

OP-21.05, "Designated Facility Inmate Assignments and Transfers," April 1, 2006

SCDC POLICY/PROCEDURE

Change 1 to "OP - 21.05" : 1.1.3,2.2, 2.6.1 Change 2 to Op-21.05: 1.2NUMBER: OP-21.05

TITLE:DESIGNATED FACILITY INMATE ASSIGNMENTS AND TRANSFERS

ISSUE DATE: April 1, 2006

RESPONSIBLE AUTHORITY: DIVISION OF CLASSIFICATION AND INMATE RECORDS

OPERATIONS MANUAL: OPERATIONS

SUPERSEDES: OP-21.05 (January 1, 2004), Change #1 (October 4, 2004)

RELEVANT SCDC FORMS/SUPPLIES: 18-12, 19-11, 19-97

ACA/CAC STANDARDS: 4-4300, 4-4303

STATE/FEDERAL STATUTES: South Carolina Code of Laws, 24-3-20, 24-3-30, and 24-13-660

PURPOSE: To establish eligibility criteria and guidelines for assigning inmates to, and transferring inmates to and from, Designated Facilities.

POLICY STATEMENT: The Agency will authorize and facilitate the selection, assignment, and transfer of eligible inmates to and from Designated Facilities in accordance with the provisions of the Designated Facility contractual agreement. To promote the safety and security of the general public and all victims of crime, SCDC inmates requesting to be considered for assignment to a Designated Facility will be thoroughly screened prior to a transfer being authorized. All Designated Facility inmate transfers will be approved and implemented in compliance with all applicable SCDC policies/procedures and state and federal statutes.

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1. ELIGIBILITY FOR PLACEMENT/TRANSFER: Inmates being considered or screened for a Designated Facility placement must initially meet the following criteria:

1.1 Time Requirements: The following criteria regarding sentence length will be applicable for all inmates being considered/screened for placement at a Designated Facility:

1.1.1 Inmates who have been convicted of statutory non-violent offenses, and who are otherwise qualified for Level 1B, are eligible to be considered for placement at any suitable Designated Facility immediately after admission to the SCDC upon completion of processing at the Reception and Evaluation Center, only if an inmate has been specifically requested by a Designated Facility.

1.1.2 Inmates at all other institutions who have been convicted of statutory non-violent offenses are eligible to be considered for placement at any suitable Designated Facility when there is eight (8) years or less remaining to be served prior to the projected max out date.

1.1.3 Inmates at all other institutions who have been convicted of statutory violent offenses and who are otherwise qualified for Level 1B, are eligible to be considered for placement at any suitable Designated Facility when there is eight (8) years or less remaining to be served prior to the projected max out date, but only after having already served at least one third (1/3) of the total incarcerative sentence as originally imposed by the court without benefit of good time or earned work/earned work education credit . (NOTE: Inmates with life sentences are NOT eligible for consideration.) (Amended by Change 1 dated September 24, 2007.)

1.2 Disciplinary Convictions: Inmates will be further eligible to be considered/screened for placement at a Designated Facility provided that they have:

- ~~1.2.1~~ No pending disciplinaries;
- ~~1.2.2 not had a minor or non-assaultive~~ No Informal or Administrative disciplinary conviction within the past six (6) months; establish regular reviews and multiple custody levels within institutions;
- ~~1.2.3 not had a~~ No major disciplinary conviction within the past twelve (12) months;
- ~~1.2.4 not had an~~ No assaultive disciplinary conviction within the past thirty-six (36) months;
- ~~1.2.5 not had a~~ No drug or alcohol related disciplinary conviction, to include refusing or being unable to test, within the past thirty-six (36) months;

- No Possession of any cell phone or any other type communication device disciplinary conviction within the past forty-eight (48) months;
- No sex related disciplinary convictions, to include: Exhibitionism or Public Masturbation, Sexual Assault or Sexual Misconduct within the past forty-eight (48) months; and
- No active disciplinary sanctions, such as: canteen, visitation, telephone, etc.

(Section 1.2 amended by Change 2 dated July 14, 2011)

1.3 Detainers: Only inmates with Category I detainers will be eligible to be considered/screened for transfer to a Designated Facility.

