

Executive Order 2000-11

(February 16, 2000)

WHEREAS, an individual held in a pretrial confinement facility may be transferred to the custody of the South Carolina Department of Corrections for safekeeping by commitment duly authorized by the Governor pursuant to § 24-3-80; and

WHEREAS, the current guidelines and procedures for approval for the admission and detention in an institution of the Department of Corrections for safekeeping of a prisoner tendered by a law enforcement officer of this State are set forth in Executive Order #76-15, issued May 17, 1976; and

WHEREAS, there is a need to establish new criteria and procedures for approval for the admission and detention in an institution of the Department of Corrections for safekeeping of a prisoner tendered by a law enforcement officer of this State and rescind the previous safekeeping procedures set forth in Executive Order #76-15.

NOW, THEREFORE, I hereby establish the following criteria and procedures for approval for the admission and detention in an institution of the Department of Corrections for safekeeping of a prisoner tendered by a law enforcement officer of this State and rescind the previous safekeeping procedures set forth in Executive Order #76-15:

Section 1. An individual held in a county pretrial confinement facility may be transferred to the custody of the South Carolina Department of Corrections by commitment duly authorized by the Governor pursuant to § 24-3-80, if the individual: (1) is a high escape risk; (2) exhibits extremely violent and uncontrollable behavior; and/or (3) must be removed from the county facility to protect the individual from the general population or from other detainees.

Section 2. To obtain an order of safekeeping, a county must apply to the Director of the Department of Corrections, with notice to the individual's attorney. The application must include: (1) a properly issued arrest warrant for the individual; (2) an affidavit from the chief county law enforcement officer providing the reason(s) why the individual should be committed to the custody of the Department of Corrections; (3) a certificate prepared by the circuit solicitor indicating concurrence with the proposed safekeeping transfer; (4) a certificate of service indicating that notice of the application of safekeeping has been filed by the county has been given to the individual's attorney. Upon receipt of the application, the Director of the Department of Corrections shall review the documents submitted and any other relevant facts and forward his recommendation of action to the Governor. If issuance of a safekeeping order is recommended, a draft order will be forwarded with the Director's recommendation to the Governor for consideration.

Section 3. Upon receipt of the recommendation of the Director of the Department of Corrections, the Governor shall make a determination as to whether a safekeeping order should be granted and, if appropriate, issue the requested order.

Section 4. Upon issuance of a safekeeping order, officials of the county requesting the order must

deliver the individual to the Department of Corrections and provide the Department with all appropriate documentation and relevant records relating to the individual, including but not limited to any special facts, issues, or circumstances known to the appropriate county officials concerning the particular propensities, special medical or dietary needs of the individual, or any special dangers posed by the individual.

Section 5. Safekeeping orders for detention in the Department of Corrections are valid for no more than one hundred twenty (120) days from the date of issuance. A safekeeping order may be renewed for up to ninety (90) days upon a showing of good cause and/or no material change in circumstances. If the order is not renewed, the individual must be transferred back to the applicable county detention facility. The Department of Corrections must notify the proper county officials at least ten (10) days prior to the expiration of the safekeeping order.

Section 6. A safekeeping order must not be utilized as a means to acquire or provide medical services, medical attention or to hospitalize a pretrial detainee in the Department of Corrections. Mentally ill or retarded individuals are not eligible for safekeeping at the Department of Corrections.

Section 7. All medical costs associated with an individual held by the Department of Corrections for safekeeping who develops a need for hospitalization or other special medical attention while in the custody of the Department of Corrections is the responsibility of the County that requested the safekeeping of the individual.

Section 8. Transportation to court hearings and necessary appointments of an individual being held for safekeeping by the Department of Corrections is the responsibility of the County that requested the safekeeping of the individual. In emergency situations, the Department of Corrections may provide transportation.

Section 9. A safekeeping order or renewal may be issued orally by the Governor under extraordinary circumstances; provided, however, that a written order must be issued as soon thereafter as practicable.

Section 10. Any and all individuals in the custody of the Department of Corrections as of the date of this Executive Order pursuant to a safekeeping order issued pursuant to the guidelines and procedures set forth in Executive Order #76-15, are now subject to the provisions of this order.

Section 11. This Executive Order supersedes Executive Order # 76-15, issued May 17, 1976, and renders it void.