

Department of Corrections Ad Hoc Subcommittee Meeting
Wednesday, October 2, 2019

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AGENDA

South Carolina
House of Representatives



Legislative Oversight Committee

DEPARTMENT OF CORRECTIONS AD HOC SUBCOMMITTEE

Chairman Edward R. Tallon Sr.

The Honorable Micajah P. "Micah" Caskey, IV

The Honorable Gary E. Clary

The Honorable Chandra E. Dillard

The Honorable Joseph H. Jefferson, Jr.

The Honorable Jeffrey E. "Jeff" Johnson

The Honorable Robert Q. Williams

Wednesday, October 2, 2019

10:30 a.m.

Room 110 - Blatt Building

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

AGENDA

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

MEETING MINUTES

Chair Wm. Weston J. Newton

*First Vice-Chair:
Laurie Slade Funderburk*

Legislative Oversight Committee



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

South Carolina House of Representatives

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

*Jennifer L. Dobson
Research Director*

*Cathy A. Greer
Administration Coordinator*

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*Charles L. Appleby, IV
Legal Counsel*

*Kendra H. Wilkerson
Fiscal/Research Analyst*

Department of Corrections Ad Hoc Subcommittee

**Tuesday, October 1, 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 Tuesday, October 1, 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 Williams moves to approve the minutes from the September 16, 2019, meeting. A roll call vote is held, and the motion passes.

Rep. Jefferson's motion to approve the minutes from the September 16, 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 discuss the North Carolina Statewide Misdemeanant Confinement program, continue discussion of the agency's health services unit, and discuss 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. Mr. Eddie Caldwell, Executive Vice President and General Counsel, North Carolina Sheriffs' Association;
 - b. Dr. April Clarke, SCDC Chief Medical Doctor;
 - c. Mr. Greg Mason, SCDC Division Director for Addiction Recovery Services;
 - d. Mr. Joe Merrifield, SCDC Director of Information, Security, and Privacy Division;
 - e. Mr. Bart Vincent, SCDC General Counsel;
 - f. Ms. Kensey Evans, SCDC Deputy General Counsel;

- g. Ms. Annie Rumler, SCDC Deputy General Counsel;
 - h. Mr. Stephen Lunsford, SCDC Deputy General Counsel;
 - i. Mr. Sherman Anderson, SCDC Branch Chief of Inmate Grievance Branch;
 - j. Ms. Sandra Bowie, SCDC Branch Chief of Policy Development;
 - k. Mr. Shontate Morley, SCDC Agency Mail Room Coordinator;
 - l. Mr. David Martinez, SCDC ADA Coordinator and Records Manager;
 - m. Mr. Blake Taylor, SCDC Division Director of Compliance, Standards and Inspections; and
 - n. Mr. Daniel Mullins, SCDC Health Information Branch Chief.
- III. Mr. Eddie Caldwell, Executive Vice President and General Counsel, North Carolina Sheriffs' Association, presents information on the North Carolina Statewide Misdemeanant Confinement program. Members ask questions, which Mr. Caldwell answers.
- IV. Ms. Terre Marshall, SCDC Director for Health Services, with the assistance of other agency personnel, presents information about the agency's division, which includes, but is not limited to:
- a. suicide prevention;
 - b. addiction and recovery;
 - c. telehealth; and
 - d. electronic health records.

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

- V. Ms. Sally Elliott, SCDC 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. Overview of the Division;
 - i. Organizational chart for division;
 - ii. Overview of responsibilities;
 - b. General Counsel;
 - i. Organizational chart and general responsibilities; and
 - ii. Automated request to staff process for inmate requests.

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

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

STUDY TIMELINE

The House Legislative Oversight Committee's (Committee) process for studying the S.C. Department of Corrections (agency, Department, or SCDC) includes actions by the full Committee; Department of Corrections Ad Hoc Subcommittee (Subcommittee); the agency; and the public. Key dates and actions are listed below.

Legislative Oversight Committee Actions

- May 3, 2018 - Holds **Meeting #1** to prioritize the agency for study
- May 9, 2018 - Provides the agency notice about the oversight process
- July 17 - August 20, 2018 - Solicits input about the agency in the form of an online public survey
- January 28, 2019 - Holds **Meeting #2** to obtain public input about the agency

Department of Corrections Ad Hoc Subcommittee Actions

- February 21, 2019 - Holds **Meeting #3** to discuss the agency's history; legal directives; mission; vision; general information about finances and employees; and agency organization
- March 21, 2019 - Holds **Meeting #4** to discuss the agency's operations unit
- May 14, 2019 - Holds **Meeting #5** to continue discussion of the agency's operations unit
- May 29, 2019 - Holds **Meeting #6** to continue discussion of the agency's operations unit
- June 4, 2019 - Holds **Meeting #7** to continue discussion of the agency's operations unit and to discuss the agency's police services unit
- June 18, 2019 - Holds **Meeting #8** to discuss the agency's programs, reentry, and rehabilitative services unit
- July 24, 2019 - Holds **Meeting #9** to continue discussion of the agency's programs, reentry, and rehabilitative services unit
- August 12, 2019 - Holds **Meeting #10** to continue discussion of the agency's programs, reentry, and rehabilitative services unit
- August 26, 2019 - Holds **Meeting #11** to receive presentation of the Legislative Audit Council audit requested by the Committee
- August 27, 2019 - Holds **Meeting #12** to discuss the agency's health services unit
- September 16, 2019 - Holds **Meeting #13** to continue discussion of the agency's health services unit and meet with the Department of Mental Health
- October 1, 2019 - Holds **Meeting #14** to discuss the N.C. Statewide Misdemeanant Confinement program, continue discussion of the agency's health services unit, and discuss the agency's legal and compliance unit
- October 2, 2019 - (TODAY) Holds **Meeting #15** to continue discussion of 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

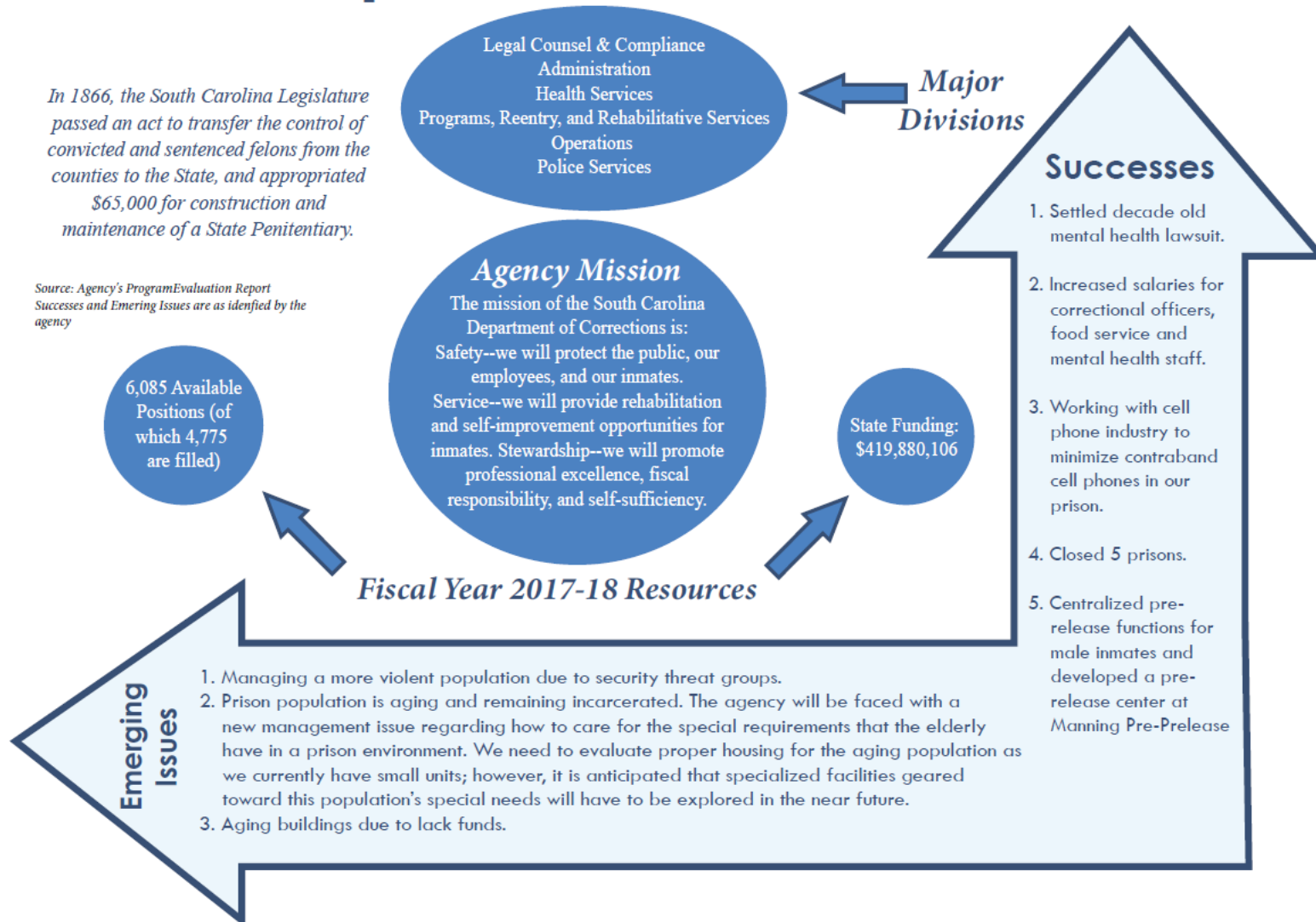


Figure 2. Snapshot of the agency's history, mission, major divisions, fiscal year 2017-18 resources (employees and funding), successes, and emerging issues.¹

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
Infirmery			
CI - Max			
Gilliam Psychiatric Hospital			

Security Levels

Level 1 (Minimum) – *Level 1A* - For non-violent inmates within 36 months of release. Housing is mainly open areas with bunk beds (no partitions or cubicles). Perimeters are unfenced. These units are work and program oriented, providing intensive specialized programs that prepare the inmates for release to the community. *Level 1B* - For inmates with relatively short sentences or time to serve. Housing is mainly cubicles with two bunk beds/cubicle. Perimeters are unfenced. Operational procedures at Level 1-B facilities impart a higher level of security compared to level 1-A facilities.

Level 2 (Medium) - Housing is primarily double bunk, cell type with some institutions having double-bunk cubicles. Perimeters are single fenced with electronic surveillance. Level 2 institutions provide a higher level of security than level 1 facilities.

Level 3 (Max) - For violent offenders with longer sentences, and inmates who exhibit behavioral problems. Housing is single and double cells. Perimeters are double-fenced with extensive electronic surveillance. Inmates are closely supervised with their activities and movement highly restricted

Table Notes: (1) CI means Correctional Institution; (2) PRC means Pre-Release Center; (3) R&E means Reception and Evaluation Center; and (4) A carat (^) indicates institutions converted from Level 3 to Level 2 – Evans CI on June 1, 2005; Kershaw CI on February 28, 2003; Allendale CI on April 9, 2003

LEGAL AND COMPLIANCE PRESENTATION



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS

Office of Legal and Compliance

Salley W. Elliott

Deputy Director

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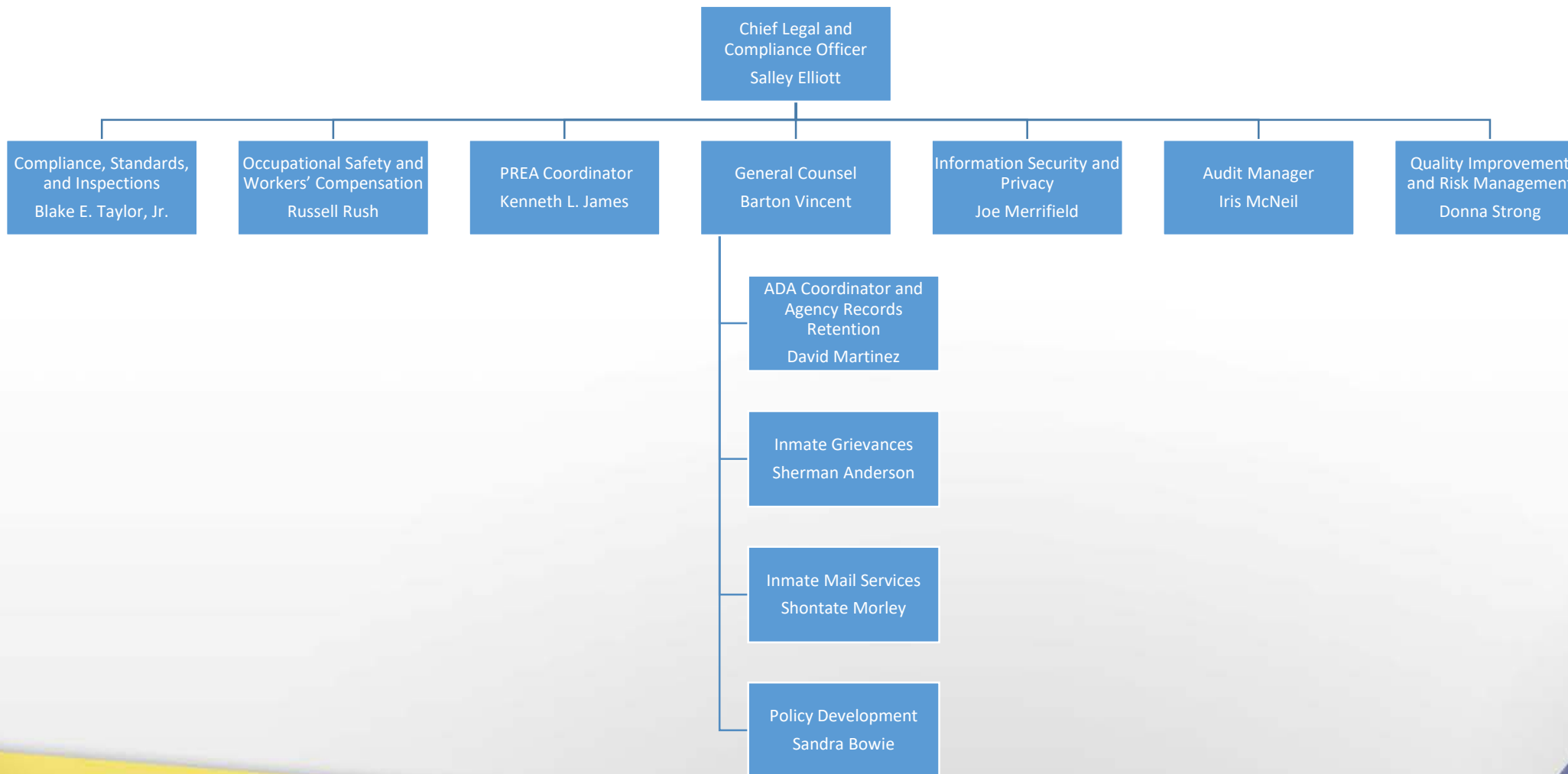
Disclaimer

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

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



Organizational Chart



Overview of the Office of Legal and Compliance

Oversees the following legal and compliance related functions and offices:

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

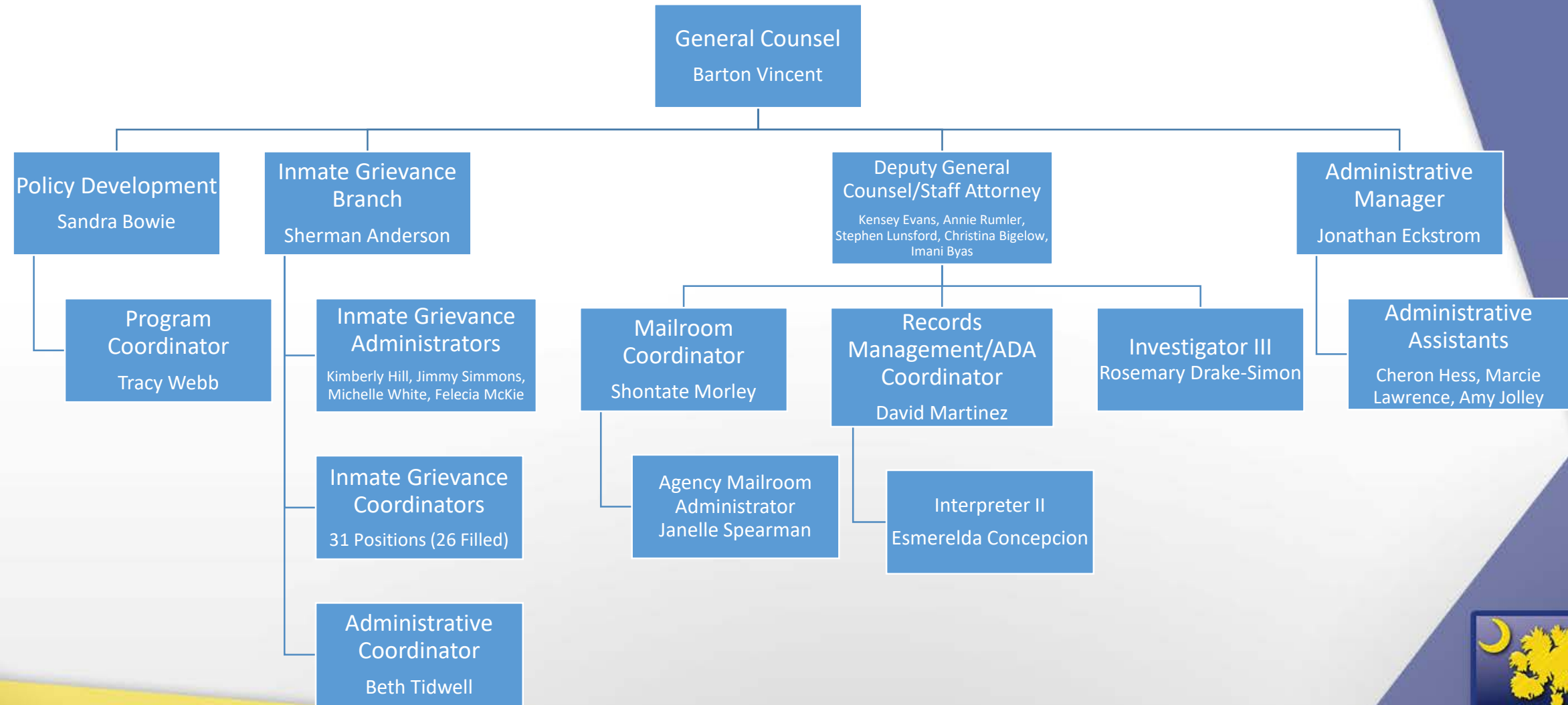


General Counsel



General Counsel Organizational Chart

General Counsel



Office of General Counsel

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



Automated Requests to Staff Member (ARTSM)

