

NIKKI R. HALEY, Governor
BRYAN P. STIRLING, Director

September 30, 2014

The Honorable Nikki Haley
Governor of South Carolina
South Carolina State House
Post Office Box 12267
Columbia, South Carolina 29211

RE: PREA

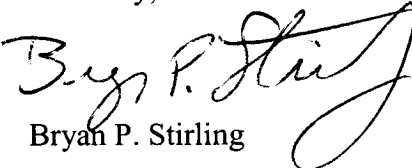
Dear Governor Haley:

Pursuant to your June 30, 2014 letter requesting a comprehensive report regarding the South Carolina Department of Corrections' (SCDC) position on various PREA standards, I am providing the attached report. As you will see, SCDC has been working towards becoming compliant with the PREA framework and does not need any special provisions to eventually meet that goal.

SCDC and DJJ committee members have met and communicated with each other to work towards complying with your letter. I understand that you requested a joint recommendation from SCDC and DJJ; however, DJJ has opted to submit a separate report to request "programmatic flexibility" that SCDC does not need.

I hope SCDC's report gives insight to our progress and commitment to meeting all PREA standards. If you need additional information from what is contained in the report, please let me know.

Sincerely,



Bryan P. Stirling

BPS/SKJ/ndh

Attachment

Report on status of Compliance with PREA Standards at SCDC

The PREA Audit instrument for Adult prisons has over 193 standards and sub standards with details of what is expected of correctional institutions in order to be compliant in the Audit Instrument.

As of the date of this report the South Carolina Department of Corrections is working diligently to be compliant in all of these standards not only to meet the requirements but in some cases to exceed the requirements as dictated in the audit instrument.

The ultimate goal of the Prison Rape Elimination Act is to prevent, detect and respond to sexual harassment and sexual abuse within a confined prison setting. All of the PREA standards can be directly linked to any or all of those three goals.

The size of the South Carolina Department of Corrections with 25 institutions does encumber some challenges but as of this time no challenge has been faced that cannot be overcome and no compliance with a standard has been determined to require any significant monetary investment on the part of the state of South Carolina.

To follow are some procedural changes that SCDC must comply in order to meet the standards as well as a snapshot of where we as an agency and what we have accomplished in the past two years.

For over 20 years SCDC has announced when a male staff enters a housing unit at a female institution, now the PREA standards require a prison to announce a female entering a male living unit. By September this new practice will be occurring in all 25 institutions. A person of opposite gender cannot be at a post where he/she would see an inmate in the state of undress except in exigent circumstances.

The standard calls for an Agency to perform a background check of all employees every five years. This was not being done unless the employee was promoted within the agency. We have been doing background checks on certified officers every 3 years but learned as we investigated our current process that we were not looking nationally and now we will be implementing the procedure that will perform a national background check on all employees and volunteers/contractors every 5 years and a national background check on certified officers and staff every 3 years as the criminal justice academy requires.

An area in which we are needing improvement but this is not a requirement of the standard is automated acquisition of data as it relates to investigations. The standard requires that all allegations of sexual harassment and sexual abuse be investigated and these should be documented. We must show the Department of Justice Auditor the number of investigations that occurred at the institution being audited and the outcome of each investigation. The Inspector General's Office and Resource Information Management are working towards a program and procedure that will ensure that we capture all of the necessary data and that data can be used to help us run our prisons in a safe and secure manner which would bring attention to our problem locations.

Another standard that is not a requirement but that is a best practice is developing Memorandums of Agreements with Sexual Assault Centers in the state to provide services to victims of sexual abuse should they request this. A good number of centers across the state have expressed willingness to assist the Department of Corrections but currently a Federal Mandate prohibits VOCA (Victims of Crime Act) funds from being used to assist inmates. Until that time we are using the resources of our Behavioral Medicine staff to assist the victim of a sexual assault. We as a state are required to spend at least 5

percent of the Justice Assistance Grant funds we will receive to help us work towards compliance. In a joint effort DJJ and SCDC are submitting a proposal to the DOJ to allow us to use those funds, approximately \$76,000, to contract with a Sexual Assault trauma center within the state to assist SCDC and DJJ for at least 12 months.

SCDC was one of 19 jurisdictions in the country to receive a Department of Justice grant in October of 2013. Because of this grant SCDC is working with facilitators from Just Detention International for two years on agency policy changes, educating the inmate population on what and how to report sexual abuse and sexual harassment and creating a training curriculum to change the culture of our staff as it relates to sexual abuse and sexual harassment. This federal grant will conclude in September of 2015.

One of the standards (115.13 a) requires that each facility must develop, document and make its best effort to comply on a regular basis with a staffing plan that provides for adequate levels of staffing and where applicable, video monitoring to protect inmates against abuse.

These evaluations could then ask for more resources to keep the inmates safe from sexual abuse and harassment.

A standard (115.14) calls for the separation of inmates under the age of 18. The Department of Corrections has made the necessary housing arrangements so that 17 year olds are not living with 18 year olds and older.

Since the PREA standards were first published in May of 2012 the Department of Corrections has been reviewing all standards and working with each agency division with a large representative committee to examine what policies and procedures must be changed in order to be compliant. This committee of 27 first met on July 9th of 2012 . In mid-August of 2012 the Agency's first PREA Coordinator was hired and the Agency began attending training offered by the Department of Justice on different aspects of the standards to learn of best practices. In May of 2013 the Audit Instrument was introduced by the DOJ with details of what each standard required. Since the publication of the audit instrument extensive examination of our practices and policies within the prisons have been examined.

In November of 2013 the first PREA Auditors class was offered and since that time five SCDC employees, on their own time and money, have successfully completed the week long training and are now Department of Justice Certified Auditors.

These past 26 months since the first committee met have been productive as we strive to become compliant with the PREA Standards.