

South Carolina

WOMEN IN PRISON: 1,447 (12/99)ⁱ

Custodial Sexual Misconduct

Custodial Sexual Misconduct – Statute

§ 44-23-1150 – *Sexual intercourse with patient or trainee*¹

The South Carolina statute is hidden in the Health title at the end of the chapter titled Provisions Applicable to Both Mentally Ill and Mentally Retarded Persons under article 11 Treatment, Rights, and Privileges and Expenses of Patients Generally. Status offense. Felony. Sex act defined. Inmate in a facility. Does not include private prisons. Employee of a state or local correctional facility.

Does the law impose a criminal penalty on the inmate?	No	The law does not penalize the inmate.
Does the statute cover all relevant forms of sexual abuse?	No	The law is limited to sexual intercourse only. All other sexual acts, including other acts of penetration, are not prohibited.
Does the law allow an officer to claim an inmate consented to the sexual act(s) to avoid prosecution?	No	The law does not allow an officer to claim an inmate consented to avoid prosecution.
Does the statute cover all custodians and staff in contact with inmates?	No	The law only covers employees of the state or local correctional facility.
Does the statute cover all places where an inmate might be abused?	No	The law only prohibits sexual intercourse with an inmate in the facility.
Is the penalty a felony?	Yes	Violation is a felony with a 10-year sentence.

Custodial Sexual Misconduct – Allegations and Incidents

Indictments/Convictions (answer to AI letter requesting information) ⁱⁱ	Six individuals have been arrested for violations of the statute. No cases have been prosecuted yet. ⁱⁱⁱ
Incidents reported in select media since 10/98	<ul style="list-style-type: none"> - Women’s Correctional Facility, Columbia: Lt. Cagle admitted to having sexual relations with inmate. Other officers, including a captain, also admitted to having relations with inmates; all were fired. Governor Jim Hodges fired South Carolina’s prison chief after two guards were charged with letting inmates have sex at the Governor’s residence. <i>The Post and Courier</i> 10/16/00 and <i>AP</i> 1/11/01 - Wayne County Jail: Female inmates file lawsuit alleging sexual harassment and physical assault. Claims against officers Weaver and Thacker for sexual abuse. <i>The Charleston Gazette</i> 06/03/00 - Charleston County Jail: Officer charged with having sexual relations with two female inmates, fired. <i>The Post and Courier</i>, 06/04/99 - Women’s Correctional Center in Broad River, SC: On October 16, 1999, an unidentified former woman prisoner settled a lawsuit for \$115,000. The woman claimed she was raped while imprisoned at the Women’s Correctional Center in Broad River, SC. The woman claimed guard Anthony Green raped her and that SC prison officials then denied rape crisis counseling and psychiatric help for two years. Green later pleaded guilty to committing the rape and was sentenced to seven years in prison and three years probation. <i>Prison Legal News</i>, August 2000

¹ The South Carolina law is reprinted at the end of this section.

	- Richland County Jail: On June 27,1999, former Richland County Jail guard Bobby Walker was sentenced to 15 years in prison after being convicted of sexually assaulting a female prisoner who was on suicide watch, at the prison on five occasions. <i>Prison Legal News, November 1999</i>
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Custodial Sexual Misconduct – Policies, Procedures and Practices of Guarding Specific to Women

The following data is based on surveys performed by the National Institute of Corrections in 1996 and 2000, except in cases where further details have been available to AI from alternative sources.

Is the current Department of Corrections policy on custodial sexual misconduct language explicit?	Yes	Policy includes direct and specific language about the sexual nature of the behaviors prohibited. ^{iv}
Allow cross-gender pat-down searches?	Yes	Searches are predominantly same-sex. Cross-sex done only in emergency – “emergency” not defined. ^v
Restrictions on the duties of male guards?		Not known.
Was there staff training on sexual misconduct in 1996?	Yes	All staff receive eight hours of annual in-service training. ^{vi}
Has staff training been developed 1996-2000?	No	No new initiatives. ^{vii}
Were there special procedures for investigating allegations of sexual misconduct in 1996?	No	South Carolina is not specifically mentioned in the National Institute of Corrections report. However, it is noted that most Departments of Corrections use standard investigatory procedures with no special considerations for the nature of the complaint. ^{viii}
Have new investigation procedures been introduced 1996-2000?	No	No new initiatives. ^{ix}
Were inmates informed of agency policies about sexual misconduct in 1996?	Yes	Policies are covered in specific training presentation, in the standard inmate orientation and in the inmate handbook. ^x
Have procedures on informing inmates about sexual misconduct been revised 1996-2000?	No	No new initiatives. ^{xi}

