

SCOAG Oversight Subcommittee Findings/Preliminary Recommendations as of 11/5/25

1. Salaries, Pay Equity, and Retention

- Non-competitive salaries drive some attorney turnover
- Executive pay/titles affect morale (some executives have job titles and responsibilities that can be misinterpreted or misunderstood by middle and entry-level staff)
- Staff often describe executive leadership as insulated from remainder of the Office
- High turnover especially acute in PCR and ICAC

Preliminary Staff Recommendation: Reform salary increase cycle; ensure competitive pay.

2. Supervision Quality and Office Culture

- Quality of supervision, agency culture, and employee morale are frequently cited as reasons for leaving the Office
- Supervision uneven/staff perceive favoritism; staff complaints lack consistent follow-up from HR and senior leadership
- Supervisors attribute issues to personal conflicts or generational expectations which may not always be the case
- Some who were interviewed assert that the Office's Leadership Development Program (established in 2022) is sporadically utilized, underattended, and ineffective; supervisors nominate employees to attend based upon unclear criteria
- Some issues in exit interviews from 1-3 years ago not investigated/reviewed by senior leadership despite Office's Personnel Manual mandating copy of exit interviews be provided to senior leadership
- AG reported that a Best Practices Committee (BPC) was formed in 2023 to address concerns re: office culture. Recommendations resulting from Office's BPC implemented unevenly; many who were interviewed were not aware of Committee's existence or recommendations. Documents related to the BPC indicate that recommendations primarily pertained to dress and appearance, telecommuting, and a recommended email disclaimer, not broader issues of office culture.

Preliminary Staff Recommendation: Improve training for supervisors; standardize and follow stated HR processes for staff complaints; implement proper follow-up procedures for issues raised in exit interviews; implement procedures to ensure that internal best practices committees yield positive change.

3. Executive Staff vs. Broader Office Dynamics; Undue Outside Influence; Increased Scope

- Staff reports favoritism and pay disparities
- Disconnect between executive-suite perceptions and staff experiences
- Unreported/under-reported outside political employment which may be inconsistent with Office policies
- Current and former staff have concerns about undue external influence affecting program administration: VOCA/VAWA grant funding, Human Trafficking Task Force undermined by external pressures; Other entities seen by staff as having undue influence on Office's priorities and program funding

- Long-term staffers expressed concern that expansion into new policy areas diluted focus from AG's statutory functions; reflects internal tension over program priorities
 - Human-trafficking program was mandated by the General Assembly in 2012, under S.C. Code § 16-3-2050(B)(1), which required the AG to chair the South Carolina Human Trafficking Task Force and develop a state plan
 - AG's office established the statewide VAWA-programming unit in 1996, when it created the "S.T.O.P. Violence Against Women" program via the federal Violence Against Women Act (VAWA) grant
 - State Victims Assistance Program (SVAP) State Victims Assistance Program (SVAP) mandated by General Assembly through:
 - 1986-Omnibus Criminal Justice Improvements Act (24-3-40)
 - 2017-South Carolina Crime Victim Services Act, Section 16-3-1095 (A)
 - Supplemental Allocation for Victims Services (SAVS) 2022 – One-time appropriation from South Carolina General Assembly

Preliminary Staff Recommendation: Align executive pay with that of similarly qualified staff; ensure compliance with Office's outside employment policy; increase transparency in allocation of funds; take measures to insulate programs from undue external influence; General Assembly should review whether SCOAG is best place for some programs (SLED could be an option).

4. Investigator–Attorney Tensions

- ICAC investigator/prosecutor frictions over workloads, plea deals, and inconsistent coordination
- ICAC office being located in separate building from executive staff makes ICAC staff feel isolated from leadership

Preliminary Staff Recommendation: Due to the pervasive nature of these tensions throughout law enforcement and prosecutorial agencies in general, coupled with judicial prerogative, this issue may be outside the scope of a staff recommendation. However, moving the ICAC unit into the same building as senior leadership could help with collaboration.

5. Burnout, and Morale

- Burnout and mental strain widespread
- Workloads and lack of support from absent and/or insulated leadership exacerbate morale decline

Preliminary Staff Recommendation: Increase presence and engagement of leadership among mid- and entry-level employees, devise better workload distribution system, increase recruiting efforts.

6. Representation of State Agencies

- Staff asked SCOAG whether the provisions contained in S.C. Code § 1-7-50 create an absolute duty to defend state employees when an employee is taken to court. The most common situation is where an agency head – in his or her official capacity – is sued for an act or omission by the agency. The Office first noted that it is rare for an agency to invoke S.C. Code § 1-7-50 and when it is invoked the Attorney General has discretion concerning whether to defend the agency.
- S.C. Code § 1-7-50 provides that:

In the event that any officer or employee of the State, or of any political subdivision thereof, be prosecuted in any action, civil or criminal, or special proceeding in the courts of this State, or of the United States, by reason of any act done or omitted in good faith in the course of his employment, it is made the duty of the Attorney General, when requested in writing by any such officer or employee, to appear and defend the action or proceeding in his behalf. Such appearance may be by any member of his staff or by any solicitor or assistant solicitor when directed to do so by the Attorney General.

(Emphasis Added)

- Staff interprets this provision differently than the Office. The Attorney General has discretion to determine whether the allegations leveled against the employee are based upon an act or omission that was made “in good faith in the course his employment.” However, if the Attorney General determines that the act or omission did occur “in good faith in the course of [the employee’s] employment,” then the Office has the “duty” to defend the case. Fulfilling a duty is not discretionary.

The Office argues that the statute was intended as an authorization, not a mandatory duty. Moreover, the Office believes that the flood of litigation facing agencies and their staff makes a literal reading of the statute unworkable within the current structure of the office. The Office also notes that the tremendous growth of the Insurance Reserve Fund and the appointment of a General Counsel in most state agencies obviates the need for a non-discretionary reading of the statute.

Preliminary Staff Recommendation: Amend the statute to reflect the actual processes and procedures that are employed to ensure proper representation of agencies and employees sued for acts and omissions that occur within their scope of authority.