

# *Law Enforcement and Criminal Justice Subcommittee Meeting*

Wednesday, October 27, 2021

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# AGENDA

South Carolina  
House of Representatives



**Legislative Oversight Committee**

***LAW ENFORCEMENT AND CRIMINAL JUSTICE SUBCOMMITTEE***

*The Honorable Chris Wooten, Chairman*

*The Honorable Kimberly O. Johnson*

*The Honorable Josiah Magnuson*

*The Honorable John R. McCravy, III*

***Wednesday, October 27, 2021***

***10:30 a.m.***

***Room 321, Blatt Building***

***Pursuant to Committee Rule 6.8, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.***

**AGENDA**

- I. Approval of Subcommittee Meeting Minutes**
- II. Discussion of the study of the Department of Probation, Parole, and Pardon Services**
- III. Update on Department of Juvenile Justice operations by Interim Director**
- IV. Adjournment**

# MEETING MINUTES

*Chair Wm. Weston J. Newton*

*First Vice-Chair:  
Joseph H. Jefferson, Jr.*

## **Legislative Oversight Committee**

*Kambrell H. Garvin  
Rosalyn D. Henderson-  
Myers  
Jeffrey E. "Jeff" Johnson  
John R. McCravy, III  
Adam M. Morgan  
Melissa Lackey Oremus  
Marvin R. Pendarvis  
Tommy M. Stringer  
Chris Wooten*



**South Carolina House of Representatives**

*Gil Gatch  
William M. "Bill" Hixon  
Kimberly O. Johnson  
Josiah Magnuson  
Timothy A. "Tim" McGinnis  
Travis A. Moore  
Russell L. Ott  
Michael F. Rivers, Sr.  
John Taliaferro (Jay) West, IV*

*Jennifer L. Dobson  
Research Director*

*Cathy A. Greer  
Administration  
Coordinator*

**Post Office Box 11867  
Columbia, South Carolina 29211  
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**Room 228 Blatt Building**

*Charles L. Appleby, IV  
Legal Counsel*

*Lewis Carter  
Research Analyst/Auditor*

*Riley E. McCullough  
Research Analyst*

## **Legislative Oversight Committee**

**Thursday, August 26, 2021  
Blatt Room 110**

### **Archived Video Available**

- I. Pursuant to House Legislative Oversight Committee Rule 6.7, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

### **Attendance**

- I. The Law Enforcement and Criminal Justice Subcommittee meeting was called to order by Chair Chris Wooten on Thursday, August 26, 2021, in Room 110 of the Blatt Building. Rep. Kimberly O. Johnson attended in person. Rep. Josiah Magnuson attended virtually. Rep. John R. McCravy, III was absent.

## Minutes

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings.

## Approval of Minutes

- I. Representative makes a motion to approve the meeting minutes from the July 27, 2021, meeting. A roll call vote was held, and the motion passed.

<b>Rep. Johnson's motion to approve the meeting minutes.</b>	Yea	Nay	Not Voting
Rep. K. Johnson	✓		
Rep. McCravy			✓ (NP)
Rep. Magnuson	✓		
Rep. Wooten	✓		

## Discussion of Department of Probation, Parole and Pardon Services (PPP)

- I. Chair Wooten reminds all others placed under oath at prior meetings that they remain under oath.
- II. Chair Wooten places the following board members under oath:
  - a. Heyward Hinton, Associate Deputy Director for Legals and Policy Management;
  - b. Katrina Suber, Director of Privacy and Risk Management; and
  - c. Marsha Lester, Chief Information Officer.
- III. Ms. Debbie Depra Curtis, Director of Victim Services, Mr. Heyward Hinton, Associate Deputy Director for Legals and Policy Management, and Mr. Ben Aplin, Director of Legals and Policy Management, present information about the agency's victims services and other executive deliverables.

### Overview

- a. Agency Mission
- b. Agency Organization Chart
- c. Office of Victim Services Organization Chart
- d. Victim Population
- e. Number of Victims Associated w/ Active Offenders for FY2016-2020
- f. Number of Victims Associated with Parole Eligible Inmates
- g. Division duties
- h. Virtual parole/pardon hearings

- i. Parole/Pardon remote hearing sites
- j. Domestic Violence Specialized Caseload Counties map
- k. Division staff training
- l. Community Outreach

Deliverables

- m. Victims' Bill of Rights
- n. Victim Information and Notification
- o. Notification letters sent to victims FY2016-2020 line graph
- p. Monitoring Restitution Payments
- q. Steps to Restitution Flow Chart
- r. Form for Victim Registration for Notification of Hearings
- s. Form for Victim Registration (Probation Cases)
- t. Administrative Recommendations
- u. Law Change Recommendation #4
- v. Victim Services Coordinating Council
- w. Office of Victim Services Future Programs

Other Executive Deliverables

- x. Data Security Breach Response
- y. Sale of Equipment

Commissions and Collaborations

- z. Sexually Violent Predator Review Team
- aa. SC Sentencing Guidelines Commission (dissolved)
- bb. Pilot Programs to Create Innovation

Subcommittee members ask questions, which applicable agency personnel answer.

**Adjournment**

- I. There being no further business, the meeting is adjourned.

# STUDY TIMELINE

The House Legislative Oversight Committee's (Committee) process for studying the Department of Probation, Parole, and Pardon Services (agency) includes actions by the full Committee; Law Enforcement and Criminal Justice Subcommittee (Subcommittee); the agency; and the public. Key dates and actions are listed below in Figure 1.

## Legislative Oversight Committee Actions

- December 5, 2018 – Holds **Meeting #1** and prioritizes the agency for study
- January 9, 2019 – Provides the agency notice about the oversight process
- February 27 – April 1, 2019 - Solicits input about the agency in the form of an online public survey
- August 13, 2019 – Holds **Meeting #2** to receive public testimony about the agency

## Law Enforcement and Criminal Justice Subcommittee Actions

- May 6, 2021 - Holds **Meeting #3** to discuss the agency's vision; mission; director responsibilities; organizational structure; history; and general information about finances and employees
- June 8, 2021 – Holds **Meeting #4** to discuss the agency's field operations divisions and services provided by that division
- June 22, 2021 – Holds **Meeting #5** to continue discussion of the agency's field operations divisions and services provided by that division
- July 27, 2021 - Holds **Meeting #6** to discuss the agency's field operations divisions and services provided by that division and discuss the agency's paroles, pardons, and release services division
- August 26, 2021 - Holds **Meeting #7** to discuss the agency's victim services division and additional services provided by its executive division
- October 27, 2021 - Holds **Meeting #8 (TODAY)** to discuss agency's paperless office project, and remaining member questions and recommendations and findings for the study report

## Department of Probation, Parole, and Pardon Services

- March 31, 2015 - Submits its **Annual Restructuring and Seven-Year Plan Report**
- January 12, 2016 - Submits its **2016 Annual Restructuring Report**
- September 2016 - Submits its **2015-16 Accountability Report**
- September 2017 - Submits its **2016-17 Accountability Report**
- September 2018 - Submits its **2017-18 Accountability Report**
- September 2019 - Submits its **2018-19 Accountability Report**
- June 12, 2019 - Submits its **Program Evaluation Report**
- September 2020 - Submits its **2019-20 Accountability Report**
- January 27, 2020 - Submits updates to its **Program Evaluation Report**
- December, 2018 - Present - Responds to Subcommittee's inquiries

## Public's Actions

- February 27 – April 1, 2019 - Provides input about the agency via an **online public survey**
- Ongoing - Submits written comments on the Committee's webpage on the General Assembly's website ([www.scstatehouse.gov](http://www.scstatehouse.gov))

Figure 1. Key dates in the study process.



## AGENCY SNAPSHOT

# Department of Probation, Parole and Pardon Services



Figure 2. Snapshot of the agency's major organizational units, fiscal year 2017-18 resources (employees and funding), successes, and challenges.<sup>1</sup>

# AGENCY PRESENTATION – E-FILING





**Schwann Hopkins**  
Regional Director  
30 years



**Michaela Talley**  
Agent-in-Charge  
24 years



**Gregory Whittaker**  
Regional Program Administrator  
15 years



**William Speaks**  
Application Development Manager  
20 years

# E-File Process



- **Objectives**
- **Creation**
- **Implementation**



# SC SUPREME COURT ORDER

## 2021-07-08-01

### The Supreme Court of South Carolina

Re: Automation of the General Sessions Sentencing Sheet Process

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#### ORDER

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After gathering input from stakeholders and in an effort to produce clear and concise criminal sentencing information, I find it prudent to automate the General Sessions sentencing sheet process.

Pursuant to the provisions of Article V, Section 4 of the South Carolina Constitution,

IT IS ORDERED that an automated sentencing sheet process be established in Lexington County General Sessions court for documenting the disposition of designated criminal cases beginning July 12, 2021. The automated sentencing sheet process will be implemented in other counties pursuant to future Orders of the Chief Justice.

