

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Sebastian P. Lenski, Administrative Law Judge

Appellate Case No. 2023 – 001291

John Garvin..... Appellant,

v.

South Carolina Department of Corrections Respondent.

RECORD ON APPEAL

John Garvin
Ridgeland Correctional Institution
P.O. Box # 2039
Ridgeland, S.C. 29936

***Self-Representation for Appellant,
John Garvin***

Christina Catoe Bigelow
SCDC Office of General Counsel
P.O. Box # 21787
Columbia, S.C., 29221-1787

***Attorney for Respondent, S.C.
Department of Corrections***

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OMS Offender Management System				0 Routing Engine/Tasks	
File Inmate Non-Inmate Settings Tools Reports Help					
No Image Available	Name: GARVIN, JOHN	Release: Adm	Housing: 0442	Ridgela: SA	0054 B
	D.O.B.: 00/00/0000	Booking #: 355509	Location:	Perm #: 355509	Sp Mgmt: Classif:
	Sex-Race: Male - B				
	Bkg Date: 10/24/2013				
			Sentence Status: Sentenced		
			Detainers on File: 0		
			State ID: 355509		

Inmate Information

RTSMs

Reports

RTSMs		
Inmate Request Information		
Request Type: Visitation	Reference Number: 22-02887365	
Date Requested: 11/11/2022 11:07		
Requested By: Kiosk		
Request Details: Attention: Ms. Leggins, I send you this kiosk request in regards to the denial of my grandkids visitation forms by the SCDC Visitation Department, for failing to provide their social security number for identification purposes. I would like to state that the reason given for the denial of my grandkids visitation forms are an arbitrary and capricious one. Pursuant to SCDC Policy OP-22.09 5.3, a social security number is not listed or needed as a requirement for identification purposes for all visitors nine (9) years of age and under. The Social Security Act (SSA) does not list the South Carolina Department of Corrections as a State		
Review Level:		
Disposition: Complete		
Officer: KIOSK		
Disposition Date: 11/13/2022 14:14		
Request Responses		
Date	Author	Note
11/13/2022 14:16	Lavern Cohen	The directives for visitation are approved by Director Sterling. The institution has no authority to change



R. 1

Attention: Ms. Leggins, I send you this kiosk request in regards to the denial of my grandkids visitation forms by the SCDC Visitation Department, for failing to provide their social security number for identification purposes. I would like to state that the reason given for the denial of my grandkids visitation forms are an arbitrary and capricious one. Pursuant to SCDC Policy OP-22.09 5.3, a social security number is not listed or needed as a requirement for identification purposes for all visitors nine (9) years of age and under. The Social Security Act (SSA) does not list the South Carolina Department of Corrections as a State agency that it allows to utilize a social security number for the purposes of identifying an individual. See 42 U.S.C. 405(c)(2)(C)(i) (2018). SCDC's denial of my grandkids visitation forms is unlawful pursuant to section 7 of Pub.L. 93-579(a)(1), of the Privacy Act of 1974, as amended, 5U.S.C. 552a note (Disclosure of Social Security number). Respectfully, John Garvin

Inmate Request



Note: A submitted response is viewable by the inmate.

Styles	Format	Font
	Size	

The directives for visitation are approved by Director Sterling. The institution has no authority to change policy directives.

Words: 18

Disposition: Complete

Disposition
Date:

11/13/2022 14:14

Print

Export

Save as Draft

Send Response

Close

R. 3

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: John Garvin Grievance No. RCI-0221-22
SCDC NUMBER: 355509 Code: General V5/IS
INSTITUTION: Ridgeland Correctional Institution Policy _____
HOUSING UNIT: SA-54 Disc. Hear. _____
WORK ASSIGNMENT: ~~Door~~ Dorm Keeper Class. _____
PREA _____
Date Received 11-28-22
IGC Initials nm

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

I, John Garvin, do hereby make this grievance in regards to the response to my kiosk request No. 22-02887365, that was about the denial of my grandkids visitation forms by the SCDC visitation Department, for failing to provide their Social Security number for identification purposes. The reason given for the denial of my grandkids visitation forms is an arbitrary and capricious one.

According to SCDC Policy OP-22.09 § 5.3, a Social Security number is not listed or needed ~~for~~ for identification purposes for all visitors nine (9) years of age and under. The Social Security Act (SSA) does not list the South Carolina Department of Corrections as a State Agency that permits a State Agency to utilize a Social Security number for the purpose of identifying an individual. see 42 U.S.C. § 405(c)(2)(C)(i) (2018). ~~SCDC's~~ SCDC's denial of my grandkids visitation forms is unlawful pursuant to section 7 of Pub.L. 93-579(a)(1), the Privacy Act of 1974, as amended, 5 U.S.C. § 552a note (Disclosure of Social Security number).

ACTION REQUESTED:

I would like for my grandkids to be added to my visitation list, because a Social Security number is not needed, pursuant to SCDC Policy OP-22.09 § 5.3.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

On November 11, 2022, I made a kiosk request to the visitation department about the denial of my grandkids visitation form. See Kiosk Request No. 22-02887365.

Grievant Signature

Date
R. 4

(CONTINUE ON REVERSE SIDE)

5A-54

Mr. GARVIN
 355509
 GAVIN, JOHN - 35509

RCI-0221-22

WARDEN'S DECISION AND REASON:

I have reviewed your concern. In your grievance, you stated that you would like your Grandkids to be added to your Visitation List because Social Security numbers are not needed, pursuant to SCDC Policy OP-22.09-5.3. Visitation is a privilege and is not considered to be a guaranteed right. Per SCDC Policy OP-22.09, "Inmate Visitation", dated August 1, 2006, it is the practice of the South Carolina Department of Corrections to enable and encourage inmates, consistent with security and classification requirements to visit with family members and friends, however, before visitation privileges are bestowed upon a family member or friends, certain precautions must be considered. Before applications are approved, we try to ensure that all applicants meet the necessary requirements set forth by the South Carolina Department of Corrections' Standards and the "Inmate Visitation" Policy OP-22.09. No evidence can be found in this instance where staff failed to perform their job duties properly.

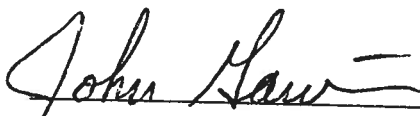
Therefore, your grievance is resolved.

If you disagree with this Warden's Decision "Decision", you may file a Step 2 Grievance Appeal by completing SCDC Inmate Grievance Form 10-5A, which is provided to you while serving you this Decision "Decision" and placing it in the Grievance box at your local institution within five days of your receipt of this Decision "Decision".

 11/30/2021
 Warden Signature Date

☐ I accept the Warden's decision and consider the matter closed.

☒ I do not accept the Warden's decision and wish to appeal.

 12/1/2022
 Grievant Signature Date

 12-1-22
 IGC Signature Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing in the Grievance Box within five (5) days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, via placement in the Grievance Box.

R. 5

312

Due: 12/6/22

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

Office Use Only

INMATE NAME: John Garvin
SCDC NUMBER: 355509
INSTITUTION: Ridgeland Correctional Institution
HOUSING UNIT: SA - 54
WORK ASSIGNMENT: Dorm Keeper

Grievance No. RCI-0321-22
Code: General V5/IS
Policy _____
Disc. Hear. _____
Class _____
PREA _____
Date Received: 12/21/22
IGC Initials: nm
Date Received: 1/13/23
IGA Initials: Kh

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): The reason for my appeal the Warden's decision, is that the Warden's decision does not address the merits of my Step-1 inmate grievance form. Whereas, on November 29, 2022, the SCDC Visitation Department denied my grandkids, Lauren and Joel Garvin's SCDC Visitation forms, for failing to provide their Social Security number for identification purposes. Inasmuch as, my grievance does not address SCDC Staff's failure to perform their job duties properly. But addresses the reason given for the denial of my grandkids visitation forms is an arbitrary and capricious one. That violates my first amendment Constitutional rights and my grandkids first amendment Constitutional rights. SCDC Policy OP-22.09 Section 5.3, does not list social security number for identification purposes.

Grievant Signature John Garvin Date 12/2/2022

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

SEE REVERSE SIDE

Responsible Official Signature Mame D. Leijn Date 3/3/2023

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

John Garvin 3/9/2023
Grievant Signature Date

M. E. Minton 3-9-23
IGC Signature Date
R. 6

(SEE REVERSE SIDE FOR INSTRUCTIONS)

INSTRUCTIONS FOR COMPLETING STEP 2 GRIEVANCE FORM

1. Complete form in its entirety, writing only in the space provided for inmate use.
2. State your specific reason for further appeal. Do not submit any new issues for review. No additional pages will be permitted.
3. Submit this completed form with your copy of the Step 1 form by placing in the Grievance Box within five (5) days of your receipt of the Warden's decision. Do not write in the space provided for the responsible official.
4. The decision rendered by the responsible official exhausts the appeal process of the SCDC Inmate Grievance Procedure.

Garvin 355509 RCI-0221-22

I have reviewed your concern. You state your grandkids were denied visitation for failing to provide their social security number for identification purposes. You also state according to SCDC Policy OP-22.09 (5.3), a social security number is not listed or needed for identification purposes for all visitors nine (9) years of age and under. You also state the Social Security Act (SSA) does not list the South Carolina Department of Correction as a State Agency that permits a State Agency to utilize a social security number for the purpose of identifying an individual. The Warden responded to your concern on November 30, 2022. Be advised that visitation is a privilege, and SCDC reserves the right to suspend, restrict, deny, or terminate visitation privileges. SCDC Policy OP-22.09 Inmate Visitation, provides a clear purpose for the policy "to enable and encourage inmates, consistent with security and classification requirements, to visit with family members and friends. Visiting will be conducted in an accommodating manner keeping with the need to maintain order and provide for the security and safety of persons and of each institution. Inmate visitation will be conducted in accordance with the provisions of said policy/procedure, related Agency policies/procedures, and all applicable state and federal statutes." The Policy also provides guidance on how, who, when and other conditions under which inmate may receive visit. Lastly, an applicant may be asked for additional information, and it's up to the applicant to provide the requested information.

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

John Garvin

Appellant,

VS.

South Carolina Department of Corrections,

Respondent.

NOTICE OF APPEAL

DOCKET NO. -ALJ-04-
GRIEVANCE NO.: RCI-0221-22

Notice is hereby given that John Garvin does hereby appeal the final decision of the South Carolina Department of Corrections dated March 3, 2023 and received on March 9, 2023, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

Petitioner appeals the denial of his step-2 inmate Grievance form, because
SCDC used an arbitrary and capricious unwritten policies and procedures
to disapprove and denied my grandkids, Lauren Garvin and Joel Garvin's
SCDC visitation forms, for failing to provide their social security numbers
for identification purposes. SCDC has disregarded and overlooked its
written policy regarding identification purposes for all visitors nine (9)
years of age and under. SCDC's denial of my grandkids form, deprives
Appellant of a State created liberty interest to visit with family members,
pursuant to SCDC policy OP-22.09

John Garvin

Appellant's Name
Ridgeland Correctional Institution
P.O. Box # 2039, Ridgeland, S.C., 29936
Mailing Address

Signed

John Garvin

Dated

April 4, 2023

City, State, Zip Code

CERTIFICATE OF SERVICE

I hereby certify that I, John Garvin (your name), on the 4th day of April, 2023, in Ridgeland (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, or in the mail room of the undersigned's institution and addressed as follows:

Name of person/Agency served: Ms. Annie L. Rumber, General Counsel
South Carolina Department of Correction
Address: Post Office Box #21787

City, State, Zip Code: Columbia, S.C. 29221-1787

Print your name Sign your name
(See reverse side for instructions)

Instructions for filing an appeal of the final agency decision from the South Carolina Department of Corrections:

- 1) You must complete the **Notice of Appeal** on the reverse side of these instructions and mail it to the Administrative Law Court at the following address:

**Clerk's Office
South Carolina Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, SC 29201**

A copy of the Notice of Appeal must also be forwarded to the Office of General Counsel at the Department of Corrections.

- 2) **In order for your case to be processed by the ALC, a copy of the final decision from the Department of Corrections must be attached to the Notice of Appeal.**

**STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT**

John Garvin, # 355509,	)	Docket No.: 23-ALJ-04-0126-AP
	)	[Grievance No.: RCI 221-22]
Appellant,	)	
	)	<i>Hon. Sebastian Phillip ("Phil")</i>
v.	)	<i>Lenski</i>
	)	
South Carolina Department of Corrections,	)	
	)	RESPONDENT'S MOTION TO
Respondent.	)	DISMISS

STATEMENT OF THE CASE

This matter is before the Administrative Law Court ("ALC" or "Court") pursuant to the appeal of John Garvin ("Appellant"), an inmate incarcerated with the South Carolina Department of Corrections ("SCDC" or "Department").

On November 17, 2022, Appellant filed a Step One grievance alleging that his grandchildren's visitation forms were denied for failing to provide their social security numbers and alleged that it was arbitrary and capricious. Appellant requested that his grandchildren be added to his visitation list. This grievance was investigated and considered resolved on November 30, 2022. Thereafter, appellant filed a Step Two grievance on December 2, 2022, appealing the warden's decision. The Step Two grievance was investigated and denied on March 3, 2023. This appeal followed.

STANDARD OF REVIEW

The ALC's jurisdiction to hear this matter is derived entirely from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). When reviewing SCDC's decisions in inmate grievance matters, the ALC sits in an appellate capacity. *Id.* at 377, 527 S.E.2d at 754. Recently the South Carolina Supreme Court clarified the Administrative Law Court's jurisdiction as:

[t]hat the ALC has subject matter jurisdiction over inmate grievance appeals that have properly filed. (*internal citations omitted*) . . . [h]owever, the ALC is not required to hold a hearing in every matter and may summarily dismiss an inmate's grievance if does not implicate a state-created liberty or property interest sufficient to trigger procedural due process guarantees. The ALC may not grant an inmate relief from an erroneous administrative decision by SCDC, however, unless the inmate demonstrates the error deprived him of due process... (*internal citations omitted*)

Allen vs. S.C. Dep't of Corr., 439 S.C. 164, 170-71, 886 S.E.2d 671, 674 (2023).

