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Edward R. Tallon Sr.  
Robert Q. Williams

Jennifer L. Dobson  
*Research Director*

Cathy A. Greer  
*Administration  
Coordinator*

Post Office Box 11867  
Columbia, South Carolina 29211  
Telephone: (803) 212-6810 • Fax: (803) 212-6811  
**Room 228 Blatt Building**

Charles L. Appleby IV  
*Legal Counsel*

Carmen J. McCutcheon  
*Auditor/Research Analyst*

### **Law Enforcement and Criminal Justice Subcommittee**

August 30, 2016

#### **Archived Video Available**

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, 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 House Legislative Oversight Committee's Law Enforcement and Criminal Justice Subcommittee was called to order by Chair Kirkman Finlay, III, on Tuesday, August 30, 2016, in Room 110 of the Blatt Building. The following members were present: Chair Finlay, Representative Raye Felder, and Representative Edward R. "Eddie" Tallon, Sr.

#### **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. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.

II. Representative Tallon moved to approve the minutes from the Subcommittee’s July 20, 2016, meeting. A roll call vote was held, and the motion passed.

<b>Representative Tallon’s motion to approve the minutes from the July 20, 2016, meeting:</b>	<b>Yea</b>	<b>Nay</b>	<b>Not Voting: Present</b>	<b>Not Voting: Absent</b>
William K. Bowers				✓
Raye Felder	✓			
Edward R. Tallon	✓			
Kirkman Finlay, III	✓			

Representative Tallon moved to approve the revised minutes from the Subcommittee’s meeting on April 21, 2016. A roll call vote was held, and the motion passed.

<b>Representative Tallon’s motion to approve the minutes from the July 20, 2016, meeting:</b>	<b>Yea</b>	<b>Nay</b>	<b>Not Voting: Present</b>	<b>Not Voting: Absent</b>
William K. Bowers				✓
Raye Felder	✓			
Edward R. Tallon	✓			
Kirkman Finlay, III	✓			

**Discussion of the Department of Public Safety**

- I. Members of the Subcommittee asked questions about the following topics:
  - a. Process by which job applicants are hired and extent to which certain employees are involved in the Director’s hiring decisions;
  - b. Reasons why job applicants may be denied employment;
  - c. Information to which members of the oral review board have access before or during a job applicant’s appearance before the board;
  - d. Number of troopers currently employed at the agency and agency’s high employee turnover rate;
  - e. Circumstances provided by constituents involving situations where (1) an unsuccessful applicant may have been hired at a later time due to familial connections within the agency; (2) a trooper may not have been completely forthright with a court in regards to a drug charge and information the trooper had received from the lab; and (3) troopers and laboratory employees potentially mishandling evidence;
  - f. Concerns raised by troopers that all employees are not held to the same standards;

- g. Concerns stated by troopers in the agency’s internal reviews, and the agency’s response;
- h. The agency’s acquisition and replacement of items like computers and body armor vests;
- i. Costs required to remodel a conference space at the agency’s headquarters;
- j. Allocation of manpower across regions; and
- k. Agency’s use of resources in conformance to the state’s appropriations acts.

Various agency employees, with the counsel of the private attorney for the agency, responded to the different Subcommittee questions.

II. Multiple motions related to the Department of Public Safety were made at the meeting. The motions and their vote tallies are given below.

<b>Representative Tallon’s motion that the Subcommittee include a recommendation in the Subcommittee Study that the agency create and/or update its policies to ensure the policies clearly outline which agency personnel provide input at which stages of the hiring process, including the input they provide and that whenever a final decision is being made, if the Director seeks input from the HR Director, the Director include the individual who is responsible for the division of the agency to which the future employee will report, in all said discussions:</b>	<b>Yea</b>	<b>Nay</b>	<b>Not Voting: Present</b>	<b>Not Voting: Absent</b>
William K. Bowers				✓
Raye Felder	✓			
Edward R. Tallon	✓			
Kirkman Finlay, III	✓			

<b>Representative Tallon’s motion that the Subcommittee Study include a recommendation that the agency request a new proviso to fund an outside entity, selected by the State Inspector General, to perform a leadership climate and employee morale survey of the agency this year and once every three years. In</b>	<b>Yea</b>	<b>Nay</b>	<b>Not Voting: Present</b>	<b>Not Voting: Absent</b>

<p><b>addition, the agency require supervisors, post commanders, troop commanders, and/or others, or a combination thereof, to generate and follow through with improvement plans based upon the results of the surveys. It is our understanding that the agency performs internal Staff Inspection Reports, but having an outside entity perform the work will ensure employees feel most comfortable in expressing their views. In addition, the surveys will focus on leadership and morale, as opposed to including compliance issues like the Staff Inspections:</b></p>				
William K. Bowers				✓
Raye Felder	✓			
Edward R. Tallon	✓			
Kirkman Finlay, III	✓			