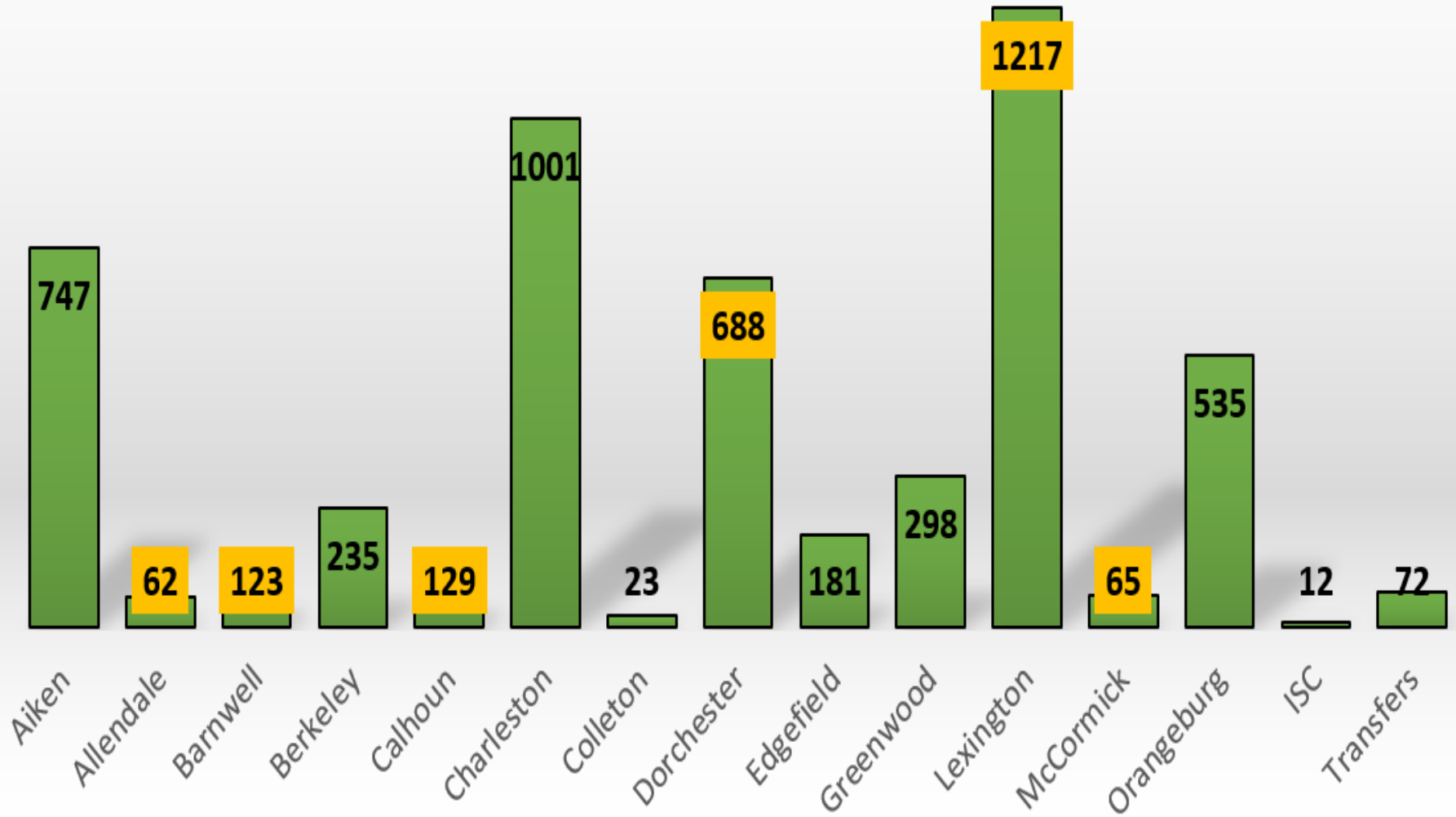
IT IS FURTHER ORDERED that the use of electronic signatures in the format of s/[typed name] is approved for use in the automated sentencing sheet process by judges, attorneys and clerks of court. The defense attorney shall affix the electronic signature of the defendant on behalf of the defendant to the sentencing sheet only upon satisfaction of the trial judge that the defendant consents to that process and knowingly and intelligently waives any constitutional or statutory right that attaches thereto.

s/Donald W. Beatty  
Donald W. Beatty  
Chief Justice of South Carolina

# County E-File Total: 5388

Data as of 10/18/21

(Numbers in yellow boxes indicate counties that have completed the e-filing process.)



# Creating & Maintaining a paper file

## Creating A Paper File

- Sentencing Sheet
- Indictment/Original Arrest Warrants
- Release Certificate (Releasees from SCDC)
- Criminal History
- CIP11
- Conditions of Supervision
- NOSAR Form
- Victim Information
- Project Cease Fire
- Public Service(If ordered)
- Referrals (treatment, anger management,ie)
- Release of Information Form
- DNA Form

## Maintaining The Documentation of Paper File

- All Correspondence from Victims
- Documentation/Progress reports from referral agencies
- Medical Forms
- Violations: Written Warning, Legal Process, 1106,updated Criminal History, and supporting evidence for the violation,
- The History of an Offender's case file can generate an average of sixty sheet of paper, if he/she is on supervision for one case
- Additional paperwork related to the offender's case that may not be listed



# File Storage



# Offender Management System (Summary Page)

Offender

Quick Search

Summary

Schedule

Accounts

Supervision Plan

Supervision Edit

Risk Assessment

Orders

Violations

Forms

Offender Summary

Offenders Name

SEX OFF. - HIGH

Offenders Photo

Arrears Total: \$0.00  
Days at Current Supervision Level: 3183  
E-File Last Updated: 10/13/2021

Alerts 1

+ Expand All - Collapse All

Profile

Main Case

(1) Open Cases

Case Type: Parole

Offense: Assault and battery of a high and aggravated nature (ABHAN) (no longer used)(see 3411, 3412, 3413)

Status: Active

COMPAS Recommendation: S-High

Qualifies for Credits: No

Next Credit Date:

ICA Date:

Core Date: 11/21/2012

Next CSR Date:

# Offender Management System (Forms)

OMS Next

Add Form

Upload Form

Offender

Quick Search

Summary

Schedule

Accounts

Supervision Plan

Supervision Edit

Risk Assessment

Orders

Violations

Forms

Offenders Name

SEX OFF. - HIGH

Arrears Total: \$0.00  
Days at Current Supervision Level: 3183  
E-File Last Updated: 10/13/2021

Alerts 1

35 Forms found.

Group By

Export

Search:

Supplements	View	Edit	Delete	Approve	Source	Form Type	Description - Status	Details	Created By	Created Date	Uploaded	Obsolete	Signed
N/A					ORDER	E1008	NOTICE OF HALLOWEEN RESTRICTIONS	Order Id: 2	Chevis Sheriff	10/18/2021	Yes	No	N/A
N/A					ORDER	1401	1401-Standard Sex Off Cond	Order Id: 2	Chevis Sheriff	10/14/2021	Yes	No	N/A
N/A					OFFENDER	CCH	CCH-Computerized Criminal History	General Forms	Mitchell Adam Ray	10/13/2021	Yes	No	N/A
N/A					ORDER	E1008	Halloween Curfew Notices 2016-2020	Order Id: 2	Mitchell Adam Ray	10/13/2021	Yes	No	N/A
N/A					ORDER	0024	0024 Travel Permit 2017 to 2019 signed	Order Id: 2	Mitchell Adam Ray	10/13/2021	Yes	No	N/A
N/A					ORDER	E1008	Emergency Residence Plan notifications	Order Id: 2	Mitchell Adam Ray	10/13/2021	Yes	No	N/A
N/A					ORDER	E1008	Employment Verification Check Stub 8-30-2015	Order Id: 2	Mitchell Adam Ray	10/13/2021	Yes	No	N/A
N/A					ORDER	E1008	Phycological evaluation 7-16-2012	Order Id: 2	Mitchell Adam Ray	10/13/2021	Yes	No	N/A
N/A					ORDER	LawEnfIncidentRpts	Incident Report Prostitution 8-23-2010	Order Id: 2	Mitchell Adam Ray	10/13/2021	Yes	No	N/A
N/A					ORDER	E1008	habitus corpus paperwork	Order Id: 2	Mitchell Adam Ray	10/13/2021	Yes	No	N/A
N/A					ORDER	E1008	2002 Legal Issue - VASSAR	Order Id: 2	Mitchell Adam Ray	10/13/2021	Yes	No	N/A
N/A					ORDER	1402	1402-Complaint Sex Off Cond	Order Id: 2	Mitchell Adam Ray	10/13/2021	Yes	No	N/A
N/A					ORDER	1401	1401-Standard Sex Off Cond	Order Id: 2	Mitchell Adam Ray	10/13/2021	Yes	No	N/A
N/A					ORDER	E1008	FORM-4 Mail In Reports 2000-to 2001	Order Id: 2	Mitchell Adam Ray	10/13/2021	Yes	No	N/A
N/A					ORDER	E1008	Handwritten Supervision Notes Form 37's 7-12-2000 to 6-20-2001	Order Id: 2	Mitchell Adam Ray	10/13/2021	Yes	No	N/A
N/A					ORDER	0076	0076-intensive - Conditions of Supervision Signed 7-7-2000	Order Id: 2	Mitchell Adam Ray	10/13/2021	Yes	No	N/A
N/A					ORDER	E1008	1172 OSS FORM 7-7-2000	Order Id: 2	Mitchell Adam Ray	10/13/2021	Yes	No	N/A
N/A					ORDER	E1008	Phycological evaluation 6-29-2000	Order Id: 2	Mitchell Adam Ray	10/13/2021	Yes	No	N/A
N/A					ORDER	1015-OMS	1015-OMS Notice of Sex Offender Registry	Order Id: 2	Mitchell Adam Ray	10/13/2021	Yes	No	N/A
N/A					ORDER	E1008	Release card ID	Order Id: 2	Mitchell Adam Ray	10/13/2021	Yes	No	N/A
N/A					ORDER	Form1090	Form1090-Parole Release Certificate	Order Id: 2	Mitchell Adam Ray	10/13/2021	Yes	No	N/A
N/A					ORDER	E1008	Order of parole 6-7-2000	Order Id: 2	Mitchell Adam Ray	10/13/2021	Yes	No	N/A
N/A					ORDER	Ind	Indictment-82-GS-08-00447	Order Id: 2	Mitchell Adam Ray	10/13/2021	Yes	No	N/A
N/A					ORDER	E1008	Parole Case Summary 5-23-2000	Order Id: 2	Mitchell Adam Ray	10/13/2021	Yes	No	N/A

