

Senator Deschambault, Rep Warren and honorable members of the Criminal Justice and Public Safety Committee. My name is Lori Swain and I live in Cape Elizabeth. I am here today to speak in favor of [LD 696](#) An Act To Prohibit Solitary Confinement in Maine's Corrections System.

What I can tell you about solitary confinement is that it's pure torture. It's inhumane and it has to stop. I'd like to ask that you read the study that was done on solitary confinement at the MSP in 2013 by Zachary Heidin of the Maine ACLU. It can be found at aclumaine.org. There's also a documentary by Frontline that can be found at pbs.org. Every bit of research I could find opposes this kind of inhumane torture.

My son, Zachary Swain, went to Maine State Prison in December 2015. Zachary has suffered from various mental health diagnoses his entire life, including bi-polar, severe anxiety, depression, PTSD, among others. He has high-functioning autism. He had a one-on-one aide during his school years and was in special education with an IEP. His disability qualified him for the Katie Beckett program. The state website describes the Katie Beckett program as a MaineCare program that provides medical coverage for children living at home with longterm disabilities or complex medical needs. Katie Beckett eligibility allows these children to be cared for at home instead of in an institution. A child must also be disabled by Social Security Disability standards and require a level of care typically provided in a psychiatric hospital, nursing facility, or group home.

Zach was a senior in high school when he was arrested. He was attending Cape Elizabeth High School, taking a math course at SMCC, earned his varsity football letter and looked like a normal kid. He is very articulate so people don't realize he has such a severe disability. But, he struggles with social settings. He never fit in and didn't have many real friends. He's spent time at MMC Psych ward, Spring Harbor Hospital, Sweetser residential, Day One, and Long Creek. He also had in-home services most of his life, including VRP (virtual residential program) during his senior year. He's been on medication most of his life because we found that he wasn't able to function without it.

Since being incarcerated in 2015, we've fought with CCJ and MSP to provide medication to Zach. MSP chose to put him in solitary confinement (although they have various names for it) instead. After his first year, Zach spent about 4 years in solitary confinement. Visits were limited and non-contact. There were times when visits were not allowed. My son went from a clean-cut good looking young man to a cave man. His hair was long and greasy and hanging in his eyes. He had a bushy beard and facial hair. His eyes were blank and he struggled to smile at me when he saw me. He talked about weird things and sounded paranoid. Solitary confinement was killing my son and making him mentally unhinged. Through lots of prayer and the help of a peer mentor named, Steve Clark, Zach worked hard and earned his way out of solitary confinement. It took 1-1/2 years of working at it before they would release him. You see, MSP has a level system that works for many people but isn't designed to work for those with mental health issues or autism spectrum disorders. As a therapeutic foster parent, I've spent many hours training and working with kids who have many levels of trauma in their past. My guess is that most of the people at the prison suffer from trauma; however, instead of being treated, they are punished. Those who don't fit into the box of the level system sit in solitary confinement, sometimes for years.

My son was put back into solitary confinement last May after only a few months out. He was in a depression and refused to turn on his cell light during daytime count. You think of solitary confinement as just sitting in a cell. Well, that's not all it is. I'm going to speak about my son's experience but this is happening to many men – and many of them are young and being permanently damaged psychologically. I want you to think about your high school or college age children and imagine them going through this.

In solitary confinement the men are only allowed out of their cells for a maximum of one hour a day. Some days they are not allowed out. They are allowed one 10-minute phone call each week. The only way they can communicate is by sitting on their sink or toilet and yelling through the vents. They rely on the COs for everything. They sometimes spend days begging for basic supplies such as toothpaste, toothbrushes, clean clothing or bedding, medical treatment, because the COs choose to ignore them.

