

Testimony of Victoria Collins
Vocational and Educational Corrections Instructor 2019,
J.D. Candidate 2024

Testimony in Support of LD 1543, Resolve, to Establish the Commission to Recommend Cost-effective, Safe, Administrable and Healthful Programs to Reduce Violence in Prisons and Jails
April 25, 2023

Senator Beebe-Center, Representative Salisbury, and honorable members of the Joint Standing Committee on Criminal Justice and Public Safety: my name is Victoria Collins, and I am a resident of Old Orchard Beach. I currently attend Maine Law, and upon graduation in May 2024, I expect to work in indigent criminal defense and to continue advocating for Mainers in our communities who are or were incarcerated. In 2019, I taught logistics and math in a medium security men's prison in the state of Indiana. I have personal experience and interest in prison issues because of what I have seen my students go through.

I ask that you vote "ought to pass" on LD 1543. This Resolve represents a great step forward in ensuring that prisoners in our state are sent to prison "as punishment, not for punishment."¹ Violence in prisons is detrimental to the health and psyche of prisoners² and prison staff³ alike. Further, because of the impact of prison violence on staff who live in our communities and prisoners who return to our communities, LD 1543 is crucial to improving public health.

In 2021, 1,624 adults were incarcerated in Maine prisons.⁴ In the same year, the Maine Department of Corrections (MDOC) conducted about 2,300 disciplinary proceedings.⁵ The numbers for 2022 are similar: around 2,400 disciplinary proceedings were initiated⁶ amongst a prison population of 1,635.⁷ The rates of disciplinary proceedings in 2021 and 2022 were thus approximately 1.4 times the prison population, meaning that some or many individuals were written up multiple times for behavior which does not comport with MDOC standards.

Of the seventy-nine Class A and B violations listed in MDOC's Prohibited Acts,⁸ eighteen are violent offenses or offenses which implicate violence or threatened violence.⁹ Of course, the mere existence of these rules implies the existence of prison violence. Additionally, because only Class A and B violations pose a risk of disciplinary segregation (DS),¹⁰ DS data is important in evaluating prison violence. In 2021, male prisoners sent to DS spent an average of 41.65 days there; females spent an average of 8.83 days in DS.¹¹ In 2022, the number of days for males was 14.86; the average for females, thankfully, dropped to zero.¹² The sanctions for Class A and B violations are, respectively, up to ninety days in DS and up to fifteen days in DS.¹³ Thus, the 2021 averages may suggest that most men in DS were sent there for Class A offenses, and most women for Class B offenses. The 2022 averages may suggest that most men in DS were sent there for Class B offenses.

Of course, these numbers create a mere impression of the rates of prisoner-on-prisoner and prisoner-on-staff violence, and do not at all reflect the rate of staff-on-prisoner violence.¹⁴ The data also does not reflect the number of unreported violent incidents, of which there are undoubtedly many due to the chilling effect of a strong “snitches-get-stitches” culture within prisons.¹⁵

Unfortunately, there is no reliable report accessible to the public which reflects the number of violent encounters in Maine prisons. Indeed, it is remarkably difficult to find any recent data on violence in state prisons across the U.S., particularly regarding females. However, there are some national statistics to which we may turn. For example, the rate of homicide among prisoners is twice that of the general population.¹⁶ Additionally, national data compiled in 2009 shows that “[a]pproximately 21% of male inmates are physically assaulted during a 6-month period . . . sexual assault during a 6-month period in adult male prisons [averages] around two per 100 inmates.”¹⁷

While I have not worked in Maine prisons, I am familiar with prison environments from my work in correctional education in 2019, and state-run prisons are generally not dissimilar state-to-state. I have seen blood, bruises, and black eyes. I have heard my students struggle to breathe due to cracked ribs. I have heard men yelling in pain as they were attacked in the yard. I have read prison medical reports detailing the aftermath of rapes and gang assaults. Of course, those who are most impacted by such violence are the victims of it, and the trauma that they suffer because of physical and sexual attacks leads to higher rates of recidivism.¹⁸ Additionally, though, I have witnessed how prison violence secondarily and sometimes directly impacts support staff and correctional officers. The trauma that staff at my prison suffered from witnessing and being involved in violence led to high rates of burnout and low rates of staff retention. As researchers for the National Institute of Justice have found, “[Correctional officer]s are exposed to a number of safety and wellness-related risks. Most notable are the risks of death or physical injury, but of equal concern are mental health-related risks such as stress and burnout.”¹⁹ Such staff instability only fuels the cycle of violence. It is clear to me that a commission of the sort proposed today could have drastically improved the well-being of residents and staff at my prison.

Despite the deficiencies in the data, it is clear that violence in prisons is a serious and pressing problem. Establishing a commission to study and address this problem is a step in the right direction. This Resolve will go far in protecting the health and safety of Maine’s prisoners, prison staff, and communities. For these reasons, I ask that you vote “ought to pass” on LD 1543.

¹ *Battle v. Anderson*, 564 F.2d 388, 395 (10th Cir. 1977).

² See Emily Widra, *No Escape: The Trauma of Witnessing Violence in Prison*, PRISON POLICY INITIATIVE (Dec. 2, 2020), <https://www.prisonpolicy.org/blog/2020/12/02/witnessing-prison-violence/>. (“Responses to [prisoner-witnessed or -experienced] violence behind bars can result in post-traumatic stress symptoms, like anxiety,

depression, avoidance, hypersensitivity, hypervigilance, suicidality, flashbacks, and difficulty with emotional regulation. [Prisoners] described experiencing flashbacks and being hypervigilant, even after release.”)