"The requirement of procedural due process apply only to the deprivation of interests encompassed by the Fourteenth Amendment's protection of liberty and property." *Al-Shabazz*, 338 S.C. at 369, 527 S.E.2d at 750 (*quoting Board of Regents of State Colleges. v. Roth*, 408 U.S. 564, 569, 92 S.Ct. 2701, 2705 (1972)). SCDC interprets *Slezak* as encouraging, for the sake of judicial economy, the ALC to summarily dismiss inmate cases that do not involve a state-created liberty or property interest. *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 605 S.E.2d 506 (2004) (holding that the ALC "may summarily dismiss those appeals that do not implicate an inmate's *state created* liberty or property interest") (*emphasis added*).

The South Carolina Court of Appeals has interpreted *Slezak* to mean that where a state-created liberty interest is not implicated in a prisoner appeal, a judge of the ALC "should" dismiss the appeal. *Skipper v. S.C. Dep't of Corr.*, 370 S.C. 267, 633 S.E.2d 910 (Ct. App. 2006).

ARGUMENT

This case should be dismissed under *Slezak* and *Skipper*. This appeal is based on Appellant's allegation that his grandchildren's visitation forms were denied for failing to provide their social security numbers. Appellant's claim does not implicate a *state-created* liberty or property interest. Per SCDC Policy, visitation is a privilege and not a guaranteed right. See SCDC Policy OP-22.09, Inmate Visitation, section 1.4. Additionally, Appellant does not allege that SCDC erroneously calculated his sentence, sentence-related credits, or custody status; or allege that a *state-created* liberty or property interest was taken in a major disciplinary hearing.

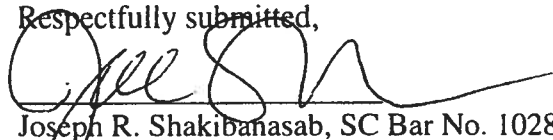
Appellant's claim does not trigger due process guarantees and no *state-created* liberty or property interest is implicated in this case, the Court should dismiss this appeal.

CONCLUSION

Because the case does not implicate a state-created liberty or property interest this case should be dismissed.

If this Court is not inclined to dismiss this Appeal, Respondent requests an additional thirty (30) days from the Order resolving this motion to submit the record on appeal.

Respectfully submitted,



Joseph R. Shakibanasab, SC Bar No. 102825
South Carolina Department of Corrections
444 Broad River Road
Columbia, South Carolina 29221
Phone: (803) 896-1278
Email: Shakibanasab.joseph@doc.sc.gov

June 28, 2023
Columbia, South Carolina

John Garvin,	)	Docket No.: 23-ALJ-04-0126-AP
	)	[Grievance No.: RCI 221-221]
Petitioner,	)	
	)	
v.	)	<i>Hon. Sebastian Phillip Lenski</i>
	)	
South Carolina Department of Corrections,	)	
	)	
Respondent.	)	APPELLANT'S OBJECTIONS TO
	)	RESPONDENT'S MOTION TO DISMISS
	)	

This matter is before the Administrative Law Court (“ALC”) pursuant to the appeal of John Garvin (“Appellant”), an inmate incarcerated with the South Carolina Department of Corrections (“SCDC”).

On November 17, 2022, Appellant filed a Step-One grievance alleging that his grandchildren's visitation forms were denied for failing to provide their social security numbers and alleged that SCDC used an arbitrary and capricious unwritten policies and procedures to disapprove and deny Appellant grandchildren's visitation forms, for failing to provide their social security numbers for identification purposes. (See Exhibit – A), (also see Exhibit – C). This grievance was denied on November 30, 2022, and was not resolved to the Appellant's satisfaction.

R. 13

STANDARD OF REVIEW

The South Carolina Supreme Court has clarified in *Allen v. S.C. Dep't. of Corr., supra.*, that the Administrative Law Court “has subject matter jurisdiction over inmate grievance appeals that have been properly filed [in] ... an administrative matter.” 439 S.C. 164, 170 – 71, 886 S.E.2d 671, 674 (2023). “A claim that implicates a State-created liberty or property interest is not required for the ALC to have subject matter jurisdiction over the appeal. However, the ALC is not required to hold a hearing in every matter and may summarily dismiss an inmate’s grievance if it does not implicate a State-created liberty or property interest sufficient to trigger procedural due process guarantees. The ALC may not grant an inmate relief from an erroneous administrative decision by SCDC, however, unless the inmate demonstrates the error deprived him of due process.

STATEMENT OF FACTS

On November 11, 2022, Appellant made a kiosk informal resolution attempt to the visitation department about it’s denial of Appellant grandchildren’s visitation forms. (see Kiosk Request No. 22-02887365, stating that “[t]he directives for visitation are approved by Director Sterling. The institution has no authority to change policy directives.”); (also see Exhibit – C). On November 17, 2022, Appellant filed a Step-One grievance as to the November 11, 2022, informal resolution attempt that was made in regards to SCDC’s visitation department’s denial of Appellant grandchildren’s visitation forms for failing to provide their social security numbers. On November 30, 2022, the Warden would Rule that there was “no evidence [that] can be found in this instance where staff failed to perform their job duties properly,” and would fail to address the merits of his Step-One grievance form. (Exhibit – A). On December 2, 2022, Appellant would file a Step-Two grievance with SCDC’s grievance department appealing the Warden’s decision, because he would fail to properly rule on the merits or even address Appellant’s concerns about the denial of his grandchildren’s visitation forms.

R. 14

SCDC has used an arbitrary and capricious unwritten policy and procedure to disapprove and deny Appellant grandchildren's visitation forms, for failing to provide their social security numbers for identification purposes. SCDC has disregarded and overlooked its written policy regarding identification purposes for all visitors nine (9) years of age and under. SCDC's visitation department's approval and denial process of Appellant grandchildren's visitation forms, deprives him of proper due process by arbitrarily denying his grandchildren's visitation forms with the use of an unwritten policy, that has deprived him of a State-created liberty interest to visit with family members, pursuant to SCDC policy OP – 22.09.

ARGUMENT

This Court should dismiss the Respondent's Motion to Dismiss on the grounds that the "threshold facts in this case has not been established" yet. See *Wilkins v. United States*, No. 21-1164, --- U.S. ----, 143 S.Ct. 870 (U.S. Mar. 28, 2023) ("If a decision simply states that 'the court is dismissing "for lack of jurisdiction" when some threshold fact has not been established, it is understood as a 'drive-by jurisdictional rulin[g]'" (quoting *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 511, 126 S.Ct. 1235 (2006))).

This appeal is based on SCDC's visitation department's denial of Appellant grandchildren's visitation forms for failing to provide their social security numbers and the fact that in doing so, did use an arbitrary and capricious unwritten policy and procedure to disapprove and denied Appellant grandchildren's visitation forms for failing to provide their social security numbers for identification purposes. SCDC has disregarded and overlooked its own written policy and has created an arbitrary and capricious one regarding identification purposes for all visitors nine (9) years of age and under. See SCDC Policy OP – 22.09 § 5.3. SCDC's visitation department's approval and denial process of Appellant grandchildren's visitation forms, has deprived him of proper due process by arbitrary and capricious means. In addition, to depriving

him of a State-created liberty interest to visit with family members, pursuant to SCDC Policy OP – 22.09. The Fourteenth Amendment reads in part: “nor shall any State deprive[s] any person of life, liberty, or property, without due process of law,” and protests “the individual against arbitrary act of government.” quoting *KY. Dep’t. of Corr. v. Thompson*, 490 U.S. 454, 460, 109 S.Ct. 1904 (1989).

SCDC Policy OP – 22.09 is a “[State] created liberty interest protected by the Due Process Clause by limiting an inmate’s freedom from restraint in such a way that “imposes atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life.”” *Allen v. S.C. Dep’t. of Corr.*, 434 S.C. 114, 119 – 20, 862 S.E.2d 268, 271 (S.C. Ct. App. 2021) (citation omitted). The denial of Appellant’s visitation with family members is a violation of his right to freedom from restraint that is atypical, and it creates a significant hardship on Appellant in relation to ordinary prison life. *Cf. Id.*

Now, contrary to the Respondent’s Motion to Dismiss Appellant’s appeal does trigger a due process guarantee and a deprivation of a State-created liberty interest that has been implicated in this case, therefore, this Court should deny the Respondent’s Motion to Dismiss.

CONCLUSION

Because this case does implicate a State-created liberty that Appellant was deprived of in violation of proper due process the Respondent’s Motion to Dismiss should be denied.

RESPECTFULLY SUBMITTED this 7th day of July, 2023.



**John Garvin, # 355509, Pro-se.
Ridgeland Correctional Institution
5 Correctional Road
Ridgeland, S.C. 29936**

R. 16

EXHIBIT

A

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: John GarvinSCDC NUMBER: 355509INSTITUTION: Ridgeland Correctional InstitutionHOUSING UNIT: SA-54WORK ASSIGNMENT: ~~Door~~ Door KeeperGrievance No. RCI-0221-22Code: General V5 / IS

Policy

Disc. Hear.

Class.

PREA

Date Received 11-28-22IGC Initials mn

STATE GRIEVANCE (include documentation, and date of incident; if SCDC Policy, indicate which policy)

I, John Garvin, do hereby make this grievance in regards to the response to my kiosk request No. 22-02887365, that was about the denial of my grandkids visitation forms by the SCDC visitation Department, for failing to provide their Social Security number for identification purposes. The reason given for the denial of my grandkids visitation forms is an arbitrary and capricious one.

According to SCDC Policy OP-22.09 § 5.3, a social security number is not listed or needed ~~for~~ for identification purposes for all visitors nine (9) years of age and under. The Social Security Act (SSA) does not list the South Carolina Department of Corrections as a State Agency that permits a State Agency to utilize a social security number for the purpose of identifying an individual. see 42 U.S.C. § 405(c)(2)(c)(i) (2018). ~~SCDC's~~ SCDC's denial of my grandkids visitation forms is unlawful pursuant to section 7 of Pub.L. 93-579(a)(1), the Privacy Act of 1974, as amended, 5 U.S.C. § 552a note (disclosure of social security number).

ACTION REQUESTED:

I would like for my grandkids to be added to my visitation list, because a social security number is not needed, pursuant to SCDC Policy OP-22.09 § 5.3.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

On November 11, 2022, I made a kiosk request to the visitation Department about the denial of my grandkids visitation form. See kiosk request No. 22-02887365.

John Garvin 11-17-2022
Grievant Signature Date

(CONTINUE ON REVERSE SIDE)

R. 18

5A-54

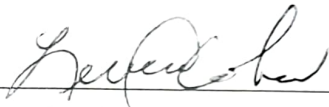
RCI-0221-22

07/16/11
GARDIN
355509
GAVIN, JOHN - 35509
WARDEN'S DECISION AND REASON:

I have reviewed your concern. In your grievance, you stated that you would like your Grandkids to be added to your Visitation List because Social Security numbers are not needed, pursuant to SCDC Policy OP-22.09-5.3. Visitation is a privilege and is not considered to be a guaranteed right. Per SCDC Policy OP-22.09, "Inmate Visitation", dated August 1, 2006, it is the practice of the South Carolina Department of Corrections to enable and encourage inmates, consistent with security and classification requirements to visit with family members and friends, however, before visitation privileges are bestowed upon a family member or friends, certain precautions must be considered. Before applications are approved, we try to ensure that all applicants meet the necessary requirements set forth by the South Carolina Department of Corrections' Standards and the "Inmate Visitation" Policy OP-22.09. No evidence can be found in this instance where staff failed to perform their job duties properly.

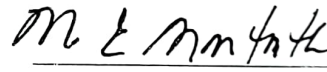
Therefore, your grievance is resolved.

If you disagree with this Warden's Decision "Decision", you may file a Step 2 Grievance Appeal by completing SCDC Inmate Grievance Form 10-5A, which is provided to you while serving you this Decision "Decision" and placing it in the Grievance box at your local institution within five days of your receipt of this Decision "Decision".


Warden Signature
11/30/2021
Date

- ☐ I accept the Warden's decision and consider the matter closed.
☒ I do not accept the Warden's decision and wish to appeal.


Grievant Signature
12/1/2022
Date


IGC Signature
12-1-22
Date

INSTRUCTIONS FOR COMPLETING STEP 1 GRIEVANCE FORM

1. An informal resolution shall be attempted prior to the filing of Step 1 by sending an Inmate Request to Staff Member (RTSM) form to the appropriate supervisor. A copy of the answered RTSM must be attached to the grievance when the grievance is filed.
2. Complete each section in its entirety writing only in the space provided for inmate use. No additional pages will be permitted.
3. Only one (1) issue is to be addressed on each form.
4. Submit the completed form by placing in the Grievance Box within five (5) days of the date on the RTSM response; policy grievances can be filed at any time. Disciplinary and Classification Review appeals must be submitted within five (5) days of the hearing/review. Do not write in the space provided for the Warden's response.
5. If you are not satisfied with the Warden's decision, you may appeal to the appropriate responsible official within five (5) days of your receipt of the Warden's decision, via placement in the Grievance Box.

EXHIBIT

B

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

Due: 12/1/22

Office Use Only

INMATE NAME: John Garvin
SCDC NUMBER: 355509
INSTITUTION: Ridgeland Correctional Institution
HOUSING UNIT: SA-54
WORK ASSIGNMENT: Dorm Keeper

Grievance No. RCI-0321-22
Code: General V5/15
Policy _____
Disc. Hear. _____
Class _____
PREA _____
Date Received: 12/21/22
IGC Initials: nm
Date Received: 1/13/23
IGA Initials: kh

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): The reason for my appeal of the Warden's decision, is that the Warden's decision does not address the merits of my Step-1 Inmate grievance form. Whereas, on November 29, 2022, the SCDC Visitation Department denied my grandkids, Lauren and Joel Garvin's SCDC Visitation forms, for failing to provide their Social Security number for identification purposes. Inasmuch as, my grievance does not address SCDC Staff's failure to perform their job duties properly. But addresses the reason given for the denial of my grandkids visitation forms is an arbitrary and capricious act that violates my first amendment Constitutional rights and my grandkids first amendment Constitutional rights. SCDC Policy OP-22.09 Section 5.3, does not list social security number for identification purposes.

