

# COVID-19 & OUR RIGHTS

## ORGANIZING TOOLKIT:

**Protecting Against Expanded  
Police Powers in the Age of Social  
Distancing**

**ACLU**  
South Carolina

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# What is the ACLU?

Throughout its 100 year history, the American Civil Liberties Union has evolved from a small group of idealists into the nation's premier defender of the rights enshrined in the U.S. Constitution. With more than 1.5 million members and offices in all 50 states, the District of Columbia, and Puerto Rico, we continue to protect against governmental abuses and vigorously defend individual freedoms.

More than 50 years ago, the ACLU of South Carolina was founded to advance civil liberties in communities across our state through public education, legislative advocacy, and litigation.



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South Carolina

# COVID-19 & OUR RIGHTS

## What is COVID-19?

Coronavirus disease 2019 (COVID-19) is a respiratory illness that can spread from person to person. The virus that causes COVID-19 is a novel coronavirus that was first identified during an investigation into an outbreak in Wuhan, China.

## What are the symptoms of COVID-19?

Patients with COVID-19 have had mild to severe respiratory illness with symptoms of

- fever
- cough
- shortness of breath

## What should I do if I'm sick?

Stay home when you are sick.

- Cover your cough or sneeze with a tissue, then throw the tissue in the trash.
- Clean and disinfect frequently touched objects and surfaces.

## How does COVID-19 spread?

The virus is thought to spread mainly between people who are in close contact with one another (within about 6 feet) through respiratory droplets produced when an infected person coughs or sneezes. It also may be possible that a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes, but this is not thought to be the main way the virus spreads.

## Is there a treatment?

There is no specific antiviral treatment for COVID-19. People with COVID-19 can seek medical care to help relieve symptoms.

For more information please visit the Center for Disease Control at [www.cdc.gov](http://www.cdc.gov).



As we face the COVID-19 crisis together in South Carolina and across the United States, it is essential that all government officials follow public health experts' recommendations to ensure a response plan that protects the health, safety, and civil liberties of all. Any response to this pandemic should be grounded in science and public health, not politics or xenophobia.

The ACLU of South Carolina is watching closely to make sure that the government's response is scientifically justified and no more intrusive on civil liberties than absolutely necessary.

### **Guidelines for Public Officials**

On March 6, we sent a letter urging state and local leaders across South Carolina to:

- Ensure the protection of incarcerated people who are housed in close quarters, often in poor health and therefore highly vulnerable to outbreaks of contagious illnesses
- Ensure that all people have access to free/affordable testing and treatment, including those who do not have health insurance
- Dismantle all barriers to testing and treatment by declaring health care facilities “immigration enforcement-free zones;”
- Work with employers to ensure that workers are supported in voluntarily staying home when sick
- Ensure transparency and accuracy of shared information and ground all public statements in science
- Encourage voluntary compliance with isolation measures.

## **COVID-19 and Criminal Justice**

People involved in the criminal justice system face heightened risk of COVID-19 infection. From policing, prosecution and pretrial hearings, to sentencing, confinement, and release, every aspect of the system must come under intense scrutiny for how it responds to this national public health crisis.

Being arrested and detained, incarcerated, or forced to appear in public spaces such as courts and supervision offices, or having mobility limited even while home, can drastically limit a person's ability to exercise any of the above precautions or to seek medical help. Incarcerated people are highly vulnerable to outbreaks of contagious diseases. They are often held in close quarters and are often in poor health. The longer jurisdictions wait to act, the worse this will be.

We urge all system actors to partner with local public health experts in developing informed, immediately actionable steps to ensure that public safety and public health are as protected as possible. To find our complete guidelines for all criminal justice entities, please visit:

<https://www.aclusc.org/en/covid-19-and-your-rights>.



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# System Actors & Their Roles

South Carolina's criminal justice system consists of thousands of individual actors and plays an important role when it comes to protecting public health and safety during COVID-19. We have defined the roles of the key folks we will be targeting through our advocacy.

Circuit Solicitors: In other parts of the country, solicitors are called prosecutors. They are elected officials responsible for prosecuting criminal offenses on the behalf of the state. In South Carolina, there are 16 judicial circuits and 16 circuit solicitors serving as the top prosecutor of each circuit. Technically, solicitors report to the South Carolina Attorney General. While their jobs inform each other, sheriffs and police chiefs work alongside solicitors rather than in a direct hierarchy.

