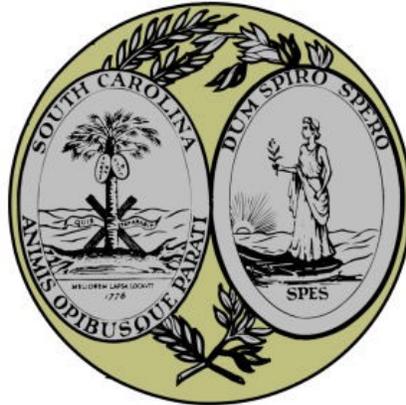# Office of the Inspector General

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Review of the South Carolina Department of Public Safety Regarding Three Issues:

1) **Recruitment, Hiring, and Retention**
2) **Office of Professional Responsibility Processes**
3) **Leadership, Communication, and Employee Morale**

I. Executive Summary

The South Carolina Office of the Inspector General (SIG) initiated a review of the South Carolina Department of Public Safety (SCDPS) based upon the findings of a study conducted of the SCDPS by the Legislative Oversight Committee of the South Carolina House of Representatives, Law Enforcement and Criminal Justice Subcommittee (Subcommittee). (See Link: House Legislative Oversight Committee Agency Report)

The scope and objectives of the SIG's review was to identify inefficiencies in processes utilized by the SCDPS Human Resources Division (HR) and the Office of Professional Responsibility (OPR), and make recommendations to improve these processes. Contemporaneous to the initiation of this review, the South Carolina Office of the Governor requested the SIG to conduct an independent review of the agency based on the results of the Subcommittee's study of SCDPS and further evaluate the morale of the agency.

Human Resources Processes

The SCDPS is a multi-faceted agency comprised of four law enforcement divisions and eight core function divisions/offices, with each directed by a senior executive who reports directly to the SCDPS Director. The HR division is the principal program manager for the agency's HR program, which includes management of job vacancy postings and the hiring process. Each SCDPS division maintains a core employment unit with an HR liaison specialist who assists in the hiring process for vacancies in that particular division and interacts with the agency's HR division staff.

The SIG's review of the SCDPS hiring process for law enforcement (sworn) vacancies and civilian (non-sworn) vacancies determined only slight differences existed between the two categories of SCDPS employees. The majority of the application/hiring process, to include the background investigation, interview, and selection, was conducted within each division. Generally speaking, these slight differences were associated with law enforcement applicants and included supplemental information, a psychological screening, physical fitness test, and polygraph examination, among others. The SIG's review found minimal redundant processes which would achieve significant savings in the amount of time it takes to screen qualified candidates, conduct the investigative, interview and selection processes, and bring the candidate on board. The SCDPS division directors interviewed by the SIG indicated the majority of their applicant selections were supported by the SCDPS Director.

During FY2017, SCDPS total employee turnover was 15.11%. According to the Department of Administration, Division of State Human Resources, the average turnover rate for all state agencies was 17.78% for FY2017. Additionally, the turnover rate for the State's principal law enforcement agencies was: Department of Natural Resources – 8.35%; State Law Enforcement Division – 10.7%; SCDPS – 15.11%; Department of Juvenile Justice – 23.59%; and Department of Corrections – 30.12%, an average group rate of 17.57%. In both comparisons, SCDPS was below the midpoint average of the law enforcement group, as well as the statewide turnover rate of 17.78 % for state employees.

There were 206 separations from SCDPS in FY2017 attributed to the following reasons: personal reasons – 114 (55%); retirement/deceased – 44 (21%); termination – 24 (12%); and movement to other agencies/positions – 24 (12%). The largest area of turnover occurred in HR, with over 50% of the HR staff leaving the division.

Over the past seven years (FY2011-2017), SCDPS had 1,100 separations attributed to: personal reasons – 563 (51%); retirement/deceased – 299 (27%); termination – 137 (13%); and movement to other agencies/positions – 101 (9%). The 206 separations during FY2017 represented a 38% increase above the prior six-year average of

149 for FY2011-2016. The vast majority (74%) of SCDPS separations over the past seven FYs occurred in the Highway Patrol Division (SCHP) – 809, an average rate of 116 separations per year.

SCHP leadership and the agency's Financial Services Division staff confirmed to the SIG the SCHP loses, on average, seven uniformed officers each month (84 per year) due to retirements or separations. However, separations from SCHP for all division employees (145) increased 25% above the annual average (116) during FY2017. The majority (77%) of these separations, or 111 of the 145 SCHP separations were from within the uniformed officer ranks. The majority (58%) of these separations, or 64, was due to "personal reasons," followed by 31 due to retirement/deceased (28%), twelve terminations (11%), and four due to movement to another state agency (3%).

The criticality of an effective recruitment program cannot be overstated when attempting to close the deficit in filling vacant law enforcement officer positions. The SIG confirmed with current and former SCHP leadership and SCDPS leadership the SCHP budget supported 850 trooper positions. At the close of FY2017 (6/30/2017), the SCHP had 800 troopers on board, an understaffing of 50 trooper positions. Annual budget requests to the State legislature for additional uniformed officer full time equivalent (FTE) positions, while commendable, will only exacerbate the problem and have no effect in closing the deficit of unfilled FTEs in the existing SCHP budget without an effective recruitment and training strategy. The SIG did not identify any proactive internal study conducted by SCDPS leadership which studied the attrition of personnel or the length of time to hire an employee as a means of getting ahead of the failure to close the gap in position vacancies. The lone exception was a voluntary, post-separation exit survey submitted by the employee and placed in the employee's personnel file. There was no indication the agency proactively reviewed these surveys for patterns and trends.

The SCDPS most recently implemented an aggressive recruitment strategy in August 2017. Subsequent to the roll-out of this new recruitment strategy the SCDPS implemented a modified Tattoo Policy and Residency Policy. Preliminary recruitment data for the first seven months of calendar year 2017 identified the agency averaged 133 applicants per month for the uniformed officer position. Since the implementation of the new recruitment strategy and the Tattoo and Residency Policies, the monthly average increased to 197; a 48% increase in applicants meeting the minimum qualifications for the uniformed officer position.

An effective recruitment strategy should encompass a three-pronged approach: (1) expanding the capacity to train through coordination with the South Carolina Criminal Justice Academy (SCCJA); (2) expanding recruitment sources and opportunities through a revised recruitment strategy; and (3) establishing performance standards and accountability for the HR division and the agency's recruitment team through monthly hiring goals.

Office of Professional Responsibility Investigative Processes

The SCDPS OPR is the agency's program manager for all internal investigations conducted by the agency. The full cycle of a SCDPS internal investigation encompasses the complaint, investigation, and grievance of disciplinary findings, if any. The SCDPS' internal investigative process has a direct impact on three principal parties which have a vested interest in the proper application of the agency's investigative resources: (1) the complainant (external or internal); (2) the SCDPS employee who is the subject of the complaint; and (3) SCDPS as the impacted state agency with reputational risk to the public and to its employees.

The OPR Chief determines which SCDPS component conducts the investigation by designating the investigation as either a Division Investigation (DI), which is conducted by a specific SCDPS division; or as a Professional Responsibility (PR) investigation, which is conducted by an OPR investigator. Following an OPR decision to initiate an internal investigation the investigative cycle follows a three-phase process: (1) Phase I:

investigation and complaint outcome (sustained, not sustained, unfounded, and exonerated); (2) <u>Phase II</u>: review to determine discipline, if any; and (3) <u>Phase III</u>: post-discipline case closure. The SIG conducted an audit sampling of 100 DI and PR cases for the period of 1/1/2016 to 7/31/2017, to include all terminations from 1/1/2015 to 7/31/2017, in order to identify the length of time associated with each investigative phase.

The audit sampling of 100 DI and PR cases determined the average length of an internal investigation was 174 days from case opening to final case closure. While the audit sampling average was within the established SCDPS policy of 180 days, 24 cases exceeded SCDPS policy with the longest opened investigation lasting 401 days. More importantly, the Phase I portion of the investigative cycle was generally completed in two to three months for investigations which resulted in an adverse personnel action (termination, suspension, or demotion). The SIG audit determined DI and PR investigations were consistent in the length of time it took to investigate and reach a conclusion on matters which were sustained and resulted in termination from employment, 62 and 67 days on average, respectively. Bearing in mind DI and PR investigations are conducted by separate SCDPS entities, this was indicative of a consistent investigative approach and equal application of agency policy.

For OPR investigations which resulted in suspension, the investigative time dropped by 30 days for DI matters and increased by 21 days for PR investigations when compared to investigations resulting in termination. However, the difference in the length of time to conduct DI and PR investigations was most noticeable wherein the allegation was determined to be unfounded or not sustained. On average, a PR case which resulted in employment termination took 43 fewer days than an investigation where the allegation was determined to be unfounded (67 vs 110 days). By comparison, similar DI investigations time varied little (61 vs 62 days).

It was a generally accepted practice within OPR to designate less serious allegations or those viewed as minor offenses as a DI investigation, while designating the more serious offenses as a PR investigation. There was no SCDPS policy which specifically established this criteria or practice, nor was there a policy definition which differentiated or defined what constituted a minor or major offense. SCDPS indicated that until an investigation is initiated the degree of prioritization it is given cannot be determined based on the allegation alone. Consequently, there appeared to be a lack of prioritization for investigators to complete the Phase I investigation for PR matters which were deemed unfounded or not sustained. Closer review of these audited cases did not identify any extenuating reason for the length of time taken to complete the Phase I investigation in comparison to the other DI and PR categories.

The SIG's analysis of Phases II and III for DI and PR cases averaged 62 days in Phase II and 30 days in Phase III. The predominant area of inefficiency occurred in HR which slowed down the review and discipline determination in adverse personnel actions. Current SCDPS practice after completion of the Phase I investigation required the entire investigative file to be forwarded to a designated HR division specialist who reviewed the OPR investigative report and prepared a summary of the investigation conclusion; conducted a review of the employee's personnel file for any prior OPR investigation or disciplinary action; reviewed an HR-maintained disciplinary action spreadsheet for comparable findings; and prepared correspondence with OPR's recommended disciplinary action. This redundancy in effect supplanted the OPR's authority as the agency's program manager for all internal investigations.

The OPR implemented the IAPro case management software in 2014 to manage the agency's internal investigations. IAPro is a dynamic case management software widely utilized by law enforcement agencies for internal investigations which provides two critical data points when determining disciplinary findings: prior individual disciplinary actions and comparable disciplinary actions for similar offenses. Presently, OPR has uploaded historical SCDPS cases into IAPro dating back to 2002. Consequently, the use of IAPro negates the need for HR to maintain a spreadsheet of historical disciplinary actions for comparable cases as this information is easily retrievable by OPR through IAPro. Additionally, there is no reason HR cannot initiate a personnel file

review at the outset of the investigation to supplement OPR's knowledge of prior complaints and/or disciplinary actions of an employee. This information can then be incorporated with the completed Phase I investigative file at the outset of the Phase II review by SCDPS executive management. Based on the audit sampling results, the elimination of redundant HR processes has the potential to reduce the Phase II period by an average of 27 days.