Grievant Signature John Garvin Date 12/2/2022

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

SEE REVERSE SIDE

Responsible Official Signature Marc D. Lejeune Date 3/5/2023

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Grievant Signature John Garvin Date 3/9/2023

IGC Signature M. E. Minter Date 3-9-23

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INSTRUCTIONS FOR COMPLETING STEP 2 GRIEVANCE FORM

1. Complete form in its entirety, writing only in the space provided for inmate use.
2. State your specific reason for further appeal. Do not submit any new issues for review. No additional pages will be permitted.
3. Submit this completed form with your copy of the Step 1 form by placing in the Grievance Box within five (5) days of your receipt of the Warden's decision. Do not write in the space provided for the responsible official.
4. The decision rendered by the responsible official exhausts the appeal process of the SCDC Inmate Grievance Procedure.

Garvin 355509 RCI-0221-22

I have reviewed your concern. You state your grandkids were denied visitation for failing to provide their social security number for identification purposes. You also state according to SCDC Policy OP-22.09 (5.3), a social security number is not listed or needed for identification purposes for all visitors nine (9) years of age and under. You also state the Social Security Act (SSA) does not list the South Carolina Department of Correction as a State Agency that permits a State Agency to utilize a social security number for the purpose of identifying an individual. The Warden responded to your concern on November 30, 2022. Be advised that visitation is a privilege, and SCDC reserves the right to suspend, restrict, deny, or terminate visitation privileges. SCDC Policy OP-22.09 Inmate Visitation, provides a clear purpose for the policy "to enable and encourage inmates, consistent with security and classification requirements, to visit with family members and friends. Visiting will be conducted in an accommodating manner keeping with the need to maintain order and provide for the security and safety of persons and of each institution. Inmate visitation will be conducted in accordance with the provisions of said policy/procedure, related Agency policies/procedures, and all applicable state and federal statutes." The Policy also provides guidance on how, who, when and other conditions under which inmate may receive visit. Lastly, an applicant may be asked for additional information, and it's up to the applicant to provide the requested information.

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act. In order to appeal, you must fill out the attached Notice of Appeal Form and submit it as instructed on the form within 30 days of receipt.

EXHIBIT C

Resubmitting SCDC 19-127 form for Processing (Inmate: John Garvin) 3

Yahoo/Sent ☆

 **JaJuan Garvin** <garvin.jajuan33@yahoo.com>
To: visitation@doc.sc.gov



Tue, Nov 8, 2022 at 12:55 PM ☆

Dear Ms. Leggings:

I send you this e-mail in regards to the pending status of my kids SCDC 19-127 visitation forms for Lauren and Joel Garvin. You have just recently approved my wife's visitation form, but has not approved the visitation forms of our two kids. Due please inform me if my kids are approved, are not approved to visit my father, John Garvin.

I thank you for taking the time to read this e-mail and I await to hear from you the approval or denial status of my kids SCDC 19-127 visitation forms approval.

Very Respectfully,
JaJuan Garvin
(919)-282-7035



Yolande Wesley (C040596) <wesley.yolande@doc.sc.gov>
To: JaJuan Garvin, Visitation



Tue, Nov 8, 2022 at 3:22 PM ☆

Good Afternoon Mr. Garvin,

This is just a follow-up to the conversation we just had. As I stated, while we can process adults with their driver's license/state I.D this is not possible with minors as they have neither.

Since you do not want to provide the social security numbers for the children the applications will be denied and returned to you within the next week.

Should you change your mind, just enter the social security numbers on the denied forms and return them to us. You can resubmit the denied applications to the address on the routing slip that way it will bypass the wait of new application.

Respectfully,

Yolande Wesley
Program Assistant
Div. of Visitation & Inmate Drug Testing

> [Show original message](#)



● **JaJuan Garvin** <garvin.jajuan33@yahoo.com>
To: Yolande Wesley (C040596)



Wed, Nov 9, 2022 at 11:14 AM ☆

Dear Ms. Wesley:

I send you this e-mail in regards to your e-mail, about your reasons for denying my kids SCDC 19-127 visitation forms, due to my refusal to provide their social security number to confirm their identity. Your reason for denying my kids visitation forms is an arbitrary one.

Because pursuant to SCDC Policy OP-22.09 § 5.3: Identification Documents for Visitors Age Nine (9) and under, states that:

“Prior to entering the visiting area, all visitors nine (9) years of age and under will be required to show a Department of Public Safety (DPS) identification card, **a long form birth certificate showing the appropriate parents’ names**, student identification card, passport, or green card, **as long as the name and date of birth are listed.**”

Therefore a social security number is not needed to identify who my kids are pursuant to SCDC Policy OP-22.09 § 55.3.

I would also like for you to know that, the Social Security Act (SSA) does not list South Carolina Department of Corrections as a State agency that permits a State agency to use a social security number for the purpose of identifying an individual. See 42 U.S.C. § 405(c)(2)(C)(i) (2018).

In addition, your denial of my kids visitation forms are unlawful pursuant to section 7 of the Privacy Act of 1974, as Amended, 5 U.S.C. § 552a note (Disclosure of Social Security Number). Because section 7 of Pub.L. 93-579 provide[s] that:

“(a)(1) It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual’s refusal to disclose his social security account number.

Please provide me with a written denial of my kids visitation forms, so that I may take the appropriate legal recourse.

Very Respectfully,
JaJuan Garvin
(919)-282-7035

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

John Garvin, #355509,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

Docket No. 23-ALJ-04-0126-AP

**ORDER GRANTING
RESPONDENT'S MOTION TO
DISMISS**

This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed on April 4, 2023 by John Garvin (Appellant), an inmate in the custody of the South Carolina Department of Corrections (Department). The Appellant is appealing the denial of his grievance in which he alleges that the Department's denial of his grandchildren's visitation forms for failing to provide their social security numbers is arbitrary and capricious. The Appellant is not appealing a disciplinary hearing, nor did he lose any good time credit as part of any punishment.

On June 29, 2023, the Department filed a Motion to Dismiss pursuant to *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 605 S.E. 2d 506 (2004) and *Skipper v. S.C. Dep't of Corr.*, 370 S.C. 267, 633 S.E.2d 910 (Ct. App. 2006) requesting the court dismiss the Appellant's appeal because it does not involve a state-created liberty or property interest. On July 7, 2023, the Appellant filed Appellant's Objections to Respondent's Motion to Dismiss arguing that he has a state-created liberty interest to visit with family members pursuant to Department policy, therefore the court should deny the Department's Motion to Dismiss.

DISCUSSION

This court's jurisdiction to hear this matter is derived entirely from the decision of the South Carolina Supreme Court in *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000). This court's appellate jurisdiction in inmate appeals is limited to cases involving denial of state created liberty interests typically involving: (1) cases in which an inmate contends that prison officials have erroneously calculated his sentence, sentence-related credits, or custody status, and (2) cases in which an inmate has received punishment in a major disciplinary hearing as a result of a serious

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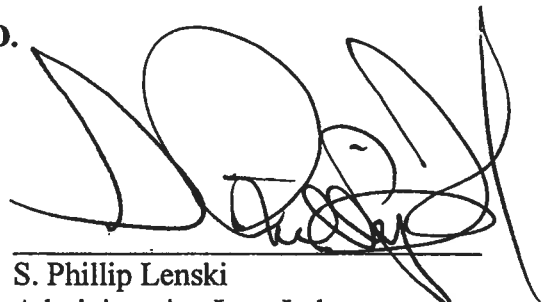
State of South Carolina
Administrative Law Court

rule violation. *Id.*

When reviewing the Department's decisions in inmate grievance matters, the court sits in an appellate capacity. *Id.* at 756. Consequently, the review in these inmate grievance cases is limited to the Record presented. Pursuant to *Slezak v. S.C. Department of Corrections*, 361 S.C. 327, 605 S.E.2d 506 (2004), the court is to have jurisdiction of all properly perfected inmate appeals but “[s]ummary dismissal may be appropriate where the inmate’s grievance does not implicate a state created liberty or property interest.” Further, the Court in *Skipper v. S.C. Dep’t of Corr.*, 370 S.C. 267, 633 S.E.2d 910 (Ct. App. 2006) interpreted *Slezak* to mean that where a state-created liberty interest is not implicated in a prisoner appeal, a judge “should” dismiss the appeal. Per Department policy, visitation is a privilege, not a right. Therefore, there is no state created liberty or property interest implicated here. Consequently, the court is without jurisdiction to hear this matter. As such, this is a case in which this court must adhere to the traditional “hands off” doctrine regarding judicial involvement in prison disciplinary procedure and other internal prison matters. See *Pruitt v. State*, 274 S.C. 565, 266 S.E.2d 779 (1980) and *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000) (emphasis supplied).

THEREFORE, for the foregoing reasons, the Department’s Motion to Dismiss is **GRANTED** and this appeal is hereby **DISMISSED**.

IT IS SO ORDERED.


S. Phillip Lenski
Administrative Law Judge

July 17, 2023
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States Mail, postage paid, or in the interagency Mail Service addressed to the party(ies) or their attorney(s).

This 11th day of July 2023

Judicial Law Clerk

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST FOR VISITING PRIVILEGES

INMATE NAME: _____

INMATE SCDC#: _____

RELATIONSHIP TO INMATE: _____

(I am the Inmate's: Mother, Father, Brother, Sister, Spouse, Child, Friend, etc.)

**RETURN COMPLETED
FORM TO:**
SCDC VISITATION & IM DT
P. O. BOX 212969
COLUMBIA, SC 29221

PLEASE READ CAREFULLY: The ONLY minors (under 18-yrs. of age) that may apply to visit are the inmate's children, brothers/sisters, step-children, grandchildren, or step-grandchildren. The relationship MUST be verified by attaching a "photocopy" of the minor's long-form, certified birth certificate. Minor nieces/nephews are not eligible until the inmate has been incarcerated with SCDC for at least three (3) consecutive years AND meets all other specific criteria per policy OP-22.09, "Inmate Visitation."

The inmate named above has requested that you apply for visitation privileges with him/her within the South Carolina Department of Corrections (SCDC). In order for your application to be considered, you must provide the following information. If you do not fully complete the application, it will not be processed. (NOTE: If you do not wish to provide your social security number (SS#), please complete the form, leaving off the number and attach a "photocopy" of your driver's license/state ID.) **BE ADVISED, IT WILL TAKE ADDITIONAL TIME TO PROCESS.** (In cases where you do not have a SS#, attach a "photocopy" of your Passport/US VISA.)

If you have any questions regarding this process, please call the Visitation Hotline (803-896-1838) & leave a message.

SOCIAL SECURITY NUMBER:		-	(Must be legible— print carefully)
LEGAL NAME: _____			
Last		First	Middle
RACE: _____	SEX: M ☐ F ☐	DATE OF BIRTH: / /	AGE: _____
ADDRESS: _____			
(Physical address as shown on your picture I.D.)			
CITY: _____	STATE:	ZIP CODE:	
MAILING ADDRESS (If different): _____			
PHONE NUMBER: -			
(Area Code)			
DRIVER'S LICENSE OR STATE I.D. NUMBER: _____		STATE OF ISSUE:	
HEIGHT: _____	WEIGHT: _____	HAIR COLOR: _____	EYE COLOR: _____

Please answer the following questions. NOTE: If you answer YES to Questions #1, #2, #3 and/or #5, you MUST be an immediate family member to be considered for visitation privileges.

1. Are you currently or have you ever been employed or performed contract or volunteer services for SCDC?

YES ☐ NO ☐

If yes, where? _____ When _____

2. Have you ever been incarcerated at the South Carolina Department of Corrections or any other state/federal (not county) correctional institution (prison)?

YES ☐ NO ☐

3. Are you presently on parole, probation, or other supervision by either the South Carolina Department of Probation, Parole, and Pardon Services, or any other state/federal agency?

YES ☐ NO ☐

NOTE: If YES, you must attach written authorization on official letterhead from your supervising agency.

This request will still require review and authorization from SCDC.

4. Have you **EVER** been convicted of a crime of any kind, misdemeanor/felony? If yes, list the information below. Attach a separate sheet of paper if necessary.

YES ☐ NO ☐

OFFENSE	DATE	PLACE	PENALTY (Fine, jail, prison, etc.)

5. Do you have any pending criminal charges? If yes, list the information below. Attach a separate sheet of paper if necessary.

YES ☐ NO ☐

OFFENSE	DATE	PLACE	ANTICIPATED COURT DATE

6. Did you know this inmate prior to his/her incarceration? (Before he/she was in jail or prison.)

YES ☐ NO ☐ (You may be asked to verify how/when.)

PLEASE READ THE FOLLOWING INFORMATION AND BE CERTAIN THAT YOU UNDERSTAND FULLY. YOUR SIGNATURE BELOW ACKNOWLEDGES THAT YOU HAVE READ AND UNDERSTAND THIS FORM AND HAVE PROVIDED ACCURATE AND FACTUAL INFORMATION TO EACH SECTION.

****NOTICE TO ALL VISITORS:** It is a state crime to bring upon the institutional grounds any weapons, intoxicants, drugs, or other contraband of any kind. South Carolina Code of Laws, Section 24-3-950: It shall be unlawful for any person to furnish or attempt to furnish any prisoner under the jurisdiction of the Department of Corrections with any matter declared by the Director to be contraband. Any person violating the provisions of this section shall be deemed guilty of a felony and, upon conviction, shall be punished by a fine of not less than one thousand dollars nor more than ten thousand dollars or imprisonment for not less than one year nor more than ten years, or both. All persons entering upon the premises are subject to routine searches of their person and personal property to include vehicles. Upon reasonable suspicion that a person may be introducing contraband or upon any person demonstrating actions that might otherwise endanger institutional safety, security, or good order, the Warden/designee may require that the person submit to a visual search, pat search, or strip search as a prerequisite to his/her entry. Any refusal by a visitor to cooperate with a search will result in him/her being denied entry into the institution and his/her visitation privileges will be revoked by the Warden/designee.

