

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

SOUTH CAROLINA STATE CONFERENCE OF  
NAACP;  
DISABILITY RIGHTS SOUTH CAROLINA;  
JUSTICE 360;

*Plaintiffs,*

v.

SOUTH CAROLINA DEPARTMENT OF JUVENILE  
JUSTICE;

EDEN HENDRICK, in her official capacity as  
Executive Director of the South Carolina  
Department of Juvenile Justice;

*Defendants.*

Case No.: 0:22-CV-01338-MGL-PJG

**FIRST AMENDED COMPLAINT  
FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiffs South Carolina State Conference of NAACP, Disability Rights South Carolina, and Justice 360 (“Plaintiffs”), by counsel, and for their Complaint against Defendants South Carolina Department of Juvenile Justice (“DJJ”) and Eden Hendrick, allege as follows:

**INTRODUCTION**

1. Children detained by South Carolina were in danger when this case was filed over a year ago, and that danger has persisted, if not worsened, through today. DJJ is charged with providing these children with safe custodial care and rehabilitation. Instead, it subjects them to prolonged isolation and endemic violence at facilities that are overcrowded, unsanitary, and bereft of educational and rehabilitative services.

2. As a South Carolina State Senator recently put it, DJJ “is a terrible place . . . it’s horrible.”<sup>1</sup> There is sewage water in the cells, feces on the floor, and cockroaches in the food.

---

<sup>1</sup> September 12, 2023 Public Hearing, Joint Citizens and Legislative Committee on Children, at 2:44:45—2:45:08, <https://www.scstatehouse.gov/video/archives.php>.

Youth-on-youth violence is routine, and staff often use violence against the children they are supposed to supervise and protect. DJJ's policies, procedures, and practices enable the limited staff on hand to look the other way when violence occurs, rather than keep children safe. Instead of curtailing violence, many staff resort to "protecting" youth by placing them in solitary confinement for 23 hours a day. Likewise, prolonged isolation has become a default management tool to address even the most minor infractions.

3. Under these conditions, educational opportunities for detained youth are illusory. When staffing levels at DJJ facilities are at their best, detained youth have a limited class schedule of a few short hours per *week*. But even that severely limited class schedule is regularly disregarded due to the inadequate staffing and uncontrolled violence described in this Complaint. The inadequate education provided by DJJ has been particularly damaging for the many children who suffer from learning impairments and/or physical disabilities.

4. DJJ officials have violated federal law and the Fourteenth Amendment of the U.S. Constitution, and not for the first time. In the 1960s, a Pulitzer Prize winning journalist exposed the "horrible beyond belief" living conditions in South Carolina's juvenile justice facilities and described how boys were regularly "beaten with fists, rubber hoses, ropes . . . and other weapons." In 1990, DJJ was sued for violating the constitutional and statutory rights of the children in its care. In 1995, it lost that lawsuit and was required to submit a remedial plan and implement policy changes to meet minimally acceptable standards at its facilities. Yet problems persisted. In 2002, South Carolina paid \$1.1 million to settle claims that children as young as ten years old had been sexually assaulted at DJJ facilities. In 2017, a legislative audit revealed that DJJ facilities continued to be violent and dangerous and that youth experienced beatings, abuse, extended periods of isolation, and unsafe living conditions. A subsequent legislative audit showed that these conditions continued from 2017 to 2019. In 2020, the United States Department of Justice ("DOJ") released a report and notice detailing "numerous, specific, and

repeated violations of the Fourteenth Amendment” at the Broad River Road Complex (“BRRC”)—including 134 fights and 71 assaults over a less than one-year period.

5. On April 14, 2022, DOJ and DJJ entered a settlement agreement resolving DOJ’s investigation into unconstitutional conditions at the BRRC. The agreement seeks to remedy some of the violence and overuse of isolation at that facility. But the agreement is limited to the BRRC and does not address unconstitutional conditions at DJJ’s four other secure facilities. And over the eighteen months since the settlement, little has changed.

6. Defendant Eden Hendrick has admitted in a sworn declaration to this Court that a “cultural transformation of SCDJJ systemwide” is “long overdue.” As part of her commitment to systemwide transformation, Defendant Hendrick swore to this Court that she was “not limiting the changes at SCDJJ to only BRRC as required in the Settlement Agreement.”

7. But despite the Settlement Agreement and Defendant Hendrick’s professed commitment to cultural transformation, the conditions at all DJJ facilities have remained dangerous and unconstitutionally deficient in the last eighteen months. By DJJ’s own metrics, the violence in its facilities has *worsened*, it continues to over-use isolation on children in its custody, and it still fails to offer necessary educational and rehabilitative services and conditions.

8. As a result of these unconstitutional conditions, Plaintiffs—three local organizations that either advocate for children in DJJ custody, serve on their behalf, and/or have those children as their constituents—are being harmed every day. They have had to re-direct their limited resources to make up for DJJ’s failures; their ability to serve the children has been impeded due to the trauma those children are experiencing; and Plaintiff DRSC—which by statute represents children in DJJ as their constituents—is harmed directly by the harms to the specific children who are their constituents.

9. South Carolina’s children deserve better, and they deserve it now. Plaintiffs—on their own behalf and on behalf of the detained youth they represent—seek immediate injunctive relief requiring DJJ to provide constitutional conditions of confinement: clean water, dry beds,

healthy food, safety from violence, freedom from solitary confinement, meaningful access to education and mental health resources, and accommodations for children with disabilities.

10. Contrary to Defendants’ years of protestations, compliance with federal law is not optional—it is a threshold requirement that the state must clear in order to incarcerate children. Therefore, if DJJ continues to maintain that the problems it faces are intractable and that it cannot promptly comply with these constitutional minima, then Plaintiffs seek an order compelling the release of children from custody to whatever degree is necessary to ensure that DJJ can provide a safe, secure, and rehabilitative environment to those who remain in its care.

## **PARTIES**

### **Plaintiffs**

11. Plaintiffs are some of South Carolina’s most prominent civil rights organizations. They serve, represent, and work daily with detained youth in South Carolina.

12. The South Carolina State Conference of the NAACP (“South Carolina NAACP”) is a nonprofit, nonpartisan membership organization in South Carolina. The South Carolina NAACP is a state conference branch of the National Association for the Advancement of Colored People (“NAACP”), a national civil rights organization. The South Carolina NAACP was chartered in 1939 and is the oldest civil rights group in South Carolina. The South Carolina NAACP has more than 12,000 members.

13. Consistent with the national NAACP’s mission, the South Carolina NAACP, on behalf of its members and the other constituents it serves, advocates for a society in which all individuals have equal rights, all children have access to a free, high quality public education, and all persons are free from disproportionate incarceration and racially motivated practices. The South Carolina NAACP has seen its mission substantially impaired by DJJ’s policies and practices challenged in this lawsuit. The majority of the children detained—and traumatized—by DJJ are Black. DJJ’s failure to keep these children safe or to provide them with basic

rehabilitative services harms the South Carolina NAACP's efforts to promote greater equality across the state.

14. Disability Rights South Carolina, Inc. ("DRSC") is a South Carolina nonprofit corporation with principal offices in Columbia. DRSC is South Carolina's Protection and Advocacy system ("P&A"), as that term is defined under the Developmental Disabilities Assistance and Bill of Rights Act ("DD Act"), 42 U.S.C. § 15041 *et seq.*; the Protection and Advocacy for Individuals with Mental Illness Act of 1986 ("PAIMI Act"), 42 U.S.C. § 10801 *et seq.*; and the Protection and Advocacy of Individual Rights Act ("PAIR Act"), 29 U.S.C. § 794e *et seq.* The DD Act authorizes P&A systems to pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of individuals with disabilities. *See* 42 U.S.C. § 15043(a)(2)(A)(i). The PAIMI Act authorizes P&A systems to pursue administrative, legal, and other appropriate remedies to ensure the protection of individuals with mental illness who are receiving care or treatment in the State. *See* 42 U.S.C. § 10805(a)(1)(C).

15. DRSC operates to protect and advance the legal, civil, and human rights of people with disabilities in South Carolina. It has been harmed by DJJ's persistent constitutional and statutory violations. DRSC represents all disabled children within DJJ custody. DJJ has directly harmed these children by failing to protect them, by exposing them to unreasonable dangers, by forcing them to endure prolonged periods of isolation, and by failing to provide them with adequate services. This has meaningfully impaired DRSC's ability to carry out its organizational mission of advocating for detained youth who are disabled and in the custody of DJJ. The interest DRSC seeks to protect through its participation in this action—to ensure that DJJ meets its constitutional and statutory obligations to disabled minors in DJJ custody—is germane to DRSC's purpose.

16. Justice 360 is a South Carolina nonprofit organization headquartered in Columbia. Its mission is to promote fairness, reliability, and transparency in the criminal justice system for children facing lengthy sentences and individuals facing the death penalty in South Carolina.

17. Justice 360 provides direct representation to children in the custody of DJJ and the South Carolina Department of Corrections. Justice 360 also provides legal resources and engages in public education and advocacy around youth detention and capital punishment. The interest Justice 360 seeks to protect in this action—that DJJ complies with its constitutional and statutory obligations to minors in DJJ custody—is germane to its purpose. Justice 360’s ability to carry out its mission, including direct representation of children in DJJ custody, has been substantially impaired by DJJ’s constitutional and statutory violations.

18. The South Carolina NAACP, DRSC, and Justice 360 all provide legal and other services to youth who are or may in the future be in the custody of DJJ.

### **Defendants**

19. The South Carolina Department of Juvenile Justice (“DJJ”) is the state agency responsible for providing custodial care and rehabilitation to children who are incarcerated, on probation or parole, or in community placement for a criminal status offense. *See* S.C. Code Ann. §§ 63-19-310, 63-19-350. DJJ is a “state education agency” pursuant to 34 C.F.R. § 300.2(b)(1)(ii). It is responsible for the education of all detained youth in its custody. In addition to its statutorily mandated rehabilitative function, DJJ operates its own school district that serves youth in DJJ custody.

20. L. Eden Hendrick is the Executive Director of the South Carolina Department of Juvenile Justice. Hendrick was appointed by Governor Henry McMaster on February 22, 2022, and was officially confirmed as Executive Director on May 11, 2022.

21. As Executive Director, Defendant Hendrick is the final policymaker and decisionmaker for DJJ. In her official capacity, Defendant Hendrick is responsible for DJJ’s budget and has final authority over DJJ policies and, ultimately, its practices regarding: security,

hiring and firing, staff training, staff discipline, use of isolation, education, provision of healthcare, and all other matters germane to this lawsuit.

### **JURISDICTION AND VENUE**

22. This action arises under the Fourteenth Amendment to the United States Constitution; the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 *et seq.* (the “IDEA”); the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* (the “ADA”); and the Rehabilitation Act, 29 U.S.C. § 705 *et seq.*

23. Plaintiffs’ Fourteenth Amendment claims for relief are actionable under 42 U.S.C. § 1983, which authorizes actions to redress the deprivation under color of state law of rights, privileges, and immunities secured by the Constitution and laws of the United States.

24. This court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 2201, and 2202, as well as 42 U.S.C. § 1983.

25. Venue is proper pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claims brought by Plaintiffs have occurred in the District of South Carolina and Defendants are located in the District.

26. Venue is proper in the Columbia division under Local Rule 3.01 because a substantial portion of the events or omissions giving rise to the claims occurred in this division.

### **FACTUAL ALLEGATIONS**

#### **South Carolina’s Juvenile Justice System**

27. South Carolina’s juvenile justice system is operationally and philosophically distinct from the adult criminal justice system. Under South Carolina law, DJJ is responsible for “providing or arranging for necessary services *leading to the rehabilitation*” of the youth in its custody. S.C. Code Ann. § 63-19-350(7) (emphasis added). “The Juvenile Court is theoretically engaged in determining the needs of the child and of society rather than adjudicating criminal conduct. The objectives are to provide measures of guidance and rehabilitation for the child and protection for society, not to fix criminal responsibility, guilt and punishment.” *Alexander S. By*

and *Through Bowers v. Boyd*, 876 F. Supp. 773, 796 n.42 (D.S.C. 1995) (citing *Kent v. United States*, 383 U.S. 541, 554-55 (1966)). Accordingly, the juvenile system’s principal purpose is to manage youth under a strategy of redirection and rehabilitation, rather than punishment.

28. DJJ was established to provide “custodial care and rehabilitation” to children in South Carolina. On its website, DJJ claims to “operate[] its own accredited school district, help[] youth pursue career and workforce development opportunities, show[] youth how to make a positive impact on their local communities, and provide[] rehabilitative and recreational services tailored to the individual needs of each young person under agency supervision.”

29. DJJ takes custody of children 17 years or younger when they are detained by law enforcement or referred to DJJ by a school or solicitor (a state prosecutor). Typically, DJJ interviews a child and then makes a recommendation to the solicitor about their case. The solicitor then chooses whether and how to prosecute the case. Among other options, the solicitor can divert the child to a community program or require them to make restitution.

30. If the solicitor chooses to prosecute the child, the child is sent to family court for what is known as a “disposition,” in which a judge adjudicates whether the child is guilty, or “delinquent.” If a child is adjudicated delinquent, the judge can send the child to DJJ custody for either a fixed or indeterminate sentence. Often, prior to a child’s commitment to a DJJ facility, the judge will request an evaluation of the child. This entails psychological, social, and educational assessments and occurs either in the community or at one of DJJ’s evaluation centers.

31. If a child is adjudicated delinquent but has a severe mental illness, the child cannot legally be detained under South Carolina law. S.C. Code Ann. § 63-19-1450.

### **DJJ’s Past Constitutional and Statutory Violations**

32. DJJ has a well-documented history of violent and unsafe conditions for children in its custody. In the late 1960s, Pulitzer Prize winning reporter Howard James exposed how, in South Carolina’s juvenile facilities, boys were “beaten with fists, rubber hoses, ropes, broken hoe



handles and broom handles, and other weapons.” That violence, along with substandard living conditions, caused James to observe that juvenile justice facilities in South Carolina were “horrible beyond belief.”

33. By the 1990s, little had improved. In 1995, a group of law firms and civil rights organizations representing children incarcerated in various DJJ facilities successfully sued DJJ. They alleged that the conditions of confinement at DJJ deprived detained youth of their statutory rights and violated their constitutional rights to due process, equal protection, and freedom from cruel and unusual punishment. *See Alexander S.*, 876 F. Supp. at 776.

34. The court agreed. It found that DJJ facilities were routinely overcrowded, lacked adequate staffing, and confined detainees in a manner that created fire hazards. *Id.* at 779-80, 791-92. It found that DJJ facilities failed to offer children with disabilities adequate education, failed to implement their Individualized Education Plans (“IEPs”) as required by law, and failed to provide adequate medical care. *Id.* at 788-89. It noted the lack of hygienic conditions in the facilities—“several juveniles, and even the food services director, testified that frequently cockroaches and other foreign matter are present in the food served to juveniles.” *Id.* at 787. And it “determined that in many cases the rehabilitative efforts of DJJ are not working and that juveniles are often returned to society more prone to commit crimes than they were before their incarceration.” *Id.* at 780.

35. Based on these conditions of confinement at DJJ facilities, the court held that DJJ had violated the constitutional and statutory rights of the children in its care. It issued an injunction requiring DJJ to submit a remedial plan and implement policy changes to meet minimally acceptable standards at its facilities. *Id.* at 804. DJJ entered into a consent decree with the plaintiffs in which a court-appointed monitor oversaw the state’s treatment of children in its custody.

36. Despite this decree, violence in DJJ facilities continued. In the two years leading up to the termination of the consent decree in 2003, South Carolina paid \$1.1 million to settle

nine claims alleging that children as young as ten years old had been sexually assaulted at DJJ facilities.

37. In 2003, DJJ represented to the court that it would take a new approach, with the help of an outside consultant, in exchange for an end to the court's oversight and monitoring. Among other promised improvements to programming and treatment, DJJ stated that it would create an intramural sports program, partner with Clemson University to run "learning camps," hire more corrections officers, grade itself using a regular report card, and track youth recidivism rates.

