

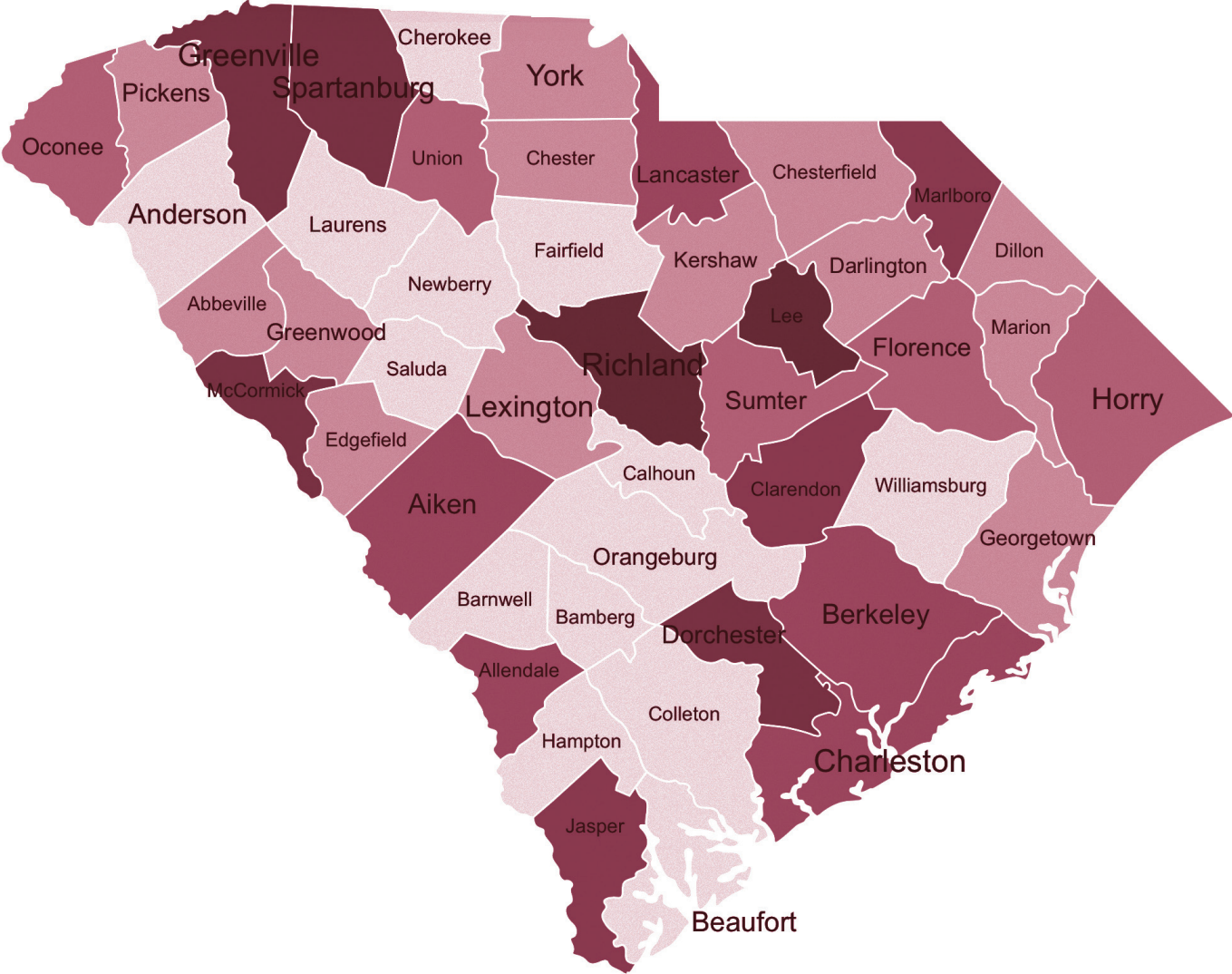


SOUTH CAROLINA DEATHS BEHIND BARS 2015 ——— 2021

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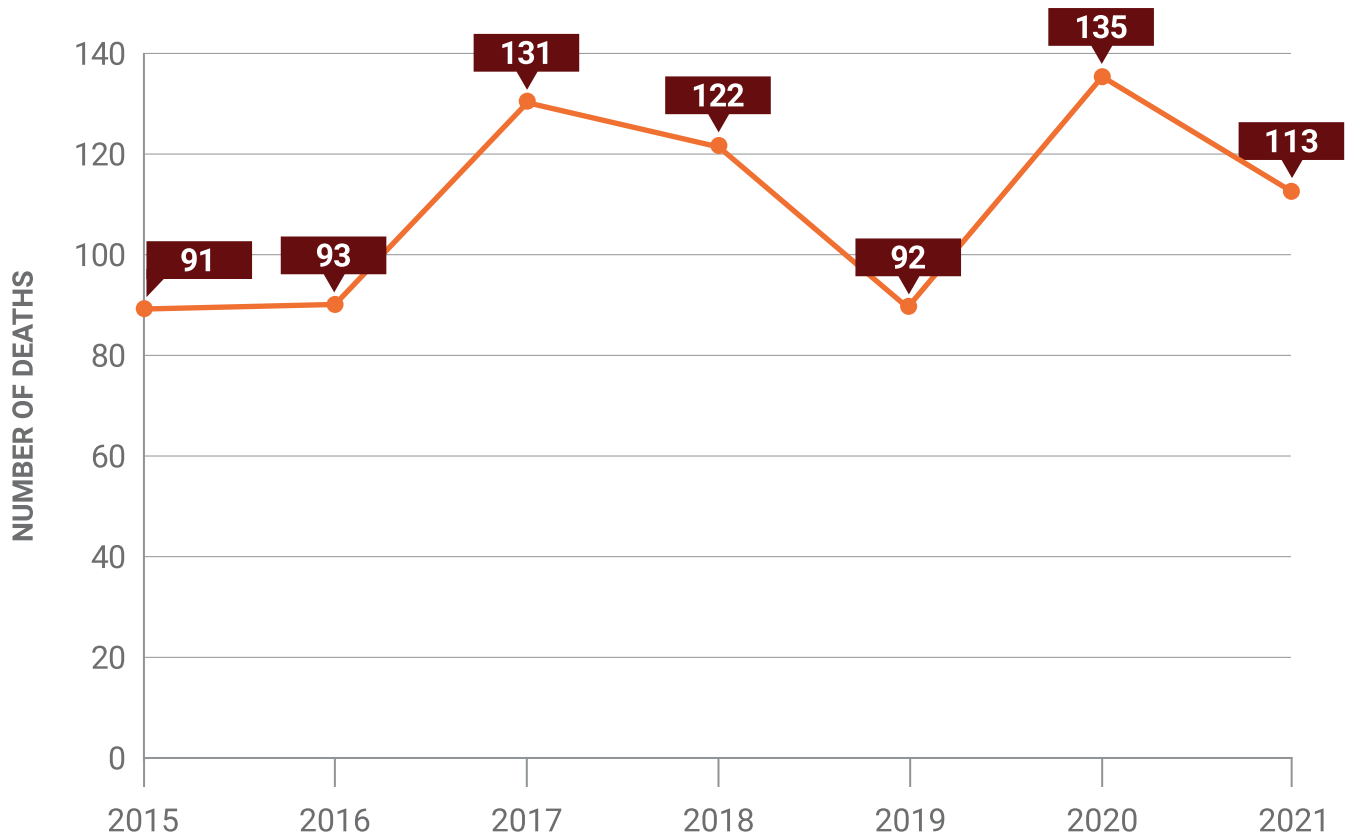
Heat Map of Known Deaths Behind Bars



INTRODUCTION

From 2015 to 2021, at least 777 people died behind bars in at least fifty-two prisons, jails, and detention centers across South Carolina. This report is the first comprehensive collection and analysis of deaths behind bars in South Carolina, based on public records requests filed with facilities across the state.

DEATHS BY YEAR



Not one of the 777 people who died behind bars in the state during this period was sentenced to death row. Instead, they were detained due to family court warrants, bail, probation or parole detainers, or convictions that held them for terms of years or for their natural lives. The people who died in the state’s custody overwhelmingly died of medical causes, with suicide as the next most common cause of death. South Carolina also stands out for the number of violent deaths behind bars, all of which occurred in state prison facilities.

South Carolina ranks twenty-sixth in the nation for its per capita incarceration rate of 304 per 100,000.¹ Each person in the state’s custody is entitled to safe and humane conditions under the state and federal constitutions. The government’s duties to confined people arise under the Fifth, Eighth, and Fourteenth Amendments to the United States Constitution as well as Article I, Sections Three and Fifteen and Article XII, Section Three of the South Carolina Constitution.²

¹ *U.S. Criminal Justice Data*, SENT’G PROJECT, <https://www.sentencingproject.org/the-facts/#rankings> [<https://perma.cc/JSA7-2EVN>].

² The U.S. Constitution requires the provision of medical and mental healthcare to incarcerated people consistent with the level of care provided in the community. See, e.g., *Estelle v. Gamble*, 429 U.S. 97, 104–05 (1976); *Farmer v. Brennan*, 511 U.S. 825, 832–33 (1994); *Brown v. Plata*, 563 U.S. 493, 499, 510–11 (2011).

In 2019, South Carolina jails and prisons had mortality rates above the national average, according to Bureau of Justice Statistics reports from 2021.³ South Carolina's prisons also had the highest homicide rate of any prison system in the country over the period from 2001 to 2019.⁴

Two agencies in South Carolina collect data about deaths behind bars: the South Carolina Department of Corrections (SCDC), which is required by state law to collect data from jails,⁵ and the South Carolina Department of Public Safety (SCDPS), which collects data to report to the federal government as part of the state's obligations under the Deaths in Custody Reporting Act.⁶ Some facilities, but not all, issue press releases when people die in their custody.

Carceral facilities in South Carolina must report deaths in their facilities and the circumstances surrounding them within seventy-two hours to SCDC, which must retain those records.⁷ SCDC requires those reports to be filed on SCDC Form 8-2. In addition, when a person dies in a South Carolina penal institution, the coroner must order an autopsy under most circumstances.⁸ In addition, Standard 1049 of the Minimum Standards for Local Detention Facilities in South Carolina requires deaths to be called in to the Jail and Prison Inspection Division either on the day they occur or, if after business hours, on the next business day.⁹ Additional policies and procedures for deaths in SCDC custody are laid out in HS-18.04 and PS-10.05.¹⁰ SCDC does not publish the death data it collects.

On January 31, 2022, the South Carolina Department of Public Safety published a dataset that reflects deaths in custody since October 2019.¹¹ Their dataset includes gender, age, race, ethnicity, custodial agency, and cause-of-death category, but does

³ E. ANN CARSON, BUREAU OF JUST. STATS., NCJ 301368, MORTALITY IN LOCAL JAILS, 2000–2019—STATISTICAL TABLES 1, 27 (2021), <https://bjs.ojp.gov/content/pub/pdf/mlj0019st.pdf> [<https://perma.cc/ZT8U-VF3H>] [hereinafter CARSON, MORTALITY IN LOCAL JAILS] (documenting a national jail mortality rate of 167 per 100,000 and a South Carolina jail mortality rate of 196 per 100,000); E. ANN CARSON, BUREAU OF JUST. STATS., NCJ 300953, MORTALITY IN STATE AND FEDERAL PRISONS, 2001–2019—STATISTICAL TABLES 1, 23 (2021), <https://bjs.ojp.gov/content/pub/pdf/msfp0119st.pdf> [<https://perma.cc/P2G2-J2VA>] [hereinafter CARSON, MORTALITY IN STATE AND FEDERAL PRISONS] (documenting a national prison mortality rate of 330 per 100,000 and a South Carolina prison mortality rate of 386 per 100,000).

⁴ CARSON, MORTALITY IN STATE AND FEDERAL PRISONS, *supra* note 3, at 5 (“The highest average annual rate of homicide in state prisons during 2001–2019 was in South Carolina (15 per 100,000) . . .”).

⁵ S.C. CODE ANN. §§ 24-9-35, 24-9-50.

⁶ *Deaths in Custody*, S.C. DEP'T OF PUB. SAFETY, <https://scdps.sc.gov/ohsjp/stats/DeathsInCustody> [<https://perma.cc/YJ5P-NSW5>].

⁷ S.C. CODE ANN. § 24-9-35. The failure to report a death is a misdemeanor with a maximum fine of \$100. See *also* S.C. ASS'N OF CNTYS., MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES IN SOUTH CAROLINA § 1049 (2013) [hereinafter Minimum Standards for Local Detention Facilities], <https://www.sccounties.org/sites/default/files/uploads/publications/sc-jail-standards-final.pdf> [<https://perma.cc/3Y9K-A5AZ>].

⁸ S.C. Code Ann. § 17-7-10.

⁹ MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES, *supra* note 7.

¹⁰ S.C. DEP'T OF CORR. POLICIES/PROCS., HS-18.04, INMATE DEATH (2008), <https://www.doc.sc.gov/policy/HS-18-04.htm.pdf> [<https://perma.cc/R8RP-6XYK>]; S.C. DEP'T OF CORR. POLICIES/PROCS., PS-10.05, INMATE RELIGION (2015), <https://www.doc.sc.gov/policy/PS-10-05.htm.pdf> [<https://perma.cc/WQ55-C2XE>].

¹¹ SC DEATHS IN CUSTODY, S.C. DEP'T OF PUB. SAFETY, [https://scdps.maps.arcgis.com/apps/](https://scdps.maps.arcgis.com/apps/dashboards/007fe103761b4b38bb9be9ff48a9c821)
[dashboards/007fe103761b4b38bb9be9ff48a9c821](https://perma.cc/6L9P-XAEL) [<https://perma.cc/6L9P-XAEL>].

not include other important information such as the reason for incarceration, the person's date of commitment, the location of the death within the facility, or whether the decedent had preexisting conditions. Unlike the data collected for this report by SCDC, the DPS data also reflects deaths in law enforcement custody that did not occur in carceral facilities.

A comparison between the deaths in custody identified by DPS and Incarceration Transparency reveals that DPS received information regarding twenty-eight unique deaths in carceral facilities that Incarceration Transparency did not.¹² These deaths occurred mostly in county detention centers, but some occurred in SCDC facilities.¹³ In addition, Incarceration Transparency identified thirty-three deaths that were not reported to DPS from October 2019 to December 31, 2021.¹⁴ DPS records suggest that South Carolina provides incomplete data to the U.S. Department of Justice. For instance, the DPS database reflects that Alvin S. Glenn Detention Center, the jail for Richland County, seat of the state capital, has not reported any of its three deaths in custody between October 2019 and December 2021 to DPS.¹⁵ That DPS data lacks death reports from one of the largest and most urban county jails underscores the difficulty of painting an accurate picture of death behind bars.¹⁶

This project seeks to provide a look behind the fence of these public institutions, by their nature opaque to the wider community, through the collection and publication of death behind bars data. Subsequent reports will compare the data collected on South Carolina deaths to national trends and other state partner projects, as well as analyze barriers to public accountability of these institutions, including public records costs, limits on public disclosure, facility and county compliance, and the use of redactions by responding facilities.

¹² In addition, DPS data reflects the deaths of sixty-six people in custody in South Carolina who were not held in a carceral facility.

¹³ Additional deaths not known to Incarceration Transparency were identified by DPS in Aiken County Detention Center (2), Anderson County Detention Center (2), Berkeley County Detention Center (2), Broad River Correctional Institution (2), Chesterfield County Detention Center (1), Darlington County Detention Center (1), Florence County Detention Center (2), Greenville County Detention Center (5), Greenwood County Detention Center (2), Lancaster County Detention Center (1), Laurens County Detention Center (2), Lexington County Detention Center (1), Newberry County Detention Center (1), Pickens County Detention Center (1), Saluda County Detention Center (1), Spartanburg County Detention Center (1), Summerville Police Department (1), and Turbeville Correctional Institution (1).