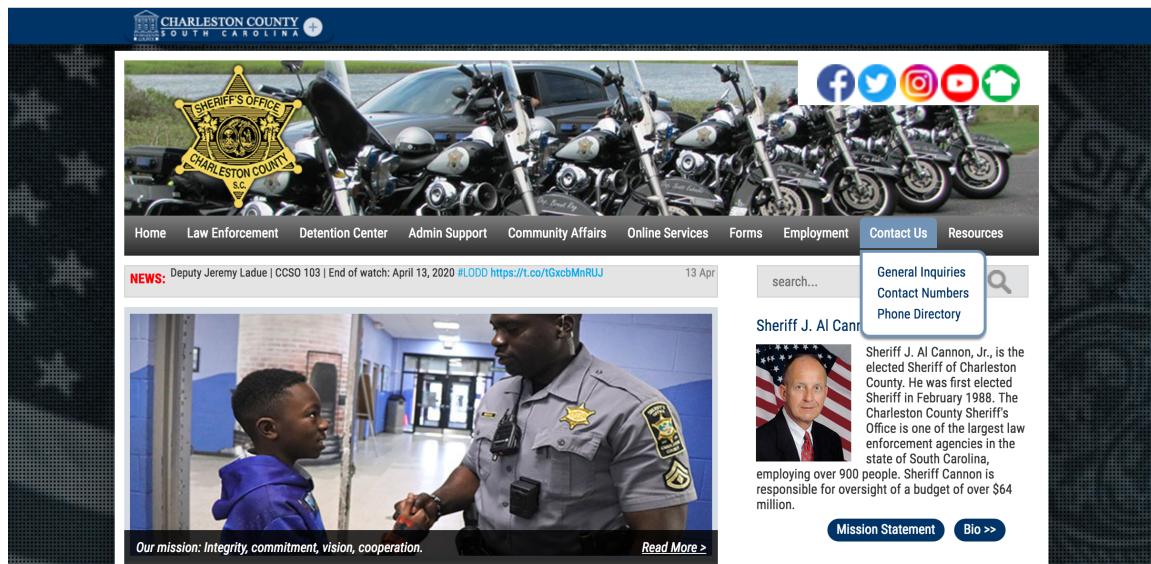
Police Chief: In South Carolina, a police chief is the highest ranking law enforcement officer of a municipality (city or town). A county sheriff and a municipal police chief hold similar positions of power over their respective jurisdictions, but police chiefs in South Carolina are appointed to their positions. Municipal police and county sheriff's departments work together at times depending on the nature of a case and resources needed.

**Sheriff:** In South Carolina, sheriffs are the top law enforcement officers in their counties and oversee their county's sheriff's department. Sheriff is an elected position, and sheriffs' powers are restricted to the geographical boundaries of the county they are elected to serve. In many South Carolina counties, sheriffs serve as the top jail administrator of their county detention center.

## **How can you find your law enforcement officials?**

Local, city, county and statewide governments and their agencies have websites to educate the public and demonstrate transparency educate but to be transparent about their agency's leadership, values, mission, goals, events planned within the community and even community partners. Their sites are generally searchable using Google.

## **Example of Charleston County Sheriff's Website:**



# Protect Against Expanded Police Powers

In response to the COVID-19 outbreak, Governor McMaster has issued a series of Executive Orders that greatly expand police powers. Community members are deeply concerned about how these expanded powers may be enforced. Making police officers the sole or primary enforcers of COVID-19-related restrictions could result in significant public backlash, especially from communities of color and other communities that have historically been heavily-policed, regardless of the form such enforcement takes. Public health and public safety must guide all policing decisions. Agency leadership should instruct officers to perform their duties with compassion, patience, and in a non-punitive manner befitting their public health role in these circumstances.

The harm inflicted by COVID-19 can become immensely more difficult for people involved in the criminal justice system. Being arrested and detained, incarcerated, or forced to appear in public spaces such as courts and supervision offices, increases the likelihood of COVID-19 transmission. The goal of enforcing COVID-19-related restrictions is always to protect public health by preventing the infliction of harm. Accordingly, the goal of police enforcement should be to facilitate long-term compliance rather than to punish non-compliance.





## **Our Goal**

To secure public statements from SC police chiefs and sheriffs in which they commit to non-discriminatory and fair enforcement of expanded powers and agree to refrain from any actions that could undermine community trust, prohibit unnecessary arrests, and carry out the executive orders in a fair and non-discriminatory way.

