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*Jennifer L. Dobson
Research Director*

*Cathy A. Greer
Administration Coordinator*

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

*Charles L. Appleby, IV
Legal Counsel*

*Lewis Carter
Research Analyst/Auditor*

*Kendra H. Wilkerson
Fiscal/Research Analyst*

Department of Corrections Ad Hoc Subcommittee

Tuesday, January 7, 2020

10:30 a.m.

Blatt Room 110

Archived Video Available

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

Attendance

- I. The Department of Corrections Ad Hoc Subcommittee meeting is called to order by Chair Edward R. Tallon, Sr., on Tuesday, January 7, 2020, in Room 110 of the Blatt Building. The following other members of the Subcommittee are present for either all or a portion of the meeting: Representative Micajah P. "Micah" Caskey, IV; Representative Gary E. Clary; Representative Chandra E. Dillard; Representative Joseph H. Jefferson, Jr.; Representative Jeffrey E. "Jeff" Johnson; and Representative Robert Q. Williams.

Minutes

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.
- II. Representative Jefferson moves to approve the minutes from the December 16, 2019, meeting. A roll call vote is held, and the motion passes.

Rep. Jefferson's motion to approve the minutes from the December 16, 2019, meeting:	Yea	Nay	Not Voting
Rep. Clary	✓		
Rep. Caskey			✓
Rep. Dillard	✓		
Rep. Jefferson	✓		
Rep. Johnson	✓		
Rep. Tallon	✓		
Rep. Williams			✓ (absent)

Discussion of the S.C. Department of Corrections

- I. Ad hoc subcommittee Chairman Tallon explains the purpose of today's meeting is to receive public testimony and discuss a plan for covering the agency's law recommendations.
- II. Ad hoc subcommittee Chairman Tallon explains that all testimony given to this subcommittee, which is an investigating committee, must be under oath. He reminds agency personnel previously sworn in that they remain under oath. Ad hoc subcommittee Chairman Tallon places the following individuals under oath:
 - a. Ms. Laura Hudson, CEO of South Carolina Crime Victims Council;
 - b. Ms. Christy Moss, SC Advocacy for Incarcerated Individuals;
 - c. Ms. Audra Haney, Richland County;
 - d. Ms. Tonya O'Rear, Richland County;
 - e. Solicitor Kevin Brackett, 16th Circuit;
 - f. Mr. Robert McCurdy, Deputy Director, S.C. Court Administration;
 - g. Ms. Tonnya Kohn, State Court Administrator, S.C. Court Administration;
 - h. Mr. Chris Haley, Information Technology Director, S.C. Court Administration;
 - i. Mr. Ben Aplin, Deputy Director for Legal and Policy Management, Department of Probation, Parole, and Pardon (PPP);

- j. Mr. Jarod Bruder, Director, S.C. Sheriffs' Association;
 - k. Mr. Kelvin Jones, President, S.C. Jail Administrator Association; and
 - l. Ms. Daina Riley, Staff Attorney, Association of Counties.
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- III. Ad hoc subcommittee Chairman Tallon recognizes Laura Hudson, CEO of South Carolina Crime Victims Council, to provide public testimony. Ms. Hudson provides testimony and members ask questions. Ms. Hudson answers member questions.
 - IV. Ad hoc subcommittee Chairman Tallon recognizes Ms. Christy Moss, SC Advocacy for Incarcerated Individuals, to provide public testimony. Ms. Moss provides testimony and members ask questions. Ms. Moss answers member questions.
 - V. Ad hoc subcommittee Chairman Tallon recognizes Ms. Audra Haney from Richland County to provide public testimony. Ms. Haney provides testimony and members ask questions. Ms. Haney answers member questions.
 - VI. Ad hoc subcommittee Chairman Tallon recognizes Ms. Tonya O'Rear from Richland County to provide public testimony. Ms. O'Rear provides testimony and members ask questions. Ms. O'Rear answers member questions.
 - VII. Ad hoc subcommittee Chairman Tallon asks Director Stirling if SCDC has any response to testimony from members of the public. Director Stirling, Ms. Nena Staley, SCDC Deputy Director of Programs, Re-Entry, and Rehabilitative Services, and Mr. Joel Anderson, SCDC Deputy Director of Operations, provide comments and answer member questions.
 - VIII. Ad hoc subcommittee Chairman Tallon recognizes Solicitor Kevin Brackett from the 16th Circuit to provide testimony on how entities within the criminal justice system transmit information and ideas for how to improve the efficiency and effectiveness of this transmission process. Solicitor Brackett provides testimony and answers member questions.
 - IX. Ad hoc subcommittee Chairman Tallon asks Ms. Stacy Richardson, SCDC Division Director for Division of Classification and Inmate Records, to provide a refresher about SCDC's process for receiving and releasing inmates. Ms. Richardson provides testimony. Ms. Richardson and Director Stirling answer member questions.

