



LEGISLATIVE OVERSIGHT COMMITTEE

Department of Corrections Ad Hoc Committee
Study of the Department of Corrections

The full report of the Department of Corrections (SCDC) Ad Hoc Committee's study, issued on September 14, 2020, is available on the House Legislative Oversight Committee's (Committee) webpage.

Full Report includes...

Oversight Impact

- Findings
- Recommendations
- Study Related Internal Changes

Oversight Process

- Agency Reports
- Public Input
- Meetings
- Member visits

Agency Details

- History
- Legal Obligations
- Governing Body
- Organizational Units
- Partners
- Revenue Sources
- Carryforward
- Age of Facilities
- Personnel Necessary for Full Operations of Some Services

Other

- Index of Additional Information Available on Committee's Website

Findings about...

- Services required and outcomes expected
- Resources available
- Progress made, but more is necessary

Recommendations for...

- SCDC
- Court Administration within the Judicial Branch
- State Human Resources, a division of the Department of Administration
- Insurance Reserve Fund, a division of the State Fiscal Accountability Authority
- Law Enforcement Training Council
- General Assembly

Internal changes made during the study by...

- SCDC
- Department of Health and Environmental Control
- Department of Administration

Oversight Purpose and Methods

PURPOSE

To determine if agency laws and programs:

- ➡ are being implemented and carried out in accordance with the intent of the General Assembly; and
- ➡ should be continued, curtailed, or eliminated.

METHODS

The Committee and Subcommittee evaluate:

- ➡ the application, administration, execution, and effectiveness of the agency’s laws and programs;
- ➡ the organization and operation of the agency; and
- ➡ any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation pertaining to the agency.

S.C. Code Ann. § 2-2-20(B) and (C)

Study Process



Public Input

- 712** Responses to an online public survey
- 95+** Online comments received
- 38** Constituents testify

Ad Hoc Committee Membership

DEPARTMENT OF CORRECTIONS AD HOC SUBCOMMITTEE

The Honorable Edward R. Tallon Sr. (chair)
 The Honorable Gary E. Clary
 The Honorable Jeffrey E. Johnson
 The Honorable Robert Q. Williams

The Honorable Micajah P. Caskey IV
 The Honorable Chandra E. Dillard
 The Honorable Joseph H. Jefferson Jr.

Study Milestones

MEETINGS

Full Committee	5/3/18	1/28/19		
Subcommittee	2/21/19	3/21/19		
5/14/19	5/29/19	6/4/19	6/18/19	
7/24/19	8/12/19	8/26/19	8/27/19	
9/16/19	10/1/19	10/2/19	10/23/19	
11/25/19	12/11/19	12/16/19	1/7/20	
6/22/20				

AGENCY REPORTS

March 2015	Seven-Year Plan Report
September 2018	FY 2017-18 Accountability Report and Program Evaluation Report*
September 2019	FY 2018-19 Accountability Report

*Updated Program Evaluation Report provided on January 25, 2019 and March 3, 2020

Findings

The **ad hoc committee makes ten findings**. The ad hoc committee has recommendations to address some, but not all, of these findings. However, the ad hoc committee makes the findings to note information that a member of the public, or General Assembly, may seek to know or on which they may desire to act.

Services required and outcomes expected

1. While the population of SCDC is diverse, the highest percentage of individuals housed in SCDC's facilities are convicted of homicide.
2. Incarceration at SCDC is expected to punish, contain, and rehabilitate inmates.

Resources available

3. SCDC relies on the state general fund for more than 80% of its funding to operate (e.g., facilities maintenance, employee salaries, etc.).
4. Conditions at agency facilities, which operate continuously, include varying states of disrepair and age (e.g., part of the building complex at Wateree River Correctional Institution is more than a century old and is still used for housing and programming).
5. SCDC continues to have high vacancies in key operation areas (e.g., security, medical, etc.), despite external assessments indicating SCDC's efforts to recruit and retain employees are expansive.

