



## Department of Public Advocacy Kentucky Justice & Public Safety Cabinet

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### The Near-Death of Brennan Long: Autopsy of an Abusive Restraint

**FRANKFORT, Ky.** (November 29, 2016) – Kentucky Protection and Advocacy (P&A), a client-directed legal rights agency that protects and promotes the rights of persons with disabilities, has completed an investigation into the injuries of Brennan Long. The investigation is summarized in a report, “The Near-Death of Brennan Long: Autopsy of an Abusive Restraint.”

On November 11, 2014, an aide at The Binet School, broke Brennan Long’s femur bones. Binet is a specialized school in the Jefferson County Kentucky Public School system that serves students in elementary through high school with significant learning, developmental, or behavioral problems, Brennan who is diagnosed with autism and was 16 years old at the time, suffered severe injuries due to the use of a physical restraint—he spent eight days in the Pediatric Intensive Care Unit at Kosair Children’s Hospital where doctors surgically implanted titanium rods in each of his legs. He suffered multiple complications, including a partially collapsed lung and massive blood loss. After his discharge from Kosair, he spent the next 25 days in a rehabilitation facility. Brennan’s injuries were so severe that the Pediatric Forensic Team at Kosair and Child Protective Services both classified his case as a near-fatality.

Child Protective Services declined to substantiate abuse because it could not determine the mechanism of Brennan’s injuries and the Commonwealth Attorney’s office declined to prosecute. P&A initiated its own investigation due to the severity of Brennan’s injuries and the failure of the investigative agencies to explain those injuries or definitively rule out abuse. The report, authored by Lucy M. Heskins, supervising attorney for P&A’s Children and Youth Team, concluded that Brennan did not present an imminent risk of harm when he was restrained. In addition, the report found that staff at The Binet School failed to use appropriate behavioral supports and less restrictive interventions, and utilized excessive force to restrain Brennan.

P&A Director Jeffrey P. Edwards noted: “This report highlights not only the inappropriate use of restraints at Binet, but also concerns about the lack of transparency and cooperation by school staff, the lack of training for lower level support staff in the areas of disability and restraint, and a culture of restraint that appears to prevail at Binet, Students like Brennan have the right to be educated without violence”

P&A is a state agency, and derives its authority from both federal and state law; specifically, the Developmental Disabilities Assistance and Bill of Rights Act 42 U.S.C. § 6000 et. seq.; the Protection and Advocacy for Individuals with Mental Illness Act (PAIMI Act) 42 U.S.C. §10801 et. seq.; and Kentucky Revised Statute 31.010 (2).

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