



LEGISLATIVE OVERSIGHT COMMITTEE  
Department of Corrections  
Ad Hoc Committee

Study of the  
South Carolina Department of  
Corrections  
*September 14, 2020*

| FULL COMMITTEE OPTIONS<br>STANDARD PRACTICE 12.4   | FULL COMMITTEE ACTION(S) | DATE(S) OF FULL<br>COMMITTEE ACTION(S) |
|--|--------------------------|--|
| (1) Refer the study and investigation back to the Ad hoc committee or an ad hoc committee for further evaluation;<br>(2) Approve the Ad hoc committee's study; or<br>(3) Further evaluate the agency as a full Committee, utilizing any of the available tools of legislative oversight. |                          |  |

# Legislative Oversight Committee



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*Employ an ombudsman..... 174*

*Include acclimation to current technology as part of required re-entry programming for inmates 174*

*Assess feasibility of utilizing a central portal for sale of products from state agencies..... 175*

*Combine statistics it receives 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 published and annually updated online ..... 175*

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# AGENCY SNAPSHOT

## Department of Corrections

### Agency Mission

**Safety** - we will protect the public, our employees, and our inmates.  
**Service** - we will provide rehabilitation and self-improvement opportunities for inmates.  
**Stewardship** - we will promote professional excellence, fiscal responsibility, and self-sufficiency.

### History

In 1866, the South Carolina Legislature passed an act to transfer the control of convicted and sentenced felons from the counties to the state, and appropriated \$65,000 for construction and maintenance of a State Penitentiary.

### Organizational Units

- Programs, Reentry, and Rehabilitative Services
- Operations
- Health Services
- Administration
- Police Services
- Legal and Compliance

### Resources (Fiscal Year 2018-19)

#### Employees

6,108 available FTE positions (of which 4,811 are filled)

#### State Funding

\$454,639,446

### Successes

Identified by the agency

- Settled decade old mental health lawsuit
- Increased salaries for correctional officers, food service and mental health staff
- Working with cell phone industry to minimize contraband cell phones in S.C. prisons
- Closed 5 prisons
- Centralized pre-release functions for male inmates and developed a pre-release center at Manning

### Challenges

Identified by the agency

#### Current:

- Retention of staff for correctional officers and medical staffing
- Increased demand for expansion of health services
- Contraband cell phones
- Decrepit buildings from deferred maintenance needed due to lack of funding
- Hepatitis C treatment due to lack of funding

#### Emerging:

- Managing a more violent population due to security threat groups
- Meeting the special requirements and providing the care necessary for the aging prison population
- Aging buildings with deferred maintenance due to lack of funding

Figure 1. Snapshot of agency's mission, history, organizational units, Fiscal Year 2018-19 resources (employees and state funding), successes, challenges, and emerging issues as of January 2020.<sup>1</sup>

# LEGISLATIVE HISTORY

The Department of Corrections (SCDC; agency; or department) provides an agency history in its Program Evaluation Report (PER) submission to the House Legislative Oversight Committee (Committee). A selected timeline is included in Table 1.<sup>2</sup>

*Table 1: Selected timeline of state events noted in the agency's Program Evaluation Report.<sup>3</sup>*

|                  |  |
|------------------|--|
| <b>1866</b>      | South Carolina General Assembly transfers control of convicted and sentenced felons from the counties to the state. <sup>4</sup> The legislature appropriates \$65,000 for construction and maintenance of a State Penitentiary (i.e., the agency's first facility). <sup>5</sup> Thomas B. Lee serves as the first superintendent of the State Penitentiary. <sup>6</sup>   |
| <b>1912</b>      | Capital punishment at the state level begins with the installation of the electric chair. <sup>7</sup>   |
| <b>1930-1960</b> | County supervisors assume full authority to choose to retain convicts for road construction or to transfer them to the state. <sup>8</sup> These "chain gangs" work throughout the state, co-existing with the State Penitentiary (i.e., a dual prison system). <sup>9</sup>   |
| <b>1960</b>      | Governor Ernest F. Hollings calls for the creation of the South Carolina Department of Corrections (SCDC) to replace the State Penitentiary led by a superintendent. <sup>10</sup> Creation of the State Board of Corrections occurs at the same time to oversee the functions of SCDC, with a member appointed representing each judicial circuit. <sup>11</sup>  |
| <b>1973</b>      | The Office of Criminal Justice Programs in the Governor's Office, the predecessor of a modern component within the Department of Public Safety, conducts the South Carolina Adult Corrections Study. <sup>12</sup> It recommends elimination of the dual prison system and placing all long-term adult offenders under state jurisdiction. <sup>13</sup> Also, it proposes placing inmates close to their home communities and recommends establishing regional corrections coordinating offices to serve as the basic organizational units for the administration of all non-centralized functions, facilities, and programs. <sup>14</sup> |
| <b>1974</b>      | The General Assembly grants SCDC jurisdiction over all adult offenders with sentences exceeding three months. <sup>15</sup> SCDC may contract with local governments to place state inmates back in the local facilities to perform public works (i.e, designated facilities program). <sup>16</sup>   |
| <b>1977</b>      | To reduce prison populations, the General Assembly authorizes the extended work release program to allow qualified offenders to live and work in the community under intensive supervision during the final phases of their sentences. <sup>17</sup>   |

- 
- 1978** The General Assembly establishes an earned work credit program, which allows inmates to earn time towards their sentences and helps to reduce prison populations.<sup>18</sup>  
Consent decree is signed in a class action lawsuit over prison conditions existing primarily at Central Correctional Institution (formerly the State Penitentiary).<sup>19</sup>
- 
- 1981** Finding prisons are overcrowded, the General Assembly establishes the supervised furlough program, which allows screened inmates to live and work in local communities under supervision.<sup>20</sup> In addition, the initial parole eligibility of a non-violent offender reduces from one-third to one-fourth of the sentence.<sup>21</sup>  
The General Assembly establishes the Palmetto Unified School District (PUSD) to provide academic, vocational, and life skills programs to incarcerated participants between the ages of 17 and 21.<sup>22</sup>
- 
- 1983** Prison Overcrowding Powers Act authorizes the Governor to declare a state of emergency when certain conditions of overcrowding exist and to order the advancement of the release date for qualified offenders.<sup>23</sup>
- 
- 1985** Following the signing of the consent decree in a class action lawsuit filed in 1982 over prison conditions, the General Assembly authorizes funding for the construction of five new prisons.<sup>24</sup>  
The General Assembly begins funding the PUSD.<sup>25</sup>
- 
- 1986** Omnibus Criminal Justice Improvements Act modifies the procedures allowed in 1983 for early release during a state of emergency.<sup>26</sup> Rather than the advancement of release dates, these provisions set the number of prisoners to be released early.<sup>27</sup> Also, it modifies the eligibility requirements for parole and the supervised furlough program.<sup>28</sup>
- 
- 1987** The General Assembly establishes the shock probation program (i.e., boot camp).<sup>29</sup>
- 
- 1990** The General Assembly repeals the shock probation program and establishes the shock incarceration program.<sup>30</sup>
- 
- 1995** Truth-in-sentencing for violent offenders passes, which designates felonies punishable by 20 years or more to be “no parole offenses” (i.e., offenders cannot be released until their credits (good time, education, work) equal 100% of sentence and they have physically served at least 85% of sentence).<sup>31</sup>
- 
- 1996** The federal Prison Litigation Reform Act allows correctional agencies to ask the federal court for relief from previously entered consent decrees under certain circumstances.<sup>32</sup>
- 
- 1997** Proviso 41.20 of Act 155 limits the marketing and sale of retreaded tires from Lieber Correctional Institution’s tire retreading program to state governmental entities.<sup>33</sup>
-

- 
- 1999** Chief Justice of the South Carolina Supreme Court issues order implementing a General Sessions Sentencing Sheet (form SCCA 217).<sup>34</sup>
- 
- 2010** The Omnibus Crime Reduction and Sentencing Reform Act diverts mostly non-violent offenders from the prison system and provides a period of re-entry supervision for inmates returning to the community.<sup>35</sup>
-



# FINDINGS

The Ad Hoc Committee to Study the Department of Corrections (ad hoc committee) **makes ten findings** relating to the agency. 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.

The ad hoc committee's findings fall into three categories: (1) services required and outcomes expected, (2) resources available, and (3) progress made, but more is necessary. An overview of these findings is in the executive summary.

## *Services required and outcomes expected*

The ad hoc committee makes two findings related to services required and outcomes expected from provision of those services. A summary is in Table 2.

Table 2. Summary of findings related to services required and outcomes expected.

|   |   |
|---|---|
| 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   |

### *FINDING 1. Individuals incarcerated*

The ad hoc committee finds that while the population of SCDC is diverse, the highest percentage of individuals housed in SCDC's facilities are convicted of homicide (i.e., killing of one person by another). SCDC must take custody of all individuals convicted and sentenced to incarceration of 91 days or more, regardless of the availability of agency personnel or resources. Accordingly, the agency has custody of individuals with diverse convictions, sentence lengths, mental and physical health conditions, and education levels. A statistical overview of the 2018 SCDC inmate population in Table 3 illustrates this diversity.

Table 3 Statistical overview of 2018 SCDC inmate population<sup>36</sup>

|   |
|---|
| <p>Of all the individuals <b>in</b> the state correctional system in 2018:</p> <ul style="list-style-type: none"><li>• More than 1 in every 5 was convicted of homicide (21.0%),</li><li>• More than 1 in every 5 had a medical program/work restriction (21.5%).</li></ul>                             |
| <p>Of all the individuals <b>entering</b> the state correctional system in 2018:</p> <ul style="list-style-type: none"><li>• More than 1 in every 3 did not have a high school diploma or GED (42.35%), and</li><li>• More than 3 in every 4 will be released in five years or less (77.44%).</li></ul> |

The diversity of SCDC’s population affects its resource needs. For example, inmates with medical and/or mental health needs may require additional personnel (e.g., medical and/or security) and resources to ensure their safety and that of other inmates and agency personnel. As another example, inmates lacking a high school diploma or GED may need additional services to obtain employment upon release.<sup>37</sup>

**FINDING 2. Expectations of incarceration**

The ad hoc committee finds incarceration at SCDC is expected to punish, contain, and rehabilitate inmates. The General Assembly has expressly stated its intent in several laws relating to incarceration and SCDC, which are included in Table 4.<sup>38</sup>

Table 4. Examples of the General Assembly stating its intent in law relevant to the Department of Corrections

|             |   |
|-------------|---|
| <b>1987</b> | <p>Stated intent from creation of a prison industries program:</p> <ol style="list-style-type: none"> <li>(1) further provide more adequate, regular, and suitable employment for the convicts of this state, consistent with proper penal purposes;</li> <li>(2) further utilize the labor of convicts for self-maintenance and for reimbursing this state for expenses incurred by reason of their crimes and imprisonment;</li> <li>(3) effect the requisitioning and disbursement of prison products directly through established state authorities with no possibility of private profits therefrom; and</li> <li>(4) provide prison industry projects designed to place inmates in a realistic working and training environment in which they are able to <b>acquire marketable skills</b> and to make <b>financial payments for restitution to their victims, for support of their families, and for the support of themselves</b> in the institution.<sup>39</sup></li> </ol> |
| <b>1993</b> | <p>Findings from the Sentencing Guidelines Act:</p> <p>The purpose of the provisions governing the sentencing of a person convicted of a crime is to prescribe sanctions that:</p> <ol style="list-style-type: none"> <li>(1) assure just punishment that is commensurate with the seriousness of the criminal conduct, taking into account attendant circumstances that may aggravate or mitigate the culpability of the offender;</li> <li>(2) deter criminal conduct; and</li> <li>(3) <b>provide for punishment</b> that is necessary to hold the offender accountable for the crime and promote respect for the law.<sup>40</sup></li> </ol>   |

2010

Stated intent from the Omnibus Crime Reduction and Sentencing Reform Act:  
 Provide consistency in sentencing classifications, **provide proportional punishments** for the offenses committed, and **reduce the risk of recidivism**.<sup>41</sup>  
 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.<sup>42</sup>

Table Note: Certain items are in bold for emphasis.

Written legislative intent through the years includes the following purposes: punishment for the crime committed (e.g., separation from society, restitution, etc.), containment to protect society, and rehabilitation to prevent future crimes.<sup>43</sup> While there may not be agreement among various affected parties (e.g., victims, offenders, and their respective advocates) as to which is the primary purpose for incarceration, to achieve these purposes, the agency provides many, diverse services.<sup>44</sup> A listing of services SCDC must provide is available in SCDC’s Program Evaluation Report.<sup>45</sup> Examples of jobs available for inmates while at SCDC is in Table 5.

Table 5. Three main workforce programs at SCDC.<sup>46</sup>

| Workforce Program and Examples of Jobs Available   | Inmate Earns Work Credit | Inmate Earns Work Skills | Inmate Paid Money | Who is the service /product available to? (potential customers)                  | Is the customer charged for the service? | Applicable statutes                                   |
|--|--------------------------|--------------------------|-------------------|--|--|---|
| <b>Traditional</b><br>Sewing Machine Operator; Production Worker; Maintenance and Repair Worker; Woodworker; Inspector, Tester, Sorter; Fork Lift Operator; Graphic Designer; Production Worker; Team Assembler; Prepress Technician and Worker; Printing Press Operator; Print Binding and Finishing Worker   | ✓                        | ✓                        | ✓/X*              | SCDC<br>State Agency<br>Local<br>Government<br>Churches<br>Schools<br>Non-profit | Yes                                      | 24-3-310<br>-320,<br>-330,<br>-340; -400              |
| <b>Service</b><br>Maintenance and Repair Worker; Inspector, Tester, Sorter; Fork Lift Operator; Production Worker; Graphic Designer; Team Assembler  |                          | ✓                        | ✓                 | Private Sector   | Yes                                      | 24-1-290,<br>-295;<br>24-3-20,<br>-110,<br>-320, -400 |
| <b>Prison Industries Enterprise</b><br>Office Clerk; Sewing Machine Operator; Production Worker; Maintenance and Repair Worker; Woodworker; Grinding and Polishing Worker; Inspector, Tester, Sorter; Fork Lift Operator; Production Worker; Graphic Designer; Team Assembler; Prepress Technician and Worker; Printing Press Operator; Print Binding and Finishing Worker |                          | ✓                        | ✓                 | Private sector<br>Public (for SCDC Products)                                     | Yes                                      | 24-3-20,<br>-40, -315,<br>-320,<br>-400, -410         |

Table Note: Some job types are available in all three programs. An asterisk (\*) indicates some traditional jobs are paid and some are not.<sup>47</sup>

## Resources available

The ad hoc committee makes three findings related to resources available to SCDC, which are summarized in Table 6.

Table 6. Summary of findings related to resources available to SCDC.

|                     |   |
|---------------------|---|
| 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   |

### *FINDING 3. Reliance on state general fund*

The ad hoc committee finds SCDC relies on the state general fund for more than 80% of its funding to operate (e.g., facilities maintenance, employee salaries, etc.).<sup>48</sup> The next largest source of funds is sale of goods through prison industries, which accounted for almost 4.5% of SCDC's funding in fiscal years 2017-18 and 2018-19. A breakdown of SCDC's revenue sources, including percentage each comprises of the total amount SCDC is appropriated and authorized to spend, as well as the carryforward amounts and utilization, for fiscal years 2016-17 through 2018-19 are in Appendix E.<sup>49</sup>

During the study, representatives of both crime victim and inmate advocate organizations assert additional funding is necessary to improve the condition of facilities at SCDC and reduce the high number of employee vacancies.<sup>50</sup> These issues are addressed in separate findings. Finding four addresses facility conditions, and finding five addresses high employee vacancies in key operational areas.

### *FINDING 4. Aging facility conditions*

The ad hoc committee finds 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 in use for housing and programming). There are six dorms over a century old, and most facilities have one or more major components (e.g., boiler, chiller, cooling tower, HVAC, transformers, or other electrical items) between two and 30 years past their life expectancy. List of SCDC building ages and examples of major components past their expected life are in Appendix F.

All SCDC facilities have some form of heat and ventilation, but some facilities do not have air conditioning. Facilities without air conditioning include: Manning CI's tunnel (i.e., hallway on which doors to the inmate housing units are located), Lee CI (not all dorms), Kershaw CI, Turbeville CI, Evans CI, and most of Wateree CI facility (except for one dorm).<sup>51</sup> Dorms without air-conditioning use large ventilation fans, high ceilings, and other design features to cool the buildings.<sup>52</sup> In contrast, SCDC representatives believe all local detention facilities have air conditioning.<sup>53</sup>

Structural issues allowing moisture into SCDC buildings is a potential health concern for agency personnel and inmates. For example, mold is appearing in some buildings that need leak repairs.<sup>54</sup>

### *FINDING 5. High employee vacancies*

The ad hoc committee finds 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. During the study, SCDC’s director testifies staffing impacts every aspect of SCDC operations from inmate programming to visitation to efforts to prevent contraband.<sup>55</sup> High vacancies are a barrier to SCDC becoming more proactive in preventing issues. However, during the study, multiple constituents testify that SCDC executive leadership makes efforts to address known concerns.<sup>56</sup> Examples of SCDC services and personnel necessary are on the Committee’s website.<sup>57</sup>

#### *Correctional officer staffing*

A recent external assessment recommends SCDC have an additional 1,286 individuals in full time employment positions.<sup>58</sup> Based on information from SCDC, implementation of this recommendation requires: (1) additional funding from the General Assembly; and (2) more retention and recruitment of agency personnel.<sup>59</sup>

#### *Healthcare staffing*

A 2015 analysis of healthcare staffing per inmate found SCDC’s staffing ratio was 58% lower than the national median and 71% lower than New Mexico, the state with the highest number of healthcare staffers per inmate.<sup>60</sup> As of 2019, SCDC asserts 300 additional personnel is necessary to fully staff all medical services (e.g., medical, dental, and mental health).<sup>61</sup>

#### *Recruitment*

Prior to October 2013, SCDC did not advertise to recruit personnel.<sup>62</sup> Since then, the agency recruits through various media: radio, television, billboards, and the internet.<sup>63</sup> Also, the agency recruits correctional retirees seeking to relocate to South Carolina from other states.<sup>64</sup> Additionally, the agency utilizes its connections with military recruiting stations and is developing a veteran apprenticeship program to advance recruitment efforts.<sup>65</sup>

An outside security staffing assessment from March 2018 notes SCDC’s recruitment efforts are both expansive and creative.<sup>66</sup> It further notes South Carolina is not alone in facing challenges in recruiting correctional staff.<sup>67</sup>

#### *Retention*

Following are some highlighted retention issues. Notably, retention issues are more fully addressed in the Limited Review of SCDC by the Legislative Audit Council (August 2019), which was requested by the Committee.<sup>68</sup>

According to SCDC’s director, for every correctional officer hired, another separates from the agency.<sup>69</sup> Additionally, the director testifies the average retention is one year or less, and the cause of separations range from voluntary separation to terminations.<sup>70</sup> Some variables contributing to correctional officer turnover, and protecting from this turnover, are included in Figure 2. With every correctional officer SCDC loses, an average of \$7,111.09 in taxpayer money spent on training that individual is also lost.<sup>71</sup>

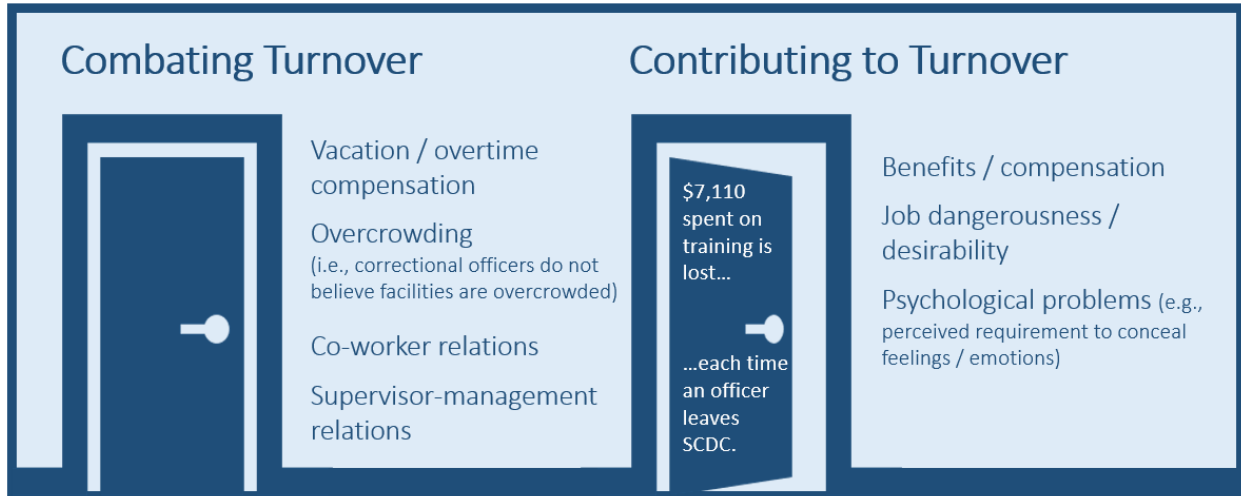


Figure 2. Variables contributing to correctional officer turnover and protecting from turnover identified in September 2013 assessment of job satisfaction.<sup>72</sup>

Responses to a September 2013 assessment of job satisfaction among SCDC correctional officers reflect most entered the correctional profession as a means of earning income rather than having a real desire to work in the correctional field.<sup>73</sup> As for factors dissuading officers from leaving SCDC, co-worker relations and supervisor-management relations are key.<sup>74</sup> Of the survey respondents, 80% indicate they look forward to working with their co-workers, and 76% believe supervisors support staff decisions.<sup>75</sup>

Low-level security staff are the most likely to leave the agency, staying for less than two years on average.<sup>76</sup> In analyzing turnover, SCDC notes 14 of its 21 institutions, including several of those with the highest vacancies (e.g., McCormick CI, Evans CI, Lee CI, and Kershaw CI), are in counties with continuously decreasing labor pools.<sup>77</sup> The SCDC director notes that while new companies opening in South Carolina is good for the state, it exacerbates agency recruitment efforts.<sup>78</sup>

Average vacancy rates at SCDC institutions in fiscal year 2017-18 are shown in Table 7.

Table 7. Average vacancy rates at SCDC institutions in fiscal year 2017-18 compiled from information found by the Legislative Audit Council<sup>79</sup>

| City          | Institution    | Security Level | Average |
|---------------|----------------|----------------|---------|
| McCormick     | McCormick      | Max            | 50%     |
| Bennettsville | Evans          | Medium         | 48%     |
| Enoree        | Tyger          | Medium         | 47%     |
| Kershaw       | Kershaw        | Medium         | 39%     |
| Ridgeland     | Ridgeland      | Medium         | 38%     |
| Greenwood     | Leath          | Medium         | 38%     |
| Pelzer        | Perry          | Max            | 37%     |
| Bishopville   | Lee            | Max            | 35%     |
| Ridgeville    | Lieber         | Max            | 34%     |
| Turbeville    | Turbeville     | Medium         | 31%     |
| Spartanburg   | Livesay        | Minimum        | 30%     |
| Columbia      | Broad River    | Max            | 20%     |
| Columbia      | Camille Graham | Medium         | 17%     |

| City       | Institution   | Security Level | Average |
|------------|---------------|----------------|---------|
| Florence   | Palmer        | Minimum        | 15%     |
| Columbia   | Manning       | Minimum        | 14%     |
| Trenton    | Trenton       | Medium         | 13%     |
| Allendale  | Allendale     | Medium         | 11%     |
| Columbia   | Kirkland      | Max            | 10%     |
| Columbia   | Goodman       | Minimum        | 10%     |
| Ridgeville | MacDougall    | Medium         | 9%      |
| Rembert    | Wateree River | Medium         | 7%      |

According to the agency, additional employees may boost morale as employees will know there are others that “have their back.”<sup>80</sup> Also, the agency anticipates introduction of more technology at the facilities (e.g, transition from using keys to lock doors), should funding be provided by the General Assembly, will increase efficiency and safety for employees.<sup>81</sup> See finding number seven for further discussion about the potential advantages of investing in technology.

Recent efforts to address retention include administering a psychological test for new applicants and conducting more in depth analysis to determine reasons for departures (e.g., *circumstance* like working on third shift or in a maximum-security facility versus *management* such as the individual responsible for the specific shift at a particular facility).<sup>82</sup> When analysis indicates retention issues are related to one or more specific managers, SCDC provides external leadership training opportunities for managers to improve skills.<sup>83</sup> Additionally, wardens are now more active and engaged in recruiting.<sup>84</sup>

### *Progress made, but more necessary*

The ad hoc committee makes four findings acknowledging ongoing agency progress and the need for further action by the agency and General Assembly to improve SCDC operations. A summary is in Table 8.

Table 8. Summary of findings related to ongoing agency progress and the need for further action by the agency and General Assembly to improve SCDC operations.

|  |  |
|--|--|
| <p>Progress made, but more is needed</p> | <p>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</p> |
|  | <p>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</p>   |
|  | <p>8. Collaboration, among the various state agencies and their stakeholders (e.g., utilizing common information and entering into intra-agency</p>  |

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 raise the threshold dollar amount for projects which require Joint Bond Review Committee approval) 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

### *FINDING 6. Efforts to improve operations*

The ad hoc committee finds, in recent years, efforts have been made by the General Assembly and agency to improve SCDC operations, but additional resources are necessary to continue and/or expand upon these improvements. Examples of efforts the General Assembly has taken to improve SCDC operations include, but are not limited to: (1) decreasing the number of inmates through sentencing reform; (2) increasing pay for correctional officers; and (3) funding additional re-entry staff. Examples of efforts SCDC has taken to improve its operations include, but are not limited to: (1) improving employee retention efforts; (2) updating classification system; (3) improving inmate GED passage rate; (4) improving business model for prison industries; (5) updating job placement efforts; (6) improving capability of responding to inmate complaints/concerns; (7) launching telehealth collaborations; and (8) utilizing technology to assist in educating inmates, facilitating communication, and increasing safety.

#### *General Assembly progress*

##### *Decreasing number of inmates through sentencing reform*

The Omnibus Crime Reduction and Sentencing Reform Act of 2010 diverts mostly non-violent offenders from the prison system and provides a period of re-entry supervision for inmates returning to the community.<sup>85</sup> According to SCDC, there has been a substantial decline in annual non-violent inmate admissions, with a corresponding reduction in the overall inmate population.<sup>86</sup> Inmate and facility numbers in 2010 and 2019 are compared in Figure 3.



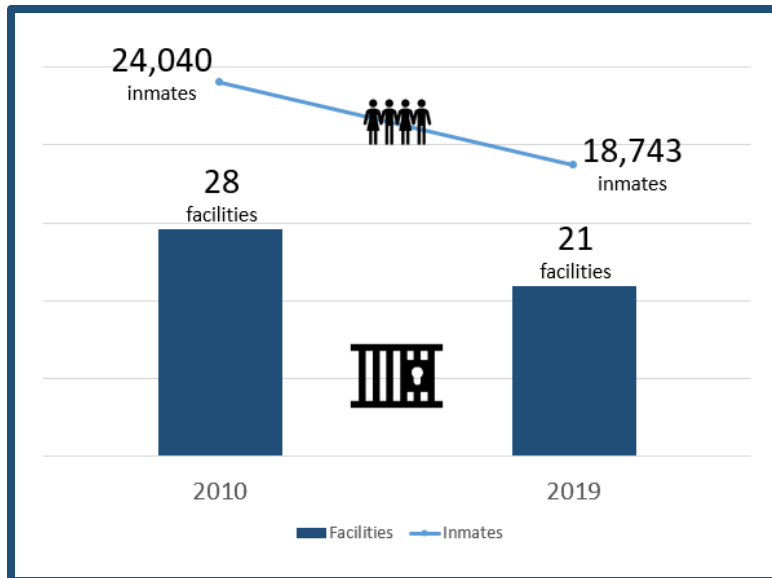


Figure 3. Comparison of number of inmates and facilities at SCDC in 2010 and 2019.

However, as a decade has now passed, the General Assembly may wish to revisit the issue of sentencing reform as part of efforts to improve SCDC operations and outcomes for inmates and society. Notably, in June 2020 the House Speaker established the South Carolina House Equitable Justice System and Law Enforcement Reform Committee to examine, among other things, sentencing reform.

#### Increasing pay for correctional officers

In October 2013, the average salary for correctional officers was \$26,826.<sup>87</sup> With raises provided by the General Assembly, South Carolina now ranks in the top three for state correctional officer pay with an average salary of \$34,311.<sup>88</sup>

Like other corrections facilities across the country, SCDC continues to struggle with employee retention and recruitment. Therefore, continued review of agency employee compensation by the General Assembly may be desired.

#### Funding additional staff to help inmates re-enter society

The General Assembly has provided funding for 25 additional positions for expansion of the re-entry program from a single level one institution (i.e., Manning CI), to statewide.<sup>89</sup> Funding included \$1,730,507 in fiscal year 2018-2019 for institutional re-entry program coordinators and \$500,000 in fiscal year 2019-2020 for re-entry program assistants.<sup>90</sup>

### Improving employee retention efforts

In 2013, correctional officers did not receive payment for overtime work.<sup>91</sup> Now, correctional officers and other non-exempt employees receive payment for overtime work (i.e., financial compensation in lieu of additional compensatory time).<sup>92</sup> Further, SCDC gives bonuses to retain employees and has a Critical Incident Stress Management Program to support staff.<sup>93</sup>

SCDC has implemented a variety of measures in an effort to boost employee morale. Examples of actions SCDC has taken to boost employee morale are listed in Figure 4.



Figure 4. Examples of actions SCDC has taken to boost employee morale.

### Updating classification system

SCDC is in the process of implementing a new inmate classification system; the current system has not been independently or comprehensively reviewed in more than two decades.<sup>94</sup> Correctional experts suggest an independent risk assessment occur every three to five years with implementation of any necessary improvements.<sup>95</sup> As part of the implementation process, SCDC is conferring with both crime victim and inmate advocates.<sup>96</sup> The agency asserts while there are no annual costs for the new system, there are upfront costs for the classification expert to build the system and train SCDC personnel how to use it.<sup>97</sup>

The new classification system includes a risk and a needs assessment. The risk assessment evaluates an inmate’s risk to recidivate; the needs assessment identifies areas for improvement to reduce risk (e.g., substance abuse counseling, education, job training, mental health counseling, etc.).<sup>98</sup> The assessment becomes an inmate’s “case management plan,” which prescribes programs for the inmate.<sup>99</sup> SCDC’s director analogizes this to how students entering college receive guidance and degree specific plans for graduation.<sup>100</sup> Implementation of this new classification system, which has been delayed due to the

COVID-19 pandemic, may enhance public safety through the offering of certified programs designed to equip inmates with the skills necessary to succeed upon release.<sup>101</sup>

#### Improving inmate GED passage rates

The number of GEDs awarded to SCDC inmates has increased in recent years from 75 in fiscal year 2015 to 360 in fiscal year 2019.<sup>102</sup> Notably, SCDC was among the top five states in the country for correctional education unit passage rates for the 2017 and 2018 GED tests.<sup>103</sup> Figure 5 illustrates the growth in inmate GED passage rates at SCDC.

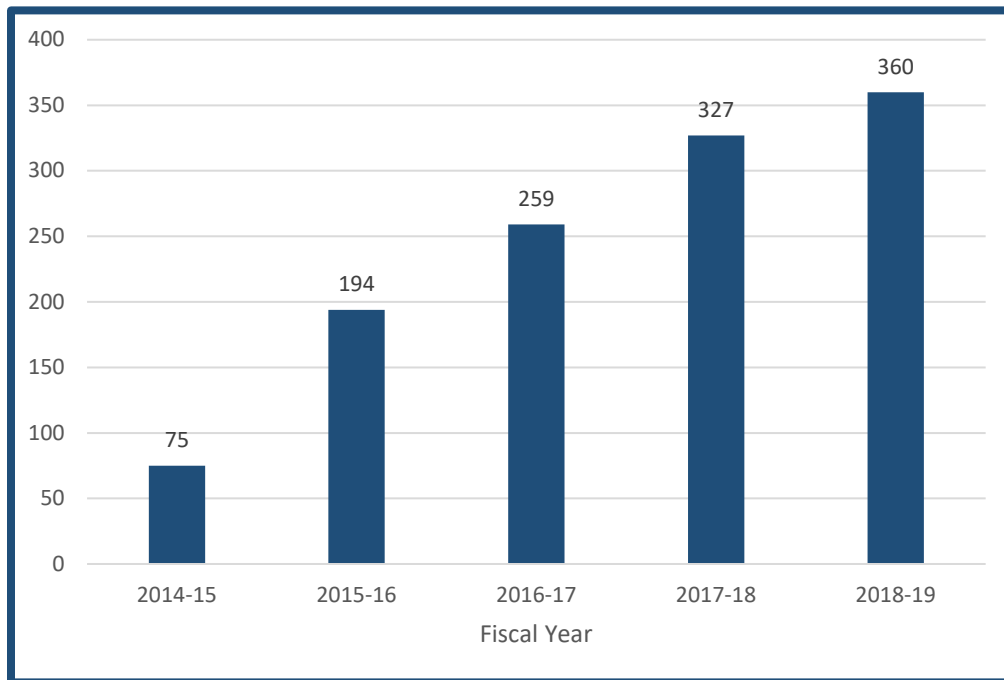


Figure 5. GEDs awarded to SCDC inmates from fiscal year 2014-15 through 2018-19.<sup>104</sup>

#### Improving business model for prison industries

In fiscal year 2016-2017, SCDC was one of the few states in the south with a prison industries program in the red (i.e., lost money).<sup>105</sup> However, SCDC is now generating a net profit that may be invested back into the program to continue teaching inmates job skills, as seen in Table 9.<sup>106</sup>

Table 9. Revenue and costs from SCDC prison industries program in fiscal years (FY) 2017, 2018, and 2019.<sup>107</sup>

|                   | FY 2016-17    | FY 2017-18    | FY 2018-19    |
|-------------------|---------------|---------------|---------------|
| Revenue           | \$ 18,472,834 | \$ 18,858,118 | \$ 17,885,780 |
| Expenditures      | \$ 18,569,010 | \$ 18,262,118 | \$ 17,206,956 |
| Net (profit/loss) | \$ (96,176)   | \$ 596,000    | \$ 678,824    |

#### Updating job placement efforts

SCDC can generate an inmate job skills report from job assessment and training entries made during incarceration.<sup>108</sup> Also, SCDC has developed an inmate occupation search engine, which can generate a list of inmates with particular skills by county, release date, age, offender type, and job code.<sup>109</sup> The

inmate skills report and occupation search engine assist with job placement internally and serve as employment referrals prior to release.<sup>110</sup>

Also, SCDC trains inmates to serve as certified peer drug counselors for other inmates; as of the publication of this study, more than 100 inmates have been trained.<sup>111</sup> Through this initiative, inmates receive the training, certification, and hands-on experience to obtain a job in counseling upon release.<sup>112</sup>

#### Improving capability of responding to inmate complaints/concerns

SCDC is among the first correctional institutions in the country to have an automated request to staff management system (ARTSM).<sup>113</sup> On March 31, 2014, SCDC implemented ARTSM allowing inmates to electronically communicate with staff.<sup>114</sup> Prior to ARTSM, inmates handwrote requests and complaints, a process lacking sufficient accountability for resolution of requests and complaints.<sup>115</sup> ARTSM enables SCDC to: (1) send electronic responses to inmate requests directly from the appropriate staff member, and (2) track information including types of requests, response time, etc.<sup>116</sup> From implementation through May 21, 2019, inmates have submitted 2.2 million requests in the system, of which SCDC personnel have responded to 99.45%.<sup>117</sup>

#### Launching telehealth collaborations

SCDC collaborates with the Medical University of South Carolina (MUSC) for provision of telehealth services to inmates.<sup>118</sup> Telehealth visits enable SCDC to provide care for inmates without having to transport them into the community, thus saving officer hours and promoting public safety.<sup>119</sup>

#### Utilizing technology to assist in educating inmates, facilitating communication, and increasing safety

According to SCDC, the number of inmates on a waiting list for educational services is affected by multiple variables (e.g., teacher vacancies, other staffing issues, lack of funding for full-time positions, inmates in lock-up custody, work release job responsibilities during school hours, sentence length versus time needed to complete program; inmate in mandatory substance abuse treatment; and inmate disciplinary action).<sup>120</sup> Tablet computing may enable the school district within SCDC, the Palmetto Unified School District, to reach and educate more students using a greater variety of methods.<sup>121</sup> Classes available via tablet include: GED prep, basic reading, basic writing, basic language, English as a second language, and life skills.<sup>122</sup> Additionally, tablet computing may help facilitate inmate communication with family.<sup>123</sup> SCDC's director testifies other states utilizing tablets have seen increases in GED passage numbers and decreases in assaults on staff.<sup>124</sup>

#### Additional progress

For additional progress made by SCDC, see the Committee's website.<sup>125</sup>

### *FINDING 7. Technology may leverage limited resources*

The ad hoc committee finds 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.

#### *Medicine dispensing*

As part of a 2019 study, SCDC estimates approximately 6,430 nursing hours per month, or 39 full time nurses per year are expended packing medications for inmates.<sup>126</sup> However, there is equipment that may increase the efficiency of packaging medication. According to SCDC:

A unit dose automated dispensing system has the capability to dispense 30-day packages that contain unit-packaged doses of all the medications a patient is taking in one container, which is labeled with the inmate's name and number as well as each medication within the packet. A unit dose automated dispensing system has the capability for the nurse to simply tear away a pouch of all the inmate's medications for that dosage time at a pill pass without the need to set up the pill pass or repackage medications into single dose containers or envelopes.<sup>127</sup>

The cost for a unit dose automated dispensing system, software, and containers is approximately \$790,000 for the initial purchase with annual maintenance costs estimate of \$77,500.<sup>128</sup> SCDC believes the nursing hours saved could enhance its ability to provide services at the primary and preventive level.<sup>129</sup> SCDC included a request for a unit dose automated dispensing system in its fiscal year 2020-2021 budget request.<sup>130</sup>

#### *Electronic locking cells*

SCDC correctional officers spend 80% of their time turning locks because SCDC facilities are not equipped with electronic locking doors. If the majority of the officers' time were not spent manually locking and unlocking doors, (1) more time would be available to maintain the safety and order of inmate living areas; monitor inmate activities outside their cells; and conduct random searches for contraband; and (2) more officers could be utilized to escort inmates to their job assignments, education/vocational classes, programs, medical and counseling sessions, and offer recreation when appropriate.<sup>131</sup> Additionally, electronic locking of cells by an officer in a secure control room may increase safety, as it would free the officer's hands and pockets of numerous keys; eliminate the fear of inmates overpowering the officer and having the means to control certain areas; and remove threats made by inmates who refuse to allow the officer to lock or open their door.<sup>132</sup>

### *Automated inmate release information*

Between May 2014 and January 2020, at least 40 inmates have been detained past their release date due to inadvertent errors including calculation and data entry.<sup>133</sup> This has resulted in SCDC holding inmates at least 7,549 additional days, or almost 20 and a half years, requiring additional state expenditures of almost half a million dollars (i.e., to house and maintain custody of the inmates).<sup>134</sup>

When made aware of these concerns during the Committee process, SCDC began review of inmate release information. These actions, including various audits, collectively saved inmates from being incarcerated an additional 3,283 days past their release date, which saved the state almost a quarter of a million dollars.<sup>135</sup>

While SCDC is actively seeking to prevent errors in the future, increased collaboration and use of technology to automate and validate information is necessary among all parties that maintain and transmit information affecting an inmate's release date. Additional applicable discussion is in recommendation numbers 39, 58 and 59.

Between May 2014 and January 2020, at least 40 inmates were detained past their release date due to inadvertent errors in calculation and data entry. This has resulted in SCDC holding inmates *at least 7,549 additional days*, or almost 20 and a half years, requiring *additional state expenditures of almost half a million dollars*.

### *FINDING 8. Collaboration imperative to increasing efficiencies*

The ad hoc committee finds collaboration, among the various state agencies and their stakeholders (e.g., utilizing common data and entering into inter-agency agreements), is imperative to increase efficiencies in state government operations.

#### *Utilizing common data*

It may be advantageous to the state as a whole (i.e., increase efficiency), for individual agencies seeking to purchase technology to collaborate with other state entities that may potentially utilize the information. For example, see the discussion in recommendation number 39 about the Judicial Branch's case management system.

#### *Expedite inter-agency agreements*

Excessive delays in formalizing collaboration agreements can undermine the effectiveness of the collaboration. As an example, during the study the ad hoc committee learned SCDC contacted the Department of Health and Environmental Control (DHEC) about a mechanism to enable SCDC to provide electronic payment for inmate birth certificates, which are necessary for inmates to obtain employment upon release, in January 2019.<sup>136</sup> However, it took until February 10, 2020, to finalize a memorandum of understanding (MOU) between the agencies.<sup>137</sup> When asked the typical period necessary to enter an MOU with another state agency, a DHEC representative explained the agency does not track that type of information.<sup>138</sup> However, in an effort to improve continuously, DHEC is implementing a new contract management system that will track the timelines of its contracts and agreements.<sup>139</sup>

### *FINDING 9. Additional changes for consideration*

The ad hoc committee finds, in addition to the recommendations made in this report, there are other changes for future consideration by the General Assembly and SCDC.

Examples of additional statutory changes the General Assembly could consider include the following:

- 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 from inmates;
- Provide tax credits to businesses employing rehabilitated former SCDC inmates; and
- Consider reviewing threshold approval amounts for permanent improvement projects.

Examples of additional improvements SCDC could consider, after addressing immediate needs, may include the following:

- Implement a new case management system;
- Employ an ombudsman;
- Include acclimation to current technology as part of required re-entry programming for inmates;
- Assess feasibility of utilizing a central portal for sale of products from state agencies; and
- Combine statistics SCDC receives electronically from local detention facilities (e.g., average daily inmate population, number of employees, number of vacant positions), with statistics about SCDC facilities, into a searchable electronic format published and annually updated online.

These actions may help increase safety at SCDC facilities, lower recidivism, and save taxpayer money. Additional SCDC recommendations for statutory changes, which are not included in this finding or the recommendations, are available in SCDC's Program Evaluation Report.

Additional discussion of these potential changes is in Appendix G.

### *FINDING 10. LAC audit of the agency*

The ad hoc committee finds 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. A list of LAC recommendations are in Appendix D.

# RECOMMENDATIONS

The following **recommendations 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**. These recommendations are based on the agency’s self-analysis requested by the Committee, discussions with the agency during numerous meetings, and analysis of the information obtained by the ad hoc committee. This information, including, but not limited to, the Program Evaluation Report, Accountability Report, Restructuring Report and videos of meetings with the agency, is available on the Committee’s website.

The **ad hoc committee has 75 recommendations**. The ad hoc committee’s recommendations are to the following entities: (1) Department of Corrections, (2) Court Administration within the Judicial Branch, (3) Department of Administration’s Division of State Human Resources, (4) Insurance Reserve Fund, (5) Law Enforcement Training Council, and (6) General Assembly.

## *Recommendations to the Department of Corrections*

The **ad hoc committee has 38 recommendations for the Department of Corrections**. The ad hoc committee’s recommendations to SCDC fall into five categories: (1) accountability, (2) effectiveness, (3) efficiency, (4) transparency, and (5) interagency collaboration. An overview of these recommendations is provided in the Executive Summary.

### *Accountability*

The ad hoc committee makes eight recommendations to the Department of Corrections related to accountability, and a summary is in Table 10.

*Table 10. Summary of recommendations to the Department of Corrections related to accountability.*

|                |   |
|----------------|---|
| Accountability | 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

*RECOMMENDATION 1. Accreditation/Management review program*

The ad hoc committee recommends SCDC resume American Correctional Association (ACA) accreditation or the management review program and complete internal reviews according to the schedule outlined in the agency policy. Based on responses to a survey SCDC submitted to members of the Correctional Leaders Association, twelve states are accredited by the ACA and eleven have an internal evaluation process.<sup>140</sup>

Prior to 2003, SCDC contracted with the ACA for accreditation audits.<sup>141</sup> From 2003 to 2011, SCDC utilized a management review program (i.e., an internal evaluation process) as a substitute for official accreditation to gauge overall employee adherence to agency policy.<sup>142</sup> According to SCDC, external accreditation and the internal evaluation process both ended due to budget and personnel constraints.<sup>143</sup>

Currently, SCDC has no comprehensive mechanism to monitor whether employees are adhering to agency policy.<sup>144</sup> Supervisors and managers are responsible for monitoring their respective employees' compliance with agency policy.<sup>145</sup> However, testimony from current employees supports the need for overall monitoring that previously existed with external accreditation or the prior internal evaluation process (i.e., the management review program).<sup>146</sup>

During the study, the agency estimates implementation of this recommendation by resuming a revised management review program requires two additional full-time employees with total annual base salary funding of \$130,000.<sup>147</sup>

Also, the Legislative Audit Council's 2019 Limited Review of SCDC, which was requested by the Committee, recommends the agency, "resume the management review program and complete these reviews according to the schedule outlined in the agency policy."<sup>148</sup>

*RECOMMENDATION 2. Medical audits*

The ad hoc committee recommends SCDC conduct regular audits of medical services provided by SCDC employees to inmates to determine: (a) the quality of medical or mental health clinical assessments, and (b) adherence to general clinical and medical guidelines. During the study, there is reference to past and present litigation of patient care issues, and current agency medical personnel testify expressing concerns

attendant to patient care.<sup>149</sup> Accordingly, SCDC patient care may benefit from audits focusing on quality of care. Additionally, state correctional systems outsourcing health services to vendors or other agency partners usually have their own staff audit the services rendered by the vendor/partner.<sup>150</sup>

To perform audits sufficient to monitor the quality of physical and mental health care in the SCDC system, SCDC asserts creation of a Continuous Quality Improvement branch of the Health Services Division, consisting of multiple, diverse medical personnel, is necessary.<sup>151</sup> This type of program has been utilized in other correctional systems to improve health services delivery, achieve accreditation, and lower potential risk of adverse litigation.<sup>152</sup>

In making this recommendation, the ad hoc committee recognizes there are a variety of existing audits and reviews attendant to medical services and patient care.<sup>153</sup>

### *RECOMMENDATION 3. Staffing study*

**The ad hoc committee recommends SCDC regularly (e.g., every three or five years) 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.** The Legislative Audit Council's 2019 Limited Review of SCDC, which was requested by the Committee, notes the inmate-to-officer ratio has increased during the last five years.

During the study, SCDC's consultant testifies implementation of the new classification system, in combination with other factors, may lower the number of inmates in prisons thereby improving the staff to inmate ratios.<sup>154</sup> External studies, after implementation of the system, may help gauge its impact at SCDC. Also, the classification consultant asserts the new system may increase morale of correctional officers because it has the potential of making the system safer across the state.<sup>155</sup> According to the consultant, when the system is safer, it may be easier to retain and recruit staff.<sup>156</sup> Other options for improving staff to inmate ratios include, but are not limited to, decreasing prison admissions based on revocations for violations of probation and parole as well as paroling lower risk individuals.<sup>157</sup>

### *RECOMMENDATION 4. Program audit and program book*

**The ad hoc committee recommends SCDC provide a timeline for completion of its program audit and creation of its "SCDC Program Book" (i.e., list of programs offered to offenders).** Through its new classification system, SCDC intends to begin 're-entry at entry' by identifying an inmate's risk to recidivate (i.e., needs) and then prescribing programs to address those needs.<sup>158</sup> As part of this process, SCDC is conducting an audit to ensure each program offered has a curriculum and participation measures (e.g., test to show comprehension of information).<sup>159</sup>

SCDC anticipates the audit will be lengthy, as personnel must analyze each of the more than 1,700 programs across the agency.<sup>160</sup> Audit participation is necessary from multiple disciplines.<sup>161</sup> Once each program is audited and verified, SCDC intends to create an "SCDC Program Book" for all staff and inmates cataloging verified program offerings and locations.<sup>162</sup>

Also, the Legislative Audit Council's 2019 Limited Review of SCDC, which was requested by the Committee, includes three recommendations to the agency on this topic:

- SCDC should "identify evidence-based, core classes to offer to all inmates;"

- SCDC should “implement a policy on programming, including the identification of evidence-based, core courses and how successful completion will be measured;” and
- SCDC should “implement a policy outlining re-entry preparation steps to be taken to prepare inmates for re-entry into the community.”<sup>163</sup>

*RECOMMENDATION 5. Program evaluation on regular basis*

**The ad hoc committee recommends SCDC determine a method by which the agency will evaluate success for each inmate program; utilize the method to regularly evaluate each program; objectively decide those to continue/discontinue; and post online the method for, and results of, each evaluation.** Evaluations should apply to existing and new programs. Any program evaluation policy should address frequency, criteria, and method to capture applicable data.

Currently, SCDC does not have a uniform method to evaluate the impact made by, or resources required to provide each of the more than 1,700 offerings to inmates.<sup>164</sup> While SCDC’s ongoing audit of its programs, which is discussed in recommendation four, seeks to ensure each offered program has a curriculum, is administered appropriately, and includes a comprehension test, the audit does not evaluate program efficacy in relation to the required resources to provide it. However, SCDC personnel indicate a desire to advance current efforts in collecting and recording data to assess the efficacy of the programs offered to inmates.<sup>165</sup> Additionally, SCDC’s classification consultant testifies research has shown expensive programs are not necessarily better than inexpensive programs, as long as there is a structure and curriculum.<sup>166</sup> Therefore, implementation of this recommendation may assist the agency in offering, and focusing on, programs that achieve the outcomes desired for inmates while maximizing the limited resources available.<sup>167</sup>

SCDC asserts by providing programs designed to ensure inmates have the skills necessary to succeed upon release, it seeks to reduce violence and encourage good behavior in its institutions and to further support the successful transition of inmates to the community.<sup>168</sup> These desired outcomes may serve as a starting point for determining performance measures for inmate programs.

*RECOMMENDATION 6. Performance measure update on regular basis*

**The ad hoc committee recommends SCDC review and update performance measures for the Accountability Report utilizing resources available from the Department of Administration’s Executive Budget Office.** The Committee’s vision is for South Carolina agencies to become, and continuously remain, the most effective state agencies in the country through processes, which eliminate waste and efficiently deploy resources thereby creating greater confidence in state government.

During the study, the ad hoc committee reviews SCDC’s performance measures, which are on the Committee’s webpage.<sup>169</sup> SCDC should research opportunities to track outcomes throughout the agency (e.g., health services, programming, security, etc.) and determine whether the current set of performance measures assists agency management in determining if the agency is accomplishing its mission.<sup>170</sup> The Department of Administration’s Executive Budget Office provides agencies with assistance in selecting outcome and efficiency measures through trainings and individual agency consultations.

*RECOMMENDATION 7. Performance of new classification system*

**The ad hoc committee recommends SCDC report performance data on progress toward the desired outcomes of SCDC’s new inmate classification system in its annual accountability report.** Potential

outcomes of the new classification system include reduced assaults on staff and inmates as well as cost savings resulting from placing larger proportions of the inmate population in lower custody levels without jeopardizing safety for inmate, staff, or the public.<sup>171</sup> SCDC notes events that may impact progress toward the desired outcomes include, but are not limited to, significant increase in gang populations, increase in inmates sentenced to SCDC, or rapidly changing populations (e.g., inmate age, medical or mental health needs, or length of sentence).<sup>172</sup> Providing information in the Annual Accountability Report on the outcomes sought from the new classification system, and explaining any events that have impacted results, may assist SCDC in reaching its results through increased transparency and accountability.

**RECOMMENDATION 8. GED/high school diploma performance measure update**

The ad hoc committee recommends SCDC update its 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. Currently, SCDC tracks the number of inmates earning a GED/high school diploma while incarcerated.<sup>173</sup> However, there is no context for the number. Tracking the number earning these credentials as a percentage of the number admitted to SCDC without one may assist the agency in reaching its rehabilitation goals for inmates. SCDC can track these statistics.<sup>174</sup>

**Effectiveness**

The ad hoc committee makes 17 recommendations to the Department of Corrections related to effectiveness, and a summary is in Table 11.

Table 11. Summary of recommendations to the Department of Corrections related to effectiveness.

|               |  |
|---------------|--|
| Effectiveness | 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 testing of employee knowledge about agency policies and procedures  |
|               | 12. Utilize data from the random written and hands-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

*RECOMMENDATION 9. Procurement exemption related to recruiting employees*

The ad hoc committee recommends SCDC continue efforts to obtain a procurement exemption for advertising open employee positions through different avenues (e.g., social media).<sup>175</sup> SCDC asserts the state procurement process hampers its recruitment efforts because SCDC must bid for social media advertisement.<sup>176</sup> For this reason, it requested an exemption from the State Fiscal Accountability Authority (SFAA), which has granted a number of exemptions to the procurement process to various agencies over the years.<sup>177</sup> The request was denied at a January 2018 SFAA meeting, and an explanation for the denial was not included in the meeting minutes.<sup>178</sup> After the initial request and denial in 2018, SCDC has not sought approval again.<sup>179</sup>

*RECOMMENDATION 10. Required employee training before inmate interaction*

The ad hoc committee recommends SCDC require certain training (e.g., incident reporting, etc.) before allowing SCDC employees to interact with inmates. A new hire may interact with inmates for several months before receiving all requisite training.<sup>180</sup> Examples of training a new hire must complete within

six months of hire include, but are not limited to: introduction to incident command system for corrections, report writing, hostage situation, contraband control, mental health, workplace violence, and sexual harassment.<sup>181</sup> While some training is required before SCDC employees can interact with inmates, it may be helpful if more training is provided in advance of any inmate interaction. This training should include, but is not limited to, how to complete and file incident reports.<sup>182</sup>

Current training required before inmate interaction and work assignment is shown in Table 12. However, this training usually occurs quickly, with most officers working in an institution by the second day of hire.<sup>183</sup>

Table 12. 2019 training required before interaction with inmates and assignment to worksites.<sup>184</sup>

| In-Person Courses   | Mandated By | E-Learning Courses  | Mandated By  |
|---|-------------|---|--------------|
| Employee/Inmate Relations and the Prison Rape Elimination Act | ACA, PP     | Key Control   | ACA, PP      |
| Grooming and Attire   | ACA, PP     | Tool Control  | ACA, PP      |
| Human Resources (Benefits)                                    | NA          | Effective Communication: Deafness Sensitivity for New Employees   | ADA, CC, DOJ |
| Physical Agility Test   | PP, NA      | NIC Incident Command System for Corrections: Basic  | HSPD-5, GD   |
| Reporting for Duty  | PP, NA      | <b>E-Learning Hours</b>   | <b>4</b>     |
| SC Code of Conduct  | PP, GD      | <b>A total of 12 hours of training (in-person and e-learning) is required before interaction with inmates and assignments to worksites.</b> |              |
| SC Enterprise Information System                              | PP, NA      |   |              |
| Social Media  | PP          |   |              |
| Training Academy Overview                                     | NA          |   |              |
| <b>In-Person Hours</b>  | <b>8</b>    |   |              |

*Table Note: ACA - American Correctional Association; ADA - American with Disabilities Act, CC - Court Case, DOJ - Department of Justice, GD - Governor's Directive, HSPD - Homeland Security Presidential Directive, NA - Needs Assessment, PP - SCDC Policy and Procedures.*

**RECOMMENDATION 11. Policy and procedure employee tests**

The ad hoc committee recommends SCDC update policy to require random written and hands-on testing of employee knowledge about agency policies and procedures. During the study, there is no evidence SCDC requires random written or hands-on testing of permanent employees to ensure their knowledge and understanding of SCDC policies remains current and accurate. For example, there is no regular training or testing for employees to ensure awareness of current criteria for how, when, and where to enter information in SCDC databases.<sup>185</sup>

During the study, separate testimony from a current employee and general counsel for Protection and Advocacy for Individuals with Disabilities, Inc., questions adherence to agency policy by some institutional level leadership.<sup>186</sup> When SCDC asserts supervisors and managers are solely responsible for monitoring employee adherence to agency policies, ad hoc committee members express concern that checks and balances on this issue are limited within the agency.<sup>187</sup>

Random written and hands-on testing (e.g., situation awareness and analysis) by the agency's Division of Training and Staff Development may provide another check to ensure policies are known and uniformly followed across the agency, regardless of any actual or perceived differences in cultures at any individual facility.<sup>188</sup>

*RECOMMENDATION 12. Policy and procedure training*

**The ad hoc committee recommends SCDC utilize data from the random written and hands -on employee tests about agency policies and procedures to implement a process to continually evaluate the effectiveness of training methods and update those methods.** After SCDC begins regularly testing on agency policies and procedures (see recommendation 11), the agency should utilize the results to continually improve and focus training efforts to prevent issues from arising. For example, SCDC may learn there are certain procedures employees across the agency are having difficulty comprehending, or certain policies with which only employees at certain facilities are struggling. Additionally, implementation of this recommendation may help the agency ensure consistency and accuracy of compliance with agency policy across all facilities.

*RECOMMENDATION 13. Standard operating procedure for deputy directors*

**The ad hoc committee recommends SCDC 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.** SCDC has policies with general standard operating procedures; however, it does not have job specific standard operating procedures (i.e., work flow charts).<sup>189</sup> Job specific operating procedures may help retain institutional knowledge and continuity of operations during any leadership changes. Notably, SCDC has developed a Succession Planning Committee to begin working on this task.<sup>190</sup>

*RECOMMENDATION 14. Electronic tracking and analysis of incident reports*

**The ad hoc committee recommends SCDC track information in staff incident reports electronically, aggregate data, and utilize aggregated data in evaluating inmate issues and SCDC employee responses.** Currently, SCDC staff incident reports are handwritten, which impedes the opportunity to aggregate data and conduct analysis for trends that may help identify issues. Additionally, having information in hard copy form creates opportunities for information to be lost or intentionally discarded.<sup>191</sup>

During the study, SCDC agrees there are potential benefits (e.g., increase accountability; ensure corrective actions occur; build employee confidence in review of incident reports; inform annual employee evaluations; and determine trends in facilities) to implementation of this recommendation.<sup>192</sup> However, the agency notes a concern about the expense of necessary equipment.<sup>193</sup>

*RECOMMENDATION 15. Additional information for employee evaluations and training*

**The ad hoc committee recommends SCDC 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.** Currently, SCDC does not perform annual testing on agency policies and procedures, nor does it track incident reports electronically; however, the ad hoc committee recommends SCDC do both (see



recommendations 11 and 14).<sup>194</sup> Although SCDC has the capability to track response time to non-medical electronic inmate requests, it does not use that data as a tool for evaluating employees.<sup>195</sup>

The ad hoc committee recommends consideration of this information in evaluations, which may influence promotion/demotion decisions, as well as improve training. Utilizing testing participation and scores as part of annual evaluations may encourage more employees to take part in available training offerings. Table 13 shows not all employees avail themselves of current training offerings.

Table 13. Mental health training taken by current correctional officers and mental health officers as of October 17, 2019.<sup>196</sup>

| Course   | Taken by                            |                                      |
|--|-------------------------------------|--------------------------------------|
|  | Percentage of Correctional Officers | Percentage of Mental Health Officers |
| Crisis Intervention Team Initial Training                        | 11.26%                              | 39.66%                               |
| Crisis Intervention Team Refresher                               | 4.09%                               | 3.45%                                |
| Mental Health First Aid  | 5.68%                               | 1.72%                                |
| Mental Health General Provisions                                 | 55.66%                              | 67.24%                               |
| Recognizing and Appropriately Responding to Mentally Ill Inmates | 75.28%                              | 48.28%                               |
| Suicide Prevention Orientation                                   | 88.82%                              | 94.83%                               |
| Suicide Prevention Instructor Lead                               | 94.28%                              | 74.14%                               |
| Suicide Prevention Part I Video                                  | 79.44%                              | 72.41%                               |
| Suicide Prevention Part 2 Video                                  | 79.01%                              | 72.41%                               |

Table Note: Total Correctional Officers (excluding Mental Health Officers) count = 2,763. Total Mental Health Officers count = 58.

#### *RECOMMENDATION 16. Employee morale survey*

The ad hoc committee recommends SCDC 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. SCDC last assessed correctional officers’ job satisfaction in September 2013.<sup>197</sup> It is unclear when the last morale survey was performed of all positions.<sup>198</sup> Regular surveys may provide insight on what can help the agency retain employees. Also, it may highlight at which institutions there may be an institutional culture issue; during the study, a former employee testified a “poor” culture existed at the Broad River Road Correctional Institution.<sup>199</sup> Additionally, posting the results online with actions the agency has, or plans, to take based on the results may help ensure the surveys drive action.<sup>200</sup>

#### *RECOMMENDATION 17. Employee concerns and feedback*

The ad hoc committee recommends SCDC increase and improve employees’ ability to report concerns and provide feedback, anonymously or otherwise. SCDC indicates all employees are able to provide anonymous feedback to the agency’s employee relations branch.<sup>201</sup> However, during the study, a current agency medical employee testifies some patient care concerns (e.g., female mental health patients’ nutrition and hygiene) may have been identified earlier had anonymous input been more accessible.<sup>202</sup>



*RECOMMENDATION 18. Family/Volunteer feedback*

The ad hoc committee recommends SCDC create a system to allow and encourage anonymous feedback from volunteers and inmate family members. During the study, the ad hoc committee is made aware that some inmates and their families are afraid to talk with SCDC personnel about issues due to fear of retaliation, and unreported concerns or complaints may not be addressed.<sup>203</sup>

Complaints may be submitted to the Director's Office by calling (803) 896-8555.<sup>204</sup> Also, concerns may be submitted via email to [Corrections.Info@doc.sc.gov](mailto:Corrections.Info@doc.sc.gov), which is reviewed by the Director's Office.<sup>205</sup> However, SCDC does not formally track this information.<sup>206</sup>

Having a formal system to accept anonymous feedback may encourage additional reporting of issues and prevent fear of actual or perceived retaliation (e.g., losing volunteer position, etc.). Working with other stakeholders (e.g., Protection and Advocacy for Individuals with Disabilities, Inc.), to create the system may further increase utilization of it by family members and volunteers.

A system similar to the automated request to staff member system utilized by inmates may allow SCDC to track requests and complaints from family and visitors by topic, similar to those tracked from inmate requests, to aggregate the information and determine potential larger issues versus unique outliers. This information may serve to support agency requests for changes in law or resources available to it and help inform policy decisions.

*RECOMMENDATION 19. ARTSM request prioritization*

The ad hoc committee recommends SCDC prioritize inmate complaints by type in the automated request to staff management system (ARTSM). ARTSM enables SCDC to electronically respond to an inmate request in an accurate manner and track certain information.<sup>207</sup> From the data in ARTSM, SCDC can generate various reports including inmate request statistics by date, location, and assigned staff member.<sup>208</sup> Examples of these reports are available on the Committee's website.<sup>209</sup> Some of these reports allow SCDC to analyze personnel's responsiveness to inmate requests by subject matter.<sup>210</sup> While SCDC can analyze responsiveness after the fact, it does not currently prioritize requests in the system. However, SCDC is developing a method to prioritize these requests.<sup>211</sup>

*RECOMMENDATION 20. Electronic medical requests*

The ad hoc committee recommends SCDC 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. Additionally, SCDC should report these costs to the Committee along with potential benefits and drawbacks of connecting requests with an inmate's electronic medical records. Currently, inmates may only request medical treatment verbally or using paper forms.<sup>212</sup>

SCDC's automated request to staff management system (ARTSM) allows inmates electronically to submit complaints and requests about a range of topics, except medical. According to SCDC, inmates should not

Complaints may be submitted to the Director's Office by calling (803) 896-8555. Concerns may be submitted via email to [Corrections.Info@doc.sc.gov](mailto:Corrections.Info@doc.sc.gov), which is reviewed by the Director's Office.

use the ARTSM kiosks to make medical requests because the encryption does not protect patient confidentiality as required by the federal Health Insurance Portability and Accountability Act.<sup>213</sup> While the kiosks may not currently be equipped to handle medical requests, inmate health information can be stored and transmitted electronically as evidenced by the agency's electronic health records system, NextGen Electronic Medical Record (EMR) database.<sup>214</sup>

SCDC is in the process of evaluating a mobile digital solution that will allow it to integrate medical-based requests into its EMR database.<sup>215</sup> The integration will enable SCDC to track, electronically, request and response timeframes and contents, and in turn, patient care and request outcomes.<sup>216</sup> To manage the inclusion of this process into the workflow, SCDC states additional medical and administrative resources may be required to assist in the triage, response, and reporting aspects of the program at both the local facility and central levels.<sup>217</sup>

SCDC believes there are potential benefits to having this type of electronic system, including, but not limited to:

- medical supervisors can pull reports of medical requests by type of request, facility, and time of year, to help determine trends and have more information about when more or less medical staff may need to be available and at which locations;
- medical supervisors can pull reports by individual subordinate's name to determine how each handled requests received, including disposition and length of time to reach disposition, to improve employee evaluations and determine additional training that may be helpful to each employee;
- medical staff members can pull reports by inmate name to provide to the inmate as a way to build confidence for inmates, and their families, that medical requests are not going unheard or being disregarded;
- designated quality improvement staff can use this data to determine whether health outcomes are optimal based on timeliness and quality of services rendered; and
- the information would be useful in looking forward toward grievance issues and anticipating complaints and response areas.<sup>218</sup>

#### *RECOMMENDATION 21. Three inmate meals per day on weekends*

**The ad hoc committee recommends SCDC investigate the cost and feasibility of providing three meals per day on the weekend and report back to the Committee within one year.** SCDC's report to the Committee should address: (1) how providing two meals per day on the weekend meets necessary food intake requirements; (2) other environments, outside of prison, where two meals per day on the weekend is acceptable; and (3) approximate costs to provide three meals per day, instead of two, on the weekend for a year.

All food served at SCDC facilities is prepared within the institutions.<sup>219</sup> During the study, ad hoc committee members made announced and surprise visits to SCDC facilities.<sup>220</sup> During these visits, members spoke with inmates about the quality of food and ate a meal.<sup>221</sup> Additionally, members requested DHEC ratings of each facility's food services be posted online, which SCDC has done, as noted in the Internal Changes section of this report.<sup>222</sup>

While members believe the quality of the food was adequate, provision of only two meals a day on the weekends is an issue of concern and the subject of public input during the study.<sup>223</sup> In response to

member questioning of this issue, SCDC personnel note weekend staffing issues contributed to the agency's decision to provide two meals a day on weekends.<sup>224</sup>

*RECOMMENDATION 22. Internal inmate discipline for cell phones*

**The ad hoc committee recommends SCDC increase the internal disciplinary penalties for inmates that use cell phones.** SCDC's director testifies internal discipline for inmates that use cell phones can range from assignment to a restricted housing unit to loss of visitation or other privileges.<sup>225</sup>

The shrinking size of cell phones, some no bigger than a car key fob, contributes to their introduction into prison.<sup>226</sup> See recommendation 52 for examples of violence and crimes connected with cell phone use in prison.

*RECOMMENDATION 23. SCDC service/product marketing*

**The ad hoc committee recommends SCDC increase marketing efforts for supplies and services SCDC offers for sale to state agencies and local governments (e.g., uniforms, furniture, frames, etc.).** Inmates that participate in the prison industries program have a lower recidivism rate than inmates that do not.<sup>227</sup> Through its prison industries program, SCDC sells a variety of items (e.g., banners; signs; frames; office, school, and outdoor furniture; business cards; plaques; and vinyl goods).<sup>228</sup>

SCDC does not target sales to private businesses, but agency representatives assert it has competitive prices and aggressively pursues sales to state and local government, charitable nonprofits, churches, and schools.<sup>229</sup>

SCDC has a dedicated sales manager who focuses on developing new business.<sup>230</sup> While SCDC attends events for state government, its product catalogue may not be distributed to all state agencies and local governments.<sup>231</sup> For example, when asked why local detention centers in only seven of the state's 46 counties purchase uniforms from SCDC, representatives from both the Sheriff's Association and Jail Administrator's Association said the majority of their members were not aware of the product availability from SCDC.<sup>232</sup>

Without adequate visibility in its limited marketplace, SCDC's prison industries program may revert to operating at a loss, as in the past, which is shown in Table 9. Without prison industry programs, it is more difficult to teach inmates employment skills.

*RECOMMENDATION 24. SCDC service/product information to the General Assembly*

**The ad hoc committee recommends SCDC provide members of the General Assembly information about supplies and services SCDC offers for sale at least annually.** During the study, some ad hoc committee members note they have purchased items from SCDC in the past, but others are unaware of product availability from SCDC.<sup>233</sup>

SCDC has a product catalogue it posts online and sends to state partners.<sup>234</sup> However, SCDC is unsure if the members of the General Assembly receive the agency's product catalogue.<sup>235</sup> Due to recent agency efforts, the House of Representatives now includes SCDC on its list of vendors for office furniture and framing, as noted in the Internal Changes section of this report.<sup>236</sup>

*RECOMMENDATION 25. Local inmate transfer refusal when all information not provided*

The ad hoc committee recommends SCDC 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. If SCDC is not immediately informed of pertinent information (e.g., inmate daily medication needs and/or communicable disease status), transfer from a local detention center to one of SCDC’s reception and evaluation centers can impact the health of the individual inmate, other inmates, and SCDC personnel.<sup>237</sup>

SCDC conducts annual training for local officials on the necessary information, documentation, and procedures for transporting inmates to SCDC’s reception and evaluation centers.<sup>238</sup> In 2019, this four-hour training was offered on two separate days to allow for shift coverage at the participating agencies.<sup>239</sup> Training addresses many issues including, but not limited to: bringing more or fewer inmates than scheduled, incorrect/missing paperwork, inmate property, and missing/incomplete medical documentation.<sup>240</sup> Not all counties choose to attend the training, and there are still local facilities that fail to provide information necessary for SCDC to provide for the health, safety, and welfare of inmates in their custody.<sup>241</sup>

*Efficiency*

The ad hoc committee makes three recommendations to the Department of Corrections related to efficiency, and a summary is in Table 14.

*Table 14. Summary of recommendations to the Department of Corrections related to efficiency.*

|            |   |
|------------|---|
| 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      |

*RECOMMENDATION 26. Inmate medical wait times*

The ad hoc committee recommends SCDC track wait time, from the initial inmate request, for medical treatment and use this analysis to prioritize staffing and purchases. Currently, SCDC is unable to track, by type or category of medical request, the length of time it takes from inmate request to treatment.<sup>242</sup> However, the agency is in the process of determining how to capture this information.<sup>243</sup> This information is necessary for the agency to assess and improve the timeliness of medical care across institutions and may also allow it to gauge the impact of additional staffing and/or equipment on medical treatment times.