1.4 Female Inmates: Female inmates will be eligible to be considered/screened for placement at a Designated Facility provided (a) that the facility can adequately accommodate sentenced females, and (b) that female staff are on duty and available to supervise female inmates at all times.

2. NON-ELIGIBILITY FOR PLACEMENT/TRANSFER: An inmate applying for placement at a Designated Facility will not be eligible if s/he falls under any of the following:

2.1 Category V Offenses: An inmate is not eligible if the current offense, or any prior commitment, is for a Category V offense (as defined in the Definition Section). However, if the inmate was charged with a Category V offense, but was convicted of or pled guilty to a lesser charge, s/he may be further considered/screened, to include a review of all information available regarding the incident leading to arrest and the original charges.

2.2 Sex Offenses: The inmate is not eligible if the current offense or any prior conviction is for a sex offense (as defined by the statute), to include convictions for which an original charge was for a sex offense even though the charges were subsequently reduced or the inmate was convicted of or plea bargained to a lesser offense, and to include prior arrests for a sex ~~offense unless there was a judicial finding of not guilty~~ charge, regardless of disposition. (Amended by Change 1 dated September 24, 2007).

2.3 Criminal Domestic Violence Offenses: An inmate who has ever been charged with or convicted of any Criminal Domestic Violence offense, regardless of disposition, will not be eligible for consideration of assignment to any Designated Facility.

2.4 Escape History: The inmate is not eligible if s/he has had any type of escape charge (during current or any prior commitments), regardless of disposition. However, if the inmate has never been charged with an escape, but s/he has been charged with any other escape-related offense, s/he may be considered/screened after ten (10) years.

2.5 Prior Designated Facility Assignment: If an inmate has been returned to the SCDC from a prior Designated Facility assignment and has been convicted of any disciplinary infraction and/or charged with any criminal offense that occurred while s/he was assigned to a Designated Facility (see SCDC

Policy/Procedure OP-22.14, "Inmate Disciplinary System," for more information), s/he will not be eligible for placement at any Designated Facility in the future. If an inmate has been returned to the SCDC from a prior Designated Facility assignment and is charged with a disciplinary infraction or a criminal offense, but the charge is dropped or dismissed, s/he will not be eligible to be considered/screened for placement at any Designated Facility in the future, unless it is unequivocally determined that the inmate was completely innocent of any misbehavior, unsuitable conduct, unsatisfactory adjustment, or questionable attitude, and then only if there was no stipulation of future ineligibility at the time of removal. (This stipulation should be documented on SCDC Form 18-12, "Designated Facility Transfer Record.") If an inmate has been returned to the SCDC from a prior Designated Facility assignment for an administrative/non-disciplinary reason, s/he will not be eligible to be considered/screened for placement at any Designated Facility for at least six (6) months, and then only if there was no stipulation of future ineligibility at the time of removal. (This stipulation should be documented on SCDC Form 18-12.)

2.6 Community Opposition: Prior to the final approval of an inmate's request for placement at a Designated Facility, the registered victim(s), if any, will be notified of this consideration and given an opportunity to submit any objections or to ask for special restrictions. If there are any objections from the registered victim(s), the placement and transfer request will be denied in accordance with SCDC Policy/Procedure GA-02.05, "Victim-Witness Notification." There will be no further consideration or appeal of the decision. The inmate will be ineligible for transfer to any Designated Facility.

2.6.1 Community opposition from some other source(s) that comes to the attention of SCDC prior to the final decision regarding placement and transfer may also result in denial of the request. When assignment to a Designated Facility is disapproved because of such concern, there will be no further consideration or appeal of the decision. Opposition from any source(s) that comes to the attention of SCDC after an inmate has been placed at a Designated Facility may result in removal and reassignment. When the inmate is returned from a Designated Facility because of such a concern, there will be no further consideration or appeal of the decision. (4-4403) (Added with Change 1 dated September 24, 2007).

2.7 Young Offender: No inmate who is sentenced under the Youthful Offender Act, or is participating in the Young Offender Intensification Program, will be eligible for placement at any Designated Facility. No inmate under age 21 who does not have a high school diploma or GED will be eligible for placement at any Designated Facility.

