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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2017/02/22/at-wisconsin-juvenile-prisons-children-face-a-nightmare-of-solitary-confinement-and-abuse/>

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by [Valerie Kiebala](#) | February 22, 2017

At the Lincoln Hills School for Boys (LHS), a juvenile correctional facility in far northern Wisconsin, two entire buildings called the Krueger Unit and the Roosevelt Unit exist solely for the purpose of holding children in solitary confinement for 22 to 23 hours a day. Each unit holds two-dozen isolation cells, which measure seven by ten feet and contain only a metal sink, a toilet, a mattress, and an odor of sweat and urine. In LHS's smaller sister facility, Copper Lake School for Girls (CLS), one wing of the Wells Unit is reserved for solitary confinement. The lights in these cells remain lit 24 hours a day.

Children as young as 14 are sent to these units at the discretion of the staff for disciplinary reasons, including minor rule violations, or for asserted security reasons. According to data from the Wisconsin Department of Corrections, from 15 to 20 percent of the approximately 165 children at LHS and CLS are in solitary confinement at any given time, and some remain there for as long as 30 to 60 consecutive days.

Even in a nation where the [solitary confinement of youth](#) is still widespread, conditions at the Wisconsin facilities are extreme. In a [federal class-action lawsuit](#) filed late last month, the American Civil Liberties Union of Wisconsin and Juvenile Law Center assert that these conditions are also unconstitutional. They argue that use of solitary, along with mechanical restraints and pepper spray, violate the children's Eighth Amendment rights to be free from cruel and unusual punishment, as well as their Fourteenth Amendment rights to rehabilitation and due process.

Despite their names, LHS and CLS provide minimal education and maximum disciplinary measures. For those in solitary, class time may be cut down to less than an hour per day, during which the students may have their wrists cuffed to a canvas belt around their waist. Every boy sent to solitary confinement at LHS for the first time, and many girls at CLS, get placed on the belt. In addition, the facilities often keep them handcuffed during their one-hour breaks from solitary confinement, sometimes even during their showers.

[JJ](#), one of the four named plaintiffs in the lawsuit, has been diagnosed with ADHD and placed in solitary confinement on ten separate occasions. While in solitary, he was placed on the belt for most of his time out of the cell. Another plaintiff, C.M., spent two weeks in solitary for two rule violations, though neither incident involved any violence or threat to security. He was never provided any written notice of charges. He too, in accordance with the facilities policy, was placed on the belt for several days.

A third plaintiff, R.N., had been on suicide watch before he pulled a fan's electrical cord through his food slot and tied it around his neck. The suit claims that before the guards filled his solitary confinement cell with pepper spray, they yanked on the cord, as evidenced by the marks left on R.N.'s neck.

In a [separate lawsuit](#), filed within a week of the first, the family of [Sydni Briggs](#) claim deliberate indifference to the 16-year-old girl's well-being on the part of CLS staff. The suit states that Briggs hit her call light to summon a guard before slinging a homemade noose over a doorknob and around her neck. While it is unclear how long the guards took to reach Briggs, her suicide attempt induced a month-long coma and permanent severe brain damage.

The State of Wisconsin was clearly aware of conditions at the two facilities long before these lawsuits were filed. Following an investigation by the state of Wisconsin, the FBI launched its own investigation more than a year ago. According to the [Milwaukee Journal Sentinel](#), the sweeping criminal probe is examining allegations of prisoner abuse, child neglect, sexual assault, intimidation of witnesses and victims, strangulation and tampering with public records. Even a former guard told the newspaper that the environment at the youth prisons was like the ninth circle of Hell.

National and international organizations or agreements that have prohibited or strictly limited one or more of the practices employed at these facilities with regard to children include the National Commission on Correctional Health Care, World Health Organization, Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice, American Medical Association, American Academy of Child and Adolescent Psychiatry, UN Rules for Protection of Juveniles Deprived of their Liberty, UN Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and UN Standard Minimum Rules for the Treatment of Prisoners. Both

Juan E. Mndez, the former UN Special Rapporteur on Torture, and former President Barack Obama have called for a total ban on the use of juvenile solitary confinement. The [Stop Solitary for Kids](#) campaign was recently founded to unite advocates working for an end the practice.

Beyond the legal issues, treating children in this manner has been shown not only to negate the few rehabilitative efforts the facilities provide, but also to exacerbate any prior mental health problems. According to the ACLU and JLC lawsuit, a substantial percentage of the youth held at LHS and CLS have a history of childhood trauma, mental illness, cognitive impairments, or developmental disabilities.

Sydni Briggs, for example, had a history of post-traumatic stress disorder, severe anxiety, insomnia, depression, and suicidal behavior. Although the facility had extensive knowledge of this, Briggs often faced disciplinary action, including solitary confinement, instead of proper mental health care. A CLS guard [revealed](#) that suicide attempts had become so frequent that he struggled to keep from becoming numb to them.

The ACLU and JLC case presents evidence that the defendants the Secretary of the Wisconsin Department of Corrections, the Administrator of Division of Juvenile Corrections of the Wisconsin DOC, the Superintendent of LHS and CLS, and the Director of Security for LHS and CLS are aware or should be aware of the risks of solitary confinement and restraints, but have deliberately chosen to ignore those risks. They argue that the nightmarish reality of these facilities points to neglect by the people controlling them.

Legally confronting these violations accomplishes the essential action of holding responsible the officials at fault. But if this system of disciplinary severity is to be uprooted, another approach must fill its void.

