

**SCDC Policy OP-21.09, "Inmate Records Plan,"  
Issue date: November 16, 2017, NOT RESTRICTED**

Included in the Department of Corrections' (SCDC) April 29, 2019 letter to the House Legislative Oversight Committee (LOC). This information was provided in response to the following question in LOC's March 27, 2019 letter to the Department of Corrections: "18. Please explain the current classification system utilized by the agency and provide copies of any relevant policies."

See also, SCDC Policy Op-21.04, "Inmate Classification Plan," Issue date: December 13, 2017, NOT RESTRICTED

## SCDC POLICY

**NUMBER: OP-21.09**

**TITLE: INMATE RECORDS PLAN**

**ISSUE DATE: November 16, 2017**

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

**OPERATIONS MANUAL: OPERATIONS**

**SUPERSEDES: OP-21.09 (November 1, 2007); (January 1, 2004); Change 1 (March 29, 2004);Change 2(September 13, 2004)**

**RELEVANT SCDC FORMS/SUPPLIES: 9-3, 9-4A, 9-4B, 9-5, 18-11, 18-3, 18-16, 18-17, 18-43, 18-68, 19-11, 19-17, 27-42**

**ACA/CAC STANDARDS: 4-ACRS-6A-10, 4-ACRS-6A-11, 4-ACRS-6A-13, 4-ACRS-7D-06, 4-ACRS-7D-08, 4-ACRS-7D-09, 4-ACRS-7D-10, 4-ACRS-7D-11, 4-4095, 4-4096,4-4097, 4-4098, 4-4099, 4-4102, 4-4285, 4-4286, 4-4304, 4-4446, 4-4447**

**STATE/FEDERAL STATUTES: S.C. Code of Laws Titles 16, 17, 23, 24, 30, 63 (Chapter 19); 18 U.S.C. Ch. 44 § 921; 50 U.S.C. Appendix § 451-473**

**PURPOSE:** To provide a general outline of the Agency's inmate records plan and to establish the general criteria for the information that will be maintained and filed in each inmate's record.

**POLICY STATEMENT:** The South Carolina Department of Corrections (**SCDC**) will activate, maintain, and review necessary records on all inmates incarcerated in **SCDC**.

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**1. INTRODUCTION:** The Inmate Records Office in the Division of Classification and Inmate Records is responsible for the development, security, accountability, control, and management of inmate records. The Assistant Division Director for the Inmate Records Office serves as the official "Custodian of the Records" for legal and management purposes and will ensure that procedures for confidentiality and access are maintained. The Inmate Records Office is responsible for processing all court documents related to inmates' sentences, entering related data in the Offender Management System, and authorizing the timely release of inmates from **SCDC** in accordance with state statutes, regulations, and Agency policy.

**2. ACTIVATING INMATE RECORDS:**

**2.1** The Inmate Records Office in the Division of Classification and Inmate Records is responsible for administering a uniform process for activating records on inmates admitted into SCDC.

**2.2** The Reception and Evaluation (R&E) Inmate Records Section at Kirkland **R&E Center** has the primary duty to receive, process, and enter sentencing documents for all inmates received into SCDC.

**2.3** Male inmates from those counties in the central part of the state may be received at Kirkland R&E Center, normally between the hours of 8:00 a.m. and 4:00 p.m., Monday through **Friday, excluding holidays**. Inmates may be received from those counties in the lower and upper parts of the state at Lieber and Perry Correctional Institutions, respectively, for immediate transfer to Kirkland R&E Center **Monday through Thursday, excluding holidays**. Female inmates from all counties will normally be received at **Camille Griffin Graham** R&E Center on **Thursdays and Fridays, excluding holidays**. The females will be processed **and housed at** Camille Griffin Graham R&E **Center**.

**2.4** The R&E Center can accept an inmate into the custody of SCDC provided the inmate is received with a valid commitment order. The inmate's commitment order will be immediately forwarded to the R&E Records Section as soon as the inmate arrives at the R&E Center or one (1) of the intake locations. Whenever feasible, the county facility will forward the commitment order(s) directly to the R&E Records Section in Columbia prior to transporting the inmate.

**2.5** The R&E Records Section will make an initial determination based upon the commitment documents received from the county that an inmate has a valid South Carolina sentence to be served within SCDC. Those documents received from Lieber and Perry Correctional Institutions will be thoroughly reviewed upon arrival at Kirkland R&E.

**2.6** If it is determined that required documents have not been received or that they are invalid, the inmate will not be accepted within SCDC. Those documents received from Lieber and Perry will be rechecked by the Kirkland R&E Records Section when the inmate moves to the R&E Center.

**2.7** If the commitment order is valid, the inmate will be processed by the R&E Center personnel for bedspace placement and physical accountability according to the R&E Center's internal procedures for security and housing.

**2.8** The R&E Center will compile an on-line intake list on all incoming inmates received on a daily basis by entering the information onto the list throughout the day as the inmates are received. SCDC Form 18-17, "R&E Records Intake," will be completed for each new admission.

**2.9** When the intake locations at Perry or Lieber Correctional Institutions receive inmates, the on-line intake list will be transmitted to the R&E Records Section and a name search and National Crime Information Center (NCIC) search will be completed to further document and identify the inmate. This information will provide additional identifiers, such as possible detainer notification requirements, arrests or convictions for other crimes, verification of previous commitment(s) in SCDC, and other intake data. The State Identification (SID) and Federal Bureau of Investigation (FBI) numbers will be entered immediately.

**2.10** Upon compilation and review of the above data, the R&E Records Section will issue an SCDC number for the inmate. As these numbers are assigned, the on-line intake list is updated.

**2.11** The R&E Records Section will create an inmate central record utilizing numbered file folders. The face sheet, sentencing documents, the newly generated NCIC/FBI rap sheet, and any other related documentation will be filed in the inmate's central record. An inmate institutional record will also be created using the same inmate number and placing all duplicate information in a file folder.

**2.12** If the inmate has previously been incarcerated with SCDC, a request will be made to the Inmate Records Office, through the on-line intake list as numbers are assigned, to have the inmate's previous central and institutional record retrieved from inactive status.

**2.12.1** The Inmate Records Office will send the reactivated central and institutional record and any other appropriate documentation to the R&E Center for those inmates whose records are in inactive filing status at the time the inmate is received (commonly known as recidivist records).

**2.13** The R&E Records Section will:

- Analyze, interpret, and enter commitment orders and data into the automated system;

- Separate and organize paperwork from previous SCDC commitments into the correct section and sequence, verify that data from previous commitments is merged into one (1) file, and ensure that the record is properly numbered and labeled;
- Enter previous SCDC and FBI/SID numbers into the automated system.

**2.14** The record will then be forwarded to the **Records Processing** Section for formal review. If any discrepancies are identified, appropriate action will be taken to correct the problem.

**2.15** After an inmate's central record and corresponding on-line data have been verified and the record auditing process has been completed, the inmate's central record will be filed in the **Records Management** Section of the Inmate Records Office.

**2.16** The institutional record will remain at the R&E Center until the inmate is transferred to an institution, at which time the record is also transferred to the receiving institution. The institutional record will be moved with the inmate upon each subsequent transfer within SCDC.

### **3. LEGAL AND MISSPELLED NAMES:**

**3.1 Admissions/Corrections:** An inmate will be admitted to SCDC under the name exactly as spelled on the commitment order, and this name will be assumed to be his/her legal name, even if misspelled by the courts. An inmate's commitment name that has been misspelled by the courts will only be corrected by an amended court order. Any variations to the inmate's name obtained during the R&E interview or found on the NCIC rap sheet or on other court documents/law enforcement information forwarded to SCDC will be entered as "aliases." An inmate's name that is not entered as spelled on the commitment order will be corrected by the R&E Records Section or by the Inmate Records Office if not noted until a later date. An inmate who changes his/her legal name through the Family Court will be entered only into the Offender Management System as his/her legal name; however, his/her commitment name will not be changed.

**3.2 Misspelled Names:** Upon admission to an R&E Center, intake personnel will enter the inmate's name into the automated system exactly as spelled on the commitment order(s). If spelled differently on more than one (1) commitment order, the name selected from one (1) of the orders for entry will be the same or the closest to the inmate's signature on the orders. Any other spelling(s) on the other court orders will be entered as aliases.

**3.2.1** The R&E Records Section supervisor/designee will immediately correct any names not entered exactly as spelled on the commitment order if noted during the intake process. Appropriate I.D., medical, and other functional areas in the institution will be notified immediately via CRT message of any corrections. Record labels, face sheets, etc., will be appropriately changed/corrected.

**3.2.2** If an incorrectly entered name is noted during the audit of the inmate's record or at a later date during his/her incarceration, it will be brought to the attention of the Inmate **Records Processing** Supervisor for correction. The Section Supervisor will send a CRT message to **Operations staff** of the respective institution informing **them** of the corrected spelling. **Operations** will ensure that a new ID card is made, a new face sheet is run, and a label is made for the

Institutional Inmate Record, and will notify other appropriate functional areas of the institution (i.e., commissary/canteen, mailroom, chaplain's office, medical, etc.).

**3.2.3** Under no circumstances will an inmate's commitment name be changed/modified based upon a complaint, birth certificate, affidavit, letter, etc., received from the inmate, a family member, or his/her attorney, unless the commitment name was entered incorrectly according to the court order at the time of admission.

**3.2.4** If the inmate has a computer generated photograph in the record or an older picture where the inmate's name has been typed/hand printed on the photograph, the Case Manager or Records Manager must do a pen and ink correction. The same will be done for the inmate's central record.

**3.3 Legal Name Changes:** The **Records** Processing Section, Inmate Records Office, will receive and process all Family Court Orders reflecting a legal name change. If a Family Court Order reflecting a legal name change is received by an inmate, the inmate will provide the order to the Warden or designee, who will forward the order to the **Records** Processing Section, Inmate Records Office.

**3.3.1** Upon verification of the authenticity of the Family Court Order, if not received directly from the Family Court Clerk's Office, the designated Inmate Records Office staff member will enter the inmate's new legal name into the automated system. The entry will be made in the "legal name" field of the "Alias Screen." The inmate's commitment name will not be changed in the automated system. Any previous legal names/spellings found on the Family Court Order will be listed as aliases on the automated system.

**3.3.2** Since the commitment name is assumed to be the inmate's legal name upon admission to SCDC, no entry will be made on the Alias Screen under the "legal name" field. An entry is made in the legal name field only upon a legal name change by a Family Court.

**3.3.3** *Updated face sheets, labels, etc., will be added to the central and institutional records to reflect both the committed name and the legal name.* In addition, the inmate's ID card will continue to reflect his/her commitment name, to include his/her legal name that will appear below the commitment name when a new ID card is issued. See SCDC Policy OP-21.06, "Inmate Identification Cards," for additional information.

**3.3.4** SCDC employees will use the new name in all written correspondence. The inmate may be verbally addressed by the name of commitment.

**4. INMATE NUMBER ISSUE:** Each inmate committed to the jurisdiction of the South Carolina Department of Corrections will be assigned a number for identification.

**4.1** The Assistant Division Director, **Kirkland R&E Manager**, will be responsible for the establishment of the inmate number code structure. The **Kirkland R&E Records Section** will assign numbers to inmates received for admission; maintain a catalog of numbers issued; distribute file folders for the manual records; and reactivate recidivist files for manual and automated records.

**4.1.1** A new number will be assigned to an inmate at the time of his/her initial commitment to SCDC. Subsequent admissions will utilize the previous number issued. This will allow a single number for all commitments of the same individual.

**4.1.2** Safekeeper "County" inmates or Safekeeper "Death Row" inmates admitted into the custody of SCDC under a Governor's Order or Commitment Order, respectively, will be assigned four (4) digit inmate numbers from the R&E Records Section.

**4.1.3** The responsible institution (i.e., Lee or Camille Griffin Graham Correctional Institution (CGGCI) for County and Kirkland R&E or CGGCI for Death Row) will call the R&E Records Section upon receipt of the Governor's or Commitment Order to have the number assigned and activated. A copy of the Governor's or Commitment Order and all other paperwork received with the Order (warrant, etc.) will be FAXED **or SCANNED** to the R&E Records Section. The receiving institution will enter Safekeeper intake information on the on-line intake screen. Standard procedure will be followed, and a Safekeeper number will be assigned.

**4.1.4** After hours admissions will be placed in the institution's adjusted count, and the inmate number will be assigned the next day, to include weekends and holidays.

**4.2** When the South Carolina Department of Juvenile Justice (SCDJJ) receives a juvenile(s) sentenced in General Sessions Court, SCDJJ will FAX **or SCAN** the commitment order(s) and the SCDJJ generated face sheet to the R&E Center to the attention of the R&E Records Supervisor. As of July 1998, juveniles are no longer transferred to SCDC prior to age 17 in order to process their commitment order under a "straight time" or Youthful Offender Act sentence.

**4.2.1** All documents will be FAXED **or SCANNED** within 24 hours of the juvenile's arrival at the SCDJJ. The R&E Records Section Supervisor will serve as the contact person for ensuring that all necessary documents are received and processed in a timely manner.

**4.2.2** The inmate will be placed on the on-line intake list as a new intake, and an SCDC number will be assigned. The inmate's records will be processed as normal and a central and institutional record will be created along with the automated record. The R&E Records Section Supervisor keeps the Warden's Jacket until the juvenile physically arrives at ~~the~~ SCDC. The central record will be forwarded to the audit section for processing.

**4.2.3** The inmate will remain in the custody of the SCDJJ until s/he reaches the age of 17, at which time s/he will be transferred to an R&E Center where s/he will be in-processed in the same manner as any other adult committed to SCDC. The inmate's central record will be returned to the R&E Records Section for processing. The institutional record is kept at the respective R&E Center until the inmate is transferred to his/her assigned institution. The central record, upon final completion, will be returned to Inmate Records Office along with the inmate's SCDJJ institutional record. It will be re-audited and re-filed in the Active Records Section of the Inmate Records Office.

**4.3** When **SCDJJ** receives a juvenile sentenced in a Family Court, the juvenile will remain in the custody of the SCDJJ until s/he reaches the age of 17 if convicted for a violent offense listed in S.C. Statute 16-1-60 if the individual has not already been paroled or released from the custody of

SCDJJ. Upon reaching his/her 17th birthday, the juvenile will be transferred to the custody and authority of the South Carolina Department of Corrections, Division of Young Offender **Parole and Reentry** Services. The SCDJJ will send a Memorandum of Transport listing the juvenile's convictions with the juvenile. A juvenile **convicted for a non-violent offense** who has not been paroled or released from the custody of SCDJJ by his/her 19th birthday must be transferred to the custody and authority of SCDC, Division of Young Offender **Parole and Reentry** Services.

**4.3.1** The juvenile will transfer to the Kirkland Reception and Evaluation Center where s/he will be in-processed. The inmate's central record will be sent to the **Records Processing** Section for a complete record audit and then filed. The institutional record is kept at the respective Reception and Evaluation Center until the inmate is transferred to his/her assigned institution.

**4.3.2** The juvenile's records from the SCDJJ will be forwarded to SCDC at the time of transfer and become a part of his/her institutional record.

**4.3.3** *Records of juveniles convicted in General Sessions/Magistrate Court, forwarded to SCDC from the SCDJJ, will be maintained in the Inmate Records Office with the inmate's central record. Records of juveniles convicted in Family Court will be maintained with the inmate's SCDC institutional record.*

## **5. COUNTY AND DEATH ROW SAFEKEEPER RECORDS INTAKE PROCEDURES:**

**5.1 General Information:** A "county" Safekeeper (S/K) is an individual awaiting trial who has been deemed to be in a high profile/high risk status and who cannot be housed in a county facility. The individual is approved, through a Governor's Order, to be housed in SCDC until trial. Male S/Ks will be housed at Lee Correctional Institution, and female S/Ks will be housed at the Camille Griffin Graham R&E. A "death row" (D/R) Safekeeper is an inmate who is sentenced to death and housed in SCDC for the committing county until his/her execution. Male death row inmates will be housed at Kirkland R&E, and female death row inmates will be housed at Camille Griffin Graham Correctional Institution.

