

GA-03.01, "Inspections of Local Detention Facilities" September 1, 2006

SCDC POLICY/PROCEDURE

NUMBER:GA-03.01

TITLE:INSPECTIONS OF LOCAL DETENTION FACILITIES

ISSUE DATE: September 1, 2006

RESPONSIBLE AUTHORITY: DIVISION OF COMPLIANCE, STANDARDS AND INSPECTIONS

OPERATIONS MANUAL:GENERAL ADMINISTRATION

SUPERSEDES: GA-03.01 (supercedes February 1, 2001)

RELEVANT SCDC FORMS/SUPPLIES: 8-5

ACA/CAC STANDARDS: NONE

STATE/FEDERAL STATUTES: 24-9-10, 24-9-20, 24-9-30, 24-9-40, 24-9-50 South Carolina Code of Laws, 1976, as amended

PURPOSE: To provide guidelines for the inspection of all local detention facilities situated within the State of South Carolina.

POLICY STATEMENT: The South Carolina Department of Corrections (SCDC) will ensure that local detention facilities housing sentenced prisoners and/or pre-trial detainees which are operated by/for a South Carolina county, municipality, or other political subdivision are inspected by staff of the Division of Compliance, Standards and Inspections in accordance with the Minimum Standards for Local Detention Facilities in South Carolina and all other applicable state and federal statutes, regulations, and codes.

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SPECIFIC PROCEDURES:

1. GENERAL PROVISIONS:

1.1 Each local facility housing sentenced prisoners and/or pre-trial detainees which is operated by or for a county, municipality, or other political subdivision will be inspected thoroughly and formally at least annually for compliance with the Minimum Standards for Local Detention Facilities in South Carolina as well as with applicable state and federal statutes and fire/safety/health codes and regulations.

1.2 At least one (1) follow-up inspection will normally be conducted at each facility, with additional inspections arranged if/when deemed appropriate by the Division Director of Compliance, Standards, and Inspections.

1.3 Each newly constructed and/or renovated local detention facility will be inspected prior to occupancy.

1.4 Staff of the Division of Compliance, Standards and Inspections will collect and maintain data concerning the status of operations in the various local facilities, to include the type of facility, age and condition of the facility, rated capacity, average daily population, high count, juvenile holding capacity, number of staff, training, fire inspection, DHEC inspection, and violations of Minimum Standards.

1.5 Staff of the Division of Compliance, Standards, and Inspections will provide technical assistance to local detention facilities when properly requested and approved in order to aid in their compliance with Minimum Standards. Consultation will be provided on an as-needed basis, with priority given to those local facilities where the average daily population (ADP) exceeds the rated capacity and where the potential impact of the overall conditions of confinement is greatest.

1.6 Staff of the Division of Compliance, Standards and Inspections will investigate complaints regarding all local facility conditions or operations where non-compliance with the Minimum Standards and/or with fire, safety, and/or health codes and regulations is alleged.

2. ON-SITE FACILITY INSPECTIONS AND CORRECTIVE ACTION REPORTS:

2.1 At the time of the site visit, the inspector will make his/her presence known to the facility administrator or to the designated person on duty who is in charge of the facility. At the completion of the site visit, the inspector will attempt to meet with the facility administrator/designee to review the tentative findings and to inform him/her of the improvements, if any, that may be necessary in order to comply with Minimum Standards.

2.2 Information on the status of all functional areas which relate to the Minimum Standards will be obtained from the facility administrator, chief jailer, or whoever is knowledgeable about each particular component or operation.

2.3 The inspector will review the facility's policy and procedures manual and/or other required written documents and records to verify compliance with Minimum Standards. Where appropriate, the inspector will utilize interviews with staff and inmates to assess operational practices, procedures, and conditions.

2.4 The inspector will record any discrepancies between the Minimum Standards, facility policies and procedures, actual practices, and/or observed conditions as evidenced by the facility's records or other documents, or as reported by the detention officers or inmates. The inspector will normally inform the facility administrator of any such discrepancies, and will include such relevant information in preparing his/her written inspection report.

2.5 Upon completion of the facility inspection, and preparation of a report, the Division Director will inform the governing body which has jurisdiction over the facility about its status and will stipulate in writing the time frame in which it has to respond if deficiencies are cited. SCDC Form 8-5, "Corrective Action Report," and/or any other appropriate means of documentation will be used for this purpose. At the same time, the Division Director may offer technical assistance by division staff in order to expedite corrective action.

2.6 The Division Director/designee, if requested or deemed necessary, will meet with the governing body to discuss the findings of the inspection and to clarify any improvements necessary.

2.7 Requests for technical assistance will originate from the facility administrator or another local official who has management or funding responsibility for the facility. The requests, which may be verbal or written, will be directed to the Division of Compliance, Standards and Inspections. The Division Director may require that a verbal request be followed by a written one.

2.8 The Division Director of Compliance, Standards and Inspections will evaluate each request for technical assistance. If the request is to be honored, the Division Director will assign duties as necessary to the appropriate staff member(s).