I have read, understand and agree to the above rules. If I am approved to visit with an inmate, I also understand and agree to abide by the visiting guidelines established by the South Carolina Department of Corrections. I understand that falsification of any part of the information on this application will result in suspension or denial of visiting privileges. I also understand it is my responsibility to update my application if there is a change of address or if any information on items 1 – 5 are no longer valid. I hereby authorize the release to the South Carolina Department of Corrections any and all record(s) of criminal offenses for which I have been arrested and convicted.

Applicant Signature

_____/_____/_____
Date

Applicant – print name

If the applicant is under the age of 18, the parent or legal guardian must sign and print their name below. If legal guardian, attach photocopy of documentation verifying relationship.

Parent/Legal Guardian

_____/_____/_____
Date

Parent/Legal Guardian – print name

(PHOTOCOPY OF LONG FORM BIRTH CERTIFICATE ATTACHED)

***** Do not write below this line (Warden use only) *****

Approved / Disapproved: S/_____
Warden

_____/_____/_____
Date

OP-22.09, "Inmate Visitation,"

SCDC POLICY/PROCEDURE

Change 1 to OP - 22.09 :3.0, 5.2, 5.3, 5.8.2 , 5.9, 7.2

Change 2 to OP-22.09:6.1

Change 3 to OP-22.09: 9.1; 9.3.1; 9.3.2; 9.3.3; 9.4; 9.5; 9.6 Change 4 to OP-22.09:7.1.5; 7.1.9 NUMBER:
OP-22.09

TITLE: INMATE VISITATION

ISSUE DATE: August 1, 2006

RESPONSIBLE AUTHORITY: ~~INSPECTOR GENERAL~~ DIVISION OF OPERATIONS

OPERATIONS MANUAL: OPERATIONS

SUPERSEDES: OP-22.09 (August 1, 2002); Change 1 (July 22, 2002); Change 2 (July 29, 2002); Change 3 (June 23, 2003)

RELEVANT SCDC FORMS/SUPPLIES: 7-1, 19-11, 19-29A, 19-29B, 19-31, 19-69, 19-84, 19-95, 19-118, 19-127, 19-128, B-2, 19-154

ACA/CAC STANDARDS: 4-ACRS-5A-23, 4-ACRS-6A-01, 4-ACRS-5A-17, 4-ACRS-5A-18, 4-ACRS-2A-02, 4-4267, 4-4275, 4-4498, 4-4499-1, 4-4499, 4-4500, 4-4503

STATE/FEDERAL STATUTES: South Carolina Code of Laws, 1976, 24-3-950, as amended

PURPOSE: To establish uniform and consistent policies/procedures for the implementation and management of the inmate visitation program.

POLICY STATEMENT: It is the practice of the South Carolina Department of Corrections (SCDC) to enable and encourage inmates, consistent with security and classification requirements, to visit with family members and friends. Visiting will be conducted in an accommodating manner, keeping with the need to maintain order and provide for the security and safety of persons and of each institution. Inmate visitation will be conducted in accordance with the provisions of this policy/procedure, related Agency policies/procedures, and all applicable state and federal statutes.

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.

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	2. VISITATION SCHEDULES
	3. FREQUENCY OF VISITS FOR INMATES
	4. VISITING APPROVAL PROCESS
5.	ADDITIONAL APPROVAL AND VISITOR IDENTIFICATION PROCEDURES
	6. RULES FOR VISITATION - INMATES
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	8. SEARCHES OF VISITORS/GENERAL
	9. PROCEDURES FOR SEARCHES OF VISITORS
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	11. DISCOVERY OF UNAUTHORIZED ITEMS
	12. DENIAL OF VISITATION/VISITORS
13.	NOTIFICATION TO INMATE OF VISITOR'S DENIAL
	14. TERMINATION OF VISITS IN PROGRESS
	15. SUSPENSION OF VISITOR'S PRIVILEGES
16.	SUSPENSION OF TELEPHONE PRIVILEGES
	17. SUSPENSION PROCEDURES
	18. INMATE VISITATION SUSPENSION
19.	REMOVAL FROM INMATE VISITATION LIST
	20. DEFINITIONS

1. VISITATION PROVISIONS:

1.1 Each institution will provide adequate visiting areas for inmates and their visitors. Written information regarding visitation procedures will be made available to each inmate within 48 hours after arrival at the institution. At a minimum, the information will include, but not be limited to, the following: institution address; telephone number; directions to the institution; information about local transportation; days and hours of visitation; approved dress code and identification requirements for visitors; items authorized in visitation room; special rules for children; items (if any) that visitors may bring to give to inmates; and special visits (for example, family emergencies). (4-ACRS-5A-23, 4-4499)

1.2 Each Warden will ensure that sufficient copies of the SCDC Supply Item B-2, "Rules for Visitors" pamphlet are available for distribution to visitors. The Division of Policy Development will ensure that changes to this policy/procedure are provided to the institutions when published and that SCDC Supply Item B-2 is updated as necessary.

1.3 Inmates will not be assigned to specific institutions solely for the convenience of visitation privileges. While it is recognized that assignments to institutions may create difficulty for visitors and inmates, these assignments must also be based on security considerations and other factors rather than on inmate or family convenience alone.

1.4 Inmate visitation is considered to be a privilege and is not considered a guaranteed right. Therefore, the SCDC reserves the right to suspend, restrict, deny, or terminate an inmate's or visitor's visitation privileges and/or telephone privileges due to legitimate concerns regarding the security and safety of the institution. (See Specific Procedures 12., through 18., below, for additional information.)

1.5 The Warden of each institution will be responsible for ensuring that a sufficient number of security staff are assigned to the visiting area and to the entrance of the institution in accordance with the Master Post Chart to provide for continuous sight and sound supervision of all visitors and inmates and to enforce rules, regulations, directives, and statutes applicable to visitation. Any deviation from the Master Post Chart must be approved in writing by the Division Director of Operations.

1.6 Normally, inmates will be afforded the opportunity to receive contact visits. However, where appropriate non-contact visiting facilities exist, the Warden may require non-contact visits for inmates in the Maximum Security Unit, or in Special Management Units (e.g., those in security detention, pre-hearing detention, etc.), or on Death Row and may require them to be physically restrained during visitation when such visits are taking place in the presence of other visitors and other inmates who are in restraints. Visits for restrained inmate(s) will not be conducted in the presence of unrestrained inmates. General population inmates may be required to utilize non-contact visiting facilities under specific circumstances which are outlined elsewhere in this policy/procedure or other SCDC policies/procedures. Depending on the custody level and the actual location of such available non-contact visiting facilities, general population inmates may be unrestrained. (4-4499-1)

1.7 Information on Family Support Groups will be available in all visiting areas.

2. VISITATION SCHEDULES:

2.1 General Visitation Days/Hours: Generally, visitation days/hours are as follow:

Fridays: Level 1A - No visitation on Fridays due to inmate work schedules. Level 1B - At Warden's discretion visitation may be allowed for all inmates or special visits may be allowed for visitors who cannot visit on Saturday/Sunday. Level 2 and 3 - Visitation for 3 hours during afternoon/evening. Scheduled hours to be requested by the Warden and approved by the Division of Operations.	Saturdays: 8:00 A.M. to 12:00 p.m. and 1:00 P.M. to 5:00 P.M. (Note: Wardens will determine how to divide the inmate population to allow equal visitation for all inmates.)	Sundays: 8:00 A.M. to 12:00 p.m. and 1:00 P.M. to 5:00 P.M. (Note: Wardens will determine how to divide the inmate population to allow equal visitation for all inmates.)
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Note: Visitors will only be allowed to visit during one visitation period per day. For example, if a visitor visits from 8:00 A.M. to 12:00 p.m. on Saturday, that visitor will not be allowed to visit from 1:00 p.m. to 5:00 p.m. on Saturday afternoon. However, the visitor will be allowed to visit on Sunday during the inmate's scheduled visiting period, provided the inmate has not reached his/her maximum number of visits for the month. Visitors are only allowed to visit one inmate a day. They may not depart the institution and return to visit another inmate. The inmate is only authorized one (1) visit per day. (4-4498)

2.2 Special Visiting Schedules: State Holidays (except when they fall on days which are recognized as regular visitation days as described in Procedure 2.1, above, when the schedule will remain the same) will be recognized as special visiting days, unless otherwise notified by the Division of Operations and/or the Agency Director. Special visiting days may be authorized by the Agency Director during the Thanksgiving and/or Christmas holidays. In the event that these special visiting days are authorized, notices will be posted at each institution. These visits will be included in an inmate's authorized number of visits per month unless special directives are disseminated by the Division of Operations and/or the Agency Director. Except as noted otherwise, only those inmates housed in the general population, with full visiting privileges, will be approved for such special visits. Unless scheduled otherwise, Special Management Unit, Maximum Security Unit, Death Row, and Reception and Evaluation (intake) inmates are not eligible for such special visits. Holiday visiting will normally be divided into two visitation periods that will run from 9:00 A.M. to 12:00 p.m. and 1:00 P.M. to 4:00 P.M. (Note: Wardens will determine how to divide the inmate population to allow equal visitation for all inmates. If these hours conflict with the institutional schedule, Wardens may request an exception from the Division of Operations, who will be the approval authority for these exceptions.)

2.3 Number of Visitors Allowed: Limits may be placed on the number of visitors allowed to visit on the inmate's scheduled visiting day due to safety and security reasons and/or space limitations. The number of approved visitors an inmate may have per scheduled visiting day will be determined by the Warden of each institution and will be based on space availability, security/safety reasons, and the custody level of inmate(s) being visited. All approved visitors desiring to visit with the same inmate on the same day must enter the

institution at the same time in order to visit with the inmate (but may depart at different times). Visitors may be asked to terminate their visit to allow others an opportunity to visit. Visitors who arrive first will be the first asked to leave (in order of arrival). (4-ACRS-5A-17, 4-4498)

3. FREQUENCY OF VISITS FOR INMATES:

General Population	No more than eight (8) visits per month.
Medium Custody	No more than four (4) visits per month for up to two (2) hours each visit.
Unemployed inmates who refuse to work and/or inmates who are required to attend educational programs, but who refuse or fail to attend	No more than two (2) visits per month for a maximum of ~~two (2)~~ three (3) hours each visit.
*Protective Custody	See SCDC Policy/Procedure OP-22.23, "Protective Custody." (4-4267)
*Special Management Unit (SMU)	See SCDC Policy/Procedure OP-22.12, "Special Management Unit." (4-4267)
*Maximum Security Unit (MSU) at Kirkland	See SCDC Policy/Procedure OP-22.11, "Maximum Security Unit." (4-4267)
Gilliam Psychiatric Hospital (GPH) or Department of Mental Health facility	By appointment only - scheduled through GPH or the appropriate Department of Mental Health facility medical or mental health care staff.
*Reception and Evaluation (R&E) /New Admission inmates	After 30 days at R&E, inmates may have two (2) visits , from immediate family members only , per month. Only three (3) visitors will be authorized to visit at any given time. Visits will be up to two (2) hours in duration and must be scheduled in advance through R&E Center classification personnel. YOA inmates are excluded.
Death Row	See SCDC Policy/Procedure OP-22.16, "Death Row."
Untried County Safekeepers	See SCDC Policy/Procedure SK-22.02, "Safekeepers."

Inmates in the Infirmary	Visitation for inmates in the infirmary will be allowed on the regularly scheduled visitation days. (The Warden may approve visitation on other days for critically/terminally ill patients.) The scheduled hours for visitation will be jointly determined by the Health Care Authority and the Warden, at a time that is convenient for security reasons and for the infirmary schedule. Visits should be pre-scheduled through the Warden/designee's office. Visits should not exceed two hours in duration; however, exceptions may be made for critically/terminally ill inmates at the discretion of the attending physician and nursing staff with the concurrence of security staff. There are to be no more than two (2) visitors per inmate. (The Warden may approve additional visitors for critically/terminally ill inmates if space permits, the infirmary routine/schedule is not disrupted, and security can be maintained.) All visitors must be at least 18 years of age. (The legal spouse can visit if s/he is 16 or 17 years old and is listed on the inmate's visitation list as the spouse. The Warden may approve visits by the inmate's children if the inmate is critically/terminally ill. All visitors must be on the inmate's approved visiting list.
Critically/Terminally/Seriously Ill inmates	If an inmate is physically unable to visit during regularly scheduled visitation, the Warden (with the concurrence of medical staff) may arrange alternative visitation times on a case-by-case basis.

Inmates Hospitalized in a Community Hospital or Just Care Facility	The Duty Warden or designee may approve immediate family members from the automated approved visiting list to visit for a maximum of one (1) hour daily and only during the community hospitals approved visiting hours. A list of approved family members will be obtained from the institution. If an inmate is hospitalized after normal working hours, the list of approved family members will be obtained the next morning. (NOTE: The exception to this visitation procedure is for those inmates in MSU, SMU, Protective Custody, Safekeeper, or Death Row status. These inmates cannot receive any visits or phone calls while hospitalized.) The Officer will: •call the control room of the inmate's respective institution and provide the name and address of each visitor(s), date, time, length of visit, and relationship to the inmate; and •remain in the room at all times; and •ensure that the inmate does not receive any articles, food, gifts, or money from the visitor(s); and •never provide information concerning the inmates medical condition to the visitor. If approved, only two (2) adult visitors may be present in the room at any given time
Shock Incarceration/Boot Camp inmates	One (1) visit during their second month in the program and two (2) visits each month thereafter except that, after 90 days in the 180-day Boot Camp Program, inmates will be authorized one (1) visit weekly.
Youthful Offender Intensification Program (YOIP) inmates	See SCDC Policy/Procedure PS-10.09, "Youthful Offender Intensification Program (YOIP)," for information regarding visiting privileges for these inmates.
Other Specialized Programs	Refer to SCDC policies/procedures governing the specific program for information regarding visiting privileges for these inmates.
Sexual predator program residents who are housed at SCDC, but are under the jurisdiction of the South Carolina Department of Mental Health (DMH): The DMH will use the SCDC automated system for approving and recording visits, but the number of visits these residents may receive is not restricted.	

*These visits must be scheduled through an approved representative of the Unit Classification Section or a Warden's designee at the inmate's assigned institution.