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

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



ARTSM Request Types

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

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

* EHSO: Environmental Health and Safety Officer

**ICH: Institutional Clearing House

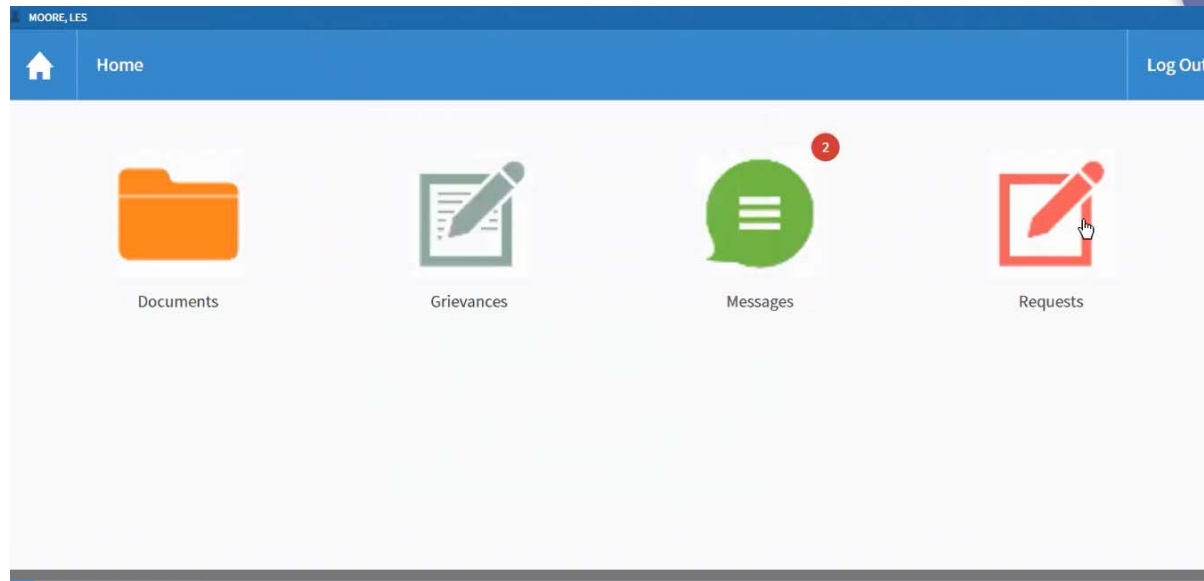
General Counsel



ARTSM Process Inmate View

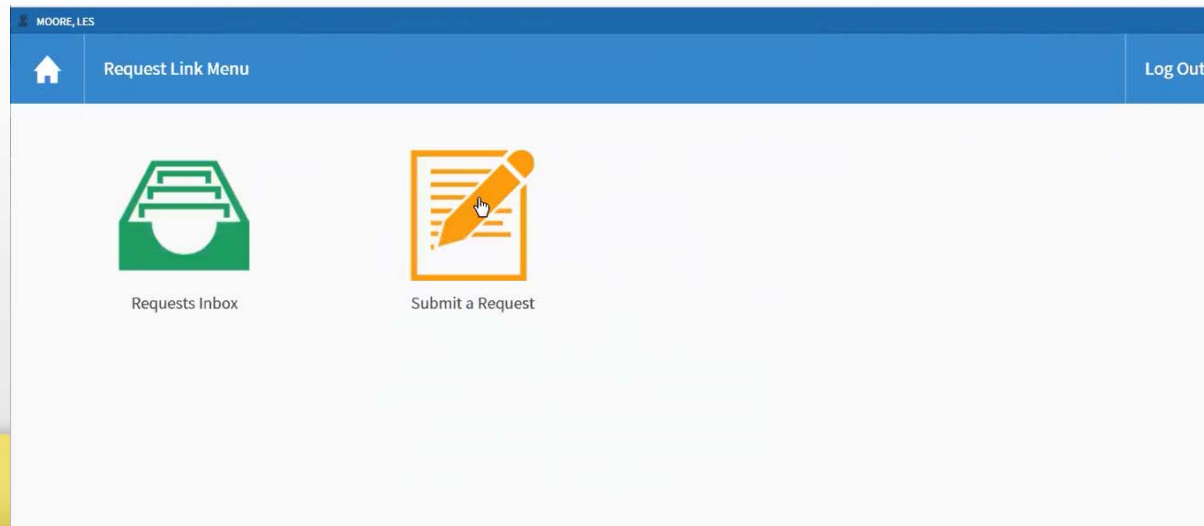
Step 1

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



Step 2

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



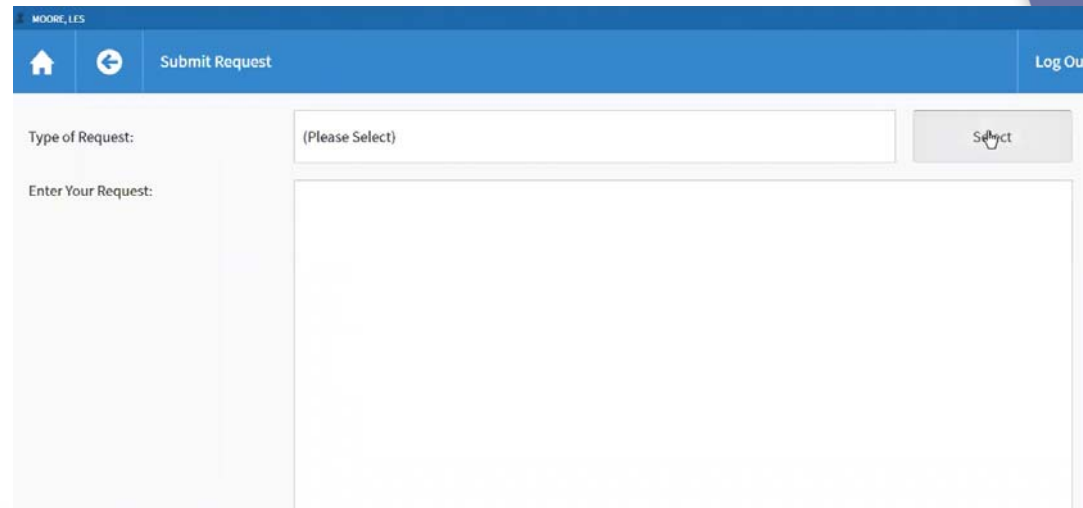
General Counsel



ARTSM Process Inmate View (continued)

Step 3

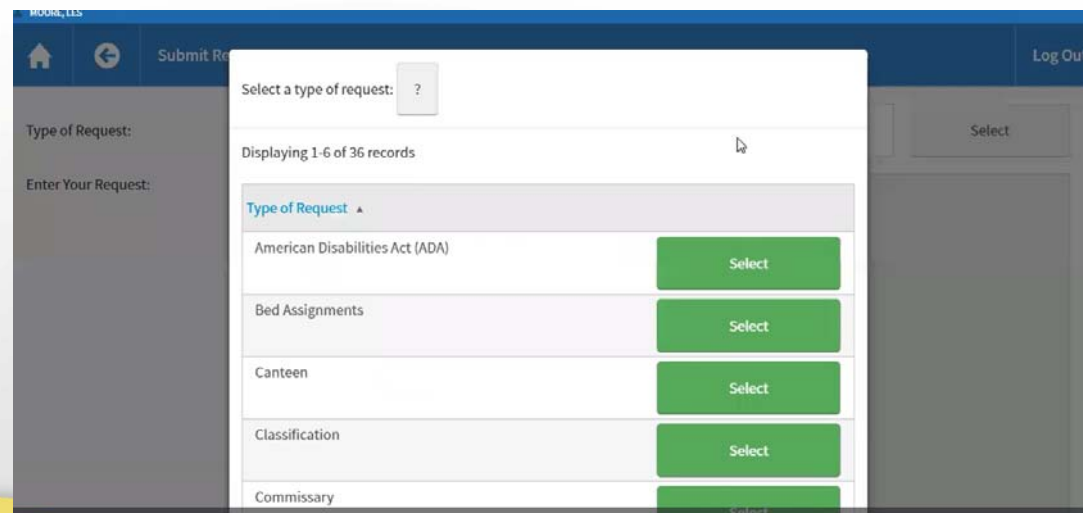
Then the inmate clicks the “Select” button to the right of the Type of Request field



This screenshot shows the 'Submit Request' page in the ARTSM system. The user is logged in as 'MOORE, LES'. The page has a blue header with a home icon, a back arrow, and the text 'Submit Request' and 'Log Out'. The main content area has a 'Type of Request:' label next to a dropdown menu showing '(Please Select)'. To the right of the dropdown is a '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



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

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

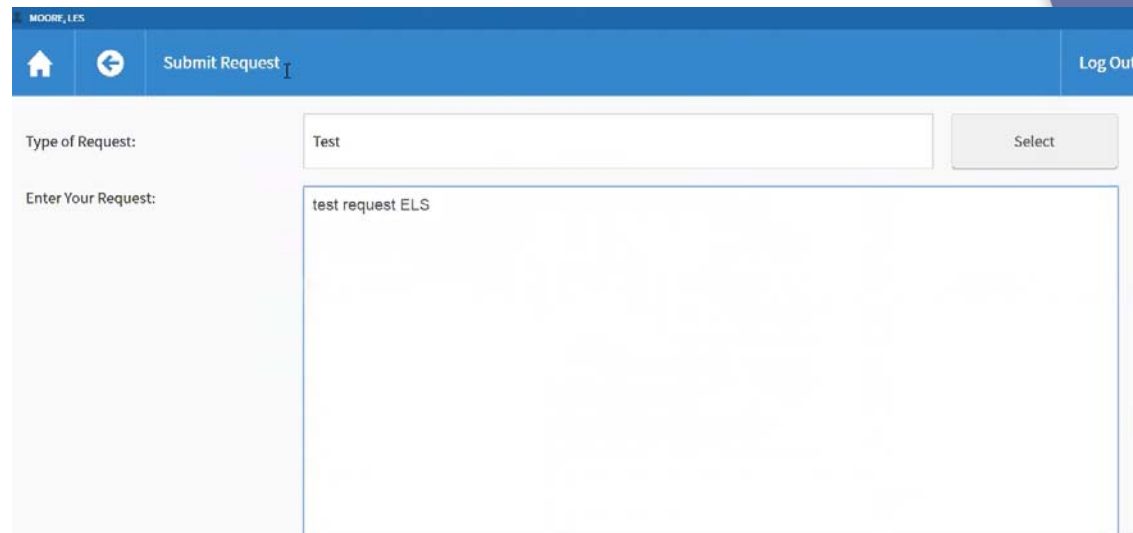
General Counsel



ARTSM Process Inmate View (continued)

Step 5

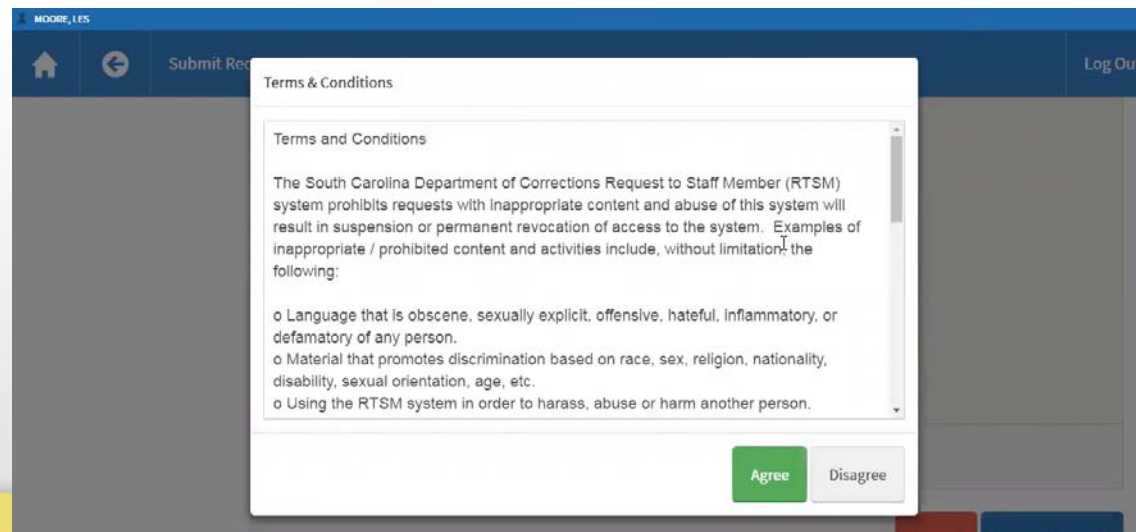
The text of the request can then be entered and click “Submit”



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

Step 6

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



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

General Counsel



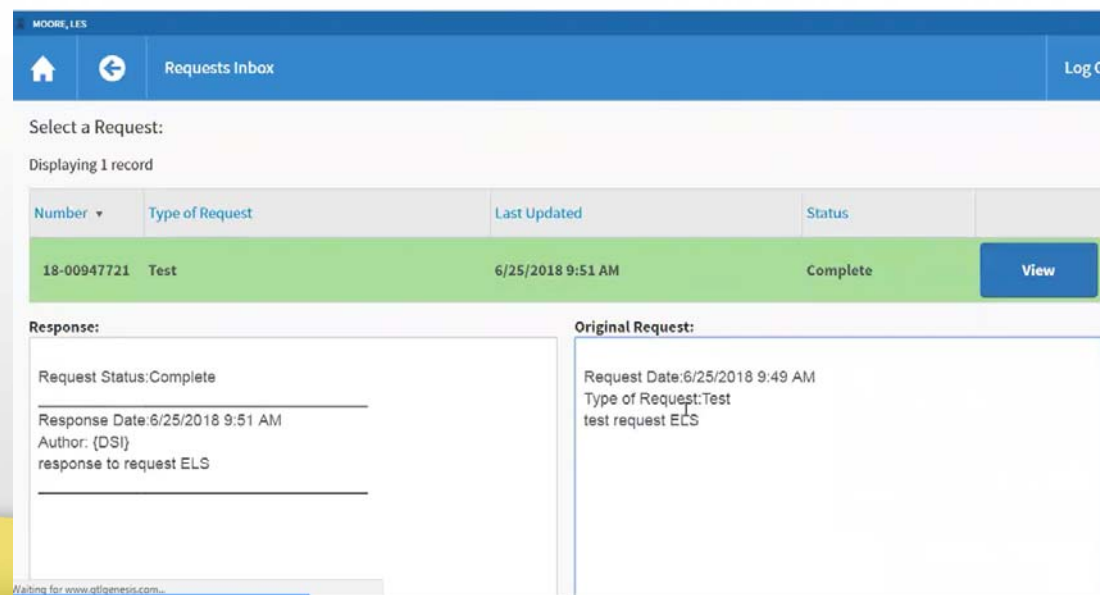
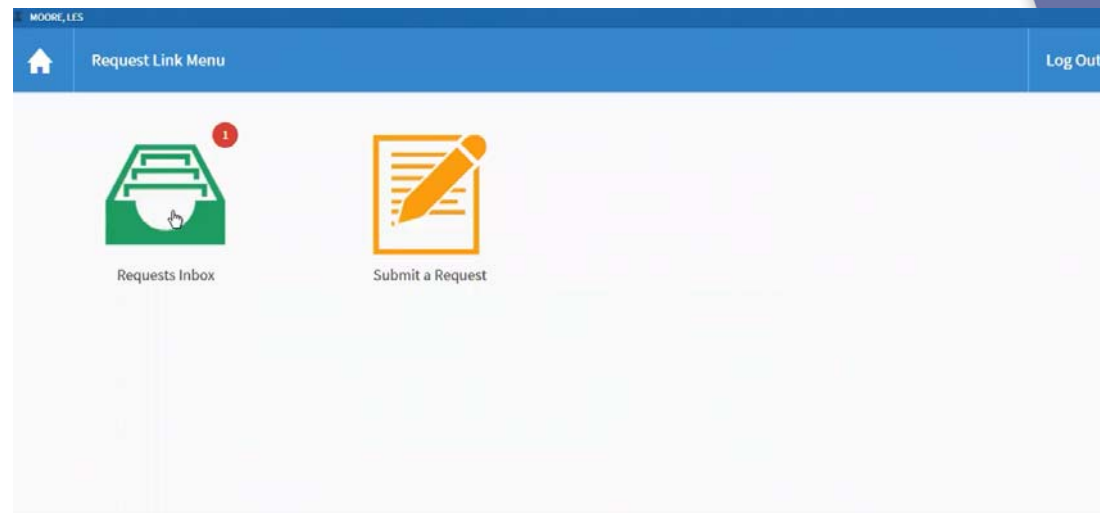
ARTSM Process Inmate View (continued)

Step 7

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

Step 8

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



General Counsel



Paper Request to Staff Member

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

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

SCDC FORM 19-11 (REV.FEB 2001)

General Counsel



ARTSM Process Staff View

Step 1

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

Step 2

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

The screenshot shows the OMS Offender Management System Workflow screen. The top section displays a list of request types, including Education, Food, Grievance, ICH, ICH Review, ISA, IOD, IOD Review, Inmate Financial, and Inmate Records. The bottom section displays a table of inmate requests for the selected request type, 'Religion - Level 5 HQ'.