### **5.2 County Safekeepers:**

**5.2.1** In order to procure an Order from the Governor, the county must present the following information to the Director of the South Carolina Department of Corrections:

- a properly issued arrest warrant;
- an affidavit from the chief law enforcement officer of the county giving reasons why the individual should be held in SCDC;
- a certificate of service indicating that notice of the application of safekeeping filed by the county has been given to the individual's attorney;
- a signed notice by the detainee's attorney indicating that the attorney has been notified of the proposed action.

**5.2.2** Once the SCDC Director has received all documentation specified above, the General Counsel/designee will examine it to ensure that it meets the requirements of the statute. If it does,

then the Division Director of Compliance, Standards and Inspections/designee will ascertain the circumstances which resulted in the county's perceived need for assistance and will review the request in the context of historical and current conditions at the county's detention facility.

**5.2.3** After an evaluation of all available information by the SCDC Director, a recommendation will be forwarded to the Governor. If the Governor approves the placement, a Safekeeping Order will be issued.

**5.2.4** The General Counsel's Office will inform the receiving facility of the Governor's Order and FAX *or SCAN* a copy of the Order to the receiving facility and to the Inmate Records Office.

**5.2.5** The county requesting S/K status will be responsible for transporting the individual. When the individual arrives at the receiving institution, an entry will be made into the on-line intake list of all pertinent information (name, race, DOB, etc.). The R&E Records Section will then be contacted to assign the individual a S/K number. If at all possible, advance notice will be given to R&E Records Section of *an* S/K arrival. If the individual arrives after normal work hours or on a weekend/holiday, the *R&E Records Section Supervisor* will be contacted (via the Emergency Action Center [EAC]). The S/K will be placed in the "adjusted" count, and the S/K number will be assigned the next work day. A copy of the Governor's Order must be FAXED/*EMAILED*, or forwarded by the General Counsel's Office, to the *R&E Records Section* staff before *an* S/K number can be assigned. However, if after hours or on a weekend/holiday and the General Counsel's Office has instructed the receiving institution by telephone to receive the inmate, the institution will send a CRT message to the *R&E Records Section* indicating the individual's name/other data. The message will state that the General Counsel's office staff has directed that they receive the individual into S/K status and will identify the name of the staff member in the General's Counsel's *Office* that gave the direction, the date, and the time of call. The Office of General Counsel staff will send a CRT message the following workday repeating the previously given verbal instructions to the institution and *R&E Records Section*, or they will FAX/*EMAIL* a copy of the Governor's Order (if received in the A.M. on the following workday).

**5.2.6** The receiving institution will create only an institutional file on the S/K. No Central record will be created for county safekeepers. However, an NCIC Criminal History Report (RAP Sheet) will be forwarded to the respective institution housing the inmate.

### **5.3 Death Row Safekeepers:**

**5.3.1** The county in which the inmate has been sentenced to death must coordinate directly with Kirkland R&E to bring male inmates and with the Camille Graham Correctional Institution to bring female inmates to SCDC.

**5.3.2** Upon delivery of the Death Row inmate, his/her commitment order reflecting the death sentence must accompany him/her.

**5.3.3** Kirkland R&E or Camille Griffin Graham Correctional Institution personnel will enter all pertinent information about the Death Row inmate into the on-line intake list. If the Death Row inmate arrives after hours, the institution will:

- Make a general review of the commitment order(s) to ensure that it/they are in order;
- Contact EAC who will then contact the Inmate Records Office on-call official and inform them of the same;
- Put the death row inmate in their "adjusted" count; and
- Fax/*email* all documents received to the Kirkland R&E Records Section and to the Inmate Records Office. The *Kirkland R&E Records Section* will ensure that the appropriate SCDC number is assigned and all commitment information is entered the same or next day.

**5.3.4** After entry into the on-line intake list, the R&E Records Section will be contacted and informed that a Death Row inmate has arrived and has been entered into the on-line intake list. A copy of the commitment order will be FAXED/*EMAILED* to the R&E Records Section for verification. Any advance notice of an anticipated late arrival of a Death Row inmate would assist the R&E Records Section in making necessary arrangements to ensure that proper Records Office personnel are informed of the pending arrival and what SCDC Safekeeper number is to be assigned.

**5.3.5** Once all of the aforementioned is completed, the R&E Records Section will assign the Death Row inmate a four (4) digit safekeeper number. All accompanying commitment information will be entered into the automated system.

**5.3.6** The R&E Records Section will initiate the construction of the central record and Kirkland R&E or Camille Griffin Graham's R&E personnel will construct the institutional record. The central record will be forwarded to the Inmate Records Office, audited, and filed. An NCIC Criminal History Report (RAP Sheet) will be forwarded to the respective housing institution.

**5.3.7** See SCDC Policy OP-21.04, "Inmate Classification Plan," for information about records review for Death Row inmates whose sentence is overturned.

## **6. AUDITING INMATE RECORDS:**

**6.1 General Information:** Records of all inmates processed into *SCDC* through a Reception and Evaluation Center will have an extensive audit performed by the Inmate Records *Office, Records Processing Section. Inmates arriving to the R&E Centers will not be considered to have their records officially audited until they are audited by the Records Analysts in the Inmate Records Office (IRO). During the audit phase, no information can be given to the inmate or the public in reference to sentence and release dates. Disclaimers are listed on the internet site and our internal system.* The types of audits will be:

**6.1.1 Reception and Evaluation Center Inmate Records Audits:** Auditing data on inmates admitted or readmitted to SCDC through a Reception and Evaluation Center.

**6.1.2 Special Audits:** Auditing data to correct and/or update information on the automated system and to verify the accuracy of existing information (i.e., Supervised Furlough Audits, Sex Registry Audits, Sexually Violent Predator Audits, etc.).

**6.2 Overall Review of an Inmate Central Record:** The Records *Processing* Section will:

**6.2.1** Inspect the manual record to verify that the folder is in good condition, is labeled properly, and filing is current and in the correct section and sequence.

**6.2.2** Review all documents in an inmate's record to ensure that the inmate's name, SCDC number (FBI/SID numbers), and personal identification information are correct, and ensure that sentences the inmate is currently serving are not entered as active detainers.

**6.2.3** *Ensure that* all alias names listed on the NCIC/FBI reports *are* entered. *Enter* the previous SCDC numbers and alias names listed on the commitment order, verify that personal identification complies with the SCDC face sheet, and ensure that all computer-generated informational reports have recent "run" dates.

**6.2.4** Run a "Name Search" for additional information.

**6.3 Commitment Papers/NCIC/FBI Reports:** The *Records Processing* Section will:

**6.3.1** Review each commitment order for offense dates, sentences, signatures, indictment and warrant numbers, and any special conditions indicated by the court.

**6.3.2** Compare information in the CRT with committing documents. If entries (i.e., indictment numbers, warrant numbers, dates of offenses, court dates, judge's name) are found to be incorrect, adjustments will be made to remedy the problem. A check for consecutive sentencing structure will be completed.

**6.4 Priors (Any Prior Offenses or Time Served):** The *Records Processing* Section will:

- Check NCIC/FBI rap sheet for all commitments and convictions.
- Match all commitment orders and face sheets of prior incarceration(s).

**6.5 Previous Numbers/Names:** The *Records Processing* Section will:

- Check for previous numbers on the manual record.
- Check for previous numbers in the CRT.
- Check for previous numbers on the NCIC rap sheet.
- *Combine old and new inmate records if previous SCDC number(s) is/are identified.*

**6.6 Escapes:** The *Records Processing* Section will:

- Check the CRT for escape data. Check for current or previous convictions for escapes on the CONVICT and PRIORS screens. Search for ~~an~~ automated MIN reports.
- Read SIAs/MINs in inmate's manual record. Read newspaper articles for references to escapes.
- Read escape/disciplinary history and/or court reports.
- Determine if escape is Class I/II, or an escape-related (other) offense.

- Enter all escape charges and/or incidents under escape history regardless of disposition, including any escape noted on the NCIC/FBI rap sheet.

**6.7 Disciplinary History:** The *Records Processing* Section will:

- Research violent/assaultive behavior. Verify reports from disciplinary reports, *MINs*, and criminal conviction data. In the event of missing or incomplete information, contact the institution and request the necessary information.
- Confirm that all information regarding prior commitments and assaultive disciplinaries is accurate and complete.

**6.8 Open-Ended Offenses:** The *Records Processing* Section will:

- Check NCIC rap sheet for any arrest charges with no disposition on statutory violent offenses, Category 4 and 5 offenses, and sex offenses.
- Create an "open arrest notify" on the "detain" screen noting all category 4 & 5 open arrests.
- *Remove open arrests per documentation received stating the disposition of the arrest. Documentation received from the South Carolina Judicial Website will be acceptable to update open-ended offenses.*

**6.9 Resident Stability Code:** The *Records Processing* Section will:

- Check pertinent information in the manual inmate record with reference to whether the inmate is an in-state or out-of-state resident, and whether the inmate's arrest(s) was in-state or out-of-state. Examine NCIC/FBI rap sheets.
- Enter the resident stability code of unstable out of state, if applicable.

**6.10 Audit Completion:** The *Records Processing* Section will:

- Complete an SCDC Form 18-16, "Audit Checklist," detailing each aspect of auditing procedures reviewed.
- Enter audit completion on the CRT.
- Complete an Inmate Records Daily Activity Report when records are to be filed.

*6.11 Due Process Hearings: If an inmate's record is reviewed after the official audit and it is determined that information was entered in error and the correction will cause the inmate's projected release date to extend into the future, the inmate will need be given a due process hearing.*

*6.11.1 The IRO's responsibility for the due process hearing is to notify the institution via email of the issue that will change, for the inmate's detriment, the initial determination of length of sentence or projected release dates of currently entered convictions. The explanation and any documents will be sent to the Case Manager/designee and the Institutional Classification Central Office staff. The institution will normally have two (2) weeks from the date of notice to conduct the actual hearing. If the inmate has less*

*than two (2) weeks to serve upon discovery, notification will be made to the institution to handle expeditiously. Classification Central Office will monitor these cases.*

**7. ACCESS TO INMATE RECORDS:** Access to criminal history records of inmates and former inmates will be limited to individuals and public agencies who can demonstrate that access to such information is appropriate and/or will serve a criminal justice purpose. Confidentiality and protection of information pertaining to inmates will be required. Law enforcement, judicial, correctional authorities, and authorized cooperating agencies will be provided information without the consent of an individual inmate.

**7.1 Classification of Information:** Public Information will include the following:

- inmate photograph;
- full name with aliases;
- prominent marks and tattoos;
- SCDC identification number;
- sex;
- race;
- FBI/SID number;
- fingerprint classification;
- committing county;
- height;
- weight;
- complexion;
- build;
- hair color;
- eye color;
- offense;
- sentence (time);
- eligibility dates;
- sentence start date (including jail time);
- date admitted to SCDC;
- parole eligibility date;
- projected release date;
- *previous record;*
- sentence adjustments;
- Agency transfer history;
- disciplinary report;
- co-defendant(s) - with SCDC register number(s);
- detainer/wanted/hold;
- institutional assignment and admission date;
- current status; and
- Access to "Management Information Notes" (MINs) as long as no confidential information is listed in the MINS (See Section 7.3.4).

**7.2** Confidential information is either personal information, non-conviction data, or clinical information.

**7.2.1** Personal information will include:

- home address;
- nearest relative;
- *social security number;*
- *date of birth;*
- test scores;
- vocational rehabilitation summary;
- treatment information;
- Classification Committee information;
- basic social and family history;
- inmate statement of offense;
- trust fund information;
- religious preference;
- marital status;
- education;
- primary occupation;
- Victim/Witness information; and
- medical/psychological reports.

**7.2.2** Non-conviction data will include information for which:

- the arresting authorities have elected not to refer for prosecution;
- a prosecutor has elected not to commence criminal proceedings;
- proceedings have been indefinitely postponed;
- arrest records without disposition if a year has lapsed and no conviction has resulted and no active prosecution is pending; and/or
- dismissals or acquittals.

**7.2.3** Clinical information will include:

- psychological reports;
- medical reports;
- institutional mental health counseling reports;
- specialized residential treatment reports; and
- Pastoral Care Services reports.

**7.3 Release of Public Information:** In compliance with the South Carolina Freedom of Information Act, public information contained in inmate records will be reasonably available to all inquiring parties. The following will apply:

**7.3.1** The Assistant Division Director of the Inmate Records Office or designee will have the primary responsibility for the release of any information from the inmate's central record that is classified as public information.

**7.3.2** The Warden or designee may authorize the release of public information from institutional records. Each Warden will be responsible for ensuring that employees are trained to receive and to respond to inquiries regarding inmates assigned to that institution. Employees authorized to respond to inquiries will ensure that records are kept of telephone calls or correspondence received or referred to him/her. When necessary, the employee may refer callers or written correspondence to the appropriate authorities as follows:

- institutional matters will be forwarded to the appropriate Warden, or to the Division of Operations;
- medical issues will be forwarded to the Division of Medical and Health Services;
- allegations of criminal activity will be forwarded to Police Services;
- ***issues related to inmate drug testing or inmate visitation will be referred to the Division of Visitation and Inmate Drug Testing;***
- inquiries about inmate records will be forwarded to the Inmate Records Office;
- legal inquiries will be forwarded to the Office of General Counsel;
- jail complaints and complaints involving designated facilities will be forwarded to the ***Division*** of Compliance, Standards, and Inspections;
- correspondence/inquiries determined to be better suited for processing through the inmate grievance system will be forwarded to the Inmate Grievance Branch. (When deemed necessary, the inmate will be directed in writing to utilize the grievance system as outlined in SCDC Policy GA-01.12, "Inmate Grievance System.")

**7.3.3** All media requests for access to public information contained in inmate records will be referred to the ***Division Director of Information Services***, or his/her designee.

**7.3.4** The inmate documents that are disclosable as public information, but which also contain confidential information, may be given as excerpts from the document, or with non-disclosable items deleted from the documents. If the requesting party insists upon reviewing the entire document, refusal to comply will be made on the grounds that release of the information is not legally permissible.

**7.3.5** The Division Director of Victim Services or designee will be responsible for notifying and providing information to victims/witnesses registered with SCDC. (See SCDC Policy GA-02.05, "Victim/Witness Notification," for more information.)

**7.3.6** An inmate may have access to information (excluding clinical data) from his/her record provided that a written request is made to the Assistant Division Director of the Inmate Records Office. The request must be for a specific purpose and not merely for a general review. Examples of specific purposes are:

- litigation;

- to challenge the accuracy of information contained in the files; and/or
- to challenge the justification of the inclusion of particular material.

A fee may be incurred for the reproduction of documents.

**7.3.7** All formal "Freedom of Information Act" requests will be forwarded to the General Counsel's Office for processing. *Access through FOIA to inmate records is limited to public information which is "not of a personal nature." Therefore, inmates cannot request personal information through FOIA. They must adhere to 7.3.6 of this policy.*

**7.4 Release of Confidential Personal Information:** Inmate record information designated as personal may be released to the following individuals or agencies:

**7.4.1 South Carolina Department of Corrections (SCDC):**

- Agency Director and staff;
- Division Directors;
- Assistant Division Directors;
- Branch Chiefs; and/or
- other SCDC personnel who have a legitimate need to know related to their SCDC responsibilities.

**7.4.2 Criminal Justice Agencies, Law Enforcement Agencies, and Cooperating Public Assistance Agencies:** These agencies will be provided inmate record information upon request. The individual releasing the information; e.g., Assistant Division Director of the Inmate Records Office/designee or Warden/designee, will be responsible for insuring that the information given to a representative of these agencies is for a duly authorized purpose. The SCDPPPS Parole Examiner will be provided access to both the automated and manual inmate records for the purpose of preparing reports for all eligible inmates.

**7.4.3** Subpoenas for records *and issues related to the release of information* will be forwarded to the *Office of General Counsel for interpretation.*

**7.4.4** Non-cooperating public agencies, private organizations, and private citizens may obtain confidential information from inmate records if the inmate gives written consent on SCDC Form 9-11, "Inmate/Resident Release of Information Consent," and the purpose is:

- to assist in legal research to aid in the rehabilitation of the inmate;
- to assist in the employment of the inmate/ex-inmate; and/or
- for information to be used in criminal justice related research.

