

Legislative Oversight Committee's
Study of the Department of Corrections
October 5, 2020



Legislative Oversight Committee's

Department of Corrections
Ad Hoc Committee

Hon. Micajah P. "Micah" Caskey, IV



Hon. Joseph H. Jefferson, Jr.



Hon. Edward R. Tallon Sr., Chair



Hon. Gary E. Clary



Hon. Jeffrey E. "Jeff" Johnson



Hon, Chandra E. Dillard



Hon. Robert Q. Williams



Committee Website

Step 1: Visit www.scstatehouse.gov

South Carolina Legislature

Step 2: Click "Citizens Interest" at top

Committee Postings and Reports Legislative Council Citizens' Interest Publications

Step 3: Click "Agency Oversight by House Legislative Oversight Committee"

A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q |

[A, B, C, D, E]

Agency Oversight by House Legislative Oversight Committee

Step 4: Scroll down to Agencies on Seven-Year Study Cycle, and click on "Corrections, Department of"

Agencies on Seven-Year Study Cycle

Click on an agency's name below to obtain currently under study. Once a full committee dy is issued, it is noted in parenthesis after the a Corrections, Department of*

Corrections, Department of*

Agency History



1866

- lav
- o South Carolina Legislature transfers control of convicted and sentenced felons from the counties to the state
- Facilities
 - Legislature appropriates \$65,000 for construction and maintenance of a State Penitentiary (this is the agency's first facility)
- Organizational structure
 - Thomas B. Lee is named architect, engineer, and first superintendent of the State Penitentiary. He serves as superintendent from 1866-1869

1866-1900

- Inmate count: 201 (January 1869)
 - In the next 30 years, the inmate count increases 300% to 795 by the end of 1900.
- Organizational structure (Superintendents)
 - Thomas B. Lee (1866-1869)
 - o Carlos J. Strolbrand (1869-1873)
 - John B. Dennis (1873-1875)
 - o Theodore W. Parmele (1875-1879)
 - o Thomas J. Lipscomb (1879-1891)
 - o W. J. Talbert (1891-1893)
 - o W. A. Neal (1893-1899)
 - o D. J. Griffin (1899-1917)
- Inmate work
 - o Inmate labor was used for various prison industries and construction projects across the state.
 - Prison industries consisted of machine shops, carpentry, blacksmith, weaving, shoe and tailoring shops.
 Inmate labor was used in the construction of Clemson, Winthrop, and Claflin colleges, as well as the State Hospital.
 - Farming operations to support the Penitentiary began at the site of what is now the Wateree River Correctional Institution.
- Facilities
 - o Wateree River Correctional Institution opens (1892) (agency now has a total of 2 facilities)

Organizational Chart

as of February 2020



Services and Performance Metrics

Deliverable	Associated Laws	Is deliverable Required or Allowed by law?
Notify victims before authorizing a inmate for work release Legislative Intent in enabling Act: See Note 8 in "Deliverables Chart - Notes"	24-3-20 (B)	Require
Deny work release for a inmate based on feedback from victims Legislative Intent in enabling Act: See Note 3 in "Deliverables Chart - Notes"	24-3-20 (B)	Allow
Deny work release for a inmate based on other reasons in 24-3-20(B) Legislative Intent in enabling Act: See Note 3 in "Deliverables Chart - Notes"	24-3-20 (B)	Require
Ensure all inmates assigned work detail outside of the jail wear a statewide uniform, except those exempt by the agency director	24-13-640	Require
Collect inmate wages from employers	24-3-40(A)	Require
Make appropriate deductions from inmate wages	24-3-40(A)	Require
Return appropriate wages to inmate at release	24-3-40(B)	Require

Revenue Sources and Carryforward

(Example excerpts below)

	Appropriated and authorized to spend by the end of									
Revenue Source	Statutory or other requirements on how funds can or must be used, if any	2016-17	% of total allowed to spend	2017-18	% of total allowed to spend	2018-19	% of total allowed to spend	Recurring or one- time?	State, Federal , or Other?	Whether revenue is generated or received?
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	84.35%	\$454,547,792	87.35%	\$454,639,446	86.84%	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

FY19 Remaining Budget Carryforward (Personnel Services: \$1,047,673; Operations: \$7,890,057)	\$8,937,730	
Priority during FY20	Amount Spent	Percentage of total
Projects - Phase II (JBRC Approval)		
9754 Kirkland CI Boiler	\$891,425	9.97%
9755 Manning Cl 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	

Note: Images above are only parts of the tables with information on revenue and carryforward utilization.

Total amount SCDC was allowed to spend each year was as follows: 2016-17 = \$519,795,015; 2017-18 = \$520,384,002; 2018-19 = \$523,526,246.

- Reports, Recommendations, and Implementation
- Meeting Agency Presentations
- + <u>Public II</u>
- + Corresp nc
- Agency around and Services
- Additional Agency Details

- Additional Agency Details

- + Assault, Abuse, and Misconduct of Inmates and Sta
- + Inmate Deaths
- + Inmate Intake and Data
- + Inmate Classification and Housing (including age a

other Outcomes

- + Inmate Population and Daily Life (including in
- + Inmate Health Services
- + Inmate Programs
- + Inmate Release, Recidivis
- + Crime Victim Serv
- + Agency Finances
- + Employees and Volunteers
- + Other Information

Committee Website Agency Finances

- Agency Finances

- Funding for SCDC by source (FY 2016-17 FY 2018-19)
- Expenditures per inmate S.C. versus other southeastern
- Expenditures per inmate in S.C. (FY 2013-14 FY 2018-19)
- Health services in prisons costs and quality report from I
- Health services spending per inmate S.C. v. other states
- Health services spending per inmate S.C. v. southeastern
- 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
- Pharmacy expenditures at SCDC for HIV (2008 2019)
- Cost avoidance attributable to 340B drug buying program
- Funding received per pupil all S.C. school districts (FY 20
- Funding received per pupil SCDC school district (PUSD)
- Prison industry program financial statement (FY 2018-19)
- Costs paid by SCDC for prepaid legal coverage (CY 2011 -
- Amount spent to advertise open positions (February 2017)
- 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)

