

**Spartanburg County Detention Facility  
Jail and Detention  
Policies and Procedures**

<b>Subject: Inmate Visitation</b>	<b>Policy Number: 12.01</b>
<b>Issue Date: November 11, 2008</b>	<b>Revision Date: As needed</b>
<b>Approval Authority Title and Signature: Larry W. Powers, Director</b>	

**SPARTANBURG COUNTY IS AN AT WILL EMPLOYER AND NOTHING CONTAINED HEREIN CHANGES AND/OR ALTERS THAT RELATIONSHIP. THIS MANUAL IS NOT A CONTRACT EITHER EXPRESSED OR IMPLIED NOR DOES IT BIND THE COUNTY OR THE DEPARTMENT TO ANY SPECIFIC OR DEFINITE PERIOD OF EMPLOYMENT. THE DIRECTOR RESERVES THE RIGHT TO CHANGE; DELETE; OR MODIFY THIS POLICY AT ANY TIME. ALL EMPLOYEES OF THE JAIL SERVE AT THE PLEASURE OF THE DIRECTOR WITH THE CONCURRENCE OF THE COUNTY ADMINISTRATOR PURSUANT TO COUNTY ORDINANCE #229.**

**POLICY:**

Spartanburg County Detention Facility (hereafter referred to as the jail or the department) permits inmates to have visits with family, friends, and their attorneys under conditions that are consistent with the security of the facility.

This policy is for internal use only, and does not enlarge an officer or employee's civil or criminal liability. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third parties. Violations of this directive, if proven, can only form the basis of an internal complaint and corresponding discipline in a non-judicial administrative setting. Nothing contained herein is intended to create an enforceable right or a private right of action against the department; Spartanburg County; the Director; or its officers and staff. It is intended strictly for internal management purposes and does not create any third party rights to any member of the public; inmates/detainees; or their families.

**PENOLOGICAL INTEREST:**

It is in the penological interest of this detention facility to provide reasonable and necessary security and safety standards, control, supervision, and oversight of inmates while confined to this facility.

**PROCEDURE:**

<p><b>RESTRICTED LAW ENFORCEMENT DATA</b></p> <p>This data is proprietary and shall not be duplicated, disclosed, or discussed, without the written permission of this agency. Data subject to this restriction is contained throughout this publication.</p> <p>Page 1 of 4</p>
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The Director is responsible for the operation of the visiting program. Visiting regulations include regular scheduling of visits at times that assure reasonable access to inmates by family, friends, and others in the community.

The Director will establish limits to the number and length of visit appropriate to the size of the visiting area and other relevant factors. Attorney visits may be scheduled separately. Notice is given to both visitors and inmates of contraband restrictions and visiting regulations, including procedures for obtaining approval for family members, friends, and others to visit. This information is included in the facility's orientation program.

## I. OVERVIEW

**While the courts have indicated that there may be some limited right to visitation, such right can be restricted or denied based on legitimate government interests related to the safe, orderly, and secure operation of the facility; to prevent continued criminal activities; or other similar concerns. In such cases where visitation has been restricted and/or denied, alternative means of communicating with family and friends may be established via correspondence through the U.S. Mail and/or via the use of the inmate telephone system as may be appropriate.**

Generally, an inmate detained in the Spartanburg County Detention Facility (jail) is granted one (1) hour of visitation per week, unless such privilege has been restricted as noted above. To provide the inmate with an opportunity to visit with as many friends and relatives as possible during this one (1) hour, the allotted hour will be divided into two (2) thirty minute time slots per week, and the inmate may have up to two (2) visitors per slot. An officer will come to each inmate's housing unit on Saturday and Sunday of each week with a list of available time slots. Each inmate will be asked to select two (2) time slots from the available slots with the understanding that due to limited visiting facilities; the number of inmates housed in the facility; and other factors, that there will be times that a particular time slot that an inmate desires may not always be available. **Note: Inmates who enter the facility after the list has been completed and/or during the week will have to wait to the next weekend, before they are eligible to schedule visits unless otherwise permitted within this policy.** Once an inmate has selected the two (2) slots that he/she desires for that week, he/she will then be allowed to list up to four (4) potential visitors'; names that he/she wishes to visit during the coming week. Inmates may change these names each week during the sign-up period. It is the inmate's responsibility to notify perspective visitors of the following visitation rules:

## II. VISITATION RULES

- A. **Times selected for visits.** Except in cases where an inmate has some form of mental disability and comprehension, facility staff will not inform visitors of such scheduled visits. The reason for this policy is as follows:

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1. The inmate needs to assume responsibility since he/she best knows how to contact family and friends and what times best suits their individual schedules.
  2. In the past, conflicts have developed between girlfriends and wives; parents and spouses; and others over visits. The potential for such conflict is reduced when the inmate makes the notification of who he/she wishes to visit.
- B. Visitors must be present at the jail at least thirty (30) minutes prior to the scheduled visit to sign-in.** Visitors arriving late will not be permitted to visit.
- C. All visitors, with the exception of small children, must have and present a picture identification (i.e. a driver's license or state identification card).**
- D. All visitors are expected to act in an orderly manner and that they are to dress appropriately.** All visitors are to be dressed appropriately, including wearing appropriate footwear. Visitors who appear without shoes and/or dressed inappropriately will be prohibited from visiting. Inappropriate attire is defined as (but not limited to) the following: Clothing exposing breasts; cleavage; buttocks or genitalia; shorts, skirts, or dresses shorter than mid thigh; bare midriffs; sheer (see-through) clothing and/or clothing that allows undergarments to be seen or exposed; any other clothing of an inappropriate nature. Male and female visitors found deliberately exposing his/her chest; breasts; or genitalia to others, will at a minimum be removed from the visiting area with all future visits denied; and where appropriate, criminal charges will be sought and prosecuted to the fullest extent of the law.
- E. Visitors who appear under the influence; act in a disorderly manner; verbally or physically threaten officers and staff; attempt to furnish contraband; attempt to rescue a prisoner(s) and/or aid in an escape; carry a firearm and/or a concealed pistol; willfully damage jail fixtures; or commit violations of the criminal codes of the State of South Carolina while on jail property are subject to arrest and prosecution for such violations.**
- F. Visits by children are limited as follows:**
1. Visitation by children is limited to immediate family i.e. sons; daughters; grandchildren; brothers; and sisters. Nieces; nephews; and others are not permitted.
  2. Only two children are permitted to visit without prior approval at any given time.

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3. Children count as one of the two approved visitors per visiting slot.
4. Children must be accompanied by a parent or legal guardian, and such person is to be responsible for staying with the child/children and ensuring that appropriate levels of supervision and behavior are maintained.
5. Such visits shall not be in violation of court orders, and all court orders will be enforced.
6. For the purposes of this policy a child is anyone under eighteen (18) years of age.

G. **All Visitors are subject to search.** Generally, all visitors to the facility will be required to pass through an electro-magnetic metal detector and/or have a hand held metal detector passed over their person to detect any hidden weapons in their possession. In the event that the detector(s) is broken or not available, an officer of the same sex, except under limited and exigent circumstances, will conduct a “pat-down”; search of the visitor’s person. All metal objects; keys; knives; nail files; and other objects that can readily be used as a weapon are prohibited from entering the facility. In the event that such items are discovered, the visitor will be requested to return the items to his/her vehicle where they are to be secured. Lockers are available in which to store car keys and other small items. As a rule, strip searches are not authorized for visitors, except as follows:

1. During a search using the metal detector and/or pat-down search, a weapon is discovered. Based on probable suspicion/belief that other weapons may exist, a strip search may be conducted in conjunction with an arrest.
2. During the initial pat-down search, it is discovered that a person has illegal drugs in his/her possession, then based on probable suspicion/belief that other drugs may exist, a strip search may be conducted in conjunction with an arrest.
3. In conjunction with a search warrant based on probable cause as issued by the court.
4. If drugs and/or weapons are detected in handbags; briefcases; and/or in other items carried by the visitor(s), then a strip search based on probable suspicion/belief that other such items may exist may be conducted in conjunction with an arrest.

