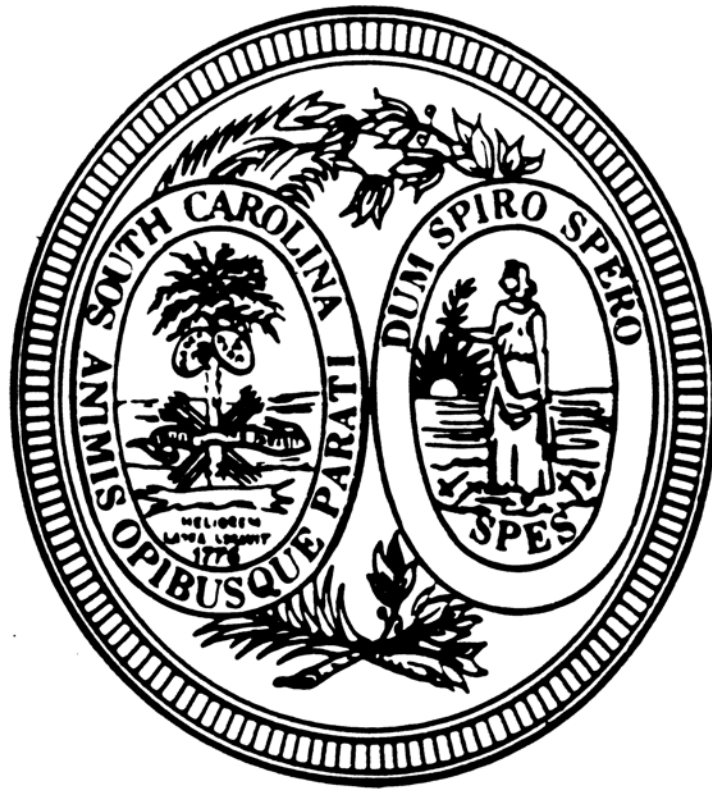


Minimum Standards For Local Detention Facilities In South Carolina



**TYPE II AND/OR IV FACILITY
CITY, COUNTY, OR REGIONAL JAIL
AND/OR COMBINED JAIL/PRISON CAMP**

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**MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES IN SOUTH CAROLINA
CHRONOLOGICAL DEVELOPMENT**

July 1980	Standards Initially Approved and Adopted
July 1981	Juvenile Standards Added
August 1985	Revisions to Standards 1033 and 1044
December 1987	Local Inmate Work Programs and 4000 Series Added
February 1989	Revisions to Standards Allowing Pre-Trial Multiple Occupancy
April 1991	Revisions to Training Standards and Other Standards Revised
December 1992	Standards Added to Facilitate Direct Supervision
February 1994	Juvenile Secure Holdover Facility Standards Added and Other Standards Revised
August 1994	Juvenile Non-Secure Holdover Facility Standards, Juvenile Detention Center Standards, and Juvenile Community Residential Facility Standards Added
May 1997	Revisions and Additions to Standards After Comprehensive Review
June 1998	Revisions to Standard 1044 Based Upon Freedom of Information Act
December 2004	Home Detention Standards Added
August 2005	Revisions and Additions to Standards After Comprehensive Review
December 2006	Standards Revised to Facilitate Unit Management
August 2010	Home Detention Standards Expanded to Include Private Entity Contract Service Providers
July 2013	Revisions and Additions to Standards After Comprehensive Review

1000 GENERAL INSTRUCTIONS

1001 STATUTORY AUTHORITY

The authority to establish and enforce the standards and requirements herein, unless otherwise noted, is based upon the South Carolina Code of Laws, 1976, as amended, Sections 24-9-10 through 24-9-50, which read as follows:

SECTION 24-9-10. Jail and Prison Inspection Division established in Department of Corrections; personnel.

There is hereby established a Jail and Prison Inspection Division under the jurisdiction of the Department of Corrections. The inspectors and such other personnel as may be provided for the division shall be selected by the director of the department.

HISTORY: 1962 Code Section 55-315; 1967 (55) 587; 1993 Act No. 181, Section 433.

SECTION 24-9-20. Inspection of State and local facilities housing prisoners or pretrial detainees; reports.

The division shall be responsible for inspecting, in conjunction with a representative of the State Fire Marshal, at least annually every facility in this State housing prisoners or pretrial detainees operated by or for a state agency, county, municipality, or any other political subdivision, and such inspections shall include all phases of operation, fire safety, and health and sanitation conditions at the respective facilities. Food service operations of the facilities must be inspected at least annually by an employee of the Department of Health and Environmental Control. The inspections of local confinement facilities shall be based on standards established by the South Carolina Association of Counties and adopted by the Department of Corrections, and appropriate fire and health codes and regulations. The division, the inspecting fire marshal, and the food service inspector of the Department of Health and Environmental Control shall each prepare a written report on the conditions of the inspected facility. Copies of the reports shall be filed with the chairman of the governing body of the political subdivision having jurisdiction of the facility inspected, the chairman of the governing body of each political subdivision involved in a multi-jurisdictional facility, the administrator, manager, or supervisor for the political subdivision, the responsible sheriff or police chief if he has operational custody of the inspected facility, and the administrator or director of the inspected facility. All reports shall be filed through the Director of the Department of Corrections.

HISTORY: 1962 Code Section 55-316; 1967 (55) 587; 1980 Act No. 419, Section 1; 1981 Act No. 181 Section 2; 1993 Act No. 181, Section 434; 1995 Act No. 7, Part IV, Section 72; 2000 Act No. 308, Section 2.

SECTION 24-9-30. Enforcement of minimum standards.

(A) If an inspection under this chapter discloses that a local confinement facility does not meet the minimum standards established by the South Carolina Association of Counties and adopted by the Department of Corrections, or the appropriate fire and health codes and regulations, or both, the Director of the South Carolina Department of Corrections shall notify the governing body of the political subdivision responsible for the local confinement facility. The governing body promptly shall meet to consider the inspection reports, and the inspection personnel shall appear, if requested, to advise and consult concerning appropriate corrective action. The governing body shall initiate appropriate corrective action within ninety days or may voluntarily close the local confinement facility or objectionable portion thereof.

(B) If the governing body fails to initiate corrective action within ninety days after receipt of the reports of the inspections, or fails to correct the disclosed conditions, the Director of the South Carolina Department of Corrections may order that the local confinement facility, or objectionable portion thereof, be closed at such time as the order may designate. However, if the director determines that the public interest is served by permitting the facility to remain open, he may stipulate actions to avoid or delay closing the facility. The governing body and the resident or presiding judge of the judicial circuit shall be notified by certified mail of the director's order closing a local confinement facility.

(C) The governing body has the right to appeal the director's order to the resident or presiding judge of the circuit in which the facility is located. Notice of the intention to appeal shall be given by certified mail to the Director of the South Carolina Department of Corrections and to the resident or presiding judge within fifteen days after receipt of the director's order. The right of appeal is waived if notice is not given as provided in this section.

(D) The appeal must be heard before the resident or presiding judge of the circuit who shall give reasonable notice of the date, time, and place of the hearing to the Director of the South Carolina Department of Corrections and the governing body concerned. The hearing must be conducted without a jury in accordance with the rules and procedures of the Circuit Court. The Department of Corrections, the governing body concerned, other responsible local officials, and fire and health inspection personnel have a right to be present at the hearing and present evidence which the court deems appropriate to determine whether the local confinement facility met the required minimum standards, or appropriate fire and health codes and regulations, or both, on the date of the last inspection. The court may affirm, reverse, or modify the director's order.

HISTORY: 1962 Code Section 55-317; 1970 (56) 2368; 1980 Act No. 419, Section 2; 1993 Act No. 181, Section 435; 1995 Act No. 7, Part IV, Section 73; 2010 Act No. 237, Section 61, eff June 11, 2010.

SECTION 24-9-35. Reports of deaths of incarcerated persons; penalty.

If a person dies while incarcerated or in the custody of a municipal, county, or multijurisdictional overnight lockup or jail, county prison camp, or state correctional facility, the facility manager or any other person physically in charge of the facility at the time death occurs immediately shall notify the coroner of the county in which the institution is located. The facility manager or other person in charge also shall report the death and circumstances surrounding it within seventy-two hours to the Jail and Prison Inspection Division of the Department of Corrections. The division shall retain a permanent record of the reports. Reports must be made on forms prescribed by the division.

A person knowingly and wilfully violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars.

HISTORY: 1978 Act No. 571, Section 1; 1980 Act No. 512, Section 2; 2010 Act No. 237, Section 62, eff June 11, 2010.

SECTION 24-9-40. Certification of compliance with design standards; notification of opening or closing of state or local prison facility.

In order to certify compliance with minimum design standards, the Jail and Prison Inspection Division of the Department of Corrections and the State Fire Marshal shall be provided with architectural plans before construction or renovation of any state or local confinement facility. Further, the Jail and Prison Inspection Division shall be notified not less than fifteen days prior to the opening of any state or local prison or detention facility so that inspections and reports may be made. Ninety days prior to the closing of any state or local prison or detention facility, the division shall be notified by the officials concerned.

HISTORY: 1979 Act No. 132, Section 2; 2010 Act No. 237, Section 63, eff June 11, 2010.

SECTION 24-9-50. Reports on detention facilities to the Department of Corrections; electronic reporting.

(A) Each local governmental entity responsible for a municipal, county, regional, or multijurisdictional detention facility shall report to the Department of Corrections, at the times and in the form required by the department, data and information prescribed by the department:

(1) for the classification and management of inmates who receive sentences greater than three months; and

(2) on the classification and management of inmates who are in pretrial status and inmates who receive sentences to be served locally.

(B) Data and information authorized in the Minimum Standards for Local Detention Facilities in South Carolina for the operation and management of a statewide jail information system shall be reported to the department by each local governmental entity.

(C) To the greatest extent possible, reports should be submitted through a means of electronic data transfer approved by the department. If it is not possible for a local governmental entity to submit reports through the approved means of electronic data transfer, it shall certify such to the department. The department and the respective local governmental entity shall determine a suitable alternative means for submission of reports until such time as the local governmental entity is able to electronically transfer data in the manner approved by the department.

HISTORY: 2000 Act No. 388, Section 8.

1002 INTRODUCTION

These regulations have been prepared and adopted for the purpose of establishing minimum standards for the operation, administration, and design of detention facilities. These regulations shall be known as "Minimum Standards." The development of these standards has not been an arbitrary or discretionary procedure. Various agencies and organizations involved in local corrections in South Carolina were solicited and asked for comments on these standards. Various national standards developed by professional organizations such as the American Correctional Association, the National Sheriffs' Association, and the American Medical Association, as well as sound management principles, were the fundamental guides for the development of the standards.

The appendices to these standards are provided as reference material. As such, they shall be updated as deemed necessary.

1003 INTEGRITY OF INDEPENDENT SECTIONS

If any section, subsection, sentence, clause, or phrase of these standards is, for any reason, subsequently held to be unconstitutional; contrary to federal or state law; or otherwise inoperative, such decisions shall not affect the validity of the remaining portion of the standards.

1004 OTHER STANDARDS AND REQUIREMENTS

These are considered minimum standards and nothing that is contained in these standards shall be construed to prohibit a city, county, or multi-jurisdictional agency operating a local detention facility from adopting other standards and requirements governing its own employees and facilities, provided such standards exceed and do not conflict with these standards. Nor shall these standards be construed as an authority to violate any state fire safety regulation or code, building code, or health and safety regulation or code.

DEFINITIONS

The following definitions shall apply:

- (a) “Agency Director” means the governing authority for the South Carolina Department of Corrections, who and which act by and through the Director of the Jail and Prison Inspection Division and his/her designated employees.
- (b) “Facility Administrator” herein means the County Administrator / Manager / Supervisor, Sheriff, Mayor, City Administrator / Manager, or other official charged by law with the administration of a local detention facility.
- (c) “Facility Manager” means the director, chief jailer, warden, superintendent, administrator, or other comparable employee who has been delegated the responsibility for operating a local detention facility by a Facility Administrator.
- (d) “Shall” is mandatory; “should” is expected practice; and “may” is permissive.
- (e) “Security personnel” means those officers with the rank of deputy, correctional officer, detention officer, or other equivalent sworn or civilian rank whose primary duties include the supervision of inmates.
- (f) “Emergency” means any significant disruption of normal policies, procedures, or activities caused by riot, fire, attack, or other similar disturbance.
- (g) “Facility” is, for the purposes of these standards, any holding cell (if not part of another facility as defined in this paragraph); overnight lockup; juvenile holdover facility; city, county, or multi-jurisdictional jail; county prison camp or work camp; work/punishment center; juvenile detention center; or juvenile community residential facility.
- (h) “Holding Cell” is a facility (City/County/Multi-Jurisdictional Lockup) for the temporary holding of persons for detoxification or who are awaiting bond, other judicial action, or transportation. If a person is to be detained longer than six (6) hours, he/she shall be transferred to a Type I or Type II facility. “Holding Cell” also refers to secure space within a facility which is set aside for the temporary detention of persons who are newly admitted or who are in transition, pending movement within or outside of the facility. A Holding Cell within a facility is not considered to be part of an inmate housing unit and is not counted as bed space for purposes of determining rated capacity. (Revised July 2013)

- (i) “Type I Facility” is a facility (overnight lockup) for the temporary detention of persons who are being held while awaiting a judicial hearing. If a person is going to be detained longer than forty-eight (48) hours, he/she shall be transferred to a Type II facility unless there is some documented compelling reason for not doing so.
- (j) “Type II Facility” is a facility (City, County, or Multi-Jurisdictional Jail) which houses persons awaiting court action, inmates sentenced to three (3) months or less, and civil contemptors.
- (k) “Type III Facility” is a separate facility (County or Multi-Jurisdictional Prison Camp) which houses only sentenced adult inmates.
- (l) “Type IV Facility” is a facility (combined County or Multi-Jurisdictional Jail/Prison Camp) which houses persons awaiting court action, civil contemptors, and inmates sentenced to three (3) months or less, and which may also house inmates with longer sentences under a designated facilities agreement with the Department of Corrections.
- (m) “Type V Facility” is a work/punishment center, stand alone or otherwise, which houses sentenced inmates and civil contemptors who are participating in community programs such as work release or education release.
- (n) “Type VI Facility” is a Juvenile Holdover Facility for the temporary custody of juveniles who are awaiting an initial detention hearing. If a juvenile is not released after the hearing, he/she must be transferred to a Type VII or VIII facility.
- (o) “Type VII Facility” is an approved Juvenile Detention Center for the lawful custody and treatment of juveniles who are alleged to have committed acts that would actually constitute a violation of criminal law if committed by an adult.
- (p) “Type VIII Facility” is a Juvenile Community Residential Facility which is a structure, or is within a structure, that lacks security hardware and other more traditional confinement accessories and which serves as an alternative for providing non-secure housing and/or programming for pre- and/or post-adjudicatory juveniles.
- (q) “Type IX Facility” is Home Detention, which means confinement of a person to his/her place of residence and/or other location(s) as an alternative to incarceration when there are both legal authority and administrative provisions to do so. (Added December 2004)
- (r) “Standards” are the paragraphs, sections, or lines preceded by a four (4) digit number, which are considered minimum standards for the operation

of a local detention facility. "Discussion" following a standard is for guidance and clarity, but it is not part of the official standard nor is it mandated. "Recommendations" should not be considered standards. They are principally suggestions for the efficient operation of a facility, but they are not mandatory.

- * (s) "Juvenile" is an individual who is under the age of seventeen years.
- * (t) "Delinquency" means the commission of an act by a juvenile which, if committed by an adult, would constitute a violation of the law.
- * (u) "Status Offenders" are juveniles who are charged with, or who have committed, offenses that would not be criminal if committed by an adult.
- * (v) "Juvenile Detention" means the temporary care of juveniles in physically restrictive facilities. This does not constitute "arrest" but "custody." Custody is not punitive.
- (w) "Direct Supervision" means management of inmates in which security personnel are not separated by a barrier that prohibits visual and audio interactions with the inmates. Officers work directly in housing units and provide frequent, non-scheduled observation of and personal interaction with inmates. Each housing unit has at least one (1) Security Officer posted to supervise the unit twenty-four (24) hours a day, seven (7) days a week. Security Personnel are assigned / posted to housing units at a ratio of no less than one (1) per every sixty-four (64) inmates or portion thereof. When the entire inmate population in a living unit is in a secured mode (e.g., cells/rooms are locked for sleeping, etc.), the ratio may be altered, provided that adequate supervision is maintained in each living unit. (Revised August 2005)
- (x) "Housing Unit" means a group or cluster of single and/or multiple occupancy cells or detention rooms that houses inmates and is immediately adjacent and directly accessible to a day or activity room.
- (y) "Local Detention Committee" refers to the permanent, formal group established by the South Carolina Association of Counties for the purpose of considering requests for waivers, proposed classification plans, and other appropriate matters as determined by the Association's Board of Directors.
- (z) "Variance" is a temporary deviation from a standard(s) in extenuating circumstances which can be overcome in a reasonable period of time; "waiver" is a long term deviation from a standard(s) in extenuating circumstances which are not likely to be overcome in a reasonable period of time.

- (aa) “Essential Support Functions” are the duties and activities identified by the Facility Manager and the Jail and Prison Inspection Division for the safe, secure, and efficient operation of the facility. (Revised August 2005)
- (ab) “Juvenile Charged as Adult” is a person under the age of criminal majority, who may be housed in an approved adult facility which meets separation requirements because his/her case is being handled in General Sessions Court. (Revised August 2005)
- (ac) “Average Daily Population (ADP)” is the official count taken at midnight for an aggregate time period and divided by the number of days in the specified time period. (Revised August 2005)
- (ad) “Average Length of Stay (ALOS)” is the period of time spent in a facility by pre-trial inmates as calculated using the following formula: $ALOS = (365 \times \text{Pre-trial ADP} \div \text{Total Pre-trial Bookings for One Year})$. (Revised August 2005)
- (ae) “Operational Capacity” is the optimum number of inmates that a facility can efficiently and effectively manage and classify. Operational capacity is usually expressed as a percentage of design or rated capacity (e.g., 80% of rated capacity). This percentage will vary from one facility to another, based on factors such as the types of inmates held, housing unit design, and proximity of staff. *Note: Authoritative Reference: “Resource Guide for Jail Administrators”, Mark D. Martin & Thomas A. Rozazza, NIC, December 2004, Page 52.* (Revised August 2005)
- (af) “Design Capacity” is the total number of beds in a facility as envisioned by the architect and initially built. (Revised August 2005)
- (ag) “Rated Capacity” is the total number of recognized beds in a facility as approved by the Jail and Inspection Division based upon criteria in the Minimum Standards. (Revised August 2005)
- (ah) “Intercom” refers to equipment or a system that enables initiating and receiving sound at each station within a facility without dependence upon staff assistance.
- (ai) “Unit Management” means a management system that subdivides a detention facility into units. The unit management system has several basic requirements: (Added December 2006)
 1. Each unit holds a relatively small number of inmates. Ideally, there should be fewer than 150 but not more than 500 inmates.
 2. Inmates are housed in the same unit for a major portion of their confinement.

3. Inmates assigned to a unit work in a close relationship with a multidisciplinary staff team who are regularly assigned to the specific unit and whose Detention Officers are located within the unit.
4. These staff members have actual decision-making authority for the institutional programming and living conditions for the inmates assigned to the unit within broad rules, policies, and guidelines established by the Facility Manager and approved by the Facility Administrator.
5. Inmate assignments to each unit are determined by using the facility's classification plan, and are based on the individual inmate's need for control and security, as well as the inmate's need for services and programs offered.

Discussion:

Unit management increases contact between staff and inmates, fosters improved interpersonal relationships, and leads to more knowledgeable decision-making as a direct result of staff dealing with a smaller, more permanent group. At the same time, the facility benefits from the economies inherent in centralized services, programs, and systems, such as utilities, food service, health care, educational systems, vocational programs, and recreational facilities.

- (aj) "Common Area" includes day rooms, multipurpose rooms, and other areas which are used for inmate services and activities when the inmates assigned are allowed consistent routine access during non-sleeping hours. (Added July 2013)
- (ak) "Indigent" refers to any inmate who does not have a balance of at least \$1.00 in his/her account for seven (7) consecutive days. (Added July 2013)
- (al) "PREA" is an acronym for the Prison Rape Elimination Act of 2003, which addresses sexual abuse of persons in the custody of U.S. correctional and detention agencies. (Added July 2013)
- (am) "Fixed Sleeping Surface" refers to a stationary or installed bed or slab designed to support a mattress or some other comparable padding on which an inmate can lie down at least twelve (12) inches off the floor. (Added July 2013)
- (an) "Temporary Sleeping Surface" means any appropriate item on which an inmate can lie down and be kept off the floor on an interim basis. (Fire safe cots and industry products such as those referred to as "boats" are examples of suitable Temporary Sleeping Surfaces.) These items do not meet the requirement to have a Fixed Sleeping Surface for each inmate. However, they are preferable to having

inmates sleeping on mattresses which are placed directly on the floor during times of overcrowding. (Added July 2013)

- (ao) “Qualified Medical Practitioner” means a licensed medical doctor, physician's assistant, nurse practitioner, or advanced-practice registered nurse. (Added July 2013)
- (ap) “Seat” refers to a chair, stool, or bench, either fixed or portable, on which an inmate can sit. (Added July 2013)
- (aq) “Writing surface” refers to a fixed or free-standing solid top or covering which may be used for writing purposes under which an inmate can sit. (Added July 2013)

*These definitions are not intended to denote language of the current state law, but are given to assist in possible categories of classification.

1006 ACRONYMS

ACA - American Correctional Association
ADA - Americans With Disabilities Act
AJA - American Jail Association
ANSI - American National Standards Institute
DHEC - Department of Health and Environmental Control
IBC - International Building Code
IEBC - International Existing Building Code
IFC - International Fire Code
IMC - International Mechanical Code
IPC - International Plumbing Code
MASC - Municipal Association of South Carolina
NFPA - National Fire Protection Association
NSA - National Sheriffs' Association
OSHA - Occupational Safety and Health Administration
PREA - Prison Rape Elimination Act
SBC - Standard Building Code
SC - South Carolina - used to denote existing edition of the Minimum Standards for Local Detention Facilities in South Carolina
SCAC - South Carolina Association of Counties
SCCJA - South Carolina Criminal Justice Academy
SCDC - South Carolina Department of Corrections
SCDJJ - South Carolina Department of Juvenile Justice
SCDPS - South Carolina Department of Public Safety
SCJAA - South Carolina Jail Administrators' Association
SCSA - South Carolina Sheriffs' Association
SEBC - Standard Existing Building Code
SFMRR - State Fire Marshal Rules and Regulations
SFPC - Standard Fire Prevention Code

SL- State Law
SMC - Standard Mechanical Code
SMSA - Standard Metropolitan Statistical Area
(Revised August 2005, July 2013)

1010 APPLICATION OF STANDARDS

1011 TYPES OF FACILITIES

All standards and requirements herein shall apply to every local detention facility in South Carolina except as where distinctions are made by type of facility. (Refer to Standard 1005, DEFINITIONS, paragraphs (g) through (q).)

- (a) All standards herein preceded by “J” shall apply only to juveniles.
- (b) All other standards shall apply to all persons.

1012 VARIANCES AND WAIVERS

- (a) The Director, Jail and Prison Inspection Division, may grant specific variance from these standards for sufficient reasons and in the public interest. Any variance granted shall be reviewed at least annually by the Director and continued only if substantial progress is being made to comply with the standard(s).
- (b) All requests for waivers shall be submitted in writing to the Director, Jail and Prison Inspection Division, and be copied to the Chairman of the Local Detention Committee, Association of Counties, with explanation of extenuating circumstances and justification included. The Director shall review all documentation available to him/her, may consult with local officials where the facility is located, and may request additional information as needed. A written recommendation from the Director, Jail and Prison Inspection Division, shall be submitted within thirty (30) days to the Local Detention Committee of the South Carolina Association of Counties. The Committee may request additional information from any of the parties involved, and may ask them to appear in person to clarify issues and answer questions from members of the Committee. Representatives from the requesting agency and all other parties involved shall have the option to attend and present during committee meetings. A written decision shall then be rendered by the Committee within sixty (60) days after receiving the referral and recommendation from the Director, Jail and Prison Inspection Division. (Revised July 2013)
- (c) Any decision of the Local Detention Committee on a waiver request may be appealed by submitting a written notice to the Chairman of the Local Detention Committee within thirty (30) days after the initial decision has been rendered. The Local Detention Committee may then request

supplemental information from any of the parties involved, and may ask them to appear in person for further clarification on issues and to answer additional questions from members of the Committee or to give testimony. Representatives from the appealing entity and from all other parties involved shall have the option to attend and present during committee meetings. A final written decision shall subsequently be rendered by the Committee within sixty (60) days after receiving the appeal. (Revised July 2013)

1013 EMERGENCY SUSPENSION OF STANDARDS

The Facility Administrator may temporarily suspend, for a period not to exceed thirty (30) days, any standard herein in the event of an emergency which threatens the safety of the local detention facility, any of its inmates or staff, or the public.