Member Visits (scheduled and unscheduled)

Member	Туре	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 Cl
Rep. Henegan	Scheduled	7/9/19	1:00 p.m.	Evans Cl
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 Cl
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 Psychiatric Hospital
Reps. Tallon, Clary, and Caskey	Scheduled	10/28/19	3:00 p.m.	Kirkland CI, Reception and Evaluation, and Inmate Records
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 Cl
Rep. Williams	Unscheduled	12/5/19	3:15 p.m.	Perry Cl

Example photos of inmate meal time







Requested Audit by Legislative Audit Council



K. Earle Powell Director



Madison Esterle, Auditor Courtney Phillips, Senior Auditor



Marcia A. Lindsay Deputy Director



Jacob Dominy, Auditor Trent Anderson, Auditor



Legislative Audit Council

August 2019

A LIMITED REVIEW OF THE S.C. DEPARTMENT OF CORRECTIONS



Meeting Discussions

January 28, 2019 Full Committee

The full Committee holds **Meeting #2** with SCDC to receive public testimony about it and the Aeronautics Commission.⁴⁸³ 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 Burtt;
- 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. ⁴⁸⁴ 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.

The information below is typically only updated when an agency.

- + Reports, Recommendations, and Implementation
- + Meetings and Agency Presentations
- + Public Input
- + Correspondence
- + Agency Background and Services
- + Additional Agency Details

Committee Website Meeting Discussions and Videos

- Tuesday, January 7, 2020 at 10:30 a.m. (Blatt 110)
 Ad hoc committee to study the Department of Corrections
 - Meeting Packet
 - SCDC recommendations for changes in law
 - Agency Handout xamples of cases related to cell phones
 - Meeting Minutes
 - Discussion of agency begins at 3:43 in the archived video

Finding Categories

Services required and outcomes expected

Resources available

Progress made, but more is necessary

Services Required and Outcomes Expected

Finding #1

While the population of SCDC is diverse, the highest percentage of individuals housed in SCDC's facilities are convicted of homicide

Finding #2

Incarceration at SCDC is expected to punish, contain, and rehabilitate inmates

Individuals SCDC Serves

Of all the individuals *in* the state correctional system in 2018:

- More than 1 in every 5 was convicted of homicide (21.0%),
- More than 1 in every 5 had a medical program/work restriction (21.5%).

Of all the individuals *entering* the state correctional system in 2018:

- More than 1 in every 3 did not have a high school diploma or GED (42.35%), and
- More than 3 in every 4 will be released in five years or less (77.44%).

Outcomes Expected

Stated in legislation and/or by constituents

Punishment

Containment

Rehabilitation

Findings from the Sentencing Guidelines Act:

The purpose of the provisions governing the sentencing of a person convicted of a crime is to prescribe sanctions that:

- (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; and
- (3) provide for punishment that is necessary to hold the offender accountable for the crime and promote respect for the law.

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.

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.

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

Top Three Funding Sources for SCDC

Revenue Source		of total revenu allowed to sper	•	Statutory or other requirements on how funds can or must be used, if
1,000,140,000	2016-17	2017-18	2018-19	any
General Fund	84.35%	87.35%	86.84%	As provided in General Appropriations Act
Sale of goods through Prison Industries Program	4.42%	4.42%	4.39%	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)
Canteen Operations Revenue	3.21%	3.21%	3.19%	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)

Age of Buildings and Years Past Expected Life of Major Components Examples

Age of building (in years)	Facility name and year opened	Number of buildings	Number of years past expected life of son	ne major components within the buildings
128	Wateree River Correctional Institution (CI) (1892)	6 dorms, 15 support buildings	34 - fire alarm institution wide 20 - electrical loop institution wide^	20 - transformer institution wide^ 10 - switch gear institution wide^
58	Manning Cl (1962)	3 dorms, 11 support buildings	28 - boiler in kitchen 18 - boiler in trustee building 17 - switch gear institution wide 17 - electrical loop institution wide 17 - transformer institution wide	16 - fire alarm institution wide 9 - HVAC in R building 9 - HVAC in S building 7 - chillers in R building
54	MacDougall CI (1966)	4 dorms, 13 support buildings	27 - fire alarm institution wide, except Dorm 5 24 - electrical loop in part of institution	24 - transformer in part of institution 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 27 - HVAC in 100 and 200 buildings 22 - electrical transmission in 300 building 22 - transformers in 300 building	17 - electrical transmission in 100 and 200 buildings 17 - transformers in 100 and 200 buildings 12 - switch gear in 300 building 7 - switch gear in 100 and 200 buildings
50	Goodman Cl (1970)	5 dorms, 13 support buildings	20 - electrical transmission 10 - switch gear institution wide	2 - transformer institution wide

Note: An ^ indicates work on the component is in progress.

Facilities with average front line correctional officer vacancy above 30% in 2017-18

Average vacancy rate	City	Security Level	Institution
50%	McCormick	Max	McCormick
48%	Bennettsville	Medium	Evans
47%	Enoree	Medium	Tyger
39%	Kershaw	Medium	Kershaw
38%	Ridgeland	Medium	Ridgeland
38%	Greenwood	Medium	Leath
37%	Pelzer	Max	Perry
35%	Bishopville	Max	Lee
34%	Ridgeville	Max	Lieber
31%	Turbeville	Medium	Turbeville
30%	Spartanburg	Minimum	Livesay

Note: \$7,110 spent on training is lost each time an officer leaves

Recent efforts to address employee retention

 Administering psychological test for new applicants

 Conducting more in-depth analysis to determine reasons for departures Employees leaving due to...

