

# CHAPTER 33

## Department of Corrections

(Statutory Authority: 1976 Code §§ 24-1-90 and 24-1-140)

### **33-1. Contraband Articles.**

Under the authority of Chapters 1, 3 and 9 of Title 24 of the 1976 Code, the Department of Corrections publishes the following list of articles which are hereby designated as contraband at the State Penitentiary:

- a. Any item which was not issued to the prisoner officially or which cannot be purchased by him or her in the prison canteen.
- b. Weapons, any and all firearms, knives of any and all descriptions, clubs, billies or any other article that may be used for offense or defense.
- c. Drugs of any description and particularly barbiturates, narcotics, medicines and poison.
- d. Any and all types of alcoholic drinks and any liquid containing alcohol.
- e. Keys and locks.
- f. Tools of any description not approved for issue to prisoners by the Director.
- g. Money in any denomination or amount not submitted through the prison Treasurer.

Notice is hereby served on all prisoners and their visitors and any other person that the provisions of § 24-3-950, S. C. Code 1976 will be enforced; and all such persons are urged to observe the law and refrain from violating this section in particular.

### **33-2. Shock Incarceration Program.**

A. The mission of the Shock Incarceration Program is to change lives by instilling discipline, positive attitudes, values, and behavior.

B. The goals of the Program are:

- (1) To deter crime by making a future offense a more onerous threat.
- (2) To habilitate:
  - (a) By improving self-esteem, self-control, and ability to cope with challenging and stressful situations by experiencing strict, but NOT harsh discipline.
  - (b) By providing opportunities for self-discipline, hard work, physical well-being, education, counseling, and training to address problems related to criminality (e.g., substance abuse/addiction, job seeking skills).
- (3) To punish: Shock incarceration is a more severe alternative than such community sanctions as probation.
- (4) To manage risk by selecting high-risk, non-violent offenders, to age 30, who otherwise would serve a regular incarcerative sentence.
- (5) To reduce crowding and cut costs through this alternative to longer-term (regular or YOA sentence) incarceration.

C. Eligibility Criteria.

Eligibility criteria is established to be consistent with the mission and goals of the Shock Incarceration Program and the legislative requirements. An inmate committed to the South Carolina Department of Corrections, hereafter referred to as the SCDC, is eligible to be considered for Shock Incarceration if he or she:

- (1) Is less than 30 at the time of admission to SCDC;
- (2) Is eligible for parole in two years or less. If unsentenced, subject to being sentenced to five years or more, or is being revoked from probation;
- (3) Has no violent convictions as defined in Section 16-1-60;
- (4) Has no prior incarceration in an adult correctional facility or shock probation/incarceration program;
- (5) Is physically and mentally able to participate;
- (6) Is not prohibited because of his or her sentence;
- (7) Participation in the Shock Incarceration Program is a privilege. No inmate has a right to participate or to continue to participate because he or she meets the eligibility criteria.

D. Program Responsibility.

The Commissioner of the SCDC has designated the Director, Division of Classification, to coordinate the Shock Incarceration Program.

E. Shock Incarceration Screening Committee.

(1) The Commissioner of the SCDC has appointed a Shock Incarceration Screening Committee at each of the four reception centers:

- (a) Perry Reception and Evaluation Center for the Appalachian Correctional Region,
- (b) Broad River Reception and Evaluation Center for the Midlands Correctional Region,
- (c) Lieber Reception and Evaluation Center for the Coastal Correctional Region, and
- (d) Women's Reception and Evaluation Center for female inmates.

(2) Each Shock Incarceration Screening Committee will be comprised of three members and alternates from the reception center knowledgeable of the reception process and the Shock Incarceration Program. One member of each committee will be from the South Carolina Department of Probation, Parole and Pardon Services, hereafter referred to as the DPPPS. Primary members of the Shock Incarceration Screening Committee will be:

- (a) Deputy Warden
- (b) Regional Classification Coordinator/Women's Correctional Center (WCC) Designee, and
- (c) Assistant Chief Parole Examiner

F. Selection Process.

(1) The Regional Classification Coordinator/WCC Coordinator Designee will initiate the screening of inmates in the reception process to establish a pool of qualified candidates to be reviewed by the Shock Incarceration Screening Committee. The Shock Incarceration Screening Committee will evaluate inmates who meet the eligibility criteria to determine if their participation:

- (a) Is consistent with the safety of the community,
- (b) The welfare of the inmate, and
- (c) The regulations of the SCDC.