38. Despite these promises, abuses at DJJ returned to the spotlight just a little over a decade later.

39. At the request of members of South Carolina's General Assembly, an audit was conducted in 2017 analyzing the period from 2014 to 2016. The Legislative Audit Council ("LAC") reviewed comprehensive information from multiple sources, including a survey of all DJJ employees, interviews with DJJ employees and other state employees, and documentation including juvenile case files, DJJ budgets, audits, and financial records. The LAC released a report in 2017 summarizing its findings. *See Ex. 1*. The report demonstrated that the unsafe and unconstitutional conditions successfully challenged by the *Alexander S.* plaintiffs had only worsened since the consent decree's expiration. Specifically, the report criticized DJJ for failing to "maintain[] a safe and secure environment for staff and juveniles." *Id.* at 13. It observed that DJJ facilities continue to be tremendously violent and dangerous for youth, many of whom have experienced severe beatings, physical and verbal abuse, extended periods of solitary confinement, and unsafe living conditions.

40. The report also established that DJJ "violated state law by failing to report the deaths of two children to the South Carolina Department of Corrections and did not properly investigate claims that one of the deaths involved foul play." *Id.* at 19.

41. On September 27, 2017, the United States Department of Justice (“DOJ”) notified South Carolina of its intent to conduct an investigation into the conditions at the BRRC. Ex. 6 at 1. The DOJ visited DJJ offices around the state, conducted interviews of staff, detainees, and their family members, toured the BRRC three times, and reviewed thousands of documents and video recordings. *Id.*

42. In 2018, DJJ reported to members of the General Assembly that it had implemented 97% of the LAC’s recommendations. However, this claim was belied by a second LAC audit report released in 2021. That report examined DJJ facilities from 2017 to 2019 and found that only 50 percent of the LAC’s recommendations had been fully implemented. The remaining half, including resolving problems with the “use of isolation” or ensuring that juveniles “receiv[e] rehabilitative support services,” had only been partially implemented or not implemented at all. Ex. 2 at 129, 138, 153. The LAC’s second audit report further indicated that, from 2017 to 2019, safety conditions had deteriorated rather than improved.

43. On February 5, 2020, DOJ sent a report to Governor Henry McMaster summarizing its investigation of the BRRC. *See id.* In this report, DOJ determined that “there is reasonable cause to believe that the conditions at BRRC violate the Fourteenth Amendment to the Constitution and that these violations are pursuant to a pattern or practice of resistance to the full enjoyment of rights protected by the Fourteenth Amendment.” *See id.* at 1. DOJ stated that these “numerous, specific, and repeated” constitutional violations also “establish[ed] a pattern or practice of violations” under the Civil Rights of Institutionalized Persons Act (“CRIPA”), 42 U.S.C. § 1997a *et seq.* *Id.* at 8.

44. DOJ’s report highlighted the routine violence that occurs at the BRRC. For example, between July 2018 and May 2019, DJJ documented “134 fights and 71 assaults that resulted in 99 injuries to youth in a facility with an average daily population of just over 100.” *Id.* at 9. The report also demonstrated DJJ’s unconstitutional use of solitary confinement at the BRRC, through which children who commit minor infractions are placed “alone in their 8 foot

long by 8 foot wide cell for 23 hours a day” with “no natural light.” *Id.* at 16. The report also documented cases of sexual assault, self-harm, and inadequate mental health care to address these harms. *Id.* at 8, 16-17.

45. On April 1, 2021, DJJ Executive Director at the time, Freddie Pough, submitted a 10-page letter to the legislative committee defending DJJ’s policies and practices. Pough asserted that DJJ has “implemented, or [is] in the process of implementing, many improvements that will positively impact the juvenile justice system in South Carolina for many years to come.”

46. On June 4, 2021, staff at the BRRC staged a walkout in protest of unsafe working conditions and a lack of security for themselves and detained youth. One Juvenile Correctional Officer (“JCO”) interviewed during the walkout observed that “[t]here are people getting badly assaulted” and “the kids are not safe.” Another JCO involved in the walkout, Lt. Ricky Dyckes Jr., told reporters that the BRRC had a malfunctioning sewage system that was creating “inhumane” conditions. He reported that there were “tissues, feces, urine, all on the floor. You can smell it when you come to lock up. Those kids are inhaling it and living in those conditions. This is just unacceptable.”

47. A visit by State Senator Katrina Shealy in July 2021 confirmed these conditions. She noted that in the girl’s dorm, there was odor and trash, and the bathroom “had mold at least 4 or 5 inches on the wall . . . [with] peeling paint.” Ex. 5. ¶ 25. She also testified to seeing feces, urine, food, and open trash on the floor. *Id.* ¶¶ 10, 16.

48. On June 29, 2021, the South Carolina Senate voted 34-4 that they had no confidence in Pough, deciding that he was unable to fix problems at DJJ. On September 21, 2021, Pough resigned. Pough has been replaced by Defendant Hendrick, who first took over as acting Director of DJJ, then Interim Director, and on May 11, 2022, was officially confirmed as Director.

### **DJJ’s Present-Day Abuses**

49. Conditions have continued to deteriorate under the direction of Defendant Hendrick. Throughout her two-year tenure at the head of DJJ, Hendrick has consistently and publicly acknowledged the severe deficiencies that children in DJJ custody are confronting. At a February 23, 2022, legislative hearing, Hendrick acknowledged that DJJ facilities are “constantly over capacity” and referred to the “immediate trauma” a child experiences when they are taken into custody at DJJ. In October 2022, Hendrick informed state senators that the BRRC facility had a 52 percent officer vacancy rate. In January 2023, Hendrick stated publicly that DJJ facilities were “not secure” and “not safe,” and, overall, “terrible.”

50. On April 14, 2022, DJJ and DOJ announced a settlement resolving DOJ’s investigation into the “security, safety, and the use of isolation” at DJJ’s long-term commitment facility, the BRRC. Ex. 7 ¶ 1. DOJ simultaneously released a report describing its “conclusions regarding use of force at BRRC,” Ex. 8 at 3, which documented DJJ’s “pattern or practice of failing to keep the young people in its custody reasonably safe from harm by staff,” *id.* at 3. For example, DJJ’s own internal reports demonstrated “that staff hog-tied a boy using handcuffs and left him on the floor for hours, forced a boy to the ground after staff engaged him in ‘horseplay,’ and punched a boy in the face without justification for that level of force.” *Id.* at 4.

51. The agreement between DJJ and DOJ applies only to BRRC and covers only policies and practices related to safety and the use of isolation at that facility.

52. Despite that limited scope, Defendants have pledged to implement similar reforms at their other facilities. But in the eighteen months since the DOJ settlement was announced, conditions at DJJ facilities have worsened considerably. Violent incidents have risen significantly, even according to DJJ’s own reported data. Violence has become so severe that DJJ officers have begun using pepper spray and tasers on children.

53. DJJ continues to employ isolation regularly. DJJ’s own records produced through limited discovery in this case show its routine use of isolation for days at a time, sometimes with the reason for that isolation listed as “Unknown.”

54. Large-scale riots at DJJ facilities requiring outside law enforcement to intervene have occurred frequently in 2022 and 2023. In August 2023, following one such riot, DJJ paused all mental health and rehabilitation services for children living in the Cypress Dorm in BRRC, as revealed by a DJJ whistleblower. And rather than receiving any educational instruction, the children are receiving “packets” alone.<sup>2</sup>

55. Over the past 25 years, DJJ has been subject to a court-ordered injunction, received multiple critical audit reports by state and federal agencies, and experienced turnovers in leadership prompted by legislative action. DJJ has been given every opportunity to design and implement reasonable reforms. Yet little has changed for the children detained at DJJ facilities. Children continue to be subjected to violence, sexual assaults, dehumanizing living conditions, and inadequate educational and mental health services.

### **DJJ’s Statewide Operations**

56. DJJ operates five secure facilities, 43 county offices, and 10 camps across South Carolina. The five secure facilities include three regional evaluation centers—the Coastal Evaluation Center (“CEC”), Midlands Evaluation Center (“MEC”), and Upstate Evaluation Center (“UEC”). These centers are meant to be temporary facilities where children are taken to be evaluated at the beginning of their custody with DJJ. State law provides that children may be detained in the evaluation centers for no more than 45 days. S.C. Code Ann. § 63-19-1440(C).

57. The CEC is an evaluation center in Ridgeville. In contravention of the law, children are often detained at the CEC for longer than the 45-day limit. In 2019, the length of stay for youth at the CEC ranged from 38 to 108 days. Adam T. Barnett, *Prison Rape*

---

<sup>2</sup> See Chris Joseph, *Department of Juvenile Justice whistleblower calls out post-riot policy choices*, *WIS 10* (Aug. 22, 2023), <https://www.wistv.com/2023/08/22/department-juvenile-justice-whistleblower-calls-out-post-riot-policy-choices/> (quoting a DJJ employee who stated: “[t]here have been things happening for the last year and a half . . . [b]ut when I saw this with kids, this is not good for them. They do not need to be locked up like animals. They cut them off from everybody to keep them in the rooms like they are, with no psych clinic, not getting anything they need, supposedly to reset their behavior?”)

*Elimination Act Audit Report* (Sept. 23, 2019) at 3, <https://djj.sc.gov/sites/default/files/Documents/PREA%20PDFs/CEC%20PREA%20Audit%202019.pdf>.

58. The CEC has a designated capacity of 112 children, *id.*, but it does not have staffing to hold that many children. In January and early February 2022, the facility was closed for roughly three weeks due to DJJ’s inability to staff the facility with JCOs. Upon closure, the children detained at the CEC were transferred to the BRRC, DJJ’s long-term commitment facility. Although the CEC has since reopened, CEC staff have reported staffing levels so low that only one staff member is available for every 30 children in custody at CEC. Fewer than half—47%—of the available staff posts were filled at CEC as of March 2023.

59. The MEC is an evaluation center in Columbia. The MEC has a designated capacity of 113 youth. But it, too, does not have the staff to hold this many children. In light of its short staffing—as of March 2023, only 62% of its available staff posts were filled—the MEC is incapable of housing more children. Children are sometimes detained at the MEC for longer than the 45-day limit and are sometimes monitored using what staff refer to as “indirect supervision,” meaning that “indirectly supervised” pods have no staff presence whatsoever.

60. The UEC is an evaluation center in Union. The facility has a designated capacity of 112 youth. Like the DJJ’s other evaluation centers, the UEC does not have the staff to hold this many children. Because it is so understaffed—as of March 2023, 52% of its staff posts were filled—the UEC is effectively at or exceeding capacity. Children are sometimes detained at the UEC for longer than the 45-day limit.

61. In addition to its three evaluation centers, DJJ operates one pre-trial detention facility in Columbia, the Juvenile Detention Center (“JDC”), which detains children ages 11 to 20 from across most of South Carolina’s 46 counties. *Id.* The JDC’s stated purpose is to provide custodial care and treatment to children detained by law enforcement and the family courts prior to disposition. The facility also detains youth awaiting trial on serious and violent charges.

62. The JDC is designed to hold 72 youth at maximum capacity. *Id.* On February 25, 2022, 120 children were housed in the facility, bringing the JDC to a then unprecedented 166% capacity. The overcrowding has not materially improved since then, and at times, has gotten materially worse: as of April 2023, approximately 130 children were housed at the facility. Due to this overcrowding, the JDC does not have enough beds for the detained youth. Many children are forced to sleep on makeshift beds known as “boat beds,” which are plastic bins the size of sleeping bags.

63. The JDC is also understaffed, an issue that Hendrick has acknowledged. As of March 2023, over 30% of its staff posts remained unfilled. As an example of how this severe staffing shortage manifests itself, DJJ records from April 6, 2023 show that 7 staff members were responsible for daytime supervision for 6 pods and roughly 130 children at JDC. For the same shift, JDC was unable to fill any of the 5 positions assigned to the facility’s infirmary or school and failed to fill any of its 3 “roving officer” posts. As a result, children are routinely left unattended—even in the F Wing, the JDC’s most violent unit. These circumstances have led to serious injuries because the facility is unable to prevent or respond to the episodic violence that erupts when staff is absent.

64. DJJ’s fifth secure center is its sole long-term commitment facility, the BRRC, which is also located in Columbia. The BRRC detains children ranging in age from 13 to 19 years old. In 2020, the average length of stay or time under supervision for youth at the BRRC was 36 months.

65. Like DJJ’s other secure centers, the BRRC is extremely understaffed, with only 58% of staff posts filled as of March 2023. As a result, BRRC staff cannot maintain required staffing ratios, let alone provide a safe environment for the children detained there to conduct basic activities such as showering. The few staff it does have tend not to be properly trained and/or are unwilling to intervene to prevent violent incidents from escalating and becoming larger emergencies.



66. Many children detained in the BRRC have serious mental illnesses. For example, several children detained at the BRRC are currently awaiting placement outside of DJJ, because they have such severe mental illnesses that, by law, they should not have been committed to DJJ.

67. The BRRC facility includes over 40 buildings, which include single resident cells, multiple occupancy cells, four open bay/dorm housing units, and 72 segregation or isolation cells. Each dorm unit at the BRRC includes three “pods”—A, B, and C—each of which houses 8 detained children. The pods do not have private units and the children in each pod are forced to congregate in the center and unable to separate from one another. Due to a lack of JCOs, DJJ is often unable to staff one JCO in each pod in order to monitor the children. Often, only one JCO is available to supervise all three pods in a dorm, leaving many children unsupervised for long periods of time.

68. The BRRC formerly had two units where children were placed for isolation. The intensive treatment unit (ITU) was the less severe isolation unit, but it was shut down by the BRRC because of DJJ’s persistent failure to provide adequate security staff. As a consequence, until recently, all children placed in isolation were forced to stay in the BRRC’s more severe isolation unit, known as the crisis management unit (CMU). *See* Ex. 6 at 6. In some cases, children have been left in isolation in the CMU for almost a year.

**Youth Detained by DJJ**

69. By the end of June 2023, 284 children were being held in DJJ custody. The children in DJJ custody are disproportionately Black and also disproportionately come from families that live below the federal poverty line. Many suffer from one or more mental illnesses.

70. In April 2022, when the original Complaint was filed in this case, all of the children in DJJ custody—including Plaintiffs’ clients and constituents—faced recurring severe violence, constant overuse of isolation, and a significant deficiency in educational and other rehabilitative services.

71. For example, several children were brutally assaulted by other children, in the presence of DJJ officers, who either failed to intervene or even told the victim child to stay away from the cameras so they could not be seen bleeding. Instead of proper treatment and protection, the children were given only Tylenol to treat injuries and sometimes were placed in isolation—so-called “protective custody”—without any opportunity for socialization, interaction with other human beings, or recreation time. Children with disabilities, including mental and physical disorders, were frequently placed in isolation, where their conditions worsened due to the isolation and lack of mental health services.

72. One child was repeatedly assaulted by other youth in the BRRC. Video footage captured several youth dragging him into a bedroom cubicle to assault him, twice chasing him to the exit door of the pod to further assault him, and then assaulting him yet again in another bedroom cubicle. Although a DJJ officer observed the event, he refused to protect the child—he did not attempt to restrain the attackers, he did not remove the child from the pod, and he did not call other officers to help assist in subduing the attackers. When the child’s grandmother complained about the assault—noting that he could barely chew because he had been hit in the jaw—the child was punished and placed in isolation for weeks. Ex. 6 at 10-11.