**We have provided a template demand letter (also available [here](#)) with a pledge for officials to sign. Please feel free to make this document your own!**

## **Template Demand Letter**

[DATE]

RE: Law Enforcement Response to COVID-19 Related Executive Orders

Dear Sheriff/Chief [LAST NAME]:

As you know, Governor McMaster has issued a series of Executive Orders in response to the COVID-19 outbreak with provisions that greatly expand police powers. These expanded powers have raised serious concerns from vulnerable members of our [COUNTY/CITY] community.

We believe that trust between law enforcement and the community is a key component to advancing public safety. For this reason, we are writing to ask for your public commitment to:

- Refrain from any actions that could undermine community trust in law enforcement and increase tensions that already exist because of COVID-19
- Prohibit the use of arrests as a method of enforcing Governor McMaster's orders unless necessary to prevent imminent and serious bodily harm to another person and all non-incarceration alternatives have been exhausted
- Guarantee that all enforcement will be carried out in a way that is non-discriminatory and fair.

## **Template Demand Letter (continued)**

In addition to strengthening trust between community members and law enforcement, your commitment to limiting the use of the criminal sanctions provisions would better align our community's COVID-19 response with public health experts' recommendations, specifically, the need to reduce the public health risks of unnecessary incarceration.

If you are willing to publicly state your commitment to our request, please sign and return the statement included with our letter.

Thank you for your time. We hope that you will heed our call and ensure that your response to COVID-19 protects the health, safety, and civil liberties of all in your community.

Sincerely,

[SIGNATURE]

[TYPED NAME]

[CITY/COUNTY, SC]



## Template Pledge

I publicly commit to prioritize the health, safety and civil liberties of all in my community during the COVID-19 pandemic.

In the enforcement of Governor McMaster's Executive Orders, I agree to:

- Refrain from any actions that could undermine community trust in law enforcement and increase tensions that already exist because of COVID-19;
- Prohibit the use of arrests as a method of enforcing Governor McMaster's orders unless necessary to prevent imminent and serious bodily harm to another person and all non-incarceration alternatives have been exhausted; and
- Guarantee that all enforcement will be carried out in a way that is non-discriminatory and fair.

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Signature

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Name (Printed)

---

Organization/Department

---

Date



# Let's Organize!

Now that we're grounded in who we are and what we want, let's dive into how we achieve our goal. There are numerous ways to engage and hold officials accountable for their actions (or inaction). It is our duty as active community members to pay attention, to push for transparency, and advocate for public safety measures grounded in public health.

In the time of social distancing, we still have the power and we can achieve our goals together.

In this section, we'll cover three tactics advocates can use to educate our personal networks, keep the general public informed, and pressure law enforcement to ground all action in public health. They are:

- Phone zaps
- Letters to the editor
- Digital organizing

While these can all be done on your own, we hope to coordinate our actions and show our true collective power! You can do this by following our social media pages for regular updates, writing down our phone zap schedule, or reaching out directly to our organizers: Emily Walter, [ewalter@aclusc.org](mailto:ewalter@aclusc.org) and Anwar Young, [ayoung@aclusc.org](mailto:ayoung@aclusc.org).

## **Phone Zaps**

“Call-in campaigns, also known as ‘phone zaps,’ are an often used tool in a growing number of people’s tool boxes. Whether it’s calling into prisons to get someone out of solitary or to restore access to the outside world, against slumlords in tenant battles, to get workers rehired, or attempts to get fascists fired, more and more groups are using the tactics in broader struggles.” - Incarcerated Workers Organizing Committee

### **Who are we calling?**

We will be contacting local sheriffs and police chiefs across South Carolina. Listed in our Tracker are the non-emergency contact numbers for sheriffs and police chiefs. Below you will find sample call scripts. Feel empowered to use your own personal story or reason to further express concern over expanded police powers. Find contact information in our Tracker linked [here](#).

### **Scheduled campaigns**

Phone zaps allow us to shift power through a pressure action. By coordinating calls on specific days or times, we maximize our impact on our target entity. If we are able to reach the same members over and over in a shortened time frame, it’s certain that our message will have more of an impact. This also creates more excitement for participants, making it a real event instead of something they do on their own.

## **Phone Zaps**

Times can depend on when the most volunteers are able to call, when the office is busy, or when last minute pressure needs to be put on a decision maker.

Example:

Monday- Orangeburg County Sheriff at 12-1pm

Tuesday- Calhoun County Sheriff at 3-4pm

Wednesday- Charleston County Sheriff at 4-5pm

Thursday- Berkley County Sheriff at 10-11am

Friday- Governor McMaster's Office at 1-2pm

## **Sample Calling Script**

**Operator:** Hi thank you for calling the [County Sheriff's/Police Chief's Office], how can I help you?

**Constituent:** Hi, my name is [Name] and I am a resident of [City/County]. I'm calling today to express my concerns about the enforcement of Governor McMaster's expansion of police powers in response to the pandemic.