Progress made, but more is needed

6. In recent years, efforts have been made by the General Assembly (e.g., decreasing the number of inmates through sentencing reform; increasing pay for correctional officers; and funding additional re-entry staff) and agency (e.g., improving employee retention efforts, inmate GED passage rates, business model for prison industries; capability of responding to inmate complaints/concerns; updating inmate classification system, inmate job placement efforts; launching telehealth collaborations; and utilizing technology to assist in educating inmates, facilitating communication, and increasing safety) to improve SCDC operations, but additional resources are necessary to continue and/or expand upon these improvements.
7. Investment in technology (e.g., automated medicine dispensing; electronic cell door lock/unlock within facilities; and automated entry of sentencing sheet/inmate release information) may exponentially leverage the limited personnel available and accuracy of information necessary for operations.
8. Collaboration, among the various state agencies and their stakeholders (e.g., utilizing common information and entering into intra-agency agreements), is imperative to increase efficiencies in state government operations.
9. In addition to the recommendations made in this report, there are other changes for future consideration by the General Assembly (e.g., require SCDC and Parole Board utilize a common risk assessment tool; assist inmates in obtaining employment as commercial drivers; utilize sentencing ranges to incentivize good behavior and reform once inmates are incarcerated; provide tax credits to businesses that employ former offenders from SCDC; and review threshold approval amounts for permanent improvement projects) and SCDC (e.g., new case management system; ombudsman; acclimation to current technology as part of required re-entry programming for inmates; utilization of a central portal for sale of products from state agencies; combining statistics received electronically from local detention facilities [e.g., average daily inmate population, number of employees, number of vacant positions], with statistics about its facilities, into a searchable electronic format and publish and annually update the information online).
10. The Legislative Audit Council (LAC), as requested by the Committee, audited the Department of Corrections and presented its published report, which included 105 recommendations on various topics, to the ad hoc committee.

Recommendations

The **ad hoc committee has 75 recommendations** (38 to SCDC; 2 to Court Administration; 1 to State Human Resources; 1 to Insurance Reserve Fund; 1 to Law Enforcement Training Council; and 32 to General Assembly) that continue, curtail, and/or eliminate agency programs, and include areas for potential improvement. The ad hoc committee recognizes these recommendations will not satisfy everyone nor address every issue or potential area of improvement at the agency.

Recommendations to SCDC

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|----------------|--|
| ACCOUNTABILITY | <ol style="list-style-type: none"> 1. Resume American Correctional Association accreditation or the management review program and complete internal reviews according to the schedule outlined in the agency policy. 2. Conduct regular audits of medical services provided by SCDC employees to inmates to determine: (a) quality of medical or mental health clinical assessments, and (b) adherence to general clinical and medical guidelines. 3. Obtain an external study to determine the following: (a) impact of the new inmate classification system on staffing; and (b) how other options for improving staff to inmate ratios may impact staffing needs on a regular basis (e.g., every three or five years). 4. Provide a timeline for completion of SCDC’s program audit and creation of its “SCDC Program Book” (i.e., list of programs offered to offenders). 5. Determine a method by which the agency will evaluate success for each inmate program; utilize the method to regularly evaluate each program and objectively decide those to continue/discontinue; and post online the method for, and results of, each evaluation. 6. Review and update performance measures for the Accountability Report utilizing resources available from the Department of Administration’s Executive Budget Office. 7. Report performance data on progress toward the desired outcomes of SCDC’s new inmate classification system in its annual accountability report. 8. Update SCDC’s GED/high school diploma participation performance measure to track the number of inmates earning these credentials as a percentage of the number who were admitted to SCDC without one. |
| EFFECTIVENESS | <ol style="list-style-type: none"> 9. Continue efforts to obtain a procurement exemption for advertising open employee positions through different avenues (e.g., social media). 10. Require certain training (e.g., incident reporting, etc.) before allowing SCDC employees to interact with inmates. 11. Update policy to require random written and hands-on on testing of employee knowledge about agency policies and procedures. |

EFFECTIVENESS (CONTINUED)

12. Utilize data from the random written and hands-on on employee tests about agency policies and procedures to implement a process to continually evaluate the effectiveness of training methods and update those methods.
13. Ensure there is a written outline of the duties and standard operating procedures for each deputy director and regularly (i.e., at least every three years) review and update these outlines.
14. Track information in staff incident reports electronically, aggregate data, and utilize aggregated data in evaluating inmate issues and SCDC employee responses.
15. Utilize additional information (i.e., inmate request response time, incident reports, and scores from annual testing on agency policies and procedures) as factors when conducting annual employee evaluations, making promotion decisions, and training employees.
16. Obtain an external survey of employee morale on a regular basis (i.e., every one to three years) and, within six months of obtaining the results, post a summary online with actions the agency has, or plans, to take based on the results.
17. Increase and improve employees' ability to report concerns and provide feedback, anonymously or otherwise.
18. Create a system to allow and encourage anonymous feedback from volunteers and inmate family members.
19. Prioritize inmate complaints by type in the automated request to staff management system.
20. Research the costs to enable inmates to submit medical requests electronically (e.g., through a kiosk or tablet) so the request and response are tracked and retained for review and analysis purposes. Report these costs to the Committee along with potential benefits and drawbacks of connecting requests with an inmate's electronic medical records.
21. Investigate the cost and feasibility of providing three meals per day on the weekend and report back to the Committee within one year.
22. Increase the internal disciplinary penalties for inmates that use cell phones.
23. Increase marketing efforts for supplies and services SCDC offers for sale to state agencies and local governments (e.g., uniforms, furniture, frames, etc.).
24. Provide members of the General Assembly information about supplies and services SCDC offers for sale at least annually.
25. Provide the Committee proposed statutory language to authorize SCDC to refuse an inmate from a local facility until the local facility provides SCDC with information necessary to provide for the health, safety, and welfare of the inmate.