Conditions
(e.g., night shift or maximum security facility)

OR

Certain facility supervisors

Recent efforts to address employee retention

- Administering psychological test for new applicants
- Conducting more in-depth analysis to determine reasons for departures

- Offering external leadership training opportunities to improve manager skills
- Increasing warden engagement and participation in recruiting

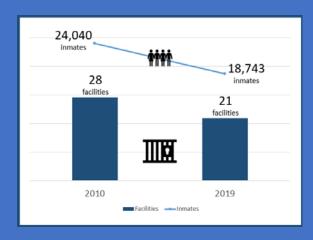
Progress made, but more necessary

- 6. 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
- 7. Investment in technology may exponentially leverage the limited personnel available and accuracy of information necessary for operations
- 8. Collaboration, among the various state agencies and their stakeholders, 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 and SCDC
- 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

Efforts made to improve operations by...

...General Assembly, include:

- (1) decreasing the number of inmates through sentencing reform;
- (2) increasing pay for correctional officers; and
- (3) funding additional re-entry staff.



...SCDC, include:

- (1) improving employee retention efforts;
- (2) updating inmate 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; and
- (7) launching telehealth collaborations.

Efforts still needed include, but are not limited to,...

Investment in technology

Examples

- Automated medicine dispensing
- Electronic cell door locking

Collaboration, among state agencies and their stakeholders

Examples

- Utilizing common information
- Intra-agency agreements

Recommendations for...

SCDC

Court Administration

State Human Resources

Insurance Reserve Fund

Law Enforcement Training Council

General Assembly

Mechanisms to monitor adherence to general agency policies and health services

- 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

Staff to inmate ratios

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)

Inmate programs, maximize limited resources

- 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

Expensive Program ≠ Better Program

Progress toward desired outcomes

- 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

9.Continue efforts to obtain a procurement exemption for advertising open employee positions through different avenues (e.g., social media)

Employee recruiting

- 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

Employee training,

institutional knowledge,

morale

Other employment related recommendations to...

...Division of State Human Resources

...Insurance Reserve Fund

Recommendation #41.

Recommendation #42.

Employee morale surveys across state government on a regular basis

Statutory revisions to further protect agency directors from personal liability in human resource decisions

Reporting concerns and feedback

- 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

Inmate Request Tracking

Below is a report showing requests over 45 days old. It is an example of one type of report available.



Inmate Requests Requiring Responses

Today's Date: 10/24/19 14:17 45 Past Request Date

Inmate Name	Booking #	Reference #	Date Requested	Request Type	Requested By	Disposition	Days Past
Request Type: Classification							
			09/09/19 06:51	Classification	Kiosk	Pending	45
			09/04/19 17:50	Classification	Kiosk	Pending	50
			09/09/19 13:50	Classification	Kiosk	Pending	45
			08/27/19 18:14	Classification	Kiosk	Pending	58
			08/16/19 10:03	Classification	Kiosk	Pending	69
Request Type: Disciplinary							
			09/09/19 20:40	Disciplinary	Kiosk	Pending	45
			09/02/19 14:21	Disciplinary	Kiosk	Pending	52
			09/06/19 15:40	Disciplinary	Kiosk	Pending	48
			09/03/19 14:20	Disciplinary	Kiosk	Pending	51
			09/07/19 00:05	Disciplinary	Kiosk	Pending	47
			09/04/19 01:32	Disciplinary	Kiosk	Pending	50
Request Type: Inmate Financial							
			08/19/19 11:56	Inmate Financial	Kiosk	Pending	66
			07/12/19 13:07	Inmate Financial	Kiosk	Pending	104
			08/16/19 15:52	Inmate Financial	Kiosk	Pending	69
			09/04/19 16:50	Inmate Financial	Kiosk	Pending	50

Tracking inmate medical requests to prioritize resources

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

26. Track wait time, from the initial inmate request, for medical treatment and use this analysis to prioritize staffing and purchases

21.Investigate the cost and feasibility of providing three meals per day on the weekend and report back to the Committee within one year

3 meals/day for inmates on weekends

Crime and violence related to cell phone use in SCDC facilities (Examples)

Murder

Attempted Murder

Extortion

Drugs



Cell phone related recommendations to...

