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February 3, 2017

VIA EMAIL and U.S. MAIL

Director Leroy Smith
Department of Public Safety
Post Office Box 1993
Blythewood, South Carolina 29016

Dear Director Smith:

The Law Enforcement and Criminal Justice Subcommittee appreciates the agency's partnership in the oversight process. In preparation for the next meeting, scheduled for Tuesday, February 21, 2017, the subcommittee seeks additional information from the agency. Please provide this information by Tuesday, February 14, 2017, so the subcommittee may have time to review it prior to the meeting on February 21, 2017.

Grants

It is the Subcommittee's understanding that DPS serves as the agent for South Carolina in receiving Justice Program grants from the United States Department of Justice (DOJ). As the agent, DPS is responsible for ensuring the money from the DOJ is awarded to state and local entities, the entities who are awarded the grants receive prompt payment/reimbursement from DPS, and all funds South Carolina receives from DOJ are fully utilized. It is also the Subcommittee's understanding that the Office of Highway Safety and Justice programs (OHSJ) is the division within DPS that is responsible for this process. In addition to responding to the questions below, please have the individual or individuals at DPS who are most knowledgeable about this process in attendance at the meeting on February 21, 2017.

- Please provide a list of state agencies that during the last five years have been subgrantees of grant money DPS received, on behalf of South Carolina, from DOJ.

Money from DOJ to DPS

- What processes are in place to ensure those in OHSJ can, at any time, see the following information:
 - Amount of federal grant money that has and has not been spent;
 - Dates by which South Carolina must spend the federal money; and
 - Dates by which the local entities must request payment/reimbursement from DPS to ensure those requests are processed before the date by which South Carolina must spend the federal money.
- On what type of regular schedule does OHSJ check with accounting to obtain updates on the information listed in the question above?
- Are there any processes in place which provide alerts to certain OHSJ personnel when deadlines by which South Carolina must spend federal money are approaching? If so, please explain the processes.
- In the last five years, has South Carolina ever not received all potential funds available from the DOJ? If so, please explain why, including any applicable steps, documents, or information that may have allowed South Carolina to receive all potential funds.

Money from DPS to other state or local entities

- Does the agency monitor/track how long it takes to provide payment/reimbursement to local entities that were awarded grants? If so:
 - How long does it take on average?
 - What is the target for the amount of time within which it strives to provide payment/reimbursement?
 - What is the range for the acceptable amount of time within which to provide payment/reimbursement?
 - What information is provided to state and local entities about the amount of time within which payment/reimbursement will be provided so the entity may have a reasonable expectation of when funds will be received?

Justice Assistance Grants

- In the last five years, has South Carolina been at risk of being required to return funds awarded to South Carolina as part of Justice Assistance Grants (JAG) Program? If so:
 - Please provide the exact amount at issue.
 - When did the agency know this risk existed?
 - When did it request an extension from the Federal Bureau of Justice to try to utilize this money?
 - Was this money from the Justice Assistance Grants (JAG) the Federal Government initially awarded to the State during Federal Fiscal Year '12 and Federal Fiscal Year '13? If not, during what Federal Fiscal Years was it awarded?
 - Please explain what part of the process did not operate as intended to ensure the JAG grant money was spent without the need to request an extension or waiver?

In General

- Are there any recommendations the agency would suggest this Subcommittee make to help the agency ensure the grants process results in maximal receipt of funds by South Carolina, efficient distribution of funds by DPS, and effective reporting about the use of funds?

Fatalities and Trooper Activity

- Please confirm the information below is accurate. It was obtained from the South Carolina Traffic Collision Fact Book 2014, which is produced by the Department of Public Safety, and the information provided in the agency's January 24, 2017, letter to Representative Tallon.

Year	# of Fatalities	# of Troopers on the Road (Troops 1-8 Road Enforcement)
2010	809	Was not requested from the agency
2011	828	548 (Jan.) / 524 (Dec.)
2012	863	524 (Jan.) / 486 (Dec.)
2013	767	486 (Jan.) / 489 (Dec.)
2014	823	489 (Jan.) / 495 (Dec.)
2015	979	495 (Jan.) / 488 (Dec.)
2016	981 (as of Jan. 19, 2017)	488 (Jan.) / 541 (Dec.)

