Disabilities Act (ADA) | Select |
| Bed Assignments | Select |
| Canteen | Select |
| Classification | Select |
| Commissary | Select |

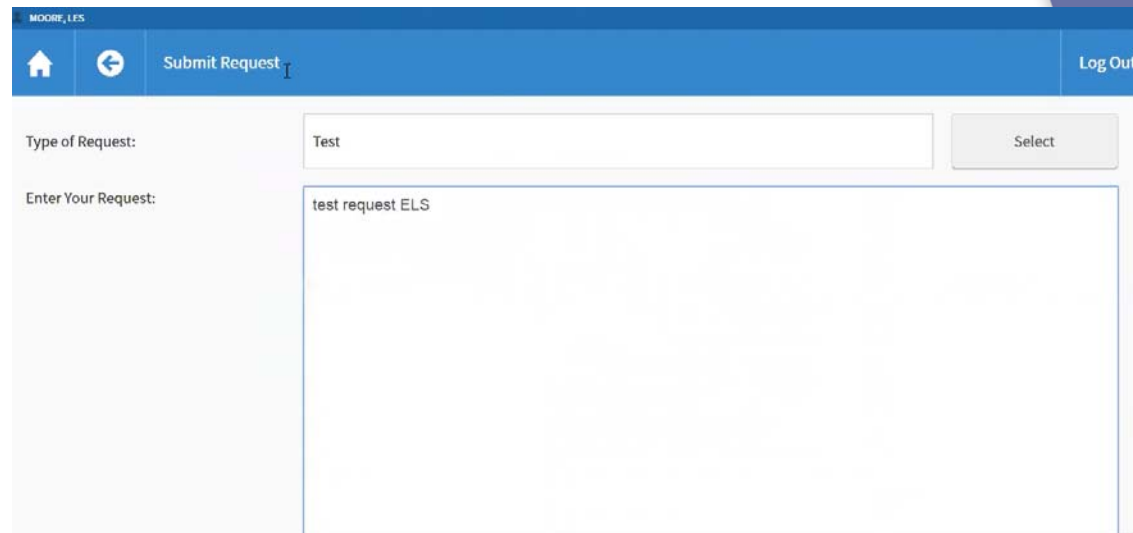
General Counsel



ARTSM Process Inmate View (continued)

Step 5

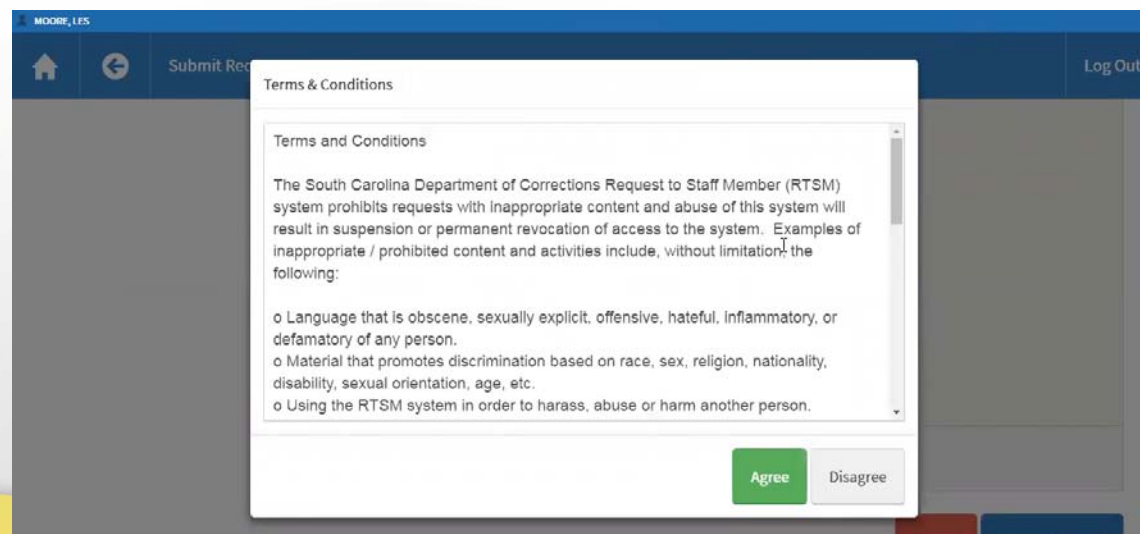
The text of the request can then be entered and click “Submit”



The screenshot shows the 'Submit Request' form in the ARTSM system. The user is logged in as 'MOORE, LES'. The form has a blue header with a home icon, a back arrow, the text 'Submit Request', and a 'Log Out' link. The 'Type of Request:' field is set to 'Test' with a 'Select' button. The 'Enter Your Request:' text area contains the text 'test request ELS'.

Step 6

The inmate must agree to the SCDC Terms and Conditions by clicking “Agree”



The screenshot shows the same 'Submit Request' form with a 'Terms & Conditions' dialog box overlaid. The dialog box contains the following text: 'Terms and Conditions', 'The South Carolina Department of Corrections Request to Staff Member (RTSM) system prohibits requests with inappropriate content and abuse of this system will result in suspension or permanent revocation of access to the system. Examples of inappropriate / prohibited content and activities include, without limitation: the following:', and a bulleted list: 'o Language that is obscene, sexually explicit, offensive, hateful, inflammatory, or defamatory of any person.', 'o Material that promotes discrimination based on race, sex, religion, nationality, disability, sexual orientation, age, etc.', and 'o Using the RTSM system in order to harass, abuse or harm another person.' At the bottom of the dialog are 'Agree' and 'Disagree' buttons.



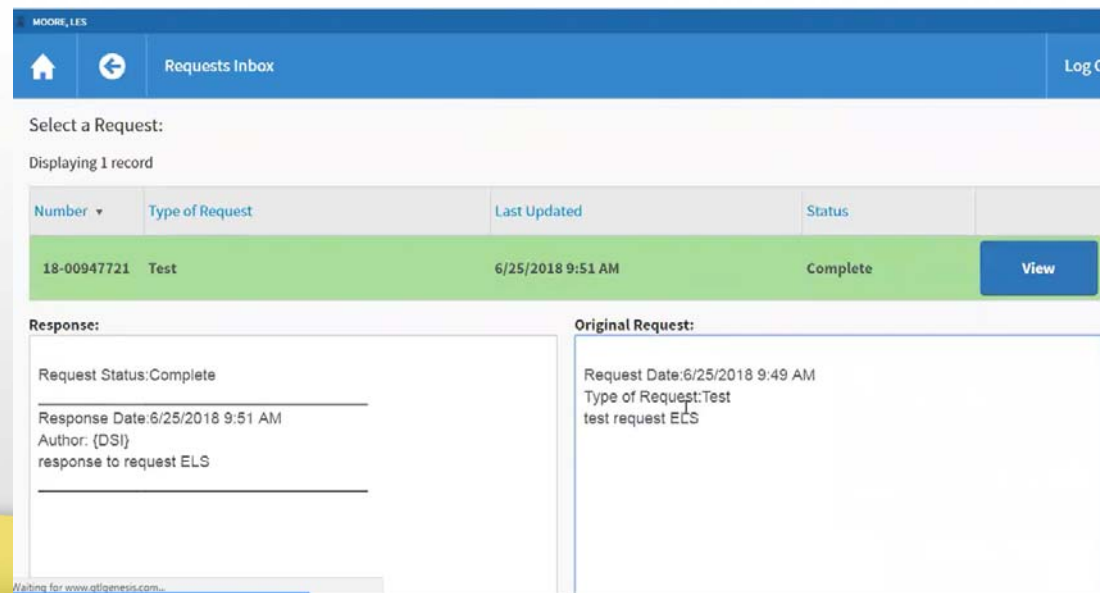
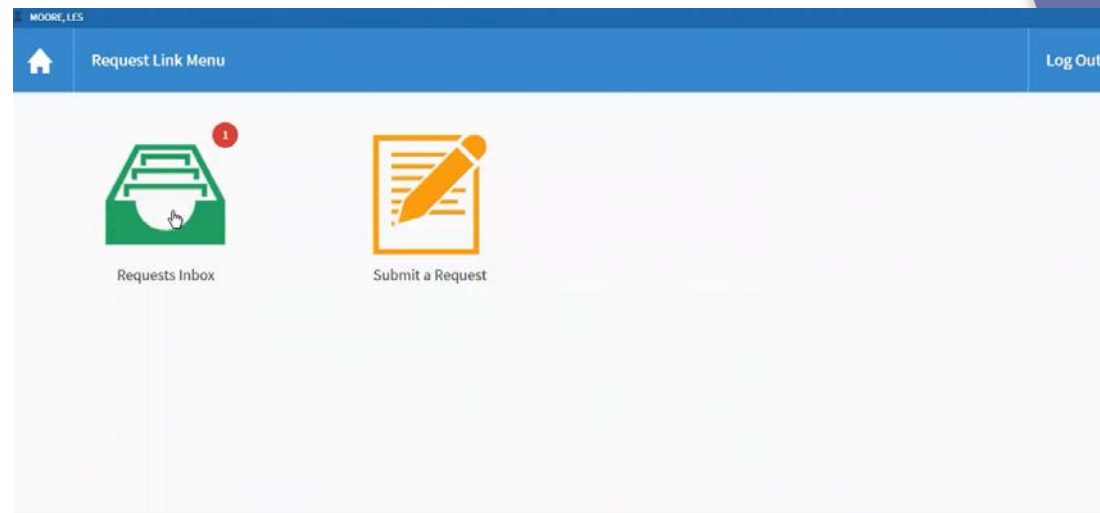
ARTSM Process Inmate View (continued)

Step 7

To view the answer, the inmate then clicks “Requests Inbox”

Step 8

This screen shows any answers that have been given to past requests, and the inmate clicks “View” to see the answer, which then pops up



General Counsel



Paper Request to Staff Member

- SCDC still utilizes paper requests to staff, Form 19-11, for medical issues and inmates housed in Restrictive Housing Units, the infirmary, or others units that do not have kiosks
- Paper requests can also be submitted for PREA allegations or other emergency situations such as allegations of criminal activity

| SOUTH CAROLINA DEPARTMENT OF CORRECTIONS REQUEST TO STAFF MEMBER | | |
|---|------------|------------------|
| TO: NAME: | TITLE: | DATE: |
| INMATE'S NAME: | | SCDC #: |
| INSTITUTION: | | LIVING QUARTERS: |
| | | |
| | | |
| DISPOSITION BY STAFF MEMBER: | | |
| | | |
| | | |
| DATE: | SIGNATURE: | |

SCDC FORM 19-11 (REV.FEB 2001)

General Counsel



ARTSM Process Staff View

Step 1

The workflow screen shows the request types to which an employee has access, that is limited by need

Step 2

By dropping down a request type, the employee can view which inmates have requests in that specific type

The screenshot shows the OMS Offender Management System Workflow screen. The top section displays a list of request types, including Education, Food, Grievance, ICH, ICH Review, ISA, IOD, IGC, Inmate Financial, and Inmate Records. The bottom section displays a table of inmate requests for the selected request type, with columns for Date, Booking ID, Last Name, First Name, Section, Block, Cell, and Bed.

| Date | Booking ID | Last Name | First Name | Section | Block | Cell | Bed |
|------------------|------------|-----------|------------|---------|-------|------|-----|
| 2018-06-10 19:36 | | | | | U10 | 0123 | A |
| 2018-06-10 20:50 | | | | | A3 | 0203 | B |
| 2018-06-10 21:34 | | | | | U3 | 0220 | X |
| 2018-06-19 11:06 | | | | | C4 | 0202 | B |
| 2018-06-21 06:11 | | | | | Q2B | 0216 | B |
| 2018-06-21 10:47 | | | | | E81 | 0016 | A |
| 2018-06-21 13:18 | SCB0026357 | MOORE | LES | | MA | 0211 | A |
| 2018-06-21 15:17 | | | | | SB | 0042 | A |
| 2018-06-21 19:30 | | | | | MAA | 0013 | X |
| 2018-06-23 16:36 | | | | | HC | 0216 | T |
| 2018-06-24 15:59 | | | | | MA | 0014 | T |
| 2018-06-24 22:56 | | | | | D1 | 0017 | A |

General Counsel



ARTSM Process Staff View (continued)

Step 3

The employee then double-clicks on the inmate's request and can view individual requests from that inmate

Step 4

By double-clicking the request a second time, the employee can view the contents of the inmate's request

The screenshot shows the OMS Offender Management System interface. At the top, there's a header with the system name and navigation tabs. Below that, a summary bar displays inmate information: Name: MOORE, LES B, DOB: 06/05/1980, Sex: Female, Race: O, SSN: [redacted], Booking #: SCB0226357, CID #: [redacted], Housing: 0211, Location: BROAD RIVER, Sp Mgmt: Clevel, State ID: 000001. The main area is titled 'Workflow: Inmate Requests' and contains an 'Inmate Request Search' section with filters for Request Type, Date Requested, and Request Disposition. Below the search filters is a table of results. The first result is a request of type 'T-2T' dated 06/25/2018, reviewed by Kiosk, with a disposition of 'Pending' and reference number 18-00647721. Below the table is a 'Requested Programs' section with columns for Program Name, Date Requested, Requested By, Accepted, Priority, and Reason. At the bottom, there's a 'Notes' section with columns for Date, Author, and Note.

The screenshot shows the OMS Offender Management System interface with the 'Inmate Request Information' section expanded. It displays detailed information for the request: Request Type: Test, Date Requested: 06/25/2018 09:49, Requested By: Kiosk, Request Details: Test request ELS, Review Level: [redacted], Disposition: Pending, Officer: KIOSK, and Disposition Date: [redacted]. The reference number 18-00647721 is also visible. Below the information section is a 'Request Responses' table with columns for Date, Author, and Note. At the bottom, there's another 'Notes' section with columns for Date, Author, and Note.

General Counsel



ARTSM Process Staff View (continued)

Step 5

The employee can then answer the request and mark it "Complete" with the day's date, if appropriate to do so

Step 6

The final screen shows the inmate's request, the answer to that request, and that it has been completed

The first screenshot shows the 'Request Response' form in the OMS. The 'Disposition' is set to 'Pending' and the 'Disposition Date' is empty. A message at the bottom states 'AJAX Completed Successfully.' The second screenshot shows the same form after completion. The 'Disposition' is now 'Complete' and the 'Disposition Date' is '06/25/2018 09:51'. The 'Request Responses' table at the bottom shows a response from 'GTL Support' with the note 'response to request ELS'.

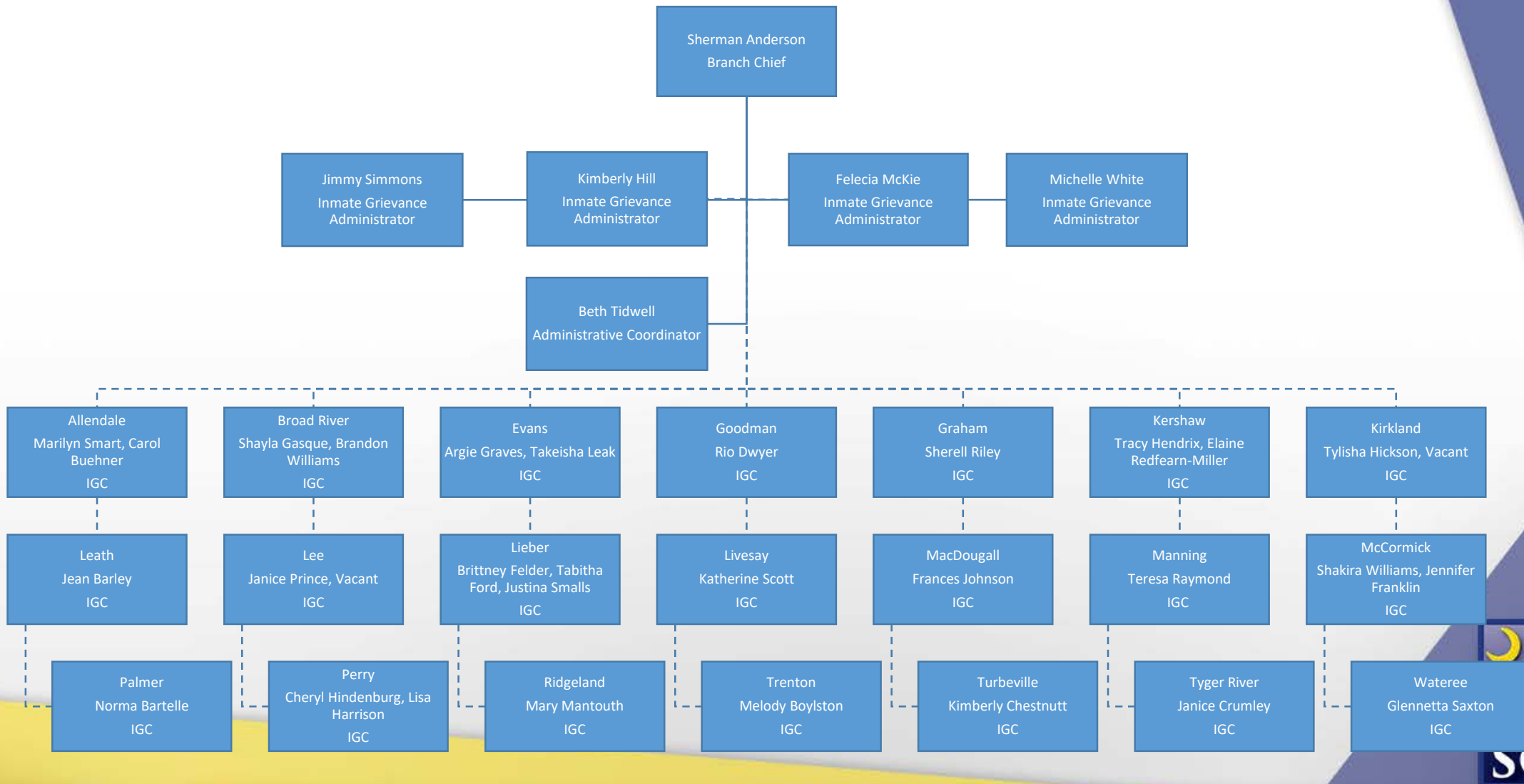
| Request Responses | |
|-------------------|-------------|
| Date | Author |
| 06/25/2018 09:51 | GTL Support |

General Counsel



Inmate Grievance Branch (IGB) Organizational Chart

General Counsel



Deliverables of Inmate Grievance Branch

There are no deliverables or performance measures from the Inmate Grievance Branch specified in law.



Inmate Grievance Process

- Inmates may file five grievances per month, including all grievances that are identified as unprocessed and returned
- After five grievances have been submitted by an inmate, others may be unprocessed and returned, with the exception of disciplinary conviction appeals, custody level classification reduction reviews, grievances alleging criminal activity, PREA, ADA, or emergency grievances
- Grievances alleging criminal activity will be forwarded to Police Services, and if found to be without merit, will be returned to the Inmate Grievance Coordinator (IGC) for processing
- If a grievance is determined to have merit, it will be investigated and the IGB will be informed once an investigation closes, which will then be forwarded to the IGC to complete processing
- Emergency grievances will be considered on a case by case basis by the Branch Chief of the IGB, to include ADA grievances



Inmate Grievance

Inmates must make an effort to informally resolve a grievance by submitting a Request to Staff Member to the appropriate supervisor/staff within 8 business days of the incident*

The Warden of the institution will make a determination regarding the Step 1 Grievance within 45 calendar days of receipt of the Step 1 Grievance

The Responsible Official will make a determination regarding the Step 2 Grievance within 90 calendar days of receipt of the Step 2 Grievance

If the inmate is not satisfied with the informal resolution or the determination of his/her disciplinary hearing, the inmate must file their Step 1 Grievance within 5 business days of the hearing

If the Step 1 Grievance is denied, the inmate is given 5 calendar days from the date Step 1 Grievance is served to file a Step 2 Grievance

If the Step 2 Grievance is denied, the inmate has 30 calendar days from the date the Step 2 Grievance is served to appeal the decision to the Administrative Law Court



*Informal resolutions are not required for disciplinary conviction appeals, custody level classification reduction reviews, grievances alleging criminal activity, PREA, or emergency grievances

Inmate Grievance

Grievable issues:

- Department policies/procedures, directives, or conditions which directly affect the inmate
- Actions of a staff member toward the inmate
- Actions of an inmate against the inmate
- Inmate property complaints
- Disciplinary hearing actions to appeal a conviction following a not guilty plea, or to appeal a sentence when the sanction imposed was allegedly not proportionate to the rules violation
- Any classification decision that directly affects the inmate's custody level
- Calculation of sentence-related credits

Non-grievable issues:

- Classification issues, such as institutional and security assignments made at Reception and Evaluation Centers; institutional job assignments, unless there are extenuating medical circumstances involved; cell, dormitory, or cubicle assignments, unless there are extenuating medical circumstances or criminal activity involved; and inmates who waive their right to be present for classification hearings cannot grieve the decision made
- Administrative transfers which do not result in a custody reduction
- The disposition of any disciplinary proceeding, which resulted from a guilty plea by the inmate, or if the inmate accepted an informal or administrative resolution, unless the sanction imposed was excessive in relationship to the rule violation
- Any issue outside of the control of the Department, such as state and federal court decisions or laws and regulations; parole board decisions; or if the inmate is sentenced to a court ordered credit loss
- Unprocessed grievance(s) or against an IGC for un-processing a grievance
- The disposition on another grievance or status of a pending grievance;
- Matters pending before a state or federal court



Inmate Grievance

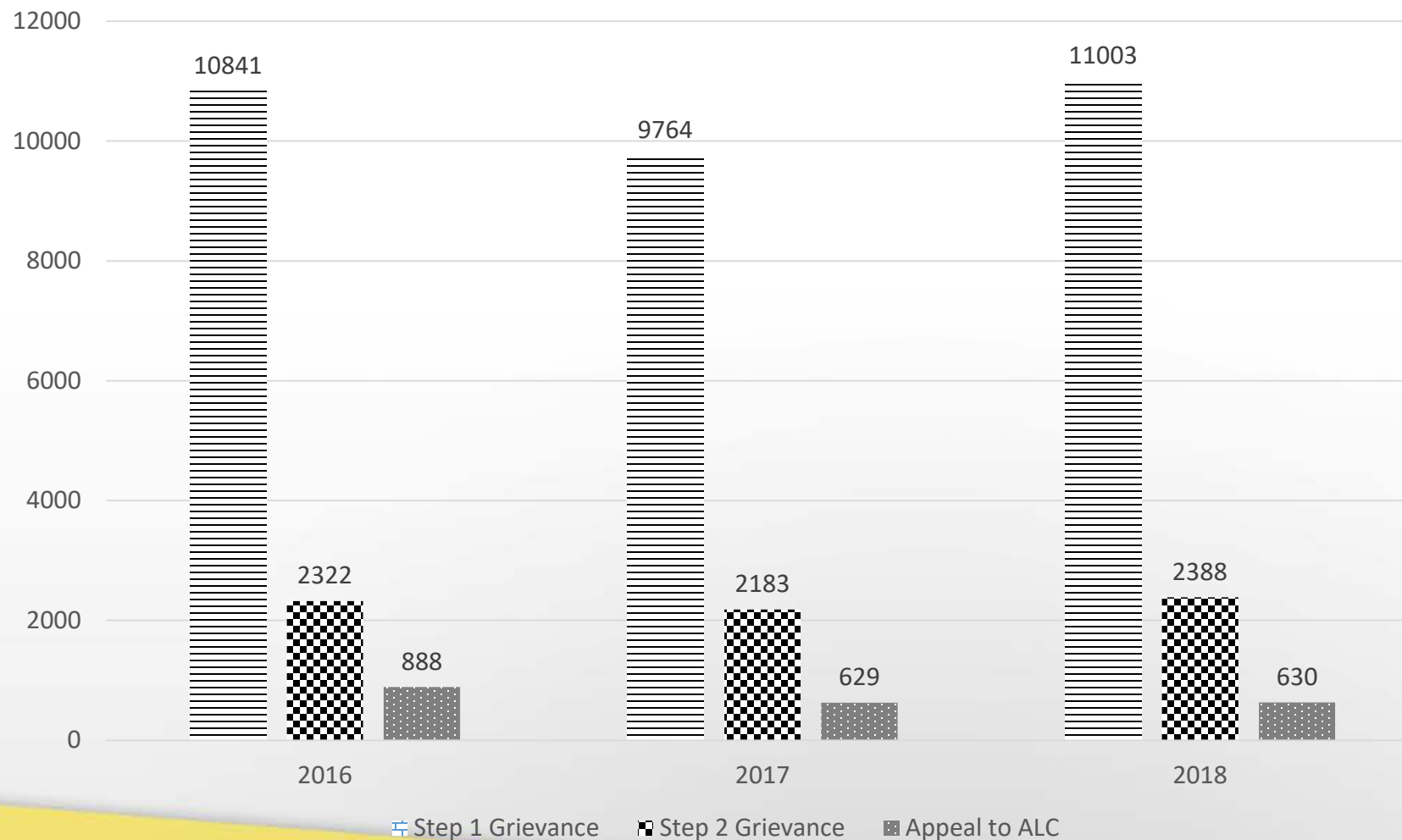
Issue Types

- ADA Concerns
- Bedding Materials
- Canteen Issues
- Classification Issues
- Clothing Exchange
- Disciplinary Hearing Appeals
- Discrimination
- Excessive Use of Force
- Food
- General Privileges
- Grievance
- Hygiene Supplies
- Institutional Conditions
- Institutional Procedures
- Job Termination
- Laundry Issues
- Library/Law Library
- Mail/Correspondence
- Medical
- Miscellaneous
- Money
- Other Inmate
- Physical Abuse
- Policy PREA
- Program Eligibility
- Property
- Recreation
- Religion
- Unprofessional Conduct
- Verbal Abuse
- Visitation



Inmate Grievance

Grievances by Level Filed
January 1, 2016 – December 31, 2018



Legal Representation

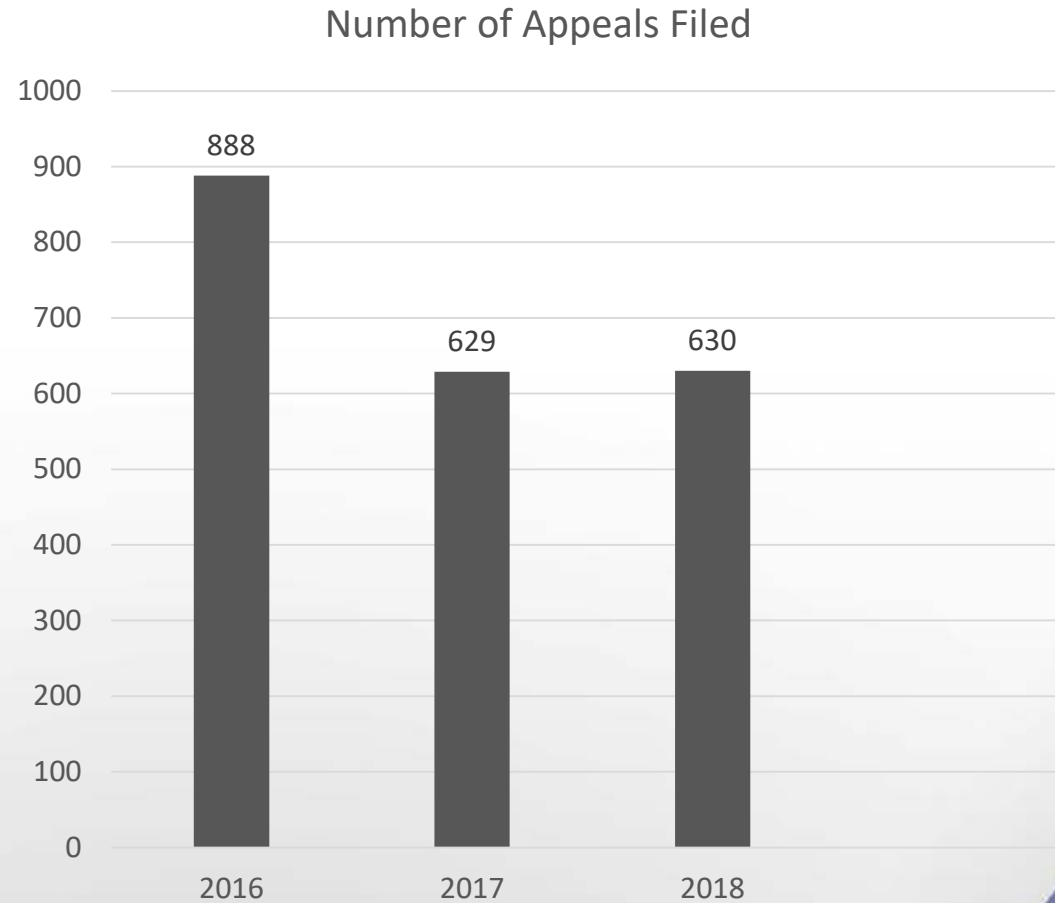
Administrative Law Court Docket (ALC)

- In 2000, the South Carolina Supreme Court issued an order and opinion in the case *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000), allowing inmates to appeal final agency decisions from SCDC to the ALC
 - These appeals are generally limited to allegations of SCDC's miscalculation of an inmate's sentence, sentence-related credits, or custody status. *Id.* at 369.
- The Court in *Al-Shabazz* held that "an inmate may seek review of [SCDC's] final decision in an administrative matter under [the South Carolina Administrative Procedures Act]." *Id.*
 - The Court, however, specifically "emphasize[d]" that it was "not holding that all APA provisions apply to the internal prison disciplinary or decision-making processes." *Id.*
 - This was due to the Court's conclusion that SCDC's "disciplinary and grievance procedures comply with the minimal due process required in such proceedings." *Id.* at 374-75.
- SCDC provides a copy of the ALC's Notice of Appeal form to inmates when they are served with the agency's final decision, which is in the form of a Step Two Grievance
- The Step Two Grievance also clearly states that the inmate has thirty days from the date of receiving the answered Step Two Grievance to appeal the decision to the ALC



Administrative Law Court

- Between January 1, 2016 and December 31, 2018, a total of 2,147 cases were appealed to the Administrative Law Court
 - 2,008 have been resolved in favor of the Agency (affirmed or dismissed on procedural grounds)
 - 51 have been remanded
 - 11 have been reversed
 - 15 have been partially dismissed and partially remanded
 - 14 have been partially reversed and partially remanded
 - 8 have been partially remanded and partially reheard
 - 40 are still pending



Deliverables

Establish, appoint necessary staff, and provide facilities within SCDC for the Youthful Offender Division

Deliverable 21

Components include:

- Allow Attorney General to review current juvenile justice confinement policies SCDC thinks may jeopardize federal grant funds before making changes to the policies



Allow AG to review current juvenile justice confinement policies SCDC thinks may jeopardize federal grant funds before making changes to the policies

Required
117.53 (2018-19
Appropriations Bill
H.4950)

Customers

| | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| X | Does the agency know the annual # of potential customers? |
| X | Does the agency know the annual # of customers served? |
| X | Does the agency evaluate customer satisfaction? |

Costs

| | |
|---|---|
| X | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |

Greatest potential harm

- Provides accountability for this targeted inmate population

Recommendations to General Assembly

- Must comply with Federal Act

Additional Comments

- SCDC does not deal with federal grant funds related to juvenile justice confinement
- SCDPS is the Agency which manages all such grants and reports to the Department of Justice about whether the State of South Carolina is complying with federal law and regulations
- SCDC has no policies in regard to this



Deliverables

Transfer funds available in inmate accounts to Dept. of Motor Vehicles to cover cost of ID cards

Deliverable 32.97

- Legislative Intent in Enabling Act: (1) Preserve public safety, reduce crime, and use correctional resources most effectively. Currently, the South Carolina correctional system incarcerates people whose time in prison does not result in improved behavior and who often return to South Carolina communities and commit new crimes, or are returned to prison for violations of supervision requirements. It is, therefore, the purpose of this act to reduce recidivism, provide fair and effective sentencing options, employ evidence-based practices for smarter use of correctional funding, and improve public safety; and, (2) Provide cost-effective prison release and community supervision mechanisms and cost-effective and incentive-based strategies for alternatives to incarceration in order to reduce recidivism and improve public safety.
- General Counsel's involvement is strictly limited to reviewing and assisting in the creation and implementation of a contract for this program

Transfer funds available in inmate accounts to Dept. of Motor Vehicles to cover cost of ID cards

| <u>Customers</u> | |
|------------------|--|
| WIP | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| N/A | Does the agency evaluate customer satisfaction? |
| <u>Costs</u> | |
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| ✓ | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- Inmates released without IDs struggle to connect with services that require legal identification

Recommendations to General Assembly

- Support initiatives that provide legal IDs/driver's license to offenders at the time of release to facilitate connection to essential services

Additional Comments

- Specific questions regarding process or procedures for transferring funds, or any other substantive information regarding this program should be directed to Program, Reentry, and Rehabilitative Services
- General Counsel's involvement is strictly limited to reviewing and assisting in the creation and implementation of a contract for this program



Deliverables

Establish contracts that allow inmates to perform "service work" for private sector entities

Deliverable 34.4

Service work is defined as any work that includes repair, replacement of original manufactured items, packaging, sorting, recycling, labeling, or similar work that is not original equipment manufacturing

Establish contracts that allow inmates to perform "service work" for private sector entities

| <u>Customers</u> | |
|------------------|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| ✓ | Does the agency evaluate customer satisfaction? |
| <u>Costs</u> | |
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| ✓ | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- Companies' costs increase and won't work with SCDC without consistency

Recommendations to General Assembly

- Continue to understand how Prison Industries help prepare our inmates for release

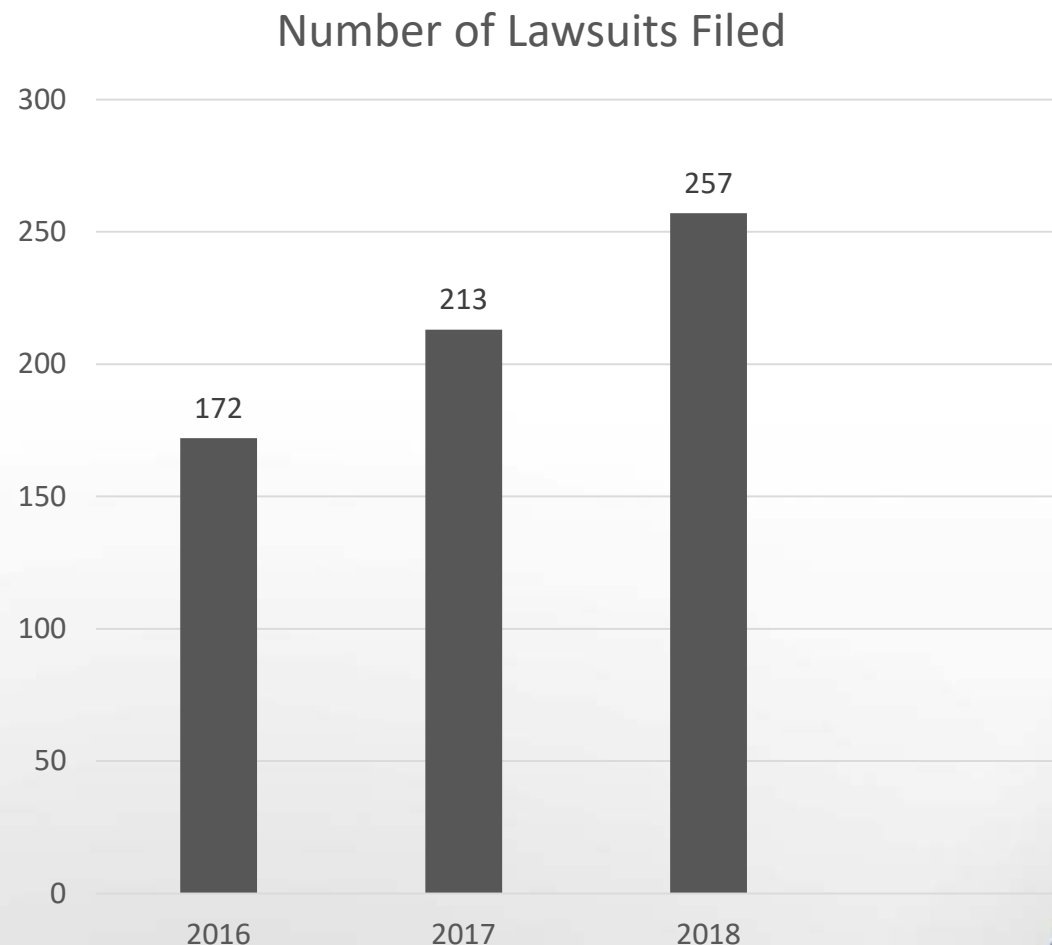
Additional Comments

- Specific questions regarding the companies with which we work, number of inmates employed through these programs, or any other substantive information regarding this program should be directed to Administration
- General Counsel's involvement is strictly limited to contract review



Civil Litigation

- Between January 1, 2016 and December 31, 2018, a total of 642 cases were filed against the Agency
 - 294 were resolved in favor of the Agency (jury verdict, directed verdict, summary judgment, or dismissed for various reasons)
 - 70 were settled
 - 9 have been appealed
 - 269 are still pending litigation in the United States District Court of South Carolina and in the South Carolina Courts of Common Pleas
 - 160 in the South Carolina Courts of Common Pleas
 - 109 in the United States District Court of South Carolina



Deliverables

Create process which allows inmates to file lawsuits

Deliverable 91

Components include:

- Determine, at recommendation of the court in the original action filed by the inmate or a separate action brought by the Attorney General, the amount of earned work, education, or good conduct credits an inmate forfeits if the inmate does any of the actions in this statute

Create process which allows inmates to file lawsuits

| <u>Customers</u> | |
|------------------|--|
| X | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| X | Does the agency evaluate customer satisfaction? |
| <u>Costs</u> | |
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| ✓ | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- If SCDC fails to adequately provide inmates with these services, the Agency could possibly lose lawsuit(s) regarding the inmates' right to access the courts, potentially paying damages to them with state funds
- Additionally, if inmates are unable to access the courts in order to appeal and collaterally challenge their sentences, their sentences could be overturned somewhere down the line resulting in their release to the community which, in some cases, could put the community in danger

Recommendations to General Assembly

- Some exceptions to court rules of procedure could reduce costs. For example, an appellant in the Court of Appeals must file 14 copies of the Record and 14 copies of his/her final brief with the Court. Since many inmates are indigent, SCDC often bears the cost of making these photocopies. If there was an exception that allowed incarcerated filers to only file fewer than 14 copies, SCDC's costs would be reduced.
- Amend SC Code Ann. § 24-27-200, et seq.: This section may not de-incentivize this behavior for frequent filers. The possibility of an inmate losing the ability to file other lawsuits is a much stronger motivator.