...SCDC

22. Increase the internal disciplinary penalties for inmates that use cell phones

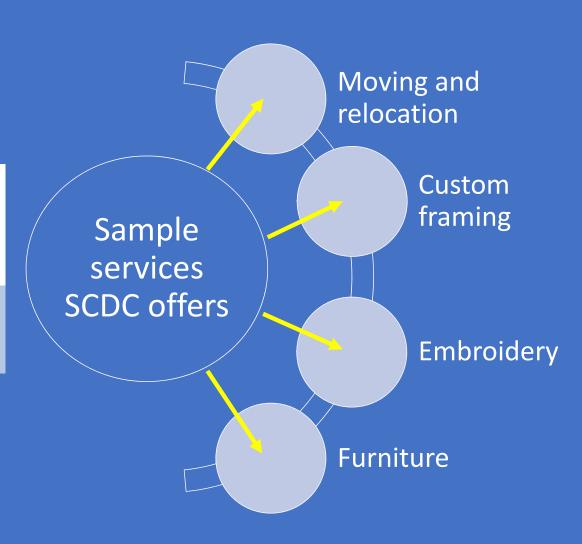
...General Assembly

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*

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*

- 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



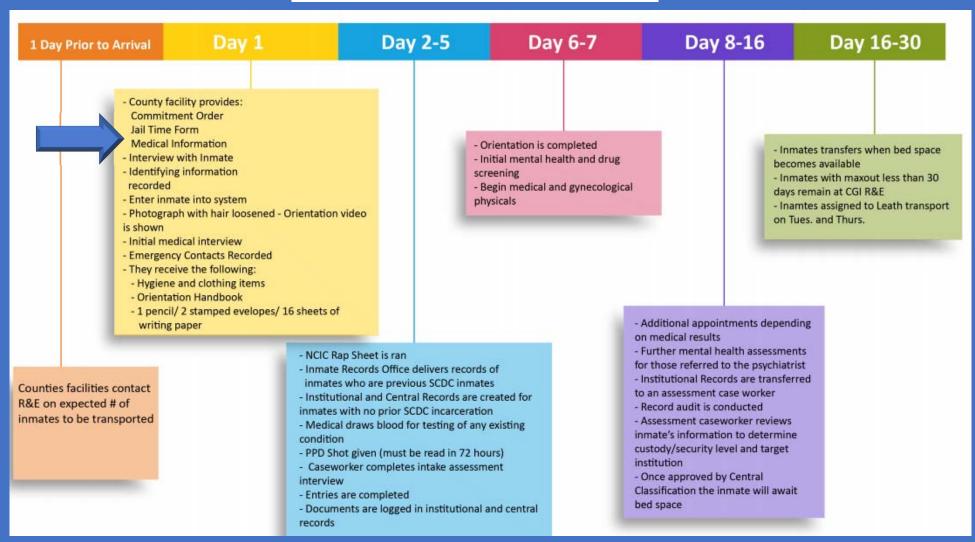
Constitutional Duty

SECTION 2. Institutions for confinement of persons convicted of crimes.

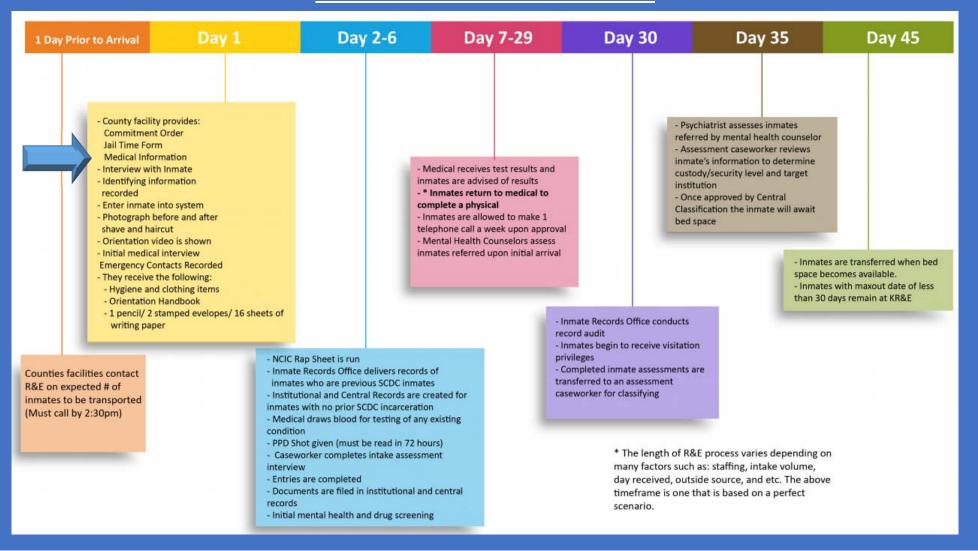
The General Assembly shall establish institutions for the confinement of all persons convicted of such crimes as may be designated by law, and shall provide for the custody, maintenance, health, welfare, education, and rehabilitation of the inmates. (1970 (56) 2683; 1971 (57) 46.)

South Carolina State Constitution, Article XII, Section 2

Female Inmate Intake Process



Male Inmate Intake Process



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

Care of individual in custody and agency personnel

Increase efficiency and save costs

- 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

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

Information online

Interagency Collaboration



Collaboration with local facilities



31.Convene impacted parties to discuss a voluntary program through which counties may house inmates with less than 365 day sentences and submit proposals for collecting the necessary data to report on the feasibility of such a program to the Committee within the next six months

32.Seek input from impacted parties on the feasibility and potential efficiencies of mandatory remote release at each local government facility (e.g., detention center, jail, or prison camp) and provide information obtained, including recommendations, to the Committee within the next twelve months

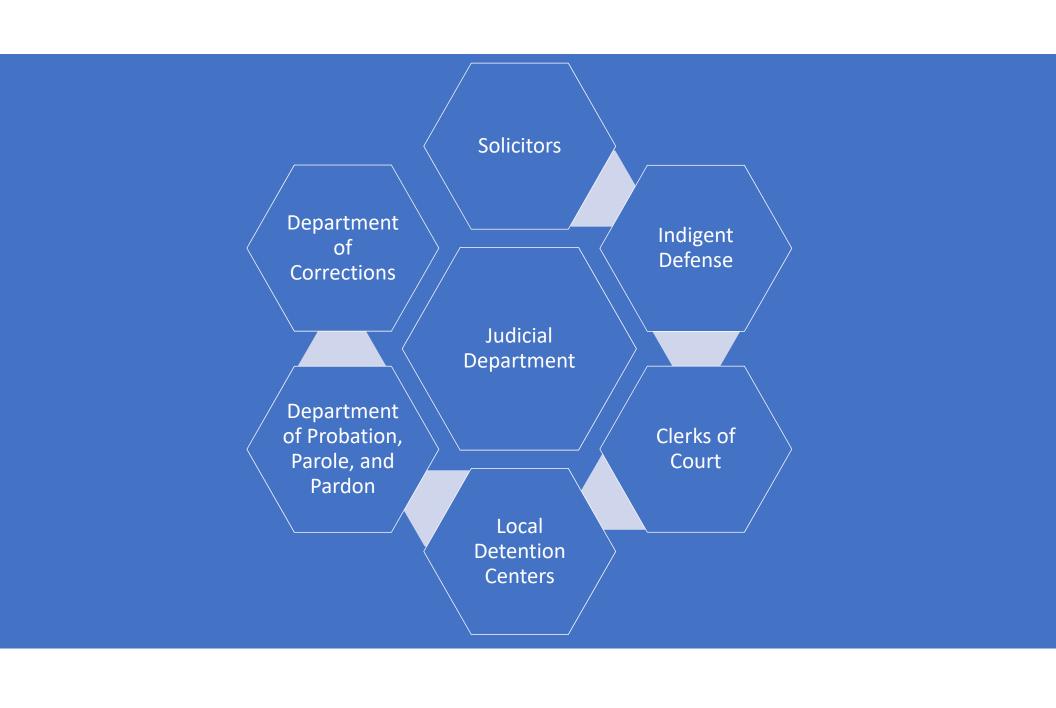
- 33.Convene impacted parties to discuss specific proposed statutory language addressing SCDC's conceptual recommendations for the Youthful Offender Act and provide to the Committee, including notation of any areas without agreement
- 34.Convene impacted parties to discuss specific proposed statutory language addressing SCDC's conceptual recommendations for the Shock Incarceration Program (i.e., 90-day therapeutic alternative to traditional incarceration for young non-violent offenders) and provide to the Committee, including notation of any areas without agreement