**7.5 Legal Counsel for Inmate:** An inmate's attorney may obtain personal information regarding his/her client if the inmate signs a release, SCDC Form 9-5, "Release of Information to Attorney/Representative."

**7.6** An inmate may have access to confidential information from the record (excluding clinical data) provided that a written request is made to the Assistant Division Director of the Inmate Records Office *or designee*. The request must be for a legitimate, specific purpose and not merely for general review.

### **7.7 Release of Confidential Medical and Clinical Information:**

**7.7.1** Medical and clinical information will be the responsibility of the Director for Health Services. Such information will be maintained in separate medical records.

**7.7.2** Requests for medical and clinical information will be referred to the *Assistant Deputy Director of Health Services* or designee who may authorize release of such information.

**7.8 Charges for Copies:** When it is necessary to reproduce information, a standard charge of twenty five cents per page will be assessed for inmates, outside agencies, attorneys (other than those attorneys who represent SCDC), or private parties. See SCDC Policy HS-18.07, "Inmate Health Records," for information on copy costs for inmate medical records. The individual or office charged will be given a receipt from a receipt book maintained by the Assistant Division Director of the Inmate Records Office or designee. Monies received will be transmitted to the Division of Budget and Finance/Financial Accounting Branch together with an explanation of the charge. Requests for a copy (or copies) of NCIC rap sheets should be forwarded to the South Carolina Law Enforcement Division (SLED).

## **8. MANUAL AND AUTOMATED INMATE RECORDS:**

**8.1** SCDC will maintain two (2) manual records for each inmate that will contain all legal documents, disciplinary reports, and relevant documentation such as correspondence and progress reports. The automated record will track the inmate's history from his/her initial incarceration through release. Release, parole, and program eligibility dates will be calculated and projected through the automated system.

**8.2** The R&E Records Section will be responsible for creating two (2) manual records (i.e., central and institutional) and one (1) automated record when the inmate is initially received into the custody of SCDC.

**8.3** Documents in the manual records will be arranged within the multiple-sectioned folders according to the record index.

**8.4** When the inmate is permanently assigned to an institution, the institutional record will accompany the inmate upon transfer from the R&E Center to an institution, and will be moved with the inmate to the next institution with each subsequent transfer. This procedure does not apply to inmates who are temporarily assigned to an institution for regional court or post conviction relief court transfers.

**8.4.1** The inmate's institutional record will be maintained by the Classification Section at the institution to which the inmate is assigned and in a centralized/secure location.

**8.4.2** Institutions will be responsible for forwarding appropriate original documents and correspondence to the Inmate Records Office for additions and corrections, and for retaining a copy in the institutional record, *as referenced in SCDC Policy OP-21.04, "Inmate Classification Plan."*

**8.4.3** Under no circumstances will an employee take an institutional or central record home or to any other unauthorized location.

**8.5** Procedures to replace a lost or misplaced institutional/*central* record:

**8.5.1** If an institutional record is missing, the following steps must be taken:

- *Conduct a thorough search of records area to include sign-out sheets, all areas where staff has access to inmate records, and the **TRANCNT** screen for recent transfers.*
- *Complete an SCDC Form 19-29A, "Incident Report," and submit it to the Institutional Classification Central Office for review. Staff there will request a **copy** from the Inmate Records Office.*

**8.5.2** *If a central record is missing, the following steps must be taken:*

- *Conduct a thorough search of active and inactive record areas to include **RECORDS** menu to see current status of record. If record is signed out to an Agency staff member, contact that person for a check of his/her area.*
- *If record is still unable to be located, complete an SCDC Form 19-29A, "Incident Report," and submit it to the Assistant Division Director of Inmate Records for review. A copy will be requested of the inmate's institutional record.*
- *Corrective action may be taken if it is determined that a staff member lost a record.*

**8.6** Under no circumstances will an inmate handle an inmate record or any material contained within an inmate record unless s/he is assigned to the Inmate Records Office to handle inactive inmate records.

**8.7** The central record will be maintained in the Inmate Records Office.

**8.8** The inmate's central record will contain all original documents such as commitment orders and detainers.

**8.9** The Inmate Records Office will be responsible for maintaining and updating the central record, and for forwarding copies of official documents to the appropriate institution to be filed in the inmate's institutional record.

**8.10** Routine forms, documents, reports, etc., to be filed in the central records must clearly reflect the inmate's name and number and must be placed in numerical order by the sending institution prior to forwarding to Inmate Records Office.

**8.11 Medical Record:** A medical record will be created in hard copy and may be created in an automated format for each inmate by Health Services personnel. (Refer to SCDC Policy HS-18.07, "Inmate Health Records.")

**8.12 Automated Record:** The automated record will be created by the R&E Records Section during the inmate's initial processing and will be updated in the Offender Management System by appropriate institutional, divisional, and support personnel according to individual inmate programs in which the inmate is participating.

**8.13** The Inmate Records Office will enter all data related to the sentence, offense, priors, pending charges, jail time credits, etc.

**8.14** The Assistant Division Director of the Inmate Records Office will be responsible for ensuring that staff properly interpret court/commitment orders and properly enter data for sentence calculation into the Offender Management System. The SCDC Office of General Counsel will resolve legal interpretations.

**8.15** When an inmate is released from the custody of SCDC, the institutional record will be forwarded to the Inmate Records Office where it will be merged with the central record for storage and subsequent microfilming/*digital imaging*.

## CENTRAL RECORD INDEX

### Section 1:

MINs	
Detainers	
Protective	Custody
Newspaper	Clippings
Victim/Witness	Statements
Escape Information	

### Section 2:

Face		Sheet
Court/Commitment		Orders
Arrest		Report
FBI	Rap	Sheet
Pre-Sentence		Investigation
Cautions		

### Section 3

Inmate			Correspondence
Classification			
Transfers			
Disciplinary			Reports
Loss	of	Good	Time
Work Program			

**Section 4:**

Inmate			Receipts
Achievement			Certificates
Parole			Certificate
Gun		Control	Act
Visiting			List
Driver's			License
Release		Processing	Information
Medical			Information
SFIIA			Documents
Time Verification Forms			

Labels:

- Victim/Witness (V/W)
- Escape History (ESCAPE)

**INSTITUTIONAL RECORD INDEX**

**Section 1:**

MINs			
Detainers			
Protective			Custody
Newspaper			Clippings
Victim/Witness			Statements
Escape Information			

**Section 2:**

Face			Sheet
Court/Commitment			Orders
Arrest			Report
FBI		Rap	Sheet
Pre-Sentence			Investigation
Cautions			

**Section 3:**

Inmate Classification			Correspondence
Transfers			
Disciplinary			Reports
Loss of Work Program	of	Good	Time

**Section 4:**

Inmate Achievement			Receipts
Parole			Certificates
Gun Control			Certificate
Visiting			Act
Driver's License			List
Release Processing			License
Medical Information			Information
SFIIA Documents			Documents
Time Verification Forms			

Labels:

- Victim/Witness (V/W)
- Escape History (ESCAPE)

**9. COURT COORDINATION:**

**9.1 Inmate Records Office Follow-up:**

*9.1.1 The Release Section personnel will investigate the dispositions on inmates who are within sixty (60) days of release who have "open" court transport entries on the automated "received document" screen.*

*9.1.2 The Document Processing Section staff will make CRT entries when commitment orders and detainers are received (RCVDOC/CONVICT/DETAIN) and provide updated face sheets/date changes to Caseworkers.*

*9.1.3 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.*

**9.2 Institutional Follow-up (Classification/Operations):**

*9.2.1 Classification Records Managers 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.*

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

## **10. RECORDS PROCESSING SECTION RESPONSIBILITIES:**

**10.1** The **Records** Processing Section will be responsible for entering all new commitments and probation revocations that are received after an inmate is admitted to SCDC. This section will also process jail time requests and modify data in the inmate record. The **Records** Processing Section will provide technical assistance to Caseworkers in the field; however, problems should be researched and discussed with Case Managers as appropriate prior to contacting the **Records** Processing Section. Contact should be made via CRT messaging system (to the route group "**Inmate Records Audit Section - RECAUDIT**") to the greatest degree possible.

**10.2** Any legal documents sent from institutions to the **Records** Processing Section will be addressed to Inmate Records Office/**Records** Processing Section and not to individual staff members. True copies will not be sent to the **Records** Processing Section unless received directly from a Clerk of Court, Solicitor, or Attorney General. Copies will be made of any documents received from an inmate, inmate's family member, inmate's attorney, or other outside party. The copy will be forwarded to the **Records** Processing Section along with SCDC Form S-32, "Document Transmittal/Request for Action," indicating the source of the document(s) (i.e., inmate, inmate's attorney, etc.).

**10.3** Incoming documents will be placed on the automated tracking system (RCVDOC) and given to the appropriate staff member for processing. The staff member will obtain any true copies needed, verify authenticity of documents, and make appropriate CRT entries. Documents received directly from the Attorney General's Office, Solicitors' Offices, SCDPPPS, Clerk of Court, Magistrate's Court, and higher will be considered authentic validated documents. The Inmate Records Office will validate all other sources for documents through appropriate channels.

**10.4** A commitment order is a legal document issued **and signed** by a judge or magistrate formally committing the defendant to SCDC for a designated period of time (usually submitted by a County Clerk of Court). This document is the authority by which SCDC may legally confine the inmate, and all admitted inmates must be accompanied by such an order.

***10.5 Commitment orders received by institutions will be immediately forwarded to the Inmate Records Office/Document Processing. Once a document is placed on RCVDOC, it will be given to the appropriate staff member to process.***

**10.6** A South Carolina Department of Probation, Parole, and Pardon Services (SCDPPPS) Form 9, "Probation Revocation Order," also formally commits an offender to SCDC. Form 9's are

initiated by the county SCDPPPS agent, signed by a judge, filed with the County Clerk of Court, and forwarded to SCDC for processing.

**10.7** At a minimum, Commitment Orders and Form 9's must contain the following information *in order to be valid and complete*:

- jurisdiction in which the offense was committed;
- indictment and/or warrant number;
- name of person convicted of the crime;
- offense for which convicted;
- total sentence and incarcerative sentence;
- date of sentencing; and
- judge's signature.

**10.7.1** *A commitment order will be considered invalid if the following occurs:*

- *no judge's signature;*
- *no sentence date;*
- *incomplete sentence date (ex.: September 25, or September 2015);*
- *no term of sentence specified (no notation for days, months, years).*

**10.7.2** *Invalid orders will be entered on the detainer system for tracking purposes. The types of detainer will be "INVALID," and the issuing Agency/person will be "CLARIFICATION." An email will be sent to all parties involved (solicitor, inmate's attorney, Department of Probation, Parole, and Pardon Services - DPPPS) and notification will be given to the inmate for clarification. The order will not be entered on the CONVICT screen.*

**10.7.3** *A commitment order will be considered incomplete if the following occurs:*

- *sentence date is incorrect;*
- *indictment/case # is missing;*
- *term of sentence is ambiguous;*
- *previous time served is missing (revocation orders);*
- *consecutive structure is incorrect;*
- *CDR code, statute, verbiage mismatch.*

**10.7.4** *Incomplete orders will be entered on the CONVICT screen and an email sent to all parties involved (solicitor, inmate's attorney, DPPPS) and notification will be given to the inmate will be for clarification.*

**10.8 Document Processing of Detainers:** Detainers (wanted, hold, notify) will be placed against an inmate as a result of documents sent in by law enforcement or judicial agencies. The inmate will either have outstanding charges pending against him/her or will already be convicted and owe time to serve in another jurisdiction.

**10.8.1 Wanted:** A warrant received by SCDC and issued by a judge or magistrate. A letter from any competent authority (normally law enforcement) stating the warrant number, type of offense, name, and address may be sent in lieu of a warrant. It will be held against the inmate until s/he is taken to court by the wanting authority or until his/her release so that an agent of the wanting authority may take the inmate into custody.

**10.8.2 Hold:** Written order that the inmate has additional time to serve that is not part of the current commitment structure, normally in another jurisdiction, or a commitment order which states the inmate is to be placed in the appropriate county jail, to begin or complete service of a sentence that cannot be served in SCDC, until a bed is available at a SCDPPPS Restitution Center or Community Control Center.

**10.8.3 Notify:** Request by a law enforcement, judicial, or criminal justice authority to be notified upon an inmate's release. This does not necessarily affect program participation, classification, assignment, or date of release. The Release Section will make formal notification to the requesting authority.

**10.8.4** All detainers will be entered or removed by Inmate Records Office staff only.

#### **10.9 Deceased Inmates with Detainers:**

**10.9.1** An Inmate Records Office designee will be responsible for *updating the TRANCNT upon receipt of death certificates from the Division of Health Services for all deceased inmates (those with and without pending detainers).*

**10.9.2** When the death certificate is received, the Inmate Records Office designee will be responsible for notifying the county that initiated the detainer, by mail, of the inmate's death and subsequent deletion of pending detainers. At this time, copies of the death certificate and warrants will be forwarded to the county officials. Prior to the deletion of the detainers, the inmate's date of death should be documented on the detainer screen.

**10.9.3** The death certificate will then be filed in the inmate's record in Section I, along with the detainer paperwork and documentation of county notification. An additional copy of the death certificate will also be filed in Section IV.

#### **10.10 Expungement of Document(s) from the Central and Institutional Records:**

**10.10.1** All Expungement Orders (Order for Destruction of Arrest Record) received will be date stamped and forwarded to the *Branch Chief of the Records Processing Section, or designee,* of the Inmate Records Office.

**10.10.2** A cover letter, along with the original order received, will be forwarded to SLED for disposition. A copy of all documents sent to SLED will be kept until a disposition is received. No action will be taken if the order was rescinded or no disposition is received from SLED.

**10.10.3** Once a written disposition is received from SLED, if the record has been expunged:

- NCIC rap sheets will be run (2 copies: 1 for the central record and 1 for the institutional record).
- All documents pertaining to the expunged arrest and/or conviction will be removed from the central record.
- A CRT message and a memo will be sent to the ***Institution Classification Routing Group*** instructing ***them*** to remove all documents, ***indicating the expunged charge***, from the institutional record and to forward these documents to the ***Branch Chief of the Records Processing Section, or designee***, with SCDC routing slip (SCDC S-32), ***"Documents to be Expunged."*** A copy of the CRT message will be forwarded to ***Central Classification*** and ***selected*** Inmate Records Office staff.

**10.10.4** Once all relevant expungement documents have been received from the institutional record and combined with the documents removed from the central record, they will be disposed of in accordance with S.C. Statute 17-1-40.

## **11. JAIL TIME CREDIT/SENTENCE START DATE :**

**Jail Time Credit:** Time served, usually at a county facility, prior to trial and sentencing. The sentence start date may be the same as the jail time credit date if the inmate was detained without interruption prior to sentencing.

**Sentence Start Date:** Date of sentencing less jail time credit. Effective date on commitment papers (or sentencing date if not specified) for each successive concurrent sentence. In cases of two (2) or more sentences and the sentences are consecutive, the sentence start date for the total sentence is the start date of the first sentence in the consecutive string.

### **11.1 Inmates Eligible for Jail Time Credit:**

**11.1.1** An inmate will be eligible to receive credit for time served prior to trial and sentencing if the offense for which s/he is convicted is the same as the offense for which s/he was jailed.

**11.1.2** An inmate who is not an escapee will be eligible to receive credit for out-of-state jail time if s/he is apprehended and held solely for a crime committed in South Carolina.

**11.1.3** Inmates sentenced under the Youthful Offender Act (YOA) will be eligible to receive jail time credit. The Inmate Records Office will enter jail time for an initial incarceration; however, credit awarded on the YOA parole revocations will be calculated by the ***Division of Young Offender Parole and Reentry*** Services.

### **11.2 Inmates Not Eligible for Jail Time Credit:**

**11.2.1** An inmate will not be eligible to receive jail time credit if s/he is on escape from the South Carolina Department of Corrections and is apprehended and confined out-of-state.

**11.2.2** An inmate will not be eligible to receive in-state or out-of-state jail time credit if the offense for which s/he is convicted is different from the offense for which s/he was jailed.

