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### Testimony of Representative Grayson Lookner introducing LD 696 "An Act To Prohibit Solitary Confinement in Maine's Corrections System."

April 5, 2021

Senator Deschambault, Representative Warren, and honorable colleagues on the Committee of Criminal Justice and Public Safety. My name is Grayson Lookner, and I represent part of Portland. I'm here today to present LD 696 "An Act To Prohibit Solitary Confinement in Maine's Corrections System."

We have a Department of "Corrections" in the state of Maine. To me, that implies that as a state we work to correct the behavior of those who have been convicted of crimes who become residents of the state's jails and prisons, and rehabilitate them to functioning behavior in society. We do not have a Department of "Senseless Punishment," nor a department of "Psychological Torture" in the state. By any name: "restrictive housing," "administrative segregation," or "solitary confinement," the practice of holding inmates in isolation for weeks, months, and often-times years on end, amounts to senseless punishment and psychological torture.

As former Supreme Court Justice Anthony Kennedy put it succinctly -- "Solitary confinement literally drives men mad." For those who have been left languishing in isolation, the scenes are frequently gruesome. Blood mixes with vomit, feces, and other bodily fluids on the facility's floors and other surfaces as residents engage in self-harming behavior in a plea for transfer to a facility's mental health unit. The trauma from being locked up in solitary for prolonged periods is lasting, and does not restore residents to a state of functioning, either in prison or out. In the words of one former Warden of the Maine State Prison: "You can put someone in solitary for 5 years, but I don't want to be living next to them when they get out."

In many instances, even the most heinous crimes are driven by underlying mental illness and behavioral health disorders. Solitary confinement only exacerbates these symptoms, and creates human beings who will be charges of the state for a much longer period than they would have been otherwise. The State's Department of Corrections mission states that they use "evidence based practices" and follow the National Institute of Corrections (NIC) best evidence-based practices. The NIC's own literature on Solitary Confinement makes no mention that this practice has any evidence backing it, and indeed cites that the major reason that it has become such a common

practice is due to “[overcrowding](#)” in our prisons. In fact, all the studies that have been done on the practice show that it is linked to worse behavior, higher rates of psychosis, and [suicide](#).

Solitary confinement was infrequently used in the United States prior to the 1980s. We have seen populations of prisons grow exponentially in that period, including in Maine. The reduced populations we have in Maine’s DOC currently because of the pandemic present a unique opportunity for us to start thinking differently about how we do corrections. With lower populations, there shouldn’t be a need for solitary confinement at all.

This bill needs some refining to cover all the DOC’s practices to ensure that it prevents the worst psychological torment from being inflicted in our prisons. The 8th Amendment of the United States Constitution prevents cruel and unusual punishment from being inflicted on our nation’s prisoners. This practice not only violates that provision, it also makes us less safe by inflicting unnecessary trauma on the state’s inmates. I look forward to working with you to craft a bill that ends this practice in the State of Maine.

Thank you.