

INVESTIGATION OF THE ALVIN S. GLENN DETENTION CENTER (COLUMBIA, SOUTH CAROLINA)



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EXECUTIVE SUMMARY

After an extensive investigation of the Alvin S. Glenn Detention Center (ASGDC or Jail) in Richland County, South Carolina, the Department of Justice (DOJ) finds reasonable cause to believe that ASGDC violates the Eighth and Fourteenth Amendments of the United States Constitution by failing to protect incarcerated people from an unreasonable risk of violence and harm from other incarcerated people.

Specifically, we found that **ASGDC fails to provide reasonable safety and to protect incarcerated people from harm by physical violence from other incarcerated people, including assaults with weapons, assaults by multiple people on single victims, and sexual assaults, which often result in hospitalization or death.**

For years, people incarcerated at ASGDC have been endangered due to systemic problems that have enabled severe violence and avoidable harm to persist. There were at least 60 stabbings in the Jail in 2023. Gangs frequently prey on incarcerated people. Weapons, drugs, and contraband cell phones are commonplace and facilitate gang control and violence in the Jail. When violence occurs or contraband is found, ASGDC often fails to respond with proper investigations and appropriate discipline to enforce Jail rules. Our investigation found that a lack of sufficient staff, a deteriorating facility, and systemic lapses in security operations, such as deficient prisoner supervision, inadequate internal investigations, and lax contraband prevention, result in an ongoing failure to adequately protect incarcerated people from violence. These factors, and others detailed in the report, are known to ASGDC leadership and contribute to our finding of unconstitutional conditions.

This report explains the scope of our investigation and provides background information about the Jail. The report then describes the constitutional violations that we found to exist in the Jail, including the legal framework applied, the unacceptable conditions identified, and the deficient practices that led to the problems. We end by identifying changes that ASGDC needs to implement to fix the violations.

BACKGROUND

I. The Jail

A. Description of the Facility

ASGDC is in Columbia, South Carolina. It serves as the intake and detention center for unsentenced individuals charged with misdemeanors and felonies, as well as an incarceration facility for sentenced individuals. Columbia is the state capital and county seat of Richland County, a county with a population of more than 400,000 that includes the University of South Carolina and the U.S. Army base at Fort Jackson. Richland County is governed by a County Council of eleven members elected to four-year terms. Unlike most jails in South Carolina, which are operated by county sheriff's departments, ASGDC is under the authority of the County Council, which provides funding and oversight for the Jail. Director Crayman Harvey is responsible for daily operations, under the management of County Administrator Leonardo Brown. While the Richland County Sheriff's Department plays no role in the operation of the Jail, it is responsible for criminal investigations of alleged criminal activity at the Jail.

The current facility was constructed in five phases between 1994 and 2005. As of December 2024, the total rated capacity of the facility was 1,120 people. When DOJ visited the Jail in December 2024, the total population in custody was 965. Adults are housed in 15 units, including intake and transfer units. Each housing unit has a bed capacity of 56. Two units are high custody restrictive housing units (a third is currently closed for renovations). Four units house higher security level men, four house medium security level men, and one houses older men. ASGDC has one unit for women. There is also a mental health unit and a medical unit. On December 8, 2023, ASGDC reopened the Behavior Modification Unit (BMU), formerly the Special Housing Unit, after renovations. The BMU is used for disciplinary and administrative holds, as well as protective custody. As of December 2024, ASGDC was in the process of renovating five units, four of which they plan to use as housing units.

ASGDC uses a separate building to house youths, with three eight-bed dormitory wings and two observation cells in the front of the building. Following an announcement by Richland County in June 2024 that it intended to close the juvenile facility, ASGDC transferred all youths to the custody of the South Carolina Department of Juvenile Justice, with the exception of youths charged as adults who remain at ASGDC.

The Jail was designed to operate on a direct supervision management system. Under this model, security personnel should be posted inside the unit and not separated from the incarcerated population by barriers that prevent direct interaction. The system requires officers to be present in the housing units and to provide frequent, non-scheduled observation of and personal interactions with the incarcerated population.

B. Violence Persists Despite Recent Efforts to Address Conditions in the Jail

While we commend the County for recent efforts to improve Jail conditions, people incarcerated at ASGDC continue to face an unreasonable risk of serious harm. County officials and ASGDC administration have been on notice for several years of systemic deficiencies in the operations and physical condition of the Jail, many of which have contributed to violence in the facility.¹ The South Carolina Department of Corrections (SCDOC) conducted annual inspections of the Jail from 2018 to 2023. SCDOC found severe staffing shortages and ongoing issues with key control, malfunctioning doors and locks, inappropriate housing, insufficient supervision, and deteriorating physical conditions that created security hazards. Recently, ASGDC has begun to take steps to address some of these conditions. Most notably, ASGDC is engaged in renovations of its housing units. As mentioned above, the renovated BMU reopened in December 2023. In 2024, ASGDC was renovating five units, including installing an updated locking system and a secure control room in each housing unit to manage security cameras and cell door controls. ASGDC's Compliance Director, who was hired in September 2023 to oversee ASGDC's compliance with its policies and SCDOC requirements, also reported efforts to address lighting and plumbing issues, including installing new toilets, removing broken lights and exposed wires, and resurfacing showers. ASGDC has also taken some steps to improve staffing and contraband prevention, which are discussed in more detail below.²

In conducting our investigation and making our findings, we fully accounted for the changes that have occurred since we opened our investigation. We also understand that the Jail has future improvements planned, including a revision of its policies. DOJ commends County and ASGDC leadership for their efforts to remediate the serious security and maintenance issues at the Jail. Despite these positive changes, however, our investigation found systemic deficiencies in security operations that remain unaddressed and, in some cases, have worsened in recent years. These deficiencies directly relate to widespread violence in the facility and continue to require urgent and comprehensive reforms.

II. **The Investigation**

On November 2, 2023, the Special Litigation Section of DOJ's Civil Rights Division and the United States Attorney's Office for the District of South Carolina opened a pattern or practice investigation of ASGDC under the Civil Rights of Institutionalized Persons Act, 42 U.S.C. §§ 1997 et seq. (CRIPA). We notified Richland County that we were

¹ In addition to the fact that problems in the Jail have been obvious for a number of years, ASGDC has faced many lawsuits in recent years. Disability Rights South Carolina, a protection and advocacy nonprofit, filed a class action lawsuit in 2022 on behalf of incarcerated people at ASGDC with mental illness, alleging that ASGDC failed to protect them from violence, failed to provide them with adequate mental health care, and housed them in inhumane living conditions. Individual plaintiffs have also brought claims against ASGDC in at least 12 lawsuits since 2022, raising allegations of uncontrolled violence and substandard conditions.

² Improvements at the Jail were reflected in the most recent SCDOC inspection from August 2024.

investigating whether ASGDC reasonably protects incarcerated individuals from harm due to violence by other incarcerated individuals.³

Throughout the investigation, we worked with an expert consultant who has decades of experience in law enforcement and corrections organizations, including supervising detainees as a deputy officer; serving as a watch commander and Jail Administrative Captain; and conducting investigations and providing training and technical assistance in connection with the Prison Rape Elimination Act (PREA).

During the investigation, we reviewed thousands of documents from ASGDC.⁴ We also reviewed records from other state and county agencies, third parties such as hospitals, and public sources. We conducted a site inspection of the Jail in late April and early May 2024, which included a full tour of the facility, private one-on-one interviews with dozens of incarcerated individuals, and an in-person community meeting open to the public. Before and after the tour, we held numerous interviews with ASGDC staff and administration. We also returned to reinspect the Jail's housing units in December 2024.

Additionally, we received hundreds of letters, emails, and other communications from people who are incarcerated in the Jail, as well as their loved ones and advocates. We are grateful to the many members of the community who met with us and contacted us to share their experiences.

CONDITIONS IDENTIFIED

III. Protection From Harm

A. ASGDC exposes incarcerated people to extreme violence and an unreasonable risk of serious harm.

Violence is pervasive at ASGDC. The frequency of serious physical assaults, which often result in hospitalization or death—including assaults with weapons; assaults by multiple individuals on single victims; and sexual assaults—indicates severe and systemic lapses in security operations at the Jail.

The Eighth and Fourteenth Amendments impose “certain basic duties on prison officials,” including taking “reasonable measures to guarantee the safety” of convicted

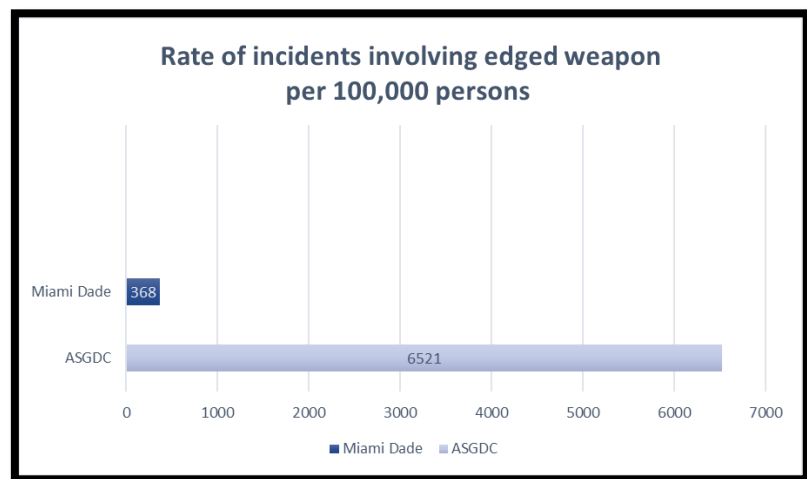
³ We also notified Richland County that we were investigating whether ASGDC fails to provide constitutional living conditions. During our site visits, we observed deplorable conditions in many housing units, which Richland County is working to renovate. As described in greater detail in Section III.F., we found that these living conditions contribute to the violence to incarcerated individuals.

