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Contacts: **Laura Swinford**, ACLU of South Carolina, 314-856-2799, laura@gpsimpact.com
Jonah Bryson, NAACP, Assoc. Press Secretary, 443-202-5188, jbryson@naacpnet.org
Lauren Roach, Wyche, Chief Marketing Officer, 864-242-8305, lroach@wyche.com
Camila Rios, Jenner & Block, Communications & Public Relations Specialist,
213-618-7790, crios@jenner.com

**Children in Custody at South Carolina Juvenile Justice Centers Held in
Nightmarish Conditions, New LawsUIT Alleges**

*Lawsuit Aims to Help Fix System with History of Failing the Children of South
Carolina*

SOUTH CAROLINA – April 27, 2022 A lawsuit [*include link*] filed today in the United States District Court for the District of South Carolina alleges horrific living conditions for the more than 250 children detained by the South Carolina Department of Juvenile Justice, the agency tasked by law with providing South Carolina’s detained children with care and rehabilitation rather than punishment.

Children held in DJJ facilities are routinely subjected to violence, months-long isolation in solitary confinement, and a lack of meaningful educational or mental health services, according to the lawsuit, which was brought on behalf of the South Carolina State Conference of the NAACP, Disability Rights South Carolina, and Justice 360.

“These children are in danger every day and every night, and DJJ has consistently failed to contain the violence,” said **Lindsey Vann, Executive Director of Justice 360**. “These are systemic problems that need appropriate resources, authority, and support to enact real change.”

According to the lawsuit, there is sewage water in the cells, feces on the walls, and cockroaches in the food of the facilities. The lawsuit alleges that youth-on-youth violence is rampant, with staff often turning a blind eye or even instigating assaults on children. The lawsuit further alleges that DJJ has resorted to 23-hour-a-day solitary confinement as a default management tool, to house sick kids, “protect” children from violence, or address even the most minor of infractions.

“South Carolina exposes the children in its juvenile justice system—most of whom are Black—to barbaric conditions,” said **Brenda Murphy, President of the NAACP South Carolina State Conference of Branches**. “Children in custody suffer from constant violence, are isolated for weeks and months, and are denied the basic rehabilitative services they need and are entitled to. Our most vulnerable children must receive support, not punishment.”

Despite claims that it operates its own accredited school district, helps youth pursue workforce development opportunities, and provides rehabilitative services, most children receive no educational services, according to the lawsuit. The lack of educational resources at DJJ facilities is especially damaging for the children who suffer from learning impairments or physical disabilities, as no special education services are provided, the lawsuit says. One child, who struggles with verbal communication, reported receiving only a single day of education over a period of nine months.

“DJJ holds some of our State’s most traumatized and vulnerable children,” **said Allen Chaney, Legal Director for the ACLU of South Carolina.** “If conditions don’t immediately and dramatically improve, then the only adequate remedy will be to release children from these horrific conditions.”

“DRSC is concerned about the lack of appropriate placement and services for children placed at all DJJ facilities, including the many children in DJJ’s care who are disabled,” **said Beth Franco, Executive Director of Disability Rights South Carolina.**

The DJJ has a well-documented track record -- dating back to the 1960s -- of violating the constitutional and statutory rights of the children in its care. Even with decades’ worth of findings and interventions, DJJ has failed to make substantial progress in implementing lasting solutions, the lawsuit says.

“DJJ has been aware of the ongoing violence and unconstitutional conditions at their facilities for years, and yet they still fail to protect the children entrusted to their care,” **said Jenner & Block Partner Previn Warren.** “Our hope is to create lasting and meaningful reform right away to end the trauma these children are experiencing.”

“By law, South Carolina’s Department of Juvenile Justice is required to provide rehabilitative services to the children in its custody,” **said Janette Wallace, General Counsel of the NAACP.** “Instead, DJJ further traumatizes these children by detaining them in unreasonably dangerous facilities with highly punitive conditions. We must protect the children in DJJ from these harms.”

The lawsuit, filed jointly by the ACLU of South Carolina, the NAACP, and the law firms Wyche and Jenner & Block, asks the court to declare that the department is violating the constitutional rights of South Carolina children and seeks judicial intervention to facilitate immediate remedies such as clean water, dry beds, healthy food, safety from violence, freedom from unconstitutional uses of solitary confinement, meaningful access to education and mental health resources, and accommodations for children with disabilities.

“We appreciate that the new Executive Director of DJJ, Eden Hendrick, has acknowledged that the DJJ facilities are ‘constantly over-capacity’ and recognized the ‘immediate trauma’ that children experience entering custody. But meaningful change cannot wait.” **said Rita Bolt Barker, Shareholder of Wyche, P.A.** “The timeline for reform is unreasonably slow, and these children need action now.”

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[Justice 360](#) is a legal nonprofit organization dedicated to promoting fairness, reliability, and transparency in the criminal justice system for juveniles facing length prison sentences and adults facing the death penalty in South Carolina.

The National Association for the Advancement of Colored People (“[NAACP](#)”) was founded in 1909 in response to ongoing violence against Black people around the country. The NAACP is the largest and most pre-eminent civil rights organization in the nation, with over 2,200 units and branches across the nation and well over two-million activists. The NAACP’s mission is to secure the political, educational, social, and economic equality of rights, eliminate race-based discrimination, and ensure the health and well-being of all persons.

NOTE: The Legal Defense Fund – also referred to as the NAsACP-LDF was founded in 1940 as a part of the NAACP but separated in 1957 to become a completely separate entity. It is recognized as the nation's first civil and human rights law organization and shares our commitment to equal rights.

The [ACLU of South Carolina](#) works daily in communities, courts, and the South Carolina Legislature to defend and advance the individual rights and liberties guaranteed by the United States and South Carolina Constitutions.

As the Protection and Advocacy agency for South Carolina, [Disability Rights South Carolina](#) is federally mandated to protect and advocate for the legal, civil, and human rights of people with disabilities. DRSC advocates for the rights of youth with serious mental illness and other disabilities who have been placed at DJJ.

[Jenner & Block LLP](#) is a law firm with a global reach, with offices in Chicago, London, Los Angeles, New York, San Francisco, and Washington, DC. The firm is known for its prominent and successful litigation practice, global investigations, and experience handling sophisticated and high-profile corporate transactions. *The American Lawyer* has recognized the firm as the #1 pro bono firm in the United States 10 times in the past 14 years. In 2021, the publication recognized the firm as the #2 international pro bono firm. In 2020, *Reuters Legal* named the firm its inaugural “Pro Bono Hero.”

[Wyche](#) is a full-service law firm that has practiced law and served the community for 100 years. In that time, Wyche has participated in landmark litigation, served as counsel on cutting-edge transactions, and provided community leadership that has helped shape and drive our region's growth and success. With offices in Greenville, Spartanburg, and Columbia, Wyche is the South Carolina member of Lex Mundi, the world's leading association of independent law firms.