



For Immediate Release
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Investigative report, *Designed to Fail*, puts a spotlight on dangerous conditions at Wilder Youth Center
Groups call for immediate reforms by the Tennessee Department of Children’s Services

“Dangerous,” “deplorable” and “inexcusable” are the terms used by leaders of Disability Rights Tennessee and the Youth Law Center when describing the Wilder Youth Development Center in Fayette County, just outside of Memphis.

DESIGNED TO FAIL, an investigative 50-page report on the Wilder facility, was released today by the two groups with a call to action by the State of Tennessee to redesign and transform its juvenile justice system.

Key recommendations from the report are directed to the Tennessee Department of Children’s Services with an important message that its Office of Juvenile Justice needs an entirely new approach that is evidenced-based and works to help our most vulnerable children and youth while keeping communities safe. The report points out that a juvenile justice system to best serve youth and their families includes a range of community-based alternatives that have a proven track record for both prevention and successful rehabilitation programs.

The investigations found extremely high percentages of youth with intellectual and physical disabilities, (80% of the total) and high percentages of youth of color, especially Black youth (97% of the total). Investigators believe that many of these youth would not be at Wilder if the juvenile justice system were not broken and if the Children’s Services staff did proper assessments and placements.

“Wilder Youth Development Center is not what the name implies. It does not help develop youth, rather it is run like a dangerous prison when it should be providing safety, treatments, education and rehabilitative services that youth need to have a healthy and productive transition into adulthood as community members, and on a successful track,” said Jack Derryberry about Wilder. Derryberry is the legal director of Disability Rights Tennessee.

“Instead the Department of Children’s Services **fails** to protect children from physical and sexual abuse; **fails** to assess their conditions and what youth need to succeed; **fails** to provide mental health services to youth with disabilities; **fails** to provide education and training for jobs of the future; **fails** to have grievance procedures for youth to report serious concerns in a safe way without retaliation from staff; **fails** to teach and reinforce positive behavior and instead uses incentives to reinforce negative behaviors through harmful and abusive practices — just to name a few of the ways Wilder and other facilities across the state are designed to fail our children and youth,” Derryberry stated as he went on to describe the findings of the full investigation. “Youth are living with mold on walls, rodent infestation and smells of urine and sewage,” he added.

“No child should have to live in a place where they suffer daily threats of abuse, harassment and neglect, and where they lack access to programs to help them become successful adults,” said Jennifer Rodriguez, executive director of the Youth Law Center. “We are offering three basic clusters of recommendations,” according to Rodriguez.

“First, DCS needs to take immediate public steps to protect the children at Wilder by stopping the sexual, physical and emotional abuse, and sexual harassment, and ending the dangerous practice of solitary confinement,” she said in an opening statement about urgently needed actions.

“Second, comprehensive assessments are critical and must be done by qualified professionals. Some youth should have never been placed at Wilder, such as those with serious disabilities and those who have experienced high degrees of trauma. A true assessment would likely show these youth are better served in community-based settings with appropriate supports and rehabilitative services; and living at home with family whenever possible,” added Rodriguez.

“Third, Children’s Services needs to make serious investments in evidence-based, trauma-responsive services in the community — both to help support youth in the juvenile justice system and to prevent involvement in the system in the first place,” she noted, and was stated in the report as a critically important remedy.

“The problems at Wilder are symptoms of a system that failed to help youth earlier in their lives, resulting in a more costly crisis situation as teens. Many of the youth at Wilder have histories of a traumatic and painful life, with mental health issues and other disabilities. They are being held in a place with terrible conditions and not getting appropriate treatment.” stated Lisa Primm, executive director of Disability Rights Tennessee. “In fact, they are being retraumatized. The youth at Wilder and in other facilities across the state are being set up for a lifetime of failure that often starts in a juvenile justice system that leads to a life in the adult criminal justice system. What is so tragic is that with the right support systems, appropriate treatment and education, this cycle could be stopped by helping our youth become healthy and productive citizens,” Primm added.