⁴ The documents produced by ASGDC include policies and procedures, institutional files for incarcerated individuals, housing unit logbooks, an electronic incident log, various incident logs maintained by members of the investigations staff, a contraband log, investigation files, and staff personnel files.

individuals and pretrial detainees.⁵ “Specifically, corrections officers have a duty to protect prisoners from violence at the hands of other prisoners, for being violently assaulted in prison is simply not part of the penalty that criminal offenders pay for their offenses against society.”⁶ Corrections officials violate the Eighth and Fourteenth Amendment rights of those in their custody when they are deliberately indifferent to an excessive risk of violence. The standard for establishing deliberate indifference is different for convicted individuals and pretrial detainees. For convicted individuals, deliberate indifference requires “actual knowledge” of a substantial risk to inmate health or safety.⁷ This may be shown by evidence that a “substantial risk of inmate attacks was longstanding, pervasive, well-documented, or expressly noted by [corrections] officials in the past, and the circumstances suggest that [corrections officials] had been exposed to information concerning the risk and thus must have known about it.”⁸ However, for pretrial detainees, “it is enough . . . that [corrections officials] acted or failed to act in the face of an unjustifiably high risk of harm that is either known or so obvious that it should be known.”⁹

Violence in the Jail is difficult to measure with any precision, because as discussed in greater detail below, ASGDC does not use a consistent or accurate system to track and analyze violent incidents. But even ASGDC’s incomplete documentation demonstrates that the violence is pervasive. Based on our review, ASGDC had almost four times as many stabbings in 2023 as the Miami-Dade County Jail, with less than a quarter of the

population. The rate of stabbings at the Jail, adjusted for average daily population in 2023, is roughly equal to the New York City Jails where a federal court recently held the City of New York in contempt for non-compliance with remedial orders, finding that the



⁵ *Raynor v. Pugh*, 817 F.3d 123, 127 (4th Cir. 2016) (citing *Farmer v. Brennan*, 511 U.S. 825, 832 (1994)).

⁶ *Raynor*, 817 F.3d at 127 (citing *Farmer*, 511 U.S. at 832, 834); *Makdessi v. Fields*, 789 F.3d 126, 132 (4th Cir. 2015) (citing *Farmer*, 511 U.S. at 832–33).

⁷ *Farmer*, 511 U.S. at 842–43.

⁸ *Farmer*, 511 U.S. at 842 (internal citations omitted); *Makdessi*, 789 F.3d at 133.

⁹ *Short v. Hartman*, 87 F.4th 593, 611 (4th Cir. 2023) (internal quotations and citations omitted).

“current rates of use of force, stabbings and slashings, fights, assaults on staff, and in-custody deaths remain extraordinarily high.”¹⁰

In addition, violence does not appear to have significantly abated in 2024, despite recent measures implemented by ASGDC. One log provided by ASGDC (which demonstrably underreports violent incidents, as discussed further below) shows 152 assaults between incarcerated people from January to September 2024, the most recent period with data available. In the same nine-month period in 2023, there were 155 assaults.

The following incidents, and many others that we reviewed during our investigation, illustrate the multiple, interrelated systemic deficiencies that contribute to the violence at ASGDC. We found that understaffing, a failure to classify and house people safely, insufficient control of contraband, poor facility maintenance, and flawed investigations are all underlying causes of ASGDC’s failure to protect incarcerated individuals from harm. This report discusses each of these causes in greater detail below.

Due to ASGDC’s failure to adequately supervise housing units or respond appropriately to incidents of violence, one individual was beaten and stabbed multiple times in the span of three years at the Jail. Each time, no staff were present to intervene, in some cases until long after serious injuries were inflicted. In the first instance, two incarcerated people entered the victim’s cell and began beating and stabbing him. ASGDC took no action in response to the fight until the victim’s mother called two days later. One month later, in a second incident involving the same victim, an officer found him with cuts and bruises on his face and body, but only after other incarcerated individuals told the officer that someone was bleeding and needed to go to the medical unit. ASGDC had to send the victim to the hospital. In a third incident, ASGDC records note that the same victim was attacked by four incarcerated people, one of whom had a weapon. In a fourth incident, in February 2024, at least seven incarcerated people attacked the same victim. Staff did not respond until another incarcerated person called Central Control and reported that the victim was “bleeding and crying to be let out of his pod.”

In another example, ASGDC failed to protect an incarcerated person after he reported to Jail staff extortion and threats of violence. In May 2023, the incarcerated person told an officer that another incarcerated person was trying to extort money from him and “threatened to stab him if he did not pay up.” Although staff moved the victim to another housing unit, around a week later, he was attacked and stabbed multiple times by five or six individuals who told him that he would have to “pay in blood.” The officer assigned to the housing unit did not discover the victim’s serious injuries until a routine security check. The victim was hospitalized with multiple stab wounds and bruising and swelling to his face.

¹⁰ *Nunez v. New York City Dep’t of Corr.*, No.1:11-cv-05845, ECF No. 803 at *11 (S.D.N.Y. Nov. 26, 2024) (finding that the “unsafe and dangerous conditions in the jails, which are characterized by unprecedented rates of use of force and violence, have become normalized despite the fact that they are clearly abnormal and unacceptable”).

The harm that results from ASGDC's deficient supervision was apparent in many of the violent incidents we reviewed:

- In September 2023, during the early morning hours, nine individuals placed a sheet over another incarcerated person and beat him unconscious. No staff was on the unit at the time. The victim could not alert staff for approximately five hours after the attack. The victim had to be hospitalized. The Sheriff's Department eventually investigated but only after it learned of the incident from the victim's sister and several news outlets.
- In November 2023, an incarcerated individual was stabbed when no officer was present in his housing unit. An officer from another unit found "blood everywhere" and incarcerated individuals mopping up the crime scene. The victim was hospitalized with a laceration under his eye and puncture wounds under his left arm. Two weeks later, another incarcerated individual was stabbed in the same housing unit when no officer was present.
- In January 2024, another incarcerated individual was assaulted and stabbed in the same unit. No officer was present. When staff arrived to pass out medications, the victim ran toward the staff for help, covered in blood.

ASGDC's inadequate response to violence also contributes to sexual abuse.¹¹ In December 2023, an incarcerated person reported two incidents of sexual abuse by another incarcerated person. The victim said that another incarcerated person masturbated in front of him and then ordered him to masturbate and pay the perpetrator money. The victim also reported that, several days later, the same perpetrator came into the bathroom, told the victim to take off his clothes, bear-hugged him, penetrated him anally without protection, and ejaculated on him. The victim reported that he asked the perpetrator to stop, but did not scream for help out of fear. The victim identified the day of the attack by describing what had been served as a meal that day. The Sheriff's Department called ASGDC to find out when that meal had been served and to get a description of the pod layout, but no one answered. DNA results confirmed that semen on the victim's back belonged to the incarcerated person he had accused. No records indicate that any further investigation into this incident occurred.

¹¹ The Eighth and Fourteenth Amendments require that jail officials provide all incarcerated people with reasonable safety from sexual abuse by assessing the risks facing individual incarcerated people and taking reasonable steps to keep them safe. *Farmer*, 511 U.S. at 843–45; *Thompson v. Commonwealth of Virginia*, 878 F.3d 89, 97 (4th Cir. 2017). Congress unanimously passed the Prison Rape Elimination Act of 2003 (PREA)¹² to emphasize that all correctional facilities have an obligation to prevent sexual abuse behind bars. 34 U.S.C. § 303 (2003). Courts have also looked to the PREA Standards to determine contemporary standards of decency when evaluating Eighth Amendment claims. *Sconiers v. Lockhart*, 946 F.3d 1256, 1270–72 (4th Cir. 2020) (Rosenbaum, J., concurring) (finding PREA and other state legislative enactments to be reliable evidence of contemporary standards of decency) (citing *Crawford v. Cuomo*, 796 F.3d 252, 259–60 (2d Cir. 2015)); *Johnson v. Robinette*, 105 F.4th 99, 122 (4th Cir. 2024) (discussing PREA standards).

Another example of sexual violence demonstrates ASGDC's failure to house incarcerated people safely and its inadequate response to violence. One individual reported multiple sexual assaults over two months at the Jail. Upon admission to the facility in August 2023, he requested protective custody and ASGDC's initial screening identified six "victim factors" for this individual, three more than necessary to deem him a "Potential Victim" for classification purposes. But ASGDC negated his "Potential Victim" status and placed him in general population instead. The section of the classification form requiring an explanation for the "basis for override" was left blank. His cellmate allegedly forcibly raped him three times over a two-day period that first month. ASGDC records note that the victim attempted to tell staff about the rapes but "no one listened to him." The victim resorted to cutting himself in order to be placed on suicide watch, where he could report the rapes and get away from his attacker. The victim was treated at the hospital for physical injuries he sustained during the alleged rape, placed on suicide watch, and moved to a different unit. Less than a week later, the victim reported being raped again. According to the victim's report, two individuals in his new unit threatened him with a knife and told him to call his mother and have her send \$200. The victim stated that when he could not get the money, they raped him and then told him they would kill him if he snitched. The victim reportedly told an officer the day after the attack, but the officer did not respond. The victim again resorted to telling an officer he was suicidal in order to be placed on suicide watch, where he reported the rape.

These examples and the data showing pervasive violence in the facility are consistent with the reports we received during our interviews with incarcerated individuals. Many described being assaulted and stabbed, sometimes multiple times; nearly all reported witnessing violence regularly; many observed that contraband weapons are commonplace; most felt that there was not enough staff to keep them safe; and many reported unchecked, violent gang activity, including robberies and extortion, in the housing units.

B. ASGDC's tracking and reporting mechanisms obscure the full extent of the violence and risk of harm at the Jail.

While the examples above illustrate the severity of violence in the Jail, it is difficult to determine the true scope of violence in the Jail because ASGDC does not keep complete or accurate records of violence in the facility. ASGDC is, therefore, missing information that is fundamentally important to protecting vulnerable individuals. For example, ASGDC's Incident Database includes various types of incidents (not only incidents of violence) that are not reported or organized in a consistent manner. Assaults, altercations, and stabbings are categorized variously as "assault on offender/staff," "gang related," "disturbance," "information," or "other," the latter three of which are also used to describe various other types of incidents unrelated to violence. And many incident reports lack critical information. For example, one report notes that an officer opened a pod door to find an incarcerated individual "covered in blood and blood was on the floor and there was a strong odor of bleach smell with an empty bleach bottle on the floor." The injured individual had to be hospitalized, but there was no indication in the report of how he received his injuries, or of any further investigation.