*RECOMMENDATION 27. Detention Officer training costs*

The ad hoc committee recommends SCDC discuss with the Criminal Justice Academy (CJA) the potential of recouping costs for employees SCDC trains and certifies as law enforcement officers who leave to work for another law enforcement agency. This recommendation seeks to afford SCDC a remedy already available to other law enforcement agencies. Pursuant to S.C. Code Section 23-23-120, a law enforcement agency may recoup costs for salary during training at the Criminal Justice Academy if an officer leaves to work for another law enforcement agency within a certain period.

SCDC trains and certifies its Class II State Corrections Officers. CJA trains and certifies Class II Officers for local detention centers. If a correctional officer leaves SCDC to work at a local detention center, the officer attends an abbreviated training at CJA (i.e., one to two-day training for working with juveniles), which is a benefit to the local detention center.

*RECOMMENDATION 28. Capital project approval exemption*

The ad hoc committee recommends SCDC request exemptions to the process for capital project approval for expediency in certain security related situations, which currently result in the agency incurring additional costs while waiting for approval.<sup>244</sup> Some projects for which SCDC may consider requesting exemptions from the Joint Bond Review Committee include netting, fencing, boilers, chillers, and cell phone interdiction equipment. For example, if approval of a new boiler, which stopped working at an SCDC institution housing inmates, could have occurred faster, it may have saved SCDC over \$200,000 in costs for a rental boiler (\$169,972) and the attendant fuel oil (\$45,000).<sup>245</sup>

Of concern, the Wateree Correctional Institution high voltage electric loop supplies power to the institution, and, according to SCDC, is on “borrowed time.”<sup>246</sup> SCDC personnel believe if there is another failure, Wateree CI will need costly and temporary emergency repairs.<sup>247</sup>

*Transparency*

The ad hoc committee makes two recommendations to the Department of Corrections related to transparency, and a summary is in Table 15.

Table 15. Summary of recommendations to the Department of Corrections related to transparency.

|              |   |
|--------------|---|
| 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   |

*RECOMMENDATION 29. Online information available to inmate families and friends*

The ad hoc committee recommends SCDC 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). Currently, SCDC posts some information on the agency’s website for inmates’ families and friends (e.g., visiting; sending mail, packages, electronic messages, and money; making telephone calls and funeral/hospital visitation requests; relaying information about searches and

food grades; and reporting sexual abuse or harassment).<sup>248</sup> However, it may be helpful for SCDC to obtain input from stakeholders (e.g., Protection and Advocacy for People with Disabilities SC, Inc., etc.) and expand the online information available to provide families and friends of inmates more information about the incarceration and rehabilitation process. This information may include, but is not limited to: timeline of a typical day, good time/work/education credits, inmate grievance system, SCDC policies and rules, inmate skills report, listing of programs available to inmates, explanation of the classification process, etc.

By contrast, SCDC inmates receive more in-depth information than their families and friends, and this material may lend itself to adaptation. Upon entering an SCDC reception and evaluation center (R&E), each inmate receives a brief orientation, including a written orientation booklet, concerning the R&E process and the following minimum topics:

- SCDC policies and rules;
- Intake process;
- Prison Rape Elimination Act (PREA);
- Inmate grievance system;
- Institutional programs and services;
- Consular notification;
- International treaty;
- Mail and visitation procedures; and
- HIV education.<sup>249</sup>

Inmates receive institutional orientation upon transfer to their assigned institution.<sup>250</sup> Orientation at the inmate's assigned institution includes information on scheduled meal times, classification, institutional rules, sexual misconduct, PREA guidelines, HIV education, educational and/or vocational opportunities, work assignments, canteen, and commissary.<sup>251</sup> Information regarding sick call and visitation is communicated verbally to inmates upon arrival at the institution and is made available to each inmate in writing within 24 hours.<sup>252</sup>

### *RECOMMENDATION 30. Offender employment program annual report posting*

**The ad hoc committee recommends SCDC prepare and post online an annual report on the offender employment preparation program.** This is not a recommendation for a new reporting requirement for SCDC. The agency must prepare an annual report on the offender employment program for the directors of the participating agencies pursuant to S.C. Code Section 24-13-2140(6).<sup>253</sup> The ad hoc committee recommends posting this annual report online to increase transparency.

### *Interagency Collaboration*

The ad hoc committee makes eight recommendations to the Department of Corrections related to interagency collaboration, and a summary is in Table 16.

*Table 16. Summary of recommendations to the Department of Corrections related to 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 |
|--|

Interagency  
Collaboration

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

*RECOMMENDATION 31. Local facilities voluntarily house SCDC inmates*

The ad hoc committee recommends SCDC 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. Of interest to the Committee are proposals relying upon existing resources. Some potential benefits to the program include reducing the number of inmates in state prisons to account for staffing shortage, placing inmates closer to their home and relatives, and affording cost savings for all parties. A similar voluntary program has been implemented in North Carolina.<sup>254</sup>

The Legislative Audit Council’s (LAC) 2019 Limited Review of SCDC, which was requested by the Committee, includes a 50-state comparison of minimum sentence length for entry to state prison. LAC’s research indicates only six states (i.e., South Carolina, Indiana, Ohio, New Jersey, North Carolina, and Maine) transfer inmates to state prison with a sentence length of less than a year. Further, South Carolina has the shortest sentence length requirement (i.e., 91 days or more) in the nation for transfer to state prison.<sup>255</sup> LAC recommends the General Assembly amend S.C. Code Section 24-3-20 to allow only inmates with sentences of more than one year to be within the custody of SCDC.<sup>256</sup>

South Carolina has the shortest sentence length requirement (91 days or more) in the nation for transfer to state prison.

Notably, housing SCDC inmates in local detention centers is an existing practice. Some local detention centers, referred to as designated facilities, house SCDC inmates, which local governments utilize for public works projects and local jail administration.<sup>257</sup> In fiscal year 2018-19, over 300 inmates were housed at more than 40 designated facilities, as seen in Table 17.<sup>258</sup>

Table 17. Number of SCDC inmates in local detention centers (city and county) within counties with local designated facilities as of May 2019.<sup>259</sup>

|            |    |              |    |            |    |            |    |      |    |
|------------|----|--------------|----|------------|----|------------|----|------|----|
| Abbeville  | 13 | Chesterfield | 1  | Greenville | 1  | Marlboro   | 3  | York | 14 |
| Aiken      | 0  | Clarendon    | 1  | Greenwood  | 4  | Newberry   | 9  |      |    |
| Allendale  | 30 | Darlington   | 15 | Horry      | 0  | Oconee     | 7  |      |    |
| Anderson   | 42 | Dillon       | 15 | Jasper     | 0  | Pickens    | 20 |      |    |
| Barnwell   | 13 | Dorchester   | 3  | Kershaw    | 0  | Richland   | 0  |      |    |
| Beaufort   | 1  | Fairfield    | 45 | Laurens    | 21 | Saluda     | 0  |      |    |
| Charleston | 0  | Florence     | 0  | Lexington  | 0  | Sumter-Lee | 2  |      |    |
| Chester    | 16 | Georgetown   | 24 | Marion     | 0  | Union      | 15 |      |    |



*RECOMMENDATION 32. Mandatory remote release*

The ad hoc committee recommends SCDC 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; prison camp, etc.) and provide information obtained, including recommendations, to the Committee within the next twelve months.<sup>260</sup> There are benefits to remote release for both SCDC and the local government facility. The benefits of remote release for SCDC are conservation of bed space (i.e., housing the inmate), staff time (e.g., processing the paperwork), and monies for reception and evaluation testing (e.g., medical) and processing.<sup>261</sup> For the local government, it saves the money and staff time spent transporting the inmate.<sup>262</sup> Over the past three years, over 400 individuals could have been released from a local facility instead of transported to SCDC's reception and evaluation center for intake and processing.<sup>263</sup>

Over the past three years, over 400 individuals could have been released from a local facility instead of transported to SCDC's reception and evaluation center for intake and processing.

Impacted parties may include, but are not limited to, the Sheriff's Association and Jail Administrator's Association. Input may help SCDC determine methods to utilize remote release most efficiently at each local government facility. Of interest to the Committee are proposals that rely only upon existing resources. The proposals should include potential benefits (including cost savings), risks (including costs), and suggested statutory language in which remote release would be mandatory.<sup>264</sup>

*RECOMMENDATION 33. Youthful Offender Act update discussion*

The ad hoc committee recommends SCDC convene impacted parties to discuss specific proposed statutory language addressing SCDC's conceptual recommendations for the Youthful Offender Act (YOA) and provide to the Committee, including notation of any areas without agreement. SCDC's conceptual recommendations for YOA include:

- Update terminology to reflect current restorative philosophy;
- Focus on rehabilitation and re-entry services for young adults;
- Clarify sentence timeframes for suspended sentences that are activated (i.e., *Baxter v. Myers*);
- Examine the current reception and evaluation (R&E) process and explore a partnership with Vocational Rehabilitation Department to provide evaluation services. Also, consider the potential of providing evaluation services in the community, rather than at R&E;
- Reduce the maximum term of indeterminate sentence for youthful offenders to five years;
- Eliminate multiple youthful offender convictions (may have more than one only if result of continuous incident);
- Eliminate dual sentences (may not be sentenced as an adult and youthful offender at the same time for separate incidents);
- Allow SCDC authority to issue subpoenas; and
- Allow SCDC to return non-conforming illegal sentences to be sentenced legally.<sup>265</sup>

During the study, SCDC notes input from the following may be helpful in the YOA evaluation: Department of Probation, Parole and Pardon, Commission on Prosecution Coordination, Commission on Indigent Defense, victim services representatives, law enforcement representatives, judiciary representatives, and representative young adults sentenced under YOA.<sup>266</sup>

*RECOMMENDATION 34. Shock Incarceration Program update discussion*

**34. The ad hoc committee recommends SCDC convene impacted parties to determine 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.** During the study, agency personnel note evaluations and studies on the effectiveness of boot camp programs, over the last several decades, indicate they are not effective and often increase a person's likelihood of returning to prison.<sup>267</sup>

While SCDC continues to evolve this program, a restructuring of the program may be warranted.<sup>268</sup> SCDC suggests consideration be given to replacing the Shock Incarceration Program with an evaluation process that provides the court information to assist in determining whether an intensive level of supervision with prescribed services may be preferable to incarceration.<sup>269</sup>

During the study, SCDC notes the following entities may be helpful in the evaluation of the Shock Incarceration Program: Department of Probation, Parole and Pardon, Commission on Prosecution Coordination, Commission on Indigent Defense, victim services representatives, law enforcement representatives, judiciary representatives, and representative young adults sentenced under the YOA.<sup>270</sup>

*RECOMMENDATION 35. Inmate re-entry into society team*

**The ad hoc committee recommends SCDC 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.** Currently, there is no re-entry team involving directors from South Carolina agencies.<sup>271</sup> Previously, there was a team. In June 2004, a S.C. Re-entry Interagency Collaborative Team comprised of representatives from SCDC; Department of Probation, Parole, and Pardon (PPP); Department of Mental Health (DMH); Department of Public Safety; Department of Social Services (DSS); Department of Alcohol and Other Drug Abuse Services (DAODAS); and Vocational Rehabilitation Department (VR) met to examine various re-entry issues.<sup>272</sup> Areas addressed by the team include comprehensive release plan model, re-entry system map, employment, treatment, housing, education, identification cards, and shared database.<sup>273</sup>

During the study, SCDC expresses interest in working with other agencies to address barriers for returning citizens.<sup>274</sup> However, prior to forming a council across state agencies, SCDC seeks to address its own internal siloes.<sup>275</sup> SCDC's Program, Re-entry, and Rehabilitation division is currently working to create sustained interagency cross-organizational communication about re-entry initiatives.<sup>276</sup> After addressing internal siloes at its agency, the ad hoc committee recommends SCDC create a plan with deadlines by which it will begin reconvening the S.C. Re-entry Interagency Collaborative Team, or some new form thereof.

Other agencies, including VR, PPP, DAODAS, DSS, and DMH state they are open and supportive of efforts to create sustained inter-agency cross-organizational communication as it relates to re-entry initiatives.<sup>277</sup> Additionally, SCDC may consider inviting participation from agencies not included with the prior team (e.g., the Department of Disabilities and Special Needs and S.C. State Housing Finance and Development Authority).<sup>278</sup>

*RECOMMENDATION 36. Employment trend data from offender preparation program agencies*

**The ad hoc committee recommends SCDC request offender employment preparation program member agencies provide employment trends pursuant to S.C. Code Section 24-13-2130.** During the study, no evidence is provided of any program member agencies providing employment trends to SCDC pursuant to S.C. Code Section 24-13-2130. Entities participating in the offender employment preparation program include but are not limited to Department of Employment and Workforce (DEW), Department of Probation, Parole and Pardon (PPP), Vocational Rehabilitation Department (VR), and Alston Wilkes Society.<sup>279</sup>

Additionally, SCDC does not have information on skills employers are looking for by county, or information on employers located on bus routes, which are accessed by many released inmates for transportation.<sup>280</sup> However, SCDC acknowledges both types of information may be helpful.<sup>281</sup> Other state agencies, including DEW, VR, and PPP, have, keep, and/or track relevant data that may assist SCDC in preparing inmates to obtain employment upon release and are willing to share this information with SCDC. Examples of data sharing opportunities include:

- DEW prepares profiles of South Carolina's workforce statewide, by county, and by geographic area.<sup>282</sup> These profiles provide detailed information on the labor market, including workforce supply and demand, growing industries, prevailing wages, and industry projections.<sup>283</sup> DEW states it can discuss with SCDC which of these monthly profiles would be of interest to them.<sup>284</sup> Additionally, DEW maintains a list of "Second Chance" employers, who are willing to hire recently released inmates, which DEW affirms it will share with SCDC.<sup>285</sup> According to DEW, this may facilitate further conversations between DEW and SCDC in their continued effort to identify targeted training opportunities for current inmates.
- VR, as a partner in state workforce initiatives and Workforce Innovation and Opportunity Act implementation, utilizes labor market information and state and regional sector strategy data to develop career opportunities for their consumers that are demand-driven.<sup>286</sup> VR provides job readiness training at 25 agency-owned and operated work training centers throughout the state in partnership with businesses and industries and are emphasizing the development of customized training that correlates with employment trends and needs.<sup>287</sup> VR states it can provide SCDC with information about training initiatives and more formalized proposals to enhance VR's ongoing provision of job readiness training to former inmates of SCDC.
- PPP was not aware of the adoption of a memorandum of understanding establishing the role of each agency working with SCDC in these efforts and, as a result, has not been actively surveying employment trends in conjunction with this statute, or providing SCDC with proposals regarding potential training activities.<sup>288</sup> Nevertheless, in an effort to stay on top of employment trends and how they impact supervision, PPP receives monthly reports from DEW that provide the seasonally adjusted unemployment rates for the nation, state, and each county.<sup>289</sup> PPP states it can share this report with SCDC and provide SCDC with statistics regarding the percentage of inmates released to PPP supervision programs who are employed.

*RECOMMENDATION 37. Inmate employment data collaboration with DEW*

The ad hoc committee recommends SCDC work with the Department of Employment and Workforce (DEW) 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. SCDC provides inmates opportunities to acquire additional education, vocational certificates, and on-the-job training to assist in obtaining employment upon release. However, SCDC has no mechanism for capturing post-release employment data, except for participants in the work readiness programs that DEW operates at Manning CI and Camille Griffin Graham CI.<sup>290</sup> DEW provides SCDC with the percentage of these participants who are employed through the program after release.<sup>291</sup> Additionally, SCDC does not have any data to compare the types of work inmates performed prior to incarceration and types of work obtained by the inmates upon release.<sup>292</sup>

According to DEW, the existing data-sharing agreements may be amended to include re-employment information on all recently released inmates.<sup>293</sup> DEW recommends providing employment information as of the second and fourth quarters post-release.<sup>294</sup> DEW reports to the federal Department of Labor the employment outcomes for individuals who participate in training programs under the Workforce Innovation and Opportunity Act (WIOA) based on the participant's status as of the second and fourth quarters after completing the training program.<sup>295</sup> By mirroring the WIOA reporting requirements, SCDC may be able to assess the effectiveness of their training programs compared to non-inmate training programs.<sup>296</sup>

*RECOMMENDATION 38. Mental health collaboration with DMH*

The ad hoc committee recommends SCDC continue working with personnel from the Department of Mental Health (DMH) to implement a seamless transition for inmates who are under the care of a mental health professional upon release. As a result of discussions with SCDC and DMH during a joint meeting of the ad hoc committee and the Healthcare and Regulatory subcommittee, the two agencies are working to create a more robust, formal collaboration to establish practices which ensure active communication between DMH and SCDC as inmates are released and after they re-enter the community.<sup>297</sup> The goal is to track the inmates into their community placement and gauge the success of their transition.<sup>298</sup> SCDC created a Deputy Director for Behavioral Health in January 2020 tasked, among other things, with facilitating collaboration with DMH.<sup>299</sup>

Areas of agency responsibility agreed upon by SCDC and DMH are as follows:

- Each agency has designated one staff member who is responsible for facilitating collaboration and acting as the key point of contact for each agency to address all of the items for collaboration;
- These designees draw in specific agency subject matter experts from each department on relevant topics such as inpatient admissions and expansion, pharmacy systems, data sharing, or continuity of care; and
- The facilitators meet at least monthly, and more frequently if necessary, to evaluate progress on each item. Facilitators continue meeting until all items have reached a point of conclusion or plan for implementation.<sup>300</sup>

Items for collaboration include:

- Establish continuity of care automation of patient information for admission to and upon discharge from SCDC;
- Develop memorandum of agreement between agencies for release planning of inmates;
- Increase amount of medication provided by SCDC to inmates upon release to a 30-day supply;
- Increase the state’s ability to gain access to inpatient and nursing home beds, particularly for women, during time of incarceration and upon release;
- Enhance Medicaid access upon release/discharge through the Department of Health and Human Services’ (DHHS) “Community Engagement” 1115 Waiver, which includes justice-involved individuals as a target population;
- Fund discharge planning positions within SCDC for community reintegration (DMH, SCDC, DHHS, Department of Alcohol and Other Drug Abuse Services [DAODAS])
- Conduct quarterly multi-agency meetings including DMH; SCDC; Department of Probation, Parole, and Pardon (PPP); DAODAS; and Department of Juvenile Justice;
- Offer joint multi-agency professional training;
- Expand community diversion efforts, (e.g., increase number of mental health courts; increase number of mental health professionals embedded with law enforcement, detention centers and PPP); and
- Continue participation with the South Carolina Behavioral Health Coalition and the Justice-Involved Population ad hoc committee in its initiatives.<sup>301</sup>

Additional items on which the agencies will continue to work together to determine the feasibility, including an implementation timeline and division of responsibilities if the collaboration is feasible; and if not, the reasons why the collaboration is not feasible, include:

- Explore whether SCDC and DMH electronic medical records can communicate;
- Determine if DMH’s automated medication dispensing system could be a model for a similar system at SCDC; and
- Explore ways to leverage DMH’s contract for operating the sexually violent predator program, currently with WellPath, to include provision of parole-required training to sex offenders in SCDC custody.<sup>302</sup>

A similar recommendation was included in the Committee’s DMH study report.<sup>303</sup>

## Recommendations to Court Administration within the Judicial Branch

The ad hoc committee makes two recommendations to Court Administration related to interagency collaboration, and a summary is in Table 18.

Table 18. Summary of recommendations to Court Administration related to interagency collaboration.

|                           |  |
|---------------------------|--|
| 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  |

### RECOMMENDATION 39. Information transmission for criminal justice system

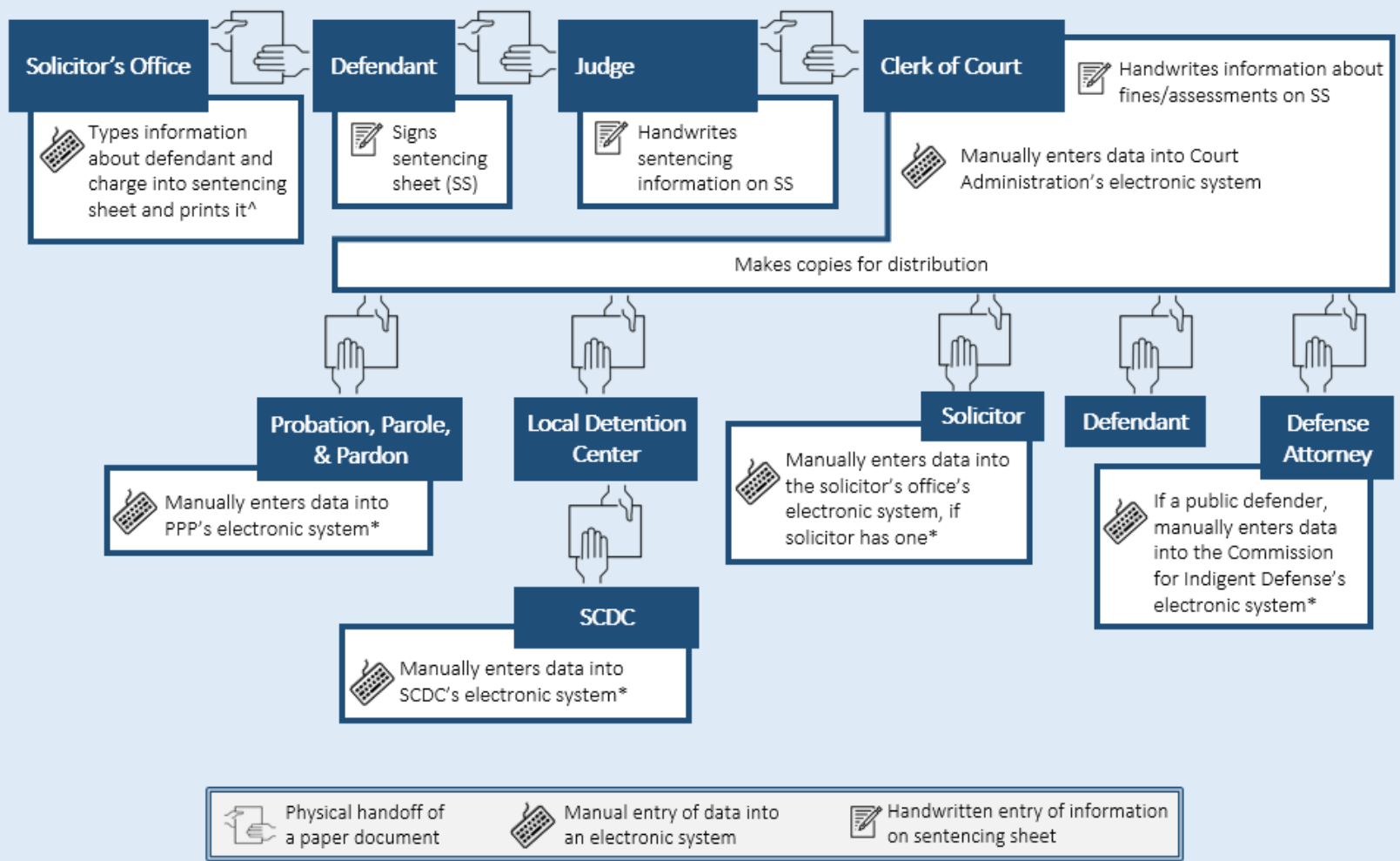
The ad hoc committee recommends Court Administration consider convening impacted parties to discuss and identify opportunities to improve the efficiency and accuracy of transmission of information (e.g., sentencing sheets, inmates impacted by changes in case law, victim information, etc.) necessary for operation of the criminal justice system (e.g., proper care and timely release of inmates, notices to victims, etc.). Multiple examples of opportunities to improve efficiency and accuracy of transmission of information are observed during the SCDC study and prior agency studies.

One, it costs the Commission on Indigent Defense almost \$2 million annually in employee time manually entering information, that may be available directly from Court Administration, into the statewide public defender case management system (i.e., Defender Data).<sup>304</sup> In particular, this occurs at two points in the criminal process: (1) when the file is opened (i.e., when defendant and charge identifiers are entered into Defender Data) and (2) when the case is closed (i.e., when information from the sentencing sheet is entered into Defender Data).<sup>305</sup> If a defendant receives additional charges during the course of the case, the information regarding those new charges is also manually entered into Defender Data.<sup>306</sup>

Two, information from a handwritten, sometimes difficult to read, forms is transcribed manually by several agencies (e.g., solicitors' offices, public defenders, SCDC, Department of Probation, Pardon, and Parole, and Department of Motor Vehicles) into different databases, as seen in Figures 6 and 7.<sup>307</sup>

# The Journey of a Sentencing Sheet

A **separate sheet** is completed **for each charge** and a **single individual may have multiple charges**.  
 Also, there may be additional forms (e.g., restitution sheets, plea waiver, driver license suspension forms, etc.).

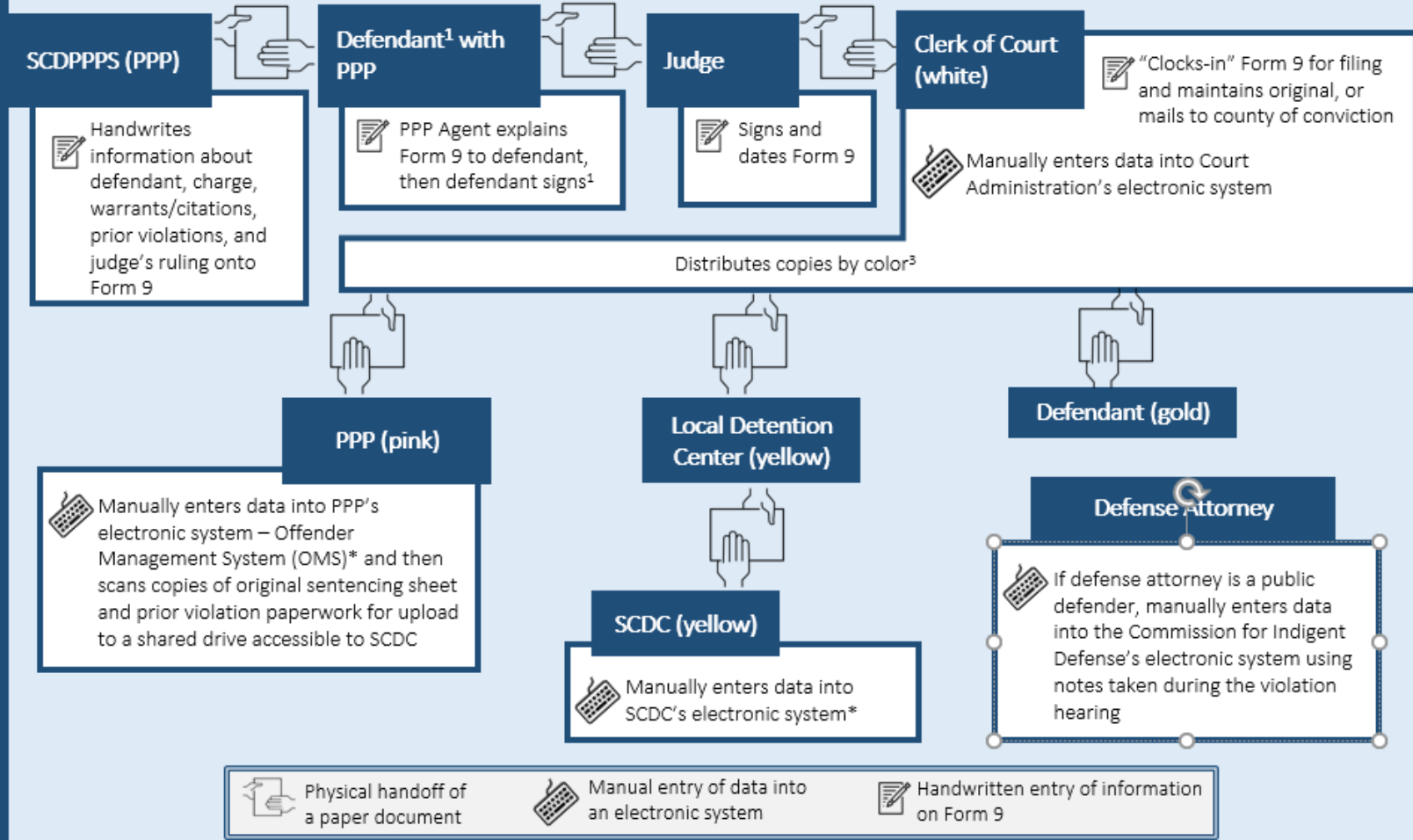


<sup>^</sup>Information may be inserted automatically by the solicitor's case management system, if solicitor has one (some do not have one).  
<sup>\*</sup>Data entry may involve calling the clerk of court, judge, etc. to clarify inconsistent information or illegible handwriting.

Figure 6. Transmission of sentencing information as of September 2020.<sup>308</sup>

# The Journey of a Probation Violation Order (Form 9): 4-ply carbon paper

A separate Form 9 is completed for each conviction and a single individual may have multiple convictions. Also, there may be additional forms (e.g., civil judgment imposed for restitution, fines, and/or fees).



<sup>1</sup>Sometimes counsel is present, but according to Commission on Indigent Defense, this is usually not a step that requires counsel's presence.

<sup>2</sup>No signature if probation is terminated. <sup>3</sup>Distribution of copies is handled by PPP rather than the clerk of court in some counties.

\*Data entry may involve calling the clerk of court, judge, etc. to clarify inconsistent information or illegible handwriting.

Figure 7. Transmission of updated sentencing information after violation of probation as of September 2020.<sup>309</sup>



This transmission process has in part, contributed to the premature release of inmates as well as the holding of inmates beyond their imposed sentence.<sup>310</sup> Examples of issues handwritten sentencing sheets may create include, but are not limited to: (a) CDR code and statute not matching; (b) illegible handwriting; (c) information in certain fields missing (e.g., sentence date, judge code); and (d) judge's instructions on sheet conflicting with statute and/or case law (e.g., "no credit for time served").<sup>311</sup> Also, detention centers may not bring all of the sheets when transporting an individual from the local facility to SCDC after trial.<sup>312</sup> Additionally, it may be difficult to obtain information from local facilities on the amount of time an individual has served, which SCDC needs to calculate the inmate's release date, since the sentencing sheet no longer includes the number of days served.<sup>313</sup>

Third, appellate court decisions, like Blakeney v. State, 339 S.C. 86, 529 S.E.2d 9 (2000) and Hayes v. State, 413 S.C. 553, 777 S.E.2d 6 (S.C. Ct. App. 2015), impact the release date of numerous inmates. Determining the inmates affected requires manual searching and sorting of inmate files and documentation.<sup>314</sup> In some cases, it requires obtaining more jail time forms (e.g., pre-trial, pre-revocation hearing, pre-initial probationary sentence) from several different counties that have no incentive to provide, or consequence for failing to provide, the needed information.<sup>315</sup> Additionally, when the information is received, issues with the reliability of the jail time form may exist (e.g., SCDC has received multiple, conflicting forms each with the same date).<sup>316</sup>

### *Background Information*

The hub of the criminal justice system's wheel is the Judicial Branch, which has spokes receiving and sending information to various entities across state and local government. Of interest, the Judicial Branch's Information Technology Division can create interfaces allowing automatic sharing of information from its system to individual case management systems utilized by different entities (e.g., interfaces with some solicitors' offices already exist).<sup>317</sup>

In fiscal year 2019-20, the Judicial Branch was appropriated \$11 million for a new case management system.<sup>318</sup> In July 24, 2019, Court Administration personnel inform the ad hoc committee about efforts to begin a pilot project in York County to address the automation of the sentencing sheet process.<sup>319</sup> Subsequently, during an ad hoc committee meeting in January 2020, Court Administration personnel testify in drafting the request for proposal for a new case management system input was obtained from clerks of court, judges, and court services, but not from the following:

- entities that send and receive information from the court during the prosecution and defense of accused criminals (e.g., Prosecution Coordination Commission, Commission on Indigent Defense, or S.C. Bar),
- entities with information on the amount of time an accused has served, which impacts the total amount of time an individual is in custody (e.g., Sheriff's Association and Jail Administrator's Association with local detention centers); nor
- entities tasked with interpreting courts orders and case decisions to determine how long an individual must remain in custody (e.g., SCDC and Department of Probation, Parole, and Pardon).<sup>320</sup>

As stated in finding eight, collaboration, among the various state entities and their stakeholders (e.g., utilizing common data and entering into inter-agency agreements), is imperative to increase efficiencies in state government operations. In particular, it may be advantageous to the state as a whole (i.e., increase efficiency), for those seeking to purchase technology to collaborate with other state entities that may potentially utilize the information.

In August 2020, Court Administration notes it is working with SCDC to improve the delivery of sentencing information to the agency.<sup>321</sup> However, input from additional parties on sentencing sheets, probation revocation forms, and other information related to the criminal process (e.g., time served, medical records, etc.) may be beneficial. Impacted parties, other than solicitors and SCDC, include, but are not limited to the following:

- *state government* – Attorney General’s Office; Commission on Indigent Defense; Department of Juvenile Justice; Department of Probation, Parole, and Pardon; and
- *local government and related associations* – Association of Clerks of Court and Registers of Deed; Jail Administrator’s Association; and Sheriff’s Association.

Information pertinent to one or more of these parties, which is currently transmitted via multiple formats (i.e., paper and electronic) includes, but is not limited to: sentencing sheet, jail time credit form, probation revocation order, victim information, detainers, demographics, and medical information form.<sup>322</sup>

#### *RECOMMENDATION 40. Recidivism tracking from juveniles to adults*

**The ad hoc committee recommends Court Administration consider communicating with stakeholders to track information on recidivism between juvenile adjudications, state prisons, and local government detention facilities and regularly report this information.** Currently, no entity tracks or reports on recidivism between juvenile adjudications, state prisons, and the more than 40 local government detention facilities (i.e., number of individuals incarcerated as juveniles who are later convicted and incarcerated as adults at an SCDC facility or local detention center; number of individuals incarcerated at SCDC who are later convicted and incarcerated in a local detention facility). The Department of Juvenile Justice (DJJ) and SCDC calculate recidivism differently.<sup>323</sup> Complicating matters, separate recidivism calculation methods are necessary to allow DJJ and SCDC to measure themselves against similar institutions across the country.<sup>324</sup>

However, Court Administration maintains data on adjudications and convictions at all levels.<sup>325</sup> A single recidivism rate, including juveniles and adults, from a central source may provide an overall picture of recidivism in S.C. that may help inform public policy decisions.

Court Administration indicates it is willing to communicate with stakeholders to assist in efforts to track recidivism.<sup>326</sup>

*Recommendation to State Human Resources, a division of the Department of Administration*

The ad hoc committee makes one recommendation to the Division of State Human Resources related to interagency collaboration, and a summary is in Table 19.

*Table 19. Summary of recommendation to the Division of State Human Resources related to interagency collaboration.*

|   |   |
|---|---|
| <p><b>Interagency Collaboration</b></p> | <p>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</p> |
|---|---|

*RECOMMENDATION 41. Employee morale surveys for all agencies*

The ad hoc committee recommends the Division of State Human Resources (State HR) 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. During the study, SCDC presents data showing surveys of state employers and job seekers in 33 states indicate that while job openings in state government have increased in recent years, the number of applicants has decreased.<sup>327</sup> In South Carolina, the gap between the percentage increase in state government job postings and the percentage decrease in applicants from 2013-2017 was 44 percentage points.<sup>328</sup> Analysis of employee morale among the state government workforce and motivations for seeking and leaving state employment may advance efforts to retain and recruit talent.

The number of willing, and forthcoming, participants in morale surveys may increase if it administered by a neutral third party, like State HR, as opposed to an agency’s human resources division. Additionally, State HR collecting information statewide may facilitate analysis and insight into trends across state government that lead to recommendations for all agencies. Further, it may lead to recommendations for the General Assembly and Governor on what aspects of state government (e.g., pay, benefits, grievance procedure, etc.) are influencing individual’s decisions about working for state government.

The Department of Administration states its ability to implement this recommendation depends on resources available.<sup>329</sup>

*Recommendation to the Insurance Reserve Fund, a division of the State Fiscal Accountability Authority*

The ad hoc committee makes one recommendation to the Insurance Reserve Fund related to effectiveness, and a summary is in Table 20. The ad hoc committee directs this recommendation to the Insurance Reserve Fund (IRF), a division of the State Fiscal Accountability Authority, due to its role in state government.

Table 20. Summary of recommendation to the Insurance Reserve Fund related to effectiveness

|               |   |
|---------------|---|
| 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 |
|---------------|---|

*RECOMMENDATION 42. Agency director personal liability*

The ad hoc committee recommends the Insurance Reserve Fund (IRF) 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. During the study, concerns are expressed about potential personal liability for agency directors if they are involved in human resource decisions concerning individuals outside of their direct reports.<sup>330</sup> SCDC’s director testifies he is not the only agency director who has been sued in his personal capacity.<sup>331</sup>

As background, IRF is authorized and required to provide insurance to governmental entities. Also, IRF offers lines of liability insurance.

## Recommendation to the Law Enforcement Training Council

The ad hoc committee makes one recommendation to the Law Enforcement Training Council related to interagency collaboration, and a summary is in Table 21.

Table 21. Summary of recommendation to the Law Enforcement Training Council related to interagency collaboration

|                                  |  |
|----------------------------------|--|
| <b>Interagency Collaboration</b> | 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 |
|----------------------------------|--|

### RECOMMENDATION 43. Regular meetings for updates and collaboration

The ad hoc committee recommends the Law Enforcement Training Council (LETC) 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. During the study, a variety of issues are raised (e.g., availability of purchasing inmate uniforms from SCDC, local facilities providing all forms to SCDC when transporting inmates, electronic transmission of information, etc.) that may benefit from more communication among law enforcement and criminal justice entities.<sup>332</sup> Inviting entities outside members of the training council (e.g., Jail Administrator’s Association; Prosecution Coordination Commission; Commission on Indigent Defense; Court Administration; etc.) to attend an annual meeting in which the groups may provide updates and seek advice, assistance, or collaboration, may benefit all those involved in the criminal justice process. Members of LETC, and representatives of entities not on the council, have expressed an interest and willingness to collaborate.<sup>333</sup>

## Recommendations to the General Assembly

The **ad hoc committee has 32 recommendations for the General Assembly**. The ad hoc committee’s recommendations to the General Assembly fall into four categories: (1) accountability, (2) effectiveness, (3) efficiency, and (4) modernization of laws. An overview of these recommendations is provided in the Executive Summary.

### Accountability (44)

The ad hoc committee makes one recommendation to the General Assembly related to accountability, and a summary is in Table 22.

Table 22. Summary of recommendation to the General Assembly related to accountability

|                |   |
|----------------|---|
| Accountability | 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 |
|----------------|---|

#### RECOMMENDATION 44. Classification system validation

The ad hoc committee recommends the General Assembly consider requiring SCDC to 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. Prior to its current efforts in implementing a new classification system, SCDC had not conducted a validation study of its inmate classification system in more than two decades.<sup>334</sup> According to SCDC, corrections experts (i.e., National Institute of Corrections and the Counsel of State Government Justice) suggest an independent contractor conduct a validation study examining the results of the risk assessments every three to five years, and the agency should implement necessary improvements.<sup>335</sup>

Implementation of this recommendation may assist the agency, and state, to comply with corrections best practices. As best practices may evolve (e.g., evolution of research about effectiveness of boot camp programs as discussed in recommendation 44) flexibility is necessary.

### Effectiveness

The ad hoc committee makes nine recommendations to the General Assembly related to effectiveness, and a summary is in Table 23.

Table 23. Summary of recommendations to the General Assembly related to effectiveness.

|               |   |
|---------------|---|
| Effectiveness | 45. Allow inmates credit for rehabilitative programing, 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*   |

*Table Note: An asterisk (\*) indicates the recommendation was proposed by SCDC.*

#### *RECOMMENDATION 45. Rehabilitation program credit for inmates*

The ad hoc committee recommends the General Assembly consider allowing inmates credit for rehabilitative programing, similar to credits existing for good behavior and work, by amending S.C. Code Section 24-13-230, as proposed by SCDC.<sup>336</sup> Current law allows reduction in an inmate’s sentence for working or participating in academic, technical, or vocational training programs.<sup>337</sup> The recommendation does not seek to alter the existing ceiling for an inmate’s sentence reduction.<sup>338</sup> Rather, this recommendation seeks to open another avenue to incentivize inmates to gain skills by participating in a qualified program.

If the General Assembly opts to implement this recommendation, SCDC affirms it would outline in policy the required qualifications for a program to qualify for credit, which programs qualify, and how inmates would be informed which programs qualify so inmates do not enroll in programming with a misunderstanding that it counts for credit.<sup>339</sup>

Also, the Legislative Audit Council’s (LAC) 2019 Limited Review of SCDC, which was requested by the Committee, includes two recommendations on this topic:

- SCDC should “examine the possibility of using completion of specific core classes/programs as incentives for inmates to earn good time credit;” and
- If SCDC “establishes appropriate coursework for which good time credit may be applied, the General Assembly should amend state law to allow for specific training/class completion as qualifiers for good time credit.”<sup>340</sup>

Proposed language to implement this recommendation is included in Table 24.

Table 24. Proposed statutory changes to allow inmates credit for rehabilitative programing, similar to credits existing for good behavior and work.

Recommended  
revision

**SECTION 24-13-230.** Reduction of sentence for productive duty assignment or participation in academic, technical, or vocational training program, or SCDC validated rehabilitative programming.

(A) The Director of the Department of Corrections may allow an inmate sentenced to the custody of the department, except an inmate convicted of a "no parole offense" as defined in Section 24-13-100, who is assigned to a productive duty assignment, including an inmate who is serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30 or who is regularly enrolled and actively participating in an academic, technical, or vocational training program, or SCDC validated rehabilitative programming, a reduction from the term of his sentence of zero to one day for every two days he is employed or enrolled. A maximum annual credit for both work credit, program credit, and education credit is limited to one hundred eighty days.

(B) The Director of the Department of Corrections may allow an inmate sentenced to the custody of the department serving a sentence for a "no parole offense" as defined in Section 24-13-100, who is assigned to a productive duty assignment, including an inmate who is serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30 or who is regularly enrolled and actively participating in an academic, technical, or vocational training program, or SCDC validated rehabilitative programming, a reduction from the term of his sentence of six days for every month he is employed or enrolled. However, no prisoner serving a sentence for life imprisonment or a mandatory minimum term of imprisonment for thirty years pursuant to Section 16-3-20 is entitled to credits under this provision. No prisoner convicted of a "no parole offense" is entitled to a reduction below the minimum term of incarceration provided in Section 24-13-125 or 24-13-150. A maximum annual credit for both work credit, program credit, and education credit is limited to seventy-two days.

(C) No credits earned pursuant to this section may be applied in a manner which would prevent full participation in the Department of Probation, Parole and Pardon Services' prerelease or community supervision program as provided in [Section 24-21-560](#).

(D) The amount of credit to be earned for each duty classification or enrollment must be determined by the director and published by him in a conspicuous place available to inmates at each correctional institution. If a prisoner commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the work credit, program credit, or education credit he has earned may be forfeited in the discretion of the Director of the Department of Corrections.

(E) The official in charge of a local detention facility must allow an inmate sentenced to the custody of the facility who is assigned to a mandatory productive duty assignment a reduction from the term of his sentence of zero to



one day for every two days so employed. The amount of credit to be earned for each duty classification must be determined by the official in charge of the local detention facility and published by him in a conspicuous place available to inmates.

(F)(1) An individual is eligible for the educational credits provided for in this section only upon successful participation in an academic, technical, or vocational training program.

(2) The educational credit provided for in this section, is not available to any individual convicted of a violent crime as defined in [Section 16-1-60](#).

(G) The South Carolina Department of Corrections may not pay any tuition for college courses.

*Table Note: Underline indicates proposed additional text. Strike through indicates proposed deletion of text.*

#### **RECOMMENDATION 46. Work release eligibility**

The ad hoc committee recommends the General Assembly consider making 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, as proposed by SCDC.<sup>341</sup> Current law requires inmates with a “no parole offense” to serve 80% of their sentence prior to being eligible for work release programs.<sup>342</sup> This percentage has not been modified since enactment two decades ago.<sup>343</sup>

Implementation of this recommendation enables more inmates to participate in work release sooner and for a longer period.<sup>344</sup> According to SCDC, 9,211 inmates would be impacted at some point during their incarceration, and, as of February 2020, 1,626 inmates would be immediately impacted as they are currently classified as minimum custody under the new classification system.<sup>345</sup>

Potential benefits to this recommendation include allowing inmates an earlier opportunity to have a job paying at least minimum wage, which provides funds for (a) child support, (b) restitution for crime victims, and (c) room and board.<sup>346</sup> Also, employers may benefit from having workers for a longer period.<sup>347</sup>

While changing this law will increase the number of inmates working in the community, SCDC does not believe it will equate to increasing danger as inmates earn their way to a minimum custody institution through positive behavior and program compliance to qualify.<sup>348</sup>

Proposed language to implement this recommendation is included in Table 25.

*Table 25. Proposed statutory changes to make inmates with a “no parole offense” eligible for work release after serving 70% of their sentence, instead of 80%.*

#### **Recommended revision**

**SECTION 24-13-125.** Eligibility for work release; limitations; forfeiture of credits.

(A) Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed, or as provided in this subsection, an inmate convicted of a “no parole offense”, as defined in Section 24-13-100, and sentenced to the custody of the Department of Corrections, including an inmate serving time in a local facility pursuant to a designated facility

agreement authorized by Section 24-3-20 or Section 24-3-30, is not eligible for work release until the inmate has served not less than ~~eighty~~ seventy percent of the actual term of imprisonment imposed. This percentage must be calculated without the application of earned work credits, education credits, or good conduct credits, and is to be applied to the actual term of imprisonment imposed, not including any portion of the sentence which has been suspended. A person is eligible for work release if the person is sentenced for voluntary manslaughter (Section 16-3-50), kidnapping (Section 16-3-910), carjacking (Section 16-3-1075), burglary in the second degree (Section 16-11-312(B)), armed robbery (Section 16-11-330(A)), or attempted armed robbery (Section 16-11-330(B)), the crime did not involve any criminal sexual conduct or an additional violent crime as defined in Section 16-1-60, and the person is within three years of release from imprisonment. Except as provided in this subsection, nothing in this section may be construed to allow an inmate convicted of murder or an inmate prohibited from participating in work release by another provision of law to be eligible for work release.

*Table Note: Underline indicates proposed additional text. Strike through indicates proposed deletion of text.*

#### *RECOMMENDATION 47. PUSD board appointments*

The ad hoc committee recommends the General Assembly consider requiring appointment of board members for the Palmetto Unified School District (PUSD), the school district for SCDC inmates, by regions.<sup>349</sup> PUSD is unable to provide consistent program offerings and staffing in all institution schools.<sup>350</sup> Ensuring representation on the PUSD from across the state may give inmates equal representation as it relates to discussions of programmatic offerings.<sup>351</sup> Additionally, PUSD welcomes diversity among board members.<sup>352</sup>

Should the General Assembly opt to implement this recommendation and appoint board members by region, SCDC recommends at least one but no more than two members from each of the following regions:

- Pee Dee: Lee, Evans, Turbeville, Palmer, Kershaw, and Wateree Correctional Institutions;
- Midlands: Camille Graham, Broad River, Kirkland, Goodman, and Manning Correctional Institutions;
- Upstate: Livesay, Perry, and Tyger River Correctional Institutions;
- Low country: MacDougall, Lieber, Allendale, and Ridgeland Correctional Institutions;
- West: McCormick, Trenton, and Leath Correctional Institutions; and,
- At-Large - two at-large members appointed by the Governor.<sup>353</sup>

#### *RECOMMENDATION 48. Court orders suspending contraband cellular service*

The ad hoc committee recommends the General Assembly consider allowing 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, as proposed by SCDC. During the study, SCDC shares multiple examples of crime and violence (e.g., suicide, murder, attempted murder, extortion, drugs, and contraband) occurring because of cell phone utilization in SCDC facilities.<sup>354</sup>

S.156, legislation that implements this recommendation, received a favorable report from House Judiciary Committee with an amendment and is pending on the House calendar.<sup>355</sup> The language of S.156 is included in Table 26.

Table 26. S.156.

Revision  
included in  
S.156 (2017-  
18)

*Add all statutes below*

**Section 24-3-975.** (A) For purposes of this section, a 'telecommunication device' means a device, an apparatus associated with a device, or a component of a device that enables, or may be used to enable, communication with a person inside or outside of a place of incarceration. Such devices include, but are not limited to, portable two-way pagers, handheld radios, cellular telephones, personal digital assistants or PDAs, laptop computers, or any components of these devices. 'Telecommunication device' also includes any new technology that is developed or used for similar purposes.

(B) Except as authorized by the appropriate official in charge of the correctional institution, it is unlawful to possess within or to introduce into or upon the grounds of any state correctional institution, county jail, municipal jail, regional detention facility, prison camp, work camp, or overnight lockup facility any telecommunication device. This prohibition does not apply to devices contained within vehicles that are in designated parking areas or vehicles traveling on the grounds unless with the intent to furnish the telecommunication device to any inmate.

(C) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be imprisoned for not more than three years and forfeits all earned work credits, education credits, and good conduct credits."

CHAPTER 4  
Contraband Cell Phones

**Section 24-4-10.** This chapter may be cited as the 'Contraband Cell Phone Act'.

**Section 24-4-20.** As used in this chapter:

(1) 'Contraband Cell Phone' means a cellular telephone or device possessed or used by an incarcerated or detained individual in violation of any applicable South Carolina law or policy governing a prison or local detention facility in the State of South Carolina.

(2) 'Supervising Law Enforcement Officer' means a supervisor of any law enforcement agency in the State of South Carolina, including, but not limited to, the South Carolina Law Enforcement Division, the Police Services Division of the South Carolina Department of Corrections, or any other recognized state or federal law enforcement agency.

(3) 'Prison' means any South Carolina Department of Corrections facility used for the detention of persons charged with or convicted of a felony, misdemeanor, local ordinance, or violation of a court order.

(4) 'Local Detention Facility' means any municipal, county, or multijurisdictional jail, prison camp, or overnight lockup used for the detention of persons charged with or convicted of a felony, misdemeanor, local ordinance, or violation of a court order.

(5) 'Cellular Service Provider' means any wireless telecommunication company providing service to cellular telephones in the State of South Carolina.

(6) International Mobile Equipment Identity (IMEI) is a fifteen- or seventeen-digit decimal code that uniquely identifies mobile devices operating on GSM networks.

(7) Mobile Equipment Identifier (MEID) is a fourteen-digit hexadecimal code that uniquely identifies mobile devices operating on CDMA networks.

(8) Electronic Serial Number (ESN) is an eight-digit hexadecimal code that uniquely identifies mobile devices operating on CDMA networks.

(9) GSMA device check database is a global database containing information on millions of mobile devices, including those reported as stolen or lost by participating operators.

**Section 24-4-30.** When a supervising law enforcement officer has reasonable suspicion to believe that one or more contraband cell phones exists in a prison or local detention facility, the supervising law enforcement officer may authorize and approve the use of any electronic device, or other means, to detect and confirm the presence of contraband cell phones and to detect any and all identifiers associated with the contraband cell phones.

**Section 24-4-40.** When a supervising law enforcement officer has confirmed the presence of one or more contraband cell phones in a prison or detention facility by any means authorized by Section 24-4-30 or any other lawful means, the officer may apply or cause to be applied for an *ex parte* order from any circuit court in the State requesting the suspension or discontinuation of service for any and all contraband cell phones that the supervising law enforcement officer is able to identify. The application must set forth the probable cause grounds on which the application is based and must contain sufficient identifiers for the contraband cell phones.

**Section 24-4-50.** (A) Upon receipt of an application from a supervising law enforcement officer, the circuit courts of this State are authorized to issue an *ex parte* order requiring cellular service providers to immediately suspend or discontinue the cellular service provided to the identified contraband cell phones. The circuit court shall maintain the original order.

(B) The court, upon request of the applicable law enforcement agency, also may prohibit the disclosure of the existence of an order authorized by subsection (A) in any manner and under such circumstances deemed appropriate by the court. However, a cellular service provider may disclose the existence of an order to a subscriber whose service was interrupted as a result of the order and who is inquiring about why service was interrupted.

(C) All circuit courts in this State have jurisdiction and venue to issue an order authorized by subsection (A).

**Section 24-4-60.** Upon receipt of an order to immediately suspend or discontinue the cellular service provided to an identified contraband cell phone from a circuit court in this State, a cellular service provider must discontinue the cellular service to any and all identified contraband cell phones as soon as is practicable, which shall include reporting phone identifiers to the GSMA device check database, or by any other reasonable means. However, if reporting a particular mobile device identifier (IMEI, MEID, ESN, etc.) to the GSMA database may impact devices not identified as contraband, the cellular service provider is not required to report that mobile device identifier to the GSMA database.

**Section 24-4-70.** (A) If the cellular service subscriber whose cellular service is affected by an order issued pursuant to this chapter deems it necessary to challenge the suspension or discontinuation of service, he must appear personally before the cellular service provider with the cell phone in question and with proof of identification that must contain a photograph and list a physical address. The subscriber must request reinstatement of the cellular service to the phone in question. The request must contain the name and the physical and billing address of the person making the request.

(B) Upon receipt of a request for reinstatement that complies with subsection (A), the cellular service provider may reinstate service to that cell phone if it reasonably appears that the service was suspended or discontinued in error. In the event of reinstatement, the cellular service provider must provide the supervising law enforcement officer and the prison or local detention facility with written notice after the reinstatement, which notice shall include the date and time of the reinstatement and the name and address of the requestor. If, after review of the request, the supervising law enforcement officer or anyone at the prison or local detention facility objects to the reinstatement, a subsequent order may be sought pursuant to Section 24-4-50.

(C) If the supervisory law enforcement officer receives a complaint regarding the suspension or discontinuance of cellular service to any cell phone identified as a contraband cell phone in connection with this chapter, the officer may conduct further investigation and confirmation of contraband devices in question and may seek an order reinstating the cellular service to the phone in question.

**Section 24-4-80.** (A) No cause of action lies in any court against any cellular service provider, its officers, employees, agents, or any other specified persons for discontinuing service and/or providing assistance in accordance with the terms of a court order under this chapter.

(B) An appointed or elected public official, public employee, public agency, or supervisory law enforcement officer is immune from civil liability for damages for any act or omission under this article.

(C) A good faith reliance on a court order issued under this chapter is a complete defense against any civil or criminal action brought under any provision of law.

*RECOMMENDATION 49. Notice to leave to SCDC trespasser/loiterer*

The ad hoc committee recommends the General Assembly consider clarifying what constitutes notice to leave to a trespasser/loiterer on prison property by amending S.C. Code Section 24-1-270, as proposed by SCDC.<sup>356</sup> According to SCDC, at least one magistrate interprets the statute to require the agency head personally to notify a person not to trespass prior to any arrest being made and that a posted sign is insufficient to be considered notification.<sup>357</sup>

Implementation of this recommendation clarifies what constitutes trespass. Proposed language to implement this recommendation is included in Table 27.

Table 27. Proposed statutory changes to clarify what constitutes notice to leave to a trespasser/loiterer on prison property.

|                      |  |
|----------------------|--|
| Recommended revision | <p><b>SECTION 24-1-270.</b> Trespass or loitering on or refusal to leave State correctional properties prohibited.</p> <p>(A) As used in this section, the term ‘state correctional properties’ includes all property under the control of the Director of the South Carolina Department of Corrections, or his agents, for the confinement of inmates or other uses pursuant to the director’s responsibilities.</p> <p>(B) It is unlawful for a person to:</p> <p>(1) trespass or loiter on state correctional properties after notice to leave is given by the director or his authorized agents or, after lawful entry, refuse to leave the premises after notice is given; or</p> <p>(2) incite, solicit, urge, encourage, exhort, instigate, or procure a person to violate the provisions of item (1) of this subsection.</p> <p>(C) A person violating the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.</p> <p>(D) The provisions of this section must not be construed to bar prosecution of other offenses committed on state correctional property.</p> <p><u>(E) For purposes of this section, signs posted on the property of the South Carolina Department of Corrections indicating it is illegal to trespass or loiter on the premises shall constitute notice of the same by the Director.</u></p> |
|----------------------|--|

Table Note: Underline indicates proposed additional text. Strike through indicates proposed deletion of text.

*RECOMMENDATION 50. Penalty for contacting crime victims*

The ad hoc committee recommends the General Assembly consider increasing the criminal penalty for contacting crime victims while in prison by amending S.C. Code Section 24-3-970, as proposed by SCDC.<sup>358</sup> Under current law, an inmate who contacts or harasses a victim, or has a third-party do so, is guilty of a misdemeanor and can be fined \$500, or imprisoned for not more than 30 days, or both.

SCDC asserts the current penalties are an ineffective deterrent and requests the General Assembly increase the penalties.<sup>359</sup> The number of inmate social media complaints/tips received has increased dramatically, with calendar year 2018 numbers more than double 2014 numbers, which may coincide with the proliferation of smart phones.<sup>360</sup>

SCDC is not aware of any entities opposing this recommendation.<sup>361</sup> Proposed language to implement this recommendation is included in Table 28.

Table 28. Proposed statutory changes to increase the criminal penalty for contacting crime victims while in prison.

|                             |  |
|-----------------------------|--|
| <b>Recommended revision</b> | <p><b>SECTION 24-3-970.</b> Use of a social networking site by an inmate to contact a victim; penalty.</p> <p>It is unlawful for an inmate, or a person acting on behalf of or enabling an inmate, to utilize any Internet-based social networking website for purposes of harassing, intimidating, or otherwise contacting a crime victim. An inmate or person acting on behalf of an inmate utilizing an Internet-based social networking website for purposes described herein is guilty of a misdemeanor and, upon conviction, must be fined not more than <del>five hundred</del> <u>one thousand</u> dollars, or imprisoned not more than <del>thirty days</del> <u>one year</u>, or both.</p> <p>The provisions of this section apply only to inmates incarcerated in a State Department of Corrections facility.</p> |
|-----------------------------|--|

Table Note: Underline indicates proposed additional text. Strike through indicates proposed deletion of text.

*RECOMMENDATION 51. Review of medical treatment*

The ad hoc committee recommends the General Assembly consider adding 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, as proposed by SCDC.<sup>362</sup> The statutory provisions encourage professional staff to engage in self-analysis through review of medical treatment.<sup>363</sup> This self-analysis assists agencies in recommending changes to improve future care.<sup>364</sup> Agencies currently exempt include the Department of Mental Health and Department of Health and Environmental Control.

This may impact mortality and morbidity review, serious incident review and suicide review all of which SCDC asserts serve the purpose of providing a safe, open venue to explore care/event details, engage in clinical and multidisciplinary discussion to gain insight into performance, improve internal multidisciplinary communication, identify and disseminate information about care and processes, and develop strategies for internal quality improvement.<sup>365</sup> Identification of the documents relied upon during the reviews, the committee discussion, and committee determinations or recommendations would not be available in discovery.<sup>366</sup> However, as is noted generally in S.C. Code Section 44-71-20, the medical/clinical records, medication management records, coroner’s report, and other pertinent documentation distributed to the committee members depending on the type of review conducted are subject to discovery requests in lawsuits as original documents.<sup>367</sup>

Proposed language to implement this recommendation is included in Table 29.

Table 29. Proposed statutory changes to add SCDC to the list of state agencies exempt from monetary liability for certain acts, such as review of patient medical and health records.

|                             |   |
|-----------------------------|---|
| <b>Recommended revision</b> | <p><b>SECTION 40-71-10.</b> Members of certain professional committees exempt from tort liability</p> <p>(A) “Professional society” as used in this chapter includes legal, medical, osteopathic, optometric, chiropractic, psychological, dental, accounting, pharmaceutical, and engineering organizations having as members at least a</p> |
|-----------------------------|---|



majority of the eligible licentiates in the area served by the particular society and any foundations composed of members of these societies. It also includes the South Carolina Law Enforcement Accreditation Council.

(B) There is no monetary liability on the part of, and no cause of action for damages arising against, a member of an appointed committee which is formed to maintain professional standards of a state or local professional society as defined in this section or a committee appointed by the Department of Mental Health, or a committee appointed by the Department of Health and Environmental Control, or a committee appointed by the South Carolina Department of Corrections to review patient medical and health records in order to study the causes of death and disease for any act or proceeding undertaken or performed within the scope of the functions of the committee if the committee member acts without malice, has made a reasonable effort to obtain the facts relating to the matter under consideration, and acts in the belief that the action taken by him is warranted by the facts known to him.

(C) No person acting pursuant to subsection (B) shall be subject to any monetary liability or cause of action for damages for any action for restraint of trade, violation of the South Carolina Unfair Trade Practices Act, or other action predicated upon unfair or illegal competition unless such person acted with malice.

(D) The provisions of this section do not affect the official immunity of an officer or employee of a public corporation.

**SECTION 40-71-20.** Confidentiality of certain proceedings, records and information; reporting accidents and incidents.

(A) All proceedings of and all data and information acquired by the committee referred to in Section 40-71-10 in the exercise of its duties are confidential unless a respondent in the proceeding requests in writing that they be made public. These proceedings and documents are not subject to discovery, subpoena, or introduction into evidence in any civil action except upon appeal from the committee action. Information, documents, or records which are otherwise available from original sources are not immune from discovery or use in a civil action merely because they were presented during the committee proceedings, nor shall any complainant or witness before the committee be prevented from testifying in a civil action as to matters of which he has knowledge apart from the committee proceedings or revealing such matters to third persons.

(B) Confidentiality provisions do not prevent committees appointed by the Department of Health and Environmental Control or the South Carolina Department of Corrections from issuing reports containing solely nonidentifying data and information.

(C) Nothing in this section affects the duty of a facility or activity licensed by the Department of Health and Environmental Control to report accidents or incidents pursuant to the department's regulations. Provided, however, anything reported pursuant to the department's regulations shall not be considered to waive any privilege or confidentiality provided in subsection (A).

*Table Note: Underline indicates proposed additional text. Strike through indicates proposed deletion of text.*



*RECOMMENDATION 52. Jurisdiction for SCDC contraband charges*

The ad hoc committee recommends the General Assembly consider placing sole jurisdiction over SCDC contraband charges with general session courts instead of magistrate courts by amending S.C. Code Section 24-3-965, as proposed by SCDC.<sup>368</sup> The agency prosecutes contraband matters to the extent feasible.<sup>369</sup> However, charges for contraband, other than weapons or illegal drugs, are magistrate court level and cases often conclude with a penalty of 30 days concurrent with the inmate’s original sentence.<sup>370</sup> Other items deemed contraband by the agency director include cell phones, cell phone accessories, tobacco, and alcohol.<sup>371</sup> Some examples of prior situations this recommendation would have impacted include:

- Inmate caught with \$2,000 in cash, four cell phones, gold jewelry, and other items;
- Civilian caught smuggling in two cell phones during visitation;
- Employee caught with eight pounds of tobacco; and
- Employee admitted to stopping with the inmate litter crew detail at a designated location along the interstate to allow the pick-up of tobacco contraband packages by inmates.<sup>372</sup>

SCDC takes no position on where contraband charges from local detention centers are heard, but requests contraband charges from SCDC be heard in general sessions court. Also, SCDC asserts the greater penalties imposed by general sessions courts may deter normally law-abiding citizens from assisting in bringing in contraband.<sup>373</sup>

Proposed language to implement this recommendation is included in Table 30.

*Table 30. Proposed statutory changes to place sole jurisdiction over SCDC contraband charges with general sessions courts instead of solely with magistrate courts.*

|                      |   |
|----------------------|---|
| Recommended revision | <p><b>SECTION 24-3-965.</b> Certain offenses relating to contraband to be tried in magistrate's court.</p> <p>Notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, 24-3-950, and 24-7-155, the offenses of furnishing contraband, other than weapons or illegal drugs, <del>to an inmate under the jurisdiction of the Department of Corrections</del> <u>or to an inmate in a county jail, municipal jail, regional detention facility, prison camp, work camp, or overnight lockup facility, and the possession of contraband, other than weapons or illegal drugs, by an inmate under the jurisdiction of the Department of Corrections or</u> by an inmate in a county jail, municipal jail, regional detention facility, prison camp, work camp, or overnight lockup facility must be tried exclusively in magistrates court. Matters considered contraband within the meaning of this section are those which are designated as contraband <del>by the Director of the Department of Corrections or</del> <u>by the</u> local facility manager.</p> |
|----------------------|---|

*Table Note: Underline indicates proposed additional text. Strike through indicates proposed deletion of text.*

*RECOMMENDATION 53. Penalties for SCDC employees with contraband*

The ad hoc committee recommends the General Assembly consider increasing criminal penalties for SCDC employees convicted of violating statutes related to contraband by amending S.C. Code Section 24-3-950, as proposed by SCDC.<sup>374</sup> Currently, violators are punished by a fine of not less than \$1,000 nor more than \$10,000 or imprisonment for not less than one year nor more than ten years, or both.<sup>375</sup> SCDC seeks to increase the minimum penalty for agency employee violators to a fine of \$5,000 or imprisonment for five years, or both.<sup>376</sup>

SCDC’s Deputy Director of Police Services believes one of the main reasons SCDC staff engage in activity involving contraband is money.<sup>377</sup> According to the deputy director, “Money never has to really even change hands. An inmate can say if you give me a phone, I’ll get you \$500. They just have to have an account number or a PayPal number, and as soon as they bring it in, money shows up.”<sup>378</sup> Therefore, if a staff member can make \$1,000 by bringing in two phones and only risks losing their job and a potential \$1,000 fine, there is not much disincentive.<sup>379</sup> During the study, ad hoc committee members note the ongoing need to prevent introduction of contraband into state prisons.<sup>380</sup>

Proposed language to implement this recommendation is included in Table 31.

Table 31. Proposed statutory changes to increase criminal penalties for SCDC employees convicted of violating statutes related to contraband.

|                             |   |
|-----------------------------|---|
| <b>Recommended revision</b> | <p><b>SECTION 24-3-950. Contraband.</b></p> <p>It shall be unlawful for any person to furnish or attempt to furnish any prisoner under the jurisdiction of the Department of Corrections with any matter declared by the director to be contraband, including, but not limited to, telecommunication devices, weapons, or illegal drugs. It shall also be unlawful for any prisoner under the jurisdiction of the Department of Corrections to possess any matter declared to be contraband, including, but not limited to, telecommunication devices, weapons, or illegal drugs. Matters considered contraband within the meaning of this section shall be those which are determined to be such by the director and published by him in a conspicuous place available to visitors and inmates at each correctional institution. Any person violating the provisions of this section shall be deemed guilty of a felony and, upon conviction, shall be punished by a fine of not less than one thousand dollars nor more than ten thousand dollars or imprisonment for not less than one year nor more than ten years, or both. <u>Any person employed by the Department of Corrections while violating the provisions of this section shall be deemed guilty of a felony and, upon conviction, shall be punished by a fine of not less than five thousand dollars nor more than ten thousand dollars or imprisonment for not less than five years nor more than ten years, or both.</u></p> |
|-----------------------------|---|

Table Note: Underline indicates proposed additional text. Strike through indicates proposed deletion of text.

### Efficiency

The ad hoc committee makes six recommendations to the General Assembly related to efficiency, and a summary is in Table 32.

Table 32. Summary of recommendations to the General Assembly related to efficiency.

|                   |  |
|-------------------|--|
| <b>Efficiency</b> | <p>54. Lower the minimum age for certification of correctional officers from 21 to 18*</p> <p>55. Raise the salary cap for retired state employees who return to covered employment with SCDC*</p> <p>56. Allow SCDC to collect monies owed from inmates after release from prison by amending S.C. Code Section 24-13-80*</p> |
|-------------------|--|

- 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\*

Table Note: An asterisk (\*) indicates the recommendation was proposed by SCDC.

*RECOMMENDATION 54. Minimum age for correctional officers*

The ad hoc committee recommends the General Assembly consider lowering the minimum age for certification of correctional officers from 21 to 18, as proposed by SCDC.<sup>381</sup> Currently, 18 to 20-year-old employees of SCDC can hold certain posts such as helping work the gates and in the cafeteria.<sup>382</sup> However, they cannot work transportation or carry a weapon, which limits their ability to be of assistance in emergencies.<sup>383</sup> In proposing this recommendation, SCDC notes the U.S. military arms 17 to 20-year olds.<sup>384</sup> SCDC asserts the benefits of lowering the age are an increased pool of applicants and maximizing utilization of the more than 100 current cadets (as of June 2020).<sup>385</sup> Implementation of this recommendation may assist SCDC in addressing its vacancies and inmate to officer ratio.<sup>386</sup>

In the audit the Committee requested the Legislative Audit Council (LAC) perform of SCDC, LAC also recommends the General Assembly “amend state law to lower the minimum age to become a correctional officer.”<sup>387</sup> According to research by the LAC of 44 states, the following minimum age requirements to become a correctional officer exist as of February 2019: 23 states had a minimum age of 18; three states had a minimum age of 19; one state had a minimum age of 19 ½; three states had a minimum age of 20; and 14 states had a minimum age of 21<sup>388</sup>

The Criminal Justice Academy takes no position on the recommendation.<sup>389</sup>

Proposed language to implement this recommendation is included in Table 33.

Table 33. Proposed statutory changes to lower the minimum age of correctional officers from 21 to 18.

|                             |  |
|-----------------------------|--|
| <b>Recommended revision</b> | <p><b>SECTION 23-23-60.</b> Certificates of compliance; information to be submitted relating to qualification of candidates for certification; expiration of certificate. [...]</p> <p>(B) All city and county police departments, sheriffs' offices, state agencies, or other employers of law enforcement officers having such officers as candidates for certification shall submit to the director, for his confidential information and subsequent safekeeping, the following: [. . .]</p> <p>(8) evidence satisfactory to the director that the candidate's present age is not less than <del>twenty-one</del> <u>eighteen</u> years. This evidence must include a birth certificate or another acceptable document;</p> |
|-----------------------------|--|

Table Note: Underline indicates proposed additional text. Strike through indicates proposed deletion of text.