Cardell Orrin, executive director of Stand for Children in Tennessee and a long-time civil rights activist, commented on the report saying, “We welcome the release of the report and the partnerships of groups working together to address the problems with the Tennessee Juvenile Justice system. Stand for Youth is organizing across the community, including with the Youth Justice Action Council, to amplify the voices of young people about these issues that directly affect them.”

“It is long overdue that we bring to light the negative impact of locking up our children and youth. We need to end the pipeline into Wilder with prevention programs for youth in the community and make sure communities have the necessary resources to stop the pipeline,” Orrin added. “The polling report makes clear that a cross section of people, of both parties and throughout the state of Tennessee, want the system fixed with prevention and rehabilitation, not punishment and solitary confinement,” he pointed out.

Stand for Children made available a 2021 public opinion survey showing that the people of Tennessee support system change to help youth and their families, not a system designed to fail. Residents across the state strongly support changes in the juvenile justice system, such as the recommendation put forward in the Wilder report. They want a system that focuses on prevention and rehabilitation over punishment and incarceration, findings that are documented in a statewide opinion survey of Tennessee residents commissioned by the Youth First Initiative.

“The recommendations in ‘Designed to Fail’ call for a redesign and transformation of the Tennessee Juvenile Justice system based on prevention and rehabilitation, not solitary confinement and punishment — 79% of Tennessee residents agree,” according to Brian Blalock, senior staff attorney at the Youth Law Center. “The people of Tennessee agree that rehabilitation plans should include families (85% agree), but the Disability Rights investigations show that Children’s Services currently do the opposite, removing and isolating children from their communities and families. Eighty-three percent (83%) of Tennessee residents agree that the state should invest in social workers and mental health clinicians, but as the report points out, Children’s Services does not have sufficient mental health or medical staff at Wilder. And, 77% of Tennesseans agree that children and youth should return to their families and communities whenever possible, but as Disability Rights monitoring shows, many of these children should not be in a facility like Wilder in the first place,” Blalock added.

“Clearly there is a significant disconnect between what the residents of Tennessee want for children and youth and the conditions at the Wilder facility,” he concluded.

The organizations who are issuing this report believe, and the polling of the residents in Tennessee agree, that support for these policies is based on a belief that most youth in the juvenile justice system are capable of positive change, that the system should provide them with more opportunities to better themselves, and that the best thing for society is to rehabilitate young people so they can become productive citizens.

[Link here](#) to a copy of the full 50-page Report, an Executive Summary and the Polling Memo

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Disability Rights Tennessee (DRT) is part of the national Protection & Advocacy (P&A) System. As the federally mandated P&A agency for Tennessee, Disability Rights Tennessee has broad authority to advocate for and protect the rights of individuals with disabilities in this state, to monitor certain facilities, including juvenile justice facilities, and to investigate allegations of abuse and neglect.

The Youth Law Center is a non-profit law firm that advocates to transform foster care and juvenile justice systems across the nation so that every child and youth can thrive. For over 40 years, Youth Law Center has pursued policy and advocacy to protect the rights of youth in the child welfare and juvenile justice systems and to promote positive youth connections to community and family. The Youth Law Center is headquartered in San Francisco, California, with staff in Tennessee.

A Summary of Key Findings

The Tennessee legislature has passed some good laws aimed at protecting the most vulnerable children in the care of Children’s Services and requiring timely and appropriate evidence-based treatment and rehabilitation services. However, a breakdown in Children’s Services protocols, and Children’s Services’ inability to adhere to policy, has effectively trampled the safeguards put in place for these youth. This has resulted in Children’s Services’ failure to adhere to state laws on safety, education and physical and mental health care.

DCS Is Failing to Protect Children from Abuse, Mistreatment or Neglect. The core function of DCS is to protect Tennessee’s children from abuse, mistreatment and neglect. By warehousing youth in unsafe facilities such as Wilder, and at times employing staff members who have physically harmed youth either directly or through reckless neglect, DCS has placed these youth at risk.

