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**TESTIMONY OF  
RANDALL A. LIBERTY, COMMISSIONER  
DEPARTMENT OF CORRECTIONS**

**NFNA**

**LD 1086 An Act to Define the Term “Solitary Confinement” for the Laws Governing a Jail or Correctional Facility**

**Before the  
Criminal Justice Public Safety Committee, April 10, 2023**

Senator Beebe-Center and Representative Salisbury and other distinguished members of the Criminal Justice and Public Safety Committee, I am Randall Liberty, Commissioner of the Maine Department of Corrections providing testimony neither for nor against LD 1086.

While the Department doesn't have any issue with putting into statute a definition of solitary confinement we don't agree it's needed.

However, if the legislature believes it so, we offer some improvements to the language presented in this bill.

The definition proposed in the bill references both jails and state correctional facilities, however if the definition is meant to capture both types of facilities, there needs to be language in Title 30, to account for county jails. You'll see in our proposed language we've only offered language in Title 34-A, as that's DOC's statutes.

Second, in the language we've proposed we've taken out the word “detained” as this is generally only used to refer to individuals being held pre-trial, which is rare for the MDOC. The sponsor may wish to include it in language additions to Title 30.

You'll also see that we've taken out the reference to “other place” in the bill's language and replaced the term with more specific language. A term as general a “other place” would include the MDOCs infirmary, or medical detox for example, so the language as written would suggest that someone in medical detox would be considered in “solitary confinement.”

If the committee believes defining the term is necessary, we offer the follow amendment to consider:

Title 34-A: “Solitary confinement” means the isolation of a resident from other residents of the correctional facility by confining the resident in a cell or other single housing for 22 hours or more within a 24-hour period, except for medical reasons as determined necessary by the facility’s treating physician or mental health reasons as determined necessary by the facility’s treating psychiatrist, psychologist, or other licensed clinician. It is not “solitary confinement” to confine a resident in a cell for up to 5-days based on reasonable suspicion that they have ingested a contraband item or inserted a contraband item in a body cavity.

Thank You,

Randall A. Liberty, Commissioner  
Maine Department of Corrections