Custodial Sexual Misconduct –Legislative Proposals 2000-01

<i>None</i>

Parenting and Pregnancy in Custody

Pregnancy - Relevant Statutes/Administrative Rules

Legislation banning shackling in the third trimester or during labor	No	South Carolina has no legislation limiting the use of shackling on pregnant inmates.
Administrative rules concerning pregnancy and delivery		Not known.

Pregnancy – Reported Incidents of Shackling

Lori Griffin was sent from jail to the hospital in handcuffs and leg irons for pre-natal care and, when in labor, was handcuffed to the bed during the entire delivery. Other women also suffered horrible conditions such as being handcuffed and shackled at the legs upon entry. Attached to the handcuffs were three-inch wide leather belts that were wrapped around their stomachs, some while the women were still bleeding from childbirth. One woman complained of having been grabbed in a chokehold and shoved into detention.^{xii}

Pregnancy and Parenting - Policies, Procedures and Practices

Use of restraints in third trimester	Yes	South Carolina Department of Corrections stated policy stipulates that the Warden and health services staff determine any and all changes when medical conditions warrant a change in the normal restraint policy. ^{xiii}
Restraints during transport	Yes	See above.
Restraints during labor	Yes	South Carolina DOC policy states that restraints can only be reduced upon the express wishes of the Health Care Provider and agreed to by the Warden/designee. ^{xiv}
Officer in delivery room	Yes	According to South Carolina DOC, a female guard is always stationed inside room. ^{xv} South Carolina DOC policy states that the guard is to be placed outside the room during surgical procedures. ^{xvi}
Parenting programs specific for women	No	South Carolina DOC provides no parenting program specifically for women. ^{xvii}
Special visitation rights for women	No	South Carolina DOC has no special visitation rights for women with children. ^{xviii}
State Mother and Child Residency Program	No	South Carolina DOC has no residential program for inmate mothers and their infants/children. ^{xix}

Contact information

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

DOC Director William D. Catoe South Carolina Department of Corrections 4444 Broad River Road/P.O. Box 21787 Columbia, SC 29221 Phone: (803) 896-8555; Fax: (803) 896-1220	Home page: http://www.state.sc.us/scdc/ Email: corrections.info@doc.state.sc.us
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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS FACILITIES FOR WOMEN

Women's Correctional Institution <i>Female inmates: 863^{xx}</i> Design Capacity: 468 Warden: Mary B. Scott 4450 Broad River Road Columbia, SC 29210-4096 Phone: (803) 896-8590 Home page: http://www.state.sc.us/scdc/wcc.htm Houses special needs women.	State Park Correctional Center <i>Female inmates: 416^{xxi}</i> Design Capacity: 370 Warden: Pris Phillips P.O. Box 98 State Park, SC 29147 Phone: (803) 935-7243 Home page: http://www.state.sc.us/scdc/spcc.htm	Leath Correctional Institution <i>Female inmates: 445^{xxii}</i> Design Capacity: 484 Warden: E. Richard Bazzle 2809 Airport Road Greenwood, SC 29649 Phone: (864) 229-5709 or Home page: http://www.state.sc.us/scdc/lciw.htm
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SOUTH CAROLINA EXECUTIVE

<p>Governor James Hovis Hodges[D] P.O. Box 11829 Columbia, SC 29211 Phone: (803) 734-9400; Fax: (803) 734-9413 Email: governor@govoepp.state.sc.us</p>	<p>Home page: http://www.state.sc.us/governor Contact page: http://www.state.sc.us/governor/contacts.html Elected: 1998</p>
<p>Attorney General Charlie Condon [R] P.O. Box 11549 Columbia, SC 29211 Phone: (803) 734-3970 email: info@scattorneygeneral.org</p>	<p>Homepage: http://www.scattorneygeneral.org/</p>