**11.2.3** An inmate (not an escapee) will not be eligible to receive out-of-state jail time credit if s/he is apprehended and held in another state for a crime committed in South Carolina and for a crime committed in the other state. Once the charges for the crime that occurred in the other state have been satisfied, s/he may be eligible to begin receiving out-of-state jail time credit toward his/her South Carolina charges.

**11.3 Request for Jail Time Credit:**

**11.3.1** If authorized jail time credit has not been awarded to an inmate, the Institutional Classification Caseworker will complete the top portion of SCDC Form 18-11, "Request for Jail Time," make a copy of the form for the institutional record, and forward the white, pink, and goldenrod copy to the Inmate Records Office, **Records** Processing Section, ATTN.: Jail Credits. If the inmate claims s/he was incarcerated in more than one (1) facility prior to sentencing, a separate "Request for Jail Time" Form must be submitted for each facility.

**11.3.2** Upon receipt of SCDC Form 18-11, "Request for Jail Time," the Records Analyst responsible for jail time credits will review the form to determine if the request should be forwarded to the appropriate county/city facility.

**11.3.3** If it is determined that the inmate will not be given jail time credit, the white copy of the original request will be returned to the designated Caseworker, indicating that the inmate is not eligible for jail time credit requested, and an explanation will be provided to explain why jail time credit is not applicable.

**11.3.4** If it is determined that the inmate could be eligible for jail time credit, the request will be forwarded to the appropriate county/city facility.

**11.3.5** After the form has been completed by the appropriate county/city facility indicating the dates of the jail credit that should be awarded, the form will be returned to the **Records** Processing Section. Upon receipt of the form from the county/city, the Records Analyst will make appropriate modifications to the inmate record and forward the white copy of the form to the designated Caseworker indicating the revised sentence start date.

**11.4 Computation of Time:** The parole eligibility date and release (maxout) will be computed from the sentence start date.

**12. TRUTH IN SENTENCING AND RELEASE CALCULATION:** (Offenses committed on or after January 1, 1996)

**12.1** No Parole Offenses Compared with Other Offenses:

<b>MAXOUT</b>	<b>No Parole Offense</b>	<b>Other Offense Type</b>
	*Must serve at least 85% of incarcerative sentence (without EWC/EEC/GT accrual).	365-day year
	*365-day year for calculations.	20 days GT earned for every month from sentence start date

	*3 days GT earned for every month served from sentence start but cannot apply to 85% service.	
	*Maximum annual EWC/EEC credit of 72 days.	
	*Must complete 2 years community supervision after maxout.	
<b>PAROLE</b>	Not eligible <i>unless sentenced to certain 85% non-parolable drug offenses on or after June 2, 2010 (based on the Omnibus Crime Reduction and Sentence Reform Act of 2010).</i>	1/4, 1/3 parole rules apply.
<b>WORK RELEASE</b>	Must serve at least 80% of incarcerative sentence (without EWC/EEC/GT accrual).	

## **12.2 Other Special Sentencing:**

**12.2.1 Murder:** Persons convicted of murder with an offense date on or after January 1, 1996, will be sentenced to one (1) of the following *per statute 16-3-20*:

- Death;
- Life with no parole (meaning until the death of the inmate); or
- 30-year mandatory minimum term (flat sentence - not reducible by EWC/EEC/GT accrual).

**12.2.2 "Most Serious" Offenses:** Persons with one (1) or more prior convictions for a "most serious" offense can receive a life sentence with no parole eligibility.

**12.2.3 "Serious" Offenses:** Persons with two (2) or more prior convictions for a "serious" offense can receive a life sentence with no parole eligibility.

**12.2.4 Adjudicated Juveniles:** Juveniles with Family Court commitments transferred to SCDC from DJJ will be required to remain in custody up to their 21st birthday unless paroled earlier by the Juvenile Parole Board (the releasing authority).

## **12.3 Violent Offenses Defined by Statute 16-1-60:**

**12.3.1 Section 16-1-60 - Violent Crimes Defined:** *For purposes of definition under South Carolina law, a violent crime includes the offenses of: murder (Section 16-3-10); attempted murder (Section 16-3-29); assault and battery by mob, first degree, resulting in death (Section 16-3-210(B)); criminal sexual conduct in the first and second degree (Sections 16-3-652 and 16-3-653); criminal sexual conduct with minors, first, second, and third degree (Section 16-3-655); assault with intent to commit criminal sexual conduct, first and second degree (Section 16-3-656); assault and battery with intent to kill (Section 16-3-620); assault and battery of a high and aggravated nature (Section 16-3-*

*600(B)); kidnapping (Section 16-3-910); trafficking in persons (Section 16-3-930); voluntary manslaughter (Section 16-3-50); armed robbery (Section 16-11-330(A)); attempted armed robbery (Section 16-11-330(B)); carjacking (Section 16-3-1075); drug trafficking as defined in Section 44-53-370(E) or trafficking cocaine base as defined in Section 44-53-375(C)); manufacturing or trafficking methamphetamine as defined in Section 44-53-375; arson in the first degree (Section 16-11-110(A)); arson in the second degree (Section 16-11-110(B)); burglary in the first degree (Section 16-11-311); burglary in the second degree (Section 16-11-312(B)); engaging a child for a sexual performance (Section 16-3-810); homicide by child abuse (Section 16-3-85(A)(1)); aiding and abetting homicide by child abuse (Section 16-3-85(A)(2)); inflicting great bodily injury upon a child (Section 16-3-95(A)); allowing great bodily injury to be inflicted upon a child (Section 16-3-95(B)); criminal domestic violence of a high and aggravated nature (Section 16-25-65); abuse or neglect of a vulnerable adult resulting in death (Section 43-35-85(F)); abuse or neglect of a vulnerable adult resulting in great bodily injury (Section 43-35-85(E)); taking of a hostage by an inmate (Section 24-13-450); detonating a destructive device upon the capitol grounds resulting in death with malice (Section 10-11-325(B)(1)); spousal sexual battery (Section 16-3-615); producing, directing, or promoting sexual performance by a child (Section 16-3-820); sexual exploitation of a minor first degree (Section 16-15-395); sexual exploitation of a minor second degree (Section 16-15-405); promoting prostitution of a minor (Section 16-15-415); participating in prostitution of a minor (Section 16-15-425); aggravated voyeurism (Section 16-17-470(C)); detonating a destructive device resulting in death with malice (Section 16-23-720(A)(1)); detonating a destructive device resulting in death without malice (Section 16-23-720(A)(2)); boating under the influence resulting in death (Section 50-21-113(A)(2)); vessel operator's failure to render assistance resulting in death (Section 50-21-130(A)(3)); damaging an airport facility or removing equipment resulting in death (Section 55-1-30(3)); failure to stop when signaled by a law enforcement vehicle resulting in death (Section 56-5-750(C)(2)); interference with traffic-control devices, railroad signs, or signals resulting in death (Section 56-5-1030(B)(3)); hit and run resulting in death (Section 56-5-1210(A)(3)); felony driving under the influence or felony driving with an unlawful alcohol concentration resulting in death (Section 56-5-2945(A)(2)); putting destructive or injurious materials on a highway resulting in death (Section 57-7-20(D)); obstruction of a railroad resulting in death (Section 58-17-4090); accessory before the fact to commit any of the above offenses (Section 16-1-40); and attempt to commit any of the above offenses (Section 16-1-80). Only those offenses specifically enumerated in this section are considered violent offenses.*

**12.3.2 Offenses in the violent offense statute with the offense characteristics listed below are considered the principal of the crime, thus making them violent:**

<b>OFFENSE CHARACTERISTICS</b>	<b>EFFECTIVE DATE</b>
Facilitation Of	6/3/86
Guilty But Mentally Ill	6/3/86

**Conspiracy to Traffic Drugs	6/3/86
*Conspiracy to Kidnap	6/3/86 - 1/11/95
***Assault with Intent to Commit	1/1/94
Accessory Before the Fact	6/3/86
Attempt to Commit	1/1/94
****Aiding and Abetting	6/7/95

**12.4 Parole Eligibility Guidelines:** Parole eligibility guidelines are established by S.C. Statute and are under the purview of the South Carolina Department of Probation, Parole, and Pardon Services. Generally, violent offenses occurring before January 1, 1996, carry a 1/3 parole eligibility with all other offenses carrying a 1/4 parole eligibility.

**12.5 "Most Serious" Offenses:** *Most serious offense* codes reflect the June 7, 1995, legislation. These offenses must be considered the principal of the crime carrying an offense characteristic of Facilitation of, Guilty but Mentally Ill, *or* Accessory to and Attempt to Commit.

**12.6 "Serious Offenses":** *Serious offenses* reflect the June 7, 1995, legislation. These offenses must be considered the principal of the crime, carrying an offense characteristic of Facilitation of, Guilty but Mentally Ill, Accessory Before the Fact, Accessory Before and After the Fact, or Attempt to Commit.

**12.7 "No Parole" Offenses:** *No Parole Offenses* reflect the June 7, 1995, legislation. These offenses must be considered the principal of the crime carrying an offense characteristic of Facilitation of, Guilty but Mentally Ill, Accessory Before and After the Fact, or Attempt to Commit.

**12.8 Release Calculation:**

**12.8.1 Sentence Type:** Each conviction has a sentence type that dictates the type of release.

- \* Straight-time sentence
- \* Youthful Offender Act sentence
- \* Life sentence
- \* Shock Incarceration
- \* Juvenile Adjudication.

**12.9 Conviction Status:** Each inmate conviction falls under a specific conviction status.

**12.9.1 Active Incarcerated:** Inmate is incarcerated and accruing credit toward the service of the incarcerative term.

**12.9.2 Active Probation:** The inmate's incarcerative term is satisfied, and the inmate is under probation supervision for the conviction.

**12.9.3 Active Parole:** Inmate is serving the conviction under parole supervision and is accruing day-for-day credit toward his sentence.

**12.9.4 Completed:** The inmate has maxed out his/her sentence and is released from custody from the specific sentence noted.

**12.9.5 Served:** The inmate has satisfied the conviction's incarcerative term but remains incarcerated to serve other convictions.

**12.10 Offense Date:** Date crime was committed. This date is relevant to calculating release eligibility date based upon changes specified in state statute.

**12.11 Sentence Start Date:** Date that the inmate began accruing credits toward satisfying the sentence.

**12.12 Sentence Structure:** Dictates the order in which a series of conviction terms are to be served. Sentences are either concurrent or consecutive.

**12.13 Statute Classification:** Indicates the violent/non-violent status of the current active convictions at the time of commission of the crime. If the offense was classified as non-violent at the time of commission, but was subsequently re-classified as violent, the "Statute Classification" will reflect non-violent.

**12.14 SCDC Classification:** Indicates the violent/non-violent status of all convictions (active and completed). If the inmate has at least one violent conviction, SCDC classification will *always* indicate violent. *The violent conviction can be a completed conviction from a previous incarceration.*

**12.15 Mandatory Service Requirement:** Type of conviction sentence that may not be reduced by work, education, or good time credits.

**12.16 Mandatory Parole Service Requirement:** Sentence that must be served prior to becoming eligible for parole. May or may not be reduced by earned work credits or educational credits, depending upon the offense and the date sentenced.

**12.17 Dead Time:**

- No credit is earned during dead time.
- Dead time refers to a break in service time accrual, to include:
  - Time between escape date and escape return date;
  - Time between release on appeal bond and return from appeal bond;
  - Time between issuance of a parole violation warrant and date the warrant is served.

**12.18 Jail Time:** Time served (usually at a county or city jail) prior to trial and sentencing pursuant to S.C. Statute 24-13-40.

**12.19 Statutory Good Time:** Time awarded for each month served based on an inmate's good behavior pursuant to S.C. Statute 24-13-210.

**12.20 Good Time Cycle Date:**

- The monthly good time cycle begins on the inmate's sentence start date.
- The good time cycle date is the day of the month that the 20 days earned for the month is awarded or forfeited. (Three [3] days for "no parole" offenders.)

**12.21 Forfeiture of Good Time:**

- Failure to earn good time for the monthly accrual period due to a disciplinary conviction.
- Two (2) or more infractions in the same month will not result in any more than one (1) 20-day forfeiture or a three (3) day forfeiture if serving an 85% non-parolable sentence.
- Good time is forfeited on the next cycle date after disciplinary conviction.

**12.22 Loss of Good Time:**

- Conviction of a rules violation may result in the loss of all or part of previously earned good time.
- Good time loss for any reason on or after June 3, 1986, cannot be restored. Restoration was discontinued on 6/3/87. At no time should an inmate's balance of good time fall below zero (0).
- When serving a consecutive sentence, good time earned during the service of a sentence in the consecutive structure cannot be lost or forfeited once that sentence is completed and the inmate has begun service on the other sentence(s) in the consecutive structure.

**12.23 Inmates NOT Eligible to Earn Good Time Credit:**

- Serving life sentence
- Death Row
- Youthful offender
- Community supervision revocators
- Firearms provision
- Habitual offender when specifically sentenced
- Adjudicated juvenile

**12.24 Extra Credits:** Credits for blood donations and certain services performed. (There are no current statutory provisions for these credits.)

**12.25 Escape:** If the inmate escapes, his/her cycle date is held in abeyance and continues upon return to SCDC.

**12.26 Parole:** When paroled, the inmate's good time cycle date resets. If the inmate's parole is revoked, the new good time cycle date is the date the inmate returns to custody.

**12.27 Service Time:** Inmate earns one (1) day credit for each day in SCDC and one (1) credit for each day under the supervision of SCDPPPS. Good time computation begins from the sentence start date.

**12.28 Incarcerative Service Time:** Actual time spent in SCDC or pre-trial detention time (JAIL TIME).

**12.29 Non-Incarcerative Service Time:** "Street time" for which service credits are awarded.

**12.20 Earned Work Credits/Earned Educational Credits:**

- Inmates can earn up to a maximum of 15 days credit per month and 180 days credit per year.
- Maximum EWC/EEC credit accrual of six (6) days per month for "no parole" offenses.
- Maximum yearly credit accrual of 72 days per year for "no parole" offenses. (Credits cannot apply towards the reduction of the 85% service requirement pursuant to S.C. Statute 24-13-230.)

**NOTE: EWC/EEC Coefficient:**

**12.30.1** Amount of credit earned per day.

**12.30.2** Depending on the length of time to serve until max out, the inmate's release date may or may not change if s/he is promoted to a higher EWC level. The inmate may have excess good time because s/he only needs a portion of the 20 days earned for the month but the 30 days must be served first in order to earn the 20 days good time.

LEVEL	DAYS WORKED	DAILY CREDIT	CREDIT PER MONTH		CREDIT PER YEAR	
			30 DAYS	30.42 DAYS	360 DAYS	365 DAYS
2	7	.50	15.0000	15.0000	180.0000	180.0000
2	6	.4285714	12.8571	13.037142	154.2852	156.4459
2	5	.3571482	10.7142	10.864285	128.5704	130.37142
3	7	.333	10.0000	10.14	120.0000	121.68
3	5	.2380952	7.1428	7.2428571	85.7142	86.914285
5	7	.2000	6.0000	6.084	73.0000	73.008
5	5	.1428571	4.2857	4.3457142	51.4285	52.148568
7	7	.1428571	4.2857	4.3457141	51.4285	52.148568
7	5	.102040	3.0612	3.1040815	36.7346	37.248918

**NOTE:** Work Credits are applicable toward the initial parole eligibility and max-out dates on straight time convictions.

**12.31 Full-Time Earned Education Credits:**

Level 2 = One (1) EEC for Each Two (2) Days Enrollment  
 Level 3 = One (1) EEC for Each Three (3) Days Enrollment  
 Level 5 = One (1) EEC for Each Five (5) Days Enrollment  
 Level 7 = One (1) EEC for Each Seven (7) Days Enrollment.

**12.32 Bonus Education Credits:**

**TRAINING HOURS:**

PER WEEK	BONUS CREDITS	PER DAY	BONUS CREDITS/MONTH		CREDITS PER YEAR	
			30 DAYS	30.42 DAYS	360 DAYS	365 DAYS
B4	4-7	.0571	1.713	1.7369	20.556	20.8428
B5	8-11	.0857	2.571	2.6069	30.852	31.2828
B6	12-14	.1142	3.426	3.4739	41.112	41.6868
B7	15+	.1428	4.284	4.343	51.408	52.116

**12.33 EWC/EEC Coefficient for 85% Non-parolable Sentence:**

**12.33.1** For offenses committed on or after January 1, 1996, classified by the statute as non-parolable, the following earning rates are stipulated by statute to the following levels of credit to be capped at six (6) credits a month and no more than 72 credits a year.

