



Bryan P. Stirling, Director

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF LEGAL AND COMPLIANCE



Henry McMaster, Governor

Prison Rape Elimination Act (PREA) Coordinator's

Annual PREA Report

Date: August 29, 2019

To: Bryan P. Stirling, Agency Director

Through: Salley Elliott, Chief Legal and Compliance Officer

From: Kenneth L. James, Agency PREA Coordinator

Subject: PREA Compliance Annual Report

Reference: (a) Sections 1560-09 of title 42, United States Code (PREA)
(b) 28 CFR 115; Prison Rape Elimination Act- National Standards
(c) Section 44-23-1150; SC Code of Laws
(d) SCDC Policy OP-21.12; Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment

Enclosure: Prison Rape Elimination Act (PREA) findings and corrective actions

The Prison Rape Elimination Act (PREA) Coordinator's office, under the Office of Legal and Compliance, is pleased to provide this annual report of PREA activities and implementation efforts for 2018.

Pursuant to the Prison Rape Elimination Act (PREA) Standard §115.88, reference (a), (b), (c), and (d), requires the South Carolina Department of Corrections (SCDC) to review its data collected and aggregated pursuant to Standard §115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, by:

1. Identifying problem areas;
2. Taking corrective action on an ongoing basis; and
3. Preparing an annual report of its findings and corrective actions for each facility, as well as the Agency as a whole

The SCDC PREA Coordinator submits the following information for your review and consideration:

In calendar year 2018, SCDC received 215 reported allegations of sexual abuse / sexual harassment. SCDC Police Services Investigated 148 (69%) allegations of sexual abuse / sexual harassment for criminal intent and 67 (31%) allegations were investigated by institutional investigators. In total, there were 82 (38%) allegations of inmate-on-inmate abuse and 50

(23%) allegations of staff-on-inmate abuse. Of the 215 allegations, 15 (7%) allegations were substantiated, 136 (63%) were unsubstantiated, and 46 (21%) were unfounded.

Over the past few years, SCDC has implemented several innovative measures to assist with the agency's PREA initiative. The following enumerated measures were implemented in 2017 - 2018 to bring the agency closer to full compliance with the National PREA Standards.

A. Initiatives

1. **Sexual Abuse / Sexual Harassment Incident reviews:** Each institution is required conduct an incident review of each Substantiated/Unsubstantiated allegation of sexual abuse/sexual harassment. Each incident review involves the institutional leadership team considering what motivated the incident or allegation, examining the area in the facility where the incident allegedly occurred, reviewing the adequacy of staffing levels and technology, and preparing a report with recommendations for improvement.
2. **PREA Audits:** In 2018, six SCDC Correctional Institutions were audited for compliance with the National PREA Standards. All audited institutions are still currently under the Corrective Action Phase of the audit process and are improving compliance with the Standards.
3. **Vulnerability Assessments:** SCDC developed an assessment tool to assess the vulnerability to victimization and abusiveness of inmates arriving at each institution. This tool is used to ensure proper housing, bedding, programming, education, and work assignment for potential victims and abusers. All inmates will have an assessment and reassessment completed.
4. **Classification and Treatment Team reviews for Transgender Inmates:** Beginning in 2017, the SCDC's Multidisciplinary Management Treatment Team (MMTT) consisting of managers from Mental Health, Medical, PREA, Legal, and others, began meeting to review cases of Transgender inmates to ensure the fair and equal treatment as provided to all inmates. The MMTT meets monthly to discuss inmates with gender dysphoria and/or identify as Transgender. Each inmate is discussed individually on a case-by-case basis and provided an accommodation plan if a plan is determined to be appropriate.
5. **Recommendations for institutional camera additions:** Based on information provided by institutional incident reviews, recommendations from Institutional Wardens, and interim PREA audit reports, recommendations for additional video monitoring are being provided and recommended to SCDC Facilities Maintenance to improve the safety and security of each institution.
6. **Improvements to inmate PREA education and resources:** In 2017, SCDC developed an inmate educational brochure, which was previously provided on hardcopy to inmates, which has been uploaded and provided to all inmates through the use of the GTL Kiosk System and Tablets (where tablets are available). This method

ensures that all inmates have access to sexual abuse/sexual harassment information and how to report to SCDC staff and outside authorities.