73. Another child had been the victim of over 60 assaults while in DJJ Custody. One of the most brutal assaults occurred when that child was sleeping in his dorm: a group of his

peers obtained access to his room, snuck up on him while he was asleep, and attacked him with makeshift weapons including a sock filled with rocks. The child was beaten until he was unconscious, and he awoke prostrate on the floor and bleeding. Neither the JCOs nor any other DJJ staff stopped the attack. Nor did they follow up with any investigation into the attackers. Shortly thereafter, he was placed in “protective custody”—meaning, solitary confinement, where he received no schooling or rehabilitative services. Despite his placement in isolated “protective custody,” he was not able to escape the violence and later was the victim of another attack when the door locks malfunctioned, causing the doors to come open. A group of youth entered the child’s room and stabbed him repeatedly, resulting in additional injuries and leaving scars. Once again, DJJ staff failed to intervene to keep the child safe.

74. Children have been assaulted by multiple public security officers (“PSOs”), or members of DJJ’s police force. In one case in early 2022, a child was beaten up and choked by 5 PSOs while he was in handcuffs and shackles; three South Carolina Law Enforcement Division (“SLED”) officers watched but did not intervene as he was assaulted. After the assault, DJJ staff “hogtied” him, looping his handcuffs through the shackles around his ankles, and refused to allow him to file a grievance.

75. DJJ’s constitutional deficiencies have continued to this day. The experiences of the individuals described below have occurred in the time since the original Complaint was filed. Child A, a fourteen-year-old with a serious mental illness, has spent time in three DJJ facilities—JDC, UEC, and MEC—and has been the victim of attacks in each pod he has been placed in in each of the three facilities. In one attack, he was beaten with a “lock in a sock,” forcing him to get staples in his head to seal a wound. He was placed in isolation purportedly for his protection, but reported that he is frequently targeted for attacks when his door opens.

76. Child B was severely beaten by seven or eight other children only two days after he arrived at JDC. The JCO did nothing to prevent the attacks, and in fact let the other children into Child B’s pod to attack him. DJJ staff members told Child 2’s mother that he had a small

bump above his eye due to a fight; in reality, Child B had a knot as big as a fist above his left eye, two black eyes, and bad bruising on both of his arms.

77. Child C was detained in CEC and placed in isolation for so long that she engaged in self-harm by cutting herself. Following this incident, DJJ continued to place children in the same isolation cell, even though it was not properly cleaned and remained covered in blood, in addition to the mold that already covered the walls.

78. Child D, a sixteen-year-old child, was detained in JDC in March 2023 when he was assaulted by other juveniles, including being stabbed and cut with a shank. During this attack, two JDC staff members locked themselves in another room and waited for security officers to arrive—which took approximately 30 minutes. The children who attacked Child D then made an Instagram post showing the weapon they used to attack him. DJJ staff attempted to place Child D back in the same pod with his attackers, but changed course only upon pleas from Child D’s family. While in JDC, Child D occasionally received rotten apples, rotten fruit cups, and spoiled milk to eat and drink. He received only 4 hours of educational instruction per week.

79. Child E spent over four months detained at JDC. He is diagnosed with sleep onset insomnia, unspecified disruptive impulse-control and conduct disorder, unspecified neurodevelopmental disorder, and borderline intellectual functioning. In the over four months he was detained at JDC, Child E did not receive any mental health treatment. He received a small amount of medication, but often went several days without receiving it. Child E has a Section 504 special education plan but did not receive any of the accommodations provided for in the plan. He received approximately 4 hours of educational instruction per week, but sometimes less when the facility is on lockdown.

80. Child F is a child who has been detained in JDC for nearly a year who suffers from depression. While detained JDC, he attempted suicide, and no DJJ staff member informed his mother or his counsel. DJJ’s recommended course of action was therapy for 30 minutes. He

has been sleeping in a boat bed since November, and he receives little to no educational or recreational activity.

81. Child G was assaulted at JDC on February 24 or 25, 2023. He was detained in the D pod and other children put him on “rent.” Child G was jumped in the middle of the night while he slept on an unsecured boat bed. He was assaulted for 10 minutes before any staff arrived and sustained serious injuries to his body and head—including a concussion and fractures to his arm and ribs. Child G was taken to the emergency room on February 27, 2023, due to complications with his injuries. When Child G was returned to the dorm, he was attacked again on March 1, 2023. Because JDC was so crowded, Child G was left in the same pod as his attackers.

82. While a representative of the South Carolina Department of Children’s Advocacy was meeting with Child G, a riot occurred at JDC. Children from D Pod ran off their unit and overwhelmed the C Pod. Allied Security “popped the wrong door,” which allowed all of the children to run loose. The riot was “mayhem: youth and adults were running and yelling and scattered everywhere.” Staff claimed to have been calling for help for 15 minutes without response.

### **Ongoing Violations at DJJ**

#### **DJJ’s Failure to Protect Youth From Violence**

83. The Fourteenth Amendment requires states to ensure reasonably safe conditions of confinement for detained children and guarantees them the right to reasonable protection from the aggression of other detainees and staff. But DJJ maintains facilities that are plagued by routine youth-on-youth violence. DJJ staff do little to nothing to prevent this violence, ignore pleas for help from children in the middle of assaults, and, still worse, often participate in instigating or committing violence against detained children.

84. The threat of violence at DJJ facilities is now so great that children are afraid to leave their cells or to sleep. For example, some children avoid taking medications that they need

to sleep because they are afraid they will be “blitzed” or “attacked” by a group of their peers while sleeping.

85. DJJ’s own data show that its facilities are extremely dangerous, and that youth suffer from physical and sexual violence at the hands of other youth and staff. During the first quarter of 2021, DJJ facilities self-reported the following incidents:

	<b>Youth-on-Youth Assault</b>	<b>Fights</b>	<b>Youth Injuries</b>	<b>Staff-on-Youth Assault</b>	<b>Inappropriate Sexual Conduct</b>
<b>CEC</b>	10	7	12		9
<b>MEC</b>	44	28	36	1	
<b>UEC</b>	11	11	65		1
<b>JDC</b>	15	13	15	3	
<b>BRRC</b>	34	28	50	1	15

86. In the time since the original Complaint was filed in this case, and since the DOJ settlement took effect, these rates of violence have only worsened. In November and December 2022, DJJ reported 237 youth-on-youth assaults, 119 fights, and 101 injuries across its five secure facilities.

87. In May and June 2023, DJJ facilities self-reported the following incidents, reflecting increased rates of violence at every facility except BRRC (from which DJJ has removed much of the child population in the last two years):

	<b>Youth-on-Youth Assault</b>	<b>Fights</b>	<b>Youth Injuries</b>
<b>CEC</b>	25	5	13
<b>MEC</b>	64	27	52
<b>UEC</b>	33	11	37
<b>JDC</b>	67	33	38
<b>BRRC</b>	8	7	8

88. According to DJJ’s most recent self-reporting, in June 2023 “there were 648 sick call appointments for juvenile/juvenile aggression, 12 referrals to the emergency room due to an injury, and 4 hospitalizations due to an injury.”

89. The South Carolina Department of Children’s Advocacy (“DCA”) also tracks violence at DJJ facilities. Its data also shows an unchecked rise in violence across DJJ.

90. During the 2021-22 fiscal year—Defendant Hendrick’s first year leading DJJ—DCA tracked 299 “critical incidents” at DJJ facilities. Of those 299 incidents, 157 were “physical assaults” and 22 were classified as “near fatalities.” Of the 22 “near fatalities,” 20 were the result of suicide attempts.

91. During the 2022-23 fiscal year, DCA tracked 501 “critical incidents” at DJJ facilities—an increase of 67%. Of those 501 incidents, 338 were categorized as “physical assaults”—an increase of 115%.

92. During the 2022-23 fiscal year, JDC led all facilities with 188 “critical incidents,” followed by MEC with 161. As shown in the chart below, in the fiscal year 2022-23, the number of incidents increased at every secure facility except BRRC, where the total number of children has decreased substantially.

<b>Facility</b>	<b>FY 2021- 22</b>	<b>FY 2022- 23</b>	<b>Percent Change</b>
<b>JDC</b>	91	188	107%
<b>MEC</b>	47	161	243%
<b>UEC</b>	44	75	70%
<b>CEC</b>	14	32	129%
<b>BRRC</b>	65	45	-31%

93. The conditions at DJJ are so dangerous that correctional officers are refusing to show up for work out of fear for their own safety—let alone the safety of the children under DJJ’s charge. For example, a 2023 DJJ Event Report notes that a correctional officer at MEC took “unauthorized leave . . . because of her concerns with her safety.”

94. These events are not confined to individual pods. Every pod and facility at DJJ is subject to constant violence, so every child in DJJ custody is at risk. And children often break out of or escape from one area within a facility to attack children in another. Facility-wide riots have occurred repeatedly at DJJ in the last few years, sometimes requiring police intervention because of DJJ’s severe understaffing.

95. Moreover, DJJ staff frequently move children from one facility to another, meaning all children are at risk of being attacked. Both DRSC and Justice 360 have had their respective constituents and clients moved from one facility to another over the past few months, at least in part because of DJJ’s inability to protect the children in its care.

96. Violence at DJJ facilities is often connected to gang activity. Youth in custody are targeted by other detained youth who are gang members. Staff members themselves are sometimes affiliated with gangs. These gang affiliations lead to staff-on-youth and youth-on-youth violence, creating an atmosphere of fear that perpetuates youth trauma and behavioral problems.

97. Violence is so rampant at DJJ facilities that detained children and DJJ staff have developed their own vocabulary to describe the most common acts of violence. For example, a “hit” refers to a common practice at DJJ, where someone from one dorm asks someone in a different dorm to assault someone else housed there. Hits are a frequent occurrence at DJJ facilities, including the JDC. Some JCOs are aware of the practice of rival gangs issuing hits on detained children but do little to nothing to thwart those hits. Even worse, some JCOs directly encourage children to make “hits” on other children. The JCOs who engage in this egregious behavior often go unpunished.



98. At some of the facilities, some of the youth-on-youth violence occurs through “fight nights” or “friendlies” that are explicitly or implicitly sanctioned by DJJ staff. These fight nights consist of groups of children going to two particular rooms—which the children know lack working cameras—to engage in vicious, staff-sanctioned fights. DJJ staff are either intentionally absent during these fights, or they casually observe but choose not to intervene and stop them.

99. Sometimes children are “blitzed,” or attacked by multiple other children at once. One child, for example, won a scheduled fight only to be blitzed after by four or five children.

100. Children are also frequently subjected to having to pay “rent”—having to hand over their food or other treats or else being subject to extreme violence.

101. Sometimes DJJ staff assault detained children through what are described as “play fights.” These “play fights” result in detained youth being written up for disciplinary infractions when the JCOs decide that the “fight” is over; when a JCO wins the fight, the result is often injuries to detained youth. “Play fights” create a permissive atmosphere in which violence is implicitly or explicitly endorsed by staff within DJJ facilities.

102. In addition to themselves partaking in violence, some DJJ staff encourage it among the detained children. For instance, DJJ staff sometimes pay youth with food or privileges to assault other youth. They also provoke youth into engaging in violence. For example, DJJ personnel have made offensive comments to detained youth, including telling them that their “mother should have aborted you,” in an effort to incite the youth to violence. When making these comments, the staff step out of the view of security cameras and continue to provoke detained youth into trying to attack them.

103. DJJ is aware that its staff habitually fail to intervene in the violence at its facilities, and that this habit implicitly encourages more violence. For example, a BRRC staffing study commissioned by DJJ noted the “unfortunate and inappropriate practice” of “JCO staff stand[ing] back and ... not get[ting] involved with trying to mitigate or deescalate” “[w]hen

incidents get out of control.” The study, which began in October 2022, noted that, as a result of this practice, “bad conduct by youth escalates into a full-blown incident where an emergency develops.”

104. Incidents of violence and sexual assaults are caused by a number of shortcomings at DJJ facilities, including but not limited to limited training, broken security systems, severe understaffing, and direct or tacit participation in violence by staff.

105. DJJ fails to effectively train JCOs and other frontline providers with regard to preventing violence or appropriately engaging with traumatized children. Because of DJJ’s understaffing, DJJ has cut back on training provided to JCOs; new and untrained JCOs are rushed into duty to get on-the-job training. The vast majority of JCOs themselves report that the de-escalatory training they receive is inadequate. Ex. 2 at 12.

106. DJJ fails to properly maintain cameras or locks—critical safety mechanisms—in its facilities. Cameras are broken throughout the facilities, and detained youth and DJJ staff take advantage of the security gaps that result. A 2021 Prison Rape Elimination Act (“PREA”) audit of the JDC found that it failed to provide safe and secure rooms to the children it houses. Ex. 4 at 24-25. The audit uncovered that the locks to sixteen private cells were malfunctioning. Ex. 4 at 25. By failing to fix the broken locks to children’s private cells—the only place in the JDC where children could hopefully count on being protected from assault—DJJ failed to do even the bare minimum to create a safe environment for children. *Id.* at 25.

107. In addition to security failures, a major driver of violence at DJJ facilities is woeful understaffing, which results in a failure by DJJ staff to provide minimal supervision to youth. Federal standards under PREA require that juvenile facilities have minimum juvenile-to-security staff ratios of 8:1 during resident waking hours. 28 C.F.R. § 115.313(c). Because of design flaws, including cell doors that obstruct lines of sight from central areas, DJJ facilities require higher staff ratios. Yet recent data reveals that as of 2023, DJJ facilities fail to comply

with even the PREA minimum of 8:1, with some facilities having a staffing ratio of 20:1 or even as high as 30:1.

108. DJJ facilities also fail to meet South Carolina state requirements for the supervision of children in state custody. DJJ has failed to ensure that its facilities have “sufficient personnel to provide uninterrupted supervision and to provide administrative, program, and support requirements” to youth in custody. S.C. Code Ann. § 63-19-360. DJJ has also failed to ensure that “at least one [juvenile custodial officer] directly supervise[s] the juveniles at all times.” *Id.*

109. DJJ even fails to comply with its own internal requirement that each 12-hour shift at the BRRC be staffed by “a minimum of 49 officers.”

110. Recent DJJ documentation from 2023 demonstrates the incredible understaffing at all of DJJ’s facilities. As of March 7, 2023, DJJ’s internal staffing documents showed dismal rates of security-post vacancies: 42% at BRRC, 53% at CEC, 31.5% at JDC, 38% at MEC, and 48% at UEC.

111. At JDC, for example, documents show that on April 6, 2023, 7 staff members were responsible for daytime supervision for 6 pods and roughly 130 children at JDC. For the same shift, JDC was unable to fill any of the 5 positions assigned to the facility’s infirmary or school, and failed to fill any of its 3 “roving officer” posts.

112. The harms of understaffing at DJJ result in the limited number of JCOs being overworked and overwhelmed. As a result, many JCOs are complacent in the face of violence at DJJ and allow violence among children to proliferate. When JCOs do try to break up fights or disturbances, they often respond disproportionately, inflicting severe injuries on the children in their custody. For example, the recent upticks in riots and understaffing have ushered in the use of tasers and pepper spray by DJJ staff to subdue children. Children have already reported that these weapons are now being used in routine operations, such as cell shakedowns.

113. In response to understaffing, JCOs have enlisted PSOs or SLED officers for help. But those officers are rarely trained on how to interact with children safely. Children have been maced or badly beaten by JCOs, PSOs, and SLED officers claiming to stop a fight.

114. Violence has become so common at DJJ facilities that it is difficult for advocates or DJJ itself accurately to keep track of instances of youth-on-youth assaults.

115. Out of fear for their own safety, children detained at DJJ—including clients of Justice 360 and constituents of DRSC—have spent month(s) at a time in voluntary isolation rather than be exposed to the rampant violence in DJJ’s general population dorms.

### **DJJ’s Unconstitutional Use of Isolation**

116. The Fourteenth Amendment forbids isolating youth solely for punitive reasons. *See Bell v. Wolfish*, 441 U.S. 520 (1979). That established principle of law reflects the medical fact that solitary confinement permanently interferes with a child’s physical, psychological, and social development. Isolation has been shown to cause trauma, anxiety, depression, insomnia, hallucinations, agitation, anger, fear, and feelings of hopelessness and abandonment. Children begin to experience these effects almost immediately and they only worsen with time in solitary confinement. Children subjected to isolation are also at increased risk of self-harm. Research shows that more than half of all suicides in juvenile facilities occurred while children were held in isolation. Ex. 3, at 23-24 & n.64.