¹⁴ Additional deaths not reported in DPS data were identified by Incarceration Transparency in Abbeville County Detention Center (1), Aiken County Detention Center (1), Alvin S. Glenn Detention Center (3), Broad River Correctional Institution (3), Colleton County Detention Center (1), Darlington County Detention Center (2), Dillon County Detention Center (1), Evans Correctional Institution (1), Georgetown County Detention Center (2), Graham Correctional Institution (1), J. Reuben Long Detention Center (2), Jasper County Detention Center (1), Kirkland Correctional Institution (2), Lee Correctional Institution (1), McCormick Correctional Institution (3), Pageland City Jail (1), Spartanburg County Detention Center (3), Turbeville Correctional Institution (3), and York County Detention Center (1).

¹⁵ Alvin S. Glenn is also facing a lawsuit at the time of this writing due to the conditions in which disabled people are held in its facility. See *Disabilities Group Files Lawsuit Regarding Inhumane Conditions at Alvin S. Glenn Detention Center*, DISABILITY RTS. S.C. (Apr. 28, 2022), <https://www.disabilityrightssc.org/news/disabilities-group-files-lawsuit-regarding-inhumane-conditions-at-alvin-s-glenn-detention-center/#:~:text=Disability%20Rights%20South%20Carolina%20v,to%2024%20hours%20a%20day> [<https://perma.cc/C6ZU-GQL6>].

¹⁶ Alvin S. Glenn held approximately 735 people on the date of the BJS 2019 Jails Census, making it the fourth largest county jail in South Carolina. *Census of Jails*, 2019, NAT'L ARCHIVE OF CRIM. JUST. DATA, <https://www.icpsr.umich.edu/web/NACJD/studies/38323/datadocumentation> [<https://perma.cc/347N-2NTH>].

Incarceration in South Carolina

Adult incarceration

In South Carolina, county detention centers, most of which are run by sheriffs, detain people held pretrial, those serving short sentences, and those held based on bench warrants from family court or awaiting transfer to a mental health facility because of a judicial commitment order. South Carolina incarcerates approximately 11,470 people in county jail facilities¹⁷ and 15,985 people in state prison facilities.¹⁸ SCDC runs twenty-one institutions, which are categorized into four security levels: close security,¹⁹ medium security,²⁰ minimum-out custody, and minimum-in custody.²¹ In fiscal year 2021, the average daily population of SCDC's facilities was 15,807 people, a 12.9% decrease from the year before.²²

Youth incarceration

South Carolina's Department of Juvenile Justice (DJJ) also operates pretrial and posttrial facilities that incarcerate children. The state runs a centralized Juvenile Detention Center in Columbia, South Carolina. The Juvenile Detention Center houses children eleven to seventeen who are detained prior to adjudication from all counties in the state that do not run their own facilities for youth.²³ DJJ also operates three regional evaluation centers: Coastal Evaluation Center, Midlands Evaluation Center, and Upstate Evaluation Center.²⁴ These facilities provide custodial evaluations for

¹⁷ ZHEN ZENG & TODD D. MINTON, BUREAU OF JUST. STATS., NCJ 255406, CENSUS OF JAILS, 2005–2019—STATISTICAL TABLES 7 (2021), <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/cj0519st.pdf> [<https://perma.cc/QF39-7YZT>].

¹⁸ S.C. DEP'T OF CORR., PROFILE OF INMATES IN INSTITUTIONAL COUNT (2022), https://www.doc.sc.gov/research/InmatePopulationStats/ASOF-FY20_Institutional_Count_Profile.pdf [<https://perma.cc/HLZ2-VXB8>] [hereinafter S.C. DEP'T OF CORR., PROFILE OF INMATES].

¹⁹ Close security facilities include Broad River Secure Facility, Kirkland Reception and Evaluation Center, Lee Correctional Institution, Lieber Correctional Institution and Reentry Center, McCormick Correctional Institution, and Perry Correctional Institution. *Institutions*, S.C. DEP'T OF CORR., <https://www.doc.sc.gov/institutions/institutions.html#listing> [<https://perma.cc/FH3R-QZ6T>] [hereinafter *Institutions*].

²⁰ Medium security facilities include Allendale Correctional Institution, Broad River Correctional Institution, Graham Correctional Institution, Evans Correctional Institution, Kershaw Correctional Institution, Leath Correctional Institution, Lee Correctional Institution, MacDougall Correctional Institution, Perry Correctional Institution, Ridgeland Correctional Institution, Trenton Correctional Institution, Turbeville Correctional Institution, and Tyger River Correctional Institution. *Institutions*, *supra* note 19.

²¹ Minimum security facilities may house people classified as either minimum-out or minimum-in custody. These facilities include Goodman Correctional Institution, Livesay Correctional Institution, MacDougall Correctional Institution, Manning Reentry/Work Release Center, Palmer Pre-Release Center, Trenton Correctional Institution, and Wateree River Correctional Institution. *Institutions*, *supra* note 19.

²² S.C. DEP'T OF CORR., AVERAGE DAILY INMATE POPULATION: FISCAL YEARS 1970–2022 (2022), https://www.doc.sc.gov/research/SystemOverview/Avg_pop_FY_1970-2022.pdf [<https://perma.cc/BEW2-YKLD>] [hereinafter S.C. DEP'T OF CORR., AVERAGE DAILY INMATE POPULATION].

²³ *Secure Facilities*, S.C. DEP'T OF JUV. JUST., <https://djj.sc.gov/facilities> [<https://perma.cc/NZ6V-R54Z>]. Only Richland County and Charleston County currently run their own youth facilities. Greenville also has a facility, but it is currently closed as they lack sufficient staff to run the facility safely. Richland County houses its children in a separate wing of the Alvin S. Glenn Detention Center, the county's adult pretrial facility. Charleston County opened a new facility for youth in 2022 after closing the previous facility, where conditions had been found to violate the Fourteenth Amendment. Sean Mahoney, *New Juvenile Detention Center in Charleston County Unveiled Tuesday*, ABC15 NEWS (Mar. 29, 2022), <https://wpde.com/news/local/new-juvenile-detention-center-in-charleston-county-to-be-unveiled-tuesday-wciv> [<https://perma.cc/9Q9U-5HD8>]; see also Complaint, Prot. and Advoc. for People with Disabilities, Inc. v. Cannon (2020) (No. 2:20-cv-02738), <https://www.nelsonmullins.com/storage/KCwPiY99Hij4yXbcbkZ921vt1npP7KTzKazMWBQf.pdf> [<https://perma.cc/X28D-E3TL>].

²⁴ *Secure Facilities*, *supra* note 23.

children who have been adjudicated before the judge renders a final disposition (the equivalent of a sentence in an adult case).²⁵ A child can spend no more than forty-five days in custody at an evaluation center.²⁶ Finally, DJJ runs Broad River Road Complex, the state's long-term carceral facility for children.

DJJ is currently bound by a settlement agreement with the U.S. Department of Justice (DOJ) after the DOJ found reasonable cause to believe that the conditions in the Broad River Road Complex violated the Fourteenth Amendment.²⁷ All of DJJ's facilities are also currently the subject of a class action lawsuit brought on behalf of the South Carolina State Conference of the NAACP, Disability Rights South Carolina, and Justice 360 alleging dangerous and inhumane conditions, including lack of sanitation, understaffing, and violence.²⁸

DJJ also partners with private providers called short-term alternative placements that house youth adjudicated in juvenile court. The current facilities are Beaufort Marine Institute, Camp Aspen, Camp Bennettsville, Camp Sand Hills, Camp White Pines, Gateways, Generations (Bridges), Georgetown Marine Institute, and Piedmont Wilderness Institute.²⁹ The only child who died in custody in South Carolina between 2015 and 2021 died in one of these alternative placements, Camp Sand Hills.

²⁵ *Id.*

²⁶ *Id.*

²⁷ U.S. DEP'T OF JUST. C.R. DIV., INVESTIGATION OF SOUTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE'S BROAD RIVER ROAD COMPLEX 1-4 (Apr. 14, 2022), <https://www.justice.gov/opa/press-release/file/1494661/download> [<https://perma.cc/8NFF-73SA>].

²⁸ Complaint, S.C. State Conf. of NAACP v. S.C. Dep't of Juv. Just. (2022) (No. 0:2022-cv-01338), https://www.aclusc.org/sites/default/files/field_documents/220426_sc_djj_-_complaint_-_final.pdf [<https://perma.cc/86EX-S2EB>].

²⁹ *Secure Facilities*, *supra* note 23.

Methodology

University of South Carolina School of Law students filed freedom of information requests with 196 facilities and agencies, including all identified prisons, jails, lockups, and juvenile detention centers found through online searches in Spring 2022. Students requested records of deaths in custody, including any records prepared and submitted to the Bureau of Justice Statistics (BJS), the Bureau of Justice Assistance (BJA), and the South Carolina Department of Corrections (SCDC).³⁰ BJS collected mortality data for state jails and prisons until 2021, when its last collection was formally closed and the responsibility was handed over to BJA. The BJS reports do not disaggregate data by facility, nor is state data disaggregated by race, age, or length of stay. Students also reviewed news for their assigned counties to identify unreported deaths that occurred behind bars.

Of the 196 Freedom of Information Act requests filed, we received responses to 161 (82%). One hundred nine facilities identified through internet searches, all of which were city jails or lockups, indicated that they did not hold people. Twenty facilities indicated they had had no deaths in custody over the requested period. Thirty-four facilities, including thirteen county jails, either did not respond to our repeated records requests or did not provide information as required by S.C. Code § 30-4-30. It was also common to find facilities using inconsistent or outdated forms to report their death data.

SCDPS was among the agencies that responded to our request by stating it had no responsive records, though as of January 31, 2022, the agency keeps a public database with death in custody records. In addition, while SCDC has provided information about the names, sex, race, date and cause of death, date of birth, admission date, death location, and assigned institution for deaths in SCDC institutions, the underlying documentation is still forthcoming, as SCDC lacks the staff to comply more quickly with the records request. A comparison of the death data reported in SCDC's database as compared to the underlying documents and news reports reveals discrepancies in the information reported on different forms. Where the data conflicts, we have reported the cause of death listed in the most detailed account of the death. Otherwise, we have relied on the spreadsheet of data aggregated by SCDC.

All data utilized in this report, including documents received, is available for download and more detailed analysis at www.incarcerationtransparency.org.

³⁰ Forms requested included the CJ-9/CJ-9A (jails), NPS-4-NPS-4A (prisons), CJ-10/CJ-10A (private facilities), NPS-5-NPS-5A (juveniles), SCDC-8-2 (state report to SCDC), and jail incident reports.

I. WHO IS DYING?

Race

The state of South Carolina disproportionately incarcerates its Black residents, but deaths in custody are evenly distributed between Black and white prisoners. Black South Carolinians represent about 61% of those sentenced to state prisons, compared to 36% white people, and 3% other.³¹ Children committed to juvenile prisons in South Carolina are 57% Black, 35% white, 5% Hispanic, and 2% other.³² The state's long-term secure facility, the Broad River Road Complex, incarcerates 73% Black children, 22% white children, 4% Hispanic children, and 2% other children.³³ Children detained pretrial are 64% Black, 31% white, 4% Hispanic, and 2% other.³⁴ Demographic data about the composition of the state's jails is not available.

Of the 777 known deaths from 2015 to 2021, Black people accounted for 49.03% of deaths (381) and white people comprised 49.03% of deaths (381).³⁵ The remaining 15 deaths (1.9%) listed race as unknown. In prisons, where publicly available information allows us to compare the share of the total prison population to death rates, Black people comprised 52% of deaths (333), while white people comprised 48% of deaths (308). The remaining 4 prison deaths (less than 1%) were categorized as unknown.

³¹ S.C. DEP'T OF CORR., PROFILE OF INMATES, *supra* note 18.

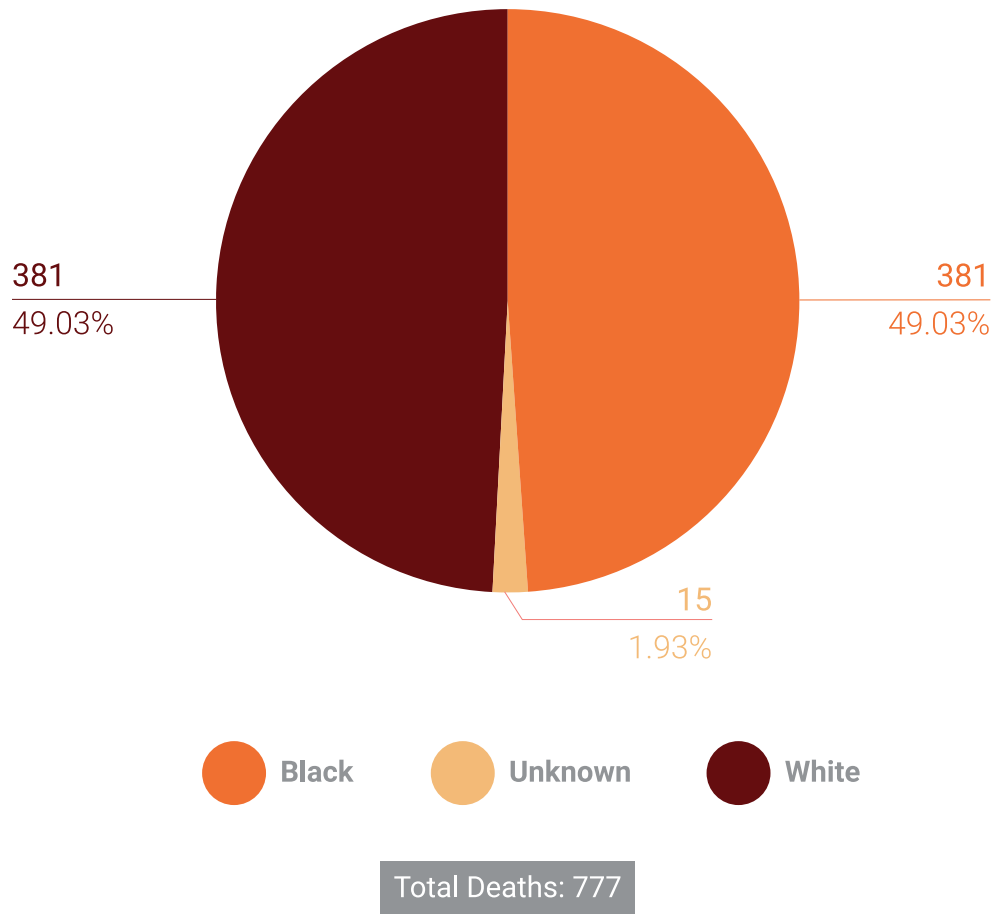
³² S.C. DEP'T OF JUV. JUST., DATA RESOURCE GUIDE 13 (2019), <https://djj.sc.gov/sites/djj/files/Documents/Resource%20Guide%202019-Final%20Draft.pdf> [<https://perma.cc/C45S-MRWJ>] [hereinafter S.C. DEP'T OF JUV. JUST., DATA RESOURCE GUIDE].

³³ *Id.* at 20.

³⁴ *Id.* at 10.

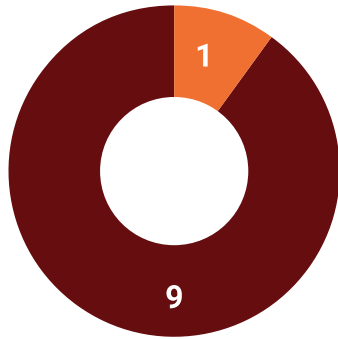
³⁵ Of these deaths, nine of the white deaths were people the facilities categorized as Hispanic, but due to the small number and the variability of facilities' coding practices with respect to white Hispanic deaths, we have not included that distinction in this analysis.

