



# Wisconsin Department of Corrections

Governor Scott Walker | Secretary Jon E. Litscher

Division of Juvenile Corrections | Administrator's Office

## ADMINISTRATOR'S MEMO TO COUNTIES

MEMO # 18-03

**DATE:** June 1, 2018

**TO:** County Departments of Human/Social Services Directors

**FROM:** John D. Paquin, Administrator   
Shelby A.B. McCulley, Assistant Administrator 

**SUBJECT:** ACLU Consent Decree and Permanent Injunction

The purpose of this memo is to inform you of the settlement that has been reached in *J.J. et al v. Litscher et al*, which was filed by the ACLU and the Juvenile Law Center in January 2017.

The lawsuit, as amended, focused on four practices, including the use of restrictive housing as a disposition for conduct rule violations; the use of incapacitating agents (oleoresin capsicum, or “pepper spray”); the use of mechanical restraints; and the use of strip searches. Each of these practices is governed by Wisconsin Administrative Code. Since July 2017, we have been operating under a preliminary injunction which limited these practices and added a variety of documentation and reporting requirements.

The settlement will further limit our use of confinement, restraints, and strip searches and will eliminate the use of incapacitating agents, which will take effect in stages over the next year or more depending upon the length of the final court process. A court-appointed monitor will oversee implementation progress for approximately three years. A brief summary of the settlement is attached with a copy of the Stipulation for Consent Decree and Permanent Injunction.

The settlement was signed on, May 25, 2018 by both parties. The document was filed with the court today along with a motion for approval, after which the court will schedule a fairness hearing in which youth have an opportunity to object to the settlement. The court will then issue an order imposing the settlement's terms; the effective date of the court order will be the date from which the agreement's deadlines are calculated.

This agreement builds on the significant progress we have made over the past several years. Although these additional changes will bring challenges, we are confident in our ability to

Memo # 18-03

June 1, 2018

Page 2

successfully meet the provisions of the settlement. We continue to believe that safety and positive outcomes for youth are both achieved by providing effective treatment and programming, keeping youth busy and engaged, and providing relevant training for staff. Our priorities remain the safe and secure operation of the facility, the overall safety of staff and youth, and provision of the programs and services which will promote youth success in becoming productive members of society.

Please share this memo with other system stakeholders and contact us if you have any questions.

Cc: Jon E. Litscher, Secretary, DOC  
Cathy A. Jess, Deputy Secretary, DOC  
Eloise Anderson, Secretary, DCF  
Lisa Marks, Deputy Secretary, DCF  
Brad Wassink, Assistant Deputy Secretary, DCF  
Linda Seeymeyer, Secretary, DHS  
Tom Engels, Deputy Secretary, DHS  
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John Tuohy, Director, Bureau of Regional Operations, DCF/DES  
Greg Van Rybroek, Director, DHS/MJTC  
DHS/DCF Area Administrators  
DHS/DCF Human Service Area Coordinators  
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Court-attached juvenile court intake offices