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5. If a visitor is caught in the act of “dropping off” drugs or weapons to an inmate, then a strip search may be conducted in conjunction with an arrest based on probable suspicion/belief that other items may exist.
6. Should a visitor refuse to submit to a search whether by passing through the metal detector and/or a physical “pat-down” search, such refusal shall be sufficient grounds to terminate their visitation privilege, and such privilege shall not be restored unless the visitor appeals to the Director and/or his designee and provides sufficient reason as to why his/her privileges shall not be suspended permanently. The decision of the Director in such cases is final.

H. **The following shall be basis for termination and/or refusal for visits:**

1. Security concerns
2. Failure to produce identification
3. Disruptive/disorderly behavior
4. Not on the inmate’s approved visitor’s list
5. Being under the influence of alcohol or drugs, including prescription medications
6. Refusal to submit to a search
7. Use of profanity
8. Lack of available space
9. Failure to conform to the required dress standards
10. Violation of existing court orders
11. Visitor found to be in violation of the state’s criminal laws
12. Visitor arrived late
13. Failure to cooperate and/or abide by the officer’s instructions
14. Visitation has been cancelled due to overriding facility concerns
15. Inmate to be visited has had his visitation privileges suspended

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16. Inmate to be visited is acting inappropriately either prior to and/or during the scheduled visit requiring it to be terminated

17. The inmate is unavailable due to court appearance; unscheduled medical appointment; and/or other valid reason

18. Other matters related to the secure and orderly operation of the facility

I. **Visitors are reminded that those persons found in violation of applicable local; state; and/or federal criminal laws are subject to arrest, and will be prosecuted to the fullest extent of the law.**

J. **Visitors are generally not permitted to leave anything for an inmate except money in the form of cash during the scheduled visit.** The exceptions to this rule are as follows:

1. Upon prior approval, an inmate may have his/her clothing exchanged for another set of clean clothing, provided such clothing has not been seized as evidence in a crime. However, no exchange will take place sooner than 48 hours from the time of the individual's entry into the jail. If an inmate is in transient between facilities and clothing is not needed for a jury trial, such clothing will not be exchanged.

2. Clothing may be brought to the jail (Annex I-the court holding facility) for the inmate to wear on the day of court, provided the inmate is scheduled for a "jury trial," and the court has so advised the jail. Inmates making initial appearance for bond; motion hearings; and/or to enter pleas shall wear clothing as issued by the jail.

3. Family members may drop off medications for the inmate's use provided:

a. The medication is in a prescription bottle and has been prescribed by a regular physician for the inmate.

b. The medication can be identified by the medical staff.

c. The prescription is currently valid; has not been abused or misused; and confirmation has been obtained by the prescribing physician.

d. The jail physician and the pharmacist has reviewed and approved the continued use of the medication.

e. Use of the medication, if approved, will not adversely affect the inmate's health due to his current physical condition.

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- f. Medications not approved will be returned to the family per applicable South Carolina State Law.
- g. Family members **may not** leave cigarettes; food; drinks; books; postage stamps; writing materials; and/ or other items. All such items are available for sale at the jail's canteen. Books; Bibles; various religious materials; and magazines are available in the jail's library and/ or may be ordered through the mail or parcel delivery from **the publisher**.
- h. In addition to the cash noted above, family and friends may also send money to an inmate via the U.S. Mail in the form of a postal money order and/or government check. **Do not send cash through the mail.** Monies not sent by U.S. Postal Money Orders and/or government checks will be returned to the sender.

### III. SCHEDULED VISITING TIMES

#### Males - Monday through Friday

##### Mornings

0830-0930 (8:30-9:30 am)  
0930-1000 (9:30-10:00 am)  
1030-1100 (10:30-11:00 am)

##### Afternoons

1300-1330 (1:00-1:30 pm)  
1400-1430 (2:00-2:30 pm)  
1500-1530 (3:00-3:00 pm)

##### Evenings

1800-1830 (6:00-6:30 pm)  
1900-1930 (7:00-7:30 pm)  
0800-0830 (8:00-8:30 pm)  
2100-2130 (9:00-9:30 pm)  
2200-2230 (10:00-10:30 pm)

#### Females - Saturday and Sunday

##### Mornings

0830-0930 (8:30-9:30 am)  
0930-1000 (9:30-10:00 am)  
1030-1100 (10:30-11:00 am)

##### Afternoons

1300-1330 (1:00-1:30 pm)  
1400-1430 (2:00-2:30 pm)