7. **Improvements to institutional physical plants:** Based on recommendations provided by a SCDC contracted PREA Auditor, several institutions have made improvements to institutional physical plants to ensure inmates safety within the institution. Some improvements include changes to inmate restrooms, blocking off blind spots, and strategically placing mirrors in areas that cover bends and corners which can be used as hiding areas.
8. **Improvements to employee PREA curriculum and training:** the SCDC Division of Training and Staff Development has continuously updated and improved upon training curriculum and delivery methods to employees and staff. Currently, PREA training is provided in Agency On-Boarding, Orientation, Basic Training, yearly required legal updates, and specialized on-line training is provided for investigators, mental health practitioners, and medical staff.

There are several other initiatives which include the use and assistance of outside correctional organizations like Just Detention International (JDI) and the National PREA Resource Center (PRC). Although there were several steps forward, there are still barriers to full compliance.

B. Areas of Concern:

1. **Physical Plant:** Due to the date of construction of some of the correctional institutions, some major improvements must be made to ensure full compliance with the Federal PREA Standards. For example, those institutions with “gang” style showers must be divided into individual stalls which are considered a major construction project.
2. **Policy and Procedure:** As compliance audits continues, it has been noted that adjustments must be made to SCDC policies and procedures to closely align language with the requirements of the Federal PREA Standards.
3. **Video Monitoring:** Audits and reviews of incident reviews have provided that additional video monitoring is needed to help protect inmates and employees. Video monitoring will also improve criminal and administrative investigations through review of recordings for better accuracy in findings.
4. **Documentation:** Although great strides have been made to ensure the accuracy of documentation, not all information needed to answer the US Department of Justice required surveys is collected, therefore, completing surveys is a daunting task for staff. Documentation standards must be adjusted to ensure all requirements needed are requested and required on forms and reports. Additionally, each facility must adjust their documented Staffing Plan to meet the requirements of Standard §115.13 along with creating a Coordinated Response Plan that is specific to each institution.
5. **Data collection:** Due to discrepancies in SCDC reporting and data collection protocols, it is difficult for data regarding sexual abuse / sexual harassment to be

collected with 100% accuracy from multiple areas. The US Department of Justice requests several dynamics of incidents that are not always recorded or requested and therefore are difficult to report.

The PREA Staff is aware of the noted areas of concern and have been actively working cross-divisionally to address each concern. The PREA Staff has taken steps to address those noted areas of concern and others, but some will require additional resources to completely satisfy the requirements outlined in the National PREA Standards.

To provide an overview and comparison of the Agency’s PREA efforts, the following data shows statistical data for calendar years 2016, 2017 and 2018:

Agency Aggregate Data

The following is a breakdown of institutions with inmate population numbers as of December 31, 2018:

FACILITY	POPULATION
Allendale Correctional Institution	1,021
Broad River Correctional Institution	1,319
Camille-Graham Correctional Institution	675
Evans Correctional Institution	1,225
Goodman Correctional Institution	350
Kershaw Correctional Institution	1,324
Kirkland Reception and Evaluation Center	1,588
Leath Correctional Institution	628
Lee Correctional Institution	1,310
Lieber Correctional Institution	1,133
Livesay Correctional Institution	436
MacDougal Correctional Institution	642
Manning Reentry/Work Release Center	537
McCormick Correctional Institution	920
Palmer Pre-Release Center	235
Perry Correctional Institution	854
Ridgeland Correctional Institution	927
Trenton Correctional Institution	441
Turbeville Correctional Institution	1,008
Tyger River Correctional Institution	1,186
Wateree Correctional Institution	746
TOTAL:	18,505

In December 2018, the SCDC inmate population was lower than it was in December 31, 2017, which had an inmate population of 19,409 inmates. In 2016, the inmate population was 20,376.

Of the 215 allegations of sexual abuse / sexual harassment, the data received represented 1.16% of the inmate population, with 7% (15) of the 215 allegations substantiated.

