

SK-22.02, "Safekeepers,"

## SCDC POLICY

NUMBER: SK-22.02

TITLE: SAFEKEEPERS

ISSUE DATE: AUGUST 20, 2018

RESPONSIBLE AUTHORITY: OPERATIONS

OPERATIONS MANUAL: OPERATIONS

SUPERSEDES: SK-22.02 (July 1, 2006); (October 1, 2002)

RELEVANT SCDC FORMS/SUPPLIES: 18-69

ACA/CAC STANDARDS: 4-4249, 4-4261, 4-4285, 4-4286, 4-4288, 4-4292, 4-4347

STATE/FEDERAL STATUTES: Section 24-3-80, South Carolina Code of Laws, 1976, as amended; South Carolina Executive Order 2000-11

PURPOSE: To outline policy regarding unsentenced individuals who are awaiting trial and detained by the South Carolina Department of Corrections at the request of a county and when ordered by the Governor, pursuant to Section 24-3-80, South Carolina Code of Laws, 1976, as amended, and State of South Carolina Executive Order #2000-11.

POLICY STATEMENT: Safekeepers will be accepted by the SCDC pursuant to applicable laws, regulations, and executive orders and will be housed separately from other inmates. Safekeepers will be expected to comply with all SCDC policies, procedures, and rules.

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### 1. GENERAL INFORMATION:

1.1 An individual held in county pre-trial confinement may be transferred to the custody of the SCDC pursuant to Section 24-3-80, South Carolina Code of Laws, 1976, as amended, and State of South Carolina Executive Order #2000-11 if the individual falls into one of the following categories:

- Is considered to be high escape risk;
- Exhibits extremely violent and uncontrollable behavior; or
- Must be removed from the county facility to protect the individual from the general population or from other detainees.

1.2 In order to be eligible for procuring an Order from the Governor for such detention, 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 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;
- A certificate or letter prepared by the circuit solicitor indicating concurrence with the proposed safekeeping transfer; and
- A mental health evaluation and a medical evaluation.

1.3 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.

1.4 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.

1.5 A Safekeeping Order or renewal may be issued orally by the Governor under extraordinary circumstances; however, a written order must be received by SCDC as soon thereafter as practicable.

1.6 Upon approval of a Safekeeping Order, the officials of the county will deliver the individual to the SCDC and provide the Department with all appropriate documentation and relevant records pertaining to him/her.

1.7 Per Section 24-3-80, South Carolina Code of Laws, 1976, as amended, no person committed or detained under a written Safekeeping Order or verbal approval of the Governor will have a right or cause of action against the State or any of its officers or servants by reason of having been committed and detained in the SCDC.

## 2. TIME LIMITS:

2.1 The Safekeeping Order is valid for no more than 120 days from the date of issue. The Order may be renewed for up to 90 days at a time if the county repeats the above process and shows good cause to the Governor why the Order should be renewed.

2.2 The Office of General Counsel will be responsible for notifying the necessary county officials of the upcoming expiration of the Safekeeping Order at least ten (10) days prior to the expiration.

## 3. SAFEKEEPER RECEPTION AND PROCESSING:

3.1 The Office of General Counsel is the initial point of contact for counties. The Office of General Counsel will coordinate the transfer of all Safekeepers and provide all relevant documentation to the appropriate institution's Warden or designee.

3.2 Male Safekeepers will be received and processed at Lee Correctional Institution or Kirkland Correctional Institution. Female Safekeepers will be received and processed at Camille Graham Correctional Institution. Safekeepers will be placed in a Restrictive Housing Unit and will not be allowed routine contact with other inmates.

3.3 The receiving institution's Warden or designee will ensure that the following reception and evaluation activities are accomplished:

3.3.1 Number Issue: Create an entry on the automated strength report listing all necessary information and call the Kirkland Reception and Evaluation Center (R&E) to activate the number.

3.3.2 Photographs:

- Take two (2) sets of photos (front and side views);
- File one (1) set of the pictures in the institutional record and write the Safekeeper number above the picture;
- Send the other set of photos to the Kirkland Reception and Evaluation Center for processing the Safekeeper's identification card; and

- The identification card is then returned to the institution, without activation.

