

Department of Corrections Ad Hoc Subcommittee Meeting

Tuesday, October 1, 2019

Table of Contents

Contents

| | |
|--|-----|
| Agenda | 2 |
| Meeting Minutes..... | 4 |
| Study Timeline..... | 8 |
| Figure 1. Key dates in the study process, May 2018 to present..... | 9 |
| SCDC - Agency Snapshot | 10 |
| Figure 2. Snapshot of the agency’s history, mission, major divisions, fiscal year 2017-18 resources (employees and funding), successes, and emerging issues.. | 10 |
| Security Levels and Housing Types..... | 11 |
| Table 1. Agency facilities, security levels, location, and warden. | 11 |
| N.C. Misdemeanant Confinement Program Presentation | 12 |
| Health Services Presentation | 43 |
| Legal and Compliance Presentation..... | 172 |
| Committee Contact Information and Upcoming Meetings | 322 |
| End Notes..... | 324 |

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

Tuesday, October 1, 2019

10:30 a.m.

Room 110 - Blatt Building

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

AGENDA

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

MEETING MINUTES

Chair Wm. Weston J. Newton

*First Vice-Chair:
Laurie Slade Funderburk*

Legislative Oversight Committee



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

South Carolina House of Representatives

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

*Jennifer L. Dobson
Research Director*

*Cathy A. Greer
Administration Coordinator*

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

*Charles L. Appleby, IV
Legal Counsel*

*Carmen J. McCutcheon Simon
Research Analyst/Auditor*

*Kendra H. Wilkerson
Fiscal/Research Analyst*

Department of Corrections Ad Hoc Subcommittee

**Monday, September 16, 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 Monday, September 16, 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 August 27, 2019, meeting. A roll call vote is held, and the motion passes.

| Rep. Jefferson's motion to approve the minutes from the August 27, 2019, meeting: | Yea | Nay | Not Voting |
|---|-----|-----|------------|
| Rep. Clary | ✓ | | |
| Rep. Caskey | ✓ | | |
| Rep. Dillard | ✓ | | |
| Rep. Jefferson | ✓ | | |
| Rep. Johnson | ✓ | | |
| Rep. Tallon | ✓ | | |
| Rep. Williams | | | ✓ (absent) |

Discussion of the S.C. Department of Corrections

- I. Ad hoc subcommittee Chairman Tallon explains the purpose of today's meeting is to continue the discussion of the health services unit of the Department of Corrections (SCDC).
- II. Ad hoc subcommittee Chairman Tallon recognizes Rep. Jefferson to make a statement about the tour he took of Lieber Correctional Institution.
- III. Mr. Bryan Stirling, SCDC Executive Director, makes brief comments about the recent "walk-off" of an inmate from Livesay Correctional Institution in Spartanburg. Director Stirling responds to questions from subcommittee members.
- IV. Ms. Terre Marshall, SCDC Director for Health Services, with the assistance of other agency personnel, presents information about the agency's behavioral health services, which includes, but is not limited to:
 - a. Mental health caseload statistics, definitions, and programs
 - b. Mental health lawsuit

Members ask questions, which Ms. Marshall and other agency personnel answer.

Joint Meeting with the Healthcare and Regulatory Subcommittee

- I. Ad hoc subcommittee Chairman Tallon explains the ad hoc subcommittee has been joined by the healthcare and regulatory subcommittee for the purpose of discussing how the Department of Corrections (SCDC) and Department of Mental Health (SCDMH) provide mental health services to people involved in the criminal justice system (e.g., criminal defendants, inmates, and parolees).
- II. Mr. Mark Binkley, SCDMH Interim State Director, and Mr. Bryan Stirling, SCDC Executive Director, present information on ways in which the two agencies interact and collaborate, which includes, but is not limited to, the following topics:
 - a. Comparison of agency mandates
 - b. Comparison of agency missions
 - c. Agencies' goals
 - d. Overview of agencies' mental health services
 - e. SCDMH treatments, locations, and statistics
 - f. SCDMH interaction with the criminal justice system
 - g. A video about a telepsychiatry program in Charleston
 - h. SCDC mental health services overview and statistics
 - i. SCDC mental health screening and evaluation
 - j. SCDC mental health lawsuit overview
 - k. Current agency collaborations
 - l. Opportunities for enhanced collaboration

Members ask questions, which Director Binkley, Director Stirling, and other agency staff answer.

- III. 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 - (TODAY) 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

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 - Provides testimony during full committee meeting
- March 21, 2019 - Provides testimony during ad hoc subcommittee meeting
- July 24, 2019 - Provides testimony during ad hoc subcommittee meeting
- Ongoing - Submits written comments on the Committee's webpage on the General Assembly's website (www.scstatehouse.gov)

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

SCDC - AGENCY SNAPSHOT

S.C. Department of Corrections

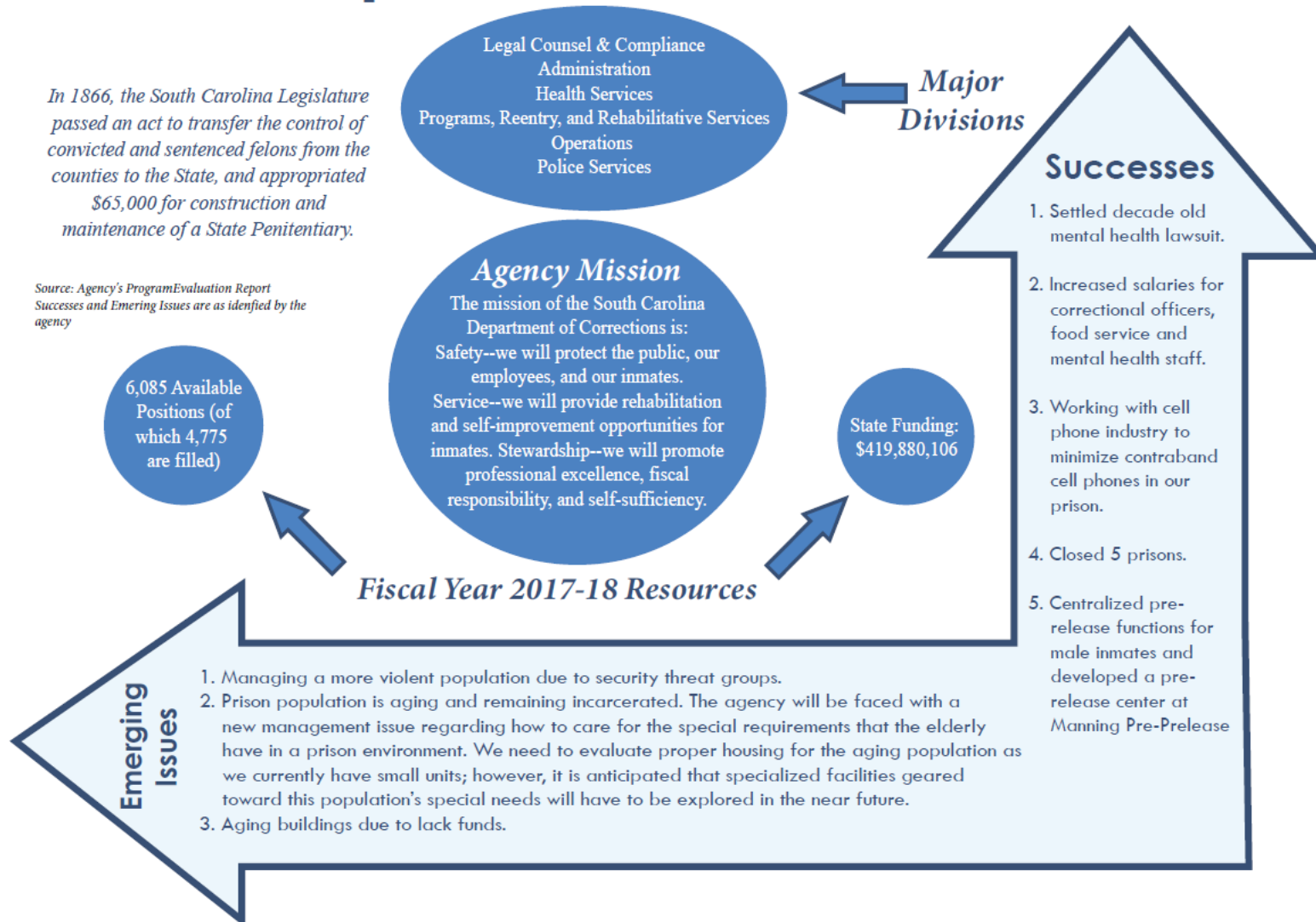


Figure 2. Snapshot of the agency's history, mission, major divisions, fiscal year 2017-18 resources (employees and funding), successes, and emerging issues.¹

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

N.C. STATEWIDE MISDEMEANANT CONFINEMENT PROGRAM PRESENTATION

Statewide Misdemeanant Confinement Program

South Carolina Department of Corrections Oversight Committee

**Edmond W. Caldwell, Jr.
Executive Vice President and General Counsel
North Carolina Sheriffs' Association**

October 1, 2019

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Overview of the SMCP

- Manages the housing, transportation, and medical expenses of state inmates convicted of a misdemeanor crime, including DWI, and sentenced to more than 90 days.
- Sentences are served in county jails at State expense.
- County jails may volunteer available bed space.
- Counties are reimbursed for housing and transportation expenses.
- The North Carolina Sheriffs' Association manages program operations.



Background

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Origin of the SMCP

- Developed as part of the Justice Reinvestment Act (2011)
 - Comprehensive reform targeting sentencing and corrections laws in North Carolina
- Sought to address the following concerns:
 - Projected increase in prison population over the next decade
 - Unusual number of Misdemeanants housed in prison system
 - Division of Adult Correction (DAC) staffing shortages
- SMCP allowed for the separation of the incarcerated population into two groups:
 - Misdemeanants
 - Felons



Prior Law

- Prior law and current law
 - Misdemeanors: 1 – 90 days
 - Served in county jail at county expense
- Prior law, but no longer
 - Misdemeanors: 91+ days
 - Served in State prison



Eligible SMCP Inmates

2015
January

Misdemeanors: 91+ days
All Misdemeanor DWIs

2014
October

Misdemeanors: 91+ Days

2012
January

Misdemeanors: 90 – 180 days



Statewide Misdemeanant Confinement Fund

- \$22.5 million-dollar annual operating budget
 - SMCP housing and transportation
 - Out-of-jail medical expenses
 - Withhold delinquent Safekeeper fees from county SMCP payment
 - NCSA and DAC administrative costs
- SMCP Reimbursement Rates
 - Housing: \$40/ day for housing (includes in-jail medical services)
 - Personnel: \$25/ hour
 - Mileage: \$0.58/ mile (2019 IRS rate)



Statewide Misdemeanant Confinement Fund

- All out-of-jail medical expenses are paid by the SMCP through the NCSA Inmate Medical Cost Management Plan.
 - Medical cards can be used by both sending and receiving counties
 - Plan covers procedures that are “necessary”
 - All transportation and personnel costs are reimbursed to county
 - This generates an average savings of 44%



Sheriffs' Initial Response

- Original NC General Assembly request was for NCSA to manage the program utilizing closed state prisons.
- The Association leadership was not interested.
- The Association leadership was supportive of the Association managing the program, utilizing unoccupied county jail beds, on a voluntary basis.
- It was critical to make county participation totally voluntary, at the discretion of the sheriff.



Sheriffs' Initial Response (cont'd)

- There was some concern that eventually the State would make it mandatory.
- The legislation makes it clear that the inmates are “State” inmates.
- The contract signed by the sheriff can be terminated by either party at any time, without notice, and without penalty.
- The contract signed by the sheriff does not have an ending date, does not need to be renewed, and continues in effect until terminated.



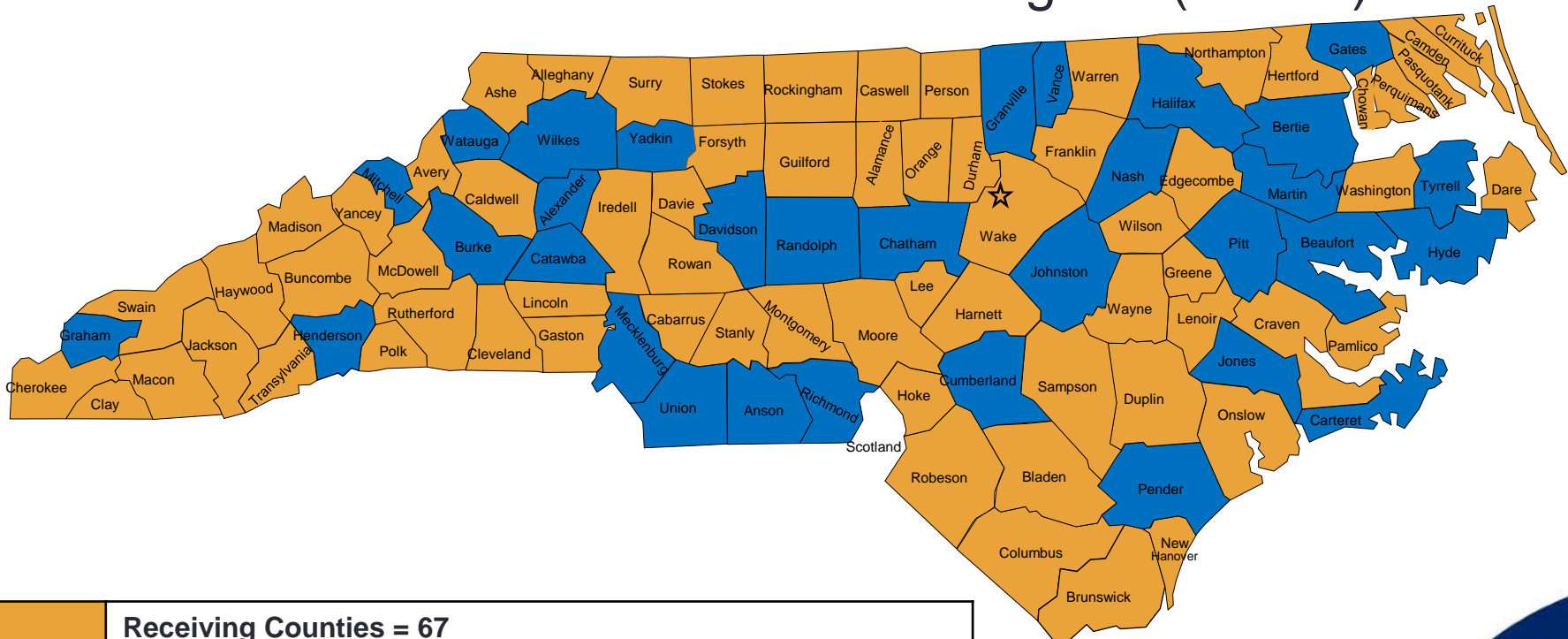
Tasks Prior to Implementation

- Consulted with sheriffs to gauge program interest
- Conducted jail study to determine feasibility
- Developed contract between DPS and sheriffs of “Receiving” counties
- Requested projected space allocation numbers from sheriffs
- Created contact directory for jail staff
- Developed proprietary database management software



SMCP “Receiving” Counties

Counties that have Volunteered Beds to the Statewide Misdemeanant Confinement Program (SMCP)



| | |
|--|----------------------------|
| | Receiving Counties = 67 |
| | Sending Only Counties = 33 |

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Daily Operations

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



NCSA Administrative Functions

- Ensure judgments adhere to statutory guidelines
- Evaluate available jail bed space to determine optimal placement
- Calculate inmates projected release dates
- Maintain database of currently and formally incarcerated SMCP inmates

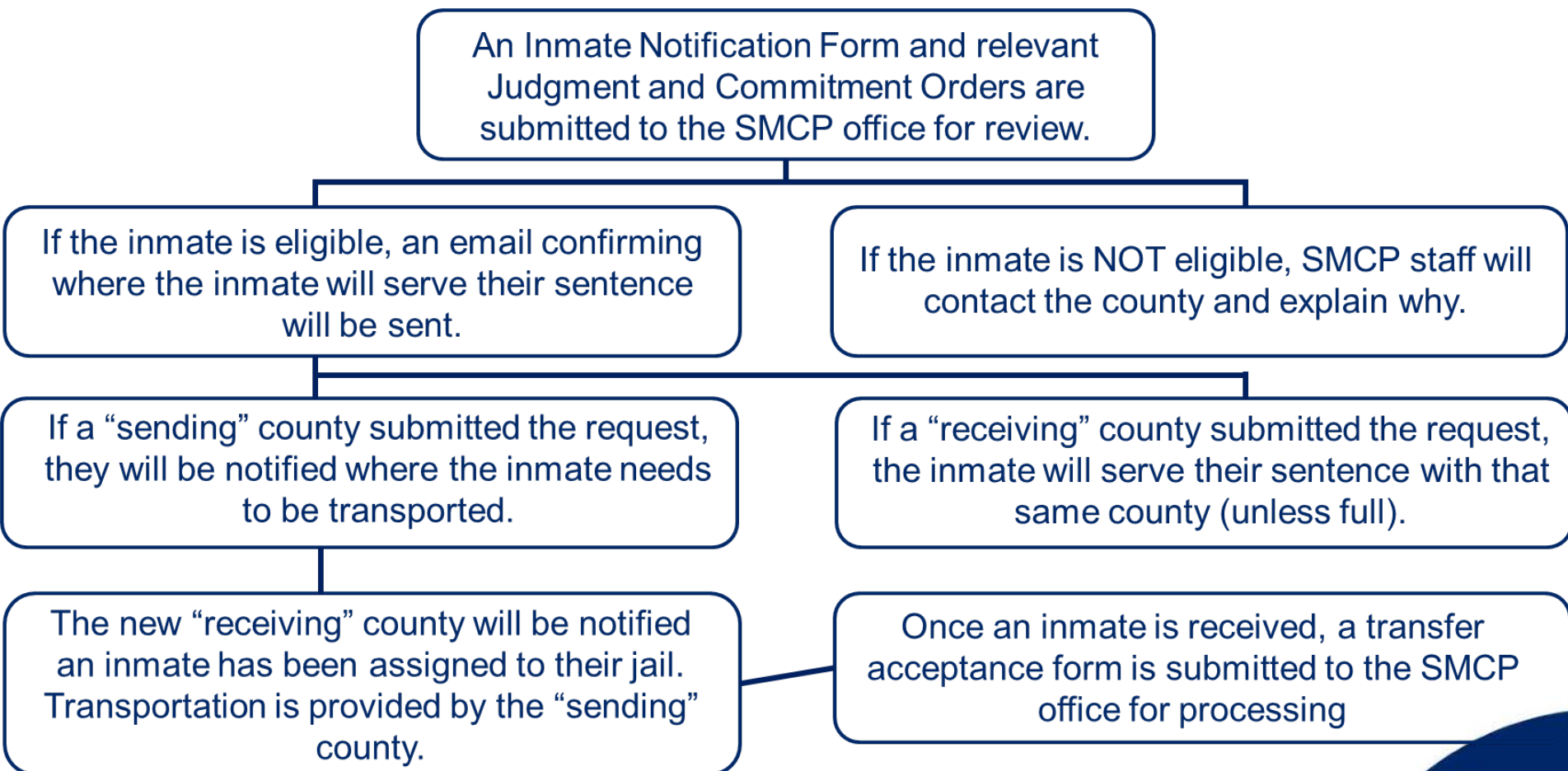


NCSA Administrative Functions (continued)

- Ensure counties are properly reimbursed
- Communicate with lawmakers, attorneys, inmates, and jail staff
- Provide monthly legislative reports, and an annual report, on program status
- Conduct annual statewide training seminars for personnel of sheriffs' offices, clerks of court, DPS personnel, etc.



Processing a Housing Request



Transferring an SMCP Inmate to Prison

- Inmate receives active felony sentence
- Inmate poses a security risk
- Inmate has a medical condition which cannot be reasonably accommodated by a county jail
- SMCP is at capacity and there are no more available beds



Common Issues

- Counties failing to notify SMCP of new or amended judgments
- Deciding proper place of confinement for inmates with chronic medical conditions
- Improper application of sentence credits leading to erroneous releases
- Excessive reimbursement adjustments due to late paperwork
- Inmates released in receiving county jurisdiction without transportation back to sending county
- High employee turnover in county jails generates questions for SMCP staff



Data

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Available Data

- The SMCP database tracks the following variables :
 - Population demographics
 - Offense classification
 - Sentence duration
 - Credit reductions
 - County contact information
 - Housing fees
 - Mileage / travel time
 - Past due submissions
 - Bed allocation
 - Out-of-jail medical visits



Generating Reports

- The SMCP software has the capability to instantaneously generate reports
- Examples of reports currently available:
 - Expense reports
 - Inmate daily population
 - Inmate entries / releases
 - Overdue transfer / release dates
 - List of all active SMCP inmates



Available Beds

- Sheriffs determine number of beds offered to SMCP
- Number of beds offered can be increased or decreased by sheriff at any time
- Decreases in the number of beds offered is implemented going forward
- In emergency, SMCP inmates can be reassigned and moved to another SMCP county jail
- If all SMCP beds are full statewide, new SMCP inmates are assigned to a State prison (has not happened)



Total Number of Inmates Processed

| Fiscal Year | Male | Female | Total |
|--------------|---------------|--------------|---------------|
| 2014-2015 | 3,119 | 519 | 3,638 |
| 2015-2016 | 3,581 | 628 | 4,209 |
| 2016-2017 | 3,225 | 702 | 3,927 |
| 2017-2018 | 3,438 | 688 | 4,126 |
| 2018-2019 | 3,249 | 657 | 3,906 |
| Total | 16,612 | 3,194 | 19,806 |

* Effective June 30



Available Beds / Population

| Fiscal Year | Male | Female | Youthful Male | Youthful Female | Total Capacity | Total Population |
|-------------|-------|--------|---------------|-----------------|----------------|------------------|
| 2014-2015 | 1,399 | 379 | 25 | 18 | 1,821 | 1,143 |
| 2015-2016 | 1,457 | 355 | 22 | 10 | 1,844 | 1,121 |
| 2016-2017 | 1,435 | 301 | 17 | 10 | 1,763 | 1,194 |
| 2017-2018 | 1,397 | 293 | 19 | 8 | 1,717 | 1,313 |
| 2018-2019 | 1,157 | 289 | 7 | 6 | 1,459 | 1,254 |



SMCP Fund Analysis for FY 2018-2019

| | |
|-----------------------------------|-------------------------|
| General Fund Appropriation | \$ 22,500,000.00 |
| County Reimbursements Paid | \$ (18,725,127.00) |
| Medical Expenses Paid | \$ (1,006,767.00) |
| Safekeeper Fees | \$ (316,382.00) |
| DPS Administrative Costs | \$ (225,000.00) |
| NCSA Administrative Costs Paid | \$ (1,000,000.00) |
| Remaining Balance | \$ 1,226,724.00 |



Cost Comparison

| Fiscal Year | SMCP Cost | Projected DPS Cost | Savings |
|-------------|------------------|--------------------|------------------|
| 2014-2015 | \$ 12,277,517.00 | \$ 24,369,823.00 | \$ 12,092,306.00 |
| 2015-2016 | \$ 16,729,896.00 | \$ 34,832,180.00 | \$ 18,102,284.00 |
| 2016-2017 | \$ 18,017,608.00 | \$ 40,226,854.00 | \$ 22,209,246.00 |
| 2017-2018 | \$ 19,425,897.00 | \$ 48,176,225.00 | \$ 28,750,328.00 |

* Projected DPS Cost based on average daily cost of housing offenders = \$99.23 per day for 2019



Conclusion

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Evaluation

- Significant savings to the State of North Carolina
- Successful separation of Misdemeanor and Felony population, as requested by Division of Adult Correction
- Allows sheriffs and their counties to generate revenue from unoccupied jail beds



Suggestions

- Establish system of checks and balances for all procedures
- Build good relationships between Jail Staff and Sheriffs' Association
- Establish reliable channels of communication with state correction agency
- Develop consistent records retention policies



Statewide Misdemeanant Confinement Program

South Carolina Department of Corrections Oversight Committee

**Edmond W. Caldwell, Jr.
Executive Vice President and General Counsel
North Carolina Sheriffs' Association**

October 1, 2019

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



HEALTH SERVICES PRESENTATION



SOUTH CAROLINA

DEPARTMENT OF CORRECTIONS



Office of the Deputy Director of Health Services
Terre K. Marshall, MPH, CCHP-A

August 27 , 2019

House Legislative Oversight Committee

Table of Contents

| | |
|---|----|
| • Agency Mission ----- | 5 |
| • Health Services Mission----- | 6 |
| • Deputy Director of Health Services ----- | 7 |
| • Health Care Cost and Related Issues----- | 8 |
| • Health Services Staffing----- | 33 |
| • Health Services Master Plan ----- | 42 |
| • Health Service Goals ----- | 43 |
| • Health Service Medical Clinic Locations ----- | 46 |
| • Divisions/Organizational Structure----- | 47 |
| • Nursing Services Management ----- | 48 |
| • Primary Care Clinical Providers ----- | 50 |
| • Sites w/Specialized Missions ----- | 52 |
| • Kirkland ----- | 52 |
| • Broad River CI ----- | 64 |



Table of Contents (cont'd)

| | |
|---|-----|
| • Camille Griffin Graham CI ----- | 66 |
| • Central Pharmacy ----- | 68 |
| • Dental Services ----- | 70 |
| • Support Services ----- | 72 |
| • Laboratory Services ----- | 74 |
| • Behavioral Health ----- | 76 |
| • Mental Health Lawsuit ----- | 87 |
| • Suicide Prevention ----- | 99 |
| • Addiction and Recovery ----- | 106 |
| • Other Innovations and Initiatives ----- | 121 |
| • Telehealth ----- | 122 |
| • Electronic Health Record ----- | 123 |

DISCLAIMER

- Please note some of the information in this presentation may differ from that provided in the agency's original Program Evaluation Report (PER) submission. The Agency plans to provide the Committee with an updated PER when presentations are complete.



Agency Mission

The mission of the South Carolina Department of Corrections is:

SAFETY

We will protect the public, our employees, and our inmates.

SERVICE

We will provide rehabilitation and self-improvement opportunities for inmates.

STEWARDSHIP

We will promote professional excellence, fiscal responsibility, and self-sufficiency.



Health Services Mission

We will provide a comprehensive continuum of health care, which facilitates positive change within the inmate population by creating an atmosphere of dignity and respect, utilizing a multidisciplinary team approach that is gender-responsive and trauma-informed to promote health maintenance and optimal functioning consistent with the community standard of care.



Deputy Director for Health Services

Reporting directly to the Director of SCDC, the Deputy Director of

Health Services oversees the daily functions of:

- Medical, Dental, Mental Health/Psychiatric, Substance Use Disorder Treatment & Sex Offender Treatment services throughout the SCDC state-wide system
- Daily operations of the Health Services staff at all 21 correctional institutions
- Operations of the SCDC Central Pharmacy & Central Laboratory
- Management of health services contracts and claims for outside community health services (hospitalization, specialty physician services, etc.)

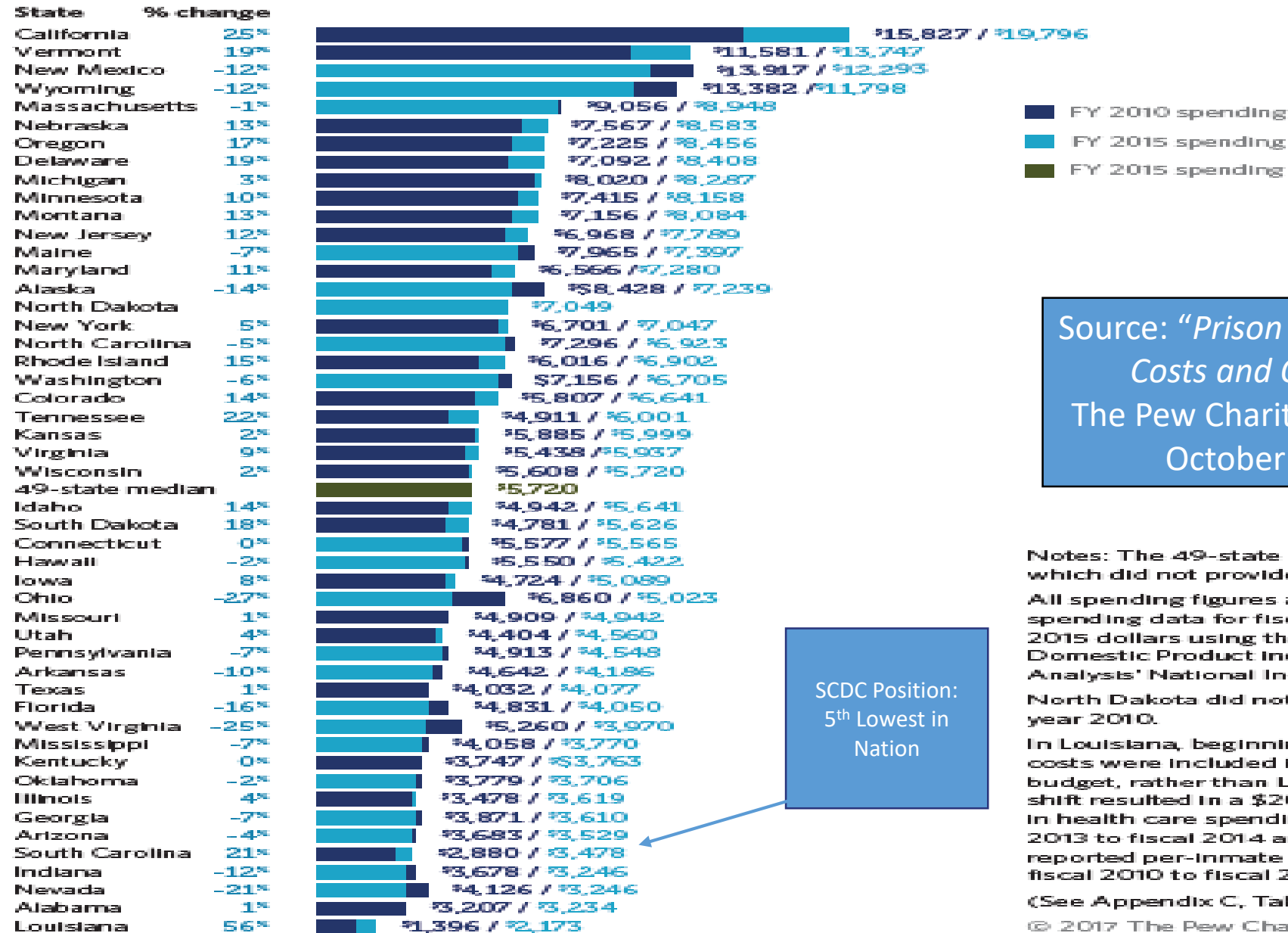




Figure 2

Per-Inmate Spending on Prison Health Care Varied Greatly

Magnitude and change by state, FY 2010-15



Source: "Prison Health Care: Costs and Quality"
The Pew Charitable Trusts;
October 2017

SCDC Position:
5th Lowest in
Nation

Notes: The 49-state median excludes New Hampshire, which did not provide data.

All spending figures are in 2015 dollars. Nominal spending data for fiscal 2010-15 were converted to 2015 dollars using the Implicit Price Deflator for Gross Domestic Product included in the Bureau of Economic Analysis' National Income and Product Accounts.

North Dakota did not report spending data for fiscal year 2010.

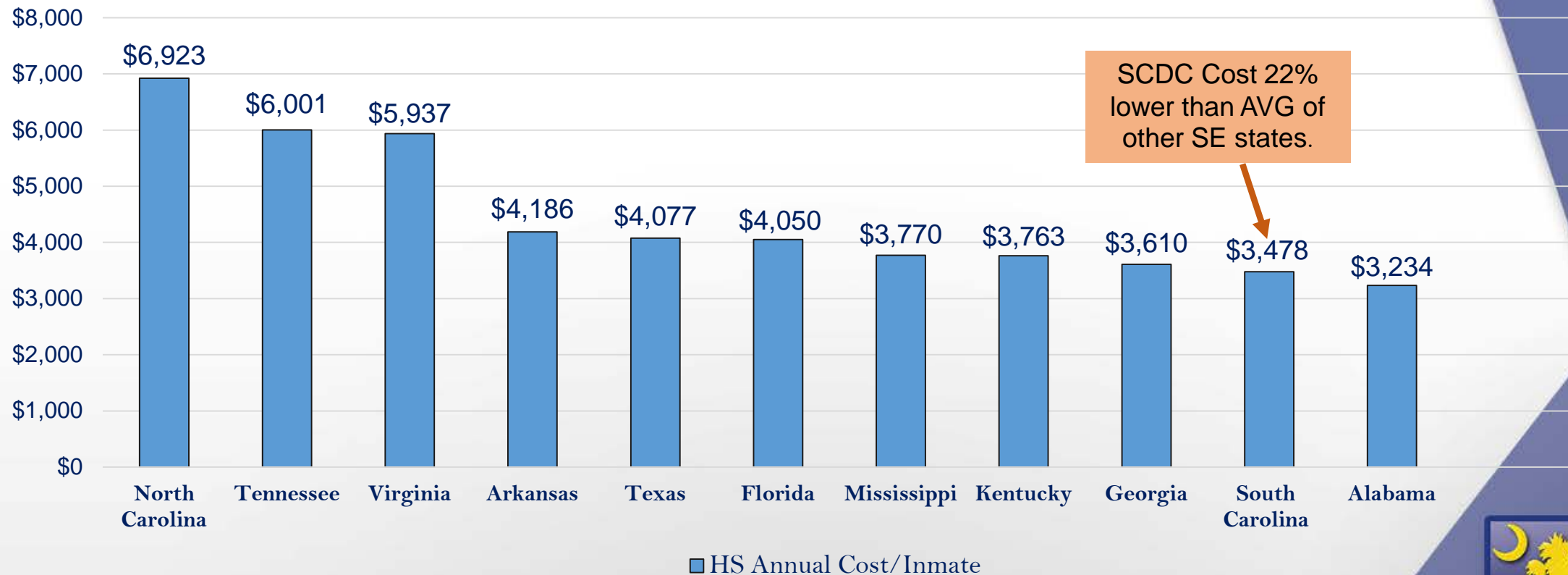
In Louisiana, beginning in fiscal 2014, off-site medical costs were included in the Department of Correction's budget, rather than Louisiana State University's. This shift resulted in a \$20 million (44 percent) increase in health care spending by the department from fiscal 2013 to fiscal 2014 and contributed to the department's reported per-inmate health care spending increase from fiscal 2010 to fiscal 2015.

(See Appendix C, Table C.3 for state data.)