Workflow	Date	Booking ID	Last Name	First Name	Section	Block	Cell	Bed
Religion - Level 5 HQ	2018-06-18 19:36				U10	0123	A	
Religion - Level 5 HQ	2018-06-18 20:50				A3	0203	B	
Religion - Level 5 HQ	2018-06-18 21:34				U3	0220	X	
Religion - Level 5 HQ	2018-06-19 11:06				C4	0202	B	
Religion - Level 5 HQ	2018-06-21 06:11				Q28	0216	B	
Religion - Level 5 HQ	2018-06-21 10:47				E81	0016	A	
Religion - Level 5 HQ	2018-06-21 13:18	SC80026357	MOORE	LES	MA	0211	A	
Religion - Level 5 HQ	2018-06-21 15:17				SB	0042	A	
Religion - Level 5 HQ	2018-06-21 19:30				MAA	0013	X	
Religion - Level 5 HQ	2018-06-23 16:36				HC	0216	T	
Religion - Level 5 HQ	2018-06-24 15:59				MA	0014	T	
Religion - Level 5 HQ	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, it indicates 'Showing 1 to 1 of 1 Results'. The bottom section shows 'Requested Programs' and 'Request Responses' tables, both currently empty.

The screenshot shows the OMS Offender Management System interface with the 'Inmate Request Information' view selected. The top navigation bar and header information are consistent with the previous screenshot. The central panel displays the details for the selected request (Reference Number: 18-00647721):

- Request Type:** Test
- Date Requested:** 06/25/2018 09:49
- Requested By:** Kiosk
- Request Details:** Test request ELS
- Review Level:** (dropdown menu)
- Disposition:** Pending
- Officer:** KIOSK
- Disposition Date:** (calendar icon)

The bottom section shows 'Request Responses' and 'Request Responses' tables, both currently empty.

General Counsel



ARTSM Process Staff View (continued)

Step 5

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

Step 6

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

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

Request Information	
Request Type:	Text
Date Requested:	06/25/2018
Requested By:	Kiosk
Request Details:	test request
Review Level:	
Disposition:	Pending
Officer:	KIOSK
Disposition Date:	

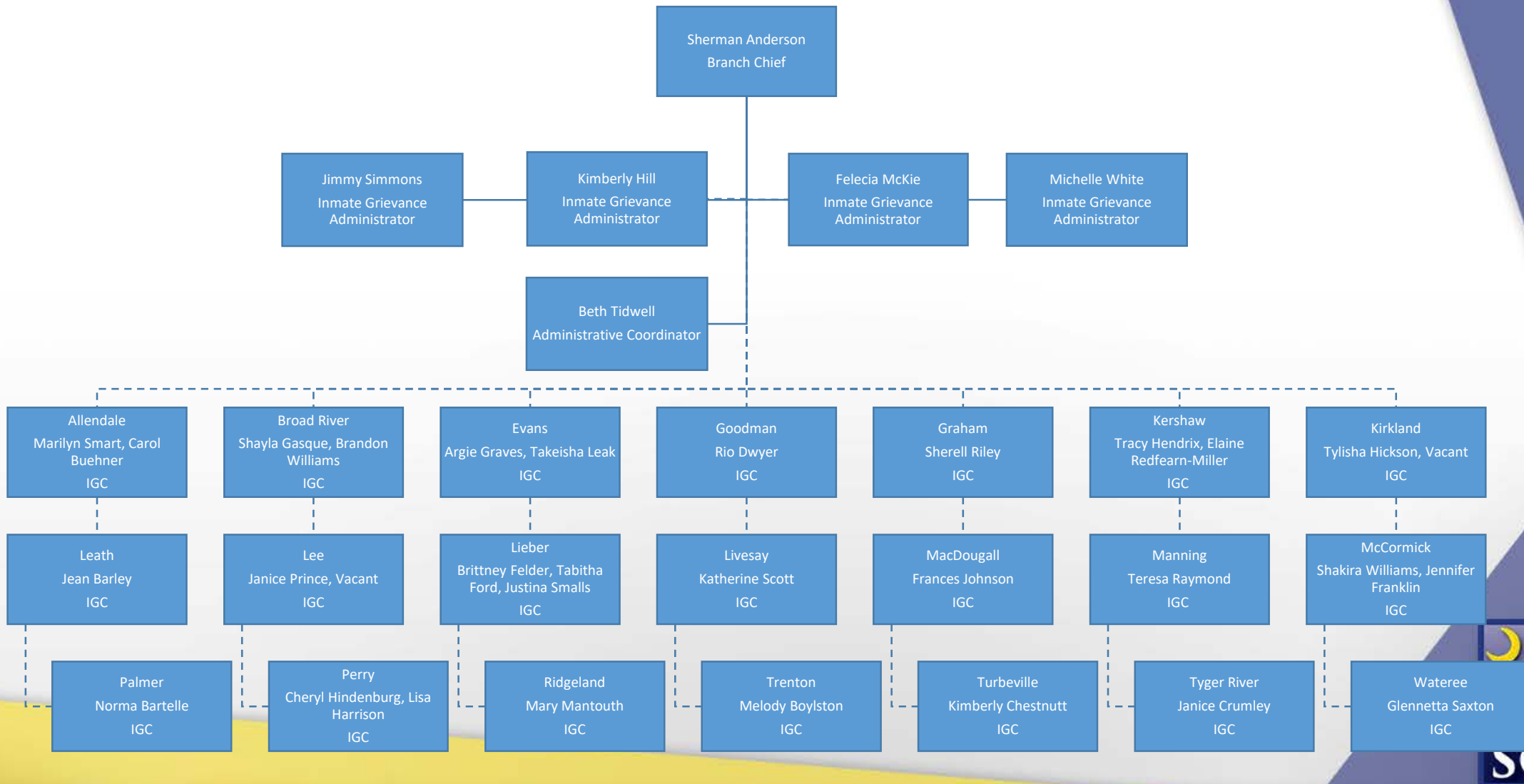
Request Responses	
Date	Author
06/25/2018 09:51	GTL Support
response to request ELS	

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

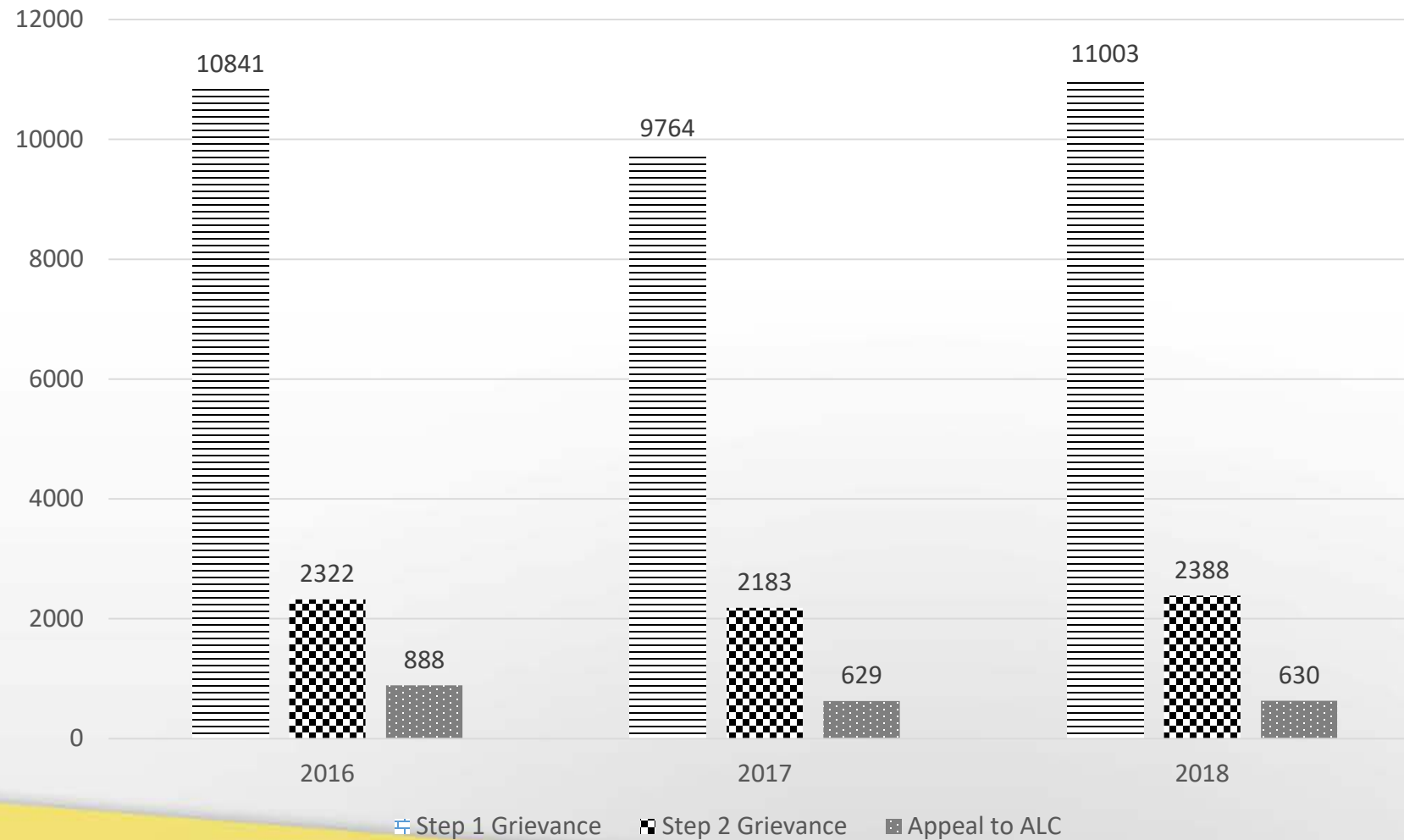
Issue Types

- 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

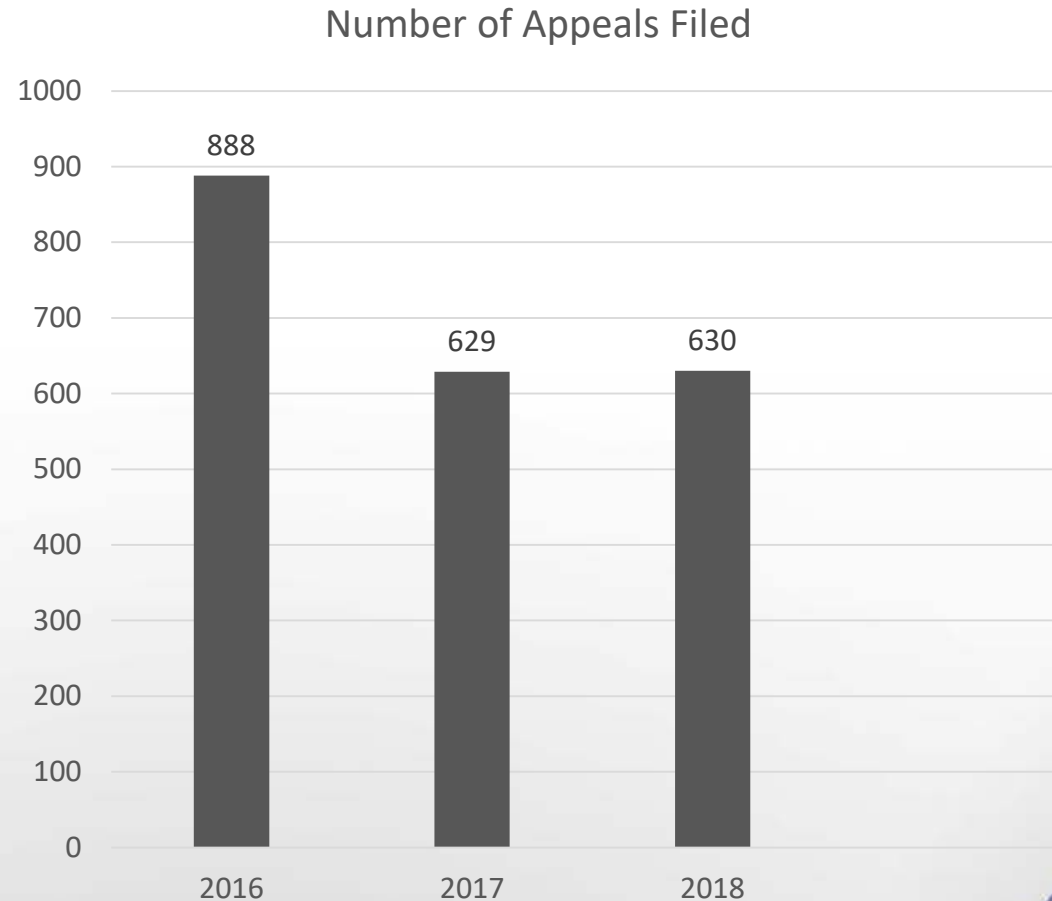
Administrative Law Court Docket (ALC)

