



## SCDC POLICY

NUMBER: **OP-10.12**

TITLE: SHOCK INCARCERATION

ISSUE DATE: May 30, 2024

RESPONSIBLE AUTHORITY: DIVISION OF YOUNG OFFENDERS **PAROLE AND REENTRY**

OPERATIONS MANUAL: **OPERATIONS**

SUPERSEDES: PS-10.12 (APRIL 1, 2004)

RELEVANT SCDC FORMS/SUPPLIES: 18-14, 18-54, 19-11, 19-145, 25-27 (Available from the Division of Young Offenders)

ACA/CAC STANDARDS: **(5-ACI-5A-02), (5-ACI-3C-01), (5-ACI-3C-05), (5-ACI-5C-02), (5-ACI-5C-05), (5-ACI-2E-10), (5-ACI-7B-01), (5-ACI-7D-15), (5-ACI-5F-01), (5-ACI-5F-06)**

STATE/FEDERAL STATUTES: South Carolina Code of Laws, 1976, as amended, Sections 24-13-1310 through 24-13-1330; South Carolina Code of Regulations, Section 33-2.

PURPOSE: To establish guidelines for identification, processing, placement, programming, and parole of eligible inmates placed in the Shock Incarceration Program (SIP).

POLICY STATEMENT: The Shock Incarceration Program (SIP) is a program to which eligible inmates are ordered by the Court to participate and serve 90 days in an incarceration facility designated as a "Shock" **unit** by the Director, SCDC. Intensive regimentation, and discipline, and rehabilitation therapy, and programming as set forth under South Carolina Code of Laws, 1976, as amended, Sections 24-13-1310 through 1330. **(5-ACI-5F-01)**

### SPECIFIC PROCEDURES:

#### 1. GENERAL GUIDANCE/ELIGIBILITY:

1.1 The SIP Coordinator will be responsible for the overall management of the SIP and will report to the Division Director, Young Offender **Parole and Reentry Services**. Pursuant to SCDC Policy ADM-11.36, "Dual Supervision," all personnel who are working in, or whose official work site is located in, an SCDC institution/center are under the general supervision of the Warden or designee during the time that they are in the institution and will at all times comply with Agency policies including approved institutional/center rules. See SCDC policy/procedure ADM-11.36, "Dual Supervision," for additional information.

1.2 An inmate ordered by the court for screening to enter the SIP must meet the following eligibility criteria:

- Must not have reached the age of 30 years at the time of admission to the **South Carolina Department of Corrections**.
- Is eligible for release on parole in two (2) years or less (eight (8) years incarcerative or suspended sentence);

- **"Must be a parolable offense"** as defined in Section 24-13-100;
- Has not been incarcerated previously in a state correctional facility or has not served a sentence previously in a Shock Incarceration Program (no prior commitment over 90 days); and
- Is physically and mentally able to participate in the program

## 2. EVALUATION FOR PLACEMENT IN SHOCK:

**2.1** *Upon arriving to SCDC, inmates who have been ordered to be screened for the SIP arrive at Kirkland or Graham Reception and Evaluation (R&E) Center. The designated R&E Intake employee will notify the SIP Coordinator, or designee that the inmate has arrived and was ordered to undergo an evaluation for possible placement in the SIP.* The SIP Coordinator or designee will log the arrival date of the inmate and proceed with the evaluation process.

**2.2** The R&E will schedule the inmate to undergo a **physical, psychological, and emotional evaluation in order to determine if an inmate is able to participate in this Program (SC State Statute 24-13-1330)**. These tests **must be completed, and notification provided to the court within fifteen working days if the inmate is physically, psychologically, or emotionally unsuitable for participation in the "Shock Incarceration Program". An unsuitable inmate must be returned to court for sentencing to another term as provided by law.** The R&E will start an application, SCDC Form 18-54, "Application for Court Ordered Shock Incarceration," on the inmate and obtain necessary information including parole address, test scores, and medical evaluation. An inmate will not be allowed to participate in the program unless s/he agrees to be bound by all the terms and conditions and indicates this by reading and signing the "Voluntary Agreement Statement" on Form 18-54. **R&E** will provide the following information to the SIP Coordinator or designee within three working days of the inmates' arrival for review. **(5-ACI-5A-02)**

- All commitment orders;
- Copies of all detainers, holds, and notifies

**2.3** The SIP Coordinator or designee shall review all information on inmates to verify that eligibility criteria and sentencing guidelines were met.

