Office of the Inspector General

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Review of the South Carolina Department of Public Safety Regarding Three Issues:

1) **Recruitment, Hiring, and Retention**
2) **Office of Professional Responsibility Processes**
3) **Leadership, Communication, and Employee Morale**

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I. Executive Summary

The South Carolina Office of the Inspector General (SIG) initiated a review of the South Carolina Department of Public Safety (SCDPS) based upon the findings of a study conducted of the SCDPS by the Legislative Oversight Committee of the South Carolina House of Representatives, Law Enforcement and Criminal Justice Subcommittee (Subcommittee). (See Link: House Legislative Oversight Committee Agency Report)

The scope and objectives of the SIG's review was to identify inefficiencies in processes utilized by the SCDPS Human Resources Division (HR) and the Office of Professional Responsibility (OPR), and make recommendations to improve these processes. Contemporaneous to the initiation of this review, the South Carolina Office of the Governor requested the SIG to conduct an independent review of the agency based on the results of the Subcommittee's study of SCDPS and further evaluate the morale of the agency.

Human Resources Processes

The SCDPS is a multi-faceted agency comprised of four law enforcement divisions and eight core function divisions/offices, with each directed by a senior executive who reports directly to the SCDPS Director. The HR division is the principal program manager for the agency's HR program, which includes management of job vacancy postings and the hiring process. Each SCDPS division maintains a core employment unit with an HR liaison specialist who assists in the hiring process for vacancies in that particular division and interacts with the agency's HR division staff.

The SIG's review of the SCDPS hiring process for law enforcement (sworn) vacancies and civilian (non-sworn) vacancies determined only slight differences existed between the two categories of SCDPS employees. The majority of the application/hiring process, to include the background investigation, interview, and selection, was conducted within each division. Generally speaking, these slight differences were associated with law enforcement applicants and included supplemental information, a psychological screening, physical fitness test, and polygraph examination, among others. The SIG's review found minimal redundant processes which would achieve significant savings in the amount of time it takes to screen qualified candidates, conduct the investigative, interview and selection processes, and bring the candidate on board. The SCDPS division directors interviewed by the SIG indicated the majority of their applicant selections were supported by the SCDPS Director.

During FY2017, SCDPS total employee turnover was 15.11%. According to the Department of Administration, Division of State Human Resources, the average turnover rate for all state agencies was 17.78% for FY2017. Additionally, the turnover rate for the State's principal law enforcement agencies was: Department of Natural Resources – 8.35%; State Law Enforcement Division – 10.7%; SCDPS – 15.11%; Department of Juvenile Justice – 23.59%; and Department of Corrections – 30.12%, an average group rate of 17.57%. In both comparisons, SCDPS was below the midpoint average of the law enforcement group, as well as the statewide turnover rate of 17.78 % for state employees.

There were 206 separations from SCDPS in FY2017 attributed to the following reasons: personal reasons – 114 (55%); retirement/deceased – 44 (21%); termination – 24 (12%); and movement to other agencies/positions – 24 (12%). The largest area of turnover occurred in HR, with over 50% of the HR staff leaving the division.

Over the past seven years (FY2011-2017), SCDPS had 1,100 separations attributed to: personal reasons – 563 (51%); retirement/deceased – 299 (27%); termination – 137 (13%); and movement to other agencies/positions – 101 (9%). The 206 separations during FY2017 represented a 38% increase above the prior six-year average of

149 for FY2011-2016. The vast majority (74%) of SCDPS separations over the past seven FYs occurred in the Highway Patrol Division (SCHP) – 809, an average rate of 116 separations per year.

SCHP leadership and the agency's Financial Services Division staff confirmed to the SIG the SCHP loses, on average, seven uniformed officers each month (84 per year) due to retirements or separations. However, separations from SCHP for all division employees (145) increased 25% above the annual average (116) during FY2017. The majority (77%) of these separations, or 111 of the 145 SCHP separations were from within the uniformed officer ranks. The majority (58%) of these separations, or 64, was due to "personal reasons," followed by 31 due to retirement/deceased (28%), twelve terminations (11%), and four due to movement to another state agency (3%).

The criticality of an effective recruitment program cannot be overstated when attempting to close the deficit in filling vacant law enforcement officer positions. The SIG confirmed with current and former SCHP leadership and SCDPS leadership the SCHP budget supported 850 trooper positions. At the close of FY2017 (6/30/2017), the SCHP had 800 troopers on board, an understaffing of 50 trooper positions. Annual budget requests to the State legislature for additional uniformed officer full time equivalent (FTE) positions, while commendable, will only exacerbate the problem and have no effect in closing the deficit of unfilled FTEs in the existing SCHP budget without an effective recruitment and training strategy. The SIG did not identify any proactive internal study conducted by SCDPS leadership which studied the attrition of personnel or the length of time to hire an employee as a means of getting ahead of the failure to close the gap in position vacancies. The lone exception was a voluntary, post-separation exit survey submitted by the employee and placed in the employee's personnel file. There was no indication the agency proactively reviewed these surveys for patterns and trends.

The SCDPS most recently implemented an aggressive recruitment strategy in August 2017. Subsequent to the roll-out of this new recruitment strategy the SCDPS implemented a modified Tattoo Policy and Residency Policy. Preliminary recruitment data for the first seven months of calendar year 2017 identified the agency averaged 133 applicants per month for the uniformed officer position. Since the implementation of the new recruitment strategy and the Tattoo and Residency Policies, the monthly average increased to 197; a 48% increase in applicants meeting the minimum qualifications for the uniformed officer position.

An effective recruitment strategy should encompass a three-pronged approach: (1) expanding the capacity to train through coordination with the South Carolina Criminal Justice Academy (SCCJA); (2) expanding recruitment sources and opportunities through a revised recruitment strategy; and (3) establishing performance standards and accountability for the HR division and the agency's recruitment team through monthly hiring goals.

Office of Professional Responsibility Investigative Processes

The SCDPS OPR is the agency's program manager for all internal investigations conducted by the agency. The full cycle of a SCDPS internal investigation encompasses the complaint, investigation, and grievance of disciplinary findings, if any. The SCDPS' internal investigative process has a direct impact on three principal parties which have a vested interest in the proper application of the agency's investigative resources: (1) the complainant (external or internal); (2) the SCDPS employee who is the subject of the complaint; and (3) SCDPS as the impacted state agency with reputational risk to the public and to its employees.

The OPR Chief determines which SCDPS component conducts the investigation by designating the investigation as either a Division Investigation (DI), which is conducted by a specific SCDPS division; or as a Professional Responsibility (PR) investigation, which is conducted by an OPR investigator. Following an OPR decision to initiate an internal investigation the investigative cycle follows a three-phase process: (1) Phase I:

investigation and complaint outcome (sustained, not sustained, unfounded, and exonerated); (2) Phase II: review to determine discipline, if any; and (3) Phase III: post-discipline case closure. The SIG conducted an audit sampling of 100 DI and PR cases for the period of 1/1/2016 to 7/31/2017, to include all terminations from 1/1/2015 to 7/31/2017, in order to identify the length of time associated with each investigative phase.

The audit sampling of 100 DI and PR cases determined the average length of an internal investigation was 174 days from case opening to final case closure. While the audit sampling average was within the established SCDPS policy of 180 days, 24 cases exceeded SCDPS policy with the longest opened investigation lasting 401 days. More importantly, the Phase I portion of the investigative cycle was generally completed in two to three months for investigations which resulted in an adverse personnel action (termination, suspension, or demotion). The SIG audit determined DI and PR investigations were consistent in the length of time it took to investigate and reach a conclusion on matters which were sustained and resulted in termination from employment, 62 and 67 days on average, respectively. Bearing in mind DI and PR investigations are conducted by separate SCDPS entities, this was indicative of a consistent investigative approach and equal application of agency policy.

For OPR investigations which resulted in suspension, the investigative time dropped by 30 days for DI matters and increased by 21 days for PR investigations when compared to investigations resulting in termination. However, the difference in the length of time to conduct DI and PR investigations was most noticeable wherein the allegation was determined to be unfounded or not sustained. On average, a PR case which resulted in employment termination took 43 fewer days than an investigation where the allegation was determined to be unfounded (67 vs 110 days). By comparison, similar DI investigations time varied little (61 vs 62 days).

It was a generally accepted practice within OPR to designate less serious allegations or those viewed as minor offenses as a DI investigation, while designating the more serious offenses as a PR investigation. There was no SCDPS policy which specifically established this criteria or practice, nor was there a policy definition which differentiated or defined what constituted a minor or major offense. SCDPS indicated that until an investigation is initiated the degree of prioritization it is given cannot be determined based on the allegation alone. Consequently, there appeared to be a lack of prioritization for investigators to complete the Phase I investigation for PR matters which were deemed unfounded or not sustained. Closer review of these audited cases did not identify any extenuating reason for the length of time taken to complete the Phase I investigation in comparison to the other DI and PR categories.

The SIG's analysis of Phases II and III for DI and PR cases averaged 62 days in Phase II and 30 days in Phase III. The predominant area of inefficiency occurred in HR which slowed down the review and discipline determination in adverse personnel actions. Current SCDPS practice after completion of the Phase I investigation required the entire investigative file to be forwarded to a designated HR division specialist who reviewed the OPR investigative report and prepared a summary of the investigation conclusion; conducted a review of the employee's personnel file for any prior OPR investigation or disciplinary action; reviewed an HR-maintained disciplinary action spreadsheet for comparable findings; and prepared correspondence with OPR's recommended disciplinary action. This redundancy in effect supplanted the OPR's authority as the agency's program manager for all internal investigations.

The OPR implemented the IAPro case management software in 2014 to manage the agency's internal investigations. IAPro is a dynamic case management software widely utilized by law enforcement agencies for internal investigations which provides two critical data points when determining disciplinary findings: prior individual disciplinary actions and comparable disciplinary actions for similar offenses. Presently, OPR has uploaded historical SCDPS cases into IAPro dating back to 2002. Consequently, the use of IAPro negates the need for HR to maintain a spreadsheet of historical disciplinary actions for comparable cases as this information is easily retrievable by OPR through IAPro. Additionally, there is no reason HR cannot initiate a personnel file

review at the outset of the investigation to supplement OPR's knowledge of prior complaints and/or disciplinary actions of an employee. This information can then be incorporated with the completed Phase I investigative file at the outset of the Phase II review by SCDPS executive management. Based on the audit sampling results, the elimination of redundant HR processes has the potential to reduce the Phase II period by an average of 27 days.

A second Phase II process in need of modification is the use of the Disciplinary Review Committee (DRC). The SCDPS Disciplinary Action Policy 400.08 defined the DRC as an informal committee to review OPR cases to assist in determining a disciplinary action. Disciplinary action is determined by a Progressive Disciplinary Matrix (PDM) which is utilized as an internal benchmark for violations of SCDPS policies and procedures, and misconduct. The DRC utilizes results of the internal investigation, past employee disciplinary findings, historical and comparable disciplinary findings, and the PDM to assist in determining the appropriate disciplinary action, if any.

The SIG determined the use of the DRC was inconsistent in its application and frequency by the agency. In fact, on average HR took 41 days to convene a DRC meeting, DI or PR, when it was requested. While the DRC is intended to provide impartiality in determining a disciplinary action, it is comprised of the agency's General Counsel, HR director, OPR chief, the SCDPS division director of the affected employee, and the SCDPS Director who chairs the committee. Interviews conducted of these individuals indicated the DRC results were a general consensus from the panel as a recommendation to the SCDPS Director. However, documentation of DRC meetings was not maintained, except for a spreadsheet maintained by HR which indicated when a meeting was held. In view of the fact the DRC is meeting to determine a personnel action, the meeting structure, schedule, and outcomes should be formalized by policy. Based on the audit sampling results, the establishment of a recurring DRC schedule has the potential to significantly reduce the Phase II review period.

While intended to be impartial, the DRC as currently structured, adversely impacts a fair and impartial grievance process for SCDPS employees. For those personnel actions which are "grievable" offenses, the employee's appeal process potentially involves a direct appeal to two individuals who determined the discipline as part of the DRC: his/her division director and the SCDPS Director. Failing in these two attempts the employee is afforded the opportunity to bring a grievance before the State Employee Grievance Committee. In order to provide the SCDPS Director and the employee a semblance of impartiality in hearing an OPR case appeal, the SIG is recommending the following changes to the current structure of the DRC and any subsequent grievance/appeal process.

1. The SCDPS Director should be recused from the DRC's meeting structure and disciplinary findings by delegating agency head executive authority to determine disciplinary findings to the DRC, and delegating authority to the employee's division director to issue the disciplinary action letter. This prudent exercise of executive authority will afford the SCDPS Director the ability to render an impartial review of the disciplinary finding in the event a grievance is filed by the employee.
2. The DRC should be comprised of the General Counsel, HR director, division director of his/her employee's case being presented to the DRC, and the OPR chief as chair of the DRC. A fifth member to the DRC should be the primary investigator, if conducted by OPR, or the Captain/Chief for DI investigations to present the case to the DRC and answer questions as needed.
3. Codify the DRC in agency policy as a formal disciplinary review committee for adverse personnel actions, document DRC meeting results in official OPR investigative records and employee personnel records, and establish a DRC meeting schedule, for all SCDPS employees to be aware of, e.g., every two weeks.
4. The previously established grievance procedures will be followed with the exception that the initial grievance review should be conducted by a division director not in the employee's chain of command

and who did not participate in the DRC's disciplinary finding of the employee. All other grievance stages and processes would continue as currently set forth in agency policy.

Leadership, Communication, and Morale Issues

The SIG conducted 56 interviews of current SCDPS division directors, senior staff, and those who held the rank of captain or higher. Four themes emerged from these interviews: leadership, communication and trust; low morale; inefficiency in the OPR process; and problematic issues in HR processes. These same themes were supported through the leadership/climate survey conducted with all SCDPS employees (1,336) during a two-week period in June 2017.

The SIG received 824 responses to the voluntary survey, or 62% of the agency work force, and more than 7,500 comments to the questions. The survey was comprised of 60 questions which focused on seven general categories of: agency leadership; division leadership; supervisory leadership; work environment; integrity and professionalism of staff; job satisfaction; and the OPR/administrative inquiry process. Also, incorporated in the survey were questions related to morale and communication; obstacles that inhibited the hiring process; and areas that most negatively affected retention.

The aggregate results for the agency leadership category of the survey indicated 56% of the SCDPS employee population strongly disagreed/disagreed as being supportive of the agency leadership, with 33% being supportive of the agency leadership. The SCDPS employee response grew more favorable towards agency leadership as the employee had more direct contact with leaders. For example, division leadership was supported by 39% and not supported by 36%; and, supervisory leadership, who had the day-to-day contact with the employee were strongly supported by 70% of the SCDPS employee base, and not supported by 14%. It was clear from the survey the SCDPS workforce are highly motivated and proud to work for the agency. However, when asked to comment on the manner in which the OPR process and policies were implemented more than 50% expressed the perception of disparity existed within the OPR/administrative inquiry process.

Overall, the survey responses to three questions regarding morale was 58% of SCDPS employees believed morale was poor at the agency. There was a general sense that agency leadership communicated poorly to the agency's employees and was not concerned with the morale of its work force.

Summary

In summary, this limited review of three SCDPS issues should awaken the agency's leadership to a sense of urgency to address employee concerns. The results of this initial climate/leadership survey provides a baseline for SCDPS leadership to establish a clear communication strategy with its employees, while addressing internal processes in need of reform as set forth in this report. Doing so will provide the agency the initial "first steps" in rebuilding the morale of its employees and trust with its leadership.

The SIG extends its appreciation to the SCDPS leadership and all of its employees for the cooperation and courtesies provided to the SIG during this review. During the course of this review, the SCDPS leadership implemented changes as matters were brought to the attention of agency leadership regarding processes and policies in need of further review and modification. The following SCDPS policies and processes were modified and/or implemented during this review:

- Employee notification of the initiation of an OPR investigation is given by the respective senior manager (e.g., Troop Captain, Chief, Major) – July 2017

- Modified Tattoo Policy implemented – August 2017
- Modified Residency Policy implemented – August 2017
- Restructured Disciplinary Review Committee to remove SCDPS Director from committee structure and deliberations, OPR Chief as chair of the committee, and established a recurring schedule – September 2017
- Restructured employee grievance hearing process to have initial appeal heard by an impartial division director outside of the employee's chain of command or disciplinary deliberations – September 2017
- Eliminated redundant HR processes and practices from the OPR investigative process – September 2017

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II. Background

A. Predicate

The South Carolina Office of the State Inspector General's (SIG) mission is to investigate fraud, waste, abuse, misconduct, and mismanagement allegations in the Executive Branch of state government. The SIG initiated a review of the South Carolina Department of Public Safety (SCDPS) based upon a report issued by the South Carolina House of Representatives, Legislative Oversight Committee, Law Enforcement and Criminal Justice Subcommittee's study of SCDPS. (See House Legislative Oversight Committee Agency Report).

B. Scope & Objectives

The SIG's scope of inquiry was to identify inefficient processes and provide recommendation for improvement in three areas: (1) review of the SCDPS Human Resources Division (HR) policies and processes, and evaluate the recruiting, hiring, and retention practices; (2) review the SCDPS Office of Professional Responsibility (OPR) investigative processes, the disciplinary records management system and dispositions of the agency's internal investigations; and (3) review the issues of leadership, communication and employee morale throughout the agency. The third area for review was conducted at the request of the SC Office of the Governor.

This review's objectives were to:

- Interview a cross section of employees of SCDPS Administration; Command Staff; HR; and OPR to obtain their subject matter expertise and experience in the SCDPS;
- Evaluate the HR processes and practices for hiring, recruiting, and retention for both civilian and law enforcement employees;
- Review OPR investigative records to discern the disposition timeliness of the agency's internal investigations conducted during the past nineteen months, and terminations for the past thirty-one months;
- Map the OPR processes to analytically identify timelines; areas of concern; and opportunities to improve the OPR/Administrative Inquiry process;
- Identify opportunities to improve SCDPS HR hiring, recruiting, and retention processes; and
- Survey the entire SCDPS staff, to provide input on topics such as leadership, communication, morale, HR processes, and the OPR/Administrative Inquiry process.

Reviews by the SIG are conducted in accordance with professional standards set forth by the Association of Inspectors General, often referred to as the "Green Book."

C. South Carolina Department of Public Safety Overview

The SCDPS is a multi-faceted agency focused on highway and public safety. SCDPS enforces traffic laws on SC roadways, inspects commercial motor vehicles, protects the Governor's residence and State Capitol complex, promotes highway and public safety education, conducts safety campaigns across the state, and administers millions of dollars in federal grant funding. SCDPS' mission is to protect and serve the public with the highest standard of conduct and professionalism; to save lives through educating its citizens on highway safety and diligent enforcement of laws governing traffic, motor vehicles, and commercial carriers; and to ensure a safe, secure environment for the citizens of the state of South Carolina and its visitors.

The SCDPS was re-accredited on 8/1/2016, for a three-year period by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). CALEA was created in 1979 to develop a set of law enforcement standards and to establish and administer an accreditation process through which law enforcement agencies could voluntarily demonstrate they meet professionally recognized criteria for excellence in management and service delivery. SCDPS was previously accredited by CALEA in 1998; 2001; 2004; 2007; 2010; and 2013.

The SCDPS has four law enforcement divisions: Highway Patrol; State Transport Police; Bureau of Protective Services; and Immigration Enforcement; and eight core operations divisions: Communications; Human Resources; Information Technology; Financial Services; Office of Strategic Services, Accreditation, Policy and Inspections; Office of Professional Responsibility; General Counsel; and Highway Safety and Justice Programs. These twelve divisions are each directed by a division-level director who reports directly to the SCDPS Director. *(See Appendix A)*

The Fiscal Year (FY) 2016-17 budget for SCDPS was $171.8 million. This budget allocated 1,521 full time equivalent (FTE) positions of which 1,268 were filled and 253 (17%) were vacant at the close of FY 2016-17. (See Table A) The SCDPS average FTE onboard for FY2017 was 1277.23.[1]

Table A

	SCDPS Budgeted FTE Positions and Cost				Actual Positions	
SCDPS Programs	**FY2017** No. of FTEs	**%**	**FY2017** Cost	**%**	**Filled FTEs**	**Vacant FTEs**
Administration	88.71	6%	$8,776,881	5%	70.44	18.27
Highway Patrol	1,137.70	75%	$78,084,504	45%	977.35	160.35
Illegal Immigration	12.00	<1%	$545,069	0%	7.00	5.00
State Transport Police	148.01	10%	$9,726,558	6%	112.50	35.51
Bureau of Protective Services	93.00	6%	$3,341,321	2%	67.00	26.00
Hall of Fame	3.00	0%	$263,000	0%	2.15	0.85
Safety and Grants	38.58	3%	$42,168,126	25%	31.56	7.02
Employee Benefits			$28,965,023	17%		
Total	**1,521.00**	**100%**	**$171,870,482**	**100%**	**1,268.00**	**253.00**

III. SCDPS Human Resources Processes

The SCDPS HR Division is the principal program manager for the agency's HR programs and services which include: Employment; Classification and Compensation; Payroll, Benefits and Leave; and Employee Relations and Records. HR is also responsible for investigating allegations of discrimination and preparing position statements for charges of discrimination filed with the South Carolina Human Affairs Commission and Equal Employment Opportunity Commission. During the SIG review, the staff was comprised of thirteen employees: the HR Director; five managers; and seven coordinators/specialists.

A. SCDPS Turnover in Personnel

During FY2017, SCDPS experienced a 15.11% turnover in personnel within the agency. By comparison, the FY2017 employee turnover rate for all State government agencies was 17.78%. The employee turnover rate among the State's principal law enforcement agencies for FY2017 was: Department of Natural Resources –

[1] Source: Department of Administration (DOA), Division of State Human Resources (DSHR)

8.35%; State Law Enforcement Division – 10.70%; SCDPS – 15.11%; Department of Juvenile Justice – 23.59%; and Department of Corrections – 30.12%.[2]

Key personnel losses during FY2017 included the: HR Director; Procurement Director; Budget Director; Chief Financial Officer (CFO); Chief Information Officer; General Counsel (GC); Controller; and the Internal Auditor. The HR Division experienced the highest percentage of staff turnover (>50%) in FY2017. Over the past seven years, the HR Division lost 29 employees.

For the period of FY2011-2017, SCDPS had 1,100 staff separations with 206 separations occurring in FY2017 as set forth in Table B. These 206 separations represented a 38% increase above the prior six-year average (149) of the 894 separations for FY2011-2016. [3]

Table B

SCDPS Core Divisions Employee Separations	FY2011-2016	FY2017	Total	%
Highway Patrol	664	**145**	809	74%
State Transport Police	84	**13**	97	9%
Bureau of Protective Services	41	**9**	50	5%
Highway Safety and Justice Programs	26	**13**	39	4%
Human Resources	22	**7**	29	3%
Information Technology	20	**5**	25	2%
Financial Services	16	**7**	23	2%
Professional Responsibility	6	**1**	7	<1%
Strategic Services, Accreditation, Policy, and Inspections	4	**3**	7	<1%
General Counsel	4	**1**	5	0%
SCDPS Director's Office	3	**0**	3	0%
Communications	3	**1**	4	0%
Immigration Enforcement	1	**1**	2	0%
Total	894	**206**	1,100	100%

The vast majority (74%) of SCDPS separations over the past seven FYs occurred in the Highway Patrol Division (SCHP) – 809, an average rate of 116 separations per year. The SCHP comprised 75% of the total SCDPS workforce in FY2017. The percentage of total agency separations for FY2011-17 (Table B) closely mirrored the individual SCDPS component workforce percentage for FY2017 found in Table A.

Employee retention is a major concern in the SCHP Division as less manpower means fewer uniformed officers to enforce traffic safety laws. Interviews conducted of SCDPS command staff and the SCDPS CFO determined there has been an increase in the number of uniformed officers separating from the agency. On average, the SCHP loses seven uniformed officers each month, or 84 per year due to retirements or separations. However, the number of separations for all SCHP employees in FY2017 increased 25% to 145 over the prior six-year average of 116.

In FY2017, 111 of the 145 SCHP separations, or 77%, were uniformed officers. The majority (58%) of these separations, or 64, was due to "personal reasons," followed by retirement/deceased - 31 (28%), twelve terminations (11%), and four due to movement to another state agency (3%). A statewide comparison found on the DOA-DSHR public dashboard for all State agencies listed 1,739 agency separations for FY2018-Q1. The

[2] Source: DOA-DSHR

[3] Total SCDPS separations included 13 temporary employees which are not reflected in the DOA-DSHR statistics

four main categories listed were: external employment" - 1,200 (69%), followed by retirement - 240 (14%), agency transfer - 162 (9%), and discipline - 135 (8%). Table C below provides a comparison of total SCDPS separations to SCHP uniformed officer separations for the seven-year period of FY2011-2017.

Table C

SCDPS Employee Separation Action Reasons	FY2011-2017 SCDPS Employees	%	FY2011-2017 SCHP Troopers	%	FY2017 SCHP Troopers	%
Personal	563	51%	316	51%	64	58%
Retirement / Deceased	299	27%	183	30%	31	28%
Termination	137	13%	87	14%	12	11%
Movement between agencies	101	9%	29	5%	4	3%
Total	1,100	100%	615	100%	111	100%

The SIG did not identify any proactive internal study conducted by SCDPS leadership which analyzed the attrition of personnel or the length of time to hire an employee as a means of getting ahead of the inability to close the gap in vacancies. The lone exception was a voluntary, post-separation exit survey submitted by the employee and placed in the employee's personnel file. There was no indication the agency proactively reviewed these surveys for patterns and trends.

B. SCDPS Recruitment Process

The purpose of SCDPS Policy 400.01 is to "provide guidelines regarding the recruitment program at the SCDPS and provide written authority for the HR to implement and coordinate the recruiting strategies of the department." Recruitment is a continuous process and involves all levels of staff within the agency. HR has developed a Recruitment Plan that strives for a qualified workforce which represents equal employment opportunity for all." (See Appendix B)

The general provisions of the policy are meant to ensure:

- SCDPS attracts and hires qualified individuals regardless of race, color, religion, national origin, gender, age, or disability.
- The recruitment policy is administered in accordance with the South Carolina Department of Administration regulations and the guidelines of department Policies 400.11 (Equal Employment Opportunity), and 400.12 (Affirmative Action Policy and Plan).
- A team of trained recruiters will utilize the Recruitment Policy and Plan in their recruiting efforts.

The current SCDPS recruitment process includes: sending the job vacancy announcements via email to all SCDPS employees; forwarding job vacancy announcements to external contacts such as employment agencies, school districts, colleges/universities; posting job announcements on college/university job boards; attending career fairs on military installations, colleges, universities, employment offices, and local vendors; posting job announcements on social media; instructing the Community Relations Officers to attend community events and speaking engagements, and incorporating recruitment for the agency in their presentations; enlisting the troopers as coaches and mentors to referred applicants; and encouraging employees to recruit others for the agency.

1. SCDPS FY2017 Recruitment & Retention Plan

SCDPS developed a Recruitment & Retention Plan to strategically address the needed manpower to effectively protect and serve the people of the State. The Recruitment Plan is a supplement to SCDPS Recruitment Policy

400.01, and incorporates goals identified in the Department's Affirmative Action Plan. As indicated in the plan, it shall include, but is not limited to, goals, objectives, strategies, hiring and retention procedures, and recruitment practices. (*See Appendix C*)

The purpose of the plan is to effectively protect and serve the people of the State by striving to obtain a quality workforce demographically similar to the State's population. The key to achieving this is the development and implementation of an effective agency-wide plan for outreach and recruitment. The recruitment plan is reviewed annually to evaluate the current position of the agency and is adjusted as needed. The SIG, however, found no documentation which supported any annual review was conducted on the effectiveness of the recruitment plan, or whether or not hiring goals and objectives were achieved.

The need for an effective recruitment program cannot be overstated when attempting to close the deficit in filling vacant law enforcement officer positions. Interviews conducted of current and former SCHP directors, and the former SCDPS CFO and Budget Director confirmed the current SCHP budget supported 850 uniformed officer FTE positions. At the close of FY2017, the SCHP had 800 uniformed officers on board, an understaffing of 50 uniformed officer positions. The former SCDPS CFO indicated that an additional 30-50 new trooper positions ($60,000 per trooper) were requested each year during the budget cycle. However, if the agency does not implement an effective recruitment and training strategy this will only amplify the problem and have no effect in closing the deficit of unfilled FTEs in the existing SCHP budget.

In August 2017, SCDPS initiated an aggressive recruiting campaign for hiring troopers (see SCDPS Hiring SC Troopers). SCDPS has three SCHP recruiters who coordinate with various organizations to promote the benefits of joining SCDPS at various venues such as colleges; businesses; churches; festivals; fairs; and special events, etc. The recruiting team's focus is to find professional and committed candidates to join SCDPS as law enforcement officers. The current alignment of the SCDPS recruitment team is concentrated within the agency's Communications Division and supported by HR and the employment units within each SCDPS division. Additionally, the State Transport Police and the Bureau of Protective Services each have a recruiter to coordinate recruitment efforts with the Communications Division.

Results from SIG interviews and comments from the climate/leadership survey identified the previous SCDPS Tattoo Policy was a hindrance to the agency's recruitment efforts. During the first seven months of the 2017 calendar year, SCDPS' recruitment efforts averaged 133 applicants per month who met the minimum qualifications for the SCHP trooper position. Following the August 2017 implementation of a modified Tattoo Policy (SCDPS Tattoo Policy 200.10) and Residency Policy (SCDPS SC Trooper Residency Policy 300.47), the monthly average increased to 197, a 48% increase in minimally qualified applicants for the uniformed officer position.

C. SCDPS Hiring Policy, Process, and Practice

The HR Division manages the agency's job vacancy postings and the hiring process. Each SCDPS division maintains a core employment unit with an HR specialist liaison who assists in the hiring process for vacancies in that particular division and interfaces with the agency's HR division staff.

The purpose of SCDPS Policy 400.29 [civilian positions] *(Appendix D)*, and 400.02 [law enforcement positions] *(Appendix F)* is to *"establish a fair, uniform system for filling vacant civilian and law enforcement positions at SCDPS, pursuant to State statutes and the South Carolina Division of State Human Resources Regulations. The department is committed to hiring qualified applicants in accordance with federal and state laws."*

These policies provide for, *"A fair, uniform application and selection process is essential for the operational effectiveness of a law enforcement agency. This applies not only to the selection of law enforcement positions but to the civilian workforce as well. As such, all SCDPS employees involved in the application and selection process shall adhere to the guidelines within this policy."*

The general provisions of these policies are meant to ensure:

- The application and selection process is non-discriminatory, efficient, effective, and result in the selection of only those individuals who possess the skills, knowledge, and abilities necessary to best perform the job functions of the vacant position.
- All minimum qualifications and/or criteria used in the selection process are job-related and all elements of the selection process are administered, scored, evaluated, and interpreted in a consistent and uniform manner.
- Current employees of the department are afforded equal opportunity to apply for and be considered for vacancies, and are not discouraged from applying for vacancies, nor are they adversely affected for expressing an interest in career development and advancement.

It is the HR Division's responsibility to administer all recruitment and selection activities for the agency. This includes the initial receipt and screening of all applications. Only those applications which meet the minimum qualifications and criteria listed on the job posting are referred to each division's hiring manager.

Hiring managers are responsible for creating interview panels, selecting applicants for interviews, conducting background investigations to include, but not necessarily limited to, verification of qualifying credentials, employment reference(s), criminal history, and at least three (3) personal references. The SCDPS Director has final approval for all selections made. Those applicants not selected for the position are notified by email once the position has been filled. Selected applicants will be notified by offer letter sent via email.

There are some commonalities in the application and screening processes for both civilian (non-sworn) and law enforcement (sworn) applicants. Described below is the application and hiring processes for civilian and law enforcement applicants. (*See Appendix E*)

1. SCDPS Application Process for Civilian Employees

The application process for civilian (non-sworn) employees is detailed as follows:

- Applicant applies for the position via NeoGov or hardcopy application if the applicant is internal or retiring; and the application(s) are screened through filters placed in the NeoGov database by HR. The applications meeting the position requirements are referred to the hiring manager/division HR liaison (HM/DL) for review and to schedule an interview with the selected candidates. Applicants are contacted via phone to schedule the interview and sent an email invitation after verbally confirming the scheduled interview details.
- The HM/DL selects a panel of interviewers (minimum of two people) to conduct interviews. If an applicant is selected, a vacancy checklist (application, all applicants interviewed list, evaluation forms from the interviewers, authorization to run background, driver's license, employment and reference checks) is compiled by the HM/DL to submit to the HR for review. The HM/DL contacts the applicant's references, and previous employers. Social media is checked for derogatory posts and comments.

- The applicant's packet of the selected candidate is provided to HR. HR checks the candidate's driver's license for suspension, National Crime Information Center (NCIC) and SCIEX for warrants. The Personnel Action Request (PAR) and approved Position Description (PD) forms are attached to the packet and the hiring compensation justification is completed. If the applicant is a current state employee, HR contacts State Human Resources to retrieve current salary, classification, title and pay band.
- Information is compiled and forwarded to HR Classification and Compensation Manager for review of proper classifications, titles etc., signed, dated, and forwarded to the HR Director. The HR Director reviews the completed packet for accuracy and completeness. The PAR is signed and dated and a meeting is scheduled with the SCDPS Director for approval. The PAR is signed and dated by the SCDPS Director and returned to the HR to process the new hire.
- HR contacts the HM/DL via email to make a verbal offer and request a start date or to request additional information for approval. Once the hire date is determined, a letter of offer is generated, signed by the HR Director, and sent via email to the selected candidate.

2. SCDPS Application Process for Law Enforcement Officers

The purpose of SCDPS Policy 400.02 *(Appendix F)* is to "*set forth fair and impartial procedures for the application and selection of commissioned law enforcement officers for the Department of Public Safety. To that end, all minimum qualifications or criteria shall be job related and all elements of the Department's selection process will be administered, scored, evaluated, and interpreted in a consistent and uniform manner.*"

Each Law Enforcement Division (LED) has responsibility and oversight for the recruitment, application, and selection process of its applicants. Further oversight will be provided by HR. Each LED will select a coordinator to administer the recruiting, application, and selection process for each law enforcement division or office. The coordinator will be supervised by the Commander of the Law Enforcement Division with input and guidance provided by HR.

The application process for a commissioned law enforcement officer position requires the applicant to participate in a psychological assessment, polygraph exam, basic reading skills assessment, background investigation, credit check, medical examination, drug test, eye exam, and physical fitness exam. The hiring process is detailed below. *(See Appendix G)*

- The applicant applies in NeoGov. Applications are screened by HR for minimum qualifications. All applicants meeting minimum qualifications are referred to the respective Law Enforcement Employment Unit (LEEU).
- LEEU sends a supplemental questionnaire to applicants and conducts an administrative review (NCIC, driver's license check, Sex Offender Registry check, credit check, and SCIEX check). Qualified applicants undergo a physical training test and the Nelson Denny reading test. Once approved, applicants undergo a background investigation and a polygraph. Oral interviews are then conducted by LEEU. Applicant packets are then sent through for Executive Committee review.
- HR reviews the packets and summarizes the applicant's information from the prior steps of the hiring process, which is attached to the applicant's packet.
- The HR Director reviews each packet with the SCDPS Director, approves the new hire, conditional on completion of the required process. A conditional offer of employment is extended, stipulated on

the results of the applicant's psychiatric and physical evaluation; medical evaluation and tests, drug test, eye check, polygraph, and background investigation.

- The PAR is created and submitted to Financial Services and HR. Medical files are received and reviewed by HR. The PAR and medical summary are submitted for final approval of the SCDPS Director. Once approved, an offer is made to the applicant.

The SIG also noted even though HR conducts the civilian employee hiring process entirely, the law enforcement hiring process is mostly performed by the specific LEEU within each SCDPS law enforcement division. Each LEEU maintains an HR liaison employee to assist in the completion of the selection and hiring process. Once the applications received through NeoGov are screened by HR for meeting the minimum qualifications, the applications were referred to the appropriate LEEU for completion of the hiring and selection process.

D. Summary of the Human Resources Processes Review

The SIG's review of the SCDPS hiring process for law enforcement (sworn) vacancies and civilian (non-sworn) vacancies determined only slight differences existed between the two categories of SCDPS employees. The majority of the application/hiring process, to include the background investigation, interview, and selection, was conducted within each SCDPS division. These slight differences were associated with law enforcement applicants and included supplemental information, a psychological screening, physical fitness test, and polygraph examination, among others.

The SIG review found minimal redundant processes which would achieve significant savings in the amount of time it took to screen qualified candidates; conduct the background investigation; interview; and selection processes; and bring the candidate on board. However, the SIG noted the HR Division's involvement in the OPR investigative process included redundant processes and unnecessarily prolonged these investigations. This observation is discussed in further detail in Section IV of this report.

In August 2017, the SCDPS leadership realigned the agency's recruitment team under the Communications Division and implemented an aggressive recruitment strategy, along with a modification to the agency's Tattoo and Residency Policies. These recruitment efforts resulted in a 48% increase in the number of applicants meeting the minimum qualifications for the SCHP uniformed officer position over the first seven months of the 2017 calendar year.

While there were limited studies conducted of national trends in law enforcement recruitment, retention, and turnover in personnel to benchmark the SCDPS data, a 2013 study titled, "Recruitment, Retention, and Turnover of Law Enforcement Personnel" was found in the "Best Practices Guide" of the International Association of Chiefs of Police, which SCDPS can utilize in strengthening its recruitment, retention, and turnover strategy. Additionally, the Police Executive Research Forum produced a 2016 study titled, "Hiring for the 21st Century Law Enforcement Officer: Challenges, Opportunities, and Strategies for Success" which can also be of use to the SCDPS in its recruitment efforts.

IV. Office of Professional Responsibility Investigative Processes

A. Office of Professional Responsibility

The Office of Professional Responsibility (OPR) was established for the purpose of conducting all internal investigations of alleged employee misconduct and is considered the SCDPS program manager for the agency's

internal investigations program. This office is comprised of seven SCDPS staff members: (a) the OPR Chief who is the office's senior executive and a member of the agency's executive leadership team (ELT); (b) a supervisory investigator who reviews the investigative reports submitted for the OPR Chief's review; (c) three investigators all of whom maintain an investigative caseload; and (d) one full-time and one part-time administrative staff members responsible for data management of the OPR database software, IAPro.

As the agency's program manager for internal investigations, OPR is responsible for uncovering, developing, and objectively reporting all facts and circumstances surrounding allegations or complaints of misconduct by SCDPS employees. These complaints may pertain to misconduct, violations of departmental policies and procedures, violations of state or federal laws, or other SCDPS Code of Conduct Standards *(Appendix H)*. In addition, OPR investigations are intended to act as a protection to the employee from false or frivolous allegations.

The SIG review determined the OPR Chief, the supervisory investigator, and one OPR investigator have attended specialized training in internal investigations. Though each of the current investigators have a background in certain fields of investigations they have no training in internal investigations which is unique to all other investigative methods. Furthermore, the SIG could not identify a SCDPS policy or standard operating procedure which required specialized training for those conducting OPR investigations.

IAPro was implemented as the agency's case management software in 2014, and is specifically designed for internal investigations. This program provides a paperless digital platform to ensure critical incidents are documented, reviewed and managed with consistency and completeness. This software is dynamic and scalable enough to provide effective program management oversight. This includes the ability to identify historical complaints, investigations, and disciplinary actions for an employee; as well as, providing comparable disciplinary actions to ensure the agency is consistent and fair in its application of discipline for similar offenses. To date, OPR has uploaded historical SCDPS cases into IAPro dating back to 2002.

B. Internal Investigations Cycle and Current Practices

The full cycle of a SCDPS internal investigation encompasses the complaint, investigation, and grievance processes. The SCDPS internal investigative process has a direct impact on three principal parties which have a vested interest in the proper application of the agency's investigative resources: (1) the complainant (external or internal); (2) the SCDPS employee who is the subject of the complaint; and (3) SCDPS as the impacted state agency with reputational risk to the public and to its employees.

Receipt of Complaint

Whether a complaint is received through internal or external sources, the OPR Chief is responsible for the review and determination if an internal investigation is initiated. By direction of SCDPS Office of Professional Responsibility Policy 100.07 *(Appendix I)*, these complaints are reviewed by the OPR Chief upon receipt and referred to the SCDPS Director to determine if the matter will be investigated. The SIG determined the OPR Chief was delegated the authority to review and assign the investigations without discussing each case with the SCDPS Director. This delegated authority is within the discretion of the SCDPS Director's executive authority, and is considered an effective and efficient use of this authority, and provides OPR the ability to conduct effective program management oversight.

Assignment of Investigation

Once a decision has been made to initiate an internal investigation, the OPR Chief determines which SCDPS component will conduct the investigation by designating the investigation as either a Division Investigation (DI), which is conducted by a specific SCDPS division; or as a Professional Responsibility (PR) investigation, which is conducted by an OPR investigator. The decision to assign a matter as a DI or PR is the responsibility of the OPR Chief.

The SIG determined SCDPS does not have a policy clarifying which type of case is designated as DI and PR. Through interviews and a review of OPR investigative files the SIG determined similar allegations can be assigned to either category. In general, cases involving conduct which may result in an adverse personnel action, such as a termination, suspension, or demotion are assigned as a PR. Those matters which would result in something less than an adverse personnel action are designated as a DI. SCDPS policy provides the OPR Chief the discretion to make these case assignments.

Investigative Phases

The internal investigative process encompassed three phases: (1) Phase I – investigation and complaint determination; (2) Phase II – executive level review and disciplinary finding, if any; and (3) Phase III – post-discipline case closure. As an investigation is completed (Phase I), the results are reported through the appropriate DI or PR chain of command to OPR and the SCDPS Director to determine if the allegation had merit. SCDPS policy further defines a complaint determination as:

- Sustained – Employee's action violated department policy, procedures, or guidelines.
- Not Sustained – Insufficient evidence exists to either prove or disapprove the allegation.
- Exonerated – Employee's action occurred as alleged, but was in compliance with department policy, procedures, and guidelines. Employee's action was within the guidelines authorized by law.
- Unfounded – Alleged misconduct did not occur.

Each month, the SCDPS Director receives a report of all OPR investigative activity and case status. The OPR Chief also notifies the SCDPS Director of any serious matter which may have a negative impact on the agency's reputation.

Human Resources Division's Role in the OPR Investigative Process

Based on SCDPS policy, the SCDPS Director can utilize the agency's HR Division as needed if disciplinary action is warranted. The SIG determined through interviews and case reviews the HR Division's involvement in the OPR process went beyond established SCDPS policy and standard operating procedures. Specifically, at various stages of the investigation, HR was requested to supply the investigator with a "past discipline history" report of the employee under investigation. The SIG confirmed with OPR staff this information was available to the investigator through the case management program IAPro without the assistance of HR.

During the Phase II review, the HR Division is given the OPR case file for an HR staff member to access all case records and information in order to draft a summary of the investigator's findings. The SIG reviewed various examples of an "HR summary" which amounted to a restatement of information already found in the OPR case summary, which increased the duration of the cycle time of processing the case. Through interviews of SCDPS staff, the SIG confirmed the HR Division engaged in redundant processes to those already conducted by OPR.

Third, upon receipt of the OPR investigative file, the HR Division requests a recommendation for disciplinary action from the appropriate division director or SCDPS command staff. This was accomplished through a request to the division director or through the Discipline Review Committee (DRC), which is defined further in this report. The HR Division was responsible for creating the disciplinary action letter, sending it to the division director for the subject employee's acknowledgement and signature, and placement of the letter in the OPR investigative and employee personnel files for closure of the HR process.

Disciplinary Action Determination

SCDPS's disciplinary policy identified the SCDPS Director as the authority in determining whether disciplinary action is warranted. SCDPS Policy 400.08G sets forth a progressive disciplinary matrix to assist in determining the appropriate level of discipline based on prior employee discipline and comparable offenses. (See Appendix J) However, the SIG determined the current practice provided for various members of the SCDPS executive leadership team (ELT) (e.g. Director, HR, Lieutenant Colonel or respective division director) to determine the disciplinary action. Whether by design or delegation of authority, the SIG determined through interviews of SCDPS staff, the climate/leadership survey comments, and external reporting the process utilized by the agency to recommend and administer discipline was poorly understood by and/or communicated to SCDPS personnel. SCDPS personnel external to the disciplinary decision process perceived the process as ineffective in improving or correcting an employee's behavior, and that sometimes the discipline did not fit the offense.

Discipline Review Committee

The DRC is another internal committee used by the agency in determining disciplinary action. SCDPS Policy 400.08 "Disciplinary Action", Section III (Appendix K) defines the DRC as, *"An informal committee comprised of departmental employees to review recommendations for disciplinary or corrective action."* However, the SIG determined there was no other SCDPS policy which established the DRC's authorities, responsibilities, or functionality in the agency's disciplinary process. The DRC is comprised of the SCDPS Director, HR Director, General Counsel, OPR Chief, and at times the appropriate division director of the subject employee under investigation.

The SIG interviewed SCDPS employees involved in prior DRC meetings who stated the purpose of the DRC was to discuss the OPR investigative results, the employee's performance record, and recommend the appropriate disciplinary action to the SCDPS Director.

The SIG determined the agency did not maintain documentation of DRC meetings or deliberations (e.g., meeting minutes, schedules, or agendas). The SIG was informed that none exists because the DRC is an informal "ad hoc" review committee. The SIG located documentation of the DRC in the form of a spreadsheet maintained by an HR specialist designated to track the OPR investigative files and corresponding disciplinary action. The documentation consisted of the DRC meeting date and the identification of the OPR case. There was inconsistency in the agency's use of the DRC. The SIG reviewed an OPR case file which utilized a DRC meeting which resulted in a "counseling session," while there were other instances where the DRC was not convened for cases which resulted in adverse personnel actions. A review of the HR spreadsheet confirmed these cases did not appear in front of a DRC.

SCDPS Employee Grievance Process

The SCDPS employee grievance process is a multi-step process which can culminate in the employee bringing a grievance before the State Employee Grievance Committee. Prior to filing a grievance, the employee should

attempt to resolve the issue informally with his/her immediate supervisor or appropriate agency designee. In OPR cases, the appropriate agency designee is the employee's division director.

Step 1 If the employee is unable to resolve the matter informally, the employee must notify the HR Division and initiate a formal grievance. The HR Director reviews the appeal to determine if it is a grievable matter. If not, then the grievance is denied. This is considered to be the agency's "final" decision, and the employee can appeal to the Division of State Human Resources (DSHR) Director for review.

However, if HR determines the matter is grievable, the employee and the SCDPS division can opt for HR mediation. In this scenario, both the employee and the department must agree to the mediation for it to occur. If no mediation occurs, the grievance is sent to the employee's division director for review. If the grievance is denied, the employee may continue with the grievance under Step 2. The employee's division director is a member of the DRC.

Step 2 A Step 2 grievance is an appeal to the SCDPS Director to reconsider the disciplinary action recommended. The SCDPS Director makes the final decision for the agency. If the grievance is denied, the employee can appeal to the DSHR Director for review. The SIG determined the SCDPS Director is a member of and officially chairs the DRC.

C. Audit Sampling

The SIG performed an audit sampling of DI and PR cases maintained in OPR's IAPro database. The purpose of the audit was to test OPR's adherence to SCDPS policies, and identify OPR processes in need of improvement. The SIG reviewed a listing of 302 internal investigations (126 PRs, 144 DIs, and 32 terminations) opened during the period of 1/1/2016 through 7/31/2017. Included in this audit sampling were all DI and PR cases that resulted in employment termination for the period of 1/1/2015 through 7/31/2017. Of this population, the SIG selected 100 cases for the audit sample comprised of 31 DIs and 69 PRs (to include all terminations for both types of cases for the past thirty-one months). All cases resulted in one of four conclusions: Sustained, Not Sustained, Exonerated or Unfounded. For purposes of the audit, the SIG categorized cases as sustained resulting in termination, sustained resulting in disciplinary action other than termination (e.g. suspension; written reprimand; or a counseling session), unfounded and/or not enough evidence to sustain, and open investigations.

