

Tracy Webb (C046946)

From: Sandra Bowie (Bowie)
Sent: Thursday, September 11, 2014 10:57 AM
To: Dennis Patterson (PatterD)
Cc: Linda Martin (CornLin); Tracy Webb (C046946)
Subject: RE: Social Networking Violations

Hey Dennis,

Thank you very much!!

Sandra S. Bowie
Branch Chief, Policy Development
South Carolina Department of Corrections
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From: Dennis Patterson (PatterD)
Sent: Wednesday, September 10, 2014 2:36 PM
To: Sandra Bowie (Bowie)
Subject: FW: Social Networking Violations

Dennis R. Patterson, Sr.
Director, Region Two
Office of the Deputy Director for Operations
South Carolina Department of Corrections
4444 Broad River Road
Columbia, SC 29210
Phone (803) 896-8540
Fax (803) 896-2811

From: Dennis Patterson
Sent: Wednesday, October 02, 2013 8:48 AM
To: Charles West; Daniel Dubose; Donald Jenkins; Frank Mursier; Gary Eichelberger; Gregory Washington; James Dean; James Parrish; Kathy Small; Loretta Moore; Mancel Boggs; Marilyn Griffin; Michael Stephan; Patricia Yeldell; Robert Molden; Roberto Roberts; Rufus Mincey; Sharon Stukes; Thierry Nettles; Tina Syphertt; Vaughn Jackson; Walter Worrock; Willie Leggins
Cc: Shalon Genwright; Alyson Glidewell; Angelia Brown; Audrey Daniels-Moore; Edward Bittinger; Ernest Rowe; Francine Bachman; Linda Martin; Richard Turner; Sharon Patterson; Sonya Page; Valerie Jackson; Abriell Gooden; Angelia Gordon; Angelita Huylar; Arnethra Thomas; Audra Wright; Beverlyn Smalls; Brittany Anderson; Connie Buehner; Deborah Martin; Eric Hooper; Hattie Knox; Helen Ervin; Jessica Davis; Karen McMorris; Karen Tuttle; Keith Wellons; Kershell Reed; Kimberly Cue; Lashundra Key; Lisa Stacy; Marian Boulware; Mary Beattie; Maverick Wilson; Melinda Poole; Melinda Schlock; Milton Walton; Ophelia Anderson; Regina Spann; Sheila Boyd; Shena Grant; Stacey Richardson; Tanya Sayles;

Thomas Mathews; Wanda Hawkins
Subject: Social Networking Violations

Majors,

In order to address violations referencing the social networking policy, the agency will now require that the inmate be charged **for each day** an inmate posts on a social networking site. For example, if evidence is found that an inmate has posted on a social networking site on five (5) different days, then the inmate would be charged with disciplinary 905 Creating and/or Assisting With A Social Networking Site, 5 counts. Facebook entries made before the inmate was incarcerated cannot be counted against him. The narrative would read as follows:

On the above date and approximate, I, Lt. D. Patterson, discovered that Inmate Joe Blow, SCDC# 123456, had made postings on the Facebook social networking site on the following five days: January 12, 15, 22, 27, 28 of 2013.

Make sure the "date of discovery" is properly documented on the Incident Report.

The Facebook postings would be attached to the report as evidence.

The Major/Responsible Authority would refer the case to the DHO and charge the inmate with violation of disciplinary 905, (5)counts. Please review all pending 905 disciplinary charges to see if this new requirement applies. If so, you need to document the number of counts to be charged and the violations in the MAJOR/RESPONSIBLE AUTHORITY box.

Attached is a list of all inmates with pending 905 disciplinaries as of 09/30/2013. Ensure that investigation start and end dates are noted on narrative. Also document that the investigation status was per Division of Operations.

Please review this new procedure and ensure all necessary staff is made aware. Call me if any questions.

Dennis R. Patterson, Sr,
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SCDC POLICY/PROCEDURE

NUMBER: GA-06.03

TITLE: SOCIAL NETWORKING

ISSUE DATE: October 9, 2014

RESPONSIBLE AUTHORITY: DIRECTOR'S OFFICE

OPERATIONS MANUAL: GENERAL ADMINISTRATION

SUPERSEDES: NONE - NEW POLICY

RELEVANT SCDC FORMS/SUPPLIES: 1-19

ACA/CAC STANDARDS: 4-ACRS-7F-01, 4-ACRS-7F-04, 4-4020, 4-4021

STATE/FEDERAL STATUTES: U.S. Const., amend. I; S.C. const., art. 1., § 2; S.C. Code § 24-1-90; S.C. Code § 30-4-40(a)(3).

THE LANGUAGE USED IN THIS POLICY/PROCEDURE DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS POLICY/PROCEDURE DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY/PROCEDURE. IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

PURPOSE: To establish an Agency policy regarding SCDC employees' official and personal use of websites and social networking sites such as Twitter, Facebook, YouTube, etc.

POLICY STATEMENT: It is the Agency Director's responsibility to protect and safeguard the confidentiality and security of the Agency's operations. It is the Agency Director's responsibility to safeguard the reputation of, and to restrict the use of proprietary information concerning the South Carolina Department of Corrections (SCDC). In light of these responsibilities, it is the Agency Director's policy that any official use of any website or social network shall be directed and coordinated only by the Agency Director or his designee. It is also the Agency Director's policy that employees of SCDC are prohibited from posting, transmitting and/or disseminating any photographs, video or audio recordings, likenesses or images or department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the SCDC on any personal or social networking website or web page without the express written permission of the Agency Director/Designee. To the extent that an employee violates this policy, he/she shall be subject to corrective action to the extent provided by applicable SCDC Policies.

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WEB PAGES**4. DEFINITIONS****SPECIFIC PROCEDURES:****1. USE OF SOCIAL MEDIA/NETWORKS IN AN OFFICIAL CAPACITY:**

1.1 Only an employee authorized by the Agency Director/Designee may use social media/networking in an official capacity. SCDC Form 1-19, "Request To Post To Social Media," must be completed by the employee who will be using social media/networking and approved by the Agency Director/Designee with a copy of the approval maintained by both the Deputy Director of Communications and the Division Director of Resource and Information Management (RIM). (NOTE: Refer to the SCDC Intranet site for the retention schedule for the SCDC Form 1-19.) (4-ACRS-7F-04, 4-4021)

1.2 An authorized employee is responsible for what he/she posts to any social media/network.

1.3 When participating in any online social media/network, an authorized employee shall disclose his/her identity and affiliation with the SCDC. When posting to a blog, an authorized employee shall always use his/her name of record with the SCDC. Authorized employees are prohibited from creating an alias or posting anything anonymously, except as provided by Section 2 below.

1.4 An authorized employee shall follow the rules contained in information provided by the Agency Director/Designee. Public information and media access rules shall also apply to employee behavior within social media/networking and other public online spaces pursuant to SCDC Policy GA-02.01, "Employee And Inmate Relations With News Media, State And Federal Legislators, And Others."

1.5 An authorized employee shall follow the terms and conditions of use that have been established by each venue used for social media/networking activities when such use is in the employee's official capacity.

1.6 An authorized employee shall refrain from posting any information or conducting any online activity that violates SCDC policy or applicable local, state or federal laws or regulations.

1.7 The Agency Director/Designee will carefully consider whether to allow comments before launching a social media/networking initiative. However, if comments are allowed, user feedback should remain regardless of whether it is favorable or unfavorable to the Agency. Comments will be deleted only if they are offensive, abusive, racially inflammatory, threatening, or clearly off topic. Comments that endorse a political candidate, party or commercial product will be deleted. (4-ACRS-7F-01, 4-4020)

2. USE OF SOCIAL NETWORKS FOR OFFICIAL LAW ENFORCEMENT PURPOSES:

2.1 Only trained employees within the Office of the Inspector General may be approved and authorized to use an alias on social networks or web pages for official law enforcement purposes only. Such approval/authorization shall be given by the Agency Director/Designee.

2.2 The Inspector General/Designee shall coordinate and monitor all investigative activities, including monthly reports of such activity. All information issued to and from the Inspector General and other approved/authorized employees regarding the use of social networks is confidential and not disclosable pursuant to S.C. Code Ann., Section 30-4-40(a) (3).

3. EMPLOYEES' PERSONAL USE OF WEBSITES AND SOCIAL NETWORKING WEBSITES OR WEB PAGES:

3.1 This section applies to employees' personal use of websites and social networking websites or web pages. On their off time, employees of the SCDC have the right to have personal web pages or sites, and they have the right

to access and comment on other web pages or social media sites. However, when reference is made to or about the SCDC, a review of that reference is needed to ensure that such reference does not compromise the Agency's integrity and thereby undermine the public's confidence in this agency or this profession

3.2 An employee who has a personal web page, social media/networking account, or other type of Internet forum that can be readily accessed by members of the public or through the granting of permission is prohibited from uploading, disseminating, or otherwise making available for viewing, photographs, videos, or depictions of himself/herself dressed in uniform and/or otherwise displaying official identification, patches or badges, or any other insignia identifying the SCDC. Only the Agency Director/Designee may grant exceptions to this general rule.

3.3 An employee who has a personal web page, social media/networking account, or other type of Internet forum that can be readily accessed by members of the public or through the granting of permission, is prohibited from uploading, disseminating, or otherwise making available for viewing: photographs, videos, depictions of, or comments about:

- Any crime scene, where the crime occurred on Agency property.
- Any current inmate or current offender.
- Any Agency sponsored training activity or work-related assignment.
- Any other Agency employee, only if:
 - The photograph, video, depiction of, or comment about that employee would otherwise violate section 3.2 above; or
 - If the images of, or comments about the employee are related to the posting employee's personal complaints about the employee.

NOTE: Only the Agency Director or his designee may grant exceptions to this general rule.

3.4 No employee shall disseminate to non-authorized SCDC employees or to non-SCDC employees, using any Internet-based medium, any information that the employee learns in the course of his/her employment with the Agency, including all confidential business of the Agency. An employee should treat as confidential any information about the Agency that is not readily accessible to the public via the Agency's own Internet-based or printed resources, or through other readily accessible public resources.

3.5 In the event of any dispute regarding possible corrective action as it relates to the propriety of an employee's publication or dissemination of any information as described within this policy, SCDC shall balance the employee's First Amendment right with SCDC's interest as an employer, in promoting the efficiency of the public services it performs through its employees.

3.5.1 In all other cases where an SCDC employee engages in speech and association, freedom of both is strongest when the speech or activity: (1) occurs off-duty, (2) is related to social or political issues, and (3) is not directly connected to the workplace.

3.6 Employees are prohibited from posting on social networking web sites or other web pages any comments or depictions related to (1) an employee's personal disagreements with or complaints about any other SCDC employee, where the subjects of the publications are not of public concern; (2) an employee's personal disagreements with or complaints about a job assignment; (3) an employee's personal disagreements with or complaints about conditions of employment, or workplace conditions; or (4) an employee's disagreements with or complaints about a current inmate or offender. This prohibition includes any obscene, vulgar, racist, or inflammatory speech that, using the balancing test outlined in section 3.5.1, may lose its First Amendment protection in light of SCDC's interest in (1) maintaining order and discipline among ranks, (2) maintaining order and security within its correctional institutions, and (3) maintaining the public's confidence in the integrity and equitable administration of the state's prison system.

3.7 For each violation of this policy, an employee can be disciplined up to and including termination of employment in accordance with SCDC Policy ADM-11.04, "Employee Corrective Action."

4. DEFINITIONS:

Authorized Employee: Refers to an employee authorized by the Agency Director/Designee to use social networking/media in an official capacity.

Employee: Refers to any person employed by SCDC, either in a classified, unclassified temporary position, 3rd party provider, or contract employee.

Inmate: Refers to a person who is confined to a prison.

Offender: Refers to (1) an individual serving time under the South Carolina Youthful Offender Act; (2) county safekeepers; (3) and any inmate on furlough.

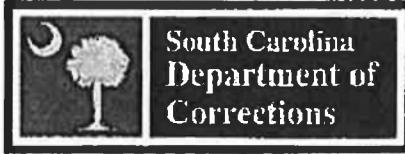
Proprietary Information: Refers to any information concerning the operations of the Agency, the managing of information with the Agency, confidential records concerning offenders and/or employees including, but not limited to, the information deemed confidential in the SCDC Policies and all other information declared confidential.

