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Criminal Justice Issues and Prisoners' Rights

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Campaign and Advocacy

close

Search

close

close

by [James Ridgeway and Jean Casella](#) | January 11, 2010

Most Americans knowledge of the Maine prison system probably ends with the grim, gray penitentiary depicted in *The Shawshank Redemption*. But the prison of Stephen Kings imagination is a benign place compared with the current reality of incarceration in Maines state prisons especially its 100-man solitary confinement unit. Conditions in the lockdown unit have become the subject of public debate in recent years, and of a bill now making its way through the state legislature that would restrict and closely monitor the use of solitary confinement. If the bill is passed, Maine would become the first state in the union to directly confront this form of domestic torture through the legislative process.

One hundred out of some 900 cells at the Maine State Prison at Warren comprise what is euphemistically known as the Special Management Unit (SMU), where prisoners live in 23-hour-a-day solitary confinement (24 on weekends), allowed out only to take a shower, make a phone call, or exercise alone in what looks like the run in a dog kennel. About half of the inmates in the unit are there for disciplinary reasons, the other half because of special problems, mental or physical illness. (For the record, Maines Associate Commissioner of Corrections, Denise Lord, told [The Crime Report](#) in October that only 27 of Maines 2263 prisoners are in solitary.)

In 2005, Lance Tapley, a freelance journalist for the *Portland Phoenix*, began writing about what he called [Torture in Maines Prisons](#). Tapley treated the good people of Maine to a series of articles documenting conditions in the SMU. In one article, accompanied by a video, Tapley describes guards dragging a prisoner out of his cell, naked and screaming, forcing him into restraint chair (an excerpt appears at the end of this post). In other articles, a mentally ill inmate is transferred from a state mental hospital, where he was undergoing treatment, to prison, where the treatment is stopped. (Maine attorney general Steven Rowe proposed a law to deny mentally ill prisoners psychiatric care until they had completed their sentences.) An inmate who is found hanging in his cell is mocked by a guard who says you can do better than that, and drags his feet in reporting the death to authorities. A sex offender with diabetes confined to a wheelchair is beaten to death in his cell. Supermax prisoners stage a hunger strike to protest conditions in the unit. One prisoner, [Deane Brown](#), who speaks openly with Tapley and also reports on prisons for a community radio station, is harassed by corrections officials and then shipped off to a supermax in Maryland, in what his supporters call punitive exile.

Stan Moody, a former state legislator who is now a chaplain at the Maine State Prison, also wrote recently about conditions in the SMU in the [Republican-Journal](#). He concluded that inmate treatment becomes secondary to the need on the part of prison administration to keep everything in order, under control and, of course, secret, an attitude which occasionally leads to extreme violations of human rights.

Tapleys reporting helped fuel a campaign by the Maine Prison Advocacy Coalition and other reformers for a bill restricting the use of solitary confinement. They have organized themselves into the [Maine Coalition Against the Abuse of Solitary Confinement](#). Last fall, Representative James Schatz, who serves on the criminal justice and public safety committee of the state legislature, introduced a bill that would limit use of solitary, ban brutal forms of restraint, and provide due process for inmates sent there. Since Guantanamo, we keep seeing that the use of segregation and solitary confinement is not so much a treatment as a punishment and a control aspect. That just doesnt make any sense to me, Schatz told the [Bangor Daily News](#).

Being put into solitary is an administrative decision, made internally by the prison on the basis of some perceived odd behavior, disciplinary violation, or, as Tapleys work suggests, as a matter of whim. Once there, an inmate will remain for an indeterminate amount of time or be let out on the basis of the administrations discretion. That might involve some reason, or, just as likely, no reason at all.

Schatz said he believes existing guidelines are largely ignored and in any event insufficient and that people who are locked away in solitary are afforded no access to due process. Some sort of advocate needs to be in place for these inmates, he told me in a phone interview. Schatz thinks that the existing board of visitors, appointed by the governor, could act in effect as an internal administrative court. It could hear medical and psychiatric reports, view medication regimens, hear complaints in short, provide oversight within the prison of who goes in and out of the SMU, and why. As it stands, he says, there is little oversight of the prison system as a whole, save for a pro forma accreditation of the system by a national board of prisons.