Determine, at recommendation of the court in the original action filed by the inmate or a separate action brought by the Attorney General, the amount of earned work, education, or good conduct credits a inmate forfeits if the inmate does any of the below actions in this statute

| <u>Customers</u> | |
|------------------|--|
| X | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| X | Does the agency evaluate customer satisfaction? |
| <u>Costs</u> | |
| X | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |

Inmate Actions Include:

- (1) submitting a malicious or frivolous claim, or one that is intended solely to harass the party filed against;
- (2) testifying falsely or otherwise presenting false evidence or information to the court;
- (3) unreasonably expanding or delaying a proceeding; or
- (4) abusing the discovery process.

Greatest Potential Harm

- None

Recommendations to General Assembly

- Amend the statute to allow for barring of future frivolous filings.



Deliverables

Required
SC Codes: 24-1-220

Allowed
SC Codes: 24-27-500

Authorize, with the Director, legal actions or lawsuits involving the Agency

Deliverable 92

Components include:

- Actions brought in name of the Director and if Director appears on behalf of the Agency
- Assert defense allowed in statute if allegations brought that prison regulations violate the S.C. Religious Freedom Act

Authorize with the Director legal actions or lawsuits involving the agency, including actions involving allegations of violation of religious freedoms

Required
SC Codes: 24-1-220

Allowed
SC Codes: 24-27-500

| <u>Customers</u> | |
|------------------|--|
| X | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| X | Does the agency evaluate customer satisfaction? |
| <u>Costs</u> | |
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- Unable to appropriately defend the department and its employees

Recommendations to General Assembly

- Statute is appropriate

Additional Comments

- Between January 1, 2016 and December 31, 2018, 19 lawsuits were filed against the Agency regarding alleged violations of religious freedoms or religious discrimination
- As of September 26, 2019, 13 of those have been resolved in favor of the Agency
- The remaining 6 cases are still pending



Policy Development Organizational Chart



Overview of Policy Development

Policy Development manages all internal policies and forms to assist in uniform management and operation of SCDC

Policy Development Responsibilities:

- Maintains system whereby all policies governing the operation of SCDC are developed and offered for review annually; any policy can be updated at any time based on Agency need
- Notifies policy manual holders of any new policies or changes to policies so they can update their policy manuals
- Ensures all inmate institutional law libraries receive any updates and have access to current non-restricted policies
- Develops and processes the creation, revision, and deletion of forms, per SCDC Policy GA-01.01, "Policies, Publications, and Forms"
- Provides outside counsel, other state agencies, and the public policies requested through subpoena, FOIA, etc., in compliance with SCDC Policy GA-01.01, "Policies, Publications and Forms"
- Researches and responds to questions regarding policies from both the Agency and outside entities



Policy Development Responsibilities (continued)

- Establishes historical file of Agency policies previously governing the operations of SCDC
- Ensures that all policies, changes to those policies, table of contents, and an alphabetical index are maintained in a series of manuals referred to as Agency Manuals and on the SCDC policy intranet website
- Ensures that the draft policies and changes submitted by responsible authorities do not contradict existing policies and make revisions where necessary
- Cross references other Agency policies where necessary
- Coordinates with General Counsel on each policy to determine whether it should be restricted from access by inmates
- Maintains and updates non-restricted policies on the Agency's public website
- Ensures employees have access to policies by sending out Agency statewide messages regarding any new or updated policies/change memorandums so that each institution can print out the policies/change memorandums and place them in their set of manuals
- Appears at depositions or in court regarding the Agency's policies and procedures



Legislative Audit Council Report

Deficiencies:

- SCDC's policy reviews are not in full compliance with most of National Institute Corrections' (NIC) policy recommendations made in its review of the Agency in February 2009. There were further mentions of SCDC's staff failure to follow policies.

Recommendations:

- SCDC should implement the remaining NIC recommendations from the its 2009 technical assistance report on the agency by revising agency policies, almost all of which are security-related.
- SCDC should amend the Agency's policies concerning internal audits of the lock shop and the use of inmates in security system checks to align with the NIC recommendations.
- SCDC should continue addressing the implementation panel's policy recommendations.
- SCDC should implement the three policy recommendations concerning emergency preparedness, first responder procedures, and on-the-job training practices made by the Association of State Correctional Administrators that have yet to be implemented.

Response:

- Each division within the Agency is responsible for the creation, monitoring, and updating of all policies that fall under it. To assist in that effort, Policy Development sends out a portion of policies for review on a monthly basis so that all policies have been reviewed annually; however, any policy can be updated at any time based on Agency need. The enforcement of policies is the responsibility of all employees and supervisors.



Legislative Audit Council Report

Deficiencies:

- SCDC's process for reviewing policies does not ensure that the parties responsible for overseeing the policies participate in the annual review. There also was not a process requiring the responsible parties document that they had reviewed their policies.

Recommendations:

- SCDC should amend its policy review process to ensure responsible parties are annually reviewing their respective policies for accuracy.

Response:

- Policy Development took note of the LAC's remarks and recommendation and have made the following changes:
 - SCDC Policy GA-01.01, "Policies, Publications, and Forms," was revised to reflect the recommendation made and was signed off by Director Stirling on August 29, 2019.
 - While Agency policies will still be sent out for statewide review to ensure all SCDC staff are allowed to review and make policy recommendations, an additional process has been implemented to ensure that the responsible parties document their review of their respective policies. Policy Development also created three new forms (9-18, 9-18A, and 9-19), to establish a procedure to document the responsible party's review of their respective policies. This new procedure went into effect on September 3, 2019.



Deliverables

Establish rules and regulations for the performance of the
Agency's functions

Deliverable 1.2

Establish rules and regulations for the performance of the Agency's functions

Customers

- | | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| ✓ | Does the agency evaluate customer satisfaction? |

Costs

- | | |
|---|---|
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

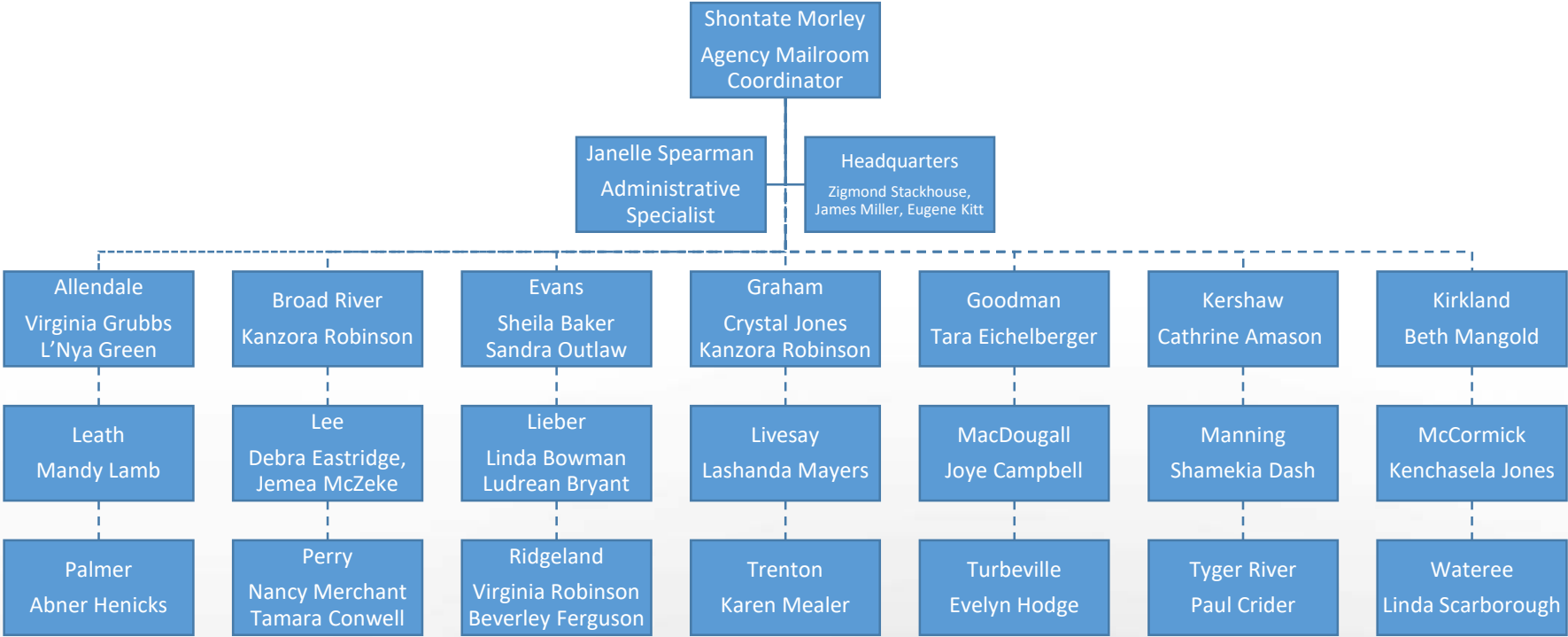
- The agency would not function in a streamlined, cohesive manner

Recommendations to General Assembly

- Statute is appropriate

Inmate Mail Services Organizational Chart

General Counsel



Deliverables of Inmate Mail Services

There are no deliverables or performance measures for Inmate Mail Services specified in law.



Mailroom Coordinator

- Oversees inmate mail services in the 21 institutions
- Monitors the operations of all SCDC mailrooms and ensures compliance with SCDC Policy PS 10.08, Inmate Correspondence Privileges, related to inmate correspondence and mailroom operations
- Researches and responds to members of the public, SCDC staff, and inmate inquiries regarding inmate mail
- Supervises 27 institutional mailroom staff members
- Provides training to all mailroom employees to ensure they are up to date on SCDC and United States Postal Services' policies
- Monitors the annual review of the SCDC policies/forms related to inmate correspondence and mailroom procedures



Inmate Correspondence

Inmate correspondence falls into 3 categories: General, Legal, and Privileged Mail

- **Legal mail** refers to mail sent to, or received from, officials of federal, state, and local courts, attorneys, judges, attorney's authorized representatives, the S.C. Attorney General, the U.S. Attorney General, and SCDC Office of General Counsel
- **Privileged mail** refers to mail sent to, or received from, law enforcement officials, federal officials (President, Vice-President, members of Congress, etc.), state officials (Governor, Lieutenant Governor, members of the General Assembly, etc.), officials of SCDC at the level of Warden or higher (to include the Agency Director and Members of the Director's staff [e.g., Deputy Directors, General Counsel, and Inspector General]), the South Carolina Department of Probation, Parole and Pardon Services (SCDPPPS), and correspondence addressed to/from diplomatic representatives of an inmate's country if the inmate is a foreign national
- **General mail** refers to all mail other than that defined as "privileged" or "legal" mail, including publications
 - Publications refers to any printed communications such as newspapers, magazines, newsletters, books, paperbacks, brochures, periodicals, technical manuals, catalogs, and/or pamphlets which can be subscribed to, ordered, or otherwise received direct from an approved source (e.g., publisher, bookstore, etc.).



Institutional Mailroom Staff Responsibilities

General Counsel

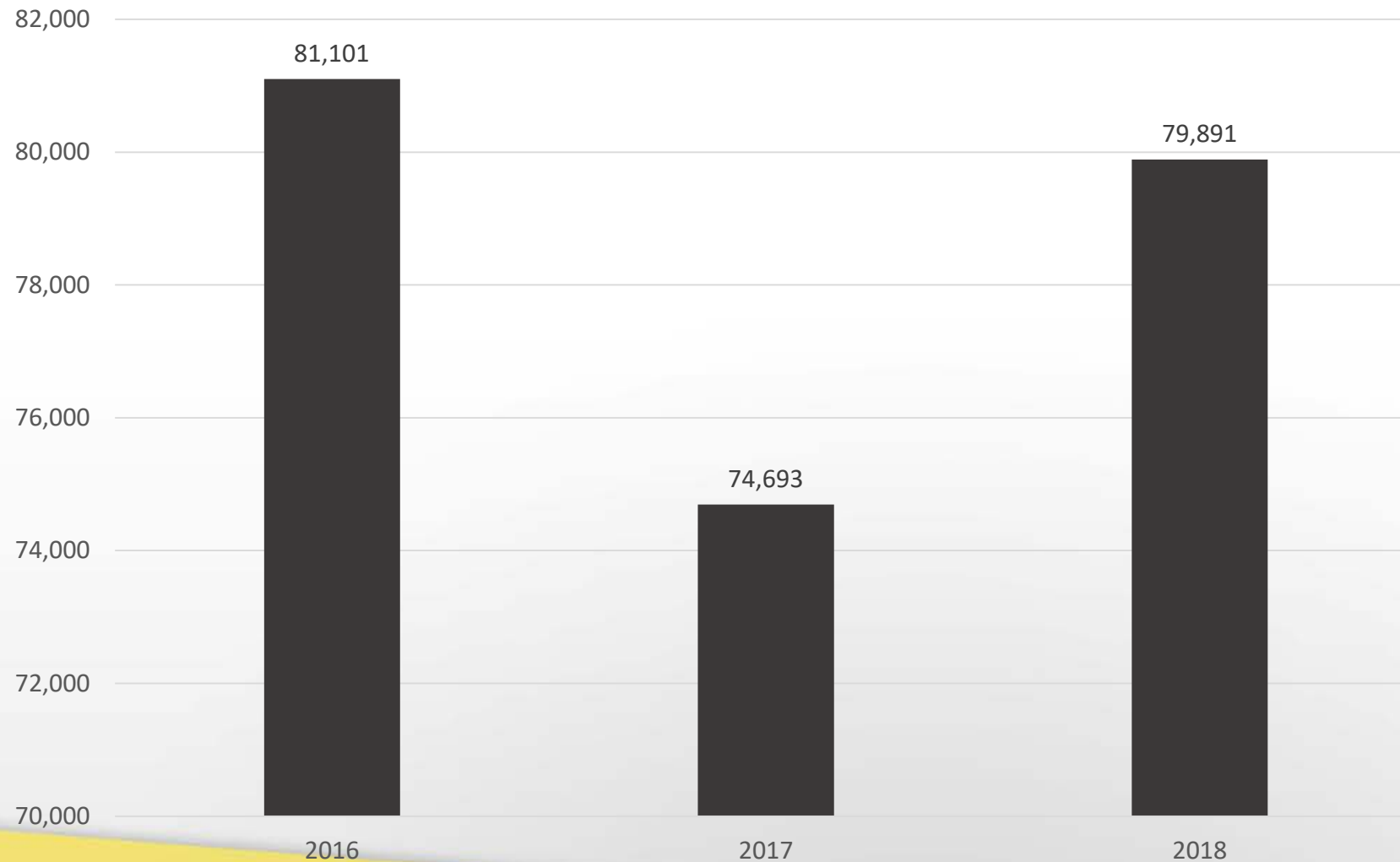
- Receives and sorts incoming mail
- Opens all incoming general mail and inspects it for contraband and compliance with policy
- Distributes mail to inmates or to staff on the housing units for distribution to inmates
- If envelope or scanned content appears questionable, a form is completed and the item is forwarded to a committee for review
- Legal and privileged mail receives a date stamp, is entered into a log, and the inmate is notified to report the next working day to sign for mail. When the inmate arrives at the mailroom, staff opens legal and privileged mail in the inmate's presence and inspects it for contraband and compliance with SCDC policy
- Packages are inspected using the general mail inspection process. If staff find no issues with a package, it is then sent to property control for further processing and distribution
- Standard Operating Procedures:
 - Picks up mail from mailbox and/or dorm/unit
 - Sorts mail and separates as indigent mail, legal mail, general mail, and packages
 - Uses postage meter as needed to log postage used for each type of mail
- Indigent inmates are provided postage for legal mail that is for ongoing or new litigation



Legal Mail Received

General Counsel

January 1, 2016 – December 31, 2018



The following was spent on postage for indigent inmate's legal mail:

FY16: \$79,896.06

FY18, \$89,774.10

FY17, \$78,462.37

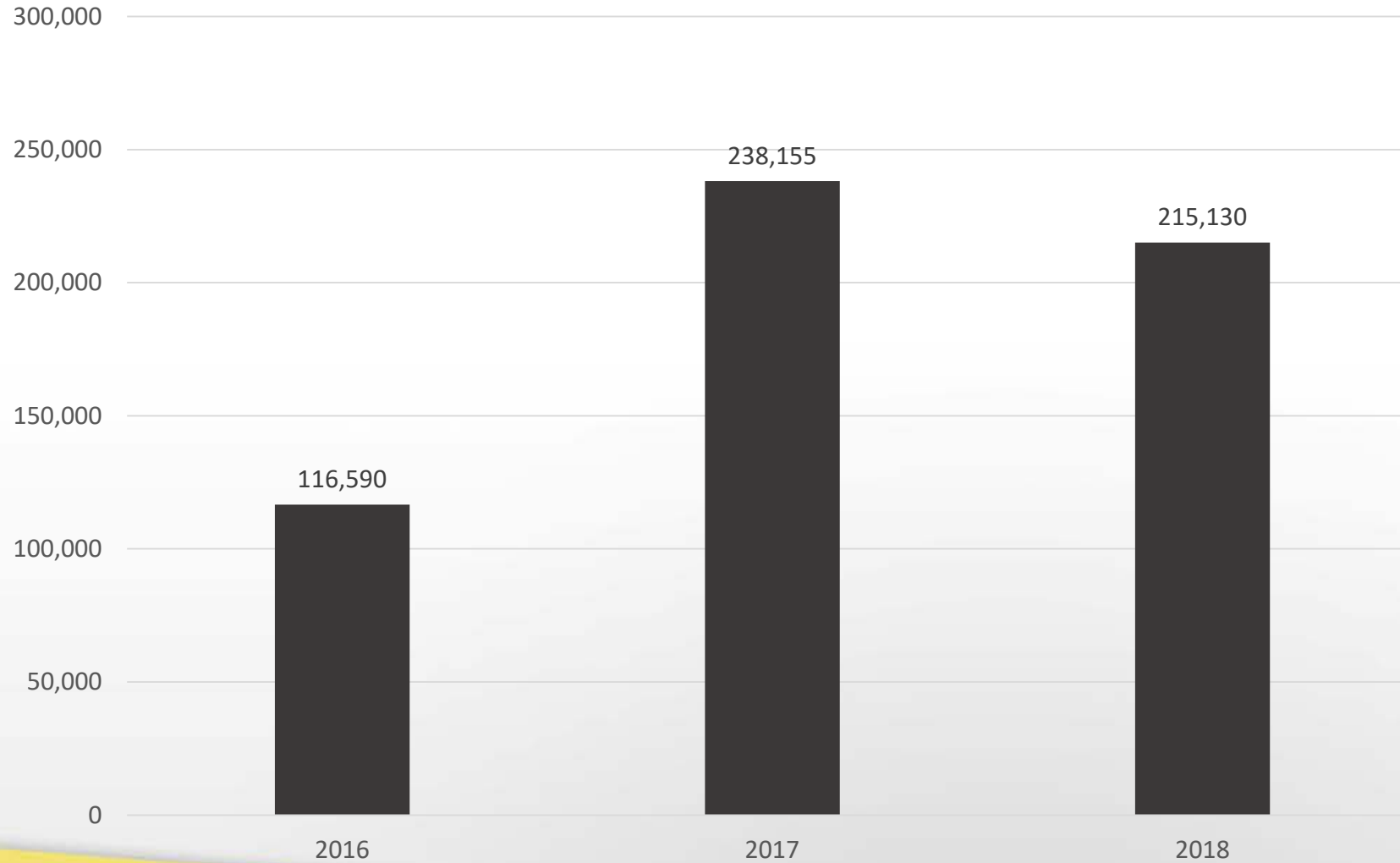
FY19, \$56,304.46 (as of 9/18/19)



Estimation of Outgoing Inmate Mail*

General Counsel

August 1, 2016** – December 31, 2016



*It is an estimate because SCDC can only track mail through the postage meter; pre-stamped envelopes are not tracked

**No records of outgoing mail were kept prior to August 2016

Deliverables

Establish regulations for media presence at executions

Deliverable 93.5

Establish regulations for media presence at executions

Customers

| | |
|---|--|
| X | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| X | Does the agency evaluate customer satisfaction? |

Costs

| | |
|---|---|
| X | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- None

Recommendations to General Assembly

- None

Deliverables

Required
SC Codes: 30-4-40

Allowed
SC Codes: 30-4-40

Respond to Freedom of Information Act (FOIA) requests

Deliverable 95

Components include:

- Exempt information, which is outlined in statute, from Agency's response to a Freedom of Information Act (FOIA) request

Respond to Freedom of Information Act (FOIA) requests

| <u>Customers</u> | |
|------------------|--|
| X | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| X | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| X | Does the agency evaluate customer satisfaction? |
| <u>Costs</u> | |
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| ✓ | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- Lack of transparency regarding SCDC records
- Loss and payment of damages pursuant to actions under S.C. Code 30-4-100

Recommendations to General Assembly

- Add language that explicitly prohibits attorneys from using FOIA to gather documentation as part of a lawsuit in lieu of the discovery process (criminal or civil)
- Additionally, add language that allows the Agency more time in responding to FOIA requests by attorneys in their professional capacity
- This would free up agency employees to spend more time responding to the FOIA requests for which the law was actually designed



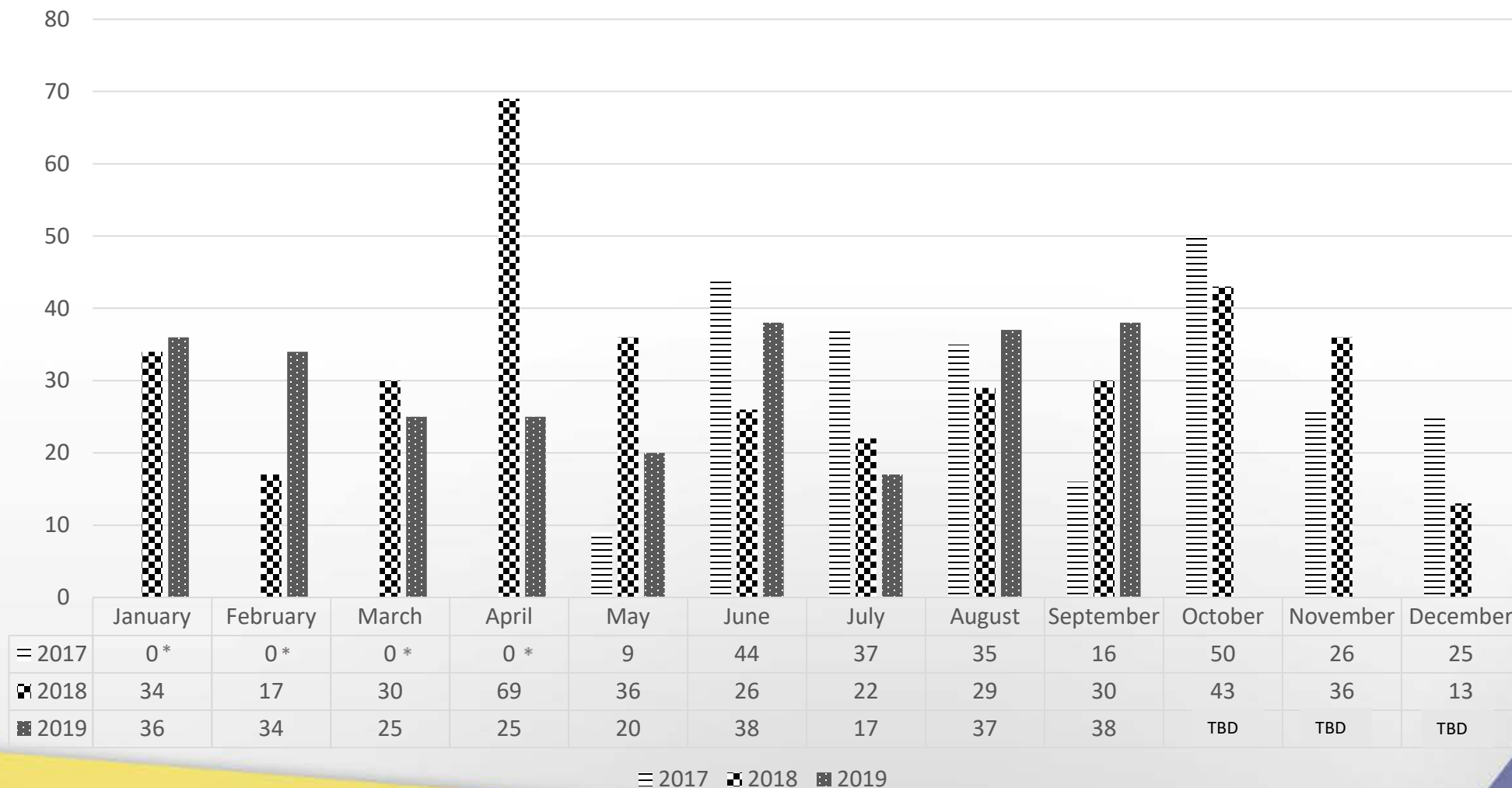
Responding to FOIA Requests

- With the exception of requests pursuant to S.C. Code Ann. 30-4-30(d), SCDC requires individuals requesting information under the FOIA to submit their request in writing to SCDC's FOIA Coordinator. Written requests must include the following:
 - A simple description of the requested information
 - The name, address, and phone number of the person making the request
- SCDC may require a deposit and does charge a fee as permitted by 30-4-30(b)
 - \$0.25 per page is charged for records that are produced in hardcopy. Additionally, \$25.92 an hour is charged for the search, retrieval and redaction of records.
- The requested records are reviewed by the custodian of those records with assistance from the Office of General Counsel in order to determine their availability in light of the FOIA's exclusions and exemptions
- In accordance with 30-4-30(c), redactions may be made pursuant to additional exemptions
- SCDC has created a new position for an Administrative Assistant, who will assist in processing FOIA requests; SCDC is also reevaluating some of the FOIA procedures including cost for requestors and internal tracking of requests



FOIA Request Data

Number of FOIA Requests Received from May 2017 – September 25, 2019

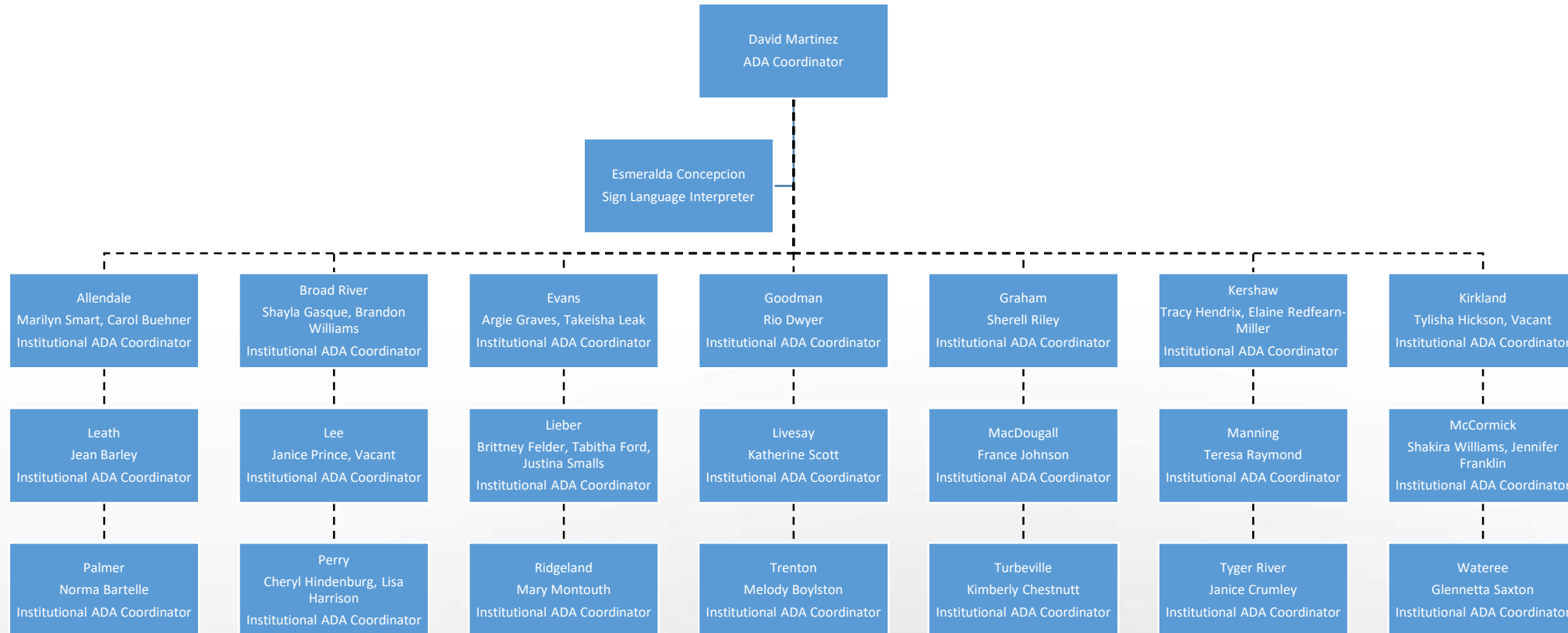


| Totals |
|-----------|
| 2017: 242 |
| 2018: 385 |
| 2019: 270 |



ADA Coordinator Organizational Chart

General Counsel



ADA Program Description

- The primary purpose of the South Carolina Department of Correction's Americans with Disabilities Act (ADA) program is to ensure that inmates with disabilities:
 - Have an equal opportunity to participate in programs, activities and services as inmates without disabilities
 - Have a right to receive reasonable accommodations to make programs, activities and services accessible
- SCDC's regulatory responsibilities under Title II of the ADA (ADA, 1990, Public Law 101-336) and Section 504 of the Rehabilitation Act of 1973 (Section 504) include oversight of all correctional facilities to ensure that they do not discriminate on the basis of disability in any SCDC program, activity or service they provide to inmates



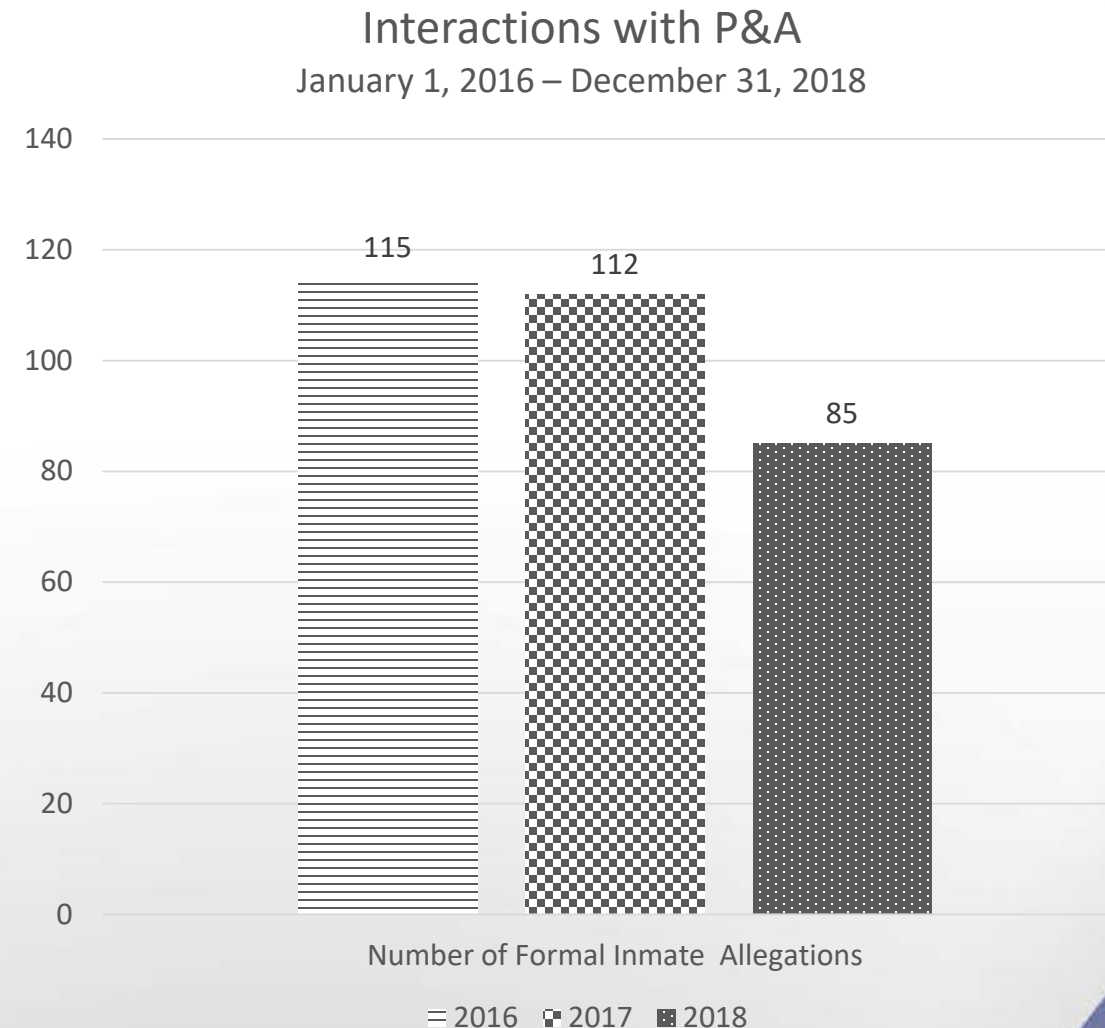
Agreements with the Department of Justice (DOJ)

- The United States DOJ has rulemaking authority and enforcement responsibility for Title II of the ADA, which extends the prohibition against discrimination promulgated by the ADA to State and local governments, regardless of their receipt or non-receipt of federal funding.
- The two significant ADA complaints filed against SCDC are:
 - On March 29, 2018, SCDC reached a [settlement agreement](#) (DJ# 204-67-174) with the DOJ to ensure that inmates with hearing disabilities are provided effective communication and the opportunity to participate equally in SCDC's services, programs, and activities. One of the "remedial actions" stipulated in the agreement was for SCDC to provide a written status report to the DOJ every six months for a period of two years. The bi-annual report includes applicable supporting documents delineating all steps taken during the reporting period to comply with each substantive provision of the agreement. Two status reports have been submitted with two remaining to be sent on October 1, 2019 and April 1, 2020. Additional information can be found [here](#).
 - On September 28, 2018, the twelfth and final status report as required by the Consent Decree in *USA v. SCDC, et al.* [C/A No. 3:13-CV-02664-CMC](#) was submitted to the DOJ requiring that an inmate not be segregated from the general population based solely on his/her HIV status; rather an individualized assessment of the inmate's circumstances must be made. This successfully satisfied all provisions of the Consent Decree which expired October 1, 2018 and, accordingly, the DOJ closed this matter. Additional information can be found [here](#).