117. The American Medical Association, the American Academy of Child and Adolescent Psychiatry, the National Commission on Correctional Health Care, and DOJ have all recognized that solitary confinement is particularly harmful for children and should not be used for disciplinary purposes.

118. As described below, DJJ uses isolation in contravention of this scientific consensus and established law. Both the DOJ and South Carolina Legislative Committee have previously identified DJJ’s use of isolation as “excessive and unconstitutional.” Ex. 2 at 23, 27; Ex. 6 at 13-16. DJJ has utterly failed to improve its isolation practices since these determinations were made.

DJJ's Isolation Units Are Unsanitary and Unsafe

119. DJJ isolates children in a variety of ways and for a number of purposes. For punishment or, ostensibly, to keep children in protective custody safe, DJJ forces children into formal, solitary confinement in cells that are set apart from regular housing and specifically designed for isolation. At other times—for example, when there is a disturbance in a facility, when a JCO wants to punish children without submitting any paperwork, or when there are simply too few staff to keep the children safe from violence—DJJ staff lock children in their cells in *de facto* isolation for almost the entirety of each day over the course of days or weeks.

120. Solitary confinement at DJJ facilities often occurs in substandard and unsanitary conditions, in violation of the Fourteenth Amendment. For example, isolated children have reported days-long stretches of pipe blockages where they are unable to use the restroom or access water unless they are let out of their cells. One child at CEC was locked in isolation in a wet cell that remained covered in blood after a previous child had self-harmed in that cell. Another child reported that he is presently being isolated in a cell at BRRC that has water with feces on the floor of his cell.

121. At the JDC, for example, isolation cells are complete lock-up units, comparable to housing at a secure adult prison. Each cell is 9 feet by 9 feet and has no furniture except a thin cement mattress, planks sticking out of the wall for a desk and chair, and a combined toilet and sink. There is one small window that is painted over with a substance that limits the amount of natural light in the cell.

122. Youth detained in solitary confinement typically spend 23 hours of each day in their tiny cell, where they must sleep, eat, defecate, and urinate.

123. DJJ staff and children use the term “23-and-1” to describe the common practice of giving boys and girls in isolation only one hour per day to be outside of isolation. Youth in isolation must use this hour to shower, change clothes, and use the shared phone to speak with their families. Some youth detained in solitary confinement do not have working toilets in their

cells and must wait until their allotted one hour outside of their cell to use the restroom or ask a JCO for permission to use the restroom. When children are permitted to go outside during this one hour, they are shackled in a small recreation area. Ex. 6 at 6.

124. Due to the severe understaffing at DJJ, which leaves DJJ staff unable to protect children from the constant violence in its facilities, children who are not in formal isolation—meaning that they have not been segregated in specially designated areas for disciplinary or security purposes—are still often locked in their cells for most or all of the day. This *de facto* isolation is especially common for children who are the target of repeated attacks, usually because they are younger, smaller, or suffer from mental illness. Children are almost never allowed outside, and they rarely have access to sports or other recreational activities.

125. Children in isolation in DJJ custody are denied not only opportunities for normal everyday human interaction, but also denied critical services, including sanitary facilities, meaningful outdoor recreation, adequate mental-health care, in-person educational instruction, and mandatory educational services and instruction such as GED testing. These youth miss any chance at educational progress and their development stagnates. Over the course of just three months in 2018, for example, 7 children were forced to miss their scheduled testing sessions because DJJ decided to hold them in isolation. Ex. 2 at 92.

DJJ Grossly Overuses Isolation

126. DJJ’s practice of grossly overusing isolation is well-documented. Children across all facilities report regular use of isolation, often for weeks on end, for mild infractions or for no stated reason at all. DJJ’s own records reflect this. For example, in February 2023 alone, MEC’s own reported data showed six instances of formal isolation for “Unknown” reasons, three of which lasted at least seven days.

127. At BRRC, a DOJ investigation found that, from 2015 to 2017, children were kept in isolation for hundreds of days over the course of the time they were detained. Ex. 6 at 15. Many children at BRRC were placed in isolation dozens of times while in custody. For example, over the span of two years, one child was placed in isolation 24 times and spent a total of 301 days in isolation—over half his time in custody. Another child was placed in isolation 20 times for a total of 276 days over the same period. This pattern of overuse has not improved. Between July 1, 2018 and May 31, 2019, DJJ used isolation around 94 times each month at BRRC alone. Ex. 6 at 15. In some cases, children have been left in isolation for almost a year. One child who is currently at UEC reports having been kept in isolation over 100 times while he has been in DJJ custody.

128. DJJ staff regularly resort to isolation to punish children. Rather than adhere to DJJ’s progressive discipline policy, or use “cool-down” rooms, DJJ staff employ 23-and-1 to punish children for minor and vague infractions, such as “showing disrespect, not complying with officers’ directions, or using profanity.” Ex. 6 at 14. Youth have likewise been isolated for “masturbating, . . . having playing cards, . . . being unable to urinate to complete a drug test, . . . tattooing,” or for not being in a designated housing or programming area. *Id.*

129. DJJ has used isolation across its facilities for a multitude of reasons beyond disciplinary and purported protection purposes. Since the onset of the pandemic, DJJ has placed youth in isolation not because they have done anything wrong, but because DJJ is short-staffed, or simply has nowhere else to put the children in its custody.

130. For example, on March 17, 2023, eight of the fifteen children in MEC’s Delta Pod were locked in isolation for 23 hours a day. Three of the children were on formal isolation, and the other five were locked in their cells for the same 23-and-1 schedule in *de facto* isolation—a form of isolation that DJJ does not report in its records. One child had been locked in informal isolation since February, when he was let out for one day before being placed back in isolation.

131. DJJ has also used solitary confinement to isolate detainees awaiting a disciplinary hearing, or awaiting transfer from BRRC to the adult prison at Turbeville—even though such transfers can sometimes take up to a year. And DJJ regularly uses “early curfew,” which entails children being shut in their cells for most or all of a day and night, because of understaffing.

132. DJJ’s arbitrary use of isolation as a management tool causes avoidable harm to the children in its care. DJJ’s policy and practice of subjecting many children to repeated weeks-long periods of isolation causes them serious physical, emotional, psychological, and developmental harm. These repeat stays also create a vicious cycle: Research shows that isolating children in solitary confinement can exacerbate the agitation and behavior that led to solitary confinement in the first place.

#### DJJ Isolates Youth with Mental Health Conditions

133. DJJ knows that solitary confinement puts children at serious risk of new and worsening symptoms of mental illness, including self-harming behaviors and suicide. But it does not have or implement policies to eliminate these risks. Individuals are not assessed by a mental health professional before being subjected to solitary confinement, regardless of whether that confinement is formal or informal. As a result, DJJ cannot and does not exclude from solitary confinement children who are at a heightened risk of suicide or self-harm, including those with mental disabilities. In practice, DJJ ignores mental diagnoses and places children in isolation despite, and very often because of, their mental disabilities. And when children display a heightened risk of suicide, DJJ places them in isolation units with even more restrictions.



134. In March 2022, for example, DJJ staff confined an autistic child in the JDC to his cell for 22 hours a day or longer, because the DJJ staff did not have the capacity to supervise him or the training to handle his interactions with other children. On another occasion, a juvenile at JDC suffering from psychotic episodes was left in indefinite solitary confinement, and another child at the facility was entrusted with feeding him, cleaning up after him, and otherwise caring for him in lieu of DJJ staff.

135. Perhaps worse still, DJJ affirmatively uses solitary confinement to house children on suicide watch or mental health observation. For example, DJJ placed one child who reported experiencing suicidal ideations as a result of being in isolation on suicide watch—an even more restrictive form of isolation—until he signed a contract agreeing not to harm himself.

136. Between March 2017 and November 2017, there were 46 reported instances of youth placed in isolation for similar reasons. Ex. 6 at 15-16. Isolating children who are suicidal or need mental health observation is counterproductive and dangerous. Children in solitary confinement at DJJ report being anxious, depressed, and attempting self-harm. While in isolation, children display worsened, not improved, mental health conditions attributable to the unreasonable length and conditions of solitary confinement.

137. In 2020, DOJ reported that at least three children had tried to hang themselves by tying sheets around their necks while in isolation at the BRRC alone. None of these children were provided adequate or appropriate psychiatric treatment. Ex. 6 at 16. Instead, they were placed in more restrictive isolation. *Id.*

138. From 2021 through 2022, the South Carolina Department of Children’s Advocacy reported 31 “near-fatalities” at DJJ facilities. 29 of those arose from children’s failed suicide attempts.

#### DJJ Ignores Minimal Procedural Safeguards Against the Use of Isolation

139. Not only does DJJ rely excessively on isolation in violation of the Fourteenth Amendment, DJJ also systematically and deliberately fails to follow its own procedures, such as

those relating to documentation, that are required for confinement in isolation. According to DJJ's policies and procedures regarding isolation of youth, every child subjected to isolation should be reevaluated every four hours they are in solitary confinement. Instead, DJJ staff regularly fill out standardized forms extending isolation for four-hour increments and submit these *at the same time* as the initial form indicating a child will be isolated. As a result, isolated children have reported not seeing an adult for hours or even days on end. This practice nullifies a critical check designed to prevent DJJ staff from subjecting children in its care to unconstitutional periods of isolation.

140. DJJ staff fail to follow other related procedures. DJJ often fails properly to record its uses of isolation. DJJ records also rarely, if ever, account for informal isolation—for instance, when children are not allowed out of their cells for extended periods of time because of understaffing or disturbances.

141. As a result, DJJ statistics with respect to isolation significantly undercount the number of children who are subjected to isolation and the lengths of such isolation.

#### **DJJ's Failure to Provide Education**

142. DJJ is obligated to provide educational programs and services to all children in its custody. *See* S.C. Code Ann. § 63-19-360 (5); *id.* § 63-19-380.

143. Education is critical both to the rehabilitation of detained youth and the success of the community as a whole. Participation in any kind of educational programming during incarceration decreases the likelihood of recidivism by as much as 43 percent. Lois M. Davis, Robert Bozick, Jennifer L. Steele, Jessica Saunders, and Jeremy N. V. Miles, *Evaluating the Effectiveness of Correctional Education* (2013), [https://www.rand.org/pubs/research\\_reports/RR266.html](https://www.rand.org/pubs/research_reports/RR266.html).

144. Effective educational programming can also help remedy many disciplinary problems that are rife in DJJ facilities. Detained youth who are occupied and engaged are far

less likely to act out and engage in destructive behavior. Educational programming can thereby dramatically increase the safety and security of DJJ facilities.

145. Along with standard educational services, federal law mandates that students with disabilities must receive special education and supplementary support based on their Individualized Education Plans (“IEPs”). Individuals with Disabilities in Education Act (“IDEA”), 20 U.S.C. §§ 1400 *et. seq.* IEPs provide a statement of a student’s present level of success, measurable annual goals designed to meet the students’ needs, and a list of the special education and supplementary services required to support the student in meeting those goals. *See* 34 C.F.R. § 300.320.

146. DJJ often does not provide meaningful education to detained youth while they are in custody. Even under the best of circumstances in DJJ facilities, children are almost never in a classroom and never given formal instruction. Occasionally DJJ will provide worksheets for detained youth, but they are rarely collected, and children seldom receive guidance or feedback on their responses. Sometimes, the detained youth are not even given pencils to complete the worksheets.

147. DJJ operates its own school district that serves approximately 500 students in grades 4-12. The BRRC has a designated school, the Empowerment & Enrichment Academy of South Carolina (formerly the Birchwood School) where children attend middle and high school. No other DJJ facilities have designated schools; the other facilities only have rooms putatively used for education.

148. Students attending school through DJJ are theoretically in school year-round. But in reality, classes in DJJ facilities happen irregularly, if at all. The JDC’s school schedule, for example, provides that children are supposed to receive two hours of class on Tuesdays and Thursdays—for a total of four hours of class a week. But even this inadequate minimum is rarely, if ever, reached. At the start of March 2022, for example, children at the JDC had not

been to class for weeks. One child noted that he and others had been told that class would be held one day, only for the class to be cancelled because of a lack of staff.

149. Despite having a designated school, children at the BRRC only irregularly attend classes, even under the best of circumstances. Sometimes, DJJ staff cancel classes at the BRRC because there are too few teachers. DJJ staff also cancel classes because of fights or other disturbances in the dorms. At other times, they cancel classes because there are too few JCOs to keep the classrooms safe or to transport the children on the short walk from their dormitories to the school. Weeks and even months have gone by in which DJJ has not had the staff to transport all of the children detained at the BRRC to learn in a classroom setting. Similar staffing-related issues and deficiencies characterize the education at DJJ's other facilities.

150. DJJ also does not provide special education and related services to detained youth with disabilities. Detained youth with disabilities are offered the same "instruction" as all others—often, worksheets handed out only sporadically.

151. DJJ's policies to evaluate detained youth with intellectual disabilities and place them on an IEP are inadequate. DJJ frequently becomes aware that children in its custody have undiagnosed intellectual disabilities, yet does not attempt to evaluate or give additional support to these individuals. For example, one Justice 360 client who struggled with verbal communication was provided only *one day* of education over the course of nine months.

152. DJJ fails to employ a sufficient number of teachers to educate the children it detains. As a consequence, there are only infrequent opportunities for detained youth to learn in a classroom setting. Even when DJJ is able to hire educators, DJJ often fails to hire adequately trained, certified special education teachers for the children who need such services.

153. DJJ also fails to have enough JCOs to keep children and teachers safe in classrooms. DJJ school officials have, for example, requested that specially designated JCOs work in the school at the BRRC facility, but DJJ has failed to fulfill those requests. As a result, classrooms are often the sites of fights or "hits." Most teachers do not have access to phones in

the classrooms, exacerbating teacher and staff concerns about their own safety and the safety of the children.

154. As a result of these failures, children at DJJ are prevented from making progress in school, sometimes forcing them to repeat a year of school or to drop out altogether. Upon their release, children often receive certificates from DJJ for additional credit hours of specialized education services—an attempt to compensate for the wholly inadequate education they received while in DJJ custody.

155. The number of students receiving their GED at the BRRC is on the decline. In 2019-2020, for example, only 38 students in DJJ’s school district received their GED, down from 55 in 2018-19 and 61 in 2017-18. Ex. 2 at 91.

156. If a child is able to obtain their GED, DJJ makes no effort to help them advance further in their education.

#### **DJJ’s Failure to Provide Rehabilitative Services**

157. Both the Fourteenth Amendment and South Carolina law require DJJ to provide the children in its custody with rehabilitative services. *See* S.C. Code Ann. § 63-19-350(7). DJJ regularly fails to do so.

158. For example, DJJ fails to provide children in the JDC with structured educational or recreational programming. As a result, even when they are not effectively in isolation, children at the JDC have nothing to do for hours on end. They can gather together in small groups, watch TV, and read, if they have had access to the library. At best, they are bored. At worst, the lack of programming leads to fights and contributes to the violent atmosphere that is counter to meaningful rehabilitation.

159. At other facilities, like the BRRC, DJJ occasionally allows the children in its custody to participate in programs such as woodcarving, which the children enjoy. But it offers such programs only infrequently and to a limited number of children.

160. Children rarely have positive interactions with adults while they are in DJJ custody. Sometimes, because of understaffing, children go days without seeing an adult on their unit. When they do interact with adults, those interactions are often violent. The few clinicians, including social workers, nurses, and psychologists, who provide care are often barred by JCOs or other security personnel from interacting with children.

161. DJJ also fails to provide care that is appropriate for the traumatized children in its custody. Children arrive at DJJ already having faced multiple traumatic events related to their lives at home and school. Indeed, a national study found that 75 percent to 93 percent of children entering the juvenile justice system report that they have experienced at least one traumatic event. Samantha Buckingham, *Trauma Informed Juvenile Justice*, 53 Am. Crim. L. Rev. 641, 654 (2016).

