



## SCDC POLICY

**NUMBER:** OP-21.04

**TITLE:** INMATE CLASSIFICATION PLAN

**ISSUE DATE:** December 7, 2023

**RESPONSIBLE AUTHORITY:** DIVISION OF CLASSIFICATION AND INMATE RECORDS

**POLICY MANUAL:** OPERATIONS

**SUPERSEDES:** (OCTOBER 22, 2020); (DECEMBER 13, 2017); (OCTOBER 21, 2013); OP-21.04 Change 3 (September 26, 2012); Change 2 (February 10, 2011); Change 1 (February 3, 2011); (JANUARY 1, 2011); (JANUARY 1, 2010); (AUGUST 1, 2006); (JANUARY 1, 2005); Change 1 (March 28, 2005); Change 2 (October 1, 2005)

**RELEVANT SCDC FORMS/SUPPLIES:** 18-1, 18-3, 18-6, 18-16, 18-34 18-39, 18-68, 18-69, 18-78, 18-79, 19-11, 19-17, 19-29, 19-30, 19-45, 19-47, 19-54, 19-97, 19-100, 19-123, 19-141, 27-4, 27-9, 27-10, 27-16, 27-17, 27-18, 27-23, 27-49, 27-53, 27-67, 27-70, M-31, **M-207**, S-15, S-28, S-32, B-19, 447-SC-DMV

**RELATED HEALTH SERVICES PROCEDURES:** 300.9, 300.25, 300.27

**ACA/CAC STANDARDS:** *(5-ACI-6A-10 through 5-ACI-6A-12), (5-ACI-6B-02), (5-ACI-7B-03), (5-ACI-7D-07), (5-ACI-7D-08), (5-ACI-7D-10), (5-ACI-7F-01), (5-ACI-7F-04), (5-ACI-7F-05), (5-ACI-7F-08), (5-ACI-1A-17), (5-ACI-1E-01), (5-ACI-1E-02), (5-ACI-1E-04), (5-ACI-4A-01), (5-ACI-6C-09), (5-ACI-3C-10), (5-ACI-4A-07), (5-ACI-4A-09), (5-ACI-3D-09), (5-ACI-3D-10), (5-ACI-5A-01), (5-ACI-5A-02), (5-ACI-5A-03), (5-ACI-5A-04), (5-ACI-5A-05), (5-ACI-5A-06), (5-ACI-5B-01), (5-ACI-5B-02), (5-ACI-5B-03), (5-ACI-5B-04), (5-ACI-5B-05), (5-ACI-5B-06), (5-ACI-5B-07), (5-ACI-5B-08), (5-ACI-5B-09), (5-ACI-5B-10), (5-ACI-5B-11), (5-ACI-5B-19), (5-ACI-6A-01), (5-ACI-5F-01), (5-ACI-5F-03), 4-4449, (5-ACI-7A-02), (5-ACI-7D-15).*

**STATE/FEDERAL STATUTES:** Section 17-25-65, South Carolina Code of Laws, 1976; Section 24-1-140, South Carolina Code of Laws, 1976, as amended; Prison Rape Elimination Act (PREA) Statute 42 USC 15601; PREA Standards 115.41, 115.42, 115.43, 115.81.

**PURPOSE:** To provide a general outline of the Agency's inmate classification plan and to establish the general criteria by which inmates will be classified and assigned to housing within the Agency.

**POLICY STATEMENT:** The South Carolina Department of Corrections is committed to upholding public safety and to operating a safe, secure, and humane prison system. To this end, the Agency will develop and implement an inmate classification system designed to assess an inmate's risk based on his/her past criminal behavior and to assign him/her to appropriate institutional housing based on the results of such risk assessment. To promote positive behavior, an inmate's custody level and privileges while assigned to an institution will be based on behavior driven criteria.

Inmate custody classification is based on different factors and embodies correctional discretion. An inmate has no right to any particular custody level.

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## **SECTION ONE: INTRODUCTION**

### **1. POLICY DIRECTIVES:**

**1.1** The South Carolina Department of Corrections will develop, implement, and publish an Inmate Classification Plan in compliance with applicable state and federal statutes and American Correctional Association Standards. With the approval of the Agency Director and the Deputy Director of Operations, responsibility for the development and implementation of the plan will rest with the Division Director of Classification and Inmate Records. The Classification Plan will be reviewed at least annually and updated as necessary. SCDC's classification plan will be revalidated every 3-5 years by an external consultant.

**1.2** A copy of the Inmate Classification Plan will be provided to each Warden, Regional Director, Division Director, Classification staff member, policy manual holders, the Agency Director, the General Counsel, and other members of the Executive Staff. Inmates will be afforded access to the plan through publication of the same in the [SCDC Operations Operational Manual](#) available for their review in each institutional library (or area within the institution generally accessible to all inmates). When necessary, updates to the plan will be published and distributed to staff by the Division Director of Classification and Inmate Records and the Branch Chief of Policy Development.

#### **1.3 The Inmate Classification Plan will generally be designed to:**

- Assign inmates to institutional housing based on risk assessment criteria;
- Establish regular reviews and multiple custody levels within institutions;
- Assign inmates to various custody levels and provide privileges to inmates based on behavior driven criteria;
- Increase supervision and control of disruptive inmates in medium and close custody units;
- Establish graduated release for eligible inmates through a systematic decrease in supervision and corresponding increase in responsibility pertaining to work release and/or placement in a pre-release center; (In preparation for final release, inmates will be encouraged and provided opportunities for involvement with family and participation in community activities in accordance with SCDC Policies OP-22.09, "Inmate Visitation," and PS-10.04, "Volunteer Services Programs.")
- Retain inmates at assigned institutions for longer periods of time to reduce transfers and stabilize the inmate population; and
- Standardize inmate record keeping to ensure that consistent, up-to-date information is maintained on each inmate from which classification decisions may be based.

**1.4** At a minimum, an inmate's classification status will be reviewed at regular intervals to ensure the proper classification of each inmate during his/her term of incarceration. Inmates may also be reviewed as a result of a change in their status, i.e., disciplinary infractions, changes in their sentence, criminal charges, etc.

**1.5** Inmates will be afforded the opportunity to appeal classification decisions through the Agency's Inmate Grievance System. (See SCDC Policy GA-01.12, "Inmate Grievance System.")

**1.6** The Division Director of Classification and Inmate Records or designee will monitor classification programs within each institution at least annually with formal on-site visits to ensure that classification procedures are properly administered.

### **2. CLASSIFICATION PLAN CRITERIA AND OBJECTIVES:**

**2.1** This classification plan uses detailed information on inmates that is gathered and entered into the automated system during intake processing at the R&E Center. Inmates will then be assigned and transferred to the correct custody level. Privileges and Earned Work Credit/Earned Educational Credit (EWC/EEC) accrual rates will be determined by behavior.

#### **2.2 The format for the classification criteria is designed to:**

- Simplify and standardize the process;
- Meet the public's perception and demand for justice and safety;
- Account for risk as presented by past criminal behavior;
- Specifically address institutional behavior; and
- Develop policy/procedural guidelines for custody level placements with the concurrence of many field personnel.

#### **2.3 Objectives of Classification Training:**

- Allow field personnel active participation in case-by-case evaluation.
- Ensure common understanding among staff in the interpretation of the classification system.
- Ensure that, despite simplification, the essential elements of an objective and consistent classification system based on risk and protection of the public are not compromised.
- Obtain feedback to finalize a set of system wide policy/procedural guidelines from which the system can be automated and reports generated for monitoring and evaluation.

**2.4 System Design:** The system is designed to:

- Base custody and privileges on inmate behavior;
- Increase control of disruptive inmates in **C**lose custody units;
- Emphasize work, programs, and good behavior.

**2.5 Format for Central Classification Custody Level Review:** The **classification application** evaluates inmates on **several** placement criteria: Severity of current offense; Incarcerative sentence based on time to max out; Prior **convictions**; Assaultive disciplinary convictions; Escape history; **Age; Education level**; and Detainers. Also considered are assessed special needs such as: Mental Health, Sex Offender, Medical, Intellectual Disability, and Substance Abuse. In addition, the following are considered: Security Threat Group Affiliation; Separation Requirements; NCIC Offense Information; Chronic/major disciplinary history; and criminal offenses committed while incarcerated.

**2.6 Custody Assignment:** The Institutional Classification Committee (ICC) will be the decision-making body for institutional custody decisions. Classification committees will be chaired by the Classification Case Manager/Caseworker . The ICC will make recommendations for Protective Custody, initial placement in Minimum Custody, advancement or reduction in custody, and if a custody override will be utilized. Central Classification will make final decisions to approve or disapprove the custody assignment in these situations. All inmates will be classified for custody and housing. The principal custody designations are: **Minimum Out (MO)**; Minimum (MI); Medium (ME); Close (CL).

**2.6.1 Special Status Designations:** The special status designations are Security Detention Maximum (SD MX), Security Detention (SD), Short Term Detention (ST), Protective Custody Concerns (SP), **Statewide Protective Custody (PC)**, Disciplinary Detention (DD), and Disciplinary Yard (DY).

**2.6.2** Inmates approved by R&E or Central Classification for Minimum custody and transferred to an institution may be assigned to jobs outside of the perimeter. Once screened and approved by the Institutional Classification Committee, the custody will not be submitted to Central Classification for secondary approval.

**2.7** Inmate custody classification is based on different factors and embodies correctional discretion. The inmate's custody will be based on behavior and criminal history. An inmate has no right to any particular custody level.

### **3. CUSTODY AND INSTITUTIONAL ASSIGNMENT:**

**3.1** Central Classification will be the decision-making body for custody level and institutional assignment. The principal custody level designations are: **Minimum Out**, Minimum, **Minimum Restricted**, Medium, and Close.

**3.2 Use of Automation:** Data in the automated system is being enhanced through transfer of information from the manual record; entering additional data in areas such as medical and mental health; and auditing records to increase the accuracy of the information.

## **SECTION TWO: RECEPTION AND EVALUATION (R&E) CENTERS**

**4. INITIAL RECEPTION AND EVALUATION PROCEDURES:** All inmates who arrive at an R&E Center will be processed through the following steps of receiving and evaluation (sections 4.1 through 4.15). To the extent possible, the goal of the R&E process described below is to complete all required assessments in 45 days. Delays in medical and/or mental health evaluations as well as bedspace availability may extend the R&E process.

**4.1** The R&E Records staff will be responsible for creating both an institutional and a central record for each inmate. The institutional record will accompany the inmate upon transfer from R&E and upon every institutional transfer thereafter, with the exception of inmates being transferred to regional court hub sites, medical/doctors appointments, outside (non-SCDC) hospital admissions, and overnight court transports/overnight PCR hearings.

**4.2** Each inmate's commitment papers will be reviewed by the receiving person and delivered to the appropriate R&E records person for processing. The R&E Records staff will review the commitment papers to ensure that the inmate has a valid South Carolina sentence. Inmates who do not have valid commitment papers or a valid South Carolina sentence will not be accepted by the SCDC.

**4.3** Each inmate will be searched for contraband as indicated in SCDC Policy OP-22.19, "Searches of Inmates."

**4.4** Medical and trained security staff will conduct a medical screen to determine immediate action to be taken if inmate appears to be suicidal (i.e., referral to mental health counselor) and/or identify medical conditions that need immediate attention. Medical, mental health,

and dental screening will be conducted in accordance with SCDC Policy HS-18.13, "Health Screening and Exams."

**4.5 Inmates arriving at the R&E Center with a GBMI (Guilty But Mentally Ill) conviction will be sent to Kirkland Correctional Institution (males) or to Camille Graham Correctional Institution (females) for evaluation and prioritized for immediate mental health screening. The inmate will receive mental health screening on the day of arrival to determine what level of mental health intake evaluation is necessary. Inmates will then receive QMHP and Psychiatry follow up in accordance with the prescribed outcome of the mental health screen (i.e., emergent, urgent, routine). The outcome of this assessment will determine their mental health placement.**

**4.6** See SCDC Policy OP-22.16, "Death Row," for information regarding the reception and evaluation process for inmates with death sentences.

**4.7** Each inmate's property and money will be processed in accordance with established SCDC procedures. (Refer to SCDC Policy OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property," and ADM-15.12, "E.H. Cooper Trust Fund," for further information.)

**4.8** Each inmate will receive hygienic attention (shower, shave, haircut, etc.) and will be issued clothing and any additional items approved for issuance to the newly-arrived inmate. (Refer to SCDC Policy OP-22.13, "Inmate Grooming Standards.")

**4.9** Each inmate will be questioned to determine age and any other questions necessary in order to assist in making cell assignment.

**4.10** Each inmate will be fingerprinted and photographed (to include notation of identifying marks or other unusual physical characteristics for identification). An Identification Card will be issued to the inmate with assignment of an SCDC number.

**4.11** Each inmate will be given assistance in notifying his/her next of kin and family of admission, if necessary.

**4.12 Initial Housing Assignments:** Initial housing assignments at the R&E will be made by the Operations Coordinators in charge on the basis of the inmate's age, physical size, and any other available security-related characteristics, including information received prior to the inmate's arrival or from the law enforcement or jail personnel who transported the inmate to the R&E Center. Housing for inmates undergoing reception and diagnostic processing will be in cells specifically designated for R&E.

**4.13 Immediate Care Requirements:** Each inmate will be interviewed to determine if s/he requires immediate medical or mental health care in compliance with related Medical Services/Behavioral Health procedures. Inmates who require immediate medical or mental health care will be referred to the appropriate health services professional staff for evaluation and treatment.

**4.14 Prescriptions and Medications:** Each inmate will be required to present prescriptions and all medications (prescribed and over-the-counter) that the inmate obtained prior to arrival at the R&E Center. The medical staff will review all prescriptions and medications and confer with a SCDC physician to decide upon continuation of these medications. When the inmate is examined by a physician, a final determination will be made as to what medications the inmate will require.

**4.15 Initial Orientation:** Each inmate arriving at R&E will receive written orientation materials. Inmates that do not speak English shall be provided assistance/translations in their own language. Inmates with hearing impairments will be provided with sign language services and visually impaired inmates will receive a verbal orientation. During the initial orientation, a brief overview of the entire reception process will be delivered.

## **5. INITIAL MEDICAL ASSESSMENT, ORIENTATION, INTAKE ASSESSMENT, AND REFERRALS:**

**5.1 The Multidisciplinary Management and Treatment Team will, on a case-by-case basis, and based on the recommendation of the assessment and evaluation conducted by the qualified professional, create individualized accommodation plans that will provide for medically necessary treatment. These individualized accommodation plans will be documented on SCDC Form M-207, "Multidisciplinary Accommodation Plan." (PREA Standard 115.42)**

**5.1.1** On a case by case basis, the Gender Dysphoria Multi-Disciplinary Team will determine whether to assign a transgender or intersex inmate to an institution for male or female inmates. The placement decision will be based on the inmate's own views with respect to his or her health and safety, and whether such decision will present a management or security problem. (PREA Standard 115.42)

**5.1.2** Inmates with special medical and/or mental health needs will be referred to the appropriate professional medical staff for further evaluation and treatment.

**5.1.3** The results of the preliminary medical examination will be recorded on SCDC Supply S-15, "Comment Sheet," and other appropriate forms, which will be filed in the inmate's medical record. A copy of the Comment Sheet will be forwarded to the assessment classification section. This information is also included in the automated record.

**5.1.4 Initial Screening for Risk of Victimization or Abusiveness:** Inmates must be *initially* screened for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of arrival at SCDC and *reassessed within 30 days. At each subsequent transfer, inmates must receive an initial assessment within 72 hours of arrival, and then receive a reassessment within 30 days.* A trained designated staff member will use the automated PREA screening instrument (SCDC Form 18-79, "PREA Screening Checklist") to interview the inmate and complete the checklist. Inmates who have experienced prior sexual victimization or perpetrated sexual abuse on others whether it occurred in an institutional setting or in the community will be offered a follow-up



meeting with a qualified medical/mental health staff within 14 calendar days of the initial screening. The screening interview will be individualized to ensure the safety of each inmate and will be conducted in a private area that is conducive to obtaining complete and accurate information. Inmates will not be disciplined for failure to disclose or for refusal to answer questions related to prior sexual abuse. (PREA Standards 115.41 and 115.81)

**5.1.5** Within 30 days of transfer, the Classification Caseworker will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received since the inmate's transfer using the automated PREA screening instrument.

**5.1.6** The inmate's PREA status will be used when making decisions regarding cell assignment, job assignment, education, and program assignment. Inmates designated as PREA perpetrators will be kept to the extent possible from those designated as PREA victims. (PREA Standard 115.42)

**5.1.7** Initial Housing of LGBT (lesbian, gay, bisexual, and transgender) inmates: Lesbian, gay, bisexual, transgender, or intersex inmates will not be housed solely on the basis of such identification unless placed for the purpose of protecting the inmate. Transgender and intersex inmates will be given the opportunity to shower separately from other inmates. Placement and program assignment of transgender and intersex inmates will be reassessed every six months to review any threats to safety experienced by the inmate. (PREA Standard 115.42)

**5.1.8** Information from the risk screening instrument will be considered when making housing, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, and ensuring that determination about how to ensure the safety of each inmate is individualized.

**5.2 Orientation:** As noted in section 4.15, each inmate receives written orientation materials. The orientation process for newly arrived inmates consists of formal classes, written material, video tapes, and/or short presentations conducted by the R&E staff. Assistance will be provided to those inmates unable to understand or speak English. The completion of orientation will be documented on SCDC Form 18-69, "Certificate of Inmate Orientation," and SCDC Form 18-78, "Certification of Prison Rape Elimination Act (PREA) Orientation." Topics addressed during orientation include:

- Inmate intake process;
- Improper behavior between staff and inmates;
- SCDC policies and rules;
- Consequences of rules violations;
- Prison Rape Elimination Act (PREA) Guidelines;
- SCDC institution locations;
- Institutional programs and services;
- HIV education;
- Drug education (K-2 video);
- Inmate grievance system;
- Consular Notification;
- International treaty;
- Security Threat Group information; and
- Mail and visitation procedures.

**5.3 Assessment Testing:** All newly received inmates and those who have not been evaluated in the past three (3) years will be administered the Drug Dependence Screen (DDS) test in a group setting. Those unable to read will have the DDS read to them. **Mental Health Services** staff will grade the DDS test and record the scores.

**5.4 Intake Assessment Interview:** The Intake Assessment Interview will be conducted with each newly received inmate by an assessment classification caseworker after the tests described in 5.3, above, are completed.

**5.5** Inmate assessment data will be entered in the automated Offender Management System as the inmates are interviewed. The Intake Assessment Interview will be conducted with each newly received inmate by an assessment classification caseworker on the first day of intake when feasible. If for any reason newly received inmates can not be interviewed on their first day of admission, emergency contact information will be entered, and the inmate will be re-scheduled for a complete interview the next working day. The interviews will consist of the following personal data information: Marital/family/social history (to include last known address and emergency contact information); Education/Vocational history; Juvenile history; Employment history; Substance abuse history; Medical/Dental/Mental health history; **Risk** Needs Assessment and Program Adult criminal record/Legal aspects of the case; Sexual misconduct data; Court ordered recommendations; Staff recommendations; and date information was gathered. **6. INITIAL CLASSIFICATION AND ASSIGNMENT PROCEDURES:** All inmates processed through an R&E Center will be initially classified for a custody level and assigned to an institution that best meets their needs. The same procedures will apply to all inmate readmissions and reassignments to R&E Centers.

**6.1 Initial Classification:** Once the records audit is completed, the custody review can be created under the CLASSP screen of the automated Offender Management System. The computer will automatically rate each of the placement criteria and recommend a custody level. Each criteria should be reviewed with the manual record, to include any open dispositions, plea bargained, or dismissed/nol prossed sex offenses on the NCIC. If discrepancies are found, the records auditors will be contacted to update the automated record.

## PART I:

**Custody Criteria** - See chart for levels (section 8):

**Severity of current offense** - based on category of the most serious current offense (1-5).

**Incarcerative sentence** - based on remaining time to serve until max-out.

**Prior criminal history** - *convictions* of more than 90 days, counted as violent or non-violent per statute.

**Disciplinary convictions** - will be major or administrative.. All assaultive disciplinaries will be recorded against a staff member or an inmate, and with or without a weapon.

**Detainers** - (includes wanteds and holds) are based on the offense category of each detainer (1-5). Notices are reviewed on a case-by-case basis.

**Escapes** - any escape from custody or confinement, based on date returned from escape, if known. Categorized as Class I or Class II escape. See escape definitions. (**Note: Other escape related offenses are reviewed on a case-by-case basis.**)

**Resident Stability** - based on indication of citizenship status.

**Violent Offense with Prior Violent Conviction**- "Y" or "N" will appear based on inmate's criminal history.

**Inmate Labor Crew Date** - if eligible, date will appear.

**Recommend Screening for Labor Crew Now** - "Y" or "N" will appear based on when the labor crew date occurs.

## **PART II:**

**Special Needs Per Intake Assessment/Medical** - "Y" or "N" will appear if the inmate was referred for evaluation in a specific area. This does not necessarily mean that the inmate needs this program, only that an evaluation was done in this area.

**Security Threat Groups** - will be indicated.

**Separation Requirement** - "Y" or "N".

## **PART III:**

**Recommend Custody** - level recommended based on custody criteria.

**Assigned Custody** - level recommended by classification staff.

**Institutional Override** - see override codes - must thoroughly explain justification in remarks section.

**Central Classification Approved Custody** - approved custody level.

**Central Classification Override** - must thoroughly explain justification in remarks section.

**6.2 Completing Custody Review:** Before the classification caseworker completes the "assigned custody," several areas need to be reviewed:

**6.2.1** Check the MEDCLASS screen for any restrictions.

**6.2.2** Check the CLASSINQ screen to review the inmate's past history for prior *convictions* and disciplinaries.

**6.2.3** Document custody level as deemed appropriate after the review of the above information. If the assigned security is different from the recommended custody level, then an override code will be needed. Also, text must be provided to justify the override code utilized.

**6.2.4** Transfer requests will be coordinated by Central Classification on an as-needed basis.

## **SECTION THREE: CENTRAL CLASSIFICATION**

**7. CENTRAL CLASSIFICATION:** Central Classification (CC) will have the primary responsibility for all transfers and bed management in the Agency. The main duties and responsibilities of CC are as follows: bed space management (all institutions); transfers; special needs/programs; assignment to Minimum custody; placement of Separations; Labor Crew/Work Program; Pre-Release *Center* assignments; Young Offender Parole And Reentry Services (YOPRS) (Transfers); Designated Facilities (Transfers); Interstate Corrections Compact Agreement (ICC); Immigration and Customs Enforcement (ICE) Coordination; International Prison Transfers; Interstate Agreement on Detainers (IAD), Extradition, Other Jurisdiction, Court Coordination Transfers; Statewide Protective Custody Placement and Removal; and approval for Minimum Custody Level. Authority may be delegated to individual CC members for the purposes of making routine, case-by-case decisions relative to daily operations.