Such suspension shall be reported to the Jail and Prison Inspection Division immediately, or no later than the next business day, by telephone, and then in writing via fax; through e-mail; or by letter as soon as practical, outlining the nature of the emergency; expected end of the emergency; and steps taken to reduce or eliminate it. In no event shall such a suspension continue more than thirty (30) days without the approval of the Director, Jail and Prison Inspection Division, for a time specified by him/her. (Revised August 2005)

1014 INSPECTIONS

Inspecting authorities employed by the Department of Corrections are charged with the duty of inspecting all detention facilities within the State. Inspecting authorities may enter any detention facility in this State at any time without prior notice; shall be admitted without unnecessary delay; and may confer privately with any employee or inmate after coordination with the Facility Manager or the senior official on duty. Visits will deal with inspections and/or related matters but will not involve investigations of criminal activities. As a professional courtesy, inspecting authorities shall notify the Facility Manager or senior official available at least one (1) day prior to commencement of the annual and/or follow up inspection. Inspecting authorities may make additional visits to provide technical assistance when requested.

In accordance with South Carolina Code of Laws § 24-9-20, staff from the Jail and Prison Inspection Division of the Department of Corrections will conduct an annual inspection of each facility. A follow-up inspection will also be conducted at a later date. The inspecting authorities will conduct exit interviews with the Facility Manager or designee after completing annual and follow-up inspections. Preliminary documentation identifying deficiencies or violations shall be provided at that time. A written report on all inspection findings will be published and sent to those parties identified in SC Code Section 24-9-20 within sixty (60) days after the inspection.

Monitoring authorities employed by the Department of Public Safety are charged with the duty of monitoring all local detention facilities within the State of South Carolina where juveniles are or may be in custody or be detained. Visits will deal with federal and state juvenile justice compliance monitoring, but they will not involve investigations of any criminal activities. As a professional courtesy, monitoring authorities shall notify the Facility Manager or senior official available at least one (1) day prior to a monitoring visit. Monitoring authorities may make additional visits to provide technical assistance when requested. (Revised August 2005, July 2013)

1020 ADMINISTRATION / MANAGEMENT

Once a year, the Facility Administrator should arrange for a visit of the facility by the governing body, circuit court judges, magistrates, and other interested parties, to examine the facility's condition, the treatment of inmates, and the programs available to inmates.

1021 MANUAL OF POLICIES AND PROCEDURES

(a) Each facility shall have a written manual of all policies and procedures for the operation of the facility. Each policy and procedure should be reviewed annually and updated as needed. Documentation of these reviews shall be maintained. These policies and procedures shall be made readily available to all personnel. (Revised July 2013)

(b) The following standards require written policies and procedures:

1022	1066	2034
1036	1067	2035
1037	1068	2036
J1041.J	1081	2037
1042	1083	2051
1043	1091	2052
1044	1092	2053
1045	1093	2054
1046	2001	2055
1051	2002	2056
1061	2014-24	2070
1062	2030	2080
1063	2031	2090
1064	2032	3001.
1065	2033	

(c) Comprehensive post descriptions for each facility operational position shall be in writing and made available to each employee performing the function. (Revised August 2005)

1022 EMERGENCY PRE-PLANNING

Each facility shall have current written procedures to be followed in emergency situations. These plans shall include procedures for the following emergency situations:

- | | |
|--------------------|---------------------------------|
| fire | disturbances |
| escape | suicides and attempted suicides |
| taking of hostages | power failures |
| group arrests | natural disasters |
| bomb threats | homeland security issues. |

Discussion:

The facility should detail in writing specific procedures which can be implemented quickly when an emergency occurs. The procedures should contain provisions for sounding an appropriate alarm, alerting officials, mobilizing needed resources, and ending the alert. For example, a fire suppression plan would be coordinated with, and recognized by, the local fire department and would include a fire prevention plan in the policies and procedures manual; regular facility inspections by staff; fire prevention inspections by the fire department having jurisdiction; an evacuation plan; and a plan for the emergency housing of inmates in case of a fire.

1023 INMATE POPULATION REPORT

Each facility shall conduct and record an inmate head count at least once per shift.

1030 PERSONNEL

At least one (1) security officer per shift should have Cardio-Pulmonary Resuscitation (CPR) training.

1031 NUMBER OF PERSONNEL

- (a) The Facility Administrator shall designate a Facility Manager qualified by training and experience to supervise staff and inmates. (Revised August 2005)
- (b) Each facility shall have sufficient personnel to provide twenty-four (24) hour supervision and processing of inmates, to arrange full coverage of all identified security posts, and to accomplish essential support functions. (Revised August 2005)
- (c) If one (1) or more female inmate(s) is/are in custody, there shall be at least one (1) female security officer on duty, who shall be immediately available and accessible to female inmates.

- (d) A staffing analysis (using NIC Staffing Analysis Workbook or other industry recognized plan) shall be conducted to determine facility staffing needs. The staffing analysis shall be reviewed annually and updated as needed. (Revised August 2005)
- (e) Each facility shall have a designated training coordinator who has satisfactorily completed instructor specific training provided or recognized by the South Carolina Criminal Justice Academy at the first available opportunity after assignment to the position. (Revised August 2005, July 2013)

1032 JAIL MANAGEMENT TRAINING

All managerial personnel, including the Facility Manager and supervisory personnel, of each local detention facility, shall successfully complete a jail management training program as prescribed and/or approved by the South Carolina Criminal Justice Academy. Such management training shall include but not be limited to:

- (a) Fiscal and personnel management
- (b) Administrative and logistical support management
- (c) Correctional program development
- (d) Jail planning
- (e) Legal problems in jail administration
- (f) Community relations
- (g) Community resources for juvenile detention alternatives
- (h) Suicide prevention.

Such management training shall be satisfactorily completed by all managerial personnel as soon as practical but, in any event, within not more than one (1) year after the date of assignment to supervisory duties. Anyone who has completed jail management training prior to current assignment within the last three (3) years and/or has three (3) years of corrections management or corrections supervisory experience may be exempted from this requirement upon a review of credentials by the Criminal Justice Academy. (Revised August 2005)

1033 JAIL OPERATIONS TRAINING

All security personnel and supervisory personnel shall successfully complete the comprehensive jail operations training program as prescribed and provided by the South Carolina Criminal Justice Academy. Such training shall include but not be limited to:

- (a) Security and emergency procedures
- (b) Inmate attitudes and behavior
- (c) Inmate supervision techniques
- (d) Inmate disciplinary procedures

- (e) Supervision of special inmates
- (f) Minority group relations
- (g) Inmate correctional programs
- (h) Care and management of juveniles
- (i) Laws pertaining to local detention and holding facilities
- (j) Suicide prevention.

Such jail operations training shall be satisfactorily completed by all security personnel and supervisory personnel as soon as practical but, in any event, within not more than one (1) year after the date of assignment to security duties.

The Facility Manager or designee shall coordinate with the Criminal Justice Academy within the first six (6) months of each employee's hire date to schedule jail operations training. (Revised August 2005, July 2013)

1034 JAIL PRE-SERVICE TRAINING

All non-security personnel (to include: administrative, support, and contract) and volunteers will be required to complete an orientation program which has been approved by the Facility Manager. (Revised August 2005)

Before independent assignment to inmate custodial or supervisory duties for the facility, all security and supervisory personnel shall satisfactorily complete a pre-service course of not less than forty (40) hours of training. Training materials, to include but not limited to, lesson plans, audio-visual aids, and testing instruments, shall be approved by the South Carolina Criminal Justice Academy. Such training shall include but not be limited to:

- (a) Security and emergency procedures, including fire safety, fire suppression, and evacuation in case of fire
- (b) Handling intoxicated persons
- (c) Intake medical screening
- (d) Suicide prevention
- (e) Classification of inmates to reduce the probability of assaults
- (f) Use of force
- (g) Facility specific issues
- (h) PREA.

(Revised August 2005, July 2013)

The facility shall maintain records of such training. All approved pre-service training may count toward the first year of in-service training required.

NOTE: Such pre-service training shall also be completed by supervisory and security personnel assigned to Holding Cell facilities.

1035

IN-SERVICE TRAINING

All non-security personnel shall be required to complete in-service training which has been approved by the Facility Manager.

All security personnel shall successfully complete required in-service training of no less than forty (40) hours each year. This training shall be approved by the South Carolina Criminal Justice Academy. Such training should include but not be limited to: (Revised August 2005)

- (a) Review and update of safety and security procedures, regulations, and equipment
 - (b) Recent legal decisions on the confinement and treatment of all types of persons detained
 - (c) Report writing
 - (d) Sexual harassment
 - (e) Suicide prevention
 - (f) Inmate supervision
 - (g) Use of force regulations and tactics
 - (h) Emergency plans and procedures
 - (i) Interpersonal communication
 - (j) Cultural diversity
 - (k) CPR and first aid training
 - (l) Sexual abuse/assault awareness and response/PREA
 - (m) Facility specific issues.
- (Revised August 2005, July 2013)

Discussion:

The purpose of the in-service training is to keep the employees up to date on procedures and incidents and methods of handling them. This requirement may be met by sessions scheduled on a weekly or monthly basis.

1036

TRAINING RECORDS

Each facility shall maintain records on types and hours of training completed by each security officer. This training shall be reported to the South Carolina Criminal Justice Academy in a form acceptable to the Academy.

Each facility shall maintain records on types and hours of training completed by non-security personnel and volunteers. These records shall be reviewed at least quarterly by the training coordinator.

All training records shall be available at the facility for examination by inspectors.
(Revised August 2005, July 2013)

1037 EMPLOYEE REGULATIONS

Each facility shall adopt a written personnel policy which, in effect, prohibits any employee from accepting or presenting to, an inmate, the inmate's family, or any other person, loans, favors, or gratuities on behalf of an inmate.

Employees are encouraged to follow the South Carolina Jail Administrators' Association's Code of Ethics as outlined in Appendix A. (Revised August 2005)

1038 ORGANIZATIONAL CHART

Each facility shall have an organizational chart which reflects the line of authority and responsibility within the facility.

1040 ADMISSION, RECORDS, AND RELEASE

J1041 JUVENILES

No neglected, dependent, or abused child, nor any juvenile who is alleged to be, or adjudicated as, a status offender, shall be detained or confined in an adult detention facility.

J1041.1 ADMISSION - JUVENILES

Each facility shall have written procedures for admitting juveniles.

- (a) Every attempt should be made to contact the parent or legal guardian of any juvenile as soon as possible upon his/her admission to the facility provided that this has not already been done by another agency. These attempts may be by telephone call and/or personal visit. (Revised July 2013)
- (b) When a juvenile is not released to a parent, guardian, or custodian, the Family Court shall be notified upon admission; or, if admission occurs after business hours, the Family Court shall be notified at the beginning of the next business day.
- (c) If a juvenile is not released to the custody of his or her parents, or other responsible adult, upon arrival at the facility, the Department of Juvenile Justice shall be contacted upon admission.
- (d) Unless otherwise ordered by the court, a juvenile shall be released to the custody of his/her parents, guardian, custodian, DJJ, or others as designated by the court.

- (e) A juvenile who has been taken into custody shall not be detained or placed in secure confinement for more than six (6) hours in any facility which is not approved as a juvenile holdover facility or a juvenile detention center.
- (f) A juvenile who is to be detained or placed in secure confinement for more than six (6) hours must be given a detention hearing within forty-eight (48) hours from the time of being taken into custody, excluding weekends and holidays.
- (g) After the initial forty-eight (48) hour detention, a juvenile shall not be held longer than seven (7) days without a court-ordered extension. Additional extensions, not to exceed seven (7) days each, may be made only by subsequent orders of the court. Such orders shall be in writing.

1042 ADMISSION - TYPE II/IV FACILITIES

Each facility shall have written procedures for admitting new inmates which include:

- (a) Verification of arrest or commitment documents
 - (b) Proper search of the individual
 - (c) Inventorying, packing, and storing of clothing and personal possessions
 - (d) Medical screening (See 2053)
 - (e) Telephone calls by inmates
 - (f) Shower and hair care, if necessary
 - (g) Issue of clean clothing
 - (h) Photographing and, if applicable, fingerprinting
 - (i) Interview for obtaining identifying data
 - (j) Screening interview
 - (k) Orientation
 - (l) Issue of personal hygiene items
 - (m) Classification for assignment to a housing unit
 - (n) Assignment to a housing unit
 - (o) Obtaining victim information as required by § 16-3-1530.
- (Revised August 2005)

1043 GUIDELINES FOR COMMITMENT DOCUMENTS

- (a) Arrestees should never be accepted without a signed charging document or detainer. Verbal holds shall not substitute for commitment documentation. (Revised July 2013)
- (b) An arrest or booking report shall contain a charge and include the name and agency of the arresting officer.
- (c) Persons sentenced to the facility shall be legally confined on the authority of a commitment order issued by the court.

(Revised August 2005)

- (d) All persons incarcerated, booked, and charged with a bailable offense must have a bond hearing within twenty-four hours of their arrest as required by S.C. Code Ann. § 22-5-510, except for those individuals who are released on bond in lieu of recognizance pursuant to S.C. Code Ann. § 22-5-530. Any county or municipality utilizing the provisions of S. C. Code Ann. § 22-5-530 must comply with the Order of the Chief Justice dated December 11, 2003, which addresses procedures required by that statute. All persons incarcerated, booked, and charged with a non-bailable offense must have a first appearance before a magistrate or municipal judge within twenty-four hours of their arrest. Further, in all cases which fall under the purview of this Order, whether bailable or non-bailable, the bonding magistrate or municipal judge must ensure that the procedures set forth in S.C. Code Ann. § 16-3-1505 to -1830, regarding victims' rights, are fully observed. (Added July 2013)

1044

BOOKING AND RECORD INFORMATION

- (a) A record for each detainee shall be established at admission, or as soon as possible after admission, and maintained throughout the period of confinement.

Such record(s) shall include:

- (1) Picture
 - (2) Booking number
 - (3) Date and time of arrest
 - (4) Name and aliases of person
 - (5) Social Security number (Revised August 2005)
 - (6) Last known address
 - (7) Date and time of commitment and authority thereof
 - (8) Names and titles of officers presenting and receiving detainee
 - (9) Specific charges
 - (10) Court and sentence (if sentenced prisoner)
 - (11) Sex
 - (12) Age and date of birth,
 - (13) Race
 - (14) Marital status
 - (15) Name and address of next of kin
 - (16) Health status
 - (17) Record of cash and property
 - (18) Record of misconduct and discipline administered
 - J(19) Name, address, relationship, and telephone number of parent(s), legal guardian(s), and person(s) with whom a juvenile resides at time of admission and/or other methods of contact.
 - (20) Medical records
 - (21) Bond information.
- (Revised August 2005)

Medical records shall be secured in a separate medical file and shall be available to authorized staff only when such access is required in the performance of duties. (Revised July 2013)

Juveniles shall be photographed and fingerprinted only in accordance with state law.

(b) Each facility shall comply with applicable laws regarding information in its possession and for which it is responsible.

(1) Each facility shall maintain a mechanism for the release of information for public inspection and copying and shall include items 3, 4, 6, 7, 8, 9, 11, 12, 13, and 21 of (a), above.

(2) Each facility shall maintain documents which identify all persons confined during the preceding three (3) months. This information shall be made available for public inspection and copying without the requestor being required to make a written request to inspect or copy the records when the requestor appears in person. Reasonable fees may be charged as allowed by the Freedom of Information Act (SC Code §30-4-10).

(Revised August 2005)

J(c) Each facility shall have written policies and procedures for safeguarding juvenile records from improper and unauthorized disclosure.

(1) Juvenile records shall be clearly marked "Confidential."

(2) Juvenile records shall be kept secured and separate from adult records.

(3) Records of juveniles shall not be opened to public for inspection, and shall be opened to inspections only by such government agencies as are legally authorized.

1045 RETENTION OF INMATE PROPERTY

Facility policy shall require that, whenever cash or personal property is taken from an inmate, the following actions shall be taken:

(a) A listing, including description, of each item shall be made and signed by both the employee and the inmate. A copy of this list shall be made available to the inmate as a receipt. If an inmate refuses to sign, the reasons for his/her refusal should be noted on the list and witnessed by a second employee.

(b) The property taken shall be kept under lock and key.

- (c) When the property is returned to an inmate, he/she shall be directed to sign a statement saying that the property has been returned to him/her. If he/she refuses to sign, a second witness is needed.
- (d) With the exception of a law enforcement agency which has prosecutorial interest, a facility shall not release inmate property to any third party without the inmate's written permission or by court order. (Revised July 2013)
- (e) Facility policy shall govern the possession of items of clothing or jewelry.

1046 ADMISSION OF SEVERELY INJURED OR ACUTELY ILL DETAINEES

Any prisoner who appears to be either severely injured or acutely ill, or who is in a stupor or a coma, even though the apparent cause may be intoxication, shall be examined by a qualified medical practitioner prior to acceptance or admission.

Further, if after an examination and treatment as appropriate, with medical release and clearance orders of the qualified medical practitioner, the prisoner is accepted at the facility, he/she shall be maintained by security staff under the level of observation determined necessary by the qualified medical practitioner. A qualified medical practitioner shall oversee the care and treatment of the prisoner. (Revised July 2013)

1047 DEATH OF AN INMATE

The death of an inmate must be reported in writing to the Jail and Prison Inspection Division within seventy-two (72) hours of the occurrence. The Facility Administrator shall request an autopsy by the County Coroner or his/her designee to ascertain the cause of death.

1048 RECORDING AND REPORTING OF ATTEMPTED SUICIDES

A report of each attempted suicide shall be included in the records of the attempting inmate and of the facility. Each attempted suicide shall be reported immediately to the responsible medical authority or a health or mental health authority.

1049 LOG REPORTS

Incidents which involve or endanger the lives or physical welfare of employees, inmates, and/or visitors shall be recorded and retained. Incidents involving death, fire, or escape should be reported by telephone to the Jail and Prison Inspection Division on the day they occur; or, when they occur after business hours, they shall be reported on the next business day. Deaths shall be reported in writing within three (3) days, and other incidents shall be reported in writing within five (5) days. (Revised July 2013)

1050 ORIENTATION

An orientation program by the facility's staff shall be conducted for new inmates. The orientation shall include but not be limited to:

- (a) Information pertaining to facility procedures such as those concerning wake-up time, meals, mail, visiting, telephone, work, and medical care
- (b) Rules of conduct
- (c) Disciplinary procedures
- (d) Contraband
- (e) Information regarding available programs.
- (f) PREA reporting procedures. (Revised July 2013)

Reasonable accommodations shall be made for non-English speaking inmates, illiterate inmates, and inmates with disabilities. (Revised August 2005)

1051 DISCHARGE, TRANSFER, OR RELEASE OF AN INMATE

Positive inmate identification shall always be made by the releasing officer before discharge, transfer, or release is effected. An NCIC check should be conducted prior to the release of an inmate. Upon determination and verification that a release has been properly authorized, clearance procedures should be carried out expeditiously in order to avoid unnecessary delay. Whenever a discharge, transfer, or release is effected, a record shall be made of the date, time, and authority.

The discharge process should also address the following issues:

- (a) A signed property form verifying the return of all inmate property, including valuables and money; (If the inmate refuses to sign the property form, another employee should sign as witness that the inmate refused.)
- (b) A signed form verifying that all approved medication has been given to the inmate;
- (c) A signed form verifying that all facility owned property has been turned in by the inmate;
- (d) Verification of identity and completion of a NCIC check, fingerprint card, and current photo on file;
- (e) Verification that there are no existing holds and detainers;
- (f) Confirmation of victim notification as outlined in South Carolina Code of Laws §16-3-1530. (Revised August 2005)

1060 SECURITY

1061 WEAPONS CONTROL (Revised July 2013)

- (a) Except in emergency situations, no employee, law enforcement personnel, or other official shall be permitted to carry firearms within the security portion of a facility.
- (b) Space for temporary storage of firearms should be provided at each facility.

1062 LESS LETHAL DEVICES (Revised July 2013)

- (a) Each facility shall establish policies and procedures governing the use of less lethal devices. (Added July 2013)
- (b) Facility personnel authorized to use less lethal devices, (i.e.: tear gas, mace, other noxious gases, electronic control devices, and other less lethal devices) shall be trained in the proper use of these devices. (Revised July 2013)
- (c) Chemical agents should be inventoried, inspected, and, if applicable, weighed every month to determine their condition and expiration dates.
- (d) All less lethal devices should be maintained and inspected per the manufacturer's recommendations. (Added July 2013)
- (e) Each facility shall have procedures stating that a report to the Facility Administrator must be filed each time that less lethal devices are used. (Revised August 2005, July 2013)

Discussion:

Special attention should be given to the potential danger of the spreading of gas through the air ventilation system. Inmates must be removed if the area becomes contaminated.

1063 KEY CONTROL

- (a) Facility and vehicle keys shall be inventoried and stored in a secure key locker when not in use.
- (b) There shall be one (1) full set of well-identified facility keys, other than those in use, secured in a place accessible only to authorized personnel for use in the event of an emergency.
- (c) No inmates, including trustees, shall be permitted access to, nor allowed to handle, facility or vehicle keys. (Revised August 2005)

- (d) An inventory and log of all keys shall be made at the beginning of each shift. (Revised August 2005)
- (e) Keys necessary for unlocking doors installed in a means of egress shall be individually identifiable by both touch and sight as mandated by Standard 408.7.4 of the International Fire Code. (Added August 2005)
- (f) Notwithstanding any option or alternative which may be interpreted to allow an exception for an applicable regulation or code, the Minimum Standards for Local Detention Facilities in South Carolina require the following for all Type II/IV facilities: (Added July 2013)
 - (1) All exit doors and all exit access doors shall be equipped so that they may be locked and unlocked with a key;
 - (2) These locks shall be operable from both sides of each door;
 - (3) Keys to unlock the doors shall be immediately available and accessible to staff at all times.

1064 TOOL CONTROL

There shall be a tool control plan including the standard use of inventory shadow boards, etchings, or color coding of facility tools to ensure that such tools are not used to breach the security of the facility. This plan shall include tools used in the kitchen and medical units. Tools brought into the facility for maintenance or repairs shall be accounted for at all times. (Revised August 2005)

1065 FACILITY SECURITY

- (a) All inmates leaving the confines of the facility for any reason should be searched prior to leaving and shall be searched prior to re-entering the facility. (Revised August 2005)
- (b) All security locks and doors shall be regularly inspected and operated (by remote and manual means) from both the interior and exterior of the doors to ensure proper working order at all times, including in emergency situations. (Revised July 2013)
- (c) All cellblock doors and all corridor doors should be kept locked except when necessary to permit entry or exit. (Revised July 2013)
- (d) Unoccupied cells, detention rooms, and storage rooms shall be kept locked at all times.
- (e) All facilities shall have two-way intercom systems for emergency communications. This shall not substitute for security personnel, as required in Standard 1031.

- (f) All incidents that result in serious physical harm to or threaten the life of any inmate in the facility shall be reported promptly to the Facility Manager.
(Revised August 2005)
- (g) Vehicles in the facility's parking lot should be kept locked.
(Added August 2005)

1066 INMATE MOVEMENT

- (a) Each facility shall have written policies and procedures for handling inmate movement which include classification by custody level, consideration of medical and mental health, and employee escort protocol.
(Revised August 2005)
- (b) Juveniles shall not be transported in the same vehicle transporting adult inmates.
- (c) Female inmates shall not be transported in the same vehicle with male inmates unless there is secure separation between the females and males and there is clear visual observation and supervision by a security officer.

1067 USE OF RESTRAINTS

Each facility shall have written policies and procedures which provide that instruments of restraint shall not be used except:

- (a) As a security precaution during a transfer or temporary emergency
- (b) On medical grounds at the direction of the physician or responsible medical authority
- (c) By order of the Facility Manager or designee to prevent an inmate from injuring himself/herself or others.

