



South Carolina Department of Corrections

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For immediate release

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COLUMBIA, S.C. – The S.C. Department of Corrections has been dismissed from a lawsuit filed by the ACLU of South Carolina in response to COVID-19. When the ACLU filed the emergency petition for writs of habeas corpus in April as a purported class action on behalf of inmates, SCDC and Gov. Henry McMaster quickly moved to dismiss the complaint.

After briefing was complete, the U.S. District Court for the District of South Carolina held a status conference in Spartanburg on July 1. During the hearing, the court indicated it was “alarmed at the breadth of the petition,” said the petitioners were asking it “to act in a quasi-legislative capacity,” and cited “grave concerns about whether any of petitioners’ claims as currently pled will survive the pending motions to dismiss.” The Petitioners then voluntarily dismissed the Governor as a defendant and quickly asked the district court to enter an order dismissing the case without prejudice.

Counsel for the Governor and SCDC, however, made clear they would not agree to any settlement because SCDC’s response to COVID-19 was, and still is, proactive and on the cutting edge. Today, the court’s order of dismissal became final and with prejudice. The ACLU did not contest the dismissal.

When the COVID-19 pandemic began in March, SCDC published the agency’s Action Plan, which outlined practices put in place and actions to date. The agency has continued to publish information about its plans and practices as knowledge of the virus continues to evolve. Last week, SCDC completed its COVID-19 Guidelines policy, formalizing the practices that were put in place beginning in March.

As the COVID-19 pandemic grew, the agency worked with healthcare partners across South Carolina to increase its testing capacity and get results quicker. Funding from the S.C. General

Assembly and a partnership with the Medical University of South Carolina provided quicker test results and allowed for targeted group testing. The agency has always sought advice from the S.C. Department of Health and Environmental Control and the U.S. Centers for Disease Control for testing and containing the coronavirus. In some cases, the agency standard exceeds those set out by the CDC.

State law sets out a process for terminally ill inmates to petition for parole in section [24-21-715](#) of the South Carolina Code of Laws. Despite the ACLU's peculiar attempts to end-run the statute, nothing in this case changes that process.

Director Bryan Stirling is very proud of the job his staff and officers do every day to keep inmates and the public safe. The agency is glad the court recognized that effort so it can continue moving forward and finding solutions to fighting this invisible enemy.