

NEWS RELEASE

Human Rights Defense Center
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Practice of Holding Juvenile Offenders in Solitary Confinement Challenged in Palm Beach County

Palm Beach, FL – Today, the Human Rights Defense Center (HRDC), the Legal Aid Society of Palm Beach County and the law firm of Cohen Milstein Sellers & Toll, PLLC, filed suit in federal court challenging the Palm Beach County Sheriff's Office's practice of placing juvenile offenders in solitary confinement.

The complaint, which seeks class-action status and was filed against Sheriff Ric Bradshaw and other Sheriff's Office employees, notes that most of the juveniles held in solitary at the Palm Beach County Jail "have not been convicted of any crime," as they are awaiting trial.

"Children do not abandon their constitutional rights at the jail door, and the solitary confinement policy being enforced at the jail is inflicting serious harm to a vulnerable population unable to fight for themselves," according to Sabarish Neelakanta, litigation director for HRDC.

Also named as a defendant is the Palm Beach County School Board, which is accused of denying educational services to juvenile offenders held at the jail, "including services needed to address their disabilities," in violation of the federal Individuals with Disabilities Education Act (IDEA).

The plaintiffs in the case include three juvenile offenders, ages 16 to 17, who have been held in solitary confinement at the Palm Beach County jail for periods ranging from 20 days to more than seven months. Some have disabilities, including ADHD.

A motion for a preliminary injunction, filed contemporaneously with the complaint, seeks a court order enjoining the defendants "from holding children at the Jail in solitary confinement and from routinely denying these incarcerated children educational services, including services needed to address their disabilities."

The lawsuit notes that juveniles held in solitary are confined to small cells, approximately six-by-12 feet, for 23 to 24 hours a day. "The cell contains a combined toilet and sink, a stainless steel desk and bolted-down stool, a steel bed with a thin mattress, and an overhead fluorescent light. The cell is entered through a large metal door which swings out. The door has two small plexiglass windows ... which are scratched to such an extent that they are impossible to see through. The door has a metal panel slot that can only be unlocked from outside of the cell, through which food trays are passed."

Recreation is provided for one hour, usually three days a week, in a caged basketball court that is "surrounded by concrete walls and metal fencing." Showers are allowed three times per week.

"These children have no meaningful social interaction, educational access, environmental stimulation, basic human contact, access to music or television, and practically no ability to hear or see outside of their cells," the complaint states.

With respect to educational services, there is a “complete failure to provide access to basic educational services [which denies] those children with disabilities access to special education supports and services, responsibilities shared by the Sheriff’s Office and the School District.”

The juveniles kept in solitary confinement “may receive, at most, packets of work shoved under a cell door or have brief moments to speak with a teacher standing outside of their locked door,” according to the complaint.

It is widely acknowledged that prolonged placement in solitary confinement can result in serious mental health problems and can exacerbate existing problems.

“Children in solitary confinement have committed suicide, developed psychosis and post-traumatic stress disorders, and have experienced major depression, agitation, suicidal ideation, suicidal intent, self-mutilation, and suicidal behavior,” the lawsuit states. “Without immediate intervention, these children will continue suffering inhumane treatment, physical and psychological harm, and acute and long term mental health issues from the prolonged isolation.”

The American Medical Association, the American Academy of Child and Adolescent Psychiatry, the National Commission on Correctional Health Care, and the National Council of Juvenile and Family Court Judges have all called for the end of solitary confinement for juveniles. The United Nations has found that more than 15 days of solitary constitutes a form of torture.

“Solitary confinement is an archaic practice that has been proven to be ineffective and toxic. Children are especially susceptible to the harms of solitary confinement. The circumstances of confinement at the Palm Beach County Jail are among the worst in the nation – the children in confinement are denied nearly all human contact, education and mental health treatment – and left in a locked, cement cell from which they are deprived of sight and sound. These conditions can last from months to a year on end. This practice must stop. We cannot continue to treat children in this manner and expect them to successfully return to their homes, communities and schools,” states Melissa Duncan, supervising attorney of the Legal Aid Society of Palm Beach County’s Education Advocacy Project.

“Currently, the public’s attention is focused on the separation of immigrant children from their parents at the border, which is certainly a serious issue,” added HRDC executive director Paul Wright. “But in Palm Beach County, children are not only being separated from their families through incarceration at the county jail, they are being placed in solitary confinement under conditions that violate their rights and constitute a threat to their well-being. The denial of an education is especially egregious since all Florida children are guaranteed the right to a free public education. We have filed suit to halt these human rights abuses.”

“The psychological and physical impact of putting minors in solitary confinement is enormous and can have devastating consequences including post-traumatic stress disorder and suicide,” said Theodore J. Leopold, partner and Co-Chair of the Complex Tort Litigation practice group and Co-Chair of the Consumer Protection practice at Cohen Milstein. “This lawsuit is the first of its kind in Florida and, by filing it, we hope that our state’s lawmakers finally realize they’re creating a human rights issue. If we want to help our next generation succeed, we need Florida to follow the lead of states like Wisconsin, California, New York and others, and put an end to this cruel policy.”

The suit, which raises claims under federal civil rights statutes, the Americans with Disabilities Act, the Rehabilitation Act and IDEA, seeks injunctive and declaratory relief, damages, “compensatory education for education benefits denied,” and attorneys’ fees and costs.

The case is *H.C. v. Bradshaw*, filed in the U.S. District Court for the Southern District of Florida, Case No. 9:18-cv-80810. A copy of the complaint is posted [here](#).

The Human Rights Defense Center, founded in 1990 and based in Lake Worth, Florida, is a non-profit organization dedicated to protecting human rights in U.S. detention facilities. In addition to advocating on behalf prisoners and publishing books and magazines concerning the criminal justice system, HRDC engages in state and federal court litigation on prisoner rights issues, including wrongful death, public records, class actions, and Section 1983 civil rights cases.

Cohen Milstein Sellers & Toll PLLC is recognized as one of the premier law firms in the country handling major, complex plaintiff-side litigation. With more than 90 attorneys, Cohen Milstein has offices in Washington, D.C., Chicago, Ill., Denver, Colo., New York, N.Y., Palm Beach Gardens, Fla., Philadelphia, Pa., and Raleigh, N.C. For additional information, visit www.cohenmilstein.com or call 877 515-7955.

The Legal Aid Society of Palm Beach County is committed to providing high quality civil legal advice, representation and education to the disadvantaged of Palm Beach County so as to protect their personal safety, enhance their opportunities and living conditions and promote self-sufficiency. Legal Aid's work helps our clients deal with many of life's most basic needs: a safe home, enough food to eat, a quality education, and protection against exploitation and discrimination. For additional information, visit www.legalaidpbc.org or call 800-403-9353

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