EFFICIENCY

- 26. Track wait time, from the initial inmate request, for medical treatment and use this analysis to prioritize staffing and purchases.
- 27. Discuss with the Criminal Justice Academy the potential of recouping costs for employees SCDC trains and certifies as law enforcement officers who leave to work for another law enforcement agency.
- 28. Request exemptions to the process for capital project approval for expediency in certain situations which currently result in the agency incurring additional costs while waiting for approval.

TRANSPARENCY

- 29. Expand online information available to families and friends of individuals entering prison (e.g., post online reception and evaluation process and materials provided in inmate orientation booklets).
- 30. Prepare and post online an annual report on the offender employment preparation program.

INTERAGENCY COLLABORATION

- 31. Convene impacted parties to discuss a voluntary program through which counties may house inmates with less than 365 day sentences and submit proposals for collecting the necessary data to report on the feasibility of such a program to the Committee within the next six months.
- 32. Seek input from impacted parties on the feasibility and potential efficiencies of mandatory remote release at each local government facility (e.g., detention center, jail, or prison camp) and provide information obtained, including recommendations, to the Committee within the next twelve months.
- 33. Convene impacted parties to discuss specific proposed statutory language addressing SCDC's conceptual recommendations for the Youthful Offender Act and provide to the Committee, including notation of any areas without agreement.
- 34. Convene impacted parties to discuss specific proposed statutory language addressing SCDC's conceptual recommendations for the Shock Incarceration Program (i.e., 90-day therapeutic alternative to traditional incarceration for young non-violent offenders) and provide to the Committee, including notation of any areas without agreement.
- 35. Reconvene the S.C. Re-entry Interagency Collaborative Team to foster collaboration on release issues (e.g., housing, treatment, employment, etc.) from multiple state agencies.
- 36. Request offender employment preparation program member agencies provide employment trends pursuant to S.C. Code Section 24-13-2130.
- 37. Work with the Department of Employment and Workforce and other stakeholders to implement a method to track the number of individuals who obtain employment immediately upon release from prison, or within a certain period, and add this as a performance measure in SCDC's annual accountability report.
- 38. Continue working with personnel from the Department of Mental Health to implement a seamless transition for inmates who are under the care of a mental health professional upon release.

Recommendations to...

Court Administration

INTERAGENCY
COLLABORATION

- 39. Convene impacted parties to discuss and identify opportunities to improve the efficiency and accuracy of transmission of information (e.g., sentencing sheets, inmates impacted by changes in case law, victim information, etc.) necessary for operation of the criminal justice system (e.g., proper care and timely release of inmates, notices to victims, etc.).
 - 40. Communicate with stakeholders to track information on recidivism between juvenile adjudications, state prisons, and local government detention facilities and regularly report this information.
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Division of State Human Resources

INTERAGENCY
COLLABORATION

- 41. Coordinate employee morale surveys across state government on a regular basis and within three years after administering employee morale surveys, investigate the feasibility of coordinating exit and entrance interviews across state government.
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Insurance Reserve Fund

EFFECTIVENESS

- 42. Review statutes to determine potential revisions to further protect agency directors and department heads from personal liability for involvement in all human resource decisions and provide the Committee potential language for statutory revisions within the next six months.
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Law Enforcement Training Council

INTERAGENCY
COLLABORATION

- 43. Invite other entities from the criminal justice process (e.g., Court Administration, Prosecution Coordination Commission, Commission on Indigent Defense, Jail Administrator’s Association, etc.) to meet on a regular basis (e.g., annual meeting or more frequent topic specific meetings) to provide opportunities for collaboration on criminal justice issues.
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Recommendations to the General Assembly

ACCOUNTABILITY

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44. Require SCDC validate its inmate classification system on a regular basis (e.g., intervals recommended by industry experts), documenting any updates to the classification process as well as the year by which it will conduct the next validation.

