

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

John Boccus 187393, a natural Person
Appellant,
South Carolina Dept. of Corrections.
Respondents.

DOCKET NO. 18-ALT-04-0491-AP
GRIEVANCE NO. PEE-DS38-18
MOTION FOR RECONSIDERATION
UNDER S.C. CODE ANN. §1-23-650 (1976)...

This matter is Before The South Carolina Administrative Law Court (ALC)
Pursuant To its RULE 1-72... ESP. RULE 1.2.8.9.10.11.16.19.
ALC.70 AND RULES GOVERNING THE JUDICIARY AND EMPLOYEES OF
THE JUDICIAL DEPT. RULES 501 TO 505... By Appellant Mr. John
Boccus a natural Person.

Appellant's Demand for Relief in his STEP 1 and 2 Grievances And
Notice of Appeal As A Result of Respondents "SECRET... VIOLATIONS" and
in "RETALIATIONS" For His Exercise And Reliance on His Administrative
And Management Process And AOA/CAC Standards 3-4001 TO 3-4466...
WOLFF V. MCDONNELL, 418 U.S. 539 (1974)

SANDIN V. CONNER, 515 U.S. 472 (1995)

NEESE V. UTAH BO. OF PAROONS AND PAROLE, 416 P.3D 663 (2017)

IN RE HOFFMEYER, 376 U.S. 221 (2006)

SANDIN V. CONNER, 1994 WL 646163, and

1 TO 14 AMENDMENTS OF THE UNITED STATES CONSTITUTION.

State-Created Liberty Or Property Interest, But For Respondents
And ALC Judge Deborah Brooks Burden's Abuse of "JUDICIAL

POWER" or "SECRET" Activities, i.e., "(FIRST, SEE "ISSUE")" Then See

"DISMISSAL WITH PREJUDICE" ("REPORT") Against Appellant By

"AMBIGUOUS RESPONDENTS" Readily identifiable in an "JUDICIAL ADMINIS-
TRATIVE" Cases Stemming From Criminal Case NO. 2000-GS-33-004 Actions

Above, "REPORTS", Arising out in "ACCIDENT" (SEE NOTICE OF APPEAL
37 PAGE PLEADINGS EXHIBITS AND "ISSUE"), and That Such "REPORTS"—

EXHIBITS

Case Tracking

Case # 00326664 Court Court of Appeals Status Monitoring
Short Title The State v. Baccus, John Roosevelt Casetype Criminal - Routine Criminal

Select Case Information to View
Events Parties Background History Opinions/Orders

Background Information

Received	05/30/2003	Entered	
Priority	High		
App County	Marion	Monitoring	
Notes			

Lower Court Case Information			
Case No.	Case Name	Court	Date Filed
2000-GS-33-0000	Brogdon, Jr., James E	The Honorable James E. Brogdon Circuit	5/23/2003

EXHIBIT #4

SEND TO COA

RECEIVED

JUL 12 2005

SC Court of Appeals

"ISSUE"

WHETHER

↓ The State of South Carolina Statewide Uniform Judicial System Agency White Legal Leaders Employees [AMBITUS DEFENDANTS] REARLY IDENTIFIABLE IN ALL STATE/FEDERAL CASES STEMMING FROM CRIMINAL CASE NO. 2000-GS-33-004 ACTIONS I VIOLATED BLACK ACCUSED Plaintiff DEFERRING TO Mr. John Ballus DUE PROCESS RIGHTS BY SECRETLY CONCEALING AND JUSTIFYING HIM BEFORE, DURING AND AFTER PRETRIAL PROCEEDINGS) A "ROUTINE CRIMINAL" "PRIORITY HIGH" OFFENDER (SEE EXHIBITS # 4) — WAS BASED UPON UNPROVEN ALLEGATIONS IN A SOUTH CAROLINA CASE TRACKING ORDER — WHO HAS NEVER BEEN CONVICTED OF A "ROUTINE CRIMINAL" "PRIORITY HIGH" OFFENSE or THAT WAS... IS... (SECRETLY) USED TO BAR, INCOMMUNICADO, RESTRICT, DENY PEOPLE OF ANOTHER RACE (Plaintiff Mr. John Ballus And His Family) Life, Liberty And Property Rights To Equal Access To Public Accommodations And Facilities, Programs And Services, AS WELL AS WASTE FRAUD AND ABUSE AFFECTING A Department Of Justice Agency or Program Totaling Several Billion Dollars To Public Agency And Instrumentalities Of The South Judicial System) Claims And Issues That Plaintiff Who Is Black And Incarcerated Lacks The Capacity To Investigate Prepare And Present t... Effectively Denied Plaintiff Fundamentally Fair (Section 1983) Proceedings Denying His Request For Appointment Of Counsel Needed To Investigate Prepare And Present These Issues And Claims or "PLAIN INJUSTICE" "MONITORING" "MOB" "SHOCKING JUDICIAL OFFICIAL RESULTS" "EXCEPTIONAL CIRCUMSTANCES" CLEARLY EVIDENT IN EXHIBITS # 4 AND PLAINTIFFS CRIMINAL AND PENAL (PRISON INMATE RECORDS/FILMS) CASES "VENGEFUL PROTECTION" NEESE V. UTAH Bd. OF PAROLES AND PARDONS 2017 UT 89 (2017) STEFANO W. MCFARLAND 103 F.3d 1466 (9th Cir 1996)

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

JOHN BACCHUS

Appellant,

vs.

South Carolina Department of Corrections,

Respondent.

NOTICE OF APPEAL

DOCKET NO. -ALJ-04-
GRIEVANCE NO.: PCL-D538-18

Notice is hereby given that MR. JOHN BACCHUS does hereby appeal the final decision of the South Carolina Department of Corrections dated 8/12/2018 and received on 9/10/2018, 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)):

S.C. D.C. White Leaders [J] Collusion's Conspiracy With P.I. White Warden Prison Officials
Erasing identifiable in PCL-D538-18 Related Actions, Collectively "RESPONDENTS" Restriction
On Black Inmate's Free Exercise Rights By Punitive measures... Acted intentionally
Reckless in Racially Verbally Submitting 6/11/18 Inaccurate... Falsities... Lies...
Against The Nearly 60 Year old Physically Medically Inmate Mr. Bacchus - Because
He is Black Rather Than White - After Placing Him in A 14X7 Cell Designed
For One Inmate With Another Incompatible 45 Year old "SEXUAL PREDATOR" Inmate
Duck Lyles Who Has Two Decades of "MASTERBATION" sightings... Charges...
Reports in Duck Lyles SCDC #/in Records, BUT SEE ACA/CAC standards 3-4128
TD 3-4421-1; 3-4128 TD 3-4214 TD 3-4235. SEE ATTACHMENTS

Mr. John Bacchus

Appellant's Name

PCL Q3A 211

Mailing Address

430 Oak Lawn Road
Pelzer SC 29669
City, State, Zip Code

Signed

Dated

CERTIFICATE OF SERVICE

I hereby certify that I, Mr. John Bacchus (your name), on the 4 day of October, 2018, in Corryville (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: Administrative Law Judge Division S.C.
1205 Pendleton St. Ste. 224 P.O. Box 11667

Address:

City, State, Zip Code: Columbia SC 29111-11667

RECEIVED

OCT 05 2018

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

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

JOHN BACCHUS APPELLANT,

NOTICE OF APPEAL

VS.

DOCKET NO. — ALT-0A —

THE STATE OF SOUTH CAROLINA

GRIEVANCE NO. PEE-0538-18

DEPARTMENT OF CORRECTIONS, RESPONDENT.

Identifying the one of TWO BLACK I/Ms Mr. BACCHUS, Instead of simply reviewing the incompatible "SEXUAL PREDATOR" inmate DUCK LYLES SCENE I/M Records, Whom SGT. RACHA MUSTER Had Reasons To Know, Or Knew From Her Previous Encounters With DUCK LYLES, Masturbating Openly Behind A Steel Door -- Intentionally Infringed on Mr. BACCHUS' FREE EXERCISE RIGHT. SEE SCENE I/M RECORDS OF DUCK LYLES FOR MASTURBATING NEARLY 2 DECADES, THEN SEE MR. BACCHUS I/M RECORD WHO HAS NO SUCH RECORD UNTIL 6/11/18 AFTER NEARLY 60 YEARS THAT WAS FALSELY REPORTED.

Appellant, Mr. John Bacchus Proved That ACA/CAC Standards C, J And S.C. D.O.C. Adm. And Manag. Process Procedures Placed A "SUBSTANTIAL BURDEN" on I/M Mr. Bacchus, Who Never Had Any Sexual Perverted Charges Against Him In His Nearly 60 Years -- Did Not Deserve The Accommodation Of Being Housed/Cellled In A 14X7 cell with Incompatible 40's Year old "SEXUAL PREDATOR" DUCK LYLES With Nearly 2 Decades of Masturbation Sightings -- Charges -- Reports In DUCK LYLES SCENE I/M RECORDS, and Encompasses an Atypical and Significant Hardship on the I/M Mr. BACCHUS To Trigger Due Process Guarantees And Judicial Reviews. SEE EXHIBITS

Black I/M Mr. BACCHUS Free Exercise Rights were Violated By S.C. D.O.C. Respondents Policy Under Which He was Denied opportunity To Participate In ACA/CAC Standards C, J And S.C. D.O.C. Adm. & Manag. Process C, J Observances During "RULES AND DISCIPLINE" and "I/M HOUSING EXERCISE", Once He was Provided With Written Incident Report # 21 Dated 6/11/18, That He Received On Or About 6/24/18, Quickly Followed By Punitive Measures Imposed 6/28/18.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

JOHN BARBER, APPELLANT,

NOTICE OF APPEAL

VS.

DOCKET NO. ——— ALJ ———

THE STATE OF SOUTH CAROLINA

GRIEVANCE NO. PLE-0538-16

DEPARTMENT OF CORRECTIONS, RESPONDENT.

Without Due Process whatsoever, U.S.C.A. CONSTITUTIONAL AMENDMENTS 1, 8, 14, EQUAL PROTECTION. SEE EXHIBITS.

South Carolina Dept of Corrections (S.C. D.O.C.) Respondents Reading Identifiable in PLE-0538-16 and Incident Report #21 Actions, Acted Intentionally Reckless in Failing TO Reinstate... Restore... Black IMA MORGAN ACA/CAC Standards E.J. and S.C. D.O.C. Adm & Manag. Process E.J., After White Prison Guards Respondents Submitted Report Falsely Identifying... Seeing... Noticed — One of The Two Black Males — An IMA in Cell Q2B 223 (NOT Q2A 223)

MASTERBATING OPENLY (FROM THE BOTTOM TO THE TOP TIER, BEHIND A STEEL DOOR, WITH LIGHTS OFF), WITH RESULTS THAT WRONGFULLY BARRED... Restricted MORGAN from Participating in ACA/CAC Standards And S.C. D.O.C. Adm & Manag. Process Services And Procedures, And Respondents Thus, were Liable in Their Capacities For Any Violation OF Black IMA MORGAN Appellant's Free Exercise Rights U.S.C.A. CONSTITUTIONAL AMENDMENTS 1, 8, 14, EQUAL PROTECTION. SEE EXHIBITS.

Because S.C. D.O.C. Respondents Received Federal Monies, It Was Subject TO Section OF "RULES AND DISCIPLINE" "SPECIAL MANAGEMENT" "IMMUNITY" Prohibiting Government S.C. D.O.C. From Imposing SUBSTANTIAL BURDEN" on Prisoners MORGAN ACA/CAC Standards E.J. And S.C. D.O.C. Adm & Manag. Process Exercises, And Such Section Applied TO S.C. D.O.C., It Would Require Reversal OF PLE-0538-16, Had ACA/CAC Standards S.C. D.O.C. Adm & Manag. Process been Afforded MORGAN Result of Proceedings Would Have been Different.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

JOHN BAROIS, APPELLANT,
VS.

THE STATE OF SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS RESPONSE.