### 3.3.3 Fingerprints:

- Roll one fingerprint card and type in the necessary information;
- Make one (1) copy of the fingerprint card and file it in the institutional record; and
- Send the original card of a male inmate to the ID section at the Kirkland Reception and Evaluation Center, or retain the original card of a female inmate in the ID Section at Camille Graham Correctional Institution.

### 3.3.4 Summary Admission Report:

- Ensure that the inmate provides answers to all intake questions;
- Enter the inmate's answers into the CRT; and
- Once the inmate's answers are automated, confirm that s/he has been added to the institutional count.

### 3.3.5 Safekeeping Order:

- The Classification Casemanager/designee will file the Safekeeping Order and all accompanying paperwork in the institutional record; and
- Email the Safekeeping Order and a separate sheet with name, Safekeeper inmate number, race, social security number, and date of birth to the Intake Records section of the Kirkland Reception and Evaluation Center (R&E).

3.3.6 Any property that accompanies the Safekeeper will be processed pursuant to SCDC Policy OP-22.03, "Authorized Inmate Property and Unauthorized Property Disposition," and SCDC Policy OP-22.38, "Restrictive Housing Unit."

3.3.7 The Safekeeper will be showered and shampooed with delicing agent. Male and female Safekeepers are subject to all SCDC grooming standards pursuant to SCDC Policy OP-22.13, "Inmate Grooming Standards." The Safekeeper will be issued a jumpsuit and other items that s/he is authorized to have pursuant to SCDC Policy OP-22.38.

3.3.8 The Safekeeper will be seen by medical staff, who will conduct a medical screen, history, and physical exam pursuant to SCDC procedures relating to health screens and exams for the Reception and Evaluation of inmates. If a referral to a community care giver is necessary, the county will be notified and will be financially responsible for those costs.

3.3.9 The Classification Casemanager/designee will give each Safekeeper a written orientation that provides information about the schedule, rules, disciplinary infractions and penalties, grievances, and privileges. Each Safekeeper will sign an SCDC Form 18-69, "Certificate of Inmate Orientation," to indicate his/her receipt of this orientation. The Form 18-69 will be maintained in the Safekeeper's institutional record.

## 4. SAFEKEEPER RECORDS/REPORTING REQUIREMENTS:

4.1 Each Safekeeper's record will be maintained in the records section at the assigned institution. If the county submits a written request for relevant information, copies will be transmitted. All original documents will remain in the institution until the inmate is returned to the county. Upon release, the record will be sent to the Inmate Records Branch for filing in inactive records. If the Safekeeper is subsequently convicted and incarcerated in the SCDC, the record of a male Safekeeper will be forwarded to the Kirkland Reception and Evaluation Center or the record of a female inmate will be forwarded to Camille Graham Correctional Institution.

4.2 The Safekeeping Order authorizing the incarceration of the Safekeeper in SCDC is only valid for 120 days from the date of the order. The Office of General Counsel is responsible for monitoring this date. No less than ten (10) days prior to the end of each Safekeeper's placement in SCDC, the Office of General Counsel will be responsible for notifying the county when the Safekeeper's placement will expire.

4.3 If the Governor chooses to extend the Safekeeper's placement in SCDC, any additional orders or subsequent paperwork will be filed in the Safekeeper's institutional record, with copies to the Office of General Counsel.

4.4 The Office of General Counsel will be responsible for maintaining a list of all Safekeepers. This list will include each Safekeeper's name, number, responsible county, date admitted to SCDC, date of Safekeeping Order, and the date of the expiration of the Order. A copy of this list will be sent by the 1st week of each month to the Governor's Office.

4.5 MINs will be submitted on Safekeepers as required by SCDC Policy OP-22.25, "Reporting Incidents and Accidents (Management Information Notes)." NOTE: It is the responsibility of the Warden to notify the Office of General Counsel in the event of a MIN being entered on a safekeeper. The Office of General Counsel will then send a letter to the responsible official in the Safekeeper's county to notify him/her of any event for which a MIN is submitted.