**2.4** Upon receipt of approved medical and psychological evaluations and verification of eligibility criteria, the SIP Coordinator or designee will prepare a report to the sentencing judge indicating the date the inmate will start the program. If an inmate is determined to be ineligible, the SIP Coordinator or designee will notify the sentencing judge of the reason and have the inmates placed in a non-shock facility.

**3. ORIENTATION:** Inmates approved for placement in the SIP will be assigned for a minimum of 90 days to a facility designated by the **South Carolina Department of Corrections, Agency Director** as a shock incarceration **unit**. Within 24 hours of arrival at the Shock Incarceration Unit (SIU), each inmate will receive an orientation that includes information on the following topics (additional topics may be added to the orientation as needed):

**3.1 Visitation** from immediate family members will be authorized after successful completion of the first **week** of the program. Holiday visits will be permitted as determined by **the Agency Director and/or Deputy Director of Operations/Designee**. **(5-ACI-7D-15)**

**3.2 Money** is contraband, and no form of money is to be in the inmates' possession. See SCDC Policy/Procedure ADM-15.12, "E. H. Cooper Account," for more information. (3-4279)

**3.3 Personal Property:** Each inmate is allowed to possess the following personal items:

- Three (3) letters;
- **No more than Ten (10)** pictures; and

- Personal hygiene items/correspondence supplies purchased from the canteen or provided as part of the indigent hygiene pack; *(5-ACI-2E-10)*

**3.4 Rules and Regulations for SIU:** A "Shock Incarceration Handbook" will be issued to each inmate. Inmates who do not understand the handbook contents will have the rules and regulations read to him/her by a staff member. Inmates *must* sign an acknowledgment stating that they understand the Handbook. Inmates will also be informed that they have access to non-restricted SCDC Policies/Procedures. *(5-ACI-53-01) (5-ACI-3C-02)*

**3.5 Parole addresses** are required prior to release to aid in parole supervision by the *South Carolina* Department of Probation, Parole, and Pardon Services (*SCDPPPS*).

**3.6 Daily Schedules:** *Education*, and life skills programs will either be made available to the inmates or appropriate instructions will be issued by the *SIP and/or* officers. Normally, schedules will be posted in *the unit's* common *area*.

**3.7 Program Extension and Removal Procedures:** A complete orientation in the disciplinary and medical extension and removal process will be given to each new inmate.

**3.8 Personal Hygiene:** Rules for cleanliness of living areas, clothing, appearance, and personal hygiene will be included in the "Shock Inmate Handbook."

**3.9 Shock** inmates *not possessing a verified H.S Diploma/HSED* will be administered the Test of Adult Basic Education ("TABE") test as soon as *reporting to the educational building*. This educational assessment will determine the educational level of the inmate and will be used to determine the inmate's proper placement in school. *(5-ACI-7B-01)*

**3.10** All Shock Inmates will undergo a program orientation and program assessment administered by the clinical counselors on the third (3rd) day of orientation. Information obtained at the assessment will be utilized to formulate individual treatment plans for the inmates.

**4. UNIFORMS:** Inmates in the shock program will wear only state-issued clothing. Standard uniforms will consist of blue jeans with white stripe down the side of each leg and a blue shirt with "SCDC" stenciled on the back. This uniform combination ensures the easy recognition of shock inmates to enforce the strict separation guidelines required by law.

**5. PROGRAM PARTICIPATION:** Program participation will include involvement in life-skills groups pertaining to those skills necessary to enhance opportunities for success when released. Topics *may* include, but not be limited to:

- Job seeking skills;
- Substance abuse education;
- Family relationships;
- Communication skills;
- Financial management;
- Decision-making and goal-setting;
- Pre-release/pre-parole planning;
- Sexually-transmitted diseases; and
- Gender responsive topics (will be included in units as appropriate).