Life Cycle of a Case

Although similar, there are minor differences in the life cycle of a DI case versus that of a PR case that can be seen in the tables (Table 1 and Table 2) that follow. Generally, all cases, once assigned to an investigator go through three phases as broken down by the SIG for audit purposes: Phase I- Investigation, Phase II – Review for Discipline, and Phase III – Number of Days Following Discipline before a case is closed.

- Phase I – Investigation: This phase begins once an investigation has been opened and assigned to an investigator as a DI or PR matter. During Phase I, the investigator conducts interviews, reviews evidence, and other necessary fact findings to arrive at a conclusion of the allegation as being sustained, not sustained, exonerated or unfounded.
- Phase II – Review for Discipline: This phase begins once the investigator's supervisor (OPR Chief or Troop Captain) has signed off on the completion of the investigative phase. PR cases, not DI cases, are reviewed by the SCDPS Director at the beginning of the Phase II review. The case then passes through several layers of review by SCDPS executive leadership and division command staff, to

include HR to determine whether disciplinary action is deemed appropriate, and if so, what action to take. While in HR, the case is summarized by a staff member of HR; a request is made to the division director for a disciplinary recommendation (if applicable); a DRC is scheduled, if requested for disciplinary recommendation; and the letter of discipline is written by HR and sent to the division director to obtain the employee's signature. The employee's signature and/or a date specified in the letter designates the effective date of the disciplinary action to be administered.

- Phase III – Number of Days Following Discipline before a Case is Closed: This step generally begins while the case is in the office of HR. Once discipline has been determined, administered and documented via a letter of disciplinary action signed by the subject employee; the case file is given to the HR director for final signature and return of the investigative file to OPR. The OPR Chief reviews and signs off on the file before forwarding to the SCDPS Director for final review and closing signature. Once the SCDPS Director has signed the file, it is returned to OPR for closure in IAPro and filing of the hardcopy.

Audit Sampling Analysis

The results of the SIG audit determined, on average, it took anywhere from four to six months for a case to reach closure, regardless of the type of investigation (DI or PR). The OPR maintained a standard operating procedure of completing PR investigations within a 180 day period. However, no agency policy or procedure was provided which established an acceptable length of the time period to complete a DI case. The audit test results illustrated in the following tables (Table 1 and Table 2) quantify the average life cycle of an OPR case.

Table 1. Division Investigation (DI) and Office of Professional Responsibility (PR) Investigation Summaries

Division Investigation (DI)

Investigation Case Type	# of Cases Sampled	Life Cycle of Case (Days) *Phases I - III*	PHASE I - Investigation (Days)	PHASE II - Review for Discipline (Days)	PHASE III - # of Days Closed After Discipline (Days)
DI Cases (Sustained/ Terminations)	3	159	62	77	20
DI Cases (Sustained/ Non-Terminations)	16	151	32	88	31
DI Cases (Unfounded/ Not Sustained)	10	125	61	36	27
DI Cases (Open - Still Under Investigation)	10	> 56	> 56	-	-
Total DI Cases Reviewed	**39**	*These are averages based on the number of sampled cases*			

Note: Variances are due to rounding

Office of Professional Responsibility Investigation (PR)

Investigation Case Type	# of Cases Sampled	Life Cycle of Case (Days) *Phases I - III*	PHASE I - Investigation (Days)	PHASE II - Review for Discipline (Days)	PHASE III - # of Days Closed After Discipline (Days)
PR Cases (Sustained/ Terminations)	24	124	67	38	19
* PR Cases (Sustained/ Terminations)	5	157	68	0	89
PR Cases (Sustained/ Non-Terminations)	12	173	88	71	14
PR Cases (Unfounded/ Not Sustained)	10	174	110	57	8
PR Cases (Open - Still Under Investigation)	10	> 88	> 88	-	-
Total PR Cases Reviewed	**61**	*These are averages based on the number of sampled cases*			

Note: Variances are due to rounding

** Due to circumstances of these 5 cases, the disciplinary action (termination) occurred prior to completion of the investigation.*

DI Cases (Sustained/ Terminations)

Specific to DI cases, for those that were sustained and resulted in termination, on average, the life cycle was five months (159 days) with the first two months (62 days) or 39% spent in the Phase I investigative period. In this sample, two of the three cases had life cycles of 179 and 219 days. These were the only DI termination cases contained in the population; therefore, the SIG was unable to increase the sample size to obtain a more level measure. Even with the available information, the results show a less than efficient process of reviewing (Phase II) and closing (Phase III) the cases as the average time spent in these phases was 3 months (97 total days) following the investigation.

DI Cases (Sustained/Non-Terminations)

Similarly, DI cases which were sustained and resulted in other disciplinary actions, on average, took five months (151 days) to close with the first 32 days (21%) spent in the Phase I investigative period. As illustrated in this table, 79% of the total case time (119 days) was spent in the Phase II review (58%) and the Phase III closing (21%) periods.

DI Cases (Unfounded/Not Sustained)

DI cases determined to be unfounded or not sustained, on average, were completed in 125 days with 49% of that time (61 days) spent in Phase I. As there was neither a finding, nor a need for disciplinary action, these cases were not reviewed for disciplinary action. However, Phases II & III were still conducted as all cases were sent through multiple layers of management review (excluding HR) prior to closure. As a result of the additional layers of review, on average, these investigations were kept open an additional 63 days, or 51% of the total case life before being closed.

DI Cases (Open – Still Under Investigation)

DI cases that were still open investigations at the time of the SIG review (8/1/2017) were averaging nearly the same length of time in investigation (Phase I) as all other cases reviewed. These cases were averaging 56 days currently under investigation.

PR Cases (Sustained/ Terminations)

PR cases that were sustained and resulted in terminations had an average life cycle of 124 days with 54% of that time (67 days) spent in Phase I. The remaining 57 days were spent transferring the case through the layers of review for disciplinary action and closure. As a side note, five (5) cases were analyzed separately due to circumstances of the cases in which the disciplinary action (termination) occurred prior to completion of the investigation. For these cases, on average, the employment termination occurred within eight (8) days of case initiation due to the severity of the allegation, followed by an additional 60 days of investigation prior to case closure. While there was no time expended under Phase II, it took an additional 89 days to close these investigations in Phase III.

PR Cases (Sustained/ Non-Terminations)

PR cases that were sustained and resulted in disciplinary action other than termination spent 51% (88 days) of the total case life cycle (173 days) in the Phase I period, with 84% (71 days) of the remaining 85 days in the Phase II period of review for disciplinary action.

PR Cases (Unfounded/ Not Sustained)

PR cases that were unfounded or not sustained took equally as long to close as those sustained with no termination. These cases spent 110 days (63%) in the Phase I investigative period, and 65 days (37%) to close the investigation when there was no disciplinary action necessary. Contrary to DI investigations, these cases were sent to HR even though there was neither a finding nor any need for disciplinary action (see Table 2).

PR Cases (Open – Still Under Investigation)

PR cases that were still open investigations at the time of the SIG review (8/1/2017) were averaging nearly the same length of time in investigation (Phase I) as all other cases reviewed. These cases were averaging 88 days currently under investigation.

Table 2. ***Division Investigation and Office Professional Responsibility Investigation, Phase II – III Details***

Division Investigation (DI)			**Phase II - Review for Discipline (Days)**			**Phase III - Closure (Days)**		
Investigation Case Type	**# of Cases Sampled**	**Life Cycle of Case (Days)** ***Phases I - III***	**HQ Command**	**Division Director/Chief**	**Human Resources**	**Human Resources**	**OPR**	**Director**
DI Cases (Sustained/ Terminations)	3	159	10	15	52	17	1	2
DI Cases (Sustained/ Non-Terminations)	16	151	15	2	71	13	16	3
DI Cases (Unfounded/ Not Sustained)	10	125	27	9	0	0	22	5
DI Cases (Open - Still Under Investigation)	10	> 56	-	-	-	-	-	-
Total DI Cases Reviewed	**39**	*These are averages based on the number of sampled cases*						

Note: Variances are due to rounding

Office of Professional Responsibility Investigation (PR)			**Phase II - Review for Discipline (Days)**			**Phase III - Closure (Days)**		
Investigation Case Type	**# of Cases Sampled**	**Life Cycle of Case (Days)** ***Phases I - III***	**Director**	**HQ Command**	**Human Resources**	**Human Resources**	**OPR**	**Director**
PR Cases (Sustained/ Terminations)	24	124	18	3	17	7	11	1
* PR Cases (Sustained/ Terminations)	5	157	0	0	0	49	2	37
PR Cases (Sustained/ Non-Terminations)	12	173	24	8	39	1	11	2
PR Cases (Unfounded/ Not Sustained)	10	174	38	5	14	0	6	1
PR Cases (Open - Still Under Investigation)	10	> 88	-	-	-	-	-	-
Total PR Cases Reviewed	**61**	*These are averages based on the number of sampled cases*						

Note: Variances are due to rounding

** Due to circumstances of these 5 cases, the disciplinary action (termination) occurred prior to completion of the investigation.*

DI cases, as a whole, stalled when sent to HR. On average, these cases spent between 68% and 81% of the Phase II review in HR. The SIG conducted a review of HR's internal case tracking mechanism and determined it took HR, on average, 36 days to make a request to the division director for a discipline recommendation, and an additional 17 days before a response was received. Additionally, the infrequent use of the DRC for a DI case, on average, took 67 days before a DRC was scheduled. Once discipline was determined and documented via a letter of discipline that was forwarded to the division director, it took 16 days before HR received the letter back from the division director with the subject employee's signature.

A review of the PR cases provided a slightly different perspective of HR's involvement in the processing of cases for disciplinary action. For PRs, cases spent 24 – 54% of the time in HR. The average time it took for HR to request a disciplinary finding from the division director or through a DRC was 15 – 19 days, and the

turnaround in receiving the signed letter of disciplinary action from the division director was less than a week (5 days). In contrast to that of DIs, cases that were unfounded/not sustained were sent to HR for processing although there was neither a finding nor disciplinary action determined necessary. On average, these cases spent two weeks (14 days) in HR. However, these cases generally were not tracked because there was no disciplinary action taken.

Another one-third of the review time, PR cases were under an initial review by the SCDPS Director following the completion of the investigation. This step took place prior to the investigation either being sent to the division director for review and recommendation for disciplinary action or before a DRC was scheduled.

For the five cases separately analyzed due to the circumstances of the cases, the OPR Chief stated cases involving an employee no longer at the agency were completed for thoroughness, but were shifted down in the priority list for completion. This would have prolonged the length of time it took to close the case. One of the five cases was open for over one year (401 days) and on average, these cases spent a considerable amount of time in review by the SCDPS Director and HR, 38% and 56%, respectively.

D. Summary of OPR Investigative Processes Audit

The audit sampling results determined the average length of an internal investigation was 174 days from case opening to final case closure. The average length of the audited cases was within the established SCDPS policy of 180 days; however, 24 cases exceeded SCDPS policy with the longest opened investigation lasting 401 days.

More importantly, the investigative phase (Phase I) was generally completed within a two to three month period for those investigations which resulted in an adverse personnel action (i.e., termination, suspension, demotion). The SIG audit determined the DI and PR investigations were consistent in the length of time to complete the investigative phase and reach a conclusion on the merits of the allegation.

However, inefficiencies occurred as HR involvement increased during the Phase II review process. Many of the processes executed by HR were redundant to those already completed by OPR. Additionally, the IAPro case management system afforded OPR the same information being maintained by HR. The elimination of these redundant HR processes has the potential to reduce the Phase II period by an average of 27 days.

Additionally, the use of the DRC was inconsistent in its application and frequency by SCDPS. On average, HR took 41 days to convene a DRC meeting when it was requested. Based on the audit sampling results, a recurring DRC schedule has the potential to significantly reduce the Phase II review period as well.

Finally, while the DRC is intended to be impartial in determining a disciplinary action, it adversely impacts a fair and impartial grievance process as it is currently structured. The SCDPS Director and the division director for the employee under investigation both review and deliberate the OPR investigative findings to determine the appropriate disciplinary action, if any. Under the agency's grievance process the employee appeals to the same individuals to reconsider the disciplinary findings. In order to provide a semblance of impartiality to the employee and the SCDPS Director during the appeal process the SIG is recommending the SCDPS Director be removed from the DRC structure, and that the initial grievance appeal be heard by a division director outside of the employee's chain of command and who did not participate in the DRC's disciplinary finding.

V. Leadership, Communication, and Morale Issues

A. SCDPS Employee Interviews

The SIG interviewed 56 SCDPS current and former staff (administration, command staff with the rank of captain and above; OPR; HR; GC; and financial services) regarding leadership; morale; and communication. The interviewees demonstrated a highly professional and committed group. All interviewees provided statements under admonishment of non-disclosure and confidentiality under the South Carolina Code of Laws.

Despite interviewees having different roles and experience levels, their responses to the same series of questions were consistent with a low level of variability. Four themes emerged from the interviews, which had a level of overlap with each other, and were also corroborated by the Climate/Leadership Survey comments in Section C. The areas identified, which provide SCDPS leadership direction to focus its improvement efforts included: leadership, communication and trust; low morale; inefficiency in the OPR process; and problematic issues in the HR processes.

Leadership, Communication, and Trust

There were some positive comments regarding the SCDPS Director's leadership and interaction with the staff, however other comments indicated lack of the SCDPS Director and command staff presence in the field leads to the belief that the agency is not supportive of them or the mission, as well as poor communication leads to the mistrust of most of the command staff. Other comments articulated regarding these factors included low manpower; long hours; the slow hiring and disciplinary processes; favoritism; and the inconsistency in policies and discipline all have contributed as well.

Low Morale

Virtually all staff interviews identified morale at SCDPS as low. Although each employee is responsible for his/her own morale, the factors commented on contributing to low morale included employees being underpaid and treated unprofessionally. The slow disciplinary and hiring processes and lack of an updated Personnel Allocation Module for proper manpower placement and needs also contributed to the low morale.

Inefficiency in the OPR Process

The OPR process is too lengthy and inconsistent in the adjudication of punishment. Investigations are often opened on unsubstantiated information. Those officers and employees under an OPR investigation are stigmatized as they are denied promotion and pay advances while being reviewed. Troop Captains should have input into the process and be able to handle minor issues at the troop level. Speeding up the OPR process, adjudicating "cut and dried" cases quickly and the use of discretion in OPR matters would greatly improve morale.

Problematic Issues in the HR Processes

Issues of concern expressed included: continuous turnover in the HR due to low salaries, low morale, heavy workload, and negative work environment; the hiring process takes too long, subsequently losing quality applicants who find employment elsewhere; HR is too involved in the OPR process, causing delays that are

unnecessary after a completed investigation is done; and HR provides little assistance in the recruiting process and other areas within the agency.

B. SCDPS Employee Climate - Leadership Survey Analysis

The SIG developed and administered an employee climate/leadership survey to gauge morale, communication, leadership, and policy issues. The survey included 60 questions, which, while not all-encompassing, covered various topics such as hiring/retention processes, communication, morale, job satisfaction, supervision and leadership, and the OPR administrative inquiry process, among others. The survey was built and managed solely by the SIG to provide complete anonymity to SCDPS employees, and was structured to afford the employees the ability to provide written comments without attribution or source correlation. *(See Appendix M)*

In addition, the survey provided two open-ended questions to obtain the respondents' perspective/observations on obstacles that inhibited the hiring process to fill vacant positions; and areas that seemed to negatively impact the retention of employees. The survey also included two demographic questions to identify the SCDPS employee's job classification (sworn office or non-sworn professional staff), and the total years of employment with SCDPS.

During the survey's two-week open period, the SIG received 824 responses to the survey, or 62% of the 1,336 employees (full time and grant employees) conveyed through a web-link. Seventy-six percent (76%) of the respondents were sworn law enforcement officers, and 24% were non-sworn professional staff. The SIG received 7,502 comments to the survey questions which are further addressed in Part V, Section C of this report.

The survey included 55 survey questions known as "agree/disagree" questions where a statement is made with six possible responses: strongly disagree; disagree; neither agree nor disagree; agree; strongly agree; and non-applicable. The survey also included five (5) "satisfied/dissatisfied" questions with these six possible responses: extremely dissatisfied; moderately dissatisfied; extremely satisfied; moderately satisfied; neither satisfied nor dissatisfied; and non-applicable.

The following analysis of the survey is grouped based on the major categories of the survey itself: Leadership; Work Environment/Integrity and Professionalism of Staff; Job Satisfaction; OPR/Administrative Inquiry Process; and Morale & Communication.

Agency Leadership

Agency leadership was defined by the most senior executives within the agency which included the division directors or those with the rank of colonel, chief, or the most senior appointed position within the specific division. The survey included seven "agree/disagree" questions and one satisfaction question pertaining to agency leadership:

- I have a high level of respect for the SCDPS's senior executives (i.e., Director, division directors...).
- Direct communication (e.g., meetings, office visits) from the Director and senior executives helps me understand the SCDPS mission and strategy.
- The SCDPS's senior executives maintain high standards of honesty and integrity.

- I believe SCDPS executives set a positive example for the organization by adhering to applicable rules, regulations, and policies.
- Agency leadership demonstrates that a commitment to ethics, integrity, and compliance is an institutional priority.
- Employee morale is important to the SCDPS's senior executives (i.e., Director, division directors).
- I have trust and confidence in my agency's leadership.

The aggregate results were 47% strongly disagreed/disagreed; 32% strongly agreed/agreed; 20% neither agreed nor disagreed; and less than 1% were non-applicable.

In response to the question "Considering everything, how satisfied are you with the SCDPS leadership and the status of the agency?" 56% of the respondents were extremely dissatisfied/moderately dissatisfied; 33% were extremely satisfied/moderately satisfied; and 11% were neither satisfied nor dissatisfied.

Division Leadership

Division leadership, which included the division director, was further defined to include the senior executives at the division's headquarters (HQ) in Blythewood, SC. These included those with the ranks of lieutenant, captain, major, colonel, chief, or whomever maintained an appointed rank at the division's HQ. The survey included the following six "agree/disagree" statements and one satisfaction statement pertaining to division leadership:

- The leadership in my Division demonstrates that a commitment to ethics, integrity, and compliance is an institutional priority.
- Employee morale is important to my Division leadership.
- Division leadership has a positive impact on our Division's performance.
- Leaders in my Division encourage and consider alternative points of view and recommendations.
- Division leadership empowers and supports supervisors to perform their jobs.
- I have trust and confidence in my Division's leadership.

The aggregate results were 39% strongly disagreed/disagreed; 40% strongly agreed/agreed; 20% neither agreed nor disagreed; and less than 1% were non-applicable.

In response to the question "How satisfied are you with the information you receive from your Division's leadership on what is going on in the SCDPS?" 36% of the respondents were extremely dissatisfied/moderately dissatisfied; 39% were extremely satisfied/ moderately satisfied; and 24% were neither satisfied nor dissatisfied.

Supervisory Leadership

Supervisory leadership was further defined to identify those in daily front line supervision of the work force, whether in SCDPS HQ or in offices throughout the state. These leadership positions included those with the ranks of captain, lieutenant, sergeant, and corporal, or those who supervise or manage personnel. The survey included twenty (20) "agree/disagree" questions pertaining to supervisory leadership. The survey data indicated 70% of the respondents positively rated their front-line supervisors. These questions assessed the employee's perception of the supervisor's characteristics to include whether the supervisor was trustworthy; acted with integrity, honesty, fairness & empathy; led by example; was a good communicator and problem solver; and provided the needed resources, guidance and support.

The aggregate results were 14% strongly disagreed/disagreed; 70% strongly agreed/agreed; 14% neither agreed nor disagreed; and 2% were non-applicable.

Work Environment/Integrity and Professionalism of Staff

The survey included thirteen (13) "agree/disagree" statements pertaining to the work environment/integrity and professionalism of staff. The survey data indicated 54% of the respondents agreed that employees are provided the resources to do their jobs; the employees are competent, professional and know how to get the job done; and SCDPS is a safe place to work. However, 51% of the respondents strongly disagreed/disagreed that personnel policies were applied consistently across employees.

The aggregate results were 27% strongly disagreed/disagreed; 54% strongly agreed/agreed; 18% neither agreed nor disagreed; and 1% were non-applicable.

Job Satisfaction

The survey included the following three (3) "agree/disagree" questions and three satisfaction questions that assessed job satisfaction:

- I have the opportunity to receive training that will improve my skills and enhance my career opportunities.
- I understand how my role(s) and responsibilities fit in the agency's mission.
- I am proud to work for the SCDPS.

The aggregate results were 24% strongly disagreed/disagreed; 56% strongly agreed/agreed; 19% neither agreed nor disagreed; and 1% were non-applicable.

The survey included the following three "satisfaction" questions regarding job satisfaction:

- Considering everything, how satisfied are you with your total compensation (e.g., salary, bonus…)? (60% of the respondents were extremely dissatisfied/moderately dissatisfied; 29% were extremely satisfied/moderately satisfied; and 11% were neither satisfied nor dissatisfied)

- How satisfied are you with the recognition you receive for doing a good job?
  (37% of the respondents were extremely dissatisfied/moderately dissatisfied; 36% were extremely satisfied/moderately satisfied; and 27% were neither satisfied nor dissatisfied)

- Considering everything, how satisfied are you with your job?
  (31% of the respondents were extremely dissatisfied/moderately dissatisfied; 54% were extremely satisfied/moderately satisfied; and 15% were neither satisfied nor dissatisfied)

OPR/Administrative Inquiry Process

The survey included six questions pertaining to the OPR/Administrative Inquiry Process.

- Results of closed administrative inquiries are communicated to you and your division on a periodic basis (e.g. quarterly) which provide a general synopsis of the allegation; whether or not the offense was sustained; the disciplinary action taken, if any; while providing anonymity to the identity of the affected employee.

Fifty-one percent (51%) of the respondents understood the process and indicated that results were communicated to them, while 11% indicated they were not informed, and 38% stated that this question was not applicable.

- Do you agree or disagree that disparity exists within the Administrative Inquiry process as it pertains to the initiation of an inquiry or disciplinary actions taken based on job classification/position held within the agency, or "who you know", and the length of time an inquiry is kept open.

On average, more than 50% agreed that disparity exists within the Administrative Inquiry process for disciplinary application based on the position held within the agency; the initiation of an inquiry was based on position held or “who you know;” and the length of time an inquiry was kept open was based on position or job classification.

The aggregate results were 12% strongly disagreed/disagreed; 51% strongly agreed/agreed; 27% neither agreed nor disagreed; and 10% were non-applicable.

Morale

The survey included three (3) “agree/disagree” statements pertaining specifically to the perception of morale within the agency. This category had the highest percent of responders that strongly disagreed/disagreed.

- Morale at work is good.
- Employee morale is important to the SCDPS's senior executives (i.e., Director, division directors, etc.).
- Employee morale is important to my Division leadership.

The aggregate results were 58% strongly disagreed/disagreed (64%, 63%, and 45% respectively); 28% strongly agreed/agreed; and 14% neither agreed nor disagreed.

Communication

The survey included two (2) “agree/disagree” statements pertaining specifically to the perception of communication within the agency. This category had the highest percent of responders that strongly agreed/agreed that the front-line supervisors clearly communicate ideas verbally and in writing.

- My supervisor clearly communicates ideas verbally and in writing.

The survey indicated that 12% strongly disagreed/disagreed; 75% strongly agreed/agreed; 12% neither agreed nor disagreed; and 1% were non-applicable.

- Direct communication (e.g., meetings, office visits) from the Director and senior executives helps me understand the SCDPS mission and strategy.

The survey indicated that 45% strongly disagreed/disagreed; 32% strongly agreed/agreed; 21% neither agreed nor disagreed; and 2% were non-applicable.

C. SCDPS Employee Climate - Leadership Survey Analysis of Comments

The survey was structured to afford the employees the ability to provide written comments throughout as the respondents were completing the survey. The SIG received 7,502 comments to the survey questions.

Categories of the survey questions	Comments
1. Agency Leadership	1,444
2. Division Leadership	832
3. Supervisory Leadership	1387
4. Work Environment	679
5. Integrity and Professionalism of Staff	559
6. Job Satisfaction	770
7. OPR/Administrative Inquiry Process	400
8. Obstacles that Inhibited the Hiring Process to Fill Vacant Positions	714
9. Areas that Seemed to Most Negatively Affect the Retention of Employees	717
	7,502

In reviewing these comments, many respondents expressed their commitment to SCDPS, their love for the job, their belief in the agency's mission and some even praised specific individuals within the leadership team that have been exemplary leaders; however, these statements are overshadowed by the numerous concerns employees expressed on various aspects of agency leadership and SCDPS operations.

Below is a snapshot of the most frequently mentioned concerns presented by the survey respondents in the comments section for the above-mentioned categories and a synopsis of the comments.

Recurring Concerns Noted in Respondent Comments	**No. of Responses**
Pay most negatively affects the retention of employees	529
Low employee morale	455
Tattoo policy	245
Fear of retaliation, retribution, reprimands, scare tactics, and threats	210
Lack of trust	186
Lack of respect	166
OPR investigations take too long	150
Lack of integrity, honesty, and ethical behavior	135
Lack of communication	103
Favoritism	94
Total	2,273

Agency Leadership

Comments included: lack of trust; lack of leadership; micromanagement; political actions; lack of integrity/ethics; being disconnected; poor/lack of communication; management by fear/intimidation; favoritism/disparity in applying policy, promotions, and disciplinary actions; and attributing factors to employee low morale.

Division Leadership

Some comments that were complimentary included: supportive, trustworthy, and being a positive impact on the division's performance. However, other comments included: leadership is not open minded and ideas and recommendations to streamline and improve processes are ignored; morale is low due to the low level of communication from command staff; leadership cares, but they're out of touch, and division leadership manages with intimidation and fear.

Supervisory Leadership

Comments included: trustworthy; leads by example; approachable; cares about the employee as a person; good communicator; and treats people fairly. However, although the survey responses to the questions were 70% positive, some constructive comments included: communication of expectations, guidance and instructions were not clear or concise; communication between the ranks of supervision were not clear; supervisors had poor speaking and writing skills – need to improve; more direct communication would be appreciated; and being open to employee ideas for improvements.

Work Environment

Comments included: Low manpower, poor equipment, inconsistent discipline, especially over the profanity policy, low pay, no raises, and lack of respect from management all contribute to the low morale issue. Other comments included: outdated equipment and vehicles with high mileage; and technology software is not compatible with the older computers in vehicles; ideas and recommendations to streamline and improve processes are ignored; management is reactive, not proactive and has no vision for the agency; employees don't feel supported; and are afraid to report misconducts in fear of retaliation, being fired, or sued.

Integrity and Professionalism of Staff

Although over 50% of the employees responded to the survey positively that SCDPS had competent employees, that treat each other fairly and with respect, the overarching theme of the comments included: employees were lacking in competency, integrity and professionalism; favoritism; and personnel policies were not consistently applied.

Job Satisfaction

Positive comments on this survey question typically included, "I am proud to be a state trooper, and very much like my job," but were coupled with expressions of concern at the state the agency was in today. These comments noted areas of lack of leadership, low morale, inadequate training, lack of respect and unfair treatment as contributing factors negatively affecting overall job satisfaction. Many of the responders commented about compensation inequity, although in 2015, SCDPS initiated a salary and career path restructuring for all law enforcement officers (effective June 2016); however, there were no increases provided for civilian employees which affected morale within the agency.

OPR/Administrative Inquiry Process

The overarching theme was the OPR process was inconsistent/biased, the process was too long; and it negatively affected promotions and morale.

Obstacle(s) that Inhibited the Hiring Process for Filling Vacant Positions

The most recurring comments were: the tattoo policy, profanity policy, the residency policy, and low morale within the agency. Survey respondents also provided comments of obstacles to the SCDPS's ability to fill vacant positions included: a very long hiring process (typically 6 months) which deters applicants, who find employment elsewhere. The lack of competitive pay and advancement for all employees, minimal recruiting efforts, favoritism, and poorly managed HR Department with constant turnover contribute to the minimal candidate pool. Other comments included: current low employee morale, retention and workload; and negative public perception of the agency.

Areas that Most Negatively Affected the Retention of Employees

Employee turnover is a major concern of SCDPS. The many reasons given included: poor working conditions, no consistency in policy and procedures, a lack of consistency in the disciplinary process, poor pay, lack of advancement opportunities, low manpower, lack of good training opportunities, poor and inconsistent leadership, poor quality equipment (cars, computers), and poor communication from management.

VI. Way Forward

The intent of the SIG's review of SCDPS was to identify redundant processes adversely impacting the HR and OPR programs and make recommendations to the agency's leadership on ways to remediate these processes. The SIG identified processes and made recommendations which can improve agency operations, particularly in OPR investigations. Taken in isolation the issues identified may seem inconsequential to someone not involved in the daily operations of a law enforcement agency. However, the climate/leadership survey conducted of more than 1,300 SCDPS employees indicated these are not inconsequential issues to the individual SCDPS employee.

The survey identified a motivated SCDPS work force who understand and embrace the mission of SCDPS. As with any agency, and even more so with a law enforcement group, motivating the employee base to embrace the mission of an agency is 90% of the battle for senior management. Interviews conducted by the SIG validated the motivation of SCDPS employees, in particular, the SCHP troopers and other SCDPS law enforcement officers to provide public safety to the citizens of South Carolina. The balance to the equation rests on the shoulders of the agency's leadership to ensure its employees are provided the work environment and tools to achieve success, both individually and corporately.

This begins by addressing internal processes which negatively impact agency personnel in accomplishing this mission. Genuine concerns of the length of time it took to conduct an internal investigation were expressed through the survey and interviews of SCDPS staff. The survey results are poignant in this regard and provide SCDPS leadership with a roadmap on where to begin rebuilding this trust.

The SCDPS recognized the need to address the understaffing needs among its SCDPS trooper population and recently implemented an aggressive recruitment strategy to address this critical need affecting agency effectiveness. Contemporaneous to this new recruitment strategy, SCDPS leadership modified its Tattoo and Residency policies to attract more applicants for the uniformed officer position. The initial results indicate a 48% increase in the number of applicants for the uniformed officer position when compared to the first seven months of the 2017 calendar year. It is important for agency leadership to implement performance metrics, regularly assess the results, and amend this strategy as needed to ensure recruitment efforts are effective and do not become stale.

Addressing all of the critical issues affecting the agency is accomplished through introspection and self-analysis at the program level and developing mitigation strategies to place the agency on an upward trajectory. The SCDPS leadership, throughout its ranks has the capacity and experience to build these processes and proactively get in front of issues negatively impacting the agency.

As set forth in the SCDPS Strategic Plan, the agency's vision is to "be recognized as an exemplary law enforcement agency dedicated to providing equitable public service supported by progressive leadership, advanced technology, and a philosophy of continuous improvement." As such, the urgency to address these issues should be the agency's highest priority.

The SIG extends its appreciation to the SCDPS leadership and all of its employees for the cooperation and courtesies provided to the SIG during this review. During the course of this review, the SCDPS leadership implemented changes as matters were brought to the attention of agency leadership regarding processes and policies in need of further review and modification. The following SCDPS policies and processes were modified and/or implemented during this review:

- Employee notification of the initiation of an OPR investigation is given by the respective senior manager (e.g., Troop Captain, Chief, Major) – July 2017
- Modified Tattoo Policy implemented – August 2017
- Modified Residency Policy implemented – August 2017
- Restructured Disciplinary Review Committee to remove SCDPS Director from committee structure and deliberations, OPR Chief as chair of the committee, and established a recurring schedule – September 2017
- Restructured employee grievance hearing process to have initial appeal heard by an impartial division director outside of the employee's chain of command or disciplinary deliberations – September 2017
- Eliminated redundant HR processes and practices from the OPR investigative process – September 2017

VII. Findings and Recommendations

Finding 1: Over the past seven years (FY2011–2017), SCDPS experienced significant turnover in personnel (1,100). In FY2017, SCDPS had a 15% loss (206 employees) through separations and attrition, which included eight key personnel positions. The vast majority of the 1,100 separations occurred in the Highway Patrol Division (809), at an average rate of 115 per year. Failing to attract, recruit, and retain a professional workforce may compromise the Agency's mission to provide professional services, enforce traffic laws, and save lives. By not reducing turnover, more state and taxpayer funds are being spent in an attempt to attract, hire, and retain officers. There was no indication the agency proactively researched and analyzed the turnover rate in order to address the problem.

> **Recommendation 1a:** SCDPS leadership should consider conducting an assessment of the continuous turnover in employees and developing a strategy to close the existing job vacancies throughout the agency, and intensify efforts on recruiting, training, and retention of personnel.
>
> **Recommendation 1b:** SCDPS leadership should consider developing a three-pronged plan to increase the number of candidates in the two SCHP training sessions that are held annually, or by increasing the number of training sessions; developing a recruitment strategy to increase the pool of SCDP candidates; and develop performance metrics for monthly hiring goals and accountability purposes which assist in evaluating the effectiveness of the recruitment strategy.
>
> **Recommendation 1c:** SCDPS leadership should consider a reassessment of the current resource allocation mechanism, Personnel Allocation Model (PAM), used to determine the appropriate staffing and placement of Highway Patrol Division manpower, and evaluate whether the current PAM is realistic or if another type of mechanism is more applicable.

Finding 2: The SCDPS OPR utilizes the IAPro case management program to effectively and efficiently monitor all agency internal investigations. However, the current SCDPS OPR process of conducting internal investigations and determining disciplinary actions in coordination with HR interjected redundant and inefficient processes which resulted in prolonging investigations on average between 27 – 40 days. Additionally, multiple layers of SCDPS division senior management review occurred within each OPR investigation which also prolonged the investigation.

> **Recommendation 2a**: SCDPS leadership should consider streamlining the OPR review and discipline determination process by utilizing IAPro for the identification of prior disciplinary actions and for identifying historical disciplinary actions for comparability to any proposed disciplinary finding.
>
> **Recommendation 2b**: SCDPS leadership should consider reassessing the need for SCDPS division personnel other than the division directors to review an OPR investigation in order to prevent the unnecessary delay in determining any disciplinary action.

Finding 3: The SCDPS policy defines the Disciplinary Review Committee (DRC) as an informal committee to assist in determining disciplinary action if warranted. The SCDPS' current usage of the DRC as an ad hoc committee is arbitrary, and DRC findings are not documented. The DRC is comprised of the SCDPS Director as the formal DRC chair, General Counsel, HR director, OPR Chief, and the division director of the employee under administrative inquiry. The inclusion of the SCDPS Director and the employee's division director conflicts with the agency's ability to afford an impartial hearing of an employee's appeal under the current grievance process.

> **Recommendation 3a**: The SCDPS leadership should consider amending agency policy to formalize the DRC, establish a regular DRC meeting schedule, and properly document DRC meeting findings.
>
> **Recommendation 3b**: The SCDPS Director should consider a restructure of the DRC committee composition and amending agency policy to reflect a DRC composition of the OPR Chief as the formal chair, General Counsel, HR Director, the division director of the employee under administrative inquiry, and the chief investigator of the investigation being heard by the DRC. The removal of the SCDPS Director from the DRC structure provides for an impartial review of the disciplinary finding in the event of an employee grievance.
>
> **Recommendation 3c:** The SCDPS Director should consider delegating authority to the DRC to issue the agency's disciplinary finding.

Finding 4: The SCDPS grievance appeal process as currently applied, does not provide an employee with an impartial review by SCDPS senior management. Specifically, the current DRC composition includes the SCDPS Director and the employee's division director who determine the disciplinary action as part of the DRC review process. The current grievance process requires the employee to appeal to the same division director and to the SCDPS Director who made the initial disciplinary finding. This does not provide for an impartial review of the OPR investigations and disciplinary finding.

> **Recommendation 4a**: The SCDPS leadership should consider designating a division director unaffiliated with a disciplinary finding or part of the employee's chain of command for the first level of review for an employee grievance of a disciplinary finding which affords the ability to issue an impartial review of an employee's appeal should the need arise.
>
> **Recommendation 4b**: The SCDPS Director should consider a restructure of the DRC composition and amendment to agency policy to reflect a DRC compositions of: the OPR Chief as the formal chair, General Counsel, HR Director, the division director of the employee under administrative inquiry, and the chief investigator of the investigation being heard by the DRC.
>
> **Recommendation 4c**: The SCDPS Director should consider delegating authority to the DRC to issue the agency's disciplinary finding.

Finding 5: The SIG determined only three of the five OPR investigators were officially trained in conducting internal investigations.

> **Recommendation 5a:** The SCDPS leadership should ensure all OPR investigators are officially trained in how to conduct internal investigations.
>
> **Recommendation 5b**: The SCDPS leadership should consider an agency-wide command and supervisory staff training and overview of current internal investigation processes, requirements, and reporting.

APPENDICES

A. SCDPS Organizational Chart

B. SCDPS Recruitment Program Policy 400.01

C. SCDPS Recruitment and Retention Plan

D. SCDPS Civilian Application and Selection Process Policy 400.29

E. Human Resources Temporary /Civilian Hiring Process

F. SCDPS Commissioned Law Enforcement Officer Application and Selection Process Policy 400.02

G. Human Resources Law Enforcement Hiring Process

H. SCDPS Code of Conduct Policy 100.12

I. SCDPS Office of Professional Responsibility Policy 100.07

J. SCDPS Guidelines for Progressive Disciplinary Action Policy 400.08G

K. SCDPS Disciplinary Action Policy 400.08

L. SCDPS Employee Climate - Leadership Survey

Appendices located at the following Internet link: SCDPS Report Appendices A-L

OFFICE OF THE INSPECTOR GENERAL

EXHIBITS [A - L]

Review of the South Carolina Department of Public Safety Regarding Three Issues:

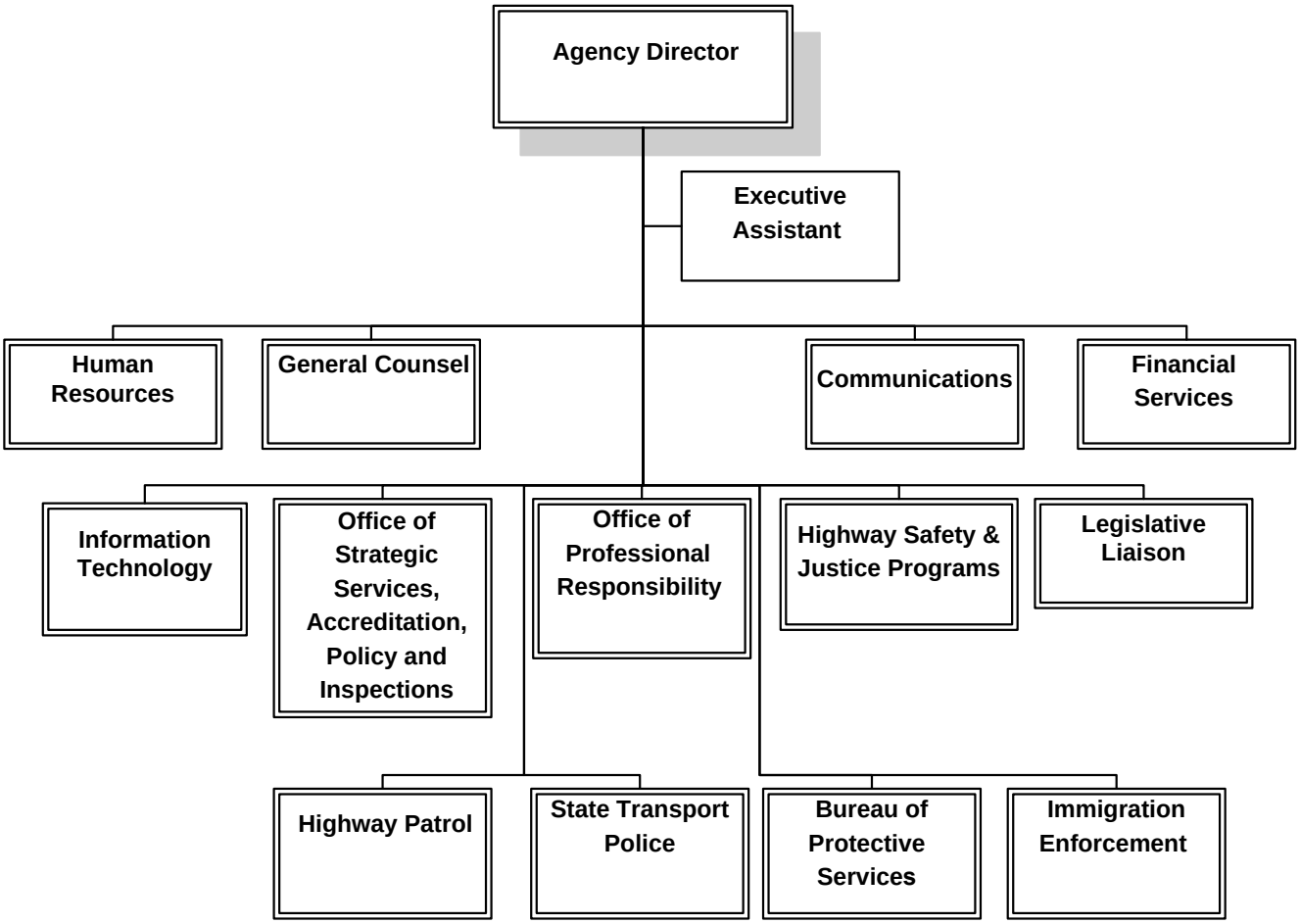
1) **Recruitment, Hiring, and Retention**
2) **Office of Professional Responsibility Processes**
3) **Leadership, Communication, and Employee Morale**

CASE # 2017-2180-I & 2017-2182-I

Appendix - A

AGENCY NAME:	South Carolina Department of Public Safety		
AGENCY CODE:	K050	SECTION:	63

AGENCY ORGANIZATION CHART



Appendix - B

South Carolina Department of Public Safety

Office of the Director
10311 Wilson Blvd. Blythewood, SC Post Office Box 1993 Blythewood SC 29016

POLICY	**400.01**
EFFECTIVE DATE	**August 26, 2015**
SUBJECT	**RECRUITMENT PROGRAM**
REPLACE POLICY DATED	**JULY 17, 2008**
APPLICABLE STATUTES	**N/A**
APPLICABLE STANDARDS	**31.1.1, 31.1.2, 31.2.1, 31.2.2, 31.3.1, 31.3.2**
APPLICABLE STANDARD OPERATING PROCEDURE (SOP)	**N/A**
FORMS	**N/A**
DISTRIBUTION	**TO ALL EMPLOYEES**

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

I. PURPOSE

To provide ***guidelines regarding*** the recruitment program at the ***South Carolina*** Department of Public Safety ***(SCDPS or department)*** and provide written authority for the Office of Human Resources (OHR) to implement and coordinate the recruiting strategies of the department. [31.1.1] [31.2.1]

II. POLICY

It is the policy of the Department of Public Safety (DPS) to attract and hire qualified individuals regardless of race, color, religion, national origin, gender, age, or disability. [31.2.1(a)] The recruitment policy shall be administered in accordance with the ***South Carolina Department of Administration*** regulations and the guidelines of department Policies 400.11 (Equal Employment Opportunity), and 400.12 (Affirmative Action Policy and Plan). ***Recruitment is a continuous process and involves all levels of staff within the department.*** OHR has developed a Recruitment Plan that strives for a ***qualified*** workforce ***which*** represents equal employment opportunity for all. A team of trained recruiters will utilize the Recruitment Policy and Plan in their recruiting efforts. Managers and supervisors ***shall*** become familiar with the Policy and Plan for utilization in their employment selection process. [31.1.1] [31.2.1(c)]

III. DEFINITIONS

N/A

IV. GENERAL PROVISIONS

A. ***On an annual basis,*** OHR will ***review*** the Recruitment Policy and Plan in order to recruit qualified individuals for existing or future job vacancies. The plan will be reviewed in accordance with the Affirmative Action Plan by July 1 of each year. [31.1.1] [31.2.2]

B. OHR will be responsible for ***disseminating*** all vacancy announcements throughout the department ***via email***, ***posting on*** the State of South Carolina's internet job portal, and both traditional ***(e.g., newspapers, etc.)*** and non-traditional methods ***(e.g., social media, etc.)*** of advertisement if requested. [31.1.1] [31.2.1] ***[31.3.2]***All vacancy announcements will advertise the Department of Public Safety as an equal opportunity employer, provide a description of the job duties, salary or salary range, responsibilities, required experience, educational requirements, residency requirement if applicable, and clearly state the application ***submission*** deadline for the vacant position(s). [31.3.1]

C. All personnel within the department shall be reminded that as a result of their employment and daily exposure to the public, they are integral to the success of the department's recruitment program. [31.1.1] Employees shall direct all inquiries regarding employment opportunities for non-law enforcement positions to the Employment section of OHR and inquiries on law enforcement positions to the appropriate area for each law enforcement division.

D. ***Recruitment is a coordinated approach to attract and employ qualified people in a manner that results in a diversified workforce. The department will use a series of recruitment sources including, but not limited to: the internet, newspapers, alumni groups, schools and colleges, workforce centers, career fairs, direct mail advertisements, current and retired employees, job fairs, other state agencies and employees, community and service organizations, military installations, technical and professional publications, and professional associations.*** Trained recruiters shall be utilized in all aspects of the recruitment program. [31.1.1] [31.2.1]

1. Each law enforcement division shall have a designated individual assigned as a recruiter. [31.1.1] [31.2.1]

2. Employees assigned to participate in the recruitment program must meet the following criteria:

   a. Have at least three years' experience with the department or prior related experience.

   b. Possess and demonstrate effective written and oral communication skills.

V. TRAINING

A. Employees assigned to participate in the recruitment program must be knowledgeable in all areas of personnel practices and Equal Employment/Affirmative Action requirements, and must also receive specialized training from OHR prior to performing assigned duties. Such training shall address the following areas:

1. The department's recruitment needs and commitments;
2. ***Overview of*** career opportunities, which includes salaries, benefits, and training;
3. Federal and State compliance guidelines;
4. Recordkeeping systems for candidate tracking;
5. ***Overview of*** selection process used;
6. Minimal qualifications, which includes knowledge, skills, abilities, and physical and medical requirements for law enforcement positions; [31.1.2]
7. Diversity in the workplace***; and***
8. ***EEOC topics, to include discrimination. [31.1.2]***

B. The department's Recruitment Policy shall contain a ***link to the*** comprehensive Recruitment Plan [400.01P] which includes the following elements:

1. A support statement from the Director, and
2. A plan for sending recruiters to educational institutions and community organizations. [31.3.2]

By Order of the Director **Date: August 1, 2015**
Leroy Smith
Director **S C Department of Public Safety**
The Original Signed Copy of this Policy is on File in the Office of Strategic Services, Accreditation, Policy and Inspections

Appendix - C

South Carolina
Department of Public Safety
Fiscal Year 2017
Recruitment Plan

Effective July 1, 2016—June 30, 2017

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RECRUITMENT PLAN

The South Carolina Department of Public Safety (DPS) will review its recruitment plan annually. The plan shall include, but not be limited to, goals, objectives, strategies, hiring and retention procedures, and recruitment practices. The Recruitment Plan is a supplement to the Department's Recruitment Policy (400.01) and will incorporate goals identified in the Department's Affirmative Action Plan. This plan will be evaluated and adjusted as needed.

I. Purpose

To effectively protect and serve the people of the State of South Carolina, the Department of Public Safety will strive to obtain a quality workforce that is similar to South Carolina's population. The key to achieving this is to develop and implement an effective agency-wide plan for outreach and recruitment.

II. Identified Workforce Needs

Through internal review and compliance reviews from the South Carolina Human Affairs Commission and the United States Department of Justice, the Department recognizes that there is a need to increase representation in several of the Federal Equal Employment Opportunity (EEO) Categories. The Department has further identified job classes that are underrepresented by standards set by federal and state equal employment rules, regulations and/or policies. Underrepresented job classes are noted below:

III. Identified Job Categories with Underrepresentation:

Black Females
E2B - Supervisory Law Enforcement
E4 - Non-supervisory Law Enforcement

White Females
E1 - Executives
E2B - Supervisory Law Enforcement
E4 - Non-Supervisory Law Enforcement
E8 – Service/Maintenance

IV. Outreach and Recruitment

Outreach is a long-term process to inform the public about the South Carolina Department of Public Safety, with an emphasis on building and sustaining a diverse organization. The process includes sharing the Department of Public Safety's mission with all segments of society and informing potential applicant pools about the Department's employment, benefits, and career opportunities.