The bill Schatz introduced, called *The Resolve to Reduce the Use and Abuse of Solitary Confinement*, now has several co-sponsors, including the House majority leader. It cleared the first hurdle in the states legislative process last fall when it was accepted into the current legislative session; committee hearings on the bill are expected to begin soon. The text of the bill includes the following:

Solitary confinement is extreme administrative sanction with the potential to cause severe harm to life and health, particularly for people with mental and physical illnesses and disabilities. Therefore, prolonged solitary confinement shall only be imposed under the most extreme circumstances, when no lesser restraints on liberty are sufficient to achieve its specified limited purposes.

The bill prohibits placing prisoners with serious mental illness in solitary, and everyone there is to be examined by a licensed mental health professional at least every seven days. And it says no prisoner can be kept in solitary for more than 45 days without a hearing where it is established that the inmate committed or tried to commit a violent act causing serious injury or death, an act connected to sexual assault and an escape or attempted escape.

If passed, the bill would ensure an end to the types of brutal treatment described by Lance Tapley in his [first article](#) on Maines SMU:

Five hollering guards wearing helmets, face shields, and full body armor charge into a mentally ill man's cell. The first attacker smashes a big shield into him, knocking him down. The attackers jump on him, spray Mace into his face, push him onto his bed, and twist his arms to his back so they can handcuff him. They connect the cuffs by a chain to leg irons. Then they take him into the corridor, cut off all his clothes, and carry him naked and screaming through the cellblock, continuing to Mace him. They put him in an observation room where they bind him to a restraint chair with straps. He remains there naked and cold for hours, yelling and mumbling.

To many people, this scene would look like torture. A scene like it might have taken place in the infamous Abu Graib prison near Baghdad, where American soldiers tormented captured Iraqis. But as described to me independently by six prisoners, including some who have suffered this attack, it is business as usual an extraction for disobedience in the Special Management Unit, also known as the SMU or the Supermax, a 100-cell, maximum-security, solitary-confinement facility inside the new 1100-inmate Maine State Prison in Warren.

James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, *Blood in the Face*. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book *Hell Is a Very Small Place: Voices from Solitary Confinement*. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets @solitarywatch.

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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The short answer is, Absolutely! Let's turn the question around: Are your Constitutional rights restricted by divorce, failure to pay child support, negligent non-criminal behavior all the things that you have done to hurt other people? A sentence has been passed; certain constitutional rights remain intact while a prisoner is serving sentence. The idea that they ought to be kicked around, beaten, killed, left to rot in solitary because of what they have done is insanity and the very reason the US is perhaps the most self-righteous nation on earth!

You have NO IDEA what you are talking about. I have only one question for you. Would you still advocate for these inmates if your family/ loved ones were the ones killed, raped, or molested?????

First of all, thank you for creating a site with a focus on the inhumane practice of solitary confinement. It is a torturous and debilitating way to manage human beings. I have seen the effects, first hand, from solitary confinement on men. They are traumatized, fearful, distant and have trouble communicating at best, mentally debilitated at worst.

One of the issues I deal with is the practice of housing juveniles being charged as adults in county jails where they are required to be sequestered from adult inmates. The use of solitary confinement in the state of Colorado is wide spread. I join you in the fight to stop this practice.

Thank you, Mr. Moody, for standing against these practices at your own expense.

Thank you for referencing my work at Maine State Prison. I am actually on unpaid administrative leave following my attempts to blow the whistle on systemic cultural problems that gave rise to the assault/homicide/medical neglect of inmate Sheldon Weinstein, who died

in segregation of a ruptured spleen 4 days after he was assaulted

Interested in hearing from others who are fighting this fight

Stan Moody

The conditions at Maine State Prison are masked by a sterile plant and the hiring of a new wardenI have written and published a number of articles on the conditions there that were accented by the assault/homicide/medical neglect of inmate Sheldon Weinstein, who died in solitary of a ruptured spleen 4 days after the assaultI was the last person with whom he conversed and have written an exhaustive narrative on the systemic conditions that led to his death

Thank you for your mention of my work

Stan Moody

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