<b>Representative Tallon’s motion that the Subcommittee Study include a recommendation that the agency begin tracking the numbers for the following for each highway patrol class and other positions, going forward: total applications, source of applicant (if applicant found out from a particular agency recruiting method), removed due to automatic disqualifiers (including which disqualifier), removed due to mental exam, physical exam, etc. (including which one disqualified them), and did not graduate from training (including why) so the agency can utilize this data in analyze the caliber of candidates it is obtaining from different recruiting methods, and then focus on the ones that are producing candidates with the highest chance of becoming a full time trooper. The agency should provide this chart in the discussion section of the agency’s Accountability Report each year:</b>	Yea	Nay	Not Voting: Present	Not Voting: Absent
William K. Bowers				✓
Raye Felder	✓			
Edward R. Tallon	✓			
Kirkman Finlay, III	✓			

<b>Representative Felder’s motion that the Subcommittee Study include a recommendation that the agency review the format and policies related to the corrective action plans submitted by Troop Commanders in response to Staff Inspection Reports to ensure all plans include deadlines and appropriate follow-up (e.g. audits) with a copy of those policies provided to the Subcommittee when it follows up with the agency in 2017:</b>	<b>Yea</b>	<b>Nay</b>	<b>Not Voting: Present</b>	<b>Not Voting: Absent</b>
William K. Bowers				✓
Raye Felder	✓			
Edward R. Tallon	✓			
Kirkman Finlay, III	✓			

<b>Representative Felder’s motion that the Subcommittee include a recommendation in the Subcommittee Study that the agency develop a formal policy regarding a computer and technology replacement cycle. The agency should include in this policy the anticipated costs associated with keeping the technology up to date and update this policy each year and specifically identify where it is budgeted in the agency’s budget:</b>	<b>Yea</b>	<b>Nay</b>	<b>Not Voting: Present</b>	<b>Not Voting: Absent</b>
William K. Bowers				✓
Raye Felder	✓			
Edward R. Tallon	✓			
Kirkman Finlay, III	✓			

<b>Representative Felder’s motion that the Subcommittee include a recommendation in the Subcommittee Study that the agency study industry best practices on trooper fatigue under different types of shift changes to ensure DPS has the most effective transitions because it is vital that officers are as alert as possible on every shift:</b>	<b>Yea</b>	<b>Nay</b>	<b>Not Voting: Present</b>	<b>Not Voting: Absent</b>
William K. Bowers				✓
Raye Felder	✓			
Edward R. Tallon	✓			
Kirkman Finlay, III	✓			

<b>Representative Felder’s motion that the Subcommittee include a recommendation in the Subcommittee Study that the agency conduct research on the amount it costs to produce reports from the MAIT team as well as industry standards among the private sector related to amounts charged for this type of information and include the conclusions of this research and a recommendation for the amount the agency should charge in a letter to the Subcommittee in September 2017:</b>	<b>Yea</b>	<b>Nay</b>	<b>Not Voting: Present</b>	<b>Not Voting: Absent</b>
William K. Bowers				✓
Raye Felder	✓			
Edward R. Tallon	✓			
Kirkman Finlay, III	✓			

<b>Representative Felder’s motion that the Subcommittee include a recommendation in the Subcommittee Study that SC Code Section 23-6-187 be revised to include the following language at the end of the statute: “The amount the department may charge as a witness fee increases each year with inflation”:</b>	<b>Yea</b>	<b>Nay</b>	<b>Not Voting: Present</b>	<b>Not Voting: Absent</b>
William K. Bowers				✓
Raye Felder	✓			
Edward R. Tallon	✓			
Kirkman Finlay, III	✓			

<b>Representative Felder’s motion that the Subcommittee include a recommendation in the Subcommittee Study that the agency coordinate a meeting with the division of State HR and other agencies which may have similar scheduling situations, such as DJJ, Dept of Corrections, DSS, etc. to discuss potential ways of reducing the amount of time necessary to enter, and constantly update, this information. The Committee will like an update on this meeting and any others which occur after it, when the committee follows up with the agency in 2017:</b>	<b>Yea</b>	<b>Nay</b>	<b>Not Voting: Present</b>	<b>Not Voting: Absent</b>
William K. Bowers				✓
Raye Felder	✓			
Edward R. Tallon	✓			
Kirkman Finlay, III	✓			

III. The meeting was adjourned.