2018 Aggregated Allegations of Sexual Abuse / Sexual Harassment

Allegation Type	2018
Inmate-on-Inmate Sexual Abuse	
Substantiated	7
Unsubstantiated	53
Unfounded	13
Investigation ongoing	9
Total:	82
Inmate-on-Inmate Sexual Harassment	
Substantiated	6
Unsubstantiated	38
Unfounded	19
Investigation ongoing	8
Total:	71
Staff Sexual Misconduct	
Substantiated	2
Unsubstantiated	35
Unfounded	13
Investigation ongoing	0
Total:	50
Staff Sexual Harassment	
Substantiated	0
Unsubstantiated	10
Unfounded	1
Investigation ongoing	1
Total:	12
TOTAL SUBSANTIATED:	15

Of the 215 reported cases of sexual abuse/sexual harassment in 2018, 15 of these cases were found to be substantiated, 7 of which were substantiated incidents of inmate-on-inmate sexual abuse; 6 were inmate-on-inmate sexual harassment; and 2 were staff sexual misconduct substantiated cases. The majority of incidents were inmate-on-inmate sexual abuse allegations (82) and inmate-on-inmate sexual harassment (71), followed by staff sexual misconduct (50).

Comparison Data 2016 - 2018

Allegation Type	2016	2017	2018	TOTALS
INMATE ON INMATE SEXUAL ABUSE				
Substantiated	6	3	7	16
Unsubstantiated	54	54	53	161
Unfounded	12	11	13	36
Investigation ongoing	6	1	9	16
TOTAL	78	69	82	229
INMATE ON INMATE SEXUAL HARASSMENT				
Substantiated	5	0	6	11
Unsubstantiated	39	9	38	86
Unfounded	16	0	19	35
Investigation ongoing	0	0	8	8
TOTAL	60	9	71	140
STAFF SEXUAL MISCONDUCT				
Substantiated	1	4	2	7
Unsubstantiated	26	27	35	88
Unfounded	3	1	13	17
Investigation ongoing	0	0	0	0
TOTAL	30	32	50	112
STAFF SEXUAL HARASSMENT				
Substantiated	0	0	0	0
Unsubstantiated	22	0	10	32
Unfounded	9	1	1	11
Investigation ongoing	0	11	1	12
TOTAL	31	12	12	55
TOTAL SUBSTANTIATED INCIDENTS OF SEXUAL VIOLENCE	12	7	15	34

In comparison with the 2016 and 2017 data, as presented in the graphs, there was a decrease by 77 (63%) allegations from 2016 to 2017, and an increase by 93 (76%) allegations from 2017 to 2018. The number of inmate-on-inmate sexual abuses cases remained similarly consistent.

There was a significant drop of inmate-on-inmate sexual harassment cases in 2017, but they increased again in 2018.

Staff sexual misconduct cases have increased over the three-year period, while staff sexual harassment has decreased. However, the number of total substantiated cases has remained low. There were 2 cases of Staff-on-Inmate sexual abuse in 2018.

Definitions

PREA standard definitions are provided in 28 CFR §115.5 and 28 CFR §115.6, which include the following:

Sexual abuse of an offender by another offender – Sexual acts, sexual contact or any other intentional touching, either directly, through the clothing or with an object, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation, in which the victim does not consent, is coerced by overt or implied threats of violence, or is unable to consent or refuse.

Sexual abuse of an offender by a staff member– Sexual acts, sexual contact or any other intentional contact, either directly, through the clothing or with an object, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, any attempt, threat, or request by a staff member or service provider to engage in these activities, any display by a staff member or service provider of his or her uncovered genitalia, buttocks, or breast in the presence of an offender, or voyeurism by a staff member or service provider, when these acts are unrelated to official duties or where the staff member or service provider has the intent to abuse, arouse, or gratify sexual desire.

Sexual Harassment - Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one offender directed toward another or repeated verbal comments or gestures of a sexual nature to an offender by a staff member or service provider.

Sexual Misconduct – Includes sexual abuse of an offender by another offender, sexual abuse of an offender by a staff member or service provider, sexual harassment, and voyeurism.

Substantiated – An allegation that was investigated and determined to have occurred.

Unfounded – An allegation that was investigated and determined not to have occurred.

