

Human Rights Watch

Children's Rights

<https://www.hrw.org/news/2000/03/05/south-dakota-stop-abuses-detained-kids-0>

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A letter to South Dakota Governor William Janklow

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The letter described arbitrary and inhumane disciplinary practices that amount to "a stunning indictment of the state's juvenile detention system," wrote Michael Bochenek, Counsel to the Children's Rights Division of Human Rights Watch.

Juvenile rights groups, parents of youth in detention, and the children themselves have charged that guards shackle youth in spread-eagled fashion after cutting their clothes off (a practice known as "four-pointing"), chain youth inside their cells ("bumpering"), and place children in isolation twenty-three hours a day for extended periods of time. Girls held in the State Training School report that they have been strip-searched by male guards, sprayed with pepper spray while naked, and handcuffed spread-eagled to their beds. In all facilities, children also report that they are forced to endure grossly inadequate mental health care, glaring deficiencies in education, and other substandard conditions of confinement.

As you know, reports of abuses in South Dakota's juvenile facilities are nothing new. In July 1999, Gina Score, a fourteen-year-old, collapsed during a forced run at the state's boot camp for girls. According to the state investigators' report, she frothed at the mouth after she collapsed, lost control of her bladder, progressively lost her ability to communicate, and eventually became completely unresponsive. The staff at the boot camp refused to allow other detainees to form a human shield for her, reportedly commenting that they should not make things "easy" or "comfortable" for her. She remained near where she fell for three and a quarter hours before the staff transported her to a hospital. Her body temperature upon admission was at least 108 degrees, the limit of the thermometer's ability to measure. She never revived; doctors pronounced her dead an hour after she was admitted.

After her death, other youth and parents came forward with additional accounts of abuses at all state juvenile detention facilities. At least two lawsuits have been brought against the state, including a class-action suit filed February 24, 2000 by the Youth Law Center.

Children should not have to bring a federal lawsuit to ensure that the state respects their fundamental rights. We urge you to take immediate steps to ensure that policies and practices in all state juvenile facilities comply with state, federal, and international law. At a minimum, these steps should include the following:

The serious charges brought by South Dakota's detained youth amount to a stunning indictment of the state's juvenile detention system. At the very least, they are a clarion call for a thorough review of existing policies and practices at all state juvenile detention facilities. We strongly urge you to conduct such a review and take immediate steps to protect the safety of youth in state custody.

Sincerely,

Michael Bochenek
Counsel
Children's Rights Division

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