DEATHS BY RACE



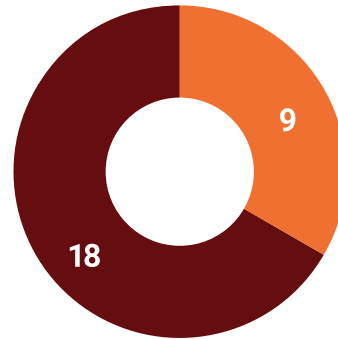
Cause of death appears to vary among people of different races. Black people were somewhat more likely to die of medical causes (54.10%) than white people (45.14%). Other causes of death showed starker disparities. White people were much more likely to die by suicide (59.77%), drug overdose (66.67%), and accidents (90%), while Black people were much more likely to die from violence behind bars (66.67%).

CAUSE OF DEATH BY RACE



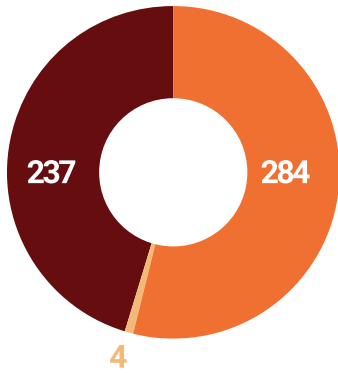
Death By Accident

Total Deaths: 10



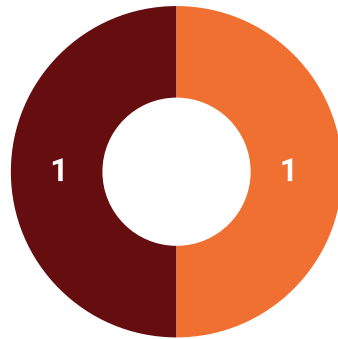
Death By Drugs

Total Deaths: 27



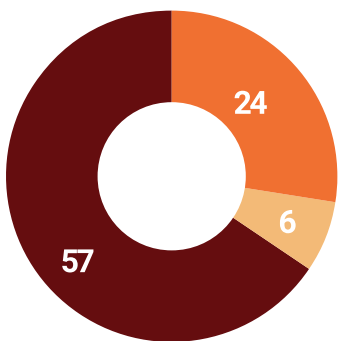
Death By Medical

Total Deaths: 525



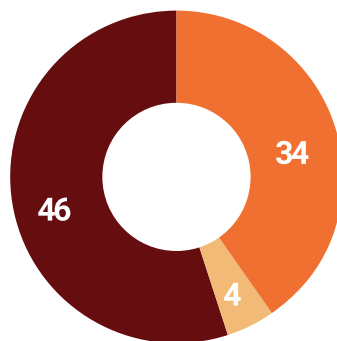
Death By Other

Total Deaths: 2



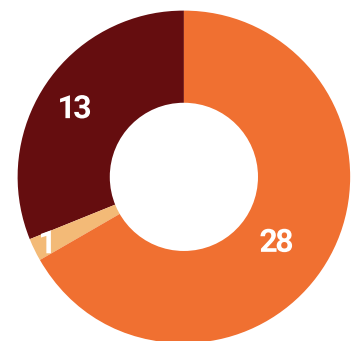
Death By Suicide

Total Deaths: 87



Death By Unknown

Total Deaths: 84



Death By Violence

Total Deaths: 42



Total Deaths: 777

Gender

Carceral deaths in South Carolina reflect the wide disparities in incarceration rates for men and women.³⁶ Men represent 93% of people incarcerated after conviction, while women comprise only 7%.³⁷ In youth facilities, there is a similar, if less extreme, gender disparity. Boys make up 75% of those detained pretrial and 79% of those committed to the state's custody after adjudication.³⁸ Girls comprise 25% of detentions and 21% of commitments.³⁹

Men accounted for 93.82% of known deaths behind bars (729) versus 6.18% (48) for women. Medical deaths were the leading cause of death for both men and women and made up 66.67% (32) of women's deaths and 67.63% (493) of men's deaths. Women's death records were more likely than men's to reflect an unknown cause of death (20.83% of women's deaths versus 10.15% of men's deaths), and unknown deaths were the second most common cause of death for women (10). Men, on the other hand, were more likely than women to die by suicide (11.25%, 82 deaths). Deaths by both violence (5.76%, 42 deaths) and accident (1.37%, 10 deaths) were exclusively male.

2015 - 2021 | SCDC

Men were more likely than women to die by suicide

82 MEN DIED BY SUICIDE

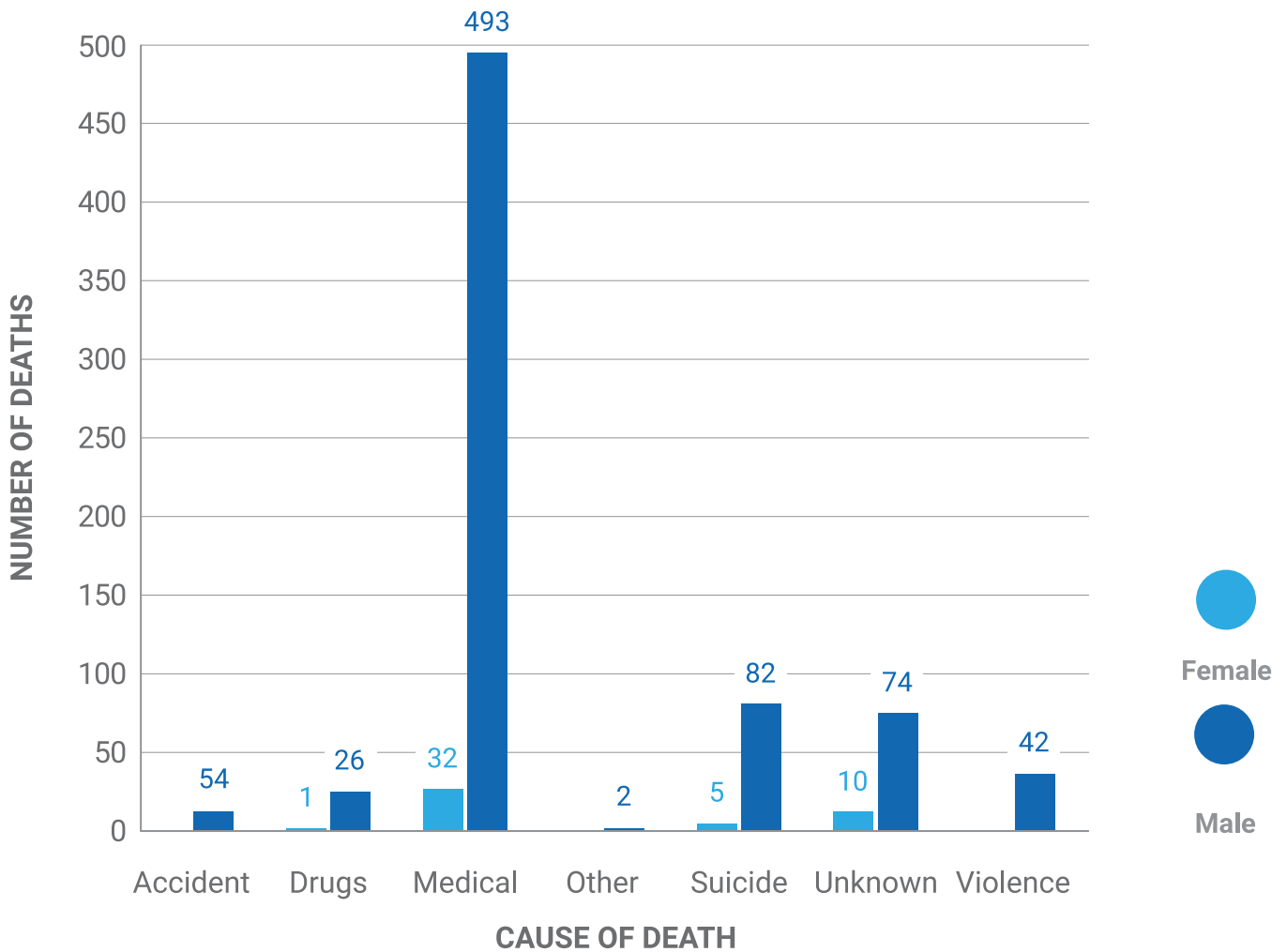
³⁶ Non-binary and transgender people are not tracked in the state's data, so they are not reflected here, though we know that genderqueer, non-binary, and transgender people are incarcerated at higher rates than the general population. Alexi Jones, *Visualizing the Unequal Treatment of LGBTQ People in the Criminal Justice System*, PRISON POL'Y INITIATIVE (Mar. 2, 2021), <https://www.prisonpolicy.org/blog/2021/03/02/lgbtq/> [<https://perma.cc/J8LA-T5MJ>].

³⁷ See S.C. DEP'T OF CORR., PROFILE OF INMATES, *supra* note 18.

³⁸ S.C. DEP'T OF JUV. JUST., DATA RESOURCE GUIDE, *supra* note 32, at 10, 13.

³⁹ *Id.*

CAUSE OF DEATH BY GENDER



Total Deaths: Female - 48 / 6.18% Male - 729 / 93.82%

Age

Long sentences and mandatory sentencing schemes have led to the graying of the prison population across the United States. On average, 14% of people held in state prisons are fifty-five or older.⁴⁰ South Carolina reflects this trend. Two percent (382) of people sentenced to South Carolina state prisons are twenty-one or younger, 7% (1,125) are twenty-two to twenty-five, 30% (4,820) are twenty-six to thirty-five, 46% (7,354) are thirty-six to fifty-five and 14% (2,304) are fifty-six and older.⁴¹ The average age of people in SCDC custody is 40.8 years old for men and 39.5 years old for women.⁴²

⁴⁰ See E. ANN CARSON, BUREAU OF JUST. STATS., NCJ302776, PRISONERS IN 2020—STATISTICAL TABLES 22 (Dec. 2021), <https://bjs.ojp.gov/content/pub/pdf/p20st.pdf> [<https://perma.cc/MFK2-M7RT>].

⁴¹ S.C. DEP'T OF CORR., PROFILE OF INMATES, *supra* note 18.

⁴² *Id.*

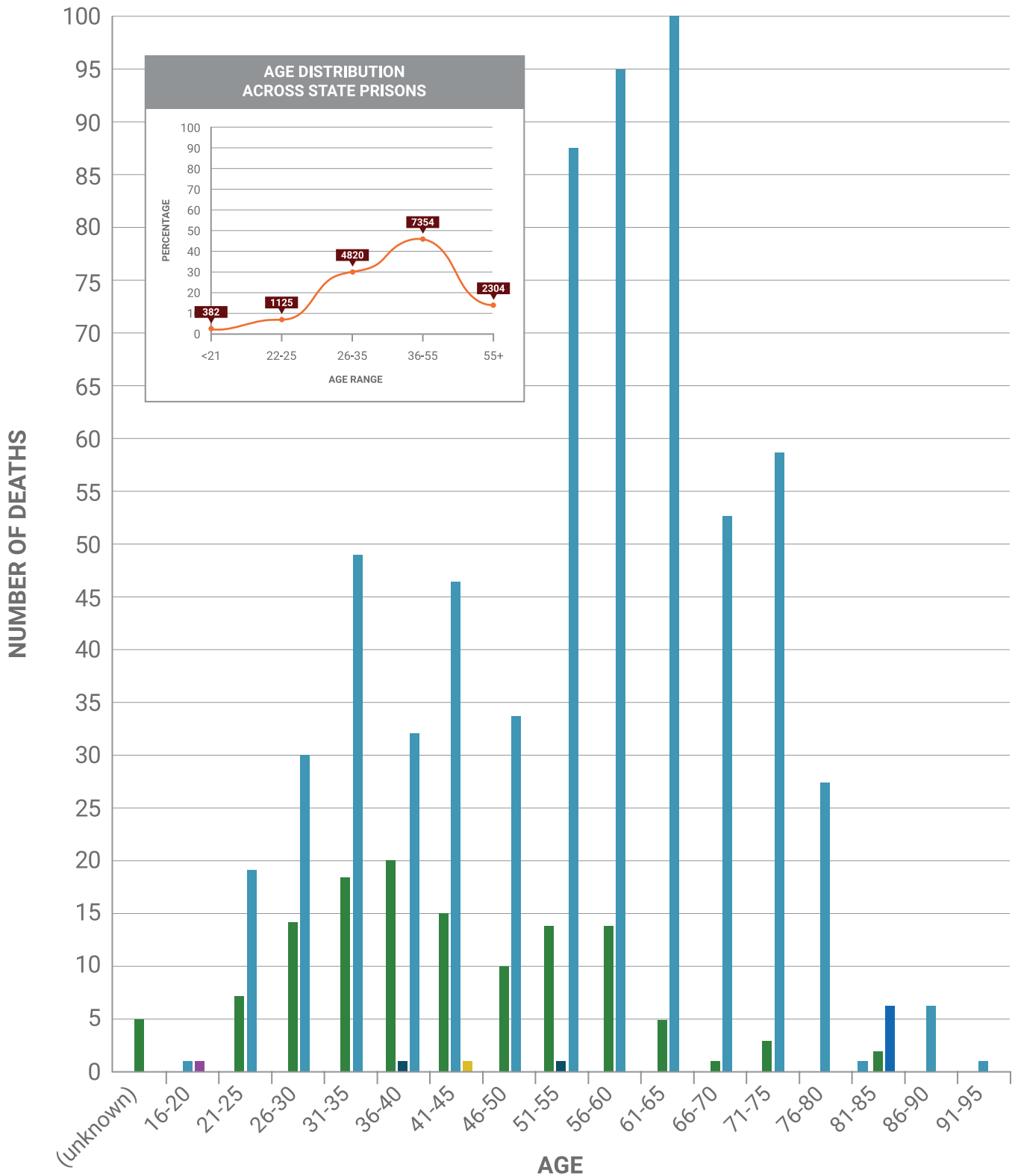
Known deaths behind bars in South Carolina range from age sixteen to ninety-five years old. Overall, people from fifty-six to sixty years old make up 14.03% of deaths, while people sixty-one to sixty-five make up 13.51% and those fifty-one to fifty-five make up 13.13%.

SCDC deaths reflect a pattern similar to that of overall deaths in custody. The highest percentage of people dying in SCDC custody are sixty-one to sixty-five years old (15.5%), followed by those fifty-six to sixty (14.73%), and those fifty-one to fifty-five (13.49%). By contrast, those dying in jails across the state skew younger. In county detention centers, the highest percentage of deaths was among those thirty-six to forty (15.63%), followed by those thirty-one to thirty-five (14%) and those forty-one to forty-five (11.72%).

DEATHS BY AGE AND TYPE OF FACILITY

AGE	County jails	City jails & lockups	State prisons	Juvenile facilities	Out of state prisons	Grand Total
Unknown	0.64%	0.00%	0.00%	0.00%	0.00%	0.64%
16-20	0.00%	0.00%	0.13%	0.13%	0.00%	0.26%
21-25	0.90%	0.00%	2.45%	0.00%	0.00%	3.35%
26-30	1.80%	0.00%	3.86%	0.00%	0.00%	5.66%
31-35	2.32%	0.00%	6.31%	0.00%	0.00%	8.62%
36-40	2.57%	0.13%	4.12%	0.00%	0.00%	6.82%
41-45	1.93%	0.00%	5.92%	0.00%	0.13%	7.98%
46-50	1.29%	0.00%	4.38%	0.00%	0.00%	5.66%
51-55	1.80%	0.13%	11.20%	0.00%	0.00%	13.13%
56-60	1.80%	0.00%	12.23%	0.00%	0.00%	14.03%
61-65	0.64%	0.00%	12.87%	0.00%	0.00%	13.51%
66-70	0.13%	0.00%	6.82%	0.00%	0.00%	6.95%
71-75	0.39%	0.00%	7.59%	0.00%	0.00%	7.98%
76-80	0.00%	0.00%	3.47%	0.00%	0.00%	3.47%
81-85	0.26%	0.00%	0.77%	0.00%	0.00%	1.03%
86-90	0.00%	0.00%	0.77%	0.00%	0.00%	0.77%
91-95	0.00%	0.00%	0.13%	0.00%	0.00%	0.13%
Grand Total	16.47%	0.26%	83.01%	0.13%	0.13%	100.00%

DEATHS BY AGE AND TYPE OF FACILITY



Total Deaths: 777



Younger people were much more likely than older people to die by suicide. Of the twenty-one to twenty-five year-olds who died in custody, 42% died by suicide, and suicide was the leading cause of death for people twenty-one to thirty-five years old. By contrast, medical issues were the leading cause of death for those thirty-six and older. In addition, while violent deaths did not occur only among the young, they skewed younger on average, with 60% of violent deaths occurring among those thirty-five and younger. Violent deaths were most concentrated among those thirty-one to thirty-five years old, who represented 19.4% (13) of violent deaths in custody.

