

# Solitary Watch

## Criminal Justice Issues and Prisoners' Rights

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Proposed New Policies Limit Contact With News Media, Pen-pals

by [Garrett Zehr](#) | November 4, 2015

Proposed prison rules in Maine that carry punishment of up to 20 days in solitary confinement prohibit activities such as communicating with a pen-pal or having contact with news media. The new rules have been widely denounced by prison justice and civil liberties advocates.

They're outrageous. I can't believe it, [said](#) Joseph Jackson, who is a coordinator of the Maine Prisoner Advocacy Coalition and was formerly incarcerated for 20 years at the Maine State Prison.

The [proposed changes](#) focus on amending existing policy related to prohibited activities such as fighting, property damage and possessing contraband. However, they also include new limitations, such as the ability of individuals in prison to communicate with each other and those on the outside, including not being allowed to have writings posted on a blog or social media by a third party.

Under the new rules, for example, people behind bars who contribute to Solitary Watch's [Voices from Solitary](#) could be punished with nearly three weeks in solitary. The rules would also ban correspondence through pen-pal programs such as Solitary Watch's [Lifelines to Solitary](#).

Maine's Department of Corrections claims the new rules are designed to streamline the disciplinary process as well as punish new violations.

At a public hearing in Augusta on October 23, almost 20 speakers [unanimously opposed](#) the proposed rules.

These rules will tend to isolate inmates more than required and create a kind of isolation that could be equal to solitary confinement, said James Schatz, a former Democratic representative who sponsored a bill in 2010 that would have banned solitary confinement.

Current Senator Eric Brakey (R-Auburn) also spoke out against the changes. How does isolating prisoners from the outside world support rehabilitation? he said. If we restrict prisoners' right to communicate with the news media, we eliminate the freedom to communicate about any misconduct, whether it's true or false.

Free speech advocates said proposals such as limiting contact with pen-pals and the media have already been litigated and found unconstitutional and that the new rules could have widespread harm on the rights of individuals in prison.

These new disciplinary rules will have a negative effect on the ability of prisoners to communicate and interact with the world outside of prison, said Zachary Heiden, an attorney with the ACLU of Maine. The rules will prevent prisoners from establishing new relationships or strengthening existing relationships, and they will undermine prisoners' ability to access information and to access the justice system.

Jan Collins, a mother of Gordon Collins-Faunce who is incarcerated at Maine State Prison, [voiced concern](#) about how the policies will affect her son, who will be in prison until at least 2029. Gordon has always been an avid reader, she said. In prison, he can have five books in his cell. If he has more than five books, it is considered hoarding. Hoarding is a Class C offence, which could result in 10 days in segregation in addition to other penalties such as loss of good time, a fine, loss of privileges, and extra work.

The punishment regime at Maine State Prison has a [history of harsh conditions](#), especially in its Special Management Unit solitary confinement wing. Individuals in solitary recounted brutal and frequent cell extractions of individuals with severe mental illness, beatings for disobedience, unsanitary conditions, and near-total isolation in a tiny bare cell where the lights were always on. Whistleblowers and prison reform advocates forced changes several years ago that included improved conditions and a reduced use of solitary.

Commissioner Joseph Fitzpatrick, head of Maine's Department of Corrections, did not attend the public meeting in Augusta. He has indicated the final draft could contain significant changes based on public feedback. When the final product is approved, it may be very different from what it is now, he said.

A Change.org [petition](#) against the proposals already has more than 800 signatures. Rather than punish prisoners for writing about their experiences, lets continue to encourage them to do so, as so many national and local programs do, all over the country, and have done for decades, the petition reads. Please, lets not further strip Maine prisoners of their humanity and their self-expression.

Written submissions on the proposed changes are [being received](#) by the Department of Corrections until November 6. It is expected that a final proposed draft of the rules will be prepared by late November or early December to submit to the Attorney Generals Office for review.

Garrett Zehr is a Toronto-based legal aid lawyer practicing criminal defense and international human rights law, and a proud union member.

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October 25, 2022

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September 29, 2022

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The same type of rules limiting freedom of speech apply in North Dakota State penitentiary: no allowance to publish articles in the press, no right to post adds in order to find a pen pal. The punishments for breaking these rules may include solitary.

Solitary confinement is just plain wrong in the first place, except for the most serious offenses. But this amounts to nothing less than censorship and a violation of First Amendment right to free speech.

P.O. Box 11374  
Washington, DC 20008

[info@solitarywatch.org](mailto:info@solitarywatch.org)

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