Social Networks: This encompasses a broad sweep of online activity, all of which is trackable and traceable and usually permanent. Online networks include blogs, chat rooms, message boards, discussion groups, e-mail, texting, iMessaging, etc., on which an employee writes, posts, comments, or is a member of professionally or personally. Examples include, but are not limited to: MySpace, Facebook, Twitter, YouTube or any such network now in existence or those to be created in the future.

SIGNATURE ON FILE

s/Bryan P. Stirling, Director

ORIGINAL SIGNED COPY MAINTAINED IN THE OFFICE OF POLICY DEVELOPMENT



SCDC POLICY/PROCEDURE

CHANGE 1 to OP-22.14: 832

Change 2 to OP-22.14: 17.8.2

NUMBER: OP-22.14

TITLE: INMATE DISCIPLINARY SYSTEM

ISSUE DATE: JULY 1, 2012

RESPONSIBLE AUTHORITY: DIVISION OF OPERATIONS

OPERATIONS MANUAL: OPERATIONS

SUPERSEDES: OP-22.14 Change 1 (September 16, 2010); (September 1, 2009); (October 1, 2007); (May 14, 2004); Change 1 (March 15, 2004); Change 2 (June 14, 2004); Change 3 (July 9, 2004); Change 4 (January 4, 2005)

RELEVANT SCDC FORMS/SUPPLIES: 10-5, 19-11, 19-29A, 19-69, 19-71, 19-79, 19-106, S-29

ACA/CAC STANDARDS: Not annotated

STATE/FEDERAL STATUTES: S.C. Code of Laws, Sections 24-1-140, and 24-13-210

PURPOSE: To provide guidelines for the administration and application of the South Carolina Department of Corrections' (SCDC) Inmate Disciplinary System.

POLICY STATEMENT: To promote the order and maintain the security and safety of the South Carolina Department of Corrections (SCDC), the SCDC will develop and administer an Inmate Disciplinary System to provide appropriate redress and sanctions for violations of any Agency rules and regulations and federal/state statutes by inmates. The administration and application of the Inmate Disciplinary System will be completed in compliance with all applicable state and federal statutes, rules and regulations, and in a manner that ensures inmates are afforded adequate due process protection. All inmates under the custody of the SCDC are required to abide by the rules and regulations established by the SCDC. Inmates who violate any of the rules and regulations of the SCDC may be subject to disciplinary action under the terms of this policy/procedure. When an inmate has committed a crime, criminal prosecution may also be pursued.

SPECIAL NOTES Sec PS-10.09, "Youthful Offender Intensification Program (YOIP)," for supplemental procedures that govern the disciplinary process for offenders sentenced under the Youthful Offender Act.

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APPENDIX A - SCDC DISCIPLINARY OFFENSES

1. GENERAL PROVISIONS:

1.1 All SCDC rules and regulations for which an inmate may be disciplined must be in written form describing violations, sanctions, and penalties; must provide adequate notice of the conduct prohibited by SCDC; must be appropriately distributed for inmates to review; and must be reviewed by the responsible authority annually, and updated as necessary. These rules will be enforced and ignorance of the rules will not be accepted as an excuse for violations. A written explanation of the inmate disciplinary system will be provided to each inmate during the inmate's processing at the Reception and Evaluation Center. Receipt of the written explanation by inmates will be documented via the fiscal/commissary automated system.

1.2 When an inmate exhibits a literacy or language problem, an employee will be designated at each institution to assist the inmate in understanding the rules. A memorandum from the Warden will be posted for the staff and inmate population identifying the employee(s) designated to assist the inmates. This memorandum will be updated as necessary.

1.3 Employees who work with inmates will receive training regarding rules of inmate conduct, the rationale for the rules, and the sanctions available.

2. IMMEDIATE CORRECTIVE ACTION:

2.1 When an SCDC employee witnesses or has knowledge of any act by an inmate which is a violation of the rules and regulations of the SCDC, the employee will first attempt, if appropriate, to correct the behavior immediately. The circumstances of the violation and the inmate's disciplinary history should be taken into consideration when determining whether or not to attempt to correct the behavior on the spot. Corrective action may include:

- Counseling;
- Instructions, or directives;
- Verbal reprimand;
- Extra duty or chores not to exceed four (4) hours;
- Restriction of recreation time not to exceed one (1) day (general population only);
- Restriction of television viewing and/or radio not to exceed one (1) day;
- Restriction of canteen privileges not to exceed one (1) day;
- And/or confinement to his/her cell or cubicle for the remainder of the shift
- If confinement to his/her cell is to exceed the shift, approval must be obtained from the shift supervisor. This confinement cannot exceed 24 hours.

2.2 If the inmate's behavior cannot be corrected on the spot by the observing employee, the employee will bring the matter to the attention of the supervisor on-duty. The supervisor on-duty may attempt to resolve the matter with the above actions, if appropriate. The supervisor may also impose an additional four (4) hours of extra duty

or chores (for a total of eight (8) hours) and/or up to seventy two hours of cell/cubicle confinement.

3. SUPERVISORS' REVIEW/RESPONSIBILITIES: If the supervisor on-duty cannot correct the inmate's behavior using the corrective actions listed in Paragraph 2.1 and 2.2, above, or the incident is too serious to be resolved in this manner, s/he will instruct the observing employee to complete SCDC Form 19-29A, "Incident Report." This report will be typed (if possible) and will, at a minimum, include the following information:

- Institution/Center;
- Reporting Official's Full Name,
- Location of Incident;
- Date/Time of Report;
- Date/Time of Incident, *or Date of Discovery*;
- Employee(s)/Witnesses Involved;

3.1 A description of the facts of the offense(s), to include, at a minimum:

- The name and SCDC number of the inmate;
- The names of all witnesses;
- The general location of the offense; and
- A full statement of the facts underlying the offense, to include witnesses, evidence, and disposition of evidence.
- The reporting employee's signature, title, list of any evidence, and disposition of evidence.

3.2 Review: The supervisor will review the SCDC Form 19-29A, "Incident Report" within 24 hours of the incident or date of discovery unless there are exceptional circumstances for delaying this review, which must be approved by the Warden or Associate Warden. The review may include interviewing the reporting employee, other employee witnesses, the accused inmate, or the accused inmate's witnesses. Upon review, the supervisor will make a determination whether to refer the inmate to the Major/Responsible Authority (Responsible Authority includes the Warden or Duty Warden, or for institutions with no Major assigned, the Captain) for disciplinary action. The supervisor will document his/her review in the space provided on SCDC Form 19-29A and will annotate the form in the proper block to indicate whether or not the incident was Security Threat Group (STG) or drug related. **NOTE:** If the inmate has a mental health issue noted on his/her MEDCLASS screen or is acting in such a manner that indicates a mental health concern, then a copy of the Incident Report must be forwarded to the mental health staff. This referral must be documented on the 19-29A. In these instances, a memorandum from the mental health care professional must be included as an attachment to SCDC Form 19-29A, "Incident Report," attesting to the inmate's mental status and accountability for his/her actions. Refer to SCDC Policy/Procedure HS-19.01, "Placement of Inmates in Mental Health Observation and Evaluation Status," for additional information.)

4. MAJOR/RESPONSIBLE AUTHORITY REVIEW:

4.1 Formally Charging the Inmate: The Major/Responsible Authority will have up to nine (9) calendar days from the date of the incident or date of discovery of the incident to take one of the following three (3) actions:

4.1.1 Informally Resolve the incident;

4.1.2 Administratively Resolve the incident; or

4.1.3 Formally charge the inmate and refer the incident to a Disciplinary Hearing. (NOTE: When the violation has been received by the Hearing Officer, the violation will not be rescinded for Informal/Administrative Resolution without written approval by the Division of Operations.)

4.1.4 All Level I and II offenses will be heard by the Hearing Officer only.

4.2 The Major/Responsible Authority will review the inmate's disciplinary history and the SCDC Form 19-29A. After this review, the Major/Responsible Authority will use the space provided on the SCDC Form 19-29A to indicate his/her decision and then will sign and date the SCDC Form 19-29A. The inmate will be

considered formally charged on the date the disciplinary is entered into the Offender Management System (OMS).

4.3 Extension for Investigations:

4.3.1 Institutional Investigations: If the Major/Responsible Authority believes that further investigation of the circumstances is needed in order to determine the inmates to be charged, the nature of their acts, etc., then he/she can direct that an institutional investigation be conducted. Investigations conducted by the institution will be completed within 21 calendar days. The start and end of the 21 day initial investigation should be documented on the Form 19-29 A, "Incident Report," by the Major/Responsible Authority. An entry of investigation should be made into the OMS. The OMS narrative should reflect the beginning and ending dates of the investigation, to include any extensions, if applicable. If more than 21 calendar days are required for completion of the investigation, an extension may be granted by the Division of Operations. The written extension request should be completed and signed by the Warden/Designee and approved by the Division of Operations prior to the expiration of the initial 21 days. The 21 day extension will commence on the date of approval by the Division of Operations. The nine (9) day time frame for entering the charge into the system will commence from the date of the completion of the investigation and submission of the results in writing.

4.3.2 Inspector General Investigations: Investigations conducted by the Inspector General (IG)/Division of Investigations will be conducted in accordance with Agency Policy. Due to the serious nature of the matters referred to the Inspector General/Division of Investigations, and due to the requirement that certain matters must be referred to other law enforcement entities, a prescribed time frame will not be established. The OMS entry described in paragraph 4.3.1 will be completed. Upon completion of the investigation by the IG/Division of Investigations or receipt of a completed investigation from an outside law enforcement entity a report will be furnished by the IG/Division of Investigations to the Warden through the Division of Operations. The nine (9) day time frame for entering the charge into the system will commence from the date the investigative report is submitted to the Warden, Associate Warden or Major. The 24 hour review by a supervisor will not be required in these instances.

4.3.3 In cases where the investigative report confirms the decision to take internal disciplinary action against an inmate, the decision how to logistically charge the inmate will be made mutually by the Division of Operations, the Warden at the Institution where the incident occurred, and the Warden of the Institution where the inmate is housed (if different.) Because time frame issues could result from the amount of time between the incident and the issuance of an investigative report, the Division of Operations will coordinate any necessary requests to waive time frames in order for the disciplinary hearing to be heard. OMS narrative should reflect the beginning and ending dates of the investigation, as well as the requests to waive time frames.

4.4 When the Major/Responsible Authority is unsure about whether or not a Level 3, 4, or 5 Disciplinary Infraction should be resolved by Informal Resolution, Administrative Resolution, or should be referred to a Disciplinary Hearing, s/he will confer with the assigned Hearing Officer and jointly determine the appropriate disciplinary response. If agreement is reached, the appropriate disciplinary action (Informal Resolution, Administrative Resolution, or Disciplinary Hearing) will proceed. If these two employees cannot agree on the appropriate disciplinary action, the Warden will confer with the Division of Operations to arrive at the most appropriate disciplinary action.

5. INFORMAL RESOLUTION:

5.1 The inmate will appear in person before the Major/Responsible Authority who will read the charge and the narrative to the inmate, allow the inmate to respond to the charge, and then make a decision as to the inmate's guilt or innocence. If found guilty, the Major/Responsible Authority may impose any of the following sanctions on the inmate as a means of resolving the incident informally:

- Counseling;
- Instructions or directives;

- Verbal reprimand;
- Extra duty or chores up to 40 hours;
- Restriction of recreation time (general population only) up to 30 days;
- Restriction of canteen, visitation, or other privileges up to 90 days;
- Restriction of television viewing and/or radio up to 90 days;
- Payment of restitution;
- Cell or cube restriction up to 30 days. (See Paragraph 26.1 through 26.2.2. below, for rules related to Cell or Cube Restriction.)

5.2 The Major/Responsible Authority may impose any of the above sanctions and may suspend implementation of these sanctions for up to 90 days if the inmate does not commit any additional disciplinary infractions during that time period. The advantage to the inmate of informal resolution is that the inmate does not lose, nor does s/he fail to earn, good time. The Major/Responsible Authority will document the action taken on SCDC Form 19-106, "Inmate Disciplinary System Informal/Administrative Resolution," and explain the following issues to the inmate. All dispositions will be entered in the OMS within two (2) working days of the informal resolution.

5.2.1 The inmate has the right to decline informal resolution and request that the incident be referred to a disciplinary hearing, however, if the inmate is convicted as a result of a hearing, the inmate will fail to earn good time for that month, the Hearing Officer has the authority to take accrued good time, and the Hearing Officer may levy additional sanctions. (NOTE: Should the inmate decline informal or administrative resolution, the inmate will sign and date the SCDC Form 19-106 and it will be forwarded by the Major/Responsible Authority to the Hearing Officer.)