Recruitment is an agency-wide coordinated effort to attract and employ qualified people in a manner that results in a diversified workforce. It is also an ongoing process that involves all areas within the Department. DPS will use a series of recruitment sources to include, but not limited to, the internet, social media, newspapers, alumni groups, schools, colleges, workforce

centers, career fairs, current and retired employees, former employees, other state agencies and employees, community and service organizations, military installations, technical and professional publications, professional associations, and billboards.

V. Recruitment Staff

The Department's Human Resources staff will serve as recruiters for the agency. The staff includes the Human Resources Director, the Employment and Equal Employment Opportunity Manager, the Worksite Wellness and Recruitment Coordinator, along with appointed law enforcement officers from each of the law enforcement divisions and other appropriately trained individuals appointed from other divisions. It is the objective of these recruiters to expose candidates to potential law enforcement and civilian positions at the Department. The recruitment staff is responsible for implementing the strategies outlined in this plan.

VI. Plan of Action

DPS's goal is to continuously identify and implement strategies that will expose potential applicants to civilian and law enforcement careers at DPS.

VII. Goals, Objectives, and Strategies

Goal 1 –To achieve annual hiring goals to meet anticipated staffing needs.

Objective 1.1 – Increase the overall number of qualified applicants each year.

- Strategy 1.1.1-Attend job fairs at military bases, technical colleges, and college campuses. Continuously send vacancy announcements to career placement offices at these establishments.
- Strategy 1.1.2-Encourage employees to notify others of job opportunities with the agency.
- Strategy 1.1.3-Utilize traditional (e.g., radio, etc.) and non-traditional (e.g., social media, etc.) recruitment avenues.
- Strategy 1.1.4- Encourage recruiters to emphasize the benefits of working for the largest law enforcement agency in the State of South Carolina.
- Strategy 1.1.5- Provide promotional items, posters, and/or pamphlets to potential applicants. These items will direct potential applicants to www.jobs.sc.gov.
- Strategy 1.1.6-Review the application process to prevent unnecessary barriers.

Objective 1.2 – Reach applicants with specific skills.

- Strategy 1.2.1 –Post vacancies on online job hubs.
- Strategy 1.2.2-Develop partnerships with local universities.
- Strategy 1.2.3- Participate in senior seminars, internships, and cooperative education programs at local colleges.
- Strategy 1.2.4- Develop partnerships with local technical schools to attract applicants with technical and skilled craft backgrounds.
- Strategy 1.2.5-Provide posters and pamphlets to colleges/universities, technical colleges, local businesses, alumni associations, military bases, and other professional organizations.

Objective 1.3 – Reduce employee early turnover every year.

Strategy 1.3.1-Provide applicants with realistic descriptions of job duties and expectations prior to hiring.

Strategy 1.3.2-Encourage supervisors to coach and mentor new employees.

Strategy 1.3.3-Encourage supervisors to consider promoting employees whenever appropriate.

Strategy 1.3.4- Highlight hard-to-fill positions in the agency's quarterly newsletter.

Strategy 1.3.5- Update career plans as budget permits.

Strategy 1.3.6-Periodically review statistical data on hiring/promotions to identify barriers to the process.

Strategy 1.3.7-Review and update the exit interview process. Edit current fields and add relevant questions to address turnover. Change the process from paper to an electronic survey in PowerDMS.

Objective 1.4 – Reach broad audiences in order to fill future vacancies for law enforcement and civilian positions.

Strategy 1.4.1- Create recruitment and outreach programs involving elementary school, middle school, and high school aged youth to educate and expose them to future careers in law enforcement.

Strategy 1.4.2- Encourage more law enforcement officers to join the lunch buddy program.

Strategy 1.4.3-Continue to sponsor Today's Youth. Tomorrow's Leaders (TYTL).

Strategy 1.4.4- Advertise law enforcement opportunities with billboards.

Goal 2 –To enhance professional development and workforce planning for recruitment staff on a yearly basis.

Objective 2.1 – Update comprehensive training curricula to enhance knowledge and professionalism.

Strategy 2.1.1-Develop and implement a plan to train recruiters on recruitment policies and procedures.

Strategy 2.1.2-Provide training to recruitment staff (and other employees) on Americans with Disabilities and Equal Employment Opportunity Commission guidelines annually.

Strategy 2.1.3-Solicit management feedback that reflects the recruiting staff's improved knowledge of recruiting and workforce planning.

VIII. Hiring

The Department's policies governing hiring will be followed to ensure uniform techniques are used and that equal treatment and consideration is afforded to all applicants in the hiring process. All of the Department's recruiting efforts will be coordinated through the Department's Human Resources Office. Applicants will not be automatically rejected because of minor omissions or deficiencies that can be corrected prior to the testing and the interviewing process. All division recruiters will attend appropriate training established by the Office of Human Resources prior to participating in recruitment activities. The recruitment training will provide knowledge and skills in human resources policies, equal employment, and affirmative action.

IX. Retention

The Department is committed to maintaining a successful and productive relationship with applicants and employees. This is a critical component of the Recruitment Plan. All divisions shall initiate retention efforts as needed. Exit interviews will be utilized to develop retention strategies. Career Development Plans will be updated as budget allows.

X. Assessment

Although the scope of this Plan addresses the commitment to attract qualified candidates in underrepresented classes, the Department of Public Safety recognizes the importance of hiring well-qualified applicants through all job classes. The Affirmative Action goals established by the South Carolina Human Affairs Commission and reported annually to the General Assembly will be reviewed to assess the Department's accomplishments in the area of Equal Employment Opportunity. The Department also requires annual reports from the Office of Human Resources on recruitment activity, applicant tracking, and general successes of recruitment activity. Written evaluations from exiting employees (exit interviews) will be reviewed by the Office of Human Resources. Statistical data on the applicant pool, hiring, and retention will be reported to the director with recommendations for improvement. The Department will survey all applicants through a series of questions designed to determine what strategies are most successful. This survey will be part of the application process. Questions will be evaluated and adjusted as needed.

XI. Summary

The Department of Public Safety is proactive in its recruiting efforts. The recruitment process is continuous and an agency-wide coordinated effort. The Department will continue to evaluate and expand efforts to attract, employ and retain qualified employees. Therefore, the ability to meet the objectives and goals of this recruitment plan requires commitment from all parties involved in the recruitment and selection process. This recruitment plan will serve as a guide in support of the agency's efforts to acquire and retain a diverse workforce of skilled, talented and qualified individuals to better serve the citizens of this state.

Appendix - D

South Carolina Department of Public Safety

Office of the Director
10311 Wilson Blvd. Blythewood SC 29016, Post Office Box 1993 Blythewood SC 29016

POLICY	**400.29**
EFFECTIVE DATE	**APRIL 7, 2016**
DATE OF ORIGINATION	**APRIL 7, 2016**
SUBJECT	**CIVILIAN APPLICATION AND SELECTION PROCESS**
REPLACE POLICY DATED	**N/A**
APPLICABLE LEGAL AUTHORITIES	**S.C. Code of State Regulations § 19-700, et seq.; S.C. Code §§8-11-120 et seq. and 8-11-200 et seq.**
APPLICABLE STANDARDS	**32.1.1, 32.1.4, 32.1.6, 32.1.7, 32.2.2, 82.1.1**
APPLICABLE STANDARD OPERATING PROCEDURES (SOP)	**N/A**
FORMS	**N/A**
DISTRIBUTION	**TO ALL EMPLOYEES**

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I. PURPOSE

To establish a fair, uniform system for filling vacant civilian positions at the Department of Public Safety (SCDPS or department), pursuant to State Statutes and the South Carolina Division of State Human Resources Regulations. The department is committed to hiring qualified applicants in accordance with federal and state laws.

II. POLICY

A fair, uniform application and selection process is essential for the operational effectiveness of a law enforcement agency. This applies not only to the selection of law enforcement positions but to the civilian workforce as well. As such, all SCDPS employees involved in the application and selection process for civilian employees shall adhere to the guidelines within this policy.

III. DEFINITIONS

N/A

IV. GENERAL PROVISIONS

A. The application and selection process must be non-discriminatory, efficient, effective, and result in the selection of only those individuals who possess the skills, knowledge, and abilities necessary to best perform the job functions of the vacant position.

B. All minimum qualifications and/or criteria used in the selection process shall be job-related and all elements of the selection process will be administered, scored, evaluated, and interpreted in a consistent and uniform manner.

C. Current employees of the department shall be afforded equal opportunity to apply for and be considered for vacancies. Employees shall not be discouraged from applying for vacancies, nor shall they be adversely affected in any way as a result of expressing an interest in career development and advancement.

D. The department hires United States citizens or internationals legally authorized to work in the United States. Appropriate verification of eligibility is required. The department participates in the federal E-Verify program.

E. The complete civilian application and selection process includes: [32.1.1] [32.1.4(a)]

1. Review and Update of Position Documents
2. Request to Fill the Vacancy
3. Posting the Vacancy
4. Announcing the Vacancy
5. Application Process
6. Application Screening and Referral Process
7. Interview and Selection Process
8. Pre-employment and Approval Process
9. Post-Selection Activities

F. The selection process may take up to three (3) months. If necessary, the process may be extended by the hiring manager or the SCDPS Office of Human Resources (OHR).

G. There is no time limit on reapplication for vacancies within the department. Applicants are encouraged to reapply at any time.

V. RESPONSIBILITIES

A. All recruitment and selection activities shall be coordinated by OHR. Applications shall be initially received and screened by OHR. Only those applications that meet the minimum qualifications and criteria as listed on the posting shall be referred to Hiring Managers. Hiring Managers will be responsible for creating interview panels and selecting applicants for interviews.

B. OHR and Hiring Managers are responsible for conducting background investigations to include, but not necessarily limited to, verification of qualifying credentials, employment reference(s), criminal history, and at least three (3) personal references. The director has final approval of all selections made.

C. Applicants not selected for the position shall be notified via email once the position has been filled.

D. Selected applicants will be notified by offer letter sent via email.

VI. VACANCY POSTINGS

A. All external postings will be posted to www.jobs.sc.gov. In addition, all SCDPS employees shall be notified of external vacancies via department email. Internal vacancy announcements shall be sent according to the individual division's instructions. Applicants must apply to vacancies according to the instructions contained in the vacancy posting.

B. Vacancies may be advertised via other avenues as outlined in the department's Recruitment Plan.

VII. CONFIDENTIALITY OF INFORMATION

All employees involved in the selection process must exercise due diligence when handling applicant files and treat background check information as confidential personnel information. All SCDPS personnel having knowledge of any of the content therein will maintain its confidentiality.

VIII. TRAINING

A. The OHR Director (or designee) will provide training on an "as-needed" basis with regard to the application and selection process.

B. Employees responsible for conducting criminal history investigations will be required to complete National Crime Information Center (NCIC) training through the South Carolina Law Enforcement Division. Prior to gaining access to the NCIC system, employees must pass the NCIC Inquiry Certification Test. [32.2.2]

IX. RELEASE OF INFORMATION

All requests for information regarding the selection of applicants shall be processed according to Policy 500.06 (Release of Information).

X. RECORDS MANAGEMENT AND RETENTION

A. Completed applications and personal résumés of applicants not hired by SCDPS shall be retained for five years from the date of rejection. At the end of the five year retention period, OHR shall ensure proper disposal of any information containing an applicant's name, address, social security number, position applied for, educational background, work experience, and other related information. [32.1.6] [32.1.7] [82.1.1(a)]

B. In accordance with applicable law, OHR shall establish a uniform process for maintaining files of selected applicants. When not in use, these files shall be stored in a secure area accessible to OHR only and be disposed of in a manner which prevents disclosure of the information contained in the file. [32.1.6] [32.1.7] [82.1.1(a)(c)]

C. Upon an employee's separation, his/her file will become "inactive" and shall be moved to another secure storage area within OHR. The inactive record shall be retained for a period of two years from the date of the employee's separation. After two years, the inactive record will be sent to a secured area in the SCDPS Warehouse where it will be retained for fifteen years. At the end of the fifteen year period, it will be destroyed.

D. All other records shall be maintained in accordance with applicable law and the department's Retention Schedule.

By Order of the Director Date: April 7, 2016
Leroy Smith
Director S C Department of Public Safety
The Original Signed Copy of this Policy is on File in the Office of Strategic Services, Accreditation, Policy, and Inspections

Appendix - E

Temporary/Civilian Hiring Process

1. Applicant applies for the position via NeoGov or hardcopy application if they are internal and retiring.
2. Application(s) are screened through filters placed in NeoGov database by a member within the Employment Division of Human Resources (HR).
3. The application(s) are referred to the hiring manager for review and interview scheduling.
4. Applicant(s) are contacted via phone to schedule interview and sent an email invite after verbally confirming the scheduled interview.
5. A panel of interviewers is requested. A minimum of two people.
6. An applicant is selected.
7. A vacancy checklist (Application, all applicants interviewed list, evaluation forms from the interviewers, authorization to run background, credit, driver's license, employment and reference check) is compiled to submit to the HR Department for review.
8. The hiring manager or liaison contacts references, previous employers and runs credit if necessary (Law Enforcement Only).
9. The packet of the selected candidate and valid information is provided to HR. HR logs the selected candidate on the tracking log.
10. Employment Manager checks driver's license for suspension, NCIC and SCIEx for warrants and reviews the information for accuracy and consistency.
11. The original Personnel Request Action (PAR) and approved Position Description (PD) forms are attached to the packet, a Hire Above Midpoint and or Hire Above Minimum justification is completed. If the applicant(s) are current State employees, Division State Human Resources is contacted to retrieve current salary, classification, title and pay band. Social media is checked for derogatory posts and comments.
12. Information is compiled and forwarded to Classification and Compensation Manager for review of proper classifications, titles etc., signed, dated, and forwarded to HR Director.
13. HR Director reviews completed packet for accuracy, and consistency. The PAR is signed and dated and a meeting is scheduled with the Agency Director for approval.
14. The PAR is signed and dated by the Agency Director and returned to HR Employment Division. The hiring manager or liaison is contacted via email to make a verbal offer and request a start date, request additional information for approval or disapproval.
15. Once the hire date is received, a letter of offer is generated, signed by the HR Director, and sent via email to the selected candidate.
16. The approved date is logged on the tracking log; the selected packet is given to a member of Classification & Compensation to key into SCEIS once the employee start date arrives.
17. On the start date the Benefits Counselor will conduct orientation, retrieve signed offer letter if it's not returned prior to the date, request a signature on the PD, assist with getting an identification badge, go over benefits if any and return documents to Classification and compensation.

Source: SCDPS Human Resources

Appendix - F

South Carolina Department of Public Safety

Office of the Director
10311 Wilson Blvd. Blythewood, SC Post Office Box 1993 Blythewood SC 29016

POLICY	**400.02**
EFFECTIVE DATE	**MARCH 20, 1996**
ISSUE DATE	**APRIL 26, 2013**
SUBJECT	**COMMISSIONED LAW ENFORCEMENT OFFICER APPLICATION AND SELECTION PROCESS**
APPLICABLE STATUTES	
APPLICABLE STANDARDS	**31.3.3, 31.3.4, 32.1.1, 32.1.2, 32.1.3, 32.1.4, 32.1.5, 32.1.6, 32.1.7, 32.2.1, 32.2.2, 32.2.3, 32.2.4, 32.2.5, 32.2.6, 32.2.7, 32.2.8, 32.2.9, 82.1.1 (a) (c)**
DISTRIBUTION	**TO ALL EMPLOYEES**

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I. PURPOSE

The purpose of this policy is to set forth fair and impartial procedures for the application and selection of commissioned law enforcement officers for the Department of Public Safety.

II. POLICY

The selection process is of the utmost importance to the operational effectiveness of a law enforcement agency. The Department's application and selection process must, out of necessity, be job related, non discriminatory, efficient, effective, and result in the selection of only those individuals who best possess the skills knowledge and abilities necessary to assure that the Department is an effective and respected law enforcement agency. All of the Department's law enforcement divisions necessarily differ in a variety of unique and important ways regarding personnel selection. Nevertheless, basic principles exist for the development of an efficient, effective, and fair selection process. To that end, all minimum qualifications or criteria shall be job related and all elements of the Department's selection process will be administered, scored, evaluated, and interpreted in a consistent and uniform manner. [32.1.2] [32.1.3]

III. OVERSIGHT RESPONSIBILITIES

A. Each Law Enforcement Division (LED) has responsibility and oversight for the recruitment, application, and selection process of its applicants. Further oversight will be provided by the Office of Human Resources (OHR).

B. Each LED will select a coordinator to administer the recruiting, application, and selection process for each law enforcement division or office. The coordinator will be supervised by the Commander of the Law Enforcement Division with input and guidance provided by OHR.

C. The names of the individuals assigned as coordinators will be submitted to OHR to assure the individual has appropriate training and experience. OHR will determine the training and experience necessary to perform the coordinator function. Individuals lacking the requisite training must be sent to appropriate training or the LED may select a different individual.

D. Each coordinator will submit detailed written procedures to the OHR for approval. The procedures shall cover each element of the application and selection process. OHR will assure the procedures comply with the Department's policies, state policies and regulations, and with the spirit and intent of the Commission on Accreditation for Law Enforcement Agencies (CALEA). Recognizing there are requirements unique to a particular LED, wherever possible, procedures will be consistent amongst Divisions. To achieve this goal, the OHR may change procedures submitted by the coordinators. The coordinators must use only those procedures which have been approved by OHR. Any changes or updates to procedures must be submitted to OHR for approval before implementation.

IV. PRE-SELECTION ACTIVITIES

A. Receiving Applications [32.1.1]
   1. Applications for employment as commissioned law enforcement officers with the Department's LEDs will be collected by OHR. After ensuring minimum qualifications are met, all applications received by OHR will be forwarded to the appropriate LED coordinator for processing. Applicants must complete a South Carolina Government Application and a Departmental Supplemental Application. Both applications are required and must be completed in their entirety. [32.1.1]
   2. At the time of application, each coordinator shall notify the applicant, in writing, of the elements of the selection process, the approximate duration of the process, areas from which polygraph questions shall be drawn, and procedures for reapplying or re-testing, if available. [31.3.3] [32.1.4(a)(b)(c)] [32.2.4]

3. Coordinators are responsible for making applicants aware of the Department's tattoo policy (Dress Code Policy 200.10, Section II.C) and, if necessary and practical, meeting with the applicant to view any questionable tattoo(s) before the applicant continues further with the application process. Applicants shall not be allowed to go through the entire application process with any tattoo(s) which would clearly disqualify them according to the Department's Dress Code Policy 200.10.
4. The coordinators will review all received applications for completeness. Applications are not complete until receipt of all required information. The coordinators will notify applicants of missing information or attachments and whenever possible, allow a reasonable time for submission of missing information. [31.3.4][32.1.1]
5. Each coordinator will establish and maintain applicant tracking files. Coordinators will record pertinent information on the Applicant Tracking System, a computer system operated by OHR. [32.1.1]
6. OHR will maintain computerized applicant system for the department and each coordinator will send rejection letters to applicants not meeting minimum requirements. [31.3.3] [32.1.5]

B. Testing and Applicant Processing [32.1.1]
1. A reading comprehension and vocabulary test will be administered by each LED. [32.1.1] [32.1.3]
2. Each coordinator will notify applicants of the scheduled test dates. [31.3.3]
3. Each coordinator will numerically score the reading comprehension and vocabulary tests. [32.1.3]
4. Each coordinator will conduct a review of each applicant's driving record, criminal history (NCIC), and credit history to determine employment eligibility. [32.1.1]
5. Based upon the results of the reading and comprehension test and the initial background check, an applicant will either move forward in the selection process or will be notified in writing that they are no longer being considered for selection by the Department as a law enforcement officer. [31.3.3] [32.1.5]
6. Each coordinator will establish the number of applicants needed for continuation in the selection process based upon the total number of projected vacancies for the Department for the fiscal year.

C. Polygraph Examinations [32.1.1]
1. Each coordinator will schedule a polygraph examination for applicants who are recommended for continuation in the employment selection process. [32.1.1]
2. Applicants selected for continuation in the selection process will be notified by the respective coordinator of their appointment time for a polygraph examination to be conducted by the Department's polygraph unit. Only personnel trained in the use of a

polygraph instrument shall be used to conduct and evaluate the results. [31.3.3] [32.2.5]

3. If there are any pre-test admissions or post-test admissions, the polygraph examiner will notify the coordinator through a Polygraph Certification Form. If there are any pre-test or post-test admissions which would disqualify the applicant from further consideration, the coordinator will notify the applicant in writing that he/she has been eliminated from the selection process. The results of the polygraph examination shall be considered only as an investigative aid and shall not be the single determinant of employment eligibility. [32.1.5] [32.2.6]
4. If deception is indicated during the polygraph examination, the polygraph examiner will notify the coordinator through a Polygraph certification Form with the area of deception noted. [31.3.3] [32.2.6]

D. Background Investigations [32.1.1]

1. Information on each applicant remaining in the selection process will be forwarded to investigators who will be responsible for conducting a background investigation. Investigators trained in proper collection of necessary information shall conduct background investigations. The investigators shall verify information regarding previous work experience, education, criminal records, general reputation within the community, and personal and business references. A deadline will be established by the Department for the completion of the background investigation. [32.1.1] [32.2.1(1)(b)(c)] [32.2.2]
2. Each completed background investigation is reviewed by the appropriate personnel to ensure the investigations were conducted in a uniform manner. Coordinators will send rejection letters to any applicants found to be unsuitable for further consideration because of background findings. [31.3.3] [32.1.5] [32.1.3]
3. Each coordinator will then forward a request in writing to its Deputy Director or Office Head for permission to have the Executive Review Committee convene to review application packets.

E. Executive Review Committee [32.1.1]

1. The Committee will review the critical information obtained from each Background Investigation to determine which applicants are suitable to be interviewed. The Committee will provide a list of suitable applicants to the appropriate LED. Upon approval by the agency director, all such suitable applicants will be scheduled for an interview by the Selection Review Board.
2. The Director or designee shall appoint the committee members which will, at a minimum, consist of:
    a. A Captain or above from the Division where the request originated;
    b. A Troop/District/Unit Commander; and
    c. The DPS OHR Director or designee

F. Selection Review Board [32.1.1]
   1. The LED's Selection Review Board will be comprised of at least three, but no more than five, commissioned officers selected by the Deputy Director/Office Head and one none voting member from OHR.
   2. Each LED will schedule the date and time for all applicant interviews with the Selection Review Board.
   3. The Selection Review Board will ask each applicant a set of job related questions developed by the LED coordinator in conjunction with OHR. [32.1.1] [32.1.3]
   4. Each voting member of the Selection Review Board will independently rate each applicant upon completion of the interview. [32.1.3]
   5. The non-voting member will compile the rating sheets for each applicant and will compute the overall average score. [32.1.3]

G. Recommended Applicants
   1. Each coordinator will submit the list of recommended applicants to the Deputy Director/Office Head for review and selection.
   2. The Deputy Director will submit his recommendations to the Director of the Department of Public Safety for final approval.
   3. Upon Final approval by the Director, a letter offering employment, contingent upon the results of physical fitness, medical and psychological screenings, will be sent to the selected applicants. All other applicants shall be notified in writing by the LED of their non-selection within thirty days of the decision. [31.3.3] [32.1.5] [32.2.7]32.2.8]

V. POST SELECTION ACTIVITIES

A. Physical Fitness, Medical, and Psychological Screening [32.1.1] [32.2.7] [32.2.8]
   1. Each LED will schedule physical fitness testing for all selected applicants and will notify each applicant of their physical fitness examination appointment. [31.3.3] [32.1.1]
   2. Each LED will notify applicants in writing of the date and time of the medical and psychological screenings. [32.1.1] [32.2.7] [32.2.8]
   3. Upon evaluation of the screenings, applicants will be notified in writing by the coordinator of final selection. The applicant will receive information on when and where to report, what equipment will be needed, etc. [31.3.3] [32.1.5] [32.2.7] [32.2.8]
   4. Staff members from OHR will meet with the selected applicants for orientation and necessary onboarding functions (insurance, etc).

B. Records Management and Retention
   1. Records retention will be handled in a consistent manner amongst LEDs. The OHR, in conjunction with the LED coordinators, will establish a uniform process/system to

establish and maintain files on all applicants in accordance with applicable state regulations and the Department of Archives and History. These files shall be stored in a secure area when not in use and shall be disposed of in a manner which prevents disclosure of the information contained in the file. [32.1.6] [32.1.7] [82.1.1 (a)(c)]

2. Completed applications and personal resumes of applicants not hired by the Departments shall be retained for three years from the date of rejection or making of the record. Each LED shall ensure proper disposal of any information containing applicant's name, address, social security number, position applied for, educational background, work experience, and other related information. [32.1.6] [32.1.7] [82.1.1(a)]
3. Records of applicants' background investigations, polygraph examination results, medical and psychological screening results shall be maintained pursuant to retention schedules approved by the Department of Archives and History in compliance with the Records Retention Act. [32.1.6] [32.2.3] [32.2.9]
4. A list of the final applicants, along with their personnel records, will be forwarded to OHR to complete the employment process.
5. OHR may, at any time, review the LED's records retention function to ensure records are being handled in accordance with the established processes.

By Order of the Director **Date: April 26, 2013**
Leroy Smith
Director **S C Department of Public Safety**
The Original Signed Copy of this Policy is on File in the Office of Stragic Services, Accreditation, Policy, and Inspections

Appendix - G

Law Enforcement Hiring Process

1. Applicant applies in NeoGov.
2. Applications are screened by Employment Unit in Human Resources (HR) for minimum qualifications.
3. All applicants meeting minimum qualifications are referred to the Law Enforcement Employment Units (LEEU).
4. LEEU sends supplemental questionnaire to applicants.
5. LEEU does the administrative review (NCIC, DL Check, Sex Offender Registry Check, Credit Check, SCIEX Check).
6. If they pass the administrative review, applicants are scheduled for the P.T. Test and Nelson Denny.
7. If they pass the P.T. Test and Nelson Denny, applicants undergo a Background Investigation.
8. Applicants undergo a polygraph.
9. Applicants go through oral interviews.
10. Applicant packets are sent through executive committee review.
11. HR reviews packets and creates summary page. This is attached to packet.
12. Applicants that have started but not completed the Hep B series are placed on Hep B Tracking Log for monitoring. Applicants with remaining credit issues are notified by HR.
13. HR Director reviews each packet with the Director and Director approves conditional approval to hire, if warranted.
14. Conditional offer is extended. Stipulation that they must have TB test, Hep B series, psychiatric evaluation, medical evaluation, drug test, and eye check.
15. Personnel Action Requests (PAR) are created and submitted to Finance and HR. Medical files are received and reviewed by HR.
16. PAR and medical summary are submitted for final approval from the Director. All credit issues must have been resolved prior to final approval (paid in full or payment plan set up).
17. Final offer is made.

Source: SCDPS Human Resources

Appendix - H

South Carolina Department of Public Safety

Office of the Director
10311 Wilson Blvd. Blythewood, SC Post Office Box 1993 Blythewood SC 29016

POLICY	**100.12**
EFFECTIVE DATE	**JULY 1, 2015**
SUBJECT	**CODE OF *CONDUCT***
REPLACES POLICY DATED	**MAY 6, 2014**
APPLICABLE STATUTES AND LEGAL AUTHORITIES	***The Ethics, Government Accountability and Campaign Reform Act of 1991 (S.C. Code § 8-13- 100, et seq.); State Ethics Commission Rules of Conduct (S.C. Code § 8-13-700, et seq.); Executive Order 2014-23; S.C. St. Ethics Comm. Ops. AO92-023, A092-061, A092-084, and AO-2000-002***
APPLICABLE STANDARDS	**1.1.2**
APPLICABLE STANDARD OPERATING PROCEDURES (SOP)	**N/A**
FORMS	***DPS-LE-064***
DISTRIBUTION	**TO ALL EMPLOYEES**

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

I. PURPOSE

To establish the highest standards of official conduct for public employees. This directive ***creates*** a Code of ***Conduct*** for the Department of Public Safety (***SC***DPS ***or department***) and requires all personnel to abide by it. [1.1.2]

II. POLICY

All personnel shall be familiar with and adhere to the Code of ***Conduct*** of the department and receive training thereon at least ***annually***. [1.1.2]

III. *DEFINITIONS*

For purposes of this policy, the following definitions shall apply:

Business with Which the Employee is Associated: A business of which the employee or member of the employee's immediate family is a director, officer, owner, employee, compensated agent, or holder of stock worth $100,000 or more at fair market value and which constitutes five percent (5%) or more of the total outstanding stock of any class.

Commonly-Provided Meal: A meal received by a public employee or public official who is participating in an event where the same meal is served to all other persons attending or participating in the same event.

Ethics Officer: A licensed attorney designated to represent the department on ethical matters and assist department employees with questions concerning ethical conduct. The SCDPS General Counsel will serve as the Chief Ethics Officer and may designate any attorney under his/her supervision to serve in this capacity as directed on certain matters.

Family Member: A spouse, parent, sibling, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild, and an individual claimed by the employee as a dependent for income tax purposes.

Individual with Whom the Employee is Associated: An individual with whom the employee or a member of the employee's immediate family mutually has an interest in any business of which the employee or employee's immediate family is a director, officer, owner, employee, compensated agent, or holder of stock worth $100,000 or more at fair market value and which constitutes five percent (5%) or more of the total outstanding stock of any class.

Official Capacity: All duties that are attached to a public office or employment by the South Carolina Constitution, statutes, Executive Order, promulgated rules and regulations, published job description or agency policies/directives. Speaking engagements undertaken in an "Official Capacity" are those which (1) arise because of the position held by the employee, (2) involve matters which fall within the responsibility of the agency or employee, and (3) are services the agency would normally provide and for which the employee would be subject to expense reimbursement by the public employee's agency.

Social Media: Websites and applications that enable users to create and share content or to participate in social networking including, but not limited to Facebook, Instagram, and Twitter.

State Resources: Personnel, equipment, materials, property or facilities.

Whistleblower: An employee who files a report (1) within the specified time frame, (2) to the appropriate authority, and (3) in good faith of the wrongdoing

of either their employer or another employee. Whistleblowers may not be demoted, lose compensation, or be dismissed or suspended from employment as a result of filing a report of wrongdoing. However, nothing prevents the agency from disciplining or terminating the whistleblower for causes independent of filing the report.

IV. *ETHICAL PRINCIPLES*

Employee conduct should be guided first and foremost by these principles:

- ***Honesty – Employees should be truthful and sincere in all interactions with the public and with each other.***
- ***Fairness – Employees should seek to make impartial, just, and equitable decisions.***
- ***Integrity – Employees should always act in a manner that instills public confidence and should avoid participating in any matter where a real or perceived conflict of interest exists.***
- ***Respect – Employees should demonstrate respect to others at all times.***
- ***Loyalty – Employees should remain loyal to the State and the citizens they serve and should not engage in any conduct that calls into question this loyalty.***

V. *GIFTS AND OTHER THINGS OF VALUE*

Employees may not accept a gift or anything of value from a person or entity as a result of their employment with the State. The following are exemptions to this rule:

- ***Gifts given (1) due to a previous relationship, (2) for a reason other than employment with the State, or (3) by an employer or co-worker(s) are not prohibited.***
- ***Promotional, informational, or educational items with a value of less than $10 are not prohibited. At no time shall these items be prominently displayed in the agency to create an appearance of favoritism or endorsement of a particular product, vendor, or business.***
- ***Acceptance of a personalized trophy or plaque with a value of less than $150 is not prohibited.***
- ***May accept (1) commonly-provided meals and (2) actual/reasonable travel and lodging expenses related to speaking engagements. Employees may not receive compensation for speaking.***

- ***Gifts that include travel, lodging and/or meal expenses paid for on behalf of an employee to participate in a work-related event that could otherwise have been paid for by the agency employing the employee is a gift to the agency, not the individual employee, and is not prohibited with the following two exceptions: (1) a state agency may never receive any gift from a lobbyist; and (2) a state agency may receive a gift from a lobbyist principal up to the amounts prescribed by the State Ethics Commission.***
- ***Department officers may accept free or discounted meals from restaurants and foodservice vendors if the discount is provided to all law enforcement officers generally.***
- ***Commonly-provided meals may be accepted from outside sources at events when the department employee is participating in an official capacity at the event where the meal is served, provided that the meal is not being given to the employee by the outside source/event sponsor for the purpose of influencing the employee's discharge of his/her official responsibilities. In determining if such a purpose may exist, consideration should be given to whether the outside source/event sponsor has business with or seeks to do business with the department, conducts activities regulated by the department, or has interests that may be substantially affected by performance or nonperformance of the employee's official duties.***
- ***Exceptions for retaining difficult-to-return items –An item that would be impractical to return because it is perishable may be donated to a charity or placed in a common area for the enjoyment of all agency employees if approved by the agency director, properly documented on form DPS-LE-064 (Gift Reporting), and submitted to the Ethics Officer. This form shall be retained by the Office of General Counsel in accordance with the department's retention schedule.***

VI. *CONFLICT OF INTEREST*

DPS employees may not make, participate in, or influence a governmental decision in which the employee, a family member, an individual with whom the employee is associated, or a business with which the employee is associated has an economic interest.

Employees may not have outside employment which creates a real or perceived conflict of interest or is incompatible with the duties and expectations of state employees. Employees wishing to engage in outside employment must make a request to do so in accordance with SCDPS policy 200.01 (Outside Employment).

Employees may not have an economic interest in a contract with the State or its political subdivisions if the employee is authorized to perform an official function relating to the contract.

Employees must report, in writing, any actual or perceived conflicts to the department's Ethics Officer, who will review and determine whether a conflict exists. The Ethics Officer will document his/her decision. If it is determined that a conflict exists, the employee must remove themselves from the decision, vote, or process. The Ethics Officer will document all recusals.

VII. *FINANCIAL DISCLOSURES*

Annually, identified department personnel must file a Statement of Economic Interests with the State Ethics Commission pursuant to S.C. Code § 8-13-1110.

Additional department personnel may be required to file a Statement of Economic Interest if directed to do so by the Department of Administration.

VIII. *USE OF STATE RESOURCES*

Department employees are not allowed to use state resources and/or property for personal use, except for situations in which incidental use is authorized by applicable department policies.

Employees may not use state resources for private business and/or financial gain.

Employees will not allow non-employees access or use of assigned equipment including state vehicles, laptops, cellular phones or other electronic devices, except as authorized by the agency.

Employees may never use state resources for political campaigns.

Unless specifically required by the department to perform a job function, employees may not use social media while on duty or through the use of state resources.

IX. *CONFIDENTIALITY*

Department employees must protect the integrity of agency data and shall not disclose restricted or confidential information to any unauthorized person or entity. Employees may only access, review, or examine data as necessary to perform a job function and in furtherance of official department business. The downloading of information, internal or external, is forbidden absent the legitimate need to perform a job function.

Information designated restricted or confidential under this policy consists of (1) personal identifying information as defined in S.C. Code §§ 16-13-510 and

30-2-310; (2) information relating to any ongoing investigation initiated by or involving the Department; (3) information of a personal nature where the public disclosure thereof would constitute an unreasonable invasion of personal privacy; and (4) information otherwise protected from disclosure by law or pursuant to any department policy.

X. *POST EMPLOYMENT*

For one (1) year following an employee's departure from state government, s/he may not represent another person or entity before this department in a matter the employee directly and substantially participated in during employment. (S.C. Code § 8-13-755)

Employees who have participated directly in the procurement of a contract on the department's behalf cannot resign and then accept employment with a person or entity contracting with the department if the contract falls or would fall under the employee's official responsibilities. (S.C. Code § 8-13-760) This prohibition has no time limitations. (S.C. St. Ethics Comm. Op. AO-2000-002)

XI. *TRAINING*

Department employees shall receive initial and annual training as it relates to this policy and the State Code of Conduct as approved by the Department of Administration.

XII. *WHISTLEBLOWER PROTECTIONS*

An employee must report to the Ethics Officer or the appropriate authority, either verbally or in writing, an intentional violation of this Code of Conduct or any federal or state law or regulation by any agency employee, whether temporary or full-time, including a co-worker, subordinate, supervisor, senior manager, or any other employee. Employees must also report any action by their employing agency, board, or commission that results in substantial abuse, misuse, destruction, or loss of substantial public funds or resources. These reports must be made no later than 180 days after the employee first learns of the wrongdoing. Intentionally providing inaccurate information may result in disciplinary action up to and including termination.

XIII. DEPARTMENT CODE OF *CONDUCT*

WHEREAS, the Department of Public Safety is a law enforcement agency; and

WHEREAS, the citizens of South Carolina have the right to expect ethical conduct from those whose duty it is to enforce the laws of the state and country; and

WHEREAS, this duty falls upon all the employees of the Department of Public Safety, ***both civilian and commissioned;***

THEREFORE; employees ***shall*** subscribe to the following Code of ***Conduct***.

As a public employee, I believe public service is an honorable profession dedicated to bettering the lives of those I serve and requiring at all times that the public interest be placed above any personal concern.

As a public employee I believe that I should demonstrate the highest standards of personal integrity, truthfulness, honesty, courtesy and fortitude in all my public activities in order to inspire public confidence and trust in public institutions. I will confront and challenge any unethical behavior by my fellow employees and report such behavior to the appropriate supervisor. I pledge that I will neither give nor receive unauthorized aid ***in connection with training, certification, recruiting, hiring or promotions***, and I will report such behavior by others to the appropriate supervisor.[1]

As a commissioned officer, I have full authority to prosecute criminal offenses in summary courts and all actions I take in my capacity as a prosecutor must instill public confidence by avoiding any appearance of impropriety or preferential treatment. Furthermore, I will not inappropriately interfere in prosecutorial matters involving other law enforcement officers, including any officer(s) I may supervise.

The public's opinion about the courtesy, honesty, truthfulness, and personal integrity of public officials and public employees is the premier value sought by citizens. Any individual or collective compromise with respect to these character traits can damage the ability of an agency to perform its tasks or accomplish its mission.

Therefore, I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions, nor will I tolerate such behavior by my fellow employees. I will enforce the law courteously and appropriately without fear, favor, malice or ill will.

As a public employee, I will oppose any discrimination because of race, color, religion, sex, ***genetic information,*** national origin, political affiliation, physical handicaps, age, or marital status, ***veteran status,*** in all aspects of personnel policy. I pledge to serve the public with respect, concern, courtesy, and responsiveness, recognizing that service to the public is beyond service to oneself.

As a public employee I recognize that all the employees of this agency must join with the men and women who carry a badge in the mission of this department – to protect and save lives. [1.1.2]

By Order of the Director Date: July 1, 2015
Leroy Smith
Director **S C Department of Public Safety**
The Original Signed Copy of this Policy is on File in the Office of the Strategic Services, Accreditation, Policy and Inspections.

[1] The following language is incorporated in each online test given by the department's training section:

South Carolina Department of Public Safety Training Honor Code

Employees of the South Carolina Department of Public Safety (SCDPS) will conduct themselves in accordance with applicable laws, regulations, Department policies, and generally acceptable work behaviors.

As a SCDPS employee, I pledge that I will neither give nor receive unauthorized aid during this online training course.

I acknowledge that if I do violate this agreement, I am subject to disciplinary action under SCDPS Policy 400.08 ***(Disciplinary Action)***.

I understand that by proceeding to the next element, I have accepted the stipulations stated above.

Appendix - I

South Carolina Department of Public Safety

Office of the Director
10311 Wilson Blvd. Blythewood, SC 29016 Post Office Box 1993 Blythewood SC 29016

STANDARD OPERATING PROCEDURES (SOP):	**OFFICE OF PROFESSIONAL RESPONSIBILITY**
EFFECTIVE DATE:	**APRIL 14, 2016**
REPLACES SOP DATED:	**MARCH 22, 2016**
APPLICABLE STANDARDS	**52.1.1, 52.1.2, 11.4.5, 52.2.1, 52.2.2, 52.2.3, 52.2.4, 52.2.5, 52.2.6, 52.1.4**
FORMS	**DPS-OPR-01, DPS-OPR-02**
DISTRIBUTION	**TO ALL EMPLOYEES**

NOTE: The procedures below apply to investigators assigned specifically to OPR and those who have the authority to conduct investigations.

I. Complaint Procedures

All allegations or complaints received by the Office of Professional Responsibility (OPR) will be evaluated by the chief investigator and reported to the director in order to determine if an investigation will be initiated. [11.4.5] [52.2.2] The chief investigator may, with the concurrence of the director, refer matters of a minor nature to the appropriate division director for proper handling. [52.2.1 (a)]

Generally, an investigation will be initiated if (1) an identified source reports information warranting investigation or (2) an anonymous source reports information that can be verified to warrant an investigation. Complaints against the agency or its employees will be investigated to ensure violations of policies/procedures have not been committed. [52.1.1]

II. Notification to Complainant(s)

The chief investigator will notify the complainant in writing that his/her complaint has been received by OPR. [52.2.4(a)] Once an investigation is initiated, the assigned investigator may contact the complainant in order to clarify a point of inquiry related to the investigation or to schedule an interview with the complainant if necessary. All information obtained by OPR investigators during the investigative process is considered confidential. The chief investigator will confer with the director prior to disseminating any information concerning the investigation. The employee's rights to privacy and due process must be protected during the investigation. Every sixty (60) to ninety (90) days after an investigation has commenced, OPR will notify the complainant of the status of an active investigation. If a complainant requests additional updates concerning the status of an ongoing investigation, he/she may be referred to the assigned investigator. [52.2.4(b)]

At the conclusion of the investigation, the chief investigator shall notify the complainant in writing that the investigation has been completed. [52.2.4(c)] Upon the OPR file being closed, such information may be subject to examination by authorized individuals in accordance with the Freedom of Information Act (FOIA) and subpoenas.

III. Notification to Accused Employee(s)

The employee will be notified in writing when s/he is the subject of an OPR investigation unless such notification could possibly jeopardize the integrity of the investigation. The correspondence will inform the employee of his/her responsibilities pursuant to SCDPS Policy 100.07 (Office of Professional Responsibility). [52.2.5]

IV. Investigative Authority

In accordance with SCDPS Policy 100.07 (Office of Professional Responsibility), any agency employee may be subject to the following during the course of any administrative/internal investigation conducted by agency personnel:

1. Any employee may be required to submit to a drug test in accordance with SCDPS Policy 200.04 (Alcohol and Drug Testing). [52.2.6(a)]
2. A photograph may be taken of an employee and used as an investigatory tool during an investigation. [52.2.6(b)]
3. Financial statements, bank records, telephone records, and any additional records of significance may be obtained by investigators and utilized during the course of any investigation. [52.2.6(d)] If an investigator's request for such documentation is denied by the record holder or voluntary disclosure for the requested documentation is not granted, the chief investigator will confer with the Office of General Counsel (OGC) in order to determine the most appropriate course of action that may be utilized to obtain the requested documentation.
4. Instruments for the detection of deception are authorized for use by investigators during the course of an investigation. Polygraph examinations may be conducted utilizing the DPS polygraph examiner or resources from outside agencies. Investigators shall coordinate the request of a polygraph with the chief investigator. All polygraph examinations will be conducted in accordance with SCDPS Policy 200.36 (Polygraph Examinations) and State law.[52.2.6(e)]

V. Investigative and Interview Process

OPR investigators shall avoid creating an inference of guilt on the part of any employee during the investigative process. OPR will report the facts as developed through the investigation directly to the director or designee. When directed to do so by an investigator, employees of the department shall keep confidential all communications with investigators assigned to the investigation to the extent that confidentiality does not inhibit an employee's right to legal counsel.

Investigations will address all allegations against the employee. Prior to commencing the investigation, the chief investigator and the assigned investigator shall carefully consider the following:

1. the allegations;
2. possible motives of the source of the information; and
3. the investigative course of action that best develops all facts and circumstances.

All investigations must be thoroughly planned to ensure objectivity. Planning should be directed toward exploring the following:

1. every reasonable facet of the allegation;
2. all reasonable explanations; and
3. minimization of unnecessary employee apprehension or injury to the his/her reputation.

If deemed appropriate, OPR will initiate a separate investigation regarding supervisory responsibility if a lack of appropriate supervision may have affected the circumstances being investigated.

The source of the allegation(s) and other parties having knowledge of the alleged violation(s) will be interviewed and statements will be obtained, as appropriate. Audio and video recording of interviews may occur only if disclosed to all involved parties.

In every investigation where it is appropriate, the employee who is the subject of the investigation will be interviewed and a statement will be obtained. In most cases, the subject of the investigation will be interviewed at the conclusion of the investigation.

Interviews with employees will normally be conducted in OPR offices during regular business hours but may, at the investigator's discretion, be conducted elsewhere or at a time other than normal business hours.

Employee interviews allow the employee the opportunity to explain or refute the allegations. Investigators shall conduct employee interviews in an objective manner, allowing the employee to present any facts or other information which might have a bearing on the allegations. The investigator shall be responsible for developing his/her own work-related questions. During the course of an employee interview, the investigator shall do the following:

1. Identify him/herself and his/her official position; and
2. Inform the employee of the purpose of the interview by setting forth the allegations against the employee by articulating the relationship between the allegations and his or her official duties.

Final investigative reports will be prepared by the assigned investigator setting forth the specific allegation(s) and the methodology used during the course of the inquiry. All investigative reports will present the facts of the inquiry in a concise, objective, and impartial manner. After review for investigative sufficiency, the chief investigator shall forward the final investigative report to the director. The director may require that some or all final reports be forwarded to OGC for review. [82.2.4] If OGC believes the report needs to be revised for any reason, the report will be returned to OPR for revision.

If the director determines that disciplinary action is not warranted, the report will be returned to the chief investigator. If the director determines that disciplinary action is warranted, the director, with the assistance of the Human Resources (HR) Director or designee, shall notify the employee of the action by letter. The HR Director or designee shall forward a copy of the letter to OPR for its files. The HR Director or designee shall also forward to OPR a copy of the final administrative decision in case the disciplinary action is grieved by the employee. No copies of the final investigative report shall be permanently maintained outside of OPR, except by OGC and HR as part of their respective files relating to grievances, litigation, and associated proceedings.

All investigations shall be officially closed by the chief investigator only after review and approval by the director or designee. A case shall be closed when the following occurs:

1. Reasonable facts and investigative leads have been thoroughly explored and reported;
2. All requisite judicial, disciplinary, and adverse actions have been instituted or concluded; and
3. The employee has been officially informed of the disposition of the investigation.

Investigations conducted by OPR should be completed within 180 days of the case assignment and reviewed by the chief investigator unless unforeseen circumstances arise which prohibit the timely completion of any such investigation. If an investigation involves an employee who has been suspended pending the outcome of the investigation, OPR will attempt to complete the investigation as expeditiously as possible. If it is determined that an investigation may possibly exceed the specified 180-day time period, the chief investigator, with the concurrence of the director, may authorize an extension. [52.2.3] Incomplete investigations will not be accepted.

If an investigation is referred to another agency due to criminal allegations, conflict of interest, or other circumstances that prove to be an impediment to conducting a thorough and impartial investigation, the chief investigator, with the concurrence of the director, may suspend the

investigative process or hold the investigation in abeyance until further action is warranted. Upon conclusion of the investigative process, all OPR investigations shall be forwarded to the director and appropriate division director for review. Any investigation referred to another agency will be documented and retained within OPR.

Once the investigation has been completed, a closing form will be used to request that the appropriate division director make the determination regarding any additional course of action.

When allegations or evidence having a substantial bearing on a closed investigation emerge, a new investigation may be conducted. Factual evidence developed during a prior investigation may be considered in connection with an open inquiry or investigation.

Except under circumstances where an employee is taken into custody, an individual's right to counsel does not attach during the course of an OPR interview and an employee does not have a right to have counsel present during any stage of an interview conducted by OPR. Only with the permission of the interviewing investigator can an employee have legal counsel present during the interview, provided that the legal counsel does not interfere with the questioning and coordinating legal counsel's presence does not prolong the scheduling of the interview. However, employees accused of criminal wrongdoing are given all legal protection(s) required by law and are encouraged to exercise their legal rights, including their choice of representation.

