

# **ACLU Calls On South Carolina To End Discriminatory Segregation Of Prisoners With HIV**

## **ACLU Lawsuit Filed Against Alabama Today Charges Segregation Policy Violates Americans With Disabilities Act**

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CONTACT: Victoria Middleton, ACLU of South Carolina, (843) 720-1424;  
[vmiddleton@aclusouthcarolina.org](mailto:vmiddleton@aclusouthcarolina.org)

CHARLESTON – The American Civil Liberties Union of South Carolina today called on the state’s correctional officials to end an illegal and discriminatory state policy requiring all prisoners with HIV be segregated from the rest of the state’s prison population. The ACLU and the ACLU of Alabama today filed a federal class action lawsuit against Alabama, the only other state in the nation to maintain a segregation policy, charging that it violates the Americans with Disabilities Act of 1990.

“South Carolina’s policy of segregating prisoners with HIV is profoundly discriminatory and undercuts the state’s stated commitment to reducing its prison population and lowering recidivism rates by providing all prisoners every opportunity at rehabilitation,” said Victoria Middleton, Executive Director of the ACLU of South Carolina. “We are hopeful that the new South Carolina Department of Corrections administration will recognize how short-sighted and unproductive maintaining this policy is. HIV segregation in our prisons is the last vestige of a discriminatory era that has long since ended in most every other corner of America.”

As a result of the segregation policy, prisoners with HIV in South Carolina are ineligible for elite jobs that are earned through good behavior and are looked upon favorably by the parole board. Solely because of their HIV status, prisoners in South Carolina with sentences as short as 90 days must serve their sentences at the maximum security facility at Broad River, a more violent, more expensive facility that also houses death row. And prisoners with HIV in South Carolina are also barred from working in the kitchen, a job that assists prisoners with employment after they return to society and which earns extra “good time” credits toward early release. The U.S. Centers for Disease Control and Prevention says that there is no medical basis for precluding persons with HIV from kitchen- or food-service-employment.

The World Health Organization, the National Commission on Correctional Health Care and other experts agree there is no medical basis for segregating prisoners with HIV within correctional facilities or for limiting access to jobs, education or vocational programs available to others.

The state of Mississippi had maintained a similar segregation policy until last year, but abandoned it after reviewing preliminary findings of a report released in April by the ACLU and Human Rights Watch documenting the stigma, harassment, and systemic discrimination segregated prisoners with HIV face.