(2) Those inmates eligible for participation in the Shock Incarceration Program will be contacted and advised of their eligibility to participate. If they want to apply for the program, they will complete the application and a voluntary statement of the terms and conditions for the program. At this time the inmate will be carefully evaluated by medical staff to ensure physical ability to participate in the program. If medical clearance is obtained, the Shock Incarceration application will be forwarded to the Division of Classification for final approval.

(3) Upon receipt of the Shock Incarceration application, the Division of Classification will advise the appropriate law enforcement agency and victim (if a request for notification has been filed) of the pending application. Input received from the Shock Incarceration Screening Committee, law enforcement officials, and victims, if applicable, and others will be considered by the Director, Division of Classification, in making final approval or disapproval for participation.

(4) Inmates applying for Shock Incarceration who have detainers will not be considered for the program except under the following conditions:

(a) Inmates sentenced to Shock Incarceration by the courts who have an active detainer of any type will be allowed to participate in the program. Inmates will be paroled upon successful completion of the program to the detainer.

(b) Inmates with detainees for offenses that would carry sentences of 90 days or less will be acceptable whether sentenced by the courts or referred by the SCDC. Inmates completing the program with a detainer will be paroled to the detainer.

(5) In order to provide for better supervision by the DPPPS all inmates considered for the Shock Incarceration Program will be required to submit a residence plan for approval by the DPPPS. The SCDC will submit to the DPPPS a list of addresses for inmates participating in the Shock Incarceration Program. Prior to completion, the DPPPS will submit to the SCDC a list of those inmates who do not have an approved residence. If an approved residence is not obtained at the end of the 90 day period, the SCDC will determine whether the inmate will be removed from the program or retained in the program and be given an extension of up to 30 days to the original 90 day period to allow time to locate an acceptable address.

(6) Inmates submitting an out-of-state residence plan will be processed by the DPPPS through the Interstate Compact. Address information will be obtained to begin Interstate processing as soon as the Shock Incarceration application is approved. Inmates with an out-of-state address will not be paroled from the program until the receiving state has agreed to accept supervision. If acceptance has not been received at the end of the 90 days, the inmate may be extended up to 30 days pending acceptance.

(7) If at the end of the extension period an approved residence has not been obtained, the inmate will be removed from the Shock Incarceration Unit and assigned to general population. Shock Incarceration participants who satisfactorily complete the program and maintain good institutional adjustment will be paroled when the residence plan is approved by the DPPPS.

(8) Inmates approved and placed in the Shock Incarceration Program who commit violations of the program rules will be reviewed by the Shock Incarceration Unit Management Committee to determine appropriate disciplinary measures. In some cases involving minor infractions the SIU Management Committee may recommend a program extension of up to 30 days to be served at the end of the 90 day term. The extension to allow successful program completion must be agreed to by the inmate and approved by the Chief, Shock Incarceration Branch. All extensions, whether for purpose of address approval, disciplinary, or other reasons, must be approved by the Director, Division of Classification.

(9) Program violations of a more serious nature may require a recommendation by the SIU Management Committee for removal of the inmate from the Shock Incarceration Program. All inmates recommended for removal by the SIU Management Committee will be given a hearing by the Chief, Shock Incarceration Branch, to determine if they will be allowed to continue to participate in the program. Inmates removed from the program or who complete the program and violate parole will be returned to the referring Reception and Evaluation Center for assignment to an appropriate SCDC facility.

(10) Inmates who successfully complete the Shock Incarceration Program will be paroled for the remainder of their sentence, or if sentenced under the Youthful Offender Act, conditionally released under supervision until completion of the sentence conditions. Prior to parole a list of those persons scheduled for release will be provided for notification purposes to appropriate officials, to include DPPPS, and the SCDC Victim/Witness Liaison, Offender Records and Youthful Offender Branch.

#### G. Court Referrals

(1) An inmate found guilty of an offense for which he or she could be sentenced to five years but no more than eight years or who is being revoked from a sentence of probation and also meets the eligibility criteria, can be transferred to the custody of the SCDC for evaluation. Within 15 working days, a presentence evaluation report of the findings and recommendations for sentencing will be given to the court.

