

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2010/04/07/maine-legislature-votes-to-study-solitary-confinement-practices-but-not-to-change-them/>

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by [James Ridgeway and Jean Casella](#) | April 7, 2010

Everyone concerned with solitary confinement has been closely watching a [landmark effort](#) in the Maine state legislature to pass a bill that would have significantly limited the practice in state prisons. On Monday that effort culminated in what some advocates have called a gutted version of the bill and others see as a meaningful first step toward change. The [Bangor Daily News](#) reported yesterday:

As originally introduced, [LD 1611](#) would have prohibited the placement of mentally ill prisoners in so-called solitary confinement and would have restricted prison officials' ability to isolate all but the most dangerous inmates for longer than 45 days.

But the bill ran into staunch opposition, most notably from corrections officials and guards who predicted the new restrictions would make prisons more dangerous for both inmates and staff.

After lengthy debate on Monday, the House tossed out the most substantive aspects of the bill and, instead, passed a resolve essentially seeking additional information on inmates housed in what the state calls its special management units. The Senate later voted 18-15 to approve the same version, sending it back to the House for one last vote.

The resolve directs corrections officials to work with a mental health and substance abuse focus group to review the due process procedures for prisoners within special management units and report back to the Legislature next year.

In the past two months, the hearings in the legislature's Criminal Justice and Public Safety Committee have provided a unique public debate on solitary confinement, with testimony from Angola 3 member [Robert King](#), who spent 29 years in solitary in Louisiana, and [Stuart Grassian](#), a psychiatrist and a leading expert on the psychological effects of solitary confinement, among others. Supporters of the bill, originally introduced by Rep. James Schatz, included the Maine Council of Churches and the Maine Psychological Association, and the Maine Civil Liberties Union, as well as the [Maine Prisoner Advocacy Coalition](#) and Mainers Against the Abuse of Solitary Confinement.

But the Committee [failed to reach consensus](#) on the bill and debate moved to the State House floor, where solitary confinement became what the *Bangor Daily News* called one of the hot-button issues of the legislative session.

Predictably, the strongest opposition came from Department of Corrections officials. Associate Commissioner Denise Lord said it would be costly and difficult to implement the changes, according to Maine's [Morning Sentinel](#). She told legislators, More than half of our [prison] population have a mental health diagnosis. (In fact, the DOCs own [data show](#) that 63% of prisoners in the special management unit have mental illness and 48% of were prescribed psychotropic drugs for mental illness.)

At the same time, Lord also argued that the solitary confinement unit was really not such a bad place and was getting better every day.

Prisoners housed in special management units are separated from the general population for weeks, months or in some cases years at a time, but Lord described a unit in which inmates have windows, toilets, and access to three books a week, as well as the ability to have visitors once a week and communicate with prisoners in other cells.

The Maine State Prison has begun to change its policies in the special management unit in the past few years, she said. Inmates brought into isolation for disciplinary reasons can now return to the general population in half the time with good behavior.

A behavioral curriculum similar to what the prison uses to address substance abuse issues, which encourages inmates to identify criminal thinking patterns they slip into and stop them, has been implemented. By completing these worksheets, inmates in the special management unit can earn more privileges, such as more phone calls and access to more books, Lord said.

Lord did not speculate as to how the more than half of her prisoners with mental illnesses, which include severe psychosis and crippling PTSD, might fare with their worksheets.

Other opponents made no pretense of having concern for prisoners. As Ron Huber, a prison reform activist and producer of a weekly

radio show on Maine state prisons, told the [Penobscot BayBlog](#) last week: The prison industry waged a negative campaign attacking the reform bill as dangerous for prison guards and other officials.

According to the *Bangor Daily News*, Rep. Richard Sykes was among several lawmakers who described the original bill and even the toothless resolve that the legislature passed as an attack on the safety and reputation of corrections officers. It's an insult to the state of Maine and it's a slap in the face to those employees in the Department of Corrections who quite frankly put their lives on the line every shift, Sykes said.

After the vote on Monday, the [Maine Civil Liberties Union](#) tried its best to put a positive spin on things. Today was a moral victory for those concerned about human rights and security at the Maine State Prison, but much work needs to be done to resolve the excessive use of solitary confinement there, said MCLU executive director Shenna Bellows.

In an email following the vote, Lance Tapley, a freelance journalist whose [reporting on the lockdown unit](#) for the *Portland Phoenix* helped inspire the movement to limit solitary, emphasized the positive side, as well. The legislature's passage of the resolve, he wrote, is a strong implicit and during the debate this was made quite explicit criticism of the department's supermax policies, especially solitary confinement of the mentally ill. It will keep the issue alive, he believes, and guarantee further debate next year.

But the biggest triumphs, Tapley continued, were the public's education on the issue and the education of legislators, this last vividly seen in the unusual three-hour debate. Even the words torture and Abu Ghraib were used on the floor of the House. What has happened in Maine so far, he said, could be viewed as a dry run for the big reform in the future.



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.

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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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hell tell them to stop chating bout it tell them to spend a mouth in a supermax shu unit and then get back to me bout solitarty and what you thingk of it thats what i would tell them

The Bangor Daily News reports that: State Representative Sykes proclaimed:

The Its an insult to the state of Maine and its a slap in the face to those employees in the Department of Corrections who quite frankly put their lives on the line every shift.

Well ATUL GAWANDE In his The New Yorker article of March 30, 2009 titled Hellhole wrote:

Advocates of solitary confinement are left with a single argument for subjecting thousands of people to years of isolation: What else are we supposed to do? How else are we to deal with the violent, the disruptive, the prisoners who are just too dangerous to be housed with others?

Prison violence, it turns out, is not simply an issue of a few belligerents. In the past thirty years, the United States has quadrupled its incarceration rate but not its prison space. Work and education programs have been cancelled, out of a belief that the pursuit of rehabilitation is pointless. The result has been unprecedented overcrowding, along with unprecedented idleness a nice formula for

violence. Remove a few prisoners to solitary confinement, and the violence doesn't change. So you remove some more, and still nothing happens. Before long, you find yourself in the position we are in today.

So since it is more expensive to house inmates in a SHU why not reinstate the work and education programs and reduce overcrowding by not placing nonviolent drug offenders in prison in the first place.

You report:

The DOCs own data show that 63% of prisoners in the special management unit have mental illness and 48% of were prescribed psychotropic drugs for mental illness.

ATUL GAWANDE writes: A federal court reviewing Californias first supermax admitted that the conditions hover on the edge of what is humanly tolerable for those with normal resilience. But it did not rule them to be unconstitutionally cruel or unusual, except in cases of mental illness.

So maybe we should treat the mental illness not create more inmates with it by placing them in a cell surrounded by howling mentally ill men.

Read more: http://www.newyorker.com/reporting/2009/03/30/090330fa_fact_gawande#ixzz0kRCiyRum

For more detail on the bill and the conditions at Maine State Prison, visit my web site at <http://www.stanmoody.com>

Thank you,

Stan Moody

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