*RECOMMENDATION 55. Salary cap for returning state employees*

The ad hoc committee recommends the General Assembly consider raising the salary cap for retired state employees who return to covered employment with SCDC, as proposed by SCDC.<sup>390</sup> With certain exceptions, if a state government retiree returns to state employment, there is an annual earnings limitation (i.e., salary cap) of \$10,000.<sup>391</sup>

SCDC has over 200 open positions.<sup>392</sup> During the study, agency personnel express the belief that agency retirees will return to work if the salary cap is raised.<sup>393</sup> While retirees may not return to work full time, return to part time work would provide some relief and backup.<sup>394</sup> Additionally, retirees returning to work must pass all applicable tests, including physical tests to ensure they are capable of performing the tasks necessary for the job.<sup>395</sup>

In the audit the Committee requested the Legislative Audit Council (LAC) perform of SCDC, LAC also recommends the General Assembly “amend S.C. Code Section 9-1-1790 to add an exemption that would eliminate the cap on the annual amount that may be earned by a retired correctional officer who returns to covered employment with the state, if the correctional officer works in a critical need area.”<sup>396</sup>

*RECOMMENDATION 56. Costs of inmate property damage/medical expenses*

The ad hoc committee recommends the General Assembly consider allowing SCDC to collect monies owed from inmates after release from prison by amending S.C. Code Section 24-13-80, as proposed by SCDC.<sup>397</sup> Current law authorizes detention facilities to collect certain costs (e.g., elective medical services; photocopying, and/or damage to property) from inmates after release. A list of local detention centers utilizing this authority is on the Committee’s webpage.<sup>398</sup> This recommendation seeks to allow SCDC to recoup the same type of expenses incurred in care of inmates.<sup>399</sup>

SCDC proposes only collecting the monies from the former inmates through the Setoff Debt collection program, which allows Department of Revenue to assist in the collection of delinquent debts owed to claimant agencies through garnishment of individual income tax refunds.<sup>400</sup>

*RECOMMENDATION 57. Inmate Medicaid authorization*

The ad hoc committee recommends the General Assembly consider allowing SCDC to apply to a court for authorization to file for Medicaid on behalf of an inmate without an inmate's consent. SCDC is responsible for the healthcare of inmates in its custody, and SCDC can more efficiently provide these services when qualifying inmates are enrolled in the Medicaid program. In SCDC’s review of the Medicaid application process, “approximately 10% of the inmates refuse to sign the applications.”<sup>401</sup> Reasons for the refusal vary, but may include the inmate not wanting to aid SCDC.<sup>402</sup> According to SCDC, “although [10%] is a small number of individuals, it accounts for an estimated 12-15 inpatient hospital stays for which SCDC pays the claim.”<sup>403</sup> Based on a recent Kaiser study, the average cost of an inpatient hospital stay in South Carolina is over \$15,000.<sup>404</sup> Therefore, an estimated cost of these individuals refusing to sign applications for Medicaid is \$180,000-225,000 per year.<sup>405</sup>

The quality of care provided remains the same since the care is rendered regardless of which entity pays the claim.<sup>406</sup> According to the Department of Health and Human Services, to apply for Medicaid on behalf of the inmate without the inmate's consent SCDC would need to be authorized by statute, regulation, or court order.<sup>407</sup> According to Court Administration, “unless there is statutory authority, ordering Medicaid

is outside of the scope of the authority of a sentencing judge. If such authority does not currently exist, enabling legislation would be required to order forced application for Medicaid during sentencing.”<sup>408</sup>

*RECOMMENDATION 58. Sentencing calculation errors #1*

The ad hoc committee recommends the General Assembly consider assisting SCDC in avoiding sentencing calculation errors related to jail time credit by amending S.C. Code Section 24-13-40, as proposed by SCDC.<sup>409</sup> SCDC is tasked with determining and applying jail time credit. To make these determinations the agency must rely on information from several different sources.<sup>410</sup> This recommendation seeks to ensure the court, as opposed to the agency responsible for detaining the inmate, determines the amount of time the inmate serves by requiring the sentencing court to calculate jail time credit. Additionally, when discussing the potential of Court Administration providing SCDC the number of days served during the study, one ad hoc committee member, a former circuit court judge, notes circuit judges have the unique ability and authority to require information that other agencies may not.<sup>411</sup>

Proposed language to implement this recommendation is included in Table 34.

Table 34. Proposed statutory changes to update types of early releases.

|                             |   |
|-----------------------------|---|
| <b>Recommended revision</b> | <p><b>Section 24-13-40. Computation of Time Served by Prisoners.</b></p> <p>The computation of the time served by prisoners under sentences imposed by the courts of this State must be calculated from the date of the imposition of the sentence. However, when (a) a prisoner shall have given notice of intention to appeal, (b) the commencement of the service of the sentence follows the revocation of probation, or (c) the court shall have designated a specific time for the commencement of the service of the sentence, the computation of the time served must be calculated from the date of the commencement of the service of the sentence. In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing, and may be given for any time spent under monitored house arrest. Provided, however, that credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; or (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense.</p> |
|                             | <p><u>Upon sentencing or activating a sentence, the court shall determine the credits to which the prisoner is entitled for time served prior to trial and sentencing and all allowable time shall be credited on the commitment order. Upon committing a prisoner at the conclusion of an appeal, probation, or post-release supervision revocation, the court shall determine the credits to which the prisoner is entitled, and all allowable time shall be credited on the commitment order. Upon review of a petition for credit not previously allowed, the court shall determine any credits due and forward an order setting forth the allowable credit to the custodian of the petitioner.</u></p>   |

Table Note: Underline indicates proposed additional text. Strike through indicates proposed deletion of text.

*RECOMMENDATION 59. Sentencing calculation errors #2*

The ad hoc committee recommends the General Assembly consider assisting SCDC in avoiding sentencing calculation errors related to third degree offenders by amending S.C. Code Sections 44-53-370 and 44-53-375, as proposed by SCDC.<sup>412</sup> SCDC and the Department of Probation, Parole, and Pardon are currently tasked with determining whether certain third drug offenders must serve their sentences as 85%, “no parole” sentences, and must rely on information from multiple sources. The recommendation requires the court determine if a defendant’s prior possession charges meet the requirements to qualify for a “sentence suspended and probation granted and parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits.”<sup>413</sup>

Proposed language to implement this recommendation is included in Table 35.

*Table 35. Proposed statutory changes to avoid sentencing calculation errors.*

|                                    |   |
|------------------------------------|---|
| <p><b>Recommended revision</b></p> | <p><b>Section 44-53-370. Prohibited acts A; penalties</b></p> <p>(a) Except as authorized by this article it shall be unlawful for any person:</p> <p>(1) to manufacture, distribute, dispense, deliver, purchase, aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with the intent to manufacture, distribute, dispense, deliver, or purchase a controlled substance or a controlled substance analogue;</p> <p>(2) to create, distribute, dispense, deliver, or purchase, or aid, abet, attempt, or conspire to create, distribute, dispense, deliver, or purchase, or possess with intent to distribute, dispense, deliver, or purchase a counterfeit substance.</p> <p>(b) A person who violates subsection (a) with respect to:</p> <p>(1) a controlled substance classified in Schedule I (B) and (C) which is a narcotic drug or lysergic acid diethylamide (LSD) and in Schedule II which is a narcotic drug is guilty of a felony and, upon conviction, for a first offense must be imprisoned not more than fifteen years or fined not more than twenty-five thousand dollars, or both. For a second offense, the offender must be imprisoned not less than five years nor more than thirty years, or fined not more than fifty thousand dollars, or both. For a third or subsequent offense, the offender must be imprisoned not less than ten years nor more than thirty years, or fined not more than fifty thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item for a first offense or second offense may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this subsection for a third or subsequent offense in which <u>the Court has determined that</u> all prior offenses were for possession of a controlled substance pursuant to subsections (c) and (d), may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. In all other cases, the sentence must not be suspended nor probation granted;</p> <p>(2) any other controlled substance classified in Schedule I, II, or III, flunitrazepam or a controlled substance analogue, is guilty of a felony and, upon conviction, for a first offense must be imprisoned not more than five</p> |
|------------------------------------|---|

years or fined not more than five thousand dollars, or both. For a second offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than ten years or fined not more than ten thousand dollars, or both. For a third or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not less than five years nor more than twenty years, or fined not more than twenty thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item for a first offense or second offense may have the sentence suspended and probation granted, and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item for a third or subsequent offense in which the Court has determined that all prior offenses were for possession of a controlled substance pursuant to subsections (c) and (d), may have the sentence suspended and probation granted, and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. In all other cases, the sentence must not be suspended nor probation granted;

(3) a substance classified in Schedule IV except for flunitrazepam is guilty of a misdemeanor and, upon conviction, for a first offense must be imprisoned not more than three years or fined not more than three thousand dollars, or both. In the case of second or subsequent offenses, the person is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than six thousand dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this item for a first offense or second offense may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this subsection for a third or subsequent offense in which the Court has determined that all prior offenses were for possession of a controlled substance pursuant to subsections (c) and (d), may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. In all other cases, the sentence must not be suspended nor probation granted;

**Section 44-53-375. Possession, manufacture, and trafficking of methamphetamine and cocaine base and other controlled substances; penalties.**

(A) A person possessing less than one gram of methamphetamine or cocaine base, as defined in Section 44-53-110, is guilty of a misdemeanor and, upon conviction for a first offense, must be imprisoned not more than three years or fined not more than five thousand dollars, or both. For a first offense the court, upon approval of the solicitor, may require as part of a sentence, that the offender enter and successfully complete a drug treatment and rehabilitation program. For a second offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more



than seven thousand five hundred dollars, or both. For a third or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than ten years or fined not more than twelve thousand five hundred dollars, or both. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this subsection may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits.

(B) A person who manufactures, distributes, dispenses, delivers, purchases, or otherwise aids, abets, attempts, or conspires to manufacture, distribute, dispense, deliver, or purchase, or possesses with intent to distribute, dispense, or deliver methamphetamine or cocaine base, in violation of the provisions of Section 44-53-370, is guilty of a felony and, upon conviction:

(1) for a first offense, must be sentenced to a term of imprisonment of not more than fifteen years or fined not more than twenty-five thousand dollars, or both;

(2) for a second offense, the offender must be imprisoned for not less than five years nor more than thirty years, or fined not more than fifty thousand dollars, or both;

(3) for a third or subsequent offense, the offender must be imprisoned for not less than ten years nor more than thirty years, or fined not more than fifty thousand dollars, or both.

Possession of one or more grams of methamphetamine or cocaine base is prima facie evidence of a violation of this subsection. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this subsection for a first offense or second offense may have the sentence suspended and probation granted, and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this subsection for a third or subsequent offense in which the Court has determined that all prior offenses were for possession of a controlled substance ~~pursuant to subsection (A)~~, may have the sentence suspended and probation granted and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits. In all other cases, the sentence must not be suspended nor probation granted.

*Table Note: Underline indicates proposed additional text. Strike through indicates proposed deletion of text.*



### Modernization of Laws

The ad hoc committee makes 16 recommendations to the General Assembly related to modernization of laws, and a summary is in Table 36.

Table 36. Summary of recommendations to the General Assembly related to modernization of laws.

|                       |   |
|-----------------------|---|
| 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.*

*RECOMMENDATION 60. Early release types*

The ad hoc committee recommends the General Assembly consider updating 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, as proposed by SCDC.<sup>414</sup> According to SCDC, references to "early release or discharge" should be removed from S.C. Code Section 24-13-150(A) and 24-21-560 because early release and discharge do not apply to 85% offenders.<sup>415</sup> Under S.C. Code Section 24-21-560, 85% offenders are only released to community supervision. The Department of Probation, Parole, and Pardon concurs with this recommendation.<sup>416</sup>

Proposed language to implement this recommendation is included in Table 37.

*Table 37. Proposed statutory changes to update types of early releases.*

|                      |  |
|----------------------|--|
| Recommended revision | <p><b>SECTION 24-13-150.</b> <del>Early release, discharge, and e</del>Community supervision; limitations; forfeiture of credits.</p> <p>(A) Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed, an inmate convicted of a "no parole offense" as defined in Section 24-13-100 and sentenced to the custody of the Department of Corrections, including an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30, is not eligible for <del>early release, discharge,</del> <del>or</del> community supervision as provided in Section 24-21-560, until the inmate has served at least eighty-five percent of the actual term of imprisonment imposed. This percentage must be calculated without the application of earned work credits, education credits, or good conduct credits, and is to be applied to the actual term of imprisonment imposed, not including any portion of the sentence which has been suspended. <del>Nothing in this section may be construed to allow an inmate convicted of murder or an inmate prohibited from</del></p> |
|----------------------|--|

~~participating in work release, early release, discharge, or community supervision by another provision of law to be eligible for work release, early release, discharge, or community supervision.~~

**SECTION 24-21-560.** Community supervision program; eligibility; time periods, supervision, and determination of completion; violations; revocation; notification of release to community supervision.

(A) Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed, any sentence for a "no parole offense" as defined in Section 24-13-100 must include any term of incarceration and completion of a community supervision program operated by the Department of Probation, Parole, and Pardon Services. No prisoner who is serving a sentence for a "no parole offense" is eligible to participate in a community supervision program until he has served the minimum period of incarceration as set forth in Section 24-13-150. ~~Nothing in this section may be construed allow a prisoner convicted of murder or an inmate prohibited from early release, discharge, or work release by any other provision on law to be eligible for early release, discharge, or work release.~~

Table Note: Underline indicates proposed additional text. Strike through indicates proposed deletion of text.

#### *RECOMMENDATION 61. Grounds for granting inmate furlough*

The ad hoc committee recommends the General Assembly consider updating the grounds for which inmates may be granted furlough since by longstanding agency practice furloughs are only granted for medical reasons, by amending S.C. Code Section 24-3-210, as proposed by SCDC.<sup>417</sup> Although permitted by statute, SCDC has not utilized a furlough for any reason other than medical in the past 25 years.<sup>418</sup> SCDC only allows medical furloughs because "the inmate is basically on his own with minimal supervision by SCDC."<sup>419</sup>

Proposed language to implement this recommendation is included in Table 38.

Table 38. Proposed statutory changes to update reasons for which inmates are granted furlough.

Recommended  
revision

**SECTION 24-3-210.** Furloughs for qualified inmates of State prison system.

(A) The director may extend the limits of the place of confinement of a prisoner, where there is reasonable cause to believe he will honor his trust, by authorizing him, under prescribed conditions, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time ~~to:~~ on medical furlough.

- ~~(1) contact prospective employers;~~
- ~~(2) secure a suitable residence for use when released on parole or upon discharge;~~
- ~~(3) obtain medical services not otherwise available;~~
- ~~(4) participate in a training program in the community or any other compelling reason consistent with the public interest;~~
- ~~(5) visit a spouse, child (including stepchild, adopted child, or child as to whom the prisoner, though not a natural parent, has acted in the place of a parent),~~

~~parent (including a person, though not a natural parent, who has acted in the place of a parent), brother, or sister.~~

(B) The director may extend the limits of the place of confinement of a terminally ill inmate for an indefinite length of time when there is reasonable cause to believe that the inmate will honor his trust.

(C) The wilful failure of a prisoner to remain within the extended limits of his confinement or return within the time prescribed to the places of confinement designated by the director is considered an escape from the custody of the director punishable as provided in Section 24-13-410.

(D) The director may not extend the benefits of this section to a person convicted of a violent crime as defined in Section 16-1-60 unless all of the following persons recommend in writing that the offender be allowed to participate in the furlough program in the community where the offense was committed:

(1) in those cases where, as applicable, the victim of the crime for which the offender is charged, or the relatives of the victim who have applied for notification pursuant to the provisions of Article 15, Chapter 3, Title 16 if the victim has died;

(2) the law enforcement agency which employed the arresting officer of the offender; and

(3) the solicitor in whose circuit the offender was convicted.

Table Note: Underline indicates proposed additional text. Strike through indicates proposed deletion of text.

#### RECOMMENDATION 62. Day reporting center responsibility

The ad hoc committee recommends the General Assembly consider updating responsibility for day reporting centers to make them solely the responsibility of the Department of Probation, Parole, and Pardon (PPP), by amending S.C. Code Sections 24-21-1310 and 24-21-1320, as proposed and agreed upon by SCDC and PPP.<sup>420</sup> Current law allows for day reporting centers with joint discretion of SCDC and PPP for inmate placement. During the study, SCDC personnel testify the agency does not utilize day reporting centers.<sup>421</sup> PPP concurs with this recommendation.<sup>422</sup>

Proposed language to implement this recommendation is included in Table 39.

Table 39. Proposed statutory changes to update responsibilities for day reporting centers.

Recommended  
revision

**SECTION 24-21-1310.** Development and operation; inmate eligibility.

(A) Notwithstanding another provision of law, the Department of Probation, Parole and Pardon Services may develop and operate day reporting centers for eligible inmates and eligible offenders, if the General Assembly appropriates funds to operate these centers. The Department of Probation, Parole and Pardon Services shall develop policies, procedures, and guidelines for the operation of day reporting centers. The period of time an eligible inmate or offender is required to participate in a day reporting program and the individual terms and conditions of an eligible inmate's or offender's placement and participation are at the joint discretion of ~~the Department of Corrections and~~ the Department of Probation, Parole and Pardon Services.

(B) An inmate or offender has no right to be placed in a day reporting center. The ~~Department of Corrections and the~~ Department of Probation, Parole and Pardon Services have absolute discretion to place an eligible inmate or offender in a day reporting center and nothing in this article may be construed to entitle an inmate or offender to participate in a day reporting center program.

**SECTION 24-21-1320.** Conditions of placement; removal.

(A) An eligible inmate or offender placed in a day reporting center must agree to abide by the conditions established by ~~the Department of Corrections and the~~ Department of Probation, Parole and Pardon Services, which may include, but are not limited to:

- (1) seek and maintain employment;
- (2) participate in any educational, vocational training, counseling, or mentoring program recommended by the department;
- (3) refrain from using alcohol or nonprescription medication; and
- (4) pay a reasonable supervision fee, which may be waived by the department, that must be retained by the department to assist in funding this program.

(B) An eligible inmate or offender who fails to abide by the conditions established by ~~the Department of Corrections and the~~ Department of Probation, Parole and Pardon Services may be removed from the community and brought before an administrative hearing officer of the Department of Probation, Parole and Pardon Services. The Department of Probation, Parole and Pardon Services is the sole authority for determining whether any condition has been violated and for determining the actions to be taken in response to the violation. A participant revoked from participation in a day reporting center may be subject to further criminal proceedings or the institution of internal disciplinary sanctions for violations of any conditions associated with his placement in the day reporting center program. An inmate who fails to report as instructed, or whose whereabouts are unknown, may be considered to be an escapee by the department and may be apprehended and returned to custody as any other inmate who is deemed an escapee by the department.

(C) If a sentence to a day reporting center is revoked, the inmate must serve the remainder of his sentence within the Department of Corrections if appropriate.

*Table Note: Underline indicates proposed additional text. Strike through indicates proposed deletion of text.*

*RECOMMENDATION 63. Due process and pre-trial detainees*

The Subcommittee recommends the General Assembly 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, as proposed by SCDC.<sup>423</sup> Under the current law, upon recommendation of SCDC's director, the Governor authorizes a pre-trial detainee to be held at SCDC if requisite factors are met. The proposed updates seek to afford due process through the circuit court before SCDC takes custody and control of the pre-trial detainee.

Proposed language to implement this recommendation is included in Table 40.

Table 40. Proposed statutory changes to provide pre-trial detainees due process prior to being housed at SCDC.

|                                 |   |
|---------------------------------|---|
| <b>Recommended<br/>revision</b> | <b><u>Section 24-3-80. Detention of prisoner when authorized by Governor by the Department of Corrections.</u></b>  |
|                                 | <p>The director of the prison system shall admit and detain in the Department of Corrections for safekeeping any prisoner tendered by any law enforcement officer in this State by commitment duly authorized by the Governor, provided, a warrant in due form for the arrest of the person so committed shall be issued within forty eight hours after such commitment and detention. No person so committed and detained shall have a right or cause of action against the State or any of its officers or servants by reason of having been committed and detained in the state prison system.</p> <p>(a) Whenever necessary to avoid a security risk in a pretrial detention facility, the resident circuit court judge or any circuit court judge holding a term of the Court of General Sessions is authorized to order a prisoner transferred to the custody of the South Carolina Department of Corrections where the prisoner shall be held for such length of time as the judge may direct.</p> <p>(b) For purposes of this section, a prisoner poses a security risk if the prisoner:</p> <ol style="list-style-type: none"><li>(1) Poses a high escape risk;</li><li>(2) Exhibits extremely violent and aggressive behavior that cannot be contained and warrants a higher level of supervision;</li><li>(3) Needs to be protected from other inmates, and the pretrial detention facility cannot provide such protection; or</li><li>(4) Otherwise poses an imminent danger to the staff of the pretrial detention facility or to other prisoners in the facility.</li></ol> <p>(c) This section shall not be utilized as a means to acquire or provide the prisoner with medical or mental health care and services in the Department of Corrections.</p> <p>(d) The circuit solicitor, at the request of the sheriff of the county where the prisoner is detained, may petition the Court of General Sessions for a safekeeper order. The petition shall be accompanied by sworn affidavit(s) and other admissible evidence demonstrating that the prisoner poses a security risk as defined in this section and is an appropriate candidate for transfer to the Department of Corrections as a safekeeper. A copy of the petition shall be promptly served on the prisoner and his retained or appointed criminal defense attorney. The prisoner shall be entitled to a hearing to contest that petition. The hearing shall be held within five business days of the filing of the petition unless the court finds that additional time is warranted. A copy of the</p> |

petition shall also be promptly delivered to the General Counsel for the Department of Corrections, and the Department shall have the right to request and participate in a hearing should the Department wish to contest whether the prisoner is an appropriate candidate for transfer under this section and any terms related thereto. If warranted by the evidence presented, the resident circuit court judge or any circuit court judge holding a term of the Court of General Sessions shall issue a safekeeper order setting forth the duration of the transfer to the Department of Corrections and such other terms as deemed appropriate.

(e) After transfer to the Department of Corrections pursuant to a court order under this section, the prisoner, through his criminal defense counsel, shall have the right to petition the Court of General Sessions for a change in circumstances that would merit a termination of the safekeeper order or an amendment of its terms. The petition shall be accompanied by sworn affidavit(s) and other admissible evidence. If such a petition is filed, a hearing shall be held within thirty days of the filing date unless emergency circumstances warrant an expedited hearing. The circuit solicitor and the Department of Corrections shall be allowed to participate in such hearing. The circuit solicitor and the Department of Corrections shall similarly have the right to petition the Court of General Sessions for a change in circumstances that would merit a termination of the safekeeper order or an amendment of its terms. In such instance, the petition shall be accompanied by sworn affidavit(s) and other admissible evidence. Further, a copy of the petition shall be promptly served on the prisoner and his retained or appointed criminal defense attorney who will have a right to participate in a hearing and contest such petition.

(f) The sheriff of the county from which the prisoner is removed shall be responsible for transporting the prisoner to the Department of Corrections and for returning the prisoner to the pretrial detention facility from which the prisoner was transferred. The return shall be made at the expiration of the time designated in the safekeeper order directing the transfer unless the Court of General Sessions, by appropriate order, directs otherwise. The sheriff or keeper of the pretrial detention facility designated in the court order shall receive and release the custody of the prisoner in accordance with the terms of the safekeeper order.

(g) The sheriff or keeper of the pretrial detention facility designated in the safekeeper order shall provide the Department of Corrections with all available and pertinent records relating to the prisoner, including but not limited to, any special facts, issues, or circumstances known to the sheriff or keeper of the pretrial detention facility concerning the particular propensities of the prisoner, the medical records for the prisoner, and any information as to security risks posed by the prisoner.

(h) All medical costs associated with the prisoner held by the Department of Corrections for safekeeping who develops a need for hospitalization or other special medical attention while in the custody of the Department of Corrections shall be the responsibility of the county from which the prisoner is removed.

(i) The sheriff of the county from which the prisoner is removed shall be responsible for transporting the prisoner to any court hearings and any scheduled medical appointments. In emergency situations, the Department of Corrections is authorized to provide transportation.

(j) No prisoner transferred to the custody of the Department of Corrections under this section shall have a right or cause of action against the State, its agencies and political subdivisions, and any of the officers or servants thereof, by reason of having been committed to or detained in the Department of Corrections.

Table Note: Underline indicates proposed additional text. Strike through indicates proposed deletion of text.

*RECOMMENDATION 64. Individual bonds for SCDC director and personnel*

The ad hoc committee recommends the General Assembly consider eliminating the outdated requirement of the SCDC director and other personnel to execute bonds by repealing S.C. Code Section 24-1-120. The bond requirement has not been updated in more than a quarter of a century.<sup>424</sup> The bond is no longer necessary as other statutes address liability insurance for the agency (e.g., S.C. Code of Laws, section 1-11-140 relating to the Insurance Reserve Fund, a Division of the State Fiscal Accountability Authority).<sup>425</sup> A similar recommendation was made by the Committee in its study of the Department of Agriculture.

Proposed language to implement this recommendation is included in Table 41.

Table 41. Proposed statutory changes to repeal requirement for director and other personnel to execute bonds.

|                             |  |
|-----------------------------|--|
| <p>Recommended revision</p> | <p><b>Repeal entire statute</b></p> <p><b>SECTION 24-1-120.</b> Bonds of director and other personnel.<br/>The director shall execute a good and sufficient bond payable to the State in the sum of fifty thousand dollars, conditioned for the faithful performance of the duties of his office and the accurate accounting for all moneys and property coming into his hands; and he may require of other officers, employees and agents of the prison system a good and sufficient bond in such sum as it may determine upon, payable to the State upon like conditions. Such bonds shall be executed by a surety company authorized to do business under the laws of this State, and the premium on any such bond shall be paid by the State out of the support and maintenance fund of the prison system.</p> |
|-----------------------------|--|



*RECOMMENDATION 65. Classification system requirement terminating in 1995*

The ad hoc committee recommends the General Assembly consider eliminating an outdated requirement to establish the classification system and adult criminal offender management system by repealing S.C. Code Title 24, Chapter 22, as proposed by SCDC.<sup>426</sup> S.C. Code Section 24-22-170 states the system “and any regulations promulgated thereto shall terminate July 1, 1995,” more than 20 years ago, “unless extended by the General Assembly.”<sup>427</sup> SCDC is unaware of any extensions to the system granted by the General Assembly.<sup>428</sup> Therefore, SCDC and the Department of Probation, Parole, and Pardon recommend repeal of S.C. Code Title 24, Chapter 22.<sup>429</sup>

Proposed language to implement this recommendation is included in Table 42.

*Table 42. Proposed statutory changes to eliminate outdated requirement to establish the classification system and adult criminal offender management system.*

|                                 |  |
|---------------------------------|--|
| <b>Recommended<br/>revision</b> | <b>Repeal entire chapter</b>   |
|                                 | <p>CHAPTER 22</p> <p>Classification System and Adult Criminal Offender Management System</p> <p><b>SECTION 24-22-10.</b> Short title.</p> <p>This chapter is known and may be cited as the "Offender Management System Act".</p> <p><b>SECTION 24-22-20.</b> Definitions.</p> <p>As used herein:</p> <p>(a) "Adult criminal offender management system" means the system developed by the State Department of Corrections and the State Department of Probation, Parole and Pardon Services which permits carefully screened inmates to be identified, transferred into Department of Corrections Reintegration Centers and placed in Department of Probation, Parole and Pardon Services Community Control Strategies.</p> <p>(b) "Community control strategies" means offender supervision and offender management methods available in the community, including, but not limited to, home detention, day reporting centers, restitution centers, public service work programs, substance abuse programs, short term incarceration, and intensive supervision.</p> <p>(c) "High count" means the largest male prison system population, the largest female prison system population, or both, on any given day during a one-month period.</p> <p>(d) "Prison" means any male correctional facility, female correctional facility, or combined male and female correctional facility operated by the State Department of Corrections.</p> <p>(e) "Prison system" means the prisons operated by the State Department of Corrections.</p> <p>(f) "Offender" means every male inmate or female inmate, or both, who, at the time of the initiation of the offender management system, is or at any time during continuation of the system is serving a criminal sentence under commitment to the State Department of Corrections, including persons serving sentences in local detention facilities designated under the provisions of applicable law and regulations.</p> |

(g) "Prison system population" means the total number of male prisoners, female prisoners, or combined total of female and male prisoners housed in the prisons operated by the State Department of Corrections.

(h) "Reintegration center" means an institution operated by the State Department of Corrections which provides for the evaluation of and necessary institutional programs for inmates in the offender management system.

(i) "Release date" means the date projected by the State Department of Corrections on which a prisoner will be released from prison, assuming maximum accrual of credit for good behavior has been established under Section 24-13-210 and earned work credits under Section 24-13-230.

(j) "Qualified prisoners" means any male prisoners, female prisoners, or combined total of female or male prisoners convicted of a nonviolent offense for which such prisoner has received a total sentence of five years or less and is presently serving a nonmandatory term of imprisonment for conviction of one or more of the following offenses:

reckless homicide (56-5-2910); armed robbery/accessory after the fact; simple assault; intimidation (16-11-550, 16-17-560); aggravated assault (16-23-490); arson of residence to defraud an insurer (16-11-110, 16-11-125); arson (16-11-110); arson-2nd degree (16-11-110(B)); arson-3rd degree (16-11-110(C)); burglary of safe vault (16-11-390); possession of tools for a crime (16-11-20); attempted burglary (16-13-170); petit larceny (16-13-30); purse snatching (16-13-150); shoplifting (16-13-110, 16-13-120); grand larceny (16-13-20); attempted grand larceny (16-13-20); larceny; credit card theft (16-13-20, 16-13-30, 16-13-35); possession of stolen vehicle (16-21-80, 16-21-130); unauthorized use of a vehicle (16-21-60, 16-21-130); forgery (16-13-10); fraud-swindling (16-13-320); fraudulent illegal use of credit card (16-14-60); fraudulent check (34-11-60); fraud-false statement or representation (16-13-240 through 16-13-290); breach of trust with fraudulent intent (16-13-230); failure to return tools or vehicle (16-13-420); insurance fraud (16-11-125, 16-11-130); obtaining controlled substance by fraud (44-53-40); defrauding an innkeeper (45-1-50); receipt of stolen property (16-13-180); destroying personal property (16-11-510); malicious injury to property (16-11-510, 16-11-520); hallucinogen-possession (44-53-370(c)); heroin-possession (44-53-370(c)); cocaine-possession (44-53-370(c)); cocaine-transporting (44-53-370(a)); marijuana-possession (44-53-370(c)); marijuana-producing (44-53-370(a)); legend drugs-possession (44-53-370(c)); distributing imitation controlled substances (44-53-370(a)); possession-imitation controlled substance (44-53-370(a)); indecent exposure (16-15-130); peeping tom (16-17-470); contributing to delinquency of minor (16-17-490); neglect-child (63-5-7-70); criminal domestic violence (16-25-20); prostitution (16-15-90 through 16-15-110); unlawful liquor possession (61-6-1800, 61-6-2220, 61-6-4710); public disorderly conduct/intoxication (16-17-530); making false report (16-17-725); contempt of court (14-1-150); obstructing justice (16-9-310 through 16-9-380); bribery (16-9-210 through 16-9-270, 16-17-540 through 16-17-550); possession of incendiary device (16-23-480, 16-11-550); weapon license/registration (23-31-140); explosives possession (23-36-50, 23-36-170); threat to bomb (16-11-550); unlawful possession of

firearm on premises of alcoholic beverage establishment (16-23-465); discharging firearm in dwelling (16-23-440); pointing a firearm (16-23-410); littering (16-11-700); DUI-drugs (56-5-2930, 56-5-2940); driving under suspension (56-1-460); failure to stop for officer (56-5-750); leaving the scene of accident (56-5-1210; 56-5-1220); possession of open container (61-4-110); trespassing (16-11-600 through 16-11-640); illegal use of telephone (16-17-430); smuggling contraband into prison (24-3-950); tax evasion (12-7-2750); false income tax statement (12-7-1630, 12-7-2750); accessory to a felony (16-1-40, 16-1-50); misprision of a felony; criminal conspiracy (16-17-410); habitual offender (56-1-1020 through 56-1-1100).

(k) "Operating capacity" means the safe and reasonable male inmate capacity, female inmate capacity, or combined male and female inmate capacity of the prison system operated by the State Department of Corrections as certified by the State Department of Corrections and approved by the Department of Administration.

**SECTION 24-22-30.** Eligibility to participate in offender management system.

To be eligible to participate in the offender management system, an offender shall:

- (a) be classified as a qualified prisoner as defined herein;
- (b) maintain a clear disciplinary record during the offender's incarceration or for at least six months prior to consideration for placement in the system;
- (c) demonstrate during incarceration a general desire to become a law-abiding member of society;
- (d) satisfy any reasonable requirements imposed on the offender by the Department of Corrections;
- (e) be willing to participate in the criminal offender management system and all of its programs and rehabilitative services and agree to conditions imposed by the departments;
- (f) possess an acceptable risk score. The risk score shall be affected by, but not be limited to, the following factors:
  - (1) nature and seriousness of the current offense;
  - (2) nature and seriousness of prior offenses;
  - (3) institutional record;
  - (4) performance under prior criminal justice supervision; and
- (g) satisfy any other criteria established by the South Carolina Department of Corrections and the State Board of Probation, Parole and Pardon Services.

**SECTION 24-22-40.** Implementation of system; limits to issuance of certificates; Orders by Governor to enroll or cease release of prisoners.

The South Carolina Department of Probation, Parole and Pardon Services, in cooperation with the South Carolina Department of Corrections shall develop and establish policies, procedures, guidelines, and cooperative agreements for the implementation of an adult criminal offender management system which permits carefully screened and selected male offenders and female offenders to be enrolled in the criminal offender management system.

After review by and approval of three members of the Board of Probation, Parole and Pardon Services designated by the Governor, the board shall enroll qualified offenders monthly into the offender management system to prevent the prison

system population from exceeding one hundred percent of capacity at high count. No offender shall be issued an offender management system certificate and released from prison if the release of the offender will reduce the prison system population below ninety-five percent of capacity at high count.

If the Governor at any time during periods when the offender management system is in operation, determines that an insufficient number of inmates are being enrolled into the system to keep the prison system population below one hundred percent of capacity of high count or if the Governor determines that the number of inmates released has reached a level that could endanger the public welfare and safety of the State, he may issue an Executive Order requiring the South Carolina Department of Probation, Parole and Pardon Services and the South Carolina Department of Corrections to enroll a specified number of qualified prisoners per month for a specified number of months or require the department to cease and desist in the release of the inmates accordingly.

**SECTION 24-22-50.** System to be in operation during all periods in which funded. The offender management system shall be in operation during all periods that the system is appropriately funded.

**SECTION 24-22-60.** Evaluation of offenders.

Offenders enrolled in the offender management system shall be evaluated at Department of Corrections Reintegration Centers. The evaluation shall determine the offender's needs prior to community placement. The programs and services provided at a reintegration center by the Department of Corrections shall prepare offenders to be placed in the appropriate community control strategies.

**SECTION 24-22-70.** Good behavior credit; earned work credits.

Offenders enrolled in the offender management system shall be entitled to good behavior credit as specified in Section 24-13-210 and to earned work credits as determined pursuant to Section 24-13-230. Offenders revoked from the offender management system shall not receive credit on their sentence for six months or for the time credited while placed in the community control strategies, whichever is less.

**SECTION 24-22-80.** Revocation of offender management system status; no appeal.

Revocation of offender management system status awarded under this chapter is a permissible prison disciplinary action.

Offenders transferred to a reintegration center who have not been placed in and agreed to community control strategies and who violate the conditions of the offender management system may be revoked from the system by the Department of Corrections. Offenders who have been placed in and agreed to the community control strategies who violate the conditions of the offender management system certificate may be revoked from the offender management system by the Department of Probation, Parole and Pardon Services. The revocation procedures shall be developed jointly by the South Carolina Department of Corrections and the South Carolina Department of Probation, Parole and Pardon Services. There shall be no right to appeal a revocation.

**SECTION 24-22-90.** Enrollment in system; supervision in community; giving of notice; statements by victims, witnesses, solicitors, law enforcement officers, and others for or against release.

Offenders shall be enrolled in the offender management system and supervised in the community by the South Carolina Department of Probation, Parole and Pardon Services. The South Carolina Department of Corrections shall transfer enrolled inmates to a South Carolina Department of Corrections Reintegration Center for evaluation pursuant to Section 24-22-60. The South Carolina Department of Probation, Parole and Pardon Services shall issue an offender management system certificate with conditions which must be agreed to by the offender prior to the offender's placement in the community control strategies. The South Carolina Department of Corrections shall notify the South Carolina Department of Probation, Parole and Pardon Services of all victim impact statements filed pursuant to Section 16-1-1550, which references offenders enrolled in the offender management system. The South Carolina Department of Probation, Parole and Pardon Services shall, prior to enrolling an offender into the offender management system, give thirty days prior written notice to any person or entity who has filed a written request for notice. Any victim or witness pursuant to Article 15, Chapter 3, Title 16 and any solicitor, law enforcement officer, or other person or entity may request notice about an offender under this section and may testify by written or oral statement for or against the release. The South Carolina Department of Probation, Parole and Pardon Services shall have authority to deny enrollment to any offender based upon the statements of any person responding to the notice of enrollment.

**SECTION 24-22-100.** Enrollee participation in designated programs; community control strategies.

Offenders enrolled in the offender management system shall be required to participate in programs designated by the South Carolina Department of Probation, Parole and Pardon Services, including community control strategies. These strategies may include, but are not limited to:

- (a) the South Carolina Department of Probation, Parole and Pardon Services Home Detention Supervision Program;
- (b) day reporting centers;
- (c) restitution centers;
- (d) public service work programs;
- (e) substance abuse programs;
- (f) short term incarceration; and
- (g) intensive supervision programs.

**SECTION 24-22-110.** Status of enrollees; retention and sharing of control by departments; revocation of enrollment.

Offenders enrolled in the offender management system shall retain the status of inmates in the jurisdiction of the South Carolina Department of Corrections. Control over the offenders is vested in the South Carolina Department of Corrections while the offender is in a reintegration center and is vested in the South Carolina Department of Probation, Parole and Pardon Services while the offender is in the community. Offenders may be revoked from the offender management system for a violation of any condition of the offender

management system. There shall be no right to appeal the revocation decision of either department.

**SECTION 24-22-120.** Discipline or removal from system; violation, arrest and detention; no bond pending hearing.

At any time while an enrolled offender is at a reintegration center, the enrolled offender may be disciplined or removed from the offender management system, or both, according to procedures established by the Department of Corrections. At any time during a period of community supervision, a probation and parole agent may issue a warrant or a citation and affidavit setting forth that the person enrolled in the offender management system has in the agent's judgment violated the conditions of the offender management system. Any police officer or other officer with the power of arrest in possession of a warrant may arrest the offender and detain such offender in the county jail or other appropriate place of detention until such offender can be brought before the Department of Probation, Parole and Pardon Services. The offender shall not be entitled to be released on bond pending a hearing.

**SECTION 24-22-130.** Parole hearings; supervised furlough; vested rollbacks; continuation in system until sentence satisfied.

Offenders enrolled in the offender management system shall not be given a parole hearing or released on supervised furlough as long as the offender is on offender management system status. Offenders who have vested roll backs granted under the Prison Overcrowding Powers Act shall not lose such benefits. Offenders enrolled in the offender management system will remain in the offender management system until the offender's sentence is satisfied, unless sooner revoked.

**SECTION 24-22-140.** No liberty interest or expectancy of release created.

The enactment of this legislation shall not create a "liberty interest" or an "expectancy of release" in any offender now incarcerated or in any offender who is incarcerated in the future.

**SECTION 24-22-150.** Funding required for system initiation and ongoing operation; hiatus when funding exhausted.

(A) The offender management system must not be initiated, and offenders shall not be enrolled in the offender management system unless appropriately funded out of the general funds of the State.

(B) During periods when the offender management system is in operation and either the South Carolina Department of Corrections or the South Carolina Department of Probation, Parole and Pardon Services determines that its funding for the system has been exhausted, the commissioner for the department having made the determination that funds are exhausted shall notify the commissioner of the other department, the Governor, the Speaker of the House of Representatives, and the President of the Senate. The offender management system shall then terminate until appropriate funding has been provided from the general funds of the State.

**SECTION 24-22-160.** Operating capacities of prison populations to be established; certification.

The Department of Corrections and the Department of Administration shall establish the operating capacities of the male prison population and the female

prison population of the prison system operated by the Department of Corrections and shall, at least quarterly, certify existing operating capacities or establish change or new operating capacities.

**SECTION 24-22-170.** Termination of system and regulations.

The offender management system and any regulations promulgated thereto shall terminate July 1, 1995 unless extended by the General Assembly.

*RECOMMENDATION 66. Community-based program requirement for January 1982*

The ad hoc committee recommends the General Assembly consider eliminating 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, as proposed by SCDC.<sup>430</sup> According to SCDC, the "board" referenced in statute no longer exists, and the submission date in statute for these plans was January 1982, more than 30 years ago.<sup>431</sup> SCDC is unaware of whether the plans for new statewide community-based correctional programs ever were created.<sup>432</sup>

Proposed language to implement this recommendation is included in Table 43.

*Table 43. Proposed statutory changes to eliminate outdated requirement to develop plans for the statewide case classification system and community-based correctional programs.*

|                             |  |
|-----------------------------|--|
| <b>Recommended revision</b> | <p><b>Repeal entire statute</b></p> <p><b>SECTION 24-23-10.</b> Plans to be developed for statewide case classification system and community-based correctional programs.</p> <p>The Board shall develop a plan for the implementation of a statewide case classification system. The Board, the Department of Corrections, and the Governor's Office shall jointly develop a specific plan for the statewide implementation of new community-based correctional programs. The plan shall include descriptions of the new programs, the eligibility criteria for placing offenders on the programs, the administrative and legal requirements for implementation, the projected impact of the programs on the state inmate population and the financial requirements and timetable for the statewide implementation of the programs. These plans shall be submitted to the Legislature by January, 1982.</p> |
|-----------------------------|--|

*RECOMMENDATION 67. References to previously repealed statutes*

The ad hoc committee recommends the General Assembly consider eliminating 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.<sup>433</sup> Proposed language to implement this recommendation is included in Table 44.

*Table 44. Proposed statutory changes to eliminate references to statutes that no longer exist.*

|                             |  |
|-----------------------------|--|
| <b>Recommended revision</b> | <b>SECTION 24-25-35.</b> Funds for certain educational programs. |
|-----------------------------|--|



The Palmetto Unified School District 1 of the South Carolina Department of Corrections shall submit appropriate student membership information to the State Department of Education and the South Carolina Department of Education's appropriation request under the line item "Education Finance Act" shall include sufficient funds for the Palmetto Unified School District 1. The amount to be requested for the Palmetto Unified School District 1 shall be sufficient to produce funds equal to the product of the number of students served by the school district weighted according to the criteria established by the South Carolina Department of Education under the provisions of the South Carolina Education Act of 1977 and the state portion of the appropriated value statewide of the base student costs, adjusted for twelve months operation. The Palmetto Unified School District No. 1 shall comply with the following provisions of subsection (4) of Section 59-20-50, subsections (1), (2), (3)~~(a)~~, (4)(b), (c), (d), ~~(e)~~, and ~~(f)~~ of Section 59-20-60. The South Carolina Department of Education annually shall determine that these provisions are being met and include its findings in the report mandated in subsection (5)(e) of Section 59-20-60. If the accreditation standards set forth in the Defined Minimum Program for the Palmetto Unified School District No. 1 as approved by the State Board of Education are not met, funds by this section shall be reduced the following fiscal year according to the provisions set forth in the Education Finance Act.

Table Note: Underline indicates proposed additional text. Strike through indicates proposed deletion of text.

**RECOMMENDATION 68. Supervised furlough**

The ad hoc committee recommends the General Assembly consider eliminating supervised furlough since supervised re-entry has replaced it, by repealing S.C. Code Sections 24-13-710 and 24-13-720, as proposed by SCDC.<sup>434</sup> SCDC asserts there is not a supervised furlough program under S.C. Code Sections 24-13-710 and 24-13-720.<sup>435</sup> According to SCDC, supervised re-entry under S.C. Code Section 24-21-32, which went into effect in January 2011, has essentially replaced programs under these two statutes.<sup>436</sup> After consulting with the Department of Probation, Parole, and Pardon, SCDC recommends elimination of supervised furlough in S.C. Code Sections 24-13-710 and 24-13-720.<sup>437</sup>

Proposed language to implement this recommendation is included in Table 45.

Table 45. Proposed statutory changes to eliminate supervised furlough.

|                                    |  |
|------------------------------------|--|
| <p><b>Recommended revision</b></p> | <p><b>Repeal both statutes in their entirety</b></p>   |
|                                    | <p><b>SECTION 24-13-710.</b> Implementation of supervised furlough program; search and seizure; fee; guidelines; eligibility criteria.<br/>         The Department of Corrections and the Department of Probation, Parole and Pardon Services shall jointly develop the policies, procedures, guidelines, and cooperative agreement for the implementation of a supervised furlough program which permits carefully screened and selected inmates who have served the mandatory minimum sentence as required by law or have not committed a violent crime as defined in Section 16-1-60, a "no parole offense"</p> |



as defined in Section 24-13-100, the crime of criminal sexual conduct in the third degree as defined in Section 16-3-654, or the crime of criminal sexual conduct with a minor in the third degree as defined in Section 16-3-655(C) to be released on furlough prior to parole eligibility and under the supervision of state probation and parole agents with the privilege of residing in an approved residence and continuing treatment, training, or employment in the community until parole eligibility or expiration of sentence, whichever is earlier.

Before an inmate may be released on supervised furlough, the inmate must agree in writing to be subject to search or seizure, without a search warrant, with or without cause, of the inmate's person, any vehicle the inmate owns or is driving, and any of the inmate's possessions by:

- (1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or
- (2) any other law enforcement officer.

An inmate must not be granted supervised furlough if he fails to comply with this provision. However, an inmate who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not be required to agree to be subject to search or seizure, without a warrant, with or without cause, of the inmate's person, any vehicle the inmate owns or is driving, or any of the inmate's possessions.

The department and the Department of Probation, Parole and Pardon Services shall assess a fee sufficient to cover the cost of the participant's supervision and any other financial obligations incurred because of his participation in the supervised furlough program as provided by this article. The two departments shall jointly develop and approve written guidelines for the program to include, but not be limited to, the selection criteria and process, requirements for supervision, conditions for participation, and removal.

The conditions for participation must include the requirement that the offender must permit the search or seizure, without a search warrant, with or without cause, of the offender's person, any vehicle the offender owns or is driving, and any of the offender's possessions by:

- (1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or
- (2) any other law enforcement officer.

However, the conditions for participation for an offender who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the offender agree to be subject to search or seizure, without a search warrant, with or without cause,

of the offender's person, any vehicle the offender owns or is driving, or any of the offender's possessions.

By enacting this provision, the General Assembly intends to provide law enforcement with a means of reducing recidivism and does not authorize law enforcement officers to conduct searches for the sole purpose of harassment. Immediately before each search or seizure conducted pursuant to this section, the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on supervised furlough. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency's policies and procedures.

The cooperative agreement between the two departments shall specify the responsibilities and authority for implementing and operating the program. Inmates approved and placed on the program must be under the supervision of agents of the Department of Probation, Parole and Pardon Services who are responsible for ensuring the inmate's compliance with the rules, regulations, and conditions of the program as well as monitoring the inmate's employment and participation in any of the prescribed and authorized community-based correctional programs such as vocational rehabilitation, technical education, and alcohol/drug treatment. Eligibility criteria for the program include, but are not limited to, all of the following requirements:

- (1) maintain a clear disciplinary record for at least six months prior to consideration for placement on the program;
  - (2) demonstrate to Department of Corrections' officials a general desire to become a law-abiding member of society;
  - (3) satisfy any other reasonable requirements imposed upon him by the Department of Corrections;
  - (4) have an identifiable need for and willingness to participate in authorized community-based programs and rehabilitative services;
  - (5) have been committed to the State Department of Corrections with a total sentence of five years or less as the first or second adult commitment for a criminal offense for which the inmate received a sentence of one year or more.
- The Department of Corrections shall notify victims pursuant to Article 15, Chapter 3, Title 16 as well as the sheriff's office of the place to be released

before releasing inmates through any supervised furlough program. These requirements do not apply to the crimes referred to in this section.

**SECTION 24-13-720.** Inmates who may be placed with program; search and seizure.

Unless sentenced to life imprisonment, an inmate under the jurisdiction or control of the Department of Corrections who has not been convicted of a violent crime under the provisions of Section 16-1-60 or a "no parole offense" as defined in Section 24-13-100 may, within six months of the expiration of his sentence, be placed with the program provided for in Section 24-13-710 and is subject to every rule, regulation, and condition of the program. Before an inmate may be released on supervised furlough, the inmate must agree in writing to be subject to search or seizure, without a search warrant, with or without cause, of the inmate's person, any vehicle the inmate owns or is driving, and any of the inmate's possessions by:

- (1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or
- (2) any other law enforcement officer.

An inmate may not be released on supervised furlough by the department if he fails to comply with this provision. However, an inmate who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not be required to agree to be subject to search or seizure, without a search warrant, with or without cause, of the inmate's person, any vehicle the inmate owns or is driving, or any of the inmate's possessions.

The conditions for participation must include the requirement that the inmate must permit the search or seizure, without a search warrant, with or without cause, of the inmate's person, any vehicle the inmate owns or is driving, and any of the inmate's possessions by:

- (1) any probation agent employed by the Department of Probation, Parole and Pardon Services; or
- (2) any other law enforcement officer.

However, the conditions for participation for an inmate who was convicted of or pled guilty or nolo contendere to a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year may not include the requirement that the inmate agree to be subject to search or seizure, without a search warrant, with or without cause, of the inmate's person, any vehicle the inmate owns or is driving, or any of the inmate's possessions.

By enacting this provision, the General Assembly intends to provide law enforcement with a means of reducing recidivism and does not authorize law enforcement officers to conduct searches for the sole purpose of harassment. Immediately before each search or seizure conducted pursuant to this section,

the law enforcement officer seeking to conduct the search or seizure must verify with the Department of Probation, Parole and Pardon Services or by any other means available to the officer that the individual upon whom the search or seizure will be conducted is currently on supervised furlough. A law enforcement officer conducting a search or seizure without a warrant pursuant to this section shall report to the law enforcement agency that employs him all of these searches or seizures, which shall include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. The law enforcement agency shall submit this information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. A finding of abuse of the use of searches or seizures without a search warrant must be reported by the Department of Probation, Parole and Pardon Services to the State Law Enforcement Division for investigation. If the law enforcement officer fails to report each search or seizure pursuant to this section, he is subject to discipline pursuant to the employing agency's policies and procedures.

No inmate otherwise eligible under the provisions of this section for placement with the program may be so placed unless he has qualified under the selection criteria and process authorized by the provisions of Section 24-13-710. He also must have maintained a clear disciplinary record for at least six months prior to eligibility for placement with the program.

*RECOMMENDATION 69. "Centers" for alcohol and drug rehabilitation*

The ad hoc committee recommends the General Assembly consider eliminating reference to "centers" for alcohol and drug rehabilitation at SCDC since these were never funded nor created, and clarifying 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. In 1995, the General Assembly established in statute "centers" for alcohol and drug rehabilitation under the jurisdiction of SCDC with the Department of Alcohol and Other Drug Abuse responsible for creation and staffing of an alcohol and drug abuse intervention, prevention, and treatment services program.<sup>438</sup> However, 24 years later, the centers and program have not been funded.<sup>439</sup> While there has not been construction of new buildings, SCDC considers its addiction treatment units the "centers for alcohol and drug rehabilitation" as outlined in Title 24, Chapter 13, and Article 19.<sup>440</sup>

*RECOMMENDATION 70. SFAA requirement to track certain information*

The ad hoc committee recommends the General Assembly consider eliminating the requirement that the State Fiscal Accountability Authority's (SFAA) 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), as proposed by SFAA. The Division of Procurement does not monitor the level of cooperation between state governmental bodies and the Division of Prison Industries.<sup>441</sup> During the study, the Division of Procurement Services indicates it does not possess the resources to perform this responsibility given the volume and frequency of transactions that state governmental bodies engage with the Division of Prison Industries.<sup>442</sup> Based on data extracted from the South Carolina Enterprise Information System, SFAA

believes SCDC’s Division of Prison Industries is achieving success without this oversight and, thus, recommends elimination of S.C. Code Section 24-3-330(b).<sup>443</sup>

Proposed language to implement this recommendation is included in Table 46.

Table 46. Proposed statutory changes to eliminate the requirement that the SFAA Division of State Procurement monitor cooperation of state agencies in purchasing products and services from SCDC.

|                             |  |
|-----------------------------|--|
| <p>Recommended revision</p> | <p><b>SECTION 24-3-330.</b> Purchase of products produced by inmate labor by State and political subdivisions.</p> <p>(A) All offices, departments, institutions, and agencies of this State supported in whole or in part by this State shall purchase, and all political subdivisions of this State may purchase, from the Department of Corrections, articles or products made or produced by inmate labor in this State or another state as provided for by this article. These articles and products must not be purchased by an office, a department, an institution, or an agency from another source, unless excepted from the provisions of this section, as provided by law. All purchases must be made from the Department of Corrections, upon requisition by the proper authority of the office, department, institution, agency, or political subdivision of this State requiring the articles or products.</p> <p><del>(B) The Materials Management Office of the Division of General Services shall monitor the cooperation of state offices, departments, institutions, and agencies in the procurement of goods, products, and services from the Division of Prison Industries of the Department of Corrections.</del></p> |
|-----------------------------|--|

Table Note: Underline indicates proposed additional text. Strike through indicates proposed deletion of text.

**RECOMMENDATION 71. Pastoral training program**

The ad hoc committee recommends the General Assembly consider removing 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, as proposed by SCDC.<sup>444</sup> SCDC ceased operation of the clinical pastoral training program in 2015.<sup>445</sup> SCDC no longer conducts chaplain training outside of routine on the job training.<sup>446</sup> Therefore, SCDC recommends repeal of the statute.<sup>447</sup>

Proposed language to implement this recommendation is included in Table 47.

Table 47. Proposed statutory changes to repeal reference to SCDC retaining fees associated with the pastoral training program.

|                             |  |
|-----------------------------|--|
| <p>Recommended revision</p> | <p><b>Repeal entire statute</b></p> <p><b>SECTION 24-1-260.</b> Use of fees collected in clinical pastoral training program. The Department of Corrections is hereby authorized to retain all fees collected in connection with the clinical pastoral training program conducted by the department for use in the continued operation of that program.</p> |
|-----------------------------|--|

*RECOMMENDATION 72. References to work camps*

The ad hoc committee recommends the General Assembly consider removing 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 24-3-130(c), as proposed by SCDC.<sup>448</sup> SCDC has not used inmate labor to construct work camps in many years and does not anticipate any use of inmate labor to construct work camps.<sup>449</sup>

According to SCDC, while the Department of Transportation (DOT) is referenced in S.C. Code Section 24-3-130, DOT would not be impacted by the recommendation as subsections (A) and (B) remain unchanged.<sup>450</sup> Further, SCDC asserts repeal of these sections of statute would not remove the ability of counties and state agencies to utilize inmates for work, such as fixing potholes or performing landscape on the side of interstates.<sup>451</sup>

Proposed language to implement this recommendation is included in Table 48.

*Table 48. Proposed statutory changes to repeal references to inmates constructing work camps or buildings on county property.*

|                                    |  |
|------------------------------------|--|
| <p><b>Recommended revision</b></p> | <p><b>SECTION 24-3-130.</b> Use of inmate labor on State highways or other public projects.</p> <p>(A) The Department of Corrections may permit the use of inmate labor on state highway projects or other public projects that may be practical and consistent with safeguarding of the inmates employed on the projects and the public. The Department of Transportation, another state agency, or a county, municipality, or public service district making a beneficial public improvement may apply to the department for the use of inmate labor on the highway project or other public improvement or development project. If the director determines that the labor may be performed with safety and the project is beneficial to the public, he may assign inmates to labor on the highway project or other public purpose project. The inmate labor force must be supervised and controlled by officers designated by the department but the direction of the work performed on the highway or other public improvement project must be under the control and supervision of the person designated by the agency, county, municipality, or public service district responsible for the work. No person convicted of criminal sexual conduct in the first, second, or third degree or a person who commits a violent crime while on a work release program may be assigned to perform labor on a project described by this section.</p> <p>(B) The authorities involved may enter into contracts to implement the provisions of this section.</p> <p><del>(C) Notwithstanding any other provisions of this chapter, inmates constructing work camps on county property must be supervised and controlled by armed officers and must be drawn exclusively from minimum security facilities. A work camp constructed or operated by the Department of Corrections must house only offenders classified as nonviolent. The contracting officials for the county utilizing prison inmate labor must be provided by the Department of Corrections with the most recent information concerning the composition of all</del></p> |
|------------------------------------|--|

~~work crews including the respective offenses for which the inmates have been sentenced and their custody levels.~~

Table Note: Underline indicates proposed additional text. Strike through indicates proposed deletion of text.

**RECOMMENDATION 73. Citizen suppression of riots**

The ad hoc committee recommends the General Assembly consider removing 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, as proposed by SCDC.<sup>452</sup> SCDC personnel testify the agency does not utilize citizens to suppress disorders, riots, or insurrections among inmates.<sup>453</sup>

Proposed language to implement this recommendation is included in Table 49.

Table 49. Proposed statutory changes to repeal references to SCDC utilizing citizens in the suppression of riots.

|                      |  |
|----------------------|--|
| Recommended revision | <b>Repeal all five statutes in their entirety</b>  |
|                      | <b>SECTION 24-3-720.</b> Enlisting aid of citizens to suppress prisoner riot, disorder or insurrection.<br>In order to suppress any disorders, riots, or insurrection among the prisoners, the Director of the Department of Corrections may require the aid and assistance of any of the citizens of the State.             |
|                      | <b>SECTION 24-3-730.</b> Neglecting or refusing aid; fine.<br>If any person, when so required by the Director of the Department of Corrections, shall neglect or refuse to give such aid and assistance, he shall pay a fine not exceeding fifty dollars.  |
|                      | <b>SECTION 24-3-740.</b> Compensation for assistance.<br>Any person so aiding and assisting the Director of the Department of Corrections shall receive a reasonable compensation, to be paid by the department, and allowed him on the settlement of his account.   |
|                      | <b>SECTION 24-3-750. Immunity.</b><br>If, in suppressing a disorder, riot, or insurrection, a person who is acting, aiding, or assisting in committing the same is wounded or killed, the Director of the Department of Corrections, the keeper or a person aiding or assisting him must be held as justified and guiltless. |
|                      | <b>SECTION 24-3-760.</b> Powers of keeper in regard to disorders in absence of Director.<br>In the absence of the Director of the Department of Corrections, the keeper has the same power in suppressing disorders, riots, and insurrections and in requiring aid and assistance in so doing that is given to the director. |

*RECOMMENDATION 74. Agreement between SCDC and Vocational Rehabilitation*

The ad hoc committee recommends the General Assembly consider repealing S.C. Code Sections 24-19-60, -80, and -90, which relate to evaluations for youthful offenders since SCDC and Vocational Rehabilitation Department (VR) do not currently, and have no record of, maintaining a cooperative agreement involving the operation of the SCDC Reception and Evaluation Center (R&E), as proposed by SCDC.<sup>454</sup> Neither SCDC nor VR are able to find any records or history of maintaining a cooperative agreement involving the operation of the SCDC R&E for the purpose of providing evaluations/services for youthful offenders.<sup>455</sup>

The agencies believe reference to a cooperative agreement likely refers back to an era when the original R&E was opened in downtown Columbia, and most of the non-security staff were VR employees.<sup>456</sup> The arrangement with VR ended when SCDC was able to operate intake processing on its own and subsequently placed the R&E functions within its institutions.<sup>457</sup>

VR notes it does currently partner with SCDC to provide pre-employment training services for incarcerated adults housed in pre-release facilities preparing for re-entry, as well as the Self-Paced-In-Class Education (S.P.I.C.E) Program.<sup>458</sup>

Proposed language to implement this recommendation is included in Table 50.

*Table 50. Proposed statutory changes to repeal evaluations of youthful offenders via cooperative agreement between SCDC and SCVR.*

|                             |   |
|-----------------------------|---|
| <b>Recommended revision</b> | <b>Repeal all three statutes in their entirety</b>  |
|                             | <p><b>SECTION 24-19-60.</b> Institutions for treatment of youthful offenders. Youthful offenders shall undergo treatment in minimum security institutions, including training schools, hospitals, farms, forestry and other camps, including vocational training facilities and other institutions and agencies that will provide the essential varieties of treatment. The director, as far as is advisable and necessary, shall designate, set aside and adopt institutions and agencies under the control of the department and the division for the purpose of carrying out the objectives of this chapter. The director may further maintain a cooperative program with the Department of Vocational Rehabilitation involving the operation of reception and evaluation centers, utilizing funds and staffing services of the department which are appropriate for matching with Federal Vocational Rehabilitation funds. Insofar as practical and to the greatest degree possible, such institutions, facilities and agencies shall be used only for the treatment of committed youthful offenders, and such youthful offenders shall be segregated from other offenders, and classes of committed youthful offenders shall be segregated according to their needs for treatment.</p> <p><b>SECTION 24-19-80.</b> Reception and evaluation centers. The director may establish agreements with the Department of Vocational Rehabilitation for the operation of reception and evaluation centers. The reception and evaluation centers shall make a complete study of each committed youthful offender, including a mental and physical examination, to ascertain his personal traits, his capabilities, pertinent circumstances of his</p> |



school, family life, any previous delinquency or criminal experience, and any mental or physical defect or other factor contributing to his delinquency. In the absence of exceptional circumstances, such study shall be completed within a period of thirty days. The reception and evaluation center shall forward to the director and to the division a report of its findings with respect to the youthful offender and its recommendations as to his treatment. At least one member of the division shall, as soon as practicable after commitment, interview the youthful offender, review all reports concerning him and make such recommendations to the director and to the division as may be indicated.

**SECTION 24-19-90.** Director's options upon receiving report and recommendations from Reception and Evaluation Center and members of Division.

On receipt of the report and recommendations from the Reception and Evaluation Center and from the members of the division, the director may:

- (a) recommend to the division that the committed youthful offender be released conditionally under supervision; or
- (b) allocate and direct the transfer of the committed youthful offender to an agency or institution for treatment; or
- (c) order the committed youthful offender confined and afforded treatment under such conditions as he believes best designed for the protection of the public.

*RECOMMENDATION 75. Volunteer youthful offender supervisors*

The ad hoc committee recommends the General Assembly consider repealing 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, as proposed by SCDC.<sup>459</sup> SCDC is unable to find any record or history of the formation of voluntary organizations composed of members that serve as voluntary supervisory agents and sponsors for youthful offenders.<sup>460</sup>

SCDC does not recommend the formation of voluntary organizations to serve as supervisors for youthful offenders due to the inherent high-risk nature of parole supervision and potential for liability.<sup>461</sup> It is SCDC's position only specially trained intensive supervision officers should provide parole supervision.<sup>462</sup> However, SCDC welcomes volunteer groups or individuals to provide ancillary support services such as recreational opportunities, community service opportunities, or tutoring.<sup>463</sup>

Proposed language to implement this recommendation is included in Table 51.<sup>464</sup>

Table 51. Proposed statutory changes to repeal use of volunteer supervisory agents and sponsors to supervise released youthful offenders.

|                             |   |
|-----------------------------|---|
| <b>Recommended revision</b> | <p><b>Repeal entire statute</b></p> <p><b>SECTION 24-19-140.</b> Supervisory agents. Committed youthful offenders permitted to remain at liberty under supervision or conditionally released shall be under the supervision of supervisory agents appointed by the Division. The Division is authorized to encourage the formation of voluntary organizations composed of members who will serve without compensation as voluntary supervisory agents and sponsors. The powers and duties of voluntary supervisory agents and sponsors shall be limited and defined by regulations adopted by the Division.</p> |
|-----------------------------|---|

# STUDY RELATED INTERNAL CHANGES

During the study process, there are seven internal changes implemented by SCDC, and others, directly related to participation in the study process. Those changes are listed below.

## *SCDC Changes*

### *Internal Change 1. SCDC improves processes for entering and auditing information to prevent errors in inmate release dates*

When made aware of concerns regarding potential errors in inmate release dates during the Committee study process, SCDC began review of inmate release information. SCDC's actions, including various audits, collectively saved inmates from being incarcerated an additional 3,283 days past their release date, which saved the state almost a quarter of a million dollars.<sup>465</sup> Listed below are the actions resulting, thus far, from the joint efforts of several SCDC divisions (e.g., General Counsel's Office, Classification and Inmate Records, Resource and Information Management, and the Office of the Deputy Director of Operations) to prevent potential errors going forward:

- Initiating conviction audit of every inmate in SCDC (started on August 5, 2019);
- Hiring an employee for the General Counsel's Office knowledgeable in state laws to be on-site with records analysts to address sentencing issues, research discrepancies with court officials, and conduct training in the proper interpretation of sentencing sheets;
- Implementing a "double-blind-entry" process for sentencing sheets that will require a records analyst to review the sentencing sheets and enter the information into the SCDC database, then a second records analyst will review the sentencing sheets and enter the same data, without being able to see what the first analyst entered. Once both sets of data are entered, the computer will identify discrepancies between the two analysts' entries, if any, and submit these discrepancies for reconciliation. This process was the result of dialogue held with several Texas Department of Corrections officials on July 30, 2019, referencing their error release issues in 2007.
- Creating a Criminal Docket Report (CDR) Code/SCDC offense code cross reference table that will correlate the most used CDR Codes with the proper SCDC offense code (new SCDC offense codes will be created as needed).
  - Implementing programming to use the CDR Code/SCDC offense code cross reference table to streamline the entry of convictions by auto-populating the SCDC offense code and statute when one of the CDR codes in the table is entered.
- Creating a series of reports that cross check sentence entries for possible discrepancies. These reports will be generated on a regular basis by the IRO and/or General Counsel's Office.
- Retraining all institutional classification staff on how to audit conviction data;
- Decreasing duties of SCDC Release Section Record Analysts (e.g., ancillary duties like NCIC checks and sex offender registry processing will be assigned to other employees) so the release auditors can focus solely on auditing records of inmates scheduled to be released;
- Improving accuracy by now requiring an inmate's records be audited by two records analysts prior to changing the inmate's status to release (historically only one records analyst performed the audit).
- Researching a direct path for inmates to communicate with the Records Office about any concerns they have regarding their release date computations. The Texas DOC implemented

a similar process and created a “Time Dispute Resolution Form” for inmates to express their concerns.

- Further restricting access to over-ride certain fields such as mandatory service requirement, no parole indicator, etc. on the conviction record.
- Implementing programming to store/display a complete audit trail of every change made to a conviction record (who, what, when).
- Beginning dialogue with Court Administration concerning accessing their court data and using it to compare with SCDC data entries to look for discrepancies. SCDC has been granted access to download general sessions court dispositions and is testing with the data, with the goal of generating an exception report of conviction records where the CDR code entered does not match the CDR code on the corresponding indictment.
- Determining procedures for resolving discrepancies between SCDC and the Department of Probation, Parole, and Pardon’s interpretations of sentences.<sup>466</sup>

#### *Internal Change 2. House of Representatives adds SCDC as a vendor for furniture and frames*

In February 2020, the House of Representatives added SCDC to its list of vendors for office furniture and frames after the ad hoc committee indicated during meetings that SCDC should communicate more with the General Assembly about the availability of its products and services.<sup>467</sup>

#### *Internal Change 3. SCDC and Department of Health and Environmental Control (DHEC) execute a memorandum of understanding (MOU) to enable electronic payment for birth certificates<sup>468</sup>*

After learning of SCDC’s desire for a mechanism to enable electronic payment for birth certificates, the ad hoc committee initiated communications between SCDC and DHEC to determine the status of the potential agreement. In January 2020, a MOU was executed, stating DHEC will provide SCDC certified copies of birth certificates of inmates participating in the Re-entry and Rehabilitative Service Program in exchange for an updated fee schedule.

#### *Internal Change 4. SCDC posts grades from DHEC food inspections online*

During the study, constituents, in particular family members of inmates, express concerns about the quantity and quality of food available to inmates. To address quality concerns, SCDC now posts online the grades each correctional institution receives from DHEC inspections.<sup>469</sup> This is similar to how South Carolina restaurants post inspection grades in a visible location at a restaurant.

#### *Internal Change 5. SCDC tracking final outcomes of criminal arrests*

SCDC Police Services added a field to the arrest history in SCDC’s case management system to document the final disposition of their criminal arrests after the ad hoc committee inquired about this information during meetings and SCDC did not have an existing, comprehensive mechanism to capture the data.<sup>470</sup>

## *DHEC Changes*

### *Internal Change 6. DHEC implements contract management system<sup>471</sup>*

DHEC is implementing a new contract management system to track the timelines of its contracts and agreements.<sup>472</sup> This arose when the Committee discovered the length of time in which it took DHEC to finalize a memorandum of understanding with SCDC (i.e., over one year) to enable SCDC to provide electronic payment for inmate birth certificates, which are necessary for inmates to obtain employment upon release.<sup>473</sup> When asked the typical period necessary to enter an MOU with another state agency, a DHEC representative explained the agency does not track that type of information.<sup>474</sup> However, after ad hoc committee inquiry, and in an effort to improve continuously, DHEC is implementing a new contract management system that will track the timelines of its contracts and agreements.<sup>475</sup>

## *Department of Administration Changes*

### *Internal Change 7. Department of Administration collects information on data entry by agencies to learn scope of issue*

During studies of multiple agencies, the Committee learned the state is expending employee time manually entering information. For example:

- it costs the S.C. Commission on Indigent Defense almost \$2 million annually in employee time manually entering information, that may be available directly from Court Administration, into the statewide public defender case management system (Defender Data), and
- SCDC has held inmates past their sentence date, and released others early, due to inadvertent errors in manually entering information from other state and local entities.<sup>476</sup>

In an effort to determine the potential scope of this issue, the Committee is collaborating with the Executive Budget Office within the Department of Administration to collect information from agencies on the type of data they receive that they manually enter into their own database/system, from whom the data is received, and the cost to manually enter the data into the agency's system as part of the Annual Accountability Report. This information may help inform public policy decisions about potential investment in technology in lieu of state employees manually entering the information, which costs time and creates opportunities for errors in the information.

# STUDY PROCESS

## *Agency Selection*

SCDC is an agency subject to legislative oversight.<sup>477</sup> On May 3, 2018, during the 122<sup>nd</sup> General Assembly, the Committee prioritizes the agency for study.<sup>478</sup>

As the Committee encourages **collaboration in its legislative oversight process**, the Committee notifies the following individuals about the agency study: Speaker of the House, standing committee chairs in the House, members of the House, Clerk of the Senate, and Governor.

## *Ad Hoc Committee Membership*

The **Department of Corrections ad hoc committee of the House Legislative Oversight Committee studies the agency.**<sup>479</sup> The study takes place during the 123<sup>rd</sup> General Assembly. Throughout the study, the Honorable Edward R. Tallon, Sr. serves as chair. Other ad hoc committee Members include:

- The Honorable Micajah P. “Micah” Caskey;
- The Honorable Gary E. Clary;
- The Honorable Chandra E. Dillard;
- The Honorable Joseph H. Jefferson;
- The Honorable Jeffrey E. “Jeff” Johnson; and
- The Honorable Robert Q. Williams.