1068 INMATE GOVERNANCE

Written policy and procedure shall provide that no inmate or group of inmates is given control or authority over other inmates nor given access to records, legal documents, or confidential information pertinent to other inmates.

1080 CLASSIFICATION

1081 CLASSIFICATION PLAN

Each facility shall develop and implement a written classification plan to properly assign inmates to classification categories for placement in housing and other

detention specific functional situations based upon consideration of sex; age; sentenced/non-sentenced; criminal sophistication; seriousness of crime; assaultive/non-assaultive behavior; medical rules; and other applicable criteria. (Revised August 2005)

1082

CLASSIFICATION CATEGORIES

- (a) The facility provides for the separate management of the following categories of inmates in accordance with the facility's classification plan:
- * female and male inmates
 - * sentenced and non-sentenced inmates
 - * other classes of detainees (i.e., witnesses, informants, and protective custody inmates)
 - * community custody inmates (work releasees, weekenders, trusties)
 - * inmates requiring disciplinary detention
 - * inmates requiring administrative separation
 - * juvenile detainees
 - * other categories that may pose a security problem which include but are not limited to: high profile cases; geriatric inmates; sexual deviants; sex offenders; predators; and inmates undergoing sex changes.
- (Revised August 2005, July 2013)

- (b) If the facility has adequate accommodations and supervision available to assign properly classified pre-trial and sentenced inmates within the same housing unit, provisions shall be made to ensure that appropriate credits and privileges are afforded the respective inmates as may be applicable to their particular status. (Added July 2013)

- (c) The admission of all inmates to separation units shall be documented in a permanent log, specifying the name; number; location; date admitted; reason for admission; tentative release date; and special circumstances and needs of each inmate. (Revised August 2005, July 2013)

Discussion:

To the extent practical, inmates with special problems (alcoholics, narcotics addicts, mentally disturbed persons, physically handicapped persons, persons with communicable diseases) should be managed separately. (Added July 2013)

1083

CLASSIFICATION REVIEW

The inmate classification plan specifies criteria and procedures for determining and changing the status of an inmate, including custody, transfers, and major changes in programs. The plan includes an appeals process for classification decisions.

1090 SEPARATION

1091 COMMUNICABLE DISEASES

Each facility shall have written policies and procedures providing for the separation of all inmates with communicable diseases.

Discussion:

To determine if such separation shall be made, in absence of medically trained personnel at the time of admission, an inquiry shall be made of the person to establish whether he/she has or has had tuberculosis or whether he/she presently has hepatitis, a sexually transmitted disease, or other special medical problems. (See Medical Standards 2050 through 2056.)

1092 MENTALLY DISORDERED PERSONS

Each facility shall have written policies and procedures providing for the appropriate housing of all mentally disordered inmates as determined by the classification plan.

1093 ADMINISTRATIVE SEPARATION

Each facility shall develop and implement written policies and procedures for the administrative separation of inmates based on behavioral factors that may pose a serious threat to the orderly operation or security of the facility. Such policies and procedures shall include:

- (a) Documentation of reasons for placement and retention in administrative separation;
- (b) Self placement (protective custody): inmate signs agreement requesting to be placed in, or removed from, protective custody;
- (c) Periodic review (at least monthly) of each inmate in administrative separation.

Administrative separation shall consist of separate and secure housing but shall not involve any other deprivation of privileges except as necessary to obtain the objective of protecting the inmates and staff. (Revised July 2013)

1094 FEMALES

- (a) Female inmates shall be housed in an area separated from normal auditory and visual contact with male inmates. (Revised July 2013)
- (b) Female inmates shall be afforded the same rights and privileges as male inmates.

J1095

JUVENILES

- (a) No juveniles, including those who have been waived to General Sessions Court for the purpose of being tried as adults and those whose criminal charges and/or circumstances cause them to be tried as adults, may be detained or confined in a facility which does not provide normal visual and sound separation from adult inmates.
- (b) Juveniles shall be afforded the same rights and privileges as adult inmates, except when prohibited by law.
- (c) Juveniles who are detained or placed in secure confinement for more than six (6) hours must be held in an approved juvenile holdover facility or an approved juvenile detention center unless they are legally waived to General Sessions Court or their charges and/or circumstances cause them to be tried as adults.
- (d) Juveniles who are detained or placed in secure confinement for more than forty-eight (48) hours, excluding weekends and holidays, must be held in an approved juvenile detention center unless they are legally waived to General Sessions Court or their charges and/or circumstances cause them to be tried as adults.
- (e) Juveniles shall be checked visually at least every thirty (30) minutes or more frequently as conditions warrant. (Added August 2005)

1096

RESERVED FOR FUTURE USE

1097

SAFEKEEPERS

Inmates who are in pre-trial status, inmates who have received sentences of three (3) months or less for criminal convictions, and inmates who have received sentences of any length for civil convictions in Family Court shall not be transferred to SCDC without legal authorization and prior coordination with appropriate SCDC officials. Application requests, screening, decision making, maintenance, and management of safekeepers will be handled in accordance with S.C. Code Ann. § 24-3-80, and the most current Executive Order. (See Appendix E.) (Revised August 2005)

2000 DISCIPLINE

2001

RULES AND DISCIPLINARY PENALTIES

Each facility shall have established written rules and specific penalties for major and minor violations to guide inmate conduct. Such rules shall be stated simply and posted conspicuously in housing units and the booking area, or issued to each inmate upon admission.

Reasonable accommodations shall be made for non-English speaking inmates, illiterate inmates, and inmates with disabilities. (Revised August 2005)

2002

PLAN FOR INMATE DISCIPLINE

Each facility shall develop and implement a formal written procedure for imposing sanctions for violations of rules, which include: (Revised July 2013)

(a) Sanction for minor violations; (Revised July 2013)

(b) Procedures for major violations, which include:

Written notice (at least twenty-four (24) hours prior to hearing) to the inmate(s) of the charge(s) against him/her

An opportunity for the inmate(s) to prepare a defense to the charge(s) against him/her

A hearing before an impartial panel or officer

An opportunity for the inmate to present information and to request witnesses in his/her own behalf

A decision based upon the charge(s) and information produced at the hearing

Preparation and retention of a summary of the proceedings

A review of the decision of the hearing officer or panel by the Facility Manager;

J(c) Assurance that no adult or juvenile inmate shall sit in judgment of, or have supervisory authority over, juveniles. (Revised August 2005)

Discussion:

The determination of whether a violation of facility rules and regulations is major or minor is determined not in the substantive violation but in the potential sanction. Any violation that results in a forfeiture of good time or in punitive segregation is major and requires the attendant due process protection. Those violations resulting in suspension of privileges, extra duties, etc., may be classed as minor, requiring only notice of charges, opportunity to respond, and disposition reduced to writing. (Revised July 2013)

FORMS OF AND LIMITS ON DISCIPLINARY ACTION

- (a) Sanctions for minor infractions shall not exceed a reprimand, extra work detail, or the loss of privileges including disciplinary detention of no more than three (3) consecutive days. (Revised August 2005, July 2013)
- (b) Sanctions for major violations may include forfeiture of "good time" credits and/or placement in disciplinary separation in addition to loss of privileges. (Revised July 2013)
- (c) Inmates placed in disciplinary separation shall maintain their basic rights, including access to courts, counsel, legal materials, and/or medical care.
- (d) No inmate shall be deprived of the implements necessary to maintain an acceptable level of personal hygiene.
- (e) The use of restrictive diets will only be used as a security measure. (Revised July 2013)
- (f) Strip cells shall only be used as a safety and/or security measure. (Revised July 2013)
- (g) Medication or the withholding of medication and/or treatment shall not be used for the purpose of discipline.
- (h) No inmate shall be subjected to discipline or treatments which are dehumanizing, including but not limited to disrespect, profanity, or taunting.
- (i) Inmates shall not be deprived of sleep as a form of disciplinary action.
- (j) Serious violations of rules, e.g., assaults, sexual assaults, malicious damage to property, and escapes, shall be investigated and documented. If the situation appears to involve a possible violation of law, then a criminal investigation shall be conducted. (Revised July 2013)
- (k) Inmates shall be entitled to correspondence, visitation, and telephone privileges in accordance with the rules and regulations established by each facility. Restrictions on these privileges should not be imposed unless such privileges have been suspended and/or restricted based on legitimate government interests related to the safe and secure operation of the facility; to prevent continued criminal activities; or other similar concerns. (Added August 2005)
- (l) Inmates may be held financially responsible for damage to or destruction of government or personal property as outlined in S.C. Code Ann. § 24-13-80. Inmates may also be held responsible for the cost of medical

treatment for injuries committed against other inmates. (Added August 2005)

- J(m) No adult or juvenile inmate shall inflict punishment of any type on a juvenile inmate. (Revised August 2005)

2010 PHYSICAL PLANT

2011 INITIAL PLANNING

- (a) When the construction of a new facility, or the extensive remodeling of, or addition to, an existing facility is considered, the governing body shall file a letter of intent with the Jail and Prison Inspection Division within ten (10) days of the resolution or formal action to proceed.

Discussion:

Upon receipt of a letter, the Jail and Prison Inspection Division will offer to assist agencies with arranging for the technical expertise necessary for the effective and economical construction of detention facilities.

- (b) Prior to the design phase, a program statement shall be filed with the Jail and Prison Inspection Division which includes the following:

- (1) Projected capacity of facility
- (2) Types of inmates to be housed
- (3) Inmate movement
- (4) Food preparation and serving
- (5) Staffing
- (6) Bookings
- (7) Visiting and attorneys' interviews
- (8) Laundry operations
- (9) Inmate separation
- (10) Future needs and possible expansion
- (11) Activities such as recreation and rehabilitation programs
- (12) Proposed management style. (Added July 2013)

- (c) A copy of the preliminary design documents and working drawings shall be submitted to the Jail and Prison Inspection Division for pre-construction review to evaluate compliance with these standards prior to releasing for bid. The Division shall respond in writing to advise whether materials reviewed were in compliance with relevant standards, and to remind all parties concerned of their responsibility to adhere to applicable laws, standards, codes, and regulations in the design and construction of the project. When final approval of design documents and architectural drawings is given, the Director of the Jail and Prison Inspection Division will notify all parties involved of what the official rated capacity would be if the work is done according to specifications. (Revised July 2013)

- (d) The Jail and Prison Inspection Division shall provide consultation service to the city or county, as may be requested.

2012

RATED CAPACITY

The Director of the Jail and Prison Inspection Division shall ascertain the maximum number of inmates, of whatever classifications, based upon square footage and other relevant requirements that can properly be housed in each facility and in the various living areas within each facility. After determining the rated capacity, the Director shall notify, in writing, the Facility Manager, the Facility Administrator, and the governing body which has responsibility for the facility. These numbers shall be reviewed annually.

2013

LIVING UNITS - EXISTING FACILITIES PRIOR TO JULY 1980

(Revised August 2005, July 2013)

Unless otherwise noted, this standard applies to all facilities which were operational or for which plans were submitted and approved prior to July 1980. Each such facility shall comply with the following requirements for living units:

- (a) The number of inmates occupying a cell, room, or dorm shall not exceed the rated capacity of the cell, room, or dorm when based upon the average daily population for the previous three (3) months.
- (b) In an existing Type II facility, all cells or rooms with a minimum of thirty-five (35) square feet and less than seventy (70) square feet shall have a rated capacity of one (1) inmate.
- (c) In an existing Type II facility, all cells or rooms of seventy (70) square feet or greater may be considered multiple occupancy cells or rooms, with rated capacity based upon a minimum of thirty-five (35) square feet per inmate.
- (d) Any existing Type II facility with less than fifty (50) square feet per cell or room shall not confine an inmate to his/her cell or room more than sixteen (16) hours per day excluding counts. (An exception to this requirement is that inmates temporarily assigned to separation may be confined more than sixteen (16) hours.)
- (e) Each facility shall provide dayroom (communal activity) space for each cellblock or cluster of rooms. (Any area within a dormitory or other living unit considered dayroom space shall not be added to the square footage when determining rated capacity.)
- (f) Any cell, room, or area to which inmates are confined (locked in) shall have one (1) operable water closet at a minimum ratio of one (1) each per

ten (10) inmates, and one (1) operable lavatory with running water at a minimum ratio of one (1) each per twelve (12) inmates, that are accessible twenty-four (24) hours a day. (Urinals may be substituted one-for-one for water closets in male areas; however, at least two thirds of fixtures shall be water closets.)

- (g) Each facility shall provide a fixed sleeping surface for each inmate. (Revised July 2013)
- (h) Each facility shall provide, in addition to the fixed sleeping surface, a desk or approved writing surface; hooks or storage space; and a chair or stool for each inmate. Consistent routine access throughout non-sleeping hours to a sufficient number of dayroom tables and chairs to accommodate all inmates in a living unit shall be adequate to meet the requirement of this Standard for desks/writing surfaces and chairs/stools when inmates are housed in a dormitory setting. (Revised July 2013)
- (i) Artificial lighting shall be provided of at least twenty (20) footcandles measured three (3) feet off the floor. Night light should provide good visibility for supervision, but should not hinder restful sleep.
- (j) Forced air circulation of at least ten (10) cubic feet per minute turnover of fresh or purified air shall be provided for each inmate.
- (k) There shall be a minimum of one (1) operable shower head for every twelve (12) inmates.
- (l) Each facility shall have an automatic fire alarm system in accordance with Fire Codes. (Reference NFPA 72)
- (m) Where correctional programs are offered, sufficient area for them shall meet the need and provide space for the following:
 - (1) Religious Services
 - (2) Counseling
 - (3) Interviews
 - (4) Classroom
 - (5) Library
 - (6) Recreation.
- (n) Each facility shall have adequate space for the secure storage of inmate personal clothing, personal property, and institutional clothing and bedding.
- (o) Each facility shall have an emergency lighting system in case of power failure.

- (p) Each facility shall have adequate storage area(s) for cleaning utensils and supplies.

2014 PHYSICAL PLANT - ALL NEW FACILITIES SINCE JULY 1980
(Revised August 2005, July 2013)

2014 - 1 SPECIAL PURPOSE CELLS

Each facility shall have at least one (1) special-purpose cell or room that is designed to prevent injury to an inmate who is under the influence of alcohol or narcotics, or for inmates who are uncontrollably violent or self-destructive. This room shall be subject to staff observation or be continuously monitored by camera from a twenty-four (24) hour staff position. (Revised July 2013)

2014 - 2 FIRE CODES

The facility conforms to applicable federal, state, and/or local building and fire safety codes. Compliance is documented by the authority having jurisdiction. A fire alarm and automatic smoke detection system are required, as approved by the authority having jurisdiction. (See Appendix B.)

Discussion:

The applicable code(s) should be applied to all areas of the facility. Reports of periodic inspections and any actions taken in respect to those inspections must be available. The authority having jurisdiction in South Carolina is the State Fire Marshal.

2014 - 3 DESIGN FOR SEPARATION

The facility is designed and constructed so that inmates can be separated according to existing laws, regulations, standards, and according to the facility's classification plan.

2014 - 4 ACCESSIBILITY TO THE HANDICAPPED

All parts of the facility that are available to the public are accessible to and usable by handicapped staff and visitors.

2014 - 5 ADMINISTRATIVE AREAS

Adequate space is provided for administrative, security, professional, and clerical staff. This space includes conference rooms, storage room for records, public lobby, and toilet facilities.

2014 - 6 STAFF AREAS (Revised July 2013)

Staff needs are met through providing adequate spaces in locations that are convenient for use. Staff are provided with the following:

- * an area to change clothes and to shower
- * an area, room, and/or employee lounge that offers privacy from inmates and provides space for meals
- * space for training
- * space for shift change briefings
- * toilets and wash basins that are not used by inmates.

Discussion:

Facilities are appropriate for male and female staff.

2014 - 7 SECURITY

The facility has adequate exits that are properly positioned, unobstructed, and distinctly and permanently marked to ensure the timely evacuation of inmates and staff in the event of fire or other emergency.

Discussion:

Exits should be provided to ensure the safety of inmates, staff, and visitors. All exits should be kept clear and free of obstructions and maintained in a usable condition. They should lead directly to a hazard-free area where adequate supervision can be provided.

2014 - 8 CONTROL CENTER

Space is provided for a twenty-four (24) hour control center for monitoring and coordinating the facility's security, life safety, and communications systems. The control center provides access to a wash basin and toilet.

Discussion:

The control center should contain sufficient space for monitoring and coordination of all internal and external security systems, communications systems, safety alarms and detection systems, key control, and other mechanical and electrical systems.

2014 - 9 PERIMETER SECURITY

The facility's perimeter is controlled by appropriate means to provide that inmates remain within the perimeter and to prevent access by the general public without proper authorization.

Discussion:

The means chosen to ensure perimeter security should reflect the facility's needs based on size and the degree of security required. Some methods are: perimeter surveillance devices (e.g., electronic, pressure, or sound detection systems), mobile patrols, or a combination of these techniques. All areas adjacent to the perimeter should be visible under all conditions.

2014 - 10 ENTRANCES AND EXITS

Pedestrians and vehicles enter and leave at designated points in the perimeter. Safety vestibules and sally ports constitute the only breaches in the perimeter.

All safety vestibules and sally ports shall be of sufficient size to permit passage of a loaded ambulance stretcher between interlocking doors.
(Revised August 2005)

2014 - 11 EMERGENCY POWER AND COMMUNICATIONS

The facility has the equipment necessary to maintain essential lights, power, and communications in an emergency.

The facility should have emergency power units, either battery- or motor-driven, to provide essential lighting and life-sustaining functions within the facility and to maintain outside communications in an emergency.

Power generators are tested according to manufacturer's recommendations or at least every two weeks, and other emergency equipment and systems are tested at least quarterly, for effectiveness; and they are repaired or replaced if necessary.
(Revised August 2005)

2014 - 12 INTAKE AREA

Inmates are separated from the general population during the admissions process. Temporary holding cell(s) or room(s) with fixed benches to seat all inmates at rated capacity (twenty (20) square feet per inmate), and which have operable water closets, lavatories, and drinking fountain available, shall be provided. The following additional components shall be included in the intake area or be reasonably accessible: (Revised July 2013)

- (1) Booking area
- (2) Medical examination room
- (3) Shower facilities
- (4) Secure vault or room for storage of inmates' personal property
- (5) Telephone facilities
- (6) Interview room
- (7) Sally port.

2014 - 13 HOUSING FOR THE HANDICAPPED

Handicapped inmates are housed in a manner that provides for their safety and security. Rooms, cells, or housing units used by the handicapped are designed for their use and provide for integration with the general population. Appropriate facility programs and activities are accessible to handicapped inmates who are confined in the facility.

Discussion:

If the facility accepts handicapped individuals, it must provide for their housing and use of/access to facility resources.

2014 - 14 EQUIPMENT SPACE

Separate and adequate space is provided for mechanical and electrical equipment.

2014 - 15 JANITORIAL CLOSETS

Adequate space is provided for janitorial storage accessible to the living and activity areas. The storage area is equipped with a sink and with cleaning equipment.

2014 - 16 TOILETS

Inmates have access to toilets and hand-washing facilities twenty-four (24) hours per day and are able to use toilet facilities without staff assistance when they are confined in their cells/sleeping areas. Toilets are provided at a minimum ratio of one (1) for every twelve (12) inmates in male facilities and one (1) for every eight (8) inmates in female facilities. Urinals may be substituted for up to one-half of the toilets in male facilities. All housing units with three (3) or more inmates have a minimum of two (2) toilets. (Revised August 2005)

2014 - 17 WASH BASINS

Inmates have access to operable wash basins with hot and cold running water in the housing units at a minimum ratio of one basin for every twelve occupants.

Discussion:

Provision must be made for inmate access in cells or sleeping areas, dayrooms, and other parts of the facility.

2014 - 18 SHOWERS

Inmates have access to showers that are thermostatically controlled to temperatures ranging from one hundred (100) degrees to one hundred twenty (120) degrees Fahrenheit, or to showers that can be manually regulated to temperatures no higher than one hundred twenty (120) degrees Fahrenheit, in

order to ensure the safety of inmates and to promote hygienic practices. Showers are available at a minimum ratio of one (1) shower for every eight (8) inmates. (Revised July 2013)

2014 - 19 FURNISHINGS

Each inmate confined to a cell/room is provided a sleeping area with the following: a bed; a desk or approved writing surface, and chair or stool; storage for personal items; and a place to store clothes.

2014 - 20 NATURAL LIGHT - CELLS OR ROOMS

Inmates in the general population who are confined in their rooms/cells have access to natural light.

2014 - 21 INMATE ROOMS/CELLS LIGHT LEVELS

Lighting in inmate rooms/cells is at least twenty (20) foot candles at desk level and in personal grooming areas, as documented by an independent, qualified source.

2014 - 22 FACILITY LIGHT LEVELS

Lighting throughout the facility is determined by the tasks to be performed, interior surface finishes and colors, type and spacing of light sources, outside lighting, and shadows and glare.

2014 - 23 INDOOR AIR QUALITY

Ventilation system(s) is/are in compliance with the applicable Standard Mechanical Code and Standard Building Codes or portions thereof adopted by the State of South Carolina.

Forced air circulation of at least ten (10) cubic feet per minute of fresh or purified air per inmate.

2014 - 24 SMOKING

Written policy and procedure govern the smoking practices within the facility.

2014 - 25 DAYROOMS

Dayrooms with space for varied inmate activities are situated immediately adjacent to the inmate sleeping areas. Dayrooms provide a minimum of thirty-five (35) square feet of space per inmate (exclusive of lavatories, showers, and toilets) for the maximum number of inmates who use the dayroom at one time, but no less than thirty-five (35) square feet per inmate to accommodate one half

the rated capacity in each housing unit. Dayrooms provide sufficient seating and writing surfaces for every inmate using the dayroom at one time. Such furnishings are appropriate to the custody level of inmates assigned. In an open dormitory setting, consistent routine access throughout non-sleeping hours to enough tables and chairs to accommodate the entire inmate population will make it unnecessary to provide additional desks/writing surfaces and chairs/stools inside the immediate sleeping areas. (Revised July 2013)

2014 - 26 COMMON AREA FURNISHINGS

In facilities which have a combination of day rooms, multipurpose rooms, and other activity areas that are routinely accessible to the inmates on a consistent basis during non-sleeping hours, appropriate furnishings may be moved as needed throughout the day if doing so will not limit use by the inmates assigned. If the dayroom tables and chairs are intended to avoid having additional desks/writing surfaces and chairs/stools inside the immediate sleeping areas in open dormitory settings, there must be enough furnishings to accommodate the entire inmate population. (Revised July 2013)

Discussion:

The standard provides managers and designers with flexibility in designing and furnishing communal activity space and takes into consideration the range of activities that may occur (e.g., television viewing, reading, exercise, friendly conversation, and sometimes meals and work). In lower security settings, the use of more traditional furnishings should be considered. (Revised July 2013)

2014 - 27 MULTIPURPOSE ROOM

There is at least one multipurpose room available for inmate activities such as religious services, education programs, or contact visiting.

2014 - 28 EXERCISE AREAS

Indoor and outdoor space for inmate exercise is provided. Indoor exercise may be conducted in the dayroom or in the multi-purpose room. Outdoor areas shall be at least fifty (50) feet by thirty (30) feet, except that in facilities such as those which are designed for direct supervision, when outside exercise space is provided for individual housing units, minimum space requirements are as follow:

(1) General Population Units:

Outdoor exercise areas shall provide at least fifteen (15) square feet per inmate for the maximum number of inmates who are expected to use the area at one time, but not less than 750 square feet of unencumbered space, with none of the dimensions less than fifteen (15) feet.

(2) Segregation/ Maximum Security Units:

Outdoor exercise areas shall provide at least fifteen (15) square feet per inmate for the maximum number of inmates who are expected to use the area at one time, but not less than 200 square feet of unencumbered space.

2014 - 29 VISITING AREAS

Adequate space for visiting is separate from the inmate housing area and communal activity space. Space to permit appropriate screening and searching of both inmates and visitors is provided. Space should be provided for the storage of items which are not allowed into the visiting area. Video visitation may be used as an alternative or supplement to other means of non-contact visitation. (Revised August 2005)

2014 - 30 SECURITY EQUIPMENT STORAGE

Firearms, chemical munitions, and related security items are stored in a secure but readily accessible depository outside inmate housing and activity areas.

2014 - 31 HEALTH CARE FACILITIES AND EQUIPMENT

For health care delivered in the facility, adequate space, equipment, supplies, and materials are provided as determined by the health authority.

