

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT  
Milton G. Kimpson, Administrative Law Judge  
Docket No. 19-ALJ-04-0625-AP

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MAR 23 2020

SC Court of Appeals

South Carolina Dept. of Corrections  
& Tyger River Correctional Institution

Respondents

v.

Thomas Thompson #80681

Appellant

Appellate Case No. 2020-000356

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APPELLANT'S INITIAL BRIEF

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Thomas Thompson #80681  
Tyger River CI 1-225B  
200 Prison Road  
Enoree, S.C. 29335

STATEMENT OF THE ISSUE ON APPEAL

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- 1)- Has the SCDC violated Thompson's Constitutional right to protection from cruel and unusual punishment by using the benefits received for the privilege of working in the PI to coerce him into submitting to wearing striped uniforms.

## STATEMENT OF THE CASE

Appellant, Thompson is an inmate working in the Prison Industries Employment Program at Tyger River Correctional Institution where he has been employed since June 2016. In the summer of 2019 a notice was posted by the Plant Manager stating that striped uniforms would be issued as the required attire for PI workers. Upon being issued uniforms Thompson initiated a grievance. On 10-24-19 Thompson received a denial of his step-1 grievance stating that the SCDC had no policy stating what kind of uniform inmates are to wear to work in PI, that the Department gave these uniforms to PI workers so they could keep their orange uniforms clean for visits, etc and that they were only asked to wear them during their work shift. Thompson filed a step-2 grievance and received an answer on 12-5-19 again stating that there was no policy about what to wear to work in PI and that the uniforms were to help inmates keep their orange uniforms clean. This response stated that the grievance was resolved. Thompson filed an appeal in the Administrative Law Court detailing these events and the history of these uniforms which argued that the forced wearing of these uniforms was humiliating, degrading and caused mental anguish. Thompson argued that this violated his Constitutional rights regarding cruel and unusual punishment. Judge Kimpson issued an Order of Dismissal on 2-6-20. Thompson now brings his case to the Court of Appeals.

## ARGUMENT

These uniforms with broad horizontal stripes (also pocketless and essentially sleeveless) are a universal symbol of punishment. There are no changing areas in PI so inmates must wear the chain-gang uniforms to work and where ever they go during their shift (which includes the cafeteria, medical, mailroom, property control, etc) where they intermingle with other inmates. This imposes an atypical hardship by stigmatizing them and exposing them to ridicule.

The Department originally purchased these uniforms for the entire population and later changed plans and had their own prison factories manufacture solid orange uniforms which were issued. It had to be a substantial reason to render this taxpayer money wasted and some 80,000 uniforms unusable yet can it not be substantial enough to stop a minority from wearing them?

The Department's responses have been arbitrary. Tyger River Correctional has a policy which states that PI workers must wear striped uniforms to work therefore by extension this is an SCDC policy. There is a routine response to any complaint regarding working in PI whether it is lack of recreation or dirty uniforms. Thompson reached out to the mental health person for assistance about these uniforms and got the standard answer- "you don't have to work in PI-get another job."

The Department is simply desperate to make use of these uniforms. Pants have been trimmed into shorts and exchanged for the old tan shorts purchased from the canteen. The issue of these uniforms to PI workers essentially uses the financial benefits of this job to extort them into submitting to wear them.

The Department previously punished sexual misconduct charges by making the offender wear a stigmatizing pink jumpsuit. This practice was stopped presumedly by the Courts. If it is wrong to punish people this way then how can it be appropriate to coerce inmates who have earned the privilege of working in PI through continuous good behavior to submit to this punishment?

#### CONCLUSION

Judge Kimpson was indeed correct in his footnote "...a Prison Industry work program is a privilege and not a punishment". Wearing these chain-gang uniforms when all other inmates wear solid orange is a punishment. The stigmatism attached to them and the methods used to force inmates to wear them is cruel and unusual punishment. Thompson argues that it is the duty

and responsibility of this Court and all Courts to protect the Constitutional rights of persons who have properly applied through the procedures available to them for relief. Therefore Thomson asks this Court to order the SCDC and Tyger River Correctional Institution to stop this practice regarding these uniforms.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Tom Thompson", written over a horizontal line.

Thomas Thompson #80681  
Tyger River CI 1-225B  
200 Prison Road  
Enoree, S.C. 29335

March 18, 2020

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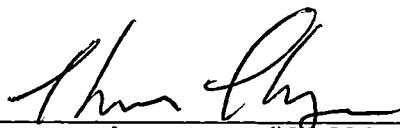
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PROOF OF SERVICE

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I Thomas Thompson do hereby certify that I served this Initial Brief on Respondents by depositing a copy of same in the US Mail, postage prepaid, addressed as follows;

General Counsel  
SC Dept. of Corrections  
Post Office Box 21787  
Columbia, S.C. 29221

  
Thomas Thompson #80681  
TyRCI 1-225B  
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SC Court of Appeals

Honorable Jenny Abbott Kitchings  
Clerk, S.C. Court of Appeals  
Post Office Box 11629  
Columbia, S.C. 29211

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SC Court of Appeals


RE: SCDC & TyRCI  
v.  
Thompson #80681

Appellate Case 2020-000356

Dear Ms Kitchings,

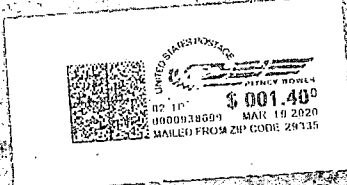
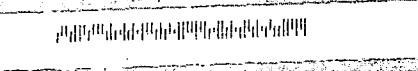
Please find enclosed Appellant's Initial Brief and Designation of Matter for filing along with Proof of Service on Respondents.

s/



Thomas Thompson #80681  
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Enoree, S.C. 29335

March 18. 2020



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