2.8 Unstable Out-of-State: An inmate who has no apparent residence in South Carolina and who has one (1) or more criminal arrest(s) in another state(s) will not be eligible to be considered/screened for placement at any Designated Facility.

3. TRANSFERRING INMATES FROM THE SCDC TO DESIGNATED FACILITIES: All requests for placement at and/or transfer to Designated Facilities will be processed as follows:

3.1 An inmate may request to transfer to any Designated Facility when job vacancies are announced/posted by using SCDC Form 19-11, "Request to Staff Member," and submitting the completed form to his/her Classification Caseworker, who will verify his/her eligibility for placement and transfer. The Classification Caseworker will review the inmate's automated and manual records to determine if the inmate meets

eligibility requirements for placement at and transfer to a Designated Facility. (4-4403)

3.2 If the inmate is eligible for placement at and transfer to a Designated Facility, the Classification Caseworker will forward the SCDC Form 19-11, "Request to Staff Member," to the Designated Facilities Coordinator/designee in the Division of Classification and Inmate Records. It should be noted on the form if the inmate has any specific work skills and/or physical problems. Only requests from inmates who are eligible for such a transfer will be processed further.

3.3 The Designated Facilities Coordinator/designee in the Division of Classification and Inmate Records will review the request to verify eligibility and will forward SCDC Form 19-11 and a Fact Sheet (Inmate Record Summary) to the approving Designated Facility Administrator or designee for consideration. Included in the packet will be information regarding the inmate's Security Level and restrictions, if any, that apply to the inmate's placement. If approved for acceptance, the Designated Facility Administrator or designee will subsequently forward a "Designated Facility Request and Agreement for Transfer of SCDC Inmate" (internal form available from the Division of Classification and Inmate Records) to the Designated Facilities Coordinator/designee for processing. (NOTE: By contract, if an inmate is approved for placement at a Designated Facility, the Designated Facility will be responsible for arranging necessary medical care for the inmate during any time that s/he is assigned there, and for the cost of any treatment and/or medications for the inmate if s/he has medical, dental, or optometry problems.)

3.4 The Designated Facilities Coordinator will notify, via CRT, the responsible Classification Caseworker who will have the inmate complete #AttachmentA, "Request for Transfer to Designated Facility." The Classification Caseworker will again verify the inmate's eligibility and forward Attachment A to the Designated Facilities Coordinator for disposition. After a final decision is made, a copy of Attachment A will be sent to the Classification Caseworker, who will inform the inmate.

3.5 If the inmate is disapproved for a Designated Facility placement and/or transfer, a reason will be noted on Attachment A. After six (6) months have passed from the last disapproval, the inmate may submit another request when applicable job vacancies are announced/posted if the inmate meets current eligibility criteria, and unless previously indicated otherwise.

3.6 The Designated Facility Administrator or Manager may request a specific inmate who is assigned to any South Carolina Department of Corrections facility by notifying the Designated Facilities Coordinator/designee. The Designated Facilities Coordinator/designee will then contact the appropriate Classification Caseworker to review the inmate in order to determine eligibility for such a placement and transfer.

3.7 The Designated Facilities Coordinator/Designee will be the final approving authority for all Designated Facility placements and transfers and may disapprove any request if s/he feels that it is not in the best interest of the public, the SCDC, the victim/witness, or the inmate.

3.8 The Designated Facilities Coordinator/designee will notify the Division Director of Compliance, Standards, and Inspections of approved placements prior to transfer.

3.9 The inmates institutional record will be sent with the escorting Officer(s), to be delivered to the Designated Facility Manager for safekeeping and appropriate official use during the inmates stay at the facility.

3.10 Questions from the inmate or from the staff at the Designated Facility regarding information in the institutional record and/or regarding sentence computation, projected release dates or other eligibility dates, or Earned Work Credits will be directed to the Designated Facilities Coordinator/designee in the Division of Classification and Inmate Records. Inquiries from the inmate must be in writing.