Discussion:

The type of space and equipment/treatment room will depend on the level of health care provided in the facility and the capabilities and desires of the health providers. In all facilities, space should be provided where the inmate can be examined and treated in private.

2014 - 32 CLOTHING AND SUPPLIES

Space is provided in the facility to store and issue clothing, bedding, cleaning supplies, and other items required for daily operations.

Discussion:

General guidelines which may be useful for planning are: two (2) cubic feet per inmate for personal clothing; one (1) cubic foot per inmate for personal property; two (2) cubic feet per inmate for institutional clothing and bedding; and five and one-fourth (5 1/4) cubic feet per mattress times twenty-five (25%) percent of the facility's rated capacity. This storage room should be well ventilated.

2014 - 33 TELEPHONES

Telephones are available for inmate use.

Discussion:

Telephone facilities should permit reasonable and equitable access for all inmates and permit a reasonable amount of privacy.

2014 - 34 RESERVED FOR FUTURE USE (Deleted July 2013)

2014 - 35 CANTEEN/COMMISSARY

Space is provided for an inmate canteen/commissary, or provisions are made for a canteen/commissary service.

2014 - 36 FOOD PREPARATION AREA

The food preparation area includes adequate space for food preparation based on population size, type of food preparation, and methods of meal service.

Discussion:

Plans for preparation and food service areas shall be submitted to DHEC for review and approval prior to construction.

2014 - 37 DINING

Space is sufficient to serve all inmates in four or fewer shifts per meal while giving each inmate the opportunity to have at least twenty (20) minutes of dining time for each meal.

Discussion:

Dayrooms may also be used for dining space when meals are not served to each cell and/or when it is not appropriate to provide separate dining facilities.

2014 - 38 FOOD STORAGE

There are sanitary, temperature-controlled facilities for the storage of all foods.

2014 - 39 SANITATION AND HYGIENE - FOOD SERVICE

Toilet and wash basin facilities are available to food service personnel and inmates in the vicinity of the food preparation area.

2014 - 40 MAINTENANCE

All portions of existing buildings, both interior and exterior, are maintained in such manner that structural strength, stability, sanitation, indoor air quality, and safety of life and property are free from fire and other hazards. Repairs and upkeep are provided to ensure public safety, health, and general welfare.

Discussion:

The building structural system is maintained structurally sound with no evidence of deterioration, and capable of supporting the load of normal use. All exterior walls are free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All siding materials are kept in repair. Roofs are structurally sound and maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.

2015 LIVING UNITS - NON-DIRECT SUPERVISION FACILITIES SINCE JULY 1980 (Revised August 2005, July 2013)

Unless otherwise noted, this standard applies to all facilities which became operational or for which plans were submitted and approved after July 1980.

- (a) Each facility shall provide at least half its pre-trial rated capacity bed space for single occupancy living. Multi-occupancy cells or rooms also may be provided for housing certain pre-trial inmates according to an appropriate classification plan. However, if a city or county develops a comprehensive classification plan which requires less single occupancy housing, it shall be submitted to the Local Detention Committee of the South Carolina Association of Counties for consideration. Any such classification plan must provide at least one-fourth its pre-trial rated capacity bed space for single occupancy living. If approved in writing by the Local Detention Committee, the classification plan may be implemented as an alternative. Sentenced prisoners may be housed in cells, rooms, or dormitories designed for multiple occupancy according to an appropriate classification plan. (Revised July 2013)
- (b) All cells, rooms, or dormitories shall have, at a minimum, seventy (70) square feet of floor space per inmate if single occupancy, and forty (40) square feet of floor space per inmate if multiple occupancy, with no less than seven (7) feet between walls and eight (8) feet between floor and ceiling.

2016 RESERVED FOR FUTURE USE (Revised August 2005)

2017 PHYSICAL PLANT - DIRECT SUPERVISION FACILITIES ONLY

Unless otherwise noted each standard in the 2017 series applies to all new construction of, renovations to, and additions on facilities for which plans were submitted and approved in accordance with Standard 2011, Initial Planning, after January 1, 1993, if the new facilities or components are being managed by direct supervision. In facilities that have been constructed, or have undergone major renovations or added new housing units since July, 1980, the responsible governing body may elect to adopt the 2017 standard series. All facilities operational prior to July, 1980, however, shall continue to be inspected utilizing that edition of the

Minimum Standards for Local Detention Facilities in South Carolina which is appropriate.

Discussion:

It should be noted that whenever renovations exceed 50% of the current value of the building, State Fire Marshal Regulations require that current codes for new construction be met. Plans for renovations, additions, and new construction must be submitted to the State Fire Marshal's Office in addition to the Jail and Prison Inspection Division for review and approval prior to starting of work.

(Revised August 2005)

2017-1 STAFF/INMATE INTERACTION

Physical plant design facilitates continuous personal contact and interaction between staff and inmates in the general population housing units.

Discussion:

Separation of supervising staff from inmates reduces interpersonal relationships and staff awareness of conditions on the housing unit. Staff effectiveness is limited if the only staff available are isolated in control centers as observers or technicians in charge of electronic management systems.

2017-2 UNIT SIZE

All living areas are constructed to facilitate continuous staff observation, excluding electronic surveillance, of cell or detention room fronts and areas such as dayrooms and recreation spaces.

Discussion:

Continuous observation of inmate living areas is a fundamental requirement for maintaining safe, secure custody and control. The physical plant should facilitate the performance of this operational function.

2017-3 INMATE HOUSING (GENERAL POPULATION)

- (a) The facility is designed to provide single occupancy housing for at least one-third of the pre-trial population. Multi-occupancy cells or rooms also may be provided for housing certain pre-trial inmates according to an appropriate classification plan. However, if a city or county develops a comprehensive classification plan which requires less single occupancy housing, it shall be submitted to the Local Detention Committee of the South Carolina Association of Counties for consideration. Any such classification plan must provide at least one-sixth of its pre-trial rated capacity for single occupancy living. If approved in writing by the Local Detention Committee, the classification plan may be implemented as an alternative. (Revised July 2013)

- (b) If the facility has, or would have, a rated capacity that is greater than seven hundred fifty (750) by applying all traditional criteria from the Minimum Standards for Local Detention Facilities in South Carolina, and the city or county elects to implement unit management throughout the facility and also develops a comprehensive classification plan which requires single occupancy housing for at least one-eighth of the pre-trial population, then the proposal shall be submitted to the Local Detention Committee of the South Carolina Association of Counties for consideration. If approved in writing by the Local Detention Committee, the classification plan in conjunction with the use of unit management may be implemented as an alternative. (Revised July 2013)
- (c) Single occupancy cells/rooms shall be available when indicated for the following:
- * inmates with severe medical disabilities
 - * inmates suffering from serious mental illness
 - * sexual predators
 - * inmates likely to be exploited or victimized by others
 - * inmates who have other special needs for single occupancy housing.
- (Revised December 2006)

Discussion:

Good security, control, and programmatic practices require that the Facility Manager have adequate housing options available. "When indicated" refers to determinations made by the classification system, medical diagnosis, or other professional conclusion. (Revised December 2006)

2017-4 INMATE HOUSING (MAXIMUM SECURITY) (Revised July 2013)

Single cells are required for inmates assigned to maximum security unless it has been determined through classification, screening, and evaluation that it is not necessary for specific inmates who are identified as suitable for shared housing. All cells in which inmates are confined conform to the following requirements: (Revised July 2013)

- (a) There must be at least thirty five (35) square feet of unencumbered space for the single cell occupant and twenty five (25) square feet of unencumbered space for each additional inmate in shared housing. (Revised July 2013)
- (b) When confinement exceeds ten (10) hours per day, there are at least seventy (70) square feet of total floor space for the single cell occupant and at least fifty (50) square feet of total floor space for each occupant in shared housing. (Revised July 2013)
- (c) "Unencumbered space" is usable space that is not encumbered by furnishings or fixtures. At least one dimension of the unencumbered space

is no less than seven (7) feet. In determining unencumbered space, all fixtures must be in operational position and must provide the following minimum areas per person: permanent sleeping surface, plumbing fixtures, desk or approved writing surface, and chair or stool. (Revised July 2013)

Discussion:

This standard encourages design flexibility and creativity by relating cell size to the amount of unencumbered or free space provided.

2017-5 INMATE HOUSING (MINIMUM & MEDIUM SECURITY)

Single cells/rooms and multiple occupancy cells/rooms may be used for housing inmates in medium/minimum custody when the classification system, cell/room size, and level of supervision meet the following requirements:

<u>(a) Number of Occupants</u>	<u>Amount of Unencumbered Space*</u>
1	35 square feet per occupant
2-64	25 square feet per occupant**

(Revised August 2005)

*"Unencumbered space" is that usable space which is not encumbered by furnishings or fixtures. In determining unencumbered space in the cell or room, the total square footage is obtained and the square footage of fixtures and equipment is subtracted. All fixtures and equipment must be in operational position and must provide the following minimums per person: permanent sleeping surface, plumbing fixtures (if inside the cell/room), desk or approved writing surface, and seat. (Revised July 2013)

**Sleeping area partitions are required if more than six (6) people are housed in one sleeping area. At least one dimension of the unencumbered space is no less than seven feet. (Revised August 2005)

- (b) When confinement exceeds 16 hours per day, there is at least 70 square feet of total floor space per occupant.
- (c) Housing is in compliance with Standards SC 1082, SC 2014-16, 2014-17, 2014-18, and 2014-20. (Revised August 2005)

A classification system is used to divide the occupants into groups which reduce the probability of assault and disruptive behavior. At a minimum, the classification system evaluates the following:

- * mental and emotional stability
- * escape history
- * history of assaultive behavior
- * medical status

- * age
- * enemies of record
- * other categories that may impact facility security (Revised August 2005)

Medium security inmates housed in multiple occupancy cells/rooms require direct supervision. (See glossary for definition of direct supervision.)

2018 - 2029 RESERVED FOR FUTURE USE (Revised August 2005)

2030 INMATE PROGRAMS AND ACTIVITIES

Each facility should provide an array of programs that includes social services, religious services and events, library services, vocational counseling, and educational courses.

The plan for inmate programs should emphasize the list of community resources available.

(Revised August 2005)

2031 VISITING

Each facility shall develop and implement an inmate visiting plan which shall include the following:

- (a) A minimum of one (1) hour per week of visitation per inmate shall be permitted. Restrictions on visitation should not be imposed unless such privileges have been suspended and/or restricted based on legitimate government interests related to the safe and secure operation of the facility; to prevent continued criminal activities; or other similar concerns.
- (b) Visitors shall be treated with courtesy. An explanation shall be given of visitors' rights and restrictions; and procedures visitors must follow to file complaints should either be posted conspicuously or provided in written handouts.
- (c) Special visiting hours and arrangements shall be made available for visitors who have transportation problems, who have handicaps, or who are working on regular visiting days.
- (d) Appointments for visits at any time may be required.
- J(e) Parents, guardians, or custodians, as well as teachers and tutors of juveniles, shall be allowed to visit at any appropriate time between 8:00 a.m. and 10:00 p.m. for a reasonable length of time. Restrictions on visitation should not be imposed unless such privileges have been suspended and/or restricted based on legitimate government interests

related to the safe and secure operation of the facility; to prevent continued criminal activities; or other similar concerns.

All policies and procedures related to visitor searches should be reviewed by competent legal authority. (Revised August 2005)

2032 CORRESPONDENCE

Each facility shall develop and implement a written plan for the handling of inmate mail. Such a plan shall include the following provisions:

- (a) Inmate mail shall not be read except where there is reasonable suspicion that a particular item of correspondence threatens the safety or security of the institution, the safety of any person, or is being used for furtherance of illegal activities. All official mail shall be opened in the presence of the inmate to whom it is addressed.

Official mail is defined as mail from officials or organizations including, but not limited to: courts, counsel, officials of the confining authority, government officials, administrators of grievance systems, Department of Corrections, Jail and Prison Inspection Division, Department of Juvenile Justice, and members of the Parole Board.

- (b) Inmates shall be permitted to send sealed letters to a specified class of persons and organizations as defined in (a), above.
- (c) The facility shall not limit mail to or from an inmate except when there is clear and convincing evidence to justify such limitation.
- (d) If an inmate is indigent, he/she shall be provided sufficient postage, envelopes, and writing materials to write two (2) personal letters per week if he/she wishes to do so. Like provisions apply should an indigent inmate wish to communicate with his/her lawyer(s) and court officials.
- (e) Outgoing mail shall be collected and incoming mail shall be delivered without unnecessary delay.

(Revised August 2005)

2033 TELEPHONE

Each facility shall develop and implement a written plan for the use of the telephone. Inmates may be required to pay for telephone calls. If telephone calls are to be monitored and/or recorded, notice shall be provided.

Restrictions on making telephone calls should not be imposed unless such privileges have been suspended and/or restricted based on legitimate government

interests related to the safe and secure operation of the facility; to prevent continued criminal activities; or other similar concerns.

(Revised August 2005)

Telephone terminal devices for the deaf, interpreters, and other reasonable accommodations shall be provided to inmates with hearing or other special needs.

(Revised August 2005)

2034 ACCESS TO LEGAL COUNSEL, COURTS, AND LEGAL MATERIALS

Each facility shall establish policies and procedures to ensure the right of inmates to have access to legal counsel, courts, and legal materials. Such policies and procedures shall include at least the following:

- (a) The right of an inmate to communicate with legal counsel without censorship or monitoring.
- (b) The right of an inmate to prepare and file legal papers in any court without any reprisal by the facility.
- (c) The right of an inmate for adequate access to legal materials if desired.

Discussion:

While it should not be considered the responsibility of the facility to pay for an inmate's legal counsel, the facility must provide the assistance necessary for the inmate to have effective access to counsel. The assistance provided may range from providing a listing of local attorneys, with their office phone numbers and mailing addresses, to obtaining requested legal materials from the county law library.

2035 EXERCISE

Each facility shall develop and implement an exercise program which includes the following provisions:

- (a) For those inmates held more than seventy-two (72) hours, each inmate in the general population shall be given the opportunity to participate in at least one (1) hour of physical exercise each day outside the cell. When weather allows, a minimum of three (3) hours per week of such exercise should take place outdoors.
- (b) Whenever possible, three (3) hours per week of physical exercise away from the cell or room should be provided for any inmate confined to segregation. When weather allows, such exercise should take place outdoors.

2036

GRIEVANCE PROCEDURE

There shall be a written inmate grievance procedure made available to all inmates.

Discussion:

A grievance procedure is an administrative means of expressing and resolving inmates' problems. The facility's grievance mechanism should include provisions for the following:

- (a) Documented responses to all grievances, including the reasons for the decision; (Revised July 2013)
- (b) Responses within prescribed, reasonable time limit, with special provisions for responding to emergencies;
- (c) Advisory review of grievances;
- (d) Participation by staff in the design and operation of the grievance procedure;
- (e) Access by all inmates, with guarantees against reprisal;
- (f) Applicability over a broad range of issues;
- (g) Means for resolving questions of jurisdiction.

While the procedure need not be as detailed as outlined in the discussion above, some mechanism should exist for resolving inmate grievances.

2037

INMATE CANTEEN/COMMISSARY

- (a) A canteen/commissary may be operated in the detention facility. If a canteen/commissary is established, then an inmate welfare fund shall also be established.
- (b) If a canteen/commissary is established, the Facility Administrator or designee shall establish a procedure for providing canteen/commissary services or access to purchase canteen items for the benefit of the inmate(s).
- (c) Canteen/commissary prices shall be set so as not to exceed the fair market value for comparable products sold in the community where the facility is located.
- (d) Profits from the canteen/commissary shall be used for overall inmate welfare. The Facility Administrator or designee shall have final authority on expenditures.

- (e) The Facility Administrator or designee shall be responsible for an audit of the fiscal management of the canteen/commissary on an annual basis.
- (f) Inmate canteen/commissary is a privilege. It may be withheld or be restricted as deemed necessary.
(Revised August 2005)

2050 MEDICAL SERVICES

2051 RESPONSIBLE PHYSICIAN

Each facility shall have a written agreement or arrangement with a licensed or certified physician or medical authority for the review and approval of the facility's medical services. If the facility has a contract for inmate medical services, the medical provider will be responsible for developing all related policies and procedures. Documentation of the review and approval for medical services and for medical procedures (See Standard 2052) is maintained on file.
(Revised July 2013)

Discussion:

The medical authority may be the county or a public health department, a physician group, a hospital, a clinic, or the county medical society.

2052 MEDICAL PROCEDURES

Each facility or its contract medical provider shall develop and implement written standard operating procedures, which are approved by the responsible physician or medical authority, for the following: (Revised July 2013)

- (a) Receiving screening (See 2053)
- (b) Health appraisal data collection (See 2056)
- (c) Non-emergency medical services
- (d) Emergency medical and dental services
- (e) Deciding the emergency nature of illness or injury
- (f) Dental screening, hygiene, examination, and treatment
- (g) Provision of medical and dental prostheses
- (h) First aid
- (i) Chronic care
- (j) Convalescent care
- (k) Medical preventive maintenance
- (l) Delousing
- (m) Detoxification
- (n) Pharmaceuticals
- (o) Screening, referral, and care of mentally ill and of mentally retarded inmates

- (p) Notification of next of kin or legal guardian in case of serious illness, injury, or death
- (q) Prohibition against conducting medical and/or pharmaceutical testing for experimental or research purposes
- (r) Suicide prevention
- J(s) Prompt notification of parents or guardian and DJJ when a juvenile requires medical treatment of a non-routine nature.

2053

SCREENING

Each facility shall perform screenings of all inmates immediately upon admission to the facility, with the findings recorded on a form approved by the responsible physician or medical authority. In every case, such screening shall occur before the inmate is placed in the general population or housing area and shall include inquiry into:

- (a) Current illnesses / pre-existing conditions and health problems
- (b) Medications taken and special health requirements
- (c) Screening of other health problems designated by the responsible physician
- (d) Behavioral observation, including state of consciousness and mental status
- (e) Notation of body deformities, trauma markings, bruises, lesions, ease of movement, jaundice, and other physical characteristics of medical interest
- (f) Overall condition of skin and body, including rashes and infestations
- (g) Disposition/referral of inmates to qualified medical personnel on an emergency basis
- (h) Likelihood of suicide attempt by inmate.
(Revised July 2013)

2054

EMERGENCIES

Each facility shall provide twenty-four (24) hour emergency medical and dental care availability, as outlined in a written plan approved by the responsible physician or medical authority, which includes arrangements for:

- (a) Emergency evacuation of inmates from the facility
- (b) Use of an emergency medical vehicle
- (c) Use of one (1) or more designated hospital emergency rooms or other appropriate health facilities
- (d) Emergency on-call physician and dentist services when the emergency health facility is not located in a nearby community
- (e) An inmate has the right to refuse routine medical, dental, psychological, or psychiatric treatment. (Revised August 2005)

J(f) A juvenile detainee has the right to refuse routine medical, dental, psychological, or psychiatric treatment. However, if a juvenile or his/her parents refuse treatment deemed necessary, those special needs shall be presented to the court for resolution.

(Revised August 2005, July 2013)

Discussion:

Refusal of such routine treatment should be documented.

2055

SICK CALL

The facility shall have written policies approved by the responsible physician or medical authority which ensure adequate medical attention for those inmates requesting it. (Revised July 2013)

Discussion:

Sick call is the procedure through which each sick inmate reports his/her illness and receives non-emergency medical services by a physician or a medically trained person working under the physician's standing orders.

2056

HEALTH APPRAISAL

The health appraisal data collection shall be completed within fourteen (14) days after admission and shall include:

- (a) Review of earlier receiving screening
- (b) Completion of medical, dental, and psychiatric history (Revised August 2005)
- (c) Taking of height, weight, pulse, blood pressure, and temperature
- (d) Other examinations deemed appropriate by the responsible physician or his/her designee
- (e) Screening for communicable disease and, if medically indicated, testing for communicable disease.

2057

PHARMACY STANDARDS

All medications at each facility shall be safely and properly accounted for and managed. (See Appendix G.) (Added August 2005)

2070 INMATE CLOTHING AND PERSONAL HYGIENE

2071 CLOTHING ISSUE

The standard clothing issue for anyone detained longer than forty-eight (48) hours in a facility shall include the following:

- (a) Clean outer garments
- (b) Footwear.

Clean inmates' personal clothing (if available) may be substituted for institutional clothing at the discretion of the Facility Administrator.

2072 LAUNDRY

Inmate clothing, whether personal or institutional, shall be exchanged and cleaned at least twice weekly unless work, climatic conditions, or illness necessitate more frequent exchange.

2073 PERSONAL CLOTHING STORAGE

If an inmate is to be detained longer than forty-eight (48) hours, his/her personal clothing shall be securely stored.

2074 PERSONAL CARE ITEMS

Each inmate detained longer than twenty-four (24) hours shall be provided the following items, as appropriate:

- (a) Toothbrush
- (b) Toothpaste or tooth powder
- (c) Soap
- (d) Shaving implements
- (e) Comb
- (f) Feminine hygiene items (if female).

Inmates may be required to purchase personal care items. However, basic hygiene items shall be provided to indigent inmates by the facility. (Revised August 2005)

2075 SHOWERING

Each inmate shall be given the opportunity to shower at least three (3) non-consecutive days a week and more often if possible. Inmates working on outside details shall be given the opportunity to shower daily. (Revised July 2013)

2076 HAIR

Hair care equipment or services are available to all inmates. There shall be no restrictions on the rights of pre-trial adults or juveniles to determine the length and style of hair except in individual cases where such restrictions are necessary for reasons of health and safety. (Revised July 2013)

2080 BEDDING AND LINENS

2081 BEDDING AND LINEN ISSUE

Each inmate who is detained longer than twenty-four (24) hours shall be provided with the following standard issue:

- (a) One clean, serviceable, fire-retardant mattress
- (b) Clean sheets and/or clean mattress cover
- (c) Sufficient clean blankets to provide comfort under existing temperature conditions
- (d) One clean towel.

2082 LAUNDERING OF BEDDING AND LINENS

An adequate supply of bedding and linens shall be maintained so that the following laundry or cleaning frequencies may be adhered to:

- (a) Issued linens shall be changed and washed at least once a week.
- (b) Mattresses shall be disinfected or sanitized monthly and before re-issue.
- (c) Blankets shall be laundered, or otherwise sterilized, monthly and before re-issue.
- (d) A clean towel shall be issued at least twice weekly.

2090 FOOD

2091 FREQUENCY OF SERVICE

Each facility shall provide three (3) nutritional meals at regular meal times during each twenty-four (24) hour period, with no more than fourteen (14) hours between the evening meal and breakfast.

2092 DIET

The food must be of sufficient nutritional value and quantity to satisfy, within reason, the inmates' needs.

2093 SPECIAL DIETS

Reasonable arrangements shall be made to provide special diets prescribed by authorized medical personnel and when inmates' religious beliefs require their adherence to dietary restrictions.

2094 FOOD GROUPS

The basic food groups shall be used in establishing a minimum basic food ration for inmates as determined by a registered dietician or other appropriate medical authority.

2095 MENUS AND FOOD PREPARATION

Menus shall be planned in advance and approved by the Facility Administrator and/or designee. Meals prepared and served at the facility shall always be under the supervision of an employee or contract service provider. If meals are purchased from the local economy, an employee should be responsible for their distribution.

2096 SANITATION AND FOOD STORAGE

Sanitation, food handling, and food storage shall comply with standards set forth by the Department of Health and Environmental Control.

(See Appendix F for DHEC Inspection Form.)

2097 KITCHEN STAFF

Each facility shall carefully screen inmates assigned to food services to ensure that they are in good health and free from communicable disease or open wounds.

3000 SANITATION

3001 GENERAL REQUIREMENTS

Each facility shall develop and implement a written plan for the maintenance of an acceptable level of cleanliness and sanitation throughout the facility. Such plan shall include the following:

- (a) The daily sweeping and mopping of floors, removal of trash, and dusting;
- (b) The cleaning of toilets and shower facilities with hot water, soap, and scouring powder, each day;
- (c) The emptying and cleaning of receptacles provided for cigarette stubs, burned matches, and other refuse, each day;

- (d) The scrubbing and rinsing of living units, each week;
- (e) The thorough cleaning of mops and other sanitation tools after each use, and their storage in a well-ventilated place.