- With circumstances related to availability of information in mind, by what date will the agency expect to have the most accurate information on the final number of fatalities that occurred in 2016?
- In light of the different type of areas patrolled (e.g. rural v. urban), and limited number of Troopers on the road:
 - Does the agency perform analysis and set activity goals for each Troop, based on the type of area patrolled and number of troopers in that area, to ensure the Troopers time in each region is used in the most effective manner? If so, please provide the most recent activity goals for each Troop; and
 - Does the agency have statewide goals that apply to every Troop regardless of the area patrolled and number of Troopers in the Troop? If so, please provide the most recent statewide activity goals and why they apply across the state.

Booklets for Grieving Families

- How are they delivered? By mail, in person, etc?
- Please explain any other contact the agency has with individuals that receive the booklets (i.e. phone call, attached letter, etc.).
- When did the practice of providing booklets with information on grieving to families impacted by traffic fatalities begin and what was the initial reasoning or goal in implementing this practice?
- What was involved when deciding what material to include in the booklet.
- Recently there was an objection by someone who received the booklet. Since the practice of sending the booklets started, what type of feedback has the agency received?
- Has the agency communicated with the individual who recently had an objection to determine if the entire practice of sending the booklet was objectionable or whether it was just certain information included in the booklet that was objectionable?
- Is it possible to revise the agency's practice so the agency can continue to achieve what was intended when the practice started, while not offending those who may receive the booklets?
- How much does it cost, per booklet/package that is sent?
- How many were purchased in total and what was the total cost?

- What was the source of funds?
- How many booklets does the agency have remaining?
- How are the materials the agency provided to the families of those who pass away in traffic accidents similar or different than the materials (1) the agency provides families of agency officers who pass away in the line of duty and (2) the military provides the families of soldiers who pass away in the line of duty?
- What are agency officers trained and allowed to do to console a grieving family member or friend at the scene of an accident?

Drug Testing

- Why has the agency performed no random drug tests in the last four years?
- Does the agency believe random drug testing is needed? Why or why not?
- Is any of the agency's budget set aside for drug testing? If so, how much per year and how does the agency utilize these funds if no drug tests are performed?
- Is the agency performing post-accident drug testing on employees who are involved in accidents while in the scope of employment?
- Does the agency document the suspicion which served as the basis for any drug testing performed as a result of suspicion?
- For all drug/alcohol suspicion testing does the agency open an OPR investigation?
- During the last four years, are there any individuals at the agency who tested positive for or admitted to using drugs/alcohol that did not resign prior to completion of the OPR investigation or be terminated following the conclusion of the OPR investigation?
- While employees may be terminated by the agency, records may reflect some as resigned if the agreement to make this change in status was reached as part of a subsequent grievance/mediation proceeding?

Laptop and Technology

- Please explain the process for procuring laptops for the agency?
- Who is responsible for updating the laptops?
- How is this information tracked in SCEIS?
- Please describe the process utilized by the agency to ensure that when new laptops are issued to troopers, the laptops are fully functional.
- Of the new laptops issued to the 62 troopers that recently graduated from the law enforcement academy, were none of them in proper working condition? If so, why and what has been done to avoid a situation like this occurring in the future?
- The Department of Administration has a Division of Technology which offers a wide variety of information technology products and services to state agencies. Does DPS take advantage of any of the products and services available from the Department of Administration to ensure DPS's IT department, laptops, and other technology are operating at full force and with proper backups?

Essentials to Operate

- Please provide a list of what the agency believes are bare minimum essentials necessary to operate (e.g., employees, patrol vehicles, radars, bullet proof vests, etc.) and beside each one, state whether the agency receives recurring funding for the item.

Dispatch Staffing

- Can you please provide the following information for each dispatch unit:
 - Turnover in the past two years;
 - Number of current openings; and
 - Total compensatory time accrued.
- What type of performance data are tracked for dispatch? Does the agency collect and track any data on the amount of time it takes someone to reach dispatch?

