



## MYRTLE BEACH POLICE DEPARTMENT

### ADMINISTRATIVE REGULATIONS AND OPERATING PROCEDURES

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**Subject:** Inmate's Rights & Supervision

**Number:** 316-A

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**Effective Date:** December 13, 2023

**Revised Date:** April 3, 2026

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|                  |                                              |               |                   |
|------------------|----------------------------------------------|---------------|-------------------|
| <b>Rescinds:</b> | <b>S-117 – Interpreters Provided</b>         | <b>Dated:</b> | <b>07-20-2015</b> |
|                  | <b>S-123 – Orientation</b>                   |               | <b>07-20-2015</b> |
|                  | <b>S-127 – Jail Checks/Inspections</b>       |               | <b>07-20-2015</b> |
|                  | <b>S-131 – Inmate Authority over Another</b> |               | <b>07-20-2015</b> |
|                  | <b>S-133 – Video Security System</b>         |               | <b>07-20-2015</b> |
|                  | <b>S-140 – Disciplinary Penalties</b>        |               | <b>07-20-2015</b> |
|                  | <b>S-145 – Legal Counsel</b>                 |               | <b>07-15-2015</b> |
|                  | <b>S-148 – Personal Care Items</b>           |               | <b>07-15-2015</b> |
|                  | <b>S-149 – Showering</b>                     |               | <b>07-15-2015</b> |
|                  | <b>S-151 – Inmate Food</b>                   |               | <b>07-15-2015</b> |
|                  | <b>S-141 – Visitation</b>                    |               | <b>07-20-2015</b> |
|                  | <b>S-142 – Correspondence</b>                |               | <b>07-20-2015</b> |
|                  | <b>S-143 – Telephones</b>                    |               | <b>07-15-2015</b> |
|                  | <b>S-156 – Clothing</b>                      |               | <b>07-15-2015</b> |

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Approved By:

#### I. PURPOSE

The Myrtle Beach Police Department will respect and provide the rights granted to inmates by federal, state, and local law and regulations. Department members will supervise inmates and ensure the rights of all inmates are protected while discharging their duties within the facility.

#### II. PROCEDURE

A. Inmates have the right to access a telephone:

1. Upon completion of the booking procedure, inmates will be given the opportunity to make phone calls from the jail cell using an inmate phone system.

2. The detention supervisor may authorize phone privileges be delayed or suspended until all of the following conditions are resolved:
  - a. Disorderly conduct poses a threat to other inmates, officers, or jail property (including telephone equipment);
  - b. The arresting and/or transporting officer requests no phone calls for safety or case preservation reasons;
  - c. The inmate is scheduled to be transported (i.e. hospital, another detention center, or any other designated location) and the safety of the transport officer may be put at risk;
  - d. An inmate abuses the phone system by consecutively calling the jail phone, dispatch, 911, etc., and becomes a nuisance; or
  - e. An inmate is threatening or harassing someone outside of the jail.
3. Courtesy calls or allowing an inmate to use a department phone shall not be permitted unless certain circumstance exists (i.e., inmate requires medication, children left at home alone, etc.).
4. Inmates shall have reasonable use of the jail telephone in the cells to consult with an attorney or to attempt to make bond.
5. If phones are monitored, a notice will be displayed at the telephone informing inmates that telephone calls are subject to being monitored by detention and/or police personnel. When equipped, an audible signal on the phone line will inform the detainee of the monitoring, unless a legal exception exists.
  - a. The sign and/or signal will be in a language prevalent in the area wherein the detainee is utilizing the telephone.
  - b. An example of a legal exception is a warrant allowing "bugging" of the telephone.

B. Inmates have the right to a timely court appearance.

1. Inmates will be presented before a municipal judge or county magistrate without unnecessary delay for a bond hearing. State law provides that bond hearings are mandatory within twenty-four hours of arrest and that detainees whose bond has been posted

will be released within a reasonable time not to exceed four hours.

2. No employee will intentionally impede an inmate's opportunity to make bail.

C. Inmates have the right to confidential access to an attorney.

1. The Myrtle Beach Police Department shall adhere to all Federal, State, and local requirements concerning legal counsel for any inmate at this facility.
2. Inmates will have the right to legal assistance through the Horry County Public Defender's Office or an attorney of their choosing.
3. Inmates will have the right to prepare and file legal papers, in any court, without the reprisal of any staff of this facility.
4. Inmates will have the right to legal materials, if desired. Requests should be made through the Horry County Public Defender's Office for these materials.
5. The Myrtle Beach Police Department Jail is a 48-hour holding facility. Should a request for legal materials be made, a note will be placed on the booking paperwork (transfer orders) to JRLDC, informing them of the inmate's request, if the inmate is not released from bond hearing.
6. In-person visitation between an inmate and legal counsel is allowed at any time of day.
7. The conversation between the inmate and the attorney is a privileged communication and will not be monitored by any City of Myrtle Beach Police Department employee.