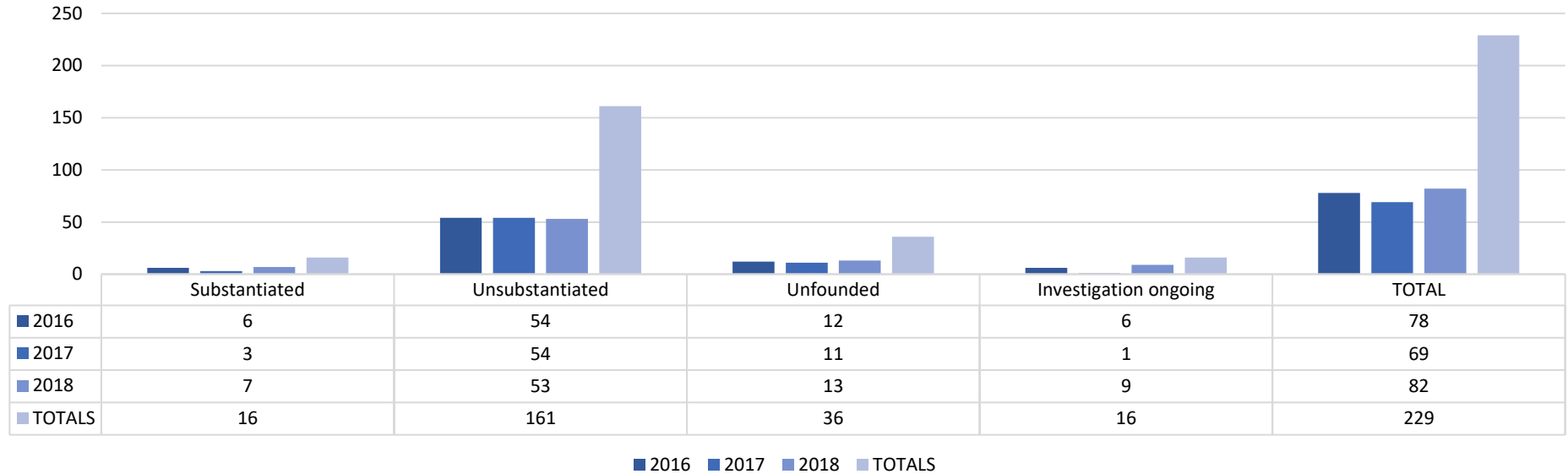
Unsubstantiated – An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether the event occurred.

Voyeurism - An invasion of privacy of an offender by a staff member or service provider for reasons unrelated to official duties.

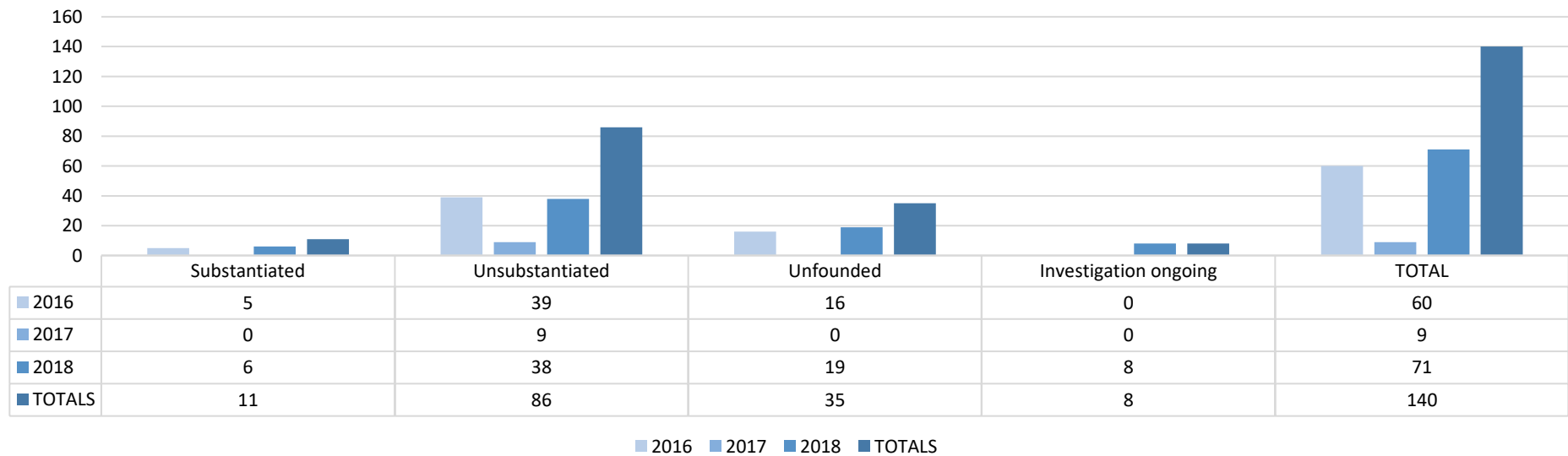
2018 DATA BY FACILITY:

	Allegation Type	Allendale	Broad River	Camille-Graham	Evans	Goodman	Kershaw	Kirkland	Leath	Lee	Lieber	Livesay	MacDougal	Manning	McCormick	Palmer	Perry	Ridgeland	Trenton	Turbeville	Tyger River	Wateree	Outside Inst.	Agency Total
	Inmate-on-Inmate Non-Consensual Sexual Acts																							
Finding	Substantiated	0	1	0	1	1	1	0	2	0	0	0	1	0	0	0	0	0	0	0	0	0	0	7
	Unsubstantiated	3	13	5	6	1	2	4	1	1	4	0	0	1	3	0	3	2	0	2	2	0	0	53
	Unfounded	0	2	0	2	0	1	1	0	0	1	0	0	0	2	0	1	0	0	1	1	0	1	13
	Investigation ongoing	0	0	0	0	0	4	1	0	0	0	0	1	0	0	0	0	0	1	2	0	0	0	9
	Inmate-on-Inmate Sexual Harassment																							
Finding	Substantiated	0	0	2	0	3	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6
	Unsubstantiated	0	3	7	2	1	6	0	3	4	1	0	6	0	0	0	2	0	0	1	2	0	0	38
	Unfounded	1	0	0	0	1	0	7	0	0	2	0	0	0	0	0	0	3	0	5	0	0	0	19
	Investigation ongoing	2	0	0	0	0	1	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8
	Staff Sexual Misconduct																							
Finding	Substantiated	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	2
	Unsubstantiated	0	8	4	1	1	1	3	0	0	3	0	0	1	1	1	4	1	2	2	0	1	1	35
	Unfounded	2	0	1	1	0	0	0	0	0	1	0	0	0	2	0	4	1	0	0	1	0	0	13
	Investigation ongoing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Staff Sexual Harassment																							
Finding	Substantiated	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Unsubstantiated	0	2	1	0	0	3	2	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	10
	Unfounded	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
	Investigation ongoing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
		9	29	20	13	8	19	23	7	5	13	0	8	2	8	1	14	7	3	15	8	1	2	215