© 2017 The Pew Charitable Trusts

Pew Charitable Trusts: Per Inmate Spending on Health Services Among Select Southeastern States

HS Annual Cost/Inmate 2015

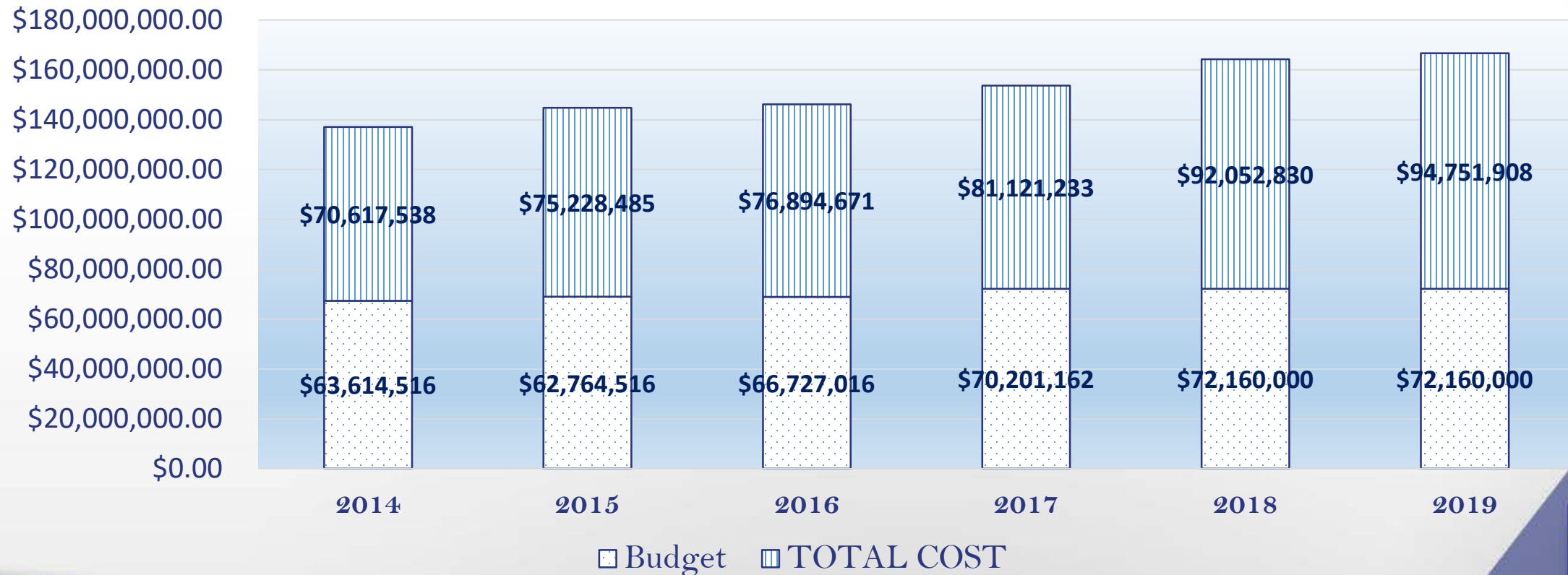


Taken from Pew Charitable Trusts report "*Prison Health Care: Costs and Quality*"
Published 2017 (data from 2015)



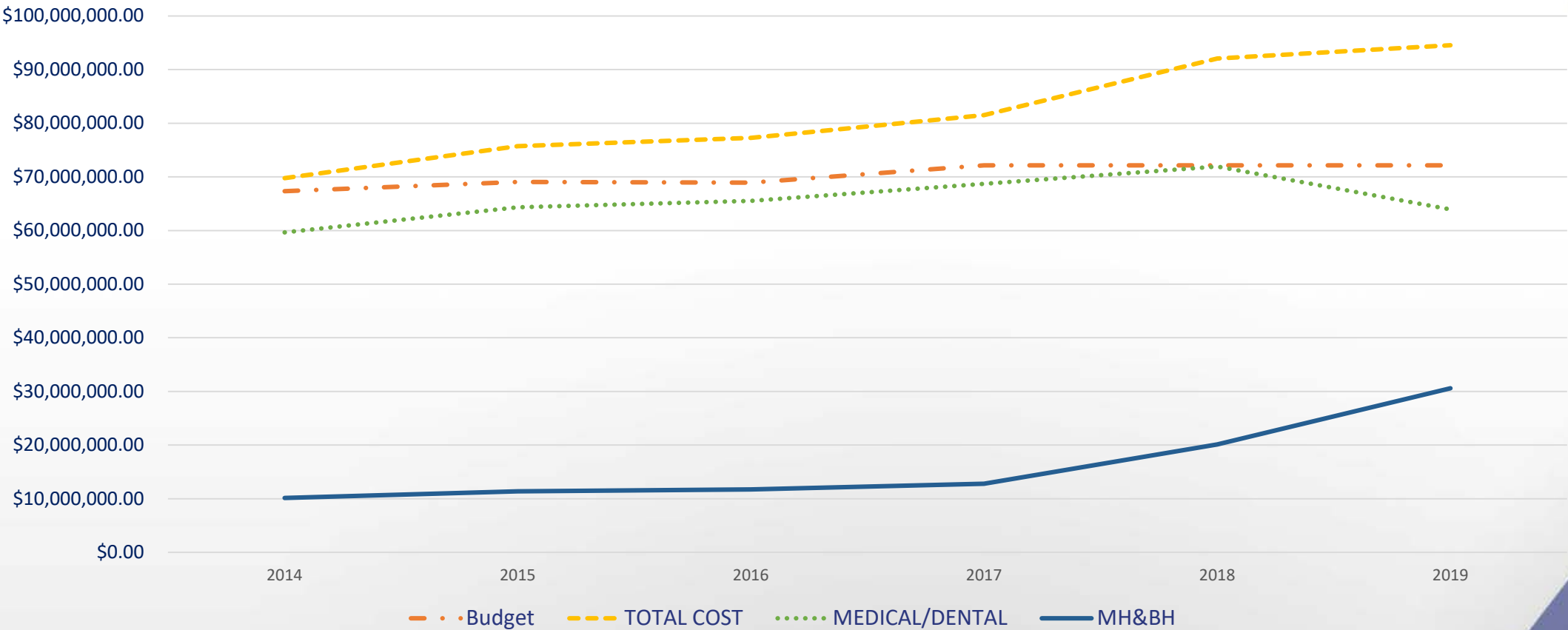
SCDC HS Budget v. Actual Spent 2014 – 2019

SCDC Budget v. Actual Spend



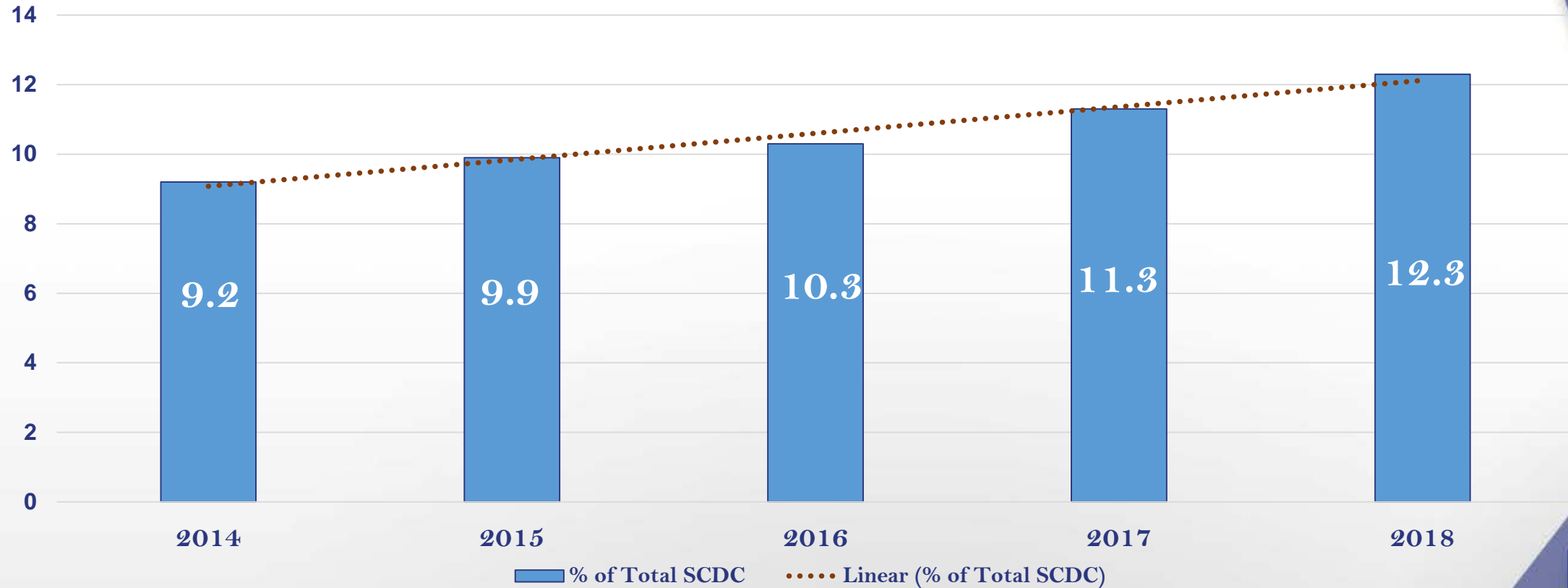
SCDC HS Spent by Category, by Fiscal Year

SCDC Health Services Expenditures by Category, by Fiscal Year



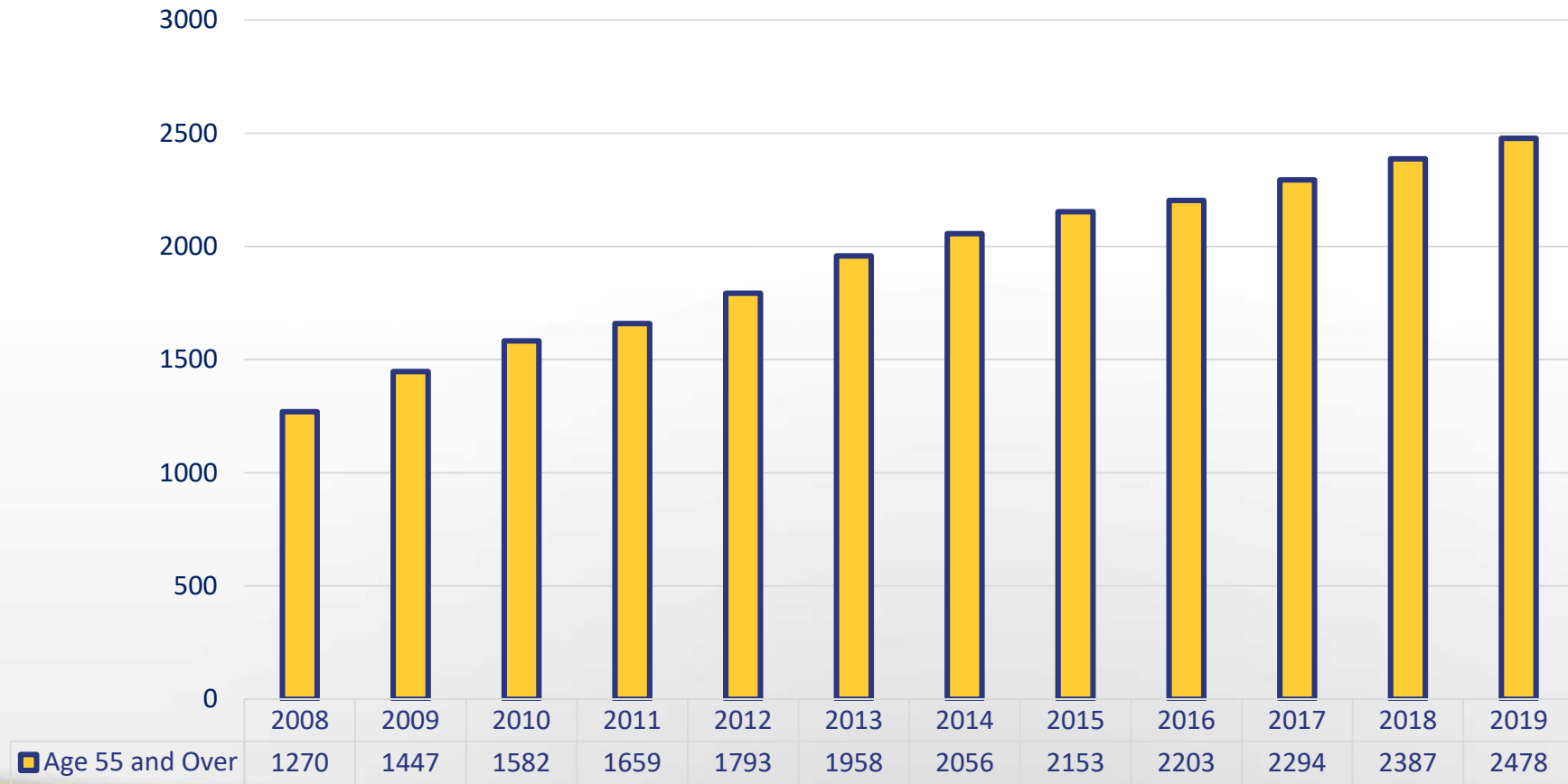
The Aging of the Inmate Population

Inmates > 55 yrs as a % of Total SCDC Population



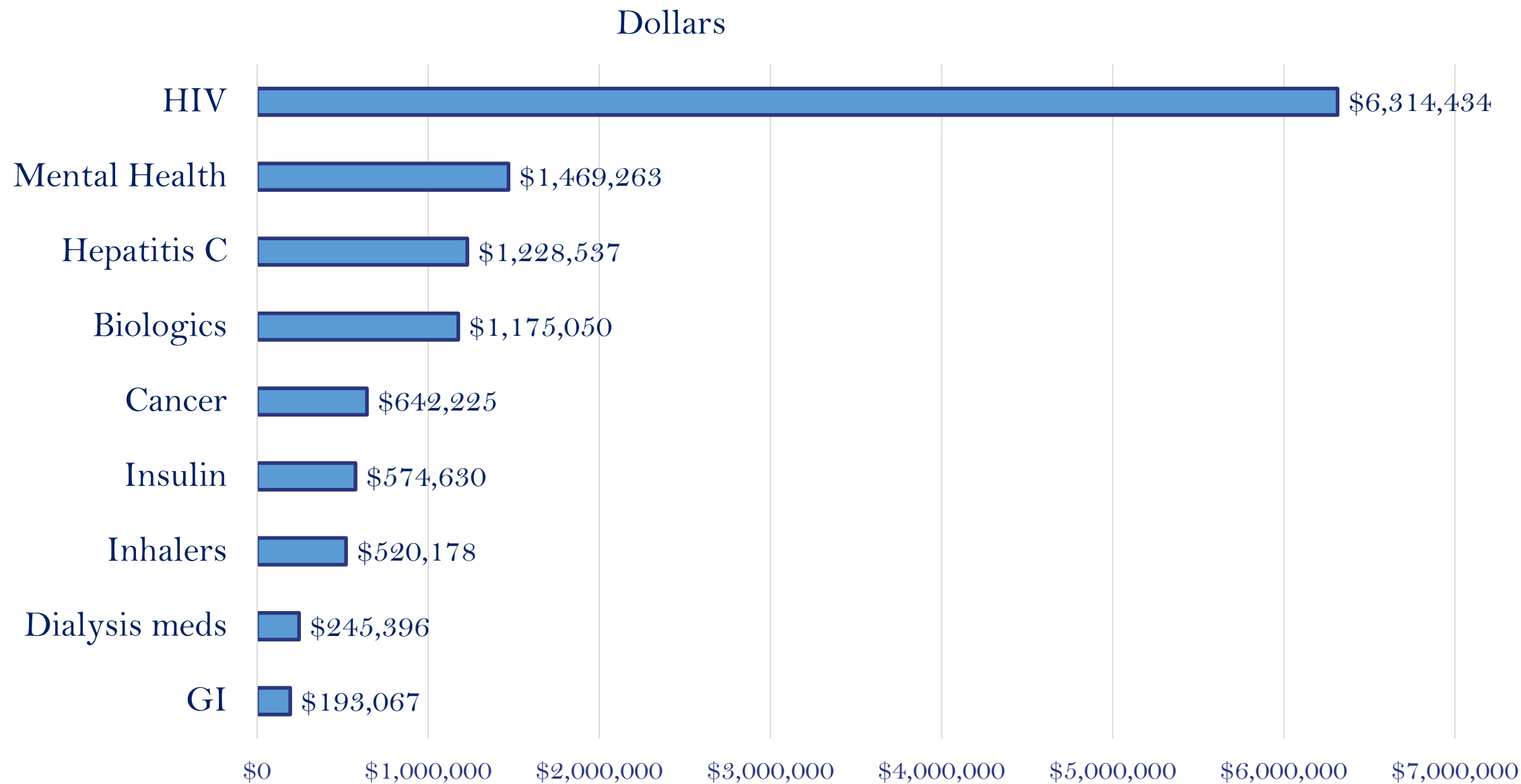
SCDC Aging Inmate Population

Age 55 and Over



Financial Impact by Type of Medication - 2018

AHFS Description

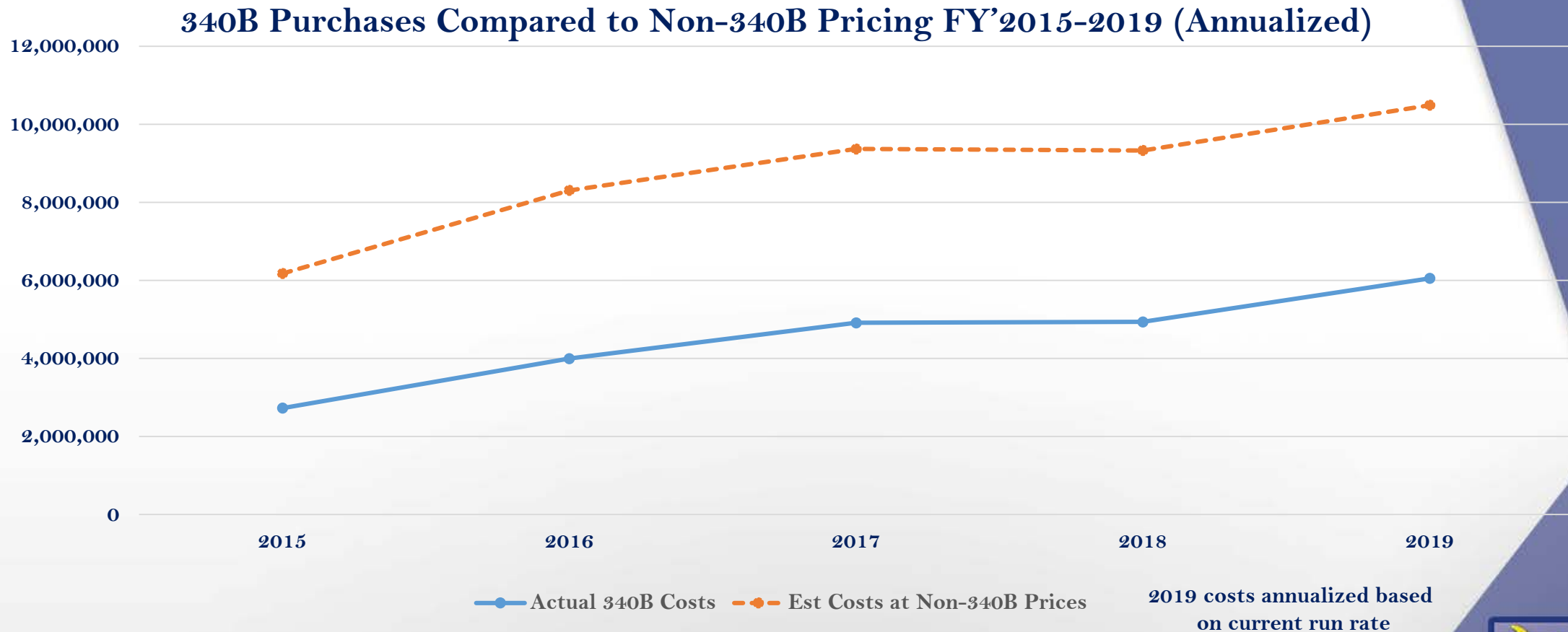


SCDC Pharmacy Expenditures for HIV 2008 - 2019

HIV Spending 2008 - 2019



Cost Avoidance Attributable to 340B Drug Buying Program (Contract with DHEC)



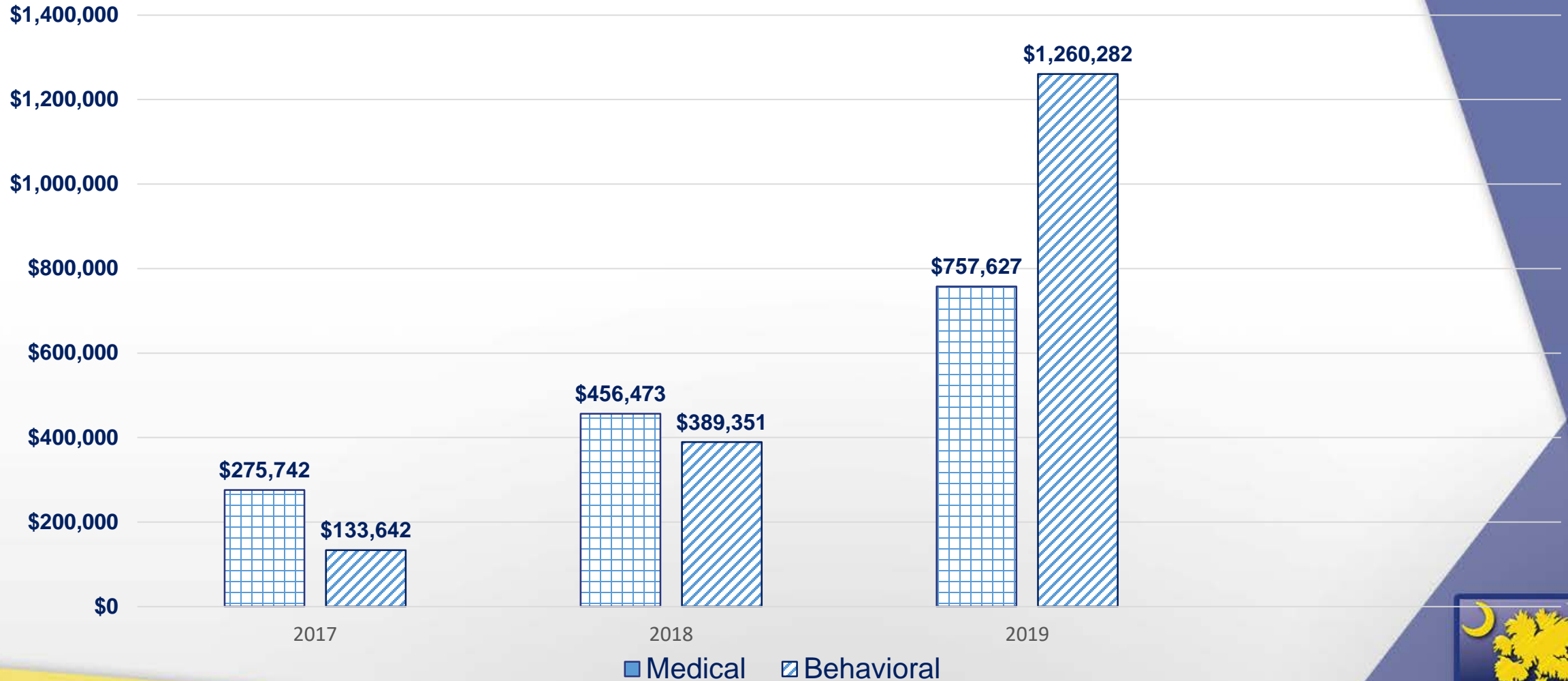
Total Cost Avoidance 2015 – 2019 for 340B Purchases = \$21,121,832



Top Fifteen (15) High Volume Tests Performed Annually



SCDC Expenditures at the Wellpath Regional Care Site in Columbia (2017-2019)



Inpatient Contractual Hospital Stay Expenses



MEDICAID ELIGIBILITY: Benefit of SCDC/DHHS Partnership

- Department of Health and Human Services (DHHS) provides personnel to determine eligibility for inmates who are admitted as inpatients to hospitals (>24 hr)
- If the inmate meets Medicaid eligibility requirements (e.g., delivering mothers, Aged, Blind, Disabled), inpatient stay paid by Medicaid rather than SCDC (federal dollars then pay the majority of the cost of the inpatient stay)

- * *Data.wa.gov national survey, 2014*
- ** Kaiser Foundation kff.org/Medicaid-financing 2015



Benefits of Medicaid Eligibility (inpatient):

- Also, inmates then eligible for Medicaid upon release from custody and have continuity of care coverage for re-entry transition
- An average of 124 inpatient admissions per year offset by this initiative at an average cost of \$13,776/admission * and an average of 67-73.1% Federal match for South Carolina**, estimate State taxpayer savings of over \$1M annually

Care and Treatment for Inmates (Health)

Deliverable 85

Required

SC Code 24-1-130

SC Proviso 65.16, 6,65.8

Components

- Provide health care required by law, even if inmate is not covered by insurance.
- Refrain from charging inmates for mental health treatment.
- Charge fee for inmate-requested medical treatment, except psychological or mental health visits.
- Charge copay for prescriptions.

Performance Measures

Deliverables

85.0,85.1,85.2,85.3,85.4,85.5,85.6,85.7,85.8.,85.9,85.91,85.92,85.93



INMATE COPAY: Don't charge inmates for mental health treatment per proviso.

Required
SC Proviso 65.8
(2018-19)

Customers

- ✓ Know # of potential customers
- ✓ Know # of customers served
- ✓ Evaluate customer satisfaction
- ✓ Evaluate outcomes

Greatest potential harm

None

Recommendations to General Assembly

No action necessary.

Costs

- ✓ Know cost per unit to provide
- ✗ Law allows charging customer

INMATE COPAY: Charge fee for inmate-requested medical treatment, except psychological or mental health visits.

Allowed
SC Proviso 65.8
(2018-19)

Customers

- ✓ Know # of potential customers
- ✓ Know # of customers served
- ✓ Evaluate customer satisfaction
- ✓ Evaluate outcomes

Greatest potential harm

None

Recommendations to General Assembly

Has been SCDC Policy for several years.

Costs

- ✓ Know cost per unit to provide
- ✓ Law allows charging customer

INMATE COPAY: Charge co-pay for prescriptions

Customers

- ✓ Know # of potential customers
- ✓ Know # of customers served
- ✓ Evaluate customer satisfaction
- ✓ Evaluate outcomes

Greatest potential harm

None

Recommendations to General Assembly

Has been SCDC Policy for several years.

Costs

- ✓ Know cost per unit to provide
- ✓ Law allows charging customer

Information About Inmates Who Receive Social Security Insurance, Provide to the Social Security Administration

Deliverable 88

Required
SC 65.7 (2018-19)

Components

- Deposit funds received from the Social Security Administration for information regarding inmates who receive Social Security Insurance in special “Social Security Account” for care and custody of inmates.

MEDICAL PAROLE: File petitions to the full parole board for release of an inmate who is terminally ill, geriatric, permanently incapacitated, or any combination of these conditions

Allowed
S.C. Code Section
24-21-715(B)

Customers

- ✗ Know # of potential customers
- ✓ Know # of customers served
- ✗ Evaluate customer satisfaction
- ✓ Evaluate outcomes

Greatest potential harm

Increased costs as medical parole and furlough release reduce monetary cost to State of South Carolina and to agency due to high medical bills

Costs

- ✓ Know cost per unit to provide
- ✗ Law allows charging customer

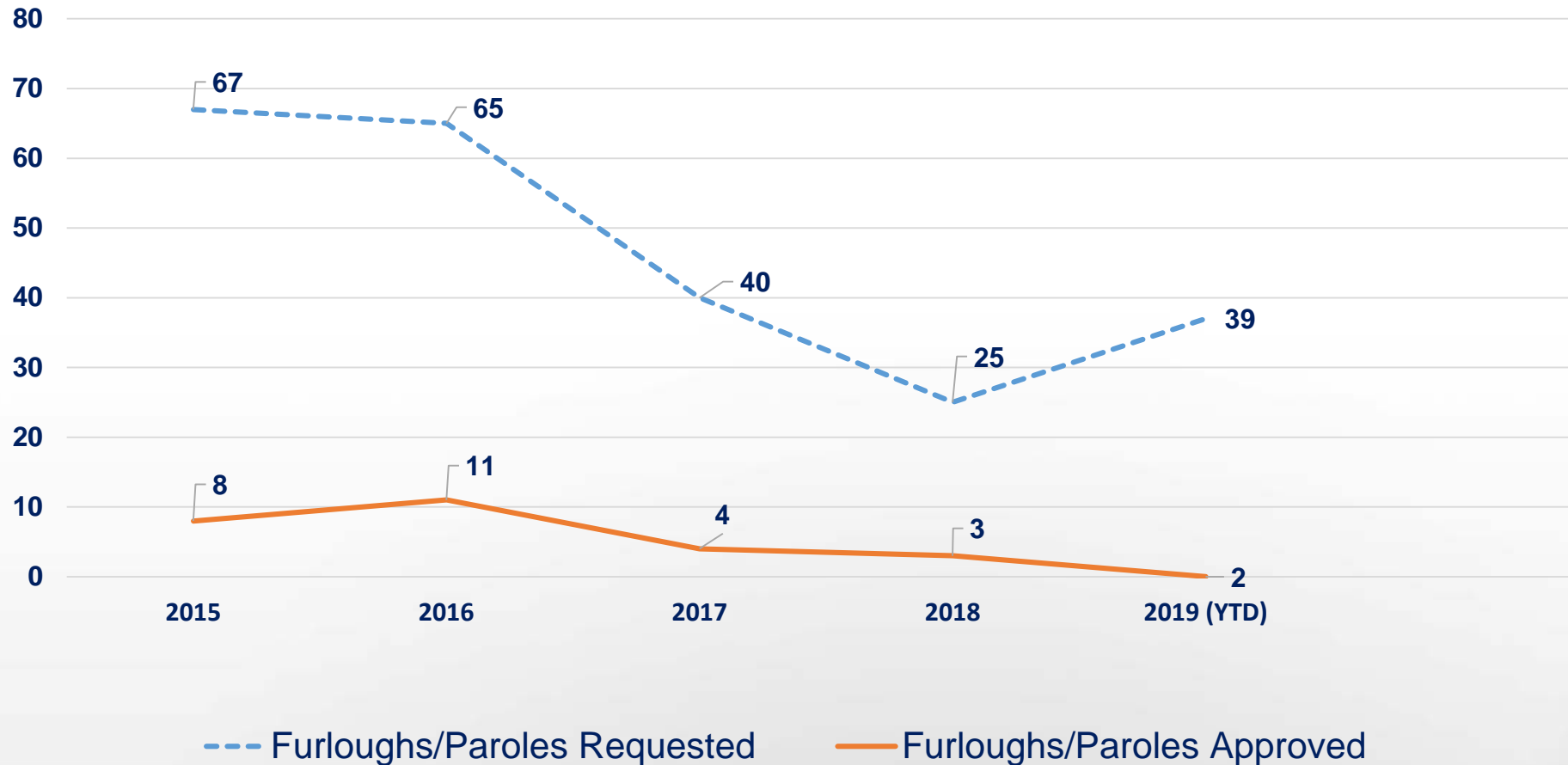
Medical Furloughs/Medical Paroles

Per SCDC Policy, inmates may be referred for a Medical Furlough or Medical Parole if they:

- Are diagnosed with a terminal illness and a physician has determined they have less than one year or two years to live
- Have a family member willing to sponsor the inmate upon release
- Have a community provider that agrees to provide needed health care
- Care in community at no cost to SCDC (Family, Medicaid, Medicare)



Medical Furlough/Paroles Requested vs. Granted 2015-2019



On average, only 11% of medical furloughs or paroles are granted. The most common reason is there are no relatives that will agree to take responsibility for the inmate.



Inmate deaths (non-execution). Take actions outlined in statute.

Deliverable 16

Required
SC Code 24-9-35

Components

- County coroner, immediately notified if a person dies while in jail or prison.
- Death of an inmate must be reported within 72 hours to the SCDC Inspection Division SCDC Form 8-2 “Report of Inmate Death”.
- Create reports on which a facility manager can report the death of an inmate and the circumstances surrounding it.
- If a person dies while in jail or prison, SCDC Inspection Division is required to retain SCDC Form 8-2 “Report of Inmate Death” .

Inmate deaths (non-execution). Take actions outlined in statute.

Deliverables 16.0,16.1,16.2,16.3,16.4

Customers

- ✓ Know # of potential customers
- ✓ Know # of customers served
- ✓ Evaluate customer satisfaction
- ✓ Evaluate outcomes

Costs

- ✓ Know cost per unit to provide
- X Law allows charging customer

Greatest potential harm

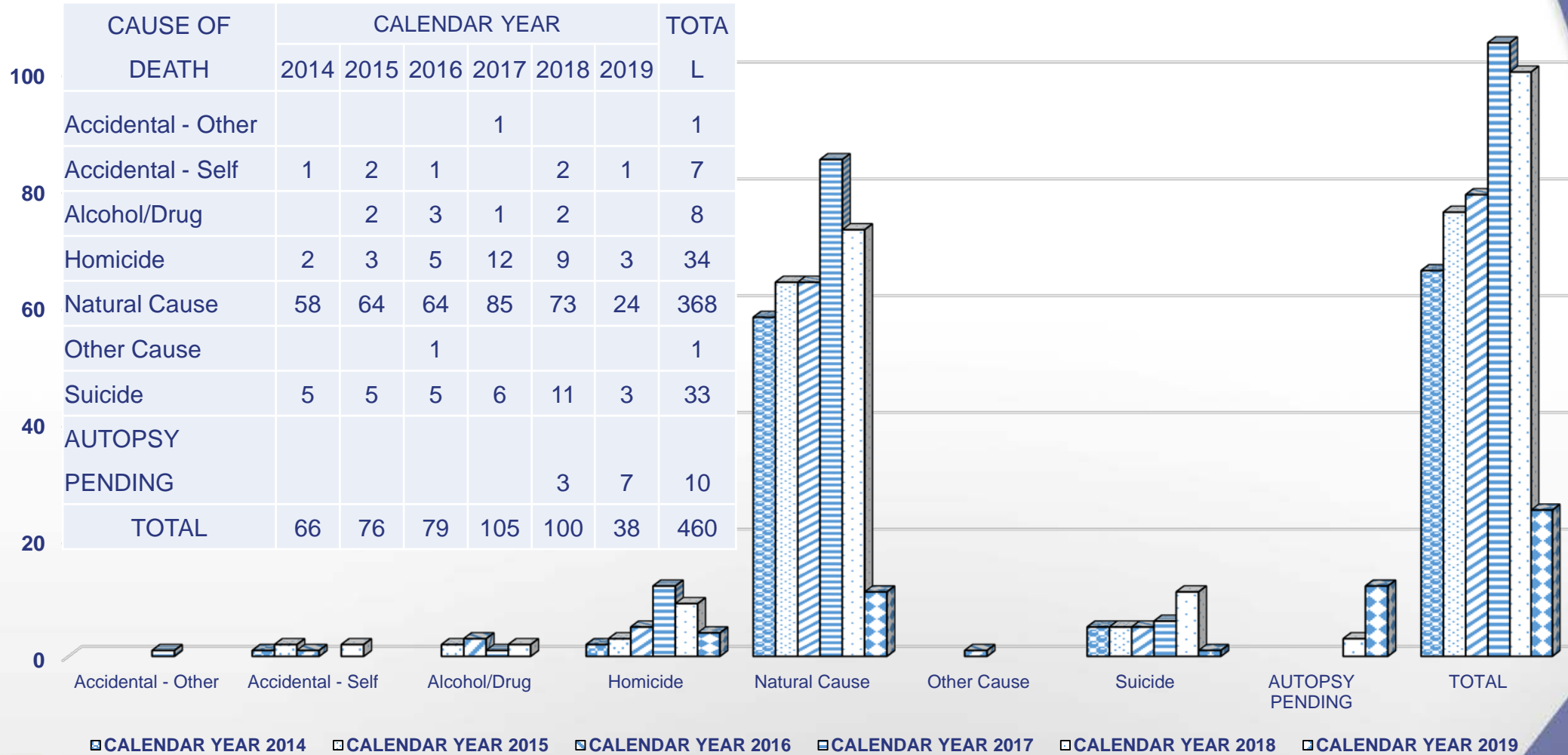
Opens Agency to unnecessary lawsuits from inmate families concerning their perished loved ones.

