

Disability Rights Tennessee, Sanford Heisler Sharp, and the Youth Law Center File Lawsuit Against Tennessee for Illegal and Unconstitutional Neglect and Mistreatment of Vulnerable Youth

(Nashville, TN, June 26, 2024) Attorneys from Disability Rights Tennessee, Sanford Heisler Sharp, and the Youth Law Center filed a class action complaint today challenging illegal and unconstitutional conditions in Tennessee’s juvenile justice facilities.

The complaint alleges that the State of Tennessee, among other Defendants, warehouses children with disabilities in prison-like facilities and subjects them to violence and abuse. The complaint details routine use of solitary confinement, pepper spray, and physical assaults on youth with disabilities. The complaint also accuses staff members of beating children and bribing youth to attack one another. According to the complaint, the Defendants resort to such abuses instead of providing evidenced-based assessment, education, healthcare, and other rehabilitative services.

Disability Rights Tennessee serves in the case both as counsel and as an organizational plaintiff. The organization is joined by individual plaintiffs John Doe 1, John Doe 2, and Jane Doe 1, all of whom are youth currently or formerly in DCS custody. Together, they filed the case in the U.S. District Court for the Middle District of Tennessee against the State of Tennessee, the Tennessee Department of Children’s Services (“DCS”), DCS Commissioner Margie Quin, the Tennessee Department of Education (“TDOE”), TDOE Commissioner Lizette Gonzalez Reynolds, and Doe Defendants.

According to the complaint, children with disabilities are over-represented in the juvenile justice system. Nationwide, between sixty-five and eighty-five percent of youth in the juvenile justice system have disabilities. Yet, the complaint says, Defendants fail to screen youth in their custody for disabilities, provide reasonable accommodations, or offer appropriate treatment, and instead punish youth for their disabilities.

Additionally, the Defendants provide woefully inadequate education to youth in their custody. The complaint alleges that Defendants often deny youth any education for as long as twenty days after entering a facility, fail to provide even the bare minimum four hours of daily instruction required under state regulations, and fail to provide education to youth trapped in solitary confinement.

These systemic abuses have exacted an acute toll on the individual plaintiffs. John Doe 1, a 17-year-old, was beaten over thirty-times while in custody and suffered black eyes, bruised jaws and ribs, and ruptured blood vessels in his eyes. John Doe 2, a 12-year-old-boy who was shipped between at least five different facilities in two years, experienced worsening mental health issues in Defendants’ custody and began hearing “a scary voice in his head telling him to do things.” Jane Doe 1, a 15-year-old, was shackled and dragged across the floor by facility staff, placed in solitary confinement, and on another occasion, pepper sprayed by staff while she was naked in her cell.

The Plaintiffs are represented in the matter by Disability Rights Tennessee—including Legal Director Jack Derryberry, Senior Staff Attorney Sherry Wilds, and Attorney Jeremiah Jones; Sanford Heisler Sharp—including Co-Vice Chairman Kevin Sharp, Partners Jonathan Tepe and David Tracey, Associate Kasi Wautlet, and Litigation Fellows Shannon Henris and Elias Schultz; and the Youth Law Center, including Staff Attorneys Jasmine Miller, Emily Satifka, and Managing Director Lauren Brady.

“The State should recognize disabilities and trauma in the youth they serve and address those disabilities instead of ignoring them. They should provide safe environments,” said Jack Derryberry, Legal Director at DRT. “We have spent the last two years doing everything in our power to effect change in these systems, without success. At this point, we have no choice but to ask the Courts to step in to protect those who cannot protect themselves.”

“All children deserve appropriate education and healthcare. All children deserve to feel safe,” said Jasmine Miller from the Youth Law Center. “Across the country, we are seeing real progress in juvenile justice reform and how the most vulnerable youth are treated once they enter the system. Unfortunately, Tennessee is not progressing. Tennessee state agencies have completely abdicated their duties and obligations to these youth and are causing irreparable harm to young people every single day.”

“The Defendants in this case have clear legal mandates to rehabilitate and care for youth in the juvenile justice system. Instead, the Plaintiffs allege that they subject young people to pervasive violence, abuse, and neglect,” added Tepe. “Sanford Heisler Sharp is honored to work with Disability Rights Tennessee and the Youth Law Center to hold the Defendants accountable and ensure that the rights of youth are respected.”

The Lawsuit

The complaint asserts that Defendants’ conduct violates the Americans with Disabilities Act (“ADA”), Section 504 of the Rehabilitation Act, and the Eighth and Fourteenth Amendment of the United States Constitution. The complaint seeks a declaration that Defendants have violated the law and injunctive relief requiring Defendants to comply with the statutory and constitutional provisions at issue.

About Disability Rights Tennessee

Disability Rights Tennessee is the Protection & Advocacy (“P&A”) organization designated in the State of Tennessee. Disability Rights Tennessee provides free legal advocacy services to Tennesseans with disabilities and mental health issues across Tennessee, including in the areas of employment discrimination, safety in schools, abuse and neglect, and community resources and services. Disability Rights Tennessee has broad access authority to monitor facilities, including juvenile justice facilities, and to investigate allegations of abuse and neglect. www.DisabilityRightsTN.org.

About Sanford Heisler Sharp, LLP

Sanford Heisler Sharp, LLP is a national public interest class-action litigation law firm with offices in New York, Washington, D.C., San Francisco, Palo Alto, San Diego, Nashville, and Baltimore. Sanford Heisler Sharp focuses on civil rights and general public interest cases. The firm has recovered over \$1 billion for its clients through many verdicts and settlements. The National Law Journal recognized Sanford Heisler Sharp as 2021 Employment Rights Firm of the Year, 2021 Human Rights Firm of the Year, and 2022 Civil Rights Firm of the Year.

For the latest news about Sanford Heisler Sharp, visit the firm's newsroom or follow the firm on Facebook, LinkedIn, or Twitter. www.sanfordheisler.com.

If you have potential legal claims and are seeking counsel, please call 619-577-4253 or email david.sanford@sanfordheisler.com. Attorneys at Sanford Heisler Sharp would like to have the opportunity to help you.

About the Youth Law Center

The Youth Law Center is non-profit law firm dedicated to transforming foster care and juvenile justice systems across the nation so that every child and youth can thrive and advocating for the use of research informed interventions and approaches to youth rehabilitation that prioritize the humanity and needs of the individual. For over 40 years, the 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.** www.YLC.org.

Media Contacts:

Sanford Heisler Sharp – Jamie Moss, 201.788.0142, jamie@newspros.com

Youth Law Center (YLC) Natalie Reynolds, 408.504.7611, nreynolds@ylc.org

Disability Rights Tennessee (DRT) Lee Sherwood, 615.490.3844, Lees@DisabilityRightsTN.org