In our review of records in the Incident Database from 2023, we found at least 20 reports of injuries consistent with assaults—including lacerations, black eyes, broken jaws, broken eye sockets, and facial bruising—with no explanation of how the injury occurred. The lack of standardized and comprehensive reporting prevents the Jail from efficiently identifying or analyzing violence in the facility.

Individual officers also maintain different spreadsheets and logbooks that appear to serve different purposes, and none of which provides a comprehensive record of violent incidents in the facility. One spreadsheet that compiles aggregate numbers of assaults and other types of incidents (ACA log) contains no information about the underlying incidents, making it impossible to determine exactly which incidents are included. A comparison with other records, however, shows apparent omissions. For example, the ACA log records just 37 assaults with weapons between incarcerated people in 2023. However, we found at least 60 assaults reported in 2023 involving knives that resulted in a stabbing or laceration. We also found at least 30 assaults reported in August 2024, while the ACA log records only 14. Additionally, we reviewed a 911 incident dispatch log recording a stabbing in July 2024 that was not included in either the ACA log or the Incident Database.

Another spreadsheet that tracks investigations (Investigative Log) contains some information about individual incidents, but it too is substantially incomplete. It records 208 assaults between incarcerated persons from January 2023 through July 2024, including 18 stabbings. A review of one of the facility's Code Blue logs, which track injuries or conditions requiring medical assistance, confirms that many stabbings and serious altercations are either missing or recorded incompletely on the Investigative Log.

Lastly, the facility fails to track or accurately document sexual abuse that occurs in the Jail, and to conduct self-audits related to sexual abuse, which obscures the true extent of the problem and prevents ASGDC from adequately addressing this harm.¹² At the most basic level, ASGDC could not identify which incarcerated persons disclosed prior victimization. As a result, the actual number of sexual abuse incidents is likely higher than reported.

ASGDC's failure to accurately record and track violent incidents does more than just obscure the extent and level of danger at the Jail. It prevents ASGDC from evaluating how, where, and why violence occurs so that Jail leadership can implement remedial measures to fulfill ASGDC's constitutional obligation to provide reasonable safety.

¹² See 28 C.F.R. § 115.87(a) ("The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions."); 28 C.F.R. § 115.93 ("The agency shall conduct audits pursuant to §§ 115.401 through 115.405.").

C. Chronic understaffing leaves ASGDC unable to adequately monitor the incarcerated population and respond to incidents of violence.

People incarcerated in the Jail are at a substantial risk of serious harm because of long-term, severe understaffing. For at least the past five years, staffing at ASGDC has been below minimum levels required to provide the supervision and monitoring necessary to keep people safe. Currently, ASGDC operates with more officer posts vacant than filled, resulting in inadequate security and supervision. Officers are routinely tasked with covering multiple units, leaving incarcerated persons unsupervised for extended periods. Officers cannot perform consistent security rounds or respond quickly to emergencies.¹³ ASGDC officers also do not conduct timely and adequate searches or take other measures to prevent weapons and other contraband within the Jail. As a result, there is little deterrence to violence, and staff on hand can often respond to violence only after it occurs, resulting in serious injuries and even death. In many incidents, incarcerated individuals were found assaulted, stabbed, or killed only when medical staff came in to do a medication pass, officers entered the unit to deliver meals, or staff were alerted to an attack by someone outside of the Jail, usually the family of the victim. Where a failure to maintain sufficient staff and supervision results in a serious risk of substantial harm to incarcerated persons, the County may be deliberately indifferent to incarcerated persons' constitutional right to reasonable safety.

In many violent incidents we reviewed, there were no staff in the housing units at the time of the assaults to prevent violence from occurring, and in many others, staff failed to respond promptly once violence occurred. For example, in January 2023, an

In January 2023, an individual died after he was assaulted and stabbed by a “mob” of five incarcerated persons at the Jail. A nurse learned from a friend outside the facility about a Facebook Live video where people in custody at ASGDC were reporting that an incarcerated person had been killed.

individual died from blunt force trauma to the head after he was assaulted and stabbed by a “mob” of five incarcerated persons in his housing unit. Officers only learned of the assault after a caller outside the Jail left a message for ASGDC's Director that someone had died and was lying in a pool of blood. Separately, a nurse learned from a friend outside the facility about a Facebook Live video where people in custody at ASGDC were reporting that an incarcerated person had been killed. A later police investigation revealed unlocked and broken cell doors in the unit,

¹³ ASGDC policy requires that at least one officer be on duty in each housing unit 24 hours a day, seven days a week. Additional officers should be available to respond to emergencies and requests for assistance within the housing units. Officers assigned to housing units must conduct and document safety and security checks at least once every 30 minutes according to ASGDC Policy 2A-03. Safety and security checks are required more often in special housing units. ASGDC records demonstrate that staff do not comply with these requirements under current staffing. It is further concerning that ASGDC does not appear to have a consistent method of recording security checks. Based on a sample review of ASGDC's watch tour records for January 2024, officers conducted fewer than 17% of the required watch tours. And of the watch tours that were conducted, fewer than half were performed within the required 30-minute window. Logbooks are often void of entries for hours at a time.

which permitted regular access by incarcerated people apparently unobserved and unimpeded by officers.

Understaffing also leads to safety issues for the officers and staff who work at ASGDC. An October 2023 study by the South Carolina Association of Counties (SCAC Staffing Analysis) found that understaffing at ASGDC contributed to an increase in officer injuries and workers' compensation claims over the past five years. In April 2022, ASGDC's previous medical and mental health care provider, Wellpath, did not renew its contract over concerns for the safety and welfare of its employees and patients at ASGDC. Wellpath explained that "due to the officer shortage, it is necessary for officers to watch multiple dorms at once, causing phones and computers to remain off. This poses a safety risk as this leaves no way to call for help in the event of an emergency." Similarly, in June 2022, ASGDC's current medical and mental health care provider, Advanced Correctional Healthcare, notified ASGDC that "[t]he shortage of Correctional staff is dangerous not only to the jail staff and inmates but also to the nurses."

While many correctional agencies struggle to hire and retain staff, the staffing levels at ASGDC are severely low and the lack of funding from the County contributes to these inadequate staffing levels. The County knowingly decreased the number of authorized staff funded in 2022 and 2023 while the population of the Jail increased. According to the SCAC Staffing Analysis, ASGDC needs at least 294 security officers and 84 administration and support workers "to ensure the safety and security of employees, inmates, and the citizens of Richland County."¹⁴ The County authorized only 55% of the officer positions that the SCAC Staffing Analysis deemed necessary and less than 45% of what ASGDC will require for the renovated housing units. Therefore, even if ASGDC filled all of the positions authorized by Richland County, it could not meet minimum staffing requirements to ensure the safety and security of employees, incarcerated persons, and the citizens of Richland County.¹⁵

Due to lack of staff, ASGDC has been forced to abandon the direct supervision model, for which the Jail was designed, and instead rely on observations from Central Control, a central security hub for communications, traffic control, and video surveillance of the entire facility. Monitoring housing units via video from Central Control is not sufficient to ensure adequate care, custody, and control.

ASGDC also relies heavily on private contractors like Allied Universal Security (Allied) to perform critical functions in the Jail, including monitoring of incarcerated people in high custody restrictive units and oversight of the facility in Central Control (often without any

¹⁴ Additionally, the SCAC Staffing Analysis overlooks pre-service training time requirements, the time needed to hire staff, light duty needs, leaves of absence, retirements, and attrition.

¹⁵ Current renovations include a glass-enclosed control booth in each housing unit, where at least one officer will be placed for non-direct supervision, in addition to the officers inside the unit who are responsible for direct supervision. Assuming ASGDC completes its projected renovations, the new design will require at least 68 additional security officers, for a total of 362 security officers.

additional supervision in individual housing units).¹⁶ Under ASGDC policy, Central Control is supposed to be staffed 24 hours a day, seven days a week, with at least one detention officer trained in control room operations.¹⁷ During our site inspection, however, Central Control was staffed not by trained security officers but by contractors. These contractors are not subject to the same background and training requirements as correctional staff, and some Allied staff have felony convictions that would disqualify them from holding security positions at the Jail. Relying on these contractors to perform critical functions contributes to security lapses. For example, a logbook entry from June 2024, noted “various Allied officers abandoning [their] post to roam aimlessly around the facility for various hours of the night.” Furthermore, Allied contractors have been caught and charged with furnishing contraband to incarcerated people.

Additionally, despite operating under capacity, many ASGDC housing units are overcrowded, which exacerbates problems from the lack of supervision. Overcrowding increases tension and violence and causes greater difficulty in managing the population. Our review also shows that ASGDC officers often resort to using restraint chairs in situations that, with sufficient staffing, could be resolved without force or restraint. For example, after an incarcerated individual with visible bruises reported being in fear for his life, an officer placed the incarcerated individual in an emergency restraint chair instead of calling another officer over for assistance, even though there was no indication that the individual was combative or otherwise needed to be restrained.¹⁸ Officers also resorted to restraining people in emergency restraint chairs while they waited for holding space to become available in the facility.

ASGDC leadership has known of severe understaffing for at least six years. The SCDOC annual inspections have noted serious staffing shortages since at least 2018. Additionally, in March 2019, Richland County’s Interim Administrator commissioned an ASGDC staff recruiting and retention project in response to what he described as a “dangerous and importunate situation which demands prompt significant action to mitigate.” In July 2021, the County Administrator conducted town hall meetings, during which ASGDC staff identified many threats to safety, including staff shortages that resulted in officers having to cover multiple units, lack of supervision that led to an in-custody death, and an officer being assaulted twice in one week. In 2022, ASGDC’s Interim Director wrote a memo to the County Administrator in which he recounted how current efforts to hire more staff had failed and described the situation as so dire that he

¹⁶ The SCAC Staffing Analysis revealed that Richland County spent over \$1,000,000 in overtime pay to Allied for the 10-month period from June 30, 2022, to April 27, 2023.