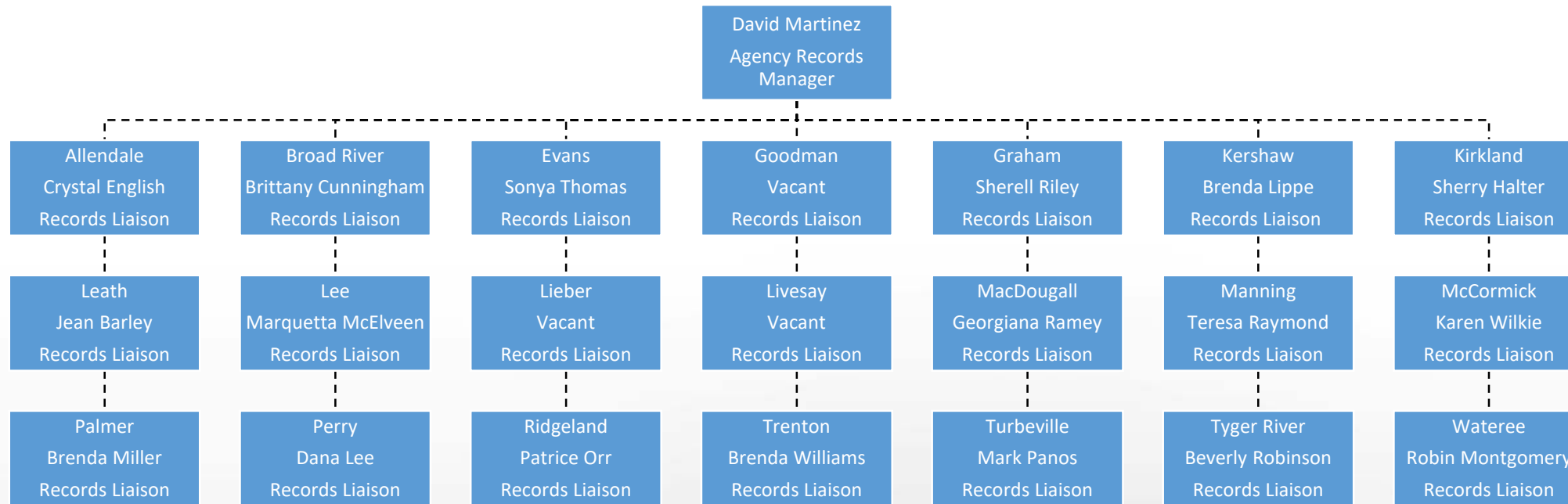
Interactions to Resolve ADA Issues

- Protection and Advocacy for People with Disabilities, Inc. (P&A) is an independent, statewide, non-profit corporation that protects the rights of people with disabilities in South Carolina by enabling individuals to advocate for themselves, by speaking on their behalf when they have been discriminated against or denied a service to which they are entitled, and by promoting policies and services which respect their choices.
 - 45 C.F.R. § 1326.21 includes the requirements and authority of the State P&A System
 - S.C. Code Ann. § 43-33-310 et al., as required by Public Law 94-103 (HR 4005), established the P&A System for South Carolina
- From January 1, 2016 to December 31, 2018, SCDC interacted with SC P&A to successfully investigate and mitigate solutions for over three hundred allegations expressed by SCDC Inmates with Disabilities.



Agency Records Manager Organizational Chart

General Counsel



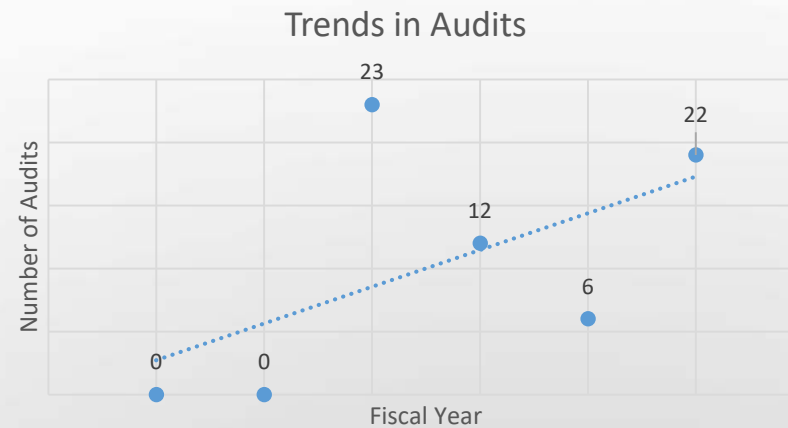
Records Management Program

- The South Carolina Department of Correction's Records Retention Management Program is designed to ensure that official records will be preserved appropriately through their entire life cycle—from receipt or creation until their final disposition
- Agency procedures and systems manage the records in compliance with policy OP-21.10, "Agency Records Management", and the Public Records Act (Code of Laws of South Carolina 1976, as amended, Sections 30-1-10 through 30-1-170)
- SCDC's records retention schedules are determined by the record type and the legal and compliance requirements associated with the record
 - Retention schedules establish guidelines regarding how long important records must remain accessible for future use or reference
 - This concerns all records which are created, received, captured, used, stored and/or disposed of in the conduct of official agency regulations whatever their format and medium and applies to all institutions, divisions, and departments
 - SCDC has established mandatory minimum retention periods for records to provide storage and control for inactive records
 - Retention schedules describe the records, the length of time they should be retained, and indicate their final disposition
 - There are two types of retention schedules: general and specific
 - If a record does not have a retention schedule it must be kept indefinitely



Records Management Audits

| | FY | <u>2013-14</u> | <u>2014-15</u> | <u>2015-16</u> | <u>2016-17</u> | <u>2017-18</u> | <u>2018-19</u> |
|--|-------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Records management audits, number conducted | <u>Target:</u> | DNE | DNE | 48 | 22 | 22 | 21 |
| | Performance Measure 38 | | | | | | |
| | (DNE: did not exist) | | | | | | |
| | <u>Actual:</u> | DNE | DNE | 23 | 12 | 6 | 22 |

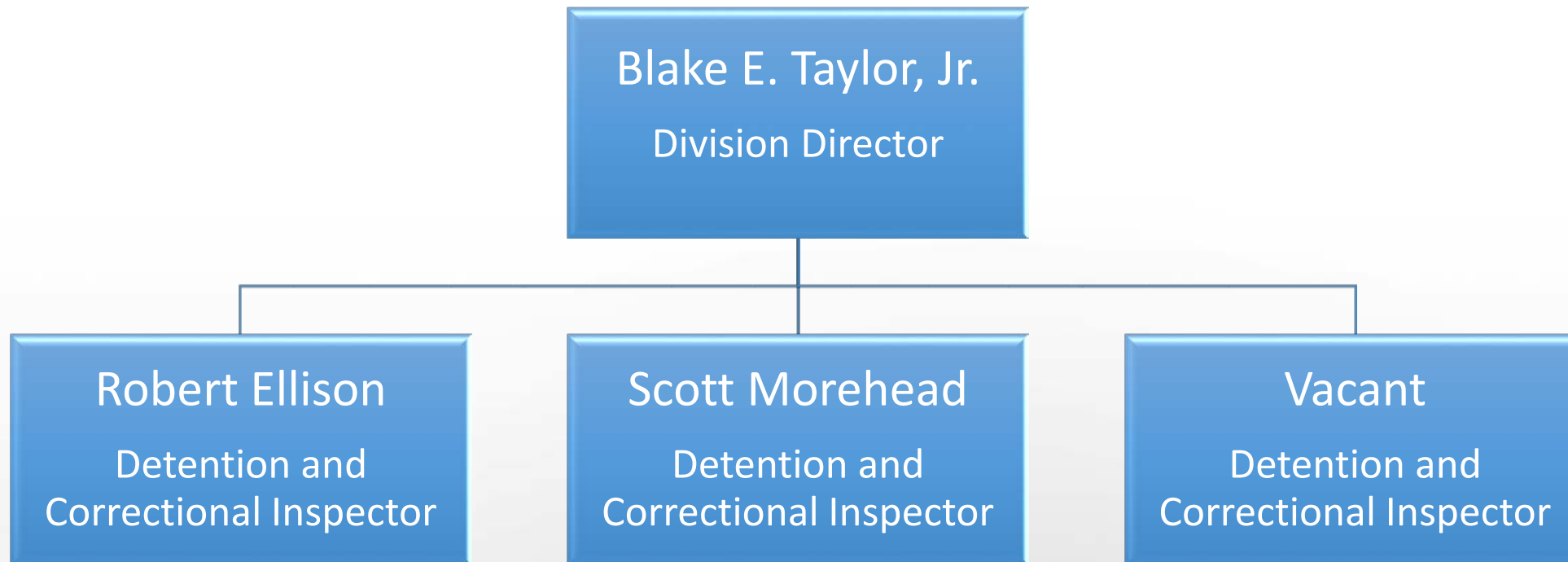


Compliance, Standards, and Inspections



Compliance, Standards, and Inspections Organizational Chart

Compliance,
Standards, and
Inspections



Overview of Compliance, Standards, and Inspections

- Oversees the inspections at all state and local facilities
- Reviews all proposed renovation and construction projects for all state and local facilities
- Monitors and enforce compliance with the Designated Facilities Agreements (contracts) which enable local governments to house SCDC inmates and use them for public works assignments
- Reviews all SCDC policies to identify pertinent American Correctional Association (ACA) Standards to be referenced within those policies upon their publication/revision
 - While the Agency is not currently ACA-accredited, these standards are included as best practice
- Coordinates the Management Review Program, which is currently limited to conducting security audits and related matters
- Serves as advisor and gatekeeper regarding relevant codes and regulations that impact how institutions and buildings within SCDC may be used, renovated, and/or modified



Security Audits

The following SCDC institutions have undergone site visit security audits under the oversight of the Management Review Program since site visits resumed in October 2018:

- Kershaw Correctional Institution
- Lee Correctional Institution
- Palmer Pre-Release Center
- Broad River Correctional Institution
- Perry Correctional Institution
- Trenton Correctional Institution
- Turbeville Correctional Institution
- Tyger River Correctional Institution



Deliverables

Establish protocol for activities related to mandated inspections
in the Jail and Prison Inspection Division

Deliverable 6

Components include:

- Select inspectors for the Jail and Prison Inspection Division

Establish protocol for inspections in Jail and Prison Inspection Division, including selection of inspectors

Customers

| | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| X | Does the agency evaluate customer satisfaction? |

Costs

| | |
|---|---|
| X | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- Dangerous environment for the institutional staff and the inmate population

Recommendations to General Assembly

- Continued support for the law concerning incarcerated individuals
- Maintain the Agency mission which reflects said deliverables



Inspections

- There are currently 63 fully operational local jail and prison facilities that require inspection once per year
 - These include: 44 county detention centers (jails), 6 county prison camps, 3 county juvenile detention centers, and 10 municipal jails
- Additionally, inspection is required at:
 - 21 SCDC prisons and 21 other SCDC work sites; 15 DJJ facilities and various other related sites at that Agency; and 1 private facility
- SCDC policy calls for inspection of these facilities twice per year
- In 2018, all but seven sites received at least one inspection
- In 2018, a second visit and inspection was conducted at more than 50% of the facilities



Deliverables

Obtain consent before confining inmates in local facilities and terminate assignments if facilities determined unsuitable

Deliverable 13.5 and 13.6



Obtain consent before confining inmates in local facilities and terminate assignments if facilities unsuitable

Customers

| | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| ✗ | Does the agency evaluate customer satisfaction? |

Costs

| | |
|---|---|
| ✗ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| ✗ | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- Inmates could be sent to locations where security and supervision are lacking (Deliverable 13.5)
- Inmates could remain at facilities where conditions and supervision are inadequate (Deliverable 13.6)

Recommendations to General Assembly

- Maintain statute requiring mutual approval for state inmates to be placed at local detention facilities (Deliverable 13.5)
- Maintain statute allowing SCDC to remove state inmates when circumstances warrant doing so (Deliverable 13.6)

Designated Facilities Program

- S.C. Code Ann. Sections 24-3-20 (A) and 24-3-30 (A) are the authority for having a Designated Facilities Program
- These sections were passed into law at the same time the General Assembly established the criteria requiring all inmates with sentences greater than three months be housed at SCDC
- Prior to this, the “chain gang” system prevailed throughout South Carolina and local governments retained inmates at will after sentencing regardless of the crime committed or the total service requirement; everyone who was not retained locally went directly to SCDC
- The changes to both law and practice were intended to eliminate this so-called “dual prison system” in favor of a professionally organized approach, whereby SCDC would control the management and placement of virtually all inmates



FY 2018-2019 Designated Facilities Agreements

| | | | | | |
|---|--|------------------------------------|---|-----------------------------------|---|
| Abbeville County Detention Center | Beaufort County Detention Center | Darlington County Prison Camp | Georgetown County Detention Center | Lexington County Detention Center | Pickens County Prison Camp |
| Abbeville County Prison Camp | Charleston County (Al Cannon) Detention Center | Dillon County Detention Center | Greenville County Detention Center | Marion County Detention Center | Richland County (Alvin S. Glenn) Detention Center |
| Aiken County (Doris C. Gravat) Detention Center | Chester County Detention Center | Dorchester County Detention Center | Greenwood County Detention Center | Marion County Prison Camp | Saluda County Jail |
| Allendale County Jail | Chesterfield County Detention Center | Easley City Jail | Horry County (J. Reuben Long) Detention Center | Marlboro County Detention Center | Sumter-Lee Regional Detention Center |
| Anderson City Jail | Clarendon County Detention Center | Fairfield County Detention Center | Jasper County Detention Center | Newberry County Detention Center | Union County Prison Camp |
| Anderson County Detention Center | Clinton City Jail | Florence County Detention Center | Kershaw County Detention Center | Oconee County Detention Center | York County Detention Center |
| Barnwell County Detention Center | Darlington County Detention Center | Fort Mill City Jail | Laurens County (R. Eugene Johnson) Detention Center | Pickens County Jail | York County Prison Camp |



Designated Facilities Count

As of May 20, 2019, 306 SCDC inmates were housed at local Designated Facilities

| | | | | | | | | | | | |
|---|----|--|----|------------------------------------|----|---|----|-----------------------------------|----|---|----|
| Abbeville County Detention Center | 0 | Beaufort County Detention Center | 1 | Darlington County Prison Camp | 14 | Georgetown County Detention Center | 24 | Lexington County Detention Center | 0 | Pickens County Prison Camp | 14 |
| Abbeville County Prison Camp | 13 | Charleston County (Al Cannon) Detention Center | 0 | Dillon County Detention Center | 15 | Greenville County Detention Center | 1 | Marion County Detention Center | 0 | Richland County (Alvin S. Glenn) Detention Center | 0 |
| Aiken County (Doris C. Gravat) Detention Center | 0 | Chester County Detention Center | 16 | Dorchester County Detention Center | 3 | Greenwood County Detention Center | 4 | Marion County Prison Camp | 18 | Saluda County Jail | 0 |
| Allendale County Jail | 3 | Chesterfield County Detention Center | 1 | Easley City Jail | 1 | Horry County (J. Reuben Long) Detention Center | 0 | Marlboro County Detention Center | 3 | Sumter-Lee Regional Detention Center | 2 |
| Anderson City Jail | 3 | Clarendon County Detention Center | 1 | Fairfield County Detention Center | 45 | Jasper County Detention Center | 0 | Newberry County Detention Center | 9 | Union County Prison Camp | 15 |
| Anderson County Detention Center | 39 | Clinton City Jail | 4 | Florence County Detention Center | 0 | Kershaw County Detention Center | 0 | Oconee County Detention Center | 7 | York County Detention Center | 5 |
| Barnwell County Detention Center | 13 | Darlington County Detention Center | 1 | Fort Mill City Jail | 1 | Laurens County (R. Eugene Johnson) Detention Center | 17 | Pickens County Jail | 5 | York County Prison Camp | 8 |



Deliverables

Create reports on which a facility manager can report the death of an inmate and the surrounding circumstances

If a person dies while in jail or prison, SCDC Jail and Prison Inspection Division permanently retains the facility manager's report of the death and surrounding circumstances

Deliverable 16.3, 16.4

Create reports to be used responsive to the death of an inmate and retain such reports indefinitely

Customers

| | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| X | Does the agency evaluate customer satisfaction? |

Costs

| | |
|---|---|
| X | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

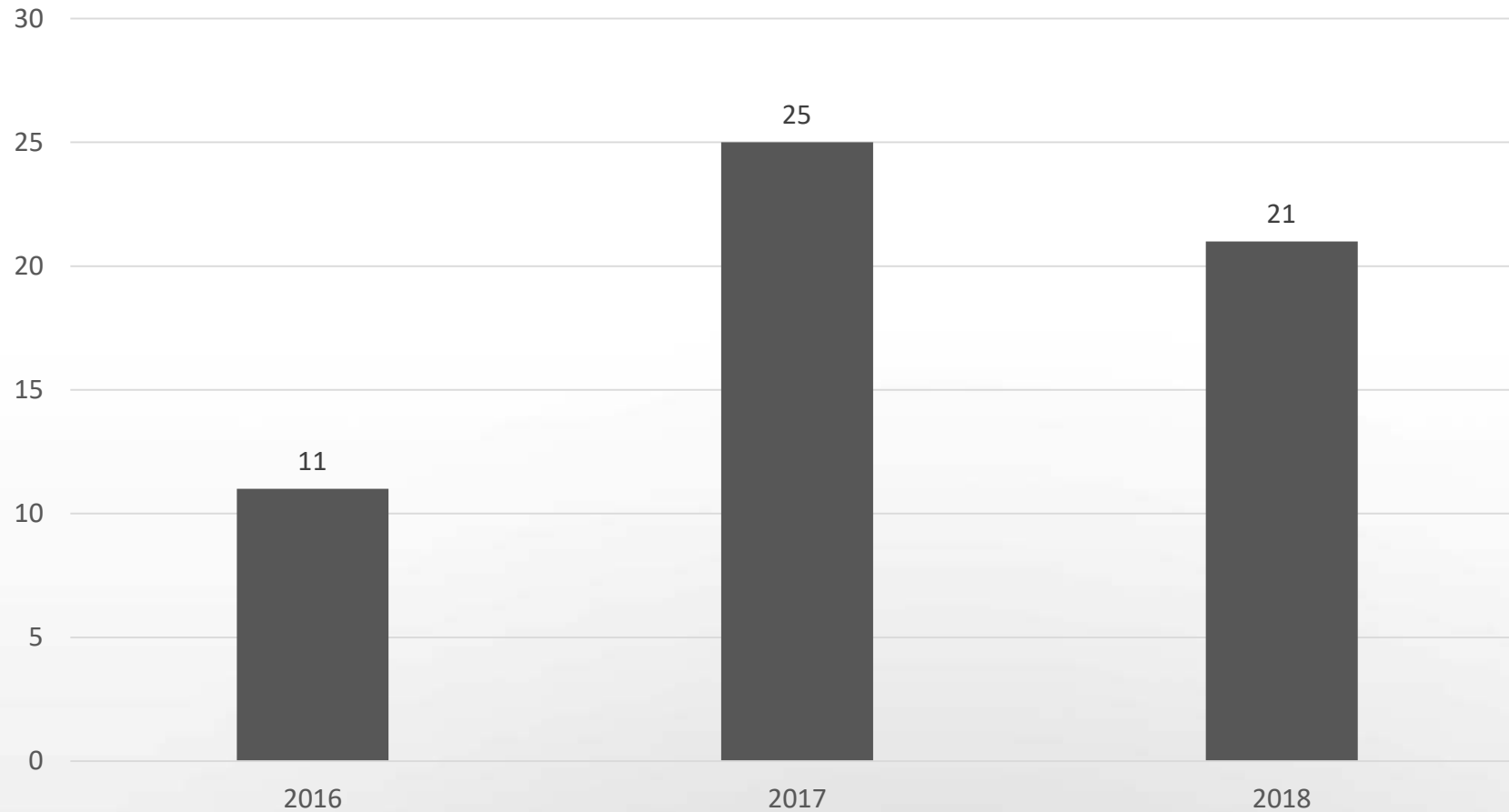
- Information regarding deaths in confinement may not all be available in one location

Recommendations to General Assembly

- Continued support of this statute
- Understand that the prison system and jails have offenders of all ages confined within their perimeters
- Understand that not all inmates die from injuries inflicted by other inmates or unnatural causes

Inmate Deaths in Local Institutions

January 1, 2016 - December 31, 2018



These numbers are strictly deaths of the local intuitions' inmates.
No SCDC inmates died while housed at a local institution during these years.



Deliverables

Receive construction plans for new facilities to certify compliance with minimum design standards (Jail and Prison Inspection Division)

Deliverable 20

Components include:

- Receive notification 15 days or more before jail facility opening from appropriate officials (Jail and Prison Inspection Division)
- Conduct inspections before jail facility opening (Jail and Prison Inspection Division)



Receive construction plans for new facilities to certify compliance with minimum design standards (Jail and Prison Inspection Division)

Required
SC Codes: 24-9-40

Customers

| | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✗ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| ✗ | Does the agency evaluate customer satisfaction? |

Costs

| | |
|---|---|
| ✗ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| ✗ | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- Unsafe facilities could be built if architectural drawings are not reviewed prior to construction or renovation
- Change orders may be required and unnecessary expenses incurred if facilities are not built to code and minimum design standards

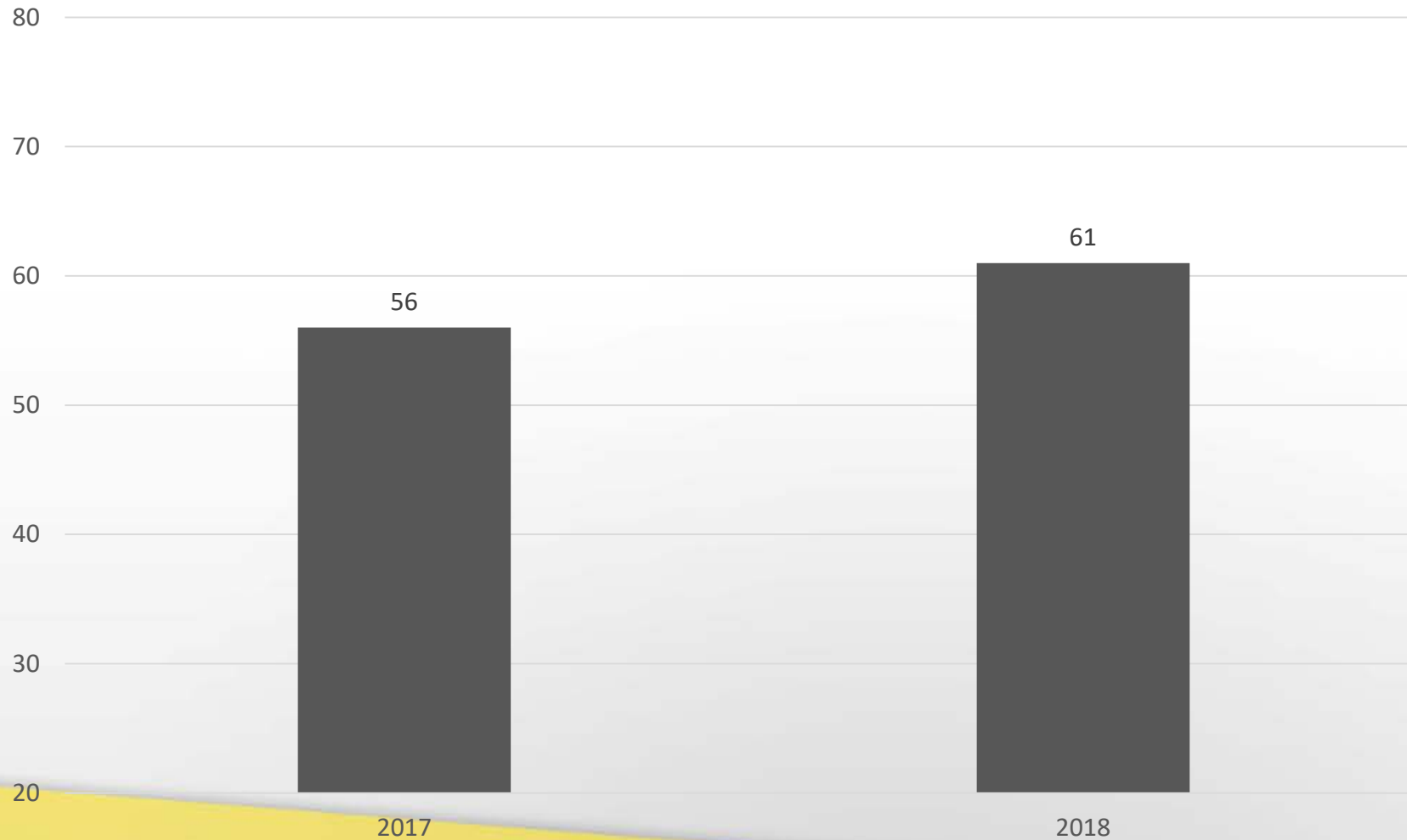
Recommendations to General Assembly

- Continued support for the law requiring plans review

Receive construction plans for new facilities to certify compliance with minimum design standards

Required
SC Codes: 24-9-40

Construction/Renovation Plans Reviewed
January 1, 2017 – December 31, 2018



Receive notification of jail facility opening from appropriate officials 15 days or more before opening (Jail and Prison Inspection Division)

Required
SC Codes: 24-9-40

Customers

| | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| X | Does the agency know the annual # of potential customers? |
| X | Does the agency know the annual # of customers served? |
| X | Does the agency evaluate customer satisfaction? |

Costs

| | |
|---|---|
| X | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- Pre-opening inspections may be delayed due to scheduling difficulties, which could result in approval for occupancy not being received in a timely manner

Recommendations to General Assembly

- Continued support for the law requiring advance notice of project completion

Conduct inspections before opening of jail facility (Jail and Prison Inspection Division)

Customers

| | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| X | Does the agency know the annual # of potential customers? |
| X | Does the agency know the annual # of customers served? |
| X | Does the agency evaluate customer satisfaction? |

Costs

| | |
|---|---|
| X | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- Verification would be lacking that buildings have been constructed or renovated according to approved plans and unsafe or unsatisfactory buildings could be in use before problems are discovered

Recommendations to General Assembly

- Continued support for the law requiring pre-opening inspections

Deliverables

Work with local detention facilities that offer voluntary programs for inmates, such as labor on public works and ways, to determine when SCDC inmates housed at the local detention facility may participate

Deliverable 37

Components include:

- Provide local governing bodies access to SCDC regulations regarding inmate work in the community as a guide for creating their own regulations for a work/punishment program
- Develop standards for SCDC inmates housed at local detention facilities for voluntary work programs established pursuant to Section 24-13-235 (labor on public works or ways)
- Monitor and enforce standards for SCDC inmates housed at local detention facilities for voluntary work programs established pursuant to Section 24-13-235 (labor on public works or ways)
- Develop standards for SCDC inmates housed at local detention facilities for local public work programs pursuant to Section 17-25-70 (authority of local officials to require able-bodied convicted persons to perform labor in public interest)
- Monitor and enforce standards for SCDC inmates housed at local detention facilities for local public work programs pursuant to Section 17-25-70 (authority of local officials to require able-bodied convicted persons to perform labor in public interest)



Work with local detention facilities that offer voluntary programs for inmates to determine when inmates may participate (including relevant components)

Required
SC Codes: 24-13-235
24-13-950

Allowed
SC Codes: 24-13-910

| <u>Customers</u> | |
|------------------|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| X | Does the agency know the annual # of potential customers? |
| X | Does the agency know the annual # of customers served? |
| X | Does the agency evaluate customer satisfaction? |
| <u>Costs</u> | |
| X | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- Inmates in community settings may not be properly accounted for

Recommendations to General Assembly

- Continue to support legislation on this matter (Deliverable 37.3)

Deliverables

- Contract with the local detention facilities to allow SCDC inmates confined to those facilities to participate in the programs
- Develop standards for SCDC inmates housed at local detention facilities for work/punishment programs established pursuant to Section 24-13-910 through 24-13-940
- Monitor and enforce standards for SCDC inmates housed at local detention facilities for work/punishment programs established pursuant to Section 24-13-910 through 24-13-940

Deliverable 38, 38.1, 38.2

Contract with the local detention facilities to allow SCDC inmates confined to those facilities to participate in work/punishment programs (including relevant components)

Required
SC Codes: 24-13-940

Allowed
SC Codes: 24-13-950

Customers

| | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| X | Does the agency know the annual # of potential customers? |
| X | Does the agency know the annual # of customers served? |
| X | Does the agency evaluate customer satisfaction? |

Costs

| | |
|---|---|
| X | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- Inmates in community settings may not be properly accounted for

Recommendations to General Assembly

- Maintain arrangement as it currently exists

Deliverables

Feed inmates and conduct appropriate inspections of food service operations

Deliverable 80

Components include:

- Enable Department of Health and Environmental Control (DHEC) annually to conduct an inspection of food service operations at all prison system facilities
- Receive written report on conditions of food service operations at each jail facility inspected by DHEC
- Facilitate the filing of each jail facility inspection report from DHEC's food service inspector with responsible local governing body, sheriff/police chief, and director of the facility

Feed inmates and conduct appropriate inspections of food service operations

| <u>Customers</u> | |
|------------------|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| ✗ | Does the agency evaluate customer satisfaction? |
| <u>Costs</u> | |
| ✗ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| ✗ | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- Dangerous environment for the institutional staff and the inmate population

Recommendations to General Assembly

- Continued support for the law concerning incarcerated individuals
- Maintain the Agency mission that reflects said deliverables
- Be aware of nation-wide changes that occur in the management and operations of a properly run prison system



Deliverables

Collaborate annually with State Fire Marshal to ensure inspection of all prison system and jail facilities, including all phases of operation, fire safety, and health and sanitation conditions

Deliverable 82

Components include:

- Receive written report on conditions of each jail facility inspected from fire marshal (Jail and Prison Inspection Division)
- Facilitate the filing of each facility inspection report from the fire marshal with the responsible local governing body, sheriff/police chief, and director of the facility

Collaborate annually with State Fire Marshal to ensure inspection of all prison system and jail facilities

Customers

| | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| X | Does the agency evaluate customer satisfaction? |