SOUTH CAROLINA LEGISLATIVE INFORMATION

<p>Legislative Session: The Legislature begins in session annually on the second Tuesday in January and must adjourn no later than the first Thursday in June unless an extension is voted by a two-thirds vote of both Houses. The Governor may call the General Assembly into a special session.</p> <p>Senate: 46 members, 4-year terms House: 124 members, 2-year terms General Election is held in even-numbered years.</p>	<p>General Assembly home page: http://www.leginfo.state.sc.us/default.html Legislative information: http://www.leginfo.state.sc.us/work/current.html Bill search: http://www.leginfo.state.sc.us/work/113/bills/billinfnew.html Bill information phone number: (803) 734-2060</p>
<p>Senate P.O. Box 142, Columbia, SC 29202</p>	<p>Senate Home Page: http://www.leginfo.state.sc.us/senateframe.html</p>
<p>House of Representatives Blatt Bldg., Columbia, 29211 (The Whitney)</p>	<p>Home page: http://hod.state.va.us/welcome.htm</p>

WOMEN IN PRISON - NGO RESOURCES

The organizations listed are not endorsed by or affiliated with Amnesty International.

<p>Prisoner Advocacy Network 1100 Skyland Drive #P2 Columbia, SC 29210 <i>Categories: Prisoners' Rights</i></p>
<p>South Carolina Advocates for Pregnant Women 171 Church Street Suite 160 Charleston, NC 29401 Phone: (843) 720-3272 Fax: (843) 722-8250 Email: scapw11@aol.com <i>Categories: AIDS/Medical Neglect/Health Care, Research/Analysis, Women in Prison</i></p>
<p>Alston Wilkes Society 3519 Medical Drive Columbia, SC 29203 Phone: (803) 799-2940 <i>Social service organization providing broad range of services to offenders and their families.</i></p>
<p>ACLU of South Carolina 1338 Main Street, Suite 800 Columbia, SC 29201 Phone: (803) 799-5151 Email: aclusc@aol.com</p>

- ^{vi} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Agency Response, and Prevention," National Institute of Corrections, Colorado, November 1996
- ^{vii} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, May 2000
- ^{viii} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Agency Response, and Prevention," National Institute of Corrections, Colorado, November 1996
- ^{ix} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, May 2000
- ^x US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Agency Response, and Prevention," National Institute of Corrections, Colorado, November 1996
- ^{xi} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, May 2000
- ^{xii} Cornelia Whitner v. State of South Carolina, 328 S.C. 1; 492 S.E.2d 777; 1997 S.C. Lexis 203; 70 A.L.R.5th 723.
- ^{xiii} South Carolina Department of Corrections Policy/Procedure OP-22.10, "Transportation of Inmates Outside the Institution" p.4; 3. Policies sent by David Jordan, Director of Executive Affairs, 01/22/2001
- ^{xiv} South Carolina Department of Corrections Policy/Procedure OP-22.10, "Transportation of Inmates Outside the Institution" p.4; 3. Policies sent by David Jordan, Director of Executive Affairs, 01/22/2001
- ^{xv} Phone conversation with Public Information Officer, John Barkeley
- ^{xvi} South Carolina Department of Corrections Policy/Procedure OP-22.10, "Transportation of Inmates Outside the Institution." Policies sent by David Jordan, Director of Executive Affairs, 01/22/2001
- ^{xvii} US Department of Justice National Institute of Corrections Information Center, "Current Issues in the Operation of Women's Prisons," National Institute of Corrections, Colorado, September 1998
- ^{xviii} US Department of Justice National Institute of Corrections Information Center, "Current Issues in the Operation of Women's Prisons," National Institute of Corrections, Colorado, September 1998
- ^{xix} General Accounting Office, "Managing Female Inmate Populations," GAO/GGD-00-22, 2000
- ^{xx} Average Daily Population, South Carolina Department of Corrections, Women's Correctional Institution
- ^{xxi} Average Daily Population, South Carolina Department of Corrections, State Park Correctional Center
- ^{xxii} Average Daily Population, South Carolina Department of Corrections, Leath Correctional Institution