(2) When an inmate is committed under Section 24-13-1340 for evaluation, the appropriate R&E designee will immediately notify the Division of Classification and the Regional Classification Coordinator/WCC Coordinator Designee. The county parole office will begin the field investigation and presentence evaluation report as provided for by contract between SCDC and DPPPS. The

DPPPS Agent completing the field investigation will contact the Regional Classification Coordinator/WCC Coordinator Designee for the input from the Shock Incarceration Screening Committee to include in the presentence evaluation report.

(3) At the reception center, the inmate will undergo routine assessment processing, including the medical examination, testing and evaluation. The Regional Classification Coordinator/WCC Coordinator Designee will compile the assessment data and schedule the review by the Shock Incarceration Screening Committee. The Shock Incarceration Screening Committee will determine if the inmate meets the eligibility criteria and make its recommendation in one of the following three categories:

- (a) Eligible and recommended for participation in the Shock Incarceration Program; or
- (b) Eligible but not recommended for participation, specifying why or;
- (c) Ineligible, giving reasons, and making recommendations, if appropriate.

(4) The DPPPS Agent will complete the report and submit it to the court, providing copies to designated SCDC officials. DPPPS will contact the responsible reception center to coordinate the inmate's return to court within the 15 working day period for sentencing.

(5) When the findings are submitted, the court will make an appropriate disposition, which may include:

- (a) Sentencing the defendant to the Shock Incarceration Program, with or without his or her consent;
- (b) Suspending the sentence and placing the defendant on probation;
- (c) Sentencing the defendant to another term as provided by law.

(6) The SCDC will not accept into custody for the Shock Incarceration Program any inmate who has not been appropriately sentenced by the court or who does not meet the eligibility criteria.

(7) The SCDC will review for placement all inmates who are sentenced with a judicial recommendation for participation in Shock Incarceration. These recommendations will be processed through the SCDC referral procedures using the same criteria as listed previously. Court recommendations may be used as an alternative to the evaluation process. A disposition on each inmate recommended for Shock Incarceration will be given to the court upon approval/disapproval for program participation.

#### H. Shock Incarceration Disciplinary Procedures.

(1) Upon admission to a Shock Incarceration Unit, all inmates are provided a thorough orientation which includes both the rules and regulations contained in the SCDC Inmate Guide and those specific to the Shock Incarceration Unit, hereafter referred to as the SIU.

(2) A committee comprised of staff members from the SIU, to include the Unit Manager, social worker, security representative and any other designated staff will hear any disciplinary cases on a regularly scheduled basis. The SIU Management Committee will process all cases according to severity of the infraction.

- (a) Minor infractions will be punished by means of extra duty, loss of privileges, reprimands, extra physical training or other appropriate in-house disciplinary measures.
- (b) Minor infractions which have previously been punished by means of in-house disciplinary measures and reoccur may be recommended by the SIU Management Committee for an extension of up to 30 days to be served at the completion of the 90 day term. The inmate must agree to the extension as an alternative to removal from the program. Recommendations for extension must be approved by the Chief, Shock Incarceration Branch.

(c) Major infractions posing a threat to the security of the SIU or institution or the safety of human life, or a series of minor, repeat infractions will be referred by the SIU Management Committee to the Warden of the respective institution to determine if the inmate will be scheduled for a removal hearing.

#### I. Shock Incarceration Removal Procedures.

(1) Within twenty-four hours of the SIU Management Committee recommendation for removal from the program, a copy of the Incident Report, lock-up form, and any other information is to be submitted to the Chief, Shock Incarceration Branch.

(2) The inmate will be served a written notice of hearing at which time he/she may sign a waiver of hearing if he/she does not wish to be heard for removal from the Shock Incarceration Program.

(3) If the inmate wishes to have a formal hearing, he/she will be placed on the next weekly schedule by the SIU Manager who will then notify the Chief, Shock Incarceration Branch, of the pending hearing.

(4) Hearing for presentation of the case will be chaired by the Chief, Shock Incarceration Branch, with a representative of the appropriate SIU, the inmate, and his/her representative, if requested by the inmate.

