

Testimony of Lani Graham, MD, MPH

IN SUPPORT OF LD 1086

An Act to Define the term “Solitary Confinement” for the Laws Governing a Jail or Correctional Facility

Presented by Representative Lookner

Before the Criminal Justice and Public Safety Committee, April 24 ,2023

Senator Bee-bee Center, Representative Salisbury and Members of the Criminal Justice and Public Affairs Committee, my name is Lani Graham. I am a former Chief Public health Officer for Maine. I serve on the Public Health Committee of the Maine Medical Association. I live in Freeport.

I was a supporter of Representative Looker’s bill regarding solitary confinement presented in the last legislative session. Despite the support of 25 organizations and more than 300 Maine people, that earlier bill proved too extreme for the Maine Legislature. We heard you. This bill is a very modest effort to get us all on the same page regarding what is meant by the term “solitary confinement”.

This definition simply establishes a common understanding of what solitary confinement is for Maine people and Maine government. Whenever there is a medical problem for public health, the first step is establishing a clear definition of the problem. For example, we all know now what must be present for a diagnosis of Covid. It is not sufficient to have a loss of smell, a runny nose, or a sore throat. You must have a positive test. Most people will agree that solitary confinement is a serious problem for the health of people who undergo it. This bill simply defines the condition, allowing us all to understand what is meant. It requires nothing of the Maine Department of Corrections nor of sheriffs, nor of county jails. This bill will not change any care, treatment or behavior in Maine jails or prisons.

This bill establishes in Maine law the United Nations definition of this practice, which was passed and endorsed by that Assembly in 2015.

By passing this law, Maine comes into line with hundreds of other countries and jurisdictions that have recognized solitary confinement. The Maine Department of Corrections has been clear in its assertion that this practice is no longer used in Maine and therefore we no longer need to wonder about the definition. However, as we certainly know, governing administrations at both the state and federal level can change radically in just a year or two. Therefore, coming to agreement on what exactly solitary confinement is could be valuable in the future as we continue to struggle with violent crime, substance use disorders and mental health problems.

I urge this committee to support this very modest bill unanimously ought to pass.

Thank you for your attention, I would be pleased to answer any questions you might have.