National Institute of Corrections
Technical Assistance Report 09P1010
South Carolina Department of Corrections
February 22-25, 2009

Submitted by:

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Background

On September 30, 2008, a meeting was held with the South Carolina Department of Corrections (SCDC), the South Carolina Legislative Audit Council (SCLAC) and the National Institute of Corrections (NIC), in Columbia, South Carolina during which specific areas for review were identified and agreed upon by those in attendance. Following this meeting, Meg Savage and James Upchurch were contacted by Belinda Watson of NIC and asked to provide technical assistance. Specifically, assistance was requested to respond to certain investigative inquiries submitted by the S.C. Legislative Audit Council. The areas of concern were obtained from a memo from George L. Schroeder, Director of the Legislative Audit Council to Senator Michael Fair outlining the concerns prompting the request to NIC.[1]

Included in these inquiries were the following:

1. Examine SCDC's policies and procedures relating to the hostage incident that occurred at Ridgeland Correctional Institution in November, 2006.

2. Review the sufficiency of SCDC policies, procedures, and internal controls over keys, weapons and ammunition.

3. Review SCDC policies and procedures regarding escapes from department institutions.

4. Review whether there is a perception by SCDC employees that a culture of harassment, intimidation and favoritism pervade the employment practices of SCDC.

5. Review an incident at Lee Correctional Institution in August 2005 in which an SCDC employee provided a shank (improvised knife) to an inmate and required the inmate to display it to two correctional officers.

An additional request not included in those above was submitted to NIC Director Morris Thigpen in SCDC Director Ozmint's request for technical assistance dated September 8, 2008 wherein he asked for:

6. A review of spending, funding and staffing in comparison to similar sized corrections systems in other states (comparable systems).

Numerous other issues and areas of concern were discussed during this project with both SCDC and SCLAC staff; however, due to the project time frame allotted, the scope of the inquiry/review had to be limited to those issues for which an effective review was possible and for which our expertise is most appropriate. In assessing the issues above we have recorded our general observations in each area based upon an evaluation of how SCDC policy and procedures compare with generally accepted correctional standards. We also attempted through a very limited number of site visits to make observations of how these procedures are being applied and implemented.

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[1] Memorandum George Schroeder, Legislative Audit Council to Senator Michael Fair dated October 7, 2008.

It is important to note that the much more intense assessment of actual institutional and departmental practices that would be required for a full and complete determination of "whether the Department is doing what they say they are" would require significantly more on-site time than was available to us.

Following each of the general assessments of the six areas listed above, where appropriate we discuss in this report certain specific issues/incidents that were raised during conversations with SCDC and SCLAC staff concerning some of these areas. This discussion is provided where we are confident that our knowledge and expertise can perhaps be helpful in providing additional insight and a better understanding of such issues/incidents occurring in a correctional context.

The cooperation, assistance and hospitality of all of the SCDC staff with whom we worked were exceptional and greatly appreciated. They were forthcoming and helpful to us without exception. Our ability to accomplish the objectives of this project in the compressed time schedule available was facilitated and enhanced by the SCDC staff. Again, we offer our thanks and appreciation!

Activities

February 23, 2009 - We met with SCDC Inspector General Daniel Murphy at 8:00 AM to discuss the logistics of our visit to include access to institutions, documents, and our planned trip to Ridgeland Correctional Institution for the following day. Mr. Murphy then assisted us in locating the offices of the SCLAC where we met with Audit Manager Perry Simpson and Auditor Stephanie Kurzeja to discuss the scope of our review, specific incidents and issues related to each topic area. After lunch we traveled to the SCDC headquarters and met with Director Jon Ozmint and Inspector General Murphy to discuss the scope of our review and the Director's specific issues and concerns.

The remainder of the day was spent reviewing reports and other documents related to the incidents as well as brief discussions with various SCDC staff to determine where additional pertinent information could be obtained.   Interviews were conducted with Colie Rushton, Acting Director, Security; Blake Taylor, Compliance, Standards, & Inspections; Robert Petersen, Director, Human Resources, and Robyn Gracien, Human Resources Employee Relations.

February 24, 2009 – Inspector General Murphy accompanied us to Ridgeland Correctional Institution where we met with several facility staff who were present during the hostage situation occurring there in November, 2006. Staff with whom the incident was discussed included Warden Levern Cohen, Associate Warden Tony Burton, Major Christopher Felder and Lieutenant Valarie Jackson. We then inspected the education building where the hostage situation occurred including the room where the hostage was held. We also toured a representative inmate housing area, the institutional armory, institutional control center, lock and key shop and later observed an emergency drill where armed staff were dispatched to roof top positions. Additionally we discussed and observed the location from which two inmates had escaped in 2003. Following this site visit we returned to SCDC head quarters to review more documents.

February 25, 2009 – In addition to reviewing documents and reports, we conducted various staff interviews. Among those interviewed was Major Morris Elmore who is now the SITCON (hostage negotiations team) commander for the agency. At the time of the 2006 hostage situation he was a Captain in the region where the incident occurred and was actively involved in the negotiations. Gayle Brazell, Staff Development was interviewed and provided information regarding training programs and provided a tour of their training facilities.

We then visited the Broad River Correctional Institution inspected various areas to include the institutional control center, key and lock shop, armory, and the front gate area/control room. After departing Broad River C.I. we then toured the agency locksmith shop and discussed lock and key issues and concerns with agency locksmith Sonny Scott and assistant locksmith John Hill.

Throughout the course of our on site visit we reviewed a variety of different documents/reports in order to determine pertinent information to the issues assigned.

OBSERVATIONS AND RECOMMENDATIONS

Examine SCDC policies and procedures relating to the hostage incident at Ridgeland Correctional Institution in November 2006

Policy Review

In evaluating the appropriateness of the existing written directives concerning emergency operations we carefully reviewed SCDC Policy/Procedure OP-22.29 entitled Emergency Preparedness.[2] We compared the provisions of this procedure with those found in the other agency emergency plans/procedures with which we are familiar and with the National Incident Management System (NIMS) utilized by the Federal Emergency Management Administration (FEMA).

While the SCDC emergency plan differs in some respects in format and organization from the Incident Command System (ICS) upon which several state systems and NIMS have based their programs, it does include all of the necessary organizational and response requirements to successfully contend with any corrections system emergency that might arise.

We reviewed the statewide plan as well as a representative institutional plan which were developed and organized as required by OP-22.29 and found them to be comprehensive and consistent with the requirements. The training requirements specified in the procedure insure that staff are familiar with the specific plans for responding to a variety of potential types of emergencies and have an opportunity to practice their application.

Ridgeland C.I. Hostage Incident

At approximately 11:00AM on November 3, 2006 an incident began at the Ridgeland Correctional Institution education building which evolved into a hostage situation that eventually involved the sexual assault of the hostage. Approximately fourteen hours later at 1:27 a.m. on November 4th the incident came to an end with the hostage being released from the room in which she was held and the perpetrator was taken into custody. This perpetrator would eventually receive a sentence of life without parole for his actions.

This tragic incident is representative of many others that have occurred in correctional facilities across the country and, that despite our best efforts, will sadly and regrettably occur again. We in corrections can only hope to keep the frequency of such incidents to a very rare minimum through sound procedures and practices designed to prevent them. We must also prepare ourselves to appropriately address them when they do occur with the emphasis always being on the preservation of life.

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[2] South Carolina Department of Corrections OP-22.29, **Emergency Preparedness**, March 1, 2006

Issues/Discussion

1. Tactical Assault: One issue which arose in discussions relative to our technical assistance assessment pertains to the assertion that an absolute operating principle in hostage situations is that when it is clearly evident that a hostage is being harmed that a tactical assault should occur to prevent further such harm. This "absolute" becomes much less clear when considered in the very possible context of the risk of executing such an assault actually prompting or resulting in much greater harm or death. This appears to us to clearly be the case in the incident at Ridgeland. The physical plant features of the room where the hostage was being held were prohibitive to a successful tactical assault even when assessed in the light of the special capabilities available with the SLED special operation teams present.

These facts combined with the volatility of the perpetrator and his clearly established and ongoing emotional and psychological issues made the risk factors for assault in this case the dominant considerations in favor of a negotiated resolution of the incident. If at any point had the harm being perpetrated upon the hostage escalated to a life threatening level, then the balance toward immediate tactical assault should, and we fully expect, would have shifted.

The facts are that when a tactical assault resolution involving lethal force is attempted in such a situation there is a 78% chance that someone will be seriously injured or killed. It is also a fact that 97% of negotiated resolution efforts end successfully – no loss of life – usually in an average of 12-13 hours. Time is almost always on the negotiator's side and patience along with providing those in command with as many options as possible for response to the direction that the incident may take are the generally accepted keys to successful resolution.

2. Type of Force Authorized: Another issue raised during discussions of this incident pertains to the assertion that the "command center" had directed that non-lethal (less lethal) force would be used to subdue the inmate perpetrator. This direction was described in the SITCON *After Action Report* and appears to have been provided to the SITCON Commander during the incident. It is not clear who specifically provided this direction or the context in which it was provided. Entries in this report indicate continuing concern for the safety of the hostage should a tactical assault be attempted whether non-lethal (less lethal) or lethal weapons were used. Since the SITCON Commander at the time is no longer with the agency and is reportedly out of country and therefore unavailable and none of those present in the command center that we have been able to question recall this specific direction; its origin, etc. remain unclear and speculative.

We did note elsewhere in other reports that SLED non-lethal weapons specialist were requested and were present on scene. It is reasonable to conclude that all assault options were considered and that the small size and concrete block construction of the room where the hostage was being held could have given rise to legitimate concerns about ricochet, shoot-through, etc. as well as the much abbreviated target acquisition/identification time in such close quarters. Under such circumstances, establishing that a clear field of fire existed to rule out unintended injury to the hostage or to assault team members would be very difficult and precarious. These considerations could lead to effective non-lethal (less lethal) force options being preferred since their use would eliminate some of the concerns discussed previously and mitigate the seriousness of others when compared to the lethal weapon options. It is important to note that the Crisis Negotiations Unit of the FBI – Quantico, Virginia reports in their statistical report of 5,518 hostage incidents that 44% of those where tactical assault was required for resolution involved the use of non lethal (less lethal) force options.

3. Command: The final specific issue related to this hostage incident is understood to be the question of who was in command during the incident and if it was appropriate that Director Ozmint reportedly assumed command once he had arrived in the command center at the institution. SCDC OP-22.29 indicates on pages 3-6, paragraph 4. entitled *"COMMAND"*, that the command role is limited to a very few identified positions and that change in command should likewise be limited to one change – from Initial Commander to Ultimate Commander – except in certain specific circumstances where an Interim Commander may be necessary. The OP further states in sub-paragraph 4.3.1 that "*The warden will be the Ultimate Commander."* and in 4.3.4 that "*Once in command, the Ultimate Commander will be in charge of the institution and the emergency until the situation is resolved, unless the emergency lasts so long that a command relief schedule must be established"*. This would appear to rule out any additional command changes except for relief purposes in a protracted situation or that anyone would be in command of an incident at a particular situation other than the warden of the effected institution.