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1500-1530 (3:00-3:00 pm)

**Evenings**

1800-1830 (6:00-6:30 pm)

1900-1930 (7:00-7:30 pm)

0800-0830 (8:00-8:30 pm)

2100-2130 (9:00-9:30 pm)

2200-2230 (10:00-10:30 pm)

**IV. Professional Visitors**

Visits by ministers; law enforcement officers; and/or other professional visitors will be permitted at any reasonable time between 8:00 am and 10:00 pm Monday through Friday based on the availability of visiting space; whether the inmate is physically available; the visit does not interfere with scheduled medical appointments; court appearances; and/or other scheduled activities or unless there are overriding reasons not to permit such visits based on safety; security; and/or other legitimate concerns. To assist the facility in making sure that visiting space is available and to help eliminate any unnecessary delays and/or trips to the facility by the visitor, it is requested that all such visits should be scheduled in advance through the Director's Office. The facility reserves the right to restrict such visits to non-contact visits as determined to be appropriate by the jail staff. Professional visitors who may have family members present in the facility are requested not to abuse their privilege as a professional visitor and attempt to circumvent the normal visitation policy by using their special status. Persons found in violation will have such privilege/status suspended.

**V. Special Visits**

Normally, all visits will be scheduled as noted above; however, it is recognized that from time to time special circumstances may exist and as a result, visits may be approved outside of the normal visiting policy on a case by case basis. Special visits are generally approved on a one time or limited basis and they are strictly limited to immediate family members identified as: spouse, child, parent, grandparent, brother, and/or sister without exception. In the event that more than one immediate family member requests a special visit, the family will be asked to voluntarily select among themselves no more than two members, who if approved, will be allowed to visit. Due to limitations of space and staff and in fairness to other inmates and their families as well as efforts to maintain security, multiple requests for "special visits" will not be approved. Examples of approved circumstances are: Visitor lives out of state beyond normal driving distance and has to fly into town for scheduled visits; a visitor suffers from a major disability and requires special arrangements to visit; an attorney requests to meet with an inmate and his family to sign papers or prepare for court appearances on a limited basis, and denial of same would impede justice; and/or other special circumstances as approved by the Director. Requests for family or friends who are not on the visiting list; requests to visit inmates who family and friends have not seen for "one; two; or more years" for which the facility has or had no

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responsibility, such being a personal decision; or other similar requests do not qualify for special visits.

## **VI. Requests For Inmates to Visit Hospitalized Relatives**

Frequently, requests are made to allow inmates to visit hospitalized family members. As a general rule, such requests are not honored, except under very limited circumstances. While the jail staff attempts to be empathetic to inmates and their families, the jail has a greater duty to the citizens and public that they serve. As with any transport outside the confines of the jail, there are inherent risks. The risks include the potential for escape by the inmate; the possibility that someone will attack the inmate; the possibility that someone will attack the escorting officer(s); the possibility that citizens/bystanders may be indirectly exposed to inappropriate behavior and/or possible injury should an incident occur; the potential for disruptions to the hospital staff and other patients; increased stress to the patient being visited; etc. As a result, visits to the hospital are restricted to situations where the potential death of an immediate family member is imminent, with the following stipulations:

- A. Security is the overriding factor, and thus, even though a family member may be critically ill, such visit can be denied to ensure public safety.
- B. Such visits are scheduled only with the approval of the attending physician and hospital staff.
- C. All such visits are unannounced and scheduled only as officers and staff are available.
- D. Inmates will be dressed in orange transport clothing and in full restraints. Restraints will not be removed nor civilian attire approved.
- E. Such visits, if approved by the Director, will be limited to no more than fifteen (15) minutes.
- F. Immediate family members are defined as follows: Spouse; children; parents; grandparents; brothers; and sisters only without exception.