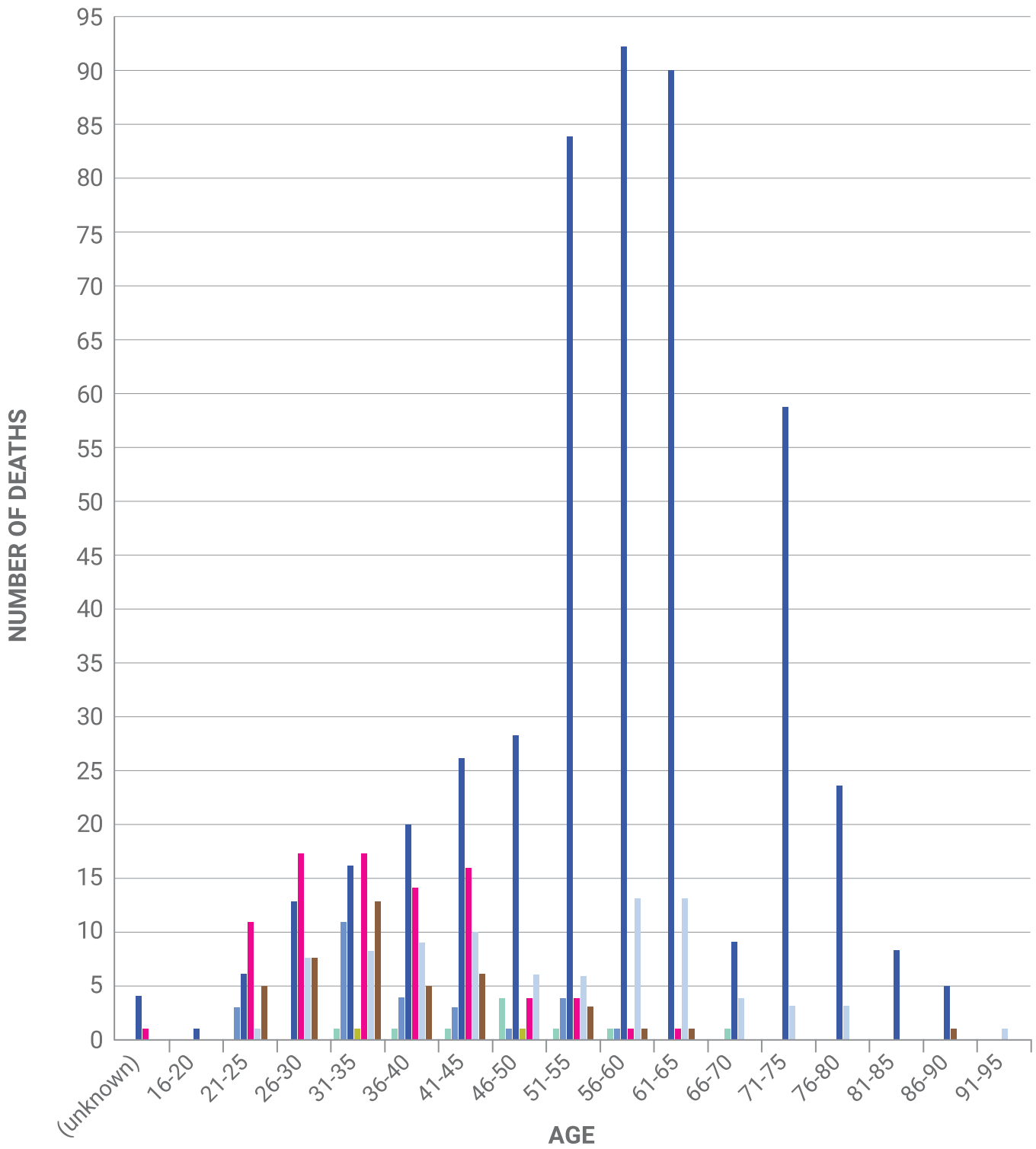
**THE HIGHEST PERCENTAGE OF
PEOPLE DYING IN SCDC CUSTODY:**

61-65 years old

**THE HIGHEST PERCENTAGE OF
PEOPLE DYING IN SC COUNTY
DETENTION CENTERS CUSTODY:**

36-40 years old

DEATHS BY AGE AND CAUSE OF DEATH

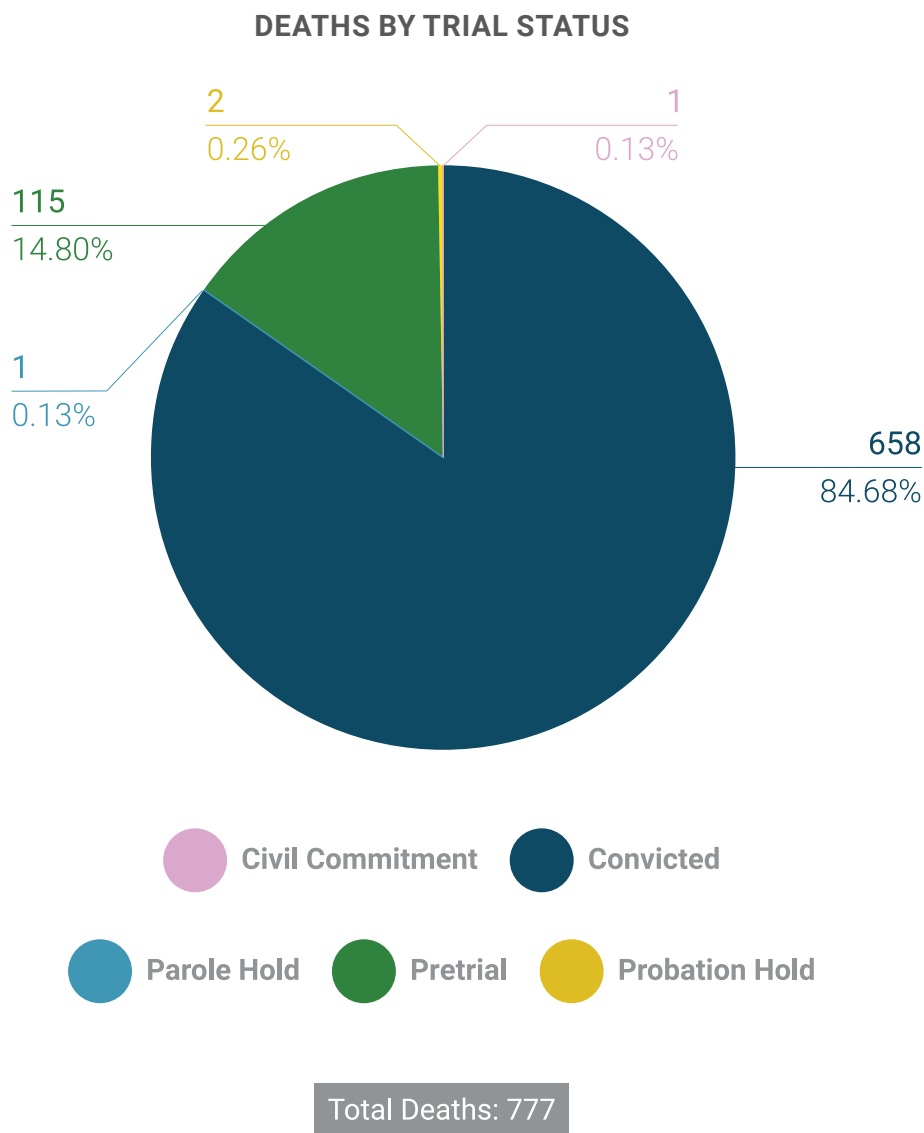


Total Deaths: 777



Trial Status

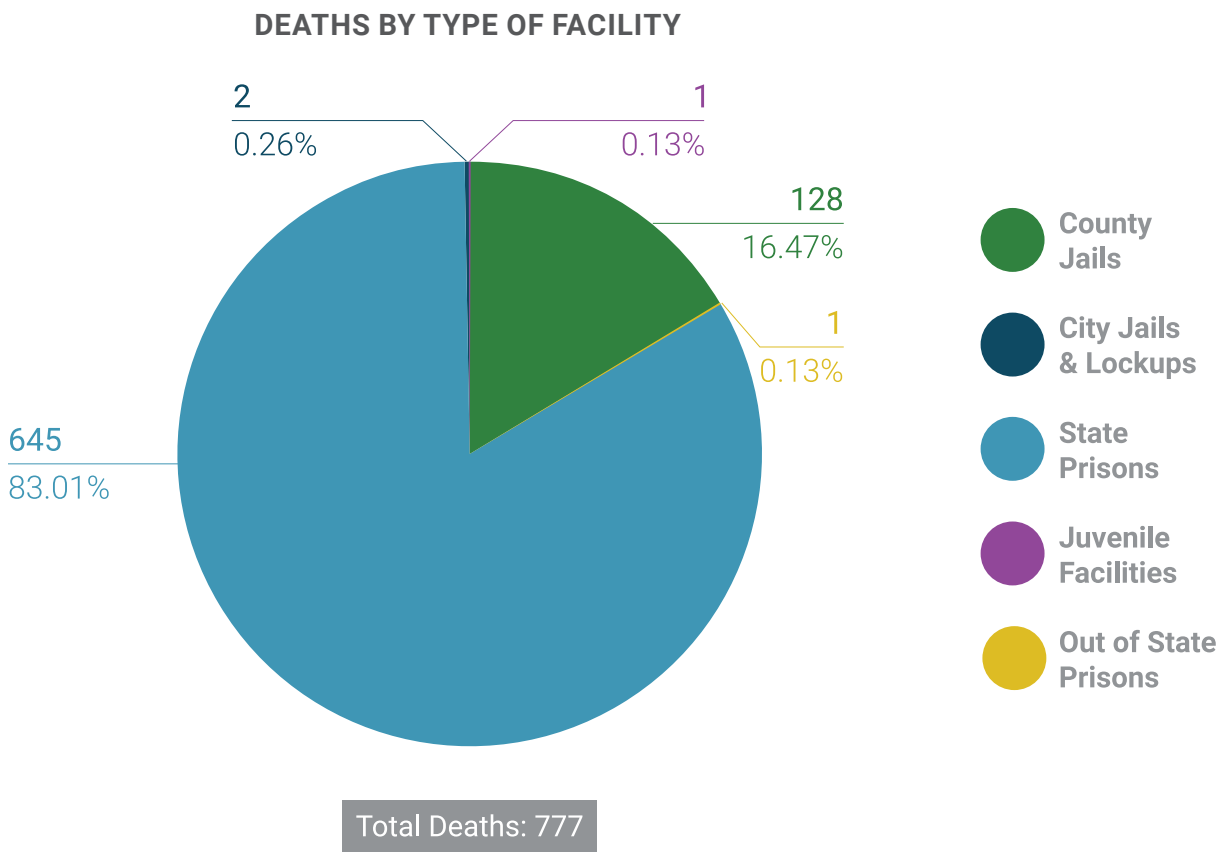
Approximately 85% of people who died behind bars were convicted and serving a sentence for a crime. These deaths occurred mostly within SCDC facilities (651 for 82.5% of total deaths), but people with convictions also died serving their sentences in county detention centers (15 for 1.93% of deaths) and juvenile facilities (1 death). One hundred nine people who remained legally innocent and awaited trial represented 14.03% of known deaths from 2015-2021. People also died in jails while they were civilly committed (1 death), on a parole hold (1 death), or on a probation hold (2 deaths).



II. WHERE ARE THEY DYING?

Type of Facility

South Carolina has four primary types of incarceration facilities: state prisons, county jails, juvenile facilities, and city jails. The South Carolina Department of Corrections operates each of the state’s twenty-one prisons. County jails, usually called detention centers, are primarily run by county sheriffs, and mostly hold people pretrial, though some convicted people serve their sentences there as well. The Department of Juvenile Justice (DJJ) runs most of the state’s juvenile facilities, though it also contracts with private providers to house lower-security youth at sites called short-term alternative placements. No private adult prisons operate within South Carolina, but in 2018, SCDC transferred forty-eight people to a private prison in Mississippi operated by CoreCivic.⁴³ Of the 777 known deaths from 2015-2021, the majority occurred within SCDC facilities, though deaths occurred in each type of facility during the time in question.



⁴³ Andrew Knapp, *After South Carolina Riot, 48 ‘Problematic’ Inmates Shipped to Private Mississippi Prison*, POST & COURIER (Charleston, S.C.) (Sept. 14, 2020), https://www.postandcourier.com/news/after-south-carolina-riot-48-problematic-inmates-shipped-to-private-mississippi-prison/article_c22c925c-7626-11e8-9fcf-c75dcca4f8ec.html [<https://perma.cc/HQK7-JEVP>].

The total number of deaths in custody decreased in 2021 relative to 2020, which was the deadliest year since 2015 for those in custody in South Carolina. Yet the pattern diverged for those in county jails and state prisons. State prisons had their deadliest year in 2020, when 121 people died in custody. By contrast, 2020 saw the second fewest deaths in county jails (14 deaths) since 2015. The difference could be explained by fewer people being held pretrial because of the COVID-19 pandemic, while state prisons largely failed to release older people who were more susceptible to the virus. This is supported by a longer average time of incarceration before death in 2020 and 2021: 13.52 and 12.35 years, respectively.

It is also notable that while 2020 had the largest absolute number of medical deaths, the share of medical deaths was lower than in 2015 (79.26% versus 81.32%). In addition, because data was collected at the start of 2022, 46% of the causes of death from 2021 were still unknown at the time of data collection, reflecting a lag in the data reporting.

The relatively steady rate of deaths in custody is also noteworthy given the substantial decrease in South Carolina's prison population during the study period. In 2015, there were seventy-six deaths in SCDC custody for 21,183 prisoners in SCDC facilities.⁴⁴ By 2019, there were still seventy deaths in SCDC custody, though there were 18,743 people held in SCDC facilities.⁴⁵ In 2021, when there were ninety-one deaths in SCDC custody—many more than before the pandemic—there were only 15,807 people in SCDC facilities.⁴⁶ The increase in deaths despite a substantial decrease in prison population may reflect the aging of the SCDC population, which has had a higher percentage of people over the age of fifty-five each year since 2018.⁴⁷

⁴⁴ S.C. DEP'T OF CORR., AVERAGE DAILY INMATE POPULATION, *supra* note 22.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ S.C. DEP'T OF CORR., AGE DISTRIBUTION OF TOTAL INMATE POPULATION AS OF JUNE 30, FISCAL YEARS 2018–2022 (2022), https://www.doc.sc.gov/research/InmatePopulationStatsTrend/ASOF_Trend-Age_Distribution_FY18-22.pdf [<https://perma.cc/G9MN-PHHL>].

