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South Carolina House of Representatives

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**Department of Corrections Ad Hoc Subcommittee
Wednesday, October 2, 2019
10:30 a.m.
Blatt Room 110**

Archived Video Available

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

Attendance

- I. The Department of Corrections Ad Hoc Subcommittee meeting is called to order by Chair Edward R. Tallon, Sr. on Wednesday, October 2, 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.; 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 Clary moves to approve the minutes from the October 1, 2019, meeting. A roll call vote is held, and the motion passes.

Rep. Jefferson's motion to approve the minutes from the October 1, 2019, meeting:	Yea	Nay	Not Voting
Rep. Clary	✓		
Rep. Caskey	✓		
Rep. Dillard			✓ (absent for vote)
Rep. Jefferson	✓		
Rep. Johnson			✓ (absent)
Rep. Tallon	✓		
Rep. Williams	✓		

Discussion of the S.C. Department of Corrections

- I. Ad hoc subcommittee Chairman Tallon explains the purpose of today's meeting is to continue discussion of the agency's legal and compliance unit.
- II. Ad hoc subcommittee Chairman Tallon explains that all testimony given to this subcommittee, which is an investigating committee, must be under oath. He reminds agency personnel previously sworn in that they remain under oath. Ad hoc subcommittee Chairman Tallon swears in the following individuals:
 - a. Ms. Iris McNeil, SCDC Internal Audits Manager; and
 - b. Mr. Russell Rush, SCDC Director of the Occupational Safety and Workers' Compensation Division.
- III. Mr. Bryan Stirling, SCDC Director, provides information on a prolonged incarceration of which SCDC informed the members. Members ask questions which Director Stirling and other agency personnel answer.
- IV. Ms. Salley Elliott, SCDC Deputy Director for Legal and Compliance, with the assistance of other agency personnel, presents information about the agency's division, which includes, but is not limited to:

- a. Automated request to staff process for inmate requests;
 - i. Request types;
 - ii. Inmate view from kiosk or tablet;
 - iii. Paper request to staff member;
 - iv. Staff view of requests submitted;
- b. Inmate grievance branch;
 - i. Organizational chart;
 - ii. Overview;
 - iii. Graphic flow chart of process;
 - iv. Grievable and non-grievable issues;
 - v. Grievance issue types;
 - vi. Number of grievances by stage in process bar graph;
 - vii. Administrative Law Court docket;
- c. Attorney General review juvenile justice confinement policies;
- d. Transfer funds in inmate accounts to DMV to pay for identification cards;
- e. Establish contracts so inmates can work for private sector entities;
- f. Civil litigation (handle lawsuits filed against SCDC);
- g. Create process that allows inmates to file lawsuits as required in statute;
- h. Authorize legal actions involving the agency;
- i. Policy development;
 - i. Organizational chart;
 - ii. Overview and responsibilities;
 - iii. LAC report: Deficiencies noted, recommendations, and SCDC response;
 - iv. Establish rules/regulations for the performance of the agency functions;
- j. Inmate mail services;
 - i. Organizational chart;
 - ii. Mailroom coordinator responsibilities;
 - iii. Inmate correspondence overview;
 - iv. Institutional mailroom staff responsibilities;
 - v. Amount of legal mail received bar graph;
 - vi. Estimation of amount of outgoing inmate mail graph;
- k. Regulations for media presence at executions;
- l. Respond to Freedom of Information Act (FOIA) requests;
- m. Number of FOIA requests received bar graph;
- n. Americans with Disabilities Act (ADA) coordinator;
 - i. Organizational chart;
 - ii. Program description;
 - iii. Agreements with Department of Justice;
 - iv. Interactions with SC Protection and Advocacy to resolve ADA issues;
- o. Records manager;
- p. Organizational chart;

- q. Program description;
- r. Number of records management audits conducted;
- Compliance, Standards, and Inspections
- s. Organizational chart and general responsibilities;
- t. Institution security audits;
- u. Jail inspection protocol and inspectors;
- v. Confinement of inmates in local jails (designated facilities);
 - i. List of local jails with designated facilities agreements;
 - ii. Number of inmates at each local jail;
- w. Create reports on which others can report inmate deaths;
 - i. Inmate deaths in local jails bar graph;
- x. New jail construction, opening, and inspection;
 - i. Number of construction/renovation plans reviewed bar graph;
- y. Work programs for inmates in local jails;
- z. Inspect food service operations;
- aa. Collaborate with state fire marshal to inspect all prisons and jails;
- bb. Establish standards for inspecting local jails;
- cc. Local jails: inspect, notify of deficiencies, and close when needed;
- dd. Receive data about inmates and operations at local facilities;
- ee. Maintain records to aid parole application review;
- ff. LAC report: Deficiencies noted and SCDC corrective action plan;
- Prison Rape Elimination Action (PREA) Coordinator
- gg. Organizational chart;
- hh. Overview of Prison Rape Elimination Act;
- ii. Tools for meeting PREA standards;
 - i. LAC report: Deficiencies noted and SCDC corrective action plan;
- jj. Comply with PREA (D 13.91);
 - i. Inmate on inmate sexual abuse bar graph;
 - ii. Inmate on inmate sexual harassment bar graph;
 - iii. Staff sexual misconduct bar graph;
 - iv. Staff sexual harassment bar graph;
 - v. Total substantiated incidents of sexual violence bar graph;
 - vi. PREA definitions;
- kk. PREA audits overview ;
 - i. Timeline of PREA audits for 2018, 2019, and 2020;
- Internal Audits
- ll. Organizational chart
- mm. Specific deliverables in the law (none);
- nn. Overview of responsibilities;
- oo. Number of institutional reviews and follow-up reviews table
- pp. Timeline of institutional audits by fiscal year

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

- V. There being no further business, the meeting is adjourned.