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**Law Enforcement & Criminal Justice Subcommittee Meeting
Thursday, February 25, 2016
8:00 a.m.
Room 110 - Blatt Building**

Archived Video Available

- I. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and click on "Citizens' Interests," then click on "House Legislative Oversight Committee Postings and Reports." Lastly, click on "Video Archives" for a listing of archived videos for the Legislative Oversight Committee.

Attendance

- I. The Law Enforcement & Criminal Justice Subcommittee (Subcommittee) meeting was called to order by Representative Edward R. Tallon Sr. on Thursday, February 25, 2016, in Room 110 of the Blatt Building, Columbia, South Carolina. The following Subcommittee Members were present: Representative Edward R. Tallon, Representative Raye Felder, and Representative William K. Bowers. Chairman Kirkman Finlay III arrived a few minutes after the meeting began.

Minutes

- I. House Rule 4.5 requires the standing committees of the House to prepare and make available for public inspection, in compliance with Section 30-4-90, the minutes of full committee meetings. House Rule 4.5 further provides that such minutes need not be verbatim accounts of such meetings. It is the practice of the House Legislative Oversight Committee to provide minutes, which are not verbatim accounts of such meetings, for its Subcommittee meetings.
- II. Representative Felder moved to approve the minutes from the Subcommittee meeting on February 10, 2016. A roll call vote was held, and all present voted in favor of approval.

Rep. Felder's motion to approve the Subcommittee minutes from February 10, 2016:	Yea	Nay	Not Voting
Rep. Bowers	✓		
Rep. Felder	✓		
Rep. Tallon	✓		
Rep. Finlay			Not Present

III. Chairman Finlay explained the purpose of the meeting was to discuss potential written questions for the Subcommittee to submit to the Department of Public Safety (DPS) and to continue the Subcommittee's study of the Department of Juvenile Justice (DJJ).

Discussion of Potential Written Questions for the Department of Public Safety

I. Chairman Finlay provided a brief update on DPS, and then opened up the floor for Subcommittee members to discuss potential written questions for DPS.

Representative Tallon submitted a list of inquiries that he would like the Subcommittee to make of DPS Illegal Immigration Unit (IIU).

- Please provide copies of the certifications of the agency's IIU.
- Please provide a list of the drug task forces with which the agency's IIU works or has worked.
- What is the breakdown of the types of cases made by the agency's IIU?
- What is the number of the cases made by the agency's IIU that resulted in an arrest and/or conviction?

Representative Tallon submitted a list of inquiries that he would like the Subcommittee to make of DPS regarding the Highway Patrol.

- Is there at least one trooper on the road at all times in each of the state's counties each day? If not, in which counties is there not at least one trooper on the road at all times each day during normal operating conditions?
- What is the cost of training and equipping a class of forty Highway Patrol troopers?
- What is the cost of training and equipping a single Highway Patrol trooper or someone with no law enforcement experience?

Representative Tallon submitted a list of inquiries that he would like the Subcommittee to make of DPS regarding its Office of Professional Responsibility (OPR).

- Is the agency's disciplinary policy the same for all divisions of the agency?
- What is the number of OPR investigators on staff and the turnover rate for the Office?
- If an OPR investigation reveals criminal activity on the part of DPS employees, is the information regarding the criminal activity forwarded to the relevant Solicitor's office? If so, how many OPR cases have been forwarded in the past four years?
- Please provide a breakdown of OPR investigations of DPS employees according to the employees' ranks.

Representative Tallon submitted a list of inquiries that he would like the Subcommittee to make of DPS regarding the Office of Human Resources (OHR).

- What is the number of officers who have been hired and trained by the OHR during the past four years?
- What has been the turnover rate for the OHR during the past four years?

The representative present from DPS stated that the agency did not require clarification on any of the questions. Chairman Finlay stated that Committee staff would draft a letter to DPS with all of the questions.

Continued Discussion of the Department of Juvenile Justice

- I. Chairman Finlay expressed his discontentment that the Subcommittee has only recently been receiving information from DJJ that is useful for oversight considering that the oversight process has been ongoing for at least seven months.

Chairman Finlay stated that he intended for the discussion today to focus on the performance-based standards (PbS) for which DJJ has previously provided information to the Subcommittee and on the information DJJ provided to the Subcommittee in its two letters, dated February 16, 2016, and February 19, 2016.

Jennifer Dobson, the Committee's Director of Research, read the portions of the SC Code of Laws relevant to the oath administered to those testifying before the Subcommittee, and the penalties for a violation thereof. Chairman Finlay swore in all of those present from DJJ who intended to testify before the Subcommittee regarding Performance Based Standards and the first four topics addressed in the letter from February 19, 2016. Those representatives from DJJ were: Elizabeth Hill (General Counsel), Jamie Quinn (Deputy for Education Services Division and Superintendent for Schools), Larry Vanderbilt (Office of Legal and Policy Coordination), Robin Owens (Deputy for Administrative Services), Sylvia Murray (Director), and Katherine Pierson (Director of Constituent Services).

- II. At the direction of Chairman Finlay, Committee staff read portions of the performance-based standards document that DJJ submitted to the Subcommittee on February 15, 2016.

Chairman Finlay asked if the highlighted portions of the PbS document were factually true. Elizabeth Hill testified that the highlighted portions of the PbS document that DJJ provided to the Subcommittee on February 15, 2016, were factually true, and that DJJ collects PbS data continuously and reports on that data twice a year.