If, during the course of the interview, the employee furnishes information or describes circumstances not previously known or investigated, the investigator will continue the investigation toward reasonable development of such new information or circumstances. This includes interviewing material witnesses identified by the employee and who were not previously interviewed during the investigation.

Should the accused employee voluntarily terminate his/her employment with the department prior to the completion of the investigation, the OPR shall complete the investigation as if the employee were still employed.

When information obtained during an investigation indicates that an employee of the department may have committed one or more criminal violations, the chief investigator shall advise the director as soon as possible. [11.4.5] [52.2.2] If sufficient facts have been developed indicating a probable criminal violation, the matter should be discussed with the appropriate solicitor’s office or referred to the appropriate criminal investigative authority.

Upon referral for criminal investigation or prosecution, the department will coordinate any further administrative investigation with the criminal investigation to ensure that the administrative action does not jeopardize the criminal investigation or prosecution.

The OPR investigative conclusion is classified in one of four (4) ways:

1. Sustained: Employee’s action violated department policy, procedures, or guidelines.
2. Not Sustained: Insufficient evidence exists to either prove or disapprove the allegation.
3. Exonerated: Employee’s action occurred as alleged, but was in compliance with department policy, procedures, and guidelines. Employee’s action was within the guidelines authorized by law.
4. Unfounded: Alleged misconduct did not occur. [52.2.8]

VI. Confidentiality of Records

OPR documents and maintains all complaints registered against a departmental employee via internal database. [52.1.2] After the completion of disciplinary actions and appeals, all copies of the final investigative report shall be returned to OPR for safekeeping. No copies of the final

investigative report shall be permanently maintained outside of OPR, except by OGC and HR as a part of their respective files relating to grievances, litigation, and associated proceedings.

All closed OPR cases will be securely maintained under the direct control of OPR and in accordance with the retention guidelines established by the department. Limited access to closed cases may be granted to those individuals who demonstrate a bona fide need-to-know as determined by the chief investigator with the concurrence of the director or designee. [52.1.2]

VII. Statistical Reporting

The chief investigator shall report the status of all open, pending investigations to the director on a monthly basis. [82.2.4] [52.2.2] These activity reports shall succinctly state the nature of the complaint or allegation directed at the employee or agency and the status of the investigation. If the investigation is of an employee who holds a senior rank among the commissioned personnel or if the individual involved is an executive level employee, then the matter is classified as sensitive and the director shall be briefed by the chief investigator on a more frequent basis as dictated by the findings of the investigation.

The chief investigator shall also ensure that on a monthly basis the director is furnished a current listing of all employees with open investigations. This listing shall be maintained securely within OPR for a period of three (3) years. [82.2.4]

VIII. Public Information

Posters informing the public about OPR are posted in public areas of DPS buildings throughout the state. These posters contain a toll free number the public can use to register complaints against an employee of the department. When the public utilizes the toll free number, they are placed in contact with a member of the OPR staff who takes the complaint and explains the investigative process to the complainant. The public can also file a complaint by going to the agency's website at www.scdps.gov. [52.1.4] All SCDPS personnel shall be familiar with these procedures so they can inform the public if asked or have a complaint of their own to register against a departmental employee.

On an annual basis, OPR personnel will compile statistical summaries as a result of investigations conducted. The statistical summaries will be made available to the public and DPS employees via the agency's website. [52.1.5]

IX. Critical Incidents Requiring Notification of the Director

Upon being notified of an incident involving a departmental employee that may reflect negatively upon the department, the OPR chief is required to notify the director via phone. [52.2.2] This procedure is not all-inclusive and additional situations may arise which require immediate notification of the director by personnel that are not affiliated with OPR. These exceptions will be evaluated and reported on a case-by-case basis. Situations requiring immediate notification to the director include but are not limited to the following:

1. The arrest of any departmental employee;
2. Any traffic-related incident involving an employee of the department that is reported to OPR by a citizen or anonymous complainant; or
3. Any incident involving the discharge of department issued firearms (except in authorized practice, training, qualification, or the humane killing of animals). Other incidents involving the alleged improper use of force will be investigated by OPR. [11.4.5]

OPR personnel are on-call 24 hours a day and may be requested or required to respond to certain incidents involving a department employee in accordance with SCDPS Policy 100.07 (Office of Professional Responsibility) and this SOP.

By Order of the Director **Date: April 13, 2016**
Leroy Smith
Director **S C Department of Public Safety**
The Original Signed Copy of this Standard Operating Procedure is on File in the Office of Strategic Services, Accreditation, Policy, and Inspections

Appendix - J

South Carolina Department of Public Safety

Office of the Director
10311 Wilson Blvd. Blythewood, SC Post Office Box 1993 Blythewood SC 29016

POLICY	**400.08G**
EFFECTIVE DATE	**MAY 11, 1994**
ISSUE DATE	**MARCH 3, 2010**
SUBJECT	**GUIDELINES FOR PROGRESSIVE DISCIPLINARY ACTION**
APPLICABLE STATUTES	**S. C. Code of Laws §§8-11-230,, §8-11-690, R. 19-717 et al..**
APPLICABLE STANDARDS	**11.3.2, 26.1.1, 52.2.7**
DISTRUBTION	**TO ALL EMPLOYEES**

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

GUIDELINES FOR PROGRESSIVE DISCIPLINARY ACTION [26.1.1] [52.2.7]				
OFFENSE	**FIRST OCCURRENCE**	**SECOND OCCURRENCE**	**THIRD OCCURRENCE**	**FOURTH OCCURRENCE**
Unauthorized Leave (absence without approval; does not show up; does not obtain prior approval for authorized leave; does not report for scheduled training.) [26.1.1] [52.2.7]	Level I Reprimand to Level II Reprimand	Level II Reprimand to Suspension	Suspension to Termination [52.2.7]	Termination [52.2.7]
Abandonment of Position	Employees who voluntarily fail to report to work for three consecutive work days and fail to contact the department during this time period will be considered to have abandoned their position and voluntarily resigned.			

GUIDELINES FOR PROGRESSIVE DISCIPLINARY ACTION [**26.1.1**] [**52.2.7**]				
OFFENSE	**FIRST OCCURRENCE**	**SECOND OCCURRENCE**	**THIRD OCCURRENCE**	**FOURTH OCCURRENCE**
Excessive or Habitual Tardiness [26.1.1] [52.2.7] or Failure to Observe Assigned Work Hours	Level I Reprimand	Level II Reprimand to Suspension	Suspension to Termination [52.2.7]	Termination [52.2.7]
Leaving Assigned Non-Security Work Area without Authorization	Level I Reprimand	Level II Reprimand to Suspension	Suspension to Termination	Termination
Leaving Assigned Security Work Area without Authorization [52.2.7]	Suspension to Termination [52.2.7]		Termination [52.2.7]	
Abuse of Leave (habitual use of annual or sick leave without sufficient notification, annual leave approved under false pretenses, or use of sick leave for purposes not authorized for the use of sick leave)	Level I Reprimand to Level II Reprimand	Level II Reprimand to Suspension	Suspension to Termination	Termination
Excessive Absenteeism	Level I Reprimand	Level II Reprimand to Suspension	Suspension to Termination	**Action will be in accordance with the Family and Medical Leave Act**
Insubordination (refusal to obey a directive or carry out instructions from a supervisor)	Level II Reprimand to Termination	Suspension to Termination [52.2.7]	Termination [52.2.7]	

GUIDELINES FOR PROGRESSIVE DISCIPLINARY ACTION [**26.1.1**] [**52.2.7**]				
OFFENSE	**FIRST OCCURRENCE**	**SECOND OCCURRENCE**	**THIRD OCCURRENCE**	**FOURTH OCCURRENCE**
[26.1.1] [52.2.7]				
Reporting to Work Under the Influence of Alcohol or Drugs [26.1.1] [52.2.7]	Suspension to Termination [52.2.7]	Termination [52.2.7]	Action will be in accordance with the Act on Alcoholism and the department's policy on Alcohol and Drug Testing Program	
Possessing or Using Illegal Drugs on the Job [26.1.1] [52.2.7]	Termination [52.2.7]	Refer to the department's Policy on Alcohol and Drug Testing Program		
Gambling During Work Hours	Level I Reprimand to Suspension	Suspension to Termination	Termination	
Sleeping or Appearing to be Sleeping during Work Hours	Level I Reprimand to Suspension	Level II Reprimand to Termination	Suspension to Termination	Termination
Fighting, Other than Reasonable Defense to an Unprovoked Attack	Suspension to Termination	Termination		
Workforce Violence	Termination	Action will be in accordance with department's Violence in the Workplace Policy 200.29		
Inappropriate Use of Profane or Abusive Language [26.1.1]	Level I Reprimand to Level II Reprimand	Suspension to Termination	Termination	
Sexual Harassment	Level II Reprimand to Termination	Suspension to Termination	Termination	Action will be in accordance with the department's Harassment – Free Workplace Policy
Verbal or Physical Threats toward Another	Suspension to Termination [52.2.7]	Termination [52.2.7]		

GUIDELINES FOR PROGRESSIVE DISCIPLINARY ACTION [**26.1.1**] [**52.2.7**]				
OFFENSE	**FIRST OCCURRENCE**	**SECOND OCCURRENCE**	**THIRD OCCURRENCE**	**FOURTH OCCURRENCE**
Employee or Supervisor [52.2.7]				
Deliberate Interference with Other Employee's Work	Suspension to Termination	Termination		
Failure to Maintain Satisfactory or Harmonious Working Relationships	Level I Reprimand to Level II Reprimand	Level II Reprimand to Suspension	Suspension to Termination	Termination
Discourteous Treatment of Visitors or Customers	Level I Reprimand to Suspension	Suspension to Termination	Termination	
Stealing State Property, Stealing while on duty or Stealing while on State Property [26.1.1]	Three day Suspension to Termination	Termination		
Misappropriation of department funds (including authorized charitable fund drives) [52.2.7]	Termination [52.2.7]			
Falsification of application for employment (essential information used to determine eligibility for employment, e.g. conviction record, education, training, employment	Termination [52.2.7]			

GUIDELINES FOR PROGRESSIVE DISCIPLINARY ACTION [**26.1.1**] [**52.2.7**]				
OFFENSE	**FIRST OCCURRENCE**	**SECOND OCCURRENCE**	**THIRD OCCURRENCE**	**FOURTH OCCURRENCE**
history, etc.) [52.2.7]				
Willful False Statement to a Supervisor [26.1.1] [52.2.7]	Termination [52.2.7]			
Failure to Provide Truthful and Complete Information (includes written, and oral communications, reports or testimony) [52.2.7]	Termination [52.2.7]			
Refusal to Cooperate with Administrative Investigations	Level II Reprimand to Termination	Termination		
Misuse of State Property or Equipment [26.1.1]	Level I Reprimand to Level II Reprimand	Level II Reprimand to Suspension	Suspension to Termination	Termination
Negligent or Willful Destruction or Damage to State Property or Equipment	Level I Reprimand to Suspension	Suspension to Termination		
Destruction, Alteration or Falsification of Records or documents	Level II Reprimand to Termination	Termination		
Misuse of Work Time [26.1.1]	Level I Reprimand to Level II Reprimand	Level II Reprimand to Suspension	Suspension to Termination	

GUIDELINES FOR PROGRESSIVE DISCIPLINARY ACTION [**26.1.1**] [**52.2.7**]				
OFFENSE	**FIRST OCCURRENCE**	**SECOND OCCURRENCE**	**THIRD OCCURRENCE**	**FOURTH OCCURRENCE**
Excessive Use of Telephone for Personal Matters	Level I Reprimand	Level II Reprimand	Suspension	Termination
Unauthorized Release of Confidential Information	Level II Reprimand to Suspension	Suspension to Termination	Termination	

GUIDELINES FOR PROGRESSIVE DISCIPLINARY ACTION [**26.1.1**] [**52.2.7**]				
OFFENSE	**FIRST OCCURRENCE**	**SECOND OCCURRENCE**	**THIRD OCCURRENCE**	**FOURTH OCCURRENCE**
Unauthorized Distribution of Written, Printed or Electronic Material of any kind on State property or through the use of State Equipment or Property.	Level I Reprimand to Level II Reprimand	Level II Reprimand to Suspension	Suspension to Termination	Termination
Unauthorized Procurements [52.2.7]	Level I Reprimand to Level II Reprimand	Level II Reprimand to Suspension	Suspension to Termination [52.2.7]	Termination [52.2.7]
Unauthorized Solicitation or Sales on State Property	Level I Reprimand to Level II Reprimand	Level II Reprimand to Suspension	Suspension to Termination	Termination
Unauthorized Use of State Equipment or Property [26.1.1]	Level I Reprimand to Level II Reprimand	Suspension	Termination	
Unauthorized Possession or Use of a Firearm or other weapon or contraband while on the job or on State property [52.2.7]	Suspension to Termination [52.2.7]	Termination [52.2.7]		
Negligence in the Performance of Duty	Level I Reprimand to Termination	Suspension to Termination	Termination	
Negligence in the Performance of Supervisory Responsibilities	Level I Reprimand to Suspension	Suspension to Termination	Termination [11.3.2]	
Negligence in Following Rules, Regulations, - Policies or	Level I Reprimand to Level II Reprimand	Level II Reprimand to Suspension	Suspension to Termination	Termination

GUIDELINES FOR PROGRESSIVE DISCIPLINARY ACTION [**26.1.1**] [**52.2.7**]				
OFFENSE	**FIRST OCCURRENCE**	**SECOND OCCURRENCE**	**THIRD OCCURRENCE**	**FOURTH OCCURRENCE**
Procedures				

GUIDELINES FOR PROGRESSIVE DISCIPLINARY ACTION [26.1.1] [52.2.7]				
OFFENSE	**FIRST OCCURRENCE**	**SECOND OCCURRENCE**	**THIRD OCCURRENCE**	**FOURTH OCCURRENCE**
Willful Violation of Rules, Regulations, Policy or Procedure	Level II Reprimand to Suspension	Suspension to Termination	Termination	
Mishandling of department funds [26.1.1]	Level II Reprimand to Suspension	Suspension to Termination	Termination	
Mishandling of department documents	Level I Reprimand to Level II Reprimand	Level II Reprimand to Suspension	Suspension to Termination	Termination
Engaging in Unlawful Work Stoppages, Slowdowns or Strikes	Suspension -to Termination	Termination		
Operating a State Vehicle while under the Influence of Alcohol or Drugs	Suspension to Termination	Termination	Refer to department's Policy on Alcohol and Drug Testing Program	
Operation of a State Vehicle or Equipment without Required Valid License	Suspension to Termination			
Violation of Traffic Laws in State Vehicle	Level I Reprimand to Termination	Level II Reprimand to Termination	Termination	
Negligent Authorized Operation of a State Vehicle Resulting in an Accident/Personal Injury	The Fleet Safety Policy should normally be followed regarding vehicle accidents; however, the department reserves the right to take disciplinary action as the Director of the department deems necessary. Accident reports should be reported to the Resource Management Office. If discipline is also required the Human Resources Office should be notified.			
Improper Conduct or conduct unbecoming a State employee	Level I Reprimand to Termination	Level II Reprimand to Termination	Termination	

GUIDELINES FOR PROGRESSIVE DISCIPLINARY ACTION [**26.1.1**] [**52.2.7**]				
OFFENSE	**FIRST OCCURRENCE**	**SECOND OCCURRENCE**	**THIRD OCCURRENCE**	**FOURTH OCCURRENCE**

[26.1.1]			

GUIDELINES FOR PROGRESSIVE DISCIPLINARY ACTION [26.1.1] [52.2.7]				
OFFENSE	**FIRST OCCURRENCE**	**SECOND OCCURRENCE**	**THIRD OCCURRENCE**	**FOURTH OCCURRENCE**

Failure to Report Probable Violations of Federal or State Laws, excluding minor traffic violations	Suspension to Termination	Termination	
Conviction of or Violation of Federal or State Laws, excluding minor traffic violation	Level I Reprimand to Termination	Termination	
Failure to report violation of Policy by others	Level I to Level II Reprimand	Level II Reprimand to Suspension	Suspension to Termination
Failure to report violations of Federal or State Law by others	Level II Reprimand to Suspension	Suspension to Termination	Termination
Any Accumulation, within any 12-month period, of 3 or more Offenses which call for a Level I reprimand or above [26.1.1] [52.2.7]	Suspension to Termination [52.2.7]	Termination [52.2.7]	
Arrest or Indictment for Alleged Violation of Federal or State Law. [26.1.1]	An employee charged (i.e. arrested or indicted) for an act which adversely reflects on his/her suitability for continued employment or which causes adverse publicity against the department may result in an immediate suspension pending the final disposition of the court. If the employee is exonerated or charges are dismissed through the judicial process or the court, the employee may be eligible for reinstatement with back pay. The Director, at his discretion, may temporarily reassign an employee until disposition of the charge. The department, however, may conduct its own investigation and take disciplinary action		

GUIDELINES FOR PROGRESSIVE DISCIPLINARY ACTION [**26.1.1**] [**52.2.7**]				
OFFENSE	**FIRST OCCURRENCE**	**SECOND OCCURRENCE**	**THIRD OCCURRENCE**	**FOURTH OCCURRENCE**

[52.2.7]	based upon its findings. An employee who is suspended due to an arrest or indictment for acts previously stated, may be terminated before the disposition of the charge against him/her, notwithstanding that (1) the charge is ultimately dismissed or dropped or (2) the employee is acquitted, if the Director or his designee, after investigation, determines that the charge is true. [52.2.7]

The indicated actions in response to specific offenses are to be used as a guide and are not intended to be all inclusive at the occurrence of any listed offenses, or any that are not listed. The appropriate discipline will be determined after the particular circumstances of the case have been carefully considered. The director or the director's designee may take more severe or less severe action than indicated in the guidelines including termination, if a different action is deemed appropriate.

By Order of the Director **Date: March 3, 2010**
Mark A. Keel
Director **S C Department of Public Safety**
The Original Signed Copy of this Policy is on File in the Office of the General Counsel

Appendix - K

South Carolina Department of Public Safety

Office of the Director
10311 Wilson Blvd. Blythewood, SC Post Office Box 1993 Blythewood SC 29016

POLICY	**400.08**
EFFECTIVE DATE	**MAY 11, 1994**
ISSUE DATE	**MARCH 3, 2010**
SUBJECT	**DISCIPLINARY ACTION**
APPLICABLE STATUTES	**§8-11-230, §8-11-690, R. 19-717 et al.**
APPLICABLE STANDARDS	**26.1.1, 26.1.4, 26.1.5, 26.1.6, 26.1.7, 26.1.8, 52.2.7**
DISTRUBTION	**TO ALL EMPLOYEES**

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I. PURPOSE

Employees of the Department of Public Safety will conduct themselves in accordance with applicable laws, regulations, department policies and generally acceptable work behaviors. Employees in supervisory positions will set an example by their conduct, attitude and work habits. [26.1.1]

II. POLICY

Disciplinary actions imposed for unacceptable conduct should generally be progressive in nature with consideration given to the severity of the conduct and the employee's past record. The attached Guidelines for Disciplinary Action are recommendations and not mandatory. The department reserves the right to impose any type of disciplinary action for any offense as it deems appropriate, including termination from employment for a first offense. Supervisors should consult with the department's Office of Human Resources prior to imposing any corrective action or attempting to resolve any disciplinary matter. All disciplinary actions are part of the employee's official personnel file and may not be removed. [26.1.5]

III. DEFINITIONS

Appeal - A request by a covered employee to the State Human Resources Director for review of an agency's final decision concerning a grievance.

Calendar Days - The sequential days of a year. Calendar days are computed by excluding the first day and including the last; if the last day falls on a Saturday, Sunday, or legal holiday, it is excluded.

Counseling Session - A documented meeting between an employee and his immediate supervisor to address the first occurrence of a minor offense.

Covered Employee - A full-time or part-time employee occupying a part of or all of a full-time equivalent (FTE) position who has completed the probationary period and has a "meets" or higher overall rating on the employee's performance evaluation and who has grievance rights. If an employee does not receive an evaluation before the performance review date, the employee must be considered to have performed in a satisfactory manner and be a covered employee. This definition does not include employees such as temporary, temporary grant; time limited employees or administrative exemption personnel.

Demotion - The assignment of an employee by the appointing authority from one established position to a different established position having a lower state salary range.

Disciplinary Review Committee - An informal committee comprised of departmental employees to review recommendations for disciplinary or corrective action.

Final Agency Decision - The final administrative decision by the department that then may be appealed to the State Human Resources Director.

Grievable and Non Grievable Actions - Terminations, suspensions, involuntary reassignments in excess of 30 miles from an employee's prior work station, and demotions are grievable and appealable under the State Employee Grievance Procedure Act. A reduction in force may be considered grievable by the department or appealable to the State Human Resources Director, for an affected covered employee under the grievance plan only if based on inconsistent or improper application of a reduction in force policy, procedure or plan.

Level I and Level II reprimands and counseling sessions are not grievable or appealable.

Reclassification of a position, reassignments, and transfers within the same state salary range are not grievable or appealable. However, reclassifications may be deemed grievable or appealable if the department or the State Human Resources Director determines that there is a material issue of fact that the action is a punitive reclassification.

Compensation is not grievable or appealable. However, a salary decrease based upon the results of a covered employee's EPMS evaluation may be considered grievable or appealable.

Promotions are not grievable or appealable except where an allegation is made that the covered employee was excluded from consideration for promotion to a position for which the employee was qualified when the promotional opportunity occurred, and the covered employee applied or would have applied if he had known of the promotional opportunity, and the department, in the case of a grievance, or State Human Resources Director, in the case of an appeal, determines that there is any material issue of fact or conclusion to be drawn from the facts of the allegation. However, when the department promotes an employee one organizational level above the promoted employee's former level, that action is not grievable or appealable for any other qualified covered employee.

Grievance - A complaint filed by a covered employee or the employee's representative regarding an adverse employment action as designated in the department's Grievance Procedure Policy. [Policy 400.10]

Involuntary Reassignment - The movement of an employee's principal place of employment in excess of 30 miles from the prior work station at the initiative of the agency. The reassignment of an employee by an agency in excess of 30 miles from the prior work station to the nearest facility with an available position having the same state salary range for which the employee is qualified is not considered involuntary reassignment.

Level I Reprimand - Generally the first formal level of disciplinary action for a first occurrence of a minor nature. A Level I reprimand cannot be removed from the employee's personnel file.

Level II Reprimand - Generally the second level of disciplinary action for a repeated occurrence of a minor infraction or a first occurrence of a more serious offense. A Level II reprimand cannot be removed from the employee's personnel file.

Pay Band or Salary Range - The dollar amount between the minimum and maximum rates of pay to which a class or position is assigned.

Promotion - An employee's change from a position in one class to a position in another class having a higher state salary range.

Reassignment - The movement within an agency of an employee from one position to another position having the same state salary range, or the movement of a position within an agency which does not require reclassification.

Reclassification - The assignment of a position in one class to another which is the result of a natural or an organizational change in duties or responsibilities of the position.

Reduction In Force - A procedure used by an agency to eliminate one or more filled positions in one or more organizational units within the agency due to budgetary limitations, shortage of work, or organizational changes. [Policy 400.14]

Salary Decrease Based on Performance - The reduction of a covered employee's compensation based on the results of an Employee Performance Management System (EPMS) evaluation. [Policy 400.06]

State Employee Grievance Committee - A committee composed of state employees who are appointed by the Budget and Control Board and who conduct hearings involving appeals filed by state employees covered by the State Employee Grievance Procedure Act.

State Human Resources Director - The head of the Office of Human Resources of the State Budget and Control Board, or his designee.

Suspension - An enforced leave of absence, without pay, for disciplinary purposes, or pending an administrative or criminal investigation of charges against an employee.

Temporary Employee - A full-time or part-time employee who does not occupy an FTE position, whose employment is not to exceed one year, and who is not a covered employee.

Temporary Grant Employee - A full-time or part-time employee who does not occupy an FTE position, and is hired to fill a position specified in and funded by a federal grant, public charity grant, private foundation grant, or research grant and who is not a covered employee.

Termination - Action taken by an agency against an employee to separate the employee involuntarily from employment.

Time Limited Employee - A full-time or part-time employee who does not occupy an FTE position who is hired to fill a position with time-limited project funding approved or authorized by the appropriate State authority, and who is not a covered employee.

Transfer - The movement to a different agency of an employee from one position to another having the same state salary range, or the movement of a position from one agency to another agency which does not require reclassification.

IV. DISCIPLINARY ACTIONS

A. Disciplinary actions are actions taken for the purpose of correcting or punishing inappropriate work behavior.

B. Disciplinary actions consist of Level I and Level II reprimands, suspensions, demotions, involuntary reassignments and terminations. Ordinarily, consideration should be given to the severity of the misconduct and the employee's past record in determining the disciplinary action appropriate for an incident of misconduct. [26.1.4 (c)]

C. Disciplinary action should be discussed with the department's Office of Human Resources prior to being imposed. A Disciplinary Review Committee may be convened by the department's Office of Human Resources to review recommended disciplinary action.

D. Failure to obtain pre-review by the department's Office of Human Resources may result in disciplinary action being rescinded.

E. Counseling sessions are not considered a formal level of disciplinary action. A counseling session may, at the supervisor's discretion, be used for the first occurrence of a minor offense. Minor violations of policies, procedures, rules and regulations may be an opportunity for refresher training session as opposed to a reason for disciplinary action. A counseling session should be documented and kept in the supervisor's file with a copy of the documentation forwarded to the department's Office of Human Resources for entry in the department's Personnel Early Warning System. [Policy 400.24] Documentation of counseling sessions does not become a part of the employee's personnel file. [26.1.4 (a) (b)] [26.1.5]

F. A Level I reprimand is generally the first formal level of disciplinary action for infractions of a minor nature. A Level II reprimand is generally the second level of disciplinary action for a repeat occurrence of such infractions. However, a Level II reprimand may be imposed for a first occurrence of a more severe offense

G. An employee may be procedurally suspended by the department while under investigation and/or further consideration of the appropriate disciplinary action. Procedural suspensions require the approval of the director or the director's designee. [26.1.5]

H. All suspensions, demotions, involuntary reassignments or terminations require approval of the director or the director's designee prior to the discipline being administered. Divisions with employees working on weekends and shifts other than 8:30 a.m. to 5:00 p.m. may procedurally suspend an employee or

remove him from service until the director or the director's designee makes a final decision concerning suspension or termination. [26.1.5] [52.2.7]

I. Disciplinary actions should be administered in accordance with this policy with consideration given to the nature of the misconduct and the employee's past record.

J. A "progressive" disciplinary system should ordinarily be followed with respect to minor episodes of misconduct. This means a Level I reprimand will generally be followed by a Level II reprimand for the second instance of the same offense. If there is a third episode of the same or similar misconduct, the next step will be a suspension followed, if necessary, by termination. However, serious offenses may result in immediate suspension or termination for the first offense. The department has the right to take more severe disciplinary action against any employee whose cumulative misconduct evidences an unwillingness to comply with department policy and procedures.

K. Temporary, temporary grant, time limited and probationary employees may be terminated from employment at the discretion of the director or the director's designee. This policy does not apply to these employees.

L. All performance-related problems should be addressed in accordance with the Employee Performance Management System Policy. [Policy 400.06]

V. INFORMATION AND PROCEDURES

A. Level I Reprimand

1. A Level I reprimand will be documented by way of a memorandum addressed to the employee from the deputy director or a designee. A request for a Level I reprimand should ordinarily be submitted in writing with supporting documents to the department's Office of Human Resources for review. After review, the reprimand will be issued and signed by the employee acknowledging receipt of the reprimand. A copy of the reprimand should be given to the employee and the original forwarded to the department's Office of Human Resources to be retained in the employee's personnel file. [26.1.5] [26.1.8]

2. Level I reprimands cannot be grieved through the Grievance Process. However, an employee may submit a written response to the reprimand which will become part of the employee's personnel file. [26.1.6] [26.1.8]

3. Level I reprimands will become a permanent part of the employee's personnel file. [26.1.8]

B. Level II Reprimand

1. A Level II reprimand will be documented by way of a memorandum addressed to the employee from the deputy director or a designee. A request for a Level II reprimand should ordinarily be submitted in writing with supporting documents to the department's Office of Human Resources for review. After review, the reprimand will then be issued to and signed by the employee, acknowledging receipt of the reprimand. A copy of the reprimand should be given to the employee and the original forwarded to the department's Office of Human Resources to be retained in the employee's personnel file. [26.1.5] [26.1.8]

2. Level II reprimands cannot be grieved through the Grievance Process. However, an employee may submit a written response to the reprimand which will become a permanent part of the employee's personnel file. [26.1.6] [26.1.8]

3. Level II reprimands will become a part of the employee's personnel file. [26.1.8]

C. Suspensions

1. A suspension will be documented by a letter [Notice of Suspension] addressed to the employee from the deputy director or a designee. An employee will generally receive a suspension as the third step in the progressive discipline process. However, if supervisors or managers determine that the first or second offense warrants a suspension, one may be imposed. Suspensions are without pay. A recommendation to suspend should ordinarily be submitted in writing with supporting documents to the department's Office of Human Resources for review and the director's approval. After review and approval, the suspension may be imposed. The Notice of Suspension should be signed by the employee acknowledging receipt of the suspension. A copy of the suspension document should be given to the employee and the original forwarded to the department's Office of Human Resources to be retained in the employee's personnel file. The beginning date of the suspension and the ending date will be indicated on the Notice of Suspension. [26.1.5] [26.1.8] [52.2.7]

2. Covered employees may grieve a suspension. A copy of the department's Grievance Procedure Policy [Policy 400.10] should be attached to the written Notice of Suspension given to covered employees. [26.1.6]

3. The Notice of Suspension will become a permanent part of the employee's personnel file. [26.1.8]

4. An employee who is the focus of/or implicated in an administrative investigation into alleged misconduct may be suspended when the director or his designee determines that the employee's continued presence at work is not in the best interest of the department. Under such circumstances, the employee will be placed on an indefinite suspension pending the outcome of the investigation. If the department's investigation determines that the employee did not engage in misconduct, he may be entitled to reinstatement with back pay. An employee arrested, charged or indicted for a violation of Federal or State law which adversely reflects on his suitability for continued employment or which causes adverse publicity against the department may be suspended immediately pending final disposition by the courts or further investigation by the department. If the employee is exonerated or charges are dismissed by the court, the employee may be eligible for reinstatement with back pay. The department, however, may conduct its own investigation and take disciplinary action based upon its own findings. That is, the department is not bound to reinstate an employee simply because criminal charges are dismissed or withdrawn or because an employee is acquitted at trial. [52.2.7]

5. An employee who is suspended based on alleged violations of Federal or State laws may be terminated before disposition of the charge if the director or the director's designee administratively investigates the matter and determines that termination is warranted. Termination may occur notwithstanding the fact that

the charge or charges is ultimately dismissed or dropped or the employee is acquitted. [26.1.5]

D. Demotion or Reassignment

1. Demotions and reassignments may also be used in the progressive discipline process. In instances where they are grievable and appealable a copy of the department's Grievance Procedure Policy will be attached to the disciplinary letters. Refer to the department's Grievance Procedure Policy [Policy 400.10] to determine if a demotion or reassignment is grievable and appealable. [26.1.6] [26.1.8]

2. The department's Office of Human Resources will be consulted prior to demoting or reassigning an employee.

3. Involuntary demotion or reassignment of an employee will be submitted for review to the department's Office of Human Resources and approved by the director or his designee. [26.1.5]

E. Termination

1. An employee may be terminated from employment as the final step in the progressive discipline process or for committing a serious offense or for refusing to comply with department policy and procedures. [52.2.7]

2. Covered employees may grieve a termination as provided for under the department's Grievance Procedure Policy. [Policy 400.10] [26.1.6]

3. A recommendation to dismiss an employee should be submitted in writing with supporting documents to the department's Office of Human Resources for review. The final decision to terminate an employee will be made by the director or a designee. Notice of Termination will be in writing addressed to the employee and will explain the reason for termination. The Notice of Termination should be personally given to and signed by the employee acknowledging receipt or sent by certified mail "return receipt requested." The original or a copy of the Notice of Termination should be forwarded to the department's Office of Human Resources to be retained in the employee's personnel file. A copy of the department's Grievance Procedure Policy [Policy 400.10] will be attached to the Notice of Termination if the employee is entitled to the right to grieve. [26.1.5] [26.1.7 (a)] [26.1.8]

4. If the Notice of Termination is mailed to the employee, the certified return receipt or "green card" will be retained by the department's Office of Human Resources in their files. [26.1.7] [26.1.8]

5. A Notice of Termination will include the reason for dismissal, effective date of dismissal and a statement regarding status of benefits after dismissal. [26.1.7 (a-c)]

VI. PROPER DOCUMENTATION

A. All disciplinary actions must be supported by appropriate documentation. Actions affecting pay may require additional documentation such as time sheets, Request for Leave forms and Personnel Action Request forms. [26.1.8]

B. Disciplinary memo [Level I or II reprimands, Notice of Suspension and Notice of Termination] must be signed by the employee being disciplined unless the disciplinary memoranda are mailed. The employee's signature means only that the employee received a copy of the disciplinary memoranda, not that the employee agrees with the content of the memoranda or that disciplinary action is warranted. Refusal to sign disciplinary memoranda constitutes insubordination and is separately punishable as such.

VII. MAINTENANCE OF DISCIPLINARY ACTION FILES

The department's Office of Human Resources will maintain the official department disciplinary action files for employees. Supervisors may maintain supervisory notes and files. However, the files maintained in the department's Office of Human Resources shall constitute the only official personnel file. [26.1.5] [26.1.8]

Approved by Office of Human Resources, State Budget and Control Board

March 3, 2010

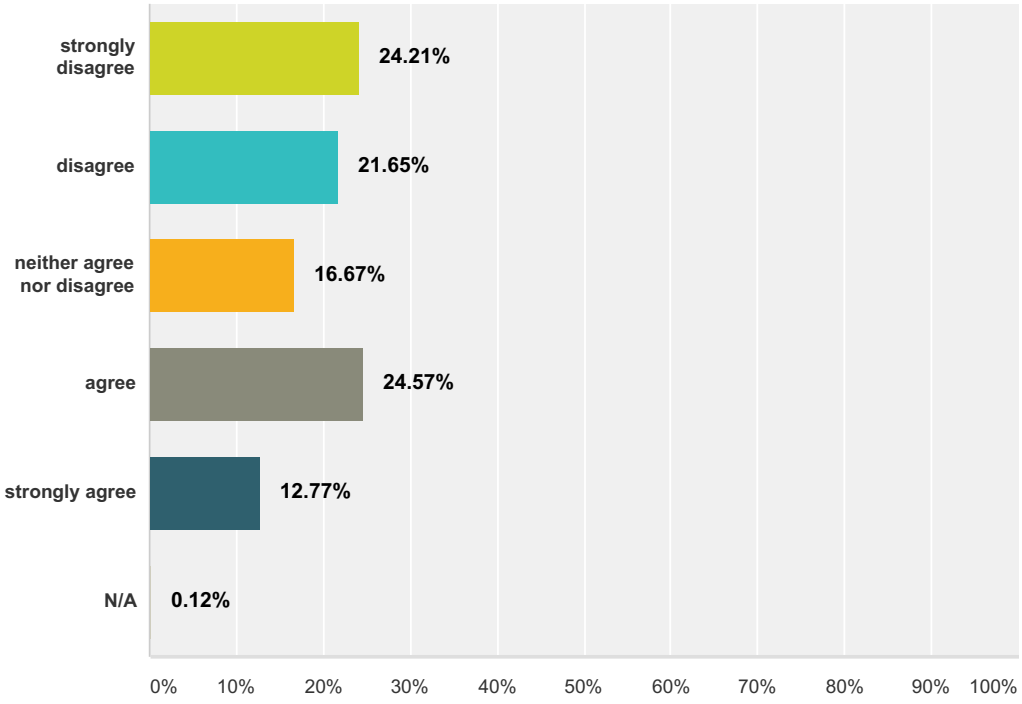
GUIDELINES

By Order of the Director **Date: March 3, 2010**
Mark A. Keel
Director **S C Department of Public Safety**
The Original Signed Copy of this Policy is on File in the Office of the General Counsel

Appendix - L

Q1 I have a high level of respect for the SCDPS's senior executives (i.e., Director, Division Directors, etc.).

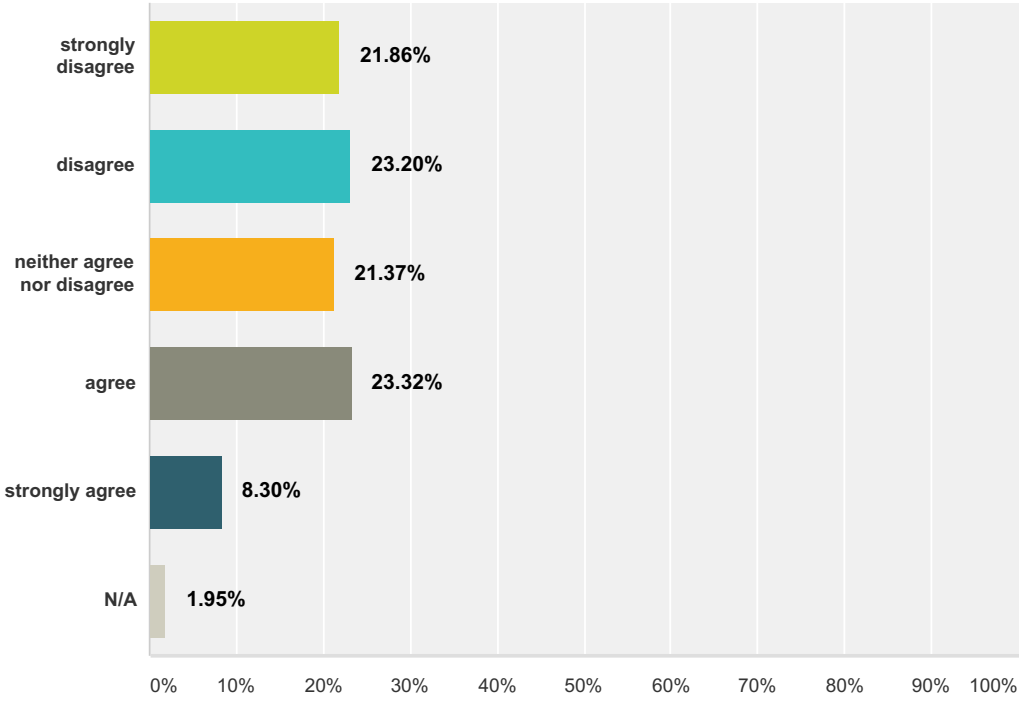
Answered: 822 Skipped: 2



Answer Choices	Responses	
strongly disagree	**24.21%**	199
disagree	**21.65%**	178
neither agree nor disagree	**16.67%**	137
agree	**24.57%**	202
strongly agree	**12.77%**	105
N/A	**0.12%**	1
Total		**822**

Q2 Direct communication (e.g., meetings, office visits) from the Director and senior executives helps me understand the SCDPS mission and strategy.

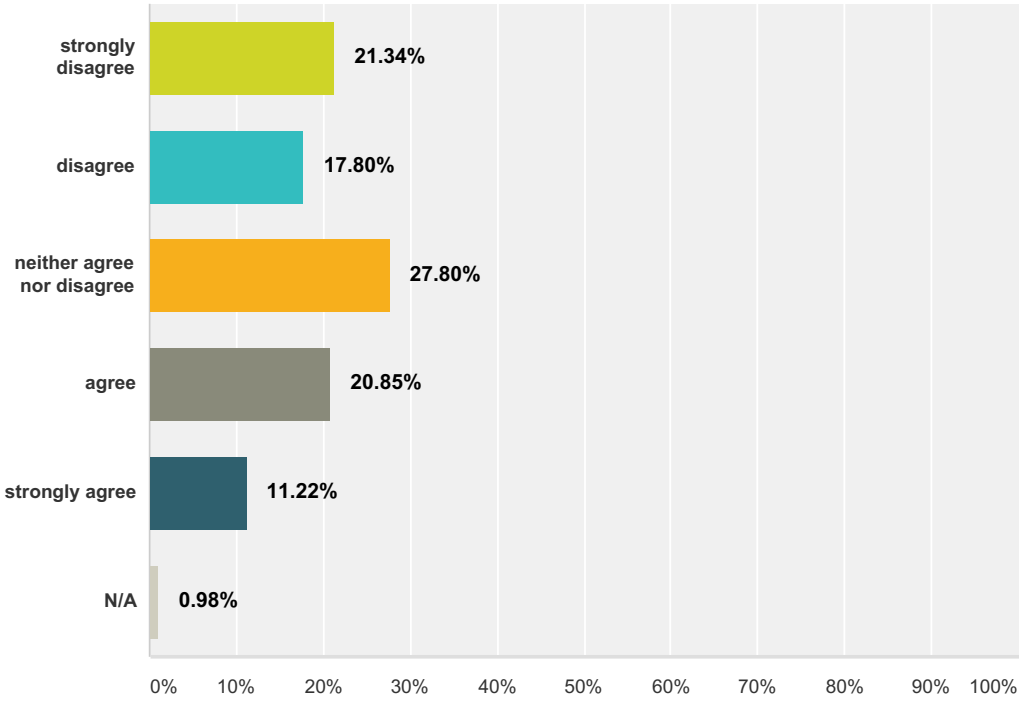
Answered: 819 Skipped: 5



Answer Choices	Responses	
strongly disagree	**21.86%**	179
disagree	**23.20%**	190
neither agree nor disagree	**21.37%**	175
agree	**23.32%**	191
strongly agree	**8.30%**	68
N/A	**1.95%**	16
Total		**819**

Q3 The SCDPS's senior executives maintain high standards of honesty and integrity.

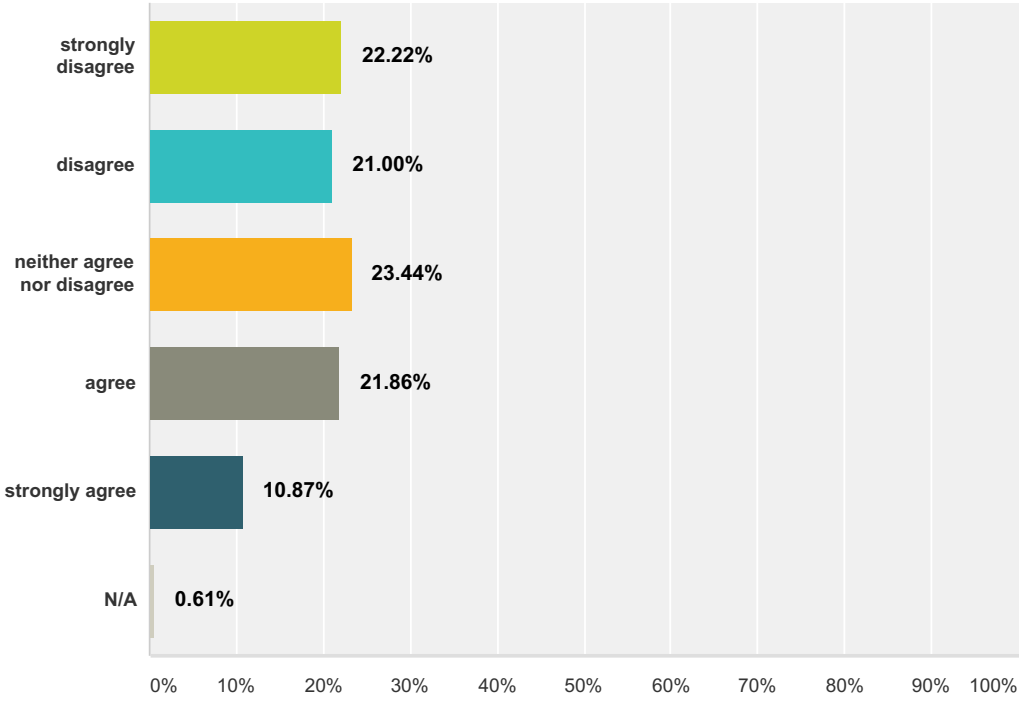
Answered: 820 Skipped: 4



Answer Choices	Responses	
strongly disagree	**21.34%**	175
disagree	**17.80%**	146
neither agree nor disagree	**27.80%**	228
agree	**20.85%**	171
strongly agree	**11.22%**	92
N/A	**0.98%**	8
Total		**820**

Q4 I believe SCDPS executives set a positive example for the organization by adhering to applicable rules, regulations, and policies.

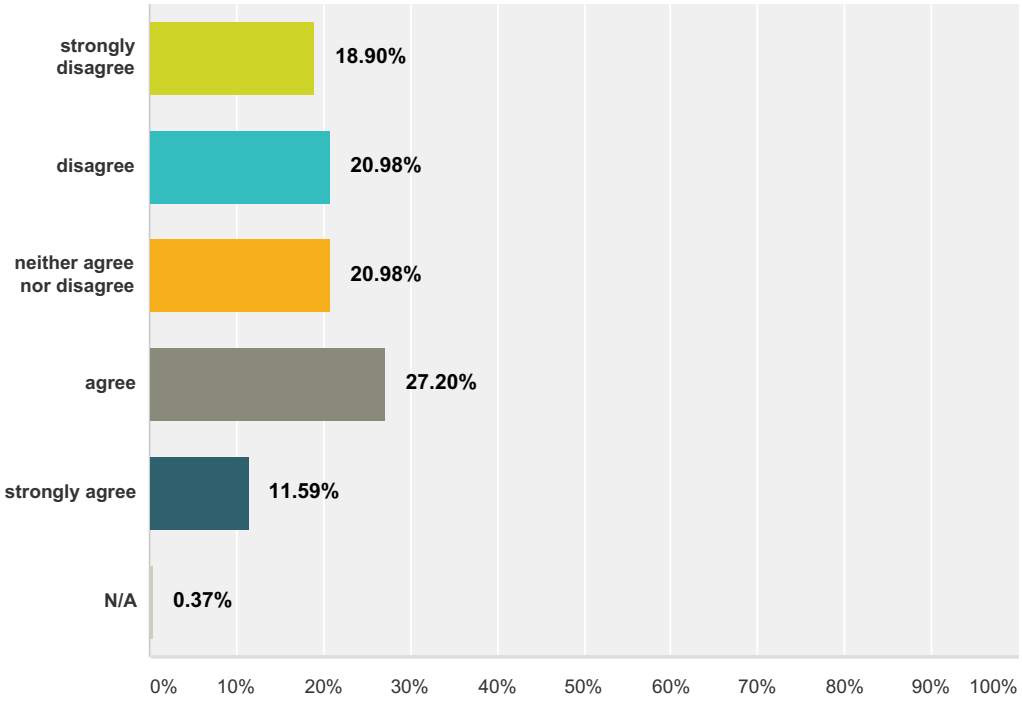
Answered: 819 Skipped: 5



Answer Choices	Responses	
strongly disagree	**22.22%**	182
disagree	**21.00%**	172
neither agree nor disagree	**23.44%**	192
agree	**21.86%**	179
strongly agree	**10.87%**	89
N/A	**0.61%**	5
Total		**819**

Q5 Agency leadership demonstrates that a commitment to ethics, integrity, and compliance is an institutional priority.