Remediation

- How many troopers graduated from the Criminal Justice Academy in the last five classes? Of that number, how many required remediation?
- What is the process for determining if a graduate of the Criminal Justice Academy needs remediation?
- What is the agency's standard process for providing remediation (e.g., number of field training officers (FTO) the trooper works with, amount of time with the FTO, etc.)?

Office of Professional Responsibility (OPR)

- It is the Committee's understanding that the agency updated its Standard Practice in the last year to state, "Every sixty (60) to ninety (90) days after an investigation has commenced, OPR will notify the complainant of the status of an active investigation." Has the agency considered updating its Standard Practice to provide these same type of updates to the officer(s) under investigation?
- Since DPS policy 100.07, Section IX, 2, states the agency Director determines if discipline is warranted in OPR investigations, does the agency track which investigations the Director determined discipline was not necessary in?
- Agency staff informed committee staff that the agency's Human Resources division provides a recommendation for appropriate discipline based on the discipline stated in policy for certain types of violations and review of previous comparable investigations. When reviewing previous investigations, does the Human Resources division use the same database OPR utilizes to track OPR investigations and outcomes or a separate database, excel sheet, etc.?
 - If it is a separate database, please explain why a separate database is utilized, the type of information contained in the database, who inputs information into it, and how often it is updated.
- Is there any process/procedure which allows for OPR investigations of the agency Director? If not, to whom would an employee take a complaint regarding the actions of the agency Director?

Video Policies

- What reasons, if any, would the agency not want a supervisor to record, on the Audio/Video Monitor Report, the reason the supervisor is reviewing a video?
- Is the information on the Monitor Report tracked in the activity console (i.e. number of hours a supervisor spent during the day reviewing video)?
- What reasons, if any, would the agency not want a supervisor to note the number of stops, etc. on a video where an officer followed all policies and procedures, so the report would include a complete picture of the trooper's actions, not just the procedures/policies potentially violated?
- The report asks the supervisor to indicate whether the violation seen in the video was "minor" v. "serious." Please provide the definitions of "minor" and "serious" as well as the documents in which supervisors could find these definitions.
- Please provide examples of "critical incidents" that must be reviewed immediately, pursuant to Highway Patrol Manual of Operations Section I, pg. 46.

Certification Removal and Appeals

- In the past four years,
 - How many employees has the agency requested the Law Enforcement Training Council remove certification?
 - How many of these requests have been affirmed, and certifications removed, by the Council?
- In the past four years,
 - How many employees have appealed a certification removal?
 - How many of those decisions were overturned such that the employee's certification was not removed?

Overtime

- Based on information the Subcommittee went through with the agency during the last General Assembly, it appears the agency has a large amount of overtime. To help the Committee determine if employees have the opportunity to utilize compensatory time accrued for the overtime, please provide the following, broken down by agency division and year for the last five years: (a) total compensatory time earned; and (b) total compensatory time utilized. If the agency believes there is a better format, or other information that would help the Subcommittee review this issue, please contact the Subcommittee.

Personnel and Finances

Please provide the following information, which the agency stated it was working to provide in its December 2, 2016, letter to the Subcommittee.

- Please provide updates, as discussed during the November 1, 2016, Subcommittee meeting, for the number of troopers listed in the Budget, Staffing, Warnings/Citations Excel document. Please include the source of the data
- For each year from 2012-13 through 2015-16, please provide the following: (1) total Budget for Highway Patrol Division; (2) complete breakdown of all Highway Patrol Division expenses (i.e. cash flow statement); and (3) number of troopers, trooper salary expenses, and where the remainder of the budget is being spent.

In your responses to these questions, please provide the subcommittee with any relevant, necessary context information. If the agency has any concerns (1) about the format of these questions yielding answers that do not provide an accurate reflection of the agency, or (2) that these requests may in any manner compromise law enforcement activities, please express those concerns, prior to responding to the question, in a written letter to me with a copy to committee staff. Please retain your working papers for these responses in the event the subcommittee would like to view those.

Sincerely,

Signature Redacted

Edward R. Tallon Sr.
Subcommittee Chair

cc: The Honorable Wm. Weston J. Newton
The Honorable Katherine E. "Katie" Arrington
The Honorable William M. "Bill" Hixon
The Honorable J. Todd Rutherford
The Honorable Raye Felder