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January 6, 2023

The Honorable Bentley Price
Chief Administrative Judge
100 Broad Street, Suite 432
Charleston, SC 29401

The Honorable Deadra L. Jefferson
100 Broad Street, Suite 336
Charleston, SC 29401

The Honorable Jennifer B. McCoy
100 Broad Street, Suite 348
Charleston, SC 29401

The Honorable Roger M. Young, Sr.
100 Broad Street, Suite 368
Charleston, SC 29401

Solicitor Scarlett Wilson
101 Meeting Street
Fourth Floor
Charleston, SC 29401

via email

Dear Judges and Solicitor Wilson:

I am writing to provide you all with a report, from our vantage point, of the deteriorating state of affairs in the Charleston County Detention Center.

As we are all aware, the pandemic resulted in stresses on many systems, including local pretrial detention facilities around the country. While the gravest physical dangers of the pandemic have retreated, what was once an acute crisis appears to have metastasized to a more chronic and intractable one. Local jail administrators have shared with me that the staffing levels at their facilities and others around the state are far below what is necessary to safely maintain them. And they tell me that there does not appear to be an end in sight, especially with unemployment at historically low levels.

The staffing crisis appears to me to be one, but by no means the only, of the challenges at the Sheriff Al Cannon Detention Center. The jail has contracted with a medical provider whose provision of services is the worst I have seen since starting my criminal defense career in this office nearly 15 years ago. With the added layer of ever-increasing delays from the SC Department of Mental Health and the SC Department of Disabilities and Special Needs in placing people with long-term care needs, the situation is ripe for disaster.

To make matters worse, in November of 2022, with almost no notice to the public defender's office, the jail made a switch to a new video visitation platform, the implementation of which left us completely without video visitation for days; the system is still not working well, and we have lawyers deciding daily between enduring endless wait times to see clients at the jail or rolling the dice to try to see clients by video with no guarantee they will appear at their scheduled time or at all. With these challenges, our office fell behind in our goal of reaching long-term residents of the jail within 10 days of arrest for screening, with wait times extending to 30 days for some people in the month of December. None of this is acceptable.

And, even with all the above, I might not be writing this letter to you but for the events of the last two weeks of December. Our client, D'Angelo Brown, suffered from mental illness so acute that he was unable to come to visitation after his arrest in August. The very nature of his charges were a red flag for acute mental illness. The only way his lawyer could see him was to visit him where he was being held in the Behavior Modification Unit; there, she found him lying naked in excrement, completely unable to communicate. She made every effort to have the medical personnel at the jail visit him that day. She expedited his competency evaluation and obtained an order for restoration in mid-December. Considering his deteriorating condition, she persuaded the Department of Mental Health to move him to the top of the list for restoration, and he was scheduled to be transported to the state hospital this month. But that will not happen now, because he was found unresponsive in his cell on December 21. Only after he had been at MUSC for three days were we notified of his condition, and that was only because the jail wanted our help contacting his family to notify them of his imminent and unexplained likely death. Mr. Brown's family removed him from life support on December 29. He was 28 years old.

Our first concern is for our clients, but I would be remiss if I did not tell you that I am deeply concerned about the wellbeing of the people in my office who are nearly constantly faced with conditions for their clients that no one should witness secondhand, much less endure. I am talking about the lawyer who found her client incoherent after being denied prescribed medication for liver and kidney issues. I am talking about the lawyer who went to check on her own client but found her colleague's client left sitting alone, cold, and confused for hours in a wheelchair in the lobby of the jail on one of the coldest days of the year, in need of medical care because the jail did not comply with the order to release him to family; she waited, shaken, with him for the ambulance she called to arrive. And the lawyer and social worker who move heaven and earth to obtain safe travel and placement for our clients at the rehab facilities they need only to have those plans upended when the jail fails to release clients within statutorily required time limits. And the lawyer whose client has been waiting nearly a year for bedspace after being found incompetent, who was found by jail staff hypothermic on the floor of his cell with an unexplained skull fracture. And the lawyer and social worker who work tirelessly to help their clients enjoy better lives forced to shift their attention to assist a client's family in making funeral arrangements. Every lawyer who works

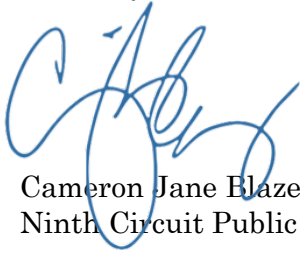
in this system—defenders, prosecutors, and judges—assumes a certain level of unavoidable exposure to secondary trauma. But the current circumstances are avoidable and unacceptable.

For our part, I have directed our lawyers to complete an audit of all of our in-jail cases to assess those people who are most at risk and those whose cases are most readily able to be resolved. We will be tracking and regularly reporting on those people who are waiting for bedspace for restoration, waiting for *Blair* hearings, and waiting for post-probate bedspace. For those cases that have been identified as being ripe for resolution, I will be sharing that list with Solicitor Wilson so that her office can be a part of triaging these cases for alternate or speedy disposition. Also, to expedite the appointment process for people suffering from serious mental health disorders, our bond court lawyers will be flagging for immediate review anyone exhibiting symptoms of serious mental illness, and we will be seeking appointment from the Chief Administrative Judge in those cases without requiring them to go through the ordinary screening process. The sooner we identify those people whose mental and physical health is acutely poor, the sooner we can get them situated for restoration or other appropriate care.

We are meeting with the sheriff and other officials from the jail on Tuesday in hopes that we can work together to develop other strategies to improve the situation immediately. Our office is ready and willing to implement any practice that might alleviate the problems at our jail. I thank you for all that you have done and will do to partner with us in the future in safeguarding our clients' most basic civil and human rights. We would be happy to meet with you as a group or individually if a deeper dive into the details of what we are seeing would be helpful.

With kind regards, I remain,

Sincerely,



Cameron Jane Blazer
Ninth Circuit Public Defender