This direction appears quite clear until we arrive at sub-paragraph 5.7 under paragraph 5 entitled *"Emergency Management Structure"* in which the *"Command* Post*"* is described and specifies the staff that may be present including the *"Agency Director"* and a variety of other senior agency management staff and the *"Chief of SLED or designee"*. Sub-paragraph 5.8 then states that *"The Commander will be responsible for **coordinating** (*emphasis mine*) activities within the Command Post including, but not limited to, operational decisions in managing the disturbance. To the degree possible, decisions involving the planned use of deadly force should be discussed with senior Agency officials"*.[3] The organization described here is certainly appropriate for such an incident and is usually referred to as a "Unified Command" involving the warden, senior agency officials as well as senior officials from other agencies, in this case SLED.

When we questioned the warden during our visit to Ridgeland C.I. he clearly responded that he was in command of the incident as described in the agency procedure. When questioned further he acknowledged that his decision making was heavily influenced by the opinions of Director Ozmint. This is not out of line with his "coordinating" role and the decisions in this incident certainly involved the use or non-use of deadly force; both referenced in the procedure.

We do not see any inconsistency with the Director's role in this incident as it relates to the Department's policy and procedures in this area nor is it inconsistent with that we could realistically expect to occur in such an incident in any jurisdiction where the agency head was present on site, fully briefed and dealing with such life and death issues as existed in this incident.

Recommendations

We recommend that OP-22.29 be revised to incorporate a more flexible and functional command philosophy more in keeping with that found in the FEMA/NIMS Incident Command System. We acknowledge that organizational structure in dealing with such emergencies is certainly necessary but it should not be so pre-determined that compliance becomes a distracting consideration from dealing with the issue at hand. The best command is the most qualified person making the best possible decisions.

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[3] South Carolina Department of Corrections OP-22.29 **Emergency Preparedness**, March 1, 2006

Review sufficiency of SCDC policies, procedures, and internal controls over keys, weapons and ammunition

Policy Review

In conducting the policy review of the areas above, we reviewed the following SCDC documents:

- SCDC Policy/Procedure OP-22.05, *Firearms and Other Security Equipment* (Restricted Document)
- SCDC Agency Post Order #110, *Armory Sergeant* (Restricted Document)
- SCDC Agency Post Order #04, *Front Gate* (Restricted Document)
- SCDC Agency Post Order #07, *Armory/Key Control* (Restricted Document)
- SCDC Policy/Procedure OP-22.17, *Key Control* (Restricted Document)
- SCDC Agency Post Order #109, *Key Control Sergeant* (Restricted Document)
- SCDC Policy/Procedure GA-06.01, *Management Reviews* and the associated *Security Audit Checklist* (Restricted Document) utilized to assess compliance with agency standards.

In addition to our combined corrections experience we relied upon the Model Security Audit Instrument developed and utilized in association with the National Institute of Corrections (NIC) Security Audit Program.[4] This generic security instrument has been utilized for well over ten years to train prison and jail professionals from the majority of the states across the country. It has been revised and updated as necessary by security consultants representing literally hundreds of years of corrections security experience. There is no question that it is an excellent guide to assess the security program in any prison or jail jurisdiction and concurrently to assess the sufficiency and comprehensiveness of agency and/or institutional security policies and procedures. For this evaluation we also relied upon the excellent corrections security guidance found in the American Correctional Association's *Guidelines for the Development of a Security Program (Third Edition*[5]. This publication provides a very comprehensive and corrections specific guide by which to measure the composition and sufficiency of a corrections agency or institutional security program.

In general, the SCDC documents reviewed and evaluated were both thorough and comprehensive. In many areas the policy/procedure/post order requirements exceeded the expectations in our reference materials and in some cases those requirements with which we are familiar in other jurisdictions. The Security Audit Checklist utilized in SCDC's Management Review process included numerous evaluative elements mirroring those found in the NIC model instrument. There are actually relatively few observations and recommendations for improvement in either operational area reviewed. In the review process we paid particular attention to the directives associated with weapons and key/lock accountability since these appeared to be the focal point of the concerns expressed during our discussions with SCLAC staff. Please keep in mind that there are many specific requirements in these two critical security areas and that the vast majority of these are included in the SCDC documents listed above.

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[4] U.S. Department of Justice, National Institute of Corrections, **The Security Audit Program A How To Guide and Model Instrument for Adaptation to Local Standards, Policies, and Procedures** Updated 2007.
[5] Eugene E. Atherton and Richard L. Phillips, **Guidelines for the Development of a Security Program** (Third Edition), American Correctional Association, 2007.

Armory/Weapons/Ammunition

1. Weapons Credentials and Issuance: NIC Audit Instrument 01.01.04 specifies that weapons are only be issued to staff who are trained/certified/qualified in their use and that documentation affirming that this training/certification/qualification is current will be maintained in the armory and other weapons issue points. SCDC OP-22.05 requires the maintenance of a current list of employees who have been <u>disqualified</u> for weapons use in the armory. This policy/procedure does not require the maintenance of qualification documentation at all weapons issue points, only the armory. Post Order #04, *Front Gate*, does not include this requirement nor does it provide sufficient detail on the important task of weapons security and issue. SCDC Management Review Checklist 14.02.05 allows for the use of a "no draw" list for the determination of who is <u>not</u> qualified and therefore should not be issued weapons.

Recommendations

We recommend that current <u>affirmative</u> documentation be present at all weapons issue points and utilized to confirm qualification prior to any weapons issue to insure that the individual to whom the weapon is to be issued is trained and qualified in its use.

Additionally, in order to further insure appropriate weapons issue accountability, we recommend consideration for the use of wallet sized weapons cards issued to each authorized employee. Information included on the card normally includes the date of qualification, weapons for which the qualification applies, the date of expiration and the signature of both the certifying training official and the employee. These cards may then be used as a "chit" when weapons are drawn with the issuing officer placing the card in the location in the weapons cabinet from where the specific weapon was taken.

Generally, since it is required that the weapons card be in the officer's possession anytime that he/she is on duty, no weapon is issued without the requesting officer presenting his/her weapons card; however, a backup list of those employees qualified should be maintained if needed in emergency situations.

2. Assistant Armorer Designation: NIC Audit Instrument 01.01.06 requires that a backup/assistant armorer be designated to provide for appropriate armory operation during the armorer's absence or to assist during an institution emergency.

Recommendations

While we noted that SCDC Management Review Checklist 14.02.06 provides this requirement, it is not included in the agency policy/procedure document. We recommend that this requirement be included in OP-22.05.

As a general observation we recommend that all checklist standards for review in the management review process have reference authority in the appropriate agency policy/procedure. This insures that institutional staff understand that the checklist standard is sanctioned by agency executive staff and has the force of agency executive order. It has also been our experience that standards by which the performance of agency staff, including institutional administrators, is judged are better accepted if they exist as agency policy/procedure requirements.

3. Armorer Training: NIC Audit Instrument 01.01.07 specifies that the armorer and assistant armorer receive training in all phases of armory operation including weapons maintenance. This is required by the SCDC Management Review Checklist 14.02.07 but is not included in agency OP-22.05. This is obviously a very important requirement since a malfunctioning weapon can cause serious injury or death to the individual to whom it is issued or others.

Recommendations

Again, it is advisable that such a significant, high liability requirement have the force of agency policy/procedure.

4. Armory Inventory: The inventory requirements specified in OP-22.05 including daily, weekly and monthly accountability inventories of firearms, chemical agents, ammunition, etc. (2.1.1, 2.1.2, 2.1.3, 2.1.4) are very comprehensive and exceed standard requirements. Additionally, the monthly requirement that the Chief of Security or Associate Warden for Operations conduct a thorough inspection and review of the armory and its operations documentation (2.2) exceeds inspection standards normally applied to this area.

5. Armory Access: Although not included in OP-22.05, Post Order #110 or Post Order #04 the SCDC Management Review Checklist does require at 14.02.02 that a checklist of those authorized to enter the armory is posted.

Recommendations

We recommend that this requirement be included in the agency policy/procedure to augment the language that is included in this document currently that only personnel approved by the warden are authorized access. We also recommend that the requirement for the posted list of those authorized be expanded to include any post/location where weapons are stored/issued and that the posted list be signed by the warden. We further recommend that specific language be included in each of these documents that requires log entries to be made <u>immediately</u> upon issue and/or receipt of weapons and that weapons received will be <u>immediately</u> placed in the locker designated for that purpose and the locker locked securely at that point and at all times when not in use.

6. Weapons Accountability - Allendale Incident

In order to examine the specific application of these operational directives, we reviewed the SCDC investigative report relating to an incident at Allendale C.I. in December of 2006 where a 38 revolver and six rounds of ammunition were discovered missing. The weapon and ammunition have not been found and are presumed stolen. No one has been charged with theft of the items and the case, according the SCDC Inspector General, remains open.

We did not examine this incident from an investigative perspective but rather for any indication that policy and procedure deficiencies may have contributed to its occurrence. It is clear from the examination of the numerous documents included in the investigation file that this incident resulted primarily from performance failures by the staff involved. Existing procedures were clearly violated in several areas and subsequently staff guilty of these violations were disciplined. The final recommendation that we have provided above to enhance the existing directives and to emphasize implementation practices may serve to reduce the likelihood of recurrence of such an incident.

Summary – Armory/Weapons

Although time restraints did not allow a complete security audit of armory operations, our observations during site visits to the armories at both Ridgeland and Broad River indicated that they were well organized and generally compliant with all of the SCDC directives in this area. We did discover some operational discrepancies while visiting the front gate area at Broad River in terms of gate control room access and weapons locker security. Again, the specific enhancements in our final recommendation above should serve to mitigate these deficiencies when these written instruction changes are coupled with supervisory emphasis and monitoring.

Key Control

1. Backup Key Control Officer: NIC Audit Instrument #13.01.03 and #13.01.09 require the designation of an assistant, backup key control officer and training for both the assigned officer and the assistant. As was the case with armory personnel, the assignment of an assistant/backup is not covered in OP-22.17 but it is listed as a requirement in the SCDC Management Review Checklist 14.06.04. We could not find where training in this area is required in either. There are fifty-four important issues for review in the NIC instrument in the key control area. Obviously it is extremely important and requires meticulous, on-going records keeping and monitoring. Not only does this fact require that an assistant/backup be assigned who is knowledgeable of the requirements in this area; in case of an emergency and the absence of the primary key control officer, this backup position can become critical. The redundancy principle is a key element in any area of a sound security program.

Recommendation

Again, as in the comments in the weapons, ammunition, etc. area discussed previously, we recommend that these checklist requirements be incorporated into agency policy/procedure.

2. Lock Shop Audit/Inventory: NIC Audit Instrument #13.02.10 requires that an internal audit/inventory of the lock shop be conducted quarterly by a supervisor not normally associated/responsible for the key control area. We could not find where this is a requirement in SCDC. This practice does provide for one additional accountability element in this area if adopted.

Recommendation

We recommend that SCDC adopt this practice.