5.2.2 The inmate waives any appeal rights including grievance rights under the Agency Inmate Grievance System and those pursuant to *Al-Shabazz v. State* if s/he accepts the informal resolution.

5.2.3 If the inmate accepts informal resolution, s/he will be required to sign and date the SCDC Form 19-106, accepting informal resolution, waiving the privilege of a disciplinary hearing, and waiving his/her grievance rights.

5.3 The incident is entered into the automated system as a "CLOSED" incident. *NOTE: A closed entry acknowledges a conviction of an offense, but ensures no good time is taken.*

6. ADMINISTRATIVE RESOLUTION:

6.1 If the Major/Responsible Authority believes that the inmate's offense should not be resolved informally, as discussed in Paragraph 5., above, the inmate will appear in person before the Major/Responsible Authority who will read the charge and the narrative to the inmate, allow the inmate to respond to the charge, and then make a decision as to the inmate's guilt or innocence. If found guilty, the Major/Responsible Authority may offer the inmate the opportunity to resolve the incident administratively. The advantage to the inmate of administrative resolution is that the inmate will fail to earn good time for the month of the infraction (if eligible to earn good time), but no earned good time will be taken from the inmate. The circumstances of the violation and the inmate's disciplinary history should be taken into consideration. The Major/Responsible Authority will complete SCDC Form 19-106, "Inmate Disciplinary System Informal/Administrative Resolution," and explain the following issues to the inmate. All dispositions will be entered in the OMS within two (2) working days of the administration resolution.

6.1.1 The inmate has the right to refuse administrative resolution and request that the incident be referred to a disciplinary hearing, however, the Hearing Officer has the authority to levy additional sanctions and to take accrued good time if the inmate is found guilty of the incident. (NOTE: Should the inmate decline informal or Administrative Resolution, the inmate will sign and date SCDC Form 19-106, and it will be forwarded to the Hearing Officer by the Major/Responsible Authority.

6.1.2 The inmate waives any appeal rights including grievance rights under the SCDC Inmate Grievance System and those pursuant to *Al-Shabazz v. State* if s/he accepts the administrative resolution.

6.1.3 If the inmate is eligible to earn good time, s/he will fail to earn good time (3 or 20 days dependent on the inmate's conviction) for the month of the incident, but no earned good time will be taken if s/he accepts administrative resolution.

6.2 The Major/Responsible Authority may impose any of the following sanctions on the inmate as a means of resolving the incident administratively:

- Counseling;
- Instructions or directives;
- Verbal reprimand;
- Extra duty or chores up to 40 hours;
- Restriction of recreation time (general population only) up to 30 days;
- Restriction of canteen, visitation, or other privileges up to 90 days;
- Restriction of television viewing and/or radio up to 120 days;
- Payment of restitution;
- Cell or cube restriction up to 60 days (see Paragraph 26.1 through 26.2.2, below for rules related to Cell or Cube Restriction);
- Disciplinary detention up to 20 days in an institutional Special Management Unit;
- Suspension of a program privilege, with justification, for up to six (6) months with approval by the Warden.

6.3 The Major/Responsible Authority may impose any of the above sanctions or combination of sanctions and may suspend implementation of these sanctions for up to 90 days if the inmate does not commit any additional disciplinary infractions during that time period. If the inmate accepts administrative resolution, s/he will be required to sign the SCDC Form 19-106, accepting administrative resolution, waiving the privilege of a disciplinary hearing, and waiving his/her grievance rights. If the inmate does not wish to accept administrative resolution, the Major/Responsible Authority will refer the matter for a disciplinary hearing.

6.4 If the inmate accepts the administrative resolution, the incident is entered into the automated system as a "Guilty" and "Convicted" disposition.

7. DISCIPLINARY HEARINGS:

7.1 Inmates will be served with notice of disciplinary charges at least *forty-eight (48)* hours prior to their hearings. Should the inmate refuse to sign Form 19-69, "Inmate Disciplinary Report and Hearing Record", s/he will forfeit the opportunity to request that their accuser and/or witness(es) be present at their scheduled hearing.

7.2 Once the inmate is formally charged (and entered into the Offender Management System), the hearing will be held within 21 calendar days. SCDC Form 19-69, "Disciplinary Report and Hearing Record," will be used to document the charges and the results of the hearing. The charges will be explained by the Hearing Officer to the inmate in terms s/he can understand. Inmates may not be subjected to any form of coercion designed to persuade them to waive their rights to 48 hour notice. If inmates are offered the opportunity to waive *the 48* hours notice, they must be fully informed, in terms understandable to them, of the nature of the rights at stake. In addition, an inmate may waive his/her right to a hearing and indicate such on SCDC Form 19-69. When an inmate waives his/her right to a hearing, the Hearing Officer will review the waiver section of the SCDC Form 19-69, conduct the hearing in the absence of the inmate, determine guilt or innocence; if guilty, decide on appropriate penalties, and notify the inmate of the same using SCDC Form 19-69. Should an inmate refuse to sign a waiver and/or attend the hearing, the hearing will be held in the inmate's absence and recorded. (NOTE: The Hearing Officer will determine if a witness(es) will testify should an inmate waive his/her right to attend their hearing.) (4-4237)

7.3 The inmate may submit a written statement to the Hearing Officer in response to the charges. In addition, the inmate may make a verbal statement in his/her defense during the hearing. At the time an inmate is served with notice pursuant to a disciplinary hearing, the inmate will be informed of these rights. Confirmation that the inmate was advised of these rights will be noted on the original copy of SCDC Form 19-69, "Disciplinary Report and Hearing Record."

7.4 One (1), 21 calendar day extension for holding the hearing will be allowed only with the written approval of the Division of Operations for unforeseen circumstances (inmate assault leave, employee extended leave, family medical emergency, etc.) via a memorandum. The extension must be submitted to the Division of Operations prior to the expiration of the initial 21 calendar day period. If approved, the 21 calendar day extension will begin after the completion of the initial 21 day hearing period. The expiration date of the initial 21 day period must be noted in the memorandum. Only one (1) such extension will be authorized. If the extension is approved by the Division of Operations, the inmate will be provided with a copy of the approval.

7.5 When an investigation is needed, the nine (9) calendar days begins once the investigation information is submitted to the Major (or Captain at those institutions with no Major) or higher authority. (NOTE: An investigation conclusion date will be noted on the investigative information report.)

7.6 If the inmate is transferred to another institution, the hearing will still be held within 21 calendar days of being charged, unless extenuating circumstances prevent the hearing. For extenuating circumstances, the Division Director of Operations or designee may approve an extension. All documentation concerning the charges will be forwarded to the receiving institution promptly upon transfer of the inmate.

7.7 Disciplinary hearings held more than 30 calendar days after the incident date or date of the discovery of the incident, may only be held if approved by the Division of Operations. It will be the responsibility of the Warden where the inmate was charged to provide justification for disciplinary action beyond 30 calendar days.

8. COUNSEL SUBSTITUTES: Each institution will assign an employee(s) to act as a Counsel Substitute. A Counsel Substitute is an SCDC non-uniformed employee who is assigned to assist inmates with a disciplinary hearing.

8.1 Inmates will be assigned a Counsel Substitute at least *forty-eight (48)* hours prior to a hearing in the following cases: (*Note: The Counsel Substitute must meet with the inmate at least one working day prior to the scheduled disciplinary hearing.*)

8.1.1 When the inmate is intellectually impaired or has a physical disability which makes it difficult for him/her to understand and/or participate in the disciplinary process. Counsel Substitutes will be appointed in all cases in which: inmates are assigned to a sheltered unit for the intellectually impaired, i.e., Habilitation Unit, etc.; or inmates have questionable mental intellect or a mental illness as confirmed by mental health personnel.

8.1.2 When the inmate's literacy or understanding of English is questionable. (NOTE: Inmates reading at the sixth grade level and below will be assigned a counsel substitute. The highest consistent reading level noted in the Offender Management Screen will be the reading level considered when deciding if an inmate should be assigned a counsel substitute.)

8.1.3 When the inmate, because of the complexity of the issue, will be unlikely to be able to collect and present the evidence necessary for an adequate comprehension of the case.

8.1.4 When the inmate is confined to a segregation status pending the hearing, unless the inmate documents on the 19-69, or verbally states on *the recording* that s/he does not want a counsel substitute and they have no mental health issues.

8.1.5 If at the time the inmate is served the 19-69, he/she is on lockdown status, unless the inmate documents on the 19-69, or verbally states on the recording that s/he does not want a counsel substitute and they have no mental health issues.

8.1.6 When a witness requested by the accused inmate is unable to attend a disciplinary hearing because either the requested witness or the accused inmate has been transferred to another institution. (NOTE: Inmates who exhibit inappropriate behavior with a counsel substitute will forfeit the use of counsel substitute and may be charged accordingly.)

8.2 Responsibilities: Prior to the disciplinary hearing, the Counsel Substitute has the following

responsibilities in preparing for the hearing:

8.2.1 *When the inmate's literacy or understanding of English is questionable, the Counsel Substitute will read the SCDC Forms 19-29A and 19-69 to the accused inmate, ensure that the inmate has received copies of SCDC Forms 19-29A and 19-69, and that the inmate understands the charge, as well as the facts and evidence underlying the charge.*

8.2.2 Obtain the accused inmate's statement as to exactly what took place.

8.2.3 Obtain the names of all employees and inmates whom the accused wishes to call as witnesses.

8.2.4 Interview relevant witnesses prior to the hearing. For those witnesses who will not be able to appear at the hearing (e.g., an inmate who has been transferred to another institution), obtain written statements that can be given to the Hearing Officer at the hearing (**NOTE:** Inmates will be required to use SCDC Form 19-11, "Request to Staff Member," listing the names of all witnesses they wish to be made available at their hearing. The form must be addressed to the inmate's Counsel Substitute or to the Hearing Officer if no Counsel Substitute has been assigned and must be received no later than 24 hours prior to the hearing.)

8.2.5 Inform the Hearing Officer of the names of all witnesses the inmate has requested.

8.2.6 Obtain any documentary evidence relevant to the case that is not already in the possession of the accused inmate.

9. HEARING OFFICER DUTIES: The Hearing Officer is responsible for the following:

9.1 Implementing and adhering to established guidelines as they relate to the hearing phase of the disciplinary process;

9.2 Overseeing and coordinating due process hearings for inmates with rule violations to include, but not be limited to maintaining an automated disciplinary case tracking system, and providing assistance to the institutions in setting case dockets and proper scheduling of rule violators to appear at hearings in the prescribed time limits set forth above.

9.3 Ensuring that the appropriate transactions are executed in the inmate's automated record within two (2) working days of the completion of SCDC Form 19-69, "Disciplinary Report and Hearing Record."

9.4 The charges will be explained by the Hearing Officer to the inmate in terms s/he can understand. The Hearing Officer will also inform the inmate that if a guilty plea is rendered or if s/he is found guilty, s/he will automatically fail to earn his/her normal rate of good time (3 or 20 days depending on his/her conviction[s]) for the date/month of the rules violation. The Hearing Officer will inform the inmate of additional sanctions that may be imposed in addition to the forfeiture of earned good time if found guilty, or if they plead guilty.

9.5 The Hearing Officer will ensure that inmates with mental health issues, or language barriers are provided the necessary assistance to understand the disciplinary proceedings. The necessary assistance may require the postponement of the disciplinary hearing. **NOTE:** Must be noted on SCDC Form 19-69 and on the hearing *recording*.

9.6 If, during the hearing, the Hearing Officer determines that the report should have been processed as a lesser included offense that more appropriately characterizes the incident, the Hearing Officer should reduce the charge to the lesser included offense. In such cases, there is no need to provide the accused inmate with an additional 24 hour notice to prepare for the hearing. However, if the Hearing Officer determines that another offense of an equal level is more appropriate, the inmate is entitled to an additional 24 hours notice in order to prepare for the new charge.

9.7 The Hearing Officer will complete SCDC Form 19-69, which will become a permanent part of the inmate's institutional and central records.

10. RECORDER: Each Warden will assign two (2) employees as a recorder. A recorder is an SCDC employee who is assigned to assist the Hearing Officer and the Major/Responsible Authority with their duties as it relates to the disciplinary process. S/he will be responsible for ensuring that all documentation for each case is available and each disciplinary infraction is entered in the automated system within time frames as outlined in policy as it relates to informal and administrative resolution cases as well as disciplinary hearings.