Costs

| | |
|---|---|
| X | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- Dangerous environment for the institutional staff and the inmate population

Recommendations to General Assembly

- Continued support for the law concerning incarcerated individuals
- Maintain the Agency mission that reflects said deliverables

Deliverables

Establish SCDC standards with Association of Counties for inspections of local confinement facilities

Deliverable 83

Components include:

- Prepare written report on conditions of each jail facility inspected by SCDC Jail and Prison Inspection Division pursuant to standards for inspections of local confinement facilities established with Association of Counties
- Facilitate the filing of each facility inspection report from SCDC's Jail and Prison Inspection Division with responsible local governing body, sheriff/police chief, and director of the facility

These standards are actually the statutorily mandated minimum standards, not SCDC's standards



Establish with Association of Counties SCDC standards for inspections of local confinement facilities

Customers

| | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| X | Does the agency evaluate customer satisfaction? |

Costs

| | |
|---|---|
| X | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- Dangerous environment for the institutional staff and the inmate population

Recommendations to General Assembly

- Continued support for the law concerning incarcerated individuals
- Maintain the Agency mission that reflects said deliverables

Additional Comments

- These standards are actually the statutorily mandated minimum standards, not SCDC's standards

Inspections of Local Facilities

- Jails and Prison Camps are evaluated based on the Minimum Standards for Local Detention Facilities in South Carolina, along with applicable fire and building codes



Deliverables

Notify local governing body if inspection discloses a facility that does not meet minimum standards and fire and health codes

Deliverable 84

Components include:

- Monitor whether local governing body initiates corrective action or corrects conditions stated in an inspection report as necessary for the inspected facility to meet minimum standards and fire and health codes
- Determine if a facility needs to be closed for failure to meet minimum standards and fire and health codes
- If SCDC orders closure of a facility because conditions, which served as a basis for an inspection report stating that the facility did not meet minimum standards and fire and health codes, were not corrected, then send notice to the presiding judge of the judicial circuit via certified mail
- If SCDC orders closure of a facility because conditions, which served as a basis for an inspection report to state the facility did not meet minimum standards and fire and health codes violations, were not corrected, then accept local governing body's notice of appeal of the directive to close the facility, if local governing body appeals
- If SCDC orders closure of a facility because conditions, which served as a basis for an inspection report to state the facility did not meet minimum standards and fire and health codes, were not corrected, AND a local governing body appeals the directive to close the facility, then appear at the hearing and present evidence
- Receive notification of jail facility closing from appropriate officials, 90 days prior to closing



Monitor whether local governing body initiates corrective action or corrects conditions stated in an inspection report as necessary for the inspected facility to meet minimum standards and fire and health codes

| <u>Customers</u> | |
|------------------|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| ✗ | Does the agency evaluate customer satisfaction? |
| <u>Costs</u> | |
| ✗ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| ✗ | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- Dangerous environment for the institutional staff and the inmate population

Recommendations to General Assembly

- Continued support for the law concerning incarcerated individuals
- Maintain the Agency mission that reflects said deliverables



Determine if a facility needs to be closed for failure to meet minimum standards; If SCDC orders closure of a facility, the Agency must send notice to the presiding judge via certified mail, accept local governing body's notice of appeal of the directive to close the facility, and appear at the hearing and present evidence

| <u>Customers</u> | |
|------------------|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| X | Does the agency know the annual # of potential customers? |
| X | Does the agency know the annual # of customers served? |
| X | Does the agency evaluate customer satisfaction? |
| <u>Costs</u> | |
| X | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- Dangerous environment for the institutional staff and the inmate population

Recommendations to General Assembly

- Continued support for the law concerning incarcerated individuals
- Maintain the Agency mission that reflects said deliverables



90 days prior to closing, receive notification of jail facility closing from appropriate officials (Inspection Division)

Customers

| | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| X | Does the agency know the annual # of potential customers? |
| X | Does the agency know the annual # of customers served? |
| X | Does the agency evaluate customer satisfaction? |

Costs

| | |
|---|---|
| X | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- There would be a lack of awareness that a facility is to be taken out of service, and there would be no prior notice given of policies and procedures regarding the proper handling of affected detainees

Recommendations to General Assembly

- Continued support for the law requiring advance notice before the voluntary closing of facilities



Deliverables

Receive, electronically, from the responsible local government entity, data about inmates and operations at local detention facilities

Deliverable 86

Components include:

- Accept monthly reports on inmate demographics and data from local facilities
 - Data that is accepted by Compliance, Standards, and Inspections includes average daily inmate population and inmate high count figures prior to the inspection; current number of security employees broken down by shift; current number of non-security staff broken down by general function (e.g., administration, support, treatment, and program); and current number of vacant positions in all categories
 - This data is requested either just prior to or at the time of a site visit
 - During the actual inspection itself, statistical information is also obtained regarding the breakdown on numbers of inmates who are being housed in each living unit at the facility at that time



Receive data about inmates and operations at local detention facilities

Customers

| | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| X | Does the agency evaluate customer satisfaction? |

Costs

| | |
|---|---|
| X | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- Safety and security of the inmate population is compromised
- Jail and Prison Inspection Division would be lacking some of the information needed to prepare inspection reports

Recommendations to General Assembly

- Continued support for this statute
- Understand that inmate classification changes as society and the outside criminal element change
- Understand that studies are done nationally to maintain current classification standards
- Leave flexibility in statute about how information is reported



Deliverables

Maintain records of industry, habits, deportment, and any other information about inmates requested by the board or director of PPP

Deliverable 87

Components include:

- Assist the Director of the Department of Probation, Parole, and Pardon Services (PPP) with surveys of detention facilities to aid in reviewing parole applications, if the Director of PPP conducts such surveys

Assist the Director of PPP with surveys of detention facilities to aid in reviewing parole applications

Customers

| | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| X | Does the agency know the annual # of potential customers? |
| X | Does the agency know the annual # of customers served? |
| X | Does the agency evaluate customer satisfaction? |

Costs

| | |
|---|---|
| X | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- Information needed by Parole Board and Probation Officers may be lacking

Recommendations to General Assembly

- Leave responsibility for initiation with PPP



Legislative Audit Council Report

Compliance,
Standards, and
Inspections

Deficiency:

- SCDC has been unable to complete all of the required inspections of detention facilities and holding cells across the state.

Recommendation:

- The SCDC should identify the location of all holding cells in the state and inspect them annually as required by S.C. Code § 24-9-20.

Response:

- SCDC agrees that all holding cells should be identified and inspected along with the various other categories of local and state facilities. It is also agreed that it would be sufficient to inspect most holding cells only once a year.
- In order to make that distinction, the Minimum Standards for Local Detention Facilities in South Carolina and Agency policy must be amended. SCDC will contact the South Carolina Association of Counties and propose that the Minimum Standards be changed as recommended. Assuming that this effort is successful, the Agency will then automatically revise its own policy accordingly.
- The process of identifying all the holding cells statewide and inspecting them, as well as ensuring that all other local and state facilities receive the required inspections, will be implemented promptly after enough additional personnel are approved and funded.



Legislative Audit Council Report

Compliance,
Standards, and
Inspections

Deficiency:

- In the last decade, SCDC has not had adequate internal controls to ensure that correctional officers are properly using technology and search methods to detect contraband before it enters its institutions and locate contraband that exists inside its institutions. While previously used, robust reviews resumed in October 2018 to assess institutional compliance with security requirements. Prior to then, SCDC assessed institutional security posture through various, less robust types of reviews.

Recommendation:

- SCDC should resume the Management Review Program and complete these reviews according to the schedule outlined in Agency policy.

Response:

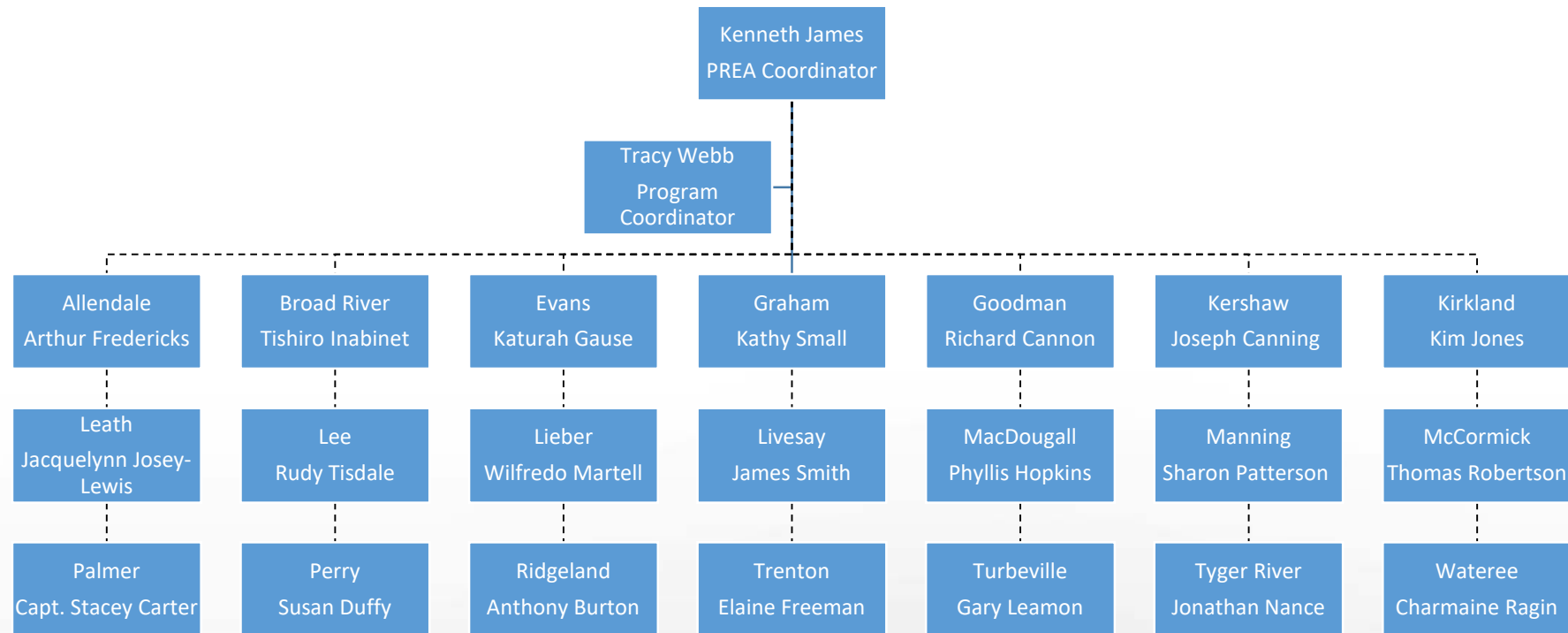
- SCDC agrees that the entire Management Review Program should be resumed. A plan is being developed that is less staff intensive, but will nevertheless require the authorization of at least two additional positions to implement. The Agency intends to continue conducting the very important security audits in the meantime.
- It is anticipated that the full Management Review Program can be underway again by this time next year if funding for the necessary employees is forthcoming.



Prison Rape Elimination Act (PREA)



PREA Organizational Chart



Please note all PREA Compliance Managers (PCMs) are Associate Wardens (A/Ws), with the exception of Palmer Pre-Release (Captain serves as PCM as there is no A/W)



Overview of the PREA Coordinator Position

- Pursuant to the Prison Rape Elimination Act, SCDC has a zero-tolerance policy regarding sexual abuse and sexual harassment against inmates in correctional facilities or patients confined in prisons or jails
- The PREA Coordinator:
 - Ensures that SCDC complies with the National Prison Rape Elimination Act of 2003
 - Serves as the liaison for SCDC to federal, state, and local agencies in regards to reporting and responding to acts of sexual abuse and sexual harassment
 - Ensures that SCDC's policies, procedures, and practices are aligned with the National PREA Standards and coordinates the Agency's prevention, detection, and response to reports of sexual abuse and sexual harassment of inmates by staff, volunteers, visitors, interns, contractors, and other inmates





Tools for Meeting PREA Standards

- PREA risk assessment screening and reassessments
- Inmate Peer Education—Use of “PREA-What You need to know” video, training of Inmate Peer Educators, “Let’s Talk About Safety” PREA brochures, PREA playing cards, PREA posters, and signage for *22 (direct line to Police Services for reporting purposes) and *63 (direct line to a local sexual assault center for confidential emotional support)
- Staff, volunteer, and contractor training
- PREA Compliance Manager facility tours to make decisions about facility needs for cameras, mirrors, restroom partitions, shower curtains, fencing, signage, etc.
- Outside Entity Reporting and Information – Available on the Agency’s public website:
 - Information on PREA and SCDC policy, SCDC’s PREA Annual Report, the Final Audit Reports completed for each institution as they are audited, as well as all Surveys of Sexual Violence (SSV) Reports sent to the Department of Justice since 2006
 - The “PREA Tips” fillable form through which the public can report sexual abuse or sexual harassment on behalf of an inmate



Legislative Audit Council Report

PREA

Deficiencies:

- A review of the nine (9) Interim Reports received from the PREA Auditor indicates that SCDC has averaged a compliance with nine (9) of the forty-five (45) Federal PREA Standards. Issues requiring correction included:
 - Physical plant issues – lack of privacy for showering, etc.;
 - Blind spots in various areas of institutions;
 - Inadequate documentation and policy information;
 - Staff training; and
 - Data collection and reports.

Recommendations:

- SCDC should prepare annual reports detailing corrective actions it has taken to prevent sexual abuse, the number of allegations and substantiated incidents of sexual abuse by facility, and comparisons with data from prior years. These reports should further be publicly released on the agency's website.
- SCDC should revise its policy to more accurately reflect federal regulations promulgated under the PREA.
- SCDC Police Services should proactively collaborate with agency's PREA staff in order to ensure that cases are properly classified as PREA cases.
- SCDC should revise its policy to include procedures to ensure that resignations from employees under investigation or terminated for sexual misconduct are not accepted.



Legislative Audit Council Report

PREA

Response:

- To address these issues, SCDC has taken the following corrective measures:
 - Physical plant – Installing PREA-approved shower curtains that maintain an inmate's privacy yet allow security to ensure safety of inmate; some adjustments have been made to shower stalls.
 - Blind spots – Mirrors have been put in place in some areas and cameras have been requested.
 - Documentation and policies –
 - Institutional staffing plans are being developed, a PREA Annual Report has been created, signed by the Director, and has been placed on the Agency's public website.
 - Reporting processes have been adjusted to ensure accuracy of data collection.
 - The PREA Coordinator has met with Resource Information Management (RIM) and Police Services to ensure cases are properly classified as PREA cases. Policies are being reviewed by the PREA Resource Center with assistance from Just Detention International to ensure these policies properly reflect the mandates of the Federal PREA Standards. Should an employee resign, his/her name is sent to Police Services to check its database to inquire whether the employee is under investigation regarding sexual abuse or sexual harassment. If this is affirmed, the employee's resignation is not accepted.
 - As Final Audit Reports are completed by the PREA Auditor, these reports are made available to the public by clicking on the PREA link on the Agency's public website and navigating to "Audit Reports." For the two Final Audits completed to date, SCDC has met 44 of the 45 standards for Turbeville Correctional Institution and 41 of 45 for Ridgeland Correctional Institution .



Legislative Audit Council Report

Short-Term Goals:

- Identify policy issues from the Final Audit Reports and make necessary changes;
- Continue to address data collection issues with institutions; and
- Ensure better documentation measures are put in place for monitoring retaliation.

Long-Term Goals:

- Continue to make necessary physical plant adjustments to meet compliance with the Federal Prison Standards, such as changing shower stalls to ensure privacy and placement of mirrors and cameras in areas where there are blind spots.



Deliverables

Comply with Federal Prison Rape Elimination Act

- Evaluate, revise, and develop policies, procedures, and practices compliant with the PREA Standards
- Obtain consent before confining inmate to local facilities

Deliverable 13.91

Comply with the Federal Prison Rape Elimination Act

Customers

| | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✗ | Does the agency know the annual # of customers served? |
| ✓ | Does the agency evaluate customer satisfaction? |

Costs

| | |
|---|---|
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| ✗ | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- Inmate safety

Recommendations to General Assembly

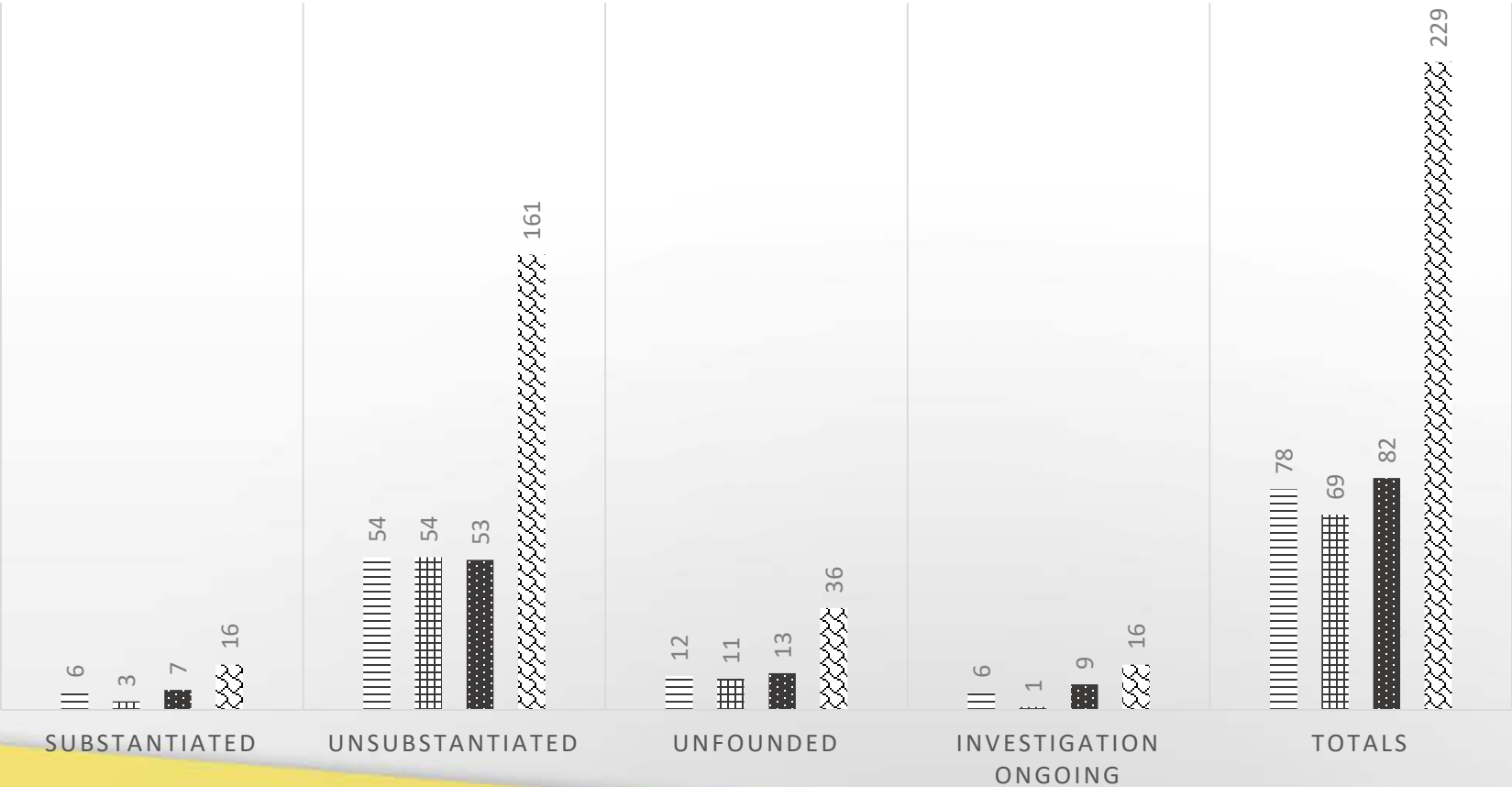
- Provisions to state law defining and prohibiting verbal, visual, and other observable sexual harassment of inmates will further assist with reduction of sexual abuse incidents and safety of both employees and inmates

PREA Claims Data – Inmate on Inmate

PREA

INMATE ON INMATE SEXUAL ABUSE JANUARY 1, 2016 – DECEMBER 31, 2018

= 2016 # 2017 ■ 2018 X Total

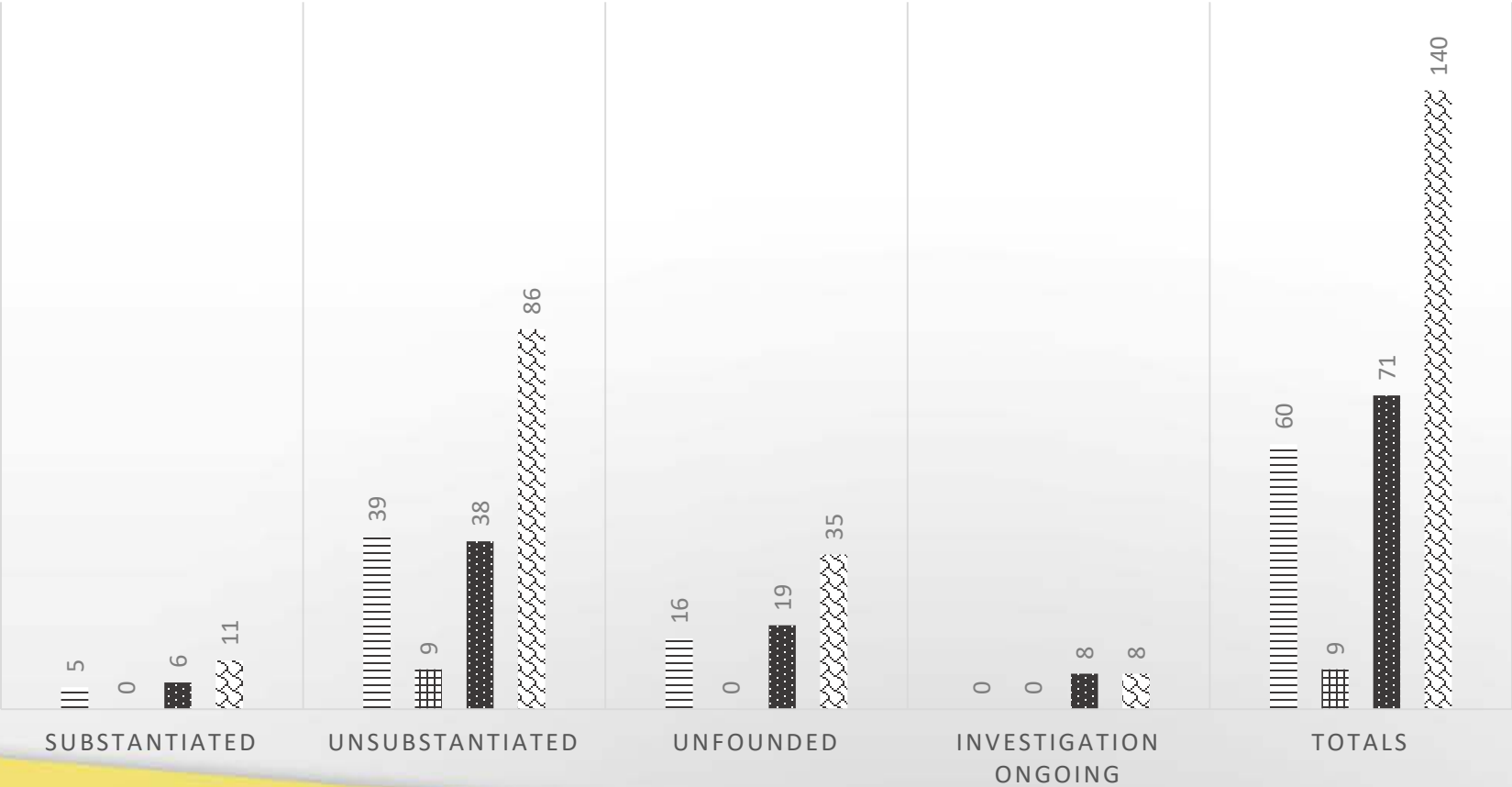


PREA Claims Data – Inmate on Inmate

PREA

INMATE ON INMATE SEXUAL HARASSMENT JANUARY 1, 2016 – DECEMBER 31, 2018

≡ 2016 ≡ 2017 ■ 2018 X Total

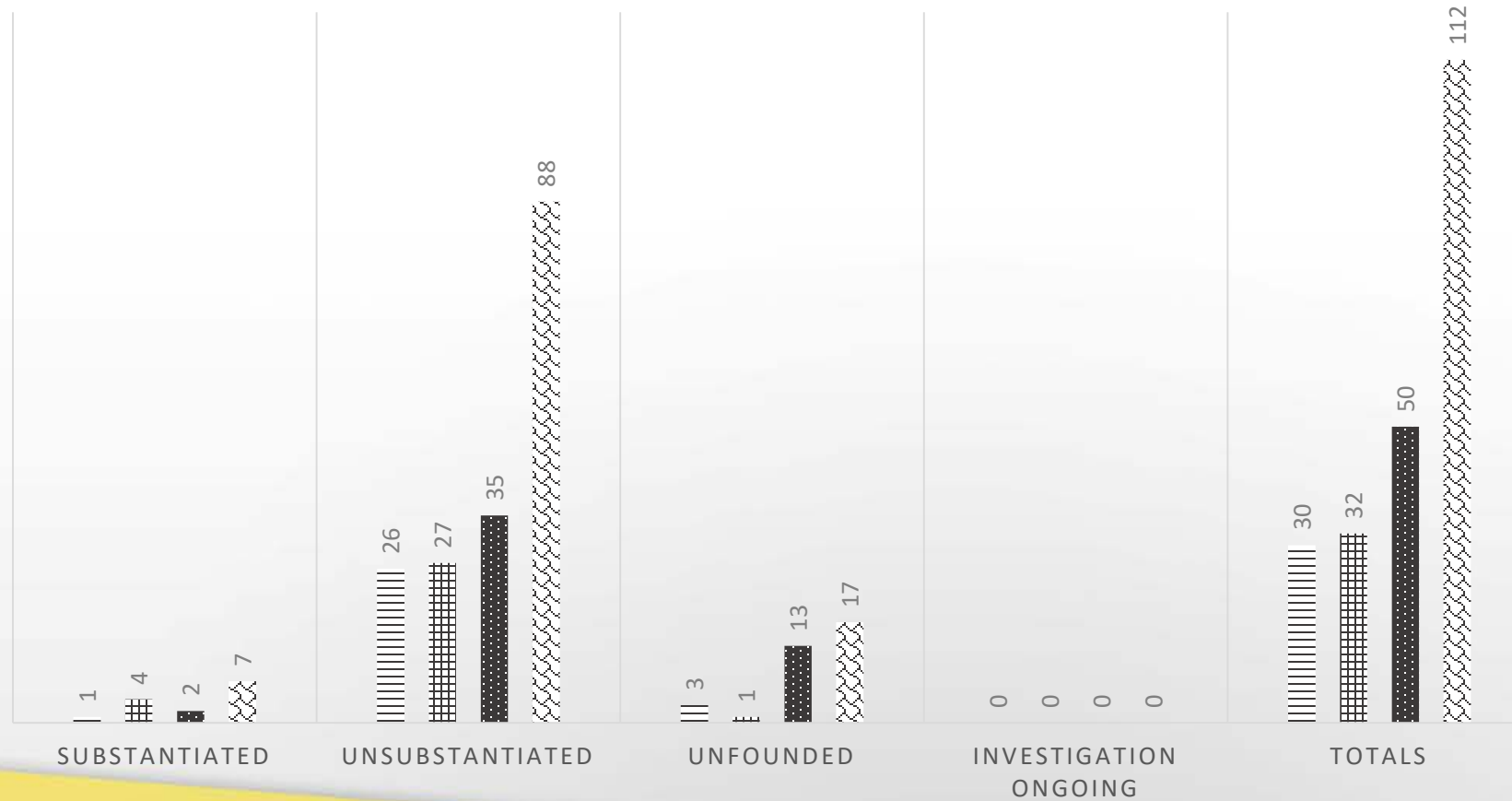


PREA Claims Data - Staff

STAFF SEXUAL MISCONDUCT

JANUARY 1, 2016 – DECEMBER 31, 2018

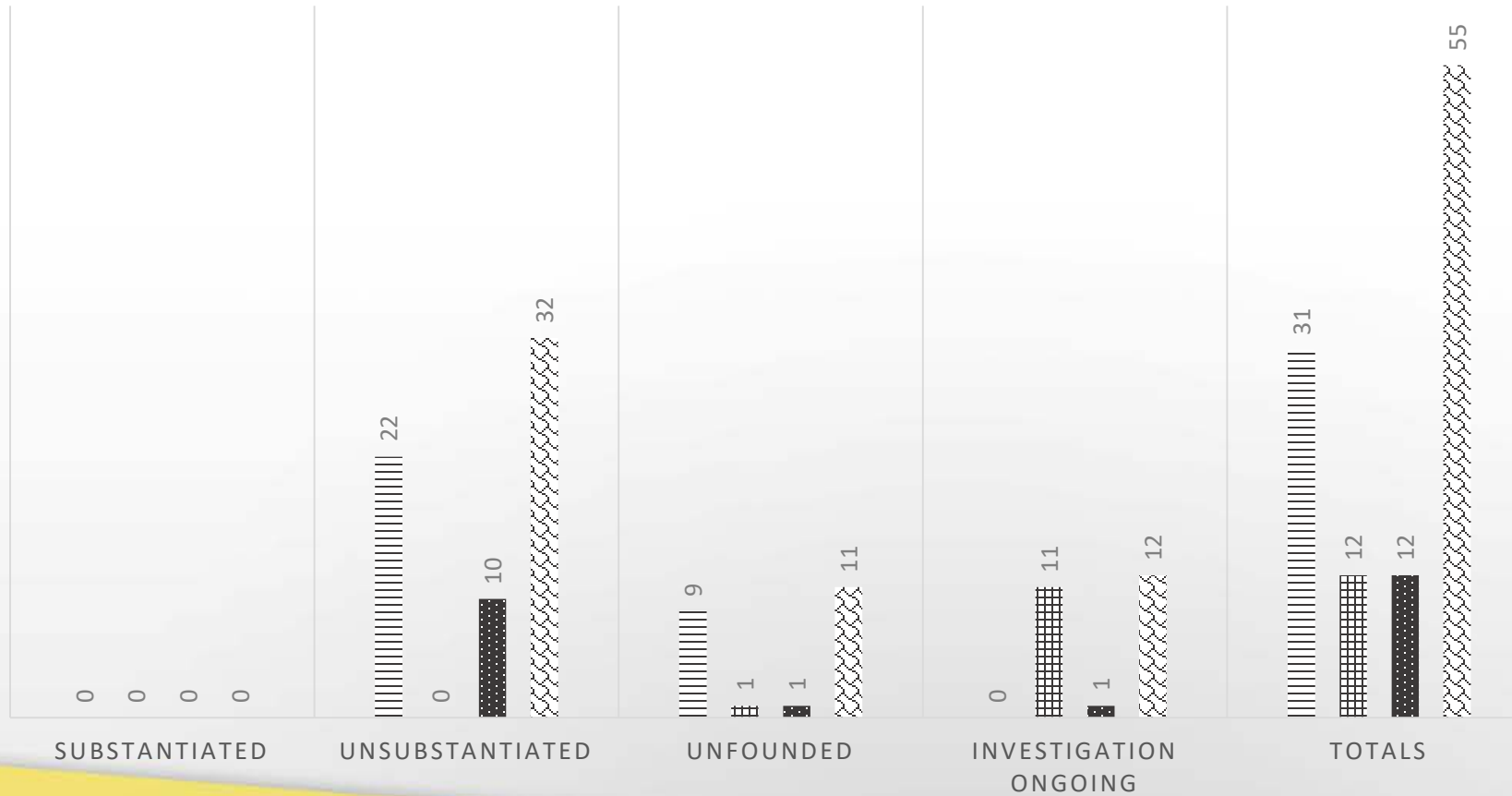
≡ 2016 ≡ 2017 ■ 2018 ✕ Total



PREA Claims Data - Staff

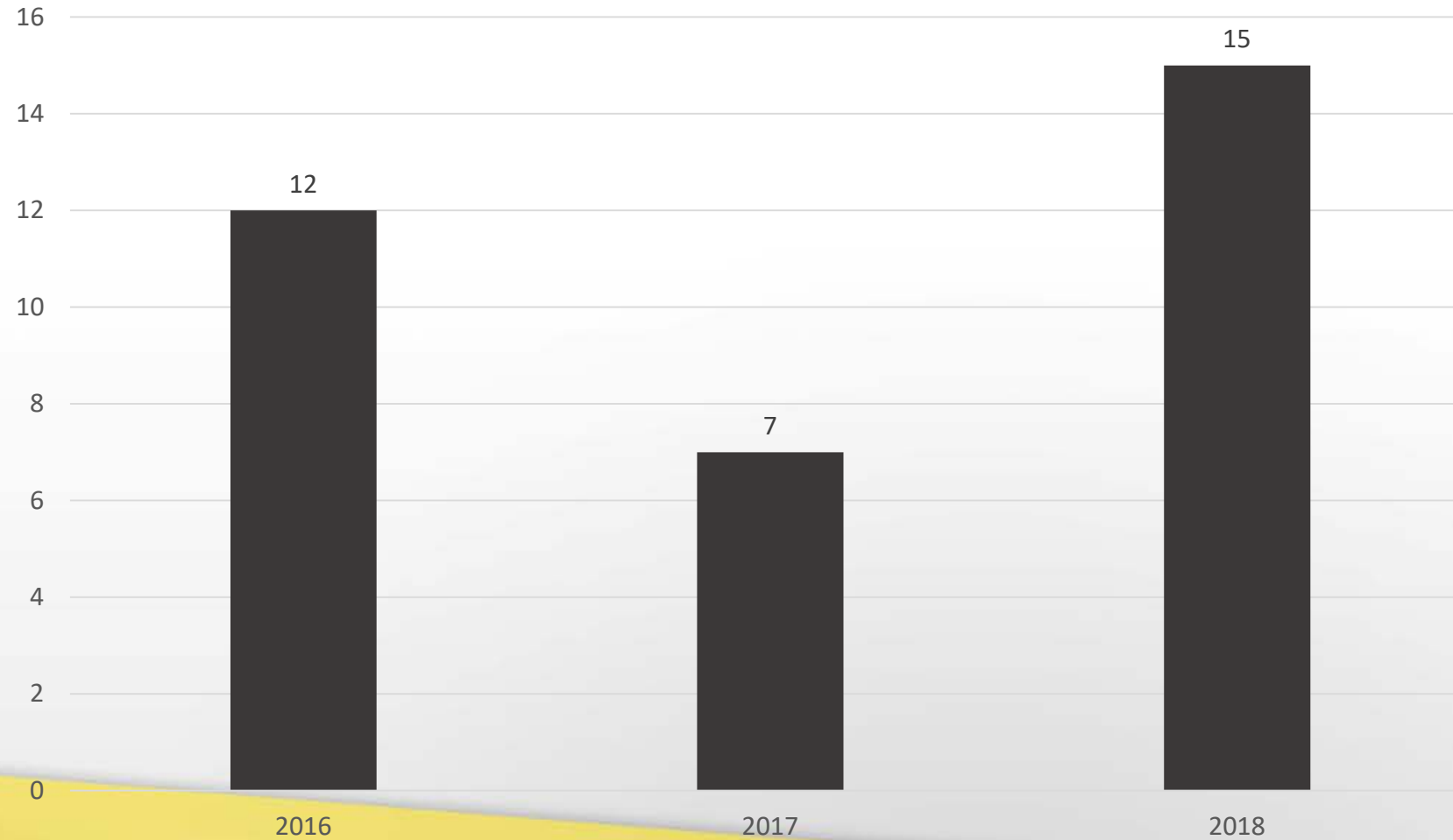
STAFF SEXUAL HARASSMENT JANUARY 1, 2016 – DECEMBER 31, 2018

≡ 2016 ≡ 2017 ■ 2018 X Total



PREA Claims Data – Substantiated

Total Substantiated Incidents of Sexual Violence
January 1, 2016 – December 31, 2018



PREA Definitions

PREA

Sexual abuse and sexual harassment are defined in 28 C.F.R. § 115.6. Generally, those definitions are:

- Sexual Abuse – Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; *and*
 - Intentional touching, either directly or through the clothing, of the genitalia
 - Exclude incidents in which the contact was incidental to a physical altercation or a staff member's job (e.g. medical evaluation and pat-down searches)
- Sexual Harassment – Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another



PREA Audits

- Per the Prison Rape Elimination Act passed by Congress and signed into law in September 2003 by President George W. Bush, every agency shall ensure that each facility operated by an agency or private organization should be audited once every three years by a Department of Justice (DOJ) certified auditor
- The Auditor reviews relevant agency-wide policies, practices, and procedures, external audits and accreditation, and a sample of relevant documents and records for a one-year period for each institution; the audit includes interviews with the Director, Warden, PREA Coordinator, PREA Compliance Managers, and a random sampling of interviews with specialized staff
- The Auditor will use a DOJ developed and issued Audit Instrument and provide an Interim Report to the Agency and a Final Report to the DOJ, which must be displayed on the Agency's website
- SCDC has had ten facilities audited since June 2018, and is currently in the corrective action phase for eight facilities to address standards that were found to be non-compliant; the agency has received two Final Audit Reports
- Every audit is reviewed for compliance with 45 Federal PREA standards currently listed in the PREA Prison and Jail Standards Manual



Timeline of PREA Audits 2018*



*PREA audit cycles start on August 20 and end on August 19.