I am asking that the [Sheriff/Police Chief] make a public commitment to refrain from any actions that could undermine our community's trust in law enforcement and increase tensions that already exist because of coronavirus.

## **Sample Calling Script Continued**

Will [Sheriff/Police Chief] publicly agree to prioritize the public health and safety of our community by limiting the use of the criminal sanctions in their enforcement of orders related to Coronavirus?

Operator: Yes, we do! or I'm not sure.

Constituent: I hope that this department will demonstrate their commitment to public safety by signing our public letter, so we can be assured that law enforcement is prioritizing public health and not punishment. What's a good way to get the letter to [Sheriff/Police Chief]?

Operator: We will take it into consideration, you can send it to [email address or physical address].

Constituent: Thank you! I will send this along

\*If the person you are calling asks a question that you don't know how to answer, feel free to send them to our website or offer to connect them with an ACLU staff member. Don't feel ashamed to say "I don't know!"

\*\*Update our tracking document linked [here](#) with any relevant notes or commitments.

## Alternative Targets

When we are voicing our concerns to public officials and holding them accountable for their actions- we never really lose. However, it is important for us to know when to shift tactics and targets to accomplish our goal.

What do you do when your target is unresponsive, or just said no? Consider the questions below.

- Who are your allies? Who might be your allies?
- Is it worth it to reform a strategy with the same elected official with more groups and people involved?
- Who might be their opposition? Would it be appropriate to have them speak out on your issue?
- Who are other key roles in leadership that could pressure this official to do the right thing? Would the Mayor, Municipal leadership, State legislators, or other prominent community members pressure your targeted official?

### Example: Protecting against Expanded Police Powers

If we realize a Chief of Police is unresponsive- we can shift our target to those who are higher in the chain of command, such as the Mayor or City Council. They can also apply pressure to the Chief of Police to do the right thing. See the following page for an additional sample script!

## Sample Calling Script: Alternative Targets

Operator: Hi thank you for calling the [Mayor/City Councilmember]'s office, how can I help you?

Constituent: Hi, my name is [Name] and I am a constituent of [City]. I'm calling today to express my concerns about the enforcement of Governor McMaster's expansion of police powers in response to the pandemic.

A group of constituents have reached out to the Chief of Police about this matter and we do not feel assured that this official is taking our concerns seriously. I am asking that [Mayor/Council Member] call on [Chief of Police] to ensure that law enforcement refrains from any actions that could undermine our community's trust and increase tensions that already exist because of Coronavirus.

We believe that law enforcement should perform their duties in a non-punitive manner and severely limit the number of people arrested or detained. Will the [Mayor/Councilmember] consider lifting up our concerns to the [Chief of Police]?

## Sample Calling Script: Alternative Targets Continued

Operator: The [Mayor/Councilmember] believes... or I will pass this along.

Constituent: Great! I hope that this office will aid us in protecting our community at this time. Thank you and have a nice day.

\*If the person you are calling asks a question that you don't know how to answer, feel free to send them to our website or offer to connect them with an ACLU staff member. Don't feel ashamed to say "I don't know!"

\*\*Update our tracking document linked here with any relevant notes or commitments.



## Letter to the Editor

By writing a Letter to the Editor, we are amplifying our message to a much broader audience outside of our personal networks. There is opportunity here for education, recruitment of more advocates, and to uplift our issues to the news source with the goal of more in-depth coverage.

### Tips for writing a LTE:

- Keep it short - no more than 400 words. The shorter a letter is, the more likely it is to get printed.
- Make your most important point in the first or second paragraph.
- If the letter responds to a particular article or another letter, refer to the title, date and author of the original piece in your opening sentence.
- If you have recently run a letter but want to send in another, consider soliciting someone else in the community to write the letter.

## Letter to the Editor

### Talking points:

- People involved in the criminal justice system face heightened risk of COVID-19 infection. From policing, prosecution and pretrial hearings, to sentencing, confinement, and release, every aspect of the system must come under intense scrutiny for how it responds to this national public health crisis.
- Public health and public safety must guide all policing decisions. The goal of enforcing COVID-19-related restrictions is always to protect public health by preventing the infliction of harm. Accordingly, the goal of police enforcement should be to facilitate long-term compliance rather than to punish non-compliance.
- The harm inflicted by COVID-19 can become immensely more difficult for people involved in the criminal justice system. Because of the grave risks of COVID-19 exposure for people in custodial settings, the use of custodial arrest to enforce these restrictions is not an appropriate public health measure and should almost never be the outcome of these enforcement efforts. Such arrests should be prohibited unless necessary to prevent imminent and serious bodily harm to another person and all non-incarceration alternatives have been exhausted.