D. The detention facility will provide the following minimum physical conditions:

1. Adequate lighting as required by local code or ordinance.
2. Forced air of at least ten cubic feet per minute turnover of fresh or purified air is provided for each inmate.
3. Access to an operable toilet and drinking water.

4. Access to a wash basin or shower for inmates held more than six (6) hours.
  - a. Inmates held over 24 hours may request to use the shower. The request will be granted if staffing and circumstances allow.
  - b. Showering will be monitored by detention personnel of the same sex as the inmate.
5. Bed and bedding provided for each inmate held in excess of six (6) hours;
  - a. One clean, fire-retardant mattress,
  - b. Clean blanket(s)
    - i. A supply of clean blankets will be kept in the blanket storage room. Blankets will not be stored on the floor. They must be in the racks or on a raised surface off the floor.
    - ii. Upon discharge of an inmate, all issued blankets will be removed from the cell and placed in the bins designated for cleaning.
  - c. EXCEPTION: inmates at an elevated risk of destructive behavior will not have access to bedding or other materials that could be used to harm themselves.

#### E. Personal Care Items

1. Inmates detained for more than twenty-four hours may be issued the following personal care items upon request.
  - a. Toothbrush
  - b. Toothpaste
  - c. Soap
  - d. Shaving Implements
  - e. Comb
  - f. Feminine Hygiene items

- g. A clean towel
- 2. For security purposes, these items will be collected and disposed of as soon as practicable after use by the issuing detention officer.

#### F. Inmate Clothing

1. Most inmates may retain some items of personal clothing after a thorough search during the booking process. Only one coat or jacket may be worn. Prohibited Inmate Clothing Items:
  - a. Revealing/Form-Fitting Attire: No clothing that exposes the chest, back, midriff, buttocks, or genitalia. No bikinis, shapewear, spandex, or swimwear will be worn in the detention center. Shorts, dresses, and skirts are permitted if the garment is not revealing.
  - b. Fabrics and Condition: No see-through, transparent, or sheer clothing. No torn clothing or items with excessive holes. No clothing with attached belts and long strings. Adornments and decorative tags must be removed, with the inmates' permission, for the items to be retained.
  - c. Headwear: No hats or scarves (religious headwear exempt, but subject to search).
  - d. Footwear: No steel-toe shoes, heels of any kind, or footwear with a bottle opener or skating wheel on the sole. Boots that interfere with the use of leg irons will not be permitted. If the footwear has adornments and/or decorative accessories, they will be removed and added to the inmate's property.
  - e. Other: No clothing with gang logos, obscene language, or drug/violence references. Jewelry is not permitted for inmate wear. Non-removable jewelry will be permitted if safe and documented in JMS.
2. Any personal clothing that is taken from the inmate shall be documented in the Booking Report and placed in the property room for safekeeping. Clothing may be seized if permitted by applicable laws and procedures.
3. Inmates who are an Escape Risk, Fugitive, or have charges of a high-profile nature may be issued MBPD coveralls.

- a. Coveralls will be inspected before issuance, and existing damage will be documented in the Booking Report.
  - b. Upon completion of the booking procedures, the inmate will be taken to an appropriate area by a detention officer of the same sex, stripped of all outer clothing, searched, and issued a pair of inmate coveralls.
  - c. The inmate may be allowed to keep under clothing and shoes after they have been thoroughly searched, if the medical screening has been completed and the responses allow.
  - d. Upon release, the coveralls shall be removed and the inmate's clothing returned. If the clothing was seized, the inmate will receive disposable paper clothing.
  - e. Upon transfer to another detention facility, the coveralls shall be returned to MBPD after intake at the new facility.
  - f. Returned coveralls will be inspected for damage and laundered according to procedures.
4. Inmates will be issued disposable paper clothing when:
- a. The inmate's personal clothing is soiled,
  - b. The inmate does not have appropriate clothing for housing and/or violates dress code for court appearances, or
  - c. The inmate poses a risk to themselves with their personal clothing.