Collaboration on proposed statutory language



- 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

Collaboration to improve success in inmate re-entry



Journey of a Sentencing Sheet



Physical handoff of a paper document



Manual entry of data into an electronic system

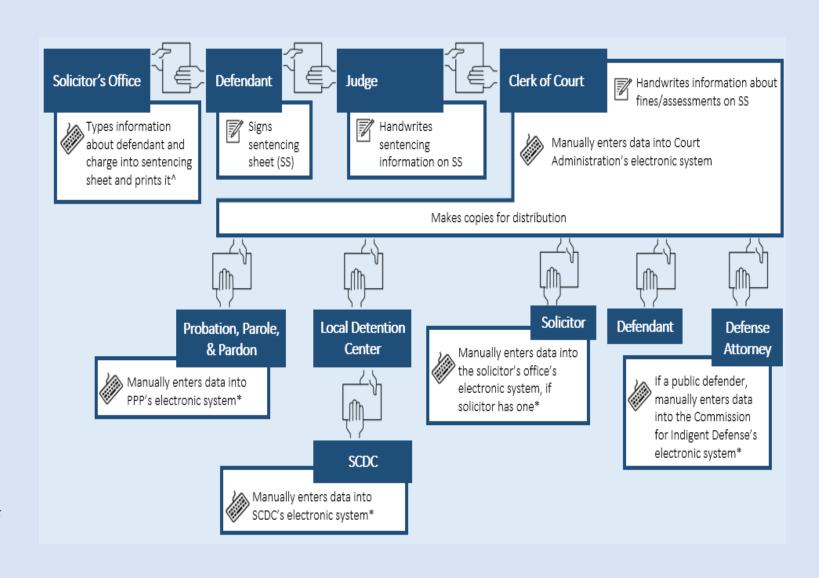


Handwritten entry of information on sentencing sheet

management system, if solicitor has one (some do not have one).
*Data entry may involve calling the clerk of court, judge, etc. to clarify inconsistent information or illegible handwriting.

^Information may be inserted

automatically by the solicitor's case



Journey of a Sentencing Sheet



Physical handoff of a paper document



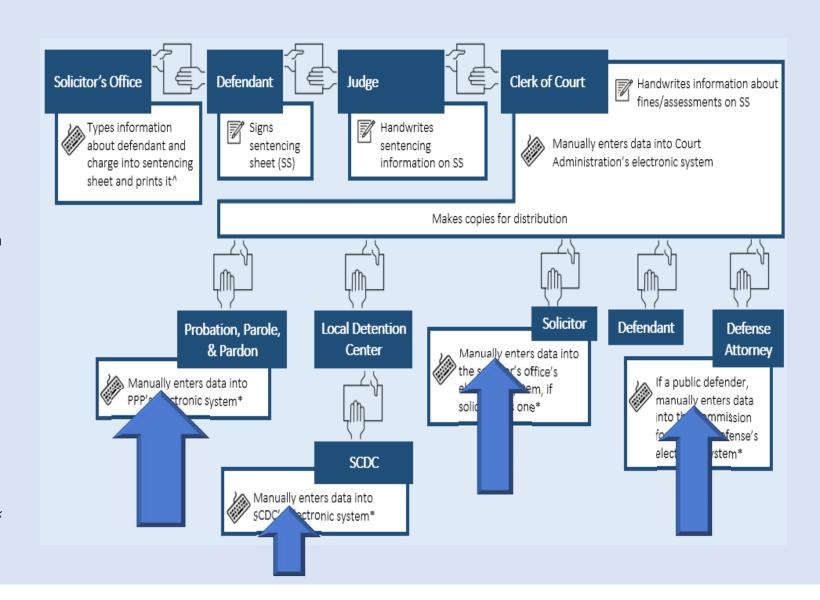
Manual entry of data into an electronic system



Handwritten entry of information on sentencing sheet

^Information may be inserted automatically by the solicitor's case management system, if solicitor has one (some do not have one).