Recommendations to General Assembly

Understand that the prison system has offenders of all ages confined within their perimeters.

SCDC Inmate Deaths 2014-2019 (YTD) by *Cause

120



*Cause of death is determined by the Coroner



HEALTH SERVICES STAFFING



Physical Health Services Staffing by Program/Discipline

(source: SCDC “Medical Personnel Report 7/22/2019” – not all inclusive)

| Position Type | # of Positions | # of Vacancies | % Vacant |
|-------------------------|----------------|----------------|----------|
| Nurse Admin/Manager | 28 | 4 | 14% |
| Head Nurse | 17 | 1 | 6 |
| Physicians | 14 | 1 | 7% |
| Physicians Assistants | 3 | 0 | 0 |
| Nurse Practitioners | 17 | 4 | 24% |
| RN | 139 | 51 | 36% |
| LPN | 107 | 45 | 41% |
| Paramedic | 20 | 15 | 75% |
| CNA | 41 | 9 | 22% |
| Medical Records | 3 | 0 | 0 |
| Dentists | 7 | 1 | 14% |
| Dental Assistants | 13 | 1 | 6% |
| Laboratory Technologist | 5 | 1 | 20% |



Behavioral Health Services Staffing by Program/Discipline

Source - MH Oversight Vacancy Report- As Dictated by the Mental Health Settlement Agreement - July 22, 2019

| Position Type | # of FTEs | Filled | # of Vacancies | % Vacant |
|---|-----------|--------|----------------|----------|
| Psychiatrist | 16 | 16 | 0 | 0% |
| Psychologist | 4 | 4 | 0 | 0% |
| QMHPs | 112 | 71 | 41 | 36.6% |
| Mental Health Officers* | 30 | 30 | 0 | 0% |
| Activity Therapist Supervisor | 1 | 1 | 0 | 0% |
| Activity Therapist | 3 | 3 | 0 | 0% |
| Health Services Recruiter | 1 | 1 | 0 | 0% |
| Administrative Support | 9 | 9 | 0 | 0% |
| Addiction Recovery Services (Not part of MH Settlement) | 36 | 30 | 5 | 17% |



The Pew Trusts Reports 2015

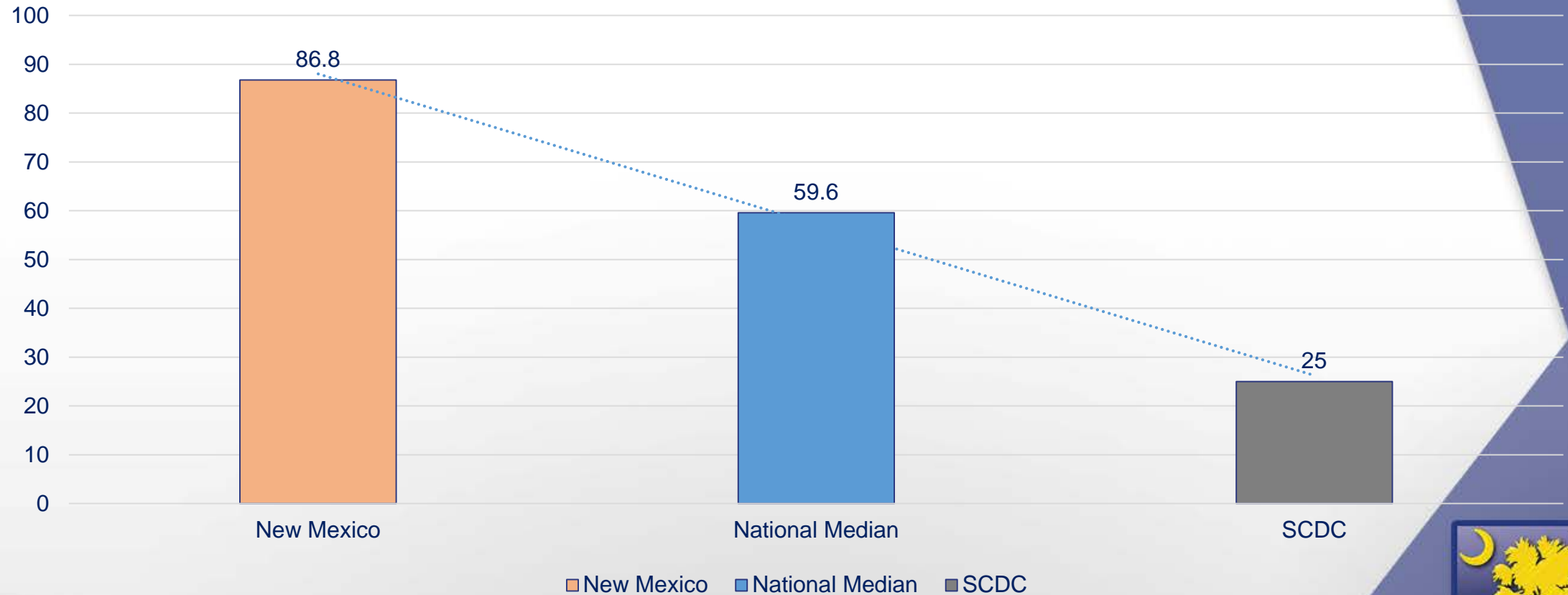
Health Care Staffing per Inmate

- Highest Number of FTE's per 1,000 Inmates = **New Mexico**
86.8 FTE's per 1,000 Inmates
- Median Number of FTE's per 1,000 Inmates Across **US** = 59.6
FTE's per 1000 Inmates
- **South Carolina** = 25 FTE's per 1,000 Inmates

The Pew Trusts Reports 2015 Health Care Staffing per Inmate

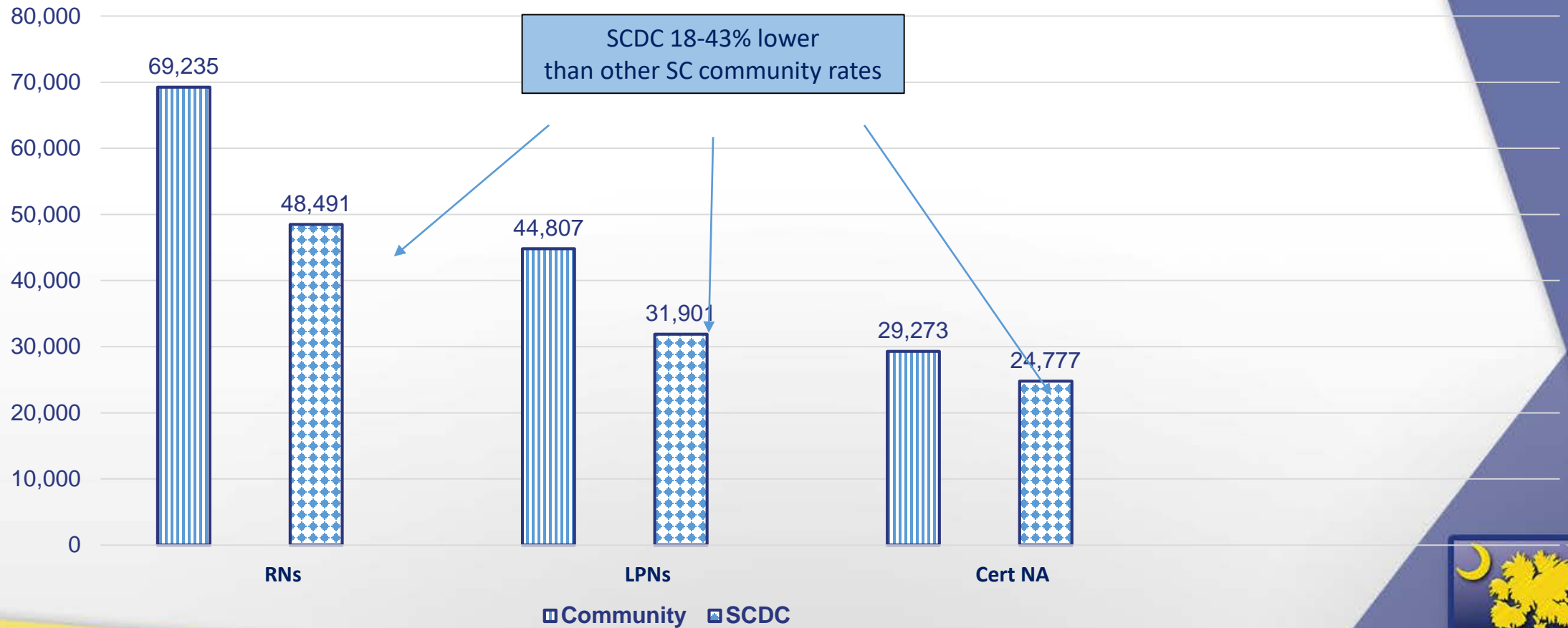
Based on Pew Charitable Trust Report "Prison Health Care, Costs and Quality" (2015)

Health Services Staff per 1,000



SCDC staffing ratio is 58% lower than the national median staffing ratio.

COMPARISON OF ANNUAL SALARIES FOR SCDC AND COMMUNITY RESOURCES



Community 43% higher for RNs, 40% higher for LPNs, and 18% higher for CNAs



ANNUAL SALARIES FOR SCDC BEHAVIORAL HEALTH PROFESSIONAL AND VACANCY PERCENTAGE

Mental Health Oversight Report 8/18/19

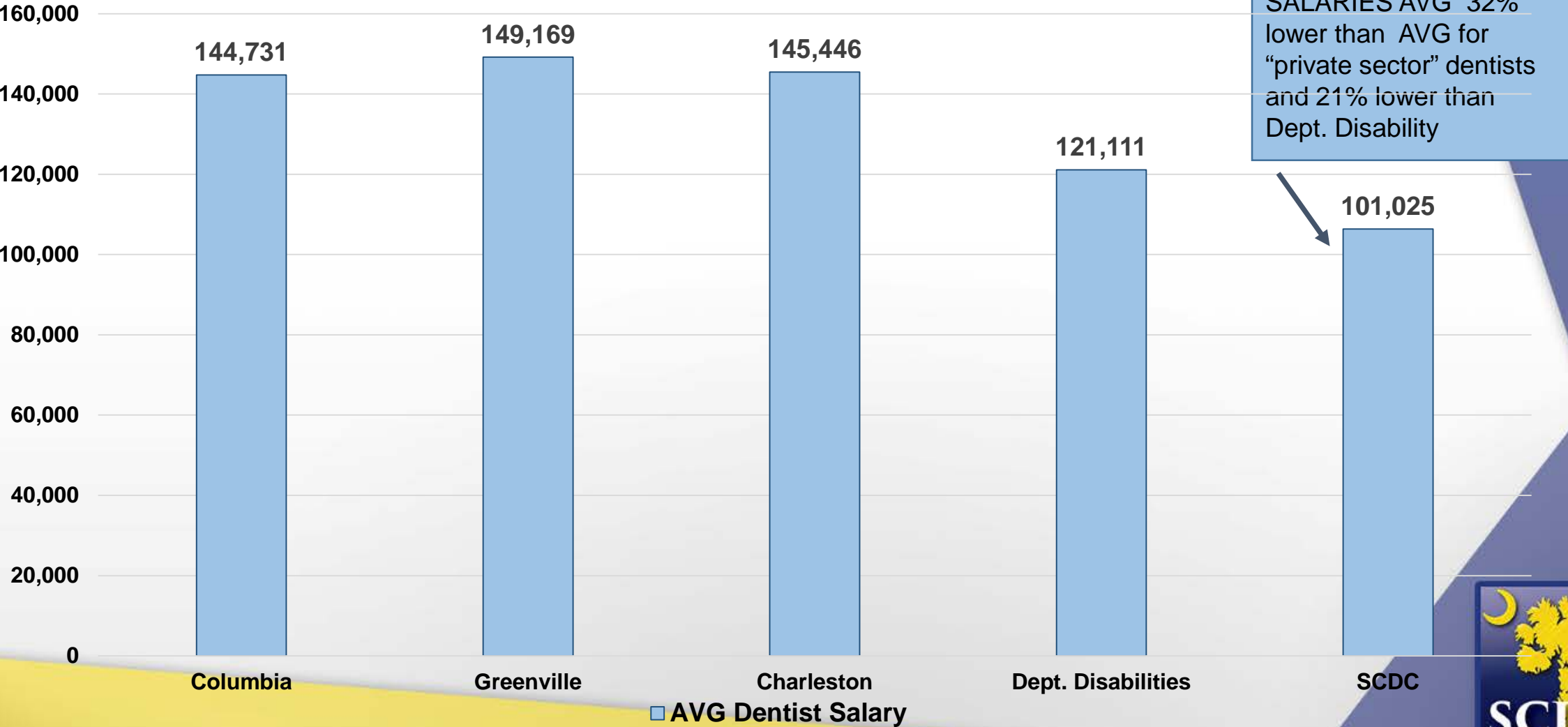
| Discipline | Salary | Mental Health Lawsuit |
|---------------------------------------|-------------------|-----------------------|
| Psychiatrist | \$255,000 | 0% |
| Psychologist | \$122,400 | 0% |
| Qualified Mental Health Professionals | \$48,960/\$53,040 | 36.6% |
| Mental Health Officers (of 44) | \$36,860 | 0% |



Comparison of Average Dental Salaries in Selected Areas

State Agency vs. Corrections

Source: Salary.com 5/31/2019



Delivery & Organization of Health Services

- Development of 2-year strategic & operational Master Plan
- Reorganization of Division of Health Services with hiring of key positions
- Priority for placement of positions within the institutions



Health Services Master Plan*

- Signed by Bryan P. Stirling, Director, August 22, 2018
- Strategic and Operational Plan for FY18 & FY19
- Multidisciplinary to Encompass: Health Care, Mental Health, Substance Use Disorder Treatment/Addiction Recovery & Sex Offender Treatment

*Note: Subject to Appropriations



HEALTH SERVICES GOALS

- Goal 1:** Improve the ability to timely recruit, retain, onboard & train qualified health & behavioral health professionals across all disciplines throughout SCDC
- Goal 2:** Enhance Behavioral Health Services in response to the identified needs of the patient population across the necessary continuum of care throughout all levels of care within all security levels



Goal 3: Enhance the delivery of Substance Use Disorder Treatment and Management to coincide with the ASAM Model of Care and responsive to individual treatment needs

Goal 4: Establish an “Inmate Health Plan” for individuals incarcerated within SCDC to include affirmative, definitive guidelines for management of all levels of necessary health/behavioral health services to include addiction recovery & sex offender treatment



Goal 5: Implement health care technology, cost savings & efficiency initiatives to streamline & improve the delivery of services while maximizing effectiveness, increasing on-site availability of levels of care , & decreasing off-site necessity of services & security overtime/transportation



Perry CI (L3 - 24hr)
834

Livesay CI (L1-Daily)
415

Kershaw CI (L2-Daily)
1,326

Evans CI (L2-Daily)
1,193

Lee CI (L3-24hr)
1,202

Palmer PRC (L1-Daily)
239

Wateree CI (L2-Daily)
675

Turbeville CI (L2-24hr)
1,028

MacDougall CI (L2-Daily)
645

Lieber CI (L3-24hr)
1,143

Ridgeland CI (L2-24hr)
*944

Allendale CI
(L2-Daily) 992

Trenton CI (L2-Daily)
475

Leath CI (L3-Daily)
622

McCormick CI (L3-24hr)
914

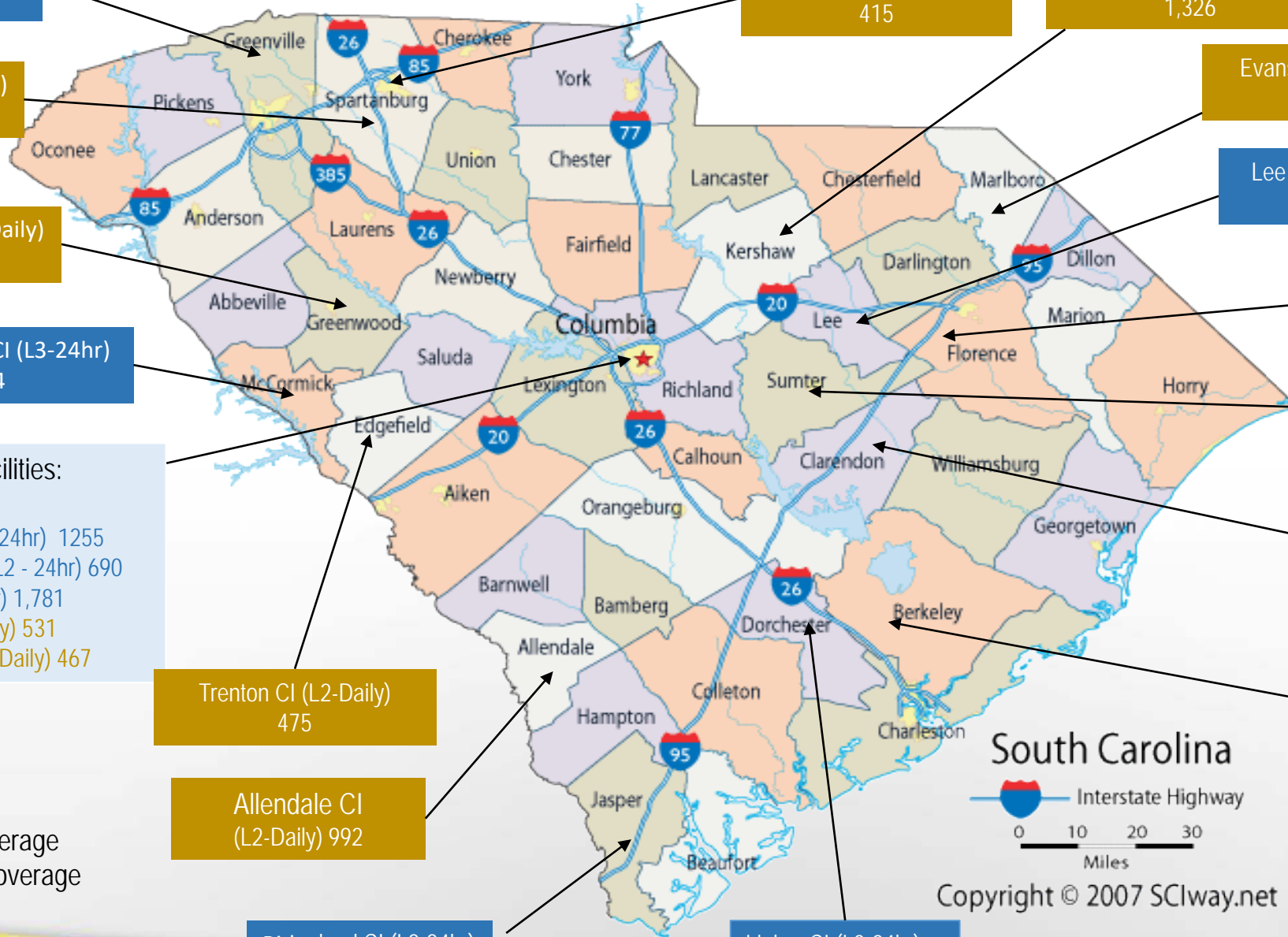
Tyger River CI (L2 - Daily)
1,170

Columbia Facilities:

1. Broad River CI (L3 - 24hr) 1255
2. Camille Graham CI (L2 - 24hr) 690
3. Kirkland CI (L3 - 24hr) 1,781
4. Manning CI (L1 - Daily) 531
5. Goodman PRC (L1 - Daily) 467

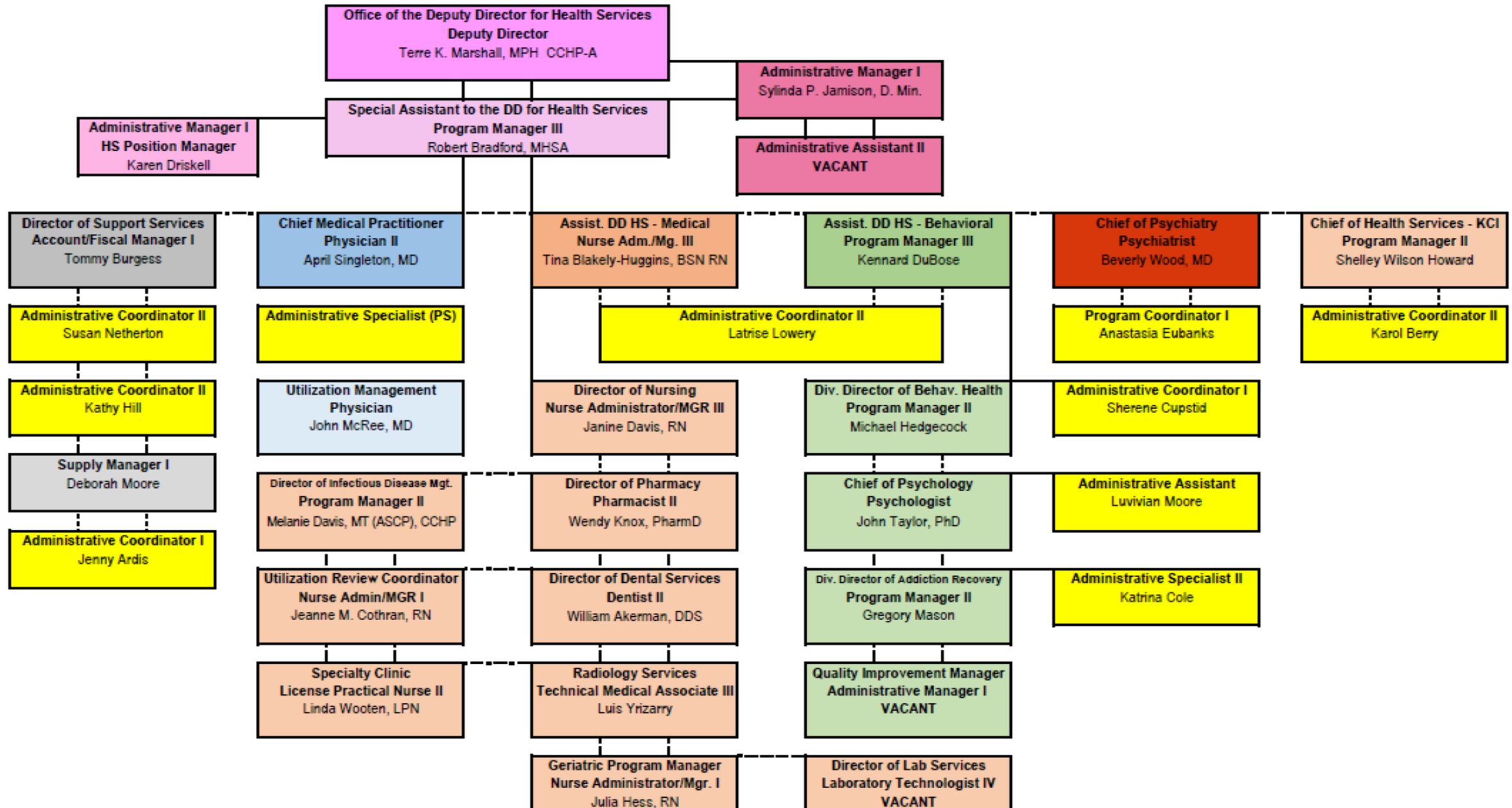
KEY
24 Hour HS Coverage
Daily/12hr HS Coverage

* Number indicates
inmate count as of June
of 2019



South Carolina Department of Corrections

Office of the Deputy Director for Health Services



NURSING



SERVICES



MANAGEMENT



Overview of Nursing/Site Management

- Provides day-to-day site health services (e.g., sick call, medications, chronic care) at the 21 SCDC institutions, 10 of which provide only 10-12 hour coverage despite having 1000+ medium-security inmates
- Health Care Authority (HCA) is supervised by the Assist. Deputy Director of Health Services, the SCDC Director of Nursing and each institutional Warden
- Ensures institutions are staffed with necessary providers, nurses and other health care professionals
- Of 110 LPN (FT/PT) positions, there is a 44% vacancy for SCDC positions; & for RN, of 157 (FT/PT), 35% are vacant (8/19/19)
- Agency nursing 120





PRIMARY CARE CLINICAL PROVIDERS



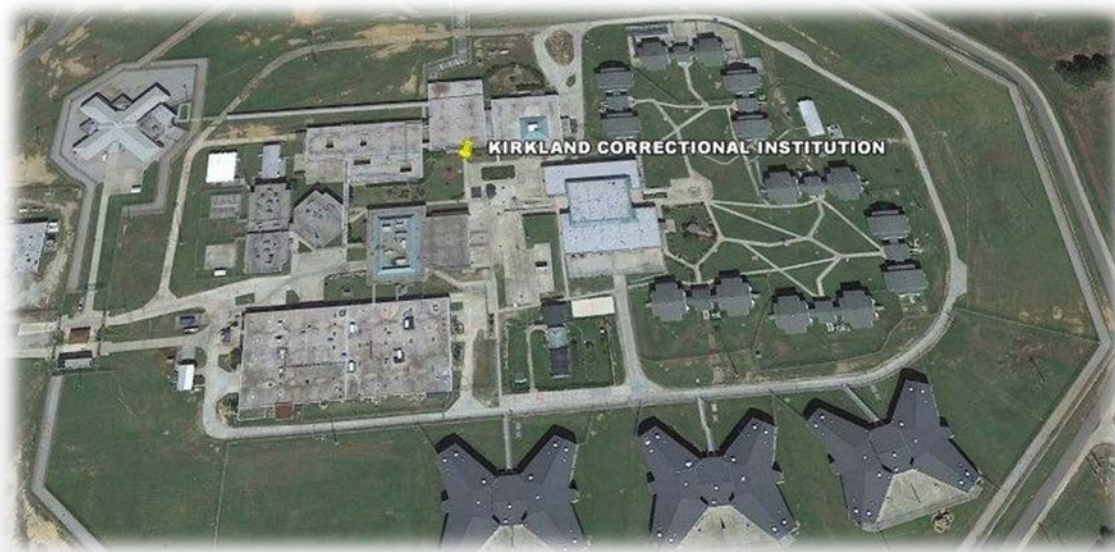
Overview of SCDC Clinical Providers

- Includes primary care physicians (14), physicians assistants (3) and nurse practitioners (15 PCP)
- Under the clinical supervision of the SCDC Chief Medical Officer, the clinical providers:
 - ✓ Provide on-site and on-call coverage at SCDC sites
 - ✓ Assess and diagnose inmates' medical needs
 - ✓ Prescribe treatment and medications
 - ✓ Refer patients for necessary specialty care and hospitalization
 - ✓ Manage preventive and chronic care



SITES WITH SPECIALIZED HEALTH MISSIONS

KIRKLAND CI



Overview of Kirkland CI Health Services Missions

Kirkland CI has a unique set of missions for SCDC:

- Male health services portion of Reception and Evaluation,
- Inpatient psychiatric management of the Gilliam Psychiatric Hospital (82 beds),
- The operation of the SCDC's largest and only subacute infirmary (24-beds) for inmates in need of skilled nursing care
- Provides on-site specialty clinics for inmates referred by SCDC clinical providers (next slide)



Overview of Kirkland CI Health Services Missions (cont'd)

- Residential mental health unit for Serious Mental Illness, ICS = 170 beds
- Behavioral mental illness residential unit, Choices (96 beds)
- High Level Behavior Management Unit (HLBMU = 24 beds)
- SCDC Central Laboratory



ON-SITE SPECIALTY CLINICS AT KIRKLAND

by Service Line and Average # of Patient Visits/Month

January 1, 2019 – June 30, 2019

| SPECIALTY | AVG/ Mo | SPECIALTY | AVG/M O | SPECIALTY | AVG/MO |
|----------------------------------|------------|---|------------|-----------------------------|--------|
| General Surgery (USC Surgery) | 52 | Ophthalmology | 52 | Physical Therapy | 22 |
| Orthopedics | 122 | Podiatry | 10 | Urology | ** |
| Optometry | 46 | Gastroenterology | 33 | Orthotics and Prosthesis | 30 |
| ENT Clinic | 16 | Internal Medicine | 19 | Pulmonary Clinic/CPAP | 16 |
| Infectious Disease | 77 | Reconstructive Plastic Surgery (every 8 wks.) | 6 | Hepatitis C | 28 |
| * Averages < 1/month | | | | | |
| ** Restarts July, 2019 | | | | | |



DNA samples from inmates, obtain from those who are legally required to submit.

Deliverable 11

Required
2018-19 Proviso 65.24

Components include:

- Collect fee for DNA sample from inmates and submit to State Treasurer
- Transfer collected DNA fees (\$250) to the State Law Enforcement Division (SLED) to offset the expenses incurred to operate the State DNA database program

Collect Fee for DNA Sample from Inmates and Submit to State Treasurer. Transfer Collected DNA Fees to State Law Enforcement Division to Offset the Expenses Incurred to Operate the State DNA Database Program

Required
2018 Proviso 65.24

Customers

- ✓ Know # of potential customers
- ✓ Know # of customers served
- ✗ Evaluate customer satisfaction
- ✓ Evaluate outcomes

Costs

- ✓ Know cost per unit to provide
- ✓ Law allows charging customer

Greatest potential harm

Important for law enforcement recording and
nationwide database for enforcement

Recommendations to General Assembly

Must do deliverable



DNA Testing Payments to SLED, FY 2012 - FY 2018

| Fiscal Year | # Inmates Making Payments for DNA Testing | # Payments Made for DNA Testing | Amount Collected for DNA Testing |
|-------------|---|---------------------------------|----------------------------------|
| 2012 | 14,047 | 130,157 | \$467,503.32 |
| 2013 | 12,760 | 120,343 | \$408,020.98 |
| 2014 | 11,710 | 116,319 | \$410,987.28 |
| 2015 | 11,392 | 117,908 | \$426,218.06 |
| 2016 | 11,060 | 120,293 | \$436,422.88 |
| 2017 | 10,230 | 114,329 | \$430,608.90 |
| 2018 | 8,437 | 90,629 | \$333,896.55 |
| Totals | 79,636 | 809,978 | \$2,913,657.97 |

Raise awareness of and educate inmates on organ, tissue, and marrow donation, and if they desire to donate, and are able to do so, follow proper laws regarding organ and tissue donation.

Allowed
SC Code 24-1-285
(2018-19)

Customers

- X** Know # of potential customers
- X** Know # of customers served
- X** Evaluate customer satisfaction
- X** Evaluate outcomes

Costs

- X** Know cost per unit to provide
- ✓** Law allows charging customer

Greatest potential harm

Loss of life of potential recipients.

Recommendations to General Assembly

None at this time. Is included in current SCDC policy.

Care and Treatment for Inmates (Health).

Deliverable 85

Required
SC Code 24-1-130
SC Proviso 65.16,
65.28,65.8

Components (continued from last slide)

- Collect and record private health information from inmates.
- File against inmate insurance for medical costs when necessary.
- Use insurance reimbursement to cover claim expenses.
- Initiate an action to collect costs incurred for medical treatment (each visit initiated by the inmate to an institutional provider for examination or treatment), above those costs the jail was able to obtain from the inmate's account if (1) the inmate is released, but was not acquitted of all charges for which he was being held or (2) the inmate was executed or died while in jail.
- Raise awareness of and educate inmates on organ, tissue, and marrow donation, and if they desire to donate, and are able to do so, follow proper laws regarding organ and tissue donation.

Performance Measures: Deliverables 85.0, 85.1, 85.2, 85.3, 85.4, 85.6, 85.7, 85.9, 85.91, 85.92,

Customers

- X Know # of potential customers
- X Know # of customers served
- X Evaluate customer satisfaction
- X Evaluate outcomes

Greatest potential harm

None – number of inmates with active private insurance is none or negligible.

Recommendations to General Assembly

None at this time.