**6. EDUCATION:** Education is mandatory for all inmates participating in the SIP. Individual levels of instruction will be based on TABE test scores. Inmates who have earned a high school diploma, GED, *or* higher *will work on obtaining WIN certification, essential soft skill, digital literacy and employability skills*. *(5-ACI-7B-01)*

## 7. DISCIPLINARY PROCESS:

**7.1 All Disciplinary infractions *will be handled as outlined in SCDC Policy OP-22.14, "Inmate Disciplinary System."* Disciplinary infractions** of a minor nature may be corrected by means of counseling, reprimands, loss of privileges, or other in-house actions in accordance with established shock incarceration disciplinary guidelines. Emergencies may occur where the ***SIP, Institutional Warden, officer or designee***, must stop a privilege in process or cancel all privileges for the safety and security of the unit ***or institution. (5-ACI-3C-01)***

**7.2 Repeat or major disciplinary infractions** will be referred to ***the institutional Disciplinary Hearing Officer***. The accused inmate should be present at the ***Disciplinary Hearing***, unless s/he waives attendance. After reviewing all pertinent information concerning the infractions, the hearing committee may:

**7.2.1** Administer or take privileges, reprimand, or take other in-house actions in accordance with established shock incarceration disciplinary guidelines.

**7.2.2 *The SIP Coordinator can staff the inmates' case for an extension in the SIP.***

**7.2.3 *The SIP Coordinator can staff the inmate's case*** for removal from the program ***and assignment*** to an appropriate non-shock institution to complete the original incarcerative sentence. ***(5-ACI-3C-05)***

**7.3 An inmate may also** be extended in or removed from the program based on non-disciplinary occurrences such as:

**7.3.1** A period of absence due to placement in SMU for disciplinary reasons or extended court appearance. The time missed in the program will result in an extension to ensure 90 days participation in the program.

**7.3.2** A medical/mental disability when the inmate is transferred to an appropriate institution to receive medical care. If the absence is no longer than 30 days, the inmate will be returned to shock and complete the balance of his/her 90-day shock sentence. The time missed in the program will result in an extension to ensure that the inmate participates in the program for at least 90 days.

**7.3.3** If it is determined that an inmate is unable to complete the shock program for medical reasons, the clinical counselor or appropriate personnel will inform the inmate of his/her status. SCDC Form 25-27, "Order of Shock Incarceration Removal," with the medical documentation attached must be forwarded to the Director, Division of Young Offender Services for approval. The SIP Coordinator or designee will inform the court in writing of the findings. The time missed in the program will result in an extension to ensure 90 days participation in the program. The day the inmate departs from and the date s/he returns will count as program days.

**7.3.4** If an inmate is temporarily removed from the shock program for mental health observation, the appropriate paperwork will be completed by the clinical counselor and forwarded to the SIP Coordinator. The counselor will continue to monitor the inmate at the inmate's current institution during this period, up to 30 days. If the absence is no longer than 30 days, the inmate will be returned to shock to complete the balance of his/her 90-day shock sentence. If the absence is longer than 30 days, the inmate will be processed for removal from the shock program. The time missed in the program will result in an extension to ensure that the inmate participates in the program for at least 90 days. The day the inmate departs from and the date s/he returns will count as program days.

**7.3.5** Conviction for an ineligible offense or a sentence creating a parole date in excess of two years;

**7.3.6** No verifiable address for release on parole;

**7.3.7** Failure of an external agency who holds an active warrant (i.e., County Sheriff, **SCDPPPS**, etc.) to pick up an inmate before 12:00 AM on the inmate's scheduled parole date.

**7.4** In all cases, if a disqualifier is corrected, the inmate will be considered for reinstatement in the program and/or release upon the completion of 90 days (or an appropriate extension up to 120 days).

**8. Conditional Release:** The Shock Program Review Committee will review inmates who have projected release dates. The review will consist of a record audit to ensure that all sentence and program requirements have been met, that victim/witness notification requirements are completed, and that all detainer(s) and outstanding changes and/or pending disciplinaries are satisfactorily addressed. The Shock Program Review will consist of a review of the YOA inmate's central record, SCDC Form 25-25, "Discharge Summary," and a review of the disciplinary screen for recent disciplinaries. An address inquiry will ensure that the inmate has an approved residence plan and verify that the inmate has completed all requirements for the Shock Incarceration Program.

