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FOR IMMEDIATE RELEASE: July 21, 2009

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Response to Christensen Milwaukee County Jail Case Decision

Milwaukee, WI: Today the Wisconsin Supreme Court held that a circuit court did not have the authority to provide a remedy to individuals who were held for more than 30 hours in the booking area of the Milwaukee County Jail in violation of a 2001 court order.

In 2001, the Milwaukee County Circuit Court entered a consent decree settling a class-action lawsuit that had been brought in 1996 by the Legal Aid Society of Milwaukee and the ACLU of Wisconsin Foundation to correct overcrowding and other unconstitutional conditions at the Milwaukee County Jail. Among other provisions, the consent decree imposed a limit of 30 hours on how long inmates could be held in the booking area of the jail, an area designed for very short-term detention until inmates could be assigned to longer-term quarters with beds and showers. Between 2001 and 2004, the County violated this provision of the decree more than 16,000 times. According to affidavits filed in the case, inmates were held for up to days at a time in conditions that the Circuit Court later described as “unacceptable, if not appalling,” including “overly crowded conditions, inmates who were forced to sit or sleep on the floor next to urinals, inmates who had to sit up for hours and hours, lack of hygiene, unsanitary conditions, inmates who were not given pillows or blankets to sleep on, cells that were infested with bugs, cold temperatures, bodily fluids on the floor and bad odors.”

When Legal Aid Society and ACLU Foundation lawyers uncovered the violations and brought the County into court, the County agreed to stop violating the consent decree. Although the Circuit Court subsequently held the County in contempt of court, the County’s belated compliance provided no remedy to the thousands of people who had been harmed by its violations. The Supreme Court’s decision today, reversing an earlier ruling by the Court of Appeals, holds that the victims of the County’s misconduct are not entitled to any remedy for the harm done to them.

Patrick Patterson, one of the lawyers for the plaintiff class, stated, “We are disappointed in the Supreme Court’s decision. While it is significant that Milwaukee County was found to be in contempt of court for intentionally and systematically warehousing and mistreating thousands of people in direct violation of a valid court order, those people are now left without a remedy. We hope that future legislative action or judicial decisions will restore the courts’ authority to provide a remedy to the victims of parties who willfully violate court orders.”

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