162. Once at DJJ, children are thrust into conditions where physical violence is rampant, staff are hostile or neglectful, and where “safety” can only be guaranteed by psychologically damaging isolation.

163. Trauma—particularly unaddressed trauma—impedes rehabilitation. Traumatic events and traumatic episodes have a significant, negative effect on children’s development. Children who experience trauma are at a higher risk for depression, suicidal ideations, and attempted suicide. They are less able to form trusting social bonds, regulate their emotions, or understand rules. They are also more prone to interpreting the behavior of others as hostile, more prone to experiencing a lack of control, and more prone to becoming either hyper-aroused or dissociative during stressful events.

164. Trauma-informed care is proven effective at treating individuals who have experienced trauma. Trauma-informed approaches also benefit the staff who implement their principles, especially in custodial environments where there are high rates of moderate to severe traumatic stress among staff. *See* Christopher E. Branson et al., *Trauma-Informed Juvenile*

*Justice Systems: A Systematic Review Of Definitions And Core Components*, 9 Psychol. Trauma 635 (2017).

165. Trauma-informed care has become the accepted standard of professional care in juvenile detention. The DOJ has advocated for implementation of trauma-informed care since at least 2012, arguing that it is necessary to meaningfully rehabilitate incarcerated children. See U.S. Dep't of Justice, *Report of the Attorney General's National Task Force on Children Exposed to Violence* (Dec. 12, 2012), available at <https://www.justice.gov/defendingchildhood/cev-rpt-full.pdf>. DJJ fails to meet the professional standard of trauma-informed care. The violence, isolation, and lack of services at its facilities are traumatizing, and thus antithetical to the core tenets of trauma-informed care and DJJ's requirement to provide rehabilitative services.

#### **DJJ's Failure to Identify and Treat Mental Health Disabilities**

166. DJJ fails to provide basic mental health care to the children it detains. DJJ has so few clinical providers that, even under the best of circumstances, clinical services in DJJ facilities are inadequate or sporadic. When there are too few JCOs, or when children are in lock-down, clinical providers are often unable to access children to provide them with mental health services.

167. DJJ also fails to provide regular access to medication or counseling. Because of the constant disruptions, inadequate clinical staffing, and overall disarray in DJJ, children rarely get medications at the time when they are prescribed to be taken; sometimes, children are forced to skip their prescribed medication altogether.

168. In addition, DJJ insists that because the JDC is a short-term facility, DJJ cannot treat children housed there for anything other than mental health conditions that were previously diagnosed. As a result, children who have mental health conditions but were not diagnosed before entering custody are unable to access appropriate medication and care.

169. South Carolina state law prohibits the commitment of any child with a severe mental illness or developmental disability into DJJ custody. S.C. Code Ann. § 63-19-1450.

170. According to the South Carolina Senate, S.C. Code Ann. § 63-19-1450 “reflects an understanding that DJJ is not equipped to house such seriously disabled children and that placing them in DJJ custody is harmful to those children and creates risks for other children in DJJ custody as well as for DJJ staff.” Ex. 3 at 28.

171. Despite South Carolina’s prohibition on committing children with severe mental or developmental disabilities, DJJ detains those children anyway. For example, in 2017, 117 young people with serious mental illness entered the BRRC, and a majority of these children were never transferred to psychiatric residential treatment. Ex. 6 at 7.

172. DJJ’s processes to identify or accommodate children with severe learning disabilities or mental illnesses, or children who are suicidal or experiencing emotional crises, are grossly inadequate. Instead, those children are detained—sometimes for months or even years at a time—without adequate access to social workers, counselors, medication, or other treatment.

173. As noted, children with intellectual disabilities are sometimes placed in isolation as punishment for behavior related to those disabilities or as a behavior management technique.

#### **DJJ’s Failure to Maintain Habitable and Sanitary Conditions**

174. In addition to violence, isolation, lack of educational opportunities, and lack of rehabilitative services, children detained within DJJ facilities face squalid conditions.

175. Rooms are overrun with odor, trash, and bugs. Rooms with standing water continue to be used to house children. In certain facilities, maggots and cockroaches come up through the drains. Rats are a common sighting, and children are bit by bugs at night.

176. Walls are covered in mold and graffiti. For example, these are recent photos taken at the JDC:





177. Toilets in DJJ facilities are frequently stopped up for weeks, leaving human excrement in the open where the children sleep. In one instance at JDC, children used sheets to fill a stopped-up toilet in a futile attempt to cover the stench. In another instance at JDC, weeks went by with only one working toilet on a pod that housed over twenty children.



178. DJJ staff often turn a blind eye to these issues. In one instance, fire sprinklers were accidentally activated, causing water to come pouring down into cells that were occupied by kids. The floors flooded as the sprinklers expelled dirty, black water. Despite this flooding, DJJ staff forced children to stay in the cells while their clothes, items, and bodies were soaked. Staff members wrongly believed that youth had set off the sprinklers and forced them to stay as a form of punishment.

179. DJJ staff force children to clean up but do not provide adequate supplies, if they provide any supplies at all. During her tour of the BRRC on July 20, 2021, for example, Senator Shealy testified to seeing kids mopping with dirty water. Ex. 5. ¶ 16. Showers and cells often have mold. At BRRC, multiple girls have reported getting sick at night, possibly due to mold in the ventilation system.

180. Children are denied showers and access to basic hygiene. Guards will sometimes turn water off to children's rooms as a punishment. Children are often unable to brush their teeth, wash their faces, or do anything else to keep themselves clean. Sheets and clothes go

unwashed for long periods of time, so children live and sleep in filth. At JDC, requested toiletries can take nearly a month to obtain.

181. Because of transportation issues and staffing shortages, youth routinely miss regular physician and dental checkups. Ex. 2 at 81.

182. Children are denied access to drinking water—sometimes because DJJ staff believe letting children out of their cells to have water would pose a security risk, or because there are no clean, working water fountains that are accessible to the children.

183. Children often go hungry due to a lack of adequate meals and the unsanitary way in which those meals are served. When children are isolated in their rooms, DJJ staff often serve food through small slots. That food sometimes has cockroaches in it, or it is rancid or contaminated. If children refuse to eat, they may be given pre-packaged food, which contains little to no nutritional value. Sometimes, because of understaffing or as a punishment, children are given no meals at all.

184. As noted above, DJJ facilities are routinely overcrowded. As a result, children are forced to sleep on thin mattresses on the floor. Children often complain they are cold, because they are forced to sleep with only a threadbare blanket. These detained children are left further exposed to unsanitary conditions. When children go to bed, cockroaches and other bugs crawl over them and make it difficult to sleep.

185. Children are denied access to regular, adequate physical activity. Though DJJ staff are required by law to provide children with physical activity each day, many children are prevented from even going outside on a daily basis. Often, detained youth will go a week or longer without spending any time outdoors. As noted, those in isolation fare even worse; if they are able to leave their cells other than to shower, they may find themselves shackled in a small recreation area. Ex. 6 at 6.

186. Because they do not have classes or recreational time outside, children in DJJ custody rarely have anything like a regular schedule. Instead, their time in DJJ custody is

typically dictated by DJJ’s variable staffing challenges: If there are too few JCOs, or whenever a JCO goes off duty, they are locked in their cell or dorm; when there are enough staff on duty, they shower and receive meals; they sleep when they can, but the dorms are often loud—and especially dangerous—at night.

187. No citizen—much less a child—should be required to live in the conditions described above.

### **DJJ’s Failure to Remedy Overcrowding or Understaffing**

188. Despite actual knowledge that overcrowding and understaffing are causing dangerous and unconstitutional conditions at DJJ, Defendants Hendrick and DJJ consistently fail to add sufficient security staff or take steps within their control to reduce the number of children in their facilities.

#### *Defendants Have Not Acted to Reduce Overcrowding*

189. Defendants routinely and publicly argue that they are not responsible for overcrowding at DJJ because they do not control the number of children sent there or the length of time children stay there—but that is not entirely true. To the contrary, DJJ has a meaningful role both in determining whether a child is detained and determining when and whether they are released. Despite that, DJJ and its staff have refused to exercise their influence over detention and parole decisions to reduce overcrowding.

190. State law confers DJJ with substantial influence over individual detention decisions.

191. When a child is arrested by law enforcement, South Carolina law requires DJJ to “make a diligent effort to place the child in an approved home, program, or facility, other than a secure juvenile detention facility.” S.C. Code § 63-19-820(A).

192. In practice, law enforcement relies on DJJ staff to be “on call” to receive notifications about new arrests and to work immediately to identify a suitable out-of-custody

placement. But because DJJ regularly fails to staff an “on call” person, law enforcement defaults to placing arrested children into detention.

193. DJJ also has an important and unique role at detention hearings. Under South Carolina law, an “authorized representative of the [D]epartment [of Juvenile Justice] *shall* submit to the court . . . a recommendation as to the child’s continued detention.” S.C. Code § 63-19-830(A) (emphasis added).

194. Although the ultimate detention decision is made by the family court judge, in practice, DJJ’s recommendation is almost always followed.

195. South Carolina’s detention statute, Section 63-19-830, explicitly prohibits placement of children in facilities that do not “meet state and federal requirements for the secure detention of juveniles,” and only permits a judge to order detention where “commitment of a juvenile by the court to that facility does not cause the facility to exceed its design and operational capacity.” S.C. Code § 63-19-830(A).

196. Importantly, a family court judge is not knowledgeable about whether a detention facility is failing to “meet state or federal requirements” or whether a facility is “exceed[ing] its design and operational capacity.” *Id.* This would not be a problem if DJJ and its agents made detention recommendations based on the facilities’ compliance with law and its capacity to detain additional children—but they do not.

197. Despite their knowledge that the dangerous and inhumane conditions at JDC fall well short of “meet[ing] state or federal requirements,” DJJ staff routinely recommend the detention of juveniles.

198. And despite their knowledge that JDC is always far in excess of its “design and operational capacity,” DJJ staff routinely recommend the detention of additional juveniles.

199. Defendant Hendrick, as director and ultimate policymaker for DJJ, is responsible for the department’s continued recommendations to detain children in a facility the department knows is overcrowded and constitutionally defective.

200. Defendants also play a role in determining when and whether children are granted parole.

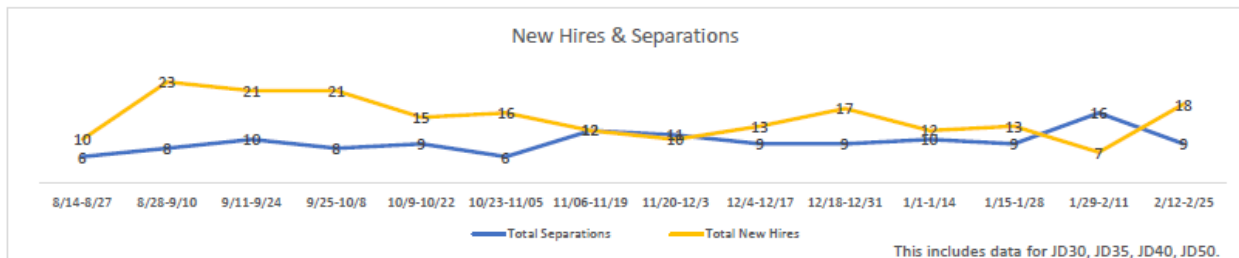
201. Prior to each parole hearing, the department prepares and delivers a parole packet to the parole examiner. Each packet contains a recommendation from the “institution,” *i.e.*, the department, regarding whether the incarcerated child should be released on parole.

202. Despite knowledge that DJJ facilities are overcrowded, understaffed, and ill-suited to providing meaningful rehabilitative services, DJJ still routinely recommends that children be denied parole, including for non-security reasons such as that the child had not yet completed their GED.

*Defendants Fail to Add Adequate Security Staff*

203. DJJ admits that it is “struggling with recruiting and retaining qualified staff.”

204. The data bears this out. Between August 2022 and March 2023, DJJ’s hiring barely kept pace with departures.



205. The results of Defendants’ efforts demonstrate that they were insufficient. At the end of this period, DJJ was still left with 179 security vacancies across its 5 secure facilities—meaning that it has far too few security staff to safely detain the hundreds of children for which the department is responsible.

**Unconstitutional Conditions at DJJ Facilities Violate the Rights of *Every* Detained Child**

206. The harms described above are systemic and pervasive. The specific experiences of individual children only illustrate the deeply entrenched and broadly unconstitutional conditions that impact *every* child in DJJ’s custody.

**Endemic Violence Harms Every Child**

207. Violence permeates every DJJ facility, in part because there are not enough security personnel to keep children safe from harm. Steps taken purportedly to prevent violence—primarily the use of isolation—make violence worse.

208. As of March of 2023, DJJ reported 174 vacant security posts across its 5 “secure” facilities. As shown below, none of DJJ’s 5 secure facilities have enough security staff.

<b>Facility</b>	<b>Filled Security Posts (as % of Total)</b>	<b>Vacant Security Posts</b>
<b>BRRC</b>	58%	82
<b>CEC</b>	47%	19
<b>JDC</b>	68%	28
<b>MEC</b>	62%	25
<b>UEC</b>	52%	20

209. While being woefully understaffed, many DJJ facilities are also dangerously overcrowded.

210. On April 6, 2023, for example, 85 children in DJJ custody slept in unsecured “boat beds”—*i.e.*, small plastic containers placed on the floors of common areas and hallways.

211. JDC typifies the dangerous confluence of understaffing and overcrowding. Although JDC is built to hold 72 children, it regularly holds close to double that number.

212. 12-bed dorms at JDC frequently hold 25-30 children, with little to no supervision.



213. On April 6, 2023, for example, 7 staff members were responsible for daytime supervision of over 130 children across 6 pods at JDC.

214. As a result of these conditions, every child held at JDC spends every moment in an overcrowded and understaffed facility where violence can—and often *does*—erupt at any moment.

215. Those conditions, even for children who have not *yet* been personally assaulted, cause deep anxiety, fear, and hypervigilance. Because children’s brains are still developing, extended exposure to stressful conditions (like physical danger) can result in long-term negative changes in their brains and bodies. Exposure to high levels of stress can disrupt youths’ brain circuitry and other organ and metabolic systems.

216. These conditions also promote gang activity and more violence as children look for ways to manufacture safety.

217. The only children that are safe from physical violence are those who are in isolation. This merely trades one unconstitutional practice for another, *see supra* ¶¶ 117-119, and even then, malfunctions and security lapses expose these children, too, to the threat of violence.

### **Overuse of Isolation Harms Every Child**

218. Like violence, DJJ’s misuse of isolation is so pervasive that it harms every child in DJJ’s custody.

219. Isolation is not only misused to punish misbehavior by individual children, but also to punish entire pods where a disruption occurred. This exposes the offending and nonoffending children alike to the harms of isolation.

220. Although Defendants have claimed that they changed their isolation policies, isolations remain widespread. In February of 2023 (the shortest month of the year), DJJ recorded 514 separate instances of isolation. Durations ranged from hours to weeks, with many of the longest periods of isolation being categorized as resulting from “unknown” reasons.



221. In addition to being used to punish misbehavior, isolation is also used for facility management. When facilities are overcrowded and understaffed, DJJ staff cannot safely allow children out for recreation, education, or other activities. Instead, they lock children down in their cells for hours at a time.

222. Isolation is particularly destructive for children. Not only is the experience of solitary confinement more difficult for children to endure, but it also results in more comprehensive and longer lasting developmental, psychological, and physical damage.

223. Given DJJ's widespread use of isolation, there is nothing a detained child can do to avoid being exposed to the devastating emotional and psychological harm of isolation and alienation.

**Every Child at JDC is Denied Access to Education and Rehabilitative Care**

224. Although JDC is a pre-adjudication facility, children are routinely held there for weeks, months, or even more than a year at a time.

