



**Testimony of Kimberly McCullough, Legislative Director  
In Support of SB 739  
Senate Committee on Human Services and Early Childhood  
April 7, 2015**

Chair Gelser and Members of the Committee:

Thank you for the opportunity to submit comments in support of SB 739. The ACLU of Oregon strongly opposes the use of solitary confinement in general, and we are particularly opposed to the use of solitary as it relates to persons suffering from mental illness.

Solitary confinement has a negative psychological impact on relatively healthy individuals, but it is devastating for those with mental illness. When people with serious mental illness are subjected to solitary confinement they experience severe and dramatic deterioration. Many are driven to engage in bizarre and extreme acts of self-injury and suicide. For example, prisoners in solitary confinement often compulsively cut themselves, smash their heads and bodies against walls, swallow razors and other sharp and harmful objects, or attempt to hang themselves. These horrifying impacts of solitary confinement are so well documented that federal courts have repeatedly held that placing the severely mentally ill in such conditions is cruel and unusual punishment under the Eighth Amendment to the Constitution.<sup>1</sup>

Between 2012 and present, the ACLU of Oregon has received more than 30 complaints from inmates or their family members regarding the use or abuse of segregation or solitary confinement in Oregon state prisons. (In the same time frame we've received an equal number of complaints of the over use of solitary in Oregon jails.) Reasons given for solitary or segregation include the following:

- Inmate is black or Latino
- Inmate is gay
- Inmate is Native American wanting to practice his religion
- Inmate is mentally ill and not receiving proper medications
- Inmate files too many grievances seeking medical help
- Inmate complained of being assign top bunk and cell on upstairs floor that he could not access because of leg disability
- Inmate has filed a lawsuit against DOC

---

<sup>1</sup> See, e.g., *Jones 'El v. Berge*, 164 F. Supp. 2d 1096, 1101-02 (W.D. Wis. 2001); *Ruiz v. Johnson*, 37 F. Supp. 2d 855, 915 (S.D. Tex. 1999), *rev'd on other grounds*, 243 F.3d 941 (5th Cir. 2001), *adhered to on remand*, 154 F. Supp. 2d 975 (S.D. Tex. 2001) ("Conditions in TDCJ-ID's administrative segregation units clearly violate constitutional standards when imposed on the subgroup of the plaintiffs' class made

Inmates have reported being subjected to solitary for extremely long periods (e.g., 10 months, 8 months, 102 days, 50 days, “in and of solitary for more than 1/3 of his 36 years of confinement”).

Inmates also report that officers threaten solitary if inmates complain too much. Many inmates report they are never given reasons for or documentation of their placement in solitary.

These complaints cause us great concern about the use of solitary in Oregon’s prisons. SB 739 would take a modest step towards addressing this issue, by focusing in on the use of solitary as it relates to inmates with mental illness.

We also believe that the State of Oregon and the Department of Corrections would benefit financially from a reduction in the use of solitary confinement. It costs two to three times as much money to keep a prisoner in solitary confinement as it does to keep him or her in the general population.<sup>2</sup> Oregon should insist on better, more cost-effective, evidence-based methods that are proven to make prisons safer and rehabilitate prisoners for return to the community.

We strongly urge your support of SB 739. Please feel free to contact me with any questions or concerns.

---

<sup>2</sup> We urge you to read the ACLU’s report on solitary reform in the State of Maine, which has proven that solitary reform is smart policy and leads to cost savings:  
[https://www.aclumaine.org/sites/default/files/uploads/users/admin/ACLU\\_Solitary\\_Report\\_webversion.pdf](https://www.aclumaine.org/sites/default/files/uploads/users/admin/ACLU_Solitary_Report_webversion.pdf).