A second Phase II process in need of modification is the use of the Disciplinary Review Committee (DRC). The SCDPS Disciplinary Action Policy 400.08 defined the DRC as an informal committee to review OPR cases to assist in determining a disciplinary action. Disciplinary action is determined by a Progressive Disciplinary Matrix (PDM) which is utilized as an internal benchmark for violations of SCDPS policies and procedures, and misconduct. The DRC utilizes results of the internal investigation, past employee disciplinary findings, historical and comparable disciplinary findings, and the PDM to assist in determining the appropriate disciplinary action, if any.

The SIG determined the use of the DRC was inconsistent in its application and frequency by the agency. In fact, on average HR took 41 days to convene a DRC meeting, DI or PR, when it was requested. While the DRC is intended to provide impartiality in determining a disciplinary action, it is comprised of the agency's General Counsel, HR director, OPR chief, the SCDPS division director of the affected employee, and the SCDPS Director who chairs the committee. Interviews conducted of these individuals indicated the DRC results were a general consensus from the panel as a recommendation to the SCDPS Director. However, documentation of DRC meetings was not maintained, except for a spreadsheet maintained by HR which indicated when a meeting was held. In view of the fact the DRC is meeting to determine a personnel action, the meeting structure, schedule, and outcomes should be formalized by policy. Based on the audit sampling results, the establishment of a recurring DRC schedule has the potential to significantly reduce the Phase II review period.

While intended to be impartial, the DRC as currently structured, adversely impacts a fair and impartial grievance process for SCDPS employees. For those personnel actions which are "grievable" offenses, the employee's appeal process potentially involves a direct appeal to two individuals who determined the discipline as part of the DRC: his/her division director and the SCDPS Director. Failing in these two attempts the employee is afforded the opportunity to bring a grievance before the State Employee Grievance Committee. In order to provide the SCDPS Director and the employee a semblance of impartiality in hearing an OPR case appeal, the SIG is recommending the following changes to the current structure of the DRC and any subsequent grievance/appeal process.

1. The SCDPS Director should be recused from the DRC's meeting structure and disciplinary findings by delegating agency head executive authority to determine disciplinary findings to the DRC, and delegating authority to the employee's division director to issue the disciplinary action letter. This prudent exercise of executive authority will afford the SCDPS Director the ability to render an impartial review of the disciplinary finding in the event a grievance is filed by the employee.
2. The DRC should be comprised of the General Counsel, HR director, division director of his/her employee's case being presented to the DRC, and the OPR chief as chair of the DRC. A fifth member to the DRC should be the primary investigator, if conducted by OPR, or the Captain/Chief for DI investigations to present the case to the DRC and answer questions as needed.
3. Codify the DRC in agency policy as a formal disciplinary review committee for adverse personnel actions, document DRC meeting results in official OPR investigative records and employee personnel records, and establish a DRC meeting schedule, for all SCDPS employees to be aware of, e.g., every two weeks.
4. The previously established grievance procedures will be followed with the exception that the initial grievance review should be conducted by a division director not in the employee's chain of command

and who did not participate in the DRC's disciplinary finding of the employee. All other grievance stages and processes would continue as currently set forth in agency policy.

Leadership, Communication, and Employee Morale Issues

The SIG conducted 56 interviews of current SCDPS division directors, senior staff, and those who held the rank of captain or higher. Four themes emerged from these interviews: leadership, communication and trust; low morale; inefficiency in the OPR process; and problematic issues in HR processes. These same themes were supported through the leadership/climate survey conducted with all SCDPS employees (1,336) during a two-week period in June 2017.

The SIG received 824 responses to the voluntary survey, or 62% of the agency work force, and more than 7,500 comments to the questions. The survey was comprised of 60 questions which focused on seven general categories of: agency leadership; division leadership; supervisory leadership; work environment; integrity and professionalism of staff; job satisfaction; and the OPR/administrative inquiry process. Also, incorporated in the survey were questions related to morale and communication; obstacles that inhibited the hiring process; and areas that most negatively affected retention.

The aggregate results for the agency leadership category of the survey indicated 47% of the SCDPS employee population strongly disagreed/disagreed as being supportive of the agency leadership, with 32% being supportive of the agency leadership. The SCDPS employee response grew more favorable towards agency leadership as the employee had more direct contact with leaders. For example, division leadership was supported by 40% and not supported by 39%; and, supervisory leadership, who had the day-to-day contact with the employee were strongly supported by 70% of the SCDPS employee base, and not supported by 14%. It was clear from the survey the SCDPS workforce are highly motivated and proud to work for the agency. However, when asked to comment on the manner in which the OPR process and policies were implemented more than 50% expressed the perception of disparity existed within the OPR/administrative inquiry process.

Overall, the survey responses to three questions regarding morale was 58% of SCDPS employees believed morale was poor at the agency. There was a general sense that agency leadership communicated poorly to the agency's employees and was not concerned with the morale of its work force.

Summary

In summary, this limited review of three SCDPS issues should awaken the agency's leadership to a sense of urgency to address employee concerns. The results of this initial climate/leadership survey provides a baseline for SCDPS leadership to establish a clear communication strategy with its employees, while addressing internal processes in need of reform as set forth in this report. Doing so will provide the agency the initial "first steps" in rebuilding the morale of its employees and trust with its leadership.

The SIG extends its appreciation to the SCDPS leadership and all of its employees for the cooperation and courtesies provided to the SIG during this review. During the course of this review, the SCDPS leadership implemented changes as matters were brought to the attention of agency leadership regarding processes and policies in need of further review and modification. The following SCDPS policies and processes were modified and/or implemented during this review:

- Employee notification of the initiation of an OPR investigation is given by the respective senior manager (e.g., Troop Captain, Chief, Major) – July 2017

- Modified Tattoo Policy implemented – August 2017
- Modified Residency Policy implemented – August 2017
- Restructured Disciplinary Review Committee to remove SCDPS Director from committee structure and deliberations, OPR Chief as chair of the committee, and established a recurring schedule – September 2017
- Restructured employee grievance hearing process to have initial appeal heard by an impartial division director outside of the employee's chain of command or disciplinary deliberations – September 2017
- Eliminated redundant HR processes and practices from the OPR investigative process – September 2017

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Administrative Note: SCDPS Response to the Report; Policy Change; and Improvements to Operations located at Internet link: SCDPS Response to the Report; Policy Change; and Improvements in Operations

II.   **Background**

A. **Predicate**

The South Carolina Office of the State Inspector General's (SIG) mission is to investigate fraud, waste, abuse, misconduct, and mismanagement allegations in the Executive Branch of state government. The SIG initiated a review of the South Carolina Department of Public Safety (SCDPS) based upon a report issued by the South Carolina House of Representatives, Legislative Oversight Committee, Law Enforcement and Criminal Justice Subcommittee's study of SCDPS. (See House Legislative Oversight Committee Agency Report).

B. **Scope & Objectives**

The SIG's scope of inquiry was to identify inefficient processes and provide recommendation for improvement in three areas: (1) review of the SCDPS Human Resources Division (HR) policies and processes, and evaluate the recruiting, hiring, and retention practices; (2) review the SCDPS Office of Professional Responsibility (OPR) investigative processes, the disciplinary records management system and dispositions of the agency's internal investigations; and (3) review the issues of leadership, communication and employee morale throughout the agency. The third area for review was conducted at the request of the SC Office of the Governor.

This review's objectives were to:

- Interview a cross section of employees of SCDPS Administration; Command Staff; HR; and OPR to obtain their subject matter expertise and experience in the SCDPS;
- Evaluate the HR processes and practices for hiring, recruiting, and retention for both civilian and law enforcement employees;
- Review OPR investigative records to discern the disposition timeliness of the agency's internal investigations conducted during the past nineteen months, and terminations for the past thirty-one months;
- Map the OPR processes to analytically identify timelines; areas of concern; and opportunities to improve the OPR/Administrative Inquiry process;
- Identify opportunities to improve SCDPS HR hiring, recruiting, and retention processes; and
- Survey the entire SCDPS staff, to provide input on topics such as leadership, communication, morale, HR processes, and the OPR/Administrative Inquiry process.

Reviews by the SIG are conducted in accordance with professional standards set forth by the Association of Inspectors General, often referred to as the "Green Book."

C. **South Carolina Department of Public Safety Overview**

The SCDPS is a multi-faceted agency focused on highway and public safety. SCDPS enforces traffic laws on SC roadways, inspects commercial motor vehicles, protects the Governor's residence and State Capitol complex, promotes highway and public safety education, conducts safety campaigns across the state, and administers millions of dollars in federal grant funding. SCDPS' mission is to protect and serve the public with the highest standard of conduct and professionalism; to save lives through educating its citizens on highway safety and diligent enforcement of laws governing traffic, motor vehicles, and commercial carriers; and to ensure a safe, secure environment for the citizens of the state of South Carolina and its visitors.

The SCDPS was re-accredited on 8/1/2016, for a three-year period by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). CALEA was created in 1979 to develop a set of law enforcement standards and to establish and administer an accreditation process through which law enforcement agencies could voluntarily demonstrate they meet professionally recognized criteria for excellence in management and service delivery. SCDPS was previously accredited by CALEA in 1998; 2001; 2004; 2007; 2010; and 2013.

The SCDPS has four law enforcement divisions: Highway Patrol; State Transport Police; Bureau of Protective Services; and Immigration Enforcement; and eight core operations divisions: Communications; Human Resources; Information Technology; Financial Services; Office of Strategic Services, Accreditation, Policy and Inspections; Office of Professional Responsibility; General Counsel; and Highway Safety and Justice Programs. These twelve divisions are each directed by a division-level director who reports directly to the SCDPS Director. *(See Appendix A)*

The Fiscal Year (FY) 2016-17 budget for SCDPS was $171.8 million. This budget allocated 1,521 full time equivalent (FTE) positions of which 1,268 were filled and 253 (17%) were vacant at the close of FY 2016-17. (See Table A) The SCDPS average FTE onboard for FY2017 was 1277.23.[1]

Table A	SCDPS Budgeted FTE Positions and Cost				Actual Positions	
SCDPS Programs	**FY2017** No. of FTEs	**%**	**FY2017** Cost	**%**	**Filled FTEs**	**Vacant FTEs**
Administration	88.71	6%	$8,776,881	5%	70.44	18.27
Highway Patrol	1,137.70	75%	$78,084,504	45%	977.35	160.35
Illegal Immigration	12.00	<1%	$545,069	0%	7.00	5.00
State Transport Police	148.01	10%	$9,726,558	6%	112.50	35.51
Bureau of Protective Services	93.00	6%	$3,341,321	2%	67.00	26.00
Hall of Fame	3.00	0%	$263,000	0%	2.15	0.85
Safety and Grants	38.58	3%	$42,168,126	25%	31.56	7.02
Employee Benefits			$28,965,023	17%		
Total	**1,521.00**	**100%**	**$171,870,482**	**100%**	**1,268.00**	**253.00**

III.   SCDPS Human Resources Processes

The SCDPS HR Division is the principal program manager for the agency's HR programs and services which include: Employment; Classification and Compensation; Payroll, Benefits and Leave; and Employee Relations and Records. HR is also responsible for investigating allegations of discrimination and preparing position statements for charges of discrimination filed with the South Carolina Human Affairs Commission and Equal Employment Opportunity Commission. During the SIG review, the staff was comprised of thirteen employees: the HR Director; five managers; and seven coordinators/specialists.

