

1981 WL 158090 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 30, 1981

***1 RE: Opinion Request Concerning Use of Adult Prisoner in a Juvenile Facility**

Mr. L. Scott Wallace
Director
Charleston County Juvenile Detention Center
4350 Headquarters Road
Charleston, S. C. 29405

Dear Mr. Wallace:

I am in receipt of your request of December 21, 1981, concerning whether adult trustees of the Charleston Jail may be used in public works projects at the Charleston County Juvenile Detention Center, which houses juveniles accused of criminal offenses on a pretrial basis. It is my understanding that the trustee would be housed in the adult jail at night and paint the juvenile facility in the day.

It is universally held that the State is entitled to the labor of a convict. 60 Am.Jur.2d. Penal and Correctional Institutions, § 35, 36. Our State Constitution and statutes provide the proper vehicle by which state prisoners can be used on public works, such as the upkeep of public buildings. Article 12, § 9 Constitution of South Carolina, § 24-3-130, 131, and § 24-7-10, et seq., Code Of Laws (1976). Therefore, this Office is of the opinion that the trustee can be used on this public work project pursuant to § 24-7-10, Code Of Laws (1976).

The next issue that must be addressed concerns the interrelationship of an adult prisoner working in a juvenile detention center. The Code provides that when the Department of Youth Services determines that a secure facility is necessary for pretrial detention, 'a child may only be detained in a facility which has a sight and sound separation from adults.' § 14-21-590, Code Of Laws (1976), as amended 1980. See: Article XII, § 3, Constitution of South Carolina (1976). It is my understanding that the trustee will be separated from the juveniles through the utilization of the facility's different wings. Therefore, it is the opinion of this Office that the adult trustee can be used to paint the juvenile detention facility as long as a 'sight and sound separation' from the juvenile detainees is maintained at all times.

We trust this is of help to you.

Sincerely,

Donald J. Zelenka
Assistant Attorney General

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