(5) If it is determined at the hearing that the inmate is to remain in the program, he/she will be immediately returned to the SIU for completion of the program.

(6) If it is determined by the hearing that the inmate is to be removed from the Shock Incarceration Program, the inmate will be returned to the R&E from which he/she was received, for assignment to an appropriate institution.

(7) Upon completion of the hearing, all documentation will be forwarded to the Warden for review and the Director, Division of Classification, for verification and final approval.

(8) If disciplinary charges are pending in addition to removal proceedings, the inmate will be scheduled for the next adjustment committee to be held at the R&E Center prior to reassignment.

(9) If the inmate is sentenced under the Youthful Offender Act, all documentation on removal and disciplinary action, if any, will be immediately forwarded to the Chief, Youthful Offender Branch, for presentation to the Youthful Offender Board to determine if an extension is appropriate.

#### J. Shock Incarceration Program Extension Procedures.

(1) There are circumstances under which an inmate in the Shock Incarceration Program can be recommended for an extension of time beyond the 90 days scheduled for program completion.

(a) Inadequate Address Verification: Each inmate will be required to provide the address where they will be living upon release from the SI Program. The address must be verified by DPPPS before that agency will accept supervision responsibility. If the initial address given by the inmate at the time of application is not acceptable, DPPPS will advise a designated member of the SIU staff who will contact the inmate and obtain another address for verification. If the addresses cannot be verified, or if the inmate's projected parole date is within two weeks and it does not appear the verification can be finalized prior to release, the inmate may be referred by the SIU Management Committee to the Chief, Shock Incarceration Branch, for an extension hearing. If all other criteria have been met for successful completion but an approved address will not be received within the 30 day extension period, the inmate will be allowed to graduate with his/her platoon, then be transported to the R&E Center from which he/she was referred. At that time he/she will be reassigned to the general population of an SCDC institution until clearance for release is received from the DPPPS.

The same procedures will be in effect for inmates who submit out-of-state addresses for parole which cannot be cleared in the allotted time.

Falsification of address information may result in a recommendation by the SIU Management Committee to remove the inmate from the program. All attempts will be made to assist an inmate in locating an appropriate residence, to include a halfway house if appropriate; however, if it becomes evident that addresses submitted are not valid, further processing will cease.

In all cases requiring an extension pending address verification, immediate release will occur when the DPPPS issues the parole or conditional release certificate, providing, however, that all other criteria have been met for successful completion. This includes appropriate institutional adjustment during any time spent in a general population.

(b) Unsatisfactory Program Adjustment: Inmate program adjustment in the areas of work, security, and general participation will be reviewed on a regular basis by the SIU Management Committee to identify potential or ongoing violations. Prior to graduation, the Management Committee will review the records of all inmates scheduled for program completion. If it is determined at that time that an inmate has not shown satisfactory adjustment, but has not

displayed sufficient cause for removal from the program, the SIU Management Committee may recommend the inmate be scheduled for a hearing by the Chief, Shock Incarceration Branch, for an extension not to exceed 30 days.

(c) Other: Inmates may not be able to participate in the program temporarily due to court appearances, medical problems or other legitimate reasons. If they do not participate in the program for seven days or more, they may be considered for an extension not to exceed 30 days, if recommended by the Chief, Shock Incarceration Branch.

(d) If the recommendation is approved by the Warden, or a designee, the inmate will be offered the opportunity to be present at the hearing to determine if an extension will be recommended to allow the inmate to successfully complete the SIU program.

(e) Inmates who do not want to appear at the hearing for program extension will be advised that their case will be referred by the SIU Management Committee with a recommendation for one of the following actions:

(1) Continue in the program with no extension.

(2) Extend the projected release from the program for up to two weeks.

(3) Remove the inmate from the Shock Incarceration Program and return to the referring R&E Center for assignment to general population.

(f) All extension and/or removal actions pertaining to Youthful Offenders must be authorized by the Director, Division of Classification, as the Chairman of the Youthful Offender Review Board.

(g) If at the end of the second extension, the SIU Management Committee recommends that the inmate not be allowed to graduate, the inmate will be removed from the program and returned to the referring R&E Center for assignment to general population in an SCDC institution to complete the original sentence imposed by the courts.

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