A. SCDPS Turnover in Personnel

During FY2017, SCDPS experienced a 15.11% turnover in personnel within the agency. By comparison, the FY2017 employee turnover rate for all State government agencies was 17.78%. The employee turnover rate among the State's principal law enforcement agencies for FY2017 was: Department of Natural Resources –

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[1] Source: Department of Administration (DOA), Division of State Human Resources (DSHR)

8.35%; State Law Enforcement Division – 10.70%; SCDPS – 15.11%; Department of Juvenile Justice – 23.59%; and Department of Corrections – 30.12%.[2]

Key personnel losses during FY2017 included the: HR Director; Procurement Director; Budget Director; Chief Financial Officer (CFO); Chief Information Officer; General Counsel (GC); Controller; and the Internal Auditor. The HR Division experienced the highest percentage of staff turnover (>50%) in FY2017. Over the past seven years, the HR Division lost 29 employees.

For the period of FY2011-2017, SCDPS had 1,100 staff separations with 206 separations occurring in FY2017 as set forth in Table B. These 206 separations represented a 38% increase above the prior six-year average (149) of the 894 separations for FY2011-2016. [3]

Table B

SCDPS Core Divisions Employee Separations	FY2011-2016	FY2017	Total	%
Highway Patrol	664	**145**	809	74%
State Transport Police	84	**13**	97	9%
Bureau of Protective Services	41	**9**	50	5%
Highway Safety and Justice Programs	26	**13**	39	4%
Human Resources	22	**7**	29	3%
Information Technology	20	**5**	25	2%
Financial Services	16	**7**	23	2%
Professional Responsibility	6	**1**	7	<1%
Strategic Services, Accreditation, Policy, and Inspections	4	**3**	7	<1%
General Counsel	4	**1**	5	0%
SCDPS Director's Office	3	**0**	3	0%
Communications	3	**1**	4	0%
Immigration Enforcement	1	**1**	2	0%
Total	894	**206**	1,100	100%

The vast majority (74%) of SCDPS separations over the past seven FYs occurred in the Highway Patrol Division (SCHP) – 809, an average rate of 116 separations per year. The SCHP comprised 75% of the total SCDPS workforce in FY2017. The percentage of total agency separations for FY2011-17 (Table B) closely mirrored the individual SCDPS component workforce percentage for FY2017 found in Table A.

Employee retention is a major concern in the SCHP Division as less manpower means fewer uniformed officers to enforce traffic safety laws. Interviews conducted of SCDPS command staff and the SCDPS CFO determined there has been an increase in the number of uniformed officers separating from the agency. On average, the SCHP loses seven uniformed officers each month, or 84 per year due to retirements or separations. However, the number of separations for all SCHP employees in FY2017 increased 25% to 145 over the prior six-year average of 116.

In FY2017, 111 of the 145 SCHP separations, or 77%, were uniformed officers. The majority (58%) of these separations, or 64, was due to "personal reasons," followed by retirement/deceased - 31 (28%), twelve terminations (11%), and four due to movement to another state agency (3%). A statewide comparison found on the DOA-DSHR public dashboard for all State agencies listed 1,739 agency separations for FY2018-Q1. The

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[2] Source: DOA-DSHR
[3] Total SCDPS separations included 13 temporary employees which are not reflected in the DOA-DSHR statistics

four main categories listed were: external employment" - 1,200 (69%), followed by retirement - 240 (14%), agency transfer - 162 (9%), and discipline - 135 (8%). Table C below provides a comparison of total SCDPS separations to SCHP uniformed officer separations for the seven-year period of FY2011-2017.

Table C

SCDPS Employee Separation Action Reasons	FY2011-2017 SCDPS Employees	%	FY2011-2017 SCHP Troopers	%	FY2017 SCHP Troopers	%
Personal	563	51%	316	51%	64	58%
Retirement / Deceased	299	27%	183	30%	31	28%
Termination	137	13%	87	14%	12	11%
Movement between agencies	101	9%	29	5%	4	3%
Total	1,100	100%	615	100%	111	100%

The SIG did not identify any proactive internal study conducted by SCDPS leadership which analyzed the attrition of personnel or the length of time to hire an employee as a means of getting ahead of the inability to close the gap in vacancies. The lone exception was a voluntary, post-separation exit survey submitted by the employee and placed in the employee's personnel file. There was no indication the agency proactively reviewed these surveys for patterns and trends.

B. SCDPS Recruitment Process

The purpose of SCDPS Policy 400.01 is to "provide guidelines regarding the recruitment program at the SCDPS and provide written authority for the HR to implement and coordinate the recruiting strategies of the department." Recruitment is a continuous process and involves all levels of staff within the agency. HR has developed a Recruitment Plan that strives for a qualified workforce which represents equal employment opportunity for all." (See Appendix B)

The general provisions of the policy are meant to ensure:

- SCDPS attracts and hires qualified individuals regardless of race, color, religion, national origin, gender, age, or disability.
- The recruitment policy is administered in accordance with the South Carolina Department of Administration regulations and the guidelines of department Policies 400.11 (Equal Employment Opportunity), and 400.12 (Affirmative Action Policy and Plan).
- A team of trained recruiters will utilize the Recruitment Policy and Plan in their recruiting efforts.

The current SCDPS recruitment process includes: sending the job vacancy announcements via email to all SCDPS employees; forwarding job vacancy announcements to external contacts such as employment agencies, school districts, colleges/universities; posting job announcements on college/university job boards; attending career fairs on military installations, colleges, universities, employment offices, and local vendors; posting job announcements on social media; instructing the Community Relations Officers to attend community events and speaking engagements, and incorporating recruitment for the agency in their presentations; enlisting the troopers as coaches and mentors to referred applicants; and encouraging employees to recruit others for the agency.

1. SCDPS FY2017 Recruitment & Retention Plan

SCDPS developed a Recruitment & Retention Plan to strategically address the needed manpower to effectively protect and serve the people of the State. The Recruitment Plan is a supplement to SCDPS Recruitment Policy

400.01 , and incorporates goals identified in the Department's Affirmative Action Plan. As indicated in the plan, it shall include, but is not limited to, goals, objectives, strategies, hiring and retention procedures, and recruitment practices. (*See Appendix C*)

The purpose of the plan is to effectively protect and serve the people of the State by striving to obtain a quality workforce demographically similar to the State's population. The key to achieving this is the development and implementation of an effective agency-wide plan for outreach and recruitment. The recruitment plan is reviewed annually to evaluate the current position of the agency and is adjusted as needed. The SIG, however, found no documentation which supported any annual review was conducted on the effectiveness of the recruitment plan, or whether or not hiring goals and objectives were achieved.

The need for an effective recruitment program cannot be overstated when attempting to close the deficit in filling vacant law enforcement officer positions. Interviews conducted of current and former SCHP directors, and the former SCDPS CFO and Budget Director confirmed the current SCHP budget supported 850 uniformed officer FTE positions. At the close of FY2017, the SCHP had 800 uniformed officers on board, an understaffing of 50 uniformed officer positions. The former SCDPS CFO indicated that an additional 30-50 new trooper positions ($60,000 per trooper) were requested each year during the budget cycle. However, if the agency does not implement an effective recruitment and training strategy this will only amplify the problem and have no effect in closing the deficit of unfilled FTEs in the existing SCHP budget.

In August 2017, SCDPS initiated an aggressive recruiting campaign for hiring troopers (see SCDPS Hiring SC Troopers). SCDPS has three SCHP recruiters who coordinate with various organizations to promote the benefits of joining SCDPS at various venues such as colleges; businesses; churches; festivals; fairs; and special events, etc. The recruiting team's focus is to find professional and committed candidates to join SCDPS as law enforcement officers. The current alignment of the SCDPS recruitment team is concentrated within the agency's Communications Division and supported by HR and the employment units within each SCDPS division. Additionally, the State Transport Police and the Bureau of Protective Services each have a recruiter to coordinate recruitment efforts with the Communications Division.

Results from SIG interviews and comments from the climate/leadership survey identified the previous SCDPS Tattoo Policy was a hindrance to the agency's recruitment efforts. During the first seven months of the 2017 calendar year, SCDPS' recruitment efforts averaged 133 applicants per month who met the minimum qualifications for the SCHP trooper position. Following the August 2017 implementation of a modified Tattoo Policy (SCDPS Tattoo Policy 200.10) and Residency Policy (SCDPS SC Trooper Residency Policy 300.47), the monthly average increased to 197, a 48% increase in minimally qualified applicants for the uniformed officer position.

C. **SCDPS Hiring Policy, Process, and Practice**

The HR Division manages the agency's job vacancy postings and the hiring process. Each SCDPS division maintains a core employment unit with an HR specialist liaison who assists in the hiring process for vacancies in that particular division and interfaces with the agency's HR division staff.

The purpose of SCDPS Policy 400.29 [civilian positions] *(Appendix D),* and 400.02 [law enforcement positions] *(Appendix F)* is to *"establish a fair, uniform system for filling vacant civilian and law enforcement positions at SCDPS, pursuant to State statutes and the South Carolina Division of State Human Resources Regulations. The department is committed to hiring qualified applicants in accordance with federal and state laws."*

These policies provide for, *"A fair, uniform application and selection process is essential for the operational effectiveness of a law enforcement agency. This applies not only to the selection of law enforcement positions but to the civilian workforce as well. As such, all SCDPS employees involved in the application and selection process shall adhere to the guidelines within this policy."*

The general provisions of these policies are meant to ensure:

- The application and selection process is non-discriminatory, efficient, effective, and result in the selection of only those individuals who possess the skills, knowledge, and abilities necessary to best perform the job functions of the vacant position.
- All minimum qualifications and/or criteria used in the selection process are job-related and all elements of the selection process are administered, scored, evaluated, and interpreted in a consistent and uniform manner.
- Current employees of the department are afforded equal opportunity to apply for and be considered for vacancies, and are not discouraged from applying for vacancies, nor are they adversely affected for expressing an interest in career development and advancement.

It is the HR Division's responsibility to administer all recruitment and selection activities for the agency. This includes the initial receipt and screening of all applications. Only those applications which meet the minimum qualifications and criteria listed on the job posting are referred to each division's hiring manager.

Hiring managers are responsible for creating interview panels, selecting applicants for interviews, conducting background investigations to include, but not necessarily limited to, verification of qualifying credentials, employment reference(s), criminal history, and at least three (3) personal references. The SCDPS Director has final approval for all selections made. Those applicants not selected for the position are notified by email once the position has been filled. Selected applicants will be notified by offer letter sent via email.