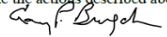
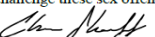
# Electronically Signed form

## 1 South Carolina Department of Probation, Parole and Pardon Services

### Standard Sex Offender Conditions

1. I will register as a sex offender as required by the Code of Laws of South Carolina and as described in the Department's *Notice of Sex Offender Registry*.
2. I will attend, actively participate in, not give cause to be terminated from, and successfully complete any counseling/treatment program, to which I am referred by my agent, which may include polygraph or other treatment related testing, all at my own expense. I waive all rights to confidentiality between myself and my treatment provider, and authorize my treatment provider to disclose to my agent, the Court, the Parole Board, the releasing authority, and/or the hearing officer, information about my attendance and participation in the program. (Must complete Referral Form 1054).
3. I will not have any contact with the victim(s) of my crime, directly or indirectly. This includes but is not limited to physical or face to face contact, contact through letters or written notes, telephone calls, or electronic mail (e-mail), or any contact through a third party, unless such contact is approved in writing by the Court, the Parole Board, or the releasing authority, or the hearing officer. I also will not enter into, travel past, or loiter near a victim's residence or workplace.
4. I will not have any contact with a person under the age of 18, with the exception of my immediate family members and then may only have such contact if approved in advance under conditions set by my treatment provider and my agent. If I have incidental contact with any child, I will be civil and courteous and immediately remove myself from the situation. I will discuss the contact at my next treatment session and will immediately report this contact to my agent.
5. I will not enter into, loiter or work within one thousand (1,000) feet of any area or event frequented by people under the age of 18 including but not limited to: schools, day care centers, playgrounds, arcades, public swimming pools or beaches, shopping malls, theaters, or and festivals, unless approved in advance by my agent.
6. I will not purchase, possess, or use any sexually stimulating or sexually explicit material or device, nor enter into, loiter or work within one thousand (1,000) feet of any place where such material or device is sold or presented as entertainment. This includes but is not limited to adult book stores, sexually explicit internet sites, television services, or telephone services, sex shops, topless bars, strip clubs, and massage parlors.
7. I will permit my agent or a representative of the Department, without a warrant and with or without the assistance of any other law enforcement officer, to search my person, residence, any vehicle I own or have permission to use, and any of my possessions, including computers, cellular telephones, and other electronic devices, for the presence of sexually stimulating or sexually explicit materials or devices prohibited by these conditions, and to seize said materials. Such materials seized shall be considered property of the court, Parole Board, or releasing authority, and shall be safely kept by the Department or other law enforcement agency until any violations concerning the seized materials have been addressed.
8. If permitted by the Department to have computer and internet access, I will abide by the Computer/Internet Use Agreement for Sex Offenders. (Form 1402)
9. I will abide by all curfews as directed by my agent.
10. I will at all times maintain a suitable residence, approved by my agent, which complies with all conditions of my supervision, which may not be within one thousand (1000) feet of any area frequented by people under the age of 18, including but not limited to schools, day care centers, playgrounds, arcades, public swimming pools or beaches, shopping malls, or theaters. I will obtain approval from my agent of my residence and employment and shall obtain prior approval from my agent before changing my residence or employment. I will stay at my approved residence every night and will not sleep or stay overnight anywhere else without prior approval of my agent.
11. I will not consume alcoholic beverages and will submit to alcohol testing as instructed by my agent or treatment provider. I agree that any test results may be used as evidence in any hearing for the violation of the conditions of my supervision and I waive any right to challenge the validity of such results.
12. I will comply with the Department's requirements for any electronic monitoring program which I am ordered to participate in by the Court, the Parole Board, the releasing authority, the hearing officer, or my agent, or as required by statute, all at my own expense.

I have read, or had read to me, the above conditions and I understand their meaning. I have received a copy of these conditions. I accept and agree to these conditions and understand that any violation could result in the Court, Parole Board, or releasing authority revoking my supervision and reinstating my sentence or returning me to prison. If I refuse to accept these conditions, I must immediately ask my agent to bring my case before the Court, Parole Board, or releasing authority where I will request that my term of supervision be revoked and my sentence be reinstated or that I be returned to prison. I understand that, if I have objections to any of the above conditions but fail to timely take the actions described above, I will waive any right I may have to challenge these sex offender conditions at any future proceeding.

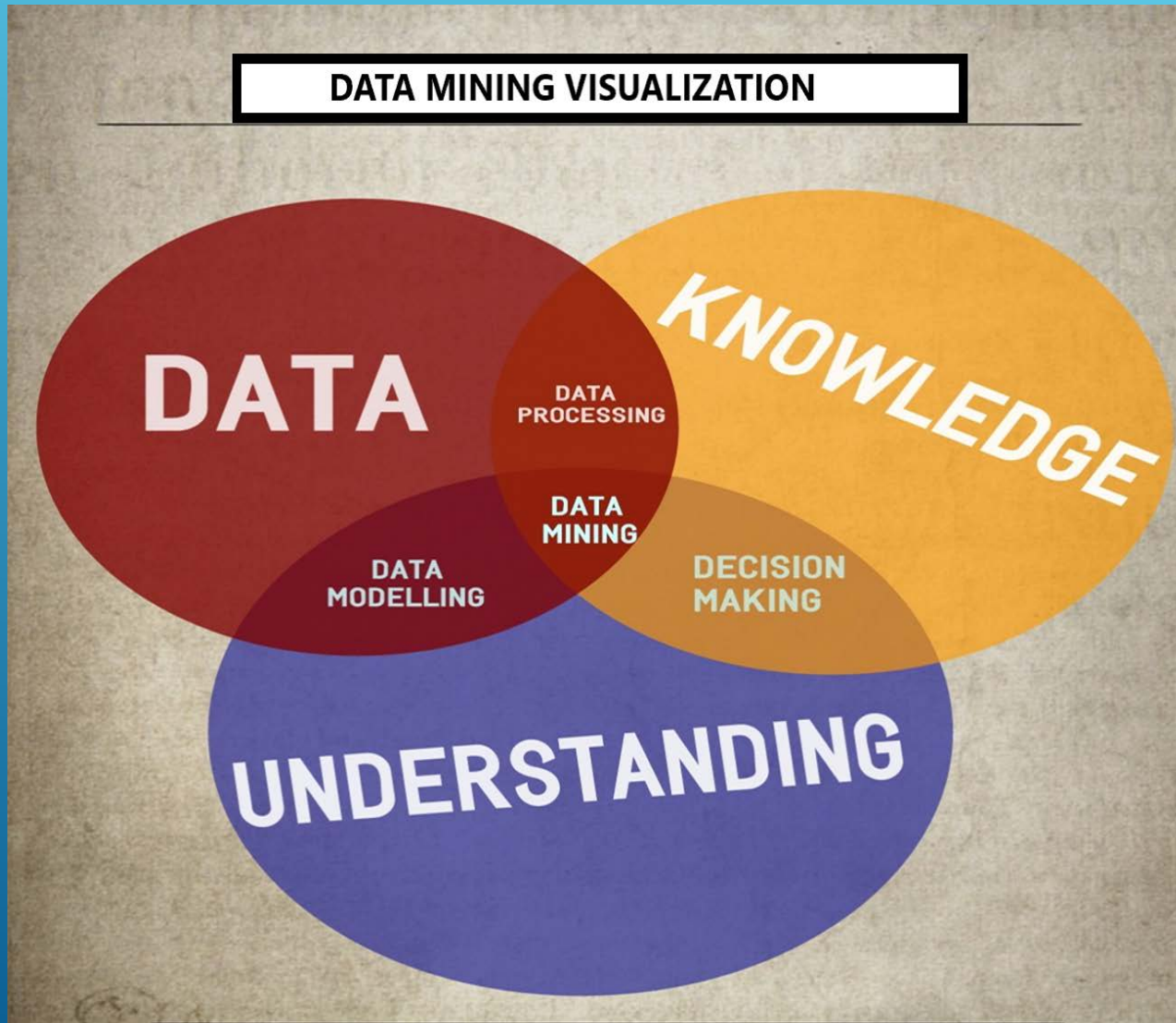
	10/14/21		10/14/21
_____ Offender Name (printed)	_____ Agent Name (printed)	_____ Agent Name (printed)	_____ Agent Name (printed)