3002 EQUIPMENT

- (a) Suitable containers easily cleaned and with tight fitting lids, shall be provided for the storage of solid waste material to control unpleasant odors, vermin, and insects. If plastic containers are used, they must be tested and approved against toxic reaction by a national testing laboratory.
- (b) Trash and garbage shall be removed at least daily and disposed of in a sanitary manner.
- (c) Grease shall be disposed of in compliance with DHEC Regulations.
(Added August 2005)

3003 VERMIN, INSECTS, AND PESTS

- (a) Each facility shall have a regularly scheduled program of pest and vermin control and extermination.
- (b) Effective measures shall be taken to keep flies, rodents, and other vermin out of the confinement facility and to prevent their breeding or continued presence on the premises. The facility shall be kept neat, clean, and free of litter. All openings to the outer air shall be effectively protected against the entrance of insects and rodents by self-closing doors, closed windows, sixteen (16) mesh or finer screening, or other effective means.

3004 DRINKING FOUNTAINS

Individual drinking cups or water fountains shall be provided. If drinking fountains are provided, they shall be made so that there is a mouth guard and a free vertically angled flow of water. The use of the common drinking cup is prohibited.

4000 INMATE WORK PROGRAMS

4001 TYPES OF LOCAL WORK PROGRAMS

As required by the Omnibus Criminal Justice Improvements Act of 1986, standards have been established to govern the types of programs that may be established by local governments: (Revised August 2005)

- (a) Local work/punishment programs (work release) established pursuant to Section 24-13-910. The work/punishment standards shall include, but are not limited to, provisions ensuring that rates of pay and general conditions of employment are not less than those provided to workers in the general public performing work of a similar nature in the same community, and provisions establishing reasonable criteria for the selection, humane treatment, and dismissal of inmates in local work/punishment programs; and
- (b) Local public work programs pursuant to Section 17-25-70.

4002 PUBLIC FACILITIES

Public facilities as used in the standards include all property owned by or under the jurisdiction and control of a governmental agency or subdivision of government, whether federal, state, county, municipal, multi-jurisdictional, or other such recognized entity properly created by statute or ordinance. The facilities may be buildings, roads, farms, grounds, equipment, or other real property belonging to or leased by such an entity. Public property does not include that which is owned by an individual or by an organization unless it is legally leased by the entity for a public purpose.

4003 MEALS AND BEVERAGES

Food provided to all inmates shall be in accordance with Standards 2090-2097. Additionally, inmates who work outside the facility shall be provided an adequate meal at approximately the same time that inmates inside the facility are fed. If it is not practical to return the inmates to the facility for the meal, food provided to the outside workers shall be provided by the facility in a sanitary, palatable condition or obtained from elsewhere at no cost to the inmates. Beverages for outside workers shall be available with meals and, at a minimum, potable water will be available to inmate workers at least hourly.

4004 WEATHER CONDITIONS

The Facility Administrator shall ensure that inmates are not required to work outside in extremely hazardous weather conditions, including dangerous lightning, severe heat or cold for prolonged periods, and at other times when it is considered unsafe or unreasonable for local government employees to be outside.

4020 WORK/PUNISHMENT (WORK RELEASE) PROGRAMS

Each facility which operates a work/punishment (work release) program shall have written policies and procedures for properly administering consistent and uniform work and educational programs within the local community. These policies and procedures shall include provisions for:

- (a) Processing of applicants and selection of inmates, to include minimal criteria to be met by each inmate for participation in work and educational programs.
- (b) Permitting inmates' access to communities in order to seek employment opportunities;
- (c) In-processing and orientation of each participant as to the rules, regulations, and special conditions of the program and information regarding the consistent disciplinary actions to be taken as a result of any violations;
- (d) Developing quality employment, placement of inmates within community jobs, job counseling and monitoring, and recording and reporting such activities;
- (e) Proper receipt of, total financial accounting for, and authorized disbursement of all participant earnings;
- (f) Approving and monitoring transportation arrangements for participants to and from their designated places of employment or education program participation;
- (g) Arrangements to provide other human services needed through available community resources, e.g., local vocational training, education, drug/alcohol abuse counseling, marriage counseling, psychological and social services, housing needs for release, etc.;
- (h) Establishing and maintaining a system for general program files, individual participant records, and corresponding statistical data.

4022

SCREENING AND SELECTION OF INMATE PARTICIPANTS

- (a) Local Correctional Facility Inmates - Inmates assigned to local correctional facilities who request community work/educational participation shall be required to complete and sign an appropriate application form to be submitted to and approved by the official so designated by the local governing body. In applying for educational program participation, an inmate shall be required to submit, along with the application, supporting documentation of his/her acceptance to the school and statement of adequate finances to defray the cost of education and subsistence payments to the local facility while on the program.
- (b) State Inmates - In order for state inmates to participate in community work programs at the local correctional facility, that facility must have contracted with the South Carolina Department of Corrections to house such inmates. Application processing and selection of such inmates will

be in accordance with Department of Corrections Policies/Procedures relating to Inmate Pre-Release and Community Work/ Educational Programs. Unless contractual arrangements have been made, state inmates will not be permitted community work programs privileges at the local facility.

4023

CRITERIA FOR PLACEMENT

For community work/punishment program participation, the local facility inmate must meet the following minimum criteria.

- (a) Institutional Adjustment - An inmate must have maintained a clear adjustment and disciplinary record since assignment to the local correctional facility.
- (b) Prior Criminal Record - Prior criminal records must be considered, to include the nature and number of previous offenses committed by the inmate.
- (c) Nature of Current/Prior Offense - Careful consideration should be given to the nature of the current offenses and any prior offenses of a violent nature. No offenders committed for any degree of Criminal Sexual Conduct will be eligible for placement. No offenders committed for any of the following crimes will be eligible for placement in the county in which the crime was committed:
 - * Murder
 - * Voluntary Manslaughter
 - * Assault and Battery With Intent to Kill
 - * Kidnaping
 - * Arson (First Degree)
 - * Burglary (First and Second Degree under Section 16-11-312(B))
 - * Drug Trafficking (Section 44-53-370e).
- (d) Medical and Psychological Factors - Consideration should be given to any noted medical or psychological factors potentially detrimental to an inmate's health. (Revised August 2005)
- (e) Drug/Alcohol Problems - Consideration shall be given to any noted drug or alcohol problems of the inmates; and, if approved, the inmate will be subjected to unannounced testing and mandatory counseling in that area while he/she is a work program participant. (Revised August 2005)
- (f) Community Recommendations - When deemed appropriate, the program administrator, if he/she is not the local sheriff, will notify the local sheriff of an inmate's pending placement within the community work program. Consideration in this regard should be given to the individual's present or

prior offenses if of a violent nature or to any other extensive criminal history.

- (g) Contempt of Court Cases - A person sentenced for a violation of Section 20-7-1350 (Contempt of Court) will be eligible for work/educational programs only upon a finding and as recorded by the sentencing judge that he/she is eligible.

4024 FINANCIAL ACCOUNTING AND DISBURSEMENT OF PARTICIPANT EARNINGS

The official responsible for administering the work program shall ensure that the rates of pay and other conditions of employment are not less than those provided to workers in the general public performing work of a similar nature in that community. All earnings, less payroll deductions as required by law, shall be surrendered to the Facility Administrator or his/her authorized representative who shall ensure an appropriate schedule for disbursement in the following order:

- (a) Any amount that the inmate may be legally obligated to pay, or that the inmate desires to pay (if greater), for the support of the inmate's dependents;
- (b) Any amount that the inmate may be legally obligated to pay in restitution to the victim of the offense;
- (c) Any fair and reasonable amount within the range specified by state law that the inmate may be required by the governmental entity to pay in order to help offset the cost to the local facility for providing food, lodging, supervision, clothing, and care to the inmate. Any remaining amount of the inmate's earnings must be credited to the inmate's earnings account to be disbursed to the inmate upon release or to be disposed of according to applicable regulations of the local correctional facility.

4025 RULES/REGULATIONS/DISCIPLINARY ACTIONS

In accordance with Standards 2000-2003, each local correctional facility shall establish consistent rules and regulations for participation in the community work/educational programs, and appropriate and consistent disciplinary action for violations, including removal from the program.

4026 TRANSPORTATION

The local facility shall provide, arrange, or approve suitable and acceptable transportation for participants to and from their places of employment/education participation. Transportation methods and schedules should be closely monitored in order to avoid abuse.

4030 LOCAL PUBLIC WORK PROGRAMS

Counties and municipalities may require able-bodied sentenced adult inmates to perform labor for a public purpose. (Revised August 2005)

4031 REGULATIONS FOR MANDATORY PROGRAMS

The governing body of a county or municipality may develop and prescribe regulations to clarify how inmate labor is to be managed. The Facility Administrator shall publish, and maintain for employees and inmates to see, written policies and procedures concerning how the work to be performed will be approved and by whom, and how the inmates will be supervised while performing such labor.

4032 CLOTHING FOR MANDATORY PROGRAMS

Inmates assigned to all work programs will have clothing issued and maintained in accordance with Standards 2070-2073. For inmates assigned to work outside the facility, statutory provisions dealing with clothing to be issued to inmates, such as Section 24-13-640, must be followed; or else documented, approved waivers of such requirements must be available for inspection at all times.

4033 ENFORCEMENT OF WORK REQUIREMENT

When an able-bodied sentenced adult inmate refuses to obey clear and repeated instructions to do work which conforms to Standard 4031, then the Facility Administrator or his/her designee may treat the refusal as a violation of rules and proceed to discipline the inmate. Standards 2000-2003 must be followed in carrying out disciplinary action. (Revised August 2005)

4034 SAFETY OF INMATE WORKERS

No inmates will be assigned to carry out job tasks which are considered either to be extremely dangerous or to work under conditions which are in violation of the Occupational Safety and Health Act. Clearly understood and documented instructions on how to obtain emergency medical care for inmates who are injured or seriously ill shall be made available to all persons who supervise inmate workers.

4035 EXCESS PROPERTY

Inmates should be discouraged from bringing any excess property into the facility. Inmates who work outside the facility should be searched upon their return and should not be allowed to keep unauthorized items which they have found or been given.

4036

SENTENCE COMPUTATION GUIDELINES

Inmates shall receive mandatory good time and work credits in accordance with the applicable South Carolina Statutes. (Refer to Appendix C.)
(Revised August 2005)

4037

HOME DETENTION STANDARDS

In each local jurisdiction where a Home Detention Program is implemented, the governing body and the Facility Administrator shall ensure that it is operated in accordance with all applicable Statutes and Standards. (Refer to Appendix H.)
(Revised August 2005)

APPENDIX A

SOUTH CAROLINA JAIL ADMINISTRATORS' ASSOCIATION'S CODE OF ETHICS

As an officer employed in a detention/correctional capacity, I swear (or affirm) to be a good citizen and a credit to my community, state, and nation at all times. I will abstain from questionable behavior which might bring disrepute to the agency for which I work, my family, my community, and my associates. My lifestyle will be above and beyond reproach and I will constantly strive to set an example of a professional who performs his/her duties according to the laws of our country, state, and community and the policies and procedures, written and verbal orders, and regulations of the agency for which I work.

On the job I promise to:

KEEP the institution secure so as to safeguard my community and the lives of the staff, inmates, and visitors on the premises.

WORK with each individual firmly and fairly without regard to rank, status, or condition.

MAINTAIN a positive demeanor when confronted with stressful situations of scorn, ridicule, danger, and/or chaos.

REPORT either in writing or by word of mouth to the proper authorities those things which should be reported, and keep silent about matters which are to remain confidential according to the laws and rules of the agency and government.

MANAGE and supervise the inmates in an evenhanded and courteous manner.

REFRAIN at all times from becoming personally involved in the lives of the inmates and their families.

TREAT all visitors to the jail with politeness and respect and do my utmost to ensure that they observe the jail regulations.

TAKE advantage of all education and training opportunities designed to assist me to become a more competent officer.

COMMUNICATE with people in or outside of the jail, whether by phone, written word, or by word of mouth, in such a way so as not to reflect in a negative manner upon my agency.

CONTRIBUTE to a jail environment which will keep the inmate involved in activities designed to improve his/her attitude and character.

SUPPORT all activities of a professional nature through membership and participation that will continue to elevate the status of those who operate our nation's jails. Do my best through word and deed to present an image to the public at large of a jail professional, committed to progress for an improved and enlightened criminal justice system.

The South Carolina Jail Administrators' Association has approved the AJA Code of Ethics as part of an integral program to achieve a high standard of professional conduct among those officers employed in our nation's jails.

APPENDIX B

FIRE REGULATIONS APPLYING TO DETENTION FACILITIES

Publication Date: May 22, 2009 **Effective Date:** September 1, 2009

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

CHAPTER 71

Statutory Authority: 1976 Code § 23-9-60 and 24-9-20

71-8300.4. Plans, Specifications and Incident Reporting.

A. Plans and Specifications.

1. All plans and specifications must be submitted to the SFM for the following:
 - a. Local detention facilities per § 24-9-20.
 - b. Water-based extinguishing systems per § 40-10-260.
 - c. Aboveground tanks storing flammable or combustible liquids per § 39-41-260.
 - d. LP Gas facilities per § 40-82-10 et seq.
2. Submitted plans, calculations, and specifications shall:
 - a. Be prepared by a licensed architect and/or engineer where required by state laws or regulations.
 - b. Provide sufficient information to indicate how compliance with state laws, regulations, and adopted codes will be accomplished. Codes shall not be cited in whole or part as a substitute for providing specific information.
3. The Office of State Fire Marshal will publish a list of minimum information required to conduct a plan review when a list is not contained in the adopted standards. The Office of State Fire Marshal will make these lists available on the Office of State Fire Marshal's Web site.
4. The SFM may revoke any approval issued under the requirements of these regulations where the approval was based on any false statement or misrepresentation of fact in correspondences, plans, specifications, or data.

B. Incident Reporting.

1. The local fire chief or his designee shall furnish monthly to the Office of State Fire Marshal, information concerning incidents and fire fatalities occurring within their jurisdiction. These reports shall include facts relating to any fire, its cause and origin, property loss, and other pertinent information as prescribed by the Office of State Fire Marshal, in an approved format.
2. These reports are privileged against liability unless the report is made with actual malice.

HISTORY: Added by State Register Volume 23, Issue No. 6, eff June 25, 1999. Amended by State Register Volume 33, Issue No. 5, eff May 22, 2009.

SUBARTICLE 7.

FIRE PREVENTION AND LIFE SAFETY IN LOCAL DETENTION FACILITIES

71-8306. FIRE PREVENTION AND LIFE SAFETY IN LOCAL DETENTION FACILITIES.

(Statutory Authority: §§ 23-9-60 and 24-9-20 of S.C. Code of Laws, 1976, as amended)

71-8306.1. General.

A. The purpose of these regulations is to:

1. Safeguard, to a reasonable degree, life, and property from fire and other hazards associated with the construction, alteration, repair, use, and occupancy of local detention facilities or structures containing local detention facilities.

2. Establish the minimum standards enforced by the State Fire Marshal for fire prevention and life safety in South Carolina for local detention facilities or structures containing local detention facilities.

B. These regulations shall apply as follows:

1. New construction of local detention facilities or structures containing local detention facilities.

2. The operation of local detention facilities or structures containing local detention facilities.

3. Additions, alteration, or repairs to existing local detention facilities or structures containing local detention facilities.

C. These regulations shall not apply to:

1. State detention facilities; or

2. Federal detention facilities.

D. Definitions

1. "Local detention facility" means any municipal, county, or multi-jurisdictional overnight lockup, jail, prison camp, or correctional center where one or more persons are held for more than six hours, including a privately owned or operated facility holding detainees or inmates for any municipal, county, or multi-jurisdictional governmental entity.

HISTORY: Added by State Register Volume 23, Issue No.6, eff June 25, 1999. Amended by State Register Volume 33, Issue No. 5, eff May 22, 2009.

71-8306.2. Codes and Standards.

A. All references to ICC Codes found in these regulations refer to the editions adopted in SCRR 71-8300.2 and are modified by the following regulations as shown below.

B. All references to NFPA Standards found in these regulations refer to the editions adopted in SCRR 71-8300.2 and are modified by the following regulations as shown below.

HISTORY: Added by State Register Volume 23, Issue No. 6, eff June 25, 1999. Amended by State Register Volume 33, Issue No. 5, eff May 22, 2009.

71-8306.3. Reports.

A. Local Detention Facilities must immediately report any incident of fire to the local fire department serving the facility.

B. The person in charge of a Local Detention Facility must report any incident of fire to the Jail and Prison Inspection Division of the Department of Corrections and the Office of State Fire Marshal within 24 hours of the incident.

HISTORY: Added by State Register Volume 23, Issue No. 6, eff June 25, 1999. Amended by State Register Volume 33, Issue No. 5, eff May 22, 2009.

71-8306.4. Fire Protection Systems.

A. Sprinkler Systems in local detention facilities shall comply with the following:

1. All local detention facilities classified as Group I shall be protected with a sprinkler system complying with NFPA 13.

2. In new construction, the entire structure containing the local detention facility shall be protected with a sprinkler system.

3. Renovations to existing local detention facilities shall include installation of sprinklers in the secure portions of facilities not equipped with sprinklers.

B. Standpipes. Class III Standpipes required by the IBC may be installed without hose in the secured portions of all facilities.

C. Fire Alarm Systems

1. In new construction or construction considered as new construction per SCRR 71-8300.1, the fire alarm system must comply with the IFC and NFPA 72.

2. In existing facilities, the fire alarm must comply with the Fire Prevention Code and NFPA codes in effect at the time of construction. The Office of State Fire Marshal and the Jail and Prison Inspection Division of the Department of Corrections shall determine the extent of conformance for existing systems with current codes based on published guidelines.

D. Fixed Fire Protection Systems. Installation, inspection, testing, and maintenance shall comply with SCRR 71-8303 for all facilities.

E. Inspection, Testing, and Maintenance.

1. Inspection, testing, and maintenance of fire protection systems shall comply with the IFC and the applicable NFPA standards.

2. A properly licensed contractor shall perform all required fire protection system inspections, testing, and maintenance per the governing licensing laws and regulations.

3. The facility shall keep records of all required inspections and tests as specified in the IFC or applicable NFPA standard. When adopted codes or standards do not specify a time, facilities will keep records for at least three (3) years.

HISTORY: Added by State Register Volume 23, Issue No. 6, eff June 25, 1999. Amended by State Register Volume 33, Issue No. 5, eff May 22, 2009.

71-8306.5. Operations.

A. Emergency Planning and Preparedness. The chief administrative officer of all local detention facilities shall:

1. Coordinate annually with the local fire department providing suppression to the facility.

2. Prepare a fire safety and evacuation plan per the IFC.

3. Conduct Emergency evacuation drills per the IFC.

4. Maintain records of such drills per the IFC for a period of at least three (3) years.

5. Develop fire prevention policies.
6. Train employees annually on emergency procedures, the evacuation plan, fire prevention, and fire emergencies.
7. Conduct and document weekly fire prevention inspections and maintain records of such inspections for a period of three (3) years.

B. Fire Prevention

1. All local detention facilities shall comply with the requirement in the IFC.
2. All facilities shall have a written policy that as a minimum addresses:
 - a. Access to smoking materials and matches by inmates;
 - b. Use of smoking materials and matches by intoxicated inmates;
 - c. Use of smoking materials and matches by inmates identified as a suicide risk.
3. Facility staff shall have immediate access at all times to necessary keys or other unlocking mechanisms to unlock exit doors from the inside and outside of the door.

HISTORY: Added by State Register Volume 23, Issue No. 6, eff June 25, 1999. Amended by State Register Volume 33, Issue No. 5, eff May 22, 2009.

APPENDIX C
COMPUTATION OF GOOD TIME CREDITS
S.C. Code of Laws (Annotated)
Current through the end of the 2012 Regular Session

§ 24-13-40. Computation of time served by prisoners.

The computation of the time served by prisoners under sentences imposed by the courts of this State must be calculated from the date of the imposition of the sentence. However, when (a) a prisoner shall have given notice of intention to appeal, (b) the commencement of the service of the sentence follows the revocation of probation, or (c) the court shall have designated a specific time for the commencement of the service of the sentence, the computation of the time served must be calculated from the date of the commencement of the service of the sentence. In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing, and may be given for any time spent under monitored house arrest. Provided, however, that credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; or (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense.

HISTORY: 1962 Code § 55-11; 1952 Code § 55-11; 1948 (45) 1808; 1973 (58) 181; 2010 Act No. 237, § 67, eff June 11, 2010; 2013 Act No. 34, eff June 7, 2013.

§ 24-13-210. Credit given inmates for good behavior.

(A) An inmate convicted of an offense against this State, except a "no parole offense" as defined in Section 24-13-100, and sentenced to the custody of the Department of Corrections, including an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of twenty days for each month served. When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which the good conduct credit is computed.

(B) An inmate convicted of a "no parole offense" against this State as defined in Section 24-13-100 and sentenced to the custody of the Department of Corrections, including an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of three days for each month served. However, no inmate serving a sentence for life imprisonment or a mandatory minimum term of imprisonment for thirty years pursuant to Section 16-3-20 is entitled to credits under this provision. No inmate convicted of a "no parole offense" is entitled to a reduction below the minimum term of incarceration provided in Section 24-13-125 or 24-13-150. When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which the good conduct credit is computed.

(C) An inmate convicted of an offense against this State and sentenced to a local detention facility, or upon the public works of any county in this State, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined, and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of one day for every two days served. When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which good conduct credits must be computed.

(D) If an inmate sentenced to the custody of the Department of Corrections and confined in a facility of the department, confined in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30, or temporarily confined, held, detained, or placed in any facility which is not under the direct control of the department, to include an inmate on a labor crew or any other assigned detail or placement, or an inmate in transport status, commits an offense or violates one of the rules of the facility during his term of imprisonment, all or part of the good conduct credit he has earned may be forfeited in the discretion of the Director of the Department of Corrections. If an inmate sentenced to a local detention facility or upon the public works of any county in this State, even when temporarily confined, held, detained, or placed in any facility that is not under the direct control of the local detention facility, to include a prisoner on a labor crew or any other assigned detail or placement, or a prisoner in transport status, commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the good conduct credit he has earned may be forfeited in the discretion of the local official having charge of the inmate. The decision to withhold forfeited good conduct time is solely the responsibility of officials named in this subsection.

(E) Any person who has served the term of imprisonment for which he has been sentenced less deductions allowed for good conduct is considered upon release to have served the entire term for which he was sentenced unless the person is required to complete a community supervision program pursuant to Section 24-21-560. If the person is required to complete a community supervision program, he must complete his sentence as provided in Section 24-21-560 prior to discharge from the criminal justice system.

(F) No credits earned pursuant to this section may be applied in a manner which would prevent full participation in the Department of Probation, Parole and Pardon Services' prerelease or community supervision program as provided in Section 24-21-560.

HISTORY: 1962 Code § 55-8; 1952 Code § 55-8; 1942 Code § 1578; 1932 Code § 1578; Cr. C. '22 § 531; 1914 (28) 617; 1935 (39) 467; 1938 (40) 1833; 1955 (49) 475; 1956 (49) 1776; 1958 (50) 1910; 1959 (51) 123; 1960 (51) 1917; 1973 (58) 428; 1980 Act No. 513, § 1; 1986 Act No. 462, § 13; 1993 Act No. 181, § 437; 1995 Act No. 83, § 26; 2010 Act No. 237, § 72, eff June 11, 2010.

§ 24-13-220. Time off for good behavior in cases of commuted or suspended sentences.

The provisions of Section 24-13-210 shall also apply when a portion of a sentence which has been imposed is suspended. Credits earned for good conduct shall be deducted from and computed on the time the person is actually required to serve, and the suspended sentence shall begin on the date of his release from servitude as herein provided.

HISTORY: 1962 Code § 55-9; 1952 Code § 55-9; 1942 Code § 1578; 1932 Code § 1578; Cr. C. '22 § 531; 1914 (28) 617; 1935 (39) 467; 1938 (40) 1833; 1947 (45) 105; 1995 Act No. 83, § 27.

§ 24-13-230. Reduction of sentence for productive duty assignment or participation in academic, technical, or vocational training program.

(A) The Director of the Department of Corrections may allow an inmate sentenced to the custody of the department, except an inmate convicted of a "no parole offense" as defined in Section 24-13-100, who is assigned to a productive duty assignment, including an inmate who is serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30 or who is regularly enrolled and actively participating in an academic, technical, or vocational training program, a reduction from the term of his sentence of zero to one day for every two days he is employed or enrolled. A maximum annual credit for both work credit and education credit is limited to one hundred eighty days.