- 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

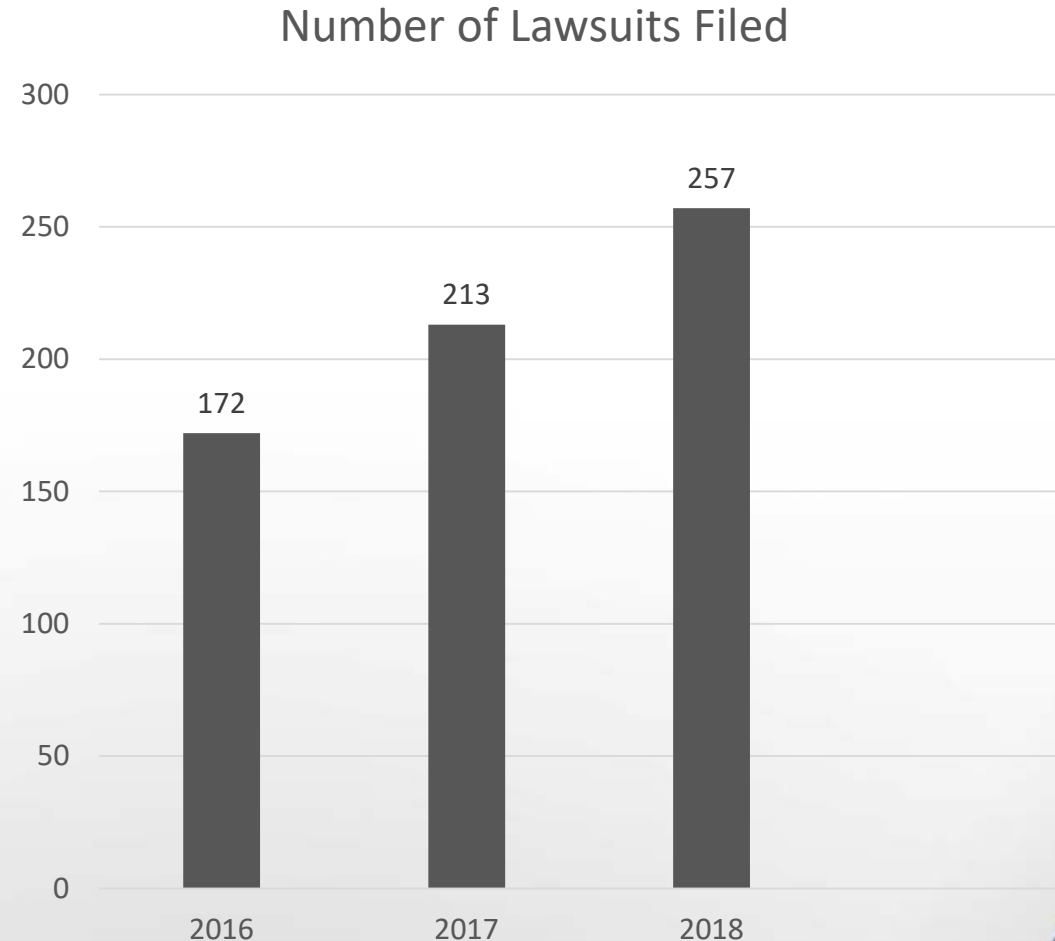
Additional Comments

- 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

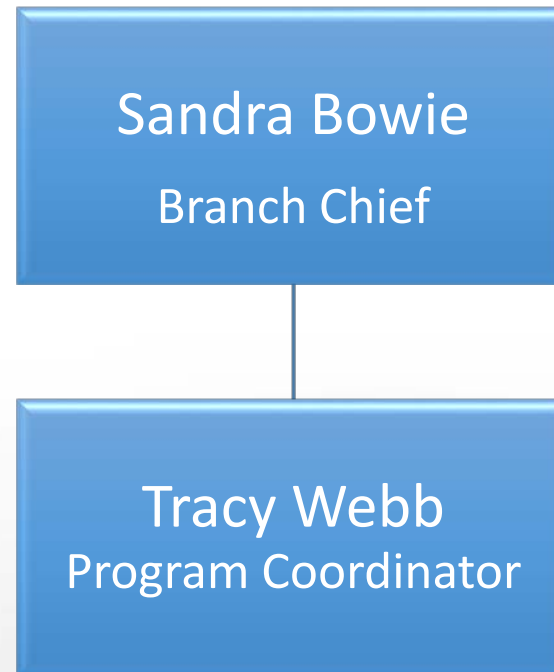
- Statute is appropriate

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

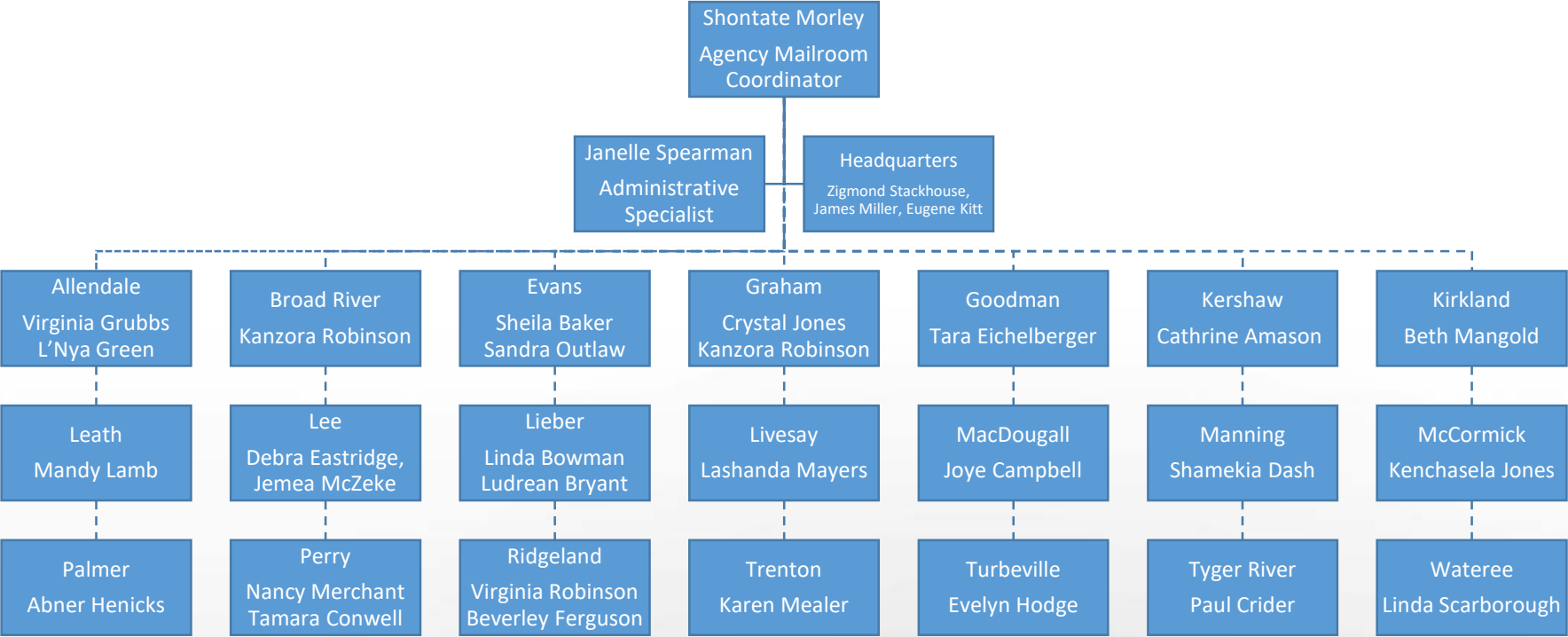
Greatest Potential Harm

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

Recommendations to General Assembly

- Statute is appropriate

Inmate Mail Services Organizational Chart



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

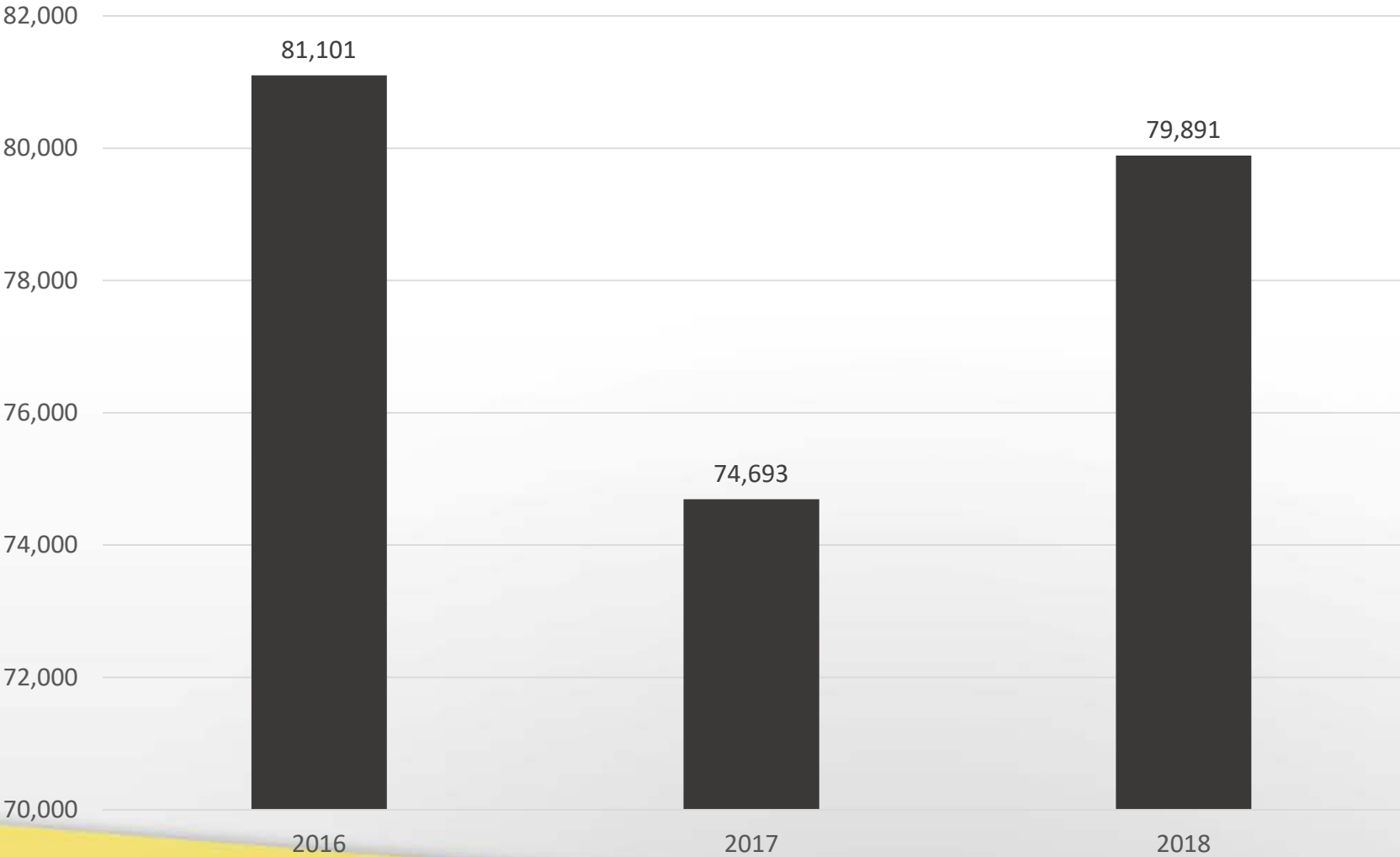
General Counsel

- 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:

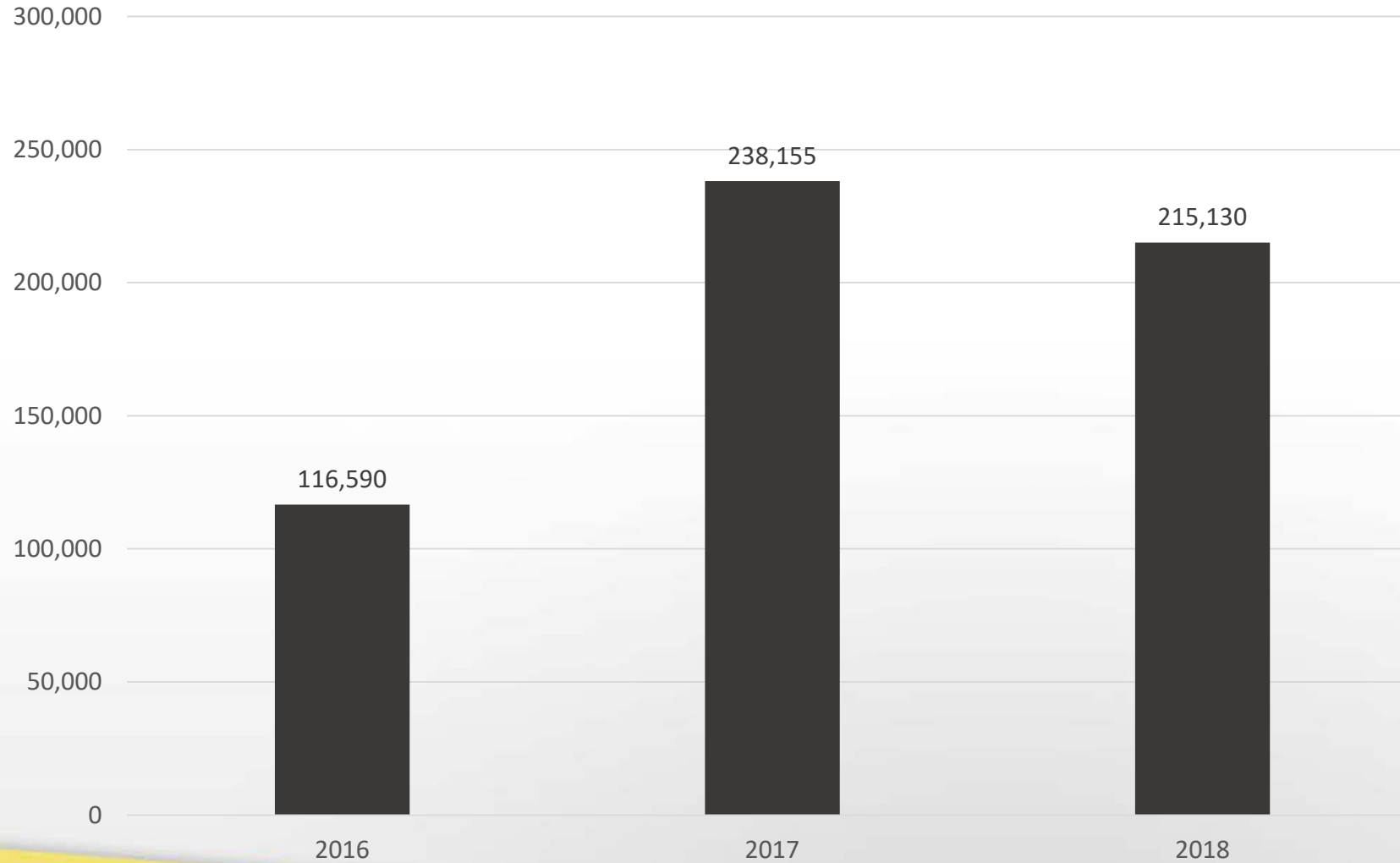
FY16: \$79,896.06	FY18, \$89,774.10
FY17, \$78,462.37	FY19, \$56,304.46 (as of 9/18/19)