Timeline of PREA Audits

2019*



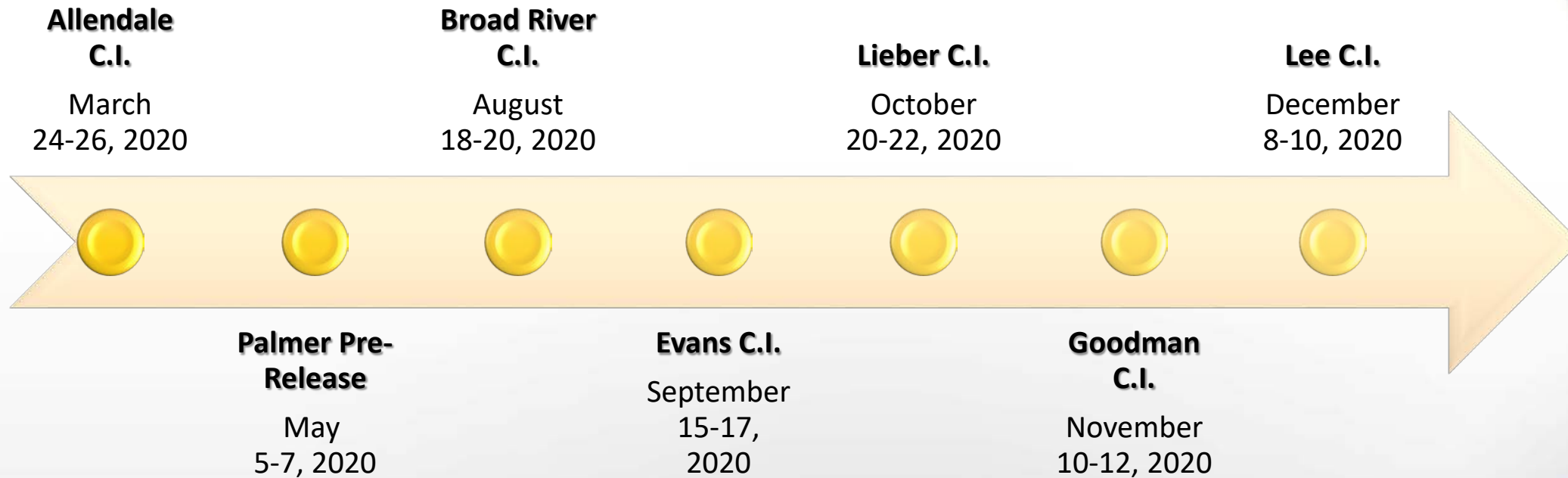
*PREA audit cycles start on August 20 and end on August 19.



Timeline of PREA Audits

Required
PREA Standard
§115.401
28 C.F.R. Part 115

2020*



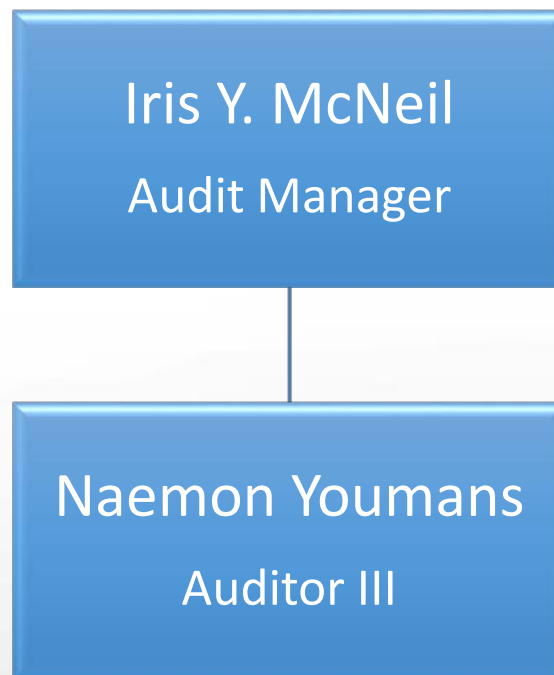
*PREA audit cycles start on August 20 and end on August 19.



Internal Audits



Internal Audits Organizational Chart



Deliverables of Internal Audits

There are no deliverables or performance measures from the Internal Audit office specified in law.



Overview of Internal Audits

- It is the policy of the Department of Corrections to maintain an Internal Audit Section as an independent appraisal function to perform unbiased and objective reviews of agency activities
- In keeping with the vision and goals of the South Carolina Department of Corrections, the primary mission of the Internal Audit Section is to assist all levels of management in achieving the most effective, efficient and economical administration of the Department
- Audits follow a three year cycle, which also includes eighteen month follow-up reviews and are generally institutional reviews of trust accounts, procurement, purchasing cards, petty cash, meal tickets, postage, safes, work center accounting, and inmate pay
- Agency-wide purchasing card reviews also follow a three year cycle
- In the last six fiscal years, auditors have performed 214 internal audits
 - The shortest lasted three days and the longest was completed in four months
 - The average number of months needed to conduct an audit is around one and a half
- The Agency notes those 214 internal audits were of agency-wide purchasing card reviews and institutional audits to include trust accounts, procurement, purchasing cards, petty cash, meal tickets, postage, safes, work center accounting, and inmate pay

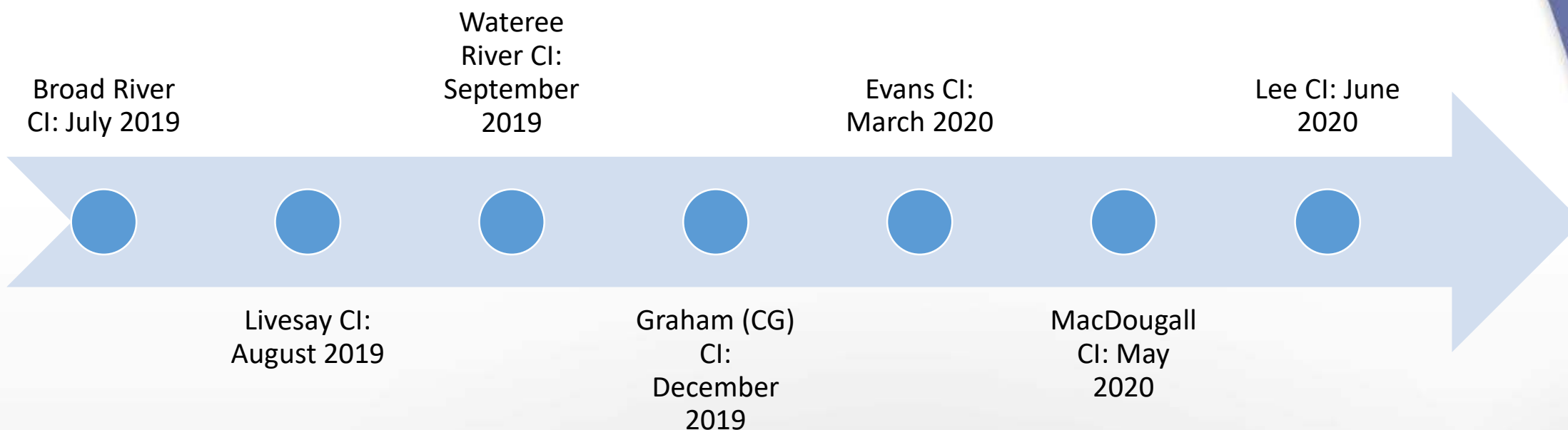


Internal Audit Data

| Fiscal Year | Institutional Audits Petty Cash, Meal Tickets, Postage, Procurement, P-Cards, Fixed Assets, Trust Accounts, Inmate Pay, Work- Center Accounting and Safe reviews | Follow-up Reviews Prior Audit Findings | Agency-Wide Purchasing Card Reviews P-Card Controls |
|-------------|--|---|---|
| | | | |
| 2015 | 10 | 8 | 21 |
| 2016 | 3 | 12 | 15 |
| 2017 | 7 | 6 | 27 |
| 2018 | 12 | 4 | 18 |



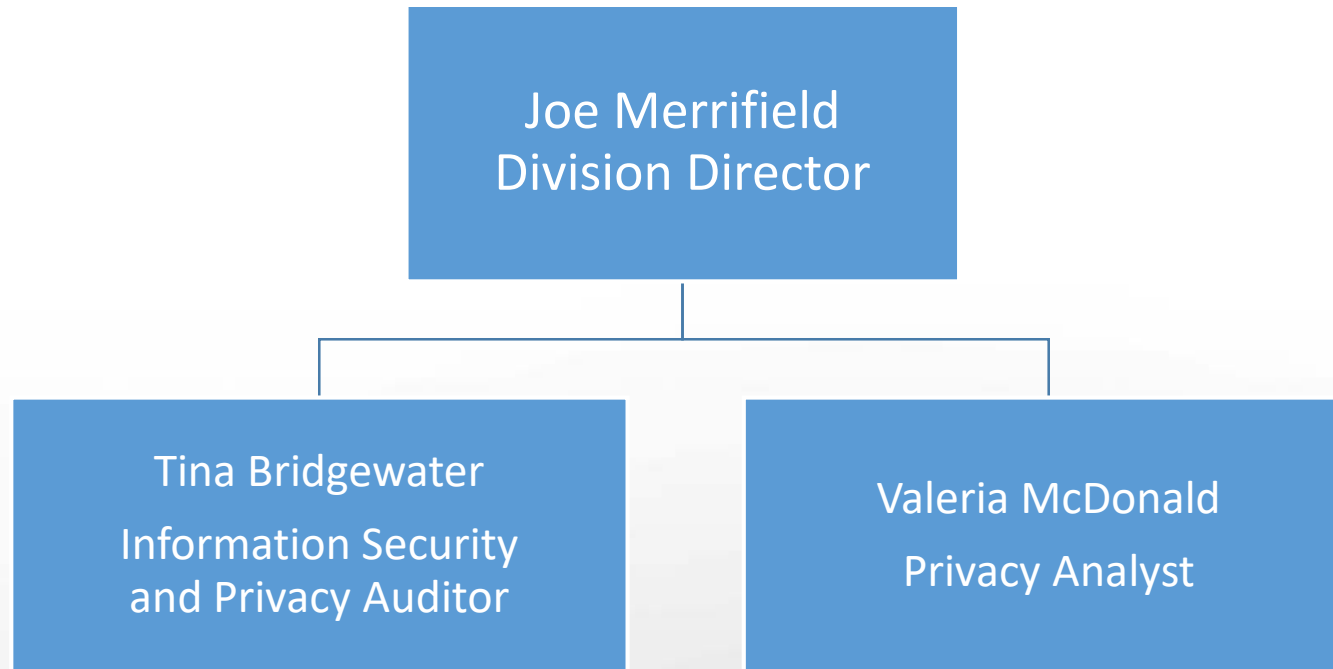
Timeline of FY2020 Institutional Audits



Information Security and Privacy



Information Security and Privacy Organizational Chart



Deliverables of Information Security and Privacy

There are no deliverables or performance measures from Information Security and Privacy specified in law.



Overview of Information Security and Privacy

- Ensures the security of SCDC's information in all formats and for managing the risk to our information assets
- Oversees SCDC's compliance with applicable federal, state, and industry laws, regulations, as well as other requirements for information security and privacy



Common Misperceptions

- Information Security and Privacy:
 - Does not deal with contraband electronic devices – but works with Police Services as needed
 - Is separate from the IT division (RIM) - but works closely with them
 - Deals with more than IT controls
 - Is not the Internet police



Goals and Duties

Information Security and Privacy regulates how SCDC shall provide an appropriate level of governance controls over information security and privacy related activities

- Assists all SCDC Divisions with security and privacy concerns encountered in the normal course of business
- Facilitates general staff training, as well as specific training for technology employees, in InfoSec and Privacy related activities
- Establishes policies and standards with regard to Information Security Plan, Information Security and Privacy, and incorporates these policies and standards into SCDC operations
- Assists the management of all divisions in their role as data owners



Program Accomplishments

- Implementation of Security and Privacy Policies prior to the South Carolina Division of Information Security generated deadline
- Implementation of Network Access Control and new security software
- Number of security alerts reduced each year since 2015 (from 133 to 29 annually)
- Increased Awareness and Training:
 - Annual employee awareness training
 - Over fifty (50) advanced industry level certification classes taken by IT and InfoSec staff from top security organizations
 - Privacy training and certifications provided to staff in InfoSec, QIRM, and Legal
- Addition of Auditor and Privacy positions
- Increased threat intelligence feeds to provide better awareness of potential threats and events



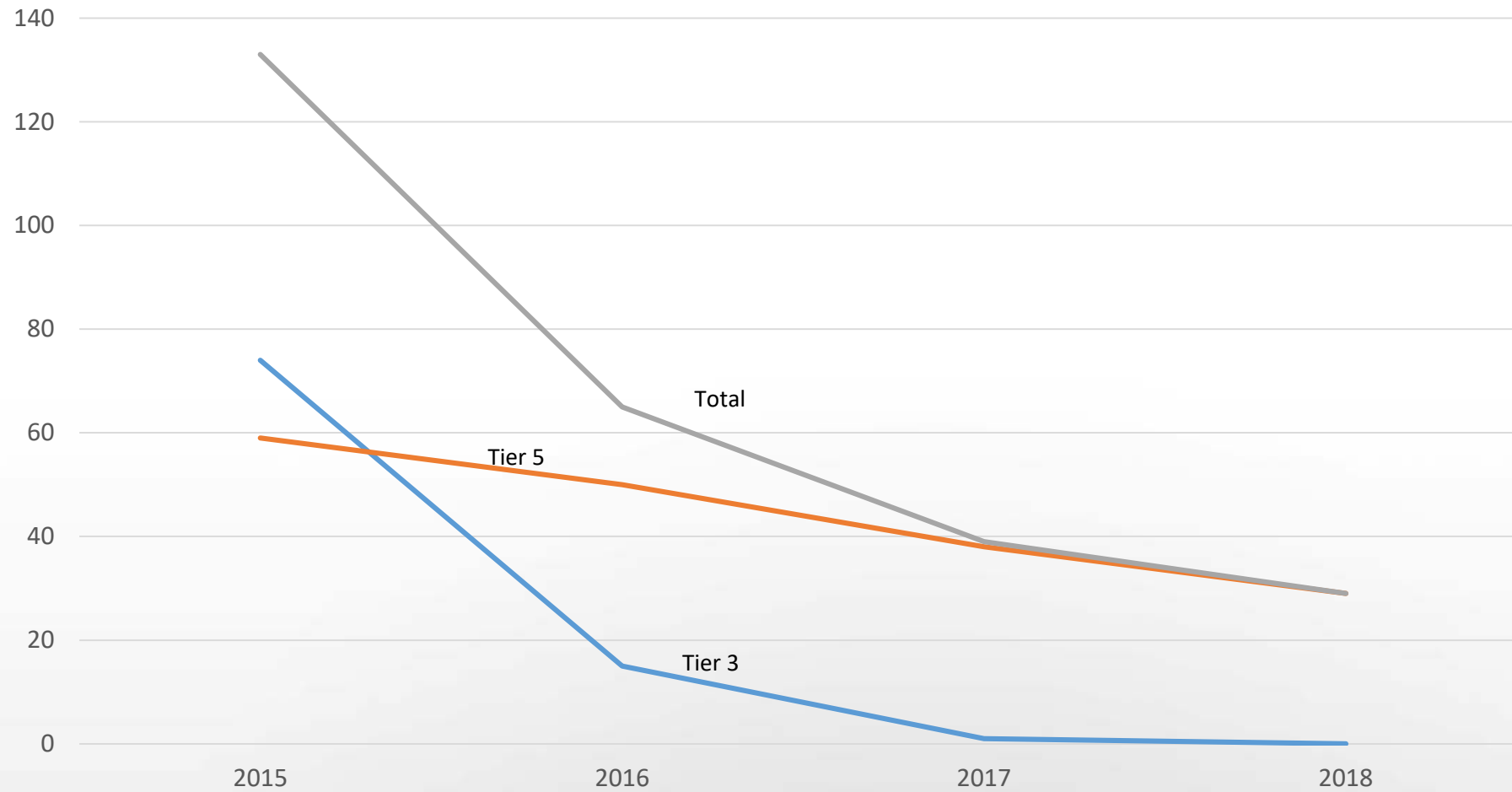
Program Accomplishments (continued)

- Severity of received alerts reduced (74 Tier 3 alerts in 2015 to 0 Tier 3 alerts in 2018)
 - A Tier-5 response recommendation indicates that malicious code or software has been detected on an agency machine, but it is not fully compromised and there is no risk of sensitive information loss
 - A Tier-4 response recommendation indicates that the affected machine is fully compromised (meaning that a malicious user has obtained unauthorized administrative control over the machine, but there is no immediate risk of sensitive information loss)
 - A Tier-3 response recommendation is both an incident notification and a request for agency assistance
 - The Tier-3 designation indicates that a machine is fully compromised and there is a possibility that sensitive information could have been accessed or lost
 - Further investigation by the agency is required to determine if the affected user had access to sensitive information.
 - An incident will never stay classified as a Tier 3; it will either be escalated to a Tier-2 if the agency reports sensitive information was definitely or potentially involved, or downgraded to a Tier-4 if the agency reports no sensitive information was involved
 - A Tier-2 response recommendation indicates that the affected machine is fully compromised and network traffic suggests that information has been lost; a Tier-2 designation is made when the information lost is potentially or definitively sensitive in nature
 - A Tier-1 response recommendation indicates a very serious incident of a criminal nature, usually brought to the attention of Security Operations Center (SOC) through law enforcement agencies (SLED, FBI, Secret Service, etc.)
 - Due to the extremely sensitive and often confidential nature of Tier 1 incidents, agencies will never receive a Tier 1 incident notification from the SOC through e-mail; an incident of this magnitude is out of the purview of the SOC and agency IT and will be handled by the appropriate authorities, which may include federal, state, or local law enforcement.



Incident Trends

January 1, 2015 – December 31, 2018



Moving Forward

Goals:

- Refine and mature auditing and monitoring program
 - Refine asset management procedures to include compliance validation, tracking, and remote wipe capabilities for our laptops and tablets
 - Increase Security Operations Center (SOC) monitoring level
 - Improve Incident Response capabilities, including hiring an external Incident Response team to assist with capabilities
- Improve training opportunities for staff

Challenges:

- Obtaining funding for third-party services
- Obtaining funding and approval for asset management software (inter-agency and state level approval)
- Convincing other state and federal agencies of the need to only collect the minimal personal information on inmates and to dispose of it as soon as not needed



Quality Improvement and Risk Management (QIRM)



Disclaimer

- SCDC is currently in on-going mediation arising from the settlement agreement in *T. R., P.R, K.W., and A.M v SCDC*
- The settlement agreement makes any compliance evaluation reports provided to the Implementation Panel (IP) in advance of facility inspections confidential*
- The functions of this office relate to compliance evaluation reports provided to the Implementation Panel
- There are no deliverables or performance measures for Quality Improvement and Risk Management specified in law.



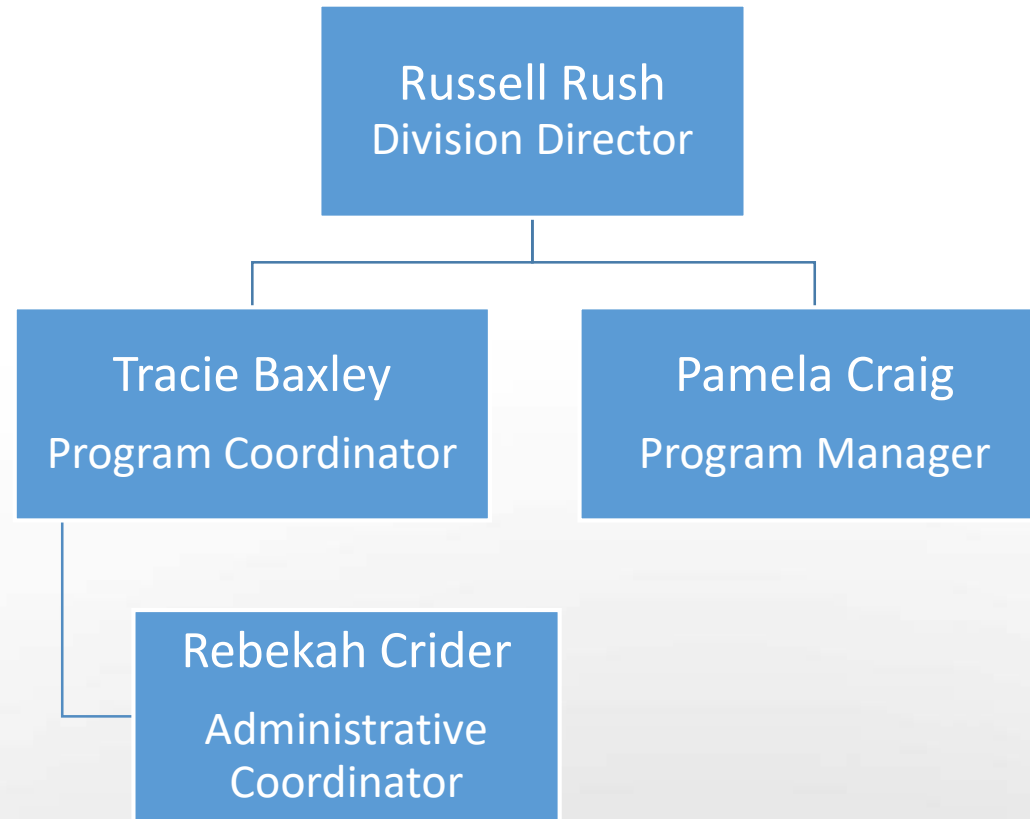
*The IP Reports issued by the IP that were provided to this Committee are not confidential.

Occupational Safety and Workers' Compensation



Occupational Safety and Workers' Compensation Organizational Chart

Occupational
Safety and
Workers'
Compensation



Overview of Occupational Safety and Workers' Compensation

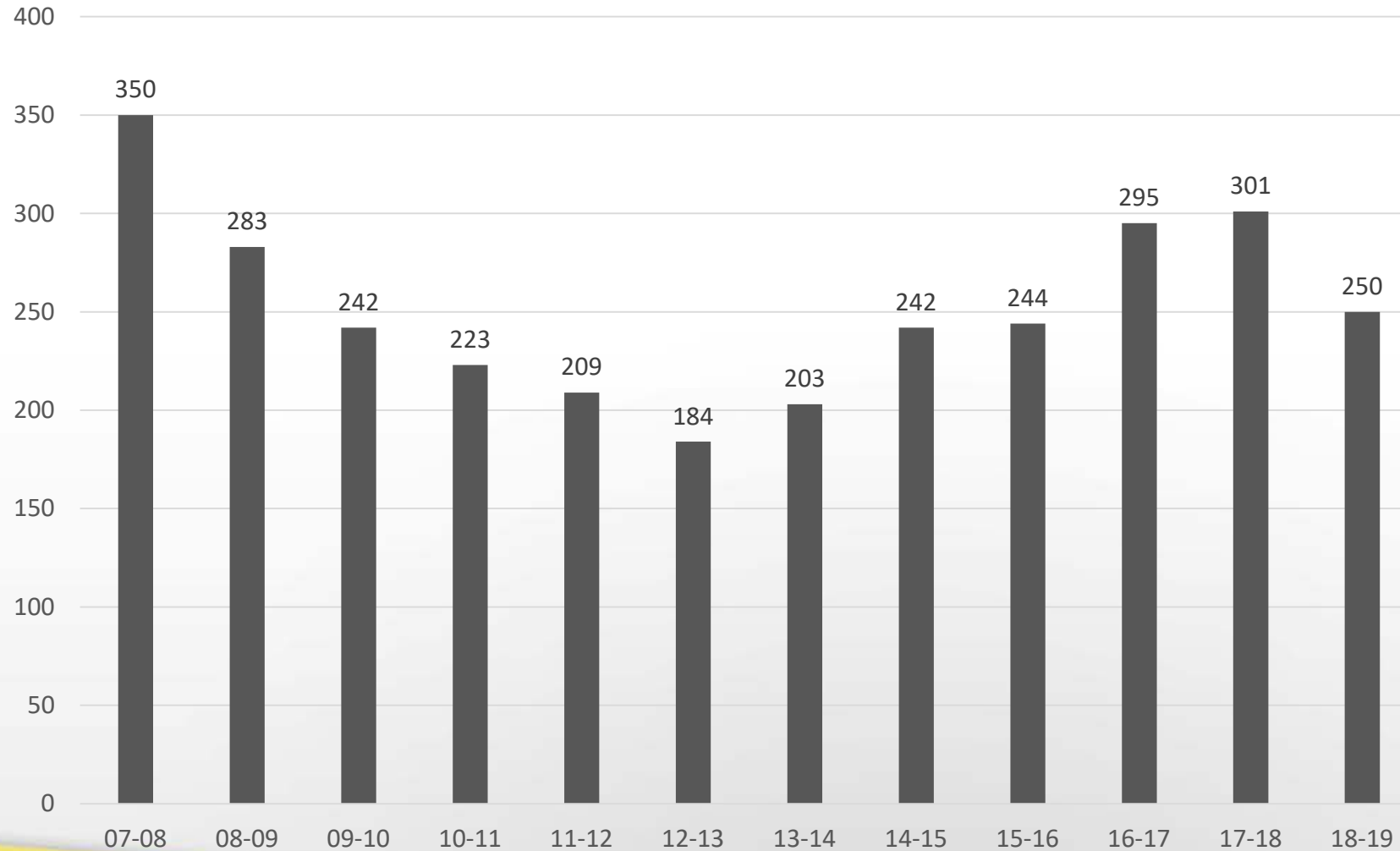
- Oversees the Safety and Workers' Compensation Programs for the Agency
- Assures compliance with all regulatory standards to include Occupational Safety and Health Administration (OSHA), Department of Health and Environmental Control (DHEC), and Fire Marshal
- Dually supervises the Environmental Health and Safety Officers (EHSO) in each institution and division within SCDC
 - The EHSO is responsible for implementing and monitoring all aspects of the Safety Program and Workers' Compensation Policy at the local level
- Develops, maintains, and updates policies and procedures related to Agency Safety and Workers' Compensation
- Performs monthly inspections of SCDC facilities to assure policy and regulatory compliance is achieved at each location
- Processes and manages all workers' compensation claims filed by Agency employees
- Works with employees, insurance carrier, and contractors to assure employees are cared for effectively and efficiently
- Oversees Emergency Management efforts and coordinates with state and federal agencies in cases of emergency



Workers' Compensation Claims Filed by FY

July 1, 2007 – June 30, 2019

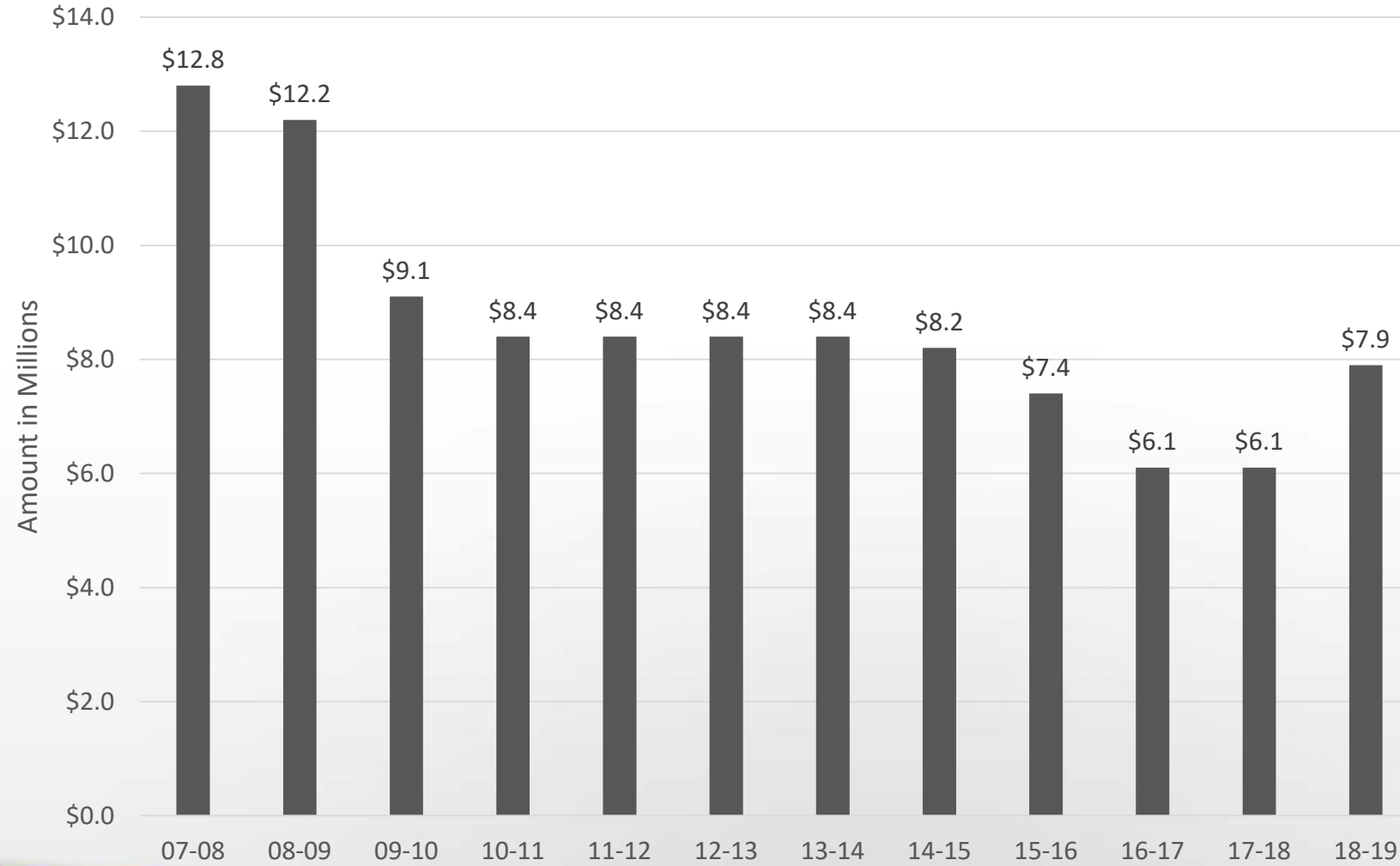
Occupational
Safety and
Workers'
Compensation



SCDC Workers' Compensation Premium History by Fiscal Year

July 1, 2007 – June 30, 2019

Occupational
Safety and
Workers'
Compensation



ADMINISTRATION PRESENTATION



SOUTH CAROLINA

DEPARTMENT OF CORRECTIONS

Office of the Deputy Director for Administration



Thomas M. Osmer, Jr.
Deputy Director

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| | Deliverables 3.0-3.994, 42.1-42.2, 76.0-76.3, 85.9, 85.92, 91.1-91.4 | |



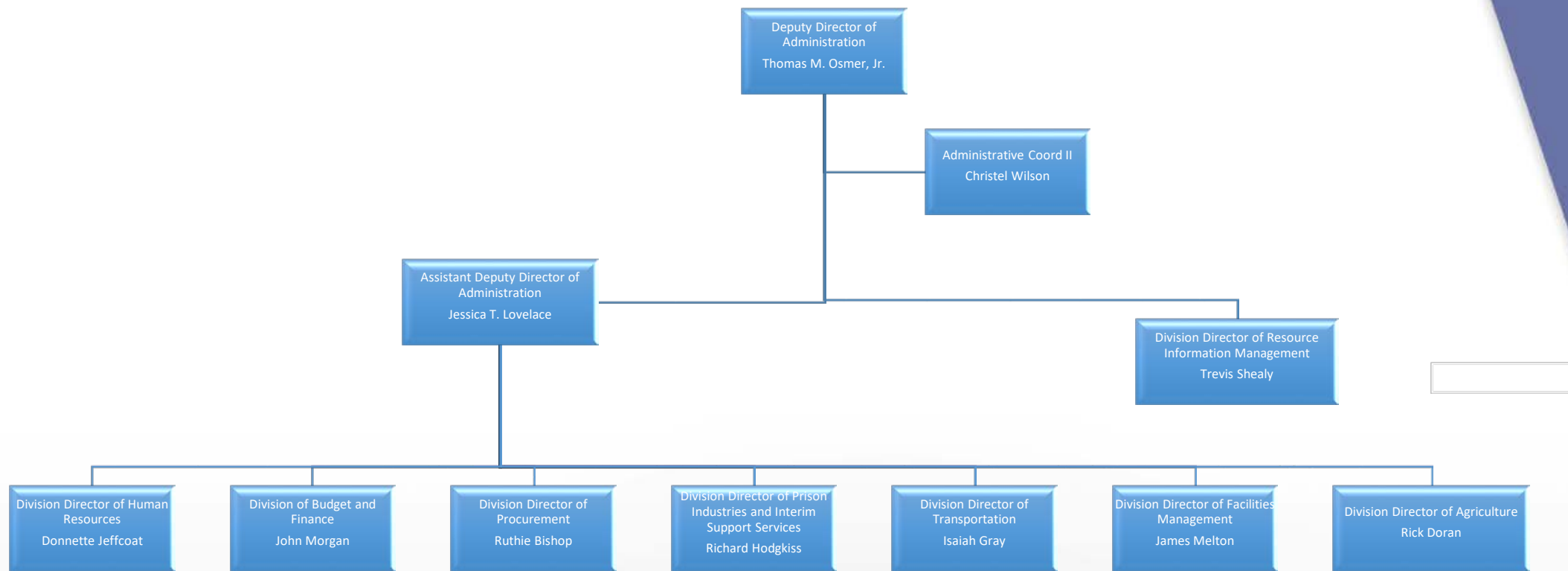
Deputy Director of Administration

- Promoting fiscal responsibility, the South Carolina Department of Corrections (SCDC) will maintain and manage fiscal resources in accordance with applicable State and Federal laws, Agency policies, and sound accounting practices to provide a solid financial platform leading to a successful completion of the Agency's mission.
- Please note that some of the information in this presentation is different than provided in the Agency's original Program Evaluation Report (PER) submission.
- The South Carolina Department of Corrections (SCDC) plans to provide the Committee an updated PER submission in the near future.