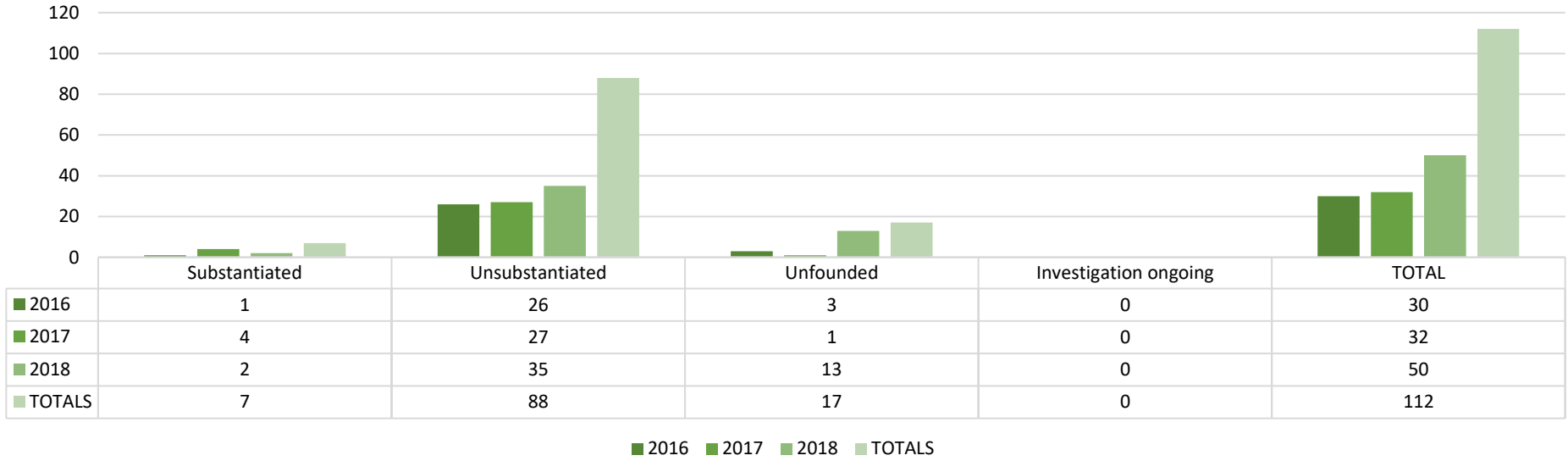
INMATE ON INMATE SEXUAL ABUSE



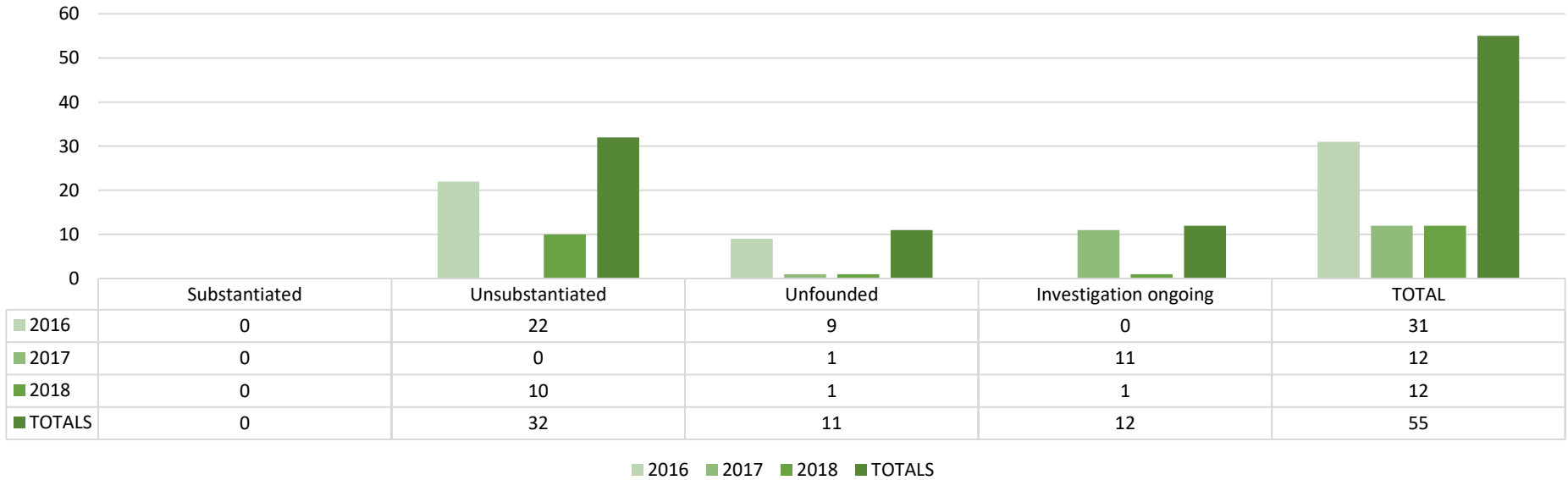
INMATE ON INMATE SEXUAL HARASSMENT



STAFF SEXUAL MISCONDUCT



STAFF SEXUAL HARASSMENT



The increase in reported allegations can be attributed to an increase in reporting methods, an increase in information provided to inmates, a greater push towards PREA compliance, and PREA audits being conducted, which is providing suggestions on operational improvements.

To ensure SCDC continues on its path to full compliance with the Federal PREA Standards, the Office of Legal and Compliance PREA Staff, has implemented several corrective actions to address recommendations noted in the nine (9) PREA interim audit reports.