¹⁷ Officers working in Central Control are supposed to receive at least 120 hours of on-the-job training by a qualified training officer. Central Control staff must possess and maintain knowledge of operational, emergency, and notification procedures. There is no indication that contractors who staff Central Control have received this necessary training.

¹⁸ We also reviewed multiple examples of officers repeatedly deploying tasers on incarcerated individuals who were not combative, but who refused, for example, to return a tablet or remove their arms from the openings in their cell doors. With proper staffing, officers should not feel the need to resort to force in these instances.

requested assistance from the National Guard. Several months later, the Interim Director requested that the Richland County Council—“in response to the current staffing crisis”—approve a \$1.5 M staffing contract with Allied because ASGDC “has experienced difficulties hiring and retaining detention officers for a considerable time.” The Interim Director explained that staffing levels had fallen to an “all-time low” of 77 officers performing the responsibilities of the 205 allocated positions—a 62% vacancy rate. SCDOC’s November 2023 inspection found staffing shortages so severe that it said it might be necessary to reevaluate the Jail’s rated capacity.

We recognize that ASGDC has taken some steps towards addressing the staffing shortages. These efforts include raising officers’ starting salary from \$32,219 to \$36,500 in 2021, \$40,000 in 2022, and \$44,424 as of December 2023. These salaries are now in line with those offered by other jails. ASGDC officials also explained that they have increased financial incentives to reward years of continuous service and hired a full-time recruiter. But these efforts are not reasonable measures to correct systemic deficiencies. Despite the salary increases and other changes, ASGDC remains critically understaffed, dropping from 128 officers in September 2024 to about 90 in November 2024. Recent modifications to the housing units require even more officers as the population of the Jail continues to grow. While the County claims to be working diligently to address understaffing, it is aware that staffing levels have not increased and unacceptable levels of violence and death continue. With the knowledge that its efforts to address understaffing to date have not been effective, ASGDC must take additional measures to provide reasonable safety at the Jail in the meantime.

D. ASGDC does not house people appropriately to reduce the risk of violence.

ASGDC fails to use housing assignments and classification effectively to mitigate the risk of violence, particularly gang violence. ASGDC does not collect, track, or use data in a way that minimizes the influence of gangs, and it fails to protect vulnerable persons and those not in gangs. Its classification and housing practices further expose incarcerated persons in the Jail to sexual violence and other violent harm through its failure to collect critical information, conduct timely reclassifications, and control bed assignments.

1. *ASGDC does not use housing assignments to mitigate the risk of gang violence.*

The management of criminal gangs, or more generally, Security Threat Groups (STG), is an important aspect of housing and classification. ASGDC’s failure to implement an adequate STG management program has serious consequences for incarcerated individuals. ASGDC staff acknowledge problems with gangs in the facility, and we spoke to dozens of incarcerated people who reported gang activity in the Jail. Many explained that gangs target and victimize individuals who are not affiliated with gangs (commonly known as “neutrals”), subjecting them to violent assault, robbery, and extortion. One man told us that neutrals “have to pay for safety.” Others described the power that gangs exert over housing placements. As one individual put it, correctional

officers “put people where the gangs tell them.” Other individuals told us that if a neutral asks to be removed from a housing unit because of a conflict with a gang, the gang will contact its members using contraband cell phones, so the neutral is targeted in the new housing unit. There were also numerous reports of gang members committing robberies, extortion, and stabbings. In one case, an incarcerated individual was stabbed by gang members after he reported to staff how the gang was bringing in contraband. After the stabbing, the victim told investigators that “Bloods run the dorm.”

ASGDC also fails to consistently ensure that “keep separates” are never housed in the same unit. “Keep separates” are individuals who are known enemies or who could pose a serious safety risk to one another if housed together.¹⁹ One incarcerated individual reported that he was housed in the same unit as someone who had stabbed him and that officers twice allowed him out of his cell at the same time as that individual. Another incarcerated individual reported that he feared for his life because he was housed in a unit with someone who had fired a gun at him. And in December 2023, three men assaulted a man for a second time after ASGDC failed to move him to a different housing unit after the first assault in November 2023. An effective classification and housing assignment system would have separated the victim from his attackers to prevent the second assault.

These egregious failures in providing appropriate security can expose incarcerated individuals to assaults, harassment, and mental abuse. Because criminal gangs pose a significant security risk to the facility, it is essential that ASGDC proactively gather intelligence on the identity and criminal activity of STGs and their members, then use that intelligence to inform housing decisions to minimize the threat. These goals are specifically set forth in ASGDC Policy 7G-01, which provides for a STG committee and investigator, among other things. While ASGDC has a STG investigator and three officers assigned to him, they are underutilized and ineffective. For instance, none of the staff members dedicated to STG activities take part in the housing assignment and classification process. Furthermore, rather than collecting information at intake or coordinating with other law enforcement agencies to learn about gang affiliations, the STG team primarily learns about gang affiliations only after violent incidents occur.

2. ASGDC’s ineffective classification and housing system exposes incarcerated persons to an unreasonable risk of violence.

Critical gaps in ASGDC’s classification and housing system expose incarcerated persons to a risk of violence. For example, ASGDC’s PREA Risk Screening Checklist, which is part of its classification system, fails to consider all prior history of sexual

¹⁹ ASGDC also misuses the disciplinary housing unit to house people who report they are victims of violence or who fear for their safety. When a problem or incident occurs at ASGDC, an incarcerated individual can ask to “check out” of a housing unit. In these instances, ASGDC sends the individual to the disciplinary housing unit, where they remain until they are reclassified. Classification staff stated that reclassification should only take a day, but incarcerated people stated that it could take weeks or months to be reclassified and moved to another housing unit. This problem is exacerbated by the closure of many housing units due to staff shortages and renovations.

abuse, charges for violent crimes, and the incarcerated person's own perception of vulnerability.²⁰ As a result, ASGDC has insufficient information necessary to inform housing assignments and other classification decisions crucial to the safety of incarcerated individuals, including decisions to separate people based on their risk of being sexually abused or sexually abusive towards others.²¹ The PREA Risk Screening Checklist also requires staff to assess characteristics such as whether a woman is "overtly masculine." An objective assessment would consider the woman's height/weight, rather than rely on the classification staff's perception of how masculine the woman may be.²² ASGDC also is not conducting required reassessments after the initial screening and when warranted.²³

Two incidents of harm discussed previously highlight the dangers of failing to complete accurate PREA assessments.²⁴ The individual who reported three rapes was correctly identified as a potential victim during screening but that designation was overridden with no explanation or apparent justification. The individual who was assaulted and stabbed on three occasions over three years had reported during his PREA assessment that he might be physically or sexual abused, and he was designated as "high risk." ASGDC failed to protect him. On at least one occasion when he was stabbed, his attackers assaulted him because they thought he was gay.

In addition to using the PREA Risk Screening Checklist to identify potential victims and predators of sexual abuse, ASGDC utilizes a proprietary classification system to determine each person's custody level when making housing assignments. The system requires that all past criminal history be reviewed; however, ASGDC staff are not appropriately applying the system because they consider only assaultive criminal convictions that occurred in the past ten years. Staff are further failing to reclassify individuals once they are convicted, mixing custody levels, and not assigning specific beds to individuals. These failings expose individuals in lower-level classifications to incarcerated people who should be classified at higher-level classifications, potentially putting them in harm's way.

In units with a mix of custody levels, ASGDC allows incarcerated individuals to make (or take) their own bed assignments, which facilitates freedom of movement for violent offenders and potentially allows gang members to control activities within the facility and exert pressure on more vulnerable individuals. The only housing units with assigned beds are the BMU and one high custody restrictive housing unit. Bed assignments can help protect vulnerable individuals and should be made by Classifications staff based on

²⁰ In December 2024, ASGDC reported that it had updated its PREA Risk Screening Checklist and the updated version accounts for all current or prior convictions for rape, child abuse, or neglect.

²¹ 28 C.F.R. § 115.41–42(a); National Standards to Prevent, Detect, and Respond to Prison Rape, 77 Fed. Reg. 37109 (June 20, 2012) (explanatory text).

²² 28 C.F.R. § 115.41(d)(3).

²³ 28 C.F.R. § 115.41(f).

²⁴ See *supra* III.A.

sensitive criteria, such as who may be vulnerable to sexual abuse or who may be considered a potential predator. Yet, in many cases, the housing unit officers, rather than Classifications staff, make those bed assignments. This is problematic, as the housing unit officers are not familiar with the classification process or the responses of the individual during the classification process and PREA assessment.

E. ASGDC fails to control dangerous contraband.

ASGDC does not adequately control dangerous contraband, including weapons, cell phones, and illegal narcotics. Our investigation found serious deficiencies in ASGDC's policies and procedures for preventing the entry of contraband into the facility. We also found that ASGDC does not adequately investigate or track discovered contraband. As a result, high rates of dangerous contraband contribute to pervasive violence in the facility.²⁵

1. *ASGDC has significant levels of contraband.*

ASGDC found almost four times the average amount of contraband as a survey of comparably sized facilities.