3. Permanent Issue Keys: NIC Audit Instrument #13.02.11 specifies that permanent issue keys be controlled by policy and limited to exceptional circumstances. A quarterly inventory is also required.

Permanent issued keys are not referenced in OP-22.17 or in Post Orders #07 or #109. SCDC Management Review Checklist 14.06.36 states that permanent issue keys inside the compound are kept to a minimum and authorized in writing by the warden.

There is no requirement for a quarterly inventory included or referenced elsewhere that we could find. It is unclear from the wording in the checklist item; but it appears that the reference to "inside the compound" may indicate that security keys are allowed on permanently issued key rings. Paragraph 7 of OP-22.17 provides that, with the approval of the warden, master keys may be on such permanent issue, take home key rings.

The *Guidelines for the Development of a Security Program* in Chapter 15, Key Control, allows for a highly limited number of <u>non-security</u> keys to be permanently issued. This would include administrative office keys, file cabinets, staff housing, etc. It is difficult to assess exactly what is occurring in the permanent issue key area because of the very limited reference to it found only in the checklist.

Recommendation

We recommend that the limitation found in the reference publication above be implemented in SCDC and that the appropriate requirements be discussed in detail in agency policy/procedure. Permanent issue/take home keys pose an increased accountability risk and are generally more subject to being lost than keys accounted for on a shift by shift or daily basis.

4. Master Keys: The *Guidelines for the Development of a Security Program* in Chapter 25, Key Control, states that master keying should be permitted only when absolutely necessary and for a minimum number of doors. Master keying and the subsequent carrying of master keys on issued staff key rings is normally limited to areas/doors where there are relatively limited security implications such as education and programs areas, etc. or for housing units (as an override key) where inmates carry their own keys. Grand-master keying systems and/or master systems for large numbers of security significant doors should not be permitted because of the security implication and the significant cost should the master key be lost or otherwise compromised. Many jurisdictions do not allow the issue of master keys and certainly not grand masters due to these concerns. This prohibition does not appear to be in place in the SCDC; in fact, as noted above, special provisions exist for such master keys to be assigned to permanent issue key rings.

Recommendation

We recommend that SCDC conduct a comprehensive review of all institutional key control systems for the purpose of limiting master keys to an absolute minimum. Staff <u>convenience</u> is not an applicable consideration for such a review. We also recommend that OP-22.17 more specifically address the control issues associated with master keys and the subsequent requirements for their management.

Summary – Key Control: As stated previously there are fifty-four important areas for review in the NIC Audit Instrument in the area of key control. This constitutes one of the larger components of the instrument, a fact commensurate with the significance and complexity of this security area in terms of accountability and control.

Our detailed review revealed only the very limited number of opportunities for enhancement identified above. Additionally we had the opportunity to visit and generally inspect the key control areas at Ridgeland C.I. and Broad River C.I.

Although we were not able to conduct a detailed security audit, we found both areas to be in good order with staff assigned who were very knowledgeable of the expectations and requirements of the agency instructional documents. The recent enhancement requiring a substantial 24", engraved/numbered lanyard/chain for securely carrying all security key rings was observed. We believe that this enhancement will improve key ring accountability and dramatically reduce the possibility of lost key rings.

We visited the SCDC locksmith shop and discussed key and lock issues at some length with agency locksmiths Sonny Scott and John Hill. We were impressed with the experience level of these individuals and their obvious commitment to the agency. A general inspection of the lock shop area indicated that it was in good order and the staff's responses to questions concerning procedural requirements for the area were indicative of a thorough knowledge of agency expectations. When asked specifically about the issue of staff losing keys Mr. Scott replied there was more of a problem with inmates fabricating and altering keys.

This is not a problem unique to SCDC; other jurisdictions have identified inmates capable of even fabricating security keys based on recollection from having observed them in an officer's possession. We discussed the recommendation found in the *Guidelines for the Development of a Security Program* that a sheath or cover be utilized to cover the key cut of the paracentric keys. We recommend that this option be pursued. It is our understanding that "key shields" for this purpose are available for purchase at a very reasonable cost and/or can be fabricated even less expensively.

We reviewed two reports dated January 29, 2008 provided by the SCDC titled "Altered or Manufactured Inmate Keys" and "Institutional Lost Key Log." In our opinion, an examination of this report does not lead us to conclude that there are an extraordinary number of such incidents.

The recommendation offered previously regarding master keys may reduce the seriousness and subsequent cost of such lost key incidents (the lost master key at Broad River in 2006 is an example). It is important to note that keys are lost and inmates alter and attempt to fabricate them in all jurisdictions and that such incidents will continue to occur despite our best efforts. Based on our observations, the agency is making a strong effort to minimize the occurrence of such incidents.

Review SCDC's policies and procedures regarding escapes

<u>Policy Review</u>

Discussions with SCLAC staff indicated that the interest/emphasis here is on escape prevention as opposed to response to escapes once they have occurred. Considering that the primary mission of all corrections systems is the protection of the public and that preventing escapes from custody is generally considered to be the most significant way that this mission is accomplished, an examination of the policies and procedures that are related to this effort could, and probably should, encompass practically every phase of institutional operations.

Even when limiting the review to those policies and procedures that are normally considered to directly relate to escape prevention, the volume of the information, the variations in possible workable methodologies and approaches and physical plant considerations make such a review difficult. This difficulty is compounded by performing such a review absent first hand knowledge of all of the system characteristics that strongly influence how a particular system goes about achieving this most important goal of preventing escapes.

We will attempt to perform a relatively brief, broad and generic assessment of the SCDC security program policies and procedures as they pertain to escape prevention.

The following SCDC Policies/Procedures have been identified for review:

- OP-22.02 - Tool Control
- OP-22.06 - Inmate Counts and Reporting
- OP-22.08 - Controlled Inmate Movement
- OP-22.10 - Transportation of Inmates Outside the Institution
- OP-22.17 - Key Control
- OP-22.19 - Searches of Inmates

Additionally, the following SCDC Management Review Checklist areas were reviewed:

- 14.01 – Perimeter
- 14.04 – Control Room
- 14.06 – Key Control
- 14.10 – Searches
- 14.12 – Inmate Counts
- 14.13 – Controlled Movement
- 14.15 – Inmate Transportation
- 14.16 – Tool Control

These documents were evaluated based on our combined corrections security experience and considered in the context of the generally applicable reference requirements included in the corresponding sections of the NIC Audit Instrument and applicable chapters in the *Guidelines for the Development of a Security Program*.

While any review of this type will likely produce potential suggestions for alternative methodologies for possible enhancement/improvement of current practice, we have confined this particular review to whether the primary elements necessary for effective escape prevention are included in each respective area of instruction. The alternative methodologies referred to can only be accurately identified by combining the content of the written directives with actual site inspections to view and evaluate the physical plants, physical security systems, compound designs and overall site specific operational practices. The time allotted to this project does not allow for such an in depth and time consuming assessment.

We found the primary elements for escape prevention to be present in all areas of the SCDC security program represented by the written instruction included in the documents listed here. The policies and procedures and particularly the security checklist items provided evidence of a comprehensive security program capable of minimizing the possibility of inmate escape. Some evidence of the effectiveness of this program can be seen in the pattern of significant actual escape frequency reduction since 1990 and more significantly over the last five years as indicated in the Accountability Report for 2008 including data audited and updated as of August 20, 2008.[6] While the total number of thirteen inmates escaping in 2008, including ten from minimum custody facilities, would certainly be considered to be thirteen more than is acceptable to any correctional system's goal of zero escapes, this total is certainly not extraordinary for a system the size of the SCDC.

The vast majority of escapes from correctional facilities result, at least in part, from staff not doing what the established written instructions tell them to do. This includes 'short cutting" security processes and/or becoming "attitude complacent" in the manner in which routine security requirements are carried out. The myriad of other possible contributing factors is far too broad to list here. These issues can best be identified by individual assessment of each escape incident. Such an assessment following inmate escapes as well as other critical incidents can frequently provide insights that are invaluable in insuring that a similar incident does not recur at this location or another within the system.

We strongly recommend that if such a formal "critical incident review" process does not exist in SCDC that one be implemented. When combined with a system to proactively identify security issues such as the SCDC Management Review system described in GA-06.01, a formal after incident assessment process insures agency responsiveness consistent with the priority such threats pose to public safety.

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[6] *Inmate Escapes from South Carolina Department of Corrections Facilities by Facility Type, FY 1990-2008*, South Carolina Department of Corrections Agency Accountability Report, September 2008

Review whether there is a perception by SCDC employees that a culture of harassment, intimidation, and favoritism pervade the employment practices at SCDC

During our introductory meeting with the Legislative Audit Committee, Perry Simpson provided consultants with copies of a series of memorandums and e-mails beginning in May of 2008 regarding a survey instrument prepared by the LAC for the stated purpose of "evaluating working conditions at the SCDC." We were also provided subsequent responses from Director Jon Ozmint, concluding with a memorandum from the LAC dated June 25, 2008 that the LAC would not be conducting the survey. These documents are referenced only as background for this request, and the specific assertions made will not be subject to review in this report. However, as there appears to be interest by both the LAC and Director Ozmint in conducting a survey of organizational culture within SCDC, the following is provided for consideration as a basis for future consideration only.

Assessing Institutional Culture

Determining the culture of a correctional facility, much less a correctional agency is a complex, time-consuming effort that requires the commitment of the agency administration and the dedication of the key staff designated to manage the project. The National Institute of Corrections uses the *Organizational Culture Inventory*® (OCI) in its course "**Promoting a Positive Corrections Culture**" and in the culture assessments it conducts for facilities on request.

According to Carol Flaherty-Zonis in her document "***Building Culture Strategically: A Team Approach for Corrections***," prepared under cooperative agreement numbers 02/03–PO9GIW1 and 04P33GJCI from the National Institute of Corrections, U.S. Department of Justice:

> "The *Organizational Culture Inventory*® (OCI) is a survey that was developed by Human Synergistics® International in the 1980s. It obtains a picture of an organization's culture indirectly by measuring the behavioral norms and expectations associated with the shared beliefs and values held by the people in the organization. The OCI does not look at the individual values or behaviors of the person completing the inventory. Rather, it looks at his/her understanding of the behaviors expected by the organization—that is, how the person thinks he/she should behave to fit in."[7]

The limited initial scope of this Technical Assistance Report does not permit more than a cursory review of the quantitative information provided as described in this excerpt from "***Building Culture Strategically."***

> "*Once you have decided to move forward with strategic planning, you will want to gather information to develop a more comprehensive understanding of your facility. Combining individual and collective perceptions (qualitative measures) with facts and figures (quantitative measures) will produce the most useful picture. You probably routinely gather quantitative data on measures related to offenders (e.g., grievances, assaults, escapes, substance abuse test results, program participation, general equivalency diploma (GED) completions) and to staff (e.g., attendance, disciplinary actions, turnover). Equally important to strategic planning are qualitative data on subjective issues such as the perceptions of staff, offenders, and other stakeholders; how you do what you do; and how people work together.*"[8]

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[7] Flaherty-Zonis, Carol, ***Building Culture Strategically: A Team Approach for Corrections***," Cooperative Agreement #02/03–PO9GIW1 and 04P33GJCI, National Institute of Corrections, U.S. Department of Justice, 2007.