There are some commonalities in the application and screening processes for both civilian (non-sworn) and law enforcement (sworn) applicants. Described below is the application and hiring processes for civilian and law enforcement applicants. (*See Appendix E*)

1. SCDPS Application Process for Civilian Employees

The application process for civilian (non-sworn) employees is detailed as follows:

- Applicant applies for the position via NeoGov or hardcopy application if the applicant is internal or retiring; and the application(s) are screened through filters placed in the NeoGov database by HR. The applications meeting the position requirements are referred to the hiring manager/division HR liaison (HM/DL) for review and to schedule an interview with the selected candidates. Applicants are contacted via phone to schedule the interview and sent an email invitation after verbally confirming the scheduled interview details.
- The HM/DL selects a panel of interviewers (minimum of two people) to conduct interviews. If an applicant is selected, a vacancy checklist (application, all applicants interviewed list, evaluation forms from the interviewers, authorization to run background, driver's license, employment and reference checks) is compiled by the HM/DL to submit to the HR for review. The HM/DL contacts the applicant's references, and previous employers. Social media is checked for derogatory posts and comments.

- The applicant's packet of the selected candidate is provided to HR. HR checks the candidate's driver's license for suspension, National Crime Information Center (NCIC) and SCIEX for warrants. The Personnel Action Request (PAR) and approved Position Description (PD) forms are attached to the packet and the hiring compensation justification is completed. If the applicant is a current state employee, HR contacts State Human Resources to retrieve current salary, classification, title and pay band.

- Information is compiled and forwarded to HR Classification and Compensation Manager for review of proper classifications, titles etc., signed, dated, and forwarded to the HR Director. The HR Director reviews the completed packet for accuracy and completeness. The PAR is signed and dated and a meeting is scheduled with the SCDPS Director for approval. The PAR is signed and dated by the SCDPS Director and returned to the HR to process the new hire.

- HR contacts the HM/DL via email to make a verbal offer and request a start date or to request additional information for approval. Once the hire date is determined, a letter of offer is generated, signed by the HR Director, and sent via email to the selected candidate.

2. SCDPS Application Process for Law Enforcement Officers

The purpose of SCDPS Policy 400.02 *(Appendix F)* is to "*set forth fair and impartial procedures for the application and selection of commissioned law enforcement officers for the Department of Public Safety. To that end, all minimum qualifications or criteria shall be job related and all elements of the Department's selection process will be administered, scored, evaluated, and interpreted in a consistent and uniform manner.*"

Each Law Enforcement Division (LED) has responsibility and oversight for the recruitment, application, and selection process of its applicants. Further oversight will be provided by HR. Each LED will select a coordinator to administer the recruiting, application, and selection process for each law enforcement division or office. The coordinator will be supervised by the Commander of the Law Enforcement Division with input and guidance provided by HR.

The application process for a commissioned law enforcement officer position requires the applicant to participate in a psychological assessment, polygraph exam, basic reading skills assessment, background investigation, credit check, medical examination, drug test, eye exam, and physical fitness exam. The hiring process is detailed below. *(See Appendix G)*

- The applicant applies in NeoGov. Applications are screened by HR for minimum qualifications. All applicants meeting minimum qualifications are referred to the respective Law Enforcement Employment Unit (LEEU).

- LEEU sends a supplemental questionnaire to applicants and conducts an administrative review (NCIC, driver's license check, Sex Offender Registry check, credit check, and SCIEX check). Qualified applicants undergo a physical training test and the Nelson Denny reading test. Once approved, applicants undergo a background investigation and a polygraph. Oral interviews are then conducted by LEEU. Applicant packets are then sent through for Executive Committee review.

- HR reviews the packets and summarizes the applicant's information from the prior steps of the hiring process, which is attached to the applicant's packet.

- The HR Director reviews each packet with the SCDPS Director, approves the new hire, conditional on completion of the required process. A conditional offer of employment is extended, stipulated on

the results of the applicant's psychiatric and physical evaluation; medical evaluation and tests, drug test, eye check, polygraph, and background investigation.

- The PAR is created and submitted to Financial Services and HR. Medical files are received and reviewed by HR. The PAR and medical summary are submitted for final approval of the SCDPS Director. Once approved, an offer is made to the applicant.

The SIG also noted even though HR conducts the civilian employee hiring process entirely, the law enforcement hiring process is mostly performed by the specific LEEU within each SCDPS law enforcement division. Each LEEU maintains an HR liaison employee to assist in the completion of the selection and hiring process. Once the applications received through NeoGov are screened by HR for meeting the minimum qualifications, the applications were referred to the appropriate LEEU for completion of the hiring and selection process.

D. Summary of the Human Resources Processes Review

The SIG's review of the SCDPS hiring process for law enforcement (sworn) vacancies and civilian (non-sworn) vacancies determined only slight differences existed between the two categories of SCDPS employees. The majority of the application/hiring process, to include the background investigation, interview, and selection, was conducted within each SCDPS division. These slight differences were associated with law enforcement applicants and included supplemental information, a psychological screening, physical fitness test, and polygraph examination, among others.

The SIG review found minimal redundant processes which would achieve significant savings in the amount of time it took to screen qualified candidates; conduct the background investigation; interview; and selection processes; and bring the candidate on board. However, the SIG noted the HR Division's involvement in the OPR investigative process included redundant processes and unnecessarily prolonged these investigations. This observation is discussed in further detail in Section IV of this report.

In August 2017, the SCDPS leadership realigned the agency's recruitment team under the Communications Division and implemented an aggressive recruitment strategy, along with a modification to the agency's Tattoo and Residency Policies. These recruitment efforts resulted in a 48% increase in the number of applicants meeting the minimum qualifications for the SCHP uniformed officer position over the first seven months of the 2017 calendar year.

While there were limited studies conducted of national trends in law enforcement recruitment, retention, and turnover in personnel to benchmark the SCDPS data, a 2013 study titled, "Recruitment, Retention, and Turnover of Law Enforcement Personnel" was found in the "Best Practices Guide" of the International Association of Chiefs of Police, which SCDPS can utilize in strengthening its recruitment, retention, and turnover strategy. Additionally, the Police Executive Research Forum produced a 2016 study titled, "Hiring for the 21st Century Law Enforcement Officer: Challenges, Opportunities, and Strategies for Success" which can also be of use to the SCDPS in its recruitment efforts.

IV. Office of Professional Responsibility Investigative Processes

A. Office of Professional Responsibility

The Office of Professional Responsibility (OPR) was established for the purpose of conducting all internal investigations of alleged employee misconduct and is considered the SCDPS program manager for the agency's

internal investigations program. This office is comprised of seven SCDPS staff members: (a) the OPR Chief who is the office's senior executive and a member of the agency's executive leadership team (ELT); (b) a supervisory investigator who reviews the investigative reports submitted for the OPR Chief's review; (c) three investigators all of whom maintain an investigative caseload; and (d) one full-time and one part-time administrative staff members responsible for data management of the OPR database software, IAPro.

As the agency's program manager for internal investigations, OPR is responsible for uncovering, developing, and objectively reporting all facts and circumstances surrounding allegations or complaints of misconduct by SCDPS employees. These complaints may pertain to misconduct, violations of departmental policies and procedures, violations of state or federal laws, or other SCDPS Code of Conduct Standards *(Appendix H)*. In addition, OPR investigations are intended to act as a protection to the employee from false or frivolous allegations.

The SIG review determined the OPR Chief, the supervisory investigator, and one OPR investigator have attended specialized training in internal investigations. Though each of the current investigators have a background in certain fields of investigations they have no training in internal investigations which is unique to all other investigative methods. Furthermore, the SIG could not identify a SCDPS policy or standard operating procedure which required specialized training for those conducting OPR investigations.

IAPro was implemented as the agency's case management software in 2014, and is specifically designed for internal investigations. This program provides a paperless digital platform to ensure critical incidents are documented, reviewed and managed with consistency and completeness. This software is dynamic and scalable enough to provide effective program management oversight. This includes the ability to identify historical complaints, investigations, and disciplinary actions for an employee; as well as, providing comparable disciplinary actions to ensure the agency is consistent and fair in its application of discipline for similar offenses. To date, OPR has uploaded historical SCDPS cases into IAPro dating back to 2002.

B. <u>Internal Investigations Cycle and Current Practices</u>

The full cycle of a SCDPS internal investigation encompasses the complaint, investigation, and grievance processes. The SCDPS internal investigative process has a direct impact on three principal parties which have a vested interest in the proper application of the agency's investigative resources: (1) the complainant (external or internal); (2) the SCDPS employee who is the subject of the complaint; and (3) SCDPS as the impacted state agency with reputational risk to the public and to its employees.

<p align="center">Receipt of Complaint</p>

Whether a complaint is received through internal or external sources, the OPR Chief is responsible for the review and determination if an internal investigation is initiated. By direction of <u>SCDPS Office of Professional Responsibility Policy 100.07 *(Appendix I)*</u>, these complaints are reviewed by the OPR Chief upon receipt and referred to the SCDPS Director to determine if the matter will be investigated. The SIG determined the OPR Chief was delegated the authority to review and assign the investigations without discussing each case with the SCDPS Director. This delegated authority is within the discretion of the SCDPS Director's executive authority, and is considered an effective and efficient use of this authority, and provides OPR the ability to conduct effective program management oversight.

Assignment of Investigation

Once a decision has been made to initiate an internal investigation, the OPR Chief determines which SCDPS component will conduct the investigation by designating the investigation as either a Division Investigation (DI), which is conducted by a specific SCDPS division; or as a Professional Responsibility (PR) investigation, which is conducted by an OPR investigator. The decision to assign a matter as a DI or PR is the responsibility of the OPR Chief.

The SIG determined SCDPS does not have a policy clarifying which type of case is designated as DI and PR. Through interviews and a review of OPR investigative files the SIG determined similar allegations can be assigned to either category. In general, cases involving conduct which may result in an adverse personnel action, such as a termination, suspension, or demotion are assigned as a PR. Those matters which would result in something less than an adverse personnel action are designated as a DI. SCDPS policy provides the OPR Chief the discretion to make these case assignments.

Investigative Phases

The internal investigative process encompassed three phases: (1) Phase I – investigation and complaint determination; (2) Phase II – executive level review and disciplinary finding, if any; and (3) Phase III – post-discipline case closure. As an investigation is completed (Phase I), the results are reported through the appropriate DI or PR chain of command to OPR and the SCDPS Director to determine if the allegation had merit. SCDPS policy further defines a complaint determination as:

- Sustained – Employee's action violated department policy, procedures, or guidelines.
- Not Sustained – Insufficient evidence exists to either prove or disapprove the allegation.
- Exonerated – Employee's action occurred as alleged, but was in compliance with department policy, procedures, and guidelines. Employee's action was within the guidelines authorized by law.
- Unfounded – Alleged misconduct did not occur.

Each month, the SCDPS Director receives a report of all OPR investigative activity and case status. The OPR Chief also notifies the SCDPS Director of any serious matter which may have a negative impact on the agency's reputation.