NOTICE OF APPEAL

DOCKET NO. — ALJ- 14 — —

GRIEVANCE NO. PCC-0538-18

The South Carolina Department of Corrections (S.C. D.C.) Respondents Did NOT Fulfill Their Burden of Showing That Their Policies Were Least Restrictive Means of Furthering Compelling Government Interest, AS REQUIRED FOR Policies To Conform With ABA/CAC Standards 3-4.2.1 TO 3-4.2.6 And S.C. D.C. Administrative And Management Process "RULES AND DISCIPLINE" "SPECIAL MANAGEMENT" "INMATES HOUSING" And Respondents D.H. RUTHER, Warden and Tim Riley Regional Director Erred By Failing To Quash Dismiss Sgt. Rachel Mussen 6/28/2018 Telephone Deposition "IDENTIFICATION OF Mr. Barois, Claiming That, Barois Was The Shorter of The Two Black Males In Cell 223 Masturbating Openly", 18-Days After Her 6/11/2018 Incident Report Given To her Barois on 6/25/2018, Was Unduly Influenced... IS Result From Factors Other Than Sgt. Rachel Mussen's Own Recollection Of The Offense? SEE:

SANDIN V. LONNER, 1994 WL6163

SANDIN V. LONNER, 515 U.S. 972, 115 S.Ct. 2293 (1995)

NEESE V. LITAA BOARD OF PAROONS AND PAROLE, 416 P.3d 663, 854 (2017)

WOLFE V. MADONNELL, 418 U.S. 539, 94 S.Ct. 2963 (1974)

IN RE HOFFMEYER, 376 S.C. 221 2006, 656 S.E.2d 376

Respectfully Submitted,

Mr. John Barois
J

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

INMATE NAME: MR. BACCUS JOHN

SCDC NUMBER: 181393

JUL 20 2018

INSTITUTION: PERRY CORR. INST. ✓

HOUSING UNIT: Q 3 A 211

WORK ASSIGNMENT: _____

Office Use Only

Grievance No. PCI-0538-18

Code: General

Policy

Disc. Hear. 6-28-18

Class.

Date Received 7-20-18

IGC Initials PA

INMATE'S REASON FOR APPEAL (state specific dissatisfaction):

1. DURING 6/28/18 TAPED ORAL PHONE DEPOSITION, DFC. ROACHEL MUSSEN OUTRIGHT LIED OR WAS UNRELIABLE WITNESS, ADMITTING "SHE NOTICED AN I/M IN CELL Q2B 213 STANDING ON THE TOILET" THAT CONTRADICTED HER STATEMENT THAT MR. BACCUS WERE THE SHORTER OF THE 2 BLACK INMATES IN CELL 223 - "DISCREPANCIES"
2. DFC. MUSSEN FLAT OUT LIED IN HER 6/11/18 INCIDENT REPORT, ADMITTEDLY "SHE NOTICED AN I/M (ON THE 2ND FLOOR FROM THE ROCK/BOTTOM FLOOR) IN CELL Q2A 223 (LIGHTS OFF) MASTURBATING OPENLY" (BEHIND A CLOSED STEEL DOOR) IN THE WINDOW (THAT'S ONLY 4 INCHES WIDE AND 2 FT. LONG) - "DISCREPANCIES"
3. DFC. MUSSEN BLATANTLY LIED IN HER 6/11/18 INCIDENT REPORT... THEN AGAIN WAS ALLOWED TO PRESENT ANOTHER "ARBITRARY AND CAPRICIOUS" MISIDENTIFICATION OF MR. BACCUS' MASTURBATIONISM... GIVEN AT THE 6/28/18 ORAL TAPED HEARING 13-DAYS LATER AFTER HER 6/11/18 INCIDENT REPORT AND PLACEMENT OF MR. BACCUS INTO RESTRICTED HOUSING UNIT (RHU) 42 DAYS VIOLATED MR. BACCUS RIGHT TO DUE PROCESS... - SEE ATTACHMENT -

Grievant Signature Mr. John Baccus Date July 19, 2018

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

The documentation provided indicates that the evidence presented was sufficient to support the conviction(s) of Exhibitionism and Public Masturbation (854), case #21, Level 2 Offense, held on June 28, 2018. The conviction was consistent with SCDC Policy OP-22.14, Inmate Disciplinary System, dated February 2, 2015. The sanction(s) imposed, which included the loss of -0- days accrued good time, were appropriate for the rules violation(s). There was no reason found to warrant a reversal of the Disciplinary Hearing Officer's decision. A review of your appeal revealed that you received forty-eight (48) hour notice prior to the hearing. You were afforded due process rights, as required, and the offense was classified and heard in a timely manner.

Therefore, your grievance is denied.

You may appeal this decision under the Administrative Procedures Act to the Administrative Law Court. 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.

Tim Riley Regional Director
Tim Riley 8/22/18
Signature Date

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

Date 9-20-18

IGC Signature C. Hurdley

Date 9-20-18

(SEE REVERSE SIDE FOR INSTRUCTIONS)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2 ATTACHMENT

MR. BARCUS JOHN
187393
PERRY CORR. INST.
B3 A 211

DATE 7/13/18
PCL-0538-18
#21
254
DTC HOME 6/28/18

INMATE REASON FOR APPEAL (ATTACHMENT)

4. Mr. Barcus who is 59 year old is physically, psychologically and medically blind, or who is deprived of sight, prostate and "PUBLIC SETTING" IMPAIRMENT THAT PREVENT HIM FROM BEING... BEING... ENGAGING... IN ACTS OF MATEBATIONISM, ESPECIALLY IN A "PUBLIC SETTING" IN REGARDS TO OFFENSE DESCRIPTION 894. SEE EXHIBIT #1 AND 6/28/18 PHOTO TAPE.

5. SMC PCL WARDEN SCOT LEWIS "ARBITRARY" 7/1/18 "DECISION AND A REASON" AND DHO R.L. TURNER "CAPRICIOUS" 6/28/18 "GUILTY FINDINGS" DERIVES FROM A HISTORY OF "LYING IN WAIT" AND "ENABLING" DEC. MUSTEN TO USE HER WHITENESS, POSITION FEMINISM AND SMC FORM 14-24 A TO LIE AND TARGET BLACK IMM. MR. BARCUS, TERRENCE SEABROOK, ETC. WITH MATEBATIONISM IN RETALIATION FOR FILING SECTION 1983 SUIT COMPLAINTS 9:18-CV-01880-DCN-BM, 4:17-CV-01861-DCN-BM AND NO. 18-LI 63, DOING SOMETHING HE HAVE A RIGHT TO DO, CALLED "PROTECTED CONDUCT".

THEREFORE, FOR ALL OF THE ABOVE REASONS MR. BARCUS APPEAL MUST BE GRANTED.

Melvin Green July 19, 2018

Mr. John Baccus #187393
Penu C.D. #16
430 Oak Lawn Road
Peller SC 29664
June 26, 2018

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RECEIVED

JUL 03 2018

EMERGENCY

504/ANA Coordinator
P.O. BOX 21787
Columbia SC 29221-1787

GENERAL COUNSEL

Dear 504/ANA Coordinator:

Will you please help me.

1. SCAC Attorneys Directors Brian P. Stirling, Warden Scott Lewis, Susan Duff, my mental health counselors Mr. Mason, Mr. Wyatt and others illegally retaliated against me for preparing and filing a Section 1983. 504/ANA SUITS. On June 26, 2018 Prison Keepers Scott Lewis Abused, Wanted, Threatened female guards Sgt. Rachel Mussen to scream I masturbated in cell Q2B 223. Although my cellmate had a habit and 30 year history of masturbation sightings, Report, Charges, that nearly all Penn staff knew or should have known about. I have never been warned, reported, charged, with or engaged in any masturbation with any SCAC staff or I/M in my nearly 60 years.
2. MY PROSTATE MEDICATIONS, Simvastatin and DOXAZOSIN and High Blood Pressure Amlodipine and Psychological Medication, Nefazodone and Prescription Eye Glasses and Being in SCAC ARE IMPAIRMENT THAT PREVENTS ME FROM BEING SEEN ENGAGING IN ACTS OF MASTURBATION IN A PUBLIC SETTING.

3. MY DHD Hearing is 48 hours of June 26, 2018. As you are well aware Scott Lewis had me falsely placed on Administrative Segregation since April 19, 2018 then again on June 11, 2018 solely to punish me for reporting and filing white guard abuse, sexual assault and harassment, Rape, Sodomy, Black Guard Mr. Baccus for Entertainment, captured on surveillance cameras, that's being kept secret.

Please Help Immediately

*PLEASE RETURN A PENAL SUMMIT COPY BACK TO ME WITHIN 10 DAYS 35

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1

INMATE NAME: <u>Mr. John Baccus</u> SCDC NUMBER: <u>187893</u> INSTITUTION: <u>Perry Corr. Inst.</u> HOUSING UNIT: <u>RH/1 SMU #16</u> WORK ASSIGNMENT: _____	3A-21) OFFICE USE ONLY Grievance No. <u>PCI 0538-18</u> Code: General _____ Policy _____ Disc. Hear. <u>6-28-18</u> Class. _____ PREA _____ Date Received <u>6-30-18</u> IGC Initials <u>CA</u>
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STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.) CASE # 21

Mr. John Baccus Grieved SCDC Perry C.I. Hearing Officer R.L. Turner's "ARBITRARY" Adoption of SCDC Perry C.I. Sgt. Rachel Mussen's June 11, 2018 Incident Report # 25 Into Hearing Officer R.L. Turner's June 28, 2018 Finding Mr. Baccus Guilty Based On:

(B) OFFICER'S REPORT,
(C) WITNESS TESTIMONY,

BEING THAT: "SGT. Rachel Mussen "ONLY" IDENTIFICATION OF MR. BACCUS" "MARTURBATIONISM" WAS "ONLY THAT MR. BACCUS WAS THE SHORTER OF THE TWO (2) BLACK MALE INMATES IN CELL #2B 213"

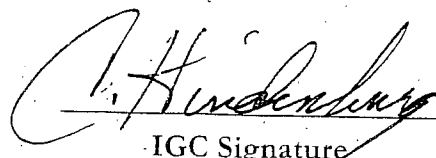
Evidence That Was Not Presented In Sgt. Rachel Mussen's June 11, 2018 Incident Report (SEE EXHIBIT #1), But That Hearing Officer R.L. Turner "ARBITRARILY" "UNETHICALLY" Allowed "Considered" Adopted "18 Days Later" During A Telephone Deposition Interview With Sgt. Rachel Mussen - During Mr. Baccus's June 28, 2018 Disciplinary Hearing. Thus, They Sgt. Rachel Mussen and Hearing Officer R.L. Turner Had No Specific Factual (IDENTIFICATION) REASONS - AT THE TIME OF THE INCIDENT REPORT - FOR PARTICULAR PUNISHMENTS IMPOSED AGAINST MR. BACCUS, June 11 - 28, 2018. Also Sgt. Mussen Admittedly She Did Not Write... Sign... The 6/11/2018 Incident Report Sworn Statements OF FACTS, She Alleged Against Mr. Baccus. Thus, For All Of The Above Reasons, Purposes, Mr. John Baccus 6/28/2018 Date

Mr. Baccus Request A Copy Of His 6/28/2018 Disciplinary **TAPE** Or Verbatim Copy.

ACTION REQUESTED: Strike The 854 charges and Punishments Against Mr. Baccus... Restore ... Reinstatement ... Replenishing ... All Of Mr. Baccus's Life Liberty Property Cases Health Family Visitation Issues ... AND Enjoin ... Prosecute U.S. Employee Herein Misconduct Waste Fraud And Abuse Affecting A Dept. Of Justice Agency or Program.