4. VISITING APPROVAL PROCESS:

4.1 While an inmate is being processed at the Reception and Evaluation Center the inmate will be given up to 15 copies of the SCDC Form 19-127, "Request for Visiting Privileges," to send to his/her proposed visitors. The Reception and Evaluation Center will ensure that a copy of the Supply Item B-2, "Rules for Visitors" pamphlet is added to each Form 19-127 that is mailed to a proposed visitor.

4.2 Upon receipt of SCDC Supply Item B-2, "Rules for Visitors" pamphlet and the SCDC Form 19-127, each proposed visitor must FULLY complete the 19-127, and return it by mail to the Central Visitation Center (CVC). If the proposed visitor does not provide all requested information, the application will be returned. If the SCDC Form 19-127 cannot be processed because it is incomplete or because the prospective visitor has provided an incorrect inmate name or inmate SCDC number, the 19-127 will be returned to the prospective visitor, if the address on the form is complete. A parent, legal guardian, or other adult may assist a child in completing the form; however, only a parent or legal guardian will be permitted to sign this form. Upon receipt, the CVC supervisor or designee will review the form and information provided and will approve or disapprove the potential visitor. (4-ACRS-2A-02, 4-4503)

4.3 Criminal Records: Persons with criminal records will not automatically be disapproved. The nature and extent of the person's criminal record, the recency of the criminal activity, and the person's relationship to the inmate will be taken into consideration. (NOTE: The CVC Staff will, pursuant to Procedure 5.1 - 5.10.2, below, refer those requests that require the additional review or approval of the Warden to the Inspector General's Office for review before going to the Warden for approval. Falsification of any part of an application will result in disapproval.

4.4 For approved visitors, the information provided on SCDC Form 19-127 will be entered into the automated visiting system by the CVC Staff. The inmate will be responsible for notifying visitors once they have been approved. For those disapproved, the Inspector General's Office, or designee will be responsible for informing each such applicant. The denied visitor will have the responsibility of advising the inmate. If disclosure of the reasons for the disapproval would jeopardize the security/safety of the institution or the SCDC, the response will be stated as follows: "To uphold the safety and security of the institution, staff, and/or others." (4-ACRS-2A-10, 4-4503)

4.5 Deletions to an Inmate's Approved Visiting List: An inmate may delete visitors from his/her approved visiting list once every 120 days by completing and forwarding through interoffice mail a copy of SCDC Form 19-84, "Request for Deletion to Visiting List," to the CVC. The 120 day period will begin on the date of the inmate's first request to delete an approved visitor(s).

4.6 Additionsto an Inmate's Approved Visiting List: Visitors may be added to an inmate's approved visiting list at any time, provided that the addition of the visitor(s) does not cause the inmate to exceed the 15 visitor limit. Inmates will be required to provide each newly proposed visitor with a copy of Supply Item B-2,

"Rules for Visitors" pamphlet and SCDC Form 19-127, "Request for Visiting Privileges." The proposed visitor must complete and mail a copy of the form 19-127 to the CVC for approval pursuant to Procedure 4.2 - 4.4, above, and, if necessary, Procedure 5.1 - 5.10, below.

4.7 Change of Visitor Address: The home address on a visitor's identification card must match the address on the automated system. If an approved visitor arrives at an institution to visit an inmate and has a different address on his/her identification card than on the automated system, s/he will be asked what their correct address is. If the address is not correct on the automated system, s/he will be required to complete SCDC Form 19-154, "Visitor Change of Address," prior to entering the institution. The officer should verify that the form is completed in full, is legible and that it matches the picture ID. If the visitor admits their address on their ID is incorrect, they should be advised to obtain a new one at the Department of Motor Vehicles. These forms should be forwarded to the Inspector General's Office each Monday so they may be entered before the next visitation date to ensure the visitor does not complete multiple forms.

4.8 Updated Visiting Lists: The CVC will be responsible for entering all additions and deletions to each inmate's approved visiting list in the automated system. On a weekly basis, personnel from the Division of Resource and Information Management will provide each institution with two (2) copies of each inmate's initial or up-dated approved visiting list. One (1) copy of the approved list will be provided to each affected inmate by an employee designated by the Warden. The second copy will be maintained at the visitors' sign-in area, or an area designated by the Warden that is accessible to the Officers who are processing visitors. (NOTE: If no changes have been made to an inmate's approved visiting list, then a weekly updated list will not be printed for that inmate.)

5. ADDITIONAL APPROVAL AND VISITOR IDENTIFICATION PROCEDURES: The following additional procedures must be followed to approve and/or authorize visiting privileges for the prospective visitors listed below: (NOTE: ANY ATTORNEY OR CLERGY MEMBER WHO DESIRES TO VISIT AN INMATE AND WHO IS A MEMBER OF THE INMATE'S IMMEDIATE FAMILY WILL BE TREATED AS A VISITOR AND WILL BE REQUIRED TO FOLLOW THE VISITOR APPROVAL PROCESS DESCRIBED IN PROCEDURE 4.2 - 4.4, ABOVE.)

5.1 Visitation Approval for Children Under 18 Years of Age: The only minors who will be considered for inclusion on an inmate's approved visiting list are the inmate's brothers and sisters, the inmate's children (to include adopted), stepchildren, grandchildren, great-grandchildren, and step-grandchildren., who are listed as such on the inmate relative screen. Unless a minor, who is on the approved visiting list, under the age of 18 can furnish proof of emancipation, s/he must be accompanied by a parent, legal guardian, or authorized adult in order to be allowed entrance into the institution for visiting. The only exception to this requirement is for a 16 or 17 year old spouse whose marriage to the inmate is legally recognized by the State of South Carolina and verified by the SCDC Office of General Counsel. Minor nieces and nephews may be considered to visit, after an inmate has been incarcerated for three (3) consecutive years and only if specific criteria is met based on the inmate's record. See Procedure 5.1.4 for these conditions. The relationship of the respective inmate and each minor in question will be compared to the inmate's relative screen. Only those minors noted on the inmate's screen at intake or those added by an inmate (with appropriate documentation, i.e. certified long form Birth certificate, valid marriage license to prove/verify the relationship to the inmate) will be approved to visit.

5.1.1 If an authorized adult is to accompany a child who is on the inmate's approved list to visit an inmate, the parent or legal guardian must complete SCDC Form 19-118, "Authorization for Adult Supervision of a Minor," and have the form notarized by a Notary Public. The custodial parent or guardian must request this form through the CVC or the Inspector General's Office.

5.1.2 The SCDC Form 19-118 must be brought to the institution by the authorized adult and shown to the Officer assigned to the entrance of the institution each time that the child and authorized adult visit in order to be allowed admission into the institution. (The form is maintained by the authorized visitor.)

5.1.3 If a child is in the custody of the Department of Social Services (DSS), all other requirements for approval apply to the child as outlined in this policy/procedure. DSS will then be responsible for coordinating visits with the respective Warden/designee and for accompanying the child on each authorized visit. DSS employees must present their employee identification in order to be admitted to an institution for such purposes.

5.1.4 Only the minor nieces and nephews of those inmates who meet ALL of the criteria listed below will be considered for addition to the respective visiting list.

- Inmate must have been incarcerated for at least three (3) consecutive years.
- Inmate may NOT have ever been convicted of a sex offense /to include disciplinary convictions for sexual misconduct.
- Inmate must have NO Major disciplinaries and/or NO More than Two (2) minor disciplinary convictions within the last three (3) years.
- Inmate must have been employed for a minimum of three (3) consecutive years. (The Wardens at Lieber and Graham Correctional Institutions may grant an exception for inmates on Death Row.)
- The name of the brother or sister, (parent of the niece or nephew,) must be listed on the inmate's relative screen and the parents must submit a copy of the respective niece/nephew's certified long form birth certificate along with the SCDC Form 19-127 for verification.

APPLICATIONS FOR MINORS TO VISIT INMATES NOT MEETING ALL OF THESE CRITERIA WILL BE DENIED. NO EXCEPTIONS WILL BE MADE.

5.2 Identification Documents for Visitors Age 10 and Older: Prior to entering the Institution, all approved visitors 10 years of age and older will be required to properly identify themselves with an acceptable identification card which includes their photograph and date of birth. A valid driver's license, Department of Public Safety (DPS) identification card, (available to children under the age of five [5]), employee identification card, student identification card, passport, state identification card, military identification card, or green card can be used for this purpose. (Note: The home address on a visitor's identification card must match the address in the automated system. If an approved visitor arrives at an institution to visit an inmate and has a different address on his/her identification card than in the automated system, they will be asked which is the correct address. If the CRT is incorrect, s/he will be required to complete SCDC Form 19-154, "Visitor Change of Address," prior to entering the institution. If the ID is incorrect, the visitor will be advised of the necessity to obtain a new ID at the Department of Motor Vehicles. (4-ACRS-2A-02, 4-4503)

5.3 Identification Documents for Visitors Age Nine (9) and Under: Prior to entering the visiting area, all visitors nine (9) years of age and under will be required to show a Department of Public Safety (DPS) identification card, long form birth certificate showing the appropriate parents' names, student identification card, passport, or green card, as long as the name and date of birth are listed. (NOTE: Children under nine who have a valid department of Public Safety ID will be allowed entrance without a birth certificate.)

5.3.1 The parents' name must match the authorized adult in case of niece, nephew, or grandchild. When the appropriate parents' name is not listed on the birth certificate, the Institution should get a copy of the birth certificate and provide it to the Inspector General's Office, who will update records accordingly and delete any minors not verified as immediate family.

5.4 Attorneys: The SCDC recognizes that inmates have a guaranteed right to communicate with their attorneys and to be provided access to state and federal courts. The SCDC will ensure that inmates are afforded sufficient access to visit with their attorneys and authorized agents, e.g., paralegal or an investigator, who can show they are working for the attorney of record . An attorney desiring to visit an inmate who is not a member of his/her immediate family may gain admission to any SCDC institution by calling Monday through Friday during normal business hours and making an appointment with the Institution the inmate is housed at (on or about 8 A.M. - 4 P.M.) The Institutions will make every effort to accommodate attorney visits, but may require advance notice for the visit. The attorney will be required to present his/her bar identification card and a photo identification card as described in Procedure 5.2, above, to the Officer(s) at the entrance of the institution. Attorneys may, with advance approval of the Warden, or designee, make arrangements to visit an inmate before or after normal business hours or on weekends and holidays. The Warden, or designee, will be responsible for communicating all approvals to the Officer(s) assigned to the entrance of the institution. The attorneys will be logged in on SCDC Form 19-31, "SCDC Vehicle/Visitor Daily Admittance Log." (NOTE: Because inmate visitation with an attorney(s) is considered a guaranteed right, all attorney visits will be conducted in areas that afford Employee visual supervision

only.) (4-ACRS-6A-01, 4-ACRS-2A-02, 4-4275, 4-4503)

5.5 Clergy: Official representatives (herein referred to as clergy) of all faith groups will be authorized to visit with inmates and to provide religious services to inmates of their faith group any day of the week during normal institution business hours (on or about 8:00 A.M. - 4:00 P.M.). Clergy must receive advance approval for the visit through the institutional Chaplain, who will notify the Duty Warden. In the absence of the Chaplain, the Duty Warden may approve the visit. The Warden, or approved designee will ensure that the institutional Chaplain and all Officers assigned to the front entrance of the institution are notified of all clergy approved to visit with inmates. Clergy will be logged in on SCDC Form 19-31, "SCDC Vehicle/Visitor Daily Admittance Log." (4-ACRS-2A-02, 4-4503)

5.5.1 Clergy approved for religious visitation will be required to abide by the following procedures when visiting with inmates:

- Clergy must present proof of their profession and an identification card which includes his/her photograph to the officer(s) assigned to the front entrance of the institution. (A valid driver's license, Department of Public Safety (DPS) identification card, employee identification card, student identification card, passport, state identification card, military identification card, or green card can be used for this purpose.)
- Clergy will normally be limited to an hourly visit one (1) time per week.
- Clergy will be required to abide by the rules and regulations established for visitation as outlined in Procedure 7, below.
- Clergy will not be allowed to visit inmates who are members of their immediate family without going through the SCDC visitation approval process outlined in Procedure 4.1 - 4.4, above. In these cases, clergy will be classified as family and will be required to visit with their inmate family members on each inmate's scheduled visiting day.

(NOTE: Any volunteer who requests to visit an incarcerated family member or friend will not be authorized to provide volunteer services at the institution where the family member or friend is assigned. A volunteer who wishes to visit an incarcerated family member or friend must be approved to visit pursuant to the visitors' approval process described in Procedure 4.2 - 4.4, above and will be governed by the directives, rules, and regulations contained in this policy/procedure. [Refer also to SCDC Policy/Procedure PS-10.04, "Volunteer Services Program."])

5.5.2 In limited situations, clergy may be approved to visit with an inmate after normal business hours. In these cases, clergy desiring to visit with an inmate will be required to coordinate such a visit in advance through the institutional Chaplain who will obtain approval for the visit from the Warden or approved designee. The same procedures outlined in Procedure 5.5.1, above, must be followed.

5.6 Volunteers: Persons who are approved to serve as volunteers and who are not classified as a member of an inmate's immediate family or as a friend may volunteer with an inmate during the normally scheduled volunteer service hours in the capacity of a volunteer, provided that they receive approval from the Warden or a designee to volunteer with the inmate. Volunteers will be logged in on SCDC Form 19-31, "SCDC Vehicle/Visitor Daily Admittance Log." (4-ACRS-2A-02, 4-4503)

5.7 Former Inmates and Persons on Active Probation, Parole, and/or Mandatory Supervised Release may be considered for visiting privileges ; however, the following conditions must be met for consideration:

5.7.1 Must be a member of the inmate's immediate family, listed as such on the inmate's relative screen (not to include in-laws), and be approved to visit the inmate pursuant to the visitors' approval process described in Procedure 4.2 - 4.4, above. (4-ACRS-2A-02,4-4503)

5.7.2 Must have been released from the SCDC or any other correctional facility for a minimum of one (1) year . The Warden or designee may make an exception on a case-by-case basis when it is requested in writing and the applicant provides documented justification for the exception to be granted. Any exceptions made by a Warden or designee must be directly communicated to the CVC so that information can be entered into the automated visitation system.