(B) The Director of the Department of Corrections may allow an inmate sentenced to the custody of the department serving a sentence for a "no parole offense" as defined in Section 24-13-100, who is assigned to a productive duty assignment, including an inmate who is serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30 or who is regularly enrolled and actively participating in an academic, technical, or vocational training program, a reduction from the term of his sentence of six days for every month he is employed or enrolled. However, no prisoner serving a sentence for life imprisonment or a mandatory minimum term of imprisonment for thirty years pursuant to Section 16-3-20 is entitled to credits under this provision. No prisoner convicted of a "no parole offense" is entitled to a reduction below the minimum term of incarceration provided in Section 24-13-125 or 24-13-150. A maximum annual credit for both work credit and education credit is limited to seventy-two days.

(C) No credits earned pursuant to this section may be applied in a manner which would prevent full participation in the Department of Probation, Parole and Pardon Services' prerelease or community supervision program as provided in Section 24-21-560.

(D) The amount of credit to be earned for each duty classification or enrollment must be determined by the director and published by him in a conspicuous place available to inmates at each correctional institution. If a prisoner commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the work credit or education credit he has earned may be forfeited in the discretion of the Director of the Department of Corrections.

(E) The official in charge of a local detention facility must allow an inmate sentenced to the custody of the facility who is assigned to a mandatory productive duty assignment a reduction from the term of his sentence of zero to one day for every two days so employed. The amount of credit to be earned for each duty classification must be determined by the official in charge of the local detention facility and published by him in a conspicuous place available to inmates.

(F) (1) An individual is eligible for the educational credits provided for in this section only upon successful participation in an academic, technical, or vocational training program.

(2) The educational credit provided for in this section, is not available to any individual convicted of a violent crime as defined in Section 16-1-60.

(G) The South Carolina Department of Corrections may not pay any tuition for college courses.

HISTORY: 1962 Code § 55-8.1; 1963 (53) 506; 1964 (53) 2165; 1969 (56) 273; 1974 (58) 2366; 1978 Act No. 496 § 16; 1986 Act No. 462, § 14; 1993 Act No. 181, § 438; 1995 Act No. 83, § 28; 2010 Act No. 237, § 73, eff June 11, 2010.

§ 24-13-235. Voluntary program.

Notwithstanding any other provision of law, the governing body of any county may authorize the sheriff or the chief administrative officer, or the equivalent, in charge of a local detention facility to offer a voluntary program under which any person committed to such facility may perform labor on the public works or ways. The confinement of the person must be reduced by one day for every eight hours of labor on the public works or ways performed by the person. As used in this section, "labor on the public works or ways" means manual labor to improve or maintain public facilities, including, but not limited to, streets, parks, and schools.

The governing body of the county may prescribe reasonable regulations under which this labor is to be performed and may provide that these persons wear clothing of a distinctive character while performing this work.

Nothing contained in this section may be construed to require the sheriff or another official to assign labor to a person pursuant to this section if it appears from the record that the person has refused to perform labor as assigned satisfactorily or has not satisfactorily complied with the reasonable regulations governing this assignment. A person is eligible for supervised work under this section only if the sheriff or other responsible official concludes that the person is a fit subject.

If a court sentences a defendant to a period of confinement of fifteen days or more, the court may restrict or deny the defendant's eligibility for the supervised work program.

The governing body of the county may prescribe a program administrative fee, not to exceed the pro rata cost of administration, to be paid by each person in the program, according to the person's ability to pay.

HISTORY: 1983 Act No. 96, § 3; 2010 Act No. 237, § 74, eff June 11, 2010.

§ 24-13-260. Failure of officer having charge of inmate to allow deduction in time of serving sentence; penalty.

An officer having charge of an inmate who refuses to allow a deduction in time of serving sentence is guilty of a misdemeanor and, upon conviction, must be imprisoned for not less than thirty days or pay a fine of not less than one hundred dollars.

HISTORY: 1962 Code § 55-10; 1952 Code § 55-10; 1942 Code § 1578; 1932 Code § 1578; Cr. C. '22 § 531; 1914 (28) 617; 1935 (39) 467; 1938 (40) 1833; 2010 Act No. 237, § 75, eff June 11, 2010.

APPENDIX D
MISCELLANEOUS STATUTES APPLYING TO DETENTION CENTERS
S.C. Code of Laws (Annotated)
Current through the end of the 2012 Regular Session

§ 17-1-40. Destruction of records where charges dismissed; fee; exception; promulgation of regulations.

(A) A person who after being charged with a criminal offense and the charge is discharged, proceedings against the person are dismissed, or the person is found not guilty of the charge, the arrest and booking record, files, mug shots, and fingerprints of the person must be destroyed and no evidence of the record pertaining to the charge may be retained by any municipal, county, or state law enforcement agency. Provided, however, that local and state detention and correctional facilities may retain booking records, identifying documentation and materials, and other institutional reports and files under seal, on all persons who have been processed, detained, or incarcerated, for a period not to exceed three years from the date of the expungement order to manage their statistical and professional information needs and, where necessary, to defend such facilities during litigation proceedings except when an action, complaint, or inquiry has been initiated. Information retained by a local or state detention or correctional facility as permitted under this section after an expungement order has been issued is not a public document and is exempt from disclosure. Such information only may be disclosed by judicial order, pursuant to a subpoena filed in a civil action, or as needed during litigation proceedings. A person who otherwise intentionally retains the arrest and booking record, files, mug shots, fingerprints, or any evidence of the record pertaining to a charge discharged or dismissed pursuant to this section is guilty of contempt of court.

(B) A municipal, county, or state agency may not collect a fee for the destruction of records pursuant to the provisions of this section.

(C) This section does not apply to a person who is charged with a violation of Title 50, Title 56, an enactment pursuant to the authority of counties and municipalities provided in Titles 4 and 5, or any other state criminal offense if the person is not fingerprinted for the violation.

(D) The State Law Enforcement Division is authorized to promulgate regulations that allow for the electronic transmission of information pursuant to this section.

HISTORY: 1962 Code § 17-4; 1973 (58) 637; 2007 Act No. 82, § 8, eff June 12, 2007; 2009 Act No. 36, § 3, eff June 2, 2009; 2010 Act No. 167, § 1, eff May 12, 2010.

§ 22-5-510. Bailing persons; bond hearing; information to be provided to court; contempt.

(A) Magistrates may admit to bail a person charged with an offense, the punishment of which is not death or imprisonment for life; provided, however, with respect to violent offenses as defined by the General Assembly pursuant to Section 15, Article I of the Constitution of South Carolina, magistrates may deny bail giving due weight to the evidence and to the nature and circumstances of the event, including, but not limited to, any charges pending against the person requesting bail. "Violent offenses" as used in this section means the offenses contained in Section 16-1-60. If a person under lawful arrest on a charge not bailable is brought before a magistrate, the magistrate shall commit the person to jail. If the offense charged is bailable, the magistrate shall take recognizance with sufficient surety, if it is offered, in default whereof the person must be incarcerated.

(B) A person charged with a bailable offense must have a bond hearing within twenty-four hours of his arrest and must be released within a reasonable time, not to exceed four hours, after the bond is delivered to the incarcerating facility.

(C) Prior to or at the time of the bond hearing, the law enforcement officer, local detention facility officer, or local jail officer, as applicable, attending the hearing shall provide the court with the following information if available:

- (1) the person's criminal record;
- (2) any charges pending against the person;
- (3) all incident reports generated as a result of the offense charged; and
- (4) any other information that will assist the court in determining bail.

(D) The law enforcement officer, local detention facility officer, or local jail officer, as applicable, shall inform the court if any of the information required in subsection (C) is not available at the time of the bond hearing and the reason the information is not available. Failure on the part of the law enforcement officer, local detention facility officer, or local jail officer, as applicable, to provide the court with the information required in subsection (C) does not constitute grounds for the postponement or delay of the person's bond hearing.

(E) A court hearing this matter has contempt powers to enforce these provisions.

HISTORY: 1962 Code § 43-241; 1952 Code § 43-241; 1942 Code § 939; 1932 Code § 939; Cr. P. '22 § 35; Cr. C. '12 § 36; Cr. C. '02 § 28; G. S. 2621; R. S. 34; 1839 (11) 22; 1998 Act No. 425, § 1; 2010 Act No. 273, § 10, eff June 2, 2010.

§ 22-5-530. Deposits in lieu of recognizance; payment to jail or detention facility to secure immediate release.

(A) A person charged and to be tried before a magistrate or municipal judge for a violation of law is entitled to deposit with the magistrate or municipal judge, in lieu of entering into recognizance, a sum of money not to exceed the maximum fine in the case for which the person is to be tried. However, an individualized hearing must be held when the person is charged with a violation of the provisions of Chapter 25, Title 16 and the victim of the offense must be notified pursuant to the provisions of Section 16-3-1525(H).

(B) In a jurisdiction in which the governing body has established a system for receipt of deposits in lieu of recognizance, a person held or incarcerated in a jail or detention center who is entitled to deposit a sum of money in lieu of entering into recognizance under this section may secure his immediate release from custody by paying to or depositing the sum of money required by this section with the jail or detention facility in which he is being held.

(C) Money paid to or deposited with a jail or detention facility under the authority of this section is considered paid to or deposited with the magistrate or municipal judge in lieu of entering into recognizance and must be accounted for and paid over to the magistrate or municipal judge by the jail or detention facility for disposition according to law. Money paid to or deposited pursuant to this section must be accounted for and audited in the manner required by the governing body and any other appropriate agency.

The provisions of this section must not be construed to abrogate or otherwise affect the notice requirements for victims of crime and other rights of victims of crime provided for in Article 5 of Title 16.

HISTORY: 1962 Code § 43-243; 1952 Code § 43-243; 1942 Code § 940; 1932 Code § 940; Cr. P. '22 § 36; Cr. C. '12 § 37; 1904 (24) 388; 1940 (41) 1648; 1944 (43) 1290; 2002 Act No. 295, § 2; 2005 Act No. 166, § 12.

§ 23-1-145. Employees of county and municipal correction facilities to have status of peace officers.

Employees of any county or municipal jail, prison, work camp or overnight lockup facility, while performing their officially assigned duties relating to the custody, control, transportation or recapture of any inmate or prisoner in this State, shall have the status of peace officers anywhere in the State in any matter relating to the custody, control, transportation or recapture of such inmate or prisoner. Provided, that for the purposes of this section no trustee shall be considered an employee.

HISTORY: 1980 Act No. 310, § 1.

§ 23-3-620. When DNA samples required.

(A) Following a lawful custodial arrest, the service of a courtesy summons, or a direct indictment for:

(1) a felony offense or an offense that is punishable by a sentence of five years or more; or

(2) eavesdropping, peeping, or stalking, any of which are committed in this State, a person, except for any juvenile, arrested or ordered by a court must provide a saliva or tissue sample from which DNA may be obtained for inclusion in the State DNA Database. Additionally, any person, including any juvenile, ordered to do so by a court, and any juvenile convicted or adjudicated delinquent for an offense contained in items (1) or (2), must provide a saliva or tissue sample from which DNA may be obtained for inclusion in the State DNA Database.

This sample must be taken at a jail, sheriff's office that serves a courtesy summons, courthouse where a direct presentment indictment is served, or detention facility at the time the person is booked and processed into the jail or detention facility following the custodial arrest, or other location when the taking of fingerprints is required prior to a conviction. The sample must be submitted to SLED as directed by SLED. If appropriately trained personnel are not available to take a sample from which DNA may be obtained, the failure of the arrested person to provide a DNA sample shall not be the sole basis for refusal to release the person from custody. An arrested person who is released from custody before providing a DNA sample must provide a DNA sample at a location specified by the law enforcement agency with jurisdiction over the offense on or before the first court appearance.

(B) Unless a sample has already been provided pursuant to the provisions of subsection (A), before a person may be paroled or released from confinement, the person must provide a suitable sample from which DNA may be obtained for inclusion in the State DNA Database.

(C) An agency having custody of an offender who is required to provide a DNA sample pursuant to subsection (B) must notify SLED at least three days, excluding weekends and holidays, before the person is paroled or released from confinement.

(D) Unless a sample has already been provided pursuant to the provisions of subsection (A), before a person is released from confinement or released from the agency's jurisdiction, a suitable sample from which DNA may be obtained for inclusion in the State DNA Database must be provided as a condition of probation or parole.

(E) A person required to provide a sample pursuant to this section may be required to provide another sample if the original sample is lost, damaged, contaminated, or unusable for examination prior to the creation of a DNA record or DNA profile suitable for inclusion in the State DNA Database.

HISTORY: 1994 Act No. 497, Part II, § 131A; 2000 Act No. 396, § 4; 2001 Act No. 99, § 1; 2004 Act No. 230, § 1; 2008 Act No. 413, § 4.C, eff January 1, 2009.

§ 23-3-625. DNA samples of missing persons.

Family members of a missing person may submit DNA samples to the State Law Enforcement Division (SLED). If the person is missing thirty days after a missing person report has been submitted to the Missing Person Information Center, SLED must conduct DNA identification, typing, and testing on the family members' samples. SLED may, within its discretion, conduct DNA identification, typing, and testing on the family members' samples prior to thirty days if SLED determines that such DNA identification, typing, and testing is necessary. If SLED does not have the technology necessary for a particular method of DNA identification, typing, or testing, SLED may submit the DNA samples to a Combined DNA Indexing System (CODIS) laboratory that has the appropriate technology. The results of the identification, typing, and testing must be entered into CODIS.

HISTORY: 2008 Act No. 413, § 3.B, eff October 21, 2008.

§ 23-3-630. Persons authorized to take DNA sample; immunity from liability.

(A) Only an appropriately trained person may take a sample from which DNA may be obtained.

(B) A person taking a sample pursuant to this article is immune from liability if the sample was taken according to recognized procedures. However, no person is relieved from liability for negligence in the taking of a sample.

HISTORY: 1994 Act No. 497, Part II, § 131A; 2004 Act No. 230, § 2; 2008 Act No. 413, § 4.D, eff January 1, 2009.

§ 23-3-635. DNA identification, typing, and testing of unidentified person's tissue and fluid samples.

Upon notification by the Medical University of South Carolina or other facility preserving the body of an unidentified person that the body remains unidentified after thirty days, the State Law Enforcement Division (SLED) must conduct DNA identification, typing, and testing of the unidentified person's tissue and fluid samples provided to SLED pursuant to Section 17-7-25. SLED may, within its discretion, conduct DNA identification, typing, and testing of the unidentified person's tissue and fluid samples prior to thirty days if SLED determines that such DNA identification, typing, and testing is necessary. The results of the identification, typing, and testing must be entered into the Combined DNA Indexing System.

HISTORY: 2008 Act No. 413, § 3.C, eff October 21, 2008.

§ 23-3-640. Specifications, procedures, and equipment; use of DNA profiles; disposition of samples.

(A) Samples must be taken and submitted to SLED pursuant to specifications and procedures developed by SLED in regulation. SLED must conduct DNA identification testing, typing, and analysis in accordance with regulations promulgated by the State Law Enforcement Division on samples received for the purpose of developing a DNA profile, and SLED must use procedures, equipment, supplies, and computer software that are compatible with those used by the Federal Bureau of Investigation.

(B) The DNA profile on a sample may be used:

- (1) to develop a convicted offender database to identify suspects in otherwise nonsuspect cases;
- (2) to develop a population database when personal identifying information is removed;
- (3) to support identification research and protocol development of forensic DNA analysis methods;
- (4) to generate investigative leads in criminal investigations;

- (5) for quality control or quality assurance purposes, or both;
- (6) to assist in the recovery and identification of human remains from mass disasters;
- (7) for other humanitarian purposes including identification of missing persons.

(C) The disposition of all samples obtained pursuant to this article is at the discretion of SLED.

(D) SLED must securely store DNA samples. The samples are confidential and must remain in the custody of SLED or a private laboratory designated by SLED if the laboratory's standards for confidentiality and security are at least as stringent as those of SLED.

HISTORY: 1994 Act No. 497, Part II, §131A; 2004 Act No. 230, § 3.

§ 23-3-650. Confidentiality of DNA record and profile; availability; wilful disclosure; penalty.

(A) The DNA record and the results of a DNA profile of an individual provided under this article are confidential and must be securely stored, except that SLED must make available the results to federal, state, and local law enforcement agencies and to approved crime laboratories which serve these agencies and to the solicitor or the solicitor's designee upon a written or electronic request and in furtherance of an official investigation of a criminal offense. These records and results of an individual also must be made available as required by a court order following a hearing directing SLED to release the record or results. However, SLED must not make the DNA record or the DNA profile available to any entity that is not a law enforcement agency unless instructed to do so by order of a court with competent jurisdiction.

(B) To prevent duplications of DNA samples, SLED must coordinate with any law enforcement agency obtaining a DNA sample to determine whether a DNA sample from the person under lawful custodial arrest has been previously obtained and is in the State DNA Database.

(C) A person who wilfully discloses in any manner individually identifiable DNA information contained in the State DNA Database to a person or agency not entitled to receive this information is guilty of a misdemeanor and, upon conviction, must be fined ten thousand dollars or three times the amount of any financial gain realized by the person, whichever is greater, or imprisoned not more than five years, or both.

(D) A person who, without authorization, wilfully obtains individually identifiable DNA information from the State DNA Database is guilty of a misdemeanor and, upon conviction, must be fined ten thousand dollars or three times the amount of any financial gain realized by the person, whichever is greater, or imprisoned not more than five years, or both.

HISTORY: 1994 Act No. 497, Part II, § 131A; 2004 Act No. 230, § 4; 2008 Act No. 413, § 4.E, eff January 1, 2009.

§ 23-3-660. Expungement of DNA record; grounds for requesting.

(A) A person whose DNA record or DNA profile has been included in the State DNA Database must have his DNA record and his DNA profile expunged if:

- (1) the charges pending against the person who has been arrested or ordered to submit a sample:
 - (a) have been nolle prossed;
 - (b) have been dismissed; or
 - (c) have been reduced below the requirement for inclusion in the State DNA Database; or
- (2) the person has been found not guilty, or the person's conviction has been reversed, set aside, or vacated.

(B) The solicitor in the county in which the person was charged must notify SLED when the person becomes eligible to have his DNA record and DNA profile expunged. Upon receiving this notification, SLED must begin the expungement procedure.

(C) SLED, at no cost to the person, must purge DNA and all other identifiable record information and the DNA profile from the State DNA Database if SLED receives either:

- (1) a document certified:
 - (a) by a circuit court judge;
 - (b) by a prosecuting agency; or
 - (c) by a clerk of court;

that must be produced to the requestor at no charge within fourteen days after the request is made and after one of the events in subsection (A) has occurred, and no new trial has been ordered by a court of competent jurisdiction; or

(2) a certified copy of the court order finding the person not guilty, or reversing, setting aside, or vacating the conviction.

(D) The person's entry in the State DNA Database shall not be removed if the person has another qualifying offense.

(E) The jail intake officer, sheriff's office employee, courthouse employee, or detention facility intake officer shall provide written notification to the person of his right to have his DNA record and DNA profile expunged and the procedure for the expungement pursuant to this section at the time that the person's saliva or tissue sample is taken. The written notification must include that the person is eligible to have his DNA record and his DNA profile expunged at no cost to the person when:

- (1) the charges pending against the person are:
 - (a) nolle prossed;
 - (b) dismissed; or
 - (c) reduced below the requirement for inclusion in the State DNA Database; or

(2) when the person has been found not guilty, or the person's conviction has been reversed, set aside, or vacated.

(F) When SLED completes the expungement process, SLED must notify the person whose DNA record and DNA profile have been expunged and inform him, in writing, that the expungement process has been completed.

HISTORY: 1994 Act No. 497, Part II, § 131A; 2008 Act No. 413, § 4.F, eff January 1, 2009.

§ 23-3-670. Cost of collection supplies for processing samples; processing fees.

(A) The cost of collection supplies for processing a sample pursuant to this article must be paid by the general fund of the State. A person who is required to provide a sample pursuant to this article, upon conviction, pleading guilty or nolo contendere, or forfeiting bond, must pay a two hundred fifty dollar processing fee which may not be waived by the court. However:

(1) if the person is incarcerated, the fee must be paid before the person is paroled or released from confinement and may be garnished from wages the person earns while incarcerated; and

(2) if the person is not sentenced to a term of confinement, payment of the fee must be a condition of the person's sentence and may be paid in installments if so ordered by the court.

(B) The processing fee assessed pursuant to this section must be remitted to the general fund of the State and credited to the State Law Enforcement Division to offset the expenses SLED incurs in carrying out the provisions of this article.

HISTORY: 1994 Act No. 497, Part II, § 131A; 2008 Act No. 413, § 4.G, eff January 1, 2009.

§ 23-3-680. Promulgation of regulations.

SLED shall promulgate regulations to carry out the provisions of this article.

HISTORY: 1994 Act No. 497, Part II, § 131A.

§ 23-3-690. Promulgation of regulations for processes regarding samples.

SLED shall promulgate regulations for sample testing and analysis and for sample collection, identification, handling, transporting, and shipment which must be complied with by the agency having jurisdiction over the offender.

HISTORY: 1994 Act No. 497, Part II, § 131A.

§ 23-3-700. Implementation of article contingent on funding and regulations; implementation of DNA sample collection.

Implementation of this article and the requirements under this article are contingent upon annual appropriations of sufficient funding and upon promulgation of regulations. However, the State Law Enforcement Division shall begin collecting DNA samples for analysis for crimes outlined in this article no later than July 30, 2000.

HISTORY: 1994 Act No. 497, Part II, § 131B; 2000 Act No. 396, § 5.

§ 24-5-300. Definitions.

For the purposes of this article:

(1) "Reserve detention officer" means a person assigned part-time detention officer duties without being regularly assigned to full-time detention officer duties and who serves in that capacity without compensation.

(2) "Director" means the detention director, jail administrator, or other manager employed for the operation of a county, municipal, or multijurisdictional local detention facility.

(3) "Responsible authority" means the sheriff, county administrator, mayor, city manager, or other appropriate official who has legal responsibility for the management of a local detention facility within a particular jurisdiction.

HISTORY: 1995 Act No. 62, § 1; 2010 Act No. 237, § 48, eff June 11, 2010.

§ 24-5-310. Appointment of reserve detention officers; criminal and background inquiry; oath, bond, and training requirement.

The director, in his discretion, may appoint the number of reserve detention officers approved by the responsible authority, but not exceeding the number of regular full-time detention officers funded and employed at the facility, if participation in the reserve detention officer program has been approved by the governing body having jurisdiction over the detention facility. The number of full-time detention officers must not be decreased because of the institution or expansion of a reserve force. Each period of time a reserve serves must be determined and specified by the director in writing. The powers and duties of a reserve are subject to the provisions of this article and must be prescribed by the director and approved by the responsible authority.

A reserve is subject to removal by the director at any time. A criminal history inquiry and other appropriate background inquiry must be conducted on an applicant before his selection as a reserve.

Before assuming his duties, a reserve must:

- (1) take the oath of office required by law;
- (2) be bonded in an amount determined by the governing body of the county, municipality, or other political entity and which must be not less than one thousand five hundred dollars; and
- (3) successfully complete the course of training required by this article.

HISTORY: 1995 Act No. 62, § 1; 2010 Act No. 237, § 49, eff June 11, 2010.

§ 24-5-320. Pre-service training; comprehensive test.

No reserve shall assume a detention officer function until he has completed successfully a jail preservice training program approved by the South Carolina Criminal Justice Academy pursuant to Chapter 23, Title 23 and passed a comprehensive test prepared by the South Carolina Criminal Justice Academy and administered by the director of the local detention facility. Within one year of appointment, a reserve must successfully complete a jail operations training program promulgated by the South Carolina Criminal Justice Academy pursuant to Chapter 23, Title 23 in order to be eligible for continuation as a reserve. A reserve who serves more than one year must complete the same annual in-service training requirements as regular full-time detention officers. All training which is provided locally or regionally is subject to review by the South Carolina Law Enforcement Training Council and approval of the South Carolina Criminal Justice Academy.

HISTORY: 1995 Act No. 62, § 1; 2008 Act No. 335, § 9, eff June 16, 2008; 2010 Act No. 237, § 50, eff June 11, 2010.

§ 24-5-330. Physical competence and capability.

Before final acceptance as a reserve, a candidate, at his own expense or through the offices of the doctor of his political entity, shall submit to the director a summary of the results of a current physical examination for the satisfaction of the director concerning physical competence and capability. Other minimum selection standards recognized by law as applicable to full-time detention officers also shall apply to reserves.

