

ACLU Wisconsin: Federal Court finds current conditions of confinement for youth at Lincoln Hills and Copper Lake Schools unconstitutional

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Milwaukee, WI (June 23, 2017) – Today, Western District Judge Peterson ordered the opposing parties in a lawsuit to agree on language for a preliminary injunction to end the inhumane conditions and practices for youth in state-run correctional facilities. 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.

“We are happy that the Court recognized that most juvenile correctional facilities no longer use pepper spray, restraints or punitive solitary confinement, and we don’t need to use them in Wisconsin to keep our facility safe,” said ACLU of Wisconsin Legal Director Larry Dupuis.

Last month, Lincoln Hills and Copper Lake incarcerated 166 youth, and kept an average of 27 youth per day in solitary confinement. That means it confines about 16% percent of the youths at any given time in seven or eight by ten foot solitary confinement cells for 22 or 23 hours a day. On top of that, the guards 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. Guards throughout Lincoln Hills and Copper Lake also regularly use pepper spray on the youth, causing pain and burning and impairing their breathing and health. The State even admitted that they have used pepper spray on children while they were shackled.

“We are pleased that the Court took this action to protect youth from harmful, degrading, and unconstitutional practices,” said Jessica Feierman, Associate Director of Juvenile Law Center. “Young people in Wisconsin – and across the country – deserve to be treated with dignity and respect.”

As the court alluded to in its decision, there is a 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. The parties have two weeks to agree on language in the injunction.