## Implementation of the 3 Tier E-Filing Training Process

- Onsite Training
- Web based Training
  - Data Auditing



# Data Auditing



Work Efficiency

Disaster Recovery

Security

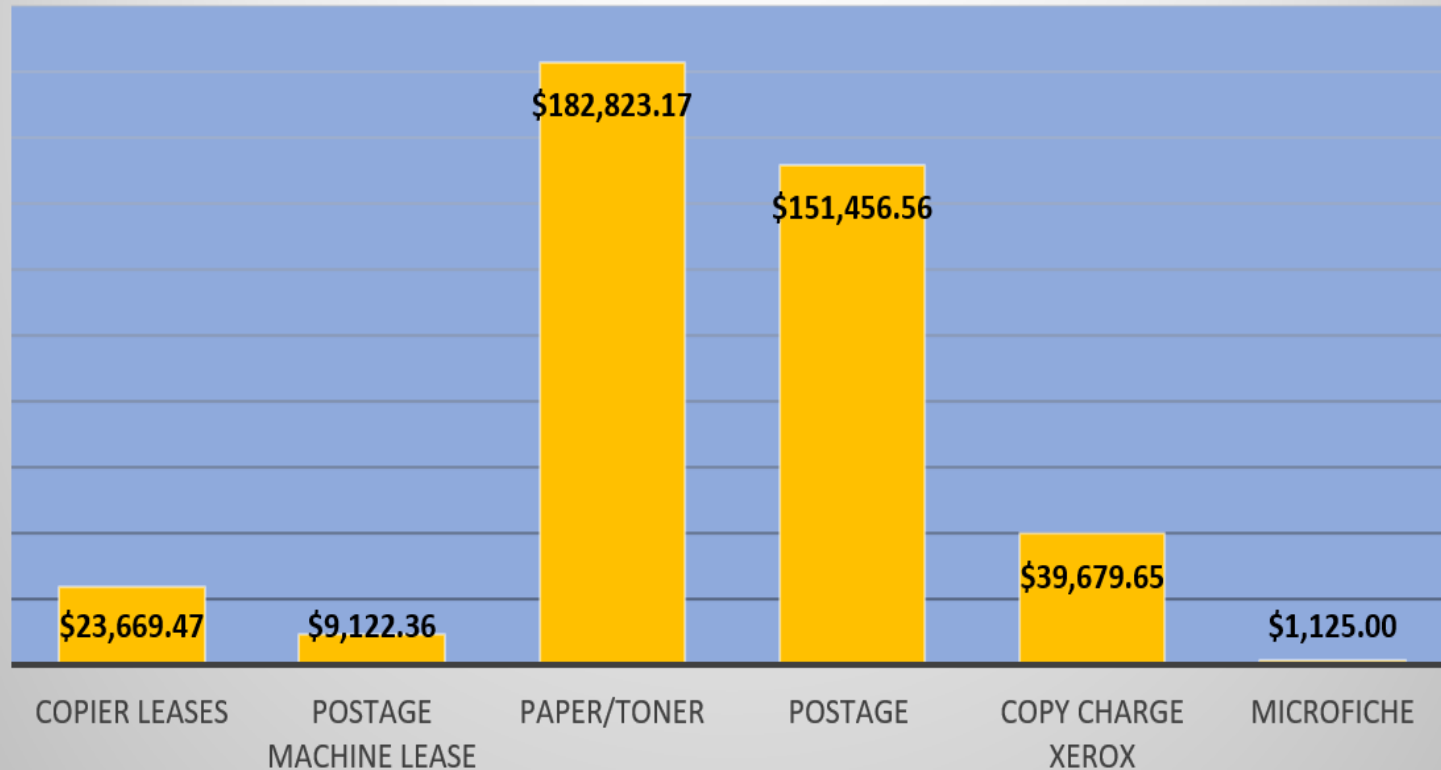
Going Green

Cost

A series of white lines of varying lengths and angles, located on the right side of the slide, extending from the middle to the bottom.

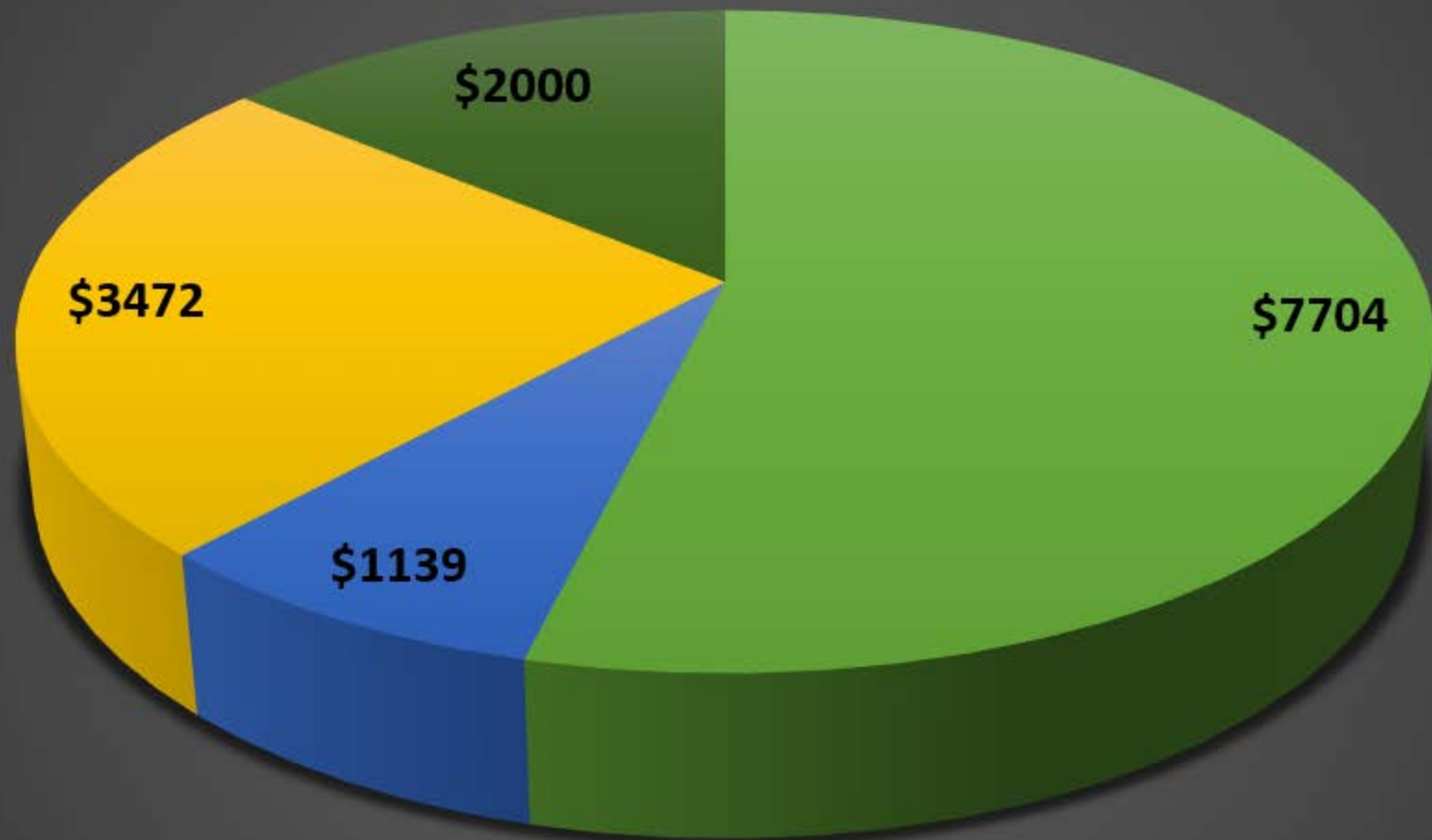
# PROJECTED FUTURE SAVINGS: \$407,876.21

(Based upon fiscal year 2017 /2018/ 2019)





# E-FILE EXPENDITURES 2021



■ SCANNERS (20)