10.1 The Recorder will be responsible for the following:

- Prepare SCDC Form 19-69, Disciplinary Report and Hearing Record" with violation code, offense and description/definition;
- Ensure the SCDC Form 19-69 will be served to the inmate at least 48 hours prior to the hearing;
- Prepare a docket for cases to be heard by the Hearing Officer;
- Notify accusers/witnesses of their need to be available for the hearing;
- Ensure all hearing *recordings* are accounted for and secured for future use;
- Maintain a disciplinary file on each case from the Hearing Officer and Major/Responsible Authority;
- Ensure all sanctions are entered into the automated system within two (2) working days;
- *Distribute SCDC Forms 19-29A, 19-69 and 19-106 and supporting documents to Central Records, Institutional Records and when appropriate, Financial Accounting within fourteen (14) working days after the hearing is completed; and*
- Prepare and submit reports as required to the Hearing Officer and/or to the Division of Operations.

11. MODIFIER: Each Warden will assign two (2) employees as a modifier. A modifier is an SCDC employee who is assigned by the Warden who will modify the hearing record in the automated system if the disciplinary is reduced or dismissed at the Institutional level as a result of SCDC Policy GA-01.12, "Inmate Grievance System".

11.1 The modifier will be responsible for modifying sanctions that were imposed by the Hearing Officer and ensure that copies of all documentation are forwarded to the recorder. S/he will also serve as back up to the Recorder.

12. RECORDING:

12.1 All disciplinary hearings will be recorded. The recording will not be turned off at any time during the taking of evidence, regardless of the Hearing Officer's opinion concerning the relevancy of the testimony. However, if an inmate becomes assaultive or disruptive, the Hearing Officer may stop the *recording* to regain security and control of the inmate. When the *recording* is started again, the Hearing Officer will state the reasons for the interruption and continue the hearing. The inmate will be excused from the hearing room during the Hearing Officer's deliberation (sanctioning process).

12.2 The recording will be maintained for a period of at least 18 months after the hearing.

12.3 The Hearing Officer will be responsible for ensuring that all *hearings are downloaded to the appropriate shared folder on the automated system.*

13. RESTRICTIONS ON PERSONNEL PARTICIPATING IN THE HEARING: Neither the Hearing Officer nor the Counsel Substitute may be:

- An employee who has filed the charges;
- An employee who ordered the filing of the charges;
- An employee who participated in any incident that led to the charges in question;
- An employee who participated in investigation of the charges; or
- An employee who made the decision to process the report through a disciplinary hearing.

14. PRESENCE OF INMATE AT DISCIPLINARY HEARING:

14.1 Inmates charged with rules violations will be present at their disciplinary hearings unless s/he has waived the right to be present or if the DHO determines that his/her behavior prior to, or during the hearing justifies

their exclusion. If an inmate refuses to appear at the hearing or fails to appear at the notified time, or is unavailable (i.e., when an inmate has escaped or for a protracted court appearance, etc.), the hearing may be conducted in the inmate's absence. See paragraph 7.2 for additional information.

14.2 Inmates may hear all evidence presented at the hearing, unless hearing the evidence will jeopardize the life or safety of persons or the security and order of the institution.

14.3 The Hearing Officer must provide written reasons in the record for the accused inmate's absence during any portion of the hearing. If security considerations require that the inmate be removed from the hearing for the presentation of any evidence or questioning of any witness, the inmate's Counsel Substitute will be permitted to remain and to act in the inmate's behalf. NOTE: Must be noted on SCDC Form 19-69 and on the hearing *recording*. (4-4241)

14.4 An inmate may be physically restrained during hearings if a present threat of violence or physically disruptive behavior exists.

14.5 If an inmate with a pending disciplinary *is on crisis intervention*, or is transferred to Gilliam Psychiatric Hospital, the Department of Mental Health, an SCDC Infirmary, or any other health care facility outside the control of the Agency, or for a protracted court appearances, the 9/21 day time limit for holding the hearing will be suspended until the inmate is returned to his/her institution. The suspended period of time will be noted on the SCDC Form 19-69 by the Hearing Officer or on the 19-106 by the Major/Responsible Authority.

14.6 If a Hearing Officer determines that an inmate is behaving irrationally at the hearing, and believes he/she is unable to understand the significance of the disciplinary proceeding, the Hearing Officer will refer the inmate for assessment by the appropriate mental health staff. The hearing will be rescheduled once the mental health staff has documented that the inmate is lucid enough to understand the disciplinary proceeding. The 9/21 day time limit for holding the hearing will be suspended during this period. NOTE: Must be noted on SCDC Form 19-69 and on the *recording or on the 19-106 by the Major/Responsible Authority*.

14.7 For inmates who are outside the physical custody of SCDC when an incident occurs (e.g., designated facility, post conviction relief, community hospital, etc.), the date of the discovery will be the date and time of return to an SCDC institution or the date and time when the appropriate employee learns of the incident, whichever is later.

14.8 An inmate who refuses to attend a hearing without properly waiving his/her appearance automatically waives the right to counsel substitute, the presence of accuser, and witness(es).

15. PRESENTATION OF EVIDENCE AT THE HEARING:

15.1 At the start of the hearing, the Hearing Officer will advise the inmate of the charges against him/her and will advise the inmate to enter a plea to each charge. If one or more of the charges involved the possession of contraband, the item(s) of contraband, a sample of the contraband, or a picture of the item should be produced at the hearing. Also, if the contraband involves *tobacco* or a controlled substance, i.e., illegal drugs such as marijuana, the Hearing Officer must have available a copy of SCDC Form 19-79, "Controlled Substance Testing and Disposition Form," that establishes the exact type of illegal drug found in the possession of the inmate.

15.2 The accused inmate, or the inmate's Counsel Substitute, may make a statement on the inmate's behalf. The accused inmate, or the inmate's Counsel Substitute, may present documentary evidence.

15.3 The inmate may call witnesses unless the Hearing Officer decides that the testimony of such witnesses is repetitive (that is, will simply repeat the testimony of other witnesses), is not relevant to the case, or is likely to jeopardize the life or safety of persons or the security and order of the institution. If witnesses are denied by the Hearing Officer, the Hearing Officer must write his/her reasons for this denial on the SCDC Form 19-69, "Disciplinary Report and Hearing Record," in the space provided. If an employee has been called as a witness and has information that is relevant to the case, then he/she is obligated to provide said information.

15.4 The inmate must request the accuser's(s) presence prior to the hearing utilizing Form 19-69.

15.5 The Counsel Substitute, or inmate, if no counsel substitute is appointed, may question all witnesses who appear at the hearing. The Hearing Officer will ask the inmate, or the inmate's Counsel Substitute, whether there are any questions for the witnesses. The questioning of the accusing employee or other witnesses will be conducted by the Counsel Substitute or Hearing Officer, if no Counsel Substitute is appointed. Written statements from witnesses other than the accusing employee may be presented as evidence when the witnesses are unable to attend the hearing. Any witness, including the accusing employee, who is unable to attend the hearing may be interviewed by a speaker telephone during the hearing and the answers of the witness must be recorded. The unavailability of the accusing employee must be limited to those occasions when circumstances (i.e. employee is on inmate assault leave, medical emergency, military leave, etc.) arise at which time the approving supervisor indicated on SCDC Form 19-29A may be used as the accusing official.

15.6 In circumstances where an inmate is an adversarial witness, the inmate who is charged may be excluded from hearing the testimony of the witness. In such cases, the charged inmate will be required to give a list of questions s/he wants asked of the witness to his/her Counsel Substitute. If no Counsel Substitute has been assigned, then the inmate will be required to provide a list of questions to the Hearing Officer who will ask the questions for the accused.

15.7 The failure of the accused inmate to present non-frivolous evidence to contradict the staff member's report will permit the report to be the only evidence used against the inmate. If, on the other hand, the accused inmate presents non-frivolous evidence which, if true, would contradict the facts alleged in the staff member's report, the Hearing Officer must take at least one of the following steps at the hearing prior to the final disposition of the case:

15.7.1 Question the charging employee;

15.7.2 Examine additional documentary evidence (beyond investigation reports and/or written statements by the charging employee or witnesses); or

15.7.3 Question other witnesses.

16. STANDARD OF GUILT:

16.1 The Hearing Officer will then decide the inmate's guilt or innocence with respect to each charge on the SCDC Form 19-69, "Disciplinary Report and Hearing Record," based on a preponderance of the credible evidence; in other words, the Hearing Officer must review all of the evidence presented during the hearing and, from the evidence that was submitted, must decide whether it is more likely that the inmate is guilty or not guilty.

16.2 Sentencing Guidelines: If the inmate is found guilty, the Hearing Officer will determine the sanctions to be imposed for the violation. When sanctioning an inmate, the Hearing Officer will take into consideration:

- The inmate's prior conduct and the period of time since the inmate's last disciplinary violation;
- Nature and seriousness of the offense;
- Extent of injury to persons or damage/destruction to property (if applicable);
- Penalties given to other inmates for the same or similar violations;
- Specific program and security needs of the inmate.

The sanctions will be proportionate to the offense committed, and the Hearing Officer will be responsible for justifying any disciplinary actions imposed.

16.3 Guilty But Not Accountable: If a mentally ill inmate commits a disciplinary infraction, and the mental health staff determines that the inmate was not accountable for his/her actions, if the inmate is found guilty through a preponderance of the evidence presented, the inmate should be found Guilty But Not Accountable. The case will be referred back to the Mental Health authorities for appropriate intervention. *Once the SCDC Form 19-69 has been forwarded to the Warden for review, the appropriate Mental Health personnel should confer with the Warden to recommend appropriate intervention and treatment plan.*

16.4 If an inmate is charged with multiple offenses, the inmate cannot be sanctioned separately for each offense unless they are totally separate and distinct violations. If the offenses are separate and distinct, then the inmate may be sanctioned consecutively for each offense. Inmates may not be sanctioned consecutively for lesser included offenses.

16.5 Inmates released from the Department of Corrections *to a community supervised program, i.e., parole, probation, etc.*, and returned to the Agency within three (3) years of their release can have their disciplinary history used in determining appropriate sanctions if they commit an Agency rules violation. *If an inmate completed his/her sentence (maxed out), his/her disciplinary sanctions under the maxed out sentence can not be used in determining sanctions under a new commitment.*

16.6 Inmates who had disciplinary sanctions imposed prior to release from SCDC on probation, parole, supervised furlough, or any other supervision under control of the SCDPPPS, and who return to SCDC before the "day for day" completion date of the sanctions, will have the sanctions remain in place until the original completion dates expire. Once the inmate is assigned to an institution from R&E, the resumption of Disciplinary Detention time will be at the discretion of the receiving Warden.

17. PENALTIES IMPOSED BY HEARING OFFICER: Penalties for disciplinary offenses are consecutive. If an inmate is serving Disciplinary Detention or has a loss of privileges or other sanction and commits another offense during the period of time s/he is in Disciplinary Detention or has lost privileges, the subsequent penalty period will begin upon completion of the first. More than one type of sanction may be imposed for a violation. Penalties will be imposed for a second or subsequent offense when the offense committed is identical to a previous offense(s).

17.1 Disciplinary Detention is served in an institutional Special Management Unit and may be imposed in the following amounts:

Disciplinary Offense Level	1st Offense	2nd or Subsequent Offense
1	0 -360 Days	360-720 Days
2	0 -180 Days	90 - 360 Days
3	0 - 60 Days	45 - 90 Days
4	0 - 45 Days	45 - 60 Days
5	0 - 10 Days	0 - 20 Days

Note: Inmates who are placed in Disciplinary Detention will be managed pursuant to SCDC Policy/Procedure OP-22.12, "Special Management Unit." Inmates who are subsequently re-classified and placed in Security Detention will complete their Disciplinary Detention time prior to re-classification into Security Detention.

17.2 Loss of Accrued Good Time may be imposed in the following amounts:

Disciplinary Offense Level	1st Offense	2nd or Subsequent Offense
1	No limit on loss of good time - All good time may be taken.	No limit on loss of good time - All good time may be taken.
2	0 - 60 Days	0 - 90 Days
3	0 - 30 Days	0 - 60 Days
4	0 - 20 Days	0 - 60 Days
5	0 Days	0 Days

Note: A finding of guilt as a result of a disciplinary hearing will result in the inmate's failure to earn good time for the month in which the violation occurred and may also result in the loss of good time as shown in the above chart.