Human Resources Division's Role in the OPR Investigative Process

Based on SCDPS policy, the SCDPS Director can utilize the agency's HR Division as needed if disciplinary action is warranted. The SIG determined through interviews and case reviews the HR Division's involvement in the OPR process went beyond established SCDPS policy and standard operating procedures. Specifically, at various stages of the investigation, HR was requested to supply the investigator with a "past discipline history" report of the employee under investigation. The SIG confirmed with OPR staff this information was available to the investigator through the case management program IAPro without the assistance of HR.

During the Phase II review, the HR Division is given the OPR case file for an HR staff member to access all case records and information in order to draft a summary of the investigator's findings. The SIG reviewed various examples of an "HR summary" which amounted to a restatement of information already found in the OPR case summary, which increased the duration of the cycle time of processing the case. Through interviews of SCDPS staff, the SIG confirmed the HR Division engaged in redundant processes to those already conducted by OPR.

Third, upon receipt of the OPR investigative file, the HR Division requests a recommendation for disciplinary action from the appropriate division director or SCDPS command staff. This was accomplished through a request to the division director or through the Discipline Review Committee (DRC), which is defined further in this report. The HR Division was responsible for creating the disciplinary action letter, sending it to the division director for the subject employee's acknowledgement and signature, and placement of the letter in the OPR investigative and employee personnel files for closure of the HR process.

Disciplinary Action Determination

SCDPS's disciplinary policy identified the SCDPS Director as the authority in determining whether disciplinary action is warranted. SCDPS Policy 400.08G sets forth a progressive disciplinary matrix to assist in determining the appropriate level of discipline based on prior employee discipline and comparable offenses. (See Appendix J) However, the SIG determined the current practice provided for various members of the SCDPS executive leadership team (ELT) (e.g. Director, HR, Lieutenant Colonel or respective division director) to determine the disciplinary action. Whether by design or delegation of authority, the SIG determined through interviews of SCDPS staff, the climate/leadership survey comments, and external reporting the process utilized by the agency to recommend and administer discipline was poorly understood by and/or communicated to SCDPS personnel. SCDPS personnel external to the disciplinary decision process perceived the process as ineffective in improving or correcting an employee's behavior, and that sometimes the discipline did not fit the offense.

Discipline Review Committee

The DRC is another internal committee used by the agency in determining disciplinary action. SCDPS Policy 400.08 "Disciplinary Action", Section III (Appendix K) defines the DRC as, *"An informal committee comprised of departmental employees to review recommendations for disciplinary or corrective action."* However, the SIG determined there was no other SCDPS policy which established the DRC's authorities, responsibilities, or functionality in the agency's disciplinary process. The DRC is comprised of the SCDPS Director, HR Director, General Counsel, OPR Chief, and at times the appropriate division director of the subject employee under investigation.

The SIG interviewed SCDPS employees involved in prior DRC meetings who stated the purpose of the DRC was to discuss the OPR investigative results, the employee's performance record, and recommend the appropriate disciplinary action to the SCDPS Director.

The SIG determined the agency did not maintain documentation of DRC meetings or deliberations (e.g., meeting minutes, schedules, or agendas). The SIG was informed that none exists because the DRC is an informal "ad hoc" review committee. The SIG located documentation of the DRC in the form of a spreadsheet maintained by an HR specialist designated to track the OPR investigative files and corresponding disciplinary action. The documentation consisted of the DRC meeting date and the identification of the OPR case. There was inconsistency in the agency's use of the DRC. The SIG reviewed an OPR case file which utilized a DRC meeting which resulted in a "counseling session," while there were other instances where the DRC was not convened for cases which resulted in adverse personnel actions. A review of the HR spreadsheet confirmed these cases did not appear in front of a DRC.

SCDPS Employee Grievance Process

The SCDPS employee grievance process is a multi-step process which can culminate in the employee bringing a grievance before the State Employee Grievance Committee. Prior to filing a grievance, the employee should

attempt to resolve the issue informally with his/her immediate supervisor or appropriate agency designee. In OPR cases, the appropriate agency designee is the employee's division director.

Step 1 If the employee is unable to resolve the matter informally, the employee must notify the HR Division and initiate a formal grievance. The HR Director reviews the appeal to determine if it is a grievable matter. If not, then the grievance is denied. This is considered to be the agency's "final" decision, and the employee can appeal to the Division of State Human Resources (DSHR) Director for review.

However, if HR determines the matter is grievable, the employee and the SCDPS division can opt for HR mediation. In this scenario, both the employee and the department must agree to the mediation for it to occur. If no mediation occurs, the grievance is sent to the employee's division director for review. If the grievance is denied, the employee may continue with the grievance under Step 2. The employee's division director is a member of the DRC.

Step 2 A Step 2 grievance is an appeal to the SCDPS Director to reconsider the disciplinary action recommended. The SCDPS Director makes the final decision for the agency. If the grievance is denied, the employee can appeal to the DSHR Director for review. The SIG determined the SCDPS Director is a member of and officially chairs the DRC.

C. **Audit Sampling**

The SIG performed an audit sampling of DI and PR cases maintained in OPR's IAPro database. The purpose of the audit was to test OPR's adherence to SCDPS policies, and identify OPR processes in need of improvement. The SIG reviewed a listing of 302 internal investigations (126 PRs, 144 DIs, and 32 terminations) opened during the period of 1/1/2016 through 7/31/2017. Included in this audit sampling were all DI and PR cases that resulted in employment termination for the period of 1/1/2015 through 7/31/2017. Of this population, the SIG selected 100 cases for the audit sample comprised of 31 DIs and 69 PRs (to include all terminations for both types of cases for the past thirty-one months). All cases resulted in one of four conclusions: Sustained, Not Sustained, Exonerated or Unfounded. For purposes of the audit, the SIG categorized cases as sustained resulting in termination, sustained resulting in disciplinary action other than termination (e.g. suspension; written reprimand; or a counseling session), unfounded and/or not enough evidence to sustain, and open investigations.

<div align="center">Life Cycle of a Case</div>

Although similar, there are minor differences in the life cycle of a DI case versus that of a PR case that can be seen in the tables (Table 1 and Table 2) that follow. Generally, all cases, once assigned to an investigator go through three phases as broken down by the SIG for audit purposes: Phase I- Investigation, Phase II – Review for Discipline, and Phase III – Number of Days Following Discipline before a case is closed.

- Phase I – Investigation: This phase begins once an investigation has been opened and assigned to an investigator as a DI or PR matter. During Phase I, the investigator conducts interviews, reviews evidence, and other necessary fact findings to arrive at a conclusion of the allegation as being sustained, not sustained, exonerated or unfounded.

- Phase II – Review for Discipline: This phase begins once the investigator's supervisor (OPR Chief or Troop Captain) has signed off on the completion of the investigative phase. PR cases, not DI cases, are reviewed by the SCDPS Director at the beginning of the Phase II review. The case then passes through several layers of review by SCDPS executive leadership and division command staff, to

include HR to determine whether disciplinary action is deemed appropriate, and if so, what action to take. While in HR, the case is summarized by a staff member of HR; a request is made to the division director for a disciplinary recommendation (if applicable); a DRC is scheduled, if requested for disciplinary recommendation; and the letter of discipline is written by HR and sent to the division director to obtain the employee's signature. The employee's signature and/or a date specified in the letter designates the effective date of the disciplinary action to be administered.

- Phase III – Number of Days Following Discipline before a Case is Closed: This step generally begins while the case is in the office of HR. Once discipline has been determined, administered and documented via a letter of disciplinary action signed by the subject employee; the case file is given to the HR director for final signature and return of the investigative file to OPR. The OPR Chief reviews and signs off on the file before forwarding to the SCDPS Director for final review and closing signature. Once the SCDPS Director has signed the file, it is returned to OPR for closure in IAPro and filing of the hardcopy.

Audit Sampling Analysis

The results of the SIG audit determined, on average, it took anywhere from four to six months for a case to reach closure, regardless of the type of investigation (DI or PR). The OPR maintained a standard operating procedure of completing PR investigations within a 180 day period. However, no agency policy or procedure was provided which established an acceptable length of the time period to complete a DI case. The audit test results illustrated in the following tables (Table 1 and Table 2) quantify the average life cycle of an OPR case.

Table 1. Division Investigation (DI) and Office of Professional Responsibility (PR) Investigation Summaries

Division Investigation (DI)

Investigation Case Type	# of Cases Sampled	Life Cycle of Case (Days) *Phases I - III*	PHASE I - Investigation (Days)	PHASE II - Review for Discipline (Days)	PHASE III - # of Days Closed After Discipline (Days)
DI Cases (Sustained/ Terminations)	3	159	62	77	20
DI Cases (Sustained/ Non-Terminations)	16	151	32	88	31
DI Cases (Unfounded/ Not Sustained)	10	125	61	36	27
DI Cases (Open - Still Under Investigation)	10	> 56	> 56	-	-
Total DI Cases Reviewed	**39**	*These are averages based on the number of sampled cases*			

Note: Variances are due to rounding

Office of Professional Responsibility Investigation (PR)

Investigation Case Type	# of Cases Sampled	Life Cycle of Case (Days) *Phases I - III*	PHASE I - Investigation (Days)	PHASE II - Review for Discipline (Days)	PHASE III - # of Days Closed After Discipline (Days)
PR Cases (Sustained/ Terminations)	24	124	67	38	19
* PR Cases (Sustained/ Terminations)	5	157	68	0	89
PR Cases (Sustained/ Non-Terminations)	12	173	88	71	14
PR Cases (Unfounded/ Not Sustained)	10	174	110	57	8
PR Cases (Open - Still Under Investigation)	10	> 88	> 88	-	-
Total PR Cases Reviewed	**61**	*These are averages based on the number of sampled cases*			

Note: Variances are due to rounding

* Due to circumstances of these 5 cases, the disciplinary action (termination) occurred prior to completion of the investigation.

DI Cases (Sustained/ Terminations)

Specific to DI cases, for those that were sustained and resulted in termination, on average, the life cycle was five months (159 days) with the first two months (62 days) or 39% spent in the Phase I investigative period. In this sample, two of the three cases had life cycles of 179 and 219 days. These were the only DI termination cases contained in the population; therefore, the SIG was unable to increase the sample size to obtain a more level measure. Even with the available information, the results show a less than efficient process of reviewing (Phase II) and closing (Phase III) the cases as the average time spent in these phases was 3 months (97 total days) following the investigation.

DI Cases (Sustained/Non-Terminations)

Similarly, DI cases which were sustained and resulted in other disciplinary actions, on average, took five months (151 days) to close with the first 32 days (21%) spent in the Phase I investigative period. As illustrated in this table, 79% of the total case time (119 days) was spent in the Phase II review (58%) and the Phase III closing (21%) periods.

DI Cases (Unfounded/Not Sustained)

DI cases determined to be unfounded or not sustained, on average, were completed in 125 days with 49% of that time (61 days) spent in Phase I. As there was neither a finding, nor a need for disciplinary action, these cases were not reviewed for disciplinary action. However, Phases II & III were still conducted as all cases were sent through multiple layers of management review (excluding HR) prior to closure. As a result of the additional layers of review, on average, these investigations were kept open an additional 63 days, or 51% of the total case life before being closed.