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



Journey of a Sentencing Sheet



Physical handoff of a paper document



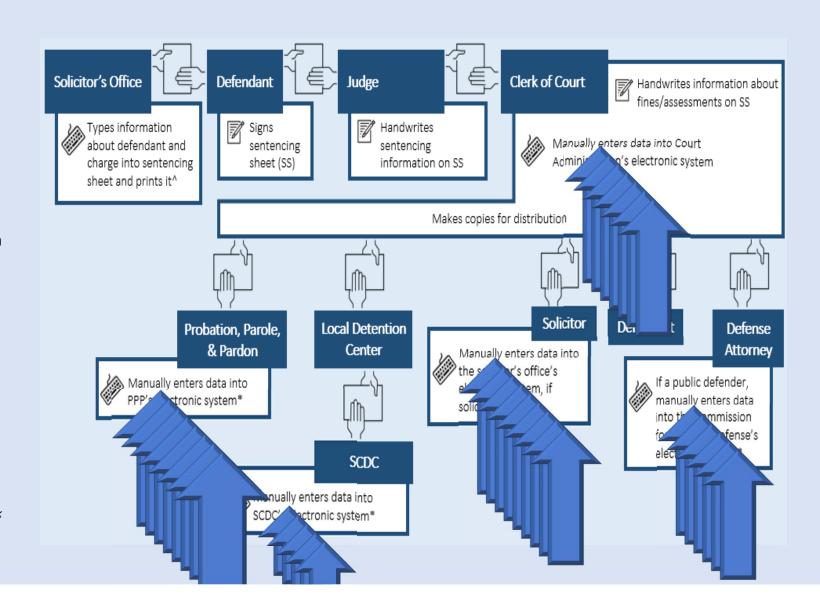
Manual entry of data into an electronic system

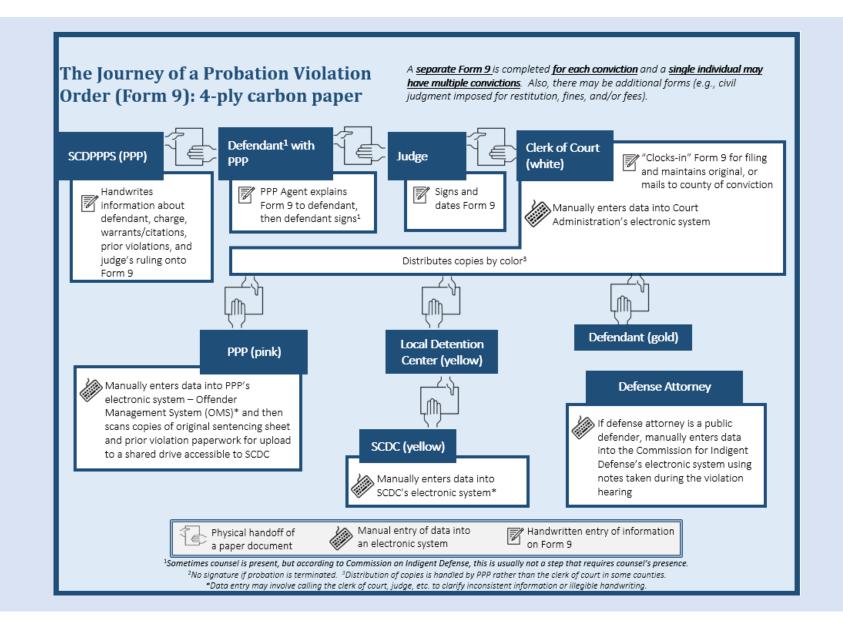


Handwritten entry of information on sentencing sheet

^Information may be inserted automatically by the solicitor's case management system, if solicitor has one (some do not have one).

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





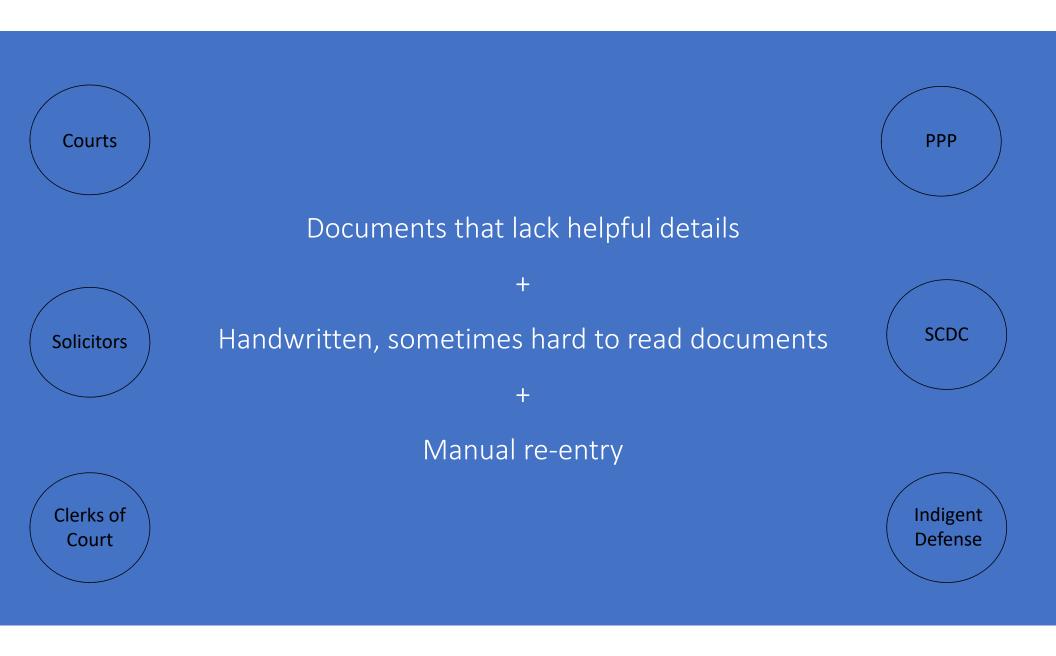
400	CONT.
STATE OF SOUTH CAROLINA	IN THE COURT OF GENERAL SESSIONS
COUNTY OF SPARTANBURG	
STATE VS.	INDICI MENT/CASE#: 2019-08-42- 1.57 5
Paula Ponce Kinzio	A. W#: 2018A4210103502
AKA:	Date of 1) Nonse: 11/6/2018
RECO: WHITE Sex: P Age: 39	S.C. Conto \$: 16-13-0030(B)
DOB: 884	CDR Crule #: 3420
Address:	
City, State Course	SENTENCE SHEET
DLA: SIDA:	,
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In disposition of the said indictment comes now the Detendant who w	10,000 Cant of Fue in che L'escales
	of Laws, bearing CDR Code#
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The charge is: As Indicted, Lesser Included Offense. Di Defense	
The pies is: Without Negotistions or Recommendation,	Negotiated Sentrate Recommendation by the State.
	1 - Mitter (), ORTE, 19.72
SCI03317 7GE	15 Junitudian 100
BROWN/LAUKEN WARRENCE SC BEIT	month.
BROWN/AUGEN AGRICE'S SC Bard Def WHEREPORB, the Defunded Lumenticd to the for a determinate term of days/months/years and/or to pay a fine of 3. plys costs and assessments as applicable's, the bata menutas for the subject to South Carolina Department of Probation	epartment of Corrections, County Detoution Center;
for a determinate term of the days/months/years of	under the Youth Int Office Age dot to exceedyears
and/or to pay a fine of 3 provided that then the service	e of The Law Complinential years and/or payment
of \$ plus costs and assessments as applicable; the balan	Developed the den Seminarate Marian of contains
menting the and subject to South Carolina Department of Probation, which are differented by reference.	Parole and Pt rdon Services stantal sonditions of probation,
CONCURRENT of CONSECUTIVE to sentence on:	,
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The Defendant is to be given credit for time served pursuant to S.	Code §24-1.1-40 to be executated and approved by accord.
The Defendant is to be placed on the Central Registry of Child Al	tere and Negli-ci pursuant to S.C. Coos 917-43-133.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person conv Violence) to ship, transport, possess, or receive a firearm or ami	ICISC OI & AUGUSTON OI SECTION SO-Y3-Y0 AL 10-Y3-H3 (DOMESTIC
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SCDC must rely on
information in the sentencing sheet
and probation revocation order
to determine how long
to keep an individual in custody

