



April 6, 2020

VIA EMAIL ([twalker@governor.sc.gov](mailto:twalker@governor.sc.gov); [dprzirembel@sccourts.org](mailto:dprzirembel@sccourts.org)) and U.S. MAIL

The Honorable Henry McMaster  
Governor of South Carolina  
c/o Trey Walker, Chief of Staff  
South Carolina State House  
1100 Gervais Street  
Columbia, SC 29201

The Honorable Chief Justice Donald W. Beatty  
c/o Ms. Dawn Przirembel, Esq.  
The South Carolina Supreme Court  
1231 Gervais Street  
Columbia, SC 29201

Re: Commitment of Juveniles to Facilities during the COVID-19 Pandemic

Dear Governor McMaster and Chief Justice Beatty:

Protection and Advocacy for People with Disabilities, Inc. (P&A)<sup>1</sup>, South Carolina Appleseed Legal Justice Center<sup>2</sup>, South Carolina Legal Services (SCLS)<sup>3</sup>, the American Civil Liberties Union of SC (ACLU-SC)<sup>4</sup>, the Second Chance Justice Collaborative<sup>5</sup>, and the Campaign for Youth Justice<sup>6</sup> are writing to share our concerns about the impact of the COVID-19 pandemic on juveniles in facilities throughout the state of South Carolina.

As the public health crisis of the COVID-19 pandemic increases, we are concerned that juveniles committed to facilities – including, but not limited to regional evaluation centers, county-operated juvenile detention centers, the Broad River Road Complex, and other alternative congregate settings – face escalating health risks associated with residing in a congregate setting. Facilities housing juveniles face difficulty not only in properly preventing disease transmission, including implementing social distancing measures, but also properly treating and preventing further spread if the virus is contracted, including implementing effective quarantine measures. In regard to the latter, juvenile detention centers currently utilize lockdown and solitary confinement as mechanisms to address the fear of transmitting COVID-19, exacerbating the traumatic effects of incarceration on juveniles.

The Honorable Henry McMaster  
The Honorable Chief Justice Donald W. Beatty  
Page Two  
April 6, 2020

The Department of Juvenile Justice (“DJJ”) has already requested assistance from family court judges, law enforcement, solicitors, and public defenders to ensure that only juveniles who pose a “current, serious risk to public safety” be committed to facilities in an effort to reduce the number of juveniles detained in a congregate setting. Director Pough has encouraged these partners to consider community monitoring, evaluations, and services in lieu of commitment.

Unfortunately, since the COVID-19 pandemic began, juveniles across the state continue to be detained and subsequently committed to facilities, including status offenders and juveniles with disabilities. Meanwhile, juveniles currently committed to facilities have not been extended the opportunity for release if appropriate. There are approximately one hundred twenty to one hundred thirty (120-130) juveniles currently detained at detention centers in Charleston, Greenville, and Columbia.

As entities that provide advocacy and legal representation to children in South Carolina, we respectfully recommend that the same mandates that the Supreme Court has issued to adult correctional entities be issued to partners in the juvenile justice system. To date, the Court has directed courts to release adults who are charged with a non-capital crime and pose no undue risk to the community, to consider the need to minimize and reduce the detention center population, and to consider home detention and other options during this crisis. Accordingly, we respectfully recommend that the same discretion should be afforded to family court judges adjudicating juvenile cases. Additionally, we respectfully recommend that juveniles who are arrested or charged with a crime should be diverted from facilities and prevented from being committed, effectively mitigating harm resulting from unnecessary admissions to facilities. Juveniles who are currently committed to facilities and who can safely return home to family or caretakers should have access to the legal mechanisms necessary for release and access to community-based supports and services, effectively lessening the harm resulting from remaining at facilities. Any child held in a residential evaluation center should be released immediately. No children should be sent to residential evaluation centers until courts resume normal operations. Any child held on a pick up order should be released immediately. No pick-up orders should be issued until courts resume normal functions.

During the COVID-19 pandemic, the risk to juveniles is accentuated. Juveniles remaining in congregate facilities during this pandemic face the unthinkable, heightened risk of contracting COVID-19. Additionally, juveniles who have underlying health conditions such as asthma, lung disease, diabetes, and immune-compromised systems, are at even greater risk of not only contracting COVID-19 but also suffering devastating complications related to the virus. As in South Carolina’s adult correctional system, we now have an employee of DJJ who has tested positive for COVID-19. Now is the time to protect juveniles across the state, not only from unnecessary incarceration but also from serious risk of infection with COVID-19.

