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STATE OF MAINE
DEPARTMENT OF CORRECTIONS
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RANDALL A. LIBERTY
COMMISSIONER

TESTIMONY OF

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

NFNA

LD 696 An Act To Prohibit Solitary Confinement in Maine's Corrections System

**Before the
Joint Standing Committee on Criminal Justice and Public Safety**

April 5, 2021

Senator Deschambault and Representative Warren and other distinguished members of the Criminal Justice and Public Safety committee, I am Randall A. Liberty, Commissioner of the Maine Department of Corrections providing testimony neither for nor against this bill.

The Maine Department of Corrections supports the spirit of the bill as it aligns with national best practices and aligns with our philosophy and practices to seek the least restrictive housing options for residents in our care.

In January of this year Representative Lookner met with my staff to discuss MDOC's policies and procedures related to restrictive housing. They discussed that MDOC's policies prohibit the use of solitary confinement, discussed the statute regarding segregation, which we refer to as restrictive housing, and they discussed the reasons a DOC resident could be placed in restrictive housing. This includes either disciplinary reasons, for having been found guilty of a major disciplinary violation after a due process hearing, or administrative reasons (ex., resident is a direct threat to the safety of another person if in less restrictive housing).

Their conversation also covered the significant strides this department has made related to this topic, which includes an overhaul of policies, accountability of staff, and increased programming during periods of restrictive housing. Maine's progressive steps away from practices like solitary confinement and increased programming and contact during periods of restriction have been [recognized nationally by Vera Institute of Justice](#) and others including [The Liman Center for Public Interest at Yale Law School](#)

This national recognition is due, in part to the significant work the department has made to reduce the use of restrictive housing. We've achieved a 72.5% reduction in restrictive housing placements since 2015. We recognize that the best way to reduce the need for restrictive housing is to ensure residents are engaged in prosocial activities. Not surprisingly as we've increased educational offerings, job training programs, wellness programs including yoga and anger management and increased restorative justice practices we've seen a decrease in assaults, harassment, victimization and destruction of property, which would typically result in the use of disciplinary restrictive housing.



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As this committee knows we have consistently opened the doors of DOC facilities to lawmakers, advocates, and others interested in better understanding all areas of corrections, including restrictive housing.

I will continue to make my staff and the facilities available as is useful for this topic.

We look forward to further engaging with the sponsor and this committee during the work session.

Randall A. Liberty
Commissioner, Maine Department of Corrections