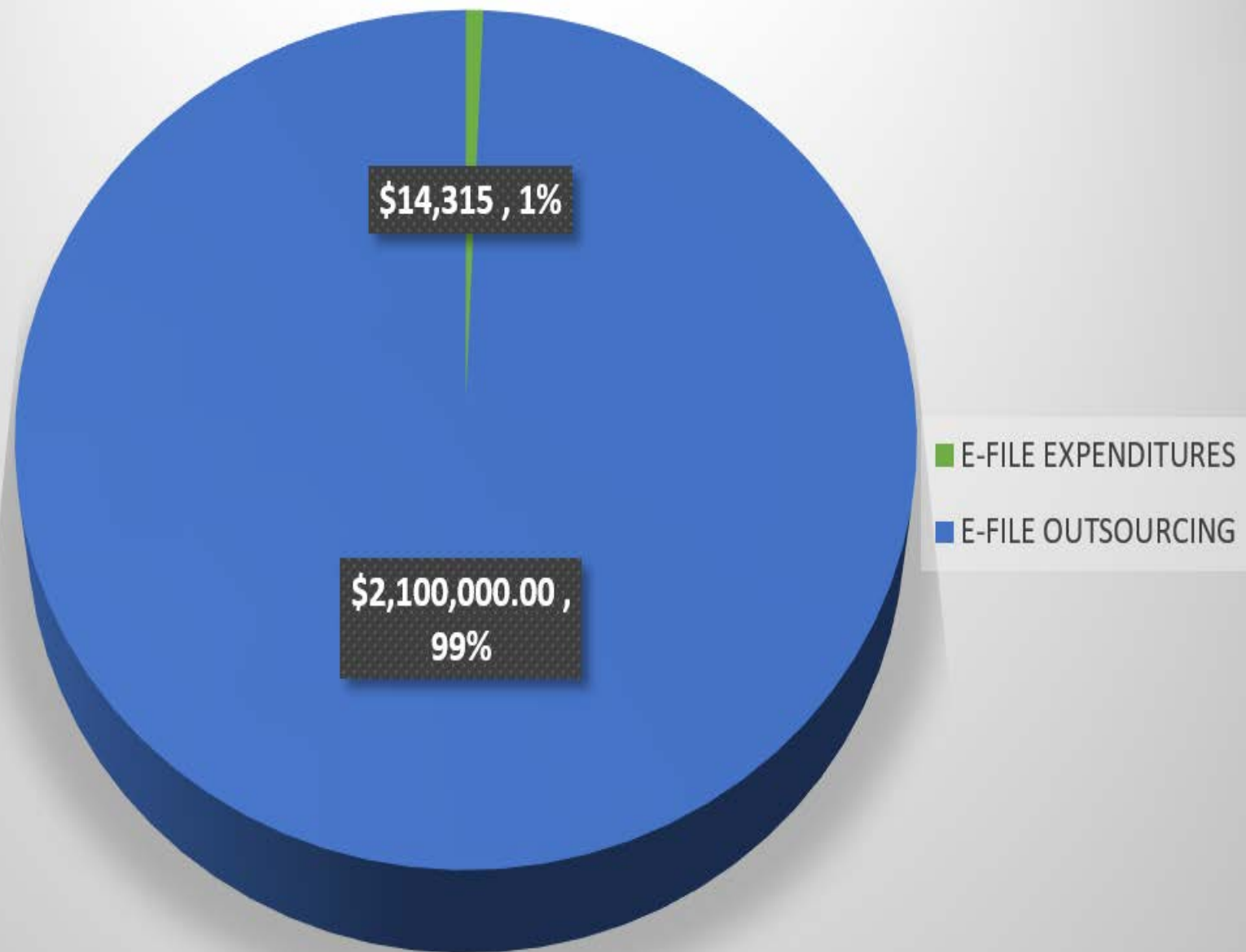
■ STYLUS

■ PDF PRO (20)

■ MISC

**BUDGET: \$14,315.00**

## IN-HOUSE VS. OUTSOURCING





**COST and USAGE**  
**RETENTION POLICY**  
**IT BENEFITS**



***DIRECTOR JERRY ADGER***

***Jerry.Adger@pppp.sc.gov***

# DRAFT POTENTIAL FINDINGS AND RECOMMENDATIONS

## *Findings*

The Subcommittee makes the findings to note information that a member of the public, or General Assembly, may seek to know or on which they may desire to act.

### *General*

1. During the last five years, on average, 38% of offenders were released from the Department of Corrections without any transitional supervision.
2. While PPP reviews offender sentencing sheets to determine which inmates are eligible for parole or community supervision, the Department of Corrections is responsible for calculating when an offender is eligible for initial parole consideration as well as when an offender is eligible for release to mandatory release programs.
3. Law enforcement officers who are not on the front line but are directly and predominately responsible for the supervision of other law enforcement required to preserve public order, protect life and property, and detect crimes may continue to participate in the South Carolina Police Officers Retirement System.

### *Efficiencies*

4. The Department of Administration's facilities management plans related to PPP expect to generate a savings more than \$7 million over the next ten years.
5. PPP spends \$2.2 million annually for manual data reentry; across state government, \$100 million annually is spent on this task.
6. After considering requests from employees and analyzing operations effectiveness during COVID, PPP completed the Department of Administration's Division of State Human Resources' telecommuting toolkit and obtained approval for a telecommuting policy.

### *Effectiveness*

7. PPP's innovation (e.g., paperless county offices, in-house data system, etc.) may be transferable to other state agencies.
8. PPP calculates total operational costs (e.g., taser, body worn camera, vehicle lease, work cell phone) when requesting funding for a new employee.
9. Over 75% of victims do not receive full restitution.
10. Funding PPP did not request and has no control over how it is spent, passed through the agency to an outside entity (e.g., \$750,000 in fiscal year 2020 and \$750,000 in fiscal year 2022).

11. Agencies focus on their own individual operations when purchasing technology (e.g., case management and other data management systems). While understandable, this siloed focus facilitates duplication of efforts across multiple agencies using the same information. If the General Assembly desires increased efficiency across all of state government operations, it will need to create incentives or provide consequences to change current agency purchasing practices.

### *Paroles and Pardons*

12. Parole eligible does not mean an offender is guaranteed parole if certain conditions are met. Parole is at the discretion of the Board of Pardons and Paroles.
13. Under the existing organizational structure, a guarantee of parole cannot be utilized as a reliable method to incentivize good behavior or program participation by inmates at the Department of Corrections.

### *Modernization of Laws*

14. A statute encouraging innovation in state government by the Budget and Control Board, a defunct agency, should be modernized.
15. Some statutory authorizations have not been utilized by PPP (e.g., Home Detention Act).
16. Circumstances (e.g., lack of funding or agency choice if there is no consequence for failure to implement) may exist where some statutory requirements are not implemented by state agencies.
17. The General Assembly may wish to consider including sunset provisions in legislation (e.g., discretionary programs not funded for more than a decade).



## *Recommendations*

The Subcommittee recognizes these recommendations will not satisfy everyone nor address every issue or potential area of improvement at the agency.

### *Recommendations to Department of Probation, Parole, and Pardon Services (PPP)*

#### *Transparency*

1. Update information in the agency's accountability report to match the Program Evaluation Report, or agency current operations and continue tracking applicable data about services, performance, and organization.
2. Post online (i.e., in an easily accessible place for the public) community service (i.e., public service employment) information in a downloadable format.
3. Collaborate with the Revenue and Fiscal Affairs Office (RFA) to determine non-confidential PPP information that may be beneficial to the public if made available in one of RFA's digital applications (e.g., dashboard, locateme).
4. Update and implement agency policy to reflect statutory requirements for personnel to electronically submit reports for the General Assembly to the Legislative Services Agency.
5. Post online and submit to the Committee, after annually collaborating with the Department of Corrections and any other applicable agencies or entities, an updated flow chart illustrating the **incarceration and supervision to release** process (available [here](#)), which was first created as part of this oversight study process.

#### Paroles and Pardons

6. Create and post online (i.e., in an easily accessible place for the public) an "Understanding Paroles" and "Understanding Pardons" document that provides a basic overview of related information and processes (e.g., explanation of what is required in law and what is discretionary; criteria for granting parole; timeline of events between being granted parole and released on parole; why all offenders granted parole may not be released on parole; reasons for rejecting parole; sample documents, etc.).
7. Track information related to pardons going forward as aggregate data (e.g., year; demographics of applicant; whether represented by counsel; etc.) related to past pardons that were granted or denied is unavailable.