Dangerous contraband—including weapons, cell phones, and illegal narcotics—is widespread and readily available in the Jail. While ASGDC's records appear to be incomplete, they nevertheless confirm that contraband is a serious problem.²⁶ According to a 2018 national survey,²⁷ the average amount of contraband found over twelve months in state prisons of comparable size to ASGDC was 34 weapons, 31 cell phones, and 28 controlled substances.²⁸ ASGDC found almost four times that

²⁵ “‘Weapons, drugs, and alcohol all disrupt the safe operation of a jail.’” *Johnson*, 105 F.4th at 114 (quoting *Florence v. Bd. of Chosen Freeholders of Cnty. of Burlington*, 566 U.S. 318, 332 (2012)). “‘The use of drugs can embolden inmates in aggression toward officers or each other; and, even apart from their use, the trade in these substances can lead to violent confrontations.’ . . . The competition for such goods begets violence, extortion, and disorder.” *Id.* (quoting *Florence*, 566 U.S. at 332-33); *see also West v. Murphy*, 771 F.3d 209, 212 (4th Cir. 2014) (“[C]ontraband poses significant security risks and dangers inside detention facilities. Weapons . . . may be used to attack officers or other arrestees. Arrestees may overdose on drugs, or their intoxication may create additional burdens for officers.”).

²⁶ It is hard to assess the full scope of the problem because ASGDC fails to maintain complete and accurate records that would allow it to track incidents of contraband in the facility. Nevertheless, it is clear from the incidents that are documented—for example, in incident reports, “shakedown logs,” maintenance records, medical records, the ACA log, SCDOC reports, and interviews with ASGDC staff and incarcerated individuals—that contraband is a severe and persistent problem at ASGDC.

²⁷ The facilities in the survey had an average rated capacity of 1,065 and an average daily population of 986 individuals.

²⁸ Peterson, B., Kizzort, M., Kim, K., & Shukla, R., Prison Contraband: Prevalence, Impacts, and Interdiction Strategies, *Corrections*, 8(5), pp. 434 & 437 (Apr. 19, 2021).

average—150 weapons in 2023.²⁹ That trend has continued in 2024. In March 2024, for example, 37 shanks (including two axes) were found in just three of ASGDC’s housing units, along with money, pills, lighters, phones, chargers, a tablet, a long metal pipe, and five glass panels.

Due to facility failures, individuals accumulate large amounts of contraband in their cells and repeatedly access contraband despite numerous past infractions. For example, between December 16, 2022, and February 20, 2024, one incarcerated individual was involved in at least 18 incidents involving significant quantities of dangerous contraband, including weapons and phones. This includes two separate incidents where he stabbed an incarcerated person, yet his contraband incidents continued. Another individual had 18 documented contraband incidents over 14 months involving weapons, cell phones, pills, and a bottle of Margaritaville liquor. On two occasions, he stabbed other incarcerated people.

2. ASGDC’s significant levels of contraband contribute directly to levels of violence and harm in the facility.

Unchecked contraband threatens the safety of incarcerated individuals, and the ubiquity of weapons contributes to the severity of violence. The presence of drugs often leads to debts among incarcerated individuals, which is a source of conflict and violence. Cell phones are often weaponized to extort individuals, as in the incident described above in Section I.A, when an individual alleged that he was violently raped after two incarcerated individuals ordered him to call a family member on a contraband cell phone for money to pay his attackers. Additionally, cell phones make it difficult to ensure the safety of an incarcerated individual after threats or violence in one housing unit, as gang members or other enemies can contact people in the victim’s new housing unit to seek retribution.

Many incidents we reviewed during our investigation show how contraband contributes to violence in the Jail. For example, between May 2023 and February 2024, an incarcerated person was attacked at least three separate times at the Jail by individuals with weapons. In one incident, the victim was stabbed in his hand and taken to the hospital; in another incident, he was taken to the hospital after being “assaulted by a detainee with a metal pole”; and then about a month later, he was assaulted with “a shank” over a drug package. This same individual was also found in possession of contraband that included “a sharpened piece of metal” and a shank.

²⁹ ASGDC’s primary mechanisms to identify contraband patterns are the ACA Log, Investigative Log, and Incident Database, plus a handwritten book ASGDC refers to as its “Evidence Journal.” As with documentation of incidents of violence, these records are incomplete or incorrect with regard to contraband. For example, the ACA Log recorded only 23 assaults by an “inmate against an inmate with [a] weapon” at ASGDC in 2023 but, for the same year, listed at least 60 stabbings in its Incidents by Date document and only 14 “contraband cases” in its investigative log, claiming only 3 of the 14 involved weapons.

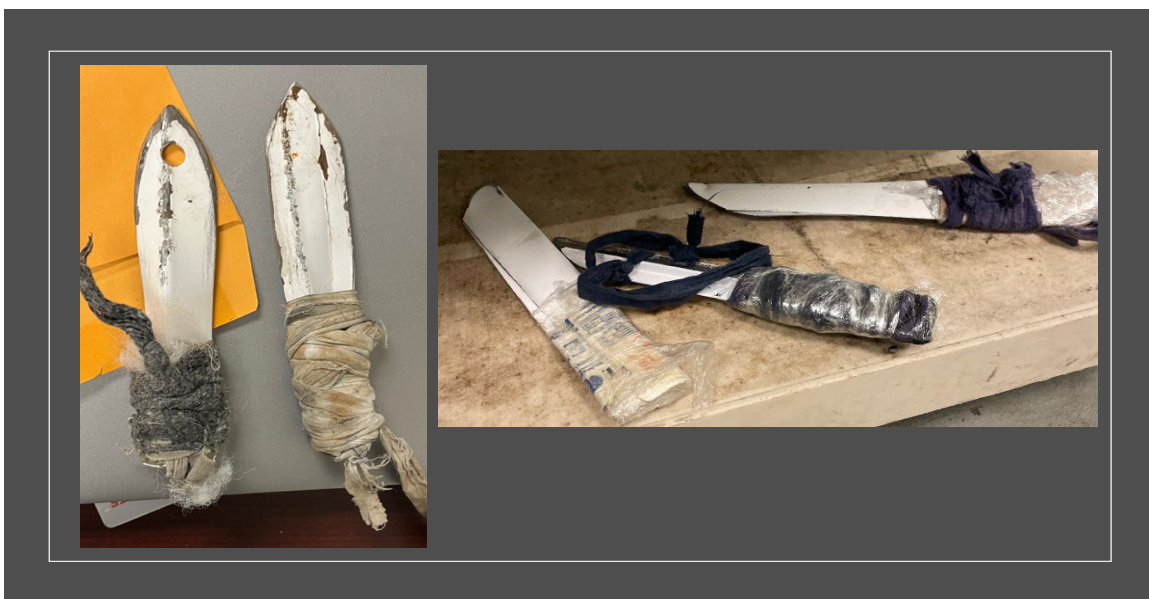
The risk of harm from ASGDC's failure to control contraband is not limited to violence. There were at least eight drug overdoses at the facility in July and August 2024, three of which resulted in deaths. The first fatal

There were at least eight drug overdoses at the facility in July and August 2024, three of which resulted in deaths.

overdose occurred on July 22, 2024, the second a day later, and the third five days later. Two of the decedents were in the same housing unit when they overdosed. ASGDC records reflect that, after the first overdose, ASGDC failed to conduct thorough and appropriate searches to detect the drugs used in the subsequent overdoses. Then, during one week in August 2024, there were five additional suspected overdoses on another housing unit in the Jail. Again, ASGDC records reflect that, after the first of these overdoses, ASGDC failed to conduct thorough and appropriate searches on the housing unit to detect the drugs used in the subsequent overdoses. After an internal investigation of the July and August 2024 overdoses, ASGDC determined that several policy violations allowed the influx of contraband, with a lack of supervision and searches being the main contributing factor. Specifically, the investigation showed that three incarcerated persons distributed contraband from one housing unit to several other housing units. Because staff did not search one of those incarcerated persons before bringing him into the unit, he was able to smuggle in fentanyl. Four days later his cellmate died of an overdose.

3. ASGDC does not take adequate steps to prevent the introduction of dangerous contraband in the facility.

Our review of records and interviews with staff and incarcerated people indicates multiple ways to access contraband: incarcerated people bring it in through areas of disrepair in the facility; they retrieve it from packages dropped by drones; and they pay jail staff to bring it in for them. Incarcerated people also make homemade weapons by dismantling and sharpening metal objects and other materials in the Jail without staff intervention. During site visits to the Jail, we observed many broken fixtures, including toilets, sinks, cabinets, and light fixtures, that could be used to create homemade weapons. We reviewed numerous incidents of incarcerated individuals arming themselves with shanks made from the broken light fixtures.



Weapons recovered at ASGDC

We also found several instances where incarcerated people were able to bring in, hide, or manufacture contraband due to disrepair in the facility, such as holes in the ceiling. In July 2023, for example, an officer observed an incarcerated person going through an opening in the ceiling of a housing unit using a stack of chairs. Another officer found several packages of contraband that had been thrown over the Jail's security fence, presumably for an individual to retrieve and take into the Jail. The same month, staff found the following stashed in a ceiling: 15 metal objects that could be used as weapons, one roll of duct tape, three knives, one hair clipper, one roll of plastic wrap, three green leafy substances, and one phone charger. And, in December 2023, an officer observed an incarcerated man using a weapon like a screwdriver to open ceiling lights at the center of the room. The officer confiscated the weapon and retrieved from the ceiling, among other items, a long street knife, phones and phone accessories, and bags of leafy substances that could have been drugs.

Even when ASGDC is made aware of specific contraband threats, it fails to take appropriate action. In September 2023, an incarcerated person reported to ASGDC officers that two incarcerated people were using plywood from closet shelves to create a hole in the wall to the outside in order to access contraband or escape. Then, in December 2023, as part of an investigation into an escape from the Jail, ASGDC found a hole in the ceiling that at least two incarcerated individuals had been using to access the perimeter of the Jail. They were identified as the same individuals who had been reported to ASGDC in September 2023, for attempting to create a hole in the wall. After this second report, ASGDC searched them and found phone and drug contraband. In another example of insufficient contraband prevention, ASGDC searched only *one* housing unit after a drone was discovered flying around outside, even though the drone could have dropped contraband on the roof or outside other housing units.