ACTION TAKEN BY IGC: ☒ PROCESSED ☐ UNPROCESSED ☐ OTHER

**See reverse for
Wardens Response**



IGC Signature

Date

(CONTINUE ON REVERSE SIDE)

WARDEN'S DECISION AND REASON:

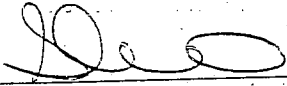
Inmate **Baccus, John 187393**

In regards to **PCI 0538-18, 854, Exhibitionism and Public Masturbation, HD 06/28/18.**

~~Pertinent information has been reviewed including documentation and the disciplinary recording for this charge. You have stated that Sgt. Mussen admitted that she did not sign or write the Incident Report and this is not accurate. Sgt. Mussen clearly stated that she both wrote and signed her Incident Report.~~

~~You also questioned the accuracy of the method used to identify you. Sgt. Mussen stated that you were the shorter/smaller of the 2 inmate in that cell.~~

~~Based on this information, your Grievance is **denied**.~~

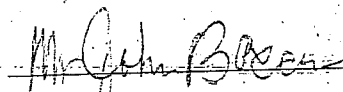
 7-17-18

Warden Signature

Date

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

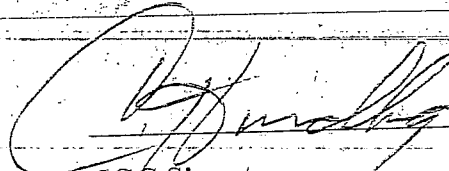
☒ I do not accept the Warden's decision and wish to appeal.



Grievant Signature

7-18-18

Date

 7-18-18

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 or Kiosk reference number 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 it in the Grievance Box at your institution within eight (8) working 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) working 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, by placing your Step 2 appeal form in the Grievance Box at your institution.

Dycole B

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INCIDENT REPORT

01021
MH4
ST3
Equity 4

Page

1

of Equity 4

Institution/Center: PERRY CORRECTIONAL INSTITUTION		Date of Report: JUNE 11, 2018			
Reporting Official (Full Name): Sgt R. MUSEN		Time of Report: Approx 330 PM			
Employee ID #: 054394		Date of Incident: JUNE 11, 2018			
Location of Incident: 02-B SIDE		Time of Incident: Approx 1000 AM			
Inmate(s)/Resident:	SCDC #	Age:	Sex:	Race:	Employee(s)/Witnesses Involved:
1. Bacchus, John	# 187393	blm		Q2B223	1.
2.					2.
3.					3.
4.					4.
5.					5.

On the above date and approximate time: DURING A DORM SHAVEDOWN OF 02B I SGT MUSEN WAS POSTED ON THE POCK SUPERVISING THE INMATES PLACED ON THE BENCHES WHILE THEIR CELLS WERE SEARCHED. WHILE SUPERVISING I NOTICED AN INMATE IN CELL 02B223 MASTERBATING OPENLY IN THE WINDOW. WHEN THE INMATE NOTICED HE HAD BEEN CAUGHT, HE LEFT THE WINDOW. THE INMATE WAS IDENTIFIED AS BACCHUS, JOHN #187393 WHEN HE WAS PULLED FROM HIS CELL. IN BACCHUS WAS ESCORTED TO PHU AFTER DURING THE DORM SEARCH.

Signature: MUSEN, RACHEL Title: SERGEANT

Evidence:

Disposition of Evidence:

Supervisor's Comments: 854

STG Related - Refer to STG Committee

() Yes (X) No () Unknown

Printed Name: R. Blackburn

Signature: [Signature] Title: Lt Date/Time: 6-11-18 3:40 PM

This incident is DRUG related

() Yes (X) No () Unknown

Major/Responsible Authority: MH-4

Responsible Authority

Action Taken

854-Exhibitions

() Informal Resolution

() Administrative Resolution

(X) Refer to Disciplinary Hearing

Printed Name: [Signature]

Signature: [Signature] Title: Mg Date/Time: 6/12/18

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

DISCIPLINARY REPORT AND HEARING RECORD

Case#: 21 Inmate Name: Baccus, John SCDC#: 187393
Living Area: DY-0016 Job: Lock-Up Custody: ST3
Offense Date: 6/11/2018 Offense Time: 10:00 ☒ AM ☐ PM Institution: Perry Correctional Institution
Offense Description:

854 Exhibitionism and Public Masturbation: (1) Engaging in acts of indecent and/or unnecessary exposure of genitals or other private body parts to a staff member or other person; or (2) engaging in acts of masturbation or any manual stimulation of one's exposed or unexposed genitals in a public setting, or in the view of a staff member or other person.

Charging Officer/Employee: R. Mussen Title: SGT

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 48 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

- ☐ I GIVE UP MY RIGHT TO 48-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING.
☐ I DO NOT WANT TO BE PRESENT AT MY HEARING.
☒ I DO WANT MY ACCUSER PRESENT AT MY HEARING
☐ I DO NOT WANT MY ACCUSER PRESENT AT MY HEARING

RHU/GPH SEGREGATION ONLY

- ☒ I WANT A COUNSEL SUBSTITUTE
☐ I DO NOT WANT A COUNSEL SUBSTITUTE

Date & Time Notified: 6/26/18 12:00 AM/PM By (Print): C. P. Hall

Inmate Signature: Mr. John Baccus

SCDC#: 187393

Date: June 26 2018

HEARING INFORMATION:

Hearing Date: 6/28/18 Hearing Time: 12:00 am/pm Medclass: Reading Level:

DD: Assigned Counsel Substitute: M. C. Hall

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING OR (7) IF HEARING WAS DELAYED.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

DISCIPLINARY REPORT AND HEARING RECORD

Case#: 21 Inmate Name: Baccus, John SCDC#: 187393
 Living Area: DY-0016 Job: Lock-Up Custody: ST3
 Offense Date: 6/11/2018 Offense Time: 10:00 ☒ AM ☐ PM Institution: Perry Correctional Institution
 Offense Description:

854 Exhibitionism and Public Masturbation: (1) Engaging in acts of indecent and/or unnecessary exposure of genitals or other private body parts to a staff member or other person; or (2) engaging in acts of masturbation or any manual stimulation of one's exposed or unexposed genitals in a public setting, or in the view of a staff member or other person.

Charging Officer/Employee: R. Mussen Title: SGT

INMATE NOTIFICATION: YOU WILL APPEAR BEFORE A HEARING OFFICER 48 HOURS OR MORE AFTER YOUR RECEIPT OF THIS NOTICE. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN STATEMENT AND MAKE A VERBAL STATEMENT.

☐ I GIVE UP MY RIGHT TO 48-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING	RHU/GPH SEGREGATION ONLY ☐ I WANT A COUNSEL SUBSTITUTE ☐ I DO NOT WANT A COUNSEL SUBSTITUTE
☐ I DO NOT WANT TO BE PRESENT AT MY HEARING	
☐ I DO WANT MY ACCUSER PRESENT AT MY HEARING	
☐ I DO NOT WANT MY ACCUSER PRESENT AT MY HEARING	
Date & Time Notified: <u>6/11/2018</u> AM/PM: <u>10:00</u> By (Print): <u>[Signature]</u> Inmate Signature: <u>[Signature]</u> SCDC#: <u>187393</u> Date: <u>June 16, 2018</u>	

HEARING INFORMATION:

Hearing Date: <u>6/11/2018</u>	Hearing Time: <u>10:00</u> am/pm	Medclass: <u></u>	Reading Level: <u></u>
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DD: Assigned Counsel Substitute:

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF THE HEARING; (2) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; IF ANY (3) WITNESSES, (4) DOCUMENTATION, OR (5) EVIDENCE WAS EXCLUDED FROM THE HEARING; (6) IF INMATE WAS DENIED CONFRONTATION QUESTIONING AND/OR CROSS EXAMINATION OF A WITNESS AT THE HEARING OR (7) IF HEARING WAS DELAYED.

OFFENSE CODES		
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0717

NOTICE OF PLACEMENT IN PHD

Inmate Name: Green, John

SCDC#: 157547

Custody: ST

Reason for Placement in PHD:

☐ Current Escape Risk

☐ Maintain the Integrity of an Investigation

☐ Protective Concerns

☐ Inmate is a threat to the physical safety of other inmates or staff

☒ Inmate's presence in the population would create a threat to the safety, security, and/or order of the institution

S/ [Signature]

Warden, Associate Warden, Major, Captain,

Date 6/10/19

Time: 3:30

AM/PM

I certify that I was given a copy of this notice within 72 hours of my placement in PHD. I also certify that this notice is clear and readable and that I will appear before the Institutional Classification Committee within seven (7) calendar days of my placement in PHD.

Inmate/Witness Signature: [Signature]

Date 6/10/19

Time: 3:35

AM/PM

Serving Officer/

Witness Signature: [Signature]

Date 6/11/19

Time: 3:30

AM/PM

SCDC 19-67 (Rev., August 1999)

White:

Institutional Record

Canary: Central Record

Pink: Inmate

38
38

22

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Section C

Inmate Housing

Principle: Inmate housing areas are the foundation of institutional living and must promote the safety and well-being of both inmates and staff.

Inmate Sleeping Areas

Occupancy and Space Requirements

3-4128

(Ref.2-4129,

2-4131, 2-4152)

~~Single cells are required for all security levels except minimum. All cells of sleeping areas in which inmates are confined conform with the following requirements:~~

~~Number of Occupants~~

Amount of Unencumbered Space

~~1~~

35 S.F.

2 - 50

35 S.F. per occupant*

(minimum custody status only)

*Sleeping area partitions required if more than four people in one sleeping area.

When confinement exceeds 10 hours per day there are at least 80 square feet of total floor space per occupant.

"Unencumbered space" is usable space that is not encumbered by furnishings or fixtures. At least one dimension of the unencumbered space is no less than seven feet. In determining unencumbered space, all fixtures must be in operational position and must provide the following minimum areas per person: bed, plumbing fixtures, desk, and locker.

Comment:

The standard encourages design flexibility and creativity by relating cell size to the amount of unencumbered, or free, space provided by the design. Unencumbered space is determined by multiplying the length and width of the cell/room and subtracting from that figure the total number of square feet encumbered by bed(s), plumbing fixtures, desk(s), locker(s), and other fixed equipment. Measurements should be made with equipment and furnishings in their normal use position (i.e., to discourage Murphy beds).

Furnishings

3-4129

(Ref.2-4130)

Each inmate confined to a cell/room for 10 or more hours daily is provided a sleeping area with the following: a sleeping surface and mattress at least 12 inches off of the floor; a writing surface and proximate area to sit; storage for personal items; and a place to suspend clothes.

Each inmate confined to a cell/room for less than 10 hours daily is provided a sleeping area with the following: a sleeping surface and mattress at least 12 inches off of the floor; storage for personal items; and a place to suspend clothes.

Comment: None

Dayrooms

Space Requirements

3-4130 Dayrooms with space for varied inmate activities are situated immediately adjacent to the inmate sleeping areas but are separated from them by a floor-to-ceiling wall.
(Ref. 2-4137, 2-4158)

Dayrooms provide a minimum of 35 square feet of space per inmate (exclusive of lavatories, showers, and toilets) for the maximum number of inmates who use the dayroom at one time, and no dayroom encompasses less than 100 square feet of space (exclusive of lavatories, showers, and toilets).

Comment:

While the standard establishes a minimum square footage for any dayroom, total square footage is calculated for the maximum number of users at one time rather than the total number of inmates served.

Furnishings

3-4131 Dayrooms provide sufficient seating and writing surfaces for every inmate using the dayroom at one time. Dayroom furnishings are consistent with the custody level of the inmates assigned.
(Ref. 2-4137)

Comment:

The standard provides managers and designers with flexibility in designing and furnishing dayrooms and takes into consideration the range of activities that may occur (e.g., dayroom activities usually include television viewing, reading, recreation, conversation, and games, and sometimes include eating and work). In lower security settings, the use of "normalized" furnishings should be considered.

Toilets

3-4132 Inmates have access to toilets and hand-washing facilities 24 hours per day and are able to use toilet facilities without staff assistance when they are confined in their cells/sleeping areas.
(Ref. 2-4130)

Toilets are provided at a minimum ratio of one for every 12 inmates in male facilities and one for every eight inmates in female facilities. Urinals may be substituted for up to one-half of the toilets in male facilities. All housing units with three or more inmates have a minimum of two toilets.