Costs

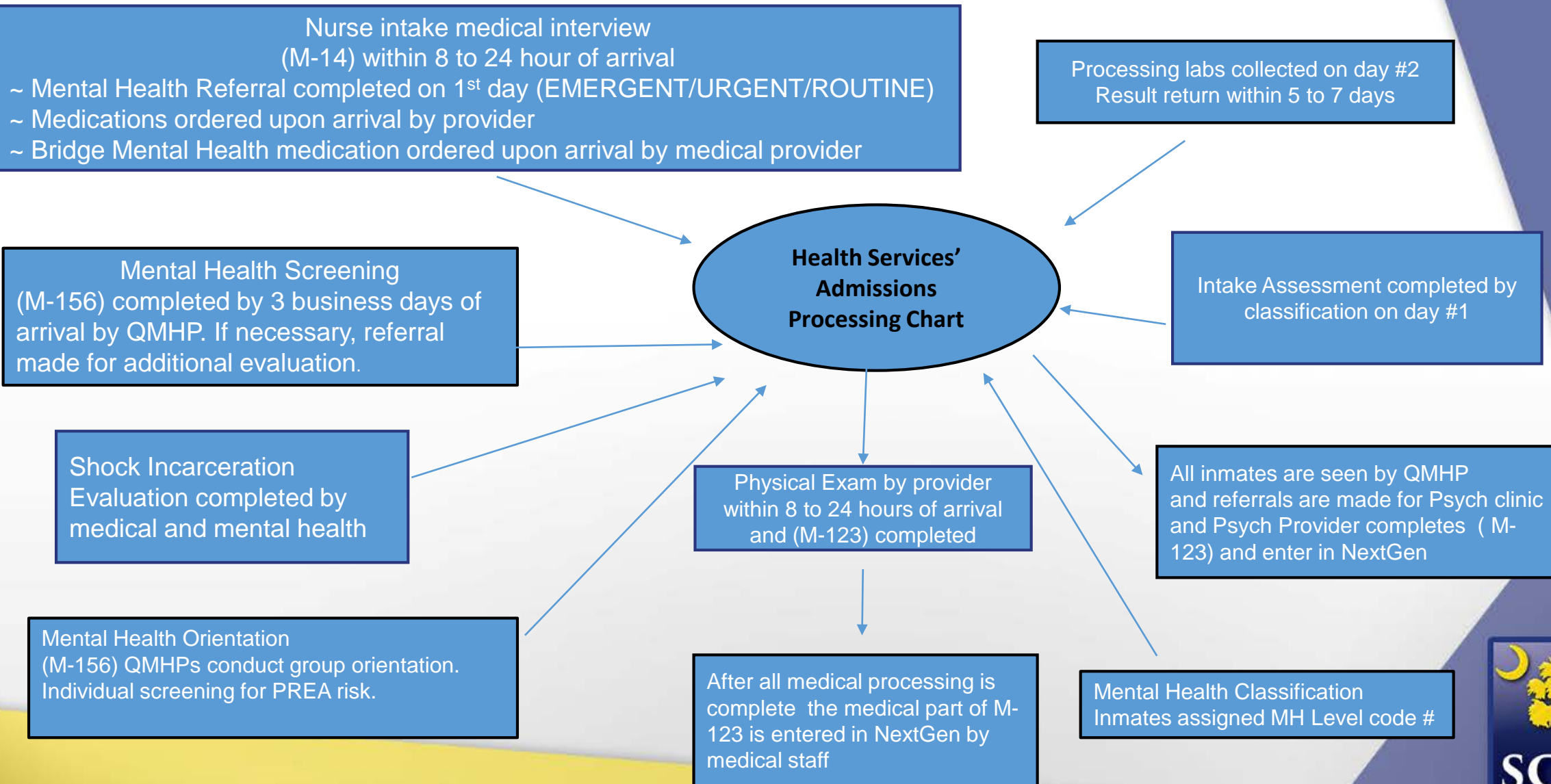
- X Know cost per unit to provide
- X Law allows charging customer

Health Services' Admissions Process

- When inmates are admitted to SCDC from the various county jails, they are processed at two primary R&E sites:
 - ✓ Kirkland Correctional Institution (KRCI) for males
 - ✓ Camille Graham Correctional Institution (CGCI) for females
- Health Services does a comprehensive evaluation of the physical and behavioral health status to determine:
 - ✓ Physical and behavioral health history
 - ✓ Chronic illnesses, both physical and mental
 - ✓ Substance use history
- This is vital for determining the inmate placement in the system to match needs during time in custody within SCDC



Health Services' Admissions Processing Chart



SITES WITH SPECIALIZED HEALTH MISSIONS

BROAD RIVER CI



Overview of Broad River CI Health Services Missions

Broad River CI has a unique set of missions for SCDC:

- Hosts the statewide dialysis center for all SCDC End Stage Renal Disease (ESRD) patients (28 male)
- Crisis Stabilization Unit (CSU) for male inmates at risk for self-injurious behavior (32 beds, expanding to 64)
- Houses cancer/oncology patients during treatment
- Death Row (37)
- Intensive Outpatient Mental Health, New Directions = 145
- Outpatient Mental Health
- Diversionary Housing Unit (residential mental health unit = 32)
- Enhanced mental health for Restrictive Housing Unit



SITES WITH SPECIALIZED HEALTH MISSIONS

CAMILLE GRIFFIN GRAHAM CI



Overview of Camille Graham CI Health Services Missions

Camille Graham CI is the female institution in SCDC with a unique set of health service missions:

- Reception and Evaluation (R&E) site for all females coming into SCDC custody
- Site where pregnant women are housed and prenatal care is provided
- OB/GYN specialty service site, on-site weekly
- Intensive Outpatient services for women
- Outpatient mental health patient population throughout compound
- Crisis Stabilization Unit (CSU) for female inmates at high risk for self- injurious behavior
- ICS residential services for females
- HOPE Addiction Treatment Unit (ATU)



SCDC CENTRAL PHARMACY



Overview of SCDC Central Pharmacy

- Dispenses and packages all prescriptions for the 21 SCDC correctional institutions from its location in Columbia; Averages over 2,000 prescription fills per day by 5 FT, 1 PT Pharmacists, 7 Technicians, 1-4 PharmD Interns/month
- Purchases drugs through state (MMCAP) and federal (340B) group buying programs at deep discounts
- Ships medications to correctional institutions each day through the SCDC transportation/bus system



DENTAL SERVICES



Overview of SCDC Dental Services

- Primarily emergency and urgent care provided; Not enough resources to provide preventive dentistry between SCDC & contracted dental resources
- Services involving dental prosthetics and metals are carefully controlled for cost efficiency
- SCDC would benefit from the addition of dental hygienists to provide preventive dentistry and thus more serious dental issues, periodontal disease & tooth loss
- Services provided using a mixture of SCDC-employed dentists and contracted dentists
- SCDC salary ranges are far below those of the private sector and even other state-employed dentists (range of \$100K)



SUPPORT SERVICES

Medicaid



Overview of SCDC Support Services

- Negotiates competitive pricing for medical goods/equipment and services
- Supply chain management
- Since 2003, SCDC has been able to access hospital pricing negotiated by PEBA through Blue Cross/Blue Shield to leverage significant discounts on hospital claims
- Medicaid pricing for inpatient stays greater than 24 hr for inmates who are eligible under Aged, Blind, Disabled (ABD) criteria or women delivering babies under Presumptive Eligibility criteria (only IF inmate consents)



LABORATORY SERVICES



Overview of SCDC Laboratory Services

- SCDC operates CLIA compliant, moderate complexity laboratory at the Kirkland CI site
- Lab specimens sent from all SCDC prison sites
- Lab staff perform testing and enter results into Electronic Health Record (EHR) for review by ordering providers
- Some low volume and esoteric testing outsourced to contract reference laboratory
- Consistently shown as cost efficient, reliable operation of medical support in SCDC



BEHAVIORAL HEALTH = MENTAL HEALTH & ADDICTION RECOVERY



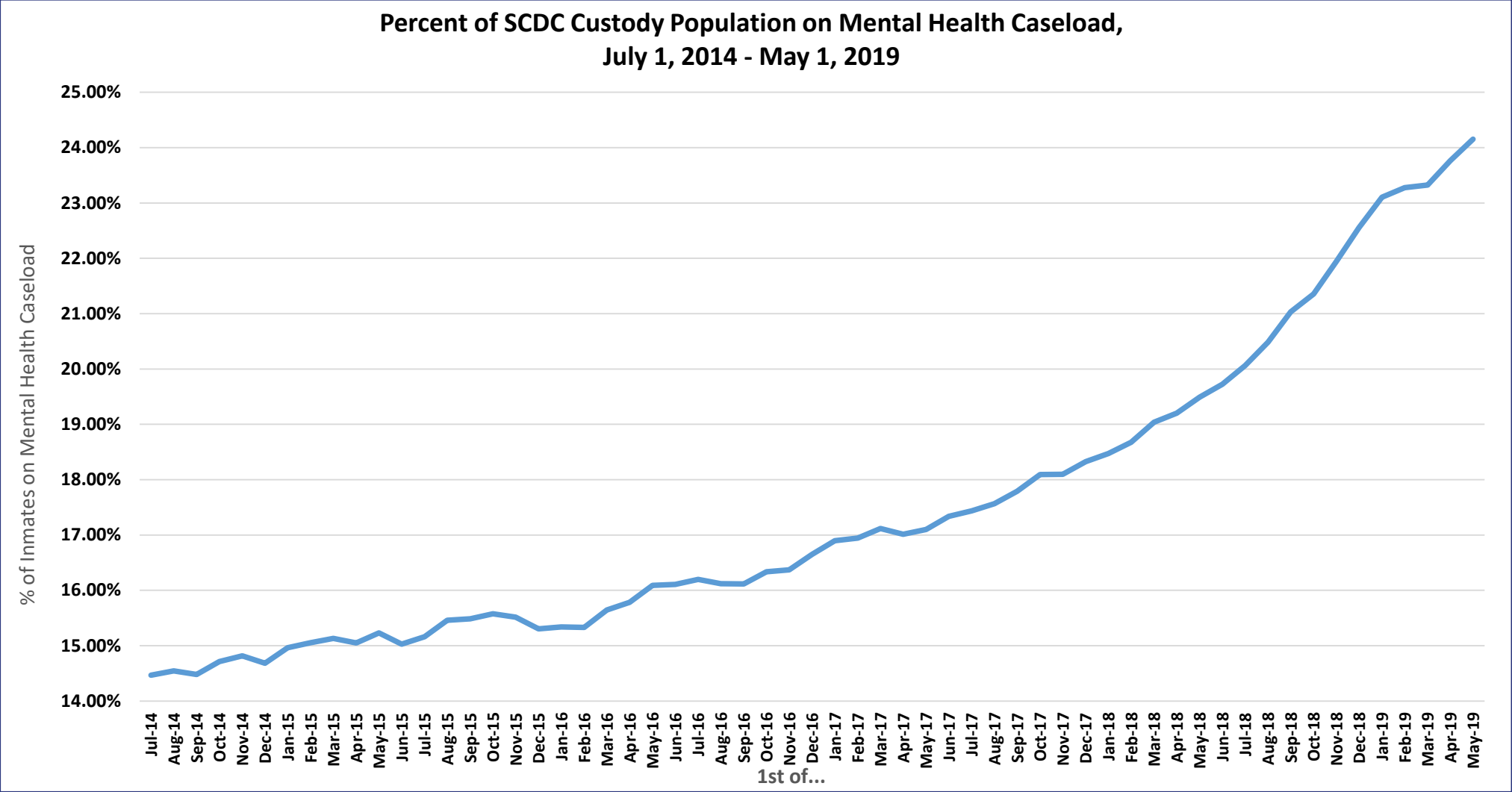
Increase in Mental Health Caseload

Mental health caseload is 24.5% as of August 19, 2019 = 4,552 of 18,589 inmates (up from 14.0% in July 2014, increasing weekly)

- This is indicative of a continuing increase in inmates being identified in need of mental health services, both at R&E and during incarceration
- This number is up from 14 – 15% at the time of the Mental Health Lawsuit 2014 & Settlement Agreement signature in 2016
- MH Caseload continues increase while SCDC population decreases

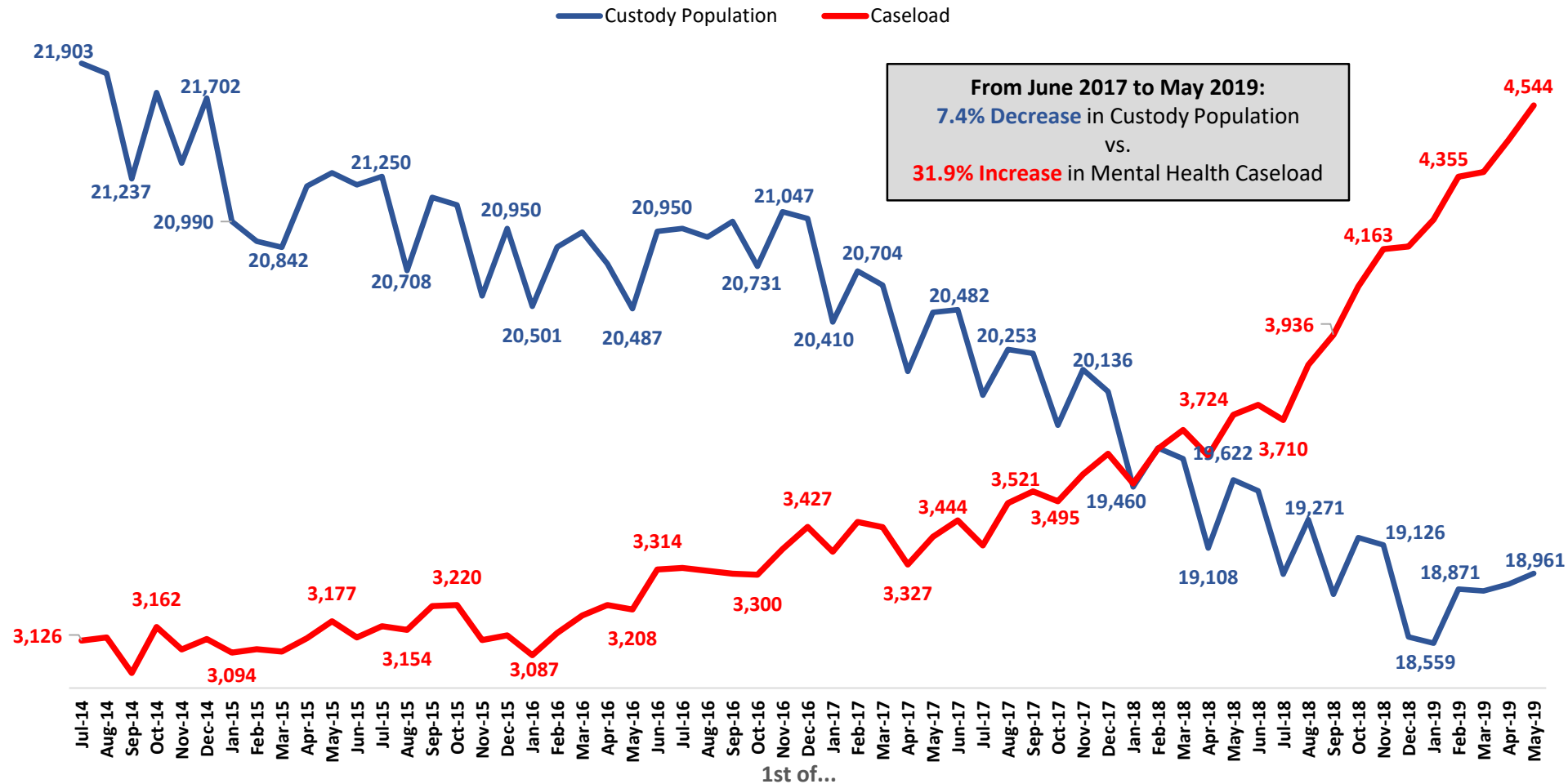


Mental Health Caseload Increase



SCDC Population v. Mental Health Caseload

SCDC Custody Population vs. Mental Health Caseload,
July 1, 2014 - May 1, 2019



Mental Illness at SCDC

Mental Illness at SCDC: SCDC recognizes a mental disorder as outlined in the most recent edition of the Diagnostic and Statistical Manual (DSM) by the American Psychiatric Association. A mental disorder is a syndrome characterized by a clinically significant disturbance in an individual's cognition, emotion regulation, or behavior that reflects a dysfunction in the psychological, biological, or developmental processes underlying mental function. Mental disorders are usually associated with significant distress or disability in social, occupational, or other important activities. (*An expectable or culturally approved response to a common stressor or loss, such as death of a loved one, is not a mental disorder.*) Socially deviant behavior (e.g., political, religious, or sexual) and conflicts that are primarily between the individual and society are not mental disorders unless the deviance or conflict results from a dysfunction in the individual, as described above.



Serious Mental Illness (SMI)- Schizophrenia, Schizoaffective Disorder, Cognitive Disorder, Paranoia, Major Depression, Bipolar Disorder, Psychotic Disorder, or any other mental condition that results in significant functional impairment including the ability to perform activities of daily living, extreme impairment of coping skills, or behaviors that are bizarre and/or dangerous to self or others.



Clinical Administration

82

SCDC mental health staff is comprised of a diverse group of licensed, credentialed, and qualified behavioral health professionals that include Psychiatrists, Psychologists, Qualified Mental Health Professionals (QMHPs), Mental Health Officers, Activity Therapist, and others who offer on-site mental health care and case management on a daily basis to all SCDC inmates as needed.



Qualified Mental Health Professional (QMHPs)

Largest Workforce in Behavioral Health (*n=102*)

Qualified Mental Health Professionals (QMHPs) hold a Masters degree in counseling, social work or a counseling-related field, and are licensed in the State of South Carolina. They provide treatment and case management services to all inmates classified as mentally ill and any inmate receiving suicide precaution (SP) or crisis intervention (CI) services.



Expansion of Mental Health Officer to RHU's

In addition to the 44 existing Mental Health Technicians and 6 Bay Counselors, converting CO's to Mental Health Officers (bringing number to 78):

- Expand Mental Health Officers in RHU by conversion of vacant CO positions
- Focus on 10 hr. structured time/ 10 hr. unstructured time for mental health inmates
- Priority = L3 inmates, SD inmates, removal from RHU
- Consider other key program: Perry Step Down & McCormick Adjustment Unit



Conversion of Mental Health Technicians to MH Officers

- Recruitment initiative/incentive
- Earn OT as Mental Health Officer OR as Correctional Officer
- Earn incentive pay
- Perform “some” security duties & mental health duties
- Work 40-hour week v. 37.5 (hourly v. exempt)
- Work C-Card = Monday through Friday
- **“NO-PULL” POSTS**
- Dual supervision by security & mental health
- Separate “uniform”



Sex Offender Treatment Program

- To provide relevant Cognitive Behavioral Therapeutic techniques to person identified as being sex offenders
- Three-Tiered Approach
 - ✓ Tier one - Psychoeducation
 - ✓ Tier two - Cognitive Restructuring
 - ✓ Tier three - Relapse Prevention/Transition
- 247 inmates have participated in Sex Offender Treatment between 2012 - 2018



Mental Health Lawsuit

Implementation Plan



Overview of the Mental Health Lawsuit

- Class action lawsuit filed in 2005 in Richland County
- Filed on behalf of 3,500 seriously mentally ill inmates
- Judge Baxley signed the order, finding for the Plaintiff on January 8, 2014



Six Components in the MH Lawsuit Order

- The development of a systematic program for screening and evaluating inmates to more accurately identify those in need of mental health care;
- The development of a more comprehensive mental health treatment program that prohibits inappropriate segregation of inmates in mental health crisis, generally requires improved treatment of mentally ill inmates, and substantially improves/increases mental health care facilities within SCDC;



Six Components in the MH Lawsuit Order

- Employment of a sufficient number of trained mental health professionals;
- Maintenance of accurate, complete, and confidential mental health treatment records;
- Administration of psychotropic medication only with appropriate supervision and periodic evaluation; and
- A basic program to identify, treat, and supervise inmates at risk for suicide.



Mental Health Lawsuit - Outcomes

- Settlement Agreement signed May 31, 2016
- Site visits by the Implementation Panel (Psychiatry & Security)
- Significant changes to policies and practices
- Funding
- Hiring
- Electronic Medical Record (EMR)
- Construction/Renovation



IP: Three-Year Budget Submission 2014-2017 (102.5 FTE)

- Mental Health Positions = 73.5
 - ✓ 8.5 Psychiatrists
 - ✓ 20.0 QMHP
 - ✓ 30.0 Mental Health Tech. (now MHO)
 - ✓ 3.0 Activity Therapists + 1.0 Clinical Activity Supervisor
 - ✓ 1.0 CQI Director + 4.0 CQI Monitors
 - ✓ 1.0 Healthcare Recruiter + 2.0 Support Staff
 - ✓ 3.0 Psychologist
- Medical Positions = 29.0
 - ✓ 1.0 Physician
 - ✓ 3.0 Nurse Practitioner/Physician Assistant
 - ✓ 15.0 RN + 10.0 LPN

Implementation Panel

Report of Compliance March 2019

The findings of the IP with regard to compliance on the various components as of March 8, 2019 are as follows:

| Compliance Rating | # of Components |
|------------------------|-----------------|
| Substantial Compliance | 21 |
| Partial Compliance | 33 |
| Non-Compliance | 5 |
| Total | 59 |

Substantial Compliance - Definition

- Compliance with the essential requirements of the Implementation Goal, include the components identified in the Implementation Panel Report, to a degree that satisfies the purposes and objectives of the goals, plans and components incorporated in the Agreement, even if any particular formal requirement is not complied with.
- Component has been found in the periodic Implementation Reports as being in Substantial Compliance for eighteen (18) consecutive months, that component will no longer be subject to reporting by the Implementation Panel and Mediator.



HOW THE AGREEMENT ENDS

- After being in substantial compliance for 18 months, that component is no longer required to report
- Four year period ending in June of 2020
- Can be extended at the end of the agreement for six month periods or for a period determined by the Mediator or Parties
- Agreement may be terminated by mutual agreement of the Parties

Areas in which the department has shown Partial Compliance

- Screening & Evaluation at R&E
- Number of male and female inmates accessing higher levels of Mental Health Care
- Access for segregated inmates to receive appropriate mental health treatment
- Ensuring inmate segregation cells are clean and at the appropriate temperatures
- Eliminating the disproportionate use of force against inmates with mental illness

Areas in which the department has shown Partial Compliance (cont'd)

- Increase Psychiatrist involvement in treatment planning and treatment team
- Require higher degree of accountability for clinicians responsible for completing and monitoring the MARs
- Review the reasonableness of times scheduled for pill lines
- Locate CI cells in health-care settings
- Increase access to showers for inmates on crisis
- Provide clean and resistant suicide clothing for inmates on crisis



Implementation Panel

Report of Compliance March 2019

Noncompliance Areas

1. Significantly increase the number of Area Mental Health inmates vis-a-vis outpatient mental health inmates and provide sufficient facilities therefore
2. Provide more out-of-cell time for segregated mentally ill inmates
3. Document timeliness of sessions for segregated inmates with psychiatrists, psychiatric nurse practitioners, and mental health counselors and timely review of such documentation
4. Implement the practice of continuous observation of suicidal inmates
5. Provide access to confidential meetings with mental health counselors, psychiatrists, and psychiatric nurse practitioners for CI inmates



Suicide Prevention



National Suicide Prevalence

Bureau of Justice Statistics

- The suicide rate in local jails (47 per 100,000 inmates) was over 3 times the rate in State prisons (14 per 100,000 inmates)
- Violent offenders in both local jails (92 per 100,000) and state prisons (19 per 100,000) had suicide rates over twice as high as those of nonviolent offenders (31 and 9 per 100,000 respectively)



SC Suicide Prevalence Data

Suicide Facts & Figures: South Carolina 2018*



On average, one person dies by suicide every 11 hours in the state.

Nearly twice as many people die by suicide in South Carolina annually than by homicide.

The total deaths to suicide reflect a total of 15,572 years of potential life lost (YPLL) before age 65.



Suicide cost South Carolina a total of **\$748,610,000** of combined lifetime medical and work loss cost in 2010, or an average of **\$1,175,213 per suicide death.**

*Based on most recent 2016 data from CDC. Learn more at afsp.org/statistics.



leading cause of death in South Carolina

2nd leading
cause of death for ages 15-34

4th leading
cause of death for ages 35-54

8th leading
cause of death for ages 55-64

16th leading
cause of death for ages 65 & older

Suicide Death Rates

| | Number of Deaths by Suicide | Rate per 100,000 Population | State Rank |
|----------------|-----------------------------|-----------------------------|------------|
| South Carolina | 815 | 15.65 | 23 |
| Nationally | 44,695 | 13.42 | |

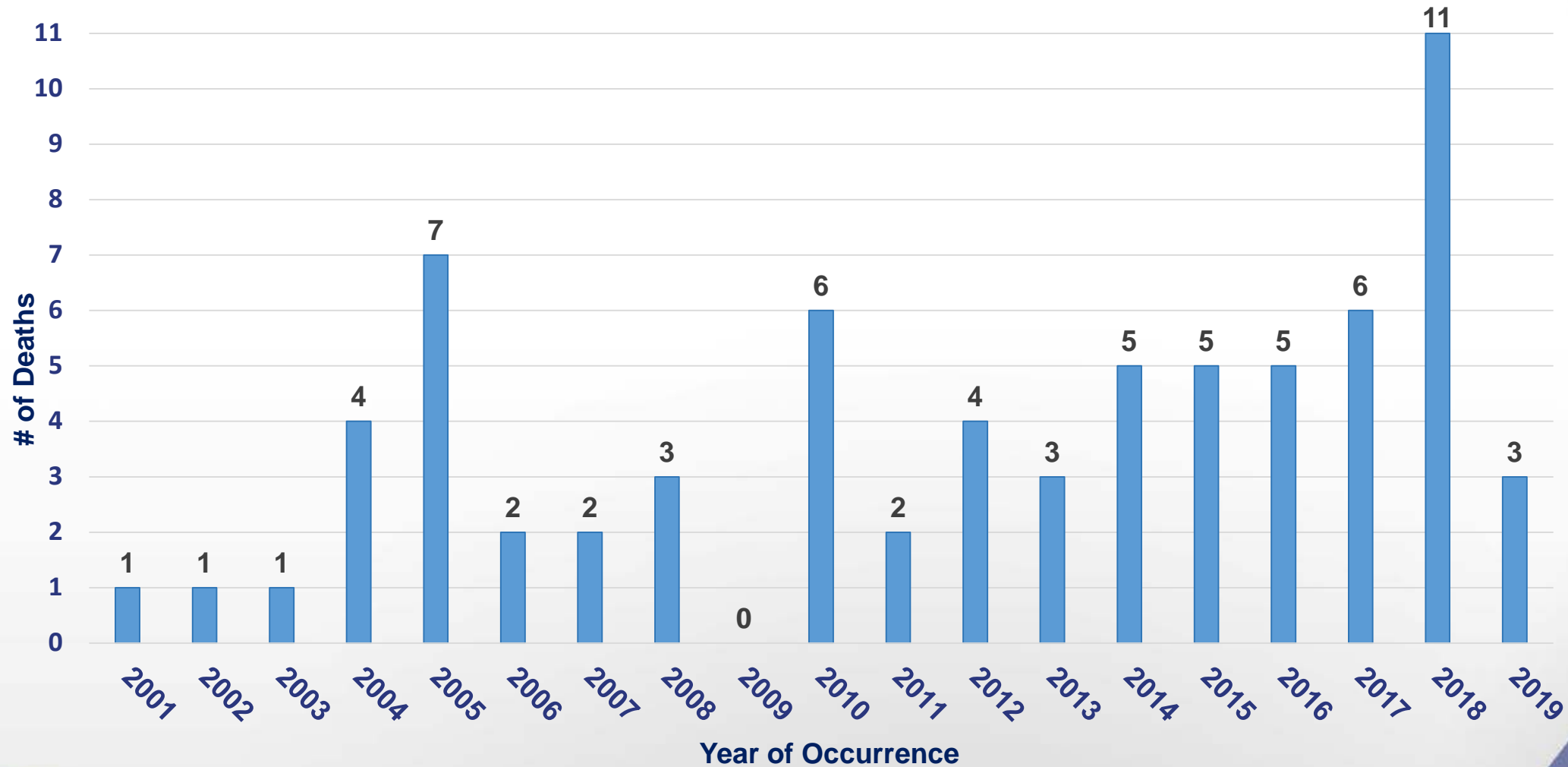
afsp.org/StateFacts



American
Foundation
for Suicide
Prevention



of SCDC Suicides – January, 2001 – August, 2019



SCDC Suicide Prevention Initiative

MUSC Forensic Psychiatry & Psychology Departments

- Examine 2016, 2017, 2018 & 2019 SCDC suicide data
- Develop meaningful & comprehensive database
- Establish predictive indicators and risk factors
- Work with SCDC to identify systemic opportunities for change implementation and staff & inmate training initiatives



Suicide Prevention Initiative

Systematic Corrective Actions:

- Housing alternatives (Safe Cells = suicide resistant) to address safety concerns
- Documentation Practices, Review of M-120's, & Observation
- Inmates remaining on MH Caseload for additional observation period after attempt
- Routine Safety Cell inspections
- Face-to-Face assessment from qualified providers before inmates are released from suicide watch
- Sensitivity training for staff
- Restricted clinical staff from using “malingering” as primary clinical issue to prevent negative patient labeling



SCDC Suicide/Crisis Intervention

Inmate Activity:

- Inmate verbalizes, gestures, or attempts suicide or suicide ideation
- Inmate placed & remains on 1:1 observation by CO or may be by Inmate Mental Health Companion, augmented by camera, supervised by CO and MHO with suicide resistant mattress, smock or jumpsuit and blanket in suicide resistant safe cell
- Inmate remains on either 1:1 observation or 15-minute suicide watch, with supervision by CO with daily assessment by QMHP until sees psychiatry
- Inmate placed in setting determined by clinical need with location established by psychiatrist or discharged with periodic & ongoing follow-up by QMHP

SCDC Staff Response:

- CO or any staff may refer to CIT-trained CO, nurse or QMHP if on duty for assessment; if not on duty, place on 1:1 observation in “safe-cell” environment pending assessment by QMHP (usually RHU setting)
- Assessment by QMHP to determine whether need for continued placement on 1:1 direct observation or may be placed on 15-minute observation, pending evaluation by psychiatrist, psychiatric nurse practitioner and psychologist
- Psychiatrist determines need for ongoing crisis placement or release/return to housing or may refer to Crisis Stabilization Unit (BRCI for male; Camille CSU for female)
- Psychiatrist determines outcome and if released, ongoing monitoring established



BEHAVIORAL HEALTH SERVICES:

ADDICTION RECOVERY SERVICES



Addiction Recovery Services Mission

To identify, assess, and provide substance use programming opportunities that are educational and therapeutic.



Behavioral Health Collaborations



RSAT Grant



School of Medicine- Psychiatry
College of Social Work



Addiction Recovery Needs

- 3,350 inmates need assessment/court-ordered treatment currently
- Approximately 320 ATU treatment beds (male and female) only
- Numbers do not include:
 - ✓ Inmates screened at R&E who score positive for having an active addiction
 - ✓ Inmates requesting substance use disorder services while incarcerated (self or staff referrals)
 - ✓ Inmates referred as a condition of parole
 - ✓ Inmates testing positive on drug screens in need of service



Female Substance Abuse Programs

Camille Graham Addiction Treatment Unit- HOPE

- 64-bed residential program with 6 being allocated to youthful offenders
- Adult Female Offenders
- 6 - 9 month gender-specific structured programming

Adult Male Substance Use Programs

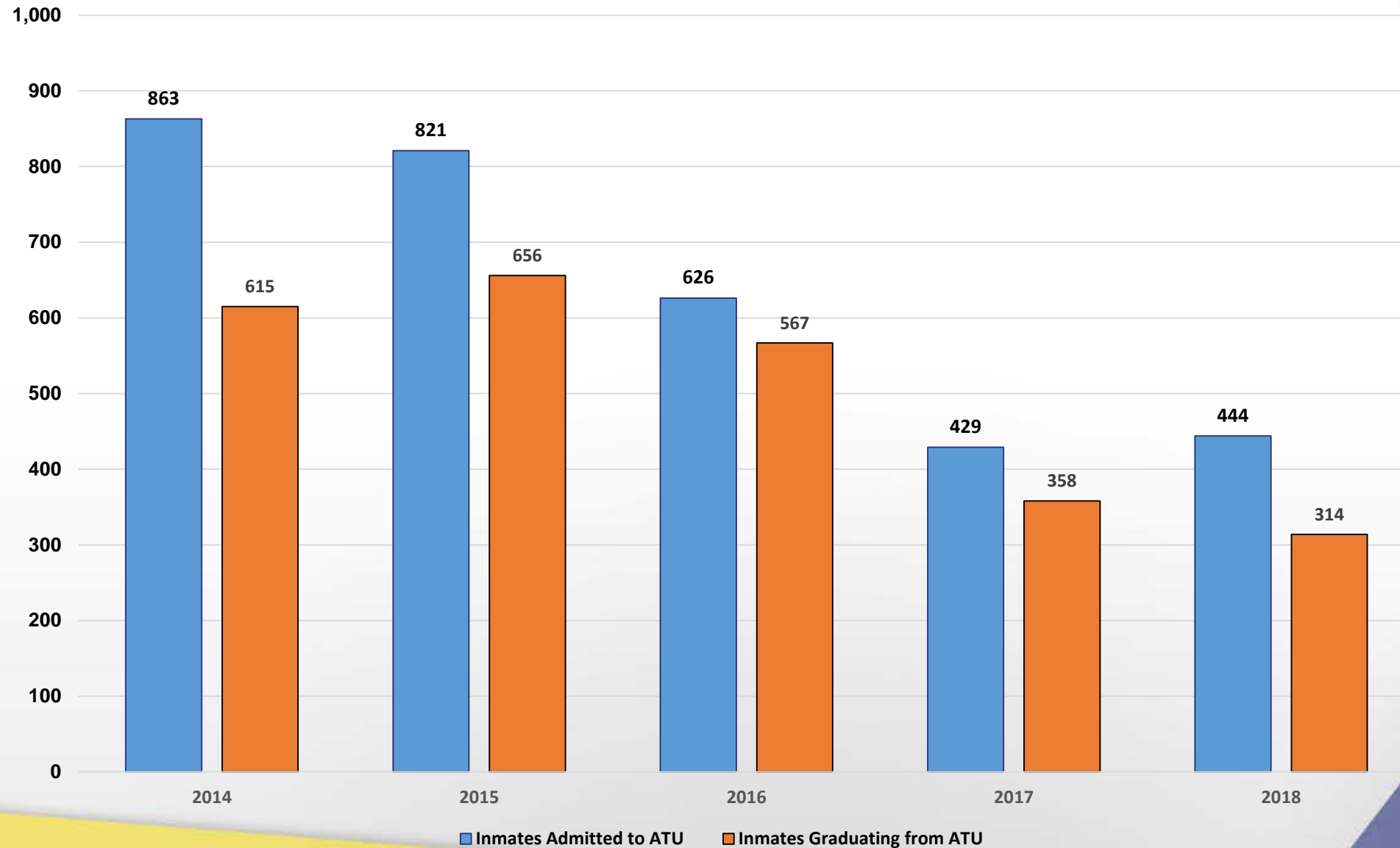
Horizon Addiction Treatment Unit

- 256-bed residential program, located at Turbeville CI
- Males serving straight time and youthful offender sentences
- Six to twelve month structured program
- Addresses substance use, criminal thinking and other life skills issues
- Uses a Therapeutic Community Model treatment approach
- Court-ordered and conditionally-paroled offenders with identified substance use program needs are assigned priority admission status

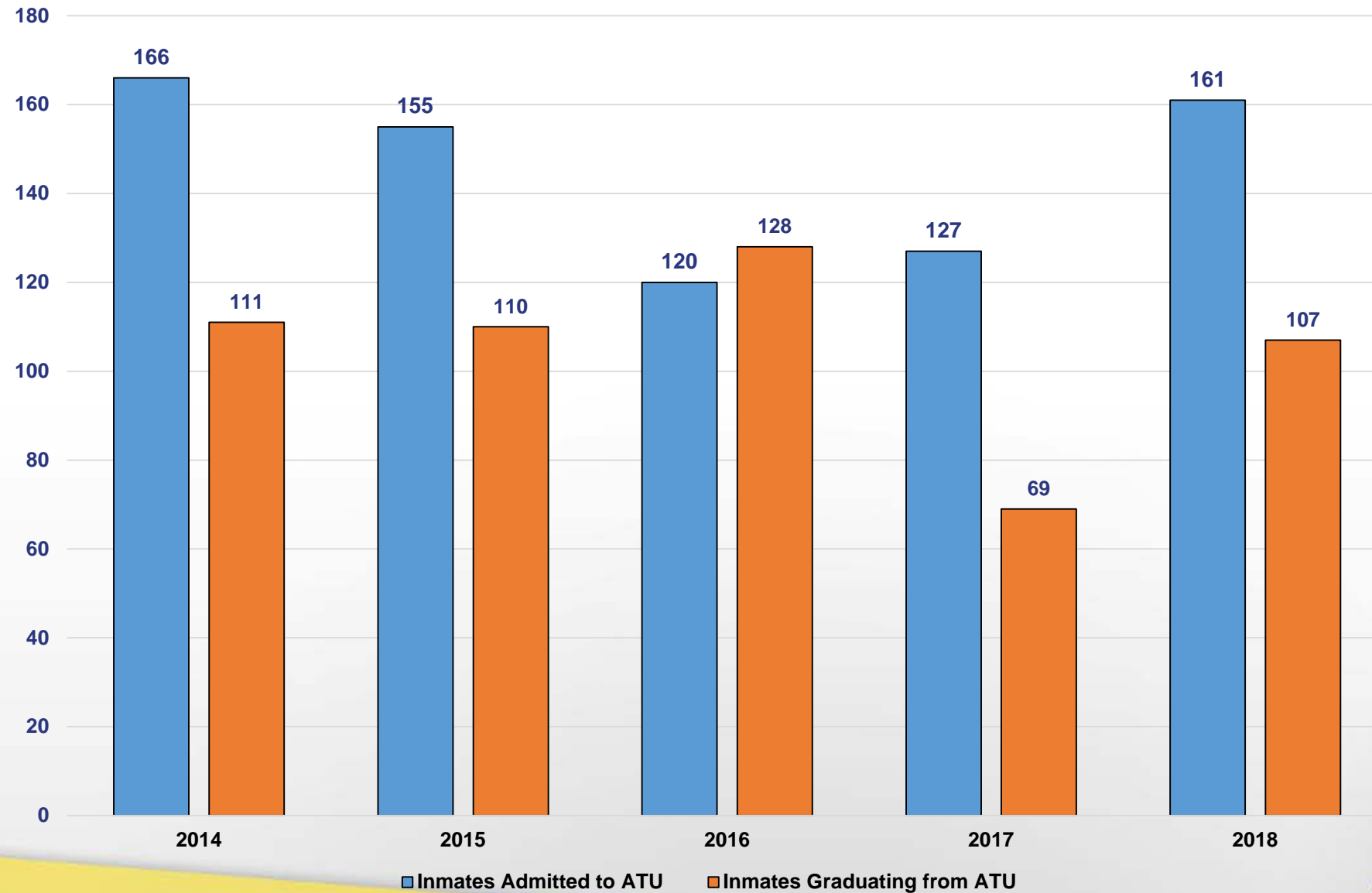


SCDC Addiction Treatment Units (ATU)

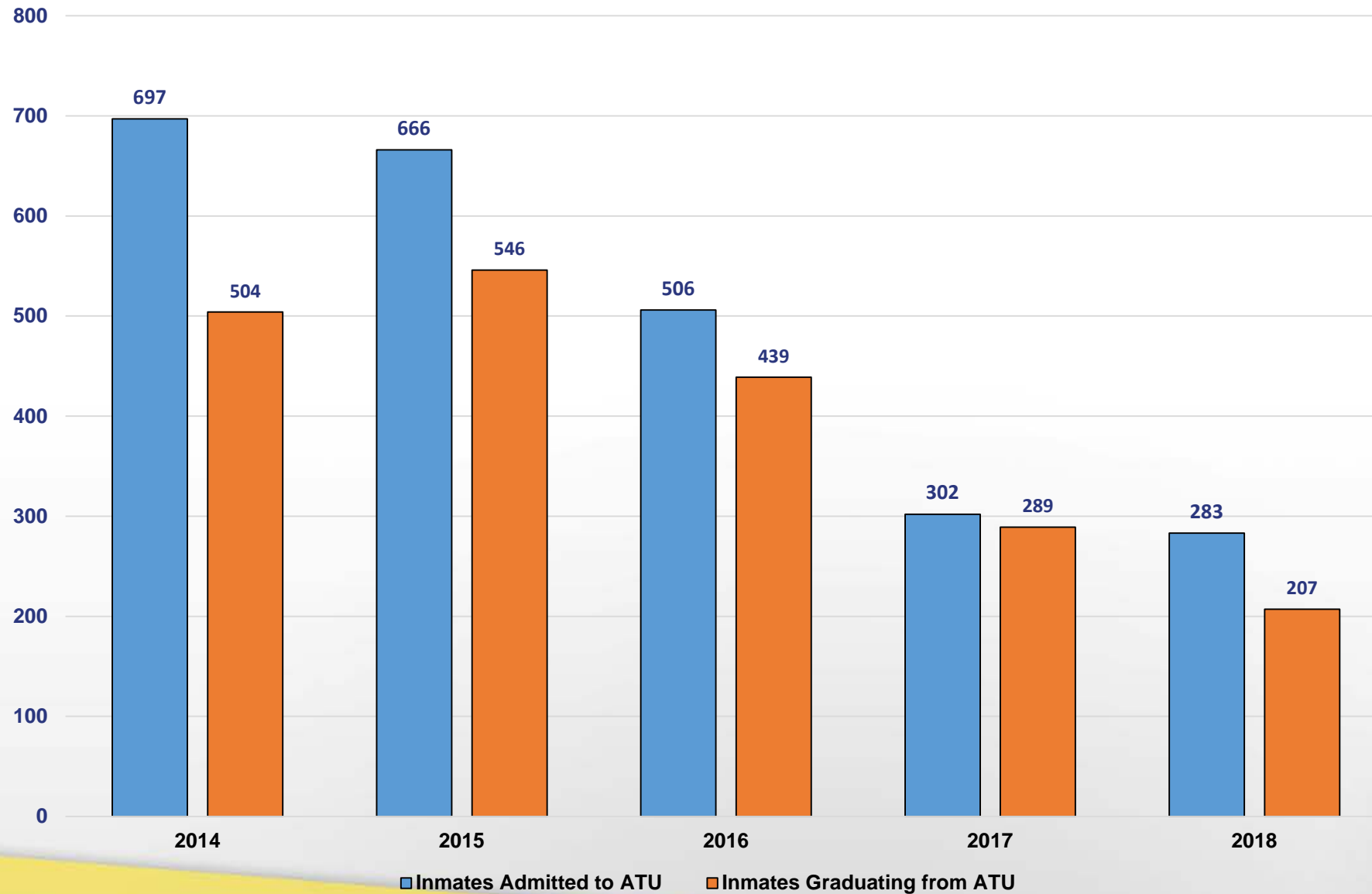
FY 2014 - 2018



SCDC Female Addiction Treatment Units (ATU) FY 2014 - 2018



SCDC Male Addiction Treatment Units (ATU) FY 2014 - 2018



DAODAS COLLABORATION/GRANTS

Medication Assisted Therapy/Treatment for Pre-Release Program

- November 2017 – Present
- 2 Certified Peer Support Specialists, EXPANSION to 3, plus a Supervisor
- Sites = Kirkland, Manning Reentry, Turbeville, Allendale & Kershaw for males; Camille & Leath for females; accommodate other sites
- 645 patients screened for pre-release MAT eligibility
- 34 Naltrexone injections, 161 patients referred, EXPANSION to other drugs?



