

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.

Every article written, all the research done (including the ACLU's study of solitary confinement at MSP in March 1993), and every person's personal experience will support LD696 and show that solitary confinement is torture, inhumane, and creates unsafe conditions for everyone.

Solitary Confinement almost killed my son. I don't want another human being to go through what we've been through.

Zachary was the sweetest little white-haired kid with big blue eyes. He always struggled but he cared deeply for others. During junior high and high school, he volunteered helping younger kids with reading and math. He swam Fridays with a peer who had Downs Syndrome and helped him with Special Olympics. He volunteered at the local nursing home weekly doing "games with Zach". He helped me prepare and serve meals with a smile to the homeless women at Florence House.

At a young age, he was diagnosed with a mood disorder, severe anxiety, PTSD, ADHD and he's on the autism spectrum. He's received medications, mental health treatment, and special ed services since about 2nd grade.

Zach was a senior in high school, taking a college math class and getting ready to graduate when he was arrested. There were 7 boys involved, equally guilty, but Zach took the brunt of the punishment because he asked for a lawyer instead of talking to the police. As a Christian mom, I told him he had done something wrong and had to take the consequences. Therefore, we didn't go to trial to fight the charges. Had I known what the DOC would do to my son (which also hurt every person in our family), I would have fought it with all I had.

In December of 2015, he was sentenced and sent to Maine State Prison. He was able to do okay his first year with the help of Steven Clark, who became his peer mentor and was like a big brother to Zach. Steve helped Zach get signed up for college classes. The weekend before he was to start, his anxiety became so severe that he had to drop out of the college program. He repeatedly requested help and medication from the medical department. They refused. The nurse who met with him told him he had to have behavioral issues in order to get medication. He began to have behavioral issues and was sent to solitary confinement instead of being given his medication. That was the beginning of our family's journey to hell.

During his 6 years at MSP, we have fought continuously for proper medical and mental health services for him. Instead, he has been placed in a cell for 21-24 hours a day. When he was feeling depressed and needed to meet with his peer mentor and have mental health services, the prison would empty his cell, hold his mail and refuse contact with his family, who was his support system. They did this for 2 months straight. During that time, his mental health deteriorated. He regularly cut himself and tried to kill himself. He was found hanging by a sheet in his cell unconscious and was taken to the hospital in a coma only to be returned to his cell and found hanging by a sheet in his cell again the following night. His prison medical records from those two days say he was not suicidal.

He was harassed, tortured, and abused by COs. They even threatened to hurt my teenage daughter. When he could no longer stand it and tried to defend himself, he was charged with assault. He was forced to go without toothbrushes, toothpaste or showers for weeks at a time. When he would cut his arm, he was pepper-sprayed and put in the restraint chair for up to 24 hours in only his boxers and a suicide vest. He was dripping with pepper spray and his face and privates were burning. This happened time and time again, sometimes daily.

Solitary confinement made my son incoherent at times. He had irrational thoughts and was talking to the spider in the web of his cell because he had no one else. He always had a severe fear of spiders. He has a colostomy bag as a result of several almost life ending surgeries from his last suicide attempt in June. The prison took him out of the infirmary before he was healed and sent him to solitary confinement where they would not allow him the physical therapy that his surgeon said was necessary for him to heal properly.

The doctors and nurses who met with Zach recommended that he be housed in the Intensive Mental Health Unit. Our requests for him to be admitted were denied by those at the top. The prison administration would say only that he didn't meet the criteria, but they wouldn't tell us what the criteria was.

The prison's psych eval states that Zach was faking his mental health issues for court. They submitted paperwork stating Zach didn't qualify for therapeutic residential services. We had a private psych eval done by an expert witness in the field who confirmed the diagnoses of all the other reputable psychiatrists Zach has seen over the years in the Portland area. He also stated that Zach should be in a therapeutic setting (IMHU) at the prison. After the private psych eval, Zach was approved through DHHS for therapeutic residential services upon his release.

Although he hasn't had a single write up since June, he's sitting in solitary confinement. They changed the name to the Administrative Control Unit (ACU) and categorized it as general population but it's still the same solitary confinement pod where he's served 21-24 hours a day with no human contact for most of six years.

He'll be released on February 28 and will leave straight from solitary confinement shackled in 4-way restraints with no programming or rehabilitation to help him enter society.

The prison has failed my son and almost killed him. The scars of their torture and abuse will follow him throughout his life. Our entire family has been scarred. Instead of looking at colleges, I've had to look for therapeutic residential housing for him.

Sadly, he is not alone. Almost all the men in my son's solitary confinement unit (ACU), and there are many, have been in solitary confinement for over 2 years. They have no way of knowing when, if ever, they will be returned to general population.

During last year's hearing on this bill, Commissioner Liberty stated that "there are currently fewer than eight residents in segregation whose average length of stay is less than a week." In my son's pod alone, there were more than eight residents in segregation with average length of stay for many months and, for some, years. There were other solitary confinement pods as well. The

number was closer to 40 men in segregation at that time. The treatment of the men was the same, only the name of the pod was different. Soon afterwards, as my son and other young men were in solitary confinement, Deputy Commissioner Thornell and others continued to say there was no one in segregation, but it is only a matter of semantics.

We need to change this broken system. These men matter, their lives matter, and the families who are on the outside suffering through this matter. We have to stop allowing the prison to cover up the torture and inhumane treatment of these men. Solitary Confinement must end. We can't depend on the prison officials to make this happen. We need legislation to make it stop. Please do the right thing and vote to pass LD696.

Sincerely,

Lori Swain