LEVEL-	DAYS WORKED-	CREDIT PER DAY	CREDIT PER MONTH	CREDIT PER YEAR
2	7	.1972386	6.000	72.000
2	6	.1972386	6.000	72.000
2	5	.1972386	6.000	72.000
3	7	.1972386	6.000	72.000
3	5	.1972386	6.000	72.000
5	7	.1972386	6.000	72.000
5	5	.1428571	4.3457142	52.148568
7	7	.1428571	4.3457141	52.148568
7	5	.1020408	3.1040815	37.248979

**12.34 Maxout Date Calculation Worksheet:**

**12.34.1** The Maxout Date Calculation Worksheet is used to compute/verify release dates for most inmate sentences. The Worksheet is attached to this policy as [Appendix](#)

**1, "Maxout Date Calculation Worksheet." Inmates serving 85% non-parolable sentences or other sentences requiring mandatory service time cannot be computed using this worksheet.**

**12.35 Instructions for Completing the Maxout Date Calculation Worksheet: The following instructions are specific steps concerning the verification of 360-365 projected date calculations.**

LINE/STEPS	EXPLANATION
1.	Sentence Length.
2.	Sentence Length in Days: If 365 calculation, # of years (x) 365; months (x) 30.42 days; day (x) 1. If 360 calculation, # of years (x) 360; months (x) 30 days; day (x) 1.
3.	Sentence Start Date (from <i>CONVICT</i> screen).
4.	Good Time Cycle Date: The initial good time cycle date is the same date of the month as the sentence start date. The cycle date is also the date when good time is awarded or forfeited.
5.	Service Credit (calendar days): Calendar date difference from sentence start date to next cycle date. (Recommend use of "read" screen, specifically "datediff.")
6.	Gross Good Time Credit--Good time credit earned from sentence start date to next cycle date. (20 days per cycle for 360/365 (parolable) offenses. Three (3) days per cycle for 85% non-parolable.)
7.	Good Time Forfeited: Total good time forfeited as a result of a disciplinary conviction or escape. Inmates will not earn or "forfeit" 20 days or 3 days (if non-parolable) for any good time cycle in which a disciplinary conviction/escape occurred.
8.	Good Time Lost: Total good time lost as a result of disciplinary convictions. Inmates can lose previously earned good time credit as a result of a disciplinary conviction. All or part of previously earned good time credit may be lost. (Good time will never be taken to a negative balance.)
9.	Total Good Time Credit Earned as of next cycle: Subtract good time lost/forfeited from the total earned (Subtract line 7 and 8 from line 6). (Good time will never be taken to a negative balance.)
10.	Earned Work Credit:

	Total earned work credit earned from sentence start date to the next cycle date.
11.	Earned Education Credits:  Total earned educational credits earned from sentence start date to the next cycle date.
12.	Earned Extra Credits:  Inmates with service periods prior to the institution of good time credits and EWC were allowed credits for blood donations and certain other services performed. Credits are listed on the "Date" and "Convict" screen.
13.	Total Credits:  Total service credits (line 5), good time credit (line 9), earned work credit (line 10), earned educational credit (line 11), and earned extra credits (line 12).
14.	Next Cycle Date:  Next cycle date from line 4.
15.	Remaining Time to Earn as of Next Cycle Date:  Total remaining to earn as of next good time cycle date. Subtract line 13 (total credits) from line 2 (sentence length in days).  NOTE: If line 15 is a negative number, change line 4 to previous cycle date and recomputed from line 4.
16.	Average Monthly Accrual Rate:  Total credits earned per month. Service credit will be 30.42 for 365-day calculation, 30 for 360-day calculation.
17.	Good Time:  Good time monthly accrual rate is 20 days for all eligible inmates. Inmates convicted of non-parolable 85% sentences receive 3 days good time per month.
18.	Earned Work Credit:  Monthly EWC accrual rate on current EWC level, based on 30.42/30 service credit.
19.	Earned Education Level:  Monthly EEC accrual rate on current EEC level, based on 30.42/30 service credit.
20.	Total Monthly Accrual Rate:

	Total service credit (line 16), good time credit (line 17), earned work credit (line 18), and earned educational credit (line 19) earned per month on current levels.
21.	<p>Divide Line 15 by Line 20.</p> <p>Divide remaining time to satisfy sentence by total monthly accrual to determine the estimated number of cycles to complete sentence. Whole cycle months on line 21.</p>
22.	Fraction remainder (days) from line 21 to complete sentence.
23.	Next cycle date from line 14.
24.	Add estimated cycles (months), from line 21, needed to satisfy sentence to next cycle date.
25.	Estimated final (last) cycle date (Line 23 + Line 24, Month by Column = Line 25).
26.	Next cycle date from line 23.
27.	Estimated final cycle date from line 25.
28.	<p>Calendar Days Service Credit:</p> <p>Actual calendar days from next cycle date (line 26) to estimated final cycle to complete sentence (line 27). Use "datediff" screen.</p>
29.	<p>Good Time Credit:</p> <p>Projected good time earned from next cycle date to estimated final cycle. Use "datediff" screen.</p>
30.	<p>Earned Work Credit:</p> <p>Projected earned work credit. Use "datediff" screen.</p>
31.	<p>Earned Educational Credit:</p> <p>Projected education credit. Use "datediff" screen.</p>
32.	<p>Total Projected Credits:</p> <p>Sum of service credit projected good time/earned work credit and earned education credit (Sum of lines 28 - 31).</p>
33.	<p>Remainder of Line 15 minus Line 32.</p> <p>Note: If line 33 is greater than the amount that can be earned during the last monthly cycle, add 1 to line 21. Recompute starting at line 21.</p> <p>Total days remaining to satisfy sentence.</p>
34.	Daily accrual rate - 1 day service time.

35.	EWC Coefficient:  Daily accrual rate of earned work credit.
36.	EEC Coefficient:  Daily accrual rate of earned educational credit.
37.	Total daily accrual rate:  Sum of daily service credit, EWC, and EEC earned on current level.
38.	Divide line 33 by line 37. Divide days remaining to satisfy by daily accrual rate to determine number of days that it will take the inmate to complete sentence at current daily accrual rate.
39.	Estimated final cycle date from line 27.
40.	Add days remaining to satisfy sentence (line 38).
41.	Sum total of remaining calendar days to serve and final cycle (Line 39 + Line 40 = Line 41).
42.	Projected maxout release date.  Note: Line 42 is the lesser of line 41 or the next cycle date from line 39, i.e. Line 39 plus 1 month.

**Note:** If the inmate has any breaks in service, complete a Break in Service form (up to 2 breaks per form). The total from line 15 will then be transferred to line 2 of the Maxout Date Calculation Worksheet.

**Note:** Line 3, the sentence start date, will be the date the inmate was returned to SCDC Jurisdiction. The next cycle date will be determined from line 3.

### **13. SEX OFFENDER BACKGROUND:**

**13.1** The Sex Offender Registry was implemented when Chapter 3, Title 23, of the 1976 edition of the South Carolina Code of Laws was amended to add Article 7. The original law was enacted June 30, 1994, and became effective July 1, 1994.

**13.2** The Sex Offender Registry provides law enforcement with information for investigating criminal offenses and tracking identified convicted sex offenders. The Registry makes demographic information available regarding the location and physical description of persons convicted of certain offenses. Information contained in the Registry is made available to every law enforcement agency in the State of South Carolina and in other states for criminal justice purposes.

**13.3** The Registry is under the direction of the Chief of the State Law Enforcement Division (SLED). SCDC, the Department of Juvenile Justice, the Department of Probation, Parole,

and Pardon Services, The Department of Mental Health, and the County Sheriffs work with SLED to ensure the security of all Registry information.

#### **14. SEX OFFENDER REGISTRY PROCEDURES:**

**14.1:** Any person, regardless of age, residing in the State of South Carolina and/or who attends any school in this State, who has been convicted of, adjudicated delinquent for, pled guilty or nolo contendere to an offense described below, or who has been convicted, adjudicated delinquent, pled guilty or nolo contendere in any comparable court in the United States, or who has been convicted, adjudicated delinquent, or pled guilty or nolo contendere in the United States federal courts of a similar offense, or who has been convicted of, adjudicated delinquent for, or pled guilty or nolo contendere to an offense for which the person was required to register in the state where the conviction or plea occurred, shall be required to register.

**14.2** Upon entering the Registry information, SLED will send SCDC a reply via NCIC acknowledging receipt of the Registry entry, will indicate the inmate's Sex Offender Registry Number (SRS), and will confirm that the appropriate county has been notified. This receipt will be kept on file in the Inmate Records Office.

**14.3** If the inmate plans to live out of state, an administrative courtesy message will be sent by SLED to the Sheriff of the county of the state in which the inmate plans to reside (via NCIC). The message will contain commitment information and the address and phone number of the residence where the inmate plans to live.

**14.4 Offenses Requiring Registry:** An inmate will be required to register as a sex offender at the time of release if convicted of any of the following offenses:

- Criminal Sexual Conduct, First Degree - Section 16-3-652;
- Criminal Sexual Conduct, Second Degree - Section 16-3-653;
- Criminal Sexual Conduct, Third Degree - Section 16-3-654;
- Criminal Sexual Conduct with Minors, First Degree - Section 16-3-655(A);
- Criminal Sexual Conduct with Minors, Second Degree - Section 16-3-655(B) *(If evidence is presented at the criminal proceeding and the court makes a specific finding (in the Court's Order) on the record that the conviction obtained for this offense resulted from consensual sexual conduct or consensual sexual conduct as contained in Section 16-3-655(B)(2), provided the offender is 18 years of age or less, or consensual conduct between persons under 16 years of age, the convicted person is not an offender and is not required to register pursuant to the provisions of this article);*
- *Criminal Sexual Conduct with Minors, Third Degree - Section 16-3-655(C);*
- Kidnapping - Section 16-3-910;

**NOTE:** The offender will not be required to register if there is a specific finding by the Court not to register (must be stated on the Court Order). *Effective June 18, 1996, there was no requirement for an inmate who had been convicted of Kidnapping or Conspiracy to Kidnap pursuant to Section 23-3-430 or Indecent Exposure pursuant to Section 23-3-430(C)(14) to register unless ordered by a Judge. However, effective June*

*12, 1998, Kidnapping or Conspiracy to Kidnap again became Registry Offenses unless otherwise court ordered not to register as provided for in statute;*

- Engaging a Child for Sexual Performance - Section 16-3-810;
- Producing, Directing, or Promoting Sexual Performance by a Child - Section 16-3-820;
- Criminal Sexual Conduct: Assault with the Intent to Commit - Section 16-3-656;
- Incest - Section 16-15-20;
- Buggery - Section 16-15-120;
- Committing or Attempting Lewd Act Upon a Child Under Sixteen - Section 16-15-140;
- Voyeurism 16-17-470;
- Aggravated Voyeurism or Peeping - Section 16-17-470;
- Violations of Article 3, Chapter 15, of Title 16 felonies involving a minor:
  - Hiring, Employing, Using, or Permitting a Person Under 18 to do Anything Defined in Statutes as Obscene - Section 16-15-335;
  - Disseminating Obscene Material to Person Under Age Eighteen Prohibited - Section 16-15-345;
  - Disseminating Obscene Material to Minor Twelve Years of Age or Younger Prohibited - Section 16-15-355;
  - Disseminating Harmful Material to Minors and Exhibiting Harmful Performance to Minors - Section 16-15-385;
  - Unlawful to Employ Persons Under Eighteen to Appear in a State of Sexually Explicit Nudity - Section 16-15-387;
  - Sexual Exploitation of a Minor, First Degree - Section 16-15-395;
  - Sexual Exploitation of a Minor, Second Degree - Section 16-15-405;
  - Sexual Exploitation of a Minor, Third Degree - Section 16-15-410;
  - Promoting Prostitution of a Minor - Section 16-15-415;
  - Participating in Prostitution of a Minor - Section 16-15-425;
- *A person, regardless of age, who has been convicted, adjudicated delinquent, or pled guilty or nolo contendere in this State, or who has been convicted, adjudicated delinquent, or pled guilty or nolo contendere in a comparable Court in the United States, or who has been convicted, adjudicated delinquent, or pled guilty, or nolo contendere in the United States federal courts of indecent exposure or of a similar offense in other jurisdictions is required to register pursuant to the provisions of this article if the Court makes a specific finding on the record that based on the circumstances of the case the convicted person should register as a sex offender;*
- Failing to Register - Section 23-3-470 (Although this offense is not listed in the Sex Offender Registry statute, it is internally flagged as such to ensure appropriate pre-registration, upon release, for the Sex Offender Registry offense that precipitated the original Sex Offender Registry obligation.);
- *Trafficking in Persons - Section 16-3-930;*
- Sexual Battery of a Spouse - Section 16-3-615;
- Criminal Sexual Battery When Victim is Spouse - Section 16-3-658;
- Sexual Intercourse With a Patient or Trainee - Section 44-23-1150;
- *Criminal Solicitation of a Minor, as provided in Section 16-15-342, if the purpose or intent of the solicitation or attempted solicitation was to: a) persuade, induce, entice, or*

*coerce the person solicited to engage or participate in sexual activity as defined in Section 16-15-375(5); or b) perform a sexual activity in the presence of the person solicited;*

- Administering, distributing, dispensing, delivering, or aiding, abetting, attempting, or conspiracy to administer, distribute, dispense, or deliver a controlled substance or Gamma Hydroxy Butyrate (GHB) to an individual with the intent to commit a crime listed in Section 44-53-370 (f), except petit larceny or grand larceny;
- *Any other offense specified by Title I of the federal Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA).*

*14.5 Upon conviction, adjudication of delinquency, guilty plea, or plea of nolo contendere by a person of an offense not listed in 14.4, the presiding judge may order as a condition of sentencing that the person be included in the Sex Offender Registry if good cause is shown by the solicitor.*

**14.6 Attempts to Commit an Accessory Before the Fact of a Sex Registry Offense are considered Sex Offender Registry offenses. Also, Assault with Intent to Commit offenses in Section 16-3-652, 653, 654 and 655 (1st and 2nd degrees) are considered Sex Offender Registry Offenses.**

**14.7 Any orders dealing with a Rape conviction (which do not specify Criminal Sexual Conduct, any degree) must be forwarded to the Office of General Counsel for further interpretation to determine if the Registry requirement will apply.**

***14.8 Inmates required to register for the month will be listed on the "Tentative Release Screen," under the "MAXREL" menu. Designated staff will enter information into the Sex Offender Register Tool (SORT), and will have the inmate sign and date SCDC Form 18-13, "Notice of Sex Offender Registry." The original copy of the registry form, along with a current frontal photograph of the inmate will be forwarded to the Inmate Records Release Section by the 10th of the month prior to the month in which s/he is to be released. The Registry will be maintained by the Inmate Records Office as part of the inmate's permanent record.***

**14.9 Prior to the release of an inmate who is required to register as a sex offender, SCDC will notify (via NCIC) SLED and the Sheriff of the county where the offender intends to reside [Section 23-3-440(1) of S. C. Code of Laws] that s/he is being released. SCDC will provide to SLED the registry information regarding the offender prior to his/her release from imprisonment. An NCIC message will be sent by SLED to the Sheriff's Office of the appropriate state when any inmate indicates s/he plans to reside outside of South Carolina.**

**14.10 If the Inmate Refuses to Sign the "Notice of Sex Offender Registry": The witness will give the inmate the verbal and written notification of the requirement to register. If the inmate refuses to sign, two (2) witnesses will then sign the form and indicate that instructions were given but inmate refused to sign.**

**14.11 If the Inmate Refuses or is Unable to Provide an Address: The institution will indicate what is known about the inmate's plans for remaining or leaving the State of South Carolina**

on the form. The institution will notify the inmate to register in the county where the crime was committed and immediately notify the Inmate Records Release Section for further instructions and authorization to release the inmate.