225. Children at JDC are only scheduled to receive 4 hours of educational instruction per week, which does not allow children to stay on pace for graduation.

226. In practice, JDC's insufficiently allotted in-person instruction is often skipped due to insufficient staffing or security lockdowns.

227. In lieu of instruction, JDC students regularly receive paper worksheets without any instruction. Often, staff reuse the same worksheets day after day.

228. Detained youth at JDC also have insufficient access to counseling and therapy, which are universally regarded as necessary interventions in juvenile correctional facilities.

229. To meet the needs of detained youth, JDC's mental-health staff believes that every child should meet for 40 minutes twice per week with a licensed mental health professional. In practice, staff are only able to provide youth with approximately 1 visit per month.

230. When JDC’s mental health staff meets with a child and then makes a recommendation based on the child’s mental health needs (e.g., that the child needs to be removed from isolation and given recreational time), the recommendation is often ignored or overridden by the security staff or facility administrator.

### **Harms to Plaintiffs**

#### **Constitutional and Statutory Violations at DJJ Directly Injure Justice 360**

231. In accord with its mission, Justice 360 provides direct representation to children in the custody of DJJ and the South Carolina Department of Corrections.

232. Justice 360 also provides legal resources and training materials around youth detention and capital punishment.

233. At present, Justice 360 represents 3 children charged with serious offenses. Of those juvenile clients, all 3 are held at JDC.

234. Justice 360 also continues to work with one child—Child 2—who was transferred to BRRC on September 12, 2023, as part of a negotiated plea agreement.

235. Justice 360’s juvenile clients experience horrific and unconstitutional conditions while detained at DJJ, including: near-daily violence, frequent use of short- and long-term isolation, lack of treatment and accommodation for disabled youth and youth with mental illness, denial of appropriate educational services, unsanitary conditions (spoiled food, trash, lack of clean clothes or linens), and denial of counseling and mental health treatment.

236. Defendants’ failure to provide constitutionally adequate conditions of confinement has caused and will continue to cause at least two distinct injuries to Justice 360.

#### *Conditions at DJJ Impede Justice 360’s Representation of Detained Children and Divert Attorney Time Away from Case-Specific Representation*

237. The violent, isolating, and nontherapeutic conditions at DJJ materially impede Justice 360’s direct representation of children.

238. Juvenile clients show up to attorney visits sleep-deprived, exhausted, and anxious, and they struggle to focus on their cases.

239. Allison Franz is an attorney employed by Justice 360.

240. Attorney Franz has observed, for example, that the health of her attorney-client relationship requires her to listen to and engage with the conditions-related complaints of her DJJ clients. Through trial and error, Attorney Franz has learned that if she attempts to address her client's case without first listening to their stories about violence, rioting, bugs in their food, or punitive isolation, they become despondent and refuse to engage with the material she needs to cover.

241. Because the beginning of each client visit must now be dedicated to listening to her clients' traumatic experiences at JDC (most of which she cannot help), Attorney Franz must spend approximately twice as long visiting her clients.

242. The unconstitutional conditions at DJJ directly harm Justice 360 by diverting its resources (here, staff time) and frustrating its mission to provide direct representation to children charged with serious offenses.

243. Because conditions at DJJ impede the direct representation of detained children by Justice 360, the representation of each child requires more attorney time. As a result, the organization cannot represent as many children.

244. Attorney Franz's representation of Child 1 typifies how Justice 360's resources are diverted and its mission impeded by the unconstitutional conditions at DJJ.

245. **Child 1** is 14 years old and has been detained at JDC since he was 12. Because he is so young, Child 1 has been routinely targeted for abuse by other children.

246. Staff at JDC cannot or will not protect Child 1 from physical harm.

247. When Child 1 tries to defend himself, he is punished by JDC staff with isolation.

248. Child 1 displays symptoms of paranoia, depression, and post-traumatic stress disorder related to his underlying offense as well as incidents that have occurred at JDC. Despite that, Child 1 has never been evaluated, diagnosed, or treated for these disorders.

249. A few months ago, for example, there was a large riot on Child 1's pod. During that riot, Child 1 witnessed another child's jaw get broken. The child tied a t-shirt around his face to hold his jaw in place.

250. The riot—and the other child's injury—was extremely difficult for Child 1 to process. For the two attorney visits after that riot, it was the only thing Child 1 would speak to Attorney Franz about.

251. Because of the dangerous and traumatic conditions at JDC, Child 1 has physically and emotionally deteriorated during incarceration. He now demonstrates hypervigilance, sullenness, and deep suspicion of others.

252. Attorney Franz meets with Child 1 approximately twice per month, for between 30 minutes and 3 hours. The goal of these meetings is to advise Child 1 about any developments in his case and collect information from him that could be useful to show innocence, mitigation, or potential for rehabilitation.

253. Child 1's regular exposure to violence and isolation, all while being denied mental health treatment, has had a marked impact on his ability to communicate with his attorney and participate in his own defense.

254. Despite Attorney Franz's regular visits to meet with Child 1, he has become more and more guarded and resistant to sharing important information with his attorney. Child 1 has shared with Attorney Franz that he cannot trust anyone, especially adults at JDC.

255. The use of isolation has had a particularly destructive impact on Child 1. When placed on early curfew (as is often the case at JDC, *see supra*, "DJJ Grossly Overuses Isolation"), Child 1 is not able to speak to his family on the phone, which makes him feel even more alienated and hopeless.

256. Virtually every time Attorney Franz meets with Child 1, he has new traumatic experiences that he needs to share about his detention at JDC. If Attorney Franz tries to press past the stories about JDC and into case-specific conversations, Child 1 shuts down and the visit becomes unproductive.

257. Because helping Child 1 verbally process the violence, isolation, and inhumane conditions at JDC is an unavoidable prerequisite of any conversation about the substance of her representation, Attorney Franz's visits must last much longer than they would otherwise. Approximately half of Attorney Franz's attorney-visit time is now consumed by conditions-related discussions as well as follow up with DJJ staff to help reduce harm to her client.

258. Over the course of his detention at JDC, Child 1 has grown less willing to communicate with Ms. Franz and less trusting of adults generally. As a result, Attorney Franz struggles to obtain accurate information about Child 1 which impedes her ability to represent him.

259. **Child 2** recently resolved his case and was transferred to BRRC, but Attorney Franz's experience with Child 2 represents another example of how conditions at JDC materially impede her work on behalf of Justice 360.

260. Prior to his incarceration, Child 2 was protected and sheltered from harm. Because he has never been exposed to anything like the level of violence that is part and parcel of life at JDC, Child 2 has become extremely anxious and afraid while detained at JDC.

261. The first month that Child 2 was held at JDC he was so afraid of being assaulted by other children that he chose to live in voluntary segregation—*i.e.*, isolation.

262. Child 2 dwells on the assaults, fights, and riots that occur at JDC and spends prolonged periods of time imagining how to avoid being a victim of the violence.

263. Child 2 is academically gifted but received very little educational instruction at JDC.

264. Child 2's academic prowess was a mitigating factor in his case, but it was eroding because of the lack of educational opportunities provided at JDC.

265. To preserve one of Child 2's most important arguments against waiver (his academic aptitude), Attorney Franz and other Justice 360 staff spent their own time providing educational instruction in math, English, and science to help him finish his Eighth-grade curriculum. Teaching Child 2 would be unnecessary if JDC provided Child 2 with adequate educational resources.

266. **Child 3** is another of Attorney Franz's clients.

267. Child 3 is regularly isolated, often due to the behavior of other children in his pod. While in isolation, Child 3 has been kept in his cell for 23 hours per day.

268. Child 3 has witnessed the deaths of several friends and displays symptoms of depression and PTSD. Child 3 also struggles with sporadic suicidal ideation. Despite that, Child 3 has not been evaluated, diagnosed, or treated for these disorders and has not received regular mental health treatment while at JDC.

269. Because Child 3's mental illness is untreated, he struggles to engage in discussions with Attorney Franz about his case. This means client visits take longer and Attorney Franz's ability to provide effective representation in Child 3's waiver case is diminished.

270. Until June of 2023, there was one social worker that regularly visited Child 1, 2, and 3. But in June of 2023, that social worker left DJJ.

271. Since then, Child 1, 2, and 3, have not received meaningful counseling or evaluation from another social worker.

272. **Child 4** is another Justice 360 client held at JDC.

273. Early in Justice 360's representation of Child 4, he tried to commit suicide. JDC did not inform either his mother or his attorney of the suicide attempt.

274. Eventually, Child 4 disclosed to his Justice 360 attorney that he had attempted suicide and explained that he had not received any additional tools or help with handling his sad thoughts.

275. Because Child 4 was not receiving the mental healthcare he needed from DJJ, his attorney from Justice 360 had to allocate time to helping him handle and process his sad and hopeless feelings.

276. At one point, Child 4's attorney from Justice 360 became so concerned about his wellbeing that she scheduled additional legal visits simply to check on his mental health.

277. While at JDC, Child 4's wing has regularly been on restrictions. For at least a month, there was damage to the fence around the outdoor recreation area, which precluded Child 4 and others from going outside for recreation and exercise.

278. Child 4's lack of exercise or recreation was a frequent topic during his attorney visits and cut into necessary, case-related conversations. To help Child 4, his attorney at Justice 360 bought him books and brought them to Child 4 so that he would have something to do.

279. For many months, Child 4 was housed in the same unit as one of his co-defendants. This housing arrangement undermined Child 4's legal rights because it allowed his co-defendant to pressure Child 4 about how to handle the case. It also gave Child 4's co-defendant notice about every legal meeting with his Justice 360 attorney which allowed him to pressure Child 4 to disclose the substance of those meetings.

*Conditions at DJJ have Caused Justice 360 to Divert Resources Away from Direct Representation to Address Conditions-Related Harm to Children*

280. Conditions at DJJ also cause Justice 360 to divert some of its time and attention away from education about the direct representation of juveniles and into trainings designed to improve conditions-related advocacy.

281. For example, an entire session of Justice 360’s 2021 Virtual Summit was dedicated to training practitioners on how to address the conditions-related challenges to juvenile representation.

282. Justice 360 has also spent time drafting and circulating model family court pleadings to help practitioners seek relief from, or avoid placement in, DJJ facilities because of the unconstitutional conditions that persist there.

283. Although providing trainings and support to other attorneys and practitioners is part of how Justice 360 fulfills its mission, that work has not historically involved conditions-related advocacy.

*Harm Caused to Justice 360 is Only Curable by Systemic Improvements*

284. The harms caused to Justice 360 arise from systemic failures at DJJ and are not unique to the specific children Justice 360 currently represents.

285. Every Justice 360 client detained at JDC is exposed to unconstitutional violence, routine and punitive isolation, insufficient access to education, and insufficient access to rehabilitative services like counseling and therapy.

286. As a result, the harm to Justice 360 will endure even if one or more of their clients is released from DJJ custody.

287. Because Justice 360’s mission includes direct representation of children charged with serious offenses, they always represent at least one client who is being held at JDC.

288. So long as JDC is overcrowded and understaffed, all children detained there—including at least one Justice 360 client—will be perpetually exposed to rampant violence and/or punitive isolation. *See supra* “DJJ’s Failure to Protect Youth from Violence,” “DJJ’s Unconstitutional Use of Isolation.” Because that violence and isolation causes direct harm to Justice 360, only systemic relief for children at JDC can remedy the injury to Justice 360.



289. Justice 360’s diversion of resources can be remedied by ensuring that children at JDC are kept reasonably safe from violence and are provided meaningful access to counseling, therapy, and educational resources.

290. If children detained at JDC were not regularly traumatized by violence and isolation, then Justice 360 would be able to accept more cases and provide better outcomes for their clients.

291. If children across DJJ’s secure facilities were provided with safe, rehabilitative care, then Justice 360 could stop diverting its time and resources to education, training materials, and model pleadings designed to help practitioners provide representation to children detained in unconstitutional conditions.

### **Constitutional and Statutory Violations at DJJ Directly Injure DRSC**

292. DRSC is a nonprofit organization that protects and advances the legal, civil, and human rights of people with disabilities in South Carolina.

293. Under South Carolina law, DRSC is the state’s Protection and Advocacy System and Client Assistance Program (“P&A”), as defined by the Protection and Advocacy for Individuals with Mental Illness Act (“PAIMI”), 42 U.S.C. §§ 10801, *et seq.* See S.C. Code §§ 43-33-310, *et seq.*

294. In exchange for federal funding under PAIMI, South Carolina has conferred independence and authority to DRSC to “ensure that the rights of individuals with mental illness are protected.”

295. As South Carolina’s P&A, DRSC is responsible for pursuing “administrative, legal, and other appropriate remedies” on behalf of all “individuals with mental illness who are receiving care or treatment in the State.” DRSC’s advocacy efforts range from informing DJJ staff of issues, to advocating to DJJ staff for improvements such as the need for adequate medication, to staffing treatment meetings, to taking formal legal action. Even DRSC’s monitoring services, which are protected by statute and regulation, *see* 42 C.F.R. § 51.42, are a

form of advocacy for individuals with disabilities or mental health issues, because DRSC's monitoring visits ensure that these individuals are not left without any care or support.

296. Under PAIMI, an "individual with mental illness" includes any individual diagnosed with a significant mental illness or emotional impairment who is an inpatient or resident in a facility rendering care or treatment, including individuals involuntarily confined in a detention facility, jail, or prison. 42 U.S.C. §§ 10802(3), (4); 42 C.F.R. § 51.2.

297. DRSC is governed by a volunteer fifteen-member Board of Directors. Four members are appointed by the Governor, three are chairs of Advisory Councils, and the others are elected by the Board. Membership represents a cross-section of the population of South Carolina in terms of gender, race, and geographic distribution. As required by statute, the DRSC board includes "significant representation of individuals with mental illness who are, or have been eligible for services, or who have received or are receiving mental health services, and family members, guardians, advocates, or authorized representatives of such individuals." 42 C.F.R. § 51.22(b)(2). DRSC's activities are guided by an advisory council comprised primarily of individuals who have received or are receiving mental health services or who are family members of such individuals. 42 U.S.C. § 10805(a)(6)(B).

298. DRSC is directly harmed by the constitutional and statutory violations described throughout this complaint. The constitutional and statutory violations described herein frustrate DRSC's mission and purpose and force it to divert resources away from being able to advocate on behalf of children with disabilities in DJJ's facilities.

299. For example, DJJ's failures to protect children in its custody means that DRSC's monitors are at times unable to talk with the children whom they are supposed to help, because these children fear that they will be targeted as a snitch if they speak with a monitor. In one instance, for example, one of the children who met with a DRSC monitor was violently assaulted by other children hours afterwards. DJJ facilities are often sometimes too dangerous for DRSC's

monitors to visit, or for them to visit alone. As a result, DRSC is both less able to fulfill its advocacy mission and forced to divert its resources from other forms of advocacy and services.

300. DJJ's failure to properly evaluate or identify children in its custody with mental illness or disabilities causes DRSC to expend additional resources and time identifying which children fall within its statutory mandate. And it is likely not able to fully make up for DJJ's failure, which means that DRSC cannot fulfill its statutory mission to protect its constituents.

### **Constitutional and Statutory Violations at DJJ Injure Child-Constituents of DRSC**

301. DRSC is formally advocating on behalf of dozens of children across all 5 of DJJ's secure facilities. This advocacy includes attending DJJ staffing meetings to discuss placement options for those children and meeting with the children one-on-one.

302. Children 5-13, described below, are each detained in DJJ, each have qualifying disabilities that allow them to be DRSC constituents, and are each harmed by the endemic violence, overuse of isolation, and denial of rehabilitative services that are common to all children detained at DJJ. *See ¶¶ 207-231.* The following paragraphs offer additional details about specific injuries that these children have experienced.