**8. CLASSIFICATION SCORING APPLICATION, NON-DISCRETIONARY/DISCRETIONARY CUSTODY CRITERIA, AND PRIVILEGES CHART:**

**8.1 CLASSIFICATION SCORING APPLICATION:**

**8.1 Initial Classification Review: The initial classification application scoring system is applied until 12 months in SCDC has been served with a greater emphasis on the severity of current and prior convictions.**

<b>ITEM #1 Current Offense with Highest Category</b>	<b>Pts</b>
Category 1 or 2	1
Category 3	3
Category 4	5
Category 5	7
<b>ITEM #2 Prior Convictions – Highest Category in Past 7 Years</b>	
None	0
Category 1 or 2	1
Category 3	3
Category 4	5
Category 5	7
<b>ITEM #3 Escape History – in Past 7 Years</b>	
None	0
Class II	3
Class I	7
<b>ITEM #4 Institutional Assaultive History – in Past 7 Years</b>	
None	0
Any Assault - no weapon	3
Any Assault - weapon used	7
<b>ITEM #5 Current Age</b>	
25 years and younger	2
26 - 32 years	1
33 - 50 years	0
51 years and older	-1
<b>ITEM #6 Validated/Suspected Gang Membership</b>	
Validated Gang Member	2
Suspected Gang Member	1
None	0
<b>ITEM # 7 Mitigating Factors</b>	
Verified Education (HS/GED or higher)	-1
Prior SCDC Minimum Custody at Release (MO/MR prior to February 2020 / MI on or after February 2020)	-1

**8.2 Reclassification Review: The reclassification application scoring system is applied after 12 months in SCDC has been served with a greater emphasis on current behavior and participation in work and/or programs.**

<b>ITEM #1 Current Offense with Highest Category</b>	<b>Pts</b>
Category 1 or 2	1
Category 3	2
Category 4	4
Category 5	6
<b>ITEM #2 Prior Convictions – Highest Category in Past 7 Years</b>	
None	0
Category 1 or 2	1
Category 3	2
Category 4	4
Category 5	6
<b>ITEM #3 Escape History – in Past 7 Years</b>	



<i>None</i>	0
<i>Class II</i>	3
<i>Class I</i>	7
<b>ITEM #4 Institutional Assaultive History – in Past 7 Years</b>	
<i>None</i>	0
<i>Any Assault - no weapon</i>	3
<i>Any Assault - weapon used</i>	7
<b>ITEM #5 Current Age</b>	
<i>25 years and younger</i>	2
<i>26 - 32 years</i>	1
<i>33 - 50 years</i>	0
<i>51 years and older</i>	-1
<b>ITEM #6 Validated/Suspected Gang Membership</b>	
<i>Validated Gang Member</i>	2
<i>Suspected Gang Member</i>	1
<i>None</i>	0
<b>ITEM #7 Number of Major Disciplinary Convictions</b>	
<i>None past 24 mos.</i>	-2
<i>None past 12 mos.</i>	-1
<i>1 - 3 past 12 mos.</i>	1
<i>4 - 5 past 12 mos.</i>	3
<i>6 + past 12 mos.</i>	5
<b>Item #8 Work/Program Participation – in Past 12 Mos.</b>	
<i>Refusing to Work or Program</i>	2
<i>Earned Work <u>OR</u> Program Credits for at least 6 months within past 12 months</i>	-1
<i>Earned Work <u>AND</u> Program Credits for at least 6 months within past 12 months</i>	-3
<i>Not required</i>	0

**8.3 System Custody Recommendation Based on Score:**

- *Minimum (MI) Custody: 1 - 4 points for males / 1 - 6 points for females*
- *Medium (ME) Custody: 5 - 9 points for males / 7 - 11 points for females*
- *Close (CL) Custody: 10+ points for males / 12+ points for females*

**8.4 Non-Discretionary Overrides:** *Non-discretionary overrides are minimum qualifications that must be met regardless of the simulated score in order to be assigned to a specific custody level. The Institutional Classification Committee (ICC) does not have the authority to recommend an override of these requirements.*

<b>MINIMUM OUT (MO) CUSTODY LABOR CREW/WORK PROGRAM Non-Discretionary Overrides</b>	<b>MO Custody con't.</b> <i>No category 4 – 5 open arrest detainees</i>
<i>Must have 5 years or less to maxout</i>	<i>No Hold or Wanted detainees (category 4 – 5)</i>
<i>No category 4 or 5 offenses except certain violent offenses during current incarceration pursuant to the Sentencing Reform Act of 6/2/10**</i>	<i>No out of state/federal detainees (Wanted/Hold/Notify)</i>
<i>No prior category 4 or 5 offenses</i>	<i>No ICE detainees</i>
<i>No pending disciplinaries</i>	<i>Must be a U.S. Citizen</i>
<i>No major disciplinary within 6 months</i>	<i>No Class I escapes</i>
<i>No more than 2 major disciplinary convictions within past 12 months (different dates) for eligibility</i>	<i>No Class II escapes within 7 years</i>
<i>No drug disciplinary convictions within past 18 months for eligibility</i>	<i>No Validated/Designated STG</i>
<i>No removal for disciplinary convictions from</i>	<i>No current violent with prior violent conviction</i>
	<i>No current or prior sex or plea down sex convictions, arrests, or dismissed/nolle prossed offenses*</i>

<ul style="list-style-type: none"> <li>___ <i>a LC/WP within past 18 months</i></li> <li>___ <i>No assaultive disciplinary conviction within past 18 months</i></li> <li>___ <i>No Sexual Misconduct and/or Exhibitionism or Public Masturbation disciplinary convictions within the last 18 months</i></li> <li>___ <i>No removal for adjustment problems from a Designated Facility within 6 months prior to placement date</i></li> <li>___ <i>No termination from a job or program within the past 6 months</i></li> </ul>	<p><b><i>*REQUIRES MANUAL RECORD CHECK</i></b></p> <ul style="list-style-type: none"> <li>___ <i>Non-85% inmates must have 3 years or less to maxout to advance from Labor Crew to the Work Program.</i></li> <li>___ <i>Per SC statute, inmates with a mandatory 85% offense must serve 80% to advance from Labor Crew to the Work Program.</i></li> <li>___ <i>Unlimited "Administrative" disciplinary convictions after placement and no "Major" disciplinary convictions after placement.</i></li> </ul>
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\*\* Reference section 8.4 (Voluntary Manslaughter, Kidnapping, Carjacking with/without Bodily Injury, Burglary 2nd - violent, Armed Robbery, Attempted Armed Robbery, Manufacturing/Distribution of Meth, 1st, 2nd, & 3rd and the crime did not involve any criminal sexual conduct and the offender is within five (5) years of max-out.) Inmates who are in possession of a firearm during the commission (Firearm Provision) of the above listed violent crimes are eligible for consideration for the Labor Crew/Work Program. Offense date occurred on or after 6/2/10. **MI** Inmates will be eligible for labor crews in **MI, ME, and CL** custody institutions upon meeting other specific classification criteria. Only statutory non-violent inmates with no prior history of violent convictions may be assigned to contract labor crews.

<p><b><u>MINIMUM (MI) CUSTODY</u></b> <b><u>Non-Discretionary Overrides</u></b></p> <ul style="list-style-type: none"> <li>___ <i>Must have 8 years or less to maxout</i></li> <li>___ <i>No category 4 – 5 open arrest detainees</i></li> <li>___ <i>No level 1 or 2 major disciplinary convictions within 6 months</i></li> <li>___ <i>No Hold or Wanted detainees (category 4 – 5)</i></li> <li>___ <i>No out of state/federal detainees (Wanted/Hold/Notify)</i></li> <li>___ <i>No ICE detainees</i></li> <li>___ <i>Must be a U.S. Citizen</i></li> <li>___ <i>No Class I escapes</i></li> <li>___ <i>No Class II escapes within 7 years</i></li> <li>___ <i>No Validated/Designated STG</i></li> <li>___ <i>No current violent with prior violent conviction</i></li> <li>___ <i>No convicted or plea down sex offenses*</i></li> <li>___ <i>No prior sex offense dismissed or nolle prossed within 7 years*</i></li> </ul> <p><b><i>*REQUIRES MANUAL RECORD CHECK</i></b></p>	<p><b><u>MINIMUM RESTRICTED (MR) CUSTODY</u></b> <b><u>Non-Discretionary Overrides</u></b></p> <ul style="list-style-type: none"> <li>___ <i>Must have 8 years or less to maxout</i></li> <li>___ <i>No category 4 – 5 open arrest detainees</i></li> <li>___ <i>No level 1 or 2 major disciplinary convictions within 6 months</i></li> <li>___ <i>No Hold or Wanted detainees (category 4 - 5)</i></li> <li>___ <i>No out of state/federal detainees (Wanted/Hold/Notify)</i></li> <li>___ <i>No ICE detainees</i></li> <li>___ <i>Must be a U.S. Citizen</i></li> <li>___ <i>No Class I escapes</i></li> <li>___ <i>No Class II escapes within 7 years</i></li> <li>___ <i>No Validated/Designated STG</i></li> <li>___ <i>No current violent with prior violent conviction unless prior is 10+ years old AND is a drug and/or burglary offense.</i></li> <li>___ <i>No convicted or plea down sex offenses*</i></li> <li>___ <i>No prior sex offense dismissed or nolle prossed within 7 years*</i></li> </ul> <p><b><i>*REQUIRES MANUAL RECORD CHECK</i></b></p>	<p><b><u>MEDIUM (ME) CUSTODY</u></b> <b><u>Non-Discretionary Override</u></b></p> <ul style="list-style-type: none"> <li>___ <i>Inmates with a life sentence with or without parole must serve 7 years in SCDC prior to advancement to ME custody.</i></li> </ul>
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8.5 Discretionary Overrides: The Institutional Classification Committee (ICC) and/or Central Classification (CC) may use a discretionary override to recommend a higher or lower custody than what is recommended by the classification application score. Use of a discretionary override by the ICC requires a minimum of a two (2) with final approval by CC.

<p><b><u>Discretionary Override – Higher Custody</u></b></p> <ul style="list-style-type: none"> <li>___ <i>Recent Assaultive Behavior (w/in past 12 months)</i></li> <li>___ <i>Gang Affiliation/Recent Activities</i></li> <li>___ <i>Crime More Severe Than Scored</i></li> <li>___ <i>Prior Record More Severe Than Scored</i></li> <li>___ <i>Recent Disruptive Behavior</i></li> <li>___ <i>Notoriety of Offense</i></li> <li>___ <i>Security Concerns</i></li> <li>___ <i>Arrest History</i></li> </ul>	<p><b><u>Discretionary Override – Lower Custody</u></b></p> <ul style="list-style-type: none"> <li>___ <i>Positive Adjustment</i></li> <li>___ <i>Crime Less Severe Than Scored</i></li> <li>___ <i>Pre-Release/Re-Entry Programming Needs</i></li> <li>___ <i>Prior Record Less Severe Than Scored</i></li> <li>___ <i>Behavior Warrants Less Restrictive</i></li> <li>___ <i>Prior Minimum Custody Placement</i></li> <li>___ <i>Physically Disabled Inmate</i></li> </ul>
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**8.6 Custody Privileges Chart:**

	<i>MO PRIVILEGES</i>	<i>MI / MR PRIVILEGES</i>	<i>ME PRIVILEGES</i>	<i>CL PRIVILEGES</i>
<i>VISITATION</i>	<i>8 per month</i>	<i>8 per month</i>	<i>8 per month</i>	<i>4 per month</i>
<i>TELEPHONE</i>	<i>Unlimited</i>	<i>Unlimited</i>	<i>4 per day</i>	<i>1 per day</i>
<i>CANTEEN</i>	<i>\$150 per week</i>	<i>\$150 per week</i>	<i>\$100 per week</i>	<i>\$50 per week</i>
<i>JOBS</i>	<i>Outside the perimeter off institutional property.</i>	<i>Inside the perimeter or outside the perimeter on institutional property.</i>	<i>All inside the perimeter; under armed supervision outside the perimeter.</i>	<i>All inside the perimeter; under armed supervision outside the perimeter.</i>

**9. EARNED WORK/EDUCATION CREDIT LEVELS (EWC/EEC):** An inmate’s earned work/education credit level (EWC/EEC) will be based on major disciplinary convictions within the previous 12 months.

<b>EWC/EEC Level 2</b>	<b>No major disciplinary within 12 months.</b>
<b>EWC/EEC Level 3</b>	<b>One (1) major disciplinary within 12 months.</b>
<b>EWC/EEC Level 5</b>	<b>If an inmate receives a 2nd major disciplinary within 12 months of the 1st major disciplinary, EWC/EEC level will reduced to 5.</b>

**10. BEDSPACE MANAGEMENT:**

**10.1 Restrictive Housing Unit Beds:**

**10.1.1 Short term Detention (ST):** ST beds allow institutions to move inmates between the general population and RHU to accommodate their needs. ST beds also hold inmates with protective concerns.

**10.1.2 Protective Custody Concerns (SP):** General population bed is reserved.

**10.1.3 Disciplinary Detention (DD):** General population bed is not reserved if DD time is greater than 60 days.

**10.1.4 Security Detention (SD):** General population bed is not reserved.

**10.1.5 Maximum Detention (SD MX):** General population bed is not reserved.

**10.2 General Population Beds:** General population beds are considered as *minimum out*, minimum, medium, and close. All other bed types, **excluding** ST and HOSP beds, are considered special designated beds, such as habilitation unit beds, safekeeper beds, intermediate care unit beds, addictions treatment unit beds, SPICE beds, Sex Offender Treatment beds, behavioral management beds, protective custody beds, and labor crew/work release program beds.

**10.2.1 Disciplinary Yard (DY):** Inmates who receive disciplinary convictions and disciplinary detention time to serve while in Reception and Evaluation (R&E) Intake status. Inmates who have fully completed the R&E process and receive DD time to serve will be transferred to their initial institution assignment in DY custody status. Entry should be made on the Inmate Custody Screen (CUST Screen) as DY custody status. **(NOTE: This status is reserved for R&E use only.)**

**10.2.1.1** Inmates received in DY status must be reviewed by the ICC within 48 hours of arrival (excluding weekends and holidays). The institutional record will be referred to the Warden/Designee who will make a final decision to determine if the DD time will be waived or the inmate will be placed in RHU to complete the DD time. The Warden/Designee will document his/her decision on the 18-68 Staff Memoranda. If the DD time is waived, the Classification Caseworker will notify via e-mail the institution disciplinary recorder and modifier who will update the disciplinary narrative screen.

**10.2.2 Enhanced Close Custody (ECC):** *Wardens may assign inmates to a designated area/unit based on exhibited behavioral problems (e.g., gang affiliations/involvements, strong-arming/intimidation tactics, or determined a threat to security/orderly operation of an institution). Inmates assigned ECC have reduced privileges, closer controlled movement (tiering), and reduced access to other inmates outside of the ECC.*

<i>VISITATION</i>	<i>2 per month</i>
<i>TELEPHONE</i>	<i>1 per day</i>
<i>CANTEEN</i>	<i>\$35 per week</i>

**10.3 Procedures for Maintenance:** When an inmate leaves a general population bed (*MO, MI, MR, ME* or CL and is placed in an *RHU bed*, a hospital/infirmary bed, or HOSP), there will be a bed held by the automated Offender Management System. This is because the inmate's stay is only temporary. Central Classification will not fill that general population bed, unless the inmate transfers to security detention, disciplinary detention, a special designated bed, or out of the institution. When an inmate comes out of a ST, SP, or HOSP bed, s/he will have an available general population bed (*MO, MIN, MED, or CL*) to go back into. A specific custody bed will not be held, only a general population bed. The NUMBED screen of the BEDS menu will still indicate available beds next to each bed type. However, it will not be a true indicator of available beds for Central Classification to schedule transfers into. Only the row labeled Transportation-General Population will indicate the total number of general population beds for which Central Classification can schedule transfers.

**Example of ST:** Suppose there are 500 MIN beds and 200 MED beds in the general population. Five (5) inmates go to ST. Two (2) inmates go to infirmary beds (HOSP). One (1) inmate transfers to another institution. The seven (7) inmates in ST and HOSP beds will have general population beds held for them until they return. Central Classification can only fill the one (1) bed where the inmate transferred out of the institution. If one (1) of the inmates in ST is approved by the ICC/Warden to go to Security Detention (SD), then his/her general population bed will become available and Central Classification can fill it.

**11. TRANSFERS:** The Central Classification staff will handle all inmate transfers. CC will approve the transfer and locate appropriate beds. (See section 68, "Inmate Annual Transfer Request," for additional information.) Due to Agency needs and bedspace availability, groups of inmates may transfer to other institutions. Institutions may be contacted to screen inmates for any medical/mental health conditions that would exclude them from being transferred to targeted institutions. Once the screening is complete, CC will initiate the transfers and enter these transfers in the automated system. Transfers initiated at institutions should be handled in the following manner: Central Class will note the approved custody at the receiving institution in the comment section of the TRANREQ screen. If the inmate is being transferred from a Restrictive Housing Unit to a general population bed, Institutional staff should review the TRANREQ and ensure that the inmate is dressed in the correct uniform (tan if inmate will be assigned to a general population bed, yellow jumpsuit if inmate will be assigned to a RHU bed). Operations staff must update the inmate's custody on the CUST screen prior to transfer.

**11.1 Change in Custody Level: If there is a change in the custody level of the inmate, the following steps will be taken:**

- ICC creates a custody status review recommending a new custody level.
- CC approves/disapproves new custody level from the on-line pending custody review list.
- If the new custody level is approved and warrants a transfer, CC will initiate the transfer.
- CC will enter TRANREQ notating reason for transfer in remarks section.
- ICC can review the CC final decision by viewing the completed custody review.

**NOTE:** Custody level may change due to disciplinary convictions, detainers placed/removed, reduction/additional time or sentence, or STG status change.

**11.2 Change in Custody Level Requiring Transfer:** If there is a change in the custody level of the inmate, the following steps will be taken when this custody level is not available at the inmate's current institution:

- ICC initiates the custody review.
- Classification Case Manager/Caseworker sends an email to *Central Classification (CC)* advising them of the need to transfer the inmate due to custody change.
- If the transfer is warranted, CC will create the TRANREQ and the inmate will move as bedspace becomes available. Reason for transfer will be noted in remarks section of TRANREQ.
- If the transfer is not warranted, CC will contact the Case Manager/Caseworker.

**11.3 Protective Custody (PC)** (See SCDC Policy OP-22.23, "Statewide Protective Custody," for in depth information):

- The Institutional Protective Custody Committee (IPCC) holds a PC review board.
- If the inmate can be validated for statewide protective concerns, the Case Manager/Caseworker for the IPCC will create a custody review with justification for PC.
- The ICC Case Manager/Caseworker for the IPCC will email SCDC Form 19-47, "Protective Custody Evaluation," and all supporting documentation to Central Classification for final disposition.
- CC will create the TRANREQ and initiate the transfer to the institution designated to house protective custody. Reason for transfer will be noted in remarks section of TRANREQ.
- If the inmate cannot be validated for statewide protective concerns, the Case Manager/Caseworker for the IPCC will create a custody review with justification for the appropriate custody. The inmate will return to general population.
- If protective concerns exist at that particular institution and the concerns can be alleviated through a transfer, the SCDC Form 19-47, along with supporting documentation, should be emailed to Central Classification for review and final disposition.

**11.4 Separation:**

- Institutional Classification will complete SCDC Form 19-141, "Separation Memorandum," to initiate a separation and forward to CC for review.
- If a separation is approved, CC will create the TRANREQ and enter the reason for the transfer in the remarks section.
- If a separation is disapproved, CC will contact the Case Manager/Caseworker.

**11.5 Disciplinary (Institutions without Restrictive Housing Units (RHUs)):**

- Upon entry of major disciplinarys, the ICC should send an email to CC explaining the circumstances for the transfer request.
- CC will create the TRANREQ and enter the reason for transfer in the remarks section.
- The Case Manager/designee at the receiving institution creates a new custody/security review to the appropriate level based on the "pending disciplinary" disposition.

**NOTE:** If disciplinary charges are dropped or overturned, or the inmate is found not guilty, s/he will normally return to the sending institution. If an RHU bed is needed for an inmate because of a disciplinary situation during normal working hours, the institution will contact CC. If a transfer is requested because of a security reason, the inmate must be charged with a formal disciplinary infraction or documented as being under official investigation which may lead to disciplinary charges. Institutions should maximize the use of their short term detention beds to manage disciplinary infractions/rule violations. In cases where an inmate is not charged with a major disciplinary however poses an institutional security concern, the institution may request a transfer when the circumstances of the concern can be verified.

**11.6 Inmates with Life Sentences with the Possibility of Parole:** Inmates with life sentences who have served seven (7) continuous years in SCDC may advance in custody level provided they meet all other criteria.

**11.7 Educational Funding Act:** Inmates admitted to SCDC who are under 21 years old and who do not have a GED or a high school diploma will be assigned to designated Education Funding Act (EFA) institutions.

## **12. CENTRAL CLASSIFICATION (CC) REVIEW OF INMATES FOR EMERGENCY/IMMEDIATE INSTITUTIONAL TRANSFERS:**

**12.1 During normal operating hours - Monday through Friday, 8:30 a.m. to 4:30 p.m.:** The institution will notify Central Classification (CC) of requested emergency/immediate transfer by automated message system (CRT). Detailed circumstances will be given relative to the requested emergency/immediate transfer. Examples of potential emergency/immediate transfers include: Inmate assaultive behavior/serious assault on staff, potential escape risk, a potential threat to the institution, emergency/immediate medical situation, or violation of community programs procedures which would necessitate an immediate transfer. If additional information is required by CC, it will be requested via CRT message system or by telephone. CC will be responsible for reviewing all information regarding the request for emergency/immediate transfers. If an emergency/immediate transfer is approved by CC, the institution will be notified and a specific assignment will be made.

**12.2 After normal operating hours - Monday through Friday (4:30 p.m. to 8:30 a.m.), weekends, and holidays:** The institution will locate an available bed (RHU or general population). This information is accessible through the OMS Main Menu, selecting "BEDS," then "NUMBED," and entering the desired institution's location code. The last line of this screen will indicate under "TRANSPORTATION" the type and number of beds which can be utilized at the desired location. If the sending institution is unable to locate a bed (RHU or general population) for an emergency transfer, the institution may contact the Emergency Action Center (EAC). The EAC will contact CC on-call employee for assistance. The sending institution will be responsible for checking any separations and coordinating transportation and notification to receiving institution. CC will be notified via CRT message by the sending institution no later than the beginning of business the following work day and apprised of circumstances regarding the emergency/immediate transfer. CC will review the transfer and determine if additional reassignment is necessary.

