

# ACLU of Wisconsin: ACLU of Wisconsin opposes bill that would prevent DOC from regulating the use of pepper spray in Wisconsin jails

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MILWAUKEE – The ACLU of Wisconsin submitted testimony today opposing [Assembly Bill 826](#), a bill that would prevent the Wisconsin Department of Corrections from banning any of their employees from carrying or using pepper spray.

Under current law, a person who intentionally uses pepper spray to injure someone is guilty of a Class A misdemeanor, but exceptions are made for certain individuals, including law enforcement officers, armed forces, and national guards acting in an official capacity. This bill would allow DOC employees to carry and use pepper spray and prohibit the DOC from barring any of its employees from carrying or using pepper spray.

This bill would undercut reforms put into place at Lincoln Hills and Copper Lake, two state-run youth prisons which were ordered to stop using pepper spray as part of a 2018 settlement agreement with the ACLU of Wisconsin.

“Giving corrections workers license to deploy pepper spray while also making it impossible for the DOC to ban its usage seems misguided and arbitrary. We saw how pepper spray can be abused by guards in the cases of Lincoln Hills and Copper Lake, so placing a blanket ban on pepper spray prohibitions will only create more avenues for unchecked abuse and overuse of pepper spray,” Abby Kanyer, ACLU of Wisconsin community engagement manager, said.

“Though recent monitor reports at Lincoln Hills and Copper Lake have shown concerning upticks in use of force, it is encouraging to see that pepper spray has not been used at these facilities recently,” the testimony read. “Unfortunately, the ACLU of Wisconsin is deeply concerned about how AB826 jeopardizes the crucial progress made through the settlement implementation process. Undoing the progress made by the State of Wisconsin would be severely damaging not only to children at Lincoln Hills and Copper Lake but to the people of Wisconsin on the whole.”

The testimony also notes that many of the youth incarcerated at Lincoln Hills and Copper Lake live with a range of mental illnesses, which according to research, can be exacerbated by the use of pepper spray.

A copy of this statement and the ACLU of Wisconsin’s submitted testimony is available online at:

<https://www.aclu-wi.org/en/news/aclu-wisconsin-opposes-bill-would-prevent-doc-regulating-use-pepper-spray-wisconsin-jails>