5.7.3 A former inmate, no matter how long ago s/he was incarcerated, must answer yes to Questions #2 and #4 of the SCDC Form 19-127, "Request for Visiting Privileges." (Note: If a prospective visitor falsifies any part of the SCDC Form 19-127, that person will not be approved to visit.) The CVC or Inspector General's Office will forward the 19-127 to the Warden/Designee of the institution where the inmate is currently incarcerated for their review. The Warden/Designee may disapprove visiting privileges if, in his/her opinion, the prospective visitor poses a threat to the safe and secure operation of the institution. After this approval/disapproval, the 19-127 will be returned to the CVC or the Inspector General's Office, who will advise the applicant if they are denied.

5.7.4 Immediate family members who are prospective visitors and are on probation, parole, mandatory supervised release, or any other form of conditional release, must obtain written permission from the agency responsible for his/her supervision to visit with the inmate. (This written permission must be on the supervising agency's letterhead stationery and must be attached to the prospective visitor's SCDC Form 19-127, "Request for Visiting Privileges," when it is mailed to the CVC.) It will then be sent to the Institutional warden for review and approval.

5.8 Persons With Pending Criminal Charges may be considered for visiting privileges; however, the following conditions must be met for consideration:

5.8.1 Must be a verified member of the inmate's immediate family and be approved to visit the inmate pursuant to the visitor's approval process described in Procedure 4.2 - 4.4, above.

5.8.2 Must not be nor previously have been a co-defendant with the inmate. ~~on any criminal charges~~
(Amended by Change Memo #1 dated February 1, 2008.)

5.8.3 Must provide information listing all outstanding charges which are still active including the jurisdiction (city/county/state) where the warrants were signed or the indictments issued.

5.8.4 The prospective visitor must answer accurately and truthfully all questions on SCDC Form 19-127, "Request for Visiting Privileges." The CVC or Inspector General's Office forward the 19-127 to the Warden/designee of the institution where the inmate is currently incarcerated for their review and approval

or disapproval. The Warden/designee may disapprove visiting privileges if, in his/her opinion, the prospective visitor poses a threat to the safe and secure operation of the institution. After this approval/disapproval, the 19-127 will be returned to the CVC/ Inspector General's Office, who will advise the applicants if they have been denied.

5.8.5 PERSONS WITH PRIOR CONVICTION(S):

Applications for persons with prior convictions, who have not been incarcerated, will be forwarded from the CVC to the Inspector General's Office for review. The individual relationship to the inmate and the type of convictions noted will be considered when reviewing these applications. Some of them will be forwarded to the Institution for the Warden's review.

5.9 Current Employees/ Volunteers: A active SCDC employee/contract employee, or volunteer desiring to visit an inmate must:

5.9.1 Be a member of the inmate's immediate family and listed on the inmate's relative screen;

5.9.2 Complete SCDC Form 19-127, "Request for Visiting Privileges," and be approved to visit pursuant to the guidelines contained in Procedure 4.2 - 4.4, above. The contract employee must answer yes to Question #1, of the SCDC Form 19-127, "Request for Visiting Privileges."

5.9.3 Attach a written authorization from his/her supervising Warden, Division Director, Agency Director's Staff Member, or the Agency Director, to the SCDC Form 19-127, "Request for Visiting Privileges." The CVC will forward the 19-127 to the Warden/designee of the institution where the inmate is currently incarcerated and that Warden /designee will have the authority to approve or disapprove the SCDC or contract employee for visiting privileges. The Warden/designee may disapprove visiting privileges if, in his/her opinion, the prospective visitor poses a potential threat to the safe and secure operation of the institution. After this approval/disapproval, the 19-127 will be returned to the CVC for appropriate processing.

5.9.4 Current employees meeting the above requirements will be authorized to visit on the inmate's scheduled visiting day(s), will be processed for admission to the institution like any other visitor, and may not conduct Agency business, wear their SCDC uniform, or use their SCDC identification card to gain access to areas of the facility which are inaccessible to other visitors.

5.10 Former Employees:

5.10.1 Any former employee who, while employed with the SCDC, or contract employee who worked within an SCDC facility, violated any SCDC policy/procedure pertaining to employee/inmate relations, to include sexual intercourse, any other type of sexual relations, dating, marrying, or otherwise establishing a personal relationship with an inmate and/or any person under the jurisdiction of the SCDC, will be prohibited from visiting any inmate whether they are currently an immediate family member or not.

5.10.2 Former employees or contract employees who have terminated their employment with the SCDC for more than one (1) year and who are considered members of an inmate's immediate family, excluding in-laws, (provided the former employee did not become a member of the inmate's immediate family as a result

of marrying him/her while incarcerated or after a relationship as defined in paragraph 5.10.1, above) may be approved to visit with the inmate on his/her scheduled visiting days following the visiting approval process listed in Procedure 4.2 through 4.4, above. If the prospective visitor is a former employee, no matter how long ago s/he was employed with the SCDC, s/he must answer yes to Question #1 of the SCDC Form 19-127, "Request for Visiting Privileges." The former employee must also receive the written approval of his/her previous supervisor (Warden, Division Director, Agency Director's Staff Member) or the person currently occupying that position, and attach this approval to his/her SCDC Form 19-127, "Request for Visiting Privileges." The CVC will forward the 19-127 to the Warden/designee of the institution where the inmate is currently incarcerated and that Warden/designee will have the authority to approve or disapprove the prospective visitor for visiting privileges. The Warden/designee may disapprove visiting privileges if, in the opinion of the Warden/designee, the prospective visitor poses a potential threat to the safe and secure operation of the institution. After this approval/disapproval, the 19-127 will be returned to the CVC.

5.11 Prospective Employers: On a case-by-case basis, the Warden may permit inmates to visit with a prospective employer who is not listed on the inmate's approved Visiting List. The prospective employer must arrange for the visit with the inmate and receive advance approval from the Warden or designee. Prospective employers must satisfactorily identify themselves as such in order to obtain permission to visit and may be permitted to visit with inmates during normal working hours at the discretion of the Warden or an approved designee.

5.12 Special Visits: The Warden or an approved designee may permit special visits or authorize special conditions for visits for persons, who are immediate family members and can be verified on the relative screen and on the inmate's visitation list, outside of the established visitation schedules. In those circumstances where the inmate has no prior notice of the special visit (e.g., family members travel a considerable distance to see the inmate without prior notification of their visit), the Warden/Designee will have the authority to approve or disapprove the request based on an assessment of the individual circumstances of the request. The Warden/Designee has the sole, final discretionary authority to grant or deny requests for special visits. (4-ACRS-5A-18, 4-4500)

5.13 Falsification of Information: Any prospective visitor who falsifies any part of an application or request for visitation will not be approved to visit. If someone has been approved and it is subsequently determined that any information was falsified, that individual's visitation privileges will be immediately revoked. This includes individuals who are signing as guardians and have falsified information regarding the minor. When there are extenuating circumstances which contributed to errors on an application or other information provided, a disapproved prospective visitor may submit a letter of explanation to the Inspector General's Office. If the situation is appropriate, the Inspector General's Office/Designee may approve visitation privileges after a denial period of six (6) months for immediate family members or 18 months for persons who are not immediate family. If the incorrect information provided pertains to arrest or criminal history, the Inspector General/Designee will review the explanation submitted along with all other documentation available and will forward the relevant material to the respective Warden/Designee for approval/disapproval.

6. RULES FOR VISITATION- INMATES:

6.1 Inmates will be required to wear SCDC-issued shirts and pants during visits. Issued shoes, issued boots, issued bobos, and Oxford/hush puppy/buck type/slip on (Amended by Change 2, dated November 17, 2011.) shoes or boots purchased at the canteen may be worn to visitation, but athletic/tennis/basketball type shoes purchased from the canteen cannot be worn. The inmate must be in compliance with OP-22.13, "Inmate Grooming Standards," or s/he will not be allowed to visit on that day. This rule is intended to stop visitors and inmates from trading shoes during visitation. All shirts must be tucked in and buttoned (if applicable) and each inmate's ID card must be visibly worn and displayed at all times. The only exception to SCDC-issued clothing will be for those inmates participating in the Work Program at a Pre-Release Center. These inmates may be permitted to wear personal shirts, pants, and shoes during visitation.

6.2 Inmates will not pass items to other inmates or to visitors or accept items from other inmates or visitors. (Exceptions will be made for attorneys, clergy, and prospective employers due to paperwork that may need to be passed, and for food and beverage items purchased by visitors from vending machines located in each visitation room.) Attorneys, clergy, and prospective employers must first notify security staff that they have paperwork which they wish to pass to an inmate. Inmates may be allowed to retain such paperwork, provided it is inspected for contraband/unauthorized items.

6.3 Inmates will not be loud or boisterous during visits to keep from disturbing other inmates and visitors.

6.4 Inmates authorized contact visitation will be allowed to embrace and to kiss visitors once at the beginning and once at the end of each visit. Whenever possible, depending upon the number of visitors and the shape of tables, an inmate and visitor(s) are to be seated at opposite sides of the table. An infant/toddler (under the age of two (2)) can be held by the inmate. Any other display of affection between inmate and visitor other than that described above will be prohibited, and may result in disciplinary action for the inmate and visitation suspension for the inmate and/or visitor involved. (4-4499-1)

6.5 Inmates will be subject to and will submit to being searched before and/or after each visit.

6.6 Inmates will not be allowed to have watches and/or sunglasses in their possession when entering the visitation area.

6.7 Inmates will be required to observe all other SCDC rules and regulations during visitation.

6.8 Inmates will not be allowed to switch tables or to visit with anyone other than their first authorized visitor(s) during visiting. (NOTE: Inmates and their visitors may go from an inside table to a table outside the visiting room [for those institutions with outdoor visiting areas]. The Duty Warden may approve exceptions to the prohibition against table-switching in those cases of immediate family members incarcerated at the same institution.)

6.9 The Warden may designate certain areas in the visitation room as restricted from inmate or visitor access. These areas will be marked in such a way that the restriction is obvious to the inmates and to visitors. These restricted areas may change at any time without prior notice.

7. RULES FOR VISITATION - VISITORS: Upon entry to the institution, visitors must provide the name and SCDC number of the inmate to be visited and appropriate identification to the Officer stationed at the front entrance. (4-ACRS-2A-02, 4-4503)

7.1 Dress Requirements: The following requirements for visitors apply to all institutions and will be strictly enforced: (Should any Officer or SCDC employee have any doubt as to whether a visitor is appropriately dressed, s/he will contact the Duty Warden (or designee if the Duty Warden is not present in the institution) who will come to the entrance area and make the final determination.

Should a decision be made that a visitor is inappropriately dressed, the visitor will be denied admission to the institution.)

7.1.1 Shirts and shoes are mandatory.

7.1.2 Clothing that exposes an undue amount of flesh (e.g., exposing chest, back, thighs, or midsections) is prohibited. Halter tops, underwear-type tee-shirts, tank tops, fish net shirts, or any type of shirt or pants made with see-through fabric are NOT allowed to be worn by any visitor (male or female). Sleeveless shirts WILL NOT be allowed.

7.1.3 Visitors may wear Bermuda-length shorts provided they are not more than three (3") inches above the top of the kneecap.

7.1.4 At institutions where the use of khaki inmate uniforms has been fully implemented, all visitors may wear blue jeans/shorts, khaki pants/shorts, or other color denim jeans/shorts.

~~7.1.5 At institutions that continue to utilize blue-jean denim inmate uniforms (shock units), visitors will be prohibited from wearing blue jeans/shorts or blue denim pants/shorts. Denim jeans/shorts other than the color blue will be allowed. (Amended/deleted by Change 4, dated January 22, 2016.)~~

~~7.1.6~~ 7.1.5 Women and girls may wear dresses or skirts. However, no sleeveless dresses will be allowed. If a dress or skirt appears to be too short or if there is a slit (no higher than three [3"] inches above the top of the knee), or is considered otherwise inappropriate by an Officer, the Officer will be required to contact the Duty Warden (or designee if the Duty Warden is not present in the institution) who will be responsible for coming to the entrance area for a decision as to whether the visitor will be allowed to visit.

~~7.1.7~~ 7.1.6 Any shirt or other article of clothing with a picture or language that may be considered profane or offensive by current public and/or SCDC standards will not be allowed. In such cases, the Officer will contact the Duty Warden (or designee if the Duty Warden is not present in the institution) who will be responsible for coming to the entrance area for a decision as to whether the visitor will be allowed to visit.

~~7.1.8~~ 7.1.7 Clothing designed or intended to be tightly worn, to excessively accent the body, e.g., spandex, tights, leggings, tank tops, etc., is prohibited.

~~7.1.9~~ 7.1.8 Hair pieces and any hair accessories are subject to search.

~~7.1.10~~ 7.1.9 No jewelry except wedding ring, one pair of earrings, one (1) religious medallion on a necklace or chain, one (1) wristwatch, and a medical alert bracelet. NOTE: Activity fitness trackers and smart watches are NOT permitted. (Changes in RED, amended by Change 4, dated January 22, 2016.)

7.2 Authorized Items Permitted by Visitors: Visitors will only be permitted to bring into any SCDC institution the items listed below: (Any item not included in the following list, or any authorized item in excess of approved amounts [e.g., cash], will be considered as "unauthorized items" and will not be permitted to be brought into any SCDC institution by any visitor.)