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



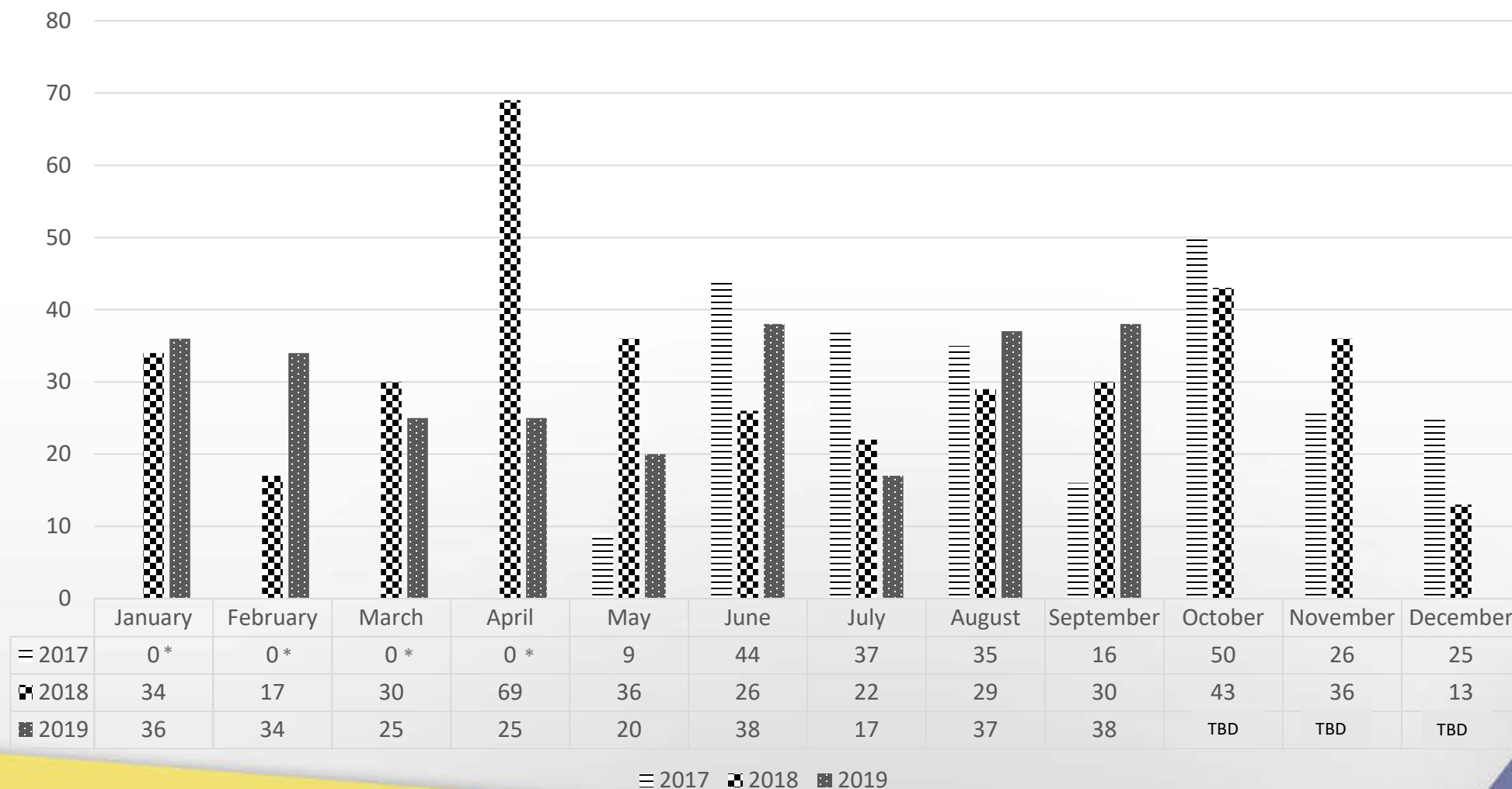
Responding to FOIA Requests

- 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

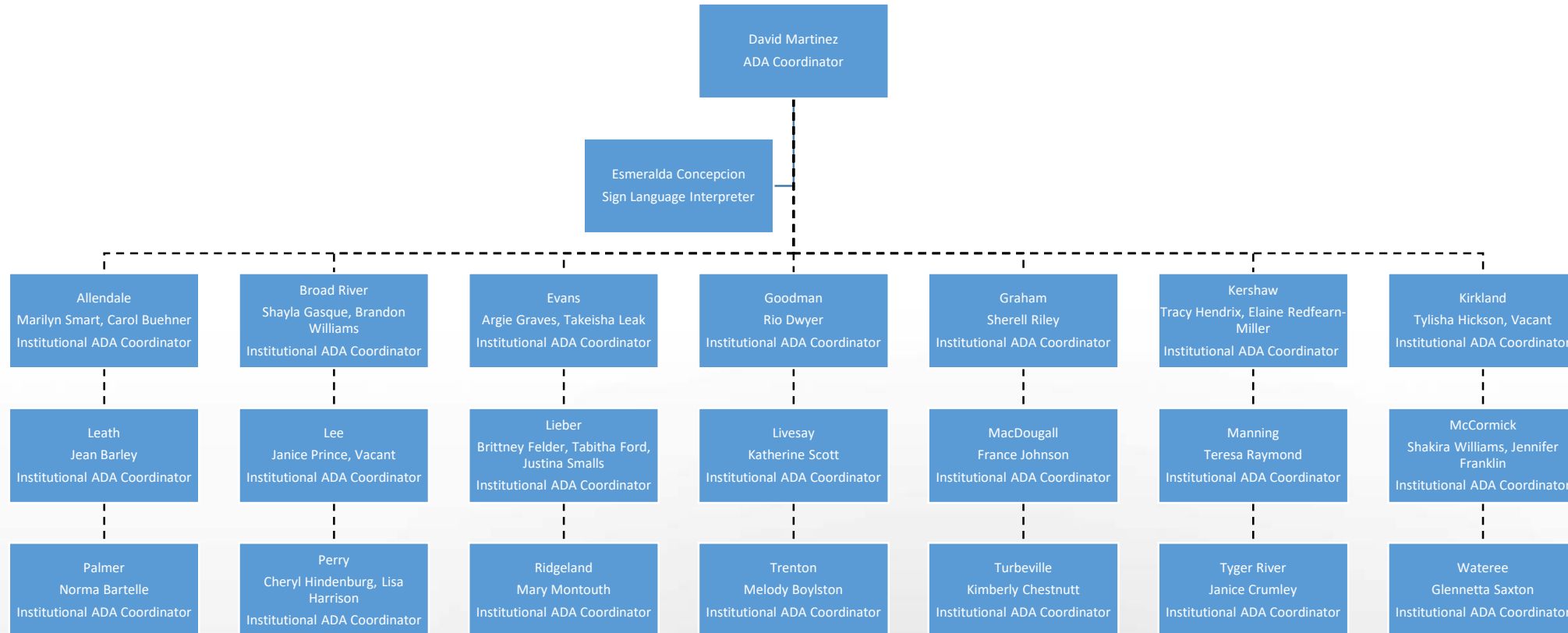


Totals
2017: 242
2018: 385
2019: 270



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



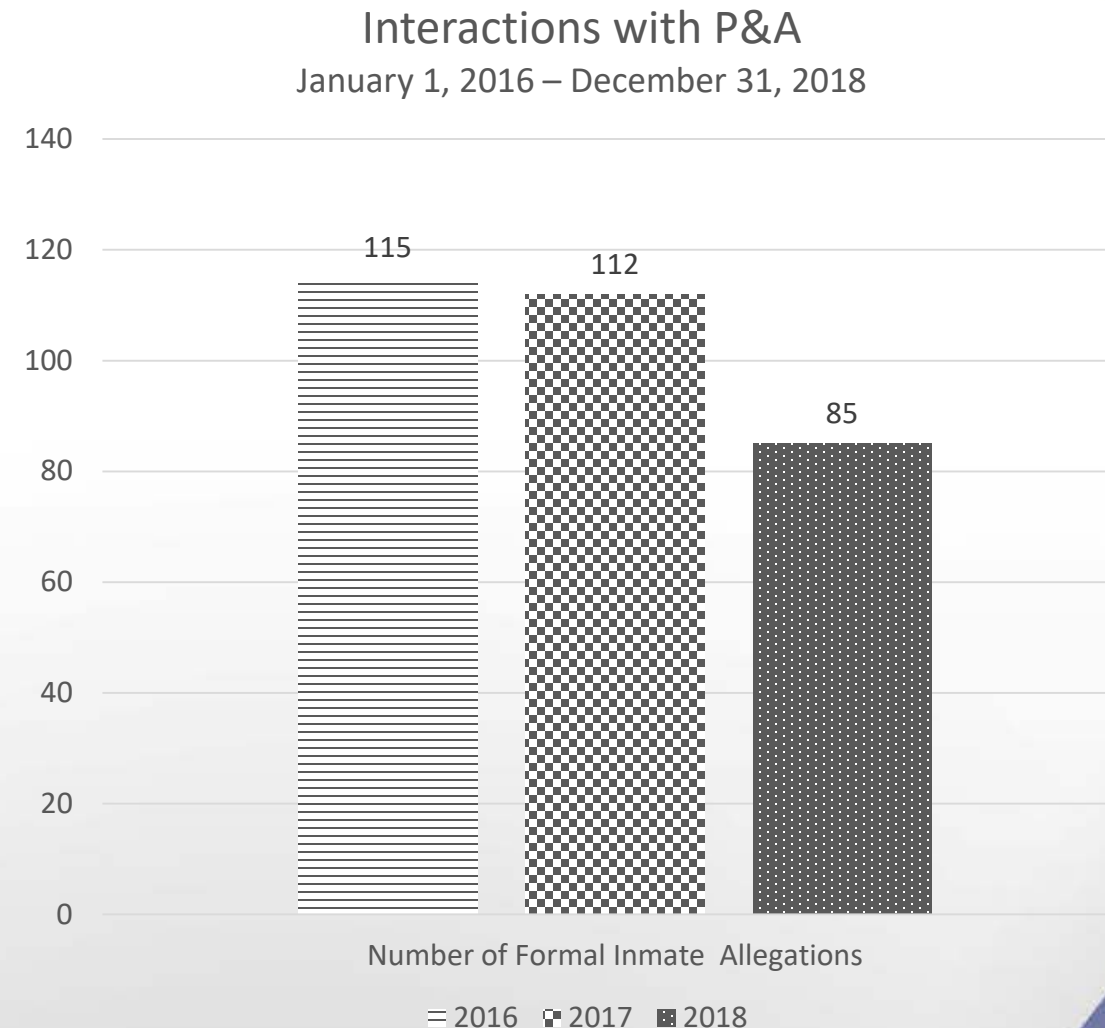
Agreements with the Department of Justice (DOJ)

- 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](#).



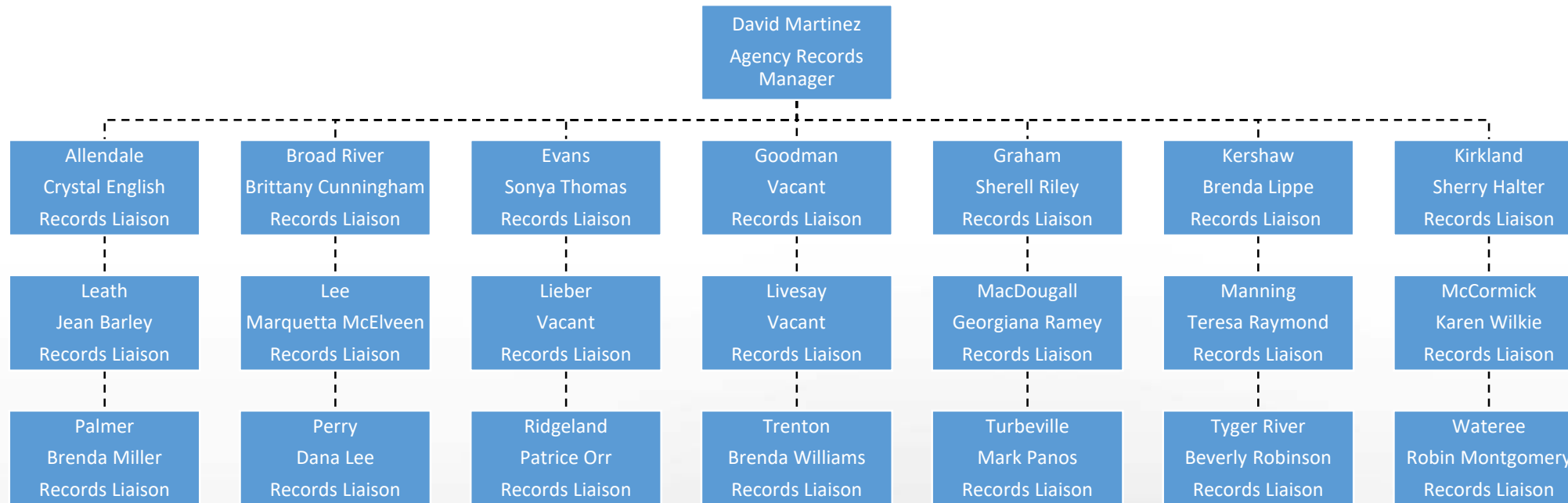
Interactions to Resolve ADA Issues

- 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



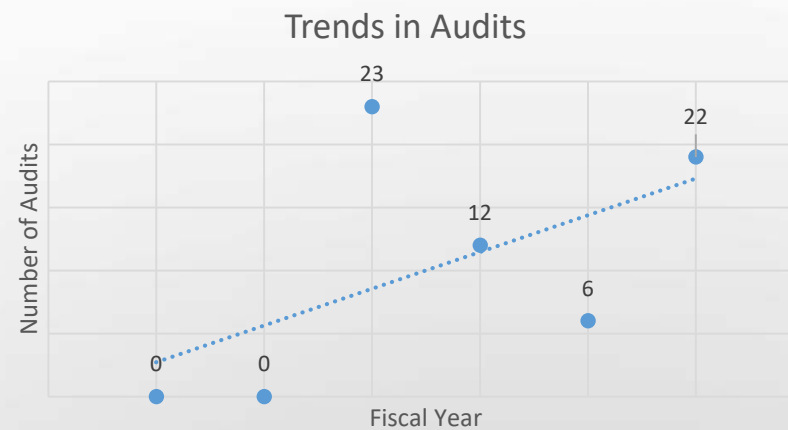
Records Management Program

- 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

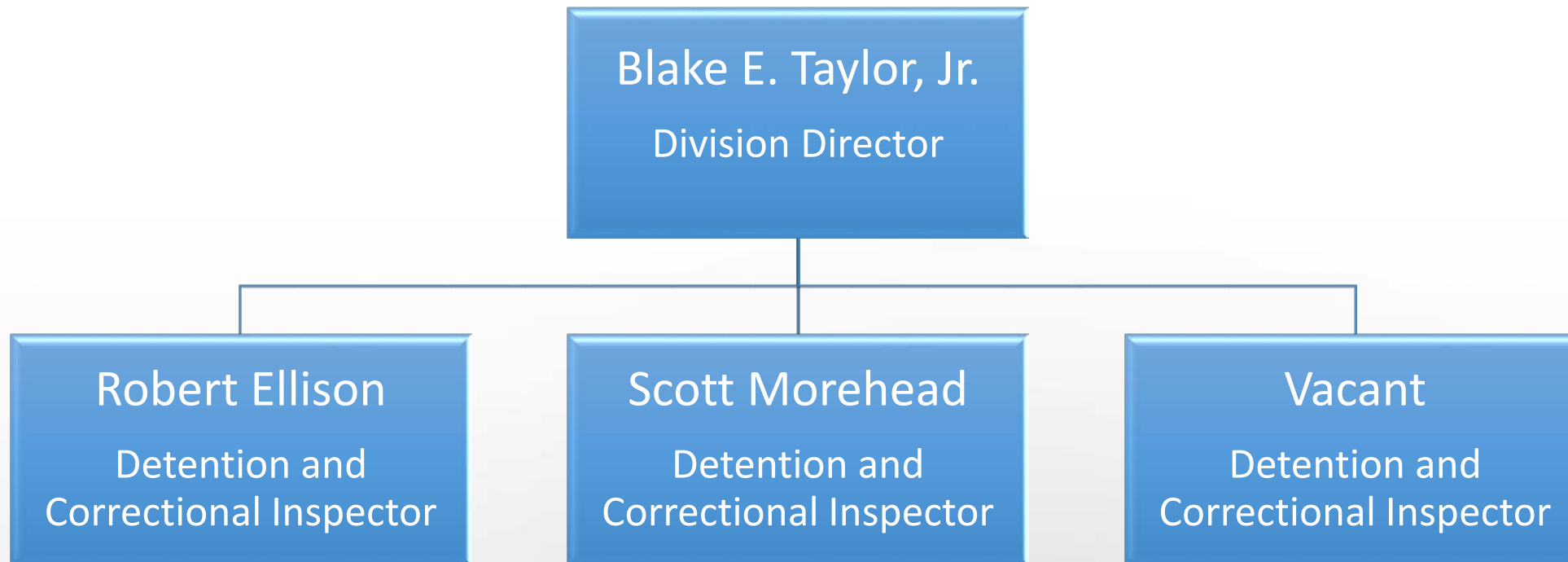


Compliance, Standards, and Inspections



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

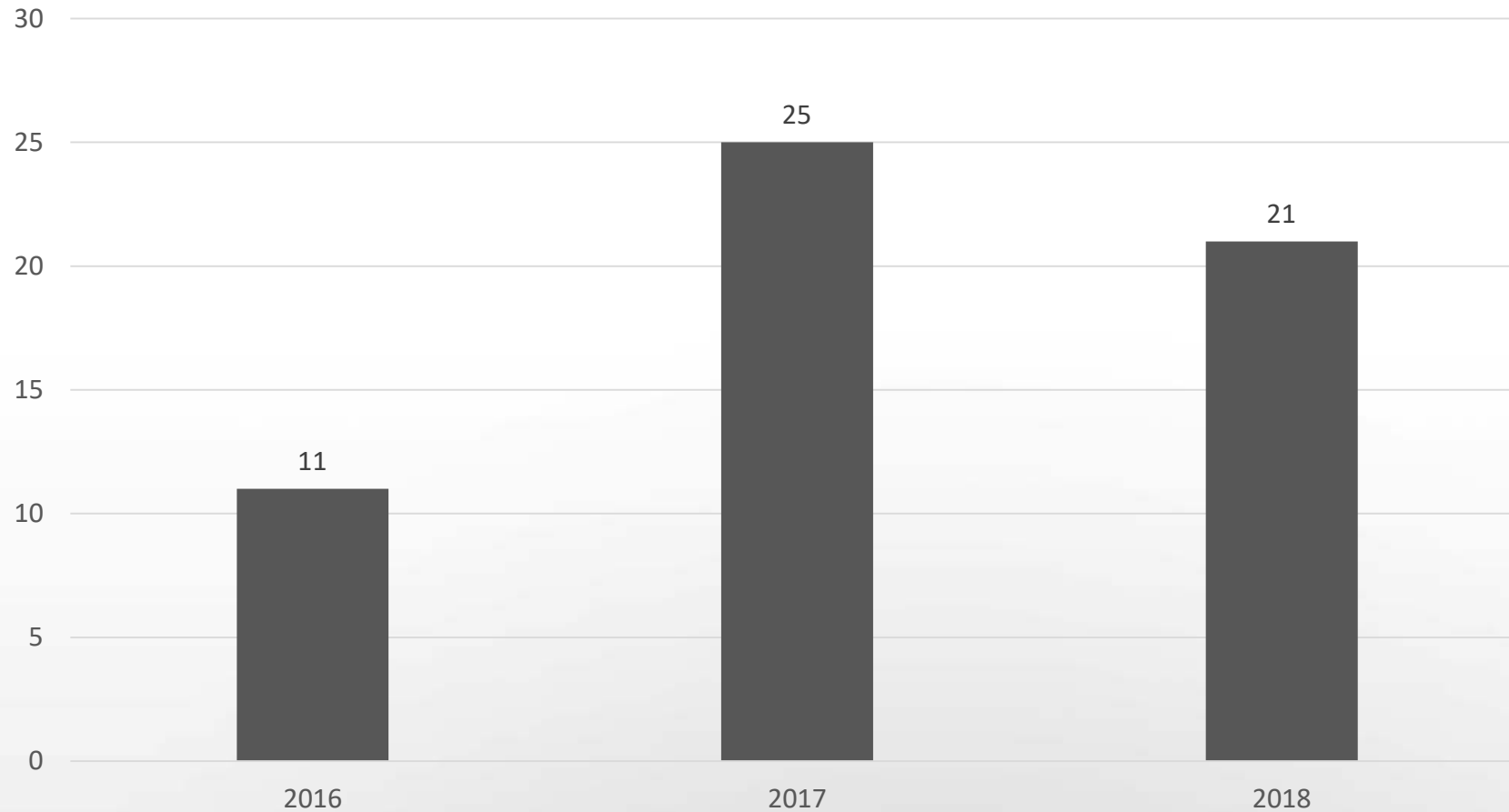
- Information regarding deaths in confinement may not all be available in one location

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

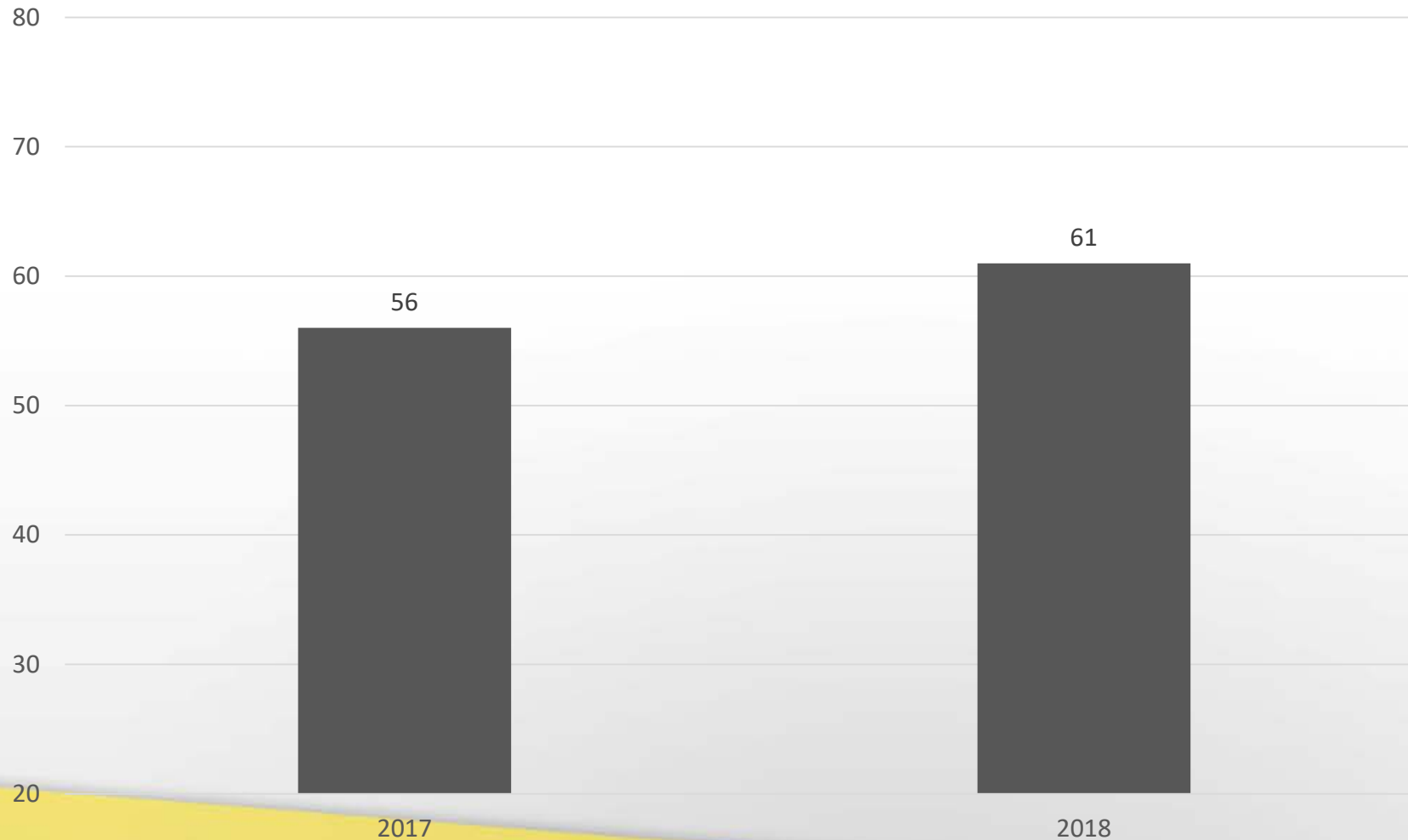
- Continued support for the law requiring plans review



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)