EFFECTIVENESS

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45. Allow inmates credit for rehabilitative programming, similar to credits existing for good behavior and work, by amending S.C. Code Section 24-13-230.*
46. Make inmates with a “no parole offense” eligible for work release after serving 70% of their sentence, instead of 80% (i.e., changes when eligible to work, not when released from SCDC), by amending S.C. Code Section 24-13-125.*
47. Require appointment of board members for the Palmetto Unified School District, the school district for SCDC inmates, by regions.
48. Allow SCDC to apply for court orders, and allow courts to issue orders, requiring cellular service providers immediately suspend or discontinue the cellular service provided to a contraband cell phone identified by a supervisor of any law enforcement agency in South Carolina.*
49. Clarify what constitutes notice to leave to a trespasser/loiterer on prison property by amending S.C. Code Section 24-1-270.*
50. Increase the criminal penalty for contacting crime victims while in prison by amending S.C. Code Section 24-3-970.*
51. Add SCDC to the list of state agencies exempt from monetary liability for certain acts, such as review of patient medical and health records, by amending S.C. Code Sections 40-71-10 and 40-71-20.*
52. Place sole jurisdiction over SCDC contraband charges with general session courts instead of with magistrate courts by amending S.C. Code Section 24-3-965.*
53. Increase criminal penalties for SCDC employees convicted of violating statutes related to contraband by amending S.C. Code Section 24-3-950.*
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EFFICIENCY

54. Lower the minimum age for certification of correctional officers from 21 to 18.*
55. Raise the salary cap for retired state employees who return to covered employment with SCDC.*
56. Allow SCDC to collect monies owed from inmates after release from prison by amending S.C. Code Section 24-13-80.*
57. Allow SCDC to apply to a court for authorization to file for Medicaid on behalf of an inmate without an inmate's consent.
58. Assist SCDC in avoiding sentencing calculation errors related to jail time credit by amending S.C. Code Section 24-13-40.*
59. Assist SCDC in avoiding sentencing calculation errors related to third degree offenders by amending S.C. Code Sections 44-53-370 and 44-53-375.*

MODERNIZATION OF LAWS

60. Update references to types of early releases as some references are no longer applicable, by amending S.C. Code Sections 24-13-150(A) and 24-21-560.*
61. Update grounds for which inmates are granted furlough, as SCDC only allows furloughs for medical reasons, by amending S.C. Code Section 24-3-210.*
62. Update responsibility for day reporting centers to make them solely the responsibility of the Department of Probation, Parole, and Pardon (PPP), as agreed upon by SCDC and PPP, by amending S.C. Code Sections 24-21-1310 and 24-21-1320.*
63. Update pre-trial detainment authorizations to ensure pre-trial detainees receive due process prior to being housed at SCDC by amending S.C. Code Section 24-3-80.*
64. Eliminate outdated requirement of agency director and other personnel to execute bonds by repealing S.C. Code Section 24-1-120.
65. Eliminate an outdated requirement to establish the classification system and adult criminal offender management system by repealing S.C. Code Title 24, Chapter 22.*
66. Eliminate an outdated requirement to develop plans for the statewide case classification system and community-based correctional programs by repealing S.C. Code Section 24-23-10.*
67. Eliminate references to statute subsections that no longer exist, in particular S.C. Code Section 59-20-60(3)(a) and (4)(e) and (f), by amending S.C. Code Section 24-25-35.

68. Eliminate supervised furlough since supervised re-entry has replaced it, by repealing S.C. Code Sections 24-13-710 and 24-13-720.*
69. Eliminate reference to “centers” for alcohol and drug rehabilitation at SCDC since these were never funded nor created, and clarify SCDC is responsible for providing alcohol and drug rehabilitation through its general duty to provide physical and behavioral health care, by amending S.C. Code Sections 24-13-1910 through 24-13-1950.
70. Eliminate the requirement that the State Fiscal Accountability Authority’s Division of State Procurement monitor cooperation of state agencies in purchasing products and services from SCDC by repealing S.C. Code Section 24-3-330(b).#
71. Remove reference to SCDC retaining fees associated with the pastoral training program since the program is no longer utilized, by repealing S.C. Code Section 24-1-260.*
72. Remove references to inmates constructing work camps or buildings on county property, since SCDC no longer utilizes inmates for this work, by repealing S.C. Code Section 24-3-13(c).*
73. Remove references to SCDC utilizing citizens in the suppression of riots since SCDC does not utilize citizens for this function, by repealing S.C. Code Sections 24-3-720 through 24-3-750.*
74. Repeal S.C. Code Sections 24-19-60, -80, and -90, which relates to evaluations for youthful offenders, since SCDC and Vocational Rehabilitation Department do not currently, and have no record of, maintaining a cooperative agreement involving the operation of the SCDC Reception and Evaluation Center.*
75. Repeal S.C. Code Section 24-19-140, which relates to use of volunteer supervisory agents and sponsors to supervise released youthful offenders since SCDC does not currently, and has no record of, using volunteer groups to serve as supervisory agents or sponsors.*

Table Note: An asterisk () indicates the recommendation was proposed by SCDC. A number symbol (#) indicates the recommendation was proposed by the State Fiscal Accountability Authority.*



Legislative Oversight Committee

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