



The Honorable Henry McMaster  
Governor of South Carolina  
1100 Gervais Street  
Columbia, SC 29201

April 8, 2020

Dear Governor McMaster,

On behalf of Americans for Prosperity and our activists across South Carolina, we commend you for your swift and targeted action to address the legitimate public safety and economic challenges associated with the spread of COVID-19.

Prisons, jails, and courtrooms are ideal grounds for the transmission of COVID-19 and our criminal justice system is coming under increasing strain from the pandemic. Confinement in close quarters, frequent movement around prisons, and poor sanitation increases transmission and makes it extremely difficult to effectively split the incarcerated population between the sick and healthy.

**Following the appropriate and targeted actions that have taken place thus far in South Carolina, AFP encourages you and your administration to consider an executive order to help the criminal justice system safely mitigate the effects from COVID-19:**

- **Using your commutation power, develop recommendations with prosecutors and the South Carolina Department of Corrections to expedite hearings for certain vulnerable populations, including individuals who are nearing release, convicted of lower-level offenses carrying minimal prison time, and individuals who are elderly or immunocompromised.** This would be a similar procedure to what the federal government has already implemented.
- **Ensure jails are mitigating the risk of coronavirus.** Jails are even more susceptible to the threats of coronavirus than prisons due to more turnover and general layout putting large masses of individuals together. Since many individuals in jails now are transferred to prison or back on the street, this is a major concern. Even with the South Carolina Supreme Court ordering all pre-trial defendants charged with a non-capital crime to be released unless there is an unreasonable risk to public safety or flight, more can be done at the local level to safely reduce jail populations. Your administration should urge local law enforcement to come up with plans that will safely release certain individuals from jails that are at greater risk for complications from coronavirus, serving time for nonviolent offenses, or are near their release date.
- **Socially isolate the sick in a manner that upholds dignity.** Policies should be developed to house symptomatic individuals that effectively separates those with symptoms or those who test positive without using solitary confinement. Sick incarcerated individuals should be treated in a non-punitive manner to incentivize self-reporting of symptoms.
- **Provide visitation alternatives to physical visitation.** Prisons and jails should utilize alternatives to face-to-face visitation at little to no cost. Lawyers should have the ability to advise clients to



discuss legal matters over the phone and through other means, including video conferencing. Likewise, loved ones should be able to communicate with those incarcerated while visitation is suspended without a financial barrier.

- **Reduce the use of jail or prison as a sanction for technical violations of supervision.** It is critical that individuals are not unnecessarily incarcerated during this public health crisis for minor, infrequent technical violations of supervision.
- **Urge judges to waive or reduce fines, recognizing South Carolinians' unforeseen financial circumstances.** Legal jurisdictions across the state should suspend the collection of certain fines and fees during this time period, alongside booting, towing, and impounding vehicles for unpaid fines and fees.

Thank you for your swift leadership in addressing this public health emergency effectively. These reforms will help prevent and mitigate the spread of COVID-19, while protecting our most vulnerable populations.

We urge you to enact these policy recommendations that prioritize public safety, help reunite certain incarcerated individuals with their families and help flatten the curve.

Sincerely,  
Andrew Yates  
State Director  
Americans for Prosperity-South Carolina