DI Cases (Open – Still Under Investigation)

DI cases that were still open investigations at the time of the SIG review (8/1/2017) were averaging nearly the same length of time in investigation (Phase I) as all other cases reviewed. These cases were averaging 56 days currently under investigation.

PR Cases (Sustained/ Terminations)

PR cases that were sustained and resulted in terminations had an average life cycle of 124 days with 54% of that time (67 days) spent in Phase I. The remaining 57 days were spent transferring the case through the layers of review for disciplinary action and closure. As a side note, five (5) cases were analyzed separately due to circumstances of the cases in which the disciplinary action (termination) occurred prior to completion of the investigation. For these cases, on average, the employment termination occurred within eight (8) days of case initiation due to the severity of the allegation, followed by an additional 60 days of investigation prior to case closure. While there was no time expended under Phase II, it took an additional 89 days to close these investigations in Phase III.

PR Cases (Sustained/ Non-Terminations)

PR cases that were sustained and resulted in disciplinary action other than termination spent 51% (88 days) of the total case life cycle (173 days) in the Phase I period, with 84% (71 days) of the remaining 85 days in the Phase II period of review for disciplinary action.

PR Cases (Unfounded/ Not Sustained)

PR cases that were unfounded or not sustained took equally as long to close as those sustained with no termination. These cases spent 110 days (63%) in the Phase I investigative period, and 65 days (37%) to close the investigation when there was no disciplinary action necessary. Contrary to DI investigations, these cases were sent to HR even though there was neither a finding nor any need for disciplinary action (see Table 2).

PR Cases (Open – Still Under Investigation)

PR cases that were still open investigations at the time of the SIG review (8/1/2017) were averaging nearly the same length of time in investigation (Phase I) as all other cases reviewed. These cases were averaging 88 days currently under investigation.

Table 2. *Division Investigation and Office Professional Responsibility Investigation, Phase II – III Details*

Division Investigation (DI)			Phase II - Review for Discipline (Days)			Phase III - Closure (Days)		
Investigation Case Type	**# of Cases Sampled**	**Life Cycle of Case (Days)** *Phases I - III*	**HQ Command**	**Division Director/Chief**	**Human Resources**	**Human Resources**	**OPR**	**Director**
DI Cases (Sustained/ Terminations)	3	159	10	15	52	17	1	2
DI Cases (Sustained/ Non-Terminations)	16	151	15	2	71	13	16	3
DI Cases (Unfounded/ Not Sustained)	10	125	27	9	0	0	22	5
DI Cases (Open - Still Under Investigation)	10	> 56	-	-	-	-	-	-
Total DI Cases Reviewed	**39**	*These are averages based on the number of sampled cases*						

Note: Variances are due to rounding

Office of Professional Responsibility Investigation (PR)			Phase II - Review for Discipline (Days)			Phase III - Closure (Days)		
Investigation Case Type	**# of Cases Sampled**	**Life Cycle of Case (Days)** *Phases I - III*	**Director**	**HQ Command**	**Human Resources**	**Human Resources**	**OPR**	**Director**
PR Cases (Sustained/ Terminations)	24	124	18	3	17	7	11	1
* PR Cases (Sustained/ Terminations)	5	157	0	0	0	49	2	37
PR Cases (Sustained/ Non-Terminations)	12	173	24	8	39	1	11	2
PR Cases (Unfounded/ Not Sustained)	10	174	38	5	14	0	6	1
PR Cases (Open - Still Under Investigation)	10	> 88	-	-	-	-	-	-
Total PR Cases Reviewed	**61**	*These are averages based on the number of sampled cases*						

Note: Variances are due to rounding

* Due to circumstances of these 5 cases, the disciplinary action (termination) occurred prior to completion of the investigation.

DI cases, as a whole, stalled when sent to HR. On average, these cases spent between 68% and 81% of the Phase II review in HR. The SIG conducted a review of HR's internal case tracking mechanism and determined it took HR, on average, 36 days to make a request to the division director for a discipline recommendation, and an additional 17 days before a response was received. Additionally, the infrequent use of the DRC for a DI case, on average, took 67 days before a DRC was scheduled. Once discipline was determined and documented via a letter of discipline that was forwarded to the division director, it took 16 days before HR received the letter back from the division director with the subject employee's signature.

A review of the PR cases provided a slightly different perspective of HR's involvement in the processing of cases for disciplinary action. For PRs, cases spent 24 – 54% of the time in HR. The average time it took for HR to request a disciplinary finding from the division director or through a DRC was 15 – 19 days, and the

turnaround in receiving the signed letter of disciplinary action from the division director was less than a week (5 days). In contrast to that of DIs, cases that were unfounded/not sustained were sent to HR for processing although there was neither a finding nor disciplinary action determined necessary. On average, these cases spent two weeks (14 days) in HR. However, these cases generally were not tracked because there was no disciplinary action taken.

Another one-third of the review time, PR cases were under an initial review by the SCDPS Director following the completion of the investigation. This step took place prior to the investigation either being sent to the division director for review and recommendation for disciplinary action or before a DRC was scheduled.

For the five cases separately analyzed due to the circumstances of the cases, the OPR Chief stated cases involving an employee no longer at the agency were completed for thoroughness, but were shifted down in the priority list for completion. This would have prolonged the length of time it took to close the case. One of the five cases was open for over one year (401 days) and on average, these cases spent a considerable amount of time in review by the SCDPS Director and HR, 38% and 56%, respectively.

D. <u>Summary of OPR Investigative Processes Audit</u>

The audit sampling results determined the average length of an internal investigation was 174 days from case opening to final case closure. The average length of the audited cases was within the established SCDPS policy of 180 days; however, 24 cases exceeded SCDPS policy with the longest opened investigation lasting 401 days.

More importantly, the investigative phase (Phase I) was generally completed within a two to three month period for those investigations which resulted in an adverse personnel action (i.e., termination, suspension, demotion). The SIG audit determined the DI and PR investigations were consistent in the length of time to complete the investigative phase and reach a conclusion on the merits of the allegation.

However, inefficiencies occurred as HR involvement increased during the Phase II review process. Many of the processes executed by HR were redundant to those already completed by OPR. Additionally, the IAPro case management system afforded OPR the same information being maintained by HR. The elimination of these redundant HR processes has the potential to reduce the Phase II period by an average of 27 days.

Additionally, the use of the DRC was inconsistent in its application and frequency by SCDPS. On average, HR took 41 days to convene a DRC meeting when it was requested. Based on the audit sampling results, a recurring DRC schedule has the potential to significantly reduce the Phase II review period as well.

Finally, while the DRC is intended to be impartial in determining a disciplinary action, it adversely impacts a fair and impartial grievance process as it is currently structured. The SCDPS Director and the division director for the employee under investigation both review and deliberate the OPR investigative findings to determine the appropriate disciplinary action, if any. Under the agency's grievance process the employee appeals to the same individuals to reconsider the disciplinary findings. In order to provide a semblance of impartiality to the employee and the SCDPS Director during the appeal process the SIG is recommending the SCDPS Director be removed from the DRC structure, and that the initial grievance appeal be heard by a division director outside of the employee's chain of command and who did not participate in the DRC's disciplinary finding.

V. Leadership, Communication, and Employee Morale Issues

A. SCDPS Employee Interviews

The SIG interviewed 56 SCDPS current and former staff (administration, command staff with the rank of captain and above; OPR; HR; GC; and financial services) regarding leadership; morale; and communication. The interviewees demonstrated a highly professional and committed group. All interviewees provided statements under admonishment of non-disclosure and confidentiality under the South Carolina Code of Laws.

Despite interviewees having different roles and experience levels, their responses to the same series of questions were consistent with a low level of variability. Four themes emerged from the interviews, which had a level of overlap with each other, and were also corroborated by the Climate/Leadership Survey comments in Section C. The areas identified, which provide SCDPS leadership direction to focus its improvement efforts included: leadership, communication and trust; low morale; inefficiency in the OPR process; and problematic issues in the HR processes.

Leadership, Communication, and Trust

There were some positive comments regarding the SCDPS Director's leadership and interaction with the staff, however other comments indicated lack of the SCDPS Director and command staff presence in the field leads to the belief that the agency is not supportive of them or the mission, as well as poor communication leads to the mistrust of most of the command staff. Other comments articulated regarding these factors included low manpower; long hours; the slow hiring and disciplinary processes; favoritism; and the inconsistency in policies and discipline all have contributed as well.

Low Morale

Virtually all staff interviews identified morale at SCDPS as low. Although each employee is responsible for his/her own morale, the factors commented on contributing to low morale included employees being underpaid and treated unprofessionally. The slow disciplinary and hiring processes and lack of an updated Personnel Allocation Module for proper manpower placement and needs also contributed to the low morale.

Inefficiency in the OPR Process

The OPR process is too lengthy and inconsistent in the adjudication of punishment. Investigations are often opened on unsubstantiated information. Those officers and employees under an OPR investigation are stigmatized as they are denied promotion and pay advances while being reviewed. Troop Captains should have input into the process and be able to handle minor issues at the troop level. Speeding up the OPR process, adjudicating "cut and dried" cases quickly and the use of discretion in OPR matters would greatly improve morale.

Problematic Issues in the HR Processes

Issues of concern expressed included: continuous turnover in HR due to low salaries, low morale, heavy workload, and negative work environment; the hiring process takes too long, subsequently losing quality applicants who find employment elsewhere; HR is too involved in the OPR process, causing delays that are

unnecessary after a completed investigation is done; and HR provides little assistance in the recruiting process and other areas within the agency.

B. <u>SCDPS Employee Climate - Leadership Survey Analysis</u>

The SIG developed and administered an employee climate/leadership survey to gauge morale, communication, leadership, and policy issues. The survey included 60 questions, which, while not all-encompassing, covered various topics such as hiring/retention processes, communication, morale, job satisfaction, supervision and leadership, and the OPR administrative inquiry process, among others. The survey was built and managed solely by the SIG to provide complete anonymity to SCDPS employees, and was structured to afford the employees the ability to provide written comments without attribution or source correlation. *(See Appendix M)*

In addition, the survey provided two open-ended questions to obtain the respondents' perspective/observations on obstacles that inhibited the hiring process to fill vacant positions; and areas that seemed to negatively impact the retention of employees. The survey also included two demographic questions to identify the SCDPS employee's job classification (sworn office or non-sworn professional staff), and the total years of employment with SCDPS.

During the survey's two-week open period, the SIG received 824 responses to the survey, or 62% of the 1,336 employees (full time and grant employees) conveyed through a web-link. Seventy-six percent (76%) of the respondents were sworn law enforcement officers, and 24% were non-sworn professional staff. The SIG received 7,502 comments to the survey questions which are further addressed in Part V, Section C of this report.