Maintenance records also show that ASGDC has allowed entry points for contraband to remain unrepaired for weeks or months after they were discovered in the Jail. Leaving these access points unsecured allows incarcerated persons to bring in contraband dropped on the perimeter or roof. For example, ASGDC allowed a contraband entry point in one housing unit to remain open for at least nine months. In May 2024, approximately eight months after ASGDC documented the hole, a sergeant recorded himself climbing through it to the roof. A month later, in June 2024, an ASGDC staff member said the hole still had not been repaired because the unit would eventually be renovated. Although staffing shortages often lead housing units to go unmonitored for extended periods of time,³⁰ the staff member said that the presence of staff in the housing unit would be sufficient to prevent incarcerated people from accessing the hole. ASGDC identified no further interim steps it was taking to remediate this serious security flaw, and ASGDC records confirm that incarcerated individuals were continuing to access the hole as late as June 23, 2024. Our review of records identified additional holes in eight other housing units. While we recognize the important work that ASGDC is undertaking to renovate its housing units, those renovations are a long-term solution, and ASGDC should not allow dangerous security lapses to persist while renovations are underway.

Additionally, ASGDC has not stopped contraband from entering its facility through its staff, even with a body scanner, because of a lack of thorough screening of staff upon entry of the facility and a failure to secure all entrances to the facility. For example, on a tip from the Sheriff's Department in February 2023, one corrections officer was caught sneaking in a cell phone, cell phone charger, and tobacco in chip bags. In January 2024, a corrections officer, who admitted to sexual misconduct with an incarcerated person and furnishing contraband, was found with cigarettes, three vapes, and an Apple watch. An investigation revealed that the vapes were visible on an initial body scan but not flagged by the screening staff. Prior scans of the correctional officer revealed the same flawed screenings. The officer later admitted to also smuggling in two baggies filled with Ecstasy/MDMA in a Styrofoam cup. In February 2024, a different corrections officer was caught bringing into the facility crack cocaine and 99 oxycodone pills in a tumbler with ice and a food container covered in tuna salad. Other corrections officers have admitted that they hid contraband for incarcerated persons and did not report individuals who they knew were in possession of contraband items.

4. ASGDC fails to adequately investigate or secure discovered contraband.

ASGDC lacks effective policies and procedures for responding to incidents when contraband is found. Specifically, we found many instances of ASGDC mishandling contraband recovered following an incident. ASGDC routinely fails to determine how contraband entered the facility and prevent its reentry. These systemic deficiencies prevent ASGDC from adequately controlling contraband and leads to the risk that dangerous contraband is reintroduced to the Jail.

³⁰ See *supra* Section III.C.

While ASGDC's policies require a chain of custody for contraband related to a criminal action or disciplinary sanction that records the name of the accused, the type of contraband, the date, time, and place it was discovered, and the person who discovered it, ASGDC has not been maintaining a chain of custody or marking contraband with this information. In one incident, an officer transported an incarcerated person to the hospital where she recovered a blade. Rather than handling the contraband weapon as evidence and preparing a chain of custody, she "wrapped it in a tissue and threw it in the trash." Similarly, in January 2024, two incarcerated people sustained serious injuries that required hospitalization after attacking each other with "large cutting instruments," one of which was described as a "large axe." The axe was not secured by the ASGDC officer and was instead found by the Sheriff's Department wrapped in a towel in the trash can.



Handmade axe used in January 2024 incident seized at ASGDC

The failure of ASGDC to properly account for evidence appears to be routine. In August 2023, ASGDC contacted the Sheriff's Department and asked it to pick up "multiple boxes of contraband" that ASGDC had collected that year. The evidence—which was so voluminous that the Sheriff's Department required two trips to transport it—was placed haphazardly into boxes with no identifying information to associate the contraband with any suspect or particular incident. The contraband included suspected narcotics, cash, weapons, phones, and alcohol.



Boxes of contraband cell phones and cell phone chargers collected at ASGDC

Understanding how contraband enters the facility is critical to preventing it from entering the facility again. Yet in numerous contraband incidents we reviewed, there is no evidence that ASGDC staff investigated how the contraband entered the facility or conducted additional searches in the days and weeks following the incident to ensure contraband was not immediately reintroduced. In one instance, an ASGDC investigator told DOJ about an ASGDC employee who had been caught attempting to bring contraband into the facility. The contraband was not seized because the worker was allowed to leave the building due to a miscommunication between staff and security. ASGDC's efforts to address contraband are not working because it does not follow its own policies or effectively use its screening tools.

ASDGC leadership has been aware of the serious contraband problem in the facility for years. They report that, over the last year, they have taken several measures to control contraband. These measures include three memoranda issued to staff in February 2024 about contraband control, including with respect to entrance and exit procedures, securing doors, prohibited items, and search protocols for employees, visitors, and volunteers. ASGDC reported to DOJ in March 2024 that it was discussing various changes to visitor access to the facility as well as enhanced security and contraband-control procedures. After the July and August 2024 overdoses discussed above, ASGDC worked with the Sheriff's Department to conduct a canine search. And, in September 2024, ASGDC informed DOJ that a new property scanner had been installed at the front lobby of the Jail. It reported further contraband control measures in November 2024—specifically, that it had installed a security fence around the employee parking lot to create a barrier from the surrounding woods, acquired a scanner to detect drugs in the mail, increased randomized housing unit searches, and increased audits and oversight by outside counsel. While these are commendable steps, they do not address the many deficiencies that are contributing to the elevated levels of contraband in the facility.

In many instances, ASGDC simply is not following its own policies aimed at controlling contraband. For example, despite the memoranda to staff in February 2024 about securing the facility and search protocols for employees entering the facility, we observed in April 2024 that employees were not thoroughly screened before entering the facility. Staff entered with food containers that were not checked and clear bags that contractors glanced at but did not search. Additionally, although ASGDC's policy requires corrections officers to pat down incarcerated individuals before they leave a housing unit, we observed no such pat downs during our site visits, and incarcerated individuals consistently reported that pat searches are rarely performed. ASGDC policy also requires daily, random searches of each housing unit. While ASGDC reports that it has increased randomized housing unit searches, ASGDC is not conducting regular searches or conducting sufficient housing unit searches when contraband is found.

Additionally, ASGDC is not taking important measures that would enhance contraband control. ASGDC does not appear to secure all entrances to the facility, limit entry to the front entrance, utilize regular randomized canine drug detection searches on staff and incarcerated individuals alike, or search all vehicles that enter the secured area.

As a result, despite the steps ASGDC has taken in recent months to curb contraband, it continues to pose a significant threat to incarcerated people. As discussed previously, in July and August 2024, two housing units experienced repeated overdoses over a course of days, at least some of which might have been prevented with an appropriate response to the first overdoses. Additionally, in August 2024, two ASGDC officers were arrested for allegedly supplying drugs to inmates after the Sheriff's Department conducted a surprise search of Jail employees' cars. One of the officers was the assistant to ASGDC's Gang Investigator and played a significant role in many of the investigations conducted in ASGDC, including those involving contraband. And in December 2024, the Sheriff's Department reported that there were four additional overdoses at the Jail, at least two of which resulted in hospitalization.

F. Inadequate maintenance of the physical facility and security infrastructure contributes to rampant violence.

While ASGDC has completed renovations of several housing units, as noted above, much of the Jail's physical plant remains unsafe. A correctional facility that is not physically maintained presents an unacceptable risk to incarcerated people's physical safety, as broken lighting fixtures are dismantled to make weapons, holes in walls and ceilings are used to gain access to unauthorized areas or to hide contraband, and deplorable and unsanitary living conditions can contribute to internal tension.³¹ The ongoing housing unit renovation project will take at least two years to complete, assuming there are no unforeseen delays. In the meantime, it is crucial that ASGDC properly repair and maintain existing housing units in a reasonably safe and secure condition.

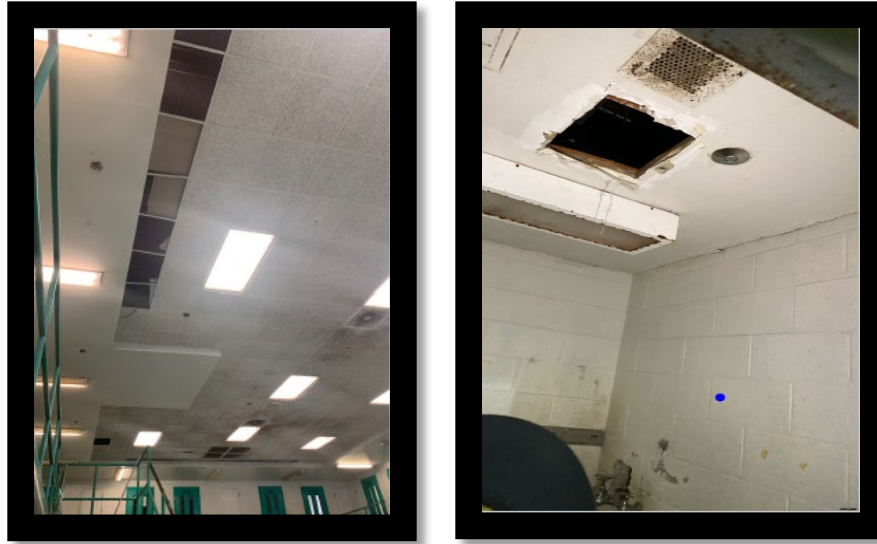
³¹ See, e.g., *Pugh v. Locke*, 406 F. Supp. 318, 329-30 (M.D. Ala. 1976) (noting that "[t]he tension generated by idleness and deplorable living conditions contributes further to the ever-present threat of violence from which inmates have no refuge").