[8] Flaherty-Zonis, Carol, "**Building Culture Strategically: A Team Approach for Corrections**," U.S. Department of Justice, National Institute of Corrections, 2007

Due to the limited scope and timeframes of this Technical Assistance Report, only the quantitative measurement devices in place with the SCDC were reviewed in this case. The following research is cited to underscore the correlation of procedural safeguards to the satisfaction levels of the staff of a correctional agency.

Literature Research-Job Satisfaction in Correctional Agencies

There is a great deal of research on correctional employee job satisfaction involving surveys to determine root causes of turnover, absenteeism, disciplinary trends, and institutional culture. Cited impacts include such diverse predictors as work/family conflict[9], gender[10] and as discussed in detail below, perceived versus actual disciplinary fairness.

A paper by Eric G. Lambert of the University of Toledo, Nancy Lynne Hogan of Ferris State University and Shannon M. Barton of Grand Valley State University references and summarizes this literature:

> "*During the past decade, there has been increasing pressure on correctional agencies to attract and keep quality staff. Raising worker job satisfaction is seen as a fundamental way of decreasing turnover. There has been a considerable amount of research in the area of the possible causes of correctional staff job satisfaction and, to a lesser extent, the possible consequences of job satisfaction. However, due to the numerous studies, some with conflicting results, it is difficult to understand clearly the factors associated with job satisfaction. A review of the literature is presented to provide a better understanding of correctional staff job satisfaction.*"[11]

Lambert also theorizes that there is a correlation between job satisfaction and a premise he calls "organizational justice." More important than individual case results as it relates to pay, advancement, and employee discipline or performance evaluations is the concept that there is a system in place that allows for appropriate and fair dispensation.

> "*Fairness and justice are fundamental concepts in society, including in the workplace where they are referred to as organizational justice. Distributive and procedural justice are two dimensions of organizational justice. It is theorized that organizational justice impacts the job satisfaction and organizational commitment of correctional staff. Pearson's correlation coefficients were calculated, factor analysis was performed, and ordinary least squares (OLS) regression equations were computed from the results of a survey of staff at a midwestern correctional facility. It was found that distributive and procedural justice are distinct concepts among correctional staff, and both have significant positive effects on job satisfaction. Additionally, procedural justice, but not distributive justice, has a significant positive impact on organizational commitment.*"[12]

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[9] Lambert, E. The **impact of work–family conflict on correctional staff , A preliminary study Criminology and Criminal Justice**, Vol. 6, No. 4, 371-387 (2006)

[10] Griffin, 2001 M. Griffin, **Job satisfaction among detention officers: Assessing the relative contribution of organizational climate variables**, Journal of Criminal Justice

[11] Lambert, E., Hogan, N., & Barton, S. (2002a). **Satisfied correctional staff: A review of the literature on the antecedents and consequences of correctional staff job satisfaction**. Criminal Justice and Behavior 29, 115-143.

[12] Lambert, E., **The impact of organizational justice on correctional staff.** Journal of Criminal Justice, Volume 31, Issue 2, March-April 2003, Pages 155-168

In conclusion, the complexity involved in conducting a large-scale, comprehensive survey to determine a baseline of existing employee satisfaction followed by identified prescriptive initiatives and subsequent evaluative instruments to determine progress is clearly outside the scope of this project. However, determination of the fundamental adequacy of existing procedural safeguards within the South Carolina Department of Corrections can be undertaken.

Policy and Data Review

During our in-briefing with LAC staff, consultants inquired as to if there were specific cases that could be examined to support or deny the alleged "*perception by SCDC employees that a culture of harassment, intimidation, and favoritism pervade the employment practices at SCDC.*" Citing confidentiality, Mr. Simpson indicated he could offer no specific instances regarding current employees or supervisors that could be examined or assessed by consultants.

Based on this lack of anecdotal references, existing organizational systems were examined along with the resulting data routinely collected. It was found that numerous departmental and statewide policies existed that pertain either to employee access to administrators to voice issues or established avenues of appeal when treatment, discipline or other issues arise.

The Center for Society, Law and Justice (CSLJ), who with the support of the Bureau of Justice Assistance provides an assessment of the current status of efforts to manage law enforcement integrity, states:

"A climate of organizational integrity will be supported by clear policies relating to:

- *Accountability*

- *Discipline*

- *Retention and Promotion*

- *Harassment and Discrimination*

- *Employee Emotional Issues/Dealing with Officer Stress*

- *Intervention Programs"*[13]

South Carolina Department of Corrections policies covering measures of employee satisfaction were examined and include:

- ADM-11.28   Applicant Selection Process   06/01/2007
- ADM-11.06   Employee Performance Management System   10/01/2004
- ADM-11.19   Employee Assistance Program   07/01/2004
- ADM-11.04   Employee Corrective Action   08/01/2004
- ADM-11.02   Employee Grievance and Appeal Procedures   07/01/2004
- ADM 11.13   Employee Recognition and Awards   07/01/2004
- ADM-11.32   Employee Sexual Harassment   07/01/2004
- OP-22.21   Institutional Correctional Officer Representative Councils 01/01/2004
- ADM-17.01   Employee Training Standards   01/01/2002
- ADM-11.20   Equal Employment Opportunity and Affirmative Action 01/01/2004

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[13] Sharf, Dr. Peter, **Managing Law Enforcement Integrity**, Bureau of Justice Assistance, Center for Society Law and Justice, August 2006.

Some of these policies generate reports reflecting status and trends. Where applicable, available reports were examined and observations provided from a general and national perspective.

1. Applicant Selection Process Policy Review: The South Carolina Department of Corrections has authority to establish regulations regarding Applicant Selection however they are ultimately controlled and regulated by state human resource entities. According to ADM-11.28:

> *"The South Carolina Department of Corrections (SCDC) will comply with all provisions of the State Office of Human Resources Rules and Regulations Manual, as well as all applicable state and federal statutes and regulations, and Agency directives with regard to the hiring, selection, and employment of individuals to positions within the Agency. Only those positions that have been established and classified in accordance with State Human Resource Regulations will be available for filling. In the case of unclassified positions (executive staff), employment will be made in accordance with the policies/procedures of the State Budget and Control Board."[14]*

This lengthy and comprehensive policy is very specific as to the steps to be taken in filling positions, and as outlined in the departmental grievance procedure,

> *"Promotions are not adverse employment actions which may be considered grievable or appealable except in instances where the Agency or, in the case of appeals, the State Human Resources Director, determines that there is a material issue of fact as to whether or not the Agency has considered a qualified covered employee for a position for which the employee formally applied or would have applied if the employee had known of the promotional opportunity.*

> *(However, when the Agency promotes an employee one organizational level above the promoted employee's former level, that action is not grievable or appealable for any other qualified covered employee. Failure to be selected for a promotion is not considered an adverse employment action which can be considered for a grievance or an appeal.)"[15]*

The provisions of both the policy and the avenues of appeal available to staff appear to exceed professional standards for selection and in the event there are issues in specific cases, systems are in place to provide redress for those affected. As indicated, no particular cases were provided for us to review and so no evaluation is provided regarding such instances.

2. Employee Performance Management System Policy Review: Employee performance appraisal is one of the most controversial and troublesome systems in human resources, regardless of profession. The scope of this review only allows for the acknowledgement that a comprehensive system exists within the SCDC in ADM-11.06 and that it encourages continuous communication between supervisors and employees and has standard provisions for the written planning and evaluation of employee performance.[16]

The procedures established appear to meet or exceed expected standards for performance appraisals and support ongoing communication and evaluation, however, appeal of appraisals are not included in the grievance policy. Unfortunately a more in-depth evaluation is outside the scope of this project.

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[14] South Carolina Department of Corrections Policy ADM-11.28 "**Applicant Selection Process**," June 1, 2007.
[15] South Carolina Department of Corrections Policy ADM 11.02 "**Employee Grievance and Appeal**," March 1, 2008.
[16] South Carolina Department of Corrections Policy ADM 11.06 "**Employee Performance Mgt System**," October 1, 2004.

3. Employee Assistance Program Policy Review: SCDC's policy ADM-11.19 provides the most essential components of an employee assistance program, and is driven primarily by self-referral. It is apparent in our review of the incident that in the aftermath of the hostage situation at Ridgeland CI, appropriate post-incident measures were taken with regard to the hostage. However, the larger environment surrounding the hostage situation raises the question as to the need for a more comprehensive program to address the issue of employee stress.

Corrections as a profession traditionally presents the challenge that any self-referred request for assistance may be viewed in the prison environment as an exhibition of weakness. Some affected staff, being given an opportunity to see a professional, will opt out in order to avoid the stigma of having been affected by an event. Further, in many instances, employees who are not first responders may be seriously affected by an incident that occurs to another officer, and without significant systems in place to identify and deal with these individuals, this resulting silent effect may greatly affect morale and turnover rates.

According to an article in the Journal of the American Academy of Experts in Traumatic Stress, corrections presents unique challenges when dealing with employee stress.

> *"Critical incidents and stressors experienced by employees in correctional, prison, forensic settings include: held hostage, riot, physical/sexual assault, death or serious injury in line of duty, suicide of inmate or employee, use of lethal force on inmate, participation in execution and witness to any of the above.*
>
> *Historically, the approaches to help staff deal with critical incidents and stressors fall into three broad categories including:*
>
> *(1) Employee Assistance Program (EAP), a contracted service with the state, agency or facility. Traditionally, the EAP provider is typically an individual mental health clinician (i.e., counselor, social worker, and psychologist). Since employees in these settings tend to be cautious and somewhat suspicious of mental health providers and outsiders, a few EAP programs include clinician-trained peer support personnel selected from the employees likely to be represented in an event.*
>
> *(2) Peer Support Program (PSP) which consists of non-clinician employees, who are representative of the workforce, and trained in crisis intervention.*
>
> *(3) Critical Incident Stress Management (CISM) Program, the International Critical Incident Stress Foundation (ICISF) model. The CISM Team is " described as a partnership between professional support personnel (mental health professionals and clergy) and peer support personnel (employees) who have received training to intervene in stress reactions" (Mitchell & Everly, 1993). Professional support personnel are required to have academic training at the master's degree or higher level and/or recognition of their training and skills through certification or licensure. They must also have education, training and experience in critical incident stress intervention."[17]*

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[17] John H. Ream, III, M.S. BCETS, "***A Comprehensive Critical Incident Stress Management (CISM) Programming a Correctional System: It's More than Dealing with Workplace Violence***" American Academy of Experts in Traumatic Stress, 2006.

Recommendations

If SCDC would consider expansion of the Employee Assistance Program to include some elements of CISM, there would be a two-fold impact on the organization. First, it would serve to aid in the retention of staff that need the services directly provided through the program. More importantly, the message that the implementation of such a program sends to the rest of the cadre is invaluable. By establishing such a proactive and unabashedly pro-staff program, the assertion that the well-being of departmental personnel is crucial to the administration is unmistakable.

