

ACLU Investigation Suggests Persistence Of Problems In State Juvenile Justice Department

Letter To Department Director Highlights Lack Of Staff And Rising Levels Of Violence

FOR IMMEDIATE RELEASE

January 20, 2010

CONTACT:

Will Matthews, ACLU national, (212) 549-2582 or 2666; media@aclu.org

Victoria Middleton, Executive Director ACLU South Carolina Office, (843) 720-1424; vmiddleton@aclu.org

CHARLESTON, SC – An investigation by the American Civil Liberties Union and the ACLU South Carolina Office has revealed major problems with the state's Department of Juvenile Justice that compromise both the well-being of juveniles and the public's safety.

Based on department documents obtained by the ACLU in recent months under the Freedom of Information Act, the ongoing investigation raises serious concerns about current conditions at juvenile detention facilities, including staff abuse, dangerously low numbers of staff and unacceptably high levels of juvenile violence.

"The juvenile detention system in South Carolina is in critical condition and in desperate need of positive intervention," said Victoria Middleton, Executive Director of the ACLU South Carolina Office. "We need to invest the funds necessary to ensure constitutionally adequate secure facilities and we need to reduce the number of juveniles who are incarcerated in the first place."

In a letter sent Tuesday to William R. Byars, Jr., director of the state's juvenile justice department, the ACLU highlights a number of serious problems that call for immediate attention. According to the documents, staff reductions and staff vacancies in education, programming and security have resulted in staffing levels that may fall below constitutionally acceptable levels. As of April 2009, for example, seven of 19 slots for classroom teachers or associate teachers were vacant, there were 14 vacancies in health services and there were no police officers staffing the third shift at the John C. Richards facility in Columbia.

The documents obtained by the ACLU also reveal many trips by juveniles to the emergency room for lacerations and broken bones, likely a result of the violence that permeates the statewide system and which has likely only been exacerbated by staff reductions. The juvenile department staff that does remain is overly reliant on the use of restraints and isolated segregation, according to the documents. More than 23 percent of the juveniles detained at the Broad River facility in Columbia are housed in isolation, the documents show, significantly higher than national standards which suggest that no more than five to 10 percent of juveniles in any given facility be confined to isolated housing.

Additionally, the documents obtained by the ACLU show that over a third of the youth in juvenile detention facilities in South Carolina have been detained for low-level offenses, and that more than a half of the referrals to the juvenile justice department come under the state's "disturbing schools" statute.

"Repealing that statute alone would substantially reduce the number of kids that the state locks up," said Middleton. "Doing so would also decriminalize behavior that has traditionally been a matter of school discipline. Locking up kids for low-level offenses simply is not good social or fiscal policy."

A copy of the ACLU's letter to William R. Byars, Jr., director of the South Carolina Department of Juvenile Justice is available online at: www.aclu.org/racial-justice/aclu-letter-director-south-carolina-department-juvenile-justice

Additional information about the ACLU South Carolina Office is available at: www.aclusouthcarolina.org