**13. SPECIAL JOB SKILLS/SPECIAL PROGRAMS:** CC will be responsible for approving and disapproving all inmates for the following specialized jobs or programs: Division of Facilities Management construction crews, Get Smart Program, State House, Addictions Treatment Unit, Department of Public Safety, and SLED. CC will also be responsible for approving and disapproving Minimum assignments. The criteria and procedures for special job skills and programs vary. Once the criteria have been met, the following guidelines must be checked: Pending disciplinarys, assaultive disciplinary convictions, or positive drug tests will disqualify inmates from participation; Separations from the institution where the job or program is offered must be evaluated; and MEDCLASS - check for institutional restrictions. Required medical/mental health services may not be available at the institution offering the job program. CC will also be responsible for coordinating any requests from outside agencies for community or outside crews and details. Institutions that receive such requests from outside agencies should contact CC for guidance.

**13.1 Inmate Approval Retention for Statewide Travel:** Inmates must be in minimum custody and meet established criteria to be considered for placement and retention for statewide travel for the purpose of completing a job assignment. The job supervisor will submit the names of persons to be screened to the Institutional Case Managers using SCDC Form 18-25, "Memo to Request Statewide Travel/Transfer Request for Inmate Worker." The Case Manager will screen minimum custody inmates for statewide travel using the following criteria and submission to the Warden for final approval. Central Classification will approve inmates for Statewide Travel if the inmate is transferring from one institution to another in order to work on a specific job.

- No drug disciplinary convictions within **18** months;
- If an Administrative disciplinary is committed after assignment to statewide travel status, the inmate may, depending on the circumstances of the disciplinary, be reassigned to SHOP ONLY status. Inmates in SHOP ONLY status can not travel away from their designated job site; and
- No Separations from incarcerated inmates, or currently employed staff.

**NOTE:** The Warden/designee in consultation with the appropriate Division Director will determine whether or not the inmate will be reassigned to SHOP ONLY status. The Classification Case Manager/designee will conduct quarterly audits of inmates assigned to statewide travel. All decisions or changes in an inmate's travel status will be documented on the staff memoranda in the institutional record.



**NOTE: Victim Witness Notification:** If an inmate has a Victim Witness Notification(s), the victim(s) will be notified by the Warden/Designee via U.S. Mail that SCDC, in accordance with PS-10.20, "Victim Witness Notification," will be assigning the inmate to a job that requires travel throughout the state under direct supervision of trained SCDC employees. The inmate must not be allowed to report to work on the detail until at least five (5) working days after the letter is mailed. Copies of the letter with clear indication of the date mailed will be maintained on file at the institution. Under no circumstances will copies of this information be placed in the inmate's institutional or central record. A copy will also be provided to the Division of Victim Services. Letters returned due to inadequate address provided by the Victim will be forwarded to the Division of Victim Services. Entry will be made in the automated record concerning contact and attempts to contact the victim by the institutional Case Manager/designee. Any questions concerning matters not adequately addressed will require consultation with the Division of Victim Services. If additional information is received from community responses regarding the inmate's job assignment, this information will be considered for possible reassignment.

**14. SPECIAL NEEDS:** The South Carolina Department of Corrections provides medical and mental health care to inmates in an effective manner with efficient utilization of personnel by concentrating inmates in designated areas according to their level of need. A list of services provided at specific institutions will be published and updated periodically.

The following are brief descriptions of special needs programs provided at designated institutions:

**14.1 24-Hour Nursing Care** - Institutions that provide in-patient and/or out-patient medical services 24 hours per day. There is a concentration of medical staff available to meet the needs of chronically ill inmates.

**14.2 Daily Nursing Coverage** - Nursing services are provided *five (5) or* seven (7) days per week, eight (8) to 12 hours per day.

**14.3 Chronic Infirmary Care** - In-patient nursing care available to inmates whose medical condition carries a prognosis of not being able to live in institutional housing for a period of three (3) months or more.

**14.4 Handicapped Unit** - For inmates who have ambulatory problems, substantial hearing or visual impairment, and/or need assistance in daily living. Prior approval by the *Medical Services Administrator* (or designee) is required.

**14.5 Gilliam Psychiatric Hospital (GPH)** - Facility where male inmates receive in-patient psychiatric care.

**14.6 In-Patient Psychiatric Care for Females** - Questions on in-patient psychiatric care for female inmates should be referred to the Director of Mental Health Services.

**14.7 Area Mental Health Centers** - Institutions with a concentration of mental health staff that can provide group and individual counseling for inmates with moderate to severe mental illnesses.

**14.8 Intermediate Care Services** - Housing for inmates with a major mental illness, often of a chronic nature, who are usually on psychotropic medication. These inmates need a more structured environment than the general population, but are not ill enough for in-patient treatment at a hospital. Prior approval by the Behavioral Health Staff is required.

**14.9 Intellectual Disability Program - (Habilitation Unit)** - Services available for adult inmates identified with developmental disabilities. Prior approval by the Behavioral Health Staff is required.

**14.10 Out-Patient Mental Health Services** - For inmates with mild to moderate mental illness who need intermittent mental health services that will be provided on referral and as needed.

**14.11 Assisted Living** - Living area that houses inmates who require assistance with activities of daily living.

**14.12 Dialysis Care** - Services and medical care available for inmates requiring dialysis treatment.

**14.13 Sex Offender Treatment Program (SOTP)** – Residential treatment unit for inmates with current, active *convictions* for sex offenses.

**14.14 Addiction Treatment Unit:** For specific details, refer to SCDC Policy PS-10.02, "Inmate Substance Abuse Programs."

*14.15 MUSC Chester – Facility where male and female inmates receive inpatient medical care to include Acute Care, Long Term/Skilled Nursing Care.*

*14.16 MUSC Lancaster – Facility where female inmates receive in-patient psychiatric care.*

## **15. PROCEDURES FOR APPROVING MINIMUM CUSTODY PLACEMENTS:**

**15.1** The inmate will be reviewed by Institutional Classification and will be recommended for Minimum custody placement.

**15.2** Central Classification will be informed of recommendation for Minimum Custody by Institutional Classification. This will be accomplished by appropriate entry being made in the automated system on the custody status review. Central Classification will retrieve information from the automated system and the Central Record concerning recommendation for Minimum custody status and placement. The information reviewed will include the following:



- Disciplinary history;
- Detainer information;
- Escape history;
- Separations;
- Medical class summary;
- Work record/job skills;
- Education record;
- Security Threat Group affiliation; *and*
- NCIC Offense Information.

**15.3** Items listed above in section 15.2, above, may be obtained by inquiry on Classification Inquiry Report Screen of Classification Menu. Further detail will also be available on individual screens in the automated system. NCIC offense information may be obtained from the central/institutional record. Upon obtaining all necessary and required information, CC will approve/disapprove recommendation for Minimum custody by completion of the automated custody review.

**16. HEALTH INFORMATION FOR INSTITUTIONAL ASSIGNMENTS:** If "No Restriction" is indicated, the inmate can be assigned to any institution from a medical perspective. Inmates with specialized housing needs will be assigned to institutions equipped to provide the below services:

- 24 Hour Nursing;
- Area Mental Health;
- Daily Nursing Coverage;
- Dialysis Accessible;
- Intermediate Care Unit (ICS);
- Handicapped Unit;
- Intellectual Disability Program;
- Outpatient Mental Health.

**16.1 Mental Health Designations:**

- All inmates identified as mentally ill (Mental Health Classification L1, L2, L3, L4, or L5) must be monitored by mental health staff regardless of whether or not psychotropic medication is prescribed, or whether or not the inmate is compliant with his/her prescription medication.
- Behavioral Management Units (BMU) - designed as an alternative to long term segregation placement for inmates designated as having a mental health classification who are suffering from severe personality disorder and associated disruptive behaviors.
- Low Level BMU (LLBMU) - designed to work with inmates with a lower security level.
- High Level BMU (HLBMU) - designed to work with inmates with a higher security level.
- **Secured Mental Health Unit (SMHU)** - designed to work with inmates within level III.
- L1 GPH - Male inmates are placed in Gilliam Psychiatric Hospital (GPH). Female inmates are placed in **MUSC Lancaster**. Mental health professionals see the inmate weekly.
- L2 Intermediate Care Services (ICS) - Inmates' ability to function is severely impaired due to mental illness. There are active symptoms of major mental illness with impaired reality testing or multiple failures to conform behavioral functions in a lowered level of care. Inmates are seen twice a month by mental health professionals.
- L3 Area Mental Health - Inmates' ability to function in a general population is moderately impaired due to mental illness. They are easily overwhelmed by everyday pressures, demands, and frustrations, resulting in disorganization, impulsive behavior, poor judgment, delusions, hallucinations, or other exacerbations. They are seen by mental health professionals at least monthly, and require treatment update every six months.
- L4 Outpatient - Inmates may be housed in general population or structured living unit. Inmates' ability to function in general population is mildly impaired or needs monitoring due to change in medication, recent move from higher level of care, or history of self-injurious behavior. They are seen by mental health professionals at least every 90 days.
- L5 Stable - Inmates carry a mental health diagnosis, symptoms in remission, eligible for KOP (carry on person) medication. Inmates' ability to adjust and function in general population is not impaired due to mental illness. They are seen by mental health professionals at least every six months.
- LC - Former SIB
- Inmates are considered admitted to Mental Health Services after the Health Summary has been revised to indicate MI status. They will subsequently be assigned to institutions that provide the appropriate level of mental health care.
- MR - Intellectual Disability Program - Habilitation Unit.

**17. RESTRICTIVE HOUSING UNIT (RHU) SECURITY DETENTION:** For more specific details, refer to SCDC Policy OP-22.38, "Restrictive Housing Unit (RHU)."

**18. PROTECTIVE CUSTODY:** For more specific details, refer to SCDC Policy OP-22.23, "Statewide Protective Custody."

**19. SEPARATIONS:** To establish guidelines to flag the records of inmates for whom special caution must be taken for certain actions involving these inmates.

**19.1** The Central Classification Separation Committee is responsible for issuing the official Separation to be placed in the inmate's records when conditions or circumstances exist that would potentially jeopardize the safety and security of the inmate, employee(s), or other persons. SCDC Form 19-141, "Separation Memorandum," will be submitted to Central Classification (CC).

**19.2** The reasons an inmate may be identified with a Separation include:

- The inmate has testified against another inmate, and this is verified through court documentation, solicitor's office, or law enforcement.
- Co-defendants are assessed on a case-by-case basis. Known hostility must exist or inmate must have a separation order from an appropriate law enforcement agency.
- The victim, victim's family members, or known associates are incarcerated or employed at the inmate's assigned institution, and this is verified through court documentation, solicitor's office, law enforcement, victim/witness office, or employee.
- There are known strong hostilities between inmates, and this is verified by MINs and/or SCDC Form 19-29A, "Incident Report."
- The inmate has physically assaulted and/or caused serious injuries to an SCDC employee who works at an institution, and this is verified by MINs and/or SCDC Form 19-29A.
- ***If an inmate has a substantiated case of sexual abuse against another inmate, the accused should be separated from the victim.***
- The inmate makes written or verbal threats against an employee(s) or other inmate(s) that are found to be credible by institutional or Agency personnel.
- Relatives of an inmate employed at the institution or with the SCDC will be evaluated on a case-by-case basis to determine if potential concerns exist between the inmate and the employee.
- Parent, child or current spouse of the inmate. Siblings will be assessed on a case-by-case basis.

**19.3** When an employee determines that circumstances warrant the placement of a separation in an inmate's record, s/he will complete SCDC Form 19-141, "Separation Memorandum," verify the information, attach any documentation, and forward it to the Warden/Duty Warden for approval. The Warden/Duty Warden will sign the SCDC Form 19-141 and forward it to Central Classification if approved. Documentation of the Warden/Duty Warden's disapprovals will be noted on the staff memorandum and filed in the institutional record, central record, and maintained in the Warden's office.

**NOTE:** For Kirkland R&E Center only: The R&E Manager can sign the 19-141 as would a Duty Warden. The R&E Manager will also determine if the 19-141 is invalid due to insufficient evidence and disapprove the Separation Request at that time instead of forwarding it to Central Classification. Documentation of disapproved request will be noted on the staff memorandum and filed in the institutional record, central record, and maintained at the Kirkland R&E Center.

**19.4** Upon receipt of SCDC Form 19-141, "Separation Memorandum," the Central Classification Separation Committee will review for approval or disapproval. When a separation is approved, the information is entered into the automated system and SCDC Form 19-141 and documentation will be filed in Central Classification automated separation files. Temporary placement of SCDC Form 19-141 in Section 2 may be permitted only until the automated form is returned. An automated form will be printed and filed in the inmate's Central Record and Institutional Record. This copy will be placed in Section 2 of both records with nothing being filed on top of the Separation. When the Central Classification Separation Committee disapproves a Separation, a return memo will be forwarded to the institution with an explanation as to the reason for disapproval. Classification staff will file it in Section 3 of the Inmate Record.

**19.5** All active Separations will be reviewed for accuracy and applicability once every two (2) years. The Division Director of Classification and Inmate Records will be responsible for establishing a review schedule and procedures. If modifications to the Separations are necessary, a written request must be forwarded to the Division Director.

**19.6** Separations will not be removed from any record unless the original conditions causing the placement of the Separation is no longer a factor. When it is determined that a Separation is no longer necessary, the appropriate employee will request removal of the Separation by completing SCDC Form 19-141, "Separation Memorandum," with the Warden's approval and signature. When forwarded to CC for removal, an explanation must accompany the request. The Division Director of Classification and Inmate Records or designee will make the final decision to approve or disapprove removal of the Separation. If approved for removal, CC will be responsible for dropping the Separation from the automated system and for notifying Inmate Records via CRT message to remove it from the Central Record. The appropriate staff at the institution will be notified to remove it from the Institutional Record. (**Note:** A hard copy will be maintained by CC for historical information.)

**19.7** When an inmate is released or paroled from the SCDC, any Separation information will remain in his/her records and will not be purged. In the event the inmate is reincarcerated, the Classification Coordinator at the Reception and Evaluation Center will review the inmate's record for Separation information when s/he is readmitted. If the inmate has previously had a designated Separation, the Classification Coordinator will ensure that both the manual and the automated records are properly flagged. If necessary, SCDC Form 19-141 will be completed and forwarded to CC.

**19.8** When an initial or scheduled review is conducted by the ICC, the Classification Caseworker will be responsible for checking the inmate's record for Separations to verify that the manual and automated systems coincide. If they do not match, Central Classification will be notified to initiate any necessary corrective actions. If it is discovered that two (2) or more inmates housed in the same institution have Separations against each other, an immediate transfer request should be made to Central Classification.

**19.9** It is the responsibility of the Institutional Operations Section at both the sending and receiving institutions to carefully check the inmate's Institutional Record and automated system for placement of a Separation.

**19.10** If an inmate with a Separation is inadvertently transferred to an institution to which s/he should not be assigned, immediate steps must be taken to isolate the inmate until s/he can be moved to another facility.

## **20. LABOR CREW/WORK PROGRAM:**

**20.1** Central Classification will screen inmates for Labor Crew/Work Program (LC/WP) based on LC/WP eligibility dates, as calculated through the automated system. For detailed guidelines, refer to Section Five (5), **Section 50**.

## **21. PRE-RELEASE *CENTER REENTRY* PROGRAMS:**

**21.1** The mission of the pre-release *reentry* program is to provide rehabilitative services through programs/training and other life skills programs in an effort to prepare offenders for *reentry* into the community.

**21.2** Central Classification (**CC**) will screen inmates for placement and participation in the Pre-Release *Reentry* Program. A computer generated eligibility list will be provided to CC. CC will screen each inmate's automated record for assignment and transfer to the program. Long term violent offenders who are being granted conditional parole provided that they participate in a pre-release *reentry* program may be assigned to the designated pre-release center program. Kirkland Reception & Evaluation Center inmates assigned to any custody at admission who meets all other pre-release *reentry* criteria may be assigned to pre-release *reentry program*.

**21.3** Male inmates being considered for the pre-release *reentry* program at Manning Reentry/Work Release Center must meet the following criteria:

- **24 months** from maxout/SRP eligibility date.
- **Minimum Custody.**
- No pending disciplinary.
- No assaultive disciplinary in the last six months.
- No more than three (3) major disciplinaries in the last twelve (12) months.
- **Meet the medical and mental health institutional assignment.**
- No Validated/**Designated** STG.

**21.4** Female inmates being considered for the pre-release *reentry* program at Camille Graham Correctional Institution must meet the following criteria:

- **24 months** from maxout/SRP eligibility date.
- No pending disciplinary.
- No assaultive disciplinary in the last six (**6**) months.
- No validated/**Designated** STG.
- **No Category 4 or 5 detainees (Wanted or Hold).**
- **No out-of-state or federal detainees (Wanted or Hold).**

**21.5** *Female inmates being considered for the pre-release reentry program at Goodman Correctional Institution must meet the following criteria:*

- **24 months from maxout/SRP eligibility date.**
- **Minimum Custody.**
- **No pending disciplinary.**
- **No assaultive disciplinary in the last 18 months.**
- **No Validated/Designated STG.**
- **Meet the medical and mental health institutional assignment.**

**21.6** Male inmates being considered for the pre-release *reentry* program at **Tyger River** Correctional Institution must meet the following criteria:

- **24 months** from maxout/SRP eligibility date.
- **Medium Custody.**
- No pending disciplinary.
- Meet the medical/mental health institutional assignment.
- No Category 4 or 5 detainees (Wanted **or Hold**).
- No out-of-state **or federal** detainees (**Wanted or Hold**).

**21.7 Male inmates being considered for the *reentry* program at Lieber Correctional Institution must meet the following criteria:**

- 24 months from maxout/SRP date.
- **Close Custody.**
- No pending disciplinary.
- Meet the medical/mental health institutional assignment.
- No Category 4 or 5 detainees (**Wanted or Hold**).
- No out-of-state **or federal** detainees (**Wanted or Hold**).

**21.8 Inmates in the following status will not be considered for placement in a *Reentry* Program:**

- **Housed at and/or participating in formal ATU program.**
- **Housed at Pre-Release Center on Labor Crew/Work Program.**
- **Housed at a Designated Facility.**
- **Housed in Gilliam Psychiatric Hospital (GPH).**
- **Inmate serving time in another state.**
- **Crisis Stabilization Unit (CSU).**
- **Intermediate Care Services (ICS).**
- **Choices Program.**
- **High Level or Low Level Behavior Management Unit (BMU).**
- **Step-Down Program.**
- **Restrictive Housing Unit.**

**21.9** When an inmate is approved for the *reentry* program, **Central Classification** will arrange the inmate's transfer to the appropriate institution. Transfer is mandatory if approved for the pre-release *reentry* program by Central Classification.

**21.10** The initial **Institutional Classification Committee (ICC)** will be conducted in the same format as listed in Section 31.2 of this policy with the exception that ICC hearings can be conducted solely by the Classification Caseworker with the option for a full Institutional Classification Committee, **hearings will not be recorded, the inmate will not be present, and inmate work credits will continue at the same days per week as earned prior to placement in a reentry program.** The Warden can designate cases in which the Classification Caseworker must conduct a full committee hearing.

**22. YOUNG OFFENDER PAROLE AND REENTRY SERVICES (YOPRS):** The South Carolina Department of Corrections has established a Young Offender Parole and Reentry program to provide progressive programming and strict discipline to inmates sentenced under the Youthful Offender Act (YOA). Central Classification will initiate necessary transfers upon request of the YOPRS Division. The Case Management Team (CMT) will conduct initial reviews, initial orientation, and regularly scheduled reviews of inmates sentenced under the Youthful Offender Act. Reviews will be conducted as required by SCDC Policy OP-22.39, "Young Offender Parole and Reentry Services (YOPRS)". Refer to OP-22.39 for additional procedures.

**NOTE:** Exemption to policy exists for the Young Offenders who simulate **a more restrictive custody level than the assigned institution. Close custody.** Exception dated **March 15, 2024 August 21, 2017:** Young Offenders who simulate Close custody can be assigned to a specialized unit at Turbeville Correctional Institution or YOIS Second Chance Program at Allendale Correctional Institution, both of which are **Medium Custody** institutions. **Young Offenders who simulate Medium or Close custody can be assigned to YOIS Addiction Treatment Unit at Wateree River Correctional Institution which is a Minimum custody institution. (Exemption changes were implemented on March 15, 2024 and are in Green)**

**22.1** Young Offenders will be exempt from the cell assignment procedures specified in section 49 of this policy. Instead, Young Offenders will be assigned to cells/beds as in accordance with procedures of the Young Offender Institutional Services (YOIS).

**22.2 "Y" Prefix:** Effective March 1, 2007, inmates admitted to SCDC sentenced under the Youthful Offender Act will no longer be assigned an inmate number with a "Y" prefix. Young offenders admitted as of March 1, 2007, will be identified by their offender type. Young Adult Offenders currently in SCDC will maintain their current number.

**22.3 YOA Conversion:** Effective March 1, 2007, the Offender Type (OFFTYPE) screen on the OMS will show the date of Young offender conversions.

**23. SHOCK INCARCERATION PROGRAM:** Refer to SCDC Policy PS-10.12, "Shock Incarceration."

**24. DESIGNATED FACILITY INMATE TRANSFERS:** Refer to SCDC Policy OP-21.05, "Designated Facility Inmate Transfers."

**25. INTERSTATE CORRECTIONS COMPACT:** Refer to SCDC Policy OP-21.03, "Interstate Corrections Compact," and procedures as defined in Articles I through X of the South Carolina Code of Laws, § 24-11-10 et seq.

**25.1** The Classification Caseworker will review the inmate's request for transfer to another state and determine if all eligibility requirements are met. The Classification Caseworker will forward the application to Central Classification (CC) for review.

**25.2** CC will review inmate's request for an ICC transfer. If approved, the application will be forwarded to the requested state for its review and approval/disapproval.

## **26. INMATES PAROLED TO IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE):**

The United States Immigration and Customs Enforcement (ICE), the South Carolina Department of Probation, Parole and Pardon Services (DPPPS), and the South Carolina Department of Corrections (SCDC) have entered into a formal agreement to ensure that inmates who are illegally in the United States and are in the custody of the SCDC are appropriately paroled to the custody of the ICE. This agreement makes possible the pickup and deportation of aliens from the United States conditionally paroled to the ICE detainees. DPPPS will notify inmates who are in the United States in violation of the law and who become subject to ICE immigration deportation proceedings as a result of their conviction. **The Inmate Records Office (IRO)** will coordinate the pickup with the United States Federal Government (ICE) once the SCDC inmate has been paroled to ICE by DPPPS. The DPPPS will fax **or email** a copy of the parole papers to the SCDC (CC) for each inmate conditionally paroled to the ICE.

**IRO** and the officials of the ICE will mutually agree upon a date and location to effect the parole and transfer of such inmates to the custody of the ICE. **IRO** will review the record of ICE conditionally paroled inmates for significant changes to include disciplinaries, new criminal charges, or other detainees. Further detailed procedures concerning preparations to transport inmate for ICE pickup are outlined in SCDC Policy OP-21.02, "Inmates Paroled to ICE Detainers."

## **27. EXTRADITIONS:**

**27.1** For the purpose of this plan, extradition refers to the return from another state of an inmate who is wanted by the SCDC (i.e., escape, to begin or complete service of an active South Carolina sentence, improper release, or other applicable situations). The Central Classification Program Coordinator will be the responsible authority for coordinating all extradition proceedings prior to the actual transport of the inmate (i.e., maintaining records, placing detainees, monitoring release dates where the inmate is serving time/being held).

