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Testimony of Representative Grayson Lookner in Support of
LD 696, “An Act To Prohibit Solitary Confinement in Maine's Corrections System”
Before the Joint Standing Committee on Criminal Justice and Public Safety

Good morning Senator Deschambault, Representative Warren, and honorable colleagues on the Criminal Justice and Public Safety Committee. My name is Grayson Lookner, and I represent House district 37 which includes part of Portland. I’m here today to present **LD 696 “An Act To Prohibit Solitary Confinement in Maine's Corrections System.”**

Last session, I introduced this bill with only a topical understanding of the subject, and a knowing that nobody in the state of Maine should be subjected to the dehumanizing effects of prolonged isolation while being held in a State corrections facility. After meeting with advocates, public health experts, and those familiar with the history of solitary confinement in Maine, I’ve introduced an amendment that gets to the core of what we need to do to ensure our corrections system is as restorative as possible, not one that ultimately makes our state less safe by creating lasting psychological harm in Department of Corrections (DOC) residents who experience the trauma associated with solitary confinement.

This amendment, which will replace the bill title with “An Act to Restrict the Use of Solitary Confinement, Segregated Confinement and Residential Rehabilitation in Maine’s Prisons and Jails,” does several key things. First, it defines “solitary confinement” as any 24-hour period in which a resident of a corrections facility in Maine is forced to spend more than 20 hours in their cell, a precise definition that was lacking in the first version of the bill. It also defines “segregated confinement” as a 24-hour period in which a resident spends more than 17 but fewer than 20 hours isolated in their cell. In this amendment, the practice of solitary confinement is banned in Maine’s corrections system, and the use of segregated confinement is carefully regulated.

Secondly, the bill mandates that no resident should spend more than three consecutive days in segregated confinement, and not more than nine days in a 60-day period. Thirdly, the bill prohibits certain populations from ever being put into segregated confinement. This includes young people under the age of 21, people over the age of 65, people with disabilities, and anyone who is pregnant or caring for children in the facility. Next, the bill also prohibits the use of segregated confinement for the purposes of punishment and only permits its use for matters of safety of the individual or of other residents. Currently, a resident can be put in isolation for reasons as capricious as having too many books in their cell.

Lastly and crucially, this bill creates a “confinement ombudsman” position that does not report to the DOC. In this position, the confinement ombudsman will keep track of the use of segregated confinement in Maine and will create hearing requirements before a resident is placed into such conditions.

Taken together, these amendments will ensure accountability so that when residents of Maine’s prisons and jails must be subjected to such treatment, it is done with the utmost intention for maintaining the safety of residents and staff. Reducing the use of solitary and segregated confinement will reduce the burden on corrections staff by decreasing reliance on these staff-intensive processes. By passing these reforms, Maine will be joining other states in regulating the use of solitary and segregated confinement and show that we are compassionate in our dealings with prison and jail residents experiencing mental illness and behavioral health crises.

Ultimately, we must find ways to reduce our state’s over-reliance on incarceration to deal with issues of mental health and housing instability. In the meantime, nobody should be subjected to the horror and psychological damage that is created by prolonged isolation. Creating more restorative practices will ensure that our corrections system remains true to its mandate of “correcting” behavior. This will, in turn, make our state safer by reducing recidivism rates and by helping to keep people out of jail and prison in the first place.

Please join me in taking these major steps forward by voting “ought to pass” on this amended bill.

Thank you for your time, and I’m happy to answer any questions.