



Date: February 19, 2019

The Honorable Senator Prozanski, Chair  
Senate Judiciary Committee, Members

**Re: Testimony in Support of SB 495**

Dear Chair Prozanski and Members of the Committee:

**Thank you for the opportunity to submit the following comments in support of SB 495.**

SB 495 seeks to prohibit the practice of deploying dogs on people in their cells, in order to either scare or harm them, for the purpose of getting the person out of their cell. It does not prevent officials from using dogs to prevent escapes, physical attacks, or protecting another from an attack.<sup>1</sup>

**Using dogs on people for cell extraction dramatically escalates an agitated situation.**

The practice of deploying dogs in cell extraction escalates an already agitated situation as a means to solve it. It deliberately creates the risk of unnecessary violence for everyone involved, including the inmate, the officers, and the dogs.<sup>2</sup>

**There's a strong likelihood the tactic will be used on someone with mental illness.**

Jails and prisons house people with high rates of mental illness. Without accounting for the specific behaviors associated with refusing to leave a cell, there is a 60% likelihood in Oregon that the person needs some form of mental health treatment.<sup>3</sup>

Nationally, one in four people in jails actively experience symptoms indicative of mental illness, while 44% have a history mental health issues. For prisons, one in seven people are actively experiencing symptoms, while 37% have a history of a disorder.

Intimidating someone who is likely very agitated, scared, and angry to comply with demands under the threat of dog attack, much less actually employing this tactic, seems excessive. Given the inherent vulnerabilities associated with these populations, this practice should no longer be acceptable.

**“Canine Extraction” is outdated and inhumane.**

In 2006, Human Rights Watch issued a report documenting the practice in the United States, remarking that it was unaware of any other country in the world that uses this practice.<sup>4</sup> At that time, only seven states had policies for using dogs as part of cell extraction. Two dropped the practice while the report was being drafted. Kathleen Dennehy, Commissioner of the Massachusetts Department of Corrections, ended the use of dogs in cell extraction because

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<sup>1</sup> Senate Bill 495, Leg. Sess. (2019) Sec. 1, (2)(a-c)

<sup>2</sup> *Isby v. Brown*, 856 F.3d 508, 512 (7th Cir. 2017) (Detailing case of failed cell extraction, where a dog lost their life and two officers were injured).

<sup>3</sup> Chana Newell, *Mentally Ill in Prisons and Jails: Background Brief*, Legislative Policy and Research Office (September 2016)

<sup>4</sup> Human Rights Watch, *Cruel and Degrading: The Use of Dogs for Cell Extractions in U.S. Prisons*, Summary, (October 2006) [<http://www.hrw.org/reports/2006/us1006/us1006webwcover.pdf>] (accessed February 19, 2019)

“[t]here are other ways to compel inmates to cuff up than sending in an animal to rip his flesh.”<sup>5</sup> Using dogs for cell extraction is a bizarre and cruel practice that has no place in this century, much less this state.

### **Oregon Needs This Change**

Columbia County Jail’s use of dogs in cell extraction became a national news story in 2017.<sup>6</sup> The video, linked below, demonstrates how the practice was used.<sup>7</sup> There, the correctional officer specified that either the individual was going to leave the cell, or he was going to be bit. While the County asserts use was necessary, it is worth noting the individual suffered from mental health issues. The individual since has filed a lawsuit.<sup>8</sup>

**For the reasons outlined above, OCDLA strongly urges a “yes” to SB 495. Thank you for your consideration.**

**/s/ Taylor Snell**

**Extern for OCDLA**

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### **About OCDLA**

The Oregon Criminal Defense Lawyers Association (OCDLA) is a private, non-partisan, non-profit bar association of attorneys who represent juveniles and adults in delinquency, dependency, criminal prosecutions, appeals, civil commitment, and post-conviction relief proceedings throughout the state of Oregon. The Oregon Criminal Defense Lawyers Association serves the defense and juvenile law communities through continuing legal education, public education, networking, and legislative action.

OCDLA promotes legislation beneficial to the criminal and juvenile justice systems that protects the constitutional and statutory rights of those accused of crime or otherwise involved in delinquency and dependency systems as well as to the lawyers and service providers who do this difficult work. We also advocate against issues that would harm our goals of reform within the criminal and juvenile justice systems.

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<sup>5</sup> *id.*, at Views of Corrections Professionals and Experts.

<sup>6</sup> Joshua Rhett Miller, *Horrendous Footage of Dog Biting Inmate in his Cell Sparks Investigation*, New York Post (December 11, 2017) [<https://nypost.com/2017/12/11/horrendous-footage-of-dog-biting-inmate-in-his-cell-sparks-investigation/>] (accessed February 18, 2019)

<sup>7</sup> Keaton Thomas, *Use of K-9 to take down inmate in Columbia County Jail draws criticism*, Katu News, December 7, 2017) [<https://katu.com/news/local/use-of-k-9-to-take-down-inmate-in-columbia-county-jail-draws-criticism>] (Link to video of canine extraction: <https://katu.com/news/local/use-of-k-9-to-take-down-inmate-in-columbia-county-jail-draws-criticism>)

<sup>8</sup> Maxine Bernstein, *Former Inmate Bitten by Police Dog Files \$500,000 law suit against Columbia County*, The Oregonian (May 14, 2018) [[https://www.oregonlive.com/pacific-northwest-news/2018/05/former\\_inmate\\_bit\\_by\\_police\\_do.html](https://www.oregonlive.com/pacific-northwest-news/2018/05/former_inmate_bit_by_police_do.html)] (accessed February 18, 2019)

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