DEATHS BY FACILITY TYPE AND YEAR

	2015	2016	2017	2018	2019	2020	2021
County jails	14	13	24	21	21	14	21
City jails & lockups				1			1
State prisons	76	80	107	100	70	121	91
Juvenile facilities	1						
Out of state prisons					1		
Grand Total	91	93	131	122	92	135	113

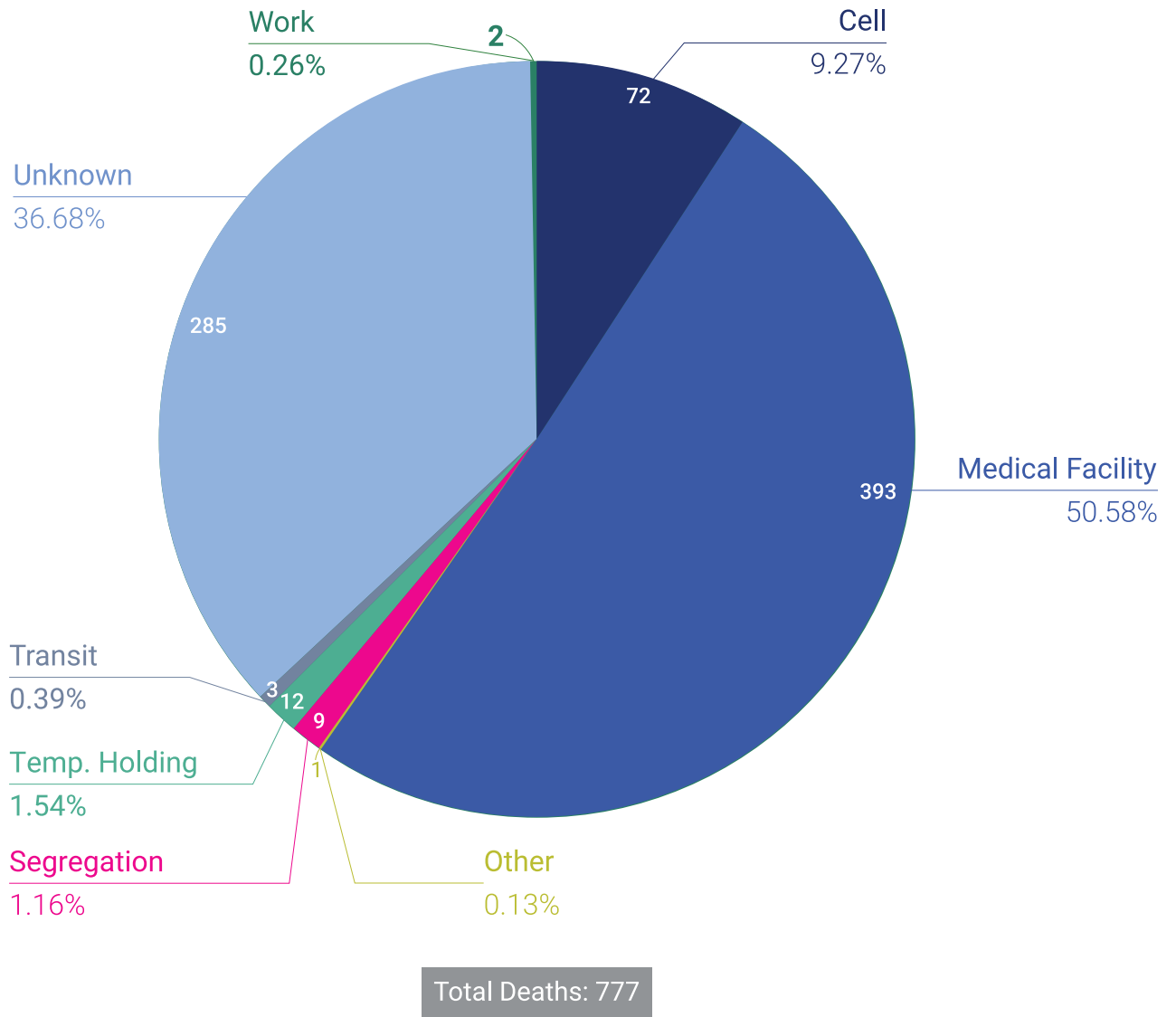
Location Within Facility

Approximately half of deaths (50.58%) occurred in a medical facility, which is consistent with medical illness as the leading cause of known deaths. Unknown death locations account for 36.68% of deaths not because the location is unknown by those working in the facility, but because the records obtained did not include that information. More could be done to include death location in routine tracking of carceral deaths, as it may provide insights into policies or procedures that could prevent deaths, especially those by suicide.

The collected records did not reflect the location of death for thirty-eight deaths by suicide, while six deaths by suicide occurred in segregation, where suicide was the most common cause of death. Facilities tend to use segregation, also known as solitary confinement, for protective custody, suicide watch, or as a method of discipline for rule violations. In such settings, a person is usually in a six by eight cell for twenty-two to twenty-three hours per day, allowed out only for an hour or two of recreation. People in solitary are isolated from human interaction and denied visits, participation in programming, and other privileges.

⁴⁸ As noted, this rate is likely artificially inflated due to a lag in 2021 data. From 2015 to 2020, the percentage of deaths due to unknown causes varied from a low of 0% to a high of 7.61%.

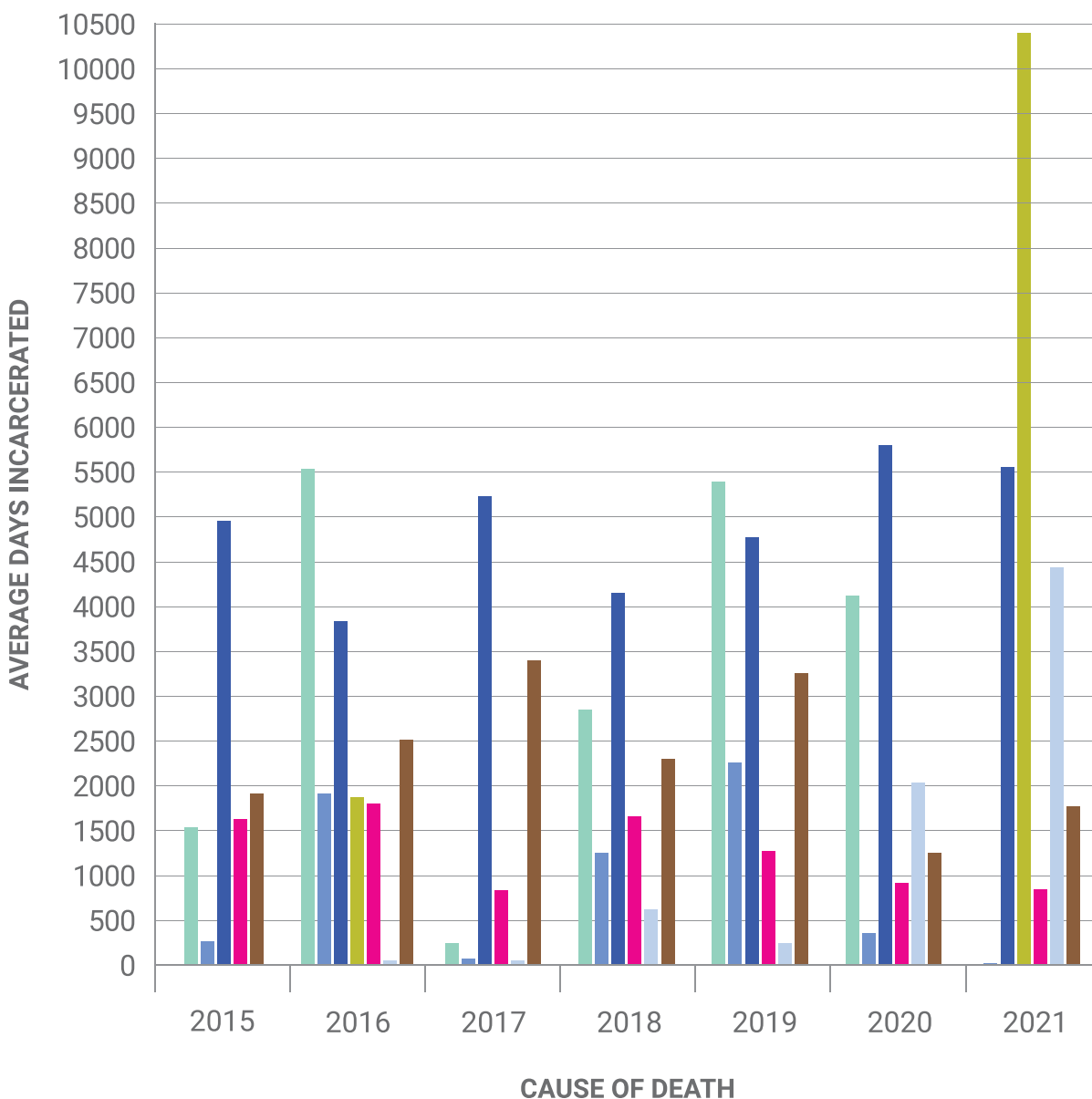
DEATHS BY INCIDENT LOCATION



III. WHY ARE THEY DYING?

Most deaths in custody (67.57%) were due to medical illness despite a lag in death data reporting that inflates the share of deaths (46.02%) due to unknown causes for the year 2021. Even in a prison system with rates of violence well above the national average, known deaths due to violence comprise only 5.41% of deaths behind bars. The second leading cause of death is suicide at 11.20%, followed by unknown causes at 10.81%.⁴⁸ Drug overdose deaths, the fifth leading cause of death, accounted for 3.47% of deaths.

AVERAGE DAYS INCARCERATED BY CAUSE OF DEATH

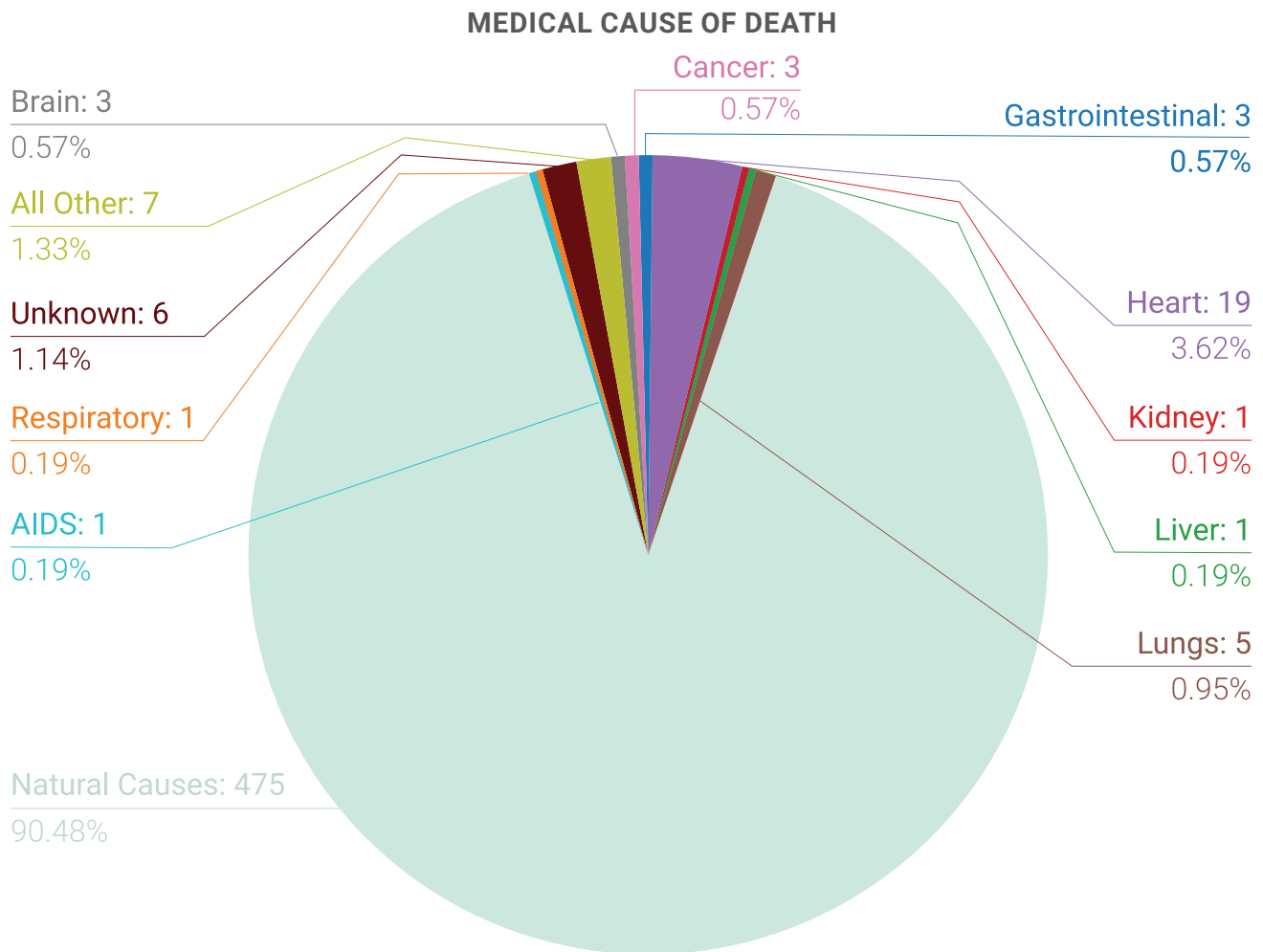


Total Deaths: 777 Average Days Incarcerated: 4018.89

- Accident
- Drugs
- Medical
- Other
- Suicide
- Unknown
- Violence

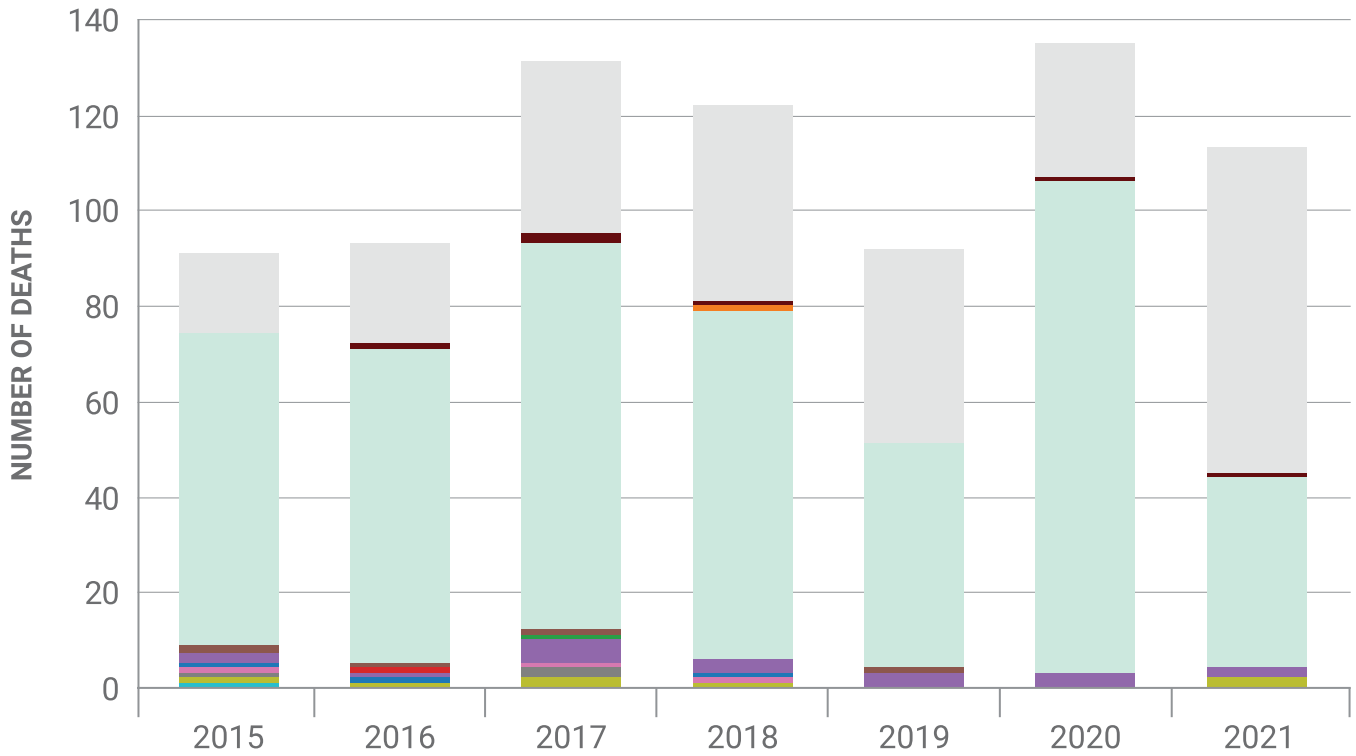
Medical

Medical deaths comprised 525 of the 777 deaths in custody, or 67.57%. The way SCDC stores and reports death data makes it difficult to draw conclusions about the specific causes of medical deaths. SCDC maintains deaths in custody data in a spreadsheet that does not disaggregate medical deaths. While SCDC can be commended for its maintenance of a readily accessible repository of this data, it should also be noted that resource constraints prevent the department from responding promptly to requests for more detailed records. Moreover, SCDC officials redacted the field indicating the deceased’s medical condition upon admission, citing S.C. Code § 30-4-40(a)(2) and S.C. Code § 30-4-40(a)(4).⁴⁹ These redactions make it difficult to know whether medical deaths were the result of pre existing conditions or instead were the result of conditions identified only within the prison system. Even so, the jump in deaths from natural causes in 2020, 103 versus 47 in the previous year and 81 in the next highest year, suggests that COVID-19 took a toll on the incarcerated population in South Carolina.