17.3 Counsel and Reprimand.

17.4 Extra duty not to exceed 40 hours.

17.5 Loss of privileges (Canteen, Television, Radio, Visitation, Telephone, Personal Property, Programs, Employment in Prison Industries, or Other Privileges/Leisure Activities):

Disciplinary Offense Level	Number of Days of Privileges Loss
1	No privileges during Term of Disciplinary Detention and an additional mandatory 360 days after Disciplinary Detention. See Appendix A, Charges 802, for additional instructions on privilege loss for that charge.
2	No privileges during Term of Disciplinary Detention and an additional mandatory 180 days after Disciplinary Detention. See Appendix A, Charges 802, 822 and 854 for additional instructions on privilege loss for those charges.
3	0 - 180 Days No privileges during term of Disciplinary Detention
4	0 - 90 Days No privileges during term of Disciplinary Detention
5	0 - 90 Days No privileges during term of Disciplinary Detention

17.6 Restitution.

17.6.1 Medical Costs for Self-Inflicted Injuries or Injuries to Others: For self-inflicted injuries or injuries to others, the inmate who caused the injuries will be charged restitution of \$50.00 for services provided by SCDC Medical, *as well as up to ten (10) co-payments incurred by the injured inmate as a result of the incident.* If the injured inmate required outside treatment, the inmate who caused the injury will be required to pay for all extra costs charged to SCDC to include, but not limited to, EMS (or Medivac), emergency room, physician, all outpatient services, and \$50.00 for security/transportation. These costs will be handled according to Agency Policy/Procedure ADM-15.01, "Repayment of Costs by Inmates." *The restitution requirements are mandatory upon conviction unless deemed not appropriate by the DHO. NOTE: Restitution will not be charged if inmate was found GBNA.*

17.6.2 If the incident is resolved by Informal Resolution or Administrative Resolution, the Major/Responsible Authority will determine the financial responsibility of the inmate(s) and will provide the amount of restitution in the appropriate block of SCDC Form 19-106, "Inmate Disciplinary System Informal/Administrative Resolution."

17.6.3 If the incident is resolved by a Disciplinary Hearing, the Hearing Officer will determine the financial responsibility of the inmate(s) and will provide the amount of restitution using information provided by the Major/Responsible Authority, (on Form 19-106 or 19-69), of the fees incurred by the inmate. Under no circumstances will the DHO arbitrarily impose money restitution.

17.6.4 If an inmate has been convicted and sanctioned by the DHO at a disciplinary hearing and additional restitution for the same disciplinary conviction is warranted, the imposition of the additional restitution will be conducted at a later time through an Informal Resolution Hearing by the Major/Responsible Authority. This entry will be documented in the narrative of the original case and on SCDC Form 19-106, "Inmate Disciplinary System Informal/Administrative Resolution." This hearing is to officially notify the inmate of additional restitution, not a hearing to determine guilt or innocence.

17.7 Other Restrictions/Sanctions: The Disciplinary Hearing Officer may also impose any of the restrictions/sanctions that are permitted under any other parts of the disciplinary process.

17.8 Issue of Jumpsuits: Inmates who are convicted of the infraction **854 Exhibitionism and Public Masturbation** will be provided with three pink jumpsuits to wear instead of the inmate uniform. (Note: Inmates in SMU for Security Detention or Disciplinary Detention will wear the SMU uniform until their release from SMU.) Inmates will wear the pink jumpsuit for three months after the completion of the disciplinary process or their release from SMU. All inmates assigned pink jumpsuits will wear them at all times except when sleeping at night. All inmates assigned pink jumpsuits will be required to report to their assigned areas, (i.e. job, school, visitation, etc.) wearing the pink jumpsuit. Should an inmate refuse to wear the pink jumpsuit, s/he will be charged accordingly and sanctioned to additional disciplinary detention. If the inmate continues to refuse s/he

will be subject to being placed in security detention. Any subsequent violations of 854 will result in wearing of the pink jumpsuit for an additional year. All sanctions involving the wearing of the pink jumpsuits will be consecutive. If the inmate is placed in SMU during the time of wearing the pink jumpsuit, s/he will be required to resume wearing the pink jumpsuit for the remainder of their sanction time, after release from SMU. (NOTE: Any inmate convicted for acts of exhibitionism and/or public masturbation under infraction 822 and 802 prior to the adoption of infraction 854 shall continue to be subject to the penalty/sanction and provisions set forth in this paragraph.)

17.8.1 If an inmate is convicted of Sexual Assault (802) of an employee, or other person authorized to enter the institution, the inmate will be required to wear a pink jumpsuit as outlined in Section 17.8 above. All sanctions/issues listed in Paragraph 17.8 will apply to this conviction.

17.8.2 *Inmates housed in the Gilliam Psychiatric Hospital or the Intermediate Care Services Unit will be exempt from wearing a pink jumpsuit.*

(Section 17.8.2 in BLUE, added by Change 2, dated May 8, 2014.)

17.9 In addition to the wearing of the pink jumpsuit, the Warden will send a letter concerning the inmate's conviction of a sexual offense, (see Attachment A), to anyone on the inmate's visiting list s/he feels will be impacted by this behavior.

17.10 Disciplinary Violations/Job Assignments: Inmates who may have a disciplinary violation/conviction dismissed, a grievance appeal upheld, and/or a disciplinary conviction overturned via an appeal to the Administrative law Court are not entitled to return to a job assignment, if removed, without approval of the Warden or affected Division Director. This requirement will include, but not be limited to prison industry, work release, and contract labor crews. (NOTE: For designated facility inmates, refer to Agency Policy/Procedure OP-21.05, "Designated Facility Inmate Transfers.")

18. HEARING RECORD:

18.1 SCDC Form 19-69, "Disciplinary Report and Hearing Record," will be used to provide a written record of the hearing. The record will include the following information:

18.1.1 Whether the accused inmate was excluded from the hearing during the taking of evidence and, if so, the reasons for the exclusion.

18.1.2 Whether any requested witnesses were excluded and, if so, the reasons for the exclusion.

18.1.3 Whether any documentary evidence was excluded and, if so, the reasons for the exclusion.

18.1.4 Whether questioning of the inmate's accusers, if requested, was denied and, if so, the reasons for the denial.

18.1.5 If found guilty, the evidence presented and considered, and the reasons for determination of guilt.

18.1.6 If found guilty, the penalty imposed, and the specific factual reasons for the particular penalty chosen by the Hearing Officer. PHD time will be awarded towards the satisfaction of any DD time imposed unless the inmate received disciplinary charges subsequent to his/her placement in PHD.

18.2 At the conclusion of the hearing, the inmate will be given a copy of the written record of the hearing using SCDC Form 19-69. If the inmate was not present at the hearing, the Hearing Officer will notify the inmate if his/her whereabouts are known, of the hearing results and right to appeal the finding of guilt and/or penalty imposed by completing SCDC Form 10-5, "Inmate Grievance Form." *The inmate will also be informed, that if he/she wishes to listen to the disciplinary hearing, they must submit a SCDC Form 19-11, "Request To Staff," within three (3) days of being notified of their conviction.* A copy of SCDC Form 19-69 will be provided to the inmate. Upon the review and approval of the Warden, the SCDC Form 19-69 will be placed in the inmate's Institutional and Central Record. An additional copy will be maintained in the Hearing Officer's

files. The Recorder will forward SCDC Form 19-69 to the Warden for his/her review.

18.3 Additionally, if the incident occurred at another institution, the Warden at the institution currently housing the inmate will review and sign the SCDC Form 19-69. Once signed, a courtesy copy will be sent to the Warden of the institution where the offense occurred.

19. APPEALS:

19.1 At the conclusion of the hearing, the Hearing Officer will inform the inmate of his/her right to appeal the decision of the Hearing Officer with respect to guilt or to the penalty imposed by using the inmate grievance procedure. If the inmate requests, a SCDC Form 10-5, "Step I Grievance Form," it will be provided to the inmate, *as well as a SCDC Form 19-11, "Request To Staff," to request to listen to his/her recording* by the Hearing Officer (see SCDC Policy/Procedure GA-01.12, "Inmate Grievance System"). (NOTE: Inmates may request the assistance of the Institutional Inmate Grievance Coordinator to assist them in completing their grievance form if they are unable to read or write, or have a language barrier.)

19.2 Inmates may appeal the decision of the Hearing Officer. The appeal must be initiated by the inmate and must be filed within 15 calendar days after receiving the written decision of the Hearing Officer or the inmate forfeits all rights to appeal. Appeals will be processed as described in SCDC Policy/Procedure GA-01.12, "Inmate Grievance System." The Warden will respond to disciplinary hearing appeals within 30 calendar days from the initial filing of the grievance.

19.3 The following factors must be considered when reviewing an appeal:

- Whether the Hearing Officer acted in substantial compliance with policies/procedures.
- Whether the decision of the Hearing Officer was based on any evidence.
- Whether, under the circumstances, the sentence imposed was proportionate to the violation.

20. **WARDEN'S REVIEW:** Upon receipt of SCDC Form 19-69, when the inmate is found guilty, the Warden or his/her designee at the institution where the inmate is housed may approve hearing results, overturn a guilty finding, or reduce the sanction of the Hearing Officer. The Warden will document this information on SCDC Form 19-69 in the space provided. If the Warden overturns or reduces the sanction, s/he will be responsible for providing the inmate with written notice of the overturned or reduced disposition. Copies of both SCDC Form 19-69 and the written notice provided to the inmate by the Warden will be placed in the inmate's Institutional Record and Central Record. An additional copy will be maintained in the Hearing Officer's files.

20.1 Disciplinary data entered into the OMS at the conclusion of a disciplinary hearing will not be arbitrarily modified. Any need for modification must have the approval of the Division of Operations.

20.2 **WAIVER OF DISCIPLINARY DETENTION (DD) TIME:** *Subsequent to the Warden's signing of the 19-69 form, he/she may need to waive the balance of an inmate's DD time in order to create bed space in SMU. The decision to "waive" the duration of an inmate's DD time is the Warden's prerogative, but it does not negate the DHO's DD sanction during their review.*

Although an inmate's DD time can be waived, the DD time entry on the restriction screen will remain as is. Also, other sanctions such as canteen, phone, visitation privileges are consecutive to the DD time received, and will not be affected by the Warden's waiver of DD time.

If a Warden waives DD time, and the inmate is subsequently transferred to another institution before the completion of the DD time, the gaining Warden may place the inmate in SMU to complete all or part of the remaining DD time to be served.

21. **DISCIPLINARY CHARGES FOR INMATES IN SPECIAL MANAGEMENT UNIT AND MAXIMUM SECURITY UNIT:** Inmates housed in SMU and MSU, who habitually commit non-assaultive offenses will have the incidents disposed of by utilizing SCDC Form 19-29A. The infraction will be entered into the Offender Management System DISC screen using Type Action "03" which will show as, "Closed-Other Action Taken/Informally Resolved." If the inmate commits a non-assaultive charge and earns good time, s/he

may be charged once per month and provided with a disciplinary hearing. Therefore, accrued good time may be taken for disciplinary violations. (NOTE: These Closed/Informally Resolved Cases will remain a part of the inmate's automated disciplinary history. The Institutional Classification Committee will consider these Closed/Informally Resolved charges to assess the inmate's behavior and determine the inmate's Security Detention level, readiness for release from Security Detention and/or transfer to the Maximum Security Unit.)

22. CRIMINAL CHARGES FOR INMATES:

Cases involving inmates who have committed a criminal act will be immediately reported to the Warden or designee for transmission to an Investigator from the Division of Investigations in accordance with SCDC Policy/Procedure GA-05.01, "Investigations."

23. INMATE ACCESS TO HEARING RECORDINGS:

23.1 The inmate will have access to listen to (but not possession of) the recording of his/her disciplinary hearing to assist in preparing an appeal. The inmate will not have access to any portion of the *recording* where s/he was excluded from the hearing. If, after the inmate has been transferred to a new institution, the inmate then requests access to the recording of the hearing, the recording will be forwarded to the Major where the inmate is currently housed. The Major will task one of their staff members to coordinate the opportunity for the inmate to hear the *recording*.

23.2 Inmates desiring to listen to a copy of their hearing must submit a SCDC Form 19-11, "Request to Staff Member," *within three (3) days of their conviction*, informing the Major. The Major will task one of their staff members to coordinate the opportunity for the inmate to hear the *recording*. This staff member will be responsible for requesting the *recording* from the Hearing Officer/Recorder. The *recording* will be given to the assigned staff member who will be responsible for advising the inmate when it has been received and for scheduling a time for the inmate to review that portion of the *recording* for the respective inmate's hearing. The *recording* will be played for the inmate by, and in the presence of, the assigned staff member within *ten (10) days* of receiving the request. The Institutional Grievance Coordinator will be notified that the inmate has requested to hear their disciplinary hearing *recording*.

