



WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

August 8, 2024

Secretary-Designee Jared Hoy
Department of Corrections
3099 E. Washington Avenue
Madison, WI 53704

Dear Secretary-Designee Hoy,

As you are aware, we have been concerned with the safety and security of both staff and inmates at the Lincoln Hills and Copper Lake Schools (Lincoln Hills) for a number of years. At the committee meeting in Merrill this week, we heard first hand of extremely dangerous working and living conditions, and a number of violent incidents that have gone unreported to law enforcement and the general public. We have expressed our concerns with safety and Lincoln Hills to the department both publicly and privately.

Tragically, these concerns came to a predictable and devastating head in June with the murder of Counselor Corey Proulx at Lincoln Hills.

We know the Department of Corrections (DOC) and the staff at Lincoln Hills have been operating under a consent decree and permanent injunction since 2018. That consent decree has greatly limited the tools available to Lincoln Hills staff to ensure their safety, and the safety of the inmates at the facility. Specifically, the consent decree:

- Prohibits punitive confinement.
- Restricts Administrative Confinement to youth who pose a “serious risk of imminent physical harm to others” and limits confinement to 12 hours.
- Prohibits “the use of OC Spray and other chemical agents.”
- Restricts the use of “mechanical restraints” to handcuffs, except to prevent “imminent physical harm to self or others.”
- Requires additional “out time” to inmates in Administrative Confinement.

Each of these items were highlighted as contributing to an unsafe environment at Lincoln Hills at our committee hearing. The fact is, since the consent decree went into effect, Lincoln Hills has become less, not more, safe.

Additionally, the consent decree is directly resulting in more kids being charged with more crimes while in custody and staying in custody longer. This is because the real-world implementation of the consent decree has created an environment where kids have less structure and discipline, giving them more opportunities to act out.

The most recent monitoring report into Lincoln Hills showed the DOC in “substantial compliance” with almost all of the requirements of the consent decree. The areas which it was in partial compliance cited a lack of proper paperwork, the non-elimination of tools that have not been prohibited, but restricted, and the use of confinement during delays in inmate transfers.

As we heard this week, the consent decree has led to a one-size-fits-all approach. We were told that the Department and staff is instructed to simply “check the box” on the consent decree items rather than maintain a safe and healthy environment at Lincoln Hills. The testimony this week showed that since the consent decree went into effect, DOC has had less control at Lincoln Hills, and both inmates and staff feel less safe.

Lincoln Hills staff need to get the bullseye off their back, so that they may safely and efficiently ensure the security and welfare of themselves and the residents of Lincoln Hills.

We are all aware of the conditions at Lincoln Hills that necessitated the consent decree six years ago. Those conditions were unacceptable, and no one wants to return to those conditions. However, staff assaults have been steadily increasing over the last couple of years culminating in the murder of Corey Proulx, despite a dwindling population.

Simply put, it appears that we may have reached the point where attempting to be fully compliant with the consent decree is causing more harm than good.

Therefore, we ask that you petition United States District Court Judge James Peterson, to revisit and revise the consent decree and permanent injunction requirements to enhance safety of staff and inmates at Lincoln Hills and all future Type 1 facilities.

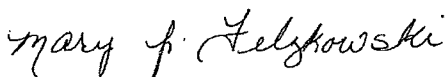
Sincerely,



Chairman Van Wanggaard
Senate Committee on Judiciary & Public Safety



Chairman Michael Schraa
Assembly Committee on Corrections



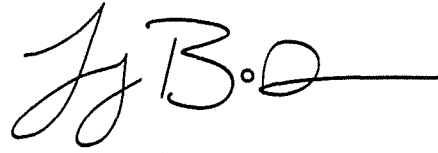
Senator Mary Felzkowski



Representative Calvin Callahan



Senator Andre Jacque
Vice Chairman



Representative Ty Bodden
Vice Chairman



Senator Eric Wimberger



Representative Janel Brandtjen



Senator Jesse James



Representative Rob Brooks



Representative Karen Hurd

Representative Dave Maxey



Representative Jerry O'Connor



Representative Angie Sapik



Representative Paul Tittel

Cc: US District Court Judge James Peteroen
Governor Tony Evers
ACLU of Wisconsin
Juvenile Law Center