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Wisconsin Federal Court Finds Conditions of Confinement for Youth at Lincoln Hills and Copper Lake Schools Unconstitutional

Milwaukee, WI (June 23, 2017) – Today, Western District Judge Peterson found that the use of solitary confinement, pepper spray and restraints at two juvenile facilities in Wisconsin violate youths’ constitutional rights under the Fourteenth Amendment. The court ordered the parties to propose the terms of a preliminary injunction to end the inhumane conditions and practices within two weeks of today’s order. The suit was originally [filed in January](#) on behalf of youth confined in the Lincoln Hills School for Boys and the Copper Lake School for Girls. Yesterday and today, the ACLU of Wisconsin and Juvenile Law Center, with pro-bono assistance from Quarles & Brady argued in the Western District Court that children incarcerated at Lincoln Hills and Copper Lake needed immediate relief while the case was being litigated.

“This a major step forward for youth in Wisconsin. The Court recognized that Wisconsin is an extreme outlier in its reliance on pepper spray, restraints and punitive solitary confinement and that these practices are unnecessary and counterproductive. We need to eliminate these cruel practices immediately,” said ACLU of Wisconsin Legal Director Larry Dupuis.

Lincoln Hills and Copper Lake incarcerate over 150 youth on any given day, with an average of 20% of these youth confined to solitary confinement in bare solitary confinement cells for 22 or 23 hours a day. The staff keep many of these children in handcuffs attached to a belt around their waists, and then handcuffed to a table or desk, during the hour or two they are allowed out of their cells. Staff throughout Lincoln Hills and Copper Lake also regularly use pepper spray on the youth, causing pain and burning and impairing their breathing and health. During the hearing, the State acknowledged the severe harm that solitary confinement causes youth, and that they have pepper sprayed youth even while they are shackled or locked in their cells.

“The Court’s ruling today will protect youth from harmful, degrading, and unconstitutional practices,” said Jessica Feerman, Associate Director of Juvenile Law Center. “Young people in Wisconsin – and across the country – deserve to be treated with dignity and respect, not locked up and deprived of exercise, recreation, social contact, and educational programming.”

The court stated that young people have a constitutional right to rehabilitation, and it was being thwarted by these practices. Judge Peterson said that the civil rights groups had “amply shown acute, immediate and lasting harm from use of solitary confinement,” and immediate changes needed to take place.

Juvenile Law Center is the oldest non-profit, public interest law firm for children in the nation. Widely published and internationally recognized as thought leaders in the field, Juvenile Law Center's impact on the development of law and policy on behalf of children is substantial. Juvenile Law Center uses an array of legal strategies and policy advocacy to promote fairness, prevent harm, ensure access to appropriate services, and create opportunities for success for youth in the foster care and justice systems. For more information about Juvenile Law Center's work, visit www.JLC.org.

The ACLU of Wisconsin is a non-profit, non-partisan, private organization whose 24,000 members support its efforts to defend the civil rights and liberties of all Wisconsin residents. For more on the ACLU of Wisconsin, visit our website at www.aclu-wi.org, like us on Facebook or follow us on Twitter at @ACLUofWisconsin and @ACLUMadison.

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