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Contact: Stephanie Givens (SCDC)
803-960-7088
givens.stephanie@doc.sc.gov
Gloria Prevost (Protection and Advocacy)
803-217-6713
prevost@pandasc.org

SCDC, Mental Health Advocates Reach Historic Agreement

After long-fought litigation and two years of negotiations, a settlement agreement has been struck that could end what Circuit Judge Michael Baxley called the unconstitutional treatment of an estimated 3,500 severely mentally ill offenders in the S. C. Department of Corrections (SCDC) facilities.

If approved by the Court, the agreement would end a class-action lawsuit on behalf of inmates by Protection and Advocacy for People with Disabilities, Inc. against the department, and create an independent process to monitor implementation of the plan that would transform the culture and performance of SCDC personnel who deal with offenders with serious mental illnesses.

“This is possibly an historic day for justice, one we have been seeking for a decade,” said Gloria Prevost, executive director of Protection and Advocacy for People with Disabilities, Inc. “For years we met with stone cold resistance to anything resembling fairness and justice. It was only after Governor Haley appointed Bryan Stirling SCDC director that progress was made. Our many discussions convinced us that the new leadership genuinely desired to do the right thing.”

“This settlement marks the end of one chapter and the beginning of another with changes in culture, policy and procedure at SCDC. We will continue the movement towards rehabilitation and comprehensive care for a safer South Carolina,” added Bryan P. Stirling, Director of SCDC.

The agreement establishes measurements that have strict timetables and will be supervised by a panel of independent national experts. The test for satisfaction of the standards is that SCDC would have to achieve and maintain compliance with each component of the plan for at least 18 months.

SCDC will have four years to implement the remedial guidelines.

This is a critical agreement whose implementation can end a dark chapter in South Carolina history in which offenders with serious mental illnesses were subjected to abject brutality and neglect, much of which was captured on video and shocked the nation when shown in open court.

“The evidence in this case has proved that inmates have died in the South Carolina Department of Corrections for lack of basic mental health care, and hundreds more remain substantially at risk for serious injury, mental decompensation and profound, permanent mental illness,” Judge Baxley wrote after the trial in 2012.

He stated it was the most troubling case he has dealt with in 14 years on the bench.

The judge’s ruling ordered the SCDC to address serious deficiencies in six areas, and the agreement addresses the judge’s concerns:

1. Develop a systematic screening and evaluation program to accurately identify offenders in need of mental health care.
2. Develop a comprehensive mental health program that ends inappropriate segregation of offenders in mental health crisis, improves facilities and eliminates disproportionate use of excessive force and punishment by adopting national standards.
3. Increase the number and training of clinical staffing in accordance with the American Psychiatric Association.
4. Maintain accurate, complete and confidential mental health treatment records.
5. Institute psychotropic medication protocols with appropriate supervision and evaluation.
6. Initiate a program to identify, treat and supervise offenders who may be suicidal.

It is estimated there will be a one-time cost of \$1.7 million for facility upgrades and \$7 million annually for mental health staffing, which is being phased in over three years.