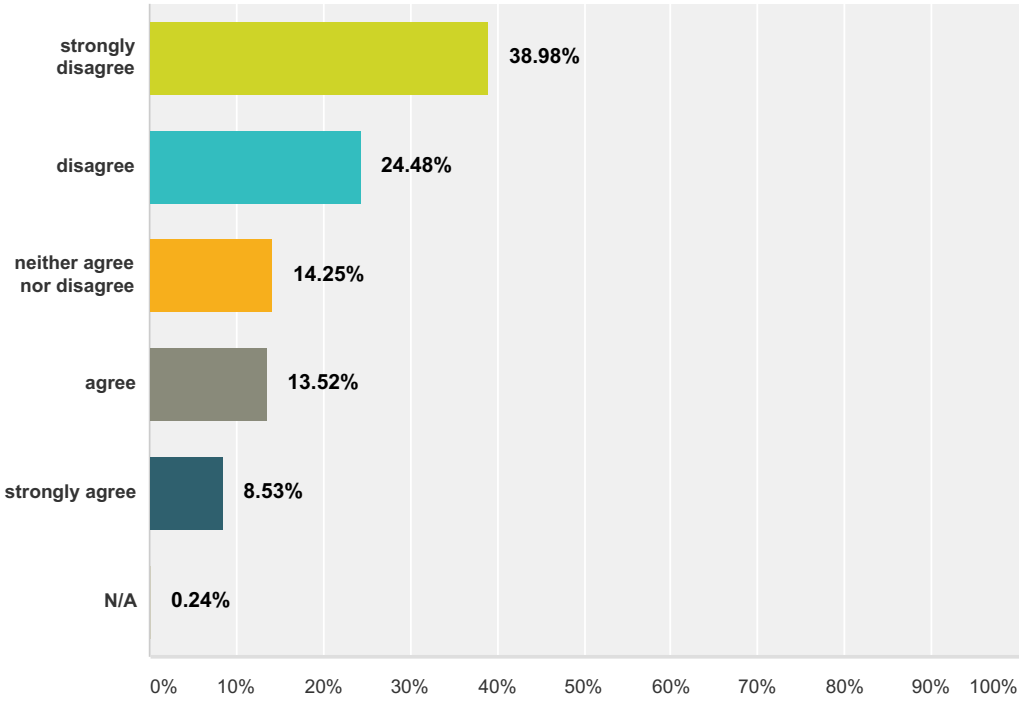
Answered: 820 Skipped: 4



Answer Choices	Responses	
strongly disagree	**18.90%**	155
disagree	**20.98%**	172
neither agree nor disagree	**20.98%**	172
agree	**27.20%**	223
strongly agree	**11.59%**	95
N/A	**0.37%**	3
Total		**820**

Q6 Employee morale is important to the SCDPS's senior executives (i.e., Director, Division Directors, etc.).

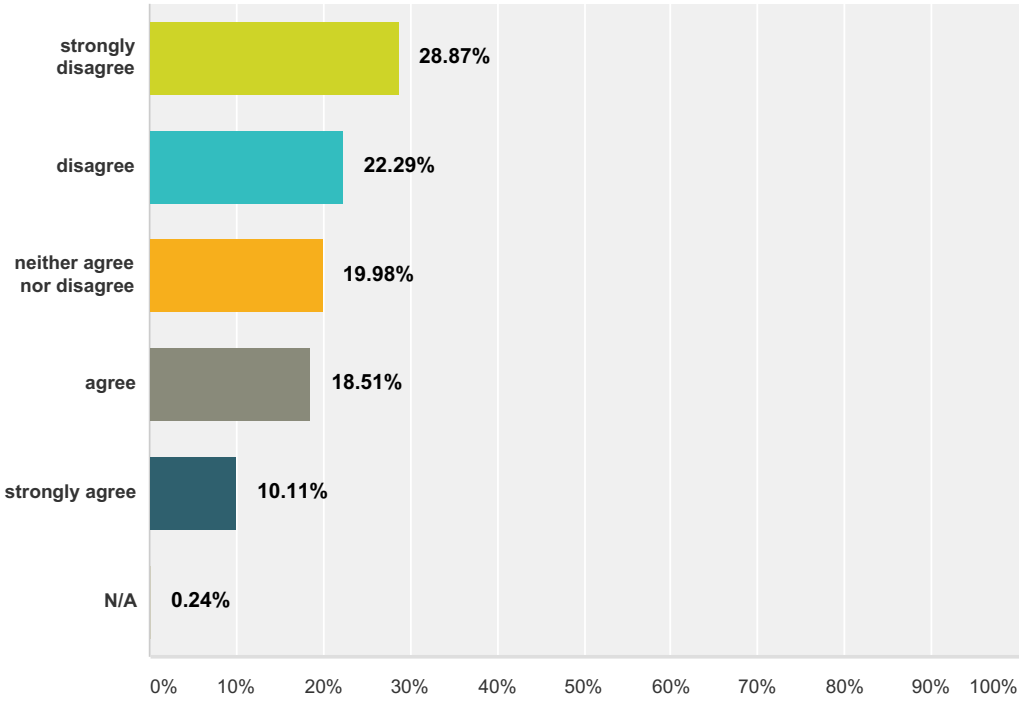
Answered: 821 Skipped: 3



Answer Choices	Responses	
strongly disagree	**38.98%**	320
disagree	**24.48%**	201
neither agree nor disagree	**14.25%**	117
agree	**13.52%**	111
strongly agree	**8.53%**	70
N/A	**0.24%**	2
Total		**821**

Q7 I have trust and confidence in my agency leadership.

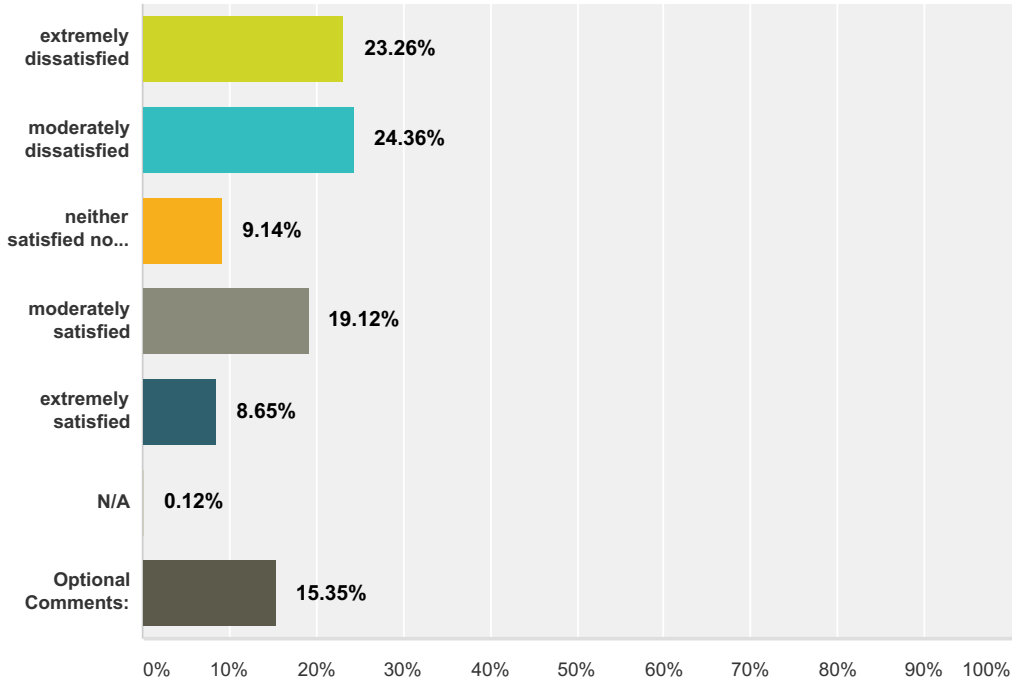
Answered: 821 Skipped: 3



Answer Choices	Responses	
strongly disagree	**28.87%**	237
disagree	**22.29%**	183
neither agree nor disagree	**19.98%**	164
agree	**18.51%**	152
strongly agree	**10.11%**	83
N/A	**0.24%**	2
Total		**821**

Q8 Considering everything, how satisfied are you with the SCDPS leadership and the status of the agency?

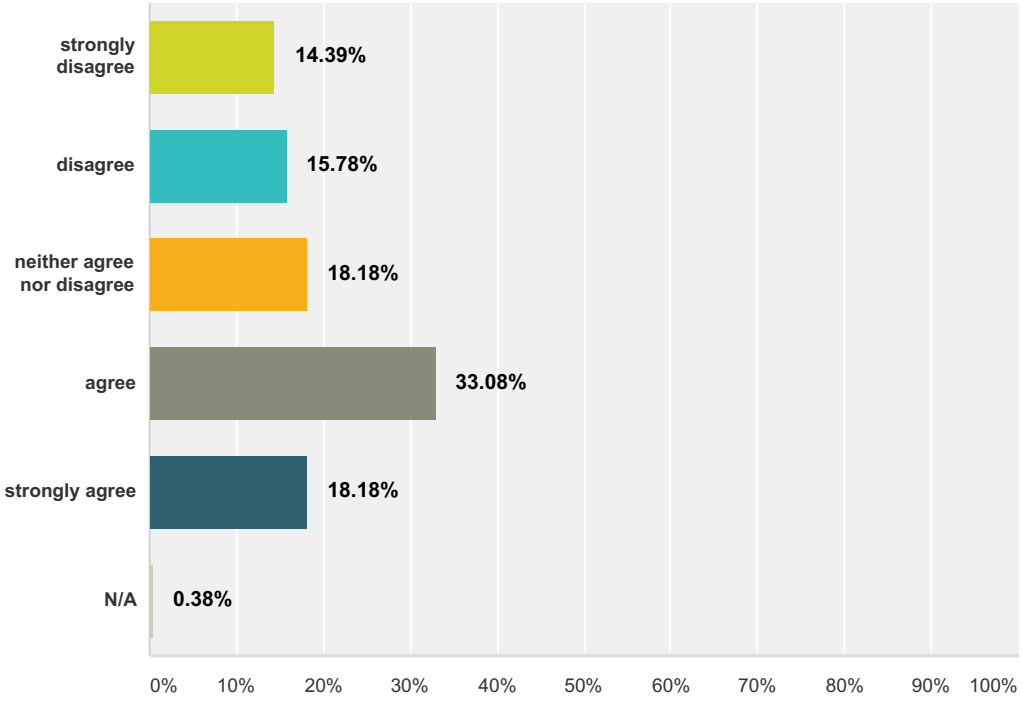
Answered: 821 Skipped: 3



Answer Choices	Responses	
extremely dissatisfied	**23.26%**	191
moderately dissatisfied	**24.36%**	200
neither satisfied nor dissatisfied	**9.14%**	75
moderately satisfied	**19.12%**	157
extremely satisfied	**8.65%**	71
N/A	**0.12%**	1
Optional Comments:	**15.35%**	126
Total		**821**

Q9 The leadership in my Division demonstrates that a commitment to ethics, integrity, and compliance is an institutional priority.

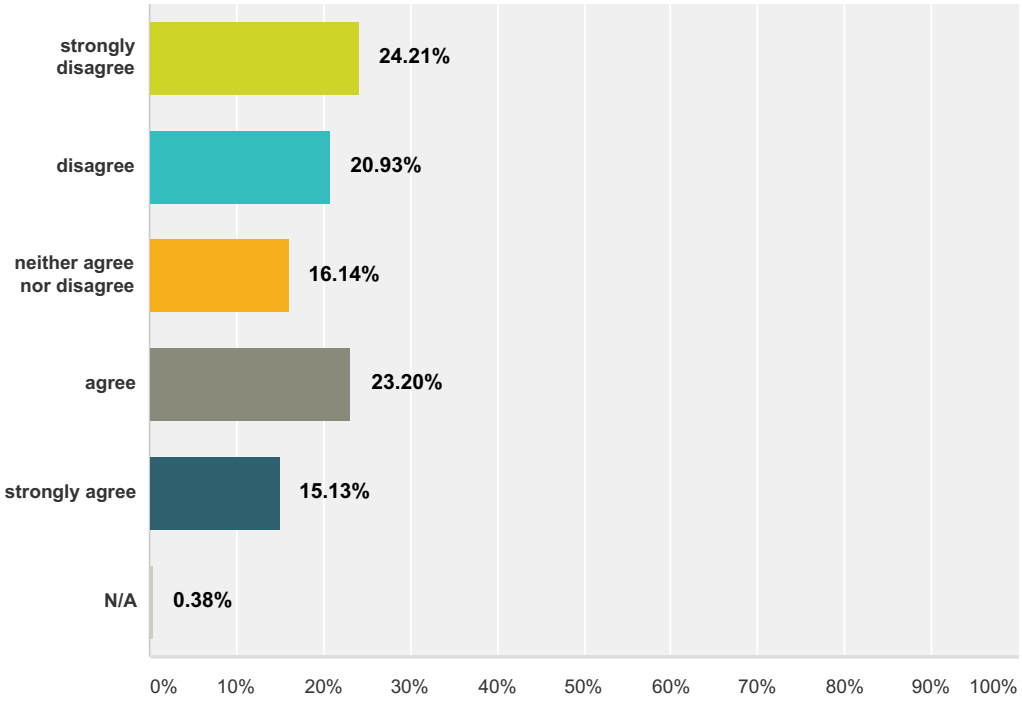
Answered: 792 Skipped: 32



Answer Choices	Responses	
strongly disagree	**14.39%**	114
disagree	**15.78%**	125
neither agree nor disagree	**18.18%**	144
agree	**33.08%**	262
strongly agree	**18.18%**	144
N/A	**0.38%**	3
Total		**792**

Q10 Employee morale is important to my Division leadership.

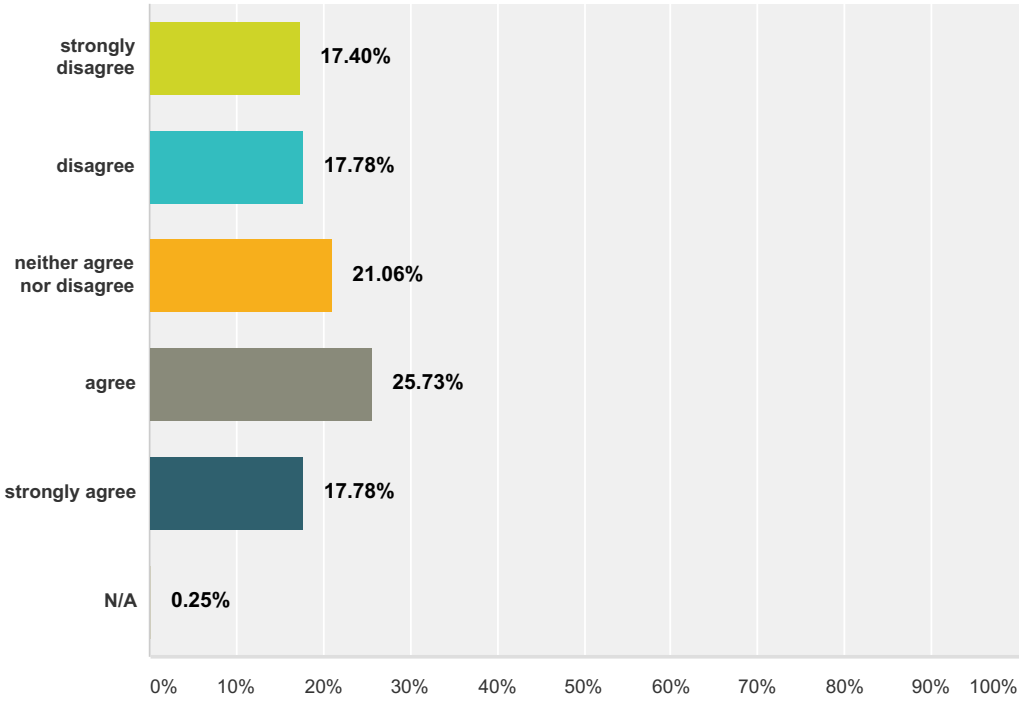
Answered: 793 Skipped: 31



Answer Choices	Responses	
strongly disagree	**24.21%**	192
disagree	**20.93%**	166
neither agree nor disagree	**16.14%**	128
agree	**23.20%**	184
strongly agree	**15.13%**	120
N/A	**0.38%**	3
Total		**793**

Q11 Division leadership has a positive impact on our Division performance.

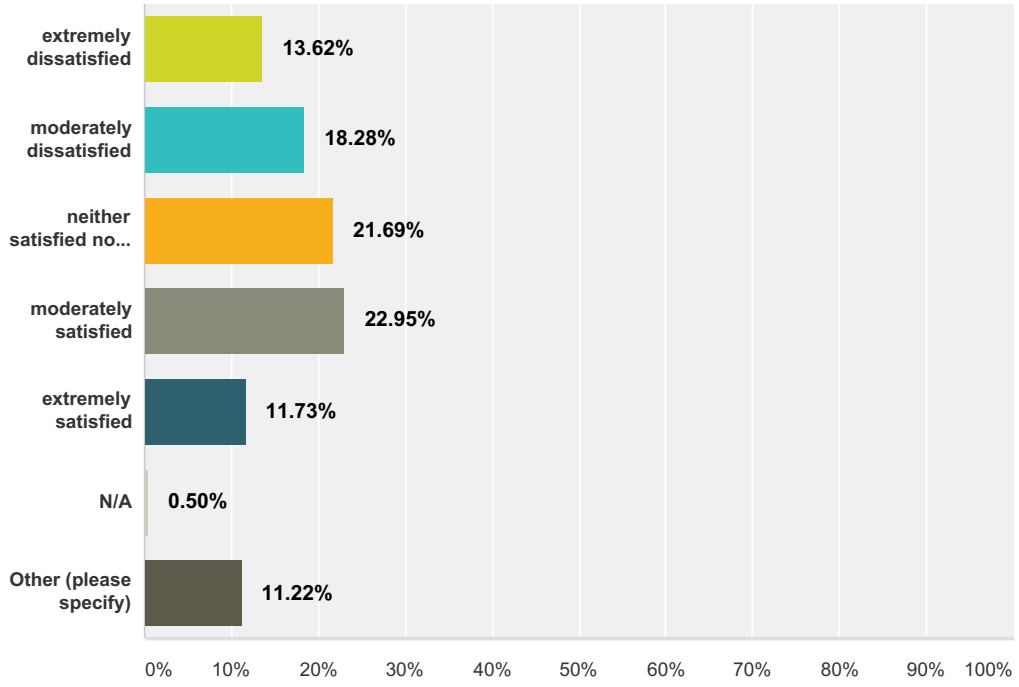
Answered: 793 Skipped: 31



Answer Choices	Responses	
strongly disagree	**17.40%**	138
disagree	**17.78%**	141
neither agree nor disagree	**21.06%**	167
agree	**25.73%**	204
strongly agree	**17.78%**	141
N/A	**0.25%**	2
Total		**793**

Q12 How satisfied are you with the information you receive from your Division leadership on what is going on in the DPS?

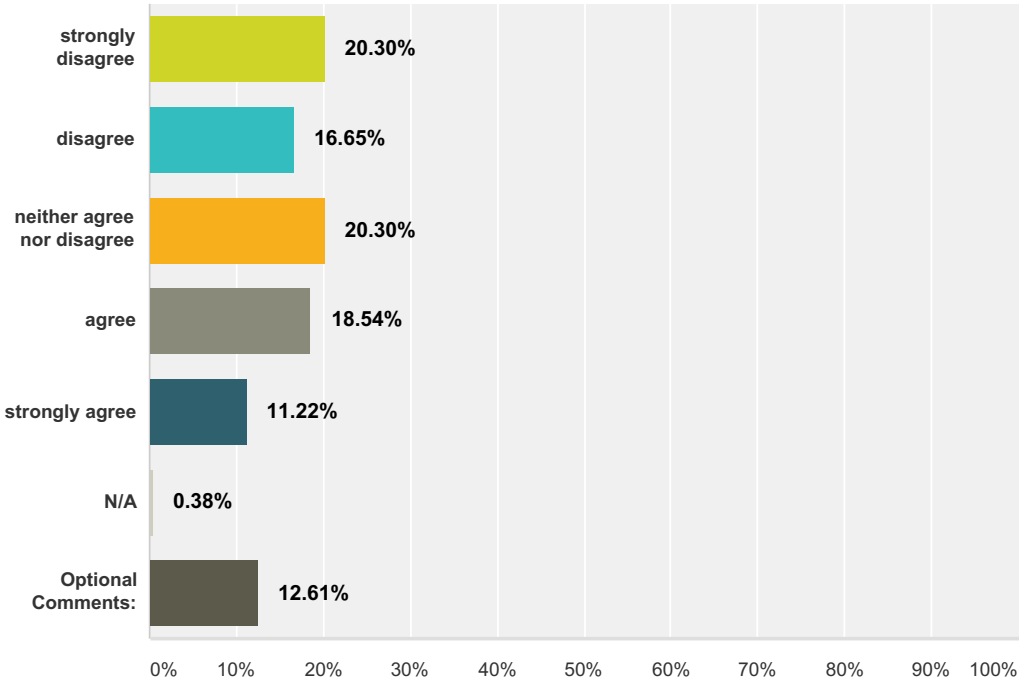
Answered: 793 Skipped: 31



Answer Choices	Responses	
extremely dissatisfied	**13.62%**	108
moderately dissatisfied	**18.28%**	145
neither satisfied nor dissatisfied	**21.69%**	172
moderately satisfied	**22.95%**	182
extremely satisfied	**11.73%**	93
N/A	**0.50%**	4
Other (please specify)	**11.22%**	89
Total		**793**

Q13 Leaders in my Division encourage and consider alternative points of view and recommendations.

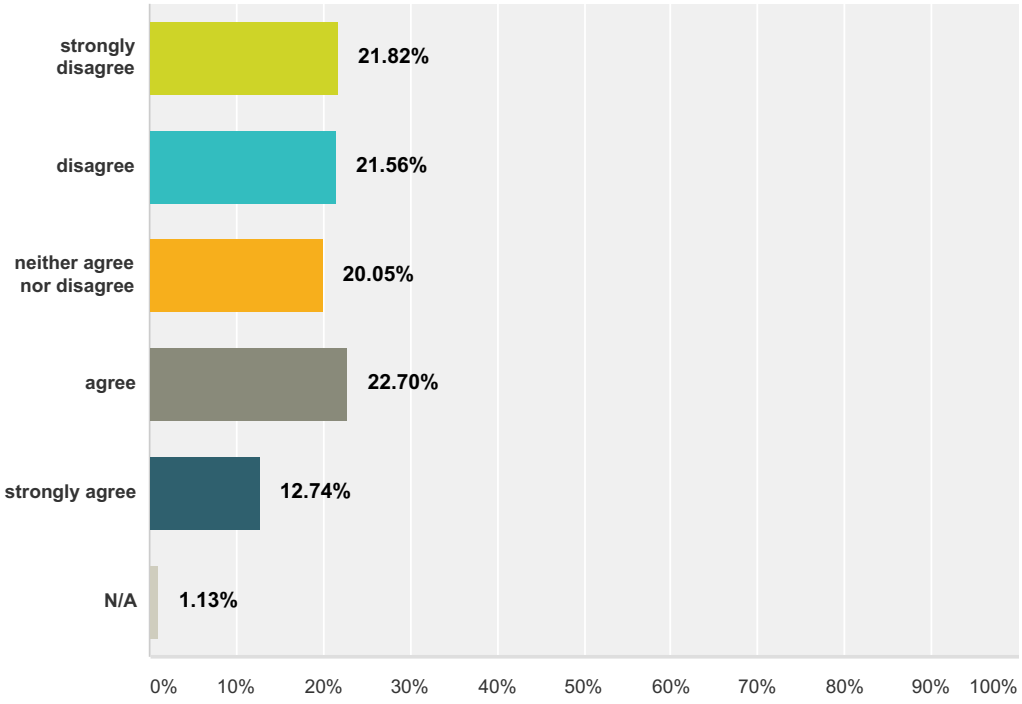
Answered: 793 Skipped: 31



Answer Choices	Responses	
strongly disagree	**20.30%**	161
disagree	**16.65%**	132
neither agree nor disagree	**20.30%**	161
agree	**18.54%**	147
strongly agree	**11.22%**	89
N/A	**0.38%**	3
Optional Comments:	**12.61%**	100
Total		**793**

Q14 Division leadership empowers and supports supervisors to perform their jobs.

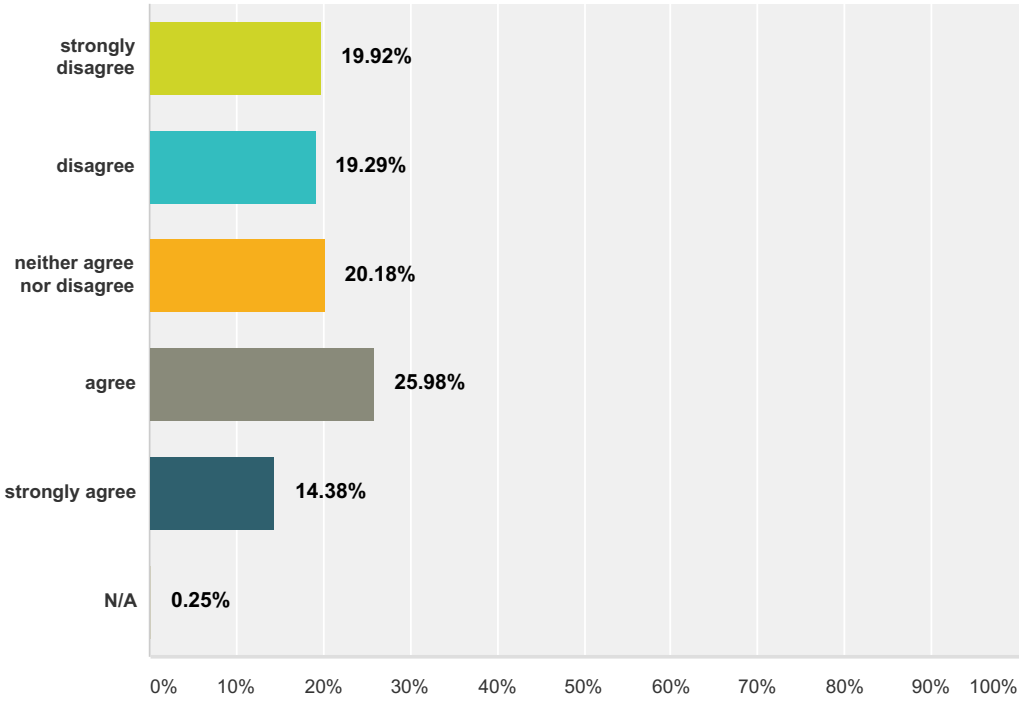
Answered: 793 Skipped: 31



Answer Choices	Responses	
strongly disagree	**21.82%**	173
disagree	**21.56%**	171
neither agree nor disagree	**20.05%**	159
agree	**22.70%**	180
strongly agree	**12.74%**	101
N/A	**1.13%**	9
Total		**793**

Q15 I have trust and confidence in my Division leadership.

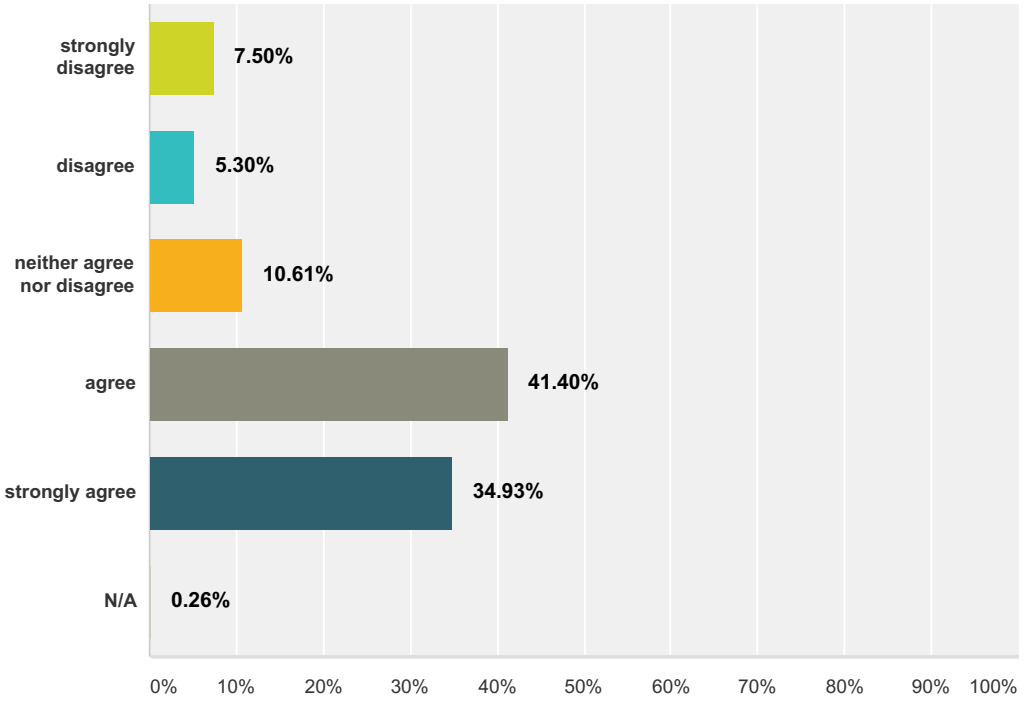
Answered: 793 Skipped: 31



Answer Choices	Responses	
strongly disagree	**19.92%**	158
disagree	**19.29%**	153
neither agree nor disagree	**20.18%**	160
agree	**25.98%**	206
strongly agree	**14.38%**	114
N/A	**0.25%**	2
Total		**793**

Q16 My supervisor provides guidance and instruction regarding expectations.

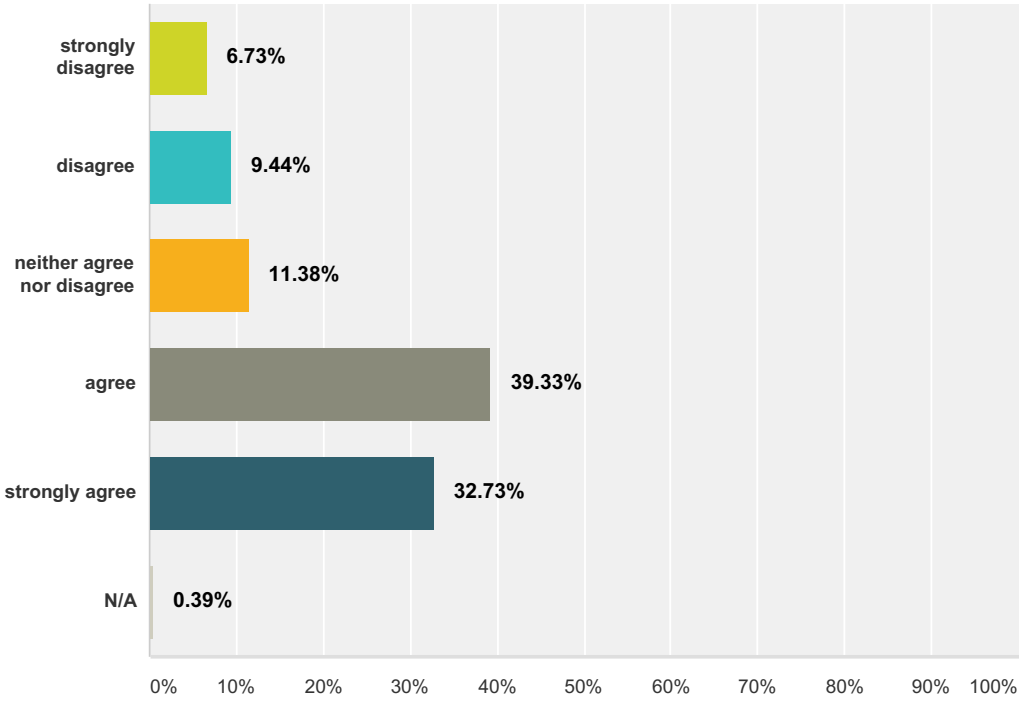
Answered: 773 Skipped: 51



Answer Choices	Responses	
strongly disagree	**7.50%**	58
disagree	**5.30%**	41
neither agree nor disagree	**10.61%**	82
agree	**41.40%**	320
strongly agree	**34.93%**	270
N/A	**0.26%**	2
Total		**773**

Q17 My supervisor provides the resources and support for me to do my job.

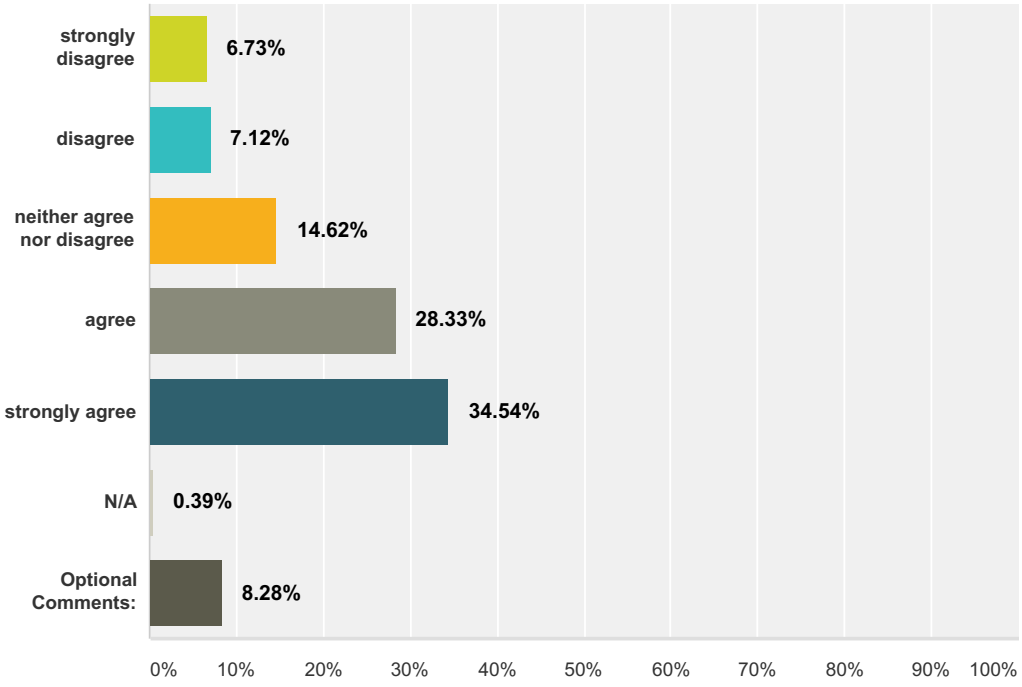
Answered: 773 Skipped: 51



Answer Choices	Responses	
strongly disagree	**6.73%**	52
disagree	**9.44%**	73
neither agree nor disagree	**11.38%**	88
agree	**39.33%**	304
strongly agree	**32.73%**	253
N/A	**0.39%**	3
Total		**773**

Q18 My supervisor leads by example.

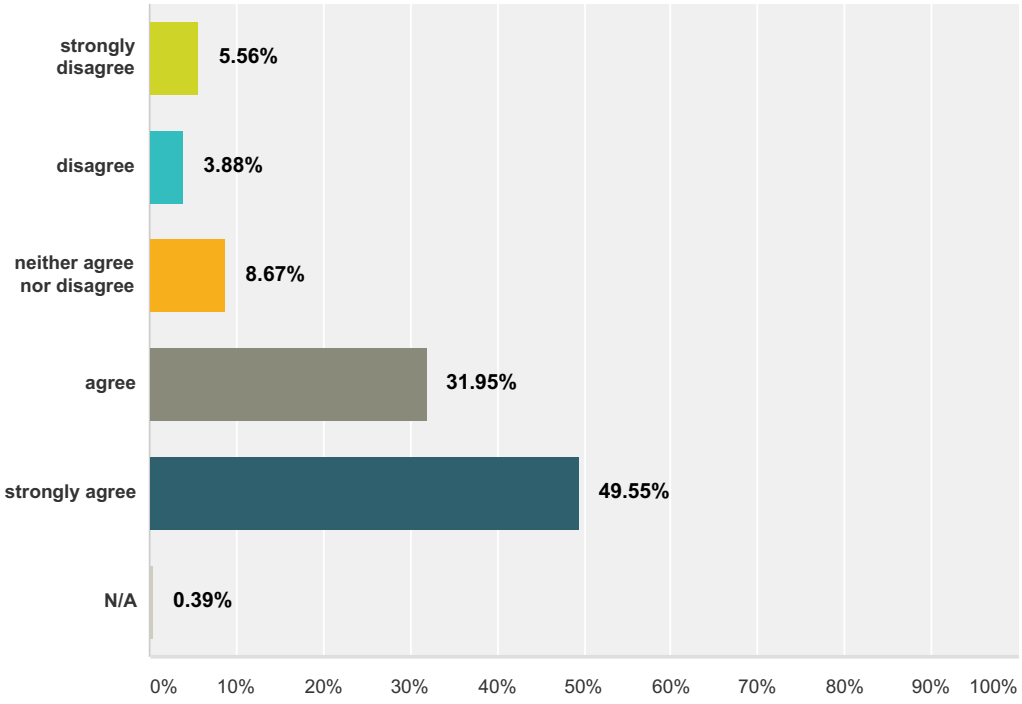
Answered: 773 Skipped: 51



Answer Choices	Responses	
strongly disagree	**6.73%**	52
disagree	**7.12%**	55
neither agree nor disagree	**14.62%**	113
agree	**28.33%**	219
strongly agree	**34.54%**	267
N/A	**0.39%**	3
Optional Comments:	**8.28%**	64
Total		**773**

Q19 My supervisor is approachable.

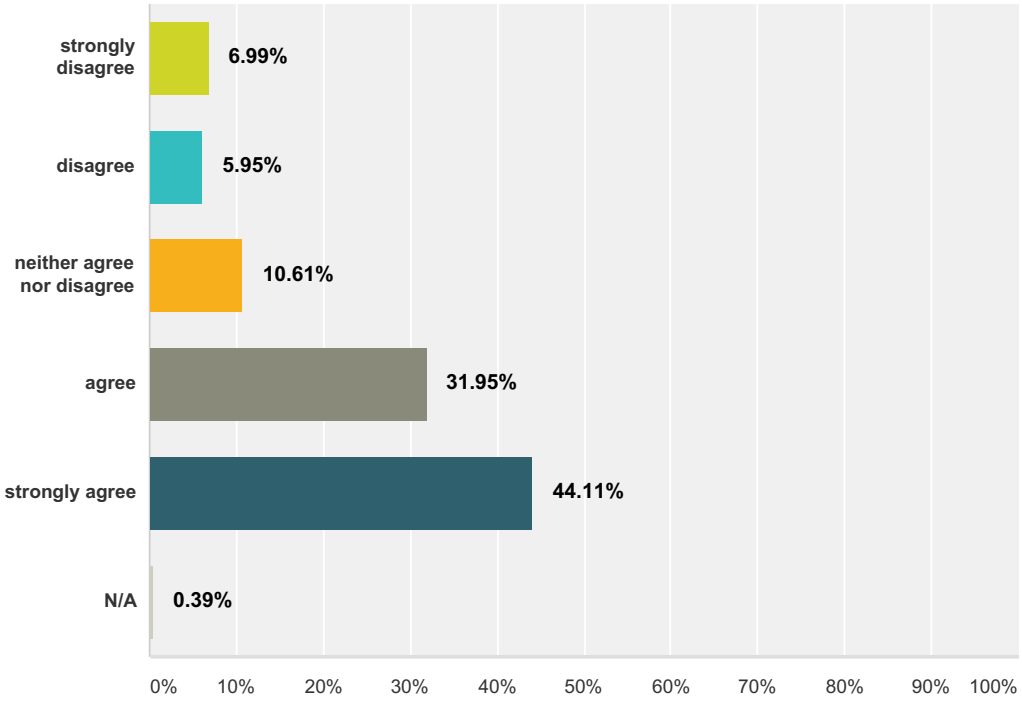
Answered: 773 Skipped: 51



Answer Choices	Responses	
strongly disagree	**5.56%**	43
disagree	**3.88%**	30
neither agree nor disagree	**8.67%**	67
agree	**31.95%**	247
strongly agree	**49.55%**	383
N/A	**0.39%**	3
Total		**773**

Q20 My supervisor treats people fairly.

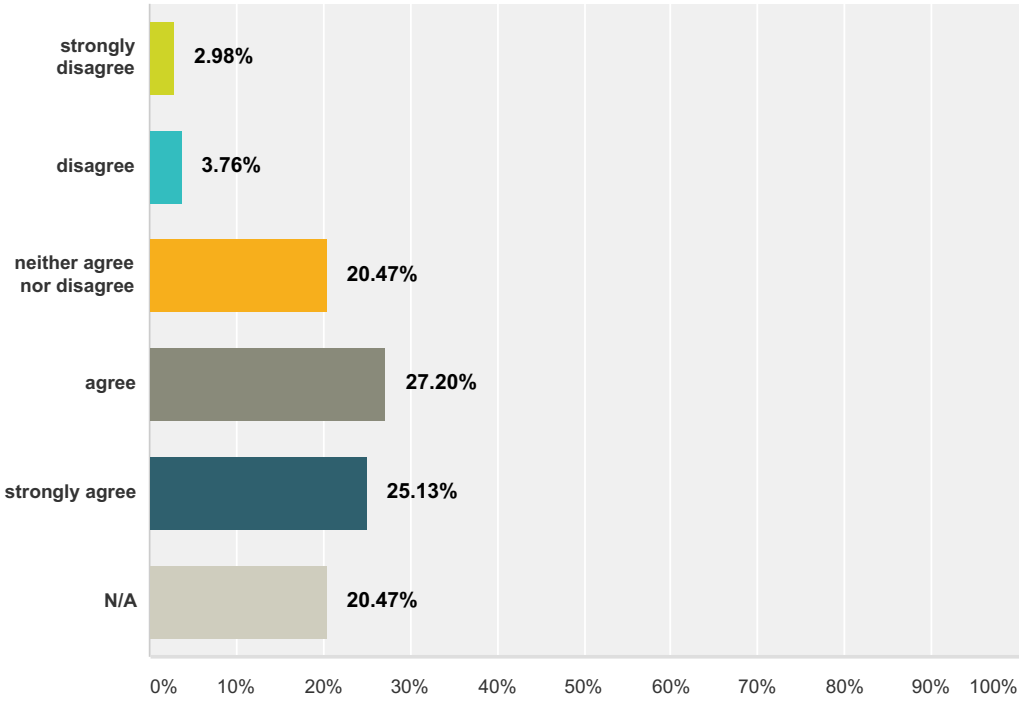
Answered: 773 Skipped: 51



Answer Choices	Responses	
strongly disagree	**6.99%**	54
disagree	**5.95%**	46
neither agree nor disagree	**10.61%**	82
agree	**31.95%**	247
strongly agree	**44.11%**	341
N/A	**0.39%**	3
Total		**773**

Q21 My supervisor uses financial resources efficiently and effectively.

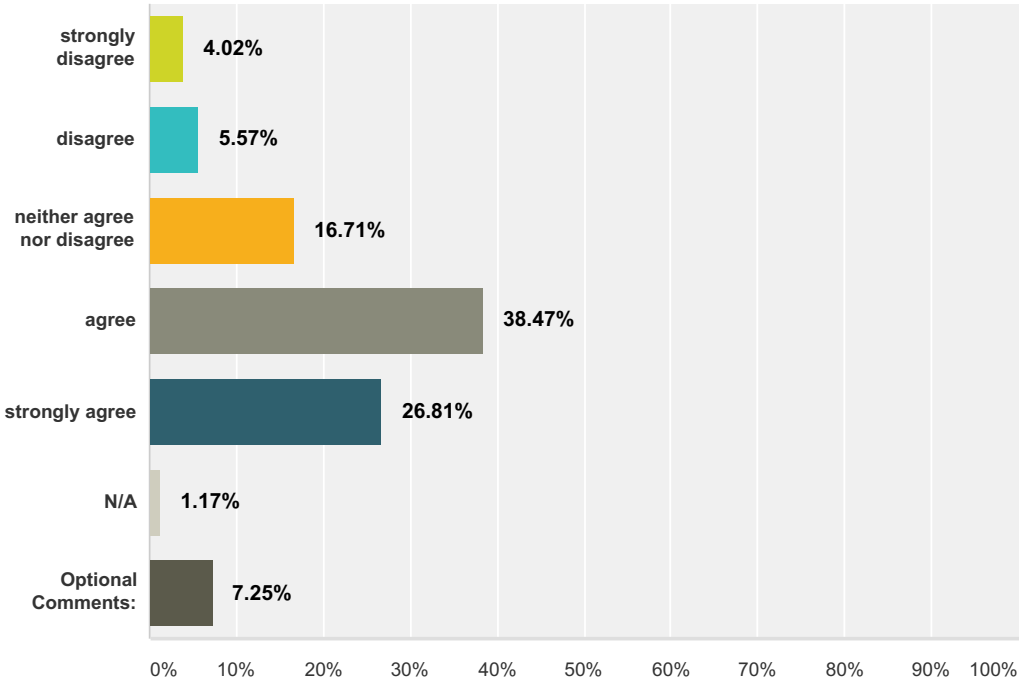
Answered: 772 Skipped: 52



Answer Choices	Responses	
strongly disagree	**2.98%**	23
disagree	**3.76%**	29
neither agree nor disagree	**20.47%**	158
agree	**27.20%**	210
strongly agree	**25.13%**	194
N/A	**20.47%**	158
Total		**772**

Q22 My supervisor takes actions to hold others accountable.

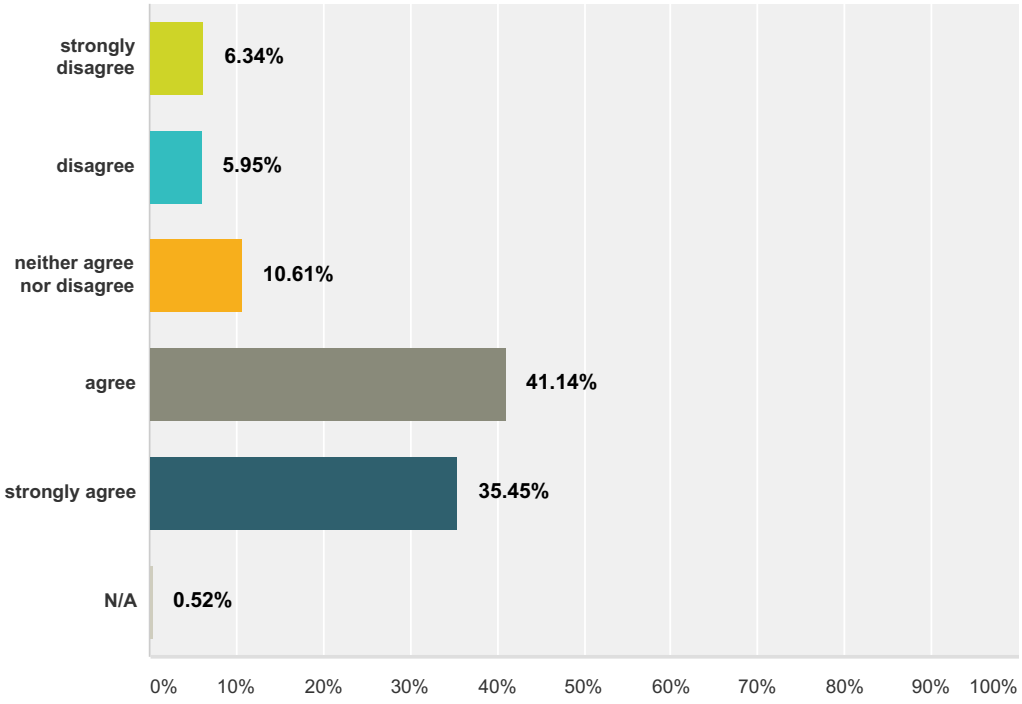
Answered: 772 Skipped: 52



Answer Choices	Responses	
strongly disagree	**4.02%**	31
disagree	**5.57%**	43
neither agree nor disagree	**16.71%**	129
agree	**38.47%**	297
strongly agree	**26.81%**	207
N/A	**1.17%**	9
Optional Comments:	**7.25%**	56
Total		**772**

Q23 My supervisor makes sound judgments based upon common sense, practical experience, and applicable laws.