We observed severe maintenance issues in many of the housing units that need to be urgently addressed to reduce the risk of violence in the facility. These include the following:

- Non-Functional Doors and Locks. While ASGDC is in the process of renovating locks to doors in newly renovated units, the doors in the older units can easily be rigged by incarcerated people. One individual told DOJ that incarcerated people are easily able to pop locks in the unrenovated units and that he was beaten and stabbed in his dormitory, which had a broken door. Another incarcerated individual was stabbed or slashed in his cell, which had a broken door lock and non-functioning lights. Yet another incarcerated person died after being assaulted by a mob of incarcerated people in a housing unit where cell doors were routinely left unlocked or locks were broken. Incarcerated people and ASGDC staff have reported concerns with broken doors and locks and have documented broken mechanisms not being repaired for extended periods of time. Although SCDOC has urged ASGDC to fix its locks, as of October 2024, the Richland County Administrator confirmed that at least two units still have old locks. Without functioning doors and locks, people housed at ASGDC are at a substantial risk of serious harm from violence.
- Broken Fixtures. In May and December 2024, we observed broken light fixtures hanging in units and learned that incarcerated people were crafting shanks, knives, and shivs from broken lighting and other broken items, such as toilets, sinks, and furniture. One individual informed us that he had been stabbed twice and hit in the head with an axe made from broken light fixtures and equipment in the facility.

We also observed a lack of appropriate lighting throughout the Jail. In May 2024, every housing unit contained broken lights. In December 2024, we continued to observe lights that did not work in at least five housing units. Inadequate lighting creates opportunities for misconduct and threatens the health and safety of ASGDC's incarcerated individuals and staff.





Photos of ASGDC Housing Units

- Holes in Walls, Ceilings, and Fences. While on site, we observed an alarming number of holes in the facility's walls, ceilings, and fences. In May 2024, the ceiling tiles were falling in one housing unit from moisture and mold, the showers had broken tiles with standing murky water in the holes, and the ceilings were flaking from moisture exposure. In December 2024, we saw several holes in the wall adjacent to a janitor's closet in one housing unit. Additionally, incarcerated individuals cut holes or broke windows to access the outside of the facility and removed bricks from cell walls. Other incarcerated individuals gained access to a contractor vehicle at ASGDC after using a trash can to climb through a hole in the ceiling.
- Key Control. ASGDC faces issues with control over keys to its facility. Although ASGDC has made some progress following SCDOC audits, this is still a problem. The 2024 key control logs include instances where supervisors and control room officers/operators failed to verify key logs, and keys were not recorded as being returned. ASGDC's failure to maintain control of sensitive equipment like keys exposes incarcerated individuals and staff to an unreasonable risk of harm and contributes to the flow of contraband within the facility.
- Camera System. ASGDC has a working camera system, but it still allows for unmonitored violence within the facility. There are too few monitors for staff to watch in Central Control. In May 2024, we observed only a few monitors being used to view the entire interior of the facility. Furthermore, there are many blind spots in the facility that the cameras do not capture.
- Communications System. ASGDC fails to consistently maintain a communication system that facilitates timely responses to emergencies. For example, in June 2024, a staff member entered Central Control to find a "duress alarm" in one of the housing units where a correctional officer had been "locked in" for an

“unknown length of time.” The staff member discovered that Central Control lacked a radio and “had not been responding to radio calls for a while, endangering the lives of the entire facility.”

G. ASGDC’s systems are inadequate to identify, investigate, and remedy conditions in the Jail that lead to violence.

1. *ASGDC fails to provide an adequate way for incarcerated persons to report and avoid danger.*

ASGDC does not provide an adequate way for incarcerated persons to report and avoid danger. First, ASGDC’s policies are inadequate to ensure that serious safety concerns are promptly addressed. The policies require incarcerated persons to first discuss complaints with the officer in their housing unit. If the matter is not resolved by the officer, an incarcerated person may then request a grievance form, fill it out, and return it to the housing officer who must read the complaint before placing it in a grievance box. The policies provide no mechanism for incarcerated individuals to submit a grievance confidentially or without the involvement of officers on their housing unit, including grievances pertaining to those same officers. Though ASGDC’s inmate handbook directs incarcerated people to “follow procedures for making a confidential report” if they are threatened by a staff member, the handbook identifies no such procedures. Moreover, ASGDC’s policies require that grievances be collected once a week, which is insufficient to respond to serious matters affecting life and safety.

Second, our review of grievances submitted pursuant to an electronic grievance system maintained until 2022 revealed a grievance system that was not responsive to serious concerns. We identified numerous grievances for which there was no record of a response or for which a response was not provided within 20 days as required by ASGDC’s policies. In other instances, the incarcerated person received a reply, but the reply was unresponsive to their concerns. For example, an incarcerated person submitted multiple grievances in

Spanish, including a grievance explaining that he had been repeatedly denied food by a correctional officer. An officer responded to each message by stating, “I don’t understand what you writing [sic]” and closing the grievance seconds later. In a March 2022 grievance, an incarcerated

An incarcerated person submitted multiple grievances in Spanish. A correctional officer responded to each message by stating, “I don’t understand what you writing [sic]” and closing the grievance seconds later.

person stated “[I]’m in danger” and “in fear [for] my life,” explaining that he was being extorted for food and had to choose between eating or being attacked by other incarcerated people. He requested to be moved to another unit and stated that he planned to contact the Sheriff. Though the grievance raised serious safety concerns, he received no response for more than two weeks. When he did receive a response, an officer replied with “ok” and closed the grievance seconds later. The absence of meaningful responses to safety-related grievances is particularly concerning in light of

incidents, like those described previously, in which incarcerated people's verbal pleas for help were ignored by staff.

2. ASGDC does not adequately investigate and respond to violence, other misconduct, and conditions that create a risk of harm.

ASGDC's policies and practices are inadequate for investigating violence, other misconduct, and conditions that create a risk of harm, allowing the high rates of violence at the Jail to continue. ASGDC's failure to respond appropriately after violent incidents gives the incarcerated population the impression that gangs and violent people can act with impunity in the Jail.

The South Carolina Minimum Jail Standards and ASGDC's policies require appropriate investigation of alleged rules violations and criminal conduct, including referrals to the Richland County Sheriff's Department for criminal investigation and potential prosecution. However, in many instances, there is no criminal investigation of serious incidents at the Jail. ASGDC does not always refer alleged criminal conduct for criminal investigation if the victim does not want to press charges, even when additional evidence exists, such as statements by officers who witnessed the assault. And this practice continued, even after the Sheriff's Department expressed concern to ASGDC that ASGDC was having victims sign forms indicating they did not wish to press charges before the Sheriff's Department was contacted.³² The Sheriff's Department reminded ASGDC that, when possible, it was charging perpetrators, regardless of whether the victim wished to cooperate. In response, ASGDC stated that it would discontinue use of the form, yet ASGDC continued to use it and make decisions about which cases to refer based on whether the victim wished to press charges.

Additionally, individuals found to possess contraband within the Jail are not consistently and timely referred for criminal prosecution.³³ ASGDC's Investigative Log contains only 14 referrals of contraband prosecution, all of which occurred over a six-month period from August 2023 through January 2024. However, a review of incident reports revealed a much higher incidence of contraband discovered in the facility during that period—for example, 14 incidents of contraband in the first two weeks of August 2023 alone, only one of which was referred for prosecution. The failure to refer alleged crimes for criminal investigation or prosecution prevents serious offenses from being prosecuted and allows violence to continue.

Our investigation also revealed instances in which ASGDC failed to work effectively with the Sheriff's Department to respond to violent incidents at the Jail. For example, during our investigation, we learned that ASGDC intended to change its approach to investigating criminal conduct by having a criminal investigator employed by ASGDC at

³² By signing the forms, the victims also indicated that they did not want any investigation by the Sheriff's Department and released ASGDC of liability.

³³ Under South Carolina law, it is a criminal offense for an inmate to possess contraband and for an individual to furnish an inmate with contraband. S.C. Code Ann. § 24-7-155 (2010).

the Jail.³⁴ An investigator at the Jail explained that rather than forwarding criminal cases to the Sheriff's Department, the criminal investigator would conduct the investigation internally. However, when we interviewed the criminal investigator, he advised that he had not been sworn in to obtain warrants and make arrests, and that his role was to investigate conduct that appeared to be criminal and then refer it to the Sheriff's Department. ASGDC records reflect that despite this understanding, ASGDC did not refer any cases for approximately two months after he was hired. The lack of referrals eventually prompted discussion between the two entities, after which ASGDC referred approximately 25 cases of alleged crimes. A disagreement between the two entities over the role of ASGDC's new criminal investigator then escalated. In a letter to the County Administrator and County Council, Sheriff Leon Lott stated that the Sheriff's Department "has sole responsibility to determine if a crime occurred and to fully investigate the crime," explaining that it is "not the [Jail's] staff and/or Internal Investigator's position to conduct criminal investigations and decide if the case should be prosecuted." He advised that the Sheriff's Department was not being timely notified of assaults at the Jail and that this failure was presenting legal issues. In a written response to the Sheriff, ASGDC's Director defended the ASGDC's practices, stating that ASGDC staff "must first thoroughly investigate the cases before involving law enforcement"

Upon the identification of evidence indicating that a crime may have occurred, ASGDC should promptly refer incidents to the authorities with jurisdiction to investigate and bring criminal cases. While ASGDC has an independent duty to conduct an administrative investigation for purposes of determining disciplinary violations and implementing remedial actions, administrative investigations should not take precedence over criminal investigations or delay referrals to appropriate law enforcement authorities. Prompt referral to law enforcement is important to ensure the integrity of a criminal investigation, including with respect to the collection and preservation of physical evidence, documentation of other relevant evidence, and interrogation of suspects in accordance with due process. For example, ASGDC does not consistently administer appropriate warnings advising suspects that their statements can be used against them in criminal court. Additionally, although ASGDC's policies require its employees to secure crime scenes and preserve evidence, we found serious shortcomings in ASGDC's practices related to preserving and maintaining a chain of custody for evidence. Finally, ASGDC fails to maintain records necessary for the effective prosecution of criminal offenses. These deficiencies have impeded investigations by the Sheriff's Department and, in some cases, prevented the prosecution of serious crimes at the Jail.

³⁴ Although it appears there were initial plans for a criminal investigator who reported to the Sheriff's Department, the criminal investigator was ultimately retained by ASGDC and reported to an ASGDC official.

