



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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February 9, 2022

Senator Susan Deschambault
Representative Charlotte Warren
Committee on Criminal Justice and Public Safety
State House, Room 436
Augusta, ME 04330

RE: MACDL Testimony in Support of LD 696: An Act to Prohibit Solitary Confinement in Maine's Corrections System

Dear Senator Deschambault, Representative Warren, and Members of the Committee on Criminal Justice and Public Safety:

MACDL is here to today to testify in support of LD 696. We are grateful for the work and dedication of Representative Grayson and many members of the Maine Prisoners' Advocacy Coalition who have devoted their time and expertise to crafting this thoughtful and necessary legislation. We are especially grateful to the people who are formerly incarcerated and those who are currently incarcerated for their input and advocacy around this legislation—and their bravery in coming forward.

Because our model of incarceration harms more than it rehabilitates, we all lose. Ninety-five percent of people in our jails and prisons in this state will eventually be released back into the community. If this government wants to release extremely mentally ill, traumatized, victimized people back into the community and cross our fingers and wish for magical rehabilitation and public safety—it's not going to happen. When people are incarcerated, we must ensure their health and their safety—period.

Solitary confinement—and its various iterations—dehumanizes, degrades, and devastates people. We all pay the price for the cruelties inflicted in the name of safety and security. I am sure there will be many people today to testify directly about their experiences with confinement or the struggles of family members and loved ones who have undergone torture over the years in our "correctional" centers. I urge this Committee to listen to these people closely—their stories will haunt you. I can only hope that they will inspire each of you to do the right thing and pass this law.

As a criminal defense lawyer, I know that I worry constantly about my clients—whether they are out on bail, in local jails because they can't "make bail," or released into the community following a relatively brief jail sentence. My worry only deepens when my clients, particularly those with significant mental illness or other disabilities, are sentenced to long stretches of incarceration. Prison is a violent place. Segregating and isolating people is a form of violence, too. It is not treatment; it is not therapeutic. It is ineffective, harmful punishment that disproportionately impacts people of color, LGBTQ+ people, and those with diagnosed mental illness and other disabilities. It is unacceptable for this practice to continue.

Thank you for your attention to this matter and for allowing me to speak with you all today. I would be happy to try to answer any questions by the Committee.

Sincerely,

Tina Heather Nadeau, Esq.
MACDL Executive Director