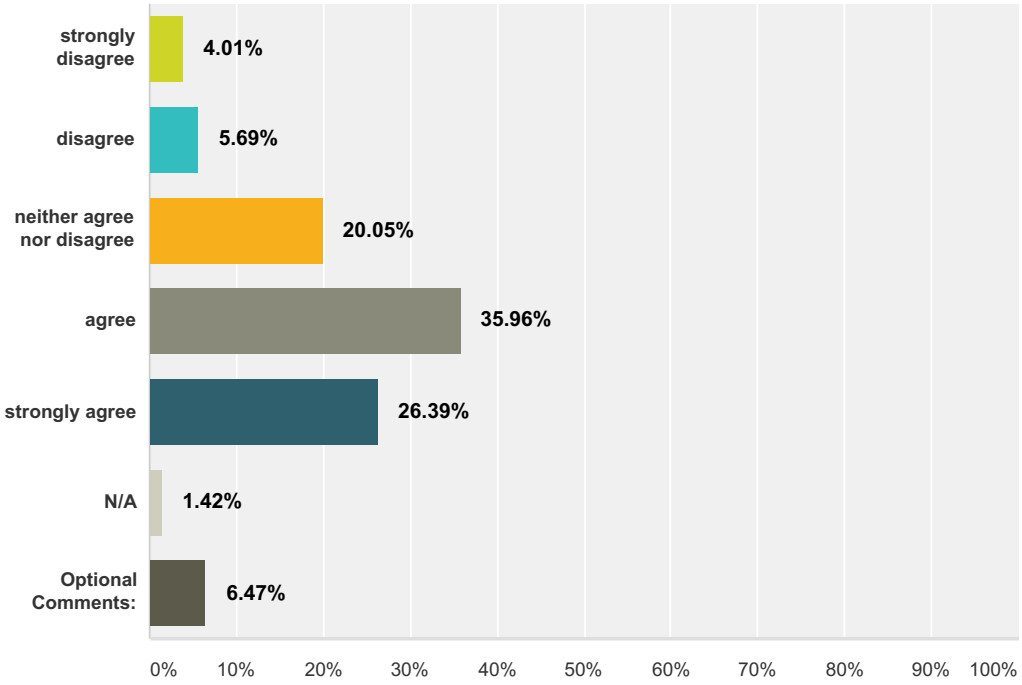
Answered: 773 Skipped: 51



Answer Choices	Responses	
strongly disagree	**6.34%**	49
disagree	**5.95%**	46
neither agree nor disagree	**10.61%**	82
agree	**41.14%**	318
strongly agree	**35.45%**	274
N/A	**0.52%**	4
Total		**773**

Q24 My supervisor supports organizational change in a positive and productive manner.

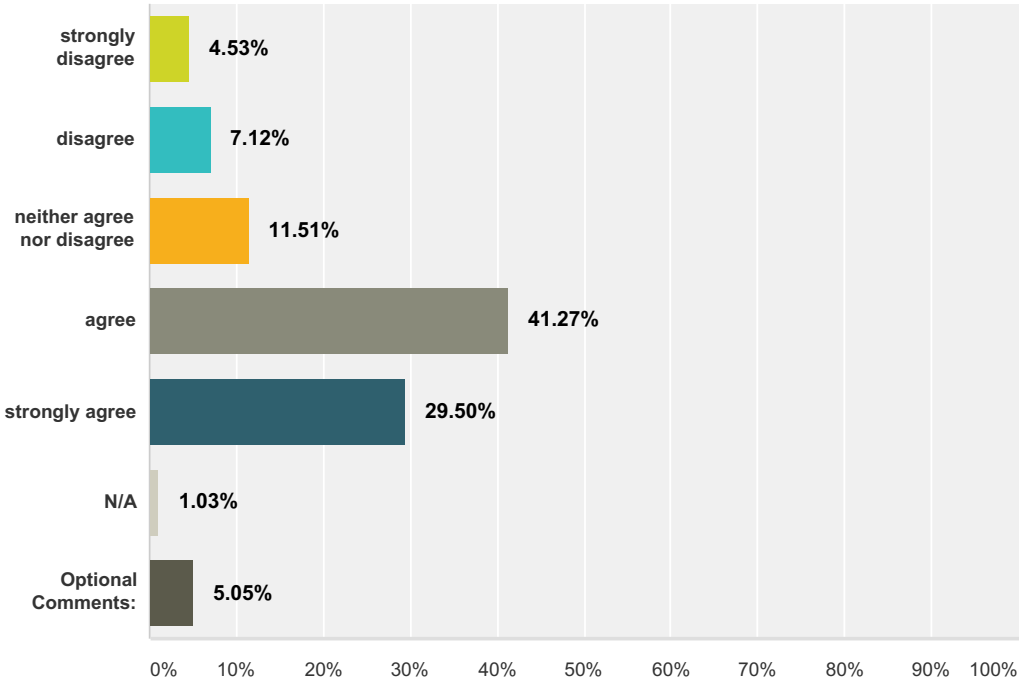
Answered: 773 Skipped: 51



Answer Choices	Responses	
strongly disagree	**4.01%**	31
disagree	**5.69%**	44
neither agree nor disagree	**20.05%**	155
agree	**35.96%**	278
strongly agree	**26.39%**	204
N/A	**1.42%**	11
Optional Comments:	**6.47%**	50
Total		**773**

Q25 My supervisor clearly communicates ideas verbally and in writing.

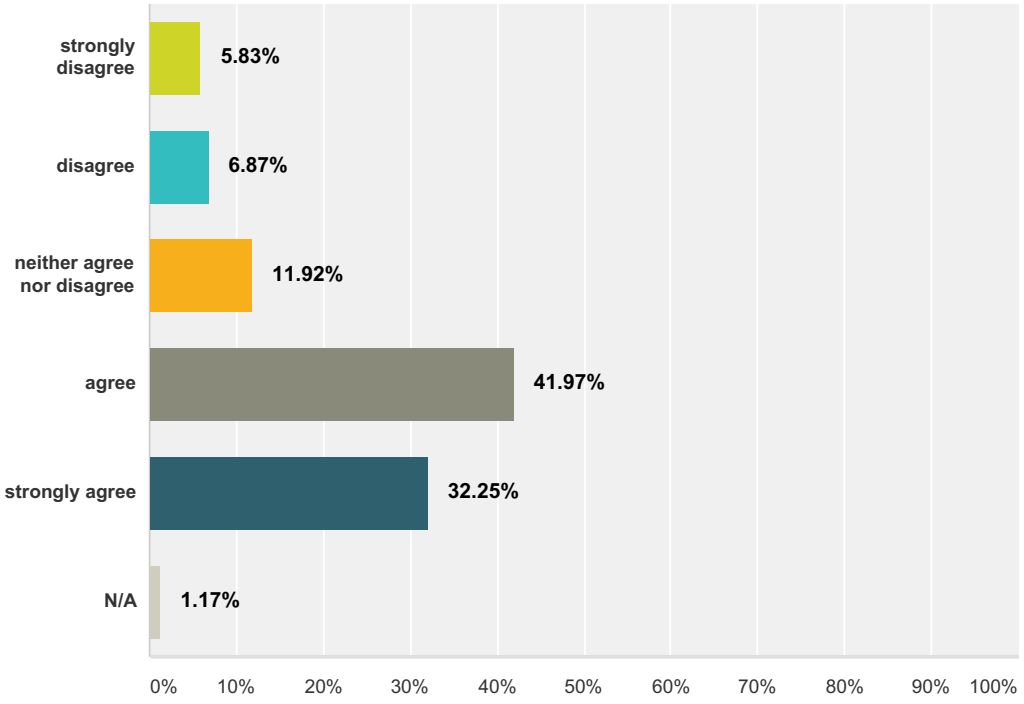
Answered: 773 Skipped: 51



Answer Choices	Responses	
strongly disagree	**4.53%**	35
disagree	**7.12%**	55
neither agree nor disagree	**11.51%**	89
agree	**41.27%**	319
strongly agree	**29.50%**	228
N/A	**1.03%**	8
Optional Comments:	**5.05%**	39
Total		**773**

Q26 My supervisor listens to what others have to say.

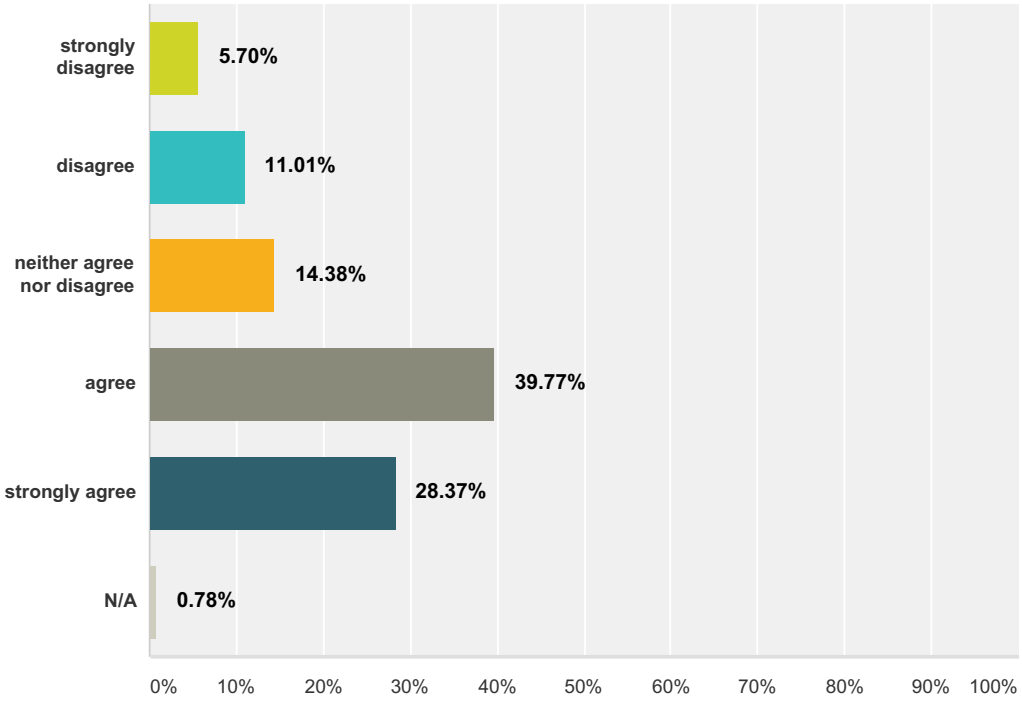
Answered: 772 Skipped: 52



Answer Choices	Responses	
strongly disagree	**5.83%**	45
disagree	**6.87%**	53
neither agree nor disagree	**11.92%**	92
agree	**41.97%**	324
strongly agree	**32.25%**	249
N/A	**1.17%**	9
Total		**772**

Q27 My supervisor proactively addresses issues or problems.

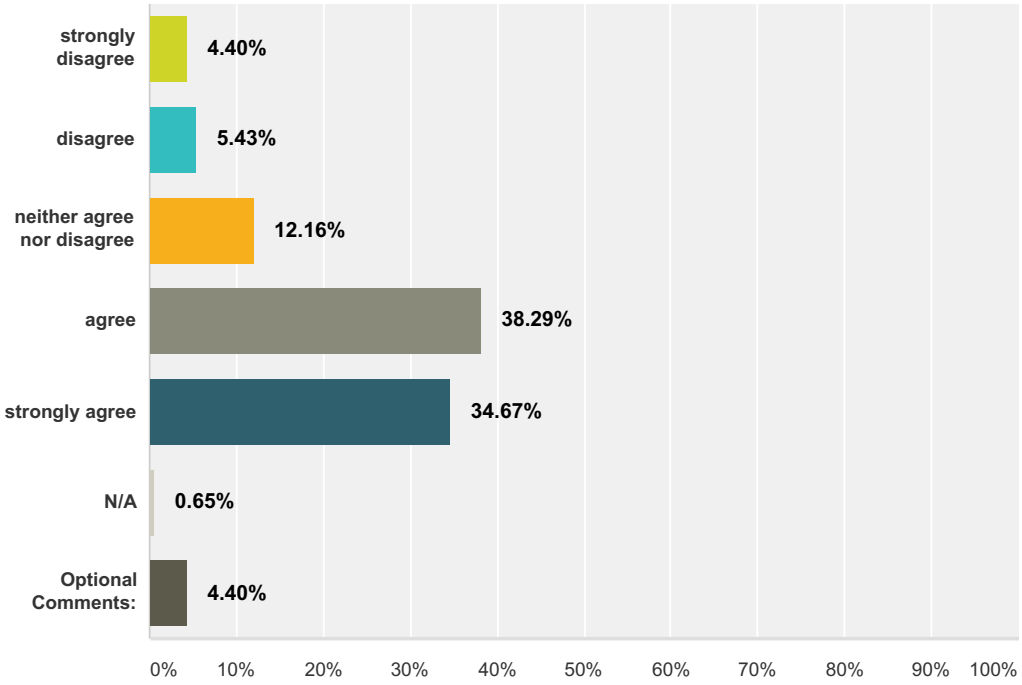
Answered: 772 Skipped: 52



Answer Choices	Responses	
strongly disagree	**5.70%**	44
disagree	**11.01%**	85
neither agree nor disagree	**14.38%**	111
agree	**39.77%**	307
strongly agree	**28.37%**	219
N/A	**0.78%**	6
Total		**772**

Q28 My supervisor promotes and supports sharing job knowledge.

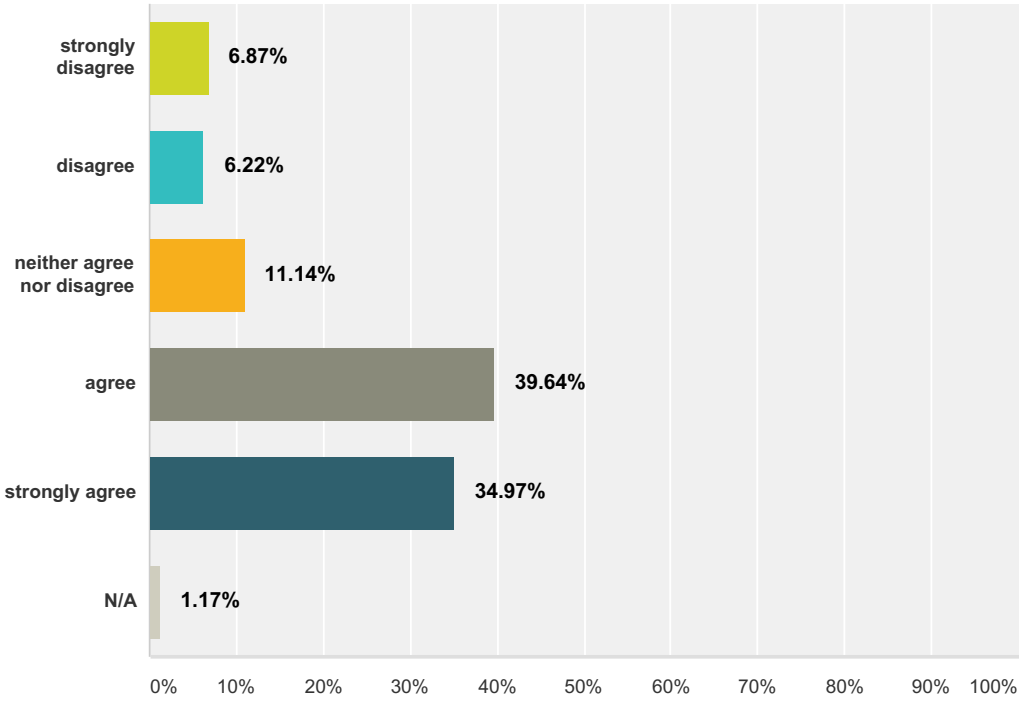
Answered: 773 Skipped: 51



Answer Choices	Responses	
strongly disagree	**4.40%**	34
disagree	**5.43%**	42
neither agree nor disagree	**12.16%**	94
agree	**38.29%**	296
strongly agree	**34.67%**	268
N/A	**0.65%**	5
Optional Comments:	**4.40%**	34
Total		**773**

Q29 My supervisor has sufficient technical skill necessary to perform the job or coach others with less skill.

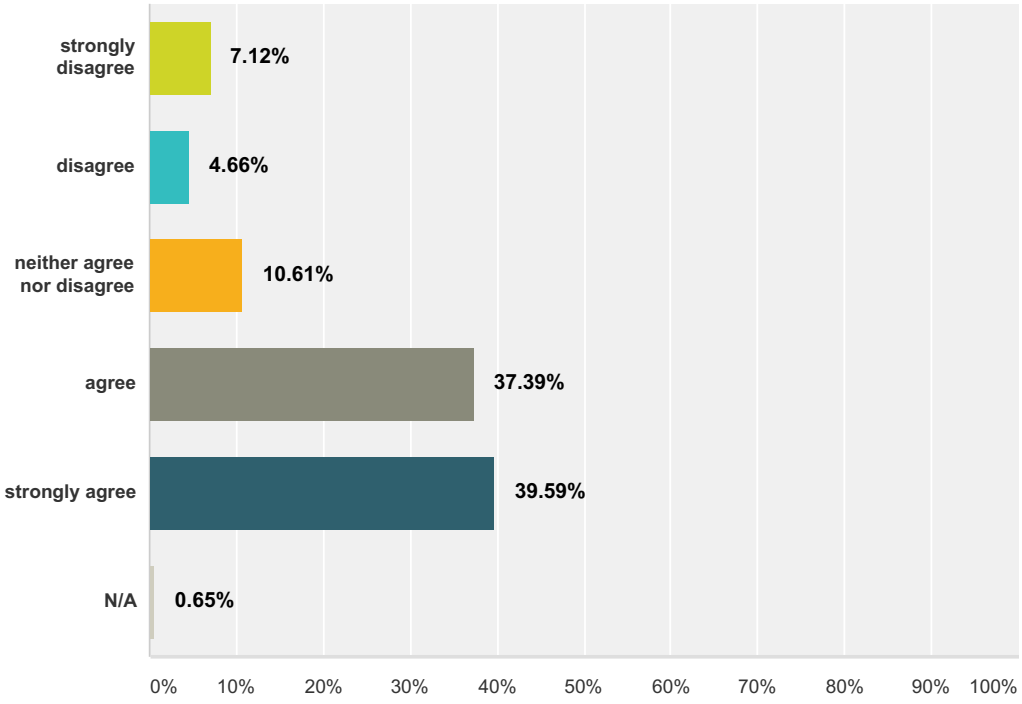
Answered: 772 Skipped: 52



Answer Choices	Responses	
strongly disagree	**6.87%**	53
disagree	**6.22%**	48
neither agree nor disagree	**11.14%**	86
agree	**39.64%**	306
strongly agree	**34.97%**	270
N/A	**1.17%**	9
Total		**772**

Q30 My supervisor acts with integrity, honesty, fairness, and empathy.

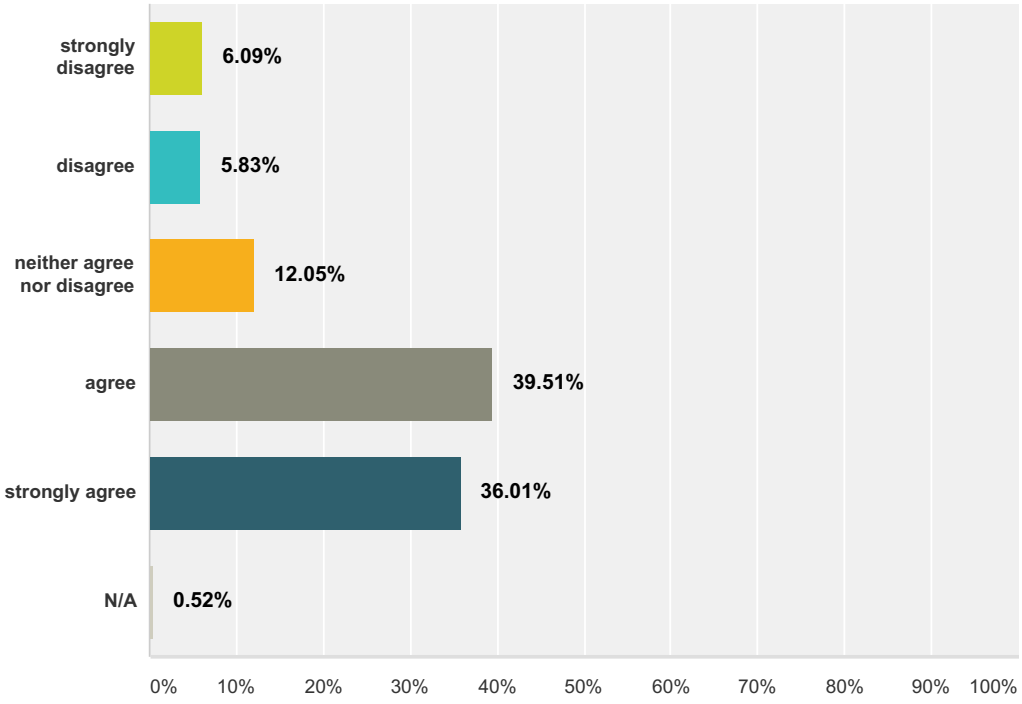
Answered: 773 Skipped: 51



Answer Choices	Responses	
strongly disagree	**7.12%**	55
disagree	**4.66%**	36
neither agree nor disagree	**10.61%**	82
agree	**37.39%**	289
strongly agree	**39.59%**	306
N/A	**0.65%**	5
Total		**773**

Q31 My supervisor recognizes and appreciates employees who are doing a good job.

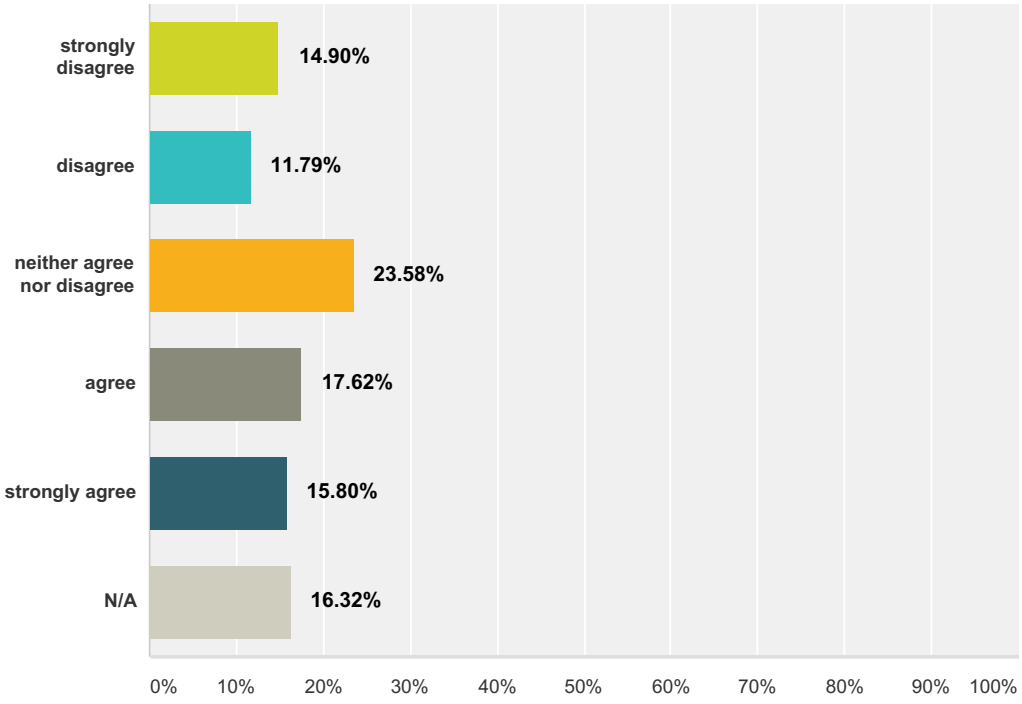
Answered: 772 Skipped: 52



Answer Choices	Responses	
strongly disagree	**6.09%**	47
disagree	**5.83%**	45
neither agree nor disagree	**12.05%**	93
agree	**39.51%**	305
strongly agree	**36.01%**	278
N/A	**0.52%**	4
Total		**772**

Q32 My supervisor awards promotions in my work unit based on merit.

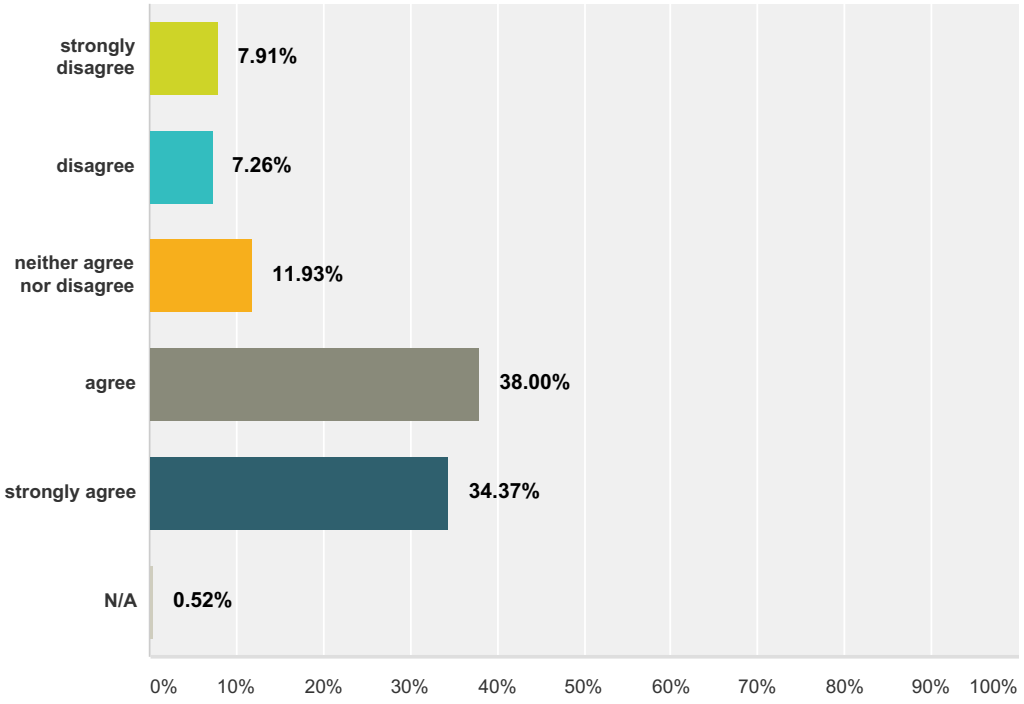
Answered: 772 Skipped: 52



Answer Choices	Responses	
strongly disagree	**14.90%**	115
disagree	**11.79%**	91
neither agree nor disagree	**23.58%**	182
agree	**17.62%**	136
strongly agree	**15.80%**	122
N/A	**16.32%**	126
Total		**772**

Q33 I have trust and confidence in my supervisor as a leader.

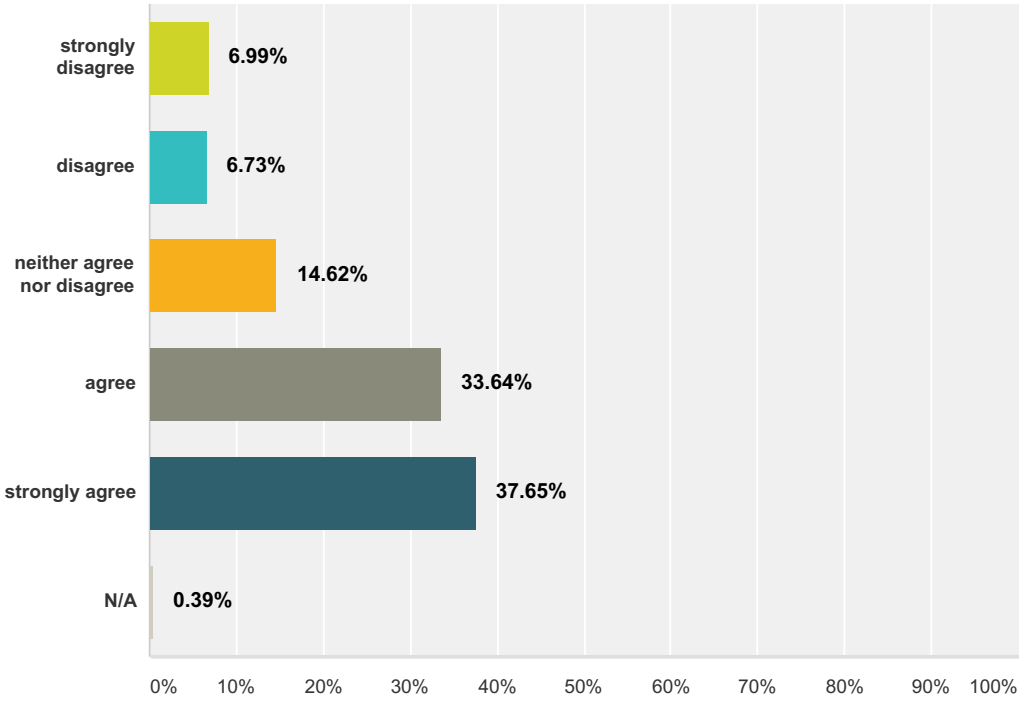
Answered: 771 Skipped: 53



Answer Choices	Responses	
strongly disagree	**7.91%**	61
disagree	**7.26%**	56
neither agree nor disagree	**11.93%**	92
agree	**38.00%**	293
strongly agree	**34.37%**	265
N/A	**0.52%**	4
Total		**771**

Q34 My supervisor cares about me as a person.

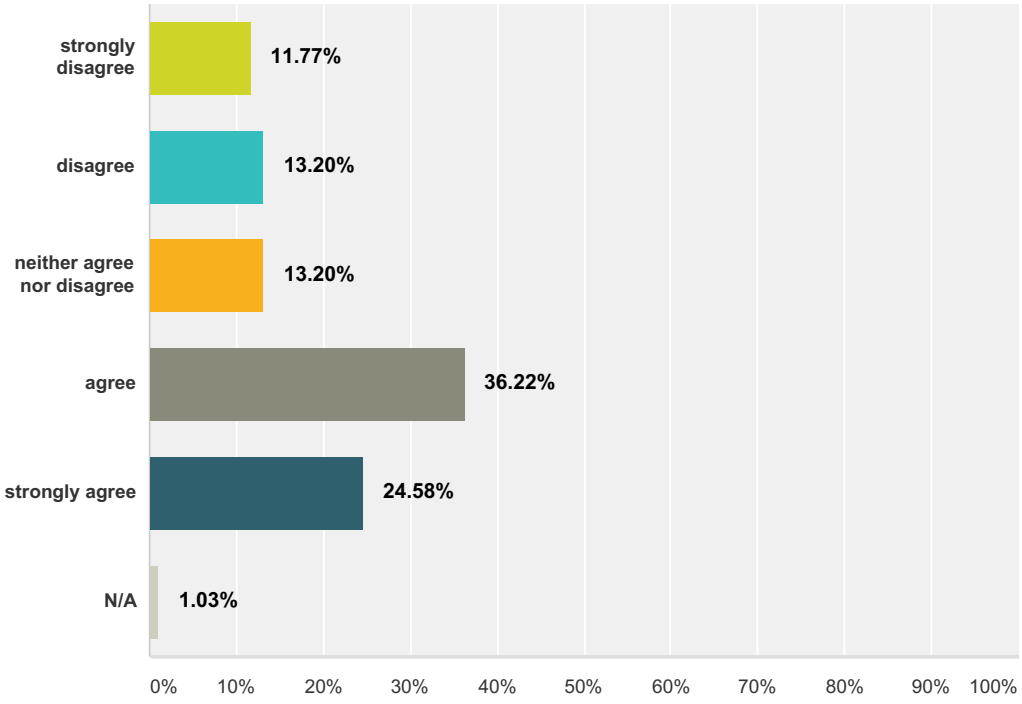
Answered: 773 Skipped: 51



Answer Choices	Responses	
strongly disagree	**6.99%**	54
disagree	**6.73%**	52
neither agree nor disagree	**14.62%**	113
agree	**33.64%**	260
strongly agree	**37.65%**	291
N/A	**0.39%**	3
Total		**773**

Q35 I have opportunities to voice my ideas about making work more efficient and/or to meet the public's needs more effectively.

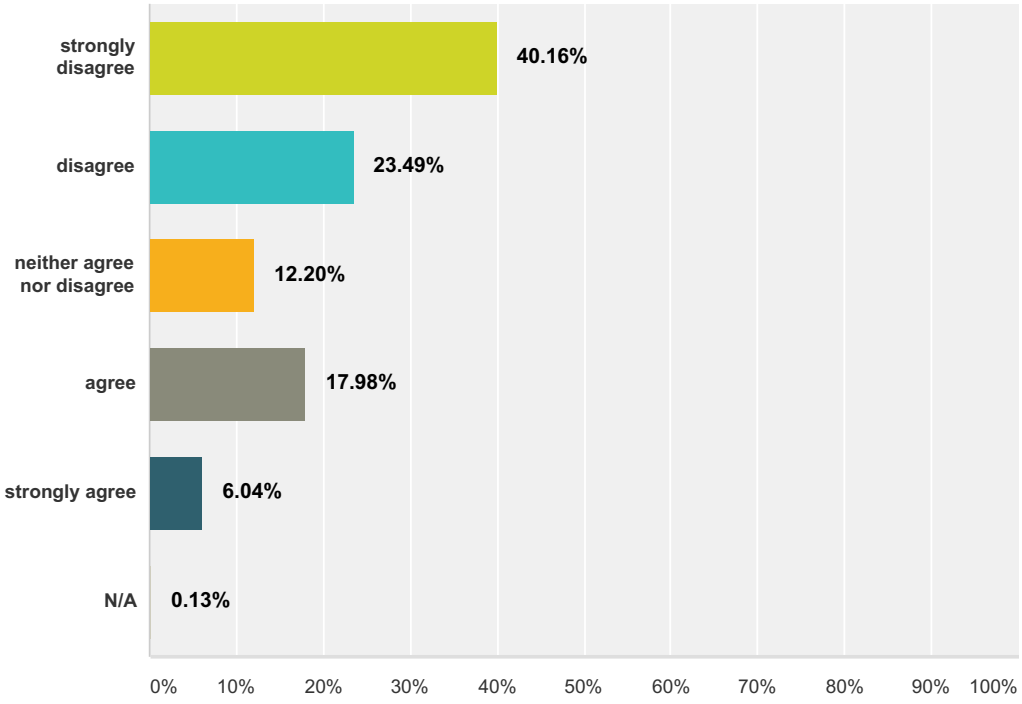
Answered: 773 Skipped: 51



Answer Choices	Responses	
strongly disagree	**11.77%**	91
disagree	**13.20%**	102
neither agree nor disagree	**13.20%**	102
agree	**36.22%**	280
strongly agree	**24.58%**	190
N/A	**1.03%**	8
Total		**773**

Q36 Morale at work is good.

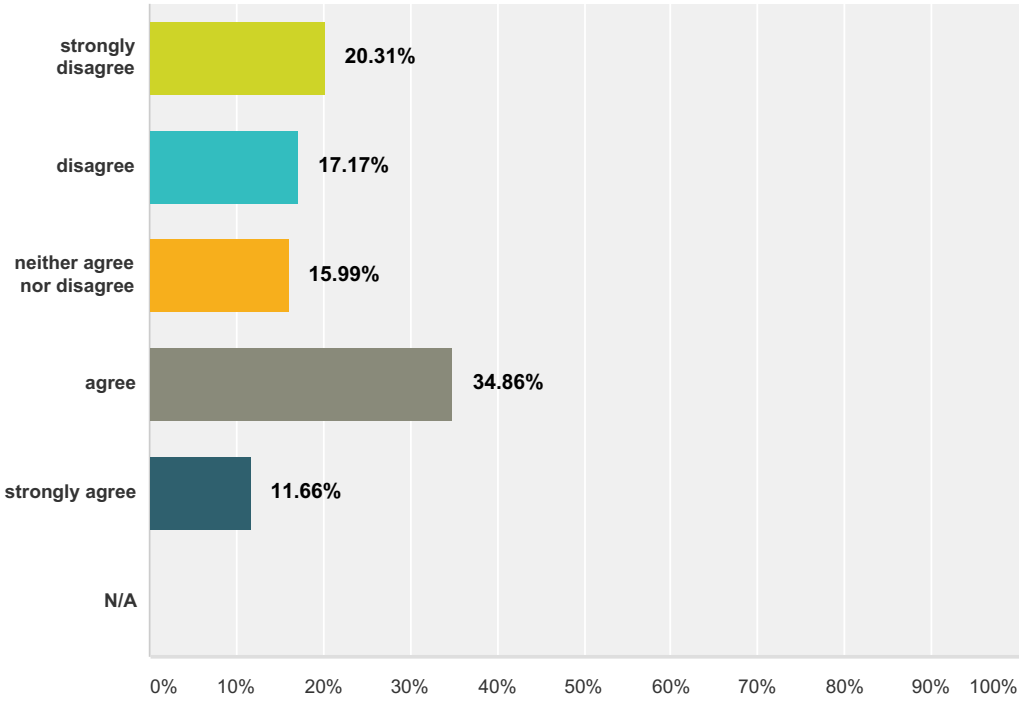
Answered: 762 Skipped: 62



Answer Choices	Responses	
strongly disagree	**40.16%**	306
disagree	**23.49%**	179
neither agree nor disagree	**12.20%**	93
agree	**17.98%**	137
strongly agree	**6.04%**	46
N/A	**0.13%**	1
Total		**762**

Q37 I have the technology needed (e.g. software, hardware, ect.) to get my job done.

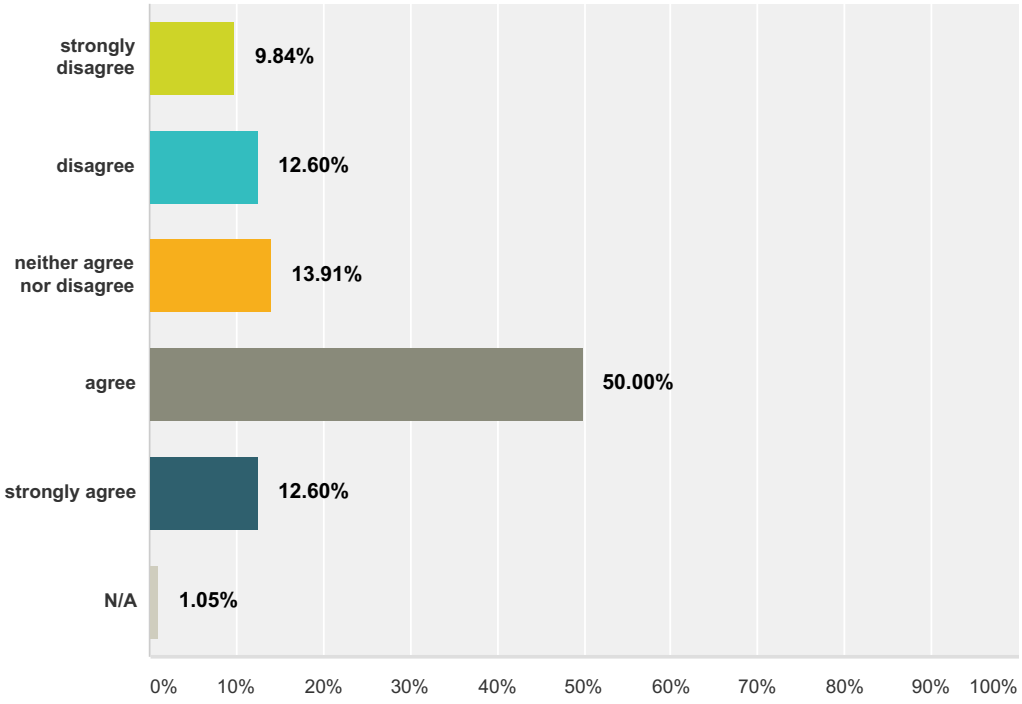
Answered: 763 Skipped: 61



Answer Choices	Responses	
strongly disagree	**20.31%**	155
disagree	**17.17%**	131
neither agree nor disagree	**15.99%**	122
agree	**34.86%**	266
strongly agree	**11.66%**	89
N/A	**0.00%**	0
Total		**763**

Q38 I have the tools needed to execute my administrative and reporting requirements.

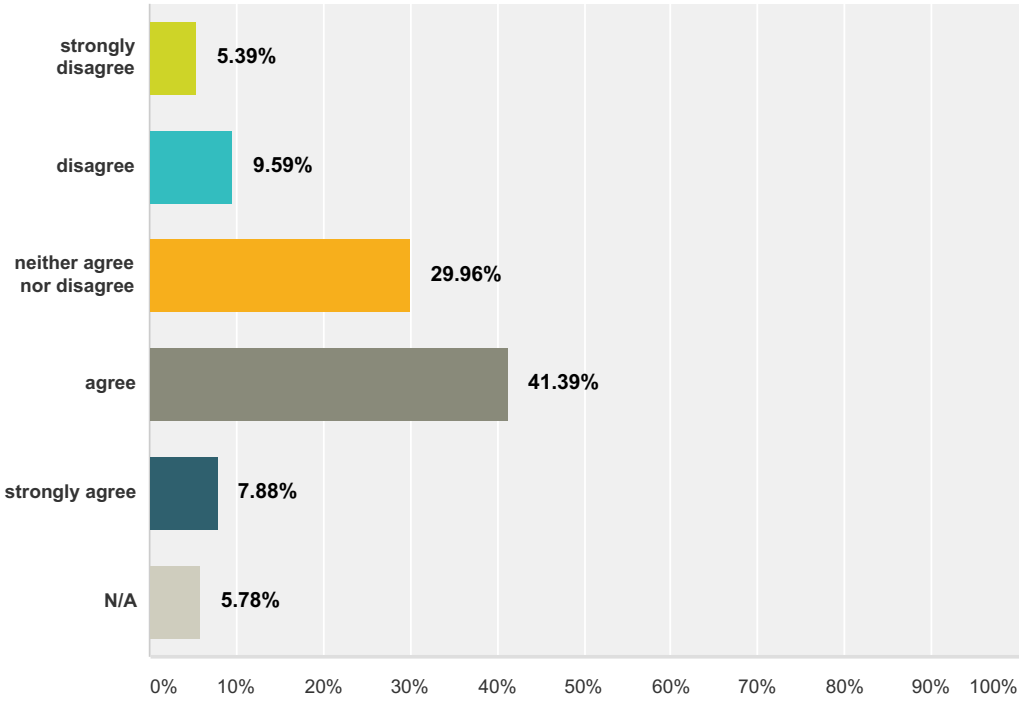
Answered: 762 Skipped: 62



Answer Choices	Responses	
strongly disagree	**9.84%**	75
disagree	**12.60%**	96
neither agree nor disagree	**13.91%**	106
agree	**50.00%**	381
strongly agree	**12.60%**	96
N/A	**1.05%**	8
Total		**762**

Q39 Employees report misconduct to the appropriate authorities.

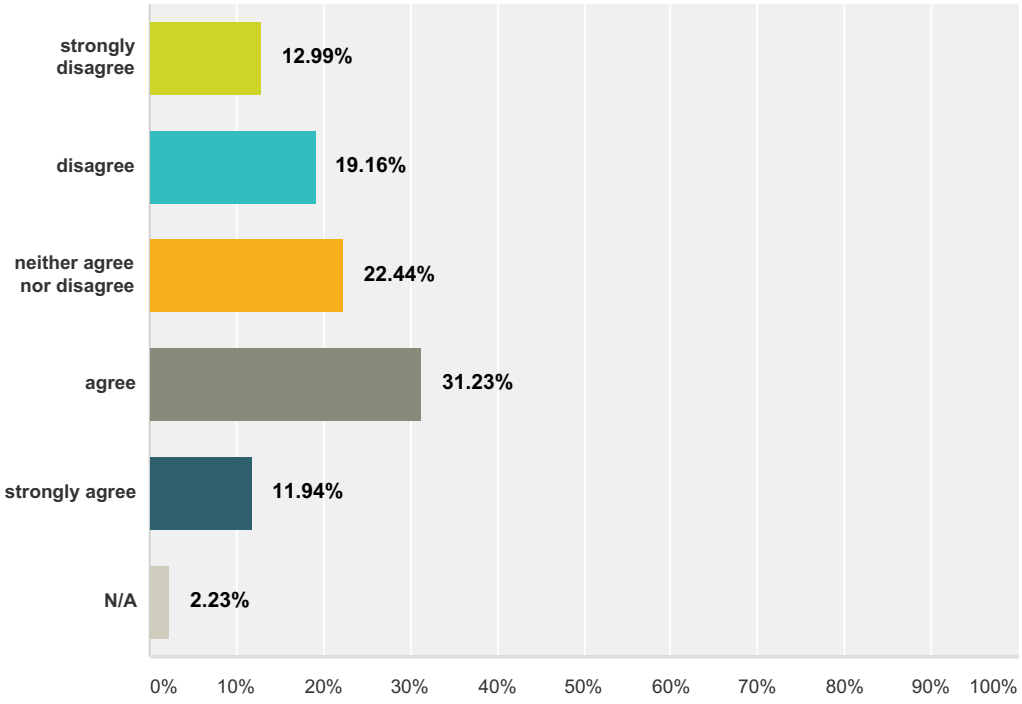
Answered: 761 Skipped: 63



Answer Choices	Responses	
strongly disagree	**5.39%**	41
disagree	**9.59%**	73
neither agree nor disagree	**29.96%**	228
agree	**41.39%**	315
strongly agree	**7.88%**	60
N/A	**5.78%**	44
Total		**761**

Q40 I can disclose a suspected violation of any law, rule, or regulation without fear of reprisal.

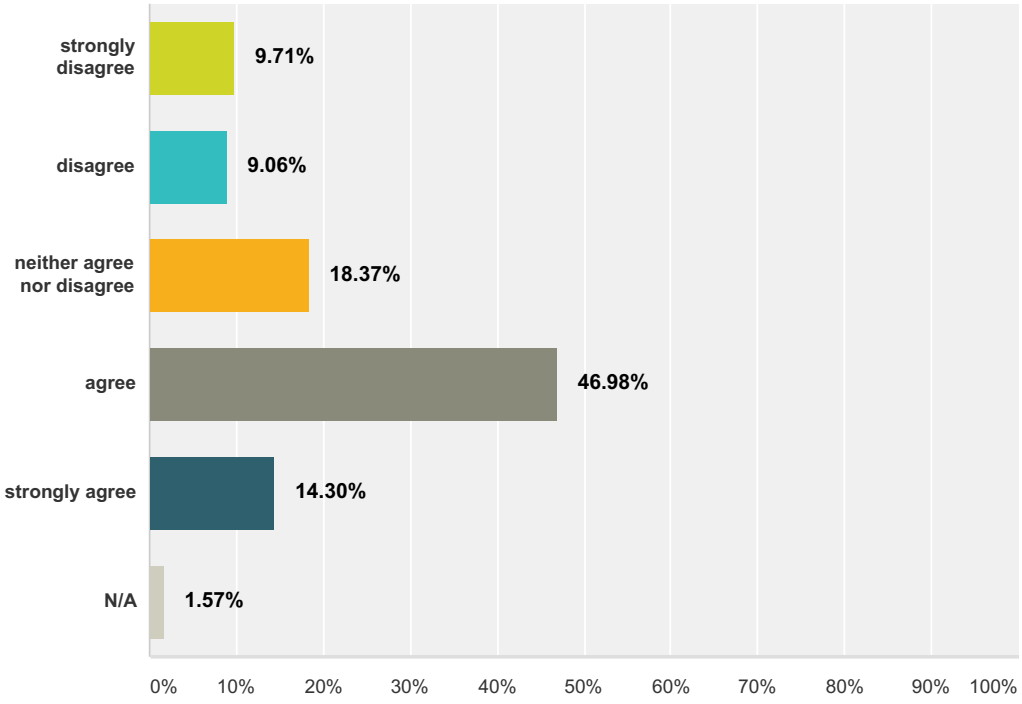
Answered: 762 Skipped: 62



Answer Choices	Responses	
strongly disagree	**12.99%**	99
disagree	**19.16%**	146
neither agree nor disagree	**22.44%**	171
agree	**31.23%**	238
strongly agree	**11.94%**	91
N/A	**2.23%**	17
Total		**762**

Q41 Employees are protected from health and safety hazards on the job.