HISTORY: 1995 Act No. 62, § 1; 2010 Act No. 237, § 51, eff June 11, 2010.

§ 24-5-340. Additional requirements.

Additional requirements beyond those set out in this article may be imposed by the local political entity through the responsible authority.

Upon request by the director and assurance by the director that minimum requirements have been met, identification cards registering a reserve's status may be issued by the Department of Public Safety.

HISTORY: 1995 Act No. 62, § 1.

§24-5-350. Duties of reserve detention officer; supervision.

A reserve shall serve and function as detention officer only on specific orders and directions of the director. To maintain status, a reserve shall perform a minimum logged service time of ten hours a month or thirty hours a quarter.

No reserve detention officer shall perform any jailer or detention officer duties except under the direct supervision of a full-time detention officer. A reserve shall not assume full-time duties of detention officers without complying with the requirements for full-time detention officers.

A department utilizing reserves shall have at least one full-time officer as a coordinator-supervisor who must be responsible directly to the director.

HISTORY: 1995 Act No. 62, § 1; 2010 Act No. 237, § 52, eff June 11, 2010.

§24-5-360. Additional training to become full-time jailer or detention officer.

A reserve who has been in active status for at least two years and desires to become a full-time detention officer, upon application of his director to the South Carolina Criminal Justice Academy and upon completion of other existing requirements, may be accepted at the South Carolina Criminal Justice Academy for additional hours of training required by the South Carolina Criminal Justice Academy pursuant to Chapter 23, Title 23.

HISTORY: 1995 Act No. 62, § 1; 2008 Act No. 335, § 10, eff June 16, 2008; 2010 Act No. 237, § 53, eff June 11, 2010.

§24-5-370. Reserve identification card for former full-time detention officers.

A currently certified full-time detention officer who leaves his position under honorable conditions within twelve months, at the request of his director and with the concurrence of the South Carolina Criminal Justice Academy, may be issued a registration card identifying him as a member of the reserve if the use of reserve detention officers has been approved by the responsible authority. The officer is not required to undergo the preliminary training for reserves but is required to have a current physical exam and to continue the same annual in-service training requirements as regular full-time detention officers.

HISTORY: 1995 Act No. 62, § 1; 2010 Act No. 237, § 54, eff June 11, 2010.

§ 24-5-380. Uniforms and equipment; handguns.

The uniforms and equipment issued by the political entity shall remain the property of the entity but, in the discretion of the director, may be entrusted to the care and control of the reserve. A reserve shall wear a uniform which will identify him as a detention officer. Handguns, if issued, must be of a caliber approved by the responsible authority.

HISTORY: 1995 Act No. 62, § 1; 2010 Act No. 237, § 55, eff June 11, 2010.

§ 24-5-390. Workers' Compensation benefits.

Workers' compensation benefits may be provided for reserves by the governing body in the same manner that benefits are provided for full-time detention officers.

For purposes of compensation or benefits arising from duty-related injury or death, reserves must be considered employees of the political entities for which they were appointed and must be included with regular duty detention officers in the assigned responsibility for prevention, suppression, and control of crime.

HISTORY: 1995 Act No. 62, § 1; 2010 Act No. 237, § 56, eff June 11, 2010.

§ 24-13-50. Monthly reports required from municipal and county facility manager responsible for custody of convicted persons.

Every municipal and county facility manager responsible for the custody of persons convicted of a criminal offense on or before the fifth day of each month must file with the Department of Corrections a written report stating the name, race, age, criminal offense, and date and length of sentence of all prisoners in their custody during the preceding month.

HISTORY: 1962 Code § 55-13; 1966 (54) 2175; 2010 Act No. 237, § 68, eff June 11, 2010.

§ 24-13-60. Screening of offenders for possible placement on work release.

The Department of Corrections shall automatically screen all offenders committed to its agency for non-violent offenses with sentences of five years or less for possible placement on work release or supervised furlough.

HISTORY: 1981 Act No. 100, § 20.

§ 24-13-65. Prisoners to be provided for litter control projects.

The Department of Corrections shall provide prisoners not otherwise engaged in a useful prison occupation for litter control projects proposed by counties and municipalities.

HISTORY: 1988 Act No. 530, § 2.

§ 24-13-80. Prisoners to pay for certain costs; definitions; criteria for deductions from inmates' accounts; reimbursement to inmates; recovery from estates of inmates.

(A) As used in this section:

(1) "Detention facility" means a municipal or county jail, a local detention facility, or a state correctional facility used for the detention of persons charged with or convicted of a felony, misdemeanor, municipal offense, or violation of a court order.

(2) "Inmate" means a person who is detained in a detention facility by reason of being charged with or convicted of a felony, a misdemeanor, a municipal offense, or violation of a court order.

(3) "Medical treatment" means each visit initiated by the inmate to an institutional physician, physician's extender including a physician's assistant or a nurse practitioner, dentist, optometrist, or psychiatrist for examination or treatment.

(4) "Administrator" means the county administrator, city administrator, or the chief administrative officer of a county or municipality.

(5) "Director" means the agency head of the Department of Corrections.

(B) The administrator or director, whichever is appropriate, may establish, by rules, criteria for a reasonable deduction from money credited to the account of an inmate to:

(1) repay the costs of:

(a) public property wilfully damaged or destroyed by the inmate during his incarceration;

(b) medical treatment for injuries inflicted by the inmate upon himself or others;

(c) searching for and apprehending the inmate when he escapes or attempts to escape. The costs must be limited to those extraordinary costs incurred as a consequence of the escape; or

(d) quelling a riot or other disturbance in which the inmate is unlawfully involved;

(2) defray the costs paid by a municipality or county for medical services for an inmate, which have been requested by the inmate, if the deduction does not exceed five dollars for each occurrence of treatment received by the inmate. If the balance in an inmate's account is less than ten dollars, the fee must not be charged. However, a deficiency balance must be carried forward and, upon a deposit or credit being made to the inmate's account, any outstanding balance may be deducted from the account. This deficiency balance may be carried forward after release of the inmate and may be applied to the inmate's account in the event of subsequent arrests and incarcerations. This item does not apply to medical costs incurred as a result of injuries sustained by an inmate or other medically necessary treatment for which that inmate is determined not to be responsible.

(C) All sums collected for medical treatment must be reimbursed to the inmate, upon the inmate's request, if the inmate is acquitted or otherwise exonerated of all charges for which the inmate was being held.

(D) The detention facility may initiate an action for collection of recovery of medical costs incurred pursuant to this section against an inmate upon his release or his estate if the inmate was executed or died while in the custody of the detention facility.

HISTORY: 1994 Act No. 497, Part II, § 44A; 995 Act No. 7, Part II, § 44; 2010 Act No. 237, § 69, eff June 11, 2010.

§ 24-13-410. Unlawful escape or possessing tools or weapons therefor; penalty.

(A) It is unlawful for a person, lawfully confined in a prison or local detention facility or while in the custody of an officer or another employee, to escape, to attempt to escape, or to have in his possession tools, weapons, or other items that may be used to facilitate an escape.

(B) A person who violates this section is guilty of a felony and, upon conviction, must be imprisoned not less than one year nor more than fifteen years.

(C) The term of imprisonment is consecutive to the original sentence and to other sentences previously imposed upon the escapee by a court of this State.

HISTORY: 1962 Code § 55-6; 1952 Code § 55-6; 1947 (45) 193; 1957 (50) 558; 1993 Act No. 184, § 61; 1996 Act No. 406, § 2; 1997 Act No. 136, § 7; 2010 Act No. 237, § 76, eff June 11, 2010.

§ 24-13-420. Unlawful escape; harboring or employing escaped convicts; penalty.

(A) It is unlawful for a person, lawfully confined in a prison, local detention facility, or under the supervision of an officer or other employee, whether awaiting trial or serving sentence, to escape, to attempt to escape, or to have in his possession tools, weapons, or other items that may be used to facilitate an escape.

(B) A person who knowingly harbors or employs an escaped inmate is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both.

HISTORY: 1962 Code § 55-7; 1952 Code § 55-7; 1942 Code § 1982; 1932 Code § 1980; Cr. C. '22 § 964; Cr. C. '12 § 979; Cr. C. '02 § 691; G. S. 2736; R. S. 572; 1882 (18) 953; 1993 Act No. 184, § 62; 2010 Act No. 237, § 77, eff June 11, 2010.

§ 24-13-430. Rioting or inciting to riot; penalty.

(A) An inmate of the Department of Corrections or of a local detention facility who conspires with another inmate to incite the inmate to riot or commit any other acts of violence is guilty of a felony and, upon conviction, must be sentenced in the discretion of the court.

(B) An inmate of the Department of Corrections or of a local detention facility who participates in a riot or any other acts of violence is guilty of a felony and, upon conviction, must be imprisoned for not less than five years nor more than ten years.

HISTORY: 1962 Code § 55-7.2; 1968 (55) 2585; 2010 Act No. 237, § 78, eff June 11, 2010.

§ 24-13-440. Carrying or concealing weapon; penalty.

It is unlawful for an inmate of a state correctional facility or of a local detention facility to carry on his person or to have in his possession a dirk, slingshot, metal knuckles, razor, firearm, or an object, homemade or otherwise, that may be used for the infliction of personal injury upon another person, or to willfully conceal any weapon within any Department of Corrections facility or other place of confinement.

A person violating this section is guilty of a felony and, upon conviction, must be imprisoned not more than ten years. A sentence imposed under this section must be served consecutively to any other sentence the inmate is serving.

HISTORY: 1962 Code § 55-7.3; 1968 (55) 2586; 1969 (56) 91; 1997 Act No. 136, § 8; 2010 Act No. 237, § 79, eff June 11, 2010.

§ 24-13-450. Taking of hostages; penalty.

An inmate of a state correctional facility, a local detention facility, or a private entity that contracts with a state, county, or city to provide care and custody of inmates, including persons in safekeeper status, acting alone or in concert with others, who by threats, coercion, intimidation, or physical force takes, holds, decoys, or carries away any person as a hostage or for any other reason is guilty of a felony and, upon conviction, must be imprisoned for a term of not less than five years nor more than thirty years. This sentence must not be served concurrently with any sentence being served at the time the offense is committed.

HISTORY: 1962 Code § 55-7.4; 1972 (57) 2515; 1997 Act No. 136, § 1; 2010 Act No. 237, § 80, eff June 11, 2010.

§ 24-13-460. Furnishing prisoners alcoholic beverages or narcotic drugs; penalty.

It is unlawful for a person in this State to furnish a prisoner in a local detention facility any alcoholic beverages or narcotic drugs, including prescription medications and controlled substances that have not been issued legally to the prisoner. A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be punished by a fine of five hundred dollars, or imprisonment for six months, or both.

HISTORY: 1962 Code § 55-12; 1952 Code § 55-12; 1950 (46) 2463; 2010 Act No. 237, § 81, eff June 11, 2010.

§ 24-13-470. Throwing of body fluids on correctional facility employees and certain others; penalty; blood borne disease testing.

(A) An inmate, a detainee, a person taken into custody, or a person under arrest, who attempts to throw or throws body fluids including, but not limited to, urine, blood, feces, vomit, saliva, or semen on an employee of a state correctional facility or local detention facility, a state or local law enforcement officer, a visitor of a state correctional facility or local detention facility, or any other person authorized to be present in a state correctional facility or local detention facility in an official capacity is guilty of a felony and, upon conviction, must be imprisoned not more than fifteen years. A sentence under this provision must be served consecutively to any other sentence the inmate is serving. This section shall not prohibit the prosecution of an inmate for a more serious offense if the inmate is determined to be HIV-positive or has another disease that may be transmitted through body fluids.

(B) A person accused of a crime contained in this section may be tested for a blood borne disease within seventy-two hours of the crime if a health care professional believes that exposure to the accused person's body fluid may pose a significant health risk to a victim of the crime.

(C) This section does not apply to a person who is a "patient" as defined in Section 44-23-10(3).

HISTORY: 1997 Act No. 136, § 6; 2002 Act No. 238, § 1; 2003 Act No. 18, § 1; 2010 Act No. 237, § 82, eff June 11, 2010.

§ 44-23-1150. Sexual misconduct with an inmate, patient, or offender.

(A) As used in this section:

(1) "Actor" means an employee, volunteer, agent, or contractor of a public entity that has statutory or contractual responsibility for inmates or patients confined in a prison, jail, or mental health facility. Actor includes individuals who supervise inmate labor details outside of an institution or who have supervisory responsibility for offenders on parole, probation, or other community supervision programs.

(2) "Victim" means an inmate or patient who is confined in or lawfully or unlawfully absent from a prison, jail, or mental health facility, or who is an offender on parole, probation, or other community supervision programs. A victim is not capable of providing consent for sexual intercourse or sexual contact with an actor.

(B) An actor is guilty of sexual misconduct when the actor, knowing that the victim is an inmate, offender, or patient voluntarily engages with the victim in an act of sexual intercourse, whether vaginal, oral, or anal, or other sexual contact for the purpose of sexual gratification.

(C) (1) When the sexual misconduct involves an act of sexual intercourse, whether vaginal, oral, or anal, the actor is guilty of the felony of sexual misconduct, first degree and, upon conviction, must be imprisoned for not more than ten years.

(2) When the sexual misconduct does not involve sexual intercourse but involves other sexual contact which is engaged in for sexual gratification, the actor is guilty of the felony of sexual misconduct, second degree and, upon conviction, must be imprisoned for not more than five years. The term sexual contact, as used in this subsection, refers to an intrusion of any part of a person's body or of any object into the "intimate parts", as defined in Section 16-3-651(d), of another person's body, or to the fondling of the "intimate parts" of another person's body, which is done in a manner not required by professional duties, but instead is done to demonstrate affection, sexually stimulate that person or another person, or harass that person.

(D) A person who knowingly or wilfully submits inaccurate or untruthful information concerning sexual misconduct as defined in this section is guilty of the misdemeanor of falsely reporting sexual misconduct and, upon conviction, must be imprisoned for not more than one year.

(E) A person who has knowledge of sexual misconduct who has received information in the person's professional capacity and fails to report it to the appropriate law enforcement authority, or a person who threatens or attempts to intimidate a witness is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

HISTORY: 1962 Code § 32-1030; 1952 (47) 2042; 1960 (51) 1602; 1993 Act No. 184, § 71; 1997 Act No. 136, § 9; 2001 Act No. 68, § 1, eff July 11, 2001.

APPENDIX E
SAFEKEEPERS

EXECUTIVE ORDER NO. 2000-11

WHEREAS, an individual held in a pretrial confinement facility may be transferred to the custody of the South Carolina Department of Corrections for safekeeping by commitment duly authorized by the Governor pursuant to § 24-3-80; and

WHEREAS, the current guidelines and procedures for approval for the admission and detention in an institution of the Department of Corrections for safekeeping of a prisoner tendered by a law enforcement officer of this State are set forth in Executive Order #76-15, issued May 17, 1976; and

WHEREAS, there is a need to establish new criteria and procedures for approval for the admission and detention in an institution of the Department of Corrections for safekeeping of a prisoner tendered by a law enforcement officer of this State and rescind the previous safekeeping procedures set forth in Executive Order #76-15.

NOW, THEREFORE, I hereby establish the following criteria and procedures for approval for the admission and detention in an institution of the Department of Corrections for safekeeping of a prisoner tendered by a law enforcement officer of this State and rescind the previous safekeeping procedures set forth in Executive Order #76-15:

Section 1. An individual held in a county pretrial confinement facility may be transferred to the custody of the South Carolina Department of Corrections by commitment duly authorized by the Governor pursuant to § 24-3-80, if the individual: (1) is a high escape risk; (2) exhibits extremely violent and uncontrollable behavior; and/or (3) must be removed from the county facility to protect the individual from the general population or from other detainees.

Section 2. To obtain an order of safekeeping, a county must apply to the Director of the Department of Corrections, with notice to the individual's attorney. The application must include: (1) a properly issued arrest warrant for the individual; (2) an affidavit from the chief county law enforcement officer providing the reason(s) why the individual should be committed to the custody of the Department of Corrections; (3) a certificate prepared by the circuit solicitor indicating concurrence with the proposed safekeeping transfer; (4) a certificate of service indicating that notice of the application of safekeeping has been filed by the county and has been given to the individual's attorney. Upon receipt of the application, the Director of the Department of Corrections shall review the documents submitted and any other relevant facts and forward his recommendation of action to the Governor. If issuance of a safekeeping order is recommended, a draft order will be forwarded with the Director's recommendation to the Governor for consideration.

Section 3. Upon receipt of the recommendation of the Director of the Department of Corrections, the Governor shall make a determination as to whether a safekeeping order should be granted and, if appropriate, issue the requested order.

Section 4. Upon issuance of a safekeeping order, officials of the county requesting the order must deliver the individual to the Department of Corrections and provide the Department with all appropriate documentation and relevant records relating to the individual, including but not limited to any special facts, issues, or circumstances known to the appropriate county officials concerning the particular propensities, special medical or dietary needs of the individual, or any special dangers posed by the individual.

Section 5. Safekeeping orders for detention in the Department of Corrections are valid for no more than one hundred twenty (120) days from the date of issuance. A safekeeping order may be renewed for up to ninety (90) days upon a showing of good cause and/or no material change in circumstances. If the order is not renewed, the individual must be transferred back to the applicable county detention facility. The Department of Corrections must notify the proper county officials at least ten (10) days prior to the expiration of the safekeeping order.

Section 6. A safekeeping order must not be utilized as a means to acquire or provide medical services, medical attention or to hospitalize a pretrial detainee in the Department of Corrections. Mentally ill or retarded individuals are not eligible for safekeeping at the Department of Corrections.

Section 7. All medical costs associated with an individual held by the Department of Corrections for safekeeping who develops a need for hospitalization or other special medical attention while in the custody of the Department of Corrections is the responsibility of the County that requested the safekeeping of the individual.

Section 8. Transportation to court hearings and necessary appointments of an individual being held for safekeeping by the Department of Corrections is the responsibility of the County that requested the safekeeping of the individual. In emergency situations, the Department of Corrections may provide transportation.

Section 9. A safekeeping order or renewal may be issued orally by the Governor under extraordinary circumstances; provided, however, that a written order must be issued as soon thereafter as practicable.


Section 10. Any and all individuals in the custody of the Department of Corrections as of the date of this Executive Order pursuant to a safekeeping order issued pursuant to the guidelines and procedures set forth in Executive Order #76-15, are now subject to the provisions of this order.

Section 11. This Executive Order supersedes Executive Order # 76-15, issued May 17, 1976, and renders it void.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 16th DAY
OF FEBRUARY, 2000.**

**JIM HODGES
GOVERNOR**

APPENDIX F

		Inspection Report Bureau of Environmental Health Division of Food Protection				SAMPLE	
Type of Inspection: _____		Permit Number: _____		Program Code: _____			
City, County or District		Name and Address of Establishment			Owner or Operator		
Based on an inspection this day, the items marked below identify the violations in operations or facilities which must be corrected by the next routine inspection or such period of time as may be specified in writing by the health authority. Failure to comply with this notice may result in suspension of your permit (or downgrading of the establishment as applicable).							
Item	Pts	Item	Pts	Item	Pts	Item	Pts
1	5	18	1	31	2	GARBAGE AND REFUSE DISPOSAL Containers or receptacles: approved, covered, adequate number, insect/rodent proof, clean	
2	1	19	4	32	1	Outside storage area enclosures properly constructed, clean; cleaning facility provided; controlled incineration	
FOOD PROTECTION * Potentially hazardous food meets temperature requirements during storage, preparation, display, service, transportation		20	1	33	4	INSECTS, RODENT, ANIMAL CONTROL * Presence of insects/rodents; animals restricted	
3	5	21	2			FLOORS, WALLS AND CEILINGS Floors and floor coverings: drained, constructed, clean, good repair	
4	4	22	1	34	1	Walls, ceilings, attached equipment constructed, good repair, clean	
5	4	23	1	35	1	LIGHTING Lighting provided as required; fixtures shielded	
6	5	24	1	36	1	VENTILATION Rooms and equipment vented as required	
7	2	25	5	37	1	PERSONAL ITEMS AND DRESSING ROOMS Personal items: properly stored; rooms, areas, lockers provided: clean, located, used	
8	1	WATER * Water source, safe: hot and cold under pressure		38	1	OTHER OPERATIONS * Poisonous and toxic items properly stored, labeled, used	
9	2	SEWAGE * Sewage and waste water disposal				Premises maintained free of litter, unnecessary articles; cleaning maintenance equipment properly stored; authorized personnel; distressed items properly stored	
10	1	27	1	39	5	Complete separation from living/sleeping quarters	
PERSONNEL * Personnel with infections restricted		28	5	40	1	Clean, soiled linen properly stored	
11	5	PLUMBING Installed, maintained		41	1	Complete separation from living/sleeping quarters	
12	5	* Cross-connection, back-siphonage, backflow				Clean, soiled linen properly stored	
13	1	29	4	42	1	Clean, soiled linen properly stored	
FOOD EQUIPMENT & UTENSILS Food (ice) contact surfaces designed, constructed, maintained, installed, located		TOILET AND HANDWASHING FACILITIES * Adequate, convenient, accessible, designed, installed		INSPECTION RESULTS Rating Score of the Establishment: _____ Posted Grade: _____ <input type="checkbox"/> Non-Grading Program			
14	2	Toilet rooms: enclosed, self-closing doors; fixtures good repair, clean; tissue, hand cleanser, sanitary towels/hand-drying devices provided, proper waste receptacles		RATING SCALE 88-100 Points = A 78-87 Points = B 70-77 Points = C Less Than 70 Points = Permit Suspension			
15	1	Warewashing facilities: designed, constructed, maintained, installed, located, operated		FOLLOW-UP Yes <input type="checkbox"/> Date: _____ No <input type="checkbox"/> * Critical Items Requiring Immediate Action			
16	2	Accurate thermometers, chemical test kits provided, gauge cock (1/4" IPS valve)		Time allowed to correct violations: _____			
17	1	Remarks: _____					
Owner, Manager or other interviewed		Date		Health Authority		Phone	

DHEC 1722 (12/2002)

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

APPENDIX G
BOARD OF PHARMACY REQUIREMENTS
Policy and Procedure #141

A correctional facility does not require a S.C. Board of Pharmacy permit if they operate under the following standards:

1. They do not store stock-bottles of legend drugs or maintain an emergency box or auxiliary kit of legend medications.
2. All medications on-site are labeled inmate-specific and are administered;
 - a. by the inmate himself,
 - b. by a medically licensed professional (i.e. RN, LPN, etc.),
 - c. by a facility officer/staff caregiver.

A correctional facility will be required to obtain a S.C. Board of Pharmacy permit if they store stock-bottles of legend drugs or maintain an emergency box or auxiliary kit of legend medications. This permit would be a Non-Dispensing Drug Outlet Permit.

Requirements for obtaining a S.C. Board of Pharmacy permit for these facilities are as follows:

40-43-86(A)(1)	Must have sufficient space for safe and proper storage.
40-43-86(A)(10)	Storage areas must have adequate temperatures.
40-43-86(A)(13)	Medication storage area must have physical or electronic barrier.
40-43-86(A)(16)(a)	Medication storage area must be in a dry, well-ventilated, adequate lighted area.
40-43-86(A)(16)(b)	Medication storage area must be free from dust, insects, rodents, and contamination.
40-43-86(A)(16)(c)	Outdated, damaged, unlabeled drugs must be removed from active stock.
40-43-86(A)(16)(d)	Refrigerator Temperature must be between 36-46 degrees F.
40-43-86(C)(1)(a)	Consultant RPh must establish P&P's for procurement, storage, compounding, and distribution of drugs.
40-43-86(C)(1)(b)	Consultant RPh must establish record-keeping system for purchase, possession, storage, safe-keeping of drugs.
40-43-86(C)(1)(c)	Consultant RPh must facilitate recalls and removal of outdated and adulterated drugs.
40-43-86(C)(1)(d)	Consultant RPh must supervise all employees related to procurement, compounding, distribution, and storage of drugs.
40-43-86(C)(1)(e)	Consultant RPh must act as information source for facility staff.
40-43-86(C)(1)(f)	Consultant RPh must perform written monthly inspections.

	All medications administered must be checked and prepared by a S.C.-licensed healthcare professional prior to administration to the patient.
	All legend drugs obtained by a correctional facility must be obtained from a facility permitted by the S.C. Board of Pharmacy.
	Must have policy in place for identification of drugs brought into facility by inmates.

Those facilities that maintain stock bottles of legend drugs to dispense to inmates must obtain a pharmacy permit and meet the statutory requirements of the S.C. Pharmacy Practice Act Section 40-43-86. This permit would be a Dispensing Pharmacy Permit.