## *Efficiency*

### For Victims, Offenders, and their Families

8. **Victim Notification** - Collaborate with the Department of Corrections (SCDC), Board of Juvenile Parole, Attorney General's Office, victim groups, and any other applicable agencies or entities on utilization of a common system to offer an electronic notification option to victims. Within a year, report to the Committee on the discussion that occurred, decisions made, and how victims can expect more consistency in how they receive notifications from state agencies.
9. **Victim Information Repository** - Convene representatives from Department of Corrections, Attorney General's Office, Department of Juvenile Justice, Board of Juvenile Parole, Court Administration, Prosecution Coordination Commission, application developers in the Revenue and Fiscal Affairs Office, and any other applicable agencies or entities, to evaluate potential costs, benefits, and logistics of agreements to enable secure data sharing and/or creation of a centralized directory of information related to victims. Within a year, report to the Committee the steps taken, information gathered, results of analysis performed, and decision of the agencies.
10. **Offender Restitution and Debt Collaboration** - Convene applicable representatives from Department of Corrections, Attorney General's Office, Department of Juvenile Justice, Court Administration, Prosecution Coordination Commission, application developers in the Revenue and Fiscal Affairs Office, and any other applicable agencies or entities to evaluate potential costs, benefits, and logistics of agreements to enable secure data sharing and/or creation of a centralized directory of information related to restitution and debt owed by offenders. Within a year, report to the Committee the steps taken, information gathered, results of analysis performed, and decision of the agencies.
11. **Offender Information Repository** - Convene Department of Corrections, Attorney General's Office, State Law Enforcement Division, Court Administration, Department of Juvenile Justice, Prosecution Coordination Commission, application developers in the Revenue and Fiscal Affairs Office, and any other applicable agencies or entities to evaluate potential costs, benefits, and logistics of agreements to enable secure data sharing and/or creation of a centralized directory of information related to offenders. Within a year, report to the Committee the steps taken, information gathered, results of analysis performed, and decision of the agencies.
12. **Risk Assessment and Programming Collaboration** - Collaborate with the Department of Corrections (SCDC) and any other applicable agencies or entities on objective common recidivism risk assessment methods and program criteria to provide continuity for offenders that transition from supervision at SCDC to supervision with PPP. Within a year, report to the Committee on the discussion that occurred, decisions made, and how there will be more continuity between the methods utilized to determine an offender's level of risk for recidivating, and programs to which the offender will be directed and/or provided credit.

### For Agency

13. Reach, and document, a formal decision on what entity (i.e., Court Administration or PPP) maintains the probation violation order (i.e., Form 9).

14. Work with Court Administration to ensure: (1) forms applicable to PPP operations are included in Court Administration's electronic form project; and (2) communication of information, without the need for manual data reentry, can occur between PPP and Court Administration's data management systems.
15. Collaborate with Revenue and Fiscal Affairs Office to evaluate potential benefits and options for a cost-effective central hub from which agency personnel can realize maximum benefits across PPP's various databases (e.g., reduce/eliminate duplicative manual entry, etc.) as well as information from other agencies that may improve PPP's effectiveness or efficiency. Within a year, report to the Committee the steps taken, information gathered, results of analysis performed, and decision of the agencies.

### *Effectiveness*

16. **Service Provider Directory and Performance Tracking** - Convene Department of Corrections, Department of Juvenile Justice, Prosecution Coordination Commission, Commission for Minority Affairs, Attorney General's Office, application developers in the Revenue and Fiscal Affairs Office, and any other applicable agencies or entities to evaluate potential costs, benefits, and logistics of agreements to enable secure data sharing and/or creation of a centralized directory of information related to outside service providers and results of those that are referred to those providers. Within a year, report to the Committee on the steps taken, information gathered, results of analysis performed, and decision of agencies.
17. **Employer Directory and Performance Tracking** - Convene Department of Corrections, Department of Juvenile Justice, Prosecution Coordination Commission, Commission for Minority Affairs, Department of Employment and Workforce, application developers in the Revenue and Fiscal Affairs Office, and any other applicable agencies or entities to evaluate potential costs, benefits, and logistics of agreements to enable secure data sharing and/or creation of a centralized directory of information related to employers currently employing, or willing to employ, individuals previously convicted and track recidivism of individuals that obtain employment. Within a year, report to the Committee on the steps taken, information gathered, results of analysis performed, and decision of agencies.
18. Collaborate with the Commission on Indigent Defense to ascertain if opportunities exist to create uniformity in information requested of individuals when determining whether they will receive indigent representation and/or hardships while under supervision of PPP. Within a year, provide a report to the Committee outlining the steps taken, information gathered, results of analysis performed, decision of agencies, and list of other state agencies that may waive fees owed to the state due to hardship.
19. As administrative monitoring (i.e., only remaining condition of supervision not completed is payment of financial obligations) has existed for over a decade, provide data from which legislators may determine what impact, if any, the program has had on victims receiving restitution and costs to the agency.

### Agency Staff

20. Require initial and ongoing leadership and/or supervisor training for personnel to attain, and remain in, supervisory roles.
21. Ensure each agency job description includes accurate and current information in the "What knowledge, skills, and abilities are needed by an employee upon entry to this job including any special certification or license?" section.

### Staffing the Board of Pardons and Paroles

22. Provide board members and agency staff involved in parole hearings, training about attorney ethical obligations as it relates to communication with judges and parole board members. Update agency policies to require this as part of staff and board training as the agency is responsible for board training pursuant to statute (i.e., initial and annual).
23. Update initial board training to require each board member (a) affirm acknowledgement of their duties in writing; and (b) prior to first serving on a hearing panel complete all required training, including either observing a real hearing or participate in a mock one.
24. Collaborate with a professor and/or researcher at an academic institution to determine data necessary to evaluate the effectiveness of the parole process considering various potential intents of parole. Track the data for the recommended amount of time, then publish the information on the agency website and submit it to Legislative Services Agency for distribution to the General Assembly and publication on its website.

### *Recommendations to General Assembly*

#### *Modernization of Laws*

25. Consider repealing antiquated statutes (i.e., S.C. Code Sections 24-21-510 and -540) related to PPP's duty to develop and operate a comprehensive community control system and community control centers as recommended by PPP. In 2002, the agency ceased operating the lone center, located in Charleston County, after the General Assembly stopped appropriating funds for its operation; PPP has no plans to seek funding to reestablish the centers.
26. Consider amending S.C. Code of Laws Section 23-3-540(H) (electronic monitoring; reporting damage to or removing monitoring device; penalty) to remove the final sentence, which the S.C. Supreme Court held unconstitutional in *State v. Dykes*, 403 S.C. 499, 744 S.E.2d 505 (2013).
27. Consider repealing antiquated statutes related to PPP's discretionary authority to establish restitution centers (i.e., S.C. Code Sections 24-21-480; 24-21-485; 24-13-730).<sup>Agency Request</sup> In 2018, the agency stopped operating the centers and has no plans to exercise discretionary authority to reestablish the centers. Through enactment of sentencing reform, the General Assembly has focused on alternative means of enforcing the collection of restitution (e.g., administrative monitoring program where only remaining condition of supervision not completed is payment of the financial obligations).
28. Consider authorizing supervised furlough processes (i.e., S.C. Code Sections 24-13-710 and 24-13-720, 24-13-730) to sunset when the last offender has completed the program. This was recommended in the study of the Department of Corrections.
29. Consider repealing the Offender Management System Act (i.e., S.C. Code Sections 24-22-10; 24-22-20; 24-22-30; 24-22-40; 24-22-50; 24-22-60; 24-22-70; 24-22-80; 24-22-90; 24-22-100; 24-22-110; 24-22-120; 24-

22-130; 24-22-140; 24-22-150; 24-22-160; 24-22-170; Reg. 130-10).<sup>Agency Request</sup> The system and any regulations promulgated thereto terminated on July 1, 1995.

### *Recommendations to Board of Pardons and Paroles*

#### *Effectiveness*

30. Analyze current operations and discuss ideas for potential improvements. Within a year, provide the Committee information on changes the board is making internally and recommendations for changes in law that may improve operations (e.g., additional at-large board member, acknowledgement of time commitment prior to accepting position, etc.) with rationale.
31. Establish a process to track hearing attendance for each parole board member and publish the information (e.g., number of hearing days attended by year, noting excused absences) annually on the agency website.

### *Recommendations to Criminal Justice Academy and Law Enforcement Training Council*

#### *Transparency*

32. Work on a data sharing agreement with the Revenue and Fiscal Affairs Office to share publicly available information and provide the Committee a list of data the agency is sharing.
33. Work with applicable entities to create, and implement a policy to annually update, post online, and submit to the Committee (or as part of the Accountability Report), a flow chart showing how each aspect of **offender information** flows through the criminal justice system from investigation through post-conviction and release, including, but not limited to, the different forms and systems to which it is handwritten or typed, and methods of transfer between various entities.

#### *Effectiveness*

34. Over the next three years, obtain input from law enforcement entities, professors, and national associations, and create an optional leadership certification available to law enforcement throughout the state that includes initial and ongoing requirements (e.g., review of incident reports, use of force reports, public contact warning reports, complaints by public, annual online training, etc.) to identify officers that exemplify unbiased behaviors and may excel in supervisory positions. Utilize PPP and others to pilot the program. Within a year, provide the Committee a report on information discussed, decisions made, the plan for creation of the certification and annual status updates.
35. Work on a data sharing agreement with the Revenue and Fiscal Affairs Office to share non-publicly available information for purposes of assisting in research that can be publicly published utilizing aggregated data across agencies.

## *Recommendations to Attorney General's Office*

### *Transparency*

36. Post online and submit to the Committee, after annually collaborating with other applicable agencies, updated flow charts (available [here](#)) illustrating how **victim information** flows through the criminal justice system and the different points of contact entities have with victims, which was first created as part of the oversight study process with PPP.