**14.12** When Registry Documents are Received: When Registry documents are submitted to the Inmate Records Office, the Release Section staff will enter the data and transmit the information to SLED through the *Offender Watch System*. Normally, this will be completed within five (5) days prior to release. The inmate's release date will be entered. If the release is canceled or rescheduled, the Release Section staff will cancel the registration. Inquiries regarding previous registration and registry information will be accessed through the SLED automated tracking system by the Inmate Records Office.

**14.13** Registration Prior to Release: Under no circumstances will a sex offender who is required to register be released from SCDC without proper registration forms and photos having been received by the Inmate Records Office from the releasing institution and official notifications having been made by Inmate Records Office prior to release. The only exception would be those S.C. inmates serving time in other states/jurisdictions whose S.C. time will be satisfied before satisfying the service time from the other state.

**14.14** Monthly Drop List: In addition to notifying SLED and the Sheriff of the county where the inmate is to reside, on or about the 20th of the month, a copy of the "Monthly Drop List" will be posted on the "South Carolina State-Wide Offender Record Database" (SWORD) website. This list will identify all inmates who will be released the following month. The Monthly Drop List will also contain a separate list specifying those sex offenders required by law to register and the county in which they are to reside/register, etc.

**15. SEXUALLY VIOLENT PREDATOR ACT:** The Sexually Violent Predator Act was enacted June 5, 1998, and affects persons serving a sentence for any offense set forth in Section 44-48-30(2) as well as any person who is convicted of a sexually violent offense on or after the effective date of the Act. The Act states that a Sexually Violent Predator is a person who has been convicted of a sexually violent offense under Section 44-48-30 and suffers from a mental abnormality or personality disorder that makes a person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment. For purposes of those inmates incarcerated in SCDC, the Act specifies that:

**15.1** SCDC will give written notice to the Sexual Predator Multi-Disciplinary Team (representatives from the SCDC, the South Carolina Department of Probation, Parole, and Pardon Services, the South Carolina Department of Mental Health, a retired judge appointed by the Chief Justice, and the Chief Attorney of Appellate Defense or his designee) and the Attorney General at least **270** days prior to the anticipated release of a person convicted of a sexually violent offense. This excludes persons who have returned to prison with either considerable jail time or other circumstances that affect their release, resulting in a release date less than **270** days from the admission date. Written notice in these cases must be given as soon as practical following readmission to SCDC.

**15.2** The Sexual Predator Multi-Disciplinary Team (SPMDT) will review the records of each person referred and within 30 days assess whether or not the person satisfies the definition of a sexually violent predator. Appropriate reports will be forwarded to the Prosecutor's Review Committee.

**15.3** The Prosecutor's Review Committee is appointed by the Attorney General. The Committee will review the reports received from the SPMDT and determine within 30 days whether or not probable cause exists to believe the person is a sexually violent predator. When it is determined that probable cause exists, a petition will be filed by the Attorney General with the Court in the jurisdiction where the offense was committed. The petition must state sufficient facts that would support a probable cause allegation.

**15.4** If the Court determines that probable cause exists, the person must be taken into custody, if not already confined.

**15.5** A probable cause hearing will be held within 72 hours after the person has been taken into custody. At the hearing, the Court will verify identity, receive evidence, hear arguments from the person and the Attorney General, and determine whether probable cause exists.

**15.6** If the Court finds that there is probable cause to believe that the person is a sexually violent predator, the Court will direct that the person be transferred to an appropriate secure facility for an evaluation as to whether or not the person is a sexually violent predator.

**15.7** Within 60 days after the completion of the probable cause hearing, the Court will conduct a trial. If determined beyond a reasonable doubt that the person is a sexually violent predator upon his release from SCDC, the person must be committed to the custody of the South Carolina Department of Mental Health for control, care, and treatment until such time as the person's mental abnormality or personality disorder has so changed. As authorized by statute, the Department of Mental Health has entered into an interagency agreement with SCDC in which the Edisto Unit at Broad River Correctional Institution has been identified to house these persons.

**15.8** A committed person under this chapter will have an annual examination of his/her mental condition.

**15.9** SCDC Procedures:

**15.9.1** The commitment order will identify the inmate as a "sexual predator," either explicitly stated by the Judge, or implicitly classified as a sexual predator by the convicted offense.

**15.9.2** Upon admission to SCDC, the Offender Management System will auto load the word "Pending" on the conviction screen for all inmates incarcerated with a sexually violent offense. The R&E Records Section will enter an indicator into SCDC's automated system, identifying the inmate as a sexual predator when the Judge so orders.

**15.9.3** The Inmate Records Office will generate a listing of those inmates with a sexual predator offense indicator **270 days** prior to maxout by accessing the SexPred program. Youthful Offenders will be referred to the Inmate Records Office by the **Young Offender Parole and Reentry Services** Division or by the Sex Offender Treatment staff/classification case manager at Turbeville. Shock Program participants will be referred by either the **Young Offender Parole and Reentry Services** Division or Shock Program staff.

**15.9.4** It will be the responsibility of the South Carolina Department of Probation, Parole, and Pardon Services, the Juvenile Parole Board, and the Young Offender **Parole and Reentry** Services Division to provide in writing to the Inmate Records Office the names of those inmates with a sexual predator indicator to be paroled or conditionally released. The parole and/or conditional release of straight timers will be granted effective **180** days after the date of the order granting parole and/or conditional release.

**15.9.5** When the Inmate Records Office generates the listing **270** days prior to an inmate's release, a cover memo will be sent to the appropriate institution requesting the inmate's residence plans upon release be entered into the SEXPREP screen on the CRT.

**15.9.6** Effective January 21, 2003, the SCDC General Counsel determined that offenders who have completed serving their sex predator offense prior to the passage of the Sexually Violent Predator Act (06/05/98), but have not been released from total confinement and are serving a non-sex predator offense, will be reviewed by the Multi-Disciplinary Team.

**15.9.7** Effective January 31, 2000, offenders who are serving sex predator offenses and are eligible for Supervised Furlough (SF) consideration will be reviewed by the Multi-Disciplinary Team six (6) months prior to their SF eligibility dates.

**15.9.8** After the SPMDT reviews the appropriate cases, a CRT entry will be made on the SEXPREP screen indicating the disposition. Additional entries will be made after the Prosecutor's Review Committee reviews the referrals, when the Court makes disposition, etc.

**15.10 Offenses Requiring Sexually Violent Predator Indicator:** An inmate's conviction screen will have a sexual predator indicator ("Pending") if convicted of any of the following offenses:

- Criminal Sexual Conduct, First Degree - Section 16-3-652;
- Criminal Sexual Conduct, Second Degree - Section 16-3-653;
- Criminal Sexual Conduct, Third Degree - Section 16-3-654;
- Criminal Sexual Conduct with Minors, First Degree - Section 16-3-655(A);
- Criminal Sexual Conduct with Minors, Second Degree - Section 16-3-655(B);

- ***Criminal Sexual Conduct with Minors in the Third Degree, as provided in Section 16-3-655(C);***
- **Assault with Intent to Commit Criminal Sexual Conduct - Section 16-3-656;**
- **Engaging a Child for Sexual Performance - Section 16-3-810;**
- **Producing, Directing, or Promoting Sexual Performance by a Child - Section 16-3-820;**
- **Incest - Section 16-15-20;**
- **Buggery - Section 16-15-120;**
- **Committing or Attempting Lewd Act Upon a Child Under Sixteen - Section 16-15-140;**
- **Violations of Article 3, Chapter 15, of Title 16 felonies involving a minor:**
  - **Permitting Minor to Engage in any Act Constituting Violation of this Article Prohibited - Section 16-15-335;**
  - **Disseminating Obscene Material to Person Under Age Eighteen Prohibited - Section 16-15-345;**
  - **Disseminating Obscene Material to Minor Twelve Years of Age or Younger Prohibited - Section 16-15-355;**
  - **Disseminating Harmful Material to Minors and Exhibiting Harmful Performance to Minors - Section 16-15-385;**
  - **Unlawful to Employ Persons Under Eighteen to Appear in a State of Sexually Explicit Nudity - Section 16-15-387;**
  - **Sexual Exploitation of a Minor, First Degree - Section 16-15-395;**
  - **Sexual Exploitation of a Minor, Second Degree - Section 16-15-405;**
  - **Sexual Exploitation of a Minor, Third Degree - Section 16-15-410;**
  - **Promoting Prostitution of a Minor - Section 16-15-415; and/or**
  - **Participating in Prostitution of a Minor - Section 16-15-425.**
- **Any offense for which the Judge makes a specific finding on the order that based on the circumstances of the case, the offender's offense will be considered a sexually violent offense.**
- ***Criminal solicitation of a minor, as provided in Section 16-15-342, if the purpose of intent of the solicitation or attempted solicitation was to: (a) persuade, induce, entice, or coerce solicited to engage or participate in sexual activity as defined in Section 16-15-375(5); or (b) perform a sexual activity in the presence of the person solicited.***
- **All Attempts to Commit, Guilty but Mentally Ill and Accessory Before the Fact of any crimes enumerated above and Assault with Intent to Commit offenses in Sections 16-3-652, 653, 654, and 655 (1st and 2nd degrees) are considered sexual predator offenses pursuant to Section 44-48-30 of the Code of Laws of South Carolina.**
- **The crime of Rape may also fall into this statute pursuant to this Act.**

## **16. STATE DEOXYRIBONUCLEIC ACID (DNA) IDENTIFICATION RECORD DATABASE ACT:**

**16.1 Background: The State DNA Identification Record Database Act (SC Statute 23-3-620) became effective July 1, 1995, and allows for DNA profiles to be developed for law enforcement and humanitarian purposes. Testing began on May 14, 1999.**

### **16.1.1 Other landmark dates involving amendments to the DNA Law:**

- **08/18/00 - The addition of all statutory violent offenses, except Drug Trafficking and Arson 1<sup>st</sup> or 2<sup>nd</sup> Degree, and several non-violent offenses as DNA offenses.**
- **08/31/01 - The addition of Burglary 2<sup>nd</sup> Degree (Non-Violent) as a DNA offense. The statute was amended to expand the list of DNA offenses to include any offender convicted or adjudicated delinquent of any offense classified as a felony, or any other offense that carries a maximum term of imprisonment of five years or more, or peeping or eavesdropping.**

**16.2 The DNA database is administered under the direction of the State Law Enforcement Division (SLED). SCDC, the Department of Juvenile Justice, the Department of Probation, Parole and Pardon Services, and county Sheriffs work with SLED to ensure the security and implementation of the DNA database.**

### **16.3 SCDC DNA Procedures:**

**16.3.1 Any person incarcerated in SCDC who has been convicted of or who has pled guilty or nolo contendere to any of the offenses identified in the DNA Statute, will be required to provide a blood sample for inclusion into the State DNA Database.**

**16.3.2** Upon conviction information being entered onto the "Convict" screen, SCDC medical personnel are advised, via the automated Medical Encounter screen, that the inmate requires a DNA sample to be taken.

**16.3.3** Once taken, SCDC medical personnel label all vials of blood to ensure its accurate assimilation into the SLED DNA Database after it is transferred to SLED.

**16.3.4** The DNA law also specifies a \$250.00 fee the inmate must pay in addition to submitting a blood sample. This agency will make all attempts to collect this fee from the inmate prior to his/her release. The processing fee assessed pursuant to this section must be remitted to the general fund of the State and credited to SLED to offset SLED expenses. SCDC Form 18-15, "DNA Notice & Payment Procedures," will be used to document notification to the inmate of the DNA test requirement and the procedures that will be used to collect the \$250.00 fee.

### **16.4 Offenses Requiring a DNA Blood Sample:**

**16.4.1** An inmate will be required to submit a blood sample for the DNA Database if he/she has been convicted or adjudicated delinquent and currently serving a felony offense or any other offense that carries a maximum term of imprisonment of five years or more or peeping or eavesdropping.

**16.5** The Inmate Records Release Section will notify institutions, via the automated "MAXREL" system, specifically "Sex/DNA screen," which inmates still need a DNA blood sample drawn prior

to his/her release. For all other inmates not within 60 days of release, DNA status may be retrieved via the "DATES" or "PARREV" screens.

**16.6** Inmates requiring "DNA blood draws" should immediately be reviewed by the Classification Caseworker to ensure automated information is correct and once established, forward immediately to Medical for the blood draw.

**16.7** Under no circumstances is an inmate to be released prior to the blood sample being drawn and documented by the medical staff in the Medical Encounter screen, regardless of whether inmate is being released to max-out or parole.

**16.8** While the inmate will continue to be reflected on the "MAXREL," "Tentative Release" screen, they will never appear on the "Authorized Release" screen until the Medical Encounter screen is completed by the medical staff.

**16.9** For parole purposes, the "DATES" screen should be reviewed to ensure that blood has been drawn.

**17. RELEASE PROCEDURES: Types of Release and Decision Authority:** An inmate will be released from the custody of SCDC when s/he satisfies the conditions for release under one (1) of several methods as provided by statute. The Inmate Records Office's responsibility for processing releases differs by type of release. The following describes these responsibilities and releasing authorities for their execution.

**17.1 Maxout (Expiration of Sentence):** A mandatory, unconditional release administered by SCDC which occurs when the sum of service time and total credits equals or exceeds the incarcerative term on all convictions. The Inmate Records Office will identify inmates satisfying release conditions, audit the manual and automated records, and notify SCDC institutions (via the automated system) to release the inmate.

**17.2 Maxout with Probation:** A mandatory, conditional release administered by SCDC whereby an inmate is released to the supervision of SCDPPPS upon expiration of the incarcerative terms of all convictions, at least one (1) of which has an unserved probation requirement. The Inmate Records Office will identify inmates satisfying release conditions, audit the manual and automated records, and notify institutions, SCDPPPS, County Sheriffs, Clerks of Court, Solicitors, and other Criminal Justice personnel via the automated system. SCDPPPS may inquire via the internet website.

**17.3 Maxout with Community Supervision:** A mandatory conditional release administered by SCDC whereby an inmate is released to Community Supervision under SCDPPPS upon serving a mandatory minimum percentage of his/her sentence *with or without parole eligibility*. The Inmate Records Office will identify inmates, coordinate obtaining an address at which s/he will reside upon release, ensure that all time has been satisfactorily served, audit the manual and automated records, and notify institutions via *the* automated system to release inmate on a specified date. The inmate cannot be released without a Community Supervision Certificate from SCDPPPS Parole Examiner unless authorized by the *Release Section* of the Inmate Records Office.

**17.4 Supervised Furlough IIA:** An early release administered by SCDC in coordination with SCDPPPS. SCDPPPS administers the supervision of these inmates. The inmate may be released up to six (6) months prior to his/her maxout date. However, s/he must have been in SCDC at least six (6) months, must not have been convicted of a disciplinary within last six (6) months prior to early release eligibility date, and is eligible for SFIIA if s/he committed the crime or was convicted between June 14, 1983, and June 13, 1993, on his/her dominant offense for which s/he is currently serving. The inmate cannot be released from his/her facility/institution until the parole examiner provides the inmate with a Supervised Furlough Release Certificate.

***17.5 Supervised Reentry: A mandatory early release administered by SCDC in coordination with SCDPPPS. SCDPPPS administers the supervision of these inmates. The inmate shall be released six (6) months prior to his/her maxout date provided that his/her offense date is on or after January 1, 2011, and that s/he has served at least two (2) years from the sentence start date, must be parole eligible, cannot have Community Supervision upon release, and cannot have more than six (6) months probation to serve upon release. The inmate cannot be released without a Supervised Reentry Certificate from the SCDPPPS Parole Examiner unless authorized by the Release Section of the Inmate Records Office.***

**17.6 Parole by SCDPPPS:** A conditional release administered by SCDPPPS. When service time, EWC, and/or EEC meet or exceed the parole requirements on each conviction, the Parole Board has conducted the review, and an approval entry is entered on the Parole Review (PARREV) screen. Since it is *an* SCDPPPS authorized release, SCDPPPS will handle all release coordination, to include coordinating all releases to detaining authorities in which a hold, wanted, or notify has been placed. SCDC's responsibility will be limited to providing data processing reports. The inmate cannot be released from the facility/institution until the parole examiner provides the inmate with a Parole Certificate.