The above cited article goes on to describe the specific elements of a comprehensive CISM program including:

"1. On-scene support (usually provided by peer support members during a major/prolonged event).

2. Demobilization or de-escalation (brief intervention to assist employees in making the transition from the traumatic event back to routine or stand-by duty, formal debriefing to follow in several days).

3. Defusing (a three-phase group crisis intervention provided immediately or within twelve hours after the event to mitigate the effects of the stressors and promote recovery, usually twenty to forty-five minutes in duration).

4. Debriefing (a seven-phase group crisis intervention process to help employees work through their thoughts, reactions, and symptoms followed by training in coping techniques, usually lasting one and one-half to two hours).

5. One-on-one support (individual intervention if a single or small event and a group intervention is not possible or additional individual assistance is deemed necessary after a group process).

6. Significant other/family defusing/debriefing (services may be provided separately from traumatized employees).

7. Line-of-duty death support (defusing provided immediately after event for staff, team assists family, and a debriefing provided for staff after the funeral).

8. Referrals (team member recommends and instructs employee to access additional support/treatment through EAP or other resources).

9. Follow-up (team leader or designated member contacts employee(s) and/or employees' supervisor a few days after team services)."

Any or all of the above elements may be considered for future inclusion in SCDC's Employee Assistance Program to the benefit of the agency. Programs similar to this currently exist in state corrections departments in Arizona, Texas, Washington, Colorado, Minnesota, Oregon, Pennsylvania, Ohio, Tennessee and New Jersey to name just the few that are easily referenced through the literature and on their departmental websites. As a point of reference, Arizona's policy #521**Employee Assistance and Support Program** can be accessed through a link on their website at www.azcorrections.gov/adc/policy/dept_orders.asp#500.

4. Employee Corrective Action Policy Review: ADM-11.04 provides a comprehensive process for identifying and correcting staff misconduct. Included in this policy are:

- *EMPLOYEE REVIEW MEETINGS*
- *CORRECTIVE ACTION GUIDELINES*
- *JOB ABANDONMENT*
- *SUBSTANDARD JOB PERFORMANCE*
- *RESIGNATION IN LIEU OF CORRECTIVE ACTION/TERMINATION*
- *RESIGNATION WHILE UNDER INVESTIGATION*
- *EMPLOYEE GRIEVANCE PROCEDURE*
- *SANCTIONS/VIOLATIONS*
- *GUIDELINES FOR EMPLOYEE CORRECTIVE ACTION*

Several provisions outlined in the referenced policy reduce the potential for arbitrary or discriminatory actions.

- The policy provides a specific definition of potential violations, and a matrix describing their potential sanctions. Local deviations from this matrix are possible, but according to the policy, "*Corrective actions imposed outside the Sanctions/Violations (see Attachment 1-A) must be approved by the Employee Relations Branch, appropriate member of the Director's staff, and/or the Agency Director.*"[18]

- The policy provides the employee charged an opportunity for an "Employee Review Meeting" which not only allows the employee the opportunity to provide their side before action is taken, but the policy includes a due process protection in that they must have a 24 hour notice in order to allow for preparation for the meeting. Meeting procedures and timelines are specific.

- Appropriate discretion is described in the policy and requires the reprimanding authority to carefully evaluate the totality of the situation before imposing sanctions. Specifically,

  "It is the Agency's position that each situation requiring corrective action is unique. Thus, the Reprimanding Authority should consider the totality of the circumstances and identify any aggravating or mitigating factors when determining an appropriate course of corrective action. The factors which should be considered by the Reprimanding Authority include, but are not limited to the following:

  - *Employee's work history;*
  - *Previous disciplinary history;*
  - *Employee Performance Management System (EPMS) appraisals;*
  - *Action inadvertent or intentional; and*
  - *Security, safety, or mission of the institution/division jeopardized.*"[19]

- The employee's right to grieve the action is included in this policy and the requisite policy citation is referenced.

Monthly statistics were also reviewed regarding corrective actions and terminations during the time frame of fiscal years 2008 and 2007.

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[18] South Carolina Department of Corrections Policy ADM-11.04 "**Employee Corrective Action,**" September 1, 2007.
[19] South Carolina Department of Corrections Policy ADM-11.04 "**Employee Corrective Action,**" September 1, 2007.

The total number of corrective actions increased from 1078 to 1383 between June of 2007 and June of 2008, reflecting a 22% increase. However, the serious actions including suspensions and terminations did not reflect the bulk of these increases, as indicated below:

Action	2006/2007 FY Total	2007/2008 FY Total	% +/-
Suspensions Issued	242	248	+2%
Terminations for cause	137	147	+7%
Demotions	5	8	+37%

Another indicator is the lesser actions such as Written Warnings and Disciplinary Probation increased more dramatically, accounting for much of the total increases.

Action	2006/2007 FY Total	2007/2008 FY Total	% +/-
Written Warnings	448	646	+31%
Disciplinary Probation	110	188	+41%

These figures would indicate that while the number of infractions increased, the utilization of more corrective and less punitive sanctions increased as well and at a higher rate than more serious sanctions.

While it is impossible to draw specific conclusions based on the general information provided above, the trends toward less stringent sanctions in the face of greater numbers of violations does not appear to trend toward a more punitive attitude on the part of the administration.

5. Employee Grievance and Appeal Procedures: According to ADM-11.02, SCDC staff may file appeals on:

- Terminations, demotions, and suspensions (disciplinary and administrative);
- Salary decreases based on performance evaluations;
- Reclassifications are considered grievable if the Department, or appealable if the State Human Resources Director, determines there is a material issue of fact that the action is a punitive reclassification;
- Reductions-in-force are considered grievable if the Department, or appealable if the State Human Resources Director, determines there is a material issue of fact that the Department inconsistently and/or improperly applied the Agency's reduction-in-force plan or policy; (See SCDC Policy/Procedure ADM-11.05, "Reduction-in-Force," for information.)
- Involuntary reassignments of an employee greater than 30 miles from his/her current work location to another work location.

Promotions are discussed above specifically in the review of ADM 11-28, however this policy goes on to identify the following actions are not grievable:

- Written warnings or disciplinary probation periods;

- EPMS appraisals;

- Reclassifications, reassignments, and transfers within the same pay band;

- Demotions when an employee is demoted prior to serving six (6) months of satisfactory service in the higher class (band) with a higher state salary range, and provided the demotion is not to a lower class (band) with a lower state salary range than the class from which the employee was promoted; and

- Voluntary reassignments or resignations. [NOTE: An employee's failure to report to duty for three (3) consecutive days without contacting the Agency is considered job abandonment and a voluntary resignation.[20]

A further level of appeal outside the agency is provided by appeal to the State Human Resources Director. Any grievance filed is submitted to the Human Resources Division which confers with the affected division to determine if an informal resolution is possible. If not, within five calendar days it is referred to the General Counsel for investigation and a conference if deemed appropriate. The conference allows for witnesses. This must be conducted with 25 calendar days.

From this step, a finding is made by the Director's Staff within five days, which the grievant has five days to appeal. The final agency determination is made by the Agency Director within another five days, at which point, "The grievant may appeal the Agency's final ruling to the State Budget and Control Board, Office of Human Resources, State Human Resources Director, within ten (10) calendar days of his/her receipt of the Agency Director's response or within 55 calendar days from the initial date the grievance was filed within the Agency, whichever is later."[21]

Employee Grievance Statistics

The Employee Relations Branch compiles a Monthly Statistics Report which indicates the number of grievances filed. According to this report, the following trends are reported:

Action	2006/2007 FY Total	2007/2008 FY Total
Grievances Filed	57	70
Grievances Processed	47	56

These statistics reflect that there was a slight increase in both grievances filed and grievances processed between FY 2006/2007 and 2007/2008. The figures also indicate that roughly 18% -20% of grievances filed are resolved prior to processing, which would infer that at the stage they are

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[20] South Carolina Department of Corrections Policy ADM 11.02 "**Employee Grievance and Appeal**," March 1, 2008
[21] South Carolina Department of Corrections Policy ADM 11.02 "**Employee Grievance and Appeal**," March 1, 2008

reviewed between Human Resources and the affected Division that some resolution is achieved.While specific trends or problem areas cannot be determined based on this information, it does support the existence of a working and active grievance system. Further analysis of these particular cases could result in information valuable to administration.

6. Employee Recognition and Awards Policy: According to the Agency Accountability Report,

> *"Our mission statement and organizational culture remind employees of our concern for their safety. We remind and reward staff through a variety of recognition programs, including Correctional Officer Week, Can-Do Awards, Spirit Awards, as well as nominations for external honors, e.g., South Carolina Correctional Association Awards."*[22]

Policy ADM 11.13 was reviewed and provides a rudimentary mechanism to provide annual recognition for staff to include potential for monetary awards and an annual luncheon. No information was provided or reviewed as to the implementation of the policy or the attitude of staff regarding it, therefore it is impossible to estimate if this policy has bearing on the sentiment that the rank and file have for the organization, but it does not seem to reflect an elaborate or extensive program.

As a general premise, an active and vital recognition program serves to vividly demonstrate to staff those actions and behaviors that are valued within the organization. It could be offered that while there are many other actions taken by any administration that have a larger impact on line staff, the absence of a recognition and awards mechanisms altogether, or the apathetic execution of any system may exacerbate an already tense relationship. Further review of the culture of the SCDC may include review of this area.

7. Employee Sexual Harassment Policy: It is recognized that there are at least two standards for a policy to meet sufficiency requirements in the area of sexual harassment.

- **The system must be reasonable.** Depending on the "employment circumstances," the system must match the capabilities of the workforce. For example, if most employees do not speak English, a policy distributed only in English would not be reasonable.

- **The system must include a way to bypass a harassing supervisor.** Victims of harassment should not be forced to complain to the harassing supervisor themselves.

SCDC Policy ADM-11.32 meets both requirements in that it is published as well as being the subject of training in both orientation and in-service. Additionally, the policy allows for bypassing of supervisors:

> *"1.1 General Information: Complaints regarding sexual harassment can be made by an employee directly to the Division of Human Resources, Employee Relations Branch or directly to his/her immediate supervisor who will give him/her an SCDC Form 16-111, "Sexual Harassment/Hostile Work Environment Complaint," to file said complaint. A copy will be forwarded to the Division of Human Resources, Employee Relations Branch, or to another appropriate state and federal agency responsible for handling complaints regarding sexual harassment, i.e., South Carolina Human Affairs Commission, Equal Employment Opportunity Commission."*[23]

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[22] South Carolina Department of Corrections, **Agency Accountability Report**, September 2008.

[23] South Carolina Department of Corrections Policy ADM 11.32 "**Employee Sexual Harassment**," March 1, 2008

As noted above, this policy provides an additional safeguard in the reporting of the issuing of a form to a complainant which is followed up by the Division of Human Resources if a filed complaint is not received within a reasonable time frame. This provision further reduces the potential of intimidation against the complainant by a supervisor.

As indicated previously, no specific cases or investigations were supplied to nor reviewed by consultants based on the confidentiality concerns of the Legislative Audit Council.