23.3 Once the *recording* has been played for the inmate, the assigned staff member will return the *recording* to the Hearing Officer/Institutional Recorder, and will notify the Inmate Grievance Coordinator that the inmate has heard the *recording*.

23.4 If the inmate so requests in the appeal, the recording will be made available to the appropriate reviewing authority before deciding the appeal.

24. REHEARING:

24.1 Where exceptional circumstances are found to exist, the Division of Operations may order that a disciplinary case be reheard. This may be ordered if it is determined a disciplinary charge was dismissed, but compelling reasons exist for proceeding again with a rehearing of the disciplinary violation. Compelling reasons may include, but are not limited to, situations in which evidence concerning a violation is discovered after the violation hearing has been conducted. In such cases, the Division of Operations will indicate in writing the compelling reason(s) that require a rehearing of the disciplinary violation. A rehearing may not be ordered for which an inmate did not receive timely notice of charges or an initial disciplinary hearing in a timely manner unless authorized in writing by the Division of Operations. (NOTE: A request for a disciplinary re-hearing will include written justification by the Warden to the Division of Operations.)

24.2 Step 1 Grievance: A Warden can request, through the Division of Operations, that a hearing be reheard at their level if the reasons noted in 24.1 are applicable.

24.3 Step 2 Grievance: The Division of Operations can order that a hearing be reheard if the reasons noted in 24.1 are applicable or if directed by the Administrative Law Court (ALC).

24.4 Time Limits: A rehearing must occur within 21 calendar days from the date that the rehearing is ordered

and signed by the Division of Operations. If a rehearing is ordered as a result of the inmate's appeal to the ALC, and the ALC specifies a time frame for the rehearing other than the established 21 days, the rehearing will be held in accordance with the ALC Order. If no time limit is specified in the ALC Order, then the rehearing will be held within 21 working days of the signed ALC Order.

24.5 Evidence: Any evidence presented at the initial hearing may be presented at the rehearing; however, if the disciplinary conviction was overturned due to insufficient evidence, additional evidence must be presented and considered at the rehearing in order to find the inmate guilty.

24.6 Penalties:

24.6.1 Sanctions imposed at a rehearing involving loss of good time will be made effective from the date of the disciplinary infraction.

24.6.2 Sanctions imposed as a result of the initial hearing may again be assessed; however, the inmate will be given credit for penalties already served.

25. RECORD KEEPING:

25.1 In cases where an inmate has been found guilty, all written disciplinary records will be maintained for a period of five (5) years. (**NOTE:** Recordings will be maintained for a period of 18 months.)

25.2 If an inmate is found guilty, SCDC Forms 19-29A, "Incident Report," and 19-69, "Disciplinary Report and Hearing Record," will be placed in the inmate's Institutional Record. If multiple charges have been made against an inmate, then only those charges for which the inmate has been found guilty will be maintained. Charges for which the inmate has been found not guilty included on the same reports will be marked out by the Hearing Officer. (**NOTE:** This does not mean that the Agency cannot utilize such records for purposes of maintaining or collecting statistical or historical data.)

25.3 In cases where an inmate's disciplinary conviction(s) have been overturned as a result of an appeal (i.e., Inmate Grievance System, Administrative Law Court etc.), SCDC Forms 19-29A, "Incident Report," and 19-69, "Disciplinary Report and Hearing Record," will remain in the inmate's institutional and central records. Documentation approving the dismissal will be placed in the inmate's institutional and/or central records.

26. ADDITIONAL INFORMATION ABOUT SANCTIONS:

26.1 Cell or Cube Restriction: An inmate may be placed in cell or cube restriction for the following lengths of time:

- For the remainder of the shift on which the restriction was imposed;
- For up to 24 hours, as a result of the employee's immediate corrective action with the concurrence of the Supervisor;
- For up to seventy two hours as a result of the supervisor's immediate corrective action;
- For a maximum of 30 days as a result of Informal Resolution;
- For a maximum of 60 days for Administrative Resolution;
- For a maximum of 60 days for a Disciplinary Hearing.

26.2 When an inmate is placed in cell or cube restriction, the following will apply:

26.2.1 Activities: The inmate is not allowed to leave his/her cell or cube except for medical reasons, meals, showers/hygiene, law library visits (during the inmate's non-work hours only), work, educational or vocational school/training, compulsory program activities, religious services (one [1] hour of worship services weekly), and legal visits. The inmate will not be authorized visitation.

26.2.2 Exercise: The inmate will lose out-of-cell/cube exercise privileges for the period of time that s/he is placed on cell or cube restriction status.

26.2.3 Extra Duty: If an inmate is given extra duty as a result of an informal or administrative resolution or pursuant to a finding of guilt at a disciplinary hearing, and the inmate refuses to perform the extra duty, s/he may be charged for the refusal. If the inmate is found guilty and given the penalty of loss of good time, s/he may still be required to perform the extra duty.

26.3 Restitution: Refer to SCDC Policy/Procedure ADM-15.01, "Repayment of Costs by Inmates," for procedures to be followed to assess restitution pursuant to state statutes.

26.4 Loss of Privileges: Inmates may not be denied purchase or possession of legal correspondence materials, incoming/outgoing mail, legal visits, legal phone calls upon verification by staff, educational materials needed for an educational program in which the inmate is enrolled, clothing necessities pursuant to SCDC Policy/Procedure OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property," or hygiene supplies if not issued.

- **Canteen Purchases:** Access to canteen items may be suspended, except legal and correspondence materials, and hygiene items (e.g., tooth brushes, toothpaste/powder, soap, etc.) if these items are not issued. Restrictions may be documented via the automated disciplinary system. If an inmate loses his/her canteen privileges, s/he will also lose the privilege of purchasing Service-Fund Raising Project Items
- **Televisions Purchased From The SCDC Canteen Beginning November 2007:** The following sanctions apply to inmates who have purchased a television:
 - Conviction of a level 1 disciplinary offense-loss of television set (must be mailed out)
 - Conviction of a level 2 disciplinary offense-loss of television set (must be mailed out)
 - ** - Conviction of a level 3 disciplinary offense-loss of television privilege for 90 days
 - ** - Conviction of a level 4 disciplinary offense-loss of television privilege for 60 days
 - ** - Conviction of a level 5 disciplinary offense-loss of television privilege for 30 day
 - ** - Any combination of three (3) level 3, 4, or 5 offenses-loss of television set (must be mailed out)

NOTE: Inmates are ineligible to purchase a television if he/she has pending disciplinary charges. If an inmate has initiated the purchase of a television and receives a disciplinary charge prior to taking possession of the television, the transaction will be voided. If an inmate loses his/her television due to disciplinary issues, he/she must maintain a clear disciplinary record for five (5) years before being eligible to purchase another television.

- **Visitation:** Certain offenses may also carry a suspension of visitation privileges by the Warden pursuant to SCDC Policy/Procedure OP.22.09, "Inmate Visitation." In such cases, the Warden will notify this inmate of the visitation suspension using the procedures outlined in OP-22.09.
- **Telephone:** (NOTE: Inmates may not be denied use of a telephone to contact their attorney or legal representative; or to make a star 22 call; however, such calls must be verified by staff.) Restrictions on telephone access may be documented via the automated disciplinary system.
- **Personal Property:** Except legal and correspondence materials (to include incoming and outgoing correspondence); hygiene items (tooth brushes, toothpaste/powder, and soap), if these items are not issued; religious literature; clothing necessities (as per SCDC Policy/Procedure OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property"); and educational materials needed for academic programs in which the inmate is enrolled. SCDC Form 19-71, "Loss of Privileges - Personal Property," will be completed by the Hearing Officer in these cases.
- **Other Privileges/Leisure Activities:** (e.g., day room activities, handicrafts, etc.) Anything that is determined to be a privilege as opposed to a basic necessity may be restricted, suspended, or limited by proper authority as a sanction.
- **Grandfathered Items:** If an inmate is convicted of a Level 1 offense, the inmate will be given 30 days to either mail all their grandfathered property items to a family member or friend, or the items will be disposed of pursuant to SCDC policies/procedures related to contraband control.

27. ESCAPES: Escapes from correctional facilities, labor crew work sites, or work release sites by inmates are a special area of concern for the Agency. The Agency's primary mission is to protect the public, therefore, the disciplinary sanctions for escapes must be carefully managed. For that reason, all escapes must be referred to a disciplinary hearing and the following guidelines must be used in determining sanctions for inmates who are convicted of an escape.

27.1 901 Class I: Any escape, attempted escape, or aiding/abetting escape from a Level 2 or 3 institution or from medium or maximum custody at a local detention center. Also includes escapes from a Level 1 institution or minimum custody at a local detention center that involves any threat of violence, physical harm, or other aggravating circumstances; to include actual or constructive possession of tools or items which are intended to be used to facilitate an escape. *Aggravating circumstances may also include any criminal behavior that occurs while the inmate is on escape status.* Note: Should an inmate assigned to an outside detail, at any level institution, walk-off (with no aggravating circumstances), this should be classified as a Class II escape. The Hearing Officer will impose the following sanctions on an inmate who is convicted of a Class I escape:

Disciplinary Detention	360 to 720
Loss of Good Time	No limit - All good time may be taken
Restitution	Costs may be deducted from an inmate's account to reimburse the state for the costs associated with searching for and apprehending an inmate when s/he escapes or attempts to escape. See SCDC Policy/Procedure ADM-15.01, "Repayment of Costs by Inmates," for additional information.
Loss of Privileges	360 to 720 days

27.2 902 Class II: Any escape, attempted escape, or aiding/abetting escape from a Level 1 institution or minimum custody at a local detention center that does not involve any threat of violence, physical harm, or other aggravating circumstances. The Hearing Officer will impose the following sanctions on an inmate who is convicted of a Class II escape:

Disciplinary Detention	180 to 360 days
Loss of Good Time	No limit - All good time may be taken
Restitution	Costs may be deducted from an inmate's account to reimburse the state for the costs associated with searching for and apprehending an inmate when s/he escapes or attempts to escape. See SCDC Policy/Procedure ADM-15.01, "Repayment of Costs by Inmates," for additional information.
Loss of Privileges	180 to 360 days

28. DEFINITIONS:

Cell or Cube Restriction generally refers to the confinement of an inmate in his/her cell or cube other than for attending work and/or educational or vocational training, other compulsory (mandatory) programs, showers, religious services, medical reasons, law library, meals, and legal visits.

Common Area refers to the living areas that are equipped with day/TV rooms, bathrooms, and other areas where an inmate has no specific ownership or responsibility.

Disciplinary Hearing refers to a formal proceeding conducted by a Hearing Officer to process serious rule violations.

Major Disciplinary: Any Level 1 or 2 disciplinary offense; or any disciplinary case referred to the Disciplinary Hearing Officer for disposition.

Lesser Included Offense refers to instances when it is impossible to commit a particular offense without, at the same time and by the same conduct, committing a less serious offense. The latter is a lesser included offense (e.g., possession of contraband and possession of contraband for planning an escape) when the two charges involve the same items of contraband.

Major/Responsible Authority refers to the Major, Associate Warden, Duty Warden, or Warden of an institution, or where there is no Major assigned, the Captain. In Level II/III Institutions, the Warden can

designate a Captain to serve in this capacity with the written concurrence of the Division of Operations. Level I Institutions can be a Lieutenant and above.

Continuance: When a case is moved to another hearing date within the appropriate timeframe. The reasons for a continuance include, but are not limited to : employee on medical, military inmate assault or some other type of leave; a need to review additional information relevant to the disposition of the case.

Convicted: When an inmate is/was found guilty, or pled guilty of the charged infraction.

Dismissed: When an inmate's charge was dropped due to technical reasons and/or procedural errors.

Closed: When an infraction is disposed of through informal or some other means (Inmate in SMU that is a habitual offender and the action is non-assaultive in nature) within the disciplinary process. *NOTE: A closed entry acknowledges a conviction of an offense, but ensures no good time is taken.*

Not Guilty: When an inmate is cleared of charged infraction in a formal disciplinary hearing through a preponderance of the *credible* evidence presented.

Guilty But Not Accountable: When a mentally ill inmate commits a disciplinary infraction and the mental health staff determines that the inmate was not accountable for his/her action(s), and the Hearing Officer finds the inmate guilty through a preponderance of the *credible* evidence presented, the inmate should be found guilty, but not accountable.

s/William R. Byars, Jr., Director

ORIGINAL SIGNED COPY MAINTAINED IN THE OFFICE OF POLICY DEVELOPMENT.