Divisions





Deliverables 1.0-1.4, 2.3

S.C. Budget Bill H.4950,
Proviso 117.29
S .C. Code Sections 24-
1-40, 24-1-130, 24-1-
120, 24-1-90, 24-1-160

- 1.0 – Manage the agency
- 1.1 – Director execute bond for \$50,000
- 1.2 – Establish rules and regulations for the performance of the agency's functions
- 1.3 – Identify key program area descriptions and expenditures and link those to key financial and performance results measures in the Accountability Report
- 1.4 – Director can request reports from departments as needed
- 2.3 – Director require other employees to execute bond



Deliverables 1.0-1.4, 2.3

S.C. Budget Bill H.4950,
Proviso 117.29
S .C. Code Sections 24-
1-40, 24-1-130, 24-1-
120, 24-1-90, 24-1-160

Customers

- | | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| ✓ | Does the agency evaluate customer satisfaction? |

Costs

- | | |
|---|---|
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |

Greatest potential harm

- Agency would be unable to carry out the mission. (1.0)
- Bond protects the Agency's liquid assets during a breakdown of internal controls and policy deviation. (1.1)
- The agency would not function in a streamlined, cohesive manner. (1.2)
- Agency budget and expenditures must be kept in balance with the Appropriations Act as set by the Legislature. (1.3)
- Improper management decisions that can create an atmosphere of chaos of Agency operations and injury to the inmate population. (1.4)

Recommendations to General Assembly

- Provide a safe and secure environment for the officers to work. (1.0, 1.2)
- Provide clear communication to the public that the Legislature supports a safe and secure work environment. (1.0, 1.2)
- Greater acknowledgement of the service that the officers perform to keep the prisons safe. (1.0, 1.2)
- Have the foresight and understanding of why funds are requested and the potential impact of those unanswered requests on the Agency and the State. (1.1, 1.3-1.4, 2.3)
- SCEIS has provided a usable accounting system that has been adopted State-wide and has a platform for comparative reporting consistent among the agencies. (1.1, 1.3, 2.3)
- The Legislature continues to design better reports such as the new Accountability Report for the Agencies to complete. (1.4)
The new budget process has been designed better over the past couple of years. (1.4)



Division of Resource and Information Management



Division of Resource and Information Management

- The mission of the Division of Resource and Information Management (RIM) is to leverage technology to support the mission of the Agency, with the following strategic objectives:
 - Provide quality service to increase staff effectiveness and productivity
 - Optimize use of information in decision-making and long-term planning
 - Minimize operational costs and complexity
 - Attract and retain a highly skilled and effective staff
- The Division of RIM is organized into five branches, each of which performs distinct functions while working together to achieve seamless delivery of services for our agency users.



RIM Branches

- The Administration and User Support Services branch is responsible for coordinating:
 - Information technology resources, support, and procurement
 - The help desk which is staffed during weekday business hours and rotates on call to provide 24x7x365 access to support:
 - Inventory of IT assets, support for cell phones and other mobile devices, and the coordination of requests for information technology. The branch is also responsible for traditional computer operations functions, such as output processing, batch job monitoring, etc.
- The Management Information Services Branch is responsible for:
 - Responding to requests for information from both internal and external sources
 - Maintaining historical datasets for long term statistical analysis, evaluation of new legislation, and development of fiscal impact statements for the legislature
 - Administration of the Agency's research policy
- The Health Technology and Informatics Branch is responsible for the implementation and support of medical, dental, and mental health care information technology systems throughout the Agency.
 - This includes electronic health records, picture archiving and communication systems for medical/dental imaging, laboratory information systems for managing test specimens and results, correctional institution pharmacy system for prescription medications, the medication administration record system, support for telemedicine encounters with both internal and external providers, and the interfaces and health care information exchanges that support these functions.



RIM Branches (continued)

- The Network and Infrastructure Services Branch is responsible for the provisioning and support of telephone and data network service throughout the Agency.
 - This includes wiring and network equipment, installation and support of personal computers and associated operating systems, and office productivity software, printers, copiers, etc.
 - The branch is also responsible for support of the agency's server and storage area network infrastructure, providing file, print, email, and other specialized application services, including backup and disaster recovery.
- The Applications Development and Support Services Branch is responsible for the development and support of all computer applications systems for the Agency.
 - These include the core components of our offender management system and other mission critical applications.
 - Many of these applications are mainframe-based, but new development is done in the web environment using open source development tools and application servers.
 - This branch is also responsible for the systems administration of database, web, and application servers; maintaining production and test/development environments on both the mainframe and internet/intranet platforms.



Deliverables 90.0-90.2

Required
S.C. Budget Bill H.4950,
Proviso 65.30
S .C. Code Sections
24-21-710(E-H)

- **90.0 – Utilize video conferencing**
- **90.1 – Utilize video conferencing for all bond hearings for inmates at facilities with video conferencing capabilities that are compatible with county video conferencing equipment, network, firewalls, etc. and charges with criminal offenses that require a bond hearing.**
- **90.2 – Install, maintain, and operate a two-way closed circuit television system in prisons that confines persons eligible for parole for purposes of conducting parole hearings.**



Deliverables 90.0-90.2

Required
S.C. Budget Bill H.4950,
Proviso 65.30
S .C. Code Sections
24-21-710(E-H)

Customers

| | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| ✓ | Does the agency evaluate customer satisfaction? |

Costs

| | |
|---|---|
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

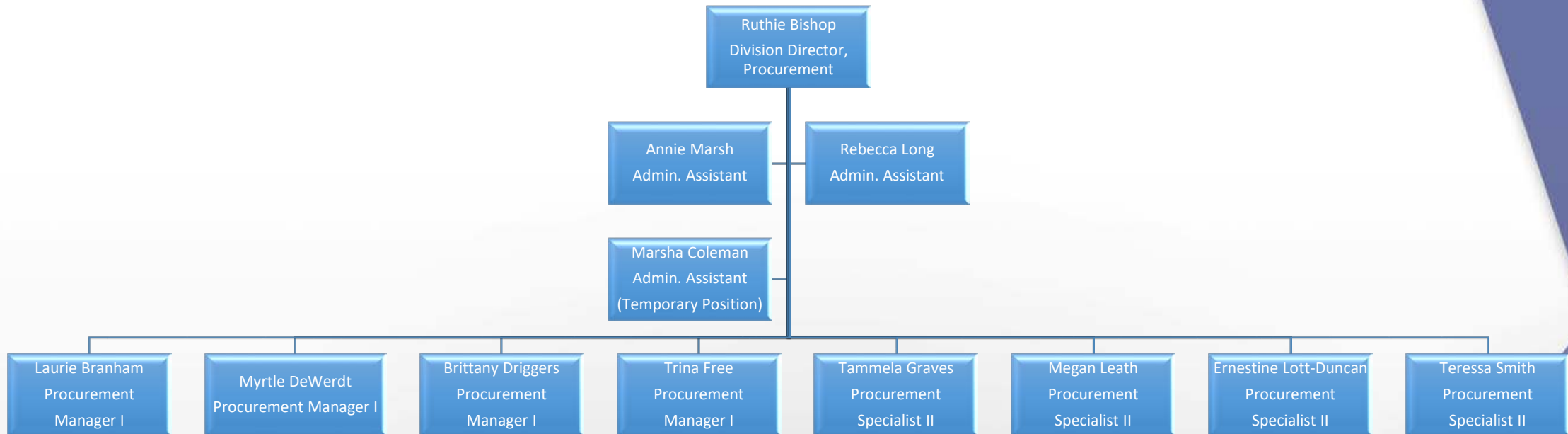
- Costly operation when inmate is transported to hearings; utilizes agency vehicles and manpower. (90-90.1)
- Cost reduction for the agency and allows more officer coverage within the institutions. (90.1)
- Costly operation when inmate is transported to hearings; utilizes agency vehicles and manpower. (90.2)
- Cost reduction for the agency and allows more officer coverage within the institutions. (90.2)

Recommendations

- None noted



Division of Procurement



Division of Procurement

Overview:

- The Division of Procurement is responsible for sound business practices. The business practices must comply with the requirement set forth in the SC Procurement Code and Regulations. Purchases shall be made with the intent of avoiding waste and duplicity, promoting competitive bidding to the maximum extent practicable, and obtaining the best value for the items being purchased.



Deliverable 3.995 – Provide links to websites of any agencies that provide SCDC monthly procurement card statements

| <u>Customers</u> | |
|------------------|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| ✓ | Does the agency evaluate customer satisfaction? |
| <u>Costs</u> | |
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |

Greatest potential harm

- No potential harm.

Recommendations to General Assembly

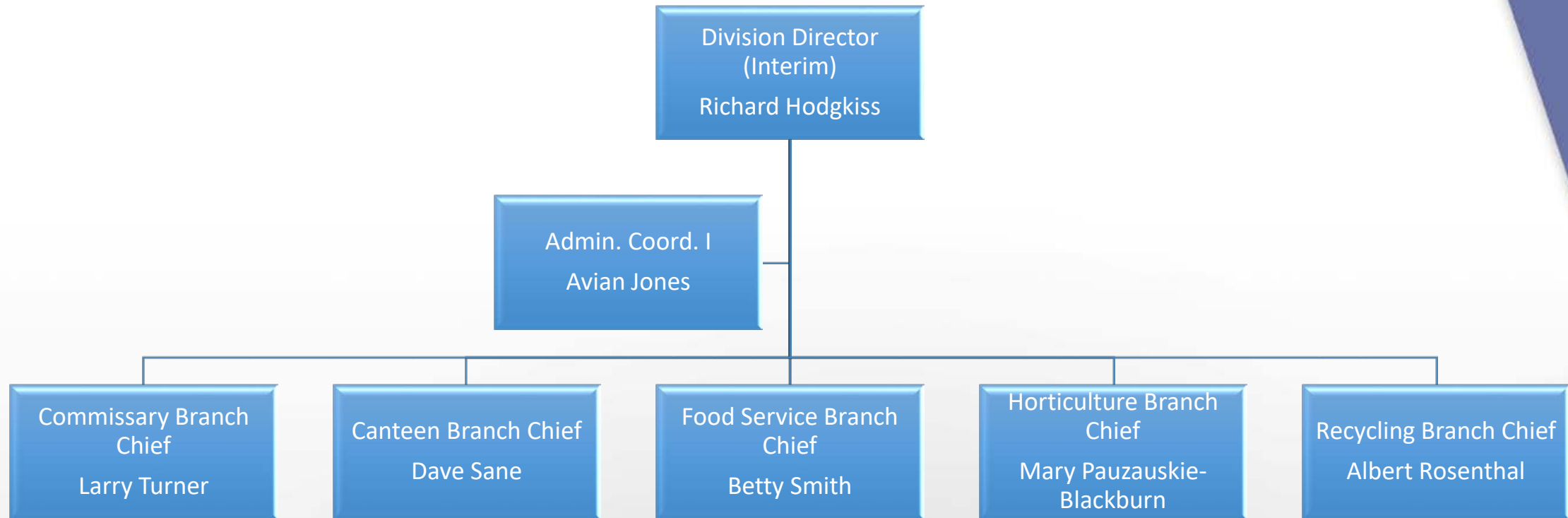
- Amend Procurement Exemption 1986.04.22 that states: “The Board exempted “Advertising time or space in newspapers, on radio or television (Note: Consultants obtained to handle advertising campaigns for agencies such as PRT and State Development Board are not exempted.)” from the purchasing procedures of the Procurement Code.” SCDC recommended to update Procurement exemption 1986.04.22 to include the following advertising medium: internet, radio, television, newspapers, magazines and streaming online.

<http://www.doc.sc.gov/> – Procurement Card pursuant to Proviso 117.83

<https://cg.sc.gov/fiscal-transparency/monthly-charge-card-usage>



Division of Support Services



Division of Support Services

- The Division of Support Services is responsible for the Canteen, Commissary, Food Service, Horticulture Services, and Solid Waste Management/Recycling Branches.

Division of Support Services

- Canteen Branch

- The Canteen Branch maintains a procurement, storage, and distribution system involving over 800 items not provided by the State for inmates. This distribution system consists of the Canteen warehouse and twenty-one (21) institutional Canteen operations
- There are a total of 42 Canteen employees and over 150 inmates statewide involved in the management and supervision of the Canteen warehouse and institutional canteens

- Commissary Branch

- The Commissary Branch is responsible for the management and supervision of an Agency wide logistical supply operation. This consists of procurement, receipt, storage and distribution of inmate clothing, personal hygiene items, bedding, seasonal and job specific wear for an inmate. There are 27 institutional commissaries, including the two at the Reception & Evaluation Centers.

- Food Services Branch

- Food Service Branch manages the Agency-wide food service program consisting of 24 cafeterias serving approximately 56,000 meals daily
- Branch staff monitors institutional food service operations for sanitation and policy compliance via announced and unannounced inspections
- Agency nutritionists create all menus and monitor institutional compliance with nutritional requirements by reviewing their menu changes



Division of Support Services (continued)

- Horticulture Services Branch

- The Horticulture Services Branch consists of programs at 17 institutions and the Broad River Complex. The Horticulture Branch depends on inmate workers assigned to the program to cover all areas of responsibility.
- The branch provides meaningful, productive job opportunities for the inmate population by teaching the vocation of Horticulture such as landscaping projects; nursery production and operation of 21 greenhouses; bi-annual plant sales; partner support/contracts; and equipment self-service and small engine repair
- Horticulture Services provides meaningful, productive job opportunities including: teaching the inmate population the vocation of Horticulture, On the Job Training Certificates and programs through partnerships with:

| <u>Partnerships</u> | <u>Certificates</u> | <u>Programs</u> |
|----------------------|-------------------------|--------------------------|
| Palmetto Pride | Grounds Maintenance | Vegetable Initiative |
| Town of Cheraw | Greenhouse/Nursey Mgmt. | Horticulture Plant Sales |
| River Front Park | Small Engine Repair | Bee Program |
| Tickleberry Cemetery | | Composting Program |

- Solid Waste Management/ Recycling Branch

- SCDC initiated a recycling program in September 1993. The current program provides service to other state agencies. Items recycled include office paper, cardboard, magazines, aluminum, scrap steel, copper, brass, pallets, plastic, batteries and number ten steel cans (from dining facilities). Contributions include:
 - Reduced SCDC's waste stream by more than 40%, resulting in a significant reduction in disposal costs.
 - The program provides a classified/confidential document secured shredding service to the state.
 - In 2005, a shredder was installed allowing the shredding of 15,000 pounds per day.
 - The program also picks up scrap steel from the 21 institutions and redistributes surplus.



Deliverables 3.996-3.997

- **3.996 – Conduct and report a complete inventory of prison property and fiscal affairs – includes complete inventory with market value beside each item and statement of fiscal affairs of prison system for preceding fiscal year**
- **3.997 – Print inventory/ fiscal affairs report for the public**

Greatest potential harm

- Misappropriation of Agency property. (3.996)
- Defeats the purpose of transparency. (3.997)

Recommendations to General Assembly

- None noted.

| <u>Customers</u> | |
|------------------|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| ✓ | Does the agency evaluate customer satisfaction? |
| <u>Costs</u> | |
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |



Deliverables 19.0-19.2

- **19.0 – Land for buildings, sewer or water lines necessary for the prison system, purchase or condemn**
- **19.1 – Use funds generated from the sale of real property to offset renovation and maintenance capital expenditures**
- **19.2 – Utilize appropriated funds to construct multi-purpose buildings at SCDC institutions, once all prerequisites are met: (1) at Lieber, McCormick, Perry, or Allendale Correctional Institution, at least \$150,000 in matching funds and/or construction materials or services must be donated before construction of the facility may begin (2) at other Department of Corrections locations, the Director may require that donated funds and/or materials or services equal to one-half of the cost of construction, including design and engineering cost (joint resolution to appropriate monies from the capital reserve fund for FY2005-2006)**



Deliverables 19.0-19.2

S.C. Budget Bill
H.4950 Proviso
65.11 and 65.20
S.C. Code Section
24-1-230

Customers

| | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| ✓ | Does the agency evaluate customer satisfaction? |

Costs

| | |
|---|---|
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

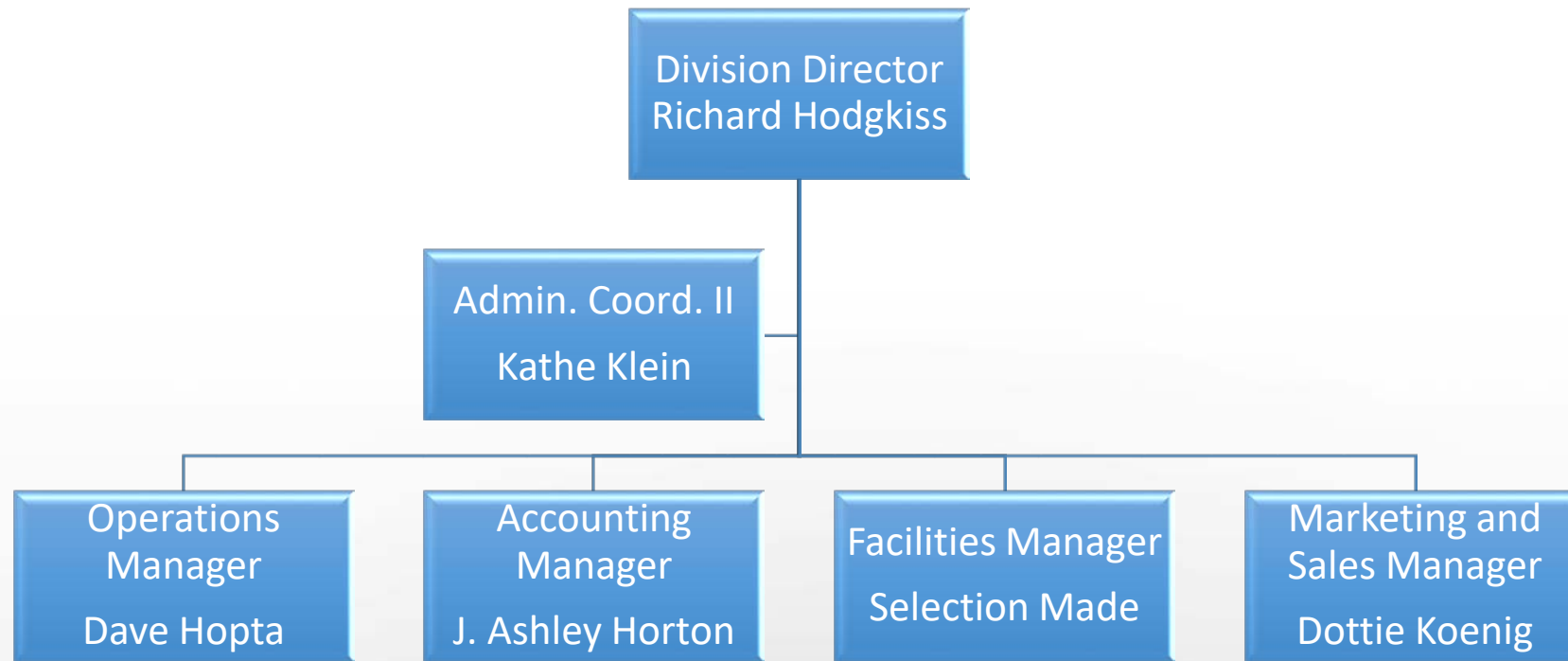
- Lack of property would impact needed space for inmate population. Lack of adequate sewer provisions and maintenance impact safety and security within our facilities and could cause environmental issues in the community. (19)
- Available funds for deferred maintenance projects will be decreased. (19.1)
- Projects such as this increases inmate morale and keeps them busy with activity.(19.2)

Recommendations to General Assembly

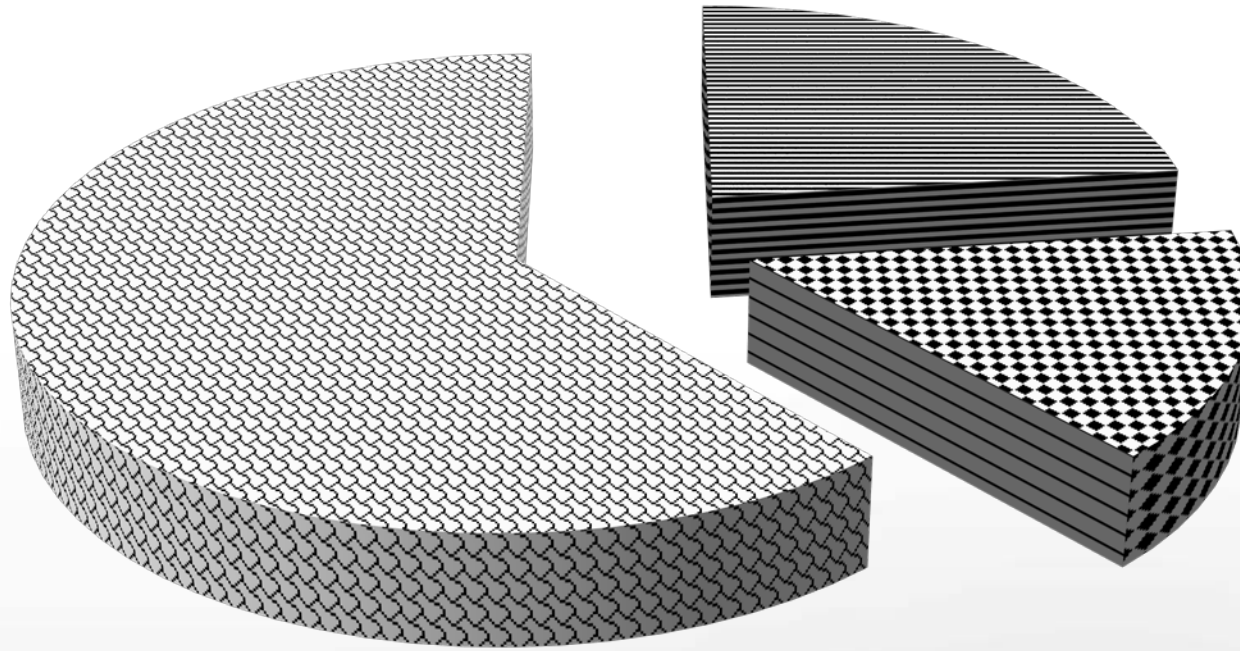
- The ability to quickly gain approvals for projects that impact these deliverables. (19)



Division of Prison Industries



Inmate Workforce - All Programs



≡ Traditional - 202

◆ Service - 141

⌘ Prison Industries
Enhancement (PIE) -
643

Date effective 09/30/2019



Deliverables 34.0-34.7

- **34 – "Non-traditional" prison industries program[24-1-290(D) states the statutes may not be construed to apply to "traditional prison industries"]**
- **34.1 – Develop (with Dept. of Commerce) and obtain approval (from Dept. of Administration) on a marketing plan to attract private sector service businesses for the employment of inmates through the prison industries program**
- **34.2 – Develop (with Dept. of Commerce) and obtain approval (from Dept. of Administration) on procedures for negotiation of new contracts and contract renewals between private sector entities and the agency**
- **34.3 – Provide required notice, and obtain necessary certification prior to entering or renewing contracts with private sector service entities that want to hire inmates through the prison industries program**
- **34.5 – Determine wages for inmate labor for private sector entities**
- **34.6 – Make deductions from inmate earnings for working for private sector entities and distribute accordingly**
- **34.7 – Submit audit report of prison industries program (as the term is defined in 24-1-290, not as the term is defined in 24-3-320) to the Senate Corrections and Penology Committee and the House Medical, Military, Public and Municipal Affairs Committee, annually**



Deliverables 34.0-34.7

Customers

| | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| ✓ | Does the agency evaluate customer satisfaction? |

Costs

| | |
|---|---|
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| ✓ | Does the law allow the agency to charge for the service or product? (34.0-34.2) |
| X | Does the law allow the agency to charge for the service or product? (34.3, 34.5-34.7) |

Greatest Potential Harm

- Not reaching maximum potential customer base. (34.1 & 34.7)
- Unofficial partner relationships place agency and state at risk. (34.1 & 34.2)
- Potential for monetary losses to Industries and the DOC. (34.2)
- Negatively impacting private businesses. (34.3)
- Possible unfair competitive wage disadvantage to the local economy. (34.3)
- Inappropriate wages applied to inmate. (34.5)
- Audit findings not supporting PIE guidelines (34.5)
- Update to bi-annual report to mirror Bureau of Justice Assistance Audits (34.7)

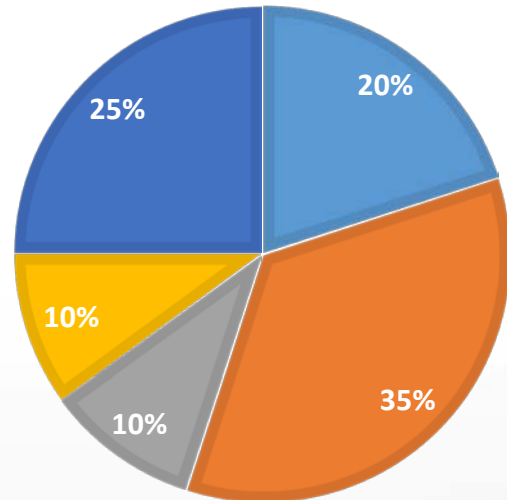
Recommendations to General Assembly

- Continue to support at State level with support from Commerce and Administration.



SC Code of Laws 24-3-40: Disposition of wages of prisoner allowed to work at paid employment

WITHHOLDINGS



- Victim Assistance
- Child Support, Room & Board, Incidentals
- Incidentals
- Inmate LTSA
- Taxes, Restitution or Incidentals

Withholdings

- Supports SCDC Victim Assistance
 - 10% is sent for Prison Industries
 - 15% is sent for Work Release
- Directed to the State Office of Victim Assistance
 - 10% is sent for Prison Industries
 - 5% is sent for Work Release
- 35% child support obligations OR 25% room & board AND 10% incidentals (additional)
- 10% available for incidentals
- 10% held in the inmate interest bearing escrow long term savings account
- 20% used to pay federal and state taxes



Deliverables 44.3-44.9

- 44.3 – Purchase equipment for manufacturing or production of items by inmates
- 44.4 – Ensure inmates produce items ordered by state agencies first, then items ordered by political subdivisions
- 44.5 – Require state agencies to purchase items made by inmates
- 44.6 – Remain under the supervision of MMO
- 44.7 – Allow political subdivisions to purchase items made by inmates
- 44.8 – Consider if a service or good is obtainable through the prison industry program, before obtaining the service or good from outside the prison
- 44.9 – Prohibit sale of items produced by inmates to private sector parties, with certain exceptions

S.C. Budget Bill
H.4950 Proviso
117.25
S.C. Code Sections
24-3-320, -370,
-330, -410



Deliverables 44.3-44.9

S.C. Budget Bill
H.4950 Proviso
117.25
S.C. Code Sections
24-3-320, -370,
-330, -410

Customers

- | | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| ✓ | Does the agency evaluate customer satisfaction? |

Costs

- | | |
|---|---|
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| ✓ | Does the law allow the agency to charge for the service or product? (44.5-44.9) |
| X | Does the law allow the agency to charge for the service or product? (44.3-44.4) |

Greatest Potential Harm

- Minimal rehabilitative programs for inmates creates higher recidivism rates upon inmate releases.

Recommendations to General Assembly

- Continued support for the Prison Industries program.



Deliverables 45.0-45.91

S.C. Budget Bill
H.4950 Proviso
65.9, 117.25
S.C. Code Sections
24-3-340, -360,
-380, -400

- 45.0 – Prepare annually a catalogue of items made by inmates in the prison system
- 45.1 – Develop a catalog of prison-made products for national distribution
- 45.2 – Price items made or produced by inmates at or below prices of other producers or suppliers
- 45.3 – Set prices for items produced by inmates as close to market price as practicable
- 45.4 – Send catalogue of items produced by inmates to state agencies
- 45.5 – Distribute catalog of products and services to a state agency, when requested by the state agency
- 45.6 – Require state agencies report estimates of the kind and amount of items, within the catalogue of items produced by inmates, reasonably required for the upcoming fiscal year
- 45.7 – Deposit revenues from sale of prison made products to the state treasurer to designated accounts provided in code
- 45.8 – Disburse revenues to appropriate accounts
- 45.9 – Utilize prison industry funds to benefit the inmate population or cover operational costs
- 45.91– Carry forward any funds remaining in the prison industry fund at year-end



Deliverables 45.0-45.91

S.C. Budget Bill
H.4950 Proviso
65.9, 117.25
S.C. Code Sections
24-3-340, -360,
-380, -400

Customers

| | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
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| ✓ | Does the agency know the annual # of customers served? |
| ✓ | Does the agency evaluate customer satisfaction? |

Costs

| | |
|---|---|
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| ✓ | Does the law allow the agency to charge for the service or product? (45.1-45.2, 45.5) |
| X | Does the law allow the agency to charge for the service or product? (45, 45.3-45.4, 45.6-45.91) |

Greatest Potential Harm

- Allowable agencies would not know about prison-made products (45.1)
- State agencies could pay higher price for products (45.2)
- Incorrect pricing could lead to loss of program revenue or overcharging allowed customer participants (45.3)
- State agencies would not have updated products and pricing (45.4-45.5)
- Not reaching potential customer base (45.5-45.6)
- State agencies would not know what products and services are available. (45.6)
- Unable to purchase manufacturing supplies, equipment, machinery, and/or buildings. (45.7)
- Loss of revenue to the DOC, victims services, child support, federal, state, and local taxes. (45.8)
- Lack of inmate services. (45.9)
- Could not complete and or provide inmate training, services or projects (45.91)

Recommendations to General Assembly

- Continue to support at State level with support from Commerce and Administration.



Deliverables 46.0-46.5

- **46.0 – Nonprofit projects, establish programs that allow inmates to participate in Legislative Intent in statute 24-3-310**
- **46.1 - Allow voluntary inmate participation in the nonprofit projects**
- **46.2 - Ensure inmate participation in nonprofit projects does not displace employed workers nor impair existing contracts for services**
- **46.3 - Establish contracts for inmate labor for nonprofits**
- **46.4 - Determine appropriate inmate wages for nonprofit projects**
- **46.5 - Collect inmate earnings for nonprofit projects**



Deliverables 46.0-46.5

Customers

| | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| ✓ | Does the agency evaluate customer satisfaction? |

Costs

| | |
|---|---|
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| ✓ | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- Minimal rehabilitative programs for inmates creates higher recidivism rates upon inmate releases.

Recommendations to General Assembly

- Released inmate success is based on providing essential skills that will allow them to gain meaningful employment within the community. Continue to support the prison industries concept.



Deliverables 47.0-49.1

- **47.0 – Metal license plates and road signs, produce and sell license plates to Department of Motor Vehicles and road signs to Department of Transportation**
- **48.0– Dry-cleaning facilities to clean state-owned uniforms for SCDC security personnel, install Legislative Intent in statute 24-3-310**
- **49.0 – Tire retreading program, establish one in which inmates may participate**
- **49.1 – Sell Retreaded Tires from Lieber Correctional Institution only to State Agencies**

S.C. Budget Bill
H.4950 Proviso
65.6
S.C. Code Section
24-3-110; 24-3-
350



Deliverables 47.0-49.1

S.C. Budget Bill
H.4950 Proviso
65.6
S.C. Code Section
24-3-110; 24-3-
350

Customers

- | | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| ✓ | Does the agency evaluate customer satisfaction? |

Costs

- | | |
|---|---|
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| ✓ | Does the law allow the agency to charge for the service or product? (47, 49-49.1) |
| X | Does the law allow the agency to charge for the service or product? (48) |

Greatest Potential Harm

- Minimal rehabilitative programs for inmates creates higher recidivism rates upon inmate releases.
- Insufficient workforce.

Recommendations to General Assembly

- Released inmate success is based on providing essential skills that will allow them to gain meaningful employment within the community.
- Continue to support the prison industries concept.



Deliverables 57.0-57.2

- **57– Prison uniforms statewide, manufacture**
- **57.1 – Clothe Inmates**
- **57.2– Make statewide uniforms available for sale to local detention facilities**



Deliverables 57.0-57.2

Customers

- ✓ Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product?
- ✓ Does the agency know the annual # of potential customers?
- ✓ Does the agency know the annual # of customers served?
- ✓ Does the agency evaluate customer satisfaction?