Comment:

The standard ensures the availability of toilets and requires a measure of privacy and control for users. At the same time the standard provides flexibility for designers and managers, who have increased options for "dry" cells if toilet facilities are accessible by other means (for example, pushbutton locks on cells for use during night hours). Creative design approaches that increase privacy and decrease management problems associated with congregate facilities (for example, creation of a series of "single occupancy" toilet areas) are encouraged.

Section C

Rules and Discipline

Principle: The institution's rules of conduct and sanctions and procedures for violations are defined in writing and communicated to all inmates and staff. Disciplinary procedures are carried out promptly and with respect for due process.

Rules of Conduct

3-4214
(Ref.2-4345) Written rules of inmate conduct specify acts prohibited within the institution and penalties that can be imposed for various degrees of violation; the written rules are reviewed annually and updated if necessary.

Comment:

The rules should prohibit only observed behavior that can be shown clearly to have a direct, adverse effect on an inmate or on institutional order and security. The rules also should specify the range of penalties that can be imposed for violations. Penalties should be proportionate to the importance of the rule and severity of the violation.

3-4215
(Ref.2-4348) There is a written set of disciplinary procedures governing inmate rule violations. These are reviewed annually and updated if necessary.

Comment: None

3-4216
(Ref.2-4346) A rulebook that contains all chargeable offenses, ranges of penalties, and disciplinary procedures is given to each inmate and staff member and is translated into those languages spoken by significant numbers of inmates. Signed acknowledgement of receipt of the rulebook is maintained in the inmate's file. When a literacy or language problem prevents an inmate from understanding the rulebook, a staff member or translator assists the inmate in understanding the rules.

Comment:

Written procedures should specify how the rules and regulations are issued and presented to new inmates. Rules and regulations governing inmate conduct are of limited value unless the inmate understands them. "Posting" the rulebook is unnecessary provided there is evidence each inmate receives a copy of the rules.

3-4217
(Ref.2-4347) All personnel who work with inmates receive sufficient training so that they are thoroughly familiar with the rules of inmate conduct, the rationale for the rules, and the sanctions available.

Comment:

All institutional personnel who work with inmates in any way should receive continuous in-service training to prevent discrepancies among staff members in interpretation or implementation of rules of conduct.

Resolution of Minor Infractions

3-4218

(Ref.2-4349)

There are written guidelines for resolving minor inmate infractions, which include a written statement of the rule violated and a hearing and decision within seven days, excluding weekends and holidays, by a person not involved in the rule violation; the inmate may waive the hearing.

Comment:

Minor infractions do not include infractions that are resolved through an informal process.

Criminal Violations

3-4219

(Ref.2-4355)

Written policy, procedure, and practice provide that, where an inmate allegedly commits an act covered by criminal law, the case is referred to appropriate court or law enforcement officials for consideration for prosecution.

Comment:

Corrections and court or law enforcement officials should agree on the categories of offenses that are to be referred to them in order to eliminate minor offenses or those of no concern.

Disciplinary Reports

3-4220

(Ref.2-4350)

Written policy, procedure, and practice provide that when rule violations require formal resolution, staff members prepare a disciplinary report and forward it to the designated supervisor.

Comment: None

3-4221

(Ref.2-4351)

Disciplinary reports prepared by staff members include, but are not limited to, the following information:

- specific rule(s) violated
- a formal statement of the charge
- any unusual inmate behavior
- any staff witnesses
- any physical evidence and its disposition
- any immediate action taken, including the use of force
- reporting staff member's signature and date and time of report

Comment:

All relevant information should be recorded on a disciplinary report form and should be as specific and comprehensive as possible.

Prehearing Action

3-4222
(Ref.2-4352)

Written policy, procedure, and practice specify that, when an alleged rule violation is reported, an appropriate investigation is begun within 24 hours of the time the violation is reported and is completed without reasonable delay, unless there are exceptional circumstances for delaying the investigation.

Comment:

Investigations of alleged rule violations should be commenced as soon as possible after the incident is reported. The investigating officer should be a staff member but not the officer who reported the incident.

3-4223
(Ref.2-4353)

Within the disciplinary procedures document there is provision for prehearing detention of inmates who are charged with a rule violation. The inmate's pre-hearing status is reviewed by the warden/superintendent or designee within 72 hours, including weekends and holidays.

Comment:

Prehearing detention is the confinement of an inmate in an individual cell until an investigation is completed or a hearing scheduled. Such detention should not be punitive and should be used only when necessary to ensure the inmate's safety or the security of the institution. Documentation should be provided as to the reason for detention, and no inmate should remain in prehearing detention longer than necessary.

3-4224
(Ref.2-4357)

Written policy, procedure, and practice provide that an inmate charged with a rule violation receives a written statement of the charge(s), including a description of the incident and specific rules violated. The inmate is given the statement at the same time that the disciplinary report is filed with the disciplinary committee but no less than 24 hours prior to the disciplinary hearing. The hearing may be held within 24 hours with the inmate's written consent.

Comment: None

3-4225
(Ref.2-4356)

Written policy, procedure, and practice provide that an inmate may waive the right to a hearing provided that the waiver is documented and reviewed by the chief executive officer or designee.

Comment:

When inmates feel that a hearing is unnecessary, they should have the opportunity to waive this right. The disciplinary committee should follow stated guidelines for determination of sanctions.

Disciplinary Hearing

Scheduling

3-4226

(Ref.2-4359)

Written policy, procedure, and practice provide that inmates charged with rule violations are scheduled for a hearing as soon as practicable but no later than seven days, excluding weekends and holidays, after the alleged violation. Inmates are notified of the time and place of the hearing at least 24 hours in advance of the hearing.

Comment:

To ensure fairness and the integrity of the disciplinary process, inmates charged with rule violations should receive hearings as soon as possible unless the hearing is prevented by exceptional circumstances, unavoidable delays, or reasonable postponements. Reasons for all delays should be documented.

3-4227

(Ref.2-4358)

Written policy, procedure, and practice provide for postponement or continuance of the disciplinary hearing for a reasonable period and good cause.

Comment:

Hearing postponement or continuance may be granted for such cause as preparation of a defense, illness or unavailability of the inmate, further investigation of factual matters relevant to the hearing, or pending criminal court prosecution. Delaying a hearing is also justifiable on the basis of factual recording of an inmate's unacceptable behavior during the hearing process or the inmate's refusal to participate in a reasonable manner.

Conduct of Hearing

3-4228

(Ref.2-4361)

Written policy, procedure, and practice provide that disciplinary hearings on rule violations are conducted by an impartial person or panel of persons. A record of the proceedings is made and maintained for at least six months.

Comment:

To ensure objectivity, hearings for rule violations should be conducted by persons who were not directly involved in the incident.

3-4229

(Ref.2-4360)

Written policy, procedure, and practice provide that inmates charged with rule violations are present at their hearings unless they waive that right in writing or through their behavior. Inmates may be excluded during the testimony of any inmate whose testimony must be given in confidence; the reasons for the inmate's absence or exclusion are documented.

Comment: None.

3-4230
(Ref.2-4363)

Written policy, procedure, and practice provide that inmates have an opportunity to make a statement and present documentary evidence at the hearing and can request witnesses on their behalf; the reasons for denying such a request are stated in writing.

Comment: None

3-4231
(Ref.2-4362)

Written policy, procedure, and practice provide that a staff member or agency representative assists inmates at disciplinary hearings if requested. A representative is appointed when it is apparent that an inmate is not capable of collecting and presenting evidence effectively on his or her own behalf.

Comment:

Staff members or agency representatives designated to assist inmates should be trained in and knowledgeable about facility rules and discipline, disciplinary procedures, and due process requirements. Some agencies designate a legal assistant or staff representative to assist inmates in hearings. While this meets due process safeguards, an additional intent is to provide staff assistance from a person with whom inmates are comfortable and who they feel they can trust. Therefore, inmates should be allowed to choose persons to represent them from an approved listing of facility staff members. At all times the burden is on the agency to indicate reasons for not allowing a particular staff member to represent an inmate in a specific situation.

Inmates may not cross-examine witnesses, but staff may question witnesses who have been requested by an inmate to present evidence.

Hearing Decisions

Basis for Decision

3-4232
(Ref.2-4364)

Written policy, procedure, and practice provide that the disciplinary committee's decision is based solely on information obtained in the hearing process, including staff reports, the statements of the inmate charged, and evidence derived from witnesses and documents.

Comment:

Witnesses requested by the inmate may be questioned by both the inmate's representative and committee members. Witnesses who cannot respond to questions in person can be asked to submit written statements. The inmate should be permitted to obtain and submit any relevant documents.

Hearing Record

3-4233

(Ref.2-4365)

Written policy, procedure, and practice provide that a written record is made of the decision and the supporting reasons, and that a copy is given to the inmate. The hearing record and supporting documents are kept in the inmate's file and in the disciplinary committee's records.

Comment:

The disciplinary hearing record should include the decision, the disposition, and the reason for the action, unless doing so would jeopardize institutional security.

3-4234

(Ref.2-4367)

Written policy, procedure, and practice provide that if an inmate is found not guilty of an alleged rule violation, the disciplinary report is removed from all of the inmate's files.

Comment:

When an inmate is found guilty of only some of the rule violations he or she was originally charged with in connection with a single incident, and when that incident is described in a single disciplinary report, the inmate's record should show clearly the violations that were not proved. All disciplinary reports, regardless of disposition, may be kept and used for statistical or research purposes providing all identification is removed.

Where there are multiple incidents, alleged rule violations for which an inmate is found not guilty must be separated and removed from the inmate's file. When multiple incidents/charges are listed on a single report, charges resulting in not-guilty findings may be marked over or blacked out.

Review

3-4235

(Ref.2-4366)

Written policy, procedure, and practice provide for review of all disciplinary hearings and dispositions by the warden/superintendent or designee to assure conformity with policy and regulations.

Comment:

At the conclusion of the disciplinary hearing, the hearing record should be forwarded to the warden/superintendent or designee for review. This review should ensure that the hearing was conducted in accordance with stated procedures and that the action taken conforms with institutional regulations.

T H I R D

E D I T I O N

S U P P L E M E N T

Third Edition

3-4128 Revised August 1991. Single cells are required for inmates assigned to maximum and close custody. All cells in which inmates are confined conform with the following requirements:

1. There must be 35 square feet of unencumbered space for the single cell occupant.
2. When confinement exceeds 10 hours per day, there is at least 80 square feet of total floor space for the occupant.
3. "Unencumbered space" is usable space that is not encumbered by furnishing or fixtures. At least one dimension of the unencumbered space is no less than seven feet. In determining unencumbered space, all fixtures must be in operational position and must provide the following minimum areas per person: bed, plumbing fixtures, desk, and locker.
4. Supervision is consistent with standard 3-4170.

COMMENT: This standard encourages design flexibility and creativity by relating cell size to the amount of unencumbered or free space provided.

3-4128-1 Added August 1991. Single cells/rooms and multiple occupancy cells/rooms may be used for housing inmates in medium/minimum custody when the classification system, cell/room size, and level of supervision meet the following requirements:

1.	Number of Occupants	Amount of Unencumbered Space*
	1	35 square feet per occupant
	2-50	25 square feet**

* "Unencumbered space" is usable space that is not encumbered by furnishings or fixtures. At least one dimension of the unencumbered space is no less than seven feet. In determining unencumbered space in the cell or room, the total square footage is obtained and the square footage of fixtures and equipment is subtracted. All fixtures and equipment must be in operational position and must provide the following minimums per person: bed, plumbing fixtures (if inside the cell/room), desk, locker, and chair or stool.

** Sleeping area partitions are required if more than four people are housed in one sleeping area.

2. When confinement exceeds 10 hours per day, there is at least 80 square feet of total floor space per occupant.

3. Housing is in compliance with ACA standards 3-4132, 3-4133, 3-4134, 3-4137, 3-4144, and 3-4282.
4. Medium security inmates housed in multiple occupancy cells/rooms require direct supervision. (See glossary for definition of direct supervision.)