## 5. SAFEKEEPER MANAGEMENT:

5.1 Safekeepers will be housed in a Restrictive Housing Unit (RHU) and will be managed in accordance with SCDC Policy OP-22.38, "Restrictive Housing Unit," with the following exceptions:

5.1.1 Safekeepers will be segregated from SCDC inmates in the RHU. They will be showered separately, have visitation privileges separately, and be recreated separately.

5.1.2 Safekeepers are assigned to SK status when they are admitted. If they commit disciplinary infractions, their behavior will be addressed through SCDC Policies OP-22.14, "Inmate Disciplinary System," and OP-22.38, "Restrictive Housing Unit."

5.2 Ongoing Medical Management for Safekeeper Inmates: Routine, on-site medical care (e.g., sick call, monitoring of chronic diseases, and medication administration) will be provided by the health services personnel assigned to the institution. If the Safekeeper requires unusual or extraordinary care on-site, the

Health Care Authority (HCA) or designee will notify the Deputy Director of Administration by memorandum or email. The Deputy Director of Administration will determine whether or not the cost of this treatment may be recouped from the responsible county and will take action to bill the county whenever doing so is feasible. The sending county will be financially responsible for the following:

5.2.1 Medical care from a community provider (e.g., hospital, physician referral, or other off-site referral): The HCA/designee will call the appropriate county official(s) and notify them of the need for community care, ask the county official(s) where they want the Safekeeper taken for this care, and inform the county official(s) that the county is financially responsible for all related medical costs. The HCA will write a note on the consultation form that states, "Send bill for payment to:" and indicate the address and contact person for the responsible county. The HCA will also forward a copy of the consultation form to the Deputy Director of Administration. Cases that are not urgent will normally require transport by the committing county. When emergency care is needed, the Safekeeper should be taken to the appropriate facility without delay, and the county official(s) will then be notified as soon as it is practical.

5.2.2 Infirmiry care within an SCDC institution: A charge per day will be determined by the Deputy Director of Administration and the Deputy Director of Health Services. The county will be billed by the Deputy Director of Administration or designee for the number of days the Safekeeper receives infirmiry care. Payment will be made to the SCDC Division of Budget and Finance.

5.2.3 In-patient psychiatric care: If in-patient psychiatric care, whether voluntary or involuntary, becomes necessary for a male Safekeeper, he will be admitted to the Gilliam Psychiatric Hospital at Kirkland. Female Safekeepers who require in-patient psychiatric care will be admitted to a South Carolina Department of Mental Health facility. In either case, a charge per day will be predetermined by the Deputy Director of Administration and the Deputy Director of Health Services, and the county will be billed accordingly.

6. TRANSPORTATION OF SAFEKEEPERS: Safekeepers will normally be transported by armed representatives of the committing county. If a medical emergency occurs which requires immediate medical attention from a community hospital as determined by the institutional Health Care Authority or designee, the inmate will be restrained and transported pursuant to SCDC Policy OP-22.10, "Transportation of Inmates Outside the Institution." The Office of General Counsel should be notified immediately in order to contact the Governor's Office.

7. Canteen Privileges: Safekeepers who have an E.H. Cooper Trust Fund Account will be allowed access to the canteen only for the purpose of purchasing a crank radio. Inmates who do not have an E.H. Cooper Trust Fund Account must go through their attorney to purchase a crank radio.

## 8. DEFINITIONS:

Safekeeping Order refers to an executive order signed and executed by the Governor of South Carolina which approves the placement of a Safekeeper in the custody of the South Carolina Department of Corrections (SCDC).

Safekeepers (SK) refer to those unsentenced individuals awaiting trial and detained by the South Carolina Department of Corrections at the request of a county and when ordered by the Governor, pursuant to Section 24-3-80, South Carolina Code of Laws, 1976, as amended, and State of South Carolina Executive Order #2000-11. Individuals sentenced under the State of South Carolina death penalty statute, Section 24-3-520, South Carolina Code of Laws, 1976, as amended, are also referred to as Safekeepers. For information on death penalty Safekeepers, see SCDC Policy OP-22.16, "Death Row." NOTE: SCDC Policy SK-22.02, "Safekeepers," is not intended to address Death Row/Death Row inmates.

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