



SUMMARY

A Limited Review of the S.C. Department of Corrections



OBJECTIVES

Members of the House Legislative Oversight Committee requested that we review various areas of the S.C. Department of Corrections (SCDC).

- Review SCDC's security policies, internal controls, and classification system to determine their adequacy and if they align with national best practices.
- Review human resources' issues, including hiring, retention, training, work environment, and corrective actions.
- Review the consistency and transparency of reporting of various indicators, including performance measures, types of contraband, types of incidents, etc. to determine if improvement is needed.
- Report on the litigation costs and determine what, if any, trends are identified for lawsuits filed by employees or inmates.

BACKGROUND

SCDC's mission is, in part, to provide safety to the public, its employees, and inmates. Staffing issues have created challenges to the agency's ability to meet its mission.

As of September 2018, SCDC employed approximately 4,900 staff who worked at the agency's 21 institutions and headquarters. SCDC's FY 19-20 budget is approximately \$516 million.

We visited 12 of the 21 institutions to interview staff and inmates and make observations about security procedures.

AUGUST 2019

RECRUITMENT AND HIRING

ADVERTISING

SCDC's advertising budget has increased more than 2,000% from FY 13-14 through FY 17-18. The agency, however, has not tracked the effectiveness of its advertisements in relation to hiring. Specifically, SCDC does not adequately track applicants' referrals or how long employee-referred hires remain with the agency. The agency also does not advertise on its website correctional officer (CO) hiring and retention bonuses or post its recruitment videos.

BACKGROUND CHECKS

Post-employment background checks of COs and volunteers have not been conducted consistently. SCDC policy does not require post-employment background checks of COs, but these checks are required by federal regulation.

MINIMUM AGE REQUIREMENT

The minimum age requirement for COs in South Carolina is 21. Of 44 states reviewed, 23 allow COs to be 18 years old. Lowering the age requirement would increase South Carolina's recruitment pool.

TRAINING

CORRECTIONAL OFFICER TRAINING

CO basic training curriculum has not been submitted for approval by the South Carolina Law Enforcement Training Council in more than two years, as required by regulation. CO basic training has been shortened from six to four weeks to expedite the availability of new COs to its institutions.

CONTRABAND TRAINING

Specific training for contraband control officers is not offered, as required by policy.

SUPERVISORY TRAINING

Training for new CO supervisors is offered, but SCDC does not require them to complete this training or offer adequate class sizes so they can complete this training in the recommended six-month period.

VIDEO TRAINING

Training through videos has been offered, but SCDC generally does not evaluate whether COs fully comprehend the training content by requiring a quiz.

CORRECTIONAL OFFICER STAFFING LEVELS

FY 17-18

27.5% FRONT-LINE VACANCY RATE

By institution, Evans, McCormick, and Tyger River had the highest front-line (those with direct inmate contact) vacancy rates at around 50%.

31.6% ESTIMATED TURNOVER RATE

Of South Carolina, Tennessee, Florida, and Georgia departments of corrections, South Carolina had the second lowest turnover rates for COs.

72.4% WITH MINIMAL WORK EXPERIENCE

COs had less than or equal to three years of experience.

10:1 INMATE-TO-OFFICER RATIO

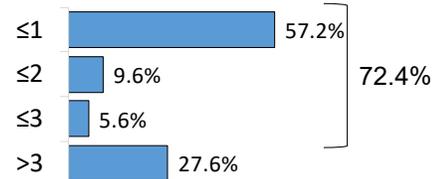
FRONT-LINE CORRECTIONAL OFFICERS

Vacancy Rate



ALL CORRECTIONAL OFFICERS

Years of Work Experience



CORRECTIONAL OFFICER AND NURSE SALARIES

CORRECTIONAL OFFICERS

CO pay has increased over the past five years due to salary increases, special assignment pay (for employment at Level 2 and Level 3 institutions), bonuses, and overtime. In FY 17-18, the average annual income for an officer was \$40,362—an increase of nearly \$10,000 from FY 13-14.

NURSES

SCDC relies on both nurses it employs and contracted nursing staff including CNAs, LPNs, and RNs. By comparison, the hourly rate of pay for SCDC-employed nurses is approximately the same or more than the hourly rate for contracted nurses, when considering the benefits provided to SCDC-employed nurses.

CORRECTIONAL OFFICER RETENTION

OVERTIME PAY AND FINANCIAL INCENTIVES

From FY 13-14 through FY 17-18, the amount of overtime paid by SCDC increased from \$1.8M to \$9.6M; however, the agency has not established, in policy, how overtime will be distributed. The agency also has not considered offering more targeted bonuses to increase retention, such as additional pay for officers working at institutions with high vacancy rates.

RETENTION LIEUTENANTS

In February 2017, SCDC created a retention lieutenant position and placed these staff at the 11 institutions that it deemed had the greatest retention need. In terms of turnover rates prior to the placement of the retention lieutenants, five other institutions had a higher need than the institution that had the lowest need with a retention lieutenant.

COSEP

SCDC fully implemented the Correctional Officer Skills Enhancement Program (COSEP) in June 2018 to offer job shadowing before COs attend basic training and on-the-job training upon their return to the institutions. The agency has not developed a policy for this program, and the material and length of the program varies, making it difficult to track its effectiveness.