Youth Justice Milwaukee (YJM), a collective voice of persons who were incarcerated as youth, families of those who were or are currently incarcerated as youth, local advocates for youth, and national experts on youth justice, presents an alternative paradigm. Even before the lawsuits surfaced against the two Wisconsin facilities, YJM presented a report with recommendations to address the violence of the incarceration system at LHS and CLS. This 14-page [report](#), entitled *Safer Communities, Stronger Families*, delineates a model based in community engagement.

The report begins by asserting that the responsibility for providing juvenile programs and services should be in the hands of the county where youth live. Most of the children held there at LHS and CLS have been transported from Milwaukee, a 3.5-hour drive away.

The ACLU and JLC lawsuit also states that the majority of the youth held at the two facilities are African American, though most of the staff is white and from the rural north of Wisconsin. As Jessica Feerman, Associate Director of the Juvenile Law Center, pointed out in an interview with Solitary Watch, The treatment of young people at CLS and LHS is troubling under any circumstances, but it is particularly devastating when you think of how it functions as part of this racial disparity. The YJM report describes the racial makeup of Wisconsin's juvenile correctional facilities: Only comprising 10 percent of the states total youth population, African Americans comprise 70 percent of the youth in juvenile correction facilities.

In order to address these disparities, YJM first recommends an increase in public safety through the creation of community-based programs that address the needs and struggles of young people, including family, housing, education, vocational training, employment, emotional health, medical, substance abuse, legal, finances, recreation, culture, and spirituality. According to YJM, shifting these services to a local, community-centered system would allow for the dissipation of the racial and ethnic disparities currently plaguing the system. YJM suggests the necessary funding for these services be reallocated from the incarceration facilities, which currently spend an estimated \$100,000 on each youth.

Moving even deeper into the community, YJM also pushes for meaningful engagement with families of youth in the system. After reaching out to families in the community, YJM found overwhelming support from families for this recommendation. The final point of the report expounds upon a process to ensure greater transparency, accountability, and effectiveness in juvenile justice services.

One of YJM's principles reads, to achieve real and lasting change, we should not only seek to move people in positions of power, but also to build power in our communities. Recognition by federal courts of the unconstitutional inhumanities committed at Lincoln Hills School and Copper Lake School could be a first step toward opening up space for a sustainable method of public safety, mental health, and racial equality built at the heart of the community.

It is clear, however, that change will not come quickly or easily, under the leadership of Republican Governor Scott Walker. Earlier this month, Walker released his budget proposal, which neglected to address the abuses and failures of the juvenile prisons. Instead, according to a report by the [Associated Press](#), the budget allocates \$2 million to create eight new guard positions, three new mental health specialist positions for the prisons female wing and convert nine contract nursing positions to state positions. The addition of these new positions still leaves the facilities 50 guards short of the guard-to-inmate ratio required by the Prison Rape Elimination Act.

Although the Department of Corrections requested \$3.7 million for serious juvenile offender care and community supervision, Walker not only rejected this request, but failed to provide any acknowledgement of or funding for the egregious conditions at LHS and CLS. In fact, Walker's 2011 closure of two other youth prisons in the state, done to save money, are said to have contributed to the overcrowded and hellish conditions at LHS and CLS.

Even if its requests for funding were met, it is clear that the Wisconsin DOC has no intention of eliminating solitary confinement for the children in its charge, unless it is forced to do so by litigation or legislation. At a hearing held this week by the Wisconsin state Assembly's Corrections Committee, DOC Secretary Jon Litscher conceded that while there may be too many children in solitary, the practice is needed to bolster safety and security, the [AP reports](#). They are there for a reason, Litscher told the committee.

The JLC's Jessica Feerman vehemently disagrees. There is an increasing recognition that solitary confinement is inappropriate for juveniles under any circumstances, she told Solitary Watch, citing President Obama's ban on juvenile solitary in federal facilities and bans in a growing number of states. The solitary confinement of children, she said, is not a legitimate correctional practice, but a human rights violation.

On a [Facebook page](#) for survivors of the abuse at Lincoln Hills School and Copper Lake School and their families, some expressed hope that they would finally witness some change at the facilities. Some were less optimistic. One girl described the ordeal she and others went through at CLS, and concluded: Who cares? Nobody nobody but me, their families, and people with a heart.

Valerie Kiebala was a contributing writer and editorial and project manager for Solitary Watch, and is now the media director of Straight Ahead, which is building a decarceration movement throughout Pennsylvania. Her work has also appeared in The Root, Truthout, the Chicago Reporter, and Shadowproof.

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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There is an increasing recognition that solitary confinement is inappropriate for juveniles under any circumstances.

Cd somebody here remind me what planet Im on.

You're on planet earth, and This is America, the land of the free, and our President is Trump, and he can and will grab em by the pussy. And No, this isn't the twilight zone,

Change can be made if the public gets behind it. Preston Youth Correctional Facility in Ione, California was closed in 2011 after conditions there were exposed. It took years but it was closed after over one hundred years in operation. It was only after it had closed that I was able to see what it had become. Because SW's site rejects web links as spam I will type the address to another site where the photos are posted using spaces. If you type in the following words without the spaces or quotation marks

preston castle history.blogspot. com/2017/02/my-arrival-at-preston-guest. html

you'll see how California had transformed a juvenile rehabilitation center's cells into a carbon copy of a Supermax Pod.

It was a real eye opener for me as I was housed there in 1968-69.

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