



Grayson Lookner

P.O. Box 8264

Portland, ME, 04104

Phone: (207) 200-3860

Grayson.Lookner@legislature.maine.gov

HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

(207) 287-1400

TTY: MAINE RELAY 711

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Testimony of Representative Grayson Lookner introducing
**LD 1086, An Act to Define the Term "Solitary Confinement" for the Laws Governing a
Jail or Correctional Facility**
Before the Joint Standing Committee on Criminal Justice and Public Safety

Good morning Senator Beebe-Center, Representative Salisbury, and honorable colleagues on the Criminal Justice and Public Safety Committee. My name is Grayson Lookner, and I represent House district 113 which includes part of Portland. I'm here today to present **LD 1086, An Act to Define the Term "Solitary Confinement" for the Laws Governing a Jail or Correctional Facility**.

When I say the words "solitary confinement," it probably conjures an image in your mind. I am not here today to elaborate on the horrors of what solitary confinement can mean for someone held in that condition for too long of a period, nor am I here to debate on its efficacy or necessity in a corrections setting. I am simply here to ask that we define a term that already appears in Maine law that currently has no definition.

Around the world, "solitary confinement" is generally accepted to mean "any 24-hour period in which a person is kept in a cell for more than 22 hours," and all this bill seeks to do is to establish that definition in Maine Statute. We need to do this so that we can better understand how this practice is employed in Maine's jails and prisons, so that the legislature can make informed decisions about how to approach this practice.

I suspect that we may hear testimony from the Department of Corrections (DOC) later today that this bill is not necessary because we don't use "solitary confinement" in the State of Maine. If that is true, then why not define the term?

The DOC uses many terms for what a layperson would understand to mean solitary confinement. They call it "administrative" or "disciplinary segregation," they call it "restrictive housing," and

they call it “close security.” These terms do nothing but obfuscate the reality of what is happening to individuals experiencing incarceration in our jails and prisons.

The residents of DOC facilities also have their own terms for it, such as “getting lugged,” or “thrown in the hole,” or “being put in the A-Pod.” No matter the words that an individual or an institution uses to describe this condition, it is imperative that the state defines the term so we can have agreed upon language when and if the legislature decides to approach this issue in future sessions.

We legislators are elected by the State of Maine and bestowed with the title “honorable” because it is our duty to tell the Maine people the truth. We are not here to help burnish the reputation of state agencies, nor to help them in their communications and relations with the public. We are here to ascertain what the truth is to the extent that we can, and to legislate in accordance with that truth to the best of our ability.

Please support this legislation so that we can get closer to the truth of how solitary confinement is used in Maine’s prisons and jails.

Thank you for hearing my testimony, and I’d be happy to answer any questions.