Those facilities who do not have S.C.-licensed healthcare professional to administer medications to inmates must have their non-medically trained personnel complete a Board of Pharmacy-approved training course in drug administration and accountability and must be renewed biennially. These facilities may not floor-stock any legend medications. They must also have a Policy and Procedure in place for identification of drugs brought in by inmates.

APPENDIX H

Minimum Standards for Local Detention Facilities **in South Carolina**

HOME DETENTION STANDARDS

HOME DETENTION

Pursuant to § 24-13-1530 of the Code of Laws of South Carolina, minimum standards for the development and implementation of a home detention program are hereby established.

- (1) “Department”, as defined by § 24-13-1520(1), means, in the case of a juvenile inmate/offender/defendant, the Department of Juvenile Justice and, in the case of an adult inmate/offender/defendant, the Department of Probation, Parole and Pardon Services, the Department of Corrections, and any other law enforcement agency created by law. “Department” includes a local detention facility of any county, municipal, or multi-jurisdictional governmental entity.
- (2) “Court”, as defined by § 24-13-1520(2), means a circuit, family, magistrate’s, or municipal court having criminal, civil, or juvenile jurisdiction to sentence an individual to incarceration for a violation of law.
- (3) “Approved electronic monitoring device”, as defined by § 24-13-1520(3), means a device approved by the department which is primarily intended to record and transmit information as to the inmate’s/offender’s/defendant’s presence or nonpresence in the home and/or other location(s) as designated by the department.

An approved electronic monitoring device may record or transmit: oral or wire communications or an auditory sound; visual images; or information regarding the inmate’s/offender’s/defendant’s activities while inside the inmate’s/offender’s/defendant’s home and/or other location(s) as may be designated by the department. These devices are subject to the required consent as set forth in § 24-13-1550.

Such devices may be used for identification and supervision of the inmate/offender/defendant, to include monitoring and recording as appropriate, but not for the purpose of eavesdropping or conducting any other illegally intrusive monitoring.

- (4) “Home detention”, as defined by § 24-13-1520(4), means the confinement of a person convicted of or charged with a crime, delinquency, or violation of court order to his/her place of residence and/or other location(s) as designated by the department and under the terms and conditions established by the department.
- (5) “Participant”, as defined by § 24-13-1520(5), means an inmate/offender/defendant placed into an electronic monitoring program or into some other suitable program (including non-electronic home detention for properly screened and classified inmates/offenders/defendants) which provides supervision and/or monitoring in the community.

PLACEMENT

Section 24-13-1530 (A) of the Code of Laws of South Carolina permits the placement of certain inmates/offenders/defendants as selected by the court into a home detention program if there is a home detention program available in the jurisdiction. The applicant must meet the criteria of the department's program. Such placement is an alternative to:

- (1) pretrial or pre-adjudicatory detention;
- (2) probation (intensive supervision);
- (3) community corrections (diversion);
- (4) parole (early release);
- (5) work release or work/punishment;
- (6) institutional furlough;
- (7) jail diversion; or
- (8) shock incarceration.

Section 24-13-1530 (B) further permits local governments to establish by ordinance the same alternative to incarceration for persons who are awaiting trial and for inmates/offenders/defendants whose sentences do not place them in the custody of the Department of Corrections.

VOLUNTARY PROGRAMS

Each applicant/participant, whether selected by the court and/or by the department, must sign a consent form acknowledging, but not limited to, his/her understanding of and concurrence with the following conditions:

- (1) Participation in a home detention program is voluntary in nature; and, should he/she elect to participate in the program, he/she will abide by the program's rules and regulations and will follow all written and verbal instructions of the department's staff.
- (2) He/she agrees and acknowledges that no person has a right or expectation to be enrolled in and/or to participate in the program and/or to stay in the program, and can be removed at any time at the department's discretion.
- (3) He/she agrees to pay all program fees, including any advance payment as may be required.
- (4) He/she agrees to install and maintain a telephone as may be required.
- (5) He/she agrees to obtain the consent of adult residents in the participant's home/residence, as determined by the department's coordinator.
- (6) He/she acknowledges that, in accordance with § 24-13-1570, a violation of the order for home detention subjects the participant to prosecution for the crime of escape; that being arrested or charged with another crime revokes the order for home detention; and that, if there is a violation of the order or commission of another crime, the court will sentence him/her to imprisonment.
- (7) He/she acknowledges that he/she agrees to abide by all conditions as set forth by the department, and that failure to comply with any such condition, including the non-payment of fees, will result in the participant's removal from the program without appeal and return to the custody of the local detention facility, exclusive of any criminal charges that may be filed.

Since program participation is voluntary in nature for both the department as well as the participant, a participant can be removed from the program at any time for any or no reason without appeal, including a department's decision to terminate or abolish the program. In the event that the participant is a pre-trial inmate/offender/defendant and he/she is enrolled in the program as a condition of bond, the participant is still subject to all the program's rules and regulations. Violations of any of these conditions will result in his/her removal from the program in the same manner as any other participant. However, should such removal occur, the person in charge of the program must, as soon as possible, notify the court of jurisdiction of the participant's removal from the program.

After acceptance into the program, the participant must remain incarcerated or in secure custody until all paperwork has been completed and until the electric monitoring device has been attached to the inmate.

ADMINISTRATIVE FEES

The governing body of the county, municipality, or other multi-jurisdictional governmental entity may, if it deems it to be necessary and desirable, impose a program administrative fee, not to exceed the pro rata cost of administration, to be paid by each person in the program. Documentation of all such fees imposed, collected, and disbursed will be maintained by the county's, municipality's, or the other multi-jurisdictional governmental entity's treasurer and must be available for inspection and audit at all times. These funds are to be used at the discretion of the department's administrator.

Failure to pay such fees will be sufficient grounds for an individual's removal from the program.

PROMULGATION OF REGULATIONS

Pursuant to § 24-13-1540, the department must promulgate regulations that prescribe reasonable guidelines under which a home detention program may operate.

VERIFICATION

In accordance with § 24-13-1550:

The participant must admit a person or agent designated by the department into his/her residence at any time for purposes of verifying the participant's compliance with the conditions of his/her home detention.

The participant must make the necessary arrangements to allow for a person designated by the department to visit the participant's place of education or employment at any time, subject to the approval of the educational institution or employer, for the purpose of verifying compliance.

Failure to grant or receive such approval will be reason for the denial of an individual to participate in the home detention program.

USE OF ELECTRONIC MONITORING DEVICE

If so instructed by the department, the participant must use an approved electronic monitoring device at all times to verify compliance with the conditions of detention and must maintain a monitoring device in his/her home, at some other approved location, or on his/her person in accordance with § 24-13-1560.

CRITERIA FOR PLACEMENT

In accordance with § 24-13-1570, 24-13-1580, and 24-13-1590 and other criteria as established by the department, the following will serve as a guide to applicant/participant selection:

Unless otherwise established by ordinance, the court of jurisdiction must make all applicants/participants eligible for participation.

A. Family Court:

1. The presiding judge must make an individual eligible for participation. The candidate must meet the department's criteria for placement.
2. Eligibility alone does not entitle any Family Court inmate/offender/defendant to be placed into the program unless approved by the department.
3. Participation is contingent upon:
 - a. Voluntary consent agreement;
 - b. Agreement of the inmate/offender/defendant to pay all associated fees, including any court ordered monies;
 - c. No additional pending criminal charges;
 - d. No history of escape, Criminal Domestic Violence, or crimes of violence;
 - e. Compliant behavior and adherence to local detention facility rules;
 - f. Residency in the county of jurisdiction; (If the inmate/offender/defendant resides in another county, the department must provide prior notification to the sheriff of such county before enrollment in the program. The sheriff will be provided criminal background history and information concerning the current charges. Under no circumstances will an inmate/offender/defendant reside outside of the boundaries of the State of South Carolina and enroll in the program.)
 - g. Having or maintaining valid verifiable employment, if required;
 - h. Agreement to one month supervision fee in advance, if required;
 - i. Agreement to install and maintain a telephone or other device as so designated;
 - j. Consent obtained from other adults in the participant's home/residence;
 - k. Agreement to abide by all other conditions as set forth by the department.

B. Magistrate Court and General Sessions Court:

1. The presiding judge must make an individual eligible for participation. The candidate must meet the department's criteria for placement. Magistrates and Circuit Judges may order as a condition of bond that individuals be admitted into the home detention program if one is available.
2. Eligibility alone does not entitle, mandate, or require an individual's placement or acceptance into the program unless approved by the department.
3. Participation is contingent upon:
 - a. Voluntary consent agreement;
 - b. Agreement of the inmate/offender/defendant to pay all associated fees, including any court ordered monies;
 - c. No additional pending criminal charges;
 - d. No history of escape, Criminal Domestic Violence, or crimes of violence;

- e. Compliant behavior and adherence to local detention facility rules;
- f. Residency in the county of jurisdiction; (If the inmate/offender/defendant resides in another county, the department must provide prior notification to the sheriff of such county before enrollment in the program. The sheriff will be provided criminal background history and information concerning the current charges. Under no circumstances shall an inmate/offender/defendant reside outside of the boundaries of the State of South Carolina and enroll in the program.)
- g. Having or maintaining valid verifiable employment, if required;
- h. Agreement to one month supervision fee in advance, if required;
- i. Agreement to install and maintain a telephone or other device as so designated;
- j. Consent obtained from other adults in the participant's home/residence;
- k. Agreement to abide by all other conditions as set forth by the department.

C. Participation as a Condition of Bond:

1. Magistrates and Circuit Judges may order as a condition of bond that an individual be admitted into the home detention program if one is available. The candidate must meet the department's criteria for placement.
2. Unless a home detention program is established by ordinance, no person awaiting trial will be eligible or placed on home detention without approval of the court.
3. Once notified by the appropriate court that a person is eligible for release on bond as a condition, local detention facility staff will:
 - a. Interview and screen such persons;
 - b. Explain the program's rules and regulations, including that program participation is voluntary and, as such, any participant can be removed for any or no stated reason at any time.
 - c. Have the inmate/offender/defendant agree to obtain all consents; to pay all program fees; and to abide by all conditions of the program, including the department's rules and regulations.
 - d. Have the inmate/offender/defendant wear and maintain any authorized electronic monitoring device and agree to the installation and maintenance of a telephone line if so designated.
 - e. Have the inmate/offender/defendant: (1) permit entry to his/her residence at any time to verify compliance with the program's rules and (2) obtain consent to authorize permission for the department to enter his/her place of employment or school to verify the same.
 - f. Should an inmate/offender/defendant be removed from the program for any reason prior to the disposition of the inmate's/offender's/defendant's pending criminal charges, the person in charge of the program must so notify the court.

VICTIM INPUT

Pursuant to § 24-13-1570(D), the victim of the participant's crime, or his/her immediate family, must be provided the opportunity for oral and/or written input and comment to the department or to the court, or to both, regarding the participant's home detention sentence.

RESPONSIBILITY FOR FOOD, CLOTHING, MEDICAL CARE, AND TRANSPORTATION

Any inmate/offender/defendant who is released on home detention shall be responsible for his/her own transportation to and from work, school, or other authorized designations as approved by the department. He/she shall be responsible for his/her own clothing, food, medical and dental care, and/or other terminal obligations and responsibilities including any court ordered fines, restitution, or other payments.

SPECIAL CONDITIONS

Besides any other conditions set forth by applicable State law, local ordinance, and/or the department operating the home detention program, the participant must:

- (1) Obtain the department's approval of adult residents living in the participant's home/residence, as determined by the department's coordinator.
- (2) Agree that no individuals may join the household unless notification to the department is received in advance.
- (3) Agree that no social gatherings, including parties, serving alcoholic beverages and/or illegal substances will take place at the participant's residence.
- (4) Agree to keep all animals at the residence confined to allow departmental agents and/or law enforcement officers access to his/her residence.
- (5) Agree not to operate any motor vehicle, either for personal or employment purposes, unless properly licensed and covered by insurance as required by law.
- (6) Agree not to operate a motor vehicle while under the influence of alcohol or drugs, whether prescribed or not.
- (7) Agree not to associate with persons deemed undesirable by the department.
- (8) Agree not to have telephone communications or personal communications with, and/or not to visit or otherwise attempt to harm or harass, a victim of the participant's crime or charges.
- (9) Agree not to communicate with another program participant or person confined in a local detention facility or state/federal prison unless such person is an immediate family member, being limited to spouse, parent, child, grandparent, grandchild, sibling, in-law, or other person approved by the department.
- (10) Agree and acknowledge that all residents of the household may be asked to agree to:
 - (a) Have no alcohol in the residence;
 - (b) Have no illegal drugs or narcotics in the residence;
 - (c) Have no firearms or dangerous weapons in the residence;
 - (d) Not consume or possess alcoholic beverages;
 - (e) Submit to random alcohol and drug testing at participant's expense if so requested by the department;
 - (f) Notify the department of all prescribed medication.
- (11) Agree to participate in any court ordered counseling program unless otherwise completed.
- (12) Agree to submit the participant's person, vehicle, and/or place of residence to search any time day or night with or without a search warrant by a department officer/agent upon request.
- (13) Agree to obey and comply with all federal and state laws and all county and municipal ordinances.
- (14) Agree to comply with all instructions of the department, both verbal as well as written.

- (15) Agree to report as directed by the department.
- (16) Agree to pay all supervision and program fees in the form of cash, money order, or certified check.
- (17) Agree to comply with other conditions as may be set forth.

CONTRACT SERVICES

The county/municipality/other multi-jurisdictional governmental entity/department may contract with a private non-governmental entity to provide and/or to lease equipment, to provide monitoring services, to assist in supervising the participant(s), and/or to assist the county/department in the collection of fees. However, in all circumstances, the county/municipality/department retains overall authority for the program, and no private non-governmental entity or its employees will have any authority to arrest, detain, apprehend, or otherwise take into custody any participant who allegedly fails to abide by the conditions of the program, such authority being retained by the department operating the program and in whose custody the participant remains.

SOUTH CAROLINA HOME DETENTION ACT STANDARDS FOR PRIVATE ENTITY CONTRACT SERVICE PROVIDERS

Effective August 2010

DEFINITIONS

All words and terms shall have their meanings as defined in the current edition of the Home Detention Standards of the Minimum Standards for Local Detention Facilities in South Carolina. Unless the context requires otherwise, the following additional words and terms shall have the meanings indicated below:

- (a) “Governing Body” means the elected body of any county or municipality or consolidated government with statutory power to pass ordinances and enter into written contracts with corporations, enterprises, or agencies to provide public services.
- (b) “Contract Service Provider” means any private entity that enters into written contracts or agreements with governing bodies or departments to provide supervision, counseling, and collection services for all participants placed in a program pursuant to the Home Detention Act.

IMPLEMENTATION

These Contract Service Provider Home Detention Standards shall be officially in effect immediately upon their establishment by the South Carolina Association of Counties and their formal adoption by the South Carolina Department of Corrections. If a governing body has an actual contract already awarded at the time that these Standards take effect, and if that governing body wishes to delay application of these Standards in its jurisdiction because some or all of the requirements may present a conflict, then that governing body shall notify in writing the Local Detention Committee of the South Carolina Association of Counties. Such a delay must be only for the duration of the existing contract which has already been awarded. Upon the conclusion of that existing contract period, the governing body and any contract service provider used by the governing body must comply with these Standards.

QUALIFICATIONS OF CONTRACT SERVICE PROVIDERS

Contract service providers must meet the following qualifications:

- (a) Contract service providers must employ a person who is responsible for the direct supervision of caseworkers and who has a minimum of five (5) years experience in corrections, parole, or probation services.
- (b) Clear criminal record.
 - 1. All employees must be of good moral character and have not been convicted of a felony or any crime involving moral turpitude within the last ten (10) years, unless a pardon has been obtained.
 - 2. No person shall be hired with an outstanding warrant for his/her arrest.
- (c) Possess written evidence of general liability insurance coverage of at least \$1 million which must be maintained at all times while providing services.
- (d) Must be at least twenty-one (21) years of age.
- (e) Each owner, director, or agent must sign a confidentiality statement agreeing to hold the identity of participants and records confidential. The confidentiality statement shall be maintained in the employee personnel files;
- (f.) A contract service provider must continuously maintain the following qualifications:
 - 1. Each owner, director, agent, and employee must maintain a criminal record free of felony conviction or plea, and free of misdemeanor convictions or plea involving moral turpitude. In addition, each owner, director, agent, and employee must notify the governing body and department in writing if he or she has been charged with, arrested for, or pled guilty or nolo contendere to, or has been convicted of, any misdemeanor involving moral turpitude or any felony, within ten (10) business days of such event.
 - 2. Each operator, director, agent, and case worker employed by a contract service provider must successfully complete orientation training within six (6) months of the beginning of operations and must complete relevant continuing education courses every year as required by the governing body.

EXCLUSIONS

The following persons may not own, operate, direct, or serve as an employee or agent of a contract service provider furnishing services as described in the Home Detention Act: Any person for whom owning, operating, directing, or serving as an employee or agent would pose an actual, potential, or apparent conflict of interest due to the existence of a fiduciary, business, or personal relationship with any participant as defined in the Home Detention Act or in the Home Detention Standards, or due to the existence of any other relationship that would place the owner, operator, employee, or agent in a position to exert undue influence on, exploit, take undue advantage of, or breach the confidentiality of, any participant. Further, no judge, public probation or parole officer or employee, employee of a court in this state, employee of a detention or correctional agency, employee of a law enforcement agency, or any spouse thereof, to the extent services are to be provided within the same jurisdiction served by the judge, public probation or parole officer or employee, court employee, detention or correctional employee, or law enforcement employee, may own, operate, direct, or serve as an employee or agent of a contact service provider.

CONTRACT REQUIREMENTS

Contract Service Providers must have a written agreement or contract with a governing body or department which contains the following requirements:

1. Description of the extent of services to be rendered;
2. Staff qualifications which meet or exceed these standards;
3. Criminal records checks completed on all staff;
4. Policies and procedures for staff training;
5. Bonding of staff;
6. Staffing levels and standards of supervision, including the type and frequency of contacts;
7. Collection procedures for handling court-ordered fines, fees, and restitution;
8. Procedures for handling indigent participants;
9. Violation reporting procedures and circumstances;
10. Reporting and record keeping procedures;
11. Default and contract termination procedures; and
12. A schedule listing the fees and charges assessed to the participants supervised by the contract service provider.

Additionally, the contract service provider must provide documentation to the governing body or department of its ability to furnish continuous service in these areas upon request.

CASE WORKER STANDARDS

The standards for any person employed as a caseworker with a contract service provider are:

- (a) Be at least twenty-one (21) years of age at the time of appointment;
- (b) Have completed at least a standard two-year college course of study, or have at least four (4) years of criminal justice experience, at the time of appointment. Documentation of education and criminal justice experience shall be maintained in the employee personnel files;
- (c) Complete an initial orientation program and annual in-service training as required and approved by the governing body or department; and
- (d) Complete a criminal background check.
 1. A case worker must be of good moral character and have not been convicted of, or pled guilty or nolo contendere to, a felony or any crime involving moral turpitude within the last ten (10) years, unless a pardon has been obtained.
 2. No person shall be hired with an outstanding warrant for his/her arrest.

CONTRACT SERVICE PROVIDER EMPLOYEE STANDARDS

Any employee, agent, or volunteer who provides any service to participants or has access to contract service provider records, or who has telephone or face-to-face contact with participants under supervision, or access to participant data, must meet the following requirements:

- (a) Be at least 21 years of age;
- (b) Sign a confidentiality statement agreeing to hold the identity of participants and records confidential. This statement shall be maintained in employee personnel files;

- (c) Sign a statement cosigned by the contract service provider director or his/her designee that the employee has received an orientation on these rules as well as operations guidelines relevant to that employee's job duties. The signed statement and the established job duties shall be maintained in employee personnel files;
- (d) Complete a criminal background check.
 - 1. An employee must be of good moral character and have not been convicted of a felony or any crime involving moral turpitude within the last ten (10) years, unless a pardon has been obtained.
 - 2. No person shall be hired with an outstanding warrant for his/her arrest.
- (e) No person shall be employed who fails to possess at a minimum a high school or equivalent diploma.
- (f) Complete appropriate training within six (6) months of appointment and annual in-service training as required and approved by the governing body or department.
- (g) Employees may assist caseworkers with case related administrative duties, but they shall not be allowed to have decision making authority with respect to participants.

TRAINING

Employee training must consist of a minimum of forty (40) hours of instruction as follows:

- 1. One (1) hour orientation to electronic monitoring;
- 2. One (1) hour overview of types of equipment;
- 3. Two (2) to four (4) hours of training related to an overview of the criminal justice system;
- 4. Two (2) two-hour blocks (total four [4] hours) of instruction on recognizing and reading court orders;
- 5. Two (2) to four (4) hours of public relations;
- 6. One (1) hour on media relations;
- 7. One (1) hour on family and participant orientation;
- 8. Two (2) hours on the importance of record keeping;
- 9. Eight (8) hours of data entry and familiarization with forms;
- 10. Eight (8) hours of installing and troubleshooting equipment;
- 11. Four (4) hours of staff and victim safety issues; and
- 12. Two (2) to four (4) hours on legal issues.

CONTRACT SERVICE PROVIDER RESPONSIBILITIES

In addition to meeting all other requirements, every owner, operator, director, or agent is responsible for the following:

- (a) Providing services for the supervision, counseling, and collection of court-ordered fines of participants assigned to the contract service provider by the court;
- (b) The actions of all employees and agents carried out within the scope of employment, whether they are characterized as employees, agents, or independent contractors;
- (c) Training all employees who have contact with participants to provide accurate information regarding their case and to maintain confidentiality;

- (d) Maintaining an employee folder for every employee containing the job application, signed statements required by these rules, training records, criminal justice experience, documentation of education, and criminal history record check information;
- (e) Prohibiting the solicitation of participants for any products or services that present a conflict of interest;
- (f) Ensuring the quality of case management and execution of all court orders in a professional manner; and
- (g) Complete accountability to the governing body, department, and court in reporting the status of cases assigned to the contract service provider for supervision.

CONTRACT SERVICE PROVIDER REPORTS

All contract service providers shall provide the governing body, department, and court with a report in such detail and at such time intervals as required by the governing body, the department, and the court. All records of the contract service provider shall be open to inspection as requested by the governing body, department, court, or Department of Corrections.

CONTRACT SERVICE PROVIDER RECORDS

- (a) All records must be maintained in a secure and confidential manner.
- (b) Each contract service provider must maintain the following records for the designated period of time as specified in the retention schedules provided by the Department of Archives and History for jail records. Records must be available and accessible for inspection by the governing body, department, court, and Department of Corrections upon request.

These records include, at a minimum:

1. All written contracts or agreements for services;
 2. All court orders for all participants assigned for supervision;
 3. All accounting ledgers and related documents;
 4. All payment receipts issued to participants for all funds received;
 5. All participant case history and management reports and documents; and
 6. All other documents pertaining to the case management of each participant assigned for supervision.
- (c) Each contract service provider must make available all records, files, and other documentation pertaining to an individual participant when a law enforcement agency requests the information in writing because the participant is the subject of an investigation or is a potential witness in an active case.

CONTRACT SERVICE PROVIDER FEES

No contract service provider shall assess, collect, or disburse any funds as it pertains to the collection of court-ordered monies, except by written order of the court.

No contract service provider, owner, director, agent, or employee may offer any program, service, or component for an additional fee unless the fee charge has been ordered by the court.

**NOTIFICATION OF THE SALE, MERGER, OR ACQUISITION
OF THE CONTRACT SERVICE PROVIDER**

In the event that a contract service provider becomes associated with another corporation, enterprise, or agency, whether through acquisition, merger, sale, or any other such transaction, that contract service provider shall inform the governing body, department, and court within ten (10) calendar days after the effective date of the transaction. The written notice shall include the names, addresses, and telephone numbers of all primary parties, the effective date of the merger or sale or consolidation, and the nature of the business relationship of the new contract service provider. A violation of any provision contained in the applicable statute may result in a breach of contract for all services rendered.

NAME, LOCATION, AND TELEPHONE NUMBER

No contract service provider may assert or represent that it is owned, operated, or endorsed by the State of South Carolina, or any of its political subdivisions or departments thereof.

The owner, director, or agent must immediately notify the governing body, department, court, and Department of Corrections in writing of any change in the status of the primary contract service provider's location, address, or telephone number.