## *Agency Reports to Legislative Oversight Committee*

During the legislative oversight process, the **Committee asks the agency to conduct self-analysis** by requiring it to complete and submit annual Restructuring Reports, a Seven-Year Plan for cost savings and increased efficiencies, and a Program Evaluation Report. Details about each report, including the submission dates, are included in Appendix B. The Committee posts each report on the agency page of the Committee’s website.

## *Information from the Public*

**Public input is a cornerstone of the House Legislative Oversight Committee’s process.**<sup>480</sup> There are a variety of opportunities for public input during the legislative oversight process. Members of the public have an opportunity to participate anonymously in a public survey, provide comments anonymously via a link on the Committee’s website, and appear in person before the Committee.<sup>481</sup> During the study, media articles related to the agency are compiled for member review. Details about each form of input are included in Appendix C.

## Meetings Regarding the Agency

The Committee meets with, or about, the agency on two occasions, and the ad hoc committee meets with, or about, the agency on 19 occasions. All meetings are open to the public and stream live online; also, the videos are archived, and the minutes are available online. A timeline of meetings is in Figure 8.

### 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 hear testimony from members of the public who requested to testify and 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, re-entry, and rehabilitative services unit
- July 24, 2019 - Holds **Meeting #9** to hear testimony from members of the public who requested to testify and continue discussion of the agency's programs, re-entry, and rehabilitative services unit
- August 12, 2019 - Holds **Meeting #10** to continue discussion of the agency's programs, re-entry, and rehabilitative services unit
- August 26, 2019 - Holds **Meeting #11** to receive presentation of the Legislative Audit Council audit requested by the Committee
- August 27, 2019 - Holds **Meeting #12** to discuss the agency's health services unit
- September 16, 2019 - Holds **Meeting #13** to continue discussion of the agency's health services unit and meet with the Department of Mental Health
- October 1, 2019 - Holds **Meeting #14** to discuss the N.C. Statewide Misdemeanant Confinement program, continue discussion of the agency's health services unit, and discuss the agency's legal and compliance unit
- October 2, 2019 - Holds **Meeting #15** to continue discussion of the agency's legal and compliance unit
- October 23, 2019 - Holds **Meeting #16** to hear testimony from members of the public who requested to testify, continue discussion of the agency's legal and compliance unit, and discuss the agency's administration unit

- November 25, 2019 - Holds **Meeting #17** to hear testimony from members of the public who requested to testify, continue discussion of the agency's legal and compliance unit, and discuss the agency's administration unit
- December 11, 2019 - Holds **Meeting #18** to continue discussion of the agency's legal and compliance unit, and discuss the agency's administration unit
- December 16, 2019 - Holds **Meeting #19** to hear testimony from members of the public who requested to testify and discuss the agency's law recommendations
- January 7, 2020 - Holds **Meeting #20** to hear testimony from members of the public who requested to testify; discuss with representatives from Court Administration, PPP, Sheriff's Association, Jail Administrator's Association, and Association of Counties regarding sentencing sheets and flow of information between the entities; hear testimony from the 16<sup>th</sup> Circuit Solicitor about a potential opportunity for electronic transfer of information between solicitors' offices and Court Administration; and discuss the agency's law recommendations
- June 22, 2020 - Holds **Meeting #21** to discuss the agency's activities related to the COVID-19 pandemic and discuss ad hoc committee findings and recommendations for the agency study

## 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 (20 individuals)
- March 21, 2019 - Provides testimony during ad hoc committee meeting (1 individual)
- July 24, 2019 - Provides testimony during ad hoc committee meeting (1 individual)
- October 23, 2019 - Provides testimony during ad hoc committee meeting (4 individuals)
- November 25, 2019 - Provides testimony during ad hoc committee meeting (4 individuals)
- December 16, 2019 - Provides testimony during ad hoc committee meeting (8 individuals)
- January 7, 2020 - Provides testimony during ad hoc committee meeting (4 individuals)
- June 22, 2020 - Provides testimony during ad hoc committee meeting (1 individual)
- Ongoing - Submits written comments on the Committee's webpage on the General Assembly's website ([www.scstatehouse.gov](http://www.scstatehouse.gov)) (48 comments)

Figure 8. Summary of meetings with SCDC from May 3, 2018 to present.



**May 3, 2018**  
Full Committee

The full Committee holds **Meeting #1** to select the agency for study.<sup>482</sup>

**January 28, 2019**  
Full Committee

The full Committee holds **Meeting #2** with SCDC to receive public testimony about it and the Aeronautics Commission.<sup>483</sup> Twenty individuals testify about their experiences with SCDC. Chief Legal and Compliance Officer Salley Elliot makes brief comments to the Committee. The Committee receives public testimony from the following individuals:

- Ms. Nancy Bloodgood;
- Mr. Ralph Bell;
- Ms. Ariel Bell;
- Reverend Charles Pollak;
- Mr. Stuart Andrews;
- Ms. Dawn Simmons;
- Mr. James Siegler;
- Ms. Cathleen DeCourcy;
- Mr. Curtis Johnson;
- Ms. Traci Fant;
- Mr. Stan Burt;
- Mr. Joseph Fischer;
- Ms. Teresa Lawson;
- Ms. Efia Nwangaza;
- Mr. Paul Palmer;
- Ms. Kathleen Warthen;
- Ms. Erica Felder;
- Ms. Susan DeMarco;
- Ms. Tia Simmons; and
- Ms. Cindy Quattlebaum.

**February 21, 2019**  
Ad hoc committee

The Department of Corrections ad hoc committee holds **Meeting #3** with the agency.<sup>484</sup> Director Bryan Stirling provides an overview of the agency, including its history, mission, vision, and organizational structure. He also explains the movement of inmates from initial booking to release and provides a timeline of an average day for an inmate. During and after this testimony Director Stirling responds to questions from ad hoc committee members about percentage of inmates released; the Reception and Evaluation Center; visitation, employee hiring, retention, and morale; the tablet pilot program; and re-entry programs.

**March 21, 2019**  
Ad hoc committee

The ad hoc committee holds **Meeting #4** with the agency.<sup>485</sup> Division Director of Information Technology Trevis Shealy, Division Director of Central Classification Joette Scarborough, and Director Bryan Stirling provide testimony and respond to questions from ad hoc committee members about recent release date miscalculations and issues with releasing inmates early. Mr. Ralph Bell, a member of the public, provides testimony about issues with inmate visitation and responds to questions from ad hoc committee members. Interim Director of Operations Joel Anderson provides an overview of the Operations Unit. During and after this testimony agency representatives respond to questions from ad hoc committee members about sentencing sheets, the cost of drug testing inmates, minimum sentence lengths, costs of processes inmates, the education level of inmates, information available to families of inmates, and illegal aliens housed at SCDC facilities.

- May 14, 2019**  
Ad hoc committee
- The ad hoc committee holds **Meeting #5** with the agency.<sup>486</sup> Interim Director of Operations Joel Anderson, with the assistance of other agency personnel, provides testimony about the Operations Unit, including inmate processing and classification, inmate work opportunities, credits and outcomes. During and after this testimony agency representatives respond to questions from ad hoc committee members about the agency.
- May 29, 2019**  
Ad hoc committee
- The ad hoc committee holds **Meeting #6** with the agency.<sup>487</sup> Interim Director of Operations Joel Anderson provides testimony about the Operations Unit, including young offender parole and re-entry services, security operations, and institutional operations. During and after this testimony agency representatives respond to questions from ad hoc committee members about the Operations Unit and the inmate classification system.
- June 4, 2019**  
Ad hoc committee
- The ad hoc committee holds **Meeting #7** with the agency.<sup>488</sup> Interim Director of Operations Joel Anderson provides testimony about the Operations Unit, including security operations, release and costs, and SCDC services not currently utilized. Director of Police Services Brian Bolchoz provides testimony about the Police Services Unit, including an overview of the unit, investigations, and prosecutions. During and after the testimony agency representatives respond to questions from ad hoc committee members.
- June 18, 2019**  
Ad hoc committee
- The ad hoc committee holds **Meeting #8** with the agency.<sup>489</sup> Director Bryan Stirling responds to questions from ad hoc committee members about SCDC at Core Civic in Mississippi (i.e., a private prison in Mississippi housing some SCDC inmates). Director for Programs, Re-entry, and Rehabilitative Services Nena Walker-Staley, with the assistance of other agency personnel, provides testimony about Programs, Re-entry, and Rehabilitative Services, including an overview of the division, program participation, and inmate services. During and after this testimony agency representatives respond to questions from ad hoc committee members.
- July 24, 2019**  
Ad hoc committee
- The ad hoc committee holds **Meeting #9** with the agency.<sup>490</sup> Ms. Teresa Bebeau, a member of the public, provides testimony and responds to questions from ad hoc committee members about her experiences with SCDC. Andre Norman, Lawrence E. Dean, II, and Patrick Patterson, all with Academy of Hope, provide testimony and respond to ad hoc committee questions about implementing the Academy of Hope Program at SCDC. Jumpstart CEO Tommy Moore provides testimony and responds to questions from ad hoc committee members about the SCDC inmate program. Director for Programs, Re-entry, and Rehabilitative Services Nena Walker-Staley, with assistance from other agency personnel, provides testimony about the Programs, Re-entry, and Rehabilitative Services Division, including an overview of the Palmetto Unified School District, college courses, inmate participation, and finances. During and

after this testimony agency representatives respond to questions from ad hoc committee members.

**August 12, 2019**  
Ad hoc committee

The ad hoc committee holds **Meeting #10** with the agency.<sup>491</sup> Director for Programs, Re-entry, and Rehabilitative Services Nena Walker-Staley provides testimony about the Programs, Re-entry, and Rehabilitative Services Division, including an overview of Re-entry and Victim Services. Before, during, and after this testimony agency representatives respond to questions from ad hoc committee members.

**August 26, 2019**  
Ad hoc committee

The ad hoc committee holds **Meeting #11** with the agency.<sup>492</sup> Legislative Audit Council personnel present on the LAC audit of SCDC. During and after this presentation LAC personnel respond to questions from ad hoc committee members.

**August 27, 2019**  
Ad hoc committee

The ad hoc committee holds **Meeting #12** with the agency.<sup>493</sup> Director for Administration Tom Osmer provides testimony on finances related to health services. Director for Health Services Terre Marshall, with assistance from other agency personnel, provides testimony on the Health Services Unit including an overview of Health Services, staffing, plans and goals, clinic locations, and organizational structure. During and after this testimony agency representatives respond to questions from ad hoc committee members.

**September 16, 2019**  
Ad hoc committee

The ad hoc committee holds **Meeting #13** with the agency.<sup>494</sup> Director Bryan Stirling provides testimony and responds to questions from ad hoc committee members about the recent “walk-off” of an inmate from Livesay Correctional Institution. Director of Health Services Terre Marshall, with assistance from other agency personnel, provides testimony about the agency’s behavioral health services. The ad hoc committee is joined by the House Legislative Oversight Committee’s Healthcare and Regulatory Subcommittee. Department of Mental Health (DMH) Interim State Director Mark Binkley and SCDC Director Bryan

Stirling provide testimony about ways SCDC and DMH interact and collaborate on mental health services for people in the criminal justice system. During and after this testimony Director Stirling, Interim Director Binkley, and other agency representatives respond to questions from ad hoc committee members.

**October 1, 2019**  
Ad hoc committee

The ad hoc committee holds **Meeting #14** with the agency.<sup>495</sup> Eddie Caldwell, Executive Vice President and General Counsel of the North Carolina Sheriff’s Association provides testimony and responds to questions from ad hoc committee members about the North Carolina Statewide Misdemeanant Confinement program. Director of Health Services Terre Marshall, with the

assistance of other agency personnel, provides testimony about suicide prevention, addiction and recovery, telehealth, and electronic health records. Director for Legal Compliance Sally Elliot and other agency personnel provide an overview of the Legal and Compliance Division. During and after this testimony agency representatives respond to questions from ad hoc committee members.

**October 2, 2019**  
Ad hoc committee

The ad hoc committee holds **Meeting #15** with the agency.<sup>496</sup> Director Stirling provides testimony and responds to questions from ad hoc committee members about a prolonged incarceration. Director for Legal Compliance Salley Elliot provides testimony about the Legal and Compliance Division. During and after this testimony agency representatives respond to questions from ad hoc committee members.

**October 23, 2019**  
Ad hoc committee

The ad hoc committee holds **Meeting #16** with the agency.<sup>497</sup> The ad hoc committee receives public testimony from four individuals:

- Ms. Christa Williams;
- Dr. Pamela Crawford;
- Ms. Kathy Martin; and
- Ms. Beth Franco.

SCDC Classification Consultant Dr. James Austin provides testimony and responds to questions from ad hoc committee members about the new inmate classification system and progress in implementing the new system. Director Stirling provides testimony and responds to questions from ad hoc committee members about the SCDC mental health lawsuit. The ad hoc committee passes a motion to include three recommendations in its study report.

**November 25, 2019**  
Ad hoc committee

The ad hoc committee holds **Meeting #17** with the agency.<sup>498</sup> Representative William M. “Bill” Chumley and Representative James Mikell “Mike” Burns address the ad hoc committee about a concern regarding SCDC and a potential solution, which is including in House bill H.3971. The ad hoc committee receives public input from four individuals:

- Ms. Barbara Kelly;
- Ms. Donna Hardison;
- Ms. Nancy Kreml; and
- Mr. Stuart Andrews.

During and after the testimony each individual responds to questions from ad hoc committee members. Director Stirling provides testimony about prolonged incarceration and audits of SCDC’s records. During and after this testimony agency representatives respond to questions from ad hoc committee members. Ad hoc committee members pass a motion for a recommendation to be included in the ad hoc committee study.

**December 11, 2019**  
Ad hoc committee

The ad hoc committee holds **Meeting #18** with the agency.<sup>499</sup> Director for Legal Compliance Salley Elliot provides testimony about information security and privacy, quality improvement and risk management, and occupational safety and workers' compensation. During and after this testimony agency representatives respond to questions from ad hoc committee members. Deputy Director of Administration Thomas Osmer, Jr., provides testimony about the Administration Division including an overview of the division, resource and information management, procurement, Prison Industries, facilities management, transportation, and human resources. During this testimony agency representatives respond to questions from ad hoc committee members.

**December 16, 2019**  
Ad hoc committee

The ad hoc committee holds **Meeting #19** with the agency.<sup>500</sup> Director Stirling provides testimony about contraband cellphones and their impact on SCDC operations and inmate and staff safety. During and after this testimony Director Stirling responds to questions from ad hoc committee members. The ad hoc committee receives public input from eight individuals:

- Ms. Shirene Hansotia;
- Reverend Charles Pollak;
- Mr. Carter Elliot;
- Ms. Cathy DeCourcy;
- Ms. Nadia Sales;
- Ms. Ashley Price;
- Mr. Lester Young; and
- Ms. Louisa Tobias.

During and after this testimony members of the public respond to questions from ad hoc committee members. Director Stirling responds to the public input and provides testimony about the most efficient way to cover SCDC recommendations.

**January 7, 2020**  
Ad hoc committee

The ad hoc committee holds **Meeting #20** with the agency.<sup>501</sup> The ad hoc committee receives public input from four individuals:

- Ms. Laura Hudson;
- Ms. Christy Moss;
- Ms. Audra Haney; and
- Ms. Tonya O'Rear.

During and after this testimony members of the public respond to questions from ad hoc committee members. Director Stirling responds to the public input. 16<sup>th</sup> Circuit Solicitor Kevin Brackett provides testimony on how entities within the criminal justice system transmit information and ideas for how to improve the efficiency and effectiveness of this transmission process. Ms. Stacy Richardson, SCDC Division Director for Division of Classification and Inmate Records, provides a refresher about SCDC's process for receiving and releasing inmates. The ad hoc committee receives testimony from representatives of the following entities regarding their organizations

involvement in transmission of information related to convicted individuals, and ideas for increasing collaboration among their entities:

- S.C. Court Administration;
- Department of Probation, Parole, and Pardon (PPP);
- S.C. Sheriffs' Association;
- S.C. Jail Administrator Association; and
- Association of Counties.

**June 22, 2020**  
Ad hoc committee

The ad hoc committee holds **Meeting #21** with the agency.<sup>502</sup> Director Stirling presents information on SCDC's response to COVID-19 and statistics. The ad hoc committee receives public input from one individual, Ms. Teresa Bebeau. Ad hoc committee members discuss and vote on findings and recommendations for the ad hoc committee's study report of SCDC.

### *Member Visits to the Agency Facilities*

During the study, Members visit SCDC facilities on twelve different occasions.<sup>503</sup> These include both scheduled and surprise visits.<sup>504</sup> Members are allowed "free range" to walk and talk with inmates and employees.<sup>505</sup> One member makes a surprise visit during meal time to observe and talk with the individuals preparing the food.<sup>506</sup> Other members eat a meal, the same one served to the inmates, during their visit.<sup>507</sup> Table 52 provides more information about Member visits.

Table 52. Facilities and areas within the facilities, visited by members.<sup>508</sup>

| Member                          | Scheduled or Unscheduled | Date     | Time       | Institution                                       |
|---------------------------------|--------------------------|----------|------------|---|
| Rep. Williams                   | Scheduled                | 6/27/19  | 1:00 p.m.  | Palmer Work Release                               |
| Reps. Williams and Henegan      | Scheduled                | 7/2/19   | 10:00 a.m. | Lee CI  |
| Rep. Henegan                    | Scheduled                | 7/9/19   | 1:00 p.m.  | Evans CI  |
| Rep. Johnson                    | Scheduled                | 7/23/19  | 3:00 p.m.  | Camille Graham CI                                 |
| Reps. Clary and Caskey          | Scheduled                | 7/25/19  | 11:30 a.m. | Lee CI  |
| Rep. Dillard                    | Scheduled                | 8/11/19  | 3:00 p.m.  | Manning Pre-Release                               |
| Reps. Clary and Caskey          | Scheduled                | 8/25/19  | 3:00 p.m.  | Kirkland CI, Reception and Evaluation, and        |
| Reps. Tallon, Clary, and Caskey | Scheduled                | 10/28/19 | 3:00 p.m.  | Kirkland CI, Reception and Evaluation, and Inmate |
| Rep. Williams                   | Unscheduled              | 11/18/19 | 3:00 p.m.  | Camille Graham CI                                 |
| Rep. Williams                   | Unscheduled              | 11/21/19 | 2:00 p.m.  | Manning Pre-Release                               |
| Rep. Williams                   | Unscheduled              | 12/3/19  | 1:00 p.m.  | Broad River CI                                    |
| Rep. Williams                   | Unscheduled              | 12/5/19  | 3:15 p.m.  | Perry CI  |

Table Note: On October 9, 2019, Rep. Clary also visits Turning Leaf in North Charleston, S.C., a customized non-profit program of intense therapy and transitional employment.

## *Study Process Completion*

Pursuant to Committee Standard Practice 11.8, **any ad hoc committee member may provide a separate written statement for inclusion with the ad hoc committee's study report.** After receipt of any written statements, the ad hoc committee chair, pursuant to Committee Standard Practice 11.9, notifies the Committee Chair in writing that an ad hoc committee study is available for consideration by the full Committee.

Pursuant to Committee Standard Practice 12, the Committee Chair includes the ad hoc committee study on the agenda for a full Committee meeting after receiving written notice from the Ad hoc committee Chair. During a full Committee meeting at which the ad hoc committee study is discussed, the Committee may vote to (1) refer the study and investigation back to the ad hoc committee for further evaluation; (2) approve the ad hoc committee's study; or (3) further evaluate the agency as a full Committee, utilizing any of the resources of legislative oversight available.

When the Committee approves a study, **any member of the Committee may provide a written statement for inclusion with the study.** The study, and written statements, are published online and the agency receives a copy.<sup>509</sup>

**To support the Committee's ongoing oversight by maintaining current information about the agency, the agency may receive an annual Request for Information.**

## SELECTED AGENCY INFORMATION

S.C. Department of Corrections. “Program Evaluation Report, 2018.”

<https://scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/PER%20Submission%2012819.pdf> (accessed August 20, 2020).

S.C. Department of Corrections. “Restructuring and Seven-Year Plan Report, 2015.”

<https://scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2015AgencyRestructuringandSevenYearPlanReports/2015%20Department%20of%20Corrections.pdf> (accessed August 20, 2020).

S.C. Department of Corrections. “Agency Accountability Report, 2017-18.”

<https://scstatehouse.gov/reports/aar2018/N040.pdf> (accessed August 20, 2020).

S.C. House of Representatives, Legislative Oversight Committee. “July 17 – August 20, 2018 Survey Results.”

[https://scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Public\\_Survey\\_JulAug2018.PDF](https://scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Public_Survey_JulAug2018.PDF) (accessed August 20, 2020).



# INDEX OF ADDITIONAL INFORMATION AVAILABLE ON THE COMMITTEE'S WEBSITE<sup>510</sup>

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  - Agriculture
  - Budget and finance
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  - Recruiting, employment, and retention services
  - Resource and information management
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  - Number of inmate on inmate assaults related to gangs (FY 2016 - FY 2019)
  - Number of inmate on staff assaults related to gangs (FY 2016 - FY 2019)
  - Assaults and resulting serious injuries in SCDC facilities (FY 2013-14 – FY 2017-18) - LAC Audit, page 156, Table 5.2
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  - Inmate disciplinary offenses - Top 5 non-assaultive offenses (2016 - 2019)
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  - Number of staff sexual harassment incidents (2016 - 2018)
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  - Sexual abuse of SCDC inmates - Allegations substantiated by SCDC Police Services (2013 - 2018) - LAC Audit, page 134, Table 4.6
  - Substantiated allegations of sexual abuse against SCDC inmates reported on survey of sexual victimization (2013 - 2017) - LAC Audit, page 133, Table 4.5
- ***Protective Custody***
  - Protective custody and separations - OP 21.04 Inmate Classification Plan
  - Protective custody policy of SCDC (OP 22.23)
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  - Inmates using social media, dispositions (CY 2014 - CY 2019)
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  - Escapes, riots, and hostage taking - statutes applicable

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  - Contraband at SCDC: Attempts via U.S. mail or other parcel delivery
  - Contraband data comparison between MIN system (SCDC database) and facility contraband records (FY 2013-14 – FY 2017-18) - LAC Audit, page 154, Table 5.1
  - Contraband found, by type (2015 - 2019)
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  - Inmate disciplinary offenses - Number convicted by facility (FY 2016 - FY 2019)
  - Employee corrective actions (FY 2013-14 – FY 2017-18) - LAC Audit, page 128, Table 4.3
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  - SCDC prepaid legal defense claims and expenses reimbursed by the Insurance Reserve Fund (CY 2008 - CY 2018) - LAC Audit, page 170, Table 5.15

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  - Five state agencies with the highest employee tort liability costs (CY 2008 - CY 2017) - LAC Audit, page 166, Table 5.10
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  - Inmate classification plan policy (OP-21.04)
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See also, statistical reports on SCDC's website<sup>511</sup>

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- August 2016 site visit
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  - all inmates v. inmates earning GED while incarcerated (2013-14 through 2018-19)
  - all inmates v. inmates in particular pre-release or work programs (FY 2013-14 - FY 2017-18)
- Effect of prison education programs on recidivism – Journal of Correctional Education (December 2010)
- Number of inmates released with no GED or other vocational skill obtained while incarcerated (FY 2016 - FY 2018)
- Department of Juvenile Justice recidivism rates and calculation method

## *Crime Victim Services*

- Number of crime victims registering for services from SCDC (CY 2018)
- Number of notifications to victims by method of notification (e.g., call, text, email) (CY 2018)
- Number of notifications to victims by type of event (e.g., parole, max out, etc.) (CY 2018)
- Standard information included in notice to victims of certain events related to inmate
- Victim input in inmate work program screening
- Number of notifications to victims related to inmates working (CY 2018)
- Youthful offender conditional discharge - victim notification process
- Youthful offender conditional discharge denial based on information from victim
- Youthful offender unconditional discharge - victim notification process
- Youthful offender unconditional discharge denial based on information from victim

- Number of notifications to victims related to special programs (e.g., sexual predator review, etc.) (CY 2018)
- Inmate visiting sick or dying family member - victim notification process
- Restitution collected for victims from work release and prison industries (FY 2014- FY 2018)
- Restitution paid to victims from intensive supervision services (CY 2014 - CY 2018)
- Funds transferred from SCDC to the Attorney General's Office for state victims' assistance

## *Agency Finances*

- Funding for SCDC by source (FY 2016-17 - FY 2018-19)
- Expenditures per inmate - S.C. versus other southeastern states (July 1, 2017)
- Expenditures per inmate in S.C. (FY 2013-14 - FY 2018-19)
- Health services in prisons - costs and quality report from PEW (October 2017)
- Health services spending per inmate - S.C. v. other states (FY 2010 - FY 2015)
- Health services spending per inmate - S.C. v. southeastern states (2015)
- Health services budget v. actual spent (FY 2014 - FY 2019)
- Health services spending by category (FY 2014 - FY 2019)
- Financial impact by type of medication (2018)
- Inpatient hospital stay expenses at the Wellpath Regional Care site (2017 - 2019)
- Pharmacy expenditures at SCDC for HIV (2008 - 2019)
- Cost avoidance attributable to 340B drug buying program (2015 - 2019)
- Funding received per pupil - all S.C. school districts (FY 2014-15 through FY 2018-19)
- Funding received per pupil - SCDC school district (PUSD) v. select S.C. school districts
- Prison industry program financial statement (FY 2018-19)
- Costs paid by SCDC for prepaid legal coverage (CY 2011 - CY 2018) - LAC Audit, page 172, Table 5.17
- Amount spent to advertise open positions (February 2017 - December 2018) - LAC Audit, page 6-7, Chart 2.1 and 2.2.
- Costs to train and equip correctional officers (FY 2018)
- Total agency expenditures (FY 2017 and FY 2018)
- Carryforward utilization (FY 2014-15 - FY 2018-19)

## *Employees and Volunteers*

- *External Assessments*
  - Correctional officer satisfaction survey report (September 2013)
  - Correctional officer satisfaction survey report Power Point presentation (September 30, 2013)
  - Staffing security assessment (Redacted)

- ***Recruiting and Hiring***
  - Correctional officer hiring process
  - Hiring process and number of applicants removed at each stage
  - Correctional officer recruiting and on boarding flow charts in state government human resources software (NEOGOV)
  - New hires and promotions selections process flow chart
  - Minimum age for correctional officer in 44 states (February 2019) - LAC Audit, page 12, Chart 2.6
  - Number of applications received (FY 2014 - FY 2018) - Excel chart
  - Referral sources (January 2018 - January 2019) - LAC Audit, page 8, Table 2.3
  - Request for procurement exemption to advertise open positions in different ways and SFAA's response
    - Procurement exemptions granted to state entities (1986 - 2019)
  - Hiring and retention metrics
  
- ***Training and Drug Testing***
  - Staff training and development curricula (2019)
  - Summary of SCDC training classes (FY 2018)
  - Types of employee training and number of employees trained (2018)
  - Employee drug testing results (FY 2017 - FY 2019)
  
- ***Salary, Overtime, and Leave***
  - Healthcare
    - Annual salaries for dentists - SCDC v. community employers (2019)
    - Annual salaries for physical health professionals- SCDC v. community employers
    - Average total hourly pay for SCDC nursing staff (FY 2013-14 – FY 2017-18) - LAC Audit, page 44, Table 2.20
    - Contracted nursing staff hourly rates at SCDC - LAC Audit, page 43, Table 2.19
    - Total hourly cost for SCDC-employed nursing staff (June 30, 2018) - LAC Audit, page 45, Table 2.21
  - Correctional Officers
    - Base salary for correctional officers at SCDC (2001 – 2018)
    - Salary comparison for correctional officer and other law enforcement personnel: local, state, and federal
    - Annual and sick leave forfeited by correctional staff (FY 2013 - FY 2018)
    - Average total pay for all correctional officer ranks (FY 2013-14 – FY 2017-18) - LAC Audit, page 36, Table 2.14
    - Comparison of SCDC's starting salary for correctional officers to starting salaries for county detention officers (June 28, 2019) - LAC Audit, page 42, Chart 2.18
    - Correctional officer salary with and without special assignment pay - LAC Audit, page 11, Table 2.5
    - Overtime for correctional staff (FY 2014 - FY 2018)
    - Limits on overtime allowed (April 1, 2019 and October 24, 2019 memos)

- Correctional officers who doubled their base salaries through overtime pay in a fiscal year (FY 2013-14 – FY 2017-18) - LAC Audit, page 46, Table 2.22
  - Number of correctional officers who earned \$10,000 or more in overtime (FY 2013-14 – FY 2017-18) - LAC Audit, page 39, Graph 2.17
  - Total overtime paid by facility level and fiscal year (FY 2013-14 – FY 2017-18) - LAC Audit, page 38, Chart 2.16
  - Total overtime paid to SCDC employees by fiscal quarter (FY 2013-14 – FY 2017-18) - LAC Audit, page 37, Chart 2.15
- School district
  - SCDC school district (PUSD) raises by position title (FY 2020)
- ***Employee Grievances and Reassignment Requests***
  - Office of employee relations explained
  - Employee grievances appealed to the State Office of Human Resources (2016-2019)
  - Employee grievances received in the Office of General Counsel (2016-2019)
  - Equal Employment Opportunity Commission (EEOC) claims by employees (2016-2019)
  - Location from where employee reassignment was requested (January 2016 - April 2019) - LAC Audit, page 53, Chart 2.24
  - Location to where employee reassignment was requested (January 2016 - April 2019) - LAC Audit, page 54, Chart 2.25
  - Reassignment security level changes (January 2016 - April 2019) - LAC Audit, page 54, Chart 2.26
- ***Stress Management***
  - Critical incident stress management program
  - Number of employees participating in critical incident stress management program (2018-19)
- ***Retention, Ratios, and Experience Levels - Employees and Volunteers***
  - Volunteers
    - Number by institution (2019)
  - Staffing Numbers
    - All agency personnel – Vacant positions by division, turnover, and filled v. vacant positions
    - Staffing numbers for behavioral health services by program/discipline (July 22, 2019)
    - Staffing numbers for physical health services by program/discipline (July 2019)
    - Evans, Lee, and Lieber correctional institution staffing (October 2018 to September 2019)
  - Retention
    - Employee retention efforts
    - Employee retention rates by department and facility (CY 2014 - CY 2018)
    - Number of employees retained after 5 years
      - by deputy director
      - by budget unit (CY 2014 - CY 2018)

- by location (CY 2014 - CY 2018)
    - by budget unit and location
  - Number of employees retained each year
    - by budget unit (CY 2014 - CY 2018)
    - by budget unit and location
  - Correctional officer new hire retention rates (FY 1997 - FY 2018)
- Staff-to-inmate ratios
  - Inmate-to-officer ratios
  - Agency wide inmate-to-officer ratio (FY 2013-14 – FY 2017-18) - LAC Audit, page 30, Chart 2.10
  - Healthcare staffing per inmate - national median v. S.C. (2015)
- Vacancies
  - Number of open state government jobs v. number of applicants (2013 - 2017)
  - Deliverables needing additional employees to fully staff
  - Employee positions filled and vacant, by SCDC institution (December 2018 - December 2019)
  - Vacancy rates at level 1 institutions (FY 2017-18) - LAC Audit, page 29, Chart 2.9
  - Vacancy rates at level 2 institutions (FY 2017-18)- LAC Audit, page 28, Chart 2.8
  - Vacancy rates at level 3 institutions (FY 2017-18) - LAC Audit, page 27, Chart 2.7
  - Security vacancy rates using ideal number versus allocated number of security positions, January 1, 2018 - LAC Audit, page 160, Table 5.6
  - Palmetto Unified School District - vacant positions
  - Formula for calculating SCDC security vacancy rates - LAC Audit, page 158, Figure 5.4
  - Filled frontline security positions on first of month compared to frontline new hires from previous month (July 2013 to February 2019)
  - Filled institutional frontline correctional officer positions v. S.C. unemployment rate (January 2011 to February 2019)
  - Number of ideal security positions versus number of allocated security positions (January 1, 2018) - LAC Audit, page 159, Table 5.5
  - Correctional officer turnover rates in S.C. and neighboring states (FY 2015-16 – FY 2017-18) - LAC Audit, page 32, Chart 2.11
  - Security level, institution, turnover, and retention lieutenant placement - LAC Audit, page 51, Table 2.23
- Years of Experience
  - Years of experience for full-time correctional officers (June 30, 2018) - LAC Audit, page 33, Chart 2.12
  - Percentage of correctional officers with less than one year of experience by quarter (FY 2013-14 – FY 2017-18) - LAC Audit, page 34, Chart 2.13
- **Separations**
  - Employee separations and reasons for separations (July 2016 - February 2019)
  - Total separations, average number of employees, and turnover percentage (FY 2015 - FY 2018)
  - FY 2013-14 – FY 2017-18 information from LAC Audit, pages 58-65

- Security staff separations at SCDC, Table 2.27
- Most common reasons noted in separation records for full-time security staff assigned to an institution, Table 2.28
- Separations by rank for full-time security staff assigned to an institution, Table 2.29
- Separated security staff as a percentage of employees of the same rank, Table 2.30
- Percentage of cadet separations and reasons, Chart 2.31
- Percentage of officer separations and reasons, Chart 2.32
- Average length in years of employment before separations, Table 2.33
- Separations of full-time security staff by institutional level, Chart 2.34
- Separations of full-time security staff by institution and rank, Table 2.35
- Exit survey response rates at SCDC, Table 2.36

### *Other Information*

- Adult Correctional Systems Report by Southern Legislative Conference Council of State Governments (comparison of southern states) (2017)
- Law changes recommended by SCDC
- List of agency policies and forms
- Number of Freedom of Information Act requests, by month (2017-2019)
- Number of local detention center construction/renovation plans reviewed (2017-2018)
- Visits to SCDC facilities by House Legislative Oversight Committee members (as of December 12, 2019)



# APPENDIX A. AGENCY OVERVIEW

The Committee requests the agency provide background information via the Program Evaluation Report, Accountability Report, and correspondence. The sections below provide an overview of the agency, as reflected in these submissions.

## *History*

The SCDC provides the Committee with an overview of the agency's history.<sup>512</sup> For a more detailed history of the agency, please see the Committee's website.<sup>513</sup>

## *Legal Obligations*

In the Annual Accountability Report, the Committee asks the agency to list the laws applicable to it. The agency's enabling legislation is in S.C. Code Section 24-1-30. The agency includes a number of other relevant state and federal laws.<sup>514</sup> The complete list can be found on pages 25-76 of the agency's FY 2018-19 Accountability Report.

## *Agency Organization and Employees*

### *Governing Body*

In the Program Evaluation Report, the Committee asks the agency to provide information about the agency's governing body. The agency provides the information below.<sup>515</sup>

Pursuant to S.C. Code Section 24-1-40, SCDC is governed by an agency director who is appointed by the Governor with the advice and consent of the Senate. The required qualifications to serve as director are stated in S.C. Code Section 24-1-100, "The director shall possess qualifications and training which suit him to manage the affairs of a modern penal institution." There are no service limits for the agency director. The agency director may be removed by the Governor, at his discretion, by an Executive Order, as provided in S.C. Code Section 1-3-240(B). Superintendents of the State Penitentiary and directors of the S.C. Department of Corrections from 1866 to the present are in Table 53.

Table 53. Superintendents of the State Penitentiary and directors of the S.C. Department of Corrections from 1866 to the present.

| Year | Superintendent of the State Penitentiary | Year | Director of the S.C. Department of Corrections |
|------|--|------|--|
| 1866 | Thomas B. Lee                            | 1960 | Colonel Wyndham M. Manning                     |
| 1869 | Carlos J. Strolbrand                     | 1962 | Ellis C. MacDougall                            |
| 1873 | John B. Dennis                           | 1968 | William D. Leeke                               |
| 1875 | Theodore W. Parmele                      | 1987 | H. Parker Evatt                                |
| 1879 | Thomas J. Lipscomb                       | 1995 | Michael W. Moore                               |
| 1891 | W. J. Talbert                            | 1999 | William Doug Catoe                             |
| 1893 | W. A. Neal                               | 2001 | P. Dodge Frederick                             |
| 1899 | D. J. Griffin                            | 2001 | Gary D. Maynard                                |
| 1917 | A. K. Sanders                            | 2003 | Jonathan E. Ozmint                             |
| 1923 | A. M. Scarborough                        | 2011 | William R. Byars, Jr.                          |
| 1927 | James N. Pearman                         | 2013 | Bryan P. Stirling                              |
| 1936 | James S. Wilson                          |      |  |
| 1939 | John M. Glenn                            |      |  |
| 1942 | G.R. Richardson                          |      |  |
| 1943 | James S. Wilson                          |      |  |
| 1945 | A. Roy Ashley                            |      |  |
| 1947 | Colonel Wyndham M. Manning               |      |  |

### Agency Organizational Units

Every agency has an organization or hierarchy that is reflected in the agency’s organizational chart. Within the organization are separate units. An agency may refer to these units as departments, divisions, functional areas, cost centers, etc. Each unit is responsible for contributing to the agency’s ability to provide services and products.

During the study process the Committee asks the agency about its organization and major operating programs.<sup>516</sup> SCDC informs the Committee it is comprised of six major organizational units referred to as divisions, which are described in Table 54. The organization of the agency is shown in Figure 9. The facility structure is shown in Table 55.

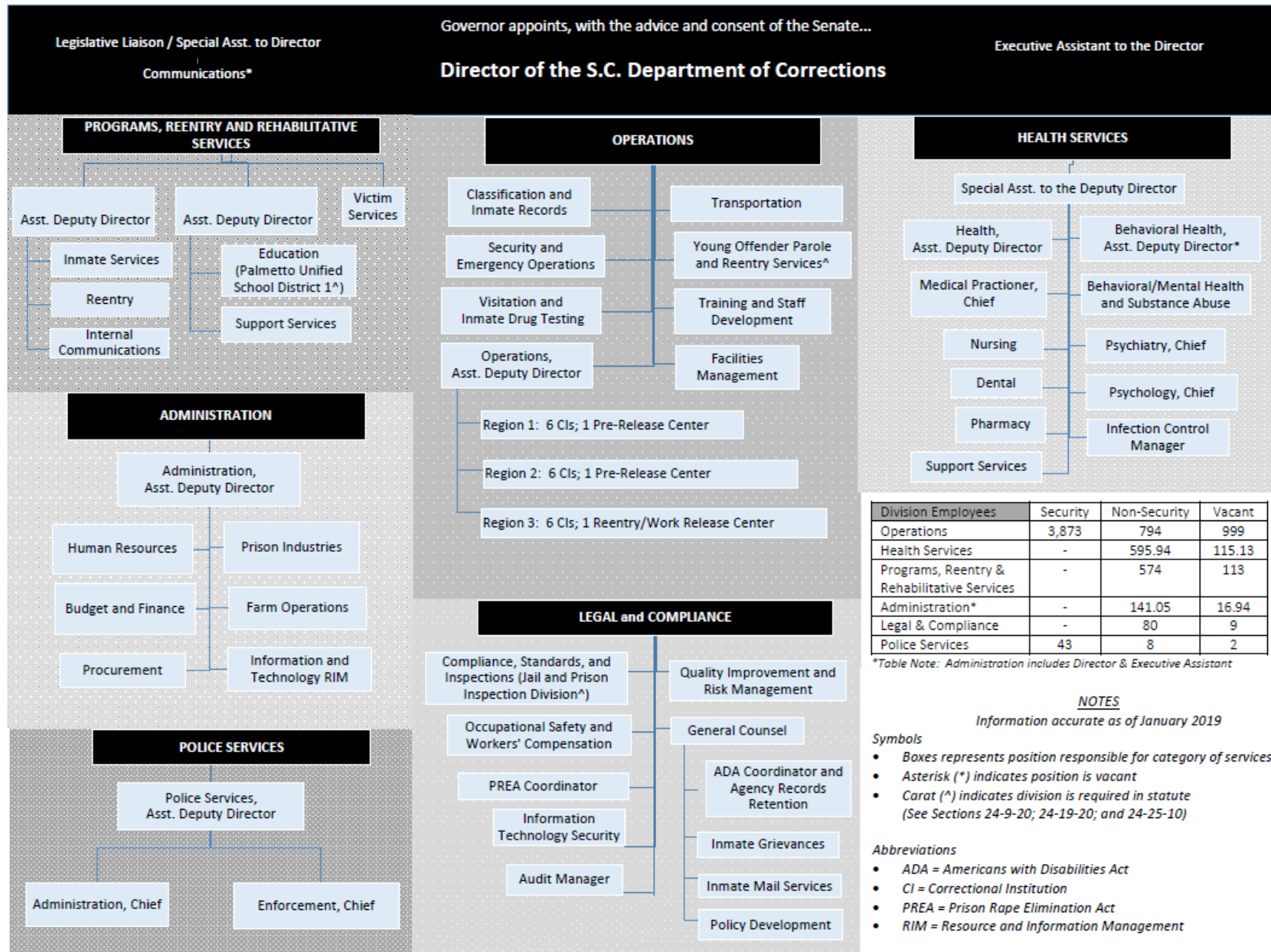
Table 54. SCDC organizational divisions as of January 2020.<sup>517</sup>

| Programs, Re-entry, and Rehabilitative Services   |  |
|---|--|
| The following are under this division:  |  |
| <ul style="list-style-type: none"> <li>• Education (Palmetto Unified School District 1)</li> <li>• Inmate Services</li> <li>• Internal Communications</li> </ul>  | <ul style="list-style-type: none"> <li>• Re-entry</li> <li>• Support Services</li> <li>• Victim Services</li> </ul>  |
| Operations  |  |
| Oversees daily operations of SCDC's 21 correctional institutions as well as the following:  |  |
| <ul style="list-style-type: none"> <li>• Division of Classification and Inmate Records</li> <li>• Training and Staff Development</li> <li>• Facilities Management</li> </ul>  | <ul style="list-style-type: none"> <li>• Inmate Visitation and Drug Testing</li> <li>• Young Offender Parole and Re-entry Services</li> </ul>  |
| Health Services   |  |
| Includes the following to provide a comprehensive continuum of healthcare:  |  |
| <ul style="list-style-type: none"> <li>• Medical Practitioner</li> <li>• Nursing</li> <li>• Pharmacy</li> <li>• Dental</li> </ul>   | <ul style="list-style-type: none"> <li>• Behavioral/Mental Health and Substance Abuse</li> <li>• Psychiatry</li> <li>• Psychology</li> <li>• Infection Control</li> </ul>  |
| Administration  |  |
| The Division of Administration is responsible for the following agency-wide:  |  |
| <ul style="list-style-type: none"> <li>• Human Resources</li> <li>• Finance</li> <li>• Information Technology</li> </ul>  | <ul style="list-style-type: none"> <li>• Procurement</li> <li>• Farm Operations</li> <li>• Prison Industry operations</li> </ul>   |
| Police Services*  |  |
| Assigns agents to investigate criminal acts believed to have been committed by SCDC inmates, employees, or others when the crime relates to the agency.   |  |
| Legal and Compliance  |  |
| Oversees all Legal and Compliance related functions including:  |  |
| <ul style="list-style-type: none"> <li>• Compliance, Standards and Inspections</li> <li>• Occupational Safety and Worker's Compensation</li> <li>• Prison Rape Elimination Act Coordinator</li> <li>• Information Security and Privacy</li> <li>• Audit Manager</li> <li>• Quality Improvement and Risk Management</li> </ul> | <ul style="list-style-type: none"> <li>• General Counsel's Office, including: <ul style="list-style-type: none"> <li>○ Agency Records Retention</li> <li>○ Americans with Disabilities Act Coordinator</li> <li>○ Inmate Grievance</li> <li>○ Agency Mailroom</li> <li>○ Policy Development</li> </ul> </li> </ul> |

Table Note: An asterisk (\*) indicates Police Services is different from security within the prisons.

For additional information about agency employees and volunteers, see the Committee's website, under "Additional Agency Details," and "Employees and Volunteers."

Organizational Chart



### POLICE SERVICES

- Police Services, Asst. Deputy Director
  - Administration, Chief
  - Enforcement, Chief

Figure 9. SCDC Organizational chart as of January 2020.<sup>518</sup>

Table 55. SCDC facility structure.

**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

**Housing Types** (Unless otherwise noted, facility houses males only)

**General** - Beds for inmates not designated/requiring "special" supervision and/or service

**Restrictive** - Beds for inmates designated/requiring "special" supervision such as crisis intervention, death row, hospital, maximum custody, mental health, protective custody, pre-hearing detention, security detention, safe keeper, 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.

**Agency Facilities**

| Region 1<br>Joseph "Tony" Stines,<br>Director | Security Level | Location    | Warden           |
|---|----------------|-------------|------------------|
| Palmer PRC                                    | 1A             | Florence    | Joseph McFadden  |
| Allendale CI <sup>A</sup>                     | 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<br>Joel Anderson, Director | Security Level | Location      | Warden                |
|-------------------------------------|----------------|---------------|-----------------------|
| Livesay PRC                         | 1A&B           | Spartanburg   | George Dodkin         |
| Evans CI <sup>A</sup>               | 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      |
| Graham CI (Female)<br>R&E (Female)  | 3              | Columbia      | Marian Boulware       |

| Region 3<br>Wayne McCabe, Director     | Security Level | Location | Warden          |
|--|----------------|----------|-----------------|
| Goodman CI                             | 1B             | Columbia | Jannita Gaston  |
| Manning Reentry/Work<br>Release Center | 1B             | Columbia | Lisa Ingram     |
| Kershaw CI <sup>A</sup>                | 2              | Kershaw  | Kenneth Nelsen  |
| Trenton CI                             | 2              | Trenton  | Terrie Wallace  |
| Wateree River CI                       | 2              | Rembert  | Donald Beckwith |
| Broad River CI                         | 3              | Columbia | Michael Stephan |
| Kirkland R&E                           | 3              | Columbia | Willie D. Davis |
| Infirmary                              |                |          |                 |
| CI - Max                               |                |          |                 |
| Gilliam Psychiatric Hospital           |                |          |                 |

**Terminology**

**Character Dorms**

- Residential and educational dorm that hinges on peer-to-peer review to provide the nurturing space to cultivate personal development, pro-social values, personal responsibility, social accountability, and promote the reinforcement of a respect based culture.
- Helps inmates who genuinely seek to be rehabilitated by pursuing positivity and moral living within an environment/atmosphere which supports and provides resources necessary to achieve redemptive goals.

**Designated facility**

- City jail, county jail, or prison camp with which the agency has a contractual agreement to house state inmates while they are serving their SCDC sentences.

**Jail or Detention facility**

- **Operated by:** Local government
- **Purpose:** Detain persons under arrest or sentence

**Prison**

- **Operated by:** S.C. Department of Corrections
- **Purpose:** Confinement of persons with an incarcerative sentence of more than 90 days or in safekeeping status

**Inmate or Prisoner**

- A person who is confined lawfully for either (1) pre-trial or (2) to serve sentence imposed by the court

**Lockdown**

- Inmates are restricted to their cells and must remain in their cells for a certain time period. This time period may vary depending upon the circumstances for the lockdown requirement. A lockdown may only apply to certain housing units within a prison, or the entire prison.

**Lockup**

- Specialized housing assignment for inmates with serious disciplinary infractions.

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

### *Internal Audit Process*

In the Program Evaluation Report, the Committee asks the agency to provide information about its internal audit process, if it has one. The agency provides the information below.<sup>519</sup>

SCDC has internal auditors that are hired by, and report to, the agency director. In addition, the auditors report administratively to SCDC's Deputy Director/Chief Compliance Officer. Iris McNeil (mcneil.iris@doc.sc.gov) is the Audit Manager and Naemon Youmans (Youmans.naemon@doc.sc.gov) is an Auditor III.

SCDC first started performing internal audits in July of 1993. The S.C. State Internal Auditors Association or any other entity has conducted no peer reviews since its establishment in 1993.

The Audit Manager decides when audits are conducted unless special audits or investigations/reviews are requested and approved through the Chief Compliance Officer. Audits follow a three-year cycle which also include 18 month follow-up reviews and are generally institutional reviews of trust accounts, procurement, purchasing cards, petty cash, fixed assets and inmate pay. Internal Audits does not conduct agency wide risk assessments or evaluate performance measures and improvement systems.

In the last five fiscal years, auditors have performed 214 internal audits. The shortest audit 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 of institutions of trust accounts, procurement, purchasing cards, petty cash, fixed assets and inmate pay were conducted between FY 2013 and FY 2018. During that time, audits were conducted for compliance with state law and agency established policy and procedures.

SCDC Policy GA-06.01, Management Reviews, was initially published May 1, 2004. The current edition is being provided to the Committee. However, the actual practice of conducting the Management Reviews has been suspended for more than five fiscal years, so there have been no reports generated during the period covered by this request. Certain central office staff may have taken the initiative on their own to conduct audits for their specific areas of responsibility using the format and checklist information developed by our Management Review protocol.

## *Services, Customers, and Performance*

### *Deliverables*

In the Program Evaluation Report, the Committee asks the agency to provide information about its deliverables, the products and services it provides to external entities. SCDC provides details about 95 deliverables, many that have multiple components, for which it is responsible.<sup>520</sup> The can be found on pages 118-194 of the agency's [Program Evaluation Report](#).



### Performance Measures

SCDC provides details about 38 measures it uses to evaluate its performance on pages 199-206 of its [Program Evaluation Report](#). This includes target and actual values for each measure for the last five years, when available.<sup>521</sup>

### Key Federal and Local Partners

During the study of an agency, the **Committee asks the agency if there are federal or local entities serving similar customers or providing similar products or services.** The Committee asks how the agencies work together to effectively and efficiently achieve the agency’s goals. SCDC lists key federal and local partners in Table 56.

Table 56. Key federal and local partners of SCDC.

| Type of entity               | Name of Partner Entity                              | Description of Partnership  |
|------------------------------|---|---|
| State Government             | Department of Employment and Workforce              | Assisting inmates with finding jobs after release.  |
|                              | Department of Health and Human Services             | Assisting inmates with determining Medicaid eligibility prior to release.                                     |
|                              | Department of Health and Environmental Control      | Assisting SCDC in reducing pharmacy expenditures on HIV medications.  |
|                              | Department of Probation, Parole and Pardon          | Assist in the implementation and evaluation of the Omnibus Crime Reduction and Sentencing Reform Act of 2010. |
|                              | Department of Alcohol and Other Drug Abuse Services | Provides Medication Assisted Treatment (MAT) to SCDC’s opioid population.                                     |
|                              | Department of Motor Vehicles                        | Assisting inmates with obtaining state identification prior to release.                                       |
| Federal Government           | Department of Veterans Affairs                      | Assisting inmates with determining Veterans benefits eligibility prior to release.                            |
| Higher Education Institution | University of South Carolina                        | Provides interns to conduct discharge planning and referral support to inmates upon release.                  |

## APPENDIX B. AGENCY REPORTS TO COMMITTEE

During the legislative oversight process, the **Committee asks the agency to conduct self-analysis** by requiring it to complete and submit annual Restructuring Reports, a Seven-Year Plan for cost savings and increased efficiencies, and a Program Evaluation Report. The Committee posts each report on the agency page of the Committee's website.

### *Seven-Year Plan for Cost Savings and Increased Efficiencies*

S.C. Code Section 1-30-10 requires agencies to submit "a seven year plan that provides initiatives and/or planned actions that implement cost savings and increased efficiencies of services and responsibilities within the projected seven-year period."<sup>522</sup> The SCDC submits its plan on March 31, 2015.<sup>523</sup>

### *Restructuring Report*

The Annual Restructuring Report fulfills the requirement in S.C. Code Section 1-30-10(G)(1) that annually each agency report to the General Assembly "detailed and comprehensive recommendations for the purposes of merging or eliminating duplicative or unnecessary divisions, programs, or personnel within each department to provide a more efficient administration of government services." The report, at a minimum, includes information in the following areas - history, mission and vision, laws, strategic plan, human and financial resources, performance measures, and restructuring recommendations.

SCDC submits its first Annual Restructuring Report on January 12, 2016.<sup>524</sup> The agency's 2018-19 Annual Accountability Report to the Governor and General Assembly, which it submits in September 13, 2019, serves as its most recent Annual Restructuring Report.<sup>525</sup>

### *Program Evaluation Report*

When an agency is selected for study, the Committee may acquire evidence or information by any lawful means, including, but not limited to, "requiring the agency to prepare and submit to the investigating committee a program evaluation report by a date specified by the investigating committee." S.C. Code Section 2-2-60 outlines what an investigating committee's request for a program evaluation report must contain. Also it provides a list of information an investigating committee may request. The Committee sends guidelines for the SCDC's Program Evaluation Report (PER) on July 17, 2018. The agency submits its report on September 28, 2018 and updates it on January 25, 2019 and March 3, 2020.

The PER includes information in the following areas - agency snapshot, agency legal directives, strategic plan and resources, performance, agency ideas/recommendations, and additional documents. The **Program Evaluation Report serves as the base document for the ad hoc committee's study of the agency.**



## APPENDIX C. PUBLIC INPUT

**Public input is a cornerstone of the House Legislative Oversight Committee’s process.**<sup>526</sup> Members of the public have an opportunity to participate anonymously in a public survey, provide comments anonymously via a link on the Committee’s website, and appear in person before the Committee.<sup>527</sup> During the study, media articles related to the agency are compiled for member review.

### *Public Survey*

From July 17 – August 20, 2018, the Committee posts an **online survey to solicit comments from the public about the SCDC** and four other agencies. The Committee sends information about this survey to all House members to forward to their constituents. Additionally, in an effort to communicate this public input opportunity widely, the Committee issues a statewide media release.<sup>528</sup> The media release is shared with the South Carolina State Library, which disseminates it to local libraries across the state.

There are 1,485 responses to the survey, with 712 of these relating to the agency. The responses relating to the agency come from 43 of South Carolina’s 46 counties.<sup>529</sup> These comments are not considered testimony.<sup>530</sup> As the survey press release notes, “input and observations from people who interact with these agencies are important because they may help direct the Committee to potential areas for improvement with these agencies.”<sup>531</sup> Survey results are posted on the Committee’s website. The **public is informed it may continue to submit written comments about agencies online** after the public survey closes.<sup>532</sup>

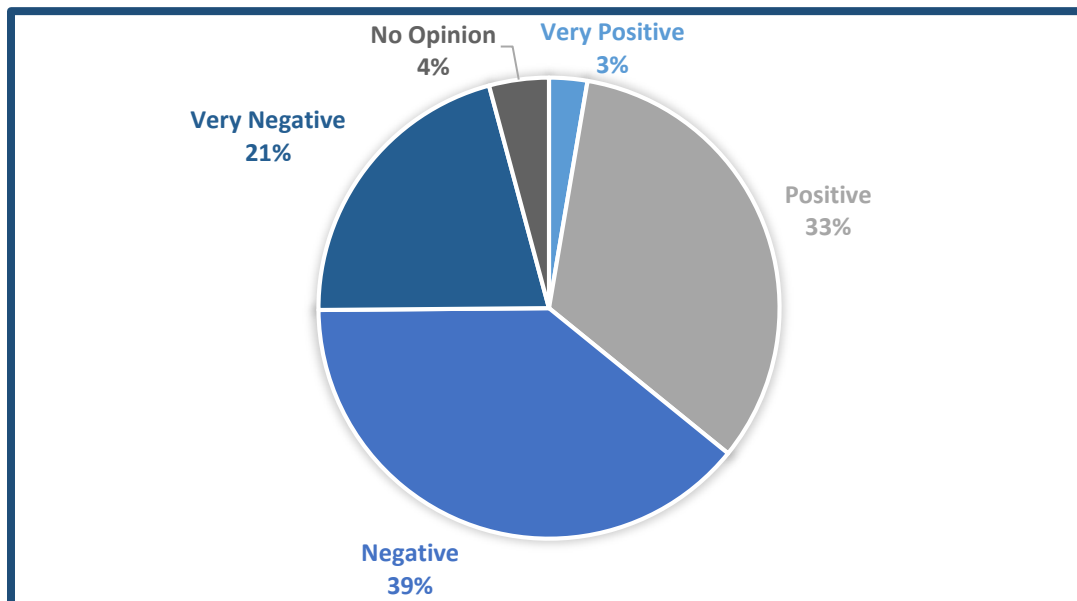


Figure 10. Survey respondents’ opinions of SCDC.

Of those survey participants that respond to questions related to SCDC, **36% have a positive or very positive opinion of the agency.**<sup>533</sup> Over 76% of the July/August 2018 public survey respondents base their opinions of the agency on personal experience, media coverage, and social media. **The comments vary, with many focused on safety for inmates and employees, proper equipment and facilities, and employee pay and retention.**<sup>534</sup>

### *Public Input via Committee's Website*

Throughout the course of the study, people are able to submit comments anonymously on the Committee's website. The Committee posts comments verbatim to the website, but they are not the comment or expression of the House Legislative Oversight Committee, any of its ad hoc committees, or the House of Representatives.<sup>535</sup> All comments are available on the Committee's website.<sup>536</sup>

### *Public Input via In-Person Testimony*

During the study, the Committee offers the opportunity for the public to appear and provide sworn testimony.<sup>537</sup> A press release announcing this opportunity is sent to media outlets statewide on January 2, 2019.<sup>538</sup> The media release also is shared with the South Carolina State Library, which disseminates it to local libraries across the state. The Committee holds a meeting dedicated to public input about SCDC and other agencies on January 28, 2019.<sup>539</sup> Further detail on the public input meeting is in the meetings section of this report.

During the study 38 different individuals from across the state provided testimony to the ad hoc committee.<sup>540</sup> Several of these individuals testified during multiple ad hoc committee meetings. These individuals have various connections to SCDC including, but not limited to, the following:

- Male former inmates (2);
- Female former inmates (3);
- Individuals who have or have had sons, daughters, fathers, or friends incarcerated (9);
- Volunteers at Correctional Institutions (4);
- Former agency employees (3);
- Current agency employees testifying in their role as members of the public about issues they see at the agency (2);
- Community activist working with crime victims (1);
- Community activists or individuals working with inmates (13); and
- Representatives involved with programs in other states (1).<sup>541</sup>

Additionally, five consultants hired by SCDC, four involved in a program at level three prisons, and one who is a classification consultant, provided testimony to the ad hoc committee.<sup>542</sup> Also, a current Circuit Solicitor and representatives from other agencies involved in the criminal justice process provided testimony (i.e., Court Administration; Department of Probation, Parole, and Pardon; Sheriffs' Association; and Jail Administrator Association).<sup>543</sup>

## APPENDIX D. LAC RECOMMENDATIONS TO SCDC

Recommendations to SCDC from the [Limited Review of SCDC by the Legislative Audit Council \(LAC\)](#), requested by the Committee, and SCDC's asserted implementation status as of February 19, 2020, are in Table 57.

Table 57. LAC recommendations to SCDC and SCDC's asserted implementation status as of February 19, 2020.<sup>544</sup>

| No.   | Status stated by SCDC* | SCDC should...   |
|---|------------------------|--|
| <b>Recruitment</b>  |                        |  |
| 1   | IP                     | Compare advertising expenditures to selected referral sources of new recruits.   |
| 2   | W                      | Refine the referral source selections in the NEOGOV tracking system to allow more specific tracking of referral sources.   |
| 3   | IP                     | Design its website to include more information, such as videos, on available financial incentives for correctional officers.   |
| <b>Background Checks for Correctional Officers and Volunteers</b> |                        |  |
| 5   | IP                     | Include in policy that all correctional officers are required to complete post-employment background checks every five years, as required by federal regulation.                 |
| 6   | C                      | Complete post-employment background checks on all correctional officers every five years, as required by federal regulation, and maintain documentation for the required period. |
| 7   | C                      | Ensure that background checks are completed on all volunteers before allowing them to attend orientation, as required by policy.   |
| 8   | C                      | Complete background checks on all volunteers every three years, as required by policy, and maintain documentation for the required period.                                       |
| <b>Correctional Officer Training</b>                              |                        |  |
| 9   | C                      | Submit its training immediately to the South Carolina Criminal Justice Academy for approval by the S.C Law Enforcement Training Academy, and then every two years, as required.  |
| 10  | IP                     | Document changes and updates to training curricula.  |
| 11  | W                      | Reevaluate its curriculum that was eliminated from correctional officer basic training to determine if or how the deletion is affecting officer preparedness.                    |
| 12  | C                      | Hold quarterly agency training advisory council meetings to assess the agency's training needs.  |
| 13  | C                      | Complete the implementation of computer labs at all institutions.  |
| 14  | C                      | Ensure all training, conducted via video, requires a comprehension quiz following the training video   |
| 15  | IP                     | Implement a policy for completing the first two courses of the supervisory development program within six months of being promoted to a supervisory position.                    |
| 16  | IP                     | Determine what level of supervisor must participate in the supervisory development program.  |

| No. | Status stated by SCDC* | SCDC should...  |
|-----|------------------------|---|
| 17  | C                      | Maintain consistent class sizes in the supervisory development program to ensure that all students who complete the first course can complete the entire program in the prescribed timeframe.   |
| 18  | C                      | Ensure that it maintains accurate training records on the attendance and completion of training.  |
| 19  | IP                     | Implement communication skills' training for supervisors.   |
| 20  | IP                     | Develop specific contraband training for contraband control officers and require its completion, as required by policy, to ensure consistent methods are used across all institutions for searching for and recording contraband that is found. |
| 21  | C                      | Amend its policy regarding security staff to complete training during off-duty hours to reflect its current practice to the extent that amendments adhere with national correctional standards.   |
|     |                        | <b>Programs for Employees Who Experience Stress and Trauma</b>  |
| 22  | C                      | Amend its orientation training to include education on the Critical Incident Stress Management program.   |
|     |                        | <b>Meal Breaks for Security Staff</b>   |
| 23  | IP                     | When staffing levels permit, ensure that security staff take bona fide meal breaks.   |
| 24  | IP                     | Implement an electronic timekeeping system at institutions to track when employees arrive, depart, and take breaks.   |
|     |                        | <b>Correctional Officer Staffing Levels</b>   |
| 25  | C                      | Implement incentives for correctional officers that target institutions with high vacancy rates and/or high inmate-to-officer ratios to help alleviate staffing issues at those institutions.   |
|     |                        | <b>Correctional Officer Salaries</b>  |
| 26  | C                      | Ensure that overtime is being granted to the institutions that are in most need of staffing assistance due to vacancies.  |
| 27  | C                      | Contact the Federal Bureau of Prisons to determine if it has evaluated the effectiveness of the various types of incentive pay that are offered to federal correctional officers.   |
| 28  | IP                     | Evaluate whether offering an incentive for correctional officers to work at correctional institutions close to Federal Bureau of Prisons' facilities would help alleviate staffing issues at those institutions.                                |
|     |                        | <b>Nursing Staff Salaries</b>   |
| 29  | W                      | Evaluate what wages should be paid and incentives offered to certified nursing assistants, licensed practical nurses, and registered nurses to more effectively compete with private employers for nursing staff.                               |
|     |                        | <b>Distribution of Overtime</b>   |
| 30  | IP                     | Implement a policy outlining how overtime will be distributed among the agency's employees.   |
|     |                        | <b>Inspections of Detention Facilities and Holding Cells</b>  |
| 31  | W                      | Identify the location of all holding cells in the state and inspect them annually as required by S.C. Code §24-9-20.  |

| No. | Status stated by SCDC* | SCDC should...  |
|-----|------------------------|---|
|     |                        | <b>Efforts to Improve Staff Retention</b>   |
| 32  | IP                     | Create targeted bonuses for institutions and shifts with high vacancy rates.  |
| 33  | C                      | Place retention lieutenants at the institutions with the highest turnover rates.  |
| 34  | IP                     | Create a policy that sets a timeframe for the completion of the Correctional Officer Skills Enhancement Program.  |
| 35  | IP                     | Work to refine its tracking of employee reassignment requests in order to identify managers who could benefit from additional training.   |
|     |                        | <b>No Time Limits for Issuing Corrective Actions</b>  |
| 37  | IP                     | Establish, in policy, time limits addressing the length of time permitted, from the date of occurrence to the review meeting, in which employee violations are to be addressed. |
|     |                        | <b>Exit Survey Data</b>   |
| 38  | IP                     | Have separating employees directly enter responses into survey software.  |
| 39  | IP                     | Only draw conclusions regarding data when response rates are adequate.  |
|     |                        | <b>Classification System</b> ( <i>recommendations made before SCDC began implementing new classification system</i> )   |
| 40  | IP                     | Change its classification policy by integrating security and custody levels.  |
| 41  | IP                     | Increase the number of classification levels, as necessary, and ensure that each level is distinctly different in terms of security and supervision.                            |
| 42  | IP                     | Consider changes to its classification system based on recommendations from its newly-hired consultant.   |
| 43  | IP                     | Ensure that its risk and needs assessment tool is revalidated every 3-5 years.  |
| 44  | IP                     | Develop reclassification criteria that emphasize inmate participation in work opportunities, programs, and consistently good behavior.  |
| 45  | IP                     | Revise its current security level criteria to place less significance on inmate incarcerative sentences and more on inmate behavior.  |
| 46  | IP                     | Ensure that all security and custody level overrides are accompanied by a detailed, written explanation for the override code.  |
|     |                        | <b>Programs for Inmates</b>   |
| 47  | W                      | Move forward with implementing a system to track classes/programs, when they are offered, by whom (volunteer or staff), attendance, mastery, and completion.                    |
| 48  | IP                     | Identify evidence-based, core classes to offer to all inmates.  |
| 49  | IP                     | Implement a policy on programming, including the identification of evidence-based, core courses and how successful completion will be measured.                                 |
| 50  | IP                     | Implement a policy outlining re-entry preparation steps to be taken to prepare inmates for re-entry into the community.   |
| 51  | W                      | Examine the possibility of using completion of specific core classes/programs as incentives for inmates to earn good time credit.   |

| No. | Status stated by SCDC* | SCDC should...   |
|-----|------------------------|--|
| 52  | W                      | If SCDC establishes appropriate coursework for which good time credit may be applied, the General Assembly should amend state law to allow for specific training/class completion as qualifiers for good time credit   |
| 53  | W                      | Continue to hire or reassign staff, as possible, to buttress the programming already provided by volunteers at its institutions.   |
|     |                        | <b>Security Threat Groups</b>  |
| 54  | IP                     | Include specific sanctions for inmates identified as being in a security threat group in its security threat group policy.   |
| 55  | IP                     | Impose sanctions on security threat group-validated leaders that are more severe than sanctions imposed on other security threat group members.  |
| 56  | IP                     | Develop and implement a detailed security threat group step-down program that includes incentives for renouncing a security threat group.  |
| 57  | IP                     | Pilot the separation of security threat groups in institutions known to have large numbers of inmates affiliated with a security threat group.   |
| 58  | IP                     | Evaluate how the separation of security threat groups affects overall violent infractions within the prison.   |
| 59  | IP                     | If piloted separation of security threat groups is successful, SCDC should implement separation of security threat groups in policy and practice.  |
| 60  | IP                     | Include specific requirements in policy for the police services division and the classification division to regularly share all information regarding security threat groups.  |
|     |                        | <b>Placement of Mentally Ill Inmates</b>   |
| 61  | IP                     | Develop and implement methods to ensure that all mentally ill inmates are placed in appropriate institutions and units based on security level, custody level, and necessary mental healthcare.  |
| 62  | IP                     | Include mental health in security and custody level criteria.  |
| 63  | IP                     | Evaluate possible changes, such as including mental health units in lower-security institutions or rotating mental health staff to lower-level institutions, to care for mentally ill inmates.   |
|     |                        | <b>Use of Force in SCDC Facilities</b>   |
| 64  | IP                     | Conduct a review to determine the causes of the increasingly disproportionate uses of force against inmates with mental illnesses.   |
| 65  | IP                     | Ensure that all staff receive the required annual use of force training and training on managing inmates with mental illnesses.  |
|     |                        | <b>Moving inmates to Private or Out-of-State Institutions</b>  |
| 66  | Disagree               | Conduct an analysis on the implications of transferring more problematic inmates to private or out-of-state institutions. Factors of this analysis should include, at a minimum: (a) Costs; (b) Quality of confinement; (c) Safe reduction of SCDC' inmate population; and (d) Decrease in major disciplinaries within the institutions, particularly considering reduction of security threat group-affiliated inmates. |
|     |                        | <b>SCDC and PPP</b>  |

| No. | Status stated by SCDC* | SCDC should...  |
|-----|------------------------|---|
| 68  | IP                     | SCDC and the S.C. Department of Probation, Parole and Pardon Services should communicate regularly on methods to safely release eligible inmates into the public, in addition to sharing inmate records through the offender management system and the parole information system.                   |
| 69  | IP                     | SCDC and the S.C. Department of Probation, Parole and Pardon Services should continue agency director meetings to facilitate communication about ways to prepare inmates for release and safely release inmates.  |
| 70  | IP                     | Develop a system that can track the completion of programs for current inmates and ensure that the S.C. Department of Probation, Parole and Pardon Services has user- friendly access to this system.   |
| 71  | IP                     | SCDC and the S.C. Department of Probation, Parole and Pardon Services should discuss the possibility of developing a victim-offender mediation program.   |
| 74  | Disagree               | Develop a plan to safely decrease the percentage of max-out releases, specifically in Level 3 institutions, by increasing communication with the S.C. Department of Probation, Parole and Pardon and adding more programs provided to inmates in Level 3 institutions.                              |
|     |                        | <b>External Policy Reviews</b>  |
| 75  | IP                     | Implement the remaining National Institute of Corrections' recommendations from the its 2009 technical assistance report on the agency by revising agency policies, almost all of which are security-related.   |
| 76  | IP                     | 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 National Institute of Corrections' recommendations.  |
| 77  | IP                     | Continue addressing the implementation panel's policy recommendations.  |
| 78  | IP                     | 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.   |
|     |                        | <b>Issues with Contraband Detection and Prevention</b>  |
| 79  | IP                     | Ensure that security staff perform all required security checks on individuals prior to their entry into an institution.  |
| 80  | IP                     | Ensure that security staff properly conduct all required security checks on inmates.  |
| 81  | C                      | Ensure that there are no gaps in netting coverage around its institutions.  |
|     |                        | <b>Staff Not Following Agency Policies</b>  |
| 82  | C                      | Update its corrective action policy to include oral warnings, if the agency believes that is an appropriate corrective action for certain violations in the place of more punitive actions.   |
|     |                        | <b>Federal PREA Regulations</b>   |
| 85  | IP                     | 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. |

| No. | Status stated by SCDC* | SCDC should...   |
|-----|------------------------|--|
| 86  | IP                     | Revise its policy to more accurately reflect federal regulations promulgated under the Prison Rape Elimination Act.  |
| 87  | C                      | SCDC division of police services should proactively collaborate with agency's Prison Rape Elimination Act (PREA) staff in order to ensure that cases are properly classified as PREA cases.              |
| 88  | C                      | Revise its policy to include procedures to ensure that resignations from employees under investigation or terminated for sexual misconduct are not accepted.   |
|     |                        | <b>Inadequate Application of Internal Controls for Detecting and Preventing Contraband</b>   |
| 89  | W                      | Resume the management review program and complete these reviews according to the schedule outlined in the agency policy  |
|     |                        | <b>Inadequate Policy Update Process</b>  |
| 90  | C                      | Amend its policy review process to ensure responsible parties are annually reviewing their respective policies for accuracy.   |
|     |                        | <b>Institutional Post Orders Not Archived</b>  |
| 91  | Disagree               | Require that specific institutional post orders are approved by agency administration.   |
| 92  | IP                     | Ensure that specific institutional post orders are archived by agency administration.  |
|     |                        | <b>Victim's Rights Not Afforded to Inmates</b>   |
| 93  | IP                     | Obtain an Attorney General's opinion on the legality of the statutory definition of a victim in S.C. Code §16-3-1510(1) as it relates to the Victims' Bill of Rights in the South Carolina Constitution. |
|     |                        | <b>Data Reliability Issues</b>   |
| 94  | IP                     | Update its policy to define what is considered a "serious injury" for the purposes of data collection and reporting.   |
| 95  | C                      | Simplify the method it uses to count confiscated contraband cell phones by counting cell phones and cell phone accessories separately.   |
| 96  | C                      | Ensure that quarterly contraband reports created by its facilities are received by the division of operations.   |
| 97  | IP                     | Utilize facility contraband reports to verify the accuracy of contraband data contained in the Management Information Notes system.  |
| 98  | IP                     | Require amounts to be entered into all contraband-related entries in the Management Information Notes system.  |
| 99  | IP                     | Update its policy and/or Management Information Notes training manual to specify the units in which different types of contraband are to be measured and recorded.                                       |
| 100 | IP                     | Modify the Management Information Notes system to allow for more than six descriptive codes, numerical values greater than 999, and numerical values with at least one decimal place.                    |
| 101 | IP                     | Conduct inspections of facility contraband control operations areas as required by agency policy.  |
|     |                        | <b>Consistency and Transparency of Data Reporting</b>  |
| 102 | IP                     | Maintain consistency of its publicly reported performance measures from year to year.  |



| No. | Status stated by SCDC* | SCDC should...   |
|-----|------------------------|--|
| 103 | C                      | Provide more information on how its publicly reported inmate escape statistics are calculated.   |
|     |                        | <b>Contraband and Assault Statistics</b>   |
| 104 | IP                     | Discontinue the use of a separate computer system for recording contraband searches conducted by the agency search team, and instead record these results within the Management Information Notes system.  |
| 105 | IP                     | If SCDC does not discontinue the use of a separate computer system for recording contraband searches conducted by the agency search team, it should use this data to verify the search results entered into the Management Information Notes system. |
|     |                        | <b>Calculation of Vacancy Rates</b>  |
| 106 | C                      | Reevaluate its methodology for determining how it allocates its security positions to each institution, so that the agency may accurately calculate its vacancy rates.   |

*Table Note: C indicates the agency asserts implementation is complete; IP means in progress; W means waiting on another entity; and D means the agency disagrees with the recommendation. While these assertions have been provided under oath to the House Legislative Oversight Committee, the Legislative Audit Council has not vetted them. Recommendations to entities, other than SCDC, are not included in the table.*

## APPENDIX E. SCDC REVENUE SOURCES AND CARRYFORWARD

A breakdown of SCDC's revenue sources, including percentage each comprises of the total amount SCDC is appropriated and authorized to spend, as well as the carryforward amounts and utilization, for Fiscal Years 2016-17 through 2018-19, are in Table 58 and Table 59.