X. Ad hoc subcommittee Chairman Tallon recognizes the following individuals to provide testimony regarding the involvement of the entities they represent in transmission of information related to convicted individuals, and ideas for increasing collaboration among their entities:

- a. Mr. Robert McCurdy, Deputy Director, S.C. Court Administration;
- b. Ms. Tonnya Kohn, State Court Administrator, S.C. Court Administration;
- c. Mr. Chris Haley, Information Technology Director, S.C. Court Administration;
- d. Mr. Ben Aplin, Deputy Director for Legal and Policy Management, Department of Probation, Parole, and Pardon (PPP);
- e. Mr. Jarod Bruder, Director, S.C. Sheriffs' Association;
- f. Mr. Kelvin Jones, President, S.C. Jail Administrator Association; and
- g. Ms. Daina Riley, Staff Attorney, Association of Counties.

These individuals provide testimony and answer questions from members.

III. Members make the motions listed below during the meeting. Roll call votes are held, and each motion passes.

<p>Rep. Caskey's motion that the Subcommittee Study include a finding that since May 19, 2014, at least 40 inmates have been held past their release date due to inadvertent errors including calculation and data entry.</p> <p>This has resulted in SCDC holding inmates at least 7,549 additional days, or almost 20 and a half years, requiring additional expenditures by the state of approximately half a million dollars (\$492,117.80). When made aware of issues during the House Legislative Oversight Committee process SCDC promptly took action. These actions, including various audits, saved inmates from being incarcerated an additional 3,283 days past their release date, which saved the state almost a quarter of a million dollars (\$224,050.31).</p> <p>While SCDC is actively seeking to prevent these types of inadvertent errors in the future, increased collaboration and use of technology is needed among all parties that maintain and transmit information that impacts an inmate's release date.</p>	Yea	Nay	Not Voting
Rep. Clary	✓		
Rep. Caskey	✓		
Rep. Dillard	✓		
Rep. Jefferson	✓		
Rep. Johnson	✓		
Rep. Tallon	✓		
Rep. Williams	✓		

Rep. Clary's motion that the Subcommittee Study include a finding that prior to implementation of, or consideration of, changes to case management systems and court forms in future years, formalized solicitation of input from impacted parties (e.g., law enforcement, solicitors, public defenders, clerks of court, Department of Corrections, Department of Probation, Parole, and Pardon Services, etc.) may be beneficial to help ensure those changes improve the efficiency and accuracy of information transmission between impacted parties.	Yea	Nay	Not Voting
Rep. Clary	✓		
Rep. Caskey	✓		
Rep. Dillard	✓		
Rep. Jefferson	✓		
Rep. Johnson			✓ (Not present)
Rep. Tallon	✓		
Rep. Williams	✓		

Rep. Dillard's motion that the Subcommittee Study include a recommendation that the General Assembly consider authorizing SCDC to not accept an inmate from a local facility until the local facility provides SCDC with the applicable information necessary for SCDC to provide for the health, safety, and welfare of inmates in their custody. I further request SCDC provide the Committee suggested language to accomplish this.	Yea	Nay	Not Voting
Rep. Clary	✓		
Rep. Caskey	✓		
Rep. Dillard	✓		
Rep. Jefferson	✓		
Rep. Johnson			✓ (Not present)
Rep. Tallon	✓		
Rep. Williams	✓		

<p>Rep. Clary’s motion that the Subcommittee Study include a recommendation that SCDC, with convene applicable parties, within the next six months, to discuss details needed to determine the feasibility, benefits, and drawbacks of South Carolina utilizing a program through which counties, voluntarily, house inmates with less than 365 day sentences and those with probation/parole violations (e.g., North Carolina’s Statewide Misdemeanant Confinement Program).</p> <p>The purpose of the program would be to reduce the number of inmates in state prisons to account for staffing shortage, place inmates closer to their relatives and where they live, and allow all parties to save on costs.</p> <p>The discussion should result in submission to the House Legislative Oversight Committee of at least two proposals, one or both of which rely only upon existing resources, for collecting the necessary data and providing a report on the feasibility of such a program.</p>	Yea	Nay	Not Voting
Rep. Clary	✓		
Rep. Caskey	✓		
Rep. Dillard	✓		
Rep. Jefferson	✓		
Rep. Johnson			✓ (Not present)
Rep. Tallon	✓		
Rep. Williams	✓		