## Letter to the Editor

### How to Submit:

Submission links for our state news outlets are linked below:

Find the Post and Courier [here](#).

Find The State [here](#).

Find the Greenville News [here](#).

### Submissions to Local News:

Although submitting to the major news outlets is important to reaching a large audience, don't forget about your local newspapers! You can find your local news outlet and how to submit a LTE by searching your city and the phrase "letter to the editor."

### Example from the Charleston City Paper:



#### Submit a letter

Letters to the editor are welcome and encouraged. Please include name, address, and daytime phone number for verification purposes.

Limit yourself to 300 words or less; letters may be edited for space and clarity.

1316 Rutledge Ave., Charleston, SC 29403  
[editor@charlestoncitypaper.com](mailto:editor@charlestoncitypaper.com)

Or use this form:

<b>Your Name</b>	<input type="text"/>
<b>Email</b>	<input type="text"/>
<b>Phone</b>	<input type="text"/>
<b>Letter</b>	<input type="text"/>
<input type="button" value="Submit"/>	

## Digital Organizing

Organizing online is an increasingly important tool to meet people where they are and to spread our message, especially during this pandemic. By using online tools and platforms, we can engage our friends, family, and followers in our efforts to educate, share why we care about our issues, and publicly call out folks in power.

### Social media call-outs

When you can't rally outside of an official's building or ask them a question during a town hall, online activism is the next best thing! By directly engaging public officials online, we will not only get their attention but the attention of those who follow us. Similarly to phone zaps, call-outs work best when they are coordinated, please refer to this section for an example. It's most effective when we align with others to amplify our power! Find elected officials social media pages in our tracker linked [here](#).

## **Digital Organizing**

### **Sharing is Caring**

Please feel free to use the following social media images and captions or to create your own! When advocating on social media, it's a good idea to search for the officials you want to target and tag them. Find the graphics and the captions on the following page.

### **Twitter (can also be used on Instagram and Facebook!):**

Tweet 1: @henrymcmaster's #COVID19 response has greatly expanded police powers. I am asking [Official - tag them if possible] to heed public health experts' recommendations and refrain from using [his/her/their] authority to increase the jail population. Join me by calling [phone number]!

Tweet 2: Thank you to [Official - tag them if possible] for publicly agreeing to prioritize public health and safety and refrain from making unnecessary arrests during #COVID19!

Tweet 3: @henrymcmaster said “responsible” people violating his #COVID19 orders won’t be arrested, but “responsible” isn't a legal term. His orders put Black & Brown people in greater danger of incarceration. Officials must prioritize public health & safety by limiting criminal sanctions.

## Digital Organizing

### **Facebook (Can also use on Instagram!):**

Caption 1: In his response to COVID-19, Governor McMaster gave individual law enforcement officers the discretion to disperse and criminally charge groups of three or more people. But, this does not apply to all groups of three or more people, just groups the individual officer, who is not required to be a trained public health professional, determines to be “a threat to public health.” Unnecessary incarceration is bad for public health and safety. I am calling on [Sheriff/Police Chief] to publicly commit to refraining from the use of criminal sanctions and hope you will join me.

Caption 2: ACTION ALERT: Governor McMaster has given local law enforcement officials increased police powers at a time when public health experts are calling for reduced numbers in our prisons and jails. This is a recipe for disaster. On [Day] at [Time] we are calling on [Official] to publicly commit to PROTECT public health in our community by REFRAINING from sending people to jail on low-level offenses during the pandemic.

## **Digital Organizing**

**Facebook (Can also use on Instagram!), continued:**

Caption 3: Governor McMaster's COVID-19 response expanded police powers and then clarified that the rules do not apply to "responsible South Carolinians." "Responsible" is not a legal term. Law enforcement leaders must act now to assure their communities that they will use their expanded powers ONLY for the advancement of public health and safety - not as a license to discriminate against Black and brown people who are already at heightened risk for abuse.

# Thank you!

We are so grateful to have you advocating for the protection of civil rights and liberties. It is our hope that this toolkit has provided you with the tools needed to create big and small changes!

Please keep us in the loop with what actions you take, how they went, and how we can support your work. Always feel free to reach out to us at the ACLU of South Carolina.

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