Required

SC Codes: 24-13-235

24-13-950

Allowed

SC Codes: 24-13-910



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

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

Allowed
SC Codes: 24-13-910

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

Greatest Potential Harm

- Inmates in community settings may not be properly accounted for

Recommendations to General Assembly

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

Deliverables

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

Deliverable 38, 38.1, 38.2

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

Required
SC Codes: 24-13-940

Allowed
SC Codes: 24-13-950

Customers

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

Costs

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

Greatest Potential Harm

- Inmates in community settings may not be properly accounted for

Recommendations to General Assembly

- Maintain arrangement as it currently exists

Deliverables

Feed inmates and conduct appropriate inspections of food service operations

Deliverable 80

Components include:

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



Feed inmates and conduct appropriate inspections of food service operations

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

Greatest Potential Harm

- Dangerous environment for the institutional staff and the inmate population

Recommendations to General Assembly

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



Deliverables

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

Deliverable 82

Components include:

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



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

Customers

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

Costs

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

Greatest Potential Harm

- Dangerous environment for the institutional staff and the inmate population

Recommendations to General Assembly

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

Deliverables

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

Deliverable 83

Components include:

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

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



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

<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?
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

Additional Comments

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

Inspections of Local Facilities

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



Deliverables

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

Deliverable 84

Components include:

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



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

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

Greatest Potential Harm

- Dangerous environment for the institutional staff and the inmate population

Recommendations to General Assembly

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



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

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

Greatest Potential Harm

- Dangerous environment for the institutional staff and the inmate population

Recommendations to General Assembly

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



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

Customers

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

Costs

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

Greatest Potential Harm

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

Recommendations to General Assembly

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



Deliverables

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

Deliverable 86

Components include:

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



Receive data about inmates and operations at local detention facilities

Customers

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

Costs

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

Greatest Potential Harm

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

Recommendations to General Assembly

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



Deliverables

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

Deliverable 87

Components include:

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

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

Customers

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

Costs

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

Greatest Potential Harm

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

Recommendations to General Assembly

- Leave responsibility for initiation with PPP



Legislative Audit Council Report

Compliance,
Standards, and
Inspections

Deficiency:

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

Recommendation:

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

Response:

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



Legislative Audit Council Report

Compliance,
Standards, and
Inspections

Deficiency:

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

Recommendation:

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

Response:

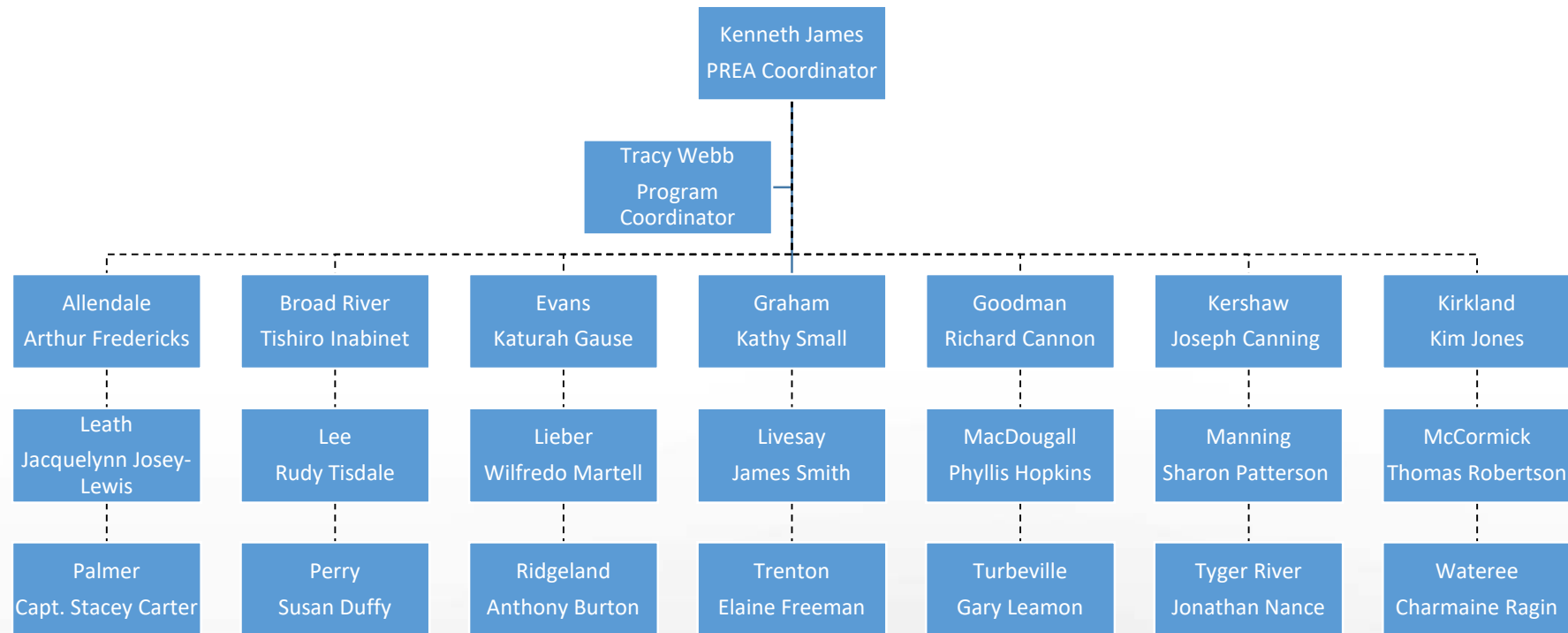
- SCDC agrees that the entire Management Review Program should be resumed. A plan is being developed that is less staff intensive, but will nevertheless require the authorization of at least two additional positions to implement. The Agency intends to continue conducting the very important security audits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



Prison Rape Elimination Act (PREA)



PREA Organizational Chart



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



Overview of the PREA Coordinator Position

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





Tools for Meeting PREA Standards

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



Legislative Audit Council Report

PREA

Deficiencies:

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

Recommendations:

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



Legislative Audit Council Report

PREA

Response:

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



Legislative Audit Council Report

Short-Term Goals:

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

Long-Term Goals:

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



Deliverables

Comply with Federal Prison Rape Elimination Act

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

Deliverable 13.91

Comply with the Federal Prison Rape Elimination Act

Customers

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

Costs

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

Greatest Potential Harm

- Inmate safety

Recommendations to General Assembly

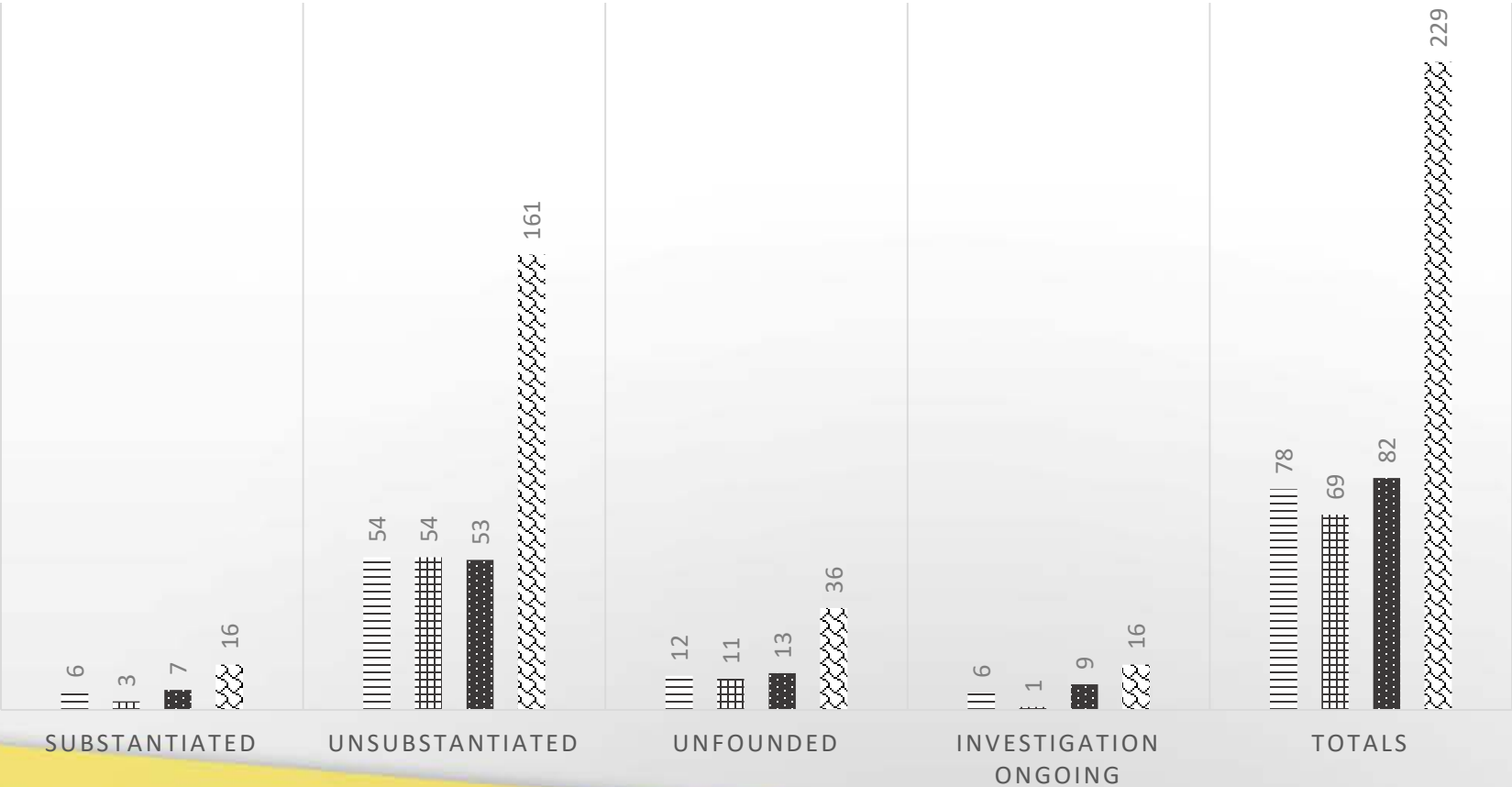
- Provisions to state law defining and prohibiting verbal, visual, and other observable sexual harassment of inmates will further assist with reduction of sexual abuse incidents and safety of both employees and inmates