A classification system is used to divide the occupants into groups that reduce the probability of assault and disruptive behavior. At a minimum, the classification system evaluates the following:

- mental and emotional stability
- escape history
- history of assaultive behavior
- medical status
- age
- enemies of record

Male and female inmates are housed in separate cells/rooms.

COMMENT: Multiple occupancy can be accomplished through strict compliance with the classification system and physical plant requirements listed in the standards. Institutions that house medium security inmates in multiple occupancy cells/rooms should also have an appropriate number of single cells/rooms to provide flexibility for management control and relief purposes for inmates who cannot be housed in multiple occupancy cells/rooms. See glossary for definition of direct supervision.

3-4128-2 Added August 1991. Written policy, procedure, and practice provide that single occupancy cells/rooms shall be available, when indicated, for the following:

- inmates with severe medical disabilities
- inmates suffering from serious mental illness
- sexual predators
- inmates likely to be exploited or victimized by others
- inmates who have other special needs for single housing

COMMENT: While the standard permits the housing of medium security inmates in multiple cells/rooms, there is a need for single cells/rooms for the inmate groups listed above. The caveat "when indicated" refers to determinations made by the classification system, medical diagnosis, or other professional conclusions.

3-4183-1 Added August 1991 (Mandatory). Written policy, procedure, and practice provide that when an offender is placed in a four-point restraint (both arms and legs secured), advance approval must be obtained from the warden/superintendent or designee. Approval must also be subsequently obtained from the designated health authority or designee. When offenders are restrained in a four-point position, the following minimum procedures will be followed:

1. Direct visual observation by staff must be continuous prior to obtaining approval from the health authority or designee.
2. Subsequent visual observation must be made at least every 15 minutes.
3. Restraint procedures are in accordance with guidelines approved by the designated health authority.

COMMENT: Four-point restraints should be used only in extreme instances and only when other types of restraints have proven to be ineffective.

3-4194 Revised August 1991. Written policy, procedure, and practice provide that written reports are submitted to the warden/superintendent or designee no later than the conclusion of the tour of duty when any of the following occur:

- discharge of a firearm or other weapon
- use of chemical agents to control inmates
- use of force to control inmates
- inmate(s) remain in restraints at the end of the shift

COMMENT: All incidents involving use of force that have the potential for injury should be recorded to establish the identities of the staff, inmate(s), or others involved and to describe the nature of the incident.

3-4343-1 Added January 1990. Written policy, procedure, and practice provide that pregnancy management is specific as it relates to the following:

- pregnancy testing
- routine prenatal care
- high-risk prenatal care
- management of the chemically addicted pregnant inmate
- postpartum follow up

COMMENT: None.

3-4362 Revised August 1991. Written policy, procedure, and practice govern the use of restraints for medical and psychiatric purposes. At a minimum, the policy will address the following:

- conditions under which restraints may be used
- types of restraints to be applied for specific conditions
- identification of person or persons who may authorize the use of restraints
- monitoring procedures for inmates in restraints

COMMENT: When restraints are part of a health care treatment regimen, the restraints used should be those that would be appropriate for the general public within the jurisdiction. Written policy should identify the authorization needed and when, where, and how restraints may be used and for how long.

~~3-4410~~ 3-4414 Revised August 1989. Written policy, procedure, and practice provide that the academic and vocational education programs are recognized, certified, or licensed by the state department of education or other recognized agency having jurisdiction. Programs up to the completion of high school and/or the GED are available at no cost to inmates. Provision is made for formal recognition of specific educational accomplishments.

COMMENT: Correctional education programs must be at least equal in quality and requirements to equivalent programs in the community to ensure that student credits, certificates, and diplomas are accepted by employers and are transferable to schools and colleges after release. Accreditation legitimizes the correctional education program and allows opportunity for self-evaluation; it also facilitates obtaining funding from state, federal, and private sources.

3-4411 Revised August 1991. There is a written, standardized, competency-based curriculum supported by appropriate materials and classroom resources.

COMMENT: Standardization of curriculum assists in monitoring student progress from class to class or between institutions. Emphasis should be on individual student progress as measured by observable or assessable instructional objectives. Programmed instruction, teaching machines, and educational television may be used in addition to traditional teaching methods.

- 3-4413** Revised August 1991. The institution uses business, industry, and community resources in developing academic and vocational education programs for selected inmates.

COMMENT: Academic and vocational programs in the community can supplement the institution's programs. Based on predetermined criteria, arrangements should be made for selected inmates to attend classes at nearby schools. Such community contacts also encourage staff to design institutional instruction that is realistic and relevant to needs and requirements of the current labor market. A trade and craft advisory committee can assist in updating curricula and facilitating job placements of released offenders.

- 3-4420** Revised August 1991. Written policy, procedure, and practice provide that comprehensive education programs are available to all eligible inmates at a time when the majority can take advantage of the programs.

COMMENT: Educational programs should not have to compete with work assignments, visitation, counseling, etc., but should be offered at off-peak program hours, in the evenings, and on weekends. Encouragement to participate should be provided by using a reward system and limiting barriers to attendance.

- 3-4422** Added August 1991. Written policy, procedure, and practice govern the maintenance and handling of educational/vocational records. Students' rights to privacy and confidentiality in accordance with state and federal law should be maintained.

COMMENT: Academic/vocational information should become a part of the master file and be transferred when offenders are moved to other institutions or relocated in the community during prerelease. Accurately maintained student files and records are part of staff accountability and are essential for program needs, assessments, and evaluations.

- 3-4422-1** Added August 1991. Written policy, procedure, and practice provide incentives for educational participation and formal recognition of specific educational accomplishments.

COMMENT: Recognition of academic and vocational achievements, such as certification or graduation, is helpful to inmates and provides general support for educational programs. Incentives may include pay, access to preferred jobs and/or educational programs, or other special privileges.

Section C. Rules and Discipline**Appeal****3-4236
(Ref.2-4368)**

Written policy, procedure, and practice grant inmates the right to appeal decisions of the disciplinary committee to the warden/superintendent or designee. Inmates have up to 15 days of receipt of the decision to submit an appeal. The appeal is decided within 30 days of its receipt, and the inmate is promptly notified in writing of the results.

Comment:

The appeal process should consider three factors: whether there was substantial compliance with institutional standards and procedures in handling inmate discipline; whether the disciplinary committee's decision was based on substantial evidence; and whether, under the circumstances, the sanction imposed was proportionate to the rule violation.

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Section D Special Management

Note: "Segregation" is the generic term used to encompass administrative segregation, protective custody, and disciplinary detention. (See glossary definition.)

Principle: Inmates who threaten the secure and orderly management of the institution may be removed from the general population and placed in special units.

General Policy and Practice

3-4237
(Ref.2-4214)

When segregation units exist, written policy and procedure govern their operation for the supervision of inmates under administrative segregation, protective custody, and disciplinary detention.

Comment:

Administrative segregation: The classification committee or, in an emergency, the warden/superintendent may place in administrative segregation an inmate whose continued presence in the general population poses a serious threat to life, property, self, staff, or other inmates, or to the security or orderly running of the institution. Inmates in administrative segregation because of behavioral problems should be provided with programs conducive to their well-being. Inmates pending investigation for a trial on a criminal act or pending transfer can also be placed in administrative segregation; this segregation may be for relatively extensive periods of time.

Protective custody: Inmates requesting or requiring protection from the general population may be placed in protective custody. Inmates in protective custody should be allowed to participate in as many as possible of the programs afforded the general population, providing such participation does not threaten institutional security. Each protective custody case should be reviewed frequently with the goal of terminating the separate housing assignment as soon as possible.

Disciplinary detention: The disciplinary committee may place inmates with serious rule violations in disciplinary detention only after an impartial hearing has determined (1) that other available alternative dispositions are inadequate to regulate the inmate's behavior within acceptable limits and (2) that the inmate's presence in the general inmate population poses a serious threat to the orderly operation or security of the institution.

KEY → Total isolation as punishment for a rule violation is not an acceptable practice; when exceptions occur, they should be justified by clear and substantiated evidence and should be fully documented.

3-4238
(Ref.2-4215)

The warden/superintendent or shift supervisor can order immediate segregation when it is necessary to protect the inmate or others. The action is reviewed within 72 hours by the appropriate authority.

Comment: None

Admission and Review of Status

3-4239

(Ref.2-4220)

Written policy, procedure, and practice provide that an inmate is admitted to the segregation unit for protective custody only when there is documentation that protective custody is warranted and no reasonable alternatives are available.

Comment:

Protective custody should be used only for short periods of time, except when an inmate needs long-term protection and the facts are well documented. Admission to protective custody should be fully documented with a consent form signed by the inmate.

3-4240

(Ref.2-4216)

Written policy, procedure, and practice provide that an inmate is placed in disciplinary detention for a rule violation only after a hearing by the disciplinary committee.

Comment: None

3-4241

(Ref.2-4218)

Written policy, procedure, and practice provide for a review of the status of inmates in administrative segregation and protective custody by the classification committee or other authorized staff group every seven days for the first two months and at least every 30 days thereafter.

Comment:

A hearing should be held to review the status of any inmate who spends more than seven continuous days in administrative segregation and protective custody to determine whether the reasons for the placement still exist.

3-4242

(Ref.2-4219)

Written policy, procedure, and practice specify the review process used to release an inmate from administrative segregation and protective custody.

Comment:

An inmate should be released by action of the appropriate authority.

3-4243

(Ref.2-4354)

There is a sanctioning schedule for institutional rule violations. Continuous confinement for more than 30 days requires the review and approval of the warden/superintendent. Inmates held in disciplinary detention for periods exceeding 60 days are provided the same program services and privileges as inmates in administrative segregation and protective custody.

Comment:

The time an inmate spends in disciplinary detention should be proportional to the offense committed, taking into consideration the inmate's prior conduct, specific program needs, and other relevant factors.

3-4244
(Ref.2-4237)

Written policy, procedure, and practice provide that a qualified psychologist or psychiatrist personally interviews and prepares a written report on any inmate remaining in segregation for more than 30 days. If confinement continues for an extended period, a psychological assessment is made at least every three months.

Comment:

Inmates whose movements are restricted in segregation units may develop symptoms of acute anxiety or other mental health problems; regular psychological assessment is necessary to ensure the mental health of any inmate confined in such a unit beyond 30 days.

Supervision

3-4245
(Ref.2-4182-3)

Written policy, procedure, and practice require that all special management inmates are personally observed by a correctional officer at least every 30 minutes on an irregular schedule. Inmates who are violent or mentally disordered or who demonstrate unusual or bizarre behavior receive more frequent observation; suicidal inmates are under continuing observation.

Comment: None

3-4246
(Ref.2-4235)

Written policy, procedure, and practice provide that inmates in segregation receive daily visits from the senior correctional supervisor in charge, daily visits from a qualified health care official (unless medical attention is needed more frequently), and visits from members of the program staff upon request.

Comment:

Because they are restricted from normal movement within the institution, it is imperative that inmates in segregation are visited regularly by key staff members who can ensure that their health and well-being are maintained.

3-4247
(Ref.2-4236)

Written policy and procedure govern the selection criteria, supervision, and rotation of staff who work directly with inmates in segregation on a regular and daily basis.

Comment:

Procedures should be established to supervise and evaluate the on-the-job performance of all staff who work with inmates in segregation, and there should be administrative procedures for promptly removing ineffective staff. Officers assigned to these positions should have completed their probationary period. The need for rotation should be based on the intensity of the assignment.

3-4248
(Ref.2-4234)

Written policy, procedure, and practice provide that staff operating segregation units maintain a permanent log.

Comment:

The log should contain the following information for each inmate admitted to segregation: name, number, housing location, date admitted, type of infraction or reason for admission, tentative release date, and special medical or psychiatric problems or needs. The log also should be used to record all visits by officials who inspect the units or counsel the inmates, all unusual inmate behavior, and all releases.