Costs

- ✓ Does the agency know the cost it incurs, per unit, to provide the service or product?
- ✓ Does the law allow the agency to charge for the service or product? (57.2)
- ✗ Does the law allow the agency to charge for the service or product? (57-57.1)

Greatest Potential Harm

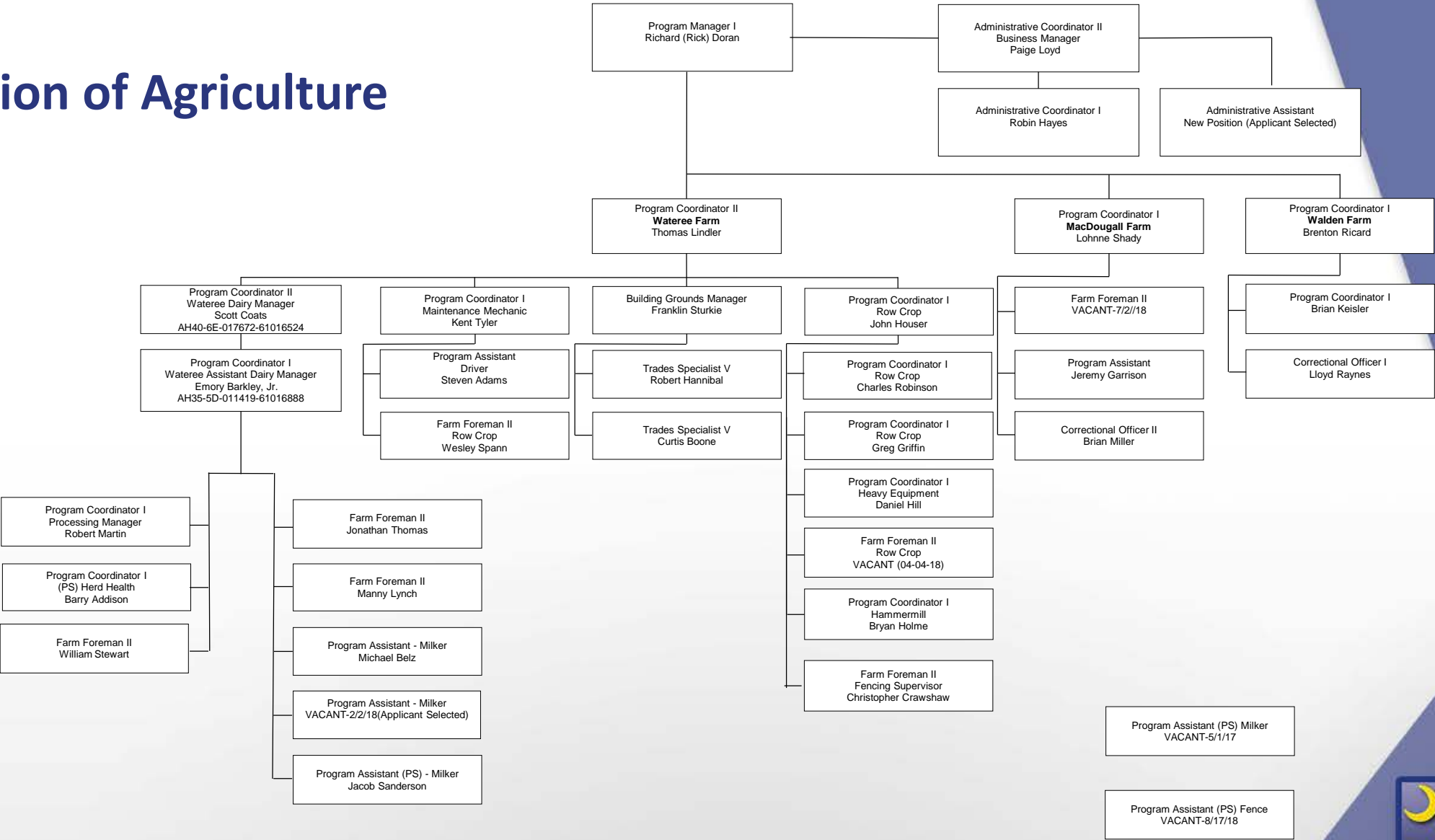
- Minimal rehabilitative programs for inmates creates higher recidivism rates upon inmate releases.

Recommendations to General Assembly

- Released inmate success is based on providing essential skills that will allow them to gain meaningful employment within the community.
- Continue to support the prison industries concept.



Division of Agriculture



Division of Agriculture

- **The Division of Agriculture is revenue driven and consists of three major farms.**
 - Wateree River Farm is the largest of the three composed of approximately 8,250 acres (majority owned)
 - Walden Farm is composed of approximately 1,500 acres
 - MacDougall Farm is composed of approximately 1,500 acres
- **The division is also responsible for the management of approximately 3,700 acres of timberland at 15 Institutions throughout the state.**
- **The ultimate goal of the division is to minimize overall food costs for the Agency and to provide constructive employment for inmates through the development and implementation of an agricultural program which maximizes the financial return of the Agency's agricultural assets.**
- **The farm lands, buildings, and equipment are utilized to maximize production and harvest potential, allowing the branch to become more self-sufficient. Agricultural commodities produced in excess of the Agency's demand are sold on the open market in a manner which maximizes the return on investment.**
- **The division includes dairy, beef cattle, row crops, edible crops, egg laying, hammer mill, grist mill, sawmill, maintenance, mechanic, welding, heavy equipment, timber management, greenhouse, meat goats, and honey bees.**



Deliverables 52.0-54.2

- 52.0 - Agriculture Program, establish one in which inmates may participate
- 52.1 - Sell timber on property owned by agency, after consultation with state forester
- 52.2 - Utilize funds from timber sales for agency agriculture program or general welfare of inmates
- 53.1 - Sell horticulture (garden/farm) products grown and produced through agency's horticulture program
- 53.2 - Utilize funds from sell of horticulture products for general welfare of inmates
- 54.0 - Farm program, establish one in which inmates may participate
- 54.1 - Sell surplus products produced by agency's farm program
- 54.2- Utilize funds from sale of surplus products from agency's farm program for agency farm program or general welfare of inmates



Deliverables 52.0-54.2

Customers

- | | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| ✓ | Does the agency evaluate customer satisfaction? |

Costs

- | | |
|---|--|
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| ✓ | Does the law allow the agency to charge for the service or product? (52.1, 53-53.2, 54.1-54.2) |
| X | Does the law allow the agency to charge for the service or product? (52, 52.2, 54) |

Greatest Potential Harm

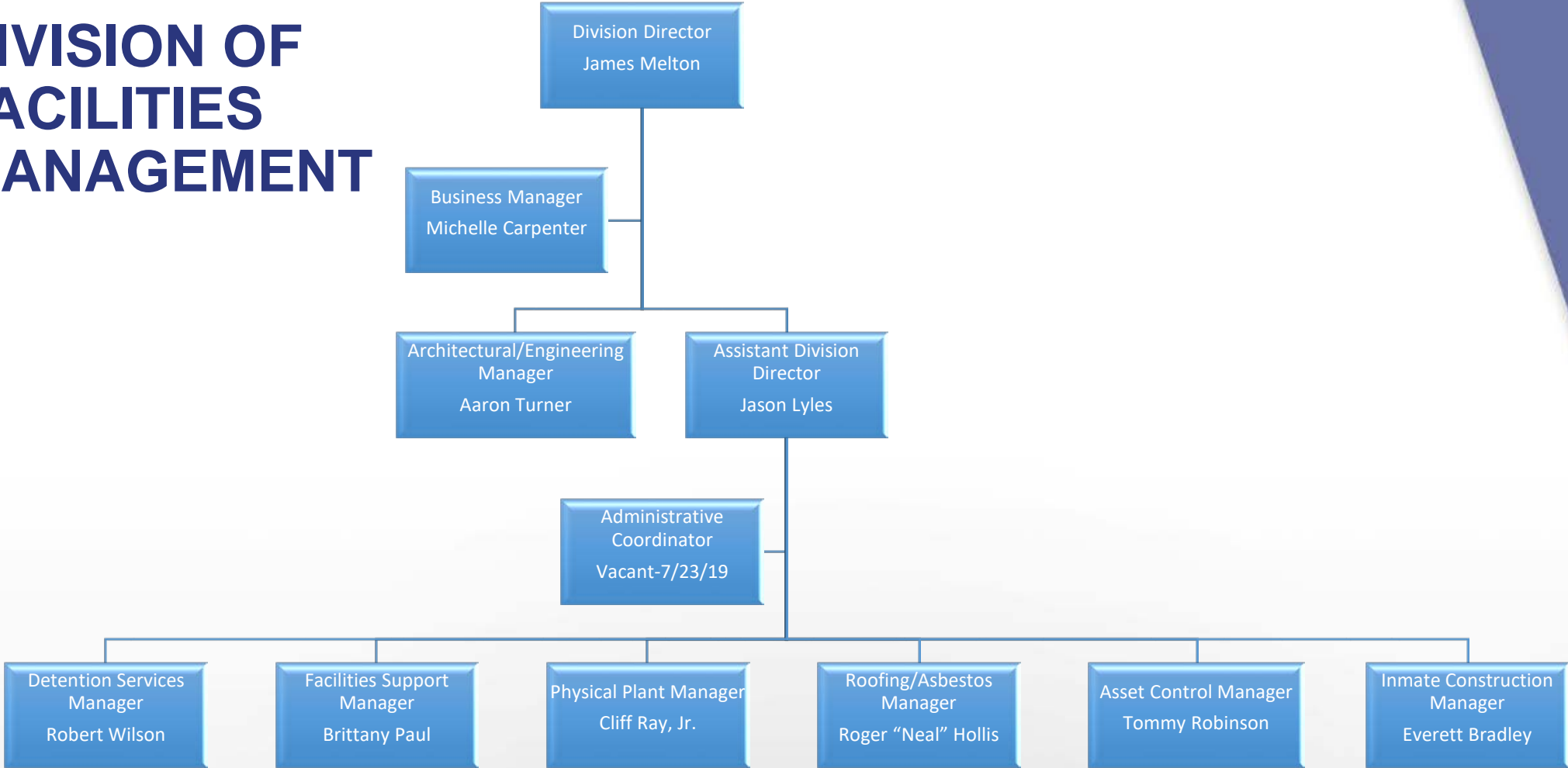
- Not enough participants (52, 54)
- Funds are subject to the approval of the Department of Administration. (52.2, 54.2)
- Loss of funding for the program. (53.1-53.2)
- Loss of revenue. (54.1)

Recommendations to General Assembly

- Continue supporting agricultural programs. (52-52.2, 54-54.2)
- Program also provide behavior modification to enhance responsibility entering back into the community. (52)



DIVISION OF FACILITIES MANAGEMENT



Division of Facilities Management

- The Division of Facilities Management maintains and manages the infrastructure for all SCDC owned properties.
- This includes the 21 correctional institutions, office buildings and supports areas such as the three farms that handle the dairy and egg laying facilities.
- The division oversees or performs all new construction and repairs to existing locations.
- The division works with the Office of the State Engineer to coordinate any work performed in-house, and by outside vendors to ensure all State, Federal, and SCDC regulations and requirements are met.



Division of Facilities Management

The areas of responsibility for this division are:

- Architectural/Engineering
- Detention Services
- Roofing/Asbestos Abatement
- Asset Control/Central Tool Room
- Sheet Metal Services
- Electrical Services
- HVAC/Kitchen Equipment Services
- Plumbing Services
- Construction Services
- Facilities Support Services



Deliverables 58.0-58.1

- **58.0 – Utilize inmates for maintenance and construction projects on SCDC grounds and facilities**
- **58.1 – 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**



Deliverables 58.0-58.1

Allowed
S.C. Budget Bill
H.4950 Proviso
65.26 & 117.67

Customers

- | | |
|---|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| ✓ | Does the agency evaluate customer satisfaction? |

Costs

- | | |
|---|---|
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

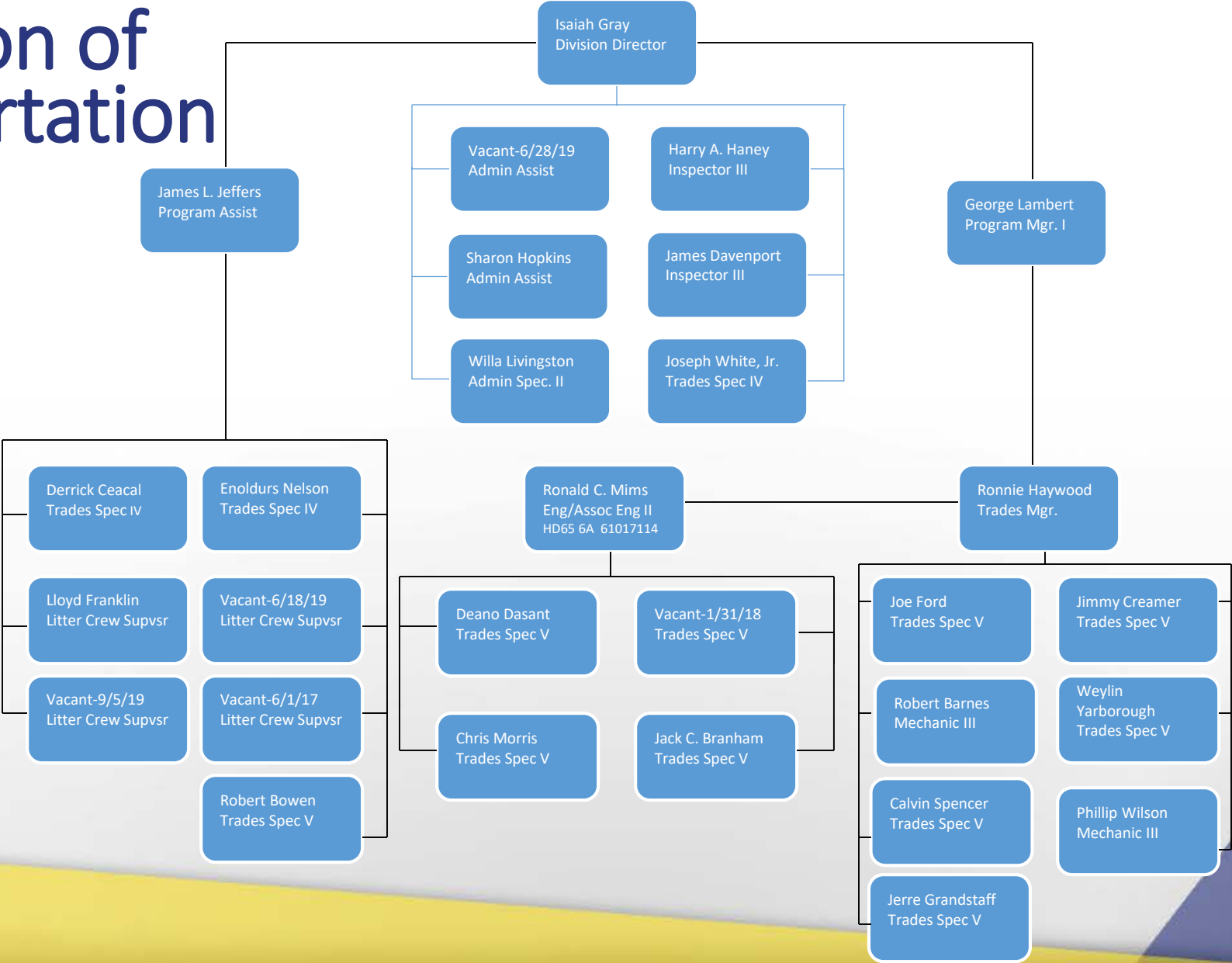
- Providing work skills to inmates requires working equipment. We cannot expose our inmate workforce to unsafe and faulty equipment. (58)
- Provides reduction in labor costs and provides inmates with workability skills. (58.1)

Recommendations to General Assembly

- Provide extra funding for deferred maintenance. (58)
- Remove proviso 117.67



Division of Transportation



Division of Transportation

- The Division of Transportation is responsible for the management, administration, and development of rules and regulations in compliance with all applicable State and Federal Regulations and statutes which governs the use, procurement, and disposal of all SCDC owned vehicles, heavy equipment, and radio communications equipment.
- The division performs and coordinates all vehicle maintenance and repairs for SCDC as well as other State agencies.
- The division coordinates Palmetto Pride Litter project and the Agency's litter program.
- The division manages and operates SCDC's fuel and car wash depot, which provides fuel for any state vehicle.



Deliverables 55.0-55.1

- **55.0 – Allow inmates to clean and wax private vehicles**
- **55.1 – Utilize funds generated from cleaning and waxing of private vehicles to benefit inmates (place funds in special account)**

Greatest Potential Harm

- Would not provide a meaningful skill to inmates. (55)
- Would take away a method for funding inmate programs. (55.1)

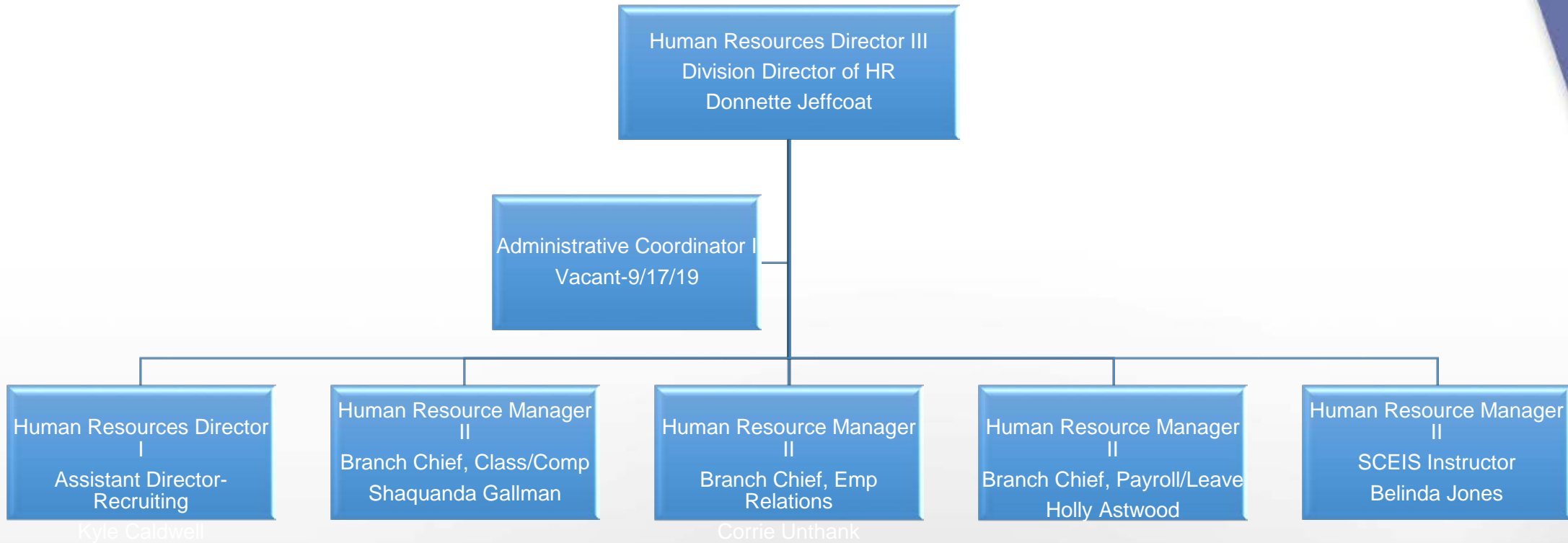
Recommendations to General Assembly

- None noted.

| <u>Customers</u> | |
|------------------|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| ✓ | Does the agency evaluate customer satisfaction? |
| <u>Costs</u> | |
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| ✓ | Does the law allow the agency to charge for the service or product? |



Division of Human Resources



Division of Human Resources

- **Employee Random Drug Testing, Student Loans, Employee Arrests and Employee Wellness**
 - These are overseen by the HR Administrative Coordinator
- **Employee Classification, Compensation, and Records Branch**
 - Maintains all position descriptions and reviews and recommends salary for all new hires
 - Oversees organizational structure and internal movements and temporary positions in SCEIS and internally
 - Supervises the Employee Records Section
- **Payroll and Leave Branch**
 - Meets prescribed deadlines as outlined by the SCEIS and the South Carolina Comptroller General's Office regarding payment of wages
 - Works closely with Institutional Human Resource Managers/Liaisons and Divisional Liaisons to ensure required employment paperwork is submitted in a timely manner
 - Assists employees with questions relating to their payroll check
 - Serves as a liaison between the Agency and the South Carolina Comptroller General's Office, SCEIS and the South Carolina State Treasurer's Office
 - Ensures state service dates and leave accrual dates for employees are verified and adjusted based on verified information from prior employer(s), including all military leave
 - Branch is responsible for verification and notification of eligibility for Family Medical Leave



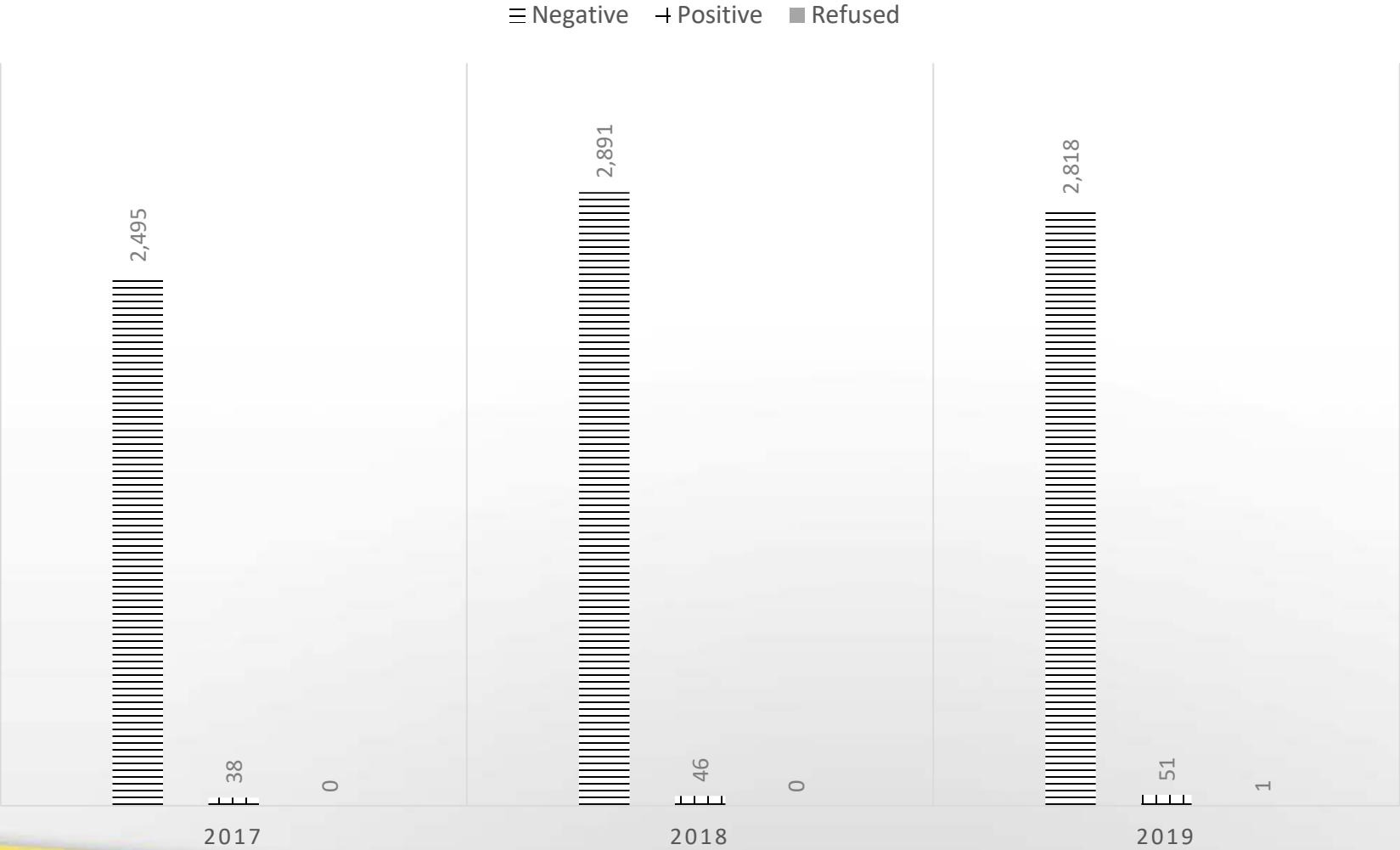
Division of Human Resources (continued)

- **Employee Relations and Benefits Branch**
 - Handles/manages employee corrective action process, grievances, and appeals and well as sexual harassment/hostile work environment complaints
 - Oversees Employee Assistance Program (EAP) and ADA compliance and unemployment benefits
- **Recruiting , Employment, and Retention Services Branch**
 - Performs the recruiting and hiring of all positions for the agency
 - Announces positions, keying of the applications and ensuring that current and perspective employees meet SCDC requirements as well as those requirements that are governed by the state of South Carolina for state employees and law enforcement personnel
 - Schedules new hires for the one day new hire process, which includes the pre-employment physicals, processing of payroll and benefits as well as start date, orientation date, and basic training date as applicable
 - Oversees the Benefits Section which is responsible for administering employee benefits



Employee Drug Testing Results

FISCAL YEARS 2017-2019



Employee Grievances

The following actions are considered grievable or appealable under the Agency's Employee Grievance and Appeals System:

- Terminations, demotions, and suspensions
- Salary decreases based on performance evaluations
- Punitive reclassifications
- Improperly applied reductions-in-force
- Some involuntary reassignments
- Promotions in certain instances

The following actions are not grievable or appealable under the Agency's Employee Grievance and Appeals System:

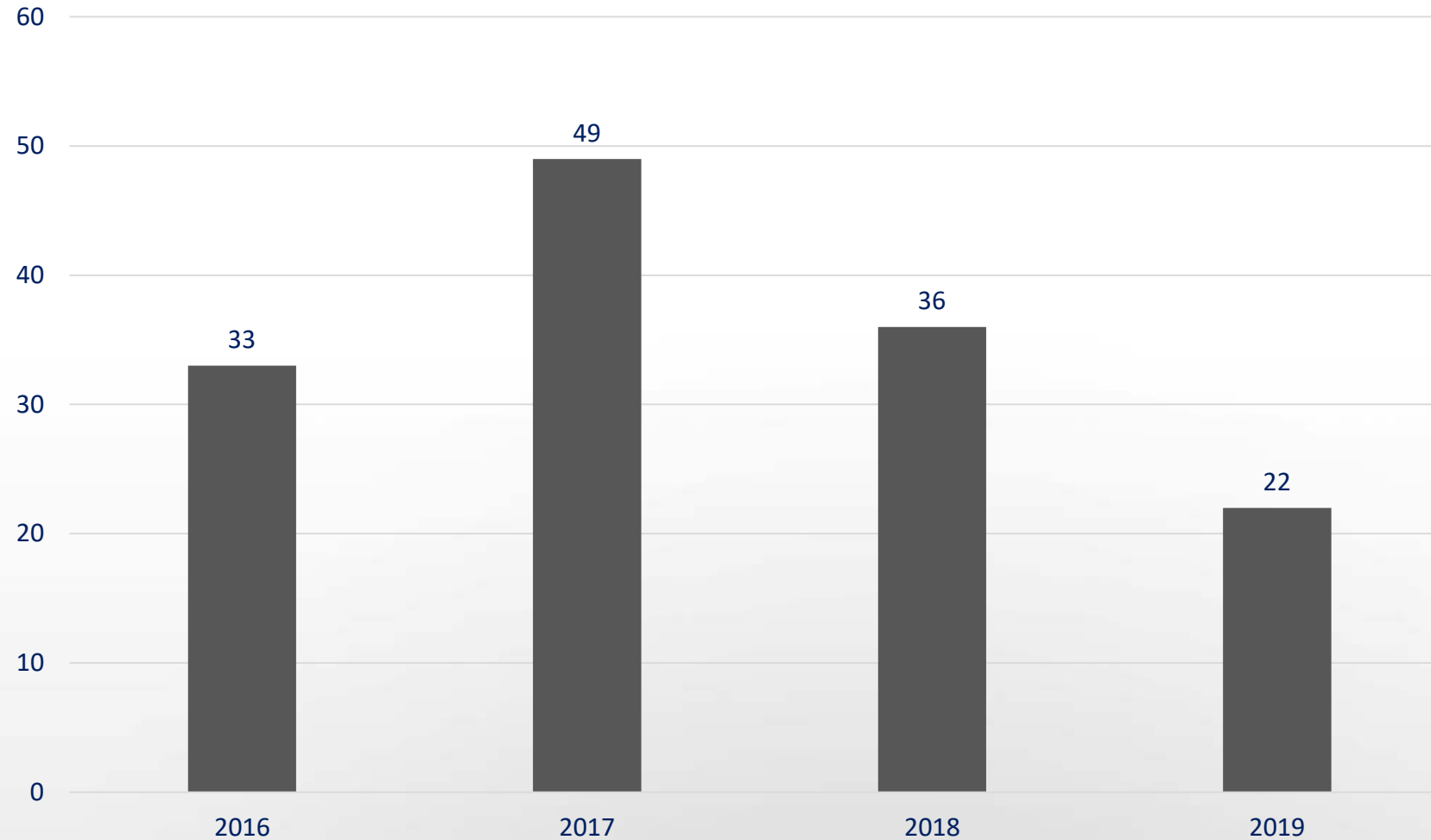
- Written warnings or disciplinary probation periods
- Employee Performance Management System appraisals
- Reclassifications, reassignments, and transfers within the same pay band
- Demotions in certain instances
- Voluntary reassignments or resignations



Employee Grievances Received in the Office of General Counsel

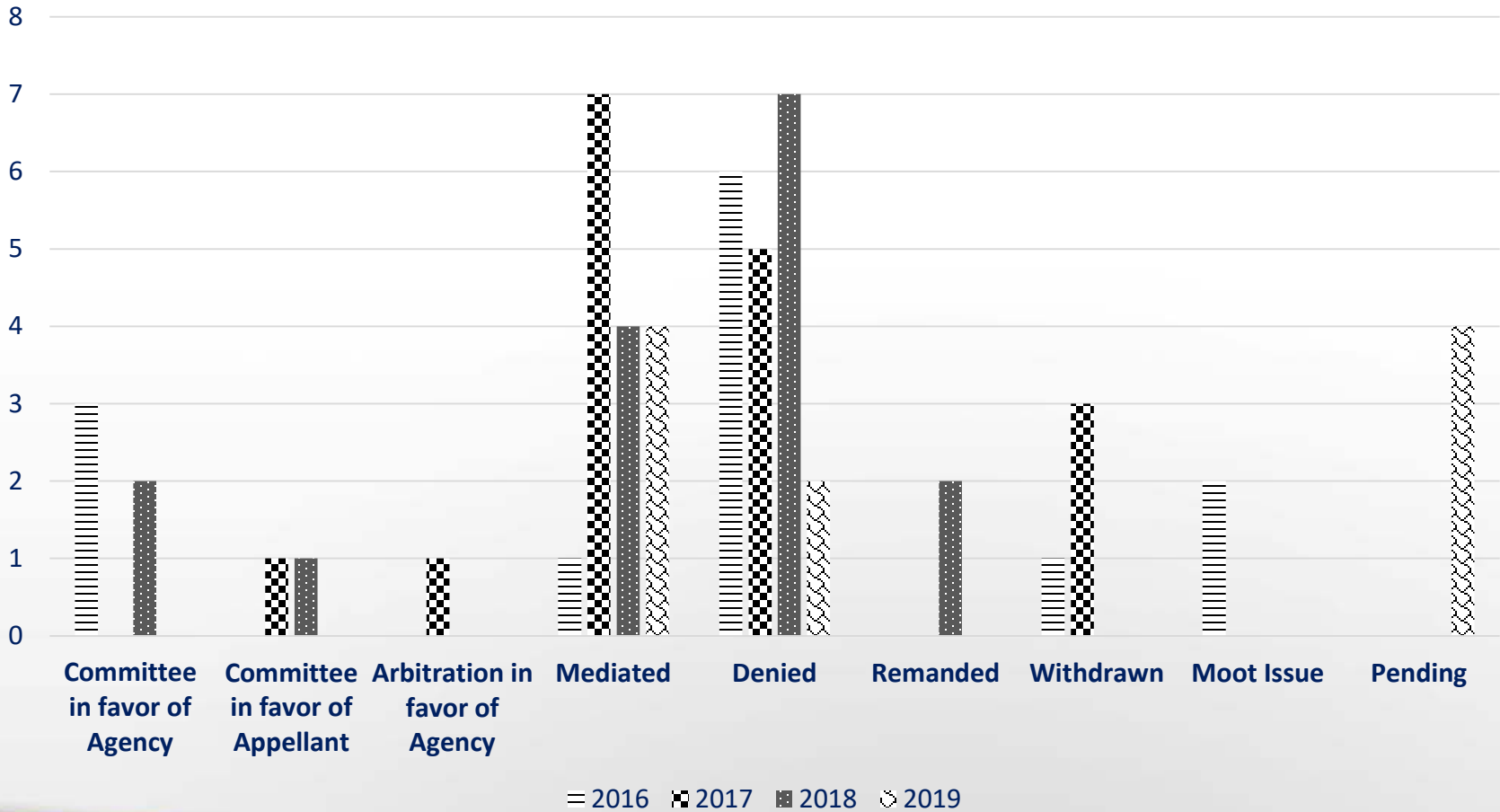
Total Number of Employee Grievances Received in OGC

January 1, 2016 –October 14, 2019



Employee Grievances Appealed to the State Office of Human Resources

January 1, 2016 – October 14, 2019



Note: Multiple SCDC grievances were appealed to State Office of Human Resources subsequently combined.