DAODAS COLLABORATION/GRANTS

Training of Inmate Certified Peer Support Specialists (to expand addiction services programs within SCDC)

- 2 classes to date: male class of 18 (Allendale); female class of 25 (Camille) of initial plan for 100 inmates
- Inmate CPSS of 43 deployed to Turbeville (4), Manning (4), Allendale (8), Lieber (2), Leath (14 female) & Camille (9 with 2 already released)
- Total inmate CPSS to be trained now increased to 150 with grant EXPANSION, with evidence-based programming, supervision and training
- EXPANSION from addiction recovery to include mental health



Who is a certified Peer Support Specialist (CPSS)?

A Peer Support Specialist Is Someone Who:

- Is in long-term recovery from substance use and/or mental illness and has the willingness to use their lived experiences to encourage, empower, and educate

DAODAS/SCDC CPSS Requirements:

- One or more years of active Recovery
- Complete DAODAS/SC FAVOR certification training
- Cannot be under supervision by Probation, Pardon, or Parole



DAODAS COLLABORATION/GRANTS

Naloxone (Narcan) Training for SCDC Staff (to prevent opioid OD)

- T4T of SCDC staff by DHEC LEON staff through DAODAS grant
- Number of SCDC staff from facilities, bus terminal, police service, security division, and training academy = 120+
- DAODAS/DHEC will provide the naloxone for each location, approximately 320 doses and replenishment
- SCDC finalizing agency policy and to initiate staff CO training



Drug and alcohol centers, establish.

Deliverable 29

Components

- General Assembly has not appropriated funds to establish centers.
- Construct one or more alcohol and drug rehabilitation centers before January 1, 1997.
- Work with Dept. of Alcohol and Other Drug Abuse Services (DAODAS) to develop standards, policies, and procedures for operation of the alcohol and drug rehabilitation center, including but not limited to counseling and discipline.
- Allow DAODAS to provide alcohol and drug abuse intervention, prevention, and treatment services for offenders sentenced to a center for alcohol and drug rehabilitation.
- Maintain security of inmates in alcohol and drug rehabilitation centers.
- Submit monthly reports to general sessions court about the availability of bed space in alcohol and drug rehabilitation centers.

Drug and Alcohol Center, Establish.

Deliverable 29

Required
SC Code 24-13-1910
& 24-13-1920

Customers

- ✓ Know # of potential customers
- ✓ Know # of customers served
- ✗ Evaluate customer satisfaction
- ✓ Evaluate outcomes

Costs

- ✗ Know cost per unit to provide
- ✗ Law allows charging customer

Greatest potential harm

Recidivism and potential death by overdose of untreated inmates.

Recommendations to General Assembly

Gain a greater understanding of the impact of the opioid and other drug epidemic within corrections and society and the favorable impact of treatment on decreasing recidivism. More mandated community diversion substance use treatment programs and more drug courts to provide alternative sentencing opportunities.



2018 INNOVATIONS/INITIATIVES/COLLABORATIONS

- Hepatitis C Litigation – Collaboration with **DHEC & DHHS**
- Telehealth Partnerships – Collaboration with **MUSC & USC**
- Medical Furlough/Medical Parole – Coordination with **DPPP**
- Planning Collaboration with **DHEC** “Best Chance Network” for Cancer Screening
- SOAR grant for SSI/SSDI application for those mentally ill inmates releasing from SCDC at risk for homelessness – grant with **DMH**
- **RSAT** funding through **DPS** for addiction recovery positions increasing
- **DAODAS** and three separate initiatives: 1) MAT, 2) CPPS, 3) Narcan

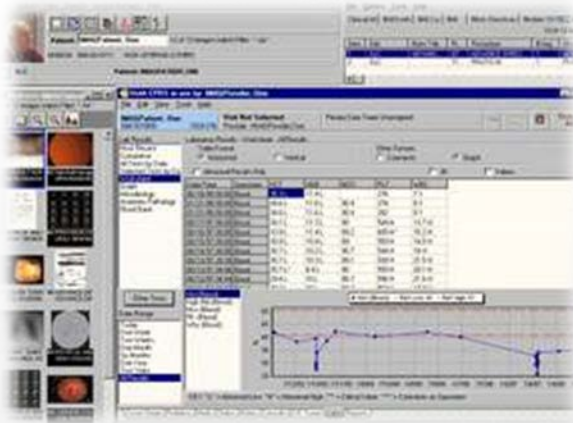


Telehealth Initiatives/Partnerships

- Partnership with USC/Prisma – Dept of Commerce Grant
 - ✓ Initial Focus on Camille Graham for Females
 - ✓ Intake Exam for all Women
 - ✓ Primary Care
 - ✓ Expansion to Specialty Services
 - ✓ Research Project for Rural Health
- Partnership with MUSC
 - ✓ Specialty Care – Urology, Neurology, Other
 - ✓ Primary Care – R&E, Infirmary Rounds
 - ✓ Emergency Department Avoidance
- Telepsychiatry – Internal SCDC



Electronic Health Record



NEXTGEN
HEALTHCARE



EMR Project = NextGen

Prior to Implementation of NextGen

- SCDC used paper records and an antiquated system called BlueZone, which is considered an AMR with the combination of paper.

Project Origination

- System purchased on December 18, 2015 = NextGen
- March 2017 – pilot launched at Camille and Leath; Female facilities selected due to being a smaller, closed system

System Migration

- May 2018 - Full system migration initiated;
June through October 2018 – Completion of Facility

Conversions



Health Record Information Received from County Jails (Current Status)

- Several large county jail systems reliably send health record information:
 - ~ Greenville Co. Detention Center
 - ~ Charleston Co. Detention Center
 - ~ Richland Co. Detention Center
 - ~ Cherokee Co. Detention Center
 - ~ Spartanburg Co. Detention Facility
 - ~ Anderson Co. Detention Center
- This amounts to approximately 35% of inmate intake at Reception and Evaluation (R&E)
- Request Legislature assist by making it a requirement for county jails to send health record information with inmates as they are sent for commitment to SCDC
- SCDC to define the data element set needed

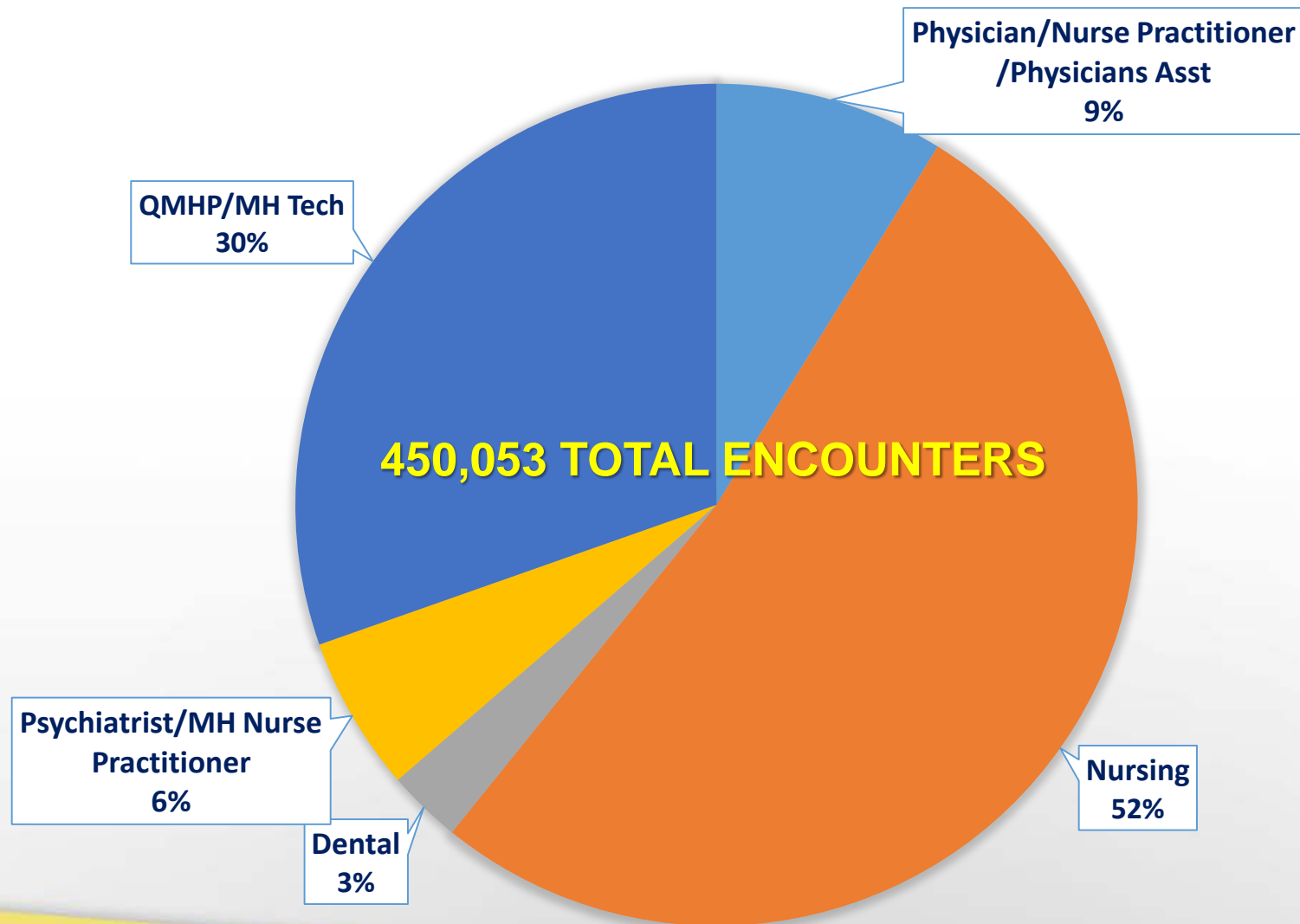


eZmar Application (Medication Administration Record)

- Web-based, application integrated with EMR
- Electronic recording of medication administration
- Provides reviewing of medication regimen, compliance, and history
- Manages automatic medication refill



Health Services Encounters by Type of Provider FY 2018



Questions and/or Comments



LEGAL AND COMPLIANCE PRESENTATION



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS

Office of Legal and Compliance

Salley W. Elliott

Deputy Director

Table of Contents

| | |
|---|-----------|
| Office of Legal and Compliance | 1 – 5 |
| General Counsel | 6 –66 |
| Includes deliverables: 1.2, 21.8, 34.4, 91, 91.5, 92, 92.1, 93.5, 95, 95.1 | |
| Includes performance measure: 38 | |
| Compliance, Standards, and Inspections | 67 – 107 |
| Includes deliverables: 6, 6.1, 13.5, 13.6, 16.3, 16.4, 20, 20.1, 20.2, 37, 37.1, 37.2, 37.3, 37.4, 37.5, 38, 38.1, 38.2, 80.1, 80.2, 80.3, 82, 82.1, 82.2, 83, 83.1, 83.2, 84, 84.1, 84.2, 84.3, 84.4, 84.5, 84.6, 86.1, 87.2 | |
| Prison Rape Elimination Act (PREA) | 108 – 126 |
| Includes deliverable: 13.91 | |
| Internal Audits..... | 127 – 132 |
| Information Security and Privacy..... | 133 – 142 |
| Quality Improvement and Risk Management (QIRM) | 143 – 144 |
| Occupational Safety and Workers' Compensation | 145 – 149 |
| Includes performance measure: 37 | |



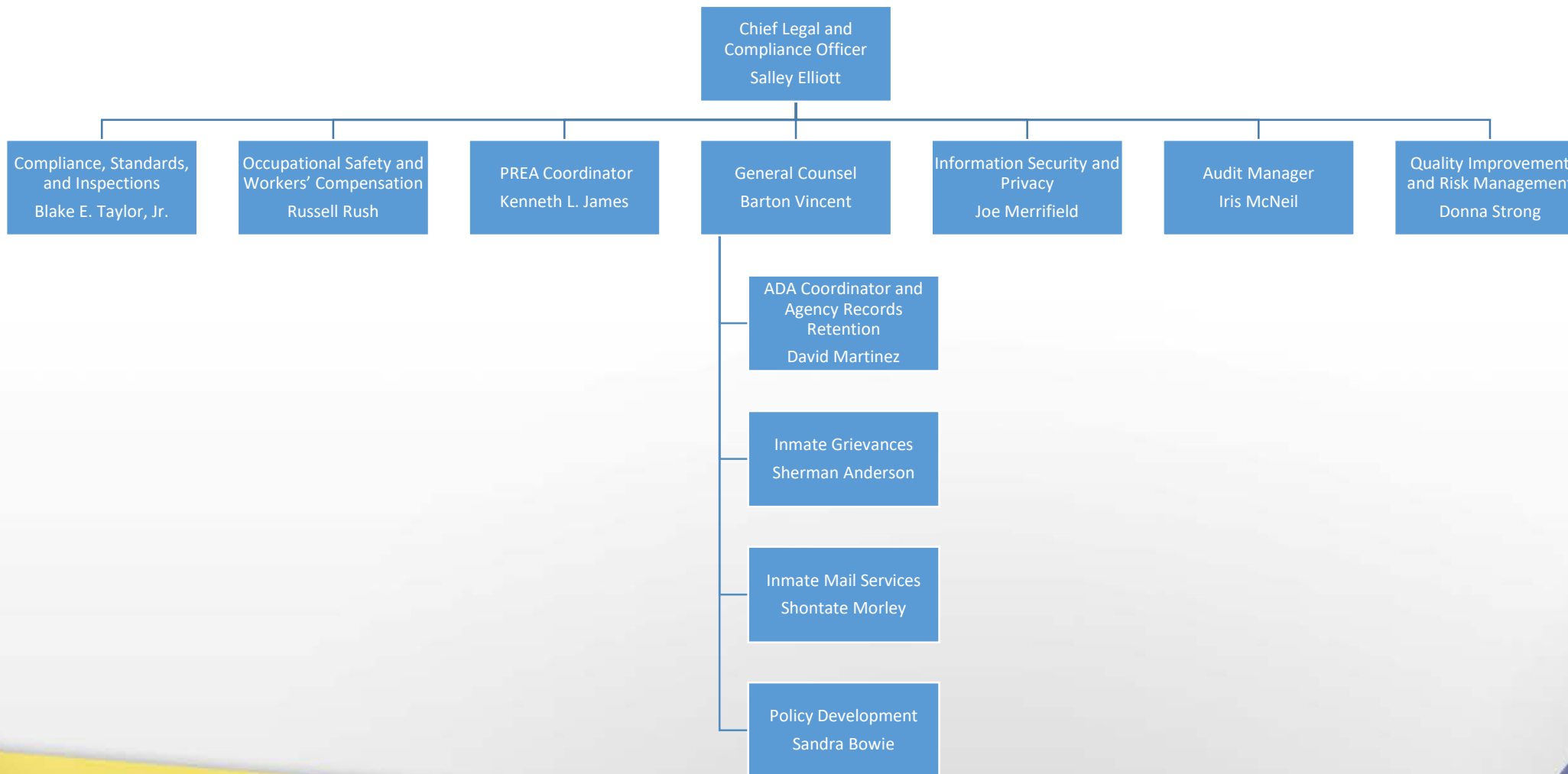
Disclaimer

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

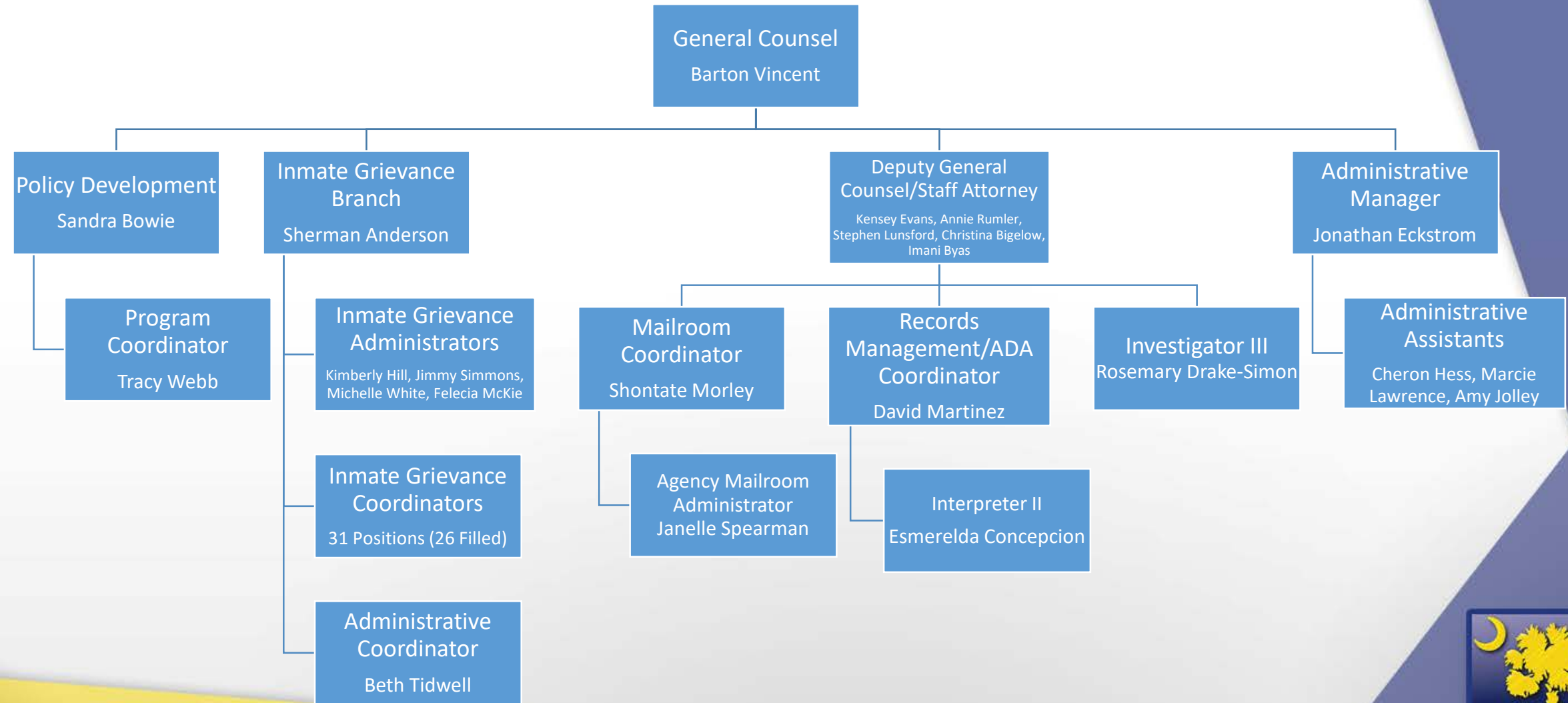


General Counsel



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

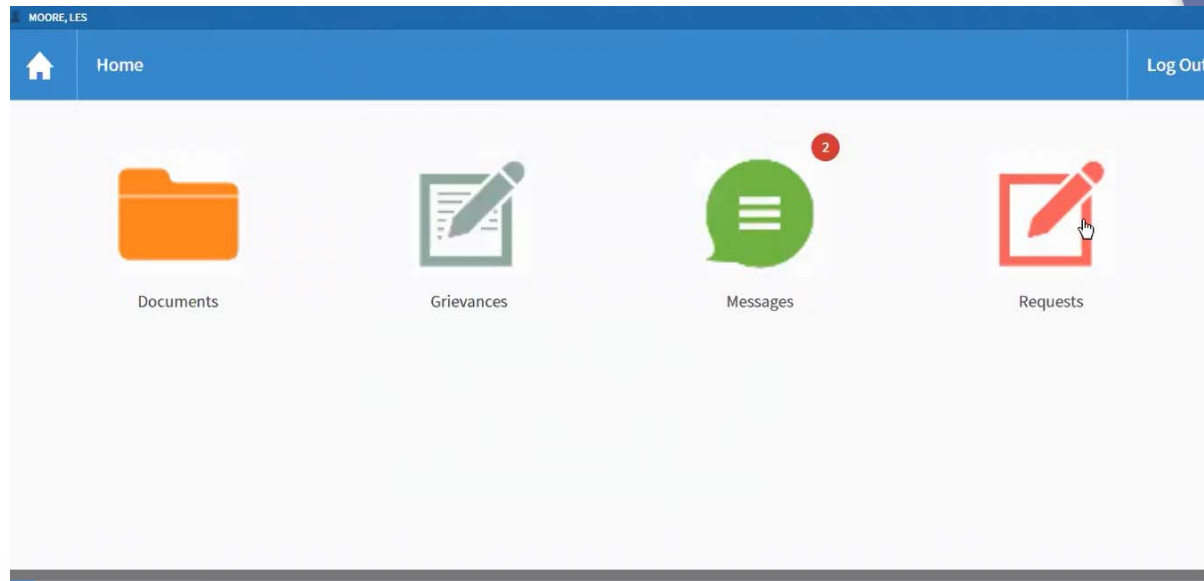
General Counsel



ARTSM Process Inmate View

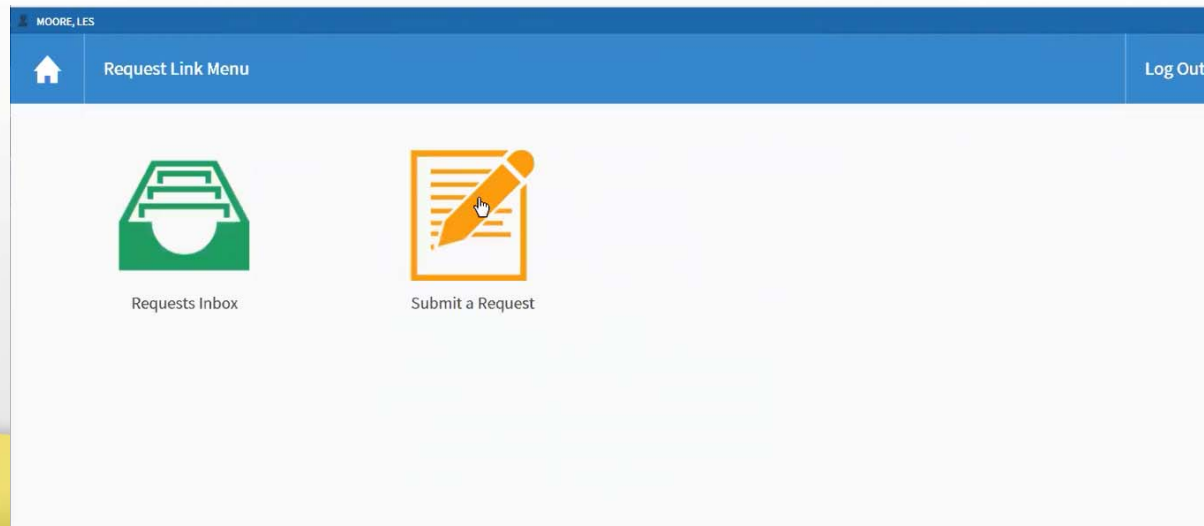
Step 1

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



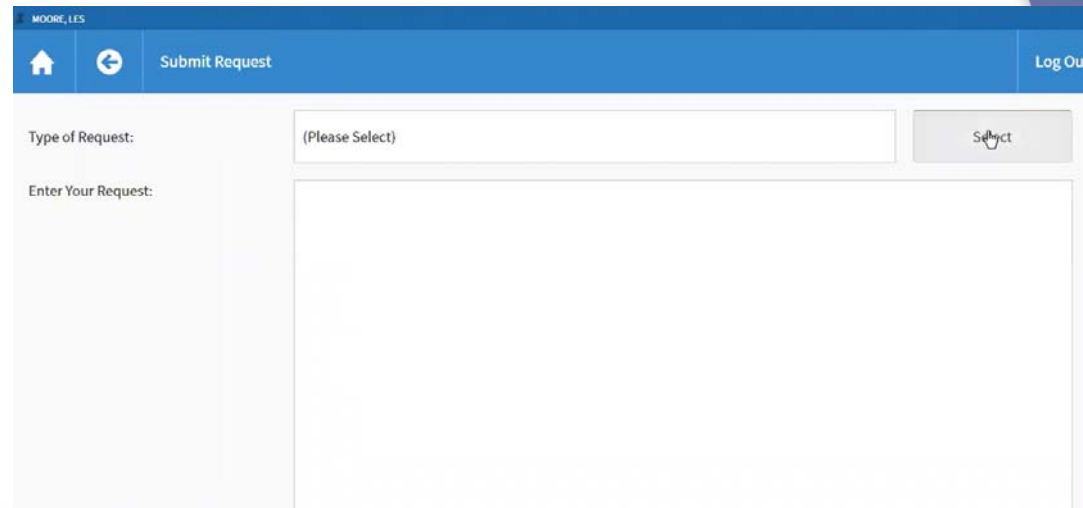
General Counsel



ARTSM Process Inmate View (continued)

Step 3

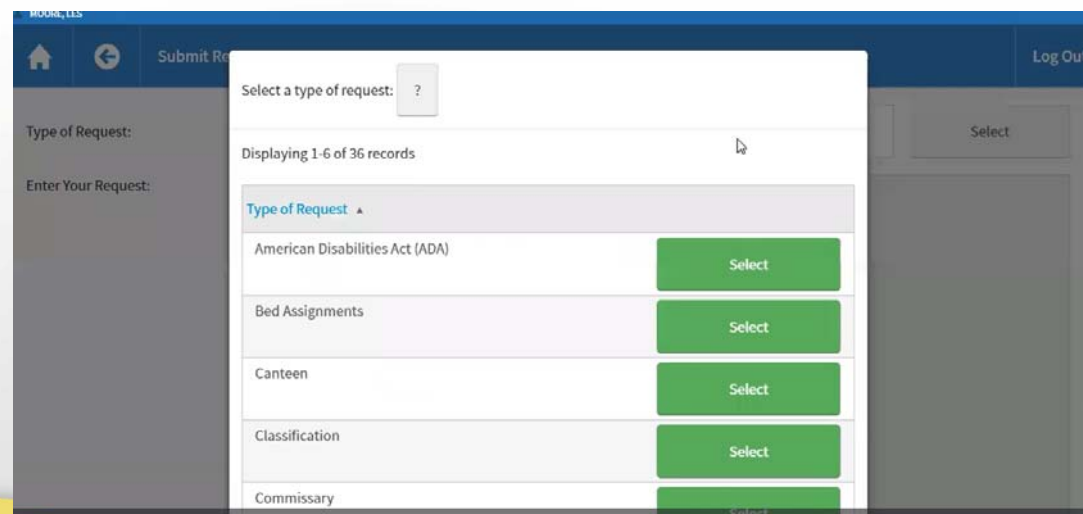
Then the inmate clicks the “Select” button to the right of the Type of Request field



A screenshot of a web application interface for submitting a request. The top navigation bar is blue with a home icon, a back arrow, and the text 'Submit Request'. On the right of the bar is a 'Log Out' link. The main content area has a 'Type of Request:' label next to a dropdown menu showing '(Please Select)'. To the right of the dropdown is a grey 'Select' button. Below this is a large text area labeled 'Enter Your Request:'.

Step 4

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



A screenshot of the same web application interface, but with a dropdown menu open. The dropdown is titled 'Select a type of request: ?' and shows 'Displaying 1-6 of 36 records'. It 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 |

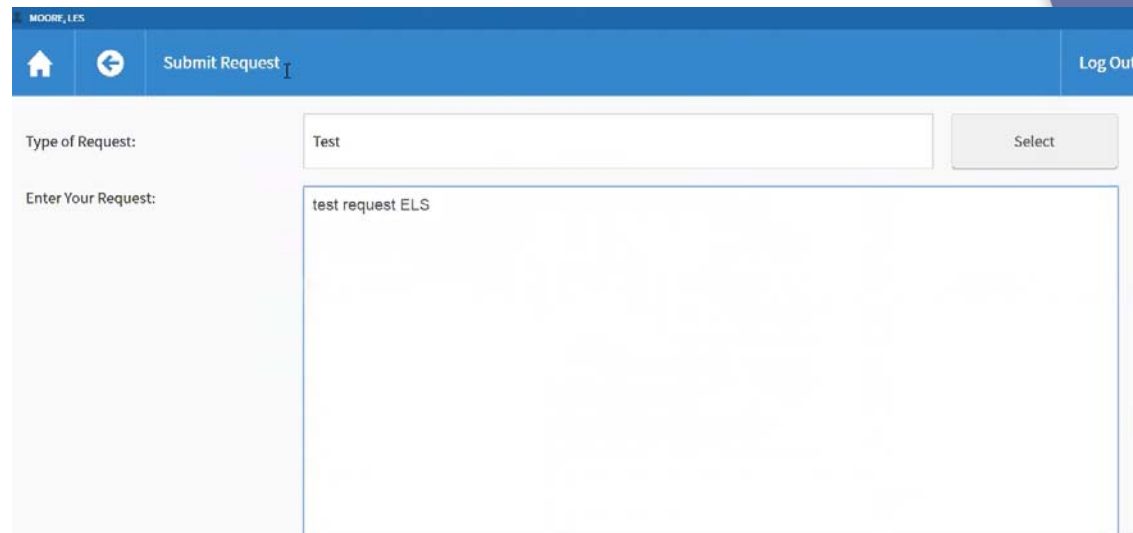
General Counsel



ARTSM Process Inmate View (continued)

Step 5

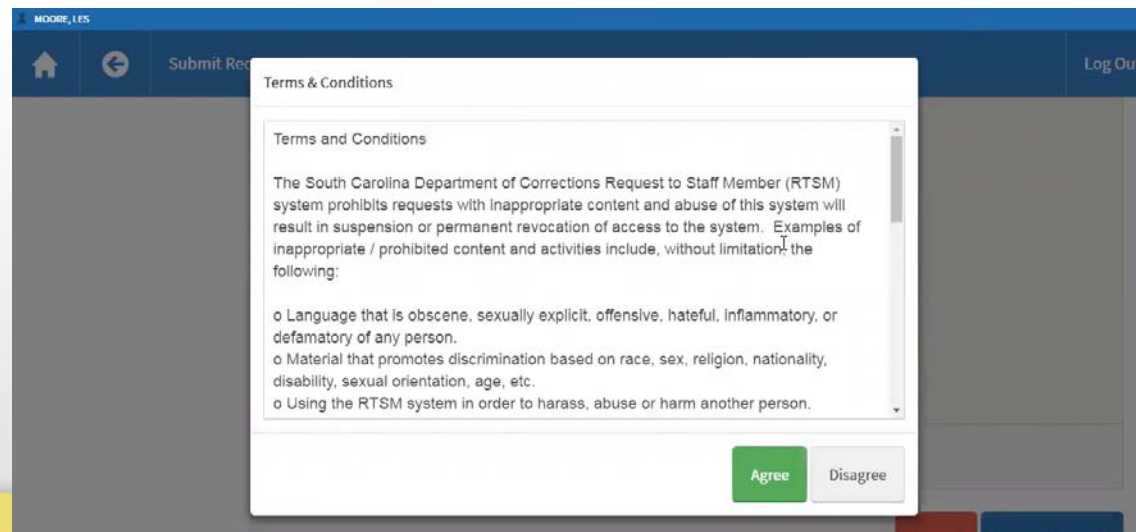
The text of the request can then be entered and click “Submit”



A screenshot of the ARTSM Inmate View interface. The top navigation bar is blue with a home icon, a back arrow, and the text 'Submit Request'. On the right, there is a 'Log Out' link. The main content area has a 'Type of Request:' label with a dropdown menu showing 'Test' and a 'Select' button. Below this is a 'Enter Your Request:' label with a large text area containing the text 'test request ELS'.