The survey included 55 survey questions known as "agree/disagree" questions where a statement is made with six possible responses: strongly disagree; disagree; neither agree nor disagree; agree; strongly agree; and non-applicable. The survey also included five (5) "satisfied/dissatisfied" questions with these six possible responses: extremely dissatisfied; moderately dissatisfied; extremely satisfied; moderately satisfied; neither satisfied nor dissatisfied; and non-applicable.

The following analysis of the survey is grouped based on the major categories of the survey itself: Leadership; Work Environment/Integrity and Professionalism of Staff; Job Satisfaction; OPR/Administrative Inquiry Process; and Morale & Communication.

Agency Leadership

Agency leadership was defined by the most senior executives within the agency which included the division directors or those with the rank of colonel, chief, or the most senior appointed position within the specific division. The survey included seven "agree/disagree" questions and one satisfaction question pertaining to agency leadership:

- I have a high level of respect for the SCDPS's senior executives (i.e., Director, division directors...).
- Direct communication (e.g., meetings, office visits) from the Director and senior executives helps me understand the SCDPS mission and strategy.
- The SCDPS's senior executives maintain high standards of honesty and integrity.

- I believe SCDPS executives set a positive example for the organization by adhering to applicable rules, regulations, and policies.
- Agency leadership demonstrates that a commitment to ethics, integrity, and compliance is an institutional priority.
- Employee morale is important to the SCDPS's senior executives (i.e., Director, division directors).
- I have trust and confidence in my agency's leadership.

The aggregate results were 47% strongly disagreed/disagreed; 32% strongly agreed/agreed; 20% neither agreed nor disagreed; and less than 1% were non-applicable.

In response to the question "Considering everything, how satisfied are you with the SCDPS leadership and the status of the agency?" 48% of the respondents were extremely dissatisfied/moderately dissatisfied; 28% were extremely satisfied/moderately satisfied; and 9% were neither satisfied nor dissatisfied.

Division Leadership

Division leadership, which included the division director, was further defined to include the senior executives at the division's headquarters (HQ) in Blythewood, SC. These included those with the ranks of lieutenant, captain, major, colonel, chief, or whomever maintained an appointed rank at the division's HQ. The survey included the following six "agree/disagree" statements and one satisfaction statement pertaining to division leadership:

- The leadership in my Division demonstrates that a commitment to ethics, integrity, and compliance is an institutional priority.
- Employee morale is important to my Division leadership.
- Division leadership has a positive impact on our Division's performance.
- Leaders in my Division encourage and consider alternative points of view and recommendations.
- Division leadership empowers and supports supervisors to perform their jobs.
- I have trust and confidence in my Division's leadership.

The aggregate results were 39% strongly disagreed/disagreed; 40% strongly agreed/agreed; 20% neither agreed nor disagreed; and less than 1% were non-applicable.

In response to the question "How satisfied are you with the information you receive from your Division's leadership on what is going on in the SCDPS?" 32% of the respondents were extremely dissatisfied/moderately dissatisfied; 35% were extremely satisfied/ moderately satisfied; and 22% were neither satisfied nor dissatisfied.

Supervisory Leadership

Supervisory leadership was further defined to identify those in daily front line supervision of the work force, whether in SCDPS HQ or in offices throughout the state. These leadership positions included those with the ranks of captain, lieutenant, sergeant, and corporal, or those who supervise or manage personnel. The survey included twenty (20) "agree/disagree" questions pertaining to supervisory leadership. The survey data indicated 70% of the respondents positively rated their front-line supervisors. These questions assessed the employee's perception of the supervisor's characteristics to include whether the supervisor was trustworthy; acted with integrity, honesty, fairness & empathy; led by example; was a good communicator and problem solver; and provided the needed resources, guidance and support.

The aggregate results were 14% strongly disagreed/disagreed; 70% strongly agreed/agreed; 14% neither agreed nor disagreed; and 2% were non-applicable.

<u>Work Environment/Integrity and Professionalism of Staff</u>

The survey included thirteen (13) "agree/disagree" statements pertaining to the work environment/integrity and professionalism of staff. The survey data indicated 54% of the respondents agreed that employees are provided the resources to do their jobs; the employees are competent, professional and know how to get the job done; and SCDPS is a safe place to work. However, 51% of the respondents strongly disagreed/disagreed that personnel policies were applied consistently across employees.

The aggregate results were 27% strongly disagreed/disagreed; 54% strongly agreed/agreed; 18% neither agreed nor disagreed; and 1% were non-applicable.

<u>Job Satisfaction</u>

The survey included the following three (3) "agree/disagree" questions and three satisfaction questions that assessed job satisfaction:

- I have the opportunity to receive training that will improve my skills and enhance my career opportunities.
- I understand how my role(s) and responsibilities fit in the agency's mission.
- I am proud to work for the SCDPS.

The aggregate results were 19% strongly disagreed/disagreed; 63% strongly agreed/agreed; 17% neither agreed nor disagreed; and 1% were non-applicable.

The survey included the following three "satisfaction" questions regarding job satisfaction:

- Considering everything, how satisfied are you with your total compensation (e.g., salary, bonus…)? (60% of the respondents were extremely dissatisfied/moderately dissatisfied; 29% were extremely satisfied/moderately satisfied; and 11% were neither satisfied nor dissatisfied)

- How satisfied are you with the recognition you receive for doing a good job? (37% of the respondents were extremely dissatisfied/moderately dissatisfied; 36% were extremely satisfied/moderately satisfied; and 27% were neither satisfied nor dissatisfied)

- Considering everything, how satisfied are you with your job? (31% of the respondents were extremely dissatisfied/moderately dissatisfied; 54% were extremely satisfied/moderately satisfied; and 15% were neither satisfied nor dissatisfied)

<u>OPR/Administrative Inquiry Process</u>

The survey included six questions pertaining to the OPR/Administrative Inquiry Process.

- Results of closed administrative inquiries are communicated to you and your division on a periodic basis (e.g. quarterly) which provide a general synopsis of the allegation; whether or not the offense was sustained; the disciplinary action taken, if any; while providing anonymity to the identity of the affected employee.

Fifty-one percent (51%) of the respondents understood the process and indicated that results were communicated to them, while 11% indicated they were not informed, and 38% stated that this question was not applicable.

- Do you agree or disagree that disparity exists within the Administrative Inquiry process as it pertains to the initiation of an inquiry or disciplinary actions taken based on job classification/position held within the agency, or "who you know", and the length of time an inquiry is kept open.

On average, more than 50% agreed that disparity exists within the Administrative Inquiry process for disciplinary application based on the position held within the agency; the initiation of an inquiry was based on position held or "who you know;" and the length of time an inquiry was kept open was based on position or job classification.

The aggregate results were 12% strongly disagreed/disagreed; 51% strongly agreed/agreed; 27% neither agreed nor disagreed; and 10% were non-applicable.

Morale

The survey included three (3) "agree/disagree" statements pertaining specifically to the perception of morale within the agency. This category had the highest percent of responders that strongly disagreed/disagreed.

- Morale at work is good.
- Employee morale is important to the SCDPS's senior executives (i.e., Director, division directors, etc.).
- Employee morale is important to my Division leadership.

The aggregate results were 58% strongly disagreed/disagreed (64%, 63%, and 45% respectively); 28% strongly agreed/agreed; and 14% neither agreed nor disagreed.

Communication

The survey included two (2) "agree/disagree" statements pertaining specifically to the perception of communication within the agency. This category had the highest percent of responders that strongly agreed/agreed that the front-line supervisors clearly communicate ideas verbally and in writing.

- My supervisor clearly communicates ideas verbally and in writing.

The survey indicated that 12% strongly disagreed/disagreed; 75% strongly agreed/agreed; 12% neither agreed nor disagreed; and 1% were non-applicable.

- Direct communication (e.g., meetings, office visits) from the Director and senior executives helps me understand the SCDPS mission and strategy.

The survey indicated that 45% strongly disagreed/disagreed; 32% strongly agreed/agreed; 21% neither agreed nor disagreed; and 2% were non-applicable.

C. SCDPS Employee Climate - Leadership Survey Analysis of Comments

The survey was structured to afford the employees the ability to provide written comments throughout as the respondents were completing the survey. The SIG received 7,502 comments to the survey questions.

Categories of the survey questions	Comments
1. Agency Leadership	1,444
2. Division Leadership	832
3. Supervisory Leadership	1387
4. Work Environment	679
5. Integrity and Professionalism of Staff	559
6. Job Satisfaction	770
7. OPR/Administrative Inquiry Process	400
8. Obstacles that Inhibited the Hiring Process to Fill Vacant Positions	714
9. Areas that Seemed to Most Negatively Affect the Retention of Employees	717
	7,502

In reviewing these comments, many respondents expressed their commitment to SCDPS, their love for the job, their belief in the agency's mission and some even praised specific individuals within the leadership team that have been exemplary leaders; however, these statements are overshadowed by the numerous concerns employees expressed on various aspects of agency leadership and SCDPS operations.

Below is a snapshot of the most frequently mentioned concerns presented by the survey respondents in the comments section for the above-mentioned categories and a synopsis of the comments.

Recurring Concerns Noted in Respondent Comments	No. of Responses
Pay most negatively affects the retention of employees	529
Low employee morale	455
Tattoo policy	245
Fear of retaliation, retribution, reprimands, scare tactics, and threats	210
Lack of trust	186
Lack of respect	166
OPR investigations take too long	150
Lack of integrity, honesty, and ethical behavior	135
Lack of communication	103
Favoritism	94
Total	2,273

Agency Leadership

Comments included: lack of trust; lack of leadership; micromanagement; political actions; lack of integrity/ethics; being disconnected; poor/lack of communication; management by fear/intimidation; favoritism/disparity in applying policy, promotions, and disciplinary actions; and attributing factors to employee low morale.

Division Leadership

Some comments that were complimentary included: supportive, trustworthy, and being a positive impact on the division's performance. However, other comments included: leadership is not open minded and ideas and recommendations to streamline and improve processes are ignored; morale is low due to the low level of communication from command staff; leadership cares, but they're out of touch, and division leadership manages with intimidation and fear.

Supervisory Leadership

Comments included: trustworthy; leads by example; approachable; cares about the employee as a person; good communicator; and treats people fairly. However, although the survey responses to the questions were 70% positive, some constructive comments included: communication of expectations, guidance and instructions were not clear or concise; communication between the ranks of supervision were not clear; supervisors had poor speaking and writing skills – need to improve; more direct communication would be appreciated; and being open to employee ideas for improvements.

Work Environment

Comments included: Low manpower, poor equipment, inconsistent discipline, especially over the profanity policy, low pay, no raises, and lack of respect from management all contribute to the low morale issue. Other comments included: outdated equipment and vehicles with high mileage; and technology software is not compatible with the older computers in vehicles; ideas and recommendations to streamline and improve processes are ignored; management is reactive, not proactive and has no vision for the agency; employees don't feel supported; and are afraid to report misconducts in fear of retaliation, being fired, or sued.