Table 58. SCDC revenue sources for fiscal years 2016-17 through 2018-19.<sup>545</sup>

| Revenue Source                    | Statutory or other requirements on how funds can or must be used, if any   | Appropriated and authorized to spend by the end of... |                             |               |                             |               |                             | Recurring or one-time? | State, Federal, or Other? | Whether revenue is generated or received? |
|-----------------------------------|--|---|-----------------------------|---------------|-----------------------------|---------------|-----------------------------|------------------------|---------------------------|---|
|                                   |  | 2016-17   | % of total allowed to spend | 2017-18       | % of total allowed to spend | 2018-19       | % of total allowed to spend |                        |                           |   |
| General Fund                      | As provided in General Appropriations Act                                  | \$-   | 0.00%                       | \$-           | 0.00%                       | \$ 3,050,590  | 0.58%                       | One-Time               | State                     | Received from state or federal            |
| General Fund                      | As provided in General Appropriations Act                                  | \$438,467,558   | <b>84.35%</b>               | \$454,547,792 | <b>87.35%</b>               | \$454,639,446 | <b>86.84%</b>               | Recurring              | State                     | Received from state or federal            |
| Indirect Cost Retained            | Administrative costs for grants or agency office supplies                  | \$-   | 0.00%                       | \$-           | 0.00%                       | \$-           | 0.00%                       | Recurring              | Other                     | Received from state or federal            |
| PUSD* - Education Improvement Act | Salaries and fringes for SCDC teachers                                     | \$ 722,477  | 0.14%                       | \$ 722,477    | 0.14%                       | \$ 722,477    | 0.14%                       | Recurring              | Other                     | Received from state or federal            |
| PUSD – EFA*                       | Inmate education   | \$ 3,914,858  | 0.75%                       | \$ 3,914,858  | 0.75%                       | \$ 3,914,858  | 0.75%                       | Recurring              | Other                     | Received from state or federal            |
| Palmetto Pride                    | Operating expenses of Palmetto Pride, a legislatively organized non-profit | \$ 160,000  | 0.03%                       | \$ 160,000    | 0.03%                       | \$ 160,000    | 0.03%                       | Recurring              | Other                     | Received from state or federal            |
| Federal Grants                    | Specifications in grant; welfare of the agency and inmates.                | \$ 3,627,000  | 0.70%                       | \$ 3,627,000  | 0.70%                       | \$ 3,627,000  | 0.69%                       | Recurring              | Federal                   | Received from state or federal            |
| Agency Service Fund               | Future food/canteen warehouse  | \$-   | 0.00%                       | \$-           | 0.00%                       | \$-           | 0.00%                       | Recurring              | Other                     | Generated by agency                       |
| Donations                         | Donor request  | \$-   | 0.00%                       | \$-           | 0.00%                       | \$-           | 0.00%                       | Recurring              | Other                     | Generated by agency                       |
| Maintenance Repairs Insurance     | Offset expenses related to insurance claims (FY20 Proviso 117.46)          | \$ 650,000  | 0.13%                       | \$ 650,000    | 0.12%                       | \$ 650,000    | 0.12%                       | Recurring              | Other                     | Generated by agency                       |

| Revenue Source                                  | Statutory or other requirements on how funds can or must be used, if any  | Appropriated and authorized to spend by the end of... |                             |               |                             |               |                             | Recurring or one-time? | State, Federal, or Other? | Whether revenue is generated or received? |
|---|---|---|-----------------------------|---------------|-----------------------------|---------------|-----------------------------|------------------------|---------------------------|---|
|   |   | 2016-17   | % of total allowed to spend | 2017-18       | % of total allowed to spend | 2018-19       | % of total allowed to spend |                        |                           |   |
| Motor Pool - Internal Service Fund              | Repair the agency's vehicles (S.C. Code Section 24-3-20)  | \$ 300,000  | 0.06%                       | \$ 300,000    | 0.06%                       | \$ 300,000    | 0.06%                       | Recurring              | Other                     | Generated by agency                       |
| Sale Of Goods Through Prison Industries Program | Projects or services benefiting the general welfare of the inmate population or to supplement costs of operations (S.C. Code Sections 21-1-290, 295 and 24-3-310 through 400; FY20 Proviso 65.9 and 117.25) | \$ 23,000,000   | 4.42%                       | \$ 23,000,000 | 4.42%                       | \$ 23,000,000 | 4.39%                       | Recurring              | Other                     | Generated by agency                       |
| Canteen Operations Revenue                      | Canteen operations and welfare of the inmate population or, at the discretion of the director, used to supplement costs of operations (S.C. Code Section 24-3-20; FY20 Proviso 65.1)                        | \$ 16,700,000   | 3.21%                       | \$ 16,700,000 | 3.21%                       | \$ 16,700,000 | 3.19%                       | Recurring              | Other                     | Generated by agency                       |
| Evidence Holding                                | Police Services - used to account for money found on inmates as money is contraband (SCDC Policy OP-22.35)  | \$-   | 0.00%                       | \$-           | 0.00%                       | \$-           | 0.00%                       | Recurring              | Other                     | Generated by agency                       |

| Revenue Source                      | Statutory or other requirements on how funds can or must be used, if any   | Appropriated and authorized to spend by the end of... |                             |              |                             |              |                             | Recurring or one-time? | State, Federal, or Other? | Whether revenue is generated or received? |
|-------------------------------------|--|---|-----------------------------|--------------|-----------------------------|--------------|-----------------------------|------------------------|---------------------------|---|
|                                     |  | 2016-17   | % of total allowed to spend | 2017-18      | % of total allowed to spend | 2018-19      | % of total allowed to spend |                        |                           |   |
| Law Enforcement Surcharge           | To retain 15% of the \$25 fees collected from courts presiding over misdemeanor traffic violations or nontraffic violations (S.C. Code Section 14-1-212) | \$ 3,400,000  | 0.65%                       | \$ 3,400,000 | 0.65%                       | \$ 3,400,000 | 0.65%                       | Recurring              | Other                     | Generated by agency                       |
| Income Tax Refunds                  | Dept of Revenue garnishment as requested by SCDC (S.C. Code Section 12-4-580)  | \$-   | 0.00%                       | \$-          | 0.00%                       | \$-          | 0.00%                       | Recurring              | Other                     | Generated by agency                       |
| Recycling Program                   | Recycling Program (S.C. Code Sections 24-1-20, 24-3-20, 44-96-10)  | \$ 300,000  | 0.06%                       | \$ 300,000   | 0.06%                       | \$ 300,000   | 0.06%                       | Recurring              | Other                     | Generated by agency                       |
| Purchase Card Incentive             | Agency operations (FY20 Proviso 117.58)  | \$ 25,000   | 0.00%                       | \$ 25,000    | 0.00%                       | \$ 25,000    | 0.00%                       | Recurring              | Other                     | Generated by agency                       |
| Surcharge To Inmate Pay Phone Calls | Equipment and operations of cell phone interdiction measures; or critical security needs (FY20 Proviso 65.25)  | \$ 2,122,000  | 0.41%                       | \$ 2,122,000 | 0.41%                       | \$ 2,122,000 | 0.41%                       | Recurring              | Other                     | Generated by agency                       |

| Revenue Source           | Statutory or other requirements on how funds can or must be used, if any   | Appropriated and authorized to spend by the end of... |                             |              |                             |              |                             | Recurring or one-time? | State, Federal, or Other? | Whether revenue is generated or received? |
|--------------------------|--|---|-----------------------------|--------------|-----------------------------|--------------|-----------------------------|------------------------|---------------------------|---|
|                          |  | 2016-17   | % of total allowed to spend | 2017-18      | % of total allowed to spend | 2018-19      | % of total allowed to spend |                        |                           |   |
| Social Security Contract | Care and custody of inmates housed in the state correctional facilities (FY20 Proviso 65.7); these funds have been utilized to purchase equipment through RIM  | \$ 185,000  | 0.04%                       | \$ 185,000   | 0.04%                       | \$ 185,000   | 0.04%                       | Recurring              | Other                     | Generated by agency                       |
| Omnibus Criminal Act     | Correctional officers assigned to the "Shock Incarceration" payroll and fringe   | \$-   | 0.00%                       | \$-          | 0.00%                       | \$-          | 0.00%                       | Recurring              | Other                     | Generated by agency                       |
| Sale Of Assets           | Purchase like-kind replacements for surplus property sold (FY20 Proviso 65.11)   | \$ 20,000   | 0.00%                       | \$ 20,000    | 0.00%                       | \$ 20,000    | 0.00%                       | Recurring              | Other                     | Generated by agency                       |
| Farm Proceeds            | Offset the operating costs of the farm program; expand and modernize the farm program; and support a project or service to benefit the general welfare of the prison population. (S.C. Code Sections 24-1-252, 24-1-250) | \$ 9,099,875  | 1.75%                       | \$ 9,099,875 | 1.75%                       | \$ 9,099,875 | 1.74%                       | Recurring              | Other                     | Generated by agency                       |

| Revenue Source             | Statutory or other requirements on how funds can or must be used, if any            | Appropriated and authorized to spend by the end of... |                             |                      |                             |                      |                             | Recurring or one-time? | State, Federal, or Other? | Whether revenue is generated or received? |
|----------------------------|---|---|-----------------------------|----------------------|-----------------------------|----------------------|-----------------------------|------------------------|---------------------------|---|
|                            |   | 2016-17   | % of total allowed to spend | 2017-18              | % of total allowed to spend | 2018-19              | % of total allowed to spend |                        |                           |   |
| Horticulture Special Fund  | Services benefiting the general welfare of all inmates (S.C. Code Section 24-1-250) | \$ 25,000   | 0.00%                       | \$ 25,000            | 0.00%                       | \$ 25,000            | 0.00%                       | Recurring              | Other                     | Generated by agency                       |
| Percentage Of Inmate Wages | Restitution to victims (S.C. Code Section 24-3-40)                                  | \$ 585,000  | 0.11%                       | \$ 585,000           | 0.11%                       | \$ 585,000           | 0.11%                       | Recurring              | Other                     | Generated by agency                       |
| Percentage Of Inmate Wages | Assistance to victims (S.C. Code Section 24-3-40)                                   | \$ 1,000,000  | 0.19%                       | \$ 1,000,000         | 0.19%                       | \$ 1,000,000         | 0.19%                       | Recurring              | Other                     | Generated by agency                       |
|                            | <b>Total</b>  | <b>\$519,795,015</b>                                  | <b>100%</b>                 | <b>\$520,384,002</b> | <b>100%</b>                 | <b>\$523,526,246</b> | <b>100%</b>                 |                        |                           |   |

Table Note: \*PUSD means Palmetto Unified School District, the school district for inmates within the Department of Corrections. EFA means Education Finance Act.

Table 59. SCDC carryforward utilization for fiscal year 2015-16 through 2018-19 as asserted by the agency.<sup>546</sup>

**FY15 Remaining Budget Carryforward**

(Personnel Services: \$3,980, 731; Operations: \$3,904,769)      \$7,885,500

Priority during FY16      Amount Spent      Percentage of total

*Projects - Phase II (JBRC Approval)*

|  |           |        |
|--|-----------|--------|
| Roof Top Cameras at Broad River and Lieber | \$789,000 | 10.01% |
| HQ Chiller Renovation                      | \$538,000 | 6.82%  |
| MacDougall Water Tower - DHEC              | \$293,000 | 3.72%  |
| Lieber Safekeeper Building Air Handlers    | \$184,000 | 2.33%  |
| HQ Perimeter Fencing                       | \$195,300 | 2.48%  |
| Wateree FEMA Swift Creek Bridge            | \$12,000  | 0.15%  |
| Fire Suppression System in HQ RIM          | \$300,000 | 3.80%  |
| Campbell Roof Repairs for Main Building    | \$300,000 | 3.80%  |
| FEMA Repairs - Agency Portion              | \$195,000 | 2.47%  |

Total Capital Projects      \$2,806,300

*Other Critical Needs*

|  |             |        |
|--|-------------|--------|
| Vendor Hosted Electronic Health Record (Nextgen) | \$1,250,000 | 15.85% |
| Health Services Contingency                      | \$3,256,276 | 41.29% |
| Software Purchases for Licenses, etc.            | \$572,924   | 7.27%  |

Total Other Critical Needs      \$5,079,200

Grand Total      \$7,885,500



**FY16 Remaining Budget Carryforward**

(Personnel Services: \$16,302,303; Operations: \$11,141,702)

\$27,444,005

Priority during FY17Amount SpentPercentage of total*Projects - Phase II (JBRC Approval)*

|   |             |        |
|---|-------------|--------|
| Security Nets at the Institutions                                   | \$7,560,000 | 27.55% |
| Deferred Maintenance  | \$3,320,000 | 12.10% |
| Campbell Renovation for additional Office Space CF- No A1           | \$25,100    | 0.09%  |
| Security upgrades -Food Flaps and Windows                           | \$1,000,000 | 3.64%  |
| Roof Top Cameras at Broad River and Lieber                          | \$780,500   | 2.84%  |
| HQ Chiller Renovation   | \$538,000   | 1.96%  |
| MacDougall Water Tower - DHEC                                       | \$408,250   | 1.49%  |
| Lee CI - Security Partition for "Step Down" Program CF              | \$5,960     | 0.02%  |
| Wateree CI Perimeter Fencing  | \$186,500   | 0.68%  |
| Tyger River CI - Security Fence Line Buffer Zone - Moutray Property | \$64,215    | 0.23%  |

Total Capital Projects      \$13,888,525

*Other Critical Needs*

|  |             |        |
|--|-------------|--------|
| Vendor Hosted Electronic Health Record (Nextgen)                       | \$1,660,001 | 6.05%  |
| Health Services Contingency  | \$7,575,620 | 27.60% |
| IT Security Infrastructure Update-complete                             | \$1,000,000 | 3.64%  |
| IT Fiber Optic Infrastructure Update for Broad River Complex           | \$665,000   | 2.42%  |
| Utilities Expenditures   | \$715,455   | 2.61%  |
| Police-fitted cruisers for Inspector General Police Services- complete | \$628,786   | 2.29%  |
| Mental Health Lawsuit Contracts (Three Year Settlement)                | \$335,000   | 1.22%  |
| Security Equipment Request - Colie Rushton                             | \$287,000   | 1.05%  |
| Agency Central Pharmacy Distribution Machine Replacement               | \$280,000   | 1.02%  |
| General Counsel paper files to digital                                 | \$51,249    | 0.19%  |
| Dental Radiograph Equipment for Eight (8) Dental Clinics               | \$120,000   | 0.44%  |
| Clearing Equipment for Clearing Perimeter Brush and Trees              | \$115,027   | 0.42%  |
| Safety Equipment for Inside Institutions                               | \$100,000   | 0.36%  |
| Plasma Cutter for Prison Industries                                    | \$22,342    | 0.08%  |

Total Other Critical Needs      \$13,555,480

Grand Total      \$27,444,005

**FY17 Remaining Budget Carryforward**

(Personnel Services: \$28,567,402; Operations: \$6,100,284) \$34,667,686

Priority during FY18Amount SpentPercentage of total*Projects - Phase II (JBRC Approval)*

|   |             |       |
|---|-------------|-------|
| Campbell Renovations                      | \$2,280,000 | 6.58% |
| State-wide Institutional Roofing Projects | \$2,500,000 | 7.21% |
| Upgrade/Replacement of HVAC Equipment     | \$3,400,000 | 9.81% |
| Electrical/Electronic Upgrade/Replacement | \$640,000   | 1.85% |
| Total Capital Projects                    | \$8,820,000 |       |

*Other Critical Needs*

|  |              |        |
|--|--------------|--------|
| Health Services Deficit  | \$10,700,000 | 30.86% |
| Increase in Utility Costs                                      | \$8,764,011  | 25.28% |
| Additional Deferred Maintenance under \$100,000                | \$1,000,000  | 2.88%  |
| Twenty (20) drones for Operations                              | \$259,632    | 0.75%  |
| New Warehouse Equipment  | \$2,461,805  | 7.10%  |
| 800 Radios for all 33 vehicles and 1 base station              | \$163,059    | 0.47%  |
| Vendor Hosted Electronic Health Record (Nextgen)               | \$1,285,059  | 3.71%  |
| Critical Medical Equipment                                     | \$162,303    | 0.47%  |
| PI Roland VG Printer and Cutter                                | \$25,338     | 0.07%  |
| Critical Security Equipment                                    | \$432,421    | 1.25%  |
| Recruiting Advertising   | \$300,000    | 0.87%  |
| Training equip large monitor, pc, projector, tables and chairs | \$14,000     | 0.04%  |
| Paper to Digital Files Services                                | \$160,058    | 0.46%  |
| Eight (8) new vehicles @ \$15,000 ea.                          | \$120,000    | 0.35%  |
| Total Other Critical Needs                                     | \$25,847,686 |        |

Grand Total \$34,667,686

**FY18 Remaining Budget Carryforward**

(Personnel Services: \$5,602,248; Operations: \$17,719,036) \$23,321,284

| <u>Priority during FY19</u> | <u>Amount Spent</u> | <u>Percentage of total</u> |
|-----------------------------|---------------------|----------------------------|
|-----------------------------|---------------------|----------------------------|

*Projects - Phase II (JBRC Approval)*

|                               |             |       |
|-------------------------------|-------------|-------|
| Tyger River HVAC Replacements | \$2,100,000 | 9.00% |
| Perry HVAC System             | \$210,000   | 0.90% |
| Kirkland CI Boiler            | \$905,000   | 3.88% |
| Manning Boiler                | \$1,100,000 | 4.72% |
| Lee Dog Kennels               | \$225,000   | 0.96% |
| HQ Bullet Proof Glass         | \$300,000   | 1.29% |
| Wateree Electrical            | \$18,000    | 0.08% |

|                        |             |  |
|------------------------|-------------|--|
| Total Capital Projects | \$4,858,000 |  |
|------------------------|-------------|--|

*Other Critical Needs**-Purchase Order Commitments from FY18*

|                         |             |        |
|-------------------------|-------------|--------|
| Security Equipment      | \$2,500,000 | 10.72% |
| Food Equipment          | \$165,000   | 0.71%  |
| Officer/Inmate Uniforms | \$2,741,000 | 11.75% |
| Maintenance             | \$1,564,000 | 6.71%  |
| Transportation          | \$986,000   | 4.23%  |
| Health Services         | \$2,619,000 | 11.23% |
| RIM                     | \$381,000   | 1.63%  |

*-FY19 Commitments*

|   |             |        |
|---|-------------|--------|
| Health Services Deficit   | \$5,574,284 | 23.90% |
| Hepatitis C Initial Testing                                       | \$173,000   | 0.74%  |
| Hepatitis C Advanced Testing                                      | \$1,200,000 | 5.15%  |
| Hepatitis C Cure Program (\$28,000 per inmate - Treat 20 inmates) | \$560,000   | 2.40%  |

|                            |              |  |
|----------------------------|--------------|--|
| Total Other Critical Needs | \$18,463,284 |  |
|----------------------------|--------------|--|

|             |              |  |
|-------------|--------------|--|
| Grand Total | \$23,321,284 |  |
|-------------|--------------|--|

**FY19 Remaining Budget Carryforward**

(Personnel Services: \$1,047,673; Operations: \$7,890,057) \$8,937,730

Priority during FY20Amount SpentPercentage of total*Projects - Phase II (JBRC Approval)*

|  |             |        |
|--|-------------|--------|
| 9754 Kirkland CI Boiler                        | \$891,425   | 9.97%  |
| 9755 Manning CI Boiler                         | \$1,083,500 | 12.12% |
| 9759 Lee CI Dog Kennels                        | \$221,625   | 2.48%  |
| 9760 HQ Bullet Proof Glass                     | \$295,500   | 3.31%  |
| 9762 Leath CI Boiler Replacement Phase 1 and 2 | \$900,000   | 10.07% |
| 9740 Campbell Remove Unit for Office space     | \$350,000   | 3.92%  |
| Total Capital Projects                         | \$3,742,050 |        |

*Other Critical Needs*

|                                   |             |        |
|-----------------------------------|-------------|--------|
| Correct Care                      | \$1,441,750 | 16.13% |
| Microsoft 365 Implementation Fees | \$1,700,000 | 19.02% |
| Health Services Deficit           | \$1,553,930 | 17.39% |
| Kronos Timekeeping System         | \$500,000   | 5.59%  |
| Total Other Critical Needs        | \$5,195,680 |        |

Grand Total \$8,937,730

## APPENDIX F. AGE OF SCDC FACILITIES

Table 60 includes a list of SCDC building ages and examples of major components past their expected life.

Major components SCDC provided within the table are fire alarm, boiler, chiller, cooling tower, HVAC, switch gear, electrical loop, and transformer. A **boiler** is a water containing vessel which transfers heat from a fuel source into steam which is piped to a point where it can be used to provide heat, to cook, etc. If it breaks, the building or institution can lose heat depending on what is served by the boiler. If it is a kitchen boiler, the ability to cook using steam kettles is lost. A **chiller** is a machine that removes heat from a liquid via a vapor-compression or absorption refrigeration cycle. If it breaks, the building or institution loses air conditioning. A **cooling tower** is used to dispose of unwanted heat from a chiller. If it breaks, the building or institution loses air conditioning. An **HVAC** provides heating and cooling to residential and commercial buildings. If it breaks, the building or institution loses air conditioning and heating. A **switch gear** is the combination of electrical disconnect switches, fuses or circuit breakers used to control, protect and isolate electrical equipment. If it breaks, power to anything served by the switch gear is lost. An **electrical loop** are transmission lines that enable electricity to be fed from either end to isolate a fault. If it breaks, the loss of electrical lines will cut power to everything after the fault. A **transformer** is an electrical apparatus designed to convert alternating current from one voltage to another. If it breaks, power is lost to the building or equipment which the transformer serves. SCDC notes individual air-handlers, transformers, or fire alarm components may have been replaced individually due to inability to repair as work-orders.

SCDC provides the following additional information about the life expectancy of fire alarm systems at SCDC:

The life expectancy of a fire alarm system is 15 to 20 years for commercial systems like the ones SCDC uses if the system is “new.” New does mean just installed, it means the first year that model was introduced by the manufacturer. Most of SCDC’s fire alarm were not first year models when installed due to front end costs associated when the prisons were built. During those first 20 years of the systems life, components of the system that go bad can be easily replaced. For the next 10 years the manufacture will usually supply replacement parts. After those 10 years we are forced to go to third party companies that rebuild older fire alarm components but as time goes by (e.g., a system 40 years old) they are no longer willing to rebuild components because they are so old and fragile they have a good possibility of breaking during shipping and the companies are not willing to incur the liability of a rebuilt part being broken in shipping and then being installed. When we get to that point the effective fire alarm system is broken and no longer repairable so we ask for the money to replace them and while we wait the buildings that are down are on Fire Watch. One thing to remember is the systems at the institution cover all the buildings so that systems must be replaced as a whole. We cannot replace a building because it is broken, like any electronics as time goes by old systems cannot talk to new components.<sup>547</sup>

One SCDC facility not listed in the table is Campbell Pre-Release Center. It was built in 1975 with three dorms and three support buildings. In 2020, two of the dorms are scheduled to be demolished with the remaining one to be converted into office space. In addition, in 2020, two support buildings are scheduled to be demolished.

Table 60. Examples of building age at various SCDC facilities, along with the number of years past expected life of major components within those buildings.<sup>548</sup>

| Age of building (in years) | Facility name and year opened   | Number of buildings              | Number of years past expected life of some major components within the buildings   |
|----------------------------|---|----------------------------------|--|
| 128                        | Wateree River Correctional Institution (CI) (1892)                          | 6 dorms,<br>15 support buildings | 34 - fire alarm institution wide<br>20 - electrical loop institution wide^<br>20 - transformer institution wide^<br>10 - switch gear institution wide^   |
| 58                         | Manning CI (1962)   | 3 dorms,<br>11 support buildings | 28 - boiler in kitchen<br>18 - boiler in trustee building<br>17 - switch gear institution wide<br>17 - electrical loop institution wide<br>17 - transformer institution wide<br>16 - fire alarm institution wide<br>9 - HVAC in R building<br>9 - HVAC in S building<br>7 - chillers in R building   |
| 54                         | MacDougall CI (1966)  | 4 dorms,<br>13 support buildings | 27 - fire alarm institution wide, except Dorm 5<br>24 - electrical loop in part of institution<br>24 - transformer in part of institution<br>14 - switch gear institution wide   |
| 52                         | Headquarters (1968 - 300 building built; 1973 - 100 and 200 building built) | 3 support buildings              | 27 - fire alarm in all buildings<br>27 - HVAC in 100 and 200 buildings<br>22 - electrical transmission in 300 building<br>22 - transformers in 300 building<br>17 - electrical transmission in 100 and 200 buildings<br>17 - transformers in 100 and 200 buildings<br>12 - switch gear in 300 building<br>7 - switch gear in 100 and 200 buildings |
| 50                         | Goodman CI (1970)   | 5 dorms,<br>13 support buildings | 20 - electrical transmission<br>10 - switch gear institution wide<br>2 - transformer institution wide  |
| 47                         | Livesay B Pre-Release (1973)  | 5 dorms,<br>15 support buildings | 27 - fire alarm institution wide, except Dorm 5<br>17 - electrical transmission institution wide<br>17 - transformer institution wide<br>7 - switch gear institution wide  |
| 47                         | Camille Griffin Graham CI (1973)  | 6 dorms,<br>11 support buildings | 16 - boiler in kitchen<br>15 - boiler in gym<br>7 - switch gear institution wide   |

| Age of building (in years) | Facility name and year opened                         | Number of buildings               | Number of years past expected life of some major components within the buildings   |
|----------------------------|---|-----------------------------------|--|
| 45                         | Palmer Pre-Release Center (1975)                      | 2 dorms,<br>4 support buildings   | 20 - fire alarm institution wide<br>15 - electrical transmission institution wide<br>15 - transformer institution wide<br>5 - boiler institution wide<br>5 (or more) - HVAC institution wide<br>5 - switch gear institution wide |
| 45                         | Kirkland CI (1975)                                    | 12 dorms,<br>10 support buildings | 5 - switch gear institution wide   |
| 40                         | Tyger River CI (1980 upper opened; 1983 lower opened) | 12 dorms,<br>26 support buildings | 20 - fire alarm in upper yard<br>20 - HVAC in support buildings<br>17 - fire alarm in lower yard<br>10 - electrical loop in upper yard<br>10 - transformer in upper yard<br>8 - boiler in lower kitchen                          |
| 38                         | Livesay A Pre-Release (1982)                          | 3 dorms,<br>6 support buildings   | 18 - fire alarm institution wide<br>11 - HVAC in all buildings<br>8 - electrical transmission institution wide<br>8 - transformer institution wide   |
| 37                         | Perry CI (1981)                                       | 8 dorms,<br>13 support buildings  | 10 - boiler in kitchen<br>9 - HVAC in support buildings<br>9 - electrical loop institution wide<br>9 - transformers institution wide   |
| 34                         | Leiber CI (1986)                                      | 7 dorms,<br>19 support buildings  | 4 - electrical loop institution wide<br>4 - transformer institution wide   |
| 33                         | McCormick CI (1987)                                   | 5 dorms,<br>14 support buildings  | 13 - fire alarm institution wide<br>13 - HVAC<br>3 - electrical loop institution wide  |
| 32                         | Broad River CI (1988)                                 | 9 dorms,<br>22 support buildings  | 22 - fire alarm in 2/3 of institution<br>2 - boiler in kitchen<br>2 - electrical loop institution wide<br>2 - transformer institution wide   |
| 31                         | Allendale CI (1989)                                   | 5 dorms,<br>20 support buildings  | 11 - HVAC in support buildings<br>3 - boiler in kitchen<br>1 - electrical loop institution wide<br>1 - transformer institution wide  |

| Age of building (in years) | Facility name and year opened | Number of buildings              | Number of years past expected life of some major components within the buildings   |
|----------------------------|-------------------------------|----------------------------------|--|
| 31                         | Evans CI (1989)               | 6 dorms,<br>13 support buildings | 11 - fire alarm institution wide<br>11 - HVAC in all buildings<br>2 - electrical loop institution wide<br>2 - transformer institution wide |
| 29                         | Leath CI (1991)               | 6 dorms,<br>10 support buildings | 9 - fire alarm institution wide<br>9 - HVAC in all buildings<br>4 - chiller in S-building  |
| 27                         | Lee CI (1993)                 | 8 dorms,<br>12 support buildings | 7 - fire alarm institution wide<br>7 - HVAC in all buildings<br>6 - cooling tower<br>2 - chiller in S-building                             |
| 26                         | Turbeville CI (1994)          | 7 dorms,<br>15 support buildings | 6 - HVAC in all buildings<br>6 - cooling tower in S building   |
| 25                         | Trenton CI (1995)             | 4 dorms,<br>12 support buildings | 5 - HVAC in all buildings  |
| 25                         | Ridgeland CI (1995)           | 5 dorms,<br>15 support buildings | 7 - cooling tower in S building<br>5 - HVAC in all buildings   |
| 23                         | Kershaw CI (1997)             | 6 dorms,<br>11 support buildings | 3 - cooling tower<br>3 - fire alarm institution wide<br>3 - HVAC in all dorms, but Hickory   |

Table Note: An ^ indicates work on the component is in progress.



# APPENDIX G. ADDITIONAL CHANGES FOR FUTURE CONSIDERATION BY THE GENERAL ASSEMBLY AND SCDC

In addition to the recommendations made in this report, there are other changes for future consideration by the General Assembly and SCDC.

Examples of additional statutory changes the General Assembly could consider include the following:

- 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 from inmates;
- Provide tax credits to businesses employing rehabilitated former SCDC inmates; and
- Consider reviewing threshold approval amounts for permanent improvement projects.

Examples of additional improvements SCDC could consider, after funding and staffing of primary responsibilities are covered, include the following:

- Implement a new case management system;
- Employ an ombudsman;
- Include acclimation to current technology as part of required re-entry programming for inmates;
- Assess feasibility of utilizing a central portal for sale of products from state agencies; and
- Combine statistics SCDC receives electronically from local detention facilities (e.g., average daily inmate population, number of employees, number of vacant positions), with statistics about SCDC facilities, into a searchable electronic format published and annually updated online.

Discussion of these potential changes follows.

## *General Assembly could consider...*

### *Require SCDC and Parole Board utilize a common risk assessment tool*

The General Assembly may want to consider requiring the parole board and SCDC utilize a common risk assessment tool, whether it is the tool SCDC is in the process of implementing, or another tool, as long as it is the same one.

The incentive for inmates to follow prescribed program plans and exhibit good behavior while incarcerated may increase when the parole board utilizes the same risk assessment tool SCDC uses when creating the inmate's prescribed program.

The benefits of utilizing a risk assessment tool at the front end of incarceration is that it provides an inmate's current risk to recidivate (i.e., return to prison) and indicates areas for development/improvement.<sup>549</sup> This allows SCDC to create an individualized plan for each inmate addressing specific areas for development/improvement.<sup>550</sup> Completion of the plan over the course of incarceration may reduce the inmate's risk to recidivate.<sup>551</sup> If an inmate knows the parole board will use the same tool or test that prescribed the plan as part of determining whether the inmate is ready for parole, the inmate has more incentive to follow and complete the plan.<sup>552</sup> SCDC's consultant has created a risk assessment tool designed to assess offenders' criminogenic needs and risk of recidivism, which SCDC plans to utilize as part of its new classification system.<sup>553</sup>

### *Assist inmates obtain employment as commercial drivers*

SCDC recommends the General Assembly consider amending insurance laws so a person's criminal history would not prohibit employment if not related to driving or drug trafficking offenses, but does not have any specific draft statutory language at this time.<sup>554</sup> SCDC asserts it consulted with relevant stakeholders (e.g., trucking industry, plaintiff's bar, defense bar, etc.) and supports two bills currently pending in House committees (i.e., H.4381-CDL Employment Protection Act in House Committee on Education and Public Works; and H.4336-Commercial vehicle driver qualifications in House Committee on Judiciary).<sup>555</sup>

According to SCDC, inmates with commercial driver's license (CDL) training have trouble securing employment because insurance companies write the risk as proximate cause "true cause," which allows truck driving companies to become victims of "negligent hiring" lawsuits due to individuals having criminal histories.<sup>556</sup> Employers are reluctant to hire former inmates because of "negligent hiring" exposure.<sup>557</sup>

### *Utilize sentencing ranges to incentivize good behavior and reform from inmates*

SCDC would support, if adopted by the General Assembly and approved by the Governor, implementation of sentencing ranges, or indeterminate sentences, that consist of a minimum term of years and a maximum term of years, such as "six to ten years."<sup>558</sup> SCDC further states,

An inmate who is given such a sentence will serve no less than the minimum term and no more than the maximum term, but the credits the inmate earns while in prison determines exactly how long the inmate will serve. The principle behind indeterminate sentences is the hope that prison will rehabilitate inmates, since the prospect of earlier release gives prisoners an incentive to behave, work, and

take advantage of educational opportunities while incarcerated. The use of sentencing ranges – and the announcement of the range in open court – also provides a more accurate and realistic picture of the sentence to both the defendant and any victims involved in the case. However, since South Carolina has never utilized sentencing ranges, the process of implementing them for all criminal offenses would require an overhaul of the criminal statutes. Alternatively, or in the meantime, South Carolina could adopt statutes that require sentencing judges to provide more detailed information to defendants and victims at the sentencing proceeding. (This would likely require that judges be provided additional training on how different types of sentences are calculated and how good time credits and earned work and education credits are applied.) For example, judges could be required to provide the following information on the record at all sentencing proceedings:

For parolable offenses:

Inmates serving sentences for “parolable” offenses - offenses that are eligible for parole consideration – generally serve somewhere between 51% and 65% of their sentences. Loss of good time credit for misbehavior and failure to work a productive duty assignment affect where an inmate falls within this range, and a substantial loss of credit or a consistent failure to work can cause an inmate to serve more than 65% of a parolable sentence. Under the law, inmates serving parolable sentences can earn 20 days of good time credit per month. These inmates can also earn work and education credits, which are capped at 180 days of credit per year.

For 85% or “no parole” offenses:

An inmate serving an 85% “no parole” offense is required by statute to serve at least 85% of the sentence. Good time credits and earned work credits can be applied to reduce the sentence from 100% to 85%. 85% inmates can earn a maximum of 3 days of good time credit per month and 6 days of earned work/education credits per month. Once an 85% inmate satisfies his sentence, he is required to be released to community supervision, a program under which the inmate is supervised by the South Carolina Department of Probation, Parole, and Pardon Services for a period of up to two years.<sup>559</sup>

Updating sentencing ranges may incentivize good inmate behavior, which may improve safety for SCDC employees and other inmates, as well as improve SCDC’s recruitment and retention. Additionally, it may incentivize inmate participation in programming and, thereby, decrease recidivism.

According to SCDC’s classification consultant, approximately half of the states in the country have determinate sentencing (e.g., sentence is a set number of years), like South Carolina.<sup>560</sup> The other half have indeterminate sentencing in which an inmate is sentenced to a range of years.<sup>561</sup> While the sentence is a range of years, some crimes require individuals to serve a minimum amount of time within that range (e.g., 50%, 85%, etc.).<sup>562</sup>

### *Provide tax credits to businesses employing rehabilitated former SCDC inmates*

Obtaining employment sufficient to support oneself upon release from SCDC helps prevent recidivism as well as lowers costs for the state and taxpayers.

A way to encourage inmates to obtain certain training and rehabilitation at SCDC to help them obtain, and sustain employment upon release, could be to provide preferences to vendors who are willing to, or do, employ individuals who complete that training while incarcerated. However, as noted by the State Fiscal Accountability Authority (SFAA), this type of preference could run counter to sustaining an open and competitive procurement system.<sup>563</sup> As a possible alternative, the General Assembly could consider providing a tax credit to businesses that employ former offenders much like current law allows for businesses who contract with the state to claim a tax credit for subcontracting with minority businesses.<sup>564</sup> According to SFAA, “allowing a tax credit does not impede competition nor does it increase the costs of public purchasing. Also, implementation of a tax credit for hiring former offenders is something that can be employed in the private sector as well.”<sup>565</sup>

### *Consider reviewing threshold approval amounts for permanent improvement projects*

The “Policies and Guidance for Establishment and Maintenance of Permanent Improvement Projects (January 2018),” issued by the Department of Administration, states:

In September 1991, the State Budget and Control Board (predecessor to State Fiscal Accountability Authority) approved the following definition of a permanent improvement project, after review by the JBRC. The definition addresses the cost and other qualifying factors requiring establishment of permanent improvement projects.

Permanent improvement projects for state agencies are defined as

- Any acquisition of land, regardless of cost;
- Any acquisition (as opposed to the construction) of buildings or other structures, regardless of cost;
- Construction of new facilities and any work on existing facilities including their renovation, repair, maintenance, alteration or demolition in those instances in which the total cost of all work involved is \$100,000 or more (see also Capital Project Required Approval(s) by Transaction Type);
- Architectural and engineering and other types of planning and design work, regardless of cost, which is intended to result in a permanent improvement project. Master plans and feasibility studies are not permanent improvement projects and are therefore not to be included;
- Capital lease purchase of any facility acquisition or construction; and
- Equipment that either becomes a permanent fixture of a facility or does not become permanent but is included in the construction contract should be included as a part of a project.

Any project that meets the above definition must be “established” as a permanent improvement project, regardless of the source of funds.<sup>566</sup>

The threshold amounts for state agencies (e.g., SCDC), other than institutions of higher education, as seen in Table 61.<sup>567</sup>

Table 61. Capital project required approval(s) by transaction type excerpt from Department of Administration's "Policies and Guidance for Establishment and Maintenance of Permanent Improvement Projects."<sup>568</sup>

| Transaction Type                                     | Approval(s) Needed |           |      |       |
|--|--------------------|-----------|------|-------|
|  | JBRC Staff         | JBRC Full | SFAA | ADMIN |
| ...  |                    |           |      |       |
| <b>Establish a Project (State Agency):</b>           |                    |           |      |       |
| - Legislatively Authorized (any amount)              |                    |           |      | *     |
| - Greater than \$100k but Less than \$250k           | *                  |           |      | *     |
| - Greater than or equal to \$250k but less than \$1m |                    | *         |      | *     |
| - Greater than \$1m                                  |                    | *         | *    |       |

Table Note: JBRC means Joint Bond Review Committee. SFAA means State Fiscal Accountability Authority.

In 2001, there was a proposal to increase the project costs JBRC staff could approve to \$500,000.<sup>569</sup> However, the "Committee directed that the Staff Approval level remain at the current \$250,000 and also that any new projects that are projected to have a total cost in excess of \$250,000 at the time they are established be brought to the Committee for review and approval."<sup>570</sup>

These threshold amounts and process, in some situations, may have increased total costs to the state. For example, SCDC, and thus the state, incurred several months of rental fees and fuel expense when it was required to rent a boiler (\$169,972) and fuel oil for the boiler (\$45,000) at Wateree Correctional Institute while SCDC awaited approval to procure a replacement boiler.<sup>571</sup>

Increasing the threshold amount for agencies like SCDC and others, or, alternatively, granting additional exemptions or revising the approval process for certain purchases may help improve efficiencies in state government and avoid situations which increase costs for the state.<sup>572</sup>

## SCDC could consider...

### Implement a new case management system

SCDC lacks a comprehensive, automated, case management system, which makes tracking all program participation difficult.<sup>573</sup> The current system tracks minimal data regarding inmate program participation, with only the program name, start/end dates, and program completion status recorded.<sup>574</sup> An automated inmate risk/needs assessment system with integrated case planning and program scheduling components is preferred.<sup>575</sup> According to SCDC,

This will aid in the evaluation of programs and in the reduction of recidivism by providing targeted rehabilitative services to inmates. The system, which is currently utilized in Tennessee, will accommodate multiple assessment tools of various types such as criminogenic risks/needs, mental health, drug dependency, etc. for the entire inmate population or specific subpopulations such as females or youth, and factor in all the assessment data to recommend a customized case plan for each inmate. The case plan will **automatically generate a recommended program schedule** based on the priorities of the inmate's identified needs and the available slots in the appropriate programs. The system will **maintain a complete program inventory, including the efficacy of the program for each criminogenic risk/need and complete session information including location, meeting times, available slots, and waiting lists.** Complete records of inmate attendance will be

**included with reason codes for authorized absence such as sick, lockdown for staff shortage, leader unavailable, out of institution, etc.** In addition to documentation of program participation, the case plan will include documentation of certifications, on the job training, veteran status, etc. as well as documentation of assistance and services rendered by program staff such as arrangements for public assistance, housing, continuation of health/mental health care, etc. (emphasis added)<sup>576</sup>

In the audit the Committee requested the Legislative Audit Council (LAC) perform of SCDC, LAC also includes a recommendation that SCDC should “move forward with implementing a system to track classes/programs, when they are offered, by whom (volunteer or staff), attendance, mastery, and completion.”<sup>577</sup>

### *Employ an ombudsman*

SCDC believes, and public input received during the Committee study indicates, there is a need for an ombudsman whose sole responsibility is to address inmate concerns.<sup>578</sup> There are multiple avenues through which inmates may voice concerns, but no central repository for them, nor individual(s) responsible for organizing, analyzing, and following up on such information.

SCDC’s Inmate Grievance Branch receives, and analyzes trends in formal grievances from inmates, but not day to day issues.<sup>579</sup> SCDC’s Automated Request to Staff System (ARTSM), which has received over two million requests in the past five years, maintains inmate requests that are not formal grievances, and provides a statistical report to show percentages on the number of requests received for each request type, but does not analyze the information to determine if there are trends or areas in which policy revisions may be needed.<sup>580</sup> Also, ARTSM does not include complaints regarding medical issues and there is no one at SCDC whose sole job responsibility is to analyze inmate requests for medical treatment to determine if there are any trends or areas in which treatment is lacking.<sup>581</sup>

Outside of SCDC, inmates, inmates’ family and/or other entities may contact the State Ombudsman, State Office of Inspector General, Protection and Advocacy for People with Disabilities, Inc., State Law Enforcement Division, or others.<sup>582</sup> However, those entities are responsible for any citizen with questions or concerns regarding services and resources across multiple agencies, not just SCDC. Additionally, complaints are not maintained in a central repository for SCDC, nor the General Assembly and public, to review, analyze, and make, or recommend, systematic changes/improvements based upon. Other states utilize ombudsmen in state correctional operations to accomplish these types of goals and the American Bar Association has called for use of them.<sup>583</sup>

### *Include acclimation to current technology as part of required re-entry programming for inmates*

Currently, classes the Department of Employment and Workforce (DEW) offers to inmates include acclimation to current technology.<sup>584</sup> However, not every inmate participates in a DEW class.<sup>585</sup> Requiring some form of acclimation to current technology may assist inmates who have been incarcerated for several years, in acclimating back to society, including how to obtain a job, and how those in society communicate (e.g., text, zoom video call, etc.) upon release.

*Assess feasibility of utilizing a central portal for sale of products from state agencies*

There are at least two state agencies that sell goods to state government, local government, and the public (e.g., Department of Juvenile Justice and SCDC), and potentially others. SCDC is not aware of any previous collaborations between agencies that sell products to the public to discuss opportunities for leveraging resources to increase marketing of the products and improve the ease in which the public, and other entities within state and local government, can purchase the products, potentially through a central online webpage.<sup>586</sup> SCDC personnel are open to any opportunities to expand SCDC's prison industries program.<sup>587</sup>

*Combine statistics it receives 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 published and annually updated online*

SCDC must receive, electronically, from the responsible local government entity, data about inmates and operations at local detention facilities pursuant to S.C. Code Sections 24-9-50 and 24-13-50.<sup>588</sup> This information is typically requested either just prior to, or at the time of a site visit by SCDC's compliance, standards, and inspections division.<sup>589</sup> Currently, this information is not submitted on a routine basis as SCDC is understaffed.<sup>590</sup> However, SCDC believes with additional personnel, it will be possible once again to conduct all inspections as required.<sup>591</sup> Additionally, the raw data received could be converted into a consolidated report, which includes rated capacity by categories, average daily population figures, and high-count numbers, just as it was done in the past.<sup>592</sup>

# CONTACT INFORMATION

## Committee Contact Information

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You may visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.gov>) and click on "Citizens' Interest" then click on "House Legislative Oversight Committee Postings and Reports". This will list the information posted online for the Committee; click on the information you would like to review. Also, a direct link to Committee information is <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>.

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4444 Broad River Road  
Columbia, South Carolina 29210

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## ENDNOTES

<sup>1</sup> Department of Corrections, “Program Evaluation Report (September 28, 2018; updated January 25, 2019; updated March 3, 2020),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” under “Reports, Recommendations, and Implementation,” and under “ Agency Program Evaluation Report (PER),”

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20PER%20->

[Complete%20submission%20\(Sept.%2028,%202018;%20updated%20Jan.%2025,%202019;%20updated%20March%203,%202020\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20PER%20-Complete%20submission%20(Sept.%2028,%202018;%20updated%20Jan.%2025,%202019;%20updated%20March%203,%202020).pdf) (accessed August 17, 2020). Hereinafter, “SCDC PER.”

See, also, Dayne Haile, Executive Assistant to Director of the Department of Corrections, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, September 14, 2020. (In February 2020, SCDC split the Health Services Organizational Unit in two, making Behavioral Health a separate unit). Hereinafter, “September 14, 2020 email from SCDC to House Legislative Oversight Committee.”

<sup>2</sup> History of the agency may reflect a trend in overcrowding of prisons and/or class action lawsuits near the time of enactment of major legislation (e.g., 1977; 1978; 1981; 1983; 1985; and 2010).

<sup>3</sup> SCDC PER. See History section.

<sup>4</sup> 1866 Act No. 4797.

<sup>5</sup> 1866 Act No. 4800. \$65,000 in 1866 is worth \$1,048,131.13 in 2020. U.S. Inflation Calculator, <https://www.officialdata.org/us/inflation/1866?amount=65,000> (accessed May 15, 2020).

<sup>6</sup> SCDC PER. See History section.

<sup>7</sup> 1912 Act No. 402. Previously, executions were implemented by the counties.

<sup>8</sup> SCDC PER. See History section.

<sup>9</sup> Ibid.

<sup>10</sup> 1960 Act No. 808.

<sup>11</sup> SCDC PER. See History section.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> 1974 Act No. 1136.

<sup>16</sup> 1974 Act No. 1136 Section 14. (The Board may designate as a place of confinement any available, suitable and appropriate institution or facility, including a county jail or work camp whether maintained by the State Department of Corrections or otherwise, but the consent of the officials in charge of the county institutions so designated shall be first obtained).

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<sup>17</sup> 1977 Act No. 185.

<sup>18</sup> 1978 Act No. 496.

<sup>19</sup> *Mattison v. South Carolina Department of Corrections* was filed in 1976.

<sup>20</sup> 1981 Act No. 100. (SECTION 1. The General Assembly finds that:

A. The state correctional facilities are overcrowded and are operating at one hundred fifty-eight percent of their designed capacity. The operational costs of prisons are greater than five thousand five hundred dollars per inmate per year and are increasing. Although new correctional facilities are planned and are being built to meet the projected inmate population increases, the costs of these facilities are more than forty thousand dollars per bed. At the same time, the state's budgetary resources are becoming more limited, and the future availability of capital improvement bonds for more prison construction is uncertain.

B. South Carolina has one of the highest rates of incarceration per capita in the United States, and many offenders are sentenced to state prisons for short terms with no restitution being made to the victim or community in which the crime was committed. Although a large number of offenders committed to the Department, of Corrections have been convicted of property-related crimes such as housebreaking and burglary, in many instances the victim suffers personal and financial losses for which he receives little or no assistance from either the State or the offender.

C. The General Assembly recognizes that many innocent persons suffer personal physical injury or death as a result of criminal acts or in their efforts to prevent crime or apprehend persons committing or attempting to commit crime. Such persons or their dependents may thereby suffer disability, incur financial handicaps or become dependent upon public assistance. The General Assembly finds and determines that there is a need for financial assistance for such victims of crime and that offenders should recognize and assume their responsibility for the victims of crime.)

<sup>21</sup> 1981 Act No. 100.

<sup>22</sup> 1981 Act No. 168.

<sup>23</sup> 1983 Act No. 123 (Prison Overcrowding Powers Act). (Purpose of act:

SECTION 1. It is the purpose of this act to provide a means, in extreme circumstances, for prisoner overcrowding of the prisons of the State of South Carolina to be alleviated, in order to insure humane conditions of confinement, security of the prisons, and proper operation of the prisons as provided by law. Despite the purposes of this act, the General Assembly recognizes the high priorities that must be given to public safety and overall economic conditions of state government; and all public officers charged with implementing this act shall give full consideration to these priorities.)

<sup>24</sup> 1985 Act No. 201. The class action suit filed in 1982 was *Nelson v. Leeke*. Also, the funding provided for a replacement institution for the Central Correctional Institution (formerly the State Penitentiary).

<sup>25</sup> 1985 Act No. 201.

<sup>26</sup> 1986 Act No. 462.

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.* The Prison Overcrowding Act includes provisions for: 30-year parole eligibility for murder; habitual offenders may be sentenced to life without parole; multiple violent offenders may not be eligible for parole considerations; five year flat sentence for firearms; and no parole for drug trafficking.

<sup>29</sup> 1987 Act No. 225. This act approves SCDC regulations establishing the Shock Probation Program.

<sup>30</sup> 1990 Act No. 608.

<sup>31</sup> 1995 Act No. 83.

<sup>32</sup> 42 U.S.C. § 1997e.

<sup>33</sup> 1997 Act No. 155.

<sup>34</sup> SCDC PER. See History section. Originally implemented March 1, 1999, the sentencing sheet has been amended by Order of the Chief Justice numerous times since then. Amendments were made primarily because of legislative changes affecting the contents of the sheet as well as for clarification purposes. The most recent amendment to the sentencing sheet occurred in April 2018.

<sup>35</sup> 2010 Act No. 273. (SECTION 1. This bill may be cited as the "Omnibus Crime Reduction and Sentencing Reform Act of 2010." It is the intent of the General Assembly to 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.)

<sup>36</sup> S.C. House of Representatives, House Legislative Oversight Committee, "Number of inmates grouped by criminal offense classification, sex, and ethnicity (FY 2004, 2009, 2014, and 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of," under "Additional Agency Details," under "Inmate Population and Daily Life," under "Population," and under "Offenses," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Number%20of%20inmates%20grouped%20by%20criminal%20offense%20classification,%20sex,%20and%20ethnicity%20\(FY%202004,%202009,%202014,%20and%202018\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Number%20of%20inmates%20grouped%20by%20criminal%20offense%20classification,%20sex,%20and%20ethnicity%20(FY%202004,%202009,%202014,%20and%202018).pdf) (accessed April 23, 2020).

Endnote (36) Table 1. Top five most serious offenses, as designated by SCDC, of total inmate population as of June 30, 2018.

| OFFENSE CLASSIFICATION | NUMBER       | PERCENT      |
|------------------------|--------------|--------------|
| <b>Homicide</b>        | <b>4,076</b> | <b>21.0%</b> |
| Dangerous drugs        | 3,074        | 15.9%        |
| Burglary               | 2,586        | 13.3%        |
| Robbery                | 2,486        | 12.8%        |
| Sexual Assault         | 1,613        | 8.3%         |
| Total                  | 13,835       | 71.3%        |

Table Note: Inmates often are committed to SCDC with multiple offenses, with each carrying a specific sentence, county of commitment, etc. To facilitate statistical reporting, SCDC determines a single "most serious offense" (MSO) for each inmate. Before August 2005, the offense with the longest sentence determined MSO. Effective August 2005, an inmate's MSO is the offense with the highest severity level (i.e. offenses are classified between severity level 1 and 5, with 5 as the most severe). In cases where an inmate has multiple offenses at the same severity level, SCDC considers the category of each offense, where homicide offenses take precedence, followed by sex offenses and violent offenses. If multiple offenses exist within the same category, the offense with the longest sentence then determines MSO. Because of this definitional change, post-2005 MSO data cannot be compared to pre-2005 MSO data.

Offenses which fall within the classification of "dangerous drugs" include, but is not limited to, the following: trafficking meth, ecstasy (100-500 pills), marijuana, cocaine, LSD; manufacturing.

For a further list of offenses that fall within the classification of “dangerous drugs,” see S.C. House of Representatives, House Legislative Oversight Committee, “Offenses in dangerous drug category,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” under “Additional Agency Details,” under “Inmate Population and Daily Life,” under “Population,” and under “Offenses,” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Offenses%20in%20Dangerous%20Drug%20Category.pdf> (Accessed April 23, 2020).

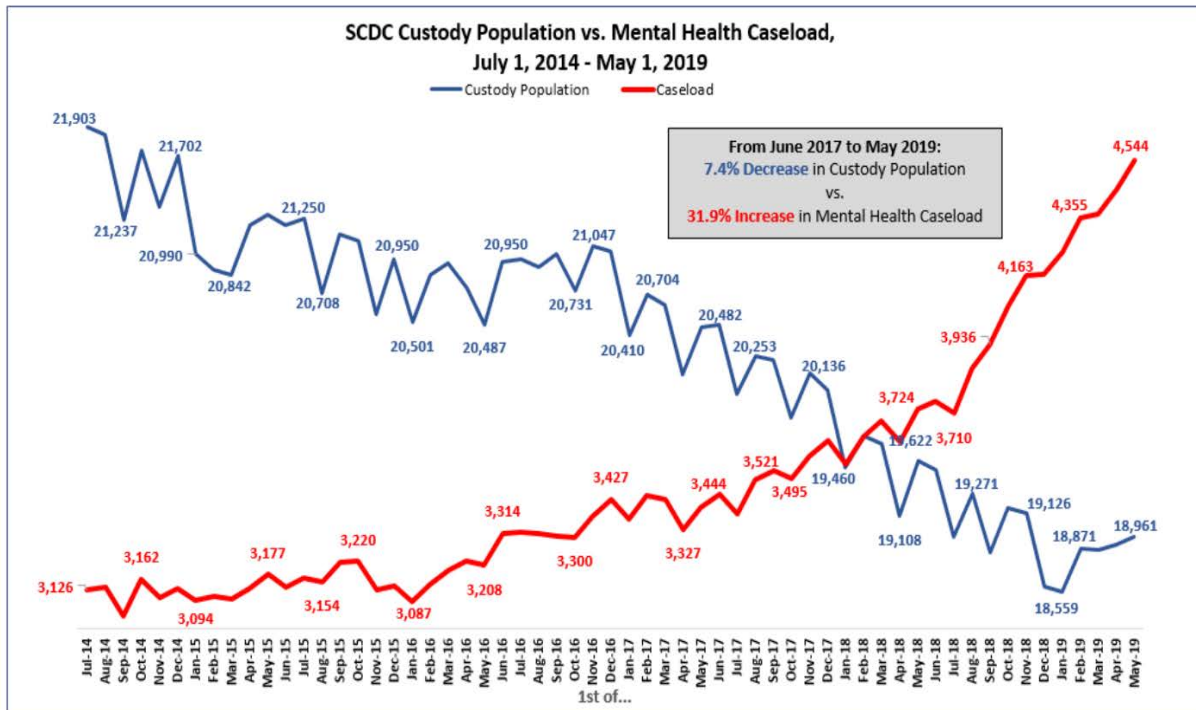
For a list of offenses that fall within the classification of “burglary” or “robbery,” see S.C. House of Representatives, House Legislative Oversight Committee, “Offenses in robbery and burglary category,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” under “Additional Agency Details,” under “Inmate Population and Daily Life,” under “Population,” and under “Offenses,” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Offenses%20in%20Robbery%20and%20Burglary%20Category.pdf> (Accessed April 23, 2020).

See, also, S.C. House of Representatives, House Legislative Oversight Committee, “Inmate profile chart (FY 2014 - FY 2018),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” under “Additional Agency Details,” under “Inmate Population and Daily Life,” and under “Population,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Inmate%20Profile%20Chart%20\(FY2014-FY2018\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Inmate%20Profile%20Chart%20(FY2014-FY2018).pdf) (accessed April 23, 2020). Hereinafter “Inmate profile chart (FY 2014 - FY 2018).”

Endnote (36) Table 2. Medical classification of inmates (regardless of offense classification) in SCDC institutional count (including inmates on authorized absence) as of June 30 in each fiscal year 2015 through 2018.

| MEDICAL CLASSIFICATION                      | 2015         |              | 2016         |              | 2017         |              | 2018         |              |
|---|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| No medical problem/no work restriction      | 8,924        | 42.0%        | 9,034        | 43.1%        | 8,605        | 43.0%        | 8,053        | 42.5%        |
| Has medical problem/no work restriction     | 6,779        | 31.9%        | 6,569        | 31.4%        | 6,196        | 31.0%        | 6,179        | 32.6%        |
| <b>Has medical problem/work restriction</b> | <b>5,013</b> | <b>23.6%</b> | <b>4,738</b> | <b>22.6%</b> | <b>4,411</b> | <b>22.1%</b> | <b>4,078</b> | <b>21.5%</b> |
| Severe medical problem/work restriction     | 161          | 0.8%         | 158          | 0.8%         | 160          | 0.8%         | 170          | 0.9%         |
| Not yet assessed (reception and evaluation) | 374          | 1.8%         | 452          | 2.2%         | 617          | 3.1%         | 478          | 2.5%         |

See, also, S.C. House of Representatives, House Legislative Oversight Committee, “Mental health caseload v. total inmate population at SCDC (FY 2015 - FY 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” under “Additional Agency Details,” under “Inmate Population and Daily Life,” and under “Population,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Mental%20Health%20Caseload%20v.%20Total%20inmate%20population%20at%20SCDC%20\(FY%202015%20-%20FY%202019\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Mental%20Health%20Caseload%20v.%20Total%20inmate%20population%20at%20SCDC%20(FY%202015%20-%20FY%202019).pdf) (accessed April 23, 2020).



Endnote (36) Figure 1. SCDC inmate population, total v. mental health caseload for fiscal years 2015 through 2019 provided by SCDC during the study.

See, also, S.C. House of Representatives, House Legislative Oversight Committee, "Sentence length distribution (FY 2015 - FY 2019)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of," under "Additional Agency Details," under "Inmate Population and Daily Life," and under "Sentence Length,"

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Sentence%20Length%20Distribution%20\(FY%202015%20-%20FY%202019\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Sentence%20Length%20Distribution%20(FY%202015%20-%20FY%202019).pdf) (accessed April 23, 2020).

Endnote (36) Table 3. Sentence length distribution for inmates admitted in each year 2016 through 2018 (Compiled from information in "Sentence length distribution (FY 2015 - FY 2019)").

| Admitted in...              | 2016   |               | 2017   |               | 2018   |               |
|-----------------------------|--------|---------------|--------|---------------|--------|---------------|
|                             | Number | Percent       | Number | Percent       | Number | Percent       |
| Youthful Offender Act (YOA) | 768    | 8.73%         | 786    | 9.41%         | 682    | 9.00%         |
| 3 months or less            | 45     | 0.51%         | 39     | 0.47%         | 23     | 0.30%         |
| 3 months 1 day - 1 year     | 1,406  | 15.98%        | 1,201  | 14.37%        | 870    | 11.48%        |
| 1 year                      | 838    | 9.52%         | 832    | 9.96%         | 716    | 9.45%         |
| 1 year 1 day - 2 years      | 1,436  | 16.32%        | 1,348  | 16.13%        | 1,350  | 17.82%        |
| 2 years 1 day - 3 years     | 1,320  | 15.00%        | 1,216  | 14.55%        | 1,141  | 15.06%        |
| 3 years 1 day - 4 years     | 447    | 5.08%         | 436    | 5.22%         | 405    | 5.35%         |
| 4 years 1 day - 5 years     | 736    | 8.37%         | 729    | 8.72%         | 681    | 8.99%         |
| <b>5 years or less</b>      |        | <b>79.52%</b> |        | <b>78.82%</b> |        | <b>77.44%</b> |
| 5 years 1 day - 6 years     | 242    | 2.75%         | 215    | 2.57%         | 198    | 2.61%         |
| 6 years 1 day - 7 years     | 226    | 2.57%         | 230    | 2.75%         | 220    | 2.90%         |
| 7 years 1 day - 8 years     | 216    | 2.46%         | 220    | 2.63%         | 184    | 2.43%         |
| 8 years 1 day - 9 years     | 69     | 0.78%         | 49     | 0.59%         | 66     | 0.87%         |
| 9 years 1 day - 10 years    | 379    | 4.31%         | 344    | 4.12%         | 344    | 4.54%         |
| 10 years 1 day - 20 years   | 465    | 5.29%         | 482    | 5.77%         | 473    | 6.24%         |

|                                   |                         |         |                         |         |                          |         |
|-----------------------------------|-------------------------|---------|-------------------------|---------|--------------------------|---------|
| 20 years 1 day - 30 years         | 114                     | 1.30%   | 120                     | 1.44%   | 116                      | 1.53%   |
| Over 30 years                     | 53                      | 0.60%   | 62                      | 0.74%   | 64                       | 0.84%   |
| Life - 10 year parole eligibility | 1                       | 0.01%   | 2                       | 0.02%   | 1                        | 0.01%   |
| Life -20 year parole eligibility  | 1                       | 0.01%   | 2                       | 0.02%   | 3                        | 0.04%   |
| Life -30 year parole eligibility  | 0                       | 0.00%   | 0                       | 0.00%   | 0                        | 0.00%   |
| Life - no parole eligibility      | 36                      | 0.41%   | 44                      | 0.53%   | 40                       | 0.53%   |
| Death                             | 0                       | 0.00%   | 0                       | 0.00%   | 0                        | 0.00%   |
| Total                             | 8,798                   | 100.00% | 8,357                   | 100.00% | 7,577                    | 100.00% |
| <b>Average*</b>                   | <b>4 years 4 months</b> |         | <b>4 years 6 months</b> |         | <b>4 years 10 months</b> |         |

Table Note: An asterisks (\*) means if an inmate should have a “suspended” sentence, only his/her prison term is reflected. Also, percentages may not add up due to rounding.

For additional details about the characteristics of the individuals within SCDC’s custody, see the Committee’s webpage, under Department of Corrections, Additional Agency Details, and Inmate Population and Daily Life.

S.C. House of Representatives, House Legislative Oversight Committee, “SCDC Response to Subcommittee (March 20, 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” and under, “Correspondence,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Letter%20from%20SCDC%20to%20Committee%20with%20attachments%20\(March%202020,%202019\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Letter%20from%20SCDC%20to%20Committee%20with%20attachments%20(March%202020,%202019).pdf) (accessed July 30, 2020). See Question #25. (At least 15% of inmates individuals receive no outside contribution from family or friends to their Cooper River account, which inmates use to purchase items at the canteen, etc.) Hereinafter, “SCDC Response to Subcommittee (March 20, 2019).”

<sup>37</sup> Inmate profile chart (FY 2014 - FY 2018).

Endnote (37) Table 4. Number of inmates in SCDC institutional count (including inmates on authorized absence) as of June 30 in each fiscal year 2014 through 2018 self-reporting they have children at intake.

| Have Children  | 2014   |         | 2015   |         | 2016   |         | 2017   |         | 2018   |         |
|----------------|--------|---------|--------|---------|--------|---------|--------|---------|--------|---------|
|                | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| Male inmates   | 13,379 | 65.3%   | 13,048 | 65.7%   | 12,904 | 66.2%   | 12,212 | 65.9%   | 11,635 | 66.1%   |
| Female Inmates | 1,104  | 78.0%   | 1,090  | 78.8%   | 1,172  | 80.3%   | 1,160  | 79.9%   | 1,057  | 78.1%   |
| Total          | 14,483 | 66.1%   | 14,138 | 66.5%   | 14,076 | 67.2%   | 13,372 | 66.9%   | 12,692 | 66.9%   |

<sup>38</sup> For individuals in the system that are anticipated to return to society, SCDC’s stated goal is for them to serve their time offense free and be prepared to return to society as a productive member free from criminal behavior. For those serving life sentences, the only difference in SCDC’s desire is that the inmate become a productive member of the institutional community.

See, S.C. House of Representatives, House Legislative Oversight Committee, “SCDC Response to Subcommittee (May 24, 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” and under, “Correspondence,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20letter%20to%20Oversight%20Committee%20with%20attachments%20\(May%202024,%202019\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20letter%20to%20Oversight%20Committee%20with%20attachments%20(May%202024,%202019).pdf) (accessed August 17, 2020). See Question #58. Hereinafter, “SCDC Response to Subcommittee (May 24, 2019).”

<sup>39</sup> 1987 Act No. 177, Section 1.

<sup>40</sup> 1993 Act No. 184, Preamble. (Whereas, the General Assembly finds that the purpose of the provisions governing the sentencing of a person convicted of a crime is to prescribe sanctions that:

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(1) assure just punishment that is commensurate with the seriousness of the criminal conduct, taking into account attendant circumstances that may aggravate or mitigate the culpability of the offender;

(2) deter criminal conduct;

(3) provide for punishment that is necessary to hold the offender accountable for the crime and promote respect for the law;

(4) assist the offender, when feasible, toward rehabilitation and restoration to the community as a lawful citizen;

(5) confine the serious offender so as to remove and restrain him from further criminal acts when the confinement is in the interest of the public protection;

(6) are understandable and clear to the offender, the victim, and the community; and

Whereas, incarceration, probation, and other forms of community supervision and fines are all recognized as punishment. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina . . . )

<sup>41</sup> 2010 Act No. 273 (Omnibus Crime Reduction and Sentencing Reform Act). See Part I, Sections 1 and 2. (Section 1: It is the intent of the General Assembly to 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.)

<sup>42</sup> Ibid. See Part II, Section 44.

<sup>43</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (January 7, 2020), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Meetings and Agency Presentations,” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/January%207,%202020%20-%20Meeting%20Minutes.pdf> (accessed August 17, 2020). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=9886>. See January 7, 2020, meeting [minutes](#) and [video](#) starting at 12:47 (Testimony from Laura Hudson, CEO of S.C. Crime Victims Counsel). Hereinafter, “January 7, 2020, meeting [minutes](#) and [video](#).”

<sup>44</sup> To achieve these outcomes SCDC must provide several services similar to that of a higher education institution. While the paths differ in how a student reaches college and a person reaches prison, the logistics of what each requires, share some similarities (e.g., entity provides housing, food, medical treatment, and opportunities for work experience).

<sup>45</sup> SCDC PER. See Deliverables Chart.

<sup>46</sup> S.C. House of Representatives, House Legislative Oversight Committee, “SCDC Response to LOC (January 16, 2020),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Correspondence,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20response%20to%20Subcommittee%20with%20attachments%20\(January%2016,%202020\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20response%20to%20Subcommittee%20with%20attachments%20(January%2016,%202020).pdf) (accessed August 4, 2020). See Question #23. Hereinafter, “SCDC Response to Subcommittee (January 16, 2020).”

