

## **STATEMENT**

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**U.S. Senate Judiciary Committee hearing on Solitary Confinement**

**June 19, 2012**

### **Introduction**

Thank you for the opportunity to submit a statement on the issue of solitary confinement. I applaud the committee for holding a hearing and focusing national attention on this crucial issue. I am submitting this statement on behalf of myself and my family. We have been directly affected by solitary confinement as my son, Kirk, committed suicide while in solitary confinement as a teenager in 2005.

### **Kirk's Story**

In 2005, our 17 year old son, Kirk, was held in a county jail for approximately 7 months before dying by hanging in a segregation cell. Alone and 17 yrs old!

While incarcerated, in a county jail with adults, he was targeted due to his youth. Statistics show that youth incarcerated with adults are at high-risk for physical abuse, sexual abuse, and suicide. Our son experienced all of these abuses first-hand.

He was manipulated by the adults in the system to provide them with his canteen, he was physically abused, a convicted sex offender was placed in the same block as Kirk and he was approached by the offender exposing himself and stating "I am going to have you". Upon reporting this situation, Kirk was denied any future programming such as a weekly church service, alcoholics anonymous, and narcotics anonymous because the system did not want to "keep track of Kirk and the sexual offender". Why punish Kirk, by removing programming that may benefit him, for being scared and reporting that he was going to be a victim of a sexual predator if one of them was not removed from the block?

Kirk's survival to the system was suicide. Kirk had a future; Kirk had a family and support system that were ready, willing and able to walk through the challenges he was going to be faced with for years to come. Should the solution to surviving the system be suicide?

Our son wrote a letter to the District Attorney while incarcerated. A few brief statements he wrote, "Correct me if I'm wrong, but isn't the purpose of punishing someone not only about them paying for their actions, but also to rehabilitate them so they don't make the same mistake again. Shouldn't it be the goal of the state for convicted felons to be able to re-enter society as law-abiding citizens and lead productive lives. Therefore, is it in the best interest of every inmate to go to prison?"

I understand that you're in a tough situation and that your main responsibility is for the best interest of the community. However, if I truly am a reckless, dangerous person with no care for the law, then what difference would it make if I were to be released next week opposed to twenty years from now. I would still possess those same characteristics only with the education of a criminal who has been through the system.

If I were to be sent to prison, it would be difficult for me to mature into a "normal" adult. Still being in my teenage years I am still developing. I do not want to be influenced by the type of person that resides in the Wisconsin Department of Corrections. Being separated from society, I would be at a disadvantage upon my release as I would not know the ways of a functioning adult in society. I would still be a teenager, just in an adult body with adult situations to be responsible for."

He ended his letter to the District Attorney with "A wise person once told me, "it is not our mistakes in life that define who we are, but rather how we recover from those mistakes"."

In conclusion, does society want to nourish our youth with continued criminal education or do we want to deter our youth with an opportunity to recover from their mistake?

### **Recommendations**

It is crucial that the U.S. Senate Judiciary Committee take action to protect our youth. I urge members of the U.S. Senate Judiciary Committee to spend time, evaluate the risks that a youth being housed with adults, whether in a local, county jail or prison, are exposed to. Seventeen year olds are not adults; they should not be treated as an adult. There is evidence based practices that a youth can be rehabilitated. So why are we spending our dollars to warehouse and not rehabilitate?

I urge the committee to:

- (1) Update the Prison Rape Elimination Act (PREA) and the Juvenile Justice & Delinquency Prevention Act (JJDP A) to ban the placement of youth in adult jails and adult prisons;
- (2) Restore federal juvenile justice resources for states and localities to incentivize their use of best practices and evidence-based approaches that rely on the least restrictive setting for youth in conflict with the law; and
- (3) Ensure that the U.S. Department of Justice enhances technical assistance to states and localities to assist in the removal of youth from adult jails and adult prisons.