**27.2** There are specific SCDC procedures for the extradition of inmates to the custody of SCDC. Extradition procedures must be completed in strict compliance with all applicable state and federal statutes and regulations.

**27.3** Bringing an inmate into the state of South Carolina from another state or country (international extradition) may require extradition procedures of a legal nature that vary from state to state (i.e., facility where inmate is serving/being held initiates the necessary extradition process or the local sheriff takes custody of the inmate and processes extradition). The rights of inmates are protected by the Uniform Criminal Extradition Act.

**27.4** Governor's rendition orders are used between states and rendered through the individual state's court system. International treaties are signed and international courts administer rulings regarding the extradition of country's private citizen.

**27.5** An inmate may elect to "waive" extradition to SCDC. To "waive" extradition means the inmate knowingly agrees to give up his/her legal right to an extradition hearing and consents to be returned to SCDC. This consent is documented on a "Waiver of Extradition" Form which the inmate is required to sign.

**27.6** If Central Classification is notified that an inmate, whom SCDC is seeking to return to South Carolina, refuses to sign a Waiver of Extradition, then a Governor's rendition order will be necessary. The Central Classification Program Coordinator will coordinate with the General Counsel's office to secure, from the Clerk of Court where the charges originated, three (3) individual sets of certified true copies of the original indictment/commitment order and the arrest warrant. If applicable, the sets will also include the outstanding warrant for the crime committed by the inmate within SCDC (i.e., escape warrant).

**27.7** Upon receipt of the above documents, it will be the responsibility of the Central Classification Program Coordinator to forward three (3) sets of certified true copies, including an additional three (3) certified true copies of the current NCIC rap sheet, fingerprint card, and photograph, to the Governor's Office. A letter from Central Classification will also be generated, requesting extradition of the inmate. All subsequent correspondence with the detaining state and South Carolina, up to the granting of extradition, will be made through the Governor's Office.

**27.8** Upon receipt of notification from the detaining state or the Governor's Office that the inmate will be returned to SCDC's custody, the Central Classification office will coordinate with the Transportation Unit (Division of Security **and Emergency Operations**) to determine whether or not to use SCDC Transportation Officers or use a private extradition company in the return of the SCDC inmate.

**27.9** The SCDC Transportation Unit or the transporting authority will be provided the following:

- Inmate's Name, SCDC Number, Booking Number, or OJ Inmate Number;



- The name and telephone number of the contact person at the inmate's location;
- The appropriate SCDC delivery location (this will be the Kirkland or Camille Graham Reception and Evaluation (R&E) Center).

**27.10** Central Classification will notify the appropriate institution's designees and the Director of Classification and Inmate Records Office as to where/when the inmate is to be delivered to SCDC.

**27.11** The IRO will forward the inmate's Central Record and Institutional Record to the appropriate facility (Kirkland or Camille Graham R&E Center) for processing. Afterward, the Central Record is to be returned to the IRO for storage and the Institutional Record will follow the inmate to his/her institutional assignment(s).

## **28. INTERSTATE AGREEMENT ON DETAINERS:**

**28.1** The Interstate Agreement on Detainers (IAD) (S.C. Statute 17-11-10) establishes uniform procedures for transferring an inmate who is incarcerated in one (1) state to the temporary custody of another state to resolve untried criminal charges. An inmate requesting IAD must have at least six (6) months to serve on his/her SCDC incarceration to allow for processing of paperwork.

**28.1.1 Detainers:** Detainers are received by the Inmate Records Office and entered on the DETAIN Screen. Notification is filed and the inmate's assigned institution is notified via the automated DETAIN messaging system of pending criminal charges in another jurisdiction.

**28.1.2 Sending State:** The state in which trial is to be held on untried criminal charges.

**28.1.3 Receiving State:** The state in which trial is to be held on untried criminal charges.

**28.1.4 Circumstances Under Which the IAD Applies: There are three (3) prerequisites that must be met prior to transferring an inmate to resolve untried criminal charges as follows:**

- Both sending and receiving state must be signatories on the IAD;
- The individual against whom a detainer is filed must be a sentenced inmate serving a term of imprisonment; and
- The detainer lodged against the inmate must be based upon on untried indictment, information, or complaint.

**28.1.5 Detainers That Cannot be Resolved Under the IAD: The IAD will apply to detainers based on untried indictments, information, or complaints. The IAD will not apply to the following:**

- Parole violation;
- Probation violation;
- Detainers filed by a Department of Corrections in another state requesting inmate's return to serve an unexpired portion of his/her sentence;
- Detainers lodged from Louisiana or Mississippi; and
- Immigration and Customs Enforcement detainers for deportation.

**28.1.6 Two (2) Methods a Detainer can be resolved:**

- IAD requested by the inmate; or
- IAD requested by the Prosecuting Attorney of the jurisdiction where charges are pending.

**NOTE:** Only the above can activate the IAD procedures. If an inmate requests final disposition, this request will be an automatic waiver of extradition; however, most states will still request a signed waiver of extradition. If a prosecutor requests temporary custody, a pre-transfer hearing will be required, unless the inmate executes a formal waiver of extradition.

**28.1.7** If an inmate receives an out-of-state detainer, the caseworker will provide the inmate with the following information:

- Source of detainer;
- Contents of detainer; and
- Right to request final disposition.

**28.2 Activating a Request for Final Disposition:** Inmate sends SCDC Form 19-11, "Request to Staff Member, " to a Classification Caseworker who will forward the form to the IAD Coordinator. The following will apply:



- The IAD Coordinator will send the Interstate Agreement on Detainers (IAD) Form II, "Inmate's Notice of Place of Imprisonment and Request for Disposition of Indictments, Information, or Complaints"; IAD Form III, "Certificate of Inmate Status"; IAD Form IV, "Offer to Deliver Temporary Custody"; and a "Waiver of Extradition" to the Classification Caseworker to be signed by the inmate and appropriate institution officials as indicated on the forms.
- When the forms are appropriately signed and the "Waiver of Extradition" is notarized, they will be send back to the IAD Coordinator.
- The signed documents will be forwarded to the appropriate out-of-state District Attorney (D.A.) with a cover letter and copies of the warrants.
- The D.A.'s Office will send IAD Form VII, "Prosecutor's Acceptance of Temporary Custody," and IAD Form VI, "Evidence of Agent's Authority to Act for Receiving State," back to the IAD Coordinator. The cover letter will either indicate a definite pick-up or give directions on who to contact to set up a date. The Form VI will indicate who will pick up the inmate.
- In all cases, after the inmate has been sentenced and s/he is ready for return, the IAD Form IX, "Prosecutor Report on Disposition of Charges," will be sent to the original place of incarceration.
- All mail will be sent certified.

### **28.3 If the other state initiates the IAD request, the following procedures will apply:**

- Prosecutor sends a letter to Central Classification. If the institution receives a letter from the Prosecutor, it will be forwarded immediately to the IAD Coordinator.
- The prosecutor will send the IAD Coordinator on IAD Form V, "Agreement on Detainers" (which will initiate the IAD Procedure), along with a certified copy of the Bench Warrant.
- Once the receiving state is prepared to accept temporary custody, it must send the following two (2) documents to the IAD Coordinator:
  - IAD Form VI, "Evidence of Agent's Authority to Act for Receiving State"; and
  - IAD Form VII, "Prosecutor's Acceptance of Temporary Custody Offered in Connection with a Prisoner's Request for Disposition of the Detainer."
- When the IAD Coordinator is notified by the District Attorney of an exact date for pick-up, a message will be sent to Institutional Operations and the Case Manager. The message will notify the institution if any additional paperwork is required. Prior to transport, the receiving state will contact the institution to be sure that all paperwork is completed and the inmate is available at a particular date and time (outlined in the LAD Agreement).
- When the receiving state is ready to transport the inmate, they must present the following documentation upon demand:
  - Proper identification (picture ID, driver's license, employment ID, etc.);
  - IAD Form VI, "Evidence of Agent's Authority to Act for Receiving State," - unless this form was mailed prior to the date of pick-up. The IAD Coordinator will let the institution know via message whether or not this form is needed; and
  - Duly certified copy of indictment, information, or complaint upon which the detainer is based.

### **28.4 Time Limit:**

**28.4.1** Article III of the IAD Law states that an inmate who requests final disposition must be brought to trial within 180 days after s/he filed written notice of imprisonment and request for final disposition to be delivered to the prosecutor and appropriate court in receiving state. Article IV of the IAD Law states that a court official from another state who requests temporary custody of an inmate for trial pursuant to the IAD will have 120 days to be brought to trial.

**28.4.2** If the inmate or the action is not brought to trial within the 180 days time limit of Article III, the appropriate court in the jurisdiction where charges are pending will enter an order dismissing the same with prejudice, and any detainer based thereon will cease to be of any force or effect. The CC Program Coordinator will send a letter requesting resolution documentation to the prosecuting attorney, and will remove and return the detainer once this information is received from the prosecuting attorney.

**28.4.3** At the earliest possible time after trial and sentencing are completed in the receiving state, the inmate must be returned to the custody of officials in the sending state and notified of the disposition of the charges.

**28.4.4 Escape from Custody:** An inmate's request for final disposition will become void when an inmate escapes from the sending state's custody before transfer.

**28.4.5 Tolling of Prisoner's Earned Work Credit (EWC)/Earned Educational Credit (EEC):** An inmate's time of imprisonment will continue to run while the inmate is subject to temporary custody of the receiving state. The inmate will continue to earn good

time (GT) but will not earn earned work credits and/or earned educational credit.

**28.4.6 Other Claims:** An inmate may be prosecuted in the receiving state only for charges upon which the detainer is based. Crimes for which no detainer has been lodged may not be prosecuted while inmate is in temporary custody.

**28.4.7 Costs:** The costs of transportation and housing an inmate who is transferred under the IAD will be borne by the receiving state.

**28.4.8 Tolling of Time Periods for Trial:** When an inmate is able to stand trial, there will be 180 day time limit (inmate request) and 120 day time limit (prosecutor request). This toll will begin when the prosecutor for the receiving state receives all paperwork.

**28.4.9 Mental Illness:** An inmate who is medically determined to be mentally ill cannot be transferred under the IAD. The inmate's CONVICT screen should be reviewed for Guilty but Mentally Ill (GBMI) finding.

## **29. OTHER JURISDICTION INMATES:**

**29.1** Other Jurisdiction (OJ) refers to an inmate that has either a concurrent or consecutive South Carolina (SC) sentence and is currently incarcerated in the other jurisdiction serving another state or federal sentence.

**29.2** The Reception and Evaluation Center (R&E) receives commitment orders from the Solicitors, County Clerks of Clerk, parole/probation revocations from the S.C. Department of Probation, Parole and Pardon Services, or from other jurisdiction facilities where an inmate is incarcerated. The S.C. sentence must be 91 days or more.

**29.3** All YOA Parole Revocations on inmates in OJ status are forwarded to the Division of Young Offender Parole And Reentry Services (YOPRS) Manager of Administrative Services, S.C. Department of Corrections (SCDC), to determine the length of time left to serve on the YOA sentence and if a detainer is required. The Division of Young Offender Parole and Reentry Services (YOPRS) Manager Regional Reentry Coordinator will then advise the Administrative Review Coordinator to process the YOA inmate within the OJ guidelines.

**29.4** It is the responsibility of the R&E to process the commitment order(s) and generate a criminal history rap sheet, and to determine if the inmate is to be assigned his/her previous SCDC inmate number. The R&E Records Section will indicate, on the Offender Management Screen (OMS), all appropriate information to include the SCDC inmate number, commitment information, and location. The OJ Program Coordinator is responsible for sending a letter to the S.C. Law Enforcement Division (SLED), listing pertinent information on the OJ inmate, so that SLED can update the inmate's criminal history rap sheet.

**29.5** Upon completion of the above, it is the responsibility of the Division of Young Offender Parole and Reentry Services (YOPRS) Manager Administrative Review Coordinator to process and forward to the OJ facility, via fax or US mail, a detainer letter for the SCDC requesting that a "Hold" be placed on the individual inmate. Written confirmation of receipt of the SCDC letter is requested and any changes in the inmate's release from the other jurisdiction should be submitted to the Division of Young Offender Parole and Reentry Services (YOPRS) Manager Administrative Review Coordinator. The inmate's OJ release date is entered in the SCDC automated system and monitored by the Division of YOPRS on a quarterly basis.

**29.6** As an inmate's OJ release date approaches, the inmate record is reviewed to determine if the inmate will satisfy the S.C. sentence prior to release from the OJ. If so, a letter is forwarded to the authorities in the OJ, by the Division of YOPRS Administrative Review Coordinator, advising them of the date the inmate satisfies the S.C. sentence and instructing them to remove the SCDC detainer. The record is then relocated to the Release Section (IRO) for processing.

**29.7** YOA inmates in OJ status must be reviewed by the Division of YOPRS to determine the completion status of the YOA sentence. The record will remain in the OJ Section until notification in writing is received from the Division of YOPRS that the YOA sentence has been satisfied and the detainer can be lifted.

**29.8** Should the inmate complete time served in OJ prior to completion of the S. C. sentence, the inmate will be returned to SCDC.

## **30. MEDICAL FURLOUGH/MEDICAL PAROLE:**

**30.1 Medical Furlough:** Inmates who are terminally ill with a life expectancy of one (1) year or less may be referred by Medical Services to be considered for a Medical Furlough for the Terminally Ill. Applications will be initiated by the Medical Services staff and processed through the Warden at the institution of assignment. In order to be initially considered, the inmate must have an approved immediate, in-state family member to act as sponsor. Medical Services and the Warden at the supervising institution will conduct a home study and submit an approved residence plan. The inmate must have established outside medical care and treatment, and must have a life expectancy of less than one year. Refer to SCDC Policy HS-18.01, "Specialized Health Services Programs," and to Medical Services Procedures pertaining to furloughs for terminally ill inmates for additional information.

**30.1.1** The application packet will be submitted to Central Classification through the Office of the Deputy Director of Medical Services/designee for processing. The packet will include at a minimum: SCDC Form 27-17, "Medical Furlough Application/Sponsor Agreement;" Approved Residence Plan; a statement from a SCDC physician that the inmate has a life expectancy of one (1) year or less and status of ambulation; notarized letter from the inmate's sponsor agreeing to assume all financial responsibility and care of the inmate; letter from a community physician agreeing to assume health care for the inmate and indicating that it is understood that

SCDC will be released from financial responsibility; and a statement from the Deputy Director of Medical Services/designee concurring with the physician's opinion and recommending the furlough.

**30.1.2** Upon processing by Central Classification, a criminal history review will be conducted and all facts regarding the inmate's criminal history and institutional record will be compiled.

**30.1.2.1** As required by state statute, law enforcement officials and victim/witnesses will be contacted for any violent offender who applies to return to the county of commitment. Law enforcement and victim witness recommendations must be received in writing if applicable. Victim witness notification will be made in all cases. Written response is only required for violent offenders as mandated by statute. (Victim Services will assist in making sure victim witness notifications are received upon approval for Medical Furlough).

**30.1.2.2** Should community opposition be received for the violent offender, Central Classification will submit the application packet to the Division Director of Classification and Inmate Records for final disposition.

**30.1.2.3** Upon completion of the criminal history review and notification, with no community opposition, the application packet and criminal history review will be submitted through the Division Director of Classification and Inmate Records to the General Counsel Office and the Deputy Director of Operations. The Deputy Director of Operations/designee will review the application packet and criminal history review and forward a recommendation to the Agency Director. The Agency Director will consider recommendations from the law enforcement community, victim/witness (Victim Services) recommendation, and/or staff recommendation for final approval or disapproval of the medical furlough for the terminally ill.

**30.1.3** If a Medical Furlough is approved, appropriate forms will be completed and required orientation will be conducted with the inmate and the inmate's sponsor. Central Classification will coordinate medical furlough orientation with the inmate's assigned institution. Approved inmates who are released to Medical Furlough must reside at the approved residence. Change of residence is not permitted after process is finalized. Residence will be monitored by closest geographically located Pre-Release Center staff.

**30.1.4 Required Forms:** SCDC Form 27-17, "Application For Medical Furlough/Medical Parole," and SCDC Form 27-18, "Inmate And Sponsor Agreement for Medical Furlough."

**30.1.5** Inmates on Medical Furlough must be in their approved residence, without exception, between the hours of 11:00 pm and 6:00 am. Random calls (at least two times a week on various nightly cards) will be made to the inmate and sponsor between the hours of 11:00 pm and 6:00 am. Calls will be documented on the SCDC Form M-213, Medical Furlough Log, and forwarded to Central Classification by the 5th of each month.

**30.1.6** Inmates on Medical Furlough must notify the institution of any hospital admissions and discharges. All notifications or incoming calls received via telephone from the inmate or sponsor to the institution will be documented on an SCDC Form 19-29A, Incident Report, and forwarded to Central Classification.

**30.1.7** The **Caseworker**, along with a uniformed security staff member, will be responsible for making monthly home or hospital visits. The **Caseworker** will complete monthly status reports for inmates on medical furlough and comments will be documented on SCDC Form 18-68, "Staff Memoranda," and submitted to Central Classification on a monthly basis.

**30.1.8** Per SCDC Form 27-18, "Inmate **and** Sponsor Agreement for Medical Furlough," upon receipt of a copy of the death certificate from the sponsor, the **Caseworker** will forward the death certificate to Central Classification and to Health Information Records.

**30.2 Medical Parole:** Inmates who meet the following criteria may be considered for Medical Parole:

- **Terminally Ill-** means an inmate who, as determined by a licensed physician, has an incurable condition caused by illness or disease that was unknown at the time of sentencing or, since the time of sentencing, has progressed to render the inmate terminally ill, and that will likely produce death within two years, and that is so debilitating that the inmate does not pose a public safety risk.
- **Geriatric-** means an inmate who is seventy years of age or older and suffers from chronic infirmity, illness, or disease related to aging, which has progressed so the inmate is incapacitated as determined by a licensed physician to the extent that the inmate does not pose a public safety risk.
- **Permanently incapacitated-** means an inmate who no longer poses a public safety risk because of a medical condition that is not terminal but that renders the inmate permanently and irreversibly incapacitated as determined by a licensed physician and which requires immediate and long term residential care.

**30.2.1** Inmates who meet these criteria may be referred by Health Services to be considered for a Medical Parole. Applications will be initiated by Health Services staff and processed through the Warden at the institution of assignment. In order to be initially considered, the inmate must have established outside medical care and treatment. SCDC and South Carolina Department of Probation, Parole and Pardon Services will be released from all financial responsibility. Refer to SCDC Policy HS-18.01, "Specialized Health Services Programs," and to Health Services Procedure (HSP) #300.25 pertaining to medical parole.

**30.2.2** The application packet will be submitted to Central Classification through the Office of the Deputy Director of Medical Services for processing. The packet will include at a minimum: SCDC Form 27-17, "Application For Medical Furlough/Medical Parole," and a statement from a SCDC physician that the inmate meets the Medical Parole criteria; notarized letter from the inmate's sponsor agreeing to assume all financial responsibility and care of the inmate; a statement from the Medical Services Deputy Director concurring with the physician's opinion and recommending the furlough.

**30.2.3** Upon processing by Central Classification, a criminal history review will be conducted and all facts regarding the inmate's criminal history and institutional record will be compiled. Upon completion of the criminal history review and notification, the application packet and criminal history review will be submitted through the Division Director of Classification and Inmate Records to the General Counsel's Office and the Deputy Director of Operations. The Deputy Director of Operations/designee will review the application packet and criminal history review and forward a recommendation to the Agency Director. The Agency Director will consider the application packet and, if he/she concurs that the inmate is medical parole eligible, approved, will forward the packet under cover letter from General Counsel accompanied by a Petition for Medical Parole to the Director, for SCDPPPS, for Medical Parole consideration.

**30.2.4** SCDPPPS will process the Medical Parole application in the same manner as a normal parole, to include any required victim/law enforcement notifications and the scheduling of the parole hearing before the Parole Board. If the Board grants parole, the inmate will be processed in the same manner as an inmate being granted parole.

#### SECTION FOUR: INSTITUTIONAL CLASSIFICATION

##### **31. OVERVIEW: INSTITUTIONAL LEVEL CLASSIFICATION:**

**31.1 Initial Housing Assignment:** As a general rule, inmates newly-assigned to an institution may be assigned to temporary housing until their permanent housing is available and has been approved by the Institutional Classification Committee (ICC).

**31.2 Initial Appearance Before the ICC:** Inmates will meet with their assigned Classification Caseworker generally within 72 hours (excluding weekends and holidays). Inmates can not waive appearance before initial hearings. A custody review must be completed on all initial institutional assignments *and the review must be recorded.*

**31.3** Inmates newly assigned to an institution will receive orientation within 10 working days of arrival unless exceptional circumstances exist. During orientation, a staff member must verbally explain the Agency's policy regarding sexual misconduct between staff and inmates. Each inmate must be provided with a written memo that explains said policy and procedures. This memo can be obtained from the Division of Classification and Inmate Records.

**31.4 Institutional Conviction Audit Checklist:** SCDC Form 18.16, "Institutional Conviction Audit Checklist," and the initial audit of the inmate's institutional record, to include a check of the NCIC report, court orders, and other legal documents must be completed within 10 working days of arrival at the institution.

**31.5 Custody Assignment:** *Each inmate is assigned a custody commensurate with the finalized classification instrument score.* The principal custody designations are *Minimum Out (MO)*, Minimum (MI), Medium (ME), and Close (CL). The special status categories to which inmates may be assigned are death row (DR), protective concerns (SP), protective custody (PC), safekeeper (SK), intake (IN), short term detention (ST), disciplinary detention (DD), security detention (SD), security detention maximum (SD-MX), and disciplinary yard (DY) status.

**31.6 Institutional Classification Process:** The Institutional Classification Committee (ICC) will be responsible for making classification decisions and/or recommendations relative to an inmate's needs at the institutional level. Most new arrivals/reassignments will be recommended by the Reception and Evaluation Center for assignment to medium custody. If information contained in the inmate's official record indicates a need for a more restrictive custody, the Reception and Evaluation Center may recommend that an inmate be assigned to close custody. Upon an inmate's arrival at a unit of assignment, the inmate's recommended or previously assigned custody will be reviewed, and either approved or changed, by the Classification Caseworker. The Classification Caseworker will also review the inmate's record and criminal history to ensure that s/he is appropriately assigned. Appropriate documentation will be required in the narrative of all custody reviews.

##### **31.7 Review/Assessment Schedule:**

**31.7.1** Reviews of each inmate's custody, job assignment, housing assignment, and treatment programming should be conducted on a regular basis. A reclassification review will take place on an annual basis. Classification reviews may also be conducted as a result of a status change. Inmates will be provided with written notice of their hearing (SCDC Form 18-34, "48 Hour Notice") at least 48 hours prior to the same. Inmates will be afforded the opportunity to waive their appearance at reclassification hearings. (Note: See Section Five, Labor Crew/Work Program, for the review requirements for inmates assigned to Labor Crew or Work Programs at Pre-Release Centers.)