Step 6

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



A screenshot of the ARTSM Inmate View interface showing a 'Terms & Conditions' modal dialog. The dialog has a title bar 'Terms & Conditions' and a scrollable text area containing the following text: '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:'. Below the text are three bullet points: '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 two buttons: 'Agree' (green) and 'Disagree' (grey).



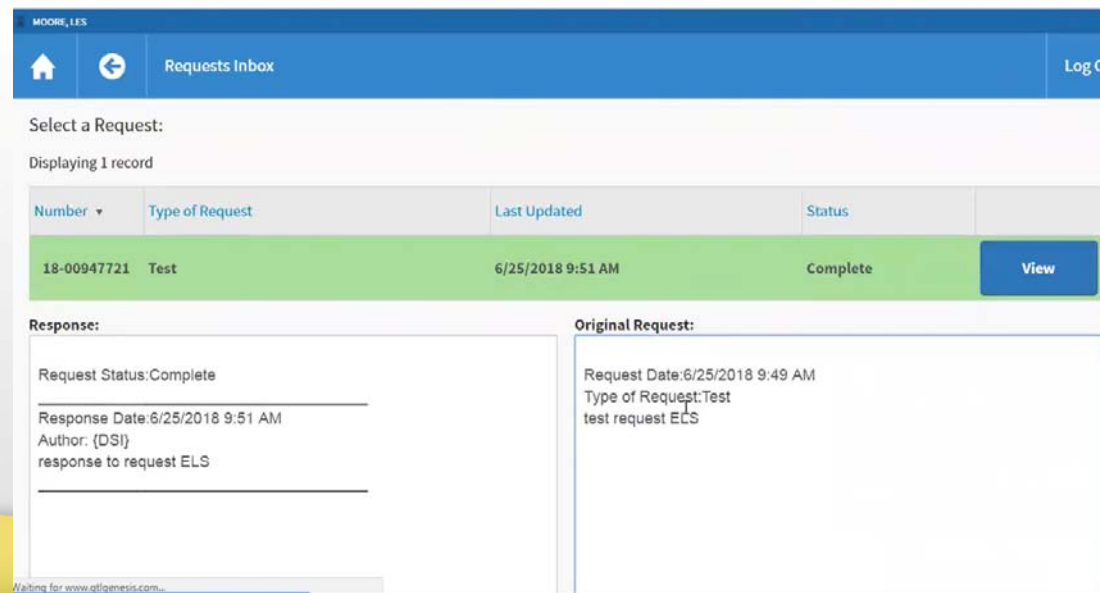
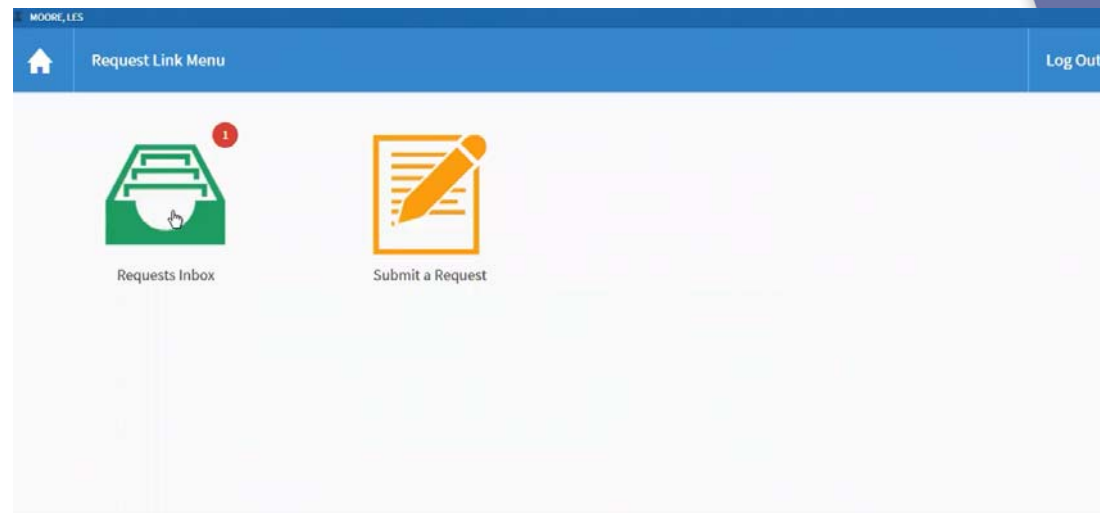
ARTSM Process Inmate View (continued)

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 Review, IQS Review, IQC Review, Inmate Financial, and Inmate Records. The bottom section shows 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. The top navigation bar includes links for File, Inmate, Non-Inmate, Settings, Tools, Accounting, Reports, Batch Processes, and Help. The main header displays the inmate's name (MOORE, LES B), DOB (06/05/1980), Sex (Female), Race (O), and other identifying information. The central panel shows the 'Inmate Request Search' results for the selected inmate. A table lists the request details:

| Request Type | Date Requested | Review Level | Requested By | Disposition | Disposition Date | Reference Number |
|--------------|----------------|--------------|--------------|-------------|------------------|------------------|
| TE-2T | 06/25/2018 | | Kiosk | Pending | | 18-00647721 |

Below the table, there is a section for 'Requested Programs' and a 'Request Details' section at the bottom.

The screenshot shows the detailed view of the inmate request. The top navigation bar and header information are consistent with the previous screenshot. The central panel displays the 'Inmate Request Information' for the selected request (Reference Number: 18-00647721). The details include:

- Request Type: Test
- Date Requested: 06/25/2018 09:49
- Requested By: Kiosk
- Request Details: Test request ELS
- Review Level: [Dropdown]
- Disposition: Pending
- Officer: KIOSK
- Disposition Date: [Dropdown]

Below the details, there is a section for 'Request Responses' and a 'Request Details' section at the bottom.

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 'Request Information' section includes details for inmate MOORE, LES 13, with a request type of 'Text' and a date requested of 06/25/2015. The 'Request Details' section shows 'test request'. The 'Disposition' is set to 'Pending' and the 'Officer' is KIOSK. The 'Request Responses' table is empty. A message at the bottom states 'AJAX Completed Successfully.'.

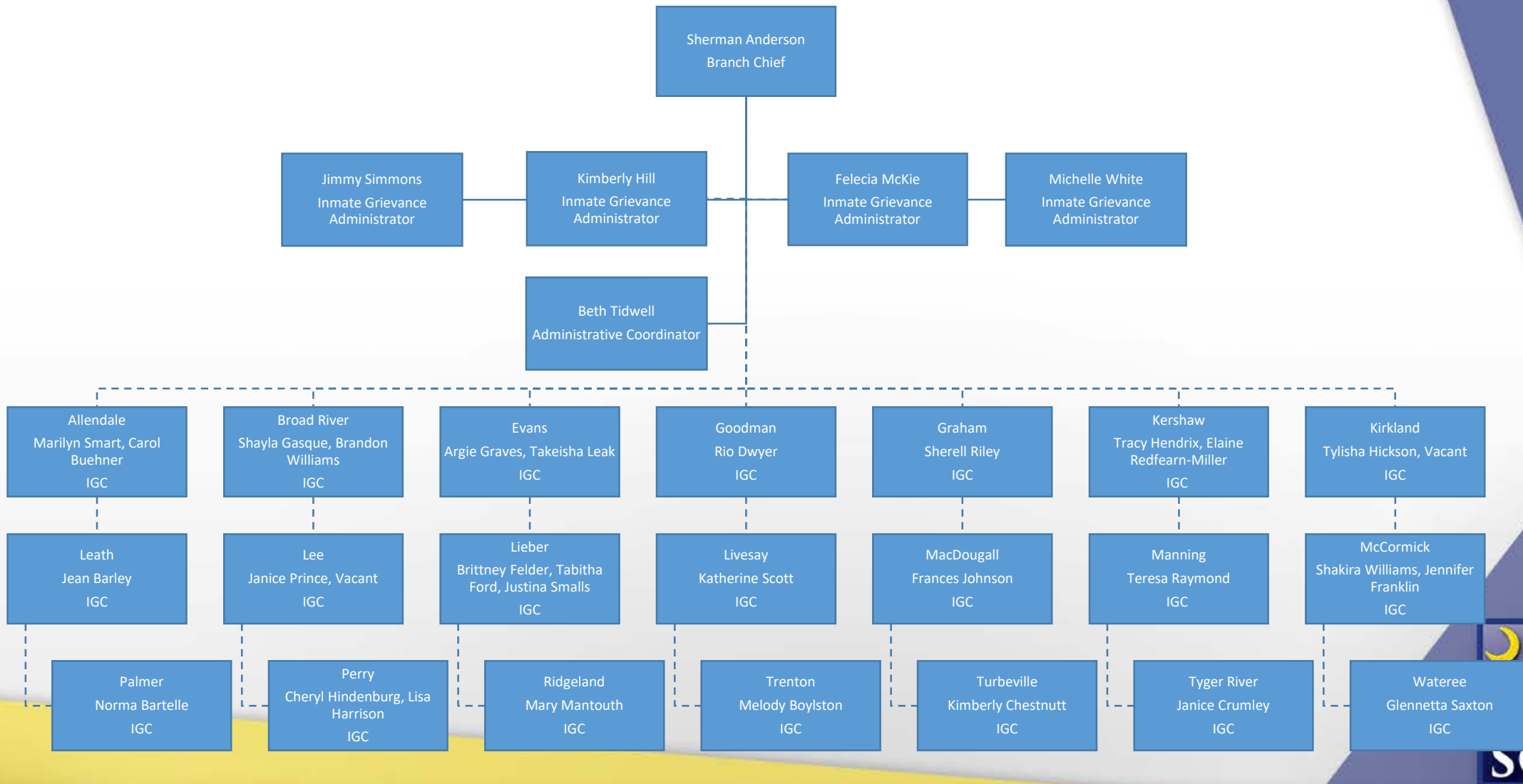
The second screenshot shows the same form after completion. The 'Disposition' is now 'Complete' and the 'Disposition Date' is 06/25/2015 09:51. The 'Request Responses' table now contains one entry: a response from 'GTL Support' on 06/25/2015 09:51 with the note 'response to request ELS'.

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

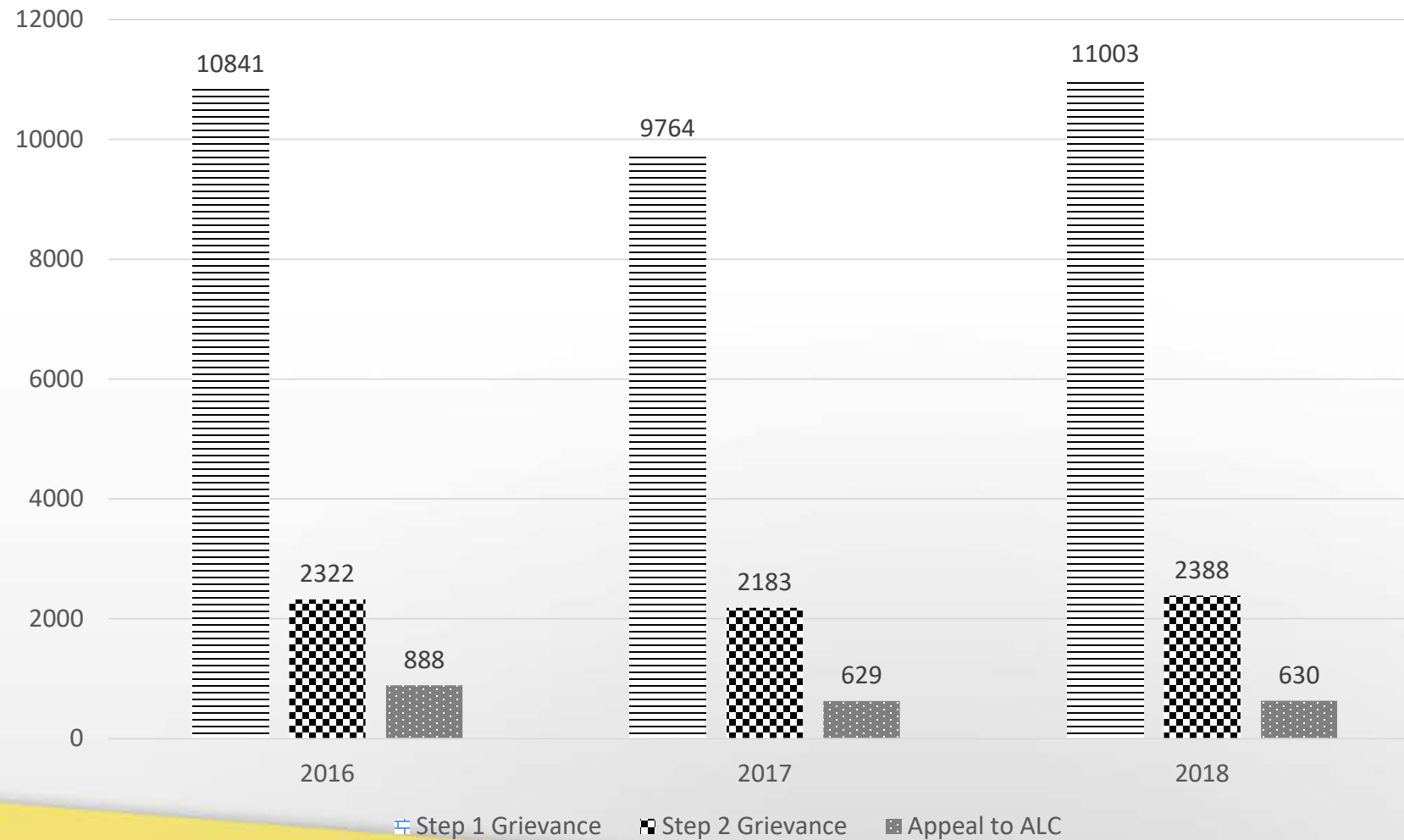
Issue Types

- 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

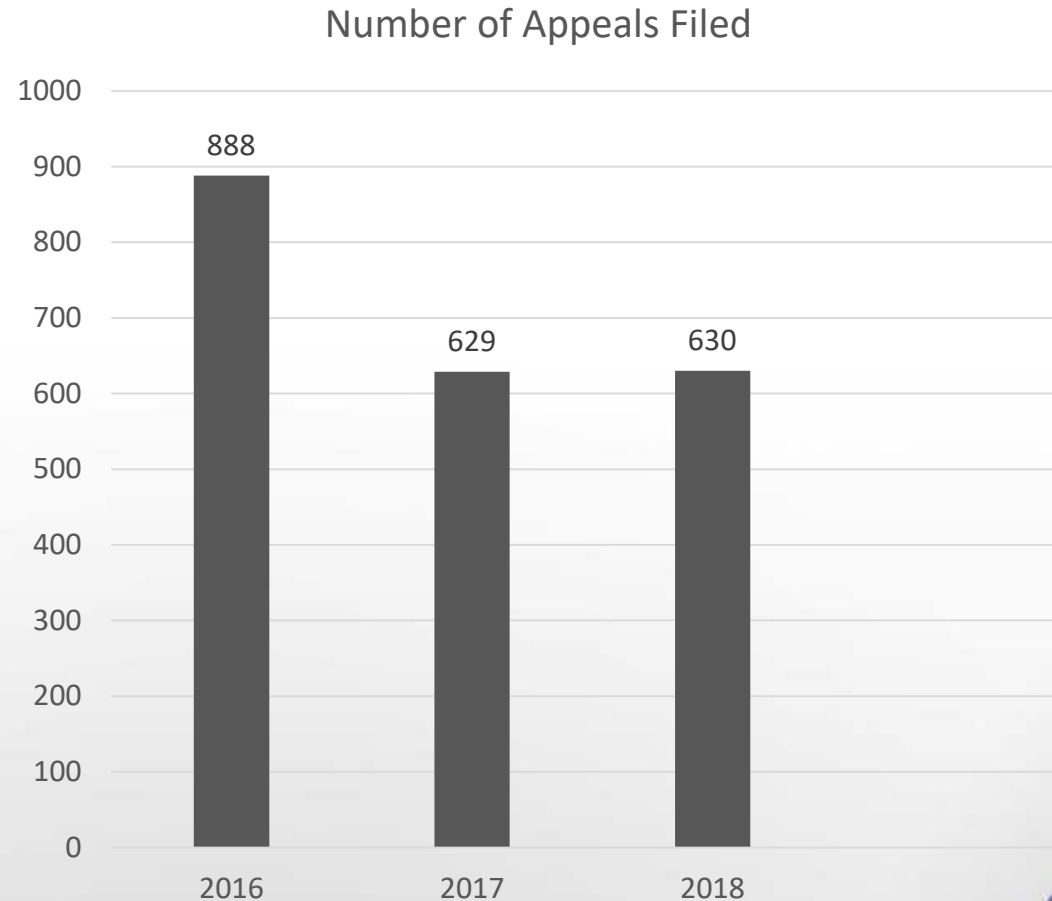
Administrative Law Court Docket (ALC)

- 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

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

- 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

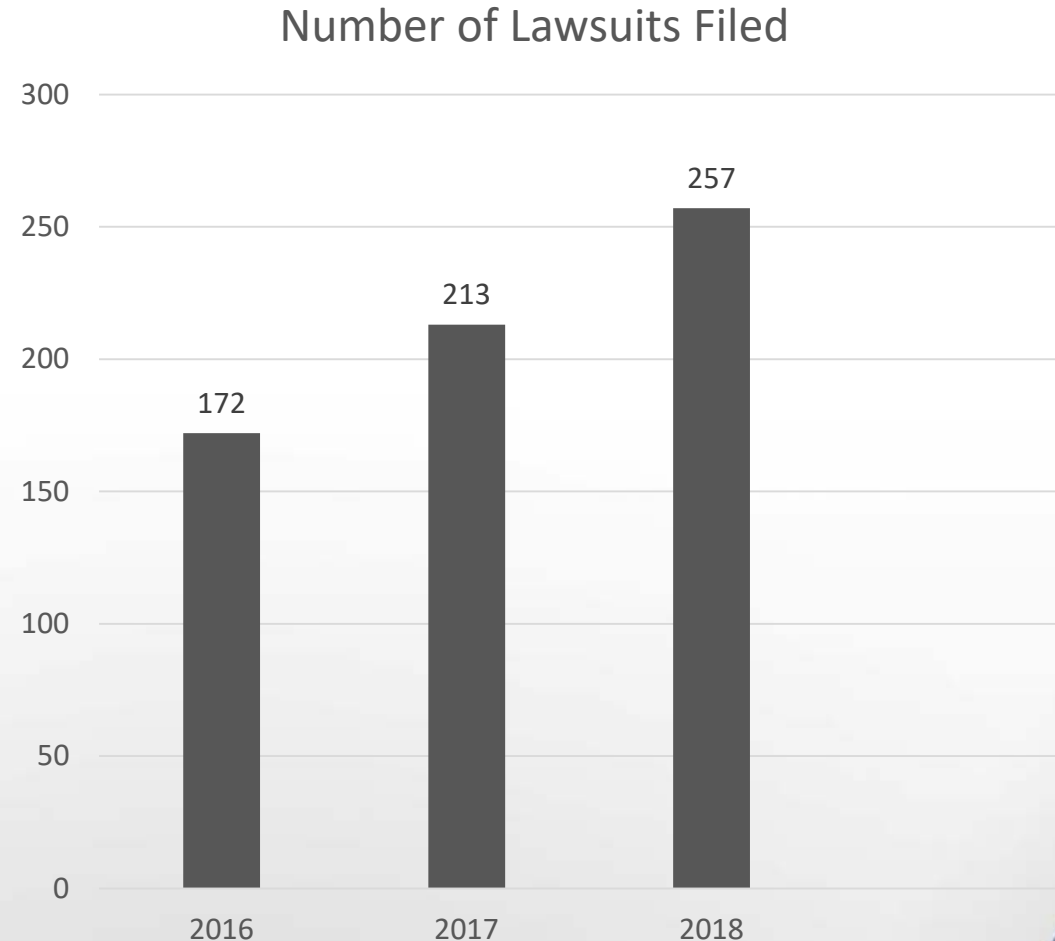
Additional Comments

- 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

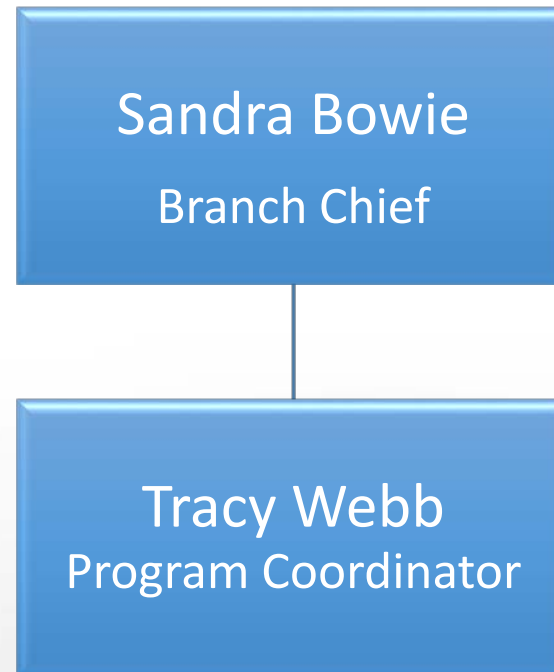
- Statute is appropriate

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? |
| ✗ | Does the law allow the agency to charge for the service or product? |

Greatest Potential Harm

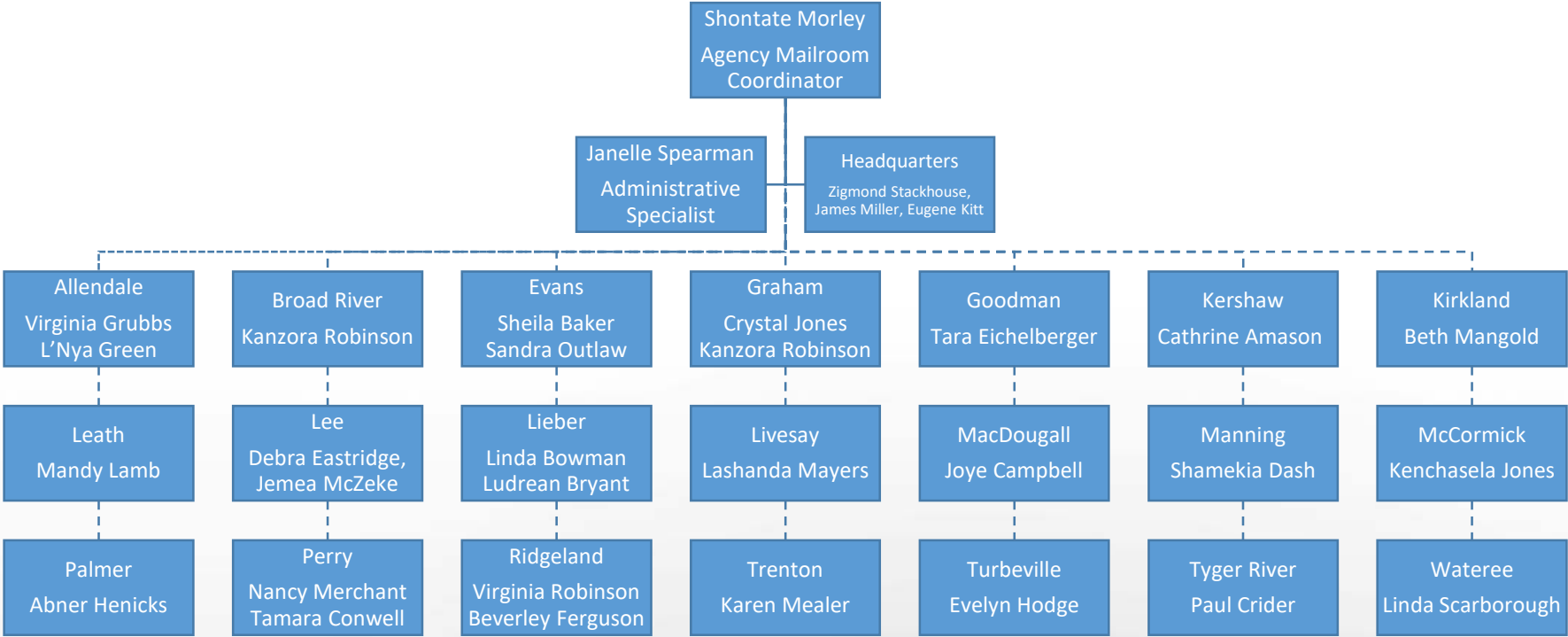
- The agency would not function in a streamlined, cohesive manner

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

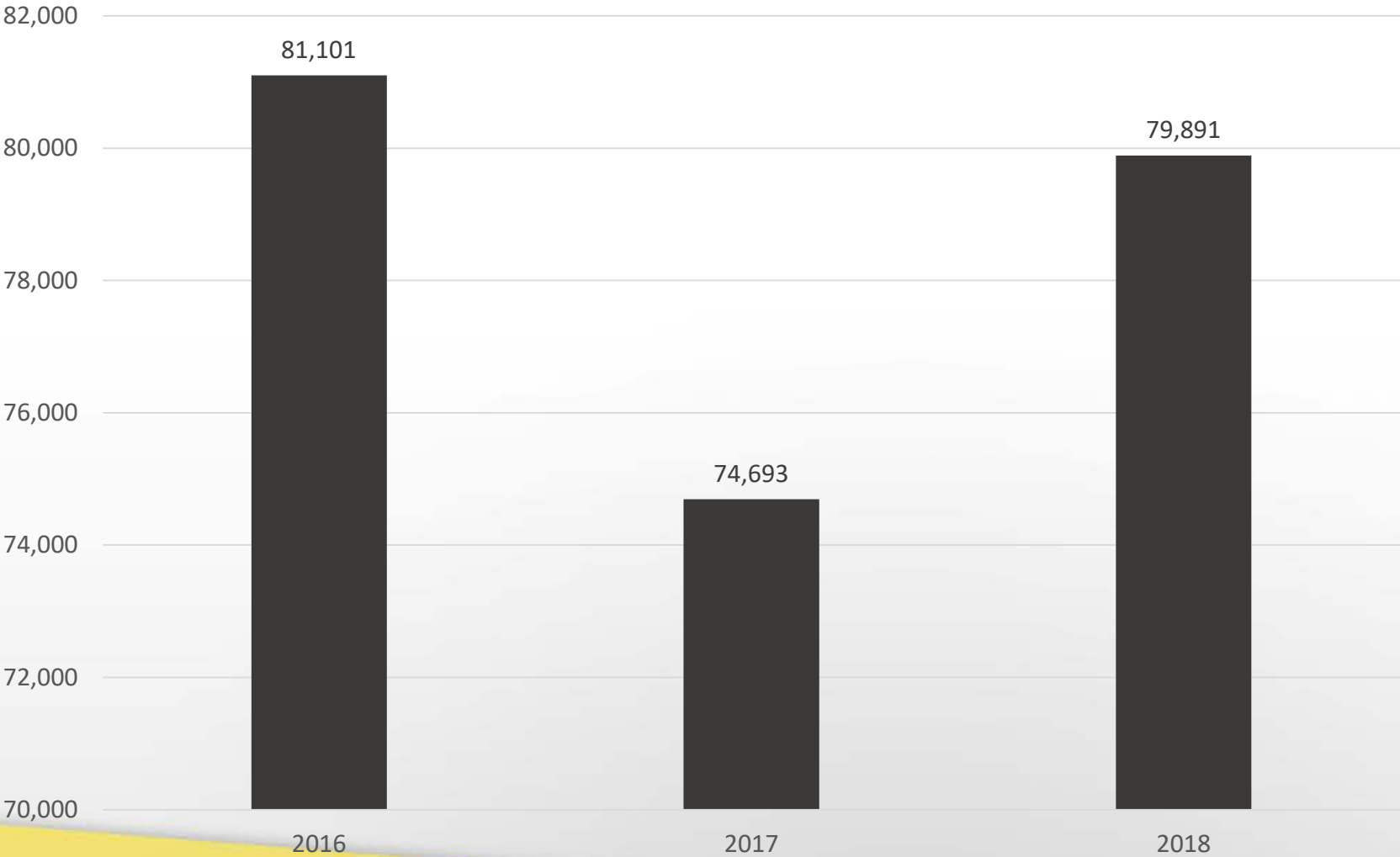
General Counsel

- 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

January 1, 2016 – December 31, 2018



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

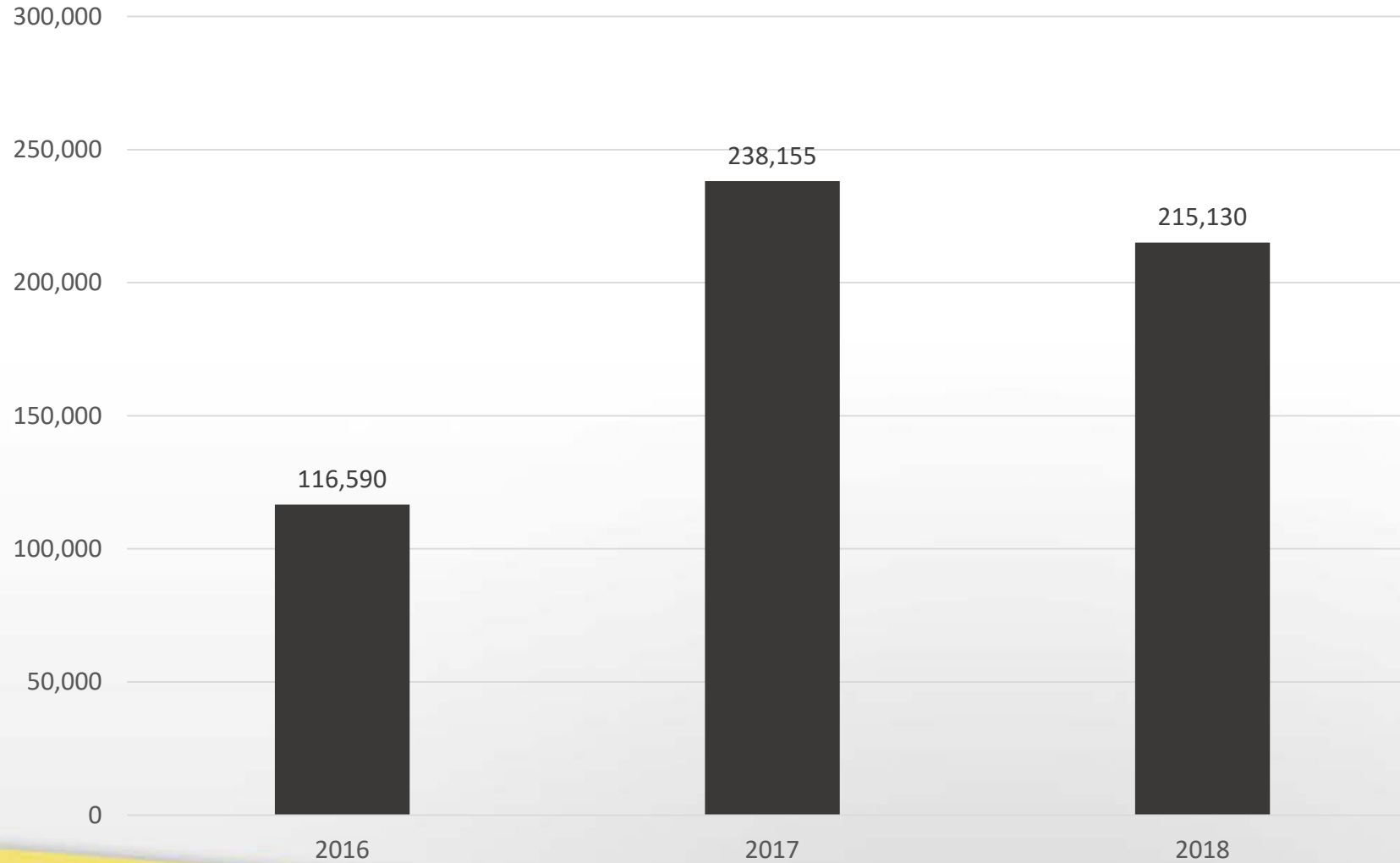
| | |
|-------------------|-----------------------------------|
| FY16: \$79,896.06 | FY18, \$89,774.10 |
| FY17, \$78,462.37 | FY19, \$56,304.46 (as of 9/18/19) |