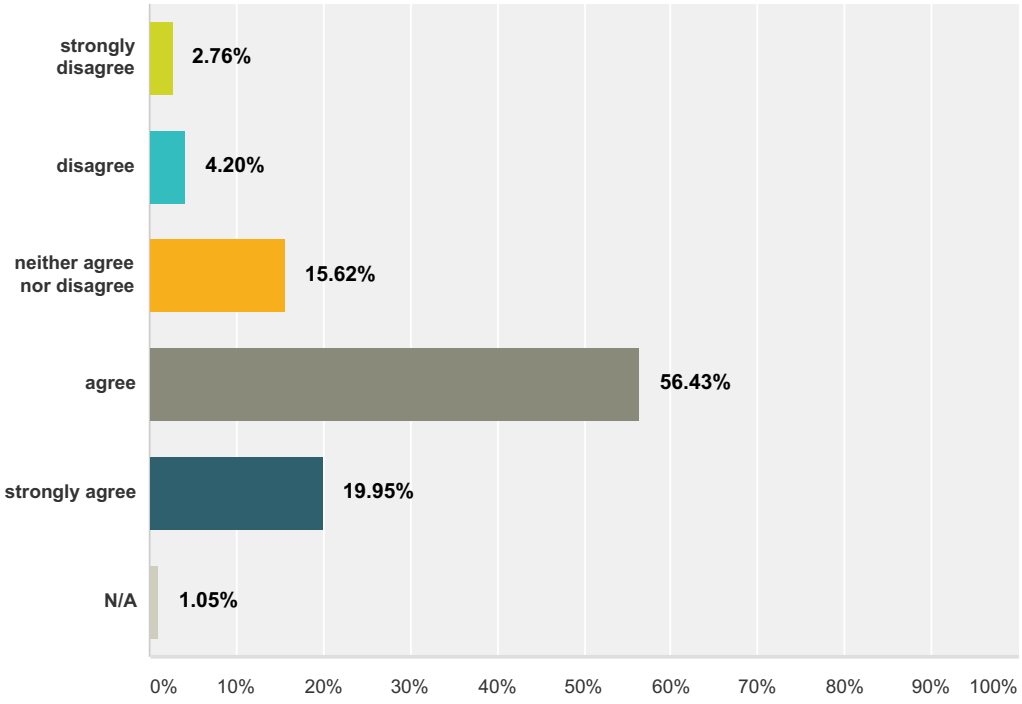
Answered: 762 Skipped: 62



Answer Choices	Responses	
strongly disagree	**9.71%**	74
disagree	**9.06%**	69
neither agree nor disagree	**18.37%**	140
agree	**46.98%**	358
strongly agree	**14.30%**	109
N/A	**1.57%**	12
Total		**762**

Q42 Access to information systems and confidential information is adequately controlled.

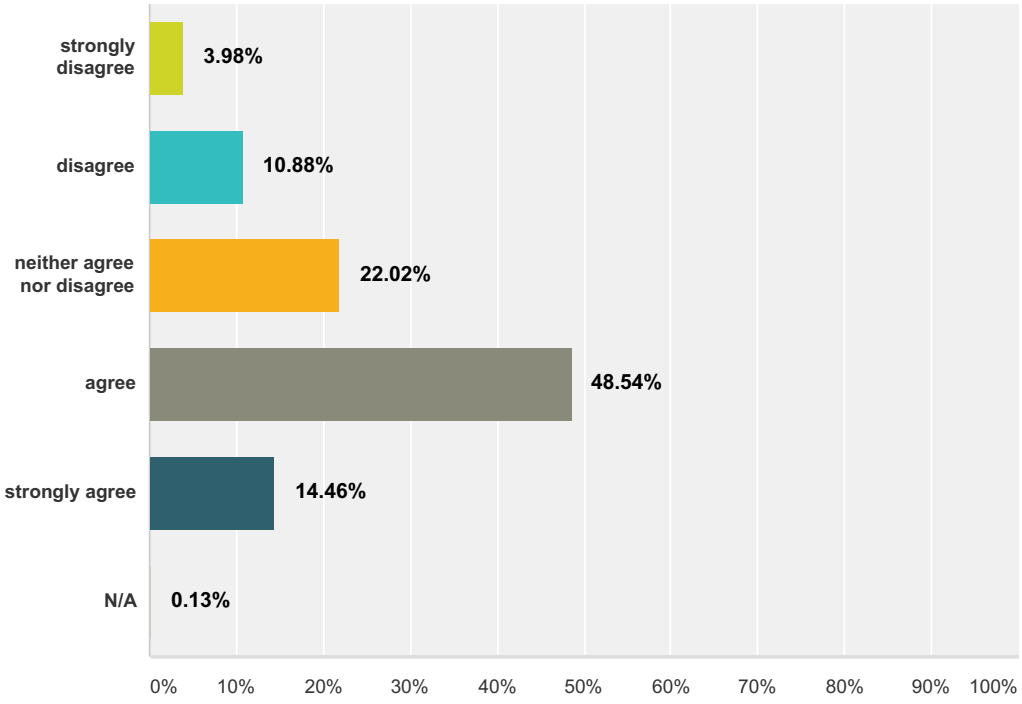
Answered: 762 Skipped: 62



Answer Choices	Responses	
strongly disagree	**2.76%**	21
disagree	**4.20%**	32
neither agree nor disagree	**15.62%**	119
agree	**56.43%**	430
strongly agree	**19.95%**	152
N/A	**1.05%**	8
Total		**762**

Q43 The employees here are competent and know how to get the job done.

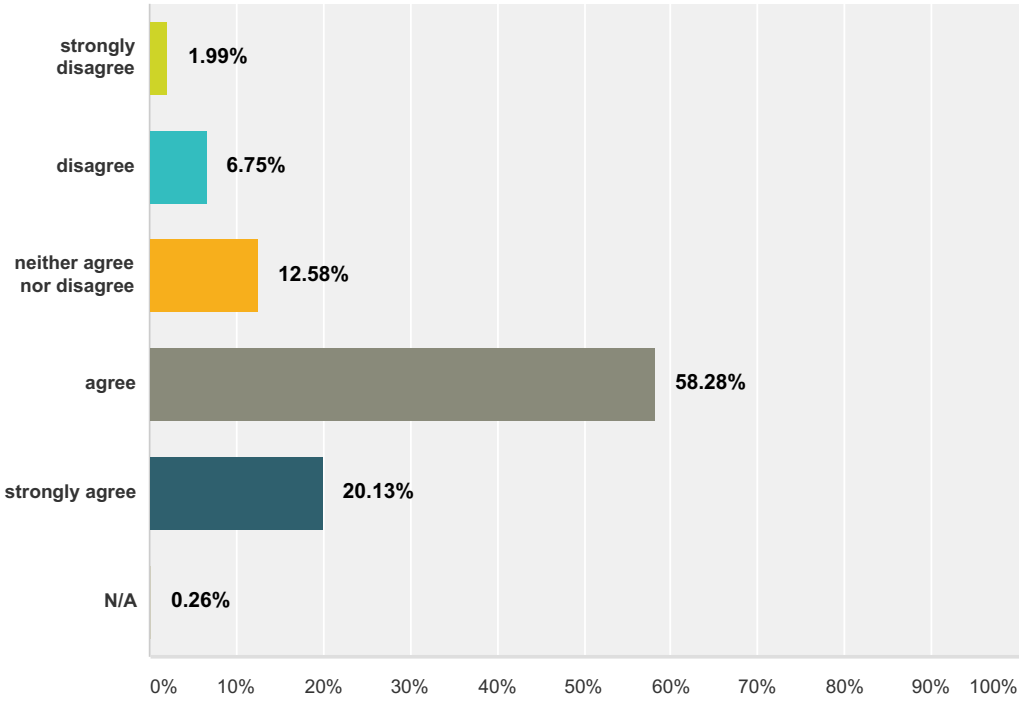
Answered: 754 Skipped: 70



Answer Choices	Responses	
strongly disagree	**3.98%**	30
disagree	**10.88%**	82
neither agree nor disagree	**22.02%**	166
agree	**48.54%**	366
strongly agree	**14.46%**	109
N/A	**0.13%**	1
Total		**754**

Q44 The people in my Division conduct themselves in a professional manner.

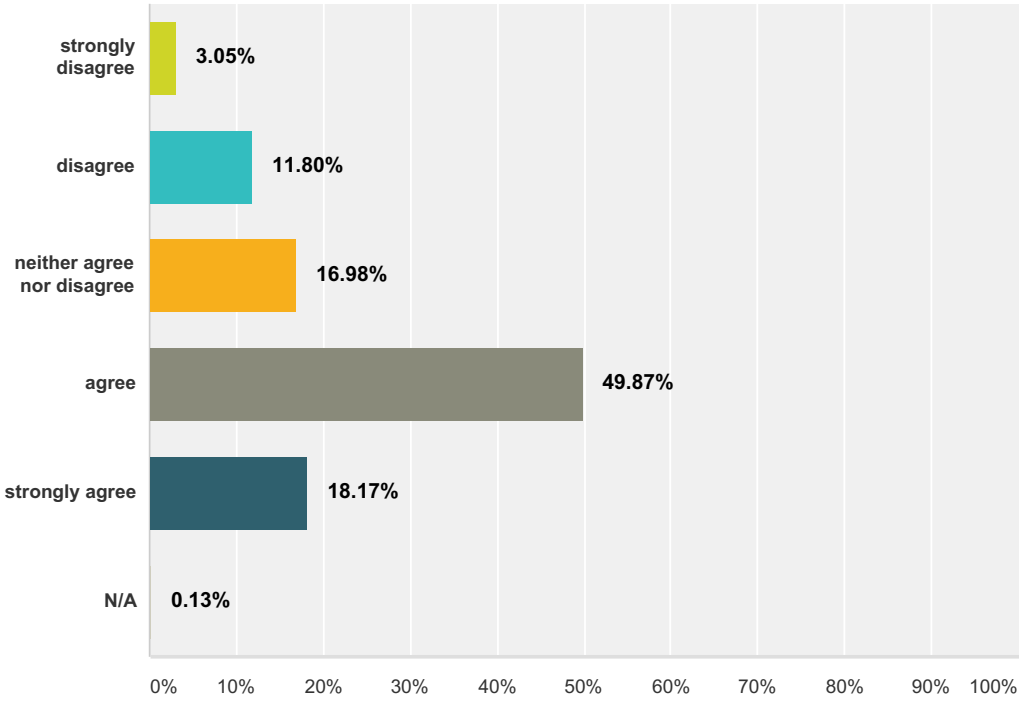
Answered: 755 Skipped: 69



Answer Choices	Responses	
strongly disagree	**1.99%**	15
disagree	**6.75%**	51
neither agree nor disagree	**12.58%**	95
agree	**58.28%**	440
strongly agree	**20.13%**	152
N/A	**0.26%**	2
Total		**755**

Q45 The people in my Division treat each other with respect and consideration.

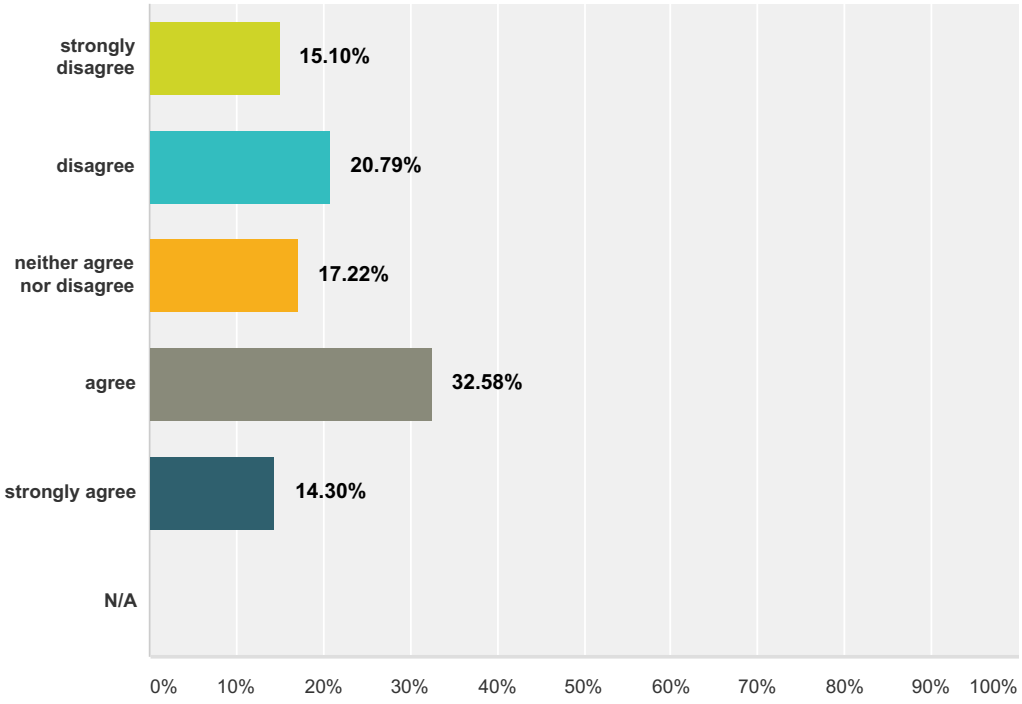
Answered: 754 Skipped: 70



Answer Choices	Responses	
strongly disagree	**3.05%**	23
disagree	**11.80%**	89
neither agree nor disagree	**16.98%**	128
agree	**49.87%**	376
strongly agree	**18.17%**	137
N/A	**0.13%**	1
Total		**754**

Q46 People in my Division are treated in a fair and consistent manner.

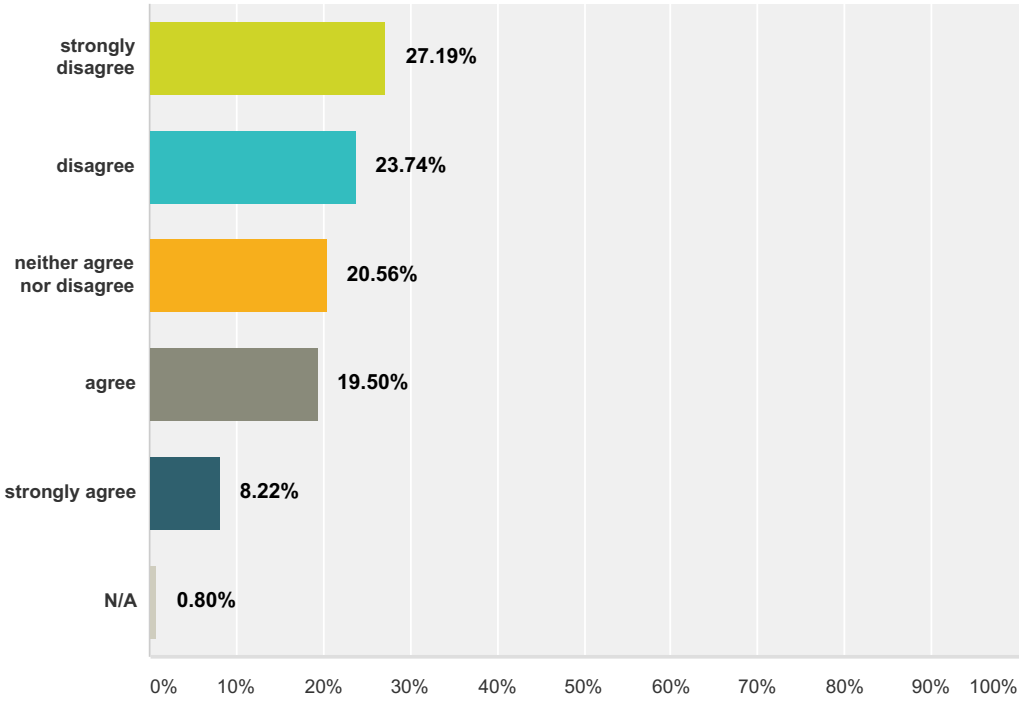
Answered: 755 Skipped: 69



Answer Choices	Responses	
strongly disagree	**15.10%**	114
disagree	**20.79%**	157
neither agree nor disagree	**17.22%**	130
agree	**32.58%**	246
strongly agree	**14.30%**	108
N/A	**0.00%**	0
Total		**755**

Q47 Personnel policies (e.g., performance appraisal, promotion, rewards) are applied consistently across employees.

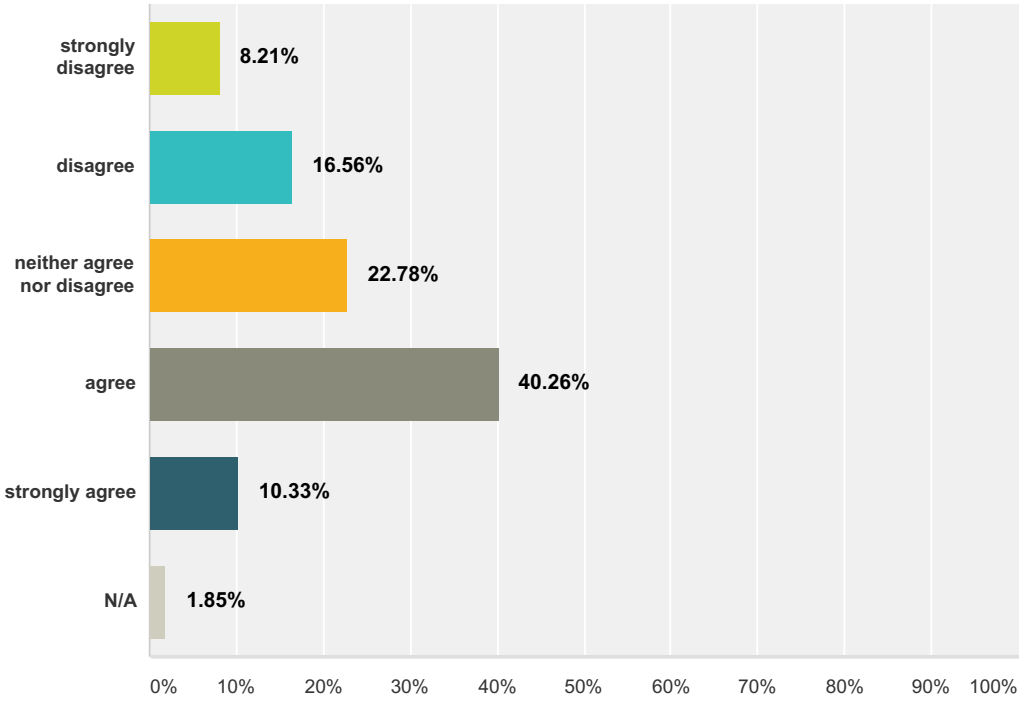
Answered: 754 Skipped: 70



Answer Choices	Responses	
strongly disagree	**27.19%**	205
disagree	**23.74%**	179
neither agree nor disagree	**20.56%**	155
agree	**19.50%**	147
strongly agree	**8.22%**	62
N/A	**0.80%**	6
Total		**754**

Q48 In my work unit, steps are taken to deal with poor performance.

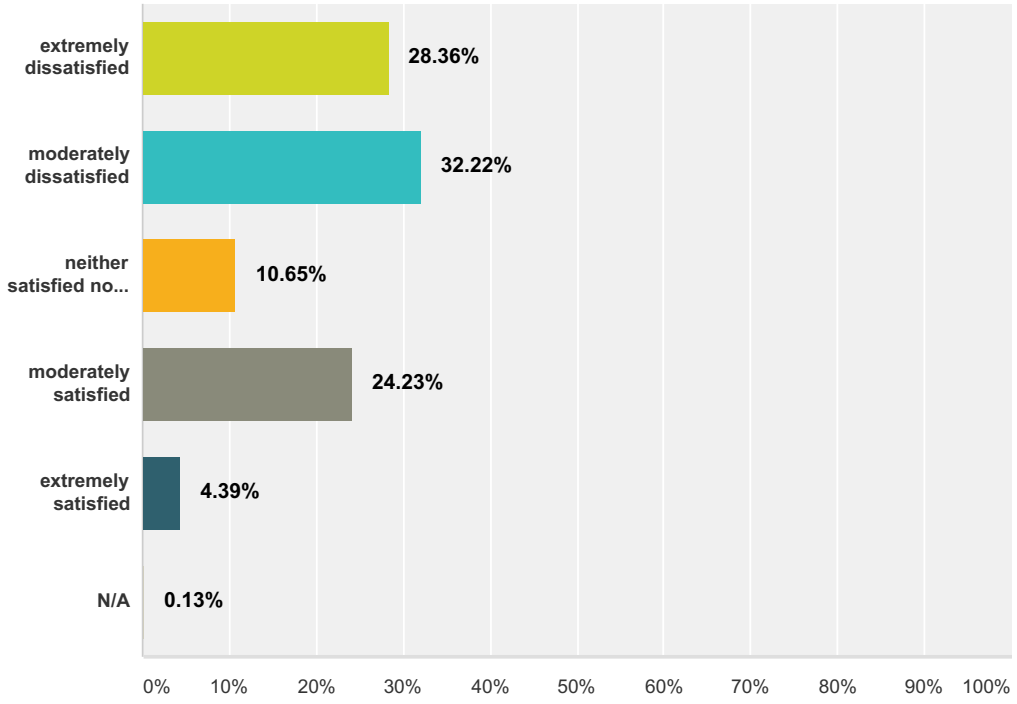
Answered: 755 Skipped: 69



Answer Choices	Responses	
strongly disagree	**8.21%**	62
disagree	**16.56%**	125
neither agree nor disagree	**22.78%**	172
agree	**40.26%**	304
strongly agree	**10.33%**	78
N/A	**1.85%**	14
Total		**755**

Q49 Considering everything, how satisfied are you with your total compensation (e.g., salary, bonus, benefits, etc.)?

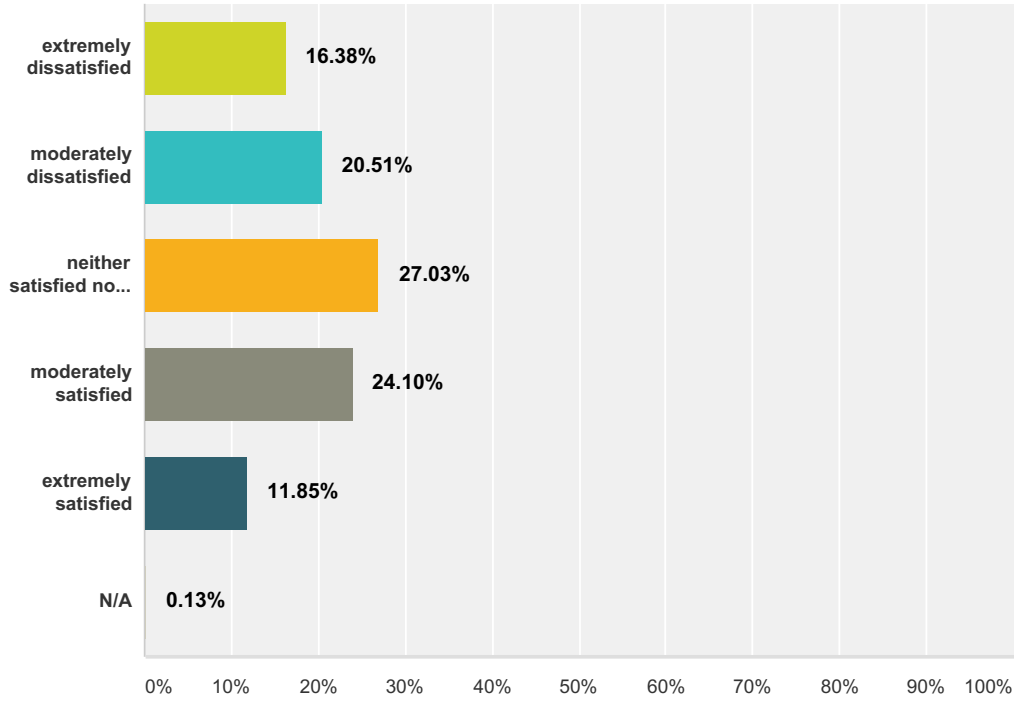
Answered: 751 Skipped: 73



Answer Choices	Responses	
extremely dissatisfied	**28.36%**	213
moderately dissatisfied	**32.22%**	242
neither satisfied nor dissatisfied	**10.65%**	80
moderately satisfied	**24.23%**	182
extremely satisfied	**4.39%**	33
N/A	**0.13%**	1
Total		**751**

Q50 How satisfied are you with the recognition you receive for doing a good job?

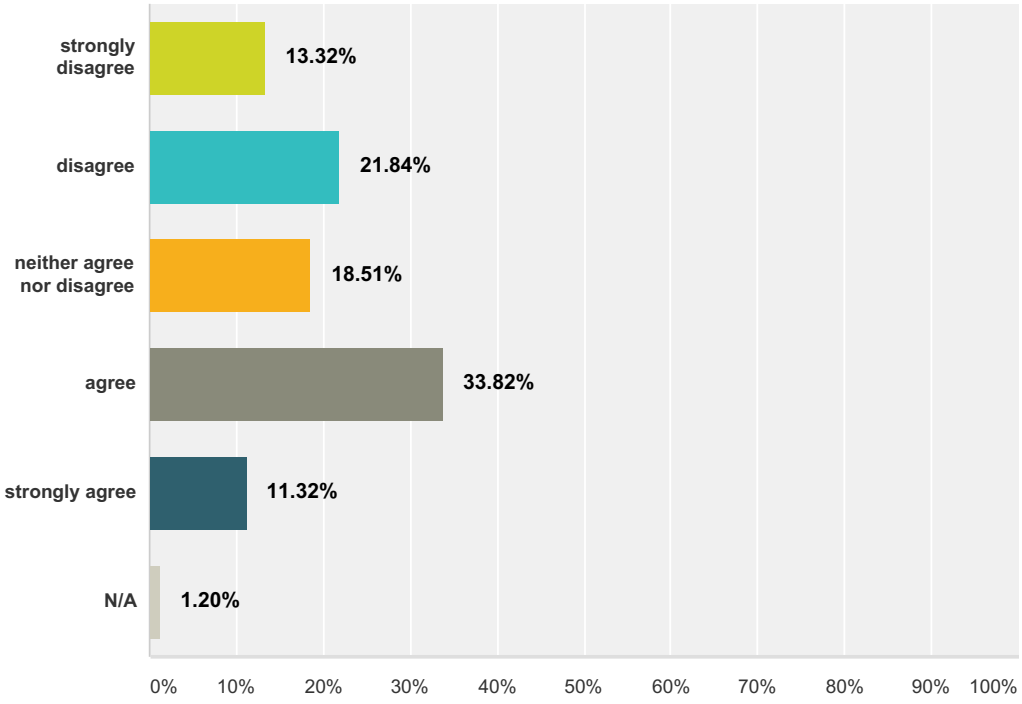
Answered: 751 Skipped: 73



Answer Choices	Responses	
extremely dissatisfied	**16.38%**	123
moderately dissatisfied	**20.51%**	154
neither satisfied nor dissatisfied	**27.03%**	203
moderately satisfied	**24.10%**	181
extremely satisfied	**11.85%**	89
N/A	**0.13%**	1
Total		**751**

Q51 I have the opportunity to receive training that will improve my skills and enhance my career opportunities.

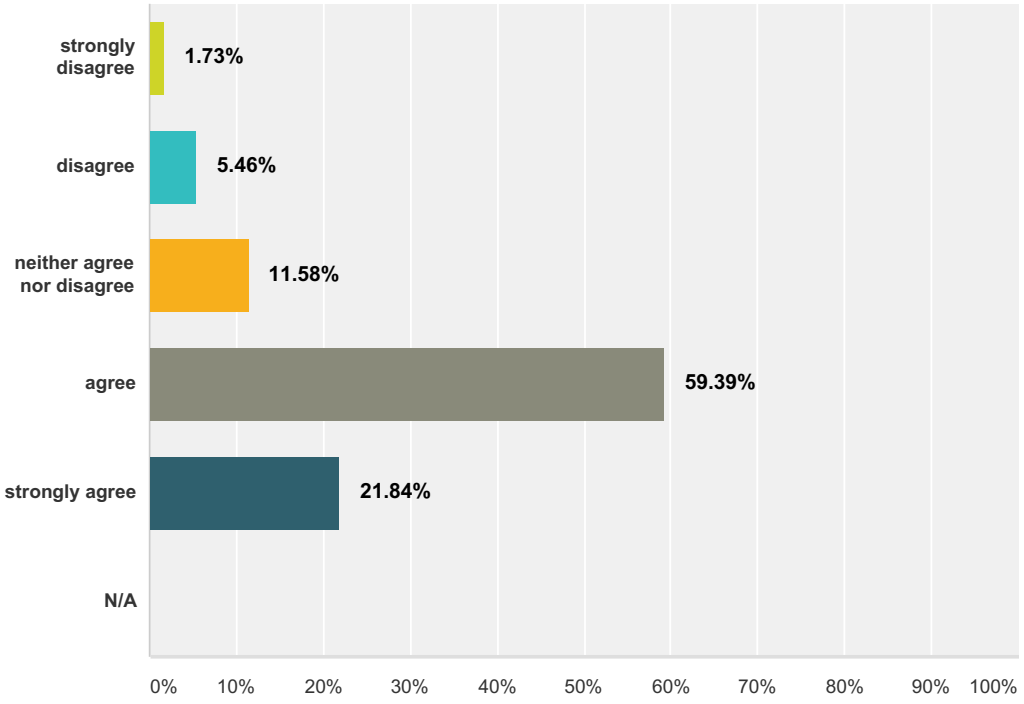
Answered: 751 Skipped: 73



Answer Choices	Responses	
strongly disagree	**13.32%**	100
disagree	**21.84%**	164
neither agree nor disagree	**18.51%**	139
agree	**33.82%**	254
strongly agree	**11.32%**	85
N/A	**1.20%**	9
Total		**751**

Q52 I understand how my role(s) and responsibilities fit in the agency's mission.

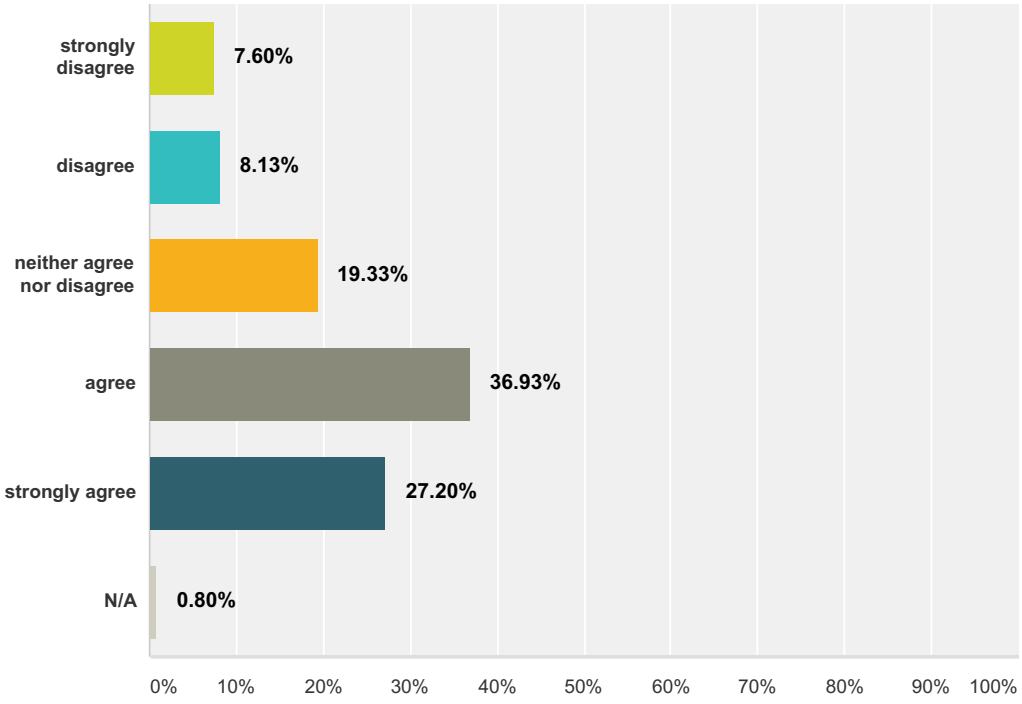
Answered: 751 Skipped: 73



Answer Choices	Responses	
strongly disagree	**1.73%**	13
disagree	**5.46%**	41
neither agree nor disagree	**11.58%**	87
agree	**59.39%**	446
strongly agree	**21.84%**	164
N/A	**0.00%**	0
Total		**751**

Q53 I am proud to work for the SCDPS.

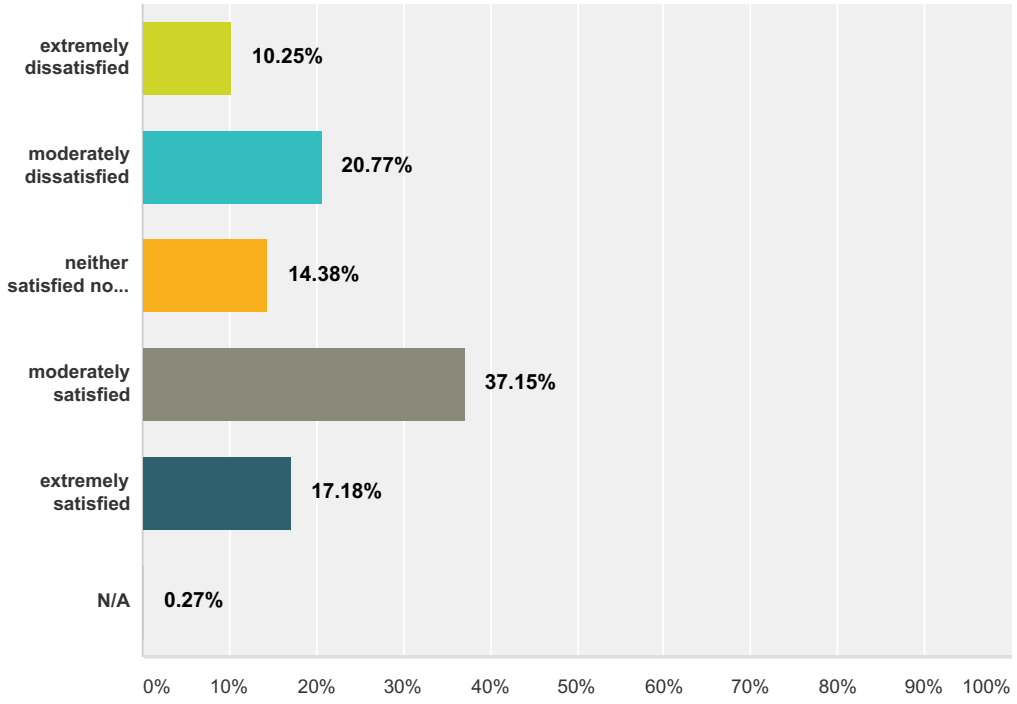
Answered: 750 Skipped: 74



Answer Choices	Responses	
strongly disagree	**7.60%**	57
disagree	**8.13%**	61
neither agree nor disagree	**19.33%**	145
agree	**36.93%**	277
strongly agree	**27.20%**	204
N/A	**0.80%**	6
Total		**750**

Q54 Considering everything, how satisfied are you with your job?

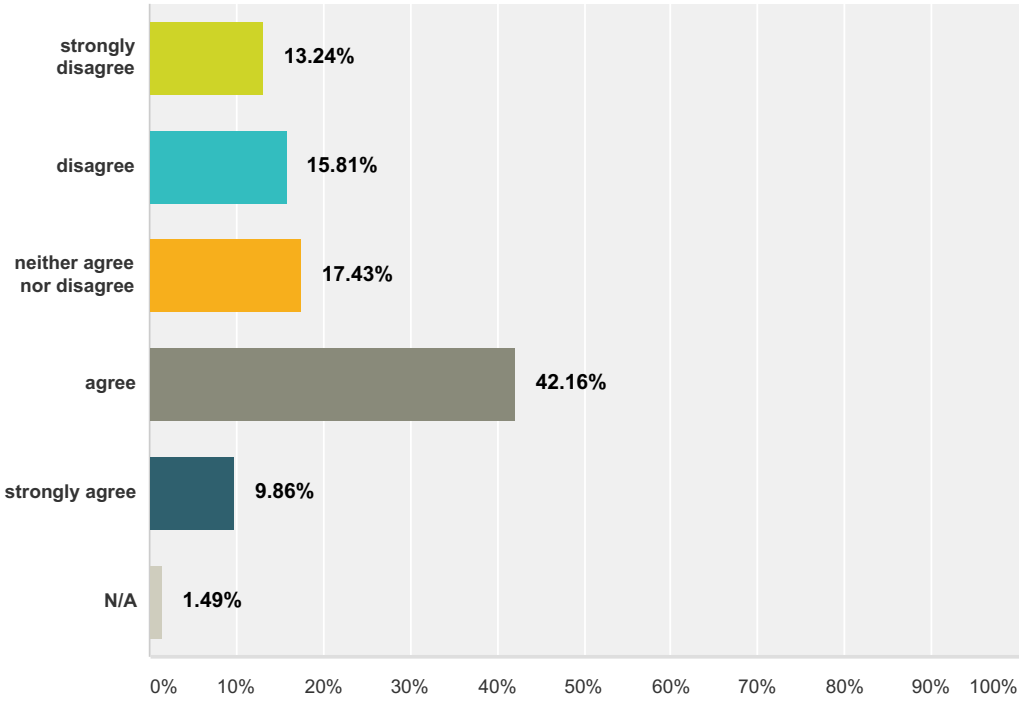
Answered: 751 Skipped: 73



Answer Choices	Responses	
extremely dissatisfied	**10.25%**	77
moderately dissatisfied	**20.77%**	156
neither satisfied nor dissatisfied	**14.38%**	108
moderately satisfied	**37.15%**	279
extremely satisfied	**17.18%**	129
N/A	**0.27%**	2
Total		**751**

Q55 I understand the Office of Professional Responsibility/Administrative Inquiry process.

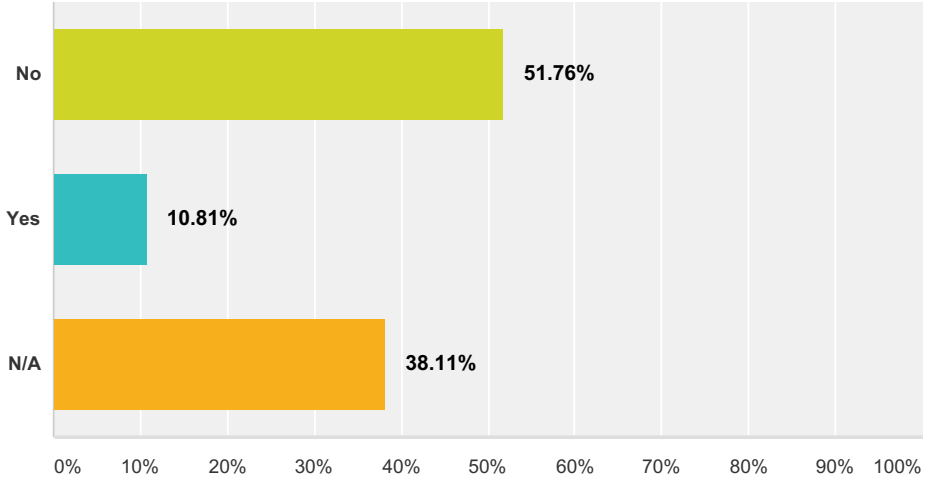
Answered: 740 Skipped: 84



Answer Choices	Responses	
strongly disagree	**13.24%**	98
disagree	**15.81%**	117
neither agree nor disagree	**17.43%**	129
agree	**42.16%**	312
strongly agree	**9.86%**	73
N/A	**1.49%**	11
Total		**740**

Q56 Results of closed administrative inquiries are communicated to you and your division on a periodic basis (e.g. quarterly) which provide a general synopsis of the allegation; whether or not the offense was sustained; the disciplinary action taken, if any; while providing anonymity to the identity of the affected employee.

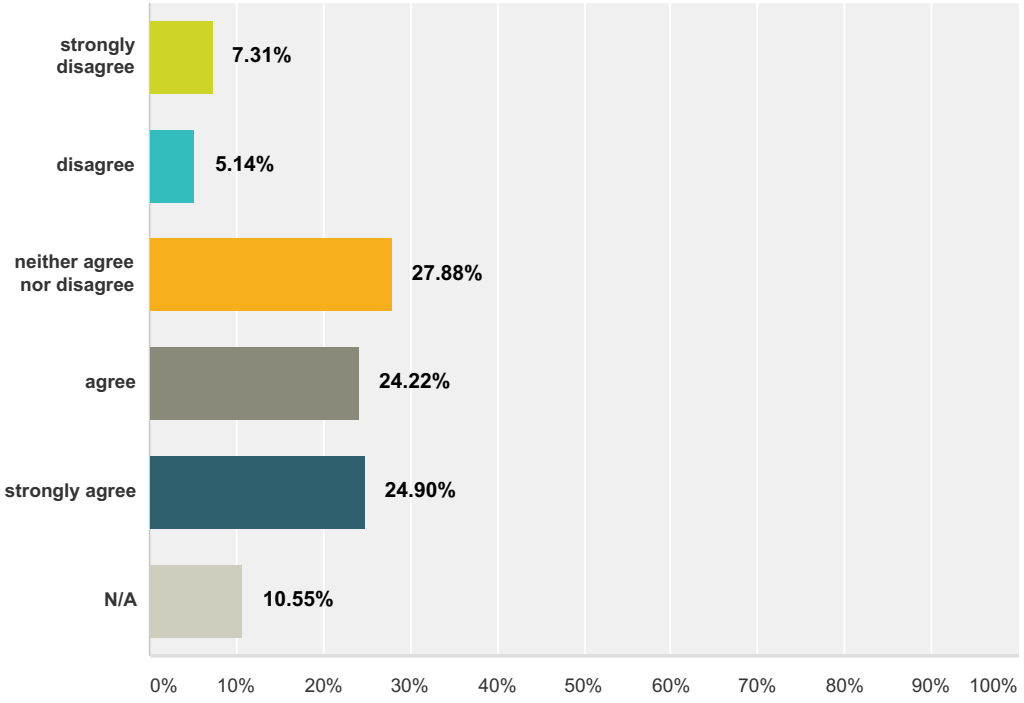
Answered: 740 Skipped: 84



Answer Choices	Responses	
No	**51.76%**	383
Yes	**10.81%**	80
N/A	**38.11%**	282
Total Respondents: 740		

Q57 Do you agree or disagree that disparity exists within the Administrative Inquiry process as it pertains to disciplinary actions?

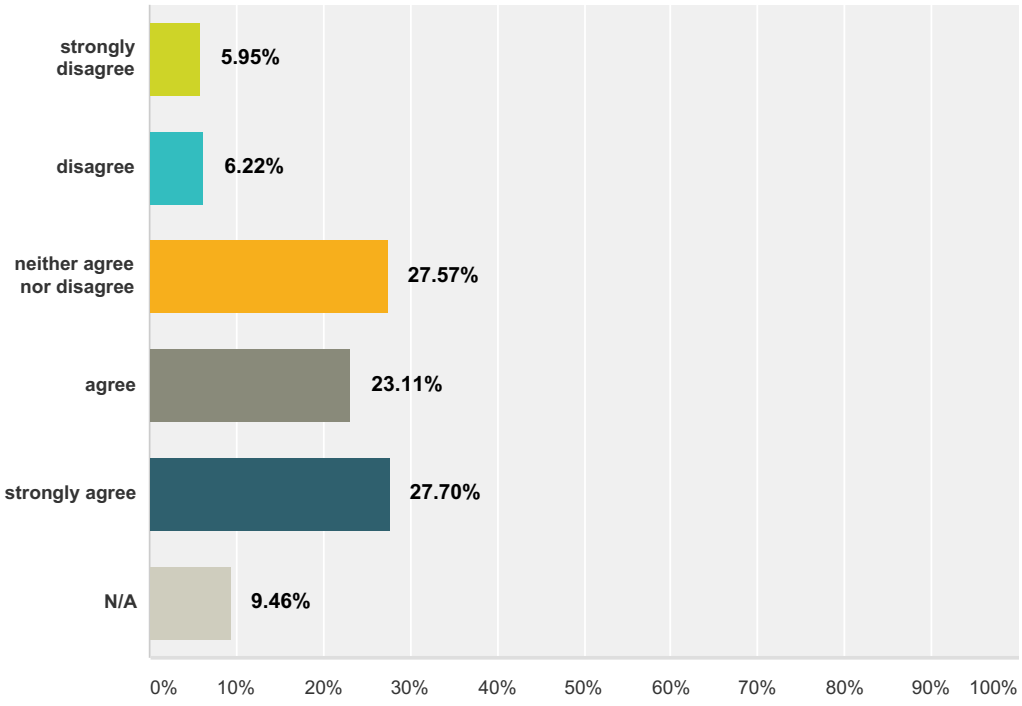
Answered: 739 Skipped: 85



Answer Choices	Responses	
strongly disagree	**7.31%**	54
disagree	**5.14%**	38
neither agree nor disagree	**27.88%**	206
agree	**24.22%**	179
strongly agree	**24.90%**	184
N/A	**10.55%**	78
Total		**739**

Q58 Do you agree or disagree that disparity exists within the Administrative Inquiry process as it pertains to disciplinary actions based on position held within the agency?

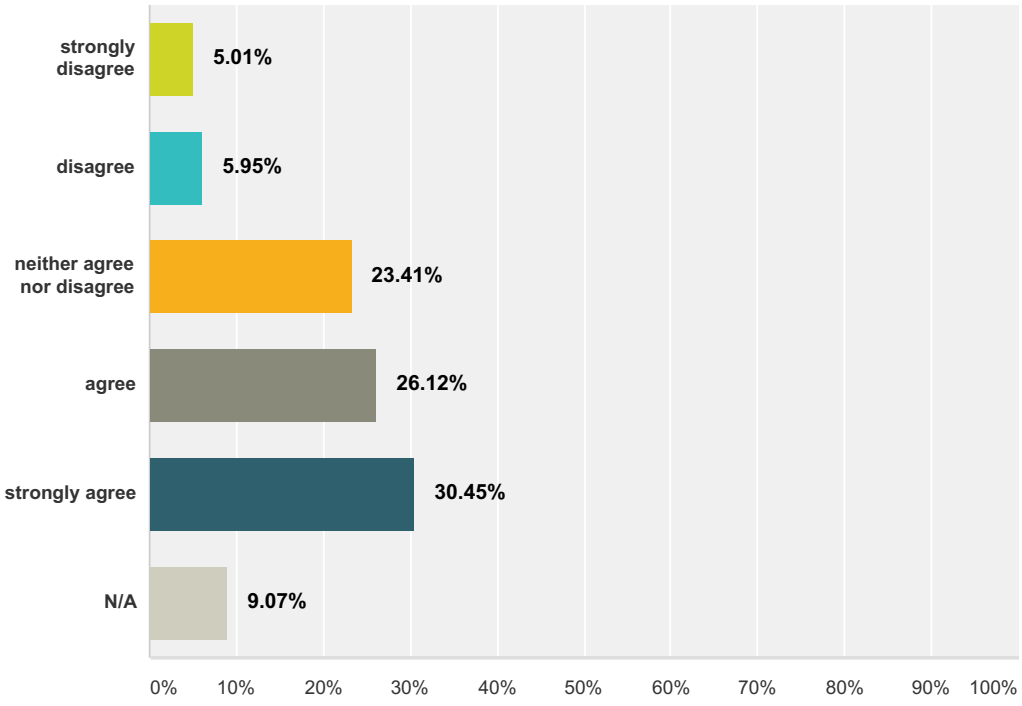
Answered: 740 Skipped: 84



Answer Choices	Responses	
strongly disagree	**5.95%**	44
disagree	**6.22%**	46
neither agree nor disagree	**27.57%**	204
agree	**23.11%**	171
strongly agree	**27.70%**	205
N/A	**9.46%**	70
Total		**740**

Q59 Do you agree or disagree that disparity exists within the Administrative Inquiry process as it pertains to the initiation of an inquiry that is based on position held within the agency, or "who you know?"