EARNING EXEMPTION FOR RETIRED COs

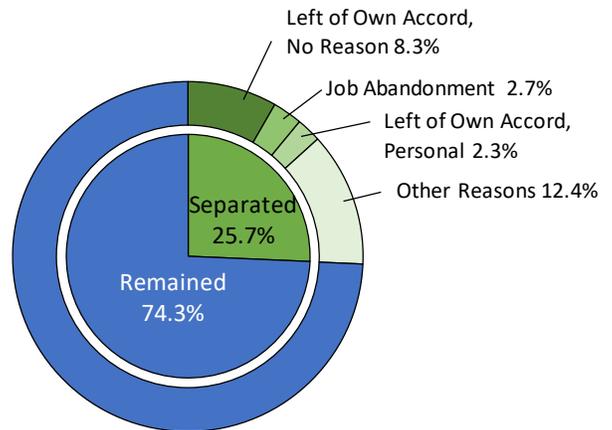
With low staffing levels and a small percentage of COs with more than three years of experience at SCDC, granting the same retirement earnings' cap exemption to COs that is already offered to teachers could help the agency retain experienced, trained COs.

CORRECTIONAL OFFICER SEPARATIONS

FY 13-14 THROUGH FY 17-18

- Separations from SCDC generally increased each fiscal year.
- Approximately one-quarter of the officers (CO rank) who were employed by the agency separated from the agency. One of the most common reasons noted was job abandonment.
- Overall length of employment decreased by nearly one year from FY 14-15 – FY 17-18.
- Level 3 institutions had the highest overall separations, and separations for those institutions generally increased from year to year.
- Lieber had the highest five-year separation rate at 27.4%. The separation rates for all other institutions ranged from 10.7%–26.4%.

FY 17-18 REASONS FOR OFFICER SEPARATIONS



IMPROVING INMATE SAFETY AND REDUCING POPULATION

SECURITY LEVELS

Inmates in medium (Level 2) and maximum (Level 3) security institutions are not able to effectively move to lower-security institutions, which may be a disincentive to good behavior.

GOOD TIME CREDIT

Unlike other states, SCDC does not offer good time credit for inmates for certain programs and classes, such as anger management, social life skills, and substance abuse programs. Evidence-based classes with definable measures and outcomes should be developed and tracked before good time credit is offered.

SECURITY THREAT GROUPS

SCDC does not have an effective policy to manage the formation and reduction of security threat groups (e.g., gangs). As of June 2019, SCDC stated that revisions to the current policy are being drafted.

INMATE SENTENCES

State law requires SCDC to maintain custody of inmates who have sentences of more than three months, whereas most states' corrections agencies maintain custody of inmates who have sentences of at least one year.

CORRECTIVE ACTIONS

SCDC's data regarding corrective actions issued to COs indicated that the number of CO violations has substantially declined in the past five fiscal years.

In FY 16-17, SCDC started issuing oral warnings for violations, such as leaving a security post, sleeping/inattentive on duty, and unauthorized absences, for which COs in the past would have received more punitive corrective actions.

VICTIMS' RIGHTS

State law's definition of a victim appears to be inconsistent with the constitution's definition, as it excludes select individuals, including those who were imprisoned at the time of the offense.

The General Assembly's authority to amend the Victims' Bill of Rights in the state constitution appears to be limited to the rights of victims, not the definition of victims.

EXTERNAL POLICY REVIEW

NIC RECOMMENDATIONS

Most of the recommendations made by the National Institute of Corrections (NIC) in a February 2009 report have not been fully implemented by SCDC.

SETTLEMENT AGREEMENT

In May 2016, SCDC entered into a settlement agreement, *T.R. et al v. South Carolina Department of Corrections et al.*, regarding inmate mental health treatment. All policies required by this agreement have been implemented or revised.

ASCA RECOMMENDATIONS

After the April 2018 incident at Lee, the Association of State Correctional Administrators (ASCA) recommended policy changes. SCDC is in substantial compliance with three of six recommendations and reports it is revising additional policies.

CONTRABAND

CRIMINAL PENALTIES

In 29 other states, it is illegal to knowingly introduce contraband to a correctional facility, regardless of intent. This contrasts with South Carolina, where it is illegal to provide, or attempt to provide, contraband to inmates, but where it is not illegal simply to possess contraband inside a correctional facility or to attempt to bring contraband onto the premises.

EFFORTS TO CONTROL CONTRABAND

SCDC's policies, post orders—descriptions of job responsibilities for specific posts at institutions—and internal controls relevant to contraband control are generally adequate. These requirements, however, were not consistently executed. For example, during visits to the institutions there were instances in which COs used the contraband detection equipment incorrectly or not at all.

DATA ISSUES

MANAGEMENT INFORMATION NOTES

SCDC's incident reporting system has technical limitations, unclear policy, and lacks procedures to ensure that the data in this system is accurate, making it ultimately unreliable.

PERFORMANCE MEASURE REPORTING

Some performance measures reported by SCDC in its accountability reports from FY 13-14 – FY 17-18 have been added or removed, and the method of measurement of others have changed as well, making accurate comparisons across multiple years difficult.

CONTRABAND STATISTICS

Broad inconsistencies and inaccuracies prevent a complete and accurate accounting of how much contraband has been confiscated in SCDC facilities.

FEDERAL PREA REPORTING

The data SCDC reported to the federal government regarding incidents of sexual abuse in prisons and jails was inconsistent with investigations conducted by its police services division.

LITIGATION COSTS

The number of claims against SCDC and legal expenses decreased over the years of 2008–2017. Settlement costs tended to fluctuate, but without a discernable pattern.

FOR MORE INFORMATION

Our full report, including comments from relevant agencies, is published on our website. Copies can also be obtained by contacting our office.

LAC.SC.GOV

SOUTH CAROLINA GENERAL ASSEMBLY
Legislative Audit Council
Independence, Reliability, Integrity

K. Earle Powell
Director

1331 Elmwood Avenue
Suite 315
Columbia, SC 29201
803.253.7612