For example, in May 2023, an incarcerated person was stabbed by another incarcerated person and transported to the hospital for treatment. When officers from the Sheriff's Department responded to the scene that day, they noted that a powder had been applied to drops of blood in the hallway and that other incarcerated people had largely completed a cleanup where the assault occurred. A similar incident happened four days later, when an incarcerated person was stabbed 15 to 20 times, and transported to the hospital. When the investigating officer for the Sheriff's Department responded to the scene, he found that another incarcerated person had already cleaned most of the crime scene. Then in June 2024, an incarcerated person was assaulted by four others and found bleeding from the head. The crime scene was not secured and incarcerated individuals cleaned blood in the area where the assault occurred before an investigation was conducted. An officer explained the failure to secure the scene, stating, "We have never preserved any scenes for physical assaults." And as recently as December 2024, multiple incarcerated people were treated at the hospital for injuries sustained during multiple assaults when no officers were present in the unit, multiple handmade weapons were recovered, and incarcerated people cleaned the crime scene before the Sheriff's Department arrived.

"We have never preserved any scenes for physical assaults."

--ASGDC officer

The Jail's investigations into sexual assault allegations are also deficient. These investigations are conducted by Jail staff who do not have the required specialized training to conduct investigations of sexual abuse in confinement.³⁵ And the sexual abuse investigations we reviewed were flawed and incomplete. For example, in one incident, ASGDC interviewed an incarcerated person after his mother reported to ASGDC that he had been sexually abused by an officer. Two officers, neither of whom had received specialized training on investigating sexual abuse, completed the investigation. The investigation was also improperly closed after the officer under investigation resigned.³⁶

We also identified serious shortcomings in the administrative investigations ASGDC conducts for purposes of determining disciplinary violations and implementing remedial actions. For example, after an incarcerated individual was found with bruises, he reported that he had been "constantly" assaulted by two other incarcerated individuals

³⁵ 28 C.F.R. § 115.34.

³⁶ 28 C.F.R. § 115.71(j) ("The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation."). We identified other problems with ASGDC's response to sexual abuse allegations. Another investigative file showed no evidence that the investigator sought out witnesses who may have observed the incident; there was very little information describing the interview of the alleged perpetrator; and there is no indication in the report whether the complaint was determined to be substantiated, unsubstantiated, or unfounded, and whether that information was communicated to the victim, as required by PREA standards. ASGDC also fails to conduct a sexual abuse incident review to identify any deficiencies that contributed to the incident and propose corrective action to ensure the problems do not continue and fails to conduct retaliation monitoring to assess and protect individuals who report abuse from retaliatory actions by staff or other incarcerated people.

who had also forced him to drink urine and threatened his life. Though he reported that these individuals were also assaulting others and forcing another individual to pass contraband, there is no indication that ASGDC conducted interviews or searches to determine whether contraband was, in fact, being distributed and, if it was, how it was entering the facility. Nor was corrective action taken to assess how the two perpetrators, who had jointly assaulted and strangled another incarcerated individual earlier that same day, had been allowed to remain on the same housing unit together in a position to continue to harm incarcerated people.

Finally, ASGDC fails to appropriately discipline incarcerated individuals who engage in violence. Under ASGDC's sanctioning schedule, an individual may receive up to 15 days of disciplinary sanctions for severe and major rules violations, and no more than 60 days of sanctions for multiple violations arising from a single incident. Despite this, we identified times when incarcerated individuals received no sanctions or sanctions far below the maximum for serious offenses, like violent assaults and the possession of weapons. In some cases, sanctions for violent assaults and stabbings were lower than sanctions for less serious infractions unrelated to safety, underscoring the lack of appropriate response to prevent violence from reoccurring. For example, one incarcerated individual was involved in at least 20 contraband incidents over 14 months, with a number of the incidents involving weapons that were used to assault other incarcerated people. However, he repeatedly received minor sanctions for serious offenses involving violence, and more serious consequences for offenses, like exposing himself, that could imply a mental health concern.

MINIMUM REMEDIAL MEASURES

To remedy the constitutional violations identified in this Report, Richland County and ASGDC should implement, at a minimum, the remedial measures listed below.

A. Staffing and Supervision

1. Update and implement the October 2023 staffing plan to account for the hiring needs necessary to fully staff all housing units after renovations.
2. Implement a system of direct supervision that includes at least one officer stationed in each housing pod and one roving officer on the floor to patrol every two housing pods.
3. Ensure that security staff conducts appropriate rounds with sufficient frequency to provide incarcerated individuals with adequate supervision.
4. Maintain the physical plant of ASGDC in proper working order and in a manner that maintains appropriate security and safety for ASGDC staff and incarcerated individuals.

B. Classification

1. Conduct a study to evaluate ASGDC's classification system, including its screening for risk of vulnerability or perpetration of physical violence or sexual abuse.
2. Develop and implement a classification plan that includes:
 - a. an assessment of ASGDC's use of restrictive housing, special management units, disciplinary units, and protective custody units to determine the appropriateness of each housing unit as it relates to classification;
 - b. a gender-specific classification risk assessment tool to ensure accurate and appropriate classification of incarcerated women;
 - c. provisions for adequate data collection and analysis, and ongoing testing for effectiveness, including a classification database; and
 - d. procedures for the review of, retention of, and response to reports of violent incidents or any other incident that requires a reassessment of classification and/or housing.
3. Conduct annual reclassification progress reviews of all incarcerated persons, and at other times as appropriate, to ensure that incarcerated persons are assigned to the correct custody level.
4. Prepare an annual classification report, based on data from the reclassification progress reviews, to assess whether incarcerated persons are being classified correctly and housed appropriately according to their classification.

C. Contraband Control

1. Appoint an individual of appropriate rank and authority, with responsibility for ASGDC's systems for interdiction of contraband.
2. Develop and implement a contraband interdiction plan for detecting and reducing the amount of contraband at ASGDC, which will include:
 - a. perimeter security needs;
 - b. facility entry procedures;
 - c. interior contraband search requirements;
 - d. canine searches; and

- e. routine and random drug testing of incarcerated individuals and staff.

D. Physical Plant

1. Develop and implement a preventive maintenance and housekeeping plan and schedule to ensure the prompt and ongoing identification and repair of all maintenance issues.
2. Ensure adequate supervision of incarcerated individuals to prevent unnecessary damage to facilities.

E. Investigations

1. Provide remedial training on correctional procedures, incident response, and incident reporting to all ASGDC staff.
2. Ensure that incarcerated individuals can report incidents of harm and other misconduct, including confidentially, and that such reports are promptly reviewed and investigated.
3. Ensure that all incarcerated individuals with limited English proficiency have access to interpretation and translation services as required by Title VI of the Civil Rights Act, including for purposes of reporting incidents of harm and other misconduct.
4. Ensure that ASGDC staff promptly and adequately report and appropriately investigate every fight, serious assault, homicide, suspicious death, incident involving contraband or any serious injury, sexual abuse allegation, extortion attempt, and other serious incident.
 - a. Ensure that ASGDC policies and procedures address institutional plans to coordinate actions taken in response to incidents among ASGDC staff, first responders, medical and mental health practitioners, investigators, and ASGDC leadership.
 - b. Ensure that ASGDC policies and procedures provide, with specificity, the required contents of incident reports, and the required procedures for making notifications related to incidents.
 - c. Ensure that ASGDC policies and procedures outline, in detail, the types of incidents that must be investigated, the types of incidents that must be subject to critical incident debriefings, reviews, and root cause analyses, and what those debriefings, reviews, and analyses must include. Staff, including investigations staff, officers, and Jail leadership, should be appropriately trained on all relevant incident reporting and investigation policies.

5. Quarterly, conduct a systemwide audit of incident reports and investigations to assess any discrepancies, inconsistencies, trends, policy violations, violations of PREA standards, or violations of other legal standards in reporting, investigation, and documentation of incidents. Implement remedial measures to correct any identified issues.
6. Train or retrain all ASGDC staff who may have contact with incarcerated people on policies and procedures related to reporting, responding to, and prevention of sexual abuse and sexual harassment.
7. Ensure that all investigations are timely, thorough, and unbiased, regardless of the viability of any potential criminal charges, and that appropriate after-action reviews and corrective actions are taken.
8. Prepare complete and detailed reports summarizing the findings and any recommended corrective actions.
 - a. Include, at a minimum, interviews of the complainant and the alleged perpetrator, attempts to identify and interview potential witnesses, and reviews of camera footage, relevant documents, and other physical evidence.
 - b. Document investigator consideration of all such evidence, and, when any such evidence is unavailable or not considered, include an explanation.
 - c. Review for criminal violations, staff policy violations, root cause analyses, critical incident debriefings or reviews, and discipline of incarcerated individuals.
9. Ensure all ASGDC staff conducting investigations are appropriately trained, and that adequate written guidance is provided to such individuals through policy or otherwise.
10. Develop and implement a quality control process to ensure that investigations are appropriate, thorough, and timely.
11. Ensure that incarcerated individuals, ASGDC staff, contractors, and third parties have multiple unimpeded methods to report incidents of violence, including sexual abuse, free from retaliation, to include ways of making anonymous reports.
12. Review ASGDC's grievance process to confirm that it provides reasonably effective access to obtain and submit grievances via paper form or electronically. If a grievance is filed against a staff member, allow for submission options that are neither seen by, nor referred to, the staff member who is the subject of the complaint.

CONCLUSION

The Department of Justice has reasonable cause to believe that ASGDC violates the Eighth and Fourteenth Amendments by failing to protect incarcerated people from an unreasonable risk of violence and harm by other incarcerated people. We hope that ASGDC and Richland County will work cooperatively with us to reach a consensual resolution to remedy these violations.

We are obligated to advise you that 49 days after issuance of this Findings Report, the Attorney General may initiate a lawsuit pursuant to CRIPA to correct deficiencies identified in this letter if State officials have not satisfactorily addressed our concerns. 42 U.S.C. § 1997b(a)(1). The Attorney General may also move to intervene in related private suits 15 days after issuance of this Findings Report. 42 U.S.C. § 1997c(b)(1)(A).

This Findings Report is a public document. It will be posted on the website of DOJ's Civil Rights Division.