



April 25, 2023

Senator Pinny H. Beebe-Center, Chair
Representative Suzanne Salisbury, Chair
Committee on Criminal Justice & Public Safety
State House, Room 436
Augusta, Maine 04333

Re: *LD 1543, Resolve, to Establish the Commission to Recommend Cost-effective, Safe, Administrable and Healthful Programs to Reduce Violence in Prisons and Jails*

Dear Senator Beebe-Center, Representative Salisbury, and Honorable Members of the Committee on Criminal Justice and Public Safety:

My name is Mary Bonauto and I am the Senior Director of Civil Rights at GLBTQ Legal Advocates & Defenders (GLAD), a litigation and policy organization addressing issues affecting the LGBTQ people across communities. We thank Representative Moonen and Representative Salisbury for bringing forth LD 1543, and GLAD, together with EqualityMaine, **strongly support this bill.**

Violence between residents or resident-to-staff, and self-harm of residents and of staff, are the among the most urgent and vexing issues facing prison and jail administrators, staff, and residents. This Resolve would look backward to understand the conditions giving rise to the violence far beyond the immediate matter at hand. A contextual examination of the housing, health, health treatment and program status surrounding the violence in each case is the type of systemic view that can lead to greater insight and concrete action steps.

Looking forward, the Resolve would look to costs and savings from different models for violence reduction programs with the expectation that learnings could be evaluated by the DOC and Sheriffs to effectuate safer, and more administrable and more cost-effective environments for all. Staff care is a central part of this effort, including a focus on how violence affects them in health care costs, staff retention and recruitment. This Committee has certainly heard of staff who simply could not continue working in prisons and jails because of what they experienced. Last but certainly not least, violence-reduction models in prisons and jails would affect resident health, re-entry success, and recidivism, and thus public safety.

At present, part of how the Department of Corrections and the jails try to keep staff and residents safe from violence through restrictive housing. The DOC distinguishes among “administrative status,” which includes “restrictive housing,” and “disciplinary segregation status,”¹ “protective custody status,”² and operating special

¹ Policy 15.2 available at: https://www.maine.gov/corrections/sites/maine.gov.corrections/files/inline-files/49876476_0.pdf. According to Policy 15.2,

1. A resident may be placed on disciplinary segregation status only after having been found guilty of a major violation (Class A or B) of a resident disciplinary rule (i.e., **a violation that poses a direct threat to the safety of persons or a clear threat to the safe and secure operation of the facility**) and only after having been given a disposition of disciplinary segregation after consideration of the other dispositions that are available to safely deal with the threat posed by the resident’s conduct in accordance with Department Policy (AF) 20.1, Resident Discipline. []

² Policy 15.3 is available at: https://www.maine.gov/corrections/sites/maine.gov.corrections/files/inline-files/39405172_2_0.pdf

management housing such as the “administrative control unit,”³ but violence and security threats are the common denominator. Jails also have places and ways of using restrictive housing to manage persons acting out or acting violently. Violence may lead to disciplinary consequences and punishment, and isolation is justified in terms of staff and resident safety.

ME DOC policies reflect these concerns. For example, Maine DOC Adult Policy 15.1, governs administrative status and centers violence in its first paragraph.⁴

[Adult Policy 15.1] III. ... Residents are placed on administrative status when their **continued presence in general population would pose a direct threat to staff or other residents or a clear threat to the safe and secure operation of the facility.**

This review is warranted by the lives of staff and residents affected. According to the Correction Leaders Association and Liman Center at Yale Law School, for the one year period of July 1, 2020 to July 1, 2021, there were 134 violent, prisoner-to-prisoner incidents in the general population and another 65 of prisoner-to-staff violence in Maine prisons.⁵ As to self-harm, there were 59 attempted or completed suicides in the general population and 9 in restricted housing during this time period.⁶ Other self-injuring behavior was reported for 157 individuals in the general population and 34 in restrictive housing.⁷ This is only a small part of their available data and modes of evaluating prison safety.

This Resolve seeks to examine how to reduce violence in prisons and jails. The Department of Corrections and the Sheriffs are capable of considering new and effective ways of addressing the safety imperative in their

³ Policy 15.5 is available at: https://www.maine.gov/corrections/sites/maine.gov.corrections/files/inline-files/15.05%20ADMINISTRATIVE%20CONTROL%20UNIT%20_0.pdf It provides:

“The Department of Corrections recognizes that some prisoners in its adult facilities who are in a restrictive housing unit may need to be housed separately in special management housing for a period of intensive security and programming when a return to general population may pose a **repeated or serious threat to the safety of others, risk of escape, or another repeated or serious threat to facility security.** The purpose of this policy is to provide governance for the supervision of prisoners in the Administrative Control Unit (ACU).”

⁴ Available at: <https://www.maine.gov/corrections/sites/maine.gov.corrections/files/inline-files/Policy%2015.1%20%28AF%29.pdf> (updated Jan. 2023).

Note that those on “administrative status” have different access to health services, good time deductions, and living conditions than in other statuses: “This policy does not govern residents on disciplinary restriction, on disciplinary segregation status or protective custody status, or in the Administrative Control Unit or the Intensive Mental Health Unit (IMHU).” 15.1 (III).

See also VII. PROCEDURES Procedure A: Administrative Status Placement when one or more criteria met: “a. the resident is a clear **threat to the safe and secure operation of the facility in that the resident constitutes an escape risk if in a less restrictive status** (e.g., the resident has attempted an escape, possesses escape tools, etc.); b. the resident is **otherwise a clear threat to the safe and secure operation of the facility** if in a less restrictive status (e.g., the resident is refusing to cooperate with an intake procedure, refusing to cooperate with a search, refusing to leave a restrictive housing or special management housing placement, participating in drug trafficking in general population, actively promoting Security Threat Group (STG) or gang activities, etc.); c. **the resident is a direct threat to the safety of another person if in a less restrictive status** (e.g., the resident has assaulted or threatened to assault another person, is stalking another person, possesses weapons, etc.); or d. the resident is under direct threat to their safety if in a less restrictive status (e.g., the resident is a high-profile case, the resident is a former criminal justice official, the resident is the target of an STG or gang, etc.).”

⁵ Correctional Leaders Association, Liman Center at Yale Law School, *Time-In-Cell: A 2021 Snapshot of Restrictive Housing based on a Nationwide Survey of U.S. Prison Systems* (Aug. 24, 2022), at vii, available at law.yale.edu/liman/solitary, at 82, Table 30.

⁶ *Id.*, at 86, Table 34.

⁷ *Id.*

facilities that are also administrable, healthful and cost-effective, that keep everyone safer, and make it more likely for residents to succeed on the outside.

Thank you for your consideration of this important bill. We urge the Committee to vote ought to pass on LD 1543.

Truly yours,
Attorney Mary L. Bonauto
GLBTQ Legal Advocates & Defenders
Equality Maine

GLAD
257 Deering Ave., #203
Portland, ME 04103