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August 18, 1993

FILED  
AUG 21 1993  
SOUTH CAROLINA  
COLUMBIA, S.C.

John Norris  
Legal Settlements and Compliance  
S. C. Department of Corrections  
Post Office Box 21787  
Columbia, South Carolina 29221

In-Re: Compromise Classification Agreement

Dear John:

This letter is meant to supplement the compromise agreement in two areas. Upon reviewing the final document I noticed that I had failed to specify that other than the specific override areas listed in the Compromise Agreement and in the original Consent Decree, the Department agrees that there will be no mandatory override criteria, written or unwritten, in the classification process. All other overrides would be discretionary in nature and based upon the present or past behavior of the inmate.

Additionally, I neglected to include the Department's earlier offer to "tighten" up the definition of "Management Concern". I have reviewed the definition in my copy of the Classification book and believe that a new definition needs to be adopted to ensure that only behavioral reasons are used for overrides. I would propose the following definition:

Management concern - This code may be used to override a recommendation for a less restrictive custody, or place into a more restrictive custody, any inmate whose past or present behavior indicates that he/she will be a threat to the safety or security of the institution. If this override is used, the reason for the override must be clearly articulated which specifically identifies the past or present conduct of the inmate that requires placement in a more secure institution. Examples of such conduct are a history of assaults upon other inmates or staff, excessive disciplinary infractions, and a history of disruptive behavior.

or the public  
DEF

If the Department agrees to the intent of the parties

Nelson v. Leeke



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as to mandatory overrides and the definition of "management concern" I will immediately sign the agreement and file it with the Court. We will then begin the process of publication to the class and allowing for objections. If the Department agrees please have Doug Catoe sign below my signature and let me know.

Thank you for your help with this.

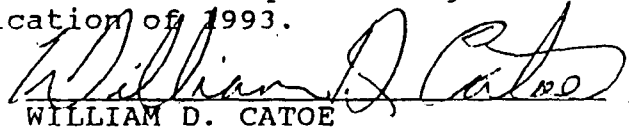
Sincerely,

FAIREY, PARISE & MILLS, P.A.



W. Gaston Fairey

The Department of Corrections agrees to this letter and agrees that it will be part of the Compromise Agreement to Modify the Decree on classification of 1993.



WILLIAM D. CATOE

Deputy Commissioner for Operations  
South Carolina Department of  
Corrections