At the direction of Chairman Finlay, Committee staff read portions of the PbS Executive Summary submitted to the Subcommittee. Chairman Finlay asked how frequently a PbS representative visits DJJ. Elizabeth Hill testified that a PbS representative visits DJJ at least once a year.

Chairman Finlay noted that DJJ submitted information to the Subcommittee regarding a PbS representative's visit to DJJ in 2012. He asked if a PbS representative visited DJJ in 2013, 2014, and 2015. Elizabeth Hill testified that a PbS representative had visited DJJ in those years.

In a letter from DJJ to the Subcommittee dated January 15, 2016, DJJ noted that the most recent comprehensive PbS report was from 2012. Chairman Finlay asked why DJJ only provided a written summary of the PbS representative’s visit to DJJ in 2012 if he had also visited in 2013, 2014, and 2015. Elizabeth Hill testified that she was not aware of the existence of any PbS Executive Summary except for the one from 2012. Katherine Pierson testified that DJJ’s previous Director requested that the PbS representative not produce a written report on his visit subsequent to his 2012 visit, but that the report be delivered to DJJ orally.

Chairman Finlay expressed his belief that DJJ representatives were parsing questions and providing incomplete answers to the Subcommittee by providing information related to written PbS reports but not oral PbS reports. He asked about the value of an oral report if it can only be heard once by a select group of DJJ employees. Katherine Pierson testified that DJJ would provide a written response to this question.

Chairman Finlay stated that he thought it wise for the Subcommittee to contact the PbS representative for information related to the visits to DJJ in 2013, 2014, and 2015. Elizabeth Hill testified that DJJ would provide contact information to the Subcommittee.

Chairman Finlay moved that the Subcommittee invite PbS personnel to the next meeting, that the meeting be scheduled on a date that allows for PbS personnel to attend the meeting or that the PbS personnel be allowed to address the Subcommittee via teleconferencing if necessary, and that the Subcommittee request for DJJ to submit its Facility Improvement Plans for 2013, 2014, and 2015. A roll call vote was held, and the motion was passed unanimously.

Rep. Finlay’s motion that the Subcommittee invite PbS personnel to the next meeting, that the meeting be scheduled on a date that allows for PbS personnel to attend the meeting or that the PbS personnel be allowed to address the Subcommittee via teleconferencing if necessary, and that the Subcommittee request for DJJ to submit its Facility Improvement Plans for 2013, 2014, and 2015:	Yea	Nay	Not Voting
Rep. Bowers	✓		
Rep. Felder	✓		
Rep. Tallon	✓		
Rep. Finlay	✓		

Chairman Finlay asked if there was any reason for which DJJ would not require a written PbS report for 2016 rather than an oral report. Sylvia Murray testified that she could think of no reason for an oral PbS report in 2016 rather than a written report.

Chairman Finlay asked if DJJ would ask PbS to prepare a written PbS report for 2015 in light of the fact that the year had only recently ended. Sylvia Murray testified that DJJ would make that request of PbS.

III. Chairman Finlay stated that the Subcommittee would now move on to discuss the information DJJ provided to the Subcommittee in its two letters, dated February 16, 2016, and February 19, 2016. He asked a DJJ representative to provide a brief summary of the information found in the two letters.

Chairman Finlay asked DJJ to provide clarification and more information about the August 2015 incident at DJJ that shut down one of its dormitories and any other incidents, whether or not they be mentioned in any of DJJ's letters to the Subcommittee. He asked why the August incident was not mentioned in a DJJ letter to the Subcommittee that was on the topic of DJJ incidents. He also asked if DJJ was only reporting those incidents in which another agency's involvement—like that of SLED—was required to deal with the incident, and how such a practice of underreporting could be monitored by the Subcommittee. Katherine Pierson testified that DJJ was in the process of supplying incident report logs to the Subcommittee. She testified that the August 2015 incident was one in which a DJJ inmate used a baseball bat to commit significant amounts of property damage to one of DJJ's dormitories.

Chairman Finlay asked how DJJ could fail to mention an incident in which such a significant amount of property damage was committed by one of DJJ's inmates in its response to a Subcommittee inquiry about incidents at DJJ. Katherine Pierson testified that the incident had been referenced in some newspaper stories and that the agency assumed that the Subcommittee members were aware of the incident. She testified that the DJJ officials felt that mentioning that incident and the thousands of other event reports that DJJ had not included would have been a waste of the Subcommittee's time due to the wide variety of events for which employees are required to submit event reports.

Chairman Finlay ordered the Subcommittee to a brief break.

- IV. After the brief break ended, Chairman Finlay asked the DJJ representatives which is more discrediting, that the agency has over 4,000 yearly incidents that it failed to report to the Subcommittee, or that it took eight months of oversight for the occurrence of the incidents to be brought to the attention of the Subcommittee. Katherine Pierson testified that DJJ representatives felt they had answered the Subcommittee's previous inquiries about incidents at the agency thoroughly based on the way the inquiries were phrased.

Representative Tallon asked for DJJ to clarify the way in which it classifies incidents. Katherine Pierson testified that DJJ classifies incidents according to seriousness.

Representative Felder asked if incident reports are catalogued and compiled at the end of each of DJJ guard shift. Katherine Pierson and Elizabeth Hill testified in response to the question.

- V. There being no further business, the meeting was adjourned.