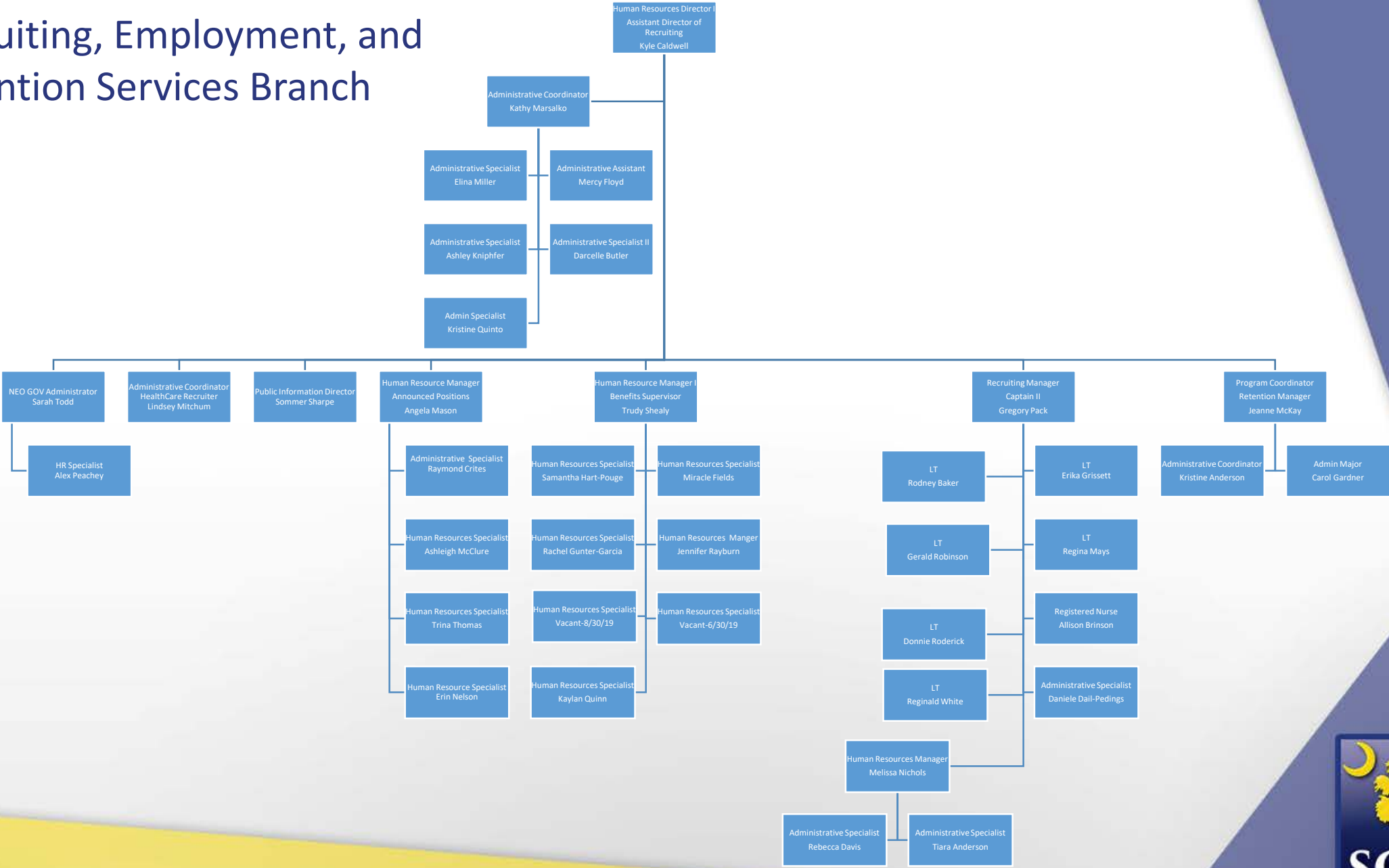
Equal Employment Opportunity Commission (EEOC) Claims by Employees

Total Number of Claims Filed with EEOC

January 1, 2016 – October 14, 2019



Recruiting, Employment, and Retention Services Branch



Recruiting , Employment, and Retention Services Branch

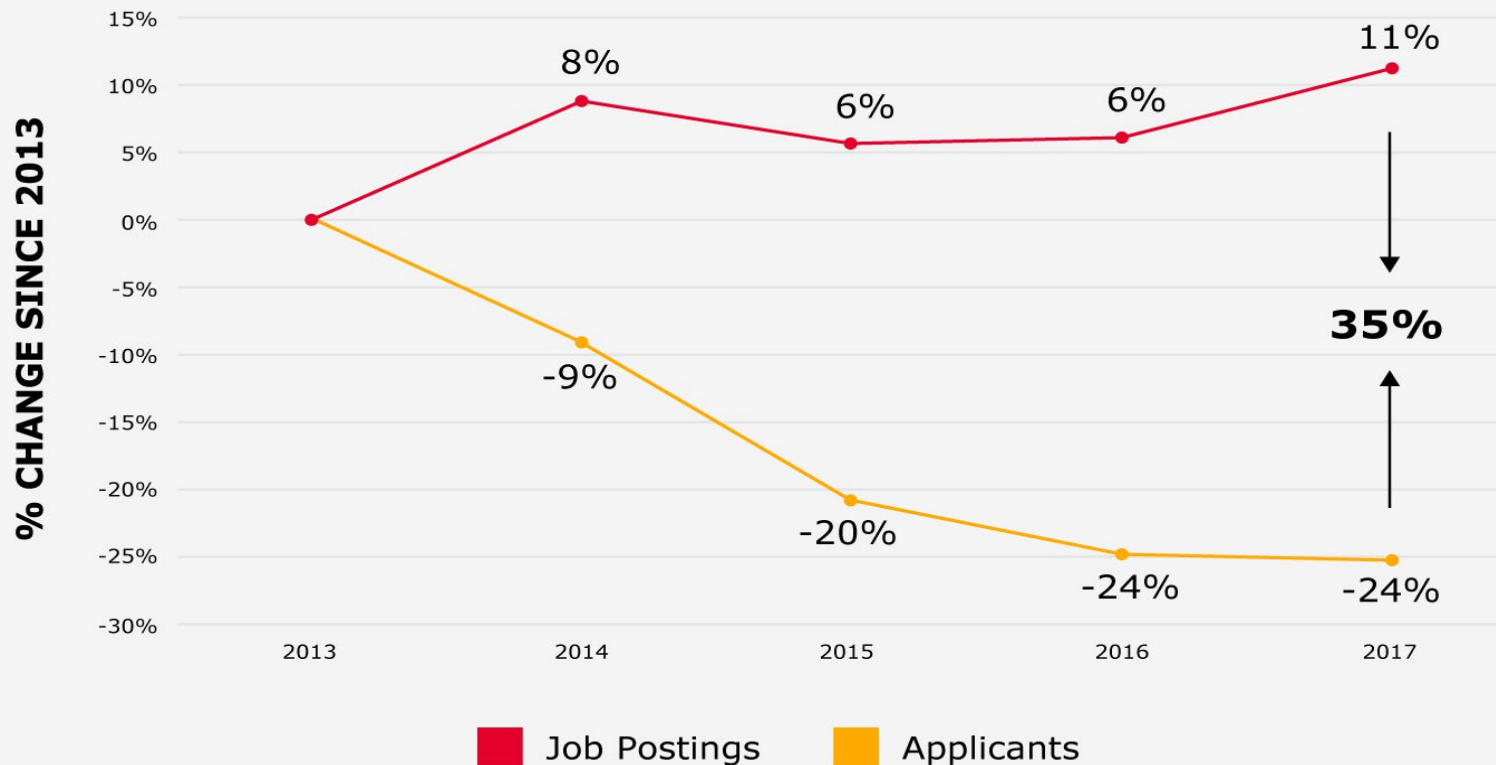
Challenges:

- Public Sector is less attractive to applicants (pay, benefits, perceived risks)
- Applicant shortage (22% reduction in applicants from 2013 to 2018)
Equates to 18 fewer applicants per job over the last 5 years.
 - Unless there is a significant macro trend changes, such as increasing unemployment or a slowing of hiring in the private sector, the gap between jobs and applicants in the public sector is expected to grow
- Aging Population
 - Anywhere from 30-40% of state workers are eligible for retirement (41% of SCDC employees are above the age of 50).
- Retention



Based on surveys of chief administrators and human resource (HR) directors in 33 states, a survey of nearly 3,000 state-government job seekers, shows a widening gap between the number of open jobs and the number of applicants.

STATE WORKFORCE: % CHANGE IN JOB POSTINGS VS. JOB APPLICANTS 2013-2017



Talent Gap Top Workforce Management Challenge

State Chief Administrators (Ranked within Top 3)

- 42% cited difficulty attracting new employees
- 36% cited establishing a flexible, agile workforce
- 36% cited the increasing number of retirees

Source: Accenture-NASCA Survey 2018

In SC the gap is 44%



Recruitment

- Internal:
 - Job Postings
 - Employee Inventories (H.R.I.S.)
 - Job Boards
 - Personal Referrals (\$500 Referral Bonus for employees)
 - Promotions & transfers
 - Candidate Fit (Verensics Testing began March 2019)
- External:
 - Marketing (digital & traditional)
 - High School & College Circuit
 - Career Fairs (state, regional, and national)
 - Employment Agencies
 - Social Recruitment Platform (200% increase in applications)
 - Trade Organizations
 - Temp – to –permanent
 - Employee Referrals (\$500 Referral Bonus for employees)
- Outside the box:
 - Monthly Group Events (Meetups, hyper-local campaign)
 - Social Media Sourcing/Networking (LinkedIn, Virtual Career Fairs, Facebook ads)
 - Host quarterly networking events
 - Parlay Skillsets (regularly identify abilities and skillsets that translate across job functions)
 - Developing an EVP (Employment Value Proposition)
 - For example, among organizations in the public sector, the competitive advantage often isn't great pay, but we can excel in other areas—such as work—life balance, exciting career challenges and mission.



Overcoming the Challenges

- Become more attractive to candidates (change perspective of corrections)
 - Rebuild Brand (We Are Corrections), Modernize Job Descriptions, Improve Career Pathway, Launch Citizens Academy (Jan 2020)
- Use data in Recruiting Strategy
- Expand candidate reach (digital campaign)
- Instill confidence in public sector career growth
- Implement Retention Strategies
 - Engaged employees are 59% less likely to seek out a new job or career in the next 12 months (Source: Gallup)
 - Modernize Job Evaluations (overhaul current EPMS in order to develop and grow)
 - Proactive Succession Planning
 - Invest in Leadership Training/Individual performance plan (continual upskilling)
 - Promote Career Advancement



Deliverables 2.0-2.1, 2.7-2.8, 2.91

- **2.0 – Hire and manage employees**
- **2.1 – Prohibit employees from holding two elected positions**
- **2.7 – Utilize funds appropriated for special assignment pay**
- **2.8 – Determine amount of special assignment pay for appropriate staff**
- **2.9 – Replace applicable employee property if destroyed by an inmate**
- **2.91 – Establish guidelines for replacement of employee property damaged by inmates**

S.C. Code Section 24-1-110(A)
S.C. Budget Bill H.4950;
Proviso 65.18, 65.27,
117.17
South Carolina
Constitution, Article VI,
Section 3



Deliverables 2.0-2.1, 2.7-2.8, 2.91

S.C. Code Section 24-1-110(A)
S.C. Budget Bill H.4950;
Proviso 65.18, 117.17
South Carolina
Constitution, Article VI,
Section 3

| <u>Customers</u> | |
|------------------|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| ✓ | Does the agency evaluate customer satisfaction? |
| <u>Costs</u> | |
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? (2.0, 2.7-2.8, 2.92) |
| X | Does the agency know the cost it incurs, per unit, to provide the service or product? (2.1) |
| ✓ | Does the law allow the agency to charge for the service or product? (2.9, 2.91) |
| X | Does the law allow the agency to charge for the service or product? (2.0-2.1, 2.7-2.8) |

Greatest potential harm

- Without staff the agency would be unable to carry out the mission. Employees not properly managed may cause harm to the agency. (2.0)
- Correctional officers would be less likely to want to work in higher security required institutions. (2.0, 2.7-2.8)
- Possible conflict of interest. (2.1)

Recommendations to General Assembly

- Be aware of nation-wide changes that occurs in the management and operations of a properly run prison system. (2.0, 2.7-2.8, 2.91)
- Provide a safe and secure environment for the officers to work. (2.0)
- Provide clear communication to the public that the Legislature supports a safe and secure work environment. (2.0)
- Greater acknowledgement of the service that the officers perform to keep the prisons safe. (2.0)
- Continued support for the law concerning incarcerated individuals. (2.7-2.8)
- Maintain the Agency mission which reflects said deliverables.
- Provides inmate accountability for replacement using their own funds. (2.9, 2.91)



Legislative Audit Council Report

Deficiency:

Recruitment

- SCDC could improve recruitment.

Recommendations:

- The SCDC should advertise bonuses on the agency website.
- Lowering the age to become a correctional officer to increase the pool of applicants.
- Improving the tracking of job fairs.
- Improving the referral source options in NEOGOV.
- Implementing new bonuses.
- Tracking the effectiveness of bonuses.

Responses:

- The General Assembly will need to amend state law in order to lower the minimum age of correctional officers.
- SCDC does not currently have Administrator rights for NEOGOV and unable to change the referral sourcing options.



Legislative Audit Council Report

Background Checks

Deficiencies:

- SCDC does not have evidence that national background checks on correctional officer's are conducted at least every five years.
- SCDC does not ensure that background checks are completed for all volunteers before their orientation date and every three years thereafter.

Recommendations:

- The SCDC should include in policy that all correctional officer's are required to complete post-employment background checks every five years.
- The SCDC should ensure that background checks are completed on all volunteers before allowing them to attend orientation.
- The SCDC should complete background checks on all volunteers every three years and maintain documentation.

Responses:

- The SCDC is in the process of updating the policy to reflect this change.
- The SCDC currently verifies that any volunteer must have a completed background check in order to receive an ID from Recruiting and Employment.



Legislative Audit Council Report

Correctional Officer (CO) Staffing and Salaries

Deficiencies:

- The SCDC has experienced low staffing levels for years.
- Correctional officer salaries greatly affect SCDC's ability to attract and retain COs

Recommendations:

- The SCDC should implement incentives for correctional officers that target institutions with high vacancy rates and/or high inmate-to-officer ratios to help alleviate staffing issues at those institutions.
- The SCDC should complete background checks on all volunteers every three years and maintain documentation.
- The SCDC should ensure that overtime is being granted to the institutions that are in most need of staffing assistance due to vacancies.
- The SCDC should contact the Federal Bureau of Prisons to determine if it has evaluated the effectiveness of the various types of incentive pay that are offered to federal correctional officers.
- The SCDC should evaluate whether offering an incentive for correctional officers to work at correctional institutions close to Federal Bureau of Prisons' facilities would help alleviate staffing issues at those institutions.

Response:

- The SCDC currently offers incentive pay at Level 2 and Level 3 institutions due to higher security risks.
- The SCDC agrees with the recommendations of the LAC regarding salaries.



Legislative Audit Council Report

Staff Retention

Deficiency:

- SCDC has difficulty retaining staff.

Recommendations:

- The SCDC should create targeted bonuses for institutions and shifts with high vacancy rates.
- The SCDC should place retention lieutenants at the institutions with the highest turnover rates.
- The SCDC should create a policy that sets a timeframe for the completion of the Correctional Officer Skills Enhancement Program
- The SCDC should work to refine its tracking of employee reassignment requests in order to identify managers who could benefit from additional training.

Response:

- The SCDC is in the process of analyzing shift retention at each institution.



Legislative Audit Council Report

Deficiencies:

- SCDC retirees are held to the retirement earnings cap.
- It is difficult to determine why employees are leaving SCDC.
- SCDC cannot explain its methodology for how it allocates its total security positions among of its 21 institutions.

Recommendations:

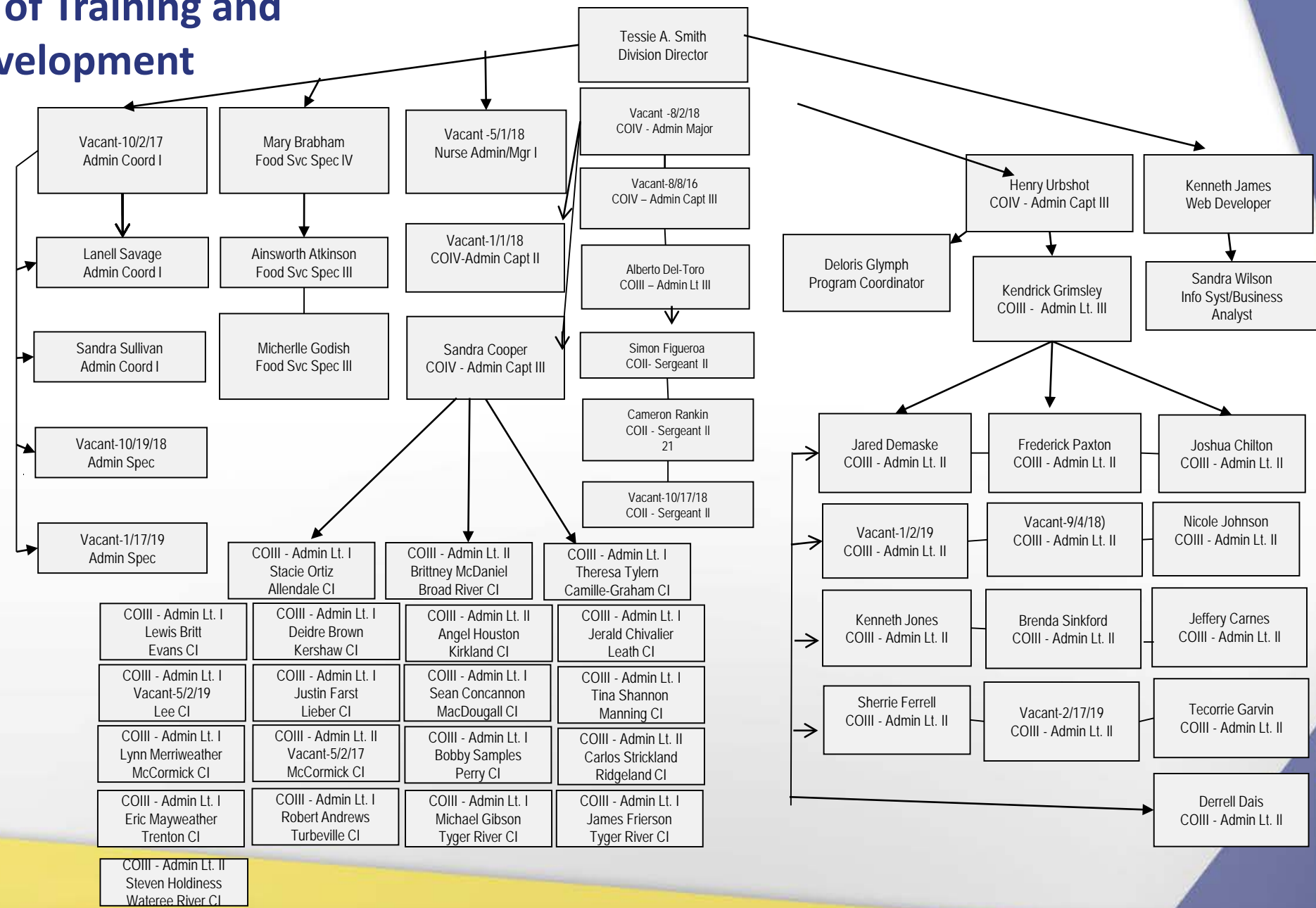
- The SC General Assembly should amend SC Code 9-1-1790 to add an exemption that would eliminate the cap on the annual amount that may be earned by a retired correctional officer who returns to covered employment with the state, if the correctional office works in a critical need area.
- The SCDC should have separating employees directly enter responses into survey software.
- The SCDC should only draw conclusions regarding data when response rates are adequate.
- The SCDC should reevaluate its methodology for determining how it allocates its security positions to each institution, so the agency may accurately calculate its vacancy rates.

Response:

- The SCDC agrees with the need to have a more robust exit interview process.
- The SCDC has followed up with the LAC since this report was published to explain the vacancy methodology.



Division of Training and Staff Development



Division of Training and Staff Development

The Division of Training and Staff Development is responsible for designing, developing and delivering training programs that meet the needs and mandates of the employees of the South Carolina Department of Corrections. The Training Academy:

- Provides Basic Training for Correctional Officer Certification (Class 2)
- Provides mandatory training for all SCDC staff annually
- Provides the opportunity for all employees to further develop their professional skills and knowledge for advancement of their careers within SCDC

There are no deliverables from the Division of Training and Staff Development specified in law.

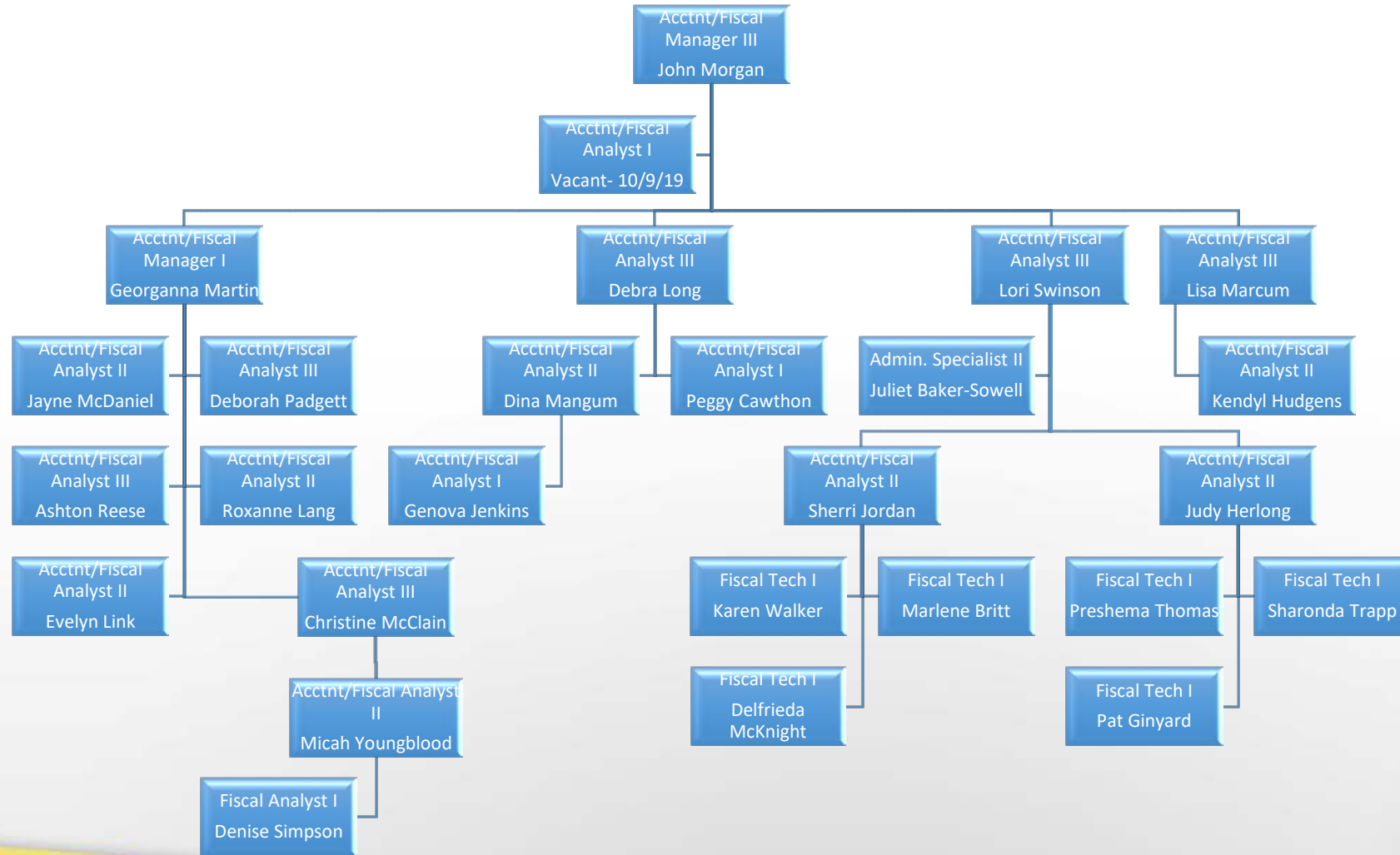


Employees Trained in 2018

| Employee Training | Number Trained |
|---|---------------------------------|
| Correctional Officer Basic Certification Training | 744 employees (23 classes) |
| Cadet Basic Training | 68 employees |
| New Employee On-Boarding (1 hr.) | 1,180 employees (41 classes) |
| Agency Orientation (40 hr.) | 1,142 employees (25 classes) |
| Non-certified employees mandatory training | 1,772 employees |
| Certified employees mandatory training | 3,581 employees |



Division of Budget and Finance



Division of Budget and Finance

- The mission of the Division of Budget and Finance is to provide guidance and management of the Agency's annual budget
- Establish and maintain accounting management practices and controls that provide reasonable protection against unauthorized use or disposition of Agency funds
 - The accounting management practices and controls used within the South Carolina Department of Corrections will comply with all applicable state and federal statutes, State Fiscal Accountability Authority regulations, and Agency policies and procedures, including prescribed auditing practices as appropriate.
- Ensures correct and timely payment to vendors; and require all financial transactions to be properly recorded



Division of Budget and Finance

The Division of Budget and Finance encompasses the following departments:

- Agency Budget Office is responsible for monitoring the day-to-day budget needs for our various cost centers, supporting the Division of Procurement and working directly with the Accounts Payable section and Institutional Business Officers by providing technical assistance and assisting with the management of their annual budgets.
- Accounts Receivable/Payroll Disbursement Office is responsible for billing and receipting Agency revenue, with the exception of Prison Industries, and distributes employee payroll checks.
- Accounts Payable Office is responsible for obtaining the proper approval and securing payment for all agency vendor invoices. All invoices are subject to final approval from the South Carolina Comptroller General's Office.
- Inmate Trust Accounting Office is responsible for the administration of the EH Cooper Trust Fund (inmate cash), Agency Special Funds, and the Inmate Work Pay Programs.
- Grants Accounting Office is responsible for the financial management of all Agency grant awards.
- Fixed Assets/Agency Property Insurance Office is responsible for the accountability of the Agency's fixed assets and property insurance claims.
- Palmetto Unified School District Accountant is responsible for monitoring the Districts non-Federal funds.



Deliverables 3.0-3.5

- **3.0 – Financial and asset information, deposit, utilize, and record as required in statute**
- **3.1 – Provide Governor, in a timely manner as part of budget submission, detailed statements of sources of funds, expenditures, conditions and any other information pertaining to Federal funds**
- **3.2 – Deposit donations or contributions from sources other than the Federal government in special accounts in the State Treasury**
- **3.3 – Deposit all Federal Funds in the State Treasury**
- **3.4 – Deposit funds received from private entities for processing electronic transfers into the EH Cooper Trust Fund, and into the Inmate Welfare Fund and spend for benefit of the inmate population**
- **3.5 – Retain Purchase Card Program rebates to support operations**

Required

S.C. Code Section 2-65-20, 11-3-100, 11-13-40, 11-13-45; S.C. Budget Bill H.4950; Proviso 65.14

Allowed

S.C. Budget Bill H.4950 Proviso 117.59



Deliverables 3.0-3.5

Customers

- ✓ Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product?
- ✓ Does the agency know the annual # of potential customers?
- ✓ Does the agency know the annual # of customers served?
- ✓ Does the agency evaluate customer satisfaction?

Costs

- ✓ Does the agency know the cost it incurs, per unit, to provide the service or product?
- X Does the law allow the agency to charge for the service or product?

Greatest potential harm

- State assets must be properly processed and recorded to minimize theft. (3.0)
- Federally funded employees and programs will be discontinued which will harm inmate integration back into society. (3.1)
- Donations from outside parties lend to a higher morale amongst the inmate population. (3.2)
- State Law requires all cash to be managed by the State Treasurer's Office. (3.3)
- Inmate morale problems if personal funds are not available to purchase individual items over and above what the Agency can provide. (3.4)
- Provides a minimal amount annually for incidental purchases. (3.5)

Recommendations to General Assembly

- Continue to allow the Agency to apply for Federal Grants that have potential benefits for the welfare of the inmate population. (3.1)
- Continue to allow the Agency to supplement State Appropriations with programs established by Federal Funding. (3.1)
- Continue to allow the Agency to receive donations and contributions that have benefited the welfare of the inmate population. (3.2)

Required

S.C. Code Section 2-65-20, 11-3-100, 11-13-40, 11-13-45; S.C. Budget Bill H.4950; Proviso 65.14

Allowed

S.C. Budget Bill H.4950 Proviso 117.59



Deliverables 3.6-3.9

- **3.6 – Do not spend donations or contributions (outside Federal and State funds) outside the same limitations and provisions of law applicable to the expenditure of appropriated funds with respect to salaries, wages or other compensation, travel expense and other allowance of benefits for employees**
- **3.7 – Do not spend Federal funds outside the same limitations and provisions of law applicable to the expenditure of appropriated funds with respect to salaries, wages or other compensation, travel expense and other allowance of benefits for employees**
- **3.8 – Recover maximum allowable indirect costs, credit indirect cost recoveries to General Fund, and prepare and submit indirect costs proposal to Executive Budget Office for approval (and if requested), provide to House W&M and Senate Finance for Federal grants and contracts SCDC receives**
- **3.9 – Notify Executive Budget Office and Comptroller General before transferring any appropriated funds between Agency programs (as programs utilized in the General Appropriation Act)**



Deliverables 3.6-3.9

| <u>Customers</u> | |
|------------------|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| ✓ | Does the agency evaluate customer satisfaction? |
| <u>Costs</u> | |
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

- Contributions are not spent as intended by the donor. (3.6)
- Agency not following State Laws. (3.7)
- Agency not recovering the maximum amount of indirect costs for managing the funds. (3.8)
- Disrupts the balancing of the Appropriated budgets.(3.9)

Recommendations to General Assembly

- None noted.



Deliverables 3.91-3.994

S.C. Budget Bill H.4950,
Provisos 117.9, 117.81,
117.23, 117.94, 65.10,
118.1
S.C. Code Sections
11-13-45, 24-3-190,
24-1-170

- **3.91 – Do not transfer more than 20% of funds appropriated to a certain program to another program**
- **3.92 – Provide details of any transfer of appropriated funds between agency programs, when requested by a member of the General Assembly**
- **3.93 – Utilize agency appropriated funds to avoid a deficit**
- **3.94 – Notify General Assembly and work with Executive Budget Office to develop plan to avoid year-end deficit**
- **3.95 – Do not withhold services to carry forward general funds**
- **3.96 – Carry forward up to 10% of unspent general appropriated funds from the prior fiscal year**
- **3.97 – Funds carried forward are not part of the base of appropriations for any succeeding years**
- **3.98 – Transfer \$20,500 monthly to the AG's Office for distribution to State Victim's Asst. Program**
- **3.99 – Return to the General Fund state appropriations when appropriate**
- **3.991 – Retain, for general operating purposes, reimbursements for expenses incurred in a prior FY**
- **3.992 – Appropriate year-end funds**
- **3.993 – Maintain complete and accurate financial records**
- **3.994 – Submit year-end financial documents to the Office of the Comptroller General**



Deliverables 3.91-3.994

Required
S.C. Budget Bill
H.4950 Proviso
117.9

| <u>Customers</u> | |
|------------------|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| ✓ | Does the agency evaluate customer satisfaction? |
| <u>Costs</u> | |
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| ✗ | Does the law allow the agency to charge for the service or product? |

Greatest potential harm

- Disrupts the balancing of the Appropriated budgets. (3.91-3.92)
- Unlawful budget position and taxpayers lose confidence in the Agency. (3.93-3.94)
- Withholding services is contrary to the mission of the Agency which provides for the welfare for the inmates. (3.95)
- Available funding will be reduced during the next year for the welfare of the inmates. (3.96-3.97)
- Funds collected from the inmates pay deductions are not enough to provide the set monthly amount. (3.98)
- Spending appropriations that are not intended to be spent on other expenditures. (3.99)
- Funds will be taken from the operational welfare for the inmates. (3.991-3.992)
- Lack of communication between Agency and State Chief Accountant. (3.994)

Recommendations to General Assembly

- Provide additional funding sources or a higher deduction rate from the inmate payroll. (3.98)



Deliverables 42.1-42.2

- **42.1 – Regulate and administer restitution program**
- **42.2 – 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**

Greatest Potential Harm

- Restitution is important for the victims and provides financial responsibility for the inmates

Recommendations to General Assembly

- None noted

| <u>Customers</u> | |
|------------------|--|
| ✓ | Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product? |
| ✓ | Does the agency know the annual # of potential customers? |
| ✓ | Does the agency know the annual # of customers served? |
| ✓ | Does the agency evaluate customer satisfaction? |
| <u>Costs</u> | |
| ✓ | Does the agency know the cost it incurs, per unit, to provide the service or product? |
| X | Does the law allow the agency to charge for the service or product? |



Deliverables 76.0-76.3, 85.9, 85.92, and 91.1-91.4

- 76.0 – Establish rules for inmate accounts
- 76.1 – Establish rules for monetary deductions from inmate's accounts
- 76.2 – Take appropriate and necessary steps to determine and contact a rightful owner of unclaimed funds remaining in an inmate account
- 76.3 – Deposit unclaimed funds in inmate accounts to the Inmate Welfare Funds, after taking steps to contact rightful owner
- 85.9 – Use insurance reimbursements to cover claim expenses
- 85.92 – Reimburse money that was deducted from inmate's account for medical treatment, if inmate is exonerated of all charges for which inmate was being held and inmate requests reimbursement
- 91.1 – Withdraw funds from inmate trust accounts to pay the filing fees for civil actions brought by the inmate
- 91.2 – Send funds for filing fees for civil actions brought by the inmate to appropriate clerk of court
- 91.3 – Withdraw funds from inmate trust accounts to cover court costs for civil actions brought by the inmate
- 91.4 – Send funds for court costs for civil actions brought by the inmate to appropriate Clerk of court



Deliverables 76.0-76.3, 85.9, 85.92, and 91.1-91.4

S.C. Budget Bill H.4950,
Provisos 117.9, 65.2,
117.47
S.C. Code Sections
Section 24-13-80 (A-C) ,
24-27-100 et al

Customers

- ✓ Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product?
- ✓ Does the agency know the annual # of potential customers?
- ✓ Does the agency know the annual # of customers served?
- ✓ Does the agency evaluate customer satisfaction?

Costs

- ✓ Does the agency know the cost it incurs, per unit, to provide the service or product?
- ✓ Does the law allow the agency to charge for the service or product? (76, 85.92)
- X Does the law allow the agency to charge for the service or product? (76.1-76.3, 85.9, 91.1-91.4)

Greatest Potential Harm

- Important for financial responsibility of the inmates and help defray Agency costs. (76.1-76.3, 85.9)
- Funds will taken from the operational welfare for the inmates. (85.92)

Recommendations to General Assembly

- None noted.



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

Wednesday, December 11th

Monday, December 16th

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).