<sup>47</sup> Ibid. (Inmates in the traditional program are generally not paid unless:

- (1) They are grandfathered under the old state wage plan. The inmates in this plan were grandfathered under the old work wage (varies per grandfathered inmate but generally less than \$20 per month). The number of inmates that are grandfathered are relatively small.
- (2) There are several Director approved "incentive" plans that pay a small step rate for production totals greater than normal production levels. This program allows inmates to make up to an average \$.35 per hour if quantity and

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quality goals are met. The program requires 95% active participation in each production cycle and inmates must exhibit acceptable behavior to be eligible. The incentive wage more closely mirrors private sector theory and allows inmates the opportunity to contribute at a higher level. As the Agency meets productivity and revenue goals, the inmates are rewarded for the extra efforts. If the inmate is under item #1 and they do not meet the incentive goals, then they are not paid.

SC Code of law allows for private sector partners to contract with SCDC for certain business opportunities. Some examples are recycling, refurbish, remanufacture, etc. The code of law is very specific about the process to enter into the contract and once engaged, the partner is responsible for paying all incurred operating expenses and inmate wages. There is a small margin added in to the cost so that SCDC can maintain the program and pay for necessary upkeep and training. In the service relationship, SCDC provides the workforce, location and inmate management and it is the partners responsibility to run the business and manage product quality and logistics. The program is managed so that neither SCDC nor the state subsidize the partners business. Most of these partnerships are with business owners that would have to move their business out of state or overseas if not for the SCDC workforce. They partner with SCDC because of the lack of available workforce in the private sector.)

<sup>48</sup> When examining financial resources available to agencies, there are differences. Some agencies appear to rely primarily on the state general fund and/or federal funding to operate because they do not, or are not permitted by law, to charge for the services they provide. An example is the Department of Corrections that relies on the state general fund for more than 80% of its funding to operate. Some agencies may charge for some or all of the services they provide, but still must rely on the state general fund or federal funding to cover the costs for all the services they provide. An example is the Department of Natural Resources that relies approximately one-third on fees, one-third on the state general fund, and one-third on federal funds. Some agencies that, because of amounts they are authorized to charge in law, generate monies that go back to the general fund (e.g., Secretary of State's Office).

<sup>49</sup> S.C. House of Representatives, House Legislative Oversight Committee, "SCDC Response to Subcommittee (February 19, 2020)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of," and under, "Correspondence," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20response%20to%20Subcommittee%20with%20attachments%20\(2.19.20\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20response%20to%20Subcommittee%20with%20attachments%20(2.19.20).pdf) (accessed July 27, 2020). See Question #45. Hereinafter, "SCDC Response to Subcommittee (February 19, 2020)."

Larger carryforward amounts were utilized for items such as the following:

- Health services contingency
  - 41.29% of carryforward from FY15 used for it in FY16 (\$3.2 million),
  - 27.60% from FY16 used for it in FY17 (\$7.5 million),
- Health services deficit:
  - 30.86% of carryforward from FY17 used for it in FY18 (\$10.7 million),
  - 23.90% from FY18 used for it in FY19 (\$5.5 million), and
  - 17.39% from FY19 prioritized for use for it in FY20 (\$1.5 million).

See, also, S.C. House of Representatives, House Legislative Oversight Committee, "Carryforward utilization (FY 2014-15 - FY 2018-19)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of," under "Additional Agency Details," and under "Agency Finances," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Carryforward%20Utilization%20\(2014-15%20through%202018-19\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Carryforward%20Utilization%20(2014-15%20through%202018-19).pdf) (accessed April 22, 2020). Hereinafter, "Carryforward utilization (FY 2014-15 - FY 2018-19)."

<sup>50</sup> January 7, 2020, meeting [minutes](#) and [video](#). See archived video starting at 09:22 (Testimony from Laura Hudson, CEO of S.C. Crime Victims Counsel).



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See, also, S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (December 16, 2019), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Meetings and Agency Presentations,” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/December%2016,%202019%20-%20Meeting%20Minutes.pdf> (accessed August 4, 2020). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=9794>. See December 16, 2019, meeting [minutes](#) and [video](#), at 01:07:40.

See, also, December 16, 2019, meeting [minutes](#) and [video](#), around 01:15:58.

Hereinafter, “December 16, 2019, meeting [minutes](#) and [video](#).”

<sup>51</sup> Also, there are several buildings with heating, ventilation and air conditioning (HVAC) system issues, which SCDC asserts, need to be addressed as funding becomes available, including, supermax at Kirkland CI, the administration building at Lee CI, three dorms at Perry CI, and the Palmer building at MacDougall CI.

See, S.C. House of Representatives, House Legislative Oversight Committee, “SCDC Response to Subcommittee (December 18, 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” and under, “Correspondence,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20Response%20to%20Subcommittee%20with%20attachments%20\(Dec.%2018,%202019\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20Response%20to%20Subcommittee%20with%20attachments%20(Dec.%2018,%202019).pdf) (accessed July 30, 2020). See Question #38. Hereinafter, “SCDC Response to Subcommittee (December 18, 2019).”

See, also, S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (December 11, 2019), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Meetings and Agency Presentations,” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/December%2011,%202019%20-%20Meeting%20Minutes.pdf> (accessed August 17, 2020). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=9854>. See December 11, 2019, meeting [minutes](#) and [video](#) at 1:57:29. (Manning CI was built over 100 years ago and was never designed to have HVAC.) Hereinafter, “December 11, 2019, meeting [minutes](#) and [video](#).”

<sup>52</sup> SCDC Response to Subcommittee (December 18, 2019). See Question #39.

<sup>53</sup> Ibid. See Questions #41 and #43. (Question #43: How much will it cost to replace each of the 25 institutional HVAC units SCDC described in its August 22, 2019 letter as “in critical need of replacement”?)

- Tyger River - 10 rooftop units on upper and lower yards, \$210,000 each = \$2.1 Million. We are in the process of changing these out now. This project was funded by FY18 carryforward monies.
- Perry – 4 rooftop units on Q dorms, \$200,000 each = \$800,000. In the process of changing one of these out on Q-1 now. This project was funded by FY18 carryforward monies.
- Evans – 28 rooftop units on F-Dorm rooftops, \$6,000 each = \$168,000.
- McCormick – 28 rooftop units on F-Dorm rooftops, \$6,000 each = \$168,000.
- Broad River – 28 rooftop units on F-Dorm rooftops, \$6,000 each = \$168,000.
- These are best practice estimates except for Tyger River one unit at Perry as they have already been through Engineering Services. We will not know total cost until A - forms are submitted and approved for engineering to move forward. Engineering will provide total cost.)

<sup>54</sup> January 7, 2020, meeting [minutes](#) and [video](#). See archived video part 1 at 1:14:30, 1:15:00, and 1:15:48.

See, also, SCDC Response to Subcommittee (January 16, 2020). See Questions #1 and #12. (Question #12 - Facilities Management is contacted when mold or what is believed to be mold is discovered. Facilities Management then contacts one of our outside vendors for air monitoring. If the air-monitoring test is positive and shows signs of mold

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spores, Facilities Management obtains samples and sends the samples to an environmental testing lab. If the samples come back positive, Facilities Management then starts the abatement process.)

<sup>55</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (July 24, 2019), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Meetings and Agency Presentations,” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/July%2024,%202019%20Meeting%20Minutes.pdf> (accessed August 5, 2020). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=9679>. See July 24, 2019, archived video part 2 at 1:34:54. Hereinafter, “July 24, 2019, meeting [minutes](#) and [video](#).”

<sup>56</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (October 23, 2019), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” and under “Meetings and Agency Presentations,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/October%2023,%202019%20-%20Meeting%20Minutes%20\(SCDC\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/October%2023,%202019%20-%20Meeting%20Minutes%20(SCDC).pdf) (accessed July 30, 2020). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=9728&part=1>. See October 23, 2019, meeting [minutes](#) and [video](#). See archived video part 1, at 00:33:51, 0:55:36, and 1:09:32. Hereinafter, “October 23, 2019, meeting [minutes](#) and [video](#).”

<sup>57</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Deliverables needing additional employees to fully staff,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” under “Additional Agency Details,” under “Employees and Volunteers,” under “Retention, Ratios, and Experience Levels - Employees and Volunteers,” and under “Vacancies,” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Deliverables%20Needing%20Additional%20Employees%20to%20Fully%20Staff.pdf> (accessed April 22, 2020). Hereinafter, “Deliverables needing additional employees to fully staff.”

<sup>58</sup> SCDC Response to Subcommittee (January 16, 2020). See Question #3.

See, also, S.C. House of Representatives, House Legislative Oversight Committee, “Staffing security assessment (Redacted),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” under “Additional Agency Details,” under “Employees and Volunteers,” and under “Staffing security assessment (Redacted),” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Staffing%20Security%20Assessment%20\(Redacted\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Staffing%20Security%20Assessment%20(Redacted).pdf) (accessed August 3, 2020). Hereinafter, “Staffing security assessment (Redacted).”

<sup>59</sup> SCDC Response to Subcommittee (January 16, 2020). See Question #3.

<sup>60</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Healthcare staffing per inmate - national median v. S.C. (2015),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” under “Additional Agency Details,” under “Employees and Volunteers,” under “Retention, Ratios, and Experience Levels - Employees and Volunteers,” and under “Staff-to-inmate ratios,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Health%20Care%20Staffing%20per%20Inmate-%20National%20Median%20v.%20S.C.%20\(2015\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Health%20Care%20Staffing%20per%20Inmate-%20National%20Median%20v.%20S.C.%20(2015).pdf) (accessed August 3, 2020).

<sup>61</sup> Deliverables needing additional employees to fully staff.

<sup>62</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (February 21, 2019), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Meetings and Agency Presentations,”

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<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/February%2021,%202019%20-%20Meeting%20Minutes.pdf> (accessed August 3, 2020). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=8822&part=1>. See February 21, 2019 meeting [minutes](#) and [video](#) at 1:01:40. Note: Bryan Stirling was hired as Director of SCDC in October 2013. Hereinafter, “February 21, 2019 meeting [minutes](#) and [video](#).”

<sup>63</sup> February 21, 2019 meeting [minutes](#) and [video](#) at 1:16:55.

<sup>64</sup> Ibid. See archived [video](#) at 1:18:31.

<sup>65</sup> Ibid. See archived [video](#) at 1:16:55.

<sup>66</sup> Staffing security assessment (Redacted). See Page #5. (“Department executive personnel have recognized the staffing issue and have aggressively identified hiring and staff retention as a priority for the department. Efforts by the department have been both expansive and creative. All the traditional marketing methods have been used as well as applying methods beyond the norm. With the state and federal unemployment rates being in the 4.1% range at the time this report was prepared, a surplus of employment options are available for both potential candidates and existing employees seeking new opportunities. The state of South Carolina and the Department of Corrections is not alone in this challenge. Within the past two years at least ten states have recognized the need to establish increasing incentives for state correctional staff by approving legislation resulting in a combination of pay raises, annual increases, comparable leave-time provisions, and sign-on bonuses. Compensation and incentives are steadily increasing on a national basis to commensurate with the duties associated with performing one of the more demanding responsibilities within state government.)

<sup>67</sup> Staffing security assessment (Redacted). See Page #5.

<sup>68</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Correctional officer satisfaction survey report (September 2013),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” under “Additional Agency Details,” under “Employees and Volunteers,” and under “External Assessments,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Correctional%20Officer%20satisfaction%20survey%20report%20\(September%202013\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Correctional%20Officer%20satisfaction%20survey%20report%20(September%202013).pdf) (accessed April 14, 2020). (Of the 3,409 correctional officials employed throughout the state, 1,650 successfully completed and returned the job satisfaction survey, resulting in a response rate of 48.4%.) Hereinafter, “Correctional officer satisfaction survey report (September 2013).”

<sup>69</sup> February 21, 2019 meeting [minutes](#) and [video](#) at 1:01:40.

<sup>70</sup> Ibid.

<sup>71</sup> SCDC Response to Subcommittee (March 20, 2019). See Question #15.

<sup>72</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Correctional officer satisfaction survey report Power Point presentation (September 30, 2013),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” under “Additional Agency Details,” under “Employees and Volunteers,” and under “External Assessments,” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Correctional%20Officer%20satisfaction%20survey%20report%20Power%20Point%20presentation....pdf> (accessed August 17, 2020).

See, also, Correctional officer satisfaction survey report (September 2013).

<sup>73</sup> Correctional officer satisfaction survey report (September 2013). See page 16.

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<sup>74</sup> Ibid. See page 25. Note, of the 3,409 correctional officials employed throughout the state, 1,650 successfully completed and returned the job satisfaction survey, resulting in a response rate of 48.4%.

<sup>75</sup> Ibid.

<sup>76</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Average length in years of employment before separations, Table 2.33,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” under “Additional Agency Details,” under “Employees and Volunteers,” and under “Separations,”  
[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/A%20Limited%20Review%20of%20SCDC%20-%20Full%20Report%20\(August%2026,%202019\).pdf#page=69](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/A%20Limited%20Review%20of%20SCDC%20-%20Full%20Report%20(August%2026,%202019).pdf#page=69)  
(accessed April 28, 2020). Note: Cadets account for the highest percentage of separations, by almost double any other rank, at 49.8% for the time frame of fiscal year 2013-14 through 2017-18. On average, they were with the agency less than two years and the top three reasons for separation include: left of own accord, no reason; job abandonment; and failed to meet certification requirements.

See, also, S.C. House of Representatives, House Legislative Oversight Committee, “Separated security staff as a percentage of employees of the same rank, Table 2.30,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” under “Additional Agency Details,” under “Employees and Volunteers,” and under “Separations,”  
[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/A%20Limited%20Review%20of%20SCDC%20-%20Full%20Report%20\(August%2026,%202019\).pdf#page=66](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/A%20Limited%20Review%20of%20SCDC%20-%20Full%20Report%20(August%2026,%202019).pdf#page=66)  
(accessed April 28, 2020).

See, also, S.C. House of Representatives, House Legislative Oversight Committee, “Percentage of cadet separations and reasons, Chart 2.31,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” under “Additional Agency Details,” under “Employees and Volunteers,” and under “Separations,”  
[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/A%20Limited%20Review%20of%20SCDC%20-%20Full%20Report%20\(August%2026,%202019\).pdf#page=67](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/A%20Limited%20Review%20of%20SCDC%20-%20Full%20Report%20(August%2026,%202019).pdf#page=67)  
(accessed April 28, 2020).

<sup>77</sup> SCDC Response to Subcommittee (March 20, 2019). See Questions #12 and #14.

<sup>78</sup> February 21, 2019 meeting [minutes](#) and [video](#) at 1:01:40. (Examples include: Volvo, Continental Tire, and BMW.)

<sup>79</sup> Data in the table was compiled from information in the following:

S.C. House of Representatives, House Legislative Oversight Committee, “Vacancy rates at level 1 institutions (FY 2017-18) - LAC Audit, page 29, Chart 2.9,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” under “Additional Agency Details,” under “Employees and Volunteers,” and under “Retention, Ratios, and Experience Levels - Employees and Volunteers,”  
[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/A%20Limited%20Review%20of%20SCDC%20-%20Full%20Report%20\(August%2026,%202019\).pdf#page=35](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/A%20Limited%20Review%20of%20SCDC%20-%20Full%20Report%20(August%2026,%202019).pdf#page=35)  
(accessed April 28, 2020).

S.C. House of Representatives, House Legislative Oversight Committee, “Vacancy rates at level 2 institutions (FY 2017-18) - LAC Audit, page 28, Chart 2.8,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” under “Additional Agency Details,” under “Employees and Volunteers,” and under “Retention, Ratios, and Experience Levels - Employees and Volunteers,”

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[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/A%20Limited%20Review%20of%20SCDC%20-%20Full%20Report%20\(August%2026,%202019\).pdf#page=34](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/A%20Limited%20Review%20of%20SCDC%20-%20Full%20Report%20(August%2026,%202019).pdf#page=34)  
(accessed April 28, 2020).

S.C. House of Representatives, House Legislative Oversight Committee, “Vacancy rates at level 3 institutions (FY 2017-18) - LAC Audit, page 27, Chart 2.7,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” under “Additional Agency Details,” under “Employees and Volunteers,” and under “Retention, Ratios, and Experience Levels - Employees and Volunteers,”  
[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/A%20Limited%20Review%20of%20SCDC%20-%20Full%20Report%20\(August%2026,%202019\).pdf#page=33](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/A%20Limited%20Review%20of%20SCDC%20-%20Full%20Report%20(August%2026,%202019).pdf#page=33)  
(accessed April 28, 2020).

<sup>80</sup> February 21, 2019 meeting [minutes](#) and [video](#) at 1:10:23.

<sup>81</sup> Ibid.

<sup>82</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (June 22, 2020), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Meetings and Agency Presentations,” (Meeting minutes will be posted when approved by the Subcommittee). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php>. See June 22, 2020 Subcommittee meeting minutes and video at 2:14:23 through 2:29:30. Hereinafter, “June 22, 2020 meeting minutes and video.”

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

<sup>85</sup> 2010 Act No. 273.

See, also SCDC PER. See History section.

<sup>86</sup> SCDC PER. See History section.

<sup>87</sup> “Director Bryan Stirling to Continue Leading S.C. Department of Corrections” (January 4, 2019),  
<https://governor.sc.gov/news/2019-01/director-bryan-stirling-continue-leading-sc-department-corrections>  
(accessed April 21, 2020).

Note: Bryan Stirling became director of SCDC in October 2013.

See, also, February 21, 2019 meeting [minutes](#) and [video](#) at 1:01:40.

<sup>88</sup> February 21, 2019 meeting [minutes](#) and [video](#) at 1:01:40

<sup>89</sup> Ibid. See archived [video](#) at 1:42:05.

See, also, Dayne Haile, Executive Assistant to Director of the Department of Corrections, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, June 9, 2020. Hereinafter, “June 9, 2020 email from SCDC to House Legislative Oversight Committee.”

Note: In 2011, Manning Correctional Institute became the statewide-centralized prerelease for reentry. On September 19, 2016, Director Stirling approved changing the name of Manning Correctional Institute to Manning Reentry/Work Release Center. Nena Staley requested the name change. The renaming ceremony occurred on December 12, 2016.

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See, also, September 14, 2020 email from SCDC to House Legislative Oversight Committee.

<sup>90</sup> June 9, 2020 email from SCDC to House Legislative Oversight Committee.

<sup>91</sup> “Director Bryan Stirling to Continue Leading S.C. Department of Corrections” (January 4, 2019), <https://governor.sc.gov/news/2019-01/director-bryan-stirling-continue-leading-sc-department-corrections> (accessed April 21, 2020).

See, also, February 21, 2019 meeting [minutes](#) and [video](#) at 1:01:40.

<sup>92</sup> February 21, 2019 meeting [minutes](#) and [video](#) at 1:01:40.

See, also, S.C. House of Representatives, House Legislative Oversight Committee, “SCDC Response to Subcommittee (July 26, 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” and under, “Correspondence,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20letter%20to%20Committee%20with%20attachments%20\(7.26.19\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20letter%20to%20Committee%20with%20attachments%20(7.26.19).pdf) (accessed August 17, 2020). See Question #14. Hereinafter, “SCDC Response to Subcommittee (July 26, 2019).”

<sup>93</sup> February 21, 2019 meeting [minutes](#) and [video](#) at 1:01:40 and at 1:10:23.

See, also, SCDC Response to Subcommittee (July 26, 2019). See Question #14. (Conducted basic individual and group intervention techniques training for Critical Incident Stress Management [CISM] peers. There are currently 40 trained peers available to provide support for SCDC staff who have been assaulted or otherwise traumatized. Hosted second PCIS Post Critical Incident Seminar [PCIS] for the agency. 33 SCDC staff and their spouses/significant others participated. ... CISM Program staff visited each institution, participating in staff meetings and briefings to raise awareness about trauma and services available through the program. The CISM Program assisted the North Carolina Department of Public Safety as they implemented their first PCIS for their correctional agency.)

See, also, SCDC Response to Subcommittee (December 18, 2019). See Question #25. (There are a variety of ways the Critical Incident Stress Management Program works to insure staff who need support receive it, in a timely manner. Yes, staff within the Critical Incident Stress Management Program are copied on emails regarding critical events and reviewed to proactively determine when support services may be needed. Management Information Notes are also reviewed periodically to follow up on situations that may have otherwise been missed. Additionally, peer team members working at their institutions may hear about a situation before reports are even done and respond immediately. Peers, including team member “Flossy” the trauma dog, are activated to provide individual, one-on-one support, group debriefings and/or attend shift briefings or other meetings to be available following traumatic events. This helps insure that, while staff may certainly reach out for support from the Critical Incident Stress Management Peer Team at any time, to the extent possible, team members also provide a general presence following events that may have been traumatizing for staff. This is definitely beneficial in our attempt to provide effective support services for employees.)

<sup>94</sup> S.C. House of Representatives, House Legislative Oversight Committee, “SCDC Response to Subcommittee (April 29, 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” and under, “Correspondence,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20letter%20to%20Committee%20with%20attachments%20\(April%2029,%202019\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20letter%20to%20Committee%20with%20attachments%20(April%2029,%202019).pdf) (accessed August 17, 2020). See Questions #19 and #21. Hereinafter, “SCDC Response to Subcommittee (April 29, 2019).”

<sup>95</sup> *Ibid.* See Question #19. (Please discuss why the agency believes the current classification system should be updated, including pros and cons of the current system.)

The current classification system should be updated because experts suggest that an independent contractor should conduct a validation study that examines the results of the risk assessments every 3-5 years, and the agency should

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implement necessary improvements. SCDC has not conducted a validation study on the classification system 1995/96. The current system also lacks a risk/needs assessment component at intake or reassessment to determine needs and treatment program recommendations. SCDC did have a risk/needs assessment at one time; however, its use stopped after budget cuts in the early 2000s, which resulted in a significant number of programs staff positions being eliminated. Without the programs staff to deliver programs, the need to utilize the system ceased. Given Director Stirling's push to reestablish rehabilitative programs to the inmate population, SCDC now requires this tool.)

<sup>96</sup> January 7, 2020, meeting [minutes](#) and [video](#). See archived video starting at 11:00 (Testimony from Laura Hudson, CEO of S.C. Crime Victims Counsel).

See, also, S.C. House of Representatives, House Legislative Oversight Committee, "Classification system: Contract with Dr. Austin, timeline of services, and plan for finalizing updated system," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" under, "Additional Agency Details," under "Inmate Classification and Housing," and under "Classification and Common Risk Assessment," <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Classification%20System%20-%20Contract%20with%20Dr.%20Austin,%20Timeline%20of%20Services,%20and%20Plan%20for%20finalizing%20updated%20system.pdf> (accessed August 17, 2020). See page 11. (Timeline: June 21, 2017 - Dr. Austin was named a sole source provider as an inmate classification subject matter expert in an amendment to SCDC's Mental Health Settlement Agreement).

<sup>97</sup> October 23, 2019, meeting [minutes](#) and [video](#). See archived video part 2 at 1:21:04.

<sup>98</sup> SCDC Response to Subcommittee (December 18, 2019). See Question #22.

<sup>99</sup> Ibid.

See, also, December 16, 2019, meeting [minutes](#) and [video](#), at 02:22:08.

<sup>100</sup> December 16, 2019, meeting [minutes](#) and [video](#), at 02:22:08.

See, also, SCDC Response to Subcommittee (December 18, 2019), Question #22.

<sup>101</sup> SCDC Response to Subcommittee (December 18, 2019). See Question #22.

<sup>102</sup> Ibid. See Question #13.

<sup>103</sup> Ibid. According to SCDC, data released by the GED Testing Service indicated South Carolina's 90% GED pass rate for the 2018 test tied with Nevada, Oregon, and Utah corrections units, with only three other correctional education units in the nation—South Dakota, Illinois, and Nebraska—having higher rates of passing the GED. Additionally, South Carolina was the only Southern state in the top 10. SCDC's pass rate for the 2017 test also tied for third in the nation.

<sup>104</sup> Ibid.

<sup>105</sup> S.C. House of Representatives, House Legislative Oversight Committee, "Adult Correctional Systems Report by Southern Legislative Conference Council of State Governments (comparison of southern states) (2017)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" under, "Additional Agency Details," and under "Other Information," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Adult%20Correctional%20Systems%20Report%20-%20Comparison%20of%20Southern%20States%20\(2017\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Adult%20Correctional%20Systems%20Report%20-%20Comparison%20of%20Southern%20States%20(2017).pdf) (accessed April 21, 2020).



Endnote (104) Table 5. Prison industries profit compiled from the above-referenced reports by the Southern Legislative Council of State Governments.

| State          | Net Profit   |
|----------------|--------------|
| Alabama        | \$1,735,696  |
| Arkansas       | \$1,277,313  |
| Florida        | \$2,829,824  |
| Georgia        | \$4,669,559  |
| Kentucky       | \$463,800    |
| Louisiana      | \$2,262,122  |
| Missouri       | \$848,218    |
| North Carolina | \$620,000    |
| Oklahoma       | \$10,501,873 |
| South Carolina | (\$96,176)   |
| Tennessee      | \$12,082,460 |
| Texas          | \$1,500,000  |
| Virginia       | \$4,419,605  |
| West Virginia  | \$701,438    |

<sup>106</sup> SCDC Response to Subcommittee (January 16, 2020). See Question #25. (Prison Industries has improved our business model by focusing on improving operations efficiencies and managing partner contracts. Prison Industries has changed the way we write contracts to ensure no losses and have worked hard to change our culture and ethos to one of positive efforts and gains. Investing in the right workforce and partnering with the right private sector partners is important. Prison Industries has streamlined several of our plants and just entered in to another successful plant partnership with Shaw Industries which will keep positive momentum and cash flow. It is our goal to have every plant self-sustaining while providing training and growth opportunities for our inmates while adding value to the state and SCDC.)

<sup>107</sup> Ibid.

<sup>108</sup> SCDC response to Subcommittee (May 24, 2019). See Question #47.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

<sup>111</sup> February 21, 2019 meeting [minutes](#) and [video](#). See archived video at 1:19:51.

<sup>112</sup> Ibid.

<sup>113</sup> January 7, 2020, meeting [minutes](#) and [video](#). See archived video part 1 at 01:08:00.

<sup>114</sup> SCDC response to Subcommittee (May 24, 2019). See Question #27.

<sup>115</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (October 2, 2019), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Meetings and Agency Presentations,” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/October%202,%202019%20-%20Meeting%20Minutes.pdf> (accessed August 17, 2020). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=9727>. See archived video part 1 at 1:02:46. Hereinafter, “October 2, 2019 meeting [minutes](#) and [video](#).”



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<sup>116</sup> Ibid. See archived [video](#) at 1:02:46.

<sup>117</sup> SCDC response to Subcommittee (May 24, 2019). See Question #27 attachment, page 300 (Automated Request to Staff Report [March 2014 to present]).

<sup>118</sup> SCDC response to Subcommittee (July 26, 2019). See Question #14.

See, also, Dayne Haile, Executive Assistant to Director of the Department of Corrections, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, August 27, 2020.

See, also, Dayne Haile, Executive Assistant to Director of the Department of Corrections, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, September 3, 2020 (SCDC was recently awarded a Distance Learning and Telemedicine Grant Program administered by the Rural Utilities Service in the amount of \$995,129 to provide expanded telemedicine capabilities statewide). Hereinafter, "September 3, 2020 email from SCDC to House Legislative Oversight Committee."

<sup>119</sup> Ibid.

<sup>120</sup> S.C. House of Representatives, House Legislative Oversight Committee, "SCDC Response to Subcommittee (August 22, 2019)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" and under, "Correspondence," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20letter%20to%20LOC%20with%20attachments%20\(August%2022,%202019\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20letter%20to%20LOC%20with%20attachments%20(August%2022,%202019).pdf) (accessed August 17, 2020). See Question #17. Hereinafter, "SCDC Response to Subcommittee (August 22, 2019)."

<sup>121</sup> Ibid. See Question #17. (However, security restrictions, current infrastructure, and access to accredited SC-standards aligned curriculum will determine success of using tablets for educational purposes.)

<sup>122</sup> SCDC response to Subcommittee (March 20, 2019). See Question #22.

<sup>123</sup> February 21, 2019 meeting [minutes](#) and [video](#). See archived video at 1:23:12.

<sup>124</sup> Ibid. See archived [video](#) at 1:19:51 and 1:23:12.

<sup>125</sup> SCDC response to Subcommittee (July 26, 2019). See Question #14.

<sup>126</sup> S.C. House of Representatives, House Legislative Oversight Committee, "SCDC Response to Subcommittee (October 29, 2019)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" and under, "Correspondence," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20response%20to%20Ad%20Hoc%20Subcommittee%20with%20attachments%20\(October%2029,%202019\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20response%20to%20Ad%20Hoc%20Subcommittee%20with%20attachments%20(October%2029,%202019).pdf) (accessed August 17, 2020). See Question #19. Hereinafter, "SCDC Response to Subcommittee (October 29, 2019)."

See, also, June 9, 2020 email from SCDC to House Legislative Oversight Committee.

See, also, September 3, 2020 email from SCDC to House Legislative Oversight Committee.

<sup>127</sup> SCDC response to Subcommittee (October 29, 2019). See Question #20.

<sup>128</sup> Ibid.

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<sup>129</sup> Ibid. (The nursing hours saved by this improvement could easily be used to enhance our ability to provide services at the primary and preventive level. This would enhance both quality care and cost efficiency. We would be able to staff and conduct robust chronic care clinics where we could increase the management of the many chronic diseases in our population including respiratory disease, diabetes, hypertension, infectious disease and cardiac issues. SCDC would also have the opportunity to staff site personnel responsible for continuous quality improvement and infectious disease programs that assess and improve our site medical systems.)

<sup>130</sup> Ibid.

<sup>131</sup> SCDC response to Subcommittee (March 20, 2019). See Question #16. (If the majority of the officers' time was not spent manually locking and unlocking doors they would have more time available to perform the duties assigned by the post orders:

- Maintaining the safety and order of the living area,
- Closely monitoring inmate activities when out of their cells,
- Randomly shaking down inmates and their cells in search for contraband).

The officer could also be utilized to escort inmates and to make sure they are:

- Getting to their job assignments, Education/Vocational classes, programs, medical and counseling sessions
- Offering recreation when appropriate).

<sup>132</sup> Ibid. (It would certainly be much safer for everyone, officer and inmate, if the doors had remote controlled electronic locks. This would free the officer's hands and pockets of the numerous keys that they currently carry. It would also eliminate the fear of inmates overpowering the officer and taking control of the keys and then taking over the living area. It would most definitely remove the threats made by the inmates who refuse to allow the officer to lock or open their door; because this process is performed by an officer in the secure control room. The benefits of remote controlled electronic locks are wide ranging and will make our institutions safer for everyone. Safer prisons equal less staff turnover resulting in an increase in staff numbers. Making it safer for staff to carry out the Agency's mission.)

<sup>133</sup> SCDC Response to Subcommittee (December 18, 2019). See Question #11 Attachment - Prolonged Incarceration Spreadsheet.

<sup>134</sup> Ibid. (Prolonged Incarceration Spreadsheet - Actual dollar amount of expenditures by the state is \$492,117.80).

<sup>135</sup> Ibid. (Prolonged Incarceration Spreadsheet - Using the average daily rate for each applicable year during which time each applicable inmate would have been incarcerated had the original max date been utilized instead of the correct max out date. The formula included the average daily rates during 2014, 2015, 2016, 2018, and 2019. Actual dollar amount saved is \$224,050.31.)

<sup>136</sup> S.C. House of Representatives, House Legislative Oversight Committee, "DHEC Response to Subcommittee (October 24, 2019)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" and under, "Correspondence," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/DHEC%20response%20to%20Subcommittees%2010.8%20letter%20\(October%2024,%202019\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/DHEC%20response%20to%20Subcommittees%2010.8%20letter%20(October%2024,%202019).pdf) (accessed August 17, 2020). Hereinafter, "DHEC Response to Subcommittee (October 24, 2019)."

<sup>137</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #33.

See, also, S.C. House of Representatives, House Legislative Oversight Committee, "Agreement between DHEC and SCDC for electronic payment of certified copies of birth certificates of inmates," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" under, "Additional Agency Details," under "Inmate Programs," and under "Work,"

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<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Agreement%20between%20DHEC%20and%20SCDC%20re%20inmate%20birth%20certificates.pdf> (accessed April 28, 2020). Hereinafter, “Agreement between DHEC and SCDC for electronic payment of certified copies of birth certificates of inmates.”

<sup>138</sup> DHEC response to Subcommittee (October 24, 2019).

<sup>139</sup> Ibid.

<sup>140</sup> SCDC Response to Subcommittee (January 16, 2020). See Supplemental response to SCDC December 18, 2019, letter Question #15. (Do any other states have an in-house evaluation process? If yes, please list which ones. SCDC has submitted a survey request to the Correctional Leaders Association to gather this information from other states and will share the results with the committee as soon as they are available. 23 agencies responded 12 are accredited by the American Correctional Association as follows: Georgia, Nebraska, Wyoming, Massachusetts, Kentucky, Florida, Virginia, Arkansas, Colorado, Delaware, New York, Texas and 11 have an in-house evaluation process and those states are as follows: Hawaii, North Carolina, Wisconsin, Utah, Oklahoma, New Hampshire, Michigan, Arizona, Rhode Island, Mississippi and South Dakota.)

<sup>141</sup> SCDC response to Subcommittee (October 29, 2019). See Question #51

See, also, September 3, 2020 email from SCDC to House Legislative Oversight Committee (SCDC is in agreement with returning to ACA Accreditation; however, funding and staffing must be provided in order to achieve this recommendation. SCDC has spoken with David K. Haasenritter, Director of the Standards and Accreditation (ACA). The average cost of accreditation is approximately \$12K per institution. The average cost of re-accreditation is approximately \$12K per institution every three years. A thorough and effective ACA Accreditation program is very demanding and requires an Accreditation Manager at each institution. This is a full-time position requiring authorization and funding for twenty-one (21) FTEs at the Sgt/Lt pay band/level estimated at \$45K annual without fringe (request DDA provide total cost w/fringe). It would be difficult to meet ACA health standards with the current state of staffing. Additionally, two positions for monitoring compliance would not likely be adequate.)

<sup>142</sup> Ibid. (When SCDC was no longer able to contract with the American Correctional Association [ACA] for accreditation audits in 2003 due to the State’s budget crisis, an internal monitoring system known as the Management Review Program was implemented to replace it. Institutions began receiving comprehensive audits that same year. In 2004 annual follow-up reviews were added, so that a full audit was being done at each facility every three years with the follow-up reviews taking place both of the two intervening years. While there will be a need to update the Management Review Program based upon some changes which have taken place in organizational structure, priorities, and emphases, the protocol previously in place included “all major functional subject areas which are directly or indirectly involved in the operation, administration, programming, and/or maintenance of correctional institutions.” These were broken down into eighteen (18) Programs identified as: Human Resources, Budget and Finance, Resource and Information Management, Support Services, Safety and Environmental Health, Inmate Services, Education, Classification, Facilities Management, Investigations, Staff Training, Health Services, Legal Access and Inmate Grievances, Security, Prison Industries, Transportation, Discipline/Operations, and Youthful Offender. Performing these audits as originally designed was staff intensive and required considerable time from central office staff in addition to their existing responsibilities. When SCDC experienced further budget challenges, the audit schedule was interrupted and even suspended on several occasions, especially when it became necessary for employees to take mandatory furlough days without pay. The Management Review Program ended completely in 2011. SCDC resumed conducting only the Security Audits in October 2018 and has continued doing them for the past year. This means that none of the other aspects have been reactivated.)

See, also, SCDC response to Subcommittee (October 29, 2019). See Question #52. (All supervisors and managers are responsible for having their employees follow Agency policies. There is also a Responsible Authority for each policy in place. However, that individual is primarily responsible for determining what should and should not be

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done in an area or circumstance, and for incorporating that information into a policy for reference by everyone else. The Management Review Program was developed specifically to determine whether employees are following those policies. Along with the eighteen (18) Programs previously identified within the Management Review policy, there was a requirement stating that, "A checklist will be created for each functional subject area as a means of measuring whether there is compliance with policies, procedures, and expected practices. Each checklist should be clearly worded, easily understood, and thoroughly inclusive of the respective subject area." These checklists were used by audit team members to document compliance/noncompliance during Management Review site visits. There is no comprehensive alternative in place at present as a substitute for the Management Review Program to track whether employees are following Agency policies.)

<sup>143</sup> SCDC response to Subcommittee (October 29, 2019). See Question #51.

<sup>144</sup> Ibid.

<sup>145</sup> Ibid. See Question #52.

See, also, October 23, 2019, meeting [minutes](#) and [video](#). See archived video part 1 at 0:09:26 through 0:35:50 and 1:19:48 through 1:37:00.

<sup>147</sup> Average cost of accreditation is approximately \$12,000 per institution. Average cost of re-accreditation is approximately \$12,000 per institution per every three years. A thorough and effective ACA Accreditation program is demanding and would require authorization for twenty-one (21) FTEs with an estimated annual base salary funding of \$945,000. See June 9, 2020 email from SCDC to House Legislative Oversight Committee.

A thorough and effective Management Review Program which is less demanding on staff who already have other important duties to carry out can be implemented again upon authorization for two (2) FTEs with an estimated annual base salary funding of \$130,000.00. See SCDC response to Subcommittee (October 29, 2019). See Question #51.

<sup>148</sup> S.C. House of Representatives, House Legislative Oversight Committee, "A Limited Review of SCDC by the Legislative Audit Council - Full Report (August 26, 2019)," under "Corrections, Department of," under "Reports, Recommendations, and Implementation, and under "Other Related External Reports, Reviews, Audits, and Studies," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/A%20Limited%20Review%20of%20SCDC%20-%20Full%20Report%20\(August%2026,%202019\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/A%20Limited%20Review%20of%20SCDC%20-%20Full%20Report%20(August%2026,%202019).pdf) (accessed April 13, 2020). See page 139, Recommendation #89. Hereinafter "A Limited Review of SCDC by the Legislative Audit Council - Full Report (August 26, 2019)."

<sup>149</sup> October 23, 2019, meeting [minutes](#) and [video](#). See archived video part 1 at 0:35:51 and part 2 at 0:03:40 and 2:09:53.

<sup>150</sup> SCDC Response to LOC (February 19, 2020). See Question #24. (State correctional systems that outsource their health services to vendors or other agency partners usually have their own staff that are responsible for performing audits of the services rendered by the vendor/partner to ensure they meet their expectations. Examples of these are Alabama, Tennessee and Florida Department of Corrections, which audit their outsourced private vendors, Georgia and Texas Department of Corrections/Department of Criminal Justice which audit their university system partners, and North Carolina Department of Public Safety which self-operates, and audits their own provision of health services by their department's staff.)

<sup>151</sup> Ibid. (In order to perform audits sufficient to monitor the quality of physical and mental health care in the SCDC system we would need to create a Continuous Quality Improvement (CQI) branch of the Health Services Division with two additional FTEs in each SCDC Region (6.0 total) consisting of a Registered Nurse (RN) with a background in clinical quality improvement to review and assess clinical, nursing, and dental care; and a masters level Qualified Mental Health Professional [QMHP] to assess behavioral care. Additionally, SCDC would need a CQI Director with a

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background and/or professional degree in both physical and behavioral health care to plan, manage, and monitor the activities of the CQI team. The CQI team would be required to visit the sites in their regions continuously to review aspects of health care delivery and documentation to ensure clinical and medical guidelines are met. The CQI Director would report directly to the Deputy Director of Medical Services with clinical input and guidance from the Chief Health Services Officer.)

This type of program has been utilized in other correctional systems and has proven to be an invaluable tool for a system to improve health services delivery, achieve accreditation, and lower potential risk of adverse litigation.)

<sup>152</sup> Ibid.

<sup>153</sup> Existing audits and reviews attendant to SCDC medical services and patient care include, but are not limited to:

- Created in accordance with a settlement of past litigation, the division of Quality Improvement and Risk Management (QIRM), within SCDC's Office of Legal and Compliance, tracks and reports on the mental health settlement implementation plan.<sup>153</sup> While review of portions of health records is part of QIRM's process to monitor observance of policies relating to the mental health settlement compliance, QIRM staff does not audit for quality of medical or mental health clinical assessments nor determine if clinical and medical guidelines are met or are appropriate.
- The Department of Health and Environmental Control inspects the functions/units that are licensed by them as follows: (a) regional infirmaries/pharmacies (annually by Labor, Licensing and Regulation); (b) regional infirmaries at select institutions (fire/safety inspections, every two years); (c) Gilliam Psychiatric Hospital (every two years); and (d) central laboratory at Kirkland Reception and Evaluation Center (every two years).
- All Non-Dispensing Drug Outlet permits are statutorily required to have a consultant pharmacist (this isn't a Board of Pharmacy inspection) that conducts monthly inspections. The monthly inspection is developed by the facility and/or consultant pharmacist. The inspection is required to cover some items outlined by statute (such as expiration dates, recalls, medication access/security) that need to be inspected monthly by the consultant. SCDC's central office annex pharmacy and medication rooms at each SCDC institution are permitted as "non-dispensing drug outlets."
- The South Carolina Board of Pharmacy conducts the following types of inspections that can be found on the Board's website: <https://llr.sc.gov/bop/inspection.aspx>. The Board inspects any permitted facility every two years.
- State Fire follows the requirements set forth in section 24-9-20 of the South Carolina Code. The statute requires the State Fire Marshal to inspect, in conjunction with a representative of SCDC, an annual inspection at state and local prisons/detention centers. For state facilities, LLR provides a report of deficiencies to the staff of SCDC. For local detention centers, LLR shares the report with the detention center director or sheriff and SCDC. The inspections are considered to be a complete fire code inspection/analysis to include a tour of all facilities, inspection of all fire protection and life safety equipment and documentation of maintenance, emergency plans, staff training, and drills.

See, SCDC response to Subcommittee (October 29, 2019). See Question #38.

See, also, SCDC Response to LOC (February 19, 2020). See Question #24.

See, also, Melina Mann, General Counsel for Department of Labor, Licensing, and Regulation, email message to Charles Appleby, Legal Counsel for the S.C. House Legislative Oversight Committee, June 16, 2020.

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See, also, September 3, 2020 email from SCDC to House Legislative Oversight Committee (Monitoring of the quality of mental health care, to include the quality of mental health assessments, is already addressed by SCDC Policy 19.07, Continuous Quality Management, and is a direct function of the Office of Behavioral Health. A program to perform medical audits to monitor the quality of physical health has not been fully implemented agency-wide. QIRM continues to monitor SCDC compliance with the components of the mental health settlement and policies applicable to the settlement but this does not include the internal quality of care or compliance with clinical and medical guidelines).

<sup>154</sup> October 23, 2019, meeting [minutes](#) and [video](#). See archived video part 2 at 1:40:38.

<sup>155</sup> Ibid.

<sup>156</sup> Ibid.

<sup>157</sup> S.C. House of Representatives, House Legislative Oversight Committee, "Meeting Minutes" (November 25, 2019), under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of," and under "Meetings and Agency Presentations," <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/November%2025,%202019%20-%20Meeting%20Minutes.pdf> (accessed August 17, 2020). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=9837>. See archived video at 4:33:54. Hereinafter, "November 25, 2019 meeting [minutes](#) and [video](#)."

See, also, October 23, 2019, meeting [minutes](#) and [video](#). See archived video part 2 at 1:51:19.

<sup>158</sup> SCDC Response to Subcommittee (December 18, 2019). See Question #22.

<sup>159</sup> Ibid.

<sup>160</sup> Ibid.

See, also, SCDC Response to Subcommittee (February 19, 2020). See Question #31.

<sup>161</sup> SCDC Response to Subcommittee (December 18, 2019). See Question #22.

See, also, SCDC Response to Subcommittee (February 19, 2020). See Question #31.

<sup>162</sup> SCDC Response to Subcommittee (December 18, 2019). See Question #22.

<sup>163</sup> A Limited Review of SCDC by the Legislative Audit Council - Full Report (August 26, 2019). See Recommendation #48, #49, and #50.

<sup>164</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #31. (There is no data on recidivism, by individual program. There is no instrument for measuring outcomes of programs. Resources for programs vary based on the nature of the individual programs, who delivers the program, whether it is volunteer programming, or evidence-based programming.)

<sup>165</sup> SCDC representatives acknowledge collecting and recording data has been an element missing in the past, but state they are committed to changing that going forward. See S.C. House of Representatives, House Legislative Oversight Committee, "Meeting Minutes" (June 18, 2019), under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of," and under "Meetings and Agency Presentations," <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/June%2018,%202019%20-%20Meeting%20Minutes%20-%20SCDC.pdf> (accessed August 17, 2020). A video of the

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meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=8827>. See archived video at 4:27:03. Hereinafter, “June 18, 2019 meeting [minutes](#) and [video](#).”

<sup>166</sup> October 23, 2019, meeting [minutes](#) and [video](#). See archived video part 2 at 1:37:18.

<sup>167</sup> See, September 3, 2020 email from SCDC to House Legislative Oversight Committee (SCDC is in agreement with the need to show measures and outcomes. The funding needed to acquire a tracking and accountability tool would help SCDC to provide those measures).

<sup>168</sup> SCDC Response to Subcommittee (December 18, 2019). See Question #22(b).

<sup>169</sup> SCDC PER.

<sup>170</sup> SCDC response to Subcommittee (April 29, 2019). See Question #28. (SCDC does not have a way to track the error rate in data entry at the agency.)

See, also, SCDC response to Subcommittee (July 26, 2019). See Question #8. (There are ongoing efforts to analyze the impact of the Critical Incident Stress Management [CISM] program at many levels. Through partnerships with the Medical University of South Carolina, South Carolina Law Enforcement Assistance Program, and the University of South Carolina in addition to internal processes within SCDC, evaluations, visits to the institutions, etc. SCDC anticipates validating the success of the CISM program on a recurring basis.)

See, also, SCDC response to Subcommittee (October 29, 2019). See Question #35. (In light of an SCDC representative’s testimony regarding her prior experience in other states in working with universities to track health services outcomes, has SCDC communicated with any higher education institutions in South Carolina to gauge the feasibility of a similar partnership? If so, what is the status? If not, why not? Yes, SCDC has an ongoing collaboration with the Medical University of South Carolina [MUSC] to study suicides in our system to determine causation and preventive strategies. SCDC has also launched a partnership with the University of South Carolina School of Medicine to develop a telehealth-based provider relationship with the Camille Graham CI whereby their faculty providers will follow our female inmate patients and assist with managing their health status during their period of incarceration. SCDC does not currently have the reporting mechanism to review clinical metrics for medical performance as discussed in testimony. However, that may be available in the future through the population management component of the electronic health record. This needs to be further evaluated and then discussed with the USC School of Public Health or School of Health Administration as a potential collaboration.)

<sup>171</sup> SCDC Response to Subcommittee (December 18, 2019). See Question #20.

See, also, SCDC response to Subcommittee (May 24, 2019). See Question #2. (Please provide the following information related to aspects of the agency’s work that are impacted by a classification system: [a] Does a classification system have an impact safety of inmates and agency staff? If yes, please explain how. If no, please explain why not. [b] Does a classification system have an impact on the rehabilitation of inmates? If yes, please explain how. If no, please explain why not. [c] What else, if anything, does a classification system impact?

[a] A correctional system relies on the use of objective classification systems to provide critical information that will assign offenders to facilities that are consistent with their security needs. By matching custody levels with an offender’s level of risk, classification systems help to minimize the potential for prison violence, escape, and institutional misconduct. The classification system must predict a prisoner’s risk to self, other prisoners, and staff; risk of escape and to the public. The system should classify offenders relative to their propensity to comply with institutional rules and regulations, commit violent acts, and/or to attempt escape while incarcerated. Accurate classification ensures the allocation of valuable high-security beds to the offenders that require that level of oversight.

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[b] A classification system should also assess an inmate's need and ensure that inmates are placed in 'appropriate' programs based on their criminogenic risks and needs. A properly functioning classification system, in effect, acts as the "brains" of correctional management system. Correctional systems typically conduct classification assessments of offenders as they enter the system. This is to ensure they receive a level of security commensurate with the risk they present and to identify their program or treatment needs. Offenders will then receive periodic reclassification reviews during their incarceration that may result in changes in their security classification based on their conduct and behavioral record within the system.

[c] An inmate classification assignment impacts eligibility for jobs (work credits) and housing assignments).

<sup>172</sup> The Legislative Audit Council audit of SCDC includes the number of validated security threat group members (i.e., gangs) in SCDC institutions from fiscal years 2014-15 to 2017-18. See, S.C. House of Representatives, House Legislative Oversight Committee, "Inmates confirmed as affiliated with a security threat group (i.e., gang) - LAC Audit, page 89, Table 3.4," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" under, "Additional Agency Details," under "Inmate Population and Daily Life," and under "Gangs," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/A%20Limited%20Review%20of%20SCDC%20-%20Full%20Report%20\(August%2026,%202019\).pdf#page=95](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/A%20Limited%20Review%20of%20SCDC%20-%20Full%20Report%20(August%2026,%202019).pdf#page=95) (accessed April 30, 2020).

<sup>173</sup> SCDC PER. See Performance Measures chart, Measure #15.

See, also, September 3, 2020 email from SCDC to House Legislative Oversight Committee (This will penalize SCDC for admission of short term offenders who do not have a GED/HS diploma and are not at SCDC long enough to earn one. SCDC would need to exclude those admissions from the calculation).

<sup>174</sup> SCDC response to Subcommittee (May 24, 2019). See Question #56.

See, also, S.C. House of Representatives, House Legislative Oversight Committee, "Number of inmates that earn a GED or high school diploma at SCDC (FY 2014 to 2019)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" under, "Additional Agency Details," under "Inmate Programs," and under "Education," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Number%20of%20inmates%20that%20earn%20a%20GED%20or%20HS%20diploma%20at%20SCDC%20\(2014-2019\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Number%20of%20inmates%20that%20earn%20a%20GED%20or%20HS%20diploma%20at%20SCDC%20(2014-2019).pdf) (accessed April 15, 2020).

<sup>175</sup> S.C. House of Representatives, House Legislative Oversight Committee, "SCDC letter to Subcommittee (January 6, 2020)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" and under, "Correspondence," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20letter%20to%20Subcommittee%20\(1.6.20\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20letter%20to%20Subcommittee%20(1.6.20).pdf) (accessed August 17, 2020). See Administration Law Recommendation #1. Hereinafter, "SCDC letter to Subcommittee (January 6, 2020)."

<sup>176</sup> Dayne Haile, Executive Assistant to Director of the Department of Corrections, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, August 6, 2020.

<sup>177</sup> S.C. House of Representatives, House Legislative Oversight Committee, "SFAA-Procurement Response to Subcommittee (January 13, 2020)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" and under, "Correspondence," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SFAA%20response%20to%20Subcommittee%20with%20attachments%20\(1.13.20\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SFAA%20response%20to%20Subcommittee%20with%20attachments%20(1.13.20).pdf) (accessed August 17, 2020). See Question #3. Hereinafter, "SFAA-Procurement Response to Subcommittee (January 13, 2020)."



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See, also, S.C. House of Representatives, House Legislative Oversight Committee, “Procurement exemptions granted to state entities (1986 - 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” under, “Additional Agency Details,” under “Employees and Volunteers,” and under “Recruiting and Hiring,” (accessed April 15, 2020).

The exemption list gives the name (category) of the exemption, date the exemption was granted, the exemption text, and notes (for understanding or application).

<sup>178</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Request for procurement exemption to advertise open positions in different ways and SFAA's response,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” under, “Additional Agency Details,” under “Employees and Volunteers,” and under “Recruiting and Hiring,”  
<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Request%20for%20procurement%20exemption%20to%20advertise%20open%20positions%20in%20different%20ways%20and%20SFAA's%20response.pdf> (accessed April 15, 2020).

<sup>179</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #46.

<sup>180</sup> November 25, 2019 meeting [minutes](#) and [video](#). See archived video at 1:15:45 (Ms. Barbara Kelly, former SCDC employee testifies she was employed a year and never received the three week basic training).

<sup>181</sup> SCDC Response to Subcommittee (December 18, 2019). See Question #16.

See, also, S.C. House of Representatives, House Legislative Oversight Committee, “Staff Training and Development Curricula – 2019,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” under, “Additional Agency Details,” under “Employees and Volunteers,” and under “Training and Drug Testing,”  
<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Staff%20Training%20and%20Development%20Curricula%20-%202019.pdf> (accessed April 15, 2020). Hereinafter, “Staff Training and Development Curricula – 2019.”

See, also, SCDC response to Subcommittee (August 22, 2019). See Question #4.

<sup>182</sup> See, September 3, 2020 email from SCDC to House Legislative Oversight Committee (SCDC will ensure employees receive agency orientation (including report writing) prior to interacting with inmates by themselves. SCDC will ensure that employees that have not received the required orientation are partnered with a tenured employee).

<sup>183</sup> SCDC response to Subcommittee (March 20, 2019). See Question #10. (After hiring a correctional officer, how long does it take before the officer may work in one of the facilities? Also, what occurs during that time [e.g., verifying background, training, etc.]? Within the first week the correctional officer completes NEO [new orientation] they are physically in the institution. Most cases our officers are in the institutions by the second day of hire. During the initial onboarding [processing at Recruitment & Employment] backgrounds are run before a candidate is offered a position and scheduled to process.)

<sup>184</sup> SCDC Response to Subcommittee (December 18, 2019). See Question #16.

See, also, Staff Training and Development Curricula – 2019.

<sup>185</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #10.

<sup>186</sup> October 23, 2019, meeting [minutes](#) and [video](#). See archived video part 1 at 0:19:10 through 0:29:09 and part 2 at 0:53:42.

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<sup>187</sup> SCDC response to Subcommittee (October 29, 2019). See Question #52. (Who within SCDC is responsible for tracking whether employees, from wardens to cadets, are following agency policies? All supervisors and managers are responsible for having their employees follow Agency policies. There is also a Responsible Authority for each policy in place. However, that individual is primarily responsible for determining what should and should not be done in an area or circumstance, and for incorporating that information into a policy for reference by everyone else. The Management Review Program was developed specifically to determine whether employees are following those policies. Along with the eighteen (18) Programs previously identified within the Management Review policy, there was a requirement stating that, "A checklist will be created for each functional subject area as a means of measuring whether there is compliance with policies, procedures, and expected practices. Each checklist should be clearly worded, easily understood, and thoroughly inclusive of the respective subject area." These checklists were used by audit team members to document compliance/noncompliance during Management Review site visits. There is no comprehensive alternative in place at present as a substitute for the Management Review Program to track whether employees are following Agency policies.)

<sup>188</sup> See, September 3, 2020 email from SCDC to House Legislative Oversight Committee (SCDC is exploring ways to implement the context of this recommendation which includes random written and hands-on testing of employee's knowledge about agency policies and procedures. SCDC currently provides annual in-service training which incorporates policy updates regarding the subject matter of designated training. This mandatory training is delivered to all permanent employees to ensure uniformity. All courses have been updated to include tests, quizzes and/or hands on practical/evaluations).

<sup>189</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #12.

<sup>190</sup> Ibid.

<sup>191</sup> SCDC Response to Subcommittee (December 18, 2019). See Question #23. (Incident reports at SCDC intuitions are submitted by staff and provided to their supervisor. Reports are then provided to the Major of security for disposition. The Major reviews the incident reports and determines actions to be taken. For incident reports dealing with inmates, the Major may conduct an administrative hearing or refer to a formal hearing dependent upon the circumstances of the incident. For incident reports dealing with inappropriate behavior by staff under their purview the Major may address the issue informally or may refer to the Warden for formal corrective action. For incident reports dealing with inappropriate behavior by staff not under their purview, e.g. non-uniformed staff, the Major shall refer the incident report to the Warden for appropriate action. For incident reports received concerning security related issues or other matters submitted by staff, the Major will either address the concern themselves or refer the incident report to the appropriate authority.)

<sup>192</sup> Ibid. See Question #24.

<sup>193</sup> Ibid.

<sup>194</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #10. (Does SCDC perform regular training or testing for employees to ensure all are current on the information they are required to enter into SCDC databases, including how, when, and where to enter it? No.)

<sup>195</sup> October 2, 2019 meeting [minutes](#) and [video](#). See archived video part 1 at 1:03:58.

<sup>196</sup> SCDC response to Subcommittee (October 29, 2019). See Question #26.

<sup>197</sup> Correctional officer satisfaction survey report (September 2013).

<sup>198</sup> Ibid.

<sup>199</sup> November 25, 2019 meeting [minutes](#) and [video](#). See archived video at 1:09:19.

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<sup>200</sup> If the agency implements this recommendation, it may hire an outside entity to perform the survey or request the State Inspector General (SIG) to perform the survey, as the SIG has done for other agencies such as South Carolina State Housing Finance and Development Authority and the Department of Public Safety.

<sup>201</sup> SCDC PER. See Organizational Chart.

<sup>202</sup> October 23, 2019, meeting [minutes](#) and [video](#). See archived video at part 1 at 0:55:36.

<sup>203</sup> November 25, 2019 meeting [minutes](#) and [video](#), at 01:21:33.

<sup>204</sup> SCDC response to Subcommittee (March 20, 2019). See Question #27. (Is there a way for family members, friends, or others, to submit the following: [a] anonymous complaints to the agency? [b] confidential complaints to the agency? Anonymous and Confidential complaints may be submitted to the Director's Office by calling [803] 896-8555. Concerns may also be submitted to the Corrections.Info@doc.sc.gov, which is reviewed by the Director's Office. I also receive email correspondence directly.)

<sup>205</sup> Ibid.

<sup>206</sup> S.C. House of Representatives, House Legislative Oversight Committee, "SCDC Response to Subcommittee (June 20, 2019)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" and under, "Correspondence," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20letter%20to%20Ad%20Hoc%20Subcommittee%20with%20attachments%20\(6.20.19\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20letter%20to%20Ad%20Hoc%20Subcommittee%20with%20attachments%20(6.20.19).pdf) (accessed August 17, 2020). See Question #16 (Please provide any available data on the number of complaints, by category, the agency has received from family or friends of inmates during each of the last three years. The Office of the Deputy Director for Operations log reflected 61 calls received in the period May 20th to 24th and May 27th to 31st of 2019. The log does not include all data requested. SCDC is developing a log for distribution to each Deputy Director area which will capture telephone calls received by number of complaints, category of complaint and relationship of caller.) Hereinafter, "SCDC response to Subcommittee (June 20, 2019)."

<sup>207</sup> October 2, 2019 meeting [minutes](#) and [video](#). See archived video part 1 at 1:02:46.

<sup>208</sup> SCDC response to Subcommittee (October 29, 2019). See Question #58.

<sup>209</sup> S.C. House of Representatives, House Legislative Oversight Committee, "Types of reports and statistics available through ARTSM," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" under, "Additional Agency Details," under "Inmate Population and Daily Life," under "Requests and Grievances," and under "Automated request to staff management system), <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Types%20of%20reports%20and%20statistics%20available%20through%20ARTSM.pdf> (accessed April 14, 2020).

<sup>210</sup> October 2, 2019 meeting [minutes](#) and [video](#). See archived video part 1 at 1:03:58.

<sup>211</sup> June 22, 2020 meeting minutes and video at 1:36:00.

<sup>212</sup> SCDC Response to Subcommittee (December 18, 2019). See Question #2.

<sup>213</sup> Ibid.

See, also, September 3, 2020 email from SCDC to House Legislative Oversight Committee (Our policy allows inmates to still utilize paper forms to request medical treatment, however, inmates regularly send medically related requests via the kiosk system to the Legal workflow, which are then forwarded to medical. We do not have a medical field for

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inmates to select because GTL is not HIPAA compliant, so we have to let inmates use the paper forms. If an inmate chooses to use the kiosk and send a medical request to a non-medical area, that is his/her choice).

<sup>214</sup> Ibid. See Question #4. (Can SCDC currently track inmate requests for medical treatment through the database it has that maintains inmate medical records? If not, how much would it cost to update the system to make it capable of tracking this type of information or add a system that would work in conjunction with the current system? No, however, Resource Information Management is researching the feasibility of making the NextGen Patient Portal (SCDC's Electronic Health Record Database) available for inmate access using the Inmate Kiosk and/or tablets. The Virginia Department of Corrections recently sent a survey through the Correctional Leaders Association regarding requests for medical appointments. The responses are due December 17, 2019 and SCDC will provide them to the HLOC when available.)

<sup>215</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #25. (By leveraging the patient portal and adapting security measures for a correctional environment, SCDC may be able to grant the inmate tablets and kiosks access while providing each inmate patient with a unique and secure login to the portal in compliance with HIPAA requirements.)

<sup>216</sup> Ibid.

<sup>217</sup> Ibid.

<sup>218</sup> SCDC Response to Subcommittee (December 18, 2019). See Question #3.

<sup>219</sup> December 11, 2019, meeting [minutes](#) and [video](#). See archived video at 0:59:36.

<sup>220</sup> December 16, 2019, meeting [minutes](#) and [video](#). See archived video at 01:38:34.

<sup>221</sup> December 16, 2019, meeting minutes. See archived [video](#) at 01:38:34 and at 02:16:00.

See, also, December 11, 2019, meeting [minutes](#) and [video](#). See archived video at 1:04:07.

See, also, S.C. House of Representatives, House Legislative Oversight Committee, "Meeting Minutes" (May 29, 2019), under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of," and under "Meetings and Agency Presentations," <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/May%2029,%202019%20-%20Meeting%20Minutes%20-%20SCDC.PDF> (accessed August 17, 2020). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=9678>. See archived video at 0:18:02. (Rep. Williams asking SCDC if a member could just arrive, unscheduled at a prison and eat a meal to see what the inmates eat.) Hereinafter, "May 29, 2019 meeting [minutes](#) and [video](#)."

<sup>222</sup> October 2, 2019 meeting [minutes](#) and [video](#). See archived video part 2 at 0:39:05.

<sup>223</sup> December 16, 2019, meeting [minutes](#) and [video](#). See archived video at 01:34:08.

See also, January 7, 2020, meeting [minutes](#) and [video](#). See archived video starting at 00:49:49.

<sup>224</sup> May 29, 2019 meeting [minutes](#) and [video](#). See archived video at 0:20:00.

<sup>225</sup> Ibid. See archived [video](#) at 1:15:22.

See, also, September 3, 2020 email from SCDC to House Legislative Oversight Committee (The maximum disciplinary detention time is 60 days. This is limited by the Mental Health Lawsuit).

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<sup>226</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (August 12, 2019), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Meetings and Agency Presentations,”  
<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/August%2012,%202019%20-%20Meeting%20Minutes.pdf> (accessed August 17, 2020). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=9690>. See archived video at 3:53:33. Hereinafter, “August 12, 2019 meeting [minutes](#) and [video](#).”

<sup>227</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Recidivism rate for all inmates v. inmates in particular pre-release or work programs (FY 2013-14 - FY 2017-18),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” under, “Additional Agency Details,” and under “Inmate Release, Recidivism, and Other Outcomes,”  
<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Recidivism%20rate%20for%20all%20inmates%20v.%20inmates%20in%20particular%20pre-release%20or%20work%20programs.pdf> (accessed April 30, 2020).

<sup>228</sup> SCDC Response to Subcommittee (May 24, 2019). See Question #44. (Please provide a list of products the House of Representatives utilize, of which the agency is aware (e.g., frames for resolutions), which could be, but is not currently, obtained from inmates at SCDC. Per your request, the following are items that are available to sell to state/local government, 501c (non-profit), churches and schools. The items noted with an asterisk are also available for sale to the general public through our PIE certification:

- \*Framing - pictures, certificates, shadow boxes, flags
- \*Plaques – wood engraved, metal engraved
- \*Engraved name plates, picture plates \* - metal, wood or acrylic
- \*Wooden challenge coins; custom key chains
- \*Bumper tags (custom license plates)
- \*Desk markers
- \*Business card holders
- \*Vinyl goods – stickers, logos, wall, window statics, and vehicles
- \*Drink wear logos
- \*Banners and signs
- \*Printing Services – Full range of custom printing services
- \*Custom Street Signs – personalized or standard
- \*Business Cards
- Wide range of Office Furniture – desk, chairs, podiums, lounge seating, cafeteria, accessories
- Sit stand work surfaces
- Modular office solutions
- Moving and relocation services
- Outdoor metal furniture – benches, tables, trash cans
- School furniture
- Corrections clothing/items
- Custom Embroidery

Please see attached brochures.)

<sup>229</sup> December 11, 2019, meeting [minutes](#) and [video](#) at 1:23:25.

<sup>230</sup> December 11, 2019, meeting [minutes](#) and [video](#) at 1:31:13.

See, also, SCDC Response to Subcommittee (May 24, 2019), Question #44. (Please provide a list of products the House of Representatives utilize, of which the agency is aware (e.g., frames for resolutions), which could be, but is not currently, obtained from inmates at SCDC.

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Per your request, the following are items that are available to sell to state/local government, 501c (non-profit), churches and schools. The items noted with an Asterisk are also available for sale to the general public through our PIE certification:

- \*Framing - pictures, certificates, shadow boxes, flags
- \*Plaques – wood engraved, metal engraved
- \*Engraved name plates, picture plates \* - metal, wood or acrylic
- \*Wooden challenge coins; custom key chains
- \*Bumper tags (custom license plates)
- \*Desk markers
- \*Business card holders
- \*Vinyl goods – stickers, logos, wall, window statics, and vehicles
- \*Drink wear logos
- \*Banners and signs
- \*Printing Services – Full range of custom printing services
- \*Custom Street Signs – personalized or standard
- \*Business Cards
- Wide range of Office Furniture – desk, chairs, podiums, lounge seating, cafeteria, accessories
- Sit stand work surfaces
- Modular office solutions
- Moving and relocation services
- Outdoor metal furniture – benches, tables, trash cans
- School furniture
- Corrections clothing/items
- Custom Embroidery

Please see attached brochures.)

<sup>231</sup> SCDC attends events for state government such as those hosted by the S.C. Association of Government Procurement Officers, S.C. Association of Counties, and technical colleges. See December 11, 2019, meeting [minutes](#) and [video](#). See archived video at 1:19:00 and at 1:26:35.

<sup>232</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Sheriff’s Association Response to Subcommittee (February 24, 2020),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” and under, “Correspondence,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Sheriffs%20Association%20response%20to%20Subcommittee%20\(2.24.20\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Sheriffs%20Association%20response%20to%20Subcommittee%20(2.24.20).pdf) (accessed August 17, 2020).

See, also, SCDC Response to Subcommittee (January 16, 2020). See Question #20. (The detention centers that have purchased through SCDC’s Division of Industries during the time frame of 7/2017- 12/2019 are: Department of Juvenile Justice, Barnwell County Detention, Darlington County Detention, Greenville County Detention, Greenwood County Detention, Kershaw County Detention, Oconee County Detention and Williamsburg County Detention.)

See, also, S.C. House of Representatives, House Legislative Oversight Committee, “Jail Administrator’s Association Response to Subcommittee (February 19, 2020),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” and under, “Correspondence,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Jail%20Administrator%20Association%20response%20to%20Subcommittee%20\(2.19.20\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Jail%20Administrator%20Association%20response%20to%20Subcommittee%20(2.19.20).pdf) (accessed August 17, 2020).

<sup>233</sup> December 11, 2019, meeting [minutes](#) and [video](#). See archived video at 1:07:13 and 1:26:35.

<sup>234</sup> Ibid.

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<sup>235</sup> Ibid.

<sup>236</sup> Charles Reid, Clerk of the S.C. House of Representatives interviewed by Charles Appleby, Legal Counsel for the House Legislative Oversight Committee, March 2020.

<sup>237</sup> February 21, 2019 meeting [minutes](#) and [video](#). See archived video at 52:58.

<sup>238</sup> SCDC response to Subcommittee (May 24, 2019). See Question #7.

<sup>239</sup> Ibid.

<sup>240</sup> Ibid.

<sup>241</sup> SCDC Response to Subcommittee (February 19, 2020). See Questions #2 and #3. (Question 3: Do all local facilities bring the information necessary for SCDC to provide for the health, safety, and welfare of inmates in their custody? No.)

See, also, S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (March 21, 2019), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Meetings and Agency Presentations,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/March%2021,%202019%20-%20Meeting%20Minutes%20\(SCDC\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/March%2021,%202019%20-%20Meeting%20Minutes%20(SCDC).pdf) (accessed August 17, 2020). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=8823>. See archived video at 1:45:30. Hereinafter, “March 21, 2019 meeting [minutes](#) and [video](#).”

See, also, SCDC response to Subcommittee (May 24, 2019), Question #10. (Cherokee and Berkley counties routinely do not provide medical paperwork.)

See, also, S.C. House of Representatives, House Legislative Oversight Committee, “SCDC Response to Subcommittee (July 2, 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” and under, “Correspondence,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20letter%20to%20Committee%20with%20attachments%20\(7.2.19\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20letter%20to%20Committee%20with%20attachments%20(7.2.19).pdf) (accessed August 17, 2020). See Question #2. (In the April 29, 2019 letter, SCDC indicated five counties need assistance in providing SCDC complete and accurate information necessary to process inmates. [a] In what areas does each county need assistance [e.g., bringing more or less inmates than scheduled, types of incorrect/missing paperwork, inmate property, missing/incomplete medical documentation]?)

- Greenville - Missing medical/mental health continuity of care forms, conflict of CDR code, state statute and written verbiage on the sentencing sheet, not attending scheduled training. Some improvement has been noted.
- Lexington - Bringing a larger number of inmates than scheduled, missing medical/mental health continuity of care forms, conflict of CDR code, state statute and written verbiage on the sentencing sheet, sentencing sheets are frequently unclear and lead to interpretation by SCDC staff, and county is hard to reach via telephone when seeking clarification.
- Richland - Missing medical/mental health continuity of care forms, conflict of CDR code, state statute and written verbiage on the sentencing sheet. Some improvement has been noted.
- Spartanburg - Missing medical/mental health continuity of care forms, conflict of CDR code, state statute and written verbiage on the sentencing sheet.
- York - Missing medical/mental health continuity of care forms, conflict of CDR code, state statute and written verbiage on the sentencing sheet. Some improvement has been noted).

Hereinafter, “SCDC Response to Subcommittee (July 2, 2019).”

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<sup>242</sup> SCDC response to Subcommittee (October 29, 2019). See Question #22.

<sup>243</sup> Ibid.

<sup>244</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Operations Law Recommendation #14.

<sup>245</sup> SCDC Response to LOC (February 19, 2020). See Question #84.

<sup>246</sup> Ibid.

<sup>247</sup> Ibid.

<sup>248</sup> South Carolina Department of Corrections, "Information for Family Members," under "Family," <http://www.doc.sc.gov/family/family.html> (accessed April 13, 2020).

<sup>249</sup> SCDC response to Subcommittee (May 24, 2019). See Question #25.

See, also, S.C. House of Representatives, House Legislative Oversight Committee, "Inmate orientation booklets," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" under, "Additional Agency Details," under "Inmate Population and Daily Life," and under "Daily Life," <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Inmate%20Orientation%20Booklets.pdf> (accessed April 13, 2020).