**17.7 Provisional Parole:** A conditional release approved and administered by SCDPPPS. Inmates can be released to this program 90 days prior to their parole eligibility date under the supervision of SCDPPPS. These inmates are selected to fill slots for a parole hearing session. Inmates switch to "parole" status on their actual parole eligibility date. The same conditions for release as parole applies. The inmate cannot be released from the facility/institution until the parole examiner provides the inmate with a Provisional Parole Certificate.

**17.8 YOA Parole:** The conditional release of an inmate sentenced under the Youthful Offender Act is administered by SCDC. Parole will be based on the inmate's participation in educational and treatment programs, progress, overall adjustment, and behavior. For additional information refer to SCDC Policy ***OP-22.39, "Young Offender Parole and Reentry Services (YOPRS)."*** **Institutions cannot release these inmates until their YOA Parole Certificates are received from the Division of Young Offender Parole and Reentry Services. The Division of Young Offender Parole and Reentry Services administers YOA supervision for these inmates.**

**17.9 Release per Court Order:** When court orders are received for mandatory release of an inmate, the Inmate Records Office will ensure that the following actions are taken:

**17.9.1 Sentence Remanded/Vacated:** A release which results from a sentence that is overturned in the State Supreme Court, an Appeals Court, or a General Sessions Court due to an inmate having filed a Post Conviction Relief (PCR) or other appeal. The inmate will be released to the county to await re-sentencing by the Court unless s/he has won an appeal to be released to the "streets" and there are no other sentence obligations. While an audit will be completed, the decision is based on the Court Order and appeals by the Attorney General's Office. The Inmate Records Office will be responsible for verifying the authenticity of the Court Order *through the Office of General Counsel*.

**17.9.2 Post Conviction Relief:** When the inmate claims the conviction is invalid due to certain constitutional violations. While the Inmate Records Office will do an audit, the decision is based on the Court Order and appeals by the Attorney General's Office. The Inmate Records Office will be responsible for verifying the authenticity of the Court Order *through the Office of General Counsel*.

**17.9.3 Paid Fine/Discharge:** The inmate has paid a fine requirement as stipulated on the commitment order at the time of sentencing for the conviction which considers the conviction's incarcerative term satisfied, and, if paid, the inmate is released from custody. While an audit will be completed, the decision is based on the Court Order. The Inmate Records Office will be responsible for verifying the authenticity of the Court Order.

**17.9.4 Appeal Bond:** The inmate is released on a bond and is pending an appeal of a conviction. If the appeal is denied, the inmate returns to SCDC custody. The decision to release an inmate on bond is based on the Court Order and must cover all indictments/warrants for which the inmate is serving time. The Inmate Records Office will be responsible for verifying the authenticity of the Court Order *through the Office of General Counsel*.

**18. RELEASE AUDITS:** Prior to the release of an inmate from SCDC, appropriate audits must be completed. These audits will consist of a manual audit of the inmate central record and the Automated Offender Management System by Records Analysts in the Inmate Records Office.

**18.1 Inmate Records Manual Release Audit:** A record manual audit consists of a Records Analyst comparing all information in the central record with the information entered in the automated system for accuracy. The following are steps for the audits detailing the screens and the documents to be compared:

**18.1.1** Pull the selected record and verify the following on the CONVICT screen:

- indictment numbers;
- warrant number;
- County;
- sentencing Judge;
- offense (violent or non-violent);
- length of sentence;
- probationary sentence and suspended time (if applicable);

- date sentenced;
- sentence start date (jail time);
- consecutive or concurrent structure;
- any special instruction noted on the sentencing sheet by the Judge or Magistrate; (This is especially important on probation sentences) and
- mandatory service time and parole eligibility.

**18.1.2** Use the DATES screen to verify the maxout date, parole date, good time, service time, EWC, and EEC. Parole eligibility is 1/3 of sentence for violent offenders and 1/4 of sentence for non-violent unless the offense is a "no parole" offense.

**18.1.3** On sentences suspended with probation, parole is calculated on the TOTAL SENTENCE, not actual incarcerative time to serve.

**18.1.4** Any corrections made to the CONVICT screen will be documented on the TEXT screen. If there are no corrections, the date of the audits and the records analyst's initials will be entered.

**18.1.5** Information regarding changes to the CONVICT screen will also be entered on the RECAUD screen that can be accessed by any institution/division. The name of the auditor making changes and the date of change will be created on the screen.

**18.2 Inmate Records Automated System Release Audit:** An automated system release audit consists of a Records Analyst reviewing the following Offender Management System Screens to ensure that all relevant data correlates in order to justify the inmate's release from SCDC on the date calculated/projected.

VERIFICATION	SCREENS	ACTION REQUIRED
Transfer History	TRANCNT	Verify status and change reason, and look for new sentences, escapes, parole and probation revocations, SF/EPA violations, lock-up status due to investigations, and transfers to court.
Escapes - AWOL	CONVICT	If the inmate was convicted, ensure that the sentence(s) is entered as consecutive as mandated by the statute (unless otherwise ordered by the sentencing judge), and ensure that entry of dead time if the warrant was issued and the date the warrant was served are different.
Parole/Probation Revocations	CONVICT	Sentences should be activated if parole or probation is violated. Sentence could still be on probation/parole status while serving another incarcerative sentence. Assess status.
Lock-up	DISC	Disciplinary must be dropped or disposed of before inmate can be released. If a parole revocation, ensure entry of warrant issue date and warrant served date. Verify dead time.
SF Violators	DISC	Ensure entry on disciplinary screen. SF violation is an automatic forfeiture of 20 days good time.
EPA Violators	TRANCNT	EPA violation is retroactive dead time from the date assigned to EPA to date returned to custody. Ensure entry on TRANCNT screens.

Absent with Leave to Court	CONVICT	Look for new conviction entries. Inmate may have received a new sentence while out to court. Call Clerk of Court's Office to obtain new commitment orders if necessary.
Probation Revocation with New Sentence	CONVICT TRANCNT	Ensure conviction status of original sentence is marked "revoked" and new sentence is entered. Entry is made on CONVICT text.
Parole Revocation with New Sentence	CONVICT	Ensure conviction status of paroled sentence is reactivated and new sentence is entered and entry is made on CONVICT text. Ensure entry of warrant issue date and warrant served date. Verify dead time.
New Sentence without Parole Revocation	TRANCNT CONVICT	Ensure entry of warrant issue date, warrant served date. Check for dead time. Make sure new sentence is entered and entry is made on CONVICT text.
Detainers	DETAIN	Check for detainers. Make sure detainers are not for current sentence serving.
Dates	DATES PF5	Verify the inmate's total and current sentence serving. Current sentence start date, and projected maxout date. Verify current projected maxout date, current sentence start date and projected maxout date. Verify current projected maxout date. Note change reason on date change.
Conviction Summary	CONVICT	Verify convictions or sentence serving. Ensure parole revoked sentences have been activated on the CONVICT screen. Ensure sentence consecutive structure is correct.
If Sentence is Consecutive	CONVICT	Look at consecutive structure to ensure proper entry to ensure that dates are calculated correctly.

Should there be any questions regarding the information/data reviewed, the Records Analyst will further research the case, make appropriate calls, and discuss with supervisor(s) as necessary prior to approving the inmate for release from the SCDC.

## **19. RECORDS OFFICE RELEASE PROCEDURES:**

**19.1 Maxout, Supervised Furlough IIA (SFIIA), and Supervised Reentry:** The central records of all inmates scheduled for release on Maxout, SFIIA, or Supervised Reentry are moved to the Release Section of the Inmate Records Office prior to scheduled projected maxout release date.

**19.1.1** All release audits will be conducted during the month prior to the next month's scheduled releases from SCDC unless their admission and release date are in close proximity.

**19.1.2** Releases for SCDC will be contingent upon satisfaction of the sentence through service time, good time credit, EWC/EEC credits, and extra credits, as noted in Section **12.24**.

**19.2 Authorization to Release:** The Inmate Records Office will authorize all releases to maxout, SFIIA, *and Supervised Reentry* through the Maxout/Pre-Release screening application on the MAXREL screen. All inmates that have been identified and scheduled for release in a given month can be reviewed for release by accessing the "Tentative Release List" push down. Authorization for these releases will only be obtained from the "Official REL Authorization" push down list. The Release Section will complete manual and automated audits in the Inmate Records Office prior to authorizing the release. Inmates with a sentence of six (6) months or more *who have private transportation* will be released on the first day of the month in which their sentences expire. If the first day of the month falls on a Saturday, Sunday, or a legal holiday, such prisoners may be released on the last weekday prior to the first of the month, which is not a holiday, Saturday, or Sunday. Inmates eligible for the Supervised Furlough IIA *and Supervised Reentry* Program may be released up to six (6) months prior to their maxout date. An inmate cannot be held beyond his/her actual full time maxout release date.

**19.3 Release Per Court Order:** Inmates will be released per Court Order as a result of a judicial order overturning, vacating, or remanding their current incarceration.

**19.4 Sentence Remanded/Vacated:** The inmate will be released to the County to await re-trial/re-sentencing by the court. While an audit will be completed, the decision to release him/her to the County is based on the authenticity of the Court Order and any appeals by the Attorney General's Office. Upon receipt of an order vacating/remanding/reversing a sentence(s), the Inmate Records Office will:

**19.4.1** Verify the authenticity of the Order of Relief by contacting the Attorney General's Office, Clerk of Court, or the Solicitor of the sentencing county. These contacts will be made by the General Counsel's Office unless otherwise requested.

**19.4.2** Ensure that the order covers all offenses for which the inmate is incarcerated. The inmate cannot be released if the order does not cover all offenses for which the incarcerated release date is not satisfied.

**19.4.3** The General Counsel's Office will contact the Attorney General's Office to determine if the State will petition (appeal) for a rehearing in the case. The state, represented by the Attorney General's Office, has appeal rights on all sentences vacated, remanded, or reversed through Post Conviction Relief. The State has 30 days from the date the order is signed to motion for rehearing.

**19.4.4** If an appeal has been filed, the inmate cannot be released until the South Carolina Supreme Court makes a decision.

**19.4.5** If the State does not appeal, the inmate will be released to the County jail to await re-sentencing/re-trial.

**19.5** Before releasing the inmate, the Inmate Records Office staff will:

**19.5.1** Conduct the manual and automated release audit.

**19.5.2** Check for pending disciplinaries, other detainers/holds, and victim/witness notifications. Contact the Division of Victim Services if the inmate has a victim/witness notification on file and document this contact. The inmate should not be released until the victim/witness has been notified.

**19.5.3** Modify the conviction status on the (CONVICT) screen to indicate (RM) remanded.

**19.5.4** Perform a "fast-run" for recalculation of release dates.

**19.5.5** Document actions on the conviction text.

**19.5.6** Print and file a new summary sheet.

**19.5.7** Enter the authorization on the MAXREL screen.

**19.5.8** Send a message via CRT and call the Operations Supervisor of the institution on Appeal Bond Releases and other unique release issues that cannot be addressed by the "MAXREL" system.

**19.6 Post Conviction Relief:**

**19.6.1** Proper authenticity of court documents must be determined before an inmate is released. Upon receipt of a Court Order granting release, the Attorney General's Office, the Clerk of Court, or the Solicitor's office in the County granting relief must verify the order.

**19.6.2** The General Counsel's Office will contact the Attorney General to determine if the State will petition for a rehearing in the case (i.e., appeal). The State, represented by the Office of the Attorney General, has appeal rights on all Post Conviction Relief orders granted by the courts. The Office of the Attorney General has 30 days from the date that the order is signed to submit a motion for a rehearing.

**19.6.3** If the Office of the Attorney General files a petition for a rehearing, the inmate cannot be released until the appellate court makes a decision and the Inmate Records Office receives proper documentation.

**19.6.4** If the State does not plan to appeal, the Inmate Records Release Section will ensure that the court documents properly match all convictions that the inmate is currently serving to ensure that there are no unsatisfied sentences not covered by the Court Order. Arrangements will be made to transfer the inmate to the County jail to await re-sentencing when information has been verified.

**19.6.5** Before releasing the inmate, the Inmate Records Office staff will:

- Conduct the manual and automated release audit.
- Check for pending disciplinaries, other detainers/holds, and victim/witness notifications. Contact the Division of Victim Services if the inmate has a victim/witness notification and document this contact. The inmate should not be released until the victim/witness has been notified.
- Modify the conviction status on the CONVICT screen to indicate remanded (RM).
- Document actions on the conviction text.
- Authorize release, send a message to the institution via CRT, and coordinate the transfer to the County jail.

**19.7 Appeal Bond:** Release on Appeal Bond is not a straight release, but release to await a new trial. The Inmate Records Office will be responsible for:

**19.7.1** Receiving the Court Order setting bond.

**19.7.2** Contacting the Clerk of Court, Solicitor's Office, or Attorney General's Office to verify the authenticity of the Appeal Bond.

**19.7.3** Ensuring that the bond covers all active offenses. The order must cover all offenses before the inmate can be released.

**19.7.4** Conducting the manual and automated release audit.

**19.7.5** The Inmate Records Office must have written proof of the order posting bond before the inmate can be released. The Clerk of Court can provide this information.

**19.7.6** If the bond has been posted and received by the Inmate Records Office, the inmate can be released. If the Clerk of Court does not provide proof, the inmate must be released to the county authorities.

**19.7.7** Before releasing the inmate, the Inmate Records Office staff will:

- Conduct the manual and automated release audit.
- Check for pending disciplinaries, other detainers/holds, and victim/witness notifications. Contact the Division of Victim/Witness Services if the inmate has a victim/witness notification on file. Document this contact. The inmate will not be released until the victim/witness has been notified.
- Modify conviction screen to indicate Release to Appeal Bond (AB).
- Document action on conviction text.
- Print and file a new face sheet.
- Send a release message to the institution via CRT and call authorized personnel at the institution to release the inmate.

**19.8 Release Schedule:** SCDC normal release hours are from 8:00 a.m. to 5:00 p.m. each day. Releases may occur prior to or after these hours due to bus schedules, mandatory Court Ordered

releases, etc. Maxout releases will occur on weekends and holidays. It is not likely that Court Ordered or SFIIA releases will occur on weekends or holidays, but may in unusual situations.

**19.9 Release Messages:** In unusual cases, (i.e., early release to detainers or immediate releases), release messages will be sent via CRT in conjunction with telephone calls and only after the Inmate Records Office has completed all audits and necessary transactions to ensure the proper release of the inmate. Such messages will be sent to all designated institutional personnel listed on each institution's "Operations Records Office Notification" message group that is maintained by the respective Warden.

**19.10 Victim/Witness Notification:** The Victim/Witness Bill of Rights, *Article 15, Section 16-3-1505 of the SC Code of Laws*, provides for the registering of Victims/Witnesses and for the purpose of this plan to be notified of an inmate's scheduled release from custody *in reasonable time*. A registered Victim/Witness or victim's family member is entitled by law to be informed when the inmate receives a temporary, provisional, or final release from custody. The Inmate Records Office will be responsible for ensuring that the Division of Victim Services has access to the automated list of all inmates scheduled for projected maxout release. All notifications to victims/witnesses will be made by the Division of Victim Services except those to be released to parole or provisional parole. These notifications will be made by SCDPPPS. The Young Offender *Parole and Reentry* Services Division will be responsible for notifying the Division of Victim Services about Youthful Offenders to be paroled/unconditionally released. *The Inmate Records Office* will be responsible for notifying the Division of Victim Services of all SFIIA and immediate releases before the inmate is released from SCDC.

**19.11 Detainer (Wanted or Hold):** The Release Section staff, Inmate Records Office, will coordinate inmate pickup between the wanting authority and the institution/facility where the inmate is located. If the inmate has not been picked up by 1:00 p.m. by the wanting authority, the institution must call the Release Section. The institution is not to call the wanting authority prior to or after 1:00 p.m. regarding an expected time of arrival. Call the Inmate Records Office! Any delays in notifying the Inmate Records Office may result in the wanting authority's delay or even refusal to pick up the inmate. The Inmate Records Office will contact the wanting authority and advise the institution of the expected time of arrival or any other plans. An inmate must be released by midnight on his/her maxout date to the wanting authority unless otherwise notified by Inmate Records Office that the detainer has been dropped. If directed to release an inmate having a detainer, the detainer will *not* be removed from the automated system by the Release Section and instructions *will be* communicated to the institution by telephone and CRT message.