There are some really good COs who care and treat the men humanely. There are also a group of COs who thrive on antagonizing these men in their cells. Zach says he gets anxiety and it builds and he doesn't know what to do with his emotions. He's punched his wall and struggles daily. He said he needs help and he needs someone who will teach him how to handle these feelings. The autism causes him to be impulsive and that makes the situations he faces in prison even more difficult for him to handle. His peer mentor helps him a lot but is not allowed to meet with Zach on a regular basis. They met 2 times in 8 months last year. This was after the warden approved their meetings.

Some COs have been relentless in their harassment and trying to provoke Zach and some other inmates. They would tell him they were spitting in his food. He had no other way to eat except what they gave him. He went on several hunger strikes. They would only give him a small apple and little packet of peanut butter for each meal for a week. They gave him powdered milk but then wouldn't give him a container to drink it in so he couldn't drink it. They held his mail coming in and out for about 2 months. He wasn't allowed any calls so I had no way to contact him. Zach and two others were made to walk at gunpoint naked and handcuffed and shackled through several pods with 4 female employees and all the male employees and inmates, some of which are sex offenders. Although the external investigation found this to be wrong, nothing was done to Office Ruffner who did it and no help or support was given to the 3 men who sustained the sexual assault/harassment. Because of past trauma, this was very difficult for Zach. He started having severe anxiety and panic attacks. He couldn't sleep and became very depressed and suicidal. One day Zach had been harassed by a CO to the point that he had a severe panic attack. As a sergeant was attempting to lead Zach out of his cell fully handcuffed and shackled (and with a broken right hand due to punching his wall a week earlier), the CO who had caused the panic attack walked up to the cell door way and said something to provoke Zach. Zach pretended to spit on him (the CO had on a face mask and gloves) and the CO punched Zach so hard in the eye that Zach fell backwards to the ground. We later found that Zach had broken bones in his nasal cavity that were never treated. He was never treated for his broken hand, which is now deformed and painful. Even with the prison doctor's request to see a specialist, the prison never sent him.

Zach began swallowing metal and other objects and had emergency surgery several times this past year and hung himself twice. One night he was found hanging and unconscious in his cell and was taken to

the hospital in a coma. All the blood vessels in his head and eyes were purple and he couldn't stand up without help. His gross motor skills were affected. The hospital released him to the prison infirmary. Instead he was taken to a room and beat up by two COs who had been harassing him for a long time. Zach has no recollection of this but he sent me the write-up that the COs wrote. One of the COs was even telling Zach that he could get to his 13 year old sister and there was nothing Zach could do about it. Zach was taken to a freezing cold cell covered in urine and feces with only a suicide vest, barefoot and begging for a blanket. He had to scrape the feces off his feet the next day. Zach had bruises all over his body and couldn't stand or sit up straight. He wasn't seen by medical until 2 weeks later when Rick Liberty told him he had a severe traumatic brain injury that would take months to heal. After this, he started cutting himself so the COs pepper sprayed him (over 10 times in one week), taser him, and beat on him. They put him in a restraining chair multiple times but once for 23 hours in a suicide vest dripping with pepper spray and his face and privates burning because he cut his arm. We have continually asked for mental health services consistent with his disability. The nurses and doctors told him he should be in the IMHU (intensive mental health unit) because they are trained to de-escalate situations and they have programming that would be helpful to Zach. The people at the top denied him. They wouldn't give us a reason but Zach was told by the medical staff that he's too intelligent.

Zach kept trying to kill himself. He was in a cell with only a book, and at times not even that, for over 10 8 months. Even after multiple requests, Matt Magnusson will not tell us what Zach needs to do to get out of solitary confinement. He keeps talking about the level system but it doesn't work for people on the spectrum and they don't offer any other alternative. It took him 1-1/2 years last time to complete the level system. He's scheduled to be released next February. That means he'll spend another year in solitary confinement and then be sent home. What condition will he be in and how will he go from a sitting in a cell all day to working (which will be part of his probation). This has to stop. Zach needs help. And, there are others in this same situation who need help. Will you please help us and end solitary confinement?