

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

George Landford Douglas, #249516,)
)
Appellant,)
)
vs.)
)
South Carolina Department of Corrections,)
)
Respondent.)
_____)

Docket No. 16-ALJ-04-0470-AP
Grievance No.: LCI 32-16

ORDER OF DISMISSAL

RECEIVED

FEB 17 2017

SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (“ALC” or “Court”) pursuant to the appeal filed by George Landford Douglas (“Appellant”), an inmate in the custody of the South Carolina Department of Corrections (“SCDC” or “Department”). Appellant appeals the decision of the SCDC in his Step Two Grievance, in which SCDC stated that “[y]ou are not allowed to attend Bible study at the hours you have requested due to security concerns.”

Appellant contends that he is being denied an opportunity to practice his religion. Specifically, Appellant cites to SCDC Policy PS-10.05, Inmate Religion, § 3.3.1, which reads “Worship services will be scheduled to allow inmate believers the opportunity to share with others of similar belief the essential expressions of their faith. These services often include prayer, singing, sacraments, preaching, and sacramental type activities.” However, the right of inmates to participate in religious activities must be balanced with safety concerns. *See* SCDC Policy PS-10.05, Inmate Religion, § 3.2 (“Religious activities maybe (sic) limited by concerns for the safety of volunteers, staff, and inmates. Inmates in secure and restricted areas will not be allowed to leave their areas for religious programs. Although the goal when scheduling religious services will be to allow reasonable equal access to all faith groups, a Warden may limit the number of inmate participants in any religious activity for reasons of safety and security.”).

The Record includes an affidavit by Warden Joseph McFadden, which affirms that the Bible study has not been permanently canceled but has not occurred because of staff shortages and security concerns. The Warden stated that Lieber Correctional Institution currently has eighty-three open

FILED

JAN 12 2017

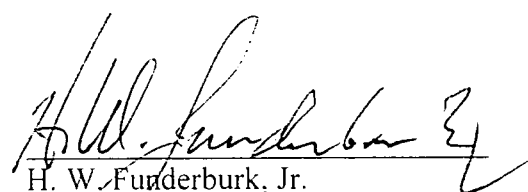
SC ADMIN. LAW COURT

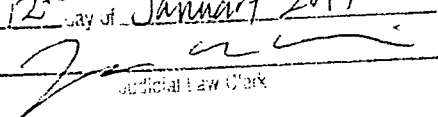
security positions. Appellant claims that he has been unable to attend his bible study for nearly thirteen months. SCDC, and the Warden, have a responsibility to ensure that its correctional institutions are properly staffed. However, in regard to Appellant's inability to attend bible study because of security concerns, the ALC cannot and should not extend its jurisdiction over an internal prison matter. See *Al-Shabazz v. State*, 338 S.C. 354, 382, 527 S.E. 2d 742, 757 (2000) (citing *Pruitt v. State*, 274 S.C. 565, 567-68, 266 S.E.2d 779, 780 (1980)) and *Howard v. S.C. Dep't of Corr.*, 399 S.C. 618, 733 S.E.2d 211 (2012).

Under *Slezak v. S.C. Dep't of Corr.*, 361 S.C. 327, 331, 605 S.E. 2d 506, 508 (2004), the ALC is to have jurisdiction of all properly perfected inmate appeals but "[s]ummary dismissal may be appropriate where the inmate's grievance does not implicate a state created liberty or property interest." It is therefore,

ORDERED that this appeal is **DISMISSED, WITH PREJUDICE.**
AND IT IS SO ORDERED.

Columbia, South Carolina
January 12, 2017


H. W. Funderburk, Jr.
Administrative Law Judge

DEPARTMENT OF SERVICE
This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).
This 12th day of January 2017
By: 
Judicial Law Clerk

FILED
JAN 12 2017

SC ADMIN. LAW COURT