4. RETURNING INMATES FROM DESIGNATED FACILITIES TO THE SCDC: Any SCDC inmate must be accepted for return from an assigned Designated Facility. The process will be as follows:

4.1 The inmate may be returned to the SCDC for any reason (administrative, disciplinary, or non-disciplinary). This action may be initiated by either the Designated Facility Administrator or Manager, or by an authorized SCDC employee. An inmate may request to return to the SCDC after six (6) months at the Designated Facility by submitting a request to the Designated Facility Administrator or Manager or to the Designated Facilities Coordinator or designee in the Division of Classification and Inmate Records.

4.2 The Designated Facility Administrator/Manager or Designee will be responsible for contacting (by telephone) the Designated Facilities Coordinator or the designee on duty to advise him/her of the nature of the transfer and to provide supplemental information as needed. The Designated Facilities Coordinator/designee will complete SCDC Form 18-12, "Designated Facility (DF) Transfer Record," to indicate the specific reason(s) for the transfer. (NOTE: This form must be submitted no later than four [4] calendar days after an inmate is returned to the SCDC regardless of the reason[s].) Upon receipt of the completed SCDC Form 18-12, the Classification Coordinator or designee at the Reception and Evaluation Center will arrange for the inmate to be medically cleared, reclassified, and assigned to an appropriate institution. The inmate must be cleared for communicable disease and have a complete physical if s/he has not had one (1) within the last 90 days. A copy of the completed SCDC Form 18-12 will be filed in the inmate's central and institutional records.

4.3 The Designated Facilities Coordinator/Designee in the Division of Classification and Inmate Records will report the nature of the transfer to the Division Director of Compliance, Standards, and Inspections and will coordinate bed space availability and transportation requirements. The Designated Facilities Coordinator/designee will notify the receiving institution and, if appropriate, the Central Transfer System in order to coordinate the inmate's earliest feasible arrival at the Reception and Evaluation Center. The inmate's institutional record and, if applicable, any outstanding warrants or additional commitment orders will be sent with the escorting Officers on each trip and movement.

4.4 The Designated Facilities Coordinator/designee will be responsible for contacting (by telephone) the Assistant Division Director, Reception and Evaluation Center, to coordinate any disciplinary transfers and

will ensure that disciplinary incidents are properly documented and submitted, along with applicable evidence, prior to the deadlines in accordance with SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System."

5. **MANAGEMENT OF INMATES HOUSED AT DESIGNATED FACILITIES:** The management of inmates who are housed in a Designated Facility is governed by the Designated Facility contractual agreement between SCDC and the entity/authorized officials responsible for the Designated Facility . Questions about the contractual agreement or the day to day management of these inmates should be addressed to the Division Director of Compliance, Standards, and Inspections.

6. **CLASSIFICATION REVIEWS OF INMATES HOUSED AT DESIGNATED FACILITIES:** Classification Reviews of inmates at Designated Facilities will be completed at least annually by the respective Designated Facility Manager or designee by completing an "Inmate Progress Report" form and submitting it to the Designated Facilities Coordinator in the Division of Classification and Inmate Records. The Designated Facilities Coordinator/designee will establish an annual classification review date for each designated facility inmate and the respective Designated Facility Manager will be notified by receipt of the inmate's "Inmate Progress Report" form. The form should be completed by the Designated Facility Manager or designee and returned to the Designated Facilities Coordinator/designee within two (2) weeks of receipt. (4-4300)

7. **JUVENILES:** All inmates who are less than 17 years old at the time that they are sentenced to the South Carolina Department of Corrections will be photographed, fingerprinted, and assigned an SCDC number at the Kirkland Reception and Evaluation Center if male, or the Graham Correctional Institution if female. All such inmates will be incarcerated at the South Carolina Department of Juvenile Justice until their 17th birthday. The Division of Classification and Inmate Records will maintain the appropriate sentence and classification documentation on juveniles sentenced to the SCDC, and the juveniles will be recorded and counted in Designated Facility status during the time that they are at the Department of Juvenile Justice. No other portion of this policy/procedure will apply to these inmates nor to the Department of Juvenile Justice or any SCDC functional area(s) except the Division of Classification and Inmate Records.

8. **DEFINITIONS:**

Classification Caseworker refers to an institutional staff member who is responsible for the initial screening of the inmates' records to determine eligibility for placement at a Designated Facility.