The Honorable Henry McMaster  
The Honorable Chief Justice Donald W. Beatty  
Page Three  
April 6, 2020

We deeply appreciate the ongoing, strenuous efforts of state and judicial entities in addressing the COVID-19 pandemic and ensuring the safety of all South Carolinians.

Very truly yours,



Beth Franco  
Executive Director  
PROTECTION & ADVOCACY FOR PEOPLE  
WITH DISABILITIES, INC.  
3710 Landmark Drive, Suite 208  
Columbia, SC 29204-4034  
franco@pandasc.org



Susan K. Dunn  
Legal Director  
ACLU, SOUTH CAROLINA  
P.O. Box 20998  
Charleston, SC 29413-0998  
sdunn@aclusc.org



Sue Berkowitz  
Director  
SC APPLESEED LEGAL JUSTICE CENTER  
P.O. Box 7187  
Columbia, SC 29202  
sberk@scjustice.org



Marcy Mistrett  
CEO  
CAMPAIGN FOR YOUTH JUSTICE  
1301 K Street NW, 300W  
Washington, DC 20005  
mmistrett@fyj.org

The Honorable Henry McMaster  
The Honorable Chief Justice Donald W. Beatty  
Page Four  
April 6, 2020

Andrea Loney  
Executive Director  
SOUTH CAROLINA LEGAL SERVICES  
P.O. Box 1445  
Columbia, SC 29201  
andrealoney@sclegal.org



Kate Weaver Patterson  
South Carolina Site Director & Managing Attorney  
ROOT & REBOUND  
P.O. Box 6061  
Greenville, SC 29606  
kpatterson@rootandrebound.org

cc: Al Cannon, Charleston County Sheriff via email ([alcannon@charlestoncounty.org](mailto:alcannon@charlestoncounty.org))  
Hobart Lewis, Greenville County Sheriff via email ([hlewis@greenvillecounty.org](mailto:hlewis@greenvillecounty.org))  
Leon Lott, Richland County Sheriff via email ([sheriff@rcsd.net](mailto:sheriff@rcsd.net))  
Freddie B. Pough, Director, SC Department of Juvenile Justice via email ([fbpoug@scdj.net](mailto:fbpoug@scdj.net))

---

<sup>1</sup> Protection and Advocacy for People with Disabilities, Inc. (“P&A”) is the federal and state mandated protection and advocacy system for South Carolina. P&A was established in 1977 by state law, S.C. Code Ann. § 43-33-310 et seq., to protect the rights of people with disabilities.

<sup>2</sup> Appleseed Legal Justice Center is a legal advocacy organization established in 1996, previously been affiliated with SC Legal Services. It seeks to ensure that the law is fair and to educate the public about the law. SC Appleseed is dedicated to affecting systemic change where it can do the most good to overcome social, economic and legal injustice.

<sup>3</sup> SCLS is a non-profit corporation, funded by grants from the federally-funded the Legal Services Corporation, the South Carolina Bar Foundation, local United Ways, and other funding. SCLS provides free legal assistance in a wide variety of civil (non-criminal) legal matters to eligible low income residents of South Carolina.

<sup>4</sup> The ACLU-SC is the SC affiliate of the national ACLU, the legal advocacy organization that is a guardian of liberty, defending the individual rights and liberties that the Constitution and the laws of the United States guarantee.

<sup>5</sup> The Second Chance Justice Collaborative is a partnership between national reentry legal advocate Root & Rebound, and Greenville based Soteria Community Development Corporation. Our mission is to restore power and resources to the families and communities most harmed by mass incarceration through legal advocacy, public education, policy reform and litigation— a model rooted in the needs and expertise of people who are directly impacted.

<sup>6</sup> The Campaign for Youth Justice (CFYJ) is a national initiative focused entirely on ending the practice of prosecuting, sentencing, and incarcerating youth under the age of 18 in the adult criminal justice system. CFYJ advances its mission through federal advocacy, media, research and policy initiatives, as well as conducting technical assistance in states.