303. **Child 5** is detained at JDC and has experienced physical violence, medical neglect, and isolation. Since arriving at JDC, he has been assaulted five times. During a visit to the dentist, he was shackled while having three teeth filled and a perfectly healthy tooth pulled. After the procedure, JDC staff did not give him pain medication. He was recently held in isolation, where he was not given any schoolwork. In the past, at least one grievance that he submitted was not turned in or ever discussed.

304. **Child 6** is detained at JDC and has experienced physical and verbal abuse. During an assault on March 14, 2023, he was hit in the head with a boat bed and other objects and suffered a swollen eye, a knot in the middle of his forehead, and gashes on his face. He was not able to see medical services until one to two weeks after the assault. Child six's mother was

never contacted by JDC staff about the assault. Instead, she learned of the assault from another child who called to tell her. His mother has been denied her visits without any explanation.

305. **Child 7** is detained at MEC and is forced to stay in a wet cell that continuously leaks and has a broken toilet. He is rarely allowed to leave his cell to use the restroom and recently woke up to find another child's urine all over the floor. He is often placed in isolation—most recently without being given a write up. Child 7 is frequently threatened and harassed by guards and has even been told by a guard that she has people that will “reach out to him” once he leaves MEC. On September 19, 2023, Child 7, while handcuffed and shackled, was slammed on to the ground by guards as he was on his way to the nurse. Child 7 has PTSD and ADHD.

306. **Child 8** is detained at MEC and is consistently isolated in a wet cell. Since being in isolation he has not had access to showers or recreational time. When he is allowed to shower, he is forced to do so in handcuffs. Prior to his current stay in isolation, child seven spent two weeks in a wet cell. During that time the trash was not taken out of his room and he was not given any school work. The toilet and sink in his cell are broken and the water cooler is not regularly refilled. Child 8 has been subjected to violence from other children and was placed in protective custody in a wet cell for one month. Despite filing a grievance about the children on his unit and raising concerns with DJJ staff, child eight was told that once he leaves isolation he would be brought back to the same unit.

307. **Child 9** is detained at MEC and has repeatedly been placed in a wet cell that does not have a working sink or toilet. Most recently, he was in a wet cell for two weeks and was not permitted to take a shower during that time. He has experienced physical violence from public security officers and the Rapid Response Team that is currently designated as DJJ's primary emergency response actors. Despite having Disruptive Mood Dysregulation Disorder (DMDD) and ADHD, Child 9 has not been allowed to see his counselor and has been denied care or attention because of his disability.

308. **Child 10** is detained at BRRC and has been assaulted three times since his arrival. During one incident he was slammed against a window. On a separate occasion a spit mask was tied too tightly on him. In addition to the physical violence, Child 10 ten is subjected to unsafe and unsanitary living conditions, such as feces contaminated water all over the floor of his cell. Prior to coming to BRRC, Child 10 spent nearly eight months in isolation at UEC. During that time, he was forced to go without showering for up to four days. Child 10 has mental illness, qualifies for services from DRSC, and has received mental health services since the age of 7.

309. **Child 11** is detained at BRRC and has been in isolation for nearly eight weeks. He was assaulted by a staff member and has not been allowed to shower for two days.

310. **Child 12** is currently detained at UEC in a wet cell. He has been assaulted by DJJ staff five times while in DJJ. Once, staff punched him in the ribs so hard that he struggled to breathe the day after he was hit. He has been in isolation over 100 times while in DJJ custody; he spent over a year in isolation at BRRC, for example. During that time, he often had to take hand baths in his sink because he was not allowed to shower regularly. When he was allowed to shower, he was kept shackled. He also almost never received schoolwork and rarely was allowed out for recreation time.

311. **Child 13** is currently detained at UEC in a wet cell. Three months ago, his hand was broken in a fight; he has also had teeth knocked out. He is constantly in isolation, including once for more than five months. Although he used to be able to go outside for recreation while being kept in isolation, he is now only able to go outside only every or four days, because UEC does not have enough staff. He almost never sees clinical staff, and, since June, DJJ staff have failed to give him medication that he needs.

312. The legal guardians of Children 5-13 have each consented to DRSC taking formal action on their behalf.

313. Children 5-13 are only a few of DRSC's constituents in DJJ custody. By law, all children with mental illness that are held at DJJ are constituents of DRSC.

314. Although DJJ lacks sufficient processes for identifying, diagnosing, and treating mental illness, they do admit that “the majority” of the children it detains “meet criteria for at least one mental health disorder.”<sup>3</sup> As a result, “a majority” of the children at DJJ are child-constituents of DRSC.

315. As part of its advocacy for all detained children with mental illness, DRSC conducts routine monitoring visits at all 5 of DJJ’s secure facilities.

316. During monitoring visits, DRSC meets with multiple children in the facility and seeks to identify and address issues and harms that are common across all of DRSC’s child-constituents.

317. Many of the problems observed by DRSC monitors are not unique to specific children and are instead shared amongst all of DRSC’s child-constituents at DJJ. Observations made by DRSC monitors are spread throughout this complaint and chronicle pervasive and systemic problems, such as: being detained in unsafe, overcrowded facilities where violence erupts almost daily; being regularly isolated for punitive and administrative purposes, and being denied necessary rehabilitative, educational, or medical-related services.

318. The lack of basic physical safety harms every child in DJJ’s custody, but it is especially harmful for children with mental illness.

319. Children at DJJ with mental illness are more likely to be bullied, assaulted, and victimized than other children. Even those that are not individually assaulted are still harmed by the routine exposure to violence. Children with mental illness are also more grievously harmed than other children by witnessing violence and are more negatively affected by having to be on constant watch for an attacker.

320. Because at least one, specific child-constituent of DRSC—and here, *every* child constituent at DJJ—is harmed by DJJ’s failure to protect the children in its five secure facilities,

---

<sup>3</sup> 2022 Accountability Report, S. Carolina Dept. of Juvenile Justice at 5 (available at: <https://dc.statelibrary.sc.gov/handle/10827/46820>).

DRSC—under its authority as a P&A—asserts a Fourteenth Amendment “failure to protect” claim on its constituents’ behalf.

321. DJJ uses isolation against all of its detainees, and children with mental illness are particularly vulnerable to the harms that result. DJJ’s rampant misuse of isolation, *see supra* ¶¶ 219-224 (noting over 500 instances of isolation in a single month), exerts a tremendous psychological toll on DRSC’s child-constituents.

322. Because at least one, specific child-constituent of DRSC—and here, *every* child constituent at DJJ—is harmed by DJJ’s use of isolation across all 5 of its secure facilities, DRSC—under its authority as a P&A—asserts a Fourteenth Amendment “isolation” claim on its constituents’ behalf.

323. Children at DJJ with mental illness are in even greater need of counseling and therapy than other detained children. Despite that, they receive little to no such care.

324. Children at DJJ with mental illness are denied regular and sufficient access to counseling and therapy because Defendants do not staff their facilities with enough security or mental health personnel. Additionally, JDC does not have therapeutic meeting space in which counseling and therapy can occur.

325. Because at least one, specific child-constituent of DRSC—and here, *every* child constituent at DJJ—is harmed by DJJ’s failure to provide access to counseling and therapy, DRSC—under its authority as a P&A—asserts a Fourteenth Amendment “denial of rehabilitative services” claim on its constituents’ behalf.

326. DJJ fails to provide all children in its facilities with adequate education, including children with mental illnesses or disabilities. These children are also particularly vulnerable to disruptions in or denials of educational programming.

327. Because at least one, specific child-constituent of DRSC—and here, *every* child constituent at DJJ—is harmed by DJJ’s failure to provide adequate educational services,

DRSC—under its authority as a P&A—asserts a Fourteenth Amendment “denial of rehabilitation” claim on its constituents’ behalf.

328. DJJ fails to maintain habitable and secure facilities for the children in its custody. Cells—including those in which DRSC’s constituents are currently held—are often unclean or smeared in feces.

329. Because at least one, specific child-constituent of DRSC—and here, *every* child constituent at DJJ—is harmed by DJJ’s failure to provide adequate facilities, DRSC—under its authority as a P&A—asserts Fourteenth Amendment “denial of rehabilitation” and “failure to protect” claims on its constituents’ behalf.

### **Constitutional and Statutory Violations at DJJ Directly Injure South Carolina NAACP**

330. The core functions of South Carolina NAACP include ending racial discrimination, improving education in South Carolina, and addressing issues of systemic racism.

331. Children detained at DJJ are disproportionately Black and, as chronicled herein, systematically denied access to education, mental healthcare, and other services.

332. As a result of the unconstitutional conditions at DJJ facilities, South Carolina NAACP has had to divert volunteer time and resources to investigating conditions at DJJ. Those activities include writing letters to the Department of Justice, reviewing and responding to the 2017 and 2021 legislative audit, and discussing conditions-related advocacy with members whose children and loved ones are detained at DJJ.

333. By diverting its resources to conditions-related advocacy, DJJ’s constitutional and statutory failings have limited South Carolina NAACP’s ability to engage in other issues that are core to its mission.



## CLAIMS FOR RELIEF

### **Count 1: Violations of the Fourteenth Amendment**

#### **42 U.S.C. § 1983**

#### **Failure to Protect Children Entrusted to DJJ Care (Defendant Eden Hendrick)**

334. Plaintiffs restate each of the allegations in the preceding paragraphs as if fully set forth herein.

335. The Fourteenth Amendment to the United States Constitution requires juvenile justice officials to ensure that detained youth are housed in reasonably safe conditions and protected from the aggression of other detained children and staff. *Alexander S.*, 876 F. Supp. at 797-98 (D.S.C. 1995) (citing *Brooks ex rel. Thomas S. v. Flaherty*, 699 F. Supp. 1178, 1200 (W.D.N.C. 1988), *aff'd*, 902 F.2d 250 (4th Cir. 1990)).

336. Children in DJJ custody are not safe from physical harm.

337. DJJ has a policy, pattern, or practice of failing to provide adequate supervision and protection to youth such that they are kept reasonably safe from violence while in DJJ's custody. DJJ's policies, patterns, or practices thus cause and exacerbate youth-on-youth violence in DJJ facilities in violation of the Fourteenth Amendment.

338. DJJ is aware of the ongoing violence at its facilities and the resulting harms to the children in its care. DJJ has been put on notice by the 1995 consent decree, the 2017 LAC audit, the 2020 DOJ Report, the 2021 LAC audit, its 2022 settlement agreement with the DOJ, frequent public reporting about the danger and violence in DJJ facilities, and outreach by organizations like DRSC. Yet it remains deliberately indifferent to the ongoing violence.

339. DJJ is also aware of many of the causes of the violence, including severe overcrowding and understaffing. Despite that knowledge, DJJ continues to inadequately staff its facilities and fails to take measures to reduce its juvenile population.

340. By subjecting South Carolina youth to dangerously violent conditions of confinement, DJJ violates the rights of South Carolina youth under the Fourteenth Amendment.

341. Plaintiffs have suffered harm and will continue to suffer harm for which there is no adequate remedy at law as a direct and proximate cause of DJJ's violation of these rights of South Carolina youth under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983. These harms will continue unless DJJ's policies, practices, and procedures are enjoined by this Court.

**Count 2: Violations of the Fourteenth Amendment**

**42 U.S.C. § 1983**

**Prolonged and Punitive Use of Solitary Confinement for Children  
(Defendant Eden Hendrick)**

342. Plaintiffs restate each of the allegations in the preceding paragraphs as if fully set forth herein.

343. The Fourteenth Amendment to the United States Constitution protects the substantive due process rights of the children in the custody of DJJ.

344. DJJ has a policy, pattern, or practice of employing isolation as a punishment, in clear violation of the Fourteenth Amendment's requirement that isolation for detained youth be used only for non-punitive, legitimate governmental objectives, and not for prolonged periods of time or in unsafe or unsanitary conditions. These violations interfere with children's rehabilitation and harm them emotionally, psychologically, physically, and educationally.

345. Through the policies and practices described herein, including through an excessive and inappropriate use of solitary confinement, DJJ subjects South Carolina youth to a substantial risk of serious harm and deprives them of their constitutionally guaranteed measure of dignity and autonomy. These policies and practices are inconsistent with modern constitutional standards and standards of common decency in a civilized society.

346. There is no legitimate rehabilitative or custodial purpose for DJJ's solitary confinement policies, practices, and procedures.

347. DJJ’s use of isolation deprives children of their substantive due process right to rehabilitative treatment and a rehabilitative environment, in further violation of the Fourteenth Amendment.

348. DJJ and its agents, officials, and employees have been and are aware of all deprivations complained of herein and have condoned, or been deliberately indifferent to, such conduct. DJJ has also been and is aware of the substantial risk of harm caused by these deprivations and has done nothing to alleviate this risk of harm. It should be obvious to DJJ and its agents, officials, and employees that the conditions imposed on South Carolina youth in DJJ facilities cause tremendous mental anguish, physical harm, suffering, and pain to youth in DJJ custody, and cause material harms to the Plaintiffs who represent and advocate for South Carolina children.

349. Plaintiffs have suffered harm and will continue to suffer harm for which there is no adequate remedy at law as a direct and proximate cause of DJJ’s violation of these rights of South Carolina youth under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983. These harms will continue unless DJJ’s policies, practices, and procedures are enjoined by this Court.

**Count 3: Violations of the Fourteenth Amendment**

**42 U.S.C. § 1983**

**Failure to Provide Rehabilitative Services  
(Defendant Eden Hendrick)**

350. Plaintiffs restate each of the allegations in the preceding paragraphs as if fully set forth herein.

351. The Fourteenth Amendment requires that noncriminal juvenile detention facilities like DJJ provide rehabilitative services and follow the accepted professional judgment, practice, or standards for the detention of children. *See Doe 4 by and through Lopez v. Shenandoah Valley Juv. Ctr. Comm.*, 985 F.3d 327, 341-44 (4th Cir. 2021) (applying the professional

judgment standard from *Youngberg v. Romeo*, 457 U.S. 307 (1982) to a facility that detains unaccompanied immigrant children).

352. Rehabilitative services, including recreational and outdoor time, access to mental health services, and trauma-informed care, are the professional standard for juvenile detention and rehabilitation.

353. DJJ substantially departs from this standard of care by failing to operate safe facilities, failing to provide outdoor time or educational services, failing to train officers and staff on trauma-informed approaches, and failing to provide counseling or therapy designed to address underlying trauma.

354. Plaintiffs have suffered harm and will continue to suffer harm for which there is no adequate remedy at law as a direct and proximate cause of DJJ's violation of these rights of South Carolina youth under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983. These harms will continue unless DJJ's policies, practices, and procedures are enjoined by this Court.

**Count 4: Violations of the Fourteenth Amendment**

**42 U.S.C. § 1983**

**Substandard Conditions of Confinement  
(Defendant Eden Hendrick)**

355. Plaintiffs restate each of the allegations in the preceding paragraphs as if fully set forth herein.

356. DJJ's policies and practices cause South Carolina youth detained at DJJ facilities to live in unlawful conditions with respect to sanitation, nutrition, hygiene, exercise, and education, in violation of the Fourteenth Amendment.

357. South Carolina children detained at DJJ facilities are subject to an inhumane physical and psychological environment at those facilities, which fail to provide minimum standards of safety and health.

358. Plaintiffs have suffered harm and will continue to suffer harm for which there is no adequate remedy at law as a direct and proximate cause of DJJ's violations of these rights of South Carolina youth under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983. These harms will continue unless DJJ's policies, practices, and procedures are enjoined by this Court.

**Count 5: Violations of the Americans with Disabilities Act ("ADA")**  
**(Defendant DJJ)**

359. Plaintiffs restate each of the allegations in the preceding paragraphs as if fully set forth herein.

360. Many of Justice 360's clients and all of DRSC's incarcerated juvenile constituents are qualified individuals with disabilities as defined by the ADA. They have impairments that substantially limit one or more major life activities, they have records of such impairments, or they are regarded as having such impairments. Many of Justice 360's clients and all of DRSC's incarcerated juvenile constituents are qualified to participate in the services, programs, activities, and benefits provided to children within DJJ custody within the meaning of Title II of the ADA. 42 U.S.C. § 12102(2); 42 U.S.C. § 12131(2).