**19.12 Detainer (Notify):** A notify requires that the requesting agency only be advised of an inmate's impending release. The Inmate Records Office will make this notification.

**19.13 Pending Disciplinary:** Inmates with pending disciplinary infractions who are maxing out their sentence must have the disciplinary resolved prior to the first of the month release. Those inmates serving sentences of less than 180 days must have their disciplinary resolved prior to their release date. However, those to be released on SFIIA may be held past their program placement release date. If it is the decision of the charging institution to not take the inmate before a disciplinary hearing, then the pending charge(s) must be dropped or cleared from the disciplinary

screen before releasing the inmate. Inmates with pending disciplinaries who are maxing out their sentence on a weekend/holiday should have all charges resolved prior to the weekend/holiday. If an inmate has been transferred to another institution, it is the responsibility of the gaining institution to coordinate resolution of the pending disciplinary. Inmates **CANNOT** be held beyond their scheduled release date without prior approval of the *Division of Operations/designee*.

## **20. INSTITUTIONAL RELEASE RESPONSIBILITIES:**

**20.1** Institutional Responsibilities Related to Maxout, Maxout with Probation, SFIIA, *Supervised Reentry*, and Court Ordered Releases:

**20.1.1** Verify inmate release through the release authorization push down (MAXREL).

**20.1.2** Conduct a Manual Record audit verifying that all Court Orders have been correctly entered in the automated system. The Classification Caseworker and/or designated persons should check for misfiled detainers, commitment orders, or other legal documents.

**20.1.3** Follow the institution's release process to include completion of all clearance forms.

**20.1.4** *Conduct an Automated Record data review. Check the release date for Victim/Witness, Sex Offender Register, or pending documents. Any discrepancies must be reported to the Release Section of the Inmate Records Office immediately. All pending disciplinaries on inmates maxing out should be dropped or cleared by the institution prior to release of the inmate. Inmates with a pending disciplinary to be released on SFIIA will be held past their SFIIA eligibility program placement date; however, they cannot be held past their max-out date.*

**20.1.5** Knowledge of any unreported changes to the Inmate Records Office and/or documents in process will be reported to the Inmate Records Office immediately.

**20.2** Institutional Responsibilities Related to Parole and Provisional Parole Releases:

**20.2.1** The parole examiner will be responsible for conducting initial and final interviews beginning seven (7) months prior to release, unless a waiver is signed.

**20.2.2** The inmate appears before the Parole Board. The Parole Board either disapproves or grants parole. If the inmate is disapproved, s/he will be eligible for consideration again in two (2) years if his/her current offenses are violent and again in one (1) year for non-violent offenses.

**20.2.3** If approved, Classification/Operations and/or designated persons will ensure that the parole examiner provides the inmate with an original Parole Certificate bearing the date of parole prior to release. The certificate serves as authorization to release. All parole releases will be conducted with the parole examiner in the institution.

**20.2.4** Follow the institution's release process to include completion of all clearance forms.

**20.3** No Parole - Community Supervision:

**20.3.1** Inmates who max out a "no parole" sentence are required to serve up to two (2) years of community supervision under SCDPPPS. At least **three (3) months** in advance of the scheduled release, the Inmate Records Office will verify that the conviction is for a "no parole" offense requiring community supervision. The Classification Caseworker will obtain a proposed residence address from the inmate, which will be provided to SCDPPPS via the SCDC automated SFREV screen. SCDPPPS will develop a community supervision plan.

**20.3.2** Approximately one (1) week prior to the inmate's release to community supervision, SCDPPPS will obtain the inmate's signature indicating that s/he has been advised of the community supervision requirements. The Community Supervision Certificate will be given to the institution's Operations/Classification Section. At the time of release, one (1) copy of the certificate will be given to the inmate and one (1) copy will be placed in the institutional record. If the Community Supervision Certificate is not served on the inmate by his/her release date, the institution should contact the release section of the Inmate Records Office by 1:00 p.m. The release section will contact ~~the~~ SCDPPPS to facilitate the service of the certificate to the inmate. Upon response from SCDPPPS, the release section will contact the institution via CRT referencing the status of the service of the certificate as well as when to release the inmate. ***An inmate cannot be released prior to the date notated on the certificate.***

**20.3.3** If the inmate refuses community supervision, the institution will notify the Inmate Records Release Section immediately. SCDC must effect the release as a maxout and not hold the inmate beyond the scheduled release date. SCDPPPS has the authority to issue a violation of community supervision and return the inmate to SCDC to serve one (1) additional year before being re-released to community supervision.

#### **20.4 Institutional Responsibilities Related to YOA Releases:**

**20.4.1** Youthful Offenders released from SCDC **to SCDPPPS** must have an approved residence ***as determined by SCDPPPS***, before release can be authorized. Youthful Offenders who do not have an acceptable residence may be held past their scheduled release dates except those who must be conditionally released at the end of four (4) years or unconditionally released upon maxing out their total YOA sentence (6 years). If the inmate's residence is not approved, s/he will be given the opportunity to submit additional addresses to be approved by SCDPPPS.

**20.4.2** ***Youthful Offenders released from SCDC to YOPRS Intensive Supervision must have an approved residence plan. The residence plan must be approved by the assigned Intensive Supervision Officer (ISO) before a release can be authorized. The listing of a YOA inmate on the MAXREL by YOPRS will indicate that s/he has an approved residence plan and will provide the required authorization for release. The releasing institution will not be provided with the approved residence prior to release. Those Youthful Offenders whose residence plan fails at the time of release may be held past their scheduled release dates except those who must be conditionally released at the end of four (4) years or unconditionally released upon maxing out their total YOA sentence (6 years). If the inmate's residence plan fails, the assigned Intensive Supervision Officer must assist the inmate in developing a new residence plan as soon as possible.***

**20.4.3** A Youthful Offender will not be released conditionally from SCDC *to SCDPPPS* until a *Youthful Offender Conditional Release* Certificate is provided to the institution by SCDPPPS.

**20.4.4** *Youthful Offenders will be released conditionally from SCDC to YOPRS Intensive Supervision as authorized by the MAXEL. YOPRS will provide a Conditional Release Certificate to the institution.*

**20.5 Institutional Responsibilities for Inmate Release Clearance:** The following steps will be taken as indicated when the inmate is cleared for release.

**20.5.1 Gun Control Act of 1968 (SCDC Form 9-3):** The *Operations Coordinator*/designee will ensure that the card is read by and given to the inmate, the inmate's signature is obtained on the receipt, and the receipt is filed in the inmate's institutional record.

**20.5.2 Military Selective Service Act (SCDC Form 9-4):** The *Operations Coordinator*/designee will ensure that the card is read and given to all male inmates 18 years of age or older who were born after January 1960. The inmate's signature is obtained on the receipt, and the receipt is filed in the inmate's institutional record.

**20.5.3 Residence Plans:** The *Operations Coordinator*/designee will inquire about the inmate's residence plans following release and note the address/location on SCDC Form 18-7, "Inmate Release Checklist."

**20.5.4 Disciplinary:** The *Operations Coordinator*/designee will ascertain if there is a pending disciplinary or arrest warrant for a rules violation or criminal offense committed while the inmate has been incarcerated. If confirmed, s/he will notify the Disciplinary Officer/Investigator of the pending release. Normally, it is the responsibility of the institution to transport the inmate to the county jail upon maxout whenever SCDC has filed a warrant(s) against an inmate.

**20.5.5** The Operations Coordinator or security personnel releasing an inmate will ensure completion of inmate release clearance paperwork prior to the actual release of the inmate.

**20.6** Inmate Release Checklist: SCDC Form 18-7, "Inmate Checklist," must be completed in its entirety. Each item must be initialed or signed indicating the responsible person.

**20.7 Manual Record Audit:** Caseworker will audit the manual record. A manual record audit consists of comparing information on the *Court orders* to information entered on the conviction (*CONVICT*) screen for accuracy. Ensure that all sentencing information in the manual record has been entered in the automated system. Pull the selected record and verify the following on the *CONVICT* screen:

- warrant/indictment numbers
- date sentenced/sentence start date
- offense/sentence length
- CDR Codes
- consecutive/concurrent sentence

- probationary sentence and suspended time
- mandatory service time
- jail time
- special instructions on court order
- for misfiled detainer, court orders, or other legal documents

**20.8 Manual Record Audit Conducted By:** Caseworker will sign and date SCDC *Form* 18-7, "Release Checklist," indicating that the audit has been completed. *Audits cannot be completed more than seven (7) days prior to the inmate's release date.*

**20.9 Pending Wanted/Holds in CRT:** Check for pending disciplinary/pending criminal charges on the *DISC* screen. If yes, indicate action taken.

**20.10 Sex Registry Requirement:** Check sex registry requirement on *CONVICT* screen or the *MAXREL* screen. If registry is required, has registry form been completed, signed by inmate, picture taken, and registry packet received by Inmate Records?

**20.11 DNA Test Requirement:** Check DNA registry requirement on the *DATE* or *PARREV* screens. Has DNA test been completed?

**20.12** Inmates will sign and receive a copy of the below listed forms. (Forms should be explained to the inmate.)

- Gun Control Act of 1968 (SCDC *Form* 9-3)
- Military Selective Service (SCDC *Form* 9-4)
- Inmate Clearance Checklist (SCDC *Form* 19-26)

**20.13 Bus Travel Voucher Requested:** *Inmates who need a bus voucher will be released on the 2nd of the month. If the second of the month falls on a Friday, such prisoners will be released the next weekday after the second of the month, which is not a legal holiday. A release address and bus ticket indicator (whether a voucher is needed or not) must be entered by Operations/Classifications by the 10th of the month prior to release. Modifications may be made to the mode of transportation until the 20th of the month. After the 20th, approval will be given on a case-by-case basis to modify the mode of transportation.*

*20.13.1 The bus ticket indicator on the ADDRESS screen will determine the date that is placed on the MAXREL to authorize release. If the bus ticket indicator is not entered, the inmate's name will not roll over to the Final Authorization list on the MAXREL.*

*20.13.2 If the mode of transportation is set for the bus voucher and family arrives at the institution on the 1st of the month to pick up the inmate, the institution is not authorized to release the inmate to the family member. The inmate must be released as scheduled.*

**20.13.3 Youthful Offenders being released to the supervision of SCDPPS may be given a bus ticket.**

**20.13.4 Youthful Offenders released to the supervision of YOPRS Intensive Supervision must be released as instructed by the assigned ISO. The ISO, or individual designated by the ISO (such as a family member), will provide transportation for the inmate. These inmates must not be given a bus ticket unless specifically requested by the ISO as an exception.**

**20.14 Official Release Sticker Completed:** An official release *sticker will be placed on the back of the inmate's SCDC ID card and given to the inmate upon release. The official release sticker will be signed by the Warden/Duty Warden prior to affixing to the inmate's ID card.*

**20.15 Temporary Custody Receipt Completed:** The temporary custody receipt will be completed when the inmate is being placed into the custody of another law enforcement agency prior to release from SCDC.

**20.16 Personal Belonging(s) Given to Inmate:** All personal belongings in the institutional record (i.e., social security cards, credit cards, identifications) will be given to the inmate prior to release.

**20.17 Inmate Home Address/Telephone:** Record the address and telephone number of the home where the inmate will be living on SCDC Form 18-7, "Inmate Release Checklist."

**20.18 Certificate Authorizing Release Received:** A certificate is required on all max-out with Community Supervision, Supervised Furlough II-A, *Supervised Reentry*, parole, YOA parole *to SCDPPPS*, and juvenile parole releases. *Determine if a certificate has been received on these releases.* If a certificate is not needed, enter not applicable.

**20.19 Two Signatures on MAXREL:** Have two (2) signatures of Inmate Records' employees been entered on the *MAXREL screen* indicating that the manual and automated audit has been completed? *The two (2) signatures may be the same. Youthful Offender inmates released to YOPRS Intensive Supervision will have one (1) signature of a YOPRS employee entered on the MAXREL.*

**20.20 Max-Out Date on DATE Screen:** Check max-out date on *DATE* screen. Ensure that the date has not changed since audit screening began.

**20.21 Inmate Name on Final Authorization for Release List (MAXREL):** Inmate name must be on this list with the date and time of release from SCDC (Exception - Appeal Bonds *and Release to Parole*).

**20.22 Automated Record Audit Conducted By:** Signature indicates that all of the above listed screens have been checked. All necessary forms are complete, and a certificate authorizing release has been received (if applicable). Indicate date and time of audit. Audit should be conducted immediately prior to the inmate walking out of the institution.

**20.22.1 The automated release audit will consist of:**

- Check "date" screen
- Check "Detainer" screen
- Check "disciplinary" screen
- Check "convict" and "prior" screen
- Ensure Sex Registry submitted
- Ensure DNA blood sample drawn
- Check **MAXREL** screens
- Any discrepancies should be reported to Inmate Records.

Immediately prior to release:

- Check "date" screen
- Check Detainer and **MAXREL** to ensure authorization for release
- Check Final Authorization for Release List

**20.22.2 Inmate Released from Institution:** Indicate the name of the person, releasing, and the date and time the inmate was released from the institution.

**20.23 Transportation:**

**20.23.1** The Operations Coordinator will ask the inmate his/her method of transportation. If a bus ticket is needed, the Operations Coordinator will ask the inmate for a destination. The Operations Coordinator will review the inmate's automated record to determine that the destination is legitimate. If the destination does not correspond with information in the automated record, the inmate may be required to provide justification for the requested destination. If no justification is provided, SCDC will provide an in-state bus ticket to the home/family of record, the county of conviction, or to any location where the inmate can provide proof of employment. Bus tickets may be purchased for travel to the requested destination, or as near to the destination as possible based on the bus routes. SCDC will establish certain locations in bordering states to which the inmate can receive a bus voucher based on the above noted verification process. Any additional necessary transportation will be the responsibility of the inmate. ***Youthful Offender inmates released to YOPRS Intensive Supervision must be released to the ISO, or ISO designee. These inmates must not be given a bus ticket unless specifically requested by the ISO as an exception.***

**20.23.2** The Operations Coordinator will obtain an SCDC Form 27-42, "Bus Travel Voucher for Release/Paroled Offenders," for an inmate to be released or paroled from the inmate paymaster (include voucher number). The Operations Coordinator will complete the form and submit it to the transportation office for completion by the ticket manager/agent at the bus station. The Transportation Officer will forward the completed SCDC Form 27-42 to the responsible institutional employee.

**20.23.3** The Operations Coordinator will verify the identity of the inmate, all release documents, and the Authorization to Release Screen to ensure that the inmate is authorized for release, prior to and at the time of release.

**20.23.4** The Operations Coordinator will thoroughly search and pull from the record any identification cards, keys, social security card, and other personal property. Personal property and any official release identification to include the inmate's ID card with affixed release sticker and any release certificates, i.e., parole, community supervision, or supervised furlough II-A, will be given to the inmate at the time of release or given to the law enforcement official if being released to a detainer.

**20.23.5** At the time of and just prior to the release of the inmate, the Operations Coordinator will make the appropriate automated entry into the CRT to release the inmate from the count and remove his/her name from the manual count list. ***Family members can bring in release clothing for the inmate; otherwise, the institution will supply clothing for the inmate. Inmates will not be released with the SCDC uniform.***

**20.23.6** The Operations Coordinator will immediately forward the institutional record to the Inmate Records Office for retention at the expiration of sentence/maxout, supervised furlough, and/or parole.

**20.23.7** If mail is received after the inmate is released, mail and packages will be forwarded/returned in accordance with SCDC Policy PS-10.08, "Inmate Correspondence Privileges."

**20.23.8** Ensure that no Agency property leaves the facility.

**20.23.9** Notify medical records regarding screening and community follow-up, when deemed necessary.

**21. DEFINITIONS:** None

**["Appendix 1, "Maxout Date Calculation Worksheet"](#)**

**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**