Authorized Items Permitted by Visitors	
ITEM	AMOUNT
~~Unopened pack of cigarettes~~	One (1) (NOTE: Smoking is permitted only in designated outside areas, if available. If no outside area is available, cigarettes will not be permitted.)
~~Lighter or pack of matches~~	~~One (1) (NOTE: Smoking is permitted only in designated outside areas, if available. If no outside area is available, lighters or matches will not be permitted.)~~ (Amended by Change Memo #1 dated February 1, 2008.)
Small wallet or change purse	One (1) (clear plastic only)

Cash	When the inmate receives only one visitor, that visitor is permitted to carry up to \$15.00 (nothing larger than a \$5.00 bill) in cash. When the inmate receives more than one visitor, each visitor, other than infants or toddlers under two (2) may carry up to \$15.00 in cash (nothing larger than a \$5.00 bill) to purchase snacks and beverages for the visitor and the inmate that s/he is visiting from vending machines located in SCDC visiting rooms. Money will not be given by a visitor to any inmate. All snacks and beverages must be purchased by the visitor and must be consumed by the inmate or visitor before leaving the visiting room. The only exception will be made for inmates housed in SCDC Pre-Release Centers who are participating in Work Programs. Work Program inmates are authorized to possess money pursuant to related SCDC policies and procedures governing the same. (Note: When a visitor admits, prior to contact with an inmate and prior to entering the visiting room, that s/he has discovered that s/he has \$10.00 or less above the spending limit in his/her possession, the visit will be terminated for that day only.
Keys	One (1) set (Must not contain any items that may cause a security threat.)
Photographic identification card	One (1) as described in Procedure 5.2 and 5.3, above

Prescription Medications	For those individuals who are required to take prescription medications at certain times during visiting hours, the SCDC will allow only the dosage necessary to be taken by the individual during his/her visit to be brought into any institution. Each prescription medication brought into any institution must be placed in its original prescribed container with the original pharmacy label. The container must contain written information concerning the type of medication, dosage requirements, and the name of the individual to whom the medication was prescribed. Under no circumstances will containers containing different types of medications be allowed into any SCDC institution. The SCDC reserves the right to prohibit individuals from bringing into any institution any medication that may pose a threat to the inmate population or institutional security. (NOTE: Individuals who are required to use injections [needles/syringes] for medical conditions will be required to leave the institution for such purposes and may be allowed to return. Under no circumstances will needles/syringes be brought into any SCDC institution or left on the grounds of any SCDC property.) Epi-pens will be allowed with Doctor's motorized, written authorization.
SCDC Form 19-118, "Authorization for Adult Supervision of a Minor"	If applicable, one (1) copy (See Procedure 5.1 through 5.1.2, above, for information.)
Baby/Infant Supplies	For those visitors bringing authorized infants and small children, no more than five (5) diapers, three (3) baby bottles (or two (2) sipper cups for toddlers, must be clear) and three (3) jars of sealed baby food may be brought in a clear plastic bag. Baby wipes/towelettes may be brought in by visitors provided that they are brought in a clear plastic bag. Infant/Baby carriers will be allowed but will be subject to search prior to entry into the institution. Visitors will be required to remove the infant from the carrier for this purpose.

7.3 Visitors Who Have Unauthorized Items: Any visitor found bringing any items not listed above, or excessive amounts of any authorized item(s), into any institution will, if the item is not determined to be contraband/illegal (see Procedure 7.5, below), have to dispose of item. They will not be allowed to return to

their car and then come back and visit. Under no circumstances will any SCDC employee offer or be allowed to keep the item for the visitor.

7.4 Pets/Animals: Under no circumstances will visitors be authorized to leave any pet/animal unattended in any vehicle on SCDC property while they are visiting nor bring any pet/animal into an SCDC institution unless the animal is necessary to enable a person to physically maneuver (e.g. "seeing eye" dog).

7.5 Contraband/Illegal Items Prohibited on SCDC Property: Visitors will not be allowed to possess, introduce, or attempt to introduce any of the following items into any SCDC institution, or to pass or attempt to pass any of these items to any inmate, staff member, or other individual: (Any visitor found to be in violation of these procedures will have his/her visitation privileges suspended and may have his/her telephone privileges suspended [as outlined in Procedure 15., and 16., below]. If an inmate is found with contraband following a visit, the respective visitor (s) may be suspended. NOTE: Any contraband/illegal item found in an unsecured area by a SCDC employee may be seized and the item will not be returned without the prior approval of the Division Director of Operations.)

7.5.1 Any intoxicating beverages;

7.5.2 Any controlled substances (to include, but not be limited to, any narcotic, hallucinogens, marijuana, stimulant, or any drug affecting the central nervous system); (The only exception made will be for prescription medications as identified in Procedure 7.2, "Authorized Items Permitted by Visitors Chart," above.)

7.5.3 Any cash over the amount specified in Procedure 7.2, "Authorized Items Permitted by Visitors Chart," above (or any bill larger than a \$5.00 bill) per visitor allowed for vending machines;

7.5.4 Any firearm or instrument that customarily can be used or is designed to be used as a dangerous weapon; (NOTE: Visitors carrying Mace, i.e., canisters on key chains, will be advised that they will not be allowed to enter any SCDC institution with such an item and will be instructed to find a secure location to place the item for the duration of their visit. Under no circumstances will any SCDC employee offer to keep the item for the visitor.)

7.5.5 Any explosive devices or instruments;

7.5.6 Any article or instrument that may be used to aid in effecting or attempting to effect an escape;

7.5.7 Any cellular phones and/or recording devices; and

7.5.8 Any beeper/pager unless it is required due to medical/ professional reasons. (In questionable cases, the Officer will contact the Duty Warden [or designee if the Duty Warden is not present in the institution] who will be responsible for coming to the entrance area to make a determination as to whether the visitor will be permitted to bring the pager/beeper into the institution.) (NOTE: If the visitor has been approved to take in a

beeper/pager, it will be thoroughly inspected prior to the visitor entering the institution.)

In order to ensure that all visitors are aware of state laws governing contraband, Section 24-3-950 of the South Carolina Code of Laws (Contraband Law), as amended, will be posted in a conspicuous place at the entrance of each institution so that all visitors may read it prior to entering.

7.6 Visitor Conduct: Except as otherwise noted, visitors are prohibited from engaging in the following activities: (Any violation of the following rules of conduct may result in the immediate termination of a visit, and/or further visitation suspension, as outlined in Procedure 14., below.)

7.6.1 loitering;

7.6.2 taking any article whatsoever from the grounds of the institution (e.g., gifts from inmates or inmates' excess personal property items) without prior authorization from the Warden or designee; (Exceptions may be made for approved attorneys, paralegals, clergy, or prospective employers who require paperwork to be submitted to them by an inmate.)

7.6.3 walking or driving along the perimeter road;

7.6.4 photographing buildings, fences, etc.;

7.6.5 loud playing of vehicle radios while on SCDC property;

7.6.6 actions/inactions which are a security risk or health risk to others, e.g., leaving children in vehicle, leaving keys in vehicle, etc.; (Under no circumstances will visitors be authorized to leave any child unattended in any vehicle on SCDC property while they are visiting. Under no circumstances will visitors be authorized to leave any pet or animal unattended in any vehicle on SCDC property while they are visiting.)

7.6.7 yelling at inmates or engaging in loud, boisterous behavior during visitation or at any time while on SCDC property; or

7.6.8 passing any item to inmates or accepting items from inmates. (NOTE: The only items authorized to be passed by a visitor will be food and beverage items purchased from vending machines. Attorneys, clergy, and prospective employers should notify security staff that they have paperwork which they wish to pass to an inmate. Inmates may be allowed to retain such paperwork, provided it is inspected for contraband/unauthorized items.)

7.6.9 any disrespectful behavior towards staff or their directives

7.7 Visitors will be required to keep accompanying children as orderly as possible during their visit so that other inmates and visitors will not be disturbed. In the event that a visitor(s) is unable to control his or her

child(ren), the visit will be terminated and the visitor(s) and children will be required to leave the institution. (See Procedure 14., below, for additional information regarding the termination of visits while in progress.)

7.8 Visitors will not be allowed to switch tables and/or visit with any inmate(s) other than those they are currently authorized to visit or to visit with any other visitors. (NOTE: Inmates and the visitors may go from an inside table to a table outside the visiting room [for those institutions with outdoor visiting areas]. The Duty Warden may approve exceptions when inmates who are immediate family members are incarcerated at the same institution.)

8. SEARCHES OF VISITORS/GENERAL: The following procedures are to be followed for all searches of visitors where Canine Drug Interdiction Units have NOT been involved or are NOT present: (All searches prompted as a result of any Canine Drug Interdiction Unit efforts are to be conducted pursuant to SCDC Policy/Procedure OP-22.04, "Canine Drug Interdiction Units.")

8.1 All visitors are subject to search and to questioning while on SCDC property or while inside any SCDC institution. Each institution will have a sign to this effect posted at each entrance to the institution and at the visitor check-in point.

8.2 Visitors will be required to pass through a metal detector, be scanned with a transfrisker, or submit to any non-intrusive drug detection equipment. Visitors will be asked to remove hats, to include muslim head dress, shoes, and items from their pockets for inspection. All hand-carried items allowed to be brought into SCDC institutions as outlined in Procedure 7.2, above, will be subject to search.

8.3 No internal body cavity searches of any visitor will be conducted. Pat or strip searches of visitors will only be conducted as outlined below. (4-4503)

9. PROCEDURES FOR SEARCHES OF VISITORS:

9.1 As a matter of general security, visitors may be questioned at any time. When there is information that indicates a visitor possesses unauthorized items or contraband and/or is introducing or attempting to introduce unauthorized items/contraband into the institution, the visitor will be questioned. ~~If the results of the questioning and/or other facts and information support reasonable cause, the visitor will be asked to submit to a pat/frisk or strip search.~~ (Changes in BLUE, amended by Change 3, dated July 27, 2015.)

~~Note: The visitor retains the option of refusing to be searched, unless there is reason to detain and arrest. However, refusal to be questioned or searched will result in suspension of the visitor's visitation as outlined in Procedure 15., "Visitor Suspension Chart," below.~~

9.2 In general, a pat/frisk search should be conducted before a strip search is considered. A strip search should only be conducted when the Warden, Associate Warden, ~~Division~~ Deputy Director of Operations, Inspector General, or their Designees, have reason to believe that the unauthorized items/contraband may be concealed in such a way that the pat/frisk search does not and/or will not discover the unauthorized items/contraband.

9.3 Visitors Age 18 and Older: (Changes in BLUE below, amended by Change 3, dated July 27, 2015.)

9.3.1 Pat/Frisk Search: At level II and III institutions, visitors age 18 and older ~~may~~ will be pat/frisk searched in addition to successfully passing through the walk-through metal detector or transfrisker (where available) prior to being admitted into the institution. ~~based on a reasonable concern the visitor may be bringing in contraband or as a result of an alert from the transfrisker or metal detector, providing the visitor agrees in writing to be searched. The Warden/Designee will be contacted for approval of the search. Consent will be documented on SCDC Form 19-95, "Consent to be Searched".~~ Refusal to be searched will result in suspension of the visitor's visitation as outlined in Section 15.

9.3.2 ~~All~~ Pat/frisk searches of female visitors age 18 and older will always be conducted by employees of the same sex. Pat/frisk searches of male visitors age 18 and older may be conducted by employees of either sex. ~~and~~ Strip searches of visitors age 18 and older may be conducted based on a reasonable concern that the visitor may be bringing in contraband or as a result of an alert from the drug dog, transfrisker, metal detector, or pat/frisk search providing the visitor agrees in writing to be searched. The Warden/Designee will be contacted for approval of the strip search. Consent will be documented on SCDC Form 19-95, "Consent To Be Searched." Refusal to be searched will result in suspension of the visitor's visitation as outlined in Section 15.

9.3.3 Strip searches of visitors age 18 or older will be conducted by employees of the same sex as the visitor being searched. Strip searches will be conducted in a private area away from the view of others. During a strip search, the visitor will be required to disrobe and only a visual inspection of the visitor will be made by the officers. Clothing will be physically inspected to ensure the absence of contraband.

9.4 Visitors (MINORS) at Least 12 Years Old and Less Than 18 Years Old: Pat/frisk or strip searches may be conducted based on a reasonable concern that the visitor may be bringing in contraband, or as a result of an alert from the drug dog, transfrisker or metal detector. All pat/frisk searches and strip searches will be conducted by employees of the same sex as the visitor. The Warden/Designee will be contacted for approval of the pat/frisk or strip search. The same procedures outlined for adults 18 years of age and over apply; however, the minor's parent, legal guardian, or authorized adult must consent to the search of the minor and must be present during the search. Parental, legal guardian, or authorized adult consent must be documented on SCDC Form 19-95, "Consent to be Searched." (Changes in BLUE, amended by Change 3, dated July 27, 2015.)

9.5 Visitors (MINORS) Under the Age of 12: Pat/frisk or strip searches may be conducted based on a reasonable concern that the visitor may be bringing in contraband, or as a result of an alert from the drug dog, transfrisker or metal detector. All pat/frisk searches and strip searches will be conducted by employees of the same sex as the visitor. The Warden/Designee will be contacted for approval of the pat/frisk or strip search. Consent will be documented on SCDC Form 19-95, "Consent To Be Searched." The same procedures outlined for minors at least 12 years of age but less than 18 apply; however, the minor's parent, legal guardian, or authorized adult will be required to disrobe the child or assist the child in disrobing. (Changes in BLUE, amended by Change 3, dated July 27, 2015.)

9.6 Refusal to be Questioned/Searched: The visitor retains the option of refusing to be searched, unless there is reason to detain and arrest. Any visitor who refuses to be questioned, who refuses to consent to be searched, or who refuses to allow a minor to be questioned or searched will be subject to visitation suspension as outlined in ~~Procedure~~ Section 15., "Visitation Suspension Chart," below. (Changes in BLUE, amended by Change 3, dated July 27, 2015.)

10. DISCOVERY OF CONTRABAND/ILLEGAL ITEMS: Whenever a contraband/illegal item (as defined by law and in Procedure 7.5 through 7.5.8, above) is discovered, the following steps will be taken:

10.1 The Officer making the discovery will immediately detain the visitor and explain to the visitor the reason that s/he is being detained. Physical force will not be used to detain the visitor unless the lives or safety of SCDC staff or others are threatened or jeopardized.

10.2 Upon detention of the visitor, the Officer will immediately contact the Warden or designee. Upon arrival (or sooner, if necessary) the Warden or designee will contact the Division of Investigations or EAC so that an Investigator or K-9 agent can report to the institution. (The length of time prior to an Investigator/Agent arriving will vary.) All evidence seized will be directly turned over to the Investigator/Agent upon his/her arrival.

10.3 The Officer will complete SCDC Form 19-29A, "Incident Report," and, if necessary, SCDC Form 19-29B, "Incident Report Continuation." At a minimum, the following information will be included in this report:

- date, place (institution), location within the institution, and time of the search;
- name and SCDC number of inmate to be visited;
- name and address of person(s) searched;
- name of official who authorized the search;
- reason for search;
- name(s) of officer(s) who performed the search;
- result of the search;
- make, model, and license plate number of the visitors vehicle, as applicable; and
- attached consent form signed by each person who was searched (SCDC Form 19-95).