## **VII. Requests to Visit Hospitalized Inmates**

From time to time, it may become necessary to hospitalize individuals detained in the jail. Should such event become necessary, an officer and/or officers will be assigned to the inmate in an effort to prevent and/or deter the potential for escape; to prevent someone from injuring the inmate while under the jail's care; and to protect the public. As a general rule, hospitalized inmates are not permitted visits in an effort to protect the public's safety and to reduce the potential for disruption to the hospital and its patients. However, if the inmate's condition is critical, arrangements may be made through the Director's Office for

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limited numbers of the inmate's immediate family members to visit him/her at scheduled times as coordinated by the jail and hospital staff. Should such visits be approved, family members are reminded that the inmate is still in the custody of the jail and under the control of the officer(s) assigned to the hospital, and as such, the "walls of the jail have simply moved to the hospital." As a result, family members may not bring food; money; and/or any other items to the inmate, no exceptions. Visits are to be limited to only fifteen (15) minutes and then only as scheduled. Family members may not stay in the room nor congregate outside in the hallway. Failure to cooperate with the officers and the established schedule will result in all future visits being terminated and where appropriate, criminal charges filed.

### **VIII. Requests for Inmates to Attend Funerals - Family Visitation**

A. Occasionally, requests are made for inmates to attend funerals. Due to the following, all such requests are denied:

1. Safety and security concerns related to the inmate; the officers; and the public.
2. Potential for escape.
3. Potential for officers to be injured.
4. Potential for injury to members of the public.
5. Prior to stopping the practice of escorting inmates to funerals in the mid to late 90's, situations developed whereby family members attempted to physically separate the officer and inmate from each other; attempted to intimidate the officer into allowing the inmate to sit with the family; inmates physically fell to the floor and refused to get up; inmates although allowed to dress in civilian clothing were required to wear restraints, but upon arriving at the services, refused to get out of the car, demanding that the restraints be removed as well, resulting in a disruption of the services; inmate attempted to "climb" into the casket with the deceased; officers have been "cursed" and racial epithets used; etc.
6. Transporting officers in other jurisdictions have been seriously injured and killed performing such duties.

B. However, in the event of such death, the facility will attempt to accommodate the Family's period of grief as follows:

1. Family members may come to the jail and notify the inmate as to the family member's death. Such notification will be permitted to take place as privately

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as possible within the facility's capabilities. However, such notification as with all other visitation is non-contact in nature.

2. Providing there are no overriding security issues, the inmate will be permitted to view the deceased family member's body under escort by officers of the facility under the following conditions:
  - a. The deceased individual has to be an immediate family member: Spouse; child; parent; grandparent; or grandchild. Aunts, uncles, cousins, and/or other family members are not considered immediate family members for this policy.
  - b. The time of the viewing will be coordinated with the mortuary staff when other family members are not present.
  - c. The inmate will be dressed in orange transport clothing and fully restrained.
  - d. The viewing will be limited to no more than fifteen (15) minutes or less as circumstances dictate.
  - e. Such accommodation is restricted only to local inmates and their families. Inmates will not be transported outside of Spartanburg County for this purpose.
  - f. Ministers may visit the inmate at the facility to help comfort him/her in his/her time of need.
  - g. The Director reserves the right to not authorize such visits/viewing based on security issues and/or availability of staff and other resources.

## IX. Visits With Other Inmates

Inmates housed in the facility are not permitted to visit other inmates outside of their own respective housing units for safety and security purposes. This same rule applies to inmates who are on home detention and/or those individuals out on bond who have co-defendants still housed in the facility.

## X. Visits for Court Returns

From time to time, inmates are returned from the South Carolina Department of Corrections and/or other facilities to appear in court. As a general rule, such inmates will not be permitted visits during their stay in the jail and will be returned to their place of origin as soon as possible, unless such inmate is to be housed in the jail for an extended period of time. In such event, the inmate may schedule visits the same as any other inmate so housed, unless such privilege has been suspended.

**Disclaimer:** This policy as with all policies will be reviewed from time to time and is subject to change without notice. Nothing contained herein grants or expands any third party, inmate, inmate's family member, or employee's rights or standing to seek legal recourse nor does it create any enforceable right or private right of action against the department;

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Spartanburg County; the Director; or its officers and staff. This policy is to serve as a guide only and was developed in a good faith effort to comply with applicable state and federal law, and as such, has no punitive intent. Should any part be found unconstitutional, it shall not affect the remaining sections unless they too are found to be unconstitutional. **Nothing contained herein should be construed to expand, create, grant, or provide any rights beyond those as provided for under applicable state or federal law.**

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