<sup>250</sup> SCDC response to Subcommittee (May 24, 2019). See Question #25.

<sup>251</sup> Ibid.

<sup>252</sup> Ibid.

<sup>253</sup> S.C. Code Ann. § 24-13-2140. (The Department of Corrections shall coordinate the efforts of the affected state agencies through the Program Services Administration. The Department of Corrections shall:

- (1) develop such policies and standards as may be necessary for the provision of assessment, training, and referral services;
- (2) obtain information from appropriate agencies and organizations affiliated with the services to determine actions that should be undertaken to create or modify these services;
- (3) disseminate information about the services throughout the State;
- (4) provide information and assistance to other agencies, as may be appropriate or necessary, to carry out the provisions of this chapter;
- (5) provide inmates of the Department of Corrections information concerning post release job training and employment referral services and information concerning services that may be available from the Department of Alcohol and Other Drug Abuse Services, the Department of Mental Health, and the Department of Veterans' Affairs;
- (6) prepare an annual report that will be submitted to the directors of each agency that is a party to a memorandum of understanding as provided for in Section 24-13-2120;
- (7) negotiate with Alston Wilkes Society and private sector entities concerning the delivery of assistance or services to inmates who are transitioning from incarceration to reentering their communities.)

<sup>254</sup> SCDC response to Subcommittee (April 29, 2019). See Question #9.

See, also, S.C. House of Representatives, House Legislative Oversight Committee, "North Carolina Statewide Misdemeanant Confinement Program (October 1, 2019)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" under, "Meetings and Agency Presentations," and under "Agency presentations during meetings,"



[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/North%20Carolina%20Statewide%20Misdemeanant%20Confinement%20Program%20Presentation%20\(10.01.19\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/North%20Carolina%20Statewide%20Misdemeanant%20Confinement%20Program%20Presentation%20(10.01.19).pdf) (accessed August 17, 2020).

See, also, S.C. House of Representatives, House Legislative Oversight Committee, “N.C. Sheriffs' Assoc. response to Subcommittee (October 30, 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” and under, “Correspondence,” N.C. Sheriffs' Assoc. response to Subcommittee (October 30, 2019) (accessed August 17, 2020).

<sup>255</sup> S.C. House of Representatives, House Legislative Oversight Committee, “State comparison of minimum sentence for entry to state prison - LAC Audit, page 99, Table 3.7,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” under, “Additional Agency Details,” under “Inmate Classification and Housing,” under “Housing,” and under “State v. Local,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/A%20Limited%20Review%20of%20SCDC%20-%20Full%20Report%20\(August%2026,%202019\).pdf#page=105](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/A%20Limited%20Review%20of%20SCDC%20-%20Full%20Report%20(August%2026,%202019).pdf#page=105) (accessed April 13, 2020).

Endnote (251) Table 6: Compiled from the Legislative Audit Council’s “State comparison of minimum sentence for entry to state prison.”

| Minimum sentence for entry to state prison | Number of States            | States   |
|--|-----------------------------|--|
| More than 3 months                         | 1                           | South Carolina   |
| 6 months or more                           | 2                           | Indiana, Ohio  |
| More than 6 months                         | 2                           | New Jersey, North Carolina   |
| More than 9 months                         | 1                           | Maine  |
| More than 1 year                           | 21 +<br>Washington,<br>D.C. | Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Nebraska, Nevada, Oregon, South Dakota, Utah, Washington, Washington, D.C., West Virginia |
| 1 year or more                             | 10                          | Montana, New Hampshire, New Mexico, New York, North Dakota, Oklahoma, Tennessee, Virginia, Wisconsin, Wyoming  |
| More than 16 months                        | 1                           | California   |
| 18 months or more                          | 1                           | Colorado   |
| 2 years or more                            | 3                           | Missouri, Pennsylvania, Texas  |
| 2.5 years of more                          | 1                           | Massachusetts  |
| 5 years or more                            | 1                           | Louisiana  |
| Unified correctional agency                | 5                           | Connecticut, Delaware, Hawaii, Rhode Island, Vermont   |

Table Note: Unified correctional agencies are identified as states that have integrated state level prison and jail systems. State correctional agencies that admit inmates with sentences of less than one-year are highlighted.

<sup>256</sup> A Limited Review of SCDC by the Legislative Audit Council - Full Report (August 26, 2019). See page 100, Recommendation #67.

<sup>257</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Legal and Compliance Division (October 2, 2019 and December 11, 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” under, “Meetings and Agency Presentations,” and under “Agency presentations during meetings,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Legal%20and%20Compliance%20\(10.01.19\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Legal%20and%20Compliance%20(10.01.19).pdf) (accessed April 13, 2020). See Slides 74 through 78. Hereinafter, “Legal and Compliance Division Presentation (October 2, 2019 and December 11, 2019).”

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<sup>258</sup> Ibid. See Slides 77 and 78.

<sup>259</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Number of SCDC inmates housed at each local detention center (May 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” under, “Additional Agency Details,” under “Inmate Classification and Housing,” under “Housing,” and under “State v. Local,”  
[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Number%20of%20SCDC%20Inmates%20Housed%20at%20Each%20Local%20Detention%20Center%20\(May%202019\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Number%20of%20SCDC%20Inmates%20Housed%20at%20Each%20Local%20Detention%20Center%20(May%202019).pdf) (accessed April 30, 2020).

<sup>260</sup> SCDC Response to LOC (January 16, 2020). See Question #10. (Would SCDC support a recommendation that would mandate local facilities utilize remote release? If so, what statutory or proviso language would SCDC recommend? In some cases, inmates are obviously a candidate for remote release. However, since good time is not applied until the inmate arrives at Reception & Evaluation, many counties were not aware the inmate could have been remote released. If this mandate were to be implemented, the counties would need to be directed to utilize the maxout calculation application available on the SCDC website to determine a tentative release date. SCDC would support a recommendation and will work with the counties to draft statutory or proviso language.)

<sup>261</sup> SCDC response to Subcommittee (May 24, 2019). See Question #24.

<sup>262</sup> Ibid.

<sup>263</sup> SCDC Response to Subcommittee (January 16, 2020). See Question #8.

See, also, S.C. House of Representatives, House Legislative Oversight Committee, “Number of inmates that could have been released remotely (from local facility), instead of transported to SCDC (FY 2017 - FY 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” under, “Additional Agency Details,” and under “Inmate Release, Recidivism, and Other Outcomes,”  
[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Number%20of%20inmates%20that%20could%20have%20been%20released%20remotely%20\(from%20local%20facility\),%20instead%20of%20transported%20to%20SCDC.pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Number%20of%20inmates%20that%20could%20have%20been%20released%20remotely%20(from%20local%20facility),%20instead%20of%20transported%20to%20SCDC.pdf) (accessed April 13, 2020). Hereinafter, “Number of inmates that could have been released remotely (from local facility), instead of transported to SCDC (FY 2017 - FY 2019).”

<sup>264</sup> See, September 3, 2020 email from SCDC to House Legislative Oversight Committee (SCDC already has a mechanism in place for remote release that is used voluntarily by local detention facilities which choose to do so. Taking that experience into account, SCDC will develop a survey instrument and send it to all local detention facilities in order to determine which ones definitely want to take advantage of remote release, to find out what if any reservations or impediments may exist for those not currently participating, and to develop recommendations for implementation of mandatory remote release).

<sup>265</sup> SCDC response to Subcommittee (June 20, 2019). See Question #6.

<sup>266</sup> S.C. House of Representatives, House Legislative Oversight Committee, “PPP letter to Subcommittee (March 18, 2020),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” and under, “Correspondence,”  
[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/PPP%20letter%20to%20Subcommittee%20\(March%202018,%202020\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/PPP%20letter%20to%20Subcommittee%20(March%202018,%202020).pdf) (accessed August 17, 2020). (Although PPP is still supervising some "legacy" YOA offenders [34 offenders in fiscal year 2018], PPP states it no longer supervises this population because SCDC has resumed control of the program. As a result, PPP does not have questions or potential revisions to most of the conceptual recommendations made by SCDC, with the exception of acknowledging the need to "clarify sentence timeframes for suspended sentences that are activated (i.e., Baxter v. Myers).

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In Baxter, a state habeas corpus case filed in the Richland County Court of Common Pleas, the Honorable Tanya A. Gee was asked to consider the terms of the YOA, particularly Section 24-19-120 of the SC Code which provides: "[a] youthful offender . . . shall be discharged unconditionally on or before six years from the date of his conviction." In an order dated February 22, 2016, Judge Gee held this language is unambiguous and evidences the General Assembly's intent that defendants sentenced under the YOA are to be unconditionally released from incarceration within six years of their conviction. As noted by SCDC, this interpretation has led to some confusing results where a sentencing judge suspends a YOA sentence to probation, and that sentence is later activated due to a probation revocation. PPP submits it also leads to confusing results where someone with a YOA sentence suspended to probation absconds supervision. In both instances, the six year clock runs from the date of conviction regardless of when or if the defendant has served any actual time in prison, and arguably provides an incentive to abscond. Clarification of sentence timeframes by amending this language could eliminate these confusing results.) Hereinafter, "PPP letter to Subcommittee (March 18, 2020)."

See, also, S.C. House of Representatives, House Legislative Oversight Committee, "SCCID letter to Subcommittee (March 9, 2020)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" and under, "Correspondence," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCCID%20response%20to%20draft%20recommendations%20to%20SCDC%20\(March%209,%202020\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCCID%20response%20to%20draft%20recommendations%20to%20SCDC%20(March%209,%202020).pdf) (accessed August 17, 2020). (SCCID is willing to collaborate and appreciates the opportunity to participate.) Hereinafter, "SCCID letter to Subcommittee (March 9, 2020)."

See, also, Robert McCurdy, Deputy Director for S.C. Court Administration, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, May 4, 2020. (Court Administration is available to participate. Additionally, Court Administration notes SCDC currently returns sentences that appear to be inconsistent with the law to various entities (i.e. clerks, solicitor, judges) and the system could benefit from a uniform process.) Hereinafter, "May 4, 2020 email from Court Administration to House Legislative Oversight Committee."

See, Lisa Catalanotto, Director for S.C. Commission on Prosecution Coordination, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, May 13, 2020 (SCCPC is available to participate). Hereinafter, "May 13, 2020 email from SCCPC to House Legislative Oversight Committee."

<sup>267</sup> SCDC response to Subcommittee (June 20, 2019). See Question #10. (Please explain how this program has changed/evolved over the years. In this explanation please include what is currently done in the program (including any age limitations on who can participate in it), and benefits and drawbacks to the program based on research regarding its effectiveness about which agency personnel testified during the meeting.

The Shock Incarceration Program initially was established in 1990 by the General Assembly pursuant to Article 13, Section 24-13-1310 - 1320. It was defined as a 90-day program delivered in an incarceration facility, which provided "...rigorous physical activity, intensive regimentation, and discipline and rehabilitation therapy and programming." The program was designed to operate as a "boot camp." The stated intent of the provision per the General Assembly was, "...to provide law enforcement with a means of reducing recidivism..."

The eligibility requirements established for the program are as follows:

- Must be 17-29 years of age
- Must be eligible for parole in 2 years or less (8 years incarcerative sentence or suspended sentence)
- Must not be convicted of a violent offense or a "no parole" offense as defined in Section 24-13-100.
- Must be serving a first-time commitment in a state correctional facility or has not been sentenced previously in a Shock Incarceration Program
- Must be physically and mentally stable
- May be a Youthful Offender or adult "Straight Timer"

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In 2013, in an effort to evaluate the effectiveness of the SCDC's Shock Incarceration Program, literature and research was studied regarding the operation of shock programs (boot camps) for young people. It was learned that the idea of militaristic boot camps became very popular in the U.S. in the early 1990s as an alternative to prisons and probation. They were believed to reduce recidivism and lower operational costs, while aligning with the "tough on crime" movement. However, many studies over the last several decades have indicated that these programs are not effective and often have been found to actually increase a person's likelihood of returning to prison. In a meta-analysis conducted by Mark Lipsey (2009) of the Peabody Research Institute of Vanderbilt University that examined the results of 548 studies it was found that boot camps are associated with an 8% increase of recidivism compared to other forms of interventions (such as counseling, rehabilitation and skill building).

Prior to 2013, the Shock Program operated strictly as a "boot camp." The schedule of activities primarily included daily school attendance (3 hours), daily work details, strict military-type structure and discipline, routine military drill and a life skills class called TRIAD.

Following the Agency's evaluation of boot camps, the Shock Program was redesigned to incorporate more evidence-based practices based on restorative justice. While the program still integrated a measure of drill and ceremony, physical training and work, changes were made to establish ancillary services similar to those provided for the Youthful Offender population based upon Cognitive Behavioral Therapy (CBT) with more focus on accountability, competency development, rehabilitation and reentry.

In the fall of 2015, the Shock Incarceration further evolved as it was moved from Wateree River CI to Turbeville CI in order to further enhance services and provide Shock participants with access to 24-hour Medical Services, as well as Mental Health Services.

The Shock Incarceration Program currently provides the following services:

- Risk/Asset Assessment
- Individualized Rehabilitation Plan
- Case Management Services
- 3 hours of educational services daily
- Opportunity to engage in Community Service (Rotaract Club - sponsored by Rotary Int'l)
- Impact of Crime Classes
- Individual/Group Counseling
- Parenting Skills
- Substance Abuse Education
- GED Preparation/Testing
- Employability Skills
- Money Management Skills
- Life/Interpersonal Skills
- Community Meetings 2 times/day
- Weekly drill and ceremony
- Daily health and wellness (physical training)
- Limited work details.)

See, also, SCDC response to Subcommittee (June 20, 2019). Question #11 (Does the agency recommend elimination of the shock incarceration program? If so, how would elimination potentially benefit the agency?)

Today in South Carolina, the current 3-year recidivism rate for Shock participants is 35.1%, while the current rate for Youthful Offenders receiving Intensive Supervision Services (much more serious offenders) is 30.3%. The Agency believes that a substantial percentage of young adults currently receiving Shock Incarceration services may be more productively served in the community with Intensive Supervision Services, rather than being sentenced to prison. Prison should be reserved for those individuals that are a clear danger and threat to public safety. Research has

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shown that therapeutic approaches based upon counseling, skill building, and multiple services have the greatest impact on reducing further criminal behavior among young people.

Therefore, it is suggested that consideration be given to replacing the Shock Incarceration Program with an evaluation process that would provide the Court with information to assist in determining whether an intensive level of supervision with prescribed services may provide a more productive outcome than incarceration. If incarceration is indicated, the young adult would be sentenced under the YOA. If an intensive level of supervision is indicated, the young adult would be sentenced to an intensive level of probation to include prescribed services with a suspended YOA.

Benefits of program elimination for young adults:

- Greater likelihood of success;
- Opportunity to remain in the community without interruption to employment and/or school;
- Avoid trauma and danger associated with incarceration;
- Avoid negative impact of incarceration on family members.

Benefits for program elimination for the Agency:

- More effective use of financial resources; community supervision is much more cost-effective than incarceration.
- Efficient utilization of bed space; Agency need for Level 2 beds currently reserved for Shock Incarceration.
- Reduction in recidivism for young adults; ending cycle of generational incarceration.)

See, also, SCDC response to Subcommittee (June 20, 2019). Question #12. (Please provide the number of individuals, during each of the last five years, who were: (a) sentenced to the shock incarceration program; (b) physically/psychologically/etc., qualified for the program; (c) agreed, in writing, to the terms in statute necessary to participate in the program; and (d) were recidivists within one and/or three years of release (depending on the data available).

Following are number of individuals sentenced and admitted to the Shock Incarceration Program for past 5 years:

- FY 2014 – 224
- FY 2015 – 168
- FY 2016 – 144
- FY 2017 – 189
- FY 2018 – 166

Following are the number of qualified participants released from the Shock Incarceration Program for the past 5 fiscal years:

- FY 2014 – 195
- FY 2015 – 168
- FY 2016 – 154
- FY 2017 – 159
- FY 2018 – 159

The 3-year recidivism rate for those released in 2015 was 35.1%

The 2-year recidivism rate for those released in 2015 was 24.4%

The 1-year recidivism rate for those released in 2015 was 6.6%.)

<sup>268</sup> SCDC response to Subcommittee (June 20, 2019). See Question #10.

<sup>269</sup> Ibid. See Question #11. (SCDC believes a substantial percentage of young adults currently receiving Shock Incarceration services may be more productively served in the community with Intensive Supervision Services, rather than being sentenced to prison. According to SCDC, research has shown that therapeutic approaches based

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upon counseling, skill building, and multiple services have the greatest impact on reducing further criminal behavior among young people.)

<sup>270</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #101.

See, also, PPP letter to Subcommittee (March 18, 2020). (PPP supports SCDC's efforts to replace the Shock Incarceration Program with an evaluation process that would provide the court with information to assist in determining whether an intensive level of supervision with prescribed services may provide a more productive outcome than incarceration. According to PPP, the intensive level of supervision with prescribed services could likely be accomplished with the imposition of special conditions of probation. PPP welcomes the opportunity to work with SCDC to discuss and edit any statutory language that is ultimately proposed.)

See, also, SCCID letter to Subcommittee (March 9, 2020). (SCCID agrees agency collaboration is critical when addressing these issues and appreciates the opportunity to participate.)

See, also, May 4, 2020 email from Court Administration to House Legislative Oversight Committee. (In response to this recommendation, Court Administration states sentencing courts currently consider shock incarceration at sentencing. Additionally, the sentencing courts will consider recommendations and requests at the appropriate time in the plea/trial procedures.)

See, also, May 13, 2020 email from SCCPC to House Legislative Oversight Committee. (SCCPC is available to participate. Further, SCCPC states that since the Shock Incarceration Program and the proposed intensive supervision/probation replacement program appear to be two very different programs intended to address two very different groups of offenders, a suggestion might be to evaluate the implementation of the new program ultimately developed before elimination of the Shock Incarceration Program to ensure the broadest range of offenders are served.)

<sup>271</sup> SCDC response to Subcommittee (October 29, 2019). See Question #12.

<sup>272</sup> The work was in continuation of a federal grant, Going Home Serious and Violent Offender Re-entry Initiative. SCDC response to Subcommittee (October 29, 2019). See Question #3 and "Re-entry Program's Evolution FY 2005-FY2016" attachment, in particular the S.C. Re-entry Interagency Collaborative Team Interim Report February 2005.

See, also, September 3, 2020 email from SCDC to House Legislative Oversight Committee (It was found that this was a grant funded initiative that has already ended. However, efforts will be made to engage this team to create a more formal team. This team will be called the SC Reentry Interagency Collaborative Team. SCDC currently collaborates with other agencies regularly, but we will reconvene this team).

<sup>273</sup> Ibid.

<sup>274</sup> Ibid. See Question #12.

See, also, August 12, 2019 meeting [minutes](#) and [video](#). See archived video at 1:43.

<sup>275</sup> August 12, 2019 meeting [minutes](#) and [video](#). See archived video at 1:47:11.

<sup>276</sup> SCDC response to Subcommittee (October 29, 2019). See Question #13. ("...We work closely with the Deputy Director for Operations and the Deputy Director for Health Services to coordinate re-entry. Weekly meetings are held to share visions and ongoing efforts to ensure inclusion of enhanced re-entry services. Programs staff and institutional visits ensure face to face communication with institutional personnel, keeping all informed of re-entry efforts. Meetings are held between divisions, with managers and line level staff, to discuss current issues and share ideas for changes and enhancement of services.")

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<sup>277</sup> Mark Wade, Assistant Commissioner for S.C. Vocational Rehabilitation Department, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, March 13, 2020. (We are very open to the reconvening of a formal interagency collaborative team for re-entry. VR currently collaborates with all of the agencies listed (with the exception of Department of Public Safety) to provide complementary services to assist in preparing individuals for achieving and maintaining competitive employment. VR currently receives referrals directly from the SCDC and PPPS to provide services throughout the state, as well as from DJJ and local detention centers. VR has assigned counselors to SCDC facilities to help educate inmates who are nearing release about our services.

One highly successful component of the partnership has been the Self-Paced In-Class Education (SPICE) program. SPICE is an education and employment collaborative involving multiple agencies designed to enhance the successful transition for inmates currently in SCDC facilities. Partners in the program include SCDC, PPPS, VR, and local technical colleges, as well as a core group of volunteers in the geographic areas of prisons housing the program. Since its inception, more than 80 percent of SPICE program participants have accepted and received VR services and 68 percent of those individuals achieved a successful employment outcome after receiving VR services.

VR also partners closely with PPP through the Prison Employment Program (PEP), in which a VR representative goes directly into the prisons to initiate services with referrals made by PPP of inmates nearing release. In state fiscal year 2019 there were 278 referrals to VR through this program.

FY19 VR Successful Employment Outcomes with SCDC as primary referral source: 88

Number of SCDC referrals who received Job Readiness Training: 8

FY19 VR Successful Employment Outcomes with PPPS as primary referral source: 480

Number of PPPS referrals who received Job Readiness Training: 40

In addition, there are many self-referrals for VR services by individuals with criminal histories who are not direct referrals from the partner agencies and are reflected in other VR outcome/training data.) Hereinafter, "March 13, 2020 email from Vocational Rehabilitation Department to House Legislative Oversight Committee."

See, also, PPP letter to Subcommittee (March 18, 2020).

See, also, Rochelle Caton, Office of Patient Advocacy Director and Legislative Liaison for Department of Mental Health, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, April 28, 2020.

See, also, Sara Goldsby, Director for Department of Alcohol and Other Drug Abuse Services, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, June 11, 2020.

See, also, Michael Leach, Director for Department of Social Services, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, June 11, 2020. Hereinafter, "June 11, 2020 email from DSS to House Legislative Oversight Committee."

<sup>278</sup> June 11, 2020 email from DSS to House Legislative Oversight Committee.

<sup>279</sup> S.C. Code Ann. § 24-13-2130. See excerpt of statute text listed below.

S.C. Code Ann. § 24-13-2130. Memorandum of understanding to establish role of each agency.

(A) The memorandum of understanding between the South Carolina Department of Corrections, Probation, Parole and Pardon Services, the Department of Vocational Rehabilitation, Department of Employment and Workforce, Alston Wilkes Society, and other private sector entities shall establish the role of each agency in:

...

(7) surveying employment trends within the State and making proposals to the Department of Corrections regarding potential vocational training activities.

<sup>280</sup> SCDC response to Subcommittee (August 22, 2019). See Question #25 and 26.

<sup>281</sup> Ibid.

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<sup>282</sup> S.C. House of Representatives, House Legislative Oversight Committee, “DEW letter to Subcommittee (March 12, 2020),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” and under, “Correspondence,”  
[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/DEW%20response%20to%20draft%20recommendations%20to%20SCDC%20\(March%2012,%202020\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/DEW%20response%20to%20draft%20recommendations%20to%20SCDC%20(March%2012,%202020).pdf)  
(accessed August 17, 2020). Hereinafter, “DEW letter to Subcommittee (March 12, 2020).”

<sup>283</sup> Ibid.

<sup>284</sup> Ibid.

<sup>285</sup> Ibid.

<sup>286</sup> March 13, 2020 email from Vocational Rehabilitation Department to House Legislative Oversight Committee.

<sup>287</sup> Ibid.

<sup>288</sup> PPP letter to Subcommittee (March 18, 2020).

<sup>289</sup> Ibid.

<sup>290</sup> DEW letter to Subcommittee (March 12, 2020).

<sup>291</sup> Ibid.

<sup>292</sup> SCDC response to Subcommittee (May 24, 2019). See Question #48.

<sup>293</sup> DEW letter to Subcommittee (March 12, 2020).

<sup>294</sup> Ibid.

<sup>295</sup> Ibid.

<sup>296</sup> Ibid.

<sup>297</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #26.

See, also, S.C. House of Representatives, House Legislative Oversight Committee, “SCDC and DMH joint response to Subcommittees (October 23, 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” and under, “Correspondence,”  
[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20and%20DMH%20joint%20response%20to%20Subcommittees%20\(October%2023,%202019\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20and%20DMH%20joint%20response%20to%20Subcommittees%20(October%2023,%202019).pdf)  
(accessed August 17, 2020). Hereinafter, “SCDC and DMH joint response to Subcommittees (October 23, 2019).”

<sup>298</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #26.

See, also, SCDC and DMH joint response to Subcommittees (October 23, 2019).

<sup>299</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #26.

<sup>300</sup> SCDC and DMH joint response to Subcommittees (October 23, 2019).

<sup>301</sup> Ibid.



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<sup>302</sup> Ibid.

<sup>303</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Full Report,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Mental Health, Department of” and under, “Full and Subcommittee Study Reports,”  
[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MentalHealth/Full\\_Comm\\_Report\\_DMH\\_2020.pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MentalHealth/Full_Comm_Report_DMH_2020.pdf) (accessed August 21, 2020).

<sup>304</sup> S.C. House of Representatives, House Legislative Oversight Committee, “2019 Completed RFI (November 1, 2019) (updated August 28, 2020),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Indigent Defense, Commission on” and under, “Reports, Recommendations, and Implementation,”  
[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/IndigentDefense/RFI%202019%20SCCID%20\(Updated%208.28.20\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/IndigentDefense/RFI%202019%20SCCID%20(Updated%208.28.20).pdf) (accessed August 31, 2020). See Report Rec #08. Hereinafter, “SCCID 2019 RFI.”

See, also, S.C. House of Representatives, House Legislative Oversight Committee, “Data entry cost breakdown (Recommendation #08),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Indigent Defense, Commission on” and under, “Reports, Recommendations, and Implementation,”  
[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/IndigentDefense/Data%20entry%20cost%20breakdown%20-%20Rec%208%20\(Updated%208-28-2020\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/IndigentDefense/Data%20entry%20cost%20breakdown%20-%20Rec%208%20(Updated%208-28-2020).pdf) (accessed August 31, 2020). Hereinafter, “SCCID Data Entry Costs.”

<sup>305</sup> Hervery Young, Deputy Director/General Counsel for S.C. Commission on Indigent Defense, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, August 5, 2020.

<sup>306</sup> Ibid.

<sup>307</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Solicitor Brackett response to Subcommittee (February 3, 2020),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” and under, “Correspondence,”  
[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Solicitor%20Brackett%20response%20to%20Subcommittee%20\(February%203,%202020\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Solicitor%20Brackett%20response%20to%20Subcommittee%20(February%203,%202020).pdf) (accessed August 17, 2020). See Question #1. (“Upon agreeing to a plea of guilty in a criminal case my office generates a sentencing sheet (see Attachment 1) utilizing our case management system, Prosecutor by Karpel (PbK). This includes a sentencing sheet for each charge the defendant will be pleading to, a docket sheet for each charge, any restitution sheets that may be needed, any other ancillary documents that may be implicated by the plea such as plea waiver form, driver license suspension forms, rights regarding loss of firearms rights for certain charges such as domestic violence, etc. These forms are auto filled using existing data in PbK and the fields are typed in and easily read. If the defendant is pleading to a lesser charge, the Solicitor edits that information, and then fills in with an “X” several boxes that provide further information about the charge (violent offense, most serious offense, waiving presentment, etc. ... When SCDC receives a copy of the sentencing sheet, and has created a file for the incarcerated in their system, the information from the handwritten sentence is entered into SCDC’s system. The solicitor’s office enters the sentence into its computer database from the same handwritten sentencing sheet. The sentence is entered into fields in the database such that the information is searchable and can be exported to another database. The Department of Probation, Pardon and Parole receives a copy of the sentencing sheet for cases where a probationary sentence is imposed and must likewise manually enter the sentence into their case management system. In cases where a conviction results in suspension of a driver’s license the appropriate form must be sent to the Department of Motor Vehicles.”) Hereinafter, “Solicitor Brackett Response to Subcommittee (February 3, 2020).”

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For additional information on the sentencing sheet process, please see the following:

- January 7, 2020, meeting [minutes](#) and [video](#).
- S.C. House of Representatives, House Legislative Oversight Committee, “Court Administration responds to Subcommittee (April 25, 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” and under, “Correspondence,” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Letter%20from%20SC%20Court%20Admin.%20to%20LOC%20re-SCDC%20study%20and%20sentencing%20sheets%20{....pdf> (accessed August 17, 2020). (The sentencing sheet is used for creating an accurate record of criminal dispositions in the court of general sessions. However, the information contained in the sentencing sheet typically begins with the issuance of a criminal arrest warrant by a magistrate or municipal judge. When the defendant receives a bond hearing, court staff enters the defendant's personal information and criminal charging information into CMS. Upon entry, that information appears on that county's public index. In general sessions cases, that information is transmitted by the summary court to the clerk of the circuit court through CMS. The Judicial Branch's Information Technology Division has created an interface with the solicitors' case management system, which enables the solicitor to access and convert to their system the clerks' criminal case data contained in CMS.) Hereinafter, “Court Administration responds to Subcommittee (April 25, 2019).”
- S.C. House of Representatives, House Legislative Oversight Committee, “Commission on Indigent Defense (SCCID) response to Subcommittee (April 29, 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” and under, “Correspondence,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Letter%20from%20SCCID%20to%20LOC%20re\\_%20SCDC%20study%20and%20sentencing%20sheets%20\(April%2029,....pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Letter%20from%20SCCID%20to%20LOC%20re_%20SCDC%20study%20and%20sentencing%20sheets%20(April%2029,....pdf) (accessed August 17, 2020).

Also, see documents on LOC’s website under Corrections, Department of, Additional Agency Details, and Inmate Intake and Data.

<sup>308</sup> Chart compiled with information from the following:

- August 5, 2020 email from SCCID to House Legislative Oversight Committee.
- Kevin Brackett, Sixteenth Judicial Circuit Solicitor interviewed by Charles Appleby, Legal Counsel for the House Legislative Oversight Committee, August 2020. Hereinafter, “August 2020 interview of Solicitor Brackett.”
- Jarrod Bruder, Director of S.C. Sheriffs’ Association, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, August 18, 2020. Hereinafter, “August 18, 2020 email from Sheriffs’ Association to House Legislative Oversight Committee.”
- Debbie Parker, Director of External Affairs for Department of Probation, Parole and Pardon Services, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, August 14, 2020. Hereinafter, “August 14, 2020 email from PPP to House Legislative Oversight Committee.”
- S.C. House of Representatives, House Legislative Oversight Committee, “Court Administration letter to Subcommittee (August 20, 2020),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” and under, “Correspondence,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Ct.%20Administration%20response%20to%20sentencing%20sheet%20flow%20chart%20\(August%2020,%202020\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Ct.%20Administration%20response%20to%20sentencing%20sheet%20flow%20chart%20(August%2020,%202020).pdf) (accessed August 17, 2020). Hereinafter, “Court Administration letter to Subcommittee (August 20, 2020).”
- Kelvin Jones, President of S.C. Jail Administrators Association, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, August 25, 2020. Hereinafter, “August 25, 2020 email from Jail Administrators Association to House Legislative Oversight Committee.”
- Julie Armstrong, Chair of S.C. Association of Counties Public Safety, Corrections, and Judicial Committee, and Clerk of Court for Charleston County, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, September 8, 2020.

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See, also, May 4, 2020 email from Court Administration to House Legislative Oversight Committee. (Court Administration currently provides the following data points to SCDC:

- Case #
- Name
- Date of Birth
- SSN
- Warrant/Ticket Number
- Date of Arrest
- Disposition Type
- Date of Disposition
- Sentence Code
- Offense Code
- Statute
- Sentence Literal

SCDC can retrieve this information from the SCJB County Statistics - Self-Audit Portal. Court Administration provides SCDC this information for all cases with a guilty disposition. Court Administration is in the process of making available to SCDC the additional data points as listed below:

- Total sentence
- Incarcerative sentence - time judge sentences the person
- Probation sentence
- Consecutive indicator).

See, also, Court Administration responds to Subcommittee (April 25, 2019). See Questions #1 and #2. (The sentencing sheet is used for creating an accurate record of criminal dispositions in the court of general sessions. The General Sessions Sentencing Sheet (SCCA 217) was implemented by Order of the Chief Justice effective March 1, 1999. According to Court Administration, the sentencing sheet has been amended by Order of the Chief Justice numerous times since its original implementation, primarily as a result of legislative changes affecting the contents of the sheet, as well as for clarification purposes. The most recent amendment to the sentencing sheet occurred in April 2018.)

<sup>309</sup> Ben Aplin, Deputy Director for Legals and Policy Management for Department of Probation, Parole and Pardon Services, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, August 27, 2020.

See, also, Julie Armstrong, Charleston County Clerk of Court and Chair of the SCAC Public Safety, Corrections and Judicial Committee, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, September 3, 2020.

See, also, Rodney Grizzle, Comptroller for the Commission on Indigent Defense, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, September 4, 2020.

See, also, Dayne Haile, Executive Assistant to Director of the Department of Corrections, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, September 4, 2020.

<sup>310</sup> Solicitor Brackett Response to Subcommittee (February 3, 2020). See Question #3.

<sup>311</sup> SCDC response to Subcommittee (April 29, 2019). See Question #7.

See, also, S.C. House of Representatives, House Legislative Oversight Committee, "List of unclear or problematic information received in sentencing sheets," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" under, "Additional Agency Details," and under "Inmate Intake and Data,"

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<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/List%20of%20Unclear%20or%20problematic%20information%20received%20in%20sentencing%20sheets.pdf> (accessed April 13, 2020). Hereinafter, “List of unclear or problematic information received in sentencing sheets.”

See, also, S.C. House of Representatives, House Legislative Oversight Committee, “Unclear or problematic sentencing sheet examples,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” under, “Additional Agency Details,” and under “Inmate Intake and Data,”

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Unclear%20or%20Problematic%20Sentencing%20Sheet%20-%20Examples.pdf> (accessed April 13, 2020). Hereinafter, “Unclear or problematic sentencing sheet examples.”

<sup>312</sup> SCDC response to Subcommittee (April 29, 2019). See Question #7.

See, also, List of unclear or problematic information received in sentencing sheets.

<sup>313</sup> Christina Bigelow, Deputy General Counsel for Department of Corrections interviewed by Charles Appleby, Legal Counsel for the House Legislative Oversight Committee, July 2020. Hereinafter, “July 2020 interview of Christina Bigelow.”

See, also, Court Administration responds to Subcommittee (April 25, 2019). See Questions #1 and #2. (The sentencing sheet is used for creating an accurate record of criminal dispositions in the court of general sessions. The General Sessions Sentencing Sheet (SCCA 217) was implemented by Order of the Chief Justice effective March 1, 1999. According to Court Administration, the sentencing sheet has been amended by Order of the Chief Justice numerous times since its original implementation, primarily as a result of legislative changes affecting the contents of the sheet, as well as for clarification purposes. The most recent amendment to the sentencing sheet occurred in April 2018.)

<sup>314</sup> July 2020 interview of Christina Bigelow.

<sup>315</sup> June 22, 2020 meeting minutes and video. See archived video at 2:03:38.

<sup>316</sup> Ibid.

<sup>317</sup> Court Administration responds to Subcommittee (April 25, 2019). See Questions #1 and #2. (The Judicial Branch’s Information Technology Division created an interface that allows automatic sharing of information from its system to solicitors’ case management systems).

<sup>318</sup> 2019 Act No. 91. (Fiscal Year 2019-2020 Appropriations Bill H. 4000 Part1B, Proviso 118.16 (SR: Nonrecurring Revenue), subsection (17) Judicial Department (a) Case Management System Modernization - \$11,000,000 (enacted June 25, 2019).)

<sup>319</sup> Robert McCurdy, Deputy Director for S.C. Court Administration, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, July 24, 2019. (We received notice that the Oversight Committee has interest in discussions with this office regarding the automation of the sentencing sheet process. We are currently laying the groundwork for a pilot project addressing that process. We have targeted York County for the pilot. We will keep you updated with our progress.)

<sup>320</sup> January 7, 2020, meeting [minutes](#) and [video](#). See archived video part 2 at 00:25:02 and 00:27:05.

<sup>321</sup> Court Administration letter to Subcommittee (August 20, 2020) (South Carolina Judicial Branch (SCJB) continues the partnership with SCDC and representatives of the solicitors to improve the delivery of timely, accurate and concise sentencing information to scDC and other stakeholders in the criminal justice system. I provide below a

recap of the progress we have made in a four phase plan which should culminate with a fully automated criminal sentencing delivery system. Phase 1 and Phase 2 of the plan have already been completed, and Phase 3 is tentatively scheduled to be completed by late October/early November, 2020. Phase 4 is slated for the first quarter of 2021.

**In Phase 1, SCJB provided SCDC Access to View Sentencing Information: (Completed 7/2019)**

- Provided the ability to login via Citrix (provided user names and password)
- Provided the ability to view the actual case record with sentence information
- Provided a method to download a .txt file for a specific case or choose from a date range
- Provided the specific data points listed below

| Layout of Data Transmitted to SCDC |                        |                        |
|------------------------------------|------------------------|------------------------|
| Field                              | Description            | Type                   |
| void                               |                        |                        |
| caseno                             | Caseno                 | varchar2               |
| name                               | Name                   | varchar2               |
| date of birth                      | Date of Birth          | Date (format YYYYMMDD) |
| ssn                                | Social Security Number | number                 |
| warrant ticket                     | Warrant/Ticket Number  | varchar2               |
| arrest date                        | Date of Arrest         | Date (format YYYYMMDD) |
| disp                               | Disposition Type       | number                 |
| disp date                          | Date of Disposition    | Date (format YYYYMMDD) |
| sn code                            | Sentence Code          | number                 |
| cdr code                           | Offense Code           | number                 |
| statute                            | statute                | varchar2               |
| sn lit                             | Sentence Literal       | varchar2               |
| <b>Disposition Types</b>           |                        |                        |
| 1                                  | Guilty                 |                        |
| 2                                  | Trial Guilty           |                        |

**In Phase 2, SCJB provided SCDC Additional Sentencing Data Points: (Completed 7/2020)**

- Total Sentence/Units
- Incarcerated Sentence/ Units
- Probation Sentence/ Units
- Consecutive Sentence Checkbox - YIN/Blank field

Additionally, SCJB implemented program and business logic for the courts to send SCDC information regarding Capital Sentencing. This change also improved sentencing literal information by creating standard text for all literal sentencing.

**Phase 3**, SCJB is currently in the development stage. Phase 3 will provide the courts the ability to enter the sentencing information into CMS and produce a computer generated sentencing sheet and also provide a sentencing API for SCDC and other State agencies to access sentence information.

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**Phase 4**, SCJB will develop a web stand-alone application the courts will use to enter sentence information and be able to apply a digital signature to the computer generated sentence sheet. Other State agencies will still be able to retrieve the sentence data using the Sentencing Application Programming Interface (API.)

<sup>322</sup> S.C. House of Representatives, House Legislative Oversight Committee, "Complete PER Submission," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Attorney General, Office of the," and under, "Reports, Recommendations, and Implementation," Document has not yet been posted online. See Question #16 (Does the agency receive data from other state agencies, which require manual entry? If so, identify the state agencies and the associated data received.

The Attorney General's Victim Advocacy Division obtains victim information from solicitors offices, SCDC, and PPP which it must manually enter into its own system.) Hereinafter, "Attorney General's Office Complete PER Submission."

See, also, SCDC response to Subcommittee (April 29, 2019). See Question #10. (Please provide a list of each item of information SCDC obtains about an inmate as part of processing and classifying the inmate, along with the following for each item: [a] Type of information (e.g., sentence, medical records, criminal background); [b] Source of the information [e.g., county facility, court]; [c] How the information is requested [e.g., SCDC emails or calls the entity to request the information, information is automatically sent when inmate arrives]; [d] Average amount of time required to receive the information; [e] Format in which the information is received [e.g., typed report, handwritten report, phone call], if the information is included on a standard form, the entity responsible for creating the form; [f] What SCDC does with the information [e.g., re-types it into SCDC database, makes copy of document for inmate's physical file] to make it usable for SCDC operations; [g] If the information impacts the inmate's release date; and [h] Average SCDC personnel time required from requesting information to having it in the format and location needed for SCDC operations.

Type of information [e.g., sentence, medical records, criminal background];

Requested information includes the sentencing sheet, jail time credit form, revocation order (if applicable), victim information, detainers, demographics, and medical information form.

Source of the information [e.g., county facility, court];

Information is received from the County Detention Center, Clerk of Court, Solicitor's Office, Attorney General's Office, and Department of Probation, Parole & Pardon Services.

How the information is requested [e.g., SCDC emails or calls the entity to request the information, information is automatically sent when inmate arrives];

Information is received via email, fax, telephone, mail, or hand delivered upon inmate arrival. This information is standard and is expected to be a part of each new inmates' arrival.

Average amount of time required to receive the information;

For new admissions to SCDC, information is received when the inmate arrives. When additional/missing information is requested, it is received within 1 - 3 days. If a signature or correction is needed from the Judge, time may vary from 1 - 2 weeks.

Format in which the information is received [e.g., typed report, handwritten report, phone call], if the information is included on a standard form, the entity responsible for creating the form;

Information is received both handwritten and typed.

What SCDC does with the information (e.g., re-types it into SCDC database, makes copy of document for inmate's physical file) to make it usable for SCDC operations;

All received information is entered into the SCDC database and filed in the inmate institutional and central record.

If the information impacts the inmate's release date; and

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If an amendment /modification results in the immediate satisfaction of the inmate's sentence, the Inmate Records Office will authorize release the same day.

Average SCDC personnel time required from requesting information to having it in the format and location needed for SCDC operations.

The average staff research time ranges from 1 hour to several weeks depending on the county and information requested.)

<sup>323</sup> SCDC Response to LOC (February 19, 2020). See Question #4. (According to the Department of Juvenile Justice Data Resource Guide, available online at <https://djj.sc.gov/research-and-data/publications-documents>, SCDJJ defines its Annual Recidivism Rate as: Youth who are adjudicated for a new offense within one year of completing Arbitration, Probation, or Commitment. This rate includes only those youths who were subsequently adjudicated (convicted) in the juvenile justice system. It does not include those who were subsequently convicted in the adult system.)

See, also, SCDC response to Subcommittee (May 24, 2019). See Question #54. (SCDC calculates recidivism for a release group based on the number of inmates who return to SCDC within three years of release for violations of their conditions of release or for new offenses that occur after their release. It does not include information on individuals incarcerated at a local facility within those three years, nor individuals incarcerated in a state or local facility after that three year period. However, information on these individuals is important in determining the impact of the rehabilitation they received while incarcerated at state adult prisons.)

<sup>324</sup> SCDC response to Subcommittee (May 24, 2019). See Question #54. (Please explain the differences, if any, in how SCDC tracks recidivism and how DJJ tracks recidivism. SCDC's definition for recidivism corresponds with Association of State Correctional Administrators Performance Based Measure System. SCDC calculates the recidivism for a release group based on the number of inmates who return to SCDC within three years of release for violations of their conditions of release or for new offenses that occur after their release. Per the attached document from their web site, DJJ calculates recidivism rates for release groups based on new offense adjudications within one year of release.)

<sup>325</sup> SCDC Response to LOC (February 19, 2020). See Questions #4 and #5. (SCDC does not have access to juvenile incarceration data for privacy reasons and does not maintain data regarding individual incarcerated in local detention facilities. Therefore, it is unable to provide information on the number of individuals incarcerated as juveniles who are later convicted and incarcerated as adults at an SCDC facility or local detention center. Additionally, it is unable to provide information on the number of individuals incarcerated at SCDC who are later convicted and incarcerated in a local detention facility. SCDC recommends checking with the State Law Enforcement Division and/or the State Judicial Department to see if they have complete incarceration data for adult offenders.)

<sup>326</sup> May 4, 2020 email from Court Administration to House Legislative Oversight Committee. (Court Administration can assist DJJ and SLED, who may be in a better position to track and report recidivism between juvenile adjudications and adult convictions due the statutory requirements for DJJ and/or SLED to maintain the offense histories and share the data with other law enforcement agencies. S.C. Code Ann. § § 63-19-2020 - 30 (2010). Additionally, DJJ currently tracks youths who are adjudicated for a new offense in the juvenile justice system within one year of completing arbitration, probation or commitment.)

<sup>327</sup> S.C. House of Representatives, House Legislative Oversight Committee, "Number of open state government jobs v. number of applicants (2013 - 2017)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" under, "Additional Agency Details," under "Employees and Volunteers," under "Retention, Ratios, and Experience Levels - Employees and Volunteers," under "Vacancies," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Number%20of%20Open%20State%20Government%20Jobs%20v.%20Number%20of%20Applicants%20\(2013-2017\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Number%20of%20Open%20State%20Government%20Jobs%20v.%20Number%20of%20Applicants%20(2013-2017).pdf) (accessed April 10, 2020).

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<sup>328</sup> Ibid.

<sup>329</sup> Karen Wingo, Director of Division of State Human Resources, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, August 3, 2020. (“Our budget request [State HR’s fiscal year 2020-21 budget request seeks six additional full time equivalent (FTE) positions, including an individual responsible for data and reporting, and asserted with the additional FTEs, it could administer annual employee morale surveys for non-higher education agencies.] has not been granted at this time and, as a result, we have not received any additional FTEs. Additionally, the pandemic has significantly impacted human resources operations across the state and we are not in position without the additional FTEs to conduct surveys for all non-higher education state agencies this year. However, we have experience working with agencies and independently to administer employee surveys and would be available to develop and implement one for Department of Corrections, if desired.”)

<sup>330</sup> November 25, 2019 meeting [minutes](#) and [video](#). See archived video at 2:13:00.

<sup>331</sup> Ibid. See archived [video](#) at 2:13:00.

<sup>332</sup> Kelvin Jones, President of S.C. Jail Administrator’s Association interviewed by Charles Appleby, Legal Counsel for the House Legislative Oversight Committee, February 2020.

<sup>333</sup> Jimmy Fennel, General Counsel for the Criminal Justice Academy interviewed by Charles Appleby, Legal Counsel for the House Legislative Oversight Committee, April 2020.

See, also, SCCID letter to Subcommittee (March 9, 2020).

See, also, May 4, 2020 email from Court Administration to House Legislative Oversight Committee. (SCCA has and will continue to coordinate with other shareholders to address these important issues.)

See, also, May 13, 2020 email from SCCPC to House Legislative Oversight Committee (The SCCPC has no concerns regarding a recommendation that encourages the LETC to hold topic-specific meetings and to invite stakeholders having involvement with the topics discussed to such meetings for collaboration. As a suggestion, a potential recommendation might clarify that such meetings to which LETC has invited be limited to only those matters that concern or impact all of the stakeholders who participate.

As information, while the SCCPC does not work regularly with the LETC, the SCCPC has historically collaborated with – and plans to continue our collaboration with – the South Carolina Criminal Justice Academy (SCCJA) to discuss areas in which law enforcement officers need training (or additional training), to collaborate and share materials on changes in the law and their application, to provide assistance when requested with the SCCJA’s specialized trainings, and to likewise request and obtain assistance from the SCCJA with our trainings.)

<sup>334</sup> SCDC response to Subcommittee (April 29, 2019). See Question #19.

<sup>335</sup> Ibid. (Question #19: The current classification system should be updated because experts suggest that an independent contractor should conduct a validation study that examines the results of the risk assessments every 3-5 years, and the agency should implement necessary improvements. SCDC has not conducted a validation study on the classification system 1995/96. The current system also lacks a risk/needs assessment component at intake or reassessment to determine needs and treatment program recommendations. SCDC did have a risk/needs assessment at one time; however, its use stopped after budget cuts in the early 2000s, which resulted in a significant number of programs staff positions being eliminated. Without the programs staff to deliver programs, the need to utilize the system ceased. Given Director Stirling’s push to reestablish rehabilitative programs to the inmate population, SCDC now requires this tool.)



See, also, June 9, 2020 email from Dayne Haile, Assistant to SCDC Director to Charles Appleby, General Counsel for House Legislative Oversight Committee (The experts are the National Institute of Corrections and the Counsel of State Government Justice)

<sup>336</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Programs and Re-entry Law Recommendation #1.

<sup>337</sup> Ibid.

<sup>338</sup> SCDC Response to Subcommittee (February 19, 2020). See Questions #99 and #100. (Question #99: In regards to Programs and Re-entry Law Recommendation #1, which is to modify a statute to add reduction of sentence, or credit, for rehabilitative programming, what percentage of inmates earned the maximum amount of work, education, and good behavior credit in each of the last three years? Statute 24-13-210 limits the amount of good time an inmate can earn to 20 days per month [240 per year]. Statute 24-13-230 limits total earned work and/or educational credits to 180 days per year. Therefore, under current statutes, the maximum credits a parole eligible inmate can earn is 420 per year. For inmates convicted of "no parole" offenses, Statute 24-13-210 limits good time to 3 days per month [36 per year] and Statute 24-13-230 limits earned work and/or education credits to 72 days per year, for a total maximum credit of 108 per year.

For the last 3 years, less than 1% of parole eligible inmates earned the maximum amount of work, education, and good behavior credits for the year. To earn maximum credits, a parole eligible inmate must remain disciplinary free for the entire year and be continuously employed with the highest earned work credit earning rate 7 days a week (or 5 days a week in combination with 15 or more weekly hours of bonus educational credit). Among inmates serving sentences for no parole offenses, the percentage is higher because maximum work credits are awarded for the top two earned work credit earning rates for both 5 and 7 day a week jobs, and for the third highest earned work credit earning rate for 7 day a week jobs.

Endnote (333) Table 6: Percentage of inmate population earning maximum credits.

| Calendar Year | % of Population Earning Maximum Credits |                 |               |
|---------------|---|-----------------|---------------|
|               | No Parole                               | Parole Eligible | Total Inmates |
| 2017          | 2.32%                                   | 0.43%           | 1.74%         |
| 2018          | 2.52%                                   | 0.53%           | 1.96%         |
| 2019          | 2.64%                                   | 0.68%           | 2.15%         |

<sup>339</sup> Ibid. See Questions #95, #96, and #97.

<sup>340</sup> A Limited Review of SCDC by the Legislative Audit Council - Full Report (August 26, 2019). See Recommendation #51 and #52.

<sup>341</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Operations Law Recommendation #8.

<sup>342</sup> S.C. Code Ann. § 24-13-125.

<sup>343</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #73. (In regards to Operations Law Recommendation #8, which recommends allowing work release after serving 70% of a sentence instead of 80%, when is the last time the percentage of sentence, an inmate had to complete before being eligible to work, was modified? The percentage has not changed since the law was enacted in January 1, 1996.)

<sup>344</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Operations Law Recommendation #8.

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<sup>345</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #71.

<sup>346</sup> Ibid. See Question #75.

See, also, SCDC response to Subcommittee (March 20, 2019), Question #25. (At least 15% of inmates receive no outside contribution from family or friends to their Cooper River account, which inmates use to purchase items at the canteen, etc.)

<sup>347</sup> SCDC Response to Subcommittee (February 19, 2020). See Questions #74 and #75. (Question #74: In regards to Operations Law Recommendation #8, which recommends allowing work release after serving 70% of a sentence instead of 80%, does this “work release” mean the inmates would be working in the community, or only working in an SCDC facility? Working in the community.)

See, also, SCDC response to Subcommittee (May 24, 2019). See Question #41. (Please provide, for each of the last three years, a list of entities for which inmates in custody can work in an Excel chart, separated by inmate work category (e.g., work credits, paid employment in the community, public improvement or development, statehouse landscaping, prison industries enhancement, etc.). If the entity is the state or a county or local municipality, please indicate the department/division in which inmates can work. If the agency already has this information in a format other than Excel, please use that format. It would be a security concern to provide locations of where inmates work in the community for those assigned to labor crew, work program, and those at a designated facility. However, types of places of work are as follows: Restaurants; Departments of Transportation; Construction; Welding; Fabrication; Mechanical; Lumber yards; National Guard; Palmetto Pride Litter Crews; Machine shops; Statehouse grounds; Sanitation; Recycling; Agricultural; Canning plants; Animal Shelters.)

<sup>348</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #75.

<sup>349</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Programs and Re-entry Law Recommendation #5.

<sup>350</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #106.

<sup>351</sup> Ibid.

<sup>352</sup> SCDC response to Subcommittee (August 22, 2019). See Question #10.

See, also SCDC Response to LOC (February 19, 2020), Question #107. (In regards to Programs and Re-entry Law Recommendation #5, which is a concept recommendation relating to Palmetto Unified School District Board member representation by region, how many PUSD board members were from each of the regions SCDC recommends, during each of the last 8 years?

Currently, there are a total of nine board members and four regions. Two Board seats are currently vacant. They are as follows:

- Pee Dee: Lee, Evans, Turbeville, Palmer, Kershaw, Wateree: (One Board Member)
- Midlands: Camille Graham, Broad River, Kirkland, Goodman, Manning: (Three Board Members)
- Upstate: Livesay, Perry, Tyger River, Leath, McCormick: (Two Board Members)
- Lowcountry: MacDougall, Lieber, Ridgeland, Trenton, Allendale: (One Board Member)

<sup>353</sup> SCDC response to Subcommittee (August 22, 2019). See Question #10.

<sup>354</sup> Dayne Haile, Executive Assistant to Director of the Department of Corrections, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, January 7 and 8, 2020 (*[Attempted murder and Drugs]*

Dark Web Mail Bomb Plot – 3 subjects arrested, 1 inmate and 2 others. Multiple charges for each

- <https://www.justice.gov/usao-sc/pr/scdc-prisoner-and-co-conspirator-sentenced-federal-prison-roles-dark-web-mail-bomb-plot> (February 27, 2019)
  - “SCDC Prisoner and Co-Conspirator Sentenced to Federal Prison for Roles in Dark Web Mail Bomb Plot” from a 2017 investigation “Evidence presented to the court revealed that while incarcerated in the South Carolina Department of Corrections, Young obtained a contraband cellphone smuggled into the Broad River Correctional Institution. Young used that contraband cellphone to run a drug business distributing marijuana he obtained from a California supplier and from the Dark Web. Drugs purchased by Young were shipped to a conspirator’s residence before being picked up by co-defendant Vance Volious for re-distribution.
  - While this drug conspiracy among Young, Volious, and others was operating, the conspirators also plotted to kill Young’s ex-wife. This was not the first time that Young had tried to kill her; he was serving a 50-year sentence after having been convicted of attempting to kill her and of murdering her father in 2007.
  - In February 2017, Young accessed the Dark Web from prison on his contraband cellphone and started a dialogue with an undercover FBI agent, whom he believed to be a foreign explosives dealer. Young paid for a mail bomb to be sent to a conspirator’s residence in Irmo and for the re-shipment label addressed to his ex-wife to be sent to Volious’ house in Columbia.”
- [https://www.upi.com/Top\\_News/US/2018/04/26/SC-inmate-bought-mail-bomb-off-dark-web-to-kill-ex-wife/9091524711151/](https://www.upi.com/Top_News/US/2018/04/26/SC-inmate-bought-mail-bomb-off-dark-web-to-kill-ex-wife/9091524711151/)

#### ***[Extortion and Drugs]***

Civil Forfeiture Proceedings (Civil case so no criminal indictments)

- <https://www.justice.gov/usao-sc/pr/let-states-jam-prison-cellphones-says-us-attorney-sherri-lydon>
  - “U.S. Attorney’s Office Initiates Forfeiture Proceedings Seizing \$400,000 From Prison Accounts of 15 Inmates....The U.S. Attorney’s Office recently initiated civil forfeiture proceedings in which the federal government has seized over \$400,000 from the prison accounts of just 15 inmates. According to the seizure warrants, this money was derived from unlawful activity including extortion and the distribution of narcotics and other contraband.”

#### ***[Extortion]***

Operation Surprise Party / Sextortion Ring – 15 arrests in November 2018, 5 of those were SCDC inmates.

- “Prisoners stole more than \$500K from troops through dating app sextortion ring”  
<https://www.militarytimes.com/news/your-army/2018/11/28/prisoners-steal-more-than-500k-from-troops-through-dating-app-sextortion-ring/>
- <https://www.theitem.com/stories/lee-correctional-inmate-gets-extra-time-for-sextorting-dod-servicemen,331301>
- <https://www.wistv.com/2018/11/28/watch-live-us-attorney-military-investigation-services-hold-am-press-conference-sc-doc/>
- <https://www.washingtonpost.com/national-security/2018/11/28/inmates-posing-women-online-blackmailed-hundreds-troops-sextortion-scheme/>
- <https://www.justice.gov/usao-sc/pr/5-inmates-among-15-defendants-indicted-wire-fraud-extortion-and-money-laundering-scheme> “5 Inmates Among 15 Defendants Indicted for Wire Fraud, Extortion, and Money Laundering Scheme at SCDC” “inmates used smartphones to join Internet dating websites and pose as young women seeking romantic relationships. On the dating websites, the named inmates targeted young male service members. After meeting the service members on the dating websites, the named inmates texted nude pictures of young women that they obtained from the Internet, claiming these nude pictures were of the woman that they were impersonating on the dating website. After they texted nude pictures, they asked the military members to text nude pictures and other personal information in return...They then threatened to notify the military authorities and/or law enforcement that the military member was exchanging nude pictures with a minor unless the military member paid money...”

#### ***[Drugs]***

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Drug Trafficking Ring – 15 arrests, 7 were inmates

- <https://www.justice.gov/usao-sc/pr/fifteen-charged-drug-trafficking-ring-operated-inside-south-carolina-prisons> “Fifteen Charged in Drug Trafficking Ring that Operated from Inside South Carolina Prisons” “On September 14, 2016, a federal grand jury returned a twenty-one count sealed indictment alleging the defendants conspired to possess with intent to distribute and did distribute 50 grams or more of methamphetamine; used telephones and the U.S. Mail to facilitate a drug offense and conspired to launder drug money by conducting money transfers, cash withdrawals and purchases of and deposits onto pre-paid cash cards, all in violation of federal law.”

### ***[Extortion and Suicide]***

Jared Johns – no arrests, sextortion blamed for Johns suicide

- “SC inmates accused of sextortion scheme that ended with Army veteran's suicide”  
<https://abcnews4.com/news/crime-news/sc-inmates-accused-of-sextortion-scheme-that-ended-with-army-veterans-suicide>
- <https://www.greenvilleonline.com/story/news/local/south-carolina/2019/05/10/sc-inmates-charged-blackmail-sextortion-greenville-army-veteran-jared-johns-before-suicide/1157088001/>
- <https://www.greenvilleonline.com/story/news/local/south-carolina/2019/02/25/sextortion-scam-inmates-targeted-greenville-army-veteran-jared-johns-before-his-suicide/2813412002/>
- <https://www.washingtonpost.com/nation/2019/05/14/veterans-suicide-was-blamed-depression-then-police-found-threatening-texts-sent-prison/>

### ***[Murder]***

Homicide of Michelle Dodge of York, SC – 8 arrested in connection to kidnapping and death of Dodge to include inmate James Peterson who was charged with orchestrating the murder from prison.

- “Man accused of orchestrating murder from prison has history of cellphone infractions”  
<https://www.wyff4.com/article/man-accused-of-orchestrating-murder-from-prison-has-history-of-cellphone-infractions/28589828>
- <https://apnews.com/4fd3a363113040f3bdb3faa3aceac673>
- <https://www.wspa.com/news/gaffney-men-arrested-in-connection-to-york-womans-killing/>
- “Sheriff Reynolds stated they have evidence which indicates Peterson orchestrated Ms. Dodge’s murder from prison. James Robert Peterson is being charged with Murder and Conspiracy to Commit Kidnapping regarding the death of Ms. Dodge.” <https://wlbj.com/2019/08/02/8-people-now-charged-in-death-of-michelle-dodge/>

### ***[Shooting]***

Captain Robert Johnson - 1 arrest (former inmate at the time of Capt. Johnson shooting, current inmate now)

- “The investigation, which is still ongoing, has revealed that the shooting was done in retaliation as a direct result of Captain Johnson’s enforcement of contraband rules in the South Carolina Department of Corrections. Captain Johnson had foiled a number of shipments of contraband (such as drugs and cell phones) into the state prison and some of the inmates were unhappy about that.” (April 2014)  
<https://archives.fbi.gov/archives/columbia/press-releases/2014/man-pleads-guilty-to-conspiracy-to-commit-murder-for-hire-in-shooting-of-correctional-officer>
- <https://www.thestate.com/news/local/crime/article13875710.html>
- [https://www.postandcourier.com/capt-robert-johnson/image\\_2e7858be-f34b-11e8-99e7-47266ef5de48.html](https://www.postandcourier.com/capt-robert-johnson/image_2e7858be-f34b-11e8-99e7-47266ef5de48.html)

### ***[Contraband]***

Operation Cash Cow – currently “118 counts, consisting of 200 charges against 38 defendants”

- “allegations of sophisticated and highly lucrative conspiracies to smuggle large amounts of contraband into the South Carolina prisons” “118 counts, consisting of 200 charges against 38 defendants”  
<http://www.scag.gov/archives/39553#ixzz64QoClFho>
- <http://www.scag.gov/archives/38922>

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- <https://wach.com/news/local/21-more-arrests-in-operation-cash-cow-prison-scam>
  - <https://abcnews4.com/news/local/operation-cash-cow-nets-106-charges-on-prison-contraband>

<sup>355</sup> Jimmy Hinson, House Judiciary Committee staff, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, February 13, 2020.

<sup>356</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Police Services Law Recommendation #2.

<sup>357</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #93.

<sup>358</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Police Services Law Recommendation #1.

<sup>359</sup> Ibid.

<sup>360</sup> SCDC Response to Subcommittee (June 20, 2019). See Question #29. (The specific number received each of the last five calendar years is as follows:

- CY 2014 - 227
- CY 2015 - 134
- CY 2016 - 307
- CY 2017 - 593
- CY 2018 – 563
- CY 2019 (as of June 2019) – 329).

See, also, PEW Research Center, “Mobile Fact Sheet – June 12, 2019,” <https://www.pewresearch.org/internet/fact-sheet/mobile/> (accessed April 8, 2020). (Percentage of adults who owned a cell phone went from 55% in January 2014 to 81% by February 2019. Also, as of 2019, income and education are not barriers as 71% of individuals making less than \$30,000 have a smart phone (95% have a cell phone of some type); and 66% of individuals with less than a high school graduate have a smart phone (92% have a cell phone of some type).

<sup>361</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #92.

<sup>362</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Legal and Compliance Law Recommendation #5.

<sup>363</sup> SCDC Response to LOC (February 19, 2020). See Question #61. (In Legal and Compliance Law Recommendation #5, SCDC asks to be added to the list of state agencies exempt from monetary liability for certain acts such as review of patient and medical records [see page 15 in the letter [here](#)]. When asked what those opposing the law might argue it potentially allows the agency to conceal, SCDC stated “Those opposing this type of law might argue it potentially allows the agency to conceal substandard care and negligence. However, because the standard rules of discovery in a lawsuit are not affected by this law, SCDC does not believe this harm exists.” [see question 62 in the letter [here](#)] (a) Can you provide some examples of information that would not be available if the change were made [and why that would be helpful to the agency], but would still be available in discovery?

- Examples include mortality and morbidity review, serious incident review and suicide review all of which serve the purpose of providing a safe, open venue to explore care/event details, engage in clinical and multidisciplinary discussion to gain insight into performance, improve internal multidisciplinary communication, identify and disseminate information about care and processes, and develop strategies for internal quality improvement. Identification of the documents relied upon, the committee discussion, and committee determinations or recommendations would not be available in discovery. However, as is noted generally in 44-71-20, the medical/clinical records, medication management records, coroner’s report, and other pertinent documentation distributed to the committee members depending on the type of review being conducted are subject to discovery requests as original documents.)

<sup>364</sup> Ibid. See Question #61.

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<sup>365</sup> June 9, 2020 email from SCDC to House Legislative Oversight Committee.

<sup>366</sup> Ibid.

<sup>367</sup> Ibid.

<sup>368</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Police Services Law Recommendation #3.

<sup>369</sup> S.C. House of Representatives, House Legislative Oversight Committee, “SCDC updated response to question #41 and #45 (December 11, 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” and under, “Correspondence,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20updated%20response%20to%20LOC%20\(December%2011,%202019\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20updated%20response%20to%20LOC%20(December%2011,%202019).pdf) (accessed August 17, 2020). See Question #41. (For each of last three years, please provide the number of cases sent to solicitors’ offices and the number prosecuted, by type of person arrested [e.g., employee, civilian, or inmate] type of case [e.g., dashing, etc.], and solicitors office.

SCDC Police Services and General Counsel converted a vacant full-time position to an Attorney III slot. This position has been filled and the attorney has been assigned to assist Police Services in the prosecution of backlogged cases as well as any future cases requiring prosecution. The Police Services Case Management System was updated in July of 2019 to allow for the entry of dispositions for each individual offense. We have hired a full time pink slip Administrative Assistant to research and upload the dispositions of all criminal charges into the Police Services Case Management System. This will be a daunting and time-consuming task due to the volume of charges in the various counties. This process is estimated to take up to six months to complete for all open awaiting court cases as well as all closed cases from calendar year 2015 to current. Until these entries are completed, Police Services does not have the ability to provide statistics regarding the number of cases Nolle Prossed, Dismissed, Convicted by Trial or Plea, or found Not Guilty. The included chart does provide the number of Police Services cases in which criminal warrants were obtained sorted by year of incident, county, type of case, and type of person arrested.)

<sup>370</sup> SCDC response to Subcommittee (February 19, 2020). See Question #94.

<sup>371</sup> June 9, 2020 email from SCDC to House Legislative Oversight Committee.

<sup>372</sup> Ibid.

<sup>373</sup> SCDC response to Subcommittee (February 19, 2020). See Question #94.

<sup>374</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Police Services Recommendation #4.

<sup>375</sup> S.C. Code Ann. § 24-3-950.

<sup>376</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Police Services Recommendation #4.

<sup>377</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (June 4, 2019), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Meetings and Agency Presentations,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/June%204,%202019%20-%20Meeting%20Minutes%20\(SCDC\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/June%204,%202019%20-%20Meeting%20Minutes%20(SCDC).pdf) (accessed August 17, 2020). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=8826>. See June 4, 2019 archived video part 1 at 1:51:42 and part 2 at 1:09:56.

Hereinafter, “June 4, 2019 meeting [minutes](#) and [video](#).”

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<sup>378</sup> Ibid. See archived [video](#) at 1:09:56.

<sup>379</sup> Ibid. See archived [video](#) part 2 at 1:50:17.

<sup>380</sup> December 16, 2019, meeting [minutes](#) and [video](#). See archived video at 02:22:08.

<sup>381</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Operations Law Recommendation #15.

<sup>382</sup> June 22, 2020 meeting minutes and video. See archived video at 1:45:18.

<sup>383</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #88.

See, also, June 22, 2020 meeting minutes and video. See archived video at 1:45:18.

<sup>384</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #89.

<sup>385</sup> Ibid.

See, also, June 22, 2020 meeting minutes and video. See archived video at 1:45:18.

<sup>387</sup> A Limited Review of SCDC by the Legislative Audit Council - Full Report (August 26, 2019). See Recommendation #4.

<sup>388</sup> Ibid. See pages 11 and 12.

<sup>389</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #90.

<sup>390</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Administration Law Recommendation #3.

<sup>391</sup> S.C. Code Ann. § 9-1-1790. (S.C. Code Ann. § 9-1-1790. Amount which may be earned upon return to covered employment.

(A)(1) A retired member of the system who has been retired for at least thirty consecutive calendar days may be hired and return to employment covered by this system or any other system provided in this title and earn up to ten thousand dollars without affecting the monthly retirement allowance the member is receiving from the system. If the retired member continues in service after earning ten thousand dollars in a calendar year, the member's allowance must be discontinued during his period of service in the remainder of the calendar year. If the employment continues for at least forty-eight consecutive months, the provisions of Section 9-1-1590 apply. If a retired member of the system returns to employment covered by this system or any other system provided in this title sooner than thirty days after retirement, the member's retirement allowance is suspended while the member remains employed by the participating employer. If an employer fails to notify the system of the engagement of a retired member to perform services, the employer shall reimburse the system for all benefits wrongly paid to the retired member.

(2) The earnings limitation imposed pursuant to this item does not apply if the member meets at least one of the following qualifications:

(a) the member retired before January 2, 2013;

(b) the member has attained the age of sixty-two years at retirement; or

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(c) compensation received by the retired member from the covered employer is for service in a public office filled by the appointment of the Governor and with confirmation by the Senate, by appointment or election by the General Assembly, or by election of the qualified electors of the applicable jurisdiction.

(B) An employer shall pay to the system the employer contribution for active members prescribed by law with respect to any retired member engaged to perform services for the employer, regardless of whether the retired member is a full-time or part-time employee or a temporary or permanent employee. If an employer who is obligated to the system pursuant to this subsection fails to pay the amount due, as determined by the system, the amount must be deducted from any funds payable to the employer by the State.

(C) A retired member shall pay to the system the employee contribution as if the member were an active contributing member if an employer participating in the system employs the retired member. The retired member does not accrue additional service credit in the system by reason of the contributions required pursuant to this subsection and subsection (B) of this section.

(D) A retired member of the South Carolina Retirement System who is not a member of the Police Officers Retirement System, but is employed in a position that would otherwise be covered by the Police Officers Retirement System, shall not join the Police Officers Retirement System but, notwithstanding any other provision of law, that member is deemed a retired contributing member of the South Carolina Retirement System and shall remit the employee contributions required under subsection (C) of this section to the South Carolina Retirement System and the employer shall remit to the South Carolina Retirement System the employer contribution required by subsection (B). An employer who hires a retiree of the South Carolina Retirement System pursuant to this subsection shall elect to participate as an employer in the South Carolina Retirement System.)

<sup>392</sup> February 21, 2019 meeting [minutes](#) and [video](#). See archived video at 1:01:40 and 1:08:29.

<sup>393</sup> *Ibid.*

<sup>394</sup> *Ibid.*

<sup>395</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #51.

<sup>396</sup> A Limited Review of SCDC by the Legislative Audit Council - Full Report (August 26, 2019). See Recommendation #36.

<sup>397</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Administration Law Recommendation #2.

<sup>398</sup> S.C. House of Representatives, House Legislative Oversight Committee, "Deduction of inmate money by county detention centers for destruction of property and certain medical expenses," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" under "Additional Agency Details," and under "Other Information," <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Deduction%20of%20Inmate%20Money%20for%20destruction%20of%20property%20and%20certain%20medical%20expenses.pdf> (accessed July 27, 2020).

<sup>399</sup> SCDC letter to Subcommittee (January 6, 2020). See Administration Law Change #2. (Initial proposed language provided by SCDC is as follows:

"SECTION 24-13-80. Prisoners to pay for certain costs; definitions; criteria for deductions from inmates' accounts; reimbursement to inmates; recovery from estates of inmates.