- **Abuse by Staff:** DRT’s monitoring and investigation has revealed a pattern and practice of abuse by staff at Wilder, includes physical abuse, sexual abuse and staff orchestrating attacks on youth.
- **DCS Has Failed to Respond to Allegations of Staff Abuse:** In its December 2020 Performance Audit of DCS and Wilder, the Tennessee State Comptroller found DCS had failed to ensure that Wilder “corrected potentially harmful practices that risk the safety of the children who are in their custody.”
- **DCS Sanctions Abuse Through Its Seclusion Practices:** At Wilder, the “Therapeutic Response Unit” (or TRU Dorm), which is not at all as it sounds, is where youth are subjected to detrimental seclusion practices. Records reflect that two youth notified staff that isolation in TRU made them want to kill themselves, and yet DCS continued to keep those youth in TRU.

DCS Is Failing to Appropriately Assess, Educate or Rehabilitate Youth at Wilder, and Instead Is Warehousing Youth, Many with Disabilities, Contrary to Law. DCS is failing to provide basic educational and rehabilitative services to youth in the juvenile justice system — many of whom have disabilities and/or trauma-related special needs. Additionally, by failing to build out a continuum of community-based alternatives for juvenile justice-involved youth, DCS is defaulting to the most expensive, least effective and most restrictive options for youth. According to DCS’s own 2020 reporting, it costs \$48,840 per day to keep Wilder open — that’s almost enough to cover four years of tuition at the University of Tennessee, Knoxville.

- **Failure to Appropriately Assess:** DCS is failing to conduct its own assessments in accordance with DCS policy and Tennessee law and, further, is ignoring data available from existing assessments.
- **Failure to Educate:** DCS is failing to meet its obligation to educate youth in its custody, in addition to failing to comply with federal special education requirements for youth with disabilities under the Individuals with Disabilities Education Act.
- **Failure to Rehabilitate:** Wilder has a startling lack of rehabilitative programming to help youth process their experiences and encourage positive future development. In addition to this lack of formal programming, Wilder functionally isolates young people from all other productive supports, such as family, religion and community-based services. Youth do not have regular access to developmentally appropriate activities such as organized sports, arts or music. DCS’s failure to provide rehabilitative programming and indiscriminately punitive attempts to control youth have created a powder keg of pent-up frustrations and hopelessness.

DCS Is Failing to Pursue Appropriate and Effective Behavioral and Mental Health Treatment. DCS is warehousing youth with disabilities at Wilder, but is failing to provide appropriate behavioral and mental health treatment. This creates an unsafe environment and seems to violate federal and state law requiring that children receive appropriate therapeutic services in the least restrictive environment.

It appears Wilder relies heavily on psychotropic medications to address mental health and behavioral concerns: 78% of youth interviewed by DRT at Wilder report receiving psychotropic medications for conditions such as mood disorders, depression, PTSD, ADHD, bipolar disorder, schizophrenia, anxiety and others. Yet, despite this seemingly huge need, DRT monitoring found a startling lack of therapeutic services or qualified medical staff, and instead found narratives of therapist shortages and an alarming prevalence of mental health deterioration and suicidality among youth.

DCS Is Failing to Ensure that Health Care Needs of Youth, Both Preventive and Practical, Are Met. DRT’s investigation has revealed that DCS has failed to provide basic medical care to youth in its custody. Youth interviews and records obtained by DRT indicate a pattern of delays and denials of medical care.

Without Proper Grievance Procedures and Increased Transparency and Oversight, DCS Cannot Keep Children Safe. DRT monitoring has shown that youth at Wilder have been isolated from their families and communities and have little to no recourse if they are harmed or are not getting basic services. These youth are functionally hidden away from sight with little due process or functional complaint processes. Consequently, they have no effective means to protect themselves or to seek help when they are at risk. Worse, when families attempt to hold DCS accountable, it has actively sought to transfer youth to other facilities and/or to the adult system in what appears to be acts of retaliation. Records show that from 2019 to 2020, only three grievance hearings were held for almost 300 youth grievances. Only one of the three hearings took place within five days of the filing (a violation of DCS policy), and only one of those hearings was appealed.

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