APPENDIX A

Access to the automated Inmate Disciplinary System will be limited. The Division of Operations will determine and manage employee application usage. The Division of Resource and Information Management will provide employees with access to the automated Inmate Disciplinary System.

All Wardens will determine the employees responsible for managing the institutional disciplinary process as follows. The employees will have specific access to the automated system as it relates to their duty assignment.

Employee/Assignment	Authorized Number of Employees
Major/Responsibility Authority	No Limit
Recorder	Limit 2
Modifier	Limit 2
Counsel Substitute	No Limit
Shift Supervisor	No Limit

NOTE: Other institutional employees will have inquiry access only to the inmate automated disciplinary system.

Agency employees in designated divisions will have approved access to the automated inmate disciplinary system.

Agency Hearing Officers will have limited access to the automated inmate disciplinary system.

SCDC DISCIPLINARY OFFENSES

1. RULES VIOLATION DEFINED: The following disciplinary offenses represent violations of the SCDC inmate rules. A violation of these rules may consist of any of the following:

- Engaging in the specified behavior;
- Attempting to engage in the specified behavior;
- Conspiring to engage in the specified behavior; or
- Aiding others in engaging, attempting to engage, or conspiring to engage in the specified behavior.

2. LIST OF OFFENSES: The following is a list of the titles and code numbers of offenses.

Level 1 Offenses

801 Assault and/or Battery of an SCDC Employee or other Government Employee, Contract Employee, Volunteer, or Member of the Public with Means/and/or Intent to Kill or Injure: The willful hitting, striking, or unauthorized touching of an SCDC employee or other government agency employee, contract employee, volunteer, or member of the public with or without a weapon or the throwing of any substance at or on an SCDC employee or other government agency employee or contract employee who is exercising legitimate authority over an inmate, when such hitting, striking, throwing, or unauthorized touching causes bodily injury.

802 Sexual Assault: Forcing another person, by violence or threats of violence, to perform a sexual act. (A sexual act is any intentional contact between the genitals of one inmate and the genitals, mouth, anus, or hands of another person.) A conviction for this charge will result in a loss of the inmate's visitation privileges for one (1) year regardless of where the infraction occurred.

803 Riot: When an inmate, with two or more persons, intentionally participates in conduct that creates danger of damage or injury to property or persons and substantially obstructs the performance of unit operations or institutional operations.

804 Homicide: The killing of any person with/without malice, advance thought, either expressed or implied.

805 Hostage Taking: The act of any inmate acting alone or with others who by threats, coercion, intimidation, or physical force, takes, holds, or carries away any person as a hostage for any reason whatsoever.

806 Any Act Defined as a Felony by the Laws of the State of South Carolina or the United States and not otherwise Defined in these Rules.(State Criminal Statute must be provided.)

857 Assault and/or Battery of an Inmate with Means and/or Intent to Kill or Injure: The willful hitting, striking, throwing of substances, or unauthorized touching of an inmate with or without a weapon by another inmate, when such hitting, striking, throwing, or unauthorized touching results in great bodily injury.

896 Unauthorized wearing, possession and/or providing Agency uniform(s): The wearing, possession and or providing of an Agency uniform is a serious offense as it relates to inmate identification, institutional order and security.

897 Possession of Security Equipment/Property: The unauthorized possession and or use of security equipment/property of SCDC or that of an outside source. Unauthorized items may include, but not be limited to, *institutional security* keys, restraints, chemical munitions, employee ID cards, crafted devices, i.e., hand cuff keys, *institution keys*, or dummy like objects, (for escape/attempt escape purposes),etc. *This offense also includes the possession of any materials and/or drawings that could be used in the creation of institution keys.*

898 The Possession of Any Communication Device: *The possession, receipt, use, concealment, storage, purchase, sale or facilitation* of cellular phones or other communications equipment and/or any components thereof. This includes, but is not limited to, MP3 players, I-pods, *e-readers* or any like devices.

901 Class I Escape: Any escape, attempted escape, or aiding/abetting escape from a Level 2 or 3 Institution or from medium or maximum custody at a local detention center. Also includes escape from a Level 1 Institution or minimum custody at a local detention center that involves any threat of violence, physical harm, or other aggravating circumstances. **NOTE:**Should an inmate assigned to an outside detail at any level institution, walk-off (with no aggravating circumstances), should be classified as a Class II escape.

902 Class II Escape: Any escape, attempted escape, or aiding, abetting escape from a Level 1 Institution or minimum custody at a local detention center that does not involve any threat of violence, physical harm, or aggravating circumstances.

903 The Trafficking, Use, and/or Possession of Narcotics, Marijuana, or Unauthorized Drugs, including prescription drugs, or Inhalants. The actual or constructive trafficking, use or possession of *drugs* of any description (except those prescribed by an authorized physician and within authorized amounts, expiration date, e.g. barbiturates, narcotics, medicines, marijuana and poisons, as well as all drug paraphernalia, such as needles, syringes, etc. Any inmate testing positive for any unauthorized drug, refusing to submit to a drug test, or failing to produce a specimen within three (3) hours, as specified in SCDC Policy GA-03.03, "Inmate Drug Testing/Screening Program." This rules violation encompasses the "hoarding" of prescribed medication by any inmate(s), *or inmates who having accepted their medication, then failed to ingest the medication at the time they are issued it at the pill call.* Any inmate acting under the influence of any inhalant other than one prescribed by an authorized physician which when inhaled, creates an altered state of physical or mental activity. *Sight and smell identification may be used to identify any drug where no available scientific tests have been created and/or confirmed credible.*

904 Possession of Escape Tools and/or Paraphernalia: The actual or constructive possession of any tool, device, document, drawing, or any other item that could be used to plan or execute an escape from a correctional institution.

905 Creating and/or Assisting With A Social Networking Site: *The facilitation, conspiracy, aiding, abetting in the creation or updating of an internet web site or social networking site.*

Level 2 Offenses

807 Striking an SCDC Employee or other Government Employee, Contract Employee, Volunteer, or Member of the Public: The willful hitting, striking, or unauthorized touching of an SCDC employee or other government agency employee, contract employee, volunteer, or member of the public with or without a weapon or the throwing of any substance at or on an SCDC employee, other government agency employee, contract employee, or volunteer who is exercising legitimate authority over an inmate, when such hitting, striking, throwing, or unauthorized touching does not cause bodily injury.

808 Fighting With a Weapon: Any group of two or more inmates who engage in a physical altercation with any instrument used for the purpose of inflicting physical injury on another person.

809 Threatening to Inflict Harm on/Assaulting an Employee and/or Members of the Public: Communication, verbal or written, by an inmate to an individual that s/he intends to injure that person or commit a violent or unlawful act dangerous to human life, presently or in the future; or one who commits a physical act of a threatening nature, and the probable result of such threats or action is to place the individual in fear of bodily injury; or one who causes evacuation of a building; or one who creates serious disruption or alarm. Any unauthorized body contact of an employee or member of the public which creates serious alarm, but does not result in bodily injury.

810 Striking an Inmate With or Without a Weapon: The willful hitting, striking, throwing of any substance at, or unauthorized touching of one inmate by another inmate with or without a weapon, whether or not such hitting, striking, or unauthorized touching causes bodily injury.

811 Possession of a Weapon: The actual or constructive possession by an inmate of any instrument intended to be used to inflict physical injury on *any* person.

812 Robbery with Force: The taking of property of another person in that person's presence with use of force and violence which places that person in fear of his/her safety by the use of such force, violence, or threats.

813 Throwing of any Substance or Object on an SCDC Employee or other Government Employee, Contract Employee, or Volunteer : The throwing of any substance at or on an SCDC employee or other government agency employee, contract employee, or volunteer who is exercising legitimate authority over an

inmate, whether or not such throwing causes bodily injury.

814 Inciting/Creating a Disturbance: Any act or activity which results in a disruption of institutional operations or a breach of institution security. Any inmate who purposefully incites or urges a group of two or more other inmates to engage in a current or impending disturbance of institutional operations or gives commands, directions, instructions, or signals to a group of two or more persons to cause, continue, or enlarge a disturbance. An inmate may be found guilty of this violation even where no disruption of institutional operations actually occurs as a direct or indirect result of his/her actions. A disturbance as used herein is an assemblage of three or more persons which creates grave danger or damage or injury to property or persons and/or substantially disrupts the normal functioning of the institution.

820 Damage, Loss, Destruction, or Defacing of Property Valued at 100.00 or more: The intentional or reckless damaging, destroying, or disfiguring property belonging to a government agency, a private citizen, an employee, or another inmate. Possession of damaged, destroyed, or disfigured property *and the negligent loss of property* also qualify as a violation of this offense. (NOTE: This does not include cases in which an inmate loses his/her ID Card or issued room key. In these cases, the inmate will be required to pay a replacement fee for such items and will not be processed pursuant to these procedures. See also, SCDC Policies/Procedures OP-21.06, "Inmate Identification Cards," and OP-22.17, "Key Control," for information regarding the processing of replacement fees.) This charge must be forwarded to a Disciplinary Hearing.

822 Sexual Misconduct: (1) Engaging in sexual acts or intimate physical contact of a sexual nature with others; or soliciting sexual acts from others." A conviction for this charge will result in a loss of the inmate's visitation privileges for 360 days regardless of where the infraction occurred. This charge must be forwarded to a Disciplinary Hearing. NOTE: The conviction of 822 does not require the wearing of pink jumpsuits with the exception noted in section 17.8.

832 Unauthorized Inmate Organization Activity or Participation in a Security Threat Group (STG) or STG Activity: *Any participation of any inmate in any organization which has not been approved or any informal organization, association, or group of three (3) or more inmates that has a common name, and whose members or associates engage or have engaged in activities that include planning, organizing, threatening, soliciting, or committing unlawful acts of misconduct classified as serious threats or potential threats to the safety and security of the public, the Department, employees, visitors, and/or other inmates, or any other group that has been designated a Security Threat Group by the Agency Director. Possession of STG material is sufficient to warrant this charge.* (Sentence in BLUE, added by Change I, dated April 23, 2013.)

854 Exhibitionism and Public Masturbation: (1) Engaging in acts of indecent and/or unnecessary exposure of genitals or other private body parts to a staff member or other person; or (2) engaging in acts of masturbation or any manual stimulation of one's exposed or unexposed genitals in a public setting, or in the view of a staff member or other person. A conviction of this charge will result in a loss of the inmate's visitation privileges for one (1) year.

855 Smuggling and/or Conspiracy to Smuggle in Contraband: Any inmate found to have conspired, aided, or acted in collusion with any person, or acting alone with the intent of introducing any form of contraband into any SCDC facility. Conspiracy, aid, or collusion may be defined as using any form of communication or providing any type of assistance with/to any person where plans are made with the intent of introducing contraband. The physical possession/receipt of the contraband by the inmate is not needed to support this charge. An inmate can be charged with this offense if his/her approved visitor is caught bringing in contraband and it is reasonable to believe that the visitor's intent was to supply the inmate with the contraband.

858 The Use or Possession of Practice GED Cheat Sheet, the Official GED Test, Any other Standardized or Educational Test, or Standardized Educational Materials Not Authorized for Use by the Inmate: Possession of, attempt to use, or provide others with a cheat sheet and/or answers to the GED questions, *or other educational materials* with the intention to gain unfair advantage in securing a passing score on the Practice GED Test, the Official GED Test, *or any educational test administered or overseen by the Palmetto Unified School District.* (NOTE: Any inmate convicted of this offense will also be prohibited from taking the GED Test while incarcerated.)

895 Inmate ID Card Violations: The following are violations of this infraction:

- To have possession of another inmate's ID card;
- To give another inmate possession of your ID card, or another inmate's ID card;
- To give your ID card to anyone not authorized to have possession of your ID card;
- The forgery of ID cards;
- Any other actions or use of an ID card that is inconsistent with the ID card's purpose.

Level 3 Offenses

815 Evading a Security Device: The act of an inmate to obstruct, tamper with, or jam any opening, closing, or exiting of a cell door, food flap, locks, any restraint devices, and/or secured area(s).

816 Trafficking and Trading: The buying or selling or unauthorized exchange of any commodity from any individual within the institution, other than authorized purchases from the canteen (evidence may include an excessive inventory of marketable items).

817 Possession of Contraband: The possession of any unauthorized, altered or excessive property, including money, tobacco products, gambling paraphernalia, unauthorized publications and unauthorized clothing. The possession of tobacco in a quantity larger than 40 grams is enough to reasonably assume that the intent of the possession was for distribution to other inmates and can be heard as a major disciplinary. Unauthorized property is any item to include keys not assigned to the inmate by the Department or purchased by the inmate from the canteen.

