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Testimony of Lani Graham, MD, MPH

In Support of LD 405

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, March 24, 2025

Senator Beebe-Center, Representative Hasenfus and members of the Criminal Justice and Public Safety Committee, my name is Lani Graham. I am from Freeport. I am here in support of this very modest bill to get us all on the same page with a definition.

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 criminal actions, 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.