

March 3, 2022

Senator Deschambault, Representative Warren, and distinguished members of the Committees.

My name is Zachary Swain and I live in Cape Elizabeth. I am a formerly incarcerated citizen. I was released from the Administrative Control Unit of Maine State Prison on Monday.

I am writing to support LD 696 An Act to Ban Solitary Confinement in Maine's Correctional System.

The first time I was in solitary confinement was Dec of 2016, I was 20 years old. I was down there for getting in a verbal altercation with an officer. I was in A-2 for administrative segregation. A-2 also holds disciplinary segregation. I was there for almost 30 days.

When I was released from there I was placed on disciplinary restriction. In disciplinary restriction I was allowed 1 hour out of cell daily. this lasted from the last week of December to February. From there I was moved to the structured living unit for the next 3 months. Again we were given 1 hour out of cell daily and no programming until May.

In May, I was taken off disciplinary segregation, but I was now in the Structured Living Unit of the Special Management Unit(SMU). We could not leave the pod, but we had more recreation. There were two programs. The first was START which is for mental health and substance abuse. it was led by a Behavioral Health worker and met once or twice a week for an hour 2017.

The second program was Cage Your Rage which I also completed in the Structured Living Unit. It was facilitated by unit staff and met one hour once or twice a week.(Each of these classes takes close to 4 or 5 months to complete)

The programs were concurrent. They were generic anger management and mental health classes. I did get something out of them, but they did not address my specific issues.

When I left the structured living unit I was moved to Close -C(Charlie) pod where I stayed from August 2017 to March 2018. We were not allowed to leave the pod or go to rec. They told us we were in general population, but we did not have the interactions or the privileges of the general population. We had no access to education or programming of any kind. The pod was isolated with 4 hours out. I was here in 2018 when the DOC started the level system.

It was in Close-C pod that 27 people participated in a hunger strike. Half of the pod was refusing meals for weeks on end. The administration denied that it was happening.

Eventually we just stopped the hunger strike, because they were ignoring us. They came in and made some empty promises and said things were going to get better. That was when Mike Tausek was the deputy warden. He came in to talk to us, but none of what he said came true. You had to have six months without a disciplinary write-up to leave C-pod. Some people would get write-ups and would still get released. But others would have no write-ups and would not get released. The COs did not like some people and would deny people release even when the team recommended release. Once I tagged-in and that was used to keep me in C-pod. Others could get an assault and still leave. There was no consistency. If the administration did not like you they would use anything as a reason for not releasing you, regardless of your behavior.

In March of 2018 when the DOC instituted the new level system, I had not had a write up since the previous December, but I was started on level 1. I could not leave the pod for any reason and only had two hours out of cell. It was a step back.

In April of 2018, I received my first disciplinary right up. I was told I couldn't have commissary. I punched a guard. I had had previous run-ins with this guard who did everything he could to provoke me. I couldn't take it anymore.

I was sent back to A-2 administrative and disciplinary for 10 months(There were no services and no programming in A-2) one hour out a day and three showers a week and one 10 minute phone call.

This is when I started getting into self-injurious behavior. I had a suicide attempt. They took away my ADHD medicine cold turkey and did not taper the Ritalin. It was not clear who discontinued it. Severe depression ensued. The suicide attempt was documented. But I did not go to medical.

This is also when I started swallowing metal. I spent a month and a half on a 15 minute watch. I was not allowed recreation and was only allowed only one phone call and two showers during that month and a half.

I had mild to moderate psychosis. I was delusional and paranoid. I put my mattress on the floor under my bunk and draped a blanket over the bed so I was completely cut-off from everyone and everything around me.

My peers in the pod were concerned. They would try to talk to me. People on a higher step in the level system that were allowed out of their cell would come to the door to talk to me. That helped. Somebody cared about me.

ACU is connected to A-2. They are side-by-side.

When I was finally released in September from ACU I was still suffering from paranoia. I thought people were after me and I was in danger. I brought a piece of metal with me for protection. I felt safer with protection. I was out three hours before they found the metal and I was put back on administrative segregation for a month and a half. Then into a different area of the SMU B- wing was being used for disciplinary (now it is the earned living unit). The structured living unit was also in that pod. I was allowed 2 hours out of the cell in outdoor recreation(dog run), 3 - 15 minute phone calls a week and one shower a day. There was no indoor recreation. The only option was to go outside in snow or rain. COs provoked fights between inmates. The cameras had a blind spot. It was called the Octagon. COs would take the fighters to that spot. I broke my hand during one of those fights - a boxer's fracture from hitting someone. You get in one fight to avoid 10. If you show you are willing to fight, people are less likely to pick a fight with you. Just prove yourself once and you will not have to get in another fight.