⁴⁹ S.C. CODE ANN. § 30-4-40(a)(2) states, “A public body may exempt from disclosure information if release of that information would constitute an unreasonable invasion of personal privacy.” S.C. Code Ann. § 30-4-40(a)(4) states, “A public body may exempt from disclosure matters specifically exempted from disclosure by statute or law.” SCDC also cited 45 C.F.R. § 164.508 in support of these redactions.

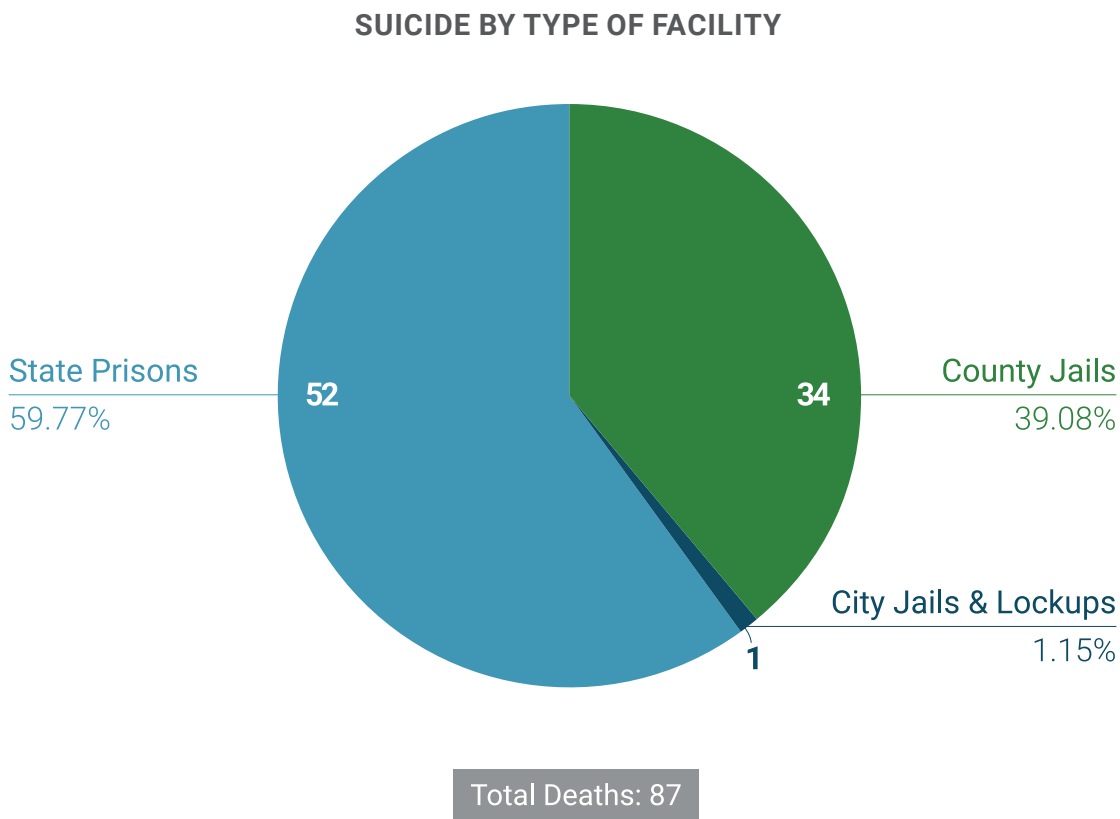
CAUSE OF DEATH BY YEAR AND MEDICAL CATEGORY



	% of all deaths													Total # of deaths	Total % of all deaths
	AIDS	All Other	Brain	Cancer	GI*	Heart	Kidney	Liver	Lungs	Natural Causes	Respi-ratory	Unknown	(Non-Medical Cause of Death)		
2015	0.13%	0.13%	0.13%	0.13%	0.13%	0.26%	0.00%	0.00%	0.26%	8.37%	0.00%	0.00%	2.19%	91	11.71%
2016	0.00%	0.13%	0.00%	0.00%	0.13%	0.13%	0.13%	0.00%	0.13%	8.49%	0.00%	0.13%	2.70%	93	11.97%
2017	0.00%	0.26%	0.26%	0.13%	0.00%	0.64%	0.00%	0.13%	0.13%	10.42%	0.00%	0.26%	4.63%	131	16.86%
2018	0.00%	0.13%	0.00%	0.13%	0.13%	0.39%	0.00%	0.00%	0.00%	9.40%	0.13%	0.13%	5.28%	122	15.70%
2019	0.00%	0.00%	0.00%	0.00%	0.00%	0.39%	0.00%	0.00%	0.13%	6.05%	0.00%	0.00%	5.28%	92	11.84%
2020	0.00%	0.00%	0.00%	0.00%	0.00%	0.39%	0.00%	0.00%	0.00%	13.26%	0.00%	0.13%	3.60%	135	17.37%
2021	0.00%	0.26%	0.00%	0.00%	0.00%	0.26%	0.00%	0.00%	0.00%	5.15%	0.00%	0.13%	8.75%	113	14.54%
Grand Total	0.13%	0.90%	0.39%	0.39%	0.39%	2.45%	0.13%	0.13%	0.64%	61.13%	0.13%	0.77%	32.43%	777	100.00%

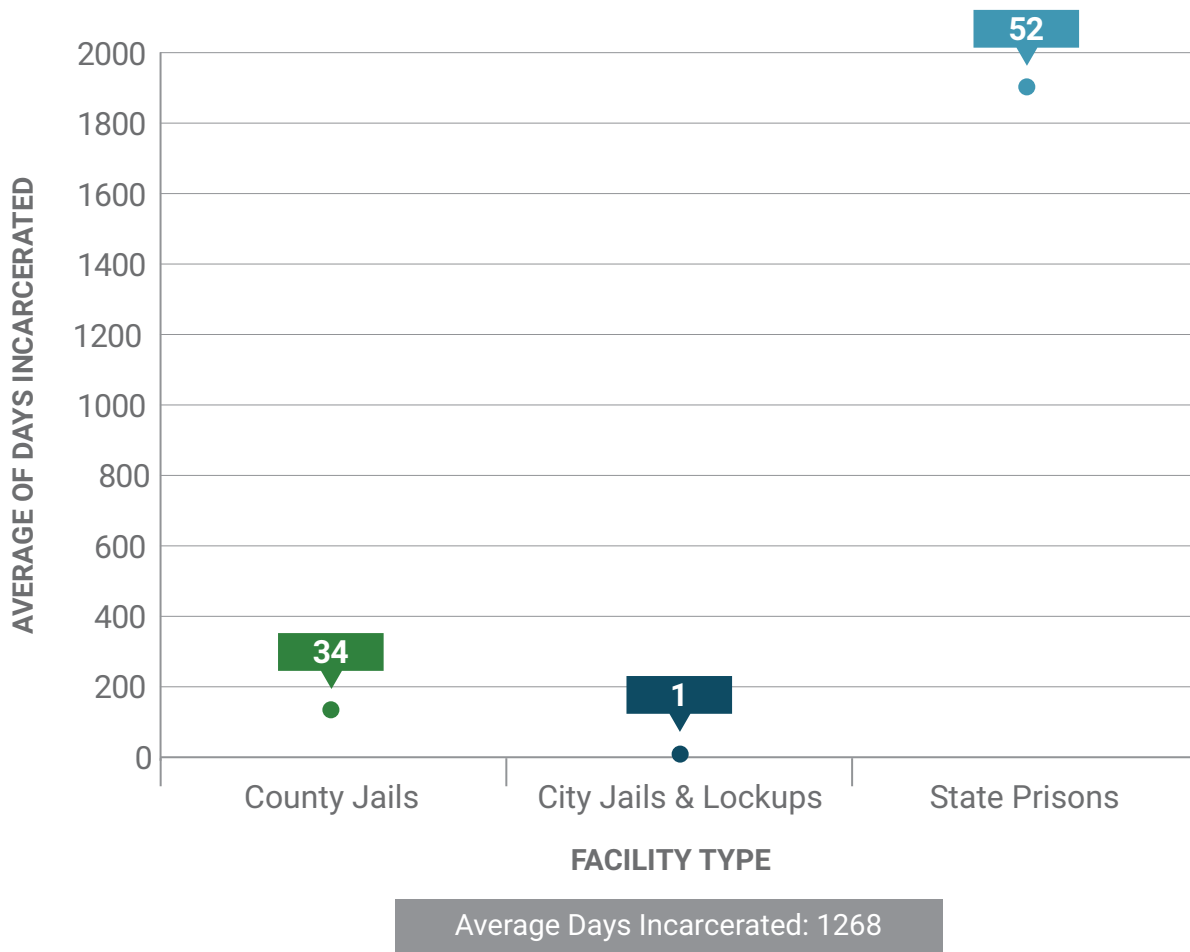
Suicide

Suicide deaths made up 11.20% (87) of all deaths in custody over the reporting period. In line with the national pattern, death by suicide made up a larger share of jail deaths than prison deaths.⁵⁰ Fifty-two of the eighty-seven suicide deaths occurred in SCDC custody, thirty-four in jail custody, and one in a city lockup. For those who died by suicide in SCDC custody, the average time in custody was 1,952 days—more than five years. By contrast, in jails, the average time incarcerated for people who died by suicide was 163 days, or under six months. White people accounted for 65.52% of deaths by suicide (57), while Black people accounted for 27.59% (24).



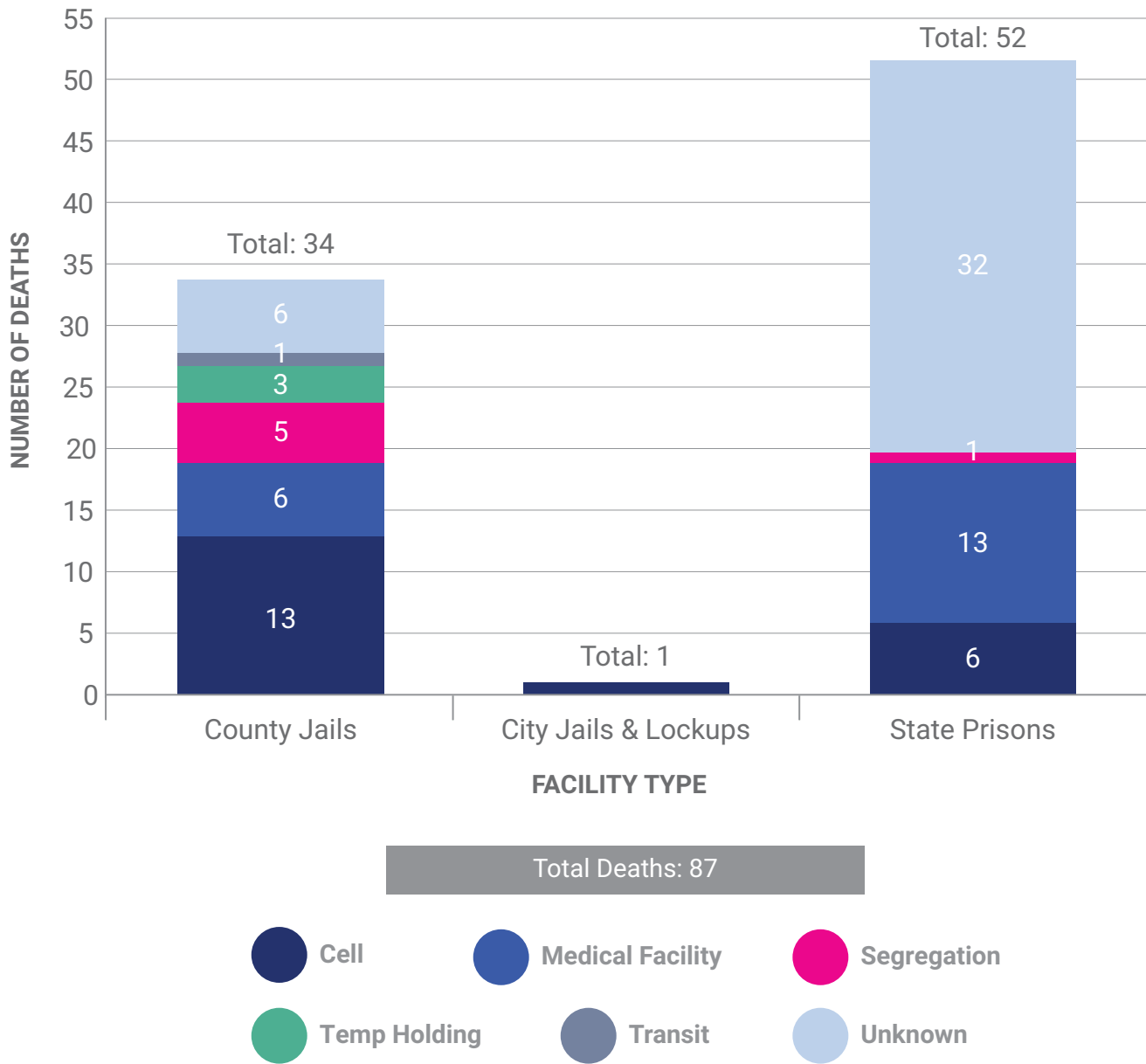
⁵⁰ Compare CARSON, MORTALITY IN LOCAL JAILS, *supra* note 3 (documenting that 30% of deaths in jails nationally are due to suicide), with CARSON, MORTALITY IN STATE AND FEDERAL PRISONS *supra* note 3 (documenting that 8.1% of deaths in prisons nationally are due to suicide).

SUICIDE BY AVERAGE DAYS INCARCERATED



Incomplete data makes it difficult to draw conclusions about where in South Carolina’s carceral facilities people are most at risk for death by suicide. In jails, 38.24% of completed suicides occur in a person’s cell, while 14.71% occur in segregation. According to SCDC data, for 25% of suicides in state custody, the deaths occurred in medical facilities, while for 61.54% of deaths, the location is unknown. This uncertainty exists because the aggregated records obtained from SCDC indicate only the facility name or “outside medical” as the place of death. As additional records are produced, the picture of where in-facility deaths occurred may become clearer. In addition, the number of deaths by suicide that are coded as occurring in a medical facility may indicate that SCDC codes deaths based on the location of the declaration of death rather than the location of the act itself.