**31.7.2** The classification caseworker will be responsible for scheduling each inmate to appear before the Institutional Classification Committee (ICC) annually. Whenever feasible, the caseworker will meet with the inmate prior to the hearing to review the report and answer questions.

**31.8 Status Change:** Classification reviews or committee actions will also be conducted as a result of a significant change involving the inmate. The Classification Caseworker is responsible for reviewing the automated and/or manual records of inmates referred to the custody

due list because of status changes to determine if the inmate is simulating a more or less restrictive custody change. All custody advancements, reductions, and job terminations must be approved by the ICC. Examples of *status changes that may result in* reclassification are:

- Return from court with additional sentences;
- Placement or removal of detainer that changes the custody level simulation;
- Placement/release from Restrictive Housing Unit;
- Discharge from hospital or psychiatric unit with changes on the MEDCLASS screen;
- Convicted of major or chronic administrative disciplinary infraction(s); (**Note:** Status change reviews of inmates convicted of major disciplinary convictions will only be conducted if the disciplinary results in a change of status for the inmate. When the inmate is convicted of a major disciplinary, the Caseworker will do an automated simulation on the classification instrument. If the conviction does not change the inmate's custody level, the conviction will be considered at his/*her* next regularly scheduled review. If the conviction results in a simulated change in custody, the inmate will be referred to the ICC for review of status change.);
- Criminal charge (warrant/detainer) for an offense committed while incarcerated;
- Custody re-assignment;
- Major program change;
- Overturn of criminal conviction;
- Change in cell assignment status;
- Change in job assignment from one area to another is conducted by the Classification Caseworker (The ICC must approve all job terminations);
- Change in Security Threat Group Status (STG);
- When an inmate is reviewed by the ICC as a result of a Not Guilty/Mentally Ill (NGMI) or Guilty/Mentally Ill (GMI) disciplinary conviction, a Qualified Mental Health Professional (QMHP) will participate in the ICC hearing. The QMHP input should be used in conjunction with other risk factors to determine the correct security and custody recommendation.

**31.9 MEDCLASS Summary:** The MEDCLASS Summary for Classification and Assignment will be completed by R&E Medical or the Institutional Medical Section. This will indicate any medical or mental health requirements which need to be taken into consideration when determining the inmate's job or housing assignment. In certain cases a representative from Medical and Professional Health Services may be contacted to serve on the Institutional Classification Committee.

**31.10 Central Classification Office Review/Override Authority:** Central Classification Office (CC) will be responsible for the review and approval of all institutional transfers, all initial assignments to Minimum custody, when the ICC utilizes a discretionary custody override, and Protective Custody. Central Classification Office will have the authority to override Institutional Classification decisions in the interest of the safety, security, and orderly management of inmates and institutions.

## **32. INSTITUTIONAL RECEPTION PROCESS AND INITIAL CLASSIFICATION REVIEW:**

**32.1 Reception of Newly-Assigned Inmates/Housing:** Upon an inmate's arrival at the initial institutional assignment, the receiving officer will ensure that all records are received (inmate's institutional record and medical record). The institutional record will be forwarded to the classification office, and the medical record will be forwarded to the medical services. The institutional record will be used by the Classification Caseworker during initial classification reviews and all subsequent classification reviews. Inmates will be classified within 72 hours of their arrival at the institution (excluding weekends and holidays). If appropriate permanent housing is not available for the inmate, the inmate will be assigned to temporary housing until such time as appropriate permanent housing becomes available.

**32.2** Upon arrival at the institutional assignment, each inmate will be assigned a Classification Caseworker who will be the primary contact person and will handle classification needs/requirements for the inmate. The Classification Caseworker will be responsible for answering questions regarding the inmate's sentence and eligibility dates. Upon initial transfer to the institution, the Classification Caseworker will be responsible for conducting an audit of the inmate's institutional record. Audits will be conducted using the SCDC Form 18-16, "Institutional Conviction Audit Checklist," and will be documented on the SCDC Form 18-68, "Staff Memorandum," within 10 working days of arrival. At the inmate's annual review, the classification caseworker will be responsible for conducting an automated audit of the inmate's court orders. This review will be documented on the SCDC Form 18-68, "Staff Memorandum."

**32.3** All documents relative to the inmate's medical or mental health evaluations and assessment will be reviewed by the institutional health services and educational professional staff.

**32.4** During the reception period, information will be distributed to inmates on available programs and services. Inmates will also be permitted to participate in general services (i.e., religion, library, recreation, etc.).

**32.5 Institutional Orientation:** Inmates will receive institutional orientation within 10 working days of arrival at the institution of assignment. This orientation will be documented on SCDC Form 18-69, "Certificate of Inmate Orientation." The orientation will include information on: Scheduled meal times, classification, institutional rules, sexual misconduct, Prison Rape Elimination Act (PREA) guidelines, HIV education, educational and/or vocational opportunities, work assignments, canteen, commissary, sick call and visitation. Each inmate will sign SCDC Form 18-78, "Prison Rape Elimination Act Orientation."

**32.5.1 Initial Screening for Risk of Victimization or Abusiveness:** Inmates must be screened for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of transfer. A trained designated staff member will use the automated PREA



screening instrument to interview the inmate and complete the checklist. The screening interview will be individualized to ensure the safety of each inmate and conducted in a private area that is conducive to obtaining complete and accurate information. Inmates will not be disciplined for failure to disclose or refusal to answer questions related to prior sexual abuse. (PREA Standard 115.42.)

**32.5.2** Information received in response to answers on the PREA screening checklist or other sensitive information will not be used to the inmate's detriment by staff or other inmates.

**32.5.3** Within 30 days of transfer, the classification caseworker will conduct a PREA reassessment based upon any additional, relevant information received since the inmate's transfer.

**32.5.4** The inmate's PREA status will be used when making decisions regarding cell assignments, job assignments, and education and program assignments. Inmates who are designated as PREA perpetrators will be kept to the extent possible from those designated as PREA victims.

**32.6** The Classification Case Manager will be responsible for ensuring that all newly-assigned inmates receive an institutional orientation and ensuring that all newly-assigned inmates are advised of, and have access to, the information relevant to custody assignments, transfers, and general classification information; information advising the inmate of his/her assigned Classification Caseworker; and information regarding classification review schedules. Caseworkers will respond to an inmate request within 45 calendar days.

**32.7 Classification Decisions and Recommendations (Custody, Housing, and Job Assignment):** After thorough review and consideration of all available information, the ICC/Classification Caseworker will determine the inmate's appropriate custody designation. Most new arrivals/reassignments will be recommended by the Reception and Evaluation Center for assignment to "*medium* custody." If information contained in the inmate's official record indicates a need for a more restrictive custody, the Reception and Evaluation Center may recommend that an inmate be assigned to medium custody. The ICC will also determine specific housing and job assignment for the inmate. At the inmate's initial assignment, the ICC will determine the inmate's cell assignment status (i.e., the identification of any restrictions). Custody, housing, and job assignment will be made in accordance with established criteria and correlate with the inmate's current classification. Recommendations and restrictions noted on the inmate's MEDCLASS Summary will be considered by the ICC. The Classification Caseworker will review the PREA risk screening for each inmate when making housing, work, education, and other program assignments. An individualized determination concerning placement will be made on inmates who are identified as being high risk of victimization and those having potential for sexual aggression.

**33. RESPONSIBILITIES OF THE ICC:** The ICC will be responsible for making classification decisions and/or recommendations relative to an inmate's needs at the institutional level. Decisions on custody advancement, reduction, and job terminations will be made as a formal committee to ensure that decisions are made in a rational, objective, and equitable manner. Reviews of each inmate's custody designation, housing assignment, placement in/release from security detention status, and treatment programming will be conducted by the ICC. Classification reviews may also be conducted as a result of changes in an inmate's security and/or treatment needs. The Classification Caseworker will also be responsible for reviewing and updating each inmate's relative and emergency contacts screens.

**33.1** It is the policy of the South Carolina Department of Corrections that all ICC hearings will be conducted in such a manner as to ensure that each inmate appearing before a committee is properly classified through the consistent and objective application of classification criteria and on the basis of the inmate's safety, security, and treatment needs.

### **33.2 Responsibilities:**

- Initial classification of all newly received inmates and inmates transferred from other institutions.
- Review of custody designations involving *minimum out*, minimum, medium, close, and security detention inmates.
- Review of inmates convicted of major or chronic administrative disciplinary rule violations if the conviction results in a change in status.
- Recommendations for placement in/release from security detention status.
- Recommendations for institutional transfers.
- Review of special placement of inmates for treatment or educational programs.
- Changes in job assignment (approve all job terminations).
- Rescheduling of inmates for subsequent classification review.
- Review any changes in the inmate's status to include: Return from court with additional sentence; Placement or removal of detainers resulting in a custody simulation change; Release from security detention or disciplinary detention status; Discharge from hospital or psychiatric unit with changes to the MEDCLASS screen; or Criminal charge (warrant/detainer) for an offense committed while incarcerated.
- Review and update the inmate relative screen as needed at the annual reclassification review. Requests for update should be submitted by the inmate on SCDC Form 19-11, "Request to Staff Member." A copy of one of the following documents must be attached to the SCDC Form 19-11 for each added family member: A copy of a birth certificate (long form that includes both parents' names); legal court records showing guardianship; legal documents verifying paternity with DNA test results; or marriage license. The SCDC Form 19-11, along with the required document, will be forwarded to the Division of Visitation and Inmate Drug Testing for appropriate action.
- The caseworker will review the inmate's emergency contact screen during each review and will correct any information. The caseworker must enter the updated emergency contact information on the CLASSP (address) menu. Information must be updated at the annual review or as needed.
- Inmate relative data will not be deleted from the automated system except in case of divorce and the inmate can provide a copy of the divorce decree.



**33.3 Training for ICC Members:** The Division of Classification and Inmate Records/designee will conduct training sessions for ICC members at the institution, as needed.

**34. CHAIRPERSON'S RESPONSIBILITIES:** The Classification Case Manager/Caseworker will serve as chairperson.

- To preside over the proceedings to ensure that all of the presented cases are handled in accordance with the policies/procedures of the Classification Plan.
- To ensure that each member is given the opportunity to have input regarding each presented case.
- To ensure that each voting member votes of his/her own free will.
- To ask each inmate if s/he has any questions or statements pertinent to the committee proceedings.
- To maintain a professional attitude and unbiased demeanor during the hearing.
- To analyze the information presented and to ensure that the committee makes an unbiased, objective decision.

**34.1 ICC Members' Responsibilities:** Security or non-security staff members, i.e., job supervisors, Chaplain, Education (i.e., guidance counselor, academic, or vocational supervisor).

- To be punctual and dependable in participation in the classification hearings.
- To review and understand SCDC policies/procedures relating to Institutional Classification.
- To make a determination of the most suitable action by the committee and to vote accordingly.
- To maintain a professional and unbiased demeanor during the hearing.

**34.2 Classification Case Manager or Caseworker Responsibilities:** Under no circumstances should two (2) classification persons serve as voting members of the ICC. The Classification Case Manager/Caseworker will prepare the docket and schedule the committee's hearings, and has the following responsibilities:

- To present all relevant information regarding the inmate's current and prior criminal history to the ICC.
- To analyze the details of each case in light of the classification issue at hand.
- To initiate and complete the Committee Docket.
- To make determination of the most suitable action to be taken by the committee and vote accordingly.

**34.3 ICC Membership Minimum Requirements:** The Case Manager/Caseworker will serve as the only required ICC member unless the inmate is advancing/reducing in custody, a discretionary override is being utilized, if the inmate has a mental health designation, or for a job termination. In those cases, a second ICC member will be required. If the inmate has a mental health designation, a qualified mental health professional must serve as the second ICC member. A three (3) member board will be required if the two (2) ICC members cannot reach a consensus. The following are examples of ICC hearing minimum requirements:

• **ANY ICC CONDUCTED ON AN INMATE WITH A MENTAL HEALTH DESIGNATION:**

- Chairperson;
- Mental Health Representative (i.e., QMHP, Clinical Counselor, or Mental Health Technician).

• **ICC CUSTODY ADVANCEMENT OR REDUCTION/USE OF OVERRIDE CODES/JOB TERMINATIONS:**

- Chairperson;
- Designated ICC Member (any employee designated by the institution to serve on the ICC).

• **ICC CUSTODY REVIEWS WITH NO CHANGE IN CURRENT CUSTODY AND/OR CONSIDERATION OF JOB TRANSFERS:**

- Chairperson.

**34.3.1 PROGRAMS PARTICIPATION IN ICC HEARINGS:** Programs staff assigned to the institution will be given *the opportunity to serve as a member* regarding an inmate's participation in programs for ICC consideration.

**35. PROCEDURES BEFORE ICC HEARINGS:** The following steps will be taken by the Classification Case Manager/Caseworker prior to the hearing:

- Plan the schedule for the ICC hearing.
- Review the records of each inmate scheduled for review.
- Verify the eligibility status of inmates whose requested actions have established minimum requirements.
- Gather and organize the necessary paperwork for each action to be presented at the hearing.
- Notify the inmates who are scheduled to appear before the committee in writing at least 48 hours prior to the hearing. If an inmate requests to waive the 48-hour period or does not want to appear for the hearing, complete the SCDC Form 18-39, "Classification Waiver."
- Whenever feasible, interview each inmate prior to the hearings to review the report, explain the procedures, answer the inmate's questions, and obtain additional information. This will enable the hearing to proceed more efficiently.

**36. INSTITUTIONAL CLASSIFICATION COMMITTEE (ICC) PROCEEDINGS:**

**36.1** Inmates will be present at all classification hearings that may affect custody, security assignment, loss/forfeiture of good time, job assignment, or treatment programs, except when the inmate waives the right to appear at the classification hearing using SCDC Form 18-39, "Classification Waiver." *If ICC members feel the need to discuss sensitive/confidential information related to the committee's final decision, the inmate will not be present during deliberations.*

**36.1.1 Inmates who fail to appear for ICC:** The ICC hearing can be held in the inmate's absence if the inmate has been notified via SCDC Form 19-45, "Order to Report," and/or SCDC Form 18-34, "48 Hour Notice," and the inmate fails to appear. The Caseworker will file the Order to Report and/or 48 Hour Notice for documentation. The Caseworker must also note that the committee was held in the inmate's absence on the SCDC Form 18-1 "Committee Docket," and in the comment sections of the custody review.

**36.2** Inmates will be given notice dated and signed by the appropriate caseworker 48 hours prior to the hearing and unless the inmate waives, in writing, the waiting period using SCDC 18-39, "Classification Waiver." Inmates who waive their rights to appear will also waive any grievance rights regarding any decision made by the ICC. In the event of a waiver, the Classification Caseworker may review the reclassification reports with the inmate.

**36.3** Each inmate will appear individually before the committee. The reasons for the hearing will be fully explained to the inmate. Inmates who cannot speak or understand English will be assisted by an employee who can act as an interpreter. Inmates who are hearing or sight impaired will be provided with assistance to ensure that they understand the deliberations.

**36.4** The inmate will be given the opportunity to ask questions and to present information at the hearing which may affect the committee's decisions. The information used by the committee in making classification decisions will be available to the inmate so that the inmate may participate in the classification process. The committee members will ask the inmate any relevant questions concerning his/her request or review. The inmate can be allowed to participate in assessing his/her needs and in selecting programs to meet those needs.

**36.5** Each inmate's case will be presented to the ICC by the Classification Caseworker/Case Manager. All relevant documents and information contained in the inmate's record, as well as information obtained from the automated system, will be presented to the committee. Committee members will review the inmate's record. The inmate's record can be reviewed in the presence of the inmate; however, psychiatric and mental health information as well as confidential information from the community will be withheld. The inmate will have access to the portion of his/her records considered by the ICC except for the confidential information.

**36.6** The Case Manager/Caseworker will moderate the committee proceedings. Each committee member will have one (1) vote, with the chairperson voting last. The majority vote will rule. The classification caseworker presenting to the committee may be a voting member only if no other classification employees are participating as voting members. All committee members and persons involved in the committee hearing must introduce themselves and state their name and job title.

**36.7** The information on which the ICC bases its decisions will be documented in the inmate's institutional record as well as in the automated system.

**36.8** After all of the information has been reviewed and input has been heard, the inmate may be excused from the hearing for the committee's deliberation.

**36.9** Each inmate will be advised of the ICC's decision directly by the committee at the conclusion of the hearing. Inmates who do not attend the ICC hearing will be informed of the committee's decision by the Institutional Classification Caseworker/Case Manager within 10 working days.

**36.10** The Institutional Classification Case Manager will be responsible for the completion and maintenance of the SCDC Form 18-1, "Committee Docket," for each inmate who appears before the ICC.

**36.11** The Institutional Classification Caseworker/Case Manager will be responsible for entering all decisions made at the committee hearings in the automated Offender Management System (OMS). All entries should be made no later than the following working day after the committee hearing. The Institutional Classification Caseworker/Case Manager will update the appropriate OMS screens, enter detailed comments to document ICC decisions, ensure that all sections of the "Classification Committee Docket" are completed, and provide notification to the inmate within ten (10) days if s/he waived appearance before the ICC.

**37. APPEAL PROCEDURES:** Inmates may appeal the decisions of the Institutional Classification Committee through established inmate grievance procedures. (See SCDC Policy GA-01.12, "Inmate Grievance System," for further information.)

**38. RECORDING OF ICC HEARINGS:** All ICC hearings involving advancement or reduction in custody, override of simulated custody recommendation, and job terminations must be recorded, except in cases where the inmate signs the SCDC Form 18-39, "Classification Waiver." Inmates who sign the Form 18-39, "Classification Waiver," will waive any grievance rights regarding any decision made by the ICC. In these cases, recordings will not be required. If the inmate signs a waiver, the Caseworker must file a copy of the waiver in the inmate's institutional record, notated in the automated review, and documented on the Committee Docket.

**38.1** The Case Manager/designee is responsible for properly labeling and downloading the ICC hearings into the institution's automated file on the ICC shared folder. The factors considered by the Committee and reasons supporting the particular decision regarding custody will be clearly documented on the Committee Docket.

### **39. SUBSEQUENT CLASSIFICATION REVIEWS:**

**39.1** It is the policy of the Division of Classification and Inmate Records that all inmates will be reviewed for the purposes of classification on a routine basis and as required by the inmate's current needs and circumstances. This will ensure that each inmate receives appropriate and adequate supervision, and housing, job, and program assignments which are commensurate with changing needs and requirements during his/her entire period of incarceration. All classification decisions will be made on the basis of the inmate's total record. No inmate will be denied access to work, recreation, education, or other programs or opportunities because of health status unless such denial is required for medical or mental health reasons, as determined by a medical/mental health professional. The primary function and objective of all classification committees and classification staff (including individuals with authority to make classification-related decisions) will be to ensure that each inmate's safety, security, and that treatment needs are met and the safety and security of staff, the institution, and the public are maintained.

**39.2 Review Schedule:** The ICC will conduct a classification review for each inmate on an annual basis.

### **40. JOB/SCHOOL ASSIGNMENT BY ICC:**

**40.1** The ICC will be responsible for inmate job assignments. This will include newly received inmates from the Kirkland R&E Center and the Camille Graham R&E Center, inmates transferred from other institutions, and all job re-assignments to include terminations, return from lock-up, return from court, medical, etc.

**40.2** The Classification Caseworker will have the authority to make changes in job/school assignments within areas after the initial assignment by the ICC. The inmate will be required to remain on his/her assigned job for at least one (1) year before the inmate can request a job change. The Warden/designee may reduce the length, if deemed necessary.

**40.3** Health Services Professional Staff (i.e., physician, psychiatrist, clinical counselor, registered nurse, etc.) will be responsible for updating an inmate's MEDCLASS Summary for Classification and providing appropriate notification with request to any changes in an inmate's health status which requires a job change for health-related reasons. Job-related restrictions and recommendations of health services professional treatment staff, as noted on the MEDCLASS Screen, will be followed by all classification committees and all individuals with authority to make specific decisions related to offender jobs.

**40.4** Job assignments will be made on the basis of an inmate's total record and as required by the inmate's current needs and circumstances, as reflected in the inmate's institutional record, MEDCLASS Summary for Classification, PREA status and the automated record, in order to ensure that each inmate receives an appropriate job with adequate safety, supervision, and treatment.

**40.5** The work force requirements of the institution, and specialized skills of an individual inmate (e.g., welder, carpenter, baker, typist), will be considered when making job assignments. Staff should attempt to match the work force needs of the institution with the skills of the available inmate workers whenever possible.

**40.6** Classification Caseworker will assign inmates to EWC jobs using standardized criteria which include such factors as:

- **Risk Factor:** Escape risk, security threat group, custody designation, disciplinary history, current institutional adjustment, current offense, violent tendencies, and PREA status.
- **Institutional Need:** Work force requirements of the unit, skills possessed by each inmate, and skill requirements of vacant jobs.
- **Job Restrictions:** Limiting physical and psychological factors (as noted on each inmate's health summary) for classification will be followed by the ICC. This will also include any recommendations of health services professional treatment staff.
- **Educational/Vocational:** The inmate's need or desire to attend academic or vocational school. Inmates reading on or below the 8th grade level will require mandatory placement in an education program.
- **Food Service Assignments:** Inmates assigned to food service duties must be screened by health services personnel and should be thoroughly instructed regarding sanitation and personal hygiene by the food service supervisor prior to actually working in food service.

- **Health-Related Criteria:** (Treatment program, psychiatric, handicapped, ATU, etc.) Current medical status (i.e., no exposure to direct sunlight or other special job assignment needs due to medical conditions) and current mental health, intellectual impairment, physical handicap, or disability status.

**NOTE:** Consideration will be given to all criteria to ensure that safety, security, and treatment needs of all inmates are being met and that the safety and security of staff and the institution are maintained.

**40.7 Refusing to Work/Failure to Work/Refusing to Attend the Compulsory School Program:** An inmate will not be allowed to refuse any work, mandatory educational assignment, or other mandatory program. Such refusal will subject the inmate to disciplinary action. (See Policy OP-22.14, "Inmate Disciplinary System.")

**40.8 No Work Pass and/or Change in Medical Status:** When a change in an inmate's medical condition occurs that causes a job restriction(s) to be placed on the inmate, the MEDCLASS screen should be updated immediately by the appropriate health services staff and notification made to the Classification Case Manager/designee. The Classification Caseworker will review the MEDCLASS screen and make an appropriate job change, if necessary. The inmate should be given a SCDC Supply M-31, "Medical No Work Pass," with specified dates. If the medical no-work pass exceeds three (3) calendar days, EWC/EEC will be terminated effective the 1st day of the medical no-work pass per policy. An inmate who is unable to perform his/her current job assignment due to a temporary medical condition, i.e., flu, cold, fever, etc., as determined by appropriate health services staff, will also be given a no-work pass with a specified length of time that the inmate is to be absent from work. Medical will forward a copy of all SCDC Supply M-31s to the Case Manager.