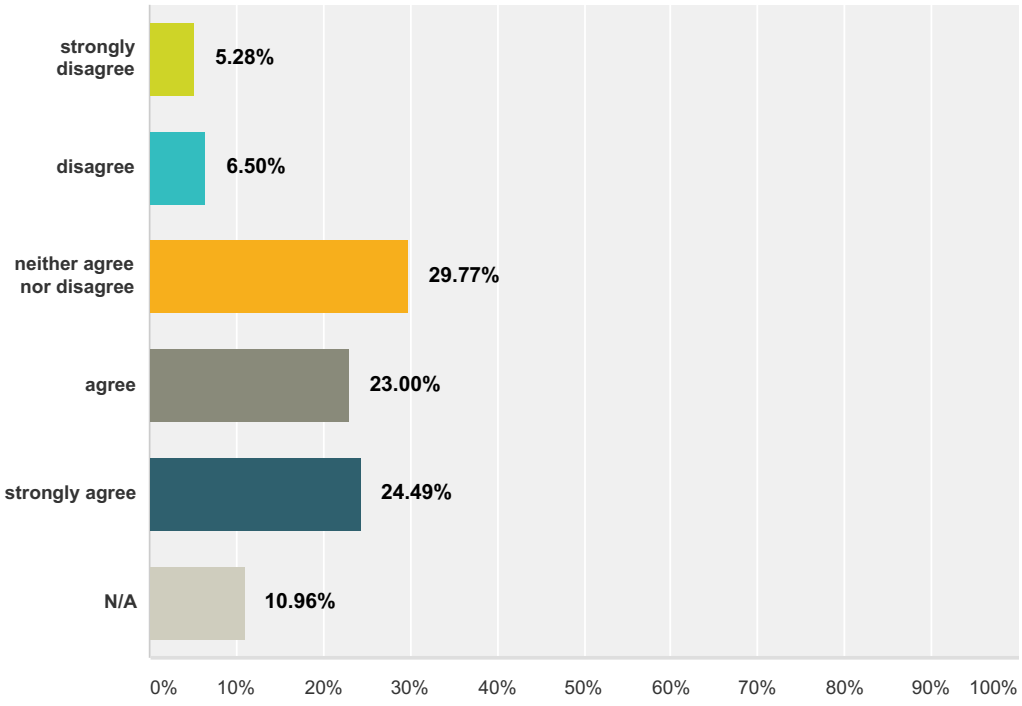
Answered: 739 Skipped: 85



Answer Choices	Responses	
strongly disagree	**5.01%**	37
disagree	**5.95%**	44
neither agree nor disagree	**23.41%**	173
agree	**26.12%**	193
strongly agree	**30.45%**	225
N/A	**9.07%**	67
Total		**739**

Q60 Do you agree or disagree that disparity exists within the Administrative Inquiry process as it pertains to the length of time an inquiry is kept open based on position or job classification within the agency?

Answered: 739 Skipped: 85



Answer Choices	Responses	
strongly disagree	**5.28%**	39
disagree	**6.50%**	48
neither agree nor disagree	**29.77%**	220
agree	**23.00%**	170
strongly agree	**24.49%**	181
N/A	**10.96%**	81
Total		**739**

Q61 Please indicate any obstacle(s) that inhibit the hiring process to fill vacant positions.

Answered: 714 Skipped: 110

These comments were too numerous to capture in this document. Please refer to Part V. Section C of the report.

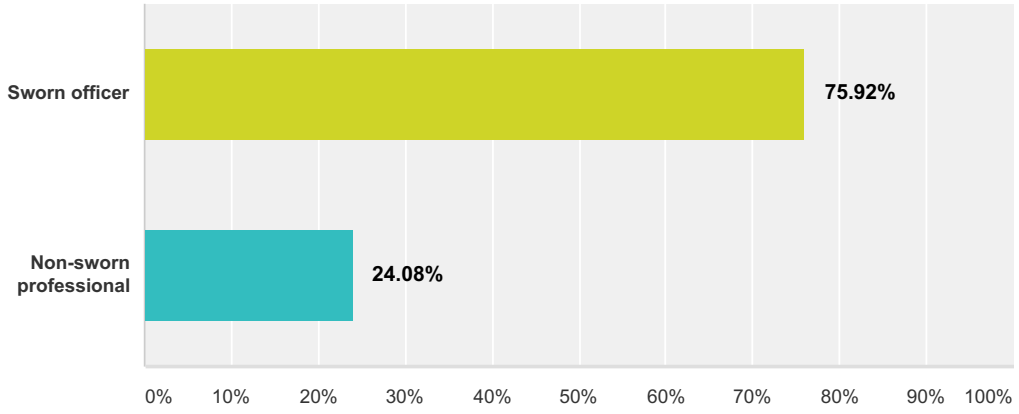
Q62 Please indicate area(s) that seem to most negatively affect the retention of employees.

Answered: 717 Skipped: 107

These comments were too numerous to capture in this document. Please refer to Part V. Section C of the report.

Q63 Type of SCDPS employee:

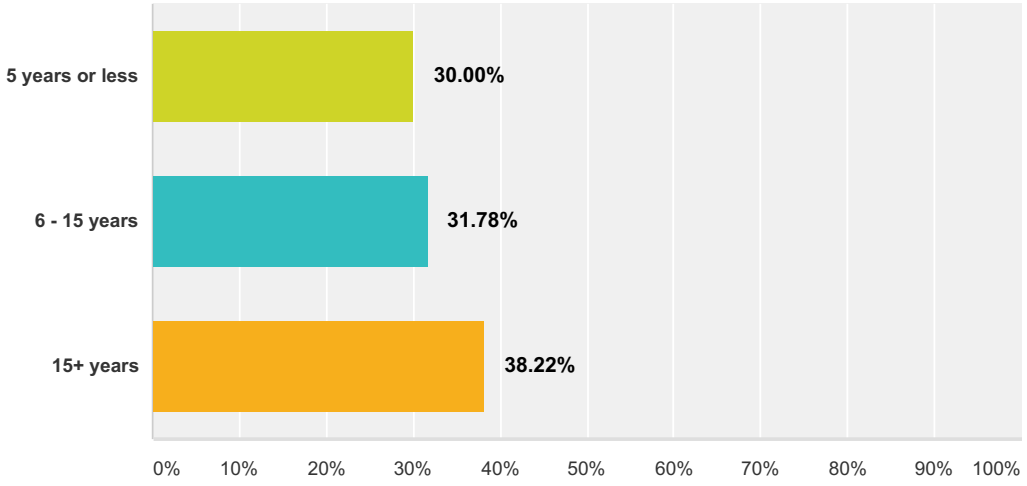
Answered: 731 Skipped: 93



Answer Choices	Responses	
Sworn officer	**75.92%**	555
Non-sworn professional	**24.08%**	176
Total		**731**

Q64 Years of employment with SCDPS:

Answered: 730 Skipped: 94



Answer Choices	Responses	
5 years or less	**30.00%**	219
6 - 15 years	**31.78%**	232
15+ years	**38.22%**	279
Total		**730**

South Carolina Department of Public Safety

October 11, 2017

Brian D. Lamkin
Inspector General
Office of the State Inspector General
111 Executive Center Drive, Suite 204
Synergy Business Park, Enoree Building
Columbia, SC 29210-8416

RE: Review of the South Carolina Department of Public Safety

Dear Inspector General Lamkin:

The South Carolina Department of Public Safety ("SCDPS," "Department," or "agency") appreciates the opportunity afforded by your office to submit a response to the "Review of the South Carolina Department of Public Safety" (the "Report"). The Report's recommendations have provided valuable input for improving the agency's operations. We offer some clarifications and responses to certain observations in the Report.

STATUS OF AGENCY'S TURNOVER RATE

The Report inaccurately describes the agency's turnover rate for personnel as "a major concern" (pp. 11 and 33) and "significant." (p. 35) No definition is attributed to the word "significant," but the implication is that the turnover rate is somehow meaningful. In fact, the turnover rate for the agency (15.11%) is below the state average for all agencies (17.78%) and the state average for the state's principal law enforcement agencies (17.57%). The agency's rate is therefore below average when compared to other relevant benchmarks.

Every state agency strives to retain quality employees to improve efficiency and reduce costs. The agency's ability to maintain the turnover rate described above is particularly noteworthy given the difficulties associated with law enforcement retention. The recent negative attitudes toward law enforcement manifested themselves most prominently following the Michael Brown shooting in Ferguson, Missouri (2014). Violence against law enforcement officers has continued to be a sad, but continuing, trend as seen by the assassinations of law enforcement officers in Baton Rouge (2016), Dallas (2016), and New York (2017). Each of these incidents has created a global climate that could have easily deterred once-interested candidates from choosing law enforcement as a career path and negatively affected retention of current law enforcement personnel.

Data from a 2013 article showed the turnover rate for law enforcement agencies in South Carolina in 2003 and 2008 was 14.38% and 16.98%, respectively. (Rates and Patterns of Law Enforcement Turnover: A Research Note, Wareham, Smith, and Lambert (2013). (http://journals.sagepub.com/doi/abs/10.1177/0887403413514439) According to the Best Practices Guide from the International Association of Chiefs of Police, "Today, employers

nationwide, including police departments, report having difficulty attracting and retaining sufficient numbers of qualified employees.... A number of studies have documented the level of turnover and contributing causes. Still, little research has been done to establish a benchmark of 'acceptable' or 'normal' turnover rate for law enforcement agencies... Never before has the recruitment and retention of police personnel been as critical or as challenging for police organizations as it is today." (Best Practices Guide for Recruitment, Retention, and Turnover of Law Enforcement Personnel; attached as exhibit to the Inspector General's Report) Additionally, SCDPS saw a significant change in law enforcement officer separations in 2012 as a result of changes to the state's retirement laws which prevented officers from remaining at work without financial penalty. In short, the current turnover rate observed at SCDPS is lower than the statewide average and consistent with the turnover rate at other law enforcement agencies at the state and national levels, and while this rate may be significant in a greater sense, it is not something unique to SCDPS. As documented in the following:

> "The problem starts at the justice academy. [Major Florence] McCants [at the South Carolina Criminal Justice Academy] said most new recruits don't last long. First time officers are required to pass a 12-week certification course. Out of 70 in a typical class, only about 50 would make it to graduation. Of those who graduate, McCants said only about half will stay in law enforcement more than a year. That means the shortage of officers becomes a serious issue for agencies of every size. 'Every agency in the state is feeling the effects of it, from the smallest agency all the way up to the highway patrol or even SLED, every agency is feeling the effects of hiring and retaining good officers,' McCants said... Taylor said the public perception of police has been damaged by media criticism and focus on the few officers who get into trouble... Police Chiefs and Sheriff's Offices across the entire Upstate agreed that police pay is a factor. Officer salaries are relatively low compared to other high skilled dangerous jobs and the lure of higher pay is a major factor in officers hopping from one job to another." (http://wspa.com/2016/02/11/south-carolina-police-shortage-means-employment-for-gypsy-officers/)
>
> "After attending a recent conference in Jacksonville, Florida, [Simpsonville City Police Officer Adam] Semanski and Simpsonville is experiencing a problem police departments across the country are facing. Simpsonville is currently five officers short of being fully staffed with 39 of 44 positions taken. It comes during a time when public scrutiny of police is higher than ever. 'Most people don't want to wake up and be hated just because you wear a uniform' Semanski said. 'And most people don't want to come to work to make peanuts."...
>
> [Simpsonville Interim Chief Steve] Moore believes the last time the department was fully staffed for any lengthy period of time was from the fall of 2013 to the spring of 2014... 'If [I] had an opening for a police officer in Mauldin in 2002 for example, I might get 50 or 60 applicants to go through. Most of the time with that many applicants I could get one out of it... that would meet the criteria and we could hire them,' Moore said. 'These days you can have one opening at this department and others, and you may be lucky to get between 5 and 10 applicants... With the stress and dangers of being a police officer, Moore said some leave simply because they want to pursue something else in life..."

'Police departments across the country are facing an increasingly difficult problem in retaining and recruiting officers to what is a challenging and often underpaid profession,' said Councilwoman Jenn Hulehan, who introduced the proposal. 'Particularly with a lot of stuff that's going on in the national news media right now, the reputation of police officers in general is bruised and it's very hard to convince people that it's a worthwhile pursuit."
(http://www.greenvilleonline.com/story/news/local/golden-strip/2016/10/16/simpsonville-approves-proposal-study-ways-keep-hire-officers/91314110/)

"...the North Carolina Criminal Justice Analysis Center conducted a study that concluded law enforcement had a higher attrition rate, at 14%, than both teaching and nursing, which clocked in at 13% and 12% percent, respectively."
(https://www.thebalance.com/what-to-do-about-police-retention-problems-974770)

"An April 2016 report by the U.S. Department of Justice shows the number of sworn police officers nationwide grew incrementally until 2014, when the total plummeted from 768,287 to 750,340. That decline is reflected locally as well. The City of Spartanburg is authorized for 130 police officers but only has 122... The Spartanburg County Sheriff's Office is authorized to have 296 officers, but about 25 of those spots are vacant... One result of the vacancies is that there are fewer officers to cover shifts, creating more work for those who remain. It's not unusual for officers to pick up overtime or work double shifts."
(http://www.thestate.com/news/state/south-carolina/article155549809.html)

Using data from the Law Enforcement Management and Administrative Statistics (LEMAS) survey in 2003 and the Census of State and Local Law Enforcement Agencies (CSLLEA) in 2008, this study establishes baseline rates of employee turnover for sworn police officers. In addition to national rates, variations in turnover were compared across states, regions, urbanity, agency size, and agency type. Nationally, the total turnover rate was 10.8% in both 2003 and 2008.
(http://www.journals.sagepub.com/doi/pdf/10.1177/0887403413514439)

Despite an increased difficulty in recruiting and retaining law enforcement officers nationwide, DPS' turnover rate is not appropriately described as "significant" or a "major concern." Rather, the agency's turnover rate is lower than the state average for all state agencies and the state's principal law enforcement agencies. This data reflects that the agency's proactive efforts to recruit and retain quality applicants are working. The agency, however, is not satisfied with its turnover rate and remains committed to reducing turnover.

NEED FOR ADDITIONAL INFORMATION TO PROVIDE CONTEXT

The Report contains multiple instances where context is lacking. Conclusory statements and reports of perceptions among employees are frequently cited without any effort to address whether the statement or perception is accurate. The agency recognizes that perception can be

reality, but when the statement or perception is grossly inaccurate, some level of scrutiny is necessary to evaluate the reputability of the complaint. Some disgruntled employees will naturally exaggerate claims in an anonymous environment. While the agency would certainly not condone removal of these inaccuracies from the Report, it would seem appropriate to provide additional context from the agency's perspective to help explain whether these statements or perceptions are reliable. Additionally, certain findings by the SIG lack appropriate context to understand the topic being discussed holistically. With this context, the reader of the Report is then provided with adequate information to draw his or her own conclusions.

The Report's lack of detail on the Disciplinary Review Committee (DRC) process ignores several important facets that explain its functioning. (p. 19) First, there are circumstances when a DRC is not convened prior to the administration of discipline based on the severity of the alleged misconduct. In these extenuating circumstances, the Department is compelled to act swiftly to avoid potential repercussions caused by retaining an employee who has engaged in serious misconduct. While no formal DRC was convened, the director still consulted with members of the DRC prior to making a decision regarding disciplinary action.[1] This ensures that the disciplinary action is administered appropriately, even when a full DRC cannot be convened in a timely manner.

The Report observes that certain Office of Professional Responsibility (OPR) investigations resulting in unfounded determinations remained open for longer periods of time as compared to those which resulted in findings of misconduct. This observation ignores other, more obvious explanations for the apparent disparity. First, the OPR prioritizes the cases it receives. Inevitably, some cases must be investigated before others. Cases requiring rapid response from OPR involving extremely serious misconduct take precedence.

The Report notes the existence of a particular OPR investigation that remained open for 401 days. This case involved an officer who was arrested on federal charges of conspiracy to distribute a controlled substance. Upon learning of his arrest, the officer was immediately terminated and the agency kept the case open during the pendency of the prosecution.

The Report notes that "SCDPS does not have a policy clarifying which type of case is designated as DI and PR" (p. 18) The Standard Operating Procedure (SOP) for the OPR however, does provide that the OPR chief may utilize individual discretion to make a decision on whether a case is designated as a Division Investigation (DI) or a Professional Responsibility case (PR). These determinations are based on a case by case analysis because no two cases are alike. Any fixed standard for "case type" would prove unworkable. While the alleged offense in two cases may be denominated identically (e.g., improper conduct), the underlying conduct could be significantly different—this spectrum of behavior ranges from interfering with the prosecution of a case to inappropriate use of social media. The OPR chief retains the discretion to make these decisions based on his or her training and experience. In general, cases involving conduct that, if sustained, have traditionally resulted in a suspension or greater are designated as PRs, and cases involving conduct that, if sustained, have traditionally resulted in something less than a suspension are designated as DIs.

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[1] This process is the same regardless of who chairs the DRC.

The results of the Leadership Survey Analysis indicate that the percentage of employees satisfied with leadership was highest when asked about front line supervisors and then decreased the further that employees were separated from their levels of supervision. (pp. 26-27) While the results of the survey are purportedly accurate, this trend is not somehow unique to SCDPS. Employees in any large workforce are typically more satisfied with their direct supervisors and perceive a gulf between themselves and those at corporate headquarters. According to the 2017 Edelman Trust Barometer, "trust decreases down an organization's hierarchy: 64% of executives, 51% of managers, and 48% of rank and file staff say they trust their organizations, and employees say they trust peers more than CEOs when it comes to company information." (https://www.fastcompany.com/3058630/why-employees-dont-trust-their-leadership). In addition, 63% of employees don't trust their leader. "It's worldwide, it's pervasive across business and government, and trust of CEOs is at an all-time low. CEO credibility plunged by 12 points this year." (https://www.forbes.com/sites/christinecomaford/2017/01/28/63-of-employees-dont-trust-their-leader-heres-what-you-can-do-to-change-that/#2780a9897de4) The agency is aware of this common phenomenon and has focused training on encouraging supervisors (at all levels) to accept responsibility and accountability to reduce these perceptions. The inclusion of this result as somehow unique to the agency is unnecessary attention to a common phenomenon.

The survey also indicated that 58% of employees disagreed that "morale at work is good." (p. 29) This contrasts with 54% of employees who were satisfied with their job "considering everything." (p. 28) This apparent anomaly is consistent with the results of the agency's own staff inspections. During the last staff inspection cycle (2013-2015), on average law enforcement officers and civilians reported job satisfaction of 3.3/4.0 and morale of 3.0/4.0. This perception stems from a common belief that "my co-workers are not happy, despite my own independent satisfaction." While this analysis does not explain away poor morale perceptions entirely, it does provide further context for employees who simultaneously report job satisfaction and low morale.

The Report notes a perception that the agency fails to make observable efforts to retain current employees and improve working conditions. (p. 32) This perception ignores the fact that on September 17, 2015, SCDPS implemented a Salary and Career Path Restructuring for all law enforcement officers holding the rank of Major or lower. Additionally, the agency has steadily increased the number of promotions in recent years.

On a similar note, the Report concludes that there was "no documentation which supported any annual review was conducted on the effectiveness of the recruitment plan, or whether or not hiring goals and objectives were achieved." (p. 13) As stated earlier, the agency does not perceive the unfortunate recent increase in turnover to be anything unique to a law enforcement agency such as the Department, but rather symptomatic of the current attitudes toward law enforcement. When viewed in that light, the agency has not sat idly by, but has instead continued to monitor turnover and its causes. Law enforcement turnover has been negatively impacted by low pay, increased scrutiny of law enforcement by the media, and violence directed toward law enforcement. In response to these trends, the agency has developed strategies to address turnover. Strategies include the recent recruiting plan, revision of the tattoo and residency policies, proactive recruiting efforts conducted by managers and staff within the

Telecommunications Unit, and the above-referenced Salary and Career Path Restructuring for law enforcement in 2015.

Additionally, since FY 2014-2015, the Department has been tracking recruitment statistics to include a comparison of how many referral applicants have moved through the hiring and training process to how many were hired; the number of college graduate applicants referred through online recruiting and university partnerships; and trainee turnover. (See below tables from agency's FY 2016-2017 Accountability Report)

O	*2.1.2*	*Maintain trooper trainee turnover below the 10 year average of 10% basic training attrition*
O	*2.1.3*	*Maintain law enforcement staffing levels to include reducing the number of voluntary employee separations by 3% compared to the previous year*

Item	Performance Measure	Last Value	Current Target Value	Current Value	Future Target Value	Time Applicable	Data Source and Availability	Calculation Method	Associated Objective(s)	Meaningful Use of Measure
HP-5	Track referral of how many applicants moved through the process, to the number of applicants hired.	26% Referral Applicants Hired	30% Referral Applicants Hired	33% Referral Applicants Hired	30% Referral Applicants Hired	7/1/2016 - 6/30/2017	HP Employment Statistics	From those that were hired from their state application count the number of referrals. Divide that number by the number of applicants hired.	2.1.3, 3.2.5	Assesses the effectiveness of recruiting practices that focus on referring applicants to the Highway Patrol from personal contact as opposed to unsolicited applications or the internet.
HP-6	Track number of college graduate applicants referred through online recruiting and university partnerships to how many actually hired.	18% Applicants	20% Applicants	26% Applicants	20% Applicants	7/1/2016 - 6/30/2017	HP Employment Statistics	Manual count of the number of applicants hired that have college degrees and were referred. Divide that number by total applicants hired.	2.1.3	Assesses the effectiveness of recruiting efforts directed towards college graduates.
HP-7	Track trainee turnover reduction	10% Attrition	<10% Attrition	21.5% Attrition	<10% Attrition	7/1/2016 - 6/30/2017	HP Training Statistics	Count the number of trooper trainees that separate from Patrol Training School.	2.1.2	Identify trends pertaining to hiring/employment and training to decrease the number of candidates leaving the program.

Discussion of these topics is important to understand the efforts made by the agency to combat turnover.

The Report notes that a common criticism is the "lack of the SCDPS director and command staff presence in the field." (p. 25) This perception is inaccurate. SCDPS command staff are a regular presence in the field, as evidenced by their presence during holiday enforcement, special duty assignments (bike weeks, state house rallies), promotional ceremonies, awards ceremonies (HP Trooper of the Year, HP TCO of the Year, STP Officer of the Year, BPS Officer of the Year, Public Servant of the Year), Highway Dedications for fallen troopers, emergency management operations (winter storms, hurricanes, floods, etc.), and media-related events (e.g., highway safety campaigns).

The Report indicates that the OPR process "negatively affect[ed] promotions and morale" (p. 31) This statement is inaccurate. While an employee cannot be promoted or offered a salary increase while under investigation, these employees are still eligible to participate in the promotion process. If they are selected for a promotion/salary increase, that promotion becomes effective at the end of the investigation. In fact, the Department has had several examples where employees were recommended for promotion while under an investigation and subsequently promoted at the conclusion of the investigation. In short, employees are not negatively impacted while under investigation. Also noteworthy is that all agency law enforcement officers holding the rank of Major or lower, even those under investigation, were included in the Salary and Career Path Restructuring in 2015.

The Report also notes that some employees believe that "[i]nvestigations are often opened on unsubstantiated information." (p. 25) This statement is actually accurate, but it implies some malicious intent on the department's behalf. The failure to investigate certain complaints, even those that appear to lack credence, would violate the agency's own policy. The OPR chief is tasked with evaluating all complaints that come to the OPR.

INACCURATE/OUTDATED INFORMATION

The agency notes some factual errors in the report as a result of misinformation or changes since the SIG review.

The Report notes that there were key personnel losses in FY 2017. (p. 11) While these vacancies did exist, each of these positions is currently filled. This is therefore no longer an ongoing issue.

The Report notes that "[a]t the close of FY2017 (06/30/2017), the SCHP had 800 troopers on board, an understaffing of 50 trooper positions." (p. 3) This statistic ignores an important subsequent development that occurred shortly thereafter. This statistic was captured two weeks before 41 new troopers trainees were scheduled to begin training on July 14, 2017 when the trooper count was 787. Of these 41 trainees, 40 reported to training bringing the count to 827. It is important to note that during the time between the two scheduled patrol school classes each calendar year, the vacancy count stands to increase until the next scheduled class begins.

Although the agency was planning for a proposed class of 55 trooper trainees to begin training in February 2018, Colonel Williamson and the Executive Command Staff of South Carolina Highway Patrol unveiled the SCHP Employment and Basic Training Restructuring Plan on October 3, 2017. [See response to Recommendation 1a, 1b, and 1c (p. 9)]

The Report incorrectly describes the steps that precede a conditional offer to a law enforcement candidate. (pp. 15-16) Conditional offers of employment are extended based on the results of the applicant's psychiatric and physical evaluation, medical evaluation, drug testing, and vision testing. Contrary to the Report, polygraph and background investigations are completed prior to a conditional offer being made.

The Report states that the agency does "not maintain documentation of DRC meetings or deliberations. . . ." (pp. 5 and 19) The director, however, does maintain an informal log from each DRC. Additionally, the agency has recently implemented a policy by which DRCs will be fully documented.

The Report appears to misapprehend an important characteristic of the Step One and Step Two hearings. (p. 19-20) The Report criticizes the agency because the same decision makers play a role in the DRC as well as the Step One and Step Two hearings. However, the criticism ignores the fact that employees and their representatives are not present at DRCs but are present at Step One and Step Two hearings, and therefore have an opportunity to present their version of

events or explain mitigating circumstances that might reduce the discipline imposed. This distinction is an important one in evaluating the DRC and Step One/Two hearings. This analysis is likely mooted by recent changes to the grievance process in response to the recommendations of the SIG. (See Recommendation 4a below)

NEED FOR OBJECTIVITY

Even though the Report focuses on negative perceptions about the agency, the agency believes that a number of positives were uncovered during the SIG's review, and believes that a balanced view of the agency is appropriate.

Section V(A) of the Report (SCDPS Employee Interviews) discusses the results of interviews conducted with 56 current and former employees. (pp. 24-25) The summary of the interviews describes "four themes that emerged from the interviews." (p. 25) Each of these four themes reflects a negative conclusion regarding the agency. The Department believes that these interviews may have also resulted in some positive themes, which are not discussed in any manner. The survey conducted by the SIG did reveal some negative perceptions regarding the Department, but there were also 30%-40% positive responses to the survey in many areas. Given that the interviews encompassed a segment of the larger surveyed population, it would seem likely that certain positive comments emerged from the interviews. However, these themes and comments are completely ignored, giving the impression that the Report dwells on negative perceptions alone.

The Report describes "inconsistency in the agency's use of the DRC." (p. 19) Specifically, the Report describes a single instance where the DRC resulted in a counseling session. (p. 19) Rather than an indictment of the DRC process, this particular result, in fact, successfully demonstrates the role the DRC is intended to play. Prior to the DRC meeting, the members of the DRC do not know what discipline will result from the meeting. Rather, the DRC is convened at the behest of the respective division director when additional discussion is needed to evaluate the potential discipline. While it is true that a DRC is convened in cases that appear to be more serious, it is not uncommon for the DRC to make a determination that an offense is not as serious as was first believed after a detailed discussion occurs. In fact, multiple DRCs have resulted in counseling sessions being administered to employees.

The criticisms of the DRC are also unfounded. In the past six years, the Department has faced several challenges to disciplinary actions. Those challenges eventually ripened into appeals to the State Grievance Panel. Every one of the decisions that emanated from the DRC was upheld upon review. Similarly, the perception that the "discipline did not fit the offense" (p. 19) is also subject to scrutiny given the agency's success in the grievance process where the appropriateness of the discipline is reviewed.

Further, the agency's discipline policy (including the DRC component) has been approved by the State Human Resources Division ("State HR") and closely mirrors the "Progressive Discipline Model Policy" promulgated by State HR. ("No disciplinary actions beyond a written reprimand may be taken without being authorized by the Agency Director or a

designee.") Finally, the Department believes that its DRC process is similar in form to the disciplinary process used by other state agencies.

The SIG specifically asked for a list of improvements in agency operations under the current director's tenure. The Department provided five pages of detailed improvements, yet these improvements are not mentioned at all in the Report, giving the impression that the Report has chosen to ignore positives. This list of improvements is attached here.

IMPLEMENTED CHANGES

Since receiving the draft report on September 19, 2017, the agency has implemented several changes in response to suggestions from the Report.

RECOMMENDATIONS 1A, 1B, AND 1C

Since 2014, the Department has had a Recruitment Strategic Plan in place which was recently updated in 2017. The agency is currently in the process of updating the formula that determines personnel allocation. Additionally, Colonel Williamson and the Executive Command Staff of the South Carolina Highway Patrol unveiled the SCHP Employment and Basic Training Restructuring Plan on October 3, 2017. The plan, beginning on December 17, 2017, will provide a greater hiring frequency and additional training flexibility with the implementation of "Quarterly SCHP Advanced Training." The plan eliminates the need for pre-academy training; provides for twelve (12) weeks Basic Law Enforcement (BLE) training and four (4) weeks of SCHP Advanced Training for both non-certified and pre-certified trainees; increases hiring frequency [five (5) applicants every three (3) weeks]; and allows efficient recycling of trainees.

Implementation of this innovative plan will expand the number of hiring dates, provide for greater hiring flexibility, reduce basic training attrition, improve timeliness of transition from training academy to field operations, and decrease training cost. This plan will efficiently reduce the amount of overall training time by reducing identified training redundancies and proactively doubling the number of SCHP Training Classes; thus, reducing the number of vacancies that currently exist between patrol classes as the agency continues to strive to improve operational readiness of the Patrol.

RECOMMENDATIONS 2A AND 2B

The agency has streamlined the OPR review and disciplinary action determination process. Going forward, the OPR will assume a heavier role in pushing cases through the review process and eliminate some of the duplicative efforts of HR. Specifically, completed investigations will be forwarded directly to the applicable division director for review and determination of discipline. If the division head believes that a DRC is necessary, a meeting will be convened to discuss any appropriate disciplinary action based on discipline history and list of comparatives.

RECOMMENDATIONS 3A, 3B, AND 3C

As of September 20, 2017, the DRC process has been significantly modified. DRC meetings will now occur on a regular basis every two weeks (if necessary). The findings of the

DRC will be documented by the OPR. The director is no longer a member of the DRC; he has delegated authority to the OPR chief to serve as the chair of the committee. The DRC will now consist of the OPR chief, the division director of the affected employee, the General Counsel, and the HR director. Additionally, an OPR investigator for PR cases or a Troop Captain for DI cases, will staff the case for the DRC and be available to address follow up questions. The agency also plans to amend its discipline policy to formalize the DRC.

RECOMMENDATION 4A, 4B, AND 4C

While the agency believed that the positive results obtained in the State Employee Grievance process demonstrated the appropriateness of its grievance procedures, the agency is always willing to critically self-analyze and seek improvement. In this spirit, the agency recently revised its grievance procedure as detailed in the attached memorandum dated September 20, 2017. Following imposition of disciplinary action, an employee whose discipline is grievable may initiate a Step One Hearing. For law enforcement, the Step One Hearing will be conducted by the Colonel of the SCHP for STP officers and by the Colonel of the STP for SCHP officers. Step One Hearings for civilians and other law enforcement divisions can be conducted by either the SCHP or STP Colonel. The director's first involvement in the disciplinary process for non-directly supervised employees (all employees except for ELT members) will occur at the Step Two Hearing. This new system allows three separate executive reviews of the disciplinary decision by three different employees.

RECOMMENDATIONS 5A AND 5B

The OPR has an investigator scheduled to attend Institute of Police Technology and Management (IPTM) training February 12-16 2018. As the fifth investigator has recently retired, all OPR investigators will be trained in internal investigations by this date. Notably, there is no legal requirement for investigators to be trained, but the agency has voluntarily undertaken this training and also requires its OPR investigators to participate in a field training program before beginning investigations.

Additionally, the agency intends to provide training and an overview of the investigatory process to all supervisory staff involved in the disciplinary process.

OTHER REFORMS

Though not in direct response to Report recommendations, the agency has implemented other reforms which should alleviate some of the concerns raised in the Report:

On September 27, 2017, the agency implemented a revised exit interview process designed to increase the response rate from separating employees. Additionally, the HR director will prepare quarterly reports to the ELT summarizing trends from the surveys that will assist in identifying why quality employees leave.

The agency has recently focused its budget requests on addressing perceived issues with outdated equipment. In recent years, the agency has sought funding for new vehicles and

computers. Budget requests for the upcoming year include a focus on new technology that will continue to modernize our law enforcement efforts.

Sincerely,

Leroy Smith
Director

Enc.

South Carolina Department of Public Safety

MEMORANDUM

TO: Executive Leadership Team

FROM: Director Leroy Smith

DATE: September 20, 2017

RE: Delegation of Authority

Pursuant to Policy No. 400.08 (Disciplinary Action), "[a]ll suspensions, demotions, involuntary reassignments or terminations require the approval of the director or the director's designee prior to the discipline being administered." As of today's date, I am delegating my authority to approve suspensions, demotions, involuntary reassignments and terminations to the appropriate Division Directors.

Additionally, I would like to announce a change to the Step One Hearing process. Currently, the grieving employee's Division Director conducts the Step One Hearing. Policy 400.10 (Grievance) specifies that a Step One Hearing should be conducted by the "appropriate department representative." Henceforth, Step One Hearings shall be conducted by one of the Deputy Directors (South Carolina Highway Patrol ("SCHP") Colonel/South Carolina State Transport Police ("STP") Colonel) along with other appropriate agency personnel. The determination of which Deputy Director will conduct the hearing will be based on the employee's division.

- SCHP employee-STP Colonel;
- STP employee-SCHP Colonel; or
- any other SCDPS employee-either STP Colonel or SCHP Colonel.

Following the Step One Hearing, the Deputy Director shall determine whether to accept, reject or modify the disciplinary action taken against the employee.

Finally, I wish to formalize a portion of the Disciplinary Review Committee ("DRC") process. DRCs shall be scheduled to occur every other week (if needed) on a mutually agreed upon date and time and shall be chaired by the Chief of the Office of Professional Responsibility.

LS/mg/bb

10311 Wilson Blvd. Blythewood, SC - US Mail: P.O. Box 1993 Blythewood, SC 29016

IMPROVEMENTS IN AGENCY OPERATIONS UNDER DIRECTOR SMITH'S TENURE TO DATE

On December 19, 2016, Director Leroy Smith received the distinguished Order of the Palmetto Award from then-Governor Nikki Haley. The Order of the Palmetto is South Carolina's highest civilian honor. This award was in recognition of Director Smith's extraordinary work and dedication to the citizens of the Great State of South Carolina.

The following items represent improvements in South Carolina Department of Public Safety operations since Director Smith has served as the Director of the department:

OPERATIONAL

✓ Implemented Target Zero Initiative

- For the sixth year in a row, South Carolina has topped a 90 percent safety belt usage rate. This year's safety belt survey results (2017) show that South Carolina now stands at a 92.3 percent usage rate, down slightly from last year at 93.9. However, this year's usage rate represents the second highest safety belt compliance rate in our state's history. The highest was last year at 93.9%.
- Through a joint effort between SCDPS and the South Carolina Department of Transportation (SCDOT), the Target Zero Enforcement team (TZT) was created and announced via press release, press events, and internal memorandum. The purpose of TZT is to reduce fatalities and injuries in high crash corridors identified by SCDOT. The team is comprised of 24 enforcement officers assigned to four regions throughout the state. In collaboration with SCDOT, SCDPS supports and enhances roadway safety in and around SCDOT-identified work zones by providing proactive enforcement activity through the Safety Improvement Team (SIT) which is comprised of 24 enforcement officers assigned to four regions throughout the state.

✓ Directed Active Shooter Training for All Employees

- After the Sandy Hook shootings, DPS implemented active shooter for all of its troopers and officers. Other agencies participated in the training, and all of DPS law enforcement personnel (enforcement troopers and officers) received a refresher course in 2016. DPS is trained and prepared to assist state and local law enforcement in the event of an active shooter incident.

✓ Implemented Staff Inspections Process Changes

- The process now includes interviews with a minimum of 25% of assigned personnel. These interviews allow personnel to provide insight into perspectives on issues such as morale, job satisfaction, employee relations, operational effectiveness, etc.

✓ Directed the agency's response to the following events:

- 1,000 Year Flood (October 2015): SCDPS law enforcement personnel worked tirelessly around the clock during the "1,000 Year Flood" to not only ensure the safety of countless South Carolinians, but partnered with the South Carolina Department of Transportation (SCDOT) in the following weeks to provide accurate roadway data to ensure SCDOT could provide engineering and resources to respond to roadway damage accordingly.
- South Carolina Highway Patrol Honor Guard removed Confederate Flag; carried casket of Senator Clementa Pinckney at funeral, visitation, and lying-in-state at Statehouse: the elite unit represented not only DPS but our state professionally.
- Led Safety/Security efforts at Statehouse during protests stemming from Emanuel Nine shootings; post-Ferguson tensions; and Black Lives Matters movement. DPS provided security/traffic control for Emanuel Nine funerals.
- High-profile incidents: Sean Groubert Shooting (on Broad River Road) from 2014– kept public and media updated to reduce/prevent racial tension in community. Released in-car video quickly and

answered questions from public and media, and ensured a swift resolution on the administrative side. The department received kudos nationwide for handling of the case.

- HP, STP, BP, and Immigration work together to complement and augment resources especially during protests of summer 2015, KKK/Black Panther rally, sustained staffing at Statehouse during the summer of 2015.

✓ Ordered Cultural Professionalism Training

- With the assistance of the Department of Justice's Office of Community Oriented Policing Services, the SCHP hosted a Train-the-Trainer class for all state level law enforcement agencies. This training provides guidelines to law enforcement professionals regarding racially biased policing and, as equally important, to the perceptions of its practice.

✓ Implemented and directed PIT Maneuver Procedure Training

- The PIT maneuver, or precision immobilization technique, is a pursuit tactic by which a pursuing car can force a fleeing car to abruptly turn sideways, causing the driver to lose control, spin, and come to a stop. The objective of training SCDPS officers in PIT is to give the officers an intermediate force option which can safely end a pursuit when the pursuit is immediately dangerous and ongoing. (When conducted properly, the PIT is designed to terminate a pursuit, which should result in only minor damage to the patrol car and suspect vehicle, as well as no injury to the officer or suspect.)

✓ Created Mobile Data Use (e.g., e-citation, e-collision)

- Troopers are now able to conduct more of their business remotely without spending time coming to the office. This allows for more time focused on enforcement/visibility.
- The current funded components of mobile data include the following:
  - Wireless internet in all DPS law enforcement vehicles (implemented);
  - Electronic collision and ticket reporting from the vehicle (we're only in the pilot phase of the ticket reporting, but the electronic collision reporting is fully implemented);
  - Computer aided dispatch in the vehicles (close to implementation); and
  - Ability of officers to conduct driver's license, vehicle license, and criminal checks from their vehicles (close to implementation).

✓ Enhanced Civil Emergency Response Training

- Local/national/international media coverage of events of 2015:
  - South Carolina Highway Patrol Honor Guard removed Confederate Flag; carried casket of Senator Clementa Pinckney at funeral, visitation, and lying-in-state at Statehouse: the elite unit represented not only DPS but our state professionally;
  - DPS provided security/traffic control for Emanuel Nine funerals,
  - HP, STP, BP, and Immigration work together to complement and augment resources especially during protests of summer 2015, KKK/Black Panther rally, sustained staffing at Statehouse during the summer of 2015;
- A-CERT (Advanced Civil Emergency Response Team) assisted with security at the Republican National Convention in Cleveland, Ohio.
- Provided Mobile Field Force Training
  - Following events in Ferguson, tensions in the nation have built between law enforcement and segments of the population. SCDPS has trained all its enforcement troopers and officers to respond to civil emergencies to safely and effectively diffuse situations before they escalate.

✓ Implemented State Transport Police Automated License Plate Reader

✓ Initiated Weigh-in-Motion Implementation

- The State Transport Police (STP) has two weigh-in-motion facilities. One on I-85 in Anderson County and one on I-95 North in Dorchester County. These facilities give officers the ability to detect safety

violations on commercial trucks that could lead to deadly collisions on the highways. STP can also better regulate truck traffic passing through the area because trucks are weighed and have their credentials screened against federal and state safety standards while they are still moving at speed on the interstate. This technology is called weigh-in-motion.

- ✓ Ordered training for all personnel holding the rank of First Sergeant and above on properly conducting District Investigations (DI)
- ✓ Enhanced Vehicle and Foot Pursuit Policy
- ✓ Approved Weapons Transition (Glock)
- ✓ Approved Use of Approved Personally-Owned Rifles
- ✓ Implemented Random Drug Testing Program
- ✓ Implemented Domestic Violence Policy
- ✓ Updated Workplace Violence Policy
- ✓ Directed Office Renovations (Troop 2 (Post C), Troop 3, Troop 4, Troop 6, Troop 7)
- ✓ Simplified Freedom of Information Act (FOIA) Request procedures
    - Freedom of Information Act (FOIA) requests – The agency has worked to simplify request procedures, increase turnaround time, and streamline processes. FOIA requests have increased over the years;
    - DPS has a positive and proactive working relationship with the media. We have around 5,500 media contacts/interviews per year through our Communications Office/Community Relations Officers;
- ✓ Supported CALEA Re-Accreditation (7/1/2016)
    - The South Carolina Department of Public Safety is a nationally accredited law enforcement agency through the Commission on Accreditation for Law Enforcement Agencies (CALEA). On Saturday, July 30, 2016, in Baltimore, Maryland, Director Smith had the privilege of appearing before the Commission on Accreditation for Law Enforcement Agencies (CALEA) to once again describe DPS's successes and challenges. The process of CALEA Accreditation begins with a rigorous self-assessment, requiring a review of policies, practices, and processes against internationally accepted public safety standards. The decision to accredit is rendered by a governing body of twenty-one Commissioners following a public hearing and review of all reporting documentation.
    - The South Carolina Department of Public Safety has been awarded CALEA Law Enforcement Accreditation effective August 1, 2016, for the seventh time. This award will remain in effect for four years.

ORGANIZATIONAL

- ✓ Created a TEAM DPS concept where the mindset is "DPS" and not just SCHP, STP, BPS, or IEU. This "teamwork" concept was especially critical during the events of 2015 at the Statehouse and the 1000 Year flood, as well as our response to Hurricane Matthew.
- ✓ Formed the Communications Office
- ✓ Consolidated Office of Highway Safety and Office of Justice Programs to form SCDPS' Office of Highway Safety and Justice Programs
- ✓ Immigration Enforcement Unit
    - Developed immigration enforcement training programs to be offered to local law enforcement agencies; assist local law enforcement agencies with proper implementation, management and enforcement of applicable immigration laws
- ✓ Consolidated Telecommunications Centers (4)
    - DPS once operated 13 Tele-Communications Centers around the state. The agency has worked diligently over the years to consolidate these centers to improve efficiency and reduce costs. The state currently operates four in the major metro areas.

- Blythewood
- Charleston
- Florence
- Greenville

✓ Formed the Office of Strategic Services, Accreditation, Policy, and Inspections

INITIATIVES

✓ Implemented Passenger Carrier Safety Day

✓ Implemented Commercial Motor Vehicle (CMV) Safety Fair

✓ Formed Community Advisory Councils (7)

- The SCDPS Community Advisory Council (CAC) was created in January 2015 as a way to effectively and proactively connect with the citizens of our communities throughout the state on a grassroots level with the goal of strengthening our services to the citizens we serve. This council is a partnership between the community and SCDPS.
- The Council is composed of members who represent diverse demographics and occupations in their respective communities throughout each geographical Troop. There are seven Community Advisory Councils within DPS—one in each SCHP's geographical troop.
- The Councils have been active this past year, working with the Department of Public Safety on issues of concern and to share insights and recommendations that could positively foster and impact relationships between SCDPS and the community.
- SCDPS also provided Active Shooter Training for the CAC members.

✓ Implemented Lunch Buddies Program

- Lunch Buddies is another mentoring program started by DPS to provide students a positive way to interact with and get to know the law enforcement that serves their communities.
- During this program, our troopers eat lunch with children at elementary and middle schools in their communities, again to engender a positive perception of law enforcement with children and young people and to break down barriers in communities.

✓ Implemented "Today's Youth Tomorrow's Leaders" (TYTL) Mentoring Program

- The concept behind TYTL is to foster positive interaction between the participant (youth) and law enforcement; to mentor and help instill in youth important life skills.

✓ Implemented Director's Walk (Health Initiative)

✓ Improved Recruiting

- Made changes in Employment and Recruiting process to streamline and make it easier to get applicants through the system;
- Outfitted three patrol vehicles assigned to recruiters to be utilized statewide in the effort to proactively recruit candidates;
- Revamped recruiting efforts to team recruiters up with Community Relations Officers to expand the venues they are able to reach;
- Recruiting campaign included billboards, business cards with benefit information for troopers to hand out; and
- New recruiting materials, updates on web site/signage.

✓ Created and enhanced social media presence for the agency (Facebook, Periscope, Twitter, Nixle, Instagram, Flickr)

- SCDPS expanded its use of social media to communicate safety messages and traffic information. All Community Relations Officers (CROs) have begun using Twitter, which was especially helpful for communicating with the public and media during the flood. Social media allows an avenue to take our

message directly to the public. Sergeant Bob Beres (commonly known as Trooper Bob) began communicating about safety issues using "emoji" language on Twitter. This concept caught on. Soon, the department expanded the emoji concept to its Sober or Slammer campaign and for the first time used emojis on billboards and through alternative media such as ice box wraps, box trucks, high school athletic tickets, and later, a television commercial featuring the emoji billboard brought to life.

- The State Transport Police has also begun using Twitter to communicate commercial motor vehicle safety.
- The Communications Office has used Facebook Live and Twitter's Periscope to transmit live during Bike Weeks and to assist with Recruiting efforts. This has helped the public get to know more about our agency, its employees, and the services we offer. We also use Facebook to upload safety videos.
- Each Tuesday, the department communicates traffic laws and "rules of the road" through graphics and a feature we have named "Target Zero Tuesday." These items generate interest, typically get a number of "shares" and encourage conversation about highway safety in the social media world and beyond.
- Social media has also been a great tool for promoting the heroic efforts and good deeds of our law enforcement. This is especially important right now because of tensions between law enforcement and the communities they serve. We need to see law enforcement in a positive light.

ADMINISTRATIVE

✓ Ordered SCEIS Time Entry Enforcement
✓ Approved Pay Incentive for Law Enforcement Personnel

- To attract and retain the most highly qualified and motivated public servants, DPS recognized that we must be competitive with other law enforcement agencies in our state and the Southeast.
- For many years now, salaries for our troopers and officers have fallen behind other law enforcement agencies in our state and region. This inequity impacts not only our ability to attract and recruit the very best to complement our ranks, but has a negative effect on retention down the line. Additionally, over the years various pay inequities have developed in our supervisory ranks.
- In 2015, SCDPS instituted a play plan to address these longstanding inequities.
- September 2015: Starting salary for *entry level* troopers and officers increased from $31,154 to $37,069.
- *Current* troopers/officers' salaries increased as well to achieve this minimum salary level.
- Starting salary for South Carolina-certified officers with three years of active law enforcement experience increased from $37,695 to $40,775. *Current* troopers/officers with three years of experience were increased to this level as well.
- July 2016: The General Assembly gave a 3.25 percent pay increase.
- With regard to our law enforcement officers, it is important that we continue to maintain this progress and incorporate the 3.25 percent pay increase into our existing career path plan, which means new hires will benefit and not fall behind their peers as they progress through the rank structure. In addition, this new career path pay plan will apply to future promotions as well.
- This raised current starting salary to: $38,273; and pre-certified to $42,100.

✓ Implemented Information Security Program
✓ Implemented IA-Pro (Office of Professional Responsibility database)

AWARDS, CEREMONIES, MEMORIALS, AND PROMOTIONS

✓ Implemented Promotional Ceremonies
✓ Implemented Public Servant of the Year Ceremony

- ✓ Approved the creation of the following awards to recognize agency personnel:
    - Going the Extra Mile (GEM) Award
    - Medal of Valor Award
    - Purple Heart Award
    - Exceptional Services (Hero) Award
    - Immigration Enforcement Unit's E-A-G-L-E Award
    - Telecommunications Operator of the Year Award
- ✓ Created a Memorial Wall honoring Troopers killed in the line-of-duty (The Memorial Wall is located at Blythewood Headquarters)
- ✓ Worked with SCDOT and General Assembly to commemorate lives of fallen troopers through roadway naming/highway dedication in their honor;