However, an interview was conducted with Robyn Gracien, Employee Relations, Human Resources Division, who is the recipient of all sexual harassment and hostile work environment complaints. She described the process in detail and provided a copy of the multi-copy form utilized and described distribution and follow-up.

Investigation of non-criminal cases is handled by the Human Resources Division and collaboration with the Division of Investigation if criminal activity is indicated:

> *"2.5 During the investigative review, the Division of Human Resources, Employee Relations Branch may consult with the Division Director of Investigations or designee to determine whether any criminal activity is involved and whether the complaint would be more appropriately investigated by the Division of Investigations or by the South Carolina Law Enforcement Division. If the complaint is referred to the Division of Investigations, the employee will be notified by the Division of Human Resources, Employee Relations Branch."[24]*

Finally, provisions exist for the protection of the complainant during the review process:

> *"**2.6** During the investigative review, the complainant may not be transferred, reassigned, or given any change of status without the approval of the Division of Human Resources, Employee Relations Branch."[25]*

Based on this review, it appears that the SCDC policy and practice meets or exceed generally accepted standards for employee redress of concerns of this type.

8. Institutional Correctional Officer Representative Councils: One of the more innovative methods employed by the SCDC to enhance communication between line staff and upper management is what is called the Institutional Correctional Officer Representative Councils and is covered in OP-22.21. Each institution elects members of this council, and under optimal conditions, these representatives meet with the Director and agency administrators who provide information on their areas of responsibility and respond to questions from the group. These meetings last all day and the representatives poll their peers for questions to be posed to the administrators, and are expected to bring relevant information back to their institutions following the meeting.

A review of the agenda for a meeting that was held on February 25th reflected a wide ranging array of topics. Additionally, one of the consultants was able to conduct an impromptu, informal discussion with several of the Officer Representatives prior to the start of the meeting which revealed a sense of pride in participating and a very positive attitude toward the concept. Minutes are taken during the meeting and published as a recap of the discussions.

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[24] South Carolina Department of Corrections Policy ADM 11.32 "**Employee Sexual Harassment**," March 1, 2008
[25] South Carolina Department of Corrections Policy ADM 11.32 "**Employee Sexual Harassment**," March 1, 2008

9. Employee Training Standards: Training policy ADM-17.01 and curriculum were examined to determine if new staff were apprised of their grievance rights during orientation and pre-service training, as well as reiterated during in-service programs. A review of the curriculum is important to determine what information is provided to staff and at what point that they learn about policies relating to their expectations as employee and their ability to appeal certain actions. According to the 2008 Accountability Report:

> "*We conduct an annual needs assessment, as well as having quarterly advisory training councils. Material solicited is reviewed by the Training Academy and a plan is submitted for review by the Agency Training Council. We also review routine incident reports, as well as conduct post-incident reviews of serious incidents. Input is received from the Office of General Counsel, the Divisions of Human Resources and Inmate Grievance, and other areas regarding issues that arise or need to be addressed through training which may include material based on statute, regulation, and professional standards. Management Review audits also provide information on training needs.*"[26]

The synopsis for the Orientation for correctional staff in the SCDC includes several of these topic areas. It is important to know that the classes are instructed by administrators in respective disciplines, and the Director attends each orientation class to welcome new staff on board.

- Code of Ethics and Standards of Conduct
- Employee Relations/EAP
- Employee Performance Management Systems
- Internal Investigations
- Sexual Harassment
- Drug-free Workplace

In-Service training topics for the 2008 training year include:

- Sexual Harassment
- Cultural Diversity
- Standards of Conduct (Mandatory)

Finally, additional training is available during the 2009 Training Year for Supervisors in the following:

- Transition from Employee to Supervisor
- Supervisory 101
- Advanced Supervisory Development Program
- Employee Corrective Action/Employee Assistance Program
- Employee Performance Management System

This level and diversity of training is extensive and is inclusive of the topics that would lend themselves to an accessible, responsive administration.

10. Equal Employment Opportunity and Affirmative Action: The U.S. Equal Employment Opportunity Commission describes its mission in its 2008 Annual Report thusly:

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[26] South Carolina Department of Corrections, **Agency Accountability Report**, September 2008.

> "*The EEOC is the nation's primary enforcer of the civil rights employment laws, which prohibit discrimination on the basis of race, national origin, color, religion, sex, age, disability, and, as of November 21, 2009, genetic information. The agency was created in 1964 for the purposes of resolving charges of employment discrimination and securing relief for victims of discrimination. More than 40 years later, the public continues to rely on the Commission to carry out these fundamental responsibilities and bring justice and opportunity to the workplace. Our fight against discrimination goes beyond enforcing the law. The best way to combat workplace discrimination is to prevent it from happening in the first place. Educating employers and workers about their rights and responsibilities under the law is the first step toward promoting an inclusive workplace, where all workers are judged on their talents and abilities without regard to any protected characteristic.*"[27]

According to the U.S. Equal Employment Opportunity Commission, under Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and the Age Discrimination in Employment Act (ADEA), it is illegal to discriminate in any aspect of employment, including:

- hiring and firing;
- compensation, assignment, or classification of employees;
- transfer, promotion, layoff, or recall;
- job advertisements;
- recruitment;
- testing;
- use of company facilities;
- training and apprenticeship programs;
- fringe benefits;
- pay, retirement plans, and disability leave; or
- other terms and conditions of employment.

Discriminatory practices under these laws also include:

- harassment on the basis of race, color, religion, sex, national origin, disability, or age;
- retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices;
- employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, age, religion, or ethnic group, or individuals with disabilities

Title VII prohibits not only intentional discrimination, but also practices that have the effect of discriminating against individuals because of their race, color, national origin, religion, or sex.

Employers are required to post notices to all employees advising them of their rights under the laws EEOC enforces and their right to be free from retaliation. Such notices must be accessible, as needed, to persons with visual or other disabilities that affect reading.

According to the SCDC policy on Equal Employment ADM-11.20, the primary responsibility for oversight in this area rests with the General Counsel:

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[27] U.S. Equal Employment Opportunity Commission, Fiscal Year 2008, **Performance and Accountability Report**

"1.3 Office of General Counsel: A designee in the Office of General Counsel will be responsible for:

1.3.1 ensuring that employee complaints and grievances pertaining to violations of the Equal Employment Opportunity Act (Title VII, Civil Rights Act, including subsequent amendments) are filed and processed under SCDC Policy/Procedure ADM-11.02, Employee Grievances and Appeals" or other appropriate processes; and

1.3.2 Ensuring that employees are protected from retaliation for opposing any practice made unlawful by this act, or because an employee made a charge, testified, assisted, or participated in any manner in an investigation.

1.3.3 assisting the Division Director of Human Resources in investigating employee requests for reasonable accommodation when disability or illness is covered under the Americans With Disabilities Act; (3-ACRS-1C-04-01, 3-4053-1)"[28]

The conclusion is that the policy appears to meet established standards, and that national oversight is exercised by the EEOC in individual cases as in all agencies nationwide.

Discrimination Statistics

Information was provided from the Employee Relations Branch regarding discrimination charges filed and sexual harassment charges filed for fiscal years 2006/2007 and 2007/2008. Both categories reflected significant increases, however, since no discrete information was analyzed, the only conclusion that can be made is that employees continue to have access to appeal processes.

Action	2006/2007 FY Total	2007/2008 FY Total	% +/-
Discrimination Charges Filed	10	16	+37%
Sexual Harassment Complaints	44	63	+30%

11. Exit Interviews: The Exit Interview process was discussed with Employee Relations staff and it was agreed that there is room for improvement in this mechanism. Return rates were low and statistics while available for FY 2006-2007 were not reviewed or utilized for insight into trends, problem areas or preventive possibilities. The form itself appears to have been last updated in March of 1998, and there is no responsibility placed on the warden of a facility to personally interview and perhaps intervene with an outgoing staff member. Even with the minimal returns in FY 2006-2007, the two top reasons for leaving are telling. Of the reasons listed, 26% claim they left for a better job offer and another 12% left due to "stress." Additional information about supervisors generally rated supervisors positively, responding that supervisors provided "good" leadership (67%), "good" overall treatment (60%) and "good" supervisory training of subordinates (62%).[29]

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[28] South Carolina Department of Corrections Policy ADM 11.20 "**EEO and Affirmative Action**," March 1, 2008
[29] South Carolina Department of Corrections "**Exit Interview Summary Report**" Fiscal Year 2006-2007.

Recommendation

These issues appear to be worth a more serious data collection effort, and would provide real substance for areas in need of improvement. The enhancement of the exit interview instrument and process could result in benefits for retention and a better understanding of possible internal and external stressors on turnover.

Human Resources/Agency Culture Conclusion

This review reveals that the SCDC has all the requisite procedural elements in place to effective provide requisite guidance and control of staff. There are also ample processes in place for employees to grieve or appeal actions they feel are unjust. These processes appear to be administered in a professional manner that provides many checks and balances and independent review installed to best insure impartiality in decision-making.

Perhaps the overriding observation is the absence of a consistent, ongoing method of data collection regarding staff-related processes and a more flexible mode of communication between administration and line staff. More specifically, this review also underscores the absence of an overall, systematic data collection or review of existing statistics to determine if or where there may be agency-wide or individual personnel issues.

This is not to infer a lack of focus on the "softer" elements in the human resources arena. On the contrary, it was apparent that this Director makes himself personally available to line staff to an exceptional degree in orientation presentations and Officer Representative Meetings. There is also little doubt that he does have the highest regard for the well-being of his staff and that with some further assessment of data available from existing systems and some consideration for currently accepted national practices, improvements in relations between the line staff and administration can be achieved.

On a practical level, during our interview, the Director expressed dissatisfaction with the current newsletter format and frustration about antiquated communications system with staff. Perhaps under the auspices of this report, a more comprehensive and analytical methodology to collect data relative to existing processes such as performance evaluations, exit interviews, employee corrective action, grievances and discrimination charges could be undertaken and used as the basis for a meaningful survey or procedural change if deemed necessary.

Review of incident at Lee Correctional Facility Institute in August 2005

Incident Summary

In reviewing this incident which occurred at Lee Correctional Institution on August 10, 2005 at approximately 9:00AM, we relied upon reports provided by SCDC to include the SCDC Incident reports filed by the two complainants. The incident involved and was witnessed by several staff members including the institutional warden, major, a captain, a lieutenant, a sergeant and a corporal. It is possible that other individuals present in the general area may have witnessed some parts of what occurred but this can not be confirmed.

On the date, time and location specified above, the major engaged the corporal responsible for providing security in the visitation area for parole hearings in an apparent impromptu "training exercise" wherein he provided a homemade knife – shank to an inmate in order for the inmate to hide it on his person. The evident intent was to test whether the corporal would conduct a search of the inmate prior to allowing entry into the area and if the quality of the search would be adequate to discover the weapon. Once he had determined that the appropriate search would not be conducted the major called the captain, lieutenant and sergeant to the immediate area in the presence of the warden and instructed the inmate to produce the shank from the waist of his trousers underneath his shirt. Again, it evident to us that the major's intent was to point up the importance of conducting appropriate inmate searches and the seriousness of what could result if this was not done.