**40.9 Recording of Job/School Assignment:** The SCDC Form 18-1, "Committee Docket," and the SCDC Form 19-54, "Inmate Job/School Assignment," with dispositions, will be used for recording all initial job/school assignments and subsequent changes (including custody changes and terminations). Inmates assigned to jobs and/or to school will be directed to the appropriate supervisor following the classification hearing. Individual work supervisors will receive notice from the Case Manager of the inmate's assignment within 24 hours of the hearing.

**40.10 Offender Management System (OMS) Entry:** Job/School assignment information will be entered into the OMS indicating the inmate's SCDC number, job classification code, effective date of hire, job location, and number of days/hours to be worked. The designated institutional employee will make appropriate entries on the Earned Work Credit/Earned Educational Credit (EWC/EEC) screens of the OMS. All entries should be made no later than the following working day after the committee hearing.

**40.11 Job Pool:** The Classification Case Manager will monitor job vacancies. The Case Manager will provide information on job vacancies and the need for inmate workers in specific areas to Classification staff weekly. Job supervisors are required to keep the Case Manager informed of vacancies and the need for additional workers.

#### **41. GENERAL JOB RE-ASSIGNMENTS:**

**41.1 Inmate Request:** An inmate who has successfully completed at least *one* (1) year in an assigned job may request a job change. The inmate must appear before the Classification Caseworker for approval/disapproval.

**41.2 Terminations:** An inmate may be recommended for termination from a job by his/her supervisor for unsatisfactory job performance, inability to perform work, or other appropriate reasons. Prior to termination, the inmate should be given a SCDC Form 19-123, "EWC Performance Evaluation, Warning Notice," by his/her supervisor explaining how his/her performance may be improved. Depending on the circumstances surrounding the termination, the inmate may be charged with a rules violation. (A warning notice will not be required prior to termination; however, an incident report will be prepared if appropriate.) All terminations must be approved by the Institutional Classification Committee. If the inmate is terminated by the ICC, the effective date of termination will be the date signed by the job supervisor on the SCDC Form 19-54, "Inmate Job/School Assignment."

**41.3 Administrative Request:** An inmate may be reassigned at the discretion of the Warden or designee when it is deemed necessary for the safety and security of the facility.

**41.4 Return from RHU:** Upon return from Short Term Detention ST, Disciplinary Detention (DD), or Security Detention (SD), the inmate must appear before the ICC to determine if s/he should return to his/her previous job or be reassigned. If the inmate was convicted of disciplinary offense 903, The Use or Possession of Narcotics, Marijuana, or Unauthorized Drugs, Including Prescription Drugs, or Inhalants (Old Disciplinary Code 1.10 and 2.02), the Warden/designee may instruct the ICC not to reassign the inmate to his/her previous job or to a job in the same work section.

**41.5 Return from Medical:** When a change in an inmate's medical condition occurs and a job restriction(s) is placed on the inmate by the physician, the inmate will be referred to the Case Manager/Caseworker to determine if job reassignment is necessary.

**41.6 Assignment of Inmates (as Clerks/Supervisors):** Inmates will not be permitted to exercise authority over other inmates in any aspect. This stipulation will not prohibit the use of inmates who oversee work provided that they do not discipline, hire, retain, fire, determine pay, or evaluate the performance of other inmates. Under no circumstances will inmate clerks have access to inmate records or any other confidential information. Inmates will not type classification forms or assist with the performance of any classification duty.

**41.7 Back Dating of EWC/EEC by Institutional Classification Central Office:** Any EWCs awarded retroactively must be requested by the Warden with at least two (2) supporting statements and/or documentation from SCDC or supervising employees verifying the work and

the dates performed. All Earned Work Credits awarded retroactively must be approved by the Division Director of Classification and Inmate Records/designee.

**42. ICC REVIEW HEARINGS FOR RESTRICTIVE HOUSING UNITS:** Inmates assigned to RHUs will be classified in accordance with the conditions of this confinement as outlined in SCDC Policy OP-22.38, "Restrictive Housing Unit."

**43. SUBSTANTIATED SECURITY RISK UNIT (SSR) (KIRKLAND):** Level reviews will be conducted pursuant to SCDC Policy OP-22.38, "Restrictive Housing Unit." Inmates will not receive annual reviews while in SSR. A full status change review should be conducted before release.

#### **44. SPECIAL STATUS CATEGORIES:**

**44.1 Death Sentence Status:** Offenders in death sentence status require the highest level of custody supervision available. Inmates in this status (referred to as Death Row) are precluded from assignment to a principal custody designation.

**44.2 Safekeeping Status:** Individuals in safekeeping status will be assigned to unit housing which is specifically designated for safekeeping status. Such housing will be commensurate with the specific safety needs of the individuals assigned there. Refer to SCDC Policy SK-22.02, "Safekeepers," for additional information.

**44.3 Medical Status:** Offenders who require special consideration due to their medical conditions (e.g., offenders who are assigned to special medical treatment programs or those who have medical restrictions with regard to housing, job, and other assignments) will be assigned to units and given housing, job, and program assignments which are commensurate with their special medical needs. All medical status offenders will be assigned to an appropriate custody designation and given housing, job, and program assignments commensurate with their special medical needs. All health-related restrictions regarding basic housing requirements, bunk assignment, row assignment, job assignment, or disciplinary procedures, as noted on the MEDCLASS screen, will be followed by all classification staff, classification committees, and security personnel.

**44.4 Intellectual Disability Status:** A designation of intellectual disability will be assigned to those offenders who require special consideration due to their retardation or developmental disability. This status is assigned to an offender who has a WAIS-R full scale IQ of 73 or below or a social history indicative of mental retardation. Housing and other restrictions for these offenders (II), as identified by professional treatment staff, will be specified on the MEDCLASS screen. Offenders housed in an intellectual disability unit will be placed in a cell with inmates of similar status.

**44.5 Physically Disabled Offender Status:** Offenders who require special consideration due to a permanent physical disability will be assigned to institutions and given housing, job, and program assignments which are commensurate with their special needs. The term "physically disabled" refers to offenders with a mobility impairment, or visual, hearing, or speech impairment. The ICC will determine the inmate's housing assignment based upon behavioral characteristics, institutional history, and the need to separate specific offenders. Housing and other restrictions for offenders in physically disabled offender status, as identified by appropriate medical staff and noted on the MEDCLASS screen, will be binding on all classification staff, classification committees, and security personnel.

**The meeting of custody criteria does not guarantee placement at any particular level. An inmate's custody classification involves the exercise of discretion in regard to security needs and overrides may be used.**

**45. RESIDENT STABILITY CODES:** Resident Stability Codes are utilized to flag resident status when inmates are being considered for assignment to unfenced institutions and outside assignments. This code is used to flag inmates who are non-United States citizens. The resident stability code will be indicated on custody reviews through the automated system.

**CITIZEN:** Born in the United States (US) or born to parents who are citizens of the US living abroad, or a person born in a country other than the US but has completed the process to become a citizen of the US.

**NON-CITIZEN (N/C) OR ALIEN:** Inmate who holds citizenship in a country other than the United States (US).

**46. OVERRIDE OF CUSTODY:** A custody override code and a detailed justification statement will be required when the custody assigned to an inmate by the ICC is different from the automated recommended custody and will require final approval from Central Classification. The automated recommended custody will be based on criteria included in the Classification Plan and Classification Assessment Instrument. Documentation for overrides (logic/reason for the override) will be provided by the ICC. If the ICC determines that it is necessary to override the inmate's custody, the committee will inform the Case Worker of the justification for that decision. The ICC will clearly state the reasons for the override and explain the reasons in sufficient detail.

**46.1 Institutional Classification Committees (ICCs)** will have the authority to override principal custody designations which would otherwise be indicated by established custody assignment specifications (classification characteristics and boundaries). These overrides, however, will only be initiated in the interests of good correctional practice, and in accordance with the following guidelines:

- The decision of an Institutional Classification Committee to override custody criteria will be based on unusual or peculiar circumstances relative to individual classification considerations and issues not otherwise covered by established custody and security criteria.
- Lack of bed space in an appropriate custody housing area for an offender will never be grounds for exercise of an override.

- When professional judgment and discretion compel classification decisions which constitute a departure from established classification criteria, the reasons for such decisions will be clearly stated and explained in sufficient detail by the Institutional Classification Committee on the SCDC Form 18-1, "Committee Docket," and other appropriate documents. Documentation will include entry of such overrides in the automated system and detailed reasons explained in the comment section of the review.

**46.2** If the Warden disagrees with the recommendation of the ICC, the Warden must submit his/her concerns in a memorandum, through Division Director of Classification and Inmate Records, to the Deputy Director of Operations. The Deputy Director of Operations will be responsible for resolving any disagreements.

**46.3** Central Classification (CC) will have the authority to override Institutional Classification Committee decisions when such overrides are deemed by CC to be necessary in the interests of good correctional practice, i.e., in order to ensure the safety, security, and orderly management of offenders and institutions. In the event of such an override, CC will clearly state the reasons for the override and explain the reasons in sufficient detail. The ICC may appeal CC decisions to the Division Director of Classification and Inmate Records.

**47. INMATE HOUSING ASSIGNMENTS:** It is the policy of the South Carolina Department of Corrections that each inmate will be housed in such a manner so as to ensure, to the maximum extent possible, that the safety, security, and treatment needs of all inmates are being met, and the safety and security of staff and the institution are maintained. All inmate housing assignments, to include assignment to an institution and to specific housing areas, will be made on the basis of rational, objective criteria. The ICC for inmate housing and cell assignment will consist of the Classification Case Manager/Caseworker assigned to the inmate and the Unit Lieutenant/Security Designee. All ICC hearings for cell assignments will be documented on the SCDC Form 18-3, "Cell Assignment."

**47.1 General Housing Guidelines:** The following guidelines for inmate housing assignments, to include assignment to the institution and to a specific housing area, will be followed by all classification committees and by all individuals with authority to make specific decisions related to inmate housing. Housing assignments will be made on the basis of an inmate's total record, as required by the inmate's current needs and circumstances as documented in the inmate's institutional record, medical and health summary, cell assignment form, and automated record. The Division of Classification and Inmate Records will identify housing areas to separate inmates in cells by custody designation.

**47.2 Inmates Assigned Out of Custody Level:** If a bed in an inmate's assigned custody is not available or the custody designation itself is not available at the institution, the inmate will be assigned by the Institutional Classification Committee (ICC) to housing which can best provide for the safety and security of the inmate, other inmates and staff, and the institution. The Case Manager/designee will monitor inmates housed out of custody for more than 30 calendar days and assure that appropriate action is taken.

**47.3 Special Considerations:** Consideration may also be given to an inmate's job assignment if such consideration is consistent with the inmate's needs and requirements relative to safety, security, and treatment.

**47.4** No inmate will be assigned to any housing area solely on the basis of race, color, or ethnic origin.

**47.5** The ICC will be responsible for making and monitoring cell assignments. The committee will ensure that vulnerable inmates are separated to the extent possible from those inmates with histories of assaults.

**47.6** Housing-related restrictions and recommendations of health services professional treatment staff, as noted on the MEDCLASS Screen, will be followed by all classification committees and classification and security staff. If the ICC determines that conflicting security and treatment concerns exist in terms of an appropriate housing assignment for an inmate (e.g., single-celling vs. double-celling), the committee will immediately refer the matter to the Warden or designee and the Institutional Health Care Authority for resolution.

**47.7** Housing restrictions and recommendations of health services will be followed by the ICC. A representative from the treatment staff will be included on all ICC reviews of cell assignment in special needs units. Inmates assigned to special needs units will be housed according to their treatment needs. The ICC will continue to work with the treatment staff to ensure that inmates with patterns of assaultive or disruptive behavior are separated from more vulnerable inmates.

**48. CELL ASSIGNMENT FORM:** The SCDC Form 18-3, "Cell Assignment Form," will be used to determine the appropriate cell assignment for inmates and will be completed on all inmates housed in cells. The SCDC Form 18-3 is not used for wards or open bay areas. The cell assignment checklist consists of a series of questions designed to record pertinent information which will affect the inmate's housing assignment. The SCDC Form 18-3 and other relevant information and criteria will be used by the **Institutional Classification Committee (CC)** or individuals with authority to make specific decisions related to inmate housing (e.g., Warden, Associate Warden, or Major) to determine the inmate's cell assignment. All inmate cell assignments should be made on the basis of rational, objective criteria, taking into consideration each individual inmate's safety, security, treatment, and rehabilitation needs. The SCDC Form 18-3 of all cell partners must be reviewed and updated to ensure compatibility. The SCDC Form 18-3, "Cell Assignment Form," must be updated each time that inmates are moved. Inmates in specialized **treatment** programs who are assigned to a cell will be exempt from the cell assignment process and completion of the SCDC Form 18-3, "Cell Assignment Form." Inmates in **these** specialized **treatment programs areas** will be



assigned to cells in accordance with their respective **treatment programs**. Minimum custody inmates housed in labor crew dorms and specialized **programs** will be exempt from the cell assignment process (designated dorms must house labor crew inmates only).

- **Addiction Treatment Programs**
- **Mental Health Dorms/Programs**
- **Pre-Release Centers**
- **Allendale Character Institution**

**\*\*\*Exception to SCDC Policy OP-21.04, "Inmate Classification Plan," exists for Section 48 as of February 2, 2024, changes are in blue. Inmates assigned to pre-release, treatment programs, and labor crews are currently exempt from the cell assignment process.**

**48.1 Procedures:** Upon arrival at the institution, each newly received inmate will appear before the Institutional Classification Committee within 72 hours (excluding weekends and holidays). The ICC chairperson (Case Manager/Caseworker) assigned to the inmate will complete the SCDC Form 18-3 and determine the inmate's cell assignment status. The following guidelines for cell assignment will be observed by the ICC or individuals with authority to make specific decisions related to inmate housing (e.g., Warden, Associate Warden, Major, Operations).

**48.2 General Housing Guidelines:** Cell assignment will be made on the basis of an inmate's criminal and behavior profile, physical and mental health restrictions, prior history of assaultive behavior, and separation requirements. Inmates should be matched with respect to similar characteristics to other inmates in order to determine cell assignment partners. The **Institutional Classification Committee (CC)** will compare these characteristics when determining compatible cell/housing partners. Housing restrictions and recommendations of health services professional staff as noted by Health Services will be followed by the classification committee and security staff. Any inmate identified by the classification committee, **executive staff, or Medical/Mental Health** as being too assaultive or vulnerable to be safely housed with another inmate will be **referred to the CC Celled Alone Committee for approval**. The inmate can request a cell change once a year at his/her annual review. The ICC will review the inmate's request and make a decision related to inmate housing.

**48.3 Cell Assignment:** Cell assignments will be made on the basis of the criteria listed below. Consideration will be given to all criteria to ensure that the safety and security of all inmates and the institution are maintained.

### **INSTRUCTIONS FOR COMPLETING SCDC FORM 18-3, "CELL ASSIGNMENT FORM"**

**The following criteria will be considered in making cell assignments:**

1. Prior history of assaultive or violent **behavior while taking into consideration the length of time since the date of the offense**;
2. Violent or passive tendencies; and
3. PREA status - Aggressive sexual behavior, sexual victimization.

Health related criteria as indicated by Medical Services, on the MEDCLASS, will be used to record any current medical conditions which make it difficult for the inmate to climb stairs, to climb into an upper bunk, or to be housed on the upper tier. The current mental health status as well as intellectual disabilities, as determined by Medical Services, must be considered in making cell assignment. In making any housing assignment, the health related criteria determined by Medical Services must be followed.

#### **INMATE REQUEST FOR HOUSING ASSIGNMENT:**

The ICC will review all inmate requests for housing changes to determine the reason for the inmate's request. The review should be done in accordance with good correctional practices to ensure that security requirements are met. When it is determined that a request for cell assignment is due to incompatibility with the cell partner, the Warden/designee can initiate an emergency housing change if it is operationally feasible. All permanent housing changes must be approved by the classification committee. The inmate does not have to be present during the ICC's review of housing changes.

### **SECTION FIVE: LABOR CREW/WORK PROGRAM**

#### **49. LABOR CREW/WORK PROGRAM:**

Central Classification will screen inmates for Labor Crew/Work Program (LC/WP) based on the LC/WP eligibility date as calculated through the automated system. During the **Central Classification (CC)** review, the Labor Crew program screens will be initiated and completed in the automated system. Inmates will be eligible for the Labor Crew/Work Program with five (5) years or less remaining to maxout or supervised re-entry eligibility and upon meeting other specific classification criteria. Inmates who are eligible for Labor Crew/Work Program must meet conditions set forth in the Minimum **Out** Criteria. Upon approval by CC for the Labor Crew Program, inmates will be transferred to an appropriate **Work Release** Center/Institution in Labor Crew status. An inmate assigned to the Labor Crew Program will either be assigned to a job within the **Work Release** Center, to a Correctional Officer supervised litter crew, or to an outside Contracted Agency crew.

**49.1** In accordance with the Omnibus Sentencing Reform Act (6/2/10), certain violent offenders are eligible to be considered for the Labor Crew/Work Program. An offender is eligible for the program if the offender is sentenced for voluntary manslaughter (Section 16-3-50), kidnapping (Section 16-3-910), carjacking with or without Bodily Injury (Section 16-3-1075), burglary in the 2nd degree (Section 16-11-312 (B)), armed robbery (Section 16-11-330 (A)), or attempted armed robbery (Section 16-11-330 (B)), or Manufacturing/Distribution of Methamphetamine, 1st, 2nd, & 3rd (Section 44-53-370 (B)), and the crime did not involve any criminal sexual conduct, and the offender is within five (5) years of max-out or supervised re-entry eligibility date. Offenders that are eligible to be screened pursuant to this Act are only those offenders whose offense date occurred on or after 6/2/10.

**49.2** Inmates in special programs are not eligible to be screened for the labor crew/work program. Programs include *Pre-Release Reentry*, SPICE, ATU, SHOCK, Jumpstart, MacDougall Veterans' Dorm and YOPRS. Inmates assigned to a designated facility will only be screened upon request. Inmates in lock-up and in R&E status are also not eligible to be screened.

## **50. INSTITUTIONAL CLASSIFICATION PROCEDURES IN MINIMUM *OUT* LEVEL INSTITUTIONS:**

**50.1** To be eligible for the Work Program, an inmate must first be approved for assignment and transferred to the Labor Crew Program at an appropriate *Work Release* Center/Institution that houses minimum *out* custody inmates. Upon arrival at the *Work Release* Center/Institution, the Caseworker or designated staff will project the Work Program rollover date based on time remaining to maxout or supervised *reentry* eligibility date.

**50.2** No inmate will be permitted to roll to the Work Program with more than 36 months remaining to maxout or supervised re-entry eligibility date. In accordance with the Omnibus Sentencing Reform Act and Truth in Sentencing (1/1/96), an inmate serving an 85% non-parolable sentence will not be permitted to participate on the work program until s/he has served 80% of his/her sentence. Eligibility dates will be calculated through the automated system for each affected inmate after labor crew placement. No offender committed for a violent offense as defined in Section 16-1-60 or a "no parole offense" as defined in Section 24-13-100 may be released back into the community in which the offense was committed under the Labor Crew or work program.

**50.3** Assignment to the Work Program is a privilege, and rollover will be contingent upon satisfactory adjustment and behavior at the Pre-Release Center/Institution on the Labor Crew Program. An inmate could remain on the Labor Crew Program for the duration of his/her sentence should his/her adjustment and behavior not warrant being rolled over to the Work Program. After placement on the Labor Crew, inmates must have no administrative disciplinary conviction for at least six (6) months before being allowed to enter the Work Program. Depending on the circumstances of the administrative disciplinary conviction, the Warden/designee can waive the suspension after 90 days and allow the inmate to roll over to the Work Program. An inmate with a short time to serve prior to maxout may be placed in the Work Program if employment is available, particularly if s/he plans to reside in the area and can maintain his/her job after release.

**50.4** Prior to an inmate's Work Program roll over, the ICC must ensure that mandated notifications have been made by the CC. As notifications are made by CC, the date of the notification will either be autoloading or manually entered onto the applicable program screen(s) in the automated system. No inmate will be rolled over to the Work Program before these notifications are made by CC. When the inmate is rolled to the Work Program by the ICC and the inmate's status is changed to Work Program in the automated system, CC will initiate and complete the Work Program screens.

**50.5** All Agency Rules and Regulations and State Laws will apply to inmates on the Labor Crew and Work Programs. Disciplinary action will be enforced pursuant to SCDC Policy OP-22.14, "Inmate Disciplinary System."

## **51. PROCEDURES FOR LABOR CREW/WORK PROGRAM:**

**51.1 Purpose:** To establish a uniform and consistent approach to program management within Labor Crew/Work Program Center/Institutions in order to provide for needed transitional services for inmates prior to and subsequent to release from incarceration.

**51.2 General Overview:** To be eligible for the Work Program, an inmate must first be approved for assignment and transferred to the Labor Crew Program at an appropriate *Work Program* Center/Institution. Upon arrival at the Pre-Release Center Institution, the *Case Manager/Caseworker* or designated staff will project the Work Program roll over date based on time remaining to maxout and required amount of time to be spent on Labor Crew Program.

**51.3** SCDC does not accept inmate referrals from other agencies.

**51.4 Procedural Guidelines:** Each *Work Program* Center/Institution Warden and other designated program and security personnel will ensure that all guidelines addressed as specific procedures are adhered to in order to facilitate consistent and efficient program management within the *Work Program* Centers. Specific operational procedures will be in accordance with Agency guidelines. In accordance with

SCDC Policy GA-03.03, "Inmate Drug Testing/Screening Program," drug screening/testing will be conducted for all inmates prior to transfer to the Labor Crew/Work Program and randomly after placement.

### **51.5 Community Interaction/Resources:**

**51.5.1 Citizens Advisory Committee:** Each Pre-Release Center/Institution Warden will establish a Citizens Advisory Committee which is representative of the total community to provide for interaction between the center and the community. The Warden/designee will ensure that meetings will be held at least annually to address issues of mutual concern in reference to programs, policies, procedures, etc.

**51.5.2** Volunteer programs will be established and maintained in accordance with SCDC Policy PS-10.04, "SCDC Volunteer Services Program."

**51.5.3 Public Information and Education:** Each Warden will be responsible for community interaction with law enforcement and judicial agencies and local governing bodies and participation in professional organizations and associations. Interaction with the public and the news media will be in accordance with SCDC Policy GA-02.01, "Employee and Inmate Relations with News Media, State and Federal Legislators, and Others."

**51.5.4 Community Resource Manual:** Each center will develop and utilize contacts with public and private resource agencies for referral assistance. A current Community Resource Manual will be maintained by each center for use by staff and inmates for all counties under its geographical jurisdiction. Referral sources will be current. Agencies to meet inmate needs will include, but are not limited to: Education, vocation, employment, housing, religion, psychological/medical, drug abuse, etc. Referral services will include any public or private agency which can render assistance to inmates in meeting personal, family, program, and/or Agency goals. Information contained in the resource manual may include, but will not be limited to: agency name; agency address/location; description of services; qualifications for services eligibility; area served; application procedures; schedule of services to include cost; and contact persons.

