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Lincoln Hills Lawsuit Settlement Provides Critical Protections for Youth

Agreement includes restrictions on solitary confinement, pepper spray and strip searches

Milwaukee, WI (June 1, 2018): The State of Wisconsin today agreed to settle a class action lawsuit, [*J.J. vs. Litscher*](#), brought against the Lincoln Hills and Copper Lake youth prisons. The young plaintiffs in the case challenged abusive practices such as solitary confinement and use of pepper spray, and were represented by the ACLU of Wisconsin, Juvenile Law Center and pro bono attorneys at Quarles & Brady. This settlement, pending court approval, comes a few months after the state of Wisconsin passed legislation to close the controversial facilities by 2021.

“I am happy that the children will no longer be subject to such cruel treatment,” said Gloria Norwood, the grandmother of one of the youth at Lincoln Hills. “I was very concerned by the unfair treatment of my grandson and the other children, especially the harmful use of pepper spray and solitary confinement. Thank you to everyone involved in looking out for these kids, and trying to help improve their situation. I am glad that more positive things are coming for these kids.”

“We applaud the bravery of the youth and families who came forward to share their experiences, speak out against the appalling conditions to which they were subjected, and advocate for the rights of all youth in Lincoln Hills and Copper Lake,” said Sharlen Moore, co-founder of Youth Justice Milwaukee.

The settlement is subject to final approval of the court. Key terms of the settlement include the following agreements:

- Punitive solitary confinement will phase out and will be fully eliminated within 10 months of court approval of the settlement.
- All other forms of solitary confinement will be strictly limited.
- The use of pepper spray will be phased out, and will be fully eliminated within 12 months of court approval.
- All forms of mechanical restraints, such as belly chains or handcuffs, will be strictly limited, and youth will not be cuffed to fixed objects like tables. Their use will be the exception, not the rule.
- No strip searches will be conducted without individualized probable cause.
- Within 3 months of court approval of the settlement, all facility staff will receive de-escalation training by a nationally recognized provider.
- A monitor – an individual with expertise in juvenile corrections – will visit the prisons, interview youth, and review records to ensure that Lincoln Hills and Copper Lake follow the terms of the settlement.

“While the biggest step forward for youth is the closure of Lincoln Hills and Copper Lake, today’s settlement is also an important win,” said Jessica Feierman, Associate Director of Juvenile Law Center. “The agreement establishes crucial safeguards against the harms of solitary confinement, restraints, pepper spray and strip searches.”

“This is a major step in the right direction for Wisconsin and the protection of children in the custody of the state,” said Timothy Muth staff attorney of ACLU of Wisconsin. “We hope this settlement and the closure of Lincoln Hills and Copper Lake signals a larger shift in Wisconsin’s juvenile justice system toward an approach that recognizes the unique needs and vulnerabilities of youth and respects their constitutional rights. We’ll need to remain vigilant to ensure that shift comes to fruition.”

Juvenile Law Center advocates for rights, dignity, equity and opportunity for youth in the foster care and justice systems. Founded in 1975, Juvenile Law Center is the first non-profit, public interest law firm for children in the country. We fight for youth through litigation, appellate advocacy and submission of amicus (friend-of-the-court) briefs, policy reform, public education, training, consulting, and strategic communications. Widely published and internationally recognized as leaders in the field, Juvenile Law Center has substantially shaped the development of law and policy on behalf of youth. We strive to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are rooted in research, consistent with children’s unique developmental characteristics, and reflective of international human rights values. 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

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