COs provoked those fight by saying so-and-so said this about you. If they new that two people did not get along. They would separately tell each of them that the other was talking smack about them. They would make sure they released both men to the recreation yard together and then they would tell each of them separately, "Hey, he is talking trash about you, if you are

going to fight do it now, don't do it on my break because I do not want my break to get interrupted." It was hyper masculinity fed by the COs.

Eventually, we became aware of what the COs were doing on and stopped listening to them.

In June of 2020, we tried again to get the attention of administration by doing a sit-down strike. We sat down in the recreation yard and said we wouldn't move until the captain came. Instead of getting the captain to talk to us, they called the SOG team. The SOG team arrived they through in a stun grenade while we were sitting quietly for the captain to arrive, then followed with more set off flash/stun grenades, and concussion rounds. Then CO Rufner made us strip down to nothing, handcuffed us and made us parade through corridors naked by the open door to one pod and through another pod, nude and in front of other inmates and three female corrections officers including Heather Richardson.

They continued to March us to the infirmary in the nude, where a nurse stormed out of the room asking why are you bringing these men in here naked. We were returned to our cells still naked and were refused clothing for a week. They took everything out of our cell and except a bedsheet. All we had was a cold, steel bed. If we had to go to the infirmary or take a call we had to wrap a sheet around ourselves.

It was the worst thing that ever happened to me. I had insomnia and nightmares. One of the other men was a victim of child sexual abuse. We asked to talk with a sexual assault advocate, but were refused. We were severely punished, but there were no consequences for the officer.

My mother called Warden Magnusson, who had already received calls about the incident. There was an external investigation, but nothing happened. It did not seem to make any difference as a few days later CO Rufner was in the infirmary telling me to strip down -again.

I had no reason to believe that things would ever get better or that I would ever get out of there. I gave up all hope until the news started covering my story and District Attorney Irving became involved. I did not have a will to live. I had several suicide attempts. I was waiting to die or attempting to kill myself. It is horrifying to think of it now. It is nothing short of a miracle that I made it out alive.

I am not the only one with this story. There are people right now with the same story. They are cutting themselves and eating metal. The Administrative Control Unit(ACU) is more relaxed than A-2 or Close-C and there is less injurious behavior.

Even so the ACU is so depressing and so difficult. Everybody who leaves the ACU, leaves worse then when they went in. There is a very high recidivism rate in that unit. I was released to the streets from the ACU.

It is only for the worst of the worst.

If I was the worst of the worst I would still be there.

I am accountable for my actions and the things that I did. I'm not denying that I deserved some sort of consequence. But the extremes that I was put you through are not acceptable either.

People need a safe controlled environment where they can interact with other people. Isolating does not make them better. It is a temporary solution to a problem that could be solved through treatment and therapy.

ACU makes people more likely to do have antisocial behavior in the future. Isolation makes them worse. Someone with a troubled past or a violent past will be made worse. Without the overwhelming support of my family and friends, I would not have survived. Emotionally I am much worse.

No one in ACU is irredeemable. I do not like everyone who is in that pod. But everyone has good points. Even the hardest person does better when he has peer support. Individuals are very negatively influenced by the environment. One man had a 9 month sentence which has turned into an 18 year bid. He does well when he has a peer support person. When his support is taken away from him he goes downhill quickly.

The CO who the commissioner said was violently assaulted actually came back in with a Hello Kitty band-aid on his arm. That tells you the true level of the threat.

One guy in particular in the unit cares about people and was very supportive of me. He is not getting any treatment. Solitary does not seem to bother him. He can endure it with indifference. I respect that about him. COs provoke him. But he will pull them aside and say I didn't deserve to have you treat me like that. Nine times out of ten the CO will agree and apologize.

COs that do not want problems do not have problems. I never wanted to assault a CO. No one wants to go through all of the harassment that goes along with that. It happens when a person gets provoked and provoked and provoked. You get to a point where you just can't keep living with it. It is a last resort for an inmate. On the part of the CO it is very easily avoidable. There are officers who have worked for decades and never been assaulted. As long as a CO does their job with the bare minimum of respect and dignity, they will be treated with respect.

COs need more training in areas like conflict resolution training. If they had those skills assaults could be avoided.

The guys in the ACU help each other out. If we see someone struggling we reach out, we ask them how they're doing. Inmates will help others deescalate. Correctional Officers often escalate. An inmate will say, "Hey man, let's go for a walk." It is not a perfect community, but the majority of us will try to help out rather than instigate. There are some bad seeds. But as far as people being supportive of each other, you see that more than the negative. The ACU is more supportive than most of the general population pods. I have more support from those in the ACU than anywhere else. It is almost unheard of to have another inmate instigate something. It is a shared experience and people feel a camaraderie. I might not like you on a personal level, but we are in this together. Even if we were enemies in general population, we support each other in the ACU.

Please support LD 696. You will be saving lives.

Sincerely,

Zachary Swain