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



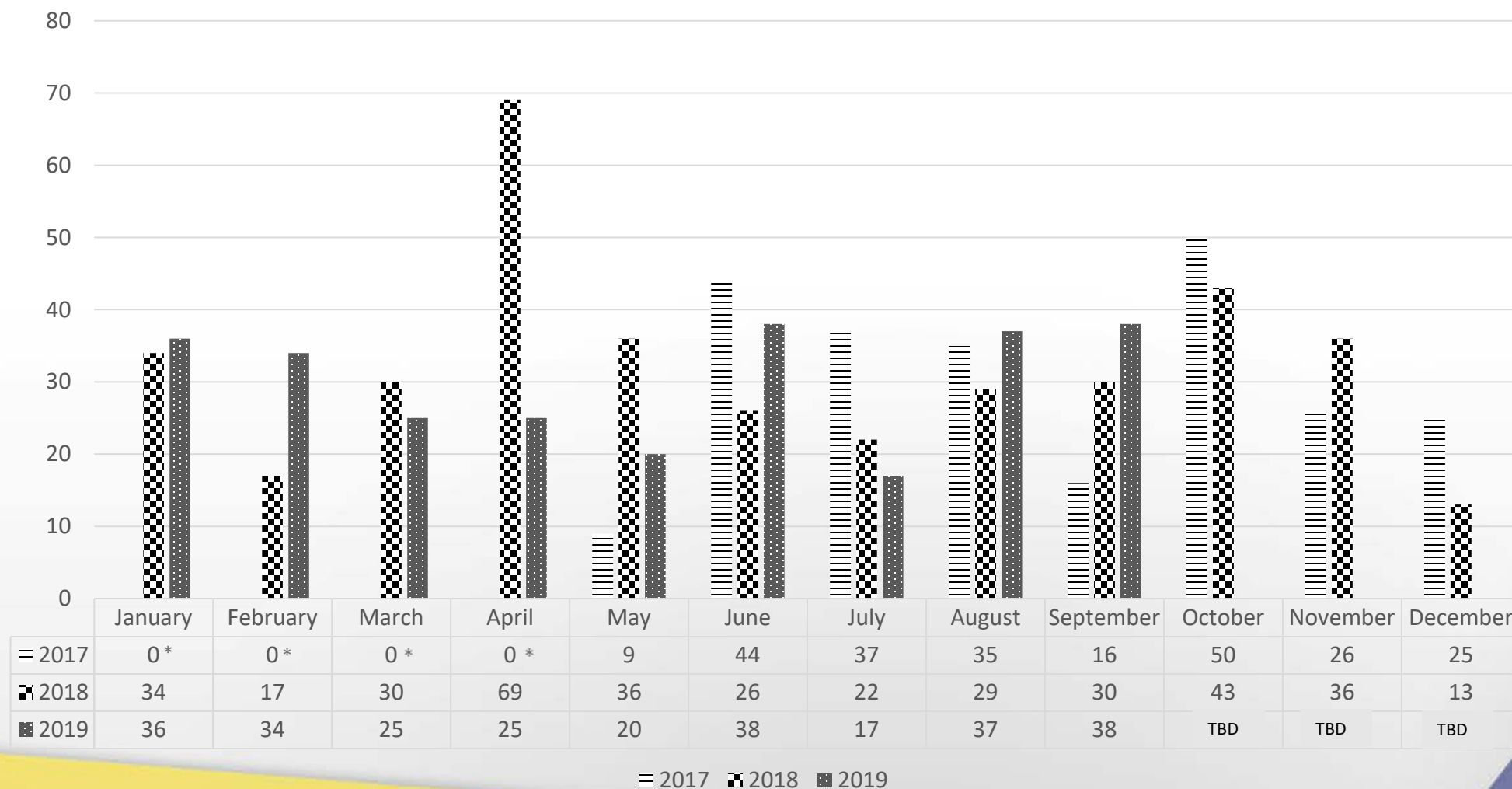
Responding to FOIA Requests

- 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

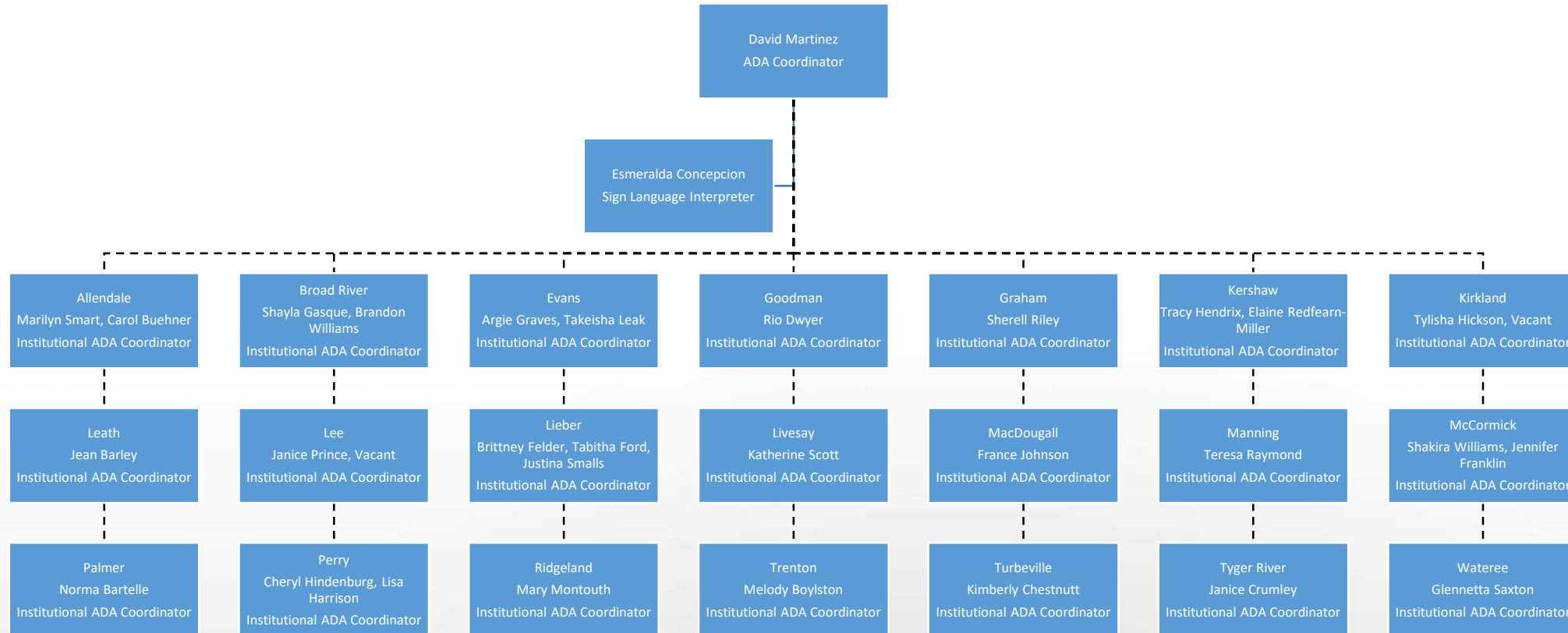


| Totals |
|-----------|
| 2017: 242 |
| 2018: 385 |
| 2019: 270 |



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



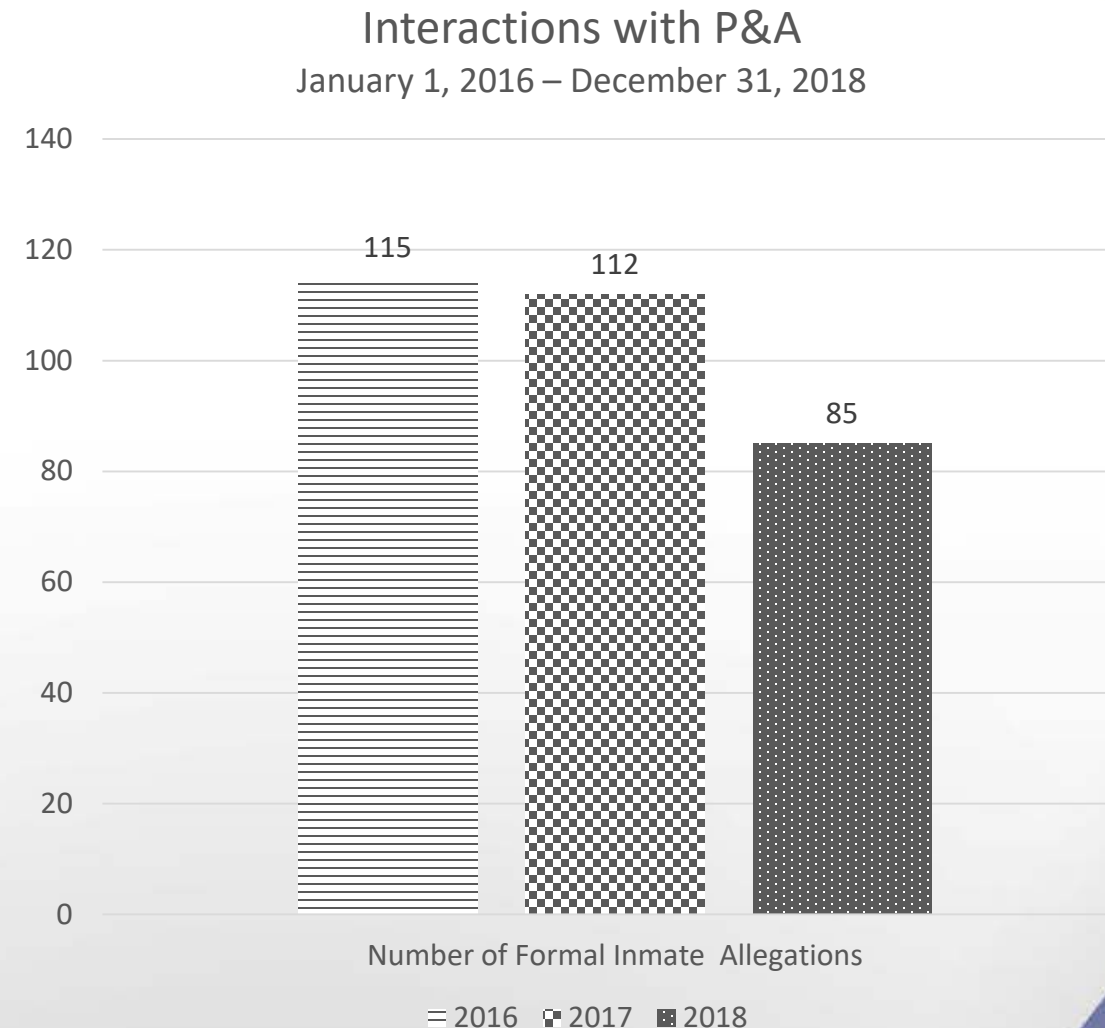
Agreements with the Department of Justice (DOJ)

- 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](#).



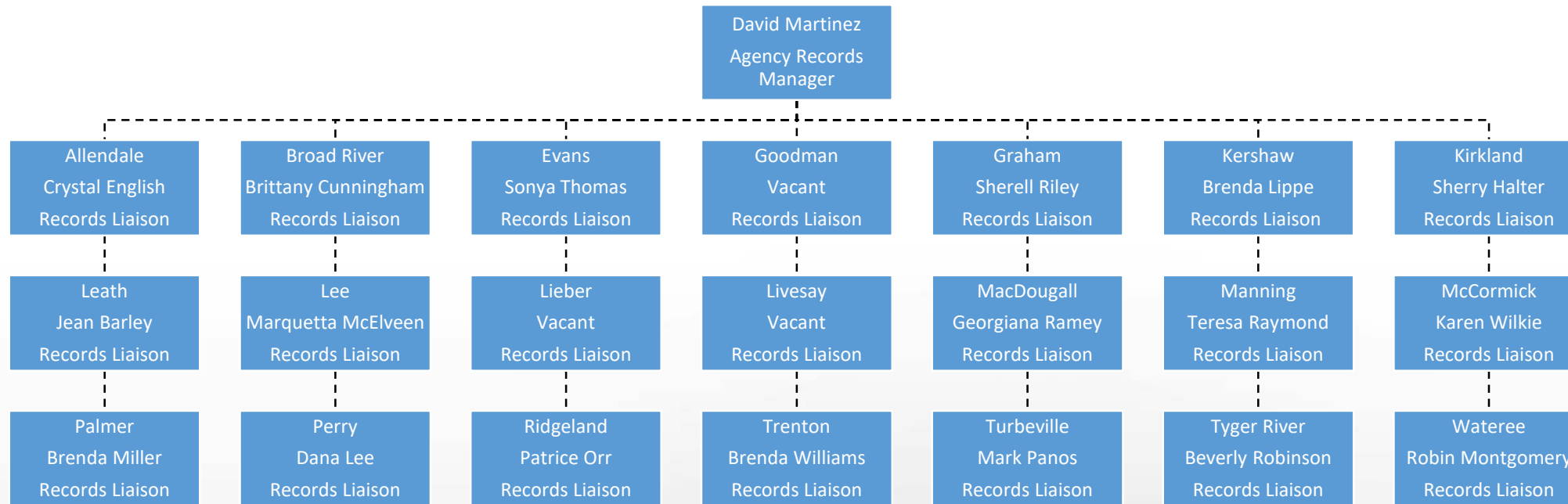
Interactions to Resolve ADA Issues

- 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



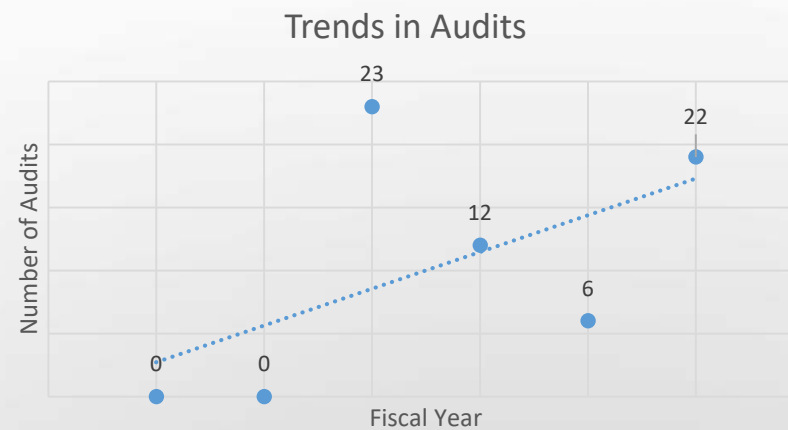
Records Management Program

- 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 |

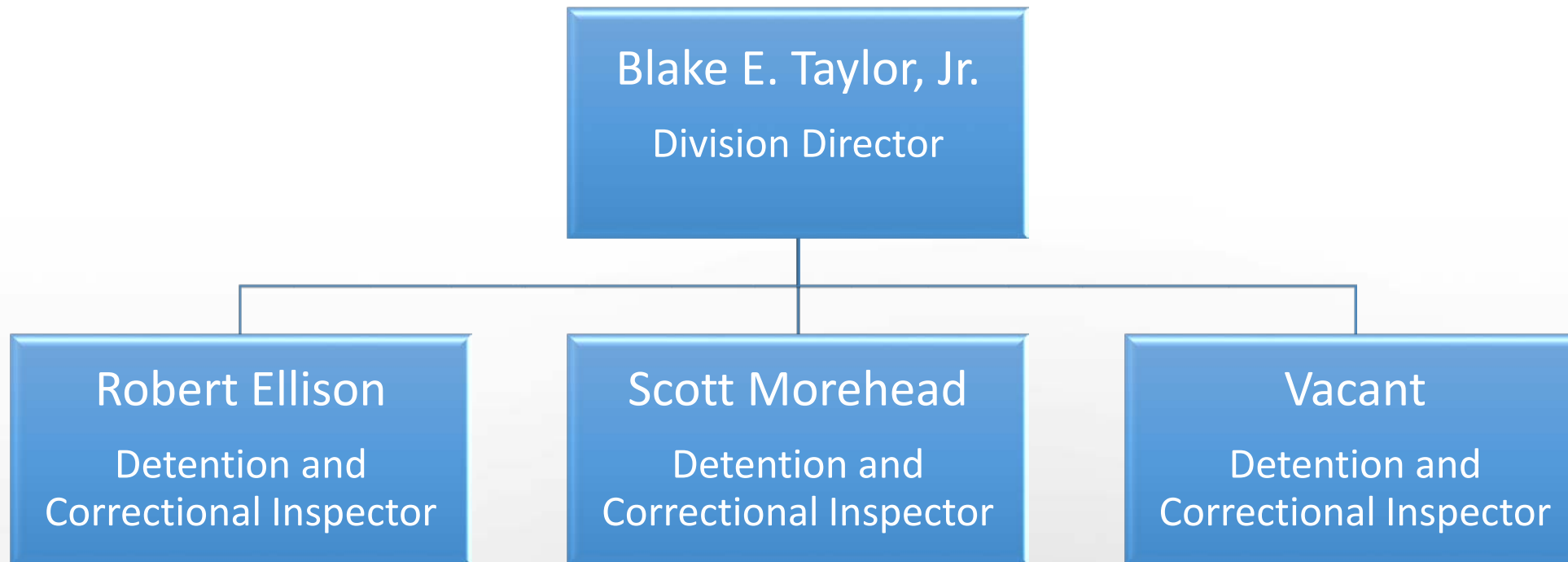


Compliance, Standards, and Inspections



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? |
| ✗ | 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

- 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

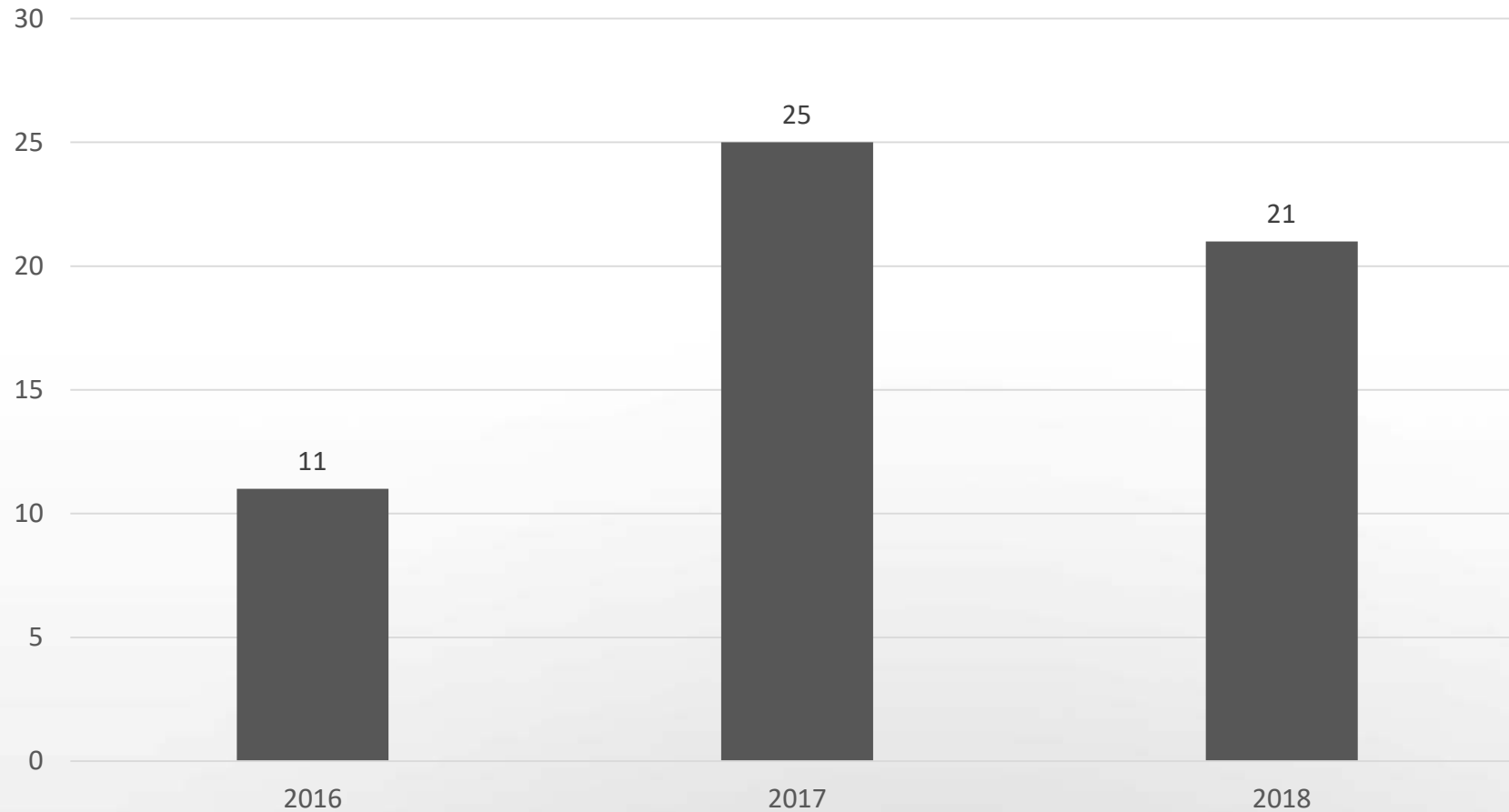
- Information regarding deaths in confinement may not all be available in one location

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

| <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

- 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

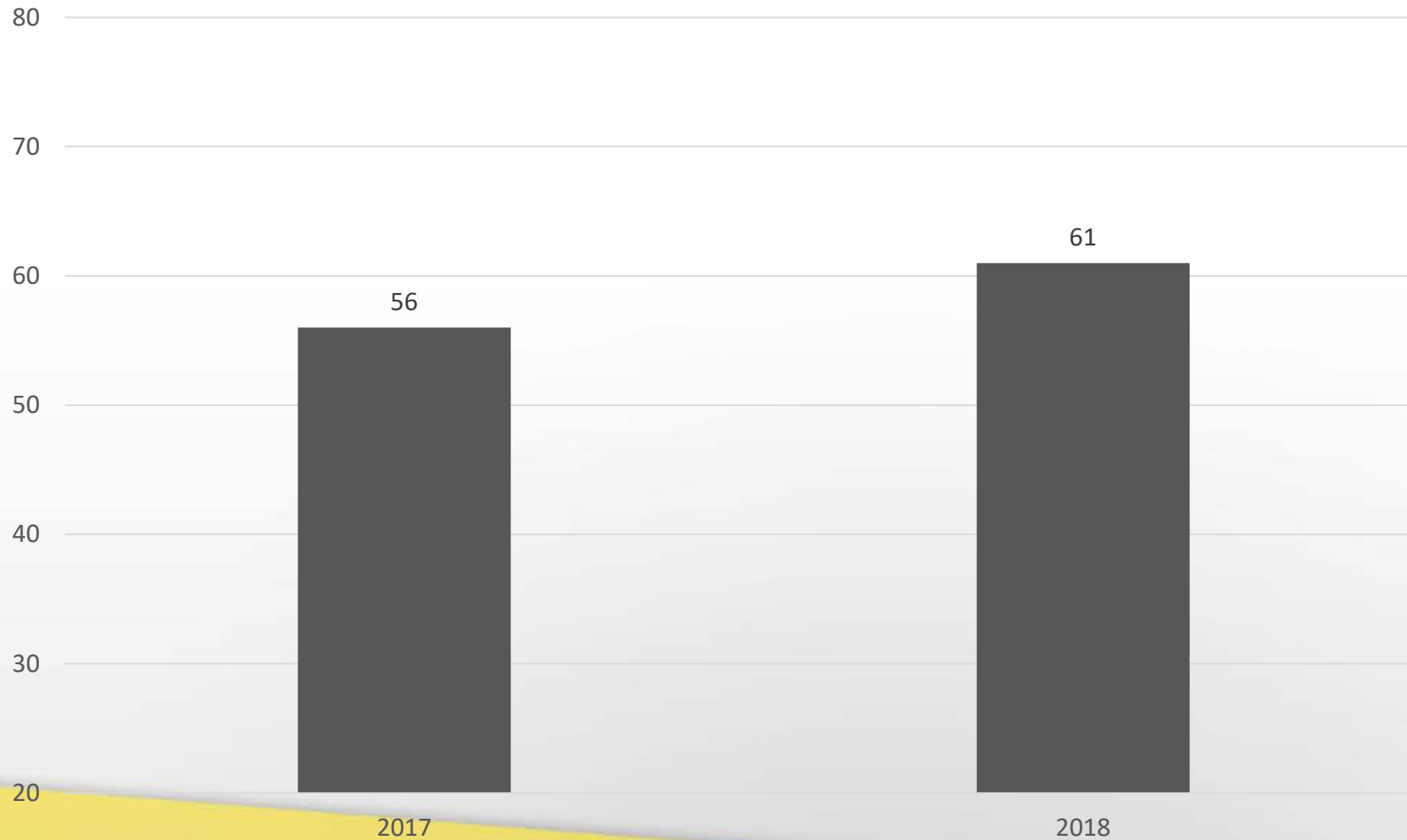
- Continued support for the law requiring plans review



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

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
- 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:

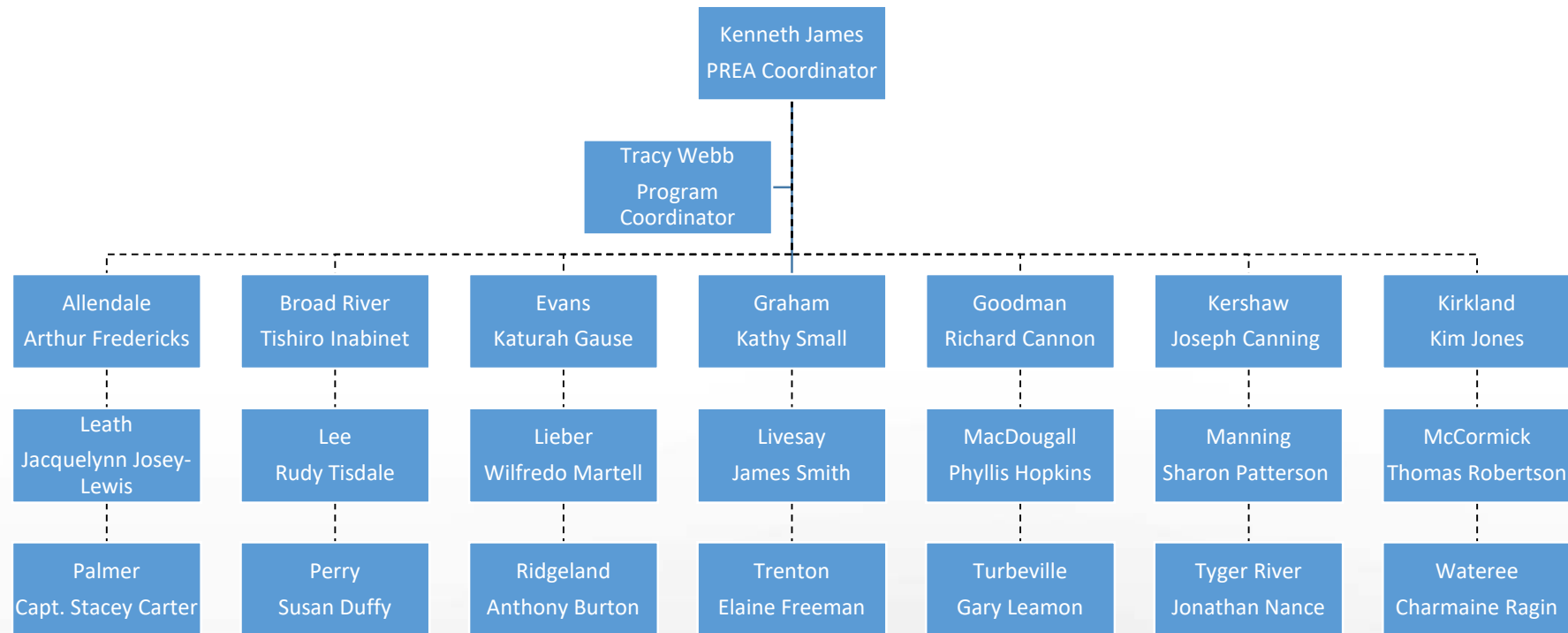
- SCDC agrees that the entire Management Review Program should be resumed. A plan is being developed that is less staff intensive, but will nevertheless require the authorization of at least two additional positions to implement. The Agency intends to continue conducting the very important security audits 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

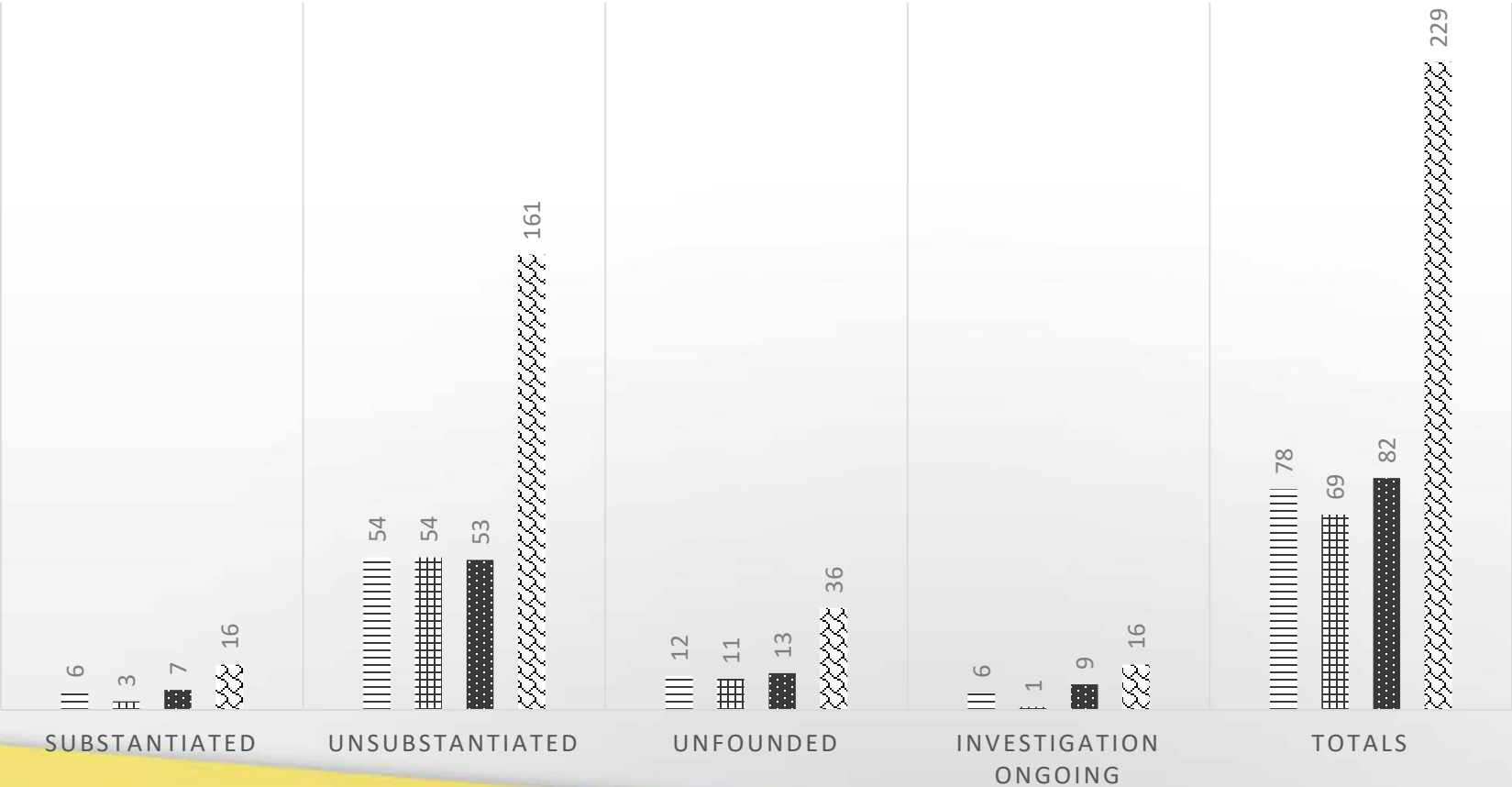
- Provisions to state law defining and prohibiting verbal, visual, and other observable sexual harassment of inmates will further assist with reduction of sexual abuse incidents and safety of both employees and inmates

