



Testimony of the
Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations

In Support of LD 696
“An Act To Prohibit Solitary Confinement in Maine's Corrections System”

Wednesday, February 9, 2022

Senator Deschambault, Representative Warren, and Honorable Members of the Joint Standing Committee on Criminal Justice and Public Safety. My name is Whitney Parrish, and I am the acting executive director of the Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations (“Permanent Commission”). I am honored to write in support of LD 696, “An Act To Prohibit Solitary Confinement in Maine's Corrections System.” We extend deep gratitude to Rep. Lookner for introducing this bill.

The Permanent Commission is an independent entity with a mission to examine the racial disparities across Maine, and to work toward improving the status and outcomes for currently and historically disadvantaged racial, indigenous, and tribal populations. Further, the Permanent Commission is empowered by state law to advise and consult all three branches of government.

No matter what it is called, no matter how it is framed, no matter what potential guardrails have been placed: solitary confinement is what it is. It is a traumatizing, non-evidence-based practice of isolating and segregating individuals who, by their very nature as humans, require interaction and connection with others in order to be healthy and move toward even a semblance of rehabilitation.

We know that our criminal legal system disproportionately targets Black and African American people for incarceration. According to the Justice Reinvestment in Maine Report published in 2019, Black and African American people in Maine accounted for 1 percent of the state’s population and experienced extreme disparities in arrest and incarceration compared to their white counterparts.¹

What does this mean and why does it matter? Just as in other states, Maine is not immune to policies and laws where racial biases are deeply and historically embedded, intentionally and unintentionally. As a result of this and as mentioned above, Black and African American individuals make up a disproportionate amount of felony arrests here, and subsequently, incarcerations. Across the country, this is not by accident, and it is backed up by years of research and evidence. Black, Latino, and American Indian/Alaskan Native people are often

¹ Shelor, Ben, et. al. Justice Reinvestment in Maine Report: Second Presentation to the Maine Commission to Improve the Sentencing, Supervision, Incarceration, and Management of Prisoners. The Council of State Governments Justice Center. Nov. 2019.

placed in more secure facilities and are incarcerated for longer periods than white people,² and Black people are incarcerated at rates higher than white people, with especially stark disparities in many states³, including Maine. Discretionary actions of staff and assumed criminality compound the issue of extreme punishment within Maine's own prison system.

While steps have been taken in past years to reform and reduce reliance on solitary confinement here, it does still exist, and it actively harms not only individuals, but entire communities. Prolonged and deliberate segregation serves no one and only serves to cause and compound further trauma—a documented driver of contact with the legal system and recidivism. Additionally, for individuals in racial, ethnic, and Indigenous populations who live with mental illness, this practice is especially dangerous for their wellbeing. The same can be said for youth, whose brains are still in development when they interact with isolation and segregation, as well as punishment broadly.

Justice is a government that cares for us and realizes our dream of a state and country where all of us can thrive, no exceptions. The practice of using harmful punishment tactics like solitary confinement represent the opposite of justice. Defining and eradicating the practice of solitary confinement will make all of us safer—no matter our color, zip code, or status as an incarcerated or non-incarcerated resident of our state.

Thank you for your time and consideration of this bill. We respectfully urge you to support LD 696. I can be reached at whitney.parrish@maine.gov to answer any questions or provide additional information if desired.

² Sentencing Project. Report of the Sentencing Project to the United Nations Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance: Regarding Racial Disparities in the United States Criminal Justice System. 2018.

³ Carson, E. Ann. 2020. "Prisoners in 2019." Washington, DC: Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.