Integrity and Professionalism of Staff

Although over 50% of the employees responded to the survey positively that SCDPS had competent employees, that treat each other fairly and with respect, the overarching theme of the comments included: employees were lacking in competency, integrity and professionalism; favoritism; and personnel policies were not consistently applied.

Job Satisfaction

Positive comments on this survey question typically included, "I am proud to be a state trooper, and very much like my job," but were coupled with expressions of concern at the state the agency was in today. These comments noted areas of lack of leadership, low morale, inadequate training, lack of respect and unfair treatment as contributing factors negatively affecting overall job satisfaction. Many of the responders commented about compensation inequity, although in 2015, SCDPS initiated a salary and career path restructuring for all law enforcement officers (effective June 2016); however, there were no increases provided for civilian employees which affected morale within the agency.

The overarching theme was the OPR process was inconsistent/biased, the process was too long; and it negatively affected promotions and morale.

Obstacle(s) that Inhibited the Hiring Process for Filling Vacant Positions

The most recurring comments were: the tattoo policy, profanity policy, the residency policy, and low morale within the agency. Survey respondents also provided comments of obstacles to the SCDPS's ability to fill vacant positions included: a very long hiring process (typically 6 months) which deters applicants, who find employment elsewhere. The lack of competitive pay and advancement for all employees, minimal recruiting efforts, favoritism, and poorly managed HR Department with constant turnover contribute to the minimal candidate pool. Other comments included: current low employee morale, retention and workload; and negative public perception of the agency.

Areas that Most Negatively Affected the Retention of Employees

Employee turnover is a major concern of SCDPS. The many reasons given included: poor working conditions, no consistency in policy and procedures, a lack of consistency in the disciplinary process, poor pay, lack of advancement opportunities, low manpower, lack of good training opportunities, poor and inconsistent leadership, poor quality equipment (cars, computers), and poor communication from management.

VI.   **Way Forward**

The intent of the SIG's review of SCDPS was to identify redundant processes adversely impacting the HR and OPR programs and make recommendations to the agency's leadership on ways to remediate these processes. The SIG identified processes and made recommendations which can improve agency operations, particularly in OPR investigations. Taken in isolation the issues identified may seem inconsequential to someone not involved in the daily operations of a law enforcement agency. However, the climate/leadership survey conducted of more than 1,300 SCDPS employees indicated these are not inconsequential issues to the individual SCDPS employee.

The survey identified a motivated SCDPS work force who understand and embrace the mission of SCDPS. As with any agency, and even more so with a law enforcement group, motivating the employee base to embrace the mission of an agency is 90% of the battle for senior management. Interviews conducted by the SIG validated the motivation of SCDPS employees, in particular, the SCHP troopers and other SCDPS law enforcement officers to provide public safety to the citizens of South Carolina. The balance to the equation rests on the shoulders of the agency's leadership to ensure its employees are provided the work environment and tools to achieve success, both individually and corporately.

This begins by addressing internal processes which negatively impact agency personnel in accomplishing this mission. Genuine concerns of the length of time it took to conduct an internal investigation were expressed through the survey and interviews of SCDPS staff. The survey results are poignant in this regard and provide SCDPS leadership with a roadmap on where to begin rebuilding this trust.

The SCDPS recognized the need to address the understaffing needs among its SCDPS trooper population and recently implemented an aggressive recruitment strategy to address this critical need affecting agency effectiveness. Contemporaneous to this new recruitment strategy, SCDPS leadership modified its Tattoo and Residency policies to attract more applicants for the uniformed officer position. The initial results indicate a 48% increase in the number of applicants for the uniformed officer position when compared to the first seven months of the 2017 calendar year. It is important for agency leadership to implement performance metrics, regularly assess the results, and amend this strategy as needed to ensure recruitment efforts are effective and do not become stale.

Addressing all of the critical issues affecting the agency is accomplished through introspection and self-analysis at the program level and developing mitigation strategies to place the agency on an upward trajectory. The SCDPS leadership, throughout its ranks has the capacity and experience to build these processes and proactively get in front of issues negatively impacting the agency.

As set forth in the SCDPS Strategic Plan, the agency's vision is to "be recognized as an exemplary law enforcement agency dedicated to providing equitable public service supported by progressive leadership, advanced technology, and a philosophy of continuous improvement." As such, the urgency to address these issues should be the agency's highest priority.

The SIG extends its appreciation to the SCDPS leadership and all of its employees for the cooperation and courtesies provided to the SIG during this review. During the course of this review, the SCDPS leadership implemented changes as matters were brought to the attention of agency leadership regarding processes and policies in need of further review and modification. The following SCDPS policies and processes were modified and/or implemented during this review:

- Employee notification of the initiation of an OPR investigation is given by the respective senior manager (e.g., Troop Captain, Chief, Major) – July 2017
- Modified Tattoo Policy implemented – August 2017
- Modified Residency Policy implemented – August 2017
- Restructured Disciplinary Review Committee to remove SCDPS Director from committee structure and deliberations, OPR Chief as chair of the committee, and established a recurring schedule – September 2017
- Restructured employee grievance hearing process to have initial appeal heard by an impartial division director outside of the employee's chain of command or disciplinary deliberations – September 2017
- Eliminated redundant HR processes and practices from the OPR investigative process – September 2017

VII. **Findings and Recommendations**

Finding 1: Over the past seven years (FY2011–2017), SCDPS experienced significant turnover in personnel (1,100). In FY2017, SCDPS had a 15% loss (206 employees) through separations and attrition, which included eight key personnel positions. The vast majority of the 1,100 separations occurred in the Highway Patrol Division (809), at an average rate of 115 per year. Failing to attract, recruit, and retain a professional workforce may compromise the Agency's mission to provide professional services, enforce traffic laws, and save lives. By not reducing turnover, more state and taxpayer funds are being spent in an attempt to attract, hire, and retain officers. There was no indication the agency proactively researched and analyzed the turnover rate in order to address the problem.

> **Recommendation 1a:** SCDPS leadership should consider conducting an assessment of the continuous turnover in employees and developing a strategy to close the existing job vacancies throughout the agency, and intensify efforts on recruiting, training, and retention of personnel.

> **Recommendation 1b:** SCDPS leadership should consider developing a three-pronged plan to increase the number of candidates in the two SCHP training sessions that are held annually, or by increasing the number of training sessions; developing a recruitment strategy to increase the pool of SCDP candidates; and develop performance metrics for monthly hiring goals and accountability purposes which assist in evaluating the effectiveness of the recruitment strategy.

> **Recommendation 1c:** SCDPS leadership should consider a reassessment of the current resource allocation mechanism, Personnel Allocation Model (PAM), used to determine the appropriate staffing and placement of Highway Patrol Division manpower, and evaluate whether the current PAM is realistic or if another type of mechanism is more applicable.

Finding 2: The SCDPS OPR utilizes the IAPro case management program to effectively and efficiently monitor all agency internal investigations. However, the current SCDPS OPR process of conducting internal investigations and determining disciplinary actions in coordination with HR interjected redundant and inefficient processes which resulted in prolonging investigations on average between 27 – 40 days. Additionally, multiple layers of SCDPS division senior management review occurred within each OPR investigation which also prolonged the investigation.

> **Recommendation 2a**: SCDPS leadership should consider streamlining the OPR review and discipline determination process by utilizing IAPro for the identification of prior disciplinary actions and for identifying historical disciplinary actions for comparability to any proposed disciplinary finding.

> **Recommendation 2b**: SCDPS leadership should consider reassessing the need for SCDPS division personnel other than the division directors to review an OPR investigation in order to prevent the unnecessary delay in determining any disciplinary action.

Finding 3: The SCDPS policy defines the Disciplinary Review Committee (DRC) as an informal committee to assist in determining disciplinary action if warranted. The SCDPS' current usage of the DRC as an ad hoc committee is arbitrary, and DRC findings are not documented. The DRC is comprised of the SCDPS Director as the formal DRC chair, General Counsel, HR director, OPR Chief, and the division director of the employee under administrative inquiry. The inclusion of the SCDPS Director and the employee's division director conflicts with the agency's ability to afford an impartial hearing of an employee's appeal under the current grievance process.

> **Recommendation 3a**: The SCDPS leadership should consider amending agency policy to formalize the DRC, establish a regular DRC meeting schedule, and properly document DRC meeting findings.

> **Recommendation 3b**: The SCDPS Director should consider a restructure of the DRC committee composition and amending agency policy to reflect a DRC composition of the OPR Chief as the formal chair, General Counsel, HR Director, the division director of the employee under administrative inquiry, and the chief investigator of the investigation being heard by the DRC. The removal of the SCDPS Director from the DRC structure provides for an impartial review of the disciplinary finding in the event of an employee grievance.

> **Recommendation 3c:** The SCDPS Director should consider delegating authority to the DRC to issue the agency's disciplinary finding.

Finding 4: The SCDPS grievance appeal process as currently applied, does not provide an employee with an impartial review by SCDPS senior management. Specifically, the current DRC composition includes the SCDPS Director and the employee's division director who determine the disciplinary action as part of the DRC review process. The current grievance process requires the employee to appeal to the same division director and to the SCDPS Director who made the initial disciplinary finding. This does not provide for an impartial review of the OPR investigations and disciplinary finding.

> **Recommendation 4a**: The SCDPS leadership should consider designating a division director unaffiliated with a disciplinary finding or part of the employee's chain of command for the first level of review for an employee grievance of a disciplinary finding which affords the ability to issue an impartial review of an employee's appeal should the need arise.

> **Recommendation 4b**: The SCDPS Director should consider a restructure of the DRC composition and amendment to agency policy to reflect a DRC compositions of: the OPR Chief as the formal chair, General Counsel, HR Director, the division director of the employee under administrative inquiry, and the chief investigator of the investigation being heard by the DRC.

> **Recommendation 4c**: The SCDPS Director should consider delegating authority to the DRC to issue the agency's disciplinary finding.

Finding 5: The SIG determined only three of the five OPR investigators were officially trained in conducting internal investigations.

> **Recommendation 5a:** The SCDPS leadership should ensure all OPR investigators are officially trained in how to conduct internal investigations.
>
> **Recommendation 5b**: The SCDPS leadership should consider an agency-wide command and supervisory staff training and overview of current internal investigation processes, requirements, and reporting.

APPENDICES

A. SCDPS Organizational Chart

B. SCDPS Recruitment Program Policy 400.01

C. SCDPS Recruitment and Retention Plan

D. SCDPS Civilian Application and Selection Process Policy 400.29

E. Human Resources Temporary /Civilian Hiring Process

F. SCDPS Commissioned Law Enforcement Officer Application and Selection Process Policy 400.02

G. Human Resources Law Enforcement Hiring Process

H. SCDPS Code of Conduct Policy 100.12

I. SCDPS Office of Professional Responsibility Policy 100.07

J. SCDPS Guidelines for Progressive Disciplinary Action Policy 400.08G

K. SCDPS Disciplinary Action Policy 400.08

L. SCDPS Employee Climate - Leadership Survey

Appendices located at the following Internet link: SCDPS Report Appendices A-L