361. Title II of the ADA prohibits public entities like DJJ from excluding people with disabilities from participation in, or denying them the benefits of, its services, programs, and activities, or from otherwise subjecting people with disabilities to discrimination. 42 U.S.C. §§ 12102(2), 12132.

362. DJJ is a public entity as defined under 42 U.S.C. § 12131(1)(A) and thus has an affirmative duty to create policies and procedures to prevent discrimination based on disability.

363. DJJ violates the ADA by failing to ensure that children with disabilities have access to, are permitted to participate in, and are not denied the benefits of programs, services, and activities provided by DJJ. 42 U.S.C. § 12132; 28 C.F.R. § 35.152(b)(1).

364. DJJ violates the ADA by failing to make “reasonable modifications to policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability.” 28 C.F.R. § 35.130(b)(7).

365. For example, rather than providing treatment and accommodation, DJJ punishes and isolates children, including clients of Justice 360 and child-constituents of DRSC, because of behavior caused by or associated with their disabilities.

366. As alleged above, the dangerous and nontherapeutic conditions at DJJ also have a disproportionate impact on children with disabilities, including the clients of Justice 360 and the child-constituents of DRSC.

367. As a result of DJJ’s policies and practices regarding individuals with disabilities, many of Justice 360’s clients and all of DRSC’s incarcerated juvenile constituents are unnecessarily placed and retained in solitary confinement because of their disabilities; are denied equal access to activities, programs, and services for which they are otherwise qualified; and are denied the opportunity to receive services in the most integrated setting appropriate to their needs. Thus, DJJ discriminates against “qualified individuals with a disability” within the meaning of the ADA. 28 C.F.R. § 35.152(b)(2).

368. DRSC has suffered harm and will continue to suffer harm for which there is no adequate remedy at law as a direct and proximate cause of DJJ’s violation of these rights of South Carolina youth under the ADA. These harms will continue unless DJJ’s policies, practices, and procedures are enjoined by this Court.

**Count 6: Violation of the Rehabilitation Act**  
**(Defendant DJJ)**

369. Plaintiffs restate each of the allegations in the preceding paragraphs as if fully set forth herein.

370. Many of Justice 360's clients and all of DRSC's incarcerated juvenile constituents are qualified individuals with disabilities as defined in Section 504 of the Rehabilitation Act. 29 U.S.C. §§ 705(20), 794.

371. Many of Justice 360's clients and all of DRSC's incarcerated juvenile constituents are qualified to participate in the services, programs, activities, and benefits provided to children in DJJ custody within the meaning of Section 504 of the Rehabilitation Act.

372. DJJ excludes Justice 360's clients and DRSC's incarcerated juvenile constituents from participation in and denies them the benefits of programs or activities, by reason of their disabilities. 29 U.S.C. §794(a); 28 C.F.R. § 42.503(a).

373. DJJ discriminates against "qualified individual[s] with a disability" within the meaning of the Rehabilitation Act by administering programs and services for children with disabilities in a manner that denies them the opportunities to receive services in the most integrated setting appropriate to their needs. 29 U.S.C. § 794; 45 C.F.R. § 84.4(b)(2).

374. DJJ denies Justice 360s' clients and DRSC's incarcerated juvenile constituents the opportunity afforded others to participate in programs or activities. 28 C.F.R. § 42.503(b)(1).

375. DJJ uses criteria or methods of administration that either purposely or in effect discriminate on the basis of handicap and defeat or substantially impair accomplishment of the objectives of DJJ's programs or activities with respect to handicapped persons. 28 U.S.C. § 42.503(b)(3).

376. DJJ violates Section 504 of the Rehabilitation Act by failing to reasonably accommodate children with disabilities in its facilities, programs, activities, and services.

377. As a result of DJJ's discrimination and failure to provide reasonable accommodations, Justice 360s' clients and DRSC's incarcerated juvenile constituents do not

have equal access to DJJ’s activities, programs, and services for which they are otherwise qualified.

378. As a direct and proximate cause of these policies and practices, DRSC’s incarcerated juvenile constituents continue to suffer harm and violation of their rights under Section 504 of the Rehabilitation Act. These harms will continue unless enjoined by this Court.

379. Justice 360 and DRSC have suffered harm and will continue to suffer harm for which there is no adequate remedy at law as a direct and proximate cause of DJJ’s violation of these rights of South Carolina youth under the ADA. These harms will continue unless DJJ’s policies, practices, and procedures are enjoined by this Court.

**Count 7: Violation of the IDEA**  
**(Defendant DJJ)**

380. Plaintiffs restate each of the allegations in the preceding paragraphs as if fully set forth herein.

381. Many of Justice 360’s clients and all of DRSC’s incarcerated juvenile constituents are or should be identified for special education and related services under the IDEA, 20 U.S.C. §§ 1400 *et. seq.* Therefore, they qualify as children with disabilities for purposes of the IDEA.

382. Under the IDEA, students with disabilities are entitled to receive a free appropriate public education (“FAPE”), including special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living. 20 U.S.C. § 1400(d)(1)(A).

383. As operators of a state education agency, DJJ has a duty to provide FAPE to all children with disabilities under its supervision, in accordance with the requirements of the IDEA. *See* 34 C.F.R. § 300.2(b)(1)(ii).

384. Through their policies, procedures, and practices relating to their administration of schools within their facilities, DJJ fails to meet its obligations under the IDEA:



- a. DJJ does not provide FAPE to DRSC’s incarcerated juvenile constituents because it does not ensure that appropriate services and supports are available for students with disabilities in its facilities;
- b. DJJ does not identify, locate, and evaluate all children with known or suspected disabilities who are in need of special education and related services as required by 20 U.S.C. § 1412(a)(1)(A), nor does it have in effect policies and procedures to ensure this happens as required by 34 C.F.R. § 300.111(a); and
- c. DJJ does not implement appropriate IEPs for each child with a disability in accordance with 20 U.S.C. § 1414(d).

385. As a result, DJJ has violated and continues to violate rights secured by the IDEA and its implementing regulations.

386. DJJ’s persistent violations of IDEA’s inclusion mandates constitute systemic legal deficiencies. Plaintiffs seek systemwide relief, rather than individual remedies premised on the individual needs of particular students. The structural relief sought by Plaintiffs can neither be provided nor addressed through IDEA’s administrative process; as such, IDEA’s exhaustion requirements are inapplicable as exhaustion would be both futile and inadequate.

### **PRAYER FOR RELIEF**

Plaintiffs respectfully request that this Court:

- A. Adjudge and declare that the challenged acts, omissions, policies, and practices of Defendants and their agents, officials, employees, and all persons acting in concert with them under color of state law or otherwise, violate the rights of South Carolina children under the Fourteenth Amendment to the U.S. Constitution, the IDEA, the Rehabilitation Act, and the ADA;
- B. Preliminarily and permanently enjoin Defendants, their agents, officials, employees, and all persons acting in concert with them under color of state law or otherwise,

from continuing the unlawful acts, conditions, and practices described in this Complaint;

C. Order Defendants, their agents, officials, employees, and all persons acting in concert with them under color of state law or otherwise to:

- Immediately take steps to protect children in its custody, including:
  - i. repairing all locks, cameras, and other security measures within all DJJ facilities;
  - ii. maintaining at least an 8:1 youth-to-staff ratio at all DJJ facilities at all times;
  - iii. investigating and promptly terminating any DJJ personnel found to have participated in or facilitated any assault on any child detained by DJJ; and
  - iv. training DJJ personnel to respond to youth-on-youth violence to ensure the protection of children in DJJ custody;
- Establish and file with the Court a written plan, designed to be implemented within 30 days, for providing sanitary conditions of confinement, with such plan specifically addressing (1) steps to assist youth in maintaining their hygiene, (2) steps to achieve a clean and safe living space in all dorms, units, pods, and common areas, and (3) ongoing maintenance and cleaning of the physical plant of each DJJ facility;
- Provide unrestricted access to clean drinking water and maintain healthy food and beverages appropriate for a youth's dietary needs, with such meals to be free of any contaminants and prepared in a hygienic and sanitary environment;
- Immediately cease the practice of "23-to-1";
- Immediately cease the use of solitary confinement or forced isolation of detained children as a punitive or disciplinary measure, or for any other reason

other than an immediate and substantial risk of great bodily harm to self or others;

- Observe the following conditions, where isolation or separation of detained children is reasonably necessary to address an immediate and substantial risk of great bodily harm:
  - i. use of solitary confinement must be preceded in each instance by a face-to-face mental health evaluation by a licensed psychiatrist or psychologist with expertise in child and adolescent mental health, with such evaluation to address whether placement in isolation is a contraindication to the youth's mental health and whether other, less restrictive options exist to adequately protect the youth, other youth, and staff, and with such evaluation to be memorialized in a detailed written record;
  - ii. children placed in solitary confinement should receive regular, in-person safety checks from DJJ staff;
  - iii. no child should be placed in isolation for an initial period of greater than two hours;
  - iv. a second face-to-face evaluation by a licensed psychiatrist or psychologist with expertise in child and adolescent mental health will occur at two hours, to determine whether an immediate and substantial risk of great bodily harm to self or others still exists, with the release/retention decision to be based on the actions and behavior of the youth since the initial review, and with such evaluation to be memorialized in a detailed written record;
  - v. if the evaluating psychiatrist or psychologist determines that retention in isolation beyond two hours is necessary, the child's parents shall be

- notified of such determination immediately, the DJJ facility administrator must visit the child in person, and the DJJ facility administrator must review and approve an individualized written plan, in consultation with the evaluating psychiatrist or psychologist, for the child's safe return to the general juvenile population later the same evening, with such written plan to include a description of the reasons for isolation and the less restrictive disciplinary measures attempted, and with a copy of such plan to be given to the child and the child's parents, along with any DJJ staff who are involved with the child;
- vi. if the DJJ facility administrator determines, based on its review of the written plan, that safe return to the general juvenile population the same day or evening is not practicable and an overnight stay in isolation is necessary, the child's parents shall be notified of such determination immediately, periodic face-to-face evaluations of the child by a licensed psychiatrist or psychologist with expertise in child and adolescent mental health shall occur at least once every eight hours, and the DJJ facility administrator must review and approve an individualized written plan, in consultation with the evaluating psychiatrist or psychologist, for alternative interventions (e.g., hospitalization) in lieu of further isolation. In no event shall the child be forced to remain in isolation beyond 24 hours after his or her placement therein.
- Ensure that youth in isolation for more than two hours:
    - i. have access to property items similar to or the same as those items allowed in general population, though specific items of property may

be restricted on a case-by-case basis as needed for the safety of the youth and staff;

- ii. receive all regularly scheduled social worker visits, mental health services, and other health services;
  - iii. receive any rehabilitative programming that was scheduled or in process before placement in isolation;
  - iv. receive educational services with the general population, unless such attendance is determined by psychiatrist/psychologist reviews to present an immediate and substantial threat of physical harm to others, or an unreasonable risk of significant disruption of the classroom environment, in which such case youth in restrictive isolation shall receive alternative educational services of a comparable type and quality on the same days and at the same time as the general population receives such services;
- Undertake a review of the placements of all youth currently held in solitary confinement or forced isolation, with any youth held in such settings to be immediately released to the general population if their continued placement in isolation otherwise violates the terms of the Court's Order;
  - Prepare an individualized assessment and treatment plan for each child entering DJJ's custody, where such assessment and plan includes a detailed history of any underlying trauma or other pre-existing physical or mental health conditions, and specific goals and objectives for the child during their time in DJJ custody;
  - Conduct weekly check-ins with all clinical providers and DJJ staff involved with the child to ensure progress along the treatment plan;

- Immediately comply with their obligations under the IDEA and ADA, including by ensuring that all juveniles in DJJ custody have access to at least three hours of teacher-led educational instruction each day as well as any IDEA-mandated special education and related services;
  - Ensure each detained youth has access to regular counseling and therapy to address mental health needs and underlying trauma;
  - Develop and implement a plan for implementing trauma-informed care at all DJJ facilities;
  - Contract with a third party approved by Plaintiffs to train all DJJ staff on how to implement trauma-informed care;
  - Immediately implement other measures deemed by the Court necessary to ensure adequate sanitation, nutrition, education, and basic health needs of children detained in DJJ facilities.
- D. Order Defendants, their agents, officials, employees, and all persons acting in concert with them under color of state law or otherwise, to develop and implement a plan to eliminate the substantial risk of serious harm described herein;
- E. Order Defendants, their agents, officials, employees, and all persons acting in concert with them under color of state law or otherwise, to implement certain remedies in the DOJ's settlement with DJJ across all facilities and on a more expedited timeframe;
- F. Appoint an independent monitor of the Plaintiffs' choosing to oversee Defendants' compliance with the Court's order;
- G. Retain jurisdiction over Defendants until such time as the Court is satisfied that the unlawful policies, practices, acts, and omissions complained of herein no longer exist and will not recur;
- H. Award to Plaintiffs reasonable costs and attorneys' fees, including pursuant to 42 U.S.C. § 1988 and 42 U.S.C. § 12205;

I. Grant any relief that the Court deems just and necessary.

Dated: September 28, 2022

Respectfully submitted,

**ACLU OF SOUTH CAROLINA**

**JENNER & BLOCK LLP**

*/s Allen Chaney*  
Allen Chaney  
Fed. Id. 13181  
P.O. Box 1668  
Columbia, SC 29202  
Tel: (864) 372-6681  
[achaney@aclusc.org](mailto:achaney@aclusc.org)

Jeremy M. Creelan\*\*  
Jacob D. Alderdice\*\*  
Amit B. Patel\*\*  
1155 Avenue of the Americas  
New York, NY 10036  
Tel: (212) 891-1600  
[jcreelan@jenner.com](mailto:jcreelan@jenner.com)  
[jalderdice@jenner.com](mailto:jalderdice@jenner.com)  
[apatel@jenner.com](mailto:apatel@jenner.com)

**WYCHE, P.A.**

William R. Weaver\*\*  
Mary E. Marshall\*\*  
Jessica J.W. Sawadogo\*\*  
1099 New York Ave. NW Suite 900  
Washington DC 20001  
Tel: (202) 637-6300  
[wweaver@jenner.com](mailto:wweaver@jenner.com)  
[mmarshall@jenner.com](mailto:mmarshall@jenner.com)  
[jsawadogo@jenner.com](mailto:jsawadogo@jenner.com)

Wallace K. Lightsey (D.S.C. Bar No. 1037)  
Rita Bolt Barker (D.S.C. Bar No. 77600)  
Meliah Bowers Jefferson (D.S.C. Bar No. 10018)  
Jessica Monsell (D.S.C. Bar No. 13645)  
200 E. Broad Street, Suite 400  
Greenville, South Carolina 29601  
Tel: (864) 242-8200  
Fax: (864) 235-8900  
[rbarker@wyche.com](mailto:rbarker@wyche.com)  
[wlightsey@wyche.com](mailto:wlightsey@wyche.com)  
[mjefferson@wyche.com](mailto:mjefferson@wyche.com)  
[jmonsell@wyche.com](mailto:jmonsell@wyche.com)

*\*PRO HAC VICE APPLICATIONS TO  
BE FILED*

**NAACP**

*\*\* ADMITTED PRO HAC VICE*

Janette Louard\*  
Anna Kathryn Barry\*\*  
Joe Schottenfeld\*\*  
Martina Tiku\*\*  
4805 Mt. Hope Drive  
Baltimore, MD 21215  
Tel: (410) 580-5777  
[jlouard@naacpnet.org](mailto:jlouard@naacpnet.org)  
[abarnes@naacpnet.org](mailto:abarnes@naacpnet.org)  
[jschottenfeld@naacpnet.org](mailto:jschottenfeld@naacpnet.org)  
[mtiku@naacpnet.org](mailto:mtiku@naacpnet.org)