2.9 The staff member(s) will write and submit a summary of his/her consultations to the Division Director within ten (10) working days, including the name(s) of the official(s) with whom s/he met, items discussed,

problems identified, and recommendations. The Division Director will then prepare and send a letter or report within ten (10) working days to the governing body and/or the local official who initially requested assistance.

2.10 The Administrative Assistant, Division of Compliance, Standards and Inspections, will apprise the Division Director whether or not the Corrective Action Report(s) are received on time and when the documentation files are complete.

2.11 After a review of the findings on each local facility inspection, the corresponding corrective action, and all extenuating and mitigating circumstances known, the Division Director will determine whether or not to initiate closure of the facility. If closure is to be pursued, the Division Director will forward a written recommendation to the Agency Director.

2.12 The Agency Director will decide if closure is appropriate in accordance with South Carolina Code of Laws, Section 24-9-30. Each decision to order closure will be documented in writing, along with pertinent information as to what measures, if any, are recommended by SCDC to facilitate reassignment of those prisoners who will be displaced. If closure is ordered, the governing body and the resident or presiding judge of the judicial circuit in which the facility is located will be notified by registered mail.

3. RESPONSE/INVESTIGATION OF ALLEGATIONS:

3.1 Allegations of improper procedures pertaining to local facilities will be referred to the Division of Compliance, Standards and Inspections. If the allegations include charges of criminal actions, the Division Director may notify the South Carolina Law Enforcement Division (SLED). Division staff will investigate allegations of failure to comply with Minimum Standards and other non-criminal complaints, as accepted and approved by the Division Director.

3.2 The staff member(s) assigned to investigate a complaint will attempt to interview the facility administrator, the person(s) who originated the complaint, and any other knowledgeable persons, as may be necessary. S/he will examine all relevant documentation and conduct a site visit, if appropriate. S/he will record the findings of the investigation and will submit a report to the Division Director.

3.3 The Division Director will respond in writing within 45 days to the person who submitted the complaint concerning the findings of the investigation and subsequent actions. The Division Director may also advise the governing body and/or facility administrator in writing as to violations of the Minimum Standards as well as other issues of concern which were noted and may stipulate a deadline for corrective action.

4. JAIL INFORMATION SYSTEM:

4.1 The Division Director of Compliance, Standards and Inspections will organize, coordinate, and manage the planning and implementation of a statewide jail information system.

4.2 The Division Director will solicit input from all affected SCDC divisions regarding the type(s) of information needed to complement that which is already available from local detention facilities.

4.3 The Division Director will negotiate with representatives from the South Carolina Association of Counties and other appropriate constituencies to arrange for revisions to the Minimum Standards for Local Detention Facilities in South Carolina as necessary in order to require the reporting of data and information to SCDC for the operation and management of a statewide jail information system.

4.4 The Division Director of Resource and Information Management, in consultation with the Division Director of Compliance, Standards and Inspections, will develop and maintain a means of electronic data transfer for obtaining reports from local detention facilities and will ensure that approved and relevant information can be accessed by authorized users from an automated jail information system.

4.5 The Division Director of Classification and Inmate Records, in consultation with the Division Director of Compliance, Standards and Inspections, will ensure that information provided by local detention facilities to assist in the classification and management of inmates who receive sentences greater than three (3) months is reviewed and incorporated into the comprehensive array of information considered by SCDC staff who make custody, security, and program recommendations/decisions regarding the respective inmates, and will further ensure that relevant information about custody, security, and program history of all SCDC inmates is available and accessible by local detention facilities which may in the future have occasion to house any persons who have been incarcerated within SCDC.

4.6 Knowledge concerning local detention facilities which is gained from the statewide jail information system will be used by the Division Director of Compliance, Standards, and Inspections to supplement information gained through on-site inspections in determining compliance with the Minimum Standards for Local Detention Facilities in South Carolina and in making other assessments and decisions as appropriate.

5. DEFINITIONS:

Division Director refers to the Division Director of Compliance, Standards and Inspections.

Division of Compliance, Standards and Inspections refers, for purposes of this policy/procedure, to the entity specified in the South Carolina Code of Laws as the Jail and Prison Inspection Division.

Inspector refers to a staff member(s) assigned to the Division of Compliance, Standards and Inspections who is responsible for conducting on-site visits at local detention facilities to ascertain compliance with the Minimum Standards for Local Detention Facilities in South Carolina.

Local Detention Facility refers to a facility which houses sentenced prisoners or pre-trial detainees and is operated by or for a county, municipality, or other political subdivision situated within the State of South Carolina.

Minimum Standards refers to the basic guidelines and requirements which are applied to determine whether local detention facilities are operating satisfactorily. The Minimum Standards for Local Detention Facilities in South Carolina, as authorized by the South Carolina Code of Laws, are established by the South Carolina

Association of Counties and are adopted by the South Carolina Department of Corrections.

SIGNATURE ON FILE

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Jon Ozmint, Director

ORIGINAL SIGNED COPY MAINTAINED IN THE DIVISION OF POLICY DEVELOPMENT.