General Conditions of Confinement

3-4249
(Ref.2-4221)

Written policy, procedure, and practice provide that all inmates in segregation are provided prescribed medication, clothing that is not degrading, and access to basic personal items for use in their cells unless there is imminent danger that an inmate or any other inmate(s) will destroy an item or induce self-injury.

Comment:

Inmates in segregation should be provided basic items needed for personal hygiene as well as items such as eyeglasses and writing materials. Clothing should be that of the general population unless an adjustment is necessary for self-protection, such as removal of a belt to prevent a suicide attempt, and any clothing adjustment should be justified in writing by an appropriate official. If a supervisor judges that there is imminent danger an inmate will destroy an item or use it to induce self-injury, the inmate may be deprived of the item; in such cases, every effort should be made to supply a substitute for the item or to permit the inmate to use the item under the supervision of an officer.

3-4250
(Ref.2-4224)

Written policy, procedure, and practice provide that inmates in segregation have the opportunity to shave and shower at least three times per week.

Comment:

Inmates in segregation should have the opportunity to maintain an acceptable level of personal hygiene unless these procedures cause an undue security hazard. If conditions permit, the inmates should be able to shower daily.

3-4251
(Ref.2-4225)

Written policy, procedure, and practice provide that inmates in segregation receive laundry, barbering, and hair care services and are issued and exchange clothing, bedding, and linen on the same basis as inmates in the general population. Exceptions are permitted only when found necessary by the senior officer on duty; any exception is recorded in the unit log and justified in writing.

Comment: None

Chronic and Convalescent Care**3-4357
(Ref.2-4305)****Written policy, procedure, and practice make available chronic and convalescent care to inmates of the facility.***Comment:*

Chronic care is medical service rendered over a long period of time; convalescent care is medical service rendered to assist a patient in the recovery from illness or injury.

Prostheses and Orthodontic Devices**3-4358
(Ref.2-4308)****Written policy, procedure, and practice require that medical and dental prostheses and orthodontic devices are provided when the health of the inmate would otherwise be adversely affected, as determined by the responsible physician or dentist.***Comment:* None**Elective Surgery****3-4359
(Ref.2-4309)****Written policy, procedure, and practice govern the use of elective surgery.***Comment:*

Health care staff should have a procedure for decisions on elective surgery needed to correct a substantial functional deficit or if an existing pathological process threatens the well-being of the inmate over a period of time; cosmetic surgery should not be done unless there are important considerations or possible serious psychological impact.

Transfers for Needed Care**3-4360
(Ref.2-4310)****Written policy, procedure, and practice require that patients who need health care beyond the resources available in the facility, as determined by the responsible physician, are transferred under appropriate security provisions to a facility where such care is available.***Comment:*

Treatment of an inmate's health problem should not be limited by the resources and services available within the institution. Health care staff should cooperate with security personnel in determining conditions of transportation and necessary security precautions when an inmate needs to be transported to another facility or clinic.

3-4361
(Ref.2-4311)

Written policy, procedure, and practice provide that prior to transfer to another facility or other substantial travel, either the inmates or their records are evaluated by health care personnel to assess suitability for travel.

When travel is approved, pertinent data (including medication, behavior management procedures, and other treatment or special requirements for observation and care during travel) are documented in a manner readily accessible to and easily understood by transportation staff or others who may be called upon to attend inmates during travel and on reception at the receiving institution. Medications or other special treatment required enroute, along with specific written instructions for administration, are furnished to transportation staff.

Comment:

Full health coverage should be provided for all inmate transfers. Although the emphasis during transportation must be on security, the medical, dental, and mental health aspects should not be overlooked.

Use of Restraints

3-4362
(Ref.2-4312)

Written policy and procedure govern the use of restraints for medical and psychiatric purposes.

Comment:

Where restraints are part of a health care treatment regimen, the restraints used should be those that would be appropriate for the general public within the jurisdiction. Written policy should identify the authorization needed and when, where, and how restraints may be used and for how long.

Specialized Programs

Health Education

3-4363
(Ref.2-4303)

Written policy, procedure, and practice provide that a program of health education is provided to inmates of the facility.

Comment:

Health education includes information on medical services and immunizations; personal hygiene; dental hygiene; nutrition; venereal disease, tuberculosis, and other communicable diseases; effects of smoking; self-examination for breast cancer; substance abuse; dangers of self-medication; hypertension detection; family planning, including appropriate services and referrals; physical fitness; and self-care for chronic diseases and/or disabilities.

Suicide Prevention and Intervention

3-4364
(Ref.2-4285-1)

There is a written suicide prevention and intervention program that is reviewed and approved by a qualified medical or mental health professional. All staff with responsibility for inmate supervision are trained in the implementation of the program.

Comment:

The program should include specific procedures for intake screening, identification, and supervision of suicide-prone inmates.

Serious and Infectious Disease

3-4365
(Ref.2-4274-1)

Written policy, procedure, and practice address the management of serious and infectious diseases. These are updated as new information becomes available.

Comment:

Because of their serious nature, methods of transmission, and public sensitivity, infectious diseases such as tuberculosis, hepatitis-B, and AIDS (acquired immunodeficiency syndrome) require special attention. Agencies should work with the responsible health authority in establishing policy and procedure that include the following: an ongoing education program for staff and inmates; control, treatment, and prevention strategies, which may include screening and testing, special supervision, and/or special housing arrangements, as appropriate; protection of individual confidentiality; and media relations.

3-4366
(Ref.2-4274-2)

There are written policies and procedures that specify approved actions to be taken by employees concerning inmates who have been diagnosed with HIV virus. This policy is reviewed annually and includes, at a minimum, the following:

- when and where inmates are to be tested
- appropriate safeguards for staff and inmates
- who shall conduct the tests
- when and under what conditions inmates are to be separated from the general population
- medical referrals required
- staff and inmate training procedures
- issues of confidentiality

Comment: None

Severe Mental Illness and Retardation

3-4367

(Ref.2-4296)

Inmates who are severely disturbed and/or mentally retarded are referred for placement in appropriate noncorrectional facilities or in units specially designated for handling this type of individual.

Comment:

Inmates who are severely disturbed and/or mentally retarded are vulnerable to abuse by other inmates and require an inordinate amount of personal attention. An individual is considered severely disturbed when he or she is a danger to self or others or is incapable of attending to basic physiological needs.

3-4368

(Ref.2-4297)

Transfers that result in an inmate's placement in a noncorrectional institution or in a special unit within the institution specifically designated for the care and treatment of the severely mentally ill or mentally retarded follow due process procedures as specified in law prior to the move being effected. In emergency situations, a hearing is held as soon as possible after transfer.

Comment:

The following are generally accepted as due process procedures: written notice to the inmate of the proposed transfer; a hearing for the inmate, with the right (unless limited for good cause) to call and cross-examine witnesses; a decision by an independent official (not necessarily a judge) from outside the facility complex, with a written statement of the reasons therefor; an independent advisor, not necessarily an attorney, to assist the inmate facing transfer.

3-4369

(Ref.2-4298)

Written policy and practice require that, except in emergencies, there shall be joint consultation between the warden/superintendent (or designee) and the responsible physician (or designee) prior to taking action regarding identified mentally ill or retarded patients in the following areas:

- housing assignments
- program assignments
- disciplinary measures
- transfers to other institutions

When an emergency action has been required, joint consultation to review the appropriateness of the action occurs as soon as possible but no later than the next work day.

Comment:

Because mental health problems can complicate work assignments or disciplinary management, maximum cooperation between custody personnel and health care providers is essential so that both groups are aware of movements and decisions regarding mentally disturbed patients. Medications may have to be adjusted for safety at the work assignment or prior to transfer.

22
—EMERGENCY— 26 OF 37
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

TD:504/10A

JUNE 11, 2018

RECEIVED

MR. BALLOUS J.

197393

JUN 14 2018

PERRY C.I.

RHU/SMU 16 GENERAL COUNSEL

1. On June 4, 2018, I was placed in Q2B Unit Cell #223 with Tim Lylest who officers "knows" has a habit, and history (20 years) of "Masturbation Charges" that someone mistaken me for, or concocted on June 11, 2018, on account of my disabilities race, two (2) black males in cell #223. And I'm requesting you to send for help strike the [False] charges against me, before it gets in the hands of DHD arbitrary proceedings.
 2. I never had a "Masturbation Charge" penned or verbal ~~working~~ against me in 18 years in SCNC or elsewhere in my nearly 60 years on Earth.
 3. Q2B Unit Sgt. Butler can verify that he never seen, heard or had to warn me for engaging in any such perverted conduct. But, Lylest ~~But~~ Sgt. Butler has and ~~imasking~~ you to obtain a written statement from Sgt. Butler regarding such and suggesting that he strongly believes that a terrible mistake had been made for my placement in RHU/SMU 16 and to restore me to population immediately.
- DISPOSITION BY STAFF MEMBER.

REC. 7/19/16 FROM JIM NUGENT MAIL 27 OF 37
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER.

~~TO: CAPT. TOTH~~ ~~CAPT.~~

JUNE 11, 2016

RECEIVED

JUN 12 2016

187393

93A 211

MR BACCHUS

PERRY C.I.

RAU/SMU 16

My Cellmate Lyles who has A History (20 years) OF
Masturbation Charges. ~~IN~~ JUNE 2018 SOMEONE HAD
Mistaken Me for Wyles ON ACCOUNT OF MY ~~CRIMINAL~~
OF RACE 2 Black Males IN DICK # 223.

I HAVE NEVER AND WILL NEVER THINK... OR PERFORM...
SUCH PERVERTED CONDUCT WITH ~~OR~~ ~~ON~~ ANYONE.
AND I REQUESTING THAT YOU [NOT ALLOW THIS CHARGE]
BE PEN AGAINST ME WHEN PROBABLY ^{YOU} AND EVERYONE
ELSE KNOWS THAT [LYLES HAS A HISTORY OF MASTURBATION]
CHARGES AGAINST HIM. AND I HAVE NONE...
AND ASK YOU TO HELP ME KEEP IT THAT WAY BY NOT
ALLOWING THIS ~~FALSE~~ CHARGE TO STAND... AND RESTORE ME BACK
TO POPULATION IMMEDIATELY. ALSO SGT. BUTLER CAN VERIFY
THAT HE NEVER SEEN... OR HEARD OF ~~ME~~ ^{ANYONE} ENGAGING IN SUCH PERVERTED
CONDUCT. PLEASE OBTAIN A REPORT FROM SGT. BUTLER REGARDING MY
~~PLACEMENT IN RTH/SMU # 16 JUNE 11, 2018.~~
DISPOSITION BY STAFF MEMBER.

ON YARD LIST

7.12.18

TOTH

TO: TOTH C/PT.

JUNE 11, 2018 RECEIVED

~~MR. BACCHI~~

187393

JUN 14 2018

PERRY C.I.

RHU/SMU 16

Q3A211

1. On JUNE 4, 2018, I WAS PLACED IN Q2B UNIT CELL #223 WITH I/M LYLES & WHO SCDC OFFICERS C.I. SHOULD HAVE KNOWN OR KNOWN HAD A HABIT AND HISTORY OF MASTURBATION CHARGES GOING BACK 10 YEARS. THAT SOMEONE MISTAKEN ME FOR OR CONTACTED ON JUNE 11, 2018, ON ACCOUNT OF MY DISABILITIES. RACE (WOK) BLACK MALES IN CELL #223. AND I AM ASKING YOU TO SEND OR HELP STRIKE THE [FALSE] CHARGES AGAINST ME BEFORE IT GET IN THE HANDS OF DHS ARBITRARY PROCEEDINGS.
2. I NEVER HAD A MASTURBATION CHARGE DENIED OR VERBAL WARNING AGAINST ME IN 18 YEARS IN SCDC OR ELSEWHERE.
3. Q2B UNIT SGT. BUTLER CAN VERIFY THAT HE NEVER SEEN... HEARD... GIVEN A REPORT... OR HAD TO WARN ME FOR ENGAGING IN ANY SUCH PERVERTED CONDUCT, BUT LYLES, SGT. BUTLER HAS.
4. AND I AM ASKING YOU TO OBTAIN A WRITTEN STATEMENT FROM SGT. BUTLER REGARDING THE EVENTS ON JUNE 11, 2018 LEADING TO MY PLACEMENT IN RHU/SMU #16, AND SUGGESTING THAT HE/SGT. BUTLER STRONGLY BELIEVES THAT A TERRIBLE MISTAKE HAD BEEN MADE FOR MY PLACEMENT IN RHU/SMU #16. AND TO RESTORE ME TO POPULATION IMMEDIATELY.