SUICIDE BY TYPE OF FACILITY AND INCIDENT LOCATION



Similarly, the aggregated records held by SCDC do not indicate a time of death, so no conclusions can be drawn about when most deaths by suicide occurred in prisons. In jails, 14.94% of suicide deaths occurred in the afternoon and 10.34% occurred in the evening, times when staffing should be at its peak.

SUICIDE BY TYPE OF LOCATION AND TIME

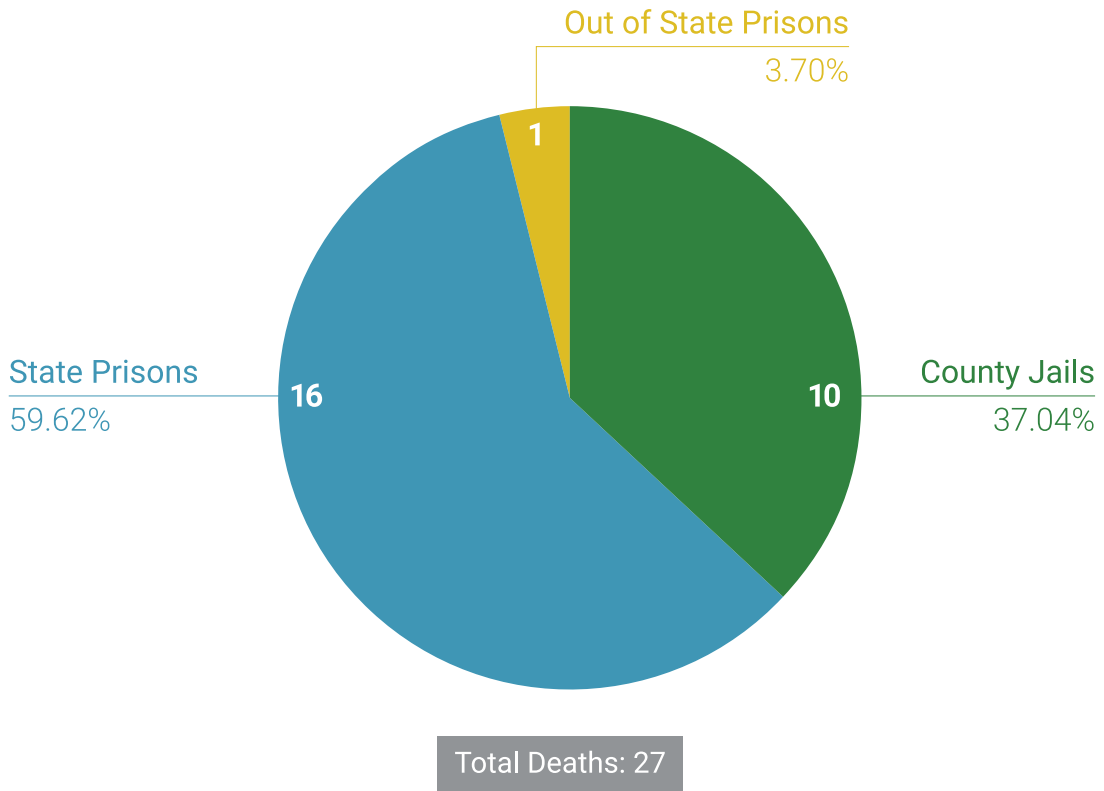
	Number of deaths	% of all suicide deaths
COUNTY JAILS	34	39.08%
Afternoon (noon to 6pm)	13	14.94%
Evening (6pm to midnight)	9	10.34%
Morning (6am to noon)	3	3.45%
Overnight (midnight to 6am)	3	3.45%
Unknown	6	6.90%
CITY JAILS & LOCKUPS	1	1.15%
Afternoon (noon to 6pm)	1	1.15%
STATE PRISONS	52	59.77%
Afternoon (noon to 6pm)	4	4.60%
Morning (6am to noon)	3	3.45%
Overnight (midnight to 6am)	1	1.15%
Unknown	44	50.57%
Grand Total	87	100.00%

Drugs

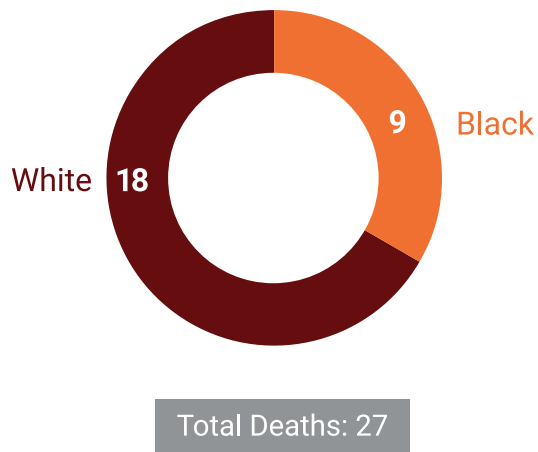
Nationally drug deaths make up a higher share of deaths in jails than in prisons, and that is also true in South Carolina.⁵¹ Even so, the raw number of deaths due to drugs is higher in SCDC facilities (16 deaths, 59.26%) than in jails (10 deaths, 37.04%). White prisoners were more likely than Black prisoners to die because of drug or alcohol intoxication (18 deaths, 66.67% and 9 deaths, 33.33%, respectively).

⁵¹ Compare CARSON, MORTALITY IN LOCAL JAILS, *supra* note 3 (documenting that 15% of deaths in jails nationally are due to drugs and alcohol), with CARSON, MORTALITY IN STATE AND FEDERAL PRISONS *supra* note 3 (documenting that 6.6% of deaths in prisons nationally are due to drugs or alcohol).

DEATHS BY DRUGS AND TYPE OF FACILITY

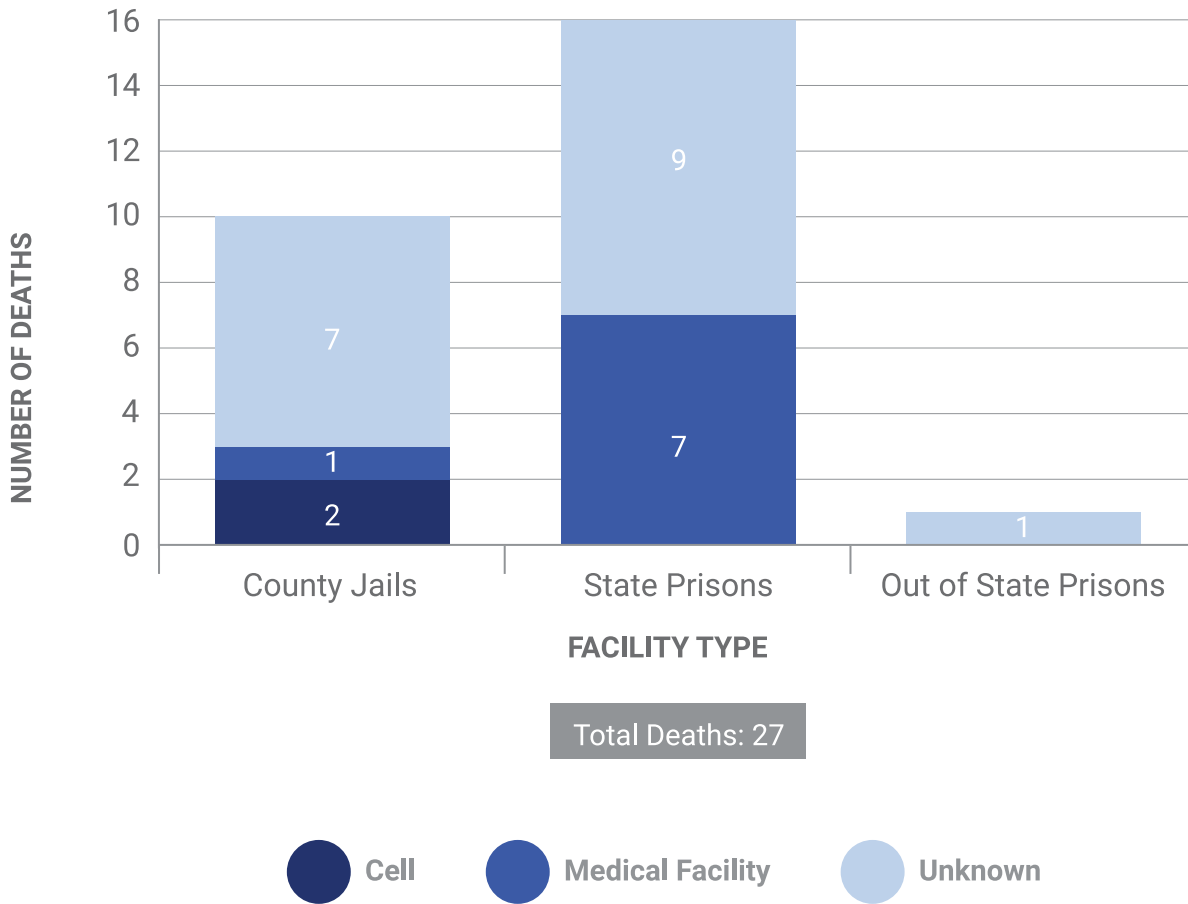


DRUG RELATED DEATHS BY RACE



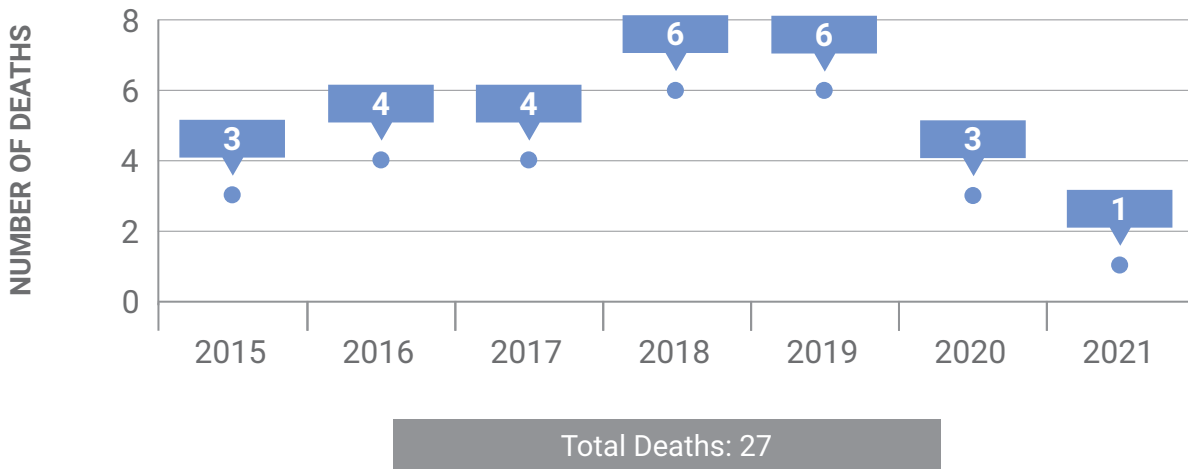
More than half (17 of 27) of the drug overdose deaths occurred in an unknown location. This is not because facility staff did not know where the death was discovered, but rather because the death records provided did not make note of the incident location. Eight drug overdose deaths occurred in medical facilities, though that is not necessarily where the person used the drugs. The two remaining deaths, both in jails, occurred in the person's cell.

DRUGS BY TYPE OF FACILITY AND INCIDENT LOCATION

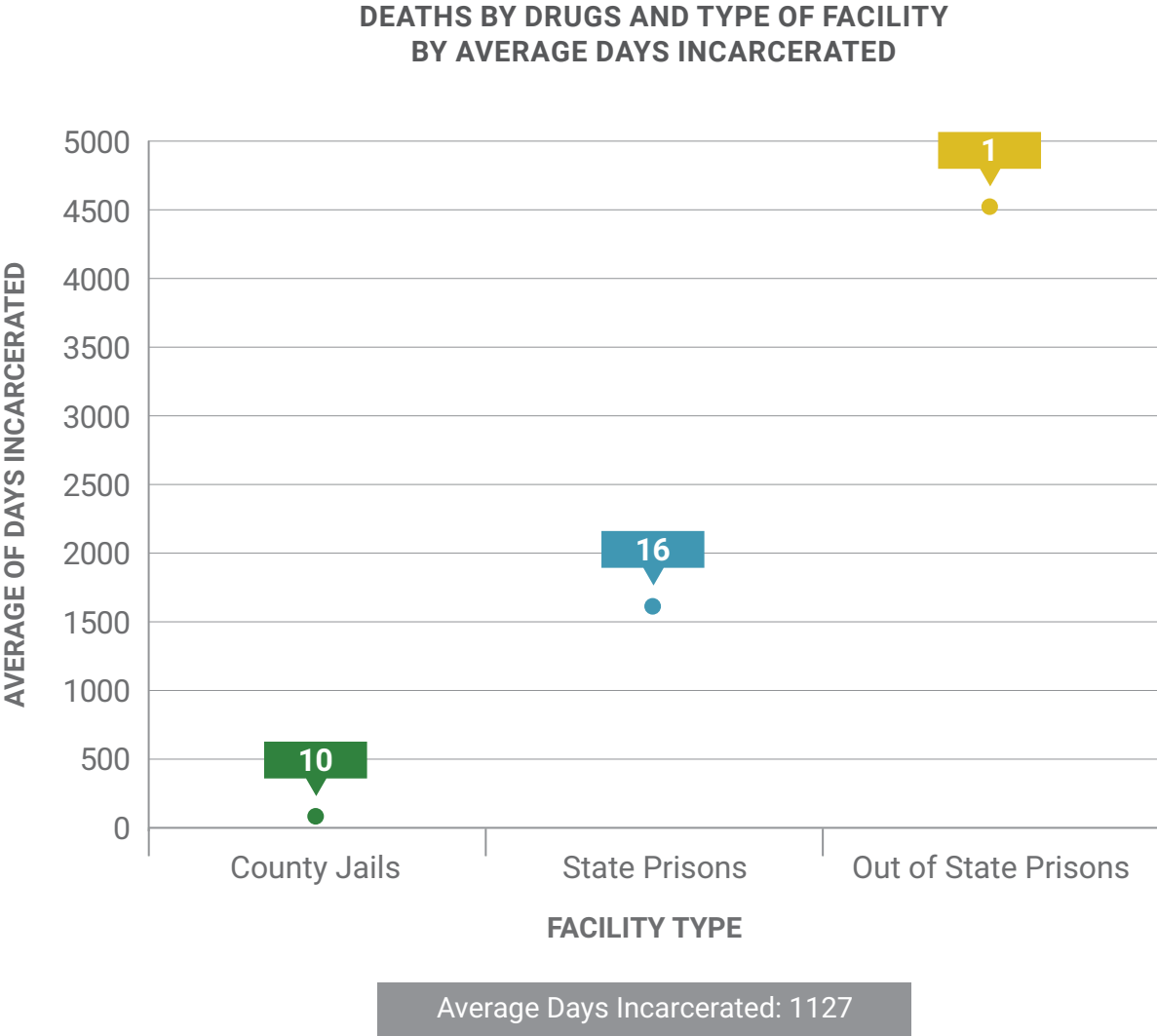


Drug deaths peaked in 2018-2019. Only one drug death was identified in 2021, though it should be noted that some cause of death information from that year remained pending at the time of records production in 2022.