**8.1 Information** will be provided verbally and in writing by using the "Certificate of Release" form which is provided by the South Carolina Department of Probation, Pardon, and Parole Services. Each inmate will acknowledge receipt of this information by signing in the *appropriate* section of the "Certificate of Release."

**8.2 Should there be changes in an inmate's status**, the institution/facilities will immediately notify the Program *Manager and/or Designee* for Shock or the *Division of Young Offenders Parole and Reentry Services*. Operations will be notified if the *Division of Young Offenders Parole and Reentry Services* has made changes to inmate's release status.

## **9. PAROLE:**

**9.1 Inmates who successfully complete the SIP** will be paroled for the remainder of their sentence, or if sentenced under the Youthful Offender Act, conditionally released under supervision until completion of the sentence conditions. Prior to parole a list of those persons scheduled for release will be provided for notification purposes to appropriate officials to include the South Carolina Department of Probation, Parole, and Pardon Services and the SCDC Victim Witness liaison, Offender Records, and the Division of Young Offender Services. *(5-ACI-5F-06)*

**9.2 Parole Eligibility - Shock incarceration inmates earn their release to parole by meeting the following criteria:**

**9.2.1** Complete all programmatic obligations

**9.2.2** Approved address/sponsor verified by an agent of the South Carolina Department of Probation, Parole, and Pardon Services in the inmate's county of residence;

**9.2.3** Completion of release orientation by Parole Agent and inmate's signature acknowledging his/her understanding of parole obligations, rules, and supervision on the appropriate section of the condition of release.

## **10. DEFINITIONS:**

**Eligible Inmate** refers to an inmate ordered by the court who meets all eligibility criteria for acceptance in the SIP.

**Extension** refers to a lengthening of the time an inmate must serve past their *90-day* parole date for disciplinary infractions or failure to comply with program requirements. An inmate may be extended up to 30 days to correct deficiencies in any area. Each extension will be a maximum of 15 days.

**Fifteen Day Evaluation** refers to a time limit established by South Carolina Code of Laws, 1976, as amended, Section *24-13-1330*, to evaluate inmates ordered by the court to be screened for shock. Inmates must be assessed by the R&E staff and be found medically and psychologically capable of participating in the program. The SIP Coordinator or designee will review all sentences and determine if the inmate meets the criteria of a non-violent, first-time offender, age, and prior criminal history. A report is completed on each inmate and returned to the sentencing judge indicating the inmate's eligibility or disapproval.

**Immediate Family** refers to an inmate's mother, father, legal guardian, children (to include adopted), sister, brother, grandmothers, grandfathers, wife, husband, common-law spouse, stepparents, and stepchildren.

**Parole Address** refers to an address that has been approved by the South Carolina Department of Probation, Parole, and Pardon Services prior to an inmate's parole date. Inmates who have provided addresses that have not been approved will be extended up to an additional 30 days pending address approval.

**Privileges** refers to phone calls, visitation, canteen, and restricted television viewing that may be earned by shock inmates through proper behavior and rules compliance.

**Program Removal** refers to removal from the Shock Program because of non-compliance with program directives, excessive disciplinaries, or major rules violations. Inmates removed from the shock program will be placed in an appropriate SCDC institution to complete their sentences as imposed by the Court.

**Progressive Discipline** refers to the process in which the inmates are given various sanctions to correct minor rules infractions or behavioral problems. Progressive discipline consists of verbal reprimand, on the spot corrective measures such as loss of privileges, program extension, and program removal. Commitment documents will be closely checked by Classification for orders to return the inmate to court for re-sentencing.

**Shock Incarceration Program (SIP)** refers to a *90-day* program established under the South Carolina Code of Laws, 1976, as amended, sections 24-13-1310 through 1320 for first time, non-violent offenders who meet the eligibility requirements.

**The Disciplinary Board** hears charges against inmates and resolves them with sanctions established under shock progressive disciplinary system. These sanctions *include* loss of privileges, extra duty, combination of loss of privileges and and recommendation for disciplinary extensions up to 30 days or for program removal. *(5-ACI-5C-05)*

SIGNATURE ON FILE

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*s/Bryan P. Stirling* , Director

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