(A) As used in this section:

(1) "Detention facility" means a municipal or county jail, a local detention facility, or a state correctional facility used for the detention of persons charged with or convicted of a felony, misdemeanor, municipal offense, or violation of a court order.



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(2) "Inmate" means a person who is detained in a detention facility by reason of being charged with or convicted of a felony, a misdemeanor, a municipal offense, or violation of a court order.

(3) "Medical treatment" means each visit initiated by the inmate to an institutional physician, physician's extender including a physician's assistant or a nurse practitioner, dentist, optometrist, or psychiatrist for examination or treatment.

(4) "Administrator" means the county administrator, city administrator, or the chief administrative officer of a county or municipality.

(5) "Director" means the agency head of the Department of Corrections.

(B) The administrator or director, whichever is appropriate, may establish, by rules, criteria for a reasonable deduction from money credited to the account of an inmate to:

(1) repay the costs of:

(a) public property willfully damaged or destroyed by the inmate during his incarceration;

(b) medical treatment for injuries inflicted by the inmate upon himself or others;

(c) searching for and apprehending the inmate when he escapes or attempts to escape. The costs must be limited to those extraordinary costs incurred as a consequence of the escape; or

(d) quelling a riot or other disturbance in which the inmate is unlawfully involved;

(2) defray the costs paid by a municipality or county for medical services for an inmate, which have been requested by the inmate, if the deduction does not exceed five dollars for each occurrence of treatment received by the inmate. If the balance in an inmate's account is less than ten dollars, the fee must not be charged. However, a deficiency balance must be carried forward and, upon a deposit or credit being made to the inmate's account, any outstanding balance may be deducted from the account. This deficiency balance may be carried forward after release of the inmate and may be applied to the inmate's account in the event of subsequent arrests and incarcerations. This item does not apply to medical costs incurred as a result of injuries sustained by an inmate or other medically necessary treatment for which that inmate is determined not to be responsible.

(C) All sums collected for medical treatment must be reimbursed to the inmate, upon the inmate's request, if the inmate is acquitted or otherwise exonerated of all charges for which the inmate was being held.

(D) The detention facility may initiate an action for collection of recovery of medical costs incurred pursuant to this section against an inmate upon his release or his estate if the inmate was executed or died while in the custody of the detention facility.

(E) The Department of Corrections may initiate an action for collection of recovery of all restitution incurred by an inmate during his or her imprisonment within the Department."

See, also, SCDC Response to Subcommittee (February 19, 2020). Question #48. (Specific costs SCDC seeks to obtain include the following:

- *Extraordinary costs*: Costs that are over and above normal operating costs that would not have been incurred by SCDC or the state had the incident not occurred. By statute, the term "extraordinary costs" only applies to those costs incurred by SCDC or the state because of an escape or attempted escape. For purposes of this policy/procedure, these costs would include such items as overtime costs for staff used to apprehend and/or search for an inmate, extradition costs, mileage, phone calls, etc.
- *Reasonable costs*: Costs to be established by SCDC for (1) the replacement or repair of state property willfully damaged or destroyed, or stolen by an inmate; (2) the medical treatment afforded an inmate for injuries inflicted on himself/herself or others; and (3) the quelling of a riot or other disturbance. Depending upon the situation, any combination of costs can be charged to an inmate. For example, inmates can be charged for the replacement or repair of the state property they destroyed and for the cost of their medical treatment.
- *State property*: Any property owned or leased by the state or SCDC, to include, but not limited to, education related property, and property issued to an inmate by SCDC and all buildings, structures, and equipment owned or used by the state or SCDC.)

See, also, June 22, 2020 meeting minutes and video. See archived video at 1:50:01 through 1:58:44.

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<sup>400</sup> June 22, 2020 meeting minutes and video. See archived video at 1:50:01 through 1:58:44.

See, also, July 30, 2020 email from Dayne Haile, Assistant to SCDC Director to Charles Appleby, General Counsel for House Legislative Oversight Committee.

For more information on the Setoff Debt collection program, see <https://dor.sc.gov/about/setoff-debt-and-gear>. Note, SCDC does not intend to garnish wages, as allowed in the Governmental Enterprise Accounts Receivable (GEAR) program, only garnish individual income tax refunds.

<sup>401</sup> SCDC Response to Subcommittee (January 16, 2020). See Question #5. (What benefits could be obtained if SCDC was authorized [e.g., by statute or court order] to apply for Medicaid on behalf of an inmate without the inmate's consent? In our review of the Medicaid application process, approximately 10% of the inmates refuse to sign the applications. Although that is a small number of individuals, it accounts for an estimated 12-15 inpatient hospital stays for which SCDC pays the claim. If SCDC is authorized to complete the application regardless of the inmates' willingness to consent, the benefit to the State would be that the Medicaid program would pay for the claims rather than the SCDC and federal matching funds would pay the majority of the cost of the claims. Based on a recent Kaiser study, the average cost of an inpatient hospital stay was over \$15,000 in South Carolina. Therefore, the offset of cost for SCDC if we were authorized to apply on behalf of the inmate regardless of their consent is estimated to be \$180,000-225,000 per year. The quality of care provided would remain the same since the care is rendered regardless of which entity pays the claim.)

<sup>402</sup> S.C. House of Representatives, House Legislative Oversight Committee, "DHHS Response to Subcommittee (December 17, 2019)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" and under, "Correspondence," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/DHHS%20Response%20to%20Subcommittee%20\(Dec.%2017,%202019\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/DHHS%20Response%20to%20Subcommittee%20(Dec.%2017,%202019).pdf) (accessed August 17, 2020). (Please explain pros and cons to a person applying for, and enrolling in, Medicaid, including why an individual may not want to consent to submitting an application for enrollment in Medicaid.

The committee's question relates to the reason behind inmates refusing to apply for or accept Medicaid benefits when presented with the opportunity. Although the department has not conducted an extensive study on this matter, we did discuss your inquiry with our Eligibility, Enrollment and Member Services (EEMS) team at the Department of Corrections (DOC). Our staff indicated that thematically, they hear the following types of reasons for rejection of benefits or refusal to apply:

- They believe DOC should be responsible for their healthcare, or don't want to aid the DOC in finding additional resources for care.
- They will not sign any document without first consulting an attorney.
- They don't believe they need it.
- They state it is something they will address upon release.)

<sup>403</sup> SCDC Response to Subcommittee (January 16, 2020). See Question #5.

<sup>404</sup> Ibid.

<sup>405</sup> Ibid.

<sup>406</sup> Ibid.

<sup>407</sup> S.C. House of Representatives, House Legislative Oversight Committee, "DHHS Response to Subcommittee (October 29, 2019)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" and under, "Correspondence," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/DHHS%20response%20to%20Subcommittee's%2010.8%20letter%20\(October%2029,%202019\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/DHHS%20response%20to%20Subcommittee's%2010.8%20letter%20(October%2029,%202019).pdf) (accessed

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August 17, 2020). See Question #2 (What changes would be needed to allow SCDC to consent on behalf of an inmate? SCDC would need to be authorized by statute, regulation, or court order to apply for Medicaid on behalf of the inmate without the inmate's consent. SCDHHS' current policy allows SCDC to submit an application on behalf of an inmate as long as the inmate is aware that SCDC is submitting an application on his/her behalf and he/she must consent to it. However, this does not have to be written consent. By signing the application, SCDC would be representing that these requirements have been met. SCDHHS' current policy, in accordance with Federal Regulations at 42 CFR 435.923, would also allow SCDC to submit an application and act on behalf of the inmate if [1] the inmate has completed an SCDHHS Form 1282 naming SCDC as an Authorized Representative, or [2] the court has appointed/approved SCDC as a legal representative [e.g. Power of Attorney, guardianship, conservatorship]. [Medicaid Policies and Procedures Manual section 101.02.10]).

<sup>408</sup> May 4, 2020 email from Court Administration to House Legislative Oversight Committee.

<sup>409</sup> S.C. House of Representatives, House Legislative Oversight Committee, "SCDC letter to Subcommittee (June 9, 2020)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" and under, "Correspondence," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20letter%20to%20Ad%20Hoc%20Subcommittee%20\(June%209,%202020\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20letter%20to%20Ad%20Hoc%20Subcommittee%20(June%209,%202020).pdf) (accessed August 17, 2020). Hereinafter, "SCDC letter to Subcommittee (June 9, 2020)."

<sup>410</sup> Ibid.

<sup>411</sup> June 22, 2020 meeting minutes and video. See archived video at 2:10:32.

<sup>412</sup> SCDC letter to Subcommittee (June 9, 2020).

<sup>413</sup> S.C. Code Ann. § 44-53-370.

<sup>414</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Operations Recommendations #12 and #13.

<sup>415</sup> Ibid.

See also, SCDC Response to Subcommittee (April 29, 2019). See Question #26. (Are there different types of early release or discharge? If so, should S.C. Code Section 24-13-150(A) be more specific as to which types of those it applies?)

There are several different types of early release. These include the "old" supervised furlough program ["SF-IIA"], which only applies to offenses occurring between June of 1983 and July of 1993, supervised re-entry under S.C. Code § 24-21-32, parole, medical parole, and medical furlough. The term "discharge" is not a term normally utilized in SCDC, except that under the Youthful Offender Act, youthful offenders are unconditionally "discharged" upon successful completion of intensive supervision (often called "YOA parole").

In our opinion, S.C. Code 24-13-150(A) needs to be changed to remove the language regarding "early release or discharge" because - with the exception of medical furlough, which is rarely granted and only applies to the terminally ill - none of the types of early release or discharge that are mentioned above apply to 85% offenders. Further, under S.C. Code 24-21-560, 85% offenders can only be released to community supervision. Therefore, we would propose to amend S.C. Code 24-13-150(A) as follows:

(A) Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed, an inmate convicted of a "no parole offense" as defined in Section 24-13-100 and sentenced to the custody of the Department of Corrections, including an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30, is not eligible for ~~early release, discharge, or~~ community supervision as provided in Section 24-21-560, until the

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inmate has served at least eighty-five percent of the actual term of imprisonment imposed. This percentage must be calculated without the application of earned work credits, education credits, or good conduct credits, and is to be applied to the actual term of imprisonment imposed, not including any portion of the sentence which has been suspended. Nothing in this section may be construed to allow an inmate convicted of murder or an inmate prohibited from participating in ~~work release, early release, discharge, or~~ community supervision by another provision of law to be eligible for ~~work release, early release, discharge,~~ ~~or~~ community supervision.

If these changes are made to S.C. Code § 24-13-150(A), then S.C. Code § 24-21-560 should also be amended as follows:

(A) Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed, any sentence for a "no parole offense" as defined in Section 24-13-100 must include any term of incarceration and completion of a community supervision program operated by the Department of Probation, Parole, and Pardon Services. No prisoner who is serving a sentence for a "no parole offense" is eligible to participate in a community supervision program until he has served the minimum period of incarceration as set forth in Section 24-13-150. ~~Nothing in this section may be construed allow a prisoner convicted of murder or an inmate prohibited from early release, discharge, or work release by any other provision on law to be eligible for early release, discharge, or work release.~~

The above stricken language appears out of place and does not add anything to this part of the statute, which discusses only community supervision.)

See, also, SCDC Response to Subcommittee (February 19, 2020). See Question #83. (In regards to Operations Law Recommendation #12 and #13, which involve modifying statutes relating to early release, discharge, and community supervision, to update language which appears to no longer apply, are there other statutory provisions that outline when early release or discharge does and does not apply? The term "early release" is not a term of art in the world of criminal sentencing and could apply to several types of release, including parole, medical parole, medical furlough, supervised re-entry, supervised furlough (which we are recommending be repealed in a separate request), and conditional release ["YOA parole"] for youthful offenders. The term "early release" is also mentioned in the statutes dealing with good time credit and earned work and education credit.

The term "discharge," as it relates to inmates, is mentioned in only a few statutes. It is mentioned in S.C. Code 24-21-950, the statute dealing with eligibility for pardons, and it references "discharge" as it relates to discharge from supervision or discharge from a sentence. "Discharge" is also mentioned several times in the Youthful Offender Act. It is a term of art in this Act and is used to describe the point at which a youthful offender is unconditionally released or "discharged" from all obligations under his youthful offender sentence.

The terms "early release" and "discharge" have never applied to 85% inmates. 85% inmates have always been required by S.C. Code 24-21-560 to be released only to community supervision as outlined in that code section.)

<sup>416</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #82. (In regards to Operations Law Recommendation #12 and #13, which involve modifying statutes relating to early release, discharge, and community supervision, to update language which appears to no longer apply, has SCDC discussed this recommendation with the Department of Probation, Parole, and Pardon Services and, if so, what is their position on SCDC's recommendation?

Yes, the Office of General Counsel at SCDC has discussed this recommendation with the Office of General Counsel at PPP. PPP's General Counsel is in agreement with SCDC's recommendation to repeal the supervised furlough statutes.)

<sup>417</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Operations Law Recommendation #5.

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<sup>418</sup> SCDC Response to Subcommittee (February 19, 2020). See Questions #66 and #67. (SCDC does not allow a furlough for any reason other than medical).

<sup>419</sup> SCDC letter to Subcommittee (January 6, 2020).

<sup>420</sup> Ibid. See SCDC Operations Law Recommendation #6.

<sup>421</sup> S.C. House of Representatives, House Legislative Oversight Committee, "Operations Division (March 21, 2019; May 14, 2019; May 29, 2019; and June 4, 2019)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" under, "Meetings and Agency Presentations," and under "Agency presentations during meetings," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Operations%20\(5.29.19%20mtg\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Operations%20(5.29.19%20mtg).pdf) (accessed August 17, 2020). See Slide #199. Hereinafter, "Operations Division Presentation (March 21, 2019; May 14, 2019; May 29, 2019; and June 4, 2019)."

See, also, June 4, 2019 meeting [minutes](#) and [video](#). See archived video part 1 at 2:19:22.

<sup>422</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #68. (In regards to Operations Law Recommendation #6, which relates to day reporting centers, has SCDC discussed this recommendation with the Department of Probation, Parole, and Pardon Services and, if so, what is their position on SCDC's recommendation? Yes, Day Reporting Centers would operate under the sole auspices of PPP as they are utilized as an intermediate sanction that requires the offender to be supervised by a probation officer upon release from SCDC. SCDC has discussed this recommendation and PPP concurs with this recommendation.)

<sup>423</sup> SCDC letter to Subcommittee (June 9, 2020).

<sup>424</sup> S.C. Code Ann. § 24-1-120. See legislative history.

<sup>425</sup> SCDC response to Subcommittee (March 20, 2019). See Question #3. (Is the bond, which is in the agency's deliverable number one and required by S.C. Code Section 24-1-120, still necessary? If not, would the agency have any opposition or concerns about the General Assembly revising or repealing Section 24-1-120? No, the Department would not have any objection to 24-1-120 being repealed.)

<sup>426</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Operations Law Recommendation #7.

<sup>427</sup> S.C. Code Ann. § 24-22-170.

<sup>428</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #70.

<sup>429</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #69. (In regards to Operations Law Recommendation #7, which relates to an offender management system, has SCDC discussed this recommendation with the Department of Probation, Parole, and Pardon Services and, if so, what is their position on SCDC's recommendation?

Yes, SCDC has discussed this recommendation and PPP concurs with this recommendation.)

See, also, SCDC response to Subcommittee (July 2, 2019). See Question #37. (In regard to the offender management system in S.C. Code of Laws Title 24, Chapter 22, please provide the following:

[a] amount of funding needed for the program to be "appropriately funded" as stated in S.C. Code of Laws Section 24-22-150;

The system described in 24-22-20 was terminated July 1, 1995 per section 24-22-170.

[b] whether SCDC has ever utilized the program since passage of the statutes over a quarter century ago and SCDC has no knowledge if this program was ever funded or active.

[i] If yes, during what time periods and what results were obtained from the program?

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Not applicable.

[ii] If no, does SCDC plan to provide the subcommittee recommendations for revision or repeal of Title 24, Chapter 22?

SCDC recommends removal of Title 24-22 as the termination date of the program has passed as written in the code.)

<sup>430</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Operations Law Recommendation #10.

<sup>431</sup> SCDC response to Subcommittee (April 29, 2019). See Question #43.

See, also S.C. Code Ann. § 24-23-10.

<sup>432</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #78. (In regards to Operations Law Recommendation #10, which relates to community correctional programs and a law that has already expired, do you know if the plans for a new statewide community-based correctional programs were ever created and submitted as required in the law? No.)

<sup>433</sup> S.C. Code Ann. § 59-20-60. The full text of the statute is listed below.

S.C. Code Ann. § 59-20-60. Spending priority; audits; evaluations and reports; statewide testing programs; innovation initiatives; school improvement councils; Education Finance Review Committee.

(1) School districts shall give first spending priority of funds allocated under this chapter to full implementation of the defined minimum program.

(2) The State Board of Education shall audit the programmatic and fiscal aspects of this chapter, including the degree to which a school meets all prescribed standards of the defined minimum program and shall report the results in the Annual Report of the State Superintendent of Education. Schools which have been classified as 'dropped' by the defined minimum program accreditation procedures are not eligible for funding in the following fiscal year until an acceptable plan to eliminate the deficiencies is submitted and approved by the State Board of Education.

(3) Each school district board of trustees shall cause the district and each school in the district to develop comprehensive five-year plans with annual updates to outline the District and School Improvement Plans. Districts which have not begun a strategic planning cycle must do so and develop a plan no later than the 1994-95 school year. Districts which have undertaken such a planning process may continue in their planning cycle as long as the process meets the intent of this section and the long-range plans developed or under development can be amended to encompass the requirements of this section. For school year 1993-94, districts may submit either the improvement plan consistent with State Department guidelines or their five-year comprehensive plan.

The State Board of Education shall recommend a format for the plans which will be flexible and adaptable to local planning needs while encompassing certain state mandates, including the early childhood and academic assistance initiative plans pursuant to Section 59-139-10. All district and school plans must be reviewed and approved by the board of trustees. The District Plan should integrate the needs, goals, objectives, strategies, and evaluation methods outlined in the School Plans. Measures of effectiveness must include outcome and process indicators of improvement and must provide data regarding what difference the strategies have made. Staff professional development must be a priority in the development and implementation of the plans and must be based on an assessment of needs. Long and short-range goals, objectives, strategies, and time lines need to be included.

(4) Each plan shall provide for an Innovation Initiative, designed to encourage innovative and comprehensive approaches based on strategies identified in the research literature to be effective. The Innovation Initiative must be utilized by school districts to implement innovative approaches designed to improve student learning and accelerate

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the performance of all students. Funds may be expended on strategies in one or more of the following four categories:

(a) new approaches to what and how students learn by changing schooling in ways that provide a creative, flexible, and challenging education for all students, especially for those at risk. Performance-based outcomes which support a pedagogy of thinking and active approaches for learning must be supported;

(b) applying different teaching methods permitting professional educators at every level to focus on educational success for all students and on critical thinking skills and providing the necessary support for educational successes are encouraged;

(c) redefining how schools operate resulting in the decentralization of authority to the school site and allowing those closest to the students the flexibility to design the most appropriate education location and practice;

(d) creating appropriate relationships between schools and other social service agencies by improving relationships between the school and community agencies (health, social, mental health), parents and the business community, and by establishing procedures that cooperatively focus the resources of the greater community upon barriers to success in school, particularly in the areas of early childhood and parenting programs, after-school programs, and adolescent services.

Funds for the Innovation Initiative must be allocated to districts based upon a fifty percent average daily membership and fifty percent pursuant to the Education Finance Act formula. At least seventy percent of the funds must be allocated on a per school basis for school based innovation in accord with the District-School Improvement Plan. Up to thirty percent may be spent for district-wide projects with direct services to schools. District and school administrators must work together to determine the allocation of funds.

For 1993-94, districts and schools may use these funds for designing their Innovation Initiatives to be submitted to the peer review process established in Section 59-139-10 prior to implementation of the innovations in 1994-95. Notwithstanding any other provisions of law, districts may carry over all unexpended funds in 1993-94, and up to twenty-five percent of allocated funds each year thereafter in order to build funds for an approved program initiative.

(5) An annual district programmatic report to the parents and constituents of the school district must be developed by the local school board. Each report shall include the goals and objectives of the school district, the strategies implemented to meet the goals and objectives, and an evaluation of the outcomes. An annual school report to the parents and constituents of the school must be developed by the School Improvement Council and shall provide information on the school's progress on meeting the school and district goals and objectives. These reports shall be provided by November fifteenth of each year.

(6) Each school board of trustees shall establish an improvement council at each school in the district and this council is to be involved in improvement and innovation efforts at the school. The council shall be composed of at least two parents, elected by the parents of the children enrolled in the school; at least two teachers, elected by the faculty; at least two students in schools with grades nine and above elected by the students; other representatives of the community and persons appointed by the principal. The elected members of the council shall comprise at least a two-thirds majority of the elected and appointed membership of the council. The council should also include ex-officio members such as the principal and others holding positions of leadership in the school or school organizations, such as parent-teacher groups, booster clubs, and federal program advisory groups. Each council shall assist in the preparation of the five-year plan and annual updates required in this section, assist with the development and monitoring of school improvement and innovation, provide advice on the use of school incentive grant awards, and provide assistance as the principal may request as well as carrying out any other duties prescribed by the local school board. The local school board shall make provisions to allow any council to file a separate report to the local school board if the council considers it necessary. However, no council has any of the powers and duties reserved by law or regulation to the local school board. Notwithstanding any other provisions of this subsection, an

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area vocational center's school improvement council must be composed as defined exclusively by federal law. The council shall perform all duties and responsibilities provided for in any state or federal law which applies to these councils.

In order to provide additional accountability for funds expended under statutory requirements, the elected members of the school improvement council shall serve a minimum term of two years. Parents of students or students in their last year of enrollment at an individual school may serve terms of one year only. The terms must be staggered and initially determined by lot. Elections of members to school improvement councils shall occur no later than October fifteenth of the school year. The elections must be organized to ensure that every parent and faculty member has an opportunity to vote each year. Within thirty days following the election, the names, addresses, terms of service, and status of all council members as a parent, teacher, student, or representative of the community must be provided to the School Improvement Council Assistance at the University of South Carolina for the purpose of sharing information. The district board of trustees shall include in its annual district report a summary of the training opportunities provided or to be provided for school improvement council members and professional educators in regard to council-related tasks and a summary of programs and activities involving parents and citizens in the school.

(7) Each school district board of trustees shall:

(a) review each school improvement plan and the annual updates for integration with district plans and objectives and school progress in meeting those goals and objectives;

(b) cause to be prepared an annual written report to account for funds expended in each pupil classification as prescribed by the State Board of Education;

(c) participate in the statewide testing program as prescribed by the State Board of Education;

(d) maintain an ongoing systematic evaluation of the educational program needs in the district and shall develop a comprehensive annual and long-range plan for meeting these program needs. These plans shall include an assessment of needs. At minimum, the process of assessing needs and establishing goals and objectives must be carried out for each of the program classifications specified in Section 59-20-40(1)(c). Each school district board of trustees shall develop and execute a method of evaluating the extent to which the goals and objectives specified in its comprehensive plan are being achieved and shall annually report the results of its evaluation to the people of the school district and to the State Board of Education.

(e) provide a program for staff development for all educational personnel. A portion of the funds in the foundation program must be used for this staff development that may include, but not be limited to:

(1) college courses in education, subject area of certification or management;

(2) teaching center offerings;

(3) State Department of Education workshops; and

(4) district-wide or in-school training for the purpose of fostering professional growth or improving the competency of all educational personnel.

(f) in accordance with the format approved by the State Board of Education, annually submit to the State Board of Education and to the people of the district that district's fiscal report.

(8) The State Department of Education shall:



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(a) develop, by September, 1993, a plan for offering help to districts and schools in designing and implementing the district and school comprehensive improvement plan;

(b) develop, by December, 1993, with approval by the State Board of Education, criteria for monitoring the district and school plans;

(c) review each district's annual fiscal report;

(d) provide assistance to school districts in improving the programs, correcting the deficiencies, and in carrying out its staff development program;

(e) develop or select and field test a competency-based student assessment program;

(f) prepare an annual fiscal and programmatic report to the Governor and the General Assembly each year to assess compliance with this chapter and to make recommendations concerning necessary changes in this chapter;

(g) in compliance with the intent of the chapter, waive the prescribed reporting practices if considered necessary by the State Board of Education and authorize the substitution of alternate reporting practices which accomplish the objectives implied in this section. This waiver may not be utilized to avoid full accountability and implementation of this chapter.

(9) The Legislative Audit Council shall audit to assess compliance with this chapter as requested by the General Assembly. On the basis of these audits, the Legislative Audit Council shall make recommendations to the General Assembly concerning necessary changes in this chapter.

(10) A twelve-member Education Finance Review Committee must be established to advise the General Assembly and review its implementation of this chapter. This advice and review may include, but not be limited to:

(a) the cost of the defined minimum program;

(b) provisions included in the defined minimum program;

(c) the pupil classification weights in Section 59-20-40;

(d) the formula for computing required local effort;

(e) the ongoing evaluation of the education program needs of the school districts.

The committee must be made up of three representatives from each of the following committees of the General Assembly - Senate Education, Senate Finance, House Education and Public Works, and House Ways and Means - appointed by each respective chairman. The committee shall seek the advice of professional educators and all other interested persons when formulating its recommendations.

<sup>434</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Operations Recommendations #11.

<sup>435</sup> SCDC response to Subcommittee (April 29, 2019). See Question #44.

See, also, SCDC response to Subcommittee (July 2, 2019). See Question #5. (Please list, and briefly explain, the different types of inmate releases.

Maxout [Expiration of Sentence]: A mandatory, unconditional release administered by SCDC which occurs when the sum of service time and total credits equals or exceeds the incarcerative term on all convictions.

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Maxout with Probation: A mandatory, conditional release administered by SCDC whereby an inmate is released to the supervision of Department of Probation, Parole and Pardon Services [PPP] upon expiration of the incarcerative terms of all convictions, at least one [1] of which has an unserved probation requirement.

Maxout with Community Supervision: A mandatory conditional release administered by SCDC whereby an inmate is released to Community Supervision under PPP upon serving a mandatory minimum percentage of his/her sentence with or without parole eligibility.

Supervised Furlough IIA [SFIIA]: To allow carefully screened inmates to be placed on furlough from SCDC under the supervision of Probation and Parole Agents from PPP for the purpose of pre-release preparation, securing employment, or obtaining rehabilitation services. The inmate may be released up to six [6] months prior to his/her maxout date. However, s/he must have been in SCDC at least six (6) months, must not have been convicted of a disciplinary infraction within the last six [6] months prior to early release eligibility date, and committed the crime or was convicted between June 14, 1983, and June 13, 1993, on his/her dominant offense for which s/he is currently serving.

Supervised Re-entry: A period of re-entry supervision upon release from incarceration, PPP administers the supervision of these inmates. The inmate shall be released six [6] months prior to his/her maxout date provided that his/her offense date is on or after January 1, 2011, and s/he has served at least two (2) years from the sentence start date, is parole eligible, cannot have Community Supervision upon release, and does not have more than six [6] months' probation to serve upon release.

Parole by PPP: A conditional release administered by PPP. Inmate is eligible when service time, Earned Work Credits (EWC), and/or Earned Educational Credits [EEC] meet or exceed the parole requirements on each conviction, the Parole Board has conducted the review, and an approval entry is entered on the Parole Review [PARREV] screen. Since it is an PPP authorized release, PPP will handle all release coordination, to include coordinating all releases to detaining authorities in which a hold, wanted, or notify has been placed. SCDC's responsibility will be limited to providing data processing reports. The inmate cannot be released from the facility/institution until the parole examiner provides the inmate with a Parole Certificate.

Provisional Parole: A conditional release approved and administered by PPP. Inmates can be released to this program 90 days prior to their parole eligibility date under the supervision of PPP.

Youthful Offender Act [YOA] Parole: The conditional release of an inmate sentenced under the Youthful Offender Act is administered by SCDC. Parole will be based on the inmate's participation in educational and treatment programs, progress, overall adjustment, and behavior.

Release per Court Order: When court orders are received for mandatory release of an inmate.

- *Sentence Remanded/Vacated:* A release which results from a sentence that is overturned in the State Supreme Court, an Appeals Court, or a General Sessions Court due to an inmate having filed a Post-Conviction Relief (PCR) or other appeal. The inmate will be released to the county to await re-sentencing by the Court unless s/he has won an appeal to be released to the "streets" and there are no other sentence obligations.
- *Post-Conviction Relief:* When the inmate claims the conviction is invalid due to certain constitutional violations. Decision to release is based on the Court Order and appeals by the Attorney General's Office.
- *Paid Fine/Discharge:* The inmate has paid a fine requirement as stipulated on the commitment order at the time of sentencing for the conviction which considers the conviction's incarcerative term satisfied, and, if paid, the inmate is released from custody.

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- *Appeal Bond*: The inmate is released on a bond and is pending an appeal of a conviction. If the appeal is denied, the inmate returns to SCDC custody. The decision to release an inmate on bond is based on the Court Order and must cover all indictments/warrants for which the inmate is serving time.)

<sup>436</sup> SCDC response to Subcommittee (April 29, 2019). See Question #44.

See also, SCDC Response to Subcommittee (February 19, 2020). Questions #79, #80, and #81. (Question 79: In regards to Operations Law Recommendation #11, which relates to the furlough program and supervised re-entry program, what are the similarities and differences in the supervised furlough program and the supervised re-entry program?)

#### Supervised Furlough: S.C. Code 24-13-710 and -720 (enacted in 1981)

Supervised furlough under S.C. Code 24-13-710 and -720, enacted in 1981, provides for joint coordination between the Department of Corrections (“SCDC”) and the Department of Probation, Parole, and Pardon Services (“PPP”) to implement a supervised furlough program which permits “carefully screened and selected inmates who have served the mandatory minimum sentence provided by law” and have not committed a violent crime, an 85% offense, or a criminal sexual conduct in the third degree offense, to be released on “furlough” prior to parole eligibility under the supervision of PPP agents “until parole eligibility or expiration of sentence, whichever is earlier.” S.C. Code 24-13-710 provides that an inmate released on furlough must agree to certain searches and seizures if convicted of certain crimes and provides that PPP shall assess a fee to cover costs. The statute also specifies eligibility criteria for release on furlough, including, but not limited to, that an inmate have a clear disciplinary record for six months; that an inmate “demonstrate [to SCDC officials] a general desire” to become law-abiding members of society; that an inmate satisfy any other reasonable requirements imposed by SCDC; that an inmate have an “identifiable need for and willingness” to participate in certain community-based programs and rehabilitation services; and that an inmate was committed to SCDC with a total sentence of five years or less “as the first or second adult commitment for a criminal offense for which the inmate received a sentence of one year or more.” The statute also requires victim notification prior to release on furlough.

S.C. Code 24-13-720, the companion statute to S.C. Code 24-13-710, provides that inmates not convicted of violent or 85% offenses “may” be placed on the furlough described in S.C. Code 24-13-710 within six months of the expiration of sentence and are subject to every rule, regulation, and condition of the program. It also reiterates the provisions in S.C. Code 24-13-710 regarding submission to searches and seizures, and further outlines the conditions of searches and seizures by probation agents or law enforcement officers. Finally, it re-states that an inmate must maintain disciplinary free for at least six months prior to eligibility for placement on furlough.

#### Supervised Re-entry: S.C. Code 24-21-32 (enacted 2011)

Supervised re-entry under S.C. Code 24-21-32 was enacted with an effective date of January 1, 2011. This statute provides that non-85% inmates who have served at least two years of incarceration “shall” be placed on re-entry supervision six months prior to their release date. However, if the sentence included a period of probation, the term of re-entry supervision is reduced by the period of probation. The statute requires that the terms of supervision be developed using evidence-based assessments of needs and risks and that inmates released on supervised re-entry be supervised by probation agents of PPP. Finally, the statute outlines the process by which an inmate who violates the terms of supervision is revoked and returned to SCDC custody.

Question #80: In regards to Operations Law Recommendation #11, which relates to the furlough program and supervised re-entry program, when is the last time SCDC utilized the supervised furlough program?

- Supervised Furlough §§24-13-710 & -720
- Definition: Early release program controlled by SCDC but operated jointly by SCDC and the Department (PPP) pursuant to contract.
  - SF I-§24-13-710 (Last release was June 1, 1995)
    - qualified inmates released into supervision before parole eligibility

- has served mandatory minimum sentence
    - non-violent offenders
  - SFII-§24-13-720 (after 1993 amendment) (Last release was October 7, 2019)
    - committed crime on or after 6-14-1993: not a vested right
    - qualified inmates released into supervision within 6 months of max-out
    - non-violent offenders
  - SFIIA- §24-13-720 (prior to 1993 amendment) (Last release was November 3, 2012)
    - committed crime on or after 6-13-1983 but before 6-14-1993
    - vested right per Plyler v. Moore, 129 F.3d 728 (4<sup>th</sup> Cir. 1997)
    - released into supervision within 6 months of max-out
    - violent & non-violent offenders
- Maximum length of supervision: 6 months
- Fees and other conditions: Same as for probation & parole.
- DETAILS:
  - Some inmates serving sentences for crimes committed on or after June 13, 1983 but before June 14, 1993, are eligible for release on this program (SFIIA).
  - In order to be released, they must be within six months of their release date and must have remained free of disciplinary infractions for six months. DPPPS also must approve the proposed residence before the release can occur.
  - Any offender serving time for a violent offense or a sex-related offense must be placed on electronic monitoring for the duration of time spent on supervised furlough.

Question #81: In regards to Operations Law Recommendation #11, which relates to the furlough program and supervised re-entry program, are there similar provisions in statute that apply to the supervised re-entry program? If so, what are they?

Please refer to the response to Question #79, which discusses both of these statutes in detail. To summarize, the two programs are similar but have some key differences. The supervised furlough statute is permissive in nature, while the supervised re-entry statute is mandatory for inmates who qualify. The supervised furlough statute also has more strict requirements for eligibility and gives wide discretion to “Department of Corrections’ officials” to determine whether an inmate meets these requirements. For example, unspecified SCDC officials are tasked with determining whether an inmate has a “general desire to become a law-abiding member of society” and whether an inmate has an “identifiable need for and willingness to participate in” the program. It also requires that inmates have a total sentence of five years or less and that the sentence be the “the first or second adult commitment for a criminal offense for which the inmate received a sentence of one year or more.” Further, the supervised furlough statute excludes from the program inmates with violent sentences as well as inmates with 85% sentences. Supervised re-entry, on the other hand, allows inmates with violent offenses (but not 85% offenses) to be released to the program and also specifies that any term of probation reduces the period of supervised re-entry.)

<sup>437</sup> SCDC response to Subcommittee (June 20, 2019). See Question #33.

<sup>438</sup> S.C. Code Ann. § 24-13-1910.

<sup>439</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Health Services Division (August 27, 2019; September 16, 2019; and October 1, 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” under, “Meetings and Agency Presentations,” and under “Agency presentations during meetings,” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Health%20Services.pdf> (accessed August 17, 2020). See Slide #119.

<sup>440</sup> SCDC response to Subcommittee (October 29, 2019). See Question #32.

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<sup>441</sup> SFAA-Procurement Response to LOC (January 13, 2020). See Question #1.

<sup>442</sup> Ibid.

<sup>443</sup> Ibid. See Question #4.

<sup>444</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Programs and Re-entry Law Recommendation #3.

<sup>445</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #103.

<sup>446</sup> Ibid. See Question #105.

<sup>447</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Programs, Reentry, and Rehabilitation Division (June 18, 2019; July 24, 2019; and August 12, 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” under, “Meetings and Agency Presentations,” and under “Agency presentations during meetings,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Programs,%20Reentry,%20and%20Rehab%20\(8.12.19\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Programs,%20Reentry,%20and%20Rehab%20(8.12.19).pdf) (accessed August 17, 2020). See Slide #119.

See, also, June 18, 2019 meeting [minutes](#) and [video](#). See archived video at 4:52:06.

<sup>448</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Operations Law Recommendation #3.

See, also, June 9, 2020 email from SCDC to House Legislative Oversight Committee. (SCDC is no longer requesting repeal of Section 24-3-131 because 24-3-131 does not apply only to county property nor apply only to construction of work camps. It would be applicable to any situation covered by 24-3-130 (A) and/or (B).)

<sup>449</sup> SCDC response to Subcommittee (May 24, 2019). See Question #46.

See also, SCDC Response to Subcommittee (February 19, 2020), Question #63. (In regards to Operations Law Recommendation #3, which relates to work camp provisions, in SCDC’s letter to us in May, SCDC did not feel revision or repeal of subsection (C) of 24-3-130 was necessary. Why is the agency now recommending repeal of it? After further review, it was determined that SCDC does not anticipate any use of inmate labor to construct work camps. Therefore, subsection (C) may be repealed.)

<sup>450</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #64.

<sup>451</sup> Ibid. See Question #65.

<sup>452</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Operations Law Recommendation #4.

<sup>453</sup> Operations Division Presentation (March 21, 2019; May 14, 2019; May 29, 2019; and June 4, 2019). See Slide #157.

See, also, June 4, 2019 meeting [minutes](#) and [video](#). See archived video part 1 at 0:06:48.

<sup>454</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Programs and Re-entry Law Recommendation #8.

<sup>455</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #110.

<sup>456</sup> Ibid.

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<sup>457</sup> Ibid. See, also, Question #111. (In regards to Programs and Re-entry Law Recommendation #8, which involves repealing statutes relating to youthful offender reception and evaluation centers, why does SCDC and the Department of Vocational Rehabilitation not maintain a cooperative agreement involving the operation of the SCDC Reception and Evaluation Center for the purpose of providing evaluations/services for youthful offenders? SCDVR reports that the Agency provides vocational evaluations only. Services are currently focused on the Workforce Innovation and Opportunity Act (WOIA) and are federally mandated. SCDVR does currently partner with SCDC to provide pre-employment training services for incarcerated adults housed in pre-release facilities preparing for re-entry, as well as the S.P.I.C.E Program. Please also see response to #110.)

<sup>458</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #111. (S.P.I.C.E. is a faith based community partnership between SCDC, Department of Probation, Parole and Pardon Services, Vocational Rehabilitation Department, and state technical colleges.)

<sup>459</sup> SCDC letter to Subcommittee (January 6, 2020). See SCDC Programs and Re-entry Law Recommendation #9.

<sup>460</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #112.

<sup>461</sup> Ibid. See Question #113.

<sup>462</sup> Ibid.

<sup>463</sup> Ibid.

<sup>464</sup> SCDC response to Subcommittee (April 29, 2019). See Question #47. (What is the agency's interpretation of the difference in the phrase "remain at liberty under supervision" in S.C. Code Section 24-19-140 [Supervisory agents] and the phrase "conditionally released under supervision" used in S.C. Code Section 24-19-120(A) [Time for release of youthful offenders]? A youthful offender permitted to "remain at liberty under supervision" would refer to a youthful offender who is sentenced to a Youthful Offender Act sentence, but is not assigned to an incarcerative term and is instead conditionally released to intensive supervision. Although S.C. Code § 24-19-110 gives the Youthful Offender Division such authority, it would be very rare for this to occur. On the other hand, "conditionally released under supervision" refers to a youthful offender who has served an incarcerative term and is then conditionally released to intensive supervision [YOA parole].)

<sup>465</sup> SCDC Response to Subcommittee (December 18, 2019). See Question #11. (Using the average daily rate for each applicable year during which time each applicable inmate would have been incarcerated had the original max date been utilized instead of the correct max out date. The formula included the average daily rates during 2014, 2015, 2016, 2018, and 2019. Actual dollar amount saved is \$224,050.31)

<sup>466</sup> Ibid.

See, also, September 3, 2020 email from SCDC to House Legislative Oversight Committee (The exception report that notes conviction records where the CDR code entered does not match the CDR code on the corresponding indictment was implemented in 2019).

<sup>467</sup> March 2020 interview of Charles Reid (A representative from SCDC, Wes Sandifer, met with the Clerk of the House of Representatives to discuss options at the beginning of February 2020 and, after discussing needs and capabilities, SCDC was added to the House's list of vendors at the end of February.)

<sup>468</sup> DHEC Response to Subcommittee (October 24, 2019).

<sup>469</sup> Department of Corrections, under "Family," under "Food Grades (link on the right had side of the page)," <http://www.doc.sc.gov/dhec.html> (accessed August 27, 2020).

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<sup>470</sup> SCDC Response to LOC (February 19, 2020). See Question #40.

<sup>471</sup> DHEC Response to Subcommittee (October 24, 2019).

<sup>472</sup> Ibid.

<sup>473</sup> Ibid.

See, also, SCDC Response to Subcommittee (February 19, 2020). See Question #33.

See, also, Agreement between DHEC and SCDC for electronic payment of certified copies of birth certificates of inmates.

<sup>474</sup> DHEC response to Subcommittee (October 24, 2019).

<sup>475</sup> Ibid.

<sup>476</sup> SCCID 2019 RFI. See Report Rec #08.

See, also, SCCID Data Entry Costs.

<sup>477</sup> S.C. Code Ann. § 2-2-10(1).

<sup>478</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (May 3, 2018), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Meetings and Agency Presentations,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/5.3.18\\_Meeting\\_Minutes\\_Full\\_LOC.pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/5.3.18_Meeting_Minutes_Full_LOC.pdf) (accessed January 28, 2020). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=8173&part=1>. Hereinafter, “May 3, 2018 meeting [minutes](#) and [video](#).”

<sup>479</sup> S.C. House of representatives, House Legislative Oversight Committee, “Subcommittees -2019,” under “Committee Information,” under “House Legislative Oversight Committee,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Subcommittees\\_2019.pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Subcommittees_2019.pdf) (accessed January 28, 2020).

<sup>480</sup> A brochure about the House Legislative Oversight’s Committee process is available online. Also, there are ongoing opportunities to request notification when meetings are scheduled and to provide feedback about state agencies under study that can be found online. S.C. House of Representatives, House Legislative Oversight Committee, “Read a brochure about the Committee,” under “Public Participation,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Brochure%205.18.17.pdf> (accessed February 4, 2020).

<sup>481</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Public Participation,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php> (accessed February 4, 2020).

<sup>482</sup> May 3, 2018 meeting [minutes](#) and [video](#).

<sup>483</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (January 28, 2019), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Meetings and Agency Presentations,” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/01.28>.

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[19%20Full%20Committee%20Minutes.pdf](https://www.scstatehouse.gov/video/archives.php?key=8653&part=1) (accessed January 29, 2020).  
<https://www.scstatehouse.gov/video/archives.php?key=8653&part=1>. Hereinafter, “January 28, 2019 meeting minutes and video.”

<sup>484</sup> February 21, 2019 meeting [minutes](#) and [video](#).

<sup>485</sup> March 21, 2019 meeting [minutes](#) and [video](#).

<sup>486</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (May 14, 2019), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Meetings,”  
<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/May%2014,%202019%20-%20Meeting%20Minutes.pdf> (accessed January 29, 2020). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=9484&part=1>.

<sup>487</sup> May 29, 2019 meeting [minutes](#) and [video](#).

<sup>488</sup> June 4, 2019 meeting [minutes](#) and [video](#).

<sup>489</sup> June 18, 2019 meeting [minutes](#) and [video](#).

<sup>490</sup> July 24, 2019, meeting [minutes](#) and [video](#).

<sup>491</sup> August 12, 2019 meeting [minutes](#) and [video](#).

<sup>492</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (August 26, 2019), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Meetings,”  
<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Meeting%20Minutes%20-%20August%2026,%202019.pdf> (accessed January 31, 2020). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=9725&part=1>.

<sup>493</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (August 27, 2019), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Meetings,”  
[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Meeting%20Minutes%20\(August%2027,%202019\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Meeting%20Minutes%20(August%2027,%202019).pdf) (accessed January 31, 2020). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=9741&part=1>.

<sup>494</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (September 16, 2019), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Meetings,”  
<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/September%2016,%202019%20-%20Meeting%20Minutes.pdf> (accessed January 31, 2020). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=9726&part=1>.

<sup>495</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (October 1, 2019), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Meetings,”  
<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/October%201,%202019%20-%20Meeting%20Minutes.pdf> (accessed January 31, 2020). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=9742&part=1>.



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<sup>496</sup> October 2, 2019, meeting [minutes](#) and [video](#).

<sup>497</sup> October 23, 2019, meeting [minutes](#) and [video](#).

<sup>498</sup> November 25, 2019, meeting [minutes](#) and [video](#).

<sup>499</sup> December 11, 2019, meeting [minutes](#) and [video](#).

<sup>500</sup> December 16, 2019, meeting [minutes](#) and [video](#).

<sup>501</sup> January 7, 2020, meeting [minutes](#) and [video](#).

<sup>502</sup> June 22, 2020, meeting minutes and video.

<sup>503</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Visits to SCDC facilities by House Legislative Oversight Committee members (as of December 12, 2019,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” under, “Additional Agency Details,” and under “Other Information,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Visits%20to%20SCDC%20facilities%20by%20House%20Legislative%20Oversight%20Committee%20Members%20\(a%20of%20December%2012,%202019\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Visits%20to%20SCDC%20facilities%20by%20House%20Legislative%20Oversight%20Committee%20Members%20(a%20of%20December%2012,%202019).pdf) (accessed May 1, 2020). Hereinafter, “Visits to SCDC facilities by House Legislative Oversight Committee members (as of December 12, 2019).”

<sup>504</sup> Ibid.

See, also, December 11, 2019, meeting [minutes](#) and [video](#). See archived video at 1:04:07.

See, also, December 16, 2019, meeting [minutes](#) and [video](#). See archived video at 01:38:34.

<sup>505</sup> December 16, 2019, meeting [minutes](#) and [video](#). See archived video at 01:38:34.

<sup>506</sup> Ibid.

<sup>507</sup> December 16, 2019, meeting [minutes](#) and [video](#). See archived vide at 02:16:00.

See, also, May 29, 2019 meeting [minutes](#) and [video](#). See archived video at 0:18:02.

<sup>508</sup> Visits to SCDC facilities by House Legislative Oversight Committee members (as of December 12, 2019).

<sup>509</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Standard Practices,” under Committee Information,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/April%202020%20\(PDF\)%20Standard%20Practices.PDF](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/April%202020%20(PDF)%20Standard%20Practices.PDF) (accessed August 27, 2020). See Standard Practice 12. Hereinafter, “Committee Standard Practice.”

<sup>510</sup> [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/Correction\\_s.php](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/Correction_s.php).

<sup>511</sup> S.C. Department of Corrections, under “Research,” and under “Statistics,” <http://www.doc.sc.gov/research/statistics.html> (accessed August 21, 2020)

<sup>512</sup> SCDC PER. See Agency Legal Directives, Plan and Resources, Question #6.

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<sup>513</sup> S.C. House of Representatives, House Legislative Oversight Committee, “History,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” and under, “Agency Background and Services,”  
<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Agency%20History.pdf> (accessed March 12, 2020).

<sup>514</sup> S.C. House of Representatives, House Legislative Oversight Committee, “2018-19 Agency Accountability Report,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” and under, “Reports, Recommendations, and Implementation,”  
<https://www.scstatehouse.gov/reports/aar2019/N040.pdf> (accessed August 21, 2020).  
See pages 25-76. Hereinafter, “2018-19 SCDC Accountability Report.”

<sup>515</sup> SCDC PER. See Agency Legal Directives, Plan & Resources, Question #7.

<sup>516</sup> Ibid.

<sup>517</sup> SCDC PER.

See, also, September 14, 2020 email from SCDC to House Legislative Oversight Committee (In February 2020, SCDC split the Health Services Organizational Unit in two, making Behavioral Health a separate unit).

<sup>518</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Organization chart and overview of divisions (2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” and under, “Agency Background and Services,”  
<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Org.%20Chart%20and%20Overview%20of%20Divisons.pdf> (accessed August 25, 2020).

See, also, September 14, 2020 email from SCDC to House Legislative Oversight Committee (In February 2020, SCDC split the Health Services Organizational Unit in two, making Behavioral Health a separate unit).

<sup>519</sup> SCDC PER. See Agency Legal Directives, Plan & Resources, Question #8.

<sup>520</sup> Ibid. See Deliverables Chart.

<sup>521</sup> Ibid. See Performance Measures Chart.

<sup>522</sup> S.C. Code Ann. § 1-30-10.

<sup>523</sup> S.C. House of Representatives, House Legislative Oversight Committee, “2015 Restructuring and Seven-Year Plan Report,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” and under, “Reports, Recommendations, and Implementation,”  
<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2015AgencyRestructuringandSevenYearPlanReports/2015%20Department%20of%20Corrections.pdf> (accessed August 21, 2020).

<sup>524</sup> S.C. House of Representatives, House Legislative Oversight Committee, “2016 Annual Restructuring Report,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” and under, “Reports, Recommendations, and Implementation,”  
<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2016%20ARR/2016%20ARR%20-%20Corrections.pdf> (accessed August 21, 2020).

<sup>525</sup> 2018-19 SCDC Accountability Report.

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<sup>526</sup> A brochure about the House Legislative Oversight’s Committee process is available online. Also, there are ongoing opportunities to request notification when meetings are scheduled and to provide feedback about state agencies under study that can be found online.  
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Brochure%205.18.17.pdf> (accessed February 4, 2020).

<sup>527</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Public Participation,”  
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php> (accessed February 4, 2020).

<sup>528</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Press Release Announcing Survey (July 17, 2018),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Public Survey and Public Input,”  
[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/AeronauticsCommission/Press%20Release%20Announcing%20Public%20Survey%20\(July%2017,%202018\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/AeronauticsCommission/Press%20Release%20Announcing%20Public%20Survey%20(July%2017,%202018).pdf) (accessed February 4, 2020). Hereinafter “Press Release Announcing Survey.”

<sup>529</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Survey Results (July 17 – August 20, 2018),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Public Survey and Public Input,”  
[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Public\\_Survey\\_JulAug2018.PDF](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Public_Survey_JulAug2018.PDF) (accessed February 4, 2020). Hereinafter “Results of July and August 2018 Survey.”

<sup>530</sup> Committee Standard Practice 10.4.

<sup>531</sup> Press Release Announcing Survey.

<sup>532</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Submit Public Input,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee”  
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php> (accessed February 4, 2020).

<sup>533</sup> Results of July and August 2018 Survey.

<sup>534</sup> Ibid.

<sup>535</sup> Committee Standard Practice 10.4.5 allows for the redaction of profanity.

<sup>536</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Public Input received via House Legislative Oversight Committee webpage,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Public Survey and Public Input,”  
<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/Corrections.php> (accessed February 25, 2020).

<sup>537</sup> Also, the chair of either the Committee or the Department of Corrections Ad Hoc Subcommittee has the discretion to allow testimony during meetings.

<sup>538</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Press Release Inviting the Public to Provide Testimony (January 2, 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of,” and under “Public Survey and Public Input,”  
[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Press\\_Release\\_Jan2019.pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Press_Release_Jan2019.pdf) (accessed February 25, 2020).

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<sup>539</sup> January 28, 2019 meeting [minutes](#) and [video](#).

<sup>540</sup> Counties represented through public testimony included, but were not limited to, Greenville, York, Laurens, Richland, Colleton, Sumter, and Berkeley.

<sup>541</sup> Below are how the individuals providing public testimony identified themselves and the meeting(s) in which they testified.

#### Male former inmates (2)

- Mr. James Siegler – January 28, 2019 meeting [minutes](#) and [video](#).
- Mr. Lester Young - December 16, 2019, meeting [minutes](#) and [video](#).

#### Female former inmates (3)

- Ms. Ariel Bell – January 28, 2019 meeting [minutes](#) and [video](#).
- Ms. Audra Haney - January 7, 2020, meeting [minutes](#) and [video](#).
- Ms. Tonya O’Rear - January 7, 2020, meeting [minutes](#) and [video](#).

#### Individuals who have or have had sons, daughters, fathers, or friends incarcerated (9)

- Mr. Ralph Bell (Father of someone previously incarcerated) – January 28, 2019 meeting [minutes](#) and [video](#) and March 21, 2019 meeting [minutes](#) and [video](#).
- Mr. Joseph Fischer (Father of male inmate) – January 28, 2019 meeting [minutes](#) and [video](#).
- Ms. Cindy Quattlebaum (Mother of former female inmate) – January 28, 2019 meeting [minutes](#) and [video](#).
- Ms. Dawn Simmons (Mother of someone currently incarcerated) – January 28, 2019 meeting [minutes](#) and [video](#).
- Ms. Tia Simmons (Family and friend of individuals previously or currently incarcerated) – January 28, 2019 meeting [minutes](#) and [video](#).
- Ms. Susan DeMarco (Friend of male inmate) – January 28, 2019 meeting [minutes](#) and [video](#).
- Ms. Teresa Lawson (Owner of pre-school for children with incarcerated parents) – January 28, 2019 meeting [minutes](#) and [video](#).
- Ms. Hardison (Mother of someone currently incarcerated) - November 25, 2019 meeting [minutes](#) and [video](#).
- Ms. Ashley Price (Daughter whose father is incarcerated) - December 16, 2019, meeting [minutes](#) and [video](#).

#### Volunteers at Correctional Institutions (4)

- Ms. Nancy Bloodgood (Volunteer teacher at Lieber Correctional Institute) – January 28, 2019 meeting [minutes](#) and [video](#).
- Mr. Paul Palmer (Volunteer at Broad River Correctional Institute) – January 28, 2019 meeting [minutes](#) and [video](#).
- Ms. Cathleen DeCourcy (Volunteer at Ridgeland CI) – January 28, 2019 meeting [minutes](#) and [video](#) and December 16, 2019, meeting [minutes](#) and [video](#).
- Ms. Nancy Kreml (Volunteer for education services) - November 25, 2019 meeting [minutes](#) and [video](#).

#### Former agency employees (3)

- Mr. Stan Burt (Former warden of Lieber Correctional Institute) – January 28, 2019 meeting [minutes](#) and [video](#).
- Reverend Charles Pollak (Former employee of SCDC) – January 28, 2019 meeting [minutes](#) and [video](#) and December 16, 2019, meeting [minutes](#) and [video](#).
- Ms. Barbara Kelly (Former qualified mental health professional at Broad River CI) - November 25, 2019 meeting [minutes](#) and [video](#).

#### Current agency employees testifying in their role as members of the public about issues they see at the agency (2)

- Ms. Christa Williams - October 23, 2019, meeting [minutes](#) and [video](#).
- Dr. Pamela Crawford - October 23, 2019, meeting [minutes](#) and [video](#).

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#### Community activist working with crime victims (1)

- Ms. Laura Hudson - January 7, 2020, meeting [minutes](#) and [video](#)

#### Community activists or individuals working with inmates (13)

- Mr. Curtis Johnson (Community activist and pastor) – January 28, 2019 meeting [minutes](#) and [video](#).
- Ms. Traci Fant (Community activist) – January 28, 2019 meeting [minutes](#) and [video](#).
- Ms. Efia Nwangaza (Community activist) – January 28, 2019 meeting [minutes](#) and [video](#).
- Ms. Erica Felder (Organization working with inmate families) – January 28, 2019 meeting [minutes](#) and [video](#).
- Ms. Teresa Bebeau (Member of advocacy group) – July 24, 2019, meeting [minutes](#) and [video](#) and June 22, 2020, meeting minutes and video.
- Ms. Kathy Martin (Policy Attorney for Protection and Advocacy for People with Disabilities (P&A), also involved in lawsuit regarding mental health resources) – January 28, 2019 meeting [minutes](#) and [video](#) and October 23, 2019, meeting [minutes](#) and [video](#).
- Ms. Beth Franco Executive Director for P&A) - October 23, 2019, meeting [minutes](#) and [video](#).
- Mr. Stuart Andrews (Private attorney for class of inmates suing SCDC related to mental health resources and working to get settlement implemented) – January 28, 2019 meeting [minutes](#) and [video](#) and November 25, 2019 meeting [minutes](#) and [video](#).
- Ms. Shirene Hansotia (American Civil Liberties Union staff) - December 16, 2019, meeting [minutes](#) and [video](#).
- Mr. Carter Elliott (Attorney who frequently represents inmates in lawsuits) - December 16, 2019, meeting [minutes](#) and [video](#).
- Ms. Nadia Sales (Community activist) - December 16, 2019, meeting [minutes](#) and [video](#).
- Ms. Louisa Tobias (Retired teacher from DJJ and advocate for juveniles and adults incarcerated) - December 16, 2019, meeting [minutes](#) and [video](#).
- Ms. Christy Moss (SC Advocacy for the Incarcerated Individuals community activist) - January 7, 2020, meeting [minutes](#) and [video](#).

#### Representatives involved with programs in other states (1).

- Mr. Eddie Caldwell, Executive Vice President and General Counsel, North Carolina Sheriffs' Association - October 1, 2019 meeting [minutes](#) and [video](#).

<sup>542</sup> Below are the individuals involved in inmate programs, and the SCDC inmate classification consultant, that provided testimony to the ad hoc committee.

#### Academy of Hope inmate program

- Mr. Norman – July 24, 2019, meeting [minutes](#) and [video](#).
- Mr. Dean – July 24, 2019, meeting [minutes](#) and [video](#).
- Mr. Patterson – July 24, 2019, meeting [minutes](#) and [video](#).

#### JumpStart inmate program

- Mr. Moore – July 24, 2019, meeting [minutes](#) and [video](#).

#### Classification consultant

- Dr. James Austin - October 23, 2019, meeting [minutes](#) and [video](#).

<sup>543</sup> January 7, 2020, meeting [minutes](#) and [video](#).

<sup>544</sup> S.C. House of Representatives, House Legislative Oversight Committee, “SCDC status of implementing LAC recommendations (February 19, 2020),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Corrections, Department of” under “Reports, Recommendations, and Implementation,” and under “Other Related External Reports, Reviews, Audits, and Studies,” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SCDC%20status%20of%20implementing%20LAC%20recommendations.pdf> (accessed April 30, 2020).

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See, also, SCDC Response to Subcommittee (February 19, 2020). See Question 41.

See, also, September 3, 2020 email from SCDC to House Legislative Oversight Committee (In regards to LAC Recommendation #31, SCDC is in 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.

In regards to LAC Recommendation #64, SCDC states the Division of Quality Improvement & Risk Management completed and provided the Office of Operations with a report demonstrating ongoing disparities in uses of force involving inmates with a MH classification. A root cause to determine the specific reasons for the increasingly disproportionate uses of force has not been completed.

In regards to LAC Recommendation #77, SCDC states the Division of Quality Improvement & Risk Management continues to monitor SCDC's compliance with the components of the MH Settlement Agreement, to include the recommendations made by the external implementation panel.).

<sup>545</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #44.

See, also, S.C. House of Representatives, House Legislative Oversight Committee, "Funding for SCDC by source (FY 2016-17 - FY 2018-19)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" under, "Additional Agency Details," and under "Agency Finances," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Funding%20for%20SCDC%20by%20source%20\(FY%202016-17%20-%20FY%202018-19\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Funding%20for%20SCDC%20by%20source%20(FY%202016-17%20-%20FY%202018-19).pdf) (accessed April 22, 2020). Hereinafter, "Funding for SCDC by source (FY 2016-17 - FY 2018-19)."

See, also, June 9, 2020 email from SCDC to House Legislative Oversight Committee.

<sup>546</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #45.

See, also, Carryforward utilization (FY 2014-15 - FY 2018-19).

<sup>547</sup> Dayne Haile, Executive Assistant to Director of the Department of Corrections, email message to House Legislative Oversight Committee Legal Counsel, Charles Appleby, July 28, 2020.

<sup>548</sup> S.C. House of Representatives, House Legislative Oversight Committee, "Facilities and major components age and date of replacement," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" under, "Additional Agency Details," under "Inmate Classification and Housing," and under "Facilities,"

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Facilities%20and%20major%20components%20age%20and%20date%20of%20replacement.pdf> (accessed April 22, 2020).

<sup>549</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #35.

<sup>550</sup> Ibid.

<sup>551</sup> Ibid.

<sup>552</sup> October 23, 2019, meeting [minutes](#) and [video](#). See archived video part 2 at 1:16:15

<sup>553</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #34.

<sup>554</sup> SCDC response to Subcommittee (August 22, 2019). See Question #23.

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<sup>555</sup> Dexter Lee, Legislative Liaison for Department of Corrections interviewed by Charles Appleby, Legal Counsel for the House Legislative Oversight Committee, June 2020.

See, also, SCDC letter to Subcommittee (January 6, 2020). See SCDC Programs and Re-entry Law Recommendation #6.

<sup>556</sup> SCDC response to Subcommittee (August 22, 2019). See Question #23.

<sup>557</sup> Ibid.

<sup>558</sup> S.C. House of Representatives, House Legislative Oversight Committee, "Sentencing range discussion," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" under, "Additional Agency Details," under "Inmate Classification and Housing," and under "Classification and Common Risk Assessment,"  
<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/Sentencing%20Range%20Discussion.pdf> (accessed April 20, 2020).

<sup>559</sup> Ibid.

<sup>560</sup> October 23, 2019, meeting [minutes](#) and [video](#). See archived video part 2 at 1:22:29.

<sup>561</sup> Ibid.

<sup>562</sup> Ibid.

<sup>563</sup> S.C. House of Representatives, House Legislative Oversight Committee, "SFAA Division of Procurement response to Subcommittee (February 5, 2020)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" and under, "Correspondence,"  
[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SFAA%20response%20to%20Subcommittee%20\(Feb%205,%202020\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/SFAA%20response%20to%20Subcommittee%20(Feb%205,%202020).pdf) (accessed August 17, 2020). Hereinafter, "SFAA-Procurement Response to Subcommittee (February 5, 2020)."

<sup>564</sup> Ibid.

See, also, S.C. Code Section 11-35-5230.

<sup>565</sup> SFAA-Procurement Response to Subcommittee (February 5, 2020).

<sup>566</sup> "Policies and Guidance for Establishment and Maintenance of Permanent Improvement Projects (January 2018)," under Department of Administration, under "Services," under "Service Areas," under "Budget," under "Planning for Capital Improvements," and under "Capital Manual,"  
<https://www.admin.sc.gov/sites/default/files/budget/PIP%20Manual%202018%20%287%29%20with%20Ribbons.pdf> (accessed August 27, 2020). See Page 9-10 (Moreover, any agency that has been authorized or appropriated capital improvement bond funds, capital reserve funds or state appropriated funds by the General Assembly for capital improvements must process a permanent improvement project, regardless of the amount. In addition, any agency proposing to transfer appropriated operating funds to a permanent improvement project must process a permanent improvement project, regardless of the amount. See S.C. Code Section 2-47-50. ... Under current policies, projects with costs less than \$100,000 are exempt from committee review and board approval; however, each agency may be required to report on these exempted expenditures in accordance with the Comprehensive Permanent Improvement Plan process or as requested by the committee or the authority.) Hereinafter, "Policies for Permanent Improvement Projects."

<sup>567</sup> Policies for Permanent Improvement Projects. See Page 55.

<sup>568</sup> Ibid. See Page 28.

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<sup>569</sup> Ibid. See Page 56.

<sup>570</sup> Ibid.

<sup>571</sup> SCDC Response to Subcommittee (February 19, 2020). See Questions #84 and #85. (Question #85: SCDC's director has testified on multiple occasions before the Joint Bond Review Committee and SFAA as to the length of time it takes to acquire needed approvals.)

<sup>572</sup> Policies for Permanent Improvement Projects. See Page 62 (Department of Natural Resources requested an exemption of the maintenance or repair/replacement of existing roads and dikes on any DNR-owned land or DNR-controlled state lands from the usual permanent improvement process.

"This exemption was adopted by the Joint Bond Review Committee on December 5, 2017. [The Joint Bond Review Committee approved] the Department of Natural Resources request for exemption of the maintenance or repair/replacement of existing roads and dikes on any DNR-owned land or DNR-controlled state lands from the usual permanent improvement process. Instead, DNR will submit the paperwork necessary to establish the permanent improvement project for review by JBRC staff; the projects will be reported to JBRC at the next meeting.

This exemption was also addressed by the State Fiscal Accountability Authority on December 12, 2017.

The Authority approved the Department of Natural Resources' request for a permanent improvement project for maintenance or repair/replacement of existing roads and dikes on any DNR-owned land or DNR-controlled state lands, approval authority is delegated to the Authority's Executive Director. DNR will submit the paperwork necessary to establish the permanent improvement project. Projects will be reported at the next regularly-scheduled Authority meeting.")

<sup>573</sup> SCDC response to Subcommittee (October 29, 2019). See Question #14.

<sup>574</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #20.

<sup>575</sup> Ibid.

<sup>576</sup> Ibid.

<sup>577</sup> A Limited Review of SCDC by the Legislative Audit Council - Full Report (August 26, 2019). See Recommendation #47.

<sup>578</sup> SCDC Response to Subcommittee (December 18, 2019). See Question #26.

See, also, S.C. House of Representatives, House Legislative Oversight Committee, "P&A response to Subcommittee (December 13, 2019)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Corrections, Department of" and under, "Correspondence," [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/P&A%20response%20to%20LOC%20\(December%2013,%202019\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/Corrections/P&A%20response%20to%20LOC%20(December%2013,%202019).pdf) (accessed August 17, 2020). Hereinafter, "P&A response to Subcommittee (December 13, 2019)."

See, also, October 23, 2019, meeting [minutes](#) and [video](#). See archived video part 2 at 0:03:40 and 0:12:14.

See, also, November 25, 2019, meeting [minutes](#) and [video](#). See archived video at 3:34:47 and 4:33:54.



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See, also, September 3, 2020 email from SCDC to House Legislative Oversight Committee (SCDC states this function is currently being performed from the Director's Office).

<sup>579</sup> SCDC Response to Subcommittee (December 18, 2019). See Questions #26(f) and (g). (The Inmate Grievance Branch through its Inmate Grievance Coordinators, who are located at every correctional institution at SCDC, prepares a Monthly Grievance Statistical Report by the fifth of each month that displays the number of inmate grievances filed by dorm and type. The issues/complaints raised by inmates in grievances are often indicative of personal and/or institutional concerns. The data generated from the grievances are discussed at Warden's Monthly Dashboard Meetings. The data is also used by the Warden and his/her staff to address issues so that remediation and preventative measures can be implemented.)

<sup>580</sup> Ibid. See Question #26(f).

<sup>581</sup> Ibid. See Question #26(d).

<sup>582</sup> Ibid. See Question #26(a) and (b).

<sup>583</sup> P&A response to Subcommittee (December 13, 2019). See Question #2 (Washington, California, Florida, Indiana, Michigan, Nebraska, New Jersey, Texas).

See, also, "American Bar Association Criminal Justice Section Report to the House of Delegates," (August 2008) <https://www.prearesourcecenter.org/sites/default/files/library/abacriminaljusticesectionreporttothehouseofdelegates.pdf> (accessed August 26, 2020).

<sup>584</sup> SCDC Response to Subcommittee (January 16, 2020). See Question #6. (SCDC is also in the process of implementing tablets statewide, which will also assist in acclimating our inmate population to current technology.)

<sup>585</sup> Ibid.

<sup>586</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #22.

<sup>587</sup> December 11, 2019, meeting [minutes](#) and [video](#). See archived video at 1:07:13.

See, also, SCDC Response to Subcommittee (February 19, 2020). Question #22.

<sup>588</sup> S.C. Code Ann. §§ 24-9-50 and 24-13-50.

(S.C. Code Ann. § 24-9-50. Reports on detention facilities to the Department of Corrections; electronic reporting. (A) Each local governmental entity responsible for a municipal, county, regional, or multijurisdictional detention facility shall report to the Department of Corrections, at the times and in the form required by the department, data and information prescribed by the department:

(1) for the classification and management of inmates who receive sentences greater than three months; and  
(2) on the classification and management of inmates who are in pretrial status and inmates who receive sentences to be served locally.

(B) Data and information authorized in the Minimum Standards for Local Detention Facilities in South Carolina for the operation and management of a statewide jail information system shall be reported to the department by each local governmental entity.

(C) To the greatest extent possible, reports should be submitted through a means of electronic data transfer approved by the department. If it is not possible for a local governmental entity to submit reports through the approved means of electronic data transfer, it shall certify such to the department. The department and the respective local governmental entity shall determine a suitable alternative means for submission of reports until such time as the local governmental entity is able to electronically transfer data in the manner approved by the department.

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S.C. Code Ann. § 24-13-50. Monthly reports required from municipal and county facility manager responsible for custody of convicted persons.

Every municipal and county facility manager responsible for the custody of persons convicted of a criminal offense on or before the fifth day of each month must file with the Department of Corrections a written report stating the name, race, age, criminal offense, and date and length of sentence of all prisoners in their custody during the preceding month.)

<sup>589</sup> Legal and Compliance Division Presentation (October 2, 2019 and December 11, 2019).

<sup>590</sup> SCDC Response to Subcommittee (February 19, 2020). See Question #9.

<sup>591</sup> Ibid.

<sup>592</sup> Ibid.

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**Committees:**

Agriculture, Natural Resources and  
Environmental Affairs  
Legislative Oversight

**House of  
Representatives**

State of South Carolina

September 11, 2020

**Member Statement  
for the Ad Hoc Committee Study of the Department of Corrections**

Having requested an investigation into the South Carolina Department of Corrections (SCDC) and served on the ad hoc committee established to review the agency, I have a sincere appreciation for the people who work for SCDC in so many different capacities. The public service and professionalism I have observed of so many is not unnoticed; I thank all of the SCDC personnel who provided presentations and responded to requests during the past 24 months. Also, I thank SCDC administration for scheduling visits to agency facilities and granting me unhampered access to inmates and staff during unannounced visits.

During the legislative oversight process, I have learned a great deal about SCDC and am pleased to see the beginnings of progress. Nevertheless, I am compelled to write this statement to express my firm belief the issuance of a report does not vindicate SCDC from allegations made by the public nor indicate the resolution of all issues.

To advance progress, much work remains ahead for SCDC and the General Assembly. However, I believe SCDC must have time to focus on addressing the problematic areas highlighted in this report, as opposed to continually meeting with us. Further, the General Assembly must address the law changes outlined in the report.

A fundamental step necessary to advance progress is for SCDC to focus on the care it provides to those housed within confines of its walls. While society demands convicted offenders must pay a penalty for their actions, they are still humans and should be treated as such. Elected officials can no longer believe the answer is to lock convicted offenders, which are individuals, behind closed walls and throw away the key.

To earn the respect of these individuals, so that upon release they become productive members of society, we must first show respect. How these individuals are treated and what they learn prior to discharge from SCDC will impact their actions upon release. When these individuals return to their communities, we want them to be in a better, not worse, place after incarceration.

As SCDC plays such a critical role in the future of these individuals, I will continue to monitor the agency's efforts and loudly voice any concerns. The work of this agency is of vital importance to our state. By working together, I am confident progress can and will continue.

The Honorable Robert Q. Williams  
Ad Hoc Committee Member  
SC House of Representative District 62 – Darlington and Florence Counties