## *Recommendations to Department of Corrections*

### *Transparency*

37. Work on a data sharing agreement with the Revenue and Fiscal Affairs Office to share publicly available information and provide the Committee a list of data the agency is sharing.

## *Recommendations to Commission on Prosecution Coordination*

### *Transparency*

38. Post online and submit to the Committee, after annually collaborating with Court Administration and other applicable agencies, an updated **crime to sentencing flow chart** (available [here](#)), including addition of applicable forms utilized in the process, which the agency first created as part of its oversight study process.
39. Work on a data sharing agreement with the Revenue and Fiscal Affairs Office to share publicly available information in ways in which the agency is able and provide the Committee a list of data the agency is sharing.

### *Effectiveness*

40. Work on a data sharing agreement with the Revenue and Fiscal Affairs Office to share non-publicly available information for purposes of assisting in research that can be publicly published utilizing aggregated data across agencies.

# DJJ ACTING DIRECTOR TESTIMONY FROM PREVIOUS LEGISLATIVE MEETING

### **Summary of Testimony from DJJ Acting Director Hendrick during Legislative Meeting on October 19, 2021**

Below is a summary of testimony from Department of Juvenile Justice's (DJJ) Acting Director Hendrick and her responses to questions from Senators during the October 19, 2021 Senate Corrections and Penology Subcommittee meeting. Notes were drafted by House Legislative Oversight Committee staff in preparation for the House Legislative Oversight Committee's Law Enforcement and Criminal Justice Subcommittee meeting on October 27, 2021. DJJ Acting Director Hendrick confirmed the information was accurate via email on October 25, 2021.

## Summary of Testimony from DJJ Acting Director Hendrick during Legislative Meeting on October 19, 2021

As of October 19, 2021, Acting Director Hendrick has officially been in her role 28 days.

### Timeline

June 2021

- Governor McMaster requests HR professionals from Department of Administration and various state agencies assist DJJ. Professionals involved include HR Director from Department of Public Safety; Assistant HR Director from Department of Transportation; and HR Director from Department of Corrections.
- Governor McMaster requests finance professionals from Department of Administration assist DJJ.
- Eden Hendrick works with DJJ as part of Department of Administration staff involved in assisting the agency.

September 21, 2021

- Director Pough resigns from DJJ in the morning.
- Governor McMaster names Eden Hendrick the acting director.
- Acting Director Hendrick announces during a staff meeting the following:
  - 1<sup>st</sup> - Plan will be created to transition the offices of employees who provide direct care to juveniles back to behind the fence at BRRRC.
  - 2<sup>nd</sup> - Regionalization plan is on pause, probably indefinitely.
  - 3<sup>rd</sup> - Personnel changes and reorganization of the agency will occur.

October 15, 2021

- Director Pough's last day at DJJ.

### Transition employee offices back to behind the fence

- Employees who provide direct care to juveniles are moving their offices from the Synergy building (approximately 7 minutes away from BRRRC), back to behind the fence in the Goldsmith and other buildings at BRRRC and Shivers Road.
  - When staff were previously behind the fence, all deputy directors were in the Goldsmith building and their associated staff were in different buildings. While in the Synergy Building, deputy directors thought it was beneficial to have their staff nearby. Therefore, when staff move back to behind the fence, deputy director offices will remain near their applicable staff, as much as possible, as opposed to all deputy directors being housed in the Goldsmith building.
- Buildings need some cosmetic work before employees can move back as they were abandoned when employees moved out under the previous administration.
- Director Hendrick is part of the first phase moving back. Her office should be ready October 20 or 21, 2021.
- Desire is for all employees to move back, but still unclear if that is possible. If all employees are not moved back, those with administrative duties will remain in the Synergy Building.
- Moving the majority, or all, employees back to behind the fence will mean DJJ no longer needs to lease the entire Synergy Building. Department of Administration is making determinations about whether to end the leases or have other state agencies utilize the space DJJ no longer needs.

### Regionalization Plan

- Regionalization plan is on pause, probably indefinitely.
- The facilities on which millions have already been spent will be finished. However, continuing regionalization is not in the best interest of the state because it will require triple the staff and millions of more dollars.
- Focusing on regionalization has caused DJJ to lose sight of the juveniles for which they are responsible.

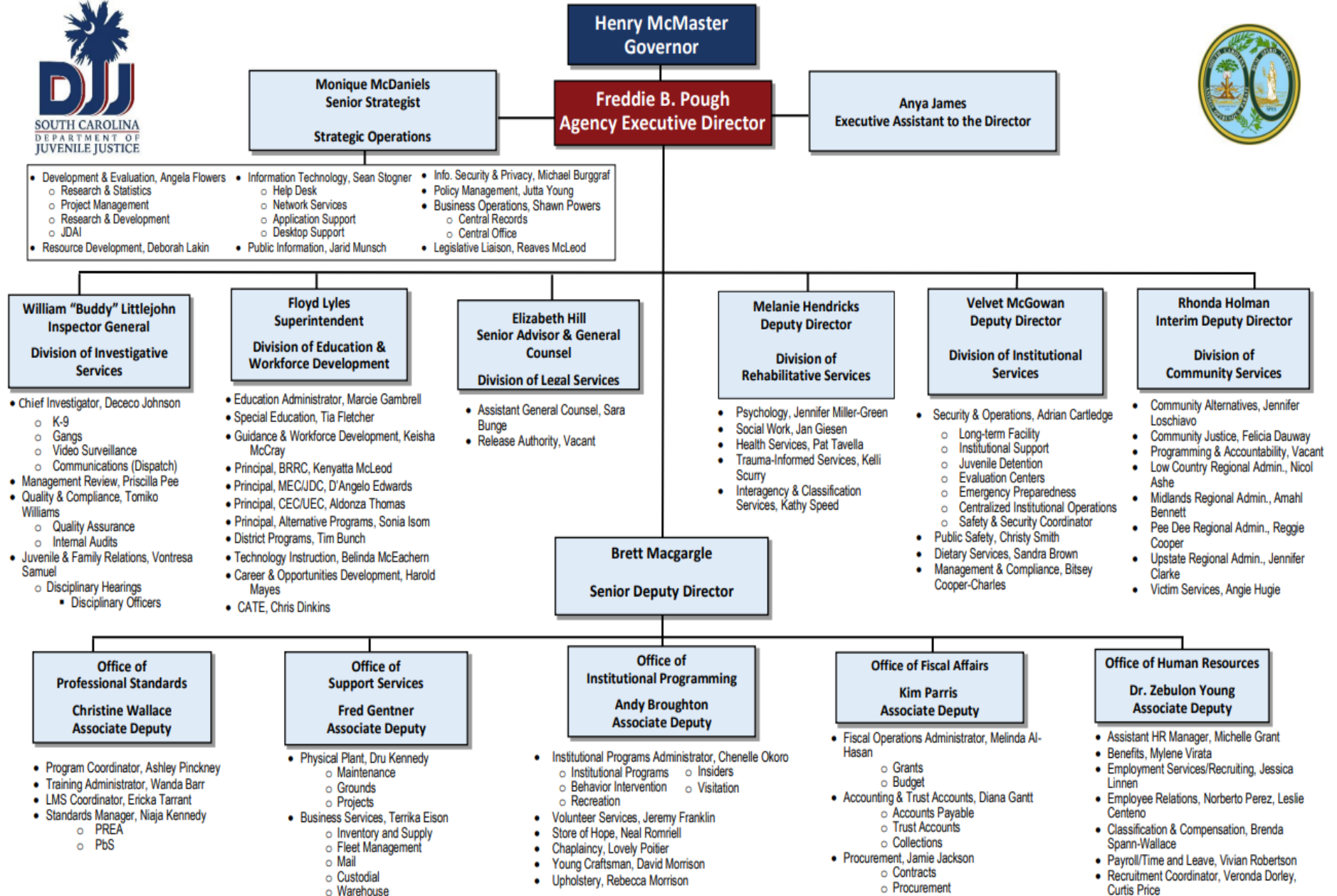


## Personnel changes and Reorganization of the agency

Below is the organizational chart as it appeared on September 6, 2016 prior to Freddie Pough becoming Director.



Below is the organizational chart as it appeared under Freddie Pough from 2017 to 2021 when he served as Director.