PREA Claims Data – Inmate on Inmate

PREA

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

= 2016 # 2017 ■ 2018 X Total

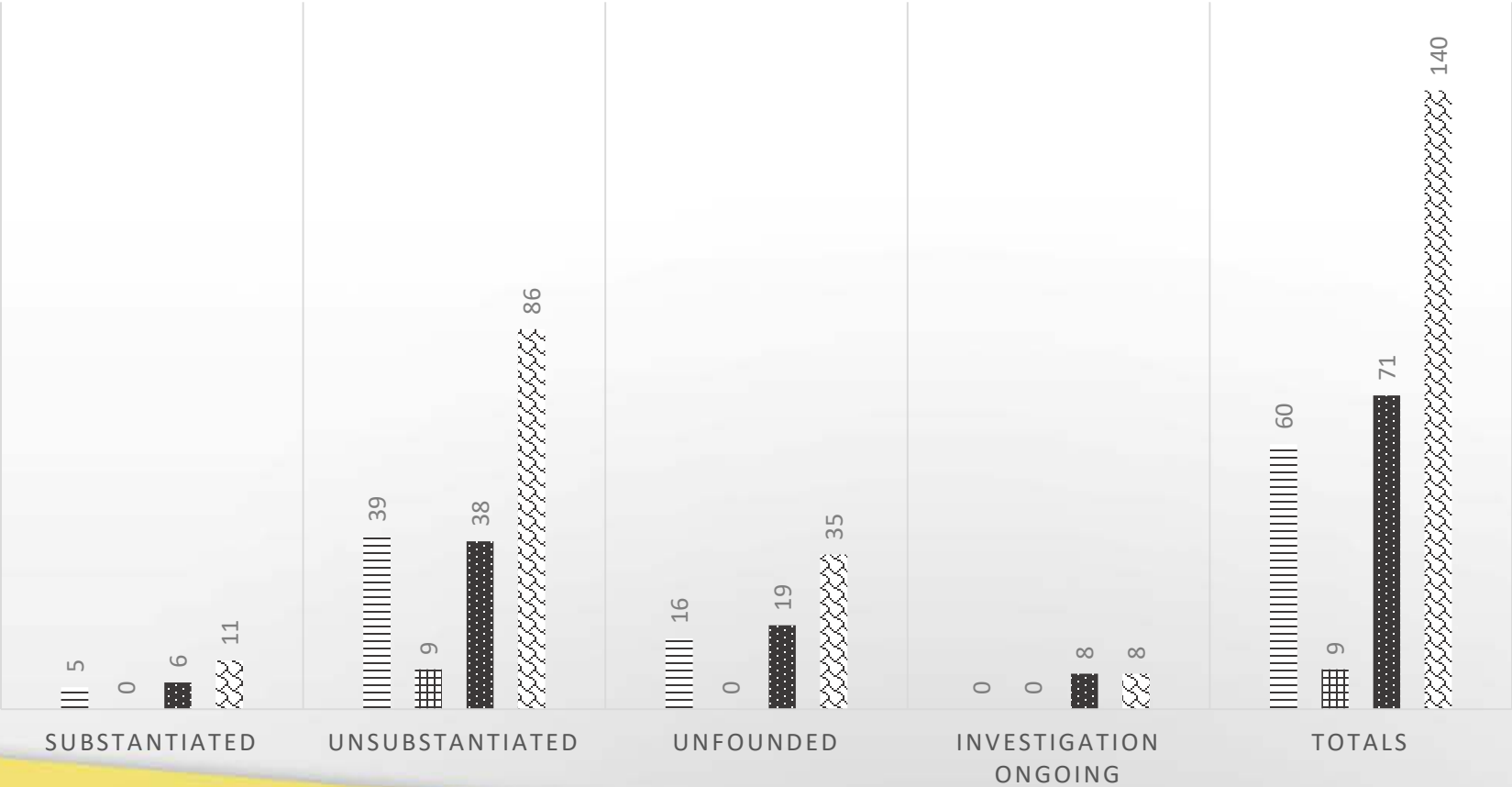


PREA Claims Data – Inmate on Inmate

PREA

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

≡ 2016 ≡ 2017 ■ 2018 X Total

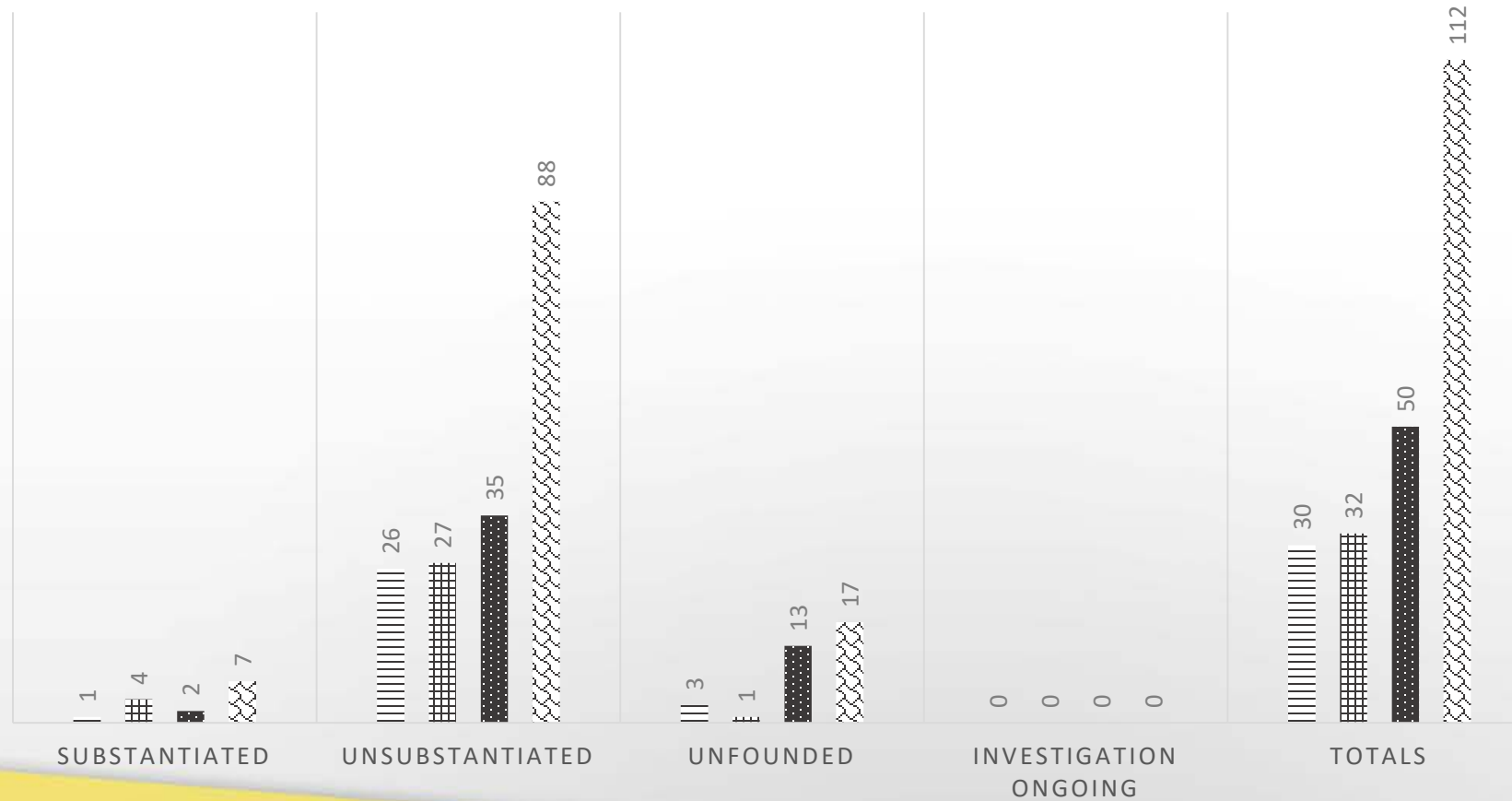


PREA Claims Data - Staff

STAFF SEXUAL MISCONDUCT

JANUARY 1, 2016 – DECEMBER 31, 2018

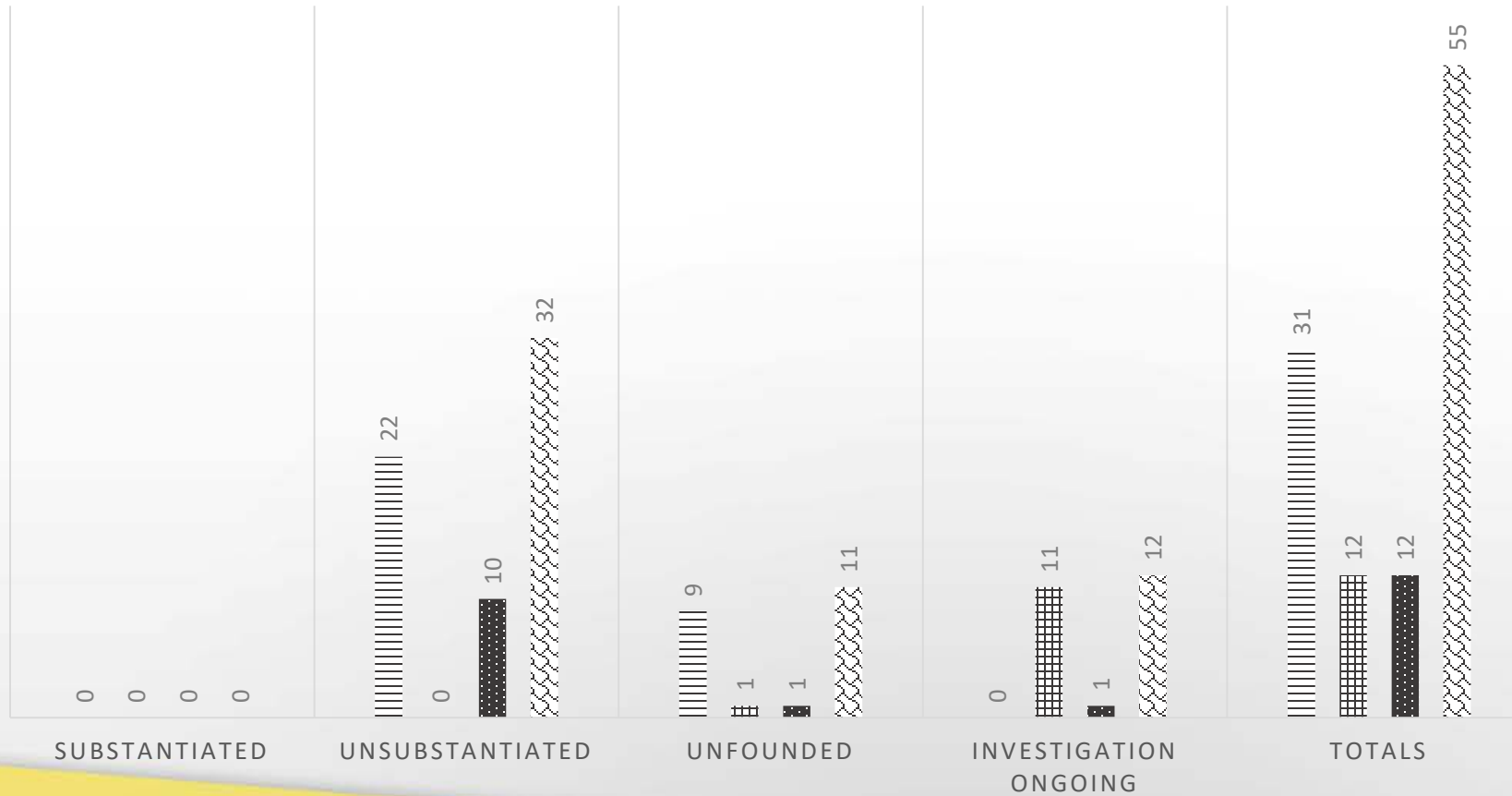
≡ 2016 ≡ 2017 ■ 2018 ✕ Total



PREA Claims Data - Staff

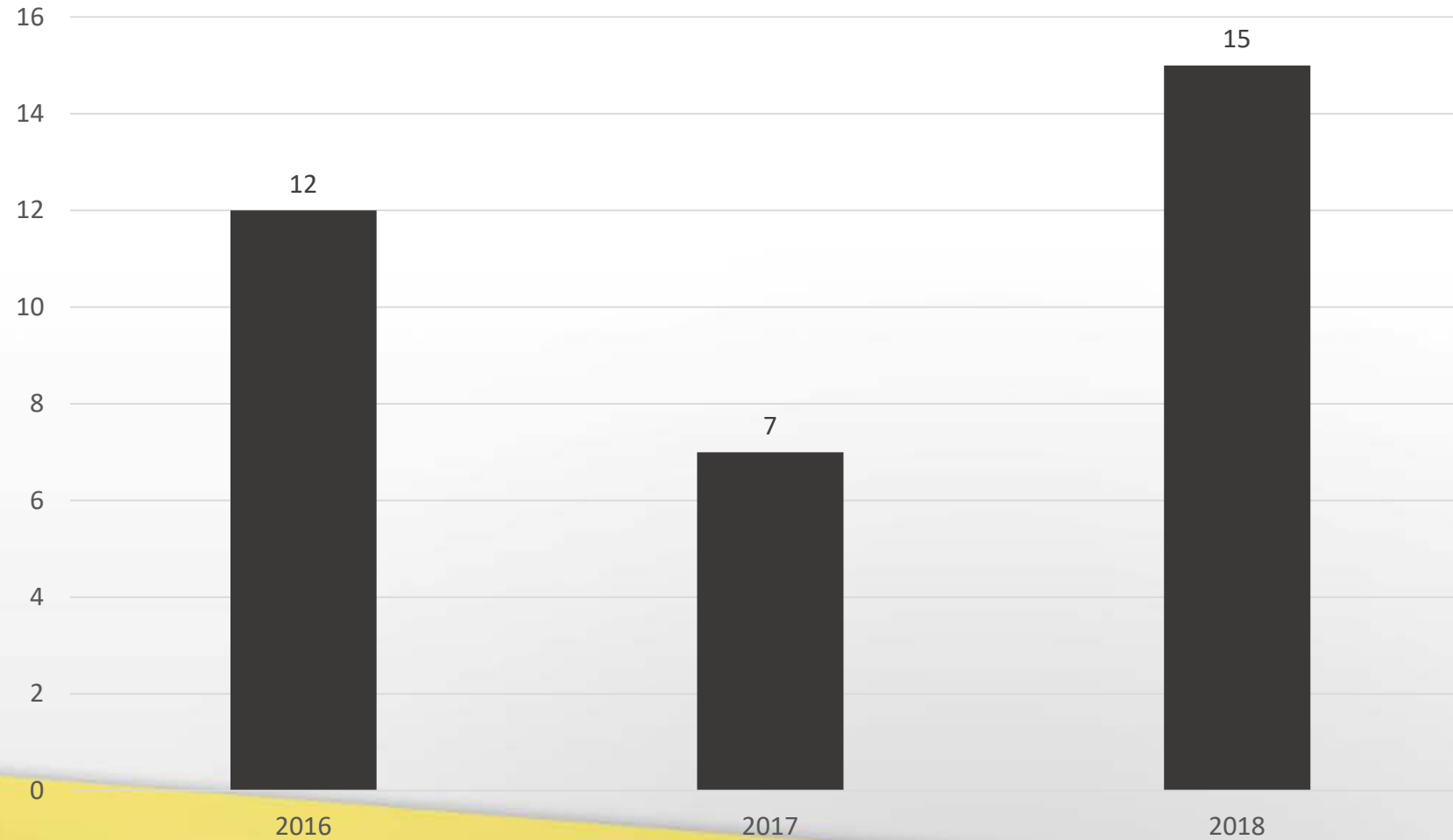
STAFF SEXUAL HARASSMENT JANUARY 1, 2016 – DECEMBER 31, 2018

≡ 2016 # 2017 ■ 2018 X Total



PREA Claims Data – Substantiated

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



PREA Definitions

PREA

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

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



PREA Audits

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



Timeline of PREA Audits 2018*

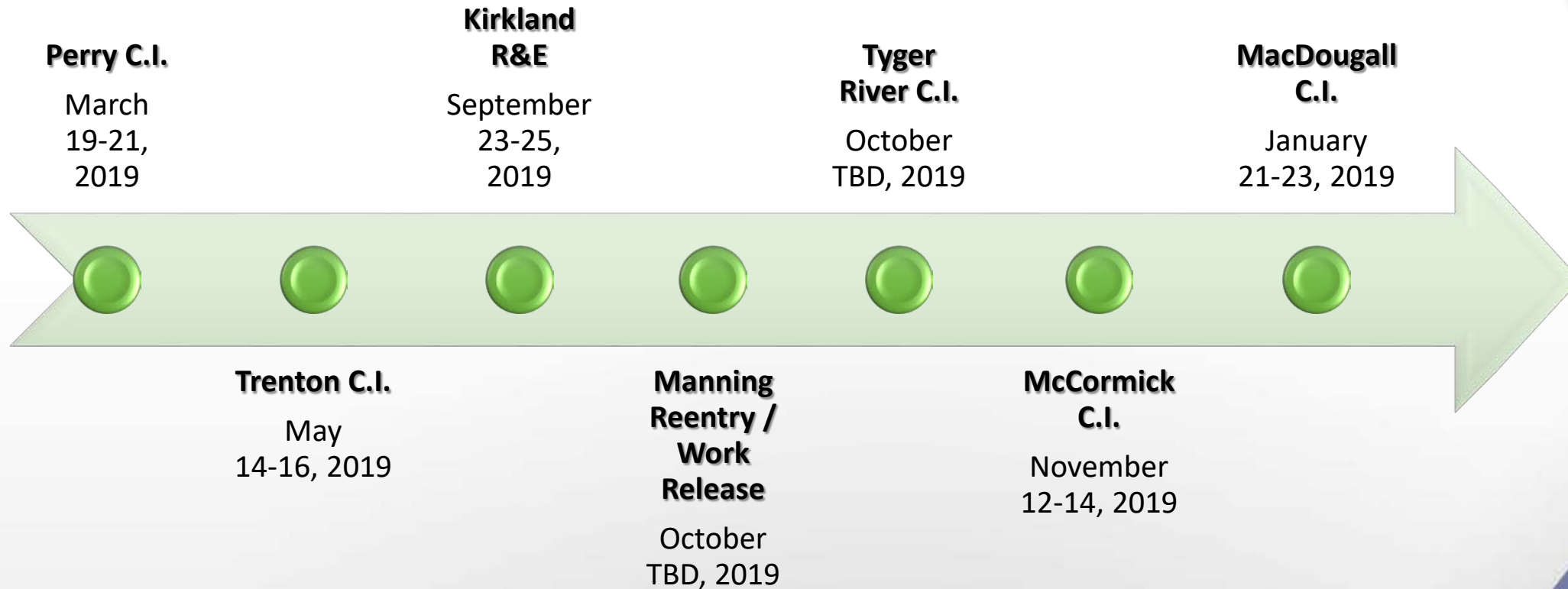


*PREA audit cycles start on August 20 and end on August 19.



Timeline of PREA Audits

2019*



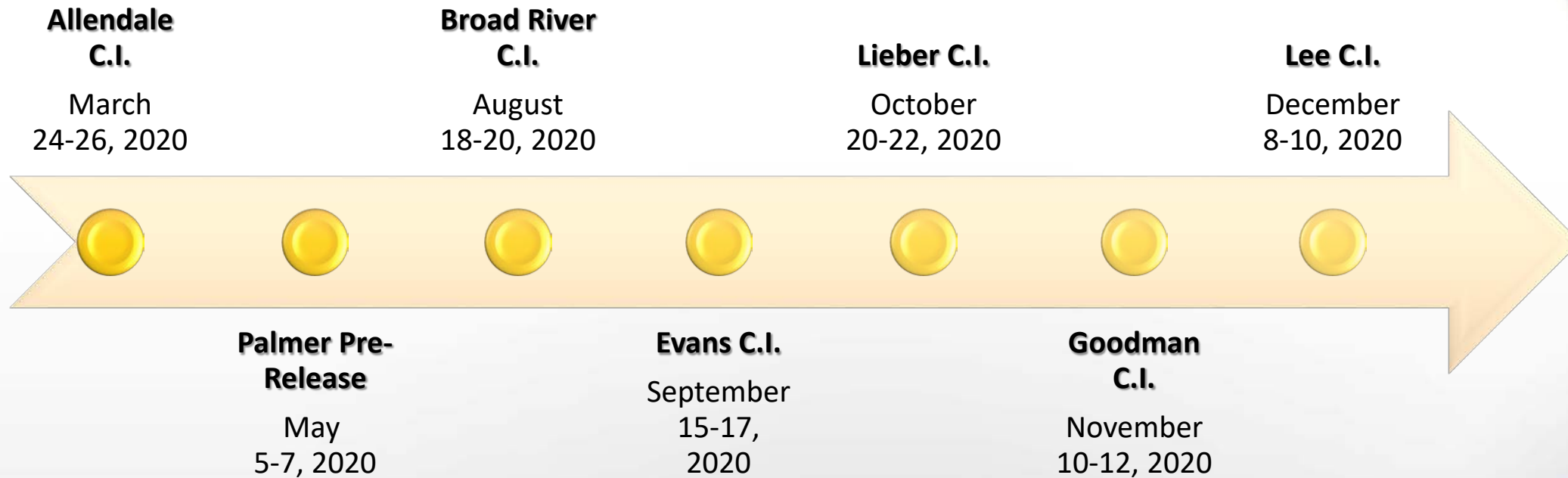
*PREA audit cycles start on August 20 and end on August 19.



Timeline of PREA Audits

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

2020*



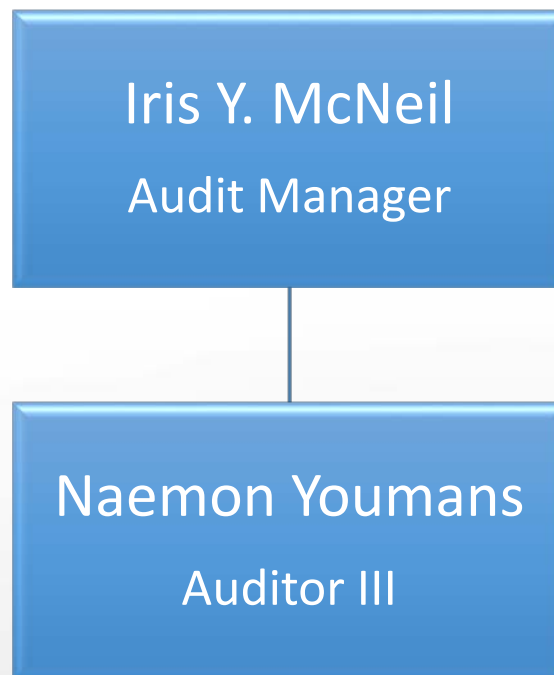
*PREA audit cycles start on August 20 and end on August 19.