The captain and sergeant summoned to the area both complained about the major's test/training exercise expressing significant concern for their safety as well as others in the area including the direct threat of harm that they perceived when the inmate produced the shank/weapon at the major's request in close proximity to where they were standing. They further reported that the major was not aware of this inmate's violent history and had merely selected him at random from a work squad located in the area just prior to providing him with the shank. Both officers questioned the judgment of the major in this incident and the inappropriateness of this training method.

Observations

While we have no substantiated basis to believe that the major's intentions related to this incident originated from other than a legitimate desire to improve security in the facility, his methodology was certainly problematic. Chief among the problems was his decision to utilize a real shank/weapon and to subsequently give it to an inmate. Any number of metallic or similar objects could have well sufficed to simulate the shank that was actually used.

Absent the actual shank, the use of the inmate to test staff performance is significantly less problematic, but still not generally a good practice. It appears to us that the major had strong suspicion that the inmate would not be searched properly, if searched at all, and intended to send a strong message to the staff involved by using an actual shank of what could happen when search procedures were not followed. While his point was certainly a good one, his methodology for emphasizing its importance was not acceptable.

Considering the number of staff present during this incident and their relative importance within the institution's hierarchy and subsequently to the inmate involved, we believe the actual real danger to the staff present was minimal. This is not to say; however, that it can be completely discounted. Had the inmate removed the shank from his clothing in a manner suggestive of a possible threat to the staff present (reports do not suggest that this was the case in the actual incident) and one or more of them had reacted in a confrontational or even physical manner to the perceived threat, the situation might have gotten out of hand resulting in injury to one or more of the individuals involved. Considering the impromptu manner in which this exercise was developed as is strongly suggested by the reports, it is likely that the inmate was not instructed in detail as to how he was actually to produce the shank when directed to do so and what specifically the expectations were for his role.

The use of inmates to test security practices is certainly not a new concept. Such training exercises have been used for years in many if not most jurisdictions with the intent to provide realism in training simulations and to test staff performance in as realistic as possible situations. At the same time there is not one of these jurisdictions that do not have at least one "horror story" about where such a scenario went badly.

In addition to this concern is the issue of staff members involved in such scenarios 'losing face' and subsequently their confidence and the important sense that they are respected in their role by the inmate population The general consensus of late has been <u>not</u> to include inmates in such exercises.

It is certainly advisable to test security systems in ways that allow administrators to identify weaknesses before inmates compromise them. The National Institute of Corrections in its *Security Audit Program- A How To Guide and Model Instrument for Adaptation to Local Standards, Policies, and Procedures*[30] discusses what it terms "security systems checks." Briefly defined, a security system check is a simulated incident designed to test the adequacy of incident response plans and to test staff knowledge, practice, response, and equipment in various situations. The purpose of security system checks is, as in other audit activities, to identify areas of risk and vulnerability. Their purpose is generally *not* to trick staff, rather, to determine areas in which additional training may be required, post orders modified or clarified, procedures changed to address changing conditions, equipment upgraded, or supervision strengthened.

A security system check may be as simple as asking a perimeter staff officer, "What would you do if…?" Or, "What weapon would you use if…?" and "What is the effective range of that weapon?" Or, to determine if the visiting room is searched after a visit, by secreting an envelope with a note within which directs: "When you find this note, return it immediately to the Captain." Similarly, a card with a similar directive can be affixed to the perimeter fence to determine if those checking the perimeter are actually giving attention to the fence and its condition.

Of course, response and response times to perimeter intrusion alarms, exchanging IDs and attempting to enter the facility, "planting" a note in a transport vehicle, and a host of other challenges to the security systems can be used. We did note that some of these very same tests were included in the SCDC Management Review Checklist.

Key elements of security system checks as stated in the NIC program are that they "should never expose staff or inmates to risk or harm or injury or jeopardize actual institutional security" and that they "should be thought-through and authorized by institution administration".

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[30] U.S. Department of Justice, National Institute of Corrections, **The Security Audit Program A How To Guide and Model Instrument for Adaptation to Local Standards, Policies, and Procedures** Updated 2007.

Recommendations

We recommend that an agency policy/procedure be developed concerning security system checks/exercises and that some of the key elements included be:

- Security systems checks will be planned in such a manner as to ensure that the safety of inmates and staff and the security of the institution is not jeopardized in any way.
- Security system checks will never involve inmate participants or officers posing as inmates.
- Security systems checks are intended to test systems and not necessarily to "trick" staff and result in disciplinary action.

The decision to discipline staff as a result of a security systems check should be carefully considered. In most cases, these exercises should be utilized to reinforce and emphasize good security practices as opposed to resulting in disciplinary action.

Review of spending, funding and staffing in comparison to similar sized corrections systems in other states (comparable systems)

In order to provide the requested review we searched for a current credible publication from which such comparisons might be available. The only such publication that we could identify is prepared by the Louisiana Legislative Fiscal Office for submission annually to the Fiscal Affairs and Governmental Operations Committee of the Southern Legislative Conference. The 2008 report was just recently released and serves as a current, relevant resource for the comparisons requested. As you will note, the following pages excerpted from the report contain information about the areas requested from sixteen states generally located in the southeastern region of the United States. While such surveys can be difficult in terms of insuring consistent, comparable information from each respondent to the inquiries is received, a review of the questionnaire utilized to solicit the information indicates to us that there is a good likelihood that the questions were interpreted in a consistent manner. The questions appear to us to be sufficiently specific to elicit information that has significant value in terms of jurisdictional comparisons in the survey areas. The first table below reveals that South Carolina spends a total for adult corrections of $13,744 annually per inmate and $77.95 annually per South Carolina resident on adult corrections. These expenditure levels rank South Carolina at near the lowest levels of fourteenth and fifteenth respectively in comparison to the total of sixteen states surveyed.

ADULT CORRECTIONS EXPENDITURES FOR SOUTHERN STATES

STATE	Adult Corrections Expenditures FY 07-08 (in thousands of dollars)	Total State Inmates FY 07-08*	Expenditures Per Inmate FY 07-08	Rank	Population Est. 7/1/07	Expenditures Per Capita FY 07-08	Rank
ALABAMA	$430,200	27,336	$15,737	12	4,627,851	$92.96	13
ARKANSAS	$285,665	14,606	$19,558	10	2,834,797	$100.77	12
FLORIDA	$2,130,186	98,192	$21,694	7	18,251,243	$116.71	9
GEORGIA	$1,161,629	53,560	$21,688	8	9,544,750	$121.70	6
KENTUCKY	$281,677	21,666	$13,001	16	4,241,474	$66.41	16
LOUISIANA	$547,789	38,137	$14,364	13	4,293,204	$127.59	5
MARYLAND	$753,845	22,938	$32,864	2	5,618,344	$134.18	4
MISSISSIPPI	$348,089	25,805	$13,489	15	2,918,785	$119.26	8
MISSOURI	$599,077	29,997	$19,971	9	5,878,415	$101.91	10
NORTH CAROLINA	$1,311,472	39,326	$33,349	1	9,061,032	$144.74	2
OKLAHOMA	$572,953	25,306	$22,641	6	3,617,316	$158.39	1
SOUTH CAROLINA	$343,586	24,999	$13,744	14	4,407,709	$77.95	15
TENNESSEE	$623,064	27,129	$22,967	5	6,156,719	$101.20	11
TEXAS	$2,883,192	158,407	$18,201	11	23,904,380	$120.61	7
VIRGINIA	$1,050,882	39,605	$26,534	3	7,712,091	$136.26	3
WEST VIRGINIA	$145,425	6,103	$23,828	4	1,812,035	$80.26	14
TOTAL/AVERAGE	$13,468,731	653,112	$20,622		114,880,145	$117.24	

*State and Local Jail Inmates as of July 1, 2008.

Note: Expenditures are total operating expenditures for adult corrections.

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In terms of annual operating costs compared in this next table, South Carolina reports the lowest operating cost per day per inmate of any of the sixteen reporting southeastern states at $35.01/day. This amount is fully 1/3 less that the average daily expenditure of the sixteen states surveyed.

ANNUAL OPERATING COST PER INMATE BY TYPE OF INSTITUTION (a)
(FY 2007-08 Actual)

STATE		Level One	Level Two	Level Three	Community Based	Other	System Wide Annual Operating Cost Per Inmate	System Wide Average Cost Per inmate Day*
ALABAMA		N/A	N/A	N/A	N/A	N/A	$15,925	$43.63
ARKANSAS		$19,105	$18,256	$15,822	N/A	N/A	$18,457	$50.43
FLORIDA	(b)	N/A	N/A	N/A	N/A	N/A	$19,308	$52.90
GEORGIA		N/A	N/A	N/A	N/A	N/A	$17,202	$47.00
KENTUCKY		$23,674	$19,006	$16,038	$12,176	N/A	$19,042	$52.17
LOUISIANA		$22,643	$17,463	$23,378	N/A	$8,264	$14,547	$39.75
MARYLAND		$36,827	$29,377	$26,711	$26,030	$35,105	$31,247	$85.61
MISSISSIPPI		$12,490	$12,855	$18,743	N/A	N/A	$14,914	$40.86
MISSOURI		$15,261	$17,378	$16,505	$0	$0	$16,432	$45.02
NORTH CAROLINA		$32,547	$28,934	$22,218	N/A	N/A	$27,291	$74.77
OKLAHOMA		$25,270	$20,447	$18,976	$19,634	$13,858	$19,016	$52.10
SOUTH CAROLINA		$13,397	$12,413	$12,493	$11,665	N/A	$12,779	$35.01
TENNESSEE		$27,442	$20,335	$27,280	N/A	N/A	$22,389	$61.34
TEXAS		$15,062	$16,121	$16,975	N/A	N/A	$16,091	$43.96
VIRGINIA		$24,870	$21,412	$17,175	$28,891	$0	$24,332	$66.66
WEST VIRGINIA		$18,607	$22,411	$20,471	$13,445	$28,145	$20,150	$55.21
AVERAGE	(c)	$22,092	$19,724	$19,445	$18,640	$21,343	$19,320	$52.90

(a) Annual operating costs include those attributed to each corrections department. Expenditures associated with non-corrections budget units for inmate support are not included (i.e. headquarters, capital outlay, or probation and parole).
(b) Florida did not report figures for FY 2007-08; therefore, FY 2006-07 figures were used.
(c) Average calculation includes only those states that provided cost data.
* Cost per inmate day for some states is based on 366 days due to 2008 being a Leap year.
Note: A Level One Institution is an institution with maximum security inmates (extended lockdown and working cell blocks), medium and minimum security inmates.
A Level Two Institution consists of maximum security inmates (working cell blocks), medium and minimum security inmates or an institution with medium and minimum security inmates. A Level Three Institution contains minimum security inmates only.

Lastly, in terms of staffing the table following establishes that SCDC has an inmate to (filled) uniformed correctional staff ratio of 6.3 to 1. This ratio is 10% above the average ratio for the sixteen states surveyed. This table also illustrates that the starting salary for an SCDC correctional officer is $24,331 annually, ranking South Carolina twelfth lowest in this area among the sixteen participating states.

