



October 16, 2015

Sylvia L. Murray
Director
S.C. Department of Juvenile Justice
P.O. Box 21069
Columbia, SC 29221

By U.S. Mail
By email to slmurr@scdjj.net
By fax to 803-896-9040

Re: Juveniles in solitary confinement

Dear Director Murray,

I am writing on behalf of M.S. (DOB 4/2/99), a juvenile who is committed to the custody of the Department of Juvenile Justice. His guardian has requested that we intervene on behalf of his safety and well-being.

M.S. is currently held in solitary confinement in the Crisis Management Unit (CMU). He has been in that unit since September 19, 2015 after an incident that took place at the Magnolia Housing Unit. We believe that at least ten other juveniles have been kept in solitary confinement since the September 19, 2015 Magnolia unit incident. There is no information available as to how long the juveniles are to be kept in isolation.

On behalf of M.S., we demand that he be removed from solitary confinement and moved to appropriate housing immediately. We will expect to be informed no later than 5 PM of October 19, 2015 that such a transfer has taken place. We consider this an emergency, as even short periods of isolation have been shown to damage young people. (While we cannot speak on behalf of the other juveniles who have been confined to CMU since September 19, 2015, all the arguments we make on behalf of T.D. and M.S. clearly apply to all of them.)

Children are vulnerable to the harms of prolonged isolation. They are at high risk of psychological damage. Solitary confinement increases the risk of suicide. Solitary precludes access to education and rehabilitation. Isolation may stunt of growing bodies and developing minds. (See the attached document entitled *Stop Solitary* which summarizes the research on the dangers of keeping children in isolation.)

The Prison Rape and Elimination Act (PREA) codifies the long-standing recognition that isolation of young people is harmful and counterproductive. According to PREA, protective or disciplinary isolation may be used as a "last resort when other less restrictive measures are inadequate to keep them and other residents safe, and then only

until alternative means of keeping all residents safe can be arranged.” (28 C.F.R. § 115.342 (b)(2012))

The Department of Justice has stated that “isolation of children is dangerous and inconsistent with best practices and that excessive isolation can constitute cruel and unusual punishment.” (See attached letter from Robert Listenbee, Administrator, Office of Juvenile Justice and Delinquency Prevention of the Department of Justice.)

S.C. Department of Juvenile Justice Policy and Procedures No: G-9.19 and G-9.20 set forth procedures by which isolation is used to deescalate a dangerous situation. The policy seems to contemplate isolation for periods of hours. Solitary confinement for a month is contrary to these procedures.

A month of solitary confinement for a child under these circumstances may be a denial of due process and may be found to be cruel and unusual punishment. Such findings would expose SC DJJ to claims that the U.S. Constitution has been violated.

I am writing now in an effort to resolve this situation. Please advise me by 5 PM on October 19, 2015 as to whether SC DJJ has transferred M.S. to appropriate housing. I can be reached at 843-720-1425 or 843-830-1571 or by email at sdunn@aclusouthcarolina.org.

I understand that, as of October 14, 2015, 34 juveniles are being held in solitary confinement at CMU. That number being held in CMU raises question concerning the reliance of SC DJJ on isolation. We would welcome the opportunity to continue this conversation, once M.S. is released from solitary, in order to explore alternatives to solitary confinement for youth in juvenile detention.

Sincerely,



Susan Dunn
Legal Director

cc: Larry Vanderbilt, by email to llvand@scdjj.net