10.4 The officer will also be required to document the items found on SCDC Form 19-95, "Consent to be Searched," in the space provided.

10.5 Upon arrival, the Investigator/Agent will assess the situation and, if appropriate, arrest the individual. The Investigator/Agent will make a determination as to whether outside law enforcement should be contacted to assist in the transportation and/or criminal processing of the visitor.

10.6 Any visitor found in possession of any contraband/illegal item or found passing or attempting to pass such items to any inmate or those persons who visited an inmate who was found with contraband immediately after visit, will be suspended from visiting privileges with any inmate housed by the SCDC as outlined in Procedure 15., "Visitation Suspension Chart," below. (This suspension will also apply to visitation privileges with SCDC inmates who are housed at Designated Facilities and/or community hospitals.)

11. DISCOVERY OF UNAUTHORIZED ITEMS: Whenever an unauthorized item(s) is found on the visitor that is not considered contraband/illegal items as defined by law and in Procedures 7.5 through 7.5.8, above, the visitor will be advised that they may not visit that day, but come another regularly scheduled

visiting day.

12. DENIAL OF VISITATION/VISITORS: The Warden or designee may deny a visitor permission to enter an institution and visit with an inmate on that date for reasons which include, but are not limited to, the following:

- the visitor is, or appears to be, under the influence of drugs or alcohol;
- the visitor refuses or fails to produce sufficient photographic identification (as required by this Policy/Procedure) or falsifies identifying information;
- visitation space is limited;
- the inmate to be visited has already had his/her scheduled visit for the day or the allowed number of visits for the month;
- the visitor is disruptive before his/her visit with an inmate or the children accompanying the visitor are disruptive;
- the visitor is not on an inmates approved visiting list or it is not the inmates scheduled visiting day;
- the visitor is accompanied by minor children who are not on the approved visiting list and/or who do not have a completed SCDC Form 19-118, "Authorization for Adult Supervision of a Minor" (when necessary);
- the inmate refuses or indicates a desire not to visit with the visitor;
- the visitor is inappropriately dressed and does not meet SCDC dress requirements for visitors as determined by the Warden or designee;
- institutional emergency situations;
- a determination is made that the visit may jeopardize the security and/or safety of staff, inmates, others, or the institution; and/or
- the visitor attempts to visit with more than one (1) inmate at the same table and they are not immediate family members. (NOTE: Visitors who have completed a visit with one [1] inmate may not leave the institution and re-enter to visit with a different inmate.)
- The inmate was required to report to his/her regularly scheduled job assignment, but failed to do so.

13. NOTIFICATION TO INMATES OF VISITOR'S DENIAL: An inmate will be notified, either verbally or in writing, of his/her visitors denial as soon as possible following the denial by the Duty Warden or approved designee. The inmate will be advised as to the reasons why the visitor was denied admission to the institution, provided that disclosure of such reasons would not jeopardize the security/safety of the institution or any individual. In these instances, the reason given to an inmate will be stated as follows: "Your visitor was denied admission to the institution to protect the security and safety of the institution, staff, and/or others."

14.TERMINATION OF VISITS IN PROGRESS: The Warden or an approved designee will have the authority to terminate an inmates visit while the visit is in progress if the inmate violates any established rules and regulations of the SCDC or if the inmates visitor(s) does not comply with the rules and regulations governing inmate visitors. Prior to termination of the visit, less severe alternatives may be attempted, if appropriate. This may include verbal warnings to the inmate and/or visitor(s) of improper conduct which, if not discontinued, will result in the visit being terminated and may result in the visitor's and the inmate's visitation privileges being suspended , for a specific length of time. A visit may be terminated to allow space for newly arriving visitors when the visiting area is full.

15.SUSPENSION OF VISITOR'S PRIVILEGES: When a visit is terminated, the reasons for the termination will be fully documented on SCDC Form 19-29A, "Incident Report," and, if necessary, SCDC Form 19-29B, "Incident Report Continuation." If a rules violation has occurred, the inmate will be subject to disciplinary action pursuant to SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System." All forms will be forwarded to the Warden for his/her review. The Warden will decide if the visitor's or inmate's visitation privileges and/or telephone privileges will be suspended. Should a suspension be warranted, the Warden will follow the guidance in the "Visitor Suspension Chart, and Paragraphs 16., and 17., below. If a visitor commits any of the acts or is found in possession of any of the contraband items listed below , his/her visitation privileges will be suspended as follow:

Visitor Suspension Chart		
Rules Violation	Relationship of Visitor to Inmate	Term of Suspension
1Possession of an illegal drug (controlled substances) or firearm (on his/her person)and/or in possession of explosive devices, articles, or instruments, weapons, any and all firearms, knives of any and all descriptions, clubs, billies or any other article that may be used for offense or defense, when entering any SCDC institution or subsequent to visiting an inmate, or found passing or attempting to pass such items to an inmate, or if the inmate is found with contraband immediately after visiting, or assisting, facilitating, and/2or aiding and abetting an inmate to escape/attempt to escape from the custody of the SCDC	ANY VISITOR	PERMANENT (NOTE: Such circumstances also warrant the arrest of the individual as outlined in Procedure 10., above.)
Visitor age 18 or older refuses to be questioned or refuses to consent to be pat or strip searched	Any visitor	First Offense - Two (2) Years Second Offense - Indefinite
Minor refuses to be questioned or refuses to consent to be pat or strip searched (even if the parent, legal guardian, or authorized adult consents to the search).	Any minor visitor	One (1) Year

Minors parent, legal guardian, or authorized adult refuse to allow a minor to be questioned or refuse to consent to allow a minor to be pat or strip searched.	The parent, legal guardian, or authorized adult ³ Any minor visitor	First Offense - Two (2) Years Second Offense -Indefinite
Sexual misconduct of any type during visitation	Any visitor	First Offense -Two(2) Years Second Offense - permanent
	Sexual intercourse	Any person
Permanent	Possession of intoxicating beverages when entering any SCDC institution, or found passing or attempting to pass such items to an inmate.	Any visitor
First Offense - Two (2) Years Second Offense - Permanent	⁴ Possession of money above the amount authorized by this policy when entering any SCDC institution, after passing front Check in procedures, or found passing or attempting to pass such items to an inmate.	Any visitor
First Offense - Two (2) Years Second Offense - Permanent	⁴ Possession of contraband (jewelry, clothing, etc.) when entering any SCDC institution, or found passing or attempting to pass such items to an inmate.	Any visitor
First Offense - Two Years Second Offense - Permanent	⁵ Other Incidents/Violations not listed in this chart	Any visitor

1(Exceptions may only be made for official law enforcement personnel who present proper credentials and who mistakenly may attempt to enter a SCDC institution carrying his/her weapon. In these cases, the law enforcement officer will be required to find a secure location to place his/her weapon for the duration of his/her visit. Under no circumstances will any SCDC employee offer to keep or secure the weapon for the officer.)

2(NOTE: An inmates visiting privileges with all visitors and telephone privileges will be temporarily suspended once s/he has been returned to the SCDC following an escape or if s/he has attempted to escape, pending the completion of the Inspector General's investigation. Once the investigation is over, the Warden will submit a recommendation through the Division Director of Operations to the Inspector General for his/her approval/disapproval to reinstate telephone and/or visiting privileges.)

3When a minors parent, legal guardian, or authorized adult refuses to allow a minor to be questioned or refuses to consent to allow a minor to be pat or strip searched, the minor visitor will be suspended on a case by case basis by the Division Director of Operations. The Division Director of Operations will consider the age of the minor and the circumstances of the refusal of the search in determining whether to suspend the minor's visitation privileges.

4In certain cases, when the amount of money found is excessive, the Division Director of Operations may suspend the visitor's visiting privileges permanently on the first offense.

5Because every type of incident/violation cannot be accounted for in these procedures, the Warden of each institution has the discretion to authorize a period of suspension up to two years for incidents or violations that occur other than those listed in the Visitor Suspension Chart, above. The severity of the offense; the impact the offense/violation has on the overall security and safety of the institution; and the type of offense should all be taken into account when considering suspensions. Like incidents/violations will be treated similarly. The Division Director of Operations and the Inspector General or their designee(s) will be responsible for reviewing all suspensions and for ensuring the consistency of the suspension periods being issued by all Wardens for like/similar incidents. Any noted discrepancies will be investigated by the Division Director of Operations and the Inspector General or their designee(s) and, if necessary, rectified.

6 Anyone who is suspended indefinitely may, after two years, write a letter to the Division of Operations and request to be considered for visitation again. The final approval will be up to the Division Director of Operations.

16. **SUSPENSION OF TELEPHONE PRIVILEGES:** The Warden will also have the authority to suspend an inmate's telephone privileges for up to one (1) year when it can be substantiated that the telephone was used to plan any of the offenses for which visitation privileges were suspended. (Note: The Division Director of Operations will review all telephone suspensions and ensure that there is consistency in the suspension periods being issued by Wardens.)

17. **SUSPENSION PROCEDURES:** The Warden (or the Division Director of Operations, when appropriate) will complete SCDC Form 7-1, "Letter of Visitation and/or Telephone Suspension," and will forward copies to the visitor, the Division Director of Operations, Inspector General's Office, the CVC, and the inmate; and copies will be filed in the inmate's Institutional Record and Central Record. The Warden will ensure that the suspension period is entered into the automated system. (NOTE: Should a Warden feel that disclosure of the reasons for the suspension to an inmate would jeopardize the security and/or safety of the institution or any individual, the Warden may state the reason as follows: "For the security and safety of inmates, staff, and the institution.") With the exception of those visitors suspended permanently [see Visitor Suspension Chart and notes, above], a visitors privileges (to include telephone privileges) will be reinstated at the conclusion of the suspension period.

17.1 An inmate may appeal the decision to suspend a visitor and/or his/her telephone privileges with any visitor through the Inmate Grievance System as outlined in SCDC Policy/Procedure GA-01.12, "Inmate Grievance System."

17.2 Visitors whose visitation and/or telephone privileges have been suspended should address any concerns to the authority listed on the SCDC Form 7-1, "Letter of Visitation and/or Telephone Suspension." In the event of telephone suspension, request for exceptions/reinstatements may be made as per the Visitor Suspension Chart and notes, above.

18. INMATE VISITATION SUSPENSION:

18.1 Visitation is a privilege granted to inmates and is thereby subject to suspension. The Duty Warden will impose a temporary visitation suspension pending the disposition of the disciplinary hearing for rules violations listed in SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System." Inmates found guilty will be suspended from visitation as per SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System." Any violation of SCDC rules and regulations to which an inmate is party will also result in the inmate being disciplined in accordance with SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System."

18.2 The Warden may suspend the inmate's visitation privileges for up to two (2) years for any offense(s) committed by the inmate during visitation, while entering or exiting the visiting area, or immediately subsequent to visitation.

18.3 When an inmate in General Population or Death Row, has had his/her visitation privileges suspended for more than one (1) year, the Warden may, upon the inmate's completion of the first year of the suspension, consider the inmate for reinstatement of visitation privileges. The inmate must request this reinstatement on SCDC Form 19-11 after s/he has served the first year of the suspension time. The Warden will consider the inmate's disciplinary record and institutional adjustment when making the decision to reinstate the visitation privileges. If the request is denied, the inmate may re-apply one (1) year after the disapproval date.

19. REMOVAL FROM INMATE'S VISITATION LIST: If an inmate is convicted of a disciplinary charge involving sexual misconduct or sexual assault, a letter will be mailed to the person(s) who regularly visit the inmate. At that time the visitor may choose to suspend his/her visits with the inmate by signing at the bottom of the letter and mailing the letter back to the Central Visitation Center.

20. DEFINITIONS:

Authorized Adult refers to an adult who is not a child's parent or legal guardian but who has been given written and notarized authorization by the parent or legal guardian (a) to accompany a child who cannot furnish proof of emancipation to the SCDC for purposes of visiting an inmate and (b) to represent the parent or legal guardian should the same child need to be questioned or searched for purposes of an investigation. Both the authorized adult and any minor must be listed on the inmate's approved visiting list to be authorized to visit.

Central Visitation Center (CVC) refers to a central location within the SCDC where all visitors' requests to visit with an inmate are processed and disseminated. The CVC is headed by a staff member herein referred

to as the CVC Supervisor who reports to the Office of the Inspector General.

Child, Children, or Minor refers to a person under the age of 18.

Duty Warden refers to the on-duty official at a facility who is classified as a Captain or other higher authority or, at Level 1A/1B facilities, a designated Lieutenant or higher authority.

Emancipated Minor refers to a person under the age of 18 who is totally self-supported as verified by the Office of General Counsel.

Immediate Family refers to an inmate's mother, father, children (to include adopted), sister, brother, grandmothers, grandfathers, great-grandmothers, great-grandfathers, wife, husband, common-law spouse, grandchildren, great-grandchildren, stepbrothers, stepsisters, stepparents, foster parents, stepchildren, step grandchildren, half-brothers, half-sisters. (Relationship is verified by the inmate's relative screen.)

Scheduled Visiting Day(s) refers to the specific day(s) that an inmate is authorized to visit. Normally these days are Friday, Saturday, and Sunday. Due to factors such as the availability of visiting space, inmate work schedules, and the number of inmates housed at certain institutions, Wardens may elect (with the approval of the Division Director of Operations) to designate alternate days, weeks, or hours for visitation for segments of their population. Every eligible inmate will be given the equal opportunity to have the allowed number of visits specified in these procedures. However, during an institutional or statewide emergency situation, and sometimes due to extenuating circumstance all visitation may be suspended, without any notice.

—
Jon E. Ozmint, Director

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Apr 22 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Sebastian P. Lenski, Administrative Law Judge

Appellate Case No. 2023 – 001291

John Garvin..... Appellant,

v.

South Carolina Department of Corrections Respondent.

RULE – 210, SCACR, CERTIFICATE

The Record on Appeal contains all material proposed to be included by any of the parties
and not any other material.

Dated: April 22, 2024



John Garvin, # 355509, Pro-se
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