When should SCDC release the inmate?

(Calculating time served)

Court only indicate	es "Time Served"
CONCURRENT or The Defendant is to be p	UTIVE to sentence on: given credit for time served pursuant to S.C. Code \$24-13-40 to be calculated and applied by SCDOC. placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code \$17-25-135.
Court indicates nur	mber of days
	ECUTIVE to sentence on e given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SC clons



Costs to the State and Individuals

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 <u>at least 7,549 additional days</u>, or almost 20 and a half years, requiring <u>additional state</u> <u>expenditures of almost half a million dollars</u>.

40 inmates held in custody past release dates for a total of 20 ½ years at cost of \$500,000

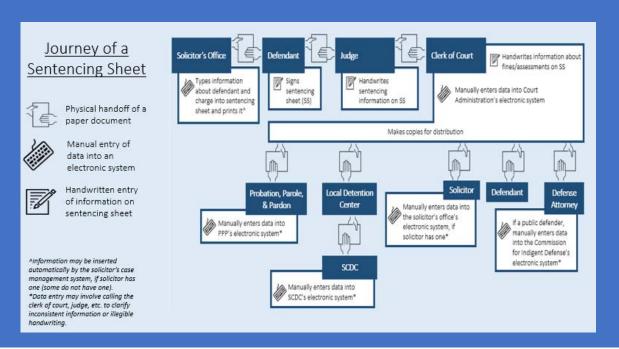
\$1.8 million
each year
to manually reenter
information

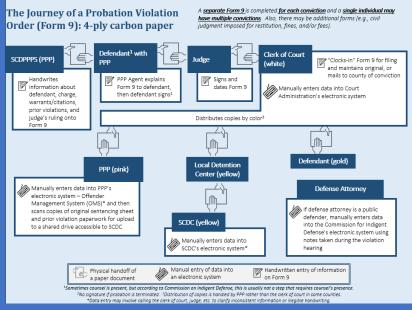
PUBLIC DEFENDER SYSTEM (ALL CIRCUITS)

COST OF ENTERING WARRANTS INTO DEFENDER DATA

	Total Salary Plus Fringe	Cost of Task Performance	Total Hours for Data Entry
1st Circuit Calhoun, Dorchester and Orangeburg	\$299,203.00	\$127,868.53	888.92
2nd Circuit Aiken, Bamberg and Barnwell	\$258,612.17	\$103,703.89	834.08
3rd Circuit Clarendon, Lee, Sumter and Williamsburg	\$109,435.04	\$38,218.96	726.42
4th Circuit Chesterfield, Darlington, Dillon and Marlboro	\$104,127.60	\$30,520.73	609.67
5th Circuit Kershaw and Richland	\$74,538.76	\$73,941.49	2,063.33
6th Circuit Chester, Fairfield and Lancaster	\$153,205.86	\$58,188.76	790.00
7th Circuit Cherokee and Spartanburg	\$72,084.00	\$55,186.42	1,592.42
8th Circuit Abbeville, Greenwood, Laurens and Newberry	\$73,558.25	\$31,506.86	890.92
9th Circuit Berkeley and Charleston	\$244,352.40	\$237,059.03	2,017.92
10th Circuit Anderson and Oconee	\$215,373.00	\$127,800.06	1,234.25
11th Circuit Edgefield, Lexington, McCormick and Saluda	\$167,000.00	\$92,117.63	1,147.33
12th Circuit Florence and Marion	\$98,547.00	\$42,340.47	893.67
13th Circuit Greenville and Pickens	\$703,857.97	\$337,838.94	2,628.42
14th Circuit Allendale, Beaufort, Colleton, Hampton and Jasper	\$181,550.00	\$66,997.48	767.58
15th Circuit Georgetown and Horry	\$294,778.01	\$246,227.03	1,737.42
16th Circuit Union and York	5363.33	\$151,278.02	1,732.08
		\$1,820,794.31	20,554.42

