

Juvenile Law Center, ACLU of Wisconsin: Sound alarms over use of solitary confinement, worsening conditions

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IRMA, WI — A court-ordered monitor's report, released today, highlights worsening conditions at Lincoln Hills and Copper Lake Schools, troubled youth prisons in northern Wisconsin. The monitoring process was the result of the 2018 settlement of a class-action lawsuit filed by ACLU of Wisconsin, Juvenile Law Center, and Quarles & Brady LLP as pro bono counsel in January 2017 over cruel conditions children encountered there, including painful pepper spray, extended solitary confinement, humiliating strip searches, and oppressive arm and leg restraints.

Previous reports had shown progress since the lawsuit was filed, including the elimination of pepper spray, near elimination of strip searches, reduction of restraint use, and, up until recently, moving away from regular reliance on solitary confinement.

Alarmingly, in today's report, the monitor underscored, "[t]his is the first time the Monitor reports that there are inadequate staffing levels on the living units, which presents very significant problems for youth and staff." "The current staffing situation is having a profound negative impact on daily operations," the monitor also explained. According to the report, the staffing shortage caused the facility to resort to what they have termed "operational room confinement - that is, confining youth in their rooms not based on behavior but for operational reasons (in this case short staffing)..." - solitary confinement by another name.

Solitary confinement is devastating for youth, especially those with mental health

needs. That's why the settlement placed numerous restrictions on its use at Lincoln Hills. Since the lawsuit was filed, the facilities have made progress - including eliminating pepper spray, almost eliminating strip searches, and—until recently—moving away from regular reliance on solitary confinement. But now, a steady increase in the population of young people at the facilities is on a collision course with the current staffing crisis - and it threatens to roll back the progress the facilities have made to limit solitary confinement.[1]

“As we work toward the necessary goal of closing Lincoln Hills and Copper Lake once and for all, we need to reduce the stress on youth (and staff) in the facilities *today*. We should start by increasing access to community-based services and diversion programs to meet youth’s developing needs through positive support rather than traumatic and ineffective imprisonment,” commented Kate Burdick, a senior attorney at Juvenile Law Center. “Diversion programs are not only less harmful to youth and communities, but they have also been shown to be more effective than formal court processing at curtailing re-offending.”

“We have always stressed the importance of allowing as many youths in Lincoln Hills as possible to return to their families and communities until the facility is ultimately closed,” said Karyn Rotker, senior staff attorney for the ACLU of Wisconsin. “But the need to reduce the number of children in prison has become even more pronounced amid the existing staffing shortage at Lincoln Hills.

Responding to understaffing by subjecting youth to solitary confinement is unacceptable. Lincoln Hills should remain focused on providing the services youth need to return to their homes as quickly as possible. Leaders in the state should work toward closing the facility while expanding alternative approaches like the Milwaukee County Accountability Program, which has caps and lacks adequate funding, and other kinds of alternative programs.”

“This situation is bad for youth, but it is also bad for taxpayers. Counties have to spend more than \$400,000 annually *per youth* to house them at Lincoln Hills and Copper Lake. We need to be investing our resources by expanding the capacity of intensive programs like the Milwaukee County Accountability Program (MCAP) and other diversion programs to serve youth in their communities - in a much more cost-effective manner,” Rotker added.

“The monitor’s report states twice in its conclusion what we have said all along: ‘there needs to be a focus on moving youth LHS/CLS to more appropriate

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This release is available in PDF attached.