### **52. LABOR CREW/WORK PROGRAM ELIGIBILITY AND ASSIGNMENT:**

**52.1** Program eligibility will be based on approved program conditions as established through this Inmate Classification Plan. SCDC prohibits discrimination based on an inmate's race, religion, national origin, sex, disability, or political views.

**52.2** Inmates will automatically be screened by Central Classification for Labor Crew assignment based upon date and custody eligibility.

**52.3** Inmates approved for Labor Crew (LC) will be transferred to an appropriate **Work Program** Center/Institution as space becomes available. Upon approval, an automated transfer request will be created.

**52.4 Intake:** Any applicable restrictions regarding the inmate's assignment will be noted as a provision of the inmate's approval, will be included in the inmate's institutional record, and will be closely monitored by the center personnel to ensure compliance. The Institutional Classification Committee (ICC) will verify that all inmates received have been properly cleared and approved for assignment to the center and are placed in the appropriate status.

**52.5** The initial ICC will be conducted in the same format as listed in section 31.2 of this policy.

**52.6 Orientation:** A complete orientation will be conducted by the **Caseworker** in accordance with the Inmate Classification Plan guidelines after the inmate's arrival at the center. Orientations will address all pertinent information, program goals, rules/regulations, employment, program service issues as related to the inmate, and collection and payment of fees. Orientations will be documented on SCDC Form 18-69, "Certificate of Inmate Orientation," and SCDC Form 27-67, "Certificate of Outside Labor Crew Orientation." The orientation should allow the inmate an opportunity to discuss any behavioral problems, program restrictions, etc., noted in the inmate's institutional record. The inmate will be assigned to the caseload of a **Caseworker**. This supervisor will assume and retain the responsibility for the inmate's program involvement while assigned to that center. Each supervisor will be required to maintain and report caseload data on the SCDC Form 18-6, "Classification Monthly Report," by the 5th of each month to the Division of Classification and Inmate Records.

**52.7** Special attention and assistance will be provided to inmates with specific learning disabilities and/or physical handicaps to ensure maximum program understanding and assistance with individual needs and program objectives.

**52.8** Each inmate's progress will be reviewed on an annual basis and evaluated during the ICC pursuant to this Inmate Classification Plan with the results documented, dated, and signed.

**52.9** The **Caseworker** will explain Work Program roll-over eligibility to Labor Crew inmates. Upon positive adjustment and after all required notifications have been made, Labor Crew inmates will be eligible to roll to the Work Program.

**52.10** Law enforcement agency and victim/witness notifications will be required prior to assigning an inmate to a Work Program job. The **Case Manager/Caseworker** will be responsible for verifying notifications by viewing the Community Programs (CPREV) OMS screen for date entries. If these notifications are not documented, the **Case Manager/Caseworker** will be responsible for contacting **Central Classification** via automated system messaging.

### **53. WORK PROGRAM ORIENTATION:**

**53.1** During orientation, the inmate will read, or have explained to him/her by center personnel, the SCDC Form 27-4, "Work Program Agreement," which will be properly completed, dated, and signed by center personnel and dated and signed by the inmate.

### **54. WORK PROGRAM CASE MANAGEMENT:**

**54.1** The Following SCDC/ACORD Forms Will Be Utilized for Work Program Inmates:

- SCDC Form 27-16, "Inmate Payroll Receipt/Financial Report";
- SCDC Form 27-53, "Work Program Initial Loan"
- SCDC Form 27-5, "Personalized Budget Plan/Deductions"; and
- ACORD Form, "Certificate of Liability Insurance".

### **55. LABOR CREW/WORK PROGRAM JOB DEVELOPMENT, PLACEMENT, AND EMPLOYMENT GUIDELINES:**

**55.1** The **Case Manager/Caseworker** will be responsible for employment development and placement, as well as assistance in other needs for each inmate assigned to his/her caseload at the respective center. All inmates will be assigned to a supervisor's caseload until release or removal from the center. Assignments will be made in an equitable, fair, and rational manner without regard to race, creed, or national origin.

**55.2** Inmates will not be permitted to develop or secure employment on their own.

**55.3 Labor Crew Inmates:** After admission to the **Work Program** Center/Institution, the ICC will conduct job assignment boards in accordance with this policy. Labor Crew job assignments will be made based on the institutional needs, outside labor crew needs, and the inmate's ability/skill. Every effort will be made to assign inmates with specialized skills to an area where that skill can be utilized to the fullest. However, if such is not located and approved, the inmate will be assigned to an appropriate labor crew. Assignment of inmates to outside/contracted labor crews will be in accordance with **SCDC Policy** OP-21.08, "Contracted Labor Crews." Inmates must be on the labor crew/work program for a minimum of six (6) months before they are eligible to apply for a transfer to a designated facility.

**55.4 Work Program Inmates Initial Job Placement:** At the time of actual employment, SCDC Form 27-4, "Work Program Agreement," will be completed and signed by the employer, inmate, and the **Caseworker**. The **Caseworker** will thoroughly explain all program procedures and regulations governing overtime work as stipulated on the form. The employer is to be advised that all civilian employees are to be made aware of the rules and regulations relating to the inmate's employment.

**55.4.1** An inmate may be placed on the Work Program for one (1) - two (2) months if employment is available, particularly if s/he plans to reside in the area and can maintain his/her job after release. Nothing in these guidelines precludes an inmate from remaining on a labor crew for the duration of his/her sentence.

**55.5 Work Program Follow-up:** The **Case Manager/Caseworker** will personally visit the employer and job site for progress reports at least once per month. These visits will be documented on SCDC Form 27-69, "Job Site Monthly Visit." Rules and regulations are to be reiterated during each visit.

**55.6 Loss of Employment:** Quitting a job without proper authorization or being fired from a job will be considered a direct violation of the Work Program Agreement. In both cases, the **Case Manager/Caseworker** will investigate the situation to determine the exact circumstances by conferring with the inmate and the employer and will provide a report to the Warden/designee. If it is determined that the job loss is the fault of the inmate, it will be dealt with as a major violation of work program regulations, and disciplinary action will be taken pursuant to SCDC Policy OP-22.14, "Inmate Disciplinary System." If it is determined that the inmate was not physically or mentally capable of performing his/her job, or the job loss was by no fault of the inmate (i.e., **lay off**), consideration will be given to other appropriate employment and/or assignment.

**55.7 Job Terminations:** An inmate assigned to the Work Program may be recommended for termination from a job by his/her supervisor for unsatisfactory job performance, inability to perform work, or other appropriate reasons. Prior to termination, the inmate should be given a SCDC Form 19-123, "EWC Performance Evaluation, Warning Notice," by his/her supervisor explaining how his/her performance may be improved. Depending on the circumstances surrounding the termination, the inmate may be charged with a rules violation. (A "Warning Notice" will not be required prior to termination.) In case of termination, the supervisor will submit to the Classification Section a

completed SCDC Form 19-54, "Inmate Job/School Assignment," indicating the circumstances surrounding termination. Copies of any warning notices, counseling forms, or incident reports should be attached. The **Case Manager/Caseworker** will distribute copies as indicated on the form. The ICC will review all documentation, interview the inmate, and determine whether the termination was legitimate. The inmate will be transferred if s/he is charged with a major disciplinary. If not legitimate/substantiated, the inmate will be reassigned to another job by the ICC.

**55.8 Establishing Work Program Employers:** Every effort should be made by the **Case Manager/Caseworker** to ensure that only quality employment with respectable and reliable employers is secured for Work Program inmates. Employers who, through previous association, have proven to be unfavorable for Work Program employment will not be utilized. The employer will not be under active supervision of the Department of Probation, Parole, and Pardon Services (DPPPS). An inmate will be permitted to work under the supervision of another inmate or former inmate in a community job with the approval of the Warden/designee; however, such will not be permitted in the center.

#### **55.9 Types of Work Program Employment/Acceptable Jobs:**

**55.9.1 Self/Family-employment:** Self-employment and employment in family operated businesses will not be permitted. SCDC personnel should exercise good judgment in the purchase of goods and services from such businesses in order to avoid the appearance of impropriety.

**55.9.2 Alcoholic Beverages:** Employment requiring selling, serving, and/or dispensing alcoholic beverages will **not** be permitted. The Warden/designee will be responsible for determining which establishments will be permissible for inmate employment.

**55.9.3** The preferred work schedule will be day shift (6:00 a.m. to 6:00 p.m.) employment. Every effort will be made to assign inmates to jobs during these hours.

**55.10 Work Program Union Benefits:** When contacting employers for the purpose of placing work program inmates on a particular job, the **Case Manager/Caseworker** will inquire as to the company's union status. If unionized, the **Case Manager/Caseworker** will contact the local union representative or a statewide union control body and get its policy concerning the placement of an inmate in that particular position. If the work force is completely unionized, the inmate must join the union. If a strike occurs within a unionized company, no inmate will be permitted to either participate in strike activities or to work during the strike period. If the strike is of a prolonged nature, additional/other employment will be considered for the inmate.

**55.11 Work Program Employee Group Insurance:** Work Program inmates will not be required to participate in insurance programs provided by the employer. However, if offered by the employer, the Work Program inmate may participate.

**55.12 Workers' Compensation:** All work program inmates must be covered by individual employer insurance or State Workers' Compensation. Job placement personnel will verify, using SCDC Form 27-4, "Work Program Agreement," and the ACORD Form "Certificate of Liability Insurance," that all prospective employers are covered by Workers' Compensation Insurance or otherwise meet those requirements under SCDC Workers' Compensation Regulations.

**55.13 Unemployment Compensation:** Work program inmates will be eligible for, and subject to, state unemployment compensation laws through the Employment Security Commission. However, for the purposes of this plan, this will be restricted to those inmates who have been employed on the work program and have been terminated by their employers due to reductions in force or other similar **layoffs**. These inmates will be re-employed as soon as possible. Any inmate who obviously delays reemployment for the purpose of continuing to receive unemployment benefits will be charged as appropriate and may be removed from the center, and unemployment benefits will be discontinued. Inmates whose employment is severed as a result of program removal will not be eligible for unemployment compensation.

**55.14 Hours Worked/Overtime:** Each employer will present the center with a weekly schedule of the inmate's required work hours. Each inmate will be expected to work overtime when required, and it will be the responsibility of the employer to notify the center well in advance of the regularly scheduled quitting time. Center personnel will verify the overtime request by return telephone call to the job site and job supervisor. Inmates will be limited to working no more than 12 hours per workday. Split shifts are not permitted. It will be the employer's responsibility to notify the center in advance to request additional working days not regularly scheduled. The automated system for the institution's time clock will be closely monitored by the center personnel to verify and ensure time worked. SCDC Form 27-9, "Verification of Overtime Work," will be completed on each inmate required to work overtime, and all overtime will be verified with the employer by the center personnel.

**55.15 Provisional Parolees:** Center personnel will provide employment related assistance to provisional parolees by working with local DPPPS supervisors.

**55.16 Conditional Parolees:** If approved for Labor Crew, conditional parolees may be referred to the Pre-Release Centers for placement. The **Case Manager/Caseworker** will assist the inmate in notifying the parole supervisor in the inmate's geographical area to address parole placement needs.

**56. MANDATORY DEDUCTIONS FOR WORK PROGRAM INMATE WAGES: NOTE:** SCDC Policy **ADM-15.10**, "Work Release Accounting," governs Work Program inmate wages.



**56.1** Twenty (20%) percent of gross wages will be deducted for victims. Court ordered victim restitution will be distributed to the courts. If no court ordered restitution exists or if the restitution order(s) is satisfied, then 20% will be distributed to victim programs as provided by law.

**56.2** Thirty-five percent (35%) of gross wages will be deducted for child support. If court ordered child support exists, 35% will be paid for all orders. If no court order(s) exists, then allotments at 35% will be made directly to the family for child support. If the inmate has no children or if the order(s) has been satisfied, then the 35% is distributed at a rate of twenty-five percent (25%) to the S.C. General Fund for room and board; and ten percent (10%) remains in the inmate's Work Release account. SCDC Form 27-23, "Verification of Dependents," will be used to document each inmate's dependent children. If the inmate is subject to DNA testing and the associated \$250.00 testing fee, up to 5% of the inmate's wages will be deducted to pay the DNA fee. The DNA fee will be deducted after all other deductions required by law and after the mandatory savings has been met.

**56.3** The above deductions will be made from all Work Program inmate Work Release accounts commencing with the August 4, 1999, payroll cycle.

**56.4** Work Program participants will be assessed a transportation charge as provided for by state law of \$4.00 per day to offset the cost of transportation to and from the job site. Deductions will be made from all Work Program inmates' work release accounts commencing on January 10, 2006. Deductions will be made commensurate to each inmate's pay cycle.

**56.5** All Work Program inmate funds will remain in the inmate's Work Release account, except for the portion currently being transferred to E.H. Cooper Trust Fund account.

**56.6** Effective August 1, 1999, the unspendable portion of the inmate's account will be the August 1, 1999, mandatory savings balance, plus the 10% of gross wages recorded on or after August 4, 1999.

**56.7** Work Program inmates will continue to receive weekly allowance through the Work Release account.

**56.8** Other deductions (employment needs, family needs, attorney fees, etc.) will be permitted from the inmate's Work Release account; however, mandatory savings funds will not be available for payment of these deductions. Special requests for these deductions will be evaluated and approved only by the Warden.

**56.9 Haircuts** will be provided by SCDC at no charge.

**57. WORK PROGRAM EMPLOYMENT TRANSPORTATION:** The *Work Program* Center/Institution will provide transportation for inmates to and from the place of employment unless prior approval for some other means of transportation is given by the Warden/designee. A daily work-trip schedule will be established by the Warden/designee, and each inmate will be notified as to the mode and time his/her ride will depart and arrive. The inmate will be responsible for meeting this schedule. All inmates will be transported in state vehicles unless otherwise approved, i.e., transported by employer/coworker. The SCDC Form 27-10, "Release of Liability," will be signed by the inmate and designated persons prior to transport. No inmate will be permitted to cross state lines for any reason. Should pick-up times change during the workday, only the job supervisor will be permitted to call the center for pick-up. The inmate will not be permitted to call. Drop off points are to be avoided. However, either the job supervisor or the SCDC driver will remain with the inmate until an exchange of custody is physically made.

**58. WORK CLOTHING/PERSONAL HYGIENE:** Work Program inmates will wear clothing suitable for their assignment. The inmate will be neat, clean, and well-groomed at all times in accordance with SCDC Policy OP-22.13, "Inmate Grooming Standards." Labor Crew inmates will wear the designated SCDC inmate uniform. All inmates will be required to comply with Agency grooming guidelines.

**59. VIOLATIONS OF PROGRAM RULES AND REGULATIONS:** Labor Crew/Work Program participation is a privilege granted to SCDC inmates. Considering the Agency's sensitive position in the community, and the need to maintain adequate community/employer relations, problem inmates who do not abide by program regulations will not be retained on the Work Program. All program infractions will be thoroughly investigated by designated staff members or a committee appointed by the Warden and fully documented prior to taking action. Disciplinary action will be in accordance with SCDC Policy OP-22.14, "Inmate Disciplinary System." The inmate will be formally charged and/or removed, as appropriate.

**59.1 Administrative/Informal Infractions:** Those infractions graded as administrative/informal in accordance with Agency disciplinary procedures may be handled in varying ways by the Major/Responsible Authority. Each violation will be appropriately weighed for type action. Program sanctions may be taken instead of formal disciplinary action, as appropriate. Program sanctions will include, but will not be limited to, the following:

- Verbal reprimand or warning;
- Restriction to the Center, such as job reassignment;
- Suspension from Work Release and return to labor crew status for a specified period of time;

- Payment of a donation to be contributed to the Inmate Welfare Fund (not to exceed \$50.00);
- Other sanctions as approved through SCDC Policy OP-22.14, "Inmate Disciplinary System."

**59.2** Any formal disciplinary action will be taken pursuant to SCDC Policy OP-22.14, "Inmate Disciplinary System." If an inmate is charged with and convicted of an Administrative disciplinary conviction, Work Program privileges may be suspended for at least six (6) months from the infraction date or date of discovery. Work Program inmates may be rolled back to Labor Crew status. Depending on the circumstances of the administrative disciplinary conviction, the Warden can waive the suspension after 90 days and return the inmate to the Work Program. CC will make appropriate program screen entries placing the inmate back on the Labor Crew program.

**59.3 Major Infractions:** When an inmate is charged with an infraction graded as major in accordance with Agency disciplinary procedures, that inmate will be removed from the Labor Crew/Work Program and the Pre-Release Center. When an inmate is charged with a major disciplinary, the institution will submit an email message to requesting the removal of the inmate. CC will arrange the transfer of the inmate, as appropriate.

**60. WORK PROGRAM REMOVAL:** All removal requests must be submitted and approved by CC. If continuous program violations occur and the inmate is apparently unsuited for the Pre-Release Center/Institution, the inmate will be formally charged and/or removed from the Center as deemed appropriate. When segregation (Restrictive Housing Unit (RHU)) is necessary, contact Central Classification during normal business hours. After normal business hours, contact the Emergency Action Center, or the nearest secure SCDC institution. If an inmate is determined by Medical not to be mentally competent to function under **Work Program** Center regulations and limited supervision, the inmate will be removed from the Center for appropriate reassignment and treatment. If it is determined by Medical that an inmate is not medically fit for Labor Crew/Work Program assignment, the inmate will be removed from the Center for appropriate reassignment and treatment. If an inmate receives a Category 4 or higher detainer/wanted, s/he will be removed from the Center for appropriate reassignment.

## **61. MEDICAL/DENTAL/ILLNESS/INJURY:**

**61.1 Labor Crew Inmates:** Medical and dental services will be provided through the appropriate SCDC facilities.

**61.2 Work Program Inmates:** Medical and dental services will be arranged by the Warden and the HCA at the covering institution. Emergency situations will be handled as outlined in SCDC **Policy** HS-18.02, "Emergency Care." Co-payments will be assessed as outlined in SCDC **Policy** HS-18.17, "Medical Co-Payment."

**61.2.1 Temporary Injury:** A Work Program inmate injured on the job or elsewhere which might cause him/her to be out of work for a period not exceeding three (3) weeks may remain in the center. The injury must be verified by a physician. If the inmate remains at the center, mandatory deductions will not be required for the second and third weeks unless Workers' Compensation is received. When the recuperation period exceeds three (3) weeks, a waiver must be submitted to the Division Director of Classification and Inmate Records. The decision whether to leave the inmate at the center or return the inmate to a facility where such services are available will be made by the Warden and the covering HCA.

**61.2.2 Permanent and/or Extended Injury:** If an injury is of a permanent nature and the inmate will not be permitted to return to work, s/he will be transferred to a facility where medical treatment is available. If constant medical treatment is not required and a Labor Crew position is available that the inmate can perform, s/he may remain at the center in that capacity. Involvement of Medical Services will be required.

**61.2.3 Terminal Illness:** If a Work Program inmate becomes terminally ill and hospital treatment or isolation is deemed necessary by a physician, s/he may be placed on furlough in accordance with SCDC Policy HS-18.01, "Specialized Health Services." Otherwise, s/he will be transferred to a facility where medical services are available.

**61.2.4 Temporary Illness:** If the illness is of a temporary nature, not exceeding three (3) weeks, and hospitalization or isolation is not necessary, the inmate may remain at the Center. Mandatory deductions for the second and third weeks will not be required unless sick pay or insurance, etc., is received. If the convalescence period exceeds the three (3) weeks, and if the medical conditions allow, the inmate may be assigned to duties and retained as a Labor Crew inmate until s/he is able to return to his/her community job.

**62. LABOR CREW/WORK PROGRAM INMATE VISITATION:** Inmates will be permitted visitors as authorized pursuant to SCDC Policy OP-22.09, "Inmate Visitation."

## **63. PROCEDURES FOR LABOR CREWS/WORK PROGRAM IN MEDIUM AND CLOSE CUSTODY INSTITUTIONS:**

**63.1 General Overview:** Minimum custody inmates will be eligible for the Labor Crews upon meeting other specific classification criteria. The ICC will determine job assignments to Institutional Labor Crews.

**63.2 Victim Witness Notification:** Notification for transfer to all institutions for potential placement on outside labor crew details will be completed by institutional personnel designated by the Warden. When the inmate is assigned a job on a Labor Crew, a letter to each registered victim must be placed in the mail as soon as possible. The inmate must not be placed on the detail until at least five (5) working days after the letter is mailed. Copies of the letter with clear indication of the date mailed (or the letter and envelope if returned) will be

maintained on file at the institution. This is NOT to be filed in the inmate's institutional or central record. In extreme cases, institutional staff should contact the Division of Victim Services by telephone.

## SECTION SIX: SPECIAL PROGRAMS

### 64. COURT ORDERED SUPERVISED FURLOUGH EARLY RELEASE PROGRAM:

**64.1 Purpose:** To allow carefully screened inmates to be placed on furlough from the South Carolina Department of Corrections (SCDC) under the supervision of Probation and Parole Agents from the Department of Probation, Parole, and Pardon Services (DPPPS) for the purpose of *reentry* preparation, securing employment, or obtaining rehabilitation services.

**64.2** When an inmate is eligible for release under the Court Ordered Supervised Furlough Early Release Program, his/her record will be screened to ensure that s/he meets the criteria as set forth, and a proposed residence will be verified by DPPPS. When it is certified that s/he meets all requirements for participation, s/he will be released from the SCDC on a pre-determined release date to the supervision of the DPPPS Probation and Parole Agents until his/her established maxout date.

**64.3 Eligibility Criteria:** In order to be released under the Court Ordered Supervised Furlough Early Release Program, the inmate must meet the following requirements:

- The dominant offense (offense that results in the maxout date) must have an offense date between 6/14/83 and 6/13/93 (includes dates 6/14/83 and 6/13/93);
- The individual must have a claimed residence in South Carolina that is verified and approved by the DPPPS;
- The inmate must be within six (6) months of maxout;
- The inmate must have served six (6) months in SCDC disciplinary free prior to his/her eligibility date;
- The inmate must have an approved in-state address (no post office box numbers); and
- There must be no detainers/wanted or holds against the inmate.

### 64.4 Procedural Guidelines:

**64.4.1** The Division Director of *Technology* or designee will produce a monthly automated listing of potentially eligible inmates. An automated record of eligibility status and the screening process will be produced at this time on the "SFREV" Screen for each of these inmates.

**64.4.2** The Institutional Classification Case Managers/Case Workers will manually review the record of each inmate appearing on the computer listing daily to verify that s/he meets the established criteria, obtain address information, and make appropriate approval/disapproval entries in the automated system. The designated classification personnel will contact each inmate to discuss the program and determine whether the inmate chooses to participate since participation is voluntary. If the inmate wishes to participate, s/he must provide the address at which s/he will reside. Notification to the inmate will be documented on the SCDC Form 27-70, "Supervised Furlough Early Release Notification." This address will then be entered into the automated record (SFREV Screen) by the designated classification personnel.