³ See Amy E. Lerman et al., *Prisons and Mental Health: Violence, Organizational Support, and the Effects of Correctional Work*, 49 CRIM. JUST. AND BEHAV., Abstract (2021) (“We find strong associations between violence [witnessed or experienced by correctional officers] and symptoms of post-traumatic stress disorder and suicide risk, as well as symptoms of depression, alcohol abuse, anxiety, and sleep disorder.”), <https://journals.sagepub.com/doi/abs/10.1177/00938548211037718?journalCode=cjbb>.

⁴ MDOC DATA TEAM, MDOC 2021 YEAR END ADULT DATA Report 3 (2022), <https://www.maine.gov/corrections/sites/maine.gov.corrections/files/inline-files/2021%20Year%20End%20Adult%20Data%20Report.pdf>.

⁵ Email from Jenna Heald, FOAA Coordinator, Policy & PowerDMS Assistant, Maine Department of Corrections (Mar. 8, 2023) (on file with author) (indicating that in 2021 the average number of disciplinary proceedings per month was 194).

⁶ *Id.* (indicating that in 2022 the average number of disciplinary proceedings per month was 201).

⁷ MDOC DATA TEAM, MDOC 2022 YEAR END ADULT DATA REPORT 3 (2023), <https://www.maine.gov/corrections/sites/maine.gov.corrections/files/inline-files/2022%20Year%20End%20Adult%20Data%20Report.pdf>.

⁸ See STATE OF MAINE DEP’T OF CORR., PRISONER DISCIPLINE 20-27 (July 30, 2002) https://www.maine.gov/corrections/sites/maine.gov.corrections/files/inline-files/39212241_0.pdf.

⁹ See *id.* These offenses are: mistreatment of an animal; assault on staff, volunteer, or student intern; assault, other (meaning assaults on fellow prisoners); abuse of a canine; possession of a deadly instrument; disorderly behavior; major disturbance; extortion; false statement by force or duress; fighting; intentional fire; gang or Security Threat Group affiliation; general harassment; specific harassment (essentially, hate speech and hate crimes); hostage taking; interference (including active resistance to orders); offensive physical contact; rioting; sexual activity by force or duress; and threatening.

¹⁰ See *id.* at 18, 19.

¹¹ MDOC DATA TEAM, MDOC 2022 YEAR END ADULT DATA REPORT 6 (2023), <https://www.maine.gov/corrections/sites/maine.gov.corrections/files/inline-files/2022%20Year%20End%20Adult%20Data%20Report.pdf>.

¹² *Id.*

¹³ STATE OF MAINE DEP’T OF CORR., PRISONER DISCIPLINE 18, 19 (July 30, 2002) https://www.maine.gov/corrections/sites/maine.gov.corrections/files/inline-files/39212241_0.pdf.

¹⁴ Though there is no data quantifying staff-on-prisoner violence, multiple publicized incidents point towards a pattern of abuse on the part of some correctional officers. See, e.g., Callie Ferguson, *Lawsuit Says Teen Was Thrown in Solitary Confinement and Abused Inside Maine’s Youth Prisons*, THE PISCATAQUIS OBSERVER (Sept. 25, 2022), <http://observer-me.com/2022/09/25/news/lawsuit-says-teen-was-thrown-in-solitary-confinement-and-abused-inside-maines-youth-prisons/>; Evan Popp, *Man Incarcerated at Maine State Prison Alleges Culture of Abuse Within Facility*, MAINE BEACON (Apr. 11, 2022), <https://mainebeacon.com/man-incarcerated-at-maine-state-prison-alleges-culture-of-abuse-within-facility/>; Lisa Dawson, *Video Shows Maine Prisoner with Mental Illness Brutally Subdued by Guards*, SOLITARY WATCH (Apr. 5, 2013), <https://solitarywatch.org/2013/04/05/video-shows-maine-prisoner-with-mental-illness-brutally-subdued-by-guards/>.

¹⁵ See, e.g., Joseph Demerson, *How Are ‘Snitches’ Treated in Prison?*, CORRECTIONS1 (Sept. 1, 2015), <https://www.corrections1.com/corrections/articles/how-are-snitches-treated-in-prison-GmFJWAC3wZ1i2teS/>.

¹⁶ Compare E. Ann Carson, MORTALITY IN STATE AND FEDERAL PRISONS 3, figure 4, 2001–2018—STATISTICAL TABLES, U.S. DEP’T OF JUSTICE (Apr. 2021), <https://bjs.ojp.gov/content/pub/pdf/msfp0118st.pdf> (showing a 10 in 100,000 homicide rate for state prisoners), with MURDER, UNIFORM CRIME REPORT, CRIME IN THE UNITED STATES, 2018, FBI (Fall 2019), <https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/topic-pages/murder.pdf> (showing a 5 in 100,000 homicide rate for the American population in general).

¹⁷ Nancy Wolff & Jing Shi, *Contextualization of Physical and Sexual Assault in Male Prisons: Incidents and Their Aftermath*, 15 J. CORR. HEALTH CARE 1, 1 (Jan. 2009). Data for rates of violence in female prisons is sorely lacking.

¹⁸ See, e.g., Tonya Glantz et al., *Trauma and Recidivism: Informing Assessment and Treatment Options for Incarcerated Men*, 43 INT’L REV. MOD. SOCIO. 95, 100 (Spring 2017).

¹⁹ Frank Valentino Ferdik & Hayden P. Smith, CORRECTIONAL OFFICER SAFETY AND WELLNESS LITERATURE SYNTHESIS 3, NIJ (JULY 2017), <https://www.ojp.gov/pdffiles1/nij/250484.pdf>.