Internal Audits



Internal Audits Organizational Chart



Deliverables of Internal Audits

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



Overview of Internal Audits

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

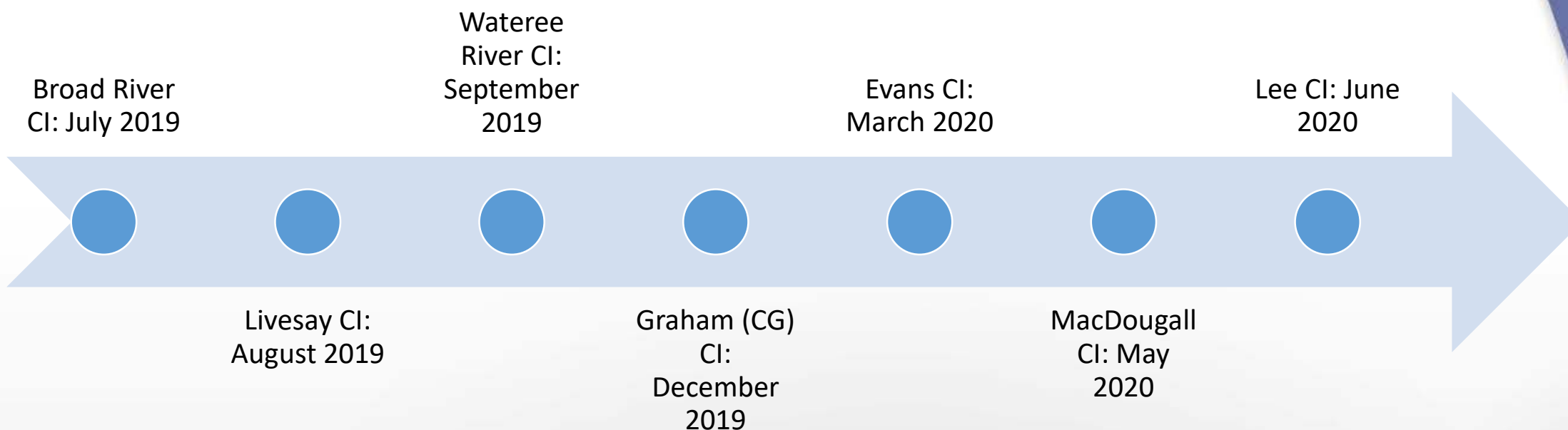


Internal Audit Data

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



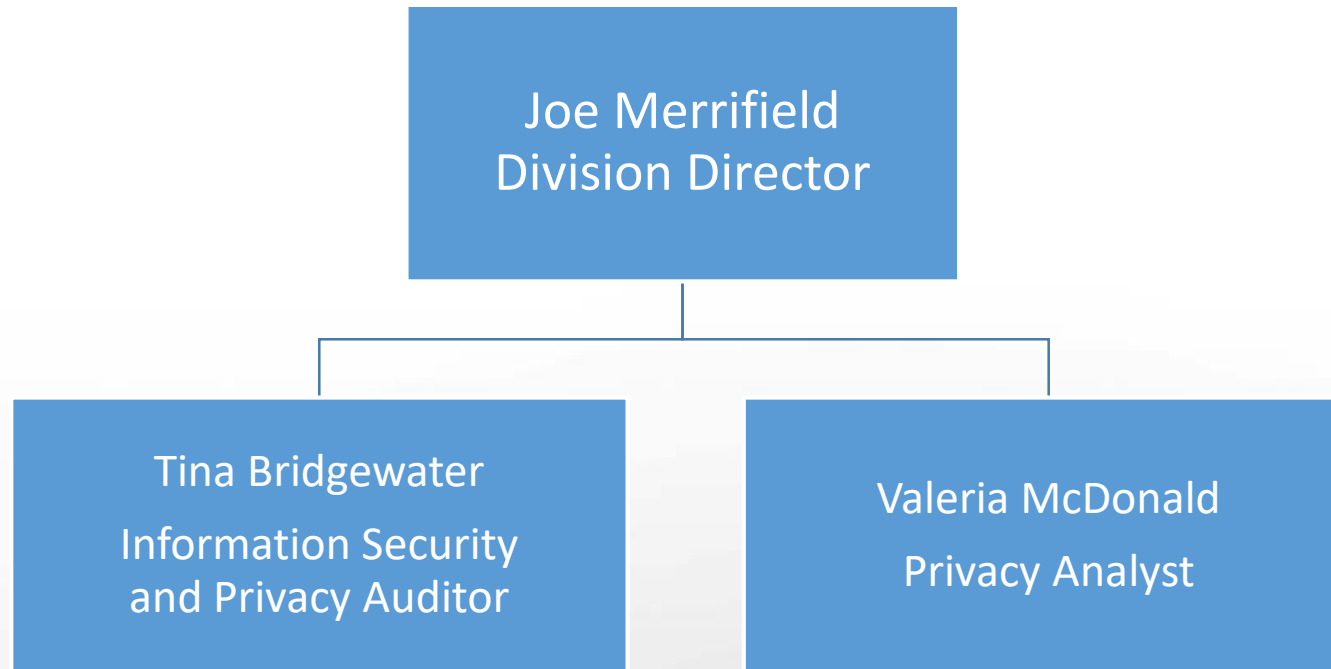
Timeline of FY2020 Institutional Audits



Information Security and Privacy



Information Security and Privacy Organizational Chart



Deliverables of Information Security and Privacy

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



Overview of Information Security and Privacy

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



Common Misperceptions

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



Goals and Duties

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

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



Program Accomplishments

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



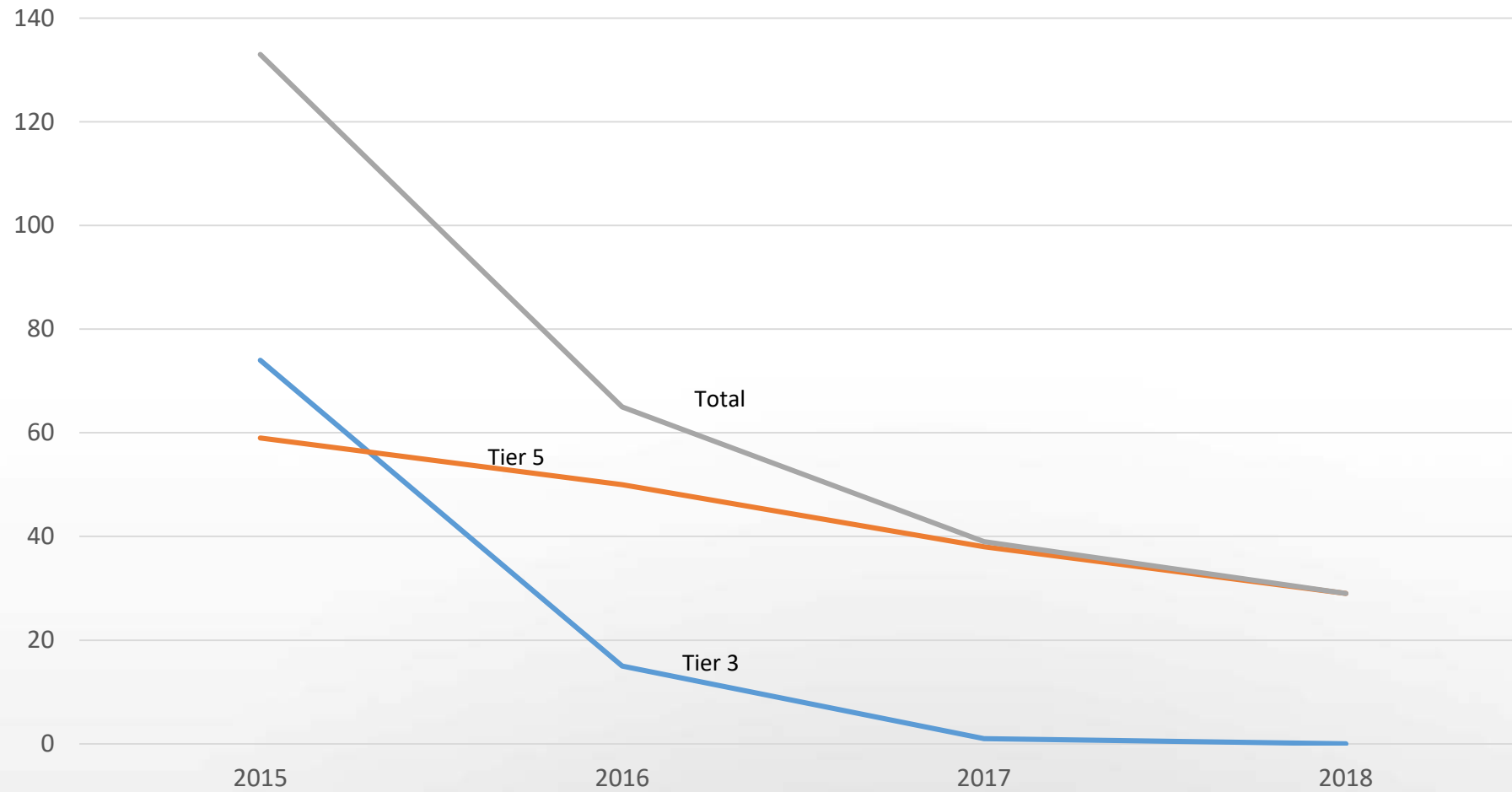
Program Accomplishments (continued)

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



Incident Trends

January 1, 2015 – December 31, 2018



Moving Forward

Goals:

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

Challenges:

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



Quality Improvement and Risk Management (QIRM)



Disclaimer

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



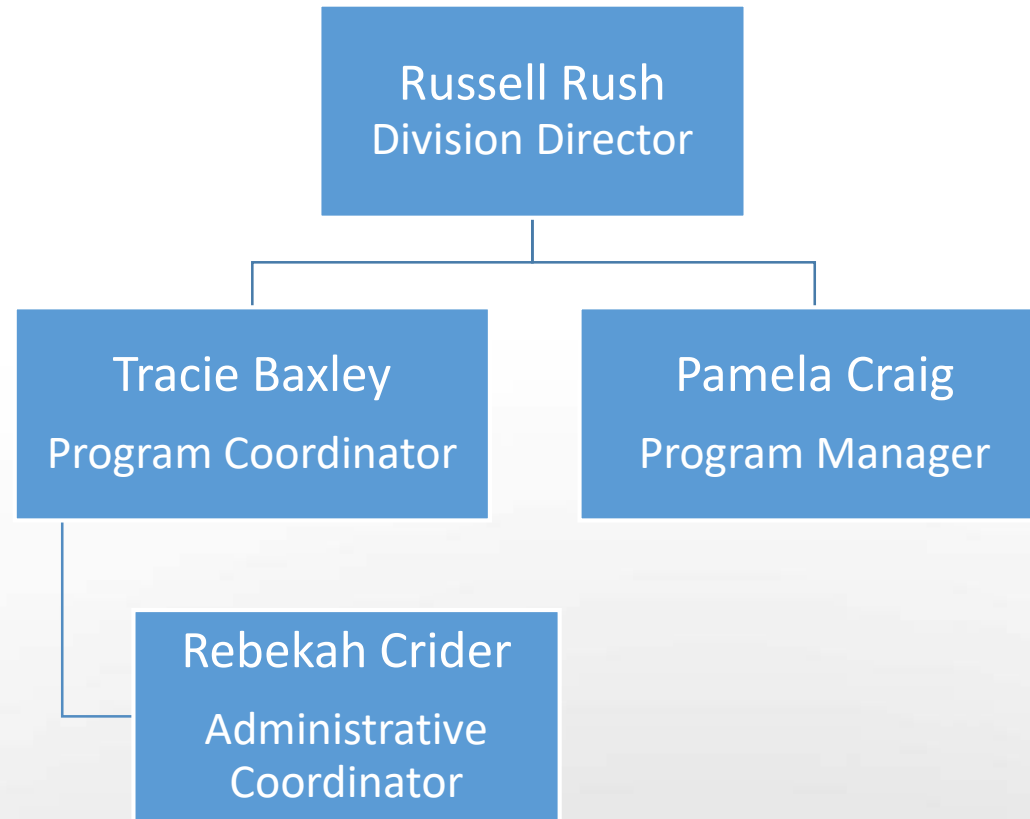
*The IP Reports issued by the IP that were provided to this Committee are not confidential.

Occupational Safety and Workers' Compensation



Occupational Safety and Workers' Compensation Organizational Chart

Occupational
Safety and
Workers'
Compensation



Overview of Occupational Safety and Workers' Compensation

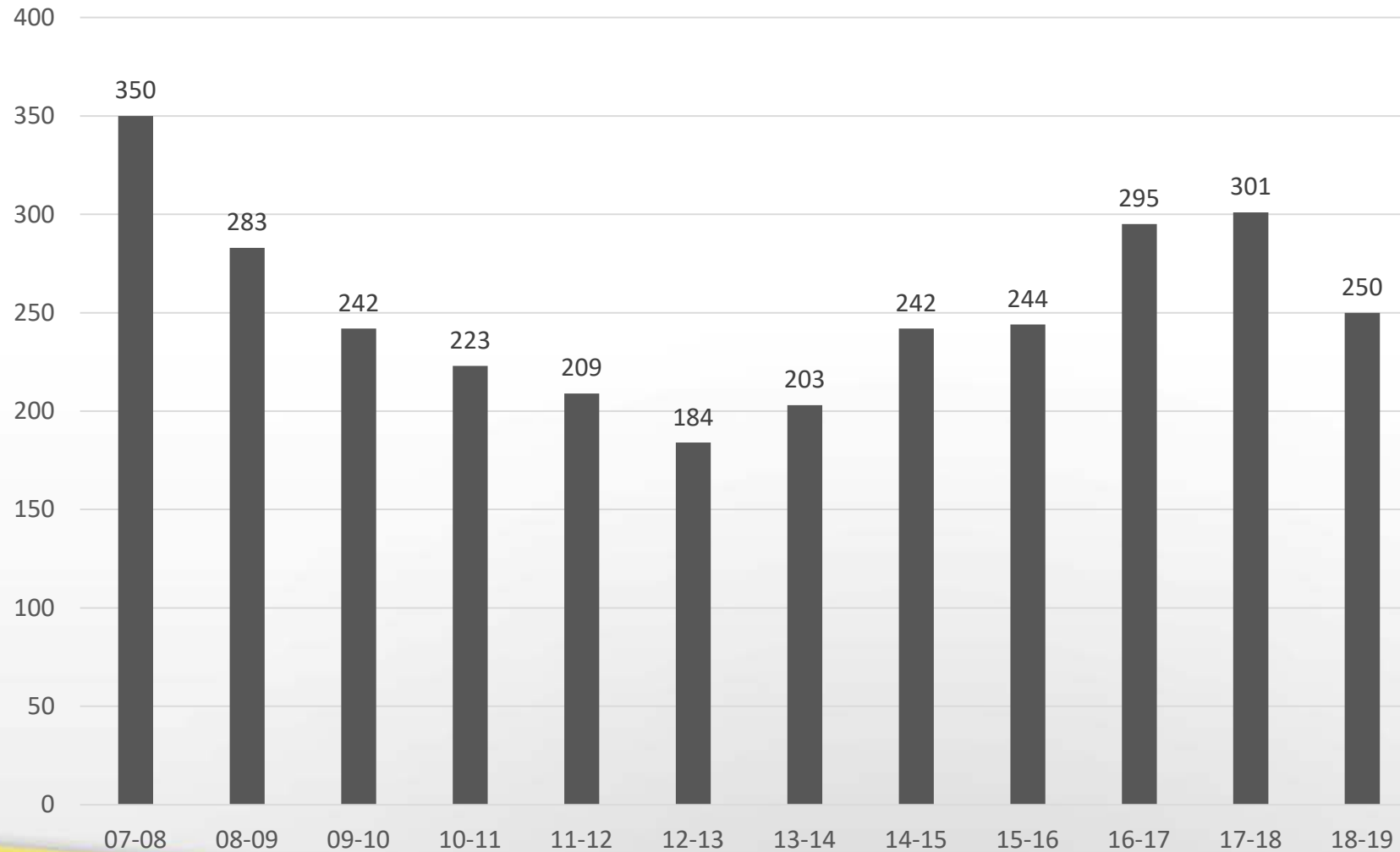
- Oversees the Safety and Workers' Compensation Programs for the Agency
- Assures compliance with all regulatory standards to include Occupational Safety and Health Administration (OSHA), Department of Health and Environmental Control (DHEC), and Fire Marshal
- Dually supervises the Environmental Health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



Workers' Compensation Claims Filed by FY

July 1, 2007 – June 30, 2019

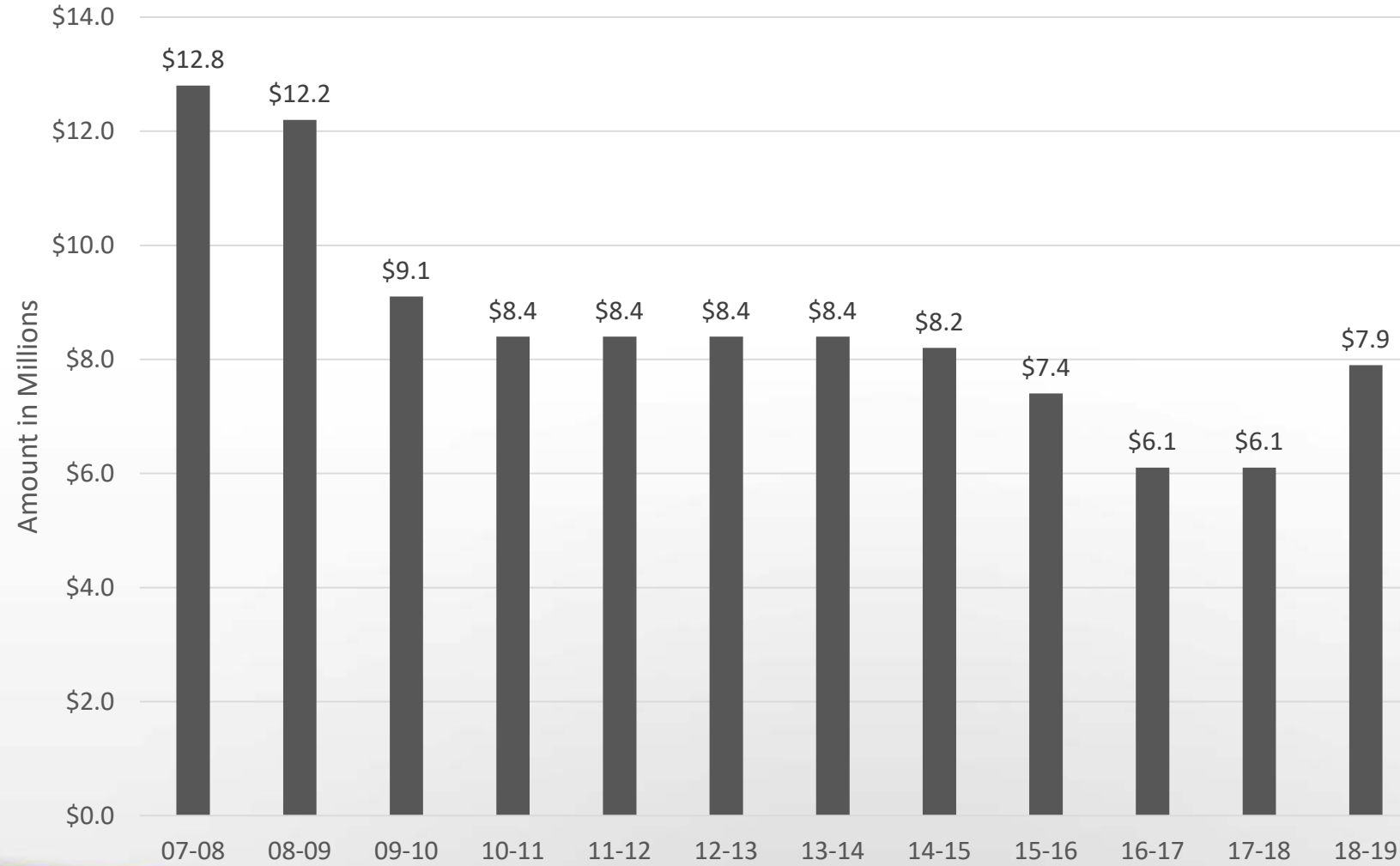
Occupational
Safety and
Workers'
Compensation



SCDC Workers' Compensation Premium History by Fiscal Year

July 1, 2007 – June 30, 2019

Occupational
Safety and
Workers'
Compensation



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 23rd

Monday, November 25th

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).