PREA Claims Data – Inmate on Inmate

PREA

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

= 2016 # 2017 ■ 2018 X Total

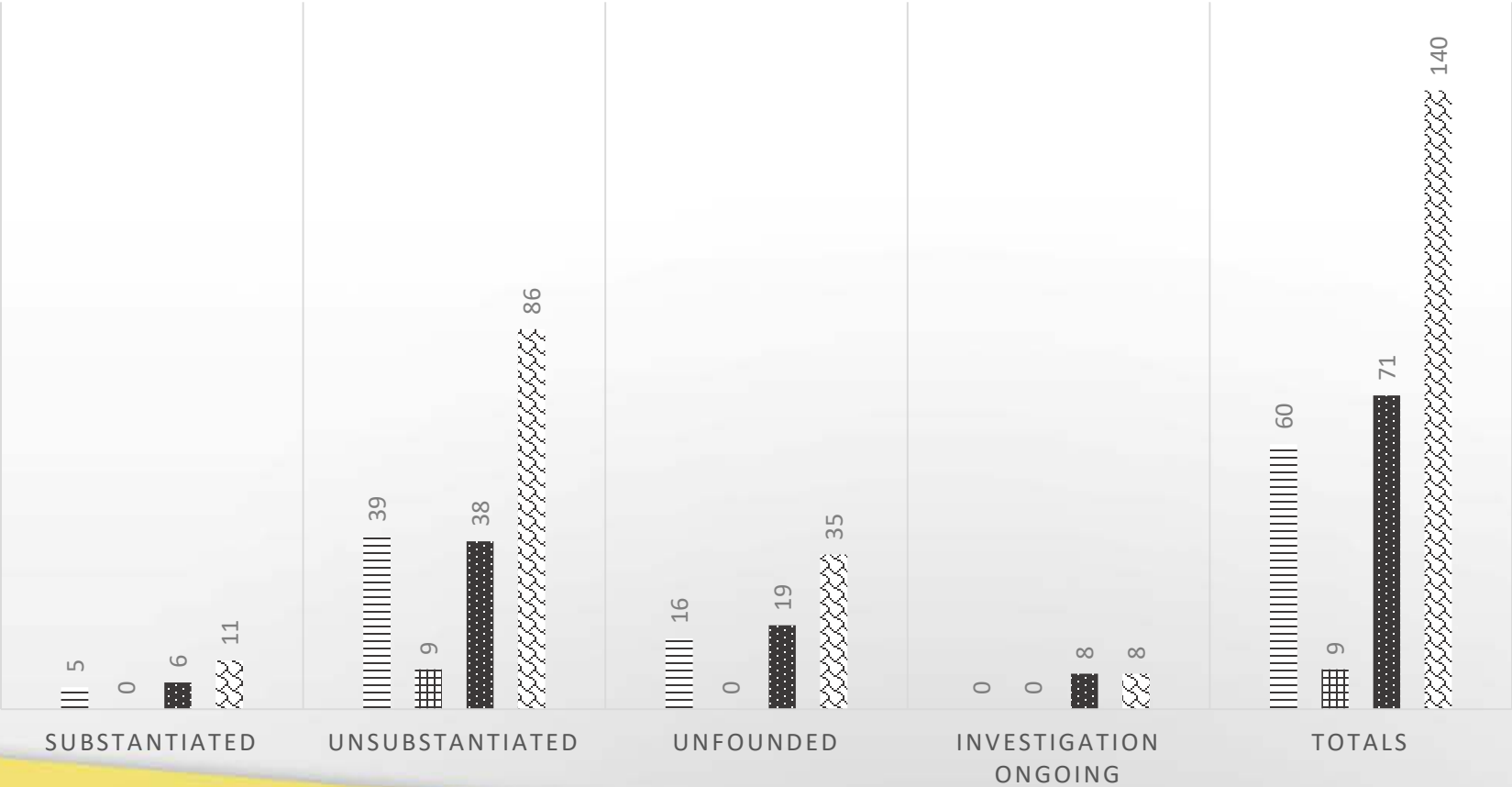


PREA Claims Data – Inmate on Inmate

PREA

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

≡ 2016 ≡ 2017 ■ 2018 X Total

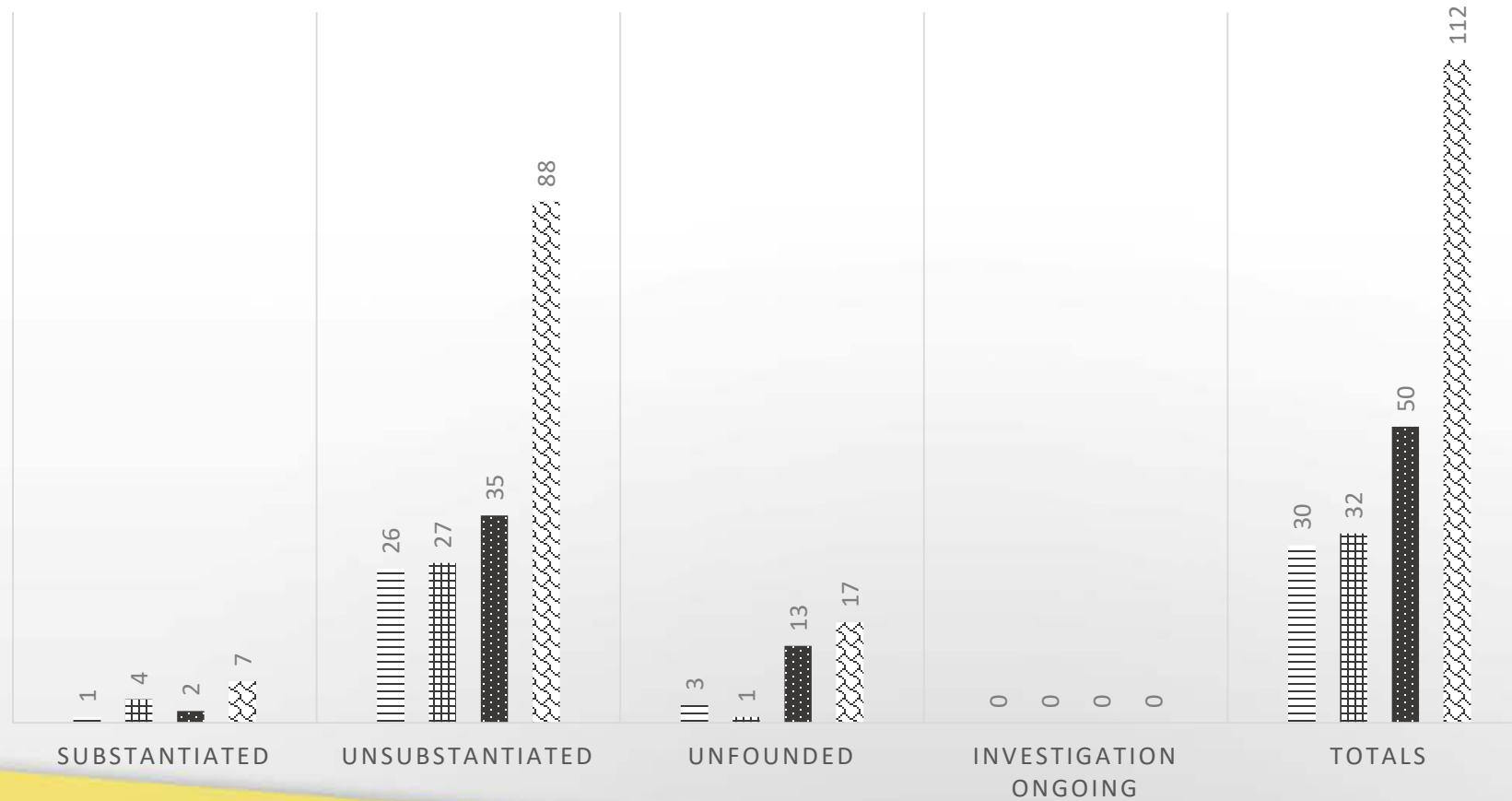


PREA Claims Data - Staff

STAFF SEXUAL MISCONDUCT

JANUARY 1, 2016 – DECEMBER 31, 2018

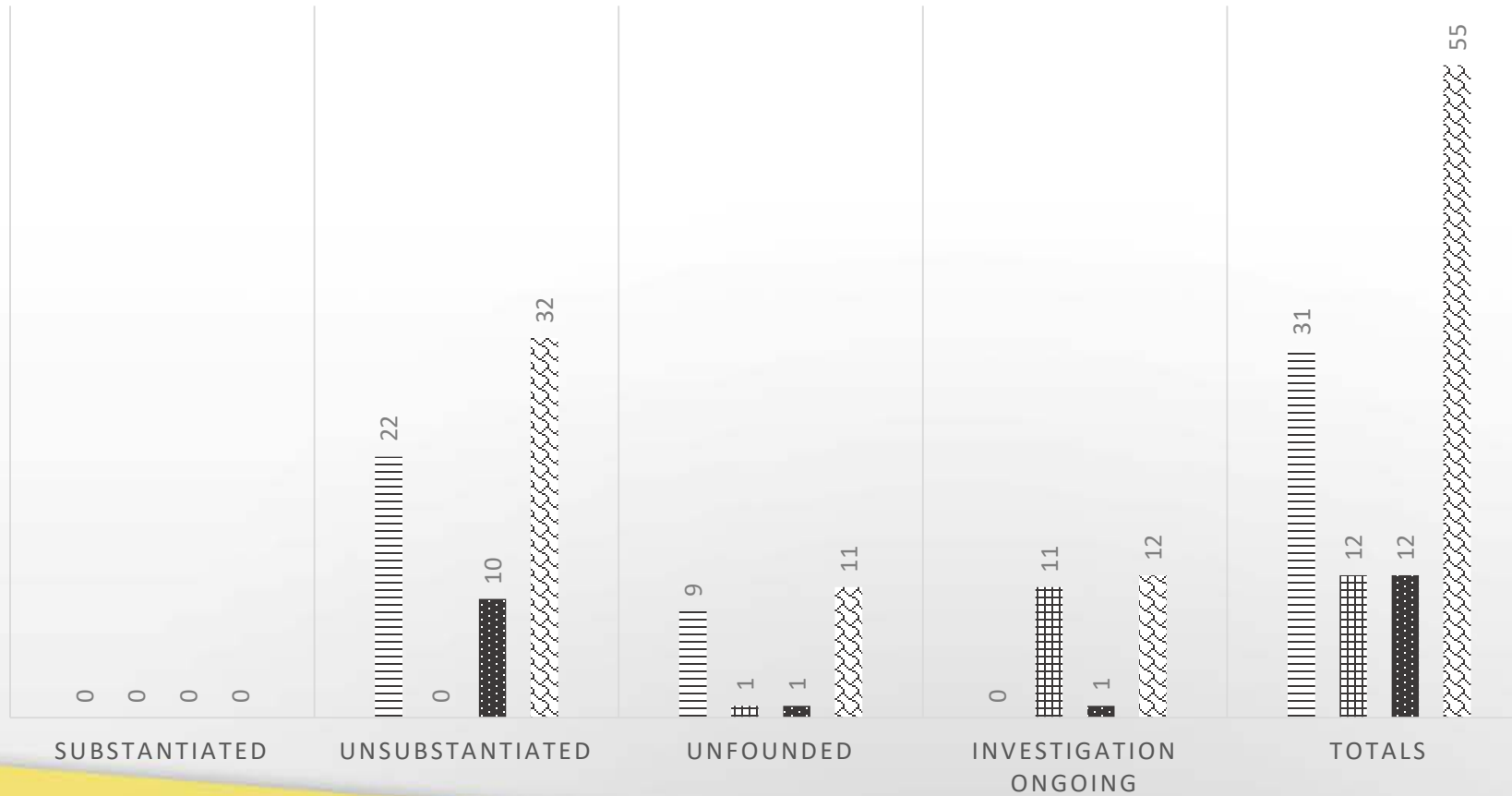
≡ 2016 ≡ 2017 ■ 2018 ✕ Total



PREA Claims Data - Staff

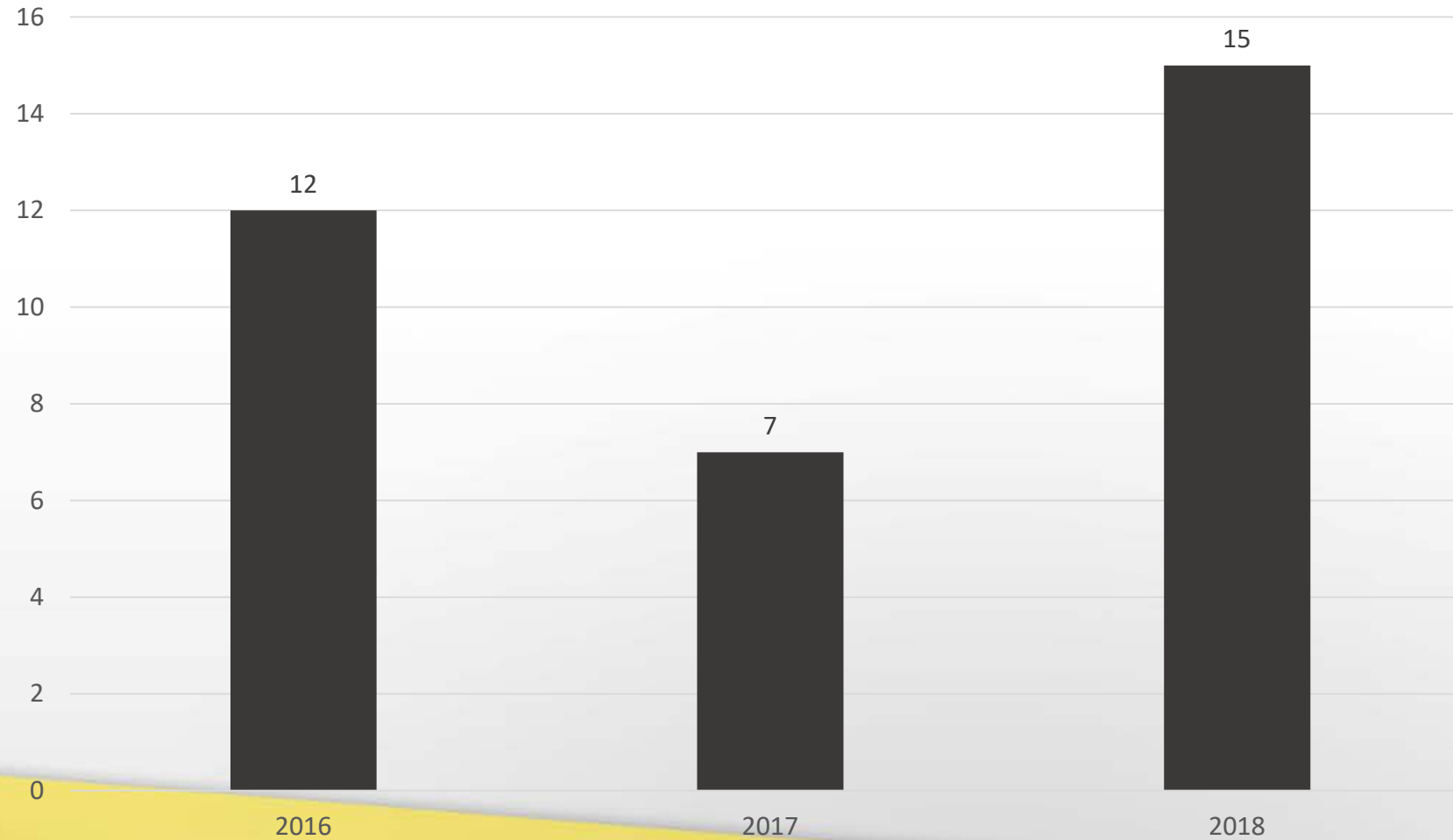
STAFF SEXUAL HARASSMENT JANUARY 1, 2016 – DECEMBER 31, 2018

≡ 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

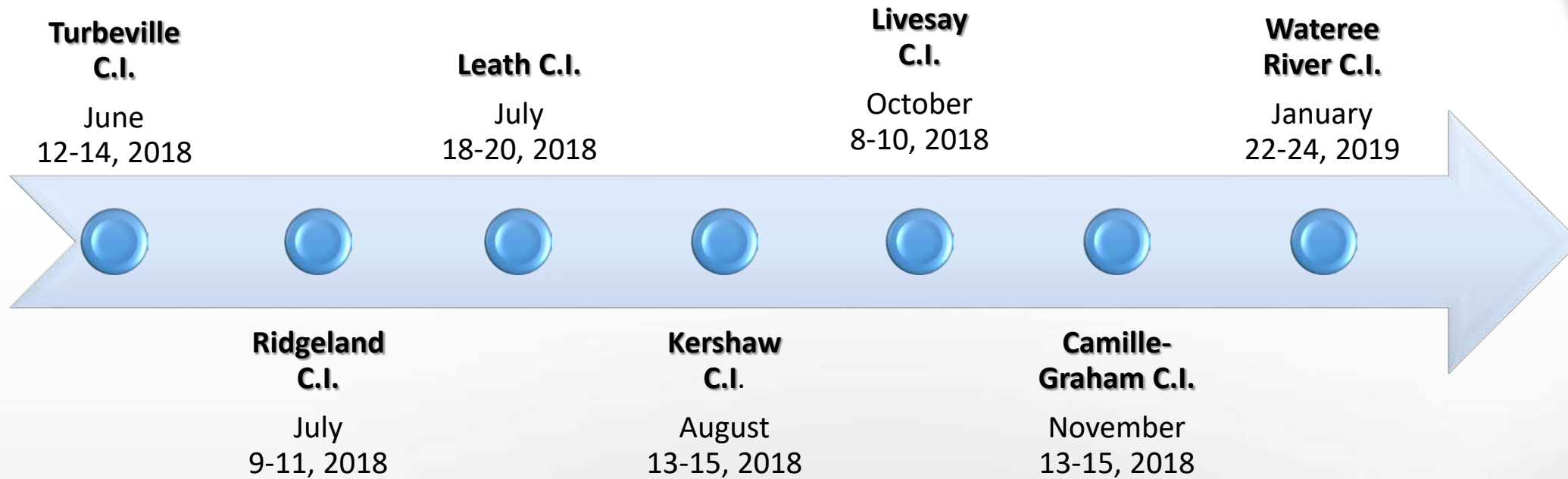


PREA Audits

- 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*

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



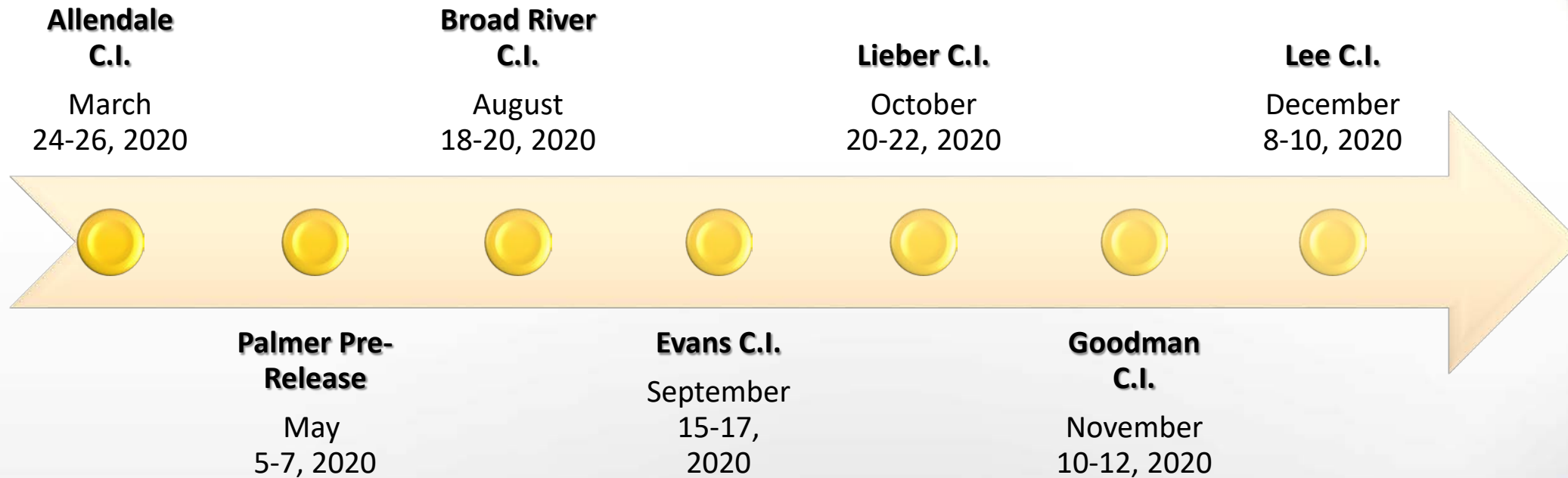
*PREA audit cycles start on August 20 and end on August 19.



Timeline of PREA Audits

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

2020*



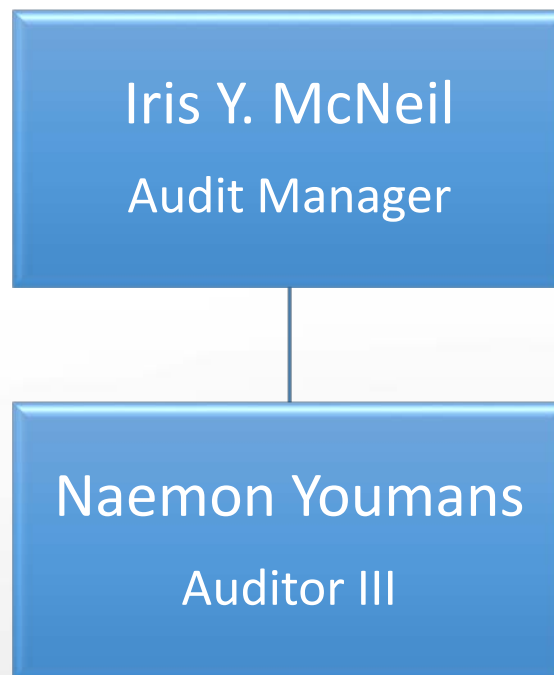
*PREA audit cycles start on August 20 and end on August 19.



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

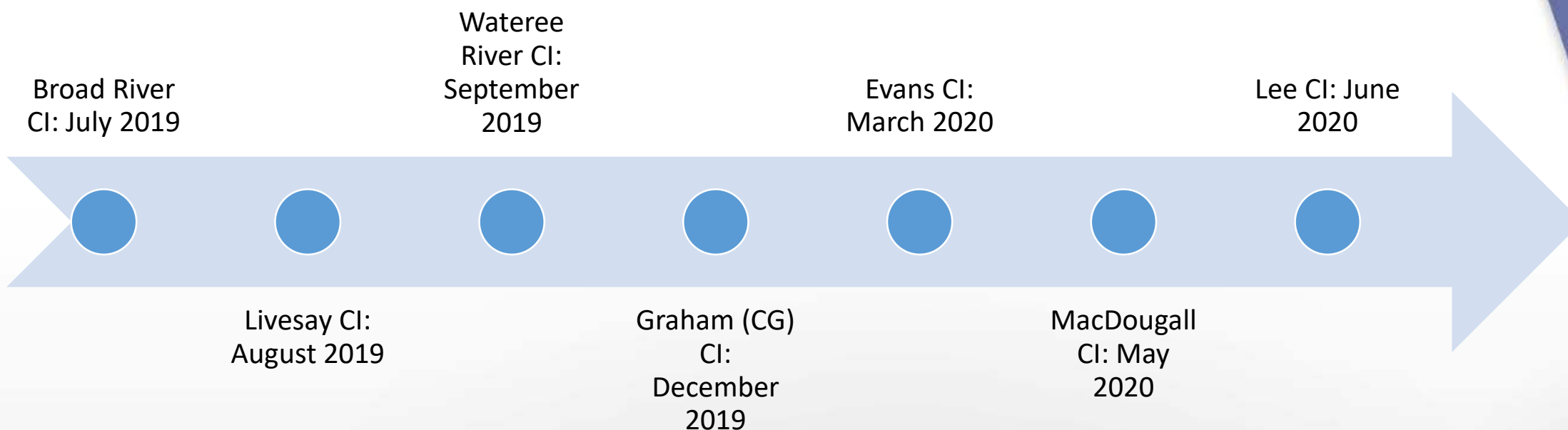


Internal Audit Data

| 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 |



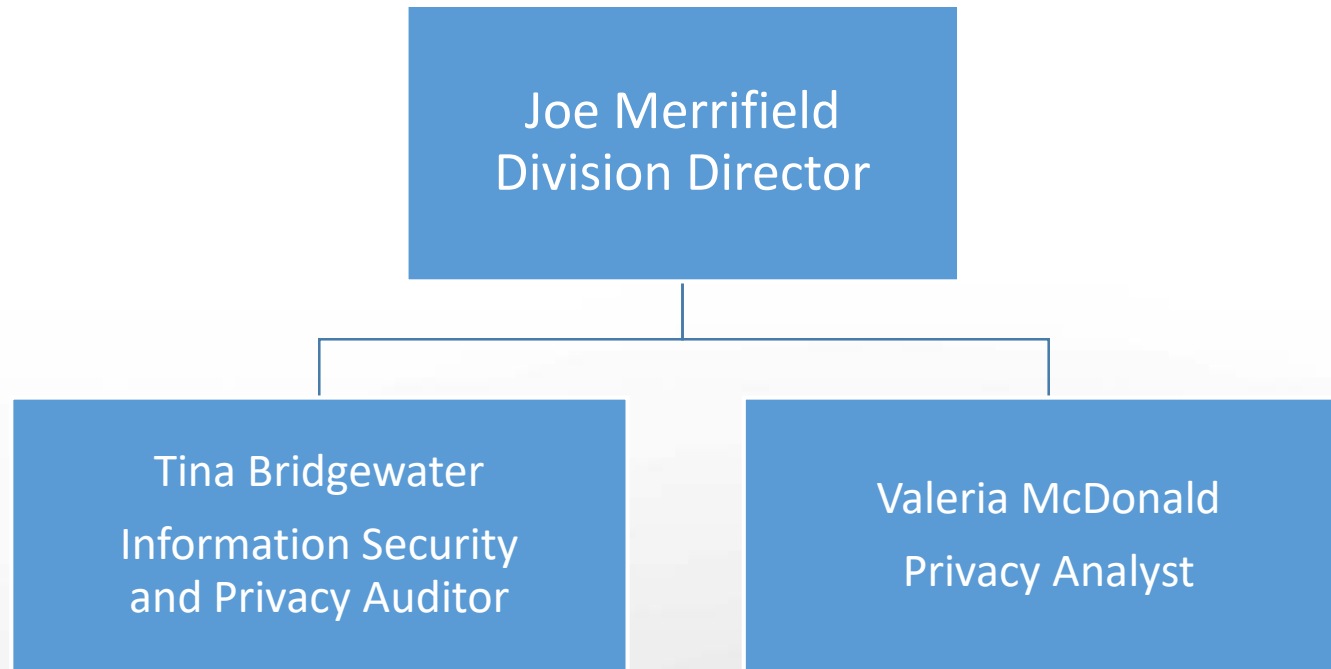
Timeline of FY2020 Institutional Audits



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



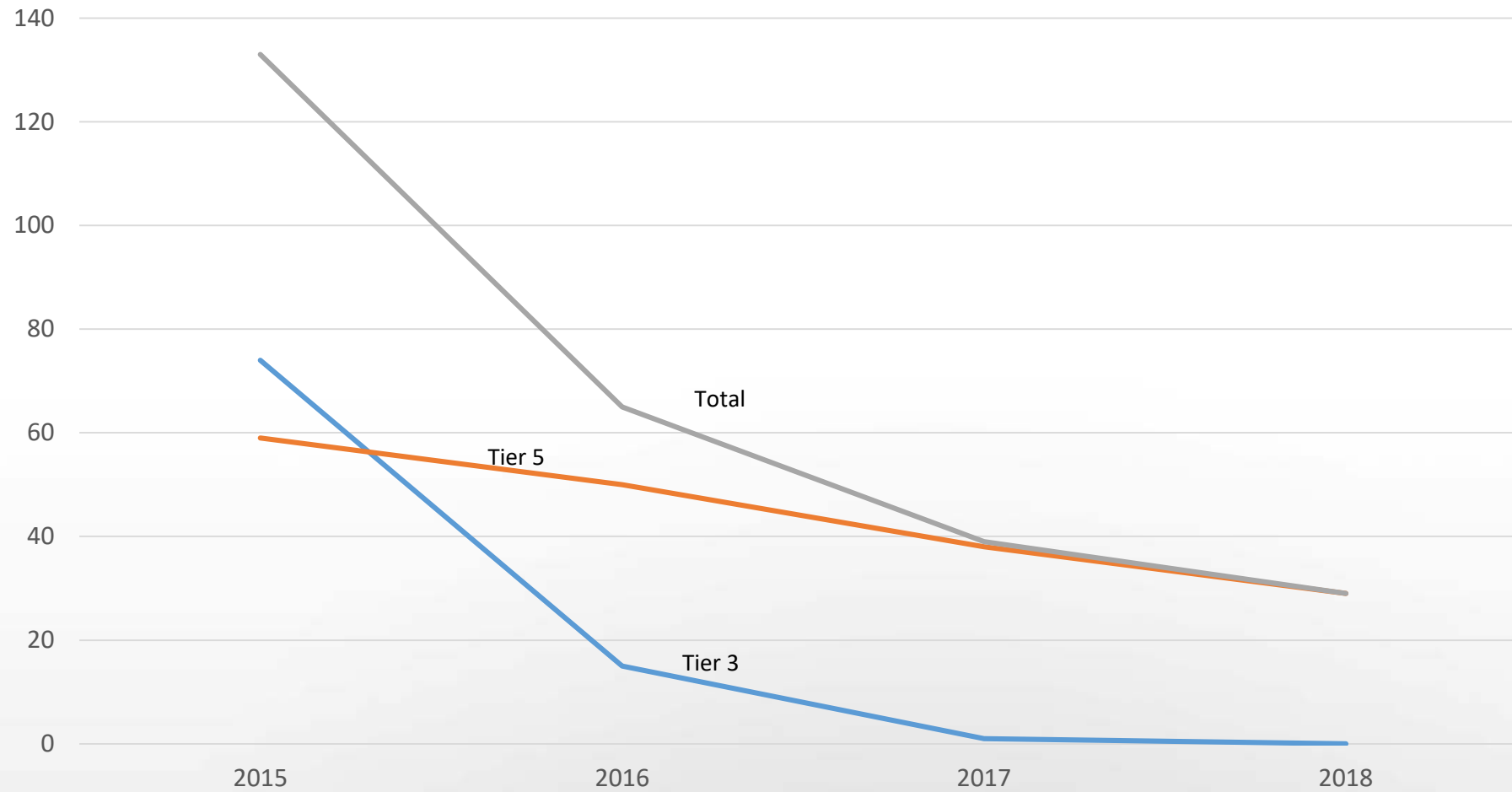
Program Accomplishments (continued)

- 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.



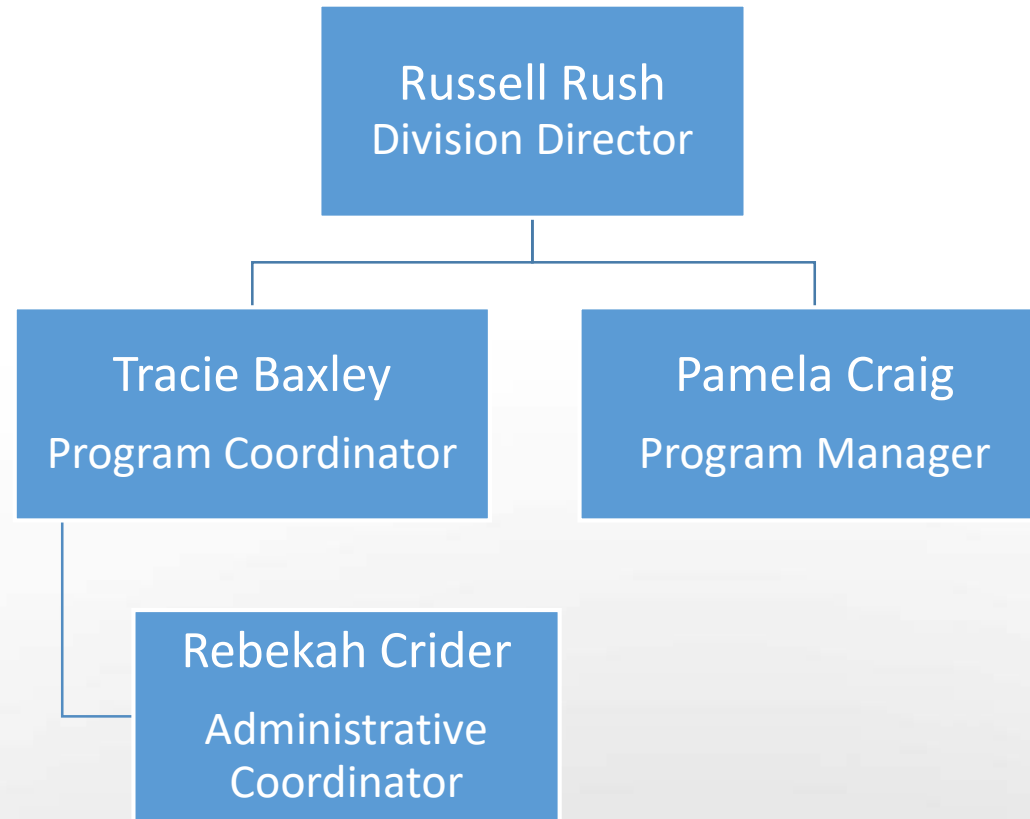
*The IP Reports issued by the IP that were provided to this Committee are not confidential.

Occupational Safety and Workers' Compensation



Occupational Safety and Workers' Compensation Organizational Chart

Occupational
Safety and
Workers'
Compensation



Overview of Occupational Safety and Workers' Compensation

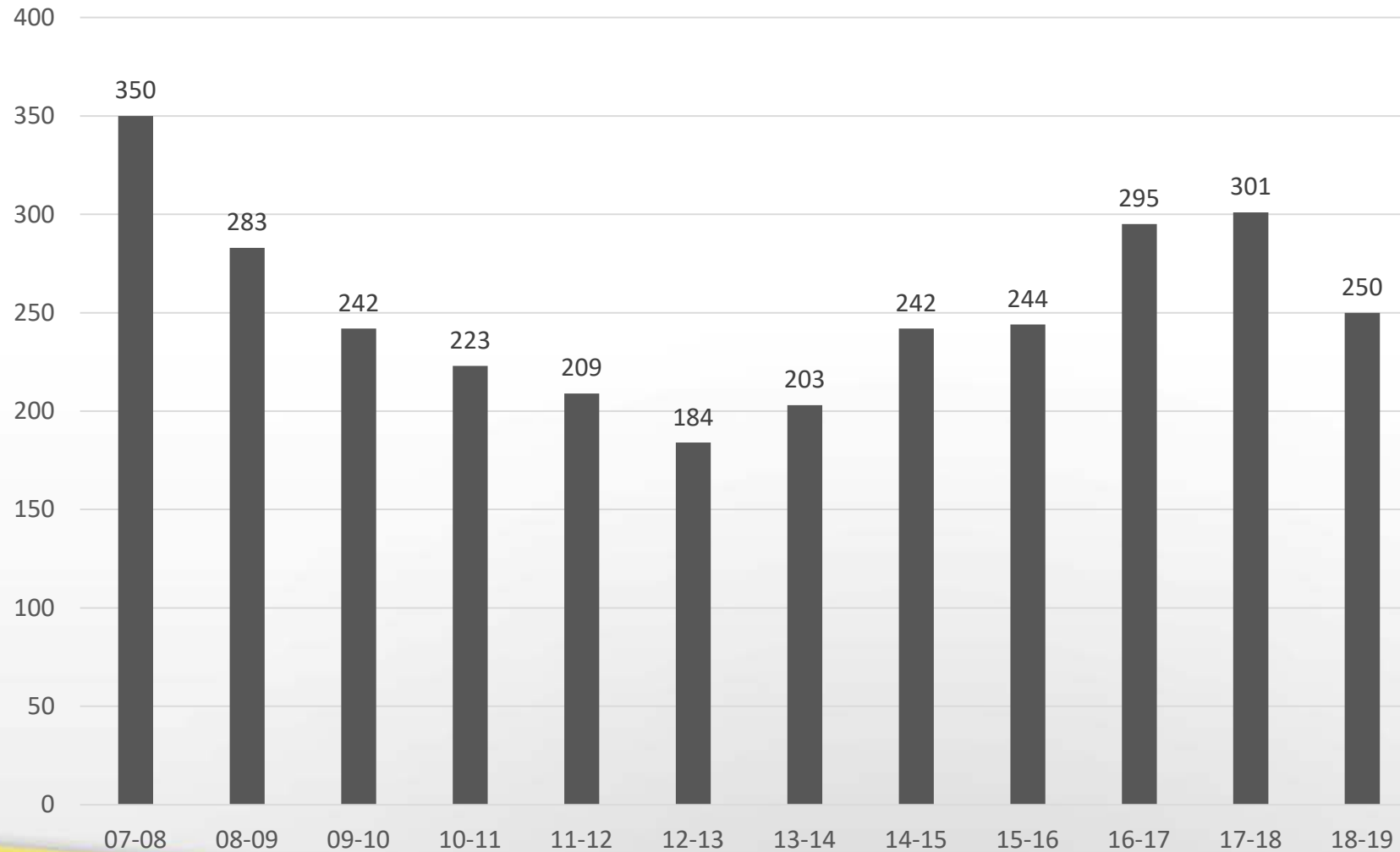
- Oversees the Safety and Workers' Compensation Programs for the Agency
- Assures compliance with all regulatory standards to include Occupational Safety and Health Administration (OSHA), Department of Health and Environmental Control (DHEC), and Fire Marshal
- Dually supervises the Environmental Health 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

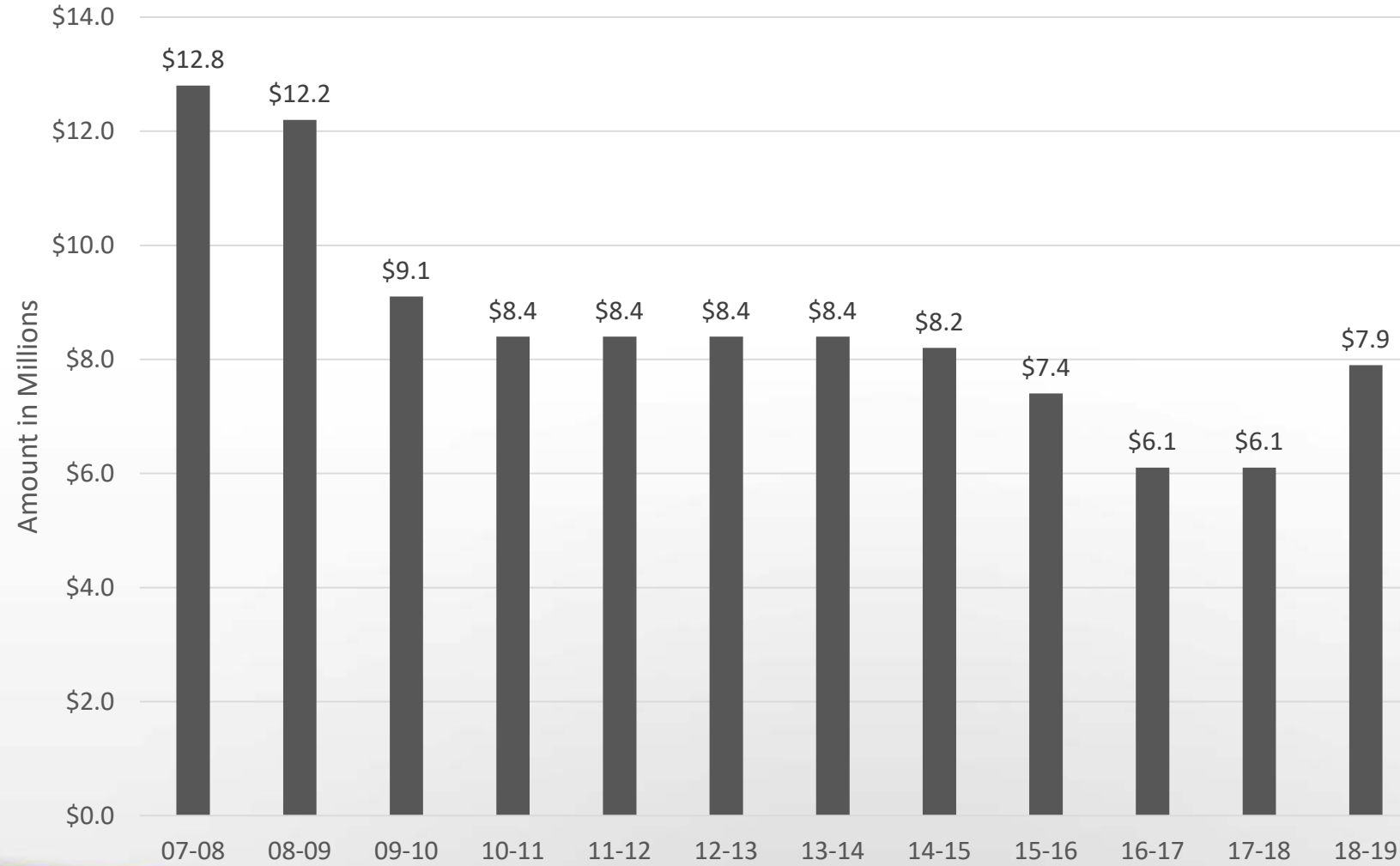
Occupational
Safety and
Workers'
Compensation



SCDC Workers' Compensation Premium History by Fiscal Year

July 1, 2007 – June 30, 2019

Occupational
Safety and
Workers'
Compensation



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, October 2nd

Wednesday, October 23rd

Monday, November 18th

Monday, December 2nd

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).