DISPOSITION BY STAFF MEMBERS:

ON THE YARD LIST

DATE:

7.12.18

SIGNATURE:

M. TOTH

~~PLEASE~~ RETURN COPY TO ME WITH YOUR REPLY PROCEEDS.

29 OF 37

"EMERGENCY"

Mr. John Bacus
Perry C.I. RHU/SMU #16
430 Oak Lawn Road
Perry S.C. 29669

RECEIVED

JUN 18 2018

GENERAL COUNSEL

JUNE 11, 2018

TO: ATTENTION BOA/INA COORDINATOR
SCDC Head Quarters P.O. Box 21789
Columbia, SC 29221-1789

LOOK. IT IS OBVIOUS THAT YOU ARE WELL AWARE THAT PERRY C.I. RHU/SMU Unit Managers And Officers [] ARE NOT PROVIDING BLACK INMATES MR. BACUS WITH SCDC FORMS 19-11 ETC. THUS, PROCEDURES ARE NOT... CANNOT BE FOLLOWED DUE TO SCDC PERRY C.I. MAJORITY WHITE OFFICERS [NON-COMPLIANCE WITH ITS ADMINISTRATIVE AND MANAGEMENT PROCESS]. THEREFORE, YOU SHOULD "PROCESS AND ENFORCE" MY BOA/INA COMPLAINT RIGHTS.

I AM REQUESTING YOU TO "STRIKE THE FALSE CHARGES AGAINST ME" IN THAT, SCDC P.C.I. OFFICERS PLACEMENT OF ME IN RHU/SMU #16 CANNOT STAND BECAUSE ON JUNE 4, 2018 THIS NEARLY 60 YEAR OLD PHYSICALLY, MEDICALLY PSYCHOLOGICALLY III INMATE MR. JOHN BACUS WAS [IMPROPERLY] PLACED IN Q2B unit Cell 223 WITH INMATE LYLES LATE 40S. 250 LBS. WHO SCDC PERRY C.I. OFFICERS SGT. BUTLER, MAJ. BENNETT, CAPT. HERALD, CWO WESTINGER, CAPT. SUSAN DUFFY, CAPT. TOTH, WARDEN C. EARLY, SGT. LEWIS ET AL "KNEW" OR SHOULD HAVE KNOWN HAS A HABIT AND/OR 30 YEARS INCARCERATED HISTORY OF MASTURBATION CHARGES THAT SOMEONE MISTOOK OR MISTAKEN ME FOR OR CONCEALED ON JUNE 11, 2018 ON ACCOUNT OF EITHER ~~RACE TWO BLACK MALES IN CELL # 223 OR~~ P.C.I. OFFICERS NONCOMPLIANCE WITH OR CEILING I/MS MR. BACUS (WHO NEVER HAD A MASTURBATION CHARGE) WITH I/MS LYLES WHO HAS OVER 2 DECADES OF MASTURBATION CHARGES, RESULTED IN MR. BACUS FALSE PLACEMENT IN RHU/SMU #16 FOR YOUR CONVICTIONS.

Mr. John Baccus #187393
Perry C.I. RHM/BMU #16
430 Oak Lawn Road
Pelzer S.C. 29669

June 11 to 26 2018

THIS PETITION IS TO PROVE THAT SCNC ANDRINEYS DIRECTORS BRIAN P. STERLING'S
WARDENS SCOTT LEWIS ABUSED THEIR POSITIONS PRISON KEEPERS SCNC FORMS ON 21
PRIORITY HIGH CASE TRACKING DEVICE TO ILLEGALLY RETALDATE AGAINST BLACK
MR. BACCUS FOR PREPARING... FILING... SECTION 1983... 504/ADA... SUITS...
MISCONDUCT BY AGENTS OF U.S. AS WELL AS WASTE. FRAUD AND ABUSE AFFECTING
A D.O.J. AGENCY OR PROGRAM.

I. The Incident Report #21 Dated June 11, 2018 And Disciplinary Report And
Hearing Record Case #21 Offense Description 854 Exhibitionism And
Public Masturbation Cannot LEGALLY STAND AGAINST ME MR. BACCUS
FOR THE FOLLOWING REASONS:

1. I AM A NEARLY 60 YEAR OLD PHYSICALLY PSYCHOLOGICALLY MEDICALLY
ILL CONDITIONED INMATE WITH NUMEROUS PHYSICAL IMPAIRMENTS THAT
PREVENTS ME FROM BEING... SEEING... HEARING... ENGAGGING...
IN ACTS OF MASTURBATION... IN A PUBLIC SETTING... BECAUSE
(A) Prostate Medications Simvastatin 40 MG TAB, DOXAZOSIN
4 MG TAB, High Blood Pressure Amlodipine 5 MG TAB, Psychological
Nemoron 40 MG TABS, AND ON JUNE 11, 2018 I WAS IN SOUTH
CAROLINA DEPARTMENT OF CORRECTIONS IN A PRISON SETTING
NOT IN A "PUBLIC SETTING"... AND MEDICAL EYE GLASSES SEE EXHIBITS 1-2
THEREFORE SGT. Rachel Mussen Lied... Falsely... Or Mistakenly
NOTICE A AN INMATE... WAS IDENTIFIED AS BACCUS JOHN #187393
WHEN HE WAS PULLED FROM HIS CELL... SEE EXHIBIT # 1- 2B

2. Cell Q2B 223 Had On June 11, 2018 TWO (2) BLACK MALES WITH Bald Heads
DUCK LYLES AGE NEARLY Late 40'S, 6'3", 250 LBS. Encarcerated NEARLY 30 YEARS
WHO NEARLY ALL PERRY C.I. OFFICERS "KNEW" OR HAD REASONS TO "KNOW" OR
"HAD KNOWN" DUCK LYLES HAD A 30 YEAR HABIT AND HISTORY OF MASTURBATION
SE LITING... CHARGES... REPORTS IN DUCK LYLES INMATE RECORDS AND
MR. JOHN BACCUS WHO WAS IMPROPERLY PLACED IN Q2B 223 ON JUNE 4, 2018
DUE TO INCOMPATIBLE REASONS. AGE NEARLY 60, PHYSICAL PSYCHOLOGICAL
MEDICAL ILL CONDITIONS. AND MR. JOHN BACCUS NEVER HAD ANY WARNINGS...
STIGHTENGS... CHARGES... REPORTS... OF MASTURBATION OR ENGAGED IN ANY
ACTS OF INNOCENT... EXPOSURE OF ANY PARTS OF BODY TO ANYONE IN SCNC
OR TO ANY LIVING BEING... ENI HAS NEARLY 60 YEARS HERE ON FARTH.

Regarding Masturbation Charges.

3. SCNC Attorneys Directors Brian Postings Wardens Scott Lewis And Others Readily Identifiable In Case # 21 Related Documentations Has Illegally... Illegally Retaliated Against Me... Falsely Put Me In Administrative Segregation #16. Solely To Punish ME For Preparing... Filing... Section 1983... SD4/ADA... Suits... That On December 6, 2017 And April 25, 2018 SCNC White Guards And Contractors Abuse... Sexual Assault And Harassments... Rape... Sodomitize... Black Inmate Mr. Baccus Captured on Surveillance Cameras And Documentary Evidence... SEE ATTACHMENTS FOR MORE INDEPTH DETAILS Showing That The Acts Complained About Actually Affected... Injured... Restricted... Both My "LIBERTY INTEREST" AND "DUE PROCESS" "PROTECTED CONDUCT" TO KEEP ME FROM Preparing... Filing... Reporting... SCNC Attorneys Directors Brian Postings Wardens Scott Lewis Abuse And Waste Of Their Respective Positions... White Female Guards SGT. Rachel Muisen... SCNC FORMS 19-29A And Other Related Documentations... And secretly Deferring To A "PRIORITY HIGH" S.C. CASE TRACKING DEVICE... MISCONDUCT BY EMPLOYEES OF THE U.S., AS WELL AS WASTE, FRAUD AND ABUSE AFFECTING A DEPARTMENT OF JUSTICE AGENCY OR PROGRAM. SEE EXHIBITS # 1 TO 28

THEREFORE, Based On The Above Items 1 To 3 Information... Laws... Exhibits... Documentary Evidence Facts... ^{Asperting} Charging Me With Offense Description BS4 Must Be Strike Against Me. Mr. Baccus And All Of My Liberty Life And Property Restored... Reinstated... Replenished... Or Made ANEW IN Q1 Unit Where I Had Previously Been In B LIP Program In Lee County... And Any Other Damages For Visitation With Family... Personal Property Losses... Due To False Placements In RHU/Smu #16, TO Include My Criminal And Penal Cases That Was Currently Pending At The Time Of False Placements In Administrative Segregation Unit That Also Had been Dismissed... Lost... Rejected... Restricted... Or Denied.

Mr. John Bacus #187343
 Perry C.I. RHUISMU #16
 430 Oak Lawn Road
 Pelzer, S.C. 29669

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June 11, 2018

TO: 504/ADA Coordinator
 U.S. Department of Justice

Will you please send or help me.

My name is Mr. John Bacus. I am a nearly 60 year old Physically, Psychologically, Medically, ill conditioned inmate that's being racially and falsely put in Perry C.I. Administrative Segregation Warehouse with a disproportionate 90 Black and 5 White inmates. And the fact that Blacks consistently made up a greater proportion of those held in Perry's Segregation Unit than of those held in Perry's Prison Unit generally, are unconstitutional, under FREEDOM FROM RACIAL DISCRIMINATION.

1. Since June 11, 2018 I have been placed... held... in Perry C.I. Administrative Segregation #16 based on my June 26, 2018 receipt of Incident Report #21 and JAIL Disciplinary Report and Hearing Record offense description 554 Exhibitionism and PUBLIC MASTURBATION "THAT CANNOT LEGALLY... MEDICALLY... PHYSICALLY... PSYCHOLOGICALLY STAND AGAINST ME. MR. JOHN BACUS" FOR THE FOLLOWING REASONS:

- (A) PROSTATE MEDICATIONS SIMVASTATIN 40 MG TAB. AND
- (B) PROSTATE MEDICATIONS DOXAZOSIN 4 MG TAB
- (C) HIGH BLOOD PRESSURE MEDICATIONS AMLODIPINE 5 MG TAB
- (D) PSYCHOLOGICAL MEDICATIONS NEUROBON 40 MG TAB
- (E) PRESCRIPTION EYE GLASSES
- (F) ON JUNE 11, 2018 I WAS IN SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, "IN A PRISON SETTING..." NOT "IN A PUBLIC SETTING..."

IMPAIRMENTS THAT PREVENTS ME FROM BEING... SEEING... ENGAGING... IN ACTS OF MASTURBATION... IN A "PUBLIC" SETTING...

2. Cell Q2B 223 Had on June 11, 2018 TWO (2) Black Males with Bald Heads, DUCK LYLES. Age Late 40's, 6'3", 250 LBS. Incarcerated Nearly 30 Years Who Nearly Every Perry C.I. Officer "KNEW" or should have "KNOWN". DUCK LYLES had a 30 Year Habit and History of MASTURBATION SIGHTINGS... REPORTS... CHARGES... IN DUCK LYLES INMATE RECORDS. And Mr. John Bacus who

40
23 of 37
Was Improperly Placed in D2B 223 on June 4, 2018, Age
Nearly 60 Years Old. 5'11", 170 LBS. With Physical Psychological
Medical Impairments. who NEVER Had Any Warnings...
Sightings... Reports... Charges of masturbation or
Engaged in any Acts of indecent... Exposure of my
parts of his body to anyone in SCNC... In His Nearly
60 Years Here on Earth.

