

1983 S.C. Op. Atty. Gen. 63 (S.C.A.G.), 1983 S.C. Op. Atty. Gen. No. 83-42, 1983 WL 142713

Office of the Attorney General

State of South Carolina

Opinion No. 83-42

July 18, 1983

***1 Re: Department of Corrections inmates should not be hired while on work release by DYS as a youth counselor, chaplain's aide or recreation assistant.**

Mr. Michael Grant LeFever
Deputy Commissioner
South Carolina Department of Youth Services
Post Office Box 7367
Columbia, South Carolina 29202

Dear Mr. LeFever:

You have asked for an opinion from this office on whether an adult prisoner can be employed as a youth counselor, chaplain's aide, or recreation assistant in the Department of Youth Services. I am informed that the youth counselors are responsible for the care and custody of juvenile offenders and work closely with the juvenile offenders in a dormitory setting.

[Article XII, § 3 of the South Carolina Constitution](#) states that ‘the General Assembly shall provide for the separate confinement of juvenile offenders . . . from older confined persons.’ Pursuant to this constitutional mandate, the General Assembly established the Department of Youth Services in 1969, as amended in Youth Services Act of 1981. [§ 20–7–3100, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, for the confinement of juvenile offenders. The South Carolina Department of Corrections has developed work release programs whereby inmates of the Department can extend the limits of the place of confinement by participation in a work release program. [§ 24–3–30, CODE](#). See also, [§ 24–13–610, CODE](#) (extended work release program). These work-release participants are still inmates of the Department of Corrections and under their custody and control.

I would advise that the allowance of South Carolina adult inmates to be responsible for the care and custody of the juvenile offenders housed in the Department of Youth Services would defeat the constitutional mandate against juveniles being confined with adult prisoners. In addition, the commingling of South Carolina inmates who might volunteer to work at DYS facilities is equally a violation of the legislative mandate. This would not preclude such individuals from working in the Department where the juveniles have ‘sight and sound separation from adult [prisoners].’ Cf. [§ 20–7–600, CODE](#).

If you have any questions about this opinion, please feel free to contact me.

Sincerely,

T. Travis Medlock
Attorney General

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