G. Inmates with Limited English Proficiency (LEP)

- 1. Interpreter services will be provided when reasonable and available for inmates who have a limited ability to read, write, speak, or understand the English language due to:
  - a. A hearing, speaking, and/or sight disability, or
  - b. Having a primary language that is not English.
- 2. MBPD personnel may use the Language Line's cell phone app, phone line, or video feature to complete the booking process and to have general conversations with inmates.

3. The Telephone Device for the Deaf (TDD) is available for inmates with hearing disabilities.
4. The Booking Report should document the need for an interpreter.
5. The Supervisor or designee should notify the court that an approved interpreter will be needed when the inmate attends a court hearing.
6. When interviewing or interrogating an inmate with LEP, officers should utilize an approved interpreter when possible. The Language Line services may be used when an approved interpreter is not available. All participants in these conversations must identify themselves, and the conversations should be recorded and documented.

#### H. Inmate Orientation

1. As part of the booking process, inmates should receive verbal and/or written information on facility procedures such as meals, visitation, telephone privileges, rules and regulations, and access to medical care.
2. Inmates who are intoxicated and/or disorderly may receive orientation information when they are in a more stable state.

#### I. Inmate Behavior

1. Inmates are expected to conduct themselves in an orderly manner. Inmate(s) demonstrating aggressive behavior, the intent to commit bodily harm to another or him/herself, or the intent to damage or destroy personal or public property, may be placed in observation, a single cell, or a restraint device, when appropriate.
2. All inmates are subject to criminal prosecution for violation(s) of city ordinance and/or state law while incarcerated in the detention facility.
3. Inmates may be held financially responsible for damage to or destruction of government or personal property as outlined in S.C. Code Ann. § 24-13-80. Inmates may also be held responsible for the cost of medical treatment for injuries committed against other inmates.

#### J. Inmate Correspondence

1. Due to the temporary nature of the detention facility, incoming mail addressed to an inmate will not be accepted.
  2. Inmates shall be permitted to send sealed letters to a specified class of persons and organizations, including (but not limited to) courts, counsel, officials of the confining authority, government officials, administrators of grievance systems, the Department of Corrections, the Department of Juvenile Justice, and members of the Parole Board.
  3. The department shall not limit the volume of mail sent from an inmate, except when there is clear and convincing evidence to justify such limitation.
  4. If an inmate is indigent, he/she shall be provided free of charge, sufficient postage, envelopes, and writing materials to write two (2) personal letters per week, per their request. The same rule applies should an indigent inmate wish to communicate with his/her lawyer(s) and court officials.
  5. Outgoing mail shall be collected and delivered promptly.
  6. Detention Personnel will inspect outgoing mail and packages.
  7. Inmate mail shall not be read except where there is reasonable suspicion that a particular item of correspondence threatens the safety or security of the institution, the safety of any person, or is being used for furtherance of illegal activities.
- K. This facility will offer visitation of inmates by immediate family members, legal counsel, clergy of all faiths, or other professionals providing inmate services. In specific juvenile cases, this also may include legal guardians or custodians.

1. Visiting Hours:

- a. Normal visitation hours are daily from 6:00 p.m. to 7:00 p.m.
  - b. Accommodation to these time restrictions may be made if special circumstances and staffing levels permit.
2. All visitors must present identification to the detention officer when registering for the visit. The visitor logbook must be completed before granting the visit. The visitor's phone(s) and all personal

items must be secured in the lock box before entering the visitation area.

#### L. Supervision of Detainees

1. Twenty-four-hour supervision of detainees is required. Department members will staff the detention facility at all times. At least one staff member will be present in the secure area of the detention facility.
2. Under no circumstances will any person in custody be given any position of control or responsibility over any other person in custody.
3. Electronic surveillance devices will be used to monitor inmates. The systems are designed to actively record 24 hours a day, seven days a week. They will be used only for the security of people in custody and not for any purpose that would be an actual or constructive violation of constitutional rights. All cameras are placed so as to reduce the possibility of invading the personal privacy of inmates.
4. All jail personnel will receive training, as part of the Basic Jail Training conducted by the SC Criminal Justice Academy (SCCJA) and during in-service training, regarding the handling of detainees of the opposite gender. Such handling will respect the rights of privacy to the greatest degree possible and avoid unnecessary embarrassment to the detainee. Sexual harassment jokes or comments of an insulting nature will not be tolerated.