POSITIONS, STAFFING RATIOS, AND STARTING SALARIES *
(as of July 1, 2008)

STATE	Correctional Officer Positions		Percent Filled	State Inmate Population 2008	Inmate to Filled Officer Ratio	Average Starting Salaries	Salary Rank
	Established	Filled					
ALABAMA	3,827	2,764	72.2%	25,901	9.4	$27,552	3
ARKANSAS	3,198	2,682	83.9%	13,293	5.0	$26,922	5
FLORIDA	19,641	17,474	89.0%	98,128	5.6	$30,808	2
GEORGIA	10,131	9,328	92.1%	53,560	5.7	$24,322	13
KENTUCKY	2,216	2,091	94.4%	14,306	6.8	$23,346	14
LOUISIANA (a)	4,490	4,130	92.0%	17,857	4.3	$24,357	11
MARYLAND	5,632	5,047	89.6%	22,804	4.5	$35,700	1
MISSISSIPPI	2,423	2,040	84.2%	23,806	11.7	$22,006	15
MISSOURI	5,791	5,528	95.5%	29,997	5.4	$26,784	6
NORTH CAROLINA	12,731	11,756	92.3%	39,326	3.3	$27,309	4
OKLAHOMA	2,582	2,045	79.2%	24,614	12.0	$24,605	9
SOUTH CAROLINA	4,247	3,893	91.7%	24,600	6.3	$24,331	12
TENNESSEE	3,356	3,286	97.9%	19,235	5.9	$24,456	10
TEXAS	29,618	26,276	88.7%	156,513	6.0	$25,416	7
VIRGINIA (b)	7,168	6,368	88.8%	34,246	5.4	$25,228	8
WEST VIRGINIA	1,115	1,025	91.9%	4,965	4.8	$20,124	16
TOTAL/AVERAGE	118,166	105,732	89.5%	603,151	5.7	$25,829	

* Salary data is based on base annual salary and does not include retirement and other related benefits.
(a) Louisiana's Correctional Officer positions are for state run facilities; therefore, the inmate population was reduced by 3,072 inmates to reflect the inmates in two private institutions.
(b) Virginia's positions and starting salary on based on information from the prior year.

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We have provided only these three pages of the report for comparison because we believe they are clearly illustrative of the information requested. There are certainly many other important comparisons available in the SLC report for review that in many areas will reflect the trend established by these three.

It is very clear from these comparisons that SCDC operates the corrections system at an extremely low comparative cost to other departments in the region and does so with staff compensated at a low rate of pay who are required to supervise more inmates on average than the majority of other corrections systems in the region. Based on this information, it is not unreasonable to conclude that requests for additional fiscal resources by SCDC management are both necessary and justifiable.

Recommendation Summary

1. Current affirmative documentation should be presented at all weapons issue points and utilized to confirm qualification prior to any weapons issue to insure that the individual to whom the weapon is to be issued is trained and qualified in its use.

2. Revise OP-22.29 to incorporate a more flexible and functional command philosophy more in keeping with that found in the FEMA/NIMS Incident Command System.

3. Designate an assistant or back up personnel to both the armory and key control duties.

4. Augment agency policy/procedure to include the language that only personnel approved by the warden are authorized access.

5. Checklist provisions as noted in armory practices be cited in policy and given full force of that authority and enhance the existing directives to emphasize implementation practices.

6. Reconsider master and permanent key issue practices.

7. Develop an agency policy/procedure concerning security system checks/exercises.

8. Consider implementation of a Critical Incident Response element to the existing Employee Assistance Program.

9. Continue regular Officer Representative Meetings.

10. Enhance coordination and tracking of EEOC complaints and evaluate as needed.

11. Consider enhancement of the Exit Interview process to gather better information about why employees are resigning and where they are going in the interest of reducing turnover.

DISCLAIMER

RE: NIC Technical Assistance No. 09P1010

This technical assistance activity was funded by the Prisons Division of the National Institute of Corrections. The Institute is a Federal agency established to provide assistance to strengthen state and local correctional agencies by creating more effective, humane, safe and just correctional services.

The resource person who provided the on site technical assistance did so through a cooperative agreement, at the request of the South Carolina Department of Corrections, and through the coordination of the National Institute of Corrections. The direct onsite assistance and the subsequent report are intended to assist the agency in addressing issues outlined in the original request and in efforts to enhance the effectiveness of the agency.
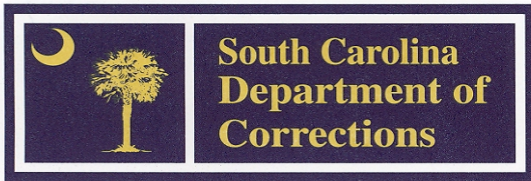
March 27, 2009

Ms. BeLinda P. Watson, Chief
Prisons Division
National Institute of Corrections
500 First St. NW, 7th Floor
Washington, DC 20534

RE: Technical Assistance Report 09P1010
     South Carolina Department of Corrections
     February 22 - 25, 2009

Dear Chief Watson:

       We have received Technical Assistance Report 09P1010, prepared as a result of
Mr. Upchurch's and Ms. Savage's review of policies, practices and procedures of the South
Carolina Department of Corrections. With regard to the recommendations in your report, we
offer the following point-by-point response indicating how each recommendation will be
addressed:

1.   **Ridgeland C.I. Hostage Incident**

         As your analysis indicates, this incident was managed appropriately by SCDC, with
         assistance from SLED. In accord with your recommendation, we will review the
         command structure found in the FEMA/NIMS Incident Command System and make
         changes to our Emergency Preparedness policies. We intend to incorporate more
         up-to-date terminology, including but not limited to including the term "unified
         command," and we will include specific language recognizing the flexible
         command structure that you recommend and that we have always used.

2.   **Armory/Weapons/Ammunition**

   A.   **Weapons Credentials and Issuance -** In your report, you recommend the
             issuance of "weapons cards" issued to each authorized employee. SCDC used
             this procedure in the past but found that a computerized "real time no draw" list
             worked better, particularly with regard to tracking immediate changes to an
             employee's weapon status. Nevertheless, we will review our current policy to
             determine whether the added use of "weapons cards" will benefit the agency.

B. **Assistant Armorer Designation -** We will amend policy to include a provision that a backup/assistant armorer is designated to assist in armory operation during the armorer's absence or during an institution emergency.

C. **Armorer Training -** The armorer training requirement found in SCDC Management Review Checklist 14.02.07 will be incorporated into SCDC policy.

D. **Armory Access -** A list of those authorized to enter the armory will be signed by the warden and posted in any area where weapons are stored or issued. The list will also include language requiring log entries to be made immediately upon issue/receipt of weapons and requiring that weapons received will be immediately placed in the locker and secured at all times when the weapon is not in use. SCDC policy will also be amended to reflect these requirements.

E. **Weapons Accountability-Allendale Incident** - We agree with your finding that performance failures by staff were the primary reason for the weapons incident at Allendale. Internal and external investigation previously reached the same conclusion and, as you noted, the staff involved were disciplined. We believe that by incorporating the recommendations you have made, we will lessen the likelihood of such incidents in the future. Further, all changes to policy will be included in revised lesson plans at our Training Academy for training purposes.

3. **Key Control**

A. **Backup Key Control Officer -** SCDC policy will be amended to reflect the designation of a backup key control officer and the training required for both the primary and the backup key control officer.

B. **Lock Shop Audit/Inventory -** SCDC will amend its policy and require an internal audit/inventory of the lock shop on a quarterly basis by a supervisor not normally associated/responsible for key control.

C. **Permanent Issue Keys -** SCDC will review recommended guidelines, current procedures and amend its policy with regard to allowing permanently issued keys to staff.

D. **Master Keys -** SCDC will conduct a comprehensive review of all institutional key control systems for the purpose of limiting master keys to an absolute minimum. SCDC will also examine the key shield recommendation (and costs) with an eye toward fabricating such shields.

4.   **Review SCDC's policies and procedures regarding escapes**

Currently SCDC uses an Administrative Incident Review (prepared by the involved Warden) and a separate Investigation prepared by the Inspector General. We believe these two components satisfy the "Critical Incident Review" process recommended in your report.

5.   **Review whether there is a perception by SCDC em^ployees that a culture of harassment, intimidation, and favoritism pervade the employment practices at SCDC**

A.   **Employee Assistance Program Policy Review -** We agree to review all recommendations regarding CISM. Currently SCDC provides most of the listed support systems on an informal and internal basis, and we will look towards formalizing our current practices. An external service provider provides the current EAP program. However, as the state's budget situation improves, we will seek funding to implement your recommendations.

B.   **Employee Recognition and Awards Policy -** SCDC will conduct a comprehensive review of our current employee awards and recognition programs. We will look for any opportunity to improve the program in order to demonstrate to staff the actions and behaviors that are valued by SCDC.

C.   **Exit Interviews -** The exit interview process and accompanying forms were already under review prior to our request for technical assistance. We agree with the importance of a valid exit interview. SCDC acknowledges that improvements are needed in the exit interview instrument as well as data collection. We were, however, encouraged that 67% of employees leaving our agency had a good opinion of their leadership.

We will inquire as to whether the legislature wishes to fund a professional and continuous Institutional Culture Assessment program. As we informed the LAC in our letter dated June 2, 2008, such assessments should be unbiased and recurring, so that comparative data can be gathered. We will also continue to look for areas of improvement in our data collection process; however, financial constraints may make improvements in this area difficult.

6.   **Review of incident at Lee Correctional Facility Institute in August 2005**

We agree with your finding that the use of a real weapon in this situation was ill
advised. In fact, our initial review of this complaint reached the same conclusion
and corrective action was taken accordingly. SCDC will adopt a policy/procedure
concerning security system checks/exercises in such a manner that will not jeopardize
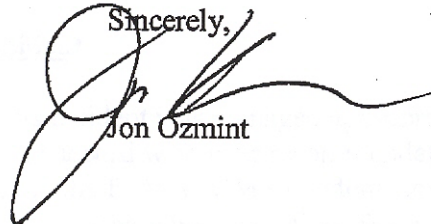the safety of staff or inmates.

7.   **Review of spending, and staffing in comparison to similar sized corrections
systems in other states (comparable system)**

This information is self-explanatory and needs no response. We are unaware of
any report or study contending that correctional funding in this state is adequate or
compares favorably to other states.

Finally, we have reviewed the report and find nothing therein that would
compromise our security or otherwise prohibit disclosure. Accordingly, we intend to
release the report.

I am grateful for NIC's willingness to review and comment on these areas of our
operations and I commend you for the thoroughness and professionalism of your auditors. If
you have any questions, please do not hesitate to contact me.

Sincerely,

Jon Ozmint

JO:dbh
cc: Mr. James Upchurch
     Ms. Meg Savage
     Mr. Scott English, Chief of Staff, Governor's Office
     Senator Mike Fair, Chairman, Corrections & Penology Committee
     Mr. George L. Schroeder, Legislative Audit Council