



ALAN WILSON
ATTORNEY GENERAL

June 12, 2013

The Honorable Mark W. Richardson
Sheriff, Marion County
2715 E. Hwy. 76, Suite C
Mullins, South Carolina 29574

Dear Sheriff Richardson,

You seek an opinion of this Office as to who is legally responsible for inmates housed at the Marion County Prison Camp. By way of background, you explain that while you exercise control over the Marion County Detention Center, Marion County also has “a County Prison Farm that houses State and County inmates.” Specifically, you wish to know whether you, as Sheriff, are responsible for inmates in the Marion County Prison Camp even though you are not over that facility. After speaking with several Marion County officials it is our understanding that, historically, the Marion County Detention Center and the County Prison Camp have been under the supervision of the County Administrator. While the County recently transferred custody and control over the County Detention Center to the Sheriff, it did not in any manner address responsibility over the County Prison Camp. Thus, the County Administrator still maintains supervision over the County Prison camp and appoints its administrator.

Law/Analysis

As you indicate, the sheriffs of the several counties of this State generally have responsibility, custody, and control over county jails located within their respective counties. As stated in S.C. Code § 24-5-10:

The sheriff shall have custody of the jail in his county and, if he appoint a jailer to keep it, the sheriff shall be liable for such jailer and the sheriff or jailer shall receive and safely keep in prison any person delivered or committed to either of them, according to law.

See also Henry v. Horry County, 334 S.C. 461, 466, 514 S.E.2d 122, 125 (1999) (“the general law in South Carolina is S.C. Code Ann. § 24-5-10 (1976) that gives custody of the jail to the county sheriff”) (citing Roton v. Sparks, 270 S.C. 637, 640, 244 S.E.2d 214, 216 (1978) (J. Gregory, concurring)).

However, § 24-5-20 recognizes that the custody of a county jail does not always lie with the sheriff:

Except as otherwise provided, every sheriff in this State who has control of a jail shall appoint a qualified person as facility manager. This person shall have the control and custody of the jail under the supervision of the sheriff. However,

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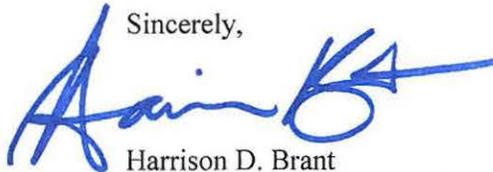
should the sheriff not have control of the jail, then this appointment falls to the chief administrative officer of the county in whose jurisdiction the jail lies.

§ 24-5-20 (emphasis added).

Furthermore, numerous statutory provisions recognize that the supervisor or administrator of a county may have custody, control, or authority over a county prison camp. See § 24-3-20(C) (“No inmate may be assigned to a county prison facility except upon written acceptance of the inmate by the chief county administrative officer or his designee”); § 24-3-30(C) (“Each county or municipal administrator, or the equivalent, having charge of any local detention facilities ... may use the prisoner assigned to them for the purpose of working the roads of the entity or for other public work”) (emphasis added); § 24-13-235 (“Notwithstanding any other provision of law, the governing body of any county may authorize the sheriff or the chief administrative officer, or the equivalent, in charge of a local detention facility to offer a voluntary program under which any person committed to such facility may perform labor on the public works or ways”) (emphasis added); § 24-13-920 (allowing local governing bodies to establish programs by which prisoners may “be assigned to public works employment,” and stating “[e]ach governing body shall designate the sheriff, the chief administrative officer, or the equivalent, as the official in charge”) (emphasis added); § 17-25-70 (“Notwithstanding another provision of law, a local governing body may authorize the sheriff or other official in charge of a local correctional facility to require any able-bodied convicted person committed to the facility to perform labor in the public interest”).

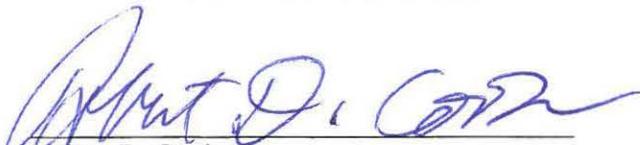
Assuming, based on the information before us, that the County Administrator is responsible for the County Prison Camp and appoints a director to exercise custody and control over it, the responsibility for inmates housed at the County Prison Camp ultimately lies with the County Administrator and not the Sheriff.

Sincerely,



Harrison D. Brant
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Deputy Attorney General