DRUG RELATED DEATHS BY YEAR



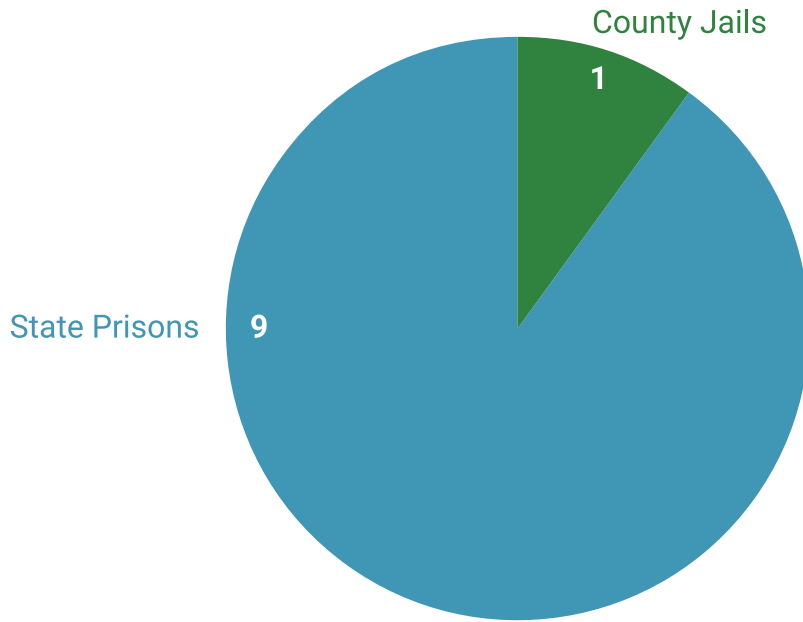
Drug overdose deaths that occur close to admission call into question facilities’ policies on transfer to hospitals in cases of medical distress, while drug overdoses later in a person’s incarceration implicate a facility’s ability to prevent the introduction of contraband. In South Carolina jails, a person is incarcerated, on average, for eighteen days prior to overdosing. In state prisons, overdose deaths occur on average more than four years into a person’s incarceration.



Accident

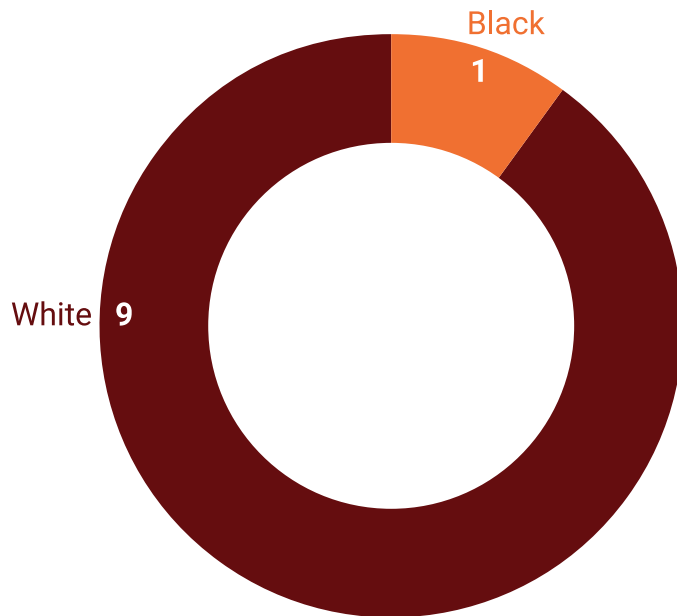
Accidental deaths accounted for ten in-custody deaths during the reporting period, nine of which occurred in SCDC custody. Nine out of ten of those who died of accidental causes were white.

ACCIDENTAL DEATH AND TYPE OF FACILITY



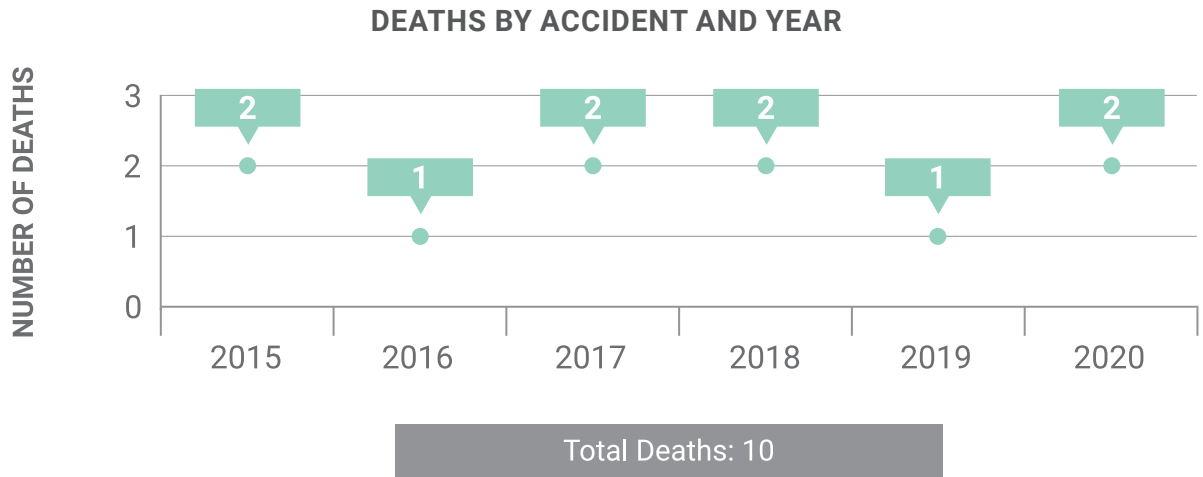
Total Deaths: 10

DEATHS BY ACCIDENT AND RACE



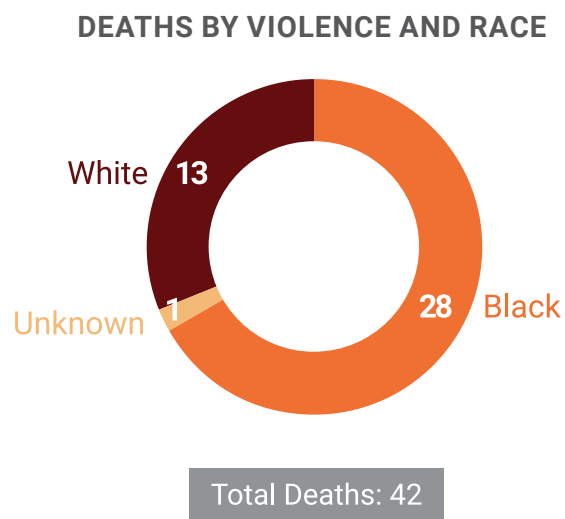
Total Deaths: 10

Though the number of accidental deaths was relatively consistent over the reporting period (one to two per year), the lack of narratives provided in response to records requests makes it difficult to understand how these accidental deaths occurred.

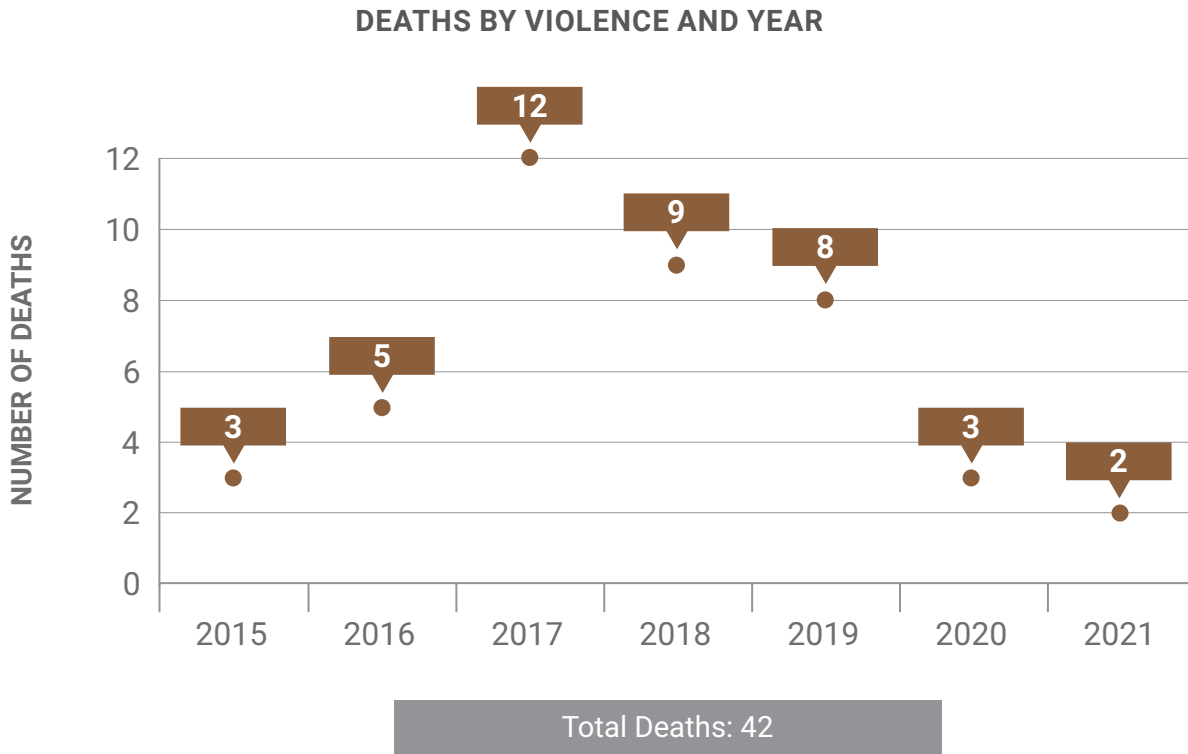


Violence

All violent deaths (42) during the reporting period occurred in SCDC custody. Unlike deaths due to drugs, accidents, or suicides, Black prisoners were more likely to die violent deaths (66.67%, 28 deaths) than white prisoners (30.95%, 13 deaths).



The most violent year in SCDC custody was 2017, when there were twelve deaths, even though the most violent single incident during this period occurred at Lee Correctional in 2018, leaving seven men dead.⁵² Violent deaths decreased substantially in 2020-2021, when there were two and three, respectively.



2015 - 2021 | SCDC

Black prisoners were more than **twice as likely** to die from violence than white prisoners

⁵² Teddy Kulama et al., *7 Inmates Killed in 'Mass Casualty Incident' at SC Prison*, STATE (Columbia, S.C.) (Apr. 16, 2018), <https://www.thestate.com/news/local/crime/article208982794.html> [<https://perma.cc/X49G-5SL6>].

CONCLUSION

This report provides the first ever analysis of deaths behind bars in South Carolina prisons, jails, and youth detention centers. Thirty-four city and county facilities did not respond to our requests, either to confirm that they no longer hold people in custody or to provide requested records. Though the records received are incomplete, the 777 documented deaths bring us closer to understanding the conditions in these public institutions.

Though not all deaths behind bars may be preventable, the proximity of medical care, round-the-clock staffing and supervision, and the reduced likelihood of some types of deaths, like car crashes, should make the death rates in carceral facilities lower than in the community at large.

People can die behind bars regardless of their crime or guilt. Some people died within a day of being placed in custody, while others died years later. Crimes ranged from summary offenses to violent ones. Fourteen percent of people died before a judge heard their case at all.

Facility administrators can and should use this data to compare the operation of their facilities to others. The data reveals patterns that implicate institutional policies and practices, which should be reviewed with an eye toward decreasing the number of deaths behind bars. These data should also be considered in conjunction with allegations of poor conditions in facilities across the state to determine how resources should be better deployed and recognize where incarceration may be leading to excess deaths.

State and local leaders should make collection and publication of this data a priority. Though this report begins the work of increasing the transparency of carceral facilities in South Carolina, systematic collection, tracking, analysis, and publication of data over the long term, without expensive and time-consuming records requests, is necessary for long-term improvements and public accountability. Where steps have been taken to publish publicly accessible data, agencies should continue to make that data as transparent and detailed as possible in order to facilitate meaningful analysis of the agencies' operations.

ACKNOWLEDGMENTS

Author

Professor Madalyn K. Wasilczuk, (JD) joined the University of South Carolina School of Law faculty in 2021. Her scholarship focuses on criminal legal system issues including the law of policing and prisons, the death penalty and other extreme sentences, and children’s rights in the legal system. She directs the Juvenile Justice Clinic and teaches courses that cover the death penalty, sentencing practices, youth justice, criminal procedure, and race and the law. Before joining academia, Professor Wasilczuk represented children and adults at all stages of proceedings as an Assistant Defender at The Defender Association of Philadelphia. She has also served as a fellow with the International Legal Foundation in Myanmar and Tunisia. Professor Wasilczuk is a graduate of New York University School of Law and American University.

Project Participants

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APPENDIX

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Deaths by Facility

Facility	2015	2016	2017	2018	2019	2020	2021	Total 2015-2021
Abbeville County Detention Center			1				1	2
Doris C. Gravat Detention Center (Aiken County)	1		3	1	2	2	2	11
Allendale Correctional Institution	3	1	4	1	1	3	1	14
Alvin S. Glenn Detention Center (Richland County)	1	2	4		1		3	11
AMIkids Sand Hills	1							1
Hill-Finklea Detention Center (Berkeley County)	1	1	1		2		1	6
Broad River Correctional Institution	8	9	17	15	12	22	18	101
Broad River Secure							1	1
Sheriff Al Cannon Detention Center (Charleston County)	1	2	3		1		3	10
Cheraw City Jail				1				1
Chester County Detention Center			1			1		2
Chesterfield County Detention Center				1				1
Clarendon County Detention Center					1			1
Colleton County Detention Center					1	2		3
CoreCivic (Mississippi)					1			1
W. Glenn Campbell Detention Center (Darlington County)					1	1	1	3
Dillon County Detention Center						1		1
L.C. Knight Dorchester County Detention Center					1		1	2
Evans Correctional Institution		3	11	4	2	2	5	27

Florence County Detention Center	1	2		2	1			6
Georgetown County Detention Center		2			1	1		4
Goodman Correctional Institution			1	1	1	1		4
Camille Griffin Graham Correctional Institution	3	2	1	4	2	2	2	16
Graham Reception & Evaluation Center				1	1	2		4
Greenville County Detention Center	4		3	4	2			13
J. Reuben Long Detention Center (Horry County)	1	1	2	3	1	2		10
Jasper County Detention Center				1			1	2
Kershaw Correctional Institution	2	4	1	3	1	3	3	17
Kirkland Correctional Institution	33	25	28	21	14	16	23	160
Leath Correctional Institution			2				1	3
Lee Correctional Institution	11	12	13	20	9	19	10	94
Lexington County Detention Center		1	1			1	1	4
Lieber Correctional Institution	2	6	8	5	4	11	4	40
Livesay Correctional Institution		1	1	2	1			5
MacDougall Correctional Institution		1	1		1		2	5
Manning Correctional Institution	1			1		1		3
Marion County Detention Center							1	1
Marlboro County Detention Center					1			1
McCormick Correctional Institution	5	4	5	3	5	15	8	45

Oconee County Detention Center	1		1	2			2	6
Orangeburg-Calhoun Regional Detention Center				2	1		1	4
Pageland City Jail							1	1
Perry Correctional Institution	4	2	6	6	2	6	3	29
Pickens County Detention Center	1				1		1	3
Ridgeland Correctional Institution	2	3	3	4	4	5	2	23
Spartanburg County Detention Center	2	2	5	2	2	2	3	18
Sumter-Lee Regional Detention Center				2	1			3
Trenton Correctional Institution				1			2	3
Turbeville Correctional Institution		2	2	5	6	6	4	25
Tyger River Correctional Institution	2	3		3	4	5	1	18
Wateree River Correctional Institution		1	1			2		4
Moss Justice Center (York County)		1	1	1		1		4
Grand Total	91	93	131	122	92	135	113	777

SOUTH CAROLINA DEATHS BEHIND BARS 2015 — 2021