Designated Facility refers to a city or county jail or prison camp with which the South Carolina Department of Corrections (SCDC) has a contractual agreement to house state inmates while they are serving their SCDC sentences.

Designated Facility Administrator refers to the County Administrator, Sheriff, City Administrator, or other official charged by law with the administrative oversight of a local detention facility.

Designated Facility Manager refers to the Jail Administrator, Detention Director, Prison Camp Supervisor, or other comparable official who is responsible for the daily operations of the local detention facility.

Designated Facilities Coordinator refers to the SCDC Division of Classification and Inmate Records staff member who is the approving authority for placement of state inmates at a Designated Facility.

Category V Offenses: The following offenses are categorized as a Category V Offense: Abuse/Negligence in Adult Death; Attempt to Commit Murder; Bomb Det. with Malice - Death, Conspiracy to Commit Murder; Criminal Sexual Conduct 1st Degree, CSC With Spouse or Minor, Damage to an Airport resulting in Death, Explosive/Incen Use-Death; Foreign Substance in Highway Death; Homicide by Child Abuse; Interfering Traffic Device in Death; Kidnapping; Kill by Stabbing; Murder; Murder before June, 1977; Rape; Sexual Exploitation of Minor 1st Degree; Sexual Offense - 2nd and 3rd Offense; and Taking Hostages by Inmates

SIGNATURE ON FILE

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s/Jon E. Ozmint, Director

ORIGINAL SIGNED COPY MAINTAINED IN THE DIVISION OF POLICY DEVELOPMENT.

Attachment A

REQUEST FOR TRANSFER TO DESIGNATED FACILITY

| | | |
|---------------------------------------|-------------------------|------------------------------------|
| INMATE NAME: | SCDC#: | PRESENT CUSTODY/SECURITY LEVEL: |
| INSTITUTION PRESENTLY ASSIGNED TO: | REQUESTING TRANSFER TO: | |

I fully understand and agree to the following conditions of the transfer which I am requesting:

1. While serving my sentence at the requested Designated Facility, I may not be able to participate in certain educational, academic, vocational or counseling programs unless offered and approved by the Designated Facility Administrator/Manager and the South Carolina Department of Corrections (SCDC).

2. I understand that I am required to abide by all Designated Facility rules and regulations as well as SCDC policy requirements including but not limited to the Grooming Policy and Uniform Policy. I understand that I may not participate in interviews by news media representatives, in photo sessions by news or non-news media representatives, or in public speaking engagements.

3. I understand that I am subject to random alcohol and/or drug testing, and searches for contraband. I understand that the random alcohol and/or drug testing may not use the same testing process as the South Carolina Department of Corrections and that there may not be a confirmation test performed. However, I agree to abide by the results of whatever alcohol and/or drug testing process that the Designated Facility administers.

4. I understand that I may be returned to the SCDC at the discretion of the Designated Facility Administrator/Manager and/or SCDC.

5. I understand that if I am returned to SCDC, I WILL be reclassified according to the SCDC Classification Policy and Procedures regardless of custody while at a Designated Facility.

6. If I am transferred from the Designated Facility and required to leave personal property, I have thirty (30) days to make arrangements and dispose of that property, otherwise consenting to the disposition of the property according to the procedures of the facility.

7. If returned to SCDC and convicted of a disciplinary occurring at the Designated Facility pursuant to SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System," I understand that I may not reapply for consideration in the future. I understand that, even if I am not charged with or convicted of a disciplinary offense, the SCDC may determine that I am ineligible to be considered for placement at a Designated Facility in the future.

8. I understand that if I am charged with a disciplinary offense while I am at the Designated Facility, any incident report or description of the disciplinary infraction may be used against me when I am returned to SCDC, that the accusing official will be an employee of SCDC, and that I may be subject to disciplinary sanctions by SCDC as a result of these offenses.

| | | |
|------------------------------------|-------------------------------|-------|
| INMATE SIGNATURE: | | DATE: |
| ELIGIBLE / INELIGIBLE:COMMENTS: | CLASSIFICATION CASEWORKER: | DATE: |
| APPROVED/DISAPPROVED: | STATE CLASSIFICATION: | DATE: |
| COMMENTS: | | |

Cc: Central Inmate Records, Institutional Record, Inmate