And Mr. Baccus Ask OFFICER TO TAKE ~~JUDICIAL~~
DENIAL NOTICE OF BOTH MR. BACCUS AND LYLES
INMATE RECORDS REGARDING MASTURBATIONISM CHARGES
TO ALSO DISPUTE THE FALSE... MISTAKEN... 854 CHARGE
AGAINST MR. BACCUS

Mr. John Bocelli #187393 34 of 37
 Perry Court. R.H. Smith #16
 430 Oak Lawn Road
 Petta, J.C. 20669

June 29, 2018

TO: ATTENTION SOA/ADA COORDINATOR
 JENC Head Quarters
 Post Office Box 20767
 Columbia, SC 29221-1167

Dear SCAC SOA/ADA Coordinator:
 Will you please send or help me.

1. In Retaliation For Preparing... Filing... Reporting... [TUS.]
 Section 1493 Since December 6, 2014 Thru July 2018 And ongoing,
 JENC Attorney Director Brian P. Stirlings Wardens Scott Lewis Has
 Enabled Their Prison Keepers Warden Bennett Capt. Harvuff Lt. Adam
 Bradburn AKA Robert Blackburn Sgt. Butler And Other To Put Me
 In Administrative Segregation On April 19, 2016 Then Again on
 June 11, 2018 By Abusing... Wasting... Their White Female Guard
 Sgt. Rachel Mussen (Who Is Eager To Do Anything For Rank Including
 Sacrifice Her "Code of Ethics") To Scream... Alleged... File False
 Charges Against Black Inmates Mr. Bocelli (Who Never Had A
 Masturbation... Warning... Report... Or Incident In Her 59 Years)
 By Putting Me In Q2B Cell #223 June 4, 2018 With I/M
 Duck Lyles Who Nearly Every PRT Officer "Knew" Or Had Reason
 To Know Duck Lyles Has A 30 Year Incarcerated Habit And
 History Of Masturbation Sightings... Warnings... Reports...
 Charges In Duck Lyles I/M Records And The "ONLY IDENTIFICATION"
 Sgt. Rachel Mussen Provided To Support Her False Charges Against
 Me "Was During The June 28, 2018 Disciplinary Hearing By
 Phone Deposition... Was That Mr. Bocelli Was The Shorter Of The Two (2)
 Black Males In Q2B Cell 223... 18 Days After Sgt. Mussen's
 June 11, 2018 "DELIBERATE AND CALLOUS INDIFFERENT" Incident Report
 Against Me Without Any Identifications Of Me Whatsoever... Except For What
 Hearing Officer R.L. Turner "ARBITRARILY" Adopted As A Witness Testimony 1829

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

TO: NAME: C. HINDENBERG I GC	TITLE: I GC	DATE: JULY 1, 2018
INMATE'S NAME: MR. BACCHUS J.	SCDC #: 187393	
INSTITUTION: PERRY C.I.	LIVING QUARTERS: RHU/SMU #16	

1. I AM REQUESTING THE DISPOSITION OF MY JUNE 28 2018
STEP 1, GRIEVANCE IN REFERENCE TO INCIDENT REPORT #26
DISCIPLINARY AND HEARING REPORT AND A HD HEARING
BEFORE R. L. TURNER.

2. ALSO, BEING THAT I AM IN ADMINISTRATIVE SEGREGATION
PLEASE PROVIDE ME WITH ALL OF NECESSARY RULES, FORMS,
POLICY PROCEDURES TO PURSUE... APPEAL THE
DECISIONS OF THIS ADMINISTRATION.

And Thanks Mr John Green

DISPOSITION BY STAFF MEMBER:

Rules/Policies are available through the Law
Library when you are on the yard and
at the Control Room when in RHU

DATE: 7-19-18	SIGNATURE: C. Hindenberg
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MENTAL HEALTH COUNSELOR-CLIENT CONFIDENTIAL CORRESPONDENCE

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

7/12/2018 From: Edward Mason REQUEST TO STAFF MEMBER

TO: NAME: <u>MR. MASON</u>	TITLE: <u>MENTAL HEALTH COUNSELOR</u>	DATE: <u>JULY 6, 2018</u>
INMATE'S NAME: <u>MR. BACCUS J.</u>		SCDC #: <u>187393</u>
INSTITUTION: <u>PERRY C.I.</u>		LIVING QUARTERS: <u>~~RHULSMU #16~~ Q3A211</u>

I. As you are well aware, my June 11, 2018 placement in RHULSMU #16 is for the same reasons you and Warden Susan Duffu visited me in RHULSMU June 18, 2018. And also why per Warden Scott Lewis staff illegally retaliated against me filing [CHRS] and Section 1983... 504 VANA... Grievance suits... Including why on June 19, 2018 Law Library Jordan Moore refused to make photocopies of that Section 1983... Suit documents, or even provide me with enough legal supplies paper pen envelopes to hand copy or typewriter to meet Moore's approval for photocopying... which Moore had also refused to provide me, and Mail Room T. Conwell and N.C. Marchant returning my R.T.s in addressed to you... Restricting (mine and your) Mental Health Counselor-Client Confidential Communications... Therefore, IMPAIRING... DISABLING... DELAYING... MENTAL HEALTH PROGRAMS AND SERVICES when Moore, T. Conwell N.C. Marchant intercept reading, sharing, faxing, withholding, destroying information from... BETWEEN ME AND YOU ABOUT MY ABUSE... TORTURE... BY SEND ALL STAFF IN THE PAY OF THE MENTAL HEALTH AND DEPT. OF JUSTICE AGENCY OR PROGRAM. And my question to you is what can you do about it?

DISPOSITION BY STAFF MEMBER:

Mr. Baccus,

I am not aware of staff restricting communication. However as they are not my staff your concerns have been forwarded to my on-site supervisor, Alw Duffu to address the security and mail room.

Mason

DATE: <u>7/12/18</u>	SIGNATURE: <u>[Signature]</u>
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7/12/2018 McCorty T. W. m. D. Hear 6/20/18 DHO Tape
 Kemptape 6 Year SOUTH CAROLINA DEPARTMENT OF CORRECTIONS 27 46 27
 REQUEST TO STAFF MEMBER

TO: NAME: R. L. TURNER DHO	TITLE: DHO	DATE: JULY 9, 2018
INMATE'S NAME: MR. BACUS T. W. m. D. BACUS	SCDC #: 187393	
INSTITUTION: PERRY COR. INST.	LIVING QUARTERS: RML/SMU #16 Q3A 211	

I AM REQUESTING THE DISPOSITION OF MY 7/2/2018 RTSM TO
 YOU TO PRESERVE... PROVIDE ME... COPY OR
 VERBATIM OF JUNE 28 2018 DISCIPLINARY HEARING
 THAT YOU AND SGT. RICHEL MURPHY CONDUCTED... COLLUSION
 PLEASE PROVIDE ME WITH COPY OF JUNE 28, 2018 DHO TAPE...
 OR VERBATIM COPY TO APPEAL YOUR DECISION.

And Thanks.

CC: SCDC HEADQUARTERS; 504/AAA; D.D.J.

DISPOSITION BY STAFF MEMBER:	
~~I am forwarding this to u/m Glenn who will arrange for you to hear your recording. You cannot have a transcript.~~	
DATE: 7/12/18	SIGNATURE: [Signature]

Dear Appellant:

10/26/2018

Page 6

Below is information regarding your case which has been filed with the ALC. Please refer to the Rules of Procedure (enclosed) for the time frames on filing briefs and other matters.

Case number	Inmate number	Inmate first name	Inmate last name	Grievance No	Respondent	Filing date	Date Assigned	Judge last name
18C0491	187393	JOHN	BACCUS	PCI 538-18	DOC	10/5/2018	10/26/2018	DURDEN

You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Dept. of General Counsel, S.C. Dept. of Corrections, PO Box 21787, Columbia, SC 29221.

FILED

OCT 26 2018

SC ADMIN. LAW COURT

3
Show that "DISMISSAL WITH PREJUDICE" Will deprive The Appellant
OF A "SUBSTANTIVE PROPERTY:" Right or Preclude The Plaintiff From
Raising A Proceeding That Involves A Question of "EXCEPTIONAL
IMPORTANCE AND PUBLIC INTEREST CONCERN" ("SEE ISSUE") — HAS NOT
BEEN MADE TO THE Department Of Public Safety And Department Of
Justice Solely TO Prove A "COMPLIANCE", Or A "FAILURE TO FULLY
COMPLY WITH THE REQUIREMENTS THAT SUCH A "REPORT" BE MADE TO
THE DEPT. OF PUBLIC SAFETY AND DEPT. OF JUSTICE".

SEE:

WOLFF V. MC DONNELL, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed. 2d 935 (1974)

NEESE V. UTAH Bd. OF PAROLES AND PROBATION, 2017 UT 84 (2017)

STACANOW V. MCFADDEN, 183 F.3d 1466 (9th Cir. 1996)

CONCLUSION

BECAUSE Respondents, ALL Judge Deborah Brooks Burden Deliberately
Callously Recklessly Deprived Peoples of Another Race, Appellant John
Bogardus Liberty, Life And Property Rights TO EQUAL ACCESS TO Public
Accommodations, Facilities, Programs And Services, AS WELL AS Waste,
Fraud And Abuse Affecting A Dept. Of Public Safety And Dept. Of
Justice Agency or Programs, Totalling Several Billion Dollars TO
Foreign Agencies And instrumentalities of the ("AMBULUS SYSTEM"),
IT WAS NOT APPROPRIATE TO DISMISS APPELLANT'S "EXCEPTIONAL
IMPORTANCE AND PUBLIC INTEREST CONCERNS" "SEE ISSUE" WITH
PREJUDICE, THIS IS APPELLANT'S PRAYER.

NOVEMBER 9, 2018

COREN VILLES SOUTH CAROLINA

Michael Corcoran, A Natural Person

NOVEMBER 9, 2018

CERTIFICATE OF SERVICE

I, JOHN BOWEN, A natural person, did this date serve
MOTION FOR RECONSIDERATION.

By placing 1 copy of the same in the Respondent's Prison Mailing
System, and addressed as follows:

Clerk's Office
South Carolina Administrative Law Court
1205 Pendleton Street, Suite 214
Columbia, SC, 29201

THIS 9TH DAY OF NOVEMBER 2018.

Mr. John Bowen

1/4th COPY TO BE FILED STAMPED RETURNED TO APPELLANT IN S.A.S.B.

Mr. John Baucus
Perry Corr. Inst.,
430 Oak Lawn Road
Peizer, S. C. 29169

November 9, 2018

Clerk's Office
South Carolina Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, S.C. 29201

RECEIVED

NOV 14 2018

P.C.I. MAILROOM

RE: DOCKET NO. 18-ALJ-04-0491-AP
GRIEVANCE NO. PCT-0534-18
MOTION FOR RECONSIDERATION

Dear Clerk:

I am enclosing The Original and A Copy of The:
MOTION FOR RECONSIDERATION PURSUANT TO (ALC)
RULE 1-72... ESP., RULE 1, 2, 8, 9, 10, 11, 16, 24, 26,
30 AND RULES GOVERNING THE JUDICIARY AND
EMPLOYEES OF THE JUDICIAL DEPARTMENT, RULES
501 THRU 605...

In The Above Enclosed Referenced Case, I Would Appreciate
Your Filing The Enclosed And Returning To Me A Filed-
Stamped Copy In The Enclosed Stamped S.A.S.B. Envelope.
Thank You For Your Cooperation And Assistance In This Regard.

Sincerely, Mr. John Baucus, A Natural Person
CC: Dept. of Public Safety and Dept. of Justice
South Carolina Judicial Misconduct