\$11 million for Case Management System Modernization within the Judicial Branch





Recommendations to Court Administration

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

Collaboration on sentencing sheets, probation revocation orders and other criminal process information

Recommendations to Law Enforcement Training Council (LETC)

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



Recommendations to General Assembly - Categories

Accountability Efficiency

Effectiveness Modernization of laws

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

Accountability and validation of classification system

Additional avenues to incentivize inmates to to participate in programs

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

Statewide representation on SCDC
School District Board



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*

Protection for crime victims

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*

Medical review

Staffing shortages

54.Lower the minimum age for certification of correctional officers from 21 to 18*

55.Raise the salary cap for retired state employees who return to covered employment with SCDC*

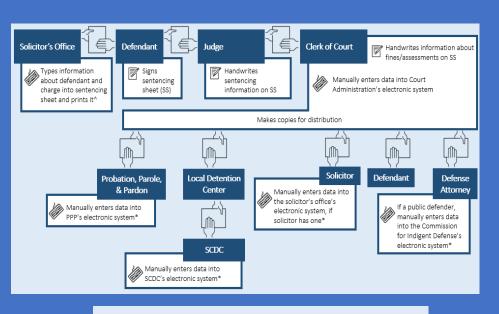
56.Allow SCDC to collect monies owed from inmates after release from prison by amending S.C. Code Section 24-13-80*

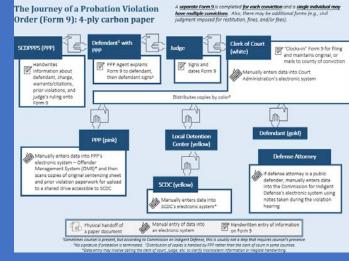
57.Allow SCDC to apply to a court for authorization to file for Medicaid on behalf of an inmate without an inmate's consent

* Indicates proposed by SCDC

Recover costs

(11)	(1)
STATE OF SOUTH CAROLINA	IN THE COURT OF GENERAL SESSIONS
COUNTY OF SPARTANBURG	177 A 2010 COLOR ST 177
STATE VS.	INDICI MENT/CASEM: 2019-08-42- 1.57 5
ARA:	A. W8: 2018A4210103502 Dute of 17 Nonse: 11/6/2018
Rece: WHITE Sex: P Age: 39	S.C. Civile \$: 16-13-0030(B)
DOB: 884	CDR C cyle #: 3420
Address:	
City, Suid-Say	SENTENCE SHEET
*CDL Yes No CMV Yes No Hazmat Yes No In disposition of the said indistruent comes now the Defendant who was	.] CONVICTED OF OF TAPLEADS
TO: Larceny/Grand Larceny, value more than \$2,000 but less than \$10,0	100 (0-5 or five in C+3 discration)
in violation of § 16-13-0030(B) of the S.C. Code of	Laws, bearing CDR Code#3470
MON-VIOLENT TO VIOLENT DEBRIOUS MOST	*SERIOL :> Mandatory OPS(CSC 417-25-45 w/minor l st or Lewd Act)
The charge is:	Wals es Pr.: -common sp Grand Jury. Pal/ (defendant's initials)
The charge is: As Indicated, Lesser Included Offense. Defendant The piece is: Without Negotiations or Recommendation,	Negotiated Sentunes Recommendation by the State.
ATTEST: 1644, 927444, SC101117 76-1-1	11 Mitariellanta 1207
DOCUMENT AND HARBITOP SC Barrie Defends	SC Berli
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plas costs and assessments as applicable*; me balance i	role and I's rolen Services standard conditions of probation,
which the discorporated by reference.	WIE
CONCURRENT or CONSECUTIVE to sentence on:	1
	code §24-1,3-40 to be calculated and applied by SCDOC.
The Defendant is to be given credit for time served pursuant to S.C. C	and Neglect pursuant to S.C. Code §17-25-135.
The Defendant is to be given credit for time served pursuant to S.C. C The Defendant is to be placed on the Central Registry of Child Abuse Pursuant to 18 U.S.C Section \$22,8: is unlawful for a person convicte	and Neglyct pursuant to S.C. Code §17-25-135. Ind of a viriation of Section 16-25-20 or 16-25-65 (Demostic
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Court request information and calculate time served

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.

58.Assist SCDC in avoiding sentencing calculation errors related to jail time credit by amending S.C. Code Section 24-13-40*

59.Assist SCDC in avoiding sentencing calculation errors related to third degree offenders by amending S.C. Code Sections 44-53-370 and 44-53-375*

Modernization of Laws

* Indicates proposed by SCDC # Indicates proposed by SFAA

- 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*

Internal Changes Made During Study

SCDC...

- improves processes for entering and auditing information to prevent errors in inmate release dates
- secures place on House of Representatives list of furniture and frame vendors
- executes a written agreement with DHEC to enable electronic payment for birth certificates for individuals that enter prison without one
- posts grades from DHEC food inspections online, like restaurants do in their windows
- adds a field to the arrest history in their police services case management system to document the final disposition of their criminal arrests

DHEC...

 implements a new contract management system to track the timelines of its contracts and agreements

Department of Administration...

 collects information on data entry by agencies to learn scope of the issue regarding the state expending employee time manually entering information

Inherent Risk



Employees and Volunteers





Legislative Oversight Committee's

Department of Corrections
Ad Hoc Committee

Hon. Micajah P. "Micah" Caskey, IV



Hon. Joseph H. Jefferson, Jr.



Hon. Edward R. Tallon Sr., Chair



Hon. Gary E. Clary



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Hon, Chandra E. Dillard



Hon. Robert Q. Williams