C. Corrective Actions:

1. **Policy Review and Revisions:** To address the noted deficiencies in policy and procedural language, SCDC has requested and received technical assistance through the National PREA Resource Center (PRC). JDI has been contracted by the PRC to review and advise SCDC on several policies that require specific language mandated by the Federal PREA Standards.
2. **Grants:** For the past several years, SCDC has received a PREA grant through the SC Department of Public Safety which assist with SCDC's agreements with 10 Rape Crisis Centers (RCC). For 2018, SCDC received a total of \$68,000 which helps provide emotional support services to the survivors of sexual abuse. Additionally, SCDC has applied for a grant in the amount of \$108,000 to assist with updating the monitoring equipment at both women's correctional institutions. The equipment is requested to increase the surveillance capabilities of the institution to increase the safety of both the inmate and staff. Lastly, SCDC has applied for a federal grant in the amount of \$250,000 to assist with increasing monitoring capabilities, sexual safety programming, and assistance with organizational improvements to data collection.
SCDC's previous grants for educational mediums for PREA, technical assistance from JDI, and creation of programs have improved the Agency's level of compliance by leaps and bounds.
3. **Physical Plant Improvements:** Based on recommendations noted by the Agency's contracted PREA auditor, several plans have been created and submitted for improvements to institutional physical plants. Some improvements include remodeling of inmate restrooms, addressing blind spots through physical improvements, installing mirrors to cover all areas of the facility, and considering PREA when planning / updating buildings or new construction.
4. **Video Monitoring:** In response to security concerns, the SCDC Division of Security has completed a review of all institutions for improvements to video monitoring. The Division of Security as begun installation and updating of several institutional digital monitoring systems. By increasing and improving institutional video monitoring systems, SCDC and the Division of Police Services can improve upon investigation by using recorded data to assist in investigations.
5. **Documentation:** SCDC has recently increased its PREA forms and documents to ensure all elements of the PREA compliance effort is documented and recorded. Although several improvements have been made over the past few years, some procedures and actions were

not recorded therefore it could not be proven that the efforts were effective. SCDC has increased its efforts to document all efforts of compliance in hard copy, digital records, and improvements to systems and processes. For example, the Agency's inmate assessment digital program for vulnerability and aggressiveness was created with assistance from JDI and is completed by Medical Staff within 72 hours of inmates' arrival at each institution; reassessment now occurs within 30 days after the initial institutional assessment and is conducted by classification staff.

6. **Data Collection:** The PREA Staff, along with the Resource and Information Management (RIM) and the Division of Police Services, are working together to review and improve upon data collection efforts in regard to sexual abuse and sexual harassment data. The group intends to create an easier way for institutions to report allegations and collect information requested by the DOJ's Survey of Sexual Victimization (SSV) and streamline the data aggregation protocols.
7. **PREA Auditing:** SCDC has contracted with outside PREA contractor for the completion of auditing all SCDC institutions. SCDC intends to have all correctional institutions audited by the end calendar year 2020. PREA Cycle 3, Year 1, begins on August 20, 2019. SCDC has scheduled audits so that seven institutions will be audited in each Cycle Year, ensuring compliance with the Standard §115.401.
8. **SLED Fingerprinting:** To ensure compliance with Standard §115.17 regarding the Agency's hiring and promotion decisions, Recruiting and Employment has completed the SLED fingerprinting process for all staff for the initial nine (9) institutions audited to include: Kirkland, Wateree, McCormick, Trenton, Ridgeland, Goodman, Camille-Graham, Perry and Livesay. The SLED fingerprinting process for the remaining eleven (11) institutions is expected to be completed within the next six (6) months. Therefore, all Agency hires before 2014-2015 (who were administered ink/paper fingerprints), as well as any new staff currently hired, will have digital fingerprints in SLED's database. This will provide automatic notification of charges to ensure the Agency is informed and can make hiring/termination decisions based on this data.

D. Schedule of Audits

Institution	Audit Date
Turbeville	June 12 – 14, 2018
Ridgeland	July 9 – 11, 2018
Leath	July 18 – 21, 2018
Kershaw	August 13 – 15, 2018
Livesay	October 8 – 10, 2018
Camille Griffin-Graham	November 13 – 15, 2018
Wateree River	January 22 – 24, 2019
Perry	March 19 – 21, 2019
Trenton	May 14 – 16, 2019
Kirkland	September 4 – 6, 2019
Manning	September 30 – October 2, 2019
Tyger River	October 21 – 24, 2019
McCormick	November 12 – 14, 2019
MacDougall	January 21 – 23, 2020
Allendale	March 24 – 26, 2020
Palmer	May 5 – 7, 2020
Broad River	August 18 – 20, 2020
Evans	September 15 – 17, 2020
Lieber	October 20 – 22, 2020
Goodman	November 10 – 12- 2020
Lee	December 8 – 10, 2020

Approved by:

s/ *Signature on File*
 Bryan P. Stirling, Director

9/5/2019
 Date

s/ *Signature on File*
 Salley Elliott, Chief Legal & Compliance Officer

9/5/2019
 Date