### **Personnel changes and Reorganization of the agency (cont.)**

Director Hendrick plans to completely reorganize the agency because the organization structure under the last administration did not make sense because activities were too siloed and segmented. She hopes to have a new organization structure determined in the next two weeks. Below are changes that already have occurred since Director Hendrick was named acting director:

#### **Division of Institutional Services**

- Head of Division, Deputy Director, retired the Friday Director Hendrick was named Acting Director;
  - Two staff from SCDC came over to work part time at DJJ 3 days a week in the role (Regional Director over Lowcountry; and Deputy Director for Programs), with overlap on Wednesdays. They have also been available for calls after hours, on the weekends, and any other times they could be available.
- Facility Administrator for Broad River Road Complex (BRRRC) was demoted to another position

#### **Office of Human Resources**

- Head of office, Associate Deputy, resigned in early October 2021
- Approximately 1/3 of HR employees have left the agency

#### **Office of Fiscal Affairs**

- Head of office, Associate Deputy, not with the agency as of mid-October 2021
- Complete restructuring of the Office planned
- Currently several personnel from the Department of Administration (DOA) are assisting with DJJ's fiscal operations
- DOA personnel are doing a deep dive into how DJJ setup their budget and trying to figure out how money was being spent and how it will be spent going forward

### **Building Facilities and Information Technology**

- Plan to cease use of the Laurel building within two years because of the deplorable conditions. In the meantime, will make upgrades so it is usable for the remainder of that time. There are currently three juveniles in Intensive Treatment Unit of the building due to behavior.
- As for capital projects, DJJ is focusing on what can make BRRRC better (e.g., improvements to recreation options, food service efficiencies, etc.)
- Majority of DJJ's servers were in a barn on campus. Juveniles had previously broken into the barn and stolen laptops. To improve safety, DJJ is migrating the information stored on the servers to DOA.
- Contracting to do complete privacy and security audit of how information is communicated internally and externally as there is information the agency must communicate about juveniles that needs to remain confidential (e.g., names, health records, etc.)
- Partnering with DOA to streamline IT processes at DJJ

### Staff numbers

- Tracking number of vacancies, number of applications, number out on workers comp, etc. Director Hendrix receives a weekly vacancy rate report.
- Juvenile Correctional Officers - As of Friday, October 15, 2021, vacancies were as shown below. DJJ plans to consolidate JCO I and JCO II positions into only JCO II positions going forward.
  - JCO I – 22
  - JCO II– 198 (53%)
  - JCO III – 12
  - JCO IV – 1
- Nursing
  - Shortages exist, but plans to announce compensation package comparable to SCDC, if not more. This will be first compensation package announced, dietary services will be next
  - Eight contracts for services related to nursing has filled some vacancies, but hope new compensation package and bonus will help recruit more
- Inspector General position
  - Vacant for over a year, but Director Hendrick has spoken with many in law enforcement about the position. She hopes that upon completion of DJJ's budget review and reorganization they will have a good offer to make to someone
  - Position is extremely important because of all the information that is filtered through it. Also, it requires someone that understands management as well as law enforcement.
  - Director Hendrick wants to bolster investigation of criminal and policy violations (holding employees accountable). She doesn't believe an employee should have to be written up five times before something is done.
- Internal Auditor position
  - Became vacant during COVID. DJJ is looking for someone to fill the position (Agency Director notes in review of summary that the internal auditor position was renamed the Quality and Compliance Accountability Supervisor and was filled).

### Staff Accountability

- Redoing some HR policies immediately (e.g., new grievance policy and new discipline policy implemented first day Director Hendrick was appointed)
  - Under previous administration
    - Discipline required additional step to reflect "intent" which was unique, not in place at any other agency, and added to what was required before a staff member could be held accountable.
  - Now
    - Eliminated extraneous steps to make it easier for supervisors to hold their subordinates accountable
- Director Hendrick hopes holding employees more accountable will, in addition to compensation packages and other changes, help build employee morale

### Recruitment

- All recruitment managers are no longer with the agency. There were previously 3 staff involved in recruiting, but did very little outside of flyers, billboards, and attending career fairs.
- Currently a recruitment staff member from SCDC has been hired to assist part-time.
  - Added social media, communicating more information to current employees about positions available so they can help encourage people they know to apply.
- Complete revamp of the recruitment program is planned.
  - Full compensation plan and career path for JCOs and community service specialists,
  - Streamlining orientation (go to single place for everything, instead of multiple offices)
  - Working to obtain emergency procurement authorization to hire an outside entity that offers comprehensive recruitment services (recruits, background investigations, initial interviews, etc.) with the agency still making the final decision
- 1-6 months, possibly up to a year, is an adequate timeline to determine if progress is being made in increasing staff numbers, but inability to find applicants is an issue across the country

### Compensation

- Continuing to pay overtime to JCOs up to the rank of Captain (SCDC doesn't pay overtime to Captains), but hope this will decrease as they gain more staff
- Compensation package announcements planned: Nursing, then Dietary Services
- An employee classification and compensation study for the entire agency is planned to try and raise salaries for all DJJ personnel who provide direct care to juveniles.

### Training

- Updating when training for Juvenile Correctional Officers (JCO) is available.
  - Under previous administration
    - Only started one day each month and if a JCO was unavailable that day or hired after that date, they had to wait until the next month to start training.
  - Now
    - Will be rolling so JCOs can start it regardless of what day in the month they are hired and start
- Changing behavior management methods
  - Under previous administration
    - Handle with Care was the JCO behavior management method
  - Now
    - Safe Crisis Management will be the JCO behavior management method.
    - Training on the new method will start in January 2022 at BRRC and then spread to JCOs at the other facilities.
- Isolation
  - On October 19, 2021, there were no juveniles in isolation. Plans to scrutinize how it is being used because it should not be used for punishment. It should only be used to control a situation.

### Juvenile Population

- 9,000 referrals to DJJ with 417 out of home placements (majority of juveniles DJJ serves are in the community).
  - DJJ is doing positive work in the community and has strong Deputy Director for Community Services
- Out of Home Placements include:
  - 251 juveniles across all secure facilities
    - 62 juveniles at BRRC
      - There are some juveniles at Midlands Evaluation Center and Upstate Evaluation Center that should be at BRRC but are not because of lack of staffing at BRRC. The juveniles are not being moved back right now because they are doing well at the other facilities and receiving the rehabilitation needed, which Director Hendrick does not want to disrupt.
  - 166 juveniles in wilderness camps

### Mental health counseling

- It is important to Director Hendrick that the public and all DJJ security staff acknowledge all the juveniles need mental help at some level because simply being in DJJ is a traumatic event in and of itself.
- Director Hendrick is working to give social workers and therapists more access to the juveniles
- Opening a new dorm just for juveniles with acute mental disorders (e.g., suicide watch, etc.) that was funded through the reducing isolation grant
- Working to find with appropriate care for some juveniles that are under a classification of Department of Mental Health
  - DJJ was supposed to open its own program on Shivers Road that was delayed under the prior administration, but is hopefully getting addressed

### Gangs

- Currently there are four gang investigators that have not had a proactive intervention role, but instead a more reactive role (i.e., respond to incidents to determine if they were gang related, etc.)
- Director Hendrick plans to make their role more proactive with a greater presence around the campus
- She is on a call three days/week in which the investigators update her and other staff on which juvenile groups/gangs are on campus and who has issues with whom (which changes regularly)
- She has experience with gangs as she was on the Midlands Gang Taskforce when she was at the Solicitor's Office

### Schools on DJJ Campus

- Director Hendrick has requested gang investigators and public safety officers be present at and around the school during the school day. According to school staff, having this presence during the past ten days has made staff feel safer.
- In the process of hiring security officers that will be solely for the schools

### Incidents

- All events (big or small) are reported into ERIS. Each staff person involved creates a separate report. The information goes the Inspector General's Office and to PbS staff. PbS staff classify them pursuant to PbS definitions, which is different than IG looking at them for criminal purposes.
- When abuse and neglect occurs at a juveniles home, the matter is referred to DSS
- When abuse and neglect occur at an institution like DJJ, it is referred to SLED.
  - After former Director Pough testified in a legislative meeting, SLED reviewed DJJ's MOU with SLED and the reports it was referring to SLED. SLED determined there was no violation of law with how the information was being reported. Nevertheless, the MOU has been expanded so that DJJ now reports additional cases to SLED. The update occurred in late August 2021. SLED can also come in and investigate anything they want. Director Hendrix has not had time to evaluate the process nor determine if she is going to keep it the same.

### Volunteers

- 2 barriers to volunteers coming back
  - COVID and making sure those numbers are down
  - Keeping volunteers and juveniles safe
- Director Hendrick hopes more can come back as COVID numbers go down (as of October 19, 2021 there were zero juveniles with COVID) and as staffing numbers increase.
- Woodworking and welding classes that the school is offering are still occurring

Director Hendrick testifies DJJ needs to be completely reformed in almost every aspect of what the agency is doing, however the changes will not occur overnight and will take time.

## COMMITTEE CONTACT INFORMATION AND UPCOMING MEETINGS



## Legislative Oversight Committee



South Carolina House of Representatives

## Committee Mission

Determine if agency laws and programs are being implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed or eliminated. Inform the public about state agencies.

Website: <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>

Phone Number: 803-212-6810

Email Address: [HCommLegOv@schouse.gov](mailto:HCommLegOv@schouse.gov)

Location: Blatt Building, Room 228

## UPCOMING MEETINGS

### Law Enforcement and Criminal Justice Subcommittee

TBD

## END NOTES

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<sup>1</sup> Visual Summary Figure 2 is compiled from information in the Department of Probation, Parole, and Pardon Services study materials available online under “Citizens’ Interest,” under “House Legislative Oversight Committee Postings and Reports,” and then under “Probation, Parole, and Pardon Services, Department of”  
<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/ProbationParoleandPardon.php> (accessed April 22, 2021).