**64.4.3** Upon completion of the second screening by the Institutional Classification Central Office, the inmate's SFREV record will be referred to the Inmate Records Branch for audit of offense and conviction dates to ensure accurate entry. The Inmate Records Branch will enter a "Y" in the SFREV screen if date is correct and the inmate is eligible.

**64.4.4** Upon completion of a "Y" entry by the institution, Institutional Classification Central Office, and Inmate Records, the SFREV screen is referred to DPPPS for verification of residence. DPPPS Probation and Parole Agents will verify the acceptability of each residence. If a residence is not approved, the inmate will be given the opportunity to provide additional addresses which will be checked. These approvals or disapprovals will be entered into the automated record (SFREV Screen) by DPPPS.

**64.4.5** If the address is approved, DPPPS staff will enter a "Y" in the appropriate field and the SFREV screen will be referred to the MAXREL for audit. If the address is not approved, DPPPS staff will enter a "n" in the appropriate field and the inmate's name will be referred back to the institution's list for a second/subsequent address entry.

**64.4.6** Upon address approval entry by DPPPS, an audit will be conducted by the Inmate Records Office using the MAXREL screen. Upon verification of accurate data entries, the inmate's name will be referred to the Institution's Tentative Release list.

**64.4.7** Each inmate who has an acceptable residence in the community will be released into the community on the established release date after signing the Supervised Furlough certificate prepared and issued by DPPPS. At the time of the release, the terms of the program will be discussed with each individual by the Parole Examiner.

**64.4.8** The inmate's name will appear on the Authorized Release List on the date of eligibility. The inmate is not to be released until his/her name appears on the final Authorized Release List and DPPPS has issued the Supervised Furlough Certificate.

**64.4.9** Inmates released to the Court Ordered Supervised Furlough Early Release Program will continue to earn Earned Work Credit, Earned Educational Credit, and good time at their current rate upon release.

**64.5 Revocation Procedures:** When a participant is determined to have violated the terms of the release agreement, s/he will be offered a hearing conducted by the DPPPS. If DPPPS revokes the inmate or the inmate signs a waiver of the hearing, s/he will be returned to the custody of SCDC. The inmate will automatically fail to earn twenty (20) days of good time for the month in which the revocation occurs. The inmate will be received at the Kirkland R&E Center or the Camille Graham R&E Center if female and reassigned to an SCDC institution by CC. Earned work credits will be discontinued if a warrant for SFII-A violation is issued. The effective date of termination is the warrant issued date.

**64.6 Supervised Re-entry Program (SRP):** To provide for a period of reentry supervision upon release from incarceration, eligible inmates will be released six months prior to their projected maxout date.

**Eligibility Criteria:**

- Inmate is not serving an active sentence for a no-parole offense which does not allow for parole release.
- Inmate has been incarcerated for a minimum of two (2) continuous years.
- Offense date must be on or after January 1, 2011.
- The period of re-entry supervision will be reduced by any term of probation following the inmate's sentence.
- Inmate cannot have more than six (6) months probation.
- Supervised re-entry is a mandatory release if all criteria is met.
- No out-of-state detainers/wanted or *holds* against the inmate.
- Inmate must remain in the state of S.C.

**65. INMATE SOCIAL SECURITY CARD:** The South Carolina Department of Corrections will make a reasonable effort to obtain a social security card for all inmates admitted without a card, who are being considered for employment in a Prison Industries, assigned to a Labor Crew/Work Program, or within a specific time of release. The purpose is to provide inmates with appropriate documentation to obtain employment while incarcerated.

**65.1** Reception and Evaluation Center Records personnel will determine if an inmate has a social security number and card during processing. The social security number and the physical existence of the social security card will be entered into the automated record. The social security card will be filed in Section 4 of the inmate's institutional record.

**65.2** When a social security card is received, it will be forwarded to the *Program Coordinator* who will enter physical existence of the card in the inmate's automated record (SSNUM screen), have the inmate sign the card, and file the social security card in the inmate's institutional record. The social security card will be given to the inmate along with other documents and property when the inmate is released (parole, max-out, early release program).

**66. INMATE PHOTOGRAPHS:**

**66.1** A new inmate photograph will be taken at least every five (5) years, or when there is a significant change in the inmate's appearance. At the inmate's annual review, the caseworker will ensure that a photograph is in the inmate's record and that it is less than five years old. If the photograph is more than five years old or the inmate's appearance has significantly changed, the caseworker will ensure that a new photograph is taken.

**67. ESCAPES:** *Escape, attempted escape, or aiding/abetting escape while in the custody or confinement of an adult state, county, or city law enforcement institution, facility, or program.*

**67.1 Class of Escape:** *All escapes will be categorized into one (1) of the following classes:*

**Class I:**

- (1)** *Any escape, attempted escape, or aiding/abetting escape from a medium or close institution.*
- (2)** *Any escape, attempted escape, or aiding/abetting escape that involves any threat of violence, physical harm, or other aggravating circumstances from:*

*(a) a minimum institution,*

*(b) while assigned to a minimum institution, but not on institutional property, or*

*(c) minimum custody at a local detention center.*

*For the purposes of both Class I and Class II escapes, aggravating circumstances include, but are not limited to, threat of violence, physical harm to self or others during the course of the escape, damage to physical property, excessive use of manpower and/or resources, and criminal behavior that occurs while the inmate is on escape status.*

*Note: Should an inmate assigned to an outside detail, at any level institution, walk-off (with no aggravating circumstances), this should be classified as a Class II escape.*

**Class II:**

*(1) Any escape, attempted escape, or aiding/abetting escape from a minimum institution or minimum custody at a local detention center that does not involve any threat of violence, physical harm, or other aggravating circumstances.*

*Note: Should an inmate assigned to an outside detail, at any level institution, walk-off (with no aggravating circumstances), this should be classified as a Class II escape.*

*(2) Inmates who are convicted of or have pled guilty or nolo contendere for an offense that involves departure from lawful custody or attempting to evade or flee from a Home Incarceration Program within the state of South Carolina will be classified as a Class II. Inmates who are convicted of or pled guilty or nolo contendere to an equivalent offense in any comparable court in the United States will be classified as a Class II. If aggravating circumstances exist for either the in-state or out-of-state conviction, the escape conviction will be classified as a Class II. If an inmate at any level institution who are convicted of a disciplinary for possession of escape tools without a corresponding disciplinary conviction for escape or attempted escape for the same event will be classified as Class II.*

*67.2 Institutional Assignment of Escapees: Upon capture, inmates will be assigned to an appropriate facility considering the circumstances surrounding the escape, bed space availability, and other pertinent assignment factors.*

*67.3 Escape-Related Offenses: The following escape-related offenses will be categorized as Other and will NOT be counted as a Class I or Class II escape:*

- *Absconding in any way or in any form, that does not result in a conviction or plea of guilty or nolo contendere for the underlying offense. In the event the inmate is convicted of an offense related to absconding, this will be classified as a Class II escape.;*
- *Jumping bail;*
- *Away without Leave (AWOL);*
- *Flight to avoid prosecution, when that flight does not result in a conviction or plea of guilty or nolo contendere. In the event the inmate is convicted of an offense related to the flight to avoid prosecution, this will be classified as a Class II escape.*

*NOTE: Fugitive of justice warrants listed on the NCIC will not be entered as Others, as the inmate may not have been aware of the warrant and this cannot be shown to be an intentional flight to avoid prosecution.*

**67.4** An inmate who commits a Class I escape from SCDC is to be placed in SD custody upon his/her return from the escape. This rule applies regardless of the date the escape occurred. (Example: Inmate escapes from SCDC in 1975, but is returned to SCDC in 2005; this inmate is to be placed in SD custody.)

**67.5** An inmate who escapes from a county or municipal jail/detention center, and is subsequently admitted to SCDC, is to be placed in Close (CL) custody if the escape incident is classified as a Class I. If the escape involved aggravating circumstances, s/he may be assigned to SD custody. If Class I escapes are modified, the inmate's custody will be reviewed for appropriate assignment.

**67.6** Inmates with an escape history, either Class I or Class II, will not be assigned to an institutional job with a loading dock or in any maintenance shop that utilizes Class II or Class III tools if the escape is within the past seven (7) years.

**67.7** If an inmate has a Class I escape on a previous commitment, but eventually completed the sentence and was released from SCDC and has returned to SCDC on a new commitment, s/he is not to be placed in SD custody solely for the previous Class I escape.

**Escape Classification Matrix**

	<b>TYPE</b>	<b>ESCAPE CLASSIFICATION</b>
1.	Active SCDC Warrant for Escape	Escape - Class I or II (whichever is appropriate)
2.	Active Non-SCDC Warrant for Escape	Escape - Class I or II
3.	Dropped SCDC Escape Warrant	Other



4.	Dropped Non-SCDC Escape Warrant	Other
5.	Dropped/Overturned Through Grievance Escape Disciplinary	Other
6.	Escape Warrant on NCIC/FBI Rap Sheet with no Disposition	Escape - Class I or II (until disposition is received)
7.	Escape Warrant on NCIC/FBI Rap Sheet with Conviction Disposition	Escape - Class I or II (whichever is appropriate)
8.	Escape Warrant on NCIC/FBI Rap Sheet with Disposition of Dismissed/Not Prossed/Overturned Through Grievance	Other
9.	Found Not Guilty	Other

**67.8 Institutional Escape Audit** - In addition to the check of each inmate's escape history at the initial audit, the Classification Case Manager/Designee in minimum *out* institutions will conduct an institutional escape audit every 90 days.

**68. INMATE ANNUAL TRANSFER REQUESTS:** Institutional classification staff will review all written requests from an inmate for transfer during the inmate's annual classification reviews. This review will be the only time an inmate can request a transfer. The inmate must meet the criteria at the time of review. Each inmate will sign indicating whether he/she is requesting a transfer at the annual review. Inmates who request transfers will be screened for an appropriate institution in the geographical area and not for specific institutions.

**68.1 Evaluation of Annual Transfer Request:** The following criteria will be reviewed by the institutional classification staff when evaluating the annual transfer request:

- **Institutional adjustment:** The transfer will not be granted if the inmate has any major disciplinary convictions in the past 12 months or more than one (1) minor disciplinary handled administratively in the past 12 months.
- **Work history:** The transfer will not be granted if the inmate has had unsatisfactory job performance in the past 12 months.
- The inmate's programmatic needs (Mental Health, Addictions Treatment, Young Offender, etc.) and the Institutional Mission of the requested institution.
- **Time Served:** The transfer will not be granted for inmates who have served less than 12 months in the custody of SCDC.
- Separations at the requested institution.
- Male inmates will only be considered for transfer to institutions that house their current custody level. Because the female institutions house various custody level inmates, their requests will be reviewed on a case-by-case basis.

**68.2** The Caseworker will compile all appropriate information, identify the targeted geographical location, and indicate his/her recommendation for approval/disapproval on the SCDC Form 18-80, "Annual Review Transfer Request." The caseworker will forward a copy of the 18-80, "Annual Review Transfer Request," to Central Classification for final disposition. The Classification Caseworker will inform the inmate at initial, and annual, classification reviews of the annual transfer process. The Caseworker will document the inmate's request for transfer on the Staff Memoranda and in the comments section of the custody/security review on the automated system.

**68.3** Once the transfer has been approved, the inmate will be expected to remain disciplinary free while awaiting his/her transfer and after arrival at his/her new location. If the inmate receives a disciplinary conviction for a major charge while awaiting or after the transfer, the transfer request would be rescinded and s/he will be subject to removal from that location. In addition, the inmate will be ineligible to request another transfer for a period of three (3) years from the date of the disciplinary infraction.

**69. OVERTURNED DEATH PENALTY SENTENCES:**

**69.1** If an inmate serving a death sentence has that sentence overturned, but will still be confined by SCDC due to other convictions, he/she will immediately be segregated from the Death Row population until such time that a decision is made regarding relocation.

**69.2** The Deputy Director of Operations and the Division Director of Classification and Inmate Records will review the inmate's record and consult with the affected Wardens to determine an appropriate institutional assignment. The Inmate Records Office will be informed of the final decision so that appropriate adjustments can be made to the inmate's record, including any change to the inmate number.

**69.3** Upon transfer from Death Row to another institution, the inmate will have a classification review conducted by the ICC. The ICC should consider the normal classification criteria as well as pending court action regarding the overturned sentence in making a custody

assignment.

## **70. CONSULAR NOTIFICATION:**

**70.1** Whenever a foreign national (a person who is a citizen of another country, whether permanent resident in the United States, green card holder, visitor, or illegal alien) is arrested or detained in the United States, there are legal requirements to ensure that the foreign national's government can offer him/her appropriate consular assistance. Often times, the foreign national may already have been informed of his consular notification and access rights before he or she enters the South Carolina Department of Corrections. However, this is not always the case, and it is imperative for corrections officials to help make sure that consular notification and access rights are respected.

**70.2** In all cases, the foreign national must be told of the right of consular notification and access. In most cases, the foreign national then has the option to decide whether to have consular representatives notified of the arrest or detention. In other cases, however, the foreign national's consular officials must be notified of an arrest and/or detention regardless of the foreign national's wishes. Whenever a foreign national is taken into SCDC custody, the Classification Case Manager/Worker at the appropriate Reception and Evaluation Center should determine whether consular notification is at the option of the foreign national or whether it is mandatory. A list of all embassies and consulates in the United States, with their telephone and facsimile numbers, is included in United States Department of State publication titled, "Consular Notification and Access," which should be provided by the Division of Inmate Classification and Inmate Records to each Classification Case Manager. This publication also provides the notification statement in a variety of foreign languages.

**70.3 Notification at the Foreign National's Option:** In all cases, the Classification Case Manager/Worker must tell the foreign national of the right of consular notification and access. The foreign national then has the option to decide whether he/she wants consular representatives notified of the arrest or detention, unless the foreign national is from a "mandatory notification" country. The mandatory notification countries may be found in the publication "Consular Notification and Access." If the detained foreign national is a national of a country not on the mandatory notification list, the requirement is that the foreign national be informed without delay of the option to have his/her government's consular representatives notified of the detention. If the detainee requests notification, the Reception and Evaluation Classification Case Manager/Worker must ensure that notification is given to the nearest consulate or embassy of the detainee's country without delay.

**70.4 Mandatory Notification:** In some cases, "mandatory notification" must be made to the nearest consulate or embassy "without delay," "immediately," or within the time specified in a bilateral agreement between the United States and a foreign national's country, regardless of whether the foreign national requests such notification. Foreign nationals subject to mandatory notification requirements should otherwise be treated like foreign nationals not subject to the mandatory notification requirement. The Reception and Evaluation Classification Case Manager/Worker must inform the foreign national that notification has been made and advise him/her that he/she may also specifically request consular assistance from his or her consular officials.

**70.5 Time, Means of Notification, and Record Keeping Requirements:** The Department of State would normally expect notification to consular officials to have been made within 24 hours, and certainly within 72 hours. Phone and fax numbers are in the publication, "Consular Notification and Access," and the suggested fax sheet in that publication may be used for making the notification. After notification, the fax sheet and any other documentation should be filed in the inmate's institutional and central records.

**70.6 Inmate's Contact/Correspondence and Visitation with Consular Officers:** Foreign consular officers must be given access to their nationals and permitted to communicate with them. Such officers have the right to visit their nationals, to converse and correspond with them, and to arrange for their legal representation. They must refrain from acting on behalf of a foreign national, however, if the national opposes their involvement. In addition, consular officers may not act as attorneys for their nationals. The rights of consular access and communication generally must be exercised subject to local laws and regulations. For example, consular officers may be required to visit during established visiting hours. Questions on legal requirements may be addressed to the Office of General Counsel.

**70.7 Death of a Foreign National:** If a foreign national inmate dies, the institutional Classification Case Manager/Worker must notify the Assistant Division Director of Central Classification, who will then notify the nearest consulate of that national's country. This will permit the foreign government to make an official record of the death for its own legal purposes. See the publication, "[Consular Notification and Access](#)," for additional information.

## **71. INTERNATIONAL PRISONER TRANSFER PROGRAM (IPTP):**

**71.1** The United States has entered into international treaties with many countries, which may permit a foreign national prisoner from one of the treaty countries to transfer to his/her home country to serve the remainder of his/her sentence. The State of South Carolina has enacted legislation that allows it to participate in the IPTP. The program is discretionary, meaning that not everyone who applies will qualify, nor will all be approved for transfer.

**71.2** In all cases, the foreign national of a country, with which the United States has a treaty, must be informed of the right to request a transfer to his/her home country pursuant to the terms of the treaty. Whenever a foreign national is taken into SCDC custody, the Classification case manager/worker at the appropriate Reception and Evaluation Center will determine whether an IPTP request is an option for the affected inmate. A list of all the countries that entered into a treaty with the United States will be provided by the Division of

Classification and Inmate records to each classification case manager/R&E staff. The inmate must sign the notification and acknowledgement form either requesting transfer or declining interest. The forms should be filed in the inmate's institutional record. After the inmate arrives at his/her assigned institution, classification staff will review the International Prisoner Notification and Acknowledgement Form to determine if further processing is needed. If the inmate has no interest in transferring to his/her home country, the original Prisoner Transfer Notification and Acknowledgement Form should be forwarded to Central Classification and a copy should be maintained in the inmate's institutional record, with the appropriate annotations made on the Staff Memoranda.

**71.3 Eligible Foreign National Inmates:** Inmates who are interested in applying for transfer to their home country to serve the remainder of their sentence must first complete the Prisoner Transfer Application Questionnaire. These forms will be made available to the Institutional case manager. The original Notification and Acknowledgement and the original Prison Transfer Application questionnaire should be forwarded to the Division of Classification and Inmate Records for further processing. A copy of these forms should be maintained in the inmate's institutional record and the Staff Memoranda should be annotated accordingly. If the inmate meets the criteria established for eligibility, his/her request, along with pertinent documents, will be submitted to the Director of SCDC for approval. If approved by the Director of SCDC, all documentation will be forwarded to the United States Department of Justice's International Prison Transfer Unit (DOJ/IPTU) Representative for further processing. The United States Department of Justice and the home country must then approve the request for transfer before a transfer can occur.

**71.4 Consent Verification:** If the inmate is approved for transfer by the DOJ/IPTU, the Division of Classification and Inmate Records will coordinate with the Department of Justice/IPTU representative to set up a consent verification hearing and coordinate the transfer of the inmate into the custody of the Bureau of Prisons (BOP).

**71.5 Inmate's correspondence and visitation with Consular Officers to assist in the IPTP process:** Foreign Consular officers must be given access to their nationals and permitted to communicate with them to assist with the IPTP process.

**72. COURT COORDINATION:** Central Classification Court Coordination Section will coordinate and monitor the scheduling and transportation of inmates to all court-ordered appearances requested by the State Grand Jury, County Law Enforcement, Office of the Attorney General, Circuit Solicitors, Department of Social Services, and any other agencies "requesting" transportation. Central Classification Court Coordination Section will be the central point of contact for all court-related transports and will verify the validity of all court orders and transport requests.

### **72.1 Court Transports:**

**72.1.1** Central Classification Court Coordination Section, upon receiving a request to transport an inmate to court, will verify all court orders, transport requests, and inmate locations. Central Classification will notify the institution to transport via the automated system message (RCVDOC). For court follow-up purposes, the message will include all information stated in the order/request, specifically the reason for transport. Once the institution is notified to transport an inmate to court, no changes will be made to the transport unless authorized by the Central Classification Court Coordination Section personnel.

**72.1.2** Institutional Operations/Classification must ensure that CRT entries on all "to and from court" actions are made at the time of the transfer of the inmate to and from court.

**72.1.3** When an inmate is turned over to another agency's custody for a court appearance, prior to the inmate's scheduled release date, the institutional personnel will complete SCDC Form 19-17, "Temporary Custody Receipt for SCDC Inmate."

**72.1.4** The Case Manager/Operations Coordinator will contact the authority in receipt of the inmate every two (2) weeks for the first 90 days to verify the inmate's physical location. After 90 days, Central Office personnel will contact the authority in receipt of the inmate every two (2) weeks.

### **72.2 Post Conviction Relief (PCR) Hearings:**

**72.2.1** The PCR Coordinator in Central Classification Court Coordination Section will review the PCR Hearing docket and coordinate the inmate's transport to the respective court hearing.

**72.2.2** Representatives from the Inmate Records Office who appear for court testimony will document pertinent facts regarding the hearing and forward that information to the Assistant Division Director - IRO

**72.2.3** The Assistant Division Director of the Inmate Records Office or designee will receive disposition from the Office of the Attorney General, obtain legal clarification and status of any appeals, and determine appropriate action in consultation with SCDC's Office of General Counsel.

### **72.3 Inmate Records Office Follow Up:**

**72.3.1** The Inmate Records Office Release Section personnel will investigate the dispositions on inmates who are within 30 days of release who have "open" court transport entries on the automated "received document" screen.

**72.3.2** The Inmate Records Office Document Processing Section staff will make CRT entries when commitment orders and detainers are received (RCVDOC/DETAIN).

**72.3.3** The Inmate Records Office Records Processing Section staff will make CRT entries of all new commitment orders (CONVICT) and provide updated face sheets/dates changes to Caseworkers.

**72.3.4** The Records Analysts and Supervisors in the Inmate Records Office will make necessary contacts with Clerks of Court to investigate and obtain necessary documents when court action is known.

### **72.4 Institutional Follow-Up (Classification/Operations):**

**72.4.1** The Classification Records Managers or appropriate Caseworker will be responsible for reporting information and forwarding newly obtained court documents to the Inmate Records Office, Document Processing Section, immediately. An SCDC Form S-32, "Document Transmittal/Request for Action," will be attached to the forwarded documents. Operations personnel will be responsible for ensuring that these documents are forwarded to the Classification Records Manager.

**72.4.2** The Classification Records Manager or appropriate caseworker will be responsible for completing the records checklist and immediately notifying the Inmate Records Office of inconsistencies between the automated record and documents in the institutional record and for forwarding all original court documents by interoffice mail.

**73. DMV ID CARDS:** The SCDC, SC Department of Motor Vehicles (DMV), and SC Probation, Parole and Pardon Services (PPP) will work together to provide DMV issued identification cards to eligible inmates who wish to possess one upon their release from SCDC for the purposes of facilitating reentry into the community.

- DMV ID cards should be given to the inmate at the time of release.

**74. REDUCTION OF SENTENCE FOR SUBSTANTIAL ASSISTANCE TO THE STATE:** In accordance with Section 17-25-65, South Carolina Code of Laws, inmates who substantially assist a Department of Corrections employee or volunteer who has been or is in danger of being seriously injured or killed may be eligible to receive a reduction of sentence. It will be the inmate's responsibility to notify the circuit solicitor in the county where his/her case arose. The final decision to grant or deny the sentence reduction is made by the chief judge or a circuit court judge currently assigned to that county and not by SCDC.

**SIGNATURE ON FILE**

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**s/Bryan P. Stirling, Director**

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**Date of Signature**

**ORIGINAL SIGNED COPY MAINTAINED IN THE OFFICE OF POLICY DEVELOPMENT**