818 Use of Obscene, Vulgar or Profane Language or Gestures: The act of any inmate who verbalizes or writes lewd or indecent notes or letters to another person, or makes gestures or actions that are discourteous or disrespectful in nature, when the person who receives verbal statements, notes, letters, gestures, or actions complains of such.

819 Stealing: Intentionally taking any property belonging to a government agency, a private citizen, the State, an employee, or another inmate.

821 Gambling and Loan Sharking: Any inmate who bets, lends, offers to lend, borrows or attempts to borrow anything of value from another person, or organizes the outcome of any event, including sporting contests. The possession of gambling paraphernalia may be sufficient evidence.

823 Fighting Without a Weapon: Any group of two or more inmates who engage in a physical altercation.

824 Threatening to Inflict Harm, Physical or Otherwise/Assault, on Another Inmate: The communication, verbal or written, by an inmate to another inmate that s/he intends to injure or commit a violent act, dangerous to human life, presently or in the future; or commits a physical act of a threatening nature placing another inmate in fear of bodily injury, causing evacuation or serious disruption.

825 Refusing or Failing to Obey Orders: Noncompliance with a legitimate order from an SCDC employee or other government/contracted employee who is in a position of authority over the inmate. This includes resisting arrest or failure to follow written policy/procedure requirement (i.e., grooming standards, etc.). The act of any inmate whose actions interfere with or tends to interfere with anyone in pursuit of their assigned duties.

826 Refusing to Work: Refusing to begin or complete a work assignment without a legitimate reason, such as illness.

827 Refusing to Attend the Compulsory (Mandatory) Program: The refusal of any inmate who scores below an eighth grade reading or math level to enroll/attend/participate in school and/or the refusal of any inmate to attend or participate in any compulsory (mandatory) program.

828 Out of Place: The act of an inmate who without authority either fails to report to his/her appointed place of duty or assignment or any other place to which he/she was ordered; leaves his or her appointed place of duty or

assignment; is found to be in an unauthorized area; or does not have specific approval to be in an unauthorized area of the institution.

829 Failure to Work: Failure to complete a reasonable amount of an inmate's work assignment within a reasonable period of time, or sleeping on the job.

830 Mutiny: When two (2) or more inmates conspire and refuse, as a group, to work, move, return to their cells or cubes, and/or create a work stoppage or other similar activity.

831 Lying to an Employee or Knowingly Making False Statements: The intentional making of untrue statements by any inmate who makes a false statement under oath, makes inconsistent statements which are false, or makes a false statement to or against an employee or anyone. The act of any inmate who gives an untrue statement deliberately or a false impression to any SCDC employee, contracted employee or to an employee of a government agency which has authority in supervising the inmate.

833 Abusive Treatment of an Animal, Including Carnal Relations With an Animal: Any physical maltreatment or improper misuse of an animal and/or engaging in sexual activities with an animal.

834 Any Act Defined as a Misdemeanor by the Laws of the State of South Carolina or the United States Not Otherwise Defined in these Rules: (State criminal statute must be provided)

835 Forgery or Possession of Any Forged Document: The act with intent to defraud or deceive another person by falsely making, completing, or altering any document; or knowingly issuing or possessing such an instrument.

836 Disrespect: The failure of any inmate to observe proper decorum or who willfully engages in action or make statements to a person which are discourteous in nature, which may or may not include the use of profanity.

837 Interfering with Count: Failure to stand for count, movement during count which may create confusion or distraction of any kind, or activity by any inmate which may disrupt concentration or the orderly counting of inmates:

838 Soliciting Improper Relationships: Assistance from an Employee or an Inmate to Violate an Agency Rule or an Employee Rule: The act of any inmate who willfully induces any person to do or agree to do any act in violation of his/her lawful duty or in violation of SCDC rules and regulations, or in violation of the lawful rules and regulations of a government agency which is exercising legitimate authority over an inmate. **Assisting in the Corruption of or Entering into an Improper Relationship with an Employee:** The act of any inmate who willfully gives, offers or promises anything of value with the intent to influence any official act or action within the official responsibility of any employee; the act of any inmate who enters into an improper relationship with an employee. **Soliciting Money or Gifts from a SCDC Employee or an Inmate, or from Another Person For the Benefit of an Inmate:** Any inmate who tries to obtain, buy, or entice money or gifts from any SCDC employee or another person for his/her benefit.

853 The unauthorized use of an inmate's telephone personal identification number(PIN). The unauthorized use of telephone personal identification number is a serious violation. Inmate are prohibited from sharing and using other inmate's telephone PINs.

856 Damage, Loss, Destruction, or Defacing of Property Valued at Less than \$100.00: The intentional or reckless damaging, destroying, or disfiguring property belonging to a government agency, a private citizen, an employee, or another inmate. Possession of damaged, destroyed, or disfigured property *and the negligent loss of property* also *qualify* as a violation of this offense. (NOTE: this does not include cases in which an inmate loses his/her ID card or issued room key. In these cases the inmate will be required to pay a replacement fee for such items and will not be processed pursuant to these procedures.) For further information regarding the processing of replacement fees, see SCDC Policies/Procedures OP-21.06, "Inmate Identification Cards," and OP-22.17, "Key Control."

859 Disorderly Conduct: Any inmate who engages in any action which disrupts, or may lead to the disruption of the orderly operations of the institution.

899 The Use, Possession, or Distilling and/or Brewing of any Alcoholic Beverage: Any inmate acting under the influence of alcohol or in possession of alcohol or alcoholic beverage or other brewed substance which, when ingested, creates altered states of physical or mental activity. **Note:** The first two infractions of 899 for any inmate may be resolved Informally or Administratively by the Major/Responsible Authority. The third or subsequent infractions of 899 by an inmate must be referred to a hearing officer. However, regardless of how many times the inmate has committed this infraction, any large quantities of alcohol, or possession of alcohol which is commercially produced, or behavior which endangers the security and good order of the institution should be referred for a disciplinary hearing and Hearing Officers will consider such evidence when determining the severity of the sanctions imposed (i.e. large quantities of alcohol, multiple offenses, commercial alcohol, and endangering the security and good order of the institution, *refusing to submit to alcohol testing*, etc., will result in more severe sanctions). As always, the circumstances of the infraction and the inmate's disciplinary history should be taken into consideration. Questions should be addressed to the Division of Operations.

Level 4 Offenses

839 Mutilation: Physical injury to an inmate's body that is self-inflicted, allowing it to be inflicted by others with the inmate's permission, or assisting another inmate in mutilating himself/herself. (NOTE: Any inmate who pierces or attempts to pierce any part of his/her body, or assists others in piercing or attempting to pierce any part of their body will be charged with this offense as the practice creates a health and safety risk.)

840 Failing or Refusing to Respond to an Employee's Questions: The failure of any inmate to respond to any SCDC employee question even if it is felt that the question is unjust. It is not a defense that an inmate considers the question invalid.

841 Malingering Pretending to be ill, *or refusing to take their medication* in order to avoid duty, *school, to gain financial compensation, or undisclosed reasons involving secondary gain in order to manipulate the medical, mental health, security or other staff for the inmate's own benefit.*

842 Use or Possession of Tattooing Paraphernalia: The actual or constructive possession by an inmate of a tattooing device or a tattoo magazine, which may be used for the purpose of tattooing.

843 Refusing Medical Treatment for a Communicable Disease: The failure or refusal of medical treatment by any inmate with a disease capable of being transmitted.(NOTE: In these cases, inmates will be placed in medical isolation and will not be placed in PHD, Disciplinary Detention, or security detention status.)

844 Interfering with the Duties of any Person The act of any inmate whose actions interfere with anyone in pursuit of their assigned duties.

Level 5 Offenses

601 Court Order Credit Loss: Pursuant to §24-27-200, a prisoner shall forfeit all or part of his earned work, education, or good conduct credits in an amount to be determined by the Department of Corrections upon recommendation of the court or administrative judge. Pursuant to South Carolina Supreme Court Opinion # 25409, filed 02/11/2002 (also known as the Wade Decision). A forfeiture of earned credits pursuant to South Carolina Statute §24-27-2000 cannot be as result of a post conviction relief hearing decision.

845 Unauthorized Services/Piddling (Handicrafts): No inmate shall provide or attempt to provide professional services or handicrafts for any person for any reason whether it is for profit or not.

846 Creating Unnecessary Noise: The act of any inmate who engages in any action which disrupts or may lead to the disruption of the orderly operation of the institution, the yelling/banging or excessive noise level by any inmate.

847 Abuse of Privileges: The willful violation by an inmate of any provision of an institutional regulation dealing with a privilege. A privilege as used in this subsection is any benefit provided by institutional, SCDC, contracted services, or another governmental agency's regulations.

848 Exerting Any Authority Over Another Inmate, to Include:

- a. Administering any punishment or other form of discipline to other inmates;
- b. Granting or denying another inmate access to any benefit or activity;
- c. Controlling the movement or activities of other inmates;
- d. Escorting another inmate from one place to another, without a staff member, except as required by a bona fide emergency;
- e. Inventorying, with or without a staff member, another inmate's property or searching another inmate, his/her living area, or his/her property;
- f. Mailing or distributing another inmate's correspondence;
- g. Participating in the taking of any count; and
- h. Enforcing any SCDC or institutional or other governmental agency rule or regulation.

849 Disregarding Safety Regulations, to Include:

- a. Failing to wear safety goggles when performing any grinding, chiseling, filing, chipping, or buffing operation;
- b. Failing to wear hearing protection on any work station designated as a high noise level area or failing to wear work or safety shoes when instructed;
- c. Continuing to work in an area or on any machinery or equipment that is deemed unsafe or improperly guarded by the work supervisor;
- d. Operating machines or equipment or performing any operation that has not been specifically assigned;
- e. Operating equipment without using the safety guards provided or removing the safety guards;
- f. Unauthorized fabricating or repairing of personal items on government agency equipment;
- g. Riding on the draw bars of farm vehicles;
- h. Standing up while riding in moving vehicles or allowing legs to hang over sides of trailers while moving;
- i. Creating a health and/or safety hazard (to include flooding of cells).

850 Violation of a Written or Posted Institutional Rule Not Contained in These Rules, But Consistent with These Rules:

851 Supervised Furlough II Violation: Any inmate who is returned to the custody of the SCDC due to a violation of the Supervised Furlough Program. S/he will fail to earn any good time for the month s/he is returned to the custody of SCDC (automatic forfeiture). (NOTE: For further clarification, refer to SCDC Policy/Procedure OP-21.11, "Loss of Statutory Good Time.")

Attachment A

Dear

Since you are on the approved visiting list of Inmate _____, SCDC # _____, this letter is to inform you that Inmate _____ was recently convicted of a violation of Exhibitionism and Public Masturbation or Sexual Assault and has been sanctioned for this behavior through the Inmate Disciplinary System. Sexual assault is defined as forcing another person, by violence or threats of violence, to perform a sexual act. Exhibitionism and Public Masturbation is defined as the engaging in acts of indecent and/or unnecessary exposure of private body parts to a staff member or other person or engaging in acts of masturbation or any manual stimulation of one's exposed or unexposed genitals in a public setting or in the view of a staff member or other person. Specifically, Inmate _____ was convicted of _____ because he (exposed his genitals and masturbated in front of a female/male employee; exposed himself to an employee or used violence to force an employee/inmate to perform a sex act.) As a result of this behavior, Inmate _____ has had his/her visitation privileges suspended for at least one year.

The issue of sexual misconduct and sexual assault by inmates is a serious one that profoundly affects the safety and security of our Agency. Inmates who commit these offenses are jeopardizing the safety of our employees, other inmates, the general public, and you, the visitor.

The South Carolina Department of Corrections is committed to protecting the public, our employees, and our inmates. Therefore, we are providing you with this information so that you can make an informed decision about whether to continue to visit Inmate _____. If you wish to be removed from his/her list of approved visitors, please sign the statement below and return to the SCDC Central Visitation Center, 3765-A Leeds Avenue, North Charleston, South Carolina, 29485.

We regret this action, but trust that you understand the nature of our concerns. Your assistance and understanding are appreciated.

Warden

REQUEST TO REMOVE NAME FROM INMATE VISITATION LIST

I hereby request that I be removed from the visitation list of Inmate _____, SCDC# _____

Visitor's Signature

Social Security Number

Date